



YOUR GOALS. OUR MISSION.

KNPB-R2050

June 26, 2024
Via Email and Regular Mail

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

**Re: Four A Realty, LLC
Preliminary & Final Major Site Plan with Use & Bulk Variance & Minor Subdivision Plan
Multi-Unit Townhouse
103-115 Creek Road
Block 70, Lots 11, 12 & 13
Single Family Residential (R-7) Zone
First Engineering Review**

Dear Board Members:

As requested, our office has reviewed the above referenced application for preliminary and final major site plan with Use & Bulk Variance & Minor Subdivision approval. The applicant submitted the following documents in support of this application:

1. Application package.
2. Use Variance, Major Site & Minor Subdivision Plan prepared by Joseph Mele, P.E. & P.L.S., of MidAtlantic Engineering Partners, LLC, dated March 4, 2024, consisting of ten (10) sheets.
3. Boundary and Topographic Survey prepared by Suzanne E. Warren, P.L.S. of MidAtlantic Engineering Partners, LLC, dated December 13, 2023, consisting of one (1) sheet.
4. Plan of Survey prepared by Suzanne E. Warren, P.L.S. of MidAtlantic Engineering Partners, LLC, dated December 20, 2019, consisting of one (1) sheet.
5. Architectural Plans prepared by David L. Businelli, of Studio Architecture LLC, dated March 22, 2024, consisting of seven (7) sheets.
6. Stormwater Management Narrative prepared by prepared by Joseph Mele, P.E. & P.L.S., of MidAtlantic Engineering Partners, LLC, dated March 4, 2024.

A. Project Description

The 11,047 square foot (0.25 acre) tract consists of two (2) lots and is currently developed with a one-story frame residential dwelling with associated frame shed, paver patios, wood deck and concrete walk on Lot 13 and a frame shed and wood dock on Lot 12. Each lot is accessed via a driveway cut extending from Creek Road. The site is located in the Single Family Residential (R-7) Zone with frontage along west side of Creek Road. The applicant is seeking preliminary and final major site plan use and bulk variance and minor subdivision approval for demolition of the existing improvements on the property to construct a three-story multi-unit townhouse building consisting of one (1) one-bedroom unit, one (1) two-bedroom unit and two (2) three-bedroom units. Attached one car garages for 1-bedroom units and two car garages for 2-bedroom and 3-bedroom



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units are provided on the ground floor. The proposed multi-unit townhouse building is not a permitted use in the Single Family Residential (R-7) Zone. A d(1) use variance is required.

B. Bulk Requirements

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

	DESCRIPTION	REQUIRED	EXISTING (LOTS 11 & 12)	PROPOSED (LOT 11.01)	EXISTING (LOT 13)	PROPOSED (LOT 13.01)
1	Minimum Lot Area	7,500 SF	10,643 SF	11,357 SF	5,951 SF ^(E)	5,237 SF ^(V)
2	Minimum Lot Frontage	75'	149'	152'	64.8' ^(E)	62.1' ^(V)
3	Minimum Front Yard Setback	25'	1.39' ^(E)	5.4' ^(V)	11.4' ^(E)	11.4' ^(V)
4	Minimum Side Yard Setback	10'	13.82'	2.8' ^(V)	8.0' ^(E)	5.2' ^(V)
5	Minimum Side Yard Setback - Total	20'	42.3'	16.1' ^(V)	16.8' ^(E)	13.2' ^(V)
6	Minimum Rear Yard Setback	25'	33.97'	29.4'	52.7'	52.7'
7	Minimum Lot Circle	55'	<55' ^(E)	<55' ^(V)	<55' ^(E)	<55' ^(V)
8	Min. Gross Residential Ground Floor Area	600 SF	984 SF	2,490 SF	944 SF	944 SF
9	Maximum Lot Coverage – Principal Bldg.	25%	9.2%	21.9%	15.9%	18.0%
10	Maximum Lot Coverage – All	40%	16.1%	32.2%	17.0%	19.3%
11	Maximum Building Height	35' / 2.5 Stories	16'	48' / 4 Stories ^(V)	1 Story	1 Story

(E) – Existing Nonconformity

(V) – Variance



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C. VariANCES Required

In order to approve this application, the Board would have to grant variances for the bulk conditions 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 22-5.2c** – *"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 demolish an existing non-compliant building and construct a new non-compliant multi-unit townhouse building.
2. **Section 22-5.3.b** – *"Any use not specifically listed as a permitted use, an accessory use, or a conditional use shall be deemed a prohibited use."* The multi-unit townhouse building is not specifically listed as a permitted use or conditional use in the Single Family Residential (R-7) Zone and therefore is a prohibited use.

