

PLANNING BOARD

MINUTES

DATE: December 14, 2022

1. Roll Call

This is the Regular Meeting of Wednesday, December 14, 2022. Chairman Garip called the meeting to order at 7:02 p.m.

Roll call was taken and the following members were present: Mr. Iyamu, Mr. Dib, Mr. Allegretta, Mr. Martucci, Mr. Contini, Deputy Mayor Canestrino Mayor Labrosse, and Chairman Garip.

ABSENT: Vice Chairman Chiusolo.

LATE ARRIVAL: Ms. Solomon (7:03 p.m.)

EARLY DEPARTURE: None

ALSO PRESENT: Joseph L. Mecca, Jr., Esq.; Gregory J. Polyniak, P.E., P.P., Neglia Engineering; Bridget McLaughlin, Zoning Officer; and Donna Arnold, Certified Court Reporter.

2. Payment of Bills

MOTION BY MR. CONTINI TO APPROVE BILLS SUBMITTED AS OF 12/14/2022. SECOND BY MR. MARTUCCI. MOTION IS PASSED BY A UNANIMOUS VOTE IN FAVOR.

3. Approval of Minutes of 11/09/22

MOTION MADE BY MR. MARTUCCI TO APPROVE THE MINUTES OF 11/09/22. SECOND BY MR. CONTINI. MOTION IS PASSED BY AN AFFIRMATIVE VOTE OF MR. ALLEGRETTA, MR. MARTUCCI, MR. CONTINI, MAYOR LABROSSE AND CHAIRMAN GARIP.

4. MEMORIALIZATIONS:

a. **Applicant: Property Observer, LLC**
308 Anderson Street, Block 442, Lot 23/Lot 41
SD#12-22 V#12-22

The Applicant proposes to subdivide the existing lot into two (2) parcels (proposed Lot 23.01 and 23.02). As per the submitted Subdivision Plan Set, proposed Lot 23.01 and Lot 23.02 will each contain an area of 6,000 square feet. The Applicant does not propose any site improvements as part of this application.

MOTION TO MEMORIALIZE MADE BY MR. MARTUCCI.
SECOND BY MR. CONTINI. MEMORIALIZATION IS
PASSED BY AN AFFIRMATIVE VOTE OF MR. DIB,
MR. ALLEGRETTA, MR. CONTINI AND CHAIRMAN GARIP.

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5. APPLICATIONS:

a. CARRIED TO JANUARY 11, 2023 NO FURTHER NOTICE

Applicant: Five Brothers of Main Street, LLC

90 Main Street

SP#10-22 V#10-22

Block 206.01, Lot 16, Block 204, Lots 11, 12.
The existing site is currently utilized as an office building. The Applicant proposes to reconstruct the existing three (3) story structure into a six (6) story structure and change the use to mixed-use residential and retail development. In addition, the Applicant proposes to restripe the existing parking area located in Lots 11 and 12 of Block 204. The Applicant proposes to construct a 107,688 square foot mixed-use development consisting of 47 one-bedroom units, 20 two-bedroom units, and 4,605 square feet of retail space. Additionally, the Applicant proposes 91 total parking spaces inclusive of 10 stackable spaces, 5 on-street spaces, 50 standard spaces (9 in the neighboring lot and 41 in the proposed parking deck), 5 ADA spaces (1 in the neighboring lot and 4 in the proposed parking deck), 9 compact spaces, and 2 electric vehicle spaces.

b. Applicant: Johnson Development LLC

320 S. River Street, Block 30.02, Lot 16

SP#16-22 V#16-22

The Applicant proposes to subdivide the existing lot into two (2) lots (Proposed Lot 16.01 and 16.02). As per the submitted Subdivision Plan Set, proposed Lot 16.01 will consist of an area of 56,934 square feet (1.3 acres) and will remain a vacant lot. Proposed Lot 16.02 will consist of an area of 148,812 square feet (3.4 acres) and will contain the existing, previously approved, climate controlled self-storage building. The Applicant does not propose any site improvements as part of this application.

A P P E A R A N C E S

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5. APPLICATIONS: (Continued)

b. Applicant: Johnson Development LLC

E X H I B I T S

No Exhibits Marked

P U B L I C H E A R I N G

V I N C E N T T I B E R I, having been sworn/affirmed.

Mr. Tiberi is the development manager for the applicant. He testifies this is a variance-free application. The current use is a multi-story storage facility with conditioned spacing which will make up about 5-by-10s, 10-by-10s, 10-by-20 units for people to store things. What we're proposing to do is subdivide the parcel that's out front, that's a little over an acre, with the intent to market it for business that would be acceptable to the City of Hackensack as far as an auxiliary use for that outpost. Applicant has begun site improvements adding roughly 4 inches of top soil, graded out, hydro seeded and watered to make sure that it would start germinating. It looks like it has started to take. Obviously, we're now into the wintertime. One of the comments from Mr. Polyniak was to relook at everything come the springtime to just make sure we get the proper coverage. We understand that. And we will maintain it to make sure that we do get the proper coverage. Also the applicant is marketing the property for a use that would be compatible to the uses in the area and also that would be likely agreed to by the City of Hackensack. The applicant hopes to be able to have something brought to the table after the new year as we are attempting to talk with different interested parties. There's been a little bit of turnover on our side in regards to handling of the items that were mentioned in the engineer's report. Currently, I'm in the process of having an inventory done. There was a concern that the plantings weren't completed for the as-built plan. We're also taking a look at some of the grading that was also in question. We'll take a look at all of that and make sure that it's compliant. And when we talked a little bit about the springtime review in regards to that out parcel, we'll make sure that everything is addressed per the approved as per the plans. The applicant agrees to work with the board professionals to upgrade the landscaping.

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5. APPLICATIONS: (Continued)

b. Applicant: Johnson Development LLC

J A M E S S E N S, P L S, P P, having been sworn/affirmed.

Mr. Sens is accepted as a professionally licensed land surveyor and planner.

