

BOROUGH OF TOTOWA PLANNING BOARD

PASSAIC COUNTY
NEW JERSEY



MINUTES – NOVEMBER 9, 2017

Chairman Hennion called the Planning Board meeting of Thursday, November 9, 2017 to order at 8:00 p.m. in the Municipal Building of the Borough of Totowa.

PRESENT:

Commissioner Campilango	Commissioner Ferraro	Commissioner Zarek	Commissioner Murphy
Councilman D'Angelo	Mayor Coiro	Chairman Hennion	Vice Chairman Coiro
Nordan Murphy, PE	Darlene Green, Planner	Richard Brigliadoro, ESQ	

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 9th day of November 2017 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

Genesis Furniture		Minor Site Plan Approval
360 Route 46 East	Block 173 - Lot 32.02	Certificate of Use

Mr. Ahmad Alhawari appeared requesting the approval for occupancy of approximately 5,630 sq. ft. of space to operate a furniture store.

Chairman Hennion Read a letter of intent into the record. The anticipated hours of operation will be from Monday through Sunday from 11:00 a.m. to 9:00 p.m. The on-site parking spaces are shared in common with the other tenants at this location.

Mr. Alhawari testified as to the nature of the business. Regarding signage, Mr. Alhawari seeks approval to install a sign 145 square feet on the front building façade facing Route 46 East. The Applicant further seeks approval to install signage on the façade on the west side of the building, which sign is proposed at 225 square feet. The Applicant and the Board engaged in a discussion regarding the total sign area of the two proposed building façade signs. The Board determined that the proposed signage was too large. The Applicant stipulated that the signage would be reduced in area in order to conform to the sign area of the signs previously approved by the Planning Board for a prior tenant.

A motion was offered by Commissioner Zarek and seconded by Commissioner Murphy to approve the minor site plan 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 or materials.

4. The Applicant shall be permitted to install a building attached front facade sign facing Route 46 East not to exceed 95 square feet; and (b) a building attached facade sign on the west side of the building not to exceed 95.3 square feet. Thus, the proposed facade signage shall be no larger than the previously approved facade signage and illuminated in the same manner.

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

ITEM #2

NJDC Urban Renewal, LLC
169 Minnisink Road
Minnisink Road

Block 154 - Lot 19
Block 154.01 - Lot 1

Preliminary & Final Major Subdivision
Preliminary & Final Major Site Plan

Lisa A. John-Basta, Esq. of the law firm Chiesa, Shahinian and Giantomasi, PC, appeared requesting the approval of a Preliminary & Final Major Subdivision and a Preliminary & Final Major Site Plan. By way of background, the subject site is a 138-acre area that was formerly the North Jersey Developmental Center. The Borough of Totowa adopted the North Jersey Development Center Redevelopment Plan dated February 5, 2016 and the North Jersey Development Center First Amendment to Redevelopment Plan dated April 6, 2017 (collectively the "Redevelopment Plans"). The Borough and the Applicant entered into a Redevelopment Agreement dated June 15, 2017 outlining the parties' obligations with respect to the redevelopment of the property.

The application before the Board is a request for preliminary and final major subdivision approval with "c" variance relief, preliminary and final major site plan approval with "c" variance relief, and preliminary major site plan approval for property formerly known as the North Jersey Developmental Center and designated as Block 154, Lot 19 and Block 154.01, Lot 1 as shown on the Tax Assessment Map of the Borough of Totowa ("Property") and located in the MRRZ Zone and in the R-40 Zone.

Submitted in support of the application were the following documents:

