

February 15, 2023

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

**Re: Dushey Residence
68 Runyan Avenue
Block 35, Lot 24
Our File: DPB 23-02**

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 variance, addition and pool grading plan consisting of one (1) sheet prepared by David J. Schmidt, P.E., of D.S. Engineering, P.C., dated January 13, 2023, with no revisions.
- An architectural plan consisting of six (6) sheets prepared by Michael Savarese of Michael Savarese Associates, dated October 19, 2021, with the latest revisions dated February 2, 2023.
- A survey of property consisting of one (1) sheet prepared by Brian T. Yuro, P.L.S. of J Y Land Surveying, Inc., dated December 7, 2020, 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. **Project Description**

- A. The property is located at house number 68 Runyan Avenue (Lot 24, Block 35) with a total area of 13,531 square feet.
- B. The existing lot contains a single-family dwelling with detached garage.
- C. The Applicant is converting the detached garage to a cabana and proposing an inground swimming pool, pool patio, and terrace (raised patio) with basement. The Applicant received a permit for interior renovations, an addition to the existing second floor, addition to the front porch, an addition to the rear of the dwelling.

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 a permitted accessory structure in this district.
- C. The Applicant is requesting approval from the Planning Board for variances on building coverage, side yard setbacks to the pool, side and rear setbacks to the cabana, and others as described in this report. The existing lot has a non-conformity with lot width. The dwelling has a non-conformity with front and side yard setback.

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.	13,531 sf.	No Change
Minimum Lot Width	100 ft.	83.1 ft. (NC)	No Change
Minimum Lot Depth	125 ft.	154.45 ft.	No Change
Minimum Front Yard Setback	50 ft. or Average Alignment	48.9 ft. (NC)	No Change
Minimum Front Yard Setback to Porch	40 ft.	39.1 ft. (NC)	No Change
Minimum Side Yard Setback (20% Lot Width)	16.62 ft.	19.6 ft. (East Side)	24.9 ft.
		9.7 ft. (West Side) (NC)	16.62 ft. (Basement)
Minimum Rear Yard Setback (20% Lot Depth)	30.89 ft.	73.6 ft.	60 ft. (Basement)
Maximum Building Coverage	20%	19.4%	24.5% (V)
Maximum Impervious Coverage	40%	31.29%	39.49%

(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 width permitted per the R-3 Zoning District is 100 feet. The existing lot width is 83.1 feet, which represents an existing non-conformity.

- b) 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 48.9 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 (16.62 feet). The existing west side yard setback is 9.7 feet, which represents an existing non-conformity. The existing east side yard setback is 19.6 feet, which conforms. The Applicant is proposing a west side yard setback of 16.62 feet to the basement, which conforms. The Applicant is proposing an east side yard setback of 24.9 feet to the basement, which conforms.
- d) 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. This existing building coverage is 19.4%, which conforms. The Applicant is proposing a raised patio with a basement under it, which will increase the building coverage of 24.5%. **A variance is required.**
- e) The maximum impervious coverage per the R-3 Zoned District is 40% of the lot area. The existing impervious coverage is 31.29%, which conforms. The Applicant is proposing an impervious coverage of 39.49%, which conforms.

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.	32.2 ft. (East)
		29.3 ft. (West) (V)
Minimum Rear Yard Setback	30 ft.	34.4 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.
 - The minimum side yard setback permitted for a swimming pool is 30 feet. The Applicant is proposing a side yard setback of 32.2 feet on the east side and 29.3 feet on the west side. **A variance is required for the west side yard setback to the swimming pool.**
- 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 and rear yard setbacks for a patio is 10 feet. The Applicant is proposing a west side yard setback of 15.4 feet and the east side yard setback of 29 feet. Both side yard setbacks conform. The proposed rear yard setback is 24.7 feet, which conforms.
- 8) The pool equipment is permitted in the rear yard only and shall have a minimum side and rear yard setback of 10 feet. The Applicant is proposing the pool equipment in the rear yard, which is allowed. The proposed west side yard setback is 12.11 feet, and the rear yard setback is 7.8 feet. **A variance is required for the rear yard setback.**

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 complies.

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	Depends on height*	48.5 ft. (east)*
		14.4 ft. (west) *(V)
Minimum Rear Yard Setback	Depends on height*	3.9 ft.*(V)
Maximum Height (Accessory Use)	18 ft.*	15.2 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 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 15.2 feet, which conforms. The permitted side and rear yard setbacks are 15.2 feet. The side setback to the existing garage/proposed cabana is 48.5 feet on the east side and 14.4 feet on the west side. **A variance is required.**

The rear yard setback to the existing garage/proposed cabana is 3.9 feet. **A variance is required.**

4. Site Grading and Drainage

The proposed grading of the site is directing stormwater into a channel drain, which will discharge into the access easement. The Applicant should provide existing grades on the access easement to show that no ponding of stormwater will occur.

5. General Comments

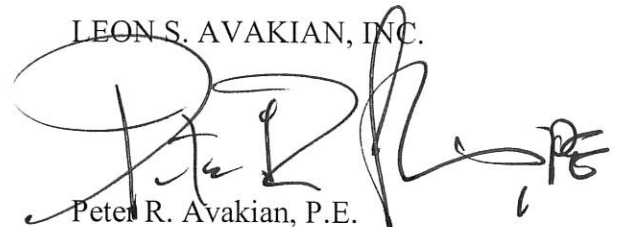
- A. General Note is on the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- B. The Applicant should provide confirmation that taxes are currently paid.
- C. Granting of any required construction permits.

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, P.E.', with a stylized flourish at the end.

Peter R. Avakian, P.E.
Planning Board Engineer

DMH:mfl

cc: Stephen R. Carasia, Interim Board Secretary
Erik Anderson, Esq. Board Attorney
Michael Savarese, AIA, Applicant's Architect
David J. Schmidt, P.E., Applicant's Engineer

D/PB/23/23-02