BOROUGH OF DEAL

PLANNING BOARD MINUTES

July 29, 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. 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 28, 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, Mr. Antebi, Mrs. Jannarone, Mr. Dweck (arrived at 7:35 after Roll Call was taken)

Absent: Mr. Setton, Mandy Cohen, Joseph Cohen, Nicole Cohen, Ms. Nitka, Ms. Tawil

**MINUTES**

A motion was made to approve the June 24, 2025 Regular Planning Board Meeting Minutes.

MOVED BY: Chairman Cummings SECONDED BY: Mr. Antebi

By voice vote the June 24, 2025 Minutes were approved with Mayor Cohen and Commissioner Simhon abstaining from the vote.

**RESOLUTIONS**:

A motion was made to approve Resolution #7-29-2025 (1) for property located at 103 Neptune Avenue.

MOVED BY: Chairman Cummings SECONDED BY: Mr. Antebi

**Roll call vote**:

**Ayes**: Mrs. Jannarone, Mr. Antebi, Chairman Cummings

**Nays**: None

**Abstain**: Mayor Cohen, Commissioner Simhon

**CORRESPONDENCE:**

**None.**

**ANNOUNCEMENTS:**

None.

**APPLICATIONS:**

**84 Monmouth Drive (Cohen)**

The Board is in receipt of the following exhibits: A-1 Application dated 6/3/2025; A-2 Survey dated 9/11/2024; A-3 Architectural Plans dated 5/2/2025; A-4 Notice; B-1 Leon S. Avakian Review dated 7/17/2025

Jennifer S. Krimko, Esquire from the Ansell, Grimm and Aaron law firm representing the applicant addressed the Board. Ms. Krimko submitted A-5 a Rendered Overlay of proposed porch prepared by Felt Architect.

Ms. Krimko introduced David Collins, a New Jersey licensed architect. Mr. Collins was sworn in, and the Board accepted his credentials. Mr. Collins explained existing conditions at the subject premises and the surrounding area.

The proposal is to bring the wood-framed side porch into compliance by connecting with front porch by adding a new terrace to match. The existing side porch is 2.7 feet from the property line and proposed 12-foot-wide new porch will be setback 4.3 feet reducing the current nonconformity. Lot coverage will be reduced and brought into compliance. This proposal is more aesthetically attractive and reduces the overall coverage.

Chairman Cummings opened the testimony for public questions and/or comments. Michael Sylvester residing at 80 Monmouth Drive. Mr. Sylvester read a statement into the record, which objected to the proposal. Mr. Sylvester expressed concern the proposal will encroach on his property and ambiguous language in the notice. Ms. Krimko stated the notice contains standard language that is required and regarding any encroachment issue, the applicant has a signed and sealed survey showing the existing wood deck is entirely on the subject property. If there is a property dispute, the Planning Board is not the arbiter for that complaint. Ms. Krimko stated the proposal is to increase the porch setback. Mr. Sylvester inquired whether outdoor lighting is proposed. Ms. Krimko stated there was no outdoor lighting proposed. There being no further public questions and/or comments, the public portion was closed.

After deliberations, Mayor Cohen made a motion to approve the application subject to compliance with the engineering review and verification there is no encroachment on neighbor's property; Seconded by Mrs. Jannarone.

**Roll call vote**:

**Ayes**: Mr. Dweck, Mrs. Jannarone, Commissioner Simhon, Mayor Cohen

**Nays**: Mr. Antebi

**Abstain**: Chairman Cummings

**11 Marine Place (Jack Cayre)**

The Board is in receipt of the following exhibits: A-1 Application dated 7/8/2025; A-2 Survey dated 4/5/2023; A-3 Architectural Plans dated 7/23/2025; A-4 Plot Plan dated 6/30/2025; A-5 Stormwater Management Statement prepared by French and Perillo; A-6 Notice; B-1 Leon S. Avakian Review dated 7/18/2025

Jennifer S. Krimko, Esquire from the Ansell, Grimm and Aaron law firm representing the applicant addressed the Board. Ms. Krimko submitted A-7 Previously approved plans, A-8 Color Rendered Revised Plans and A-9 Reduced copy of Architectural Plans.

Ms. Krimko introduced Jose' Ramirez, a New Jersey licensed architect. Mr. Ramirez was sworn in, and the Board accepted his credentials. Mr. Ramirez explained existing conditions at the subject property and the revisions to the previously approved plans. The new construction will be further from the property line. A variance is requested for the three-foot overhands and a technical variance for the front yard setback.

