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February 14, 2024

VIA EMAIL

Chairman Richard J. McGoey
Borough of Bay Head Planning Board
82 Bridge Avenue, P.O. Box 248
Bay Head, New Jersey 08742

Application for Bulk Variances - PBA No. 23-08

Second Engineering Review

Maria Gaal
812 Main Street; Block 74, Lot 8
Borough of Bay Head, Ocean County, New Jersey
Colliers Engineering & Design Project No. BAP-0259

Dear Chairman McGoey and Planning Board Members,

We've received revised plans for the above-referenced Application requesting bulk variance approval. The subject of the Application includes installation of an in-ground swimming pool and relocation of an existing air conditioning equipment/platform. The 0.21-acre property is located between Clayton Avenue and Main Avenue, approximately 125 feet south of Strickland Street, and is within the R-100 Single-family Residential Zone.

We received the following on February 5, 2024:

1. "Plot Plan for Pool", consisting of one (1) sheet prepared by Charles E. Lindstrom, PE, dated September 13, 2023, and last revised January 24, 2024.

By way of review, the application was deemed complete on December 8, 2023, and was heard at the Board's December 20, 2023, meeting, at which time the Applicant's professionals appeared and presented testimony on the proposed improvements. It was noted during the presentation that the plans on which the testimony was based had not yet been submitted to the Board.

During the public comment portion, there was discussion regarding the potential for existing drainage issues on surrounding properties being exacerbated by the proposed pool. The Applicant's engineer agreed to review the plan and gather additional data on the existing conditions at the site. The Borough Zoning Officer and our office met with the Applicant's engineer on January 4, 2024, to conceptually review and discuss review several proposed stormwater management improvements to the site. The most recent plan submittal incorporates those proposed improvements.

We have reviewed the Application for compliance with the Borough ordinances and offer the following comments for the Board's consideration:

1. The subject of the Application includes installation of a 48-foot by 11-foot in-ground swimming pool and relocation of the existing air conditioning equipment/platform. The 0.21-acre property is located between Clayton Avenue and Main Avenue, approximately 125 feet south of Strickland Street, and is within the R-100 Single-family Residential Zone.
2. The property in question does not have any street frontage along either Main Avenue or Clayton Avenue. It's bounded to the north by residential properties that front Stickland Street; to the east by a residential lot fronting Main Avenue; to the south by a 15-foot-wide alley way; and to the west by a 66-foot-wide former NJ Transit right-of-way (Block 73.01, Lot 1, owned by the State of New Jersey).
3. The property is accessed from Main Avenue via the alleyway. There is also a 6-foot wood gate across the alleyway. Additional information (deed, etc.) demonstrating permission to utilize the alleyway and whether there are any limitations/requirements to using the alleyway for construction access should be provided.
4. The Plot Plan depicts a paver driveway, concrete walkways, and landscaping on the State-owned property along Clayton Avenue.
5. With this latest revision, the Applicant has made changes to several of the "existing" and "proposed" bulk conditions (see **red** in table below). There are several existing non-conforming conditions (*) that are proposed to remain. Additional variance relief (**) is also requested, as follows:

Description	Required	Existing	Proposed
Min. Lot Area (SF)	10,000	9,322 (Comment 6)	9,322
Min. Lot Width (Ft.)	100	67.5 (Comment 6)	67.5
Min. Front Yard (Ft.)	35	33.7 *	33.7 *
Min. Rear Yard (Ft.)	15	9.2 (Deck) *	9.2 (Deck) *
Min. Side Yard (Ft)	10	1.3 (Deck) *	1.3 (Deck) *
		7.5 (Dwelling) *	7.5 (Dwelling) *
Min. Combined Side Yard (Ft)	25	11.8 *	11.8 *
Maximum Height	2.5 Stories / 32.5 ft	2 Stories / 27.4 ft	2 Stories / 27.4 ft
Max. Building Lot Coverage (%)	35	40.6* (was 41.8)*	40.6* (was 41.8)*
Max. Lot Coverage by Structure (%)	50	59.2* (was 47.9)	40.2 (was 40.4)
Accessory Structure Side Setback (Ft.) (Pool)	10	N/A	6.0 ** (was 4.0)
Accessory Structure Front Setback (Ft.) (Pool)	35	N/A	14.0 ** (was 10.0)
Accessory Structure Side Setback (Ft.) (A/C)	10	19.1	25.4
Accessory Structure Front Setback (Ft.) (A/C)	35	37.1	28.2 **

