

BOROUGH OF DEAL

PLANNING BOARD/BOARD OF ADJUSTMENT MINUTES

February 3, 2021

A regular virtual meeting of the Planning Board/Board of Adjustment of the Borough of Deal was called to order by 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, Nicole Cohen, Kathleen Jannarone, Irwin Levine.

Those Absent: Ruby Antebi, Sam Cohen, Richard Cummings, Richard Fetaya, David Simhon. Max Zeevi.

A motion was made by Kathleen Jannarone and seconded by Joe Cohen that the minutes of the January 6, 2021 meeting be adopted.

Moved by: Kathleen Jannarone

Seconded by: Joe Cohen

ROLL CALL VOTE

Those in favor: Joe Cohen, Nicole Cohen, Jannarone, Levine

Those opposed: None

Those absent: Antebi, Sam Cohen, Cummings, Fetaya, Simhon, Zeevi

Those not voting: Mandy Cohen

The first item on the agenda is the adoption of the Resolution for 45 Hathaway Avenue, Block 68, Lot 15, Eli Sasson approved at the January 6, 2021 meeting.

RESOLUTION

Whereas, Eli Sasson, the record owners of the property have applied to the Planning Board of the Borough of Deal for a variance at the premises located at 45 Hathaway Avenue, Borough of Deal and known as Block 68, Lot 15 on the official tax map of the Borough of Deal which premises is located in the R2 zone.

The Applicant is proposing an in-ground swimming pool with a patio

The Application for this matter was heard on 12/2/2020 and 1/6/2021.

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's case was presented by Jessica Sweet, Esq.
3. The Applicant presented the following exhibits:
 - A-1 Plot Plan by Nelson Engineering, David Boesch, LLA dated 8/13/20 with a revision date of 10/7/20.
 - A-2 Survey by Nelson Engineering, Robert H. Morris, PLS dated 7/10/20.
 - A-3 Google street view of property.

- A-4 Two google aerial photos of subject property and neighbors.
 - A-5 Plot plan by David H. Boesch, Nelson Engineering, revised December 18, 2020.
 - B-1 Engineer review letter by Leon S. Avakian, Inc. dated 11/23/20.
 - B-2 Engineer review letter by Leon S. Avakian, Inc. with a revised date of 1/4/21.
4. The property has a total area of 15,000 square feet.
 5. The existing lot contains a single family dwelling with a driveway.
 6. The Applicant is proposing an in-ground swimming pool with a patio.
 7. The permitted Minimum Lot Area is 18,750 square feet. Currently existing is 15,000 square feet which is an existing nonconformity.
 8. The permitted Minimum Lot Frontage is 150 feet. Currently existing is 100 feet which is an existing nonconformity.
 9. The permitted Minimum Lot Width is 150 feet. Currently existing is 100 feet which is an existing nonconformity.
 10. The permitted Maximum Impervious Coverage is 40%. Currently existing is 28.45% which complies. Applicant is proposing 37.29% which complies.
 11. The permitted minimum rear yard setback to a swimming pool is 30 feet. Applicant proposes 23 feet. **A variance is required.**
 12. The permitted maximum coverage for the swimming pool and patio is 35% of the yard area. The Applicant is proposing a coverage of 34.71% which complies.
 13. The Applicant represents the fence around the pool will be five feet tall.
 14. The Applicant will collect storm water runoff from the pool patio into a recharge system on-site.

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 6th day of January, 2021 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 1/4/21.
- (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). All landscaping plans, if any, shall be subject to review and approval by the Borough's Engineer.

Moved by: Kathleen Jannarone

Seconded by: Joe Cohen

ROLL CALL VOTE

Those in favor: Ruby Antebi, Joe Cohen, Nicole Cohen, Sam Cohen, Kathleen Jannarone, Irwin Levine, David Simhon

Those opposed: None

Those absent: Mandy Cohen, Richard Fetaya, Max Zeevi

Those not voting: Richard Cummings

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 3rd day of February 2021 that the Resolution be adopted.

