BOROUGH OF DEAL

PLANNING BOARD MINUTES

March 24, 2026

The regular meeting of the Planning Board/Board of Adjustment of the Borough of Deal was called to order by Richard Cummings at 7:30 pm. 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 December 18, 2025 at 7:30 P.M. at 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

Present: Chairman Cummings, Mayor Sam Cohen, Commissioner Simhon, Mrs. Jannarone, Mandy Cohen, Mr. Dweck (arrived at approximately 7:47), Ms. Tawill

Absent: Joseph Cohen, Nicole Cohen, Mr. Dweck, Ms. Nitka, Mr. Setton

MINUTES

A motion was made to approve the minutes of the January 27, 2026 Regular Planning Board Meeting.

MOVED BY: Commissioner Simhon SECONDED BY: Chairman Cummings

By voice vote the January 27, 2026 Minutes were approved with Mrs. Jannarone and Mandy Cohen abstaining from the vote.

CORRESPONDENCE: None

RESOLUTIONS:

#3-24-2026 (1) approving the porch for property located at **26 Wallace Road.**

MOVED BY: Commissioner Simhon SECONDED BY: Chairman Cummings

Roll call vote:

Ayes: Mrs. Jannarone, Commissioner Simhon, Chairman Cummings

Nays: None

Abstain: Mayor Cohen, Ms. Tawil, Mandy Cohen

#3-24-2026 (2) approving the pool for property located at **26 Wallace Road**.

MOVED BY: Commissioner Simhon SECONDED BY: Mrs. Jannarone

Roll call vote:

Ayes: Chairman Chairman, Commissioner Simhon, Mrs. Jannarone

Nays: None

Abstain: Mayor Cohen, Ms. Tawil, Mandy Cohen

ANNOUNCEMENTS:

None

APPLICATIONS:

8 Neptune Avenue – (Chera) Continued from 4/10/2024

The Board is in receipt of the following additional exhibits: A-11 resubmitted Stormwater Statement dated 9/2023; A-12 Boundary and Topographic Plan dated 5/6/2022; A-13 Proposed Pool and Cabana revised date 9/9/2025; A-14 Landscape Plan and Elevation dated 9/5/2025; A-15 Architectural Plans dated 8/29/2025; A-16 Property Owners Notice; A-17 Certification of Yvonne Tawil; A-18 Settlement Agreement; A-19 Series of photographs; A-20 photograph taken by applicant; A-21 Certification of Abraham Dweck; A-22 Color rendered plot plan; O-1 Handout

Jennifer S. Krimko, Esquire from the Ansell, Grimm and Aaron law firm representing the applicant refreshed the board on the application and explained the reason for the application being delayed was due to a settlement agreement with an objector. Ms. Krimko submitted A-18 Settlement Agreement between ICC Neptune and Ms. Gindi. Ms. Krimko explained the modifications to the original plans that were submitted and the proposed Deed restriction on the vacant lot at the end of Neptune Avenue.

Carl Rizzo, Esquire from the Cole Schotz law firm representing the objector Deborah Gindi residing at 18 Neptune Avenue, Block 83, Lot 2.01.Mr. Rizzo stated his client withdraws her objection to the application provided the plans being presented for approval are consistent with the plans that were reviewed and approved during the settlement process.

Ms. Krimko explained the 2019 agreement with Zakai on limitations of plantings in the front yard and the pending lawsuit filed alleging that the Cheras were in violation of the agreement.

Ronald S. Gasiorowski, Esquire representing the objector *Zakai placed his appearance on the record.

Ms. Krimko submitted A-19 Series of photographs that she personally took on 3/24/2026 with one taken by her client. Ms. Krimko described the contents of the photographs. Ms. Krimko also submitted A-20 Photograph taken by applicant.

Mr. Dweck joined the meeting.

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 site and described the photographs that were submitted. Ms. Krimko submitted A-22 Color rendered version of the plot plan with landscaping.

Mr. Doherty testified to the open view corridor. Mr. Doherty stated the trees located at the property shield the view of the proposed cabana and does not obstruct the ocean view.

Mr. Doherty described the revisions to the application. The cabana size and height have been reduced. The reduction in the cabana eliminates a previously requested variance. There have also been minor reductions in impervious coverage. The setback essentially is aligned with the neighboring houses. The applicant will agree to comply with the Board Engineer's review. The proposal includes a 52-inch-high chain link fence on the one and half foot wall behind the

bushes. If the proposal cabana were to be connected to the main house, it would erase the view corridor and would conform to the average front yard setback.

Mr. Gasiorowski questioned Mr. Doherty on the previously approved plans and the revisions requested under this application. Mr. Doherty stated the proposed cabana, pool and patio, a front gate at the driveway have been added. Mr. Gasiorowski asked if the initial plans submitted to CAFRA contained these improvements. Mr. Doherty stated they were submitted to CAFRA and the Borough but were not t under consideration for the 2019 approval.

Mr. Gasiorowski inquired about the variances being sought. Mr. Doherty stated variances are requested for the proposed cabana located in the front yard and the 20 feet in height. The eastern side of the infinity pool is 63% above ground triggers a variance. Variances are also required for the five-and-half-foot front yard fence and gate. The existing front yard six-foot-high wooden fence also required a variance.

