

PLANNING BOARD OF THE CITY OF HACKENSACK

RESOLUTION

IN RE THE APPLICATION OF
CORNERSTONE CAPITAL INVESTMENT, LLC
FOR PRELIMINARY AND FINAL SITE PLAN AND VARIANCE APPROVAL
85-99 STATE STREET, BLOCK 214, LOTS 19-22
SP # 20-20 AND V #20-20

WHEREAS, CORNERSTONE CAPITAL INVESTMENT, 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 Preliminary and Final Site Plan approval for the construction of a new six (6) story multifamily residential building consisting of sixty (60) units, with twenty nine (29) one-bedroom units, eighteen (18) one-bedroom plus den units, twelve (12) two-bedroom units, and one (1) studio unit. Additionally, the Applicant proposes one hundred (100) parking spaces. Additional improvements include curbing, parking lot striping, lighting, landscape improvements, and an underground detention system to accommodate stormwater runoff. Additionally, the Applicant proposes water and sanitary connections within the State Street right-of-way. The following approvals are sought:

1. Preliminary and Final Major Site Plan review pursuant to Chapter 175§14.1 et. seq.;
2. Variance/Waivers for the following deficiencies identified below as “Non-Conforming”:

a. Bulk regulations

Regulation	Ordinance Section	Required / Permitted	Proposed	Status⁽¹⁾
Minimum Front Yard (State Street)	Schedule of District Regulations, B-2 District	20 feet	State Street: 17 feet ⁽²⁾	Non-Conforming
Minimum Rear Yard	Schedule of District Regulations, B-2 District	15 feet	15 feet	Conforming
Maximum Lot Coverage	Schedule of District Regulations, B-2 District	33.3%	62.0%	Non-Conforming

Buffer Requirements	§175-9.1.A(4)	Yes	Conforming Buffer ⁽³⁾	Conforming
Landscape Buffer Unenclosed Uses	§175-9.2.B	Yes	Conforming Buffer ⁽⁴⁾	Conforming
Minimum Drive Aisle Width (Two Way Traffic / 90 Degrees Parking)	§175-10.2(D)(2)	25 Feet	24 feet	Non-Conforming
Minimum Drive Aisle Width (Two Way Traffic / 90 Degrees Parking)	RSIS 5:21-4.16	24 feet	24 feet	Conforming

- (1) Each item with a status of “non-conforming” will require a new variance.
- (2) Per ordinance section §175-5.3-E, *“Corner Lot, Frontage Upon Two Streets, A corner lot, containing frontage upon two improved and approved streets shall contain two required front yards, one side yard and one rear yard. The required side yard will be located opposite the more narrow of the two lot widths.”* Therefore, the above analysis will be applicable. While the proposed building footprint is set back 20 feet from the property line, the variance is due to the protrusion of the bay windows on the third and fourth floors.
- (3) Per ordinance section §175-9.1.A(4), *“Said buffer zone shall be kept in its natural state where wooded, and when natural vegetation is sparse, plant material at least six (6) feet in height and a solid or tightly woven fence may be required so as to provide a year-round visual screen by the Planning Board. Said planting may be placed in suitable areas in the buffer zone as shall be required by the Planning Board.”* The Applicant had proposed plantings that are between five (5) and six (6) feet in height. For compliance with this requirement, the Applicant has revised the size of the plantings to six (6) feet in height to be in conformance.
- (4) Per ordinance section §175-9.2.B, *“Any use which is not conducted within a completely enclosed building, such as required off- street parking, shall be entirely enclosed by a solid or closely woven fence or by evergreen hedges or shrubs spaced at intervals of not more than five (5) feet, located and maintained in good condition, within ten (10) feet of the property line or the zone district boundary line or as shall be determined by the Planning Board. In the alternative, the Planning Board may require a landscaped earthen berm not less than five (5) feet in height.”* The Applicant had proposed a hedge/shrub buffer with the spacing between hedges/shrubs to be greater than the allowable five (5) feet. The Applicant has revised the site plan to have a maximum interval spacing of five (5) feet between hedge/shrubs to be in conformance.

