

TIMOTHY M. PRIME, Esquire

DUNCAN M. PRIME, Esquire

TYLER T. PRIME, Esquire

SARA R. WERNER, Esquire

JULIA M. HAHN, Esquire

PRIME & TUVEL

ATTORNEYS AT LAW

* ALSO ADMITTED TO THE PENNSYLVANIA BAR

* ALSO ADMITTED TO THE NEW YORK BAR

* ALSO ADMITTED TO THE ILLINOIS BAR

* ALSO ADMITTED TO THE DISTRICT OF COLUMBIA BAR

JASON R. TUVEL, Esquire

MICHAEL MICELI, Esquire

NANCY A. LOTTINVILLE, Esquire

BENJAMIN T.F. WINE, Esquire

DANIEL H. KLINE, Esquire

November 30, 2022

VIA UPS

Borough of Keansburg
George E. Kauffmann Municipal Building
29 Church Street
Keansburg, NJ 07734
Attn: Desiree Hynes, Board Secretary



**RE: 173 Forest Ave LLC (the "Applicant")
173 Forest Avenue, Keansburg, NJ (the "Property")
Block 119, Lot 21**

Dear Ms. Hynes:

As you may be aware, this office represents the Applicant in connection with the above-referenced Application. Please find enclosed six (6) full-sized copies of the previously submitted BENMAX Design Plans detailing the existing floor plans, per your request. Please note that the Applicant has ordered a survey of the subject Property and will supplement this submission with the said surveys upon receipt. Kindly confirm that this matter is now able to be scheduled for a public hearing on our request for a Certificate of Nonconforming Use.

Thank you for all your help with this matter, and kindly advise as to whether we can be of any further assistance.

Very truly yours,

Benjamin T.F. Wine

Benjamin T.F. Wine
Attorney for Applicant

BTFW:slo
Enclosures

1 University Plaza Drive, Suite 500

Hackensack, NJ 07601

T 201 883 1010 | F 856 273 8383

w primelaw.com

ADDITIONAL OFFICES

Mount Laurel, NJ | Hoboken, NJ | Fort Washington, PA | New York, NY

Borough of Keansburg
ZONING DEVELOPMENT PERMIT APPLICATION

Required for all sidewalk, driveway, fencing, pools, decks, additions and similar projects!

The applicant is to complete the following items:

1. Date
2. Name
3. Location of property
4. Block and Lot information
5. Name of owner (if different from applicant)
6. Address of owner (if different from location of project)
7. Phone number of contact person to answer questions about project
8. Name of Contractor (if applicable)
9. Description of project – specific details are required such as:
 - a. Fencing
 - i. Height of fence for example - 4 foot, 5 foot etc.
 - ii. Type of fence for example - “open – spacing between pickets”, “privacy” etc.
 - iii. Distances to street
 - b. Pools
 - i. Size of pool
 - ii. Depth of pool
 - iii. Distances to property lines
 - iv. Location of pumps, filters and/or decks
 - c. Additions
 - i. Floor plan of existing structure with dimensions (neatly drawn)
 - ii. Floor plan of structure after project is complete with dimensions
 - iii. Distances to property lines before and after project
 - iv. Location of off-street parking
 - v. % of Lot coverage – before and after
10. Estimated cost of work being proposed

Borough of Keansburg

ZONING DEVELOPMENT PERMIT APPLICATION

Date: 9/28/22

Zoning Permit No. _____

The undersigned hereby applies for Zoning Approval to be issued on the basis of the representations herein.

Location of Property 173 Forest Ave Zone R-7 Blk 119 Lot 21

Name of Owner/Prospective Buyer/Agent (Please Indicate ☒ Owner ☐ Buyer ☐ Agent)
173 Forest Ave LLC

Phone: 201-883-1010

Address 173 Forest Avenue, Keansburg, NJ 07734

Name of Contractor _____

Phone: _____

Address _____

The above named applicant hereby applies for a **Zoning Permit** to: obtain a certificate
of nonconformity for multiprincipal buildings on the property, pursuant to section 22-3.4(d)(3) of the Borough of Keansburg code.

Size of Property: Lot Area 8,700 Sq. Ft. Frontage 87 Ft. Depth 100 Ft.

Principal bldg: ^{2x} ☒ Single Family ☐ Other _____ Building Size _____ =Sq. Ft. _____

Lot Coverage (inc: All Bldgs.-driveway-Patio-Deck-Pool)=Sq. Ft. _____ Building Height No change

Accessory Bldg: Size: L _____ W _____ H _____ Set-Back _____ Side Yard _____
Rear yard _____

Total # of parking spaces existing _____ Proposed _____ (Each space-9'W by 18' L) No change

Is new construction proposed? ☐ Yes ☒ No If yes provide details: _____

Are modifications to the site or existing bldgs. proposed? ☐ Yes ☒ No If yes, attach sketch

Property line setbacks: Front _____ Ft. Right side _____ Ft. Left Side _____ Ft. Rear _____ Ft. No change

Submitted herewith is a dimensional plan (Certified Survey) of the lot showing proposed work & structures. A floor plan (existing & proposed) shall be attached for projects involving additions. Details must include existing and proposed work-setback lines-existing and proposed floor plans-dimensions of all rooms and bldgs. Fence-height and type. Signs-sq' of bldg facade. Failure to submit all the above will cause project denial.

Estimated Cost of Work _____

Zoning Permit Fee \$25.00
Approved ☐ Denied ☐
Notes: _____

[Signature]
Signature of Applicant

Signature of Zoning Officer



KEANSBURG PLANNING BOARD OF ADJUSTMENT

George E. Kauffmann Municipal Building
29 Church Street
Keansburg, NJ 07734

Kathy Burgess, Planning Board Secretary 732-787-0215 ext220

Site Plan Application Packet Cover Sheet

Statement: The applicant(s) will carefully build their Site Plan packet which will be held as an important Document. Please follow all the listed instructions as outlined on this Cover Sheet.

Pg.1- Checklist page - Fill out completely, and sign (case # excluded). Please leave a valid Cell Phone Number so as not to hold up the application if a problem arises. List the amount of copies (21) submitted. This will be checked by The Planning Board Secretary.

Pgs.2 & 3 - Statement & Variance sheets that must be notarized. Two applications must have a raised Notary seal. The remaining applications may be copied.

Pg. 4 - Copy of Notice to Adjoining property owners. (200 foot search) This is the notice that the applicant must send to all residents within 200 feet of their property. The list of property owner(s) is available from the Tax Assessor's Office. The date of the hearing MUST be obtained from the Planning Board Secretary to include in the notice after the packet is deemed complete.

