

TO: Borough of Highlands Land Use Board

FROM: Susan Gruel, PP
Megan Adam, Associate Planner

RE: 326 Shore Drive
Block 100, Lot 27
Use Variance, Bulk Variances

DATE: July 8, 2025

As requested, we have reviewed the following materials:

- Borough of Highlands Land Use Board Application and Checklist, dated April 24, 2025;
- Property Survey of Block 100, Lot 27 in the Borough of Highlands, prepared by Najarian Associates dated June 25, 2024;
- 9-sheet engineering set entitled, "Seastreak Ferry Terminal Repaving Project," prepared by Najarian Associates dated April 22, 2025;
- Landscape and Lighting Plans prepared by Quercus Design Studio, LLC., dated March 12, 2025; and
- Stormwater Management Report prepared by Najarian Associates dated April 22, 2025.

Site Description

The subject property is an approximately 7.5-acre lot adjacent to the Sandy Hook Bay, with frontage along Shore Drive to the south, located at 326 Shore Drive. The property is located on Lot 27 of Block 100 in the Borough and includes approximately 221.7 feet of frontage along Shore Drive. The property includes a large parking lot for the Seastreak ferry service and a public beach, which is located in the northwestern section of the property. During the summer months, the Sandbox at Seastreak Beach Bar operates within the beach area, and several food trucks park on the site daily to serve the beachgoers.

The Seastreak ferry terminal is located within the southeastern section of the property. The terminal is serviced by a covered ticketing office and wood deck, which provide access to the ferry.

A fee is required during the summer to enter the Seastreak beach and utilize its amenities, which include the Sandbox Beach Bar, flexible seating, volleyball courts, and live music. The property survey notes that a one-story frame building, storage containers, and freezer also service the beach bar. The provided plans denote that, with the picnic tables provided and non-fixed seating, a total of 643 occupants could utilize the Seastreak beach.

Beyond the beach and ferry terminal is an extensive parking lot (the “main parking lot”), which includes a total of 957 parking spaces. This main parking lot is loosely marked by pavement markings and directional signage, and includes scattered sections of asphalt, gravel, sand, and concrete pads. The beach area is separated from the main parking lot by chain link fencing. This fencing continues along the property’s western and eastern borders.

The subject property is located within the WC-2 Waterfront Commercial Zone of the Borough. Directly west of the property, on Lots 30.02 and 27.06 of Block 100 are two-story frame buildings for the Shore Landing Apartments and the Bayview Condominiums, respectfully. Residential multifamily use continues to the east of the subject property on Lot 27.01, which includes the Sandpiper Condominiums. Rows of hedges and wood fencing provide additional separation between these developments and the subject property.

Project Description

The primary improvements proposed for the subject property include repaving, restriping, and reorganizing circulation throughout the main parking lot. Operations of the Seastreak ferry terminal will remain, as will the existing beach use. The Sandbox Beach bar will continue to operate on a seasonal basis.

Demolition

Extensive demolition of the site’s existing impervious improvements is proposed. The demolition plan notes that a majority of the site’s asphalt, gravel, concrete pads, and striping will be removed. The southwestern section of the parking lot, which includes five (5) rows of angled compact parking spaces, will maintain its general configuration and one-way circulation to the ferry terminal. Site disturbance will not extend into the beach area; further, the existing sheds, frame building, and cooler that service the ferry terminal will remain and be protected. The site’s existing inlets, piers, and fencing will also remain.

Proposed Parking/Circulation Improvements

The proposed project involves repaving the main parking lot to improve drainage, flow of traffic, and pedestrian safety. Three (3) different materials will pave the new lot, including full depth asphalt pavement, full depth gravel, and a mill and overlay asphalt pavement. Additional parking lot improvements include restriping of parking spaces, the construction of new curbs, sidewalks, and walkways throughout.

