

**LEON S. AVAKIAN, INC. *Consulting Engineers***

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

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September 19, 2025

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

Re: ICC Neptune Avenue, LLC  
8 Neptune Avenue  
Block 83, Lot 1  
Borough of Deal  
Our File DPB 19-08

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 proposed pool and cabana variance plan consisting of four (4) sheets prepared by Daniel J. Dougherty, P.E., C.M.E., of Dynamic Engineering, dated September 8, 2023, with the latest revisions dated September 18, 2025.
- An architectural plan consisting of eight (8) sheets prepared by Ross R. Padluck, R.A. of Kligerman Architect & Design, dated January 1, 2023, with the latest revisions dated August 29, 2025.
- A boundary and topographic survey consisting of one (1) sheet prepared by Thomas J. Ertle, P.L.S. of French & Parrello Associates, dated May 6, 2022, with the latest revisions dated May 30, 2025.
- A stormwater management statement consisting of one (1) sheet prepared by Daniel J. Dougherty P.E., C.M.E. of Dynamic Engineering dated September 2023, with no revisions.
- Landscape plan and elevation consisting of one (1) sheet prepared by Enea Landscape Architecture dated September 5, 2025, last revised September 5, 2025.
- Landscape plan consisting of four (4) sheets prepared by Enea Landscape Architecture dated September 9, 2025, last revised September 9, 2025.

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 number 8 Neptune Avenue (Lot 1, Block 83) with a total lot area of 64,453 square feet.
- B. The lot currently has a single-family dwelling with driveway and patio.
- C. The Applicant received approval on November 7, 2019, for the construction of a single-family dwelling with driveway, walkways and patios.
- D. The Applicant is now proposing a cabana and swimming pool.

**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 proposed in ground swimming pool and cabana are permitted accessory uses in this district.
- C. The proposed improvements require Planning Board approval for variances on location of the cabana, swimming pool exposed wall, accessory building height, fence heights, 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	Previously Approved	Proposed
Minimum Lot Area	18,750 sf.	64,453 sf.	N/A	No Change
Minimum Lot Frontage	150 ft.	234.3 ft.	No Change	No Change
Minimum Lot Width	150 ft.	383 ft.	No Change	No Change
Minimum Lot Depth	125 ft.	150 ft.	No Change	No Change
Minimum Front Yard Setback	50 ft.	N/A	54.0 ft.	No Change
Minimum Side Yard Setback (20% Lot Width)	76.86 ft.	N/A	45.9 ft. (west) VG	No Change
			213.5 ft. (east)	No Change
Minimum Rear Yard Setback (20% Lot Depth)	30 ft.	N/A	15 ft. VG	No Change
Maximum Building Height at 50 ft. from ROW	28 ft.	N/A	36.42 ft. VG	No Change
Maximum Building Height at 64 ft. from ROW	42 ft.	N/A	42 ft.	No Change
Maximum Building Coverage	20 %	N/A	7.9%	9.8%
Maximum Impervious Coverage	40 %	N/A	20.8%	26.4%

