April 26, 2020

Board of Adjustment
City of Hackensack
Court Street
Hackensack, NJ

RE: Planning Report
Proposed Residential Development
308 Anderson Street
Block 442, Lot 23 & 41

Board Members,

Page Consultants, Inc. was retained by 308 Anderson Street, LLC to prepare a Planning Report regarding the proposed fifteen (15) unit apartment building. The project is proposed to be constructed on Block 442, Lots 23 & 41 in the City of Hackensack, NJ comprising of 17,074 SF. The building will consist of twelve (12) one-bedroom apartments and three (3) two-bedroom apartments. Off street parking will be provided underneath the structure and in an open parking area north of the building.

Access to the site is off Anderson Street and Lookout Avenue.

I. Existing Zone:

The project is in the R-2B zone district. The permitted uses are Single and Two- Family dwellings and Townhouses, municipal buildings, and facilities; parks and playgrounds; schools; resident-professional practice and community residence for the developmentally disabled. A fifteen (15) unit apartment building is not permitted in the R-2B zone, as such, a D (1) Use Variance is required. There are several C (2), Flexible Bulk Variances also required to be granted by the Board.

Anderson Street is a municipal roadway that runs North-South through a section of Hackensack. The project is also within walking distance to the Anderson Street Train Station plus there are NJ Transit bus routes that traverse Anderson Street and nearby Passaic Street.

The lot on Anderson Street, Lot 23 is vacant while the lot on Lookout Avenue, lot 41, has a single- family residential home on it. The immediate properties to the right and left of the project on Anderson Street consist of single and/or two- family homes while the parcels adjacent to those two houses consist of multi-family residential units. Across the street on Anderson there is also a multi-family.
The parcel off Lookout Avenue that is east of the site comprise of a parking lot for the adjacent multi-family facility and to the west is a single-family home.

The Existing Conditions Plan is shown on Figure 1. The City Zoning Map is shown on Figure 2 while the proposed Site Plan is shown on Figure 3. Figure 4 encompasses the proposed site plan superimposed on an aerial photograph of the site. Photographs of the area are shown in Appendix A.

II. Variances:

The Board of Adjustment has the power to grant both the D (10 and the C (2) variances for this application. The requested variances include:

2. Section 175 C (2): **Lot Area**. The minimum lot area in the R-2B District is 20,000 SF while the existing consolidated lots area is 17,074 SF.
3. Section 175 C (2): **Minimum lot width**: The minimum lot width is 100 FT while the width on Anderson Street consists of 50 FT.
4. Section 175 C (2): **Minimum Lot Coverage**: The minimum lot coverage is 30% while the coverage proposed is 73.25%.
5. Buffer 175-9.1 (A)1 C (2): **Buffer Zone**: Minimum required is 6.81 FT while the proposed buffer is 0 FT.
6. Section 175-1(A)2 C (2): **Permitted Structures in Buffer Zone**: Open space in the buffer required, projects primary building is in the side yard buffer.
7. Section 175-9.1(A)4 C (2): **Composition of the Buffer**, Plant material 6 FT in height or solid or tightly woven fence. A decorative fence is proposed.
8. Section 175-10.2(1) C (2): **Front/Side Yard Parking**: Parking not permitted in the front yard, one parking space is proposed in the front yard along Anderson Street.
9. Section 175 C (2): **Parking**: City of Hackensack parking requirements consist of 2.0 parking spaces per unit plus 10% for visitors while RSIS requires 1.8 spaces for one-bedroom units and 2.0 spaces per two-bedroom units. The City ordinance therefore requires 33 spaces while RSIS requires 28 spaces. The proposed plan provides 21 spaces.

There are also several Waivers being requested for the project. They are:

1. Location of Flood Hazard Boundaries: The property is not within the flood hazard areas. **waiver** requested
2. A solid waste management plan is not required for units less than 25, since the project consists of 15 units a **waiver** is requested.
3. Lots exceeding 21,780 SF require contours with intervals of 1 FT and slopes over 15% contour intervals of 2 FT. Project consists of 17,074 SF so a **waiver** is requested.
III. Proofs/Findings:

The Board of Adjustment has the power to grant both the D (1) and the C (2) variances. The applicant must provide the required proofs to the Board so the Board will be able to appropriately make its decision. In particular cases and specific reasons, the Board of Adjustment may grant a variance to allow departure from regulations specified in the local municipal ordinances.

