

RECEIVED

SEP 22 2022

BOROUGH OF DEAL



LAW OFFICES OF
MICHAEL J. CONVERY
A Limited Liability Company

1161 Broad Street, Suite 110
Shrewsbury, New Jersey 07702
Phone: (732) 945-3620
Email: mconvery@mjclegal.net

Michael J. Convery, Esq.

September 22, 2022

VIA HAND DELIVERY

Stephen R. Carasia, Administrator
Borough of Deal
190 Norwood Avenue
Deal, New Jersey 07723

Re: Nathalie Vilinsky-15 Poplar Avenue, Block 13, Lot. 11.01
Appeal from Issuance of Zoning Permit and Request for Interpretation

Dear Mr. Carasia:

Incident to our discussions, I enclose herewith my client Richard Dweck's Application for Appeal and Interpretation before the Borough of Deal Zoning Board of Adjustment with regard to the above referenced applicant.

Further, I enclose herewith (2) checks, the Application Fee in the amount of \$100.00, and the Certified 200ft. Mailing List Fee in the amount of \$10.00.

Very truly yours,

MICHAEL J. CONVERY
For the Firm

MJC:md

cc: Richard Dweck (Via email)
Peter Steck (Via Email)

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

Applicant's Name Richard Dweck

Phone ~~and Fax Nos.~~ (917) 495-2970 () _____

Mailing Address 21 Poplar Avenue, Deal, New Jersey 07723

Federal Identification or Social Security Number XXX-XX-0593

Present Owner _____ Phone () _____

Mailing Address _____

Attorney Representing Applicant Michael J. Convery, Esq. _____

Firm Name Michael J. Convery, LLC Phone () (732) 945-3620

Mailing Address 1161 Broad Street, Suite 318, Shrewsbury, N. J. 07702 _____

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

Name Peter Steck, PP Phone () (973) 762-6568 _____

Mailing Address 80 Maplewood Avenue, Maplewood, New Jersey 07040 _____

Interest of Applicant if other than Owner: Appellant is the owner of adjacent property _____
located at 21 Poplar Avenue, Deal, New Jersey

STATEMENT OF LANDOWNER WHERE THE APPLICANT IS NOT THE LANDOWNER

Property that is the subject of this appeal under N.J.S.A. 40:55D-70 a. and b. is
Located at 15 Poplar Avenue, Deal, New Jersey
and on the Tax Maps designated as Block 13, Lots 11.01
and is owned by Nathalie Vilinsky.



Signature of ~~Owner~~ Appellant

Name Richard Dweck

Address 21 Poplar Avenue, Deal, New Jersey 07723

Phone () (917) 495-2970

8. Application for (check appropriate):

- Variance Yes No
- Use Variance Yes No
- Interpretation / Appeal 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: 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):
 Appellant is the owner of the adjacent Lot 10.01 in Block 13.
 The property that is the subject of the appeal is owned by Nathalie Vilinsky
 and is 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? | (X) | () |
| Driveway for adjacent Lot 7 in Block 13
burdens the subject property. | | |

<p>Does the applicant ^{appellant} 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:</p>	<p>Yes</p> <p>(X)</p>	<p>No</p> <p>()</p>
--	-------------------------	----------------------

Appellant owns adjacent Lot 10.01 in Block 13.

<p>Is the application for a new building or an undeveloped lot? "</p>	<p>(X)</p>	<p>()</p>
---	--------------	------------

* New dwelling proposed on Lot 11.01 to replace existing dwelling.

<p>Is the application for additional buildings or improvements to a lot having existing buildings or improvements?</p>	<p>N.A. ()</p>	<p>()</p>
--	-----------------	------------

<p>Is the application for a new tenant or new occupant of an existing building?</p>	<p>N.A. ()</p>	<p>()</p>
---	-----------------	------------

<p>Is there a previously approved site plan for this property? If so attach an approved copy.</p>	<p>N.A. ()</p>	<p>()</p>
---	-----------------	------------

<p>Has there been any previous appeal involving this property? If so, state character of appeal and date of disposition.</p>	<p>(X)</p>	<p>()</p>
--	--------------	------------

In 2019 Nathalie Vilinsky submitted an application to the Deal Planning Board to demolish an existing dwelling on Lot 11.01 and construction a new dwelling with a request for bulk variance relief.

