



Wilda Diaz, Mayor

**CITY OF PERTH AMBOY
PLANNING BOARD**
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George Szetela, Esq.
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**CITY OF PERTH AMBOY
PLANNING BOARD**
MINUTES OF THE MEETING
WEDNESDAY, APRIL 1, 2009

The meeting was called to order at 7:00 P.M. by Chairperson Maria Garcia.

Salute to the flag (Pledge of Allegiance was said).

Chairperson of the Perth Amboy Planning Board, Maria Garcia, advised the audience that notice of this meeting has been published in The Home News & Tribune and listed on the City of Perth Amboy's web page at www.ci.perthamboy.nj.us. Notice has been posted on the bulletin board in the City Clerk's office, indicating that tonight's meeting is being held at the Council Chambers, City Hall, 260 High Street, at 7:00 p.m.

ROLL CALL:

Those present: Chairperson Maria Garcia, Vice Chairperson Karen Kubulak, Mrs. Sharon Nagy-Johnson, Secretary, Mrs. Joann Jimenez, Tax Assessor, Mr. F. Gonzalez, Councilman, Ms. C. Dispenziere, and Mr. David Szilagyi

Those absent: Mayor Wilda Diaz (excused)

Planning Board Staff present at the meeting:

Ernest W. Feist, P.E., P.P.
George Szetela, Esq.
Iwona H. Cwiek, Recording Secretary

NEW BUSINESS: none

APPLICATIONS:

Docket No. 2904 **Omni Point Communication, Inc.**
313 State Street
Block 125; Lot 14

This applicant is requesting conditional use permit and minor site plan approval. Applicant proposes to co-hand nine (9) antennas to the existing commercial building.

Continuation from March 4, 2009, meeting.

Ms. Marlene Eickemeyer, Esq. is representing the applicant. She submitted an affidavit of publication and affidavit of service at the last meeting.

Ms. Eickemeyer calls her first witness Mr. Joshua Cottrell, PE. He is sworn-in by Chairperson Garcia. Mr. Cottrell stated that the applicant proposes to install nine (9) panel antennas on the rooftop of the existing commercial building together with the related equipment cabinets. He also described the location of the proposed site.

Ms. Eickemeyer calls her second witness Mr. Daniel Collins, PE, Radio Frequency Engineer. He is sworn-in by Chairperson Garcia. Mr. Collins prepared "Antenna Site FCC RF Compliance Assessment and Report" dated March 5, 2009. He stated that the proposed antennas are in compliance with the Federal standards and their limits (MPE) will be 0.42%, which is 230 times below the FCC limits.

Public portion:

- Richard Piatkowski, 142 Gordon Street, asked to improve T-Mobile service.

Mrs. Jimenez made a motion to approve the application with the conditions set forth and the motion was so moved and seconded by Councilman Gonzalez.

The application was voted on and approved by the vote of 6 to 1 abstained.

Docket No. 2249E

**Harbortown Terrace, LLC
Water & High Street
Block 240; Lots 1 & 1.01**

Mr. Szilagyi asked Mr. Szetela, Board's Attorney to advise the Board on status of this case, the Board's obligation and the limitations upon which the Board can act. Mr. Szetela made his presentation.

This applicant is requesting for preliminary and final subdivision and site plan approval. Applicant proposes to construct 112 dwelling units, as follow: 91 terrace homes, 21 court terrace homes, at northern end a 2,545 square foot warehouse and recreation area, to include a clubhouse and pool. (Carried from 2/4/09).

Mr. Stephen Barcan, Esq. is representing the applicant. He submitted an affidavit of publication and affidavit of service at the previous meeting. Mr. Barcan gave a brief overview on the history of the development which consists of 135 acres. The General Redevelopment Plan for this project was approved by the Planning Board on July 2, 2008. The redevelopment plan basically followed the original redevelopment plan approved by the City Planning Board on August 15, 1995 consists of a total of 1,654 dwelling units to be built in four (4) phases. The phase which is presently before the Planning Board is in following with the revised July 2, 2008 General Development Plan approved by the Board.

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Mr. Barcan calls his first witness Mr. Michael Pucci, PE. He is sworn-in by Chairperson Garcia. Mr. Pucci submitted the following exhibits as part of his presentation:

- Exhibit A16 – Copy of newspaper’s article dated April 8, 1997, describing the beginning of Harbortown Redevelopment Project
- Exhibit A17 – Harbortown Chronology
- Exhibit A18 – General Development Plan dated 1995
- Exhibit A19 – Phasing Plan dated 1995
- Exhibit A20 – Concept Plan dated March 23, 2001
- Exhibit A21 – Concept Plan Existing and Proposed dated November 12, 2008
- Exhibit A22 – Concept Plan Phased dated November 12, 2008
- Exhibit A23 – Concept Plan as looks now

Mr. Pucci reviewed the General Development Plan history since 1995 when the approval was issued, the subsequent site plan approvals, and the revised General Development Plan approval of July, 2008.

