

**BOROUGH OF DEAL**  
**PLANNING BOARD/BOARD OF ADJUSTMENT MINUTES**

**April 10, 2024**

The regular virtual meeting of the Planning Board/Board of Adjustment of the Borough of Deal was called to order by Chairman Richard Cummings. FOLLOWING THE SALUTE TO THE FLAG, Ms. Barrett, read the following 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 January 23, 2024 at 7:30 P.M. at regular virtual 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**

Present: Mr. Cummings, Mrs. Jannarone, Commissioner Simhon, Mr. Antebi, Mr. J. Cohen, Mayor Cohen, Ms. M Cohen

Absent: Ms. N. Cohen, Mr. Zeevi

**APPLICATIONS:**

**24 Monmouth Drive**

Notice was reviewed and deemed sufficient. The Board has jurisdiction to hear the application.

The following exhibits were submitted for the Board’s review:

A-1 Application/Checklist 2-9-24; A-2 Survey; A-3 Architectural Plan dated 2-5-24; A-4 Plot Plan dated 2/5/24; A-5 Geotechnical Report dated 1/15/24; A-6 Notice to Property Owners/Publication; A-7 Aerial overlay prepared by French Parello Assoc. (new proposed layout w/out pool house); A-8 Color rendering of Plot Plan close up; A-9 Color rendering of elevation; B-1 Engineer Technical Review letter dated 3/4/24

Jennifer S. Krimko, Esquire from the Ansell, Grimm and Aaron law firm representing the applicants Samuel and Eileen Terzi placed her appearance on the record. The proposal has been revised with reducing the pool to 18’ by 40’ and the pool house has been removed. Ms. Krimko introduced Keith Smith, a New Jersey licensed engineer. Mr. Smith was sworn in, and the Board accepted his credentials.

Mr. Smith described the existing conditions at the subject premises and the surrounding neighborhood. The property is undersized for the zone. The pool will now be setback 25 feet. The permitted building coverage is 20 percent, existing is 24.5 percent and 21.11 percent is now being proposed. The impervious coverage is proposed at 44.15 percent requires a variance and a new stormwater management system is proposed. The front yard setback will comply. The side yard setbacks are required at 20 feet due to the narrowness of the lot de minimis variance relief is being sought.

Ms. Krimko introduced Jose L. Ramirez, a New Jersey licensed architect. Mr. Ramirez was sworn in, and the Board accepted his credentials. Mr. Ramirez described the exterior architectural details and elevations. Mr. Ramirez explained the interior floor plans and there is no interior access to the roof.

Chairman Cummings opened the application for public questions and/or comments. There being none, the public portion was closed.

After deliberations, Chairman Cummings made a motion to approve the application seconded by Commissioner Simhon.

Roll call vote:

Ayes: Chairman Cummings, Mayor Cohen, Joseph Cohen, Mrs. Jannarone, Commissioner Simhon, Mr. Antebi, Mandy Cohen

Nays: None

### **8 Neptune Avenue**

Notice was reviewed and deemed sufficient. The Board has jurisdiction to hear the application.

The following exhibits were submitted for the Board's review:

A-1 Application/Checklist; A-2 Stormwater Management Statement; A-3 Architectural Plans for Proposed Cabana dated 10/30/23; A-4 Survey dated 11/8/23; A-5 Site Plan dated 9-8-23; A-6 Notice to Property Owners/Publication; A-7 Aerial with proposed improvements w/ overlay; A-8 Conforming location would be for cabana (relate to setback); A-9 Photo packet 5 pages prepared by the Planner; A-10 11/1/23 Email Tax Assessor Block 83 Lot 1; B-1 Engineer Review letter dated 1/9/24

Jennifer S. Krimko, Esquire from the Ansell, Grimm and Aaron law firm representing the applicant ICC Neptune Avenue, L.L.C. placed her appearance on the record.

Carl Rizzo, Esquire from the Cole Schotz law firm representing objector Deborah Gindi residing at 18 Neptune Avenue placed his appearance on the record.

Mr. Rizzo stated he feels the notice is deficient in that a variance is required for placing a pool in the front yard; the identification of the Block and Lot are incorrect; incorporate measurements for properties outside Block 83, Lot 1 and seeking amendment of a prior approval.

Jessica Sweet, Esquire representing objector Joseph Ikai residing at 12 Neptune Avenue placed her appearance on the record. Ms. Sweet concurred with Mr. Rizzo's assessment and stated impervious and building coverage variances are required.

Ms. Krimko cited Perlmart of Lacey, Inc. vs. Lacey Township Planning Board case. The notice includes the catchall language "any and all other variances that may be considered." The applicant purchased the end of Neptune Avenue from the Borough of Deal, and it is part of the current lot. According to the Board's professionals the pool is behind the rear line of the house, which has always been interpreted by the Board that is in the rear yard. The prior approval was not conditioned that there would be no further development on the property and there was no Deed restriction placed on the property. The notice that was given amply provided for the average person an understanding as to what is being proposed.

Mr. Anderson advised the Board needs to determine whether the notice is sufficient and cited the Perlmart vs. Lacey Township case law. In Mr. Anderson's opinion the notice meets the requirements under the MLUL.

Mr. Antebi made a Motion the notice is deemed sufficient, and the application can proceed; Seconded by Joseph Cohen.

Roll call vote:

Ayes: Chairman Cummings, Mayor Cohen, Joseph Cohen, Mrs. Jannarone, Commissioner

Simhon, Mr. Antebi, Manny Cohen

Nays: None

Ms. Krimko stated the applicant acquired the end stub portion of Neptune Avenue right-of-way to eliminate any side yard or coverage variances related to the proposed improvements. Ms. Krimko introduced Daniel Doherty, a New Jersey licensed Engineer. Mr. Doherty was sworn in, and the Board accepted his credentials.

Mr. Doherty explained the existing conditions at the subject premises. Mr. Doherty testified with the inclusion of the acquired Borough property the property is 64,453 square feet. Mr. Doherty testified the proposal is for a new cabana, raised patio and pool in the northeast corner of the property. Mr. Doherty explained the need for variances for the fencing and railings being proposed. The cabana is 21.52 feet high and 18 feet is permitted. Mr. Doherty explained the existing topography of the property.

Chairman Cummings opened the testimony for public questions. Mr. Rizzo questioned Mr. Doherty regarding his testimony. Ms. Sweet also questioned Mr. Doherty regarding his testimony.

Ms. Krimko elicited further clarification of Mr. Doherty testimony. Mr. Rizzo asked follow-up questions of Mr. Rizzo.

The application will be carried to the May 28, 2024 meeting at 7:30 pm without further notice required.

There being no further business before the Board Motion was made and Seconded to adjourn at approximately 10:00 pm.

The next regularly scheduled meeting will be held on May 28, 2024 at 7:30 pm via ZOOM.

Respectfully submitted,

Michele A. MacPherson

State Shorthand Reporting Services, Inc.