No decision was rendered by the Planning Board. In June of 2020 Richard Dweck filed an appeal to the zoning determination of Stephen Carasia that a permit be issued for the construction of a new dwelling on Lot 11.01. The property owner withdrew the permit request. In April of 2022, Richard Dweck filled an appeal to the issuance of a building permit for a new dwelling on Lot 11.01 which appeal is still pending.

12. It this a corner lot? No.

If no, distance from nearest intersection

Is 344 feet west of Ocean Avenue.

13. Lot Dimensions:
Existing

Zoning Requirements

Frontage	100 ft.	150 ft.
Depth	344 ft.	125 ft.
Area	50,018 sq.ft.	18,750 sq.ft.
	1.148 acres	0.43 acres

14. Subject Building Location
Show minimum distance to

Zoning Requirements

Front Lot Line	50 ft.	50 ft.
Side Lot Line	20 ft.	20% of lot width ft.
Rear Lot Line	26.5 ft.	20% or depth or 50 ft.

15. Size of Buildings:

Front Width 53.5 ft.; Depth 125 ft.; Height 42 ft.

16. Lot Coverage (Impervious) 39.52 % Zoning Requirement 40.0 %

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

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

Lot 11.01 includes a non-accessory driveway serving the home on the adjacent Lot 7
which results in two principle uses on Lot 11.01, with the non-accessory driveway
being classified as a non-permitted use.

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

APPEALS

(If applicable)

19. Brief Narrative of Proposed Appeal:

Appellant is seeking an appeal under N.J.S.A. 40:55D-70a alleging that Zoning Administrative Officer Stephen Carasia in his September 6, 2022 Zoning Plan Review (See Attachment A) made errors in not identifying the variances, waivers, exceptions or other items of relief associated with the authorization of a zoning permit for a new single-family residence and pool at 15 Poplar Avenue.

Appellant 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, pool and other improvements at 15 Poplar Avenue.

Inadequate lot frontage per Section 30-48

Sports court and dwelling violate front setback.

Upper level open roof deck.

Intensification on nonconforming condition (non-accessory driveway)

Improvements proposed within floodway (Ordinance 19-4.4-2(c)).

Parking extends into front yard.

Any other item of relief or completeness that may be determined during the course of the proceedings.

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

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

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

September 22, 2022

Date

By 
Signature of Applicant Appellant

Attachment A

BOROUGH OF DEAL

190 Norwood Avenue - P.O. Box 56
DEAL, NEW JERSEY 07723

Samuel M. Cohen, Mayor
Department of Public Affairs and Public
Safety

Morris Ades, Commissioner
Department of Revenue and Finance

David Simhon
Department of Public Works and Beaches



Stephen R. Carasia
Borough Clerk / Administrator
(732) 531-1454 Fax (732) 531-1705

ZONING PLAN REVIEW

Date: 09/06/2022

Project Location: 15 POPLAR AVE

Block / Lot: 13 / 11.01

Description of Work: New Single Family home with pool and sport court

From: Stephen Carasia

We have received a submission of your zoning application in conjunction with the above referenced project. We reviewed the application for compliance with the ordinances and regulations of the Borough of Deal. The following plan(s) was submitted as follows:

A plot plan submitted by Matrix New World Engineering Land Surveying and Landscape Architecture, P.C., dated September 23, 2021, with the ^{Bullets} best revisions dated August 1, 2022.

An Architectural submitted BOPIN Architecture & Design, P.C., dated November 30, 2021.

The above information is found to be acceptable as submitted and the zoning permit is approved.

If you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

