

**CITY OF HACKENSACK
ZONING BOARD OF ADJUSTMENT
MINUTES**

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DATE: May 18, 2023

1. Roll Call

This is the Regular Meeting of Thursday, May 18, 2023. Chairman Giarrusso called the meeting to order at 7:07 p.m. Roll call was taken and the following members were present: Mr. Cheatham, Mr. Puleio, Ms. Harrigan, Mr. Pemberton, Mr. Sarni, Vice Chairman Jones and Chairman Giarrusso.

ABSENT: Mr. Prifti

LATE ARRIVAL: None

EARLY DEPARTURE: None

ALSO PRESENT: Christos J. Diktas, Esq.; Bridget McLaughlin, Zoning Officer; Gregory J. Polyniak, P.E., P.P., Neglia Engineering; and Laura A. Carucci, Certified Court Reporter.

2. Payment of Bills

MOTION MADE BY CHAIRMAN GIARRUSSO TO PAY BILLS RECEIVED FROM THE BOARD'S PROFESSIONALS IN MARCH 2023. SECOND BY VICE CHAIRMAN JONES. MOTION IS PASSED BY AN AFFIRMATIVE VOTE OF MR. CHEATHAM, MR. PULEIO, MS. HARRIGAN, MR. SARNI, VICE CHAIRMAN JONES AND CHAIRMAN GIARRUSSO.

3. Approval of Minutes of April 2023

MOTION TO ACCEPT AND APPROVE THE MINUTES OF APRIL 2023. MOTION MADE BY CHAIRMAN GIARRUSSO. SECOND BY MR. PULEIO. MOTION IS PASSED BY AN AFFIRMATIVE VOTE OF MR. CHEATHAM, MR. PULEIO, MS. HARRIGAN, MR. SARNI, VICE CHAIRMAN JONES AND CHAIRMAN GIARRUSSO.

4. MEMORIALIZATIONS:

a. SP#9-22 V#9-22

Applicant: EQ TIV Holdings Co. (Bergen County Islamic Center

Address: 47 Summit Avenue, Block 248, Lot 23.1, Zone R75. [Bruce Rosenberg, Esq.]

The applicant's name is being changed from Bergen County Islamic Center to The Garcia, LLC.

MOTION TO MEMORIALIZE MADE BY CHAIRMAN GIARRUSSO. SECONDED BY MS. HARRIGAN. MOTION IS PASSED BY AN AFFIRMATIVE VOTE OF MR. CHEATHAM, MR. PULEIO, MS. HARRIGAN, MR. SARNI, VICE CHAIRMAN JONES AND CHAIRMAN GIARRUSSO.

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5. APPLICATIONS:

a. SP#5-22 V#5-22
Site Plan Application
Applicant: G.P. Development, LLC
Address: 220-224 Anderson Street
Block 435 Lots 8 & 9 [Gerald Salerno, Esq.]

The Applicant proposes a ten (10) story, multifamily building with structured parking. The first two floors of the structure will provide covered parking with a total of eighty-nine (89) parking spaces with four (4) being ADA accessible. The remaining eight (8) stories will consist of residential units containing fifty-six (56) one (1) bedroom units and twenty-four (24) two (2) bedroom units. Amenities within the structure include bike storage rooms, a 1,300 square foot gym, and a roof deck with associated seating. In addition, the Applicant proposes concrete walkways, landscaping improvements, fencing, a subsurface detention system, stormwater inlets, associated piping, and pavement markings.

A P P E A R A N C E S

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E X H I B I T S

None

P U B L I C H E A R I N G

THIS MATTER IS BEING CARRIED TO THE JUNE 2023
MEETING. NO FURTHER NOTICE REQUIRED.

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5. b. SP#13-21 V#13-21
Applicant: Maisano Properties LLC
Address: 215 Elleen Terrace
Block 100.02 Lots 1-9 and 21-28 [L. D'Arminio,
Esq.]

The Applicant proposes to construct a four (4) story mixed-use building consisting of four (4) one-bedroom units, fourteen (14) two-bedroom units, storage space, business offices, and a parking deck within Lots 1-8 & 21-28. It appears that the Applicant proposes to consolidate Lots 1-8 and 21-28. Additionally, the Applicant proposes to construct a parking lot within Lot 9. Furthermore, the Applicant proposes additional site improvements consisting of concrete wheel stops, trash enclosures, concrete curb, asphalt pavement, fencing, gates, walls, traffic striping, grading, lighting, and landscape improvements. Furthermore, it appears that the Applicant proposes to maintain the existing on-site billboard.

