

BOROUGH OF DEAL

PLANNING BOARD/BOARD OF ADJUSTMENT MINUTES

November 22, 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, Sam Cohen, Richard Cummings, Kathleen Jannarone, Jack Kassin, David Simhon

Those Absent: Joe Cohen, Nicole Cohen, Irene Mamiye, Max Zeevi

A motion was made by Sam Cohen and seconded by Kathleen Jannarone that the minutes of the October 3, 2022 meeting be adopted.

Moved by: Sam Cohen

Seconded by: Kathleen Jannarone

ROLL CALL VOTE

Those in favor: Mandy Cohen, Sam Cohen, Kathleen Jannarone, Jack Kassin, David Simhon

Those opposed: None

Those absent: Joe Cohen, Nicole Cohen, Irene Mamiye, Max Zeevi

Those not voting: Ruby Antebi, Richard Cummings,

The first item on the agenda is 108 Jerome Avenue, Block 8, Lot 3, 108 Jerome, LLC. Applicant is proposing a minor subdivision creating two lots. The proposed lot, 3.02 is a corner lot measuring 130 feet along Pleasant Place and 189 feet along Jerome Avenue. The proposed lot 3.03 is an interior lot measuring 150 feet in width and 187 feet in depth. The applicant is proposing a three-story single family dwelling with a swimming pool, cabana and other site amenities on proposed lot 3.02. For proposed Lot 3.03, the Applicant is proposing a three-story single-family dwelling with a swimming pool, cabana, shed and the existing tennis court to be resurfaced. Attorney for the applicant, Jennifer Krimko.

Enter into evidence:

A-1 Minor Subdivision Plan consisting of 9 sheets prepared by Patrick Ward, P.E. and Justin Hedges, P.L.S. of Insite Engineering, LLC dated September 26, 2022.

A-2 Architectural Plan for Proposed Lot 3.02 consisting of 9 sheets prepared by Michael Savarese, R.A. of Michael Savarese Associates, dated July 22, 2022 with the latest revision date of August 30, 2022.

A-3 Architectural Plan for Proposed Lot 3.03 consisting of 7 sheets prepared by Michael Savarese, R.A. of Michael Savarese Associates, dated March 11, 2022 with the latest revision date of September 6, 2022.

A-4 Boundary, topographic and utility survey by Justin J. Hedges, P.L.S. of Insite Surveying, LLC dated October 18, 2021.

A-5 Colorized Overhead Subdivision Exhibit

B-1 Engineer review letter by Leon S. Avakian, Inc. dated November 10, 2022.

Jennifer Krimko, this application is a fully conforming minor subdivision. We are proposing to take an oversized and subdivide it into two conforming lots. All of the proposed construction, the houses, the accessory structures, everything will fully comply with your ordinance. The only variance we need is because there is an existing tennis court that is non-conforming. We are keeping in the exact same footprint but just pulling it back a little bit to make it a touch more conforming than it is today. I ask that Patrick Ward be sworn. Pat you are a licensed Engineer and Planner in the State of New Jersey?

Patrick Ward, yes, I am.

Richard Cummings, we accept as an expert.

Patrick Ward, right now it is an oversized lot in the R-1 zone. There is an existing dwelling on the property, there is an existing tennis court on the property and some other associated improvements like a very large circular driveway. Applicants are proposing to remove all site improvements except for the tennis court, which I will give more detail in a moment, in an effort to subdivide into two compliant lots fully conforming to the R-1 Residential zone requirements. The applicants are proposing new dwellings and related site improvements for both lots as part of this application. Lot 3.02, proposing a new home, circular driveway, a pool and a Cabana and are fully compliant with the zoning ordinance as to setbacks and coverages. Lot 3.03 will contain a new home, a straight driveway, pool to the South and the modified tennis court. All the new improvements are compliant, the tennis court modification results with improved setbacks along the easterly property line by nearly two feet and to the 20 foot right of way to the South.

Jennifer Krimko, Pat, you are calling a right of way, it is not, it is a private easement that is not a public roadway, it is our side-yard setback for that lot.

Patrick Ward, that is correct. That 20 foot access right of way is private and is not a Municipal right of way therefore it has a side-yard setback.

Jennifer Krimko, I want to correct you, whether it is a rear yard or a side-yard setback, since it is in our rear yard the setback is 10 feet, not 30 feet. We're improving both setbacks over what is existing today, we are actually making the tennis court smaller and becoming more conforming, we are going to 8.25 where 6 feet existed on the East side and 7.7 feet where 13.42 feet existed. Essentially to improve the setback to the East side. You reviewed the Board Engineer review letter and were there any issues that you thought we could not comply with?

