

BOROUGH OF DEAL

PLANNING BOARD/BOARD OF ADJUSTMENT MINUTES

February 5, 2020

A regular meeting of the Planning Board/Board of Adjustment of the Borough of Deal was called to order by Chair Richard Cummings.

Richard Cummings asked everyone to salute the flag.

Michael Egan read the 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: Ruby Antebi, Nicole Cohen, Sam Cohen, Richard Cummings, Kathleen Jannarone, David Simhon.

Those Absent: Mandy Cohen, Richard Fetaya, Irwin Levine, Max Zeevi.

A motion was made by Richard Cummings and seconded by Kathleen Jannarone that the minutes of the January 2, 2020 meeting be adopted.

Moved by: Richard Cummings

Seconded by: Kathleen Jannarone

ROLL CALL VOTE

Those in favor: Nicole Cohen, Cummings, Jannarone, Simhon

Those opposed: None

Those absent: Mandy Cohen, Fetaya, Levine, Zeevi

Those not voting: Ruby Antebi, Sam Cohen

The first item on the agenda is the adoption of the Resolution for 19 Woodford Road, Block 52, Lot 9, Henry Abadi, approved at the January 2, 2020 meeting.

RESOLUTION

Whereas, Henry Abadi, the record owner of the property has applied to the Planning Board of the Borough of Deal for variances at the premises located at 19 Woodford Road, Borough of Deal and known as Block 52, Lot 9 on the official tax map of the Borough of Deal which premises is located in the R-2 zone.

The Applicant is proposing a two-story addition in the rear of the dwelling and a second story addition to the southeast corner at the front of the dwelling.

The property has non-conformities with existing lot area, lot width and frontage. The existing detached garage has non-conformities with side and rear yard setbacks and building heights. The development of a non-conforming lot and variances for front and side yard setback, building height, building coverage and impervious coverage requires Planning Board approval.

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 presented the testimony of Charles Surmonte a New Jersey licensed engineer.
3. The Applicant presented the following exhibits:

A-1 Plot Variance Plan by Charles Surmonte, Engineer dated 3/1/2019 with latest revision date of 12/17/2019.

A-2 Survey of Property by Charles Surmonte dated February 19, 2019.

A-3 Architectural Plans by W. Lerman Architecture, Wayne Lerman, Architect dated February 5, 2019.

A-4 Google Earth Street view photos of subject property and surrounding street views.

A-5 Colorized rendering street view of subject property

B-1 Engineer review letter by Leon S. Avakian, Inc. dated August 26, 2019 with a revision date of December 27, 2019.

4. The property has a total area of 8,100 square feet.
5. The existing lot contains a 2-story dwelling with a detached two-story garage.
6. The Applicant is proposing a two-story addition in the rear of the dwelling and a second story addition to the southeast corner at the front of the dwelling.
7. The minimum lot area permitted is 18,750 square feet per the R-2 Zoned District. The existing lot area is 8,100 square feet, which represents an existing non-conformity.
8. The minimum lot frontage permitted is 150 feet per the R-2 Zoned District. The existing lot frontage is 60 feet, which represents an existing non-conformity.
9. The minimum lot width permitted is 150 feet per the R-2 Zoned District. The existing lot frontage is 60 feet, which represents an existing non-conformity.
10. The minimum side yard setback permitted is 12 feet. The existing west side yard setback is 6.5 feet, which represents an existing a non-conformity. Applicant proposes to expand this non-conformity. **A variance is required.**
11. The Maximum Building coverage permitted is 20%. The existing Building coverage is 24.4%, which represents an existing non-conformity. Applicant proposes 32.9%. **A variance is required.**
12. The Maximum Impervious Coverage permitted is 40%. The existing impervious coverage is 48.1%, which represents an existing non-conformity. Applicant proposes 47%. **A variance is required.**
13. The minimum front yard setback permitted per the R-2 Zoned District is 50 feet or the average alignment of the existing buildings within 200 feet of the lot. The Applicant has provided the average front yard setback of 44.9 feet. The existing front yard setback is 41.7 feet, which represents an existing non-conformity. The Applicant is proposing a front yard setback of 39.5 feet to the second story addition. **A variance is required.** The front yard setback to the front porch is 40 feet, which conforms.
14. The minimum rear yard setback permitted per the R-2 Zoned District is 20% of the lot depth (27 feet). The Applicant is proposing a rear yard setback of 35 feet to the foundation, which conforms. The second-floor projects an additional 3 feet into the rear yard than the first floor. The second-floor projection has a rear yard setback of 32 feet, which conforms.
15. The maximum building height permitted per the R-2 Zoned District is 28 feet measured from the top of the street curb at no closer than 50 feet from the front property line. For each additional foot beyond 50 feet from the front property line, the maximum building height may be increased by one foot above 28 feet, not to exceed a maximum of 42 feet from the top of the street curb. **The building height at the permitted front building setback line is 31.5 feet. A variance is required. The Applicant is proposing a maximum building height of 31.5 feet, which conforms.**
16. The minimum side yard setback permitted is 10 feet. The existing side yard setback of the garage is 2.6 feet, which is an existing non-conformity.

