

August 24, 2020
Revised January 4, 2021

Borough of Deal Planning Board
190 Norwood Avenue
Deal, NJ 07723-1234

**Re: Nahum Residence
6 Roseld Court
Block 35, Lot 17
Borough of Deal
Our File DPB 20-08**

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 pool variance plan consisting of *two (2) sheets* prepared by Martin G. Miller, III, P.E. & P.L.S., dated December 19, 2019, with *the latest revisions dated December 14, 2020*.
- A location survey consisting of one (1) sheet prepared by Rodolfo Pierri, P.L.S., of Shark River Land Surveying, LLC, dated August 15, 2019, with 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. The Applicant has submitted the revised plan to remove some of the variance conditions. Additional comments with regard to the revised plans are noted in the *bold italic type*. Our original review comments remain as noted in the letter dated *August 24, 2020*.

1. **Project Description**

- A. The property is located at house number 6 Roseld Court (Lot 17, Block 35) with a total area of 9,840 square feet.
- B. The existing lot contains a single-family dwelling with a shed and driveway in the rear yard.
- C. The Applicant is proposing an in ground pool with a patio. *The revised plan indicates the removal of the driveway, concrete pad and shed.*

2. **Zoning and Land Use**

- A. The property is located in the R-3 Residential District and single-family dwellings are a permitted principle use in this district.
- B. The proposed inground swimming pool is a permitted accessory structures in this district.
- C. The Applicant is requesting approval from the Planning Board for variances on *side yard setback to the pool*, rear yard setback to the pool and pool patio, and others as described in this report.

3. **Variances and Waivers**

A. Bulk Requirements for Yard Area and Principal Dwelling

- 1) An analysis of the bulk requirements of the R-3 District for the yard area and principal dwelling are as follows:

Bulk Requirements	Permitted	Existing	Proposed
Minimum Lot Area	12,500 sf.	9,840 sf. (NC)	No Change
Minimum Lot Width	100 ft.	60 ft. (NC)	No Change
Minimum Lot Depth	125 ft.	164 ft.	No Change
Minimum Front Yard Setback	50 ft. or Average Alignment	37 ft. (NC)	No Change
Minimum Side Yard Setback (20% Lot Width)	12 ft.	15.0 ft. (North Side)	No Change
		14.9 ft. (South Side)	No Change
Minimum Rear Yard Setback (20% Lot Depth)	32.8 ft.	63 ft.	No Change
Maximum Building Coverage	20%	20.6% (NC)	18.7%
Maximum Impervious Coverage	40%	34.2%	34.2%

(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-3 Zoned District is 12,500 square feet. The existing lot area is 9,840 square feet, which represents an existing non-conformity.
 - b) The minimum lot width permitted per the R-3 Zoned District is 100 feet. The existing lot width is 60 feet, which represents an existing non-conformity.

- c) The minimum front yard setback per the R-3 Zoned District is 50 feet or the average alignment of the existing buildings within 200 feet of the lot. The existing front yard setback is 34.7 feet, to the foundation bump out, which represents an existing non-conformity. The Applicant did not provide the average alignment of the front yard setback.
- d) The maximum building coverage per the R-3 Zoned District is 20%. The building coverage calculation shall include the principal and accessory buildings or structures in this zoned district. The Applicant provided a building coverage of 19.1% which did not include the shed (accessory structure). Our office calculates a building coverage of 20.9%, which includes the principal dwelling and shed. This represents an existing non-conformity. The Applicant should revise the zoning schedule on the pool variance plan. ***The Applicant is removing the shed and the new building coverage is 18.7%, which conforms.***
- e) The maximum impervious coverage per the R-3 Zoned District is 40%. ***The Applicant is proposing an impervious coverage of 34.2%, which conforms.***

B. Swimming Pool

- 1) Swimming pool construction shall comply with requirements of the Borough Swimming Pool Ordinance.
- 2) An analysis of the bulk requirements for swimming pools are as follows:

Swimming Pool	Permitted	Proposed
Minimum Front Yard Setback	Not Permitted	No
Minimum Side Yard Setback	30 ft.	<i>23 ft. (V)</i>
Minimum Rear Yard Setback	30 ft.	<i>23 ft. (V)</i>

(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 a ***revised*** side yard setback of ***23.0 feet on the north and south sides of the swimming pool. A variance is required for both side yard setbacks.***

- b) The minimum rear yard setback permitted for a swimming pool is 30 feet. The Applicant is proposing a rear yard setback of 6 feet to the swimming pool. **A variance is required.**
- 4) 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:
- Pool discharge-filter backwash location. (Ord. Section 15-2.4)
 - No sound amplification system
 - Compliance with current Swimming Pool Code of New Jersey
 - Evergreen planting 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 some illumination, then the Applicant must follow Ordinance 892 Chapter XV Section 15-25.
- 7) The permitted side yard setback for a patio is 10 feet. The Applicant is proposing a south side yard setback of **20 feet and a north side yard setback of 17 feet. Both of these side yard setbacks to the patio conform.**
- 8) The permitted rear yard setback for a patio is 10 feet. The Applicant is proposing a rear yard setback of **3 feet. A variance is required.** The variance plan should show the proposed rear yard setback to the patio.
- 9) ***The proposed pool equipment is located in the rear yard and complies with the setback requirements.***

C. Fencing

The maximum permitted height of a fence in the side and rear yard is 5 feet measured from the ground level. ***The Applicant is proposing a fence height of 5 feet, which conforms.***

4. **Site Grading and Drainage**

- A. The proposed grading around the swimming pool is directing stormwater runoff toward the access road. The Applicant should provide calculations for the additional stormwater runoff to the access road.
- B. The additional stormwater runoff may be required to be stored in an infiltration trench in the rear yard. Stormwater design calculations should be provided.
- C. The Applicant should provide a soil log and a permeability test if an underground system or drywell structure is proposed. The subsurface soils must be capable of the infiltration rates proposed.

5. **General Comments**

- 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.
- D. The Applicant is proposing to remove the driveway. The Applicant should provide testimony on where they plan to park their cars.***

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.



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

DMH:mfl

cc: Michael W. Egan, Board Secretary
Erik Anderson, Esq. Board Attorney
Stephen R. Carasia, Borough Administrator
Jennifer S. Krimko, Esq., Applicant's Attorney
Martin G. Miller, III, P.E. & P.L.S., Applicant's Engineer

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