Mr. Sens testifies a lot of my thunder has already been stolen, but existing Lot 16 and Block 30.02. We plan to subdivide that into two lots perfected by deed. The existing lot is 4.7 acres. We plan to subdivide Lot 16.01 which will contain the existing self-storage property, that would be 3.4 acres, and a vacant lot at this point will be 16.02, of 1.3 acres. The property is in B(3) general business zone. The self-storage unit will function as it is now. There's no change to the ingress and egress to that lot. Parking, all those things remain the same. Again, this is a variance-free application and there's no development proposed at this time on Lot 16.02. As part of the subdivision the existing drainage for the lot cuts across the proposed Lot 16.01, then also across the front of the property. That's how it ties into the storm system along South River Street. As part of the comments from Neglia is to offer easements for those utilities across the lot which we provided with the easements. And the latest review letter dated December 8th, there was some comments about one of the metes-and-bounds descriptions which were provided as part of the package, contained a typo which we addressed and sent in about a week ago. It was not 10 days, but we have addressed that comment and that document has been provided. All the technical subdivision comments have been addressed.

G R E G O R Y J. P O L Y N I A K, P. E., P. P., having been sworn/affirmed.

Mr. Polyniak testified the applicant stated they will address the lawn along the frontage of the property. They'll also address any dead, diseased and dying plantings throughout the site. Those are the main concern of our office as related to this application. We did have some technical comments and I believe the applicant's surveyor will address them if the project is approved.

Mr. Allgretta asked Mr. Polyniak about the easement.

Mr. Polyniak replies the easement was for the Applicant's benefit. So it's not that the City is

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taking control of the easement. It's just allowing the stormwater to flow through a lot that may not be owned by the self-storage facility. So what will happen is no building will be permitted to be constructed over that drainage line, so as not to compromise the drainage of the site.

BOARD DELIBERATION AND VOTE

MOTION TO APPROVE:

MOTION BY: A. Dib

SECOND BY: M. Allegretta

ROLL CALL: K. Solomon - aye

A. Dib - aye

M. Allegretta - aye

J. Martucci - aye

R. Contini - aye

K. Canestrino - aye

J. Labrosse - aye

F. Garip - aye

5. APPLICATIONS:

c. Applicants: John & Elisa Ingallerina

356 Park Street, Block 321, Lot 16

SP#14-22 V#14-22

The Applicant proposes to construct a three (3) story, three (3) unit townhouse development with asphalt access driveways onto Park Street and Berry Street and attached garages. Additional site improvements include paver walkways, utilities, landscape improvements, and drainage systems.

A P P E A R A N C E S

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5. **APPLICATIONS:** (Continuing)
 c. **Applicants:** John & Elisa Ingallerina

E X H I B I T S

- A-1 Photoboard, Last Revised 7/14/22
 A-2 Architectural Rendering, Last Revised 6/28/22
 A-3 Sample Board, Last Revised 6/28/22
 A-4 Aerial Exhibit

P U B L I C H E A R I N G

Mayor Labrosse and Deputy Mayor Canestrino recuse themselves from this matter and step off the dais.

Mr. Brotman is the attorney representing this application. He gives the board an overview of the application and the witnesses who will testify. The property is 356 Park Street in Hackensack, the southeast corner of Park and Berry Streets identified as Block 321, Lot 16 in the UR(4) zoning district. The property, itself, is sort of a trapezoidal shape and is approximately 4,824 square feet in size. It is currently vacant, other than an old garage. The property has a two-family house on it, that was destroyed about 15 years ago by fire. We're looking to put something there that fits the community and Hackensack as well. We are seeking preliminary and final major site plan approval for the development. It is a three-unit two-story townhouse development. It is a permitted use in the zone. And while we have a number of bulk variances, we are primarily in conformance by the size and shape of the lot, itself, and we believe it fits the area. We have four witnesses tonight: The first witness we'll have is John Ingallinera who is the son of the owner; then the David Egarian, our professional engineer; Al Dattoli, architect; and Joe Burgis, our planner. **J O H N I N G A L L I N E R A**, having been sworn/affirmed.

Mr. Ingallinera testified: I'm a lifelong resident, third-generation Hackensack. This property is owned by my father. He's 86 years old at this time. And this property has been vacant for over 15 years. So we would like -- almost like legacy, my dad always wanted us, me and my brother, to do

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c. Applicants: John & Elisa Ingallerina

Something together like this. And within the last year, we decided to put something on there, something that would fit the area, like we said. It would be nice. Mr. Dattoli has put together a beautiful proposal for you guys. And I hope you appreciate all the work that he put in. And I think it could be a beautiful building on that lot. So I thank you for your time and your consideration.

G R E G O R Y J. P O L Y N I A K, P.E., P.P., having been sworn/affirmed.

Mr. Polyniak discusses the variances requested. The first variance is minimum lot size per dwelling, 2,000 square feet is required. The applicant is proposing 1614.7 square feet per unit. Minimum lot width per dwelling, 20 feet is required, the applicant is providing 18.5 feet per unit. The minimum front yard setback from Berry, 10 feet. The applicant is proposing 6.1 feet. Minimum side yard setback, 6 feet. The applicant is proposing 5 feet. Minimum rear yard setback 20 feet. The applicant is proposing 14.6. And then the parking requirements. The parking requirements for three units which are three-bedroom units is 2.4 spaces per unit, which is 7.2 parking spaces. You round that down because it's less than .5 to seven spaces. The applicant is proposing five spaces in total for the development.

Chairman Garip notes so it just sounds like the whole thing is too big for the lot.

D A V I D J. E G A R I A N, PE, having been sworn/affirmed.

