

June 27, 2013

Mr. Ford called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m.

**Open Public Meetings Act Notice:** I would like to have placed in the minutes that the Open Public Meeting Requirements of Law have been satisfied by our notices dated January 17, 2013, as published in the Hunterdon County Democrat and January 15, 2013, as published in the Courier News. A copy of the notice has also been posted on the Township Website, the Bulletin Board in the Municipal Building and a copy has been filed with the Clerk.

Members Present: Ms. McBride, Mr. Walchuk, Mr. Nace, Mrs. Corcoran, Mr. Badenhausen, Mr. Ryland, Mr. Ford

Members Absent: Mr. Bischoff, Mr. Kastrud, Mrs. Church, Mr. Kirkpatrick

Others Present: Atty. Mark Anderson, Robert Clerico, Atty. Brian Tipton, Larry Gadbois, Jeffrey Weidlick, Scott Baum

**Approval of Minutes:** Mrs. Corcoran made a motion to approve the June 13, 2013 workshop minutes. Mr. Badenhausen seconded the motion.

Vote: Ayes: Mrs. Corcoran, Mr. Badenhausen, Ms. McBride, Mr. Walchuk, Mr. Nace, Mr. Ford  
Abstain: Mr. Ryland

**Public Hearing: Celldex Therapeutics: Block 13, Lot 6, 53 Frontage Road, Building #3, F/W Site: Minor Site Plan:** Atty. Brian Tipton, on behalf of Celldex Therapeutics, gave a brief overview of the application. Mr. Tipton said the property is in the OR District and the use is permitted. Notice of the application, including any variances that might be required, had been published and provided to the Board Attorney and Board office. Atty. Tipton had three witnesses available; Project Engineer/Manager Larry Gadbois, Celldex Representative Jeffrey Weidlick and Scott Baum, Construction Company Representative.

Atty. Tipton presented Drawing No M-1, Mechanical Equipment Yard, dated June 5, 2013, prepared by Precis Engineering, Inc. It was marked Exhibit A-1. The next Exhibit, marked A-2, was a Chart showing Parking Calculations, dated June 5, 2013 and also prepared by Precis Engineering, Inc. A Memorandum, New Exterior Equipment Yard and Noise Levels at the Property Line, dated June 27, 2013, prepared by Larry A. Gadbois, was marked Exhibit A-3.

Witnesses Larry Gadbois, Jeffrey Weidlick and Scott Baum were sworn by Atty. Anderson. Atty. Tipton called Mr. Gadbois forward and asked him to provide his credentials and educational background. They were accepted by the Board. Mr. Gadbois described applicant's proposal to construct an equipment yard and install a generator and three condensing units. Applicant proposes removing three eight-inch diameter trees, six parking spaces and a small section of sidewalk. Occupant proposes using space on the first and second floors. An approximate 3,000 square foot (SF) mechanical room is proposed for the first floor and will include two electric steam boilers and power distribution transformers.

The second floor will include approximately 10,000 sf of laboratory space. Approximately 4,500 sf of that space will be used for animal housing (mice). The remaining space, 20,000 + sf will be used for offices, a conference room, restrooms and an upgraded entrance.

Mr. Gadbois described the equipment yard. He said decorative stone will be placed in the yard instead of lawn, for ease of maintenance. A concrete pad, essentially the same width of the six parking spaces, is proposed for serviceability access around the equipment. Black chain-link fencing, with webbing, is also proposed. Landscaping will include mulched beds around three sides of the concrete pad and seven-foot tall arborvitae around the fence. A sidewalk will provide access to the building. There is an approximate reduction of 100 sf of impervious coverage as a result of the proposal. All of the proposed improvements are greater than 200 feet from the property line. Atty. Tipton asked for questions regarding improvements or existing conditions. Mr. Nace asked if the generator would use diesel fuel. Atty. Tipton said natural gas is proposed. Mr. Nace asked what would happen to the improvements if Celldex decided to move. Mr. Gadbois understood the landlord was interested in keeping the equipment as an enticement to a technology-type tenant.

