

**EAST WINDSOR TOWNSHIP PLANNING BOARD  
MINUTES OF August 7, 2017**

The meeting of the East Windsor Township Planning Board was held on Monday, August 7, 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 7:35 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. Shapiro, Mr. Kelley

Members Absent: Mr. Schmidlin

Professionals and Staff Present: Allison Quigley, Planning Board Secretary  
Jolanta Maziarz, Board Attorney  
Richard Preiss, Township Planner  
Daniel Dobromilsky, Township Landscape Architect  
Edwin Steck, Township Engineer

**REPORTS/CORRESPONDENCE/ANNOUNCEMENTS**

**PUBLIC FORUM**

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

**MINUTES**

**July 10, 2017**

MOTION TO APPROVE THE JULY 10, 2017 MINUTES MADE BY: Mr. Clark

MOTION SECONDED BY: Mr. Catana

**ROLL CALL**

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

NAYES: None

ABSTAINS: None

## **DISCUSSION ITEMS**

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

Chairperson Kelley announced that members Mr. Brady and Ms. Patel, who were absent at the application's last hearing on July 10, 2017, had listened to the meeting tapes and signed affidavits stating so, so they were eligible to participate in any discussion or vote tonight.

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; Martin Hirschhorn of Suntuity, the provider and installer of the solar panel array for the project, will be testifying regarding the proposed roof mounted solar array; 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.

Chairperson Kelley stated for the record the following report had been received from East Windsor Fire Official Kevin Brink, dated July 20, 2017, and entered the memorandum as Exhibit B-1. The applicant is in receipt of the report.

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, and he was also present and accepted as a professional witness when this waiver of site plan request was scheduled for hearing on July 10, 2017. Chairperson Kelley accepted Mr. El-Hawwat as a professional witness for the application.

Mr. El-Hawwat stated that since the applicant was before the Board previously, they had reached out to JCP&L regarding the substation location and they were able to relocate the substation further away from Princeton Hightstown Road. The substation would now be locate behind the landscaping berms on site. Mr. El-Hawwat entered into evidence Exhibit A-9, titled "Sheet EX-2" dated August 7, 2017. He stated that this exhibit shows the new location of the JCP&L substation. Mr. El-Hawwat entered into evidence Exhibit A-10, titled "Sheet Y-6" dated August 7, 2017 and stated that this exhibit shows the new substation location as well. He stated that access to the substation would be through the existing parking lot on site, but that the access would require the elimination of three parking spaces from that area. Mr. Miller asked Mr. El-Hawwat if the

berm would have to be split for access to the substation and Mr. El-Hawwat stated that the berm would not be split. Mr. El-Hawwat entered into evidence Exhibit A-11, titled "Sheet EX-5" dated August 7, 2017. Mr. El-Hawwat stated that this exhibit shows the substation location with all of the proposed landscaping around it. Mr. El-Hawwat stated that as discussed on July 10, 2017, 21 parking stalls for employee parking were going to be added to the southwest corner of the building. He stated that any shrubs that were originally approved to be located in that area were relocated throughout the site and the landscaping count would remain the same as the original approval. Mr. El-Hawwat entered into evidence Exhibit A-12, titled "Sheet EX-1" dated August 7, 2017. Mr. El-Hawwat stated that this exhibit shows the three spaces that were eliminated from the parking area to provide access to the JCP&L substation.

Mr. Miller introduced Martin Hirschhorn as his next witness. Ms. Maziarz swore in Mr. Hirschhorn. Mr. Miller asked Mr. Hirschhorn to go over his experience and employment and his relation to this project. Mr. Hirschhorn stated that he is the Senior Project Manager at Suntuity and that his company is the provider and installer of the proposed solar array for this project. Mr. Hirschhorn stated that as the project manager he is overseeing this project specifically for his company. Chairperson Kelley accepted his credentials.

Mr. Miller referenced the Exhibit B-2, the memorandum from Fire Official Kevin Brink, and asked Mr. Hirschhorn if the applicant would be able to comply with all of the suggestions outlined by Mr. Brink. Mr. Hirschhorn stated that they would fully comply with the memorandum. Mr. Hirschhorn added that he is a retired fire chief for his hometown so he has experience working with a fire department and he understands what they need to know and what training they need to safely work with the proposed solar array in the event of an emergency. Mr. Miller asked Mr. Hirschhorn to explain the inverter system for the array. Mr. Hirschhorn stated that there would be 49 inverters built into the solar array on the roof. There would be two shut down buttons in the mechanical room that would instantly shut down the system. The buttons would be marked for quick and easy access by emergency providers. Mr. Catana asked Mr. Hirschhorn what fire safety issues he covers when training a fire department to work with these types of solar arrays. Mr. Hirschhorn stated that there were several things he covers during training, but one example would be how to hose the system down in a proper manner to avoid electrocution in the event the system is still powered on. Mr. Catana asked Mr. Hirschhorn if he would be willing to go to the East Windsor Fire Companies and train them to work with his array. Mr. Hirschhorn stated that he would absolutely do that and he intends to reach out the Fire Chief when the project is about three quarters of the way completed to offer that training. Chairperson Kelley stated that he thought that was a good idea. Mr. Clark asked Mr. Hirschhorn if he would provide the fire companies with documentation to show they have been trained and also information to provide to any newcomers. Mr. Hirschhorn stated that he would be happy to provide such documentation to the fire companies.

