

PLANNING BOARD OF THE CITY OF HACKENSACK

RESOLUTION

IN RE THE APPLICATION OF
463 MAIN STREET URBAN RENEWAL, LLC
FOR PRELIMINARY AND FINAL SITE PLAN AND VARIANCE APPROVAL
463-483 MAIN STREET
BLOCK: 411, LOTS: 2.01, 13, 14, 15, 16, & 18
DOWNTOWN REHABILITATION AREA ZONING DISTRICT
463-483 MAIN STREET REDEVELOPMENT PLAN
SP # 31-22 AND V #31-22

WHEREAS, 463 MAIN STREET URBAN RENEWAL, 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 Lot Consolidation and Preliminary & Final Site Plan Approval for a proposed six (6) story, mixed-use development consisting of 130 residential units with amenities and retail on the first floor.

The following approvals and variances are sought:

1. Lot consolidation of lots 2.01, 13, 14, 15, 16, & 18 in Block 411; and
2. Preliminary and Final Site Plan review pursuant to Chapter 175§14.1et. seq.;
3. The following bulk deficiencies have been identified for which variances are requested:

Regulation	Ordinance Section	Required / Permitted	Proposed	Status
Off-Street Loading Spaces	463-483 Main St Redevelopment Plan E.9.	4 bays + 3 compactors	1 On-Street Loading Area & 1 compactor	Non-Conforming
Loading/Unloading Location	463-483 Main St Redevelopment Plan E.9.	On-Site	On-Street	Non-Conforming

WHEREAS, the subject site is identified as Lots: 2.01, 13, 14, 15, 16, & 18 in Block 411 on official tax map of the City of Hackensack, County of Bergen, New Jersey, and commonly known as 463-483 Main Street (hereinafter sometimes referred to as the “Subject Property”)

located in the Downtown Rehabilitation Area Zoning District and the 463-483 Main Street Redevelopment Plan Area, and designated as an Area in Need of Redevelopment;

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 February 8, 2023, at which time it heard testimony and considered the subject application; and

WHEREAS, the Applicant is represented by Gerald R. Salerno, Esq; and

WHEREAS, the Applicant presented the testimony of Calisto J. Bertin, P.E., of Bertin Engineering; Jose I. Carballo, R.A., of JCA Architectural Group; Craig Peregoy, P.E. of Dynamic Traffic; and John McDonough, PP, AICP, CLA, in support of the application; and

WHEREAS, the Board reviewed the following:

- Zoning Permit Application consisting of the following forms:

Form 'B' – Details of Site Plan- Ordinance §175-14;

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: Action Request;

Form 'I' – Support Documents – Signature Page;

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, dated November 9, 2022

- A signed and sealed Boundary and Topographic Survey, consisting of one (1) sheet, entitled “Boundary and Topographic Survey, of 461-475 Main Street, Lots 2.01, 13, 14, 15, 16, and 18, Block 411, City of Hackensack, Bergen County, New Jersey”, prepared by Miloslav Rehak, P.L.S., of Bertin Engineering, dated December 6, 2018, last revised August 10, 2021.
- A signed and sealed Engineering Plan, consisting of ten (10) sheets entitled “Lot Consolidation, Preliminary & Final Site Plan, Zohara Residential”, prepared by Calisto J. Bertin, P.E., of Bertin Engineering, dated March 25, 2022, last revised December 22, 2022.
- A signed and sealed Architectural Plan Set, consisting of fourteen (14) sheets, entitled “Proposed Mixed Use Development”, prepared by Jose I. Carballo, R.A., of JCA Architectural Group, dated October 3, 2022, last revised December 22, 2022.
- A signed Stormwater Management Maintenance Manual, consisting of twenty-eight (28) sheets, prepared by Michael E. Dipple, P.E., of L2A Land Design LLC, dated October 28, 2022.
- Signed Stormwater Drainage Calculations, consisting of twenty-six (26) sheets, prepared by Calisto J. Bertin, P.E., of Bertin Engineering, dated September 26, 2022, last revised December 22, 2022.
- Traffic Report, entitled “Traffic Impact Study For Zohara 463, LLC Proposed Mixed-Use Building”, prepared by Craig Peregoy, P.E. and Connor Hughes, P.E. of Dynamic Traffic,

dated November 15, 2022.