Safety measures, including the bar stops, new directional signage, and pavement markings, will be placed throughout the lot to guide circulation. The project proposes a total of 804 parking spaces throughout the main parking lot, which includes 17 ADA parking spaces, 3 ADA van parking spaces, 113 compact spaces, and 140 spaces within a two-row valet car lift. A minimum driveway width of 24 feet will be maintained

throughout the rows of standard parking spaces, and a width of 15 feet is proposed for the aisles with compact parking spaces. Two (2) car drop-off lanes will also be marked near the ferry terminal.

The proposed operations also include maintaining Block 101, Lot 12.01 (348 Shore Drive) as an overflow parking lot. This lot is located ¼ mile northwest of the subject property, and measures approximately 3 acres in area.

Landscaping and Lighting

A combination of deciduous trees (Bowhall Red Maples), evergreen trees (Eastern Red Cedars), and ornamental trees (Serviceberries) are proposed throughout the subject property where impervious improvements are not present. Additionally, shrubs, perennials, and ornamental grasses will be planted.

New light poles and bollards are proposed throughout the main parking lot, and within the beach area. To accommodate the 16 proposed light poles, new electrical and overhead wires will be laid. The overall mounting height of the light poles is 15 feet. Further, the bollard lights will be placed along walkways and within smaller parking sections. The average illumination throughout the main parking lot is approximately 2.52 footcandles (fc).

Aerial of Subject Property



Zoning

The property is in the WC-2 Waterfront Commercial 2 Zone. The applicant is proposing to operate two principal uses on the site: a parking lot and a public beach. Proposed accessory uses include the Seastreak ferry service and seasonal operation of the Sandbox beach bar. Both accessory uses are permitted within the WC-2 zone. However, public beaches are not permitted within the WC-2 zone. Therefore, the application requires a d(1) use variance.

WC-2 Waterfront Commercial 1 Zone (Chapter 21 Attachment 1)			
	Ordinance Requirements	Existing	Proposed
Min. Lot Area	-	333,717 SF	No change
Min Lot Frontage/Width	100 feet	221.7 feet	No change
Min. Lot Depth	150 feet	870.6 feet	No change
Min. Front Setback	20 feet	828.9 feet	No change
Min. Side Setback	10 feet / 10 feet	> 10 feet / > 10 feet	No change
Min. Rear Setback	-	41.3 feet	No change
Max. Building Height	36 feet	<36 feet	No change
Max. Building Cover	25%	~0.2%	No change
Max. Impervious Cover	70%	83.7%	83.1% (V)

V = Bulk variance relief required

Off-Street Circulation, Parking, and Loading Requirements			
	Ordinance Requirements	Existing	Proposed
Minimum Number of Parking Spaces (21-65.14D)	<p><u>Ferry transportation Services</u>: 0.7 space for every passenger seat on all departing boats during a regular 24-hour period = 2,660 spaces* x 0.7 = 1,862 spaces</p> <p>+</p> <p><u>Public and private beaches</u>: 1 for every 250 square feet of beach area= 43,000 square feet of beach** / 250 square feet/beach = 172 spaces</p> <p>+</p> <p><u>Eating and drinking establishment</u>: 1 for every 4 seats = 408 fixed seats/4 = 102 spaces</p> <p>Total = 2,136 spaces</p>	957 spaces	804 spaces + unclear on offsite lot (V)
On-Site Parking Requirement (21-84A)	Waterfront Uses and Districts: "In the WC-2 district all required parking shall be provided on site."	Off-site parking provided within overflow lot on Block 101, Lot 12.01 (ENC)	No change (V)
Parking Space Setbacks (21-65.14D)	<p>Parking spaces or access aisles, except entrance or exit drives, shall have a minimum setback of at least one-half (1/2) the required setback for the principal building."</p> <p>Front Setback: 20 feet / 2 = 10 feet</p> <p>Side Setback: 10 feet / 2 = 5 feet</p>	<p>Front Setback: 2 feet</p> <p>Side Setback: 5.4 feet</p>	<p>Front Setback: 10 feet</p> <p>Side Setback: 8 feet</p>
Minimum Parking Space Dimensions (21-65.14D)	Standard spaces: In general, ninety (90) degree parking spaces shall be nine (9) feet wide by eighteen (18) feet long	N/A	18' x 8.5' proposed (W)

