

BOROUGH OF DEAL
PLANNING BOARD/BOARD OF ADJUSTMENT MINUTES
August 5, 2020

A regular virtual 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: Joe Cohen, Sam Cohen, Richard Cummings, Kathleen Jannarone, David Simhon.

Those Absent: Ruby Antebi, Mandy Cohen, Nicole Cohen, Richard Fetaya, Irwin Levine, Max Zeevi

A motion was made by Richard Cummings and seconded by Kathleen Jannarone that the minutes of the July 1, 2020 meeting be adopted.

Moved by: Richard Cummings

Seconded by: Kathleen Jannarone

Roll Call Vote:

Those in favor: Sam Cohen, Richard Cummings, Kathleen Jannarone, David Simhon.

Those opposed: None

Those absent: Ruby Antebi, Mandy Cohen, Nicole Cohen, Richard Fetaya, Irwin Levine, Max Zeevi

Those Not Voting: Joe Cohen

The first item on the agenda is 36 Poplar Avenue, Block 15, Lot 3.07, Irene and Charles Mamiye. The applicant is proposing an addition to the front of the existing dwelling for additional living space. Attorney for the Applicant, Jennifer Krimko.

Enter into evidence:

A-1 Plot Plan by Keith B. Smith of French & Parrello dated April 16, 2020.

A-2 Architectural Plan by Brian Berzinskis of Grasso Design Group dated March 16, 2020.

A-3 A Plan of Survey by Thomas J. Ertle of French and Parrello dated March 16, 2020.

A-4 A colorized rendition of the proposed addition.

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

Jennifer Krimko, you have an existing single-family home at 36 Poplar Avenue, it is a one-story home and the applicant is seeking to add bedrooms to accommodate the family. I will tell you that back in 2004, this board approved a two-story addition to the rear of the structure. As part of that two-story addition, the Board granted variance relief for 43% impervious coverage, where 40% is permitted. They additionally approved variances as related to setback. The application before you tonight is a simple one, we are looking to do a small addition to the front of the home to accommodate additional bedrooms.

Joe Cohen, Jennifer, nothing was done on the previous application?

Jennifer Krimko, nothing was done on the previous application, that is correct. The only variance we need is coverage. At the prior approval when it was approved at 43%, the Board did not require any drainage structures to mitigate that. We are proposing a series of drainage structures to accommodate the additional runoff that would be related with the impervious coverage.

Richard Cummings, the only issue I have is the 42%.

Jennifer Krimko, I call Keith Smith, professional Engineer. If you could talk to the Board about what we are adding by way of impervious coverage. The Board and Board Chair do not like going over 40%.

David Simhon, what can't it just stay at 40.98?

Jennifer Krimko, then we couldn't put the addition on.

Keith Smith, basically we are at 40.98% and are looking to go up to 42.34%. It's really less than 1½% more in the lot. To mitigate that from an engineering standpoint is to design a recharge area on the side of the house so that we can directly collect water from the group drainage and there will be no impact to the adjacent property. This will create a better situation that there is now.

Jennifer Krimko, when you have an existing condition that could last forever, and even though you are going up 1.5%, you are actually improving that existing condition. There is no negative impact to the neighbor's but are getting the benefit of the drainage to bring it down as if it was 40%.

Richard Cummings, I just have an issue with going over 40%.

Jennifer Krimko, what I am giving you in exchange for going over a little over, I am correcting whatever impact by the existing overage. Let's remember, while we didn't build it, but the Board had approved 43% at one point and certainly this is a better situation than it was.

Joe Cohen, are you aware of any existing water problem there now?

Jennifer Krimko, no, there is no issue.

David Simhon, there is a lot pooling of water on the curb side. We get a lot of complaints on Poplar on that.

Jennifer Krimko, on this property?

David Simhon, No maybe next door.

Jennifer Krimko, so the good news is if we put all this drainage, whatever was running off before won't be. So, we may be improve the situation that you have there.

David Simhon, where is the drainage going?

Keith Smith, into a pipe that will be buried there and get the infiltration into the soil.

Jennifer Krimko, Normally we wouldn't do a Geotech until the Engineer mentions it but we did submit it as part of the application to do a soil study to prove that what we are doing can be done and control the runoff.

Joe Cohen, let's increase the drainage, increase the water gathering to make it equivalent to below 40% and then we would have a nice situation.

Jennifer Krimko, we would agree to that subject to Peter's review of that.

Richard Cummings, are there any comments from the public? None.

Joe Cohen makes a motion to approve the application subject to the drainage conditions discussed. Kathleen Jannarone seconds the motion.

Moved by: Joe Cohen

Seconded by: Kathleen Jannarone

Roll Call Vote:

Those in favor: Joe Cohen, Sam Cohen, Richard Cummings, Kathleen Jannarone, David Simhon.

