

BOROUGH OF TOTOWA P L A N N I N G B O A R D

PASSAIC COUNTY
NEW JERSEY



MINUTES – MARCH 13, 2014

Chairman Hennion called the Planning Board meeting of Thursday, March 13, 2014, to order at 8:05 p.m. in the Municipal Building of the Borough of Totowa.

PRESENT:

Mayor Coiro Commissioner Campilango Vice Chairman Coiro Commissioner Murphy
Commissioner Niland Councilman D'Angelo Commissioner Vickerilla Mike Cristaldi, PE
Richard Brigliadoro, ESQ

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 13th day of March 2014 is in accordance with the Schedule of Annual Notice, which is posted, and in accordance with Chapter 231 P.L. 1975 of the State of New Jersey. The agenda for this meeting has been prepared and distributed to the members of the Planning Board and a copy has been on file in the Construction Official's Office.

ITEM #1

Aerosmith Sheet Metal	Block 95 Lot 3	Minor Site Plan
14 Masklee Court		Certificate of Use

The applicant requested that this matter be carried to the next regular Planning Board meeting of March 27, 2014 on or about 8:00pm.

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to carry this matter to the next regular Planning Board meeting of March 27, 2014 on or about 8:00pm.

Seven agreed on a roll call vote.....7-0

A motion was offered by Campilango and seconded by Commissioner Niland to excuse Councilman D'Angelo from the next matter.

Six agreed on a roll call vote.....6-0

ITEM #2

LCD Mortgage, LLC	Block 174 Lot 12	Minor Site Plan
195 Route 46 West		Certificate of Use

Mr. Peter D'Angelo appeared requesting approval to occupy approximately 1,914 sq. ft. of space to continue to operate a mortgage company. The applicant is moving his existing business from 409 Minnisink Road.

Vice Chairman Coiro read a letter of intent into the record. The anticipated hours of operation are for 8:30 am to 5:30pm. There are 13 employees. There will be a sign on the pylon and on the door

A motion was offered by Campilango and seconded by Commissioner Niland to approve the application for occupancy as presented. This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

1. The construction of internal partitions, exits, entrances and fire safety devices are subject to and require the approval of the fire sub-code official, the fire inspector and the building inspector.
 2. The applicant will supply the Chief of Police with an emergency contact list and will also obtain the approval of the Police Chief in regards to all alarms and security devices.
 3. There will be no outside storage of equipment/materials.
 4. All State and Local licenses will be obtained and maintained.
 5. All signage will meet the Boro of Totowa sign Ordinance.
2. Six agreed on a roll call vote.....6-0

A motion was offered by Campilango and seconded by Commissioner Niland to readmit Councilman D'Angelo into the remainder of the meeting.

Six agreed on a roll call vote.....6-0

ITEM #3

Russo Acquisitions, LLC
999 Riverview Drive

Block 169.01 Lots 2 & 5
(carried)

Preliminary & Final Site Plan
Data Center

Mr. Christopher H. Minks, Esq. represented the Applicant. Mr. Bartels continued with his testimony before the Planning Board. Mr. Bartels reviewed with the Planning Board Exhibit A-2 entitled "Property Site Plan" dated March 13, 2014, Sheet A-1.2. Mr. Bartels confirmed that the driveway provides for right turns in and left turns in, but only right turns out. Furthermore, he indicated that the island has been changed. He also indicated that the Applicant proposed the removal of two parking spaces on the western end of the parking lot to facilitate access for fire and other emergency vehicles. It was also represented that the Totowa Borough Fire Official, Allen Del Vecchio, requested additional measures to be implemented for which the Applicant and the Fire Official would have a meeting to discuss. Mr. Bartels explained that in the interim, the Applicant was proposing that the driveway for 50 Madison Road, which extends through to Jackson Road, would have a sign for emergency access from Jackson Road to gain access through to 990 Riverview Drive. Mr. Bartels also testified in regard to fire access to the building. Mr. Bartels stated that the Fire Department never had access to the north side of 990 Riverview Drive. Previously, the Fire Department only had access through the side of the building adjacent to Riverview Drive and one-half of the western side of the building. He also confirmed that the building would have a sprinkler system installed for the entire building.

Mr. Bartels provided testimony in support of the granting of variance relief for building height at 43.92 feet. He referred the Board to Sheet A-2.1, entitled "Preliminary Ground Floor Plan". He stated that the equipment needs an area for cooling. The Applicant requires three feet of space in between the slab and the raised floor area. This area provides for chilled air. In addition, the Applicant needs space between the suspended ceiling tiles and the second floor slab in regard to the installation of fiber utilities to the cabinets. It was also represented that the proposed tenant, Cervalis, wants the flexibility to add the data center to the second floor if required. Mr. Bartels also testified that the granting of variance relief would provide a benefit to the public good by providing a data center with a disaster recovery element to it. In addition, he testified that ancillary "c" or bulk variance relief could be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance.

Also testifying on behalf of the Applicant was Michael Pembroke. Mr. Pembroke continued his testimony before the Board on March 13, 2014. Mr. Pembroke addressed the roof height. He stated that the lowest point of the roof is 40 feet, 6 inches. He indicated that the roof is a flat roof but with a two percent pitch. Mr. Pembroke testified that the parapet hides the pitch of the roof.

