

November 12, 2015

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

Members Present: Mr. Mazza, Mr. Hirt, Mr. Walchuk, Mr. Nace, Mr. Ryland, Mr. Eschbach, Mr. Ford, Mr. Kirkpatrick

Members Absent: Mrs. Corcoran, Mr. Kastrud, Mr. Gibbons

Others Present: Atty. Mark Anderson, Robert Clerico, William Lee, Paul Sterbenz, Dan Bloch, Atty. William Mennen, Christi Caramia, Ron Yando

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 29, 2015, as published in the Hunterdon County Democrat and January 28, 2015, 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 Municipal Clerk.

Approval of Minutes: Mr. Ford made a motion to approve the minutes of the September 24, 2015 meeting. Mr. Mazza seconded the motion.

Vote: Ayes: Mr. Ford, Mr. Mazza, Mr. Hirt, Mr. Nace, Mr. Ryland, Mr. Kirkpatrick

Abstain: Mr. Walchuk, Mr. Eschbach

Informal: Foster Wheeler Inc. Block 13, Lot 6, 53 Frontage Road: William Lee, Realty Manager, Engineer Paul Sterbenz and Daniel Bloch were present on behalf of Foster Wheeler. Feedback was sought from the Board regarding potential development of the property which is located in the Office/Research District. The site consists of 267 acres, of which 71+/- acres have been developed. Mr. Lee noted that approximately fifty-three acres would be the only land that could be developed because of environmental constraints. Critical wildlife habitat, including the grasshopper sparrow and wood and bog turtles, is known to be present on the site.

A question was raised by applicant regarding the Township's status with the Highlands regarding Waste Water Management. A Draft Ordinance was prepared in 2013; however, it was not adopted. Foster Wheeler has a sewer agreement with the Town of Clinton and that capacity could be marketed.

Upon a request from Mr. Lee, Mr. Kirkpatrick responded that the Township had no particular vision for the Foster Wheeler site and inquired as to what the owner's vision was for the site. Mr. Lee did not see offices as viable. Residential development would only allow eight lots. Mr. Lee asked when the Master Plan would be re-examined, he was told it could be in 2016 or 2017.

Issue of Completeness/Public Hearing/Amended Site Plan: Mallinckrodt Hospital Products, Subsidiary of Mallinckrodt Pharmaceuticals: Block 13, Lot 6, 53 Frontage Road: Atty. William Mennen, representing applicant, said Mallinckrodt, formerly Ikaria, is seeking approval to replace the existing

Ikaria signage with the name Mallinckrodt. Atty. Mennen gave a brief history of the Ikaria application. Minor site plan approval had been granted to Ikaria on September 26, 2013 for the installation of two wall-mounted facade signs. Engineer Clerico had issued a completeness report dated November 11, 2015 stating that waivers requested were similar to those granted in 2013. Mr. Kirkpatrick said he had no objection to granting those waivers.

Mr. Ford made a motion to deem the application complete. Mr. Eschbach seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Public Hearing: Atty. Mennen said required notices had been made. Atty. Anderson had reviewed them and found them to be in order. Mr. Mennen said Facilities Manager Christie Caramia and Sign Installer Ron Yando would be presenting testimony. The sign would be in conformance with the Land Use Ordinance and applicant would agree to comply with any of the conditions of the 2013 approval. Ms. Caramia was sworn by Atty. Anderson. She said she is the Environmental Health and Safety Manager at Mallinckrodt, as well as the Facilities Manager. Ms. Caramia said Mallinckrodt leases 103,000 square feet (sf) of the 288,000 sf building. She was familiar with the previously granted site plan approval.

