



YOUR GOALS. OUR MISSION.

KNPB-R3050

October 29, 2024

Via Email

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

**Re: New Minor Subdivision with Bulk Variance Requests
Leap Builders, Inc.
212 Twilight Avenue
Block 127, Lot 21
Single Family Residential (R-7) Zone
First Engineering Review**

Dear Ms. Bittle:

As requested, we have reviewed the above referenced application for subdivision of the existing lot and construction of two proposed 2-story dwellings, labeled as 210 and 212 Twilight Avenue. The applicant has submitted the following documents in support of this application:

1. Site Plan entitled "Lap Builders – 212 Twilight Avenue" prepared by Albert Ondar, A.I.A., of A. Ondar Design Architecture, dated February 9, 2024, consisting of one (1) sheet.
2. Minor Subdivision Plan for "Leap Builders", prepared by James B. Goddard, P.L.S., of Land Control Services, LLC, dated October 9, 2024, consisting of one (1) sheet.
3. Architectural Plans for "Leap Builders – 210 Twilight Avenue" prepared by Albert Ondar, A.I.A., of A. Ondar Design Architecture, dated August 13, 2024, consisting of two (2) sheets.
4. Architectural Plans for "Leap Builders – 212 Twilight Avenue" prepared by Albert Ondar, A.I.A., of A. Ondar Design Architecture, dated August 13, 2024, consisting of two (2) sheets.
5. Keansburg Planning Board of Adjustment Site Plan Application Packet, prepared by Michael Konecny of Leap Builders, Inc., dated March 26, 2024.
6. Certification of Taxes dated June 24, 2024.
7. Certified List of Property Owners within 200 Feet, dated June 24, 2024.
8. Letter of Denial, prepared by Kathy Burgess, Assistant Zoning Officer, of the Borough of Keansburg Construction Office, dated February 14, 2024.

A. Project Description

The subject property, also known as 212 Twilight Avenue, is a formerly developed interior lot located within the Single Family Residential (R-7) Zoning District with frontage along Twilight Avenue to the west. The property formerly contained a single-family dwelling which was demolished within the time of September 2020 to March 2021, and is currently vacant with remnants of the building framing occupying the lot as well as an associated concrete driveway and a perimeter chain link fence. The property is in the "AE" Flood Zone, with a flood elevation of 11 feet.



The applicant is seeking approval to subdivide the property into two (2) lots of identical sizes, annotated as Lot 21.01 (212 Twilight Avenue) and Lot 21.02 (210 Twilight Avenue). Each lot will contain a two-story, single-family dwelling of identical square footage, along with an associated driveway and utility channels for the structures. Note #11 on the Subdivision Plan indicates that prior to building permitting, grading/plot plan will be submitted for review with accompanying architectural plans for detailed building information.

B. Bulk Requirements

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

	DESCRIPTION	REQUIRED	EXISTING	PROPOSED LOT 21.01	PROPOSED LOT 21.02
1	Minimum Lot Area	7,500 SF	10,000 SF	5,000 SF ^(V)	5,000 SF ^(V)
2	Minimum Lot Frontage	75'	100'	50' ^(V)	50' ^(V)
3	Minimum Front Yard Setback	25'	N/A	28'	28'
4	Minimum Side Yard Setback	10'	N/A	10'	10'
5	Minimum Side Yard Setback - <i>Total</i>	20'	N/A	20'	20'
6	Minimum Rear Yard Setback	25'	N/A	30.42'	30.42'
8	Min. Gross Residential Ground Floor Area	600 SF	N/A	1,247 SF	1,247 SF
9	Maximum Lot Coverage – <i>Principal Bldg.</i>	25%	N/A	25%	25%
10	Maximum Lot Coverage – <i>All</i>	40%	N/A	45% ^(V)	45% ^(V)
11	Maximum Building Height	2 ½-Story (35')	N/A	3-Story ^(V) (33.4')	3-Story ^(V) (33.4')
12	Minimum Improved Off-Street Parking*	6	N/A	3	3

(V) – Variance

NA – Not Applicable

*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. Variance Considerations

In order to approve this application, the Board would have to grant variances 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 proposed lots are not in conformity with the minimum lot area, minimum lot frontage and maximum lot coverage of the R-7 Zoning District.**



2. 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 applicant proposes two (2) undersized lots which are not in conformity with the minimum lot area, minimum lot frontage and maximum lot coverage 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.

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. General Comments

1. The applicant has provided sketched architectural plans which depict the layouts for the proposed two-story dwellings. Note #11 on the Subdivision Plan indicates that prior to building permitting, grading/plot plan will be submitted for review with accompanying architectural plans for detailed building information. Should the Board act favorably upon this application, we recommend any approval be contingent on the applicant providing new curb and sidewalk along the frontage of the property at time of plot plan approval for the proposed lots.
2. The proposed subdivision 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 Management stormwater quantity, quality and recharge requirements of a major development.
3. 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.
4. Note #10 on the Minor Subdivision Plan indicates that remains of concrete walks and driveway within the property shall be removed prior to construction. These improvements are not depicted on the survey of the property as same appears to be outdated. We recommend an updated survey less than 3 years old be provided to confirm these improvements on the property.
5. The Minor Subdivision Plan shall be revised to depict the bearing for the proposed subdivision line.
6. Note #8 on the Minor Subdivision Plan indicates the subdivision is to be filed by deed. Copies of the deeds and associated metes and bounds descriptions should be submitted to our office and the Board attorney for review and approval.
7. The zoning table shall be revised to correct the maximum lot coverage to 40% as required in the R-7 Zone and indicate that a variance is required for each lot with a proposed lot coverage of 45%.
8. Based on a review of the architectural elevations, the applicant is proposing overhang/deck features at the front and rear of the dwellings. These features shall be shown on the subdivision plan as they may impact the front and rear yard setbacks and variances may be required.



9. The proposed driveway shall be revised to match with width of the proposed garage door opening (maximum width 18'). The concrete shall not span the entire width of the dwelling.
10. The proposed lot numbering shall be approved by the Borough Tax Assessor.
11. Classification as a minor subdivision shall expire one hundred ninety (190) days from the date of approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.), or a deed clearly describing the minor subdivision is filed by the developer with the County Recording Officer, the Borough Engineer, and the Borough Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Chairman and Secretary of the Board. In reviewing the application for a minor subdivision, the Board shall be permitted to accept a plat not in conformity with the Map Filing Act, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.), provided that, if the developer chooses to file the minor subdivision as provided herein by plat rather than deed, such plat shall conform with the provisions of said act.
12. This application may be subject, but not limited, to the following outside agency approvals or letters of no jurisdiction:
 - a. Keansburg Water & Sewer
 - b. NJ Natural Gas Company
 - c. Cablevision
 - d. JCP&L
 - 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 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:LZ:STF

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, email: (Kathy.burgess@keansburg-nj.us)