

**EAST WINDSOR TOWNSHIP PLANNING BOARD
MINUTES OF December 19, 2016**

The meeting of the East Windsor Township Planning Board was held on Monday, December 19, 2016, in the East Windsor Township Municipal Building, 16 Lanning Boulevard, East Windsor, New Jersey, 08520. Planning Board Chairperson Edward Kelley called the meeting to order at 7:34 p.m.

STATEMENT OF ADEQUATE NOTICE

Pursuant to the Sunshine Law, a notice of this meeting's date, time, place, and agenda was mailed to the news media, posted on the Township bulletin board, and filed with the Municipal Clerk.

ROLL CALL

Members Present: Mr. Berman, Mr. Brady, Mr. Catana, Mr. Clark, Mayor Mironov, Ms. Patel, Mr. Schmidlin, Mr. Shapiro, Mr. Kelley

Members Absent: Mr. Theokas

Professionals and Staff Present: Allison Quigley, Planning Board Secretary
Michael W. Herbert, Board Attorney
Elizabeth Lehney, Township Planner
A. Maxwell Peters, Township Engineer
Daniel Dobromilsky, Township Landscape Architect

REPORTS/CORRESPONDENCE/ANNOUNCEMENTS

Chairperson Kelley announced that the East Windsor Township Council would be having their annual reorganizational meeting on Tuesday, January 3 at 5:30 pm at the Municipal Building.

PUBLIC FORUM

Chairperson Kelley opened the meeting to the public. There being no public comment, the public forum was closed.

MINUTES

November 21, 2016

Mayor Mironov stated that her name was misspelled on page three. She also stated that she would like to see page numbers. Chairperson Kelley agreed.

MOTION TO APPROVE NOVEMBER 21, 2016 MINUTES WITH CHANGES MADE BY: Mr. Clark

MOTION SECONDED BY: Ms. Patel

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mr. Catana, Mr. Clark, Mayor Mironov, Ms. Patel, Mr. Schmidlin, Mr. Shapiro, Mr. Kelley

NAYES: None

ABSTAINS: None

RESOLUTIONS

RESOLUTION 2016-19 Americana RD Inc.
Route 130 South
Block 57, Lot 11
Waiver of Site Plan Request

Chairperson Kelley stated that everyone received in their folders tonight a revised version of the resolution and a tracked changes copy in the folders tonight detailing all the changes made from the original version of the resolution. Mayor Mironov stated that she had suggested some changes that included organizing the conditions to make it clear what was approved, what was not approved, and what the applicant needed to return on. Mr. Berman stated that the date on page five in paragraph two should be corrected from *21st day of November* to *19th day of December*. Mr. Schmidlin stated that on page five, paragraph three, the words *at this time* should be added after *the Board does not have jurisdiction*. Mr. Schmidlin added that on page six, item number one states that the applicant was granted the approval to renovate the existing signage, while on page two, item six, it states that the signage would not be changed. He stated that the signage was not approved so that should be removed. Chairperson Kelley agreed and stated that it would be taken out.

MOTION TO APPROVE RESOLUTION 2016-19 WITH CHANGES MADE BY: Mr. Clark

MOTION SECONDED BY: Mr. Berman

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mr. Clark, Mayor Mironov, Ms. Patel, Mr. Shapiro, Mr. Kelley

NAYES: None

ABSTAINS: None

RESOLUTION 2016-22 Peter and Gizelle Sockler
24 Old Trenton Road
Block 2, Lots 3.01 and 3.02
Minor Subdivision

Chairperson Kelley stated that everyone received in their folders tonight a revised version of the resolution and a tracked changes copy in the folders tonight detailing all the changes made from the original version of the resolution.

Mayor Mironov stated that on page one, paragraph one, the property address should be included after the property square footage and the zone should be added after the block and lot of the property. She also stated that on page one, paragraph three, *one public hearing* should be changed to *a public hearing*. Mr. Berman stated that the square footage of the property was different on pages one and two and asked that they be corrected. Chairperson Kelley stated that on page two, item number one, the word *commission* should be added after *environmental*. Mayor Mironov stated that in the same paragraph on line two, *including* should be changed to *specifically*. Mayor Mironov stated that on page two, item number two, line one, the word *by* should be inserted between *represented* and *Donald S. Driggers, Esq.* She also stated that the firm name should be double check as it was recently changed.

