



KNPB-R5090

October 3, 2025
Via Email

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

**Re: Rear Deck Expansion with Bulk Variance Requests
Mrs. Alethia Graham-Francis
34 Briarwood Avenue
Block 116, Lot 1
Single Family Residential (R-5) Zone
First Engineering Review**

Dear Ms. Bittle:

As requested, we have reviewed the above referenced application to construct a rear deck expansion for a 2-story, single-family frame dwelling located at 34 Briarwood Avenue. The applicants/owners, Mrs. Alethia Graham-Francis, has submitted the following documents in support of this application:

1. Plan entitled "Survey of Property: Tax Lot 1 – Block 116, 34 Briarwood Avenue" prepared by Marc J. Cifone, P.L.S., and Jeffrey S. Grunn, P.L.S., of Lakeland Surveying, dated August 26, 2025, consisting of one (1) sheet.
2. Plot Plan markup of Survey, prepared by Marc J. Cifone, P.L.S., and Jeffrey S. Grunn, P.L.S., of Lakeland Surveying, dated August 26, 2025, consisting of one (1) sheet.
3. Architectural Drawings for Proposed Rear Deck Expansion, unsigned, undated.
4. Planning Board Application dated August 29, 2025.
5. Development Permit Application Denial Letter, from the Keansburg Planning/Zoning Office, signed by Kathy Burgess, Zoning Officer, dated August 18, 2025.
6. Development Permit Application Denial Response Letter, from Alethia Graham-Francis, Applicant, dated August 28, 2025.
7. Certification of Taxes, prepared by Thomas P. Cusick, Tax Collector, of the Borough of Keansburg, dated August 25, 2025.

A. Project Description

The subject property, also known as 34 Briarwood Avenue, is a developed lot located within the Single Family Residential (R-5) Zoning District. The existing property is a corner lot with frontage along Briarwood Avenue to the west and Lawrence Street to the north, containing an existing 2-story, single-family frame dwelling with an associated concrete service walk and steps, a wooden fence surrounding the perimeter of the property, a concrete driveway extending from Briarwood Avenue, a rear concrete patio, and an aluminum shed. The property is in the "AE" Flood Zone, with a flood elevation of 11 feet.



The applicant proposes to construct a 19'x36' composite board rear deck on the east facade of the dwelling. The proposed deck will extend seven (7) feet on the north corner of the dwelling and nineteen (19) feet on the south corner of the dwelling and will be accessed via a sliding door at the rear of the dwelling. The deck will include a 38-inch-high composite railing along its perimeter.

B. Variances Requested

1. The deck is designed to adjoin as part of the principal building and is constructed more than one foot above grade and therefore must conform to the yard requirements for the principal building in the R-5 Single Family Residential Zone in accordance with Section 22-7.8h of the Ordinance as follows:
 - a. Minimum Front Yard Setback 25 feet required, whereas 10 feet is proposed.
 - b. Minimum Rear Yard Setback 25 feet required, whereas 10 feet is proposed.

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 required variance relief noted 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 extend the existing rear deck attached to the 2-story, single-family dwelling which 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 proposes to extend the existing rear deck attached to the 2-story, single-family dwelling which does not meet the bulk regulations of 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 applicant proposes to extend the existing rear deck attached to the 2-story, single-family dwelling which does not meet the bulk regulations of the R-5 Zoning District.**



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. In viewing the Google aerial of the site, there appears to be an existing at-grade wood deck along the rear façade of the dwelling. The applicant shall revise the survey to show the limits of the existing deck on the property.
2. The survey shall be revised to depict the limits of the existing concrete patio along the rear façade of the dwelling.



3. The markup Plot Plan shall be revised to depict the setback of the proposed deck on Lawrence Street frontage.
4. Testimony shall be provided regarding any adverse impacts of the proposed deck on the adjacent property to the east. Due to the deficient setback, the applicant may be required to provide landscape buffering/screening to minimize adverse impacts such as noise and glaring light.
5. 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.
6. Should any portion of the existing curb within Borough right-of-way be damaged resulting from the proposed improvements. Same should be repaired in accordance with the Borough Standards and to the satisfaction of the Borough Engineer.
7. 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
Alethia Graham-Francis, Applicant/Owner, AlethiaGramah@gmail.com
Jeffrey S. Grunn, P.L.S., Applicant's Surveyor
Luce Zamor, Borough Engineer's Office