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E X H I B I T S

- A-10 Traffic Impact Study
- A-11 Report of Eric Hough, PE
- A-12 List of Onsite Equipment
- A-13 Photograph of Billboard Pole

P U B L I C H E A R I N G

G R E G O R Y J. P O L Y N I A K, P.E., P.P.,
previously sworn/affirmed.

B R I D G E T M c L A U G H L I N,
sworn/affirmed.

Mr. D'Arminio addresses the board, this is our third meeting, we had October 20th, January 19th and April 20 was the last one. This is our application to add a residential component to the 215 Eileen Terrace location. We've got variance relief that has been indicated in the notice, so I would like to tonight, just to get right into it. We wanted to answer some questions that the Board had from the last meeting. And we have Mr. Maisano here to do that and then Mr. Hough as well. Then we were going to have Mr. Hough review the traffic. And then if we can get things going on the screen, we may have some architecture; otherwise, we would finish with Mr. Kauker. We have been asked to do the traffic first because the officer who is here, so we're going to do that. And so unless the board has any questions of us, I'm going to call Mr. Hough.

E R I C H O U G H, P.E, c/o Bertin Engineering Associates, Inc., 66 Glen Avenue, Glen Rock, New Jersey 07452, having been duly sworn/affirmed, testifies as follows:

Mr. Hough graduated from Rutgers University in 2006 with a bachelor's degree in civil engineering and is currently licensed in the State of New Jersey. Mr. Hough is employed with Bertin Engineering. He is accepted as an expert by the board. He testifies to his Traffic Impact Study is.

Mr. Hough states: Bertin Engineering has performed a Traffic Impact Study associated with the proposed multi use building, which includes an inventory of the existing roads and traffic controls, traffic counts in the area, an estimate of the traffic to be generated by the project, and an

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analysis of the impact this traffic will have on local traffic in the area. To determine the existing traffic in the area, studies were conducted at both the Polifly Road/Route 80 exit ramp intersection, as well as the Polifly Road/Lodi Street intersection, which is located approximately a thousand feet north of Eileen Terrace. It was found that the majority of traffic on Polifly Road travels northbound in the a.m. peak hour and southbound in the p.m. peak hour. The majority of the Route 80 exit ramp traffic turns left on Polifly Road southbound in both peak hour periods. Access to the site is provided by a two-way driveway along Eileen Terrace, as well as through Kenneth Street, providing access to the west side of the property and the residential parking. The amount of traffic to be generated by the proposed development has been determined from data gathered in the trip generation 11th Edition published by the Institute of Transportation Engineers, ITE. A total of 18 trips are anticipated in the a.m. peak hour and a total of 23 trips are anticipated in the p.m. peak hour. It is anticipated that motorists that desire to exit the site and travel southbound on Polifly Road will utilize Kenneth Street and Lodi Street rather than attempting to make a left turn from Eileen Terrace onto Polifly Road. This is due to the existing conditions of Polifly Road and the backup queue. I will get into that a little bit later as well. A capacity analysis has been performed to determine the operating conditions or level of service at the Polifly Road/Route 80 exit ramp intersection during existing and proposed conditions. The overall level of service of the intersection remains unchanged with the addition of the site-generated traffic in all peak periods, with a delay increase of 0.1 seconds in the a.m. peak hour. It should be noted that there was an observed backup queue through the intersection which is caused from a delay further south on Polifly Road. Due to this backup queue, the level of service delays in the analysis do not reflect the real field conditions since the analysis is volume-based. However, this impact caused by the proposed trips is reflected and has minimal impact. A capacity analysis was also performed at the Polifly Road/Lodi Street intersection during existing and proposed conditions. The overall level of service of the intersection remains unchanged with the addition of the site-generated traffic in all peak periods, with a delay increase of 0.2 seconds in the p.m. peak