MOTION TO APPROVE RESOLUTION 2016-22 WITH CHANGES MADE BY: Mr. Berman

MOTION SECONDED BY: Mr. Clark

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mr. Catana, Mr. Clark, Mayor Mironov, Ms. Patel, Mr. Shapiro, Mr. Kelley

NAYES: None

ABSTAINS: None

RESOLUTION 2016-23 Establishing the First Meeting Date of 2017

Mayor Mironov stated that there was some discussion regarding the first meeting date of the Planning Board in 2017 and the dates being considered were January 16 or January 23. Chairperson Kelley stated that January 16 is a holiday so they could either meet on January 23 or January 30. Mayor Mironov suggested meeting on January 30. Chairperson Kelley and Mr. Berman agreed.

MOTION TO APPROVE RESOLUTION 2016-23 WITH CHANGES MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Clark

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mr. Catana, Mr. Clark, Mayor Mironov, Ms. Patel, Mr. Shapiro, Mr. Kelley

NAYES: None

ABSTAINS: None

APPLICATIONS

EWT File #PB15-001

Promenade at East Windsor (Parec Construction)

671 Route 33

Block 14, Lots 977, 979, and 980

Amended Preliminary Site Plan with Variances

Chairperson Kelley announced that the application would be carried to January 30 with no further notice required by the applicant.

EWT File #PB16-006

Fordoz Pharma

69 Princeton Hightstown Road

Block 63.01, Lot 1

Minor Site Plan

Chairperson Kelley asked Michael Herbert, Board Attorney, to swear in the Board's professionals: Elizabeth Lehney, Township Planner; A. Maxwell Peters, Township Engineer; and Dan Dobromilsky, Township Landscape Architect. Mr. Herbert swore the professionals in.

Chairperson Kelley stated for the record the following reports have been received from East Windsor Professionals and Supervisors: Philips Preiss Grygiel, dated December 9, 2016, Exhibit B-1; T&M Associates, dated December 2, 2016, Exhibit B-2; Daniel Dobromilsky, LLA, dated November 28, 2016, Exhibit B-3; the East Windsor Township Environmental Commission, dated November 16, 2016, Exhibit B-4; Fire Official Kevin Brink, dated December 16, 2016, Exhibit B-5; and Chief of Police Harry Marshall, dated December 14, 2016, Exhibit B-6. Mr. Kent-Smith stated that the applicant was in receipt of these reports.

Henry Kent-Smith, Esq. of Fox Rothschild LP is representing the applicant Fordoz Pharma this evening. Mr. Kent-Smith stated that this is an application for a minor site plan for the property located at 69 Princeton Hightstown Road, Block 63.01, Lot 1. The applicant is seeking to demolish the rear portion of the existing building measuring approximately 6,000 square feet and rebuild the area within the existing footprint but with an increased building height. Fordoz Pharma creates sterile fill products that are designed for injection into the human body, so their production facility must meet the highest standards set by the U.S. Food and Drug Administration (FDA). Mr. Kent-Smith stated that the project area would serve as their production area. He stated that the production area would be an ISO Class Five Level of Cleanliness area to ensure the sterility and quality of their product. Mr. Kent-Smith stated that this is the first step in a two step process for Fordoz Pharma to receive FDA approval and licensure in order to begin production. The first step of the process is the creation of the production area with the full equipment line up. He stated that then Fordoz Pharma will have to run the production process while the FDA fully inspects the production area and their processes. During this time, no product will be produced. After the facility receives full approval from the FDA, they can then start production. Mr. Kent-Smith stated that the entire process will take approximately two years before they can begin production.

Mr. Kent-Smith stated that the facility also serves as office and research space for Fordoz Pharma and they are currently working there with their administrative staff. He stated that the facility is currently operating from 8 AM to 6 PM and there are no major deliveries currently besides standard Fedex and UPS deliveries. Mr. Kent-Smith stated that there are currently 10 employees working on site but they anticipate having 30 employees on site once production begins.

Mr. Kent-Smith stated that the property is located in the R-O Research office Zone and all of the current and proposed uses of the facility are permitted uses under the zoning standards. He stated that there is an existing setback from One Mile Road that does not conform with the current zoning standards but that the variance was created when the zoning standards were changed several years while they building was already existing ago and the applicant is not going to be modifying that area.

Mr. Kent-Smith introduced his first witness, James He, the president of Fordoz Pharma. Mr. Herbert swore in Mr. He.

