

Aeromarine Area Redevelopment Plan: Solar Overlay Amendment

Borough of Keyport, New Jersey

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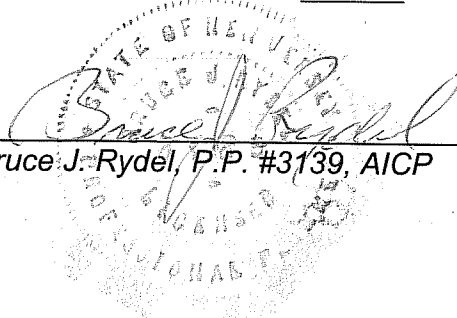
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The original of this report was signed and sealed in accordance with N.J.S.A. 13:41-1.2



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1. INTRODUCTION

1.1 STATUTORY BASIS

This Solar Overlay Amendment was prepared and adopted in accordance with Section 7 of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7, and Section 8 of the 2005 Redevelopment Plan and the Aeromarine Area Redevelopment Plan dated June 2005 revised September 2005 ("the 2005 Redevelopment Plan"). By Ordinance 14-05, the Borough of Keyport adopted the 2005 Redevelopment Plan in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. The 2005 Redevelopment Plan provided for the site to be developed in a comprehensive manner that may provide the residential, open space / recreation, and commercial uses as envisioned in the 1989 Master Plan and the 2005 waterfront redevelopment planning process.

1.2 DESCRIPTION OF REDEVELOPMENT AREA BOUNDARIES

The redevelopment area ("the Aeromarine Redevelopment Area") continues to include tax lots 14 and 15 in Block 141. As shown on an ALTA/ACSM Land Title Survey by Gladstone Design, Inc., dated 06-28-06 (revised 01-27-10), the total area of the site is approximately 50.6± acres, rather than the approximately 62 acres identified in the 2005 Redevelopment Plan as derived from the Borough Tax Maps. The difference in acreage as evident on the land survey, is attributable to "Lands of the State of New Jersey Currently Flowed by the Mean High Tide" that are not under the ownership of any private entity and therefore are not included as part of any public/private redevelopment of the site as originally anticipated.

2. GOALS OF THE SOLAR OVERLAY AMENDMENT AND RELATIONSHIP TO LOCAL OBJECTIVES

2.1 AMENDMENT GOALS AND OBJECTIVES

The primary goal and objective of this Solar Overlay Amendment is to provide for an alternate method for the redevelopment of the Aeromarine Redevelopment Area that allows for the development of a strictly ground based solar panel energy facility on the portion of the landfill portion of the site. This area is referred to as Area 1 on Figure 5 (see attached). Solar energy is an important form of renewable energy generation that is uniquely suited to the landfill portion of the Aeromarine Redevelopment Area and would not be detrimental to surrounding landowners because of its nominal impacts.

To the extent a Solar Energy Facility is not developed in accordance herewith, the requirements of the 2005 Redevelopment Plan shall remain in full effect.

If a Solar Energy Facility is to be developed pursuant to this Amendment, then in the event of a conflict between this Solar Overlay Amendment and the 2005 Redevelopment Plan, this Amendment shall control and all other provisions of the Redevelopment Plan shall continue to apply.

It is further recognized that certain aspects of this Solar Overlay Amendment may be subject to governmental regulations, particularly those of DEP. It is therefore understood that this Solar Overlay Amendment is implementable to the extent it is not contrary to such regulations and shall otherwise remain in full effect.

2.2 RELATIONSHIP TO LOCAL OBJECTIVES

The consistency of the 2005 Redevelopment Plan to Keyport's local objectives (as set forth in its 1989 Master Plan and its 2001 Reexamination Report) is described in Section 2.2 of the 2005 Redevelopment Plan. This Solar Overlay Amendment furthers those objectives and preserves the relationship of the 2005 Redevelopment Plan to same. Specifically, the redevelopment of Area 1 in the manner provided by this Amendment would:

Permit public access to and enjoyment of waterfront areas and would not bring any appreciable commercial traffic through residential areas;

Continue to allow for future residential development and the creation of open space and recreational facilities in other areas of the Aeromarine Redevelopment Area;

Further restrict the density of residential development;

Require remedial measures to be taken with respect to the landfill.

Accordingly, this Solar Overlay Amendment is consistent with local objectives set forth in the Master Plan and Reexamination Report with respect to appropriate land use, density of population, recreational, community faculties and the like.