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hour. As far as the on-site traffic, I'd like to point out Sheet C2.6 on our site plan set, which I believe is Exhibit A-8, if I am not mistaken. The interior circulation of the site is safe and efficient with a 25-foot drive aisle provide in residential parking areas and a sidewalk connection to Polifly Road is provided for pedestrians. Emergency vehicles can access both sides of the proposed building, and garbage trucks can safely navigate the east side of the building where the proposed trash enclosure is located. A box truck circulation is shown for residents moving in and out accessing the site via Kenneth Street to get to the west side of the building. And it was previously testified that the commercial parking lot to the southeast can also be used for moving trucks. Deliveries can follow the same path to the west side of the building. And smaller vehicles such as Amazon or Ubers, can utilize the 15-minute parking space for pick-up and drop-off only, which is located on the south side of this drive aisle. As far as parking is concerned, there will be a total of 74 parking spaces provided, including 16 spaces on the west side of the building for residential, 46 spaces in the garage for residential and 12 spaces in the southeast parking area for the warehouse and office uses. The parking requirement as per the Hackensack ordinance is four spaces per 1,000 square feet of office use; one space per 600 square foot for warehousing; and as per Residential Site Improvement Standards, RSIS, for residential. The total parking required for the proposed development comes out to be 72 spaces required. Therefore, the provided 74 spaces is adequate and complies with the municipal ordinance. It is also proposed to provide a total of ten electric vehicle, EV spaces, and when accounting or the credit as per the state regulations, the adjusted parking total is 81 parking spaces where 72 spaces is required. But even without this credit, though, the amount of parking provided is adequate. So, in conclusion, the proposed development will not have a substantial negative impact on the area traffic for the following reasons: The proposed residential development is compatible from a traffic standpoint with the surrounding properties in the area; the on-site vehicular circulation is safe and efficient; the overall level of service of the studied intersections are not significantly impacted by the proposed development, and there is adequate amount of parking provided for the proposed use.

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This site can operate within reasonable degrees of parameters of safety and would not substantially impact the surrounding area in terms of traffic. That was basically my presentation.

Mr. D'Arminio indicates my other questions are questions that the board had wanted us to reach out to the NJ DOT. I can do that now or the officer can give his report, whatever way is desired.

Chairman Giarrusso states we'll wait and finish with the traffic and then include that at the end of the traffic section. Chairman Giarrusso asks we have adequate turning radius for emergency vehicles, fire trucks, ambulances, so and so forth?

Mr. Hough responds yes, as depicted on C2.6, the fire truck can access both sides of the building including the west side and the east side as depicted. So, correct, yes.

Chairman Giarrusso asks Mr. Polyniak for his thoughts.

Mr. Polyniak replies: Through the Chair, as it relates to trip generation and traffic, how do you envision people exiting the site knowing that Lodi Street is signalized, knowing the traffic issues that potentially could arise through being in close proximity to the Route 80 ramp; where do you envision your trips being distributed?

Mr. Hough answers: Well, that's the good thing about this location, meaning motorists have an option to continue down Kenneth Street and avoid making a direct left turn from Eileen to Polifly, because Polifly Road does back up. And you can make that left turn, it's just not an easy left turn to make. And motorists, they're going to learn that it's just a lot easier to travel down Kenneth, make a left on Lodi Street, and then make another left at the signalized intersection, if you're traveling southbound on Polifly.

Mr. Polyniak asks: Percentage-wise as it relates to people exiting the site and they travel down your driveway, utilize Kenneth, what percentage do you think will be utilizing Eileen or what percentage will consider -- continue down Kenneth and utilize Lodi?

Mr. Hough answers: Let's see here, the exiting traffic, there's ten trips in the p.m. peak hour -- in the a.m. peak hour exiting. I have two of them utilizing Eileen Terrace. Maybe at the beginning when you're first moved in they're going to try to make a left, and they're going to learn very quickly that you've got to use Lodi Street.

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Mr. Sarni notes you're not making that left. It ain't going to happen.

Mr. Hough continues but we have the ability, though. Motorists can easily use Lodi Street.

Mr. Polyniak asks: As it relates to traffic and the construction yard, how do you envision that being distributed?

Mr. Hough answers distributed? There is really minimum peak hour traffic associated with the construction yard. So how it affects the roadway network in the a.m. and the p.m. peak, very minimally. There's not a lot of concentrated trips associated with that use.

Mr. Polyniak: So 7:00 to 9:00 in the morning is your peak; is that what you're saying?

Mr. Hough: That is typical rush hour peak periods, yes.

Mr. Polyniak: When do the vehicles leave the construction site?

Mr. Hough: I would have to defer to operations on that, but...

Mr. Polyniak: Well, how did you model it in your report.

Mr. Hough: In my report I put all that traffic in the peak hour for a conservative analysis.

Mr. Polyniak: And how does Mr. Maisano exit? Does he use Eileen? Does he go out to Lodi? What did you assume in your analysis?

Mr. Hough: I assumed he used Kenneth Street and goes down to Lodi.

