

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – JULY 14, 2022

Chairman Hennion called the Planning Board meeting of Thursday, July 14, 2022, to order at 7:30 p.m. for the Borough of Totowa.

PRESENT:

Commission Niland	Commissioner Sabatino	Commissioner Campilango	Commissioner Zarek
Mayor Coiro	Chairman Hennion	Councilman D'Angelo	Richard Briigliodoro, ESQ
Mike Cristaldi, PE			

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 14th day of July 2022 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, posted on the Borough's website and a copy has been on file in the Construction Official's Office. The Planning Board Agenda has also been posted on the entrance doors to the Municipal Building including the entranceway for handicapped individuals.

ITEM #1

Hello Fresh 8 Vreeland Ave	Block 158 – Lot 4 <i>(carried to 8/11)</i>	Amended Preliminary & Final Site Plan with waiver/exceptions
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Planning Board Attorney, Rich Briigliodoro indicated that he was in contact with the Attorney for the applicant requesting that the application be carried to August 11, 2022. Mr. Briigliodoro also indicated that the applicant must provide legal notice to the public.

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to carry this matter to the Planning Board meeting of August 11, 2022. The applicant must notice to the public.
Seven agreed to a roll call vote... 7-0

ITEM #2

Louise Meadows 45 Norwood Terrace	Block 122 – Lot 13 <i>(carried to 8/11)</i>	Appeal of decision – denial of permits Improvements in a Flood Hazare area
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Planning Board Attorney, Rich Briigliodoro indicated that he has been in communication with the Attorney for the applicant and additional information has been provided to the Building Code Official, therefore the applicant is requesting that this matter be carried to August 11, 2022.

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to carry this matter to the Planning Board meeting of August 11, 2022.
Seven agreed to a roll call vote... 7-0

ITEM #3

Johnson Fire Controls Protection
45-G Commerce Way

Block 166.03 – Lot 8

Minor Site Plan Approval
Certificate of Occupancy

Paul Giordano appeared requesting approval for the occupancy of approximately 8,160 sq. ft. of space for general warehouse, distribution, and general office purposes. The anticipated hours of operation are primarily 6:00 a.m. to 6:00 p.m. Monday through Friday. However, when business demands dictate that the business be open on the weekend, the Applicant intends to be open and use its normal weekday schedule.

Mr. Giordano represented that the warehouse and distribution would involve items including, but not limited to, sprinkler pipes and electronic parts. Mr. Giordano also represented that the Applicant would only make cosmetic improvements to the interior of the premises inclusive of painting.

Mr. Giordano explained that there will be approximately 1-2 employees on-site on a day-to-day basis. In addition, approximately 70 field staff work out of the facility but only come to the facility periodically and temporarily to pick up supplies and to attend to administrative duties. It was also represented to the Board that the Applicant has the use of twenty unassigned parking spaces on the site. Mr. Giordano also represented that there would be no outside storage of equipment or materials.

Mr. Giordano represented those deliveries are via UPS and Fed Ex vans or small trucks and related delivery vehicles. Regarding signage, the Applicant is proposing two door signs. The front door sign measures 16 inches by 7 inches and the rear door sign measures 24 inches by 12 inches. In addition, the Applicant's name has been added to the existing monument sign at the property.

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to approve the site plan 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 pertaining to all alarms and security devices.
3. There will be no outside storage of equipment or materials on the premises.
4. The Applicant will be installing two door signs. The front door sign measures 16 inches by 7 inches and the rear door sign measures 24 inches by 12 inches. The Applicant is also permitted to add a sign in the space provided on the existing monument sign on the property. Any signage to be installed in the window shall not exceed 20% of the glass window area. The signage shall be installed in accordance with the plans submitted and approved by the Planning Board.

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

ITEM #4

Prestige Pain Centers
547 Union Blvd.

Block 145 – Lot 12

Minor Site Plan Approval
Certificate of Occupancy

Inderbir Johal, M.D appeared requesting approval for occupancy of approximately 1,400 sq. ft. of space to operate a medical practice. The practice includes but is not limited to, Anesthesiology, Interventional Pain Medicine, Orthopedics Joints, Orthopedic Spine Surgeon, Physical Medicine and Rehabilitation, Podiatric, General Medicine.

The anticipated hours of operation are Monday through Saturday from 9:00 a.m. to 5:00 p.m. However, the hours of operation and days of the week may be expanded due to patient's work schedule and or medical needs. There will be one doctor in addition to one to three other support staff in the office.

The medical office has been assigned one allocated parking space. Regarding signage, the Applicant has installed a sign in the box sign affixed to the front façade of the building.