A. Proofs “D” Variance:

For the Board to grant a “D” variance, “special reasons” must be presented by the applicant.

Regarding the proposed apartment building, the project does carry a purpose of zoning. As noted in Burbridge v Mine Hill Twsp, 117 N. J. 376, 386-387 (1990) and Medici v. BPR Co., 107 N.J. 10, 18 (1987), special reasons can be defined for a particular project. Pursuant to Burdrige, three applicable prongs are:

(c) To provide adequate light, air and open space.

(h) To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.

(i) To promote a desirable visual environment through creative development techniques and good civic design and arrangement.

The construction of the apartment building at this location is suitable for the following reasons: There are several other apartment buildings within proximity of this site. They are on both sides of the site (only separated by one residential unit on each side) and across Anderson Street in front of the project. Access to the building is from two locations, thus minimizing turning movements into and out of the property and provides better emergency access from Anderson Street and Lookout Avenue. The walk from the site to the Anderson Street train station is a minimal walk of about 1,500 FT, which enhances the location for commuters and helps reduce traffic congestion, the design of the building and site plan are aesthetically pleasing to the neighborhood from the physical design and shape of the building, the parking underneath the structure, the open parking lot in the rear and the enhanced landscaping around the site.

Due to the narrowness and depth of the lots the apartment building is well suited for the proposed area. There are tall structures on both sides of the two adjacent residential lots so by constructing the proposed apartment building, this project will bring one more parcel closer to what the area has transformed into. The vacant parcel on Anderson Street would most likely never be used for a single family home due to the apartment buildings on both sides of the lot and the apartment building that directly across the street. The lot is also non-conforming in the...
R-2B zone so if a house was to be build, several variances would be required and the value of the house would not meet its potential due to the surrounding land use.

The R-2B zone is also contiguous with the R-3A and the R-3B zones which are higher density residential zones than the R-2B zone. At the location this specific property is situated, the R-2B zone also abuts to and is a transition zone to the R-50 zone, therefore the proposed project is specifically suited for this location being a low density apartment complex compared to the adjacent high density apartment complexes within close proximity of this site. In addition, the definition of a townhouse in the Hackensack ordinance includes “fee simple condominiums, cooperative or leasehold ownership or combination thereof” which define a rental apartment which also defines this property as being specially suited for the proposed project.

B. **Proofs, “C “Variances:**

The C (2) variances sought are list below. Under Price v. Himeji, LLC, 214 N.J. 263, 301 (2013), the ”C” variances listed as “subsumed in the consideration of the “D” variances. The proposed use generates certain nonconforming conditions that are integrally related to the use. They being:

(a) **Lot Area:** The lot areas are smaller than what is required for the R-2B District. 20,000 SF is required and with the combination of the two lots, only 17,074 SF can be obtained. The existing two parcels do not conform and with the combination of the two, the lot area is closer to conformance than the existing two lots.

(b) **Minimum Lot Width:** 100 FT is required while the width of the larger lot on Anderson Street is only 50 FT. The two lots again separately are nonconforming to the requirements of the R-2B Zone District.

(c) **Minimum Lot Coverage:** 30% is required while 73.45% is proposed. In order for the project to provide adequate off-street parking, the lot coverage had to be increased. The rear portion of the site became the area where additional parking was provided.

(d) **Buffer Area:** The minimum buffer required is 6.81 FT where the proposed project provides 0 FT.

(e) **Permitted Structures in the Buffer:** A portion of the structure is in the side yard buffer. In order to comply with the required interior area for an apartment and trying to conform with the existing minimal lot width, the building extended into the side yard buffer. The applicant is proposing a decorative fence and a row of evergreen plantings to soften the buffer.

