

BOROUGH OF DEAL
PLANNING BOARD/BOARD OF ADJUSTMENT MINUTES
SEPTEMBER 2, 2020

A regular virtual meeting of the Planning Board/Board of Adjustment of the Borough of Deal was called to order by Vice-Chair Kathleen Jannarone.

Kathleen Jannarone asked everyone to salute the flag.

Michael Egan read the sunshine law, in conjunction with the "Open Public Meeting Law", p.l. 1975 C231, the notice required by this statute has been satisfied as per a resolution passed on December 5, 1997 at 8:00 P.M. at Borough Hall at a regular meeting of the Planning Board, Borough of Deal, Monmouth County, New Jersey. This meeting is a judicial proceeding. Any questions or comments must be limited to the issues of what this Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

Roll Call of those present: Joe Cohen, Mandy Cohen, Richard Cummings, Kathleen Jannarone, David Simhon.

Those Absent: Ruby Antebi, Nicole Cohen, Sam Cohen, Richard Fetaya, Irwin Levine, Max Zeevi

A motion was made by David Simhon and seconded by Joe Cohen that the minutes of the August 5, 2020 meeting be adopted.

Moved by: David Simhon

Seconded by: Joe Cohen

Roll Call Vote:

Those in favor: Joe Cohen, Richard Cummings, Kathleen Jannarone, David Simhon.

Those opposed: None

Those absent: Ruby Antebi, Nicole Cohen, Sam Cohen, Richard Fetaya, Irwin Levine, Max Zeevi

Those Not Voting: Mandy Cohen

The first item on the agenda is the adoption of the Resolution for 36 poplar Avenue, Block 15, Lot 3.07, Irene & Charles Mamiye, approved at the August 5, 2020 meeting.

RESOLUTION

Whereas, Irene and Charles Mamiye, the record owner of the property have applied to the Planning Board of the Borough of Deal for variances at the premises located at 36 Poplar Avenue, Borough of Deal and known as Block 15, Lot 3.07 on the official tax map of the Borough of Deal which premises is located in the R-2 zone

The Applicant is proposing an addition to the front of the dwelling for additional living space.

The property has non-conformities with lot width and lot frontage. The tennis court has an existing non-conformity with the side and rear setbacks. The development of a non-conforming lot and a variance for imperious coverage requires Planning Board approval.

Whereas, the Board after carefully considering the evidence presented by the Applicant, the Applicant's expert and the comments, if any, by the general public, has made the following factual findings:

1. The Applicant is the owner of the property.
2. The Applicant presented the testimony of Keith Smith, a licensed engineer in the state of New Jersey.
3. The Applicant's case was presented by Jennifer Krimko, Esq.

4. The Applicant presented the following exhibits:

A-1 Plot Plan by Keith Smith of French & Parrello dated April 16, 2020.

A-2 Architectural Plan by Brian Berzinskis of Grasso Design Group dated March 16, 2020.

A-3 Survey by Thomas J. Ertle of French & Parrello dated March 16, 2020.

A-4 Color rendering of proposed addition

B-1 Engineer review letter by Leon S. Avakian, Inc. dated May 28, 2020.

5. The property has a total area of 43,225 square feet.

6. The existing lot contains a one-story dwelling with a swimming pool, tennis court and other site amenities.

7. The Applicant is proposing an addition to the front of the existing dwelling for additional living space.

8. The minimum lot width permitted is 150 feet per the R-2 Zoned Districts. The existing lot width is 125.07 feet, which represents an existing non-conformity.

9. The minimum lot frontage permitted is 150 feet per the R-2 Zoned Districts. The existing lot frontage is 125.07 feet, which represents an existing non-conformity.

10. The maximum impervious coverage permitted is 40% per the R-2 Zoned Districts. The existing coverage is 40.98%, and the Applicant is proposing 42.34%. **A variance is required.**

11. In 2004, a previous application for a two-story addition was submitted to the Board whereby it granted a variance for 43% impervious coverage. That variance was approved. The Applicant did not build the proposed addition.

12. The Board expressed concern about permitting impervious coverage over 40% due to water issues on Poplar Avenue.

13. The Applicant has proposed to design and install a recharge area on the side of the house to mitigate water issues.

14. The Applicant represented that if granted the variance, the water conditions on the property would improve and there would be no negative impact to adjacent property owners.

15. The Applicant agreed to increase its storm water manage plan/drainage system capacity to make it equivalent to 38% impervious coverage.

Whereas, the Board has determined that the relief requested by the applicant can be granted as presented without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan of the Borough of Deal.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 5th day of August 2020 that the application is approved subject to the following conditions:

(1). The Applicant shall comply with all promises, commitments and representations made at or during the Public Hearing Process.