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to approve the site plan for occupancy and design waiver for signage 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 pertaining to all alarms and security devices.
3. The Applicant has installed a sign in the box sign affixed to the front façade of the building.
4. There will be no outside storage of equipment or materials on the premises.

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

ITEM #5

Halloween City
545 Route 46

Block 170 – Lot 3

Minor Site Plan Approval
Certificate of Occupancy

Caitlyn Gomes appeared requesting occupancy of approximately 45,125 sq. ft. of office space for the retail sale of Halloween costumes, masks, wigs, Halloween makeup and accessories, decorations, Halloween party goods, Halloween yard and home decorations and other Halloween items that are being sold in the tenant's other stores. The business will operate under the trade name "Halloween City". Ms. Gomes testified that the tenancy is temporary in nature. The Applicant will utilize freestanding self-supporting fixtures to hold and display Halloween merchandise.

Ms. Gomes testified that the anticipated hours of operation will be 10:00 a.m. to 9:00 p.m. 7 days per week. It is anticipated that there will a total of approximately ten employees on-site. The Applicant will commence setting up the store on or about August 15, 2022. Ms. Gomes also represented that the last day of sales would occur on November 6, 2022, and the tenant will vacate the premises on or about November 15, 2022. Regarding signage, the Applicant proposes to affix a temporary banner on the building façade above the front entrance to the store. The banner measures approximately 4 feet by 22 feet in area. Ms. Gomes testified that the temporary banner is smaller in size than the previous Marshall's sign. Ms. Gomes also stipulated that there would be no outdoor storage of merchandise.

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to approve the site plan 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 pertaining to all alarms and security devices.
3. The applicant intends to install a temporary banner not to exceed 4 feet by 22 feet in area. At the conclusion of the tenant's occupancy of the premises on or about November 15, 2022, any signage or banner shall be removed.
4. Occupancy of the space is temporary in nature with the Applicant setting up the store on or about August 15, 2022, completing last day of sales on or about November 6, 2022, and vacating the premises on or about November 15, 2022 in accordance with the lease with the landlord of the premises.
5. There will be no outside storage of equipment or materials on the premises.

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

ITEM #6

Totowa Med. Urban Renewal, LLC Block 154 – Lot 19.07
Totowa Livia Propco Urban Renewal, LLC
205-225 Minnisink Road

Preliminary and Final Major
Subdivision Approval

Lisa A. John-Basta, Esq. of the law firm Chiesa, Shahinian and Giantomasi, PC, attorney for the applicant appeared requesting preliminary and final major subdivision approval for property known and designated as Block 154, Lot 19.07.

Testifying on behalf of the Applicants was Anthony Gallerano, P.E., P.P., (Harbor Consultants, Inc.), a Licensed Professional Engineer and Land Use Planner in the State of New Jersey. Mr. Gallerano was qualified as an expert witness in the field of civil engineering.

Mr. Gallerano introduced into evidence Exhibit A-1 which was characterized as Highlighted Version of the Subdivision Plans submitted to the Planning Board and dated May 2, 2022. Mr. Gallerano testified that the nature of the application is to subdivide Lot 19.07 in Tax Block 154, which currently measures 35.82 +/-acres in area into five (5) lots. Proposed Lot 19.08 will measure 13.311 +/-acres in area, which lot will contain an existing medical office building. Proposed Lot 19.09 will measure 1.130 +/-acres in area and will contain an existing private roadway (Roadway A). Proposed Lot 19.10 will measure 17.583 +/-acres in area and is being created for future development. Proposed Lot 19.11 will measure 0.905 +/-acres in area and will contain an existing private roadway (Roadway B). Proposed Lot 19.12 will measure 2.892 +/-acres in area.

Mr. Gallerano represented that of the five lots, two lots are characterized as being buildable lots that being Lot 19.08 (existing medical office building lot) and Lot 19.10. The three remainder lots are characterized as being non-buildable. The three non-buildable lots contain Roadway A and B as well as one additional parcel of land identified as Proposed Lot 19.12.

Mr. Gallerano testified that it is anticipated that the two roadway parcels would be managed by a separate entity.

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

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

No Public to be heard

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

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to approve the preliminary and final major subdivision 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 Applicant will comply with the requirements of the Redevelopment Agreement dated June 15, 2017 and any subsequent amendments thereto or any amendments required by the Governing Body of the Borough of Totowa.
2. The Applicant will comply with the North Jersey Development Center (NJDC) Redevelopment Plan and amendments thereto inclusive of Section 3.6.2.
3. The Applicant will obtain Passaic County Planning Board approval, if required.

4. All terms and conditions of the Board's prior Resolutions shall remain in full force and effect except as satisfied or amended and not in conflict with this approval.

