

## **BOROUGH OF DEAL**

### **PLANNING BOARD/BOARD OF ADJUSTMENT MINUTES**

**October 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: Mandy Cohen, Sam Cohen, Kathleen Jannarone, Jack Kassin, David Simhon

Those Absent: Ruby Antebi, Joe Cohen, Nicole Cohen, Richard Cummings, Max Zeevi

A motion was made by David Simhon and seconded by Kathleen Jannarone that the minutes of the September 6, 2022 meeting be adopted.

Moved by: David Simhon

Seconded by: Kathleen Jannarone

### **ROLL CALL VOTE**

Those in favor: Kathleen Jannarone, David Simhon

Those opposed: None

Those absent: Ruby Antebi, Joe Cohen, Nicole Cohen, Richard Cummings, Max Zeevi

Those not voting: Mandy Cohen, Sam Cohen, Jack Kassin

The first item on the agenda is the adoption of the Resolution for 2 Stratford Place, Block 41, Lot 1.01, Ralph and Rose Nakash approved at the September 6, 2022 meeting.

### **RESOLUTION**

Whereas, Ralph and Rose Nakash, the record owner of the property located at 2 Stratford Place, Block 41, Lot 1.01, Borough of Deal on the official tax map of the Borough of Deal which premises is located in the R-2 zone has applied to Deal Planning Board of a minor subdivision creating two lots, Lot 1.02 and Lot 1.03 and variance relief.

The applicant is proposing a minor subdivision, creating two lots, Lot 1.02 and Lot 1.03. The proposed Lot 1.02 will measure approximately 150 feet in width along Stratford Place and 200 feet in depth, which will be a conforming lot. The other proposed lot 1.03 will measure 125 feet in width and approximately 151 feet in depth, which will be a non-conforming lot. 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.

The proposed improvements require Planning Board approval.

A hearing was held in connection with this matter on August 3, 2022 and September 6, 2022.

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.
3. The Applicant presented the testimony of Keith Smith, a New Jersey licensed engineer and, Lianna Napolitan, a licensed architect.
4. The Applicant presented the following exhibits:

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

A-7 Color rendering Corner

A-8 Color Rendering Straight on

A-9 Color Rendered Plot Plan

A-10 Garage Front Photo

A-11 Height Exhibit Final

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

B-2 Affidavit by Nicole Cohen of listening to prior meeting testimony

B-3 Affidavit by Richard Cummings of listening to prior meeting testimony

5. The property, Lot 1.01, Block 41 has a total area of 49,193 square feet. The property is a corner lot and is located on the southwest corner of the intersection of Roseld Avenue and Stratford Place.
6. The current existing lot measures approximately 150 feet in width and 325 feet in depth with a two-story dwelling and detached garage on the lot.
7. The current Lot 1.01 was formally Lots 1 and 2 in Block 41. Both former lots were conforming in lot area, lot width, and lot depth.
8. The Applicant is proposing a minor subdivision, creating two (2) lots. The proposed lot 1.02 will measure approximately 150 feet in width along Stratford Place and 200 feet in depth, which will be a conforming lot. The other proposed Lot 1.03 will measure 125 feet in width and approximately 151 feet in depth, which will be a non-conforming lot.
9. The Applicant is proposing a single-family dwelling with swimming pool, pool patio, cabana, and driveway on proposed Lot 1.02. One proposed Lot 1.03 nothing is shown to be constructed as part of this application.
10. The Applicant proposes to make the corner lot bigger and the interior lot smaller. This is consistent with reasonable planning as the house constructed on the corner lot will be consistent with other houses in the neighborhood. Additionally, from a planning perspective the corner lot should be one of the larger lots on the block as it will have two front yards which creates a smaller area to construct a home. This planning technique is utilized in towns such as Fair Haven, Little Silver and Rumson.
11. By creating a larger corner lot and smaller interior lot, the character of the neighborhood is maintained, any home constructed on Lot 1.03 will be smaller and therefore consistent with the size of home on similar sized lots.
12. The Applicant's Engineer testified that in his opinion the proposed subdivision was the best planning alternative for the neighborhood.
13. The Applicant's Architect testified that the proposed Porte-Cochere would allow for

one car and would be smaller in size than a front covered porch on a similar house.

