

**ALLENHURST PLANNING BOARD – APPLICATION  
CERTIFICATE OF APPROPRIATENESS, MAJOR; SUBDIVISION; SITE PLAN; AND/OR VARIANCE  
ALLENHURST, NEW JERSEY  
MONMOUTH COUNTY**

MEMO TO:           APPLICANT  
FROM:             PLANNING BOARD SECRETARY  
RE:                PLANNING BOARD APPLICATION

---

ALL APPLICATIONS MUST INCLUDE A ZONING PERMIT DETERMINATION AND AN IMPERVIOUS SURFACE DETERMINATION ISSUED FROM THE BOROUGH ZONING OFFICER, AS WELL AS A CERTIFICATION OF PAYMENT OF TAXES FROM THE TAX COLLECTOR, OR THE APPLICATION WILL BE DEEMED INCOMPLETE AND A HEARING WILL NOT BE SCHEDULED UNTIL SUCH DETERMINATIONS AND CERTIFICATIONS, ALONG WITH OTHER CHECKLIST AND APPLICATION ITEMS, ARE INCLUDED WITH THE APPLICATION.

Complete this application and return it to the Planning Board Secretary at the Allenhurst Borough Hall, making certain that the application Checklist is complete. Once received with all required attachments and documentation, the application may be forwarded to the Board's Professionals for review and comments. Once your application is deemed complete, you will be notified of your hearing date.

Applications are heard on a first-come, first-served basis. Only applications that have been deemed complete by the Board's Professionals can be scheduled for a public hearing on the proposal. The application will be scheduled for the next available meeting, which may not be the next month's meeting.

All property owners within 200 feet of your property must be notified according to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 *et seq.*) at least 10 days before the hearing (not counting the hearing date), and proof of notice by Affidavit of Service must be provided according to the M.L.U.L., at least three (3) business days prior to the hearing date. A Certified List of property owners within 200 feet of your property, public utilities, and other entities to whom notice must be delivered can be obtained from the Borough Clerk's office [(732) 531-2757] for a fee of \$10.00. The original list must accompany your Affidavit of Service.

If Notice is made by Certified Mail, all certified mail receipts must be provided to the Board Secretary at least three (3) business days prior to your hearing. If Return Receipts are requested, those received shall also be provided to the Board Secretary at the same time. These materials are required to be submitted as proof of notice, and are required for the Planning Board to have jurisdiction to hear the application at a public meeting of the Board.

When a hearing date is scheduled, Notice of the hearing must also be published in the Borough's official newspaper at least 10 days before the hearing (not counting the hearing date). The Borough's official newspapers are the Coaster, which publishes weekly, on Thursdays, and the Asbury Park Press, which publishes daily. Obtain an Affidavit of Publication from the newspaper, and provide the original to the Board Secretary at least three (3) business days prior to the hearing date.

Affidavits of Service or Affidavits of Publication not received at least three (3) business days prior to your hearing date may require your hearing to be rescheduled. If you have any questions or concerns, please feel free to contact the Planning Board Secretary by email at [planningboard@allenhurstnj.org](mailto:planningboard@allenhurstnj.org).

**INSTRUCTIONS FOR APPLICATIONS FOR A CERTIFICATE OF APPROPRIATENESS, MAJOR; SUBDIVISION,  
SITE PLAN AND/OR VARIANCE APPLICATION  
TO THE  
ALLENHURST PLANNING BOARD**

In order to apply for a Certificate of Appropriateness, Major, Subdivision, Site Plan, and/or Variance to the Allenhurst Planning Board, all Applicants must first submit a Zoning Permit and Impervious Surface Determination Application to the Zoning Officer and obtain a Determination from the Zoning officer on the Borough's forms. These forms are available at the Borough Hall, or may be found on the Borough's web site. The Zoning Officer's Determinations shall be included with the Application submission, and before the application is deemed complete, that Applicant must answer all sections in the application packet and provide a complete Completeness Checklist. The Applicant must also pay the required Administrative Fees and Professional Review Escrow Fees to the Borough in separate checks or money order. The Allenhurst Development Fees Ordinance (chapter 26-8.1, as may be revised), is attached, which explains the details regarding administrative fees and professional review escrow fees. Please pay special attention to subsection b on *initial escrow deposits* and subsection c on *additional escrow funds*.

All sections of the Application and Checklist must be completed, and submitted with all required supporting documents and Application and Escrow Fees before being deemed complete. If a particular section does not apply to your property or Application, write "N/A" on that section of the Application document. The Board, through its administrative officer or Professionals, will advise the Applicant as to whether the Application, Checklist, and associated plans are, in fact, complete, and will advise the Applicant of the specific hearing date to appear before the Allenhurst Planning Board.

