

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

PASSAIC COUNTY
NEW JERSEY



MINUTES – MARCH 27, 2014

Chairman Hennion called the Planning Board meeting of Thursday, March 27, 2014, to order at 8:00 p.m. in the Municipal Building of the Borough of Totowa.

PRESENT:

Mayor Coiro	Commissioner Campilango	Vice Chairman Coiro	Commissioner Murphy
Commissioner Festa	Councilman D'Angelo	Chairman Hennion	Mike Cristaldi, PE
Richard Briigliodoro, ESQ		Gary Tomasella, ESQ	

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 27th 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

465 Trading, LLC	Block 174 Lot 1	Minor Site Plan/Amended Site Plan
465 Route 46 West		Certificate of Use/Exterior Alterations

Chairman Hennion read a letter from the applicant requesting that this matter be carried to the next regular Planning Board meeting of April 10, 2014 on or about 8:00pm.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to carry this matter to the next regular Planning Board meeting of April 10, 2014 on or about 8:00pm.

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

ITEM #2

Russo Acquisitions, LLC	Block 169.01 Lots 2 & 5	Preliminary & Final Site Plan
999 Riverview Drive	(carried)	Data Center

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to excuse Planning Board attorney, Rich Briigliodoro from this matter due to a conflict of interest and admit Board of Adjustment attorney, Gary Tomasella.

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

Christopher H. Minks, Esq. represented the Applicant at this hearing. Minks opened the hearing by outlining the two issues to be addressed: 1) the height variance under Ordinance Section 415-121, Maximum Building Height, where the maximum building height permitted is 40 feet and the Applicant proposes a building height of 43 feet, 8 inches; and 2) Fire Department access to the building.

Mr. Bartels continued his testimony before the Planning Board. Mr. Bartels confirmed that he met with the Borough Fire Officials on two occasions since the last hearing (March 13, 2014). Mr. Bartels reviewed with the Planning Board Exhibit A-4 (Sheet A1.2), a new Property Site Plan dated March 27, 2014. Mr. Bartels pointed out that while the original Site Plan proposed six emergency generators, the new Site Plan proposes four generators. Mr. Bartels stated that the elimination of the two most westerly generators opens the fire access to the backside of the building while also allowing additional access to the roof of the building. Mr. Bartels concluded his testimony by citing the other changes contained in the new Site Plan (Exhibit A-4), including the new proposed fire hydrant, the seventy-five foot emergency access way on the north side of the building, proposed security fences and retaining wall, and access easements and gate allowing for better fire truck access and movement. Mr. Bartels further indicated that the new Site Plan addressed all concerns raised at the aforementioned meeting with the Borough Fire Officials.

At the conclusion of Bartels testimony, Planning Board engineer, Michael Christaldi, commented that Mr. Bartels had provided an accurate description of the new Site Plan and the proposed changes.

Mr. Michael Boccardi represented that he is the President and CEO of Cervalis, a data storage company. Mr. Boccardi offered testimony in support of the granting of variance relief for a proposed building height of 43.9 feet. Mr. Boccardi indicated that Cervalis is the tenant in the building next door where it operates a similar business as the one planned for at the subject location. Mr. Boccardi indicated that Cervalis is the prospective tenant for the subject structure where it plans to operate a data storage facility. Mr. Boccardi testified as to the needs of a data storage facility, specifically the height requirements for such a structure. Mr. Boccardi testified that a data storage facility, such as Cervalis, is designed to be resilient as it provides a secure information technology environment and uninterrupted service to its customers. Mr. Boccardi indicated that in order to provide such service, the data storage equipment always needs to be cool, and the facility has to be above the flood zone and contain sufficient access roads.