17. The minimum rear yard setback permitted is 10 feet. The existing rear yard setback of the garage is 2.6 feet, which is an existing non-conformity.
18. The maximum building height permitted is 18 feet. The existing height of the garage is 26 feet, which is an existing non-conformity.
19. The Applicant will be making no changes/alternations to the garage.

Whereas, the Board has determined that the relief requested by the applicant for minimum side yard setback, maximum building coverage, maximum impervious coverage, front yard setback and building height can be granted as presented 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 2nd day of January 2020 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 letters dated December 27, 2019.
- (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). The Applicant will not direct stormwater and/or runoff from the property onto adjacent properties.
- (9). The Applicant will comply with any drainage plan required by the Borough Engineer.

Moved by: David Simhon

Seconded by: Mandy Cohen

ROLL CALL VOTE

Those in favor: Mandy Cohen, Nicole Cohen, Richard Cummings, Richard Fetaya, David Simhon, Kathleen Jannarone, Irwin Levine

Those opposed: None.

Those absent: Antebi, Sam Cohen, Zeevi

Those not voting: None.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 5th day of February, 2020 that the Resolution be adopted.

Moved by: David Simhon

Seconded by: Richard Cummings

ROLL CALL VOTE

Those in favor: Nicole Cohen, Cummings, Jannarone, Simhon

Those opposed: None

Those absent: Mandy Cohen, Fetaya, Levine, Zeevi

Those not voting: Antebi, Sam Cohen

The second item on the agenda is the adoption of the Resolution for 40 Monmouth Drive, Block 68, Lot 2, Jack & Jacqueline Sakkal approved at the January 2, 2020 meeting.

RESOLUTION

Whereas, Mr. and Mrs. Jack Sakkal, the record owner of the property has applied to the Planning Board of the Borough of Deal for variances at the premises located at 40 Monmouth Drive, Borough of Deal and known as Block 68, Lot 2 on the official tax map of the Borough of Deal which premises is located in both the R-1 and R-2 zones.

The Applicant is proposing an in-ground swimming pool and patio in the rear yard. The Applicant is also removing the shed in the rear yard.

The Applicant received approval in November 2018 for a two-story addition with covered porch on the east side of the existing dwelling and a small addition to the first floor on the west side. The approval also included a rear patio, relocation of the shed and removal of a portion of the driveway.

The property has non-conformities with lot area, lot width, and lot frontage. The development of a non-conforming lot and variances for side yard setback to the pool, require Planning Board approval.