Mr. Egarian testifies to the engineering aspects of the proposed development. He discusses the existing conditions and the proposed development. The Park Street frontage is 55.5 feet. The Berry Street frontage is 110 feet. The lot depth is 103 feet measured vertically. The lot width is 34 feet. Total lot square footage is 48.44 square feet. The project, basically, consists of three three-story three-bedroom townhouses. The architect will testify to the construction. The buildings, themselves, will cover 1,700 square feet of the 48.44 square feet, plus an additional 900 square feet for driveways and so on. The buildings have been situated, themselves, have been laid out in such a way to maximize the depth of the lot horizontally and vertically, resulting in a rear yard and the side

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c. Applicants: John & Elisa Ingallerina

yard setback of 5 feet in this direction, 14.6 feet to the rear and 6.1 feet from Berry. The total impervious coverage will generate additional stormwater flow from buildings themselves and on the driveways and so on. And they'll be captured by dry wells located on this point of the property, That's really the only place to put them there. There's no other area on the lot to site the dry wells. As noted in Mr. Polyniak's report, it does not meet the requirement of 10 feet off the property line. We pushed them back as much as we can. And they also do not meet the requirement of 10 feet off the rear property line. But they can be slid away from the property line to achieve that 10-foot setback.

Mr. Egarian then discusses the sight lines from Park and Berry utilizing photographs taken 12/13/22. The applicant could not comply with Mr. Polyniak's request providing off-site utility information to affirm the connection points they are providing are going to work with the proposal.

Chairman Garip notes that is important information that Mr. Polyniak needs.

Mr. Egarian discusses the other items in Mr. Polyniak's letter.

A L B E R T D A T T O L I , AIA, having been sworn/affirmed.

Mr. Dattoli testifies to the architectural aspects of the proposed development. He presents a materials board with the materials being used on the site. He notes two units face Park, one faces Berry. Each has a garage. Building building will be clad in Hardie plank with a stone base. The roof shingle is a roof shingle similar to what you might have on your own residence. It's an architectural roof shingle called Timberline. He testifies to the elevations presented to the board. Units 1 and 2 which are identical, except mirrored, are 1,769 square feet and Unit No. 3 is 1,659 square feet. He testifies in detail as to buffer and landscaping.

J O S E P H B U R G I S , P P , A I C P, having been sworn/affirmed.

Mr. Burgis testifies to the planning aspects of the proposal. He wants to address the Chairman's concerns. There are five different variances associated with the application, I would suggest we could look at this in context and try to narrow the focus a little bit.

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c. Applicants: John & Elisa Ingallerina

the first variance that we talked about is the lot area for dwelling unit. And as Greg's report had indicated, based on three units we need 6,000 square feet. We have 4,844 square feet. On the exhibit up on the easel and on the screen, we looked at the other two- or three-family dwellings in the area to see what lot area per dwelling unit. Those sites have four that are basically the same as we are. Greg had indicated 1,610 square feet per unit. The other three, the other four in the area that don't comply are all between 1,600 and 1,850 square feet per unit. So we're not introducing anything new or unique to the neighborhood. And it's also noted the surrounding development pattern right across the street, there is a large apartment complex about 40 or so units to the acre. So that also has implications for how the site can or should be developed. The second issue that was raised by Greg was the lot width variance. This is a preexisting nonconforming condition that cannot be altered in any way, shape or form because there's no adjoining vacant property that we could acquire. And the adjoining lots that are developed don't have any sufficient additional land that we could apply it so this is a preexisting condition. The side yard and the rear yard setback required is 20 feet, we are at 14.6 feet. Now you heard from our architect about the landscape plan, 14.6 feet gives us a lot of room along that rear lot line, that's the easterly lot line, to provide additional landscaping, to provide some additional screening of our building from the adjoining dwelling to the east. I suggest when I'm sitting in Greg's seat, a double row of arborvitae or some other similar plant material and foundation plantings to provide that screening and aesthetic enhancement. The front yard setback is 6.1 feet where 10 feet is required. In large measure this and all the other bulk variances are really a function of the shape and dimensions of the site. As you had heard earlier, our westerly lot line, we have 57, almost 58-foot frontage on the street. Going to the east, the eastern is part of the site of the easterly lot line we only have 34 feet. So you can see how the property narrows down and it does represent a constraint. And pursuant to the Municipal Land Use Law the statute does say that where you have an unusual narrowing shape associated with a piece of

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5. **APPLICATIONS: (Continuing)**

c. Applicants: John & Elisa Ingallerina

Property one should be given consideration for the grant of that relief. And then, finally, there's the issue of the parking spaces. Technically we have six parking spaces. However, there is one that doesn't meet the RSIS standard for the length of the stall. The RSIS standard for townhouse development says that you're only entitled to count that driveway aisle in front of a garage as a parking space for calculation purposes if it was fully 18 feet in length. As you heard, we're 17, roughly 17 feet on one side of the parking driveway aisle, a driving space and on the other side it's about 19 feet. If we measure it to the edge of the sidewalk, not interfering with the sidewalk, we have in excess of 18 feet throughout the parking driveway aisle. So the concept, we can park a vehicle there, not interfere with any pedestrian movement and I think comply with the intent of the RSIS standards. And RSIS regulations does allow for the di minimus exceptions in cases such as this. And I've seen boards grant that as a normal course of events. So, consequently, in the context of the statute with respect to the positive criteria, I think it's a classic C-1 variance. You know, we've got this narrowness of a lot that narrows down as you proceed to the east. And it effects the ability to comply with code requirements. There is no C-2 variance relief except for one issue. And that's something the architect did say. The architect or the engineer talked about where we're making improvements to the sidewalk. We're providing the open curb cut at the street for handicapped, greater handicapped accessibility. So in that context this application does, in fact, result in a certain public benefit that would accrue to the neighborhood as a whole. And then, finally, with respect to the negative criteria, I don't think there's any substantial impairment to the intent of the Master Plan because the Master Plan does, in fact, talk about permitting this kind of a use in a manner consistent with the established development pattern of the neighborhood. And I think, based on the aerial exhibit where we talked about, how there are other similarly dense projects in the neighborhood and, we're also confronted with the 40-plus units to the acre across the street, we could conclude there's no substantial impairment to the intent of the plan.