1. Plans entitled "NJDC — North Jersey Developmental Center Proposed data center Site Plan", prepared by HDR Architects and Engineers, Inc., dated October 16, 2017, consisting of 92 sheets (pages 1-62 & 80-92).
2. Plans entitled "Schematic Design Plans for Redevelopment of the North Jersey Developmental Center Phase 1, Lot 1", prepared by ch2m, dated October 13, 2017, consisting of 17 sheets (pages 63 to 79).
3. Plan entitled "Major Subdivision Plan North Jersey Developmental Center Redevelopment", prepared by Victor E. Vinegra, P.E., P.L.S, of Harbor Consultants, Inc., dated October, 2017, consisting of 3 sheets.
4. Plan entitled "Informational Document for Switchgear Station", prepared by ch2m, no date, consisting of 1 sheet.
5. Basis of Design Report, prepared by HDR Architects and Engineers, Inc., dated October 13, 2017.
6. Traffic Impact Study, prepared by Joseph J. Staigar, P.E., P.P. and Craig W. Peregoy, P.E., of Dynamic Traffic, dated October 17, 2017.
7. Letter entitled "Subject: Project Sycamore Acoustic Analysis", prepared by Jacob J. Raketich, A.I.A. of ch2m, dated October 13, 2017, consisting of 2 pages.
8. Letter entitled "RE: NJDC Urban Renewal, LLC Application for Subdivision, Variance and Site Plan Approval", prepared by Lisa A. John-Basta of Chiesa Shahinian & Giantomasi, PC, dated October 19, 2017, consisting of 5 pages.
9. "Description of Lot 19A, Block 154", prepared by Victor E. Vinegra, P.E., P.L.S, of Harbor Consultants, Inc., dated June 29, 2017, revised through October 13, 2017, consisting of 2 pages.
10. "Description of Lot 19B, Block 154", prepared by Victor E. Vinegra, P.E., P.L.S, of Harbor Consultants, Inc., dated June 29, 2017, revised through October 13, 2017, consisting of 2 pages.

11. Description of Lot 19C-1", prepared by Victor E. Vinegra, P.E., P.L.S, of Harbor Consultants, Inc., dated June 29, 2017, revised through October 13, 2017, consisting of 2 pages.
12. "Description of Lot 19C-2", prepared by Victor E. Vinegra, P.E., P.L.S, of Harbor Consultants, Inc., dated October 13, 2017, consisting of 2 pages.
13. Description of Area to be conveyed to Passaic County", prepared by Victor E. Vinegra, P.E., P.L.S, of Harbor Consultants, Inc., dated June 29, 2017, revised through October 17, 2017, consisting of 2 pages.
14. Resolution Memorialized on September 14, 2017.
15. Application for Preliminary and Final Approval for Subdivision, dated October 2017.
16. Site Plan Review Application, dated October 2017.
17. Site Plan Review Application Attachment, no date.
18. Ten Percent (10%) Applicant Disclosure in accordance with N.J.S.A. 40:55D-48.1.
19. Certification of Taxes, Water, Assessments for Block 154, Lot 19, executed by Borough Tax Collector certifying that all are current.
20. Certification of Taxes, Water, Assessments for Block 154.01, Lot 1, executed by Borough Tax Collector certifying that all are current.
21. 200 Foot Property Owners List for Block 154, Lot 19 and Block 154.01, Lot 1, prepared by Curt T. Masklee, Borough Tax Assessor, dated October 11, 2017.
22. Preliminary/Final Plan Submission, Sheet No. C-000, prepared by HDR, consisting of 1 sheet, revised through October 16, 2017.
23. Preliminary/Final Plan Submission, Sheet No. CS-100, prepared by HDR, dated October 16, 2017.

The Board also reviewed and considered a report dated November 8, 2017 from Darlene A. Green, P.P., AICP of Maser Consulting P.A. Planner to the Borough of Totowa Planning Board. The Board also considered a Preliminary and Final Major Subdivision Report dated November 9, 2017 from Nordan Murphy, P.E., P.P., C.M.E., and a Preliminary and Final Site Plan Report dated November 9, 2017 from Nordan Murphy, P.E., P.P., C.M.E., of Richard A. Alaimo Engineering Associates, Planning Board Engineer to the Borough of Totowa Planning Board.

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

1. Exhibit 1 - NJDC-North Jersey Developmental Center, Proposed data center Site Plan, Block 154 - Lot 19C-1, 169 Minnisink Road, Totowa, New Jersey. Proposed Site Overall Plan CS-100 dated October 31, 2017.
2. Exhibit 2- NJDC-North Jersey Developmental Center, Proposed data center Site Plan, Block 154 - Lot 19C-1, 169 Minnisink Road, Totowa, New Jersey. Electrical substation Comparison CS-105C dated October 16, 2017.
3. Exhibit 3- NJDC-North Jersey Developmental Center, Proposed data center Site Plan, Block 154 - Lot 19C-1, 169 Minnisink Road, Totowa, New Jersey. Alternate electrical substation Comparison CS-105A dated October 16, 2017.
4. Exhibit 4- NJDC-North Jersey Developmental Center, Proposed data center Site Plan, Block 154 - Lot 19C-1, 169 Minnisink Road, Totowa, New Jersey. Proposed Site Sections (electrical substation Sections A-A; B-B and C-C).
5. Exhibit 5- Redevelopment of North Jersey Developmental Center, Phase 1, Lot 1, 169 Minnisink Road, Totowa Borough, Sycamore Totowa Photometric Site Plan E-100 dated October 13, 2017.

