

MAJOR SITE PLAN REVIEW MEMORANDUM

DATE: March 21, 2011

TO: ABSECON CITY PLANNING BOARD

FROM: ROBERT L. REID, AICP, P.P., Board Planner

SUBJECT: Preliminary Site Plan Review #1
Absecon Gardens
(Formerly Absecon Seniors, LLC, The Pinnacle Club at Absecon)
BLOCK 161, LOT 1
Project No. ABS 0015.02

PROJECT DESCRIPTION

The Applicant, Boardwalk Development and Design Company, LLC (BDD) is requesting the conversion of the previously approved 85 age-restricted units to non-age-restricted market rate units in accordance with Chapter 82, NJSA 45:22A-46.3 et seq. (The Conversion Law).

SUMMARY OF MODIFICATIONS PROPOSED

The Applicant is proposing the following modifications to the prior development approval:

The project site will be increased from **2.4** acres to **2.8** acres.

Reduction of **85** units (77 flats and 8 townhouses) to **74** units (44 flats and 30 townhouses) This includes the removal of the south wing (with 37 units) of the originally approved 77 unit building.

Increase from **8** townhouses to **30** townhouses

Increase from **94** parking spaces to **161** parking spaces.

Increase from **8** individual garage parking spaces to **62** individual garage parking spaces.

Increase of recreational amenities areas from **6,322** SF to **7,134** SF.

Affordable units increased from **9** units previously approved (required under the Absecon Ordinance) to **15** units (required by the conversion law).

Reduction of **151** bedrooms to **141** bedrooms.

BACKGROUND

The prior applicant, Absecon Seniors, LLC was granted Preliminary Site Plan approval with conditions on May 24, 2005. Final Site Plan approval was granted with conditions on November 22, 2005. Approval included the demolition of the former Marsh Elementary School on New Jersey Avenue and the construct of an age-restricted housing complex consisting of eight (8) townhouses and seventy-seven (77) apartment units in three separate buildings along with ninety-four (94) parking spaces.

In January 2008 it was realized that the 40 unit portion of the 77 unit building under construction was not the building that was approved by the Planning Board. On February 29, 2008 the Planning Board provided the new owner, Norex Construction Corp., with a review memorandum listing outstanding conditions of the prior approval that needed to be addressed and recommending that they comply with the original approval as a single, unified project with all the amenities being provided as presented to the Planning Board at the time the project was approved.

On October 14, 2008 the Absecon City Planning Board granted amended Preliminary and Final Site Plan Approval including variances, with conditions. The details of the conditions of approval were listed in the Prior Approval Checklist dated 12/4/08, the Decision and Resolution dated 10/28/08 and the review memorandums from the Board professionals. More specifically, the applicant requested and received approval of modifications to architectural features originally approved on 5/24/2005 and 11/22/2005. The approval granted included a 77 unit building and all site improvements in Phase 1 and the 8 townhouse units in Phase 2. The approval granted was subject to the applicant addressing all outstanding comments in the review memorandums. The approval also included authorization for the applicant to re-activate and / or submit applicable construction permit applications to the Construction office to allow the applicant to immediately address life safety requirements; provide adequate electric service; provide for adequate heating and cooling systems; activate the fire suppression system in the building under construction; and the construction foundations for the south wing of the building and the townhouses.

After Parke Bank regained control of the property through a bankruptcy process, the applicant, Boardwalk Development and Design Company, LLC (BDD) was granted amended site plan approval on July 27, 2010 with conditions. The proposed Site plan changes consist of upgrading and improving the façade of the existing north wing of the 40 unit building; adding and expanding the decks/balconies; adding windows and decks to the existing blank plywood end of the future connection to the future south wing; moving the 8 townhouses along Church Street previously in Phase 2 to Phase 1; proposing amenities in the existing basement consisting of: community living room, gym, bar, game room; exterior excess; and moving the future south wing with 37 units to Phase 2.

