

PLANNING BOARD OF THE CITY OF HACKENSACK

RESOLUTION

IN RE THE APPLICATION OF
FIVE BROTHERS OF MAIN STREET, LLC
FOR PRELIMINARY AND FINAL SITE PLAN AND VARIANCE APPROVAL
90 MAIN STREET, BLOCK 206.01, LOT 16 & BLOCK 204, LOTS 11 & 12
DOWNTOWN REHABILITATION AREA ZONING DISTRICT
SP # 10-22 AND V #10-22

WHEREAS, FIVE BROTHERS OF MAIN 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 Preliminary & Final Site Plan Approval and variance approvals to demolish the existing three (3) story structure, and construct a new six (6) story structure and change the use to mixed use residential and retail development. In addition, the Applicant proposes to restripe the existing parking area located in Lots 11 and 12 of Block 204. The Applicant proposes to construct a 107,688 square foot mixed-use development consisting of **46 one-bedroom units, 20 two-bedroom units, and 4,605 square feet of retail space**. Additionally, the Applicant proposes **95 total parking spaces** inclusive of **5 on-street spaces, 77 standard spaces (24 in the neighboring Lot 11/12 and 53 in the proposed parking deck), 4 ADA spaces (in the proposed parking deck), and 9 compact spaces**.

The following approvals are sought:

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

a. Bulk regulations

Downtown Redevelopment Plan Bulk Standards				
Regulation	Ordinance Section	Required / Permitted	Proposed	Status⁽¹⁾
Maximum Impervious Site Coverage	Downtown Redevelopment Plan	90%	100%	Non-Conforming

Streetscape Requirements	Downtown Redevelopment Plan	Two benches and one trash receptacle should be located between street trees where street lights are not located and should be at minimum every 90 feet on center	No Seating on Main and Moore Streets	Non-Conforming
Dead-End Parking Spaces	Downtown Redevelopment Plan 2.6.3.c.	Dead-End Parking Aisles to Include Bump Out or Circle	None Provided	Non-Conforming

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

b. Parking Calculation

Regulation	Ordinance Section	Units	Required/Permitted	Proposed	Status ⁽¹⁾
Multi-Family	Downtown Redevelopment Plan 2.6.1	1.25 space for each dwelling unit + 10%	$(66 \text{ units}) \times (1.25 \text{ spaces / unit}) * 1.10 = 90.75 \text{ spaces}$	5 On-street Spaces, 77 Standard Spaces (24 Off-Site), 4 ADA Spaces, 9 Compact Spaces = 95 Spaces ⁽²⁾⁽³⁾	Non-Conforming
Retail	Downtown Redevelopment Plan 2.6.1	4 Spaces per 1,000 GFA	$(4,605 \text{ GFA}) \times (4 \text{ spaces / 1,000 GFA}) = 18.42 \text{ spaces}$		
Total Required 109 Spaces w/o EV Credit					
Total Required 99 Spaces w/ EV Credit⁽⁴⁾					
Maximum Compact Spaces	Downtown Redevelopment Plan 2.6.1.	10% of the total required spaces	$(109 \text{ Spaces}) * 0.10 = 11 \text{ spaces}$	9 Spaces	Conforming
Minimum Quantity of EV Parking Spaces	§175-13.1(4)a.	15 percent of the required off-street parking spaces	$(109 \text{ spaces}) * 0.15 = 16.35 = 17 \text{ Spaces}$	17 Spaces ⁽⁴⁾	Conforming
Required Bicycle Parking Spaces	Downtown Redevelopment Plan 2.6.9	1 Bicycle Parking Space per 50 Vehicle Parking Spaces	$(109 \text{ Vehicle Spaces}) * (1 \text{ Bicycle Space / 50 Vehicle Spaces}) = 2.18 \text{ Spaces}$	11 spaces	Conforming
Loading	Downtown Redevelopment Plan 2.6.13	2 bays + 1 compactor for 50,000-100,000 sf	2 bays + 1 compactor	0 bays + 1 compactor	Non-Conforming
Loading Location	Downtown Redevelopment Plan 2.6.13	N/A	On-Site	On-Street	Non-Conforming

- (1) Each item with a status of “non-conforming” will require a new variance or deviation.
- (2) The Applicant has removed stacked parking from their proposed parking lot.
- (3) Section §2.6-7 “On-Street Parking Spaces” of the City of Hackensack Redevelopment Plan requires the following: *Parking spaces located along the portion of a public street(s) fronted upon by a retail or commercial use may be counted toward the minimum number of parking spaces as required by this ordinance. Those on-street parking spaces must be located on the same side(s) of the street as the use and have a length of at least 22 feet.*
- (4) The EV Credit only applies when the requisite quantity of EV parking spaces are provided on-site. At this time, only two EV spaces are illustrated on the Architectural Plans, none are illustrated on the Site Plans, and a compliant quantity of parking spaces within parking tables. The Applicant shall illustrate the location of all EV parking spaces, revise the plans for consistency and provide a minimum of 1 ADA compliance EV space.

c. Signage Bulk Deficiencies

The Applicant does not propose any signage improvements at this time. As such, signage deficiencies are not provided. If signage is proposed, detailed signage drawings with a zoning analysis shall be submitted for review.