3. LAND USE AND DEVELOPMENT PLAN

3.1 EXISTING LAND USES

Figure 3 of the 2005 Redevelopment Plan, identifies the existing land uses in the redevelopment area.

3.2 OVERALL DEVELOPMENT REQUIREMENTS

The overall development requirements of Section 3.2 of the 2005 Redevelopment Plan are incorporated herein as if set forth in full.

The specific development requirements of Section 3.2 of the 2005 Redevelopment Plan are also incorporated herein, except as modified below. To the extent that any of the below provisions are in conflict with any Section 3.2 or any other provision of the 2005 Redevelopment Plan, the below provision shall control. The specific development requirements of Section 3.2 of the 2005 Redevelopment Plan are amended and/or superseded as follows:

- A) The development of a solar energy facility on the landfill portion of the site (i.e., Area 1) following the remediation of the deleterious environmental conditions thereon

and the environmental remediation of the balance of the subject property as may be required by the NJDEP and intended reuse thereof as set forth herein.

B) Contemporaneously with the redevelopment of Area 1, a 15 foot wide stone pathway shall be installed (1) along Raritan Bay, , beginning at Walnut Street by the Bay and terminating at a gazebo at "the Point" (the intersection of Chingarora Creek at the Raritan Bay), and to the extent permitted by the NJDEP (2) along Chingarora Creek, beginning in the vicinity of 1st Street and Walnut Street, and proceeding along Chingarora Creek until the northerly boundary line of Area I, then turning toward and joining with the pathway along Raritan Bay. The construction and layout for the temporary pathway shall be subject to the approval of the Borough. The construction of a permanent, lighted Baywalk Promenade substantially similar to the Waterfront Promenade constructed at the Borough's new Waterfront Park shall be an ultimate component of the redevelopment of Area 1, and this condition shall be detailed in the redevelopment agreement required for this redevelopment project. However, construction of the permanent Baywalk Promenade may take into consideration coordination with future phases of the redevelopment of the Aeromarine Redevelopment Area, as envisioned in the 2005 Redevelopment Plan.

Notwithstanding the above, public access along Chingarora Creek will be available outside the limits of land area necessary for the Solar Energy Facility, as permitted by NJDEP and as otherwise determined by Keyport to be consistent with public health, safety and welfare.

C) At least fifteen (15) acres of open space, which may consist of both environmentally constrained (e.g. wetlands) and unconstrained areas. Under Section 3.2(3) of the 2005 Redevelopment Plan, one half of the area of the site (incorrectly believed to be approximately 60 acres) was required to remain open space; with 64% of that 31 acres, or 20 acres intended to be unconstrained. The fifteen acres of specific open space required under this Solar Overlay Amendment equates to 60% of one half (25 acres) of the actual, true total acreage of the site (50 acres). In addition up to another 25.3 acres will encompass an environmentally friendly Solar Energy Facility. Consistent with the 2005 Redevelopment Plan and recognizing the environmental importance of remediating the landfill under this Solar Overlay Amendment, capped landfill areas outside of the Solar Energy Facility may continue to be considered open space, provided that an active or passive recreational use is provided thereon.

D) Any appropriate intersection and roadway improvements shall be addressed, in whole or in part, in any redevelopment agreement pertaining to the Aeromarine Redevelopment Area and in the consideration of any site plans submitted for approval.

E) The Maximum Impervious Coverage across the entire 50.6± acre Aeromarine Redevelopment Area shall be 75%. (Pursuant to DEP regulations, the landfill must be entirely capped with a completely impervious barrier preventing any infiltration of liquids (i.e., precipitation). Therefore, it is acknowledged that the impervious coverage regarding all of the capped landfill area, shall be deemed to be 100% impervious.

F) The maximum number of dwelling units permitted on the Aeromarine Redevelopment Area shall be 200. This corresponds to a residential density of

approximately 4 units per acre. (Under the 2005 Redevelopment Plan, the maximum is 310 units, corresponding to a density of approximately 5.8 units per acre based upon the revised acreage of the site).

G) Parking amenities shall be provided for active and passive recreation. Parking sufficient to accommodate visitors wishing to utilize the waterfront trail and Keyport beachfront shall also be provided. Parking lots shall be thoroughly landscaped.

H) Any subdivision of the site for the redevelopment of Area 1, and to the extent needed to insure the dedication and preservation of the required public access and open space areas, shall be subject to a redeveloper's agreement, and any other necessary agreements, including, but not limited to leases, easements and/or deeds, all to be approved by the Mayor and Council.

