

BOROUGH OF DEAL

PLANNING BOARD/BOARD OF ADJUSTMENT MINUTES

August 3, 2022

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: Ruby Antebi, Joe Cohen, Sam Cohen, Kathleen Jannarone, Jack Kassin, David Simhon

Those Absent: Mandy Cohen, Nicole Cohen, Richard Cummings, Max Zeevi

A motion was made by Sam Cohen and seconded by David Simhon that the minutes of the July 6, 2022 meeting be adopted.

Moved by: Sam Cohen

Seconded by: David Simhon

ROLL CALL VOTE

Those in favor: Ruby Antebi, Sam Cohen, Kathleen Jannarone, David Simhon

Those opposed: None

Those absent: Mandy Cohen, Nicole Cohen, Richard Cummings, Max Zeevi

Those not voting: Joe Cohen, Jack Kassin

The first item on the agenda is the adoption of the Resolution for 30 Sydney Avenue, Block 81, Lot 3. Benum Family Holdings approved at the July 6, 2022 meeting.

RESOLUTION

Whereas, Claude Pardo, 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 30 Sydney Road, Borough of Deal and known as Block 81, Lot 3 on the official tax map of the Borough of Deal which premises are located in the R-1 zone.

The Applicant is proposing a pergola over the existing raised patio.

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 Robert Pisano.
3. The Applicant presented the following exhibits:
 - a. A-1 Zoning Plot Plan.
 - b. A-2 Architectural plan for the Pergola dated 12/27/21.
 - c. A-3 Survey.
 - d. B-1 Leon S. Avakian, Inc. engineer review letter dated May 20, 2022.
4. The property has a total area of 26,250 square feet.
5. The existing lot contains a single-family dwelling with a swimming pool.
6. The Applicant proposes a pergola over the existing raised patio.

7. Pisano testified that the property is a corner lot, with the home facing Sydney Avenue.
8. The Pergola will not be enclosed and will be a roof structure to provide shade on an existing patio located at the rear of the house which is at the side yard of a neighbor. The Pergola is attached to the side of the house and is accessible through sliding doors.
9. Applicant agrees that it will not enclose the Pergola.
10. The required setback from the side yard required is 30 feet. The Applicant proposes a setback of 19 feet. **A variance is required.**

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 6th day of July 2022 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 May 20, 2022. This includes, but is not limited to, providing building height calculations to the second-floor addition in accordance with the definition set forth in the Borough's ordinance/the review letter.
- (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.

Moved by: Richard Cummings

Seconded by: Kathleen Jannarone

ROLL CALL VOTE

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

Those opposed: None

Those absent: Joe Cohen, Jack Kassin, Max Zeevi

Those not voting: None

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 3rd day of August, 2022 that the Resolution of be adopted.

Moved by: Kathleen Jannarone

Seconded by: Sam Cohen

ROLL CALL VOTE

Those in favor: Antebi, Sam Cohen, Jannarone, David Simhon

Those opposed: None

Those absent: Mandy Cohen, Nicole Cohen, Cummings, Zeevi

Those not voting: Joe Cohen, Kassin

The second item on the agenda is the Adoption of the Resolution for 78 Lehman Avenue, Block 32.02, Lot 16, Steve and Michelle Sasson approved at the July 6, 2022 meeting.

RESOLUTION

Whereas, Steve and Michelle Sasson, 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 78 Lehman Avenue, Borough of Deal and known as Block 32.01, Lot 16 on the official tax map of the Borough of Deal which premises is located in the R-3 zone.

The Applicant is proposing an inground pool and pool patio.

The existing lot contains a single-family dwelling with a shed and driveway.

The proposed improvements require Planning Board approval for variances on rear yard setbacks to the pool and rear yard setback to the patio.

A public hearing was held on 7/6/22.

