

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

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March 15, 2023

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

**Re: Levy Residence
Block 78, Lot 8
103 Neptune Avenue
Borough of Deal
Our File DPB 23-04**

Dear Board Members:

Our office has received an application submitted for review by the Planning Board in connection with the above referenced project. Submitted with the application are the following:

- A plot plan consisting of three (3) sheets prepared Patrick R. Ward, P.E., P.P. of InSite Engineering, LLC dated February 2, 2023, with no revisions.
- An architectural plan consisting of nine (9) sheets prepared by Alan J. Zimble, R.A. of Zimble Architecture dated January 21, 2023, with no revisions.
- A boundary, topographic, and utility survey consisting of one (1) sheet prepared by Justin J. Hedges, P.L.S., C.F.S., of InSite Surveying, LLC, dated May 20, 2022, 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 103 Neptune Avenue, (Lot 8, Block 78) with a total area of 15,908 square feet.
- B. The existing lot contains a single-family dwelling, with a driveway.
- C. The Applicant is proposing a two-story addition to the rear of the dwelling and a new front porch. Also, the Applicant is proposing an in-ground swimming pool with a cabana and new driveway.

2. **Zoning and Land Use**

- A. The property is located in the R-2 Residential District and single-family dwellings are a permitted principal use in this district.
- B. The proposed inground swimming pool and cabana are permitted accessory structures, under the Swimming Pool, Tennis Court and Recreational Area Ordinance.
- C. The proposed improvements require variances for the side yard setback to the addition, side and rear setbacks to the swimming pool, fence height, patio location, and other as noted in this letter.

3. **Variances and Waivers**

A. Bulk Requirements for Yard Area and Principal Dwelling

- 1) An analysis of the bulk requirements of the R-2 District for the yard area and principal dwelling are as follows:

Bulk Requirements	Permitted	Existing	Proposed
Minimum Lot Area	18,750 sf.	15,908 sf. (NC)	No Change
Minimum Lot Frontage	150 ft.	110.41 ft. (NC)	No Change
Minimum Lot Width	150 ft.	107.51 ft. (NC)	No Change
Minimum Lot Depth	125 ft.	150 ft.	No Change
Minimum Front Yard Setback	50 ft.	49.7 ft. (Neptune Avenue) (NC)	No Change
		49.9 ft. (Atlantic Avenue) (NC)	No Change
Minimum Front Yard Setback to Porch	40 ft.	36.9 ft. (Neptune Avenue)(NC)	40.0 ft. (Neptune Avenue)
		N/A- (Atlantic Avenue)	40.67 ft. (Atlantic Avenue)
Minimum Side Yard Setback (20% Lot Width)	21.5 ft.	17.1 ft. (NC)	17.1 ft. (V)
Minimum Rear Yard Setback (20% Lot Depth or 50 ft., whichever is less)	30 ft.	48.2 ft.	48.22 ft.
Maximum Building Coverage	20%	10.6%	14.55%
Maximum Impervious Coverage	40%	18.9%	37.47%
Maximum Building Height at 50 ft.	28 ft.	33.89 ft. (NC)	No Change
Maximum Building Height at 64 ft.	42 ft.	33.89 ft.	No Change

(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 in the R-2 Zoned District is 18,750 square feet. The existing lot area is 15,908 square feet, **which represents an existing non-conformity.**
- b) The minimum lot width permitted per the R-2 Zoned District is 150 feet. The existing lot width is 107.51 feet, **which represents an existing non-conformity.**
- c) The minimum lot frontage permitted in the R-2 Zoned District is 150 feet. The existing lot frontage is 110.51 feet, **which represents an existing non-conformity.**
- d) The minimum front yard setback permitted per the R-2 Zoned District is 50 feet or the average alignment of the existing buildings within 200 feet of the lot. The existing front yard setbacks are 49.70 feet, **which represents an existing non-conformity.** The Applicant is not proposing any changes to the principal dwelling front yard setback.
- e) The minimum side yard setback permitted per the R-2 Zoned District is 20% of the lot width (21.5 feet). The existing side yard setback is 17.1 feet, **which represents an existing non-conformity.** The Applicant is proposing a side yard setback of 17.33 feet to the front porch. **A variance is required.** The two-story addition to the principal dwelling will have a side yard setback of 21.5 feet, which conforms. The Applicant is proposing steps and landing off the addition which has a side yard setback of 18.17 feet. **A variance is required.**
- f) An open front porch may project a maximum of 10 feet into a required front yard. The permitted front yard setback to the porch is 40 feet. The existing front porch has a setback of 36.9 feet along Neptune Avenue, **which represents an existing non-conformity.** The Applicant is removing the existing porch and proposing a larger front porch. The Applicant is proposing a front yard setback of 40 feet along Neptune Avenue and 40.67 feet along Atlantic Avenue. Both front yard setback to the front porch conforms.
- g) The maximum building coverage permitted per the R-2 Zoned District is 20% of the lot area. Building coverage in the R-2 Zoned District applies to the principal dwelling only. The existing building coverage is 10.6%, which conforms. The Applicant is proposing a building coverage of 14.55%, which conforms.