14. The Applicant's Architect testified that the proposed attached one story portion of the house needing setback relief would be used just for storage.
15. The Applicant's Architect testified that the foliage on the renderings accurately reflected the currently existing foliage /greenery on site.
16. The Applicant acknowledged that if they, or future property owners came to the Board to build on Lot 1.03 and needed variance relief, they would have to acknowledge a self-created hardship as they created the sub-division.
17. The minimum lot area permitted is 150 feet. Currently existing is 43,670 square feet, which conforms. Applicant proposes 30,326 square feet for Lot 1.02 and 18,897 square feet for Lot 1.03, which conforms.
18. The minimum lot frontage permitted is 10 feet. Currently existing is greater than 150 feet, which conforms. Applicant proposes 150.86 feet for Lot 1.02, which conforms. Applicant proposes 125 feet for Lot 1.03, **a variance is required.**
19. The minimum lot width permitted is 150 feet. Currently existing is greater than 150 feet, which conforms. Applicant proposes 150.89 feet for Lot 1.02, which conforms. Applicant proposes 125 feet for Lot 1.03, **a variance is required.**
20. The minimum lot depth permitted is 125 feet. Currently existing is 325 feet, which conforms. Applicant proposes 200 feet for Lot 1.02 and 151.1 feet for Lot 1.03, both conform.
21. The minimum front yard setback permitted to a dwelling along Stratford Place is 27.3 feet. Applicant proposes 24.9 feet for Lot 1.02, **a variance is required.**
22. The minimum front yard setback permitted along Roseld Avenue is 49.7 feet. Applicant proposes 50 feet for Lot 1.02, which conforms.
23. The minimum side yard setback permitted for Lot 1.02 is 30.2 feet and for Lot 1.03 is 25 feet. Applicant proposes 10.4 feet for Lot 1.02, **a variance is required.**
24. The minimum rear yard setback permitted is 40 feet for Lot 1.02 and 30.2 feet for Lot 1.03. Applicant proposes 41.1 feet for Lot 1.02, which conforms.
25. The maximum building height permitted is 28 feet measured from the top of the street curb at a distance of no closer than 50 feet from the front property line. For each additional foot beyond 50 feet from the front property line, the maximum building height may be increased by one foot above 28 feet, not to exceed a maximum height of 42 feet from the top of the street curb. The Applicant is proposing a building height of less than 28 feet from the top of the curb, at a setback of 50 feet from Roseld Avenue Right of Way. This building height conforms. The proposed building height at 64 feet from the Right of Way is 40.5 feet, which conforms. The Applicant is proposing a building height of less than 28 feet from the top of the curb at the proposed setback of 24.9 feet from Stratford Place. The building height to be measured from a distance no closer than 50 feet from the front property line. The building height at the 50 foot setback exceeds 28 feet, **a variance is required.**
26. The maximum building height at 64 feet from the right of way is 42 feet. Applicant proposes 40.5 feet for Lot 1.02, which conforms.
27. The maximum building coverage permitted is 20%. Applicant proposes 19.82% for Lot 1.02, which conforms.
28. The maximum impervious coverage permitted is 40%. Applicant proposes 39.4% for Lot 1.02, which conforms.
29. The minimum side yard setback to a pool permitted is 30 feet. Applicant proposes 31.2 feet, which conforms.
30. The minimum rear yard setback to a pool permitted is 30 feet. Applicant proposes 51.2 feet, which conforms.
31. The minimum side yard setback to a cabana permitted is 10 feet. Applicant proposes 22.6 feet, which conforms.
32. The minimum rear yard setback to a cabana permitted is 10 feet. Applicant proposes 18 feet, which conforms.

33. The maximum building height for an accessory use permitted is 18 feet. Applicant proposes 18 feet, which conforms.

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 6<sup>th</sup> day of September 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 letters July 28, 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: Mandy Cohen

Seconded by: Ruby Antebi

#### ROLL CALL VOTE

Those in favor: Ruby Antebi, Nicole Cohen, Richard Cummings, David Simhon

Those opposed: Kathleen Jannarone

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

Those not voting: None

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal in the 3<sup>rd</sup> day of October, 2022 that the Resolution of be adopted.

Moved by: David Simhon

#### ROLL CALL VOTE

Those in favor: David Simhon

Those opposed: None

Those absent: Ruby Antebi, Joe Cohen, Nicole Cohen, Richard Cummings, Max Zeevi

Those not voting: Mandy Cohen, Sam Cohen, Kathleen Jannarone, Jack Kassin

