

**BOROUGH OF DEAL  
PLANNING BOARD / BOARD OF ADJUSTMENT  
APPLICATION OR APPEAL**

1. Applicant's Name ICC Neptune Ave LLC

Phone and Fax Nos. ( ) \_\_\_\_\_ ( ) \_\_\_\_\_

Mailing Address c/o Jennifer S. Krimko, Esq.

2. Federal Identification or Social Security Number \_\_\_\_\_

3. Present Owner ICC Neptune Ave LLC Phone ( ) \_\_\_\_\_

Mailing Address c/o Jennifer S. Krimko, Esq.

4. Attorney Representing Applicant Jennifer S. Krimko, Esq.

Firm Name Ansell Grimm & Aaron PC Phone (732) 643-5284

Mailing Address 1500 Lawrence Avenue, Ocean, New Jersey 07712

5. Licensed N.J. Engineer, Surveyor, Architect or Planner Preparing Maps:

Firm Name Dynamic Engineering Consultants PC Phone (732) 974-0198

Mailing Address 1904 Main Street, Lake Como, New Jersey 07719

6. Interest of Applicant if other than Owner: N/A

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7. STATEMENT OF LANDOWNER WHERE THE APPLICANT IS NOT THE  
LANDOWNER N/A

I, \_\_\_\_\_, the owner of Lot(s) \_\_\_\_\_

In block(s) \_\_\_\_\_, Borough of Deal, Monmouth County, New

Jersey, hereby acknowledge that application \_\_\_\_\_

For development of said lot(s) is made with my complete understanding permission in

Accordance with an agreement entered into between me and the applicant herein stated.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_

Phone ( ) \_\_\_\_\_

8. Application for (check appropriate):

- Variance            Yes  No
- Use Variance        Yes  No
- Interpretation      Yes  No
- Site Plan            Yes  No
- Subdivision         Yes  No
- Minor or
- Preliminary plat or subdivision    Yes  No
- Final plat or subdivision            Yes  No

9. Address of Premises Affected by Application: 8 Neptune Avenue

10. Known as: Block(s) 83 Lot(s) 1

Tax Map Sheet(s) 9 Zone(s) R-1

Ownership of Adjacent Property? (If yes indicate block and lot):

No

11. GENERAL INFORMATION

	Yes	No
Are taxes Paid through date?	( X )	( )
Are there deed restrictions, covenants Or easements effecting tract? (SEE SURVEY)	( X )	( )

Does the applicant have any interest within 1000 yards of the tract? For these purposes "Applicant" shall include any entity in which the applicant or any officer, director, partner or shareholder of applicant has an interest. If the answer is yes, explain:

( ) (X )

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Is the application for a new building or an undeveloped lot? "

( ) (X )

Is the application for additional buildings or improvements to a lot having existing buildings or improvements?

( X ) ( )

Is the application for a new tenant or new occupant of an existing building?

( ) (X )

Is there a previously approved site plan for this property? If so attach an approved copy.

( X ) ( )

Has there been any previous appeal involving this property? If so, state character of appeal and date of disposition.

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By Resolution dated November 7, 2019, the Board granted approval of a new, single- family residence and related site improvements. A copy of this Resolution is attached hereto.

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12. It this a corner lot? No  
If no, distance from nearest intersection  
Is \_\_\_\_\_ feet.

13. Lot Dimensions:

Existing	Zoning Requirements
Frontage <u>234.3</u> ft.	<u>150</u> ft.
Depth <u>150</u> ft.	<u>125</u> ft.
Area <u>57,273</u> sq.ft.	<u>18,750</u> sq.ft.
<u>1.315</u> acres	<u>0.43</u> acres

14. Subject Building Location (Pool House)

Show minimum distance to	Zoning Requirements
Front Lot Line <u>0</u> ft.	<u>50</u> ft.
Side Lot Line <u>129.4</u> ft.	<u>30</u> ft.
Rear Lot Line <u>109.1</u> ft.	<u>20.72</u> ft.

15. Size of Buildings: (Pool House)

Front Width +/- 27 ft.; Depth +/- 40 ft.; Height 21.52 ft.

16. Lot Coverage 28.8 % Zoning Requirement 40 %

17. The proposed building or use thereof is contrary to Article(s) 30

Section(s) 86 of the Development Regulations Ordinance of the Borough  
Of Deal in the following Particulars:

- \* Front yard setback to basement stairs of 19 feet, whereas a minimum of 50 feet is required.
- \* Pool located in a front yard (with a setback of 0 feet).
- \* ~~63% of pool perimeter exposed above grade by 42 inches, whereas a maximum of 33% and 18 inches is permitted.~~
- \* Pool house located in a front yard (with a setback of 0 feet).
- \* Pool house height of 21.52 feet, whereas a maximum of 18 feet is permitted.
- \* ~~Wall height of 10.5 feet in a front yard, whereas a maximum of 3 feet is permitted.~~
- \* Fence height of 4 feet in a front yard, whereas a maximum of 3 feet is permitted.

18. The reasons for this request and the grounds urged for the relief demanded are as follows: To be provided through testimony at hearing.