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 presented the testimony of Marc Lieber a New Jersey licensed engineer.
3. The Applicant presented the following exhibits:
 - A-1 Variance Plan by East Point Engineering, LLC, Marc Leber dated 9/18/2019.
 - A-2 Survey by JTS Engineers and Land Surveyors, Inc. James Sapio dated 4/26/2018
 - A-3 Topography Plan, JTS Engineers and Land Surveyors, Inc. James Sapio, 8/28/2018
 - A-4 Color rendering from street view of proposed construction.
 - A-5 Goggle color aerial view of subject property and surrounding properties.
 - A-6 Variance Plan/Pool Plan by East Point Engineering revised 12/17/19
 - B-1 Engineer review letter by Leon S. Avakian, Inc. dated November 27, 2019
 - B-2 Engineer review letter by Leon S. Avakian, Inc. dated December 26, 2019
 - B-3 Board Affidavit signed by Nicole Cohen dated 1/2/2020

B-4 Board Affidavit signed by Mandy Cohen dated 1/2/2020

4. The property has a total area of 12,157.5 square feet.
5. The existing lot contains a 2 ½ story dwelling with covered front porch, rear wood deck and driveway.
6. The Applicant is proposing an inground swimming pool and patio in the rear yard. The Applicant has removed the variance condition for impervious coverage.
7. The minimum lot area permitted is 18,750 square feet per the R-1 and R-2 Zoned Districts. The existing lot area is 12,157.5 square feet, which represents an existing non-conformity.
8. The minimum lot frontage permitted is 150 feet per the R-1 and R-2 Zoned Districts. The existing lot frontage is 75.08 feet, which represents an existing non-conformity.
9. The minimum lot width permitted is 150 feet per the R-1 and R-2 Zoned Districts. The existing lot frontage is 75.08 feet, which represents an existing non-conformity.
10. Previous variances have been granted to minimum front yard setback to the dwelling, minimum front yard setback permitted to a covered front porch, minimum side yard setback for the west side yard, maximum building coverage and permitted (see Engineer letter for specifics regarding each prior variance).
11. The minimum side yard setback permitted is 30 feet. The Applicant is proposing an east side yard setback of 22.5 feet and a west side yard setback of 25 feet. **A variance is required for both proposed side yard setbacks to the pool.**
12. The Applicant agrees to screen the pool from adjacent properties with landscaping approved by the Borough Engineer.

Whereas, the Board has determined that the relief requested by the applicant for minimum side yard setback can be granted as presented 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 2nd day of January 2020 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 letters dated December 26, 2019.
- (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). The Applicant will not direct stormwater and/or runoff from the property onto adjacent properties.

(9). The grading plan and landscaping plan of the Applicant shall be subject to the review and approval of the Borough Engineer.

Moved by: David Simhon

Seconded by: Mandy Cohen

ROLL CALL VOTE

Those in favor: Mandy Cohen, Richard Cummings, Richard Fetaya, David Simhon

Those opposed: Nicole Cohen, Kathleen Jannarone

Those absent: Antebi, Sam Cohen, Zeevi

Those not voting: Irwin Levine

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 5th day of February, 2020 that the Resolution of be adopted.

Moved by: David Simhon

Seconded by: Richard Cummings

ROLL CALL VOTE

Those in favor: Nicole Cohen, Cummings, Jannarone, Simhon

Those opposed: None

Those absent: Mandy Cohen, Fetaya, Levine, Zeevi

Those not voting: Antebi, Sam Cohen

The next item on the agenda is 113 Brighton Avenue, Block 24, Lot 11, 113 Brighton Ave, LLC. The applicant is proposing a two-story addition to the rear of the dwelling and removing the detached garage. Attorney for the applicant, Robert Farber.

Enter into evidence,

A-1 Survey of Property by Charles Surmonte, dated 9/11/2019

A-2 Plot/Grading Plan by Charles Surmonte, dated 9/15/2019

A-3 Architectural Plans by Robert Hazelrigg, dated 6/27/2019, revised 11/21/2019

A-4 Colorized street view rendering of proposed construction

B-1 Engineer review letter by Leon S. Avakian, Inc. dated January 28, 2020

Robert Farber, I represent Victor Chouchani and this application proposes to add a small room and addition on the second floor of the home. The building does fit within the lot, it is a non-conforming lot and remains in line. The side yards and rear yards seem to be within. If there is any infringement it's angled at only one point. I call Robert Hazelrigg, Licensed Architect in the State of New Jersey. Could you please describe the existing residence?

