

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)
PETER R. AVAKIAN, P.E., P.L.S., P.P.
MEHRYAR SHAFAI, P.E., P.P.
GREGORY S. BLASH, P.E., P.P., CPWM
LOUIS J. LOBOSCO, P.E., P.P.
GERALD J. FREDA, P.E., P.P.
RICHARD PICATAGI, L.L.A., P.P.
JENNIFER C. BEAHM, P.P., AICP
CHRISTINE L. BELL, P.P., AICP
SAMUEL J. AVAKIAN, P.E.

September 24, 2020
Revised October 26, 2020
Revised January 4, 2021

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

**Re: 9 Monmouth Assc, LLC
Block 71, Lot 2
9 Monmouth Terrace
Borough of Deal
Our File: DPB 20-09**

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 seven (7) sheets prepared by Keith B. Smith, P.E., P.P. of French & Parrello Associates, dated August 5, 2020, with ***the latest revisions dated December 18, 2020.***
- An architectural plan consisting of six (6) sheets prepared by Jose L. Ramirez, R.A. of J. L. Ramirez Architect, dated July 9, 2019, with the latest revisions dated ***December 21, 2020.***
- A topographic verification plan and street utility survey consisting of one (1) sheet prepared by Thomas J. Ertle, P.L.S. of French & Parrello Associates, dated August 22, 2018, with no revisions.
- A report of subsurface exploration & geotechnical engineering evaluation prepared by Robert C. Swabsin, P.E. of French & Parrello Associates, dated September 25, 2018, with no revisions.
- A color rendering consisting of two (2) sheets prepared by J.L. Ramirez Architect, dated August 18, 2020, with no revisions.

The application is deemed complete. Additional comments with regards to the revised plans are noted in *bold italic* type. Our original review comments remain as noted in the letters dated September 24, 2020 and *October 26, 2020*. The revised plans have been reviewed and we report as follows:

1. Description of Property

- A. The property is located at house number 9 Monmouth Terrace (Lot 2 in Block 71) with a total lot area of 17,341 square feet.
- B. The lot has an existing two-story dwelling with deck and driveway.
- C. The Applicant is proposing the construction of a 3-story single family dwelling with a swimming pool and driveway. It appears the existing dwelling is being demolished, but no information is provided with the application.

2. Zoning and Land Use

- A. The property is located in the R-1 Residential Zone District and single-family dwellings are a permitted principal use in this district.
- B. The proposed swimming pool is a permitted accessory structure.
- C. The proposed improvements require Planning Board approval for variances on front yard setbacks to principal dwelling, rear yard setback, building height, impervious coverage, fence and wall height, exposed pool, 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-1 District for the Yard Area and Principal Dwelling are as follows:

Bulk Requirements	Permitted	Existing	Proposed
Minimum Lot Area	18,750 sf.	17,341 sf. (NC)	No Change
Minimum Lot Frontage	150 ft.	114.0 ft. (NC)	No Change
Minimum Lot Width	150 ft.	114.7 ft. (NC)	No Change
Minimum Lot Depth	125 ft.	150.23 ft.	No Change
Minimum Front Yard Setback (Monmouth Terrace)	50 ft. or average within 200 ft. (Avg.= 31.4 ft.)	34.8 ft. (NC)	18.5 ft. (V)
Minimum Front Yard Setback (Hathaway Avenue)	50 ft. or average within 200 ft.	44.8 ft. (NC)	30.7 ft. (V)
Minimum Side Yard Setback (20% Lot Width)	22.92 ft.	33.7 ft.	43.9 ft.
Minimum Rear Yard Setback (20% Lot Depth)	30.05 ft.	39.8 ft.	28.6 ft. (V)
Maximum Building Height at 50 ft. from R.O.W. (Monmouth Terrace)	28 ft.	N/A	29.5 ft. (V) @ 18.5 ft. setback
Maximum Building Height at 64 ft. from R.O.W. (Monmouth Terrace)	42 ft.	N/A	42.0 ft. @ 28 ft. setback (V)
Maximum Building Height at 50 ft. from R.O.W. (Hathaway Avenue)	28 ft.	N/A	29.5 ft. (V) @ 30.7 ft. setback
Maximum Building Height at 64 ft. from R.O.W. (Hathaway Avenue)	42 ft.	N/A	42.0 ft. @ 66 ft. setback
Maximum Building Coverage	20 %	N/A	19.90%
Maximum Impervious Coverage	40 %	36.94%	44.69% (V)

(V) indicates a variance is required

(NC) indicates an existing non-conformity

- 2) Bulk variances or existing non-conformities are indicated for the following items as noted.
- a) The minimum lot area permitted in the R-1 Zoned District is 18,750 square feet. The existing lot area is 17,341 square feet, which represents an existing non-conformity.
 - b) The minimum lot width permitted in the R-1 Zoned District is 150 feet. The existing lot width is 114.7 feet, which represents an existing non-conformity.
 - c) The minimum lot frontage permitted in the R-1 Zoned District is 150 feet. The existing lot frontage is 114.0 feet, which represents an existing non-conformity.

