GLEN ROCK PLANNING BOARD
Minutes of the November 7, 2013 Meeting

The regular meeting was called to order by Chariman Ken Hrasdzira at 7:30 p.m.

In attendance were Harold Knapp, Mayor van Keuren, Councilwoman Joan Orseck, Robert Tirserio, Cindy Mehallow, Robert VanLangen and Bruce Vanden Assem. Also in attendance was Donna Tamayne, Esq., Board Attorney, Justin Aiello, Borough Planner and Al Roughgarden, Borough Engineer. The Secretary called the roll and read the Sunshine Statement from the Open Public Meetings Act. Kenneth Kang was absent.

The Board reviewed the minutes of the September 30, 2013 work session. A motion to accept the minutes were made by Mayor van Keuren, seconded by Councilwoman Orseck and passed unanimously with Mrs. Mehallow and Mr. VanLangen abstained from voting.

Old Business:

Discussion and possible recommendation to Mayor and Council concerning amendment and supplement to Chapter 230 of the Code of the Borough of Glen Rock entitled "Zoning", to adjust the maximum gross floor area in the A-1 and A-2 residential districts.

Mr. Hrasdzira stated this resolution was sent to the Council for approval after the March meeting. The Council, in turn, sent it back to the Planning Board for clarification.

Mr. Hrasdzira commented that the phrase "whichever is less" was added to both the A-1 and A-2 zones.

A motion was made by Mayor van Keuren and seconded by Mr. VanLangen. The voice vote was as follows:

AYES: Mr. Knapp, Mayor van Keuren, Councilwoman Orseck, Mr. Tirserio, Mrs. Mehallow, Mr. VanLangen, Mr. Vanden Assem, Mr. Hrasdzira
NAYS: None

The resolution will be memorialized at the next meeting.

New Business:

Block 30, Lots 12 & 13
426/428 and 436 Ackerman Avenue
Applicant: Thomas Pearson

Applicant requests preliminary and final major subdivision approval to convey 664 square feet from Lot 12 (436 Ackerman Avenue) to Lot 13 (426/428 Ackerman Avenue).

Charles Collins, Esq. noted his appearance on behalf of the applicant. Mr. Collins commented that attached to this application is a 1974 subdivision that was approved by the Planning Board, as well as County Planning Board though due to a dispute it was never implemented. The current homeowner/applicant is in a position to once again request the subdivision. Mr. Collins provided excerpts from the meeting minutes as well as a map that was previously approved.

The amount of property being requested for transfer is 664 linear square feet from 436 Ackerman to 426/428 Ackerman Avenue.

Ms. Tamayne swore in Bruce Rigg, 1009 Maple Avenue, Glen Rock. Mr. Rigg is a licensed surveyor, professional engineer in the State of New Jersey. Mr. Rigg has testified before this Board numerous times in the past and has been accepted as a professional in his field.

Mr. Rigg submitted provided two separate plans; one being the preliminary subdivision plot originally dated 1/16/13, last revised 9/20/13 and secondly the final plot plan originally dated 8/26/13 and last revised 9/20/13. There is a small strip of land that is being used by 426/428 Ackerman Avenue that they do not have ownership of. This proposal is to move the property line to the proper location. To do this, a list of waivers is necessary which were listed on page two of the plans submitted. Any non-conforming conditions are also listed. The width of the driveway is slightly larger due to the size of the existing garage.

Mr. Rigg reviewed the existing non-conforming conditions, broken down by lot.

Lot 12 –

- Minimum 6’ side/rear yard setbacks for accessory structures. The existing garage is at 5.1’ with the fireplace on the property line.
- Maximum driveway width is 32’ with 52.3’ existing
- Minimum 2’ required from the driveway to the property line. The two driveways meet in the front, so there is a zero setback.
- Minimum 50’ front yard setback where 26.6’ is existing
- Minimum 12’ side yard setback where 10.3’ is existing.
- No new variances are being proposed for this lot.

