PLANNING BOARD OF THE CITY OF HACKENSACK

RESOLUTION

IN RE THE APPLICATION OF
MSQUARE CONSTRUCTION, LLC
FOR PRELIMINARY AND FINAL SITE PLAN AND VARIANCE APPROVAL
74 CLARENDON PLACE, BLOCK 435 LOT 18
SP # 16-19 AND V #16-19

WHEREAS, MSQUARE CONSTRUCTION LLC (hereinafter referred to as the
"Applicant") has applied to the Planning Board of the City of Hackensack (hereinafter referred to
as the "Board") for Preliminary & Final Site Plan Approval and variance approvals to demolish
all existing on-site improvements on the subject property and to construct a three (3) story,
residential apartment building with nine (9) units, consisting of five (5) one bedroom units and
four (4) two bedroom units. Associated site improvements include construction of modular block
retaining walls, a brick paver dwelling entry walk, concrete walks around the building, stormwater
management and utility facilities, and landscaping.

The following approvals are sought:

1. Preliminary and Final Site Plan review pursuant to Chapter 175, §14.1 et. seq.;

2. The following bulk deficiencies have been identified:

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<thead>
<tr>
<th>Regulation</th>
<th>Ordinance Section</th>
<th>Required / Permitted</th>
<th>Proposed</th>
<th>Status(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>Schedule of District Regulations (R-3B District)</td>
<td>20,000 square feet</td>
<td>14,481.5 square feet</td>
<td>Non-Conforming</td>
</tr>
<tr>
<td>Minimum Illumination (Non-Attendant Parking Lot)</td>
<td>§175-10.2.f(1)</td>
<td>1.0 foot candle</td>
<td>&lt; 1.0 foot candle(2)</td>
<td>Non-Conforming</td>
</tr>
<tr>
<td>Parking Lot Fencing / Wall</td>
<td>§175-10.2.E</td>
<td>Yes(3)</td>
<td>No(3) (Landscape Screening)</td>
<td>Non-Conforming(3)</td>
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<tr>
<td>Rear and Side Yard Parking</td>
<td>§175-10.2.I</td>
<td>No(4)</td>
<td>Yes(4)</td>
<td>Non-Conforming(4)</td>
</tr>
<tr>
<td>Loading Area</td>
<td>§175-10.2.K</td>
<td>Yes(5)</td>
<td>No(5)</td>
<td>Non-Conforming(5)</td>
</tr>
</tbody>
</table>

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

(2) The Applicant has submitted a lighting plan that provides lighting iso-contours associated with the proposed light fixtures. The Applicant shall revise the plan to include a lighting point-by-point analysis to verify the precise illumination levels within the parking lot.

(3) In accordance with Section §175-10.2.E of the City of Hackensack Zoning Ordinance, “all parking areas required by this ordinance, when located in residential districts, except for one- and two-family structures, shall be screened along the side or sides abutting a public street with either a solid fence or wall. Said fence shall be a minimum of five (5) feet in height.” Therefore, the Applicant is required to provide solid fencing or a wall along the portion of the property fronting Clarendon Place to comply with the above requirement. As such, a variance from the City of Hackensack Zoning Ordinance is required.

(4) In accordance with Section §175-10.2.E of the City of Hackensack Zoning Ordinance, “except for one- and two-family structures, no off-street parking shall be permitted in the front, side or rear yards nor between the front setback line and the street right-of-way line of any multi-family dwelling in an R District, B-1, or B-2 District or of any office building in an R District.” The Applicant proposes to construct parking spaces in the side and rear yard setbacks. As such, a variance from the City of Hackensack Zoning Ordinance is required.

(5) As per Section §175-10.2.K of the City of Hackensack Zoning Ordinance, “off-street loading and unloading shall be provided in such a manner that all loading and unloading operations will be conducted entirely within the boundaries of the lot concerned.” The Applicant has not provided any delineated loading areas on-site. As such, a variance from the City of Hackensack Zoning Ordinance is required.

