

MAJOR SITE PLAN REVIEW MEMORANDUM

DATE: February 29, 2008

TO: ABSECON CITY PLANNING BOARD

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

SUBJECT: **CONDITIONS COMPLIANCE OF FINAL SITE PLAN APPROVAL**
The Pinnacle Club at Absecon, Norex Construction Corp.
(Formerly –Absecon Seniors, LLC)
BLOCK 161, LOT 1
RLR Project No. ABS 0015.01

Background

The 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.

Architectural plans provided by the applicant and approved by the Planning Board depicted two (2) townhouse style buildings with four (4) units each and One (1) apartment style building with seventy-seven (77) units. More specifically, the apartment style building consisted of the following: (Proposed common/private amenities are in **bold**).

First floor- **Covered Drop-off area with entrance foyer.**
Large entrance lobby area with front desk, two (2) elevators, management offices and common ADA restroom.
Small lobby area with one (1) elevator.
Common space – multipurpose room (Approximately 2,500 SF)
Nineteen (19) apartments with **fifteen (15) balconies**
Outdoor patio with seating for forty-eight (4) people at twelve (12) tables

Second Floor- Twenty-two (22) apartments with **seventeen (17) balconies.**
Two small lobby areas, one with one (1) elevator, another with two (2) elevators

Third Floor- **Large common roof deck area (approx. 2,000 SF) with seating for forty (40) people at ten (10) tables over the common multipurpose room area.**
Eighteen (18) apartments with **thirteen (13) balconies.**
Two small lobby areas, one with one (1) elevator, another with two (2) elevators

Fourth Floor- Eighteen (18) apartments with **thirteen (13) balconies.**
Two small lobby areas, one with one (1) elevator, another with two (2) elevators

The entire apartment complex as proposed included seventy-seven (77) units with approximately fifty-eight (58) balconies. Public improvements included concrete curb and sidewalk on each adjoining public streets, Mechanic Street, New Jersey Avenue, School Street and Church Street.

In addition to the open space common amenities graphically depicted on the architectural plans submitted, the applicant provided testimony stating that gathering places with card rooms and exercise equipment was part of the typical common amenities that would be provided for the residents.

Project Status

Portion of apartment building is under construction.

Currently the applicant is constructing a portion of the apartment building. The building under construction consists of the following:

First floor- Eleven (11) apartments
Small lobby area with one (1) elevator.

Second Floor- Eleven (11) apartments
Small lobby area with one (1) elevator

Third Floor- Nine (9) apartments
Small lobby area with one (1) elevator

Fourth Floor- Nine (9) apartments
Small lobby area with one (1) elevator

A total of forty (40) apartment units (or approx. 52% of the 77 apartment units) are under construction without any of the balconies originally proposed. At this time none of the amenities as graphically depicted in the approved architectural plans or described during testimony by the applicant are being proposed as part of the construction of project.

Developer desires to construct portion of the apartment building as phase one.

It is my understanding that the developer desires to request Certificate of Occupancies (CO) to convey units in the partially completed building without any of the common amenities.

Developer's request is inconsistent with approval.

This is inconsistent with the approval granted and with the sales brochure available at the sales office. The sales brochure lists a 2,500 SF Club House in the community amenities package offered to the potential buyers.

Recommendations

Developer should construct development as approved.

It is my recommendation that the Planning Board direct the current developer to review the conditions of approval set forth in the Decision and Resolutions dated July 12, 2005 and December 13, 2005 and 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.

Developer is required to provide a detailed construction staging and phasing plan.

The developer is required to provide a detailed construction staging and phasing plan for review in accordance with the conditions of approval. The memorandum provided by the developer December 2006 regarding construction phases was only a "general guideline", subject to "many factors" as stated in the memorandum. The purpose of the construction staging and phasing plan is to address public safety and to ensure proper construction sequence. The construction staging and phasing plan should be an actual drawing (physical plan) along with written outline. The construction staging and phasing plan should include the sequence of each building to be constructed, each parking area to be constructed, each adjoining street to be improved. It should include clear unobstructed access to buildings under construction at all times for emergency response vehicles. It should include staging areas (lay-down space) for building materials, stock pile areas for fill materials, etc. It should include the location of the construction trailer and temporary parking for construction workers and construction trailer office staff. It should address separation of pedestrian movements from vehicle movements on-site, and off-site within the adjoining public right-of-ways. A traffic control plan should be provided to address how traffic will be controlled during work be performed in the public streets. The construction site appears to be hap-hazard, with construction deliveries blocking adjoining public streets.

Developer is required to provide a tree protection plan.

Also, the tree protection plan is required for review in accordance with the condition of approval. This plan should provide methods to protect the existing mature trees at the site. No fill should be permitted to stockpiled over the root system or under the tree canopy. A physical barrier must be provided around each tree at the drip line for protection.

Site Improvements must be completed prior to CO.