Robert Hazelrigg, it is a two-story house, and it looks like a cape cod. It has a living room, dining room and a kitchen, all very small, a small bathroom off the kitchen, a little sun room in the front and a front porch and upstairs it has three small bedrooms and a bathroom.

Robert Farber, what is proposed?

Robert Hazelrigg, we propose to put an addition on the back of the house to create a family room, extend the dining room on the first floor and on the second floor, we added a

couple of bedrooms so there is a master bedroom in the back and a bedroom in the front. But everything is over the existing building on the front, the back portion is the new addition.

Robert Farber, in the street view it comprises what a person walking by would see of the mass and bulk of the building and maintain the same footprint.

Robert Hazelrigg, that is correct. What we did to achieve the addition is that we will tear down the existing garage and by tearing down the garage we put this addition on, the building coverage goes up but the overall coverage comes down.

Robert Farber. The building coverage goes from 27.1% to 28.7% but the impervious goes from 43.7% down to 43.1%.

Robert Hazelrigg, if you look from the side it looks like a Dutch Colonial. It's really a two-story house and put the addition on the back. We put a side entrance on the house by the driveway with a little overhang and is three out from the addition.

Robert Farber, we have three variances here, building coverage, impervious coverage, which is coming down and the side yard setback.

Kathleen Jannarone, you are building upon the existing structure, how is it the side yard setback is 2 feet different?

Robert Hazelrigg, because the property line is on an angle to the building.

Kathleen Jannarone, that is a concern.

Nicole Cohen, is a variance required for this extension?

Robert Hazelrigg, yes, because it's over the setback line.

Robert Farber, it's non-conforming.

Kathleen Jannarone, is there any way to re-configure?

Robert Hazelrigg, we did try to make it fit in, but it is very tight, we would have lost the bathroom.

Ruby Antebi, what if you reduce the driveway?

Robert Farber, I'm sure my clients wouldn't object to some adjustment.

Richard Cummings, I wouldn't mind seeing that driveway shortened. It's a small lot with a five-bedroom house.

Robert Farber, I have Chet Surmonte here who can address how much would be reduced if we chopped the driveway. I call Charles Surmonte, licensed engineer. You indicated that if a 15-foot portion of the driveway was removed we could be at 40% impervious coverage.

Charles Surmonte, if we remove about 140-150 square feet of the driveway off the back of the driveway.

Nicole Cohen, would your client be willing to minimize the size of the back extension?

Robert Hazelrigg, I do not think so. The family room is 18x12, that is a standard size and upstairs we have a bedroom and a closet over the same space. Are you trying to reduce the building coverage?

Richard Cummings, I am concerned at five feet of the property line.

Robert Farber, it's really only affecting a point.

Robert Hazelrigg, if we cut that off it would not line up with the existing house that is here and I would have to make the small bedroom even smaller.

David Simhon, is it vinyl siding?

Robert Hazelrigg, It's vinyl siding on the whole house.

Kathleen Jannarone, I'm wondering if you might want to continue the application and see if you can incorporate some of the comments, we made tonight?

Robert Farber, Mr. Chairman, if the Board is in line with what Miss Jannarone has to say, then we can carry but I would ask that you be mindful that the amount that creates the problem is not going to be seen.

Richard Cummings, are there any public questions or comments for the witness? None.

Robert Farber, I ask that we carry with no further notice for revisions.

Erik Anderson, we will carry with no further notice.

The next item on the agenda is 76 Poplar Avenue, Block 16, Lot 13.02, Larry Warren. Applicant is proposing a one-story addition to the rear of the dwelling and a patio. Attorney for the applicant, Robert Farber. Note: Irwin Levine has joined the Board.

