

MAJOR SITE PLAN REVIEW MEMORANDUM

DATE: April 4, 2011

TO: ABSECON CITY PLANNING BOARD

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

SUBJECT: Preliminary Site Plan Review #2 (Addendum)
Absecon Gardens
(Formerly Absecon Seniors, LLC, The Pinnacle Club at Absecon)
BLOCK 161, LOT 1
Project No. ABS 0015.02

This addendum to the Preliminary Site Plan Review Memorandum, dated 3/21/11, is a follow-up to the public hearing held on 3/22/11.

Redevelopment Plan Uses

The Applicant, Boardwalk Development and Design Company, LLC (BDD) is requesting the conversion of the previously approved 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). This development is in the RA1 - Central Business District Redevelopment Area. The Redevelopment Area is divided into 3 parcels (Parcel 1, Parcel 2 and Parcel 3) as established by City Council in the Redevelopment Plan. The original development was only proposed on Parcel 1, it is now being expanded into Parcels 2 and 3.

Permitted Uses in accordance with the Redevelopment Plan:

Parcel 1 (6.24.1 A)

- 1) Age-restricted housing, including residential community designed for senior citizens with dwelling units, open space, and social, cultural and recreation facilities; may include provisions for food service, housekeeping and maintenance facilities, short-term or long term medical, nursing or other healthcare and social services; independent of assisted living facilities; congregate senior residences; adult day care; as defined in section 3.0.
- 2) Surface or structured parking to support any Permitted Use on this Redevelopment Parcel.

Except where designed for the residents, guests, employees or service recipients of the subject building as defined in section 3.0, the following uses shall be limited to ground-floor levels of multi-story buildings oriented toward School Street, Mechanic Street or New Jersey Avenue.

- 3) Neighborhood-oriented retail establishments.
- 4) Personal service establishments.
- 5) Financial institutions, banks or loan offices.
- 6) Professional, Administrative or Consulting Service Offices.

Parcel 2 (6.2.4.2 A)

1. Public parking. *(See Note 1 below)*
2. Landscaped Public Open Space, limited to that section of Parcel 2 which, due to its triangular shape, can not appropriately be used for public parking. *(See Note 1 below)*

Note 1

Section 8.1.5 Recreational and Community Facilities, states that the Redevelopment Parcel 2 includes provision for public open space and passive outdoor recreation. However, in the 2005 approval the applicant offered, and the City accepted \$34,488.60 for the future construction of a 14 space paved parking lot on Parcel 2. *(See attached: Concept Plan, dated 5/24/2005, Cost Estimate for Parking Lot dated 7/11/2005, City of Absecon Resolution 223-2005 dated 12/15/2005, and Memo from City dated 2/8/2007)*

3. Additional Permitted Uses.

The public parking and public open space areas constituting this Redevelopment Parcel may be used from time to time, collectively or individually, for community events. Such use may include, but need not be limited to, small concerts, public ceremonies, art shows and like and similar activities.

Permission for such events shall be granted by the City Administrator, in consultation with such public safety and other officials as is deemed appropriate for the type and scope of event proposed. Such activities shall not require Governing Body or Planning Board approval.

Parcel 3 (6.2.4.3 A)

- 1) General Retail.
- 2) Personal Service Establishments.
- 3) Professional, Administrative or Consulting Service Offices.
- 4) Financial Institutions, Banks or Loan Offices, including drive-through.
- 5) Surface parking to support any Permitted Use on this Redevelopment Parcel.

The Redevelopment Plan Exhibit 12.10, Circulation Plan, depicts Mechanic Street being re-aligned to intersect with New Jersey Avenue at a 90 degree angle and Mechanic Street being vacated. *(See Attached)*

The application for conversion proposes Mechanic Street being re-aligned to intersect with New Jersey Avenue at a 90 degree angle through Parcel 3 as recommended by the Redevelopment Plan.

The Townhouse units are being proposed on Parcels 2 and 3 are not permitted uses in accordance with the Redevelopment Plan. The Zoning Schedule as submitted with the application references Parcel 1 only. Parcels 2 and 3 are not mentioned. The Zoning Schedule should be revised to depict the Parcel 2 and Parcel 3 requirements.

It appears that the applicant is required to request City Council to modify the Redevelopment Plan to expand the uses permitted in Parcel 1 to Parcels 2 and 3. The relief required for the proposed townhouse use on Parcels 2 and 3 is equivalent to a "d" Variance request. The Planning Board needs to determine if they have jurisdiction to hear the application as submitted, and a modification should be obtained from City Council prior to any action by the Planning Board.

Available on-street parking

It appears that the project is adding 2 additional spaces to New Jersey Avenue and 14 to School Street. As for Church Street, with or without the conversion approval the Planning Board previously approved the driveways for the Townhouses under construction which sets the available parking on Church Street at 5.

Offices and studies in units

The Application states there are 141 bedrooms proposed. The applicant testified that there are only 2 bedrooms proposed for each unit. After a closer review of the room configuration, there is a concern that rooms labeled office and/or study could be used as a bedroom. The room configuration encourages the use of the offices as a sleeping room.

The Church Street townhouses include a study with a closet and a home office with no closet. The School Street and New Jersey Avenue townhouses include a home office with a closet and second bathroom in addition to the master bathroom.

How will the bedroom maximum be enforced? Once the units are occupied it will be difficult to enforce. The offices can easily be used as a third sleeping room with a closet and second full bathroom.

The Applicant must offer something that will discourage rather than encourage the using the offices and studies as sleeping rooms. Enforcement is a concern. It is recommended that the Applicant reconfigure the room layout to reduce the opportunity for the room to be used as a sleeping room. It is also recommended that strong language be used in a deed restriction and in the condominium documents to make difficult for anyone to use more than 2 rooms as sleeping rooms in each unit. Also language is needed to be provided in the condominium documents to easily allow the Condominium Association and Code Enforcement to confirm the status of a unit and enforce the limitation. If the Planning Board is not comfortable with how the issue is addressed, the board may require that the additional rooms that encourage the use as sleeping be removed from the plans.

There is no requirement in the Redevelopment Plan adopted by City Council that imposes a maximum of 2 bedrooms per unit. In 2007 City Council removed the Senior Citizen Housing Overlay District from the Zoning Map as it relates to the subject property. As a result, the zoning which imposed a 2 bedroom maximum per unit was eliminated. However, the conversation law requires that the development not exceed the 151 original bedrooms.

Other restrictions in Condominium Documents

In Addition to the recommendation made at the hearing that there should be a deed restriction to prohibit the conversion of the garage into living space, the following should also be prohibited:

Hanging clothes, towels, etc. over the porch railings.

Hanging of clothes outside in general.

Storing items on the porches such as: bikes, indoor furniture, storage boxes, bar-b-que grills, etc.

Storing of items in the garage that would prohibit it being used as a vehicle parking space.

RECOMMENDATIONS

1. The Planning Board needs to determine if they have jurisdiction to hear the application as submitted and a modification should be obtained from City Council prior to any action by the Planning Board.
2. The Zoning Schedule must be modified to include Parcel 2 and Parcel 3 requirements.
3. The Applicant must demonstrate to the Planning Board how the additional rooms will not be used as sleeping rooms and not increase the intensity of the development.
4. The Applicant must demonstrate to the Planning Board that adequate parking is available.
5. Applicant should provide a list of deed restrictions and Condominium rules for review by the Planning Board.
6. 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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