

**EAST WINDSOR TOWNSHIP PLANNING BOARD
MINUTES OF July 10, 2017**

The meeting of the East Windsor Township Planning Board was held on Monday, July 10, 2017, 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 7:38 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. Clark, Mr. Catana, Mayor Mironov, Mr. Shapiro, Mr. Schmidlin, Mr. Kelley

Members Absent: Mr. Brady, Ms. Patel

Professionals and Staff Present: Allison Quigley, Planning Board Secretary
Jolanta Maziarz, Board Attorney
Richard Preiss, Township Planner
Daniel Dobromilsky, Township Landscape Architect
A. Maxwell Peters, Township Engineer

REPORTS/CORRESPONDENCE/ANNOUNCEMENTS

Mayor Mironov stated that she had an update on the issue regarding the New Jersey Turnpike Authority (NJTA). She stated that letters had been sent from the Planning Board, Township Council, Mercer County Executive Brian M. Hughes's office, Senator Linda Greenstein's office, Assemblyman Michael DeAngelo's office, and Assemblyman Wayne Benson's office. She stated that she was contacted by the office of the Executive Director of the NJTA, and they informed her that the Director is currently out of the country and they will determine how to proceed once he has returned.

PUBLIC FORUM

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

MINUTES

May 15, 2017

MOTION TO APPROVE MAY 15, 2017 MINUTES MADE BY: Mr. Schmidlin

MOTION SECONDED BY: Mr. Catana

ROLL CALL

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

NAYES: None

ABSTAINS: None

June 5, 2017

MOTION TO APPROVE JUNE 5, 2017 MINUTES MADE BY: Mr. Clark

MOTION SECONDED BY: Mr. Berman

ROLL CALL

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

NAYES: None

ABSTAINS: None

PUBLIC HEARING

269 Wyckoff Mills Road

Block 12, Lot 2

Public Hearing Regarding Designation of an Area in Need of Non-Condemnation
Redevelopment

Chairperson Kelley asked Jolanta Maziarz, Board Attorney, to swear in Richard Preiss of
Phillips Preiss and Grygiel, Township Planner. Ms. Maziarz sworn in Mr. Preiss.

Richard Preiss stated that his firm prepared a report for the Planning Board titled “Area in Need
of Redevelopment Investigation for 269 Wyckoff Mills Road, Township of East Windsor, New
Jersey,” dated June 23, 2017 and copies were distributed to Board members prior to tonight’s
meeting. He stated that the Board may recall that they went through a similar process a few
years ago with Project Terra and the former National Lead site located at 329 and 359 Wyckoff
Mills Road. He stated that the redevelopment process is divided into two parts; first is the
determination if the site meets the criteria in the Local Redevelopment and Housing Law
(LRHL) to be designated as an area in need of non-condemnation redevelopment; the second part
being the formulation of a redevelopment plan for the subject site. Mr. Preiss stated that this
report addresses part one and investigates if the subject site meets the criteria as set forth in the
LRHL.

Mr. Preiss stated that in the report, Figure 1 shows the location of the study area and Figure 2
shows the subject site on the Township tax maps. Mr. Preiss directed the Board to Figure 3,
which is an aerial photograph of the subject property. He stated that the property is outlined in
red, as well as the access easement that goes from Wyckoff Mills Road to the subject site,
measuring approximately 600 feet long and 30 feet wide. The property is approximately 14.07
acres and is bordered by the New Jersey Turnpike to the east, the Millstone River to the north,
and by a single piece of property owned by the New Jersey Turnpike Authority, located at Block

12, Lot 1 to the west and to the south. Mr. Preiss stated that the NJTA property is currently being used as a wetlands conservation area in connection with the recent widening of the Turnpike and relocation Exit 8 project, so the property will not be developed. Mr. Preiss stated that there is a restricted access overpass on the Turnpike that borders the site that is used by official vehicles of the NJTA, but is not accessible by the public.

Mr. Preiss stated that due to restrictions on the site caused by wetlands and enforced by the Delaware Raritan Canal Commission, the developable portion of the site is located in the south east corner of the property. The site has no frontage on a public road and can only be accessed by the easement from Wyckoff Mills Road. The property is designated as R-O Research Office zoning. He stated that the Master Plan and the New Jersey Turnpike Interchange 8 Study both designated the property as ideal for commercial development.