Mr. Polyniak: Your center templates show you utilizing Eileen, though.

Mr. Hough: That was just demonstrating that you can come in and out of there. This is just to show the potential movements. They can come from any direction and still adequately access the site.

Mr. Polyniak: So with the wall that's along the front of your property, it's almost an S-turn if you think about it, because you would make a right turn and then a quick left turn out Kenneth. You have the ability to do that with some of the larger vehicles.

Mr. Hough: Yes. And I don't believe the driveway is changing, so how they're accessing the site now is not going to change as far as the construction goes, if that's what you're worried about.

Mr. Polyniak: Yes, that is. Just to make sure I know you're building, if I am remembering correctly, a wall that is going to screen the vehicles. Right now you just have a fence if I am correct, right? On

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the Eileen Terrace side of the property. 'Cause right now there's just fencing on the site where the wall is being created.

Mr. Hough: Yes, there's a 6-foot-high privacy fence on a retaining wall proposed. I don't see that affecting the access of the trucks.

Mr. Diktas asks Mr. Hough, what page are you reading from?

Mr. Hough responds I turned to the site plan, which is C2.2 on Exhibit 8.

Mr. D'Arminio follows up, just clarification real quick is, the fence is a metal fence. We have a picture on view A-01, from our exhibit, I think that was Exhibit 9. So you could see through the fence if you had to. Also I could have my client testify as to when his people come and when they leave.

Mr. Polyniak: Sure.

Mr. D'Arminio: I could do that. I want to put him on anyway for some operational stuff, so he'll draw a little more light on that.

Mr. Polyniak: I understand. I just wanted to make sure that your expert also modeled his report correctly.

Chairman Giarrusso: We also have a police officer here this evening to give comment based on a traffic study that was done by Hackensack Police Department. Police officer, good evening.

Please come forward and be sworn in.

Mr. Diktas: Please give us your first and spell your last name, and your business address.

O F F I C E R M A T T H E W J A C O B S O N,
sworn/affirmed.

Officer Jacobsen: Officer Matthew Jacobson, badge number 138.

Mr. Diktas: Officer Jacobsen, you're employed by the City of Hackensack as a police officer?

Officer Jacobsen: Yes.

Mr. Diktas: And how long have you been a police officer?

Officer Jacobsen: Sixteen years.

Mr. Diktas: And you are in the traffic division.

Officer Jacobsen: Yes.

Mr. Diktas: And what is your role in the traffic division?

Officer Jacobsen: Mostly deal with site plans and pedestrian traffic, like, crossing guard, stuff like that.

Mr. Diktas: Please, the Chairman asked, do you have a report? Can you give us your understanding and understanding of the department, please.

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Officer Jacobsen: Okay. Yes, our concerns are mostly and I saw it here in this report, the number of parking spaces, how many is it again?

Mr. Hough: It's 74 total proposed parking spaces.

Officer Jacobsen: Okay. Because we had seen, like, 80-something and I even saw it in here, so I wasn't sure of the exact number of parking spaces.

Mr. Hough: That is an old report but the results of it haven't changed. The number of parking spaces, I believe, didn't change.

Officer Jacobsen: Also we are concerned about traffic being, I guess you would call it diverted in a way, off to the side streets, because we do get a lot of complaints from residents on Charles Street, Mary, Eileen, those side streets. Do you anticipate that that would increase due to this?

Mr. Hough the amount of traffic on the side street will slightly increase, but as I testified to, the peak hour of this proposed development is only generating, I believe, 18 trips in the a.m. peak hour and 23 trips in the p.m. peak hour, which is not significant. And the low volume nature of these side streets, surely has the capacity for that type of generation.

Officer Jacobsen: And, lastly, we see that there is, like, a warehouse being proposed? What kind of deliveries are we anticipating? Like, tractor-trailers, like if a tractor-trailer is going to have to be on, like, Polifly Road?

Mr. Hough we're going to have operations testify to the type of vehicle.

Mr. D'Arminio: That's not changed, that's existing. Whatever is existing.

Officer Jacobsen: Okay.

Mr. D'Arminio: There's nothing new about the warehouse. I think Mr. Bertin testified to that, but we have Mr. Maisano here, and maybe I can get him up and do that now so you're satisfied.

Officer Jacobsen: Yeah, yeah.

Mr. D'Arminio: Okay. Pat, could we have you here and testify. Pat, you've been called.

Mr. Polyniak: Through the Chair?

Chairman Giarrusso: Greg? Yes.

