

PLANNING BOARD OF THE CITY OF HACKENSACK

RESOLUTION

IN RE THE APPLICATION OF
JOHNSON DEVELOPMENT ASSOCIATES, INC.
FOR MINOR SUBDIVISION APPROVAL
320 SOUTH RIVER STREET, BLOCK 30.02, LOT 16
SUB #16-22

WHEREAS, JOHNSON DEVELOPMENT ASSOCIATES, INC. (the “Applicant”) has applied to the Planning Board of the City of Hackensack (the “Board”) for minor subdivision approval 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 56,985 square feet (1.306 Acres) and will remain a vacant lot. Proposed Lot 16.02 will consist of an area of 148,852 square feet (3.417 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; 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 a held public hearing on **December 22, 2022**, at which time it heard testimony and considered the subject application; and

WHEREAS, the Applicant is represented by John P. Miller, Esq., of the law firm Inglesino, Webster, Wyciskala & Taylor, LLC; and

WHEREAS, the Applicant presented the testimony of: Vincent Tiberi, the Applicant’s Development Manager; and James D. Sens, PLS, PP, of Control Point Associates, Inc, in support of the application; and

WHEREAS, the following were presented to the Board for review:

- Zoning Permit Application consisting of the following forms:
 - Form 'A' – Pre-Application – Site Plan checklist;
 - Form 'B' – Site Plan Checklist;
 - Form 'C' – Subdivision Application Instructions;
 - Form 'D' – Site Plan / Subdivision / Variance Application;
 - Form 'E' – Zoning Permit Application;
 - Form 'F' – Site Information;
 - Form 'G' – Corporate or Partnership / Ownership Disclosure;
 - Form 'H' – Variance Request;
 - 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 'N' – Notice requirements for Applicant;
 - Form 'O' – Certification by Tax Collector;
 - Form 'Q' – Proof of Service of Notice of Public Hearing in Connection with Application to Planning Board or Zoning Board of Adjustment; and
 - Taxpayer Identification Number dated October 19, 2021.

- Signed and sealed subdivision plans consisting of two (2) sheets, entitled, “Minor Subdivision Plat, Johnson Development, 320 South River Street, Lot 16, Block 30.02, City of Hackensack, Bergen County, State of New Jersey” prepared by James D. Sens, of Control Point Associates Inc., dated February 11, 2022, last revised November 11, 2022.
- Comment response letter prepared by James D. Sens, of Control Point Associates Inc., dated July 25, 2022.
- Easement dated May 23, 2014.
- Cover letter prepared by John P. Miller of Inglesino Webster Wyciskala Taylor, LLC dated November 9, 2022.
- Photos of Lot 16.01.
- Cover Letter prepared by John P. Miller of Inglesino Webster Wyciskala Taylor, LLC dated November 28, 2022.
- Legal Description of Utility Easements 1 & 2, prepared by James D Sens, P.L.S., of Control Point Associates, Incorporated, dated November 11, 2022.
- Completeness/Planning & Engineering & Subdivision Review Memorandum from Gregory J. Polyniak, P.E., P.P., C.M.E., C.P.W.M. and David Juzmeski, P.E., P.P. of Neglia Engineering Associates, dated June 22, 2022, **Revised December 8, 2022**;
and

WHEREAS, the Board reviewed the aforesaid plans, and heard and considered the presentation made on behalf of the Applicant at the time of the public hearing; and

WHEREAS, the Board heard and considered the testimony of its Board Engineer, Gregory J. Polyniak, P.E., P.P., C.M.E., C.P.W.M, at the time of the public hearing; 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 one (1) irregular-shaped tax parcel, with frontage to the west on South River Street, otherwise known as Bergen County Route 503. The property is bound to the north by a self-storage facility, to the south by a commercial fueling business, and to the east by the Hackensack River. Furthermore, the properties to the west, across South River Street, consist of office buildings and commercial uses, including a gasoline service station and auto repair shops. The subject property is located within the B-3 General Business District. The subject property is located within Block 30.02, Lot 16 and is commonly known as 320 South River Street. The site currently contains an existing climate controlled self-storage building. The property has an area of 205,747 square feet (4.7 Acres).
2. 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 56,985 square feet (1.306 Acres) and will remain a vacant lot. Proposed Lot 16.02 will consist of an area of 148,852 square feet (3.417 Acres) and will contain the existing, previously approved, climate controlled self-storage facility. The Applicant does not propose any site improvements as part of this application.
3. The Applicant presented the testimony of Vincent Tiberi, Development Manager for the Applicant. Mr. Tiberi testified that the current use at the site is a multi-story climate-controlled storage facility with units ranging in size from 5' by 10', 10' by 10', and 20' by 10' for people to store items. He stated that the proposal is to subdivide the property into two lots, with the front lot, which is a little over an acre,

to be marketed for a permitted business use, that would be compatible to the current self-storage use. Mr. Tiberi further testified that they have added roughly 4 inches of top soil to the open area and graded it out. They hydro seeded the area and watered it to start germinating. They agree to address the landscaping concerns and comments as set forth in the Neglia review letter dated December 8, 2022.