Mr. Pembroke also testified that this building is being specifically built as a data center. If that use discontinued, the building could not be converted for a flex-use building. In the event the building was discontinued as a data center/data recovery center, the building would have to be deconstructed. The Applicant is looking for flexibility because they want the building to still be viable as a data center top to bottom if the disaster recovery component is discontinued. Mr. Pembroke also stated that if they were unable to achieve that level of flexibility, it could be detrimental for the long-term use of the building. By way of contrast, he indicated that the building at 50 Madison Road can easily be converted back to flex-use space. In regard to the issue of the mechanical equipment located on the roof of the building, Mr. Pembroke referred the Board to Exhibit A-1, Sheet A-4.0 entitled "Site Sections" and specifically directed the Board's attention to the two dashed red lines indicating sight lines from 40 feet and from 44 feet.

Mr. Jack Mr. Zybur, P.E., a licensed professional engineer with particular expertise as an acoustical engineer. Mr. Zybur testified in regard to a report dated November 14, 2013 from Lewis S. Goodfriend & Associates. A total of five, 500 ton air-cooled chillers and ten, 50 ton rooftop units are proposed for installation at this site. In order to reduce the sound pressure levels from the rooftop equipment to meet the applicable noise regulations at the nearest residential property lines, the acoustical expert recommends installing a rooftop sound barrier that will surround the proposed equipment on the north, east and south sides. The barrier should have a minimum height the same as the top of the installed equipment cabinets, and should be placed no further than ten feet from the units. The barrier must be continuous between all sections of the barrier, and have no gaps between the bottom of the barrier and the floor of the equipment area. The modular metal panel system that includes an acoustically absorptive interior finish may be used. With the rooftop barrier installed, Mr. Zybur opined that the expected sound pressure levels due to total facility operations are expected to meet the limits of the NJDEP noise regulation at all neighboring property lines. He then addressed the issue of the emergency generators. The proposed emergency generators will each be housed in an acoustical enclosure and will be located on the southwest side of the facility. He then concluded that with the proposed rooftop barrier, and with the generator enclosures as specified in the Lewis S. Goodfriend & Associates report, the total sound pressure levels at the nearest property lines due to facility operations are expected to be below the applicable limits of the NJDEP noise regulation.

Mr. Matthew Seckler, P.E, a licensed engineer in the State of New Jersey with particular expertise in traffic matters then testified. Mr. Seckler is an employee of Stonefield Engineering and Design who prepared a traffic report dated September 6, 2013, and revised on December 20, 2013. Mr. Seckler represented that trip generation projections for the proposed data center were prepared utilizing the Institute of Transportation Engineers (ITE) Trip Generation Manual. Mr. Seckler testified that the proposed use is expected to generate 14 trips during the weekday morning and evening peak hours. Mr. Seckler also testified, in conformance with the Stonefield Traffic Report that based on the anticipated trip generation for this development, site generated trips would account for less than one percent of the total vehicles travelling along Riverview Drive during the weekday morning and evening peak hours. As such, the proposed development would not have a significant impact on the traffic operations of the adjacent roadway network.

Mr. Minks represented that the approval of this application would promote the general welfare. He indicated that this site is particularly suited for the proposed use because of its close proximity to the PSE&G substation. Furthermore, the site is adjacent to another data center site located at 50 Madison Road. Mr. Minks also indicated that the approval of this application would provide a valuable ratable to the Borough of Totowa. In addition, the proposed new building would provide a facelift to a building on Riverview Drive. Mr. Minks also reiterated that at this time, the Applicant seeks to place a data center on the first floor with a data recovery center on the second floor. The Applicant also seeks the flexibility to put a data center on the second floor if there is such a market demand. The Applicant also introduced Exhibit A-3 entitled "Building Section", sheet A-3.3a, dated March 13, 2014.

Mr. Pembroke also addressed the building height issue and indicated that the Applicant had to resolve a flooding condition on the site, which resulted in the Applicant having to raise the grade of the site and, as a result, the building height is a by-product. He also testified that they had to convince the proposed occupant, Cervalis, to live with the height at 43.92 feet. He testified that the building height is critical to the future use of the building. Therefore, he concluded under these circumstances, building height is a hardship.

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to open the public portion of the meeting.

Seven agreed on a roll call vote.....7-0

There were no members of the public present expressing an interest in this application.

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to close the public portion of the meeting.

Seven agreed on a roll call vote.....7-0

Planning Board members still had concerns regarding the height of the building and asked that a representative from Cervalis appear at the next meeting. The applicant agreed.

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to carry this matter to the next regular meeting of March 27th on or about 8:00pm.

Seven agreed on a roll call vote.....7-0

RESOLUTIONS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Vickerilla to approve the resolution for Hobby Lobby.-Blk 174-Lot 12 as presented.

Six agreed on a roll call vote.....6-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Vickerilla to approve the resolution for Heritage Restaurant Group of Totowa.-Blk 174-Lot 12 as presented.

Six agreed on a roll call vote.....6-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the resolution for Park Fragrance, LLC.-Blk 171.01-Lot 1 as presented.

Six agreed on a roll call vote.....6-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the resolution for Continental Home Loans, Inc.-Blk 42-Lot 1 as presented.

Six agreed on a roll call vote.....6-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the resolution for Apollo Flag-Blk 143.01-Lots 3 & 3.01 as presented.

Four agreed on a roll call vote.....4-0

VOUCHERS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve a series of vouchers for Weiner and Lesinak for the Professional services as listed below:

Invoice 168709 TOT-729L Charles Bressman & J&J Specialized in the amount of \$425.70

Invoice 168710 TOT-743E Russo Acquisitions in the amount of \$807.50

Invoice 168711 TOT-758E Hobby Lobby in the amount of \$123.50

Invoice 168712 TOT-759E Toys R Us in the amount of \$38.00

Seven agreed on a roll call vote.....7-0

There being no other business, a motion was offered by Commissioner Campilango and seconded by Commissioner Niland to adjourn the meeting.

All in favor.....7-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Planning Board Clerk

Date Approved