

**PLANNING BOARD OF THE CITY OF HACKENSACK**

**RESOLUTION**

IN RE THE APPLICATION OF  
BCE NJ SOLAR TWO, LLC  
SITE PLAN REVIEW FOR INSTALLATION OF ROOF-MOUNTED SOLAR ENERGY  
SYSTEMS  
21 & 25 MAIN STREET, BLOCK 207, LOTS 3 & 4  
SP # \_\_\_-22

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WHEREAS, BCE NJ SOLAR TWO, 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 permission to install roof mounted solar panels on the existing office buildings. The Applicant proposes approximately eight-hundred and five (805) modules on 21 Main Street and three-hundred and fifty-six (356) modules on 25 Main Street. No site improvements or building modifications are proposed at this time. The premises are identified as Block 207, Lots 3 & 4 on the official tax map of the City of Hackensack, County of Bergen, New Jersey, and commonly known as 21 & 25 Main Street, (hereinafter referred to as the “subject properties”).

WHEREAS, the subject properties are located within the Downtown Rehabilitation Area;  
and

WHEREAS, pursuant to Hackensack Zoning Code section 175-7.18, installation of solar energy systems are permitted on the roofs of nonresidential structures with minor site plan approval;

WHEREAS, the aforesaid application was duly made to the Planning Board of the City of Hackensack pursuant to the requirements of the City of Hackensack Code; and

WHEREAS, the Board held a public hearing on July 11, 2022, at which time it heard testimony and considered the subject application; and

WHEREAS, the Applicant is represented by Christopher J. Quinn, Esq., of the law firm of Pinilis Halpern LLP; and

WHEREAS, the Applicant presented the testimony of Anmol Sajjad, who is employed by Brightcore Energy (the parent company of the Applicant) as the Project Manager and Director of Solar, in support of the application; and

WHEREAS, the following plans and exhibits were presented to the Board for review:

- Zoning Permit Application consisting of the following forms:
  - Form 'B' – Site Plan Checklist;
  - Form 'C' – Subdivision Application Instructions
  - Form 'D' – Site Plan / Subdivision / Variance Application (signed);
  - Form 'E' – Zoning Permit Application (signed);
  - Form 'F' – Site Information;
  - Form 'G' – Corporate or Partnership / Ownership Disclosure;
  - Form 'I' – Support Documents;
  - Form 'J' – Site Plan / Subdivision / Variance Application Guidance;
  - Form 'K' – Land Use Application - Directions
  - Form 'L' – Land Use Application Fees;
  - Form 'M' – Escrow Fee Structure;
  - Form 'O' – Certification By Tax Collector;
  - Certified 200 Foot Property Owners List, dated April 26<sup>th</sup>, 2022;
  - W-9 Form Taxpayer Certification;
- Submittal Letter prepared by Douglas Grysko, PE of Dynamic Engineering Consultants, PC, dated May 12, 2022;

- Signed and Sealed Site Plan Set consisting of twelve (12) sheets, entitled “21 Main Street Rooftop Mounted Photovoltaic System, 286.83 KWAC / 378.35 KWDC, 21 Main Street, Hackensack, NJ 07601”, prepared by Stephen A. Bray, P.E., of KMB Design Group, dated August 25, 2021, with the latest revision date of April 26, 2022;
- Signed and Sealed Site Plan Set consisting of twelve (12) sheets, entitled “25 Main Street Rooftop Mount Photovoltaic System, 115.53 KWAC / 167.32 KWDC, 25 Main Street, Hackensack, NJ 07601”, prepared by Stephen A. Bray, P.E., of KMB Design Group, dated August 27, 2021, with the latest revision date of April 26, 2022;
- Submittal Letter prepared by Allison D. Kimball and Stephen A. Bray, P.E. of KMB Design Group dated June 14, 2022;
- City of Hackensack Fire Department Review Letter dated June 2, 2022; and
- Police Department email correspondence dated June 15, 2022.
- Completeness/Planning & Engineering Review Memorandum from Gregory J. Polyniak, P.E., P.P., C.M.E. and David Juzmeski, P.E., P.P. of Neglia Engineering Associates, dated June 9, 2022, revised June 22, 2022; an

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

1. The subject property consists of two (2) irregularly-shaped tax parcels, with frontage on Main Street and Essex Street. The properties surrounding the subject property consist of the Bergen County Courthouse to the east, a multi-family development to the north, and retail uses to the west and south. The property is located within the Downtown Rehabilitation Area, is located within Block 207, Lots 3 and 4 and is commonly known as 21 and 25 Main Street. The property

consists of an approximate total lot area of 234,876 square feet (5.40 acres). The property is currently occupied by an office complex with a below grade parking deck, plaza areas, and landscaping.

