

Site Plan Application – Planning Board of Adjustment

Name: Harry Holt Case # 07735

Address: 342 Forest St. Union Beach NJ Date: _____

Phone # _____ Cell Phone # 732-739-7199

Application: (2 original copies notarized, pg. 3 – 21 total sets) 21 # submitted
Each Application (21 sets) must include a Copy of the Zoning Denial Letter (if you received a denial)

Proof of Service (2 copies notarized, pg. 5 – include w/above) _____ # submitted

Copy of Notice to Adjoining Property Owners, pg. 4 – include w/above 1 # submitted

Certified list of Property Owners (include with originals) 1 # submitted
Available from the Tax Assessor, includes total properties & Utilities

A Certification of taxes being paid (include w/total sets) _____ # submitted
This certification is available from the Tax Collector

A Copy of a Survey (less than 3 years old – 21 total sets) 21 # submitted

Architectural Plans (include w/packet – 21 total sets) 21 # submitted

Plot Plans (include w/packet – 21 total sets) Note: plot plans 21 # submitted
to include all setbacks, sidelines, both existing and proposed as well as all
accessories (Sheds, Pools, Decks, Fencing, Driveways, Garages, etc.).

Affidavit of Publication (Star Ledger 732-902-4318 / Asbury Park Press 732-643-3666) _____ # submitted
Must be submitted ten (10) days prior to Planning Board meeting

Certification Mail Return Receipts (PS Form 3800, June 2002) _____ # submitted
Must be submitted ten (10) days prior to Planning Board meeting

Application Fees – as per Fee Schedule Worksheet

1 Check Non-refundable Fees – Check # _____ Amt. \$ _____

1 Check Escrow (Unused fees are refundable) Check # _____ Amt. \$ _____

Is Application complete? Yes: _____ No: _____ Date: _____

Applicants Signature: _____

Planning Board Secretary or Designee: Complete

Date: _____ Incomplete

Total packets must be submitted to Borough Hall Ten (10) days prior to meeting
(Checklist Page 1 of 6 – Cover sheet is separate)

Case # _____

Date Filed: _____

Action Taken: _____

FEE (Paid): _____

Date (of Action): _____

The section above is for Planning Board use

Keansburg Planning Board of Adjustment – Statement & Variance Sheets – pgs. 2 & 3

1. I (we), Harry Holt, The Applicant (s) Herein, whose Address is 342 Front St. Union Beach NJ 07735, am the Owner (s) ☒ Int: _____

Prospective Purchaser(s) ☐: _____ of property located on 42 W. Shore St.

And designated as Block 66 and Lot 2 on the Official Keansburg Tax Map.

2. Said property is in a B-1/R-5 Zone, and is 37x45.5 Irregular (Size) and has the following Structures on the property: Vacant Prior Home demolished

3. Request is Hereby made for permission To: (Indicate type (s) of structure (s) and use thereof:

New Construction of a single family home, Identical footprint size as previously approved on Interior Layout Modified.

4. The proposed structure or use is contrary to the Zoning/Development regulations of Keansburg;

5. The following is contrary to the Development Ordinance: list & detail all Variances to be sought.

See Attached

Details and Variances can be obtained from the Zoning Denial Letter which must be included in packet

6. Is the entire tract of land, Block 66 Lot 2 intended to be used? ☒ Yes ☐ No

7. Has the property been separated from an adjoining parcel? ☐ Yes ☒ No, if so when _____

If Yes, has The Planning Board approved the subdivision _____ Date: _____

New construction of a single family home with identical footprint and size as previously approved with interior layout modifications:

To permit lot width of 37 feet where 50 feet is required (pre existing condition)

To permit a lot depth of 34.5-45.5 feet irregular shaped lot where 50 feet is required (pre existing condition)

To permit lot frontage of 37 feet where 50 feet is required (pre existing condition)

To permit a front yard set back of 15 feet where 25 feet is required

To permit a rear yard setback of 4 feet to 15 feet irregular shaped lot where 25 feet is required

To permit lot coverage house of 28.46% where maximum allowed is 25%

And any other variances or waivers that may be required

On premises located at 42 West Shore Street, Keansburg, NJ Block 66 Lot 2.

Statement & Variance Sheet -- Continued:

8. Has there been any previous appeal involving this parcel/premises ? ☒ Yes ☐ No int: _____

If so, state date of filing: Sept 11, 2017 List all the details and results of the Appeal.