At the hearing before the Planning Board, Applicants have the obligation to prove to the Planning Board that they are legally entitled to the relief requested from the strict application of the Land Development Ordinance, Historic Preservation Ordinance, or other Ordinance applicable to the application. Applicants must meet their burden of proof, as required by the provisions of the Municipal Land Use Law, *N.J.S.A. 40:55d-70 et seq. seq.* The Planning Board Members, Secretary, or Board Professionals cannot provide legal advice about what will, or will not, satisfy the burden of proofs.

If approval is granted, a Resolution of the Decision will be approved by the Board, usually at the next available Planning Board Meeting, which will be provided to the Applicant. The Applicant must publish a Notice of Decision in accordance with the requirements of the Planning Board and the Municipal Land Use Law and Borough Ordinances. Any member of the public may appeal from the decision of the Board within forty-five (45) days from the date the Notice of Decision is published.

If an Application is denied, the Board Secretary will publish the Notice of Decision, and deduct the cost for publication from the Applicant's Escrow Account.

Before an Applicant can obtain Construction Permits, the Applicant must (a) submit final plans to the Board that complies with the conditions of any Resolution Granting the Application; (b) provide the Board Secretary with proof of publishing the Notice of Decision with an Affidavit of Publication issued by

Rev 7/18/2018

the Borough's official newspaper; (c) Satisfy any and all conditions of approval; and (d) pay all outstanding escrow fees, taxes and/or municipal utility charges or property taxes that may be outstanding. The Construction Official may not issue construction permits until (a) the Board Secretary or Board's Professional certifies that all application and escrow fees have been satisfied; (b) the final, approved plans are signed by the Board; (c) a Statement of Compliance is issued by the Board Secretary and/or the Board's professionals, as may be necessary or required; and (d) signed plans and Board Certifications are delivered to the Construction Official. Construction Plans that conform with the Borough of Allenhurst Building Code must also be submitted to the Construction Official, and approved by the Construction Official before permits can issue, or construction can commence. Construction must begin within one year of the granting of the Certificate of Appropriateness, Major and/or Variance(s), subject to an applicant's right to request extensions pursuant to the Municipal Land Use Law and/or Borough's Ordinances.

In certain instances a construction permit may not be required, but a Zoning Permit and/or Impervious Surface Determination, and a Certificate of Appropriateness (Minor or Major), are still required when the construction modifies the buildings or structures in any way (i.e. in the instance of siding, roof or window replacement). In those cases, any and all construction work may still not commence until the applicant has received an approved Zoning Permit and/or Impervious Surface Determination, as well as a Certificate of Appropriateness-Minor or Certificate of Appropriateness-Major, and the Applicant's plans have been approved by, and signed by, the Borough of Allenhurst Planning Board.

Finally, please be aware there is a construction moratorium in the Borough of Allenhurst from June 30 through Labor Day, and only emergency work will be granted a waiver from this provision in the Borough's Ordinances.

Rev 7/18/2018

**BOROUGH OF ALLENHURST  
PLANNING BOARD APPLICATION  
(Certificate of Appropriateness – Major;  
Subdivision; Site Plan; and/or Variance)**

Date Filed: \_\_\_\_\_

To the Allenhurst Planning Board:

An Appeal and/or Application is hereby made to the Borough of Allenhurst Planning Board for decision pursuant to the Historic Preservation Ordinance, Historic Design Guidelines; relief from the Land Development Ordinance; and/or an Appeal from a Decision of the Zoning Officer, for the following:

(Check all that Apply):

- Certificate of Appropriateness, Major  
 Variance relief (hardship) N.J.S.A. 40:55D-70 (c)(1)  
 Variance relief (substantial benefit) N.J.S.A. 40:55D-70(c)(2)  
 Variance relief (use) N.J.S.A. 40:50D-70(d)  
 Site Plan  
 Subdivision  
     Minor  
     Major  
 Appeal from Decision of the Zoning Officer  
 Other

If an Appeal from Decision of the Zoning Officer, the Appeal is based on the decision rendered by the Zoning Officer on \_\_\_\_\_, 20\_\_\_\_, a copy of which is attached hereto.

**DESCRIPTION OF PROPOSED STRUCTURE OR USE**

The PREMISES AFFECTED are known as Lot No. 18, Block No. 2 on the Tax Map of the Borough of Allenhurst, located at: 23 Elberon Avenue, Allenhurst, NJ.

**Applicant:** Mr. and Mrs. Michael Fallas

**Address:** 502 Avenue T

Brooklyn, New York 11223

**Email:** moderninteriorsbk@gmail.com      **Phone:** (917) 923-2442

**Owner:** Mr. and Mrs. Michael Fallas

**Address:** 502 Avenue T

Brooklyn, New York 11223

**Email:** moderninteriorsbk@gmail.com      **Phone:** (917) 923-2442

Applicant's Attorney: Robert D. Farber, Esq.

