



KNPB-R5060

August 5, 2025
Via Email

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

**Re: Elevate Existing Two-Family Dwelling With Use & Bulk Variance Requests
Mr. William Leary, Manager of Sunshine Properties IV, LLC
24 Belleview Avenue
Block 16, Lot 10
Residential Redevelopment (R-5A) Zone
First Engineering Review**

Dear Ms. Bittle:

As requested, we have reviewed the above referenced application to renovate and elevate an existing fire damaged 2-story, two-family frame dwelling located at 24 Belleview Avenue. The applicant/owner, Mr. William Leary, Manager of Sunshine Properties IV, LLC, has submitted the following documents in support of this application:

1. Plan entitled “House Elevation Plan for #24 Belleview Avenue, Borough of Keansburg, Monmouth County, N.J.”, prepared by Herbert A. Lauterwald, Jr., Professional Engineer & Land Surveyor, dated February 17, 2025, consisting of Sheet 1 of 1.
2. Plan entitled “Map of Survey of #24 Belleview Avenue, Borough of Keansburg, Monmouth County, N.J.”, prepared by Herbert A. Lauterwald, Jr., Professional Engineer & Land Surveyor, dated February 27, 2025, consisting of one (1) sheet.
3. Planning Board Application dated April 4, 2025.
4. Development Permit Application Denial Letter, from the Keansburg Construction Office, signed by Kathy Burgess, Zoning Officer, Borough of Keansburg, dated October 15, 2024, consisting of two (2) pages.

A. Project Description

The subject property, also known as 24 Belleview Avenue, is a developed lot located within the Residential Redevelopment (R-5A) Zoning District. The existing property is an interior lot with frontage along Belleview Avenue to the north, containing an existing 2-story, two-family frame dwelling with an existing concrete service walk and steps to the front door, an upper rear deck with associated access stairway to the second floor apartment unit and a rear concrete patio with a service walk extended along the northwesterly side yard up to the front property line. The first-floor apartment unit contains 3 bedrooms, one bathroom, family room with kitchen and an office space, while the second-floor apartment contains 4 bedrooms, one bathroom and a family room with



associated kitchen. The property is surrounded by single family residential dwellings to the south, east and west and is in the “AE” Flood Zone, with a flood elevation of 11 feet.

The applicant is proposing to renovate and elevate the existing 2-story, two-family frame residential dwelling by constructing a ground floor with a single overhead door to accommodate two (2) parking spaces and a front access doorway leading to an entry doorway to the garage, as well as staircases leading to the second floor 2-bedroom unit. The third floor, 2-bedroom unit is accessed via a staircase in the rear of the dwelling. It should also be noted that each unit will have a rear deck. Additional improvements include a new 10-foot-wide asphalt driveway extending from Belleview Avenue and a service concrete walk in the front yard. This application was denied a development permit for not meeting requirements for several variances related to setbacks, lot size and the proposed renovation and elevation of the existing two-family dwelling is an expansion of a non-permitted use in the R-5A Single Family Residential Zone; therefore, a Use Variance is required as indicated in the denial letter dated October 15, 2024. (See Item 2 on page 1).

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	5,000 SF	2,500 SF ^(E)	2,500 SF ^(V)
2	Minimum Lot Frontage	50'	25' ^(E)	25' ^(V)
3	Minimum Front Yard Setback	25'	9.15' ^(E)	9.15' ^(V)
4	Minimum Side Yard Setback	7.5'	2.1' ^(E)	2.1' ^(V)
5	Minimum Side Yard Setback - <i>Total</i>	15'	4.2' ^(E)	4.2' ^(V)
6	Minimum Rear Yard Setback	25'	+/- 50'	+/- 50'
7	Min. Gross Residential Ground Floor Area	600 SF	+/- 812 SF	+/- 812 SF
8	Maximum Lot Coverage – <i>Principal Bldg.</i>	25%	33% ^(E)	33% ^(V)
9	Maximum Lot Coverage – <i>All</i>	50%	33%	+/- 36%
10	Maximum Building Height	2 ½ Stories (35')	2 Stories (26'-4")	3 Stories ^(V) (40'-0") ^(V)
11	Minimum Improved Off-Street Parking*	4	0	2^(V)

(E) – Existing Nonconformity

(V) – Variance

*Exhibit 1, (Subsection 22-9.3) of the Ordinance requires a total of four (4) Off-Street Parking Spaces for the proposed 4-bedroom, two-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 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.”



The proposed asphalt driveway is approximately 10' wide by 10' long between the face of the garage door and the back of the existing sidewalk and does not meet the minimum required thirty (30') feet in length between the face of the garage door and the sidewalk or thirty-five (35') feet to the curblineline to count as one (1) off-street parking space. Therefore, an off-street parking variance is required. However, it appears on-street parking is available along the frontage of the subject property and the immediate adjacent single-family dwellings.

