



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

June 11, 2025

Sent Via Electronic Mail

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

Attn: Denise Nellis, Planning Board Secretary

**Re: 46-48 Highway 36, LLC
Site Plan Approval with Use and Bulk Variances
Completeness Review #3 and Technical Review #1
Application No. KUPB 25-05
Location: 46-48 Highway 36
Block 106, Lot 1
Borough of Keyport, Monmouth County, NJ
CME File: HKPE0106.01**

Dear Board Members:

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

- Application To the Keyport Unified Planning Board with Justification for D 1 Use Variance
- Preliminary and Final Major Site Plan, 46 Highway 36, Block 106 – Lot 1, Borough of Keyport, Monmouth County, New Jersey, Prepared by East Point Engineering, LLC, Sheets 1-4 of 4, Dated: 02/19/2025, Revised 04/10/25.
- Architectural plans for the Willow Recovery Center dated 01-21-2025, Sheets 1 through 3 of 3 prepared by Aiello Associates Architects.

Based upon review, we offer the following comments:

Completeness Review

1. The items from our Completeness Review #1 are as follows:
 - a. The submission shall comply with Land Use Regulations Chapter 25-6-8. Preliminary and Final site plan checklists shall be completed and submitted with the application (as attached). The Applicant should identify the checklist items that require submission waivers. The Applicant shall submit a list of bulk Variances requested. **Addressed.**
 - b. The survey as referenced on Note 3 on Sheet 1 should be provided as part of the application. **Addressed.**



Borough of Keyport
Re: 46-48 HWY 36, LLC
Completeness Review #3 and Technical Review #1
CME Project HKPE0106.01

June 11, 2025
KUPB 25-05
Page 2

- c. Stormwater Management Report. A statement should be provided identifying the need for stormwater improvements. **Waiver Requested.**
 - d. The Tax Payment Certification (as attached) shall be completed by the Borough's Tax Collector. **Addressed.**
 - e. Disclosure form identifying 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership and include a W-9. **Submitted.**
 - f. The total area of the proposed building alteration is approximately 5,956 square feet. **Borough Ordinance Section 25-1-3 Definitions: Part (a) Development Minor, (b) "The construction of any building or structure or addition to any building or structure of 500 square feet or less".** It appears the proposed alteration is considered a Major Development. The Applicant should amend the application for submission of a Preliminary and Final Major Site Plan with variances. The Site Plans correctly identify the proposed project as a Preliminary and Final Major Site Plan. **Addressed.**
 - g. The Applicant shall submit a \$650.00 application fee and \$2,000 escrow fee. The applicant posted \$550 in application fees; an additional \$100 shall be provided. **The Applicant shall address the escrow with the Board Secretary.**
2. The followings items are checked as N/A on the Site Plan Checklist:
- a. 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.
 - b. 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.
 - c. Item 7. Stormwater management plan.
I have no objection to the Board granting a completeness waiver for this item as there is no additional impervious coverage proposed as part of the project.
 - d. Final Site Plan Checklist 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.
 - e. Final Site Plan Checklist Item 5. Soil removal permit signed by the Borough Engineer



Borough of Keyport
Re: 46-48 HWY 36, LLC
Completeness Review #3 and Technical Review #1
CME Project HKPE0106.01

June 11, 2025
KUPB 25-05
Page 3

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.

- f. Final Site Plan Checklist 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 Guaranty as a condition of an approval granted by the Board.

3. Based upon our review of this application from a completeness standpoint, the application is administratively **COMPLETE** and be scheduled for the next available board hearing.

Technical Review

1. The site is a corner lot located at the intersection of State Highway 36 and Van Dorn Street, in the HC Highway Commercial Zone District. The site has an area of 15,227 square feet and includes an existing two-story building having commercial office uses with a total floor area of approximately 6,000 square feet. There are seventeen (17) parking spaces on the site. The Keyport-Hazlet Township line is located approximately 105 feet southeast of the site
2. The Applicant proposes renovating the existing building to become the Willow Recovery Center; a detoxification substance abuse disorder treatment facility providing short-term inpatient services. The proposed facility includes 22 short-term detoxification and residential beds with 7 days per week, 24 hours per day staff supervision.
3. Substance abuse treatment uses are not listed as a principal permitted use or conditional use in the HC Zoning District and the proposed treatment center use has been determined to be Non-Conforming to the allowed Uses in the Zoning District and thus will require a "d" Use Variance.
4. The property's conformity with the Bulk Regulations of the HC Highway Commercial Zone is outlined in the following table, prepared based on the information submitted by the Applicant:

<u>Item</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Minimum Lot Area	10,000 s.f.	15,227 s.f.	15,227 s.f.
Minimum Lot Width	100 feet	160.5 feet	160.5 feet
Minimum Front Yard – Route 36	50 feet	19.6 ENC	19.6 V
Minimum Front Yard – Van Dorn Street	50 feet	42.8 ENC	42.8 V
Minimum One Side Yard Setback	6 feet	25.9 feet	25.9 feet