b. Parking Calculation

Regulation	Ordinance Section	Units	Required	Proposed	Status⁽¹⁾
Multi-Family Dwelling	§175-10.1 Schedule of Off-Street Parking Regulation	2.0 space per unit (other than studio) + 1.5 spaces per studio unit + 10% designated as visitor's parking	(2.0 spaces / unit) x 59 units + (1.5 spaces / studio unit) x 1 unit + 10% = 118 spaces + 1.5 spaces + 12.15 = 131.45 parking spaces	100 spaces⁽³⁾	Non-Conforming⁽³⁾
EV Parking Spaces	EV Legislation No. 3223	15% of Required Parking Spaces	131.45 parking spaces x 15% = 19.72 EV Space = 20 EV Spaces	17 EV Spaces	Non-Conforming
EV Parking Spaces Reduction	EV Legislation No. 3223	1 EV space = 2 spaces up to 10% of total required parking	131.45 required spaces x 10% = 13.1 space reduction	100 spaces⁽³⁾	Non-Conforming⁽³⁾
Total Spaces Required Per Ordinance = 118 parking spaces w/ 20 EV Spaces Included					
Multi-Family Dwelling	RSIS Table 4.4	1.8 spaces per one-bedroom & 2.0 spaces per two-bedroom unit	(1.8 spaces x 48 one-bedroom units) + (2.0 spaces x 12 two-bedroom units) = 110.4 spaces	100 spaces⁽³⁾	RSIS Waiver⁽²⁾
EV Parking Spaces	EV Legislation No. 3223	15% of Required Parking Spaces	110.4 parking spaces x 15% = 16.56 EV Space = 17 EV Spaces	17 EV Spaces	Conforming
EV Parking Spaces Reduction	EV Legislation No. 3223	1 EV space = 2 spaces up to 10% of total required parking	110.4 parking spaces x 10% = 11.04 space reduction	100 spaces⁽³⁾	Conforming
Total Spaces Required Per RSIS = 99 parking spaces w/ 17 EV Spaces Included					

Maximum Compact Parking Spaces	§175-10.1 – Note 3	Up to 30% of parking stalls	100 spaces x 30% = 30 compact spaces	28 compact spaces	Conforming
Parking Space Size	RSIS 5:21-4.15	Feet	9 feet x 18 feet	8 feet x 18 feet	RSIS Waiver ⁽²⁾
Minimum ADA Parking Spaces	§175-10.1.C	76 - 100 spaces = 4 ADA spaces required	4 ADA Parking spaces	4 ADA Parking spaces	Conforming
Minimum ADA EV Parking Spaces	EV Legislation No. 3223	5% of provided EV spaces	1 Parking space (15 spaces * 5% = 0.75 = 1)	1 Parking Space	Conforming

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

(2) The Applicant provides insufficient parking to comply with the parking requirements established within City of Hackensack Ordinance and with the Residential Site Improvements Standards (RSIS) parking requirements. As such, waivers from the City of Hackensack and Residential Site Improvements Standards (RSIS) will be required.

(3) A parking reduction is credited towards using E.V. Parking Spaces. Per EV Legislation No. 3223, *“A parking space prepared with electric vehicle supply equipment or Make-Ready equipment pursuant to this section shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. The subsection shall result in a reduction of no more than 10 percent of the total required parking.”*

WHEREAS, the subject property is located within Block 214, Lots 19-22 on the official tax map of the City of Hackensack, County of Bergen, New Jersey, and is commonly known as 85-99 State Street (hereinafter referred to as the “subject property”), located in the B-2 General Business zoning district;

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 hearings on April 14, 2021 and February 9, 2022, at which time it heard testimony and considered the subject application; and

WHEREAS, the Applicant had presented a site plan at the April 14, 2021 public hearing which, *inter alia*, proposed a multifamily building containing sixty-seven (67) units, consisting of twenty-eight (28) one bedroom units, nineteen (19) one bedroom units with a den, and twenty (20) two bedroom units; and

WHEREAS, the Applicant presented a revised site plan at the February 9, 2022 public hearing which reduced the number of residential units, modified the layout of the site and the parking garage, and eliminated several variances associated with the prior site plan: and

WHEREAS, the Applicant is represented by Richard S. Schkolnick, of Law Offices of Richard Schkolnick, LLC.; and

WHEREAS, the Applicant presented the testimony of: James Virgona, RA of Virgona & Virgona Architects, Matthew R. Wilder, PE, PP of Morgan Engineering, LLC, Corey Chase, PE of Dynamic Traffic, LLC, David Spatz, PP of Community Housing & Planning Associates, Inc., and Mohamed Amin, principal of the Applicant, in support of the application; and

