

BOROUGH OF DEAL

PLANNING BOARD/BOARD OF ADJUSTMENT MINUTES

January 4, 2023

A regular virtual meeting of the Planning Board/Board of Adjustment of the Borough of Deal was called to order by Planning Board Attorney Erik Anderson. This meeting is the Re-organization of the Deal Planning / Zoning Board.

FOLLOWING THE SALUTE TO THE FLAG, the Board Secretary read the following 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: Mr. Antebi, Mr. J. Cohen, Mrs. Jannarone, Commissioner Simhon, Mrs. Mayime

Those Absent: Mr. Cummings, Mrs. M Cohen, Mrs. N Cohen, Mayor Cohen, Mr. Kassin, Mr. Zeevi

CORRESPONDENCE - None

MINUTES -

A motion was made by Commissioner Simhon and seconded by Mr. Joe Cohen that the minutes of the December 7, 2022 meeting hereby be approved as presented.

ROLL CALL VOTE

Ayes: Mr. Antebi, Mr. J. Cohen, Mrs. Jannarone, Commissioner Simhon,

Nays: None

Abstain: Mrs. Mamiye

Absent: Mr. Cummings, Mrs. M Cohen, Mrs. N Cohen, Mayor Cohen, Mr. Kassin, Mr. Zeevi

NEW BUSINESS –

Mr. Anderson opened up for nominations for Board Chairman. Commissioner Simhon nominated Mr. Richard Cummings, seconded by Mr. J. Cohen.

ROLL CALL VOTE

Ayes: Mr. Antebi, Mr. J. Cohen, Mrs. Jannarone, Commissioner Simhon, Mrs. Mamiye

Nays: None

Abstain: None

Absent: Mr. Cummings, Mrs. M Cohen, Mrs. N Cohen, Mayor Cohen, Mr. Kassin, Mr. Zeevi

Mr. Anderson opened up for nominations for Board Vice-Chair. Mrs. Jannarone nominated Mr. Joe Cohen, seconded by Mr. Antebi.

ROLL CALL VOTE

Ayes: Mr. Antebi, Mr. J. Cohen, Mrs. Jannarone, Commissioner Simhon, Mrs. Mamiye

Nays: None

Abstain: None

Absent: Mr. Cummings, Mrs. M Cohen, Mrs. N Cohen, Mayor Cohen, Mr. Kassin, Mr. Zeevi

Mr. Anderson opened up for nominations for Board Attorney. Mr. J. Cohen nominated Mr. Erik Anderson, seconded by Commissioner Simhon.

ROLL CALL VOTE

Ayes: Mr. Antebi, Mr. J. Cohen, Mrs. Jannarone, Commissioner Simhon, Mrs. Mamiye
Nays: None
Abstain: None
Absent: Mr. Cummings, Mrs. M Cohen, Mrs. N Cohen, Mayor Cohen, Mr. Kassin, Mr. Zeevi

Mr. Anderson opened up for nominations for Board Secretary. Commissioner Simhon nominated Mr. Stephen Carasia, seconded by Mrs. Jannarone.

ROLL CALL VOTE

Ayes: Mr. Antebi, Mr. J. Cohen, Mrs. Jannarone, Commissioner Simhon, Mrs. Mamiye
Nays: None
Abstain: None
Absent: Mr. Cummings, Mrs. M Cohen, Mrs. N Cohen, Mayor Cohen, Mr. Kassin, Mr. Zeevi

The floor was turned over to Mr. J. Cohen, Vice-Chair to continue the meeting. A motion was made by Mrs. Jannarone, seconded by Commissioner Simhon to adopt the following resolution:

RESOLUTION 23-01

WHEREAS, in accordance with the Open Public Meetings Act, Chapter 231 P.L. 1975, it is necessary for the Planning/Zoning Board of Adjustment of the Borough of Deal, as a public body to post and maintain a schedule of the regular meetings of the public body to be held during the years; and,

WHEREAS, the Planning/Zoning Board of Adjustment of the Borough of Deal will maintain the following regular meeting dates from February 2023 to January 2024 as follows:

February 28, 2023
March 28, 2023
April 25, 2023
May 23, 2023
June 27, 2023
July 25, 2023
August 22, 2023
September 26, 2023
October 24, 2023
November 28, 2023
December 26, 2023
January 23, 2024

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of Adjustment of the Borough of Deal, County of Monmouth, State of New Jersey that it does hereby adopt the meeting schedule of the Planning/Zoning Board of Adjustment as noted above.

BE IT FURTHER RESOLVED that with the utmost concern for the health and safety of the public and our municipal staff due to the potential spread of the COVID-19 virus, it is necessary that the Borough of Deal take proactive measures. The health and safety of our community remains our number one priority

BE IT FURTHER RESOLVED that the Board of Commissioners of the Borough of Deal will hold these meetings allowing the public to remotely access the public meeting due to the Municipal Building being closed to the public. Utilize the following call-in information:

<https://zoom.us/j/96945438931>

Meeting ID: 969 4543 8931

Passcode: 775069

Phone:

Call # 1-646-558-8656

Meeting ID/PIN: 969 4543 8931

Passcode: 775069

The Preliminary Agenda will be available on the Borough's website, www.dealborough.com, 72 hours prior to the start of the meeting. The public may participate during public comment when the Chairman or his designee opens the meeting to the public. The public may also provide comments via electronic mail or in writing 24 hours prior to the meeting to be read during the public comment portion of the meeting. These comments can be sent to deputyclerk@dealborough.com, mailed or hand delivered to Borough Hall, 190 Norwood Avenue, Deal, NJ 07723 24 hours prior to the meeting.

