

July 20, 2022

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

**Re: Kassin Residence
2 Clem Conover Road
Block 29.01, Lot 4
Borough of Deal
Our File DPB 22-09**

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 five (5) sheets prepared by Douglas D. Clelland, P.E. of InSite Engineering, LLC, dated April 8, 2022, with no revisions.
- An architectural plan consisting of ten (10) sheets prepared by Michael Savarese, R.A. of Michael Savarese Associates, dated April 8, 2022, with no revisions.
- A topographic survey consisting of one (1) sheet prepared by Justin J. Hedges, P.L.S. of InSite Surveying, LLC, dated December 7, 2021, with the latest revisions dated January 5, 2022.

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 2 Clem Conover Road (Lot 4, Block 29.01) with a total lot area of 43,670 square feet.
- B. The lot contains a one-story dwelling, with swimming pool, basketball court, and other amenities.
- C. The Applicant is removing the existing driveway and a portion of the basketball court. The proposed improvements are a second-floor addition with a small addition to the first floor, interior renovation to the basement and first floor, new driveways and new walkways.

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 improvements require Planning Board approval for variances on side and rear yard setbacks to the dwelling, impervious coverage, patio location, side yard setback to the basketball court, 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-1 District for the Yard area is as follows:

Bulk Requirements	Permitted	Existing	Proposed
Minimum Lot Area	18,750 sf.	43,670 sf.	No Change
Minimum Lot Frontage	150 ft.	> 150 ft.	No Change
Minimum Lot Width	150 ft.	> 150 ft.	No Change
Minimum Lot Depth	125 ft.	149.73 ft.	No Change
Minimum Front Yard Setback to Dwelling	50 ft. or average within 200 ft.	50.3 ft.	50.3 ft.
Minimum Side Yard Setback (20% Lot Width)	60 ft.	56.8 ft. (NC)	56.8 ft. (V)
Minimum Rear Yard Setback (20% Lot Depth or 50 ft. whichever is less)	29.95 ft.	30.2 ft.	13.25 ft. (V)
Maximum Building Height at 64' from ROW	42 ft.	19.7 ft.	33.42 ft.
Maximum Building Coverage	20 %	12.8 %	13.48%
Maximum Impervious Coverage	40 %	54.1%	49.84% (V)

(V) indicates a variance is required

(NC) indicates an existing non-conformity

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

- a) The minimum side yard setback permitted per the R-1 Zoned District is 20% of the lot width (60 feet). The existing side yard setback is 56.8 feet, which represents an existing non-conformity. The Applicant is proposing a second floor with a side yard setback of 56.8 feet, which is an expansion of existing non-conformity. **A variance is required.**

- b) The minimum rear yard setback permitted per the R-1 Zoned District is 20% of the lot depth (29.95 feet) or 50 feet, whichever is less. The existing rear yard setback is 30.2 feet, which conforms. The Applicant is proposing a rear yard setback of 13.26 feet to the basement entrance stairs. **A variance is required.**
- c) The maximum building coverage permitted per the R-1 Zoned District is 20% of the lot area. The existing building coverage is 12.8%, which conforms. The Applicant is proposing a building coverage of 13.48%, which conforms.
- d) The maximum impervious coverage permitted per the R-1 Zoned District is 40% of the lot area. The existing impervious coverage is 54.1%, which represents an existing non-conformity. The Applicant is reducing the impervious coverage to 49.84%. **A variance is required.** The Applicant is reducing the impervious coverage by replacing the driveway with a smaller driveway, reducing the size of the basketball court and the removing the paver areas around the basketball court.

B. Swimming Pool and Jacuzzi

- 1) The swimming pool and jacuzzi shall comply with the requirements of the Borough Swimming Pool Ordinance.
- 2) An analysis of the bulk requirements for the swimming pool and are as follows:

Swimming Pool	Permitted	Existing
Minimum Front Yard Setback	Not Permitted	See Note below
Minimum Side Yard Setback	30 ft.	73.6 ft.
Minimum Rear Yard Setback	30 ft.	42.9 ft.