Mr. Preiss stated that the Local Redevelopment and Housing Law sets forth eight criteria and that a property must meet one or more of those standards in order to be designated as an area in need of redevelopment. He stated that the criteria relevant to this investigation is known as Criteria C which states, "Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital." Mr. Preiss stated that he believed the subject property meets this criteria because the current conditions preclude the property from being developed as described in the 1993 Master Plan and current zoning. He stated that the land has remained undeveloped for at least 10 years, and has no access or frontage to any roadways or public utilities. There are also significant areas of wetlands and flood hazard areas in the rear portion of the site adjacent to the Millstone River. Mr. Preiss stated that his firm conducted a visibility study for the site from Wyckoff Mills Road and the New Jersey Turnpike and found that it is completely invisible from Wyckoff Mills Road and is only partially visible from the Turnpike. He stated that even if developed, the site would still not be very visible at all. Mr. Preiss stated that it would be very costly to connect the site to public water and sewer, as the nearest sewer connection is 2,400 feet away and the nearest water connection is 1,800 feet away from the site.

Mr. Preiss stated that typically for the type of potential warehouse development that has been successfully developed in the surrounding area, a number of criteria must be met. First, they prefer to be in an industrial park surrounded by similar uses. Mr. Preiss stated that the study area is isolated and is surrounded by undevelopable land, which makes it remote from other developments in the area. He stated that typically these facilities would also utilize signage to increase visibility from adjoining roadways. Mr. Preiss stated that the subject site is hardly visible from any nearby roadways, and as such its desirability is decreased. Mr. Preiss also stated that ideally these types of facilities would be served by wider roadways and driveways. The subject site is accessible through an access easement that is only 30 feet wide, so the cart way will be narrower and will require sacrifices in terms of landscaping and shoulder area. He stated that these conditions diminish the site in terms of desirability for a developer.

Mr. Preiss stated that this site would be ideal for a smaller warehouse office facility, measuring approximately 120,000 square feet. However, the conditions on site make it difficult to develop and this is not ideal for the typical warehouse developer. Mr. Preiss stated that his conclusion is that the site meets the statutory criteria C to be designated as an area in need of non-condemnation redevelopment. Mr. Preiss stated that as a non-condemnation area in need of redevelopment, the Township would not have the ability to condemn the property.

Mr. Berman asked who currently owns the property. Mr. Preiss stated that the site is currently owned by 269 Wyckoff Mills Road EW3 LLC.

Mr. Catana stated that Route 133 passes by the site, he asked if in the future if the site is developed, would access to Route 133 be required from Wyckoff Mills Road. Mayor Mironov stated that access to Route 133 from Wyckoff Mills Road had been brought up during construction of the roadway, but that it hadn't been finalized. She stated that it could be looked into moving forward.

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

Mr. Preiss stated that the Board could take action tonight on the redevelopment investigation, and pass a resolution recommending to the Township Council that the site be designated an area in need of non-condemnation redevelopment. After that, Council would make the decision regarding the actual designation of the site as a redevelopment area. If the site is designated as a redevelopment area, a redevelopment plan for the site would be developed and presented to the Board during a public hearing.

RESOLUTIONS

Resolution 2017-14

269 Wyckoff Mills Road

Block 12, Lot 2

Recommending the Designation of an Area in Need of Non-
Condemnation Redevelopment

Mayor Mironov stated that on page one, first paragraph, line two, she would like the date of the public hearing added for clarity. In the third paragraph, she stated that *June 5, 2017* should be corrected to *May 16, 2017*. On page three, item number five, *encourages* should be changed to *encourage*. On page four, item number six, first paragraph, *conditions is found* should be changed to *conditions are found*.

MOTION TO APPROVE RESOLUTION 2017-14 WITH CHANGES MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Berman

ROLL CALL

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

NAYES: None

ABSTAINS: None

DISCUSSION

1. Planning Board File #PB15-003
Aurobindo Pharma
Block 4, Lot 2
Waiver of Site Plan Request

Lane Miller, Esq. with W. Lane Miller is representing the applicant Aurobindo Pharma USA. The applicant received Preliminary and Final Site Plan approval with variances in 2015 for their property located at 203 Windsor Center Drive, Block 4, Lot 2. The applicant is seeking Planning Board approval for a waiver of site plan request regarding several minor changes the applicant is proposing to the original approval. Mr. Miller stated that he has several witnesses present this evening: Mohammed El-Hawwat of MEH Consultants, the project engineer, will be testifying regarding the changes to the site plan, and Johnathan Zuk of Arco Design Build, the project manager for the general contractors on site, is present for any questions.

