



KNPB-R4090

April 11, 2025
Via Email

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

**Re: Proposed Detached Garage
Patrick Jeffries
1 Railroad Avenue
Block 164, Lot 8
Single Family Residential (R-7) Zone
First Engineering Review**

Dear Ms. Bittle:

As requested, we have reviewed the above referenced application to construct a new 20' x 30' detached garage to the west of the existing dwelling. The applicant has submitted the following documents in support of this application:

1. Architectural Hand Drawings for Proposed Garage, undated, consisting of three (3) sheets.
2. Site Plan Application Packet dated April 1, 2025.
3. Certification of Taxes dated March 6, 2025.
4. Residential Fire Sprinkler Letter, prepared by Arthur Boden, Fire Official, of the Borough of Keansburg, dated October 14, 2022.
5. Survey of Property, undated.

A. Project Description

The subject property is a corner lot located within the Single Family Residential (R-7) Zoning District with road frontages along Railroad Avenue to the north and Wood Avenue to the east and is neighbored by residential dwellings to the south and to the west. Currently, the property contains a 1.5-story frame residential dwelling with an associated concrete walkway, paved driveway, and fencing. A detached garage occupies the southwest corner of the property which includes an attached concrete slab and gazebo. The property is located in the "AE" Flood Zone, with a flood elevation of 11 feet.

The applicant is seeking approval to construct a 20' x 30' detached garage within the west side yard of the property, which will be accessed via the existing paved driveway fronting Railroad Avenue. The detached garage setback is in line with the existing dwelling along the frontage of Railroad Avenue and is proposed at 1.5 feet to the west of the existing dwelling and 1 foot to the east of the western property line. The proposed detached garage is a permitted accessory building subject to the bulk requirements of the Single Family Residential (R-7) Zoning District. The applicant has requested variance relief for accessory building bulk requirements of the R-7 Zone.



B. Bulk Variance Required

In accordance with Section 22-5.4 of the Ordinance, the existing and proposed bulk deficiencies are noted as follows:

	DESCRIPTION	REQUIRED	EXISTING	PROPOSED
1	Minimum Lot Area	7,500 SF	8,521 SF	NO CHANGE
2	Minimum Lot Frontage – Railroad Avenue – Wood Avenue	75' 75'	88.40' 99.98'	NO CHANGE NO CHANGE
3	Minimum Front Yard Setback - <i>Principal Bldg.</i> – Railroad Avenue – Wood Avenue	25' 25'	22' (E) 12.3' (E)	NO CHANGE (V) NO CHANGE (V)
4	Minimum Side Yard Setback – <i>Principal Bldg.</i> – <i>Existing Garage</i> – <i>Proposed Garage</i>	10' 5' 5'	12.3' N/S N/A	NO CHANGE NO CHANGE 1.0' (V)
5	Minimum Rear Yard Setback – <i>Principal Bldg.</i> – <i>Existing Garage</i> – <i>Proposed Garage</i>	25' 5' 5'	23.2' (E) N/S N/A	NO CHANGE (V) NO CHANGE N/S
8	Min. Gross Residential Ground Floor Area	700 SF	N/A	N/A
9	Maximum Lot Coverage – <i>Principal Bldg.</i>	25%	N/S	N/S
10	Maximum Lot Coverage – <i>All</i>	40%	N/S	N/S
11	Maximum Building Height - <i>Principal Bldg.</i> Maximum Building Height - <i>Garage</i>	2 ½ Stories 12'	1 ½ Stories N/A	NO CHANGE 13' (V)

(E) – Existing Nonconformity

(V) – Variance

NA – Not Applicable

NS – Not Specified, the applicant shall confirm this dimension.

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 detached garage which does not meet the bulk 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 proposed detached garage property is not in accordance with the bulk regulations of the R-7 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. The applicant intends to construct a new 20' x 30' detached garage with a height of 13 feet to the peak of the structure, which is greater than the maximum height regulation of 12 feet



- permitted in the R-7 zone for an accessory building. The applicant shall provide testimony regarding the proposed structure and discuss the reason for the excessive height.
2. The proposed detached garage is located 1.5 feet away from the existing residential dwelling. In accordance with Section 22-7.8b, no detached accessory building, in any residential zone, shall be less than five feet from the principal building. Testimony shall be provided to demonstrate that there will be no negative impacts allowing the detached garage to be located 1.5 feet away from the existing residential dwelling.
 3. The proposed detached garage is located in the side yard area and is setback only 1 foot from the westerly property line. In accordance with Section 22-7.8a, detached accessory buildings shall be located in other than a front yard, and if located in a side or rear yard area, shall be set back three feet from any property line. Testimony shall be provided to demonstrate that there will be no negative impacts allowing the detached garage to be located only 1 foot from the western side property line.
 4. The detached garage is proposed to be constructed 1.5 feet away from the existing residential dwelling and is setback only 1 foot from the westerly property line in close proximity with the house on the adjoining lot. 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 proposed adjacent structure.
 5. 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.
 6. The plan shall be revised to include spot elevations at all corners of the detached garage to demonstrate drainage patterns on the property and no runoff impacts to adjoining properties.
 7. The applicant shall depict the locations of the roof leaders for the detached garage to confirm there will be no adverse drainage impacts to adjacent properties. We note the proposed garage features a gabled roof and is set 1 foot away from the side yard of the neighboring property to the west. All roof leader discharges shall be directed towards the R.O.W. of Railroad Avenue.
 8. The applicant shall clarify the dimensions of the existing paved driveway associated with the proposed detached garage to confirm compliance with the off-street parking requirements of the R-7 Zoning District.
 9. The applicant shall confirm the existing wooden fence between the paved driveway and the proposed garage is to be removed.
 10. The proposed development will not disturb an area exceeding 1 acre, nor will it create more than a quarter acre of new impervious surfaces. Therefore, the project is not considered a "major development" as defined by NJAC. 7:8, and is not subject to the NJDEP stormwater quantity, quality and recharge requirements of a major development.
 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. 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
Ed Striedl, Zoning Officer, email: ed.striedl@keansburg-nj.us
Kathy Burgess, Assistant Zoning Officer, Kathy.burgess@keansburg-nj.us

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