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c. Applicants: John & Elisa Ingallerina

And I'm not using the word substantial just as a throw away line. That's the word that's in the statute. There's also no substantial detriment to the public good. I think we could provide the additional landscape feature to adequately provide buffers to adjoining dwellings to the east and south. And we are making an attempt to provide for that enhanced handicap accessibility. So within the context of all of that I think there is some merit to the application that would allow you to vote in favor the application.

Chairman Garip states before we get into the questioning and opening to the public, so I think there were some people here from the neighborhood that have something to say. So we all understand economics of three versus two. I get that. And so does everyone else on the Board. You come down with the last drop of land here. So the question is, why don't you just build a smaller project? Our zoning ordinances which, which are our local rules exist for a reason and exist to protect the character of the neighborhood, protect the neighbors, setbacks in particular. I mean rear yard, front yard, parking, parking is a big deal. So why don't you just build two four-bedrooms or something like that. We want to make things better.

Mr. Ingallinera has a discussion with the Chairman and the board members regarding the proposal and their concerns.

Mr. Brotman addresses he board members of the public are here, we're happy to give them their time to speak, but we think our best course of action here is to reassess and adjust based on your comments.

Mr. Mecca announces January 11th, 7:00 p.m. here in Council Chambers. No further notice would be required.

Mr. Brotman extends as required time the board has to act on the application.

Chairman Garip adds, I just want to say that we like new things going up in the area. We recognize that. Understand this is a brand-new zoning ordinance for us and we need to live by it. Otherwise, we're going to have to change everything all over again. So per your attorney, we look forward to you coming back with a project that fits. Just make it fit.

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5. APPLICATIONS: (Continuing)

c. Applicants: John & Elisa Ingallerina

THE MATTER IS CARRIED TO JANUARY 11, 2023, NO FURTHER NOTICE REQUIRED.

5. d. Applicant: K&S Real Estate Investment, LLC
109-115 Gamewell Street, Block 222.01, Lots:
34,35,35.01
SP#25-22 V#25-22

The Applicant proposes to raze the existing one-story garage and convert the existing vacant lot into an eleven (11) unit multifamily development consisting of eleven (11) two-bedroom residential units. Additionally, the Applicant proposes to construct a twenty-two (22) space parking lot, which consists of twenty-one standard parking spaces and one ADA compliant parking space. Furthermore, the Applicant proposes on site drainage improvements.

A P P E A R A N C E S

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E X H I B I T S

- A-1 Architectural Plans
- A-2 Site Plan Drawings
- A-3 Turning Template

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5. APPLICATIONS: (Continuing)

d. Applicant: K&S Real Estate Investment, LLC

P U B L I C H E A R I N G

Mr. Rosenberg is the attorney representing the application. He addresses the board: Mr. Chairman, Members of the Board, Bruce Rosenberg of Winne, Banta, Basralian and Kahn on behalf of K&S Management. This is an application, as the Chairman said, to basically construct an 11-unit multifamily project on the property located between 109 and 115 Gamewell Street. The property is currently vacant. It consists of over 17,000 square feet. We comply with height. We comply with setback. We comply with parking. We comply with coverage requirements. We're over by a little bit and we'll talk about that. This is in the R(4) transition zone, Mr. Chairman. You are now aware that that zone was intended as a transition between residential as well as Main Street. We think that this project has been designed to be consistent with that intent, purpose and spirit. Four stories are permitted in the zone. Ours is three. And, again, with that, I would like to call our architect, Osvaldo Martinez. **O S V A L D O M A R T I N E Z**, AIA, having been sworn/affirmed.

Mr. Martinez testifies to the architectural plans. The applicant is proposing a three-story multifamily building on the site which Mr. Rosenberg went over 17,049 square feet. It is slightly irregular. It's approximately 105-by-160-feet deep and the building will contain 11 dwelling units. And those 11 dwelling units will be composed of one one-bedroom unit and 10 two-bedroom two-bath units. The buildings will have garbage and recycling chutes. There will be private carting services. **G R E G O R Y J. P O L Y N I A K**, P.E., P.P., having been sworn/affirmed.

Mr. Polyniak notes variances requested by the applicant.

Mr. Polyniak discusses the items in his letter.

Mr. Martinez continues to testify and address the items mentioned by Mr. Polyniak. **STEVEN L. KOESTNER**, LS, PE, having been sworn/affirmed.

Mr. Koestner testifies to his engineering plans.

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5. APPLICATIONS: (Continuing)

d. Applicant: K&S Real Estate Investment, LLC

J O S E P H B U R G I S, PP, AICP, having been sworn/affirmed.

Mr. Burgis testifies to the planning aspects of the application. He states: I've been here a lot over the years, probably 50 or more different projects. I have never seen an applicant adjust a plan the way this applicant has. We lost eight of ten variances, as if you were keeping count, and there's really only one variance to speak of. And there was one, an interpretation question. We'll talk about both of them. One was the issue of the interpretation for the ordinance says, you have to be 5 feet away from the residential unit. We had interpreted that to mean if we were within 10 feet, from the 5 feet from a residential unit we comply. And there is a different interpretation by Greg. But the fact that we're 10 feet away from the nearest residential unit I think clearly meets the intent of the code if not the letter of the way it's been interpreted. So, consequently, I'm comfortable in supporting that relief. The second question was the issue of a lack of a turnaround. This is an instance where it just cannot be accommodated.

Chairman Garip notes: It's a big deal, though.

Mr. Burgis responds it's a big deal, but let's talk about how garbage trucks will service this site. And I believe they will service it the way we used to see in many such parking lots get served.

Mr. Rosenberg states, but there won't be a garbage truck any more, Mr. Burgis. Remember, we're now picking up on the street because we're going to be bringing the garbage.

Chairman Garip states but even for a car.

Mr. Rosenberg notes the applicant has a template, it has been submitted. This is a turning template that was prepared by Mr. Koestner. Mr. Mecca, if we could make that, I guess that's Exhibit A-3.