Please note that all on-site and off-site site improvements and landscaping are required to be completed before a CO can be issued. This includes obtaining a Certification from Cape-Atlantic Soil Conservation District Office. Cape-Atlantic SCD requires that all disturbed soil be stabilized in accordance with their standards before a CO can be issued.

Recommendations for “Development Phasing Plan”

Should the Planning Board consider approving a “development phasing plan” to allow only a portion of the project to be constructed, the following recommendations are offered:

The most important issue is public safety.

The most important issue is public safety. Whatever “development phasing plan” is considered, it must first address public safety issues as described above.

Can phase one of the “development phasing plan” stand on its own?

The second most important issue is: *Can phase one of the “development phasing plan” stand on its own?* The Planning Board must assume that subsequent phases may never happen while reviewing what is to be constructed in phase one only.

If the Planning Board is to consider allowing the portion of the apartment building with forty (40) units to be considered the first phase, Phase one should include (but not limited to) the following:

Phase One-

- Construct portion of apartment building (forty units);
- Install siding to match over existing exposed exterior plywood;
- Construct entire stormwater management system;
- Construct all sanitary sewer and water service required to service units;
- Repair and / replace any paved portion of adjoining public streets as required;
- Construct all concrete curbs and sidewalks in adjoining public streets;
- Construct all on-site walkways adjoining Mechanic Street parking lot;
- Construct on-site walkway connection to Church Street from Mechanic Street Parking;
- Construct Mechanic Street Parking lot with required traffic signage and with drop-off area;
- Construct ADA parking with complying accessible route to temporary building entrance;
- Construct all landscaping and irrigation, including new landscaping and soil stabilization over disturbed areas of future building construction;
- Stabilize stockpiles of fill in accordance with SCD requirements (If Any);
- Install all site lighting;

Phase one must include the construction of the an alternate 2,500 SF club house with outdoor patio or a performance guarantee be posted to ensure the amenities will be constructed in the event subsequent phases are not constructed.

A revised site plan should be prepared for review depicting the Alternate club house and patio on the site of the portion of the apartment that is not under construction. It is recommended that it be located at the site of currently proposed common multipurpose room and outdoor patio fronting on New Jersey Avenue. This revised site plan submission should include an architectural plan of the Alternate club house. This submission will require a revised landscaping plan depicting landscaping around the alternate club house and patio area. If the option of the developer is to post a performance guarantee, a detailed cost estimate of the club house, patio area and landscaping along a detailed architectural plan should be submitted for review.

Mitigation for the loss of 58 balconies proposed with the original approved should also be considered in phase one. Also, the requirement for the developer to provide for affordable housing in accordance with approval granted should be considered in phase one.

Phase Two-

- Construct remaining portion of apartment building; including Covered Drop-off area with entrance foyer; large entrance lobby area with front desk; two (2) elevators; management offices and common ADA restroom; Common space – multipurpose room (Approximately 2,500 SF); Outdoor patio with seating for forty-eight (4) people at twelve (12) tables.
- Repair and / or replace sanitary sewer and water service required to service units disturbed or damaged by phase two construction (If Any);
- Repair and / or replace concrete curbs and sidewalks in adjoining public streets disturbed or damaged by phase two construction (If Any);
- Repair and / or replace on-site walkways adjoining Mechanic Street parking lot disturbed or damaged by phase two construction (If Any);
- Repair and /or replace any portion of Mechanic Street Parking lot disturbed or damaged by phase two construction (If Any);
- Construct School Street Parking lot;
- Repair and / replace any paved portion of adjoining public streets as required;
- Install ADA parking with complying accessible route to new main building entrance;
- Repair and / or replace any landscaping and irrigation disturbed by phase two construction
- Stabilization of all disturbed areas of future building construction;
- Repair and / or replace site lighting as required.

Phase three -

- Construct both townhouse buildings (eight units);
- Construct concrete driveways to each garage;
- Repair and / or replace concrete curbs and sidewalks in adjoining public streets disturbed or damaged by phase three construction (If Any);
- Repair and / replace any paved portion of adjoining public streets as required.

It is recommended that Planning Board request the Developer meet with the Planning Board and / or Board Professionals to discuss the above recommendations. It is understood that the recommendations stated herein are subject to the Planning Board's review and the other board professionals review.

Additional recommendations and / or modifications to the above recommendations may be offered as we work through each issue with the developer.

CC: Michael J. Blee, Esq, City Attorney
Michael Fitzgerald, Esq., Board Attorney
Alexander J. Litwornia, P.E. Board Traffic Engineer
Andrew Previti, P.E., Board Engineer
Tina Lawler, Board Secretary
Mark Berman, Norex Construction Corp., Current Developer
Steven M. Garber, Esq., Attorney for Norex Construction Corp.
James Stewart, Absecon Seniors, LLC, Original Applicant
Edward A. Penberthy, Esq., Attorney for Original Applicant
Edward Bradley, PE, Applicant's Engineer
Charles Smith, Absecon Chief of Police
Butch Stewart, Absecon Fire Chief
Michael O' Hagan, Construction Official
Frank Burns, Cape-Atlantic SCD