6. Exhibit 6- NJDC-North Jersey Developmental Center, Proposed Data Center Site Plan, Block 154 - Lot 19C-1, 169 Minnisink Road, Totowa, New Jersey. Proposed Overall Landscape Planting Plan, LP-100.
7. Exhibit 7- NJDC-North Jersey Developmental Center, Proposed data center Site Plan, Block 154 - Lot 19C-1, 169 Minnisink Road, Totowa, New Jersey. Sliding Black Chain Link Gate with Fence.
8. Exhibit 8 - NJDC-North Jersey Developmental Center, Proposed data center Site Plan, Block 154 - Lot 19C-1, 169 Minnisink Road, Totowa, New Jersey. Report of William H. Bailey, PhD., Principal Scientist, Health Sciences, of Exponent, dated November 8, 2017.
9. Exhibit 9 - NJDC-North Jersey Developmental Center, Proposed data center Site Plan, Block 154 - Lot 19C-1, 169 Minnisink Road, Totowa, New Jersey. Curriculum Vitae for William H. Bailey, PhD.
10. Exhibit 10- NJDC-North Jersey Developmental Center, Proposed data center Site Plan, Block 154 - Lot 19C-1, 169 Minnisink Road, Totowa, New Jersey. Proposed Site Overall Plan Drainage Ridge Lines dated November 9, 2017.

The Applicant recently submitted an application to the Planning Board seeking preliminary and final subdivision approval with bulk or "c" variance relief to consolidate the two (2) lots known as Block 154, Lot 19 and Block 154.01, Lot 1. The 138-acre property would then be subdivided into three (3) lots, proposed Block 154, Lots 19A, 19B and 19C. Proposed Lot 19A would be approximately 1.18 acres in area; Proposed Lot 19B would contain 1.54 acres in area; and Proposed Lot 19C would contain the remaining approximately 135 acres. The application for preliminary and final subdivision approval was approved by the Planning Board on August 10, 2017 which approval was memorialized in a Resolution adopted by the Planning Board on September 14, 2017.

This application supersedes the previously approved subdivision, as that subdivision was not, and will not be perfected by the Applicant. The Applicant now seeks preliminary and final major subdivision approval in order to consolidate two (2) lots known as Block 154, Lot 19 and Block 154.01, Lot 1. The Applicant then seeks preliminary and final major subdivision approval to create four (4) separate parcels; 19A (House Parcel) will be approximately 49,247 square feet in lot area and will contain the existing residential dwelling that fronts along Totowa Road. The Applicant also requires "c" variance relief in regard to a front yard setback where 50 feet is required and 23.8 feet is proposed. The Planning Board previously granted bulk variance relief for a front yard setback in regard to Proposed Lot 19A for a front yard setback of 34.3 feet. The setback non-conformity is a result of the required County right-of-way dedication and the location of the existing dwelling. This parcel will be conveyed to the Borough of Totowa.

Proposed Lot 19B will consist of 1.493 acres in lot area and will contain one of the vacant buildings that was part of the original North Jersey Developmental Center facility. This property will have frontage along Minnisink Road. This parcel will be conveyed to the Borough of Totowa. Proposed Lot 19B complies with the dimensional requirements specified in the requests for proposal issued in connection with the redevelopment project. Nevertheless, the Applicant seeks approval for the following bulk variances:

- A. Minimum lot area where 10 acres is required and 1.493 acres is proposed;

- B. Minimum lot width where a minimum lot width of 400 feet is required and 250 feet is proposed; and
- C. Minimum lot depth where a minimum lot depth of 600 feet is required and 257 feet is proposed. This parcel will be dedicated to the Borough of Totowa.

Proposed Lot 19C-1 will consist of approximately 56.66 acres in lot area. This parcel will have frontage along a private roadway that will provide public access. Proposed Lot 19C-1 complies with the bulk requirements specified in the Redevelopment Plan.

Proposed Lot 19C-2 will contain approximately 79.075 acres in lot area. This parcel will have frontage along Minnisink Road and Vreeland Avenue. Proposed Lot 19C-2 complies with the bulk requirements specified in the Redevelopment Plan.