Pg. 5 - Proof of Service - Notarized sheet from applicant of 200 foot service.

Pg. 6 - Certification by Tax Collector that taxes are "Paid in Full" by Block & Lot.

Additional items that must be included, and are listed on the Checklist page # 1:

- A) Copies of the Zoning Denial letter
- B) Copy of the Survey (Less than 3 years old).
- C) Architectural Plans, with front & side height elevations.
- D) Plot Plans, including existing & proposed setbacks. Note: On use variances or other than single family homes, plot plan to include, but not limited to; A Key Map, a map showing all buildings within 200 foot of the proposed work site. Plans Drawn to Scale
- E) All plans are to be folded; and are to be stored in legal folders.
- F) Affidavit of Publication (Star Ledger 973-392-4104 or Asbury Park Press 732-643-3661)
- G) Certified Mail return receipts enclosed. Including Utilities & Borough of Keansburg.
- H) Application Fee: 1 Check \$ as per Fee Schedule/non-refundable fee.
- I) Escrow Fees: 1 Check \$ as per fee schedule/refundable balance

Escrow: additional fees may be required due to the approval process at the Planning Board level. The applicant will be notified via phone.

Please Remember - Applicants must build their Packets according to the instructions listed on this sheet and all instruction sheets that follow. Applicants must submit all notarized copies as listed as well as the total quantities listed. Total packets must be delivered to Borough Hall, 20 days prior to Meeting!

Site Plan Application – Planning Board of Adjustment

Must be submitted ten (10) days prior to Planning Board meeting

Name: 173 Forest Ave LLC Case#
Address: 173 Forest Avenue, Keansburg, NJ 07734 Date: 9/28/22
Block 119, Lot 21
Phone #: 201-883-1010 Cell #

Application: (2 original copies notarized, pg. 3 - 21 total sets)

X # submitted

Each Application (21 sets) must include a Copy of the Zoning Denial Letter (if you received a denial)

N/A # submitted

Proof of Service (2 copies notarized, pg. 5 - include w/above)

N/A # submitted

Copy of Notice to Adjoining Property Owners, pg. 4 - include w/above

N/A # submitted

Certified list of Property Owners (include with originals)
Available from the Tax Assessor, includes total properties & Utilities

X # submitted

A Certification of taxes being paid (include w/total sets)
This certification is available from the Tax Collector

TBP # submitted

A Copy of a Survey (less than 3 years old - 21 total sets)

N/A See attached tax records
submitted

Architectural Plans (include w/packet - 21 total sets)

N/A # submitted

Plot Plans (include w/packet - 21 total sets) Note: plot plans # submitted to include all setbacks, sidelines,
both existing and proposed as well as all accessories (Sheds, Pools, Decks, Fencing, Driveways, Garages, etc.).

N/A # submitted

Affidavit of Publication (Star Ledger 973-392-4104 | Asbury Park Press 732-643-3661)
Must be submitted ten (10) days prior to Planning Board meeting

N/A # submitted

Certification Mail Return Receipts (PS Form 3800, June 2002)

N/A # submitted

Application Fees – as per Fee Schedule worksheet

CHECK NON-REFUNDABLE FEES CHECK # AMOUNT \$ \$50.00

CHECK ESCROW CHECK # AMOUNT \$ N/A
(UNUSED FEES ARE REFUNDABLE)

IS APPLICATION COMPLETE? YES ☐ NO ☐ DATE

APPLICANT'S SIGNATURE:
PLANNING BOARD SECRETARY OR DESIGNEE:
DATE COMPLETE
INCOMPLETE

CASE # _____

FEE (PAID): \$ _____

DATE (OF ACTION): _____

THIS SECTION ABOVE IS FOR PLANNING BOARD USE ONLY

Keansburg Planning Board of Adjustment - Statement & Variance Sheets - pgs. 2 & 3

1. I (we), 173 Forest Ave, LLC, The Applicant(s) Herein, whose Address is,

173 Forest Ave, Keansburg, NJ, am the Owner(s) ☐ int: ☒ _____

Prospective Purchaser(s) ☐ int: _____ of property located on, Forest Ave and designated as

Block: 119 and Lot 21 on the Official Keansburg Tax Map.

2. Said property is in a R-7 ZONE, and is _____ (Size) and has the following

Structures on the property: Two residential structures that require a certificate of nonconformity for multiple principal buildings on the property, pursuant to section 22-3.4(d)(3) of the Borough of Keansburg code.

3. Request is Hereby made for permission To: (Indicate type(s) of structure(s) and use thereof:

occupy the property as two lawfully existing single-family residences

4. The proposed structure or use is contrary to the Zoning/Development regulations of Keansburg. Yes

5. The following is contrary to the Development Ordinance: list & detail all Variances to be sought.

One of the structures on the property has been deemed abandoned by the code official, yet we want to recognize this building as legally preexisting nonconformity on the property. Applicant contends that neither structure and therefore the lawfully existing nonconforming use has been abandoned as established under the MLUL and through case law.

Details and Variances can be obtained from the Zoning Denial Letter which must be included in packet

6. Is the entire tract of land, Block. 119 Lot: 21 intended to be used? ☒ YES ☐ NO

7. Has the property been separated from an adjoining parcel? ☐ YES ☒ NO, if so when _____

If YES, has The Planning Board approved the subdivision, N/A Date: _____

Statement & Variance Sheet - Continued:

8. Has there been any previous appeal involving this parcel/premises? [] YES [] NO int: Yes

If so, state date of filing: _____ List all the details and results of the Appeal.

See attached OPRA Response

9. By filing this application does the applicant (s) waive any and all rights gained previously No

10. Are there any open construction permits, permit fees, code violations, or court case that may with due cause prevent the Planning Board from hearing this application? [X] YES [] NO

If Yes, List details: Pending violations for not obtaining certificate of occupancy. Case is pending resolution of this matter.

11. Attached hereto and made part thereof are all of the required 21 sets (packets) as detailed within the Checklist page (pg.1), including 21 sets of drawings, DRA WN TO SCALE, and containing all of the necessary measurements (setbacks, elevations, lot & structure square footage), and all structures and accessories (decks, garages, sheds, pools, fences, driveways, sidewalks, walks, patios, etc.) that are installed or within the confines of said property and are part and parcel of this application.

12. Check or Money Order for the Escrow (refundable balance) amount listed \$ N/A

I (we), the undersigned, being duly sworn according to law upon my oath do depose and state that all of the statements contained herein are based on my own knowledge and are true and correct.