(2). The Applicant shall comply will those applicable terms and conditions of the Leon S. Avakian review letters dated May 28, 2020.

(3). A general note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.

(4). The Applicant shall be strictly limited to the plans which are referenced herein and which are incorporated herein at length. All construction shall comply with prevailing provisions of the Uniform Construction Code.

(5). The Applicant shall obtain all approvals necessary for this project.

(6). The Applicant shall in conjunction with appropriate Borough Ordinances pay all appropriate/required fees and taxes.

(7). Any future improvements will require Planning Board Approval.

(8). The Applicant will not direct stormwater and/or runoff from the property onto adjacent properties.

(9). The drainage plan shall be subject to review and approval by the Borough Engineer. The drainage capacity will have the capacity to be equivalent to 38% impervious coverage.

Moved by: Joe Cohen

Seconded by: Kathleen Jannarone

ROLL CALL VOTE

Those in favor: Joe Cohen, Sam Cohen, Cummings, Jannarone, Simhon

Those opposed: None

Those absent: Antebi, Nicole Cohen, Mandy Cohen, Fetaya, Levine, Zeevi

Those not voting: None

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 2nd day of September 2020 that the Resolution be adopted.

Moved by: Joe Cohen

Seconded by: David Simhon

ROLL CALL VOTE

Those in favor: Joe Cohen, Cummings, Jannarone, Simhon

Those opposed: None

Those absent: Antebi, Nicole Cohen, Sam Cohen, Fetaya, Levine, Zeevi

Those not voting: Mandy Cohen

The second item on the agenda is the adoption of the Resolution for 9 Wallace Road. Block 28, Lot 6, 8 Wallace, LLC. Approved at the August 5, 2020 meeting.

RESOLUTION

Whereas, 8 Wallace, LLC, the record owner of the property has applied to the Planning Board of the Borough of Deal for variances at the premises located at 9 Wallace Road, Borough of Deal and known as Block 28, Lot 6 on the official tax map of the Borough of Deal which premises is located in both the R-1 zone

The Applicant is proposing to demolish the existing dwelling and construct a single-family dwelling with cabana, swimming pool and shed.

The property has non-conformities with minimum front yard setback to the dwelling and minimum side yard setback for north and west boundaries. The development of a non-conforming lot and variances require Planning Board approval.

Whereas, the Board after carefully considering the evidence presented by the Applicant, the Applicant's expert and the comments, if any, by the general public, has made the following factual findings:

1. The Applicant is the owner of the property.
2. The Applicant presented the testimony of Jose Ramirez, a licensed architect in the state of New Jersey and the property owner.
3. The Applicant's case was presented by Jennifer Krimko, Esq.
4. The Applicant presented the following exhibits:

A-1 Plot Plan by Keith Smith of French & Parrello Associates, dated March 25, 2020, with a revision date of June 18, 2020.

A-2 Architectural Plans by Jose Ramirez of Ramirez Architects dated November 26, 2019 with a latest revision of June 19, 2020.

A-3 Boundary & Topographic Survey by Thomas Ertle of French & Parrello Associates, dated April 29, 2019.

A-4 Color rendering of proposed construction.

A-5 Two photos.

A-6 Color Plot Plan rendering.

B-1 Engineer review letter by Leon S. Avakian, Inc. dated July 22, 2020.

5. The property has a total area of 47,563 square feet.
6. The existing lot contains a one-story family dwelling with an attached garage.
7. The Applicant is proposing to demolish the existing dwelling and construct a single-family dwelling with cabana, swimming pool and shed.
8. The minimum front yard setback to the dwelling permitted is 50 feet or the average within 200 feet. The existing front yard setback is 37.6 feet, which represents an existing non-conformity. The Applicant proposes 29.3 feet. **A variance is required.**
9. The minimum side yard setback to the dwelling is 40.9 feet (20% of lot width). The existing north side yard setback is 29.8 feet, which represents an existing non-conformity. The Applicant proposes 29.8 feet. **A variance is required.**
10. The minimum side yard setback to the dwelling is 40.9 feet (20% of lot width). The existing west side yard setback is 33.1 feet, which represents an existing non-conformity. The Applicant proposes 62.4 feet.
11. The minimum side yard setback to the dwelling is 40.9 feet (20% of lot width). The existing south side yard setback is 83 feet, which represents an existing non-conformity. The Applicant proposes 55.1 feet.
12. The minimum rear yard setback is 42.4 feet (20% lot depth or 50 feet whichever is less). The existing rear yard setback is 162.3 feet. The Applicant proposes 139.5 feet.
13. The maximum building height at 50 feet from the right of way is 28 feet. The Applicant is proposing 28 feet.
14. The maximum building height at 64 feet from the right of way is 42 feet. The Applicant is proposing 39.5 feet.
15. The maximum building coverage is 20%. The existing building coverage is 7.61%. The Applicant proposes 12.8%.