See attach Resolution of Approval

9. By filing this application does the applicant (s) waive any and all rights gained previously yes

10. Are there any open construction permits, permit fees, code violations, or court case that may with due cause prevent the Planning Board from hearing this application ? ☐ Yes ☒ No

If Yes, List details: _____

11. Attached hereto and made part thereof are all of the required 21 sets (packets) as detailed within the Checklist page (pg.1), including 21 sets of drawings, DRAWN TO SCALE, and containing all of the necessary measurements (setbacks, elevations, lot & structure square footage), and all structures and accessories (decks, garages, sheds, pools, fences, driveways, sidewalks, walks, patios, etc.) that are installed or within the confines of said property and are part and parcel of this application.

12. Check or Money Order for the Escrow (refundable balance) amount listed \$ _____

I (we), The undersigned, being duly sworn according to law upon my oath do depose and state that all of the statements contained herein are based on my own knowledge and are true and correct.

Signed: [Signature] Date: _____

* If the applicant is NOT the owner of the property herein, the owner must sign the following consent

* The foregoing application is hereby consented this _____ Day of _____ 20 _____

Owner's Signature: _____ Date: _____

Sworn to and subscribed before me on this 20th Day of

(Month) October 20 21

Notary Signature: [Signature]

Seal

Date: _____

Two (2) application packets Must have raised Seal

PAUL N. MIRABELLI
ATTORNEY AT LAW
STATE OF NEW JERSEY

NOTICE TO PROPERTY OWNERS

In the matter of Appeal: Harry Hoff

To:

You are hereby notified that Harry Hoff has appealed from the action of the Zoning Officer of the Borough of Keansburg for a variance interpretation, site plan, use variance, from Sections of the Developmental Regulations of the Borough of Keansburg, Chapter 22 of the Revised General Ordinances of the Borough of Keansburg so as to permit :

New construction of a single family home with identical footprint and size as previously approved with interior layout modifications:

To permit lot width of 37 feet where 50 feet is required (pre existing condition)

To permit a lot depth of 34.5-45.5 feet irregular shaped lot where 50 feet is required (pre existing condition)

To permit lot frontage of 37 feet where 50 feet is required (pre existing condition)

To permit a front yard set back of 15 feet where 25 feet is required

To permit a rear yard setback of 4 feet to 15 feet irregular shaped lot where 25 feet is required

To permit lot coverage house of 28.46% where maximum allowed is 25%

And any other variances or waivers that may be required

On premises located at 42 West Shore Street, Keansburg, NJ Block 66 Lot 2.

The Keansburg Planning Board of Adjustment is scheduled the hearing to be held on the day of
2021 at 7 PM in the Council Chambers of the Municipal Building, 29 Church Street, Keansburg,
NJ as the time and place for said appeal.

You or your agent or attorney are privileged to attend said hearing and may present any and all objections which you may have to the granting of the relief sought in the petition. The application and related documents are on file in the Office of the Municipal Clerk and are available for review and inspection.

/s/Harry Hoff
Harry Hoff



Borough of Keansburg

Construction Office

29 Church Street • Keansburg, New Jersey 07734
Phone: (732) 787-0215 Ext. 221 or 220 • Fax: (732) 787-3699

May 27, 2021

Harry Hoff
822 9th St.
Union Beach, NJ 07735

Re: Construct SFD - two bedrooms - Denied
42 W SHORE ST., Keansburg, NJ
Block/Lot: 66/2
Zone B-1 NOTE R-5 standards govern residential use in the zone

VARIANCE

Dear Applicant:

Regarding the above mentioned property, please be advised that your Development Permit application dated 05/17/21 is denied for the following:

1. Additions (any new construction) must meet the yard setbacks as noted in the Development Regulations of the Borough of Keansburg. The new construction would have to be setback from the street property line as set forth in 22-5.5e for a distance of twenty-five (25') feet.
2. The structure that was demolished contained approximately 636 square feet, your proposal is for a replacement structure of approximately 1,320 square feet.

I have also included a second page of 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 with any question you may have regarding the Planning Board application.

Respectfully,

Kathy Burgess
Assistant Zoning Officer, Borough of Keansburg

Cc: Construction Official
File

Borough of Keansburg

ZONING DEVELOPMENT PERMIT APPLICATION

Date: 1-7/21

Zoning Permit No. _____

The undersigned hereby applies for Zoning Approval to be issued on the basis of the representations herein.

Location of Property 42 W shore Zone RS Blk 66 Lot 2

Name of Owner/Prospective Buyer/Agent (Please Indicate ☒ Owner ☐ Buyer ☐ Agent)

HARRY HOFF Phone: 732-739-7199

Address 342 Front St. Union Beach NJ 07035

Name of Contractor HARRY HOFF Phone: 732-739-7199

Address 342 Front St. Union Beach NJ 07035

The above named applicant hereby applies for a Zoning Permit to: modify plus approved
variance, same building extension change - protected under Permit
Extension Act

Size of Property: Lot Area 1546 Sq. Ft. Frontage 37 Ft. Depth 45.5 Ft.