Mr. Polyniak: Yes, just one question for the traffic engineer, which was triggered by Officer Jacobsen. Level of service and delay increase in the area; could you explain what the level of service is on the roadways prior to the construction of your project and then after the construction of your

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project?

Mr. Hough: Yes.

Mr. Polyniak: And then explain how many seconds delay in addition to what exists today is being created.

Mr. Hough: For example, the Polifly Road/Route 80 exit ramp intersection, right now it has an intersection delay of C, which is 24 seconds in the a.m. peak hour and a C, 22.1 seconds, in the p.m. peak hour. You add our site generated trip to that and we're only increasing it .1 seconds in the a.m. peak hour. And as well as Polifly Road/Lodi Street, right now that operates at a Level of Service B, which is 13.2 seconds in the a.m. peak hour and a B, 13.6 seconds in the p.m. peak hour. We're only increasing the delay by .2 seconds in the p.m. peak hour. So there is just not enough trips to significantly impact these intersections --

P A S Q U A L E M A I S A N O, sworn/affirmed.

Mr. Maisano is the principal in the applicant, as well as the principal in New Prince Concrete who operates at that location. He's been in business 55 years.

Mr. D'Arminio asks so you have some experience there. First, though, there was a question about your men, can you tell the Board and explain to the officer, when do your men get to the site and when do they come back to the site with the equipment?

Mr. Maisano replies: Well, the men get to the site at 6:00 in the morning. And the normal working ours are until 3:30. But sometimes, you know, they come a little later, overtime and stuff like that, but it's sporadic.

Mr. D'Arminio notes you're in at 6:00 and you're back at 3:30. Also, there was a question with regard to the warehouse. The area where you're warehousing materials for yourself --

Mr. Maisano there is no warehouse.

Mr. D'Arminio asks: There is no warehouse being built and nothing is changing with regard to that operation?

Mr. Maisano answers yes.

Mr. D'Arminio asks: I think, just to clarify, we had to figure out what you would call it in terms of parking generation. So, basically, isn't that the area where you have your equipment to prepare the trucks and to put the trucks in there, and you have whatever you need for your location; you're not distributing out of that warehouse, right?

Mr. Maisano replies no. It's basically a repair

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shop. There's two overhead doors. And we repair the trucks or some of the equipment. Most of our equipment is out on the projects, so...

Mr. D'Arminio asks: So you're not doing a distribution situation where you have tractor-trailers coming in and out?

Mr. Maisano: No, no, no, no.

Mr. D'Arminio notes that's all I wanted to establish. Just wanted to make the officer more comfortable with that.

Officer Jacobsen: That covers all the concerns of the traffic division at this time.

Chairman Giarrusso: Officer Jacobsen, you had a comment here about ADA spaces, that they needed three. Did you find that they proposed that in your plan? The original plan said: "As per building department memo on ADA spaces were shown on the plan and must be provided. There were none." It said: "Total of three ADA spaces are required based on the number of parking spaces." So did they achieve that?

Officer Jacobsen: Yes.

Chairman Giarrusso: We have no further questions, thank you, police officer.

Vice Chairman Jones: I just have one general question, non site-specific of the traffic study. When you take these number during peak hours, are these an average; do you take these numbers on the same day? I'm just looking at, like, the northbound at Polifly. You had a 720 vehicles, right? And then northbound at Lodi Street, you have 962 vehicles. Does that mean 242 people made a right on Charles Street, or is that different days or -- I'm just trying to understand for future, too.

Mr. Hough replies: Yes, we count from 7:00 a.m. to 9:00 a.m. to determine the peak hour within that period. And it's usually 7:30 to 8:30. But those are the peak hour, which is the highest total peak hour count within that period, the same day for both intersections, I believe, were counted the same day, yes.

Vice Chairman Jones: Okay. It just looked like a big discrepancy and they're very close to each other, it was a 250-car difference. Looks like there were 720 northbound at Polifly and then a combination of through and right at Lodi was 962. I'm sorry. This is page 6 on your traffic study.

Mr. Hough replies: This was counted the same time, so...

Vice Chairman Jones: Is that remarkable, it just seems like that means every 242 cars are cutting down

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out of Charles, Daniel or Mary Street in that morning for one hour? You make a right and then there's no lefts when you're headed northbound on Polifly.

Oh, you can. Okay. You can make a left, right?

Mr. Hough answers: I can look into it more, I would have to...