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 was represented by Jennifer Krimko, Esq.
3. The Applicant presented the testimony of Patrick Ward, a New Jersey licensed engineer and professional planner.
4. The Applicant presented the following exhibits:
 - A-1 Plot Plan dated 12/7/21, last revised 4/13/22.
 - A-2 Final As-Built dated 6/25/18, last revised 10/19/18.
 - A-3 Color photo of subject property.
 - A-4 Photo packet.
 - B-1 Leon S. Avakian, Inc. engineer review letter dated 4/20/22.
5. The property has a total area of 13,062.5 square feet.
6. The Applicant is proposing an in-ground pool and pool patio.
7. The permitted minimum lot width is 100 feet. Currently existing is 95 feet, which is non-conforming. No change is proposed.
8. The permitted minimum side-yard setback is 19 feet. Currently existing is 15.1 feet on the east side and 17.5 feet on the west side. Both are non-conforming. No change is proposed.
9. The permitted minimum rear yard setback to a pool is 30 feet. Applicant proposes 22 feet. **A variance is required.**
10. The permitted side and rear yard setbacks for a patio is 10 feet. The Applicant

proposes a west side yard setback of 23 feet and an east side setback of 30 feet. Both side yard setbacks conform.

11. The proposed rear yard setback for the patio is 8 feet. **A variance is required.**
12. Applicant is relocating the shed to a conforming location.
13. The house is setback significantly and creates a very small yard area.
14. There is substantial buffering between the Applicant's property and their rear neighbor.
15. The proposed pool is 14 feet by 28 feet in size.
16. No improvements will be visible from the street.
17. Drainage and runoff that comes from the added patio will be discharged to the front of the property and will not impact the neighbors.
18. The size of the patio will be reduced by 2 feet from the plans submitted.

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 6th day of July 2022 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 letter dated April 20, 2022.
- (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.

Moved by: Richard Cummings
Seconded by: Sam Cohen

ROLL CALL VOTE

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

Those opposed: None

Those absent: Joe Cohen, Jack Kassin, Max Zeevi, Mandy Cohen, Nicole Cohen

Those not voting: None

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 3rd day of August, 2022 that the Resolution of be adopted.

Moved by: Sam Cohen

Seconded by: Ruby Antebi

ROLL CALL VOTE

Those in favor: Antebi, Sam Cohen, Jannarone, Simhon

Those opposed: None

Those absent: Mandy Cohen, Nicole Cohen, Cummings, Zeevi

Those not voting: Joe Cohen, Jack Kassin

The next item on the Agenda is the adoption of the Resolution for 110 Roosevelt Avenue, Block 12, Lot4, Roosevelt Partners, LLC approved at the July 6, 2022 meeting.

RESOLUTION

Whereas, Roosevelt Partners, LLC, 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 110 Roosevelt Avenue, Borough of Deal and known as Block 12, Lots 4, 5 and 10 on the official tax map of the Borough of Deal which premises is located in the R-1 zone.

The Applicant is removing the existing dwelling and all-site amenities and constructing a new two-story single-family dwelling with new site amenities. The amenities include detached gym structure, swimming pool, hot tub, patios, fire pit, greenhouse, two (2) driveways and a basketball court.

The proposed improvements require Planning Board approval for variances on front yard setback to principal dwelling, accessory structure location, fence and wall heights, driveway width, mechanical equipment location, swimming pool and exposed wall.

A public hearing was held on 7/6/22.

Whereas, the Board after carefully considering the evidence presented by the Applicant, the Applicant's experts, 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 was represented by Jennifer Krimko, Esq.
3. The Applicant presented the testimony of Andrew Wilkinson, a New Jersey licensed architect and Steven Kassin, the homeowner.
4. The Applicant presented the following exhibits:
 - A-1 Plot Plan dated 1/14/22, last revised 4/14/22.
 - A-2 Architectural Plan dated 1/28/22, last revised 4/12/22.
 - A-3 Average setback within 200 feet survey dated 4/12/22.
 - A-4 Boundary survey dated 11/12/21, last revised 5/9/22.
 - A-5 Aerial exhibit.
 - A-6 Photo of fence and wall across street.
 - A-7 Photo packet
 - B-1 Leon S. Avakian, Inc. engineer review letter dated 5/20/22.
5. The property has a total area of 89,625 square feet.
6. The Applicant is removing the existing dwelling and all-site amenities and constructing a new two-story single-family dwelling with new site amenities. The amenities include detached gym structure, swimming pool, hot tub, patios,