Enter into evidence,

A-1 Addition & Alteration Plans by Robert Hazelrigg, Architect dated 10/22/2019, revised 12/12/2019.

A-2 Survey by Clearpoint Services by Alan R. Boettger dated July 15, 2019.

A-3 Photo Packet of 5 Photos of Subject property showing street view/rear view.

B-1 Engineering review letter by Leon S. Avakian, Inc. dated December 27, 2019.

Robert Farber, there is existing in the rear of the house a wooden deck that we propose to raising and placing an addition on the same footprint and put a one-story addition on top of that. There is a little side yard barbeque, it's only 9 square feet off the kitchen. This is a non-conforming lot; the only real area is in the maximum coverage. I call Robert Hazelrigg, Architect. Mr. Hazelrigg can you describe what the job entails.

Robert Hazelrigg, presently in the backyard there is a raised wooden deck. What we propose doing is to remove the deck and putting a one-story addition in order to add a bathroom and a bedroom on the first floor. A small sitting room also. We are not changing the footprint or increasing the coverage. The only we are asking is because we lost the patio, we would like a spot to put the grill on the outside which is what increases the coverage.

Richard Cummings, I have an issue being one foot off the property line. You have a driveway, use part of the driveway for the grill.

Robert Farber, it is a difficult issue with parking.

Richard Cummings, welcome to Deal.

Ruby Antebi, I am not happy with the existing basketball court.

Robert Hazelrigg, that's to remain, it's been there for years and the owners would like to keep it.

Richard Cummings, it's close to the property line also.

Robert Farber, so long as we move the patio so it's in line with the driveway, you're okay.

Richard Cummings, any questions from the audience?

Barbara Coffey, 85 Norwood Avenue. What other variance have been given to this home in the past? Did they have permission to build the deck?

Richard Cummings, the deck is there and they are going to put the addition there.

Barbara Coffey, so there is no knowledge of previous variances?

Erik Anderson, in all fairness, the engineer has issued a letter and he will write if there have been previous variances granted and the Engineer indicates that there have not been previous variances granted for this property.

Barbara Coffey, okay so how did deck get on the back of the house?

David Simhon, it could have been 30 years ago.

Barbara Coffey, I've lived in my house for 56 years and the deck in in the last 30 years.

Robert Farber, it is possible that at the time the deck was built there was no variance required. But since there is no violation on record for the board to determine.

Barbara Coffey, was there any variance requested for the basketball court that's next to my property? How did that basketball end up there?

Robert Hazelrigg, it's existing and has been there quite a while.

Barbara Coffey, they removed the garage and left the pad and created it into a basketball court. How many square feet will be added?

Robert Hazelrigg, about 404 square feet.

Robert Farber, it falls within the footprint of what's already there.

Richard Cummings, you can use part of the existing driveway for part of the patio and not add the patio.

Robert Farber, I have conferred with my client and if the board is okay with us converting part of the driveway for patio use that's fine. There will be a barbeque there.

Richard Cummings makes a motion to accept the application subject to the elimination of the patio. David Simhon seconds the motion.

Moved by: Richard Cummings

Seconded by: David Simhon

ROLL CALL VOTE

Those in favor: Nicole Cohen, Sam Cohen, Cummings, Jannarone, Levine, Simhon

Those opposed: Antebi

Those absent: Mandy Cohen, Fetaya, Zeevi

Those not voting: None

Next item on the agenda is 120 Roosevelt Avenue, Block 11, Lot 2.01, James Sutton. Applicant is proposing a two-story addition to the East side (Pearl Street side) of the dwelling with a second story balcony and first floor covered porch. The applicant is proposing an in-ground swimming pool along the Pearl Street frontage. Attorney for the applicant, Robert Farber.

Enter into evidence:

A-1 Architectural Plans by Passman, Ercolino Architects with a revision date of 11/19/19.