Documents Received 03/09/11:

Item No./ Sheet No.	Description	Date
	Application for Land Development	02/22/11
	Analysis of Compliance with Requirements of NJSA 45:22A-46.3 <i>et seq.</i>	No Date
	Correspondence from New Jersey American Water Company	08/23/10
	Correspondence from ACUA	08/23/10
	Copy of NJSA 45:22A-46.3 <i>et seq.</i>	No Date
	Absecon City Planning Board Major Site Plan Review Check List (Preliminary)	No Date
	Absecon City Planning Board Final Major Site Plan Review Check List	No Date
	Fiscal Impact Analysis for Absecon Gardens	12/31/10
	Traffic Engineering Assessment	02/10/11
	Stormwater Management Report	11/19/10
	Boundary & Topographical Survey	08/09/10
	Correspondence from Richard B. Reading	02/26/11
	Addendum to the Fiscal Impact Analysis	02/26/11

Site Engineering Plans prepared by Marathon Engineering consisting of:

Item No./ Sheet No.	Description	Date
1 of 15	Cover Sheet	02/28/11
2 of 15	Information Sheet	02/28/11
3 of 15	Demolition Plan	02/28/11
4 of 15	Site Plan	02/28/11
5 of 15	Grading Plan	02/28/11
6 of 15	Utility Plan	02/28/11
7 of 15	Landscape Plan	02/28/11
8 of 15	Landscape & Lighting Details	02/28/11
9 of 15	Lighting Plan	02/28/11
10 of 15	Road Profiles and Cross Sections	02/28/11
11 of 15	Construction Details	02/28/11
12 of 15	Stormwater Management Details	02/28/11
13 of 15	Sanitary Sewer, and Water Details	02/28/11
14 of 15	Soil Erosion & Sediment Control Plan	02/28/11
15 of 15	Soil Erosion & Sediment Control Narrative and Details	02/28/11

Architectural Plans prepared by SOSH Architects consisting of:

Item No./ Sheet No.	Description	Date
AC-000	Cover Sheet	12/23/10
A -100	Overall Phase 2 Architectural Site Plan	12/23/10
A1-101	School Street Building #1 Floor Plans	12/23/10
A1-301	School Street Building #1 Building Elevations	12/23/10
A2-101	New Jersey Ave. Building #2 Floor Plans	12/23/10
A2-301	New Jersey Ave. Building #2 Roof Plan	12/23/10
A3-101	Mechanic Street Building #3	12/23/10
A3-301	Mechanic Street Building #3 Building Elevations	12/23/10

Item No./ Sheet No.	Description	Date
C2600	Phasing Plan	02/25/11
C2601	Phase 1 Parking Plan	02/25/11
C2602A	Phase 2A Parking Plan	02/25/11
C2602B	Phase 2B Parking Plan	02/25/11
C2603	Phase 3 Parking Plan	02/25/11

Documents Received 03/16/11:

Item No./ Sheet No.	Description	Date
	Correspondence from Absecon City Fire Company	03/09/11

Documents Received 03/18/11:

Item No./ Sheet No.	Description	Date
	Correspondence from Marathon Engineering	03/18/11
C2001	Turning Movement Plan	03/17/11

COMPLETENESS REVIEW

“Exhibit A1” - Major Site Plan Checklist (Preliminary). This application has been reviewed for completeness in accordance with the above. The numbered items below directly correspond to items in the Preliminary Site Plan checklist (Exhibit A1):

- | | | |
|-----|---------------------------------|---|
| 7. | Proof of public notice | Applicant required to provide evidence of proper notice prior to public hearing. |
| 21. | Environmental Impact Statement. | Waiver Granted |
| 23. | Block Model | Waiver Granted |

“Exhibit A6” - Major Site Plan Checklist (Final). This application has been reviewed for completeness in accordance with the above. The numbered items below directly correspond to items in the Preliminary Site Plan checklist (Exhibit A6):

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|-----|---|---|
| 2. | Letter listing status of each condition of the preliminary approval including any modifications between preliminary and final approval, if requested is required. | This item is a condition of approval. |
| 8A. | A letter from the applicant stating no changes between preliminary and final other than those noted on the plan have occurred.
Environmental Impact Statement. | No changes are anticipated by the Applicant. Applicant has requested this item be deferred and made a condition of approval, if necessary. |
| 8B. | Estimate of Costs for all improvements is required. | This item was deferred and made a condition of approval. |
| 8C. | A letter from the City Engineer indicating that the applicant has completed all improvements or posted a performance guaranty is required. | This item was deferred and made a condition of approval. |
| 8D. | Performance Guaranty is required. | Applicant has requested this item be deferred and made a condition of approval. |

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| 8E. | Letter from Fire Department. | This item was deferred and made a condition of approval. |
| 8F. | A letter from the Board Secretary regarding the acceptance by City Council regarding the maintenance guaranty, and the posting of the inspection fees is required. | This item was deferred and made a condition of approval. |
| 11. | Payment of Inspection fees. | This item was deferred and made a condition of approval. |

The application was deemed conditional complete on March 8, 2011, subject to the applicant complying with the deferred items listed above.

