

BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF
ADJUSTMENT



MUNICIPAL BUILDING
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BOARD OF ADJUSTMENT MINUTES OF NOVEMBER 4, 2020

The November 4, 2020 meeting of the Borough of Totowa Board of Adjustment was held via Zoom. Chairman Fierro called the meeting to order at 7:02 p.m.; followed by the Flag Salute. Attorney Donald DeDio read the Open Public Meetings Act.

Attendance: Chairman Fierro, Vice Chariman Krautheim, Commissioners Patten, Bavazanno, Nash, Mancini, Carr, Alternate Masi and Henry, Attorney DeDio., Engineer Lemonowicz, Secretary Steinhilber.

A motion to accept the minutes of the October 14, 2020 meeting was made by Commissioner Bavazanno and seconded by Commissioner Patten. On a roll call vote all Commissioners present voted in the affirmative.

1ST CASE: DIGITAL TOTOWA, LLC
701-705 UNION BOULEVARD, BLOCK 173, LOT 17

The Application proposes modifications to the previously-approved site plan and seeks preliminary and final site plan approval to permit the construction of one data center building identified as Building B and all related site improvements as shown on the filed plans. Building B will be a maximum of two stories tall and will have the same building footprint (approximately 126,687 square feet) and building location as previously approved in the Totowa Planning Board Approval. The Applicant also seeks approval to construct the following site improvements: 116 surface parking spaces; stormwater management and utilities improvements; access driveways and interior drive aisles; fencing; equipment associated with Building B, equipment yards and yard walls; four approximately 30-foot tall utility poles; expansion of the previously-approved Substation to increase from two to three power feeds; guard shacks to control security of and access to the Property; emergency generators with associated equipment; and signage, lighting, landscaping and other improvements as depicted on the filed plans. The Applicant also seeks D use variance relief and "c" variance and/or design exception/waiver relief.

Board Attorney Mr. DeDio has reviewed the application and the public newspaper mailing and determined that the notice is in compliance with Municipal Land Use Law and the Board has jurisdiction to handle this application.

Attorney, Michael Miceli will be representing the applicant. In 2013 the application obtained approval from the planning board for a data center which would consist of two buildings and a substation. Now that substation has been constructed, we commenced construction and did a number of improvements on the site but then the project stalled in 2015. The application is here tonight asking for a change to that site plan relative to building B and that building B is the building in the back. That is the only building under consideration tonight. There has been plans with building A, in the front towards Union Blvd, but that is not the subject of this application, we are just doing changes to the site plan relating to building B. The applicant will need variance and design exception relief and to remove prior construction of approval.

Eric Scott, project architect, was sworn in by Mr. DeDio. The project is located at 701 Union Blvd and is oriented towards the back of the site, furthest from Union Blvd. It is adjacent to commercial properties and industrial area as well as some residential property in the corner. The Applicant is proposing a data center building with a small portion that is an office space. The exhibits being show tonight at entered A-1 through A-21. The building shown on Exhibit A-14 sheet A 001. This building is broken up into three larger data center portions, all of those data centers are one story structures and the lower rooms below those data centers are the electrical infrastructure rooms. The building requires a lot of power, which is why there is an on-site substation and all of these rooms basically bring the power into each of these rooms. On the right side of the plan there is a loading area, which is furthest away form the residential neighborhood. On the left side of the plan is a two-story office space, the first floor at the front has your main entry and reception area, open office seating area, and a smaller trades office area for people to support the main data center. The second floor of that office portion is a small office at the front and the remainder of the space is small storage area for the office space. There is also an exterior equipment yard which houses the equipment for the building. The office area faces the residential neighborhood, and that area utilizes even nicer materials.

The main structure is a precast concrete panel wall that has embellishments embossed into it as a design patter, the two-story office has two types of metal panel system and glass for windows. The height is the building is 34.27 feet above average grade to the top of the parapet. The mechanical equipment is stored on the roof and is between 41.52 feet and 45 feet. There is also one stair tower that goes up to the roof, which is just below 45 feet. The mechanical equipment in the equipment yard being the bulk of the mechanical systems for the building, we need to ensure that both the site and any noise coming off of this would be shielded and screened from the surrounding neighborhood. The building yard screen wall is the same height as the building and that was done to protect any sound trespass out of there as well as any visual obstructions to anywhere outside of this. There are two cooling towers on the left side with a guardrail at the top of that with a safety railing at 44.93 feet above the average grade. There are eight generators in the yard, which are 27.18 feet above average grade and fuel tanks that are 13.52 feet above average grade. There will

be 51 maximum occupancy during peak shifts, this is a 24/7 building operation and there are shift changes.

