

BOROUGH OF DEAL

PLANNING BOARD/BOARD OF ADJUSTMENT MINUTES

July 6, 2022

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, Mandy Cohen, Nicole Cohen, Sam Cohen, Richard Cummings, Kathleen Jannarone, David Simhon

Those Absent: Joe Cohen, Jack Kassin, Max Zeevi

A motion was made by Richard Cummings and seconded by Kathleen Jannarone that the minutes of the May 4, 2022 meeting be adopted.

Moved by: Richard Cummings

Seconded by: Kathleen Jannarone

ROLL CALL VOTE

Those in favor: Ruby Antebi, Richard Cummings, Kathleen Jannarone, David Simhon

Those opposed: None

Those absent: Joe Cohen, Jack Kassin, Max Zeevi

Those not voting: Mandy Cohen, Nicole Cohen, Sam Cohen

The first item on the agenda is 30 Sydney Avenue, Block 81, Lot 3, Benum Family Holdings. Applicant is proposing a pergola. Applicant, Claude Pardo.

Enter into evidence:

A-1 Zoning Plot Plan by Robert C. Pisano, R.A. of Pisano Development Group, dated March 2, 2022.

A-2 Architectural Plan for the Pergola prepared by Robert C. Pisano R.A. of Pisano Development Group dated December 27, 2021.

A-3 Pool As-Built Plan by Charles Surmonte, P.E. dated March 11, 2022.

B-1 Engineer review letter by Leon S. Avakian, Inc. dated May 20, 2022.

Claude Pardo, I live on the corner house with the front door facing Sydney Avenue. I just want to build a pergola. My hardship is that I live on a corner, if it wasn't a corner, it wouldn't be a situation. Call on the Engineer, Robert Pisano to testify.

Robert Pisano, Owner of Pisano Development Group. Degree from Lehigh University in Civil Engineering and since 2008 have run Pisano Development Group. Licensed Engineer in New Jersey. Board Chair accepts credentials.

Robert Pisano, the lot area is over 26,000 square feet in the R-1 district. It is a rectangular lot, corner of Sydney and Ocean Avenue. It faces Sydney Avenue. What we are proposing is a simple Pergola, it will not be enclosed and will be a roof structure to provide shade to an existing patio, it will be located in the rear of the house which is at the side yard of his neighbor. We are requesting a bulk variance for a side yard variance only. The requirement is for 30 feet, we are asking for 19 feet. If this was a typical lot with two neighbors the rear yard would extend to the back of the house but this lot creates a small corner. It is consistent with the neighborhood.

David Simhon, what is the size of the Pergola?

Robert Pisano, it will be 14 feet x 34.8 feet.

David Simhon, it is open on all sides except for the roof?

Robert Pisano, it is open on all sides and is attached to the house. You come out the sliding doors into the Pergola.

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: Kathleen Jannarone

ROLL CALL VOTE

Those in favor: Ruby Antebi, Mandy Cohen, Nicole Cohen, Sam Cohen, Richard Cummings, Kathleen Jannarone, David Simhon

Those opposed: None

Those absent: Joe Cohen, Jack Kassin, Max Zeevi

Those not voting: None

Prior to the next application, Richard Cummings and David Simhon will step down from the Board as they have properties within 200 feet of the next application.

The next item on the agenda is 1 Roseld Court, Block 35, Lot 7, Alice Tawil. Applicant is proposing an addition to the rear of the dwelling, an inground swimming pool and changing the detached garage to a Cabana. Attorney for the applicant, Jennifer Krimko.

Enter into evidence:

A-1 Topographic Survey by Justin J. Hedges, PLS of Insite Surveying, LLC dated November 4, 2021 with the latest revision date of February 7, 2022.

A-2 Plot Plan by Douglas D. Clelland, PE of Insite Engineering, LLC dated March 18, 2022.

A-3 Architectural Plan by Michael Savarese, RA of Michael Savarese Associates, dated March 17, 2022.

A-4 Aerial Exhibit

A-5 Photo Packet with 5 photos

A-6 Color Rendering of subject property

B-1 Engineer review letter by Leon S. Avakian dated June 23, 2022.