Principal bldg: ☒ Single Family ☐ Other _____ Building Size 440⁴² = Sq. Ft. 880 2 story

Lot Coverage (inc: All Bldgs.-driveway-Patio-Deck-Pool)=Sq. Ft. 48.56 Building Height 35

Accessory Bldg: Size: L 7 W 7 H 1 Set-Back 4/15 Set Back 7.5 / 7.5
Rear yard _____ Side Yard _____

Total # of parking spaces existing 0 Proposed 2 (Each space-9'W by 18' L)

Is new construction proposed? ☐ Yes ☐ No If yes provide details: Prior Approved variance
Internal Change to meet Request of Board

Are modifications to the site or existing bldgs. proposed? ☐ Yes ☐ No If yes, attach sketch

Property line setbacks: Front 10.5 Ft. Right side 7.5 Ft. Left Side 7.5 Ft. Rear 4/15 Ft.

Submitted herewith is a dimensional plan (Certified Survey) of the lot showing proposed work & structures. A floor plan (existing & proposed) shall be attached for projects involving additions. Details must include existing and proposed work-setback lines-existing and proposed floor plans-dimensions of all rooms and bldgs. Fence-height and type. Signs-sq' of bldg facade. Failure to submit all the above will cause project denial.

110K
Estimated Cost of Work

AL R Hoff
Signature of Applicant

Signature of Zoning Officer

Zoning Permit Fee \$25.00
Approved ☐ Denied ☐
Notes:

RESOLUTION

KEANSBURG PLANNING BOARD OF ADJUSTMENT

HARRY HOFF

42 WEST SHORE STREET

KEANSBURG, NJ

BLOCK 66, LOT 2

APPLICATION NO: 2017-9

INTRODUCTION

WHEREAS, Harry Hoff has submitted an Application to the Keansburg Planning Board of Adjustment for the property designated as Block 66, Lot 2, commonly known as 42 West Shore Street, Keansburg, NJ, within the Borough's B-1 Zone for the following approval: Potential Use Variance and Bulk Variance approval associated with a request to construct a new single-family dwelling:

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on September 11, 2017, Applicant having filed proper proof of service and publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

WHEREAS, at the said Hearing, the Board reviewed, considered, and analyzed the following:

- *Planning Board of Adjustment Application Package, dated August 22, 2017, introduced into evidence as A-1;*
- *Zoning Officer's Denial Letter, dated February 3, 2017, introduced into evidence as A-2;*
- *Architectural Floor Plan, unsigned, January 22, 2017, consisting of one-sheet, introduced into evidence as A-3.*

- *Survey, prepared by Thomas C. Finnegan, PLS, dated February 16, 2017, introduced into evidence as A-4;*
- *Survey prepared by Frederick M. Moller, dated November 18, 1959, introduced into evidence as A-5;*
- *Plot Plan, prepared by Thomas C. Finnegan, PLS, dated July 18, 2017, introduced into evidence as A-6;*
- *T and M Associates Review Memorandum, dated September 8, 2017, introduced into evidence as A-7;*
- *Aerial Photograph introduced into evidence as A-8;*
- *Communication from the Applicant's representatives, to a neighboring Owner, regarding potential purchase/sale, sent on or about February 23, 2017, introduced into evidence as A-9;*
- *Communication from the Applicant's representatives, to a neighboring Owner, regarding potential purchase/sale, sent on or about February 23, 2017, introduced into evidence as A-10;*
- *Communication from the Applicant's representatives, to a neighboring Owner, regarding potential purchase/sale, sent on or about February 23, 2017, introduced into evidence as A-11;*
- *Affidavit of Service; and*
- *Affidavit of Publication;*

WITNESSES

WHEREAS, sworn testimony in support of the Application was presented by the following:

- Marc Leber, Professional Planner;
- Harry Hoff, the Applicant;
- Paul Mirabelli, Esq., appearing

WHEREAS, Edward Striedl, the Borough's Zoning Officer, was also sworn with regard to any testimony / information he would provide in connection with the Application; and

WHEREAS, Robert F. Yuro, P.E., CME, the Board Engineer, was also sworn with regard to any testimony / information he would provide in connection with the Application; and

TESTIMONY AND OTHER EVIDENCE SUBMITTED ON BEHALF OF THE
APPLICANT

WHEREAS, testimony and other evidence presented on behalf of the Applicant revealed the following:

- The Applicant is the Owner of the subject property.
- The Applicant has owned the subject property since approximately July, 2017.
- The subject property contains 1,546 sq. ft.
- Upon information and belief, there was a single-family home at the site until about 1996/1997.
- The previously existing home was demolished.
- The site/lot is now vacant.
- The Applicant proposes to construct a new single-family home at the site.
- The proposed home, as modified, will include the following:

Garage Level:

Garage

Main Floor:

Kitchen
Dining Room
Living Room
Foyer
Powder Room
Deck

Second Floor:

Bedroom # 1

Bathroom

Note the plan as initially submitted proposed two-bedrooms, but during the Public Hearing process, the Applicant modified the Plan so that there will only be one-bedroom.

