

**PLANNING BOARD
REGULAR MEETING
MINUTES
JANUARY 29, 2019**

**CALL TO
ORDER**

The meeting was called to order at 6:52 p.m.

FLAG SALUTE

The Board saluted the flag.

ROLL CALL

On a call of the roll, the following Board Members and Officials should be present:

BOARD

Mr. William Hering, Vice Chair
Mr. Raymond Giacobbe, Mayor
Mr. Jeff Brooks, Mayor's Designee
Mr. Michael Pakay, Commissioner
Mr. Jeremy Mojica, Commissioner
Mr. Richard Watkins, Commissioner
Mr. Robert Simon, Commissioner
Mr. Alexander Shipley, Commissioner
Mr. Thomas O'Reilly, Commissioner
Mr. William Cladek, 1st Alternate Commissioner
Mr. Jeffrey Robinson, Commissioner Chair
Mr. James Polles, Esq, Board Attorney
Ms. Jacqueline Dirmann, City Engineer
Mr. Paul A. Phillips, City Planner
Mr. Kevin O'Brien, City Planner

*Absent from this meeting was Commissioner Cladek. Mayor's designee represented the Mayor.

REORGANIZATION MEETING:

A. Election of Chairman

Commissioner Hering made a motion to nominate Jeff Robinson as Chairman to the Planning Board. This motion was seconded by Commissioner Simon. Commissioner Robinson accepted the position as Chairman of the Planning Board.

Motion: Commissioner Hering

Second: Commissioner Simon

Yes: Commissioners Hering, Simon, Brooks, Pakay, Mojica, Watkins, O'Reilly and Shipley

Absent: Commissioner Cladek

Abstain: Commissioner Robinson

B. Election of Vice-Chairman

Motion was made by Commissioner Simon to nominate Commissioner Hering as Vice-Chairman of the Planning Board. This motion was seconded by Commissioner Shipley. Commissioner Hering accepted the position as Chairman of the Planning Board.

Motion: Commissioner Simon **Second: Commissioner Shipley**
Yes: Commissioners Robinson, Simon, Brooks, Pakay, Mojica, Watkins, O'Reilly and Shipley
Absent: Commissioner Cladek
Abstain: Commissioner Hering

C. Election of Secretary

Motion was made by Chairman Hering to nominate Ann Marie Williams as Secretary to the Planning Board. This motion was seconded by Commissioner Simon. Ann Marie Williams accepted the position as Secretary to the Planning Board.

Motion: Commissioner Hering **Second: Commissioner Simon**
Yes: Commissioners Hering, Simon, Brooks, Pakay, Mojica, Watkins, O'Reilly, Robinson and Shipley
Absent: Commissioner Cladek

OTHER BUSINESS:

1. **Adoption of resolution awarding Professional Services to Maser Consulting, PA, Jacqueline Dirmann**
 - D. **Appointment of Engineer**
2. **Adoption of resolution awarding Professional Services to McManimon Scotland & Baumann, LLC**
 - E. **Appointment of Board Attorney, James Polles, Esq. McManimon Scotland & Baumann, LLC**
3. **Adoption of resolution awarding Professional Services to Phillips Preiss Grygiel LLC**
 - F. **Appointment of Planning Board Planner Paul Phillips, AICP, PP**

There was one resolution prepared for all three professionals: Jacqueline Dirmann, P.E., C.M.E., C.F.M., Maser Consulting P.A., appointed engineer, James Polles, Esq., McManimon Scotland & Baumann LLC, Appointed Board Attorney, Paul Phillips, AICP, PP, appointed Planning Board Planner.

Commissioner Shipley voiced his concern with not having been able to review the contracts. Commissioner Hering explained that the Chair and Vice Chair spoke to Administration regarding the lack of early communication relating to the changes. Commissioner Brooks asked if the Board Attorney had covered a municipality such as Rahway. Board Attorney replied yes and gave a little background information on the firm. Commissioner Hering explained that both himself and Commissioner Robinson represented the board when meeting with the Mayor.

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Motion was made by Chairman Watkins and seconded by Commissioner Simon.

Motion: Commissioner Watkins Second: Commissioner Simon
Yes: Commissioners Hering, Simon, Brooks, Pakay, Mojica, Watkins, O'Reilly, Robinson and Shipley
Absent: Commissioner Cladek

4. Adoption of resolution for the 2019 schedule for the Planning Board.

Motion was made by Chairman Simon and seconded by Commissioner Hering.

Motion: Commissioner Simon Second: Commissioner Hering
Yes: Commissioners Hering, Simon, Brooks, Pakay, Mojica, Watkins, O'Reilly, Robinson and Shipley
Absent: Commissioner Cladek

REGULAR MEETING:

MINUTES: Any necessary changes to the Planning Board minutes of October 30, 2018 shall be made at this time and approved by action of the Commissioners.