Mr. Burgis adds. It indicates the manner in which a vehicle, if they drove down the aisle and found all the parking spaces filled, there is sufficient room at the end of the aisle to make that turning movement and then exit the site facing the right way. The refuse is going to be removed.

Chairman Garip asks Is there enough room if you park in the last spot.

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d. Applicant: K&S Real Estate Investment, LLC

Mr. Polyniak states Neglia had requested the template to illustrate that you could exist that last parking space. I don't think it's illustrating what Mr. Burgis had just mentioned about coming down and making a K-turn or a 10-point turn to back out, to make a U-turn in that area. I don't want to create a variance which may require then the applicant to take a look at number of units so that you reduce the coverage on-site. It would be to leave that paved area where the trash enclosure is and make that a turnaround area but then it would be increasing coverage so then you would have to take a look overall as it relates to the building coverage on-site reducing the building somehow.

Chairman Garip asks So what's the answer?

Mr. Polyniak responds that may be the answer. That may be the answer, is keeping where the trash enclosure is as a paved surface, use that as a turnaround area for someone traveling down and then you would have to reduce the size of building to not request that over 70 percent.

Chairman Garip responds it seems to be a safety issue, dead-end parking.

Mr. Polyniak agrees.

Mr. Burgis asks if he could make a suggestion. If we were to cut the, only use half of the former dumpster area, keep half of it green, make half of it green, pave half of it. We will need a variance but the extent of that relief will be the equivalent of the size of a half a parking space. It would be 60 or 70 square feet.

Chairman Garip states as long as it works safely.

Mr. Burgis answers that it would work safely.

Deputy Mayor Canestrino notes you would not get your 70 percent. You're trading one variance for the other. It looks like you're going to be asking for one of them and the safest to ask for the percentage.

Mr. Burgis agrees. And because it's such a diminutive overage, about 60 or 70 square feet which is basically half of a parking space, I think the safety aspect would outweigh that relief especially when you think of the statute talks about, when you talk about a public benefit because this will ensure the people can turn around and exit in a safe movement.

Deputy Mayor Canestrino asks if we're going to do assigned parking, where are the guests going to park? Mr. Burgis testifies we have the required parking and

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5. **APPLICATIONS: (Continuing)**

d. Applicant: K&S Real Estate Investment, LLC

The parking standards that are built into your code incorporate parking demand for guests.

Deputy Mayor Canestrino asks, so you're going to dedicate some for guests? You're not going to assign alternative spots is the question I guess I'm asking. Mr. Burgis I don't know that we need to identify that. Deputy Mayor Canestrino that's a police concern.

Mr. Polyniak adds, typically through a Residential Site Improvement Standard each unit has, is dedicated half a space per unit for guests. So the way that it would work is it would be 1.5 spaces per unit would be dedicated to each individual unit and then the extra half goes to guests. It gets tough as it relates to whether you have two cars or one car, where that half a space goes.

Deputy Mayor Canestrino continues, they're all assigned, the 22 spaces and you have somebody come visit, there's no on-street parking.

Mr. Polyniak responds correct.

Mr. Rosenberg notes, we would still, we can comply with code. Yes.

Mr. Burgis notes we've eliminated eight of the ten variances. We're down to this one

Deputy Mayor Canestrino asks what about the buffer requirement?

Mr. Polyniak states through the Chair, I was going to mention that there is a buffering that relates to 5 percent of the lot depth, but not less than 5 feet. And then there's a note as it relates to the easterly property line depth having a depth of 157.9 feet abutting the residential use, the buffer requirement becomes 7.9 feet instead of 5. How do you address that, Mr. Burgis?

Mr. Rosenberg asks Mr. Koestner to address that. We still would need that variance relief.

Mr. Koestner responds by narrowing the aisle width, the 24, we pick up a foot on the buffer side, the easterly side of the property. However, the percentages work out 7.9 feet is required. So we still need 1.9 feet of relief along that easterly side for the buffer.

Mr. Polyniak states that's the buffering along the easterly side of the lot, they're going to pull the drive aisle in a foot to make it 6. They need 7.9.

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5. **APPLICATIONS: (Continuing)**

d. Applicant: K&S Real Estate Investment, LLC

Deputy Mayor Canestrino asks if you could for us just go over what you think are the remaining variances that are still there.

They will not let the maximum impervious coverage one is coming back, right.

Mr. Polyniak states, correct. So the maximum impervious coverage potentially would come back with keeping half of that parking space.

Chairman Garip asks so 60 square feet, something like that.

Mr. Polyniak responds but there was a discussion also in widening and I have to perform the calculation of the driveway from 18 feet to 20 feet.

Chairman Garip asks: It's safe to assume impervious is going to be a variance.

Mr. Polyniak answers impervious is going to be a variance here. That's the first one. The second one is the parking along a residential building and providing that depth. The third is the partially, the turnaround area. Even though they're providing it, it doesn't comply with respect to providing a turning radius of 35.

Chairman Garip notes it's still two variances.

Deputy Mayor Canestrino states we're up to three.

Mr. Polyniak continues although they're attempting to address it. It's not addressing the overall intent of the ordinance. And then the final one, which is the fourth variance, is the lot buffer.

Chairman Garip asks which is how much?

Mr. Polyniak responds so the required 7.9 feet as proposed on the plan tonight is 5 feet with the shrinking of the drive aisle from 25 to 24 feet it will now be 6 feet as testified tonight.

Chairman Garip asks it's a foot short?

Mr. Polyniak answers it's 1.9 feet short.

Deputy Mayor Canestrino asks: And the driveway width and the curb line changes are all accomplishable? If you knew that, why didn't you just do it? I have to ask that question. Right? If you knew that was a requirement, it's so easy for you to do it, why was there a problem?

Mr. Rosenberg replies it was no problem.

Mr. Allegretta asks they would like to have the extra spot, right?

Deputy Mayor Canestrino adds, you are eliminating a couple of easy variances.

