Borough of Keansburg

Planning/Zoning Office

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April 29, 2026

George Li
66 Knox Ave
Cliffside Park NJ 07010

Formal Zoning Determination – Prior Approval Invalid / Board Review Required
Property: 45 Ocean Boulevard (Block 33, Lot 6)

Dear Applicant,

This office has completed a review of the Planning Board of Adjustment Resolution adopted in August 2023 for the above-referenced property, together with the materials submitted in connection with the current proposal.

Please be advised of the following formal determination:

1. Prior Approval is Deemed Abandoned

Condition "hh" of the Resolution expressly provides: "Unless otherwise agreed by the Zoning Board, the within approval shall be deemed abandoned, unless, within 24 months from adoption of the within Resolution... the Applicants obtain a Building Permit for the construction approved herein."

The Resolution was adopted in August 2023. Accordingly, the 24-month period expired in or about August 2025.

A review of municipal records indicates that no building permit was issued within that time, nor is there any record of an extension granted by the Board. As a matter of law and under the express terms of the Resolution, the approval is therefore deemed abandoned and without force or effect.

2. No Vested Rights / No Reliance on Prior Approval

Because the approval has lapsed, the applicant has no vested rights under the prior approval and may not rely upon it for zoning or permitting purposes.

Any development of the property must therefore be reviewed under current ordinances, regulations, and applicable State requirements, including, but not limited to, current floodplain and climate-adjusted elevation standards.

3. Deviation from Approved Plans

The Resolution further provides that any post-approval changes or deviations require further Board review and approval.

The currently proposed development differs from the approved plans in material respects, including but not limited to:

- Modifications affecting the previously granted height variance; and
- Impacts associated with compliance with current floodplain regulations, including CAFE/REAL requirements, which may alter the building's elevation and vertical profile.

The originally granted variance relief—particularly the height variance—was based upon a specific factual and design context presented to the Board. Any alteration to those underlying assumptions constitutes a new zoning analysis and cannot be administratively approved.

4. Zoning Officer Authority

The Zoning Officer does not have the authority to:

- Reinstate an expired Board approval;
- Modify or reinterpret previously granted variance relief; or
- Approve development that deviates from plans approved by the Planning Board of Adjustment.

Such actions fall exclusively within the jurisdiction of the Board pursuant to the Municipal Land Use Law.

5. Determination

Based upon the foregoing:

- The August 2023 approval is expired and deemed abandoned; and
- The current proposal constitutes a deviation from the previously approved application and variance relief.

Accordingly, the proposed development cannot be approved administratively.

6. Required Action

The applicant must file a new application or seek amended approval before the Planning Board of Adjustment for any proposed development of the property. No zoning permit or further review at the administrative level will be undertaken unless and until such approval is obtained.

Sincerely,

Kathy Burgess
Zoning Officer / Floodplain Manager
Borough of Keansburg