(f) **Composition of the Buffer:** A decorative fence is proposed along both sides of the property as well as plantings. The height of the plantings is less than 6 FT.

(g) **Front/Side Yard Parking:** One parking space is proposed in the front yard. The purpose of the one space is to maximize the number of off-street parking spaces for the project.

(h) **Parking:** The project is deficient by 12 spaces per the City’s parking requirements and 7 spaces per RSIS parking requirements. Due to the location of the project to the Anderson Train station and proximity to the NJ Transit bus routes, it is fair to say that there will be tenants that will be commuting via trains and buses. Also located in the inner City of Hackensack, the need for multiple cars is not a necessity. There is also no street parking along Lookout Avenue that will provide parking if the need is there.
C. Waivers:

There are several waivers being requested, they are;

(a) **Locating Flood Boundaries:** The FEMA map shows that the site is not in a flood plain.

(b) **Waste Management:** The project will use a private waste hauler.

(c) **Contours at a 1 FT Interval for Lots Over 21, 780 SF And 2 FT Contours For Slopes Over 15%:** The site contains 17, 704 SF so this requirement does not apply.

IV. **General Concept-Variance Relief:**

For the Board to decide to grant a variance, positive and negative criteria must be presented. Regarding the process, there are five (5) prongs that should be considered for each project. They are:

That the variance request:

1. Relates to a specific piece of property.
2. That the purpose of the Municipal Land Use Law would be advances by a deviation from the zoning ordinance requirement.
3. That the variances can e granted without substantial detriment to the public good.
4. That the benefits of the deviation would substantially outweigh any detriment and,
5. That the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

As shown in Section B, the projects restricted property size, the proximity to other apartment buildings adjacent to and across Anderson Street from the project, the closeness to the Anderson Street train station and NJ Transit bus routes, the open space on the north side of the project which is adjacent to the parking lot of the apartment building east of the site and the enhanced aesthetics and landscaping proposed for the project are all positive criteria and special reasons as to why this project is especially suited for this property.

V. **Negative Criteria:**

Accordingly, no variances can be granted without showing that such variances (1) can be granted without substantial detriment to the public good and (2) will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

The proposed apartment building will not create a substantial detriment to the public good. There are several apartment buildings adjacent to this project that are larger than what is being proposed. The existing lots do not meet the minimum area required in the R-2B zone so by

**Page Consultants Inc**  ▪ 6 Forest Avenue - Paramus, NJ 07652  
 t: (201)-291-5601 ▪ office@pageconsultantsinc.com
combining the two lots, the area is closer in compliance than what presently exists. The proposed units proposed, nine (9) single bedroom units out of eleven (11) reduces the impact of having large families and children thus minimizing the impact on municipal services and schools.

The number of trips generated by the apartment complex will be minimized due to its closeness to the train and bus routes and being in the inner city, thus reducing trips and congestion.

**Conclusion:**

The grant of the D (1) and the C (2) variances and the waivers relates to this specific property, will advance the zoning ordinance requirements for the City of Hackensack by providing a clean, aesthetically pleasing and conforming site that is suited to this specific property. The project will not be a detriment to the public good, the benefits of the project outweigh any detriments and the granting of the variances will not substantially impair the intent and purpose of the zone plan and the zoning ordinance. Therefore, I recommend that the Board grant the variances being requested and approve this project.

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William Page PP
lic # 4228
Appendix A

Photographs
View of proposed lot from Anderson Street

View of adjacent residential property (#300) and apartment complex (#290) to the East of the proposed site from Anderson Street
View of apartment complex (#290) to the East of the proposed site from Anderson Street

View of adjacent residential property (#312) and apartment complex (#318-322) to the West of the proposed site from Anderson Street
View of apartment complex (#318-322) to the West of the proposed site from Anderson Street

Looking east from the site off Overlook Avenue
Looking north from Overlook Avenue

Rear parking lot to the right of the proposed site
View of rear of multi-family units located on Prospect Avenue and Hamilton Place and extending to the south side of Anderson Street