Chairperson Kelley asked Jolanta Maziarz, Board Attorney, to swear in the Board's professionals: Richard Preiss, Township Planner; A. Maxwell Peters, Township Engineer; and Daniel Dobromilsky, Township Landscape Architect. Ms. Maziarz swore the professionals in.

Mr. Miller introduced Mr. El-Hawwat as his first witness. Ms. Maziarz swore in Mr. El-Hawwat. Mr. Miller stated that Mr. El-Hawwat was accepted as a professional witness previously when the original site plan application was presented to the Board in 2015.

Mayor Mironov stated that some of these changes can only be authorized by the Planning Board and the Construction Department is not authorized to approve any changes from the approved site plan. She stated as we move forward, she would suggest that we look at when these issues are raised. Mr. Miller agreed with Mayor Mironov and that they will make sure moving forward they handle these matters in the appropriate way.

Mr. El-Hawwat entered into evidence Exhibit A-1, titled "Sheet AX-1" dated July 10, 2017. Mr. El-Hawwat stated that this drawing was submitted to the Board prior to tonight's hearing and it shows all of the proposed changes. Mr. El-Hawwat stated that the first change is regarding the driveway layout. Mercer County requested that the driveway aisles be increased in width to allow for a great turning radius for trucks, so that change was made on the plans.

Mr. El-Hawwat entered into evidence Exhibit A-2, titled "Sheet Y-6" dated July 10, 2017. Mr. El-Hawwat stated to bring power to the facility, JCP&L is proposing a series of utility poles on the Aurobindo property, so the applicant is proposing an easement for JCP&L. Mr. El-Hawwat stated that JCP&L is also requesting a second sub-panel station. The sub-panel station would be in an enclosure wall to block visibility. Mr. El-Hawwat entered into evidence Exhibit A-3, titled "Sheet F-11" dated July 10, 2017. Mayor Mironov asked what the station would look like. Mr. El-Hawwat stated that it will look the same as the dumpster enclosures. Mayor Mironov asked where the station would be visible from. Mr. El-Hawwat stated that it would be visible from Princeton-Hightstown Road. Mayor Mironov asked if the station could be relocated. Mr. El-Hawwat stated that the location was requested by JCP&L. Mayor Mironov stated that she would

like to investigate that more, as it would detract from the view from Princeton-Hightstown Road, and that was a large concern of the Board's during the original application. Mr. Miller stated that for context, Aurobindo has acquired the existing building adjacent to the subject site that was formerly the Patscenter and has been using the building as office space. Mr. Shapiro asked if the enclosure would be about the same size as the dumpster enclosure as well. Referring back to Exhibit A-3, Mr. El-Hawwat stated that the enclosure would be 12 feet in height. Mayor Mironov stated that it was a substantial size and this would have to be fully reviewed by the Board.

Mr. El-Hawwat stated that they are also proposing to add a sidewalk connection between the existing building on the adjacent lot that they now own and the approved warehouse. Mr. El-Hawwat referenced Exhibit A-2. He stated that the employee entrance would be located on the south east corner of the building, so they are proposing to add 17 employee parking stalls to that area. Mayor Mironov asked if anything reviewed or approved by the Board previously would be altered to accommodate the proposed parking, including landscaping or structures. Mr. El-Hawwat stated that there are three areas on site where they are proposing to modify or add parking the eastern side of the building, the southeast corner and the northwest corner of the building. Mr. El-Hawwat stated that 10 parking stalls had been eliminated from the northwest corner of the building, as they did not seem feasible for access to the site. Mr. Miller asked Mr. El-Hawwat if any landscaping would be disturbed by these changes. Mr. El-Hawwat stated that any trees that were to be planted in those areas would be relocated on site. Mayor Mironov asked if they had submitted new plans indicating what is being removed or relocated on site. Mr. El-Hawwat stated that there was. Mr. Miller asked if the tree count for the site would be changing. Mr. El-Hawwat stated that it was not changing.

