BOROUGH OF DEAL

PLANNING BOARD MINUTES

April 8, 2025

The regular meeting of the Planning Board/Board of Adjustment of the Borough of Deal was called to order by Chairman Richard Cummings at 7:30 pm via ZOOM. 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: Chairman Cummings, Commissioner Simhon, Mr. Antebi, Ms. Nitka, Mr. Setton, Ms. Tawil, Joseph Cohen (arrived at 7:38)

Absent: Mayor Sam Cohen, Mrs. Jannarone, Mandy Cohen, Nicole Cohen, Mr. Dweck

Yvonne Tawil was sworn in as an Alternate Member of the 2025 Borough of Deal Planning Board.

MINUTES

A motion was made to approve the March 11, 2025 Regular Planning Board Meeting Minutes.

MOVED BY: Chairman Cummings SECONDED BY: Commissioner Simhon

By voice vote the March 11, 2025 Minutes were approved with Ms. Tawil abstaining from the vote.

CORRESPONDENCE:

The Board reviewed of the Municipal Public Access Plan.

Chairman Cummings made a motion was made to deem the Municipal Public Access Plan as being consistent with the Borough of Deal Master Plan; Seconded by Commissioner Simhon

By voice vote the Municipal Public Access Plan is deemed consistent with the Borough Master Plan.

RESOLUTIONS:

None.

ANNOUNCEMENTS:

The application of RH Shamah Trust for property located at 102 Monmouth Drive will be carried to the May 27, 2025 In-person Meeting of the Planning Board at 7:30 pm without further notice required.

APPLICATIONS:

55 Lawrence Avenue (Jack and Michele Haddad)

The Board is in receipt of the following exhibits: A-1 Application dated 1/29/2025; A-2 Survey dated 8/4/2024; A-3 Architectural Plans dated 11/20/2024; A-4 Notice and publication; A-6 Photograph of fence; A-7 Series of seven photographs; B-1 Technical Review letter dated 2/14/2025

Rick Brodsky, Esquire from the Ansell Grimm and Aaron law firm representing the applicant addressed the Board. The subject property is unique in that the municipal borders between Deal and Long Branch bisect the property. The home and accompanying amenities sit in Long Branch. The application is for a driveway gate and attached fencing along Lawrence Avenue, which sit in Deal and requires variance relief for the proposed height.

Mr. Brodsky introduced Dan Nolan, a New Jersey licensed architect. Mr. Nolan was sworn in, and the Board accepted his credentials. Mr. Nolan described existing conditions and the proposed fencing and gate. The highest point of the fence is 7.83 feet, the stone stanchions are 10.58 feet. The proposal is a much better scale for the estate-like property. The existing hedge row will remain as a natural buffer.

Ms. Tawil asked whether the sidewalk and driveway apron would be concrete or pavers. Mr. Nolan responded the sidewalk and driveway apron will remain concrete and the pavers would start beyond the sidewalk. Chairman Cummings expressed concern with the 7.83 and 10.58 feet in height being requested. Mr. Nolan gave examples of other properties with fencing. Mr. Antebi suggested aligning the corner column with the hedge row. Mr. Brodsky stated the applicant is amenable to the suggestion and will submit amended plans for review and approval.

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

Commissioner Simhon made a motion to approve the application and grant the variance as amended; Seconded by Joseph Cohen.

Roll call vote:

Ayes: Chairman Cummings, Ms. Nitka, Mr. Antebi, Ms. Tawil, Mr. Setton, Commissioner Simhon, Joseph Cohen

Nays: None

48 Pleasant Place (Gindi)

The Board is in receipt of the following exhibits: A-1 Application dated 3/10/2025; A-2 Survey dated 12/10/2024; A-3 Plot Plan/Grading dated 2/20/2025; A-4 Architectural Plans dated 2/25/2025; A-5 Notice and Publication; B-1 Technical Review letter dated 3/19/2025

Jennifer S. Krimko, Esquire from the Ansell, Grimm and Aaron law firm representing the applicant addressed the Board. Ms. Krimko submitted A-6 Aerial Photograph and A-7 6 Street photographs. Ms. Krimko stated the property is essentially a peninsula that has frontage on Pleasant Place, Roosevelt and Norwood Avenues with substantial hedges and landscaping surrounding it. This is a very modest proposal of a small covered patio addition, a small one-story addition to the home, a covered walkway and stairs into the basement and a pergola covered patio in the rear with a fireplace.

This is a nonconforming lot with three front yards. Variance relief is needed for the setback of the fireplace, the pergola, the one-story addition and covered porch addition as it relates to Norwood Avenue. The one-story addition also requires a side yard setback variance for 27.4 feet. Two sheds close to the property line will be removed eliminating an existing nonconformity. The total proposed lot coverage of 39.3 percent is compliant. The building coverage of 17.7 percent is compliant.