Motion was made by Chairman Simon and seconded by Commissioner Shipley.

Motion: Commissioner Simon Second: Commissioner Shipley
Yes: Commissioners Simon, Mojica, O'Reilly, Robinson and Shipley
Absent: Commissioner Cladek
Abstain: Commissioners Hering, Brooks, Pakay and Watkins

Chairman Robinson opened the meeting with the regulations and reading of the agenda into the record. The following action took place.

SWEARING IN OF BOARD PROFESSIONALS:

The Chairman called upon the following application: **#12/18 Merck Sharp & Dohme Corp One Merck Drive / 90 E Scott Ave Rahway, NJ 07065 Block 396 / Lot 1 Applicant seeking preliminary and final major site plan approval.**

Board Planner Phillips recused himself and in his place Kevin O'Brien of Shamrock Enterprises stepped in. Board Attorney confirmed that the applicant is ready to be heard by the Board.

Thomas Malman, the attorney, stated his name and affiliation and was sworn in. Mr Malman reiterated what the Board was to hear and what the applicant was seeking. He also introduced his witnesses, Richard Osifchin, the Executive Director of Pharmaceuticals for Merck and John Kostyo the Engineer who were also sworn in.

Mr. Osifchin spoke first about how excited Merck was to be having new work to the Rahway site. This will be a new research building which will house scientists to drive investigation of new products, innovation and science. There will be about 100 new employees (scientists, PhD's and post-doctoral in biology through chemistry) coming to the site. Hours of operation are traditional work week hours 8-5. Construction looking to be complete by the end of 2020. Full operations by 2021. With respect to solid waste, it will be handled in the typical fashion currently in place for Merck. There is ample parking on the lot and there is no new proposal on parking. There will also be no changes o the current loading whatsoever nor will there be an increase in truck traffic. This building houses researchers.

Floor opened to questions by the Commissioners. Commissioner Brooks: "You have a lot of talent at Merck, do you encourage people to use Rahway to live, work, shop. Mr. Osifchin replied that he was not the best person to ask this question to; however, the employees do enjoy the restaurants downtown. Commissioner Simon questioned the drainage. The Attorney advised that the engineer, not Mr. Osifchin could speak to that. Commissioner Brooks asked if Rahway could expect Merck to work on anything that would be considered controversial. Mr. Osifchin advised that the new building would be handling the same type of research work that Merck has been doing for decades. The research has a positive effect for patients which is transformational.

Next witness was John Kostyo the Engineer who provided Exhibit A1 which was an aerial of the site. The campus is half in Rahway and half in Linden and the new building will be central basically in the middle of the campus. Truck access is on the Linden side. The run off goes to a basin that was constructed in 2004/2005 and it is all going towards the Linden basin. The impervious coverage is larger now that was before. Exhibit A2 is a rendering of the building showing the main entrance where the employees are to enter from. Property is well landscaped with evergreen shrubbery and the service/loading area is behind the building. Existing led lighting proposal just for the left side and around the pedestrian walkway. The generator is enclosed. Building will only be very briefly visible from US Route 1. Exhibit A3 is a rendered perspective from the front of the finished building. Glass, metal panel and brick continue the Merck feel and look, building is conforming as far as set back and size etc. Exhibit A4 is a rendering perspective where the office block is to show metal paneling. Exhibit A5 is the building floor plan already provided to the board.

Board Engineer confirmed that the applicant will comply with all the recommendations from the professionals. She added one item regarding the detention basin maintenance report. The Board Professionals want a copy of it and the City will need one on an annual basis. Applicant agreed. Board Planner asked the Engineer to describe the ADA access which Mr. Kostyo did. Board Planner asked for the information to be added to the plan and the Engineer agreed. Board Planner asked for clarity around the accessory structures and the Engineer explained them all.

Floor opened to questions by the Commissioners. Commissioner Shipley asked for clarity around Exhibit A4. Engineer explained that there wasn't a second floor but rather a mezzanine. Commissioner Mojica asked what was being run through the elevated trusses. A: Steam, chilled water and condensation.

No additional questions from the Board; none from the Public.

Commissioner Robinson asked whether the board was prepared to vote on the application tonight

Motion: Commissioner Hering; Second: Commissioner O'Reilly
Yes: Commissioners Simon, Mojica, O'Reilly, Robinson, Hering, Brooks, Pakay, Watkins and Shipley
Absent: Commissioner Cladek

The Chairman called upon the following application: **#11/18 329 New Brunswick Ave LLC c/o Gramercy Capital Group 329 New Brunswick Ave Rahway, NJ 07065 Block 276 / Lot 10 Applicant seeking preliminary and final major site plan approval**

Board Planner O'Brien recused himself and in his place the Planning Board Planner Paul Phillips returned. Board Attorney confirmed that the applicant is ready to be heard by the Board.

