TO: City of Hackensack Planning Board

FROM: Gregory J. Polyniak, P.E., P.P., C.M.E., C.P.W.M,
       David Juzmeski, P.E., P.P.

RE: Amended Site Plan Application
    Applicant: 22 Sussex, LLC
    22 Sussex Street
    Block 208, Lot 22
    HACKSPL.20.011

DATE: January 27, 2020
REVISED March 4, 2020

AMENDED SITE PLAN REVIEW

STATUS: RECOMMENDED COMPLETE (See Page 5 for required completeness items)

Honorable Board Members:

Neglia Engineering Associates (“NEA”) has prepared a review of the materials submitted in support of the referenced application. Specifically, NEA has reviewed the following documents:

- Zoning Permit Application consisting of the following forms:
  - Form ‘D’ – Site Plan / Subdivision / Variance Application (signed);
  - Form ‘E’ – Zoning Permit Application (signed), dated January 15, 2020;
  - Form ‘F’ – Site Information (complete);
  - Form ‘G’ – Corporate or Partnership / Ownership Disclosure (complete);
  - Form ‘H’ – Variance Request;
  - Form ‘I’ – Support Documents (signed), dated January 15, 2020;
- Site Plan Amendment Cover Letter, prepared by Craig P. Bossong, Esq., of Florio Perrucci Steinhardt & Cappelli LLC, dated January 15, 2020;
- City of Hackensack Police Department communication dated January 23, 2020;
- City of Hackensack Fire Department Checklist Plan Review Letter, dated March 28, 2018, last revised January 21, 2020;
- City of Hackensack Fire Department Checklist Plan Review Letter, dated March 2, 2020; and
1. **Location and Zone**

The subject property consists of one (1) irregular-shaped tax parcel, with frontage to the north on Bergen Street and to the south on Sussex Street. The property is bound to the east and west by office and restaurant uses. Furthermore, the properties to the north and south, across Bergen Street and Sussex Street, respectively, contain additional office uses. The subject property is located within the 22 Sussex Street Redevelopment Plan District.

2. **Site Description**

The subject property is located within Block 208, Lot 22 and is commonly known as 22 Sussex Street. The site is currently undergoing construction. Furthermore, the structure has been erected; however, the proposed facade materials have not been installed to date. The property has an area of 34,555 square feet (0.81 acres). An aerial image is included below for your review.

![Aerial Image](image)

3. **Project Description**

The Applicant received Site Plan Approval for a multi-family residential use on the subject property. This included the construction of a five (5) story building, inclusive of two (2) levels of parking, consisting of eighty-eight (88) residential units (32 studios, 48 - 1-bedroom, and 8 - 2-bedroom units). The proposed associated site improvements include construction of concrete sidewalk, lighting, and landscaping. The Applicant also proposed streetscape improvements along Bergen Street and Sussex Street.

The Applicant proposes an amendment to the approved plans consisting of the addition of a rooftop walkway and terrace, modifications to the proposed windows, and modifications to the parking garage facade.

4. **Zoning Analysis**

Based upon NEA’s initial review of the application materials, we offer the following findings regarding zoning compliance:

a. **Use / Jurisdiction**
The property is located within the 22 Sussex Street Redevelopment Plan District. Permitted uses within the District include:

- Residential uses: multi-family, apartments, stacked flats, lofted, residential over retail / commercial, residential lining a parking structure or residential uses over parking structures;
- Commercial uses: general offices, medical, physical therapy, basic research and outpatient care facilities, health clubs, professional uses and banks, hotels, conference centers, and day spas, permitted as freestanding structures or as a linear around parking structures; and
- Retail uses: restaurants, eating and drinking establishments, cafes, general stores, shops, bakeries, delicatessens, book and stationary shops, florists, as a linear around parking structures.

The Applicant proposes construction of a five-story apartment building with eighty-eight (88) units over an associated parking structure, which is a principal permitted use within the District. However, the Applicant proposes a building height that exceeds the permitted height within the 22 Sussex Street Redevelopment Plan. As such, this application requires a ‘d’ variance.

