

**PLANNING BOARD OF THE CITY OF HACKENSACK**

**RESOLUTION**

IN RE THE APPLICATION OF  
359 MAIN MF 2020-Q, LLC  
359-375 MAIN STREET, BLOCK 408, LOTS 1 & 16  
SP# 4-21 and V# 4-21

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WHEREAS, 359 MAIN MF 2020-Q, LLC (hereinafter sometimes referred to as the “Applicant”) has applied to the Planning Board of the City of Hackensack (hereinafter referred to as the “board”) for Preliminary and Final Site Plan approval to construct a five (5) story mixed-use residential and retail building consisting of 14 two-bedroom duplex townhouses, 91 one-bedroom/studio units (consisting of 69 one-bedroom and 22 studios), 5 two-bedroom units, associated amenities, 4,653 square feet of retail space and a 156 space parking garage with no new proposed on-street parking. Additional site improvements consist of curbing, concrete sidewalks, streetscape improvements, signage, lighting, and landscaping improvements. Furthermore, the Applicant proposed to construct a stormwater management system, as well as utility improvements. Preliminary and Final Site Plan review are required pursuant to Chapter 175 §14.1 et. seq.; and

WHEREAS, the Applicant does not propose any improvements that deviate from the 359 – 375 Main Street Redevelopment Plan bulk requirements; and

WHEREAS, the following parking calculation has been provided, and the application does not require any variances from the 359 – 375 Main Street Redevelopment Plan parking requirements:

<b>Regulation</b>	<b>Ordinance Section</b>	<b>Units</b>	<b>Required</b>	<b>Proposed</b>	<b>Status</b>
Studio Unit	359 – 375 Main Street Redevelopment Plan	1.0 space per dwelling unit	1.0 space * 22 units = 22.0 spaces	156 On-Site Parking Spaces	<b>Conforming</b>

Multi-Family	359 – 375 Main Street Redevelopment Plan	1.25 space per dwelling unit	1.25 space * 74 units = 92.5 spaces		
Townhouse Unit	359 – 375 Main Street Redevelopment Plan	1.5 space per dwelling unit	1.5 space * 14 units = 21.0 spaces		
Retail Parking	359 – 375 Main Street Redevelopment Plan	4.0 spaces / 1,000 GFA	4,653 SF x (4.0 spaces / 1,000 SF) = 18.6 spaces		
Total Spaces Required = 154.1 spaces = 155 spaces					
Minimum ADA Parking Spaces	§175-10.1.C	151-200 spaces = 6 ADA spaces required	6 Parking spaces	6 Parking Spaces	<b>Conforming</b>
Max. Number of Compact Spaces	359 – 375 Main Street Redevelopment Plan	Up to 15% of Required Parking Spaces	155 spaces x 15% = 23 compact spaces	9% (14 spaces)	<b>Conforming</b>
Vehicle Fueling and Charging Stations	359 – 375 Main Street Redevelopment Plan	2 Minimum	2 Minimum	2	<b>Conforming</b>
Bicycle Parking	359 – 375 Main Street Redevelopment Plan	1.0 space / 10 vehicle parking spaces, up to 200 vehicle parking spaces. Thereafter, 1.0 space / 50 vehicle parking spaces	[(1.0 space / 10 spaces) x 156 spaces] + [(1.0 space / 50 spaces) x 0 spaces] = 15.6 spaces = 16 required spaces	18	<b>Conforming</b>

WHEREAS, the Applicant proposes signage that does not appear to deviate from the 359 – 375 Main Street Redevelopment Plan signage requirements; and

WHEREAS, the premises are identified as Block 408, Lots 1 and 16 on the official tax map of the City of Hackensack, County of Bergen, New Jersey, and commonly known as 359-375 Main Street, (hereinafter referred to as the “subject property”) located in the 359 – 375 Main Street Redevelopment Plan District, 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 December 8, 2021, at which time it heard testimony and considered the subject application; and

WHEREAS, the Applicant is represented by Joseph L. Basralian, Esq., of the law firm of Winne, Banta, Basralian & Kahn, P.C.; and

