



YOUR GOALS. OUR MISSION.

KNPB-R5080

October 3, 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. Jorge Velasquez
28 Pineview Avenue
Block 20, Lots 4 & 5
First Engineering Review**

Dear Ms. Bittle:

As requested, we have reviewed the above referenced application to demolish the existing on-site dwelling and construct a new elevated three (3) story, 6-bedroom, Two-Family Dwelling (Side by Side Duplex), located at 28 Pineview Avenue. The applicant/owner, Mr. Jorge Velasquez, has submitted the following documents in support of this application:

1. Plan entitled "Proposed Two Family House – 28 Pineview, Keansburg", prepared by Catherine Franco, A.I.A., of Catherine Franco Architect, dated May 14, 2025, consisting of three (3) sheets.
2. Plan entitled "Boundary Survey for 28 Pineview Avenue, Keansburg, NJ" prepared by Scott M. Bleeker, P.L.S., of Bleeker Associates, dated August 6, 2024, consisting of one (1) sheet.
3. Planning Board Application, prepared by Jorge Velasquez, dated September 4, 2025.
4. Certification of Taxes, signed by Thomas P. Cusick, Tax Collector, Borough of Keansburg, dated September 4, 2025.

A. Project Description

The subject property, also known as 28 Pineview Avenue, is a developed lot located within the Single-Family Residential (R-5A) Zoning District. The existing property consists of two (2) undersized interior lots with frontage along Pineview Avenue to the west, containing an existing 2-story dwelling, a shed in the rear yard on one lot, and an associated paver driveway on the adjacent lot. An existing paver service walkway with associated steps leading to the front door provides entry access to the existing dwelling. Additionally, there is an approximately 4-foot-high brick wall with chain link access gates along the front property lines and existing chain link and wood fences along the rear and side property lines. It should also be noted that there is an existing common concrete alleyway abutting the existing dwelling on the property and the dwelling on the adjacent property to the north. The subject 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 2-story single family dwelling and construct a new 1,736 SF combined, 3-story, two-family dwelling (side-by-side duplex). Each proposed dwelling unit provides 3 stories, a building height of approximately 31.5' (26.66' from BFE), 3 bedrooms, 2.5 bathrooms, 2-car garages and driveway combination, and a rear second floor deck. 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. One combined driveway extending from Pineview Avenue is proposed to access the garage to each dwelling unit. The proposed development does not meet the required bulk standards related to building coverage, setbacks, and the proposed use (Two-Family Dwelling) is not permitted in the R-5A Single Family Residential Zone; therefore, both ‘c’ bulk and use variances are required.

B. Bulk Requirements

In accordance with Section 22-6.9 of the Ordinance, the proposed residential redevelopment may be permitted as a conditional use in the R-5A Zone provided that the use conforms to the bulk requirements as follows:

	DESCRIPTION	REQUIRED	EXISTING LOT 4	EXISTING LOT 5	PROPOSED LOT 4 & 5
1	Minimum Area to be Redeveloped	10,000 SF	2,600 SF ^(E)	2,400 SF ^(E)	5,000 SF ^(V)
2	Minimum Frontage for Area to be Redeveloped	100'	26' ^(E)	24' ^(E)	50' ^(V)
3	Maximum Density	1 DU/2,000 SF DA 1 Bedroom/850 SF DA	N/A N/A	1 DU/2,400 SF DA N/A	0.8 DU/2,000 SF DA 1 Bedroom/850 SF DA
4	Maximum F.A.R.	0.7	N/A	N/A	0.66
5	Minimum Open Space	40%	N/A	N/A	66%
6	Minimum Lot Area	2,000 SF / DU	N/A	2,400 SF / DU	2,500 SF / DU
7	Minimum Lot Frontage	30' per dwelling	N/A	24' per dwelling	50' per dwelling
8	Minimum Front Yard Setback	25'	N/A	11.6' ^(E)	25.0'
9	Minimum Side Yard Setback	8'	N/A	1.2' ^(E)	7.5' ^(V)
10	Minimum Rear Yard Setback	25'	N/A	31.7'	23.0' ^(V)
11	Maximum Lot Coverage	60%	N/A	48%	43.6%
12	Maximum Building Height	2 ½ Stories (35')	N/A	2 Stories	3 Stories ^(V) (31.3')
13	Minimum Improved Off-Street Parking*	4.0	N/A	0 ^(E)	4

(E) – Existing Nonconformity

(V) – Variance

N/A – Not Applicable

DA – Developable Area

DU – Dwelling Unit

*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 proposed driveway associated with the semi-detached dwelling provides a minimum width of 14' and does not appear to extend a minimum length of thirty (30') feet between the face of the garage door and the sidewalk nor a distance of thirty-five (35') feet to the curblin. Two (2) off-street parking spaces are provided for each unit on the ground floor. However, we note the driveway can accommodate two (2) additional off-street parking spaces 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, Two-Family dwelling which is a nonconforming use in the R-5A Zoning District. Additionally, the subject property does not meet several 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 remove the existing 2-story, single-family dwelling to construct a 3-story, Two-Family dwelling, which is not a permitted use in the R-5A Zoning District.**
3. Section 22-7.3.e of the Ordinance states that if 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 survey depicts a 2-story, single-family frame dwelling on the property to be removed and replaced with a 3-story, Two-Family dwelling, which is a nonconforming use in the R-5A Zoning District. Additionally, the proposed 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. The two-family duplex dwelling is proposed to be constructed across two separate lots. Should the Board act favorably on this application, we recommend the applicant be required to consolidate the two lots.
2. The Zoning Information table provided on the Site Plan shall be revised to indicate the correct zoning district (R-5A, not R-5). Additionally, all bulk zoning standards for each existing lot shall be provided on the Zoning Information Table.
3. The applicant shall revise the plan to indicate the surface type of the proposed driveway. A construction detail shall also be provided.
4. We note the proposed dwelling 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 separated by one unpierced vertical wall and each dwelling unit extends from ground to roof as defined in Section 22-2.4. The proposed dwelling type is permitted as a conditional use in the R-5A Zone if it conforms to the bulk requirements of Section 22-6.9. However, the proposed dwelling type does not conform with all the conditional use bulk requirements and as such, a conditional use variance is required. The applicant shall provide testimony to justify the granting of the required conditional use variance for the proposed use.
5. Testimony shall be provided on the proposed locations of the associated AC units for the two-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.

6. 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 building towards downspouts installed at both sides of the building, daylighting on splash guards and directed towards the right-of-way of Pineview Avenue.
7. The applicant shall revise the Site Plan to depict all proposed utility improvements for the two-family duplex dwelling such as water, gas, electric, and sanitary service connections, as well as any proposed drainage improvements.
8. The applicant shall provide a grading plan demonstrating surface runoff from the property will not be directed towards the adjoining properties. The grading plan shall include spot elevations to demonstrate all surface runoff from the property is directed towards the right-of-way of Pineview Avenue.
9. The Site Plan shall be revised to indicate the width of the proposed driveway as well as the limits of new curbs, sidewalk and concrete apron along the frontage of the property.
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. 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.
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 16.45 feet which is 5.45 feet above the Base Flood Elevation (BFE) and the ground garage floor is proposed at elevation 6.25 feet which is 4.75 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.
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. 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.

16. 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.
17. 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.
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 apron detail
 - d. Concrete curb detail
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

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