- fire pit, greenhouse, two (2) driveways and a basketball court.
7. The permitted minimum front yard setback to a dwelling is 50 feet. Applicant proposes a front yard setback of 51 feet along Roosevelt Avenue frontage, which conforms. The proposed front yard setback along Pearl Court is 40 feet. **A variance is required.**
 8. A swimming pool may have 30% of continuous linear feet of the 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 but shall be wholly at or below ground. The Applicant is proposing approximately 40% of continuous linear feet of pool wall to be exposed. **A variance is required.**
 9. The Applicant is proposing a swimming pool to have a wall exposure of approximately 54 inches. **A variance is required.**
 10. No portion of an accessory structure shall occupy any portion of the front yard. The gym building is encroaching into the front yard area along Pearl Court. **A variance is required.**
 11. The maximum permitted height of a fence or wall in the front yard is 3 feet. The Applicant is proposing a wall/fence height of 6 feet in the front yard area along the Roosevelt Avenue and Pearl Court. **A variance is required.**
 12. The Applicant is proposing a sloping driveway entry wall from Roosevelt Avenue with a maximum height of 7 feet at a 24 feet setback. **A variance is required.**
 13. The maximum permitted height of a fence or wall in the side and rear yard is 5 feet. The Applicant is proposing a maximum wall height up to 10.8 feet in the side and rear yard areas. **A variance is required.**
 14. All front yards must remain open and occupied except that a paved driveway not to exceed 20 feet in width. The Applicant is proposing a driveway leading to a parking courtyard with a width of approximately 40 feet along Pearl Court. **A variance is required.**
 15. The Applicant is proposing the mechanical equipment in the front yard area along Pearl Court, which is not permitted. **A variance is required.**
 16. The proposed home is approximately 10 feet below the maximum height permitted. The Applicant is employing dewatering to lower the overall house elevation and thus avoid building a taller structure.
 17. The wall on Pearl Court is an architectural feature that ties into the home. The proposed material and finish is a board formed cast concrete. The concrete is poured into forms with wood planks that creates a surface with graining and a rich texture. The texture of the wall matches the cedar on the façade of the home.
 18. The wall on Pearl Court will provide privacy, security and noise mitigation to the Applicant and minimizes car headlights and other light emitting from the property toward Pearl Court and Norwood Avenue.
 19. There is an existing grove of 25 foot or higher mature trees which create an approximate 30-foot buffer on Pearl Court. These trees are intended to remain as a landscape buffer along the Pearl Court front yard. The trees feature a canopy under which the wall on Pearl Court is situated. There will be low-lying landscaping in front of the Pearl Court wall.
 20. There will be driveway access on Pearl Court and Roosevelt Avenue.
 21. The Pearl Court driveway access is intended for service and ancillary access with little traffic. It is located approximately 25 feet from the neighbor at 47 Norwood Avenue.

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 6th day of July 2022 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 letter dated May 20, 2022.
- (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.

Moved by: Sam Cohen

Seconded by: David Simhon

ROLL CALL VOTE

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

Those opposed: None

Those absent: Joe Cohen, Jack Kassin, Max Zeevi, Mandy Cohen, Nicole Cohen

Those not voting: None

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 3rd day of August, 2022 that the Resolution of be adopted.

Moved by: Sam Cohen

Seconded by: Ruby Antebi

ROLL CALL VOTE

Those in favor: Antebi, Sam Cohen, Jannarone, Simhon

Those opposed: None

Those absent: Mandy Cohen, Nicole Cohen, Cummings, Zeevi

Those not voting: Joe Cohen, Kassin

The next item on the agenda is the adoption of the Resolution for 86 Parker Avenue, Block 32.01, Lot 5, Henry Harary approved at the July 6, 2022 meeting.

RESOLUTION

Whereas, Henry Harary, 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 86 Parker Avenue, Borough of Deal and known as Block 32.01, Lot 5 on the official tax map of the Borough of Deal which premises is located in the R-3 zone.

The Applicant is proposing a carport attached to the dwelling, side entry stairs/platform, roof over existing porch and rear patio with pergola.

The existing lot contains a single-family dwelling with a shed and driveway.

The proposed improvements require Planning Board approval for variances on rear yard setbacks to the pool and rear yard setback to the patio.

A public hearing was held on 7/6/22.