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

**MOTION TO APPROVE THE APPLICATION MADE BY: Mr. Berman**

MOTION SECONDED BY: Mr. Catana

ROLL CALL

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

NAYES: None

ABSTAINS: None

**PUBLIC HEARING**

**Redevelopment Plan for 269 Wyckoff Mills Road  
Block 12, Lot 2**

Mr. Preiss stated that the purposed of the hearing tonight is for the Board to consider the proposed redevelopment plan for 269 Wyckoff Mills Road. The report that was submitted to the Board was prepared by his office and is dated August 1, 2017. He stated that, assuming the Board is agreeable to the plan, the Township Council would introduce and adopt this plan by ordinance and the redevelopment plan would supersede the R-O zoning standards in placed for the subject property.

The redevelopment area consists of one parcel at Block 12, Lot 2 in the Township of East Windsor. The site is bound by the New Jersey Turnpike to the east, the Millstone River to the north, and the adjacent properties to the west and south of the subject site are owned by the New Jersey Turnpike Authority (NJTA) and are used for wetlands conservation purposes. The area is characterized by transportation and warehouse uses and open space. The subject site is vacant and while it is near major transportation routes in the area, it currently has no direct access to any roadways. There is a permanent access easement through the adjacent property to Wyckoff Mills Road. Mr. Preiss stated that the proposed redevelopment plan would facilitate the development of the site and is consistent with the Master Plan and the recent Interchange 8 Study done by the Township and the NJTA.

Mr. Preiss stated that the redevelopment plan includes some conceptual renderings of the building. The uses that are permitted in the redevelopment plan include warehousing and storage of products within an enclosed building, and the bulk standards are consistent with the R-O zoning standards, with the exception of the buffering requirements. The plan envisions a building measuring approximately 125,000 square feet with 30 truck bays and 50 car parking stalls. The building would have corner architectural features at the entrances and vertical and horizontal articulations to make the building attractive.

Mr. Preiss stated that the primary access to the site is through the permanent access easement that runs through the adjacent property. The access easement would provide access to the parking lot on the east side of the building, with the truck bays on the north side of the building. The conceptual plan also shows fire and emergency access to the site on the southern and eastern sides though grass or paver stones. There would also be a retention basin on site with standing water, and the property would be fenced in with a gate.

Mr. Preiss stated that there is plenty of natural buffering and screening for the site though existing vegetation. The east side of the building would require additional buffering, but the area is limited

by the access driveway. The redevelopment plan requires landscaping be placed in the intervening space between the access driveway and the parking lot, and the access driveway and the property line. A portion of the access driveway is directly adjacent to the property owned by the NJTA, so there is a gap in the buffering in that area that the building would be visible through. The redevelopment plan would require any potential developers to reach out to the NJTA to discuss the possibility of adding additional landscaping or berming on their property to further buffer the site from view.

In terms of signage, the zoning standards for signage would remain the same as the current R-O zoning standards. Mr. Preiss stated that the plan contemplates a monument sign along Wyckoff Mills Road, and a building façade mounted sign. The redevelopment plan also calls for any other actions that would be necessary to implement the development of the site, such as the installation of new infrastructures for the access driveway and the connection to local water and sewer services. Mr. Preiss stated that once the redevelopment plan is in place, any potential developers of the site would have to come before the Board for site plan approval.

Chairperson Kelley asked if the access driveway would be wide enough for tractor trailer trucks. Mr. Preiss stated that the access easement is only 30 feet wide, so the access driveway would be approximately 26 to 28 feet wide. Mr. Berman asked Mr. Preiss if he knew the distance from the site to the Turnpike for traffic traveling along Probasco Road and Wyckoff Mills Road. Mr. Preiss stated that he did not have that figure. Chairperson Kelley asked if all the previous R-O zoning standards would be in effect. Mr. Preiss stated that for any standard not outlined in the plan, the developer would have to comply with the existing R-O zoning standards. Mr. Dobromilsky stated that the redevelopment plan calls for shade trees between 8 feet and 10 feet in height, but that it would make more sense to ask for shade trees between 10 and 12 feet in height. Mayor Mironov asked if the redevelopment plan was changing the landscaping standards for the site. Mr. Dobromilsky stated that the existing zoning standards require shade trees between 10 and 12 feet in height, so the change would actually conform to the existing R-O zoning standards. He stated that he thinks it was just an error in the report. Mr. Preiss stated that would be corrected. Mayor Mironov stated that she would ask any potential developer of the site to present the potential views from the New Jersey Turnpike, as the gap in vegetation on the eastern side of the building would cause the building and the site to be visible. Mr. Preiss agreed with Mayor Mironov, and stated that the redevelopment plan would ask any potential developers to work with the NJTA to discuss options for reducing the gap.