Mr. Gasiorowski questioned the Deed restrictions on the vacant land at the end of Neptune Avenue. Mr. Doherty stated there are no improvements proposed for that parcel. Ms. Krimko provided information on the Deed restrictions and settlement agreements.

Mr. Rizzo asked for clarification on the cabana distance to the northern property line. Mr. Doherty stated it is proposed at 62 feet from the property line.

Board Members inquired about the Deed restrictions allowing temporary structures. Ms. Krimko supplied that the property owner can have a tent structure for events for a finite period of time and currently there are no plans to do so. There is also an area reserved for public access on that property.

Ms. Krimko introduced Ross Pavluck, a New Jersey licensed architect. Mr. Pavluck was sworn in, and the Board accepted his credentials. Mr. Pavluck described the revisions made to the cabana structure, the elevations and architectural details. There is no access to the roof and no rooftop deck proposed.

Board Members inquired about the distance to the Zakai's property. Mr. Pavluck stated it is 11.9 feet from the grade to the top of coping of the roof.

Mr. Gasiorowski questioned Mr. Pavluck on his testimony and variances being requested. Ms. Krimko elicited further testimony from Mr. Pavluck.

Ms. Krimko introduced Andrew Janiw, a New Jersey licensed planner. Mr. Janiw was sworn in, and the Board accepted his credentials. Mr. Janiw stated variances are needed for the infinity pool at 63% above grade, pool location in the front yard and within 50 feet of street, 20 feet in height for an accessory structure, pool fence on top of an existing wall and the five-foot, sliding gate in the front. The use is permitted.

Mr. Janiw stated the location for the structure is a better zoning alternative than a conforming addition to the house. It will be screened from the street and the landscaping will be maintained. The granting of the variance will not impair the intent and purpose of the Borough's Master Plan and zoning ordinance. There is no negative impact on light, air and open space.

Mr. Rizzo inquired about the existing trees remaining during construction. Mr. Janiw stated the trees will not be affected by construction. Mr. Rizzo asked if there was any intention to use the Deed Restricted lot for construction vehicles. Ms. Krimko stated driving on it is not prohibited but there is no intention to use that as placement for construction vehicles.

Mr. Gasiorowski questioned Mr. Janiw on the Deed Restricted portion being used for charity events and other events. Mr. Janiw advised they would have to get permission from the Borough for a temporary structure. It is private property and can be used any other private property owner with the restriction there is no permanent structure.

Ms. Krimko elicited further testimony of Mr. Janiw.

Board Members questioned the height of the wooden fence in the front yard.

A brief recess is taken.

Ms. Krimko advised the five-foot wood fence parallel to Neptune Avenue will be reduced to three feet in height to comply and eliminate a variance.

Mr. Gasiorowski introduced Peter Steck, a New Jersey licensed planner. Mr. Steck was sworn in, and the Board accepted his credentials. Mr. Steck submitted a Handout marked as O-1.

Mr. Steck reviewed his handout for the Board and described the subject property and questioned the information contained on the Borough's Tax Map. Mr. Steck stated the property is a highly visible corner lot with two sides fronting on Monmouth Terrance and Neptune Ave. Over 50 percent of the cabana intrudes in the front yard. In Mr. Steck's opinion if you were to attach the cabana to the existing dwelling the principle building would be in violation of the front yard.

Mr. Steck interpreted the Borough's ordinance intent regarding the front yard setback and accessory uses for the Board. Mr. Steck suggested the plant pattern on vacated portion of the right-of-way be more detailed. Mr. Steck stated the wall and landscaping blocks the public view and the cabana is the most offensive by intruding on the required front yard. He could not find an accessory building in the front yard in Deal.

Mr. Steck suggested this is a self-created hardship. The cabana was submitted on the plans submitted for the CAFRA permit and constructed this design of the house. Mr. Steck felt the applicant has not justified the granting of the requested variances.

Ms. Krimko questioned Mr. Steck on his testimony, interpretations and opinions.

Chairman Cummings opened the application for public questions and/or comments. Mr. Rizzo stated the plans as submitted are acceptable to his client and reiterated the Deed restrictions. There being no further public questions and/or comments, the public portion was closed.

Mr. Gasiorowski summarized the objector's position on the application.

Ms. Krimko summarized the application and stipulated the five-foot wooden fence across the driveway will be reduced to a three-foot high fence, the landscaping will be maintained buffering it from public view.

Chairman Cummings asked the pleasure of the Board. Mayor Cohen made a motion to approve the application as discussed; Seconded by Commissioner Simhon.

Roll call vote:

Ayes: Mr. Dweck, Mrs. Jannarone, Commissioner Simhon, Mayor Cohen, Mandy Cohen, Ms. Tawil

Nays: Chairman Cummings

There being no further business before the Board Motion was made and Seconded to adjourn at approximately 9:50 pm.

The next regularly scheduled meeting will be held on April 28, 2026 at 7:30 pm.

Respectfully submitted,

Michele A. MacPherson

State Shorthand Reporting Services, Inc.