Mr. Kent-Smith asked Mr. He if his description of the FDA approval process was accurate. Mr. He stated that it was. Mr. Kent-Smith asked Mr. He how long it would take for the facility to receive those approvals and Mr. He stated that it would take approximately two years from the completion of the building. Mr. Kent-Smith asked Mr. He if there were any trailer trucks on site currently. Mr. He stated that there were not. Mr. Kent-Smith asked Mr. He if the current hours of operation of the facility were from 8 AM to 6 PM. Mr. He stated that was correct. Mr. Kent-Smith asked Mr. He if there were any plans to expand the facility in the future. Mr. He stated that they would probably need to expand in the future but there were no plans currently. Mr. Kent-Smith stated that he would like to clarify that the application before the Board tonight is only for the modifications to the rear of the existing building.

Mr. Kent-Smith introduced his next witness, project engineer Thomas Donahue of Donahue Engineering. Mr. Herbert swore in Mr. Donahue.

Mr. Kent-Smith asked Mr. Donahue to go over his education, licensure, and experience for the Board. Mr. Donahue stated that he has a Bachelor's of Science in Civil Engineering from New Jersey Institute of Technology. He stated that he is a licensed engineer in New Jersey, New York, and Pennsylvania and has over 25 years of experience. He stated that he has been accepted as a professional witness by over 200 planning and zoning boards throughout New Jersey. Chairperson Kelley accepted Mr. Donahue's credentials.

Mr. Kent-Smith asked Mr. Donahue if he prepared the submitted site plans. Mr. Donahue stated that he did.

Mr. Donahue entered into evidence Exhibit A-1, titled "Aerial Map of Subject Site," dated April 16, 2016. Mr. Donahue stated that the exhibit shows the subject property. The property is bordered by Princeton Hightstown Road to the north, a wooded area to the east, One Mile Road to the west and to the south is the existing East Windsor Rescue Squad building. Mr. Donahue stated that the entire property measures approximately 27.5 acres. Mr. Kent-Smith asked Mr. Donahue if there were any modifications being proposed to any other area of the site besides the existing buildings. Mr. Donahue stated that there were not and the modifications would only take place on Lot 1 in Block 63.01. Mr. Donahue stated that there are three buildings on Lot 1 and the property has two access points, one driveway on One Mile Road and one driveway on Princeton Hightstown Road. Mr. Kent-Smith asked Mr. Donahue if there were any wetlands on the site. Mr. Donahue stated that there were wetlands to the south of the existing parking area.

Mr. Donahue entered into evidence Exhibit A-2, titled "Colored Rendering of Landscape Plan," dated December 19, 2016. Mr. Donahue stated that the areas marked in gray are existing paved driveway and parking areas. The areas marked in yellow are the existing buildings and the area marked in brown is the project area. Mr. Donahue stated that the applicant is proposing removing and renovating the rear of the existing structure to construct the production area within the same 74 feet by 75 feet footprint of the existing building but with an increased height of 40 feet in order to accommodate the production equipment. Mr. Donahue stated that the applicant is proposing to extend the first floor over an existing cover sidewalk area on the eastern side of the building and that would remain in line with the existing roof. Mr. Donahue stated that an additional 132 square feet of pavement would be required next to the existing pavement to allow access for deliveries.

He stated that the parking and driveway areas would be resealed and restriped and four ADA compliant spaces would be striped in the front parking lot. Mr. Donahue stated that there is an existing eight foot stockade fence that screens the existing exterior mechanical equipment which would be removed and replaced with a similar height fence in a color that would match the façade of the building. Mr. Donahue stated that the dumpster area is currently enclosed by a chain-link fence with slats and the applicant is proposing to replace the slats with newer slats in a color that matches the façade.

Mr. Kent-Smith asked Mr. Donahue to review the proposed landscaping plan. Mr. Donahue stated that they are proposing six pine trees to supplement the existing buffers on the property with four white pine trees in the front lawn area and two closer to the building. They would also add a sweet gum tree and a pin oak tree planted close to the building and foundation plantings in the front and rear of the building as well.