### 3. Parking Calculation:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Ordinance Section</th>
<th>Units</th>
<th>Required</th>
<th>Proposed</th>
<th>Status(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Bedroom Unit (per RSIS)</td>
<td>Residential Site Improvements Standards NJAC</td>
<td>1.8 parking spaces per unit</td>
<td>5 units x (1.8 spaces/unit) = 9 required parking spaces</td>
<td>18 spaces</td>
<td>Compliant with RSIS(2)</td>
</tr>
<tr>
<td></td>
<td>Residential Site Improvements Standards NJAC §5:21-4.14(f)(Table 4.4)</td>
<td>2.0 parking spaces per unit</td>
<td>4 units x (2.0 spaces / Unit) = 8 spaces</td>
<td>Total = 17 spaces</td>
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<tr>
<td>Two-Bedroom Unit (per RSIS)</td>
<td>§5:21-4.14(f)</td>
<td>2.0 spaces/unit (other than studio apartments), plus 10% of the total parking required for visitors</td>
<td>9 units x (2.0 spaces / unit) x (110%) = 19.8 required parking spaces (20 Parking Spaces)</td>
<td>18 spaces</td>
<td>Non-Conforming</td>
</tr>
<tr>
<td>Multi-Family Dwelling</td>
<td>§175-10.1.B</td>
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<td></td>
<td></td>
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<tr>
<td>Minimum Number of ADA Spaces</td>
<td>§175-10.1.C (per ADA)</td>
<td>Parking lots with 1 to 25 spaces shall have 1 ADA-accessible space</td>
<td>1 ADA-accessible space</td>
<td>1 ADA-accessible space</td>
<td>Conforming</td>
</tr>
<tr>
<td>Parking Space Size</td>
<td>Residential Site Improvements Standards NJAC §5:21-4.15 &amp; 175-10.2.D(2)</td>
<td>9 feet x 18 feet</td>
<td>9 feet x 18 feet</td>
<td>8 feet x 18 feet</td>
<td>Non-Conforming &amp; RSIS Waiver Required</td>
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</tbody>
</table>

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

(2) As per Table 4.4 of Residential Site Improvements Standards, Section N.J.A.C. 5:21, the parking requirements for garden apartments require 1.8 parking spaces for each one-bedroom unit and 2.0 parking spaces for each two-bedroom unit proposed. The Applicant proposes four (4) two bedroom units and five (5) one bedroom units. Therefore, the Applicant is required to provide seventeen (17) parking spaces. The Applicant proposes eighteen (18) parking spaces and is therefore compliant with the RSIS parking standards.

4. Signage Bulk Deficiencies:

Based on the submitted Site Plan Set and Architectural Plan, it does not appear that any signage improvements are proposed at this time.

WHEREAS The subject property is located within Block 435, Lot 18 and is commonly known as 74 Clarendon Place, R-3B (Medium Density Multi-Family and Offices) District; and

WHEREAS, the aforesaid application was duly made to the Planning Board of the City of
Hackensack, notice of the application was duly published and made pursuant to the requirements of N.J.S.A. 40:55D-12, and the requirements of the City of Hackensack Code; and

WHEREAS, the Planning Board of the City of Hackensack held public hearings on October 16, 2019, November 6, 2019, March 11, 2020 and July 8, 2020, at which time it heard testimony and considered the subject application; and

WHEREAS, the applicant is represented by Carmine R. Alampi, Esq. of the law firm of Alampi & De Marrais, LLC; and

WHEREAS, the Applicant presented the testimony of: Mark S. Martins, P.E., P.L.S., of Mark Martins Engineering; Vassilios Cocoros, A.I.A., of V.C.A. Group, LLC; Joseph Milanese, P.E. of Sam Schwartz Consulting; and David Spatz, P.P., in support of the application; and

WHEREAS, the following plans and exhibits were presented to the Board at the October 16, 2019 public hearing for review:

