

**BOROUGH OF DEAL  
PLANNING BOARD**

**RESOLUTION No. 10-29-2024 (1)**

Whereas, Michael and Sally Franco, are the record owners of the property and have applied to the Planning Board of the Borough of Deal for variances for the premises located at 19 Morgan Avenue, Borough of Deal and known as Block 12, Lot 3 on the official tax map of the Borough of Deal which premises are located in both the R-2 zone.

The Applicant seeks approval for a third story addition along with renovations to the home. No site improvements are proposed. The existing house and Property are nonconforming, and the proposed improvements require Planning Board approval.

A hearing was held in connection with this matter on September 24, 2024.

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 Applicant is the owner of the property.
2. The Applicant was represented by Jennifer Krimko, Esq.
3. The Applicant presented the following exhibits:

A-1	Application dated 8/28/24;
A-2	Survey dated 7/11/24;
A-3	Architectural plans dated 7/16/24;
A-4	Notice of hearing;
B-1	Engineer Technical Review letter dated 9/19/24.
4. The property has a total area of 25,000 square feet.
5. The lot contains an existing residential dwelling, porch, driveway, swimming pool, cabana and other site improvements.
6. The Applicant is proposing to construct a third-floor addition over the existing dwelling.
7. The minimum lot width permitted is 150 feet. Currently existing is 100 feet, which is an existing non-conformity. No change is proposed.
8. The minimum lot frontage permitted is 150 feet. Currently existing is 100 feet, which is an existing non-conformity. No change is proposed.

9. The minimum side yard setback permitted is 20 feet. Currently existing is 19.81 feet on the east, which is an existing non-conformity. Currently existing is 19.08 feet on the west, which is an existing non-conformity. No change is proposed.
10. The maximum impervious coverage permitted is 40%. Currently existing is 41.6%, which is an existing non-conformity. No change is proposed.
11. The applicant represented that the proposed attic and dormers conform with Borough zoning ordinances.
12. The applicant represented that the existing non-conformities and height of the structure will not be changed.
13. The applicant is requesting improvements of the non-conforming structure, which requires variance approval.
14. The Board finds that granting the requested variances will improve the local zoning as it will advance the goal of a more aesthetically pleasing environment. It will further advance the purpose of the zoning ordinances of Deal and its Master Plan.

Whereas, the Board has determined that the relief requested by the Applicant can be granted without substantial detriment to the public good and without substantially impairing 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 24<sup>th</sup> day of September 2024 that the application is approved subject to the following conditions:

- (1).The Applicant shall comply with all promises, commitments and representations made at or during the Public Hearing Process.
- (2).The Applicant shall comply will those applicable terms and conditions of the Leon S. Avakian review letter.
- (3).A general note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- (4).The Applicant shall be strictly limited to the plans which are referenced herein and which are incorporated herein at length, including any revisions made to said plans which are approved by the Board professionals in conjunction with resolution compliance. All construction shall comply with prevailing provisions of the Uniform Construction Code.
- (5).The Applicant shall obtain all approvals necessary for this project.
- (6).The Applicant shall in conjunction with appropriate Borough Ordinances pay all appropriate/required fees and taxes.

- (7). Any future improvements will require Planning Board Approval.
- (8). Any and all outstanding escrow fees shall be paid in full and the escrow account shall be replenished to the level required by ordinance within 30 days of adoption of the resolution, within 30 days of written notice that a deficiency exists in the escrow account, prior to signing the site plan/plans, prior to the issuance of a zoning permit, prior to the issuance of construction permits and prior to the issuance of a temporary and/or permanent certificate of occupancy, completion and/or compliance review.
- (9). The applicant shall construct the proposed improvements in strict compliance with the documentary and testimonial evidence submitted to the board, including, but not limited to, any plans submitted or presented as part of the application and as revised to the satisfaction of the Board professionals during resolution compliance, any exhibits introduced into evidence, and any statements made during the course of the hearing.
- (10). The applicant shall ensure that the property remains orderly during and after the construction (e.g. building materials stored appropriately, construction debris timely removed).
- (11). Any conditions of approval stipulated to by the applicant are incorporated herein even if not specifically stated.
- (12). The applicant must comply with the Development Fee Ordinance of the Borough of Deal, if applicable.

Moved by: Chairman Cummings.

Seconded by: Commissioner Simhon

#### ROLL CALL VOTE

Those in favor: Jannarone, Chairman Cummings, Commissioner Simhon, Dweck, Nitka

Those opposed: None

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 29<sup>th</sup> day of October 2024 that the Resolution of be adopted.

Moved by: Chairman Cummings

Seconded by: Commissioner Simhon

ROLL CALL VOTE

Those in favor: Chairman Cummings, Commissioner Simhon, Dweck, Nitka

Those opposed: None

Those absent: Jannarone

Those not voting: None

The foregoing is a true copy of a resolution adopted by the Planning Board of the Borough of Deal at its meeting on October 29, 2024.

As copied from the minutes  
Of said meeting



A handwritten signature in blue ink, appearing to read "Kelly Darnell", is written over a horizontal line.

Secretary, Planning Board  
Borough of Deal, N.J.