A-2 Survey by Charles Surmonte dated 9/4/2019 with a revision date of 11/20/2019.

B-1 Engineer Review letter by Leon S. Avakian, Inc. dated January 28, 2020.

Robert Farber, about ten years ago we merged two lots before this board with the idea of developing the home that was there which is what we are doing now. We are proposing a two-story addition on the existing home and a pool on the side yard or front yard depending on how you view this. I can tell you that the lot comprises a peninsula surrounded three sides by streets. This is a bona fide hardship because of the size and shape of the lot and tonight we have two witness's we will call. I call Charles Surmonte, Licensed Engineer. Can you describe the configuration of the lot and what's proposed?

Charles Surmonte, we have a lot with three frontages and we are proposing on the Pearl Street side a swimming pool in addition, there is an addition to the East side of the existing house.

Kathleen Jannarone, I am a little confused, there is a two-story addition, does that mean it is three stories?

Robert Farber, the architect will explain that. Is there any problem with coverage or setbacks with the odd shape of lot?

Charles Surmonte, No, it lines up.

Robert Farber, Avakian's letter shows a variance for the minimum front yard setback. I call Mr. Donald Passman, License Architect in the State of New Jersey. Could you describe the addition of the two-story addition with the proposed balconies?

Donald Passman, the existing house is a two-story house, adjacent-attached to it is a one-half porch and turning that into a second story and adding on so that the new piece is a full two story that aligns with the existing house.

Robert Farber, to Miss Jannarone's concern, this is only a two-story house?

Donald Passman. That is correct. We are keeping the same roofline and color scheme. When it's done, I am not sure anyone would know that an addition was done.

Robert Farber, in effect we are growing into the lot that was merged and the pool is in exactly in line.

Richard Cummings, any questions or comments from the audience? None.

David Simhon makes a motion to accept the application. Richard Cummings seconds the motion.

Moved by: David Simhon

Seconded by: Richard Cummings

ROLL CALL VOTE

Those in favor: Antebi, Nicole Cohen, Sam Cohen, Cummings, Jannarone, Levine, Simhon

Those opposed: None

Those absent: Mandy Cohen, Fetaya, Zeevi

Those not voting: None

The next item is 128 Norwood Avenue, Block 31, Lots 2&6, Synagogue of Deal. Applicant is proposing to remove the existing mounted bollard lights in the parking lot and in their place, twelve pole mounted lights are proposed at a mounting height at 10 feet. Attorney for the applicant, Jennifer Krimko. Note: Kathleen Jannarone steps down since she lives within 200 feet of the property.

Enter into evidence:

A-1 Lighting Plan by Nelson Engineering, David Boesch, dated 1/8/2020 with a revision date of January 21, 2020.

B-1 Engineer review letter by Leon S. Avakian, Inc dated January 31, 2020.

B-2 Engineer revised review letter by Leon S. Avakian, Inc. dated February 5, 2020.

Jennifer Krimko, this is an existing parking lot to the rear and the west. There are existing bollards there that have the old-style lighting. The Synagogue got a grant from the Department of Homeland Security to upgrade the lighting. As a result, they are putting in LED lighting on poles. Mr. Avakian had some comments with regard to some changes to be made and I can stipulate now that we can agree to all of those changes. I have the landscape architect here if you have any questions. I call David Boesch, Engineer. Mr. Avakian says in #2, Mr. Avakian recommends that we reduce Luminaire intensity and lower pole mounting height, can we do that?

David Boesch, yes, we can.

Jennifer Krimko, and he says we should screen the adjacent residential properties to make sure that there are no lighting patterns, can we do that?

David Boesch, yes, we can.

Jennifer Krimko, any other questions for Mr. Boesch?

Richard Cummings, these are the questions that we had concerns and you answered. Any questions from the audience?

Irwin Levine, what is the color of the lighting?

David Boesch, with LED lighting you basically have 3, neutral color, bluish and yellow. We are going with the neutral.

Sam Cohen, I have seen that. Very nice.