Atty. Tipton asked Mr. Gadbois to explain why the reduction of the six parking spaces would not have a negative impact. Mr. Gadbois said the proposed use, according to the Code, demands much less parking than an office environment. He referenced Exhibit A-2 – Parking Calculations. There are 45 existing parking spaces and Celldex proposes 23 spaces.

Atty. Tipton asked Mr. Gadbois to address the generator noise factor. Mr. Gadbois said the generator would be exercised weekly for one/half hour to one hour and usually during the day. He said the generator and condensing units generate noise. The noise levels at the property line calculated out to 59.2 decibels. Atty. Tipton asked the Board if they had questions for Mr. Gadbois. Mr. Ryland asked what the decibels related to. Mr. Gadbois said human speech is in the neighborhood of 60 decibels. Mr. Walchuk asked if Exhibit A-3 describes the results of the noise analysis or was there a separate report of calculations. Atty. Tipton said A-3 was a memorandum. He asked Mr. Gadbois to testify how the noise level was determined. Mr. Walchuk asked if a report would be submitted. Mr. Gadbois will furnish calculations to Mr. Clerico. Mr. Walchuk emphasized his concerns for neighbors; however, he was more concerned about the sensation to a pedestrian in the parking lot, or on the sidewalk if all equipment came on at the same time. Mr. Gadbois compared it to a larger version of a home generator. Atty. Tipton reiterated that calculations would be provided. Mr. Clerico asked if the manufacturer of the condensers or the generator offer any sound attenuation measures. Mr. Gadbois did not know about the condenser units, however, there are three levels of attenuation for the generator. He said the air conditioners are louder than the generator. The generator noise level is approximately 70 decibels and the a/c has an approximate 90 decibel noise level. Mr. Ford said that would be a blast to someone nearby. Mr. Gadbois acknowledged the equipment is loud; however, he would not describe the noise as a blast. He said two 90 decibel generators running at the same time would produce a sound perceived to be at 93 decibels and three generators would be perceived at 96 decibels.

Mr. Walchuk reemphasized his concern about noise levels adversely affecting persons nearby the proposed equipment. Mr. Clerico raised a concern about the impact on other tenants and employees in the building. Mr. Walchuk said a reasonable condition of approval might be predicated on actual noise experience in the field being acceptable, and if there were other mitigating measures that could be employed, such as acoustical tiles and a masonry wall rather than a fence that would have no attenuation of sound, the Board could consider those ideas. Mr. Clerico distributed an aerial photograph showing enclosures around the condenser units on the roof of the building. He assumed they were for sound attenuation. Mr. Gadbois said the enclosures could be for screening and/or sound attenuation. Mr. Ford asked if the proposed arborvitae plantings would impact noise levels. Mr. Gadbois indicated there would be some noise reduction, however, nothing dramatic. Atty. Tipton asked about other noise reduction measures to reduce the impact on those nearby. Mr. Gadbois said a masonry wall could be considered. Mr. Gadbois also said he did not understand the emphasis on the noise reduction issue since there are no codes that embrace sound attenuation for those passing by the area. Mr. Clerico asked Mr. Gadbois if this was a new building and he was designing it to accommodate this tenant, would he place the equipment where it is proposed by Celldex, or would it be near the loading area. Mr. Gadbois said it would not be possible to install this type of equipment that far away. He said there is another type of equipment (a water chiller) that could be installed; however, it is extremely expensive. The noise level would also be similar. Mr. Gadbois said if it was possible the equipment would be installed on the roof. He also emphasized that this type of equipment is a very common installation at this type of facility.