3.25.21  
Date

By   
Signature of Applicant Appellant  
Jennifer S. Krimko, Esq.  
Attorney for Owner/Applicant

.....  
(Applicant shall execute the following Affidavit)

STATE OF NEW JERSEY            SS  
COUNTY OF MONMOUTH

Jennifer S. Krimko, Esq. of full age, being duly sworn, upon her

oath, deposes and says:

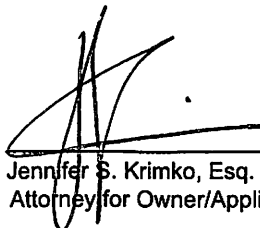
attorney for the

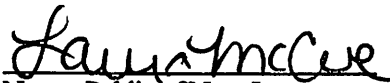
I am the <sup>^</sup>appellant in the above matter and the information as set forth therein is true to the best of my knowledge and belief.

Sworn and subscribed to

Before me this 25<sup>th</sup>

Day of March, 2021

By   
Jennifer S. Krimko, Esq.  
Attorney for Owner/Applicant

  
Notary Public of New Jersey

LAURA MCCUE  
NOTARY PUBLIC OF THE STATE OF NEW JERSEY  
MY COMMISSION EXPIRES MAY 1, 2024

**BOROUGH OF DEAL  
PLANNING BOARD**

**RESOLUTION**

Whereas, ICC Neptune Avenue, 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 8 Neptune Avenue, Borough of Deal and known as Block 83, Lot 1 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 two story single family dwelling with a driveway, walkways and patios.

The proposed improvements require Planning Board approval for variances on side yard setbacks, rear yard setbacks, building height, roof overhang and side yard coverage.

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 Daniel Dougherty, licensed planner and engineer.
3. The Applicant presented the testimony of Ross Padlulck, Architect.
4. The Applicant presented the following exhibits:

A-1 Plan of Survey by French & Parrello, Thomas Ertle, PLS, dated 10/23/2017, with a revision date of 4/2/2019.

A-2 Plot Plan by Dynamic Engineering, Daniel J. Dougherty, Engineer dated 6/18/2019, revised 7/31/2019.

A-3 Architectural Plans by Ike Kligerman Barkley, John E. Ike, dated 1/21/2019 with a revision date of 8/14/2019.

A-4 Color rendering street view of proposed property by Ike Kligerman Barkley, dated 10/2/2019.

A-5 Aerial Exhibit dated 10/2/2019

B-1 Engineer review letter by Leon S. Avakian, Inc. dated September 24, 2019

5. The property has a total area of 57,273 square feet. Tract 1 – House Lot having a lot area of 34,773.96 square feet and Tract 2 – Beach Lot having a lot area of 22,499 square feet.
6. The lot is currently vacant.
7. The Applicant is proposing a two story single family dwelling with a driveway, walkways and patios.
8. The proposed improvements require Planning Board approval for variances as set forth below.
9. The minimum side yard setback permitted is 20% of the Lot Width (76.86 feet). The Applicant proposes 45.9 feet on the west side and 213.5 feet on the east side. **A variance is required for the west side setback.**
10. The minimum rear yard setback is 20% of the lot depth (30 feet). The Applicant proposes 15 feet. **A variance is required.**
11. The maximum building height permitted at 50 feet from the Right of Way is 28 feet. The Applicant proposes 36.42 feet. **A variance is required.**
12. All front yards must remain open and unoccupied except that a paved driveway

and open front porch. The Applicant is proposing a boardwalk over the existing revetment to the right-of-way line of Neptune Avenue. **A variance is required for the location of the boardwalk.**

13. All side yards must remain open and unoccupied except that a pave driveway shall be permitted in each side yard provided that it does not cover in excess of 50% of the required area for such side yard. The Applicant is proposing a side yard coverage of 69%. **A variance is required.**
14. A roof overhang may extend no more than 2 feet into a side or rear yard on a principal or accessory structure. The Applicant is proposing a roof overhang of 3.8 feet. **A variance is required.**

Whereas, the Board has determined that the relief requested by the applicant for side yard setback, rear yard setback, maximum building height, Chapter 30 Article X, Section 86.6a (open front yards), Chapter 30 Article X, Section 86.6b (open side yards) and Chapter 30 Article X, Section 86.6.c.3 (overhand into a side or rear yard) 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 2<sup>nd</sup> day of October, 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.
- (2). The Applicant shall comply will those applicable terms and conditions of the Leon S. Avakian review letters dated September 24, 2019.
- (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 grading plan of the Applicant shall be subject to the review and approval of the Borough Engineer.

Moved by: Morris Ades

Seconded by: Sam Cohen

#### ROLL CALL VOTE

Those in favor: Ades, Mandy Cohen, Nicole Cohen, Sam Cohen, Cummings, Jannarone

Those opposed: None

Those absent: Antebi, Fetaya, Levine, Zeevi

Those not voting: None

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

Moved by: Morris Ades

Seconded by: Mandy Cohen

ROLL CALL VOTE

Those in favor: Morris Ades, Mandy Cohen, Kathleen Jannarone

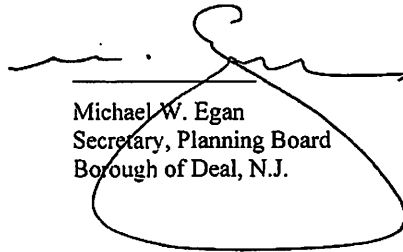
Those opposed: None

Those absent: Nicole Cohen, Sam Cohen, Cummings, Levine, Zeevi

Those not voting: Antebi, Fetaya

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

As copied from the minutes  
Of said meeting



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