

**BOROUGH OF DEAL
PLANNING BOARD**

RESOLUTION No. 5-27-2025 (1)

Whereas, Mr. and Mrs. Hadad, the record owner of the property has applied to the Planning Board of the Borough of Deal for variances at the premises located at 55 Lawrence Avenue, Borough of Deal and known as Block 2, Lot 10 on the official tax map of the Borough of Deal which premises are located in both the R-2 zone.

The Applicant is proposing to construct a driveway gate with fencing along the Lawrence Avenue portion of the property located in Deal.

The application was presented on April 8, 2025.

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 Richard Brodsky, Esq.
3. The Applicant presented the testimony of Dan Nolan, a New Jersey licensed architect.
4. The Applicant presented the following exhibits:
 - a. A-1 Application dated January 29, 2025.
 - b. A-2 Survey dated August 4, 2024.
 - c. A-3 Architectural plans dated November 20, 2024.
 - d. A-4 Notice and publication.
 - e. A-5 Photograph of the fence.
 - f. A-6 Seven photographs.
 - g. B-1 Leon S. Avakian, Inc. technical review letter dated February 14, 2025.
5. The property is located at 55 Lawrence Avenue, with the house located in the City of Long Branch (Lot 6 in Block 4) and driveway access through the Borough of Deal (Lot 10 in Block 2).
6. The existing Long Branch lot contains a two story single family dwelling with an in-ground pool, cabana, tennis court and playground. All structures are located in Long Branch with only part of the driveway located in Deal.

7. The Applicant is proposing a driveway gate with fencing along Lawrence Avenue portion of the property located in Deal.
8. The proposed improvement requires variances for fence and gate heights. A maximum fence or gate height permitted in the front yard is 3 feet. The Applicant is proposing a fence height of 7.83 feet and gate height of 10.58 feet. **A variance is required for each.**
9. Mr. Nolan testified that the proposal is better scale for the estate-like property.
10. Mr. Nolan testified that the hedge row will remain as a natural buffer.
11. Mr. Nolan testified that the sidewalk and driveway apron would remain concrete, and paves would start beyond the sidewalk.
12. The applicant agreed with the Board suggestion to align the corner column with the hedge row. The Applicant agreed to submit revised plan to reflect this change. The revised plans will be subject to review and approval of Borough professionals.
13. The Applicant presented the following:
 - a. The proposed improvement maintains neighborhood harmony.
 - b. The proposed improvement promotes open space, appropriate population density, desirable visible environment, more efficient use of land and conserve property value in neighborhood.
 - c. The proposed improvement promotes the purpose of zoning as there is no substantial negative impact as single family homes are permitted in the zones, promotes harmony in the neighborhood and allows for the utilization of the property.
14. The Board finds that there will be no substantial impairment of the intent and purpose of the zone plan and no substantial detriment to the public good as a result of the variances being granted in connection with this subdivision approval.
15. The Board finds that the application satisfies the “flexible c” criteria of N.J.S.A. 40:55D-70c(2) for the extensive reasons presented. The purpose of the Municipal Land Use Law is advanced and the benefits to be derived substantially outweigh any detriment.
16. No public comments were presented in connection with this application.

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 8th day of April, 2025 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 dated February 14, 2025.
- (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. 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). Any conditions of approval stipulated to by the applicant are incorporated herein even if not specifically stated.
- (10). Applicant shall submit amended plans to reflect to new place of the columns which shall be subject to review and approval of Borough professionals.

Moved by: Commissioner Simhon

Seconded by: Joseph Cohen

ROLL CALL VOTE

Those in favor: Chairman Cummings, Nitka, Antebi, Tawil, Setton, Commissioner Simhon, Joseph Cohen

Those opposed: None

Recused: None

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Deal on the 27th day of May, 2025 that the Resolution of be adopted.

Moved by: Commissioner Simhon

Seconded by: Antebi

ROLL CALL VOTE

Those in favor: Commissioner Simhon, Antebi, Tawil

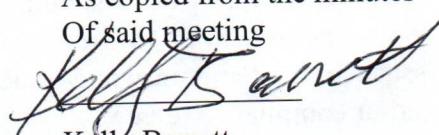
Those opposed: None

Those absent: Chairman Cummings, Nitka, Setton, J. Cohen

Those not voting: Janaronne, Dwek

The foregoing is a true copy of a resolution adopted by the Planning Board of the Borough of Deal at its meeting on May 27, 2025.

As copied from the minutes
Of said meeting



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