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KNPB-R3010

October 4, 2024
Via Email and Regular Mail

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

**Re: Bulk Variance Requests Sunlight
Development, LLC
40 Twilight Avenue
Block 32, Lot 19
Single Family Residential (R-5) Zone
First Engineering Review**

Dear Ms. Bittle:

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

1. Keansburg Planning Board of Adjustment Site Plan Application Packet dated June 18, 2024.
2. Certification & Assessment of Taxes dated June 24, 2024.
3. Certified List of Property Owners within 200 Feet, dated June 24, 2024
4. Letter of Denial, prepared by Kathy Burgess, Assistant Zoning Officer, of the Borough of Keansburg Construction Office, dated May 14, 2024.
5. Plan entitled, "40 Twilight Avenue Driveway & Parking Plan Block 32, Lot 19, Tax Map Sheet No. 7, Borough of Keansburg, Monmouth County, NJ," prepared by Marc S. Leber, P.E., of East Point Engineering, LLC, consisting of one (1) sheet and dated April 3, 2024, unrevised.

A. Project Description

The subject property, also known as 40 Twilight Avenue, is a developed interior lot located within the Single Family Residential (R-5) Zoning District with frontage along Twilight Avenue to the northeast. The property currently contains a two-story masonry and frame dwelling with an associated concrete patio and a shed in the rear yard. A concrete/grass combination driveway extending from Twilight Avenue provides access to the property. The property is in the "AE" Flood Zone, with a flood elevation of 11 feet.

The applicant is seeking approval to construct a new paved parking lot in the rear yard to provide for four (4) off-street parking spaces to serve the existing two-family, two-story masonry and frame dwelling on the property. The new paved parking lot area will be accessed via a 10-foot-wide paved driveway extending from Twilight Avenue. The proposed improvements will increase the lot coverage to 53.2 %, whereas 50% is permitted in the R-5 Zoning District, thereby requiring bulk variance relief.



B. Variance Considerations

In order to approve this application, the Board would have to grant bulk variance relief for the increase in lot coverage of 53.2%, where 50% is permitted in the R-5 Zoning District. In addition, variances as listed per the below Sections of the Ordinance regarding construction of non-compliant structures are also required:

1. 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 addition of the paved parking area increases the lot coverage to 53.2%, where 50% is permitted in the R-5 Zoning District.**
2. Section 22-7.3.c of the Ordinance states that no nonconforming use may be expanded. **The existing dwelling is a nonconforming use on the property and is proposed to be expanded.**

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.”*

C. Technical Engineering Review

1. The applicant has provided a driveway and parking plan depicting the new paved parking area layout on the property. Based on our review, the Applicant should provide the following for the proposed improvements:
 - a. A zoning table indicating the required, existing and proposed bulk zoning requirements of the R-5 Zone for the proposed improvements on the property.
 - b. The number of dwelling units and bedrooms of the multi-family dwelling.
 - c. Off-Street parking calculations in accordance with Section 22-9.3a to demonstrate the proposed four (4) parking spaces are adequate for the multi-family dwelling on the property.
2. The proposed 10-foot-wide access driveway does not provide adequate provision for simultaneous ingress to and egress from the parking spaces. In accordance with Section 22-9.3c2, access to parking lots shall be designed so as not to obstruct the free flow of traffic. The plan shall be revised accordingly or a design waiver shall be requested.
3. The applicant should provide testimony regarding storage of refuse and recyclables for the multi-family dwelling. A screened area shall be provided, located and arranged for ease of access and collection.
4. In accordance with Section 22-9.3c6, for all multiple dwellings and nonresidential uses, the perimeter of all parking areas, internal islands, and planting areas shall have continuous cast in place concrete curbing in accordance with the construction specifications. The plan shall be revised accordingly or a design waiver shall be requested.
5. In accordance with Section 22-9.3c5, parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to enhance the environment and ecology of the site and surrounding area. The plan shall be revised accordingly or a design waiver shall be requested.
6. 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.
7. The parking area is graded to direct runoff towards an existing inlet within the right-of-way of Twilight Avenue. Although not a Major Development as defined by N.J.A.C. 7:8, the



Board should discuss if the applicant be required to provide any green infrastructure or other stormwater management measures such as drywells for runoff reduction resulting from increasing site impervious coverage.

8. The applicant shall confirm that there will be no adverse drainage impacts to adjacent properties because of the proposed improvements.
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. The typical pavement section detail should be revised to conform with the pavement specifications of Section 22-9.8c3(a) for parking areas and aisles.
11. The applicant shall be required to replace any sidewalk and curbing as becomes damaged as a result of their proposed construction activities. A note to that effect shall be provided on the plan.
12. 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

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)
Ed Striedl, Zoning Officer, email: (ed.striedl@keansburg-nj.us)
Kathy Burgess, Assistant Zoning Officer, email: (Kathy.burgess@keansburg-nj.us)

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