Mr. El-Hawwat entered into evidence Exhibit A-4, titled "Sheet AX-2" dated July 10, 2017. Mr. El-Hawwat stated that 21 parking stalls would be added to the southeast corner of the building and 17 employee parking spaces would be added along the eastern side of the building. Mr. El-Hawwat stated that they are also proposing changes to the dumpster enclosure area. Originally they only proposed one dumpster in the enclosure, measuring approximately 30 feet by 30 feet with the walls measuring 11 feet in height. They are proposing to add two more trash compactors into the enclosure and increasing the side of the enclosure to surround all three compactors. Mr. El-Hawwat stated that the area was proposed to be paved, so no landscaping would be disturbed by this change. Mr. Shapiro asked if any changes were being proposed to the use of the building that would require the addition of two trash compactors and emergency generators. Mr. El-Hawwat stated that they are not changing the use of the building, but that as they have moved forward in construction, they can more accurately say what amenities the site would need to function properly. Mr. Shapiro asked what would fuel the generators. Mr. Miller introduced his next witness, Jonathan Zuk of Arco Design Build, to answer Mr. Shapiro's question. Ms. Maziarz swore in Mr. Zuk. Mr. Zuk stated that he is the project manager for this site, overseeing the construction process on site. Mr. Zuk stated that two are run on diesel fuel and the other runs on natural gas.

Mr. El-Hawwat entered into evidence Exhibit A-5, titled "Sheet AX-3" dated July 10, 2017. Mr. El-Hawwat stated that this exhibit shows the emergency generators and the enlarged trash enclosure. Mr. Miller asked Mr. El-Hawwat if anything had been in that area prior to the changes. Mr. El-Hawwat stated that the area was just paved originally.

Mr. El-Hawwat entered into evidence Exhibit A-6, titled "Sheet F-9" dated July 10, 2017. Mr. El-Hawwat stated that they are proposing to widen the driveway entering Windsor Center Drive, as truck drivers were not clearing the curb when they made a right turn onto Windsor Center Drive. Mr. El-Hawwat stated that this modification was specifically requested by Mercer County. Mr. El-Hawwat stated that the banked parking on site has been increased from 129 parking stalls to 205 parking stalls because the square footage of the office space had also increased from 6,057 square feet to 29,050 square feet.

Mr. El-Hawwat stated that the applicant is also proposing to raise the previously approved berms by an additional three or four feet. Mr. El-Hawwat stated that they are also proposing to extend the berm along Princeton Hightstown Road onto Block 4, Lot 1 to make the site look continuous. Mr. El-Hawwat stated that changes in grading had also been constructed for the handicap access ramp to the building. Mayor Mironov asked Mr. Peters if he had been involved in the grading change. Mr. Peters stated that he had inspected the construction on site and found that it was not a substantial change in the grading and that it was within the scope of the approval. He stated that the only change was the location regarding the depression in the curb to allow for handicap access. Mr. Peters stated that he did see that instead of paver stones the applicant was using stamped concrete for the walking areas in the parking lot. Mr. Zuk stated that for ADA entryways, paver stones can be difficult to maintain and stamped concrete is a better solution for the crucial grading in those areas.

Mr. El-Hawwat stated that the applicant is proposing changes to the internal mezzanine area as well. Mr. El-Hawwat entered into evidence Exhibit A-7, titled "Sheet S-1" dated July 10, 2017. He stated that the mezzanine has been decreased in size to a smaller area that is better suited for the warehouse. Mr. El-Hawwat stated that they are also proposing a solar panel array on the roof of the building. He stated that the solar panels would not be visible from any roadways. Mr. Catana asked if the invertors for each panel would be on the ground or in each individual panel. Mr. Zuk stated that he wasn't the solar contractor but he believes it would be a single inverter located on the ground. Mr. Catana asked if the modified berms would include any additional plantings. Mr. El-Hawwat stated that they would utilize the same approved landscaping fixtures on the berm extension as for the rest of the site. Mr. Catana asked Mr. El-Hawwat if he had a landscaping count. Mr. El-Hawwat stated that he did not, but he would provide that to the Board. Chairperson Kelley stated that the solar panels would have to be reviewed by the Fire Official because that would affect them in the event of an emergency.