16. The maximum impervious coverage is 40%. The existing impervious coverage is 21.23%. The Applicant proposes 39.62%.

17. The minimum side yard setback for a pool is 30 feet. The Applicant proposes 54.3 feet for the north side yard setback and 58.2 feet from the south side yard setback.

18. The air conditioning units and generator unit located in the side yard shall be within a minimum of 1 foot of the dwelling and a maximum of 6 feet. The Applicant is proposing the air conditioning units and generator unit in the side yard with a distance of 19.6 feet from the dwelling. **A variance is required.**

19. The air conditioning units and generator pad will be setback 3.9 feet from the north property line.

20. The minimum side yard setback and rear yard setback for pool equipment is 10 feet. The Applicant is proposing a side yard setback of 7.3 feet and a rear yard setback of 62.5 feet. **A variance is required for the side yard setback.**

21. The minimum side yard setback for the cabana is 10 feet. The Applicant proposes 12 feet on the north side yard.

22. The minimum rear yard setback for a cabana is 10 feet. The Applicant proposes 56.3 feet.

23. The minimum building height for a cabana is 12 feet. The Applicant proposes 12 feet.

24. The minimum side yard setback for a shed is 10 feet. The Applicant proposes 10 feet.

25. The minimum rear yard setback for a shed is 10 feet. The Applicant proposes 255.2 feet.

26. A shed is only to be placed in a rear yard. The Applicant proposes to place the shed in the side yard. **A variance is required.**

27. The maximum permitted height of a fence or wall in the front yard is 3 feet. The Applicant proposes a fence height in the front yard of 4 feet. **A variance is required.**

28. The property is unique in that it contains a five foot public easement bordering the Deal Casino parking lot.

29. If the newly proposed dwelling was shifted closer towards the Ocean, it would be conforming with regard to the front yard setback requirements, but block the view shed of adjacent property owners.

30. The shed is intended to store pool toys, kayaks and other personal effects. It will be landscaped and not visible.

31. The proposed hedge around the pool shall be 4 feet to block the view of the fence around the pool.

32. The house has been placed on the property as designed to minimize the impact of the view shed of adjacent property owners.

33. The style of the shed will match the dwelling.

34. The property is unique in that it is on a cul-de-sac.

35. The open rooftops will not be converted to and/or used as a deck.

Whereas, the Board has determined that the relief requested by the applicant can be granted as presented without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan of the Borough of Deal.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 5th day of August 2020 that the application is approved subject to the following conditions:

(1). The Applicant shall comply with all promises, commitments and representations

made at or during the Public Hearing Process.

(2). The Applicant shall comply will those applicable terms and conditions of the Leon S. Avakian review letters dated July 22, 2020.

(3). A general note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.

(4). The Applicant shall be strictly limited to the plans which are referenced herein and which are incorporated herein at length. All construction shall comply with prevailing provisions of the Uniform Construction Code.

(5). The Applicant shall obtain all approvals necessary for this project.

(6). The Applicant shall in conjunction with appropriate Borough Ordinances pay all appropriate/required fees and taxes.

(7). Any future improvements will require Planning Board Approval.

(8). The Applicant will not direct stormwater and/or runoff from the property onto adjacent properties.

(9). The Applicant will obtain all necessary approvals such as NJDEP CAFRA permit.

Moved by: David Simhon

Seconded by: Sam Cohen

ROLL CALL VOTE

Those in favor: Joe Cohen, Sam Cohen, Cummings, Simhon, Zeevi

Those opposed: Jannarone

Those absent: Antebi, Mandy Cohen, Nicole Cohen, Fetaya, Levine

Those not voting: None

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 2nd day of September 2020 that the Resolution be adopted.

Moved by: Joe Cohen

Seconded by: David Simhon

ROLL CALL VOTE

Those in favor: Joe Cohen, Cummings, Simhon

Those opposed: None

Those absent: Antebi, Nicole Cohen, Sam Cohen, Fetaya, Levine, Zeevi

Those not voting: Mandy Cohen, Jannarone

Erik Anderson announces that anyone on this call to hear 6 Roseld Court, Block 35, Lot 17, the Attorney for the applicant is re-noticing and the application will not be heard tonight.