Mr. Kent-Smith asked Mr. Donahue to review the proposed lighting plan. Mr. Donahue entered into evidence Exhibit A-3, titled "Lighting Plan," dated December 19, 2016. Mr. Donahue stated that the applicant is proposing to remove the existing pole mounted fixtures in the parking and driveway areas and replacing those with new pole mounted LED fixtures. The new light fixtures would be pointed down to illuminate the parking and driveway areas. Mr. Donahue stated that the lighting plan meets the township ordinance standards. Mayor Mironov asked if the existing lights would each be replaced by a new light. Mr. Donahue stated that he did not have a count for the existing number of lights on the site but stated that they would be installing 12 new fixtures each measuring 25 feet in height. Mayor Mironov asked if the lights would be replaced in the same locations. Mr. Donahue stated that they would not be. Mayor Mironov asked Mr. Donahue for the lighting intensity figure and the average site illumination. Mr. Donahue stated that the parking area has an average lighting intensity of 1.67 foot candles and the overall site has an average of 0.67 foot candles. Mayor Mironov asked the Board's professionals if the parking lot illumination level is acceptable and asked for clarification on how that area was calculated versus the entire site illumination levels. Mr. Peters stated that when calculating the average lighting intensity for the application, the area that is considered is only the project area. Mayor Mironov stated that there should be a review on how those determinations are made in this instance and for the future. Chairperson Kelley stated that many shopping centers in the area have parking lots with an average illumination level of less than 1 foot candle. Mayor Mironov agreed with Chairperson Kelley. Mr. Dobromilsky asked Mr. Donahue what the bounds of those calculations are. Mr. Donahue stated that for the calculation of the average illumination level for the parking areas, they use the area including all of the paved areas on site. Mr. Donahue stated that they could delineate the areas that were used in the calculations for clarity. Mayor Mironov stated that they would need more information but asked Mr. Donahue how the applicant would address the concerns of the Board if they determined that the lighting levels in the parking lot were too high. Mr. Donahue stated that they can modify the lighting plan to bring those levels down by reducing the number of lights and reconfiguring them. Mayor Mironov stated that they would have to review the lighting plan and they would like to see it compliant if possible.

Mayor Mironov stated that the landscaping proposal includes the removal of four trees to accommodate the production area but that the applicant is replacing all of those, which was beneficial to the site. She added that in her perspective, the applicant is seeking to make some minor improvements to the site in order to be up and running, and while they need to meet the standards of the Township, the application before the Board tonight is not to improve the entire

site and streetscape, so it should be considered from that perspective. Chairperson Kelley agreed with Mayor Mironov. Mr. Dobromilsky stated that he had some concerns regarding the choice in species for the plantings, as they are susceptible to deer foraging. Mr. Kent-Smith asked Mr. Donahue if the applicant have any issues with changing the species of plants in the landscaping plan. Mr. Donahue stated that wouldn't be a problem.

Mayor Mironov asked Mr. Kent-Smith if they would be addressing the memorandum from the Fire Official Kevin Brink. Mr. Kent-Smith stated that they were in receipt of that memorandum and they would conform to all of his suggestions.

Mr. Peters asked Mr. Donahue to review the timing of the lights and asked if there would be any security lights. Mr. Donahue stated that all the fixtures would be put on a timer. He stated that there would be several security lights: one located at the driveway entrance along Princeton Hightstown Road; one located at the driveway entrance along One Mile Road; and one double fixture between the two existing buildings. He stated that these lights would remain on all night for security. All of the other lights would be put on a timer and would shut off around 7 PM, about one hour after the facility closes. Mr. Peters asked Mr. Donahue if the existing parking areas are uncurbed. Mr. Donahue stated that they were. Mr. Peters asked Mr. Donahue if any parking stops were proposed and Mr. Donahue stated no. Mr. Peters stated that the ordinance requires either curbing or parking stops so that it would be appropriate to request one. Mr. Kent-Smith asked if they could limit the parking stops to the area in which they are currently functioning in the front parking lot and a small portion in the rear parking lot, as a large portion of the parking area is not going to be utilized. He added that the applicant will most likely curb the entire area in the future. Chairperson Kelley stated that was fine.

Mr. Kent-Smith introduced his next witness, project architect Harry Allen Jacobs of Jacobs Partners. Mr. Herbert swore in Mr. Jacobs.

Mr. Kent-Smith asked Mr. Jacobs to go over his education, licensure, and experience for the Board. Mr. Jacobs stated that he is a licensed architect in New Jersey and Pennsylvania and he earned his Master's in Architecture in from the University of Pennsylvania. He stated that has over 42 years of experience and he has been accepted as a professional witness by several planning and zoning boards in Pennsylvania. He stated that his firm served as the architects for the original tenants of the subject building, Lavapharm. Chairperson Kelley accepted his credentials.

