

**BOROUGH OF DEAL  
PLANNING BOARD**

**RESOLUTION**

Whereas, Saul Tawil, the record owner of the property has applied to the Planning Board of the Borough of Deal for variances at the premises located at 102 Deal Esplanade, Borough of Deal and known as Block 51, Lot 2 on the official tax map of the Borough of Deal which premises are located in both the R-1 zone.

The Applicant is proposing a second story addition at the rear of the dwelling.

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 following exhibits:
  - a. A-1 Survey of Property by Charles Surmonte dated September 21, 2108.
  - b. A-2 500 Foot Radius Map by Charles Surmonte dated October 28, 2018.
  - c. A-3 200 Foot Radius Map by Charles Surmonte dated October 28, 2018.
  - d. A-4 Architectural Plans by Passman & Ercolino dated October 19, 2018.
  - e. A-5 Two page aerial color photo of subject property.
  - f. B-1 Engineering review letter by Leon S. Avakian, Inc. dated November 29, 2018.
3. The property has a total area of 27,505 square feet.
4. The existing lot contains a 2 ½ story dwelling with covered front porch, tennis court and detached garage.
5. The proposed improvements require Planning Board approval for a variance on side yard setback.
6. The minimum lot frontage permitted per the R-1 Zoned District is 50 feet. The existing lot frontage is 48.7 feet, which represents an existing non-conformity.
7. The minimum front yard setback to the covered front porch per the R-1 Zoned District is 40 feet. The existing front yard setback to the porch is 39 feet, which represents an existing non-conformity.
8. The minimum side yard setback permitted per the R-2 Zoned district is 20% of the lot width (30 feet). The existing and proposed east side yard setback conforms. The existing west side yard setback is 5.8 feet, which represents an existing non-conformity. The Applicant is proposing west side yard setback of 16.08 feet to the second floor addition. **A variance is required.**
10. The maximum building height permitted per the R-1 Zoned District is 28 feet measured from the top of the street curb at a distance of no closer than 50 feet from the property line. For each additional foot beyond 50 feet from the property line the maximum building height may be increased by one foot above 28 feet, not to exceed a maximum height of 42 feet from the top of the street curb.
11. The Applicant has agreed to remove the originally proposed tower.

Whereas, the Board has determined that the relief requested by the applicant can be granted 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 3<sup>rd</sup> day of January 2019 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. This includes, but is not limited to, the Applicant not making any changes to the existing garage.
- (2). The Applicant shall comply will those applicable terms and conditions of the Leon S. Avakian review letters November 29, 2018. This includes, but is not limited to, providing building height calculations to the second floor addition in accordance with the definition set forth in the Borough's ordinance/the review letter.
- (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.

Moved by: Richard Cummings

Seconded by: David Simhon

ROLL CALL VOTE

Those in favor: Antebi, Cummings, Fetaya, Jannarone, Simhon

Those opposed: None

Those absent: Ades, Joe Cohen, Sam Cohen, Max Zeevi

Those not voting: Levine

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 7th day of February, 2019 that the Resolution of be adopted.

Moved by: Richard Cummings

Seconded by: Kathleen Jannarone

ROLL CALL VOTE

Those in favor: Antebi, Cummings, Fetaya, Jannarone

Those opposed: None

Those absent: Joe Cohen, Levine, Zeevi

Those not voting: Ades, Sam Cohen

The foregoing is a true copy of a resolution adopted by the Planning Board of the Borough of Deal at its meeting on February 7, 2019.

As copied from the minutes  
Of said meeting

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Michael W. Egan  
Secretary, Planning Board  
Borough of Deal, N.J.