- Redevelopment Plan Memorandum, City of Hackensack, prepared by Francis Reiner, L.L.A., P.P. of DMR Architects, dated January 16, 2023.
- Fire Department Checklist Plan Review dated January 10, 2023.
- Police Department email review correspondence dated January 11, 2023

WHEREAS, the Board opened the meeting to the public for questions and comments at the time of the public hearings, and the Board heard and considered the comments made by the members of the public; 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 six (6) tax lot parcels with frontage along the westerly frontage of Main Street located between Clinton Place and Maple Avenue with a total lot area of 46,855 square feet (1.08 acres). The subject properties are identified as Block 411, Lots 2.01, 13, 14, 15, 16, and 18 and are commonly known as 463-483 Main Street. The uses surrounding the subject properties consist of retail to the south across Maple Avenue, surface parking to the east across Main Street, an office building to the north across Clinton Place, and surface parking and one- and two-family residential uses to the west. The Subject Property is located within Block 411, Lots 2.01, 13, 14, 15, 16, and 18 and is currently utilized as a one and two-story office, retail, restaurant, and surface parking area in the rear. The property is located within the 463-483 Main Street Redevelopment Plan Area.

2. The Applicant proposes to raze the existing site improvements to construct a six (6) story, mixed-use development consisting of 130 units (70 one (1) bedroom and 60 two (2)

bedroom), with 90 parking spaces and the manager's office on the lower level; a 3,300 square feet lobby area, approximately 1,050 square feet of amenity space, 79 parking spaces, and 3,843 square feet of retail on the first floor. The "typical floor" will consist of fourteen (14) one-bedroom units and twelve (12) two-bedroom units on floors two through six along with additional amenities. Additionally, the Applicant proposes a rooftop plaza, second floor outdoor pool, and roof solar panels. The proposed building will have an overall building height of approximately 69.68 feet above the average top of curb elevation on Main Street. The Applicant is proposing three (3) on-street parking spaces along Clinton Place, nine (9) on-street parking spaces on Main Street (for which the Applicant requires the permission of the City and the County), and one (1) on-street parking space on Maple Avenue and together with the 169 on-site parking spaces within the parking garage is proposing a total of 182 parking spaces.

3. The Board incorporates herein as part of its findings of fact the sworn testimony of the Applicant's witnesses; the Board Engineer, Gregory J. Polyniak, P.E. P.P., C.M.E., C.P.W.M; and the City's Redevelopment Consultant, Francis Reiner, LLA, P.P., as set forth in the verbatim transcript of the proceedings conducted at the public meeting of the Board on February 8, 2023.

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 the subject property had been identified as a potential redevelopment area in both the 2001 Master Plan and the 2009 Re-examination Report and, as part of the Downtown Rehabilitation planning process, goals and objectives have been developed for the revitalization of the downtown area into a vibrant mixed use pedestrian friendly environment. The Board further finds that the subject property has been designated as an Area in Need of

Redevelopment by the City of Hackensack. The Board has considered the above, and particularly, the goals and objectives of the Downtown Rehabilitation Plan, and of the 463-483 Main Street Redevelopment Plan, in making its findings and conclusions in connection with this application.

