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March 18, 2024

Keyport Unified Planning Board  
70 West Front Street  
Keyport, New Jersey 07735

Attn: Denise Nellis, Planning Board Secretary

**Re: 24 Broad Street, LLC**  
**Preliminary and Final Site Plan Approval with Variances**  
**Completeness Review #2 & Engineering Review #1**  
**Application No. KUPB 24-03**  
**Location: 18 - 24 Broad Street**  
**Block 21.01, Lot 54**  
**Borough of Keyport, Monmouth County, NJ**  
**CME File: HKPE0021.06**

Dear Board Members and Ms. Nellis:

In accordance with your authorization, CME has performed a review of the above referenced variance application, including but not limited to the following:

- Application To the Keyport Unified Planning Board for 18-24 Broad Street.
- Denial of Application by Zoning Officer (Board Approval Required) dated March 14, 2023.
- Preliminary and Final Site Plan, 18-24 Broad Street, Block 21.01 – Lot 54, For Detour Gallery, Borough of Keyport, Monmouth County, New Jersey, Prepared by KBA Engineering Services LLC, Sheets 1-5 of 5, Dated: 10/30/2023, No Revisions.
- Outbound and Topographic Survey Prepared for 24 Broad Street Lot 54 Block 21.01 Situated in the Borough of Keyport, Monmouth County, New Jersey, Prepared by Clearpoint Services, Dated: 9/6/2023, No revisions,
- Soil Erosion & Sediment Control Plan, Preliminary and Final Site Plan, 18-24 Broad Street, Block 21.01 – Lot 54, For Detour Gallery, Borough of Keyport, Monmouth County, New Jersey, Prepared by KBA Engineering Services LLC, Sheets 1-2 of 2, Dated: 10/30/2023, No Revisions.
- Deck, Greenhouse, 2<sup>nd</sup> Floor Addition & Interior Renovations for 18-24 Broad Street, Keyport, NJ, Lot #54 Block #21.01; Owner/Applicant 24 Broad Street, LLC, Kenneth Schwartz, prepared by James T. Daley Architect + Associates, Plans A-1, A-2 and A-3, Dated June 7, 2023, Rev. February 5, 2024.



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**Completeness Review**

1. Item 2L. The following legend shall be on the site plan map:

Site Plan of \_\_\_\_\_

Block \_\_\_\_\_ Lot \_\_\_\_\_ Zone \_\_\_\_\_

Date \_\_\_\_\_ Scale \_\_\_\_\_

Applicant \_\_\_\_\_

Address \_\_\_\_\_

I consent to the filing of the site plan with the Planning Board.

\_\_\_\_\_  
(Owner) (Date)

I hereby certify that I have prepared to the site plan and that all dimensions and information thereon depicted is correct.

\_\_\_\_\_  
(Name) (Title and License)

I have reviewed this site plan and certify that it meets all codes and ordinances under that jurisdiction

\_\_\_\_\_  
(Date) (Land Use Board Engineer)

Approved by the Planning Board:

Preliminary \_\_\_\_\_

Final \_\_\_\_\_

\_\_\_\_\_  
(Chairman) (Date)

***I have no objection to the Board granting a completeness waiver for this item provided the Applicant revises the plans to include the same.***



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Item 5. Submission of Environmental Impact Statement

***I have no objection to the Board granting a waiver for this item due the nature of the improvements.***

Item 6. Soil Erosion and sediment and Control Permit and Soil Conservation District Approval (if project involves disturbance of more than 5,0000 Square feet of land area).

***I have no objection to the Board granting a completeness waiver for this item provided that the Applicant provides the approval as a condition of any approval granted by the Board.***

Item 8. Referral to Monmouth County Planning Board for review and approval.

***I have no objection to the Board granting a completeness waiver for this item provided that the Applicant provides the approval as a condition of any approval granted by the Board.***

Item 11. Applicant for a project located within a flood hazard area to apply for approval in conformance with the "90 Day Construction Permit Act"

***I have no objection to the Board granting a completeness waiver for this item provided that the Applicant provides the approval as a condition of an approval granted by the Board.***

Item 4. Payment of Performance Guaranty in favor of municipality approved by Borough Attorney and Borough Engineer

***I have no objection to the Board granting a completeness waiver for this item provided that the Applicant provides the Guaranty as a condition of an approval granted by the Board.***

Item 7. Engineering Inspection Fees

***I have no objection to the Board granting a completeness waiver for this item provided that the Applicant provides the inspection fees as a condition of an approval granted by the Board.***

### **Technical Review**

1. The Applicant, 24 Broad Street, LLC, has submitted an application for Preliminary and Final Major Site Plan Approval with Variance Relief for renovation and expansion of an existing two-story, mixed use building on a 9,399 square foot lot located in the GC - General Commercial Zoning District.