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 was represented by Jennifer Krimko, Esq.
3. The Applicant presented the testimony of Allan Zimbler, a New Jersey licensed architect.
4. The Applicant presented the following exhibits:
 - A-1 Plot Plan dated 4/6/22.
 - A-2 Architectural plan dated 4/6/22.
 - A-3 Survey dated 2/23/22, last revised 3/3/22.
 - A-4 Aerial photo.
 - A-5 Phot packet.
 - B-1 Leon S. Avakian, Inc. engineer review letter dated 6/23/22.
5. The property has a total area of 11,687.5 square feet.
6. The Applicant is proposing a carport attached to the dwelling, side stairs/entry platform, roof over existing front porch and rear patio with pergola.
7. The permitted minimum lot area is 12,500 square feet. Currently existing is 11,687.5 square feet, which does not conform. There are no proposed changes.
8. The permitted minimum lot width is 100 feet. Currently existing is 85 feet, which does not conform. There are no proposed changes.
9. The permitted minimum front yard setback is 50 feet or average alignment. Currently existing is 48 feet, which is non-conforming. Application proposes 48 feet to the addition and carport. As this is an expansion of a non-conforming condition, **a variance is required.**
10. The permitted minimum side yard setback is 17 feet. Currently existing on the east side is 15.4 feet, which does not conform. Currently existing on the west side is 17 feet, which conforms. Applicant proposes 17.2 feet on the east side, which conforms. Applicant proposes 3.74 feet on the west side to the carport and 14 feet to the landing stairs. **A variance is required.**
11. The permitted minimum rear yard setback is 27.5 feet. Currently existing is 34.5 feet. Applicant proposes 31.02 feet, which conforms.
12. The permitted maximum building coverage is 20%. Currently existing is 23.6%, which is non-conforming. Applicant proposes 27.25%. **A variance is required.**
13. The permitted maximum impervious coverage is 40%. Currently existing is 31%, which conforms. Applicant proposes 39.96%, which conforms.
14. The Applicant desires to have a covered area to enter in and out their home. This will be achieved by the proposed carport.
15. The proposed carport will be over the driveway and roofed with columns.
16. The slight pitch of the carport roof is consistent with the architecture of the home.

17. A concrete patio will be constructed under the pergola.

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 6th day of July 2022 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 letter dated June 23, 2022.
- (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.

Moved by: Kathleen Jannarone

Seconded by: Richard Cummings

ROLL CALL VOTE

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

Those opposed: None

Those absent: Joe Cohen, Jack Kassin, Max Zeevi, Mandy Cohen, Nicole Cohen

Those not voting: Antebi

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 3rd day of August, 2022 that the Resolution of be adopted.

Moved by: Sam Cohen

Seconded by: David Simhon

ROLL CALL VOTE

Those in favor: Sam Cohen, Jannarone, Simhon

Those opposed: None

Those absent: Mandy Cohen, Nicole Cohen, Cummings, Zeevi

Those not voting: Antebi, Joe Cohen, Kassin

Prior to the next application, it was announced that Board member David Simhon will step down as he has property within 200 feet the subject property.

The next item on the agenda is 1 Roseld Court, Block 35, Lot 7, Alice Tawil. Applicant is proposing an addition to the rear of the dwelling and in-ground swimming pool and changing the detached garage to a cabana. This was carried from the prior meeting for revisions to the plan. Attorney for the applicant, Jennifer Krimko.

Enter into evidence:

A-7 Revised Plot Plan by Douglas D. Clelland, PE of InSite Engineering, LLC with a revision date of July 14, 2022

A-8 Aerial Exhibit

A-9 Roseld Court Exhibit

B-2 Revised Engineer Review letter by Leon S. Avakian dated July 28, 2022.

B-3 Planning Board Affidavit by Jack Kassin that prior meeting testimony of July 6, 2022 was listened to and is eligible to sit.

B-4 Planning Board Affidavit by Joe Cohen that prior meeting testimony of July 6, 2022 was listened to and is eligible to sit.