6. The Board finds that the goals and objectives of the Downtown Rehabilitation Plan and the 463-483 Main Street Redevelopment Plan include the following: to promote and strengthen existing businesses with the creation of a livable, real and clearly defined downtown district, made up of a series of interconnected, newly formed, mixed-use neighborhoods which are connected to their immediate context; to promote the development of a place-based environment where people live and work, connected by great streets and activated by appropriate retail, food and entertainment uses; to promote a balance between pedestrian and vehicular importance through the design of a hierarchy of streets, roads, gateways and boundaries which promotes activity and vitality; to promote improved pedestrian and vehicular conductivity into and through the downtown and to adjacent existing residential and commercial neighborhoods as well as to transportation and transit options; to promote an overall approach to parking based on a shared vertical parking strategy reflective of a mixed use environment which emphasizes quality, accessibility, location, size, scale, configuration, management and aesthetic character over quantity; to promote and take advantage of the physical relationship of the downtown to the County Complex, Bergen Community College, Fairleigh Dickinson University and Hackensack University Medical Center; to promote the development of a compact urban environment with improved connectivity to the existing rail and bus transit in order to encourage walking and minimize vehicular dependency; to promote a high density, mixed use development with a diverse residential population of varied ages, races and socio-economic backgrounds; to promote the

principles of sustainable design individual buildings and for the district as a whole.

7. Based upon the testimony presented by the Applicant's witnesses, the testimony of the City Planner, Francis Reiner, and the Board's review of the Exhibits and reports submitted in connection with the project, the Board finds that the proposed project advances the goals and objectives of the Downtown Rehabilitation Plan and 463-483 Main Street Redevelopment Plan as set forth above. Specifically, the Board finds that there is consistency with the development and design standards of the Redevelopment Plan; the use of high quality materials that reinforce pedestrian scale; the use of architectural elements that provide special interest; the use of building articulation and change of materials and colors as described by the Applicant's architect; consistency with the streetscape design standards, including street trees, landscaping, and street lighting in accordance with the City of Hackensack standard pedestrian scale light pole and fixture, and other streetscape improvements and elements that are consistent with the Redevelopment Plan. In addition, the Board finds that the proposed design and exterior look of the proposed building, and the proposed site improvements comply with all of the zoning and design criteria for the Downtown Rehabilitation Area Zoning District and the 463-483 Main Street Redevelopment Plan.

8. 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; safe and convenient pedestrian circulation; appropriate lighting and landscaping; and an attractive and convenient layout.

9. The Board finds that the Applicant has adduced testimony that the proposed development can be constructed without any significant adverse or detrimental traffic impact upon

the adjacent roadway system and that the proposed development will not exacerbate the existing conditions of the roadway and/or intersections.

10. The Board finds that N.J.S.A. 40:55D-70(c)(2) of the MLUL 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 the Applicant has met the affirmative criteria for the granting of each of the requested variances under (c) (2).

11. In considering the project in connection with the City’s Master Plan and the Municipal Land Use Act, the Board finds that the proposed design and exterior look of the proposed building, and the proposed site improvements, advance the goals and objectives of the Hackensack Master Plan and the Municipal Land Use Law by providing for adequate light, air and open space; promoting a desirable visual environment through creative development techniques and design; and promoting the public health, safety and general welfare.

12. The Board finds that, in connection with the variances for the required off-street loading spaces, number of trash compactors and on-site loading location, the Applicant has presented sufficient evidence to demonstrate that any required loading or unloading can be accomplished utilizing the loading zone provided on Clinton Place and this is a reasonable design alternative, and is a benefit to the site and the surrounding area in that it assures that the loading/unloading and trash pick-up, etc. will not interfere with vehicles and pedestrians entering and exiting the parking garage. The Board finds that the location of the service and loading area will not obstruct traffic flow on Clinton Place. The Board finds further that the Applicant has

demonstrated that 1 trash compactor is sufficient to adequately service the building. The Board finds that the proposed design provides for adequate light, air, and open space, and promotes a desirable visual environment through creative development techniques and design, and that the purposes of this act would be advanced by a deviation from the zoning ordinance requirements. The Board finds that the benefits of the deviations substantially outweigh any detriments.