Jennifer Krimko, this is a unique lot, the rear yard is bound by the Municipal parking lot to the South and the Police Station to the East, there is a paved roadway that goes through the backyards of all the homes on Roseld Court, it is on our property and it is fully paved because it gives full access from the Municipal Complex and the Police Department out to Runyan, however it goes towards our coverage. Our property line extends to the East side of this driveway. To the North, the only neighbor who is residential who would be protected by the Ordinance and the setback, there are heavy trees and in the background, you can see our basketball court. The existing house has some non-conformities, the lot area, the lot width, the front setback and the air-conditioning unit. We are doing a few modest alterations on the front of the house, an addition to the back, all the additions essentially follow the existing lines of the house we are bring it any closer to the property lines but because it is an existing non-conformity, it is technically a variance. We are putting an average size pool dead set in the center of the lot to give the greatest setback to the property to the south and to the north, which of course is the parking lot and we were able to achieve 21 feet on both sides where 50 feet is required. It is important to note that our lot coverage would conform but for this roadway that

serves the easement for the public right of way. So that's what puts our coverage over, without the public easement we fully conform with coverage. That's all we're really asking for and the garage is again fully conforming and we are looking to turn into a Cabana for use with the pool.

Jennifer Krimko, I call Patrick Ward, a licensed Engineer and Professional Planner. Vice Board Chair, Kay Jannarone accepts the witness.

Jennifer Krimko, is the lot 60 feet wide in the front and 61 feet in the back, how do we 62 feet across in the middle?

Patrick Ward, 20-foot dimension is from outside the Copeland to outside of the Copeland. The pool is 18x36 pool.

Jennifer Krimko, I think I gave a pretty good summary and let's talk as an Engineer as to why the variances should be granted.

Patrick Ward, we are 60 feet wide on the lot, the pool setbacks are 30 feet in the Borough, because of the narrowness of the lot we have no area to put the pool in a compliant location, hence the variance being sought, the pool is centrally located on the property, smack dab in the middle. This is a typically sized residential pool with a modest 8 foot patio around the perimeter. The proposal complies with the building code in a R-3 zone, we are over on the lot coverage but the 8.3% that we are over of the 40% maximum it is a result of that rear access easement.

Jennifer Krimko, without the Borough's road behind us we would compliant in coverage?

Patrick Ward, yes.

Jennifer Krimko, Pat, can we provide a drainage system to accommodate any overage to mitigate any potential impact due to the hardship of having a public easement on our property?

Patrick Ward, yes we can.

Ruby Antebi, what kind of drainage?

Jennifer Krimko, they would be in the form of drywells that would collect the runoff and retain them on the property it would inhibit the runoff to the neighbors.

Patrick Ward, that access road does drain towards our property.

Jennifer Krimko, there is only one neighbor that would be affected by the pool and I don't believe that neighbor has an issue with it. The setback is to provide adequate buffers to the neighbors. Would it make you comfortable to move the pool closer to the Municipal Lot and away from the neighbor?

Kay Jannarone, the pool is a problem.

Sam Cohen, I can't see that property having a pool. It would be like Brooklyn, not every house can have a pool. It is a very narrow lot.

Jennifer Krimko, but there other narrow lots that have or have gotten pools and we are up against the Municipal parking lot. What if we moved the pool 9 feet to the South, so we gave the full 30 feet to the neighbor and closer to the parking lot. So if we met the 30 feet to the North side, then we wouldn't be bothering any neighbor.

Kay Jannarone, do you want to bifurcate the application for just the improvements on the house and come back with a revised pool plan?

Jennifer Krimko, we think alike.

Kay Jannarone, any comments from the public. None. I make a motion approve just the improvements to the house.

Erik Anderson, the first step would be for the Board to approve the Bifurcation first.

Ruby Antebi, if they are coming in next month, why would we want to approve, there is a moratorium anyway, they are not starting building, let's just see the plans in it's entirety next month.

Jennifer Krimko, when is the next Board meeting?

Michael Egan, it is August 3rd.

Jennifer Krimko, I ask that we carry the application with no need for further notice.

Board okays.

Before the next application, it is announced that Richard Cummings and David Simhon will re-join the Board but Mandy Cohen and Nicole Cohen will step down from the Board due to prior obligations.

The next application is 110 Roosevelt Avenue, Block 12, Lots 4,5 and 10, Roosevelt Partners, LLC. Applicant is removing the existing dwelling and all-site amenities and constructing a new two-story single-family dwelling with a new site amenities. The amenities include detached gym structure, swimming pool, hot tub, patio, fire pit, greenhouse, two driveways and a basketball court. Attorney for the applicant, Jennifer Krimko.

