CITY OF SOUTH AMBOY
PLANNING BOARD
SPECIAL MEETING/MINUTES
JANUARY 8, 2013

Members present:	Michael Wilday, James Riehl, Thomas Kelly, Frank Milatta, Richard Moran, Peggy Scarillo, Bette Leibowitz, John O'Connell, Mayor Henry, Councilwoman Dato
Members absent:	Francis Mulvey, Darcy McCabe-Brew
Also present:	Angelo Valetutto, P.P., P.E.; Andrew Brewer, Esq.

Meeting was called to order by Chairman Wilday followed by the salute to the Flag.

Roll call was taken at this time.

Chairman Wilday stated adequate notice of this meeting has been provided under "The Open Public Meeting Law of New Jersey" by advertisement.

<u>Completeness Committee</u>

Chairperson Scarillo stated there are no new applications before the Committee.

<u>Modification to the Central/Northern Redevelopment Plan</u>

Mr. Valetutto stated everyone has received over the past month various correspondence from his office and City Council resolution #185-12 requesting the Planning Board to evaluate Block 161.01, Lots 26, 26.01. These properties are currently in the Redevelopment Area and Redevelopment Plan and the City Council is requesting the Board look at this site.

Mr. Valetutto referred to his report dated 12/11/12. In 2002 the subject property was designated an "Area in Need of Redevelopment" and the City Council accepted the Planning Board recommendation and designated the subject property as part of the Northern Waterfront Redevelopment Area. In 2003 the City Council adopted Ordinance No. 15-03 which stated that the subject property "be developed with the current uses of the Central Waterfront Redevelopment Plan" which were an intermodal transportation center, including a marina, a ferry service, associated marina commercial uses and New Jersey Transit train station improvements, and expanded by the City Council Ordinance No. 6-98 adopted in 1998 to include residential, offices, retail and commercial.

Mr. Valetutto stated in 2001, the City Council merged the Central Waterfront Redevelopment Area into the Northern Waterfront Redevelopment Area. While the subject property may still be governed by the uses within the approved Central Waterfront Redevelopment Plan, and includes the permitted use in the Northern Waterfront Redevelopment Plan (Industrial Recycling Facility), we are reviewing all potential uses of the subject property at this time. Any recommendation will be with regard to the Northern Waterfront Redevelopment Plan.

The property has had very little interest in being redeveloped with the standards of the Central Waterfront Redevelopment Plan primarily because of the improvements that are on the property and the cost of demolishing it, environmental reasons in terms of what its prior uses were. As such it is probably the most difficult property that we had within the City to try and redevelop. We are now pleased that technology from 2002 to 2013 have reached a point where the facilities that are there would be cost effective with modification to be able to provide for the production, reproduction, generation and transmission of electric power. For that reason, his office is making the recommendation that that particular use be added to the Northern Waterfront Redevelopment Plan as uses for the subject property.

Mr. Valetutto outlined the bulk standards in his 12/11/12 review letter.

Mr. Valetutto referred to his 12/24/12 letter. The determination was made that the Board needed to have the resolution from Mayor and Council in order for the Board to officially take a look at the redevelopment plan. The 12/11/12 letter was done at the request of the South Amboy Redevelopment Agency. The 12/11/12 letter is amended by the 12/24/12 report. Mr. Valetutto had some discussions with technical individuals representing the prospective redeveloper so we can create what would be a custom suit for this particular property so that the redeveloper could come in and it would be a perfect fit because there are no variances with regard to redevelopment. Mr. Valetutto stated with the items listed in the 12/24/12 letter in which he has added what the prospected use will be within this particular property. The bulk standards are identified in Mr. Valetutto's 12/24/12 letter.

Mr. Valetutto stated with regard to building height, there was a concerned that the maximum height would include such things as chimneys, smoke stalks, etc. and that is why with the building height, even though we have never taken a position that chimneys, smoke stalks, exhaust systems and quality control devices are considered the building and is not controlled by the height, we put that language in just to give the developer a level of comfort so that when the recommendation is made by this Board it is sent on to Mayor and Council, then Mayor and Council will prepare the Ordinance and the developer comes before this Board in the future, they will have that level of comfort.

