

BOROUGH OF DEAL

PLANNING BOARD/BOARD OF ADJUSTMENT MINUTES

June 2, 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, Nicole Cohen, Richard Cummings, Kathleen Jannarone, Max Zeevi

Those Absent: Joe Cohen, Sam Cohen, Richard Fetaya, Irwin Levine, David Simhon

A motion was made by Richard Cummings and seconded by Kathleen Jannarone that the minutes of the May 5, 2021 meeting be adopted.

Moved by: Richard Cummings

Seconded by: Kathleen Jannarone

ROLL CALL VOTE

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

Those opposed: None

Those absent: Joe Cohen, Sam Cohen, Fetaya, Levine, Simhon,

Those not voting: Nicole Cohen, Max Zeevi

Michael Egan announces that 8 Neptune Ave and 11 Lakeview Road will not be heard tonight and will be carried to the next meeting on July 7, 2021 at 7:30 pm with no further notice required.

The first item on the agenda is the adoption of the Resolution for 102 Deal Esplanade, Block 51, Lot 2, Saul Tawil approved at the May 5, 2021 meeting.

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 the R-1 zone.

The Applicant previously received approval for a second story addition at the rear of the dwelling in 2019.

The Applicant is proposing a swimming pool with a pool house. The existing detached garage will be removed.

Hearings for this Application were held on April 7, 2021 and May 5, 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 and presented testimony.
2. The Applicant was represented by Robert Faber, Esq.

3. The Applicant presented the testimony of Donald Passman, a licensed architect in the State of New Jersey.
4. The Applicant presented the testimony of Charles Surmonte, a licensed engineer in the State of New Jersey.
5. The Applicant presented the following exhibits:

A-1 Planning Board Application

A-2 Proof of Notice

A-3 Architectural Plan by Passman & Ercolino by Donald Passman dated 12/4/2020

A-4 Survey by Charles Surmonte, P.E. dated 12/17/2020

A-5 Plot Plan by Charles Surmonte, P.E. dated 2/6/2021

A-6 Letter from Applicant's doctor

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

A-8 Page 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-1 Engineer review letter by Leon S. Avakian, Inc. dated 2/17/2021

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

6. The property has a total area of 27,505 square feet.
7. The existing lot contains a 2 ½ story dwelling with covered front porch, tennis court and detached garage.
8. The proposed improvements require Planning Board approval for variances on impervious coverage, side yard setback to the swimming pool, percentage of pool exposure and pool equipment location.
9. The minimum front yard setback to a dwelling per the R-1 Zoned District is 50 feet or the average within 200 feet.. The existing front yard setback to the dwelling is 48.7 feet, which represents an existing non-conformity. The Applicant proposes no change.
10. 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. The Applicant proposes no change.
11. The minimum side yard setback permitted per the R-1 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 was previously granted.**
12. The maximum impervious coverage permitted per the R-1 Zone District is 40% of the lot area. The existing impervious coverage is 44.4% which is an existing non-conformity. The Applicant is relocating the impervious coverage but not increasing coverage. The proposed impervious coverage is 44.4% which is non-conforming. **A variance is required.**

13. The minimum side yard setback permitted for a swimming pool is 30 feet. The Applicant is proposing a side yard setback of 20 feet to the swimming pool. **A variance is required.**
14. Ordinance 15, Section 1.1 provides that a swimming pool may have 30% of continuous linear feet of pool to be exposed for 18 inches from the top of the ground and the remaining portion of the pool shall not be erected or maintained above ground. The Applicant is proposing a pool wall reveal of 6 inches, which complies. The proposed continuous linear feet of pool to be exposed is approximately 58%. **A variance is required.**
15. The Applicant has agreed to plant a line of Pine Trees from the pool house to the tennis court. The Applicant acknowledges that this is intended, in part, to buffer the pool equipment.
16. The Applicant has agreed to remove the detached garage.
17. The pool house will conform with all zoning requirements. The pool house is 12.19 feet from the rear property line and 30.6 feet from the West property line. It will be 11 feet tall.
18. The driveway is being converted to a ribbon driveway.
19. The Applicant will be installing a new drywell system. The roof leaders of the pool house will drain into the drywell system.
20. The Applicant will properly grade and drain the property to alleviate water issues of the neighbors.
21. An overflow for the drywell shall be placed in the front of the property adjacent to Deal Esplanade.
22. The pool equipment shall be placed by the side of the pool house.

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 5th day of May 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 February 17, 2021 and April 30, 2021.
- (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). Any landscaping plan shall be subject to the review and approval of the Board's professionals.
- (7). The placement of the pool equipment shall be subject to the review and approval of the Board's professionals.
- (8). To the extent the Board granted approvals for this project which were not specifically presented on any plans, such approval shall be subject to the review

and approval of the Board's professionals.

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

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

Moved by: Kathleen Jannarone

Seconded by: Ruby Antebi

ROLL CALL VOTE

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

Those opposed: None

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

Max Zeevi

Those not voting: None

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 2nd Day of June, 2021 that the Resolution of be adopted.

Moved by: Richard Cummings

Seconded by: Kathleen Jannarone

ROLL CALL VOTE

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

Those opposed: None

Those absent: Joe Cohen, Sam Cohen, Fetaya, Levine, Simhon

Those not voting: Nicole Cohen, Max Zeevi

There being no further business, the meeting was adjourned.

Respectfully submitted.

Michael W. Egan
Planning Board Secretary