Mike Junghans, project engineer and project planner, was sworn in by Attorney DeDio. The site is actually in four zones. The B-3 zone which is along Route 46, I-3 zone which makes up the majority of the site where building B is proposed, I-1 zone and R-20 which is the subject of our "d" variance. The site is approx. 34 acres. On exhibit A-17, sheet C 1.01 is the aerial which shows the current conditions of the site with the substation on it that was constructed in 2014. They also got the pad graded for building B and installed the vast majority of the stormwater utilities throughout the site, including the construction of the detention basin. There were conduits that were installed underneath the berm out on Union Blvd and conduits ready to be strung to utility poles across the street to hook up to PSE&G. The applicant was originally approved for building B to be 147,753 square feet. That includes the footprint of the two-story office back in May of 2013. There was a subsequent submission of July of 2013 where the building size had been slightly adjusted smaller. It actually was within the footprint of the approved and there were other minor changes that were submitted and reviewed and were not considered required to go back to the board because they were within the previous approval. The building is essentially the same as what was previously proposed. The changes have to do with areas around the building. There was reconfiguration in the parking, which caused a slight reduction of the detention basin. There was a change in circulation and there was the addition of a guardhouse. Since the building work stopped and then restarted, PSE&G has actually changes their requirements for substations for loads as large as required for this data center. What they are requiring is a third source of power which is needed for building A in the future. This site is a four-zone site and each zone had its own F.A.R. requirement. For building B they are at .97 percent where about .36 is allowed and also expect building A will also be below so we comply with that mixed F.A.R. The application also complies with the height standard. There are two entryways and are both gated. Employees will have a card reader to get in and visitors will have to pull up to the gate and give their credentials to gain entrance. There is also a rejection lane if someone comes to the site in error or not allowed in the site. This site also proposes a sidewalk along the frontage of Union Blvd.

Building B has a proposed 116 parking spaces, which is sufficient for the overlap in shifts. The site has a full perimeter fence, which is an eight-foot ornamental fence. There is lighting following all the perimeter roads. The lights will have LED lights in compliance with the recently updated borough standard of 3,000 kelvin. The applicant is proposing additional plantings along that high canopy to fill in that and to give it lower story planting. This will allow for a nice screen to the residential neighborhood. There is no signage proposed as part of this application. There is an existing sewer line. There is a line that comes from Floyd Drive that services in the neighborhood here from Melissa Drive, extends through the site out to Union Blvd. That is the line that we would access for our discharge. This facility is a 24/7 facility. All solid waste will be handled on the loading dock and recyclables. There is actually a compact, sealed compacter proposed with a shoot off of the loading dock. Most of the trees have been cleared on the site. The only trees that have not been cleared, because this was not part of the previous application, was the addition of this telecommunications line that's going to have to take out 61 trees, but we

will replant a hundred trees in this location to offset that requirements. As far as the sound, we have two levels that we need to meet as far as the state is concerned. It is 65db during the day and then 50db during the evening hours at the property line. The acoustical study that was done states the daytime will be 50 db with a 45db sound level at the property line.

