

**BOROUGH OF DEAL
PLANNING BOARD**

RESOLUTION No. 9-24-24 (1)

Whereas, Jack and Sarah Cayre, are the record owners of the property and have applied to the Planning Board of the Borough of Deal for variances for the premises located at 11 Marine Place, Borough of Deal and known as Block 56, Lot 2 on the official tax map of the Borough of Deal which premises are located in both the R-1 zone.

The Applicant previously received approval for a second story addition to the rear of the dwelling on May 5, 2016. The Applicant is proposing a three-story addition to the rear of the dwelling, with a proposed pool house and proposed inground pool

The proposed improvements require Planning Board approval.

A hearing was held in connection with this matter on July 30, 2024.

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 following exhibits:

A-1	Application dated 7/11/24;
A-2	Survey dated 4/5/23;
A-3	Plot plan dated 7/11/24;
A-4	Architectural plans dated 7/11/24;
A-5	Notice of hearing;
A-6	Photograph of gym structure and swing set;
A-7	Photograph of street looking northeast;
A-8	Rendering of proposed project;
A-9	Aerial view/color rendered plot plan;
A-10	Close up color rendering of plot plan;
B-1	Engineer Technical Review letter dated 7/16/24
4. The property has a total area of 30,834 square feet.
5. The existing lot contains a single-family dwelling with a detached garage.
6. The Applicant received approval on May 5, 2016, for a second story addition to the rear of the dwelling.
7. The Applicant is proposing a three-story addition to the rear of the dwelling, with a proposed pool house and proposed inground swimming pool.
8. The minimum permitted front yard setback is 50 feet. Currently existing is 41.36 feet, which is nonconforming. No change is proposed.
9. The minimum permitted side yard setback to the principal dwelling is 41.05 feet. Currently existing is 125 feet to the east which conforms and 14.73 feet to the west which does not conform. Applicant proposes a west side setback of 30 feet to the addition which does not conform and therefore requires variance relief. However, the minimum side yard setback remains at the existing 14.73 feet. No change is

proposed.

10. The maximum building coverage permitted is 20%. Currently existing is 12.38%, which conforms. Applicant proposes 19.89% which conforms.
11. The maximum impervious coverage permitted is 40%. Currently existing is 38.99%, which conforms. Applicant proposes 55.25%. Applicant has agreed to reduce the size of the pool house by 200 square feet and provide revised plans to reflect the impervious coverage with this change. The new approved impervious coverage is 54.6%. **A variance is required.**
12. The minimum rear yard setback to a pool permitted is 30 feet. Applicant proposes 81.58 feet, which conforms.
13. The maximum building height permitted is 42 feet. Currently existing is 29.67 feet, which conforms. Applicant proposes 35.42 feet, which conforms.
14. The minimum permitted side yard setback for a garage is 10 feet. Currently existing is 8.07 feet, which does not conform. No change is proposed.
15. The minimum permitted rear yard setback for a garage is 10 feet. Currently existing is 2.14 feet, which does not conform. No change is proposed.
16. The minimum permitted side yard setback for a pool is 30 feet. Applicant proposes 62.11 feet, which conforms.
17. No portion of a swimming pool, a swimming pool area, accessory, or fence shall occupy any portion of a front yard. The proposed swimming pool setback is 50 feet from Marine Place right-of-way line, which conforms. The Applicant is proposing a pool patio in the front yard. **A variance is required.**
18. The pool equipment is permitted in the rear yard only and shall have a minimum side and rear yard setback of 10 feet. The Applicant is proposing the pool equipment in the front yard and is setback 9.76 feet from Marine Place right-of-way. **A variance is required.**
19. The maximum permitted height of a fence in the front yard is 3 feet measured from the ground level. The Applicant is proposing a fence height of 4 feet. **A variance is required.**
20. The minimum permitted side yard setback for a pool house is 30 feet. Applicant proposes 37.54 feet, which conforms.
21. The minimum permitted rear yard setback for a pool house is 10 feet. Applicant proposes 114.22 feet, which conforms.
22. No portion of a swimming pool, a swimming pool area, accessories, or fence shall occupy any portion of a front yard. The Applicant is proposing a pool house in the front yard. **A variance is required.**
23. Ordinance section 30-86.6 provides that all front yards must remain open and unoccupied except that a paved driveway not to exceed 20 feet in width shall be permitted, provided that it does not cover in excess of 35% of the required front yard area. An open porch which may project the maximum of 10 feet into the required front yard is also permitted. The proposed air conditioning unit is in the front yard and is setback 11.5 feet from the Marine Place right-of-way. The air conditioning unit is not permitted in the front yard area. **A variance is required.**
24. Applicant shall provide architectural plans for the pool house, which confirm that a roof top deck is not being proposed.

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 30th day of July 2024 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 with those applicable terms and conditions of the Leon S. Avakian 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, including any revisions made to said plans which are approved by the Board professionals in conjunction with resolution compliance. 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.
- (8). Any and all outstanding escrow fees shall be paid in full and the escrow account shall be replenished to the level required by ordinance within 30 days of adoption of the resolution, within 30 days of written notice that a deficiency exists in the escrow account, prior to signing the site plan/plans, prior to the issuance of a zoning permit, prior to the issuance of construction permits and prior to the issuance of a temporary and/or permanent certificate of occupancy, completion and/or compliance review.
- (9). The applicant shall construct the proposed improvements in strict compliance with the documentary and testimonial evidence submitted to the board, including, but not limited to, any plans submitted or presented as part of the application and as revised to the satisfaction of the Board professionals during resolution compliance, any exhibits introduced into evidence, and any statements made during the course of the hearing.
- (10). The applicant shall ensure that the property remains orderly during and after the construction (e.g. building materials stored appropriately, construction debris timely removed).
- (11). Any conditions of approval stipulated to by the applicant are incorporated herein even if not specifically stated.
- (12). The applicant must comply with the Development Fee Ordinance of the Borough of Deal, if applicable.

Moved by: Vice Chairman Cohen

Seconded by: Jannarone

ROLL CALL VOTE

Those in favor: Mandy Cohen, Antebi, Commissioner Simhon, Mayor Cohen, Chairman Cummings, Jannarone

Those opposed: None

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 24th day of September, 2024 that the Resolution of be adopted.

Moved by: Commissioner Simhon

Seconded by: Kay Jannarone

ROLL CALL VOTE

Those in favor: Commissioner Simhon, Kay Jannarone, Chairman Cummings

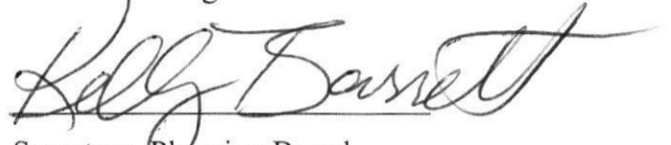
Those opposed: None

Those absent: Mandy Cohen

Those not voting: Peggy Nitka, Abe Dweck, Mandy Cohen

The foregoing is a true copy of a resolution adopted by the Planning Board of the Borough of Deal at its meeting on September 24, 2024.

As copied from the minutes
Of said meeting

A handwritten signature in black ink, appearing to read "Kelly Barnett", written over a horizontal line.

Secretary, Planning Board
Borough of Deal, N.J.