

MAJOR SITE PLAN REVIEW MEMORANDUM

DATE: June 30, 2010

TO: ABSECON CITY PLANNING BOARD

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

SUBJECT: Review of Final Plans - Status of Application
Absecon Gardens (Formerly The Pinnacle Club at Absecon)
BLOCK 161, LOT 1
Project No. ABS 0015.01

The following is a brief summary of a meeting with the applicant for the above referenced property.

On June 23, 2010 the Board Professionals met informally with representatives of Boardwalk Development and Design, Inc (BDD). The purpose of the meeting was for the new developer to describe their proposed changes to the development plan.

Attendees included: Tony Cappuccio of Boardwalk Development and Design, Inc.(BDD) the potential applicant, Richard DeLucry, Esq., Attorney for BDD, Tom Sykes of SOSH Architects, Jason Sciallo, PE of Marathon Engineers, Henry Gorohoff, Chairman of the Planning Board, Michael Fitzgerald, Esq., Board Attorney, Andy Previti, PE, Board Engineer, and Rob Reid, Board Planner.

BDD informed the attendees that Parke Bank is the owner of the subject property formerly known as The Pinnacle Club at Absecon (now called Absecon Gardens). BDD is currently in negotiations with Parke Bank to purchase the property. Their ultimate plan is to apply to the Planning Board for a "Converted development" which means a proposed age-restricted development that will be marketed instead with no age restrictions in accordance with NJSA 45:22A-46.3 (AKA S2577). The proposed converted development will be reduced from the 85 approved units (consisting of 77 flats and 8 townhouses) to approximately 40 flats and 36 Townhouses. Their intent is to comply with the conversion requirements.

The modifications proposed by BDD include the replacement of the south wing of the building not yet constructed with townhouses; expand into adjoining lot 8, Block 160; additional on-site parking; re-configuration of the existing parking lot; removal and re-construction of stormwater management facilities; re-alignment of Marsh Lane; the expansion of the balconies on the partially constructed north wing; the addition of community area in the basement including a lounge, bar, fitness, billiard room, with exterior access; the addition of an outdoor pool; the addition of decks, windows and covered entry at the former building connection; and revised landscaping.

BDD's development proposal will require all new land development approvals from all reviewing authorities having jurisdiction including an NJDEP, CAFRA permit approval, which will take some time. BDD desire is to start work on the existing partially constructed north wing of the building as soon as possible. BDD also desires to start work on the previously approved townhouses along Church Street. It was suggested that they consider completing the approval process for the current project under the current approvals to help expedite the development process. Amended Site Plan was granted with conditions on October 14, 2008. If BDD satisfies the conditions of the prior approval they can submit an application for construction using the prior approvals in place. In order for the applicant to continue construction at the site, outstanding conditions listed below need to be addressed. See status of the comments in the prior review memorandums below. Should the applicant desire to start construction of the townhouses along Church Street before starting the south wing of the 77 unit building, they should return to the Planning Board to request a modification to the phasing as approved on October 14, 2008. This will allow the applicant to introduce the ultimate development plan for the property in advance of the formal application for conversion. Also, the Board can review the proposed private covered porches (balconies) enlargement now proposed for the existing building.

DEVELOPMENT BACKGROUND

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. The approval included the granting of several variances. Variance relief granted included building length, parking, front yard setback and building coverage. Approval included the demolition of the former Marsh Elementary School and construct an age-restricted housing complex consisting of eight (8) townhouses in two separate buildings and seventy-seven (77) apartment units in one building along with ninety-four (94) parking spaces. The architectural plans included 58 private balconies / decks and common areas consisting of a covered drop-off area with entrance foyer, Large entrance lobby area with front desk, two (2) elevators, management offices, common ADA restroom, common space – multipurpose room (approximately 2,500 SF), outdoor patio with seating for forty-eight (48) people at twelve (12) tables, and large common roof deck area (approx. 1,800 SF) with seating for forty (40) people at ten (10) tables over the common multipurpose room area. 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.

On October 14, 2008 the Absecon City Planning Board granted Preliminary and Final Site Plan Approval including variances, with conditions. The details of the conditions of approval are 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 one and the 8 townhouse units in phase two. The Planning Board granted site plan approval to allow the project to continue the construction. The approval granted is 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.

The following documents were reviewed for Final Site Plan approval.

