

**BOROUGH OF DEAL
PLANNING BOARD**

RESOLUTION No, 5-28-2024 (1)

Whereas, Irwin and Renee Levine Irrevocable Trust is the record owners of the property have applied to the Planning Board of the Borough of Deal for variances at the premises located at 28 Richmond Avenue, Borough of Deal and known as Block 5, Lot 10 on the official tax map of the Borough of Deal which premises are located in both the R-1 and R-2 zones.

The Applicant is proposing a one story addition to the rear of the home with a hot tub and new deck with recessed steps, 2 legally conforming bedrooms in the basement, steps on the side of the dwelling and removal of a portion of the driveway near the detached garage.

The proposed improvements require Planning Board approval.

A hearing was held in connection with this matter on March 26, 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 Samuel Convery, Esq.
3. The Applicant presented the testimony of Anthony Ercolino, a licensed New Jersey architect and Andrew Janiw, a licensed New Jersey planner.
4. The Applicant presented the following exhibits:

A-1	Application/Checklist dated 1/22/24
A-2	Survey 5/26/21
A-3	Architectural Plans revised 11/6/23
A-4	Aerial of Property 2024
A-5	Aerial of Property 1920
A-6	Photo of existing property
A-7	Photo of Property side yard
A-8	Photo of 35 Richmond & 21 Woodford
A-9	Photo of 21 & 19 Woodford
A-10	Photo of 228 & 226 Norwood
A-11	Photo of 88 & 90 Deal Esplande
A-12	Tax Map
A-13	Tax Card
A-14	Notice to Property Owners/Publication

5. The property has a total area of 9,375 square feet.
6. The existing lot contains a single-family dwelling with a detached garage and driveway access.
7. The Applicant is proposing a one story addition to the rear of the home with a hot tube and new deck, 2 legally conforming bedrooms in the basement, side steps on the side of the dwelling and removal of a portion of the driveway near the detached garage.
8. The Applicant explained that the hot tub was needed for the health needs of the residents. Additionally, the addition was necessary to allow for the mobility/health needs of the residents.
9. The Applicant agreed to recess the steps leading to the deck, which in turn removed a variance condition.
10. Two legally conforming bedrooms will be constructed in the basement. Appropriate window wells will be installed to allow for emergency egress.
11. The Applicant agreed to install safety railings on the new deck.
12. The minimum lot area permitted is 18,750 square feet. Currently existing is 9,375 square feet, which does not conform. No change is proposed.
13. The minimum lot frontage permitted is 150 feet. Currently existing is 75 feet, which does not conform. No change is proposed.
14. The minimum lot width permitted is 150 feet. Currently existing is 75 feet, which does not conform. No change is proposed.
15. The minimum front yard setback permitted is 50 feet. Currently existing is 48.8 feet to the dwelling, which does not conform and 29.9 feet to the porte-cochere, which does not conform. No change is proposed.
16. The minimum permitted front yard setback to the porch is 40 feet. Currently existing is 30.7 feet, which does not conform. No change is proposed.
17. The minimum permitted side yard setback to the is 15 feet. Currently existing is 13.5 feet to the dwelling (north) which does not conform. Currently existing is 2.8 feet to the porte-cochere, which does not conform. Applicant proposes a landing and steps to the north side of the home, which will be 8.5 feet from side yard setback, **a variance is required.** Applicant will recess the steps to the rear deck, removing a variance condition.
18. The minimum rear yard setback permitted is 25 feet. Currently existing is 21.4 feet, which does not conform. Applicant proposes 21.3 feet. **A variance is required.**
19. The maximum building coverage permitted is 20%. Currently existing is 24.2%, which does not conform. Applicant proposes 25.5%. **A variance is required.**
20. The maximum impervious coverage permitted is 40%. Currently existing is 40.4%, which does not conform. Applicant proposes 39.9% which conforms.

21. The minimum side yard setback to a hot tub permitted is 30 feet. Applicant proposes 15.8 feet (south). **A variance is required.**
22. The minimum rear yard setback to a hot tub permitted is 30 feet. Applicant proposes 21.1 feet. **A variance is required.**
23. Applicant's experts testified that the addition and installation of the deck and hot tub will occur at the rear of the home and have minimal visual impact from the street.
24. Applicant's planner testified that the variances being sought can be granted without substantial detriment to the public good and will not impair the intent and purposes of the zone plan.

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 26th day of March 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 will 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: Mayor Cohen

Seconded by: Commissioner Simhon

ROLL CALL VOTE

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

Those opposed: Jannarone

Those absent: Mandy Cohen, 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: Mayor Cohen

Seconded by: Chairman Cummings

ROLL CALL VOTE

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

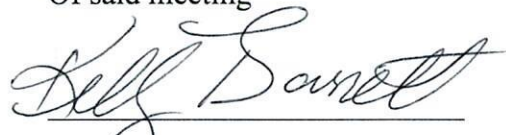
Those opposed: None

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

Those not voting: Kay Jannarone

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

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

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