ZONING

The original approval was granted in 2005 using the Senior Citizen Housing Community Overlay District B regulations. The intent of the Senior Citizen Housing Community Overlay District is to advance the purpose of the New Jersey Municipal Land Use Law which is to encourage senior citizen community housing.

The subject property was situated in the C-1 which permits age-restricted housing in accordance with Article XXXI, Senior Citizen Housing Community Overlay District B in 2005 when the development was granted approval. This permitted age-restricted independent living facilities, assisted living, congregate facilities, medical facilities as well as any uses and buildings customarily incidental to the principal permitted uses. A Redevelopment Plan was adopted by City Council on February 19, 2004 with Zoning Map with latest revision dated 3/14/2001 unchanged with the subject property in the C-1 District with the Senior Citizen Housing Community Overlay District B overlay. On December 20, 2007 the Zoning Map was revised to show the subject property in the RA1 Redevelopment Area with C-1 District and Senior Citizen Housing Community Overlay District B overlay removed.

The proposed multi-family use of thirty (30) townhouses and forty-four (44) flats use conforms to the present zoning subject to the review and approval of the non-age restricted conversion application request in accordance with NJSA 45:22A-46.3 *et seq.*

The Zoning Schedule now reflect:

The removal of the C-1 District and the Senior Citizen Housing Community Overlay District B and the replacement with the RA1 Redevelopment Area;

Existing Conditions column which includes the existing building height of the building under construction;

Notations of variances and design / landscaping waivers previously granted by the Planning Board.

BRIEF SUMMARY OF NJSA 45:22A-46.3 et seq. (Conversion Law)

The following is a summary of my review of NJSA 45:22A-46.3 et seq which permits the conversion of age-restricted housing units to non-age-restricted housing units and modifies laws concerning affordable housing.

The Senate and General Assembly of the State of New Jersey (The Legislature) declared (in part):

“That the shortage of affordably priced workforce housing has been exacerbated in recent years by a municipal preference for age-restricted housing which has resulted in an oversupply of age-restricted housing approvals and an inability among the majority of New Jersey’s workforce to live near their jobs.”

“Under currently deteriorating national economic conditions, it is appropriate to take immediate action at this time to create the opportunity to increase the production and supply of workforce housing through the conversion of the over-supplied age-restricted market to meet the needs of New Jersey’s residents who require smaller, more reasonably priced homes.”

Conversion to non-age-restricted development permitted with conditions.

An Age-Restricted development shall be eligible to be changed to a converted development, pending planning board approval, provided that the development meets all of the following conditions as provided in **TABLE 1, SCHEDULE OF REQUIREMENTS, FOR CONVERSION OF AGE RESTRICTED DEVELOPMENT, CHAPTER 82, NJSA 45:22A-46.3 et seq**, below:

