

BOROUGH OF DEAL

PLANNING BOARD/BOARD OF ADJUSTMENT MINUTES

May 5, 2021

A regular virtual meeting of the Planning Board/Board of Adjustment of the Borough of Deal was called to order by Chair Richard Cummings.

Richard Cummings 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: Ruby Antebi, Mandy Cohen, Sam Cohen, Richard Cummings, Kathleen Jannarone.

Those Absent: Joe Cohen, Nicole Cohen, Richard Fetaya, Irwin Levine, David Simhon, Max Zeevi

A motion was made by Richard Cummings and seconded by Kathleen Jannarone that the minutes of the April 7, 2021 meeting be adopted.

Moved by: Richard Cummings

Seconded by: Kathleen Jannarone

ROLL CALL VOTE

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

Those opposed: None

Those absent: Joe Cohen, Nicole Cohen, Fetaya, Levine, Simhon, Zeevi

Those not voting: Ruby Antebi

The first item on the agenda is the adoption of the Resolution for 18 Woodford Road, Block 61, Lot 1, D.R.E.A.M. 531, LLC approved at the April 7, 2021 meeting.

RESOLUTION

Whereas, D.R.E.A.M. 531, 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 18 Woodford Road, Borough of Deal and known as Block 61, Lot 1 on the official tax map of the Borough of Deal which premises are located in the R-2 zone.

The Applicant is proposing an in-ground swimming pool with no patio. The Applicant is also removing a wall that encroaches on the adjacent property.

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 Applicants are the owners of the property.
2. The Applicant was represented by Jennifer Krimko, Esq.
3. The Applicant presented the testimony of Patrick Ward.
4. The Applicant presented the testimony of Ralph Gindi.
5. The Applicant presented the following exhibits:
 - a. A-1 Topographic & Utility Survey by Justin J. Hedges of InSite Surveying, LLC dated September 8, 2020 with a revision date of 1/1/2021.

- b. A-2 Plot Plan by Patrick R. Ward of InSite Engineering, LLC dated 1/28/2021 with a revision date of 2/10/2021.
 - c. A-3 Google Photo of Subject property
 - d. B-1 Engineer review letter by Leon S. Avakian, Inc. dated March 29, 2021
6. The property has a total area of 33,153 square feet.
 7. The existing lot contains a single-family dwelling, with a tennis court.
 8. The proposed improvements require Planning Board approval for various variances relating to the construction of an inground pool.
 9. The Applicant noted that the property is unique as it has two front yards.
 10. The Applicant is seeking to remove a non-conforming wall and two adjacent sheds on the Norwood Avenue property line.
 11. The Applicant is seeking to install a drywell to hold 300 square feet of runoff.
 12. Initially Applicant proposed a pool which would have been 15' x 30' with no patio. Applicant has agreed to reduce the pool so have a 20' setback from the side yard (originally, Applicant proposed a 15.71' side yard setback).
 13. The minimum front yard setback to a porch is 50'. The existing front yard setback to the porch on Norwood Avenue is 39.1 feet, which is non-conforming. No change is proposed.
 14. The maximum impervious coverage permitted is 40%. Existing is 42.5%, which is non-conforming. Applicant proposes 40.91%, **a variance is required.**
 15. The minimum side yard setback for a pool is 30'. Applicant proposes 20', **a variance is required.**
 16. The Applicant has agreed to plant landscaping to buffer the pool from the next door neighbor, subject to review and approval of the Borough's professionals.
 17. The pool equipment will be moved away from the property and placement shall be subject to review and approval of the Borough's professionals.
 18. The Applicant will be removing the driveway and replacing same with a ribbon driveway.

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 7th day of April 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. 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 March 29, 2021, as well as review and approval of certain aspects of this application as noted above.
- (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 as modified consistent herewith and approved by the Board Engineer 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: Sam Cohen

Seconded by: Richard Cummings

ROLL CALL VOTE

Those in favor: Sam Cohen, Richard Cummings, Joe Cohen, Mandy Cohen, David Simhon

Those opposed: None

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

Those not voting: Kathleen Jannarone

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 5th day of May, 2021 that the Resolution of be adopted.

Moved by: Sam Cohen

Seconded by: Richard Cummings

ROLL CALL VOTE

Those in favor: Mandy Cohen, Sam Cohen, Richard Cummings

Those opposed: None

Those absent: Joe Cohen, Nicole Cohen, Richard Fetaya, Irwin Levine, David Simhon, Max Zeevi.

Those not voting: Ruby Antebi, Kathleen Jannarone

Erik Anderson, Board attorney makes an announcement that 8 Neptune Avenue, Block 83, Lot 1, scheduled to be heard tonight is not being presented and is being carried to our next meeting of June 2, 2021 with no further notice required.

Robert Farber, We are carrying the application, 11 Lakeview Road to the next meeting.

The next item scheduled is 102 Deal Esplanade, Block 51, Lot 2, Saul Tawil. This was carried from the April 7, 2021 meeting for revisions to the plan. Attorney for the applicant, Robert Farber.