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

Mayor Cohen made a motion to approve the revised application as presented; Seconded by Chairman Cummings.

**Roll call vote**:

**Ayes**: Mr. Dweck, Mrs. Jannarone, Mr. Antebi, Commissioner Simhon, Mayor Cohen, Chairman Cummings

**Nays**: None

**72 Brighton Avenue (72 Brighton, L.L.C.)**

The Board is in receipt of the following exhibits: A-1 Application dated 4/3/2025; A-2 Survey dated 11/15/2024; A-3 Photograph of property; A-4 Architectural Plans dated 2/10/2025; A-5 Plot Plan revised 5/14/2025; A-6 Notice; B-1 Leon S. Avakian Review dated 4/16/2025; B-2 Leon S. Avakian Review dated 5/23/2025

Jennifer S. Krimko, Esquire from the Ansell, Grimm and Aaron law firm representing the applicant addressed the Board.

Ronald S. Gasiorowski, Esquire on behalf of Nathan Pawal objecting to the application. Mr. Gasiorowski stated his objection to the Notice made by the applicant. Mr. Gasiorowski objected to the words "minor modifications", stating there is no minor variance in the Municipal Land Use Law. The notice is to give the public a clear understanding of what is being sought. The notice provided suggests a minor modification from what was previously approved. There are several variances being requested.

Ms. Krimko stated the notice has been misunderstood and cited The Perlmart v. Lacey Case. The purpose is "to inform the public the nature of the application in a common-sense manner such that the ordinary layperson can intelligently determine whether to object or seek further information." Ms. Krimko read through the notice in detail for the public and Board's benefit and listed the previous variances granted.

Mr. Anderson advised the Board that the purpose of the notice is to advise the public of what the application entails and if they are interested in the matter to attend the Planning Board meeting. Mr. Anderson finds the notice is appropriate and the Board does have jurisdiction to hear the matter.

Ms. Krimko made every effort possible to ascertain Mr. Gasiorowski's client was, what the objection was in the hope that the concerns could be worked out. Ms. Krimko submitted A-7 five pages of emails between herself and Mr. Gasiorowski. Mr. Gasiorowski objected to these as being irrelevant. Mr. Anderson advised that if the parties did or did not engage in discussions to try and resolve any issues has no bearing on the Board determination. Discussion ensued between Mr. Gasiorowski, Ms. Krimko and Mr. Anderson. Mr. Anderson advised the objection is noted and it has been overruled.

Ms. Krimko submitted A-8 Aerial Photograph with overlay; A-9 Close view of Plot Plan; A-10 Color Rendered Architectural packet.

Ms. Krimko introduced Patrick Ward, a New Jersey licensed engineer and planner. Mr. Ward was sworn in, and the Board accepted his credentials. Mr. Ward explained the revisions made to the previously approved plans.

The proposed parking court will be screened from street view. Mr. Ward gave details on the retaining wall in the rear with fencing. The car port is proposed at eight feet with a flat roof and evergreen screening is proposed.

Ms. Krimko submitted A-11 previously approved plan.

The exercise building and the basketball court have been removed from the proposal. The HV/AC and generator variance has been eliminated. Variance Relief for the pool equipment has also been eliminated. Variances are being requested for the car port side yard setback, the west driveway allowable width and the maximum fencing.

Board Members inquired about the dimensions of the driveway, location of the retaining wall and the parking court.

Mr. Ward explained in detail the proposed Stormwater Management Plan and will comply with the Borough requirements.

The testimony was opened for public questions and/or comments. Mr. Gasiorowski questioned Mr. Ward regarding the wording in the notice and the Municipal Land Use Law and verification of variances being requested. There being no further public questions and/or comments, the public portion was closed.

Mr. Gasiorowski gave a summary of his client's objection to the application.

Ms. Krimko gave a summary of the proposal.

After deliberations, Mayor Cohen made a motion to approve the application as present; Seconded by Commissioner Simhon.

**Roll call vote**:

**Ayes**: Mr. Dweck, Mrs. Jannarone, Mr. Antebi, Commissioner Simhon, Mayor Cohen, Chairman Cummings

**Nays**: None

There being no further business before the Board Motion was made and Seconded to adjourn at approximately 8:50 pm.

The next regularly scheduled meeting will be **held in person on August 26, 2025 at 7:30 pm.**

Respectfully submitted,

Michele A. MacPherson

State Shorthand Reporting Services, Inc.