Those opposed: None

Those absent: Ruby Antebi, Mandy Cohen, Nicole Cohen, Richard Fetaya, Irwin Levine, Max Zeevi

Those Not Voting: None

The second item on the agenda is a change to 1 Monmouth Drive, Block 10.01, Lot 57, EG Neptune, LLC. The applicant is proposing to convert the existing garage area into a living space and proposing a second story addition over the existing building. Attorney for the applicant, Jennifer Krimko. Please note: Max Zeevi has joined the Board and Joe Cohen will step down for this application since he is within 200 feet of the subject property.

Enter into evidence:

A-1 Architectural Plan by Patrick Lesbirel of Brick City Reconstruction dated December 19, 2019 and a latest revision date of January 16, 2020.

A-2 A Boundary and Topographic Survey by Thomas Ertle of French & Parrello dated October 19, 2017.

A-3 Two aerial google photographs of the subject property.

B-1 Engineer review letter by Leon S. Avakian, Inc. dated July 22, 2020.

Jennifer Krimko, the aerial photograph is looking to the North. The existing home is two story through out and there is a portion that is one story where the garage is. We are not proposing any changes to the foot print to the house, just a adding a second story despite that this property is an ocean front and a large property, it is only a three bedroom home and the applicants children need a place to sleep and so we are proposing that addition over there. There is no new variance relief needed with the exception of the existing side yard setback on the North side, it is being exasperated vertically, we are not encroaching in any way, we are just going up. The existing impervious coverage is at 54%. We are not proposing to change that, just adding 6 square feet for an air conditioning unit. We are not touching the ground at all. I call Patrick Lesbirel, the architect. All the non-conformities exist?

Patrick Lesbirel, that is correct.

Kathleen Jannarone, what history got us to this 54% coverage?

Jennifer Krimko, I can answer that. My client just bought the house and it was existing at that when he purchased it.

Sam Cohen, the reason they were able to go so high is because it is Ocean Front with no drainage issues into the Ocean.

Richard Cummings, I agree with you and I don't like the 54%.

Jennifer Krimko, that's all there is.

Richard Cummings, any comments from the public? None.

Sam Cohen makes a motion to accept the application as submitted. David Simhon seconds the motion.

Moved by: Sam Cohen

Seconded by: David Simhon

Roll Call Vote:

Those in favor: Sam Cohen, Richard Cummings, Kathleen Jannarone, David Simhon, Max Zeevi.

Those opposed: None

Those absent: Ruby Antebi, Mandy Cohen, Nicole Cohen, Richard Fetaya, Irwin Levine.

Those Not Voting: Joe Cohen

The final item on the agenda is 9 Wallace Road, Block 28, Lot 6, 8 Wallace, LLC. The applicant is demolishing the existing dwelling and constructing a single-family dwelling with Cabana, swimming pool and shed. Attorney for the applicant, Jennifer Krimko. Please note: Joe Cohen steps back on the Board.

Enter into evidence:

A-1 Plot Plan by Keith Smith of French & Parrello Associates, dated March 25, 2020, with a revision date of June 18, 2020.

A-2 Architectural Plans by Jose Ramirez of Ramirez Architects dated November 26, 2019 with a latest revision of June 19, 2020.

A-3 Boundary & Topographic Survey by Thomas Ertle of French & Parrello Associates, dated April 29, 2019.

A-4 A color street view rendering of the proposed construction.

A-5 Two photos..

A-6 Color Rendered Plot plan.

B-1 Engineer review letter by Leon S. Avakian, Inc. dated July 22, 2020.

Jennifer Krimko, this is a unique parcel. There is a five-foot public easement that can never be built on bordering the Deal Casino parking lot. The existing house encroaches on the average front yard setback now and the new house does as well. There is an average front yard so the street looks uniform. Part of the design was to what was visually relevant which is the intent of the Ordinance.

Sam Cohen, I looked at the house today and if the house was conforming and moved forward, it would obstruct the view of the other homes on the street.

Jennifer Krimko, what the Mayor is saying is if the house was shifted towards the Ocean it would be conforming in front yard setback easily but by doing that would take away the view shed that is there. The other variances are pool equipment, air condition units but it is up against a public easement to the parking lot. It is as remote as it could be without having an impact on anybody. On a cul-de-sac yard like this the front yard is between the house and the cul-de-sac, the rear is between the house and the Ocean and the side yard is between the house and the Deal casino and the house to the west. It has to do with the way the lot is shaped. The Shed conforms to the normal rear yard but is technically in the side yard. The pool equipment and HVAC are up against the northern property line and is up against the casino. I call the Architect, Jose Ramirez. Why are we proposing a storage shed?

Jose Ramirez, it is basically for family storage, pool toys, kayaks but will be heavily landscaped around and should not be visible.