Documents Received 2/13/09:**

Item No./ Sheet No.	Description	Date
	Site Engineering Plans prepared by Taylor Wiseman & Taylor consisting of:	
1 of 10	Title Sheet	02/10/09
2 of 10	Existing Features Plan	02/10/09
3 of 10	Site Plan	02/10/09
4 of 10	Grading Plan	02/10/09
5 of 10	Utility Plan	02/10/09
6 of 10	Soil Erosion Plan	02/10/09
7 of 10	Soil Erosion Details	02/10/09
8 of 10	Landscaping Plan	02/10/09
9 of 10	Lighting Plan	02/10/09
10 of 10	Construction Details	02/10/09

** Plans were not reviewed previously due to non-payment of review escrow.

STATUS of RECOMMENDATIONS from September 18, 2008 Review Memorandum

1. Applicant is required to provide evidence of proper notice prior to public hearing.

Status: Provided at October 14, 2008 hearing.

2. For the purpose of strengthening consumer confidence, I would prefer that the applicant construct the 77 unit building as a single, unified project with all the amenities. However, due to the current economic market the applicant requests the Planning Board to consider the phasing plan proposed.

Status: Applicant revised the development phasing as described in the October 11, 2008 Review Memorandum attached.

3. Applicant's professionals must present expert testimony to justify the variance relief sought in accordance with the New Jersey Municipal Land Use Law.

Status: Provided at October 14, 2008 hearing.

4. If the Planning Board is to consider granting authorization for the applicant to construct the development project, the following phasing of buildings and site improvements are recommended for each phase:

Status: The three phased plan with an alternate phase one for a stand along community building was replaced with a two phase plan without a alternate phase one as described in the October 11, 2008 review memorandum.

5. A performance guarantee is recommended to ensure the construction of Alternate Phase One Clubhouse and the clubhouse patio improvements. This performance guarantee will be required prior to the final sign-off by the Board Professionals. This performance guarantee is in addition to the standard performance guarantee for site work. This performance guarantee will be for a period of 3 years after the final approval is granted by the Planning Board. The Applicant must secure a construction permit for the Alternate Clubhouse or the remaining portion of the 77 unit building within the 2 years and 6 months after the final approval is granted by the Planning Board and start construction or the City will use the performance guarantee to have the Alternate Clubhouse constructed.

Status: No longer applicable. The three phased plan with an alternate phase one for a stand along community building was replaced with a two phase plan described in the October 11, 2008 review memorandum. The site plan should reflect the phasing as described.

6. The applicant has the obligation to provide for affordable units. The applicant should provide affordable units as described above.

Status: The applicant should provide affordable units as described in review memorandum dated September 18, 2008.

7. 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.

Status: Unchanged

8. The applicant to provide detailed revised grading plans for review.

Status: The applicant has provided grading plans for review. The detailed review is deferred to the board engineer.

9. The applicant to provide details of exactly what is being proposed for each common activity room proposed in Phase 1 with labeling and a detailed list of furnishings and equipment.

Status: Outstanding item. Applicant should provide.

10. The applicant to provide details of exactly what is being proposed for the clubhouse common activity area proposed in Alternate Phase 1 with labeling and a detailed list of furnishings and equipment.

Status: No longer applicable. The three phased plan with an Alternate Phase 1 for a stand along community building was replaced with a two phase plan without a alternate phase 1 as described in the October 11, 2008 review memorandum.

11. The applicant should provide details of exactly what is being proposed for the clubhouse common activity area proposed in phase 2 with labeling and a detailed list of furnishings and equipment.

Status: No longer applicable. The three phased plan was replaced with a two phase plan as described in the October 11, 2008 review memorandum.

12. The architectural plans are to be revised to show how the phase 2 south wing will be connected to each common activity room once constructed.

Status: No longer applicable. The three phased plan was replaced with a two phase plan as described in the October 11, 2008 review memorandum.

13. The applicant to provide architectural plans of the townhouse buildings depicting front porches.

Status: Outstanding item. Applicant should provide.

14. The applicant to revise the condominium plans to be consistent with the plans as currently submitted and as approved by the Planning Board.

Status: Outstanding item. Applicant should provide.

15. A tree protection plan is required for review in accordance with the condition of approval.

Status: ***Outstanding item. Applicant should provide.***

16. The construction staging and phasing plan to be revised to provide more detail and include a written outline and estimated timeline.