I) Notwithstanding anything in Section 3.2(H) above to the contrary, the redeveloper may dedicate open space lands to the Borough of Keyport for use by the public only to the extent that Keyport is willing to accept such lands.

J) The required redeveloper's agreement covering the redevelopment of Area 1 will be subject to a PILOT (Payment in Lieu of Taxes) Agreement which shall be approved by the Mayor and Council as a condition of any Final Site Plan approval.

An illustrative conceptual plan showing how these requirements and those of the 2005 Redevelopment Plan could be provided for on the site is set forth in Figure 5 attached hereto.

Area 1 (Solar)	15-25.3 acres
Area 2 (Open Space/Recreation/ Residential/Commercial)	25.3-35.6 acres
<i>Total Acreage:</i>	<i>50.6± acres</i>

As provided for in the 2005 Redevelopment Plan, a redeveloper is not required to adhere to this conceptual plan except with regard to the location of Area 1 and is encouraged to have its design professionals modify the conceptual plan or devise its own project plans in a manner that fulfills these requirements.

3.3 PERMITTED LAND USES

A. Except as otherwise set forth in this Section 3.3, the permitted principal uses and permitted accessory uses set forth in Section 3.3 of the 2005 Redevelopment Plan shall remain in full effect.

B. The Landfill Area. The landfill area is generally depicted as "Area 1" on Figure 5 attached hereto and is defined to be all nontidally-flowed lands presently located to the East of the existing fence segmenting the westerly and easterly portions of Lot 15. No residential, commercial or industrial uses shall be permitted within the Landfill Area, other than as specified below.

1. Solar Energy Facility. Within Area 1, a Solar Energy Facility, with solar panels for the harvesting and utilization of solar energy, is a permitted use. A "Solar

Energy Facility” is defined as a system (panels and appurtenances) that is to be ground surface mounted, and that convert solar energy to usable thermal, mechanical or electrical energy. The term “Solar Array” refers to the system of ground-mounted solar panels and includes any base and racking.

- The land area dedicated to solar energy generation shall be a minimum of fifteen (15) acres, to a maximum of twenty five and three tenths (25.3) acres.
- The Solar Energy Facility shall have a maximum output of 5 megawatts.
- The Solar Energy Facility is to be situated on the landfill to be capped by the selected redeveloper, and the solar installation shall incorporate a surface crushed stone material upon which the solar installation will be situated. As stated earlier, DEP’s requirement of an impervious capped landfill necessitates defining the landfill and Solar Energy Facility thereon as 100% impervious, for the purposes of bulk zoning requirements. Deleterious environmental conditions of the landfill shall be remediated in accordance with applicable regulations of the New Jersey Department of Environmental Protection.
- Appropriate and necessary buffering and security, with a maximum of 8’ high fencing. No barbed wire fencing shall be permitted.