WHEREAS, the Board reviewed the following documents in connection with the Application:

- **Zoning Permit Application consisting of the following forms:**
 - **Cover Letter, prepared by Richard S. Schkolnick, of Law Offices of Richard Schkolnick, LLC, dated November 17, 2020;**
 - **Form ‘D’ – Site Plan / Subdivision / Variance Application (signed), undated;**
 - **Form ‘I’ – Support Documents (signed and notarized), dated October 20, 2020;**
 - **Form ‘B’ – Site Plan Checklist (complete)**

- Waiver Request, prepared by Matthew R. Wilder, P.E., of Morgan Engineering & Surveying;
- Form 'F' – Site Information (incomplete);
- Form 'O' – Certification by Tax Collector (complete) signed October 8, 2020;
- Form 'L' – Land Use Application Fees (incomplete);
- Form 'M' – Escrow Fee Structure (incomplete);
- Narrative for application, revised November 13, 2020;
- 200-foot Property List and Letter, dated August 18, 2020; and
- W-9 Request for Taxpayer;
- Letter addressing 600-gallon #2 Heating Oil Underground Storage Tank System, prepared by Kenneth J. Kloo, Assistant Director, of State of New Jersey, Department of Environmental Protection, dated August 26, 2020;
- Schedule B Requirements, prepared by AmTrust Title Insurance Company, undated;
- Signed Survey Plan Sheet entitled “Boundary and Topographic Survey, Lots 19-22, Block 214, City of Hackensack, County of Bergen, New Jersey”, prepared by David J. Von Steenburg, P.L.S., of Morgan Engineering & Surveying, dated January 10, 2020, with latest revision of September 18, 2020;
- Signed Site Plans Set consisting of five (5) seven (7) sheets, entitled “Preliminary and Final Major Site Plan, Lots 19-22, Block 214, City of Hackensack, County of Bergen, New Jersey”, prepared by Mathew R. Wilder, P.E., of Morgan Engineering & Surveying, dated October 15, 2020, with latest revision date No. 4 of January 14, 2022;
- Signed and Sealed Architectural Plan Set consisting of nine (9) sheets entitled “Proposed 67 Unit Apartment Building”, prepared by Raymond J. Virgona, R.A., of

Virgona + Virgona Architects / Planners, dated October 20, 2020, with latest revision date No. 4 of January 19, 2022;

- **Stormwater Management Report, prepared by Mathew R. Wilder, P.E., of Morgan Engineering & Surveying, dated October 15, 2020, with no revisions;**
- **Traffic Impact Study, prepared by Joseph J. Staigar, P.E., P.P., and Craig W. Peregoy, P.E., of Dynamic Traffic, dated October 22, 2020, last revised May 18, 2021;**
- **City of Hackensack Fire Department Review Letter, dated December 1, 2020;**
- **City of Hackensack Police Department Review Letter, dated November 25, 2020, and June 7, 2021;**
- **Cover letter, prepared by Richard S. Schkolnick, of Law Offices of Richard Schkolnick, LLC, dated May 27, 2021;**
- **Summary of revisions letter, prepared by Mathew R. Wilder, P.E., P.P., C.Z.M., C.M.E., of Morgan Engineering & Surveying, dated May 21, 2021;**
- **Cover letter, prepared by Richard S. Schkolnick, of Law Offices of Richard Schkolnick, LLC, dated June 22, 2021;**
- **Sun Study Plan Sheet A10 entitled “Proposed 63 Unit Apartment Building, State & Meyer Streets, Hackensack, New Jersey” prepared by Raymond J. Virgona, R.A., of Virgona + Virgona Architects / Planners, dated October 20, 2020, with latest revision date No. 3 of May 12, 2021; and**
- **Cover letter, prepared by Richard S. Schkolnick, of Law Offices of Richard Schkolnick, LLC, dated Jan. 21, 2022**

WHEREAS, The following additional Exhibits were presented to the Board at the February 9, 2022 public hearing:

- **EV Parking Exhibit, last revised 2/2/22;**

- Landscape rendering dated 2/9/22.

