



Borough of Keansburg

Code Enforcement Department

29 Church Street • Keansburg, New Jersey 07734
Phone: 732/787-0215 • Fax: 732/787-3699

December 11, 2024

Martha L. Bacuero & David A. Wellington,
120 Renner Ave.
Bloomfield, NJ 07003

Re: **Approve previously construct rear second floor bedroom addition - Denied**
35 Myrtle Ave, Keansburg NJ 07734
Block/Lot: 87/6.01
Zone: R-5
Flood: AE-11'

Dear Mr. Sciria:

As a supplement to my prior communications dated 11/25/24 and 12/10/25 your client needs a variance for the pre-existing front yard setbacks for the stairs whereas 25 is required, 3.5 ft exists and is proposed.

Note: The Hurricane Sandy special exemption does not apply in the within situation, because the proposal is not just an elevation, but rather, the proposal is an elevation and expansion of a non-conforming structure.

Additionally, as you indicated, the application also requires a variance for a front yard setback for a principal structure (25 required; 10.4' exists/proposed).

Moreover, my further review of the enlarged Plot Plan, reveals that there is also a need for a rear yard setback variance to the deck with the steps. Specifically, 25 ft rear yard setback is required whereas 22 ft is being proposed.

A driveway setback variance is also required. Specifically, a 3 ft driveway setback is required whereas -1.4 ft exists (pending resolution of the ongoing Doctrine of Merger litigation involving the adjacent lot). Although the driveway setback is existing, the variance is triggered by the expansion of the non-conforming structure.

Additionally, you have not responded to my emails from 11/25/24 and 12/10/25 in regard to my question on how to handle/process the within Wellington #2 Zoning Case in the event the Wellington #1 Case (Doctor of Merger) is reversed or otherwise modified. I understand that you have had a preliminary discussion with the Board's Attorney, but I am unsure if the Board's Attorney/Board has agreed upon any particular process. Accordingly, please advise if there has been any final determination in that regard, and I will independently review the matter with the Board's Attorney.

I have received the above referenced application to review previously constructed rear, second floor bedroom addition. After conducting a thorough review, the zoning development application is denied. The following documents we submitted in support of this application:

- Zoning Development Permit Application, dated November 20, 2024.
- Copy of a plot plan prepared by MCH Engineering INC, dated 10/08/24,
- Partial Asbuild and repair drawings, dated 06/20/23 (received from Board's Secretary not the Applicant/Not to scale).
- Architectural drawings of an elevation of existing structure, dated 12/03/21 (received from Board's Secretary not the Applicant/not to scale).
- A letter from Richard Sciria, dated 11/12/24.

I have also included an 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.

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.

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.

22-7.3c – Nonconforming Uses, Building or Structure. No nonconforming building/structure may be expanded.

22-5.5e – Setback variances required:

Description	Required	Proposed
Minimum Lot Area	5,000 sf	5,000 sf
Minimum Lot Frontage	50'	50'
Minimum Front Yard Setback	25'	
Principal		10.4'
Wood porch/landing/stairs		3.5'
Minimum Side Yard Setback	7.5'	10.5'
Minimum Side Yard Setback (Total)	15'	37.4'
Minimum Rear Yard Setback	25'	
Principal		31.4'
Wood Deck		27.9'
Stairs		22'
Maximum Lot Coverage-Principal Building	25%	14.3%
Minimum Lot Coverage All	50%	39.6%
Maximum Building Height	35'/2.5 Stories	30.7'/3 Stories
Minimum Lot Coverage All	50%	39.6%
Existing driveway	3 ft	-1.4'

Any other variances the Board may require in the course of hearing this application.