

GLEN ROCK PLANNING BOARD
Minutes of the October 1, 2015 Meeting

The regular meeting was called to order by Chairman Robert VanLangen at 7:30 p.m.

In attendance were Mr. Knapp, Mayor van Keuren, Councilwoman Joan Orseck, Robert Tirserio, Scott King and Tim Macdonald. Ken Hrasdzira and Kenneth Kang were absent. Also in attendance were Board Attorney, James Delia and Borough Engineer and Gary Ascolese, Borough Engineer. The Secretary called the roll and read the Sunshine Statement from the Open Public Meetings Act.

Old Business:

Block 254, Lot 16.02
909 Prospect Street
Applicant: 909 Glen Rock, LLC

Memorializing resolution for site plan approval for a commercial building.

A motion was made to approve the memorializing resolution of 909 Prospect Street, Block 254, Lot 16.02 by Mr. King and seconded by Mayor van Keuren. The voice vote was as follows:

AYES: Mr. Knapp, Mayor van Keuren, Councilwoman Orseck, Mr. Tirserio, Mr. King,
Mr. Macdonald, Mr. VanLangen
NAYS: None

New Business:

Block 254, Lot 16.02
909 Prospect Street
Applicant: 909 Glen Rock, LLC

Applicant requests preliminary and final subdivision approval of an existing property into five lots - one commercial lot and four residential lots.

Mr. Delia commented that this is the companion application to the adopted site plan resolution now seeking to take this property and divide it into residential lots as well as the commercial lot. A portion of the property is in Fair Lawn, to which approval and a resolution has been received for site plan, subdivision and use variance. This is a variance-free subdivision application.

Mr. Delia addressed a zoning question which arose at the work session. A small portion of this property is in the C-1 district; however the C-1 district does permit A-2 zoning so this is a permitted use.

GLEN ROCK PLANNING BOARD MINUTES

Meeting of October 1, 2015

Page 2 of 8

Mr. Simmerele, Esq. commented the reason this application was bifurcated was because there was an issue with major vs minor subdivisions. After some discussion, Mr. Delia and Mr. Simmerele agreed that after some modifications this would be a major subdivision to which the appropriate notices were done. The only issue left to discuss would be the zoning line. The applicant requests that this not be imposed as a condition. It would have an adverse effect to the client in that it would be a costly and timely endeavor.

Mr. Delia commented the zoning line is a Mayor and Council issue and would not be a condition for this application; however that is not to say the Mayor and Council wouldn't suggest it at a later date.

Mr. Simmerele stated this application is talking about a five lot subdivision which spans both Glen Rock and Fair Lawn boroughs. The commercial lot is the larger of the two parcels and partially situated in Fair Lawn. Three of the residential lots are within Glen Rock with one being partially in both. The lots are completely compliant. The only waiver that is being requested is for 500' radii for off track improvements.

At this point, Bruce Rigg, site engineer was sworn in by Mr. Delia. Mr. Rigg has been qualified as a professional engineer before this Board on many occasions.

Mr. Simmerele stated Mr. Rigg has provided testimony on the first half of this application. Additionally, preliminary plans were provided to the Board for a major subdivision. Mr. Rigg agreed.

Mr. Rigg explained the preliminary subdivision plans before the Board dated April 28, 2015, consisting of five sheets. One of these sheets shows the drainage within 500' of the site. Currently all the drainage for this site goes to either to Keith Place or Fair Lawn; however, it all ends up in the same outlet in Fair Lawn. There is no interconnection with anything on Prospect Street.

Sheet 2 shows the demolition which essentially shows that everything on site will be removed prior to re-construction.

Sheet 3 shows the subdivision where the commercial lot will be 75,611 square feet. Three lots are wholly in Glen Rock and are compliant in size at 11,200 square feet within 140' of the right-of-way. The average setback in the neighboring homes is 41', which would also be the case with the three new lots. The Fair Lawn/Glen Rock lot meets both towns' criteria for a corner lot at 14,000 square feet. The objective in creating these four lots was to make them conforming without any variances.

GLEN ROCK PLANNING BOARD MINUTES

Meeting of October 1, 2015

Page 3 of 8

The storm water plan has been revised so that any water previously going to Fair Lawn will remain in Fair Lawn and the same amount of water will runoff onto Keith Place with any additional water being retained in a subsurface system. Essentially the storm water from the entire project will be less than what currently exists.

Mr. Rigg noted another minor revision is that the sewer and storm drain are located between two residential lots. Due to the lot widths it does not affect any of the side yard setbacks as they will all be greater than 10'. This will be a private easement as Bottle King would be responsible for the maintenance.

Mr. Simmerele confirmed that there are adequate utilities to fully service each of the lots being proposed. Mr. Rigg agreed.

Mr. Simmerele asked Mr. Rigg if it is his belief that each one of the lots is fully conforming to zoning for both Glen Rock and Fair Lawn. Mr. Rigg agreed.

Mr. Delia asked when the applicant is anticipating coming back for final subdivision approval and when do you expect the subdivision plan to be perfected.