WHEREAS, the Applicant presented the testimony of: William R. Vogt, Jr., P.E., of L2A Land Design; Ciaran Kelly, RA, AIA of Minervini Vandermark Melia Kelly Architecture + Design; and Elizabeth Dolan, P.E., traffic consultant, of Dolan & Dean Consulting Engineers, LLC, in support of the application; and

WHEREAS, the Board heard and considered the testimony of David Juzmeski, P.E., P.P. of Neglia Engineering Associates, the Board Engineers; and Officer Timothy Sroka of the Hackensack Police Department, Traffic Division:

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, undated;
  - Form 'G' – Corporate or Partnership / Ownership Disclosure;
  - Form 'I' - Support Documents Dated 11/10/2021
  - Form 'I' - Support Documents Dated 11/11/2021
  - Form 'L' – Land Use Application Fees;

- Form 'M' - Escrow Fee Structure;
- Form 'O' - Certification by Tax Collector
- Form 'R' - Project Fact Sheet Information
- Signed and sealed engineering plan sheet entitled, "Basin Location Map" prepared by Michael E. Dipple, P.E. of L2A Land Design, LLC, dated November 5, 2021;
- Signed and sealed architectural plan set consisting of twelve (12) plan sheets entitled, "359 Main Street, Hackensack, New Jersey 07601," prepared by Ciaran Kelly, A.I.A. of MVMK Architecture + Design, dated November 5, 2021;
- Signed and sealed engineering plan set consisting of fourteen (14) plan sheets entitled, "359-375 Main Street Redevelopment," prepared by Michael E. Dipple, P.E. of L2A Land Design, LLC, dated November 5, 2021;
- Signed and sealed engineering plan set consisting of two (2) plan sheets entitled, "Drainage Area Map," prepared by Michael E. Dipple, P.E. of L2A Land Design, LLC, dated November 5, 2021;
- Signed and sealed stormwater management maintenance manual, prepared by Michael E. Dipple, P.E. of L2A Land Design, LLC, dated November 5, 2021;
- Signed and sealed stormwater management report, prepared by Michael E. Dipple, P.E. of L2A Land Design, LLC, dated November 5, 2021;
- Signed and sealed traffic report, prepared by Elizabeth Dolan, P.E. & Gary W. Dean, P.E., P.P. of Dolan & Dean Consulting Engineers, LLC, dated November 12, 2021;
- Signed and sealed survey consisting of one (1) plan sheet entitled, "Alta/NSPS Land Title Survey," prepared by Jeffrey S. Grunn, P.L.S., of Lakeland Surveying, dated August 12, 2021.

- City of Hackensack Police Department review letter, dated December 3, 2021;
- City of Hackensack Fire Department Checklist, dated December 7, 2021;
- 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 December 3, 2021; and

WHEREAS, the Board opened the meeting to the public for questions and comments at the time of the public hearing, and heard and considered the comments of Jonathan Sklar, owner of 379 and 381 Main Street, Hackensack,; and Peter Marchesani, a Hackensack resident; 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 two (2) irregular shaped tax parcels with frontage on Main Street to the east, State Street to the west and Passaic Street to the south. The property is immediately flanked to the north by an apartment complex commonly known as Crossroads Luxury Apartments. Directly across Passaic Street and south of the subject property is Bergen Community College Philip Ciarco Jr. Learning Center and a parking lot, to the east across State Street is Florence Court. Additionally, the YMCA recreation center overlooking the property is located along Main Street. The subject property is designated as Block 408 on Lots 1 and 16 and is commonly known as 359 – 375 Main Street. It consists of a total lot area of approximately 46,244 square feet (1.06 acres) and is currently occupied by one (1) story retail building and a two (2) story office building. In addition, the subject property consists of an asphalt parking lot, concrete areas, and landscaping. The subject property is located in the 359 – 375 Main Street Redevelopment Plan District.
2. The Applicant is seeking preliminary and final site plan approval to construct a five (5)

story mixed-use residential and retail building consisting of 14 two-bedroom duplex townhouses, 91 one-bedroom/studio units (consisting of 69 one-bedroom and 22 studios), 5 two-bedroom units, associated amenities, 4,653 square feet of retail space and a 156 space parking garage with no new proposed on-street parking. Additional site improvements consist of curbing, concrete sidewalks, streetscape improvements, signage, lighting, and landscaping improvements. Furthermore, the Applicant proposed to construct a stormwater management system, as well as utility improvements.

