

March 15, 2023

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

**Re: Cohen Residence
Block 56, Lot 6
23 Marine Place
Borough of Deal
Our File: DPB 23-03**

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 pool plan consisting of one (1) sheet prepared by Douglas D. Clelland, P.E., of InSite Engineering, LLC, dated January 23, 2023, with no revisions.
- A boundary and topographic survey consisting of one (1) sheet prepared by Justin Hedges, P.L.S., of InSite Surveying, LLC, dated October 20, 2022, with no revisions.
- An architectural plan consisting of one (1) sheet prepared by Cathy Zukerman, AIA of CDZ Architects, LLC, dated January 25, 2023, 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 23 Marine Place (Lot 6 in Block 56) with a total lot area of 11,250 square feet.
- B. The lot has an existing two-story dwelling with covered porches, detached garage, and driveway.
- C. The Applicant is removing the detached garage and proposing a swimming pool with cabana.

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 swimming pool and cabana are permitted accessory structures.

- C. The proposed improvements require Planning Board approval for variances on impervious coverage, side yard and rear yard setback to the cabana, side yard setbacks to the swimming pool, 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 and Principal Dwelling are as follows:

Bulk Requirements	Permitted	Existing	Proposed
Minimum Lot Area	18,750 sf.	11,250 sf. (NC)	No Change
Minimum Lot Frontage	150 ft.	75 ft. (NC)	No Change
Minimum Lot Width	150 ft.	75 ft. (NC)	No Change
Minimum Lot Depth	125 ft.	150 ft.	No Change
Minimum Front Yard Setback (Runyan Avenue)	50 ft. or average within 200 ft.	39.8 ft. (NC)	No Change
Minimum Front Yard Setback (Ocean Avenue)	50 ft. or average within 200 ft.	49.9 ft. (NC)	No Change
Minimum Side Yard Setback (20% Lot Width)	15 ft.	14.9 ft. (east) (NC)	No Change
		14.7 ft. (west) (NC)	
Minimum Rear Yard Setback (20% Lot Depth)	30 ft.	56 ft.	No Change
Maximum Building Coverage	20 %	24.4% (NC)	No Change
Maximum Impervious Coverage	40 %	49.01% (NC)	48.88% (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 lot area permitted per the R-1 Zoned District is 18,750 square feet. The existing lot area is 11,250 square feet, which represents an existing non-conformity.
 - b) The minimum lot frontage permitted per the R-1 Zoned District is 150 feet. The existing lot frontage is 75 feet, which represents an existing non-conformity.
 - c) The minimum lot width permitted per the R-1 Zoned District is 150 feet. The existing lot width is 75 feet, which represents an existing non-conformity.
 - d) An open porch may project into the required front yard in any residential district a maximum of 10 feet. The permitted setback for this property is 40 feet. The existing front yard setback to the porch is 39.8 feet, which represents an existing non-conformity.

- e) The minimum front yard setback for the dwelling permitted per the R-1 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 49.9 feet, which represents an existing non-conformity.
- f) The minimum side yard setback permitted in the R-1 Zoned District is 20% of the lot width (15 ft.). The existing east side yard setback is 14.9 feet, which represents an existing non-conformity. The existing west side yard setback is 14.7 feet, which represents an existing non-conformity.
- g) The maximum building coverage permitted per the R-1 Zoned District is 20% of the lot area. The existing building coverage is 24.4%, which represents an existing non-conformity.
- h) The maximum impervious coverage permitted per the R-1 Zoned District is 40% on the lot area. The existing impervious coverage is 49.01%, which represents an existing non-conformity. The Applicant is reducing the proposed impervious coverage to 48.88%. **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 is as follows:

Swimming Pool	Permitted	Proposed
Minimum Front Yard	Not Permitted	No
Minimum Side Yard Setback	30 ft.	25 ft. (east) (V)
		20 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, or existing non-conformities are indicated for the following items as noted:
 - The permitted side yard setback to the swimming pool is 10 feet. The Applicant is proposing an east side yard setback of 25.0 feet and a west side yard setback of 20.0 feet. Both of these side yard setbacks to the pool **requires a variance.**
- 4) The fence gates shall be equipped with a self-locking device in compliance with the Swimming Pool Code of New Jersey.

- 5) 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.
- 6) The permitted side and rear yard setbacks for a patio is 10 feet. The Applicant is proposing an east side yard setback of 12.5 feet, and which conforms. The proposed rear yard setback is 12.68 feet, which conforms.
- 7) 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 east side yard setback is 10.0 feet, and the rear yard setback is 10.0 feet. The side and rear yard setbacks conform.

C. 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 the cabanas are as follows:

Cabanas	Permitted	Proposed
Minimum Front Yard	Not Permitted	No
Minimum Side Yard Setback	18 ft.*	7 ft. (V)
Minimum Rear Yard Setback	18 ft.*	7 ft. (V)
Maximum Height (Accessory Use)	18 ft.*	10 ft.

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

- 3) Bulk variance 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 building height to 10 feet, which conforms. The architectural plan indicates a building height of 10 feet and the zoning table indicates a building height of 13.0 feet. The Applicant should confirm the building height.

The permitted side and rear yard setbacks to the cabana is 10 feet. The Applicant is proposing a west side yard setback of 7.0 feet.
A variance is required.

The Applicant is proposing a rear yard setback of 7 feet. **A variance is required.**

D. Fences and Walls

- The maximum permitted height for a fence or wall in the side and rear yard is 5 feet. The Applicant's fence detail indicates 4 feet and a note on the proposed conditions indicate 5 feet. Both of these fence heights conform. The Applicant should confirm the fence height.

4. General Comments

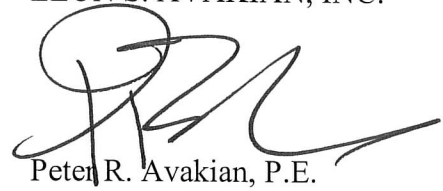
- A. The plan indicates that the existing curb and sidewalk along the frontage will be replaced, if found in poor condition.
- B. The Applicant should provide confirmation that taxes are currently paid.
- C. Granting of any required construction permits.

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.



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

DMH:mfl

cc: Stephen R. Carasia, Interim Board Secretary
Erik Anderson, Esq., Board Attorney
Jennifer S. Krimko, Esq., Applicant's Attorney
Douglas D. Clelland, P.E., Applicant's Engineer
Cathy Zukerman, AIA, Applicant's Architect

D/PB/23/23-03