Mr. Valetutto stated he has addressed minimum distance between buildings as 50 feet not including buildings not occupied on a full-time basis.

Mr. Valetutto stated the modifications that we had in the current report did not change any of his findings in his 12/11/12 in terms of adversely affecting the master plan or zoning ordinance of the City.

Mr. Riehl questioned control over the smoke stacks. Mr. Valetutto stated the control is to meet all State and Federal standards.

Chairman Wilday questioned the new technology of selective catalytic (SCR) which reduces nitrogen oxide emissions that meet all governing standards. Mr. Valetutto stated the developer would like to remain as meeting current standards because of the continuous changing of standards. The Chairman also questioned fuel oil, Mr. Valetutto stated the applicant will come in with a site plan for the entire property.

Mr. Milatta questioned the chimney or smoke stack heights. Mr. Valetutto stated the applicant will provide this information on his site plan.

Mr. Milatta questioned the type of emissions. He stated there are zero emissions now. Mr. Valetutto stated they have to meet the applicable standards. Chairman Wilday stated Mr. Valetutto does not have that knowledge, he is only advising us on the amendments to the redevelopment plan. The only area that is addressed is Block 161.01, Lot 26, 26.01.

Mr. Milatta questioned storage tanks. Chairman Wilday stated there was one located, a couple thousand gallons, but he does not know the status at this point. Mr. Kelly stated there is still fuel there. This will need to be address by the redeveloper.

Tape became inaudible at this point.

Ms. Leibowitz asked a question that was inaudible. Mr. Valetutto stated he doesn't believe so, the structure has been there prior to any redevelopment that has taken place. Certainly, any developer that came in knew that was there and would incorporate that in any redevelopment of the site. Mr. Valetutto stated there was no presentation by anyone that the structure would be gone. There are others that are even closer to their residential area. Ms. Leibowitz stated her concern is that where it is located is exactly where the ferry used to be, exactly where they will need to dredge and (inaudible). Will that change things? Mr. Valetutto stated he can't speak regarding the ferry service, we all know that there was one there a short time ago and the ultimate plan for a permanent ferry system and parking is proposed to be developed. Mr. Valetutto stated again when they come before the Board they will have a site plan laid out, scaled specifically just like every other site plan ever done, where you will have the opportunity to review and question the applicant.

Mr. Kelly stated regarding the minimum distance between buildings, he questioned if any building not occupied on a full-time basis would be considered an accessory building. Mr. Valetutto replied yes. Mr. Kelly stated there are a lot of buildings there only occupied one or two hours during the day and then the crew moves on to monitor other sites, is there a definition of what constitutes full-time. Mr. Valetutto stated the attorney for the redeveloper is in the audience and would be able to respond partially, with full representation at the public hearing.

Mr. Milatta discussed the industrial use and a change to mixed uses. Mr. Milatta's statement/ question was inaudible.

Councilwoman Dato stated she does not see it that way, she feels the agreement allows for parking there and the parking would be for the potential ferry to come in. That is still a viable possibility for us. She feels the point that Angelo made is important and valid that when they came here many are newcomers, ten years or so ago, they only knew the power plant was there and that ten years back there was consideration that the plant would be used again. She does not feel it will change the makeup, she thinks it is good and she does not see any harm because it is one parcel and the areas around are not right next to it. She does not see it as interfering, everything that we are hopeful for, can continue. Mr. Milatta's response is inaudible.

Chairman Wilday stated he will open to the public.

Mr. Valetutto stated in 2000 when they were doing the redevelopment plan, the City's hope and plan was that plant was not being utilized very much, and they thought it was an opportunity to get it developed through redevelopment. We see after thirteen years, that that is not the case. We believe nothing is going to change in the near future to have it happen. Had we known it was not going to be something that was viable, we may have consider leaving that piece in there because as we done with most redevelopment areas that we allowed the owner to reutilize their property for the same purpose that's there but bringing it up to current standards.

