



KNPB-R4050

March 6, 2025
Via Email

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

**Re: 19 Highland Realty, LLC
Preliminary and Final Major Site Plan and Use Variance
19 Highland Avenue
Block 8, Lots 14 & 15
First Engineering Review**

Dear Ms. Bittle:

As requested, our office has reviewed the above referenced application for preliminary and final major site plan approval. The applicant submitted the following documents in support of this application:

1. Planning Board Application prepared by Meryl A. G. Gonchar, Esq., of Sills, Cummis & Gross P.C., dated February 18, 2025.
2. Plans entitled "Preliminary/Final Major Site Plan for 19 & 27 Highland Avenue" prepared by Ian A. Burton, P.E., of MidAtlantic Engineering Partners, LLC, dated February 13, 2025, consisting of eleven (11) sheets.
3. Boundary & Topographic Survey prepared by Suzanne E. Warren, P.L.S., of MidAtlantic Engineering Partners, LLC, dated February 7, 2025, consisting of one (1) sheet.
4. Stormwater Management Narrative prepared by Ian A. Burton, P.E., of MidAtlantic Engineering Partners, LLC, dated February 13, 2025.
5. Drainage Area Maps prepared by MidAtlantic Engineering Partners, LLC, dated February 13, 2025, consisting of two (2) sheets.

A. Project Description

The 12,500 square foot (0.29 acre) tract consists of two (2) lots and currently lie vacant with grass cover throughout with trees and vegetation line along the common property line and remains of concrete walks and no parking signs on the northern Lot. The property is enclosed by a 6-foot-high temporary construction fence. The northern Lot at 19 Highland Avenue (Block 8, Lot 15) formerly contained a one-story residential dwelling which was demolished prior to April 2016 per historic Google Earth imagery and was utilized as additional parking for neighboring residential dwellings following the demolition, whereas 27 Highland Avenue (Block 8, Lot 14) has remained undeveloped. The site is located in the B-2 Mixed Use Residential-Commercial Zone, with frontage along Highland Avenue to the east and Seabreeze Way to the south.

The Applicant seeks preliminary and final major site plan approval to consolidate the existing lots and construct an at-grade surface parking lot containing a total of thirty (30) off-street parking spaces, including one (1) ADA van accessible parking stall to be served as a satellite parking lot that will be accessory to nearby mixed-use projects in the Carr Avenue Corridor Redevelopment



Area. Specifically, the proposed parking lot will provide nineteen (19) overflow parking spaces for the 1 Carr Avenue project and four (4) overflow parking spaces for the 2 Carr Avenue project with the balance of the parking spaces to be made available for residents and visitors of the nearby redevelopment projects. It should be noted that these overflow parking spaces had been previously proposed at 288 Beachway Avenue on Block 10, Lots 1, 8 and 9, which is the subject of a separate application for development before the Board. Additional improvements include grading, drainage, stormwater management, curbing, sidewalks, fencing, lighting, landscaping and buffering, paving and striping and traffic control signage. While the proposed parking lot is not situated within the Carr Avenue Corridor Redevelopment Area, it is less than 1,000 feet from the of 1 Carr Avenue and 2 Carr Avenue sites which is permitted by the Carr Avenue Corridor Redevelopment Plan.

However, the parking lot as proposed is not accessory to a principal structure or use on the property and therefore use variance relief is required to permit the parking lot as a standalone principal use.