For these reasons, it is NEA’s opinion that this application requires a revision to the 22 Sussex Street Redevelopment Plan. However, NEA defers to the City of Hackensack Land Use Department and City Planner for Final Determination.

b. *Bulk Deficiencies*

The following bulk deficiencies have been identified for the application at the subject property:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Ordinance Section</th>
<th>Required / Permitted</th>
<th>Previously Approved</th>
<th>Proposed</th>
<th>Status(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structured Parking</td>
<td>22 Sussex Street Redevelopment Plan – §3.0 Development</td>
<td>Yes(2)</td>
<td>No</td>
<td>See Below(2)</td>
<td>Previously Approved</td>
</tr>
<tr>
<td>Screening</td>
<td>Place-Making Design Standards; Structured Parking</td>
<td></td>
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<tr>
<td>Parking Meters</td>
<td>22 Sussex Street Redevelopment Plan – §3.0 Development</td>
<td>Yes</td>
<td>No</td>
<td>No Change</td>
<td>Previously Approved</td>
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<tr>
<td></td>
<td>Place-Making Design Standards; Streetscape Design</td>
<td></td>
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<tr>
<td></td>
<td>Standards; Parking Meters</td>
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<tr>
<td>Building Height</td>
<td>22 Sussex Street Redevelopment Plan (last revised</td>
<td>72 feet / 6 stories</td>
<td>66 feet</td>
<td>70.70 feet</td>
<td>Conforming(3)</td>
</tr>
<tr>
<td></td>
<td>February 2020) – §2.0 Use and Bulk Requirements –</td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>Density, Area, Yard and Height Requirements (9)</td>
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<tr>
<td>Accessory Structure</td>
<td>22 Sussex Street Redevelopment Plan (last revised</td>
<td>12 feet above</td>
<td>N/A</td>
<td>12.46 feet + 70.70 feet =</td>
<td>Conforming(4)</td>
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<tr>
<td>Height</td>
<td>February 2020) – §2.0 Use and Bulk Requirements</td>
<td>permitted height</td>
<td></td>
<td>83.14 feet</td>
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<tr>
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<td>= 72 feet + 12 feet = 84 feet</td>
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</table>

(1) Each item with a status of “non-conforming” will require a new variance or deviation.

(2) In accordance with the structured parking requirements established within §3.0 of the 22 Sussex Street Redevelopment Plan, “structures shall include decorative architectural details such as building materials, windows, window treatments and detailing that are similar in size, scale and design to the residential buildings.” The Applicant has revised the building façade to replace concrete façade areas to brick, additional
windows are proposed installed, and openings are proposed along the parking areas. However, these window openings appear to be covered with black chain link fencing. Testimony addressing the proposed façade improvements in addition to color renderings shall be provided at the Board hearing.

(3) In accordance with Section §1.0 of the 22 Sussex Street Redevelopment Plan, Building Height is defined as “The vertical distance of a building measured from the average of the top of curb of the two corners of the proposed building to the highest roof beam of a flat roof or the mean level of the highest gable or slope of a hip roof. For projects located at a corner lot, the height will be measured from the top of curb of the two corners located along the primary building façade.” It shall be noted that this definition nor does the redevelopment plan include any exclusions related to stair tower, elevator, or elevator lobby vestibule protrusions beyond the height of the main roof line.

(4) In accordance with Section §1.0 of the 22 Sussex Street Redevelopment Plan, “In no event shall the height of an accessory structure exceed the permitted height of the principal building with the exception of parking structure and rooftop access (elevator / stairwell). Access will be allowed to exceed the permitted building height by a maximum of 12'-0”, subject to all building code requirements.” Whereas, the Applicant is allowed a total height of 84 feet. Whereas, the Applicant proposes a total height of 83.14 feet.

c. Parking Calculation

<table>
<thead>
<tr>
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<th>Status(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family</td>
<td>22 Sussex Street Redevelopment Plan - §2.0 Use and Bulk Requirements; Parking Standards</td>
<td>Studio Apartment: 1.0 spaces per dwelling unit</td>
<td>(1.0 spaces / unit) x 32 units = 32 spaces</td>
<td>109 spaces</td>
<td>Previously Approved</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Standard Unit: 1.25 spaces per dwelling unit</td>
<td>(1.25 spaces / unit) x 56 units = 70 spaces</td>
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<tr>
<td></td>
<td></td>
<td><strong>Total Required Parking Spaces:</strong> 102 required spaces</td>
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</tbody>
</table>