Address: Law Office of Robert D. Farber

3200 Sunset Avenue, Suite 205 Ocean, New Jersey 07712-4556

Email: robertfarber22@yahoo.com Phone: (732) 869-9800  
(732) 869-1808 (Fax)

Note: All business entities, except some partnerships, must be accompanied by an Attorney. Also, an Attorney must represent the Applicant if the Applicant will not appear at the public hearing. Applicants may not be represented by any other person or professional on their behalf if they are not attending the hearing.

Architect: Robert A. Hazelrigg, AIA

Address: Robert A. Hazelrigg & Associates, Architects

3430 Sunset Avenue, Suite 1 Ocean Township, New Jersey 07712-3918

Email: rhazelrigg@optonline.net Phone: (732) 492-4765 (732) 229-7314 (Fax)

Engineer/Surveyor: Charles Surmonte P.E., P.L.S.

Address: 301 Main Street, Second Floor

Allenhurst, New Jersey 07711

Email: ctsurmonte@comcast.net Phone: (732) 660-0606; (732) 229-4488 (Fax)

Request is hereby made for permission to (Circle All that Apply) demolish, erect, alter, convert, use and/or other relief on/for the property as follows: \_\_\_\_\_

Construct a 1 1/2 story addition over the existing one-story wing of the existing three story dwelling.

All windows, roofing, siding and railings shall match the existing.

Also seeks to add on to the existing covered front porch (for facade balance) using matching materials, i.e. railings, trim, flooring, etc.

(Attach Additional Sheets if Necessary)

**PROPERTY INFORMATION:**

Address 23 Elberon Avenue Allenhurst, New Jersey

Lot 18 Block 2 Zone: R-1

Size of lot 9,878 sq. ft. Front 70 ft. Depth 141 ft. Width \_\_\_\_\_ ft.

Present Use Single Family Residence (Add Additional Sheets if Necessary)

Proposed Use Single Family Residence (Add Additional Sheets if Necessary)

**PRINCIPAL DWELLING INFORMATION:**

Size of Building: Existing 80' X 36' Proposed\* 80' X 36"

Height of Building: Existing 45' Proposed\* 45'

# of Stories (include 1/2): Existing 3 Proposed\* 3

Front Yard: Setback: Existing 24.7' Proposed\* 24.7'

Front yard #2 (corner lots): Existing 21.8' Proposed\* 21.8'

"Prevailing front set-back" of adjoining buildings within block: \_\_\_\_\_ ft.

% of existing green space: Existing 48.7 (4,811) Proposed\* 45% w/Porch (4,512)  
48% w/o Porch (4,745)

Rear setback: Existing 45' 11" ft. Proposed\* 45' 11" ft.

Building Height at rear setback: Existing 45' ft. Proposed\* 45' ft.

Side setback: Existing 12' 2" ft. Proposed\* 12' 2" ft.

Building Height at side setback: Existing 45' ft. Proposed\* 45' ft.

Combined side setback: Existing 12' 2" ft. Proposed\* 12' 2" ft.

Building Coverage (%): Existing 33.4 % Proposed 34.6% Alt. 37.0%

Impervious surface coverage (%): Existing 52.3 % Proposed 53.5 % & 55.9%

On-site parking: # of bedrooms: 9 # of parking spaces: 6  
(2nd Floor - 4 BR; 3rd Floor 3 BR = 7 BR + Add - 2 BR = Total 9 BR)

**BUILDING PROJECTION INTO YARDS:** Not Applicable

Chimney projection: Rear \_\_\_\_\_ ft. Side \_\_\_\_\_ ft. Front \_\_\_\_\_ ft.

Porch projection: Rear \_\_\_\_\_ ft. Side \_\_\_\_\_ ft. Front \_\_\_\_\_ ft.

Other Projections: Rear \_\_\_\_\_ ft. Side \_\_\_\_\_ ft. Front \_\_\_\_\_ ft.

**ACCESSORY STRUCTURES - GARAGE:**

Garage (# spaces for automobile storage): Existing 412 sq. ft. Proposed\* 412 sq. ft.  
 Garage (% coverage of rear yard): Existing 12.7 % Proposed\* 12.7 % (Rear Yard  
 46 X 70 = 3220  
 412 Sq. Ft. or 12.7%)  
 Garage (side setback): Existing 1.5 ft. Proposed\* 1.5 ft.  
 Garage (rear setback): Existing 1.9 ft. Proposed\* 1.9 ft.  
 Garage: Width 18' 5" ft. Depth: 22' 3" ft. Door width: 16 ft.

**ACCESSORY STRUCTURES - POOL: NOT APPLICABLE**

Front setback: \_\_\_\_\_ ft. Side setback \_\_\_\_\_ ft. Rear setback \_\_\_\_\_ ft.  
 Setback(s) from Principal Dwelling: \_\_\_\_\_ ft. Height above Grade: \_\_\_\_\_ ft.  
 Setbacks from Accessory Structures: Structure (i.e. Garage) \_\_\_\_\_ Setback: \_\_\_\_\_ ft.  
 Structure (i.e. Shed) \_\_\_\_\_ Setback: \_\_\_\_\_ ft.  
 Structure (other) \_\_\_\_\_ Setback: \_\_\_\_\_ ft.