Jennifer Krimko, at the last meeting there was no objection to any of the changes we were proposing to the single-family home and the concern was with regard to the variance for the pool. One of the concerns was they do not want to grant it for a sixty-foot lot because if it is granted for this lot then you will have to do that for every other lot on Roseld Court. What we want to do is to look at our lot which is unique and our lot is different and if you grant the variance for this lot none of the other lots in that neighborhood could make the same argument. Let's look at the Roseld Court Exhibit, and it shows the subject property in a colored rendering and as you can see we moved the pool all the way to the South and we now meet the North setback of 30 feet and the rear setback of 30 feet so the only variance we need is with regards to the Municipal Parking lot. So that in its self makes our property unique and when you look at any other 60 foot lot they are not surrounded on two sides by the municipal parking lot and the purposes of the setback requirements are to protect the light, air and open space and the negative impact on the surrounding neighbors and in this case the surrounding neighbor is a parking lot so there is no impact. But more important than that different than any of the other lots along our street that are 60 feet wide or across the street that are 60 feet wide as you can see the way the alley way, the 50-foot easement, travels up to the East as it heads South the lots get bigger and bigger as they go along. The lots do not have the same unique characters that would justify the variance. All the other lots in this neighborhood do not enjoy the unique characteristic that this lot does by being extra-long and the ability to place the pool in a fully conforming location on one side and not impact on a residential neighbor. The only neighbor that would be impacted by any variance related to this pool would be Lot 21 and it would up against his garage and his pool. I call Pat Ward, Engineer sworn in the last meeting to address the changes we made from the concerns of the Board from the last meeting.

Patrick Ward, so the pool was centrally placed previously was shifted to the South. Has a 30-foot setback to the North and a 15-foot setback to the South. The Pool patio shown meet the required 10-foot setback on all sides. The impervious lot coverage is impacted by the easement to the rear that is granted to the public for access and there is a public road that services Borough Hall and that parking lot but also beyond to the North. We have no control with that asphalt and that asphalt has an impact on our lot coverage. Hearing the Board's concerns about that particular area, the applicant has offered to provide subsurface drainage systems on site that fully contain and mitigate the excess runoff from the area that is over 40%.

Jennifer Krimko, but Pat one of the things we agreed to at the last meeting was we would collect more water than just what we were over so the site would be draining as if it was under coverage.

Patrick Ward, we are not collecting the runoff from the asphalt but from the roof and all told that area of roof exceeds the area of the Asphalt and we wanted to meet and exceed that overage on coverage and we have done that.

Jennifer Krimko, so your testimony as an Engineer that if the Board were to approve this, we would have a better drainage situation proposed than we would existing.

Patrick Ward, that is correct.

Jennifer Krimko, so there would be a public benefit in that we are controlling more runoff than would be required based on the conforming coverage.

Ruby Antebi, could you guys speak to how much of a benefit we would be getting? Compared to the existing.

Patrick Ward, today in the existing conditions there is no drainage system on site so when it rains the municipal roadway drains to our property, there is runoff directly from the roof and the way the property is graded today it goes in all directions, towards our neighbors, towards Roseld Court. What we are proposing is to mitigate any impact to our neighbors and by collecting the roof runoff and fully contain it and allowing it to infiltrate it does meet a significant purpose of Stormwater guidance handed down by the State of New Jersey, it replenishes the aqua first, which doesn't happen now and the runoff is less because we are taking it off the roof and it doesn't hit the grass.

Ruby Antebi, so it will drain as though it were how much impervious?

Patrick Ward, less than 40%, we are looking at 35% which is under lot coverage.

Ruby Antebi, but the existing right now is 28%.

Jennifer Krimko, can we enlarge the stormwater we are holding to render this that it goes down to the equivalent of 25%?

Patrick Ward, yes we can, the soil can support that.

Jennifer Krimko, we can if the Board were to approve this, size the drywells such that we are draining as if the property were only covered by 25% which is a better condition than it is today. We can commit to that if the Board were to approve.

Patrick Ward covers the positive and negative impact of the application.

Kathleen Jannarone, this pool is contributing to the impervious coverage issue.

Jennifer Krimko, it's not necessarily the pool but the patio. Pat, how much pool patio would we have to remove to get this down to conforming?

Patrick Ward, we would have to reduce the pool patio by 938 square feet.

Jennifer Krimko, and how large is it today?

Patrick Ward, it is 1494 square feet.

Jennifer Krimko, so the Pool patio is driving the impervious. If we did not have this easement would we be conforming?