The final item on the agenda is the adoption of the Resolution for 1 Monmouth Drive, Block 10.01, Lot 57, EG Neptune, LLC. Approved at the August 5, 2020 meeting.

RESOLUTION

Whereas, EG Neptune, LLC, the record owner of the property has applied to the Planning Board of the Borough of Deal for variances at the premises located at 1 Monmouth Drive, Borough of Deal and known as Block 57, Lot 10.01 on the official tax map of the Borough of Deal which premises is located in the R-1 zone

The Applicant is proposing to convert the existing garage area into a living space and proposing a second-floor addition over the existing dwelling.

The property has non-conformities with lot depth, front yard setback and side yard setback. The tennis court has an existing non-conformity with the side and rear setbacks. The development of a non-conforming lot and a variance for side yard setback and impervious coverage requires Planning Board approval.

Whereas, the Board after carefully considering the evidence presented by the Applicant, the Applicant's expert and the comments, if any, by the general public, has made the following factual findings:

1. The Applicant is the owner of the property.
2. The Applicant presented the testimony of Patrick Lesbirel, a licensed architect in the state of New Jersey.
3. The Applicant's case was presented by Jennifer Krimko, Esq.
4. The Applicant presented the following exhibits:

A-1 Architectural Plan by Patrick Lesbirel of Brick City Reconstruction dated December 19, 2019 and a latest revision dated January 16, 2020.

A-2 Boundary and topographic survey by Thomas Ertle of French & Parrello dated October 19, 2017.

A-3 Two aerial google photographs of the subject property.

B-1 Engineer review letter by Leon S. Avakian, Inc. dated July 22, 2020.

5. The property has a total area of 62,970 square feet.
6. The existing lot contains a two-story dwelling with swimming pool, pool house, tennis court and driveway.
7. The Applicant is proposing to convert the existing garage area into a living space and proposing a second story addition over the existing dwelling.
8. The minimum lot depth permitted is 125feet per the R-1 Zoned Districts. The existing lot width is 110 feet, which represents an existing non-conformity.
9. The minimum front yard setback permitted is 50 feet. The existing front yard setback is 25.41 feet, which represents an existing non-conformity.
10. The minimum side yard setback is 54.2 feet. The existing north side yard setback is 30.17 feet, which represents an existing non-conformity. The applicant is proposing an expansion of the existing north side yard setback of 30.17 feet. **A variance is required.**
11. The maximum impervious coverage permitted is 40% per the R-1 Zoned Districts. The existing coverage is 54%, which represents an existing non-conformity. The Applicant is proposing an expansion of the existing impervious coverage of 54%. **A variance is required.**

12. When the Applicant purchased the home, the impervious coverage was 54%.
13. The Applicant will not be expanding the existing footprint of the home.
14. 6 square feet of lot coverage will be added to allow for an air condition unit.

Whereas, the Board has determined that the relief requested by the applicant can be granted as presented without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan of the Borough of Deal.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 5th day of August 2020 that the application is approved subject to the following conditions:

- (1). The Applicant shall comply with all promises, commitments and representations made at or during the Public Hearing Process.
- (2). The Applicant shall comply will those applicable terms and conditions of the Leon S. Avakian review letters dated July 22, 2020.
- (3). A general note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- (4). The Applicant shall be strictly limited to the plans which are referenced herein and which are incorporated herein at length. All construction shall comply with prevailing provisions of the Uniform Construction Code.
- (5). The Applicant shall obtain all approvals necessary for this project.
- (6). The Applicant shall in conjunction with appropriate Borough Ordinances pay all appropriate/required fees and taxes.
- (7). Any future improvements will require Planning Board Approval.
- (8). The Applicant will not direct stormwater and/or runoff from the property onto adjacent properties.
- (9). The Applicant will obtain all necessary approvals such as NJDEP CAFRA permit.

Moved by: Sam Cohen

Seconded by: David Simhon

ROLL CALL VOTE

Those in favor: Sam Cohen, Cummings, Jannarone, Simhon, Zeevi

Those opposed: None

Those absent: Antebi, Nicole Cohen, Mandy Cohen, Fetaya, Levine,

Those not voting: Joe Cohen

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 2nd day of September 2020 that the Resolution be adopted.

Moved by: Richard Cummings

Seconded by: David Simhon

ROLL CALL VOTE

Those in favor: Cummings, Jannarone, Simhon

Those opposed: None

Those absent: Antebi, Nicole Cohen, Sam Cohen, Fetaya, Levine, Zeevi

Those not voting: Joe Cohen, Mandy Cohen

There being no further business, the meeting was adjourned.

Respectfully submitted;

Michael W. Egan

Planning Board Secretary