Gary Goodman, the attorney, stated his name and affiliation and was sworn in. Mr. Goodman reiterated what the Board was to hear and what the applicant was seeking. He also introduced his witnesses, Victor Venegra, the Engineer/Planner, Greg Waga, the Architect and the managing member of the entity Shaya Grosinger were also sworn in.

Venegra spoke first and submitted Exhibit A1 which is an enlarged version of sheet #3 that the board already has. Exhibit A2 is a google earth image. He spoke to what the site was prior to the new applicant purchasing it. It required significant clean up. EPA deemed it clean after 10 years. Ground water hot spots tested. The wetlands were replenished. Application is filing for a new LOI. Regarding flood control - tidal vs non-tidal. The area is tidaled and is influenced by the wetlands. Applicant will need to get DEP permits. No buildings nor new space will be added, the applicant wants to re occupy the existing warehouses. Elevation is at the flood elevation size, so it is preexisting coming in with a full lightening plan. Venegra then he read the engineers letter and addressed all the points.

Board Engineer asked if it is Venegra's testimony that all the work is approved by DEP. Venegra's reply was that their only concern was about acid reducing soil. The applicant will be compliant and will be meeting with NJDEP; numerous inspectors from EPA.

Venegra will be required to meet with the Architect to discuss where the ADA spaces will go, and the plans will need to be updated. Venegra spoke to the variance being asked regarding parking. He feels "comfortable"; he doesn't anticipate the applicant will use the parking spaces that are allotted based on his experience and the type of businesses that will be operating in this warehouse area. He feels he is overparked.

Board Planner spoke: "It is being proposed to attract multiple tenant's vs one user, they are overparked however it isn't going to be one use. How can you assume what the parking need will be? This brings the dilemma as to whether there is enough parking. You may need greater because you don't know who will rent and the space will be rented to multiple tenants." Attorney said the applicant has enough land to address that. Venegra added that there is existing asphalt that would give more than enough parking.

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Commissioner Brooks commented that although there is no current plan to add any additional construction outside of the lighting, how can they add more spots to prevent another visit to the board

as a just in case. Venegra replied that they are showing 220 spaces and he doesn't anticipate having more than 140.

The Board Engineer discussed with Venegra the concern regarding where the trucks were to park and what the future plans would be since the future tenants are not known. Commissioner Brooks also questioned larger 18 wheelers and the Board Planner questioned truck storage. Venegra referred the Board to Sheet #5 of the materials as it covers parking, the circulation plan and that it would be well buffered. Venegra continued touching on the points brought up on the Professionals reports and he confirmed he would walk with the Board Engineer to go over fencing replacement. Commissioner Mojica questioned the plans for the back empty area and Venegra said there were no plans now.

Waga the architect explained what existed prior to the new owner coming in and confirmed there was no change to the footprint. Waga submitted Exhibit A4 – the site plan and Exhibit A5 which is the conceptual plan. All tenants will have separate construction. Facade will be cleaned and will remain. No change to the load bearing walls, just the non-essential. They are maintaining the integrity of the building. Commissioner Brooks questioned the layout asking if there was a common space. Waga confirmed that each space has a private access and yes there were a few common areas.

Last witness was Mr. Grosinger and he spoke to his experience with these types of warehouses and spoke to the tenants he has lined up and who he would like to have occupy the space. Grosinger spoke to the façade fix up and the landscaping. Also reiterated was the fencing that would be replaced. Grosinger agreed to the Board Engineers request that the section on the plan that shows the existing trailer storage cannot be used as truck storage. Grosinger and Commissioner Watkin covered Commissioner Mojica's questions/concerns regarding the handling of chemicals.

Board Attorney asked applicants attorney to explain the parking variance. Requirements are 283 and they are providing 202. They are asking for a de minimis variance regarding the driveway because they have less than the City's request.

Board Planner added that truck parking must be restricted to the rear of the building and fencing must be decided by the professionals. Applicants Engineer to walk the site with Board Engineer for the fencing. Regarding parking the applicant may have enough parking; however, without knowing who can rent, the applicant should use the standard of 1/750 to calculate parking and that is a good base, if Venegra could do a sketch where they can make up the 81 someplace else, and submit it, it would give the board and the professionals more comfort and in the event that they rent more, they can accommodate the parking. Applicants Attorney agreed.

No additional questions from the Board; none from the Public.

Commissioner Robinson asked whether the board was prepared to vote on the application tonight

Motion: Commissioner Hering; Second: Commissioner Simon
Yes: Commissioners Simon, Mojica, O'Reilly, Robinson, Hering, Brooks, Pakay, Watkins and Shipley
Absent: Commissioner Cladek

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ADJOURN: There being no further business; the meeting was adjourned 9:29 pm

Motion: Commissioner Hering; Second: Commissioner Mojica
Yes: Commissioners Simon, Mojica, O'Reilly, Robinson, Hering, Brooks, Pakay, Watkins
and Shipley
Absent: Commissioner Cladek