

**PLANNING BOARD OF THE CITY OF HACKENSACK  
RESOLUTION**

**IN RE THE APPLICATION OF  
JIGNESH PATEL  
FOR PRELIMINARY AND FINAL SITE PLAN AND VARIANCE APPROVAL  
195 SOUTH RIVER STREET, BLOCK 39.06, LOTS 7-20  
B -3 GENERAL BUSINESS ZONE  
SP # 7-18 AND V #7-18  
GRANTING AN EXTENSION OF APPROVALS UNTIL AND THROUGH FERUARY 8,  
2023**

---

WHEREAS, JIGNESH PATEL (hereinafter referred to as the “Applicant”) had applied to the Planning Board of the City of Hackensack (hereinafter referred to as the “Board”) for Preliminary and Final Site Plan and Variance approvals with respect to a proposed retail shopping center, with three (3) units, one (1) of which will be a liquor store. The application includes interior building modifications to accommodate the same and exterior building alterations, inclusive of a reduction in building area of approximately 3,425 square feet and façade modifications. Proposed site improvements include expansion of the existing asphalt parking lot, re-striping, construction of a concrete walkway along the building frontage, trash enclosure, lighting improvements, and landscaping improvements. The proposed improvements also include installation of striping along East Lafayette Street to accommodate eight (8) on-street parking spaces. The Applicant has decreased the size of the proposed building from 17,126 square feet to 16,814 square feet. A public sidewalk easement along East Lafayette Street has also been included.

The following approvals were sought:

1. Preliminary and Final Site Plan review pursuant to Chapter 175§14.1et. seq.;
2. The following bulk deficiencies were identified:

<b>Regulation</b>	<b>Ordinance Section</b>	<b>Required / Permitted</b>	<b>Proposed</b>	<b>Status<sup>(1)</sup></b>
Minimum Front Yard Setback	Schedule of District Regulations (B-3 District)	15 feet	0.7 feet (Gracie Place)	Existing Non-Conforming
Minimum Side Yard Setback (Interior)	Schedule of District Regulations (B-3 District)	10 feet	4.1 feet	Existing Non-Conforming
Minimum Rear Yard Setback	Schedule of District Regulations (B-3 District)	10 feet	6.3 feet	Existing Non-Conforming
Maximum Lot Coverage	Schedule of District Regulations (B-3 District)	25%	45.5%	Non-Conforming
Minimum Height Ratio (Front)	Schedule of District Regulations (B-3 District)	6:1	6:0.23	Existing Non-Conforming
Minimum Height Ratio (Side)	Schedule of District Regulations (B-3 District)	4:1	4:0.91	Existing Non-Conforming
Parking Area Enclosure	§175-9.2.B	Yes <sup>(2)</sup>	No <sup>(2)</sup>	Non-Conforming
Parking Lot Curbing	§175-10.2.B	Yes <sup>(3)</sup>	No <sup>(3)</sup>	Non-Conforming
Maximum Driveway Width (No Parking Permitted)	§175-10.2.C	22 feet	26 feet	Non-Conforming
Minimum Drive Aisle Width (76°-90° Parking)	§175-10.2.D(2)	25 feet	22 feet	Non-Conforming
Parking in Front, Side or Rear Yard	§175-10.2.I	No	Yes	Non-Conforming

- (1) Each item with a status of “non-conforming” requires a new variance.
- (2) In accordance with §175-9.2.B of the City of Hackensack Zoning Ordinance, “*any use which is not conducted within a completely enclosed building, such as required off-street parking, shall be entirely enclosed by a solid or closely woven fence or by evergreen hedges or shrubs spaced at intervals of not more than five (5) feet, located and maintained in good condition, within ten (10) feet of the property line or the zone district boundary line...*” The parking area is not suitably enclosed, as required. As such, this proposed condition requires a variance.
- (3) In accordance with §175-10.2.B of the City of Hackensack Zoning Ordinance, “*except for one- and two-family structures, all parking areas and driveways must have a six (6) inch solid concrete or Belgian block curb to separate the parking area and/or driveway from the required front, side and rear are when these parking areas are located within six (6) feet of the yard.*” The parking area is located within six (6) feet of the front yard along South River Street and the rear yard along the southerly property boundary. Therefore, the Applicant is required to provide curbing at these locations; whereas, **partial curbing is proposed**. This proposed condition requires a variance.

