

**BOROUGH OF DEAL**

**PLANNING BOARD/BOARD OF ADJUSTMENT MINUTES**

**February 28, 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.

FOLLOWING THE SALUTE TO THE FLAG, Stephen Carasia, 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: Mrs. Jannarone, Vice Chair J. Cohen, Chair Cummings, Commissioner Simhon, Mayor Cohen

Those Absent: Mr. Antebi, Mrs. M Cohen, Mrs. N Cohen, Mr. Kassin, Mrs. Mamiye, Mr. Zeevi

**MINUTES -**

A motion was made by Vice Chair J. Cohen and seconded by Mrs. Jannarone that the minutes of the February 7, 2023 meeting hereby be approved as presented.

**ROLL CALL VOTE**

Ayes: Mrs. Jannarone, Vice Chair J. Cohen, Commissioner Simhon

Nays: None

Absent: Mr. Antebi, Mrs. M Cohen, Mrs. N Cohen, Mr. Kassin, Mrs. Mamiye, Mr. Zeevi

Those Not Voting: Chair Cummings, Mayor Cohen

**CORRESPONDENCE - None**

**RESOLUTIONS-**

Planning Board Attorney Erik Anderson moved Resolution- 15 Poplar Avenue-Zoning Appeal, to the March 28, 2023 meeting.

**OLD BUSINESS- None**

**NEW BUSINESS-**

A. Address: 8 Lakeview Road, Block 50 Lot 1

Applicant: Joey Bawabeh

Attorney: Jennifer Krimko

Description: Applicant is proposing renovations and additions to the principal dwelling with an in-ground swimming pool and no patio for the pool. Applicant is also removing a portion of the driveway.

Attorney for the applicant, Jennifer Krimko, entered into evidence:

A-1 Survey Charles Surmonte Dated 5/20/22

A-2 Architectural Plan Feltz Collins Architecture Dated 2/2/23

A-3 Color Rendering

A-4 Aerial Photograph

A-5 Color Plot Plan

B-1 Engineer Letter

Dave Collins was submitted as an expert by Jennifer S. Krimko, Esq..

Chair Cummings accepted him as an expert.

Dave Collins provided expert testimony explaining the existing conditions versus the proposed conditions and verified they are building within the setbacks that are here currently today. He further explained the lot is 65' wide, which proposes a challenge with 30' setbacks for the pool, but they are providing a 30' wide setback on the west side, 30' wide setback on the south side to the rear and are proposing a setback of 20' 2.5" on the east side. As well, he explained they are seeking a waiver for grating around the pool.

Vice Chair J. Cohen stated he is concerned regarding the proposed 20' 2.5" setback, not being enough.

Mrs. Jannarone concurred with Vice Chair J. Cohen about the setback not being enough and suggested for the size of the pool to be reduced as 30' setback is required.

Chair Cummings suggested reducing the size of the pool and moving it to the 30' area.

Commissioner Simhon suggested reducing the size of the pool and centering it in the rear.

Mayor Cohen concurred with Commissioner Simhon, stating even though it is then two variances, it will only be a small amount.

Mrs. Jannarone agreed with Mayor Cohen and Commissioner Simhon.

Dave Collins responded he is okay with that proposed change.

Jennifer S. Krimko, Esq. responded she will amend the application to reduce the pool to a 10' width and center it, and add a fence around the pool. As well, she stated she will provide the new setbacks to Erik Anderson, Planning Board Attorney, before the next hearing.

Chair Cummings opened the session for public comment from the neighbors. There was none.

Mrs. Jannarone made a motion to approve the application as amended, seconded by Commissioner Simhon, and moved unanimously by all members present.

Moved by: Mrs. Jannarone  
Seconded by: Commissioner Simhon

#### ROLL CALL VOTE

Those in favor: Mrs. Jannarone, Chair Cummings, Vice Chair J. Cohen, Commissioner Simhon, Mayor Cohen

Those opposed: None

Those absent: Mr. Antebi, Mrs. M Cohen, Mrs. N Cohen, Mr. Kassin, Mrs. Mamiye, Mr. Zeevi

Those not voting: None

#### B. Address: 110 Monmouth Drive, Block 13 Lot 11.01

Applicant: 110 Monmouth Dr. LLC

Attorney: Jennifer Krimko

Description: Applicant is proposing an in-ground swimming pool with a new driveway. The applicant is proposing to remove the detached garage.

Attorney for the applicant, Jennifer Krimko, entered into evidence:

A-1 Survey Revised

A-2 Plot Plan Revised

A-3 Color Rendered Plot Plan

B-1 Engineers Review Dated 2/1/23

Jennifer Krimko, Esq. explained the proposed layout of having the pool be in line with the house and to hide the pool with use of scrubs from the front of the property. She further explained the proposed pool meets the side yard and rear yard setback requirements.

Patrick Ward was submitted as an expert by Jennifer S. Krimko, Esq.

