

PLANNING BOARD MINUTES
PUBLIC MEETING
July 27, 2015

A public meeting of the Planning Board of the Township of West Caldwell was held on July 27, 2015, in the Municipal Building, 30 Clinton Road, West Caldwell, New Jersey. Chairman Mudd called the meeting to order at 7:00 p.m. and read the opening statement.

ROLL CALL

Members present: Mr. Martorana (via Skype), Mr. Dremel, Chairman Mudd, Mayor Tempesta, Ms. Marchetti, Councilman Cecere and Mr. Palmisano

Members absent: Mr. Smith

Advisors present: Greg Castano, Esq. and Tamara E. Bross.

RESOLUTION:

Resolution awarding a contract to Maser Consulting, P.A. to render planning services to the Planning Board for the calendar year 2015.

WHEREAS, the Township of West Caldwell (the “Township”) advertised for proposals for Planning Services for the Township for the year 2015 in accordance with a Request for Proposals; and

WHEREAS, the Township has appointed Maser Consulting, P.A., 53 Frontage Road, Suite 120, Clinton, New Jersey 08809 (referred to as “Maser Consulting, P.A.”) as its provider of professional planning services which appointment was set forth in a resolution adopted on July 7th, 2015;

WHEREAS, the Planning Board of the Township of West Caldwell has the need for professional planning services from time to time;

NOW THEREFORE BE IT RESOLVED on the 27th day of July by the Planning Board of the Township of West Caldwell, in the County of Essex and State of New Jersey, as follows:

1. The Planning Board of the Township of West Caldwell does hereby authorize the acceptance of the proposal submitted by Maser Consulting, P.A. and the Planning Board does hereby award a contract to Maser Consulting, P.A. to render Planning Services to the Planning Board for the Year 2015; and

2. The proposal submitted by Maser Consulting, P.A. on April 17, 2015 in response to the Request for Proposals is hereby incorporated into this Resolution by reference; and

3. The Board Chairperson is authorized to execute a contract with Maser Consulting, P.A. for the purpose of Maser Consulting, P.A. rendering Planning Services for the Planning Board of the Township of West Caldwell for the Year 2015, which contract is to be consistent with the terms and conditions of the aforementioned Proposal.

This Resolution will take effect immediately upon its passage.

Motion by Mayor Tempesta to adopt the resolution, seconded by Councilman Cecere.

The resolution was adopted by vote of 6-0-1 with Ms. Marchetti abstaining

RESOLUTION:

Memorialization of a Resolution for Application No. P15-07 for Sands Holdings, LLC (d/b/a Quagen Pharma) seeking preliminary and final site plan approval for the intended use manufacturing of pharmaceuticals for the property located at 34 Fairfield Place, Block 1400, Lot 4 in the M-1 Zone District. Approved with conditions on June 22, 2015.

WHEREAS, Sands Holdings, LLC (d/b/a Quagen Pharma) (the “Applicant”) has submitted Application No. P-15-07 (the “Application”) seeking approval of a major site plan for the property located at 34 Fairfield Place, Block 1400, Lot 4 in the M-1 Zone District (the “Property”);

WHEREAS, there are no taxes or assessments for local improvements due or delinquent on the Property; and

WHEREAS, a hearing was held before the West Caldwell Planning Board (the “Board”) on June 22, 2015 during which the Applicant produced expert testimony and reports in the fields of operations, architecture, engineering and acoustics;

WHEREAS, the Applicant submitted documentary evidence marked A-1 through A-19 in support of the Application and the Board further considered documents marked B-1 through B-6;

WHEREAS, the Applicant submitted site plans, marked A-100 through A-300, floor plans, marked C-001 through C-650, and an environmental impact statement, all prepared by Jarmel Kizel and revised to June 10, 2015;

WHEREAS, the Applicant submitted an ownership disclosure statement for 34F Fairfield LLC;

WHEREAS, the Board received and reviewed referral reports from various Township agencies, including the June 19, 2015 report of the Township Engineer, Ralph Tango of Maser Consulting PA (the “Tango Memo”), said reports being incorporated by reference into this Resolution;

WHEREAS, the Property includes a long-standing principal structure and the Board determines that the existing parking is a valid pre-existing non-conforming use sufficient to meet

the needs of the Application and therefore requiring no variance from the provisions of Chapter 20 of the Township's Code;

WHEREAS, the Application seeks approval of a facility for the manufacture of various regulated pharmaceutical products and for associated office and warehousing facilities;

WHEREAS, the Board has determined this Application to be a major site plan and a permitted use within the M-1 zone district, requiring no variances;

WHEREAS, the Board notes that the Property needs substantial renovation to address contemporary standards;

WHEREAS, the Applicant proposed substantial refurbishment and renovation of the Property and its structures including repaving and restriping the parking area, curb and walkway repairs, new LED site lighting, creation of ADA accessible parking, landscaping and other improvements;

WHEREAS, the Applicant has also proposed an emergency generator, dust collection system and new rooftop mechanical units, all requiring an acoustical analysis to establish compliance with local and state regulations;