3. The Board incorporates herein as part of its findings of fact the sworn testimony of the Applicant's witnesses; David Juzmeski, P.E., P.P. of Neglia Engineering Associates; and Officer Timothy Sroka of the City of Hackensack Police Department, as set forth in the verbatim transcripts of the proceedings conducted at the public meeting of the Board on December 8, 2021.
4. The Board finds that the testimony adduced by the Applicant's witnesses was credible and was based upon reliable and accurate data and information.
5. 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 and the purposes of the Municipal Land Use Law, which goals, objectives and purposes include: encouraging municipal action to guide the appropriate use or development of lands in a manner which promotes the public health, safety, morals and welfare; the promoting of a desirable visual environment through creative development techniques; and the maintaining and enhancing the quality of

established neighborhoods in Hackensack. Based upon the testimony presented by the Applicant's witnesses 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.

6. In considering the project in connection with the criteria outlined in the City's site plan review ordinance, the Board finds that the proposed Site Plan provides for adequate emergency, fire and police access and protection; adequate traffic circulation and access; adequate drainage; safe and convenient pedestrian circulation; appropriate lighting and landscaping; and an attractive and convenient layout.
7. 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.
8. The Board finds that the proposed development can be constructed without any adverse or detrimental traffic impact upon the adjacent roadway system, and that the proposed improvements will not exacerbate the existing conditions of the roadway and/or intersections.
9. The Board incorporates herein as part of its findings of fact the sworn testimony of the witnesses presented, as set forth in the verbatim transcript of the proceedings conducted at the public meeting of the Board on December 8, 2021.

NOW, THEREFORE, BE IT RESOLVED that the application for preliminary and final

site plan approval to construct a five (5) story mixed-use residential and retail building consisting of 14 two-bedroom duplex townhouses, 91 one-bedroom/studio units (consisting of 69 one-bedroom and 22 studios), 5 two-bedroom units, associated amenities, 4,653 square feet of retail space and a 156 space parking garage with no new proposed on-street parking; along with additional site improvements consist of curbing, concrete sidewalks, streetscape improvements, signage, lighting, and landscaping improvements, a stormwater management system, as well as utility improvements, at the premises identified as Block 408, Lots 1 and 16 on the official tax map of the City of Hackensack, County of Bergen, New Jersey, and commonly known as 359-375 Main Street, located in the 359 – 375 Main Street Redevelopment Plan District as set forth in the Zoning Code of the City of Hackensack, be and hereby is **GRANTED**; and

BE IT FURTHER RESOLVED, that the granting of the above approval is conditioned upon the Applicant obtaining all necessary Federal, State, County and Regional Municipal approvals, permits and licenses necessary or applicable, including, but not limited to, municipal soil moving, Bergen County Planning Board, Bergen County Soil Conservation District, and Treatment Works Application, NJDEP Land Use Department, and NJDEP Safe Drinking Water Act approval, **as applicable**; and

BE IT FURTHER RESOLVED, that the granting of the within approval is conditioned upon the Applicant complying with all comment letters and directives of the Board Engineer and Planner, if any, as per the testimony during the public hearing, both prior to, and during construction consistent with the approval granted herein, including, without limitation, all directives required to ensure that the proposed stormwater drainage system will function properly as designed; and



BE IT FURTHER RESOLVED, that the granting of the within approval is conditioned upon the recommendations and comments, received from the Police, Traffic Division; Fire Prevention; Sanitation Department; Health Department; Building Subcode Official; Construction Official; or other City departments required to review the applicable plans for this project, as per the testimony during the public hearing; and.