Signed: _____ Date: 10/27/22

* If the applicant is **NOT** the owner of the property herein, the owner must sign the following consent

* The foregoing application is hereby consented this 27th Day of October 2022

[Signature]
Owner's Signature: _____ Date: _____

Sworn to and subscribed before me on this 27 Day of (Month) Oct 2022

Notary Signature: [Signature]

Date: 10/27/2022

Two (2) application packets Must have raised Seal

Seal



N/A



KEANSBURG PLANNING BOARD OF ADJUSTMENT

George E. Kauffmann Municipal Building
29 Church Street
Keansburg, NJ 07734

Kathy Burgess, Planning Board Secretary 732-787-0215 ext220

In the matter of Appeal: _____

To: _____
(Property owner within 200 feet)

You are hereby notified that has appealed from the action of the Zoning Officer of the Borough of Keansburg for a variance, interpretation, site plan, use variance, from Section _____ of the Developmental Regulations of the Borough of Keansburg, Chapter 22 of the Revised General Ordinances of the Borough of Keansburg so as to permit:

(Describe your proposed construction project or use and specify the individual relief (variances) you are requesting)

On premises located at _____, Keansburg, New Jersey Block: _____ Lot: _____

The Keansburg Planning Board of Adjustment has scheduled the hearing to be held on the _____ Day of _____, 20____
at 7:00 PM in the Council Chambers of the Municipal Building, 29 Church Street, Keansburg, NJ as the time and place for said
appeal.

You or your agent or attorney are privileged to attend said hearing and may present any and all objections which you may have
to the granting of the relief sought in the petition. The application and related documents are on file in the Office of the
Municipal Clerk and are available for review and inspection.

N/A

**Keansburg Planning Board of Adjustment
Borough of Keansburg, Monmouth County, New Jersey**

In the Matter of the application of:

PROOF OF SERVICE

County of Monmouth
State of New Jersey

I _____, being duly sworn on my Oath, Depose and say: I am the owner, Applicant,

Agent, of Applicant _____

That at the date herein after stated I served a Notice of which the annexed is a true Copy, upon the following property owners each of whose property is within Two Hundred Feet of the property of the Applicant to be affected in this matter, in the manner following, that is to say:

A. Personally, by handing such a true copy to said property owners, being residents of the Borough of Keansburg as follows: (Attachment)

B. By mailing via registered mail, such a true copy to the last known address of the property owners, as shown by the most recent Tax list of said Borough, said persons being non-residents of said Borough, as follows: (Attachment)

C. One legal notice to be placed in one of the approved papers of the Borough - The Star Ledger (973-392-4104) or The Asbury Park Press (732-643-3661). An affidavit of Publication, along with an actual copy of the publication must be filed with the Planning Board Secretary.

Sworn to and subscribed before me on this _____ Day of (Month) _____ 20 _____

Notary Signature: _____

Date: _____

Two application packets. Must have raised a raised Seal

Seal



Borough of Keansburg

George E. Kauffmann Municipal Building

29 Church St. Keansburg, NJ 07734

Phone - 732-787-0215 ext. 220

Fax -732-787-0787

Construction Department

Fax # 732-787-3699

CERTIFICATION OF TAXES

BLOCK 119 LOT 21

PROPERTY LOCATION: 173 Forest Avenue

The Status of Property taxes at the above location are as follows:

Should any additional information or an update be required; please utilize the above contact numbers.

Date: _____

Thomas P. Cusick, CTC Tax Collector



KEANSBURG PLANNING BOARD OF ADJUSTMENT

George E. Kauffmann Municipal Building
29 Church Street
Keansburg, NJ 07734

Kathy Burgess, Planning Board Secretary 732-787-0215 ext220

Page 6

FOR NEW BUSINESS / COMMERICAL APPLICANTS ONLY

ALL NEW BUSINESSES THAT ARE SUBJECT TO AN ANNUAL MERCANTILE LICENSE MUST OBTAIN AN INITIAL BACKGROUND CHECK, MERCANTILE LICENSE AND POSSIBLE BOARD OF HEALTH LICENSE.

IF YOUR NEW BUSINESS WILL BE PURCHASING, SELLING OR DISTRIBUTING FOOD ITEMS YOU MUST OBTAIN A BOARD OF HEALTH LICENSE

PLEASE CONTACT THE BOARD OF HEALTH SECRETARY AT 732-787-0215 X114

IF YOUR NEW BUSINESS WILL BE CONDUCTING RETAIL TRANSACTIONS WITH THE PUBLIC YOU MUST OBTAIN A MERCANTILE LICENSE

PLEASE CONTACT THE MUNICIPAL CLERK'S OFFICE AT 732-787-0215 X112

closed 9/8/22



OPEN PUBLIC RECORDS REQUEST FORM

Keansburg Borough Hall
29 Church Street
Keansburg, New Jersey 07734
Phone: 732-787-0215 x112

Fax: 732-787-0787 EMAIL: OPRA@keansburg-nj.us



Important Notice

The reverse side of this form contains important information related to your rights concerning government records. Please read it carefully.

Fees:

letter size \$0.05 each page
legal size \$0.10 each page
other size or medium at cost

Fees payable by cash, check or money order only
Check and money order are to be made payable to the Borough of Keansburg

Maximum Authorization Cost

\$

PLEASE NOTE:

- Delivery: Delivery / postage fees additional depending upon delivery type
- Extras: Extraordinary service or materials fees dependent upon request.
- REQUESTS MADE FOR "any and all" are VOID per Bent v. Stafford

Requestor Information - Please Print

First Name: Last Name:

Company: Telephone Number:

Mailing Address:

City: State: Zip Code:

Email address:

Record Request Information: To expedite the request, be as specific as possible in describing the records being requested. Also, please include the type of access requested (copying or inspection), and if data, the medium requested.

Please provide any and all resolutions of approval and/or denial memorialized by the Planning and/or Zoning Board for the property located at 173 Forest Avenue, Keansburg, NJ 07734 designated as Block 119, Lot 21. Please provide by email to samantha@primelaw.com.

Borough Use Only

Date OPRA Request Rec'd: _____

Rec'd by: _____

Borough Use Only

DISPOSITION NOTES:
Custodian: If any part of request cannot be delivered in seven business days detail reasons and attach to form

Borough Use Only

Total Pages/Medium Delivered: _____

Completed on: _____

BY: _____

Requesting Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

This form should only be used to submit records requests to the *Borough of Keansburg*.

Complete and date this request form and deliver it in person during regular business hours or by mail, fax or electronically to the appropriate custodian of the record requested. Your request is not considered filed until the appropriate custodian of the record requested has received a completed request form. If you submit the request form to any other officer or employee of the *Borough of Keansburg*, that officer or employee may not have the authority to accept your request form on behalf of the *Borough of Keansburg* and your request will be directed to the appropriate division custodian. The seven business day response time will not commence until the proper custodian reviews the request to determine if it is complete.