ROLL CALL VOTE

Ayes: Mr. Antebi, Mr. J. Cohen, Mrs. Jannarone, Commissioner Simhon, Mrs. Mamiye

Nays: None

Abstain: None

Absent: Mr. Cummings, Mrs. M Cohen, Mrs. N Cohen, Mayor Cohen, Mr. Kassin, Mr. Zeevi

OLD BUSINESS –

RESOLUTIONS – None

Continued from the December 7, 2022 meeting

A. 15 Poplar Avenue, Block 13, Lot 11.01 (Zoning Appeal)

An application for zoning appeal was received regarding the zoning approval for 15 Poplar Avenue. Mr. Steven Ward, representing the homeowners of 15 Poplar would cross-examine Peter Steck on his testimony from the previous meeting. Mr. Ward questioned Mr. Steck on his Exhibit AP-5. Mr. Ward

Mr. Anderson asked for any questions from the public, planning board members, Mr. Convery or Mr. Bazzarro for Mr. Steck. No questions were received.

Mr. Convery stated that he had no other witnesses.

Mr. Anderson asked Mr. Ward if he would be calling Mr. Avakian or his owner professional to testify. Mr. Ward indicated that he would be calling his professional. Mr. Anderson as Board Attorney indicated that Mr. Peter Avakian, Borough Engineer should provide comments to the Board on the approving of the zoning application. Mr. Convery, Mr. Ward and Mr. Bazzarro stated they were ok with Mr. Avakian's testimony.

The following Exhibit was marked into evidence:

B-1: Slide presentation submitted by Leon S. Avakian Inc, Engineer, no date, consisting of 9 pages.

Mr. Avakian testified to the pages of his exhibit and concluded his testimony.

Mr. Convery cross examined Mr. Avakian on his testimony and Exhibit B-1.

Mr. Bazzarro, Attorney for 5 Poplar Avenue, cross examined Mr. Avakian. Mr. Convery had one follow up question of Mr. Avakian.

Mr. Anderson asked if Mr. Ward if he had any questions for Mr. Avakian, which he stated he did not. Mr. Anderson asked if any Board members had any questions for Mr. Avakian, Mr. Joe Cohen asked Mr. Avakian questions about the driveway which has an

easement for the neighbor of 5 Poplar Avenue. Mr. Bazzurro had follow up questions for Mr. Avakian.

No other questions were proposed to Mr. Avakian.

Mr. Anderson asked Mr. Ward if he had any witnesses to testify.

R-1: 1953 Filed Map #16-28 Recorded with the Monmouth County Clerk on February 24, 1953.

R-2: 1953 Deed in the Monmouth County Deed Book 2405 page 219 recorded March 5, 1953.

R-3: Borough of Deal Ordinance 1084

R-4: Borough of Deal Ordinance 1257

R-5: Borough of Deal Ordinance 892

R-6: Borough of Deal Ordinance 868

Mr. Ward called Andrew Janiw, Planner, and was sworn in and accepted as an expert witness as a professional planner. Mr. Janiw testified to the exhibits submitted by Mr. Ward.

Mr. Anderson asked Mr. Convery if he had any questions for Mr. Janiw. Mr. Convery cross examined Mr. Janiw on his testimony and Exhibits submitted by Mr. Ward.

Mr. Anderson asked Mr. Bazzurro if he had any questions for Janiw. Mr. Bazzurro cross examined Mr. Janiw on his testimony and Exhibits submitted by Mr. Ward.

Mr. Anderson asked if there were any questions from the Board Members or the public for Mr. Janiw. No questions were posed.

Mr. Joe Cohen asked Mr. Anderson questions about this proceeding and coming up with a point to end this meeting and potentially if a vote is not going to be taken at this meeting that a special meeting be set up.

Mr. Convery called Mr. Steck to re-direct. Mr. Anderson stated that this is not typically done, but if Mr. Steck does not re-iterate his prior testimony, Mr. Anderson would allow. Mr. Ward and Mr. Bazzurro agreed with Mr. Anderson.

Mr. Steck added additional testimony. Mr. Anderson asked Mr. Ward if he had any questions for Mr. Steck. Mr. Ward did cross examine Mr. Steck.

Mr. Anderson asked Mr. Bazzurro, any Board Members or the public for Mr. Steck, no questions were proposed.

Mr. Anderson stated that this would be a good time to conclude the meeting for tonight and will set up a special meeting with the attorneys and then with the Planning Board members.

Mr. Anderson asked Mr. Convery if he is completed with witnesses. Mr. Convery stated "I'm done".

Mr. Anderson asked Mr. Ward if he is completed with witnesses. Mr. Ward stated "yes".

Mr. Anderson asked Mr. Bazzurro if he is completed with witnesses. Mr. Bazzurro stated "yes".

Mr. Anderson closed the portion of presenting facts and witness. Mr. Anderson stated next the next meeting would be public comments, followed by Attorney closing statements, followed by Board deliberations followed by action by the Board.

Mr. Anderson asked Mr. Convery to notice for the next meeting that will be determined as a special meeting.

There being no further business, Mr. Joe Cohen made a motion to adjourn, seconded by Commissioner Simhon, and the meeting finally adjourned at 9:35 pm.

Stephen Carasia
Board Secretary