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2. The existing building is located on the west side of Broad Street (Monmouth County Route 4) and is a mixed used structure with retail use on the first floor and three residential apartments on the second floor.
3. Based on the Architect's plans, the proposed building will include a 2,283 square foot basement, the first floor will include a 350 square foot office, a 1,855 SF bakery/restaurant, a 359 square foot greenhouse area and an 829 square foot deck as accessory area for the restaurant and three (3) one-bedroom residential apartments on the second floor with a minimum of 675 square feet per unit. The green house and deck will be constructed on piers and will be open to the ground below. The additions to the building include the following:
  - a) An expansion to the west of the first floor to include the 12' addition for the green house and additional 12' deck expansion on the north side of the building for a total addition of 24'. On the south side of the building, the deck addition is 18.5'. The staircase on the western end of the deck extends an additional 3.5' to the west.
  - b) An expansion of the second floor to include a 10.5' addition from the rear wall. The proposed balconies extend an additional width from the rear of the building.
4. All abutting parcels are in the GC Zoning District. Abutting parcels appear to contain mixed uses and commercial uses. A multi-family residential development is located on the opposite (east) side of Broad Street.
5. The schedule of area, yard and building requirements for the GC (Mixed Use) Zoning District is shown below.

| <u>Item</u>                       | <u>Required</u> | <u>Existing</u> | <u>Proposed</u> |
|-----------------------------------|-----------------|-----------------|-----------------|
| Minimum Lot Area                  | NA              | 9,399 s.f.      | 9,399 s.f.      |
| Minimum Lot Width                 | NA              | 72.30 feet      | 72.30 feet      |
| Minimum Front Yard Setback        | NA              | 7.5 feet        | 7.5 feet        |
| Minimum One Side Yard Setback     | NA              | 0 feet          | 0 feet          |
| Minimum Both Side Yard Setback    | Note 1          | Conforms        | Conforms        |
| Minimum Rear Yard Setback         | Note 1          | Conforms        | Conforms        |
| Maximum Building Height – Stories | NA              | 2 stories       | 2 stories       |



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| <u>Item</u>                                          | <u>Required</u>             | <u>Existing</u> | <u>Proposed</u> |
|------------------------------------------------------|-----------------------------|-----------------|-----------------|
| Maximum Building Height – Feet                       | Elevation 70,<br>See Note 2 | Elev. 46 $\pm$  | Elev. 53 $\pm$  |
| Maximum Allowable Building Coverage                  | 85%                         | 27.2%           | 31.7%           |
| Maximum Buildings and Impervious Surface             | 90%                         | 55% $\pm$       | 66% $\pm$       |
| Maximum Percentage of Front Yard Coverage By Parking | NA                          | NA              | NA              |

**V** Variance Required

NA Not Applicable/Not Required in the Zoning District

Note 1: Minimum setback from a residential district lot is 20 feet.

Note 2: The peak of the roof and any equipment shall not exceed an elevation of 70.0 feet referenced to Datum NAVD 88.

6. ***The Application does not require any variances from the zoning schedule of the GC zone.***

7. Mixed residential commercial uses are permitted with the GC Zone and require the following per section 25-1.9.5 (a) of the Borough's Land Use Regulations:

- a) Shall consist of GC District permitted commercial uses on the ground floor and residential dwellings on upper floors. Residential dwelling units shall not be permitted on the basement or first (ground) floor level. ***(Conforms)***
- b) Pedestrian access for the commercial spaces for the mixed use buildings along West Front and East Front Streets shall be provided from West Front Street and East Front Street. ***(Not Applicable)***
- c) Vehicles shall not be permitted to back on to West Front Street or East Front Street. ***(Not Applicable)***
- d) Residential dwelling units may be studios, one, two or three bedroom units. ***(Conforms)***
- e) Residential dwelling units shall be a minimum of 675 square feet. The minimum square footage for each dwelling unit may be split between floors however direct access shall be provided between floors in each dwelling unit. ***(Conforms)***



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- f) Each residential dwelling unit shall contain its own bathroom, kitchen and closet. Three-bedroom dwelling units shall contain a minimum of two bathrooms. **(Conforms)**
- g) Each bedroom within the dwelling unit shall contain a closet. **(Conforms)**
- h) Off-street parking requirement. The number and size of spaces required for the residential use shall be in accordance with N.J.A.C. 5:21, the Residential Site Improvement Standards. **(See Below)**