The Applicant additionally requests that the Planning Board grant preliminary and final major site plan approval along with bulk or "c" variance relief in connection with the development of Proposed Lot 19C-1. The Applicant proposes to construct a 257,225 square foot data center on the property along with associated site improvements. The proposed improvements include, but are not limited to, a 8,545 square foot Visitor and Vehicle Reception Center ("VVRC") approximately 110 parking spaces and an electrical substation. The Applicant requests bulk variance relief in order to construct a fence around the perimeter of the data center measuring 8 feet in height along the front, side and rear yards whereas the MRRZ Regulations permit a maximum fence height of 4 feet in the front yard and 6 feet in the side and rear yards.

The Applicant also requests the Board grant preliminary major site plan approval in connection with Proposed Lot 19C-2 to construct roadways and other related site improvements to support the development of Proposed Lot 19C-1. The Applicant also proposes to prepare Proposed Lot 19C-2 for future development including, but not limited to the construction of a greenway, walking path and the construction of approximately twelve parking spaces to be used by the public that intend to use the walking path.

The Board also notes that the Applicant intends to develop Lot 19C-2 in the future, and is required to submit a subdivision and/or site plan application as needed, in accordance with the 2017 General Development Plan ("GDP") approval.

Testifying on behalf of the Applicant was Christian Cueto, P.E., a licensed Professional Engineer in the State of New Jersey. Mr. Cueto testified in regard to the proposed subdivision application pending before the Planning Board. Mr. Cueto provided the Board with an overview of the area. He explained the nature of the subdivision. In regard to Proposed Lot 19A, the Planning Board previously granted approval for a front yard setback of 34.3 feet. However, upon application by the Applicant to the Passaic County Planning Board ("PCPB"), the PCPB requested a right-of-way dedication greater than originally anticipated by the applicant, thereby resulting in the front setback being reduced to 23.8 feet. Mr. Cueto testified that Proposed Lot 19A will be conveyed to the Borough of Totowa for Borough use.

Mr. Cueto also identified the variances for minimum lot area, minimum lot width, and minimum lot depth in regard to Proposed Lot 19B. Proposed Lot 19B will be conveyed to the Borough of Totowa for Borough use. As such, there is no other "c" variance relief required in connection with the creation of Proposed Lot 19B.

It is additionally recognized that Proposed Lots 19A and 19B are being subdivided at the Borough's directive and will be conveyed to the Borough for future Borough use. Counsel for the Applicant represented that local government is exempt from its own zoning requirements, which exemption extends to those who join in advancing the government's business activities that advance a public purpose such as in the instant matter.

Mr. Cueto testified that Proposed Lots 19C-1 and 19C-2 will be in compliance with the Redevelopment Plan and First Amendment to the Redevelopment Plan.

The next witness to testify on behalf of the Applicant was Richard Prakopcyk, who is employed by HDR and who was identified as the Site Designer for the property. Mr. Prakopcyk testified to the proposed development of the data center and electric substation on Proposed Lot 19C-1. Mr. Prakopcyk reviewed with the Board Exhibit 1 which is a color rendering of the Proposed Site Overall Plan Sheet CS-100 and dated October 31, 2017. Mr. Prakopcyk identified Public Way A and B and the proposed emergency access way. All of which are depicted on Exhibit 1. He also referred the Board to the proposed VVRC which is also depicted on Exhibit 1. The Applicant is proposing fifty-nine (59) parking spaces plus two ADA parking spaces in the vicinity of the VVRC. Furthermore, the Applicant is proposing a parking stall size of 9 feet in width by 18 feet in length with a 24-foot wide drive aisle. The number of parking spaces along with the parking stall size and aisle width are all in conformance with the Redevelopment Plan.

Mr. Prakopcyk also reviewed security regarding the data center. He stated that the existing chain link fence around the perimeter of the site will remain; a new ornamental style security fence will be provided within proposed Lot 19 C-1 around the data center; and a security gate will be installed on the emergency access drive off of Hydeway Drive. The building footprint is 257,225 square feet. Mr. Prakopcyk also testified that the height of the data center would be 22 feet not including the rooftop mechanical equipment and screening. The Applicant is also proposing forty-five parking spaces plus four ADA parking spaces adjacent to the northerly side of the data center building. The parking spaces will be standard 9 feet in width by 18 feet in length parking spaces. In addition, the drive aisle will be 24 feet in width.

