

LEON S. AVAKIAN, INC. *Consulting Engineers*

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April 30, 2021

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

RECEIVED  
APR 30 2021  
BOROUGH OF DEAL

**Re: ICC Neptune Avenue, LLC  
8 Neptune Avenue  
Block 83, Lot 1  
Borough of Deal  
Our File DPB 19-08**

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 proposed pool and cabana variance plan consisting of seven (7) sheets prepared by Daniel J. Dougherty, P.E., C.M.E., of Dynamic Engineering, dated February 10, 2021, with no revisions.
- An architectural plan consisting of seven (7) sheets prepared by John E. Ike, R.A. of Ike Kligerman Barkley, dated January 15, 2021, with no revisions.
- A boundary and topographic survey consisting of one (1) sheet prepared by Thomas J. Ertle, P.L.S. of French & Parrello Associates, dated October 19, 2017, with the latest revisions dated February 25, 2021.

The application is deemed complete and we offer the following comments regarding compliance with provisions of the Borough Ordinance and General Engineering Standards.

**1. Description of Property**

- A. The property is located at number 8 Neptune Avenue (Lot 1, Block 83) with a total lot area of 57,273 square feet (Tract 1 (House Lot) having a lot area of 34,773.96 square feet and Tract 2 (Beach Lot) having a lot area of 22,499 square feet).
- B. The lot currently has a residential dwelling under construction.
- C. The Applicant received approval on November 7, 2019 for the construction of a single-family dwelling with driveway, walkways and patios.
- D. The Applicant is proposing a basement addition and exterior stairs to the front of the dwelling. Also being proposed are a cabana and swimming pool.

**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 in ground swimming pool and cabana are permitted accessory uses in this district.
- C. The proposed improvements require Planning Board approval for variances on location of the pool area, setback to the pool, cabana, and pool equipment, swimming pool exposed wall, accessory building height, and others as described in this report.

**3. Variances and Waivers**

- A. In Chapter 30, Article VI, Section 34, any accessory building attached to a principal building is part of the principal building and shall adhere to the yard requirements for the principal building. The Application indicates the cabana as an accessory building and the architectural plan shows an expansion joint between the common foundation wall. This expansion joint separates the dwelling from the cabana, allowing the cabana to be an accessory building.

B. 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	Previously Approved	Proposed
Minimum Lot Area	18,750 sf.	34,773.9 sf. (Tract 1) 22,449 sf. (Tract 2)	No Change	No Change
Minimum Lot Frontage	150 ft.	234.32 ft.	No Change	No Change
Minimum Lot Width	150 ft.	383 ft.	No Change	No Change
Minimum Lot Depth	125 ft.	150 ft.	No Change	No Change
Minimum Front Yard Setback	50 ft.	N/A	50.0 ft.	19 ft. (V)
Minimum Side Yard Setback (20% Lot Width)	76.86 ft.	N/A	45.9 ft. (west) VG 213.5 ft. (east)	No Change No Change
Minimum Rear Yard Setback (20% Lot Depth)	30 ft.	N/A	15 ft. VG	No Change
Maximum Building Height at 50 ft. from ROW	28 ft.	N/A	36.42 ft. VG	No Change
Maximum Building Height at 64 ft. from ROW	42 ft.	N/A	42 ft.	No Change
Maximum Building Coverage	20 %	N/A	8.8%	No Change
Maximum Impervious Coverage	40 %	N/A	24.0%	28.8%

(V) indicates a variance is required

(NC) indicates an existing non-conformity

(VG) indicates variances granted

- 2) Principal Dwelling: bulk variances are required, or existing non-conformities are indicated for the following items as noted.
- a) The minimum front yard setback permitted per the R-1 Zoned District is 50 feet or the average alignment of the existing buildings within 200 feet of the lot. The Applicant is proposing a basement expansion with exterior stairs. The proposed front yard setback to the exterior steps in 19.0 feet. **A variance is required.**
  - b) The minimum side yard setback permitted per the R-1 Zoned District is 20% of the lot width (76.86 feet). A variance was granted for the west side yard setback of 45.9 feet.
  - c) The minimum rear yard setback permitted per the R-1 Zoned District is 20% of the lot depth (30 feet). A variance was granted for the rear yard setback of 15 feet.

- d) The maximum building coverage permitted per the R-1 Zoned District is 20% of the lot area. The Applicant indicates a building coverage of 10.8% which includes the cabana. In the R-1 Zoned District building coverage applies to the principal dwelling only. Our office calculates a building coverage of 8.8%, which complies.
- e) The maximum impervious coverage permitted per the R-1 Zoned District is 40% of the lot area. The Applicant indicates an impervious coverage of 24.0% which includes the dwelling, driveway, cabana, swimming pool, patio and walkways. The Applicant should include the revetment wall, proposed boardwalk, concrete ramp, and wood steps. Our office calculated an impervious coverage of approximately 37%, which complies.
- f) The maximum building height required 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. A variance was granted for building height at a setback of 50 feet from the right-of-way.
- g) In accordance with Ordinance Chapter 30 Article X, Section 86.6.a, all front yards must remain open and unoccupied except that a paved driveway and open front porch. A variance was granted for the location of the boardwalk.
- h) In accordance with Ordinance Chapter 30 Article X, Section 86.6.b., all side yards must remain open and unoccupied except that a paved driveway shall be permitted in each side yard provided that it does not cover in excess of 50% of the required area for such side yard. A variance was granted for side yard coverage of 69%.
- i) In accordance with Ordinance Chapter 30 Article X, Section 86.6.c.3, roof overhang may extend no more than 2 feet into a side or rear yard on a principal or accessory structure. A variance was granted for a roof overhang of 3.8 feet.

