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KNPB-R5030

July 10, 2025  
Via Email

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

**Re: Proposed Two-Family Dwelling (Side by Side Duplex)/Required Use & Bulk Variances  
Mr. Josiv Krstinovski  
8 Highland Boulevard  
Block 52, Lot 3  
First Engineering Review**

Dear Ms. Bittle:

As requested, we have reviewed the above referenced application to construct a new elevated three (3) story, 4-bedroom, Two-Family Dwelling (Side by Side Duplex), located at 8 Highland Boulevard. The applicant/owner, Mr. Josiv Krstinovski has submitted the following documents in support of this application:

1. Plan entitled "Variance Plan," 8 Highland Boulevard, Block 52, Lot 3, situated in Borough of Keansburg, Monmouth County, New Jersey, prepared by Joseph E. Maloney, Professional Engineer and Professional Planner, dated 2/24/25, (no revisions), consisting of Sheet No. 1 of 1.
2. Plan entitled "Schematic Design," prepared by Robert Adam Puzio, AIA, of Puzio Architect Inc., dated 2.22. 24, issued 2-28-25, consisting of 2 sheets (A-1 and A-2).
3. Plan entitled, "Location Survey," Block 52, Lot 3, Borough of Keansburg, Monmouth County, New Jersey, prepared by Richard A. McBurnie, Professional Land Surveyor, of McBurnie Land Surveying, dated 09/14/2020, consisting of one (1) sheet.
4. Planning Board Application, prepared by Josiv Krstinovski, dated 4/8/25.
5. Development Permit Application Denial Letter, from the Keansburg Construction Office, signed by Kathy Burgess, Zoning Officer, Borough of Keansburg, dated March 19, 2024, consisting of two (2) pages.

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

The subject property, also known as 8 Highland Boulevard, is a developed lot located within the Single-Family Residential (R-5) Zoning District. The existing property is an undersized interior lot with frontage along Highland Boulevard to the north, containing an existing 2-story frame dwelling with an existing concrete service walk to the front door, rear concrete deck, asphalt driveway to the west, and various existing fences along the rear and side property lines. The property is located in the "AE" Flood Zone, with a Base Flood Elevation (BFE) of 11.0 feet.

The applicant is proposing to demolish and eliminate the existing 2-Story Single-Family Dwelling and construct a new 1,201 SF combined total, 3-story, Two-Family Dwelling (Side by Side Duplex). Each proposed dwelling unit provides a gross residential ground floor area of 601 SF, 3 stories, building height of 30.8 feet, 2 bedrooms, 2.5 bathrooms, 1-car garage and driveway combination, front concrete walkway, rear second floor wooden deck and concrete pad below. The



ground floor of the proposed duplex building will be used exclusively as garage spaces to accommodate each dwelling unit, and the upper two floors will be used as living spaces. Two (2) asphalt driveways extending from Highland Boulevard are proposed to access the garage to each dwelling unit. Additional improvements include new sanitary and water services for one dwelling unit while a note on the plan indicates that existing cleanout and meter will be re-used for the other dwelling unit where possible upon field verification. This application was denied a development permit for not meeting requirements for several variances related to setbacks, lot size, and the proposed use (Two-Family Dwelling) is not permitted in the R-5 Single Family Residential Zone; therefore, a Use Variance is required as indicated in the denial letter dated March 19, 2024. (See Item 5 on page 1).

**B. Bulk Requirements**

In accordance with Section 22-5.5 of the Ordinance, the existing bulk requirements and proposed required dimensions and deficiencies for the proposed Two-Family Dwelling and improvements are noted as follows:

	DESCRIPTION	REQUIRED	EXISTING	PROPOSED
1	Minimum Lot Area	5,000 SF	4,633 SF <sup>(E)</sup>	NO CHANGE <sup>(V)</sup>
2	Minimum Lot Frontage	50'	46.33' <sup>(E)</sup>	NO CHANGE <sup>(V)</sup>
3	Minimum Front Yard Setback	25'	10' <sup>(E)</sup>	25.0'
4	Minimum Side Yard Setback – (One Side)	7.5'	0.8' <sup>(E)</sup>	5.5' <sup>(V)</sup>
5	Minimum Side Yard Setback – (Combined Total)	15'	23.4'	11.0' <sup>(V)</sup>
6	Minimum Rear Yard Setback	25'	42.5'	26.0'
7	Min. Gross Residential Ground Floor Area	600 SF	745 SF	601 SF/Unit
8	Maximum Lot Coverage – Principal Bldg.	25%	22%	26% <sup>(V)</sup>
9	Maximum Lot Coverage – All	50%	41%	42%
10	Maximum Building Height	2 ½ Stories (35')	2 Stories (+/-24')	3 Stories <sup>(V)</sup> (33.8')
11	Minimum Improved Off-Street Parking*	4.0	N/A	4

