



YOUR GOALS. OUR MISSION.

KNPB-R2060

May 30, 2024  
Via Email and Regular Mail

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

**Re: New Dwelling/Bulk Variance Requests  
Blue Skies Holdings, LLC  
204 Shore Boulevard  
Block 41, Lot 5  
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 elevated two (2) story, 2-bedroom, single-family frame dwelling located at 204 Shore Boulevard. The applicant has submitted the following documents in support of this application:

1. Architectural Plans prepared by Albert Ondar, A.I.A., of A. Ondar Design, undated, consisting of three (3) sheets.
2. Property Survey of 202 & 204 Shore Boulevard, prepared by Herbert A. Lauterwald, Jr., P.E., dated January 8, 2018, last revised November 3, 2018, consisting of one (1) sheet.
3. Location Survey of Lot 5 in Block 41, prepared by James B. Goddard, P.L.S., of Land Control Services, LLC, dated May 22, 2024, consisting of one (1) sheet.
4. Site Plan Application Packet, prepared by Michael Konecny of Blue Skies Holdings, LLC, dated March 21, 2024.
5. Certification of Taxes for 204 Shore Blvd. prepared by Thomas P. Cusick, CTC, of the Borough of Keansburg, dated March 15, 2024.
6. Certified List of Property Owners Within 200' prepared by Gerald Briscione, CTA, of the Borough of Keansburg, dated March 15, 2024.
7. Letter of Denial, prepared by Kathy Burgess, Assistant Zoning Officer, of the Borough of Keansburg Construction Office, dated February 2, 2024.

#### **A. Project Description**

The subject property, also known as 204 Shore Boulevard, is an undersized vacant lot located within the Single Family Residential (R-7) Zoning District. The existing property is a corner lot with frontage along Shore Boulevard to the north and Morningside Avenue to the east and contains an open space which neighbors a three-story single-family dwelling (202 Shore Boulevard) to the west. The property is located in the "AE" Flood Zone, with a flood elevation of 11 feet.

The applicant is seeking approval for construction of a new elevated two (2) story, 4-bedroom, 1,878 SF single-family dwelling with an elevated rear deck and associated platforms. The ground



floor of the proposed building will be used as a garage and storage space with access provided via a new driveway extended from Shore Boulevard, and the upper two floors will be used as living spaces. This project was previously denied a development permit for not meeting requirements for several variances related to setbacks and lot size as indicated in the denial letter dated February 2, 2024.

**B. Bulk Requirements**

In accordance with Section 22-5.5 of the Ordinance, the existing and proposed bulk deficiencies for the proposed structure are noted as follows:

	DESCRIPTION	REQUIRED	EXISTING	PROPOSED
1	Minimum Lot Area	7,500 SF	5,992 SF <sup>(E)</sup>	5,992 SF <sup>(V)</sup>
2	Minimum Lot Frontage	75'	54.66' <sup>(E)</sup>	54.66' <sup>(V)</sup>
3	Minimum Front Yard Setback (Morningside Avenue) (Shore Boulevard)	25' 25'	N/A N/A	13' <sup>(V)</sup> 25'
4	Minimum Side Yard Setback	10'	N/A	11'
5	Minimum Side Yard Setback - <i>Total</i>	20'	N/A	11' <sup>(V)</sup>
6	Minimum Rear Yard Setback	25'	N/A	16' <sup>(V)</sup>
7	Min. Gross Residential Ground Floor Area	600 SF	N/A	?
8	Maximum Lot Coverage – <i>Principal Bldg.</i>	25%	N/A	27% <sup>(V)</sup>
9	Maximum Lot Coverage – <i>All</i>	50%	N/A	?
10	Maximum Building Height	2 ½ Stories (35')	N/A	2 ½ Stories (34'-9")
11	Minimum Improved Off-Street Parking*	3	N/A	2

(E) – Existing Nonconformity

(C) – Calculated

(W) – Waiver

(V) – Variance

NA – Not Applicable

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

\*Exhibit 1, (Subsection 22-9.3) of the Ordinance requires a total of two (2) Off-Street Parking Spaces for the proposed 2-bedroom, single-family frame dwelling. Specifically, 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 curblin. 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.”