- **Exhibit A-1** Site Plan Set consisting of seven (7) sheets entitled “Site Plan, Multi-Family Residence, 74 Clarendon Place, City of Hackensack, Bergen County, N.J.” prepared by Mark S. Martins, P.E., P.L.S., of Mark Martins Engineering, LLC, dated May 7, 2019; last revised May 30, 2019;
- **Exhibit A-3** Architectural Plan Set consisting of two (2) sheets entitled “New 12 Unit Dwelling Located at: 74 Clarendon Place, Hackensack, New Jersey, Block: 435 Lot: 18, R3B Zone,” prepared by Vassilios Cocoros, RA, dated January 24, 2019, last revised August 27, 2019;
- **Exhibit A-4** Aerial Map;
• **Exhibit A-5** Architectural Rendering;

• **Exhibit A-6** Photo Exhibit; and

WHEREAS, the following plans and exhibits were presented to the Board at the November 6, 2019 public hearing for review:

• **Exhibit A-7** Site Plan Set consisting of seven (7) sheets entitled “Site Plan, Multi-Family Residence, 74 Clarendon Place, City of Hackensack, Bergen County, N.J.” prepared by Mark S. Martins, P.E., P.L.S., of Mark Martins Engineering, LLC, dated May 7, 2019; last revised October 25, 2019;

• **Exhibit A-8** Architectural Plan Set consisting of two (2) sheets entitled “New 12 Unit Dwelling Located at: 74 Clarendon Place, Hackensack, New Jersey, Block: 435 Lot: 18, R3B Zone,” prepared by Vassilios Cocoros, RA, dated January 24, 2019, last revised October 24, 2019;

WHEREAS, the following plans and exhibits were presented to the Board at the March 11, 2020 public hearing for review:

• **Exhibit A-9** Site Plan Set consisting of seven (7) sheets entitled “Site Plan, Multi-Family Residence, 74 Clarendon Place, City of Hackensack, Bergen County, N.J.” prepared by Mark S. Martins, P.E., P.L.S., of Mark Martins Engineering, LLC, dated May 7, 2019; last revised November 21, 2019;

• Exhibit A-10 Architectural Plan Set consisting of two (2) sheets entitled “New 11 Unit Dwelling Located at: 74 Clarendon Place, Hackensack, New Jersey, Block: 435 Lot: 18, R3B Zone,” prepared by Vassilios Cocoros, RA, dated January 24, 2019, last revised November 15, 2019; and

WHEREAS, the following **updated and revised plans and exhibits** were presented to the
Board at the July 8, 2020 public hearing for review:

- Site Plan Set consisting of seven (7) sheets entitled “Site Plan, Multi-Family Residence, 74 Clarendon Place, City of Hackensack, Bergen County, N.J.” prepared by Mark S. Martins, P.E., P.L.S., of Mark Martins Engineering, LLC, dated May 7, 2019; **last revised June 16, 2020**;

- One (1) page Photo Sheet entitled “74 Clarendon Place, City of Hackensack NJ, Community Housing A Planning Associates Inc.”, no date provided;

- Signed and dated nine (9) page document entitled, “Details of Site Plan – Ordinance 175-14.7 Site Plan Checklist”, prepared by The City of Hackensack Department of Building and Land Use, dated April 29, 2019;

- One (1) Site Plan sheet entitled, “Elevation, Zoning Info, A1 for New 9 Unit Dwelling,” prepared by V.C.A. Group LLC., dated January 29, 2019, **last revised March 15, 2020**;

- Testimony Outline prepared by Louis. J. Luglio, P.E. of Sam Schwartz Consulting, dated **June 23, 2020** as Responses to Site Plan Application Review, 74 Clarendon Place, Hackensack, NJ 07601

WHEREAS, the Board also reviewed the following:

- Zoning Permit Application consisting of the following forms:
  - Form ‘B’ – Site Plan Checklist (complete);
  - Form ‘D’ – Site Plan / Subdivision / Variance Application (signed), undated;
  - Form ‘E’ – Zoning Permit Application (signed), dated April 29, 2019;
  - Form ‘F’ – Site Information (complete);
  - Form ‘G’ – Corporate of Partnership / Ownership Disclosure (complete);
• Form ‘H’ – Variance Request (complete);