B. Bulk Requirements

1. In accordance with the Mixed Use Residential-Commercial (B-2) Zone standards, existing/proposed bulk deficiencies are noted as follows:

	STANDARD	REQUIRED	EXISTING	PROPOSED
1	Minimum Lot Area	5,000 SF	12,500 SF	NO CHANGE
2	Minimum Lot Width	NA	125'	NO CHANGE
3	Minimum Lot Depth	NA	100'	NO CHANGE
4	Minimum Lot Frontage	50'	100'	NO CHANGE
5	Maximum Impervious Coverage	80%	4%	68%
6	Minimum Front Yard Setback	5'	NA	NA
7	Minimum Rear Yard Setback	10'	NA	NA
8	Minimum Side Yard Setback	NA	NA	NA
9	Minimum Number of Parking Spaces	NA	NA	29
10	Interior Landscaping	5%	NA	30%
11	Street Tree Spacing	30'	NA	NA ^(V)
12	Minimum Driveway Aisle Width	24'	NA	24'
13	Minimum Parking Stall Size	9' x 18'	NA	8.5' x 18' ^(V)

(V) – Variance

(NA) – Not Applicable

C. Variances and Design Waivers Required

In order to approve this application, the Board would have to grant variances for the bulk conditions 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 22-5.10.b** – The applicant intends to construct a 8,641 square foot, 30 space, at-grade surface parking lot within the property, which is not a listed permitted use in the B-2 Mixed Use Commercial-Residential Zone District. **A use variance is required.**



2. **Section 22-9.3.b** – *“Each off-street parking space shall measure nine feet in width by eighteen feet in length. Parking spaces for the physically handicapped shall be 12 feet wide.”* The site plan proposes dimensions of 8.5’ x 18’ for minimum parking stall size. **A design waiver is required.**
3. **Section 22-8.5.d** – *“Street trees shall be installed on both sides of all streets in accordance with the approved landscape plan. Trees shall either be massed at critical points or spaces evenly along the street, or both.”* The applicant is not proposing additional street trees with this development, whereas a street tree is required to be planted every 30 feet along the frontage of the property. **A design waiver is required.**

D. 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 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. 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.

E. In order for the Board to approve any "d" variances, the applicant must satisfy the following:

Positive Criteria

There are two prongs to the positive criteria that the applicant must satisfy, as follows:

That the site is particularly suited to the use. The applicant must prove that the site is particularly suited to the use.

There are special reasons that allow a departure from the zoning regulations in this particular case. The applicant must prove that special reasons support the grant of the variance. The only acceptable special reasons for the grant of a "d" variance would be proof that the variance promotes the purpose of zoning, or proof of undue hardship. The purposes of zoning are established by the Municipal Land Use Law (N.J.S.A. 40:SSD-2) and the applicant must demonstrate that the variance promotes one or more of those purposes to establish special reasons. Alternatively, the applicant may offer as a special reason proof that that refusal to grant the variance would result in undue hardship. Proof of undue hardship for a "d" variance requires that the applicant prove that the property cannot be reasonably adapted to conform to the zone requirements.

Negative Criteria

There are two (2) prongs to the negative criteria that the applicant must satisfy, as follows:

That the variance can be granted without substantial detriment to the public good. This prong requires an evaluation of the impact of the variance on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.

That the variance will not substantially impair the intent and purpose of the zoning plan and ordinance. The Board of Adjustment is precluded by the negative criteria from granting any "d" variance relief unless an applicant demonstrates that the variance will not substantially impair the intent and purpose of the zone plan. The process for zoning decisions is through the recommendations of the municipal master plan as implemented through zoning ordinances adopted by the governing body. This establishes the zones, standards, and requirements for the development of the municipality. The Board of Adjustment is precluded by the negative criteria from granting any "d" variance relief unless an applicant demonstrates that the variance will not substantially impair the intent and purpose of the zone plan. If the grant of a variance substantially alters the municipality's zone plan, the action is impermissible because it usurps the zoning power of the governing body and undermines the municipal planning process.

If the applicant's attorney or professionals have any questions or issues regarding the variances and design exception listed above, we recommend that they contact the Board's attorney and professionals prior to the public hearing on this matter so any such questions and issues can be addressed or resolved before the Planning Board reviews this application.