Glenn Reeman, 122 and 124 Brighton Ave. I own the property with my sister. Bear with me since I am not lawyer. You are changing the plan here; this is happening tonight?

Jennifer Krimko, just so you understand, we submitted a plan and the Board Engineer reviewed it and the Board Engineer said to reduce the light output and lower the poles. So, we are agreeing that if the Board approves it, as a condition of approval, we would comply with the Board Engineer's recommendation.

Glenn Reeman, So Don't you have to send notification out stating that you are changing that.

Jennifer Krimko, No. It doesn't change that letter.

Glenn Reeman, so it is not necessary to change the letter that was mailed?

Jennifer Krimko, that's correct.

Glenn Reeman, back in 2001, the wattage was 150 and now you are going to 541.

David Boesch, that is inaccurate. The original lights were 150-watt high pressure sodium bollards. LED lighting use what is called wattage equivalents.

Jennifer Krimko. Let me ask you a question Dave, is there going to more or less impact to the neighbors or the same?

David Boesch, it will be about the same.

David Simhon, so why are we doing it?

Sam Cohen, it's not actually a wattage, it's an equivalent.

David Boesch, effectively what is happening, as soon as someone parks in the lot, their effectiveness is eliminated.

Jennifer Krimko, it's for security purposes, that is why Homeland Security is doing it because if the cars are parked and the bollard is not effective then the parking lot is not lit and therefore not safe.

David Boesch, and the changes to the lighting patterns are inward, not outward.

Jennifer Krimko, what I asked you to do before the hearing was actually to run a 25 point analysis on the existing lighting versus the proposed. You did that?

David Boesch, yes, I did.

Jennifer Krimko, and you found that what we are proposing is not creating any additional issue that doesn't exist today.

David Boesch, that is correct.

Glenn Reeman, if this lighting is approved, is there something to build, is there going to be shrubbery.

Jennifer Krimko, what was agreed to subject to the Board Engineer, to the extent he deems it necessary to keep the light from having an impact on the neighbors, we would put a buffer.

Glenn Reeman, if it's shrubbery, I request that it be put on the Synagogue side.

Jennifer Krimko, it would have to be so they could maintain it.

Glenn Reeman, when I walk into my kitchen it is lit based on the current lighting.

Jennifer Krimko, I can't speak to what is there now, but I can tell you that based on the analysis what we are proposing is that it's going to be zero foot candles shining on your property.

Glenn Reeman, there are people living there that do not want to see the lights. You have no concern for the people that live in the neighborhood.

Sam Cohen, the discussion here is the lighting plan that is being presented, what you are objecting to is the existing plan which we can look into.

Jennifer Krimko, all the complaints that Mr. Reeman is having is on the existing and if the Board does nothing today then it stays forever. What we are offering is a change to make it better.

David Simhon, you plan on adding shrubbery along the whole perimeter?

Jennifer Krimko, No, to the extent that there is any leakage of light at the direction of the Board Engineer in fill landscaping to shield lighting patterns, so if Mr. Avakian goes around and says this is where you need landscaping, we have already agreed to comply with his letter.

Nicole Cohen, this will get better then?

Jennifer Krimko, it's going to get better. He will always see light; he has a Synagogue parking lot behind him. If the Board does nothing then the condition today will continue to exist. Or we can get higher efficiency with less glare and safer situation.

Richard Cummings, I have a question, are the lights going to be a timer?

David Boesch, they would be timed to a half hour after all activities but one or two would be left on for security.

Erik Anderson, the letter says reduce and you said you would work with the Engineer. The Engineer didn't say what the number would be.

Jennifer Krimko, there is a number where it doesn't work anymore. So, we are going to do whatever the Engineer recommends.

Erik Anderson, basically, the Engineer has the final say.

Glenn Reeman, it's a quality of life issue.

Erik Anderson, everything you say is a valid concern but the avenue is code enforcement because there is a resolution of what was approved in the past. If there are quality of life things that is not for the Board.