13. The Board finds that 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. Based upon the proofs presented, the Board finds that the applicant is proposing a building and site lay out which is substantially consistent with the goals and purposes Downtown Rehabilitation Plan and the 463-483 Main Street Redevelopment Plan, and that this application satisfies the negative criteria in that the requested variances will not cause a substantial detriment to the public good nor substantially impair the intent and purposes of the City of Hackensack Master Plan and zoning ordinance. As noted above, the Board further finds that the proposed Site Plan provides for adequate fire and police access and protection; adequate drainage and disposal of all wastes; adequate traffic circulation and access; safe pedestrian circulation; appropriate lighting and landscaping; and an attractive and convenient layout.

NOW, THEREFORE, BE IT RESOLVED that the application of 463 Main Street Urban Renewal, LLC for Lot Consolidation, Preliminary & Final Site Plan Approval and variances to permit a six (6) story, 130 unit mixed-use development with 169 on-site parking spaces and 13 on street parking spaces, together with retail and amenities at the premises identified as Lots 2.01, 13, 14, 15, 16, and 18 in Block 411 on official tax map of the City of Hackensack, County of Bergen,

New Jersey, and commonly known as 463-483 Main Street, located in the Downtown Rehabilitation Area Zoning District and the 463-483 Main Street Redevelopment Plan, and designated as an Area in Need of Redevelopment, be and hereby is **GRANTED**.

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 , County, soil moving, Bergen County Planning Board, Bergen County Soil Conservation District, and Treatment Works Application, as applicable.

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 Planner, and the City Planner, both prior to, and during construction, including, without limitation, all directives required to ensure that the proposed sanity sewer and stormwater drainage systems will function properly as designed.

BE IT FURTHER RESOLVED that the granting of the within approval is conditioned upon the recommendations and comments, received, and/or to be received from the Police, Traffic Division; Fire Prevention; Sanitation Department; Health Department; Building Subcode Official; Construction Official; or other City departments required to review this project.

BE IT FURTHER RESOLVED that the granting of the within approval is conditioned upon the Applicant/Developer 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 address all of the comments 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 December 2, 2022, as revised January 13, 2023; and as per the testimony at the Board meeting on February 8, 2023, or otherwise to the satisfaction of the Engineer;
- B. That the applicant address all of the comments set forth in the review memo prepared by Francis Reiner, LLA, P.P. of DMR Architects, dated January 16, 2023, and as set forth in the testimony adduced at the Board meeting on February 8, 2023 as set forth in the transcript of said meeting, or otherwise to the satisfaction of Mr. Reiner as the City's redevelopment consultant;
- C. That the applicant shall follow the Design Standards of the Downtown Rehabilitation Plan, and the 463-483 Main Street Redevelopment Plan to the satisfaction of Francis Reiner, as the City's redevelopment consultant;
- D. That there shall be no parking on Main Street.
- E. The subject site will be serviced by a private trash and recycling hauler;
- F. Any exterior utility meters shall be properly screened from public view.
- G. Any rooftop mechanical equipment shall have proper stealthing and screening, as

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 Planner, and the Construction Code Official, as applicable.
- H. The Applicant shall provide an as-built survey, which must be reviewed and deemed acceptable by the City and its professionals prior to recommendation and issuance of a any Temporary Certificate of Occupancy and/or Certificate of

Occupancy.

- I. The 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
- J. 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 pursuant to the Municipal Land Use Law. If deemed necessary by the City or it's 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 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.
- K. 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.
- L. 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.

- M. The Applicant shall provide the Zoning Officer with a copy of the approved plans digitally via e-mail.
- 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 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: Labrosse
Second by: Contini


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

In Favor of Adoption of the Resolution on February 8, 2023:

Offered by: J. Labrosse
Second by: R. Contini

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

I hereby 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 February 8, 2023.


, Planning Board Secretary