Lot 13 –

- Minimum 6’ side/rear yard setbacks for accessory structures. The existing garage is at 3.27’, which will not be changed
- 25’ driveway width is permitted where 27.5 is existing
- Total impervious coverage of 50% is permitted where 54.7 exists
- Existing two-family dwelling which will remain
- Minimum 50’ front setback where 26.6’ exists
- Minimum 12’ side yard where 4.3’ exists

- Minimum lot area of 11,200 square feet is required; 7,000 square feet exists
- Permitted structure coverage is 25% where 32% currently exists
- Maximum floor area of 2,667 square feet is permitted where 4,043 square feet exists
- New variances requested for this property include:
    - increase in driveway width to 32.4' where 25' is permitted
    - total impervious coverage currently is 54.7 which is increasing to 57.2 due to the relocation of the driveway
    - lot area increases from 7,664 however it is still less than 11,200
    - structure coverage will be reduced to 29.3% from 32% where 25% is permitted
    - maximum permitted floor area is 2,859 where 4,043 is proposed
- These are the technical variances which are being asked for; nothing will change on the property sites.

Mr. Rigg noted since this is considered a major subdivision the map will be filed with the County.

Mr. Hrasdzira asked if there were any questions from the Board.

Mr. Knapp asked since this subdivision was approved approximately four years ago is there any kind of written agreement stating so.

Mr. Collins replied he has attached to the application an agreement allowing a fund to be established and Mr. Collins to precede on behalf of both property owners.

Mr. Rigg commented this application must be submitted to the County Planning Board. If they request a road widening (since it is a county road) the variance for lot areas may change.

Mr. Roughgarden referred to a letter written by him, dated October 28, 2013 in which a thorough review was performed. Mr. Roughgarden is in agreement with the conditions and waivers listed on the application. Mr. Roughgarden noted if the two properties are looked at as a whole, there is no increase in impervious coverage and does not foresee any drainage concerns.

There were no questions or comments from anyone in the audience.

A motion was made by Mayor van Keuren and seconded by Mr. VanLangen to approve the application for a preliminary and final major subdivision of Mr. Thomas Pearson, 426/428 and 436 Ackerman Avenue. The voice vote was as follows:

AYES: Mr. Knapp, Mayor van Keuren, Councilwoman Orseck, Mr. Tirserio, Mrs. Mehallow, Mr. VanLangen, Mr. Vanden Assem, Mr. Hrasdzira
NAYS: None

The resolution is attached to these minutes.

Block 254, Lot 16.02
909 Prospect Street
Applicant: ARC Properties, DEV, LLC

Applicant requests recommendation to Mayor and Council to change a split zone property (C-1 commercial and A-2 residential) to solely C-1.

Susan Rubright, Esq. noted her appearance on behalf of the applicant who is seeking a recommendation from this Board for a zone line adjustment. The property is currently occupied by Herold's Farm and is bisected by the two zones. Ms. Rubright submitted a report from their planner setting forth the planning and zoning rationale for this adjustment.

Ms. Tamayne swore in John McDonough. Mr. McDonough is a licensed professional planner in the State of New Jersey. Mr. McDonough holds a degree from Rutgers as well as a landscape architecture degree. Mr. McDonough has testified before numerous municipal boards.

Mr. McDonough referred to his letter dated September 19, 2013 which explains their rationale for the proposed rezoning. Additionally, Mr. McDonough presented a companion set of three pages which the first was marked Exhibit A-1 showing an aerial photograph of existing conditions. This exhibit shows that the property straddles two municipalities as well as two zones.

The second exhibit, marked Exhibit A-2, shows in blue the commercial zone, red is the residential zone with the property marked outlined in yellow.

From a planning standpoint to have a split property is irrational and not good planning practices. The question becomes is it more logical to zone the property all commercial or all residential. The applicant is proposing an all commercial zone which is the larger portion of the tract.

The last exhibit, marked Exhibit A-3, shows the proposed zoning. The only difference between the exhibits is the shift in the zone line. This proposed change requires no language change to the zoning ordinance.

Mr. McDonough stated whenever there is a land use zone change it is important that there is a consistency determination between the Master Plan and the Zoning Ordinance. Mr.

McDonough's report puts forth ten reasons why they believe the statutory criteria would be met to establish a zone line change.

