

November 10, 2022

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

**Re: Minor Subdivision and Variance Application  
108 Jerome, LLC  
108 Jerome Avenue  
Block 8, Lot 3  
Our File DPB 22-12**

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 minor subdivision plan consisting of nine (9) sheets prepared by Patrick R. Ward, P.E., P.P. and Justin J. Hedges, P.L.S. of InSite Engineering, LLC, dated September 26, 2022, with no revisions.
- An architectural plan for proposed Lot 3.02 consisting of nine (9) sheets prepared by Michael Savarese, R.A. of Michael Savarese Associates, dated July 22, 2022, with the latest revisions dated August 30, 2022.
- An architectural plan for proposed Lot 3.03 consisting of seven (7) sheets prepared by Michael Savarese, R.A. of Michael Savarese Associates, dated March 11, 2022, with the latest revisions dated September 6, 2022.
- A stormwater management report prepared by Patrick R. Ward, P.E., P.P. of InSite Engineering, LLC, dated September 26, 2022.
- A boundary, topographic and utility survey consisting of one (1) sheet prepared by Justin J. Hedges, P.L.S. of InSite Surveying, LLC, dated October 18, 2021, with no revisions.

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 108 Jerome Avenue (Lot 3, Block 8) with a total lot area of 55,398 square feet. The property is a corner lot and is located on the southeast corner of the intersection of Jerome Avenue and Pleasant Place.

- B. The lot measures approximately 184 feet in width and 289 feet in depth with an existing three-story dwelling and tennis court on the lot.
- C. The Applicant is removing the existing dwelling and all site amenities, except for the tennis court.
- D. The Applicant is proposing a minor subdivision, creating two (2) lots. The proposed Lot 3.02 is a corner lot which measures 130 feet along Pleasant Place and 189 feet along Jerome Avenue. The proposed Lot 3.03 is an interior lot which measures 150 feet in width and 187 feet in depth.
- E. The Applicant is proposing a three-story single-family dwelling with a swimming pool, cabana, and other site amenities on proposed Lot 3.02. For proposed Lot 3.03, the Applicant is proposing a three-story single-family dwelling with a swimming pool, cabana, shed, and the existing tennis court to be resurfaced.

**2. Zoning and Land Use**

- A. The properties are located in the R-1 Residential District and single-family dwellings are a permitted use in this district.
- B. The proposed inground swimming pool, tennis court, cabana and shed are permitted accessory structures in this district.
- C. The Applicant is requesting approval from the Planning Board for minor subdivision approval and variances for side and rear yard setbacks to the tennis court, and others as described in the report.

**3. Variances and Waivers**

- A. Good planning practice dictates against the creation of non-conforming lots, as to do so would be to deviate from the Borough's intended land development pattern, legislatively enacted for purposes of providing adequate safety, light, air and space in support of the general welfare.

The Applicant must provide evidence that granting a variance would meet the proofs as required by the Municipal Land Use Law (MLUL). There are two (2) types of "c" variances with different required proofs.

- 1) Boards may grant a c (1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.

- 2) Board may grant a c (2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c (2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.
- 3) “C” variances must also show consistency with the negative criteria as well.

**B. Bulk Requirements for Yard Area and Principal Dwelling**

- 1) An analysis of the bulk requirements of the R-1 District for Yard Area and Principal Dwellings are as follows:

<b>Bulk Requirements</b>	<b>Permitted</b>	<b>Existing</b>	<b>Proposed Lot 3.02</b>	<b>Proposed Lot 3.03</b>
Minimum Lot Area	18,750 sf.	55,398 sf.	27,330 sf.	28,068 sf.
Minimum Lot Frontage	150 ft.	189.4 ft.	189.4 ft.	150 ft.
Minimum Lot Width	150 ft.	184.3 ft.	184.3 ft.	150 ft.
Minimum Lot Depth	125 ft.	289.8 ft.	187.12 ft.	187.12 ft.
Minimum Front Yard Setback to Dwelling (Along Pleasant Place)	50 ft. or average within 200 feet	N/A	50.33 ft.	50 ft.
Minimum Front Yard Setback (Along Jerome Avenue)	50 ft. or average within 200 feet	N/A	50.46 ft.	N/A
Minimum Side Yard Setback (20 % Lot Width)	27.96 ft. (Lot 3.02)	N/A	34 ft.	N/A
	30 ft. (Lot 3.03)	N/A	N/A	30 ft.
Minimum Rear Yard Setback (20% Lot Depth or 50 ft., whichever is less)	37.42 ft. (Lot 3.02)	N/A	59.79 ft.	N/A
	37.42 ft. (Lot 3.03)	N/A	N/A	70.12 ft.
Maximum Building Height at 50 ft. from Right-of-Way	28 ft.	N/A	< 28 ft.	28 ft.
Maximum Building Height at 64 ft. from Right-of-Way	42 ft.	N/A	36.83 ft.	41.83 ft.
Maximum Building Coverage	20%	N/A	17.8%	12.7%
Maximum Impervious Coverage	40%	N/A	40.0%	39.9%

(V) indicates a variance is required

(NC) indicates an existing non-conformity

- 2) The proposed lots are subject to the above bulk regulations and no variances are being requested.