TABLE 1 - SCHEDULE OF REQUIREMENTS

Section	Requirement	Original Application	Current Application
46.5, 3. a (1)	Preliminary or Final approval for construction has been granted prior effective date Chapter 82 – 3/9/2009	Original Final Approval was granted 11/22/05	Conforms –Original Approval granted prior to effective date
46.5, 3. a (2)	Developer of Age-Restricted Development not holding deposit for, or has not conveyed, any dwelling unit within the development	Developer of Age-Restricted Development did not hold deposit for and did not convey any dwelling unit within the development	Conforms
46.5, 3. a (3)	Developer of the Age-Restricted development agrees that 20% of the units will affordable units. (15 units)	9 units required by Absecon Ordinance	Conforms -Developer of the Age-Restricted development agrees that 20% of the units will affordable units. (15 units)
46.6 4. a (1) b (1)	Parking Per R.S.I.S. (NJAC 5:21-4.14-16) 155 Spaces	Parking Variance Granted to permit 94 spaces	Conforms - 161 parking spaces proposed
46.6 4. a (1) b (2)	Recreational Improvements and other amenities	Recreational Improvements and other amenities approved: 2,722 SF Clubhouse 3,600 SF Patio 6,322 SF Total	Conforms - Recreational Improvements and other amenities proposed: 3,584 SF Community Recreation Space 3,550 SF Pool Deck 7,134 SF Total
46.6 4. a (1) b (3)	Adequate Water Supply Per R.S.I.S. (NJAC 7:14A-23.3)	Adequate Water Supply provided	Conforms -Adequate Water Supply provided
46.6 4. a (1) b (4)	Adequate sanitary sewer capacity (NJAC 7:14A-23.3)	Adequate sanitary sewer capacity provided	Conforms -Adequate sanitary sewer capacity provided
46.6 4. a (1) b (5)	Additional water supply or sewer capacity needed	NA	NA
46.6 4. a (1) b (6)	Additional parking needed	Parking Variance Granted	Conforms - Additional parking provided
46.6 4. a (1) b (7)	Storm water system revised for increase in impervious cover >1%	NA	Conforms - Storm water system revised for increase in impervious cover
46.8, 6. a	Reasonably revised to accommodate more parking, infrastructure, etc.	NA	Conforms - Reasonably revised to accommodate more parking, different recreation, infrastructure, etc. provided
	Comparative total building SF	153,140 SF previously approved	Conforms - 153,000 SF proposed
46.8, 6. c.	Number of bedrooms shall not be increased	151 bedrooms previously approved	Conforms -141 bedrooms proposed

IMPACT OF CONVERSION ON ABSECON CITY

Chapter 82, NJSA 45:22A-46.3 et seq, (Conversion Law) only impacts the one age-restricted development in Absecon known as Absecon Gardens. This is the only age-restricted development with approval prior to the bill being passed on 3/9/2009 and with no units sold. The development was approved for 85 units age-restricted units along with 94 parking spaces. The bedroom mix as approved consists of 19 - one bedrooms and 66 -two bedrooms. This includes 8 -two bedroom townhouses (TH).

Site Design Impacts - Additional Parking Required

The Conversion Law requires the converted development provide parking in accordance with the NJ Residential Site Improvement Standards (RSIS). With the above previously approved bedroom mix the required parking is as follows:

TABLE 2
PARKING REQUIRED IN ACCORDANCE WITH RSIS
FOR 85 UNIT PROJECT

<u>Units</u>	<u>Unit Type</u>	<u>Bedrooms</u>	<u>Park'g Req'd / unit</u>	<u>Req'd Park'g</u>
8	TH	2	2.3	18.4
58	Apt	2	2	116
19	Apt	1	1.8	34.2
TOTAL				<u>169</u>

Reduction In Size of the Development is Proposed.

The applicant desires to convert the development and reduce the size of the project from 85 units to 74 units and provide the additional parking as shown in Table 2 below:

TABLE 3
PARKING REQUIRED IN ACCORDANCE WITH RSIS
FOR PROPOSED 74 UNIT PROJECT

<u>Units</u>	<u>Unit Type</u>	<u>Bedrooms</u>	<u>Park'g Req'd / unit</u>	<u>Req'd Park'g</u>
30	TH	2	2.3	69
34	Apt	2	2	68
10	Apt	1	1.8	18
TOTAL				<u>155</u>

The Conversion law requires 20% of the units to be affordable units rather than the 10% required by the Absecon Ordinance. This requires a bedroom mix of 20% maximum 1 bedroom, 20% minimum of three bedroom and the remainder could be all two bedroom. With the conversion and the affordable bedroom mix the required parking is as follows:

TABLE 4				
PARKING REQUIRED IN ACCORDANCE WITH RSIS FOR PROPOSED 74 UNIT PROJECT INCLUDING 3 -3 BEDROOM UNITS				
<u>Units</u>	<u>Unit Type</u>	<u>Bedrooms</u>	<u>Park'g Req'd / unit</u>	<u>Req'd Park'g</u>
30	TH	2	2.3	69
22	Apt	2	2	44
7	Apt	1	1.8	12.6
<u>Affordable Units</u>				
3	Apt	3	2.1	6.3
9	Apt	2	2	18
3	Apt	1	1.8	5.4
TOTAL				155.3*

*The RSIS allows for rounded down if the parking requirement is less than .5 There is no increase in parking need with the required 20% affordable units. A total of **155** parking spaces is required for the conversion of the 85 units to 74 non-age-restricted units. The proposed parking for the previously approved development is only 94 spaces.

