



KNPB-R4080

March 31, 2025
Updated: April 3, 2025
Via Email

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

Re: Proposed 14' x 38' Addition with Bulk Variance Requests
Paul Kennedy
88 Twilight Avenue
Block 121, Lot 11
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. Planning Board Application dated January 10, 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 January 21, 2025.
4. Fire Official Residential Fire Sprinklers Importance Letter dated October 14, 2022.
5. Hand drawing of Proposed Floor Plan and Elevations, undated.
6. Survey of Property, prepared by Michael J. Williams, P.L.S., of Michael J. Williams Land Surveying, LLC, dated September 17, 2003, consisting of one (1) sheet.

A. Project Description

The subject property is an interior lot located within the Single-Family Residential (R-5) Zoning District with road frontage along Twilight Avenue to the west. The existing lot currently contains a one-story, single-family residential dwelling with associated concrete walk, patio and two (2) sheds. The property is surrounded by similar residential dwellings to the north, south and east and is located in the "AE" Flood Zone, with a flood elevation of 11 feet.

The applicant is seeking approval to construct a 14' x 38' addition on the north facade of the existing one-story frame dwelling. The proposed addition will add a master bedroom suite with bathroom and closet and a secondary bedroom with closet spaces. The renovations floor plan indicates a total of three (3) bedrooms with living, kitchen areas and two (2) bathrooms. The applicant was previously denied a zoning permit on January 9, 2025, by the Code Enforcement Department, citing existing nonconformities with the bulk requirements of the Residential (R-5) Zoning District.



B. Bulk Variance Required

The applicant has provided an outdated survey of the property and handwritten floor plan and elevations for the proposed 14' x 38' addition on the property. It is unclear if the proposed addition complies with the bulk requirements of the R-5 Zoning District as a site plan has not been submitted. It should also be noted that the property is an undersized lot in the R-5 Zoning District with several existing non-conformities. It appears bulk variance relief is required for the proposed addition. The applicant shall submit a site plan to depict all improvements associated with proposed addition.

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 proposed addition is not in conformity with the 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 addition on the property is not in accordance with the schedule referred to in Section 22-5.**
- c. Section 22-7.3c of the Ordinance states that no nonconforming structure may be expanded. **The applicant is proposing to expand the existing dwelling which does not conform to the bulk regulations of the R-5 Zoning District.**

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. A survey less than 3 years old is required for Site Plan Application, whereas the survey provided is dated September 17, 2003 which is more than 20 years old. An updated survey showing all existing improvements on the property shall be submitted for review.
2. The applicant shall submit a site plan to depict all improvements associated with the proposed addition and shall include the following:
 - a. A zoning table indicating all required, existing and proposed bulk requirements of the R-5 Zoning District for the proposed addition on the property.
 - b. Finish floor elevation of the proposed addition.
 - c. Depict the location of the AC unit and ensure same is placed in zoning-compliant locations, preferably at the rear of the structure.
 - d. Depict the location of the electric meter on the property. JCP&L requires the meter to be located at or above the BFE 11’.



- e. 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.
3. The applicant shall address off-street parking requirements for the proposed improvements.
4. Indicate spot grade elevations at the corners of the proposed addition along with existing grade elevations and contours on the property to demonstrate that there will be no surface runoff impacts to adjoining properties as a result of the proposed addition.
5. The property is located within the "AE" flood zone with a Base Flood Elevation (BFE) of 11 feet. The applicant shall provide testimony to demonstrate that the lowest floor of the proposed addition will be constructed at or above the base flood elevation or advisory base flood elevation whichever is more restrictive, plus one foot and comply with all prevailing FEMA / Flood Regulations. We defer further review to the Flood Plain Administrator and Construction Official for any applicable building requirements accordingly.
6. 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.
7. 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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