- h) The maximum impervious coverage permitted per the R-2 Zoned District is 40% of the lot area. The existing impervious coverage is 18.9%, which conforms. The Applicant is proposing an impervious coverage of 37.47%, which conforms.

B. Swimming Pool

- 1) Swimming pool construction shall comply with requirements of the Borough Swimming Pool Ordinance.
- 2) A zoning analysis of the bulk requirements for a swimming pool is as follows:

Swimming Pool	Permitted	Proposed
Front Yard	Not Permitted	No
Minimum Side Yard Setback	30 ft.	20.0 ft. (east) (V)
Minimum Rear Yard Setback	30 ft.	26.49 ft. (V)

(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.
- a) The minimum side yard setback permitted for a swimming pool is 30 feet. The Applicant is proposing a (east) side yard setback of 20 feet, to the swimming pool. **A variance is required.**
- b) The minimum rear yard setback permitted for a swimming pool is 30 feet. The Applicant is proposing a rear yard setback of 26.49 feet to the swimming pool. **A variance is required.**
- 4) The Applicant indicates 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 any illumination, then the Applicant must follow Ordinance 892 Chapter XV Section 15-25.

- 6) The permitted side and rear setback for a patio is 10 feet. The Applicant is proposing an east side yard setback of 10 feet, which conforms. The applicant is proposing a rear yard setback of 10.5 feet, which conforms.

The Applicant is proposing a portion of the pool patio in the front yard along Atlantic Avenue, which is not allowed. **A variance is required.**

- 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 17.75 feet, and the rear yard setback is 11.50 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 cabanas are as follows:

Cabanas	Permitted	Proposed
Minimum Front Yard	Not Permitted	No
Minimum Side Yard Setback	18 ft.	21.75 ft. (east) *
Minimum Rear Yard Setback	18 ft.	10.0 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 Applicant is proposing a building height to 10 feet, which conforms. The permitted side and rear yard setbacks are 10 feet. The Applicant is proposing a side yard setback of 21.75 feet on the east side, which conforms.

The Applicant is proposing a rear yard setback of 10 feet, which conforms.

D. Fencing

All fences or walls may be erected, altered or reconstructed to a height not exceeding 3 feet above ground level when located in any front yard and/or along the property line of any premises bordering the streets, avenues, and highways of the Borough of Deal. The Applicant is proposing a fence height of 4 feet in the front yard along Atlantic Avenue. **A variance is required.**

The maximum permitted height of a fence in the side and rear yard is 5 feet measured from the ground level. The fence detail indicates a fence height of 4 feet, which complies.

4. General Comments

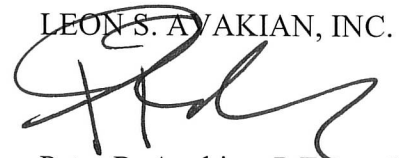
- A. A General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- B. The Applicant should provide confirmation that taxes are currently paid.
- C. Granting of any required construction permits.

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

Stephen R. Carasia, Interim Board Secretary
Erik Anderson, Esq., Board Attorney
Jennifer S. Krimko, Esq., Applicant's Attorney
Patrick R. Ward, P.E., Applicant's Engineer
Alan J. Zimble, R.A., Applicant's Architect

D/PB/23/23-04