Patrick Ward, that's correct.

Jennifer Krimko, Pat, as a Planner, when an Ordinance is drafted, is it drafted for the general lot or drafted for every single unique circumstance?

Patrick Ward, drafted for the general lots.

Ruby Antebi, is the applicant willing to bring down the impervious coverage to 40 by reducing the patio?

Jennifer Krimko, can I have two minutes with my client?

Kay Jannarone, yes.

Jennifer Krimko, the applicant is prepared to eliminate coverage to bring us down to 40% even with the 15-foot wide mecadam So we are taking the impervious coverage off the table and the only variance related to the pool is the setback to the parking lot.

Kay Jannarone, any member of the public like to speak?

Linda Massry, 4 Roseld Court. I am across the street, as far as the addition is it two or three stories?

Jennifer Krimko, it is a two story and the addition is in the back of the house and there is a modified front porch. It is two full stories.

Linda Massry, then it's going to take away from the Sun we get across the street. And as far the pool goes, you gave it to my neighbor. You let number 6 put in a pool, you need to let everyone have a pool. You let one person with a 60-foot lot and not the other person, that is not fair. You gave one you might as well give another.

Kay Jannarone, no other members of the public, close to the public.

Jennifer Krimko, this is a unique lot with unique circumstances and as was stated by our planner a variance is warranted here and granted with confidence. Based on all the conditions we offer, put in the drainage structures and add evergreens on the only side we have a variance, we ask the for a vote in favor.

Kay Jannarone, I have no problem with the addition and I don't think the Board has a problem with the addition, do you want to Bi-Furcate the house?

Jennifer Krimko, I would ask that you separate the house from the pool.

Erik Anderson, so we are going to bifurcate with the home addition. Do we have a motion?

Kathleen Jannarone makes a motion to accept the House addition. Sam Cohen seconds the motion.

Moved by: Kathleen Jannarone

Seconded by: Sam Cohen

ROLL CALL VOTE

Those in favor: Ruby Antebi, Joe Cohen, Sam Cohen, Jannarone, Kassin

Those opposed: None

Those absent: Mandy Cohen, Nicole Cohen, Cummings, Zeevi

Those not voting: Simhon

Kathleen Jannarone makes a motion to deny the pool. Sam Cohen seconds the motion.

Moved by: Kathleen Jannarone

Seconded by: Sam Cohen

ROLL CALL VOTE

Those in favor: Joe Cohen, Sam Cohen, Jannarone, Kassin

Those opposed: Antebi

Those absent: Mandy Cohen, Nicole Cohen, Cummings, Zeevi

Those not voting: Simhon

Prior to the next application, Jennifer Krimko asks that the application for 74 Runyan Avenue, Block 35, Lot 28, Jack Beyda 2012 Irrevocable Trust be carried to the next meeting without the need for further notice. Board agrees. David Simhon steps back on the Board. Kathleen Jannarone will step down as she owns property with 200 feet of the next application. A temporary chair as voted by the Board is Joe Cohen.

The next application is 2 Clem Conover Road, Block 29.01, Lot 4. The applicant is removing the existing driveway and a portion of the Basketball court. The proposed improvements are a second-floor addition with a small addition to the first floor, interior renovation to the basement and first floor, new driveways and new walkways. Attorney for the applicant, Jennifer Krimko.

Enter into evidence:

A-1 Topographic Survey prepared by Justin J. Hodges, PLS of InSite Surveying, LLC dated December 7, 2021 with a latest revision dated January 5, 2022.

A-2 Plot Plan prepared by Douglas D. Clelland, PE of InSite Engineering, LLC dated April 8, 2022.

A-3 Architectural Plan prepared by Michael Savarese, RA of Michael Savarese Associates, dated April 8, 2022.

A-4 Google Photograph

A-5 Color Rendered Aerial

B-1 Engineer review letter by Leon S. Avakian, Inc. dated July 30, 2022

Jennifer Krimko, we are taking an older home that is in need of renovation and repair and we are adding a second story and bringing it in to modern times, the lot itself is non-conforming in many different ways with regards to setback of the house, a shed setback, the pool and patio, front yard, essentially the Gazebo, the basketball court and the driveway. It's significantly over in impervious coverage, it exists at 54.1%. we are looking to renovate the home, put an addition on it and reduce the impervious coverage, it's still non-conforming in the proposed condition but it's much better than it has been. This is oceanfront and all the water will be draining to the Beach. I call Patrick Ward, a professional planner.