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5. APPLICATIONS: (Continuing)

d. Applicant: K&S Real Estate Investment, LLC

Mr. Rosenberg replies we got the letter and we just wanted to respond as best we could, Deputy Mayor.

Deputy Mayor Canestrino notes those are not going to make a heck of a difference to you? Mr. Rosenberg they're not.

Ms. McLaughlin has a question.

B R I D G E T M c L A U G H L I N, having been sworn/affirmed.

Ms. McLaughlin asks we're eliminating the garbage dumpster and you're taking the garbage out from the chute that's coming in. Where are they being contained until garbage date?

Mr. Rosenberg responds Mr. Martinez could address that. I thought he had.

Mr. Martinez states it's a very generous room in the basement there that will be climate controlled.

Chairman Garip asks, all the chutes empty out into that?

Mr. Martinez responds in the affirmative.

Ms. McLaughlin asks so then the day that it goes out, where are you putting it?

Mr. Martinez replies it will be arranged with a private hauler, they come at this time in the a.m. or p.m., whatever the arrangement is and then it's taken up the stairs up here and to pick up.

Ms. McLaughlin continues so it's just going to go out the day it's coming. It's not going to be sitting out there?

Mr. Martinez answers a half hour.

Mr. Rosenberg adds it's not going to be there like residents.

Ms. McLaughlin asks just a property maintenance question.

Mr. Martinez replies In coordination with the private hauler.

Mr. Mecca asks there's an on-site person that's going to handle this? Mr. Rosenberg off-site, they'll come back. L

Mr. Martinez responds a superintendent, yes.

Chairman Garip asks for clarification you have a resident superintendent? Yes?

Mr. Martinez answers I don't know the answer.

Mr. Rosenberg adds we don't know, Mr. Chairman. We don't know if there will be a resident.

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5. **APPLICATIONS: (Continuing)**

d. Applicant: K&S Real Estate Investment, LLC

Deputy Mayor Canestrino asks if the applicant promises to have coordinating and moving day things and items coming out? That will all be handled?

Mr. Rosenberg agrees. It will be by the ownership, yes.

Chairman Garip adds it will be in the resolution.

Deputy Mayor Canestrino states, my question is, are you planning on any of these units being affordable? We had that discussion early on with your special counsel. I have to ask because we would definitely prefer if I could twist your arm a little bit to think about affordable. It's not realistic is what you're telling me?

Mr. Rosenberg answers no, Deputy Mayor.

Mr. Contini has a question about where the parking is. Is all parking underneath the building? Can you just show me exactly where the parking is?

Mr. Rosenberg responds, it's not under the building but, Mr. Martinez, if you could quickly go back to that.

Mr. Martinez answers, commissioners, you would drive in here from Gamewell and most of the parking is to the east of the property, all along here, this is all open. And there are one, two, three, four, five, six, seven spots that are partially under the building.

Chairman Garip asks when you say partial, what does that mean?

Mr. Martinez answers it's not fully under. You can see it here.

Deputy Mayor Canestrino notes that's what we want, something you can see.

Mr. Martinez adds you drive in, most of the parking is here and then there are some spaces partially under.

Deputy Mayor Canestrino asks, they're not screened, they're not totally under the building?

Mr. Martinez answers, no, they are. For the most part, they are.

Chairman Garip notes they won't get snowbound.

Mr. Polyniak testifies if I look at the architectural drawing, you could see approximately 2 feet of the back side of the car will extend out from underneath the building.

Deputy Mayor Canestrino, and that's facing what street?

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5. **APPLICATIONS: (Continuing)**

d. Applicant: K&S Real Estate Investment, LLC

Mr. Polyniak answers that is facing an adjacent residential lot because it's facing toward the east.

Deputy Mayor Canestrino asks what's on that adjacent lot?

Mr. Polyniak responds a single-family house, the property is adjacent.

Mr. Martinez adds but we do have 8-foot arborvitaes along there.

Mr. Polyniak notes one item I did forget, I apologize, when going through the variances. The parking space size, because we have the columns in the parking spaces. It meets 9-foot for the majority of the length. Where the column exists, it narrows. One thing that the applicant should be aware of, that column cannot be located or extending in any section of the ADA spot so that one column would have to be moved.

Mr. Rosenberg replies, forgive me. We didn't include that.

Mr. Martinez testifies, I apologize for that. You are correct. We do propose, as a matter of fact, we propose better than that. We currently have four columns. We did some calculations and we are able to move this column one parking space over, eliminate a column and we can distribute this area with three columns rather than four so, again, trying to minimize.

Chairman Garip notes safely.

Deputy Mayor Canestrino agrees and asks so that's three of the 22 spots.

Mr. Polyniak replies six, because it's 6 inches to the foot on each side.

Mr. Martinez clarifies only at the column

Mayor Labrosse asks, The situation with the impervious area, could that be rectified by either adding a little more underground storage, seepage tanks or something on the roof section of green. Is that possible? Obviously it's to absorb the water.

Mr. Rosenberg replies I don't know about the drainage pit. I don't think that would offset that requirement. Any type of greenery on the roof, that could possibly address it or is it structurally not advisable?

Mr. Martinez answers it's tough.

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5. **APPLICATIONS: (Continuing)**

d. Applicant: K&S Real Estate Investment, LLC

Mayor Labrosse notes it could be on the ground if you increased 6 seepage pits over there.

Mr. Rosenberg notes you're raising a good point if there is something creative that could be done on the site to eliminate that variance.

Mr. Martinez testifies we can. One of the things that we often do is we have rain water collection barrels even at the end of the gutters and then that can be used to irrigate some of the landscape.

Mayor Labrosse notes that might be unsightly.

Mr. Polyniak adds we have also, we have requested an irrigation system and they agreed, addressed all the comments. So I assume you'll have an irrigation system.

Mr. Rosenberg responds yes.

Mayor Labrosse asks if the building is sprinklered.

Mr. Rosenberg notes it is fully sprinklered. It will have to be. We don't have a choice with that. It will comply.