4. The Applicant presented the testimony of James D. Sen, PLS, PP. Mr. Sen testified that the existing lot ids about 4.7 acres. They plan to subdivide the lots to make two conforming lots. The lot containing the self-storage facility would be 3.4 acres, and the vacant lot fronting on South River Street would be 1.3 acres. The self-storage facility will function essentially as it does today. There would be no change to the ingress and egress and parking. This is a variance-free minor subdivision application, and there is no development proposed as part of the is application. The Applicant agrees to also address any dead, diseased and dying plantings throughout the site.
5. The Board finds that the testimony of the applicant's witnesses adduced at the hearing was credible and based upon reliable and accurate data and information.
6. The Board finds that the Applicant has demonstrated that the purpose of the Municipal Land Use Law would be advanced by the granting of the application in that it would allow the property to be subdivided in compliance with the zoning code and the Master Plan of the City of Hackensack.

NOW, THEREFORE, BE IT RESOLVED that the application for minor subdivision approval to subdivide the existing lot into two (2) lots (Proposed Lot 16.01 and 16.02). with Proposed Lot 16.01 to consist of an area of 56,985 square feet (1.306 Acres) (currently a vacant lot), and Proposed Lot 16.02 to consist of an area of 148,852 square feet (3.417 Acres) and to contain the

existing, previously approved, climate controlled self-storage building, as per the submitted Subdivision Plan Set, be and hereby is **GRANTED**; and

BE IT FURTHER RESOLVED, that the granting of the within approval is conditioned upon the application complying with all comment letters and directives of the Board Engineer; and

BE IT FURTHER RESOLVED, that the granting of the within approval is specifically made subject to the following additional conditions:

- A. The Applicant shall comply with the recommendations and requirements as set forth in the Completeness/Planning & Engineering & Subdivision Review Memorandum from Gregory J. Polyniak, P.E., P.P., C.M.E., C.P.W.M. and David Juzmeski, P.E., P.P. of Neglia Engineering Associates, dated June 22, 2022, as **Revised December 8, 2022**.
- B. The Applicant shall submit an original, with sufficient copies, of the minor subdivision plan hereby approved for the Board's authorized signatures.
- C. The Applicant shall provide an electronic copy of the approved minor subdivision plan to the City Tax Assessor for designation of the lot numbers of the newly created lots on the Official Tax Map.
- D. If the Applicant wishes to record the subdivision by way of deed, then Applicant shall first submit same for review and approval by the Board Attorney and the Board Engineer, preferably with a reduced copy of the approved minor subdivision plat attached thereto.
- E. In accordance with N.J.S.A. 40:55D-47 d, the Applicant shall, within **190 days** after the adoption of this resolution by the Board, file with the County Clerk's Office, the Board Engineer and the municipal tax assessor either a plat in conformity with the

approval granted herein and the “Map Filing Law”, or a deed clearly describing the approved subdivision.

- F. Within thirty (30) days of the recording of the deed or map, the Applicant shall submit to the Planning Board and the Building Department a copy of the recorded deed or map.
- G. The Applicant shall pay such fee as may be required by City ordinance for the cost of modifying the official tax map and records of the City to re-designate the lots created by the within subdivision.
- H. The Applicant/Developer shall submit individual plot plans to both the City Land Use Department and City Planning Board Engineer for technical review and approval prior to any construction activities occurring on each lot at the time of development.
- I. The Applicant shall comply with any stipulations made by, or on behalf of, the applicant by the applicant’s expert and authorized representative at the public hearing on **December 22, 2022**.
- J. The Applicant agrees to address the landscaping concerns and comments as set forth in the Neglia review letter dated December 8, 2022, including, without limitation, addressing any dead, diseased and dying plantings throughout the site.
- K. The Applicant shall provide the Zoning Officer with a copy of the approved plans digitally via e-mail.

BE IT FURTHER RESOLVED, that the Subdivision approval, and variance relief and waivers granted herein are specifically made subject to any conditions referred to herein. In the event that any condition is held to be invalid, unenforceable, or unlawful, the entire approval granted herein shall be unenforceable. It is the intent of the Board that the approvals granted herein shall not be approved if any condition is invalid, and that the conditions are not severable from the approvals granted herein.

Motion to Approve

Offered by:
Second by:

A. Dib
M. Allegretta

In Favor:

A. Dib

K. Canestrino
J. Labrosse
J. Martucci
M. Allegretta
R. Contini
K. Solomon
P. Iyamu
F. Garip

Opposed:

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 January 11, 2023.



, Planning Board Secretary