BE IT FURTHER RESOLVED, that the granting of the within approval is conditioned upon the Applicant complying with all of the specific conditions, stipulations and agreements made throughout the course of this application, including, but not limited to the following:

**Conditions Specific to this Application:**

A. That the Applicant shall address all of the comments set forth in the 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 December 3, 2021 (the “memorandum”), and in accordance with the testimony at the Board meeting on December 8, 2021, or otherwise to the satisfaction of the Board Engineer as set forth in the memorandum.

B. That the Applicant/Developer address all of the comments set forth in the City of Hackensack Police Department Review Letter, dated December 3, 2021; and the City of Hackensack Fire Department Checklist Reviews, dated December 7, 2021, not otherwise addressed in the testimony before the Board and consistent with this resolution. It shall be the Applicant’s responsibility to address all current and future letter comments and required / requested improvements;

C. That the Applicant/Developer shall follow the Bulk Regulations and Design

Standards as set forth in the 359 – 375 Main Street Redevelopment Plan District;

D. The subject site will be serviced by a private trash and recycling hauler;

E. The Applicant/Developer shall secure and supply utility will serve letters for all utilities to ensure capacity and adequate service to the proposed development. The Applicant shall construct all on-site and off-site improvements as deemed necessary by said utilities at its own cost.

F. The Applicant/Developer shall provide a thirty-day flow metering study to confirm the capacity of the existing sanitary sewers that will service the property. The Applicant will review the sewer study requirements with the Board Engineer prior to proceeding with the study. The study shall be reviewed and approved by the City and its professionals prior to issuance of a building permit.

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

**General Conditions:**

A. This approval is subject to Applicant obtaining the required construction permit(s) and any other state, County, or City approvals, as required.

B. All fees, costs, bonds and escrows shall be paid when due or becoming due, including without limitation, any Affordable Housing fees, and Residential or Non-Residential Development fees, as applicable. Any monies are to be paid within twenty (20) days of the said request by the Zoning Officer or Construction Official, or their 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 Board in approving this application shall not relieve the Applicant of responsibility for any damages caused by this project, nor does the Board, 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 Board, such modifications shall be referred to the 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 Board.

G. The Applicant shall submit an original, with sufficient copies, of the plans hereby approved for the Board's authorized signatures. The Applicant shall also provide copies to the Board Engineer, the City Redevelopment Consultant, and the Construction Code Official, as applicable.

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

I. The Applicant shall provide an as-built survey to the Construction Code Official,

the Board Engineer, and the City Tax Assessor upon completion of all improvements. No TCO/CO will be issued without the issuance of an as-built survey and the approval of said survey by the City and its professionals.

J. Any proposed structure(s) shall be constructed so as to be consistent with the architectural renderings, building elevations and material presented to the Board, including, without limitation, materials, design details, window type, colors and color schemes, and other window and façade features

K. Subject to such performances and maintenance bonds as may be required by the Board Engineer consistent with applicable law and as may be further required by the Hackensack Code and consistent with the Municipal Land Use Law. If deemed necessary by the City or its professionals to ensure compliance with the terms of the approvals granted herein; the proper installation/maintenance of the improvements in connection with the development of the subject property; and that the subject property will be improved and developed in such a manner that will ensure protection to the surrounding properties, as well as the public roads in and about the area of the subject property, the developer shall, if required by the City of Hackensack, enter into a Developer's Agreement with the City of Hackensack in connection with the development of the subject property consistent with the Municipal Land Use Law.

L. The Applicant will comply with the City ordinance regarding storm water runoff from the site, and, if requested, the Applicant will provide an additional drainage analysis to the Board's engineer to confirm the adequacy of the proposed drainage system.

M. 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.

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

O. 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.

BE IT FURTHER RESOLVED, that the Site Plan approval, and any variances 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 deemed approved if any condition is invalid, and that the conditions are not severable from the approvals granted herein.

**Motion to Approve**

Offered by: M. Allegretta  
Second by: G. Terzano

In Favor: A. Dib  
G. Terzano  
R. Contini  
J. Chiusolo  
J. Martucci  
M. Allegretta  
K. Canestrino  
J. Labrosse  
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 January 12, 2022.

  
\_\_\_\_\_, Planning Board Secretary