

November 23, 2020  
*Revised January 4, 2021*

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

**Re: Sasson Residence  
Block 68, Lot 15  
45 Hathaway Avenue  
Borough of Deal  
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 December 18, 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. 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 November 23, 2020.

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 rear yard setback to the swimming pool, and *other as noted 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-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. <b>(NC)</b>	No Change
Minimum Lot Frontage	150 ft.	100 ft. <b>(NC)</b>	No Change
Minimum Lot Width	150 ft.	100 ft. <b>(NC)</b>	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%	<b>37.29%</b>

**(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 **37.21%**, 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.	<i>30 ft.</i> (east)
		<i>30 ft.</i> (west)
Minimum Rear Yard Setback	30 ft.	<b>23 ft. (V)</b>

(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 *both* side yard setbacks of **30 feet**, to the swimming pool. ***The Applicant has removed the variance condition.***
  - b) The minimum rear yard setback permitted for a swimming pool is 30 feet. The Applicant is proposing a rear yard setback of **23 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 **34.71%**. *The Applicant has removed the variance condition.*
- 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 Applicant has revised the location of the pool equipment to the rear yard, which conforms. The Applicant is proposing a side and rear yard setback of 10 feet, which conforms.*

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 **5 feet** around the pool equipment *which conforms*. The Applicant is proposing a fence surrounding the swimming pool but does not indicate the height. *The detail on the plan indicates a fence height of 6 feet. 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 proposed drainage system is designed to control the additional runoff from the improvements.*

4. **General Comments**

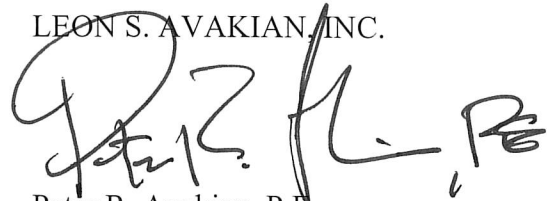
- A. A General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- B. The Applicant should provide confirmation that taxes are currently paid.
- C. Granting of any required construction permits.

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.



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

DMH:mfl

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

D/PB/20/20-12a