Driveway Aisle Width (21-65.14D)	90-degrees parking angle: 24 feet 45-degrees parking angle (one-way): 13 feet	N/A	90-degrees: 24 feet 45-degrees: 15 feet
Bumper Provisions (21-65.14D)	Parking spaces shall be delineated by a treated wood bumper, at minimum of thirty (30) inches above grade.	Not provided (ENC)	No change (W)
Landscaping Requirements			
	Ordinance Requirements	Existing	Proposed
Minimum Landscaping (21-65.10)	A minimum of ten (10%) percent of the area of the site not devoted to structures, paving or other required uses shall be landscaped.	Unclear	Unclear – applicant to confirm
Lighting Requirements			
	Ordinance Requirements	Existing	Proposed
Fixture Height (21-65.11)	No light source, including sign lights, shall exceed a height of fifteen (15) feet	N/A	15 feet
Light Intensity (21-65.11)	The light intensity provided at ground level shall be a minimum of three-tenths (0.3) footcandle anywhere and shall average a minimum of five-tenths (0.5) footcandle over the entire area	N/A	Minimum: 0.5 fc Average: 2.52 fc
	The light intensity anywhere shall not exceed three-tenths (0.3) footcandle along any residential property line.	N/A	> 0.3 fc periodically (V)

*Based on a report by Brian O'Callahan on July 13, 2023

**Value estimated using the scale of the provided drawings

ENC = Existing non-conforming condition

W = Design Waiver required

Variances and Waivers Required

1. The applicant requires d(1) variance relief to permit a public beach within the WC-2 Waterfront Commercial 2 Zone.

Pre-Existing Non-Conforming Conditions

Pre-existing non-conforming conditions include:

Design Standards/Waivers

1. **Bumper Provisions (§26-65.14D)** – Where bumpers are required for surface parking spaces, no bumpers are proposed.

Newly Created Deviations

C-Variances

1. **Excessive Impervious Coverage (Chapter 21 Attachment 1)** – A maximum impervious coverage of 70% is permitted, where 83.1% is proposed.
2. **Insufficient Onsite Parking Spaces (§21-65.14D)** – Where a total of 2,136 parking spaces is required, 804 parking spaces are proposed.
3. **Offsite Parking Requirement (§21-84A)** – Where offsite parking is not permitted within the WC-2 district, offsite parking is proposed on Block 101, Lot 12.01.
4. **Excessive Illumination (§21-65.11)** – Where the light intensity shall not exceed 0.3 fc along any residential property line, greater than 0.3 fc is proposed along the southern and western property lines.

Design Standards/Waivers

1. **Insufficient Standard Parking Space Dimensions (§21-65.14D)** – Where the minimum required width of a standard parking space is 9 feet, 8.5 feet is proposed.

Planning Comments:

Variance

1. This application requires d(1) use variance relief to permit a public beach within the WC-2 Waterfront Commercial 2 Zone. The applicant shall provide planning testimony to justify the requested relief from the Board.
 - a. Positive Criteria - That there are “special reasons” for granting the requested variance and that the site is “particularly suitable” for the proposed use, which are often referred to as the “positive criteria.”

- i. The “special reasons” testimony shall either demonstrate how the proposed use advances the purposes of zoning, whether there is a hardship that prevents development of the property with a permitted use, or whether the proposed use is inherently beneficial.
 - ii. The “particularly suitable” analysis should focus on why this location within the municipality or region is particularly suited to the use despite the zoning, and what unique characteristics of the site make it appropriate for the proposed use rather than a permitted use.
- b. Negative Criteria - The applicant’s testimony must demonstrate that the requested variance can be granted without substantial detriment to the public good. This analysis should consider impacts on neighboring properties and on the general public welfare. The applicant’s testimony must demonstrate that the requested variance will not substantially impair the intent and the purpose of the Borough Master Plan and Zoning ordinance.
2. The application requires two (2) design exceptions. The applicant shall provide testimony demonstrating that strict compliance with the Ordinance standards is impracticable per the standard set forth at N.J.S.A. 40:55D-51.