- 3) The maximum building coverage permitted per the R-1 Zoned District is 20% of the lot area. The Applicant is proposing a building coverage of 17.8% for Lot 3.02 and 12.7% for Lot 3.03. Both proposed building coverages conform.
- 4) The maximum impervious coverage permitted per the R-1 Zoned District is 40% of the lot area. The Applicant is proposing an impervious coverage of 40% for proposed Lot 3.02 and 39.9% for Lot 3.03. Both proposed impervious coverages conform. No further improvements will be permitted on the properties without Board approval.

C. **Swimming Pool**

- 1) Both swimming pools shall comply with the requirement of the Boroughs Swimming Pools and Tennis Courts and Recreational Areas and Facilities Ordinance.
- 2) An analysis of the bulk requirements for a swimming pool is as follows:

<b>Swimming Pool</b>	<b>Permitted</b>	<b>Proposed Lot 3.02</b>	<b>Proposed Lot 3.03</b>
Min. Front Yard Setback	Not Permitted	No	No
Min. Side Yard Setback	30 ft.	40.94 ft.	31.0 ft.
Min. Rear Yard Setback	30 ft.	30 ft.	77.0 ft.

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

- 3) The proposed swimming pools do not require any variances.
- 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 pool equipment is permitted in the rear yard only. The Applicant is proposing the pool equipment in the rear yard of both lots. The proposed pool equipment will comply with all setback requirements.

D. 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 of both lots, which conforms.

E. Proposed Cabana and Shed

- 1) Cabanas are not listed as accessory buildings but are noted in the swimming pool ordinance.
- 2) Sheds are a permitted accessory building.
- 3) In Ordinance Section 30-34 (Accessory Buildings) any accessory building attached to a principal building is part of the principal building and shall adhere to the yard requirements for the principal building. For proposed Lot 3.03, the cabana and shed are attached to the principal dwelling and are complying with the principal dwelling setback.
- 4) An analysis of the bulk requirements for cabanas are as follows:

<b>Cabana for Lot 3.02</b>	<b>Permitted</b>	<b>Proposed</b>
Minimum Front Yard Setback	Not Permitted	No
Minimum Side Yard Setback	10 ft.*	11.94 ft.
Minimum Rear Yard Setback	10 ft.*	22.0 ft.
Maximum Building Height (Accessory Use)	18 ft.*	11.75 ft.

(V) Indicates a variance is required

(NC) Indicates an existing non-conformity

(\* See comment 6) below

- 5) The proposed cabana does not require any variances.

- 6) 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 cabana building height of 11.75 feet, which conforms. The permitted side and rear yard setbacks are 11.75 feet. The Applicant is proposing a side yard setback of 11.94 feet, which conforms.

The Applicant is proposing a rear yard setback of 22.0 feet, which conforms.

F. Tennis Court

- 1) Tennis courts are a permitted accessory structure and 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 tennis courts are as follows:

<b>Tennis Court</b>	<b>Permitted</b>	<b>Existing</b>	<b>Proposed Lot 3.03</b>
Minimum Front Yard Setback	No	No	No
Minimum Side Yard Setback	10 ft.	7.7 ft.(NC)	13.42 ft.
Minimum Rear Yard Setback	10 ft.	6.5 ft. (NC)	8.25 ft. (V)

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

- 3) Tennis Court: Bulk variances are required, or existing non-conformities are indicated for the following items as noted:
  - a) The minimum side yard setback permitted for a tennis court is 10 feet. The existing side yard setback for the tennis court is 7.7 feet, which represents an existing non-conformity. The setback is measured from the east property line, for the existing Lot 3.

The Applicant is proposing a side yard setback of 13.42 feet to the resized and resurfaced tennis court. This setback is measured from the south property line, which conforms. Because of the new lot orientation, this side yard setback is measured from a different property line.

- b) The minimum rear yard setback permitted is 10 feet. The existing rear yard setback for the tennis court is 6.5 feet, which represents an existing non-conformity. This setback is measured from the south property line.

The Applicant is proposing a rear yard setback of 8.25 feet to the resized and resurfaced tennis court. This setback is measured from the east property line. **This new setback requires a variance.**

#### 4. Drainage

- A. The Applicant is proposing one (1) underground drywell on each lot. The underground drywells have been designed to store and infiltrate all runoff from the roof and patios that drain to the site during the 100-year storm event.
- B. The Applicant has reduced the post-development volume runoff. The stormwater report should indicate the pre- and post-development flowrate.
- C. The Applicant is directing stormwater towards Lot 3.01 which is not allowed. The Applicant should revise the grading to direct the stormwater runoff away from Lot 3.01.

#### 5. Subdivision Plan Comments

- A. The Applicant should submit a plot plan for each of the proposed lots. These will be reviewed by the Zoning Officer and Board Engineer to evaluate proposed site grading, drainage, and design prior to construction.
- B. The lot numbers used on this subdivision drawing should be assigned or confirmed by the Municipal Tax Assessor.

#### 6. Conditions of Approval

- A. If the Applicant is proposing to perfect the subdivision by deed, the deed should be reviewed and approved by the Board Attorney and Engineer, prior to filing.
- B. Payment of any outstanding real estate taxes.

7. **General Comments**

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

Our office reserves the right to provide additional comments upon receipt of the 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', written over the typed name below.

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  
Patrick R. Ward, P.E., Applicant's Engineer  
Justin J. Hedges, P.L.S., Applicant's Surveyor  
Michael Savarese, R.A., Applicant's Architect

D/PB/22/22-12