

June 23, 2022
Revised July 28, 2022

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

**Re: Tawil Residence
1 Roseld Court
Block 35, Lot 7
Our File DPB 22-06**

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 two (2) sheets prepared by Douglas D. Clelland, P.E. of InSite Engineering, LLC, dated March 18, 2022, with the latest revisions dated July 14, 2022.
- An architectural plan consisting of nine (9) sheets prepared by Michael Savarese, R.A. of Michael Savarese Associates, dated March 17, 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 November 4, 2021, with the latest revisions dated February 7, 2022.

The application is deemed complete, and our office has reviewed the plans to determine if they conform with the requirements of the Borough Ordinance. The Applicant has submitted a revised plot plan. 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 June 23, 2022.

1. **Project Description**

- A. The property is located at house number 1 Roseld Court (Lot 7, Block 35) with a total area of 11,300 square feet.
- B. The existing lot contains a single-family dwelling with a detached garage in the rear yard.

- C. The Applicant is proposing an addition to the rear of the dwelling, an inground swimming pool and changing the detached garage to a cabana.

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 and cabana are permitted accessory structures in this district.
- C. *The existing lot is non-conforming to lot area, lot width, front yard setback and both side yard setbacks, as described below.*
- D. The Applicant is requesting approval from the Planning Board for variances on side yard setback to addition, side yard setbacks to the pool, impervious coverage, 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-3 District for the yard area and principal dwelling are as follows:

Bulk Requirements	Permitted	Existing	Proposed
Minimum Lot Area	12,500 sf.	11,300 sf. (NC)	No Change
Minimum Lot Width	100 ft.	60 ft. (NC)	No Change
Minimum Lot Depth	125 ft.	187.83 ft.	No Change
Minimum Front Yard Setback	50 ft. or Average Alignment	33.9 ft. (NC)	No Change
Minimum Side Yard Setback (20% Lot Width)	12 ft.	10.5 ft. (North Side) (NC)	10.5 ft. (V)
		10.9 ft. (South Side) (NC)	8.51 ft. (V)
Minimum Rear Yard Setback (20% Lot Depth)	37.6 ft.	96.1 ft.	97.74 ft.
Maximum Building Coverage	20%	13.9%	18.8%
Maximum Impervious Coverage	40%	28.6%	48.3% (V)

(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 11,300 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 60 feet, which represents an existing non-conformity.
- c) The minimum front yard setback permitted per the R-3 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 33.9 feet, which represents an existing non-conformity. The Applicant did not provide the average alignment of the front yard setback.
- d) The minimum side yard setback permitted per the R-3 Zoned District is 20% of the lot width (12 feet). The existing north side yard setback is 10.5 feet, which represents an existing non-conformity. The existing south side yard setback is 10.9 feet, which represents an existing non-conformity.

The Applicant is proposing a north side yard setback of 10.5 feet to the entrance platform. This represents an expansion of an existing non-conformity. The Applicant is proposing a south side yard setback of **8.51 feet** to the addition for the interior stairs. **A variance is required.**

The rear addition complies with both side yard setbacks.

- e) The maximum building coverage permitted per the R-3 Zoned District is 20% of the lot area. The building coverage calculation shall include the principal and accessory buildings or structures in this zoned district. The existing building coverage is 13.9%, which complies. The Applicant is proposing a building coverage of 18.8%, which complies.
- f) The maximum impervious coverage permitted per the R-3 Zoned District is 40% of the lot area. The existing impervious coverage is **28.6%**, which complies. The Applicant is proposing an impervious coverage of **48.3%**. **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.	<i>30.0 ft. (North Side)</i>
		<i>15.0 ft. (South Side) (V)</i>
Minimum Rear Yard Setback	30 ft.	<i>52.75 ft.</i>

(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 *north* side yard setback of *30 feet*, to the swimming pool. ***This setback to the pool conforms. The proposed south side yard setback is 15.0 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 south side yard setback of 12 feet, which conforms. The Applicant is proposing a north side yard setback of 12.10 feet, which conforms.
- 8) The permitted rear yard setback for a patio is 10 feet. The Applicant is proposing a rear yard setback of 40 feet, which conforms.

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) The Applicant is converting the detached garage to cabana. 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.*	28 ft. (South <i>Side</i>)
		11.2 ft. (North <i>Side</i>)
Minimum Rear Yard Setback	10 ft.*	21.1 ft.
Maximum Height (Accessory Use)	18 ft.*	10.0 ft.

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

(* See comment 3) a) below

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

- a) 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 existing garage/proposed cabana building height is 10 feet, which conforms. The permitted side and rear yard setbacks are 10 feet. The side setback to the existing garage/proposed cabana is 11.2 feet on the south side and 28 feet on the north side. Both of these setbacks comply.

The rear yard setback to the existing garage/proposed cabana is 21.1 feet, which complies.

4. **Site Grading and Drainage**

- A. *The Applicant is proposing two (2) drywells in the rear yard. These drywells will collect the stormwater runoff from the roof of the principal dwelling.*
- B. *The Applicant should include the time it takes the recharge systems to completely drain.*

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.

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

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

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