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

- 3) Swimming pool: Existing non-conformities are indicated for the following items as noted.
 - a) No portion of a swimming pool, a swimming pool area, swimming pool accessories or fence shall occupy any portion of a front yard. A portion of the existing swimming pool and pool patio are located in the front yard, which represents an existing non-conformity.

b) The Applicant is proposing a small expansion to the pool patio. This expansion is located in the front yard, which is not allowed. **A variance is required.**

4) An analysis of the bulk requirements for the jacuzzi are as follows:

Jacuzzi	Permitted	Existing
Minimum Front Yard Setback	Not Permitted	No
Minimum Side Yard Setback	30 ft.	> 30 ft.
Minimum Rear Yard Setback	30 ft.	29 ft. (NC)

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

5) Jacuzzi: Existing non-conformities are indicated for the following items as noted.

- The minimum rear yard setback permitted for a jacuzzi is 30 feet. The existing rear yard setback is 29 feet, which represents an existing non-conformity.

C. **Basketball Court**

1) Basketball court is not listed as an accessory structure but are noted in the swimming pools, tennis courts and recreational areas 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.	7.93 ft. (V)
Minimum Rear Yard Setback	10 ft.	10.96 ft.

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

- The minimum side yard setback permitted for a basketball court is 10 feet. The Applicant is proposing a new configuration of the basketball court. The proposed side yard setback is 7.93 feet. **A variance is required.**

D. **Cabanas**

1) Cabanas are not listed as accessory structures but are noted in the swimming pools, tennis courts and recreational areas and facilities ordinance.

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

Cabana	Permitted	Existing
Minimum Front Yard Setback	Not Permitted	No
Minimum Side Yard Setback	30 ft.	34.1 ft.
Minimum Rear Yard Setback	10 ft.	57.8 ft.
Minimum Building Height	18 ft.	< 18 ft.

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

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

E. **Gazebo**

- 1) Gazebos are not listed as accessory structures but are noted in the swimming pools, tennis courts and recreational areas and facilities ordinance.
- 2) An analysis of the bulk requirements for the gazebo is as follows:

Gazebo	Permitted	Existing
Minimum Front Yard Setback	Not Permitted	No
Minimum Side Yard Setback	10 ft.	72.9 ft.
Minimum Rear Yard Setback	10 ft.	3.6 ft. (NC)
Minimum Building Height	10 ft.	10 ft.

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

- 3) Gazebo: Existing non-conformities are indicated for the following items as noted.
- The minimum rear yard setback permitted for a gazebo is 10 feet. The existing rear yard setback is 3.6 feet, which represents an existing non-conformity.

E. **Shed**

- 1) A shed is a permitted accessory structure.
- 2) An analysis of the bulk requirements for sheds are as follows:

Shed	Permitted	Existing
Minimum Front Yard Setback	Not Permitted	No
Minimum Side Yard Setback	10 ft.	51.4 ft.
Minimum Rear Yard Setback	10 ft.	6.9 ft. (NC)

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

- 3) Shed: Existing non-conformities are indicated for the following items as noted.
- The minimum rear yard setback permitted for a shed is 10 feet. The existing rear yard setback is 6.9 feet, which represents an existing non-conformity.

4. **Drainage**

- The project incorporates the use of an underground infiltration system, and a soil boring should be provided. The boring should provide elevation of the seasonal high water and the permeability of the soil.

5. **General Comments**

- A. Testimony should be provided for the deck in the front yard area and in the right-of-way of Clem Conover Road.
- B. 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.
- 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.



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
Jennifer S. Krimko, Esq., Applicant's Attorney
Douglas D. Clelland, P.E., Applicant's Engineer
Michael Savarese, R.A., Applicant's Architect

D/PB/22/22-09