The applicant is proposing **161** parking spaces. This includes 6 spaces that are to be installed if necessary as proposed along the easterly side the of the re-aligned Mechanic Street.

Impacts to Absecon Schools

There has been a steady decline in enrollment in Absecon Schools over the years. In 2009 the number of students attending E. C. Attales Middle School and H. Marsh Elementary School was only at 833(1). Currently the number of students attending E. C. Attales Middle School and H. Marsh Elementary School is now at 845(1). This is first increase in years.

The current education staff consists of 71.6(1) full time and part-time teachers for grades from kindergarten through 8th grade (K through 8) plus 10(1) teacher's aids. In addition to the teachers, there are school counselors and administration, and Board of Education staff. With 71.6 teachers on staff, that is approximately 11.8 students per teacher. The 71.6 teachers on staff utilize 43 existing classrooms. With an estimated 43(1) classrooms, that is approximately 19.65 students per classroom. The capacity of each classroom is approximately 25(1) students. With the 43 classrooms, the approximate capacity of the school is 1,075 students. However, the square footage of other non-classroom facilities must also be considered in a State approved Functional Capacity Analysis. According to the Functional Capacity Analysis from 2005 provided by the Absecon Board of Education the maximum capacity is at 986. An updated Functional Capacity Analysis is not yet available for review. If we use the capacity count of 25 students in 43 classrooms, the maximum available capacity is at 1,075 students. With the existing enrollment at 845 it appears that there is an available capacity for an additional 230 students.

An inventory of the rooms in the E. C. Attales Middle School and H. Marsh Elementary School it appears that there are additional rooms that could be used as classrooms which could increase the available capacity above 230.

The development, if converted to non-age-restricted apartments, will generate additional school age children. The question is...what is the number that will be generated by the conversion of 85 units to 74 non-age-restricted units?

According to municipal tax records, there are 3,266 dwellings in Absecon City. With 845 students (K through 8), that is an average of 0.26 students per dwelling. This is not an accurate count because the dwelling count includes single family, multi-family units and age-restricted units. A more accurate estimate would be if we reviewed actual school age children currently residing in multi-family developments. The research of Absecon School records and municipal tax records was completed for the Absecon Village Townhouses, Oyster Bay Development and the California Hill Development for comparison. This can offer a more accurate estimate of what number of school age children could be generated. See **Tables 5A and 5B** below:

(1) Source: Absecon Board of Education

TABLE 5A
Inventory of Existing Elementary School Students

<u>Apartment Development</u>	<u>Units</u>	<u>Students</u>	<u>Student / Unit</u>
California Hill	102	39	
Oyster Bay	218	65	
SubTotals	320	104	
Average Student / Apt. Unit (104 Students / 320 units=)			0.33
<u>Townhouse Development</u>	<u>Units</u>	<u>Students</u>	<u>Student / Unit</u>
Absecon Village	60	24	
Average Student / Townhouse Unit (24 Students / 60 units)			0.4
Totals	380	128	

TABLE 5B
Inventory of Existing High School Students

<u>Apartment Development</u>	<u>Units</u>	<u>Students</u>	<u>Student / Unit</u>
California Hill	102	10	
Oyster Bay	218	19	
SubTotals	320	29	
Average Student / Apt. Unit (29 Students / 320 units=)			0.091
<u>Townhouse Development</u>	<u>Units</u>	<u>Students</u>	<u>Student / Unit</u>
Absecon Village	60	9	0.15
Average Student / Townhouse Unit (9 Students / 60 units)			0.15
Totals	380	38	

Estimated Additional Students Generated

If we use the student per unit for the existing Oyster Bay and the California Hill Developments as a guide above in **Table 5A**, it is reasonable to expect that an average of 0.33 per unit school age children will be generated in each apartment unit.

If we use the student per unit for the existing Absecon Village Townhouses as a guide above in **Table 5B**, it is reasonable to expect that an average of 0.4 per unit elementary school age children will be generated in each Townhouse.