Mr. Clerico referenced the earthen embankment along the building. Mr. Gadbois said the grass will be removed and red-colored stone will be provided. Mr. Clerico had a question about elevations and other equipment alongside the building. Mr. Gadbois provided pertinent information. Drawing No. P-1, Plumbing First Floor New Work Plans, dated June 5, 2013, as prepared by Precis Engineering was displayed and described. It was marked Exhibit A-4. Drawing No. M-2, Sections and Elevations, dated June 5, 2013, as prepared by Precis Engineering was marked Exhibit A-5 and Drawing T-2, Existing Conditions Plan, dated June 5, 2013, prepared by Precis Engineering was marked Exhibit A-6.

Mr. Gadbois continued his testimony. He stated the rationale for the generator and condensing units' location was to keep the equipment at a distance from the main entrance of the building. Mr. Ford asked if applicant would accept a condition of approval that if a certain decibel level was exceeded the sound attenuation around the enclosure would be increased. Mr. Gadbois said he would like to agree; however, the cost of attenuation would be extremely high once the equipment is installed. He said that an attempt to get quieter equipment would be made rather than agree to Mr. Ford's idea. Mr. Walchuk restated his idea about the installation of a masonry wall to alleviate some of the noise. Mayor McBride asked about other tenants and their employees being impacted by noise from this proposal. Mr. Gadbois did not believe there would be a problem. Mr. Walchuk voiced a concern about the potential noise impact on employees who would be outside eating lunch.

Atty. Anderson had questions. He asked Mr. Gadbois if he was aware of State Regulations regarding noise. Mr. Gadbois said he was not aware of the Regulations. Atty. Tipton said applicant would agree to abide with the Regulations. Atty. Anderson referenced Exhibit A-2, Parking Calculations. He understood the intention of the Calculations was to isolate the Celldex space from the rest of the building. Mr. Gadbois said that was correct. Atty. Anderson emphasized that if the Board grants an approval, they would have to consider a condition that would prohibit the re-introduction of the office space in the Celldex area unless the parking is restored. Atty. Tipton understood the imposition of the condition and applicant had no objection. He also reiterated the statement that Mr. Gadbois made regarding property owner's desire to lease the area to a tenant similar to Celldex. The Resolution would state that the space has been converted from office to research use and could not be converted back to office space without submitting a new site plan application.

Atty. Tipton said applicant had reviewed both Engineer Clerico and Planner Hintz's reports and agree to comply with Mr. Clerico's General Comments 1, 2 & 4 requesting additional data on submittals and Mr. Hintz's Comments 2 & 3 also requesting additional data. Mr. Tipton understood testimony had addressed other Comments. Atty. Anderson said Mr. Clerico had referenced an Aerial Photograph of the F/W Site. He said it should be marked into the record. The Photograph was marked Exhibit A-7. Mr. Nace asked for clarification on the noise issue. Mr. Walchuk said it would be a condition of approval. He had asked that a Noise Analysis Report be submitted that is satisfactory to Mr. Clerico. Mr. Clerico understood the Report would be calculated at the property line. Mr. Ford said the testimony was that the calculation was at 200 feet from the equipment area. Mr. Walchuk understood that nearby noise concerns would be covered by State Regulations.

Mr. Ford asked for a motion. Mrs. Corcoran made the motion to approve the application, subject to compliance with General Comments 1, 2 & 4 in Mr. Clerico's letter and Comments 2 & 3 in Mr. Hintz's letter; detailed Noise Calculations be provided to Mr. Clerico and that applicant would comply with all State Noise Regulations. Mr. Walchuk seconded the motion.

Vote: Ayes: Mrs. Corcoran, Mr. Walchuk, Ms. McBride, Mr. Nace, Mr. Badenhausen, Mr. Ryland, Mr. Ford

**Correspondence: Perryville Inn: 169 Perryville Road: BBQ Smokehouse – Not discussed**

**Comments from the Public/Other Discussion:** None

**Motion to Adjourn:** Mrs. Corcoran made the motion. It was seconded by Mr. Walchuk. (8:25 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary

