

PLANNING BOARD OF THE CITY OF HACKENSACK

RESOLUTION

IN RE THE APPLICATION OF
9 KANSAS STREET, LLC
SITE PLAN REVIEW FOR INSTALLATION OF ROOF-MOUNTED SOLAR ENERGY
SYSTEM
9 KANSAS STREET, BLOCK 67, LOT 20
SP #14-22 AND V #14-22

WHEREAS, 9 Kansas Street, 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 permission to install roof mounted solar panels on the existing office building. The Applicant proposes thirty-nine (39) panels consisting of 1 array, inverters, electrical metering, and safety improvements. No site improvements or building modifications are proposed at this time. The premises are identified as Block 67, Lot 20 on the official tax map of the City of Hackensack, County of Bergen, New Jersey, and commonly known as 9 Kansas Street, (hereinafter referred to as the “subject property”).

WHEREAS, the following bulk review has been made:

Regulation	Ordinance Section	Required / Permitted	Proposed	Status
Maximum Panel Height Above Roof	§175-7.11.3.N.(2)(a)[1]	Lesser of 5 feet or Parapet Wall Height	12 inches (Parapet), 10 inches (Panel)	Conforming⁽¹⁾

(1) In accordance with Chapter §175-7.11 of the City of Hackensack Zoning Ordinance non-residential roof-mounted solar energy systems “in the instance that the solar energy system is to be mounted on a flat roof, panels may be angled to achieve maximum sun exposure but shall not exceed five feet (5’) above the roof height, nor exceed the height of the parapet wall, whichever is less. In the event that the building does not contain a parapet wall, then the Applicant shall provide an appropriate screening to shield the panels from view from street level”.

WHEREAS, the subject property is located within the Business Neighborhood Zone; and

WHEREAS, pursuant to Hackensack Zoning Code section 175-7.18, installation of solar

energy systems are permitted on the roofs of nonresidential structures with minor site plan approval;

WHEREAS, the aforesaid application was duly made to the Planning Board of the City of Hackensack pursuant to the requirements of the City of Hackensack Code; and

WHEREAS, the Board held a public hearing on November 9, 2022, at which time it heard testimony and considered the subject application; and

WHEREAS, the Applicant is represented by Steven A. Lecessi, Esq., of the law firm of Garces, Grabler and LeBrocq, LLC; and

WHEREAS, the Applicant presented the testimony of Neal Erdman, who is employed by GeoScope Solar, in support of the application; and

WHEREAS, the following plans and exhibits 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 (signed);
 - Form 'E' – Zoning Permit Application (signed);
 - Form 'F' – Site Information;
 - Form 'G' – Corporate or Partnership / Ownership Disclosure;
 - 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 ‘O’ – Certification By Tax Collector;
- W-9 Form Taxpayer Certification;
- Approval Letter from New Jersey Clean Energy Program for Clean Energy Incentive, dated July 7, 2021;
- Approval from PSE&G for interconnecting the solar system to their grid, dated November 1, 2021;
- Site Plan Set consisting of eleven (11) sheets, entitled “Photovoltaic Installation For Garces, Grabler, and Lebrocq LLC, 9 Kansas Street, Hackensack, NJ 07601”, prepared by Ryan Mallgrave, P.E., of Geoscape Solar;
- Police Department email correspondence dated June 15, 2022;
- Site Plan Set consisting of six (6) sheets, entitled “Photovoltaic Installation For Garces, Grabler, and Lebrocq LLC, 9 Kansas Street, Hackensack, NJ 07601”, prepared by Ryan Mallgrave, P.E., of Geoscape Solar last revised July 18, 2022;
- City of Hackensack Fire Department Review Letter dated June 23, 2022;
- IRS Letter of Employer Identification Number Assignment; and
- Completeness/Planning & Engineering Review Memorandum from Gregory J. Polyniak, P.E., P.P., C.M.E. and David Juzmeski, P.E., P.P. of Neglia Engineering Associates, dated June 27, 2022, revised **September 13, 2022**; an

WHEREAS, the Board makes the following findings of fact and conclusions with respect to the within application:

1. The subject property consists of one rectangular shaped tax parcel, with frontage on Kansas Street. The properties surrounding the subject property consist of the United Center Multicultural Senior Center to the east, a marketing agency to the

north, residential uses to the west, and a parking lot to the south. The subject property is located within the Business Neighborhood Zone, is located within Block 67, Lot 20 and is commonly known as 9 Kansas Street. The subject property consists of an approximate total lot area of 4,356 square feet (0.10 acres) and is currently occupied with an office building.