Status: ***Outstanding item. Applicant should provide.***

17. A traffic control plan should be provided to address how traffic will be controlled during work be performed in the public streets.

Status: ***Outstanding item. Applicant should provide.***

18. A Certification from Cape-Atlantic Soil Conservation District Office is required.

Status: ***Outstanding item. Applicant should provide.***

19. The Public Offering Statement and Master Deed along with floor plans as filed to be provided.

Status: ***Outstanding item. Applicant should provide.***

20. 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.

Status: ***Satisfied for 77 unit building only.***

21. Irrigation Plan to be provided for review and approval.

Status: ***Outstanding item. Applicant should provide.***

22. Details of block pavers for the proposed 4,187 SF patio to be provided.

Status: ***Outstanding item. Applicant should provide.***

23. The applicant should retain a qualified professional to evaluate the health of the existing trees and provide a written opinion.

Status: ***Partially Satisfied. Report was provided. Additional landscaping required. Notes on Landscaping Plan required.***

24. The fire suppression system in the building under construction should be activated as soon as possible to reduce the risk of what occurred at Riverwalk luxury apartment complex under construction in Conshohocken, PA. The unoccupied building and four other adjoining buildings were completely destroyed in an eight –alarm fire.

Status: ***Outstanding item. Applicant must Obtain "Certificate of Approval" (CA) for the common elements of the building. This will include addressing all "Life Safety" requirements in accordance with the New Jersey Uniform Construction Code, such as the fire suppression system, fire ratings, ADA access, emergency lighting, etc., should the applicant desire to occupy the existing building.***

STATUS of RECOMMENDATIONS from December 5, 2008 Review Memorandum

1. The construction plans listed above have been reviewed and are consistent with the representations made at the October 14, 2008 Planning Board meeting and the plans as approved by the Planning Board.

Status: *Satisfied for 77 unit building only.*

2. The applicant is required to provide construction plans of the townhouse buildings depicting individual front porches for review prior to a construction permit being issued.

Status: ***Outstanding item. Applicant should provide.***

3. The applicant should try to save a 34" oak and 24" oak on Church Street with pruning as well as the 44" white oak near NJ Avenue. (It is understood that there is no guarantee that the trees will survive.)

Status: ***Item Outstanding. Note should added to landscaping plan.***

4. The 27" oak tree at the east property line should be provided with a tree well as discussed at the site with the applicant's representative.

Status: ***Outstanding item. Applicant should provide.***

5. The applicant should provide a modified landscaping plan that take in consideration the large tree removal recommended by the arborist and the recommendations made by the arborist in his report dated 11/19/08.

Status: ***Outstanding item. Applicant should provide.***

6. Parke Bank made the representation that they have taken control of the project in accordance with rights under the loan documents. A condition of approval was that the applicant is to provide documentation verifying such authority.

Status: ***Outstanding item. Applicant should provide.***

7. Applicant must address each outstanding item in the prior review memorandums, Prior Approval Checklist and Decision and Resolution in writing.

Status: ***Outstanding item. Applicant should provide.***

8. Additional recommendations and / or modifications to the above recommendations may be offered in response to applicant's written response to each outstanding comment in prior review memorandums.

ADDITIONAL RECOMMEDATIONS

1. An updated Construction Sequencing Plan should be provided depicting two phases only.
2. An updated Tree Protection Plan should be provided.
3. Additional Escrow Review Fees should be paid in accordance with NJSA 40:55 D-53.2 c and § 224-195 C of the Absecon Ordinance.
4. Status of the Performance guaranty as approved by the city solicitor for form & content with an amount sufficient to cover the improvement costs.
5. Applicant should address outstanding comments in the Decision and Resolution of the Oct.14, 2008 Board Action, outstanding comments of the other Board Professionals, and any outstanding items in prior review memorandums.
6. Additional recommendations and / or modifications to the above recommendations may be offered in response to applicant's written response to each outstanding comment in this review memorandum and in prior review memorandums.

CC: Andrew Previti, P.E., Board Engineer
Michael Fitzgerald, Esq., Board Attorney
Anthony Cappuccio, Boardwalk Design & Development
Richard DeLucry, Esq.
Tom Sykes, Architect
Jason Sciallo, PE
Edward Brady, PE
Michael J. Blee, Esq, City Attorney
Michael O' Hagan, Construction Official
Butch Stewart, Absecon Fire Chief