In order for the Board to approve any "d" variances, the applicant must satisfy the following:

Positive Criteria

There are two prongs to the positive criteria that the applicant must satisfy, as follows:

That the site is particularly suited to the use. The applicant must prove that the site is particularly suited to the use.

There are special reasons that allow a departure from the zoning regulations in this particular case. The applicant must prove that special reasons support the grant of the variance. The only acceptable special reasons for the grant of a "d" variance would be proof that the variance promotes the purpose of zoning, or proof of undue hardship. The purposes of zoning are established by the Municipal Land Use Law (N.J.S.A. 40:SSD-2) and the applicant must demonstrate that the variance promotes one or more of those purposes to establish special reasons. Alternatively, the applicant may offer as a special reason proof that that refusal to grant the variance would result in undue hardship. Proof of undue hardship for a "d" variance requires that the applicant prove that the property cannot be reasonably adapted to conform to the zone requirements.

Negative Criteria

There are two (2) prongs to the negative criteria that the applicant must satisfy, as follows:



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That the variance can be granted without substantial detriment to the public good. This prong requires an evaluation of the impact of the variance on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.

That the variance will not substantially impair the intent and purpose of the zoning plan and ordinance. The Board of Adjustment is precluded by the negative criteria from granting any "d" variance relief unless an applicant demonstrates that the variance will not substantially impair the intent and purpose of the zone plan. The process for zoning decisions is through the recommendations of the municipal master plan as implemented through zoning ordinances adopted by the governing body. This establishes the zones, standards, and requirements for the development of the municipality. The Board of Adjustment is precluded by the negative criteria from granting any "d" variance relief unless an applicant demonstrates that the variance will not substantially impair the intent and purpose of the zone plan. If the grant of a variance substantially alters the municipality's zone plan, the action is impermissible because it usurps the zoning power of the governing body and undermines the municipal planning process.

D. Design Waivers

1. The following design waivers are required for the proposed Multi-Family Development in accordance with Section 22-8.4b:
 - a. Section 22-8.4b3 of the Ordinance states that easy access to outdoor space and parking from all residential units should be provided, whereas no outdoor space and parking are provided. Testimony shall be provided of a design waiver is required.
 - b. Section 22-8.4b7 of the Ordinance states that screened area or areas for storage of refuse and recyclables shall be located and arranged for ease of access and collection, whereas no screened area or areas for storage of refuse and recyclables are provided. Testimony shall be provided of a design waiver is required.
 - c. Section 22-8.7 of the Ordinance states that planned developments, multi-family developments, and mixed use commercial residential developments shall be required to provide open space and recreation areas, whereas no open space and recreation areas are provided. A design waiver is required.
 - d. Section 22-8.5e1 of the Ordinance states that buffering shall provide a year-round visual screen in order to minimize adverse impacts from a site on an adjacent property or from adjacent areas. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations to achieve the stated objectives, whereas no buffers are provided to minimize impacts to adjacent lots 10, 13 and Waackaack Creek in the rear of the property. A design waiver is required.



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E. Site Requirements & Layout

1. The applicant shall provide testimony regarding the type of development that is proposed. The architectural Title Sheet notes the project as a “Proposed 4 Unit Townhouse Building” while the notes within the building footprint on sheet 2 of 7 (First Floor Plan) identify the units as a “2 family 3 bedroom main unit + 1 bedroom luxury apartment” and a “2 family, 3 bedroom main unit and 2 bedroom luxury apartment”.
2. The applicant is calculating the building and lot coverage over the area of the entire property. It should be noted that the property technically runs to the center of Waackaack Creek. Testimony and calculations shall be provided comparing the building and lot coverages of the usable lot area (limit of bulkhead) so the board can understand the true intensity of the proposed development on the property.
3. The Plan indicates that 8.5 vehicle parking spaces are provided for the proposed residential units in accordance with RSIS parking rates. The parking requirements set forth by the Borough of Keansburg have been reviewed and compared to the Residential Site Improvement Standards (RSIS) below:

