

September 21, 2021

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

**Re: Dana Residence
72 Brighton Avenue
Block 30, Lot 4
Borough of Deal
Our File DPB 21-04**

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 plot/grading plan consisting of one (1) sheet prepared by Charles Surmonte, P.E. & P.L.S., dated May 26, 2021, with the latest revisions dated August 10, 2021.
- An architectural plan consisting of fourteen (14) sheets prepared by Warren Meister, R.A. of Warren Meister Architects dated June 28, 2021, with the latest revisions dated August 12, 2021.
- A survey plat consisting of one (1) sheet prepared by William J. Fiore, P.L.S., of William J. Fiore, Inc. dated February 8, 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.

1. Description of Property

- A. The property is located at house number 72 Brighton Avenue (Lot 4, Block 30) with a total lot area of 33,750 square feet.
- B. The existing lot contains a tennis court, and the dwelling was previously demolished.
- C. The Applicant is proposing a three-story dwelling with swimming pool, pool house, exercise building and basketball court. The tennis court will be removed.

2. Zoning and Land Use

- A. The property is located in the R-2 Residential Zone District and single-family dwellings are a permitted principal use in this district.
- B. The proposed in ground swimming pool, pool house, exercise building, and basketball court are permitted accessory uses in this district.
- C. The property has non-conformities with lot width and lot frontage. The development of a non-conforming lot and a variance for side yard setback to principal dwelling, side setback to the pool equipment, side setback, 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-2 District for the yard area and principal dwelling are as follows:

Bulk Requirements	Permitted	Existing	Proposed
Minimum Lot Area	18,750 sf.	33,750 sf.	No Change
Minimum Lot Frontage	150 ft.	125 ft. (NC)	No Change
Minimum Lot Width	150 ft.	125 ft. (NC)	No Change
Minimum Lot Depth	125 ft.	270 ft.	No Change
Minimum Front Yard Setback to Dwelling	50 ft. or average within 200 ft.	-	64.0 ft.
Minimum Side Yard Setback (20% Lot Width)	25 ft.	-	21.2 ft. (east) (V)
		-	19.2 ft. (west) (V)
Minimum Rear Yard Setback (20% Lot Depth or 50 ft. whichever is less)	50 ft.	-	109 ft.
Maximum Building Height at 64' from ROW	42 ft.	N/A	41.9 ft.
Maximum Building Coverage	20%	N/A	16.6%
Maximum Impervious Coverage	40%	N/A	38.8%

(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 width permitted per the R-2 Zoned District is 150 feet. The existing lot width is 125 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 125 feet, which represents an existing non-conformity.
- c) The minimum side yard setback permitted per the R-2 Zoned district is 20% of the lot width (25 feet). The Applicant is proposing an east side yard setback of 21.2 feet to the side porch. **A variance is required.**

The Applicant is proposing a west side yard setback of 19.2 feet to the basement entrance. **A variance is required.**

- d) The air conditioning unit and generator unit located in the rear yard shall have a side and rear yard setback of 10 feet. The Applicant is proposing the air conditioning units and generator in the rear yard. The proposed west side yard setback to the air conditioning units and generator is 6 feet. **A variance is required.** The proposed rear yard setback is greater than 10 feet to these units, which conforms.

B. Swimming Pools

- 1) Swimming pools are a permitted accessory structure and shall comply with the 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	N/A
Minimum Side Yard Setback	30 ft.	31.0 ft. (west)
		79.0 ft. (east)
Minimum Rear Yard Setback	30 ft.	59.7 ft.

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

- 3) Swimming pool: Bulk variances are required, or existing non-conformities are indicated for the following items as noted:
 - The permitted side yard setback to the pool equipment is 10 feet. The Applicant is proposing a west side yard setback of 6 feet. **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) The Applicant has indicated that no sound amplification system is proposed.
- 6) Compliance with all other provisions shall be provided by the applicant, inclusive of the following:
 - Compliance with current Swimming Pool Code of New Jersey
 - Evergreen plant screening (Ord. Section 15-2.7(b))
- 7) The Applicant has indicated that the illumination shall comply with the Ordinance XV, Section 15-2.5.

C. **Pool House**

- 1) Pool houses are not listed as accessory structures but are noted in the swimming pool ordinance. The pool house 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 pool houses are as follows:

Pool House	Permitted	Proposed
Minimum Front Yard Setback	Not Permitted	N/A
Minimum Side Yard Setback	10 ft.	16.2 ft.
Minimum Rear Yard Setback	10 ft.	65 ft.
Minimum Building Height	18 ft.	10 ft.

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

- 3) The proposed pool house does not require any variances.
- 4) The minimum side and rear yard setbacks are 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 10 feet, which conforms. The proposed side yard setback is 16.2 feet to the east side property line, which conforms. The proposed rear yard setback is 65 feet, which conforms.

D. **Exercise Building**

- 1) An exercise building is a permitted accessory structure.

- 2) An analysis of the bulk requirements for the exercise building is as follows:

Exercise Building	Permitted	Proposed
Minimum Front Yard Setback	Not Permitted	No
Minimum Side Yard Setback	10 ft.	10.2 ft.
Minimum Rear Yard Setback	10 ft.	17.4 ft.
Minimum Building Height	18 ft.	10 ft.

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

- 3) The exercise building does not require any variances.
- 4) The minimum side and rear yard setbacks are 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 10 feet, which conforms. The proposed side yard setback is 10.2 feet to the west side property line, which conforms. The proposed rear yard setback is 17.4 feet, which conforms.

E. **Fencing and Walls**

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 4 feet, which conforms.

F. **Basketball Court**

- 1) Basketball courts are not listed as accessory structures but are noted in the swimming pool ordinance. The basketball court 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 basketball courts are as follows:

Basketball Court	Permitted	Proposed
Minimum Front Yard Setback	Not Permitted	No
Minimum Side Yard Setback	10 ft.	10.2 ft.
Minimum Rear Yard Setback	10 ft.	10.2 ft.

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

- 3) The proposed basketball court does not require any variances.

4. Drainage

- A. The proposed grading of the site is directing stormwater onto yard inlets which will discharge to Brighton Avenue drainage system.

5. General Comments

- A. The Applicant should revise the zoning table on the architectural site plan sheet for the accessory structures.
- B. A General Note indicates that the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- C. The Applicant should provide information that taxes are currently paid.
- D. 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.

A handwritten signature in black ink, appearing to read "Peter R. Avakian, P.E.", with a stylized flourish at the end.

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
Charles Surmonte, P.E. & P.L.S., Applicant's Engineer
Warren Meister, R.A., Applicant's Architect

D/PB/21/21-04