(V) indicates a variance is required

(NC) indicates an existing non-conformity

(VG) indicates variances granted

- 2) Principal Dwelling: bulk variances are required, or existing non-conformities are indicated for the following items as noted.
- a) The minimum side yard setback permitted per the R-1 Zoned District is 20% of the lot width (76.86 feet). **A variance was granted for the west side yard setback of 45.9 feet.**
  - b) The minimum rear yard setback permitted per the R-1 Zoned District is 20% of the lot depth (30 feet). **A variance was granted for the rear yard setback of 15 feet.**
  - c) The maximum building coverage permitted per the R-1 Zoned District is 20% of the lot area. The existing building coverage is 7.9%, which conforms. In the R-1 Zoned District building coverage applies to the principal dwelling only. The Applicant indicates a proposed building coverage of 9.9%, which includes the cabana. The building coverage does not change with the proposed improvements. The zoning table should be revised.
  - d) The maximum impervious coverage permitted per the R-1 Zoned District is 40% of the lot area. The Applicant indicates an impervious coverage of 26.4% which includes the dwelling, driveway, cabana, swimming pool, patio and walkways. The Applicant should include the revetment wall, proposed boardwalk, concrete ramp, and wood steps. Our office calculated an impervious coverage of approximately 30.7%, which complies.
  - e) The maximum building height required per the R-1 Zoned District is 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. **A variance was granted for building height at a setback of 50 feet from the right-of-way.**
  - f) In accordance with Ordinance Chapter 30 Article X, Section 86.6.a, all front yards must remain open and unoccupied except for a paved driveway and open front porch. **A variance was granted for the location of the boardwalk.**
  - g) In accordance with Ordinance Chapter 30 Article X, Section 86.6.b., all side yards must remain open and unoccupied except for a paved driveway shall be permitted in each side yard provided that it does not cover in excess of 50% of the required area for such side yard. **A variance was granted for side yard coverage of 69%.**

- h) In accordance with Ordinance Chapter 30 Article X, Section 86.6.c.3, roof overhang may extend no more than 2 feet into a side or rear yard on a principal or accessory structure. **A variance was granted for a roof overhang of 3.8 feet.**

B. Swimming Pool

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

Swimming Pool	Permitted	Proposed
Minimum Front Yard Setback	Not Permitted	No
Minimum Side Yard Setback (North)	30 ft.	63 ft.
Minimum Side Yard Setback (East)	30 ft.	31.7 ft.
Minimum Rear Yard Setback	30 ft.	100.1 ft.

(V) indicates a variance is required

(NC) indicates an existing non-conformity

- 3) In New Ordinance (#1275) Chapter 15, Section 1.1, a swimming pool may have no more than 50% of the pool perimeter may be above ground level. The remaining portion of the pool perimeter shall not be erected or maintained above ground but shall be wholly at or below ground.

The Applicant is proposing 63% of the continuous linear feet of the swimming pool to be exposed. **A variance is required.**

- 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 plant 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.

C. Walls and Fences

All fences or walls may be erected, altered or reconstructed to height not to exceed three feet above ground level in the front yard. The Applicant is proposing a fence height of 5 feet in the front yard. **A variance is required.**

The Applicant is proposing a retaining wall with a fence in the front yard with a height of 5.55 feet. **A variance is required.**

The Applicant is proposing a wooden fence within the front yard and with a height of 6 feet. **A variance is required.**

D. 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 cabana is as follows:

Cabana	Permitted	Proposed
Minimum Front Yard Setback	Not Permitted	See Comments Below (V)
Minimum Side Yard Setback	Min. 18 ft.	62 ft. (North)
		70.5 ft. (East)
Minimum Rear Yard Setback	Min. 18 ft.	108 ft.
Maximum Height (Accessory Use)	Max. 18 ft.	20 ft. (V)

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

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

- a) The pool cabana is not permitted in the front yard. The Applicant is proposing the pool cabana in the front yard with a setback of 22.5 feet. **A variance is required.**
- b) 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 of 20 feet. **A variance is required.**

4. **General Comments**

- A. The Applicant shall provide testimony as to why no drainage improvements are proposed for the new impervious coverage. Our office would recommend adding drainage that ties into the existing underground recharge basin.
- B. A General Note has been added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.

- C. The Applicant should provide information that taxes are currently paid.
- D. Granting of any required construction permits.
- E. The Applicant must revise the plan drawings which shows all variances prior to public hearing.

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.



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

MS/mcs

cc: Kelly Barrett, Board Secretary  
Erik Anderson, Esq., Board Attorney  
Daniel J. Dougherty, P.E., C.M.E., Applicant's Engineer  
Jennifer S. Krimko, Esq., Applicant's Attorney  
Ross R. Padluck, R.A., Applicant's Architect

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