Borough of Keyport
 Re: 46-48 HWY 36, LLC
 Completeness Review #3 and Technical Review #1
 CME Project HKPE0106.01

June 11, 2025
 KUPB 25-05
 Page 4

Minimum Both Side Yard Setbacks	16 feet	25.7	25.7 feet
Minimum Rear Yard Setback	20 feet	25.9	25.9 feet
Item	Required	Existing	Proposed
Maximum Principal Building Height	3.5 Stories and 40 feet	2 Stories and 28+ feet	2 stories and 28+ feet
Maximum Allowable Principal Building Coverage	35%	19.6%	19.6%
Maximum All Buildings and Impervious Surface	90%	71.5%	Less than existing

ENC Existing Non Conforming **V** Variance Required

5. The Applicant has requesting variance relief for the following:
 - a. A Use ("D") Variance to for the non-permitted use in the HC Zoning District.
 - b. Bulk Dimensional ("C") Variances for Front Yard Setback (NJSH Route 36 and Van Dorn Street) and Minimum parking setback to a residence or street line.
 - c. Accessory structures (existing air conditioning units) located in the front yard.
6. The following Variances were not requested but appear to be required:
 - a. Land Use Ordinance Section 25-1-18 a(2) requires that parking spaces be 9' x 20' where 9' x 18' spaces are proposed.
 - b. Land Use Ordinance Section 25-1-18 a(3) requires that parking access drives or driveways shall be no less than 15 feet for ingress. The existing site ingress drive east of the building (from Route 36) is less than 15 foot width and is proposed to remain.
 - c. Land Use Ordinance Section 25:1-18 a(6) Off street parking and loading facilities shall not be closer than five (5') to any Residential Zoned lot or any street right-of-way line.
7. **Use Variance:** As noted above, the Applicant requires a D(1) use variance to permit a nonconforming use to be placed on a property in the HC Highway Commercial Zone. Pursuant to the MLUL and applicable case law, the Applicant must be prepared to provide testimony demonstrating that there are "special reasons" to permit a not permitted use and that the site in question is **particularly suited** to the use. In the case of *Price v. Himeji, LLC*, the Court held that a Zoning Board should not determine that a property is particularly suited to the use simply because it is the most suitable site in the municipality for the use. The use should be appropriate and especially beneficial based on the unique conditions of the site and its



Borough of Keyport
Re: 46-48 HWY 36, LLC
Completeness Review #3 and Technical Review #1
CME Project HKPE0106.01

June 11, 2025
KUPB 25-05
Page 5

surrounding area. However, the site does not have to be uniquely suited to the use; that is, it does not have to be the only property suited to the proposed use available for development. The Applicant shall provide testimony demonstrating the following:

- a. **Positive Criteria:** There are special reasons that allow a departure from the zoning regulations in this particular case. In general, to show special reasons, the granting of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (NJSA 40:55D(2)) and should promote the purposes of the municipality's Master Plan and the State
 - b. **Development and Redevelopment Plan.** The Applicant must also demonstrate the site suitability of the property for the development, demonstrating that it is particularly suited to the use. To do this, the Applicant must show:
 - i) Why the location of the site within the municipality or region is particularly suited to the use despite the zoning, and/or what unique characteristics of the site itself make it particularly appropriate for the proposed use rather than a permitted use.
 - c. **Negative Criteria**
 - i) That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact of the proposed use 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.
 - ii) That the variance can be granted without substantially impairing the Zone Plan or Zoning Ordinance.
8. 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.
- 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. Approval of Bulk or "c" Variances are contingent on approval of the Use "d" Variance.

9. Off Street Parking and Loading:



Borough of Keyport
Re: 46-48 HWY 36, LLC
Completeness Review #3 and Technical Review #1
CME Project HKPE0106.01