The number of elementary and middle school age children generated by the conversion of the 85 units age-restricted units to 74 non-age restricted units at the Absecon Gardens would be an estimated 27 Elementary School students and 9 High School students. See **Tables 6A and 6B** below.

TABLE 6A			
Projected Elementary School Students			
<u>Proposed Unit Type</u>	<u>Units</u>	<u>Student / Unit</u>	<u>Students</u>
Apartments	44	0.33	14.52
Townhouses	30	0.4	12
Totals	<u>74</u>		<u>27</u>

TABLE 6B			
Projected High School Students			
<u>Proposed Unit Type</u>	<u>Units</u>	<u>Student / Unit</u>	<u>Students</u>
Apartments	44	0.092	4.048
Townhouses	30	0.15	4.5
Totals	<u>74</u>		<u>9</u>

The applicant's professional projection of 8 additional elementary students and 1 high school student is based on standard statewide demographic multipliers to determine the estimated number of school age children that could be generated by the proposed development. This is believed to be the best case scenario.

The above estimated of elementary and high school students of 27 and 9 respectively in **Tables 6A and 6B** above is the worst case scenario. The review local statistics was used to make the determination in **Tables 6A and 6B**. It is felt that they generate a more accurate number of school age children and impact to school district costs for Absecon.

Note that the multi-family sampling used is not an exact comparison to the proposed Absecon Gardens development. The sampling includes 12% - three (3) bedroom units (or 46 units of the 380 units). While the proposed development is projected to have only three (3) – three (3) bedroom units (or 4% of the proposed 74 units).

A comparison of the number of bedrooms and students in the existing multi-family developments and the number of bedrooms in the proposed development was done to estimate the number of possible students that may be generated per proposed bedroom. The existing 380 multi-family units with 806 bedrooms generated 128 elementary students and 38 high school students for a total of 166. The Absecon Gardens development proposes 141 bedrooms. Using the same ratio of students to bedrooms, the proposed development could generate an estimated 29 students. Using the ratio of existing elementary and high school above the projected 29 students would be about 7 high school students and 22 elementary students.

The actual number of students that may be generated will more likely be somewhere in between the number projected by the applicant and the number estimated from local statistics.

Estimated Costs to Absecon School District

The average cost of each high school age student is approximately:
(\$1,399,799.08 / 132.3 Students) = \$ **10,558.93**

See Table 7 below.

TABLE 7
High School Students (as of January 25, 2011)

	Students	Average Tuition	Total Due
Pleasantville High School	55.5	\$7,000.00	\$388,500.00
Charter Tech High School	24.8	\$12,804.65	\$317,555.32
ACIT - Academy	39	\$5,250.00	\$204,750.00
ACSSSD	11	\$36,404.82	\$400,453.00
Coastal Learning Center	2	\$44,270.38	\$88,540.76
	132.3		\$1,399,799.08

Source: Absecon Board of Education

With the possible worse case scenario addition of 9 high school age students, the added cost could be approximately **\$95,030.50**. See Table 8 below.

TABLE 8

Learning Institution	High School Students				Projected Students	
	Number	Percent	Current Students* Average Tuition	Total Due	ProRated Number	ProRated Tuition
Pleasantville High School	55.5	42%	\$7,000.00	\$388,500.00	3.8	\$26,397.00
Charter Tech High School	24.8	19%	\$12,804.65	\$317,555.32	1.7	\$21,550.00
ACIT - Academy	39	29%	\$5,250.00	\$204,750.00	2.7	\$13,912.50
ACSSSD	11	8%	\$36,404.82	\$400,453.00	0.7	\$27,194.00
Coastal Learning Center	2	2%	\$44,270.38	\$88,540.76	0.1	\$5,976.00
Totals	132.3			\$1,399,799.08	9	\$95,029.50

*Current high school student information as of 01/25/11 provided by Absecon Board of Education

With available capacity for 230 more elementary students (K through 8), the worse case additional estimated 27 students will have only a slight increase in the classroom sizes (19.65 average student per classroom to 20.27) and a small additional education cost for books, paper, pencils, etc. to taxpayers. The existing elementary and middle school facility has a fixed cost to operate to meet State requirements for the education of our 845 children. The existing facility of 43 classrooms and a teacher staff of 71.6 and 10 Aids have the capacity to provide an education for 230 additional students or more with a small additional cost. The hiring of additional teachers or increasing the size of the school would not be necessary.

