

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

1. Applicant's Name Richard Dweck  
Phone and Fax Nos. ( ) (917) 495-2970 ( ) \_\_\_\_\_  
Mailing Address 21 Poplar Avenue, Deal, New Jersey 07723
2. Federal Identification or Social Security Number XXX-XX-0593
3. Present Owner \_\_\_\_\_ Phone ( ) \_\_\_\_\_  
Mailing Address \_\_\_\_\_
4. Attorney Representing Applicant Michael J. Convery, Esq.  
Firm Name \_\_\_\_\_ Phone ( ) (732) 945-3620  
Mailing Address 1161 Broad Street, Suite 110, Shrewsbury, N.J. 07702
5. Licensed N.J. Engineer, Surveyor, Architect or Planner Preparing Maps:  
Firm Name Peter G. Steck, P.P. Phone ( ) (973) 762-6568  
Mailing Address 80 Maplewood Avenue, Maplewood, N.J. 07040
6. Interest of Applicant if other than Owner: Applicant is the owner of adjacent property  
located at 21 Poplar Avenue, Deal, New Jersey
7. STATEMENT OF LANDOWNER WHERE THE APPLICANT IS NOT THE LANDOWNER N.A.
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Property which is the subject of appeals under N.J.S.A. 40:55D-70a. and b.:

15 Poplar Avenue, Deal, New Jersey  
Block 13, Lot 11.01  
Owner is Nathalie Vilinsky



Signature of ~~Owner~~ Applicant for Appeal

Name Richard Dweck

Address 21 Poplar Avenue, Deal, New Jersey 07723

Phone ( ) (917) 495-2970

8. Application for (check appropriate):

Variance	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Use Variance	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Interpretation / Appeal	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Site Plan	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Subdivision	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Minor or Preliminary plat or subdivision	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Final plat or subdivision	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

9. Address of Premises Affected by Application: 15 Poplar Avenue

10. Known as: Block(s) 13 Lot(s) 11.01

Tax Map Sheet(s) 3 Zone(s) R-2

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

Applicant is the owner of Lot 10.01 in Block 13 which abuts subject property which is owned by Nathalie Vilinsky and designated as Lot 11.01 in Block 13.

11. GENERAL INFORMATION

	Yes	No
Are taxes Paid through date?	N.A. ( )	( )
Are there deed restrictions, covenants Or easements effecting tract? (Driveway for adjacent Lot 7 in Block 13.)	(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:

Yes            No  
( X )        (   )

Applicant owns adjacent Lot 10.01 in Block 13.

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

N.A.    (   )        (   )

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

N.A.    (   )        (   )

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

N.A.    (   )        (   )

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

N.A.    (   )        (   )

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

Nathalie Vilinsky submitted an application to the Deal Planning Board in 2019 to demolish an existing dwelling and construct a new dwelling with a swimming pool with a request for "c" variance relief. No decision was rendered by the Board.

In June of 2020 Richard Dweck filed an appeal challenging the June 9, 2020 zoning determination of Stephen Carasia related to the proposed construction of a dwelling at 15 Poplar Avenue. However, because the construction plans were withdrawn by the property owner, the appeal was never heard.

12. It this a corner lot? No.

If no, distance from nearest intersection

Is 344 ± feet west of Ocean Ave.

\*13. Lot Dimensions:

Existing	Zoning Requirements
Frontage <u>100</u> ft.	<u>150</u> ft.
Depth <u>344</u> ft.	<u>125</u> ft.
Area <u>50,018</u> sq.ft.	<u>18,750</u> sq.ft.
<u>1.148</u> acres	<u>0.43</u> acres

\*14. Subject Building Location

Show minimum distance to	Zoning Requirements
Front Lot Line <u>50</u> ft.	<u>50</u> ft.
Side Lot Line <u>20</u> ft.	<u>20% of lot width</u> ft.
Rear Lot Line <u>26.5</u> ft.	<u>20% of depth/50</u> ft.

\*15. Size of Buildings:

Front Width 53.5 ft.; Depth 90 ± ft.; Height < 42 ft.

\*16. Lot Coverage 39.5 % Zoning Requirement 40 %

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

Section(s) 30-50 of the Development Regulations Ordinance of the Borough  
Of Deal in the following Particulars:

Because the Lot 11.01 contains a driveway serving the home on the adjacent  
Lot 7, the subject lot has two principal uses.

18. The reasons for this request and the grounds urged for the relief demanded are as follows:

N.A.

\* (See plans referenced in the March 30, 2022 Zoning Plan Review letter of Stephen Carasia that include Matrix New World plot plan last revised February 3, 2022 and architectural plans prepared by Bohn Architecture & Design Dated February 17, 2021.)

## APPEALS

(If applicable)

19. Brief Narrative of Proposed Appeal:

- a** Applicant is seeking an appeal under N.J.S.A. 40:55D-70a alleging that Zoning Administrative Officer Stephen Carasia in his March 30, 2022 Zoning Plan Review\* made an error in not identifying the variances, waivers, exceptions or other items of relief associated with the issuance of permits for a new single family residence at 15 Poplar Avenue, in not requiring that the plot plan and the architectural plans be consistent with each other, and in not verifying the impervious coverage.
- b** Applicant is also seeking an appeal under N.J.S.A. 40:55D-70b. for an interpretation of the Borough of Deal Development Regulations and other Deal Ordinances that the following items of relief are required to be sought in connection with the issuance of permits for construction of a new dwelling at 15 Poplar Avenue:
- Inadequate lot frontage requires relief per Section 30-48.
  - The sports court and the dwelling violate the front setback for a "flag" lot.
  - The upper level open deck in the rear requires variance relief.
  - The proposed development intensifies the nonconforming condition of two principal uses on the same lot (dwelling and non-accessory driveway).
  - Improvements are proposed within the floodway violating Ordinance 19-4.4-2(c).
  - Required parking extends into the front yard.
  - Any other item of relief or completeness that may arise during the proceedings.

20. Description of Previous Decisions (Attach copies of decisions. If none, please state NONE.)

The applicant is not aware of any previous decisions regarding 15 Poplar Avenue.

The applicant will submit prior decisions associated with "flag" lots.

I hereby affirm that all of the above statement and statements contained in the papers submitted herewith are true.

4/14/2022  
Date

By   
Signature of Applicant Appellant

\* See Attachment A.

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(Applicant shall execute the following Affidavit)

STATE OF NEW JERSEY            SS  
COUNTY OF MONMOUTH

Richard Duede of full age, being duly sworn, upon his

oath, deposes and says:

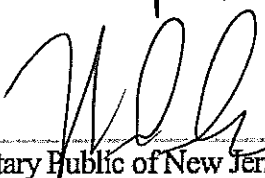
I am the appellant in the above matter and the information as set forth therein is true to the best of my knowledge and belief.

Sworn and subscribed to

Before me this 14th

Day of April, 2022

By 

  
Notary Public of New Jersey

MICHAEL J. CONVERY  
ATTORNEY AT LAW  
STATE OF NEW JERSEY