• Form ‘I’ – Support Documents (signed and notarized), dated April 17, 2019;

• Architectural Plan Set consisting of two (2) sheets entitled “New 12 Unit Dwelling Located at: 74 Clarendon Place, Hackensack, New Jersey, Block: 435 Lot: 18, R3B Zone,” prepared by Vassilios Cocoros, RA, dated January 24, 2019, last revised November 15, 2019 (These plans represent a former iteration of the proposed building, which has now been revised);

• City of Hackensack Fire Department Checklist Plan Review, dated May 8, 2019, October 28, 2019, November 26, 2019, December 2, 2019 and June 23, 2020;

• City of Hackensack Police Department review letter, dated May 22, 2019, and November 22, 2019;

• Drainage Calculations Report, prepared by Mark S. Martins, P.E., P.L.S. of Mark Martins Engineering, LLC, dated June 12, 2019, last revised August 30, 2019;

• Driveway Sight Triangles and Turning Movement Diagram plans prepared by Sam Schwartz Consulting, LLC dated August 20, 2019;

• Response to comments letter from Sam Schwartz of Sam Schwartz Consulting, LLC dated August 20, 2019;

• Cover Letter, prepared by mSquare Construction LLC, dated November 20, 2019;

• Completeness/Planning & Engineering Review Memorandum (Revised Review Letter #4) from Gregory J. Polyniak, P.E., P.P., C.M.E. and David Juzmeski, P.E., P.P. of Neglia Engineering Associates, dated May 30, 2019, last revised June 30, 2020; and

WHEREAS, the Board also heard and considered the testimony of the Board engineer,
Gregory J. Polyniak, P.E., P.P., C.M.E; and Hackensack Police Officer Timothy Sroka, Traffic Division; and

WHEREAS, the Board heard and considered the comments offered to the Board by members of the public at the time of the public hearings; and

WHEREAS, the Planning Board of the City of Hackensack makes the following findings of fact and conclusions with respect to the within application:

1. The subject property consists of one (1) rectangular-shaped tax parcel, with frontage to the northwest on Clarendon Place. The property is bound to the north and northwest by single-family dwellings, and to the south and southeast by apartment buildings. Properties located to the west, across Clarendon Place, consist of single-family residential uses. The subject property is located within the R-3B (Medium Density Multi-Family and Offices) District. The subject property is currently developed with an existing two (2) story single family dwelling with an attached garage. Associated site improvements consist of a concrete driveway, bluestone walkways and patio, covered porches, block walls and sections of chain-link and wooden fence enclosure. The subject property has an area of 14,481.5 square feet (0.33 acres).

2. The Applicant proposes to demolish all existing on-site improvements and to construct a three (3) story, nine (9) unit residential building consisting of five (5) one bedroom units and four (4) two bedroom units. Associated site improvements include construction of modular block retaining walls, a brick paver dwelling entry walk, concrete walks around the building, stormwater management and utility facilities, and landscaping.

3. The Board incorporates herein as part of its findings of fact the sworn testimony of the Applicant’s witnesses; the Board Engineer, Gregory J. Polyniak, P.E. P.P., C.M.E., C.P.W.M; and Hackensack Police Officer Timothy Sroka, Traffic Division, as set forth in the verbatim
transcripts of the proceedings conducted at the public meetings of the Board on October 16, 2019, November 6, 2019, March 11, 2020 and July 8, 2020.

4. The Board finds that the testimony adduced by the Applicant’s witnesses was credible and was based upon reliable and accurate data and information.