The Applicant is proposing an electrical substation on-site. In connection with the General Development Plan, the Applicant had proposed an electrical substation on the westerly side of the building. The Applicant relocated the substation to the easterly side of the building with the current application. The electrical substation was shown to be behind a retaining wall along its westerly side. As a result of concerns raised by the Borough, the Applicant agreed to shift the electrical substation away from the residents on Artillery Park Road and Hydeway Drive and closer to the emergency access road on-site. Mr. Prakopcyk reviewed with the Board Exhibits 2 and 3. Exhibit 2 is the electrical substation comparison and Exhibit 3 is the alternate electrical substation showing the relocated position of the substation.

The Applicant is now proposing the electrical substation to be located in a 200-foot by 200-foot enclosed location on the site. This will enable the Applicant to preserve more of the existing woodlands and topography. Mr. Prakopcyk reviewed Exhibit 2 which depicts the distances separating the location of the relocated electrical substation to the residents on Artillery Park Road and Hydeway Drive West. The resident that is nearest the site on Artillery Park Road is on property designated as Block 10, Lot 37. Exhibit C-2 indicates that there is a distance of 622 feet from the relocated electrical substation to the corner of the dwelling on Lot 37 that is closest to the substation. Furthermore, in regard to the resident on Lot 21 with frontage on Hydeway Drive West, the Applicant depicts two measurements from two corners from the relocated electrical substation to the nearest corner of the dwelling with the distances measured at 693 feet and 728 feet. Furthermore, the relocated electrical substation is located over 1,000 feet away from the intersection where the emergency access road meets Hydeway Drive.

Mr. Prakopcyk reviewed with the Board Exhibit 4 which was identified as Proposed Site Sections A-A; B-B and C-C in order to demonstrate that due to the existing vegetation, proposed infill landscaping, topography and grading of the property. Mr. Prakopcyk testified that the electrical substation would have a very minimal, if any, visual impact on the adjoining residential property owners.

With respect to Lot 19C-2, the Applicant will install twelve parking spaces for public use along Public Roadway A, for access to the Greenway.

Mr. Prakopcyk also reviewed with the Board Exhibit 5 which was identified as the Sycamore Totowa Photometric Site Plan ("lighting plan"). Mr. Prakopcyk testified that the maximum height of any light poles will be 24 feet and all light fixtures will be shielded so there will be no spillover lighting onto adjoining residential properties. The lighting will be on from dusk to dawn and the Applicant will submit a lighting plan to show conformance with the Redevelopment Plan requirements.

Mr. Prakopcyk also reviewed with the Board Exhibit 6 which is the Proposed Overall Landscape Plan, LP-100. Mr. Prakopcyk stated that the Applicant has added landscaping for in-fill plantings. Evergreens have been added to the Site Plan. He further indicated that 44 acres of open space are required under the Redevelopment Plan and the Applicant is proposing 118 acres of open space. Mr. Prakopcyk stipulated on behalf of the Applicant that the Applicant will add landscaping where needed as recommended by the Board Planner or Board Engineer. Mr. Prakopcyk reviewed with the Board Exhibit 7 which depicts a security fence and sliding gate. The sliding gate is proposed for the emergency access drive onto Hydeway Drive. Mr. Prakopcyk also reviewed with the Board the request for variance relief for the 8-foot high fence which will go around the perimeter of the data center. The Applicant stipulated that it would inspect the perimeter fence and would repair any sections of the fence as may be required in consultation with the Board Engineer and subject to the Board Engineer's review and approval. Mr. Prakopcyk stipulated that the Applicant will provide a Conservation Easement to encompass the required setback buffer strip areas around the perimeter of the property. Mr. Prakopcyk also explained that the Applicant has had meetings with the owners of residential properties along Hydeway Drive regarding the proposed emergency access drive and that the Applicant had reached an agreement with the owners regarding paving and maintenance of Hydeway Drive. Mr. Prakopcyk also represented that as a result of meetings with the Borough of Totowa Fire Marshall, that the Borough of Totowa Fire Marshall is satisfied with the safety aspects of the proposed plan.

The next witness to testify was Jacob Raketich, an Architect licensed in Pennsylvania and New Jersey. Mr. Raketich testified in regard to the operations of a data center. The data center will operate seven days per week, twenty-four hours per day, 365 days per year. There will be twenty-five employees per shift, and there will be three shifts of employees per day. Mr. Raketich reviewed with the Board the anticipated amount of truck traffic entering and exiting the site. He stated there will be three semi's per week, one box truck per day and one carrier car per day.