WHEREAS, the Board opened the meeting to the public for questions and comments at the time of the public hearings; 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 four (4) tax parcels, with frontage to the south on Myer Street and to the east on State Street. The property is bound to the north by a residential building, to the east across State Street by the Meridia Apartment building, to the northeast across State Street by the Hackensack Performing Arts Center, to the west by an auto parts store, and to the south across Myer Street by a hardware store. The subject property is located within the B-2 General Business Zone.
2. The subject property is located within Block 214, Lots 19-22 and is commonly known as 85-99 State Street. The site is currently a vacant lot with all buildings having been demolished and removed. The property has an area of 35,209 square feet (0.81 acres).
3. The Applicant requests Preliminary and Final Site Plan approval for the construction of a new six (6) story multifamily residential building consisting of sixty (60) units, with twenty nine (29) one-bedroom units, eighteen (18) one-bedroom plus den units, twelve (12) two-bedroom units, and one (1) studio unit. Additionally, the Applicant proposes one hundred (100) parking spaces. Additional improvements include curbing, parking lot striping, lighting, landscape improvements, and an underground detention system to accommodate stormwater runoff. Additionally, the Applicant proposes water and sanitary connections within the State Street right-of-way.
4. 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 Officer Timothy Sroka, of the Hackensack Police Department Traffic Division, as set forth in the verbatim transcript of the proceedings conducted at the public meeting of the Board on February 9, 2022.

- 5. The Board finds that the testimony adduced by the Applicant's witnesses was credible and was based upon reliable and accurate data and information.**
- 6. The Board finds 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. 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.**
- 7. 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.**
- 8. 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.

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, and, in fact, will improve existing conditions.
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 under N.J.S.A. 40:55D-70(c)(2) for the granting of each of the requested variances as follows:
 - With respect to the variance for the front yard setback, the Board finds that, while the proposed building footprint is set back 20 feet from the property line, the variance is due to the protrusion of the bay windows on the third and fourth floors. The Board finds that the design of the building with the bay windows adds architectural interest to the building and depth to the façade. The board finds that this presents a more attractive design and better fits with the character of the neighborhood. The Board finds that the proposed building design 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.

- With respect to the variance for the 24 foot drive aisles where 25 feet is required by the Hackensack Zoning Code, the Board finds that the 24 foot drive aisles comply with the Residential Site Improvement Standard (RSIS) and the recommendations of the Urban Land Institute and the Institute of Transportation Engineers and, based upon the testimony of Applicant's traffic engineer, there is sufficient back-up and maneuvering space for safe back-up/maneuvering, and there would be no material detriment to having those 24 foot drive aisles.
- With respect to the variance for 15 of the parking spaces having dimensions of 8 ft x 18 ft, the Board is aware that the Hackensack Zoning Code allows up to 30% of parking to be compact spaces, defined as having dimensions of 7.5 ft x 18 ft, and that the Applicant proposes 28 compact spaces, with is within the allowable percentage. Thus, while the RSIS requires a parking space size of 9 ft, x 18ft and is silent regarding compact parking spaces, and a waiver from the RSIS is required, the granting of such waiver is appropriate given that the parking complies with the Hackensack Zoning Code as to compact spaces. In addition, based upon the testimony of the Applicant's witnesses that the parking spaces with be assigned to residents of the building and the appropriate vehicles, there would be no material detriment to granting this waiver. The Board further finds that, given the overall parking scheme, this deviation will not cause any adverse impacts at the subject

property or the surrounding area.

- **With respect to the variance for lot coverage, the Board finds that a typical negative impact of excess lot coverage is massing of the building and impacts on drainage and runoff. The Board finds that the building footprint meets all of the setback limitations and is within the height and height ratio limitations, and from that standpoint there would not be a negative impact in terms of light, air and open space. The Board further finds that proposed building is similar in massing to the Meridia project directly across the street on State Street and would be consistent with character of the neighborhood. In addition, the Board notes that had the Applicant proposed a mixed-use building with commercial space on the ground floor, the permitted lot coverage would be 60%, and would have created a greater impact in terms of traffic and parking need. The Board finds that the proposed fully residential building is more consistent with the established character of the neighborhood and presents a better planning alternative. The Board also finds that the Applicant has presented reliable evidence that all drainage will be adequately handled on site so that there would be no negative impacts in terms of drainage or runoff. The Board finds that this granting of this variance would 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.**
- **With regard to the overall parking requirements in relation to the Hackensack Zoning Code, the RSIS and the recently enacted EV legislation, the Board finds**