5. The Board finds that it is the objective of site plan review to work toward the development of an aesthetically acceptable and well-ordered community, serving the interest of public health, safety and general welfare of the City residents, and ensuring that the scope of the development is within the infrastructure capacities of the City. The Board finds that the objective of site plan review as set forth above is consistent with the goals and objectives of the Hackensack Master Plan, which objectives include maintaining and enhancing the quality of established neighborhoods in Hackensack. Based upon the testimony presented by the Applicant’s witnesses and the Board’s review of the Exhibits and reports submitted in connection with the project, the testimony of the Board’s Engineer and Planning consultant, and the Board’s familiarity with the subject property and the surrounding community, the Board finds that the Applicant has provided sufficient information for the Board to determine that the proposed project will advance these objectives.

6. In considering the project in connection with the criteria outlined in the City’s site plan review ordinance, the Board finds that the proposed Site Plan provides for adequate emergency, fire and police access and protection; adequate traffic circulation and access; adequate drainage and disposal of all wastes; safe and convenient pedestrian circulation; appropriate lighting and landscaping; and an attractive and convenient layout.

7. The Board finds that the applicant has adduced testimony that the proposed development can be constructed without any significant adverse or detrimental traffic impact upon
the adjacent roadway system and that the proposed development will not exacerbate the existing conditions of the roadway and/or intersections.

8. N.J.S.A. 40:55D-70(c)(1) of the Municipal Land Use Law (MLUL) allows variances to be granted "where, (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, a strict application of any regulation...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property."

N.J.S.A. 40:55D-70(c)(2) of the MLUL allows variances to be granted "where an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment". Based upon the proofs presented, the Board finds that the property meets the requirements under N.J.S.A. 40:55D-70(c)(1) and that the Applicant has met the affirmative criteria under N.J.S.A. 40:55D-70(c)(2) for the granting of each of the requested variances as follows:

- The proposed development of the subject property as multi-family dwelling is a permitted use in the R-3B Medium Density Multi-Family and Offices District. Said development will, thus, advance the goals and objectives of the City of Hackensack Master Plan and the Municipal Land Use Law, specifically, by developing the subject property in conformity with the zone and thereby, promoting health, safety and general welfare of the public.
• The Board finds, in connection with the bulk variances, that the proposed building design and the associated site improvements advance the goals and objectives of the Hackensack Master Plan and the Municipal Land Use Law by promoting a desirable visual environment through creative development techniques and good civic design and arrangements. The Board finds that these benefits will accrue to the public by the granting of the requested variances as part of the development application. The Board further finds that these benefits are significant and that they substantially outweigh any potential detriment.

• The Board finds that the lot size is a pre-existing condition, created through no action of the applicant. The Board finds that due to the unique lot size and narrowness, as well as the planning requirements of the proposed building, the proposed parking into the side yard and rear yard setbacks of the subject property are permissible variances. The proposed development of the property is consistent with the development of the surrounding neighborhood, which has a number of buildings which are or have the appearance of being multi-story, multi-family structures with large parking lot coverage. The Board finds that the proposed development of the site preserves adequate light, air and open space for the site and the adjacent properties.

• The Board finds that the unenclosed parking lot is functional and appropriate and represents reasonable design alternatives which promote increased accessibility and the general welfare. The Board recognizes the restrictions created by the unique shape and size of the subject lot, and further recognizes that this variance is
consistent with the development of surrounding properties which have similarly unenclosed parking lots.

- In connection with variance for the parking in the side yard and rear yard setbacks, and the partial screening of the parking lot, the Board finds that the overall site plan and the design proposals, represent a reasonable design alternative, and that the proposed screening and fencing adjacent to the parking lot, will provide an adequate buffer to screen the parking lot from the neighboring parcels. The Board finds that the proposed site plan and the design proposals will advance the goals and objectives of the Hackensack Master Plan and the Municipal Land Use Law by promoting a desirable visual environment through creative development techniques and good civic design and arrangements; and that there would be no detriments to permitting these variances.

- In connection with the lack of a dedicated on-site loading area, the Board finds that given the limited number of units, and the fact that some delivery and move-in operations will utilize guest spaces (for passenger vehicles), and that Clarendon Place is a relatively minor residential street with minimal thru-traffic, the overall site plan and proposal for larger delivery trucks to utilize on-street loading and unloading along Clarendon Place represents a reasonable design alternative.

