



YOUR GOALS. OUR MISSION.

KNPB-R3020

October 4, 2024  
Via Email and Regular Mail

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

**Re: New Single-Family Dwelling with Bulk Variance Requests  
Bruce Vuono  
12 Brookside Avenue  
Block 91, Lot 13  
Single Family Residential (R-7) Zone  
First Engineering Review**

Dear Ms. Bittle:

As requested, we have reviewed the following plans and documents submitted in support of this application:

1. Plan entitled, "Plot Plan for Variance, 12 Brookside Avenue, Block 91, Lot 13, Borough of Keansburg, Monmouth County, NJ," prepared by Matthew C. Hockenbury, P.E., of MCH Engineering, Inc., consisting of one (1) sheet, dated June 25, 2024, last revised September 3, 2024.
2. Architectural Floor Plans & Elevations consisting of three (3) sheets, prepared by Antonio Scalise, AIA, of Parallel Architectural Group, dated August 1, 2024, last revised August 12, 2024.
3. Topographic Survey of Property prepared by Marc J. Cifone, P.L.S., of Lakeland Surveying, dated April 29, 2024.
4. Keansburg Planning Board of Adjustment Site Plan Application Packet dated August 12, 2024.
5. Certified List of Property Owners within 200 Feet, dated August 26, 2024.
6. Certification of Taxes dated August 26, 2024.
7. Borough of Keansburg Zoning Officer Denial Letter dated August 8, 2024.

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

The subject property is an interior lot located within the Single Family Residential (R-7) Zoning District with road frontage along Brookside Avenue to the west. Currently, the property lies vacant with a shed in the rear yard but appears to have contained a residential dwelling which has since been demolished. The property is located in the "AE" Flood Zone, with a flood elevation of 11 feet.

The applicant is seeking approval to construct a 2-story dwelling with associated front covered porch with stairs and an attached first floor rear composite deck. Additional improvements include a 10-foot-wide by 25-foot-long driveway extending from Brookside Avenue. The proposed single-family dwelling is a permitted use subject to the bulk requirements of the Single Family Residential (R-7) Zoning District.



**B. Bulk Variance Required**

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

	<b>DESCRIPTION</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
1	Minimum Lot Area	7,500 SF	2,633.60 SF <sup>(E)</sup>	<b>No Change</b> <sup>(V)</sup>
2	Minimum Lot Frontage	75'	25' <sup>(E)</sup>	<b>No Change</b> <sup>(V)</sup>
3	Minimum Front Yard Setback - <i>Principal Bldg.</i>	25'	N/A	31.1'
	- <i>Covered Porch</i>	25'	N/A	25.1'
	- <i>Stairs</i>	25'	N/A	<b>14.4'</b> <sup>(V)</sup>
4	Minimum Lot Shape Diameter	40'	5' <sup>(E)</sup>	<b>No Change</b> <sup>(V)</sup>
5	Minimum Side Yard Setback - <i>Principal One Side</i>	10'	N/A	<b>3.5'</b> <sup>(V)</sup>
	- <i>Principal Total</i>	20'	N/A	<b>7.0'</b> <sup>(V)</sup>
	- <i>Accessory Shed</i>	5'	1.6' <sup>(E)</sup>	<b>No Change</b> <sup>(V)</sup>
6	Minimum Rear Yard Setback - <i>Principal Bldg.</i>	25'	N/A	26.5'
	- <i>Deck</i>	25'	N/A	<b>14.6'</b> <sup>(V)</sup>
	- <i>Accessory Shed</i>	5'	1.7' <sup>(E)</sup>	<b>No Change</b> <sup>(V)</sup>
7	Min. Gross Residential Ground Floor Area	600 SF	N/A	835 SF
8	Maximum Lot Coverage – <i>Principal Bldg.</i>	25%	N/A	<b>35.5%</b> <sup>(V)</sup>
9	Maximum Lot Coverage – <i>All</i>	40%	N/A	<b>46.1%</b> <sup>(V)</sup>
10	Maximum Building Height - <i>Principal Story</i>	2 ½ - Story	N/A	2-Story
	- <i>Principal Height</i>	35'	N/A	34.12'
11	Minimum Improved Off-Street Parking*	2 Spaces	N/A	2 Spaces

(E) – Existing Nonconformity

(V) – Variance

\*Section 22-9.3 of the Ordinance requires a total of two (2) Off-Street Parking Spaces for the subject development. 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 curbline. 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.”

**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 single-family dwelling 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 property is an undersized lot which does not meet the schedule referred to in Section 22-5.**
- c. Section 22-7.3.c of the Ordinance states that no nonconforming use may be expanded. **The proposed new single-family dwelling is an expansion of a nonconforming use on the property.**

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 property is located within the "AE" flood zone with a Base Flood Elevation (BFE) of 11 feet. The plan indicates the proposed finish floor elevation of 14.8 feet. We defer further review to the Flood Plain Administrator and Construction Official for any applicable building requirements accordingly.
2. 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.
3. We defer to the Building Department for review of the architectural plans for ADA compliance.
4. The following construction details in accordance with the standards of the Borough Ordinance shall be provided:
  - a. Concrete Driveway.
  - b. Depressed Curb.
  - c. 6" Thick Concrete Driveway Apron.
5. The plan should be revised to depict all proposed utilities associated with the new dwelling. If existing utilities will be reused, a note to that effect should be provided on the plan.
6. Due to the undersized property and deficient side yard setbacks, the proposed dwelling will be constructed in close proximity with the houses on the adjoining lots. 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 adjacent homes.
7. The proposed area of disturbance is less than 1 acre, does not result in a 0.25 acre increase in impervious coverage, nor result in a 0.25 acre increase in regulated impervious surface, therefore, the project is not considered a "major development" as defined by N.J.A.C. 7:8, and is not subject to the NJDEP Stormwater Management standards.
8. The property is graded to direct half of the runoff towards the rear property line and the other half towards the right-of-way of Brookside Avenue. Although not a Major Development as defined by N.J.A.C. 7:8, the Board should discuss if the applicant should be required to provide any green infrastructure or other stormwater management measures such as drywells for runoff reduction resulting from increasing site impervious coverage.
9. The applicant shall confirm that there will be no adverse drainage impacts to adjacent properties because of the proposed improvements.
10. 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.
11. 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

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