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

Chairman Cummings made a motion to approve the application as presented; Seconded by Ms. Nitka.

Roll call vote:

Ayes: Joseph Cohen, Ms. Tawil, Mr. Antebi, Ms. Nitka, Mr. Setton, Commissioner Simhon, Chairman Cummings

Nays: None

Edward J. Safra Synagogue of Deal

The Board is in receipt of the following exhibits: A-1 Application dated 2/7/2025; A-2 Survey; A-3 Revised Architectural Plans dated 3/27/2025; A-4 Preliminary and Final Site Plan revision of 3/27/2025; A-5 Notice and Publication; B-1 Technical Review letter dated 3/3/2025

Jennifer S. Krimko, Esquire from the Ansell, Grimm and Aaron law firm addressed the Board. Ms. Krimko submitted A-6 color rendered of A-4. Ms. Krimko gave a brief summary of the application thus far. The subject properties are located at 75 and 83 Hathaway Avenue. Synagogues are not a permitted use in this zone, which is a pre-existing nonconforming use that will be expanded.

In light of the current antisemitism and threats to synagogues throughout the country the proposal is to enclose both lots with six-foot, black aluminum estate fencing. In an effort to ensure security for the synagogues, variance relief is being requested for the six-foot high fencing in the front yard where three feet is permitted.

The addition proposed to the Safra Synagogue building has been reduced to approximately 1,696 square feet with a basement on the south side (Hathaway Avenue) setback 26.2 feet from the front property line and 50 feet is required. The building has also been pulled back from the existing platform.

Ms. Krimko cited case law to explain why it is not appropriate to apply single-family home standards to a synagogue use. The lot coverage is 60.22 percent. Forty percent is permitted. The building coverage conforms at 19.32 percent. The variances are needed for the total lot coverage, the front yard setback and the expansion of the synagogue use. The site can accommodate the expansion of the use.

Chairman Cummings expressed concern with the height of the fence. Ms. Krimko stated the proposed fence will be screened by existing hedges and is not visible. Commission Simhon stated the height of the fencing is being reconsidered for synagogues and other religious facilities.

Ms. Krimko introduced David Feldman, a New Jersey licensed architect. Mr. Feldman was sworn in, and the Board accepted his credentials. Mr. Feldman described the proposed exterior elevations and materials.

Ms. Krimko introduced David Boesch, a New Jersey licensed engineer. Mr. Boesch was sworn in, and the Board accepted his credentials. Mr. Boesch testified that from the street the setback is

Ms. Tawil inquired about the ADA accessibility standards. Ms. Krimko stated that the proposal meets the standards.

Chairman Cummings opened the application for public questions and/or comments. Mary Anne Cronheim, Esquire representing Robert Cronheim residing at 88 Monmouth Drive. Ms. Cronheim expressed her client's concerns regarding the aesthetics of the fence, landscape buffering and placed an objection on the record. Ms. Cronheim also stated the notices were defective. Mr. Anderson stated that service and notices were deemed proper. The law states the applicant is required to mail the notices.

Barbara Coffey residing at 85 Norwood Avenue. Ms. Coffey inquired about adequate parking. Ms. Krimko responded that this pre-existing nonconforming use and is orthodox and when there's the greatest number of people attending service, they are not allowed to drive. Parking at an orthodox synagogue is almost an oxymoron in that for daily services at the synagogue there is never enough people to fill the parking spaces. Ms. Coffey did not concur with that statement and asked for parking calculations and outdoor lighting. Ms. Krimko stated that the proposal will comply with the lighting requirements. Mr. Boesch stated there is no proposed new lighting only low-level bollards. The parking area remains as is except for spaces being removed. Ms. Coffey also inquired about any Board Members' conflict of interests as members of the synagogue. Mr. Anderson advised that Board Members should ask themselves if the vote somehow benefits them in a pecuniary way.

There being no further public questions and/or comments, the public portion was closed.

Chairman Cummings made a motion to approve the application as presented; Seconded by Comissioner Simhon.

Roll call vote:

Ayes: Joseph Cohen, Ms. Tawil, Mr. Antebi, Ms. Nitka, Mr. Setton, Commissioner Simhon,

Chairman Cummings

Nays: None

There being no further business before the Board Motion was made and Seconded to adjourn at approximately 9:00 pm.

The next regularly scheduled meeting will be **held in person on May 27, 2025 at 7:30 pm.**

Respectfully submitted,

Michele A. MacPherson

State Shorthand Reporting Services, Inc.