- The materials associated with the proposed new single-family home include the following:
 - a) Vinyl Siding
 - b) Asphalt shingle roof.
- The first floor of the structure will not be habitable, in accordance with prevailing FEMA Regulations.
- It is anticipated that the construction process will be completed in the very near future.
- The Applicant will be utilizing licensed Contractors in connection with the building process.

VARIANCES

WHEREAS, the Application as submitted requires approval for the following Variances:

GENERAL RELIEF: Per the prevailing Zoning Regulations, no building or structure shall be moved, altered, added to, enlarged, etc., unless the same is in conformance with all of the specified Zoning Regulations.

USE VARIANCE: The B-1 Zone allows detached single family dwellings, provided the same satisfy the prevailing R-5 bulk requirements. In the within situation, the proposed home does not satisfy all prevailing R-5 bulk requirements and thus, potential Use/"d" variance relief is necessary.

LOT AREA: 5,000 square feet required; whereas 1,546 square feet exists, which is an existing condition.

FRONT YARD SETBACK: 25 feet required; whereas 10.5 feet proposed;

SIDE YARD SETBACK: 7.5 feet required; whereas 4 feet proposed;

COMBINED SIDE YARD SETBACK: 15 feet required; whereas 11.5 feet proposed.

REAR YARD SETBACK: 25 feet required; whereas 4 feet proposed.

POTENTIAL MINIMUM LOT CIRCLE VARIANCE: 35 feet required; whereas less than the same proposed.

LOT COVERAGE (PRINCIPAL BUILDING): Maximum 25% allowed; whereas 28.46% proposed.

LOT COVERAGE (ALL): Maximum 50% allowed; whereas 55.17% proposed.

PUBLIC COMMENTS

WHEREAS, no members of the public expressed any questions, comments, objections, or concerns regarding the Application.

FINDINGS OF FACT

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of Adjustment of the Borough of Keansburg, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **granted with conditions**.

In support of its decision, the Board of Adjustment makes the following Findings of Fact and Conclusions of Law:

1. The Keansburg Planning Board of Adjustment has proper jurisdiction to hear the within matter.
2. The subject property is located at 42 West Shore Street, Keansburg, NJ, within the Borough's B-1 General Commercial Zone.
3. The subject property is currently vacant.

4. The subject property contains 1,546 sq. ft. (whereas 5,000 sq. ft. lot area is otherwise required in the zone.)

5. The subject lot is an isolated, undersized lot.

6. The Applicant is proposing to construct a single-family home on the lot.

7. Such a proposal requires approval for several Bulk Variances and a Use Variance.

8. The Keansburg Planning Board of Adjustment is statutorily authorized to grant such relief and therefore, the matter is properly before the said entity.

9. With regard to the Application and the requested relief, the Board notes the following:

- As referenced, the site is an isolated and undersized Lot and, as such, the Applicant's proposal is to be generally reviewed and analyzed in conjunction with the Case entitled Dallmeyer vs. Lacey Tp. Board of Adj. (219 N.J. Super 134 Law Div. 1987). Though the potential Use/"d" Variance relief complicates the matter, given that single family dwellings are technically permitted in the zone, the Board finds that analysis of the case under the Dallmeyer standard is appropriate.
- In the said Case, Judge Serpentelli summarized what the Law requires of Applicants in an isolated undersized Lot Case. Specifically, in such Cases, the Applicants should:
 - a) *Be required to carry the burden of proof, as in all other Cases, as to both the positive and negative criteria;*
 - b) *Demonstrate that efforts were made to bring the property into conformity with the Zoning Ordinance by attempting to acquire adjacent property or by offering to sell the non-conforming property to adjacent Owners;*
 - c) *Submit detailed Plans of the proposed house which describe its appearance and prove its compliance with the Building Code;*
 - d) *Attempt, where applicable, to demonstrate compliance with a Use, Side Yard, and Setback Requirements and location of the house among other homes on small tracts with similar frontages;*