The additional residential units would increase tax ratables without substantially increasing the cost of educating our elementary and middle school students. According to the applicant the estimated value of the 74 unit project is approximately \$14,610,000.00 and will generate local school district tax revenues in the amount of \$144,490.00. This estimate of revenue appears credible.

VARIANCES / WAIVERS

Variances for setbacks, building length, min. site coverage, parking and design waivers were previously granted. It appears that there are no variances or waivers of requirements required as part of this application for site plan for conversion with the exception of the building height.

Based on the Boundary and Topographic Survey submitted with the application it appears that the average grade around the base of the existing building is about elevation 27 and average grade of the sloped roof is about elevation 80. This would translate into approximate building height of 53'. The Redevelopment Plan maximum building height is 40'. In accordance with the Redevelopment Plan, Section 9.4 relief from the building height in the RA1 Redevelopment Area can not be considered by the Planning Board. The existing building height exceeds the permitted height by greater than 20%. This modification to the Building Limit Controls requires an amendment to the Redevelopment Plan by City Council.

The conversion proposed to allow for removing the age-restriction requires the applicant to seek relief from the Planning Board.

The applicant seeks relief in accordance with NJSA 45:22A-46.3 et seq. The applicant must provide testimony to the satisfaction of the Board for the Board to consider the requested relief. The applicant must demonstrate to the Planning Board that the requirements of the conversion law have been satisfied, and the conversion can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning plan and zoning ordinance. If the Planning Board feels that the applicant has demonstrated the above the application for the conversion can be approved. The Board is not required to grant or deny the proposal as submitted. The Board may require the Applicant to modify the plan if it feels it will reduce negative impacts.

While deliberating the relief sought by the applicant, the Board should review the summary of modifications proposed as outlined above on page 1 of this report.

Has the applicant satisfied the requirements of the conversion law?

Do the proposed modifications improve the development proposal?

TRAFFIC CIRCULATION

The prior development approved included 8 townhouses along Church Street with garages and driveway access to Church Street. The original development included a 56 space surface parking lot (visible from New Jersey Avenue) with 2 driveways into Mechanic Street which is 20' wide.

The revised layout now provides the re-alignment and widening of Mechanic Street for access to an internal 54 space surface parking from New Jersey Avenue or School Street. The parking lot is surrounded by townhouses fronting on New Jersey Avenue and School Street.

The on-site circulation as proposed is an improvement over the previously approved plan with the addition access from School Street, re-alignment and widening of Mechanic Street, and the screening of the surface parking lot from the adjoining streets.

The Fire Department raised concerns relating to on-site access for their equipment. The applicant's professionals have provided a Turning Movement Plan to demonstrate that adequate access is provided for emergency response vehicles.

A detailed review the traffic circulation id deferred the Board Traffic Engineer.

LANDSCAPING

Section 6.2.5 of the Redevelopment Plan refers to § 224-78, Landscaping and Buffers and § 224-129 B, Residential development for landscaping requirements.

§ 224-78, Landscaping and Buffers, Sub-section A requires that all areas not covered by roadways and parking areas or pedestrian walkways shall be landscaped with natural materials.

Sub-section B minimum requirements

(1) Planters. Internal planter of four (4) sq. ft. for each 20 sq. ft. of sidewalk or walkway.

(2) Parking Areas. At least 5% of the parking area shall be, and a minimum of one (1) tree for each 10 parking spaces shall be installed (or 16 trees).

§ 224-129 B, Residential development, requires two (2) canopy trees 2"-3" in caliber measured 6" above the top of the root ball per each unit (or 148 trees). Fifteen (15) shrubs per unit is required (or 1,110 shrubs).

The Planning Board previously recognized that the above landscaping quantity requirements were intended for single family building lot developments that have would adequate open areas around the single family dwellings. Proposing 74 residential building lots would require approximately twenty-one (21) acres of land, about eight times larger than the subject property. The applicant could not physically fit 148 canopy trees and 1,110 shrubs on the property. A wavier from the quantity requirements was previously granted by the Planning Board.