Mr. Raketich indicated that there will be three overhead doors, two of which will be used for loading purposes and one which will be used to access the recycling and refuse disposal area inside the building. Mr. Raketich reviewed with the Board the construction materials to be utilized in regard to the data center building. He stated that the data center would consist of an insulated metal wall with two different shades of pre-cast concrete. Mr. Raketich provided examples of the building materials as part of his testimony. Mr. Raketich also testified in regard to the roofing materials to be used for the data center building and he indicated that the Applicant is proposing accent metal in order to provide some limited visual relief.

Mr. Raketich testified that the building height for the data center would be 22 feet. However, with the fans on the roof which provide cooling in the building, the height would increase to 26 feet. The overall height of the building including the mechanicals on the roof and screening will be 36 feet. Under the Redevelopment Plan, the maximum building height is 40 feet inclusive of mechanicals and screening. Thus, the proposed data center is in conformance with the maximum building height. Mr. Raketich next testified in regard to the use of emergency generators on-site. Mr. Raketich testified that there will be twenty-four generators on-site at full buildout. Each generator has a 17,000 gallon belly tank to supply the generator. The tank and generator will be located entirely above ground. The generators will be in an enclosed area. Each generator is tested

monthly approximately one time per month for approximately 30 minutes. Mr. Raketich stated that each generator is equipped with a muffler and sound attenuation to reduce sound emissions. He also testified that the sound levels at the nearby residential property line would be at 43 dBA's. By way of comparison, he stated that 50 dBA's would exist when you have a light traffic situation and 60 dBA's would exist with respect to an air conditioning unit. He, therefore, concluded that the sound model that was prepared in connection with this application proves that the sound levels are well within accepted New Jersey Department of Environmental Protection Standards. Mr. Raketich testified that the diesel fuel tanks are made of steel and they are double walled for spill containment purposes. Mr. Raketich also testified that there is a protocol that will be followed in order to eliminate the possibility of diesel fuel spills on the site.

The next witness to testify in support of the application was William H. Bailey. Mr. Bailey qualified as an expert witness and testified regarding electric and magnetic fields ("EMF") associated with the operation of an electrical substation which is proposed to be located adjacent to the data center. Mr. Bailey testified that the purpose of the proposed substation is to reduce the voltage of power supplied by a power line on Minnisink Road to a lower voltage for use by the data center, a process also required before electricity can be delivered to residential customers. Mr. Bailey reviewed the plans and concluded that the residential properties are a significant distance away from the substation with the closest residents being approximately 620 feet away. He stated that at that distance the EMF from the substation is negligible. He also stated that the electric field from the equipment within the proposed substation will be effectively blocked by the metal fence surrounding the substation within the site so if a person is close to the substation on the site, the electric field levels will continue to be very small. He, therefore, concluded that the substation equipment proposed to be installed at this site will not change background levels of EMF already produced by other existing EMF sources at distance residences. Mr. Bailey further concluded that EMF from the proposed electrical equipment would not increase the existing levels of EMF above those found in typical residential neighborhoods and would be well below levels specified by the State of New Jersey and by two international agencies. Thus, the expected levels of EMF would be far below guidelines for public exposure, and the public is at no adverse risk of negative health effects as a result of the electric substation being located on the site. Mr. Bailey introduced into evidence Exhibit A which is his report dated November 8, 2017, as well as Exhibit 9, a Curriculum Vitae for Mr. Bailey.

Also, testifying on behalf of the Applicant was Dennis Scannell, P.E., a licensed Professional Engineer in the State of New Jersey. Mr. Scannell testified in regard to stormwater management. He reviewed with the Planning Board Exhibit 10 which is the Proposed Overall Plan for drainage and ridge lines associated with this project. Mr. Scannell testified that there are three general drainage basins. The northern basin drains to natural vegetated areas, towards wetlands. The central basin captures about 60% of stormwater on the site and the southern basin captures about 10% of the stormwater on the site. He stated that 10% of the site is impervious. Mr. Scannell also testified that no portion of the site falls within the FEMA Map Flood Plains. In reviewing Exhibit 10, Mr. Scannell testified that the stormwater management measures which are proposed to be implemented by the Applicant will modify the existing drainage pattern and reduce the area that directs stormwater runoff towards the residential development along Artillery Park Road and Winifred Drive. Mr. Scannell testified that the Applicant's stormwater plan and the stormwater measures to be implemented are in conformance with NJDEP requirements.