Joe Cohen, the Board accepts.

Patrick Ward, we are beachfront property. We are on the South side of Clem Conover. What we have is a ranch that has been there for several decades. There is basketball court on the property today that has a paving around it which we will be removing thus reducing the area of the court and improving the setbacks. Today there is a circular driveway that goes across most of the frontage of Clem Conover Road. So you have this very long circular driveway and there are two curb cuts and really goes the extent of the property that has frontage of Clem Conover. To the East we have a pool, pool patio, a Gazebo, that is to remain and further to the East is a very unique structure that I cannot attest to the history of it but it has been there since the seawall, it retains the property from the beach and it has a deck on top of it. The circular driveway will be removed all together but will keep the two curb cuts but proposing two normal driveways on the property. The house improvements will be a second-floor addition, which is on the entirety of the footprint, there are balconies proposed on the front side facing Clem Conover. There is a patio in the rear of the home and we are proposing a basement staircase to the basement which is a rear yard setback variance. It is at or below grade. This area slopes to the Beach for drainage.

Jennifer Krimko, any questions for Pat? None from the public. I call Michael Savarese, Architect.

Joe Cohen, the Board accepts.

Jennifer Krimko, from a foundation standpoint can the existing foundation handle the load of the second floor or are you going to have to do foundation work?

Michael Savarese, yes it can handle.

Joe Cohen, are we keeping the existing foundation for the entire elevation?

Michael Savarese, yes we are. The home is a one-story home with a hip roof and a brick home, a 1950's 60's structure. The new home will take advantage of the views and access on this wonderful lot. It will have a seashore charm.

Jennifer Krimko, the building height complies totally and from the 50 foot setback?

Michael Savarese, yes.

David Simhon, questions the balcony versus roof top deck.

Jennifer Krimko, if you look at the East side this will function as a balcony not as a roof deck meaning it is connected to the balcony, we are taking a flat roof and not making entertainment space on it. There is living space under it.

Joe Cohen, how much is the square footage of the house?

Patrick Ward, over 10,000 square feet.

Joe Cohen, general discussion of impervious coverage being unacceptable, doing a major renovation there is very little reason to not comply with our requirements.

Ruby Antebi, what would the impervious coverage be if you remove the basketball court?

Patrick Ward, the court is about 2300 square foot and impervious would be 44.5%.

Jennifer Krimko, I call my Client, Abraham Kassin.

Abraham Kassin, we did a lot to get to where we are today. There was never a drainage issue here. We did the utmost to reduce a lot of things that we care about and try to be the best neighbor we can. One of the things we did was there was a circular driveway there which is a tremendous amount going from 54% to 49 %, it is a substantial mass we took away. The entire circular driveway removed. All around the basketball court we removed 100's of feet of concrete and reduced it by a third. We also put in a drywell and it wasn't necessary but it will help the town so we did it. We always want to do the right thing. Basketball to us is that the kids really like to do.

Joe Cohen, our job is not to tell you what to prioritize but in light of the changes that are occurring we try to out hardest to conform the rules we have in Deal the best we can and there is not a hardship of size and that is our intent. We want the plan to work.

Abraham Kassin, I spoke to my neighbor and he is fine with what we are doing.

Jennifer Krimko, we would like to make this beautiful house and instead of leaving the impervious coverage what it is we are going to reduce it by 5% and make it better. The other variances related to the house is daminimous. This is not a big ask, we are not overbuilding on this lot and we are pairing down what is existing there today. I think the most important thing is what you have to look at what the purpose of the impervious coverage is and the number reason is drainage and we are making it better, it drains to the Ocean.

Abraham Kassin, we have made 20 revisions to this plan.

Ruby Antebi, I think you can feel the sediment of the Board members with the impervious coverage maybe you can discuss some further concessions.

Jennifer Krimko, we can't get to the 40%. We can get rid of the shed. Is the impervious the only real issue?

Jack Kassin, how wide are the driveways?

