



YOUR GOALS. OUR MISSION.

KNPB-R4010

February 10, 2025
Via Email

MacKenzie Bittle, Planning Board Secretary
Borough of Keansburg
29 Church Street
Keansburg, NJ 07734

**Re: Proposed New Dwelling with Bulk Variance Requests
Winsolar Orca, LLC
161 Center Avenue
Block 58, Lot 22
Single Family Residential (R-5) Zone
First Engineering Review**

Dear Ms. Bittle:

As requested, we have reviewed the following plans and documents submitted in support of this application:

1. Keansburg Planning Board of Adjustment Site Plan Application Packet dated December 12, 2024.
2. Borough of Keansburg Zoning Officer Denial Letter dated November 19, 2024.
3. Certification of Taxes dated December 3, 2024.
4. Plan entitled, "161 Center Avenue, Building Permit Plot Plan / Variance Plan" prepared by Marc S. Leber, P.E., P.P., of East Point Engineering, LLC, consisting of four (4) sheets, dated September 25, 2024, unrevised.
5. Boundary & Topographic Survey, prepared by Kenneth P. Frank, P.L.S., of KF2T Professional Land Surveyors, dated September 21, 2024.

A. Project Description

The subject property is an interior lot located within the Single Family Residential (R-5) Zoning District with road frontage along Center Avenue to the south. Currently, the property is vacant with overgrown vegetation and weeds. The property is located in the "AE" Flood Zone, with a flood elevation of 11 feet.

The applicant is seeking approval to construct a new 2-story dwelling with a rear deck. The dwelling will consist of three (3) bedrooms on the second floor with off-street parking on the ground floor. Other improvements include a new paved driveway extending from Center Avenue. Single-family dwelling is a permitted use in the Single Family Residential (R-5) Zoning District.

B. Bulk Variance Required

In accordance with Section 22-5.5 of the Ordinance, the existing and proposed bulk deficiencies of the Single Family Residential (R-5) Zoning District are noted as follows:



	DESCRIPTION	REQUIRED	PROPOSED	VARIANCE REQ.
1	Minimum Lot Area	5,000 SF	2,500 SF	Yes ^(V)
2	Minimum Lot Frontage	50'	25'	Yes ^(V)
2	Minimum Lot Shape (Diameter)	42'	25'	Yes ^(V)
3	Minimum Front Yard Setback	25'	26'	No
5	Minimum Side Yard Setback / Both – <i>Principal</i> – <i>Deck</i>	7.5' / 15' 7.5' / 15'	4.5' / 9.0' 4.5' / 9.0'	Yes ^(V) Yes ^(V)
6	Minimum Rear Yard Setback – <i>Principal</i> – <i>Deck</i>	25' 25'	21' 21'	Yes ^(V) Yes ^(V)
7	Min. Gross Residential Ground Floor Area	600 SF	3,000 SF	No
8	Maximum Lot Coverage – <i>Principal Bldg.</i>	25%	30.1%	Yes ^(V)
9	Maximum Lot Coverage – <i>All</i>	50%	45.1%	No
10	Maximum Building Height - <i>Principal Story</i> - <i>Principal Height</i>	2 ½ - Story 35'	2 - Story 33.60'	No
11	Minimum Improved Off-Street Parking*	2 Spaces/Unit	2 Spaces	Yes ^(V)

(V) – Variance

^ – A porch, deck, patio, or similar structure designed to adjoin or as part of the principal building shall in all cases conform to the yard requirements for the principal building except where the structure has no roof and is constructed not more than one foot above grade, it shall adhere to the yard requirements for an accessory structure.

*Section 22-9.3 of the Ordinance requires a total of 2 (2) Off-Street Parking Spaces for the proposed 3-bedroom single family dwelling. Section 22-9.3. a.5 states “A one-car garage and driveway combination shall count as 2 off-street parking spaces, provided the driveway measures a minimum of thirty (30') feet in length between the face of the garage door and the sidewalk or thirty-five (35') to the curblane. Two-car garage and driveway combination shall count as 4.0 off-street parking spaces, provided the minimum width of the driveway is twenty (20') feet and its minimum length is as specified above for a one-car garage.”

The proposed 10-foot-wide driveway is only 26 feet in length and does not meet the dimensioning requirements for a one-car garage and driveway combination, therefore a parking variance waiver is required.