The next witness to testify on behalf of the Applicant was Nicholas Verderese, P.E., a licensed Professional Engineer in the State of New Jersey with particular expertise in traffic related matters. Mr. Verderese testified that the proposed use of a portion of the site as a data center would be a very low traffic generator. He stated that based on traffic counts conducted, there will be approximately 20 to 30 trips to and from the site during am peak use. In contrast, he stated that under the prior use there would be approximately 200 trips during the am peak hour. Mr. Verderese also reviewed with the Board the proposed access points off of Minnisink Road and the internal roadway configuration.

William Colgan, the Developer of the site also provided testimony with regard to the proposed demolition and construction schedule. Mr. Colgan testified that the Applicant will comply with the Totowa Borough Ordinance and that he anticipates after the demolition of buildings that the site would take approximately 18 months to construct.

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

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

The following members of the public testified in regard to the application: Michael Cuocolo, 37 Artillery Park Road; Ann Marie Kane, 118 Winnifred Drive; Joe Sabatino, 21 Artillery Park Road; Joe Appio, 25 Artillery Park Road; Terry Sabol, 135 Minnisink Road; Annalise D'Agostino, 70 Vreeland Avenue; and Debra D'Agostino, 70 Vreeland Avenue. The members of the public had general questions in regard to the use of twenty-four generators on the site and the extent of sound that will emanate from those generators. The members of the public also had questions regarding the lighting plan, removal of vegetation to construct the site and questions in regard to the use of 17,000 gallon fuel storage tanks for each of the twenty-four generators. Other issues addressed concerned the on-site wetlands, the safety and security of the perimeter fencing, potential repairs and replacement to the fence as necessary, the sufficiency of the Stormwater Management Plan and the overall safety of the site as it relates to the residents due to the presence of the generators and fuel tanks on the site. The Applicant's witnesses through testimony and the exhibits addressed all of the questions raised by the members of the public.

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

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

A motion was offered by Commissioner Ferraro and seconded by Commissioner Murphy to approve the Preliminary & Final Major Subdivision and Preliminary & Final Major Site Plan 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 shall comply with any terms and conditions contained in a Review Report dated November 9, 2017 by Nordan Murphy, P.E., P.P., Richard A. Alaimo Engineering Associates regarding Preliminary and Final Major Subdivision application, as well as any other terms and conditions imposed by the Planning Board or the Board's Professionals and not in conflict with the Applicant's testimony and stipulations before the Board during the course of the public hearing.
2. The Applicant shall comply with any terms and conditions contained in a Review Report dated November 9, 2017 by Nordan Murphy, P.E., P.P., Richard A. Alaimo Engineering Associates regarding Preliminary and Final Site Plan application, as well as any other terms and conditions imposed by the Planning Board or the Board's Professionals and not in conflict with the Applicant's testimony and stipulations before the Board during the course of the public hearing.
3. The Applicant shall comply with any terms and conditions contained in a Review Report dated November 9, 2017 by Darlene A. Green, P.P., AIC of Maser Consulting P.A. Planner to the Borough of Totowa Planning Board, as well as any other terms and conditions imposed by the Planning Board or the Board's Professionals and not in conflict with the Applicant's testimony and stipulations before the Board during the course of the public hearing.
4. This approval is granted strictly in accordance with any recommendations set forth on the record by the Planning Board at the time of the public hearing on November 9, 2017.
5. The granting of this application is subject to and conditioned upon the Applicant complying with the requirements of the Redevelopment Agreement dated June 15, 2017.

