YOUR GOALS. OUR MISSION.

KNPB-R3030

April 11, 2025
Via Email

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

Re: New Single-Family Dwelling with Bulk Variance Requests
Jeff Skinner
33 Center Avenue
Block 21, Lot 38
Single Family Residential (R-5) Zone
Second Engineering Review

Dear Ms. Bittle:

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

1. Plan entitled, "Variance Plan 33 Center Avenue, Block 21, Lot 38, Borough of Keansburg, Monmouth County, NJ," prepared by Joseph J. Kociuba, P.E., P.P., of KBA Engineering Services, LLC, consisting of one (1) sheet, dated May 7, 2024, **last revised February 12, 2025**.
2. Architectural Floor Plans & Elevations consisting of six (6) sheets, prepared by Edward L. Milunic Jr., of Superior Builders, dated May 13, 2024, unrevised.
3. **Architectural Floor Plans & Elevations consisting of two (2) sheets, prepared by Thomas Petersen, R.A., of Tom Petersen Architect LLC, dated January 24, 2025.**
4. Outbound & Topographic Survey prepared by Alan R. Boettger, P.L.S., of Clearpoint Services, LLC, dated February 5, 2024, unrevised.
5. Keansburg Planning Board of Adjustment Site Plan Application Packet dated August 5, 2024.
6. Certification of Taxes dated July 19, 2024.
7. Borough of Keansburg Zoning Officer Denial Letter dated August 8, 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 north. Currently, the property contains a two-story wood frame dwelling with fire damage with a wooden deck in the rear yard and a bituminous concrete driveway extending from Center Avenue. All existing improvements are proposed to be demolished. 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 consisting of five (5) bedrooms with associated rear deck and side deck with stairs. Additional improvements include two paver driveways extending from Center Avenue. The proposed single-family dwelling is a permitted use in the Single Family Residential (R-5) Zoning District; however, the new construction does not meet the bulk requirements of the Single Family Residential (R-5) Zoning District and therefore variance relief is required.

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	EXISTING	PROPOSED
1	Minimum Lot Area	5,000 SF	2,324.55 SF (E)	**No Change (V)**
2	Minimum Lot Frontage	50'	50'	No Change
3	Minimum Front Yard Setback - *Principal Bldg.*	25'	7.47 (E)	**6.0' (V)**
5	Minimum Side Yard Setback - *Principal One Side* - *Principal Total* - *Deck^*	7.5' 15' 7.5'	4.78' (E) 20.41' 10.40'	**7.46' (V)** **14.96' (V)** **5.37' (V)**
6	Minimum Rear Yard Setback - *Principal Bldg.* - *Deck^* - *Accessory Shed*	25' 25' 5'	3.19' (E) N/A	**8.12' (V)** **3.89' (V)** **No Change (V)**
7	Min. Gross Residential Ground Floor Area	600 SF	N/A	NP
8	Maximum Lot Coverage – *Principal Bldg.*	25%	32.95% (E)	**37.25% (V)**
9	Maximum Lot Coverage –*All*	50%	53.30% (E)	**51.45% (V)**
10	Maximum Building Height - *Principal Story* - *Principal Height*	2 ½ - Story 35'	2 - Story N/A	2 - Story 33'9"
11	Minimum Improved Off-Street Parking*	4 Spaces	N/A	**0**

(E) – Existing Nonconformity
(V) – Variance
(NP) – Not Provided
^ – 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 four (4) Off-Street Parking Spaces for the proposed 5-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 curbline. 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."*

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 to construct a new*

single-family dwelling which does not meet the bulk regulations of the R-5 Zoning District. **Informational.**

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 property is an undersized lot which does not meet the schedule referred to in Section 22-5.* **Informational.**

c. Section 22-7.3.c of the Ordinance states that no nonconforming use may be expanded. *The proposed new single-family dwelling is an expansion of a nonconforming use on the property.* **Informational.**

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.

3. The Municipal Land Use Law (NJSA 40:55D-70) requires the applicant to satisfy *both* components of the negative criteria:

a. The proposal will not create a "substantial detriment to the public good"; and
b. The proposal will not create a "substantial detriment to the zone plan and zoning ordinance."

D. Technical Engineering Review

1. The property is located within the "AE" flood zone with a Base Flood Elevation (BFE) of 11 feet. The plan shall be revised to indicate the proposed finish floor elevation. We defer further review to the Flood Plain Administrator and Construction Official for any applicable building requirements accordingly. **Informational.**

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. **Informational.**

3. We defer to the Building Department for review of the architectural plans for ADA compliance. **Informational.**

4. Construction detail of the proposed paver driveway in accordance with the standards of the Borough Ordinance shall be provided. **Not addressed. The plot plan shall be revised to include a construction detail of the proposed paver driveway.**

5. The plan should be revised to depict all proposed grade elevations at all four corners of the proposed dwelling. **Not addressed. The plan shall be revised to indicate proposed grade elevations at all four corners of the proposed dwelling.**

6. The plan shall provide testimony to discuss off-site parking requirements for the site. It does not appear adequate off-street parking spaces are provided for the proposed 5-bedroom single-family dwelling. We note the dimensions of the paver driveway does not provide a minimum of thirty (30') feet in length between the face of the garage door and the sidewalk or thirty-five (35') to the curbline in accordance with Section 22-9.3. a.5 and therefore cannot count as an off-street parking space. **Addressed. Testimony during the 11/4/2024 hearing indicated that the property would utilize on-street parking to accommodate for the deficiency. In addition, the plans have been revised to include a second paver driveway on the southeast corner of the proposed dwelling.**

7. It's unclear if an attached car garage is proposed. The plan shall be revised to clearly depict whether a one-car or two-car attached garage is proposed. **Addressed. The applicant has submitted an updated basement floor plan which shows one-car garage doors for both proposed paver driveways attached to the dwelling.**

8. Due to the undersized property and deficient side yard setbacks, the proposed dwelling 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. **Continuing comment. Applicant to comply.**

9. 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. **Informational.**

10. The property is relatively flat and appears to direct surface runoff towards the right-of-way of Center Avenue. Although not a Major Development as defined by N.J.A.C. 7:8, the Board

should discuss if the applicant should be required to provide any green infrastructure or other stormwater management measures such as drywells for runoff reduction resulting from increasing site impervious coverage. **Continuing comment.**

11. The applicant shall confirm that there will be no adverse drainage impacts to adjacent properties because of the proposed improvements. **Not addressed. The plan shall be revised to indicate proposed grade elevations at all four corners of the proposed dwelling and arrows to demonstrate directions of surface runoff.**

12. 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. **Informational.**

13. If approved the applicant will be required to post all performance guarantees and inspection escrow as stipulated in the Development Regulations. **Informational.**

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:STF:LZ

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