



YOUR GOALS. OUR MISSION.

KNPB-R6000

October 3, 2025  
Via Email

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

**Re: Proposed Single-Family Dwelling with Bulk Variances  
Mr. Kevin Budge  
27 Bayview Avenue  
Block 18, Lot 25  
First Engineering Review**

Dear Ms. Bittle:

As requested, we have reviewed the above referenced application to construct a new elevated three (3) story, 3-bedroom, single-family dwelling located on a currently vacant lot known as 27 Bayview Avenue. The applicant/owner, Mr. Kevin Budge, has submitted the following documents in support of this application:

1. Plan entitled “Proposed New Single-Family House – Bayview Ave., Keansburg”, prepared by Catherine Franco, A.I.A., of Catherine Franco Architect, dated June 16, 2025, consisting of two (2) sheets.
2. Boundary Survey for Block 18, Lot 25, prepared by Ronald Trinidad, P.L.S., of R and T Land Surveying, undated, consisting of one (1) sheet.
3. Planning Board Application, prepared by Kevin Budge, Applicant, dated August 10, 2025.
4. Zoning Denial Letter dated July 7, 2025.
5. Certification of Taxes, signed by Thomas P. Cusick, Tax Collector, Borough of Keansburg, dated July 23, 2025.

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

The subject property, also known as 27 Bayview Avenue, is vacant lot located within the Residential Redevelopment (R-5A) Zoning District. The property is an undersized interior lot with frontage along Bayview Avenue to the east, and is neighbored by residential dwellings to the north, west, and south. Currently, the property contains a shed with associated concrete landing, a concrete walk in the front yard and chain link fences along the 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 the existing site features and construct a new 784 SF, 3-story, single-family dwelling. The proposed dwelling provides a building height of approximately 34.7’ (29.2’ from BFE), 3 bedrooms, 2 bathrooms, a 2-car garage and driveway combination, and a first-floor rear deck. The ground floor of the proposed duplex building will be used exclusively as garage spaces, and the upper two floors will be used as living spaces. The proposed development does not meet the required bulk standards related to lot area, lot frontage, building coverage and side setbacks and was denied a development permit by the Borough Planning/Zoning Office on July 7, 2025.



**B. Bulk Requirements**

In accordance with Section 22-5.6 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:

	<b>DESCRIPTION</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
1	Minimum Lot Area	5,000 SF	2,500 SF <sup>(E)</sup>	<b>NO CHANGE</b> <sup>(V)</sup>
2	Minimum Lot Frontage	50'	25' <sup>(E)</sup>	<b>NO CHANGE</b> <sup>(V)</sup>
3	Minimum Front Yard Setback	25'	N/A	25.0'
4	Minimum Side Yard Setback – <i>(One Side)</i>	7.5'	N/A	<b>4.0'</b> <sup>(V)</sup>
5	Minimum Side Yard Setback – <i>(Combined Total)</i>	15'	N/A	<b>8.0'</b> <sup>(V)</sup>
6	Minimum Rear Yard Setback	25'	N/A	<b>19.0'</b> <sup>(V)</sup>
7	Min. Gross Residential Ground Floor Area	600 SF	N/A	784 SF
8	Maximum Lot Coverage – <i>Principal Bldg.</i>	25%	N/A	<b>31.3%</b> <sup>(V)</sup>
9	Maximum Lot Coverage – <i>All</i>	50%	3.3%	42.3%
10	Maximum Building Height	2 ½ Stories (35')	N/A	<b>3 Stories</b> <sup>(V)</sup> (34.67')
11	Minimum Improved Off-Street Parking*	2	N/A	2

(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 3-bedroom residential 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 proposed driveway associated with the single-family dwelling extends a length of twenty-five (25’) feet from the face of the garage door to the sidewalk and has a width shown as eleven (11’) feet on the provided Site Plan. Two (2) off-street parking spaces are provided on the ground floor garage. However, we note the driveway can accommodate one (1) additional off-street parking space with a parking variance.

**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, single-family dwelling on the subject property 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 proposes to construct a new 3-story, single-family dwelling on the subject property which does not meet the bulk regulations of 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 proposed residential development does not meet several bulk standards of the R-5A Zoning District.**

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. Verify/clarify the discrepancy in the side yard setbacks shown on the Site Plan (4'-6") and the Survey (4'-0") to the left of the Site Plan. The applicant shall revise the plans for consistency. Variance relief for the proposed side yard setback will be required as either measurement is non-conforming in the R-5A Zone.
2. Verify/clarify the discrepancy in the widths of the proposed driveways shown on the Site Plan (11' wide) and the Survey (15' wide scaled) to the left of the Site Plan. The applicant shall revise the plans for consistency.
3. The applicant shall revise the plan to indicate the surface type of the proposed driveway. A construction detail shall also be provided.
4. Testimony shall be provided on the proposed locations of the associated AC units for the single-family residence. 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 Site and Architectural Plans. The applicant should confirm if same will be in attic, or garage, above Base Flood Elevation (BFE) as required.
5. 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 the dwelling via downspouts installed at both sides of the dwelling, daylighting on splash guards and directed towards the right-of-way of Bayview Avenue.
6. The applicant shall revise the Site Plan to depict all proposed utility improvements for the single-family dwelling such as water, gas, electric, and sanitary service connections, as well as any proposed drainage improvements.
7. The applicant shall provide shall provide a grading plan demonstrating surface runoff from the property will not be directed towards the adjoining properties. The grading plan shall include proposed spot elevations to demonstrate all surface runoff from the property is directed towards the right-of-way of Pineview Avenue.
8. 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.
9. The Plans shall be revised to indicate the limits of new curbs, sidewalk and concrete apron along the frontage of the property. Construction details of same shall also be provided.



10. The Site 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.
11. Verify/clarify the discrepancy in the location of the existing shed, concrete pad and fencing material shown on the Survey view on the Site Plan and the undated Survey. The applicant shall provide a revised survey that is dated and accurately depict the existing condition of the property.
12. 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 16.5 feet which is 5.5 feet above the Base Flood Elevation (BFE) and the ground garage floor is proposed at elevation 5.5 feet which is 5.5 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.
13. 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.
14. We defer to the Building Department for review of the architectural plans for ADA compliance.
15. Due to the deficient side yard setback, 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.
16. JCPL requires the meter to be located at or above the BFE 11'. The provided Architectural Plan and Site Plan do not indicate the proposed location of the electric meter for the proposed two-family dwelling. The applicant shall provide testimony to confirm the location of the proposed electric meter for the proposed dwelling units.
17. 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.
18. The following construction details shall be provided and comply with the standards of the Borough Ordinance:
  - a. Driveway detail
  - b. Roadway pavement repair detail and limits showing dimensions.
  - c. Concrete driveway apron detail
  - d. Concrete curb and sidewalk details



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

FWM:LZ:STF

cc: Kevin Kennedy, Esq., Board Attorney, [kennedylaw@verizon.net](mailto:kennedylaw@verizon.net)  
Kathy Burgess, Zoning Officer, [kathy.burgess@keansburg-nj.us](mailto:kathy.burgess@keansburg-nj.us)  
Kevin Budge, Applicant/Owner  
Catherine Franco, A.I.A., Applicant's Architect, [cfarchitectcf@gmail.com](mailto:cfarchitectcf@gmail.com)  
Ronald Trinidad, P.L.S., Applicant's Surveyor  
Luce Zamor, Borough Engineer's Office

G:\Projects\KNPB\R6000\Correspondence\KNPB-R6000\_Bittle\_RFY\_27 Bayview Avenue\_Updated First Engineering Review.Docx