

March 23, 2023

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

**Re: Haddad Residence
229 Ocean Avenue
Block 43, Lot 1
Borough of Deal
Our File DPB 23-05**

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 12, 2021, with the latest revisions dated February 9, 2023.
- An architectural plan consisting of five (5) sheets prepared by Antonio Scalisa, AIA, of Parellel architectural group, dated January 13, 2023, with no revisions.
- A final as-built survey consisting of one (1) sheet prepared by Justin J. Hedges, P.L.S. of InSite Surveying, LLC, dated December 8, 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. Description of Property

- A. The property is located at house number 229 Ocean Avenue (Lot 1, Block 43) with a total lot area of 22,500 square feet.
- B. The lot contains a 2 ½-story dwelling, with swimming pool, pool house, patio, basketball court, driveway, and other amenities.
- C. The Applicant is removing the existing basketball court. The improvements include an addition to the east side of the dwelling and adding a covered porch and balcony to the north side of the dwelling. The Applicant is also proposing a new front porch and walkway along the frontage of Darlington Road. The improvements to the pool area include renovations to the pool house and adding a pergola on the pool patio.

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 existing in ground swimming pool, pool house, and basketball court are permitted accessory uses in this district.
- C. The proposed improvements require Planning Board approval for variances for front and side yard setback to principal dwelling, impervious coverage, driveway width, driveway 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-1 District for the Yard area is as follows:

Bulk Requirements	Permitted	Existing	Proposed
Minimum Lot Area	18,750 sf.	22,500 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.	150 ft.	No Change
Minimum Front Yard Setback to Dwelling (Ocean Avenue)	50 ft. or average within 200 ft.	45.1 ft. (NC)	49.9 ft. (V)
Minimum Front Yard Setback to Dwelling (Darlington Road)	50 ft. or average within 200 ft.	50.1 ft.	48.1 ft. (V)
Minimum Front Yard Setback to Porch (Darlington Road)	40 ft.	47.4 ft.	41.08 ft.
Minimum Side Yard Setback (Abutting Ocean Avenue)	35 ft.	33.9 ft. (NC)	27.85 ft. (V)
Minimum Rear Yard Setback (20% Lot Depth or 50 ft. whichever is less)	30 ft.	43.72 ft.	43.72 ft.
Maximum Building Height at 64' from ROW	42 ft.	See Below	
Maximum Building Coverage	20 %	15.5 %	20.0%
Maximum Impervious Coverage	40 %	47.8% (NC)	54.5% (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 front yard setback permitted per the R-1 Zoned District is 50 feet or the average alignment of existing buildings within 200 feet of the lot. The existing front yard setback is 45.1 feet along Ocean Avenue frontage, which represents an existing non-conformity. The Applicant is

proposing a covered patio and second floor uncovered balcony to the north side of the dwelling. The proposed front yard setback from Ocean Avenue to the covered patio and balcony is 49.9 feet. **A variance is required.**

The existing front yard setback is 50.1 feet, which conforms. The Applicant is proposing an addition to the east side of the dwelling and a portion of this addition encroaches into the front yard. The proposed front yard setback from Darlington Road to the addition is 48.1 feet. **A variance is required.**

- b) In the case of a corner lot, the rear lot line shall be the boundary line, which is most distant from the opposite street line. For this property both distances from the street lines are the same. Since the pool, pool house, pool patio are opposite Darlington Road, this is the rear lot line. The lot line opposite Ocean Avenue is the side lot line.
- c) The minimum side yard setback permitted per the R-1 Zoned District is 35 feet for lots abutting Ocean Avenue. The existing side yard setback (opposite Ocean Avenue) is 33.9 feet, which represents an existing non-conformity. The Applicant is proposing a side yard setback of 27.85 feet. **A variance is required.**
- d) The maximum building coverage permitted per the R-1 Zoned District is 20% of the lot area. The existing building coverage is 15.5%, which conforms. The Applicant is proposing a building coverage of 20%, which conforms.
- e) The maximum impervious coverage permitted per the R-1 Zoned District is 40% of the lot area. The existing impervious coverage is 47.8%, which represents an existing non-conformity. The Applicant is proposing an impervious coverage of 54.5%. **A variance is required.**
- f) In the R-1 Zoned District, the maximum building height shall be 42 feet, measured from the top of the street curb at a distance of no closer than 64 feet from the front property line. The maximum height shall be 28 feet measured from the top of the street curb at a distance of no closer than 50 feet from the front property line. For each additional foot beyond 50 feet from the front property line, the maximum building height may be increased by one foot above 28 feet, not to exceed a maximum height of 42 feet from the top of the street curb. Architectural features, such as dormers and copula's not to exceed 25% of the width of the house, shall

be exempt from this rule, but may not exceed 42 feet from the top of the street curb. The Applicant indicates a building height of 37.17 feet from approximate grade. The Applicant indicates no proposed change in building height. Revised plans should be provided indicating the building height in accordance with the above ordinance. Testimony should be provided on building height.