Vice Chairman Jones: I just wanted to -- the numbers didn't match up in my head and I thought maybe --

Mr. Hough replies: Yeah, 'cause they were counted on the same day, so it's not a variation of the day.

Vice Chairman Jones: I understand what you're saying, but 250 cars in an hour going down Charles Street?

Mr. Hough answers: No, that seems like a lot of cars.

Vice Chairman Jones: Yes, that's what I thought. And it's not even really site-specific to the project, I apologize for asking a general question, but that's a lot.

Mr. Hough answers: No, I can look into that, but it wouldn't affect the results of the report or the studied intersections, yeah.

Vice Chairman Jones: Right.

Mr. Sarni: I just want to make sure, just getting back to the emergency vehicles, if you could get back to, I think it's 2.6, that fire truck has to make a K-turn to come out of that parking lot?

Mr. Hough: Yes, it does. In the rear it would have to turn right and then make a K-turn using that to get out. It would, yes.

Mr. Sarni: So if there's two, they'd have to back out.

Mr. Hough: If two at the same time? I mean, I don't have a diagram showing both at the same time, I would say the fire truck can go all the way down and the EMT can K-turn.

Chairman Giarrusso: Mr. D'Arminio, why don't you introduce some comment about the DOT report dated May 11 that we got from Bertin Engineering.

Mr. Diktas: Mr. Chairman, the police officer may want to hear for the DOT for the ramp.

Chairman Giarrusso: I think he should hear it. He might have comment relative to it.

Mr. D'Arminio asks Mr Hough, do you have A-11, why don't you describe it and then you could talk about the generation of it and what it's regarding.

Mr. Hough responds: As per last hearing, I believe there was concern about if this proposed

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dedication that we show on our plan is adequate for the ramp widening. It should be known, like, we are not proposing any widening of the roadway at this time, but it was questioned if it was big enough and maybe we should follow up with the DOT to see if we can get their input. I reached out to the DOT and they came back saying that they were in no position to make a determination, there's factors that go into it as far as the signal design and the geometry of the intersection. But after review, what we show to determine the dedication was a 12-foot-wide additional right-turn-only lane. And in my professional opinion, that's an adequate sufficient width. I have seen lane widths smaller than that, and it's my opinion that this roadway can be widened and the proposed dedication is more than sufficient and wouldn't affect the proposed site layout. But after saying that, even if it did, we do have a surplus of parking if we did have to lose one or two spaces. I don't think it will come to that, but we do have a surplus of parking.

Mr. D'Arminio clarifies: I think, with the credit we get, it's 82, but we still have hard numbers, 72 and 70; correct?

Mr. Hough: Required is 72. We have hard number of 74 and with EV credit, it's 81. I identified Mr. Spiegel as he is the most senior DOT employee that I have done business with in my 17 years, and so I reached out to him and I attached his correspondence to my letter stating that he is in no position to make that determination at this time. Exhibit A-7 was also attached to the letter, just showing the potential roadway widening and how we determined the dedication area. Our project would require no DOT permitting.

Mr. Polyniak: Through the Chair, as it relates to, you mentioned that you would be willing to, and have the ability, to give up two parking spaces and still would comply with the parking requirements; correct?

Mr. Hough replies: Yeah, I just wanted to make that clear that, worse case scenario, we have a surplus of parking. And as I said, I believe the dedication is more than sufficient, but, yes.

Mr. Polyniak: So would you be willing to widen your easement then, to incorporate those two parking spaces so that if it was necessary in the future, the DOT would have the ability to take that property for it. Since you're stating you are over-parked, you have the ability to do it, you could do that?

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Mr. D'Arminio: I could talk to my client and I can get back to you on that.

Mr. Hough adds: I mean, there's also room on the other side of the ramp, too, if they wanted to utilize that space. I just think it's more than sufficient, but...

Mr. Polyniak: No, but you mentioned that you'd have the ability to do it, so if you did have the ability to do it, I think incorporating that would be worthwhile.

Ms. McLaughlin asks if that were to be condemned at any time, how would the tenants park on-site. Because it's my understanding they can't cut through the building underneath because it's being separated by a concrete wall from the construction area to the tenant area. So if they're coming down along Kenneth, is that it, and then they're going up Caruso; so with all due respect, I know you're saying you have ample space here. But we don't really know if they were to widen Route 80, could they carry it over, could they want to come at a different angle. So if, for any reason, they did condemn that lane, how would the cars get to the parking deck?

