

July 20, 2022

Revised November 10, 2022

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

**Re: Beyda Residence
 74 Runyan Avenue
 Block 35, Lot 28
 Our File DPB 17-07**

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 two (2) sheets prepared by Patrick R. Ward, P.E., P.P. of InSite Engineer, LLC, dated April 29, 2022, with the latest revisions dated November 2, 2022.
- An architectural plan consisting of one (1) sheet prepared by David Collins, R.A. of Feltz Collins Architecture, LLC, dated November 2, 2022, with no revisions.
- A boundary, topographic & utility survey consisting of one (1) sheet prepared by Justin Hedges, P.L.S. C.F.S. of InSite Surveying, LLC, dated November 29, 2021, with the latest revisions dated December 7, 2021.

The Applicant has amended the plans from the original submission and the revised application is deemed complete. We offer the following comments regarding compliance with provisions of the Borough Ordinance and general engineering standards. The Applicant has submitted the revised plan to remove some of the variance conditions. Additional comments with regard to the revised plans are noted in the *bold italic type*. Our original review comments remain as noted in the letter dated July 20, 2022.

1. **Project Description**

- A. The property is located at house number 74 Runyan Avenue (Lot 28, Block 35) with a total area of 10,093 square feet.
- B. The existing lot contains a two-story dwelling with driveway to the access road.

- C. The Applicant received prior approval for a covered porch in July 2018.
- D. The Applicant is removing a portion of the existing garage and proposing an inground swimming pool with a cabana, pergola and patio.

2. **Zoning and Land Use**

- A. The property is located in the R-3 Residential District and single-family dwellings are a permitted principal use in this district.
- B. The property has non-conformities with lot area and width. The existing dwelling has existing non-conformity with the side yard setback. The Applicant will require Board approval for variances associated with building coverage, side yard setbacks to the pool, and others as noted in this letter.

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 is as follows:

Bulk Requirements	Permitted	Existing	Proposed
Minimum Lot Area	12,500 sf.	10,093 sf. (NC)	No Change
Minimum Lot Width	100 ft.	<i>65.4 ft. (NC)</i>	No Change
Minimum Lot Depth	125 ft.	<i>154.5 ft.</i>	No Change
Minimum Front Yard Setback	50 ft. or Average Alignment	50 ft.	No Change
Minimum Front Yard Setback to the Porch	40 ft.	40.1 ft.	No Change
Minimum Side Yard Setback (20% Lot Width)	13.1 ft.	5.4 ft. (east) (NC)	No Change
		16.0 ft. (west)	No Change
Minimum Rear Yard Setback (20% Lot Depth)	30.9 ft.	35.1 ft.	46.20 ft.
Maximum Building Height	35 ft.	27 ft.	No Change
Maximum Building Coverage	20%	22.2% (NC)	22.2% (V)
Maximum Impervious Coverage	40%	30.5%	38.6%

(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 per the R-3 Zoned District is 12,500 square feet. The existing lot area is 10,093 square feet, which represents an existing non-conformity.
 - b) The minimum lot width permitted per the R-3 Zoned District is 100 feet. The existing lot width is **65.4 feet**, which represents an existing non-conformity.
 - c) The minimum side yard setback permitted per the R-3 Zoned District is 20% of the lot width (13.1 feet). The existing east side yard setback is 8.7 feet to the dwelling and 5.4 feet to the window well. This east side yard setback represents an existing non-conformity. The existing west side yard setback is 15.0 feet, which conforms.
 - d) The maximum building coverage permitted per the R-3 Zone District is 20% of the lot area. The existing building coverage is 22.2%, which a variance was granted by the Board in July 2018. The Applicant is removing a portion of the existing attached garage (**245 sf.**) and proposing a cabana (**240 sf.**). In the R-3 Zoned District the building coverage includes principal and accessory buildings. ***The improvements result in a proposed building coverage of 22.2% even though the coverage remains the same. The improvements differ and a variance is required.***

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.	30 ft. (east)
		12 ft. (west) (V)
Minimum Rear Yard Setback	30 ft.	30 ft.

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

- 3) Swimming Pool: Bulk variances are 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 an east side yard setback of 30 feet, which conforms. The Applicant is proposing a *revised* west side yard setback of **12 feet** to the swimming pool. **A variance is required.**
 - b) The minimum rear yard setback permitted for a swimming pool is 30 feet. The Applicant is proposing a rear yard setback of **30 feet**. ***The Applicant has removed the variance condition and the revised rear yard setback conforms.***
- 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 an east side yard setback of 10 feet, which conforms. The Applicant is proposing a *revised* west side yard setback of **10 feet**. ***The Applicant has removed the variance condition and the revised west side yard setback conforms.***
- 8) The permitted rear yard setback for a patio is 10 feet. The Applicant is proposing a *revised* rear yard setback of **14.31 feet**, which conforms.

- 9) The pool equipment is permitted in the rear yard only. *The Applicant has revised the location of the pool equipment to the rear yard which removes the variance condition. The Applicant is proposing a rear yard setback of 10 feet and a west side yard setback of 10 feet. Both of these setbacks conform.*

C. Fencing

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

D. Proposed 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 cabanas are as follows:

Cabanas	Permitted	Proposed
Minimum Front Yard	Not Permitted	No
Minimum Side Yard Setback	10 ft.	<i>12 ft. (east) *</i>
Minimum Rear Yard Setback	10 ft.	<i>14.31 ft.*</i>
Maximum Height (Accessory Use)	18 ft.	<i>12.0 ft.*</i>

(V) Indicates a variance is required (NC) Indicates an existing non-conformity
 (*) See comment 3) below

- 3) Bulk variance or existing non-conformities are indicated for the following items as noted:

- The minimum side yard setback 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 *revised* cabana building height of *12 feet*, which conforms. The permitted side and rear yard setbacks are *12 feet*. The Applicant is proposing a *revised* side yard setback of *12 feet* on the east side and 41 feet on the west side. *Both side yard setbacks conform.*

The Applicant is proposing a *revised* rear yard setback of *14.31 feet*, which complies.

4. **General Comments**

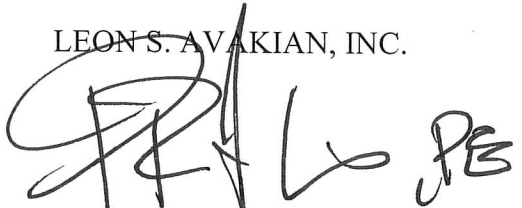
- A. General note indicates the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- B. The Applicant should provide confirmation that taxes are currently paid.
- C. Granting of any required construction permits.

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.

A handwritten signature in black ink, appearing to read 'P. R. Avakian', followed by the initials 'PE' to the right.

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
Patrick R. Ward, P.E., P.P., Applicant's Engineer
David Collins, R.A., Applicant's Architect

D/PB/17/17-07a