Conformance with the Borough Master Plan

1. The 2016 Master Plan Reexamination Report for the Borough established distinct waterfront zones, including waterfront commercial, residential, and transitional commercial/residential zones. The subject property is located within a waterfront commercial zone, as most of this zone’s development consists of restaurants, marinas, and commercial establishments. Unlike waterfront transitional zones, where beaches are permitted, neither public nor private beaches are permitted within waterfront commercial zones.
 - a. The applicant shall provide testimony regarding the implications of deviating from the Reexamination Report’s vision, and maintaining both the beach and beach bar uses within a waterfront commercial zone, rather than a waterfront transitional zone.
2. Further, within the Master Plan Reexamination, it is explicitly mentioned that parking should be limited to an accessory use within waterfront commercial zones: “due to sensitive location of the waterfront commercial districts, the Borough should ensure parking in these areas is limited to an accessory use” (p.54).
 - a. Parking is maintained as a principal use within Lot 27.
 - b. The proposed development also includes maintaining the existing overflow parking lot on Block 101, Lot 12.01.

- i. The applicant shall clarify the number of parking spaces within this offsite lot, and speak to its efficiency to accommodate overflow parking.
- ii. No plans for this lot have been provided; is any work proposed within this lot (e.g., repaving, restriping, addition of parking spaces)?
- iii. We note that this property is owned by Sandy Hook Bay Parking, LLC. Has this owner been made aware of the current application for Lot 27?

Dual Use of the Site/Parking Arrangements

1. The parking space deficit for the ferry service was significant prior to the current application. Further, less parking spaces (804) are proposed than are currently on the site (957). We note that from a site visit on June 23, 2025, several cars were parked on the grass within the main parking lot.
 - a. The applicant shall provide testimony regarding the ability of site and proposed parking arrangements to meet the needs of both the ferry service, and beachgoers.
2. With the newly proposed parking arrangements, where will the food trucks park in the summertime? Will these trucks have designated parking areas or still take up car parking spaces?
3. The applicant shall speak to the feasibility of incorporating bumpers for the parking spaces, to eliminate the accumulated waiver.

Lighting

1. The lighting plan shall be revised to eliminate all light spillage onto neighboring properties.
2. The proposed illumination along the southern and western property lines shall be reduced to not exceed 0.3 fc.
3. The applicant shall confirm that all proposed lighting fixtures are downcast and will not create a glare.

Landscaping

1. The applicant shall clarify that a minimum of ten (10%) percent of the area not devoted to structures or paving is landscaped, in accordance with §21-65.10. Additional variance relief may be required.

Miscellaneous

1. The applicant shall provide testimony regarding parking logistics during the proposed construction; where will vehicles park during the repaving? Will this affect operations of the Seastreak ferry?
2. The provided plans do not indicate provisions for trash and recycling.
 - a. Trash and recycling provisions shall be outlined on the drawing set.

- b. The applicant shall provide testimony regarding circulation of a garbage truck throughout the site based on the new arrangements.
3. No bicycle parking spaces have been provided on the plans. The plans shall be revised to accommodate bicycle parking spaces, given the nature of the beach and beach bar use.
4. The application package notes that deed restrictions exist on the site, but this documentation has not been attached. The applicant shall confirm that any deed restrictions do not affect the proposed operations.

Site Visit Photos (taken June 23, 2025)



View of the subject property along Shore Drive.



Seastreak ferry terminal.



Seastreak Beach.



Operations of the Sandbox at Seastreak Beach (bar and food trucks).



Existing parking arrangements and one-way driveways within the main parking lot.



Combination of gravel, sand, and asphalt within the main parking lot.



Several cars parked on the grass within the main parking lot.



Overflow parking lot, located at 348 Shore Drive.