B. Swimming Pool

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

Swimming Pool	Permitted	Existing
Minimum Front Yard Setback	Not Permitted	No
Minimum Side Yard Setback	30 ft.	28.9 ft. (NC)
Minimum Rear Yard Setback	30 ft.	29.9 ft. (NC)

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

- 3) Swimming Pool: 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 swimming pool is 30 feet. The existing side yard setback is 28.9 feet, which represents an existing non-conformity.
 - b) The minimum rear yard setback permitted for a swimming pool is 30 feet. The existing rear yard setback is 29.9 feet, which represents an existing non-conformity.
 - c) The pool equipment is permitted in the rear yard only and shall have a minimum side and rear yard set back of 10 feet. The existing side yard setback is 14 feet, which conforms. The existing rear yard setback is 2.4 feet, which represents an existing non-conformity.

C. Pool House

- 1) Pool Houses are not listed as accessory structures but are noted in the swimming pool ordinance.

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

Pool House	Permitted	Existing
Minimum Front Yard Setback	Not Permitted	No
Minimum Side Yard Setback	18 ft.*	77.5 ft.
Minimum Rear Yard Setback	18 ft.*	10.1 ft.
Minimum Building Height	18 ft.*	See comment below

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

- 3) Pool House: Bulk variances are required, or existing non-conformities are indicated for the following items as noted:

- a) The minimum side and rear yard setback permitted are 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 indicates an existing pool house building height of less than 18 feet. The existing side yard setback to the pool house is approximately 77.5 feet, which conforms. The existing rear yard setback is 10.1 feet, which may represent an existing non-conformity. The Applicant should provide the pool house building height to confirm the rear yard setback requirement.

- b) The Applicant is proposing renovations to the pool house, but not expanding the footprint. The renovations included a power room, full bathroom, bar area, and garage. The garage area is a storage area since the garage is not accessible by automobile. The plans should be revised to indicate the storage area.

D. Pergola

- 1) An analysis of the bulk requirements for the pergola is as follows:

Pergola	Permitted	Proposed
Minimum Front Yard Setback	Not Permitted	No
Minimum Side Yard Setback	18 ft.*	28.76 ft.
Minimum Rear Yard Setback	18 ft.*	10 ft.
Maximum Building Height	18 ft.*	-

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

2) Pergola: Bulk variances are required, or existing non-conformities are indicated for the following items as noted:

- The minimum side and rear yard setbacks permitted are 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 side setback of 28.76 feet and a rear yard setback of 10.1 feet. The permitted height is 10.1 feet. The Applicant did not provide the pergola height. The Applicant should indicate complaint or request a variance from the Board. Testimony should be provided.

E. All front yards must remain open and unoccupied except that a paved driveway not be exceed 20 feet in width shall be permitted provided that it does not cover in excess of 35% of the required front yard area. The Applicant is proposing a driveway width of 47 feet. **A variance is required.**

The Applicant is also proposing a front yard coverage of 51.5%. **A variance is required.**

4. Drainage

The project incorporates the use of an underground infiltration system and as a condition of approval, the Applicant should provide a soil boring with the seasonal highwater table elevation. The seasonal highwater table elevation should be a minimum of 2 feet below the bottom elevation of the drywell.

5. General Comments

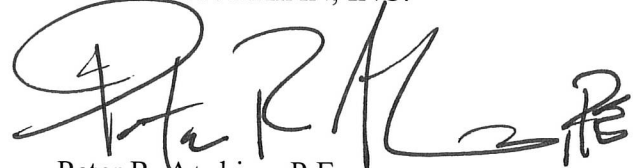
- A. A General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- B. The Applicant should provide information that taxes are currently paid.
- C. Granting of any required construction permits.

Our office reserves the right to provide additional comments upon receipt of the revised development plans.

Should you have any questions regarding 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
R. Armen McOmber, Esq., Applicant's Attorney
Douglas D. Clelland, P.E., Applicant's Engineer
Antonio Scalisa, AIA, Applicant's Architect

D/PB/22/22-05