Exhibit 1 Off-Street Parking Requirements for Residential Land Uses (Section 22-9.3a2) Rates:

Townhouse Housing Unit Development

2.0 space per 1-bedroom unit * 1 unit = 2.0 spaces

2.3 space per 2-bedroom unit * 1 unit = 2.3 spaces

2.4 space per 3-bedroom unit * 2 unit = 4.8 spaces

Total = 9 vehicle parking spaces required

It is noted that the RSIS rates for the proposed residential units are lower (1.80 spaces per unit for 1-bedroom) than the rates set forth by the Borough’s Land Use Regulations (2.0 vehicle spaces per 1 bedroom unit). However, the proposed site falls one (1) space short of the RSIS requirement. The applicant should provide testimony confirming the total number of proposed parking spaces.

4. The architectural first floor plan depicts two (2) garage vehicle spaces for each 3-bedroom and one (1) garage vehicle space each for the 1-bedroom and 2-bedroom units for a total of six (6) garage vehicle spaces. While the plans depict combination driveways for the 2-bedroom and 3-bedroom units, but they fall short of meeting the minimum length and width requirements to be counted as one (1) off-street parking space. The plan should be revised to provide the additional off-street parking spaces.
5. The Site Layout Plan indicates a concrete surface below the rear building overhang, whereas stone is shown on the Grading and Utility Plan. This discrepancy should be resolved.



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F. Traffic Impact

1. The applicant has not provided a traffic impact report. The applicant's engineer shall provide testimony on the proposed traffic to be generated, circulation around the site, and whether the proposed use will result in any negative traffic and on-street parking impacts in the surrounding areas.
2. The applicant shall provide testimony as to the frequency and type of trucks that will access the entire site including those providing deliveries and garbage collection.
3. The applicant shall provide testimony on the trash and recyclables to be generated with the proposed use, along with the process, times, and frequency of refuse pickup and location of any dumpsters.
4. We defer to the Borough Fire Official for review of the application with respect to emergency vehicle access and maneuvering.

G. Stormwater Management

1. The proposed area of disturbance will not disturb an area exceeding 1 acre, nor will it create more than a quarter acre of new impervious surfaces or motor vehicle surfaces. Therefore, the project is not considered a "major development" as defined by NJAC. 7:8 and is not subject to the NJDEP Stormwater Management requirements. Additionally, the following shall be noted:
 - a. The subject property is located within the Metropolitan Planning Area (P1) under the State Plan Policy Map and, therefore, the groundwater recharge requirements are not applicable in accordance with N.J.A.C. 7:8-5.4(b)2.
 - b. The development does not propose to increase the impervious coverage by a quarter acre and therefore is not required to meet runoff quality requirements per N.J.A.C. 7:8-5.5.
2. Based on Web Soil Survey, the site is underlain by USKLEA—Urban land-Klej complex, 0 to 2 percent slopes with a dual hydrologic soil group (A/D). The Class D soil rating is used in the drainage calculations to calculate the peak flows for the site. In accordance with the BMP Manual, the Class D soil rating can only be used if the SHWT is determined to be within 24 inches of the ground surface. The Applicant should provide in-situ testing to demonstrate this condition exists on the property.
3. The CN value of 84 used for grass cover in poor condition to calculate the peak flows for the site is overstated. CN value for grass cover should be considered to be in good hydrologic condition to



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accurately compute the peak flows for the site. The stormwater management narrative should be revised accordingly.

4. The applicant has graded the property to collect runoff into on-site inlets and proposes to tie into two existing 'B' inlets within the right-of-way of Creek Road. The applicant shall confirm that the existing drainage network within Creek Road has adequate capacity to receive the stormwater runoff generated by the 25-year storm event. Any necessary upgrades to the drainage infrastructure shall be coordinated with the Borough Engineer. In addition, the entire length of the drainage pipe within Creek Road shall be televised and cleaned and inspection reports shall be provided, to confirm that the existing piping and structures are clean and is in acceptable condition.
5. The roof leader locations and/or downspout discharge locations shall be shown on the plans. In addition, pipe calculations for the entire site storm sewer piping system shall also be provided.
6. In accordance with Section 22-9.8f3.(c), no pipe size in the storm drainage system shall be less than 15 inch diameter. The proposed on-site 8" HDPE and 12' RCP connecting to the existing inlet within Creek Road should be upgraded to a 15" pipe.
7. The Applicant shall clarify the note labeled stone with perforated pipe depicted along the perimeter of the bulkhead and along the side of the building adjacent to Lot 13. We note no perforated pipe is depicted on the plan.