Enter into evidence:

A-1 Plot Plan by David Boesch, LLA and Matthew R. DuBois, PE of Nelson Engineering Associates, Inc. dated January 14, 2022 with the latest revision date of April 14, 2022.

A-2 Architectural Plan by Robert I. Glass, RA of Andrew Wilkinson Architects, LLC dated January 28, 2022 with the latest revision dated April 12, 2022.

A-3 Average Setback within 200 feet Survey by Robert H. Morris, PLS of Nelson Engineering Associates, Inc. dated November 12, 2021 with the latest revision dated November 17, 2021.

A-4 Boundry Survey by Robert H. Morris, PLS of Nelson Engineering Associates dated November 12, 2021 with the latest revision dated May 9, 2022.

A-5 Aerial Exhibit

A-6 Photo of fence and wall across the street

A-7 Photo Packet

A-8 Color Rendering Plot Plan of Subject Property

B-1 Engineering review letter by Leon S. Avakian dated May 20, 2022.

Jennifer Krimko, we have an extremely large lot, close to two acres. When you look at the list of variances, it seems like a lot of variances It is not a lot of variances it's all really the same variance repeatedly based on the configuration of the lot. Almost all of the variances are due to the Pearl Court frontage That goes with the walls, the building setback, the driveway. As you know Pearl Court is a service road that no properties front. The business use to park their cars on. This is a not fixed street that the Ordinance was designed to preserve. The site is proximate to a very busy commercial district, you have downtown Norwood Avenue and when you have an estate, you need some privacy and noise buffering. The parking area is raised a little bit so what the wall we are proposing shields the neighbors on Norwood Avenue and Roosevelt from any headlights from shining into their properties. It is our opinion the variances relative to Pearl Court are very technical in nature and should be treated as a side yard for zoning purposes. We need a variance for the fence/wall height combination on Roosevelt. We are putting a modern twist on it to have it match with our architecture. The pool is an affinity edge pool because it is built into the patio and it was a solution to deal with the grade and it is not an above ground pool. We are significantly below building coverage and under lot coverage. This structure is literally built into the landscape. Our max height is almost ten feet below what we would be permitted. Let me call Andrew Wilkerson, our Architect.

Andrew Wilkerson, Licensed Architect. I have a 5 year degree from Roger Williams University and have been practicing since 2000 and maintain an office in NYC. Board accepts credentials.

Andrew Wilkerson, it is important to the owner that the house did not overwhelm Roosevelt Avenue. One of the ways we did it, we are going to dewater and bring the house down 10 feet below the maximum allowed. We are bringing down the scale of the house and not go three stories high and get more attention than it needs. We have the landscape going up near Pearl street which causes some issues. We are designing a canopy so you can walk from the parking area to the front door in the rain and be covered and also to create a layer to the house. Even in the evening we will have very soft lighting on the porch.

Sam Cohen, love the house but the wall on Pearl Court, I would like to see shrubbery so you don't have to look at a wall.

Jennifer Krimko, the only reason we are only putting low shrubbery because the wall itself is an architectural feature that ties into the house and is esthetically pleasing.

Sam Cohen, maybe I am not understanding as this looks like a cinder block wall in the picture.

Jennifer Krimko, what is the material of this wall Andrew?

Andrew Wilkerson, it is going to be a board formed concrete wall, it is poured concrete but with what is unique the form work that creates the wall and the concrete is poured into is formed with wood planks so when you pull the planks away the surface of the concrete takes on the characteristics of all the graining and the planking so you get a rich texture.

Sam Cohen, you are still looking at a concrete wall and it is quite a long concrete wall.

David Simhon, why wouldn't you do the fencing on Pearl Court that you have on Roosevelt?

Jennifer Krimko, because they want the privacy on Pearl Court because of how busy it is as an alley way, they want the noise barrier and they want a light shield.

Sam Cohen, what would be the objection to putting arbor vides in front of it?

Jennifer Krimko, I call my client who can speak better to this.

Steven Kassin, we thought a lot about this side of the property at Pearl Court. There are a number of factors that put us in this direction. A solid barrier facing Pearl Court would be beneficial to us and something respectfully we would request because of the sound of cars on Norwood impacting a house of this magnitude.

Sam Cohen, I'm not telling to take it away, I'm just telling you to put shrubbery there.