**OTHER ACCESSORY STRUCTURE: Describe Structure: NOT APPLICABLE**

Side setback: Existing \_\_\_\_\_ ft. Proposed\* \_\_\_\_\_ ft.  
 Rear setback: Existing \_\_\_\_\_ ft. Proposed\* \_\_\_\_\_ ft.  
 Width \_\_\_\_\_ ft. Depth: \_\_\_\_\_ ft. Door width: \_\_\_\_\_ ft.  
 Height of Building: Existing \_\_\_\_\_ Proposed\* \_\_\_\_\_  
 Stories: Existing \_\_\_\_\_ Proposed\* \_\_\_\_\_

(Add Page for Each Structure)

Driveway width: Existing 19 ft. Proposed\* 19 ft.

**\*\*Proposed\*\* shall mean changes relating to the new structure(s)/improvements proposed only**

Has there been any previous appeal/Applications involving these premises? Yes X No \_\_\_\_\_

If so, state character of appeal/Application(s) and date of disposition: \_\_\_\_\_

Describe any deed restrictions affecting the property: \_\_\_\_\_

(ADD ADDITIONAL PAGES AS NECESSARY)

**APPLICATIONS THAT REQUEST  
CERTIFICATE OF APPROPRIATENESS, MAJOR**

**DEMOLITION** of building or portions of building, including, but not limited to roofs of houses roofs of garages or other historic buildings, roofs of dormers, roofs of Porte-cochere, roofs of towers, roofs of balconies, parapets, pediments, porch roofs, or the frame of non-linear, oval or Palladian windows. For Certificates of Appropriateness, Major, Notice is required to be delivered.

DESCRIBE PLANS FOR DEMOLITION, REASONS FOR RELIEF, AND DETAILS REQUIRED PURSUANT TO THE BOROUGH'S HISTORIC PRESERVATION ORDINANCE, 26:11.1 ET SEQ. & THE BOROUGH HISTORIC PRESERVATION GUIDELINES

---

---

---

---

---

---

---

**MAJOR ALTERATION** - The addition, change or modification of major architectural elements to a building, which effects the design, shape, pitch or existence of the roof including, but not limited to, main roofs, dormers, roofs of bay or cantilevered windows, pediments, parapets, towers, porches, cupolas, Porte Cocheres and balconies, as well as alterations, including demolition of non-linear (e.g. oval, Palladian, etc.) window frame outlines. Major alterations would additionally include changes by additions or complete conversion or alteration of the traditional predominant substance, texture or finish of a building (e.g. changing from wood to stucco, stucco to brick), and changes by additions or complete conversion or alteration of columns and railings on any exterior elevation. Notice is required.

  X   - Alteration   X   - Addition        - New Construction

PROVIDE A DESCRIPTION OF THE PROPOSED ALTERATIONS, ADDITIONS AND/OR NEW CONSTRUCTION, PROVIDING SUFFICIENT DETAILS AS REQUIRED IN THE BOROUGH'S HISTORIC PRESERVATION ORDINANCES AND THE BOROUGH HISTORIC DESIGN GUIDELINES AND REASONS FOR RELIEF OR DECISION IN FAVOR OF THE APPLICATION

Construct a 1 1/2 story addition over the existing one-story wing of the existing three story dwelling.

All windows, roofing, siding and railings shall match the existing.

TAlso seeks to add on to the existing covered front porch (for facade balance) using matching materials, i.e. railings, trim, flooring, etc.type text here

---

---

---



**APPLICATIONS WITH VARIANCE RELIEF REQUESTED:**

Provide a statement of facts and legal argument why relief should be granted pursuant to N.J.S.A.  
40:55D-70: Hardship. Pre-existing non-conforming lot size is 70' X 141"; minimum lot size allowed  
100 X 140; As pre-existing, non-conforming lot, any change requires variance approval..

---

---

---

(Attach additional sheets if more space is needed.)

Names and addresses of all expert witnesses proposed to be used:  
See prior - Robert A. Hazelrigg, AIA and Charles Surmonte, P.E.

---

---

(Attach additional sheets if more space is needed.)

ATTACHED HERETO AND MADE PART HEREOF, I SUBMIT THE FOLLOWING:

- (a) Copy of initial Zoning Permit Application and decision of Zoning Officer.
- (b) Copy of Impervious Surface Determination Application and Decision of Zoning Officer.
- (c) Sealed Survey, prepared to scale, of the property showing all existing structures and improvements, and indicating the relationship of the existing structures with adjoining properties and structures (If the Survey older than six (6) months, a Survey Affidavit of No Change affirmed by the owner must be submitted).
- (d) Plot Plan(s) (Residential Properties), Site Plan(s) (Commercial Properties), and/or Subdivision Plan prepared by a licensed surveyor, engineer, or architect, prepared to scale, showing all existing and proposed structures and improvements, as well as the relationship of existing and proposed structures with adjoining properties and structures.
- (e) Architectural drawings (Scaled to not less than .25"= 1') of the existing and proposed buildings and structures, which shall sufficiently identify all changes, alterations or additions proposed.  