2. The Applicant proposes to install roof mounted solar panels on the existing office building. The Applicant proposes thirty-nine (39) panels consisting of 1 array, inverters, electrical metering, and safety improvements. No site improvements or building modifications are proposed at this time. No variances are required. The Applicant has confirmed that the maximum height of the solar panels will be ten inches (10”) and that the existing roof parapet is 12 inches (12”) high.
3. The Board incorporates herein as part of its findings of fact the sworn testimony of the Applicant’s witness, as set forth in the verbatim transcript of the proceedings conducted at the public meeting of the Board on November 9, 2022.
4. The Board finds that the use of alternative energy, such as from roof-mounted solar panels, advances the intent and purpose of the Hackensack Master Plan and the Zoning Code by promoting the safety, health and general welfare of the public.
5. The Applicant’s submission to the Board demonstrates that the installation of the proposed solar panels and related equipment can be constructed without any significant adverse or detrimental impact upon the subject property or the surrounding area or the adjacent roadway system; and that the proposed development will not exacerbate the existing conditions of the roadway and/or intersections.

6. The Applicant has demonstrated that the purposes of the Municipal Land Use Law are advanced by the proposed development.

NOW, THEREFORE, BE IT RESOLVED that the application for permission to install roof mounted solar panels on the existing office building, specifically, thirty-nine (39) panels consisting of 1 array, inverters, electrical metering, and safety improvements at the premises identified as Block 67, Lot 20 on the official tax map of the City of Hackensack, County of Bergen, New Jersey, and commonly known as 9 Kansas Street, be and hereby is **GRANTED**, subject to the following:

CONDITIONS SPECIFIC TO THE APPLICATION

1. The Applicant shall comply with the recommendations and requirements as 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 June 27, 2022 and revised **September 13, 2022**, and as further stated at the public hearing on November 9, 2022.

2. The Applicant or property owner shall provide the Board Engineer with a roof-top as-built survey illustrating the panel and equipment heights and setbacks to ensure conformance with the plans and testimony at the November 9, 2022 public hearing, and which clearly illustrates the external shut-off (disconnect) switch location. Said survey shall also be filed by the Applicant or property owner with the Fire and Police Departments.

GENERAL CONDITIONS

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

- B. All fees, costs, bonds and escrows shall be paid when due or becoming due. Any

monies are to be paid within twenty (20) days of the said request by the Hackensack Land Use Administrator, or his designee.

C. All representations made by the Applicant or its agents shall be deemed conditions of this approval and any misrepresentations by Applicant contrary to the representations made before the Board shall be deemed a violation of this approval.

D. The action of the Planning Board in approving this application shall not relieve the Applicant of responsibility for any damages caused by this project, nor does the Planning Board of the City of Hackensack, or its reviewing professionals and agencies, accept any responsibility for design of the proposed improvements or for any damages that may be caused by this project.

E. Applicant shall comply with all applicable federal, state, regional, county and local rules, regulations and requirements. In the event compliance with the requirements of any such governmental entity necessitates modifications to the site plan, Applicant shall submit revised plans to the Zoning Officer and Construction Official for their review and approval. If deemed by either of them to be so substantial or different as to warrant further review by the Planning Board, such modifications shall be referred to the Planning Board for its formal review, and Applicant shall be required to present same in compliance with the notice provisions of the Municipal Land Use Law.

F. This approval is conditioned upon the truthfulness of the testimony of the Applicant and the Applicant's witnesses. In the event that said testimony is found to be willfully false, this approval may be voidable and may be nullified by the Planning Board.

G. Subject to such performance and maintenance bonds as may be required by the Board Engineer and as may be further required by the Hackensack Code.

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

- I. All outstanding property taxes for the Property shall be made current.
- J. A copy of the **signed** resolution shall be forwarded to the Applicant, the Board Engineer and the Building Department of the City of Hackensack; and the secretary shall publish the required notice.

Motion to Approve

Offered by: J. Chiusolo
 Second by: J. Martucci

	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>	_____	<u>X</u>	_____
Press O. Iyamu (Alt #1)	_____	_____	_____	_____

In Favor of Adoption of the Resolution on November 12, 2022:

Offered by: J. Chiusolo
 Second by: J. Martucci

	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)	_____	_____	<u>X</u>	_____

I certify that the foregoing is a true copy of a resolution adopted by the Planning Board of the City of Hackensack at the meeting of November 9, 2022.


 , Planning Board Secretary