



KNPB-R6090

February 3, 2026  
Via Email

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

**Re: Half Moon Below Deck Parking Lot Concept  
KB 2 Beachway, LLC  
2 Beachway Avenue  
Block 21, Lot 20  
General Commercial (B-1) Zone  
First Engineering Review**

Dear Ms. Bittle:

As requested, we have reviewed the above-mentioned application to utilize the existing parking lot of the Half Moon restaurant to run an outdoor area to provide food services, entertainment and guest amenities. The applicant has submitted the following documents in support of this application:

1. Below Deck Parking Lot Concept Exhibit, unsigned and undated, consisting of nine (9) pages.
2. Boundary & Topographic Survey prepared by Suzanne E. Warren, P.L.S., of MidAtlantic Engineering Partners, LLC, dated April 29, 2021, consisting of one (1) sheet.
3. Planning Board Application dated January 9, 2026.

#### **A. Project Description**

The subject property, also known as 2 Beachway Avenue, contains the existing Half Moon restaurant with curb cut access on Beachway Avenue leading to the parking lot on the property. The existing property is a corner lot with frontages along Beachway Avenue to the north and Main Street to the East and is located within the General Commercial (B-1) Zone District as well as Redevelopment Sub-Area 2 "Main/Beachway" as outlined in the "Redevelopment Plan for "Main Street Node, Carr and Raritan Avenues Route 36 Gateway, dated 7/26/2006. The property is bounded by residential lots to the south and west and is in the "AE" Flood Zone, with a flood elevation of 11 feet.

The applicant is seeking approval to utilize the existing parking lot of the Half Moon restaurant to run an outdoor area to provide food services, entertainment and guest amenities. The proposed improvements includes a new stairway access extension to the restaurant from the existing sidewalk on Beachway Avenue, an 8' x 20' stage platform area, a 7' x 7' two-stall trailer bathrooms, a 10' x 12' outdoor kitchen kiosk, a 6' x 8' "Back of House" area, an 8' x 16' full service bar area and an approximately 1,000 square feet grass turf area for outdoor games such as Cornhole, Giant Jenga, Giant Connect Four, Ping Pong and Billiards. It should also be noted that the existing curb cut access to the existing parking lot will now be used as the main entrance to the Below Deck area and also serves as the ADA entrance to the Half Moon restaurant. The proposed Below Deck concept is considered as customary accessory uses and structures incidental to the existing Half Moon restaurant on the property which is a permitted use in accordance with Section 22-5.9b4(p): Eating and drinking places except for drive-ins (SIC 58); however, entertainment provided by



dancers employed by the owner/tenant/or patrons of such retail trade shall not be allowed as either a permitted or accessory use in such establishments.

**B. Bulk Requirements**

1. In accordance with Section 22-5.9 of the Ordinance, the required existing and proposed bulk deficiencies for the proposed improvements on the property are noted as follows:

|    | <b>DESCRIPTION</b>                            | <b>REQUIRED</b>   | <b>EXISTING</b>            | <b>PROPOSED</b>     |
|----|---|-------------------|----------------------------|---------------------|
|    | <b><i>Principal Building</i></b>              |                   |                            |                     |
| 1  | Minimum Lot Area                              | 7,000 SF          | 13,373.3 SF                | No Change           |
| 2  | Minimum Lot Frontage – Main St.               | 75’               | <b>17.3’<sup>(E)</sup></b> | No Change           |
| 3  | Minimum Lot Frontage – Beachway Ave           | 75’               | 280.5’                     | No Change           |
| 4  | Minimum Front Yard Setback – Main St.         | 10’               | 15.0’                      | No Change           |
| 5  | Minimum Front Yard Setback – Beachway Ave     | 10’               | <b>7.0’<sup>(E)</sup></b>  | No Change           |
| 6  | Minimum Side Yard Setback – Each/Total        | N/A               | N/A                        | N/A                 |
| 7  | Minimum Rear Yard Setback                     | 10’               | 13.3’                      | No Change           |
|    | <b><i>Accessory Building / Structure</i></b>  |                   |                            |                     |
| 8  | Min. Rear Yard Setback – Existing Building    | 5’                | <b>1.1’<sup>(E)</sup></b>  | No Change           |
| 9  | Minimum Rear Yard Setback - Bathroom          | 5’                | N/A                        | < 5’ <sup>(V)</sup> |
| 10 | Minimum Rear Yard Setback - Kitchen           | 5’                | N/A                        | < 5’ <sup>(V)</sup> |
| 11 | Minimum Rear Yard Setback - BOH               | 5’                | N/A                        | < 5’ <sup>(V)</sup> |
| 12 | Minimum Rear Yard Setback - Bar               | 5’                | N/A                        | < 5’ <sup>(V)</sup> |
| 13 | Maximum Lot Coverage – <i>Principal Bldg.</i> | 50%               | 18%                        | No Change           |
| 14 | Maximum Lot Coverage – <i>All</i>             | 80%               | 73%                        | No Change           |
| 15 | Maximum Building Height                       | 2.5-Story / (35’) | 2-Story / <35’             | No Change           |

