

COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
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B U R G I S
A S S O C I A T E S , I N C .

MEMORANDUM

To: East Windsor Planning Board
From: Edward Snieckus, Jr, PP, LLA, ASLA
Subject: Aurobindo Pharma USA, Inc.
Preliminary, Final Major Site Plan- Phase II and 'c' variance application
Block 4, Lot 2
203 Windsor Center Drive
Date: July 8, 2021; **Updated October 29, 2021**
EW#: 18-003
BA#: 3758.09

INTRODUCTION

The applicant, Aurobindo Pharma USA, Inc., is seeking preliminary and final site plan and "c" variance approval by the Board for the construction of a new 170,100 square foot warehouse facility and related parking and loading areas on a currently undeveloped portion as a phase 2 development of a tract. The warehouse is a permitted use in the Research-Office (R-O) Zone district. The subject site, identified by Township tax records as Block 4, Lot 2, is located at 203 Windsor Center Drive and contains an area of 59.56 acres.

SUBMISSION INFORMATION

Our office is in receipt of the application items:

1. Application and related checklist items;
2. Site Plan set titled as "Phase II Preliminary and Final Site Plan for Aurobindo Pharma USA, Inc.," (20 sheets), prepared by Meh Consulting Engineers, Inc., signed by Mohammed El- Hawwat, New Jersey Professional Engineer, dated 8/3/2018;
3. Architectural Plan set titled as "Proposed Manufacturing/ Packaging Building for Aurobindo Pharma USA, Inc.," (2 sheets), prepared by 3D Architecture, signed by William J Doran AIA, New Jersey professional Architect, dated 5/22/2017;

4. Survey titled "Boundary and Topographic Survey for Lot 2 in Block 4, Lot 28 in Block 87, Lot 117 in Block 63 – Township of East Windsor and Lot 1 in Block 37.01-Township of West Windsor (4 sheets), prepared by Herbert G. McDonald Associates, Inc. dated latest revision date of 8/19/15.
5. Report on Traffic Impact Study for Aurobindo Pharma USA, Inc., Phase II, prepared by Harlyn Associates, dated March 8, 2018;
6. Report on Drainage for Aurobindo Pharma USA, Inc., prepared by Meh Consulting Engineers, Inc., dated 3/5/2018;
7. Existing Hydrographs Analysis Report for Aurobindo Pharma USA, Inc., prepared by Meh Consulting Engineers, Inc., dated 9/28/15;
8. Existing Detention Basin #1 Proposed Flow Analysis Report for Aurobindo Pharma USA, Inc., prepared by Meh Consulting Engineers, Inc., dated 3/5/18;
9. Existing Detention Basin #2 Proposed Flow Analysis Report for Aurobindo Pharma USA, Inc., prepared by Meh Consulting Engineers, Inc., dated 3/5/18;
10. Stormwater Management Facility Maintenance Manual for Aurobindo Pharma USA, Inc., prepared by Meh Consulting Engineers, Inc., dated 3/5/18;
11. Environmental Impact Assessment for Aurobindo Pharma USA, Inc., prepared by Meh Consulting Engineers, Inc., dated March 5, 2018;
12. Report on Subsurface Investigation and Soil Testing for Stormwater Management Systems for Meh Consulting Engineers, Inc, prepared by Sor Consulting Engineers Inc., dated 5/26/15;
13. Drainage Report prepared by Meh Consulting Engineers, Inc, dated 3/5/18;
14. Site photographs, (6 pages), dated 3/5/18.

PLANNING REVIEW

1. **Property Description.** The subject site is a slightly irregularly shaped lot, identified as Block 4, Lot 2, located at 203 Windsor Center Drive. The 2,594,380-square foot or 59.56-acre site has an existing structure as a part of Phase I development, located in the Northeast area of the tract. The area of proposed development is partially vegetated in several areas with trees as noted on the site survey. A wetland Letter of Interpretation is noted in Item #21 of the General Notes on the Title Sheet to have been obtained dated 9/24/14 although we have not received a copy. We recommend the applicant provide testimony to describe the location and extent of the wetlands on the property and if a permit is needed from the NJDEP as a result of the scope of this application. The tract is unique in that it can be classified as a corner lot with frontages on four sides consisting of Windsor Center Drive to the south and east, Old Trenton Road to the west (Mercer County Route 535), and Princeton-Hightstown Road to the north (Mercer County Route 571).

Surrounding uses of this tract include a commercial use to the north, commercial and residential uses to the east, vacant land and commercial to the south and commercial and residential uses (including the recent Windsor Point to the west. The site is located in the R-O zone, to the north and portions of the east and

south are included in the R-O Zone. To the southeast is the R-3 Zone and to the west on the opposite side is the R-M1 Zone.

The following is an enlarged zone map and aerial photograph as an overview of the subject site and the surroundings.