If you submit a request for access to government records to someone other than the appropriate custodian, do not complete the *Borough of Keansburg* request form, or attempt to make a request for access by telephone or fax; the Open Public Records Act and its deadlines, restrictions and remedies will not apply to your request.

The fees for duplication of a government record in printed form are listed on the front of this form. We will notify you of any special charges, special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by check or money order payable to the *Borough of Keansburg*.

If it is necessary for the records custodian to contact you concerning your request, providing identifying information, such as your name, address and telephone number or an e-mail address is required. Where contact is not necessary, anonymous requests are permitted; except that anonymous requests for personal information are not honored.

You may be charged a 50% or other deposit when a request for copies exceeds \$25. The *Borough of Keansburg* custodian will contact you and advise you of any deposit requirements. Anonymous requests, when permitted, require a deposit of 100% of estimated fees. You agree to pay the balance due upon delivery of the records.

Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, and who is seeking government records containing personal information pertaining to the person's victim or the victim's family.

By law, the *Borough of Keansburg* must notify you that it grants or denies a request for access to government records within seven business days after the custodian of the record requested receives the request, provided that the record is currently available and not in storage. If the record requested is not currently available or is in storage, the custodian will advise you within seven business days when the record can be made available and the estimated cost. You may agree with the custodian to extend the time for making records available, or granting or denying your request.

You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.

If the *Borough of Keansburg* is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form and send you a signed and dated copy.

Except as otherwise provided by law or by agreement with the requester, if the custodian of the record requested fails to respond to you within seven business days of receiving a request form, the failure to respond will be considered a denial of your request.

If your request for access to a government record has been denied or unfilled within the time permitted by law, you have a right to challenge the decision by the *Borough of Keansburg* to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint in writing with the *Borough of Keansburg*.

You may contact N.J. Government Records Council, by e-mail at grc@dca.state.nj.us, or at their web site at www.nj.gov/grc. The Council can also answer other questions about the law.

Information provided on this form may be subject to disclosure under the Open Public Records Act.

January 19, 2021

TMS Properties LLC
31 Granite Drive,
Lakewood NJ 08701

Re: Reinstate the multi-family status
173 Forest Ave. Keansburg, NJ
Block/Lot: 119/21

Dear Applicant:

Regarding the above mentioned property, please be advised that your Development Permit dated 01/12/20 to reinstate a non-conforming use as proposed is denied for the following:

1. 22-7 3d *Abandonment of Nonconforming Use* A nonconforming use shall be deemed to be abandoned where there is (1) an intention to abandon as well as (2) an external act or failure to act by which such intention is carried into effect.

It shall be evidence that a nonconforming use has been abandoned if (i) cessation of such use on the part of a tenant or owner has occurred for a continuous period of at least one (1) year; (ii) foreclosure of a mortgage on the property has occurred; (iii) the municipal taxes are delinquent or unpaid; (iv) the property has not been maintained in a condition that would qualify for a certificate of occupancy; (v) the utilities have been disconnected and/or utility meters have been removed; (vi) the property owner has been convicted of violations of Keansburg's Property Maintenance Code; or (vii) Keansburg has been required to enter the property for reasons of health or public safety due to property maintenance violations. This list is not exclusive and other evidence of abandonment may exist.

When a nonconforming use has been abandoned, such use shall not thereafter be reinstated and any structure shall not thereafter be reoccupied, except in conformance with this Chapter.

I have also included a second page of information that you may need to include in your notices should you wish to appear before the Board.

If you wish to pursue this application you are directed to the Keansburg Planning Board of Adjustment for a formal hearing to grant the necessary variances which would be needed to permit the construction and for final approval. Please see the Planning Board Secretary who will answer any question you may have regarding the Planning Board application.

Respectfully,

Kathy Burgess
Assistant Zoning Officer, Borough of Keansburg

Cc: Planning Board of Adjustment
Construction Official

1. 22-7.3d. *Abandonment of Nonconforming Use.* A nonconforming use shall be deemed to be abandoned where there is (1) an intention to abandon as well as (2) an external act or failure to act by which such intention is carried into effect. It shall be evidence that a nonconforming use has been abandoned if (i) cessation of such use on the part of a tenant or owner has occurred for a continuous period of at least one (1) year; (ii) foreclosure of a mortgage on the property has occurred; (iv) the property has not been maintained in a condition that would qualify for a certificate of occupancy; (v) the utilities have been disconnected and/or utility meters have been removed. This list is not exclusive and other evidence of abandonment may exist.

When a nonconforming use has been abandoned, such use shall not thereafter be reinstated and any structure shall not thereafter be reoccupied, except in conformance with this Chapter.
2. 22-7.3e – Restoration of a Nonconforming Building or Structure – any Nonconforming structure that has been more than partially destroyed must be rebuilt in conformity with the current zoning regulations.
3. 22-5.2c – No existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building or portion of a building or structure to be used, designed, or arranged to be used for any purpose unless in conformity with all of the regulations herein specified for the district in which it is located.
4. 22-7.3c – Nonconforming Uses, Building or Structure. No nonconforming use may be expanded.
5. 22-5.5e – Setback variances required:
 - a. Rear yard setback of approximately 20 feet where 25 feet is required;
 - b. Minimum Side Yard set back 9.54 feet is proposed where 10 feet is required;
 - c. Minimum Lot Coverage (Principle building) of 25% is exceeded;
 - d. Minimum Lot Coverage (All) of 50% is exceeded;
 - e. Six off street parking is required;
6. 22-9.3 – Off-street parking required: a total of six off street parking spaces would be required and one (possibly two) are provided.
7. 22-9.3a(5) Off-Street Parking
 - a. The driveway measures a minimum of thirty (30) feet in length between the garage door and the sidewalk or thirty-five (35) feet to the curb line, where only thirteen (13) feet is being provided.
8. 22-5.3 h – Use Variance. Any use not specifically listed as a permitted use, an accessory use, or a conditional use shall be deemed a prohibited use. The two-unit structure style residential building is not specifically listed as a permitted use or a conditional use.
9. Any other variances the Board may require in the course of hearing this application.

January 16, 2020

TMS Properties LLC
31 Granite Drive,
Lakewood NJ 08701

Re: Reinstatement of multi-family status
173 Forest Ave, Keansburg, NJ
Block/Lot: 118/21

Dear Applicant:

Regarding the above mentioned property, please be advised that your Development Permit dated 01/07/20 to reinstate a non-conforming use as proposed is denied for the following:

1. 22-7.3d. *Abandonment of Nonconforming Use.* A nonconforming use shall be deemed to be abandoned where there is (1) an intention to abandon as well as (2) an external act or failure to act by which such intention is carried into effect.