Mr. Junghans will go through the zoning analysis for this site in terms of the variances and design exception relief that is requires. We need a D-1 variance for the utility pole that is going to be along Riverview. The proximity of that pole was set based on being able to run a line across the street to the existing utility poles on the other side. This application will promote desirable visual through creative design to gain we are well below our standards, there is a lot of open space. The vast majority of what we are proposing is in the industrial zone. It's only the one pole that is not in the industrial zone. This application promotes general welfare by critical improvements to decaying infrastructure. As far as the negative criteria, we feel this is the best use that this could be for the I zone being a data center which is a high-end use of low impact and is well buffered and landscaped. There is no sound or lighting goods from the facility as testified to earlier. And the utility poles will be buffered by ornamental fence to help them blend in and we are proposing significant additional landscaping to help that also. This application provides adequate air, light, and open space considering that we comply with our coverage requirements. This is an odd, shaped lot, which gives us hardships, the utility pole being one of them. It was made even more of an issue by realignment by the DOT. The lot is unique that it's split into four zones. There is also a significant amount of wetlands on the east side of the site and also wetlands in the flag, which also encumbered the site. Because this is a data center, the 24/7 hours does not impact the adjacent properties, the variance is needed because a small portion of the property is in the B-3 zone. We are treating it as a bulk variance as opposed to a "D". We did notice for the "D" just in case the board disagreed with us, but we think it is either a "C" or it does not even apply to this site and would ask the board to consider that should this board approve this application, make that clear side of the fence the board has fallen on that. There was an exception for a screening of off-street parking. It was noted that our screening for our parking area was actually that fence that we mentioned earlier, but it should be noted there is also a hundred-foot buffer before that. So even though the fence does not meet the standard for screening, we think that combined with the hundred-foot buffer more than meets the standard even though technically it is considered a waiver. We are providing trees, but there was a request that they be on the property line. We are actually providing trees on top of our berm, which is actually going to be more aesthetically pleasing but does not meet the standard. Other design exceptions is the driveway width, which we discussed earlier. Our fence, as we noted, is an ornamental fence that surrounds the perimeter of the site. It is eight feet in height in a B-3, where six feet is required. The yard wall, does not create any visual issues, is eight feet tall, by providing it to be the same height of the building, we provide that visual and acoustical barrier to the neighbors. The height of the utility poles are proposed in the B-3 zone, where 24 feet is allowed and we are proposing 30 feet. The retaining wall is needed so the basin can function the way it was proposed. It would be a detriment to the stormwater.

Board Engineer Ms. Green clarifies her report. In the Borough of Totowa the definition of a *fence* does not include walls, so you do not need waivers for the screen wall or the

detention basin walls. In my review waiver there were several waivers and exemptions listed. Eliminating design waiver 1, 6, 7, 8, and 9. So they are reducing the number of waivers that are necessary for the application, which I think is a very positive point. They have agreed to make revisions to the plans that would address my comments number 14, 36, 37, 40, 43 through 47, 49, 50, and 51. And the only other thing that I would note as a point of clarification is, and Mr. Junghans did touch on this, the tree removal plan that they submitted as part of the exhibits which was new, we did not have that previously, does require a hundred replacement plants. They currently have 54 on site that count towards that. So, a condition of any potential approval would be figuring out how they get to the total of hundred and they have plenty of space to do it.

At this time the meeting is open to the public.

Mr. Bruce Stonebridge, 711 Riverview Drive. Mr. Stonebridge questions the R-20 pole that they are going to put in and the underlying line. Why can't that underlying line be placed on the other side of that narrow piece of property against the industrial area rather than disturbing all the properties along that side that we just proposed. Mr. Junghans responds: If you look at the map, we have this inner line here, which is a wetland and outer line here is the wetland buffer. We have had those recently verified. We are keeping that underground line within the buffer. Putting it within the wetland is not something would obviously impact the wetland, so we are trying to keep that out of those wetlands and run it out to Riverview Drive. Mr. Stonebridge asked what they are doing about the water overflow from that area? It overflows back over like a small waterfall over Riverview Drive and that sewer at the end there on the county road comes several times and it is not functional, and they can not fix it apparently. And what proposals do you have to control the water when heavy rains come and how will you disturb it in doing this? Mr. Junghans responds: After the trench is in, we are going to restore to what it is today, I am willing to come and take a look at the back up and see a potential solution. Mr. Stonebridge asked about the fence at the end of the I-20 and what it will be like. Mr. Junghans explains it is just a square fence that just goes around the pole, it is not a complete fence, just there to protect the pole.

Ms. Elsa Stonebridge, 711 Riverview Drive. Ms. Stonebridge would like to know how close the driveway is. Mr. Junghans states it will not block the vision going out of there driveway.