- In connection with the RSIS waiver for the width of the one compact car space (8 ft width proposed, 9 ft width required), the board finds that this waiver represents a reasonable design alternative, given that the overall site plan and design proposals for the site.
9. The Board finds that the negative criteria of N.J.S.A. 40:55D-70(c) require applicants to show that the requested variances will not be substantially detrimental to the public good nor will they substantially impair the intent and purposes of the zone plan and zoning ordinance. Based upon the proofs presented, the Board finds that the applicant is proposing a building and site lay out which is substantially consistent with the character of the surrounding neighborhood, and advances the goals and purposes of the Hackensack Master Plan, and that this application satisfies the negative criteria in that the requested variances will not cause a substantial detriment to the public good nor substantially impair the intent and purposes of the City of Hackensack Master Plan and zoning ordinance. As noted above, the Board further finds that the proposed Site Plan provides for adequate fire and police access and protection; adequate drainage and disposal of all wastes; adequate traffic circulation and access; safe pedestrian circulation; appropriate lighting and landscaping; and an attractive and convenient layout.

NOW, THEREFORE, BE IT RESOLVED that the application for Preliminary & Final Site Plan Approval and requested approval to demolish all existing on-site improvements and to construct a three (3) story, nine (9) unit residential building consisting of five (5) one bedroom units and four (4) two bedroom units. Associated site improvements include construction of modular block retaining walls, a brick paver dwelling entry walk, concrete walks around the building, stormwater management and utility facilities, and landscaping, be and hereby is GRANTED.

BE IT FURTHER RESOLVED, that the granting of the above approval is conditioned upon the applicant obtaining all necessary Federal, State, County and Regional Municipal approvals, permits and licenses necessary or applicable, including, but not limited to, municipal
soil moving, Bergen County Planning Board, Bergen County Soil Conservation District, and Treatment Works Application, and NJDEP Safe Drinking Water Act approval, as applicable.

BE IT FURTHER RESOLVED, that the granting of the within approval is conditioned upon the application complying with all comment letters and directives of the Board Engineer and Planner, and the City Planner, both prior to, and during construction, including, without limitation, all directives required to ensure that the proposed sanitary sewer and stormwater drainage systems will function properly as designed.

BE IT FURTHER RESOLVED, that the granting of the within approval is conditioned upon the recommendations and comments, if any, received from the Police, Traffic Division; Fire Prevention; Sanitation Department; Health Department; Building Subcode Official; Construction Official; or other City departments required to review this project.

BE IT FURTHER RESOLVED, that the granting of the within approval is conditioned upon the Applicant/Developer complying with all of the specific conditions, stipulations and agreements made throughout the course of this application, including, but not limited to the following:

**Conditions Specific to this Application:**

A. That the applicant will address all of the comments set forth in the Completeness/Planning and Engineering review letter prepared by Gregory J. Polyniak, P.E., P.P., C.M.E. and David Juzmeski, P.E., P.P. of Neglia Engineering Associates, dated June 30, 2020; and as per the testimony at the Board meetings on March 11, 2020 and July 8, 2020, or otherwise to the satisfaction of the Engineer;

B. That a trash room will be provided inside the building, which will be maintained
and picked up by a private company with a truck the size of a pick-up truck, retrofitted for trash pickup, which would follow the same maneuvering for egress as other vehicles if all spaces are taken and unavailable.

C. That delivery and move-in operations will utilize guest spaces (for passenger vehicles). Larger delivery trucks will utilize on-street loading and un-loading along Clarendon Place. Move-in and move-out by unit dwellers will be coordinated by the developer/property owner to occur at times and dates to be scheduled in advance to avoid conflicts among unit dwellers.

BE IT FURTHER RESOLVED, that the granting of the within approvals are specifically made subject to the following additional conditions:

General Conditions:

A. This approval is subject to Applicant obtaining the required construction permit(s) and any other state, County, or City approvals, as required.