It shall be evidence that a nonconforming use has been abandoned if (i) cessation of such use on the part of a tenant or owner has occurred for a continuous period of at least one (1) year; (ii) foreclosure of a mortgage on the property has occurred; (iii) the municipal taxes are delinquent or unpaid; (iv) the property has not been maintained in a condition that would qualify for a certificate of occupancy; (v) the utilities have been disconnected and/or utility meters have been removed; (vi) the property owner has been convicted of violations of Keansburg's Property Maintenance Code; or (vii) Keansburg has been required to enter the property for reasons of health or public safety due to property maintenance violations. This list is not exclusive and other evidence of abandonment may exist.

When a nonconforming use has been abandoned, such use shall not thereafter be reinstated and any structure shall not thereafter be reoccupied, except in conformance with this Chapter.

I have also included a second page of information that you may need to include in your notices should you wish to appear before the Board.

If you wish to pursue this application you are directed to the Keansburg Planning Board of Adjustment for a formal hearing to grant the necessary variances which would be needed to permit the construction and for final approvals. Please see the Planning Board Secretary, who will answer any question you may have regarding the Planning Board application.

Respectfully,

Kathy Burgess
Assistant Zoning Officer, Borough of Keansburg

Cc: Planning Board of Adjustment
Construction Official

1. 22-7.3d. *Abandonment of Nonconforming Use.* A nonconforming use shall be deemed to be abandoned where there is (1) an intention to abandon as well as (2) an external act or failure to act by which such intention is carried into effect. It shall be evidence that a nonconforming use has been abandoned if (i) cessation of such use on the part of a tenant or owner has occurred for a continuous period of at least one (1) year; (ii) foreclosure of a mortgage on the property has occurred; (iv) the property has not been maintained in a condition that would qualify for a certificate of occupancy; (v) the utilities have been disconnected and/or utility meters have been removed. This list is not exclusive and other evidence of abandonment may exist.

When a nonconforming use has been abandoned, such use shall not thereafter be reinstated and any structure shall not thereafter be reoccupied, except in conformance with this Chapter.
2. 22-9.2e – Restoration of a Nonconforming Building or Structure – any Nonconforming structure that has been more than partially destroyed must be rebuilt in conformity with the current zoning regulations.
3. 22-6.2c – No existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building or portion of a building or structure to be used, designed, or arranged to be used for any purpose unless in conformity with all of the regulations herein specified for the district in which it is located.
4. 22-7.3c – Nonconforming Uses, Building or Structure. No nonconforming use may be expanded.
5. 22-5.5a – Setback variances required:
 - a. Rear yard setback of approximately 20 feet where 25 feet is required;
 - b. Minimum Side Yard set back 9.84 feet is proposed where 10 feet is required;
 - c. Minimum Lot Coverage (Principle building) of 25% is exceeded;
 - d. Minimum Lot Coverage (All) of 50% is exceeded;
 - e. Six off street parking is required;
6. 22-9.3 – Off-street parking required: a total of six off street parking spaces would be required and one (possibly two) are provided.
7. 22-9.3a(5) Off-Street Parking.
 - a. The driveway measures a minimum of thirty (30) feet in length between the garage door and the sidewalk or thirty-five (35) feet to the curb line where only thirteen (13) feet is being provided.
8. 22-5.3 b – Use Variance: Any use not specifically listed as a permitted use, an accessory use, or a conditional use shall be deemed a prohibited use. The two-unit structure style residential building is not specifically listed as a permitted use or a conditional use.
9. Any other variances the Board may require in the course of hearing this application.

Block 119	Land Desc	Owners Name	Land	Exemption	Net Taxable Value	Deductions
Lot 21	Bldg Desc	Street Address	Impr	Code	Cd	No-Ow
Qual	Addl Lots	City & State	Bank	Value		
Acct#	Acresage 0.000	Property Location 173 FOREST AVE.	Zip 07307	Zone		

DESCRIPTION

SITE INFORMATION

Sewer: SEW/WATER
 Water: SEWER ONLY
 Gas: LEVEL
 Topography: PAVED
 Road:

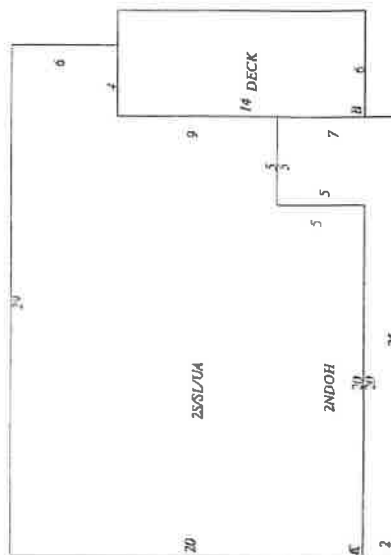
BUILDING INFORMATION

Type and Use: N.A.
 Story Height: TWO STORY
 Style: OTHER
 Exterior Fin: ALUM/VINYL
 Roof Type: GABLE
 Roof Material: SHINGLE
 Foundation: CONCRETE BLOCK
 Condition: FAIR
 Quality: 16
 Source: VACANT
 Bath: Mod: Avg: 1 Old: 1
 Kitchen: Mod: Avg: 1 Old: 1
 Room Count: Tot: 4 Bed: 2 Bth: 1
 Year Built: 1928
 Eff Age (Years): 35
 Livable Area: 574

FIRST STORY 499 SF
 UPPER STORY 574 SF
 UNFIN AREA 499 SF
 CONC. SLAB 499 SF
 FLOOR OR WALL F 1
 3 FIXTURE BATH 1
 DECK 84

SALE DATE 00/00/00
 SALE PRICE 0

SKETCH





BOROUGH OF KEANSBURG
MUNICIPAL OFFICES

OFFICE OF THE TAX ASSESSOR

Date: 9/9/2022

In compliance with Municipal Land Use Law, New Jersey Statutes Annotated 40A:55D-12, the attached list is certified to be a list of those property owners within 200 feet of the following:

Block 119 Lot 21 Qualifier

These Companies must be notified in addition to the Property Owners:

NJ Natural Gas Company
1415 Wyckoff Road
Wall, New Jersey 07719

Cablevision Raritan Valley
275 Centennial Avenue CN 0805
Piscataway, NJ 08855
Attn.: Construction Department

Jersey Central Power & Light
P.O. Box 188
Allenhurst, NJ 07711

Keansburg Water & Sewer
29 Church Street
Keansburg, NJ 07734

Keansburg Board of Fire Commissioners
29 Church Street
Keansburg, NJ 07734

If property is located on a County Road:

Monmouth County Planning Board
Hall of Records Annex
Freehold, NJ 07728

IF PROPERTY IS LOCATED NEAR A SURROUNDING TOWN PLEASE CHECK WITH THEM FOR OWNER INFORMATION.