8. Access and Off-Street Parking Space Review

- a) In accordance with Borough's Land Use Regulations section 25-1-18 The GC Zone does not require off street parking spaces except, as provided for in the Land Use Regulations section 25-1-9.5 (a), the number and size of spaces required for the residential use shall be in accordance with N.J.A.C. 5:21, the Residential Site Improvement Standards.
  - i) Based on the provided plans, the Applicant is required to provide 1.8 parking spaces for each one-bedroom residential unit for a total of six (6) parking spaces.
  - ii) The Applicant is proposing nine (9) parking spaces at the rear of the building including one ADA accessible parking space. The parking spaces are 9'x18' which meet RSIS standards.
  - iii) Wood posts with reflectors at the "head" of each space or other method of delineating the limits of the individual parking spaces in the gravel area should be provided.
  - iv) The Applicant should provide testimony as to whether the six (6) parking spaces will be signed for residents only.
  - v) The Applicant shall revise the parking schedule to include the appropriate off street parking information.
- b) Access is provided via an existing driveway extending along the north side of the building from Broad Street to a parking area at the rear of the building. The access way descends from Broad Street to the rear parking area such that the existing basement is at-grade with a walk out access door in the rear of the building. It appears that this driveway is shared and is partially located on Block 21.01 Lot 53. The tax map identified an easement for the driveway. **The Applicant shall provide the easement language for this driveway and identify if the easement affects the access to the rear of the site.**
  - i) **Section 25-1-18(3)** of the Borough's Land Use Regulations require that access drives or driveways shall be no less than 15 feet for ingress or egress and 24 feet wide for both ingress and egress. The width of the access drive does not meet the required 24-foot



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width for an ingress and egress driveway. ***A Variance is required from this section of the Land Use Regulations for the width of the driveway.***

- ii) The Applicant should discuss making the access drive one way for ingress into the site with egress through the Borough owned parking lot to the west of the Applicant's property. It is noted that Borough Council approval may be necessary to perform the improvements proposed on the Borough owned parking lot and for access between the two lots. This should be reviewed with the Borough Attorney including the need for an access easement between the two lots.
- c) Parking Lot Surface Review. The existing on-site parking area has a gravel surface. ***Section 25-1-18(7)*** of the Borough's Land Use Regulations requires off-street parking or loading areas for four or more spaces to be surfaced with an asphaltic or Portland cement pavement or similar durable and dustless surface. All areas should be marked to provide for the orderly and safe loading, parking and storage of self-propelled vehicles. ***A Variance is required from this section of the Land Use Regulations for the gravel parking lot.***

#### 9. Flood Hazard Area Review

The site is located in a Flood Hazard Area; Flood Zone AE (Elevation 13 and 14) as shown on Preliminary FEMA Flood Insurance Rate Map 34025C0029G (dated 1/30/2015). The property is located outside of the Limit of Moderate Wave Action.

- a) The site plan shall be revised to identify the limits of each if the flood zones on the property and identify if the proposed building addition is located within the AE13 or AE 14 flood zone.
- b) The Borough's *Flood Damage Prevention* ordinance, Chapter 15, requires a Local Design Flood Elevation of the flood elevation plus three (3') feet of Freeboard. It appears that the proposed elevation of the first floor of the building will not meet this elevation. ***A variance from section 801.2 of the Flood Damage Prevention ordinance may be necessary based on the final flood elevation determination and the finished floor of the building. The variance shall be granted by the Keyport Land Use Board in accordance with Section 107 of the Flood Damage Prevention Ordinance.***
- c) Any space below the flood elevation may only be used for parking, access and storage. The Applicant shall provide testimony to describe the anticipated use of the basement.
- d) The basement area shall be designed to meet the enclosure requirements in the Flood Damage Prevention ordinance chapter 801.2 (e). Testimony shall be provided as to how this requirement shall be met.
- e) Electrical, heating, ventilating, air conditioning and other service equipment shall be constructed above the Local Design Flood Elevation and meet the requirements of ASCE 24 Chapter 7.



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The Applicant should provide testimony to discuss where the utilities for the building will be constructed.

- f) Based upon the NJDEP NJ-GeoWeb online resource, there are no freshwater wetlands on or in the immediate proximity of the site, but the site is located within the CAFRA Zone.
- g) The Applicant shall submit a Floodplain Development Permit application to the Floodplain Administrator in accordance with Section 104 of the Flood Damage Prevention Ordinance prior to construction. Any variances shall be identified as part of the application.

#### 10. Stormwater Management Review

- a) The project proposes disturbance of less than one (1) acre and less than one-quarter (1/4) acre of additional impervious coverage. It is therefore exempt from the stormwater management requirements of the Borough Stormwater Ordinance and NJAC 7:8.
- b) Should there be any site plan revisions that propose more than one-quarter (1/4) acre of additional impervious coverage, then a stormwater management report shall be provided.

#### 11. Utility Review

- a) A note on the Site Plan states existing public water and sanitary sewer services are to remain to service the building. The Applicant shall provide testimony as to projected flow for sanitary sewer and potable water.
- b) A grease trap shall be provided for the proposed restaurant use in accordance with the plumbing code.
- c) Sanitary sewer and potable water reports shall be submitted to the Borough Engineer for review.