Figure 1- Zoning Map Enlargement

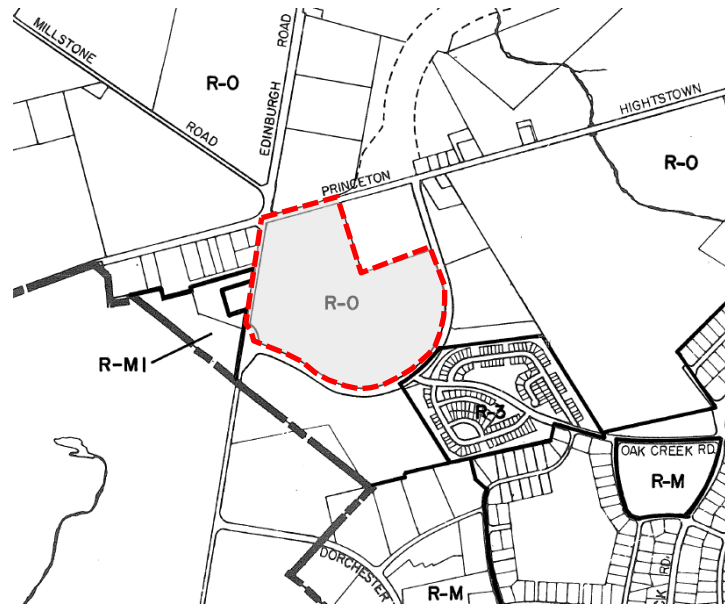


Figure 2- Aerial of Site and Surroundings



Source: Mercer County GIS myiDV webpage, February 5, 2021. Note: lots lines are depicted in green and are approximate.

Proposed Development. The proposed application is seeking to construct a proposed a new facility consisting of 170,100 square foot manufacturing- combination packaging space and 8,000 square feet of office space equating to a total floor area of 170,100 square feet. Access is proposed on Windsor Center Drive about 770 feet south of Princeton- Hightstown Road and via internal driveways and their existing drives on the tract constructed as part of Phase I. Additionally, the site plan proposes 202 parking spaces, creating a total of 928 spaces including the existing parking from the phase I development. The proposal includes lighting and landscape improvements and stormwater management facilities. The site following the construction proposed in phase 2 will contain a total of 3 stormwater basins.

Zoning Compliance. The proposed manufacturing- packaging space and office facility is a permitted principal use in the R-O Research and Office Zone District. The following table shows how the proposed improvements compare with the requirements of the R-O Zone.

Table 1: R-O District Bulk Standards

Area & Bulk Regulations	R-O	Phase 1-Existing	Phase 1 & Proposed Phase 2	Code
Minimum Tract Area (ac)	4	59.56	59.56	20-18.4 d.
Min. Lot Width (ft)	350	1,050	1,050	20-18.4 d.
Min. Front Yard (ft)				
-Route 571	175	395.0	395.0	20-18.4 a.1.
-Route 535	150	192.1	192.1	20-18.4 a.2.
-Windsor Center Dr.	100	154.0	154.0	20-18.4 a.3.
Min. Side Yard (ft)	50	199.6	90	20-18.4 d.
Min. Rear Yard (ft)	50	N/A	NA	20-18.4 d.
Min. Landscape Strip FY (ft)				
-Route 571: Princeton-Hightstown Rd.	175	175	175	20-18.4 a.1.
-Route 535: Old Trenton Rd (Edinburg Rd.)	100	100	100	20-18.4 a.2.
-Windsor Center Dr.	100*	+/- 20 (EV) Basin	+/- 20 (EV) basin, 110 to proposed improvements	20-18.4 a.3. 20-18.4 b.
Min. Side Yard Buffer	50	+/- 10-15 (EV) Basin	+/- 10-15 (EV) basin, 50 to proposed improvements	20-18.4 b.
Max. Building Coverage (%)	30	21.85	28.41	20-18.4 d.
Max. Improvement Coverage. (%)	65	38.92	51.77	20-18.4 d.
Max. Building Height/Stories: (ft/sty)	55/NA	55	55	20-18.4 d.
Max. Floor Area Ratio	0.30	0.233	0.299	20-18.4 d.

(V) Variance Required, (W) Waiver Required, (E) Existing non-conforming, (EV) Existing Variance granted, (N/A) Not applicable.

*In accordance with 20-18.4b. buffer shall be 100 feet where adjacent to residential zone.

1. **Variance and Waiver Requirements.** The following is a summary of the variance and design waiver relief required by the proposed application:

a. **Variations.** The following variations are required:

i. **Minimum Landscape Strip- Windsor Center Drive.** A variance was granted during phase 1 for the detention basin within the 100- ft landscape strip along Windsor Center Drive and the applicant proposes to add an additional basin for the new development in the required buffer. The applicant should provide testimony to describe the intended design of the basin including the grading and landscape treatment for the Board’s review and consideration of the impacts to the intent and purpose of this buffer standard.

