

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., P.L.S.

November 11, 2021

Borough of Deal Planning Board  
190 Norwood Avenue  
Deal, NJ 07723-1234

**Re: Sultan Residence  
90 Lehman Avenue  
Block 32.02, Lot 20  
Our File DPB 21-06**

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 plan consisting of four (4) sheets prepared by Douglas D. Clelland, P.E. of InSite Engineering, LLC, dated October 8, 2021, with no revisions.
- An architectural plan consisting of one (1) sheet, prepared by Michael Saverese, R.A. of Michael Saverese Associates, dated October 11, 2021, with no revisions.
- A topographic survey consisting of one (1) sheet prepared by Justin J. Hedges, P.L.S., on InSite Surveying LLC, dated July 12, 2021, with the latest revisions dated October 15, 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. **Project Description**

- A. The property is located at house number 90 Lehman Avenue (Lot 20, Block 32.02) with a total area of 16,545 square feet.
- B. The existing lot contains a single-family dwelling with a shed and driveway.
- C. The Applicant is proposing an in ground pool with a cabana and basketball court.

2. **Zoning and Land Use**

- A. The property is located in the R-3 Residential District and single-family dwellings are a permitted principle use in this district.

- B. The proposed inground swimming pool, cabana, and basketball court are permitted accessory structures in this district.
- C. The Applicant is requesting approval from the Planning Board for variances on side yard setbacks to the pool and others as described in this report. The dwelling has a non-conformity with side yard setback.

### 3. Variances and Waivers

#### A. Bulk Requirements for Yard Area and Principal Dwelling

- 1) An analysis of the bulk requirements of the R-3 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                             | 12,500 sf.                  | 16,545 sf.                | No Change       |
| Minimum Lot Width                            | 100 ft.                     | 123.8 ft.                 | No Change       |
| Minimum Lot Depth                            | 125 ft.                     | 137.5 ft.                 | No Change       |
| Minimum Front Yard Setback                   | 50 ft. or Average Alignment | 50.3 ft.                  | No Change       |
| Minimum Side Yard Setback<br>(20% Lot Width) | 24.7 ft.                    | 15.6 ft. (East Side) (NC) | No Change       |
|  |                             | 50.2 ft. (West Side)      | No Change       |
| Minimum Rear Yard Setback<br>(20% Lot Depth) | 27.5 ft.                    | 42 ft.                    | No Change       |
| Maximum Building Coverage                    | 20%                         | 11.8%                     | 15.56%          |
| Maximum Impervious Coverage                  | 40%                         | 18.2%                     | 38.16%          |

(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 side yard setback per the R-3 Zoned District is 20% of the lot width (24.7 feet). The existing west side yard setback is 50.2 feet, which conforms. The existing east side yard setback is 15.6 feet, which represent an existing non-conformity.
  - b) The maximum building coverage per the R-3 Zoned District is 20%. The building coverage calculation shall include the principal and accessory buildings or structures in this zoned district. This existing building coverage is 11.8% which conforms. The Applicant is proposing a building coverage of 15.56%, which conforms.

- c) The maximum impervious coverage per the R-3 Zoned District is 40%. The existing impervious coverage is 18.2%, which conforms. The Applicant is proposing an impervious coverage of 38.16%, which conforms

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 are as follows:

| Swimming Pool              | Permitted     | Proposed      |
|----------------------------|---------------|---------------|
| Minimum Front Yard Setback | Not Permitted | No            |
| Minimum Side Yard Setback  | 30 ft.        | 19.97 ft. (V) |
| Minimum Rear Yard Setback  | 30 ft.        | 44.5 ft.      |

(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.
- The minimum side yard setback permitted for a swimming pool is 30 feet. The Applicant is proposing a side yard setback of 19.97 feet, to the swimming pool. **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) 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 planting 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 some illumination, then the Applicant must follow Ordinance 892 Chapter XV Section 15-25.
- 7) The permitted side yard setback for a patio is 10 feet. The Applicant is proposing a west side yard setback of 20 feet, which complies.

C. Fencing

The maximum permitted height of a fence in the side and rear yard is 5 feet measured from the ground level. The fence detail indicates a fence height of 4 feet, which complies.

D. Proposed Cabana

- 1) Cabanas are not listed as accessory structures but are noted in the Swimming Pool Ordinance. The cabana 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 cabana are as follows:

| <b>Cabana</b>              | <b>Permitted</b> | <b>Proposed</b> |
|----------------------------|------------------|-----------------|
| Minimum Front Yard Setback | Not Permitted    | N/A             |
| Minimum Side Yard Setback  | 10 ft.           | 12.68 ft.       |
| Minimum Rear Yard Setback  | 10 ft.           | 10.01 ft.       |
| Minimum Building Height    | 18 ft.           | 10 ft.          |

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

- 3) The cabana 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 12.68 feet to the west side property line, which complies. The proposed rear yard setback is 10 feet, which complies.

E. 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 ft.   |
| Minimum Rear Yard Setback  | 10 ft.        | 10 ft.   |

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

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

4. **Site Grading and Drainage**

The proposed grading of the site is directing stormwater into yard inlets, which will discharge into an inlet in Lehman Avenue.

5. **General Comments**

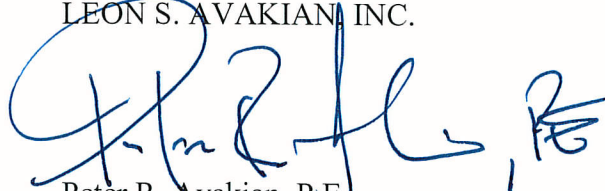
- A. General note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- B. The Applicant should provide confirmation that taxes are currently paid.
- C. Granting of any required construction permits.

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

cc: Michael W. Egan, Board Secretary  
Erik Anderson, Esq. Board Attorney  
Stephen R. Carasia, Borough Administrator  
Jennifer S. Krimko, Esq., Applicant's Attorney  
Douglas D. Clelland, P.E., Applicant's Engineer  
Michael Savarese, R.A., Applicant's Architect

D/PB/21/21-06