F. Site Requirements & Layout

1. The site circulation includes two (2) driveway entrances with security gates access at Seabreeze Way and Highland Avenue, allowing ingress and egress with two-way circulation through the parking area. The applicant states that the proposed parking lot will provide nineteen (19) overflow parking spaces for the 1 Carr Avenue project and four (4) overflow parking spaces for the 2 Carr Avenue project with the balance of the parking spaces to be made available for residents and visitors of the nearby redevelopment projects. The applicant shall provide testimony regarding the use of the parking lot with the nearby redevelopment projects and discuss the method of access to both residents and visitors, such as:
 - a. Whether the off-street parking associated with the 1 Carr Avenue and 2 Carr Avenue properties will be assigned or reserved to tenants.
 - b. How access to visitors to the parking lot will be provided.
 - c. Will there be a parking attendant to allow access to visitors?
2. Table 208.2 of the 2010 ADA standards indicates that two (2) ADA accessible parking spaces are to be provided when there are between 26 and 50 parking spaces, whereas one (1) ADA accessible parking spaces is provided. The plans shall be revised to provide the adequate amount of ADA accessible parking spaces, or a waiver will be required.
3. The applicant should consider installing a bike rack within the parking area.
4. A pedestrian walkway connection to the existing sidewalks along the property's frontages shall be provided to ensure safe pedestrian circulation in and out of the parking lot.
5. The applicant shall provide testimony confirming the proposed parking already allocated throughout the Carr Avenue Corridor Redevelopment Area in conjunction with the subject application. It is our understanding that the following projects have confirmed proposed parking as follows:
 - a. 19 Highland Realty, LLC – 19 Highland Avenue (KNPB-R4050)
 - i. Required Parking – Not Applicable – principal use is a parking lot
 - ii. Proposed Parking – 30 parking spaces
 - b. Beachway Enterprises, LLC – 288 Beachway Avenue / 12 Highland Avenue (KNPB-R4030)
 - i. Required Parking – 38 parking spaces
 - ii. Proposed Parking – 54 parking spaces
 1. 44 on-site parking spaces
 2. 4 off-site spaces along Bay Avenue
 3. 6 off-site spaces along Highland Avenue
 - c. Carr Enterprises, LLC – 19 Carr Avenue (KNPB-R1450)
 - i. Required Parking – 52 parking spaces
 - ii. Proposed Parking – 61 parking spaces
 1. 53 on-site parking spaces
 2. 7 off-site parking spaces along Carr Avenue
 3. 1 off-site parking spaces along Seabreeze Way



- d. Carr Avenue Realty, LLC – 2 Carr Avenue (KNPB-R1650)
 - i. Required Parking – 97 parking spaces
 - ii. Proposed Parking – 101 parking spaces
 - 1. 87 on-site parking spaces for Mixed-Use Lots
 - 2. 14 off-site parking spaces within Borough R.O.W.
- e. Carr Avenue Realty, LLC – 1 Carr Avenue (KNPB-R1660)
 - i. Required Parking – 59 parking spaces
 - ii. Proposed Parking – 54 parking spaces (with EV reduction)
 - 1. 28 on-site parking spaces
 - 2. 7 off-site parking spaces along Carr Avenue
 - 3. 19 off-site parking spaces at 19 Highland Avenue parking lot
- 6. The Redevelopment Plan's residential parking requirement requires that one (1) space per unit be provided on-site. If this is not attainable than the applicant is permitted to utilize off-site parking to satisfy this requirement.

There are currently five (5) development applications within the Redevelopment Area that have been submitted to the Planning Board of Adjustment. These applications propose a total of 235 residential units, thereby requiring **235 on-site** parking spaces. **Three hundred and ten (310) on-site/off-site** parking spaces are proposed including the thirty (30) space parking lot located at 19 Highland Avenue (Block 10, Lots 1, 8 & 9).

The applicant shall provide testimony confirming that the Redevelopment Plan's residential parking requirements of one (1.35) space per unit is on track to be met between all applications.

