

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

IN RE THE APPLICATION OF  
NEW CINGULAR WIRELESS PCS, LLC (“AT&T”).  
SITE PLAN REVIEW AND BULK VARIANCE APPLICATION FOR INSTALLATION OF  
GENERATOR AND CONCRETE SLAB  
25 EAST SALEM STREET, BLOCK 309, LOT 1  
SP #24-22 and V # 24-22

WHEREAS, NEW CINGULAR WIRELESS PCS, LLC (“AT&T”) (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 a 30-kW generator on a new concrete slab on the westerly portion of the existing building along with the replacement of 3 existing cabinets with 1 new cabinet, and the replacement of an existing 6-foot-high wood fence. Additionally, the Applicant proposes interior renovations to accommodate the proposed generator. The proposed generator will support existing AT&T wireless telecommunications. No parking improvements or exterior building modifications are proposed at this time. The following are required:

1. Preliminary and Final Site Plan review required pursuant to Chapter 175'14.1 et. seq.;
2. The following bulk deficiency has been identified for the application at the subject property:

<b>Regulation</b>	<b>Ordinance Section</b>	<b>Required/Permitted</b>	<b>Proposed</b>	<b>Status<sup>(1)</sup></b>
Location of Accessory Structure	Downtown Rehabilitation Plan 2.3(2)(a)	No accessory shall be closer to the street right of way line than the principal structure	Yes	<b>Non-Conforming</b>

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

3. Parking Calculation: The Applicant does not propose any alterations to the existing building exterior or parking areas. As such, any parking deficiencies that may currently exist will not be impacted by the proposed improvements.
4. Signage Bulk Deficiencies: The Applicant does not propose any alterations to the existing signage. As such, any signage deficiencies that may currently exist will not be impacted by the proposed improvements.

WHEREAS, the Property is identified as Block 309, Lot 1 on the official tax map of the City of Hackensack, County of Bergen, New Jersey, and is commonly known as 25 East Salem Street (hereinafter referred to as the “subject property”). The subject property consists of a total lot area of approximately 40,900 square feet (0.939 acres) and is currently occupied by general and medical offices with existing wireless telecommunications located on the roof, with a parking lot along the southerly portion of the lot. The properties surrounding the subject property consist of Eastwick College to the north, a parking lot to the south, a law office to the east, and a health care service to the west. The subject property is located within the Downtown Rehabilitation Area; 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 a public hearing on October 12, 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 David E. Revette, P.E., P.P. and Peter F. Pulice, R.A., P.P. of Pulice/Williams Architects in support of the application; and

WHEREAS, the following were marked as exhibits and reviewed by the Board at the time of the public hearing:

**Exhibit**

A- 1 Presentation Package, being an electronic copy of the Engineering Plan set and photo simulations submitted in connection with the application.

WHEREAS, the Board reviewed the following in connection with the application:

- Zoning Permit Application consisting of the following forms:

- Form ‘B’ – Site Plan Checklist (complete);
  - Form ‘D’ – Site Plan / Subdivision / Variance Application (signed);
  - Form ‘E’ – Zoning Permit Application;
  - Form ‘F’ – Site Information, updated;
  - Form ‘G’ – Corporate or Partnership / Ownership Disclosure;
  - Form ‘H’ – Variance Request: Action Requested, updated;
  - Form ‘I’ – Support Documents, updated;
  - Form ‘L’ – Land Use Application Fees, updated;
  - Form ‘M’ – Escrow Fee Structure;
  - Form ‘O’ – Certification By Tax Collector, updated;
  - 200 foot Property Owner List
  - W-9 From Taxpayer Certification;
- A signed and sealed Survey, entitled “Existing Conditions Plan”, prepared by John J. Hanlon P.L.S., dated December 13, 2021, with no further revisions.
  - Cover Letter prepared by Christopher J. Quinn, from Pinilis Halpern LLP, dated August 19, 2022.
  - City of Hackensack Fire Department Checklist Plan Reviews dated August 8, 2022, August 24, 2022 and September 23, 2022.
  - A signed and sealed Engineering Plan set consisting of thirteen (13) sheets, entitled “Hackensack, FA#10073653, Site ID: NYNYNJ0398, 25 East Salem Street, Hackensack, N.J. 07601, Bergen County, prepared by Dmitriy Albul of GT Wireless Engineering, dated September 29, 2021, with the latest revision date of August 16, 2022.
  - Bergen County Department of Planning and Engineering Site Plan Exemption Letter, prepared by Eric V. Timsak, P.P., dated August 16, 2022.
  - City of Hackensack Police Department Plan Review dated September 6, 2022.
  - Site Distance Plan prepared by Dmitriy Albul of GT Wireless Engineering, dated September 16, 2022.
  - Cover Letter prepared by Christopher J. Quinn, Esq. of Pinilis Halpern, LLP dated September 21, 2022; and
  - 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 August 8, 2022, **revised September 30, 2022**; 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 a rectangular tax parcel, with frontage on East Salem Street. The properties surrounding the subject property consist of Eastwick College to the north, a parking lot to the south, a law office to the east, and a health care service to the west. The subject property is located within the Downtown Rehabilitation Area.
2. The subject property is currently developed with a commercial building occupied by general and medical offices with existing wireless telecommunications located on the roof, and with a parking lot along the southerly portion of the lot. The subject property consists of a total lot area of approximately 40,900 square feet (0.939 acres).
3. The Applicant requests permission to install a 30-kW generator on a new concrete slab on the westerly portion of the existing building along with the replacement of 3 existing cabinets with 1 new cabinet, and the replacement of an existing 6-foot-high wood fence. Additionally, the Applicant proposes interior renovations to accommodate the proposed generator. The proposed generator will support existing AT&T wireless telecommunications.
4. The Board incorporates herein as part of its findings of fact the sworn testimony of the Applicant's witnesses, as well as the Board Engineer and Planning consultant, Gregory J. Polyniak, as set forth in the verbatim transcript of the proceedings conducted at the public meeting of the Board on October 12, 2022.
5. The Board finds that the testimony adduced by the Applicant's witness was credible and was based upon reliable and accurate data and information.
6. The Board finds that 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 witness 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.