6. The granting of this application is subject to and conditioned upon the perfection of the subdivision approval being in accordance with the requirements of N.J.S.A. 46:26B-1 et. seq; the MLUL and any other relevant laws or regulations that are applicable.
7. The Applicant, as the designated Redeveloper of the site, shall not be permitted to perfect the subdivision until the property which is the subject of the Redevelopment Agreement dated June 15, 2017 has been conveyed to the designated Redeveloper.
8. The granting of this application is subject to and conditioned upon the conveyance of Proposed Lots 19A and 19B from the Applicant to the Borough of Totowa for a lawful public purpose.
9. The granting of this application is subject to and conditioned upon the Borough of Totowa Tax Assessor assigning the lot numbers for the lots which form the basis of the subdivision application.
10. The granting of this application is subject to and conditioned upon Passaic County Planning Board approval, if required.
11. The proposed right-of-way dedication for Proposed Lot 19A to the County of Passaic shall be subject to the review and approval of the County of Passaic.
12. The granting of this application is subject to and conditioned upon New Jersey Department of Environmental Protection approvals, including, but not limited to, a Letter of Interpretation (LOI), if required.
13. The granting of this application is subject to and conditioned upon the Applicant providing a Conservation Easement in favor of the Borough of Totowa with respect to all lands within the 50-foot, 100-foot and 200-foot perimeter setback buffer strip. The Conservation Easement shall be subject to the review and approval of the Board Engineer, Board Planner and Board/Borough Attorney.
14. The granting of this application is subject to and conditioned upon the Applicant providing a revised Landscaping Plan which shall be subject to the review and approval of the Board Engineer and Board Planner.
15. The granting of this application is subject to and conditioned upon the Applicant entering into an Agreement with the Totowa Borough Council regarding the Borough of Totowa Tree Protection Ordinance, Chapter 383 regarding tree replacement and alternatives.
16. The granting of this application is subject to and conditioned upon the Applicant providing and maintaining an updated Spill Prevention Control and Countermeasures Plan for the on-site fuel storage and delivery prior to receiving a Certificate of Occupancy for the data center building. The Spill Prevention Control and Countermeasures Plan shall be subject to the review and approval of the Totowa Borough Fire Marshall and Borough Engineer.
17. The granting of this application is subject to and conditioned upon the review and approval of the Totowa Borough Fire Marshall.
18. The granting of this application is subject to and conditioned upon the Applicant replacing the perimeter fence where it has fallen in disrepair but only when no existing vegetation is removed or disturbed. The nature and extent of any repair or replacement work shall be subject to the review and approval of the Board Planner and Board Engineer.
19. The granting of this application is subject to and conditioned upon the Applicant submitting a formal Stormwater Management Report which shall be subject to the review and approval of the Board Engineer.
20. The granting of this application is subject to and conditioned upon a formal acoustical study being submitted for review and comment. Further, the granting of this approval is subject to and conditioned upon sound monitoring after completion of improvements concurrent with maximum operation of generators and all associated equipment. The acoustical study shall be subject to review and approval of the Board Engineer or his designee.
21. The granting of this application is subject to and conditioned upon the submission of structural calculations and construction details regarding the construction of proposed retaining walls, which shall be subject to the review and approval of the Board Engineer.

22. The granting of this application is subject to and conditioned upon the Applicant providing appropriate signage to direct traffic at the intersection of Public Way B and the proposed emergency access which shall be subject to the review and approval of the Board Engineer.
23. The granting of this application is subject to and conditioned upon the Applicant submitting revised plans for required traffic direction signage in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) current edition, as well as any signage for the public for access to the greenway and any signage for the proposed use, which shall be subject to the review and approval of the Board Engineer.
24. The granting of this application is subject to and conditioned upon New Jersey Department of Transportation (NJDOT) approval, if required.
25. The granting of this application is subject to and conditioned upon Passaic County Planning Board approval, if required.
26. The granting of this application is subject to and conditioned upon Hudson, Essex, Passaic Soil Conservation District approval, if required.
27. The granting of this application is subject to and conditioned upon Borough of Totowa Emergency Services review and approval.
28. The granting of this application is subject to and conditioned upon the review and approval of the submitted plans by the Totowa Borough Water and Sewer Departments.
29. The granting of this application is subject to and conditioned upon the Applicant agreeing to open and maintain an escrow account with the Borough of Totowa Planning Board and to keep the account current with sufficient funds for inspection and review fees.

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

A motion was offered by Commissioner Murphy and seconded by Commissioner Zarek to approve the Planning Board Minutes of October 26, 2017 as prepared.

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

RESOLUTIONS:

A motion was offered by Commissioner Murphy and seconded by Commissioner Zarek to approve the resolution for NDZ Home Improvement - Block 30 - Lot 10 as presented.

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

A motion was offered by Commissioner Murphy and seconded by Commissioner Zarek to approve the resolution for Joseph Mecca, ESQ - Block 105 - Lot 5 as presented.

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

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

All in favor.....7-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Planning Board Clerk

Date Approved