Gerald Briscione, CTA
Tax Assessor

1323-119-26
BORO OF KEANSBURG-VACANT
29 CHURCH STREET
KEANSBURG NJ 07734

1323-152-3
JOSELL DAVID O & PELLIKAN LISA
7 CRESCENT ST
KEANSBURG NJ 07734

1323-153-10
CUSICK THOMAS P
204 FOREST AVENUE
KEANSBURG NJ 07734

1323-139-9
CUSICK LINDA E & JOSEPH R
67 WILLIS AVENUE
KEANSBURG NJ 07734

1323-119-18
NUZZO MADDALENA E
161 FOREST AVE
KEANSBURG NJ 07734

1323-119-19
ANDERSON CHARLES H JR
163 FOREST AVE
KEANSBURG NJ 07734

1323-119-31
ZEISER EDWARD K & CELESTINA B
62 WILLIS AVE
KEANSBURG NJ 07734

1323-119-16
CANDELORO ROBERT & KARIN
153 FOREST AVE
KEANSBURG NJ 07734

1323-119-22
HENN ARNE
300 CARR AVENUE
KEANSBURG NJ 07734

1323-119-24 02
GIEBLER JAMIE
193 FOREST AVE
KEANSBURG NJ 07734

1323-152-4
BOUTTE BRYAN J
39 DRAKE ROAD
SOMERSET NJ 08873

1323-153-39
DELANEY MICHAEL & DIANE
24 HOLLY ST
KEANSBURG NJ 07734

1323-152-7
SQUICCIARINI JOHN R & CHRISTINE M
1 PARKSIDE PLACE
KEANSBURG NJ 07734

1323-152-8
MUSTAFOSKI LISA & BRAMONDO DEEMELA
3 PARKSIDE PLACE
KEANSBURG NJ 07734

1323-140-13
AMARO ALICIA
37 WILLIS AVE
KEANSBURG NJ 07734

1323-140-14
BORRAGEIROS GUSTAVO & MARIA
41 WILLIS AVE
KEANSBURG NJ 07734

1323-153-9
SERRANO EDGAR JR
7 EAST LAWN DRIVE
HOLMDEL NJ 07733

1323-153-12
ALLEN DAVID
184 FOREST AVE
KEANSBURG NJ 07734

1323-153-13
SAK LESTER K & PATRICIA
180 FOREST AVE
KEANSBURG NJ 07734

1323-153-14
BISCHER KAREN
10 CRESCENT ST
KEANSBURG NJ 07734

1323-139-6
LOPEZ LUIS
51 WILLIS AVE
KEANSBURG NJ 07734

1323-139-7