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

ITEM #7

Minnisink Road Urban Renewal, LLC
205-225 Minnisink Road

Block 154 – Lot 19.07

Preliminary & Final Site Plan
Variance relief construction of
a data center

Lisa A. John-Basta, Esq. of the Law Firm Chiesa, Shahinian and Giantomasi, P.C. requesting preliminary and final major site plan approval with "c" variance to construct a data center and related site improvements.

The following Exhibits were also introduced into evidence during the hearing process:

1. Exhibit A-1 Overall Development Plan Rendering prepared by Dynamic Engineering dated July 14, 2022.
2. Exhibit A-2 Site Plan Rendering prepared by Dynamic Engineering dated July 14, 2022.
4. Exhibit A-3 Sample Building Rendering prepared by Corgan.

On July 14, 2022 and prior to this application being heard, the Board granted preliminary and final major subdivision approval wherein property known and designated as Block 154, Lot 19.07 was subdivided into five lots.

The data center is proposed to measure 17.583 +/- acres in area and will be designated as Proposed Lot 19.10 as a result of the granting of preliminary and final major subdivision approval in the preceding application. The Board notes that the proposed data center will largely be located in the same area of the site as the previously approved assisted living facility was to be located. The Board understands that the proposed data center will now be constructed in place of the previously approved assisted living facility.

Robert Freud, P.E., a licensed Professional Engineer, and Planner testified regarding Exhibit A-2 identified as a Site Plan Rendering. Mr. Freud stated that there will be no access to the data center from Roadway A. Access to the Data center will be via two driveways off of Roadway B. Mr. Freud testified that the data center will be two stories. The data center is proposed to have approximately 46,000 square feet of office space. The office space will be located in the southwestern end of the building and adjacent to the parking area.

Mr. Freud testified that the building height will conform to the Redevelopment Plan requirements which is a maximum height of 50 feet and the Applicant is permitted to locate mechanical equipment on the roof as long as it does not occupy more than 25% of the roof area or extend more than 5 feet above the maximum height limit for the zone. Mr. Freud represented that the maximum height would not exceed 55 feet, inclusive of mechanical equipment which conforms to the Ordinance requirements.

Mr. Freud indicated the Applicant proposes to install ninety-five parking spaces. There will be four handicap parking spaces and four EVSE (Electric Vehicle Supply/Service Equipment) charging stations that will serve as eight parking spaces. Mr. Freud represented that it is anticipated that at peak occupancy there will be approximately thirty-five employees on-site. The data center operates 24 hours a day, 7 days per week.

Mr. Freud represented that the proposed development of the site as a data center would generate significantly less traffic than that which was previously approved for the assisted living facility.

Mr. Freud reviewed with the Planning Board commercial vehicle and truck access to the site which would be along the rear gated entrance. Mr. Freud also explained that there is a “Hammerhead” circulation area at the end of the access which will permit trucks to turn around in order to exit the site. He also indicated that the “Hammerhead” circulation area was designed to accommodate the Borough of Totowa fire trucks.

Mr. Freud next testified regarding the emergency generators on-site. Each emergency generator has a belly tank for fuel storage. The belly tank is connected to the generator and is located above ground. Mr. Freud also testified that the nearest residence is approximately 450 feet away from the emergency generators and the data center building is located between the emergency generators and the nearest residential homes in the area.

Mr. Freud explained the Applicant requires variance relief to install a fence 8 feet in height whereas a height of 4 feet is permitted in the front yard and a height of 6 feet is permitted in the side and rear yards. Secondly, the Applicant requires variance relief to install an 8-foot-high chain link fence around the proposed electrical substation because chain link fences are not permitted under the Redevelopment Plan. Mr. Freud represented that purpose 2(a) would be advanced which is to promote public safety. The 8-foot-high fence is necessary for security and safety. Furthermore, 2(i) would be advanced which is to provide a desirable visual environment. The use of the fence would improve the aesthetics and would result in minimal visibility of the public to view the area inside the fence.

Mr. Freud testified that the Applicant would be providing shade trees, ornamental trees, and evergreen shrubs. In addition, he represented that the NJDC Redevelopment Plan requires 10% landscaping in the parking lot area and the Applicant greatly exceeds the minimum by providing 24% landscaping in the parking lot. Mr. Freud next addressed lighting. He stated that the Applicant is proposing pole mounted lights at 24 feet in height. He stated illumination will be one-half foot candle in the parking lot. Further, lighting fixtures will be installed with shields with a downward focus such that there will be no spillover lighting onto an adjoining lot.