7. The Board further finds that the proposed fence screening, along with additional arborvitae plantings, will provide an adequate and appropriate screening of the generator, will adequately ameliorate any noise generation, and will help preserve the character of the neighborhood area and provide an aesthetically visual buffering/screening of the generator; no masonry enclosure is required..
8. In connection with variance for the proposed generator enclosure being closer to the street right of way line than the principal structure, the Board finds that the proposed location of the generator is the most practical, when considering the limitations of where this equipment could be located on the site, and the overall development of the neighborhood, including the distance from other adjacent

buildings. The Board finds that the proposed location does not appear to cause any visibility impact for vehicles exiting or entering the site since there is no change to the corner location of the existing enclosure, and therefore, no change to the sight triangle. The Board finds that the proposed site plan and the design proposal 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 this variance.

9. N.J.S.A. 40:55D-70(c)(2) of the municipal land use law 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 this application meets these affirmative criteria as follows:

- The Board finds, in connection with the requested variance, that the proposed location of the generator is appropriate given the existing development of the site and the substantial distance from adjacent buildings and the public sidewalk, and that sufficient light, air and open space is being preserved despite the bulk deviation. Further, the Board finds that the proposed screening will ameliorate any negative visual impact. Said improvements will, thus, advance the goals and objectives of the City of Hackensack Master Plan and the Municipal Land Use Law, specifically, by promoting health, safety and general welfare of the public; and 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 this variance.

10. 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. The Board finds that, based upon the proofs presented, this application satisfies the negative criteria and that the requested variance will not cause a substantial detrimental to the public good or substantially impair the intent and purposes of the City of Hackensack Master Plan and zoning ordinance
11. The Board further finds that the site provides for adequate fire and police access and protection; adequate drainage and disposal of all wastes; adequate traffic circulation and access; safe pedestrian circulation; and appropriate lighting.
12. The Board finds that the proposed generator and concrete slab enclosure can be installed/constructed without any adverse or detrimental traffic impact upon the adjacent roadway system, and that the installation of the generator at the proposed location will not exacerbate the existing conditions of the roadway and/or intersections.

NOW, THEREFORE, BE IT RESOLVED that the application for permission to install a 30-kW generator (to support existing AT&T wireless telecommunications) on a new concrete slab on the westerly portion of the existing building along with the replacement of 3 existing cabinets with 1 new cabinet, and the replacement of an existing 6-foot-high wood fence, along with proposed interior renovations to accommodate the proposed generator, at the premises identified as Block 309, Lot 1 on the official tax map of

the City of Hackensack, County of Bergen, New Jersey, and commonly known as 25 East Salem Street, located within the Downtown Rehabilitation Area as set forth in the Zoning Code of the City of Hackensack, be and hereby is **GRANTED** subject to the following:

**CONDITIONS SPECIFIC TO THE APPLICATION**

- A. Applicant shall comply with the recommendations and comments contained in the Completeness/Planning & Engineering Review Memorandum of Gregory L Polyniak, P.E., P.P., C.M.E. and David Juzmeski, P.E., P.P. of Neglia Engineering Associates, dated August 8, 2022, **revised October 28, 2022, except that, in lieu of constructing a masonry enclosure for the generator, there shall be a fence enclosure, with additional arborvitae planting screening, as discussed at the October 12, 2022 public hearing.**
- B. Applicant shall present a copy of the exhibit showing the sight triangle (presented to the Board at the October 12, 2022 public hearing) to the Hackensack Police Department, Traffic Division, for its further review.

**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/her 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. The Applicant shall provide the Zoning Officer with a copy of the approved plans digitally via e-mail.
- H. The Applicant submit an as-built survey/site plan when the facilities are completed.
- I. The proposed improvements shall be constructed so as to be consistent with the architectural renderings, building elevations and material presented to the Board.
- J. 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.

- K. 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.
- L. All outstanding property taxes for the Property shall be made current.
- M. 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: M. Allegretta  
Second by: J. Martucci

In Favor: A. Dib  
J. Martucci  
M. Allegretta  
J. Labrosse  
K. Canestrino  
R. Contini  
K. Solomon  
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 November 9, 2022.

  
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, Planning Board Secretary