**These drawings shall be sufficiently specific and dimensioned to clearly show the nature of the work proposed, and to address the Historic Preservation Ordinance and Design Guidelines. For residential applications, it is recommended that such drawings be prepared, signed and sealed by an Architect licensed in the State of New Jersey, though not mandatory. For non-residential applications, drawings MUST be prepared by a New Jersey licensed Architect. If the application is granted, plans submitted for construction permits must also be prepared to conform to all requirements for building/construction permits.**
- (f) Photographs of land and all exterior sides of the buildings involved in the application;
- (g) Submitted disk or thumb drive containing scanned copies of the Zoning Permit w/ Zoning Determination/Denial; Impervious Surface Determination/Denial; Certificate of Appropriateness and/or Variance Application; Survey, Plot Plan and/or Site Plan; Architectural drawings; and Photographs.
- (h) Application and Escrow Fees
- (i) Proof of payment of all taxes due and owing on premises;

**BOROUGH OF ALLENHURST  
CERTIFICATION OF PAYMENT OF TAXES**

I, hereby certify that real estate taxes for Lot 18, Block 2, are current through  
December, Quarter, 20 19.

*fourth Qtr 2019*

**Borough of Allenhurst  
125 Corlies Avenue  
Allenhurst, NJ 07711**

*10/1/19*

  
\_\_\_\_\_  
Tax Collector

(Please note: A letter or a copy of an email from Borough Hall that has been cc'd to the Planning Board Secretary will be accepted as proof of tax status. Please contact Borough Hall regarding tax balances.)

AFFIDAVIT OF APPLICANT

STATE OF New York :

COUNTY OF Kings : SS:

Michael M. Fallas of full age, being duly sworn according to law, on oath deposes and says that all of the above statements and the statements contained in the papers submitted herewith are true, and that the Applicant(s), pursuant to "Instructions For Certificate of Appropriateness, Major and/or Variance Application to the Allenhurst Planning Board," shall be prepared at the Public Hearing to be conducted by the Allenhurst Planning Board to prove to the Planning Board that the Applicant(s) is/are entitled to the relief requested for a Certificate of Appropriateness; for Variance(s) from the strict application of Borough's Land Development Ordinance; and/or an Appeal of a Decision by the Zoning Officer, pursuant to the Land Use and Development Ordinances of the Borough of Allenhurst, the Historic Preservation Ordinance of the Borough of Allenhurst, the Historic Preservation Guidelines, and/or the New Jersey Municipal Land Use Law. Applicant shall be prepared to demonstrate that they meet the burden of proof as required by the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-70.

[Signature] ✓  
(Applicant Sign Here)

Sworn to and subscribed  
Before me this 11 day  
of October, 2019.

[Signature]  
A Notary Public or an Attorney at Law of the State of New Jersey

EKATERINA MIKOVA  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01M18385057  
Qualified in Kings County  
My Commission Expires 12-24-2022

**AFFIDAVIT OF OWNERSHIP**

(TO BE SUBMITTED WHEN THE APPLICANT IS NOT ALSO THE OWNER OF THE PROPERTY)

STATE OF \_\_\_\_\_ :  
SS:  
COUNTY OF \_\_\_\_\_ :

\_\_\_\_\_ of full age being duly sworn according to law on oath deposes and says, that deponent resides at \_\_\_\_\_ in the (Borough)(City)(Town)(Township) of \_\_\_\_\_ in the County of \_\_\_\_\_ and the State of \_\_\_\_\_. I affirm that I/We are the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Borough of Allenhurst aforesaid, having an address at: \_\_\_\_\_, Allenhurst, NJ, and known and designated as Lot \_\_\_\_\_ in Block \_\_\_\_\_ of the Tax Map of the Borough of Allenhurst.

I further am aware of, and acknowledge that, the Applicant, \_\_\_\_\_, is authorized to make an Application for a Certificate of Appropriateness and/or Variances for the aforesaid property, as set forth in the Application to which this Affidavit is annexed.

\_\_\_\_\_  
(Applicant Sign Here)

Sworn to and subscribed  
Before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
A Notary Public or an Attorney at Law of the State of New Jersey

### BOROUGH OF ALLENHURST Escrow Agreement

I/we fully understand an "Escrow Account" will be established to cover the costs of the professional services which may include engineering, legal, planning, architectural and any other expenses incurred in connection with the review of this application before the Allenhurst Planning Board. The amount of the Escrow Deposit will be determined by the Borough of Allenhurst Land Development Ordinance, Section 26-8.1, as may be amended.