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<thead>
<tr>
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<th>Ordinance Section</th>
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<th>Proposed</th>
<th>Status(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bicycle Parking</td>
<td>22 Sussex Street Redevelopment Plan - §2.0 Use and Bulk Requirements; Parking Standards</td>
<td>1.0 space per 10 vehicle parking spaces (for up to 200 vehicle parking spaces)</td>
<td>(1.0 space / 10 vehicle spaces) x 108 vehicle spaces = 108.8 bicycle spaces = 11 required bicycle spaces</td>
<td>12 spaces</td>
<td>Previously Approved</td>
</tr>
</tbody>
</table>

(1) Each item with a status of “non-conforming” will require a deviation.

(2) Each item with a status of “previously approved” received a variance and approval from the City of Hackensack Planning Board.

d. Signage Bulk Deficiencies

No signage information has been submitted. The Applicant shall provide testimony addressing if any signage is being proposed.

5. Application Completeness

The Applicant previously submitted all completeness items, as identified by NEA, minimum for a completeness review. However, as per the Site Plan Checklist Ordinance §175-14.7, the Applicant shall provide the following updated items:
B. Project Development Information Required: (if applicable)

Item #12 – Fire areas and other access ways for emergency vehicles. The Applicant shall submit an update review letter from the City of Hackensack Fire Department. This item has been addressed. No further action is required.

a. Status

NEA recommends that this application be deemed complete for the purpose of commencing the time period for municipal action until jurisdiction has been confirmed due to the proposed building height and submittal of correspondence from the City of Hackensack Fire Department. These items have been addressed. No further action is required.

6. Planning and Engineering Comments

Engineering / Planning Comments:

1. At such time as a hearing is scheduled regarding this matter, a representative or owner of the project site shall be present to address questions from the Board. This comment remains applicable until the Board has taken action on this application.

2. NEA recommends that the Applicant provide material boards and color renderings during the Board presentation to demonstrate that the proposed buildings and improvements will be aesthetically acceptable. This shall include any rooftop screening. The rendering shall include a view of all sides of the building. This comment remains applicable until the Board has taken action on this application.

3. The Applicant shall confirm the materials and colors utilized for the construction of the building. Furthermore, the Applicant shall provide testimony with respect to the building articulation, façade materials, colors, traditional design elements, visual access, entrances, awnings, lighting, and roofing as they relate to the requirements established within the 22 Sussex Street Redevelopment Plan. This comment remains applicable until the Board has taken action on this application.

4. The Applicant shall provide testimony confirming that the site plans previously approved, as it relates to the parking decks, remains applicable for the proposed revision. This comment remains applicable until the Board has taken action on this application.

5. The Applicant’s professionals shall provide testimony in support of all required variance relief and deviation from the 22 Sussex Street Redevelopment Plan. This comment remains applicable until the Board has taken action on this application.

6. The Applicant shall acquire a revised review letter from the City of Hackensack Fire Department. The Applicant shall address all Fire Department requirements/upgrades and obtain approval from the same. The Applicant has obtained a revised review letter from the Fire Department. The Applicant shall address the concerns illustrated within the Fire Department letter and any Police Department letters, and obtain approval from the same. In addition, the Applicant is responsible for addressing any on-site/off-site improvements required to be compliant with the Fire Department requirements.

