

**LEON S. AVAKIAN, INC. *Consulting Engineers***

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

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November 23, 2020

Borough of Deal Planning Board  
190 Norwood Avenue  
Deal, NJ 07723

**Re:   Sasson Residence  
      Block 68, Lot 15  
      45 Hathaway Avenue  
      Our File DPB 20-12**

Dear Board Members:

Our office has received and reviewed an application submitted for Planning Board approval in connection with the above referenced project. Submitted with the application are the following:

- A plot plan consisting of two (2) sheets prepared by David H. Boesch, LLA, of Nelson Engineering Associates, Inc., dated August 13, 2020, with the latest revision dated October 7, 2020.
- A survey of property consisting of one (1) sheet prepared by Robert H. Morris, P.L.S. of Nelson Engineering Associates, Inc., dated July 10, 2020, no revisions.

The application is deemed complete and we offer the following comments regarding compliance with provisions of the Borough Ordinance and general engineering standards.

1.   **Project Description**

- A.   The property is located at house number 45 Hathaway Avenue (Lot 15, Block 68) with a total area of 15,000 square feet.
- B.   The existing lot contains a single-family dwelling, with a driveway.
- C.   The Applicant is proposing an in-ground swimming pool with a patio.

2. **Zoning and Land Use**

- A. The property is located in the R-2 Residential District and single-family dwellings are a permitted principal use in this district.
- B. The proposed inground swimming pool is a permitted accessory structure, under the Swimming Pool, Tennis Court and Recreational Area Ordinance.
- C. The property has non-conformities with lot area, lot width, and lot frontage. The proposed improvements require variances for the side and rear yard setbacks to the swimming pool, and pool coverage.

3. **Variances and Waivers**

- A. Bulk Requirements for Yard Area and Principal Dwelling

- 1) An analysis of the bulk requirements of the R-2 District for the yard area and principal dwelling are as follows:

<b>Bulk Requirements</b>	<b>Permitted</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Lot Area	18,750 sf.	15,000 sf. (NC)	No Change
Minimum Lot Frontage	150 ft.	100 ft. (NC)	No Change
Minimum Lot Width	150 ft.	100 ft. (NC)	No Change
Minimum Lot Depth	125 ft.	150 ft.	No Change
Minimum Front Yard Setback	50 ft.	51.8 ft.	No Change
Minimum Side Yard Setback (20% Lot Width)	20 ft.	20.9 ft. (east)	No Change
		20.0 ft. (west)	No Change
Minimum Rear Yard Setback (20% Lot Depth or 50ft., whichever is less)	30 ft.	47.8 ft.	No Change
Maximum Building Coverage	20%	16.01%	No Change
Maximum Impervious Coverage	40%	28.45%	39.65%

(V) Indicates a variance is required

(NC) Indicates an existing non-conformity

- 2) Principal Dwelling: Bulk variances are required, or existing non-conformities are indicated for the following items as noted.
  - a) The minimum lot area permitted per the R-2 Zoned District is 18,750 square feet. The existing lot area is 15,000 square feet, which represents an existing non-conformity.
  - b) The minimum lot frontage permitted per the R-2 Zoned District is 150 feet. The existing lot frontage is 100 feet, which represents an existing non-conformity.

- c) The minimum lot width permitted per the R-2 Zoned District is 150 feet. The existing lot width is 100 feet, which represents an existing non-conformity.
- d) The maximum impervious coverage permitted per the R-2 Zoned District is 40% of the lot area. The existing impervious coverage is 28.45%, which complies. The Applicant is proposing an impervious coverage of 39.65%, complies. Any future improvements will require Planning Board approval.

B. Swimming Pool

- 1) Swimming pool construction shall comply with requirements of the Borough Swimming Pool Ordinance.
- 2) A zoning analysis of the bulk requirements for a swimming pool is as follows:

Swimming Pool	Permitted	Proposed
Front Yard	Not Permitted	No
Minimum Side Yard Setback	30 ft.	15 ft.(east) (V)
		45.0 (west)
Minimum Rear Yard Setback	30 ft.	10 ft. (V)

(V) Indicates a variance is required (NC) Indicates an existing non-conformity

- 3) Swimming Pool: Bulk variance is required for the following items as noted.
  - a) The minimum side yard setback permitted for a swimming pool is 30 feet. The Applicant is proposing an east side yard setback of 15 feet, to the swimming pool. **A variance is required.**
  - b) The minimum rear yard setback permitted for a swimming pool is 30 feet. The Applicant is proposing a rear yard setback of 10 feet to the swimming pool. **A variance is required.**
  - c) The permitted maximum coverage for the swimming pool and patio is 35% of the yard area. The Applicant is proposing a coverage of 42.15% **A variance is required.**

- 4) The Applicant indicates the fence gates shall be equipped with a self-locking device in compliance with the Swimming Pool Code of New Jersey.
- 5) Compliance with all other provisions shall be provided by the applicant, inclusive of the following:
  - No sound amplification system
  - Compliance with current Swimming Pool Code of New Jersey
  - Evergreen plant screening (Ord. Section 15-2.7(b))
- 6) The Applicant has not indicated if the pool area will be illuminated. If the Applicant is proposing any illumination, then the Applicant must follow Ordinance 892 Chapter XV Section 15-25.
- 7) The proposed pool equipment is in the side yard, which is not allowed. **A variance is required.**

C. Walls and Fencing

The maximum permitted height of a fence or wall in the side and rear yard is 5 feet. The Applicant is proposing a fence height of 6 feet around the pool equipment. **A variance is required.** The Applicant is proposing a fence surrounding the swimming pool but does not indicate the height. The Applicant should provide testimony on fence height and if **a variance is required.**

D. Drainage

The Applicant is collecting the stormwater runoff from the pool patio and directing it to a recharge system on-site. The Applicant should provide a soil boring indicating the estimated seasonal highwater table elevation and permeability of the soil. The recharge trench should be 2 feet above the estimated seasonal highwater table.

4. **General Comments**

- A. 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.
- B. The Applicant should provide confirmation that taxes are currently paid.
- C. Granting of any required construction permits.

Our office reserves the right to provide additional comments upon receipt of revised development plans.

If you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN INC.

A handwritten signature in black ink, appearing to read 'Peter R. Avakian, P.E.', with a stylized flourish at the end.

Peter R. Avakian, P.E.  
Planning Board Engineer

DMH:mfl/mcs

Michael W. Egan, Board Secretary  
Erik Anderson, Esq., Board Attorney  
Stephen R. Carasia, Borough Administrator  
Jennifer L. Sweet, Esq., Applicant's Attorney  
David H. Boesch, LLA, Landscape Architect

D/PB/20/20-12