Patrick Ward, No, there were no issues.

Jennifer Krimko, so if the Board were to vote favorably on this application, so as a condition of approval we would comply with the letter?

Patrick Ward, yes.

Richard Cummings, I see we have two side yard pools, I thought we need a variance?

Jennifer Krimko, a pool can be in the side yard providing it is 30 feet from the side yard setback, it can be in a side yard or a rear yard. It has to meet the front yard setback and be 30 feet from the side, but it can be in a side yard.

Jack Kassin. What is the front yard setback?

Jennifer Krimko, 50 feet.

Jack Kassin, I have another question. The width of the property has to be 150 feet unless you ask for a variance. Does the house have to face that 150 feet?

Jennifer Krimko, No it does not according to your Ordinance. If you review your Board's Engineer review letter, he makes it very clear that it is fully compliant based on your Ordinance language.

Richard Cummings, I have no issue with the tennis court.

Sam Cohen, is it a clay court or a hard court?

Patrick Ward, it is a clay court.

Sam Cohen, I had a question on the pool equipment on the Jerome house, the neighbor had questioned where the pool equipment would be. The neighbor asked if it could be moved.

Jennifer Krimko, it is 22 feet away where 10 foot is required.

David Simhon, are they are going to have generators on either house?

Richard Cummings, the plans show a generator.

Jennifer Krimko, generators can be 10 feet from the property line, this is setback 28 feet from the property line.

Richard Cummings, open to questions from the public.

Mimi Franco, neighbor at 102 Jerome Avenue. I am concerned about the noise from the pool equipment. I have bedrooms parallel to where they are placing the pool equipment. Was wondering that it wouldn't be very noisy or soundproof them especially at night when the children are sleeping.

Jennifer Krimko, you are at least 40 feet from the equipment and we could put some landscaping around it.

Mimi Franco, I just want them to be aware that if it's noisy that it should be sound proofed. Also where are the air conditioners?

Richard Cummings, the air conditioners are in the back of the house.

Mimi Franco, I am just concerned about the noise, I think the plans are beautiful, I am really impressed how you subdivided it, it looks very nice, it will be an addition to the neighborhood, the only thing would impact us is noise from the pool equipment.

Leah Harari, neighbor at 34 Pleasant Place, corner of Jerome and Norwood Avenue. I have been speaking to my neighbors, we all have a concern.

Jennifer Krimko, you are not permitted to speak on behalf of your neighbors, you can only share what you concern you have.

Erik Anderson, you can set forth what concerns you have if any.

Leah Harari, my concern is about parking issues, in the summertime we have a parking issue, when my family comes to visit they can't even park on Jerome because there are so many cars from other homes, so now we are adding two homes, there was one there already but now we are adding another home, my concern is parking issues and two when they are undergoing construction, we request that construction vehicles park on their side of Pleasant place and not on our side of Pleasant Place.

Jennifer Krimko, I can address both of those. In regards to parking, directly across the street from you the home has a very large circular driveway with much more parking than existing conditions and both properties meet the Ordinance and State Requirements for parking and we can absolutely commit to having the construction vehicles park on our side of the street.

Leah Harari, there are quite a few lovely trees on the property and was wondering what will happen to those trees? They are not on the government line; they are in the garden of the home.

Patrick Ward, the trees within the center of the property will be removed due to the construction.

Jennifer Krimko, Mrs. Harari, due to the construction we have no choice but any trees that are in the footprint of where we are grading to remove them. I will work with my client to save any trees they can and to the extent you are interested in transplanting the trees for your own use, you can reach out to me and I'll put you in touch with my client if you're interested in that as well.

Ruby Antebi, if she is not interested in that I will take the trees.

Leah Harari, That's satisfying. One last question, is it two story or three story?

Jennifer Krimko, one is 3 story and one is 2 ½ story but both are fully compliant.

Richard Cummings, any more questions from the audience? None.

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

Moved by: David Simhon
Seconded by: Richard Cummings

ROLL CALL VOTE

Those in favor: Ruby Antebi, Mandy Cohen, Sam Cohen, Richard Cummings, Kathleen Jannarone, Jack Kassin, David Simhon
Those opposed: None
Those absent: Joe Cohen, Nicole Cohen, Irene Mamiye, Max Zeevi
Those not voting: None

There being no further business, the meeting was adjourned.

Respectfully submitted.

Michael W. Egan
Planning Board Secretary