- ii. **Signs.** The regulations under 20-5.16.8 c. permit “one facade sign for each single occupancy building within the developed parcel provided that it meets the provisions of Subsection 20-5.16.6a” the architectural elevations show two logo signs. A variance is required for two building mounted signs.
- b. **Waivers.** The following is a summary of the waivers required for the proposed application:
- i. **Exterior Site Lighting-Height.** A waiver is noted as required to permit the proposed site light fixtures at a height of 30 feet as noted on the Title Sheet although the Lighting Plan on sheet 12 identifies the proposed mounting height at 25 feet. The maximum height permitted is 25 feet to the centerline of the light source in accordance with section 19A.2.7 d.1.. This should be clarified by the applicant.
 - ii. **Exterior Site Lighting-Building Mounted.** A waiver is required to permit the proposed site light fixtures to be mounted to the buildings. Unless specifically approved as part of a submitted site plan development application by the planning board or zoning board of adjustment, as the case may be, no lighting shall be attached to the roof or exterior walls of a building in accordance with section 19A.2.7 b.1..
 - iii. **Parking.** The passenger vehicle parking rows double stripe hair pin arrangement whereas a single-line striping in between spaces is proposed. (22-9.2c.).
 - iv. **Evergreen Trees.** A waiver is required to permit evergreen trees measuring 6’-8’ in height to be planted in the buffer areas, whereas 8’-10’ height is required. (22-27.7.a.2, a.3, b.2 and b.3).
 - v. **Minimum Tree Size within Buffers.** A waiver is required to permit trees of 3”-3.5” in caliper, whereas 4”-4.5” in caliper is required. (22-27.9b.).

Site Plan Review. The following is our substantive site plan review of the proposal:

1. **Site Circulation and Loading.** The proposed site plan includes the addition of a new entrance drive from Windsor Center Drive and an interconnection to the internal drives of the existing phase 1 facility. This interconnection will connect circulation to the new entrance drive plus it should be noted this connection will provide access to the three other entrance and exit driveways of the overall property. The layout of the parking and loading areas are also interconnected providing circulation around the building.

The plan contains 20 new loading bays in the rear of the proposed building including a 75-foot-wide circulation area for maneuvering of the delivery vehicles. The proposed and existing loading bays on site will equate to a total of 40 loading bays between the two buildings. The applicant should provide testimony regarding why they need the amount proposed and testimony should describe the anticipated amount of shipping and receiving for the Boards review. The proposed loading bays will be connected and served by the new entrance drive and the connections to the phase 1 developed section of the property. This could have an impact on the other driveways of the facility, so the applicant should be prepared to provide testimony regarding the anticipated truck routes to and from the existing loading bays and those proposed. The applicant should indicate if there are any areas proposed for truck trailer staging or parking contemplated in the operations of the loading area.

The new entrance drive from Windsor Center Drive is configured so that it is roughly opposite from the Princeton Hightstown Road exit ramp on the eastern side of Windsor Center Drive. We offer this alignment seems close and may encourage vehicles exiting the site and cut across Windsor Center Drive to enter this ramp. We recommend further review of this entrance drive alignment with Windsor Center Drive and the adjacent ramp by the Board and the Board Engineer.

There are two trash compactor facilities located in the loading area in the rear of the proposed building. Testimony should be provided that identify if these compactors will also be for recycling of materials.

2. **Proposed Building and Location.** The proposed building will be 170,100 square feet with a maximum of 8,000 square feet of office space. The height is noted by a number of dimensions on the architectural elevations with the highest indicated as 38 feet 11 inches. The building is noted as 1 story with no identified mezzanine areas.

The architectural plans do not indicate the overall building material composition only to note an accent green band on the walls and what are depicted as painted tapered concrete or painted metal fins on the easterly façade. In addition, a 9-foot-wide louvered canopy is proposed over the windows along the front façade and a 4-foot-wide canopy is proposed over the loading docks in the rear of the building. The applicant will need to supplement the submission with additional architectural material and color exhibits for the Planning Boards review. In addition, renderings of the building from various viewpoints along the adjacent roadways should be provided to assist the Board in the review of the building and related buffering in consideration of the mass of the site proposal.

The applicant’s Architect should provide clarification of the proposed building mechanical systems and if all these systems will be roof mounted and if they will be sufficiently screened by the proposed building parapet walls as viewed from the adjacent roadways. Additionally, it should be provided if roof mounted solar arrays are being contemplated for the building roof and if the roof is intended to be constructed with materials to reduce heat gain in the building. Testimony should also clarify if the building is intended to be served by an emergency electrical generator.