Mr. Boccardi also testified that the existing data storage facility on 50 Madison Road, Totowa, has two floors. The first floor contains the data center, and the second floor contains work area recovery seats for people to use in emergency situations. Mr. Boccardi testified that Cervalis needs flexibility in the configuration of the subject structure, specifically stating that Cervalis needs to be able to put data centers on both floors of the structure. Mr. Boccardi testified that the Cervalis location at 50 Madison Road is running out of data storage floor space, and therefore, had advised Russo Acquisitions that the second floor of the subject structure would also need to be configured to accommodate a data center. Therefore, Mr. Boccardi stated, in order to accommodate a data center the building structure would have to exceed the permitted height. Mr. Boccardi explained that the data storage equipment requires three feet of space between the slab and raised floor area in order to cool the equipment. Mr. Boccardi concluded his testimony by stating that Cervalis anticipates investing nearly \$70 million into a data storage facility as the one proposed in this Application. Mr. Boccardi further stated that without the building height variance, Cervalis' investment profile would be hampered, and it may not wish to occupy the subject building. During Mr. Boccardi's testimony, Sheet A3.3a (previously marked as Exhibit A3) "The Proposed Data Center" was displayed and referenced.

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

All In Favor.....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 Festa to close the public portion of the meeting.

All In Favor.....7-0

A motion was offered by Campilango and seconded by Commissioner Festa to approve the application for the Preliminary and Final site plan approval as presented. Also granted is a Bulk variance relief for the height of the building and a Design waiver for the Site Plan information. This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

1. All signage shall comply with the Borough of Totowa Sign Ordinance.
2. Any recommendations set forth on the record by the Planning Board at the time of the hearings on February 27, 2014, March 13, 2014 and March 27, 2014.
3. Applicant shall comply with all terms and conditions set forth in the Board Engineer’s report dated February 10, 2014.
4. The Applicant stipulates that the two most western generators will be eliminated, the addition of the fire hydrant on the westerly edge of the utility yard, and the addition of a 75 foot emergency access adjacent to the northeast corner of the building, all as depicted in the site plan ,which shall be subject to the review and approval of the Board Engineer and Borough Fire Official.
5. Subject to and conditioned upon the review of Fire Officials regarding fire access, access lanes, and fire vehicle turning plans.
6. The Applicant shall receive New Jersey Department of Environmental Protection Approval, if required.
7. The Applicant agrees to provide a post construction report to the Board Engineer demonstrating compliance with the Totowa Noise Ordinance requirements.
8. The Applicant stipulates that the sounds generated by the facility will not exceed the Totowa Ordinance or other Code Regulations at the lot line.
9. The Applicant shall obtain Passaic County Planning Board approval, if required.
10. 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.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to re-admit Planning Board attorney, Rich Briigliadoro into the remainder of the meeting.

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

ITEM #3

Aerosmith Sheet Metal
14 Masklee Court

Block 95 Lot 3

Minor Site Plan
Certificate of Use

Mr. William Saricinom attorney for the applicant appeared requesting approval for occupancy of approximately 3,500 sq. ft. of space to be used as a sheet metal fabrication business. Mr. John Vetere, President, testified as to the nature of the business.

Planning Board members were concerned about the noise level since the subject property is adjacent to residential properties. The applicant was unable to identify the sound decibels that the machinery would produce. The Planning Board members are requesting that the applicant conduct a sound level report and present to the Planning Board at the next regular meeting of April 10, 2014 on or about 8:00pm.

A motion was offered by Vice Chairman Coiro and seconded by Commissioner Murphy to carry this matter to the next regular Planning Board meeting of April 10, 2014 on or about 8:00pm.

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

ITEM #4

Brow Arch Threading
543 Union Blvd.

Block 145 Lot 13

Minor Site Plan
Certificate of Use

Ms. Bahvani Gopalreddy appeared requesting approval to occupy approximately 750 sq. ft. of space to operate an eye brow threading, facial and waxing business at this location.

Chairman Hennion read a letter of intent into the record. The hours of operation will be Monday through Saturday from 10:00 a.m. to 7:00 p.m. and on Sunday from 11:00 a.m. to 6:00 p.m. There will be one employee onsite. There are two parking spaces provided for the proposed use.

Ms. Bahvani Gopalreddy testified that she will install a sign in the existing sign box. The color of the sign will be burgundy to conform to the Sign Ordinance for the Borough of Totowa. The Applicant also stipulated that there would be no neon signs installed in the windows.

A motion was offered by Campilango and seconded by Commissioner Festa 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.

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

ITEM #5

European Cleaners
298 Union Blvd.