Glenn Reeman, I would just ask that the Board be fair.

Sam Cohen, with the conditions that were listed and with Mr. Avakian's oversight, I make a motion to accept. David Simhon seconds the motion.

Moved by: Sam Cohen

Seconded by: David Simhon

ROLL CALL VOTE

Those in favor: Nicole Cohen, Sam Cohen, Cummings, Levine, Simhon

Those opposed: None

Those absent: Mandy Cohen, Fetaya, Zeevi

Those Abstaining: Antebi

The final item on the Agenda is 200 Ocean Avenue, Block 34, Lot 15.02, Raymond Levy. Applicant is proposing a first-story addition to the rear of the dwelling and a second story addition to the southside of the dwelling. The applicant is also proposing a swimming pool with patio and cabana. The applicant is removing the driveway access at the rear of the property to allow for the cabana and pool. Attorney for the applicant, Jennifer Krimko. Note: Sam Cohen and Ruby Antebi have stepped down from the board. Kathleen Jannarone has rejoined the board.

Enter into evidence:

A-1 Plot/Grading Plan by Charles Surmonte, Engineer dated 9/30/2019.

A-2 Architectural Plan by Anthony J. Ercolino AIA of Passman & Ercolino Architects, dated 10/24/2019.

A-3 Survey by Charles Surmonte, dated 7/21/2019.

B-1 Engineer Review letter by Leon S. Avakian, Inc. dated January 28, 2020.

Jennifer Krimko, we have a non-conforming lot and a non-conforming house, none of the construction is causing any new variances. We are eliminating a coverage in the rear yard variance and the only new variance is in regards to the location of the pool equipment, as you will see when we move in the evidence, it is in a location that is the furthest away it can possibly be from the neighbors. If you would look at the plot/grading plan. You will see there is a small one-story addition attached to the back of the house, it fully conforms as to setback. You see a proposed cabana and pool, they conform and not only do they conform, they conform to your new ordinance as to height related to setback. Previously as to what was there, there an excess of 35% coverage, we are now below the 35% and eliminate that variance. We are changing some of the rooflines, there is an existing non-conforming roof deck but it is being eliminated. Some are staying, at least one in the back is being eliminated. We can comply with everything in Mr. Avakian's letter.

Richard Cummings, you have one variance?

Jennifer Krimko, yes. The rest we are here because it is non-conforming.

Richard Cummings, why are you putting the pump here?

Jennifer Krimko, I call Raymond Levy.

Raymond Levy, because we congregate in this area, do not want the equipment near where everyone is sitting.

Richard Cummings, any comments from the audience. None.

Richard Cummings makes a motion to accept the application. David Simhon seconds the motion.

Moved by: Richard Cummings

Seconded by: David Simhon

ROLL CALL VOTE

Those in favor: Nicole Cohen, Cummings, Jannarone, Levine, Simhon

Those opposed: None

Those absent: Antebi, Sam Cohen, Mandy Cohen, Fetaya, Zeevi

Those not voting: None

Erik Anderson, address's the Board. We need to go over an Ordinance from the Commissioners and then go into Executive session.

Stephen Carasia, so what the Ordinance is, the Commissioners are proposing to create an Open Space areas in town. As of right now there are four zones. OS would be open space and the Deal Golf Course, right here is Harry Franco space and is already open space because we received funds from the County, this is the two small strips of land going into the Harbor. We just need to make sure that this conforms to the Master Plan.

Erik Anderson, your advising and the Commissioners are the Governing Body. You are just saying that as the Planning Board you think this is or is not a good idea. Are you going to recommend to the Commissioners that they should do this?

Richard Cummings, we need open space in town.

The Board voice approves of the plan.

Erik Anderson, we are now going into Executive session. The purpose for the Executive session is to discuss litigation. No action will be taken by the Board once we come out of executive session.

There being no further business, the meeting was adjourned.

Respectfully submitted;

Michael W. Egan

Planning Board Secretary