

January 19, 2022

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

**Re: Judah J. Cattan 2012 Irrevocable Trust
Block 41, Lot 7
77 Darlington Road
Borough of Deal
Our File DPB 22-01**

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 pool plan consisting of four (4) sheets prepared Patrick R. Ward, P.E., P.P., of InSite Engineering, LLC, dated May 28, 2021, with no revisions.
- An architectural plan consisting of four (4) sheets prepared by Michael Savarese, R.A. of Michael Savarese Associates, dated December 3, 2021, with no revisions.
- A boundary, topographic & utility survey consisting of one (1) sheet prepared by Justin J. Hedges, P.L.S., of InSite Surveying, LLC, dated March 16, 2021, with the latest revisions dated November 8, 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 77 Darlington Road, (Lot 7, Block 41) with a total area of 15,000 square feet.
- B. The existing lot contains a single-family dwelling, with a covered front porch and carport.
- C. The Applicant is proposing an in-ground swimming pool with a cabana and small renovation to the dwelling. The Applicant is also removing the rear deck, asphalt area, shed and a portion of the driveway.

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 and cabana are a permitted accessory structure, under the Swimming Pool, Tennis Court and Recreational Area Ordinance.
- C. The proposed improvements require variances for the side yard setbacks to the swimming pool. The property and dwelling have existing non-conformities with lot area, lot frontage, lot width, front setback, side setback, rear setback, impervious, and building coverage.

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.	15,000 sf. (NC)	No Change
Minimum Lot Frontage	150 ft.	100 ft. (NC)	No Change
Minimum Lot Width	150 ft.	100 ft. (NC)	No Change
Minimum Lot Depth	125 ft.	150 ft.	No Change
Minimum Front Yard Setback	50 ft.	49.8 ft. (NC)	No Change
Minimum Front Yard Setback to Porch	40 ft.	38.5 ft. (NC)	No Change
Minimum Side Yard Setback (20% Lot Width)	20 ft.	2.7 ft. (west side) (NC)	No Change
		32.5 ft.	21.5 ft.
Minimum Rear Yard Setback (20% Lot Depth or 50ft., whichever is less)	30 ft.	29.0 ft. (NC)	See comment below
Maximum Building Coverage	20%	24.9% (NC)	No Change
Maximum Impervious Coverage	40%	46.7% (NC)	40%

(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 in 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 width permitted per the R-2 Zoned District is 150 feet. The existing lot width is 100 feet, **which represents an existing non-conformity.**

- c) 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.**
- d) The minimum front yard setback permitted per the R-2 Zoned District is 50 feet or the average alignment of the existing buildings within 200 feet of the lot. The existing front yard setback is 49.8 feet, **which represents an existing non-conformity.**
- e) An open front porch may project a maximum of 10 feet into a required front yard. The permitted front yard setback to the porch is 40 feet. The existing front yard setback is approximately 38.5 feet, **which represents an existing non-conformity.**
- f) The maximum building coverage permitted per the R-2 Zoned District is 20% of the lot area. The existing building coverage is 24.9%, **which represents an existing non-conformity.**
- g) The maximum impervious coverage permitted per the R-2 Zoned District is 40% of the lot area. The existing impervious is 46%, **which is an existing non-conformity.** The Applicant is reducing the impervious coverage to 40% , which conforms.
- h) Required yards shall be open to the sky, unobstructed, except for the ordinary projection of parapets, skylights, window sills, door posts, rainwater leaders, and ornamental fixture, which may not project more than 6 inches into such yards. The rear yard setback permitted per the R-2 Zoned District is 30 feet.

The existing deck is projecting into the rear yard area and has a setback of approximately 15 feet from the rear lot line, this represents an existing non-conformity. The Applicant is removing the deck and constructing a new uncovered porch and steps. The proposed porch and steps are projecting into the rear yard and have a setback of approximately 24 feet. **A variance is required.**

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.	20 ft.(V)
Minimum Rear Yard Setback	30 ft.	30.25 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.
- a) The minimum side yard setback permitted for a swimming pool is 30 feet. The Applicant is proposing a side yard setback of 20 feet, to the swimming pool. **A variance is required.**
- 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 proposed pool equipment is in the rear yard along side of the cabana. The pool equipment complies with side and rear setbacks.

C. 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 cabanas are as follows:

Cabana	Permitted	Proposed
Minimum Front Yard	Not Permitted	No
Minimum Side Yard Setback	18 ft.	19.5 ft.
Minimum Rear Yard Setback	18 ft.	10.5 ft.
Maximum Height (Accessory Use)	18 ft.	10 ft.

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

- 3) The cabana complies with all setback and height requirements.

D. Drainage

The Applicant is collecting the stormwater runoff from the site and directing it to Darlington Road.

4. **General Comments**

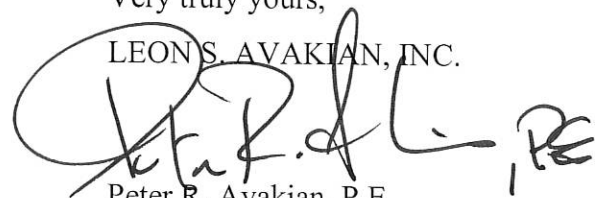
- A. A General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- B. The Applicant should provide confirmation that taxes are currently paid.
- C. Granting of any required construction permits.

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

cc: Michael W. Egan, Board Secretary
Erik Anderson, Esq., Board Attorney
Stephen R. Carasia, Borough Administrator
Jennifer Krimko, Esq., Applicant's Attorney
Patrick R. Ward, P.E., P.P., Applicant's Engineer

D/PB/22/22-01