

**BOROUGH OF DEAL
PLANNING BOARD**

RESOLUTION No. 5-27-2025 (3)

Whereas, Edmond J. Safra Synagogue of Deal, N.J., the record owner of the property has applied to the Planning Board of the Borough of Deal for preliminary and final site plan approval with variances at the premises located at 75 and 83 Hathaway Avenue, Borough of Deal and known as Block 31, Lots 3 and 3.01 on the official tax map of the Borough of Deal which premises are located in both the R-2 zone.

The Applicant is requesting minor and final site plan approval from the Planning Board with variances of use, impervious coverage, location of HVAC units in the front yard, fence height, and front yard setback.

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 Jennifer Krimko, Esq.
3. The Applicant presented the testimony of David Feldman, a New Jersey licensed architect.
4. The Applicant presented the testimony of David Boesch, a New Jersey licensed landscape architect.
5. The Applicant presented the following exhibits:
 - a. A-1 Application dated February 7, 2025.
 - b. A-2 Survey dated August 15, 2023.
 - c. A-3 Revised Architectural plans dated March 27, 2025.
 - d. A-4 Preliminary and Final Site Plan revision dated March 27, 2025.
 - e. A-5 Notice and publication.
 - f. A-6 Color rendering of the Preliminary and Final Site Plan revision dated March 27, 2025.
 - g. A-7 Aerial and street photograph package.
 - h. B-1 Leon S. Avakian, Inc. technical review letter dated March 3, 2025, last revised April 3, 2025.

6. The property consists of 2 lots each having a synagogue. The synagogue on Lot 3 has a street address of 83 Hathaway Avenue and has an area of 15,000 square feet. The synagogue on Lot 3.01 has a street address of 75 Hathaway Avenue and has an area of 39,597 square feet.
7. The existing Lot 3 is an interior lot which consists of a 2 story synagogue with associated walkways. The existing Lot 3.01 is a corner lot with frontages on Hathaway Avenue and Norwood Avenue which consists of a 1 story synagogue with a 1 story garage and off street parking.
8. The existing building coverage of the synagogue of Lot 3.01 is 15.5% and Applicant is proposing an addition to the synagogue that would increase the coverage to 19.32%, which conforms. The Applicant is also proposing to replace 5 parking spaces with a paver patio and tie the addition's roof drains to an underground stormwater recharge system.
9. The property is located in the R-2 residential district and a place of worship is not a permitted use in this district.
10. The Applicant is requesting preliminary and final site plan approval from the Planning Board and variances of expansion of a non-conforming use and bulk variances for impervious coverage, front yard setback, location of HVAC units in the front yard and fence height.
11. For Lot 3.01 the Applicant is proposing an addition to a place of worship, which is not a permitted use in the R-2 residential district. **A variance is required** for the expansion of the non-conforming use.
12. The maximum fence height permitted in a front yard is 3 feet and in the rear and side yard is 5 feet, the Applicant is proposing a fence height of 6 feet in both Lots 3 and 3.01. **A variance is required.**
13. For Lot 3.01, Applicant is proposing 2 additional HVAC units in the front yard of Norwood Avenue. HVAC units are not permitted in the front yard. **A variance is required.**
14. For Lot 3:
 - a. The minimum lot width permitted is 150 feet. Currently existing is 100 feet, which is a pre-existing non-conformity. No change is proposed.
 - b. The minimum side yard setback permitted is 20 feet. Currently existing is 19.7 feet (east), which is a pre-existing non-conformity. Currently existing is 20 feet (west), which conforms. No change is proposed.
 - c. The minimum rear yard setback permitted is 30 feet. Currently existing is 29.6 feet, which is a pre-existing non-conformity. No change is proposed.
 - d. The maximum building coverage permitted is 20%. Currently existing is 30.91%, which is a pre-existing non-conformity. No change is proposed.

- e. The maximum impervious coverage permitted is 40%. Currently existing is 45.01%, which is a pre-existing non-conformity. No change is proposed.

15. For Lot 3.01:

- a. The maximum building height permitted is 42 feet. Currently existing is 41.5 feet, which conforms. The addition conforms.
- b. The minimum front yard setback permitted is 50 feet. Currently existing is 71.9 feet (east), which conforms. No change is proposed. Currently existing is 50 feet (south), which conforms. Applicant proposes 26.2 feet for the south. **A variance is required.**
- c. The maximum building coverage permitted is 20%. Currently existing is 15.50%, which conforms. Applicant proposes 19.32%, which conforms.
- d. The maximum impervious coverage permitted is 40%. Currently existing is 56.51% which does not conform. Applicant proposes 60.22%. **A variance is required.**

16. The Applicant presented testimony that in light of the increase of antisemitism and threats to synagogues there is a need to enclose both lots with a 6 foot, black aluminum estate fence.

17. The Applicant presented testimony that the addition proposed contains 1,696 square feet.

18. The Applicant presented case law to support that it is not appropriate to apply single-family home to a house of worship use.

19. The Applicant presented testimony that the proposed fence in the front yard will be screened by existing hedges and will not be visible.

20. The Applicant represented that they will comply with all lighting requirements and there will not be light spillage on to adjacent properties.

21. The Applicant represented that there is adequate parking on site in light of the synagogue serving the Orthodox Jewish community.

22. The Applicant represented that there will be adequate capacity in its drywells to accommodate runoff. This representation shall be subject to review and approval of Borough professionals.

23. The Applicant presented the following:

- a. The proposed improvements maintain neighborhood harmony.
- b. The proposed improvements 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 in that the proposal promotes harmony in the neighborhood and allows for the utilization of the property.
- 24. 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 site plan approval.
- 25. 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.
- 26. The Board finds that the application satisfies requirements of N.J.S.A. 40:55D-70d(2) for the reasons set forth above. Specifically, there is an expansion of non-conforming use. Houses of worship are deemed to be inherently beneficial for a community.
- 27. 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. The Planning Board of the Borough Deal approves the preliminary and final site plan with variance relief.

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 last revised April 3, 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.

Moved by: Chairman Cummings

Seconded by: Commissioner Simhon

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: Antebi, Tawil, Commissioner Simhon

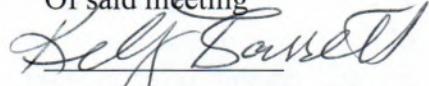
Those opposed: None

Those absent: Chairman Cummings, Nitka, Setton, Joseph Cohen

Those not voting: Dwek, Janaronne

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.