**MOTION TO RECOMMEND THE ADOPTION OF THE REDEVELOPMENT PLAN FOR 269 WYCKOFF MILLS ROAD MADE BY: Mr. Catana**

**MOTION SECONDED BY: Ms. Patel**

**ROLL CALL**

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

**NAYES:** None

**ABSTAINS:** None

## **RESOLUTIONS**

**RESOLUTION 2017-15**            269 Wyckoff Mills Road  
Block 12, Lot 2  
Recommending the Adoption of the Redevelopment Plan for  
269 Wyckoff Mills Road

Chairperson Kelley stated that everyone received a revised copy of the resolution in their meeting folders tonight. He asked Ms. Maziarz to review the revisions made. Ms. Maziarz stated that on page one, paragraph two, the study area is now referred to as “Study Area”. She stated that on the second line, the date of the original report prepared by Mr. Preiss was added for clarity. On the fourth line, the word *non-condemnation* was moved to before the word *area*. In the next paragraph, the study area was referred to as “Study Area” for consistency.

MOTION TO APPROVE RESOLUTION 2017-15 WITH CHANGES MADE BY: Mr. Catana

MOTION SECONDED BY: Mr. Berman

**ROLL CALL**

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

NAYES:         None

ABSTAINS:     None

**DISCUSSION ITEMS**

2. Research Office Zoning West of Route 130

Mayor Mironov stated that she wanted to revisit this topic and ask Mr. Preiss a few questions. She asked if they were to proceed with an ordinance, how many properties are impacted on the west side of the Township. Mr. Preiss stated that he was unsure of the exact figure, but he could provide that. Mayor Mironov asked for an estimate, such as 10 properties or 50 properties would be affected. Mr. Preiss stated that it would be closer to 10 properties. Mayor Mironov asked if notice would have to be provided to just the properties affected, or those properties and any properties within 200 feet. Mr. Preiss stated that if this was done by an amendment to the Master Plan, all properties affected plus any properties within 200 feet of the affected properties would have to be noticed. Mayor Mironov stated that, in prior discussions with Mr. Preiss, he indicated that a Master Plan reexamination would be a large project and would require him to examine past amendments and reexaminations as well. Mr. Preiss stated that was correct, and that he would have to review documents going back as far as 2008 in order to accomplish that. He stated that the MLUL required four elements of a reexamination report, and one of those includes information regarding past reexamination reports and amendments. Mayor Mironov stated that she would like to move this project along in an efficient manner, and was looking to see what would make the best sense in terms of these subjects. Mr. Preiss stated that from his perspective, if the change was done by an amendment to the Master Plan, it would be very straightforward. However, amendments require public noticing while reexamination reports do not.

Mayor Mironov stated that there have been questions raised regarding the magnitude of recent developments near the Turnpike area, and that the west side of town had never been contemplated for developments of that size. The infrastructure on the west side of town was not designed for the truck impact that comes with these types of facilities, and there are a lot of residential developments on that side of town as well. She stated that the Research Office zone was initially contemplated for life sciences, pharmaceutical companies, and development facilities, which are very different in terms of impact than the larger warehousing and distribution centers they have been seeing. She stated that she wanted to discuss to this to find the best way possible to deal with this. She stated that previously, Mr. Preiss had suggested defining warehousing as an accessory use to office space. Mr. Preiss stated that he would suggest that, because a lot of the larger warehousing and distribution centers only have a 5% office component, whereas research and development facilities such as Hovione or Shiseido have office components closer to 50%. Mayor Mironov asked Mr. Preiss if a proposed facility in the new proposed RO-2 zone had a higher warehousing percentage than allowed by the ordinance, would the Planning Board had the jurisdiction to allow flexibility for that standard? Ms. Maziarz stated that it would potentially cause a use variance, but that would depend on how the ordinance is written. Mr. Shapiro asked if manufacturing centers could also produce truck traffic in the same manner as larger warehousing facilities. Mr. Preiss stated that in his experience, manufacturing facilities do not produce much truck traffic. Mayor Mironov stated that it seemed clear the west side of the Township was never contemplated for such large warehousing developments, and that they would just like a way to safeguard that intent.

### **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 August 7, 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 21<sup>st</sup> day of September, 2017.

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Allison Quigley, Board Administrative Secretary  
East Windsor Township