Block 106 Lot 5
(change of ownership)

Minor Site Plan
Certificate of Use

Mr. Cesar Guaman appeared requesting approval for continued occupancy of approximately 1,540 sq. ft. of space to continue the operation of an existing Cleaners. This is a change of ownership only and he will retain the name of the business and the existing signage. .

Mr. Guaman testified that he is the new owner of the existing European Cleaners. The hours of operation will be 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday. The business will be closed on Sunday. The nature of the business is a dry cleaning service. There will be two employees in the business, including Guaman and his wife. There are nine parking spaces in the rear of the building.

A motion was offered by Campilango and seconded by Commissioner Festa 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 signage will meet the Boro of Totowa sign Ordinance.
5. All previously approved conditions for this business will remain in effect.

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

ITEM #6

George's Homemade European
Delicacies
560 Union Blvd.

Block 139 Lot 4

Minor Site Plan
Certificate of Use

Mr. George Curovic appeared requesting approval for continued occupancy of approximately 840 sq. ft. of space to operate a grocery and delicatessen store at this location. The Applicant will sell European products including various homemade foods that will be prepared in the kitchen. Examples of the type of products to be sold will be meat, cheese and spinach pies; stuffed cabbage; homemade bread and pastries; roasted pig; and cevapcici, a European meat dish. The operation will be take-out only.

Chairman Hennion read a letter of intent into the record. The anticipated hours of operation will be 7:00 a.m. to 8:00 p.m., Monday through Saturday. On Sunday, the business will be in operation from 7:00 a.m. to 7:00 p.m. There will be three employees working at the store. There are three parking spaces including one handicapped parking spot in the parking lot.

The Applicant will install signage in the space provided on the existing freestanding pylon sign. In addition, the Applicant will install signage consisting of a 10" x 28" non-illuminated sign, which will be attached to the existing wrought iron bracket over the entrance door.

A motion was offered by Campilango and seconded by Commissioner Festa 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 signage will meet the Boro of Totowa sign Ordinance.

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

ITEM #7

Totowa Bagel Cafe
159 Union Blvd.

Block 38 Lot 1

Minor Site Plan
Certificate of Use

Ms. Nancy Cotto appeared requesting approval for occupancy of approximately 1,500 sq. ft. of space to operate a bagel, bakery and deli business at this location. The Applicant proposes to install a picture window on the Jefferson Street side of the building.

Chairman Hennion read a letter of intent into the record. The anticipated hours of operation will be 5:00 a.m. to 3:00 p.m., Monday through Friday, and Saturday and Sunday from 6:00 a.m. to 3:00 p.m.

Ms. Cotto testified as to the nature of the business stating they will sell items such as cookies, muffins, bagels and sandwiches, both hot and cold. There will be six tables for patrons to consume food on the premises. However, there will be no waiter or waitress service. She also represented that the parking will be shared in common with other tenants and that there is parking on the public street. Ms. Cotto also stated that they would provide signage to replace the existing sign. The signage will be no larger than the prior signage and will be illuminated in the same manner. The signage will either be hunter green, burgundy or royal blue to conform to the Ordinance requirements. The Applicant will not provide neon signs onsite.

A motion was offered by Campilango and seconded by Commissioner Festa 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 signage will meet the Boro of Totowa sign Ordinance.

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

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to approve the minutes of March 13, 2014 as presented.

Six agreed on a roll call vote.....6-0
Commissioner Festa abstained

RESOLUTIONS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Murphy to approve the resolution for LCD Mortgage,LLC.-Blk 174-Lot 12 as presented.

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

VOUCHERS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve a series of vouchers for Alaimo Engineering for the Professional services as listed below:

- Invoice 076479 Meeting Attendance (ending 2/12/14) in the amount of \$380.00
- Invoice 076480 Digital of Totowa Blk. 173-Lot17 in the amount of \$4,977.85
- Invoice 076481 Russo Acquisitions Blk. 169.01-Lots 2 & 5 in the amount of \$2,480.00
- Invoice 076482 Dunkin Donuts Blk. 174-Lot 3 in the amount of \$320.00
- Invoice 076483 Toys R Us Blk. 174-Lot 1 in the amount of \$240.00

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 Festa to adjourn the meeting.

All in favor.....7-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Planning Board Clerk

Date Approved