Jennifer Krimko, what we are proposing a pool hedge, a wall behind that hedge and then a pool fence and will not be visible from the street.

Sam Cohen, how high is the hedge?

Jose Ramirez, it's about 8 feet.

Sam Cohen, that is not permitted, you are not permitted to block the view of the Ocean from the other residents on the street.

Jennifer Krimko, how high can it be?

Sam Cohen, it can't obstruct the view.

Jose Ramirez, can it be four feet since we have to hide the pool fence.

Sam Cohen, it's okay.

Jennifer Krimko, was there consideration that by moving the house east to conform with the setback, would that block the views of the neighbors?

Jose Ramirez, yes, actually it would block more views.

Jennifer Krimko, if you move it you would block all the space that you could see through now. What is the shed going to look like?

Jose Ramirez, it is going to look like the same style as the house.

Jennifer Krimko, it's going to look like the house just like a garage would. It is one story.

Jose Ramirez, it's technically conforming.

Joe Cohen, the overriding should be keeping the views for the neighbors.

Jennifer Krimko, if it wasn't for the curve of the cul-de-sac, we wouldn't need a variance.

Jose Ramirez, we spent a lot of time with the design of the house to keep the views.

Richard Cummings, the open rooftops, there are four of them, we need something that they won't be turned into decks. We can agree on that.

Jennifer Krimko, we can agree to that condition and if they wanted to do that they would have to come back to the Board.

Richard Cummings, any comments from the public?

Abraham Safdie, 15 Wallace Road. I am asking about the garage near the property line.

Jennifer Krimko, it is 10 feet from the property and it is 10 feet high.

Abraham Safdie, I am concerned about my views and the value of my property. It is basically a garage and it might block my views.

Jennifer Krimko, I am not sure why we are harping so much on a shed/garage when it is permitted and it meets the setback and it's only 10 feet high. Mr. Safdie has had an opportunity to state his concerns and objections. It is the applicants position that this is the most modest of garages or sheds that you would ever see on an Ocean front property and it is less than 10 feet tall and it meets the setbacks that the Ordinance contemplated. I am not sure why there is so much comment on this shed.

Michele Terzi, 21 Wallace Road, which is next door to Mr. Safdie. My family has owned the house since 1970 and hope everyone can be happy with this project. Our home will lose about 30 foot of view. This structure will be three stories?

Jose Ramirez, three stories from the back.

Jennifer Krimko, the front is only two stories and the three-story portion is on the Deal casino side towards the Ocean.

Michele Terzi, are they within coverage?

Jennifer Krimko, yes, they are. We could move the house here and all views would be lost. The only reason we need the variance is to slide the house back to get it away from the street. If we slide it to the East we would block the view for everybody. What we are proposing is a better zoning alternative for the public at large for sure.

Bobby Terzi, 21 Wallace Road. We are going out 20 feet out south?

Jennifer Krimko, No it's Southwest and it's one little corner.

Albert Fouerti, 20 Wallace Road, across from Terzi. Looking at the plan, it is bulging out into the middle of the block.

Jennifer Krimko, the view you are trying to preserve that you are saying is being blocked by one little architectural feature would be blocked in it's entirety if the house was moved further East and we wouldn't need the variance. That's the part I find confounding. I understand that you have enjoyed the smaller house there and you've enjoyed the benefit of the views there all these years and if the Board denies the variance you are putting it at risk with a conforming house that would destroy any view you have of the Ocean as opposed to preserving it which we are doing.

Sam Douche, 8 Wallace Road, applicant. I just want you to understand how I designed it and I designed it not to block the views and it was always on my mind to take care of the block. The house is also much lower than the current house.

Sam Cohen, you are much better off granting the variance that he is asking now than having him move the house further East and you'll have a much worse view. They will be thrilled when he builds what he is going to build but it is better than what it can be.

Jennifer Krimko, I think the applicant has allowed the neighbors much more leeway and ask the Board Chair to ask if the neighbors have any other comments.

Michele Terzi, comments if there is any other compromise.

Richard Cummings, public comments are now closed.

Jennifer Krimko, if you grant the variances, you are getting a smaller house with less impact for the neighbors and less impact for the neighborhood, I ask the Board to vote favorably.

David Simhon votes to approve the application. Sam Cohen seconds the motion subject to the conditions of no decks on the open roof tops and the hedge will be four foot high.

Moved by: David Simhon

Seconded by: Sam Cohen

Roll Call Vote:

Those in favor: Joe Cohen, Sam Cohen, Richard Cummings, David Simhon, Max Zeevi.

Those opposed: Kathleen Jannarone

Those absent: Ruby Antebi, Mandy Cohen, Nicole Cohen, Richard Fetaya, Irwin Levine.

Those Not Voting: None

There being no further business, the meeting was adjourned.

Respectfully submitted;

Michael W. Egan

Planning Board Secretary