WHEREAS the subject site is identified as Block 206.01, Lot 16 and Block 204 Lots 11 and 12 and is commonly known as 90 Main Street and 88 Moore Street respectively. (hereinafter sometimes referred to as the “subject properties”) located in the Downtown Rehabilitation Area Zoning District, 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 hearings on July 13, 2022 and January 11, 2023, at which time it heard testimony and considered the subject application; and

WHEREAS, the Applicant is represented by Gerald R. Salerno, Esq., of Aronsohn Weiner Salerno & Kaufman; and

WHEREAS, the Applicant presented the testimony of: Matthew G. Clark, P.E., of MCB Engineering Associates, LLC; Jose Carballo, R.A., of JCA Architectural Group; and Paul Mutch, P.E., traffic consultant, of Stonefield Engineering and Design, LLC, in support of the application; and

WHEREAS, the Board reviewed the following:

- Zoning Permit Application consisting of the following forms:
 - Form ‘B’ – Site Plan Checklist
 - 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 ‘H’ – Variance Request
 - Form ‘I’ – Support Documents, dated March 18, 2022
 - Form ‘L’ – Land Use Application Fees
 - Form ‘M’ – Escrow Fee Structure
 - Form ‘O’ – Certification By Tax Collector
- Signed and sealed survey plan sheet entitled, “Boundary and Topography Survey of Tax Lot 15, Block 206.01, A.K.A. 90 Main Street, Tax Lot 11, Block 204, A.K.A. 88 Moore Street, City of Hackensack, Bergen County, New Jersey”, prepared by Robert L. Cigol, N.J.P.L.S. of DMC Associates, INC., dated December 8, 2020 with the latest revision date of February 12, 2022.
- Signed and sealed architectural plan set consisting of twelve (12) sheets entitled, “Proposed Mixed Use Development, 90 Main Street, Hackensack, New Jersey” prepared by Jose I. Carballo, R.A., P.P. of Jose Carballo Architectural Group, PC, dated August 16, 2021 **last revised December 21, 2022.**

- Signed and sealed landscape plan set consisting of two (2) sheets entitled, “90 Main Street, Hackensack, NJ”, prepared by Kim Mitchell, L.L.A. of Kim Mitchell LLC, dated December 8, 2021 **with the latest revision date of January 10, 2022.**
- Signed and sealed engineering plan set consisting of six (6) sheets entitled, “Preliminary & Final Major Site Plan for 90 Main Street, Block 206.01 – Lot 16, Block 204 – Lots 11 & 12, City of Hackensack, Bergen County, New Jersey”, prepared by Matthew G. Clark, P.E. of MCB Engineering Associates, LLC, dated February 24, 2022, **last revised December 19, 2022.**
- Signed and sealed drainage calculations prepared by Matthew G. Clark, P.E. of MCB Engineering Associates, LLC, dated February 24, 2022.
- City of Hackensack Fire Department Checklist dated April 4, 2022.
- City of Hackensack Police Department Checklist dated April 6, 2022.
- Cover letter prepared by Gerald R. Salerno, Esq. of Aronsohn Weiner Salerno & Kaufman dated May 6, 2022.
- Traffic and Parking Assessment Report prepared by Matthew J. Seckler, P.E., P.P., PTOE and John Corak, P.E., of Stonefield Engineering and Design, LLC., dated June 28, 2022.
- Cover Letter, prepared by Gerald R. Salerno, of Aronsohn Weiner Salerno & Kaufman, dated December 22, 2022.

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 properties consist of one (1) irregular shaped tax parcel with frontage along East Atlantic Street to the north, Main Street to the west, Moore Street to the east, and two (2) rectangular shaped tax parcels with frontage along Moore Street to the west. The irregular

shaped tax parcel site is bound to the south by retail businesses, to the north by a CVS/pharmacy and associated parking lot, Chase & Chase to the west (directly across Main Street), and AutoZone auto parts to the east (directly across Moore Street). The two rectangular shaped tax parcel sites are located east of the irregular shaped tax parcel (directly across Moore Street), south of AutoZone auto parts, north of a parking lot and west of Benmoore Construction Group. The properties are located within the Downtown Rehabilitation Plan.

2. The subject properties are located within Block 206.01, Lot 16 and Block 204 Lots 11 and 12 and are commonly known as 90 Main Street and 88 Moore Street respectively. The proposed building will be located on Lot 16 and a portion of the off-street parking will be located on lots 11 and 12. Lot 16 consists of a total lot area of 22,966.53 square feet. The site is currently occupied by one, three (3) story masonry office building. The site has associated entrances along Main Street and Moore Street providing access into the asphalt parking area on site.