2. The Applicant proposes to install roof mounted solar panels on the existing office buildings. The Applicant proposes eight-hundred and five (805) modules on 21 Main Street and three-hundred and fifty-six (356) modules on 25 Main Street. No site improvements or building modifications are proposed at this time. No variances are required. The Applicant has confirmed that the maximum height of the solar panels will be one (1) foot and that the existing roof parapet is 33 inches high.
3. The Board incorporates herein as part of its findings of fact the sworn testimony of the Applicant's witness, as set forth in the verbatim transcript of the proceedings conducted at the public meeting of the Board on July 13, 2022.
4. The Board finds that the use of alternative energy, such as from roof-mounted solar panels, advances the intent and purpose of the Hackensack Master Plan and the Zoning Code by promoting the safety, health and general welfare of the public.
5. The Applicant's submission to the Board demonstrates that the installation of the proposed solar panels and related equipment can be constructed without any significant adverse or detrimental impact upon the subject property or the surrounding area or the adjacent roadway system; and that the proposed development will not exacerbate the existing conditions of the roadway and/or intersections.
6. The Applicant has demonstrated that the purposes of the Municipal Land Use Law are advanced by the proposed development.

NOW, THEREFORE, BE IT RESOLVED that the application for permission to install roof mounted solar panels on the existing office buildings, specifically, eight-hundred and five (805) modules on 21 Main Street and three-hundred and fifty-six (356) modules on 25 Main Street, being the properties identified as Block 207, Lots 3 & 4 on the official tax map of the City of Hackensack, County of Bergen, New Jersey, be and hereby is **GRANTED**, subject to the following:

**CONDITIONS SPECIFIC TO THE APPLICATION**

1. The Applicant shall comply with the recommendations and requirements as 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 9, 2022 and revised **June 22, 2022**, and as further stated at the public hearing on July 13, 2022.
2. The Applicant or property owner shall provide the Board Engineer with a roof-top as-built survey illustrating the panel and equipment heights and setbacks to ensure conformance with the plans and testimony at the July 13, 2022 public hearing, and which clearly illustrates the external shut-off (disconnect) switch location. Said survey shall also be filed by the Applicant or property owner with the Fire and Police Departments.

**GENERAL CONDITIONS**

- A. This approval is subject to Applicant obtaining the required construction permit(s) and any other state, County, or city approvals, if 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 Hackensack Land Use Administrator, or his 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 Planning Board in approving this application shall not relieve the Applicant of responsibility for any damages caused by this project, nor does the Planning Board of the City of Hackensack, 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 Planning Board, such modifications shall be referred to the Planning 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 Planning Board.

G. Subject to such performance and maintenance bonds as may be required by the Board Engineer and as may be further required by the Hackensack Code.

H. The Applicant shall provide the Zoning Officer with a copy of the approved plans digitally via e-mail.

I. All outstanding property taxes for the Property shall be made current.

J. 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.

**Motion to Approve**

Offered by: Solomon  
Second by: Allegretta

	YES	NO	ABSENT	ABSTAIN
F. Garip, Jr.	X	_____	_____	_____
J. Labrosse	X	_____	_____	_____
K. Canestrino	X	_____	_____	_____
J. Chiusolo	_____	_____	X	_____
R. Contini	X	_____	_____	_____
A. Dib	X	_____	_____	_____
J. Martucci	_____	_____	X	_____
M. Allegretta	X	_____	_____	_____
Kimberly Solomon	X	_____	_____	_____
Press O. Iyamu (Alt #1)	X	_____	_____	_____

**In Favor of Adoption of the Resolution on July 13, 2022:**

Offered by: K. Canestrino  
Second by: R. Contini

	YES	NO	ABSENT	ABSTAIN
F. Garip, Jr.	X	_____	_____	_____
J. Labrosse	X	_____	_____	_____
K. Canestrino	X	_____	_____	_____
J. Chiusolo	_____	_____	X	_____
R. Contini	X	_____	_____	_____
A. Dib	X	_____	_____	_____
J. Martucci	_____	_____	X	_____
M. Allegretta	X	_____	_____	_____
Kimberly Solomon	X	_____	_____	_____
Press O. Iyamu (Alt #1)	X	_____	_____	_____

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 13, 2022.

[Signature]  
, Planning Board Secretary