June 11, 2025
KUPB 25-05
Page 6

- a. The Applicant proposes to reduce the proposed number of parking spaces from 17 to 11 (10 standard spaces plus 1 handicap space) by eliminating 6 existing parallel parking spaces along the south side of the rear site driveway. This will widen the rear ingress driveway from approximately 13 feet to 18 feet and conform to the 15 foot minimum width for ingress or egress drives.
 - b. Parking for a Recovery Center is not addressed in the parking requirements Table 1 in Development Regulations Section 25-1-18. Table 1 Item (h) for a Hospital, nursing and convalescing home appears to be a similar use and requires 1 parking space for each 3 beds. Based on the 22 beds proposed in the Applicant's project description, 7 on-site parking spaces would be required, with 11 parking spaces proposed. The Applicant's Project Description describes parking needed as one (1) space for intake assessments; two (2) visitor spaces; eight (8) employee spaces (total 11 spaces). The Site Plan proposed 10 standard parking spaces plus 1 handicap space. The Applicant should provide testimony at the Public Hearing to address the number of parking spaces.
 - c. Table 2 in Development Regulations Section 25-1-18, Required Off Street Loading, a Recovery Center is not listed. The Board shall determine if a loading space is required and may waive any portion of the off-street loading space based upon the Applicant demonstrating that such is not required for the specific use or uses.
10. Buffer Requirements. Any nonresidential development shall provide a six-foot high solid fence or planted evergreen screen along any lot line which is contiguous with a residential lot. There is an existing six-foot high wood stockade fence along the southern property line between the site and the adjacent residential property. It is recommended that a fence be added to the eastern property line between the site and the adjacent residential property to the east.
 11. Based on information shown on FEMA Preliminary Flood Map 34025C0037G, dated January 31, 2014, the existing building and majority of the site is not located in a Flood Plain area. The southeast corner of the site appears to be located in Zone "X", or an area of "0.2% annual chance flood; area of 1% annual chance flood with average depths of less than 1 foot or drainage areas less than 1 square mile."
 12. The Applicant should confirm that the building is to be serviced by existing utilities.
 13. The site plan should be revised to show the existing light poles to be removed from the site.
 14. The Applicant should address the potential surface drainage impacts of the existing building and parking lot and provide any necessary mitigation to prevent adverse impacts on neighboring properties. The roof drain locations should be added to the plans. Roof leaders shall be directed away from the adjacent properties.
 15. The Applicant should provide testimony regarding the site lighting and conformance with Land Use Ordinance **Section 25-1-14.7**. The lighting plan shall be revised to address the following:



Borough of Keyport
Re: 46-48 HWY 36, LLC
Completeness Review #3 and Technical Review #1
CME Project HKPE0106.01

June 11, 2025
KUPB 25-05
Page 7

- a. Where used for security purposes or to illuminate walkways, roadways and parking lots, only outdoor light fixtures having luminaires that are shielded from public view and having the performance characteristics of a cutoff light fixture shall be used.
 - b. Shielding. All luminaires shall be shielded to eliminate glare. Lamps shall be recessed in the luminaire.
 - c. Adjoining properties. The maximum illumination at any point on adjoining properties shall not exceed 0.2 footcandle. The light source shall not be visible from adjacent properties.
 - d. In business, office and/or research and industrial areas, circuits shall be arranged so that at least 50% of all lighting or alternate luminaries shall be turned off after business hours.
 - e. All outdoor lighting fixtures serving residential dwellings, except those used for security purposes, shall be turned off from 11:00 p.m. until dawn.
 - f. The average maintained illumination for security purposes shall be 0.4 footcandle.
16. The Applicant should provide testimony to indicate the proposed use of the 12'x18' fenced area on the west side of the building. The height of this fence should be provided on the plans.
17. The Applicant should provide testimony as to the ADA access to the building and ensure there is an ADA accessible path from the ADA parking space to the ADA accessible doorway.
18. The Site Plan indicates the existing sign to remain. The sign shall meet the requirements of Land Use Ordinance **Section 25-1-17**.
19. The Applicant should add the corner lot sight distance triangle to the Site Plan with a note that no obstruction to vision exceeding 30 inches in height above the established grade of the street at the property line shall be erected or maintained within the triangle formed by the street lot lines and a line drawn between points along such street lot lines 30 feet distant from their points of intersection. (Per Land Use Ordinance **Section 25-1-14.1** (b) Corner Lots).
20. The Applicant should indicate if any soil is proposed to be imported or exported from the site. If so, a Soil Removal permit should be obtained as a condition of approval.
21. The Applicant should provide testimony regarding any other agency permits or approvals that are required.
22. The followings items should be included as conditions of any approval given by the Board:
- a. The Applicant must enter into a Developers Agreement with the Borough if required by ordinance.
 - b. The Applicant is required to pay all water and sewer fees related to the proposed connection and change of use as required by Chapter XIV of the Borough Water and Sewer Ordinance.



Borough of Keyport
Re: 46-48 HWY 36, LLC
Completeness Review #3 and Technical Review #1
CME Project HKPE0106.01

June 11, 2025
KUPB 25-05
Page 8

- c. The Applicant is responsible to pay all connection fees to the BRSA prior to construction.
- d. The Applicant shall be responsible for posting a performance bond and inspection fees and obtaining a road opening permit, if necessary, prior to construction.
- e. Any existing pavement, sidewalk, and curb that is in poor condition or is damaged as a result of the proposed construction must be repaired and or replaced and the plans should be revised to include a note stating same.
- f. 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.
- g. 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.
- h. The Applicant is advised that no permits for any work on the site will be issued until all conditions of final approval are met, including submission of the revised plans for signature.



Borough of Keyport
Re: 46-48 HWY 36, LLC
Completeness Review #3 and Technical Review #1
CME Project HKPE0106.01

June 11, 2025
KUPB 25-05
Page 9

We reserve the right to present additional comments pending the receipt of additional information, revised plans and/or the testimony of the Applicant before the Board. 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., Board Attorney
Willow Recovery Center, LLC, Applicant
David B. Himelman, Esq., Applicant's Attorney
East Point Engineering, LLC, Applicant's Engineer
Christine A. Nazzaro-Cofone, Cofone Consulting Group, LLC
Malvika Apte, PP, AICP, Board Planner