Mr. Rigg commented they are waiting for the final approval from Mr. Ascolese, three different professionals in Fair Lawn and final Bergen County Planning Board approval. Mr. Rigg stated he would like to be back before this Board in December but the subdivision approval would have nothing to do with the site plan construction, as he could apply for a permit for the entire lot.

Mr. VanLangen questioned if the driveway location has been resolved with the County.

Mr. Rigg replied they have been in contact with the County and they are satisfied with a fourth location.

Mr. VanLangen asked if there were any further comments from the Board or anyone in the audience.

Mr. Simmerele suggested that the Board make a suggesting to the Mayor and Council that the zoning line be changed for this property.

A motion was made by Mayor van Keuren and seconded by Councilwoman Orseck to approve the preliminary major and final subdivision of 909 Prospect Street. The voice vote was as follows:

GLEN ROCK PLANNING BOARD MINUTES
Meeting of October 1, 2015
Page 4 of 8

AYES: Mr. Knapp, Mayor van Keuren, Councilwoman Orseck, Mr. Tirserio, Mr. King,
Mr. Macdonald, Mr. VanLangen
NAYS: None

The application will be memorialized at next month's meeting.

Block 116, Lot 4
201 Rock Road
Applicant: 201 Rock Road LLC

Applicant seeks modification or elimination of a condition of approval - specifically, the condition that no more than 20 people are permitted to occupy the finished area of the basement level at any one time.

Mr. Delia stated this is an application to seek a modification of a prior approval which related to litigation which ended up in a compromise.

Michael Kates, Esq. noted his appearance on behalf of the applicant, The Shubert Organization.

Mr. Delia swore in John Darby, 234 W. 44th St., NY, NY 10036. Mr. Darby is the Vice President of Facilities in The Shubert Organization. Mr. Darby is in charge of anything that has to do with their buildings. Shubert's primary business is to operate legitimate theatres.

Mr. Darby explained that Telecharge is the Shubert Organization's ticketing business supporting various clients.

Mr. Darby noted they have had offices in Hackensack for over thirty years due to their agreement with Ticketron (who has subsequently gone out of business). The facility is a leased facility, which is near term, consequently they would like to move to an owned location. The intent is to move our data center and programmers to this Rock Road location, on the second floor. The area in Hackensack was approximately 7500 square feet.

Mr. Kates asked when Shubert became aware of the limitations on the use of space.

Mr. Darby replied it was noticed when they did their due diligence prior to the purchase of the property in October 2014. At that time they did not see any regular need for the basement; however realized it was a place that could well accommodate an emergency call center.

Mr. Kates distributed the use limitations which were attached to the initial resolution, which were marked at Exhibit A-1.

GLEN ROCK PLANNING BOARD MINUTES

Meeting of October 1, 2015

Page 5 of 8

Mr. Darby noted Exhibit A-1 lists the use limitations as well as the 20 employee limit in the basement.

Mr. Kates also distributed the basement plan.

Mr. Darby demonstrated the existing basement conditions as well as the proposed conditions. Currently there are only two employees of a book store storage area, it is not a store front type of operation. The remainder of the basement is vacant.

Mr. Darby described the proposed plan noting that the book store operation would remain as is. There is also some secured storage for the street-level tenants in the basement. Mr. Darby stated they are proposing a couple of conference room as well as ancillary support spaces for the offices, i.e. break room, workbench area for computer techs. Additionally, we are proposing an emergency call center. Over a short period of time it quickly became obvious how much of the business was done over the internet. Currently, the call center is located in New York. Over the past ten years there have been two occasions when an emergency call center was needed. Obviously, Telecharge does not anticipate needing the emergency call center; however it is imperative to the business that a back-up plan be in existence.

Mr. Darby noted that if they did have to use the emergency call center the employees would be bused out from New York so the available parking is not stressed.

The occupancy downstairs would be random and no one would have an office down there; however, it is conceivable that during conferences there could be more than 20 people present.

Mr. Kates clarified these people would not be new employees but rather ones that have offices upstairs.

Mr. Kates asked what the anticipated cost will be of the anticipated building improvements.

Mr. Darby replied they are anticipating anywhere between \$1.5 and \$2 million. None of the improvements will be external at this time.

Mayor van Keuren asked for more details regarding the emergency generator.

Mr. Darby stated there is currently a cooling tower in the attic space. The emergency generator would also be located in this area. Shubert's engineer has inspected this area and believes it to be structural stable. The employees would be the only ones who would hear the noise generated.

Mayor van Keuren expressed concern that Glen Courts would bear the brunt of any noise generated.

GLEN ROCK PLANNING BOARD MINUTES

Meeting of October 1, 2015

Page 6 of 8

Mr. Darby assured Mayor van Keuren this would not occur, adding the generator tests would be scheduled at a time that is least disruptive to everyone.

Mr. VanLangen asked if there were any questions of anyone in the audience.