Mr. Jacobs entered into evidence Exhibit A-4, titled "Existing Conditions and Views," dated December 19, 2016. Mr. Jacobs stated that the exhibit shows photographs taken from different locations on the site and show the existing buildings in their current conditions. Mr. Jacobs entered into evidence Exhibit A-5, titled "Princeton Hightstown Road Current and Proposed Views," dated December 19, 2016. Mr. Jacobs stated that the photographs show the current views of the buildings from Princeton Hightstown Road and the renderings show the proposed modifications. Mr. Jacobs entered into evidence Exhibit A-6, titled "Proposed Addition Floorplan," dated December 19, 2016. Mr. Jacobs entered into evidence Exhibit A-7, titled "First Floor Plan and Equipment Platform Floor Plan," dated December 19, 2016. Mr. Jacobs stated that Exhibit A-7 shows the floor plan for the production area. He stated that there will be a mezzanine above the production area that will store HVAC and mechanical equipment. Mr. Jacobs stated that all of the HVAC units will be internal, as the FDA requires that the production area be a sealed envelope with no opportunity for infiltration in order to guarantee the sterility of the environment and the product. Mr. Jacobs entered into evidence Exhibit A-8, titled "Exterior Elevations and Views from

One Mile Road,” dated December 19, 2016. Mr. Jacobs stated that they would use insulated metal paneling in two different colors to break up the façade and add texture. Mr. Jacobs entered into evidence Exhibit A-9, titled “Exterior Elevations and Views from Princeton Hightstown Road,” dated December 19, 2016. Mr. Jacobs entered into evidence Exhibit A-10, titled “Isometrics,” dated December 19, 2016. Mr. Jacobs stated that Exhibit A-10 shows the existing and proposed fencing around the existing exterior mechanical equipment. Mr. Kent-Smith asked if the renderings on the exhibits accurately portray the proposed landscaping. Mr. Jacobs stated that they do. Mr. Kent-Smith asked Mr. Jacobs if the dumpster area would be fully screened and Mr. Jacobs stated that it would be. Mr. Kent-Smith asked Mr. Jacobs if there would be lighting by the egress doors. Mr. Jacobs stated that there would be as per code standards but added that the door locations had not been finalized yet. Mr. Kent-Smith asked Mr. Jacobs if any additional signage was being proposed and Mr. Jacobs stated that there was not.

Mr. Catana stated that the building is handsome but added that the slats in the existing fence look weathered and that would inevitably happen again. He suggested that instead of replacing the slats that the fence be replaced with something more solid, such as a PVC fence. Mr. Kent-Smith stated that they could do that.

Chairperson Kelley asked Mr. Jacobs if they had considered adding windows to the building to break up the façade. Mr. Jacobs stated that because of the FDA standards that the production area has to meet, windows would not be permitted as they would allow for infiltration into the sterile environment.

Mr. Dobromilsky asked Mr. Jacobs if the lighting along the egress doors would be shielded. Mr. Jacobs stated that they would be.

Chairperson Kelley asked if any other ADA modifications would be necessary. Mr. Kent-Smith stated that besides the additional parking, the building is already functioning to their standards.

Chairperson Kelley stated that the outstanding issues that would need to be addressed prior memorialization of any resolution are the landscaping species, the lighting plan and the calculations, the revised fencing, and the proposed wheel stops in the parking areas. Mr. Kent-Smith agreed and stated that the applicant would address those.

Chairperson Kelley opened the meeting to the public. There being no public comment, the public forum was closed.

MOTION TO APPROVE APPLICATION MADE BY: Mr. Clark

MOTION SECONDED BY: Mr. Catana

ROLL CALL

AYES: Mr. Berman, Mr. Brady, Mr. Catana, Mr. Clark, Mayor Mironov, Ms. Patel, Mr. Schmidlin, Mr. Shapiro, Mr. Kelley

NAYES: None

ABSTAINS: None

ADJOURNMENT OF MEETING

There being no further business, the meeting was adjourned.

CERTIFICATION OF SECRETARY

I, undersigned, do hereby certify;

That I am the Planning Board Secretary of the Township of East Windsor Planning Board and that the foregoing minutes of the Planning Board, held on December 19, 2016, constitute a true and correct copy of the minutes of the said meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my name of said Planning Board this 30th day of January, 2017.

Allison Quigley, Board Administrative Secretary
East Windsor Township