that project is compliant with the RSIS in terms of the number of parking spaces after applying the parking credit under the EV legislation. The Board finds that per the RSIS, the project would require 110.4 spaces, but after applying the credit under the EV legislation, the parking requirement is reduced to 99.36 spaces, and the applicant is proposing 100 parking spaces. The Board finds that while the project is not compliant with the Hackensack Zoning Code, the RSIS should apply to this project. The Board finds that, based upon the overall parking scheme and the representations of the Applicant as to the assigning of parking spaces to residents with consideration to the types of vehicles, the Applicant has provided sufficient proof that the proposed parking is adequate for the site. The Board notes that the Atlantic Street parking garage is a 1 ½ blocks the subject property and has available public metered parking, with free parking after 6PM. There is a signalized intersection for pedestrian safety across both State Street and Atlantic Street.

- The Board finds that the proposed building design, and the associated site improvements, 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. The Board also finds that the proposed development of the subject property preserves adequate light, air and open space for the subject property and the adjacent properties. The Board finds that the project advances the goals and objectives of the Hackensack Master Plan and the Municipal Land Use Law by bringing the subject property in conformity with the permitted uses in the B-2

General Business Zone and thereby, promoting health, safety and general welfare of the public.

- **The Board finds that these benefits will accrue to the public by the granting of the requested variances as part of the development application. The Board further finds that these benefits are significant and that they substantially outweigh any potential detriment.**

11. **The Board finds that the benefits of the proposed project all further advance the goals and objectives of the Hackensack Master Plan and the Municipal Land Use Law, specifically, purpose (a) of the MLUL, by promoting the public health, safety and general welfare; purpose (e) of the MLUL, by promoting the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment; and purpose (i) of the MLUL, by promoting a desirable visual environment through creative development techniques and good civic design and arrangements.**
12. **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 of the Hackensack Master Plan and the Municipal Land Use Law as aforesaid, and that this application satisfies the negative criteria in that none of the requested variances will 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. The Board further 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.

NOW, THEREFORE, BE IT RESOLVED that the application for Preliminary and Final Site Plan approval for the construction of a new six (6) story multifamily residential building consisting of sixty (60) units, with twenty nine (29) one-bedroom units, eighteen (18) one-bedroom plus den units, twelve (12) two-bedroom units, and one (1) studio unit; with two levels of garage parking containing one hundred (100) parking spaces; along with curbing, parking lot striping, lighting, landscape improvements, and an underground detention system to accommodate stormwater runoff, and water and sanitary connections within the State Street right-of-way, at the premises identified as Block 214, Lots 19-22 on the official tax map of the City of Hackensack, County of Bergen, New Jersey, commonly known as 85-99 State Street, located in the B-2 General Business zoning district, be and hereby is **GRANTED**.

BE IT FURTHER RESOLVED, that the granting of the above approval is conditioned upon the Applicant/Developer 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.

BE IT FURTHER RESOLVED, that the granting of the within approval is conditioned upon the Applicant/Developer complying with all comment letters and directives of the Board Engineer and Planner, and the City Redevelopment Consultant, as per the testimony during the public hearings, 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 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, as per the testimony during the public hearings.

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 7, 2020, as revised February 2, 2022, and as per the testimony at the Board meeting on February 9, 2022, or otherwise to the

satisfaction of the Board Engineer.

- B. That the Applicant/Developer address all of the comments set forth in the City of Hackensack Police Department Review Letters; and the Hackensack Fire Department Checklist Plan Reviews, consistent with this resolution and the variances granted herein. It shall be the Applicant's responsibility to address all current and future letter comments and required / requested improvements.
- C. Any exterior utility meters shall be screened from public view.
- D. The subject site will be serviced by a private trash and recycling hauler;
- E. 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.**
- F. The Applicant/Developer will cooperate with the City and its designated officials, including Hackensack Police Department Traffic Division, and Bergen County Planning and Engineering, as applicable, to ensure that the pedestrian street crossings adjacent to the subject property are safe and efficient.

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, all 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 as 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 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, 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, 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:

A. Dib

Second by:

J. Labrosse

In Favor:

A. Dib

J. Labrosse

K. Canestrino

J. Chiusolo

F. Garip

M. Allegretta

J. Martucci


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 March 9, 2022.



Michael ALLEGRETTA

, Planning Board Secretary