(E) – Existing Nonconformity  
 (V) – Variance

2. In addition to the above existing nonconformities and variances, it appears the following additional variance may be required for the proposed improvements:
  - i. The proposed outdoor area will eliminate the use of the existing parking lot for parking vehicles on the property which will trigger a parking variance. Per a previous application made to the Borough Redevelopment Agency for the property in 2024, we note the number of seats was reported as 92. The parking requirements established by the Borough’s Ordinance are provided below:

Borough of Keansburg Ordinance (Section 22-9.3) Off-Street Parking Requirement:

Restaurant:

1 space per 3 seats = 92 \* (1 space / 3 seats) = 30.7 spaces

**Total Parking Required = 31 Spaces**

The above calculations show that 31 parking spaces are required, whereas 0 spaces are proposed. The applicant should confirm the number of seats in the restaurant has not changed and indicate where patrons who frequent the property will park their vehicles to satisfy the Borough’s Ordinance requirement of 31 spaces.



### 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 an outdoor area depicting several accessory structures located just off the existing fence along the rear property line which appears will require a rear yard variance for accessory structures, unless all are located at least 5 ft. from the property line in the B-1 Zoning District.**

2. 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.

3. 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.



#### **D. Technical Engineering Review**

1. The proposed photography and video production studio is not a permitted use in the R-5 Single Family Residential Zone; therefore, Use Variance and several Bulk Variance relief as existing nonconformities are required. The applicant shall provide testimony to justify the granting of the required Use and Bulk variances for the proposed use.
2. The applicant shall provide the Board with a statement of operations for the proposed outdoor area to assist the Board in their consideration of the application to include but not limited to the following:
  - i. Hours of operations.
  - ii. Will the outdoor area operate year-round or seasonally.
  - iii. Will there be outdoor seating?
  - iv. Any proposed lighting?
  - v. Any special events anticipated.
3. Revise the new restaurant entrance to remove the proposed steps within the existing concrete sidewalk.
4. Provide a concrete pad landing at the base of the new stairway entrance to facilitate flow of pedestrian from the existing concrete sidewalk to the new restaurant entrance.
5. We note the outdoor bathrooms and kitchen occupy a portion of the existing concrete pad leading to the existing access ramp. At a minimum, the outdoor bathrooms shall be shifted outside the concrete pad area so as not to interfere with ADA accessibility.
6. Buffer/screening is required to screen the site from the adjacent residential properties. Currently, there appears to be an existing 6-foot high delapidated wooden fence along the rear property line. The Below Deck Parking Lot Concept indicates that wood fencing is proposed along most of the perimeter. The Applicant should provide testimony to confirm that the perimeter fence shall provide a year-round visual screen in order to minimize adverse impacts from the site on the adjacent residential properties.
7. It appears surface runoff from the property currently flows overland towards the right-of-way of Beachway Avenue. The Applicant should provide testimony to confirm that the proposed improvements will not change the drainage patterns and impact the adjoining properties.
8. The property is located within the "AE" flood zone with a Base Flood Elevation (BFE) of 11.0 feet. We defer review to the Flood Plain Administrator and Construction Official for any applicable building/structure requirements that may be required for the proposed outdoor area.
9. 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.
10. 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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