It is the policy of the Borough of Allenhurst that once an Escrow Account falls below 24% of the original deposit amount, the account must be replenished to its original amount. The only exception would be when the application is nearing completion. Applicants will be notified of any anticipated charges and the amount of the deposit, or additional deposit, required.

Payments shall be due within fifteen [15] days of receipt of the request for additional Escrow Funds. If payment is not received within that time, Applicant will be considered to be in default, and such default may jeopardize appearance before the Board or hold up any and all pending approvals and building permits. Continued refusal will result in legal action against the property.

Also in accordance with N.J.S.A. 40:55D-53.1, all unused portion of the escrow account will be refunded upon written request from the applicant, and verification by the board's professionals who reviewed the application.

By signature below, I/we acknowledge that we have reviewed the Borough of Allenhurst Land Development Ordinance Section 26-8.1 for Application and Escrow Fees, and agree to all conditions and obligations.

Name of Applicant: Mr & Mrs Michael Fallon  
[Print Name]

Property Address: 23 Elbeon Ave Block 2 Lot 18

Owner's Name: Michael Fallon [Signature of Owner]

Owner's Name: Heather Dawn Fallon [Signature of Owner]

Date: \_\_\_\_\_

I, Marilyn Simons, CLERK OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, do hereby certify that this List, consisting of 2 page(s), represents all of the interested parties to be notified of the proposed variance of the property known as Block 2, Lot 18, also known as 23 Elberon Avenue, Allenhurst, New Jersey in accordance with the requirements of N.J.S.A. 40:55D-12.

DATED: October 15, 2019

Marilyn Simons  
Marilyn Simons, RMC

BLOCK #	LOT #	OWNER	PERSONAL SERVICE		CERTIFIED MAIL (white and green cards attached)	
			DATE OF SERVICE	SIGNATURE OF PERSON SERVED	DATE OF SERVICE	CERTIFIED MAIL RECEIPT NUMBER
4	1	100 Elberon Avenue Elberon Avenue, LLC 521 Park Avenue, Apt. 5 B/C, New York, NY 10065				
4	2	102 Elberon Avenue Ross, Jeffrey & Solange 56 Leonard Street, Apt. 114AW, NY, NY 10013				
4	3	104 Elberon Avenue Sari Sasson 1947 East 1st, Brooklyn, New York 11223				
4	14	105 Ocean Avenue Saada, Philip and Pamela 3732 North East 199th St., Aventura, Florida 33180				
5	2	10 Elberon Avenue R & J Maistro 162 Ward Place, South Orange, NJ 07079				
5	3	12 Elberon Avenue Colette Harari 1916 Homecrest Avenue, Brooklyn, NY 11229				
5	4	14 Elberon Avenue Lawrence R. Eisenberg 8 Emily Court, Princeton Junction, NJ 08550				
5	5	18 Elberon Avenue Morris & Nicole Dabah 427 East 85th Street, New York, NY 10028				
5	6	104 Ocean Avenue Alfred J. Cheswick, Jr. 104 Ocean Avenue, Loch Arbour, NJ 07711				

5	7	115 Euclid Avenue Marsella, Mark & I. Drew % John Friedman 35 Lincoln Park Road, Pariston, CT 06365 Village of Loch Arbour 550 Main Street Loch Arbour, NJ 07711 Borough of Allenhurst 125 Corlies Avenue Allenhurst, NJ 07711 Comcast of Monmouth County, LLC 830 Highway 37 West Toms River, NJ 08755 Jersey Central Power and Light Co. One River Centre 331 Newman Springs Road Building 3 Red Bank, NJ, 07701 New Jersey American Water Co. 1025 Laurel Oak Road Voorhees, NJ 08043 New Jersey Natural Gas Co. 1415 Wyckoff Road Wall Township, NJ 07719					
---	---	---	--	--	--	--	--

PROPERTY OWNERS LIST

I, Donna M. Campagna, Acting Clerk of the Borough of Allenhurst, do hereby certify that this List, consisting of 4 pages, represents all of the interested parties to be notified of the proposed development of the property known as 23 Eberon, Allenhurst, NJ, in accordance with the requirements of R. S. 40:55d-12.

DATED: 10/8/2019

*Donna M. Campagna*  
 Donna M. Campagna, RMC Clerk/Administrator

BLOCK	LOT	OWNER	PERSONNEL SERVICE Date of Service	SIGNATURE Signature of Person Served	CERTIFIED MAIL Date of Service	CERTIFIED Receipt Number
		New Jersey Natural Gas Co. 1945 Wyckoff Road Wall, NJ 07719				
		Verizon P. O. Box 4833 Trenton, NJ 08650				
		ComCast Cable Co. 403 South Street P. O. Box 598 Eatontown, NJ 07724				
		New Jersey-American Water Co. 661 Shrewsbury Avenue Shrewsbury, NJ 07701				
		Jersey Central Power & Light Co. 300 Madison Avenue P. O. Box 1911 Morristown, NJ 07962-1911				