Steven Kassin, I get it but there is a ripple effect, there are 35 25 foot or higher mature trees that create a 30 foot buffer on the Pearl Court side and what we are trying to do is to put in an architectural element that tucks under the canopy of the trees. All of these trees, they are staggered that were planted in the early mid 2000 that we are trying to preserve as a privacy buffer and not massacre about 35 trees. So the idea is to do an architectural wall under the canopy of the trees we have this beautiful architectural feature with the trees behind it. The wall height which also puts us in compliance for the pool fencing. It would be beautiful to see a clean architectural element and a canopy of trees.

Jennifer Krimko, we are putting the wall back from the sidewalk with landscaping in front of it.

Steven Kassin, I would like to show you what the wall will look like up close. See the screen with the proposed fence which is a natural concrete color and is cool because the boards that form the concrete match the cedar that is proposed on the facade.

Sam Cohen, it actually looks like a wood fence?

Steven Kassin, correct. All the cedar on the house it's going to have the same profile as the concrete elements on the property.

Sam Cohen, I have no objection to this now. What is the lot coverage?

Jennifer Krimko, Lot coverage is 33.41% and the building coverage is only 12.65%.

Sam Cohen, all our building codes are meant to enhance Deal and I think this is a magnificent home.

Jennifer Krimko, we can comply with all the requirements in Avakian's letter.

Richard Cummings, anyone in the public have any questions?

Mr. Abar, I live at 45 Norwood Ave in my Mother in laws house for 45 years. I just want to understand what the Pearl Court layout will be. It is very busy. What is going to be on that side of the street?

Jennifer Krimko, basically we are proposing one driveway access onto Pearl court.

Mr. Abar, how wide is that access?

Jennifer Krimko, 12 feet. It is 16 foot curb cut and 12 foot driveway.

Mr. Abar, how many trees are being taken away?

Steven Kassin, we have already taken away the one tree we needed to.

Jennifer Krimko, there are two access's, one off Pearl Court and one on Roosevelt Avenue. We do not need any variances for the access. We could subdivide into 4 lots but we are keeping it at one home.

Steven Kassin, the driveway on Pearl Street will be a service access with little traffic.

Eli Chehouva, 47 Norwood Avenue. The proposed driveway on Pearl court might be interfering with my driveway. Want to make sure that we are blocked getting into our driveway.

Jennifer Krimko, proposed driveway is 25 feet away.

Richard Cummings, any other questions from the audience. None.

Sam Cohen makes a motion to approve the plans as presented and David Simhon seconds the motion.

Moved by: Sam Cohen

Seconded by: David Simhon

ROLL CALL VOTE

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

Those opposed: None

Those absent: Joe Cohen, Mandy Cohen, Nicole Cohen, Jack Kassin, Max Zeevi

Those not voting: None

The next application is 78 Lehman Avenue, Block 32.02, Lot 16, Steve Sasson. Applicant is proposing an in-ground pool and pool patio. Attorney for the applicant, Jennifer Krimko.

Enter into evidence:

A-1 Plot Plan by Douglas D. Clelland, PE of InSite Engineering, LLC dated December 7, 2021 with a latest date of April 13, 2022.

A-2 Final As-Built Survey by James B. Goddard, PLS of C.C. Widdis Surveying, LLC dated June 25, 2018 with the latest revision date of October 19, 2018.

A-3 Color Photo of subject property.

A-4 Photo Packet

B-1 Engineer review letter by Leon S. Avakian, Inc. dated April 20, 2022.

Jennifer Krimko, this is a relatively simple application, we have a home that is existing, it is non-conforming in regards to lot width and frontage, side yard setbacks to the house and a shed

that is not conforming. All we are looking to do is to put in a swimming pool, relocate the shed to a conforming location and we need variances for rear yard setback for the pool. pool patio. The neighbor has a garage right up against our property line. This house is set back significantly which leaves a very small yard area with which to anything in. We are proposing a very small pool, it's only 14 feet across and be 20 feet off the rear property line and to have a pool patio 6 feet off the property line and we are looking to leave the shed in it's current location it's up against another pool and a garage structure against the property line. There is no impact on anybody, we are maintaining lot coverage, it is just a function of being able to fit the pool and keeping as far away from the rear property line as possible. We will comply with Mr. Avakians letter. There isn't really a need to put in additional buffering in that there is substantial buffering there so you can even see through into the other rear yard. The lot is adequate in size but the house is constructed that left a smaller rear yard than most people would have.