Enter into evidence:

A-7 A-1 Architectural plans by Donald Passman of Passman & Ercolino with a revised date of April 21, 2021

A-8 A-2 Architectural plans by Donald Passman of Passman & Ercolino with a revised date of April 21, 2021.

A-9 Grading Drainage Plan by Charles Surmonte Engineer dated February 6, 2021 and with a revision date of April 21, 2021.

B-2 Engineer review letter by Leon S. Avakian dated February 17, 2021 with a revised date of April 30, 2021.

B-3 Board Affidavit signed by Board Member Ruby Antebi that he has listened to the testimony given at the April 7, 2021 meeting and is eligible to sit for this hearing,

Robert Farber, there were some concerns at last month's meeting and we listened to that. We shrunk the pool even further and moved it significantly further from the neighboring property. The neighboring property has no objection to it. The garage has been shifted and is now further away from the property line. We have brought the total coverage down, not an

extremely amount but somewhat. There is a neighbor who is contiguous with the property to the South that was concerned with flooding and Mr. Surmonte will address that. I call Donald Passman. Can you describe the new plans and how the application has been modified from the last time it was presented?

Donald Passman, I discussed with the client removing the garage and replace it with a pool house. We designed a pool house that is 12.19 feet from the rear property line and 30.6 feet from the West property line. It's 11 feet tall itself. With this new pool house we comply with the setbacks. At the same time we released this piece of property which is perfect for the design of the Drainage system which is a concern with the neighbors. We can properly grade and drain into that corner spot so we can alleviate any issues with the neighbors. We moved the swimming pool from 11 feet from the property line to 20 feet from the Western property line and then created some paving in a C shape to connect with the existing patio and to reduce some lot coverage. By moving the pool house we can create landscaping on the two sides and have more screening to the two neighbors. We are staying at 44% coverage.

Sam Cohen, is the tennis court a hard court or a clay court?

Saul Tawil, it's a clay court.

Donald Passman, I think what we have done is erase some bulk and for the neighbors it's better visually to the neighbors.

Richard Cummings, Pool pump on side of house and should put back by pool.

Donald Passman, That can be achieved. We can comply one way or another. Mr. Passman describes the pool house to the board based on A-8.

Richard Cummings, any questions from the audience for Mr. Passman.

Ed Ash, neighbor to the rear. The garage he has now is directly behind my garage so it doesn't block any of my view and it's moving directly behind my house. The pool pump will make noise closer to my house. My biggest concern will be the drainage.

Robert Farber, Chet Surmonte will address the drainage.

Donald Passman, moving the garage was to remove paving and there will be landscaping there.

Richard Cummings, any more questions from the audience? None.

Robert Farber, I call Charles Surmonte, Licensed Engineer in New Jersey. Can you describe the drainage.

Charles Surmonte, the property rises up from Deal Esplanade and falls down to the rear property line. So essentially drainage comes into Mr. Tawil's property from Lot three to the West and also gathers water from his property from the rear property and at the same time, Mr. Ash, Lot 6 immediately behind the pool house also drains into the property in the rear. What we have where the back right corner of Mr. Tawil's property and the rear corner of Mr. Ash's property holds water. Mr. Passman's revision allows a drainage system. The pool house will drain to the back and to a drywell and provides 200 cubic feet of runoff storage. The water along the property line with Mr. Ash will also drain into the drywell. We will run a 4 inch pipe to Deal Esplanade for extra overflow.

Robert Farber, with this system it will alleviate the drainage issue?

Charles Surmonte, significantly.

Kathleen Jannarone, they did a good job revising this plan.

Ed Ash, can trees be planted to sap the water?

Charles Surmonte, we can certainly look for a species that would love the water and absorb as much as possible.

Mrs. Ash, expresses a concern with the noise factor. Is there anything to absorb the noise? A stone wall or cement wall to block noise.

Donald Passman, this pool house is between you and the pool.

Robert Farber, Mr. Tawil, do you have any objection to adding a line of Pine Trees that goes from the pool house to the tennis court?

Saul Tawil, I have no objection.

Robert Farber, if the Board would like us to add trees, my client will certainly add trees. The new plan address's a lot of the concerns the Board had and in terms of Drainage this would be an improvement. If the Board deems appropriate, my client will put more pine trees behind the tennis court and the pool equipment we will abide by the boards decision.

Richard Cummings, like to see a hedge row of evergreens. Any questions from the Board? None.

Kathleen Jannarone makes a motion to accept the application. Ruby Antebi seconds the motion.

Moved by: Kathleen Jannarone

Seconded by: Ruby Antebi

ROLL CALL VOTE

Those in favor: Ruby Antebi, Mandy Cohen, Sam Cohen, Richard Cummings, Kathleen Jannarone

Those opposed: None

Those absent: Joe Cohen, Nicole Cohen, Richard Fetaya, Irwin Levine, David Simhon, Max Zeevi

Those not voting: None

There being no further business, the meeting was adjourned.

Respectfully submitted.

Michael W. Egan
Planning Board Secretary