B. All fees, costs, bonds and escrows shall be paid when due or becoming due. Any monies are to be paid within twenty (20) days of the said request by the Zoning Officer or Construction Official, or their designee.

C. All representations made by the Applicant or its agents shall be deemed conditions of this approval and any misrepresentations by Applicant contrary to the representations made before the Board shall be deemed a violation of this approval.

D. The action of the Board in approving this application shall not relieve the Applicant of responsibility for any damages caused by this project, nor does the Board, or its reviewing professionals and agencies, accept any responsibility for design of the
proposed improvements or for any damages that may be caused by this project.

E. Applicant shall comply with all applicable federal, state, regional, county and local rules, regulations and requirements. In the event compliance with the requirements of any such governmental entity necessitates modifications to the site plan, Applicant shall submit revised plans to the Zoning Officer and Construction Official for their review and approval. If deemed by either of them to be so substantial or different as to warrant further review by the Board, such modifications shall be referred to the Board for its formal review, and Applicant shall be required to present same in compliance with the notice provisions of the Municipal Land Use Law.

F. This approval is conditioned upon the truthfulness of the testimony of the Applicant and the Applicant's witnesses. In the event that said testimony is found to be willfully false, this approval may be voidable and may be nullified by the Board.

G. The Applicant shall submit an original, with sufficient copies, of the plans hereby approved for the Board’s authorized signatures. The Applicant shall also provide copies to the Board Engineer, the City Redevelopment Consultant, and the Construction Code Official, as applicable.

H. The Applicant shall provide the Zoning Officer with (3) copies of the approved project site plan on digital media (flash drives or CD’s).

I. The Applicant shall provide an as-built survey prior to the request for any Temporary Certificate of Occupancy and/or Certificate of Occupancy.

J. The proposed improvements shall be constructed so as to be consistent with the
architectural renderings, building elevations and material presented to the Board, including, without limitation, materials, design details, window type, colors and color schemes, and other window and façade features.

K. The Applicant shall post such performances and maintenance bonds as may be required by the Board Engineer and as may be further required by the Hackensack Code and pursuant to the Municipal Land Use Law.

L. If deemed necessary by the City or its professionals to ensure compliance with the terms of the approvals granted herein; the proper installation/maintenance of the improvements in connection with the development of the subject property; and that the subject property will be improved and developed in such a manner that will ensure protection to the surrounding properties, as well as the public roads in and about the area of the subject property, the developer shall enter into a Developer’s Agreement with the City of Hackensack in connection with the development of the subject property.

M. The Applicant will comply with the City ordinance regarding storm water runoff from the site and, if requested, the applicant will provide an additional drainage analysis to the Board’s engineer to confirm the adequacy of the proposed drainage system.

N. Applicant shall comply with all City Ordinances regarding the recycling of recyclable materials, removal of trash and garbage, including construction and demolition materials, if any.

O. All outstanding property taxes for the Property shall be made current.
P. A copy of the **signed** resolution shall be forwarded to the Applicant, the Board Engineer and the Building Department of the City of Hackensack; and the secretary shall publish the required notice.

BE IT FURTHER RESOLVED, that the Site Plan approval, and waivers granted herein are specifically made subject to any conditions referred to herein. In the event that any condition is held to be invalid, unenforceable, or unlawful, the entire approval granted herein shall be unenforceable. It is the intent of the Board that the approvals granted herein shall not be approved if any condition is invalid, and that the conditions are not severable from the approvals granted herein.

**Motion to Approve subject to the conditions set forth in this resolution**

In Favor for the motion:

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<tr>
<th></th>
<th>YES</th>
<th>NO</th>
<th>ABSENT</th>
<th>ABSTAIN</th>
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<td>F. Garip, Jr.</td>
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<td>J. Labrosse</td>
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<td>K. Canestrino</td>
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**Motion in favor of adoption of the Resolution**

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I certify that the foregoing is a true copy of a resolution adopted by the Planning Board of the City of Hackensack at the meeting of July 8, 2020.

Planning Board Secretary