3. **Parking.** The proposed parking includes the construction of 163 parking spaces plus they are reserving or land banking 39 spaces along the southerly side of the building for a total of 202 spaces. The parking requirement for the phase 2 building is as follows:

Table 2: Parking Calculation

Use	Amount	Standard	Spaces Required
Office	8,000 s.f.	1:200 s.f.	40
Warehouse/ manufacturing	162,100 s.f.	1:1000 s.f.	162
Total required	170,100 s.f.		202
Total proposed			163+39 land banked spaces= 202 spaces

The applicant should provide by testimony regarding the rationale used to arrive at the phased parking need and if the same is based upon their experience with the existing structure and operations on site. In addition, the mechanism to require the implementation of the proposed land banked parking should be reviewed. We note, the plans for landscaping and lighting do not identify the phasing of the landscape or lighting for this area. The Board should consider if these improvements in and around the phased parking should be initially installed or installed when the proposed parking is required to be constructed.

4. **Signs.** Three building mounted signs are shown on the architectural elevations as a logo on the east (front) and west (rear) elevation and a building number on the east near the building entrance. The logo signs will measure 5 feet by 10 feet while the building number is not dimensioned. Further, it is noted in the description of the sign identifies it as "all corners". This needs to be clarified if such a sign is proposed at all corners since it is not graphically depicted on the building. The regulations under 20-5.16.8 c. permit "*one facade sign for each single occupancy building within the developed parcel provided that it meets the provisions of Subsection 20-5.16.6a*". The two proposed signs will require variance relief from this section. Specifically, the applicant should identify why a sign is needed on the rear (westerly) façade of the building.

The application proposes a new (additional), freestanding monument sign at the proposed entrance along Windsor Center Drive. The regulations in the R-O Zone permit freestanding signs, requiring they "*be ground-mounted on a solid base with no visible poles, columns or other upright supports*". The proposal is for a ground mounted sign. Further the freestanding sign regulations state they "*shall not exceed eight feet in height and shall not be more than 100 square feet in size*". The proposed sign detail on sheet Y-16, is 8-foot-high by 12 foot 6 inches long equating to a conforming 100 square feet. There are an additional 3 existing identification signs on the property adjacent to the existing entrance drives. The ground mounted freestanding sign has no notification of proposed lighting of the sign. To clarify compliance, a detail of such a fixture should be included to ensure the fixture is properly shielded in accordance with applicable regulations.

The site plan does not indicate the installation of directional signs. The applicant should provide during testimony if wayfinding directional signs will be provided in consideration of the multiple site entrances and delivery and building entrances proposed.

5. **Existing Vegetation and Proposed Landscaping.** The area proposed for development is wooded, with middle- age to young trees, as well as a large clearing in a field and drainage basins spotted with saplings. The proposals landscape plan includes planting of the buffers, some landscaping around the outdoor areas, including parking and stormwater basin areas of the site. We defer compliance review of this plan to the Board Landscape Architect. The applicant should provide testimony regarding the adequacy and effectiveness of this plan in consideration of the proposed reduction in the landscape strip buffer for the stormwater basin and how it offsets the visual impact with adequate buffering of the proposed building and related improvements. It is recommended illustrations of the proposed landscaped conditions be provided for the Boards review.
6. **Site Lighting.** The proposal includes the use of LED outdoor lights for the proposed parking and loading areas, in addition to main building attached fixtures. The fixture mounting requires clarification since the

proposed lighting specifications provided on the Lighting Plan (sheet Y-12), note the height will be 25 feet whereas the Title Sheet notes a waiver from this requirement is requested. Additionally, a waiver for building mounted lighting is required, the fixtures will be located in the loading area and along several areas on the front of the building. Testimony should address the need for locating the fixtures on the building along the front of the site. Testimony should also identify if the lighting will be on dusk to dawn or will certain areas of the site be circuited to turn off after hours.

2. **Statutory Criteria.** The applicant is seeking variance relief pursuant to NJSA 40:55D-70(c)(1) and/or (2). The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test. These are identified as follows:
 - c. **Physical Features Test.** An applicant may be granted c(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
 - d. **Public Benefits Test.** An applicant may be granted c(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the Municipal Land Use Law; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.
 - e. **Negative criteria.** In addition to the above, the applicant must address the Negative Criteria of the statute. To meet the negative criteria, an applicant must demonstrate the variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the master plan and zoning ordinance.
4. **Recommendations for Resolution.** We offer the following should be noted as conditions should the Planning Board approve the application to be required in a developer's agreement, as determined to be applicable:
 - a. Fees as may be required to the Township's "Housing Trust Fund"
 - b. Fees as may be required to the Township's "Transportation Improvement Fund"
 - c. Fees as may be required to the Township's "Open Space Trust Fund";

ES/es