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September 22, 2021

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

**Re: Minor Site Plan
Synagogue of Deal
Lots 2 and 6 in Block 31
128 Brighton Avenue
Our File DPB 20-01**

Dear Board Members:

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

- A minor site plan consisting of one (1) sheet prepared by Ray Carpenter, P.E., of R.C. Associates Consulting, Inc., dated July 7, 2021, with the latest revisions dated July 27, 2021.
- An architectural plan consisting of one (1) sheet prepared by David H. Feldman, AIA of Feldman & Feldman Architects, dated March 17, 2021, with no revisions
- A survey of property consisting of one (1) sheet prepared by Jeffrey S. Grunn, P.L.S. of Lakeland Surveying, dated November 19, 2020, 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.

1. **Project Description**

- A. The site is located at 128 Norwood Avenue (State Highway Route 71) with a total area of 0.953 Acres (41,509.50 square feet).
- B. The existing lot contains a synagogue with associated parking.
- C. The existing building area of the synagogue is 19,739 square feet and Applicant is proposing an addition to the synagogue of 382 square feet.

2. **Zoning and Land Use**

- A. The property is located in the R-3 Residential District and a place of worship is not a permitted use in this district.

- B. The Applicant is requesting approval from the Planning Board for minor site plan approval, use variance, impervious coverage, building coverage, and others as described in this report.

3. **Variances and Waivers**

- A. The Applicant is proposing an addition to a place of worship, which is not permitted in the R-3 Residential District. **A use variance is required** for the expansion of the non-conforming use.

This application requires a use variance pursuant to N.J.S.A. 40:55D-70.d(1). Testimony is required to demonstrate that the application satisfies the positive and negative criteria of the Municipal Land Use Law for the granting of the use variance relief. To obtain a d(1) use variance, the Applicant must show that the proposal meets four separate criteria:

1) Positive Criteria

- (a) *That the site is particularly suited to the use.* The Applicant must prove that the site is particularly suited for the proposed use. This requirement sets a high bar, requiring findings that the general welfare is served because the use is particularly fitted to the proposed location of the use. It requires the Applicant to show why the location of the site within the Borough is particularly suited for the proposed use despite the underlying zoning, or the unique characteristics of the site that make it particularly appropriate for the proposed use rather than a permitted use.
- (b) *Special Reasons.* The Applicant must prove that special reasons exist for granting the use variance by demonstrating either that there is an unreasonable hardship in not granting the variance, or that the proposed project furthers one or more of the purposes of the Municipal Land Use Law.

2) Negative Criteria

- (a) *The variance will not substantially impair the intent and purpose of the zoning plan and ordinance.* The Applicant must prove that the proposal does not substantially impair the intent of the zoning ordinance or master plan. This criterion comes out of the basic principle that municipalities should make zoning decisions by ordinance rather than by variance, and that the grant of a variance should not represent a complete departure from the enacted policy of the governing body.

- (b) *The variance can be granted without a substantial detriment to the public good.* This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.

B. Bulk Requirements for Yard Area and Principal Dwelling

- 1) An analysis of the bulk requirements of the R-3 District for the Yard area is as follows:

Bulk Requirements	Permitted	Existing	Proposed
Minimum Lot Area	12,500 sf.	41,509.5 sf.	No Change
Minimum Lot Width	100 ft.	170 ft.	No Change
Minimum Lot Depth	125 ft.	286 ft.	No Change
Minimum Front Yard Setback	50 ft. or Average Alignment	37.8 ft. (NC)	No Change
Minimum Side Yard Setback (20% Lot Width)	34 ft.	6.6 ft. (North) (NC) 4.2 ft. (South) (NC)	No Change
Minimum Rear Yard Setback (20% Lot Depth)	57 ft.	4.1 ft. (NC)	No Change
Maximum Building Height	35 ft.	33 ft. (NC)	See below
Maximum Building Coverage	20%	48.36% (NC)	49.33% (V)
Maximum Impervious Coverage	30%	72.64% (NC)	73.60% (V)

(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 front yard setback permitted per the R-3 Zoned District is 50 feet or average alignment of the existing buildings within 200 feet of the lot. The existing front yard setback is 37.8 feet, which represents an existing non-conformity.
- b) The minimum side yard setback permitted per the R-3 Zoned District is 20% of the lot width (34 feet). The existing north side yard setback is 6.6 feet, which represents an existing non-conformity. The existing south side yard setback is 4.2 feet, which represents an existing non-conformity.

- c) The minimum rear yard setback permitted per the R-3 Zoned District is 20% of the lot depth (57 feet). The existing rear yard setback is 4.1 feet, which represents an existing non-conformity.
- d) The maximum building height permitted per the R-3 Zoned District is 35 feet. The site plan indicates the roof height to match existing adjacent roofs in this area. The Applicant should provide testimony on the proposed addition building height.
- e) The maximum building coverage per the R-3 Zoned District is 20% of the lot area. The existing building coverage is 48.36% which represents an existing non-conformity. The Applicant is proposing an impervious coverage of 49.33%. **A variance is required.**
- f) The maximum impervious coverage permitted per the R-3 Zone District is 30%. The existing impervious coverage is 72.64%, which represents an existing non-conformity. The Applicant is proposing an impervious coverage of 73.60%. **A variance is required.** Any future improvements will require Planning Board approval.

4. 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.

5. Required Permits and Approvals

- A. Monmouth County Planning Board approval.
- B. Performance Guarantees and Engineering Inspection Fees.
- C. The Applicant should provide confirmation that taxes are currently paid.
- D. 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 'P. R. Avakian', followed by a small 'l' and a circled 'E'.

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

DMH:mfl

cc: Stephen Carasia, Borough Administrator
Erik Anderson, Esq. Board Attorney
David H. Feldman, AIA, Applicant's Architect
Jennifer Krimko, Esq, Applicant's Attorney
Ray Carpenter, P.E., Applicant's Engineer

D/PB/20/20-01c