Moved by: Joe Cohen

Seconded by: Nicole Cohen

ROLL CALL VOTE

Those in favor: Joe Cohen, Nicole Cohen, Jannarone, Levine

Those opposed: None

Those absent: Antebi, Sam Cohen, Cummings, Fetaya, Simhon, Zeevi

Those not voting: Mandy Cohen

The next item on the agenda is the adoption of the Resolution for 6 Roseld Court, Block 35, Lot 17, Edmund Nahum, approved at the January 6, 2021 meeting.

RESOLUTION

Whereas, Edmund Nahum, the record owner of the property has applied to the Planning Board of the Borough of Deal for a variance at the premises located at 6 Roseld Court, Borough of Deal and known as Block 35, Lot 17 on the official tax map of the Borough of Deal which premises is located in the R3 zone.

The Applicant is proposing an in-ground swimming pool with a patio

The Application for this matter was heard on 11/4/20 and 1/6/21.

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's case was presented by Jennifer Krimko, Esq.
3. The Applicant presented the following exhibits:

A-1 Pool Variance Plan by Martin G. Miller, Professional Engineer dated 11/29/20.

A-2 Google Overhead photo of subject property.

A-3 Survey by Rodolfo Pierri of Shark River Land Surveying dated 12/29/19.

A-4 Pool Variance Plan/Proposed Demolition Plan by Martin Miller, PE dated 12/29/19 with a revision date of 12/14/20.

A-5 Photo packet consisting of 4 photos.

B-1 Engineer review letter by Leon S. Avakian, Inc. dated 8/24/20.

B-2 Engineer review letter by Leon S. Avakian, Inc. with a revised date of 1/4/21.

4. The property has a total area of 9,840 square feet.
5. The existing lot contains a single family dwelling with a shed and a driveway in

the rear yard.

6. The Applicant is proposing an in-ground swimming pool with a patio. Applicant is to remove driveway, concrete pad and shed.
7. The permitted Minimum Lot Area is 12,500 square feet. Currently existing is 9,840 square feet which is an existing nonconformity.
8. The permitted Minimum Lot Width is 100 feet. Currently existing is 60 feet which is an existing nonconformity.
9. The permitted Minimum Front Yard Setback is 50 feet or average alignment. Currently existing is 37 feet which is an existing conformity. No change is proposed.
10. The permitted Maximum Building Coverage is 20%. Currently existing is 20.6% which is an existing nonconformity. Applicant is proposing 18.7% which conforms.
11. The permitted Maximum Impervious Coverage is 40%. Currently existing is 34.2% which complies. Applicant is proposing 34.2% which complies.
12. The permitted minimum rear yard setback to a swimming pool is 30 feet. Applicant proposes 6 feet. **A variance is required.**
13. The permitted minimum side yard setback to a swimming pool is 30 feet. Applicant proposes 23 feet to each side. **A variance is required.**
14. The permitted minimum rear yard setback to patio is 10 feet. Applicant proposes 3 feet. **A variance is required.**
15. The Applicant proposes a five-foot solid fence and evergreens along each boundary line with both neighbors to serve as a buffer.

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 6th day of January 2021 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 1/4/21.
- (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). All landscaping/landscaping plans, if any, shall be subject to review and approval by the Borough's Engineer.

Moved by: Sam Cohen

Seconded by: Kathleen Jannarone

ROLL CALL VOTE

Those in favor: Ruby Antebi, Nicole Cohen, Sam Cohen, Kathleen Jannarone, Irwin Levine

Those opposed: None

Those absent: Mandy Cohen, Richard Fetaya, Max Zeevi

Those not voting: Richard Cummings, Joe Cohen, David Simhon

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 3rd day of February 2021 that the Resolution be adopted.

Moved by: Nicole Cohen

Seconded by: Irwin Levine

ROLL CALL VOTE

Those in favor: Nicole Cohen, Kathleen Jannarone, Irwin Levine

Those opposed: None

Those absent: Antebi, Sam Cohen, Cummings, Fetaya, Simhon, Zeevi

Those not voting: Joe Cohen, Mandy Cohen

The next scheduled Resolution for 9 Monmouth Terrace will not be heard and will be carried to the next meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted;

Michael W. Egan

Planning Board Secretary