Mayor Labrosse asks it's not connected to a box, right?

Mr. Martinez answers no. Once you have a sprinkler system it requires a central alarm to notify that it has gone off. So, rest assured that that will be fully covered.

Mayor Labrosse asks it won't be an exterior box?

Mr. Martinez answers, no, it will be a fire alarm control panel.

Mayor Labrosse clarifies No, I mean from the City itself. We don't have a box station. Like, where I work, we have multiple boxes, female boxes which are owned by the unit which actually has, works as a station but notifies the City. I guess, in this case, it would be through a monitoring system

Mr. Martinez answers a fire alarm control panel, pull stations are required. They will be installed at the exits of the building and we can assure you we absolutely don't have a choice in that. It will be fully compliant to the building code at the time.

Mr. Allgretta asks where the trash chute ends up? I guess it goes into the basement.

Mr. Martinez confirms that

Mr. Allgretta asks what requirements other than obviously it's sprinklered?

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5. **APPLICATIONS: (Continuing)**

d. Applicant: K&S Real Estate Investment, LLC

Mr. Martinez answers yes, the chute. The shaft will be fire rated as required. It will become a shaft.

Mr. Allgretta asks if it will be fire rated?

Mr. Martinez responds The room itself will be fire rated as well as the sprinkler head in that room, self-closing door, just like an apartment door.

Mr. Allgretta asks where else down those exterior stairs that you spoke of, possibly a drain or a roof, what else is in the basement there? I didn't understand.

Mr. Martinez answers it is up there. Okay. So you would come down. This is the basement area. This is the room that the refuse would be collected at and the rest of the utility rooms. There are water meters, gas meters, you'll need a sprinkler, sprinkler room, sprinkler valve, sprinkler main. That's where we put all our utilities.

Mr. Allgretta asks Mr. Polyniak spoke about also a pump down there. Did you talk about that? Because depending, you know, with the heavy rains and stuff, when the ground gets saturated, water goes down the stairs and it can easily flood is there a possibility of having a drain? I'm not sure what that invert is but with regard to the storm in the street or a pump.

Mr. Martinez responds our initial idea was to put something there, a little collection drain at that landing before you go into the basement. If need be, we can also have a little sump pump that would bring it out of there and into our collection system, yes.

Chairman Garip asks Mr. Allgretta if he is satisfied with that?

Mr. Allgretta is satisfied because what happens is these floods, you know, these hour rains that you get, the ground just gets flooded. It's going down the basement. Is that a steel door like a fire-rated door down there? So that would help versus a glass door?

Mr. Martinez states it would be steel.

Mr. Allgretta adds it's more a concern that we have being that water can get down there, how are you going to get it out if there's a flood?

Mr. Martinez there's also, we'll also put a 6-inch lip on that which we are allowed to.

Mayor Labrosse asks if these units have washers and dryers.

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Mr. Martinez responds yes, they do. Every unit will have its own washer and dryer.

Ms. Solomon adds, it was one of my questions about the washer and dryer because we're talking about all this potential flooding or if there is flooding and how it would be addressed. And there's sufficient plumbing obviously will handle a washer and dryer in each unit. Yes.

Mr. Martinez answers yes. That has to be sized accordingly to accommodate the washer and dryers. Yes.

Ms. Solomon asks I want to touch on the parking once more. So if in face one space, I believe it was one assigned to each unit, all the rest are left for either a second car for the unit or and/or guest spaces?

Mr. Martinez responds Yes. What happens is, from my experience, you would, you will probably get someone in a two-bedroom unit that will have two cars. But chances are you might not, not everyone has two cars. You might have someone in a two-bedroom unit that just has one car. So we do meet the parking requirement and we hope that, you know, it will have a space or two.

Chairman Garip asks and visitors to, as Ms. Solomon's question, are they going to be clearly marked?

Mr. Rosenberg replies yes, visitor spaces will be marked.

Mr. Martucci, I have a question for the parking with these EV spaces and you have the smaller already 5 foot open to interpretation, whether it's 5 or 10 and you have the columns there, are you going to be able to fit these charging stations?

Mr. Rosenberg responds yes. If you would address that because we talked about that, preparing where the EV charges will be. They will not be underneath but just for the record.

Mr. Martinez answers and my site plan doesn't show it. Mr. Koestner's site plan does show it. He's indicating two light poles at this western side property line. And so that's where we take advantage since power is being run to that. And I believe they're located somewhere around parking space No. 12 and 13 and somewhere around here, around space 19 and 20. So what we do is we hope to locate our EV charging stations in that area.

Mr. Martucci asks how does that work with the setbacks? Is that now in the setbacks, the side setbacks? Greg, it's all new to us, EV.

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5. **APPLICATIONS: (Continuing)**

d. Applicant: K&S Real Estate Investment, LLC

Mr. Polyniak responds yeah, in my opinion there's going to be light poles in that area. I don't think that is the intent as it relates to putting a head or light pole in that area that would effect the buffer because you would still have that area for screening along that area. One question I do have, though, I don't see any rooms other than units throughout the building. You have Amazon that will visit or another delivery service. Where are those packages going to be placed, in the hallway?

Mr. Martinez responds no, at this entrance here, it's a mail box system. You have to remember, we only have 11 units so, you know, the mailbox is probably half the size of it. So it's a mailbox unit with what they call it's a unit that gets built in and it has parcel doors. So those parcels can be put in there. Now that would be USPS and just like in our homes and actually a multifamily building USPS has access with an access key into the lobby. However, FedEx, D.H.L. and UPS does not. Those would be handled just like they do in our homes today. Most buildings, I guess they'll leave a slip for the tenant and they'll have to sign. I mean these drivers are familiar, they become familiar with the building. This will have an intercom video system to allow you entry into the building as well as a key fob system. So they usually just start ringing doorbells to someone who is home opens up and they drop off the package in the lobby.

Mr. Mecca asks a question I have a you have assigned 11 units and 21 parking spaces.

Mr. Rosenberg and Mr. Martinez clarify 22.

