

BOROUGH OF DEAL

PLANNING BOARD/BOARD OF ADJUSTMENT MINUTES

October 6, 2021

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: Ruby Antebi, Joe Cohen, Nicole Cohen, Richard Cummings, Kathleen Jannarone, Irwin Levine, Max Zeevi

Those Absent: Mandy Cohen, Sam Cohen, Richard Fetaya, David Simhon.

A motion was made by Kathleen Jannarone and seconded by Max Zeevi that the minutes of the August 4, 2021, meeting be adopted.

Moved by: Kathleen Jannarone

Seconded by: Max Zeevi

ROLL CALL VOTE

Those in favor: Kathleen Jannarone, Max Zeevi

Those opposed: None

Those absent: Mandy Cohen, Sam Cohen, Fetaya, Simhon.

Those not voting: Ruby Antebi, Joe Cohen, Nicole Cohen, Cummings, Levine

The next item is the adoption of the Resolution for the Minor Subdivision of Block 14, Lot 17.

RESOLUTION

Whereas, Borough of Deal, the record owner of the property has submitted a capital review request to the Planning Board of the Borough of Deal relating to a Minor Subdivision to create two separate lots from the existing parcel identified as Lot 17, Block 14 on the official tax map of the Borough of Deal which is located in the R-1 Zone.

The Borough of Deal is proposing a Minor Subdivision to create two lots from the existing parcel identified as Lot 17, Block 14. The new lot would be identified at Lot 17.03, Block 14.

The Planning Board conducted in review at a public hearing on July 7, 2021.

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 Applicants are the owners of the property.
2. The Applicant presented the testimony of Peter Avakian, Borough Engineer.
3. The proposed minor subdivision request was submitted by the Borough of Deal to the Planning Board for review pursuant to NJSA 40:55D-31.
4. The Borough of Deal enacted Ordinance 1230 permitting the sale of Lot 17, Block 14 ("Property").
5. The Borough of Deal has entered into a Contract of Sale to sell Lot 17, Block 14, subject to the Minor Subdivision.

6. The Applicant advised that the Purchaser of Lot 17, Block 14 own the adjacent property.
7. The Borough of Deal wishes to subdivide Lot 17, Block 14 to create a new parcel of land identified as Lot 17.03, Block 14. The newly subdivided parcel will preserve a fifteen (15) foot wide corridor which will continue to allow public access from Roosevelt Avenue to the existing revetment wall. This will continue public access to view the Atlantic Ocean.
8. The length of the newly proposed parcel is approximately one hundred fifty (150) feet from Roosevelt Avenue.
9. The Borough of Deal will retain ownership of the revetment wall and adjacent Pump Station.
10. The proposed Minor Subdivision does not impact Municipal Public Beach access.
11. The Planning Board finds the proposed Minor Subdivision consistent with the Master Plan and in the best interest of the Borough.
12. No one offered public comment relating to the proposed Minor Subdivision at the hearing.
13. Purchaser has agreed to reimburse the Borough of Deal if any agency of the Federal government or the State of New Jersey requires the Borough of Deal to reimburse any portion of the grant provided for construction of the revetment wall constructed as part of the Deal Pump Station shoreline protection project.
14. Upon closing of title, Purchaser agrees that the newly acquired property shall be consolidated into a single lot with its existing property (Lot 16, Block 14) and the Purchaser further agrees to record a deed restriction precluding any future subdivision of the consolidated property which shall run with title to the consolidated property and shall bind any predecessor in title to the consolidated property.
15. The Purchaser acknowledges that they and any predecessors in title shall be precluded from constructing any improvements on the Property other than a pool and pool decking and further agree that such limit on the use of the Property shall be recorded in a Deed Restriction which shall run with title to the consolidated property.

Whereas, the Board has reviewed the proposed Minor Subdivision proposal pursuant to NJSA 40:50D-31 and find that the proposal is consistent with the Borough's Master Plan and is beneficial for the public good and does not impair 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 7th day of July 2021 find that the proposed Minor Subdivision is appropriate and consistent with the Borough of Deal's Master Plan and to the extent required under the law, approves of same subject to the following conditions:

- (1) All promises, commitments and representations made at or during the Public Hearing Process shall be complied with.
- (2) All appropriate/required fees and taxes shall be paid by the appropriate party.
- (3) Any future improvements will require Planning Board Approval.

Moved by: Kathleen Jannarone

Seconded by: Joe Cohen

ROLL CALL VOTE

Those in favor: Kathleen Jannarone, Joe Cohen

Those opposed: Irwin Levine

Those absent: Ruby Antebi, Mandy Cohen, Nichole Cohen, Richard Fetaya, Richard Cummings, Max Zeevi.

Those not voting: Sam Cohen, David Simhon

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 6th Day of October 2021 that the Resolution of be adopted.

Moved by: Kathleen Jannarone

Seconded by: Joe Cohen

ROLL CALL VOTE

Those in favor: Joe Cohen, Kathleen Jannarone

Those opposed: None

Those absent: Mandy Cohen, Sam Cohen, Richard Fetaya, David Simhon

Those not voting: Ruby Antebi, Nicole Cohen, Richard Cummings, Irwin Levine, Max Zeevi

Prior to the next application, it was announced that Kathleen Jannarone will step down from the Board as she resides within 200 feet of the subject property and that Ruby Antebi will also step down as he has a conflict with the subject property.

The next item is 128 Norwood Avenue, Block 31, Lot 2, The Synagogue of Deal. The applicant is requesting approval for minor site plan approval, use variance, impervious coverage and building coverage. Attorney for the applicant, Jennifer Krimko.

Enter into evidence:

A-1 Minor Site Plan by Ray Carpenter, P.E. of R.C. Associates Consulting, Inc. dated July 7, 2021, with latest revision dated July 27, 2021.

A-2 Architectural Plan by David H. Feldman AIA of Feldman & Feldman Architects, dated March 17, 2021, with no revisions.

B-1 Engineer review letter by Leon S. Avakian, Inc. dated September 22, 2021.

Jennifer Krimko, essentially there is a small internal courtyard on the existing Synagogue building that contains the air conditioning unit. We are proposing to fill it in to a standard classroom and put the air conditioning units on the roof. The area in question is tucked back behind existing building. It won't be seen from anywhere, it is not changing the use in anyway, it's just giving a little more room for one of the classrooms.

Joe Cohen, where are the air conditioning units going?

Jennifer Krimko, on the roof. This is going on the one-story portion and we are technically expanding the building where the synagogue is. We will comply with the Engineer's letter.

Richard Cummings, any questions from the Board? None. Any questions from the public? None. Any comments from the public? None. I make a motion that we approve this application. Joe Cohen seconds the motion.

Moved by: Richard Cummings

Seconded by: Joe Cohen

ROLL CALL VOTE

Those in favor: Joe Cohen, Nicole Cohen, Cummings, Levine, Zeevi

Those opposed: None

Those absent: Mandy Cohen, Sam Cohen, Richard Fetaya, David Simhon

Those not voting: Ruby Antebi, Kathleen Jannarone

There being no further business, the meeting was adjourned.

Respectfully submitted.

Michael W. Egan
Planning Board Secretary