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 renovate and elevate the existing 2-story, two-family dwelling which does not meet the bulk regulations of the R-5A Zoning District.****
- 2. Section 22-7.3.c of the Ordinance states that no nonconforming use may be expanded. **The applicant is proposing to renovate the existing 2-story, two-family dwelling and include an additional floor for the property. The proposed two-family dwelling is not a permitted use in the R-5A Zoning District.****
- 3. Section 22-7.3.e of the Ordinance states that any nonconforming structure shall be more than partially destroyed, then the structure may not be rebuilt, restored or repaired, except in conformity with this Chapter. Destruction to the extent that rebuilding, repair or restoration requires removal or demolition of any remaining portions of the damaged part of the structure such that the only major components of the original structure utilized in such building, repair or restoration are the foundation or exterior walls shall be prima facie evidence that the structure has been more than partially destroyed. **The existing two-family dwelling on site was previously fire damaged prior to this development application. The applicant proposes to renovate and elevate the existing two-family dwelling with a ground floor garage which does not meet the bulk regulations of the R-5A Zoning District.****
- 4. Section 22-5.3.b of the Ordinance states any use not specifically listed as a permitted use, an accessory use or a conditional use shall be deemed a prohibited use. This provision shall be liberally construed as protective of the zoning scheme and any doubt shall be resolved in interpreting the doubtful use as prohibited. **The existing two-family dwelling proposed to be restored is not a permitted use within the R-5A Zoning District. As such, a use variance will be required for the proposed improvements.****



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. A grading plan shall be provided for review to depict existing and proposed drainage patterns on the property and demonstrate the proposed improvements will not have any runoff impacts to adjoining properties. The grading plan shall also depict that all proposed roof gutters are pitched from back to front of building to downspouts installed at both ends of the building, daylighting on splash guards and directed towards the right-of-way of Belleview Avenue.



2. The existing and proposed plot plan shall be revised to depict the locations and limits of all existing and proposed chain link and board fences as shown on the survey.
3. The plan shall be revised to depict the limits of concrete and curb replacement along the frontage of the property. Curb and sidewalk be replaced along the entire frontage of the property.
4. Verify/clarify the 34' height building elevation shown in the zoning table whereas the elevation view plan indicates a height of 40'. The plan shall be revised to resolve this discrepancy.
5. As indicated in the Denial Letter dated October 15, 2024, a use variance will be required for the proposed improvements on the property. The proposed renovation and elevation of the existing two-family dwelling is an expansion of a non-permitted use in the R-5A Single Family Residential Zone. The applicant shall provide testimony to justify the granting of the required use and bulk variances for the proposed improvements.
6. Due to the undersized property and deficient side yard setbacks, the two-family dwelling will be constructed in close proximity with the structures on 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 proposed adjacent structure.
7. The Plan shall be revised to include side and rear elevation views of the renovated/elevated two-family dwelling to depict the at-grade rear access staircases, decks and patio.
8. The plan shall be revised to indicate the locations of the associated AC units for the renovated/elevated two-family 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. Due to the front and side yard setback deficiencies associated with the two-family dwelling, we recommend the AC units be placed on the rear yard decks.
9. 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.
10. A utility plan has not been provided for the renovated/elevated two-family dwelling. The applicant shall revise the plan to depict the locations of all existing cleanouts, valves, etc. for the property. All existing and proposed utility improvements such as gas, water and sanitary service connections shall be shown on the plans including proper trench restoration if same will be extended within the Borough's right-of-way. A road opening permit shall also be required from the Construction Department.
11. The property is located within the "AE" flood zone with a Base Flood Elevation (BFE) of 11.0 feet. We note the first floor is proposed at elevation 15.0 feet which is 4.0 feet above the Base Flood Elevation (BFE) and the ground garage floor is proposed at elevation 6.0 feet which is 5.0 feet below the Base Flood Elevation (BFE). We defer further review to the Flood Plain



Administrator and Construction Official for any applicable building requirements that may be required.

12. The project site is located in the Coastal Area Facilities Review Act (CAFRA) Zone. We note the project is not located within 150 feet of the mean high water line of any tidal waters or the landward limit of a beach or dune; therefore, a CAFRA permit is not required. We defer further review to NJDEP.
13. JCPL requires the meter to be located at or above the Base Flood Elevation (BFE 11.0'). The Plan shall be revised to depict the proposed location of the electric meters for the renovated/elevated two-family dwelling.
14. 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 plan shall be revised to depict enclosure openings allowing for the entry and exit of floodwaters.
15. Investigate and determine the material of the existing water service. If determined to be a lead water service, then the same shall be replaced from the meter pit to the structure.
16. The plan shall be revised to include the following construction details:
 - a. Driveway pavement detail
 - b. Curb and sidewalk detail
 - c. Roadway pavement repair Detail and limits showing dimensions
17. 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

FRANCIS M. MULLAN, P.E., C.M.E.
BOROUGH OF KEANSBURG
PLANNING BOARD OF ADJUSTMENT ENGINEER

FMW:LZ:STF

cc: Kevin Kennedy, Esq., Board Attorney, kennedylaw@verizon.net
Kathy Burgess, Zoning Officer, kathy.burgess@keansburg-nj.us
William Leary, Applicant/Owner, leary1214@gmail.com
Herbert A. Lauterwald, Jr., Applicant's Engineer & Surveyor, herbljr@aol.com
Luce Zamor, Borough Engineer's Office

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