C. Dimensional “c” Variance Considerations

Upon hearing testimony and input from the public (if any), the Board should evaluate the positive and negative criteria set forth below to determine whether the Applicant has met its burden of proof for a “c(1)” or “c(2)” variance for the bulk conditions and pre-existing non-conformities listed above, as well as variances per the below Sections of the Ordinance regarding construction of non-compliant structures, as listed below:

- a. Section 22-5-2.c of the Ordinance states that no building or structure shall hereafter be erected and 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. **The applicant proposes a new single-family dwelling which does not meet all the bulk regulations of the R-5 Zoning District.**



- b. Section 22-5.5.e of the Ordinance states that standards and regulations shall be in accordance with the schedule referred to in Section 22-5. **The proposed new dwelling is not in accordance with the schedule referred to in Section 22-5.**

1. Positive Criteria for “c(1)” Hardship Variance

The finding of a “c(1)” hardship would address the following:

- a. *by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or*
- b. *by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or*
- c. *by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structure lawfully existing thereon, or the strict application of any regulations...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property.*

It should be noted that the finding of the hardship must be for the specific property in question (i.e., it must be unique to the area). Note also that a hardship variance cannot be granted by a self-created hardship or personal hardship of the applicant.

2. Positive Criteria for “c(2)” flexible variance

The finding of a “c(2)” flexible variance to permit relief from zoning regulations where an alternative proposal results in improved planning would address the following:

- a. *The purposes of the MLUL would be advanced by the deviation, and*
- b. *The benefits of the deviation from the zoning ordinance requirements would substantially outweigh any detriment.*

The finding of the benefits must be for the specific property in question—it must be unique to the area. The zoning benefits resulting from permitting the deviation(s) must be for the community and not merely for the private purposes of the owner. It has been held that the zoning benefits resulting from permitting the deviation(s) are not restricted to those directly obtained from permitting the deviation(s) at issue; the benefits of permitting the deviation can be considered in light of benefits resulting from the entire development proposed. Notwithstanding the above, the Board should consider only those purposes of zoning that are actually implicated by the variance relief sought.

D. Technical Engineering Review

1. The property is located within the "AE" flood zone with a Base Flood Elevation (BFE) of 11 feet. We defer further review to the Flood Plain Administrator and Construction Official for any applicable building requirements accordingly.
2. The project site is located in the Coastal Area Facilities Review Act (CAFRA) Zone. The applicant shall comply with any applicable NJDEP requirements. We defer further review to NJDEP.
3. We defer to the Building Department for review of the architectural plans for ADA compliance.



4. The applicant shall provide testimony regarding the location of any proposed electric meters for the dwellings. JCPL requires the meter to be located at or above the BFE 11'.
5. Provide a pavement repair detail for the proposed gas service connection within the right-of-way of Center Avenue to ensure proper trench restoration.
6. Due to the undersized property and deficient side yard setbacks, the proposed dwellings will be constructed in close proximity with the houses on the adjoining lots. As such, a Residential Fire Sprinkler System 13D is recommended to be provided to reduce the speed of a fire from quickly spreading to the adjacent homes.
7. The proposed area of disturbance is less than 1 acre, does not result in a 0.25 acre increase in impervious coverage, nor result in a 0.25 acre increase in regulated impervious surface, therefore, the project is not considered a "major development" as defined by N.J.A.C. 7:8, and is not subject to the NJDEP Stormwater Management standards.
8. The applicant shall confirm that there will be no adverse drainage impacts to adjacent properties because of the proposed improvements.
9. The applicant should be aware that construction of habitable space below the base flood elevation could subject this space to inundation by floodwaters. This construction could also have an impact on the applicant's future flood insurance premiums. The applicant should clarify any/all uses of ground floor area.
10. If approved the applicant will be required to post all performance guarantees and inspection escrow as stipulated in the Development Regulations.

We reserve the opportunity to further review and comment on this application and all pertinent documentation, pursuant to testimony presented at the public hearing. If you have any questions or require additional information, please call.

Very truly yours,

T & M ASSOCIATES

ROBERT F. YURO, P.E., C.M.E.
BOROUGH OF KEANSBURG
PLANNING BOARD OF ADJUSTMENT ENGINEER

RFY:LZ

cc: Kevin Kennedy, Esq., Board Attorney, email: kennedylaw@verizon.net
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Marc S. Leber, Applicant's Engineer