- e) *Attempt to demonstrate that the proposed use does not violate any traditional Zoning purposes such as light, air, and open space.*

The Board should:

- 1. Evaluate the testimony to determine whether it should elicit additional information to supplement the Record;*
- 2. Make specific Findings of Fact based on the Record to support its conclusion;*
- 3. Consider whether, in lieu of denying an Application, it can approve it subject to reasonable conditions which would modify the proposal and obviate or minimize any negative impact;*
- 4. Remember to be conscientious in its review of the facts since outright denial may amount of confiscation thus requiring condemnation by the Municipality.*

*New Jersey Zoning and Land Use
Administration by William M. Cox
/ Stuart R. Koenig Citing the Dallmeyer Case*

- The Land Use Board has generally reviewed and adjudicated the Application in accordance with the said Standards / Guidelines.
- During the Hearing, the Applicant's representatives advised / suggested that they were unable to acquire any adjacent lands. Additionally, the Applicant's representatives supplied documentary proof that attempts to acquire adjacent lots and/or attempts to sell the subject lot were made, albeit in an unsuccessful fashion. As a result of the above, the Board finds that the Applicant's representatives sufficiently demonstrated that they attempted, in good faith, to bring the undersized property into conformity with the Prevailing Bulk / Area Zoning Requirements, and/or that the same was just not feasible / practical.
- The Applicant's representative submitted detailed plans of the proposed home which sufficiently described its appearance. Additionally, subject to the conditions set forth herein, the proposed home will comply with the Prevailing Building Code Requirements.
- Based upon the testimony/evidence presented, construction of the proposed home will continue the pattern of existing development in the area.

- Although the subject property is located in the Borough's B-1 Zone, detached single family dwellings are permitted, provided the same satisfy the prevailing bulk requirements of the R-5 zoning district.
- The single family home proposed herein does not meet / satisfy all prevailing R-5 zoning requirements and thus, potential Use/"d" Variance relief is required hereunder.
- Notwithstanding the potential Use/"d" Variance, single family use is contemplated in the zone.
- The subject lot is surrounded by other single family dwellings, and thus, approval of the within application will not be inconsistent with the immediate neighborhood.
- The Board Members engaged in a good faith debate as to the overall merits of the Application. The reasons for approving the Application are set forth elsewhere herein and include aesthetic reasons, historic single family use at the site, consistent with the character of development in the neighborhood, the hardship, the generally permitted nature of the Application, the historic single family use of the lot, and the lack of detrimental impact. Opposition to the Application generally centered upon the general reluctance to grant Use/"d" Variance relief, the number of bulk variances required, and potential detrimental impact associated with the matter after such a good faith debate, and analysis, a majority of the Board determined that the benefits of approval outweighed any potential detriments associated therewith.
- The Application as initially presented, called for a 2 bedroom home. Board Members had concerns regarding a 2 bedroom home could overtax the lot. In response, the Applicant agreed to modify the Plans so as to provide for a 1 bedroom home. The said modification assuaged the concerns of the Board Members.
- Board Members were not inclined to approve a 2 bedroom home for the site, and but for such a modification, the within Application would not have been approved.
- The subject Lot is an appropriate host site for a small single-family home.
- Continued single-family use at the site (for a small home) is appropriate under the circumstances.
- The construction of a brand-new home on the site will result in a significant aesthetic improvement.

- The construction of a brand new single-family home at the site, which complies with all Prevailing Building and Construction Codes, will be beneficial for the Borough of Keansburg and the neighborhood.
- The setbacks approved herein are generally consistent with the neighborhood.
- The front and side setbacks approved herein are generally consistent with the preexisting setbacks at the site.
- Per the testimony presented, the home approved herein will have an elevation which is consistent with prevailing Flood Regulations.
- The elevation of the proposed home should likely reduce the risk of future storm damage at the site.
- Subject to aesthetic concerns, Zoning concerns, and standards of reasonableness, there is a legitimate Borough-related interest in having homes / structures built in a manner which may likely withstand major damage from future storms and / or from future storm-related surges.
- The new home approved herein will satisfy all prevailing / updated Building Code Regulations, Construction Code Regulations, and Flood Regulations.
- Approval of the within Application will not materially change the historic single-family nature of the lot.
- Approval of the within Application will not materially change the intensity of the previously existing / continued single family use at the site.
- The home approved herein is in the same general location as the existing home (although some of the setbacks have been approved).
- There were no known public objections associated with the Application.
- The size of the Lot limits the development options associated with the within site.
- The proposal approved herein is reasonable, given the site constraints, given the nature / location of the existing home, and given the Requirements of the Revised Flood Regulations.
- Subject to the conditions contained herein, the proposed new home will not have any significant detrimental impact on adjoining property owners.
- Subject to the conditions contained herein, approval of the within Application will improve the overall appearance of the area.