Jennifer Krimko, they are 20 feet wide.

Jack Kassin, each one is 20 feet?

Jennifer Krimko, yes. What if we can commit to knock it down to 45% and it would up to us on how we do that.

Joe Cohen are there any other drainage things we could do to get similar to reducing impervious coverage?

Jennifer Krimko, yes we could add a bigger drywell. I think the applicant has gone above and beyond. We are amending the application to ask for a reduction of impervious down to 46.8%. Lower the Basketball Court, lower the driveway and remove the shed.

Joe Cohen any questions from the public.

Kathleen Jannarone, I have a property at 1 Roseld Avenue. I agree that impervious coverage reduction was only 4.2^ and we are now down to 46.8% which is still 7% less. This property has several non-conformities which are some in the past which somehow got allowed but they are benefitting from. The Gazebo is three feet from the property line which should be 10 feet. The Basketball court with all due respect is not necessary. They must think about not having everything they want.

Joe Cohen, we could add the drainage to get it to 40%.

Jennifer Krimko, Pat, is it possible to get this to drain as if it was 40% or under.

Patrick Ward, Yes.

Jennifer Krimko, we would agree to that. We would keep the impervious at 46.8% but it would drain as if it was 40%.

Ruby Antebi, I think that is a great concession and I make a motion to approve. Sam Cohen seconds the motion.

Moved by: Ruby Antebi

Seconded by: Sam Cohen

ROLL CALL VOTE

Those in favor: Antebi, Joe Cohen, Sam Cohen, Kassin, Simhon

Those opposed: None

Those absent: Mandy Cohen, Nicole Cohen, Cummings, Zeevi

Those not voting: Jannarone

Prior to the next application, Kay Jannarone rejoins the Board and Jack Kassin asks to be excused.

The next application on the agenda is 2 Stratford Place, Block 41, Lot 1.01 Ralph and Rose Nakash. The applicant is proposing a minor subdivision, creating two lots, Lot 1.02 and Lot 1.03. The applicant is proposing a single-family dwelling with swimming pool, pool patio, cabana and driveway on proposed Lot 1.02. On proposed Lot 1.03 nothing is shown to be constructed. Attorney for the applicant, Jennifer Krimko.

Enter into evidence:

A-1 Subdivision and Plot Plan by Keith B. Smith, PE, PP and Thomas J. Ertle, PLS of French & Parrello Associates dated July 14, 2022.

A-2 A Boundary and Topographic survey by Thomas J. Ertle PLS of French & Parrello Associates dated July 18, 2022.

A-3 Architectural Plan by Jose L. Ramirez, RA of J.L. Ramirez Architect, PC dated July 18, 2022.

A-4 Colorized Lot Description

A-5 Aerial Photo Non-Conforming Lot Plan

A-6 Non-Conforming Lot Plan

B-1 Engineer Review letter by Leon S. Avakian, Inc. dated July 28, 2022

Jennifer Krimko, we are not talking about the house. So historically and through out time, 2 Stratford Place on the corner on Stratford and Roseld, it always had 125 feet on Roseld Avenue and 150 feet on Stratford. The interior lot, 70 Roseld was always 200 feet wide with the same 150 feet. It is under common ownership because the house is down and they technically one lot now. All they are looking to do is move this interior lot line over 75 feet and make the corner lot the bigger lot and the interior lot the smaller lot. It will be non-conforming as to lot width but it will far exceed lot area.

Joe Cohen, you are just swapping the corner to be the big lot and the middle to be the smaller lot.

Jennifer Krimko, correct. It is a more conforming lot in the neighborhood. The interior lot.

Kathleen Jannarone, I must leave the board. I am exhausted.

At this point there is no Quorum to proceed.

Jennifer Krimko, I can make the next meeting on the 6th. Labor Day is Monday the 5th.

Sam Cohen, we are going to see if we can change the meeting to the 6th.

Jennifer Krimko, can we carry this to the 6th on the record.

Erik Anderson, we should carry this to the 7th.

Jennifer Krimko, I ask that we carry this to the 7th with no further notice required and if we come up with a better date, I will re-notice.

There being no further business and no quorum the meeting was adjourned.

Respectfully submitted.

Michael W. Egan
Planning Board Secretary