**PERSONNEL SERVICE**

Block Lot	LOT	OWNER	DATE OF SERVICE	SIGNATURE OF PERSON SERVED	DATE OF SERVICE	CERTIFIED RECEIPT NUMBER
1	18	10 CAVANAGH, THOMAS H. JR P.O. BOX 18 ALLENHURST, N J 07711 103 ELBERON AVE				
1	7	ARONOW, MARSHALL & VICTORIA c/o MET TEL. EAST 61ST STREET 55 WATER STREET, 32ND FLOOR NEW YORK, NY 10041 104 ALLEN AVE				
1	11	HADDAD, ELLI TRUSTEE 313 FIFTH AVENUE, 2ND FL. NY, NY 10016 105 ELBERON AVE				
2	3	ADES, MAURICE & LENORE 145 CENTRAL PARK W APT 3C NEW YORK, NY 10023 10 ALLEN AVE				
2	14	DABAH, BARBARA 180 EAST 64TH STREET NY, NY 10065 13 ELBERON AVE				

**PERSONNEL SERVICE**

Block Lot	LOT	OWNER	DATE OF SERVICE	SIGNATURE OF PERSON SERVED	DATE OF SERVICE	CERTIFIED RECEIPT NUMBER
2	18					
2	15	15 ELBERON AVENUE LLC 2138 EAST FOURTH STREET BROOKLYN, NY 11223 15 ELBERON AVE				
2	16	MORENA, FRIEDA & JOSEPH, ETAL 82 GERARD ROAD NUTLEY, NJ 07110 17 ELBERON AVE				
2	2	MINCHELLO, NANCY & RALPH 18 ALLEN AVE ALLENHURST, N J 07711 18 ALLEN AVE				
2	17	MIRDA, DENNIS J & GAIL A 105 COLOMBIA AVE CRANFORD, NJ 07016 19 ELBERON AVE				
2	1	SULTAN, MARK R. & JOY L. 116 LINCOLN STREET ENGLEWOOD, NJ 07631 24 ALLEN AVE				
2	19	AMKIE, MORRIS & NORMA 2624 AVENUE S BROOKLYN, NY 11229 44 OCEAN RD				

Block 2  
 Lot 18  
 BLOCK

PERSONNEL SERVICE

BLOCK	LOT	OWNER	DATE OF SERVICE	SIGNATURE OF PERSON SERVED	DATE OF SERVICE	CERTIFIED RECEIPT NUMBER
1	8	DEMURLEY, SANDRA CUMMINGS 116 CORLIES AVENUE ALLENHURST, N.J 07711				
1	9	OCEAN AVE ALLENHURST O'CONNOR, ROSE 49 OCEAN(AKA) 101 ELBERON ALLENHURST, N.J 07711 49 OCEAN(AKA) 101 ELBERON				
2	4	MAMIYE, HYMAN 2014 EAST 4TH STREET BROOKLYN, NY 11223 8 ALLEN AVE				

**AFFIDAVIT OF MAILING**

Application of Allenhurst Investors Group, LLC

Address 23 Elberon Avenue, Allenhurst, NJ 07711

STATE OF NEW JERSEY :  
                                  : SS  
COUNTY OF MONMOUTH:

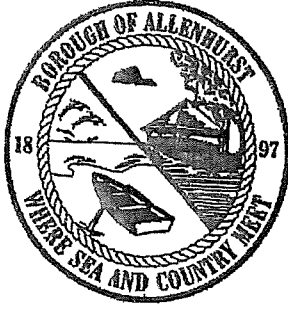
\_\_\_\_\_ being duly sworn according to law deposes and says:

1. A Notice of Hearing in regard to the above application was mailed by me, certified mail, return receipt requested, at the \_\_\_\_\_ Post Office, New Jersey to all property owners within 200 feet, in accordance with a certified list provided, together with all other parties in interest on \_\_\_\_\_ (date of mailing).
2. Copies of the Notice of Hearing and certified list of property owners are attached hereto and made a part hereof.

\_\_\_\_\_  
Applicant

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Notary Public of New Jersey



## BOROUGH OF ALLENHURST

125 Corlies Avenue

Allenhurst, NJ 07711

Phone (732) 685-1413

Fax: (732) 531-8694

Email: [Zoning@allenhurstnj.org](mailto:Zoning@allenhurstnj.org)

[www.allenhurstnj.org](http://www.allenhurstnj.org)

Joseph McGrath – Zoning Officer

Mr. Michael Fallas  
C/O Robert D. Farber, Esq.  
3200 Sunset Ave.  
Suite 205  
Ocean, NJ 07712

November 13, 2019

Re: 40 Ocean Ave., aka 23 Elberon Ave.  
Allenhurst, NJ 07711

Dear Sir,

I am in receipt of a set of plans and a request to modify the above listed property, at this time I am compelled to DENY the request and refer the matter to the Planning Board for a Certificate of Appropriateness for Major Work. Additionally, the following conditions either pre-exist or are proposed for modification as part of this application;