WHEREAS, the Applicant has submitted a May 29, 2015 evaluation prepared by Lewis S. Goodfriend and Associates that addresses the acoustical issues;

WHEREAS, the Board retained its own expert, Norman Dotti of Russell Acoustics, to review the Applicant's submission and to provide technical guidance;

WHEREAS, the Applicant bears the burden to establish that it will comply with applicable performance standards of the Township of West Caldwell and other regulatory agencies; and

WHEREAS, the Applicant represented an awareness and understanding that it has an ongoing obligation to continue to meet the Township's and other applicable regulatory agencies' performance standards as its manufacturing process evolves and it introduces new products;

WHEREAS, the Applicant has provided expert testimony by Ashish Shah, a principal of the Applicant, and Matthew Murello, an acoustical expert, representing and concluding that the Applicant will comply with all applicable performance standards of the Township and other regulatory agencies, and will make certain on an on-going basis that the Applicant will comply with said standards for all new processes, products or activities at the Property;

WHEREAS, the Applicant has represented that its water consumption will be approximately 3,600 gallons per day;

WHEREAS, the Applicant has represented that it will comply with any and all applicable wastewater pre-treatment requirements by the Two Bridges Sewer Authority ("the Authority") or any other applicable governmental entity, and will be solely and exclusively responsible for addressing and curing any violations issued by the Authority, including payment of any and all fines that may be levied by the Authority or any other agency or entity having jurisdiction;

WHEREAS, the Applicant has represented that it will pre-treat the existing potable water supply to meet pharmaceutical standards;

NOW, THEREFORE, BE IT RESOLVED, by the Board that the Application is approved and substantially complies with the requirements of Chapters 18A, 20, 21 and 21A of the Code of the Township of West Caldwell, subject to the following conditions:

1. The Applicant shall comply with all requirements and recommendations (not inconsistent with this Resolution) set forth in the Tango Memo.

2. The Applicant's acoustical expert shall work with the Township's expert to resolve any inconsistencies and to address the requirements of Paragraph One;

3. After full operation is underway, the Applicant shall, at its sole cost and expense, retain an acoustical expert (satisfactory to the Township Engineer) to conduct an acoustical test and inspection of all equipment to determine compliance with all applicable standards. If any standards are not met, the Applicant shall submit a remediation plan to the Board within 21 days, in default of which this Resolution may be rescinded without further notice.

4. The Application shall meet and confer with the Township Health Officer and the Township Engineer to satisfy their requirements for regular reporting of ongoing activities. Acknowledging that future changes in manufactured products and/or manufacturing processes could impact compliance with performance standards, the Applicant shall report the plans for any such changes to the Township Engineer and Health Officer and shall indicate how it will continue to comply with all applicable performance standards.

5. Regular testing of the generator shall occur only between 9:00 a.m. and 5:00 pm.

6. In accordance with the Applicant's representations, outside storage will not occur.

7. The Applicant will work with all Township first responders to develop a pre-plan for each applicable agency and shall fund the cost of said plan, not to exceed \$5,000.

8. The Applicant shall submit its landscape plan to the Township's Environmental Commission, which will report to the Board's Minor Site Plan Committee, which is authorized by the Board to take final action on that aspect of the Application.

9. The Applicant shall be bound by all representations made during the course of the Application and hearing.

10. Any and all signage issues are not included in this Application and must be separately approved by the Board's Sign Committee.

11. The proposed storage building adjacent to the rear of the building must be attached to the principal structure to be approved as part of this Application.

12. If the rooftop equipment can be seen from the street, the Applicant shall submit a screening remediation plan to the Board within 30 days of notice for review and approval by the Board's Minor Site Plan Committee, in default of which this Resolution may be rescinded by the Board without further notice.

13. The Applicant shall address items 4a, b, c and d in the Zoning Officer's report to the satisfaction of the Minor Site Plan Committee.

14. The Applicant, on an ongoing basis, shall comply with all requirements of the Township's Storm Water Management Plan.

15. If required by the Township, the Applicant shall enter into a developer's agreement satisfactory to the Township Attorney.

16. The Applicant shall post such performance bonds and escrows as may be required by the Township Engineer.

17. The Applicant shall comply with the recommendations and requirements of the Fire Official, including his June 1, 2015 referral report.

18. The Applicant shall submit the details of its proposed water treatment facility and wastewater pre-treatment plan to the Township Water Department and Township Engineer for their review and approval.

19. All approvals, the issuance of construction permits and certificates of occupancy are subject to all applicable laws of the State of New Jersey, any required governmental agency approvals, ordinances of the Township of West Caldwell and Rules and Regulations of the Planning Board.

Only members that can vote on this resolution are the Board Members who voted on the approval, who are as follows: Mr. Martorana, Mayor Tempesta, Chairman Mudd, Ms. Marchetti. Motion by Mayor Tempesta to adopt the resolution, seconded by Ms. Marchetti and adopted by vote of 4-0

INVITATION FOR PUBLIC COMMENT

There were no questions from the Public.

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ADJOURNMENT

The meeting was adjourned at 7:07 pm

Respectfully submitted,

Tamara E. Bross, Board Secretary