- Approval of the within Application will result in the construction of a new home which will be better able to withstand damage from future flooding. Additionally, approval will also improve the quality of life for the Homeowner / Applicant.
- Subject to the conditions set forth herein, the subject Lot is an appropriate host for a single-family home.
- The Board recognizes the lot coverage approved herein is less than the lot coverage which previously existed at the site (with the previously existing home).
- Per the testimony and evidence presented by the Applicant's witnesses, there are a number of other undersized lots in the area – including the following:
 - a. 127 Carr Avenue
 - b. 131 Carr Avenue
 - c. (Unidentified #) West Shore Street
 - d. 44 West Shore Street;
 - e. 21 East Shore Street;
 - f. 23 East Shore Street;

Thus, the Board finds that the size of the subject lot will not be inconsistent with the sizes of other non-conforming lots in the immediate area.

- Given the lay-out of the Lot and the undersized nature of the same, the location of the proposed home is appropriate and practical.
- The height of the proposed home will comply with the Borough's Prevailing Height Requirements. That is, 35 ft. is allowed in the Zone – and, per the testimony and evidence presented, the proposed home will have a conforming height of approximately 24.54 feet.
- The subject Lot is a small lot, containing only 1,546 sq. ft.
- The proposed 2 story home is modest in nature.
- Subject to the conditions set forth herein, the home approved herein will not overpower / overwhelm the subject Lot.

- Subject to the conditions set forth herein, the home approved herein will not overpower / dwarf other homes in the area.
- The undersized nature of the Lot significantly restricts the size / nature / layout of any proposed home.
- The undersized nature of the subject Lot constitutes a hardship.
- As indicated, the Application requires approval for a Lot Area Variance (5,000 sq. ft. required whereas 1,546 sq. ft. exists). As indicated, the said condition is an existing condition, which will not be exacerbated as a result of the within approval.
- Per the testimony and evidence presented, under the Borough's Prevailing Regulations the site is required to have 2 off-street parking spaces – and 2 such spaces are proposed. Thus, no Parking Variance is required in connection with the Application.
- The existence of sufficient and appropriate parking at the Site is an important consideration – and but for the same, the within application may not have been approved.
- The Board finds that the two-story home has been very efficiently designed.
- The two-story nature of the home will be consistent with other single-family homes in the area.
- The undersized nature of the lot limits design / development options otherwise available to the Applicant.
- A brand new, energy-efficient home to be constructed on the site will be beneficial for the property, the neighborhood, and the Borough as a whole.
- The construction of a brand-new home on the site will aesthetically improve the neighborhood.
- Per the representations of the Applicant's representatives, the proposed single-family structure will comply with the Borough's Prevailing Height Regulation and therefore, no Height Variance is required.
- The undersized nature of the Lot significantly restricts the Applicant's ability to comply with all of the Prevailing Bulk Coverage Requirements. That is, the very small Lot Area limits the size of the home which can be constructed on the site. Additionally, the Board notes that any significant reduction in the size of the proposed home would limit the functionality / aesthetic appeal of the same.

Moreover, a reduction in the size of the proposed home could likely compromise the ability of the new home to comply with Prevailing / Modern Building / Fire Code Regulations.

- The Board notes that there were no public objections associated with the Application.
- The Board finds that sufficient testimony has been presented for the Application to be adjudicated – and the Board furthermore finds that, subject to the conditions contained herein, there is no need to elicit additional information to supplement the record.
- Subject to the conditions contained herein, the architectural / aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with the Specified Bulk Standards.
- The architectural design of the proposed home will not be inconsistent with the architectural design of other single-family homes in the area (on similarly sized lots).
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.
- Approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.
- The improvement to be constructed herein will not be inconsistent with other improvements located within the Borough (on similarly sized lots).
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).

For the above reasons, and for the other reasons set forth in the public hearing process, a majority of the Board is of the opinion that the requested relief can be granted without causing substantial detriment to the public good.

CONDITIONS

During the course of the Hearing, the Board has requested, and the Applicant has agreed, to comply with the following conditions: (Note: Unless otherwise indicated, all Plan Revisions shall be subject to the review and approval of the Board Engineer.)