Mr. Nick Macaluso, 10 Melissa Drive. Mr. Macaluso's back of his house backs up to the retaining wall or the area that holds the water. I see that the back of the data center has a second story office and I understand that you are putting in trees along basically where my back yard is, I was just wondering if you guys are going to put more high canopy trees in there to block. Mr. Junghans states after we do the initial tree clearing, you are left over with a bunch of high canopy trees out there, so the thought is to add lower trees in here to fill in that area. And based on tonight we need to add a few more to get up to a hundred. So, we are going to be putting them right at the edge of that tree canopy to help fill it in to block that view from the houses on Melissa. Mr. Macaluso would also like to know about the noise. Mr. Junghans states the if testing does need to occur; it will occur during the

daytime hours. The acoustical report's available for review, that the screen wall provides an effective acoustical screening from the neighborhood.

Mr. Manny Murano, 10 Floyd Drive. Mr. Murano has Judy Pascarella and Sandy Kasabar with him. Mr. Murano's first concern is the amount of tree removal that's going to occur along the entire left of the flag that you're talking about and the concern here is the area of the potential flooding. We already have a high-water table and you're eliminating 61 very aged old trees that suck up a lot of water and now you're going to plant some young trees and I thought you were going to provide a table of the type of trees. I see you got the legend on the right that indicates it's going to be pine, but pines do not work out too well in this area. And you are also supposed to put the diameter and the height. The second concern, and then I'll hear rebuttal, is the asphalt drainage ditch that you're going to go right through with your underground conduit. There are two drain lines along the back properties for runoff water and it looks like that trench is going to go right through them. And I do not see any details relative to the depth of your trench; how much top is going to be used below and on top of it and how much topsoil is going to be left after you trenched for these trees to root, because they all haven't got a good history on putting new plantings in that area and having them survive over time. Mr. Junghans states there will be a concrete encased conduit. It will actually go underneath those pipes you are talking about. We are well aware of those pipes in that alignment and we will restore the top, we'll actually provide probably a better topsoil cover than is there now and we will be required to warranty these trees and will monitor them to make sure that they survive. If there is recommendations from the planner on different tree substitutions to get this to work, I am more than happy to take a look at that. We are trying to do the right thing by adding more trees than needed. I can't put back a 24-inch caliber, but I can put a decent size placement back in with that higher number to try to offset that issue. Mr. Murano would like to know the timing on starting the trenching. Mr. Junghans states as soon as approval is granted, because we are putting that trench through those wetland buffers, we have to go through the process of getting a DEP permit to install that. We can not move forward until the NJDEP approves.

Judy Pascarella, 2 Floyd Drive. One of your survey sticks is right on a large oak tree in my backyard which is quite tall, so its root system has got to be very extensive. If that tree is disturbed, I do not expect it will last and will topple on my house. Mr. Junghans states he will look at the tree removal plan to see if that tree is part of the removal, if not we can meet with you and take a look at it with the contractor and make sure that we take that into consideration when we do our removals.

Mr. Murano states he sees some trees with green marks on them, does that indicate the trees that are going to be removed or is that just some other indication. Mr. Junghans states he is not sure how the contractor marked them, if you forward him your addresses, he can get back to you to discuss. Mr. Murano also questions, there was a couple of references to your acoustics analysis relative to the ambient sound levels that we're hearing in our neighborhood and I think you came up with a number about 54 decibels that was taken on the very upper northeast part of the building, building A, which is kind of the most aggressive place to take it. I am wondering if you did any acoustical measurements that

same night along our property line to determine what that 54, 53 decibel reading is relative to where we are near Floyd Drive. Mr. Miceli states he did not take a reading along your property line. Mr. Murano asked if it can be done. Mr. Miceli states absolutely. The test will be a condition of approval that the Applicant will have to supply.

At this time the public portion of the meeting is closed.

A motion was made by Commissioner Patten to approve this application and seconded by Commissioner Bavazanno. Application was passed 7-0 at 9:11 P.M.

RESOLUTION TO MEMORIALIZE:

1ST CASE: 294 UNION BLVD
294 UNION BLVD, BLOCK 106, LOT 6

Application was approved to reconfigure and enlarge the existing structure which will contain 2,234 square feet or rental area, spread amongst three tenant spaces on the first floor, with three one-bedroom apartments, one being located in the rear on the first floor level and two on the second floor.

A motion to adjourn the meeting was made by Commissioner Nash and seconded by Commissioner Mancini. The meeting was adjourned at 9:15 P.M.

Respectfully submitted,
Pam Steinhilber, Secretary