Atty. Mennen asked that two exhibits be marked for the record. An enlarged version of a sign Plan that was submitted to the Board was marked Exhibit P-4. Ms. Caramia identified and described the existing/installed signs. The total square footage of each of the two signs is 66 sf. Those signs were illuminated from 7:00 a.m. until 10:00 p.m., as a condition of the previous approval. Ms. Caramia said the existing signs conform to the Ordinance as to the level of illumination, as well as the approval granted in 2013. The amended application before the Board would replace the name Ikaria with Mallinckrodt, including the Mallinckrodt Logo. No new or additional signage is proposed. The next exhibit, a mounted version of the site plan, was marked P-5, Cover Sheet and existing conditions. Ms. Caramia identified the location of proposed signs on P-5. The total square footage of the proposed signs is 49 sf. The Ikaria sign lettering was 4 ft. high and the proposed Mallinckrodt lettering is 2 ft. high. The Logo is proposed to be 5 ft. by 3 ft. 11 inches. Ms. Caramia said Mallinckrodt would comply with any and all conditions of the prior approval.

Mr. Kirkpatrick asked for questions from the Board/Public. Atty. Anderson asked Ms. Caramia if she was aware of Mr. Clerico's letter dated November 11, 2015 in which he indicated that one of the conditions of the 2013 approval had not been met. Ms. Caramia said she was aware of the letter. She did not know why Mr. Clerico had not received information required as a condition of the approving Resolution.

Atty. Mennen asked witness Ron Yando to come forward. He was sworn by Atty. Anderson. Mr. Yando said he is EM Signs Manager. He said EM Signs manufactures and installs signs. Mr. Yando has been in the sign manufacturing/installation business for 28 years. Atty. Mennen asked that the Board accept Mr. Yando's qualifications. Mr. Kirkpatrick interpreted Mr. Yando's qualifications and they were acceptable to the Board. Mr. Yando said he had reviewed the signage plans. He stated that EM Signs would install the signs. Mr. Yando was familiar with the existing signs.

He described the size, lettering and lighting of the proposed signs. He said the illuminated letters would have a plastic base, with perforated vinyl over acrylic. The Logo will also have an acrylic base with a translucent digital print. Mr. Yando said one sign would take up 1.81% of the building façade and one would utilize .99% of the façade. Those percentages are less than the existing signs. Mr. Yando said he had reviewed the Ordinance regarding maximum size of a wall-mounted sign. The maximum percentage allowed by Ordinance is 5%. The proposed signs will be illuminated internally. The signs comply with shielding requirements of the Ordinance. The signs will include a timer that will allow the signs to be turned on and off at certain times. Mr. Yando had reviewed the Ordinance governing internally illuminated signs. He had also reviewed and verified the lumens per square foot calculations depicted on the detailed Signage Plans. Mr. Yando said the signs conform to the Ordinance Standards in that they will not exceed 70 lumens as measured one foot away from the signs. The lumens are measured after installation. Monitoring of the lumens would be controlled by a dimmer switch. Disregard of the allowed 70 lumens would become an enforcement issue. Mr. Ford asked if lower output LEDs could be installed. Mr. Yando indicated it was possible.

Applicant agreed that the 2013 condition that the as-built, installed illumination of the signs will not exceed the Ordinance Standard of 70 lumens. Mr. Kirkpatrick asked Mr. Clerico to recite the conditions of the 2013 approval that were not met. Mr. Clerico said applicant was to ensure that illumination of the signs would comply with Ordinance Standards to the satisfaction of the Board Engineer and that applicant shall provide calculations regarding percentage of coverage of the building façade, also to the satisfaction of the Board Engineer.

Mr. Kirkpatrick asked for a motion. Mr. Eschbach made a motion to approve the amended minor site plan application, with the understanding that all of the conditions of the 2013 approval would apply and that illumination measurements be provided after installation of the signs and be subject to the satisfaction of the Board Engineer. Mr. Mazza seconded the motion.

Vote: Ayes: Mr. Eschbach, Mr. Mazza, Mr. Hirt, Mr. Walchuk, Mr. Nace, Mr. Ryland, Mr. Ford, Mr. Kirkpatrick

Correspondence: Mr. Kirkpatrick mentioned the proposed Archery Center at the Clinton Wildlife Management Area on Van Syckles Road, portion of Block 7, Lot 3.

Comments from the Public/Other Discussion:

Amendments to Land-Use Ordinance – No comments

Motion to Adjourn: Mr. Walchuk made a motion to adjourn. Mr. Ryland seconded the motion. (7:55 p.m.)

Vote: All Ayes, No Nays, Motion Carried