The applicant is proposing 138 trees and 900 shrubs as well as 764 groundcover plantings and ornamental grasses. The applicant is also retaining 6 of the existing trees and removing 12 existing trees.

It is recommended that the applicant approach the owner of adjoining Lot 6, in Block 161 and offer to plant a hedgerow on their property along the fence line. This will help to reduce headlight glare from on-coming vehicles entering re-aligned Mechanic Street from New Jersey Avenue.

LIGHTING

The applicant is proposing 26 light fixtures on poles and 13 bollard fixtures including fixtures previously installed to remain. Entrance lighting is required at all entrances to the buildings. Detailed review of the lighting to be deferred to Traffic Engineer.

AFFORDABLE HOUSING UNITS

The applicant has the obligation to provide for affordable units in accordance with the conversion law.

In the prior application, the applicant proposed that the City provide an administrator for the selection of qualified residents for the affordable units. The municipality is not obligated to provide an administrator for the applicant. The municipality is not obligated to provide affordable housing units or construct affordable housing units. The municipality has the obligation to provide a realistic opportunity in their land development ordinance. The municipality may offer assistance to the applicant in the administration of the selection process of qualified residents. If the municipality assists the applicant in the administration of the selection process of qualified residents, the applicant should reimburse the municipality for the administrative services provided.

The applicant is requesting the development be approved in phases. Twenty (20) percent of the projects 74 units are required to be affordable (or 15 units). The affordable units should be evenly distributed throughout the 40 unit building in phase 1.

ARCHITECTURAL PLANS

The original architectural plans prepared by J. Randolph Parry Architects consisting of a 77 unit – 2 wing building with covered porches, community room on the first floor conforming to the building height. Also included was 8 townhouse unit along Church Street. The purpose of the townhouses was to help mitigate the height of the 4 story – 77 unit building by providing a transition of 2-1/2 story townhouses which are more compatible with the existing single family and two-family dwellings along Church Street.

The applicant is now proposing not to construct the 37 flats in the second wing of the original 77 unit building. The original second wing will be replaced with 3 buildings consisting of 22 townhouses and 4 flats. With the 40 unit portion of the building and the 8 townhouses under construction on Church Street, the units proposed are reduced from 85 to 74. The 40 unit building includes porches/decks and each townhouse includes porches and decks. The 3 buildings proposed include 54 garage spaces. With the 8 townhouses on Church Street there will be a total of 62 garage spaces on-site.

SIGNAGE

The applicant is not proposing identification signage as part of this application.

PHASING PLANS / CONSTRUCTION SEQUENCING PLANS

The applicant has provided phasing plans and are found to be acceptable subject to review of the Board Engineer.

CONDOMINIUM PLANS

The Condominium plans to be filed with the NJDCA before units can be conveyed. The applicant should provide copies for review to ensure they are consistent with the plans as approved by the Planning Board. These plan should include: common elements, limited private elements, private elements; area of each unit; assigned storage lockers in basement (if proposed), assigned parking (if proposed), etc. to comply with State filing requirements.

RECOMMENDATIONS

1. Applicant is required to provide evidence of proper notice prior to public hearing.
2. Applicant's professionals must present expert testimony to justify the relief sought in accordance with Chapter 82 and the New Jersey Municipal Land Use Law.
3. A performance guarantee is recommended to insure the construction of all site improvements. This performance guarantee will be required prior to the final sign-off by the Board Professionals.
4. The applicant has the obligation to provide for affordable units. The applicant should provide affordable units as described above.
5. All on-site and off-site site improvements and landscaping as described in each phase are required to be completed before a CO can be issued for each phase.
6. The applicant should approach the owner of adjoining Lot 6, in Block 161 and offer to plant a hedgerow on their property along the fence line.
7. The applicant to provide condominium plans which are consistent with the plans as currently submitted and as approved by the Planning Board.
8. The Public Offering Statement and Master Deed along with floor plans as filed to be provided.
9. In accordance with the policy of the Planning Board, the Planning Board planner will review construction plans submitted to the Construction Official for a Construction permit.
10. The applicant should sign the "Certification of Understanding" as adopted by the Planning Board relating to the payments of escrow fees.
11. Additional recommendations and / or modifications to the above recommendations may be offered in response to applicant's testimony at the public hearing before the Planning Board.

CC: Andrew Previti, P.E., Board Engineer
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