



KNPB-R4070

March 24, 2025
Via Email

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

**Re: Dining Room & Pantry Conversion to Bedroom
& Bathroom with Bulk Variance Requests
Hani Samaan
44 Lincoln Court
Block 94, Lot 34
Single-Family Residential (R-7) Zone
First Engineering Review**

Dear Ms. Bittle:

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

1. Planning Board Application dated January 30, 2025.
2. Letter of Denial, prepared by Kathy Burgess, Assistant Zoning Officer, of the Borough of Keansburg, dated January 9, 2025.
3. Certification of Taxes dated February 4, 2025.
4. Hand drawing of Current Floor Plan and Proposed Floor Plan, undated.
5. Survey of Property, prepared by Thomas Craig Finnegan, P.L.S., of Thomas Craig Finnegan Land Surveying LLC, dated December 26, 2024, consisting of one (1) sheet.
6. Proposed Improvements Plan over Survey of Property, prepared by Thomas Craig Finnegan, P.L.S., of Thomas Craig Finnegan Land Surveying LLC, dated December 26, 2024, last revised February 18, 2025, consisting of one (1) sheet.

A. Project Description

The subject property is an interior lot located within the Single-Family Residential (R-7) Zoning District with road frontage along Lincoln Court to the west. The existing lot currently contains a one-story, single-family residential dwelling with an associated concrete driveway, walkway, and concrete patio. The property is surrounded by similar one-story residential dwellings to the north and south and is located in the “AE” Flood Zone, with a flood elevation of 11 feet.



The applicant is seeking approval to convert the existing dining room into a third bedroom for the dwelling, as well as conversion of the existing pantry into a half-sized bathroom. No new exterior structures will be built as part of this application, however, for accommodation of parking requirements resulting from the additional bedroom, the existing concrete driveway on site is to be removed and replaced with a new 20' x 35' asphalt driveway proposed along the westerly frontage of the property. The applicant was previously denied on January 9, 2025, by the Code Enforcement Department, citing existing nonconformities with the bulk requirements of the Residential (R-7) Zoning District.

B. Bulk Variance Required

The applicant has provided a handwritten sketch depicting the existing and proposed improvements on the property with a note stating that there are no plans to change setbacks and size of the dwelling. We note the survey of the property indicates a non-confirming front yard setback of 22.9 feet from the westerly property line to the existing dwelling, whereas 25 feet is required in the R-7 Zoning District. Additionally, the provided Plot Plan indicates a proposed total lot coverage of 40.0%, which appears to be in compliance with the required 40% maximum lot coverage of the R-7 Zoning District. It should also be noted that the property is an undersized lot in the R-7 Zoning District.

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 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 existing single-family dwelling on the property is proposed to be altered and is not in conformity with the regulations of the R-7 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 existing dwelling on the property 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.

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 applicant shall provide a zoning table to indicate all required, existing and proposed bulk requirements of the R-7 Zoning District and demonstrate that the lot coverage on the property will not exceed the required 40% maximum lot coverage of the R-7 Zoning District.
2. Google Earth imagery dated September 2024 shows an existing tree on the southwest corner of the property, in the vicinity of the proposed asphalt driveway. The plans shall be revised to indicate the location of the existing tree relative to the proposed driveway to confirm no conflicts with the tree. If removal of the tree is required, the plan shall be revised to indicate same.
3. In accordance with Exhibit 1, (Subsection 22-9.3) of the Borough's Ordinance, a total of two (2) off-street parking spaces are required for a 3-bedroom, single-family frame dwelling. Section 22-9.3.a(5) states that a 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 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. The length of the proposed driveway to the property line is shown as 31.7' feet with an additional length of 5' from the property line to the curbline, totaling to a length of 36.7' which appears to be in compliance with Section 22-9.3.a(5) and can accommodate two (2) off-street parking spaces.
4. The plans shall be revised to provide a construction detail for the proposed driveway. In addition, the plans shall be revised to provide spot elevations at the corners of the proposed driveway to verify the slope of the driveway.
5. The applicant shall confirm the surface material for construction of the driveway and provide a construction detail for same.
6. The depressed curb of the existing concrete driveway to be removed shall be replaced with full-face curbing and the grass strip area re-established. A construction detail shall be provided for the full-face curb.
7. The location of the existing concrete driveway shall be re-established with lawn cover.
8. The plans shall be revised to confirm the dimensions of the proposed concrete walkway. A construction detail shall also be provided.
9. Investigate and determine the material of the existing water service. If determined to be a lead water service, then the same shall be replaced from the meter pit to the structure.



10. 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.
11. 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.
12. 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.
13. The applicant shall confirm that there will be no adverse drainage impacts to adjacent properties because of the proposed improvements.
14. 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:STF:LZ

cc: Kevin Kennedy, Esq., Board Attorney, email: kennedylaw@verizon.net
Kathy Burgess, Zoning Officer, Kathy.burgess@keansburg-nj.us

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