- The zone change is consistent with the statutorily required land use element of the Master Plan
- The zone change is consistent with the statutorily goals and objectives of the Master Plan
- The zone change is consistent with the economic development of the Master Plan
- The zone change is consistent with the historic preservation element of the Master Plan
- The zone change is consistent with the 2007 Master Plan Reexamination
- The zone change is consistent with prior recommendations for zone changes
- The zone change is consistent with the development of surrounding municipalities
- Encourages the revitalization of established commercial areas and elimination of barriers, which the current split zone constitutes a barrier
- The zone change is consistent with fundamental planning principles
- The zone change will benefit the community at large

Ms. Rubright asked Mr. McDonough if he has had an opportunity to review the Borough Planner's report.

Mr. McDonough replied he has reviewed the report and found it to be concise and thorough.

Ms. Rubright asked Mr. McDonough to address whether there would be any negative impact on the neighboring residential properties.

Mr. McDonough commented this is just a first step and not a site plan so any land development of this site would need to go through normal channels. As a commercial site a buffer would need to be established at the back of the property, which Mr. McDonough believes would be a better solution than what currently exists. The buffering of the site would internalize any activity rather than externalize it, which is how it exists today.

Mr. McDonough also noted the Planner's report included a number of photographs which reinforces the condition of the property and shows it to be ideally suited for redevelopment to a higher and better retail use.

Ms. Rubright asked if there were any questions of the Board.

Mr. Knapp expressed concern that a zoning change may be premature, until we are aware of how the property would be developed, for what purpose and how it will affect the neighborhood.

Ms. Rubright commented if a zone change were granted the Board would then be given a full, complete application where all of these technicalities would be noted.

Mr. Aiello referenced his letter regarding this application dated October 31, 2013. Mr. Aiello also questioned the type of use and impact on the surrounding area, particularly Keith Place.

Mr. McDonough responded stating the current zone line provides less of a separation between residential and commercial than what is being proposed. Currently, residential and commercial properties are back to back. Additionally, the current zoning provides other assurances of no encroachment; i.e. lighting overflow, landscape barriers.

Mr. Aiello did agree from a planning standpoint this is a smart move to rectify a split lot.

Mr. VanLangen questioned if there is something that the Board should be made aware of regarding this property that would affect their decision. Why does this property need to be remediated?

Ms. Rubright commented as this is a garden center there has been some contamination from pesticides to which there are no resources available to remediate.

Mrs. Mehallow asked to what extent would this remediation be regulated by/or reported to DEP?

Ms. Rubright believes DEP is aware of the contamination.

Mrs. Mehallow asked if it would be possible for the current property owner to share what they know regarding the contamination.

Ms. Tamayne swore in Lisa DiIenno, VP of Development for ARC Properties. Ms. DiIenno replied they have done a Phase I and Phase II site investigation. There was an oil tank, which was removed by the property owner; however, it did leak and there is some soil removal that will be required. This has been reported to the DEP. There are also pesticides that have been detected to a depth of approximately two feet. ARC Properties will remediate the property to DEP standards.

Mrs. Mehallow asked if Ms. DiIenno knows where the nearest well is to this property.

Ms. DiIenno replied she does not know; however they have tested some ground water. Prior to the oil tank removal it appeared there was some impact on the ground water; however testing after the tank removal did not show any contamination affecting the ground water.

Mr. VanLangen asked if the zoning in Fair Lawn is the same as Glen Rock's.

Mr. McDonough replied yes it is.

Mrs. Mehallow commented Mr. McDonough has twice referred to the proposed plan as a more sustainable use than the current use. Mrs. Mehallow asked how is sustainable defined and why is it more sustainable.

Mr. McDonough replied from viability standpoint with a developer that is very experienced in retail development; in addition to a nationally recognized retail chain.

Mrs. Mehallow clarified that Mr. McDonough is referring to economic viability as opposed to environmental or social viability.

Mr. McDonough replied there is an environmentally sustained element as well as this will be new construction with better efficiencies associated with it.

Mrs. Mehallow asked if Mr. McDonough knows what the impervious coverage currently is and how it will differ from the proposed application.

Ms. Rubright replied that is a question for another witness.

Mrs. Mehallow asked if the Conservation Plan Element was looked at, in addition to the Master Plan.

Mr. McDonough replied he reviewed all of the elements of the Master Plan.

Mrs. Mehallow asked what Mr. McDonough saw in terms of the alignment with the Conservation Plan.

Mr. McDonough replied he did not see anything with the rezoning that would contradict the goals or objectives of the Conservation Plan.