TURSİ ROBERT & DARLENE
256 TWILIGHT AVENUE
KEANSBURG NJ 07734

1323-119-24 01
MCNAIR BRIGETTE R
191 FOREST AVENUE
KEANSBURG NJ 07734

1323-119-33
RAZZANO FREDERICK & MARY LOU
52 WILLIS AVENUE
KEANSBURG NJ 07734

1323-119-35
BURG INVESTMENTS LLC
101 SOUTH RALEIGH APT 208
ATLANTIC CITY NJ 08401

1323-119-36
CAPUANO EVAN J
42 WILLIS AVE
KEANSBURG NJ 07734

1323-119-37
LADJACK DANIEL J & NICOLE C
40 WILLIS AVE
KEANSBURG NJ 07734

1323-119-34
KIM WALTER
48 WILLIS AVE
KEANSBURG NJ 07734

1323-119-32
JACQUES KIMBERLY
56 WILLIS AVE
KEANSBURG NJ 07734

1323-139-8
EDWARDS JOHN
59 WILLIS AVE
KEANSBURG NJ 07734

1323-119-23
JMG1 REALTY LLC
4067 EAST PROSPECTOR DR
COTTONWOOD HEIGHTS UT 84121

1323-119-20
COOK BRIAN & LISA
169 FOREST AVE
KEANSBURG NJ 07734

1323-119-21
173 FOREST AVE LLC
333 PALISADES AVENUE
JERSEY CITY NJ 07307

1323-153-11
LIJPO AMBER L
200 FOREST AVE
KEANSBURG NJ 07734

1323-152-6
ALT SHAUN & TAMI
1A PARKSIDE PL
KEANSBURG NJ 07734

1323-119-30
MILCV ALEXANDER & SVETLANA
16 SANDALWOOD DRIVE
LIVINGSTON NJ 07039

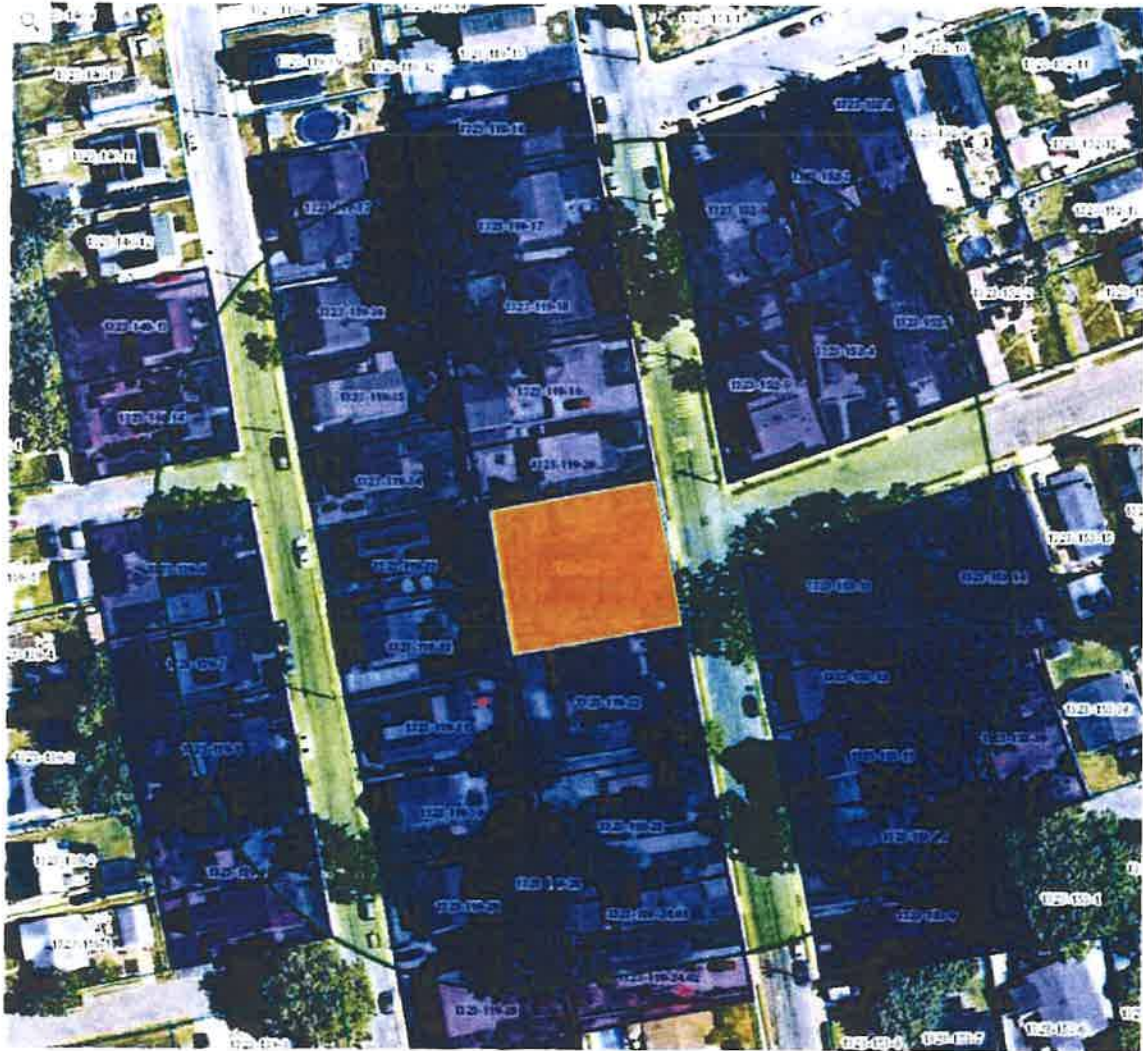
1323-119-28
MARINACCIO MICHAEL P
76 WILLIS AVE
KEANSBURG NJ 07734

1323-119-29
MARINACCIO MICHAEL O & MCNEELY
7016 BRINLEY AVE
BRADLEY BEACH NJ 07720

1323-119-17
157 FOREST AVENUE LLC
7 BRECKENRIDGE COURT
FREEHOLD NJ 07728

1323-152-5
CZAPLICKI KELLY
170 FOREST AVE
KEANSBURG NJ 07734

Block 119 Lot 21



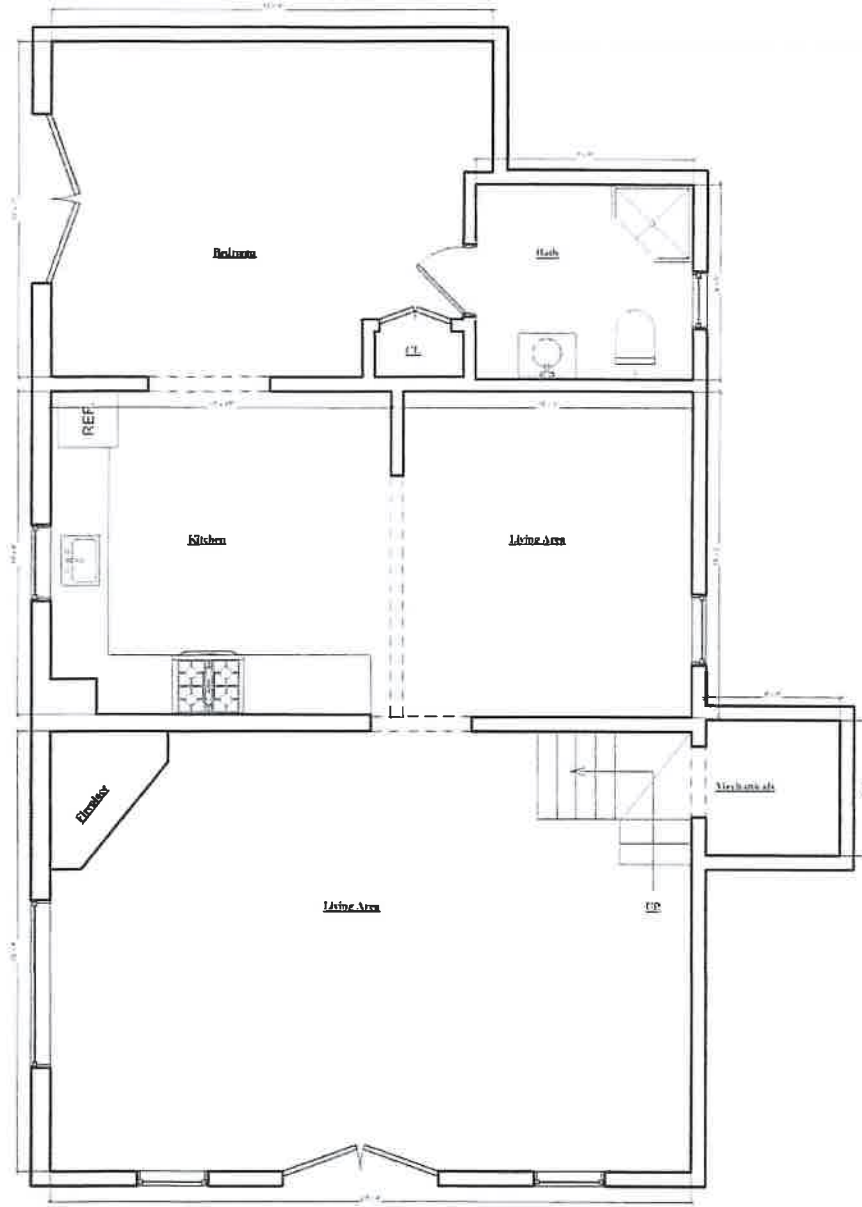












Front Unit - 1st Floor - Existing

Scale 1/4" = 1'-0"