Again, Chairman Wilday opened to the public.

Bill Harris from Gonova, Burns Giantomas & Webster. Mr. Harris stated a lot of the questions will be addressed when they come back with their site plan. Mr. Harris stated this property has been used for power generation for decades. The property owner will demolish the large industrial building on the site. From a visibility, it will greatly lessen the impact. The owners will upgrade the facility regarding emissions and this must be completed by 2015.

Mr. Harris stated his client purchased the property from Jersey Central Power & Light and they maintain an easement on the property for a substation for the peakables .

Mr. Harris stated a portion of the property would be given to the City for parking for the ferry.

Mr. Milatta questioned any odor. Mr. Harris replied no. Mr. Harris stated they operate during periods of peak demand. It is a weather function that will operate during peak demands and at most a couple dozen times a year. The regional power authority would tell the power company when it needed to operate.

Chairman Wilday questioned if we have a commitment to this project. Mr. Harris stated the power company has to make a commitment by January 13th as to whether this facility will be up and running for several years which would take them well beyond their 2015 deadline. If they make that commitment on January 13th, yes, they are doing the upgrade.

Ms. Leibowitz (inaudible) Mr. Harris stated his suggestion would be that we can move ahead fairly quickly with the site pla n application. Mr. Harris suggested that the Board make a recommendation for the Council to go ahead subject to the property owner making the commitment.

Mayor Henry stated this Board is making a recommendation so that we can change the redevelopment plan. The Council only meets twice a month so the second reading of the ordinance will not be until February.

Councilwoman Dato questioned if the applicant is the present owner. Mr. Harris replied yes, Gen-On is the utility company that purchased JCP &L who just merged with NRG (inaudible).

Ms. Leibowitz questioned if the resolution is not passed to give you this fitted suit, what would you do? Mr. Harris stated at that point we would still have the power of generation there.

Chairman Wilday stated there may be a lot more positives with this project that have not come across our ears but has been discussed with SARA. Chairman Wilday asked Mayor Henry if the Board could be briefed from SARA so we will know some of the other benefits that the City will receive to help make it more comfort for the Board to make this decision.

Mayor Henry stated SARA has been in negotiations and if the building comes down there will be a lost of tax revenue to the City and the applicant is willing to make up the difference, they will donate property for use as parking for the ferry. The City has a Letter of Intent from a ferry operator who is very interest in bringing the ferry back to the City.

Mr. Milatta questioned if there are any changes with the application, could we put a time frame, say only valid for one year or so. Mr. Harris stated once the commitment is made, we will know if they will move fast. We will know the information before the ordinance is passed.

Mr. Milatta (inaudible). Mr. Harris stated it is a six story building, very tall, very visible, very industrial building.

Mr. Milatta (inaudible) Mr. Harris stated what generates power is currently there on the site. The facility is much lowered to the ground. The emissions will be controlled better. (inaudible)

Mr. Riehl stated he believes we are getting a little too far into this. Currently all we want to do right now is to forward this the City Council with a resolution and move it forward. They will come back with a site plan with all of their information and we can pin them down at that time. We are just giving the City the availability to move them forward to come back to us with a site plan.

Motion by Peggy Scarillo, seconded by James Riehl to close to the public. Motion carried 8-0.

Motion by James Riehl, seconded by Richard Moran to move the modification of the Northern Waterfront Redevelopment Plan to a resolution forwarding the Board's recommendations to the City Council. Motion carried 7-1.

Motion by Peggy Scarillo, seconded by James Riehl to adopt the resolution with one minor correction, (2nd paragraph change Central to Northern) and forward to the City Council. Motion carried 8-0.

Chairman Wilday opened the meeting to the public. Motion by Peggy Scarillo, seconded by James Riehl to close to the public. Motion carried 8-0.

Motion by Peggy Scarillo, seconded by James Riehl to adjourn. All in favor.

Linda Garnett