Mr. Hough asks: You're saying if they condemn all of the Caruso? Our site layout incorporates that, so I can't testify if it wouldn't include that area. That is our travel way to the rear.

Ms. McLaughlin asks: How are the cars getting there?

Mr. D'Arminio: I think in terms of answering that question, we had Mr. Bertin testify previously that the width of the area there is like 40 feet on the back end at Caruso, it's 80 feet, the lane is not that big. I mean, it would never happen. And I would just have some objection to this in the sense that, like any property, I guess it could ultimately be a condemnation or a taking, but at this point it's really speculative. I mean, we have to deal with it. We would have to find some alternate access. They would have to condemn the property, they would have to pay us. I mean, we still have the Fourth Amendment. I mean, I don't know what we -- at this point, I think it's just such speculation. The design that we have would never encompass that. And I believe there may be some sense of you want to do your own investigation, which we're fine with, of course. But I think that it just is not something that's realistic. And if somehow it happens, then we deal with it like any other developer would. I don't know what to say.

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But, again, the testimony is that there is such a wide -- as you go down Caruso towards Kenneth, the highway gets farther away from us and the right-of-way gets wider, so I think we're really pretty good shape there.

Mr. Hough adds: There's a lot of right-of-way to play with here. I don't see a scenario where that would come --

Ms. McLaughlin continues: From a zoning perspective the reason I ask is because at that point, how many cars are we doing to have to park if it were to happen? How many cars would we have to find parking for.

Mr. Hough replies: You're saying if the entire Caruso Street? We would have to redesign the site.

Mr. D'Arminio: Yeah, we'd have to rebuild things.

Ms. McLaughlin: Right. So we would have to find parking for all of the tenants.

Mr. D'Arminio: Well, we would have to redesign the access, the DOT would have to pay us to do that, because they just can't take our property and impact our access that way. So I think that we'd have to work something out with them, or they'd pay us for the entire site and we'd relocate the tenants.

Ms. McLaughlin: Okay. And so just -- I want to understand. So the DOT is saying that they are not reviewing it or they can't review it at this point.

Mr. Polyniak: Well, they're not reviewing it at this point 'cause they don't have a final design for the ramp as it relates to -- a question I have is -- and I don't know if you're the witness to address this, but it is related to DOT. In your review letter -- in our review letter there was a comment as it relates to you needing to secure a permit from DOT for drainage discharge.

Mr. Hough answers: That's no longer applicable from my understanding.

Mr. D'Arminio: Yes, that changed. That's already done. We have no drainage that's going --

Mr. Polyniak: So you'll have none that goes to that soil.

Mr. D'Arminio: That's already happened, we stopped that.

Mr. Polyniak: Okay. So I guess in your e-mail you mentioned or they mentioned back to you that they don't have a design as of yet as it relates to this ramp. Did you follow up and ask them when they would be in a position? Is it -- are they going to complete this conceptual design in a month, a

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year?

Mr. Hough responds: I don't know. He said that it's an ongoing application. That's what he said to me. So I don't have a timeline when they would be able to give an answer. But as I said, a 12-foot lane is more than sufficient, in my opinion.

Mr. Polyniak: But it says in the e-mail, Eric, that we're not in a position to make a determine at this time. Did you reach out after this to discuss -- because it seems like the changes ended after his e-mail. Did they give you -- as it relates to a timeframe?

Mr. Hough: No, they did not.

Mr. Polyniak: So you reached out to them a second time subsequent to this e-mail --

Mr. Hough answers: No, that is where the e-mail correspondence ended.

Mr. D'Arminio: If you want us to make another call, we will.

Mr. Hough replies: He's just not going to give me an answer. I can give -- I can try to get a time frame out of him, but --

Mr. Polyniak: Yeah, I understand. But is the answer going to be a month, a year, two years, three years, four years?

Mr. Hough replies: I can't tell you.

Mr. Polyniak: Because if it's a month, my tact would be a little different than if they said this is not going to happen for decades, if you know what I mean.

Mr. Hough: I don't have an answer for you.

Mr. D'Arminio: With that context, we can do that or, Mr. Polyniak, you could call, too, with us.

Mr. Polyniak: I could. I would be glad to be on -- if you would set up an -- and if they would do it, a Teams meeting or a Zoom meeting and we could talk with them and spend maybe 15 minutes, a half hour, just reviewing it with them and get their point of view so that you don't end up with a future taking or anything occurring and if they say it's a month, I mean, I think we would want you to wait the month to hear back from them. If they say it's a decade, then it's another answer as it relates to it.