- 7. Section 22-9.3.b of the Ordinance requires each off-street parking space to measure 9 feet in width by 18 feet in length, whereas the minimum proposed parking stall size for the lot is 8.5 feet in width. The cover sheet of the provided site plan indicates a design waiver will be required.
- 8. It is noted that a construction detail for EV stall striping has been provided, however, it is not clarified on the site plans where the location of said EV stall is proposed. The plans shall be revised to indicate the location of the proposed EV stall, or the construction detail shall be removed.
- 9. It appears the ADA ramps at the intersection Highland Avenue and Seabreeze Avenue exceed the minimum allowable slope of 8.33% The grading plan shall be revised to provide additional spot elevations and indicate all slopes for the proposed ADA ramps.

G. Traffic Impact

- 1. We defer to the Borough Fire Official for review of the application with respect to emergency vehicle access and maneuvering, as well as traffic lane markings.

H. Stormwater Management

- 1. The proposed area of disturbance 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 Management requirements. Additionally, the following shall be noted:

- a. The subject property is located within the Metropolitan Planning Area (P1) under the State Plan Policy Map and, therefore, the groundwater recharge requirements are not applicable in accordance with N.J.A.C. 7:8-5.4(b)2.
 - b. The development does not propose to increase the impervious coverage by a quarter acre and therefore is not required to meet runoff quality requirements per N.J.A.C. 7:8-5.5.
2. While the project is not considered a major development, the applicant is proposing to increase impervious coverage by approximately 64% (7,991 square feet). The applicant has graded the property to generally follow the existing drainage patterns to drain towards the existing roadways. The stormwater management narrative indicates an increase of post-developed runoff. The applicant shall provide stormwater management measures to mitigate the increase in runoff resulting from the proposed improvement.
 3. The existing drainage pipes along the west side of Highland Avenue and north side of Seabreeze Way are shown on the plans. It is shown that the proposed pipe system of the parking area will connect to the existing piping system on Highland Avenue using a doghouse manhole. The applicant shall provide pipe calculations for the proposed piping system. Any necessary upgrades to the drainage infrastructure shall be coordinated with the Borough Engineer.

I. Landscaping and Lighting

1. Section 22-8.5.d of the Ordinance requires that street trees be planted no more than 30 feet on center along the front façade of any property, whereas no street trees are proposed. The Applicant indicates has requested a variance, however it appears at least three (3) street trees can be planted within the grass strip along the frontage on Highland Avenue.
2. Note #2 on the lighting plan shall be revised to apply to the proposed parking lot lighting. All outdoor lighting during non-operating hours, not necessary for safety and security purposes, shall be reduced, activated by motion-sensor devices, or turned off. The applicant shall provide testimony on the proposed lights and hours of operation. It is recommended they be placed on a timer.

J. General Comments

1. The project site is located in the Coastal Area Facilities Review Act (CAFRA) Zone. The applicant shall comply with any applicable NJDEP requirements. We defer further review to NJDEP.
2. The site currently consists of two (2) individual lots. The applicant proposes to consolidate the existing lots to form a single a lot. A deed consolidation with associated legal descriptions shall be submitted to the Borough Attorney for review and approval which must then be filed with the Monmouth County Clerk.
3. The applicant shall repave the entire width of Highland Avenue and Sea Breeze Way along the project frontages including the intersections of Sea Breeze Way and Highland Avenue.



4. A note shall be added to the plans stating that any/all existing curb, sidewalk, roadway, and other objects either in poor condition or damaged by construction should be repaired and/or replaced to the satisfaction of the Borough Engineer.
5. If approved the applicant will be required to post all performance guarantees and inspection escrow as stipulated in the Development Regulations.
6. This application may be subject, but not limited, to the following outside agency approvals or letters of no jurisdiction:
 - a. Borough Fire Official
 - b. Freehold Soil Conservation District
 - c. Monmouth County Planning Board
 - d. New Jersey Department of Environmental Protection

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 regarding this matter, please do not hesitate to contact our office.

Very truly yours,

T & M ASSOCIATES

ROBERT F. YURO, P.E., C.M.E.
BOROUGH OF KEANSBURG
PLANNING BOARD OF ADJUSTMENT ENGINEER

RFY:STF:na

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