3. The existing site is currently utilized as an office building. The Applicant proposes to demolish the existing three (3) story structure and construct a new six (6) story structure and change the use to mixed use residential and retail development. In addition, the Applicant proposes to restripe the existing parking area located in Lots 11 and 12 of Block 204. The Applicant proposes to construct a 107,688 square foot mixed-use development consisting of 46 one-bedroom units, 20 two-bedroom units, and 4,605 square feet of retail space. Additionally, the Applicant proposes 95 total parking spaces inclusive of 5 on-street spaces, 77 standard spaces (24 in the neighboring Lot 11/12 and 53 in the proposed parking deck), 4 ADA spaces (in the proposed parking deck), and 9 compact spaces.

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; Officer Dean Marble of the Hackensack Police Department, Traffic Division; and Bridget McLaughlin, Acting Zoning Officer, as set forth in the verbatim transcripts of the proceedings

conducted at the public meetings of the Board on July 13, 2022 and January 11, 2023.

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 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, in making its findings and conclusions in connection with this application.

7. The Board finds that the goals and objectives of the Downtown Rehabilitation 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.

8. 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 Board finds that the proposed project advances the goals and objectives of the Downtown Rehabilitation 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 Downtown Redevelopment Plan

9. 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.

10. 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.

11. 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.

12. 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).

13. The Board finds that, in connection with the variance for exceeding the maximum impervious site coverage (90% permitted - 100% proposed), the existing development of the properties is at 100% coverage and the Applicant is proposing streetscape improvements, including a pedestrian zone, an outdoor furniture zone with seating (tables, chairs and benches), street trees, a large landscaping planter which will contain a variety of shrubs,, grasses and perennials, and other outdoor amenities which will greatly enhance the character and aesthetics of the street frontages at the subject property. 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 the MLUL would be advanced by a deviation from the zoning ordinance requirements. The Board finds that the benefits of the deviations substantially outweigh any detriments.

14. As to the design waiver for the location of the benches and the trash receptacles, the Board finds that the streetscape improvements proposed by the Applicant present a reasonable design alternative, and that the proposed streetscape 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 the MLUL would be advanced by a deviation from the zoning ordinance requirements. The Board finds that the benefits of the deviations substantially outweigh any detriments.

15. As to the variance for not having a bump out at the end of a parking aisle, the Board finds that the Applicant has presented sufficient evidence to demonstrate that this condition will not interfere with the efficiency of the parking area in that a compact car can easily maneuver in and out of that space. The Board finds that the parking layout in this instance presents a reasonable design alternative, and that the overall parking scheme provides adequate traffic circulation and access which promotes the safety and the general welfare of motorists and pedestrians. The Board finds that the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements. The Board finds that the benefits of the deviations substantially outweigh any detriments.

16. As to the variances for the lack of on-site loading bays, the Board finds that the Applicant has adequately demonstrated that any required loading or unloading can be accomplished utilizing Moore Street 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 Moore Street. 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.

17. As to the variance for the 4 parking space deficiency, the Board finds that the Applicant is satisfying this the on-site parking space deficiency by utilizing the City's PILOP Program, specifically by leasing 4 parking spaces at the closest available municipal parking area.

18. 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 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 for Preliminary & Final Site Plan Approval and requested variance approvals to reconstruct the existing three (3) story structure into a six (6) story structure and change the use to a 107,688 square foot mixed-use development consisting of 46 one-bedroom units, 20 two-bedroom units, and 4,605 square feet of retail space, along with restriping the existing parking area located in Lots 11 and 12 of Block 204; and providing 95 total parking spaces inclusive of 5 on-street spaces, 77 standard spaces (24 in the neighboring Lot 11/12 and 53 in the proposed parking deck), 4 ADA spaces (in the proposed parking deck), and 9 compact spaces, at the premises identified as Block 206.01, Lot 16 and Block 204 Lots 11 and 12 on official tax map of the City of Hackensack, County of Bergen, New Jersey, and commonly known as 90 Main Street and 88 Moore Street respectively, located in the Downtown Rehabilitation Area Zoning District, 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 soil moving, Bergen County Planning Board, Bergen County Soil Conservation District, and Treatment Works Application, and NJDEP Safe Drinking Water Act approval, 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, if any, 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 April 5, 2022, last revised January 5, 2023; and as per the testimony at the Board meetings on July 13, 2022 and January 11, 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, and as set forth in the testimony adduced at the Board meeting on July 13, 2022 and January 11, 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 to the satisfaction of Francis Reiner, as the City’s redevelopment consultant;
- D. That, as stipulated by the Applicant the proposed building shall be serviced by a private trash hauler;

- E. That, as stipulated by the Applicant, the Applicant shall satisfy the four (4) on-site parking space deficiency by utilizing the City's PILOP Program, specifically by leasing four (4) parking spaces at the closest available municipal parking area;

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. 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 Planner, and the Construction Code Official, as applicable.
- H. The Applicant/Developer 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 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 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 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:
Second by:

M. Allegretta
R. Contini

In Favor:

A. Dib
M. Allegretta
K. Canestrino
R. Contini
K. Solomon
F. Garip

Opposed/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 February 8, 2023.



_____, Planning Board Secretary

