

**BOROUGH OF DEAL
PLANNING BOARD**

RESOLUTION No. 5-28-2024 (2)

Whereas, Samuel and Eileen Terzi, are the record owners of the property have applied to the Planning Board of the Borough of Deal for variances at the premises located at 24 Monmouth Drive, Borough of Deal and known as Block 69, Lot 3 on the official tax map of the Borough of Deal which premises are located in both the R-1 zone.

The Applicant is proposing to remove an existing dwelling and construct a three story dwelling with a swimming pool, pool patio and driveway.

The proposed improvements require Planning Board approval.

A hearing was held in connection with this matter on April 10, 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 testimony of Keith Smith, a licensed New Jersey engineer and Jose Ramirez, a licensed New Jersey architect.
4. The Applicant presented the following exhibits:

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| A-1 | Application/Checklist 2-9-24; |
| A-2 | Survey; |
| A-3 | Architectural Plan dated 2-5-24; |
| A-4 | Plot Plan dated 2/5/24; |
| A-5 | Geotechnical Report dated 1/15/24; |
| A-6 | Notice to Property Owners/Publication; |
| A-7 | Aerial overlay prepared by French Parello Assoc. (new proposed layout w/out pool house); |
| A-8 | Color rendering of Plot Plan close up; |
| A-9 | Color rendering of elevation; |
| B-1 | Engineer Technical Review letter dated 3/4/24 |

5. The property has a total area of 15,000 square feet.
6. The existing lot contains a one story dwelling with patio and driveway.
7. The Applicant is proposing to remove an existing dwelling and construct a three story dwelling with a swimming pool, pool patio and driveway.
8. The minimum lot area permitted is 18,750 square feet. Currently existing is 15,000 square feet, which does not conform. No change is proposed.
9. The minimum lot frontage permitted is 150 feet. Currently existing is 100 feet, which does not conform. No change is proposed.
10. The minimum lot width permitted is 150 feet. Currently existing is 100 feet, which does not conform. No change is proposed.
11. The minimum permitted side yard setback to the is 20 feet. Currently existing is 19.8 feet to the east which does not conform and 20.20 to the west which conforms. Applicant proposes 17 feet to the east and west. **A variance is required.**
12. The minimum rear yard setback permitted is 30 feet. Currently existing is 29.9 feet, which does not conform. Applicant proposes 38.55 feet to the building overhang, which conforms.
13. The maximum building coverage permitted is 20%. Currently existing is 24.5%, which is does not conform. Applicant proposes 21.1%. **A variance is required.**
14. The maximum impervious coverage permitted is 40%. Currently existing is 42.89%, which does not conform. Applicant proposes 44.15%. **A variance is required.**
15. The minimum rear yard setback to a pool permitted is 30 feet. Applicant proposes 20 feet. **A variance is required.**
16. Applicant has removed the cabana from its proposal.
17. Applicant proposes to install a storm water management system, subject to Board professional review and approval, to result in the equivalent of 16% impervious coverage.
18. Applicant's architect testified that no deck will be installed on any roof and there is no interior access to the roof.
19. Applicant advised that the pool will be 18' by 40'.

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 10th day of April 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. 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, 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: Chairman Cummings
Seconded by: Commissioner Simhon

ROLL CALL VOTE

Those in favor: Chairman Cummings, Vice-chair Joe Cohen, Commissioner Simhon, Mayor Cohen, Antebi, Jannarone, Mandy Cohen

Those opposed: None

Those absent: Nicole Cohen, Kassin, Mamiye, Zeevi

Those not voting: None

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 28th day of May, 2024 that the Resolution of be adopted.

Moved by: Chairman Cummings
Seconded by: Joe Cohen

ROLL CALL VOTE

Those in favor: Chairman Cummings, Joe Cohen, Ms. Jannarone, Commissioner Simhon, Mayor Cohen

Those opposed: None

Those absent:: Nicole Cohen, Kassin, Mamiye, Zeevi, Antebi, Mandy Cohen

Those not voting: None

The foregoing is a true copy of a resolution adopted by the Planning Board of the Borough of Deal at its meeting on May 28, 2024.

As copied from the minutes
Of said meeting



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