Chair Cummings accepted him as an expert.

Patrick Ward provided expert testimony explaining what is nonconforming, which includes the detached garage and back fence, and how they are going to rectify that. As well, he explained the front yard setback for the pool is proposed at 26.86', and the setback to the house to the front porch is a few feet more than the pool.

Jennifer Krimko, Esq. explained the only relief they are requesting is regarding the front yard setback.

Chair Cummings suggested the pool to be moved back 4'.

Mrs. Jannarone suggested reducing the pool size, and then be a 46' setback from the front yard.

Jennifer S. Krimko, Esq. responded she will amend the application to move the pool to 10' from the rear of the property and meet the 50' setback from the front. As well, as move the pool equipment to be 2' from the rear of the property.

Chair Cummings opened the session for public comment from the neighbors. There was none.

Vice Chair J. Cohen made a motion to approve the application as amended, seconded by Commissioner Simhon, and moved unanimously by all members present.

Moved by: Vice Chair J. Cohen

Seconded by: Commissioner Simhon

#### ROLL CALL VOTE

Those in favor: Mrs. Jannarone, Chair Cummings, Vice Chair J. Cohen, Commissioner Simhon, Mayor Cohen

Those opposed: None

Those absent: Mr. Antebi, Mrs. M Cohen, Mrs. N Cohen, Mr. Kassin, Mrs. Mamiye, Mr. Zeevi

Those not voting: None

#### C. Address: 68 Runyan Avenue, Block 35 Lot 24

Applicant: Selim & Pauline Dushey

Attorney: N/A

Description: Applicant proposes converting the detached garage to a cabana, an in-ground swimming pool, pool patio and terrace with basement.

Chair Cummings recused himself from this hearing due to conflict of interest.

Applicant approved the Planning Board of four members was sufficient to move forward with tonight's hearing.

Planning Board Attorney Erik Anderson swore in the applicants.

Mike Savarese, Architect/Planner entered into evidence:

A-1 Architecture Drawings Dated 2/2/23

A-2 Grading Plan Dated 1/13/23

A-3 Appraisal Survey Dated 12/7/20

B-1 Review Letter Dated 2/15/23

Planning Board Attorney Erik Anderson swore in Mike Savarese, Architect/Planner.

Mike Savarese was submitted as an expert by Erik Anderson.

Vice Chair J. Cohen accepted him as an expert.

Mike Savarese provided expert testimony explaining the three parts of the application. 1. The installation of a pool in the center of the lot, which conforms with 30' setback from rear, and 2 sides. 2. The removal of a wood deck and build a terrace/ basement. 3. Convert detached garage to a cabana. He further explained the main reason they are before the board is to get approval to build out the basement and be approved for the building variance coverage for that.

Commissioner Simhon asked for the dimensions of the proposed basement addition.

Mike Savarese responded approximately 770 square feet which will contain livable space within it.

Vice Chair J. Cohen commented the new addition is okay, but there should be a stipulation that the other parts of the basement will not be used for any use that is not allowed under the code.

Erik Anderson opened the session for public comment from the neighbors. There was none.

Mike Savares responded he will amend the application with moving the pool over, move the pool equipment, and grade the access road.

Commissioner Simhon made a motion to approve the application as amended, seconded by Vice Chair J. Cohen, and moved unanimously by all members present.

Moved by: Commissioner Simhon

Seconded by: Vice Chair J. Cohen

#### ROLL CALL VOTE

Those in favor: Mrs. Jannarone, Vice Chair J. Cohen, Commissioner Simhon, Mayor Cohen

Those opposed: None

Those absent: Mr. Antebi, Mrs. M Cohen, Mrs. N Cohen, Mr. Kassin, Mrs. Mamiye, Mr. Zeevi

Those not voting: Chair Cummings

#### D. Borough of Deal, Block 89, Lot 1, Minor Subdivision.

Erik Anderson, provided background, explaining the town is trying to create a minor subdivision for a portion of Lot 1 in Block 89 along the municipal beachfront, extending from Long Branch on the north to Allenhurst on the south. The subdivision will be located at the Neptune Avenue street end to allow public access entry to the beachfront.

Mrs. Jannarone made a motion to approve the application for subdivision, seconded by Vice Chair J. Cohen, and moved unanimously by all members present.

Moved by: Mrs. Jannarone

Seconded by: Vice Chair J. Cohen

#### ROLL CALL VOTE

Those in favor: Mrs. Jannarone, Chair Cummings, Vice Chair J. Cohen

Those opposed: None

Those absent: Mr. Antebi, Mrs. M Cohen, Mrs. N Cohen, Mr. Kassin, Mrs. Mamiye, Mr. Zeevi

Those not voting: Commissioner Simhon, Mayor Cohen

There being no further business, a motion to adjourn was made at 8:41 P.M. by Vice Chair J. Cohen, seconded by Chair Cummings, and moved unanimously by all members present.

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Stephen Carasia  
Board Secretary