Mr. Hrasdzira asked if the plans being proposed by ARC Properties have been fully developed or are they still in a conceptual stage.

Ms. Rubright stated they are fully well developed.

Mr. Hrasdzira commented if the Board was to recommend and the Council were to approve a zoning change it may be in order for the Board to view the applicant's conceptual plan.

Ms. Rubright asked Mr. McDonough if this Board did not approve the proposed zone change, and the property was to remain a split zone, how does he foresee the development of this property as a split zone.

Mr. McDonough replied the property would have limited viability and limited desirability from a planning standpoint if the property remains as is.

Ms. Rubright asked what kind of planning/approvals would need to be accomplished before the property could be developed if the property were to remain a split zone.

Mr. McDonough replied the development that is to the left of the property would be the logical pattern; however this too would pose some difficulties. The property would have to go through a Class S subdivision requiring some form of subdivision between the two zones.

Ms. Rubright asked if Mr. McDonough sees the remediation as any source of a detriment to the residents.

Mr. McDonough replied from a planning standpoint it is more appropriate to have a commercial development come in to expedite the clean-up of the site. Mr. McDonough added given the fact that there has been a history of contamination he believes this to be less desirable from a residential standpoint.

Mr. VanLangen asked if the property could still be development by requesting a use variance.

Mr. McDonough replied yes, that is always an option; however he believes it is a barrier and becomes a deterrent to developers.

There were no further questions from the Board or anyone in the audience.

Mr. Hrasdzira asked if Mr. Roughgarden had any comments to make.

Mr. Roughgarden commented he has not seen a site plan and will reserve any comments until such time that one is provided.

Ms. Tamayne swore in Andrew French who is a professional licensed engineer in the State of NJ. Mr. French has worked in the engineering field for 20 years, licensed the past 12. Mr. French was accepted as a professional in his field.

Ms. Rubright referred to an aerial photograph and asked Mr. French to review the proposal.

Mr. French explained the proposed plan is to have a Walgreens store in the center of the property with two other stores on either side. The intent is to not have any access drives off the back of the property onto Keith Place. There will be a screening of trees and possibly a fence along the back (Keith Place) side. The lighting will project downwards. Landscaping will be provided throughout the property. The impervious coverage will increase to approximately 75% from the

current 55%. Mr. French noted that currently there is no storm water management on site with the runoff not controlled.

Mr. VanLangen asked if Walgreens has restrictions on when deliveries, garbage pick-up can be made.

Mr. French replied typically they have twice a week large deliveries, during off-peak times (though during store hours) which last approximately one hour. Mr. French noted that Walgreens is very conscious of their neighbors and want to be considered part of the community.

Mr. Hrasdzira clarified there would be no access drive from Keith Place or Nagle Drive (Fair Lawn).

Mr. French stated currently there are no plans to provide an access drive on to Keith Place. Currently there are plans to have a main access drive from Prospect Street. There will be ample driveways around the store. An ingress access will also be proposed off of Saddle River Road as well as a secondary access on to Nagle Drive. Mr. French noted the neighboring streets are dead ends.

Mrs. Mehallow asked what the average volume of traffic for a Walgreens of this size.

Mr. French replied typically customers coming to Walgreens are customers that are already on the road. During the site plan they will provide a traffic report.

Mrs. Mehallow asked if a Dunkin Donuts is currently under consideration as one of the secondary buildings.

Mr. French replied Dunkin Donuts is not currently being considered, although it was in the initial conceptual plan.

There were no further questions from the Board or anyone in the audience.

Ms. Rubright thanked the Board and asked for their consideration in recommending this zone change to the Mayor and Council.

A motion was made by Mayor van Keuren and seconded by Council member Orseck to recommend to the Mayor and Council a zone change for 909 Prospect Street, ARC Properties. The voice vote was as follows:

AYES: Mayor van Keuren, Council member Orseck, Mr. Tirserio, Mrs. Mehallow, Mr. VanLangen, Mr. Vanden Assem, Mr. Hrasdzira
NAYS: Mr. Knapp

The resolution is attached to these minutes.

As there was no further business before the Board a motion to adjourn the meeting was made by Mayor van Keuren, seconded by Councilwoman Orseck and passed unanimously. The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Nancy Spiller
Board Secretary