#### 12. Signage Review

- a) No signage is proposed as part of the application. Should signage be proposed, the signage shall either meet the Borough's Land Use Regulations or a separate application shall be submitted to the Land Use Board.

#### 13. Landscaping, lighting and buffer review.

- a) Landscaping requirement. All nonresidential development shall provide landscaping and/or fencing to enhance site appearance, provide for visual screening of parking areas, waste disposal facilities and loading areas. The Applicant should provide testimony as to the inclusion of landscaping and fencing within the project. The Planning Board may waive this requirement due to existing vegetation, topography, or other physical features at or adjacent to the site which provides effective screening.



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- b) A fenced-in dumpster enclosure is proposed at the rear of the parking lot.
  - i) A detail should be provided for the dumpster.
  - ii) The Applicant should provide testimony as to how the dumpster will operate and be picked up from the site. A turning template should be added to the plans to indicate how the dumpster will be picked up from the site.
  - iii) The Applicant should provide testimony as to what type of fencing is proposed around the dumpster.
- c) No exterior light source shall emit direct glare beyond the lot lines of the site on which located. The Applicant shall provide testimony to address this requirement.

14. We offer the following additional comments for review and consideration by the Board and discussion with the Applicant:

- a) The Applicant should provide testimony on the proposed restaurant use, including the anticipated hours of operation, nature of the restaurant operation (liquor sales? BYOB?) and the anticipated number of staff.
- b) The Applicant should explain the handicap accessible route from the proposed handicap parking space to the first floor of the building.
- c) The subject site is within the CAFRA Zone. The Applicant should provide a CAFRA permit from the NJDEP or a jurisdictional determination from the NJDEP indicating that a permit is not required.
- d) Approval is required from Monmouth County Planning Board as the project has ingress/egress from a County roadway.
- e) The Applicant should address the potential surface drainage impacts of the impervious area of the proposed building roof, driveway and walkway areas and proposed mitigation to prevent adverse impacts on neighboring properties. The Variance Site Plan shows 4-inch roof leader collectors at the front and rear of the proposed dwelling, but no terminus for these drains is shown on the plan. The roof leaders shall be directed away from the adjacent properties and also shall not be directed through the curb.
- f) The Applicant should provide testimony regarding any other agency permits or approvals that are required.

15. In accordance with the Municipal Land Use law NJSA 40:55D-70c, the Applicant must provide testimony to address the positive and negative criteria for the requested "c" variances.



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- a) Positive Criteria: The Applicant shall provide testimony to the Board regarding the physical condition of the property and how the strict application of the provisions of the ordinance would result in a hardship that is inconsistent with the purpose and intent of the ordinance. Alternatively, the Applicant may testify that the required variance furthers the purposes of the Municipal Land Use Law and that the benefits of granting the variance will substantially outweigh any detriments.
- b) Negative Criteria: The Applicant must demonstrate that the variance can be granted without detriment to the public good and that the granting of the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

16. The followings items should be included as conditions of any approval given by the Board:

- a) The Applicant shall obtain approval from the Borough Utility Department for the water and sanitary sewer connections and the Bayshore Regional Sewerage Authority (BRSA).
- b) The Applicant shall provide an Elevation Certificate for the building prior to Certificate of Occupancy.
- c) The Applicant shall receive approval from the Floodplain Administrator including any variances that may be requested from the Borough Planning Board.
- d) The Applicant is responsible to pay all connection fees to the Borough and the BRSA prior to construction.
- e) The Applicant will be required to repair any sidewalk and curb damaged during construction in accordance with the Borough's improvements standards and to the satisfaction of the Borough Engineer.
- f) The Applicant shall obtain approval from the Borough Council for any work on a Borough owned property and for an access easement through a Borough owned property.
- g) The Applicant shall be responsible to post a performance bond and inspection fee and obtain a road opening permit prior to construction.
- h) The Applicant shall provide a Topographic and Location As Built Plan which shall be approved by the Borough Engineer prior to the issuance of a Certificate of Occupancy.
- i) The Applicant must obtain any other necessary permits and/or approvals that may be required from any governmental or quasi-governmental entities having jurisdiction over the project, including but not limited to, Building and Construction Permits and Inspections. Copies of all permits must be submitted to the Board and our office.



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Should you have any questions or require additional information, please do not hesitate to contact this office.

Very truly yours,  
**CME Associates**

Trevor J. Taylor, PE, PP, CME, CFM  
*Planning Board Engineer*

TT:TF

cc: Marc Leckstein, Esq.  
Kenneth Schwartz, 24 Broad Street, LLC, Applicant  
Sean F. Byrnes, Esq., Applicant's Attorney  
Joseph J. Kociuba, PE, PP, Applicant's Engineer  
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