Mr. Barcan calls his second witness Mr. Robert Larson, PA. He is sworn-in by Chairperson Garcia. Mr. Larson submitted the following exhibits as part of this application and his presentation:

- Exhibit A14 – Proposed Two Extra Tot Lots
- Exhibit A15 – Additional Temporary Basketball Court

Mr. Larson described each plan in details. He stated that the “micro” basketball court (e.g., for foul shooting and lay-ups) and rollerblading are proposed on an interim basis on the parcel along High Street now designated for office use in a later phase.

Mr. Barcan calls his third witness Mr. Jack Halpern, Managing Member of Harbortown Terrace, LLC. He is sworn-in by Chairperson Garcia. Mr. Halpern responded to the Board’s questions on the marina and City’s pool issues.

Mr. Larson stated that in addition to the clubhouse the building will increase in size by 400 square feet – 200 additional square feet in the multi-purpose room and an additional 200 square feet in the gym. The multi-purpose room will have scheduled events such as parties, yoga, aerobics, sports viewings and association meetings. This building will be for the exclusive use of Harbortown residents. Once the City advises Harbortown what recreation it wants on the lot located at the end of Buckingham Avenue, that facility can be built and the promenade completed.

Discussion on the recreation areas in the development.

Mr. Pucci stated that as a part of the Phase III-A Component the applicant is proposing the 12 dwelling units at High Street, 91 terrace homes (2 story units over flats), at the center of the site 21 Terrace Court – court Terrace Homes (Waterfront Terrace Homes) along the lake (retention pond); a total of 112 dwelling units. At the northern end of the site a 2,545 sf warehouse will be built for the Harbortown maintenance equipment use. The recreation area will include the club house and pool adjacent to the lake (retention pond).

Mr. Pucci stated that the applicant agrees to conform to Mr. Carr's reports dated December 19, 2008 and January 5, 2009.

Public portion:

During the 1.5 hr of public portion the residents discussed the various issues e.g., number of children and lack of schools, lack of recreation areas, lack of parking space, congestion, quality of workmanship, quality of life.

Mrs. Jimenez made a motion to move the application with the suggestions provided by the Boar's engineer for the preliminary site plan approval of Phase III-A with the conditions set forth and agreed upon by the applicant and the motion was so moved and seconded by Mr. Szilagyi. Mr. Feist summarized finding of facts.

The Members voted on the finding of facts by the vote of 4 no and 3 yes.

Mr. Szetala asked to find new finding of facts.

Mr. Szilagyi made a motion on new finding of facts: the applicant is not in the compliance with the GDP and the project in not with the compliance of the City Ordinance, and the GDP is not valid therefore, the Board preserves the rights to examine the GDP by Mr. Feist, PE, and the motion was so moved and seconded by Mrs. Jimenez.

The Members voted on the new finding of facts by the vote of 6 yes and 1 no.

The Resolution on the above finding of facts was voted on and approved.

APPROVAL OF THE MINUTES: March 4, 2009

Mr. Szilagyi made a motion to approve the minutes and the motion was so moved and seconded by Mrs. Jimenez.

The motion was voted on and carried.

MEMORIALIZATIONS:

The following resolutions have been carried to the next meeting:

Docket No. 2905	Alfredo Hernandez	Approved	03/04/09
Docket No. 2906	Menepe Corp.	Approved	03/04/09

PAYMENT OF BILLS:

Signed Iwona Cwiek's memo for payment of secretarial service for this meeting.

Mrs. Jimenez made a motion to approve the payment and the motion was so moved and seconded by Vice Chairperson Kubulak.

All Members present were in favor.

ROLL CALL FOR UPCOMING MEETING:

Regular meeting May 6, 2009 at 7:00 P.M.

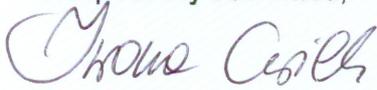
PUBLIC PORTION: none

ADJOURNMENT:

Chairperson Garcia asked for a motion to adjourn the meeting. Vice Chairperson Kubulak made a motion and was seconded by Mrs. Jimenez. Motion to adjourn the meeting of April 1, 2009 was so moved.

Meeting was adjourned at 12:45 A.M.

Respectfully submitted,

A handwritten signature in purple ink, appearing to read "Iwona Cwiek".

Iwona Cwiek
Recording Secretary