

MAJOR SITE PLAN REVIEW MEMORANDUM

DATE: April 4, 2011, Updated April 25, 2011

TO: ABSECON CITY PLANNING BOARD

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

SUBJECT: Preliminary Site Plan Review #3 (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 Memorandums, dated 3/21/11 and 4/4/2011 are a follow-up to the public hearing held on 3/22/11 and a response to revised plans submitted.

Revised Plans Submitted

The applicant has submitted the following revised plans in response to issues described below:

Site Engineering Plans prepared by Marathon Engineering consisting of:

Item No./ Sheet No.	Description	Date
2 of 15	Information Sheet	04/14/11
4 of 15	Site Plan	04/14/11
C2600	Phasing Plan	04/14/11
C2603	Phase 3 & 4 Parking Plan	04/14/11

Architectural Plans prepared by SOSH Architects consisting of:

AC-000	Cover Sheet	04/19/11
A1-101	School Street Building #1 Floor Plans	04/19/11
A1-301	School Street Building #1 Building Elevations	04/19/11
A2-101	New Jersey Ave. Building #2 Floor Plans	04/19/11
A2-301	New Jersey Ave. Building #2 Roof Plan	04/19/11
A3-101	Mechanic Street Building #3	04/19/11
A3-301	Mechanic Street Building #3 Building Elevations	04/19/11

Mean roof height raised from 29'3" to 34' 9".

A3-101 Mechanic Street Building #3 04/19/11

Unit Type labeling added.

A3-301 Mechanic Street Building #3 Building Elevations 04/19/11

Mean roof height lowered from 47' to 37' 8".

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. (*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 was previously provided with memo dated April 4, 2011*)

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 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. (*Exhibit was attached to April 4, 2011 memo*)

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 are not permitted uses in accordance with the Redevelopment Plan. The revised Zoning Schedule now includes references to Parcels 2 and 3.

It appears that the applicant is required to request City Council to modify the Redevelopment Plan to expand the townhouse use permitted in Parcel 1 to Parcel 2 (Now Phase 4). The relief required for the proposed townhouse use on Parcel 2 is equivalent to a "d" Variance request. The revised plan also includes three (3) parking spaces and a trash enclosure in Parcel 2 (Phase 2). This will need to be revised or the applicant will need City Council to modify the Redevelopment Plan to allow private parking and trash enclosure.

The Planning Board needs to determine if they have jurisdiction to hear Phase 4 portion of the application as submitted prior to a modification from City Council.

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 Church Street Townhouse units

The original Church Street Townhouse configuration reviewed as an age-restricted unit proposed a master bedroom on the first floor with a full bathroom. The second floor included a second bedroom, second full bathroom and loft area.

On March 22, 2011, the applicant testified that there are only 2 bedrooms proposed for each unit. The Applicant asserts that there are 141 bedrooms proposed. 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 in the Church Street Townhouse encourages the use of the offices and studies as a sleeping room.

The configuration of the Church Street Townhouse now under construction was a recent amendment to the application by the current applicant. At that time the above modified unit was reviewed in the context of an age-restricted unit. As an age-restricted unit, it was reasonable to expect the in additional rooms would not be used as sleeping rooms. Also the Redevelopment Plan does not limit the number of bedrooms in an age-restricted unit. With the proposal for a conversion, the new configuration is a concern.

The Church Street Townhouses include a study with a closet and direct access through a common area for the use of a full bathroom on the same floor. The home office also has direct access to a full bathroom on the same floor.

Offices in School Street and New Jersey Avenue Townhouse units

The School Street and New Jersey Avenue Townhouses include a home office with a closet without direct access to a full bathroom on any other floor.

What is a Bedroom?

The Absecon Ordinance does not include the definition of the term “bedroom”. This required the review of other sources.

After researching numerous different sources it was found that the most common definition of a bedroom is...”A private room planned and intended for sleeping, separated from other rooms by a door, and assessable to a bathroom without crossing another bedroom.”

Also descriptions of what is not a bedroom were found. Rooms considered not bedrooms include: halls, bathrooms, kitchens, dining rooms (in proximity to kitchen maximum one), living rooms and /or family room (unless there more than one in the unit), laundry rooms, closet/dressing room opening off of a bedroom.

The common tread through each of the bedroom definitions included: Privacy; a door; the minimum size of the room – 70 SF; room on exterior wall of the unit; closet, window for adequate light and fire escape; direct access to a full bathroom from common space such as hallway, foyer without passing through another bedroom.

The proposed offices and studies in the Church Street Townhouses meet the common definition of a bedroom. They are more likely to be used as bedrooms due to their configuration. The proposed offices in the School Street and New Jersey Avenue Townhouses do not meet the definition of a bedroom. They are not likely to be used as bedrooms due to the fact that they do not have access to a full bathroom without crossing through another bedroom.

Bedroom Count

It appears that there are more than the maximum permitted bedrooms in accordance with the conversion law. In addition to the 138 bedrooms proposed by the applicant, 3 additional bedrooms are required for the mandated minimum 3 affordable units (with 3 bedrooms) and the 16 proposed offices/studies can be used as bedrooms. This increases the bedroom count to 157. The original age-restricted development included 151 bedrooms and 8 loft areas in the 8 townhouses. (See Table 1 attached)

It is recommended that the Applicant reconfigure the room layout to reduce the opportunity for the offices/studies 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 determine that there are more than the maximum permitted bedrooms and deny the conversion request.

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 conservation 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.

Status: **Comment Continues**

RECOMMENDATIONS

1. The Planning Board needs to determine if they have jurisdiction to hear Phase 4 of the application and the accessory uses in Parcel 2 (Phase 2) as submitted and a modification should be obtained from City Council prior to any action by the Planning Board.

Status: The determination as to the jurisdiction of the Planning Board regarding Phase 4 is deferred to the Board Attorney.

2. The Zoning Schedule must be modified to include Parcel 2 and Parcel 3 requirements.

Status: The Zoning Schedule has been modified to include Parcel 2 and Parcel 3 requirements as requested.

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.

Status: Testimony is required by the applicant.

4. The Applicant must demonstrate to the Planning Board that adequate parking is available.

Status: Testimony is required by the applicant.

5. Applicant should provide a list of deed restrictions and Condominium rules for review by the Planning Board.

Status: Comment Continues

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.

Status: Comment Continues

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