C. Swimming Pool

- 1) Swimming pool construction shall comply with the requirements of the Borough Swimming Pool Ordinance. The swimming pool and patio have been amended from the prior approval.

2) An analysis of bulk requirements for swimming pools is as follows:

Swimming Pool	Permitted	Proposed
Minimum Front Yard Setback	Not Permitted	See Comment Below
Minimum Side Yard Setback	30 ft.	176.5 ft.
Minimum Rear Yard Setback	30 ft.	100.1 ft.

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

3) Bulk variances or existing non-conformities are indicated for the following items as noted.

- a) No portion of swimming pool, swimming pool area, accessories or fence shall occupy any portion of the front yard. The Applicant is proposing the pool area in the front yard. **A variance is required.**
- b) The swimming pool is setback 1.5 feet from Neptune Avenue, where 50 feet is permitted. **A variance is required.**
- c) The Applicant is proposing the pool equipment setback of 1.5 feet from Richmond Avenue, where 50 feet is required. **A variance is required.**

4) In Ordinance Chapter 15, Section 1.1, a swimming pool may have 30% of continuous linear feet of pool to be exposed for 18 inches from the top of ground and the remaining portion of the pool shall not be erected or maintained above ground. The plan indicates a proposed pool wall reveal of 42 inches. **A variance is required.**

The Applicant is proposing 63% of the continuous linear feet of the swimming pool to be exposed. **A variance is required.**

5) The fence gates shall be equipped with a self-locking device in compliance with the Swimming Pool Code of New Jersey.

6) 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 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 some illumination, then the Applicant must follow Ordinance 892 Chapter XV Section 15-25.

D. Walls and Fences

All fences or walls may be erected, altered or reconstructed to height not to exceed three feet above ground level in the front yard. The Applicant is proposing a fence height of 4 feet in the front yard. **A variance is required.**

The Applicant is also proposing a wall alongside the pool to have a height of 10.5 feet. **A variance is required.**

E. Cabana

1) Cabanas are not listed as accessory structures but are noted in the swimming pool ordinance.

2) An analysis of the bulk requirements for the cabana is as follows:

Cabana	Permitted	Proposed
Minimum Front Yard Setback	Not Permitted	See Comments Below
Minimum Side Yard Setback	Min. 18 ft.	129.4 ft.
Minimum Rear Yard Setback	Min. 18 ft.	109.1 ft.
Maximum Height (Accessory Use)	Max. 18 ft.	21.52 ft. (V)

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

3) Bulk variances or existing non-conformities are indicated for the following items as noted:

- a) The pool cabana is not permitted in the front yard. The Applicant is proposing the pool cabana in the front yard. **A variance is required.**
- b) The cabana is setback inches from Neptune Avenue, where 50 feet is permitted. **A variance is required.** The proposed footing for the cabana will encroach into the Neptune Avenue right-of-way. The Applicant should remove the encroachments.
- c) The minimum side yard setback permitted is 10 feet for an accessory structure and the building height may be 10 feet from grade to the highest point on the structure. For every one-foot increase in height, the structure will require a one-foot increase in setback. The maximum building height allowed is 18 feet. The Applicant is proposing a building height of 21.52 feet. **A variance is required.**

F. Trellis

1) A trellis is a permitted accessory structure and shall comply with the requirements of the Borough's Swimming Pool, Tennis Court, Recreation Area and Facilities Ordinance.

2) An analysis of the bulk requirements for a trellis is as follows:

Trellis	Permitted	Proposed
Minimum Front Yard Setback	Not Permitted	No
Minimum Side Yard Setback	12.5 ft.	Over 200 ft.
Minimum Rear Yard Setback	12.5 ft.	12.5 ft.
Maximum Height	12.5 ft.	10 ft.

3) The proposed trellis does not require any variances.

4. **General Comments**

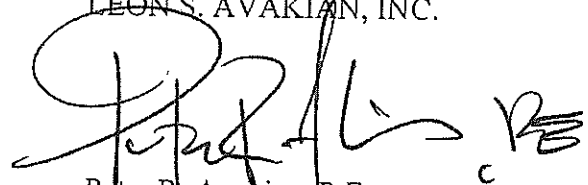
- A. The Applicant should provide testimony and receive a NJDEP CAFRA permit for the proposed improvements on the property.
- B. The Applicant has noted that the project stormwater management is subject to NJDEP CAFRA review and approval.
- C. A General Note has been added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- D. The Applicant should provide information that taxes are currently paid.
- E. Granting of any required construction permits.

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

Should you have any questions regarding 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 Egan, Board Secretary  
Erik Anderson, Esq., Board Attorney  
Stephen R. Carasia, Borough Administrator  
Daniel J. Dougherty, P.E., C.M.E., Applicant's Engineer  
Jennifer S. Krimko, Esq., Applicant's Attorney  
John E. Ike, R.A., Applicant's Architect  
Thomas J. Ertle, P.L.S., Applicant's Surveyor

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