1. Lot Size – Presently Non-Conforming with no proposed changes.
2. The rear yard on the Ocean Avenue side is Non-Conforming with no change proposed.
3. The building Height is presently 45 feet where 35 feet is permitted, the plans submitted describe this structure as two and one-half stories (2-1/2) however I feel it should be more appropriately declared three stories as the present and proposed layout clearly depicts a full floor of living space. This would require a variance although most of the living space currently exists.
4. Building Coverage – Presently Non-Conforming at thirty-two point four percent (32.4%) and is being proposed to increase to thirty-four point six percent (34.6%) without including the overhangs and thirty-seven percent (37%) including the overhangs porch and stairs, increasing the Non-Conformity, requiring a variance.

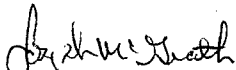
Pg. 2 of 2.

5. Impervious Coverage – Presently Non-Conforming at fifty-two point three percent (52.3%) and is proposed to further increase the Non-Conformity to fifty-five point nine percent (55.9%) requiring a variance
6. The application also requests to “balance the façade” by adding on to the existing covered front porch. This would also require Appropriateness Approval.

For the reasons stated above the application is hereby denied by this office. Should you desire to continue with this application I recommend applying to the Borough Planning/Zoning Board for relief.

Please contact the Planning Office at [planningboard@allenhurstnj.org](mailto:planningboard@allenhurstnj.org) or by phone at 732-962-2674 for the appropriate application. Please be advised the Planning Board Secretary may not be able to answer her phone during certain hours, if so, please leave a message . . . . .

If you should have any further questions please feel free to contact me.

  
Joseph McGrath  
Zoning Officer

Cc. Planning Board  
Borough Engineer  
Building Department  
File

Chairman Tomaino asked if other windows will be replaced and Mr. Hazelrigg replied that all of the jalousie windows will be replaced with double-hung windows with transoms over them. The door on the north elevation will match the front door and will have a transom. Mr. Hazelrigg spoke about a chimney which is located in the middle of the flat roof addition. It is a newer addition and it sticks up in the air and is ugly. He proposes to remove that chimney. The eastern elevation shows windows removed and replaced with double-hung, one-over-one windows.

In response to questions from the Board Members, Mr. Hazelrigg confirmed that the door to the 3<sup>rd</sup> floor porch are French doors; and

**WHEREAS**, in response to Chairman Tomaino's request for public questions, Sandra DeMurley, 116 Corlies Avenue, asked about the asbestos siding, and Mr. Hazelrigg stated they will match the existing asbestos siding with cedar shake, but he did not think it was possible to purchase asbestos siding. Mrs. DeMurley was satisfied with the response; and

**WHEREAS**, in response to Chairman Tomaino's request for public comments, Mrs. DeMurley stated this was a great improvement. She added if the roof line were straight, it might look much better.

There being no further comments, the public portion of the meeting was closed; and

**WHEREAS**, Robert Farber, Esq. closed by stating that they revised the initial application and that there is no Res Judicata issue with the application. He further commented that his client and architect did all they could to bring this house into the Allenhurst character; and

**WHEREAS**, the Planning Board makes the following Findings of Fact:

Mr. Gruner stated this was a vast improvement over what they had been looking at in prior applications. He is glad the applicant got rid of the triple porch.

Chairman Tomaino stated that it is not a carbon copy of the original application.

Ms. Shalam stated she had no problem with the applicant removing the chimney, and that dropping the dormer back down makes the house look closer to what it was originally. She likes that. It is now equal with the other dormer.

Chairman Tomaino stated he liked what was done to the second floor. It softens the third floor balcony and the reduced size helps.

Mr. Boyd commented that bringing the second floor out makes it more pleasing to the eye. It is a great improvement from the previous application.

Chairman Tomaino stated he would concur with the replacement of the jalousie windows. He has them and they are awful.

Mr. Mauro stated the proportions are good.

Chairman Tomaino stated they are using the same trim over the windows and throughout.

Mrs. Shalam commented that they are matching the shingles from the other dormer;

NOW, THEREFORE, A RESOLUTION BEING MOVED BY Mr. Mauro, and seconded by Mrs. Shalam, that a Certificate of Appropriateness be granted to Mr. Fallas for the property at 40 Ocean Avenue/aka 23 Elberon Avenue, based on the Architectural Plans and Exhibits submitted, and the testimony provided by the applicant's architect, Robert Hazelrigg on the record.

THE MOTION WAS APPROVED BY THE FOLLOWING VOTE:

Boyd-AYE; Gruner-AYE; Shalam-AYE; Tomaino-AYE; Mauro-AYE

**CERTIFICATION**

I hereby certify the above to be a true copy of a resolution as adopted by the Planning Board of the Borough of Allenhurst at a meeting held March 16, 2016.

  
Lori L. Osborn, RMC  
Planning Administrator