*Existing variance

**Proposed variance

6. Pursuant to the definition of “non-conforming lot”, existing lots of record in the R-100 Zone on May 1, 1977, with a minimum area of 5,000 square feet and a minimum width of 50 feet are not considered non-conforming with respect to area and width; however, all other yard and building requirements of the R-100 Zone apply to such lots. The lot is non-conforming with respect to lot frontage (100 feet required; 0 feet provided).
7. The Applicant is requesting the following relief:
 - a. Chapter 147, Attachment 1, requires an accessory structure side yard setback of 10 feet; with the revised plan, the Applicant is now proposing a side yard setback of 6.0 feet to the pool (previously requested a 4.0-foot setback).
 - b. Chapter 147, Attachment 1 requires a front yard setback of 35.0 feet; the Applicant is now proposing a front yard setback of 14.0 feet (previously 10.0 feet) to the pool and 28.2 feet to the relocated A/C platform. We note the setback to the pool is dimensioned at 14.0 feet on the plan, but the Zoning Table says 10.0 feet and should be corrected.

This relief is based on the front yard as the area utilized for primary access to site. In this case, it is the alleyway connecting to Main Avenue.

- c. Section 147-6.D.(1) states that accessory buildings shall not be located in any required front yard space.

We note that pursuant to Section 147-6.1.B.(4)(a)[1], swimming pools shall be located behind the front building setback line.

Section 147-6.1.B.(4)(a)[4] requires that pool setbacks shall be measured from the inside edge of the coping. The proposed pool setbacks are dimensioned properly on the plan.

As a result of proposing a pool in the front yard, we note that the Applicant will be required to install a pool-compliant fence (minimum 4 feet high) in the front yard. Section 147-6F limits fence height in a front yard to 3 feet. The associated relief is therefore required.

The Applicant should provide testimony supporting the requested relief.

8. The prior revision of the plot plan listed the existing building coverage and lot coverage as 41.8% and 47.9%, respectively. The revised plan indicates them as 40.6% and 59.2%, respectively. The changes to “existing conditions” should be clarified.
9. There are several deck areas at various elevations along the south side of the dwelling. Testimony at the prior hearing indicated that these deck areas had previously been reconstructed to meet the definition of “pervious”. A signed and sealed certification of same should be provided.

10. Notwithstanding Comments 8 and 9 above, according to the Applicant's Zoning Table, the Lot Coverage is proposed to be to 40.2%. It is presumed that most of the reduction is due to the removal of the concrete driveway and replacing it with crushed stone. Supporting calculations and a detail of the proposed stone surfacing has been added to the plans.
11. The plans have been revised to include the following proposed stormwater management features:
 - a. 128 linear feet of 6-inch diameter perforated pipe in a 1-foot by 1-foot stone trench along both the northerly and southerly sides of the property, along with a total of eight-yard inlets.
 - b. The concrete driveway is proposed to be replaced by 1,000 square feet of 18 inches of crushed stone (a 6-inch layer of ½" to ¾" stone over a 12-inch layer of ¾" to 1-1/2" stone). We recommend the entire bottom layer of stone be wrapped in filter fabric. The detail only shows fabric between the two layers.

The Applicant should provide testimony on the functionality of these improvements and their impact on stormwater runoff volumes relative to adjoining properties.
12. The Applicant should address how pool discharge will be handled. Section 228-4 of the Borough Ordinance prohibits discharge of water into the sanitary sewer system. We note a stormwater inlet in the State-owned property adjacent to the lot. Additional information should be provided.
13. There was discussion at the prior hearing regarding a potential decrease in the length of the pool, however, its size has not changed.
14. The following items should be addressed:
 - a. The plan should be revised to clearly indicate the proposed ground cover around the pool (grass, stone, etc.).
 - b. It appears that the footprint of the rinse station, which is proposed to remain, conflicts with the planter(s) and at-grade walkway between the pool and the house.
15. Should the Application be approved, it is presumed construction access will be via the alleyway off Main Avenue. This should be confirmed. The Applicant will be responsible for restoration/repair of any damage to the existing sidewalk, driveway apron and alleyway. The Applicant should prepare and submit a "driveway restoration plan" to clearly define driveway use and restoration requirements/timing.
16. Testimony should also be provided with respect to construction dewatering and how the pump discharge will be handled.
17. Should the Application be approved, the Applicant will need to comply with Section 147-6.1.B.(4)(b) regarding pool fencing.

Should you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)



Robert A. Mullin, P.E., P.P., CME, CPWM
Planning Board Engineer

RAM/sh

cc: Darren Erbe, Planning Board Secretary (via email)
Steven A. Zabarsky, Esq., Citta, Holzapfel & Zabarsky (via email)
Paul Pogorzelski, PE, PP, Zoning Officer (via email)
Maria Gaal (Applicant), (via U.S. Mail)
William Gage, Esq., Applicant's Attorney (via email)
Charles E. Lindstrom, P.E., Lindstrom, Diessner & Carr, P.C., Applicant's Engineer (via email)

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