7. The Applicant shall ensure that all disturbed work areas are stabilized. The Applicant shall topsoil, seed, hay, and straw mulch to ensure lawn growth, where appropriate. A note indicated the same shall be provided on the site plan. This comment has not been addressed.
8. The resolution conditions remain applicable, as indicated within the Planning Board of the City of Hackensack Resolution for 22 Sussex Street, Block 208, Lot 22, dated July 11, 2018, unless noted otherwise in subsequent approvals and/or resolutions. **This comment remains applicable.**

**Grading, Drainage, & Utility Comments**

1. The Applicant shall provide testimony that all ADA accessible routes, parking spaces, sidewalk ramps, etc. will conform to the ADA Standards for Accessible Design provided by the Department of Justice, latest revised. **This comment remains applicable until the Board has taken action on this application.**

2. The Applicant shall provide a grading plan illustrating proposed grading contours and spot elevations for review. Said plan shall provide additional surveying information with a 10-foot overlap to evaluate the runoff impact to adjacent properties. **This comment has not been addressed.**

3. The Applicant was previously approved for a stormwater management plan consisting of underground detention pipes to comply with the reduction requirements set forth within the 22 Sussex Street Redevelopment Plan. This approved plan and maintenance requirements remain applicable for this application amendment. **No further action is required.**

4. The Applicant is responsible for any negative drainage impacts to adjacent properties due to on-site grading or drainage. Should a negative impact be identified during and/or upon completion of the project, the impact shall be addressed immediately. **This comment remains applicable.**

5. The Applicant shall provide testimony as it relates to any rooftop mechanical equipment and proposed screening of the same. All equipment shall be sufficiently screened and baffled to satisfy all applicable noise ordinances. **This comment remains applicable until the Board has taken action on this application.**

6. The Applicant shall coordinate any and all proposed test pits and televising of sewer and drain lines with NEA. Our office shall be notified a minimum of forty-eight (48) hours prior to the start of any activity. **This comment remains applicable.**

7. The Applicant shall provide a final certification memorandum with respect to the stormwater management system, prepared, signed, and sealed by a licensed engineer in the State of New Jersey before a recommendation to issue a final certificate of occupancy can be made. This certification shall contain the following content at a minimum:

   a. A chronological log of site visits that include the date, time, weather and the nature of stormwater management-related work;

   b. An as-built survey depicting all on-site stormwater management facilities, including, but not limited to items such as inlets; leader overflow(s); system overflow(s); area/trench drains; pipes/means of conveyance; any other related structures and appurtenances;

   c. Signed and sealed copy of stormwater system operation and maintenance requirements, including vendor/manufacturer recommendations and references;

   d. A form of acknowledgement from the property owner that he/she has been provided a copy of the operating and maintenance requirements for the stormwater management system/appurtenances and understands maintenance responsibilities; and

   e. Signed and sealed certification of a licensed professional in the State of New Jersey attesting to the following:

      1. He/She was on-site and observed key phases of active construction;
2. He/She evaluated the as-built condition and that all aspects of the system conform to the approved plan or justify any exceptions thereto; and

3. He/She is of the professional opinion that the system is expected to operate in accordance with the approved plan.

This comment remains applicable and shall be addressed upon construction completion.

Lighting and Landscaping Comments:

1. The Applicant shall submit all streetscape plans and details to the City Engineer and City Planner prior to securing building permits, if granted approval. This comment remains applicable.

General Comments:

1. New and revised materials shall be filed with the City’s Land Use Department and shall not be sent directly to the Board’s professionals. The Land Use Department will forward the application and related materials to the Board’s professionals when they are finished with their review. Materials submitted directly to NEA will not be reviewed. This comment remains applicable.

2. Revised reports, plans and exhibits, which are to be considered at the hearing, should be submitted ten (10) days prior to the scheduled hearing. This comment remains applicable.

3. Any waivers for checklist requirements, which are requested by the Applicant, must be supported by written justification. This comment remains applicable.

4. It is the Applicant’s responsibility to determine what, if any, permits are required from outside agencies in order to construct the proposed development. These agencies include, but are not limited to, Bergen County, NJDOT, BCUA, and NJDEP. This comment remains applicable, as required.

5. The above comments are based on a review of materials submitted and/or testimony provided to date. NEA reserves the right to provide new or updated comments as additional information becomes available. This comment remains applicable.

7. Hearing Dates for Completed Application

Provided all required information is received by the dates indicated, the following hearing dates may be available:

Complete Application by: March 4, 2020

Earliest Potential Hearing Date: March 11, 2020

Scheduling for a hearing is subject to the Board’s application load and planning and engineering evaluation of the application following the filing of the missing information.