- a. The Applicant shall comply with all promises, commitments, and representations made at or during the Public Hearing Process.
- b. The Applicant shall comply with the terms and conditions of the T&M Associates Review Letter, dated September 8, 2017 (A-7).
- c. The home shall only be utilized and occupied as a 1 bedroom home.
- d. The first floor of the residence shall not be utilized as habitable space (in accordance with prevailing FEMA Regulations).
- e. The Applicant shall obtain all applicable approvals from outside Agencies having jurisdiction over the matter.
- f. Grading and drainage details shall be submitted to the Board Engineer, for his review and approval.
- g. Unless waived by the Board Engineer, the Applicant shall submit an Elevation Certificate to the Zoning Officer / Borough Engineer, so as to confirm that the newly constructed home will comply with all Prevailing FEMA Regulations.
- h. Unless otherwise waived by the Board Engineer, the Applicant shall cause the Plans to be revised so as to portray and confirm the following:
 - i. That the home improved herein shall only contain one bedroom (i.e. The Applicant shall arrange to have the walls between the two bedrooms removed, as well as one closet removed. The said modification will result in the one bedroom having a size of approximately 10.2 feet by 18 feet).
 - ii. That a note confirming that the grading / drainage associated with the new construction shall not adversely impact the adjoining properties.
- i. The construction work shall be performed by licensed contractors.

- j. If the driveway, sidewalk, curbs and/or aprons are damaged during the demolition / rebuilding process, the Applicant shall repair / replace the same, as necessary.
- k. If applicable, the Applicant shall cause the Plans to be revised so as to portray and confirm that the home will be raised so as to comply with Prevailing Flood Regulations.
- l. The Applicant shall obtain all appropriate / necessary permits.
- m. The Applicant shall comply with all applicable Affordable Housing related regulations/ordinances/obligations/contribution as required by the State of New Jersey, the Council on Affordable Housing, the Borough of Keansburg, the Court System, and any other Agency having jurisdiction over the matter.
- n. Unless otherwise waived, the Applicant shall comply with all terms and conditions of the review memoranda, if any, issued by the Board Engineer, Construction Office, the Department of Public Works, the Office of the Fire Prevention and Investigation, and/or other agents of the Borough.
- o. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable internal / outside agencies - including, but not limited to, the United States of America (FEMA), the Department of Environmental Protection (CAFRA), the Monmouth County Planning Board, the Freehold Soil Conservation District, the local utility offices, the Department of Public Works, the local Fire Department, and any other agency having jurisdiction over the matter.
- p. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay (or arrange for the satisfaction of) all appropriate/required fees, taxes, and inspection fees.
- q. If required by the Board Engineer, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Keansburg.
- r. Unless otherwise agreed by the Zoning Board, the within approval shall be deemed abandoned, unless, within 24 months from adoption of the within Resolution, or any agreed upon extension, the Applicant obtains a Certificate of Occupancy for the construction approved herein.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant and/or his agents shall be deemed conditions of the approval granted herein, and any misrepresentations or actions by the Applicant's representatives contrary to the representations made before the Board shall be deemed a violation of the within approval.

BE IT FURTHER RESOLVED, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application would not be approved.

BE IT FURTHER RESOLVED, that the granting of the within Application is expressly made subject to and dependent upon the Applicant's compliance with all other appropriate Rules, Regulations, and/or Ordinances of the Borough of Keansburg, County of Monmouth, and State of New Jersey.

BE IT FURTHER RESOLVED, that the action of the Board in approving the within Application shall not relieve the Applicant of responsibility for any damage caused by the subject project, nor does the Planning Board of Adjustment of the Borough of Keansburg, the Borough of Keansburg, or their agents/representatives accept any responsibility for the proposed development / construction.

FOR THE APPLICATION: Mr. Donaldson, Mr. McKenna, Mr. Falco, Mr. Donohue, Mr. Mankowski, Mr. Preston,

AGAINST THE APPLICATION: Mr. M. Flynn,

ABSTENTIONS: None

The foregoing Resolution was offered by: Mr. Falco and Seconded by Mr. Mankowski,
and adopted by Roll Call Vote:

IN FAVOR: Mr. Flynn, Mr. Preston, Mr. Donaldson, Mr. Falco, Mr. Mankowski, Mr.

Donaldson,

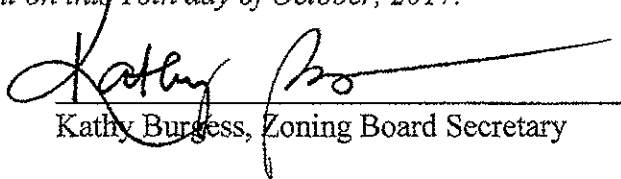
OPPOSED: Mr. M. Flynn,

ABSTAINED: Ms. Perkel,

INELIGIBLE: Ms. Perkel,

ABSENT: Mr. Cocuzza, Mr. McKenna,

*I hereby certify that the foregoing is a true copy of a Resolution adopted by the
Keansburg Planning Board of Adjustment on this 16th day of October, 2017.*