Bob Bourne, 114 Thornbury Avenue - Mr. Bourne asked what needs to be dug up or moved the accomplish back-up data plans. Mr. Darby replied there is a possibility we may have to reinforce the electric service. Mr. Darby does not know what the exact plan is right now, typically they have used T1 phone lines.

Mr. Delia swore in Ms. Massaro, Chmetterling, 669 River Dr., Elmwood Park, NJ. Ms. Massaro is employed by G3 Architects and is a registered architect and recertified. Although Ms. Massaro is not licensed in the State of New Jersey the plans were supervised by licensed architect Alan Horowitz. Ms. Massaro has been an architect for Shubert and has been involved from beginning to end with this project.

Mr. Katz referred to the occupant loads noted on the plans. Mr. Katz asked Ms. Massaro to explain.

Ms. Massaro replied when a building is designed the number of occupants must be determined, based on a standardized formula. Ms. Massaro noted the maximum number of people that are legally permitted in this building is 79.

Mrs. Spiller asked if the book store is planning on expanding their space as there are two different sets of numbers on the plan.

Mr. Katz asked if Ms. Massaro reviewed any of the planning documents for the Borough.

Ms. Massaro replied she did review the Re-examination Report dated November 2014. There is a portion that details an economic plan which Ms. Massaro believes is relevant to this application.

Mr. Katz asked Ms. Massaro how she thinks the not permitted uses was determined.

Ms. Massaro replied they appear to be uses which do not generate a lot of clientele. The common thread appears to be low frequency.

Mr. Katz asked Ms. Massaro what she knows of the history of the building.

GLEN ROCK PLANNING BOARD MINUTES

Meeting of October 1, 2015

Page 7 of 8

Ms. Massaro replied the building was constructed in 1996 without setbacks or on-site parking. These conditions were granted as long as the basement was only used for storage purposes. The original owner sold the building to which the buyer wanted relief from these conditions. The Board refused relief of this condition and it was upheld in Court.

Mr. Katz asked Ms. Massaro her opinion as to the viability of continuing these restrictions.

Ms. Massaro believes they should be lifted.

Mr. VanLangen asked what the capacity is in any given normal eight hour shift (24-hour operation).

Mr. Darby replied a normal 9-5 shift would consist of approximately 52 people, which the programmers are the bulk of that number. Mr. Darby explained that their software division has grown by approximately 20% in recent months. A good percentage of the floor space is taken up by computers. The other two shifts consist of just a handful of people.

Mr. VanLangen asked if anyone had any idea how many employees were in the building prior to The Shubert Organization and when it was at capacity. No one had a definitive answer.

Mr. Delia clarified the conditions listed in the February 6, 2002 agreement state there are 8,050 square feet of basement space yet the applicant is stating there are 10,246 square feet. Mr. Delia asked if Ms. Massaro was aware of an additions. She replied no.

Mr. Darby commented he suspects the 8,050 square foot figure is the finished area in the basement.

Mr. Tirserio asked if the fire suppression system is going to be changed.

Mr. Darby replied that would be a decision of the mechanical engineers.

Mr. VanLangen asked if there were any questions or comments from anyone in the audience.

Bob Bourne, 114 Thornbury Avenue - Mr. Bourne commented if the Planning Board limited the number of people in the building there was a reason. There is a serious parking concern with the Central Business District. Mr. Bourne recommended that a condition be put forth that the programming staff not be able to migrate down to the basement permanently.

Mr. Darby replied they did look at this concern and noted that their plan does account for growth capacity for the programmers. Additionally, the current tenant only has a five year lease which could potentially be used as an additional 3,000 square feet at the end of their lease.

GLEN ROCK PLANNING BOARD MINUTES

Meeting of October 1, 2015

Page 8 of 8

Mr. Delia clarified the current conditions permit 20 people in the basement. The Shubert Organization is simply looking to be able to expand that capacity in an emergency situation, not necessarily employ an additional 18 people to be located in the basement.

Mr. Darby replied that is correct.

Mr. VanLangen noted however in an emergency situation the number would increase by approximately 45 programmers.

Mr. King cautioned how the resolution be worded so that the right not be given up to restrict basement capacity with future owners.

Mr. Delia noted that this is all premise to the current application.

Mr. VanLangen asked if there were any further questions or comments from the Board or anyone in the audience.

Councilwoman Orseck made a motion to approve the application of The Shubert Organization, a ticketing service operation, for their technical support staff to be permitted to use the basement area in an emergency situation for a total of up to 45 employees in addition to the book store employees and in those situations on an irregular basis for a gathering spot for a conference room or break room and not to include permanent occupation of that space. The motion was seconded by Mayor van Keuren. The voice vote was as follows:

AYES: Mr. Knapp, Mayor van Keuren, Councilwoman Orseck, Mr. Tirserio, Mr. King,
Mr. Macdonald, Mr. VanLangen

NAYS: None

The application will be memorialized at next month's meeting.

As there was no further business before the Board a motion to adjourn the meeting was made by Mayor van Keuren, seconded by Mr. Tirserio and passed unanimously. The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Nancy Spiller
Board Secretary