H. Utilities

1. The applicant shall provide testimony regarding the suitability of all proposed utility connections within the right-of-way of Creek Road. The Applicant shall be required to obtain all required utility owner approvals, as a condition of any Board approval.
2. The applicant proposes to tie into an existing sanitary sewer manhole within Creek Road. These lines shall be televised, and inspection reports shall be provided, to confirm that the existing piping and structure are clean and is in acceptable condition.
3. The applicant shall provide inverts at all sanitary sewer cleanouts and a sketch of the sanitary sewer lateral crossing the existing 36" RCP storm discharge pipe to verify any conflicts.
4. The applicant shall provide testimony on the proposed fire service water line size, location, and any fire hydrant connections and locations. We defer to the Borough Fire Official for review.
5. Water and Sanitary Sewer Demand for the proposed residential use shall be determined in accordance with N.J.A.C. 7:10-12.6 and N.J.A.C. 7:14A-23 respectively and provided to the Board and our office for review. A BWSE and TWA may be required from NJDEP. The applicant shall



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also be aware that a sanitary sewer connection fee must be paid prior to issuance of a “Building Permit” for any building.

6. Given the various proposed utility improvements within Creek Road, we recommend full width mill and overlay paving along Creek Road frontage. The plans should be revised to include a note to that effect.

I. Landscaping and Lighting

1. Additional trees should be provided along the common property line with Lot 10 and Lot 13 to provide a year-round visual screen in order to minimize adverse impacts from the subject site onto the adjacent property. The plans shall be revised accordingly.
2. The applicant shall provide testimony on the proposed lights and hours of operation. It is recommended they be placed on a timer.

J. Miscellaneous

1. 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.
2. It should be noted that this property is located within the “AE” flood zone with a Base Flood Elevation (BFE) of 11 feet. The applicant shall revise the plans to indicate the proposed finished floor elevation of the first residential floor. Additionally, it is recommended that the applicant obtain a new Elevation Certificate for the subject property.

We defer further review to the Flood Plain Administer and Construction Official for any applicable building requirements.

3. The applicant shall provide testimony on any proposed signage. All signage shall be indicated on the plans and comply with Section 22-27.24 of the Ordinance.
4. A note shall be added to the plans stating that any/all existing curb, sidewalk, roadway, and other objects either in poor condition or damaged by construction should be repaired and/or replaced to the satisfaction of the Borough Engineer.
5. The applicant shall provide testimony on any proposed AC generator and/or mechanical units and their location.
6. The applicant shall provide testimony regarding the need for a transformer for the project. If required, the location shall be shown on the plan.



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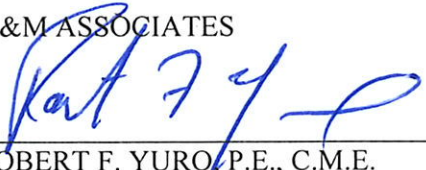
7. The applicant shall state whether the subdivision will be filed by plat or by deed. If filed by deed, the deeds of the new lots shall be provided to our office for review.
8. The applicant shall provide legal descriptions of the metes and bounds of the proposed lots to our office for review.
9. The applicant shall confirm the proposed lot numbers are approved by the Borough Tax Assessor's office.
10. The applicant should be aware that construction of usable 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.
11. If approved the applicant will be required to post all performance guarantees and inspection escrow as stipulated in the Development Regulations.
12. This application may be subject, but not limited, to the following outside agency approvals or letters of no jurisdiction:
 - a. Bayshore Regional Sewerage Authority
 - b. Borough Fire Official
 - c. Borough Water and Sewer Department
 - d. Freehold Soil Conservation District
 - e. Monmouth County Planning Board
 - f. New Jersey Department of Environmental Protection

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 regarding this matter, please do not hesitate to contact our office.

Very truly yours,

T & M ASSOCIATES



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



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RFY:LZ

cc: Kevin Kennedy, Esq., Board Attorney (kennedylaw@verizon.net)
Ed Striedl, Zoning Officer (ed.striedl@keansburg-nj.us)
Four A Realty, LLC
Joseph Mele, P.E. & P.L.S., Applicant's Engineer (gdomalewski@midatlanticeng.com)

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