



KNPB-R6010

December 4, 2025

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

**Re: New Dwelling/Bulk Variance Requests
Winsolar Orca 4, LLC – Arka Ghosh
133 Shore Boulevard
Block 33, Lot 14
Single Family Residential (R-5) Zone
Second Engineering Review**

Dear Ms. Bittle:

As requested, we have reviewed the above referenced application to construct a three (3) story, 3-bedroom, single-family frame dwelling located at 133 Shore Boulevard. The applicant has submitted the following documents in support of this application:

1. Building Permit Plot Plan / Variance Plan prepared by Marc S. Leber, P.E. & P.P., of East Point Engineering, LLC, dated August 14, 2025, consisting of one (1) sheet.
2. Architectural Floor Plans & Elevations prepared by Matthew T. Cronin, A.I.A., dated June 19, 2025, last revised August 27, 2025, consisting of three (3) sheets.
3. Boundary & Topographic Survey prepared by Kenneth P. Frank, P.L.S., of KFT2 Professional Land Surveyors, dated May 20, 2025, consisting of one (1) sheet.
4. Elevation Certificate, prepared by Kenneth P. Frank, P.L.S., of KFT2 Professional Land Surveyors, dated May 20, 2025.
5. Planning Board Application dated September 26, 2025.

A. Project Description

The subject property, also known as 133 Shore Boulevard, is a vacant lot located within the Single Family Residential (R-5) Zoning District. The existing property is an interior lot with frontage along Shore Boulevard to the south and is surrounded by similar residential lots to the north, east and west. The property is located in the “AE” Flood Zone, with a flood elevation of 11 feet.

The applicant is seeking approval for the construction of a three (3) story, 3-bedroom, 2,177 SF single-family dwelling with a canopy over the front door at the west corner of the building. A 10-foot-wide asphalt driveway extending from Shore Boulevard is proposed to accommodate the dwelling. The ground floor of the dwelling will be used as a garage, with an 8-foot-wide overhead opening access where two (2) vehicles can be stored in-tandem. The upper two floors will be used as living spaces with a living room, a kitchen living room layout and a laundry/powder room on the second floor and three (3) bedrooms with two (2) bathrooms on the third floor, as well as access to the attic.

Please note that the Applicant has provided an updated plan which shows that the house is shifted 2 feet towards the front yard resulting in the elimination of the rear yard variance. Our report has been updated accordingly.



B. Bulk Requirements

In accordance with Section 22-5.5 of the Ordinance, the required and proposed bulk deficiencies for the proposed dwelling are noted as follows:

	DESCRIPTION	REQUIRED	PROPOSED
1	Minimum Lot Area	5,000 SF	2,500 SF ^(V) ^(E)
2	Minimum Lot Frontage	50'	25' ^(V) ^(E)
3	Minimum Front Yard Setback	25'	27.0' 25'
4	Minimum Side Yard Setback	7.5'	4.5' ^(V)
5	Minimum Side Yard Setback - <i>Total</i>	15'	9.0' ^(V)
6	Minimum Rear Yard Setback	25'	23.0' ^(A) 25'
7	Min. Gross Residential Ground Floor Area	600 SF	752 SF
8	Maximum Lot Coverage – <i>Principal Bldg.</i>	25%	30.1% ^(V)
9	Maximum Lot Coverage – <i>All</i>	50%	45.1% 44.3%
10	Maximum Building Height	2 ½ Stories (35')	3 Stories ^(V) (33.6')
11	Minimum Improved Off-Street Parking*	2	3

(E) – Existing Nonconformity

(V) – Variance

*Exhibit 1, (Subsection 22-9.3) of the Ordinance requires a total of two (2) Off-Street Parking Spaces for the proposed 3-bedroom, single-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 10’ wide by 30’+ long between the face of the garage door and the existing sidewalk which meets the minimum thirty (30’) feet in length required to count as one (1) off-street parking space. It appears the 2-car garage and driveway combination can accommodate three (3) parking spaces for the property.

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 3-story single-family dwelling which does not meet all the bulk regulations of the R-5 Zoning District.**



2. 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 construct a 3-story single-family dwelling which does not meet all 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. The proposed 3-story dwelling does not conform with all the bulk requirements in the R-5 Single Family Residential Zone. The applicant shall provide testimony to justify the granting of the required bulk variances for the proposed dwelling.
2. The Zoning Data Table shall be revised to indicate a 3-story building instead of the 2.5-story.
3. Revise the plan to include the zoning map, key map, tax map sheet and property owners within 200-foot of the property. **Partially addressed. The property owners list within 200-foot of the property remains to be added to the plan.**
4. Grading of the property will encroach upon the adjacent property to the west. The grading shall be revised to remove the apparent encroachment or a temporary grading easement from the adjacent property owner will be required. **Addressed.**
5. The property is graded to direct surface runoff from the rear property line to the side yards and ultimately towards the right-of-way of Shore Boulevard. We recommend all gutters be pitched from back to front of building to downspouts installed at both ends of the building to daylight on splash guards towards the right-of-way of Shore Boulevard.
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.
7. The plan shall be revised to depict the sewer, water, gas and electric service connections. All proposed utility improvements shall be shown on the plan. **Partially addressed. Electric service connection shall be shown. In addition, the applicant shall provide testimony regarding the relocation of the existing overhead wires and if there are any easements associated with the existing overhead wires.**
8. The depressed curb at the access driveway conflicts with the existing 'B' inlet. The plan shall be revised to eliminate the conflict or design modifications will be required.
9. The applicant shall depict the location of the proposed electric meter on the plan. JCPL requires the meter to be located at or above the Base Flood Elevation (BFE) of 11.0 feet.
10. 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 16.50 feet which is 5.50 feet above the Base Flood Elevation (BFE) and the ground garage floor is proposed at elevation 5.50 feet which is 5.50 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.
11. The project site is 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.



12. The applicant should be advised that lead water services are prohibited in the Borough. The proposed water service connection shall be constructed with non-lead material. A note to that effect shall be provided on the plan.
13. 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.
14. The following construction details shall be provided and comply with the standards of the Borough Ordinance:
 - a. Concrete walk
 - b. Roadway pavement repair
 - c. Utility trench repair
15. 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

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