3. Parking Calculation:

Regulation	Ordinance Section	Required / Permitted	Required / Permitted	Proposed	Status <sup>(1)</sup>
Shopping Center (less than 150,000 square feet of gross leasable area)	§175-10.1.B	5.5 spaces per 1,000 square feet of gross leasable area	(5.5 spaces / 1,000 S.F.) x 16,814 S.F. = 92.50 spaces = 93 required spaces	29 spaces + 11 compact spaces = 40 spaces <sup>(2)</sup>	Non-Conforming
Compact Spaces	§175-10.1.B	30% of Total Parking	12 compact spaces	11 compact spaces <sup>(2)</sup>	Conforming
Standard Parking Space Size	§175-10.2.D(2)(a)	Feet	Standard Parking Space 9 feet x 18 feet	28% of total on-site spaces less than 9 feet wide or 18 feet long	Conforming
Compact Parking Space Size	§175-10.2.D	Feet	Minimum Compact Space 7.5 feet x 15 feet	100% of total compact spaces less than 7.5 feet wide or 15 feet long <sup>(2)</sup>	Non-Conforming

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

(2) In accordance with Note 3 established under §175-10.1.B of the City of Hackensack Zoning Ordinance, *“in any off-street parking area containing twenty (20) or more parking spaces, up to thirty percent (30%) of the parking stalls may be designated for compact cars. Parking stall dimensions for compact cars shall be at least seven and five-tenths (7.5) feet in width and at least fifteen and zero-tenths (15.0) feet in length. Such spaces for compact cars shall be clearly identified by signage or stall surface painting.”*

4. Signage Bulk Deficiencies:

Regulation	Ordinance Section	Required / Permitted	Proposed	Status <sup>(1)</sup>
Freestanding Identification Sign	§175-7.14.D(1)(a)	No	Yes	Non-Conforming
Maximum Number of Colors per Sign (Freestanding I.D. Sign – Retail 1)	§175-7.14.H(6)	2	2 <sup>(2)</sup>	Conforming <sup>(2)</sup>
Maximum Number of Colors per Sign (Freestanding I.D. Sign – Retail 2)				
Maximum Number of Colors per Sign (Freestanding I.D. Sign – Retail 3)				
Maximum Number of Principal Permitted Signs per Business Use (Retail 2)	§175-7.14.L(1)	1	2	Non-Conforming
Maximum Number of Principal Permitted Signs per Business Use (Retail 3)	§175-7.14.L(1)	2	3	Non-Conforming
Maximum Business Sign Area on Freestanding Identification Sign (Retail 3)	§175-7.14.L(2)(a)	12 square feet	36 square feet	Non-Conforming

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

(2) The Applicant has provided testimony confirming that the quantity of colors will comply with the Zoning ordinance requirements.

**WHEREAS** the subject site is identified as Lots 7-20 in Block 39.06 on official tax map of the City of Hackensack, County of Bergen, New Jersey, and commonly known as 195 South River Street, (hereinafter referred to as the “subject site”) within the B-3 General Business District;

**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 June 13, 2018, September 12, 2018 & June 5, 2019, at which time it heard testimony and considered the subject application; and

**WHEREAS**, the applicant was represented by Jeffrey Mason, Esq.; and

**WHEREAS**, the Planning Board of the City of Hackensack granted approval of the said site plan and requested variances on June 5, 2019, which approvals were memorialized in a resolution adopted on June 5, 2019; and

**WHEREAS**, the Applicant, through its attorney, Jeffrey C. Mason, Esq, has made written request for an extension of the said approvals for one (1) year for the reasons set forth therein; and

**WHEREAS**, at the regular meeting of the Board, held by way of Zoom videoconference, on February 9, 2022, Jeffrey C. Mason, Esq. appeared on behalf of the applicant and requested an extension of the said approvals for one (1) year; and

**WHEREAS**, the Board has duly deliberated and, for the reasons set forth on the record at the public hearing on February 9, 2022, the Board is satisfied that the Applicant has acted diligently in attempting to act upon the said approvals, and that good cause had been shown for the extension of the approvals **until and through February 8, 2023.**

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the City of

Hackensack that the site plan and other approvals granted by the Board in connection with this matter on June 5, 2019, which approvals were memorialized in a resolution adopted on June 5, 2019, are hereby extended by the Board until and through February 8, 2023, subject to all conditions and stipulations as set forth in the said memorializing resolution, and subject to all property taxes being made current.

**MOTION TO APPROVE EXTENSION:**


**Motion to Approve**

Offered by: A. Dib  
Second by: R. Contini

In Favor: A. Dib  
J. Labrosse  
K. Canestrino  
R. Contini  
J. Chiusolo  
J. Martucci  
M. Allegretta  
F. Garip

Opposed: None  
Abstain: None

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 March 9, 2022.

  
\_\_\_\_\_  
, Planning Board Secretary  
Michael Allegretta