**We note that the applicant is proposing a two-car garage and driveway combination, however, the length of the driveway from the face of the garage door to the existing sidewalk is unclear on the Site Plan provided on the Architectural Plans set. A dimension has been provided for the longer front yard setback of the proposed building of 37.42 feet, which complies with the Ordinance standards as a standalone measurement for driveway length, however, the exact length and width of the driveway on the building frontage is unable to be**



determined from the provided Site Plan. The applicant shall revise the plans to better indicate the dimensioning of the driveway length for determination of compliance.

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 noted in the chart above, as well as variances per the below Sections of the Ordinance regarding construction of non-compliant structures, as listed below:

1. 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 2-story single-family dwelling which does not meet the bulk regulations of the (R-7) Zoning District.**

2. Section 22-5.4.e of the Ordinance states that standards and regulations shall be in accordance with the schedule referred to in Section 22-5. **We note the property is an undersized lot with an area of 5,992 square feet, whereas the minimum lot area required in the R-7 Single Family Zone is 7,500 square feet. In addition, the proposed dwelling as it is shown on the provided plan set will require several setbacks variances in accommodation for the undersized lot.**

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. Design Waivers**

1. The following design waivers are required:
  - a. Section 22-8.5.a.1 of the Ordinance states that landscaping shall be provided as part of a site plan and subdivision, whereas no landscaping has been provided. The applicant shall indicate whether this requirement will be met or a design waiver required.
  - b. Section 22-8.5.b of the Ordinance requires a landscape plan be prepared by a certified landscape architect and submitted with each subdivision or site plan application, whereas no landscaping has been provided. The applicant shall indicate whether this requirement will be met or a design waiver required.
  - c. Section 22-8.5.d.1 of the Ordinance requires street trees to be planted along all roadway frontages at intervals determined by the type of tree to be planted, whereas no landscaping has been provided. Street tree selection shall be made from the tree list contained in Ordinance Section 19-3. The applicant shall indicate whether this requirement will be met or a design waiver required.

#### **E. Technical Engineering Review**

1. The applicant has not provided a zoning table for review of the Bulk Zoning requirements in the R-7 Zone. In addition, the applicant has provided two surveys with little proposed improvements shown on Block 41, Lot 5. The applicant shall revise the plan to show the zoning table for the R-7 Zone, grading, drainage, and utility information. This information is necessary for the board and professionals to review the application and make an informed decision.
2. As previously mentioned, determination of the driveway width and length from the face of the garage door to the sidewalk on Shore Boulevard is unclear based on the provided Site Plan within the Architectural Plan set. As the frontage of the lot is angled when approaching the Morningside Avenue intersection, the length of the shorter side of the driveway, as well as the width between the two sides, is undeterminable with the provided plan. The plan shall be revised to clearly indicate driveway width and length in comparison to Ordinance standards for determination of compliance.



3. The provided Site Plan does not include the proposed elevated deck in the rear yard on the view frame. It appears that the inclusion of the elevated deck will require revisions to the rear yard setback measurement currently shown on the plan. The applicant shall request a variance for the deficient setback and the plan shall be revised to indicate the setback distance to the rear property line.
4. The applicant shall provide testimony regarding the location of the associated AC unit for the proposed dwelling. In accordance with Section 22-8.4.a.6, electrical and mechanical equipment shall be screened from the public view, within and from the outside of the development, by a fence, wall or mature landscape materials, compatible with the exterior design of building within the development.
5. 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.
6. A utility plan has not been provided for the proposed dwelling. The applicant shall provide testimony regarding the utility connections or improvements necessitated by the subject application. All proposed utility improvements shall be shown on the plans including proper trench restoration.
7. The plan shall be revised to provide spot elevations at the corners of the dwelling and throughout the property to demonstrate no surface runoff impacts to the adjoining properties.
8. It should be noted that this 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 that may be required.
9. 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.
10. We defer to the Building Department for review of the architectural plans for ADA compliance.
11. The applicant shall provide testimony regarding the location of the proposed electric meter. JCPL requires the meter to be located at or above the BFE 11'. Information on positioning of electrical and mechanical equipment has not been provided on the provided plan set.
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.
13. The following construction details shall be provided and comply with the standards of the Borough Ordinance:
  - a. Driveway pavement
  - b. Utility connections



- c. Utility trench repair
- d. Proposed drainage structures

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

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ROBERT F. YURO, P.E., C.M.E.  
BOROUGH OF KEANSBURG  
PLANNING BOARD OF ADJUSTMENT ENGINEER

RFY:LZ:STF

cc: Kevin Kennedy, Esq., Board Attorney, email: kennedylaw@verizon.net  
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