Mr. Miller asked Mr. Zuk to revisit the issue of the JCP&L sub station and the location. Mr. Zuk stated that the substation has not been constructed yet. He stated that because the warehouse will have a higher power consumption, they need high voltage power running to the site. Mr. Zuk stated that there are existing power lines along Princeton Hightstown Road and JCP&L had designated one of those poles as the location where their power would run from. Mr. Zuk referred back to Exhibit A-2. Mr. Zuk stated that the location was determined by JCP&L. Mr. Zuk stated that the power coming from the existing poles is high voltage power that needs to be stepped down to low voltage power, which is the purpose of the substation. He stated that by relocating the substation, JCP&L would have to increase the distance that high voltage power is running along the site and that is not desirable and is a safety concern. Mayor Mironov asked for Mr. Zuk for any options on the location and what can be done to mitigate the visibility of the

enclosure. Mr. Catana asked if it would be possible to run the power lines straight onto the site and the enclosure could be relocated next to the parking area so it is behind the berm. Mr. Zuk stated that could be an option, but they might lose a parking spot in that area to allow for access into the enclosure. Mr. Berman asked if it would be possible to run the power lines underground. Mr. Zuk stated that they could suggest that to JCP&L but he has never seen JCP&L agree to run primary power lines underground. Mr. Dobromilsky stated that he would think that running the power lines directly back to the area behind the berms would be a better solution to the visibility issue, but that JCP&L would probably request that the berms be lowered in those areas. He stated that the enclosure would still be visible from Princeton-Hightstown Road, however. Mr. Miller stated that they would reach out to JCP&L and determine what their options were. Chairperson Kelley asked how long they thought it might take to connect with JCP&L. Mr. Zuk stated that they would make it a priority.

Mr. Miller stated that they would submit new landscaping plans with accurate landscaping counts, details on the solar array, and the reconfiguration of the substation for JCP&L. Chairperson Kelley asked if the applicant was following any timelines that they needed to accommodate. Mr. Zuk stated that they will be receiving their TCO on Monday for a portion of the warehouse space and that might be affected by the proposed changes. Mayor Mironov stated that the changes that have not been approved should not be included in the TCO. Mr. Miller stated that he would agree with Mayor Mironov, and no TCO would grant any approvals for any changes on the site, only the Board would have that power. He stated that the applicants completely intend to follow the proper procedure for getting these modifications approved by the Board.

Chairperson Kelley announced that the matter would be carried to August 7th, 2017 with no further notice required.

2. Research Office Zoning East of Route 130

Mayor Mironov stated that there was an error on tonight's agenda and the topic should stay "Research Office Zoning West of Route 130". She stated that she has discussed this subject with Mr. Preiss in the past and she wanted to come back and begin the discussion with the Board. She stated that the Township has a Research Office zone with parcels in this zoning district on the east and west sides of Route 130. She stated that on the east side of Route 130, easy access to major roadways such as the Turnpike and Route 133 make it easy for truck traffic to reach sites on that side of Route 130. In light of the current market, she stated that she wanted to give some thought into mitigating the potential impact of those kinds of sites along the west side of Route 130, as the nature of the Township on that side was very different and often sees corporate offices and retail centers.

Mayor Mironov stated that she wanted to give it some consideration and look into how to mitigate the impacts on these types of sites on the west side of town. She stated one potential solution was to split the R-O zone into two distinct zones, RO-1 and RO-2, with RO-2 designed to be less impacting. She stated that the recent developments in the town are positive changes but that she wanted to make sure that any new developments are compatible with the expectations and the uses in those areas in the Township. Mr. Preiss stated that on the east side of Route 130 they are seeing

a lot of larger warehouse developments with small office components and larger truck traffic. On the west side of Route 130, they tend to see uses geared to research offices such as pharmaceutical manufacturing. He stated that splitting the zone would be logical to address these two different areas in town. Mr. Clark stated that as someone who lived on Milford Road in the past, it seemed to make a lot of sense to divide the zone into two distinct zones. Mr. Schmidlin stated that he would like to see that implemented to help mitigate truck traffic issues.

Mayor Mironov asked Mr. Preiss to look into what kind of process the Board would have to undertake to accomplish this in an effective and smooth manner.

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 July 10, 2017, 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 7th day of August, 2017.

Allison Quigley, Board Administrative Secretary
East Windsor Township