Mr. Mecca asks so if you assign each unit two spaces, so you are only going to assign one?

Mr. Rosenberg answers one.

Mr. Mecca asks so if somebody has two cars they park in the visitor parking?

Mr. Martinez testifies they'll have to work it out with management.

Deputy Mayor Canestrino observes, free for all.

Mr. Mecca notes it's not technically visitor parking.

Deputy Mayor Canestrino states but they are meeting the requirement.

Chairman Garip adds imagine that, they're meeting the parking requirement. Oh my God.

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5. **APPLICATIONS:** (Continuing)

d. Applicant: K&S Real Estate Investment, LLC

Deputy Mayor Canestrino replies we're just asking them to have reality with it. There's no on-street parking. We're just seeing this elsewhere.

Ms. McLaughlin asks, I apologize because I missed it earlier. I want to know for building department records, condensers on the roof? So they're part of this application?

Mr. Martinez replies Yes.

Ms. McLaughlin asks can you make sure it's in the resolution for the building department, that the condensers are included with the resolution. Because we're getting a lot of applications that they're adding condensers in after they're getting approvals and they're saying, oh, yeah, it's approved when it wasn't part of the original application. So I just want to make sure. Thank you.

Deputy Mayor Canestrino asks does the ADA spot have to be a charging station?

Mr. Polyniak replies it does, it does. One of the charging stations must.

Chairman Garip asks so all new ADA spots have to have one?

Mr. Polyniak answers you have to have at least one.

Deputy Mayor Canestrino asks they only have one ADA spot and that is in addition to the requirement?

Mr. Polyniak responds, no. That counts as part of the percentage but it has to be ADA.

Mr. Contini asks for a little more clarification on the EV stations. Now you're proposing EV stations.

Mr. Martinez I think it's four. Is it three or four?

Mr. Polyniak answers you require 3.3 but it rounds up to four with respect to the state statute and then one of them has to be the ADA space. So it's one in the ADA and three across the site.

Mr. Contini asks is there any credits involve when you put in that EV station?

Mr. Rosenberg and Mr. Martinez reply yes.

Mr. Rosenberg suggests Mr. Burgis can address it. The incredibly complicated aspects of EV law as they are existing today because it's vague.

Mr. Burgis clarifies the EV regulations now require 15 percent of the required parking spaces has to be EV ready. They don't have to put it all in the

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5. **APPLICATIONS: (Continuing)**

d. Applicant: K&S Real Estate Investment, LLC

equipment but they have to put in all the requirement for it and of those one-third have to get complete EV equipment.

Chairman Garip asks you say all the spaces have to be EV ready.

Mr. Burgis replies no, in this instance it's four have to be EV ready.

Mr. Rosenberg notes 15 percent.

Mr. Burgis adds in this instance one has to be fully equipped and has to happen immediately. And then, over time, the regulation says every three years, I believe, another one or one or two.

Mayor Labrosse asks about the rooftop units, are they are going to be any type of parapet below the sight lines?

Mr. Martinez responds do have parapets.

And, again, in my illustration I show where they are located, in the back, middle of the building. They will not be seen. In fact, we're even going to screen those up on the roof. But you won't see that at all.

Mr. Allgretta adds we should mention exterior lighting since our expert is not here tonight. It's not overpowering to the neighbors, but just for those.

Mr. Rosenberg answers correct. For the record, it will fully comply and we will not have any spillage on off-site properties.

Ms. Solomon asks how will you get into the building if you're a resident? I heard you say the key fob but what's the safety because there's no concierge.

Mr. Martinez responds it's a video. It's a video.

Ms. Solomon asks so you'll have dial up and the apartment will be able to see?

Mr. Martinez notes it will have a video so you go and you make 201, 201 comes up, you'll hear it in your unit. You also have a little video in your unit, video monitor, and you ask who is this, come in. You buzz them in.

Ms. Solomon notes safety first.

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BOARD DELIBERATION AND VOTE

MOTION TO APPROVE:

MOTION BY: M. Allgretta
SECOND BY: J. Labrosse
ROLL CALL: K. Solomon - aye
A. Dib - aye
M. Allegretta - aye
J. Martucci - aye
R. Contini - aye
P. Iyamu - aye
K. Canestrino - aye
J. Labrosse - aye
F. Garip - aye

6. New Business

a. Authorization to Advertise for Request for Qualifications pursuant to N.J.S.A. 19:44a-20.4, et seq. For the following positions for the year 2023:

PLANNING BOARD COUNSEL
PLANNING BOARD ENGINEER
PLANNING BOARD PLANNER

And adoption of resolution to authorize advertisement.

MOTION TO APPROVE:

MOTION BY: M. Allegretta
SECOND BY: J. Martucci
ROLL CALL: K. Solomon - aye
A. Dib - aye
M. Allegretta - aye
J. Martucci - aye
P. Iyamu - aye
R. Contini - aye
K. Canestrino - aye
J. Labrosse - aye
F. Garip - aye

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6. New Business (Continued)

b. Designation of the following Regular meeting dates of the Planning Board for 2023:

Wednesday, January 11, 2023
Wednesday, February 8, 2023
Wednesday, March 8, 2023
Wednesday, April 12, 2023
Wednesday, May 10, 2023
Wednesday, June 14, 2023
Wednesday, July 12, 2023
Wednesday, August 9, 2023
Wednesday, September 13, 2023
Wednesday, October 11, 2023
Wednesday, November 8, 2023
Wednesday, December 13, 2023

And adoption of resolution designating dates.

MOTION TO APPROVE:

MOTION BY: M. Allegretta
SECOND BY: J. Martucci
ROLL CALL: K. Solomon - aye
A. Dib - aye
M. Allegretta - aye
J. Martucci - aye
R. Contini - aye
P. Iyamu - aye
K. Canestrino - aye
J. Labrosse - aye
F. Garip - aye

7. Adjournment

PLANNING BOARD MEETING ADJOURNED AT 10:45 P.M.