(E) – Existing Nonconformity  
 (V) – Variance  
 NA – Not Applicable

\*Exhibit 1, (Subsection 22-9.3) of the Ordinance requires a total of two (2) Off-Street Parking Spaces for each proposed 2-bedroom, single semi-detached dwelling unit. 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 curblin. 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 two proposed asphalt driveways associated with each semi-detached dwelling unit are approximately 12’ wide by 28’ long and do not extend a distance of thirty (30’) feet in length between the face of the garage door and the sidewalk nor a distance of thirty-five (35’) feet to the curblin. Therefore, a variance will be required for the proposed parking. However, we note each driveway can accommodate one parking space.**



### 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 construct a new 3-story, Two-Family dwelling which is a nonconforming use in the R-5 Zoning District. Additionally, the subject property does not meet the bulk regulations of the R-5 Zoning District.**
2. Section 22-7.3.c of the Ordinance states that no nonconforming use may be expanded. **The applicant is proposing to remove the existing 2-story, single-family frame dwelling on site and construct a 3-story, Two-Family dwelling, which is a non-permitted use in the R-5 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 location of the proposed residential development currently contains a 2-story, single-family frame dwelling which is intended to be removed and replaced with a 3-story, Two-Family dwelling, which is a nonconforming use in the R-5 Zoning District. Additionally, the property faces several dimensional constraints not in compliance with R-5 Zoning District standards.**
4. 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.

5. 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.

6. 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 Variance Plan shows three (3) trees present on the property, one tree in the side yard and two in the rear yard. It appears the trees are proposed to remain on the property. The plan shall be revised to depict protective barriers installed around each tree and/or group of trees that are to remain on the property.
2. As stated in the submitted Site Plan Application as well as the Zoning Officer’s Denial Letter dated March 19, 2024, a use variance will be required for construction of the proposed 3-story Two-Family Dwelling (Side by Side Duplex) within the R-5 Zoning District. We note the proposed Two-Family Dwelling (Side by Side Duplex) meets the Ordinance definition of a Single-Family Semi-Detached dwelling which is defined as a dwelling type consisting of a building containing two dwelling units. The dwelling units are separated by one unpierced vertical wall and each dwelling unit extends from ground to roof in accordance with Section 22-2.4. The applicant shall provide testimony to justify the granting of the required use and bulk variances for the proposed Two-Family Dwelling (Side by Side Duplex).
3. Testimony shall be provided on the proposed locations of the associated AC units for the Two-Family Residence (Duplex). 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 within the development. Currently, there is no proposed AC units shown on the provided Variance and Architectural Plans. The applicant should confirm if same will be in attic, or garage, above Base Flood Elevation (BFE) as required.
4. 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. However, we recommend all gutters be pitched from back to front of building towards downspouts installed at both ends



of the building, daylighting on splash guards leading to the side yard swales and directed towards the right-of-way of Highland Boulevard.

5. The property is graded to direct surface from the rear building façade including the concrete pad towards the rear property and ultimately onto the adjoining property. The grading as proposed will direct excess runoff onto the adjoining property which is unacceptable. We recommend the grading be revised to direct surface runoff from the edge of the rear concrete pad into side yard swales and ultimately towards the right-of-way of Highland Boulevard.
6. The applicant shall depict the gas and electric service connections on the plans. All proposed utility improvements shall be shown on the plans.
7. The Variance Plan shall be revised to include a roadway pavement repair detail and limits for the proposed utility service connections associated with the project. A road opening permit is required from the Construction Department.
8. If the duplex is considered, due to the increased density, buffering and screening shall be warranted in order to minimize adverse impacts from the site on adjacent properties. Landscaping and/or fences shall be provided along the sides and rear property lines to shield the site from the adjacent properties.
9. 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 15.40 feet which is 4.40 feet above the Base Flood Elevation (BFE) and the ground garage floor is proposed at elevation 6.32 feet which is 4.68 feet below the Base Flood Elevation (BFE) and is equipped with enclosure openings allowing for the entry and exit of floodwaters. We defer further review to the Flood Plain Administrator and Construction Official for any applicable building requirements that may be required.
10. 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.
11. We defer to the Building Department for review of the architectural plans for ADA compliance.
12. Due to the undersized property and deficient side yard setbacks, the proposed 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 adjacent properties as indicated in the Borough of Keansburg Fire Official Letter dated October 14, 2022.
13. JCPL requires the meter to be located at or above the BFE 11'. The provided Architectural Plan and Variance Plan do not indicate the proposed location of the electric meter for the proposed Two-Family Dwelling (Side by Side Duplex). The applicant shall provide testimony to confirm the location of the proposed electric meter for the proposed Two-Family Dwelling (Side by Side Duplex).
14. The applicant should be aware that construction of habitable space below the base flood elevation could subject this space to inundation by floodwaters which will have an impact on



the applicant's future flood insurance premiums. The Architectural Plan depicts the entirety of the ground floor area as garage spaces. The applicant shall confirm same during testimony.

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 following construction details shall be provided and comply with the standards of the Borough Ordinance:
  - a. Driveway pavement detail
  - b. 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

FWM:LZ:STF

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