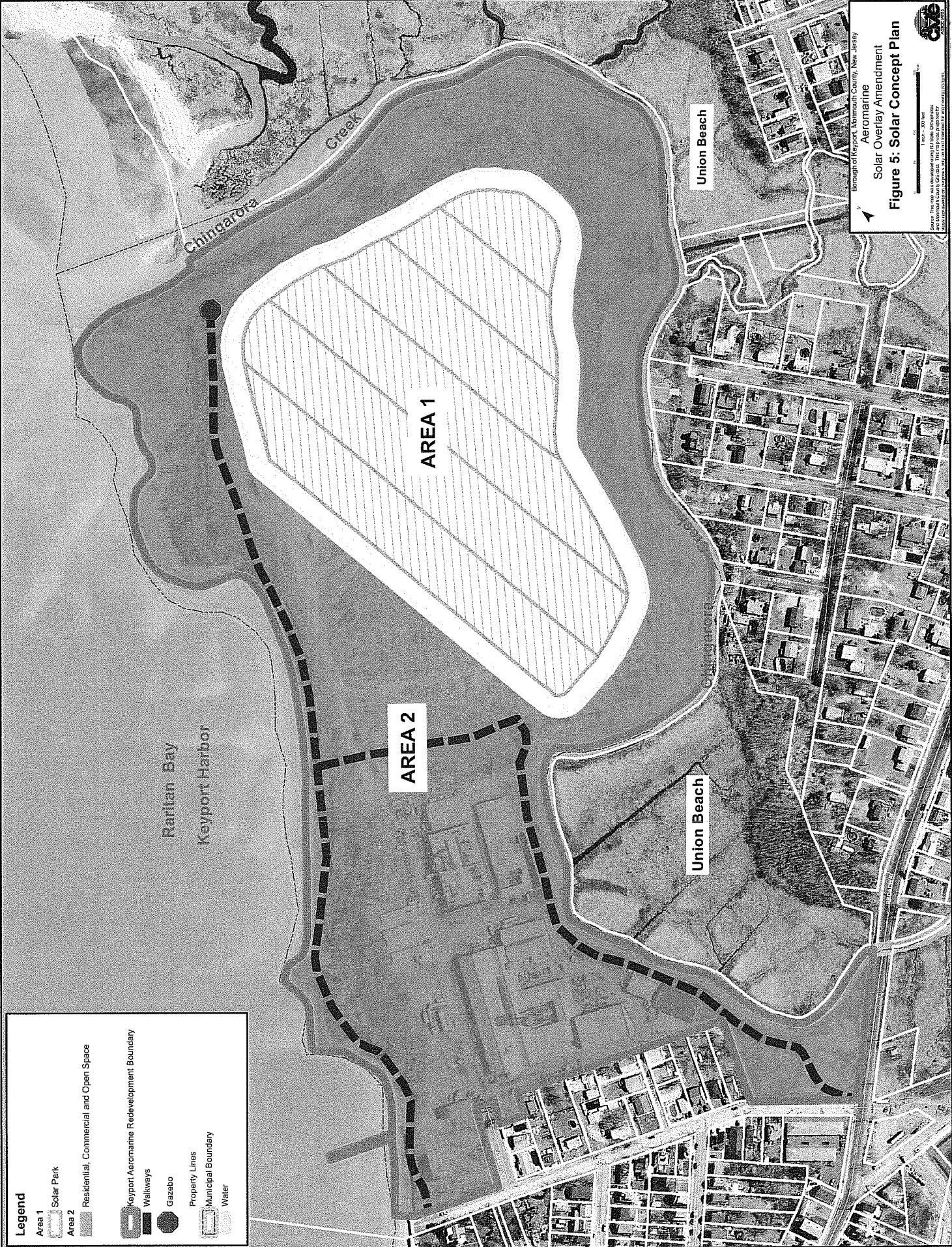
- As may required and approved by the Borough, a designed landscaped buffer shall be provided between the Solar Energy Facility and Area 2 on Figure 5.

- The Solar Array shall be ground mounted with a maximum height of eleven (11) feet as measured from landfill capped grade; the Solar Array incorporates base, racking and solar panels.
- It is desirable that all electrical lines supplying power to the grid shall be located below ground subject to approval by DEP and public utility company regulations. The placement of power lines from the Solar Energy Facility may initially be located above ground outside of the fenced Solar Energy Facility, but in conjunction with any future residential redevelopment of the Aeromarine Redevelopment Area, Keyport may require power lines originating from the Solar Energy Facility and beyond the security fence line to be re-installed underground to a point where the same can connect to an existing and serviceable overhead system.
- Design and installation of Solar Energy Facility shall conform to applicable industry standards and state and federal government regulations.
- Power Inverters shall be a maximum of ten (10) feet high.
- All development undertaken pursuant to this Amendment and/or the 2005 Redevelopment Plan remains subject to the review and approval of the Borough Council as shall be provided in any redeveloper’s agreement and any required site plan approval by the Borough of Keyport Unified Planning Board.

C. All Areas of Site. In all areas of the Aeromarine Redevelopment Area, the following shall be a permitted accessory use:

Any improvements customary and incidental to the establishment and/or operation of the Solar Energy Facility, such as access roads, regular pole mounted and/or underground transmission lines, etc.

In Area 1, this shall be the sole permitted accessory use.



Legend

- Area 1 Solar Park
- Area 2 Residential, Commercial and Open Space
- Keyport Aeromarine Redevelopment Boundary
- Walkways
- Gazabo
- Property Lines
- Municipal Boundary
- Water

Borough of Keyport, Monmouth County, New Jersey
Aeromarine
Solar Overlay Amendment
Figure 5: Solar Concept Plan

Scale: 1" = 100'
Source: The map was developed using USGS, Google Earth and Monmouth County GIS data. The map is an advisory illustration and does not constitute a contract or warranty.