- d) The minimum front yard setback permitted per the R-1 Zoned District is 50 feet or the average alignment of existing buildings within 200 feet of the lot. The average front yard setback is 33.0 feet along Monmouth Terrace and 50 feet along Hathaway Avenue. The Applicant is proposing a front yard setback of *18.5 feet* along Monmouth Terrace. **A variance is required.**

The Applicant is proposing a *revised* front yard setback of *30.7 feet* along Hathaway Avenue. **A variance is required.**

- e) *The minimum rear yard setback permitted in the R-1 Zoned District is 30.05 feet. The Applicant is proposing a rear yard setback of 28.6 feet. A variance is required.*

- f) The maximum height permitted per the R-1 Zoned District is 28 feet measured from the top of the street curb at a distance of no closer than 50 feet from the front property line. For each additional foot beyond 50 feet from the front property line, the maximum building height may be increased by one foot above 28 feet, not to exceed a maximum height of 42 feet from the top of the street curb.

The Applicant is proposing a building height of 29.5 feet at a setback of *18.5 feet* from Monmouth Terrace right-of-way. **A variance is required.** The proposed maximum building height is 42 feet at a setback of *28 feet* from Monmouth terrace right-of-way. **A variance is required for the height closer than 64 feet.**

The Applicant is proposing a building height of 29.5 feet at a setback of *30.7 feet* from Hathaway Avenue right-of-way. **A variance is required.** The proposed maximum height is 42.0 feet at a setback of *64.0 feet* from Hathaway Avenue right-of-way. *This variance condition was removed.*

- g) The maximum impervious coverage permitted per the R-1 Zoned District is 40% on the lot area. The existing impervious coverage is 36.94%, which conforms. The Applicant is proposing an impervious coverage of *44.69%*. **A variance is required.**

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 is as follows:

Swimming Pool	Permitted	Proposed
Minimum Front Yard	Not Permitted	No
Minimum Side Yard Setback	30 ft.	40.3 ft.
Minimum Rear Yard Setback	30 ft.	48.5 ft.

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

- 3) The proposed swimming pool does not require any variances.
- 4) The fence gates shall be equipped with a self-locking device in compliance with the Swimming Pool Code of New Jersey.
- 5) The Applicant should indicate the location of the pool equipment and the setbacks.
- 6) 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))
- 7) 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.
- 8) A swimming pool may have 30% of continuous linear feet of the pool to be exposed for 18 inches from the top of the ground, and the remaining portion of the pool shall not be erected or maintained above ground, but shall be wholly at or below ground. The proposed exposed wall height of the swimming pool is over **8.2 feet**. **A variance is required.**

*The proposed continuous linear feet of the exposed wall is 39%.
A variance is required.*

C. Fences and Walls

- 1) All fences or walls may be erected, altered or reconstructed to a height not exceeding three feet above ground level when located in any front yard and/or along the property line of any premises bordering the streets, avenues and highways of the Borough of Deal.

The Applicant is proposing a retaining wall with a fence on top along the Hathaway Avenue frontage. The combined wall and fence height *are approximately 9 feet. A variance is required.*

- 2) Fences and walls located in the side and rear yards shall not exceed five feet in height above ground level. The Applicant is proposing a retaining wall with a fence on top along the east side of the property. The combined wall and fence height *are 12.9 feet. A variance is required.*

4. General Comments

- A. The property is currently located in the Flood Zone VE 21 and VE 25 as shown on the Preliminary Flood Insurance Rate Map Number 34025C0351G for the Borough of Deal. As a condition of approval, the Applicant should provide a flood elevation certificate verifying all proposed improvements comply with the Borough Flood Damage Prevention Ordinance.
- B. The plan indicates that the existing curb and sidewalk along the frontage will be replaced, if found in poor condition.
- C. The Applicant should provide confirmation that taxes are currently paid.
- D. Granting of any required construction permits.
- E. *The architectural plan should be revised to building dimensions.*

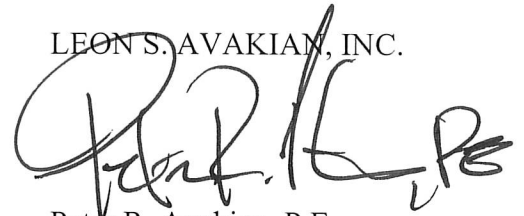
Our office reserves the right to provide additional comments upon receipt of revised development plans.

9 Monmouth Terrace
September 24, 2020
Revised October 26, 2020
Revised January 4, 2021
Page 7 of 7

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.", written over the typed name below.

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

DMH:mfl

cc: Michael W. Egan, Board Secretary
Erik Anderson, Esq., Board Attorney
Stephen Carasia, Borough Administrator
Jennifer S. Krimko, Esq., Applicant's Attorney
Keith B. Smith, P.E., P.P., Applicant's Engineer
Jose L. Ramirez, R.A., Applicant's Architect

D/PB/20/20-09b