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December 8, 2023

Revised December 13, 2023

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**)
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 a copy of the above-referenced Application for 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've received and reviewed the following documents:

1. "Plot Plan for Pool", consisting of one (1) sheet prepared by Charles E. Lindstrom, PE, and dated September 13, 2023.
2. "Boundary and Topographic Survey for Lot 8, Block 74," prepared by William H. Doolittle, PLS, and dated August 1, 2023.
3. "Pool Design Plans", consisting of two (2) sheets prepared by R. C. Burdick, PE, PP, PC, and dated October 7, 2023.
4. Zoning Permit Denial dated August 1, 2023.
5. Completed Borough of Bay Head Development Application, dated October 10, 2023.

Based on our review of the submitted information and the requirements of Section 147-44.B, the Application can be deemed **complete** as of this date.

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 Strickland 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 use the alleyway for construction access.***
4. The Plot Plan depicts a paver driveway, concrete walkways and landscaping on the State-owned property along Clayton Avenue.
5. 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	41.8 *	41.8 *
Max. Lot Coverage by Structure (%)	50	47.9	40.4
Accessory Structure Side Setback (Ft.) (Pool)	10	N/A	4.0 **
Accessory Structure Front Setback (Ft.) (Pool)	35	N/A	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; the Applicant is proposing a side yard setback of 4.0 feet to the pool.
- b. Chapter 147, Attachment 1 requires a front yard setback of 35.0 feet; the Applicant is proposing a front yard setback of 10.0 feet to the pool and 28.2 feet to the relocated A/C platform.
- 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.

The Applicant should provide testimony supporting the requested relief.

8. The Applicant’s Zoning Table indicates the existing lot coverage is 47.9%. According to the Zoning Permit Denial, however, the Zoning Officer states the existing impervious coverage is 72.6% and the proposed impervious coverage would be 77.7%. This should be clarified.
9. There are several deck areas at various elevations along the south side of the dwelling. Testimony addressing the construction of these decks relative to compliance with the definition of “impervious coverage” and Sections 147-6H(1) and (5) should be provided.
10. Notwithstanding Comments 8 and 9 above, according to the Applicant’s Zoning Table, the Lot Coverage is proposed to be reduced from 47.9% to 40.4%. It is presumed that the reduction is due to the removal of the concrete driveway and replacing it with crushed stone. Supporting calculations should be provided, and a detail of the proposed stone surfacing should be added to the plans.
11. As shown on the plan, it appears that the proposed location of the pool equipment is within the footprint of the dwelling. This should be clarified.

12. The Applicant is proposing a stone trench between the pool and the northerly property line. Depth to groundwater should be provided to ensure the trench will function properly. Testimony addressing the overall site's stormwater management adequacy and functionality should be provided to confirm there is no impact to adjoining properties.
- 13. 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.**
14. The Applicant should indicate the proposed ground cover around the pool (grass, stone, etc.) and the plan should be revised accordingly.
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.
16. The elevation of the relocated A/C platform should be added to the plan, and conformance with the applicable flood elevation requirements should be addressed.
17. The plan also shows two (2) planters. Applicable details/additional information should be noted on the plan.
18. 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, PE, PP, CME, CPWM
Planning Board Engineer

RAM/dmm

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), 812 Main Avenue, Bay Head, NJ 08742
William Gage, Esq., Applicant's Attorney (via email)
Charles E. Lindstrom, P.E., Lindstrom, Diessner & Carr, P.C., Applicant's Engineer (via email)