Kathy Burgess, Zoning Board Secretary

KEK/dmp
<https://kevinkennedylaw.sharepoint.com/Municipal/Keansburg/HOFF/RESOLUTION.doc>

[illegible][illegible]

1 FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

Floor plan of the first floor of the building. The plan shows a large central hall with a staircase, a large room labeled 'RECEPTION' and 'RECEPTION', and a large room labeled 'RECEPTION' and 'RECEPTION'. There are also several smaller rooms, including a 'RECEPTION' room, a 'RECEPTION' room, and a 'RECEPTION' room. The plan includes dimensions for various rooms and a scale bar.

Architectural drawing of the second floor of the 'MUSEUM OF THE FUTURE' building. The drawing shows a large rectangular space with a grid of columns and a series of stairs on the right side. The stairs are labeled 'STAIRS TO THIRD FLOOR' and 'STAIRS TO FIRST FLOOR'. The ceiling is labeled 'CEILING HEIGHT 12'-0"'. The floor is labeled 'FLOOR FINISH'. The walls are labeled 'WALLS TO BE CONCRETE'. The drawing is oriented vertically on the page.

Architectural floor plan of the first floor of the "Dorset and Dorset" building. The plan shows a large central hall with a staircase, a large room labeled "LARGE ROOM", and a smaller room labeled "SMALL ROOM". There are several smaller rooms, including a "BATH" and a "TOILET". The plan is heavily dimensioned with measurements in feet and inches. The overall dimensions are 28'-0" by 34'-0". The plan is oriented with the entrance at the top left.

NOTE: THIS DRAWING IS APPROVED ONLY FOR THE SCOPE OF WORK INDICATED ON THE DRAWINGS. ALL OTHER MATTERS SHOWN ARE NOT TO BE RELIED UPON OR CONSIDERED AS EITHER BEING APPROVED BY THIS ARCHITECT AND HIS CONSULTANTS OR IN ACCORDANCE WITH APPLICABLE CODES AND STANDARDS.








REFER TO CIVIL
DRAWINGS FOR
SITE INFORMATION

0 FOUNDATION PLAN
SCALE: 1/4"=1'-0"

Architectural drawing of the side elevation of a building. The drawing shows a long, low structure with a series of vertical lines representing siding or panels. A small, square, light-colored feature is visible on the left side. The drawing is oriented vertically on the page.

[illegible][illegible]

CONSTRUCTION LEGEND

	NEW WOOD FRAME SHELL
	SEE WALL, THRU ON EARTH
	NEW LOW WALL
	SEE FOUNDATION PLAN
	NEW DECK
	NEW WINDOW - SEE WINDOW SCHEDULE
	NEW TYPEWRITER ENCLOSURE

TWO
STORY
FRAME
DWELLING

HOUSE NO. 133 CARR AVENUE

LOT 364 UN-FILED MAP

TAX MAP
LOT 4

PRIOR LAND SURVEY MERIDIAN
BY FREDERICK M. MOLLER, P.L.S.
DATED NOVEMBER 18th 1959
AND SURVEY BY THOMAS FINNEGAN
DATED FEBRUARY 16, 2017

HOUSE NO. 131
CARR AVENUE

"VACANT LOT"

TAX MAP
LOT 3

BLOCK 19
PART OF LOT 363 FILED MAP

S 89° 45' 00" W

PART OF LOT 363 U.F.M.

TAX MAP
LOT 1

PART OF LOT 362
ON UN-FILED MAP

TWO STORY FRAME AND
MASONRY BUILDING

HOUSE NO. 127
CARR AVENUE

SECOND
STORY
WOOD
DECK

63.00' TO THE
WESTERLY
SIDE OF
CARR AVENUE

PROPOSED
TWO STORY
ELEVATED
FRAME
DWELLING
WITH GARAGE
ENCLOSURE
GAS FL. ELEVATION 5.0'

PROPOSED
COVERED DECK

PROPOSED
DRIVE

PROPOSED
WALK OVER

PROPOSED
WALK OVER

PROPOSED
WALK OVER

PROPOSED
WALK OVER

PROPOSED
WALK OVER

PROPOSED
WALK OVER

PROPOSED
WALK OVER

PROPOSED
WALK OVER

PROPOSED
WALK OVER

PROPOSED
WALK OVER

LOT 358 UN-FILED MAP

TAX MAP
LOT 15

"VACANT LOT"

HOUSE NO. 44

HOUSE
NO. 46

ONE WAY

WEST SHORE STREET

WATER

WATER

CONC. GUTTER

CONC. WALK