David Simhon, how far is the house from the pool?

Jennifer Krimko, 7 feet. I call our Engineer, Patrick Ward. If you could offer some planning reasons for the variances and the hardships.

Patrick Ward, in this location we do a limited rear yard due to the location of the existing dwelling, which is setback a few feet beyond the required 50 feet in the front. The rear yard is limited to 41 feet so when you apply the 30 foot rear yard setback you are limited to put in a compliant pool. We meet the side yard setbacks. We feel there are no impacts. The rear yard setback has a potential to impact the neighbor but we have existing landscaping and the neighbor will be screened by the evergreens. No improvements will be visible to the street. Overall coverage complies. We are taking all the drainage and runoff that comes from the added patio and discharging it to the front of the property with no impact to the neighbors.

Kay Jannarone, pool should be reduced and a slightly smaller patio.

Jennifer Krimko, I don't think the pool can be smaller than 14 feet.

Richard Cummings, move the pool closer to the house by two feet.

Jennifer Krimko, we could move it to 5 feet which would make the setback of the patio to 8 feet and the pool 22 feet.

Richard Cummings, any comments from the public? None. Makes a motion to move it to 22 feet and accept the application. Sam Cohen seconds the motion.

Moved by: Richard Cummings

Seconded by: Sam Cohen

ROLL CALL VOTE

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

Those opposed: None

Those absent: Joe Cohen, Mandy Cohen, Nicole Cohen, Jack Kassin, Max Zeevi

Those not voting: None

The final item on the agenda is 86 Parker Avenue, Block 32.01, Lot 5, Henry Harray. Applicant is proposing a carport attached to the dwelling, roof over existing front porch and rear patio with pergola. Attorney for the applicant, Jennifer Krimko.

Enter into evidence:

A-1 Plot Plan by Patrick R. ward PE, PP of InSite Engineering, LLC dated April 6, 2022.

A-2 Architectural Plan by Alan J. Zimble, RA of Zimble Architecture dated April 6, 2022.

A-3 Boundry & Topographic Survey by Justin J. Hedges, PLS, CFS of InSite Surveying, LLC dated February 23, 2022 with the latest revision date of March 3, 2022.

A-4 Aerial Photograph

A-5 Photo Packet

B-1 Engineer review letter by Leon S. Avakian, Inc. dated June 23, 2022.

Jennifer Krimko, we have an existing house with existing setbacks and an existing driveway and after moving in the property owner realized they really need a covered area in which to go in and out the door. Along the driveway there are trees almost as tall as the house. We are proposing, we have an existing front porch and we are looking to put a roof over it. The existing house is setback 48 feet and the front porch extends less than 10 feet so it is conforming. There is a carport just over the driveway area, it is simply roofed area with columns and the pergola and the carport will require a variance for setback and the stairs leading into the door will require a variance. By covering our porch it technically increases building coverage, by putting an open carport it also increases building coverage as does the pergola. I call the Architect, Allan Zimbler who is accepted by the board as an expert. What we are proposing on the side is just new landing and steps to have access to the door as well as the carport, correct?

Allan Zimbler, that's correct.

Jennifer Krimko, the total height of the carport is?

Allan Zimbler, 15 feet.

Jennifer Krimko, we could make it smaller and a flatter roof but then it wouldn't be consistent with the architecture of the house so in your opinion having this slight pitch to the roof makes it consistent with the house?

Allan Zimbler, correct.

Jennifer Krimko, we are proposing a front porch and again we are just proposing a roof and not extending.

Allan Zimbler, correct.

Jennifer Krimko, in the back we are proposing a pergola.

Richard Cummings, is there a concrete patio under that?

Jennifer Krimko, we are constructing a patio under it.

Richard Cummings, any questions from the public? None.

Kay Jannarone makes a motion to accept the application as submitted and Richard Cummings seconds the motion.

Moved by: Kay Jannarone

Seconded by: Rich Cummings

ROLL CALL VOTE

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

Those opposed: None

Those absent: Joe Cohen, Mandy Cohen, Nicole Cohen, Jack Kassin, Max Zeevi

Those not voting: Ruby Antebi

There being no further business, the meeting was adjourned.

Respectfully submitted.

Michael W. Egan
Planning Board Secretary