Mr. Freud next reviewed stormwater management. Mr. Freud represented that since the time that the Board approved the assisted living facility, the New Jersey Department of Environmental Protection (NJDEP) instituted new Stormwater Management Regulations that require green infrastructure. As a result, the stormwater management system has been upgraded from that which was previously approved as part of the assisted living facility application. The Applicant is proposing five bioretention basins throughout the site. One bioretention basin will be located near the entrance to Roadway B off Minnisink Road. The remainder of the basins are located in the rear of the site. The basins in the rear of the site will collect stormwater, detain it, and discharge it to the stream to the rear of the site. Mr. Freud also testified that an applicant must demonstrate that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2, 10 and 100-year storm events. Mr. Freud testified that in regard to a 2-year storm event, 10-year storm event and 100-year storm event, the Applicant would comply with all regulatory requirements.

Next, Mr. Freud addressed the use of generators and the electrical substation on the site. Mr. Freud represented that there will be thirty emergency generators on-site. Each generator has a belly fuel tank containing approximately 9,000 gallons of fuel. The tanks are double walled. Thus, the tanks are equipped with secondary containment leak detection in the space between the two walls of the tank. Mr. Freud also testified that the emergency generators would only come online with a disruption of power. However, each generator is tested approximately one time per month for approximately 30 minutes and the testing will occur during normal business hours of approximately 9 a.m. to 5 p.m.

The next witness to testify was Mr. Andrew Taylor who was qualified as an expert witness in the field of Architecture. Mr. Taylor reviewed with the Board Exhibit A-3, which was characterized as a sample building rendering from a recent data center building that was constructed. Mr. Taylor reviewed various types of architectural features that may be utilized to break up the design of the building. Mr. Taylor reviewed the interior of the building. He stated that the interior of the building consists of offices and data halls. He further testified that the building as designed complies with the Redevelopment Plan.

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

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

Mr. Eric Lanter, Esq., an attorney representing Debra and Joseph D'Agostino had questions regarding stormwater management. Mr. Freud testified that the stormwater basins are generally constructed early in the process of the development of the site and in accordance with Hudson, Essex, Passaic Soil Conservation District Requirements. Mr. Freud represented that the stormwater management system has been designed to meet the current NJDEP Regulations. Mr. Freud also testified that the stormwater would drain both to the bioretention basin near Roadway B in the vicinity of Minnisink Road while the remainder of the stormwater will flow to the bioretention basins in the rear of the property. He stated that the Applicant will reduce the peak rates of stormwater which would lessen the peak flow to the tributary located to the rear of the site.

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

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to approve preliminary and final major site plan approval with "c" variance to construct a data center and related site improvements 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 Applicant will comply with all relevant terms and conditions set forth in the Board Engineer's Review Report prepared by Michael Cristaldi, P.E., dated July 11, 2022.
2. Planning Board Engineer's final review and approval of the applicant's stormwater management plans and calculations.
3. Borough of Totowa Fire Chief's review and approval of fire truck access to the site and internal circulation for safe and efficient movement of fire trucks and other emergency vehicles.
4. Applicant must obtain Hudson/Essex/Passaic Soil Conservation District approval, if required.
5. Applicant must obtain New Jersey Department of Environmental Protection approval, if required.
6. Applicant must obtain Passaic County Planning Board approval, if required.
7. Applicant must obtain New Jersey Department of Transportation approval, if required.
8. Applicant will comply with North Jersey Development Center (NJDC) Redevelopment Plan and amendments thereto inclusive of Section 3.6.2.
9. Applicant will enter into a Developers Agreement or amending the existing Developers Agreement with the Borough of Totowa, if required by the governing body. Applicant agreeing to open and maintain an escrow account with the Borough of Totowa and to keep the account current with sufficient funds for inspection and review fees.
10. Applicant agrees to open and maintain an escrow account with the Borough of Totowa and to keep the account current with sufficient funds for inspection and review fees.
11. All terms and conditions of the Planning Board's previous Resolutions remain in full force and effect except as satisfied or amended and not in conflict with this approval.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the Planning Board Minutes of June 23, 2022, as presented.

Five agreed to a roll call vote... 5-0
Commissioners Zarek & Sabatino abstained

RESOLUTIONS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the resolution for Best Choice Dental, Block 103 – Lot 10.5 as prepared.

Five agreed to a roll call vote... 5-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the resolution for AAA Advanced Plumbing, Block 143.01 – Lot 4 as prepared.

Five agreed to a roll call vote... 5-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Niland to approve the resolution for Trinity Group, LLC, Block 37 – Lot 19 as prepared.

Five agreed to a roll call vote... 5-0

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
Board Clerk

Date Approved