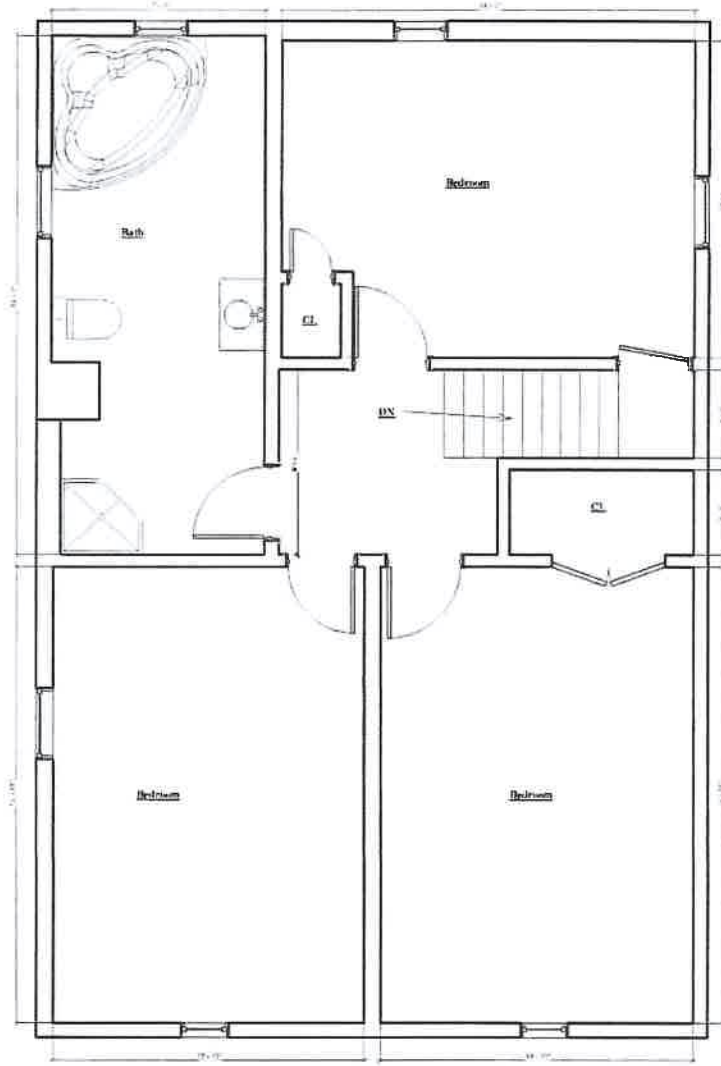
173 Forest Ave

Benzion Silberstein

347.351.4029

project@benmaxdesign.com

BENMAX
D • E • S • I • G • N



Front Unit - 2nd Floor - Existing

Scale 1/4" = 1'-0"

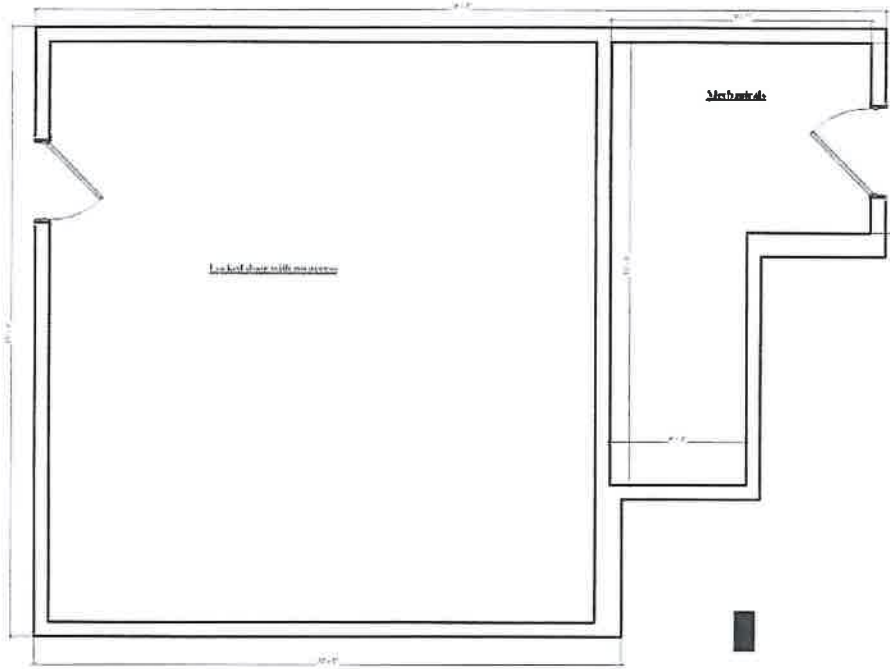
173 Forest Ave

Benzion Silberstein

347.351.4029

project@benmaxdesign.com

BENMAX
D • E • S • I • G • N



Back Unit - 1st Floor - Existing

Scale 1/4" = 1'-0"

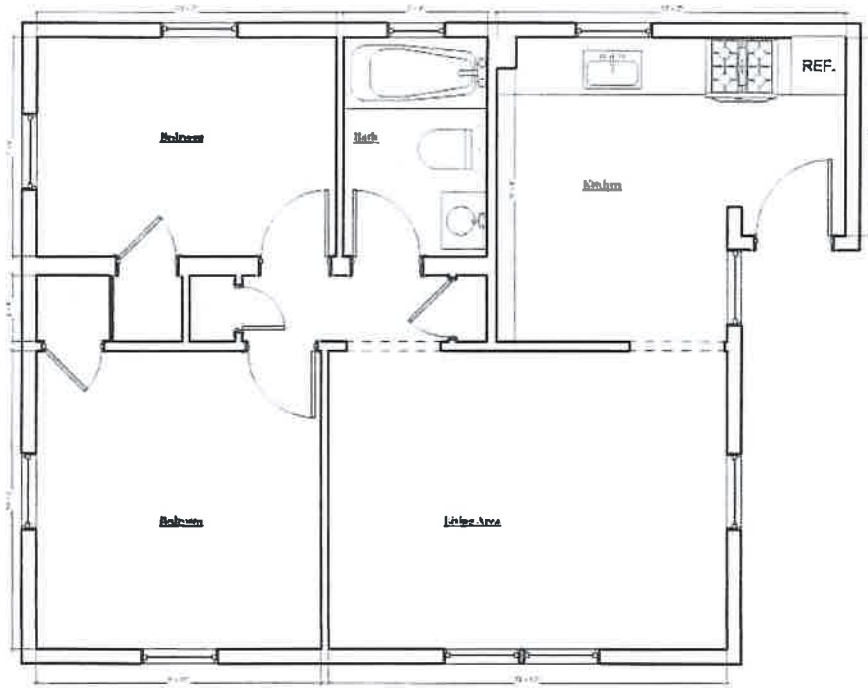
173 Forest Ave

Benzlon Silberstein

347.351.4029

project@benmaxdesign.com





Back Unit - 2nd Floor - Existing

Scale 1/4" = 1'-0"

173 Forest Ave

Benzion Silberstein
347.351.4029
project@benmaxdesign.com