Mr. Hough: We could arrange that.

Ms. McLaughlin: Thank you.

Mr. Polyniak: So it sounds like this is going to move forward, we're going to address this further. So this isn't the end of this topic.

Chairman Giarrusso states: Mr. D'Arminio, while we're on the topic of this so-called Caruso Way, what

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is the status of this property as far as the deed or the title or back with the city, the arrangement? Where are we with that? Has it all been finalized? bring us up to date.

Mr. D'Arminio: We had thought it was. And we've been reaching out to the city. And our sense of what we would do is we believe, as a matter of law, that we do have good title to it. But we could -- our thinking was that we would talk to the city and see if there is anything else that they'd need or they would want us to do to make sure that we do. I think the city would allow us to do it again if need be, but I'll try to get an answer for you by next week.

Chairman Giarrusso: So we could use the word "pending"? It's pending?

Mr. D'Arminio: Yeah, why don't we say -- why don't we say that we'll speak to the city, we'll sit down with them. And we'll see how we want to handle it.

Mr. Diktas: It has to be finalized before a vote.

Mr. D'Arminio: Okay. All right.

Mr. Diktas: Because it's not your property, you can't make approval if it's not on your property.

Mr. D'Arminio: Well, we're contending that it is, based on the fact that we own the underlying fee, but we'll address that. We'll get that. And we'll try to get -- we'll have an update for you by the next meeting.

Chairman Giarrusso: Officer Jacobsen, you have heard some testimony regarding this DOT possibility, right-of-way, ramp widening. Do you have any thoughts or comments based on what you've heard here so far?

Officer Jacobsen: Not really at this time. I'm curious more -- this is actually the first I am hearing about the possibility of the Route 80 ramp being expanded, I guess you would say, so I am definitely interested to see one that could be...

Chairman Giarrusso: Because as you know, that's a real bottleneck there. You can't get through there if you had to. All right.

Mr. Polyniak: So, Mr. Hough, when you set up that meeting as it relates to DOT, I think it would be important to go through Bridget so potentially the police department could be invited to that meeting to be present at the time.

Officer Jacobsen: That would be appreciated.

Chairman Giarrusso: Any commissioners, questions?

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(No response.)

Mr. Diktas: Mr. Chairman, could we release the officer?

Chairman Giarrusso: Yes, yes.

Mr. Diktas: You're released, Officer.

Mr. Cheatham: Is the plan widening the front?

Mr. D'Arminio: No. As I said, that's not a part of our application. We, as an accommodation to the city, said look, this is how much we feel is necessary and that's how we want to do it. And I will talk to my client and Mr. Bertin about the request that perhaps, if needed, to provide the extra two spaces without making a claim for fees.

Mr. Hough: And just from a traffic standpoint, this is a bottleneck, and any improvement of that intersection will be beneficial to traffic in the area. And the client is giving up land to make that possible, so it's a good thing.

Mr. Cheatham: Maybe I didn't ask the question properly. So it's not part of this application, but you plan on doing that on the side.

Mr. Hough: No.

Mr. Cheatham: Potentially?

Mr. D'Arminio: Well, we wouldn't do it, the city and the DOT would have to do it. It wouldn't be something that we would be -- I'm sure my client would bid on it, but he'd get paid for it.

Chairman Giarrusso: Okay. I am going to make a motion to open to the public.

Mr. Puleio: Second.

(Whereupon, all present members respond in the affirmative.)

Chairman Giarrusso: We are open to the public for any questions.

Mr. Diktas: The meeting now is open to the public for any questions of the engineer, Mr. Hough. Is there anyone present that would like to come forward? (No response.)

Mr. Diktas: Anyone present that would like to come forward? (No response.)

Mr. Diktas: None appearing, Mr. Chairman, please close the public hearing.

Chairman Giarrusso: Make a motion to close to the public.

Mr. Sarni: Second.

(Whereupon, all present members respond in the affirmative.)

Mr. D'Arminio: I thought now, to just stay within a timeframe and topical, there were some questions that you had on operations.

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And we just had sworn Mr. Maisano in, so maybe we can do two or three questions with regard to that, that were on -- in the transcript.

Chairman Giarrusso: Okay.

Mr. D'Arminio: So if we could bring Mr. Maisano up and get some answers on that, that would be --

Chairman Giarrusso: Good evening, Mr. Maisano. We have an exhibit here of a rendering showing the parking under the parking deck for Maisano Construction equipment.

Mr. Maisano: That's correct.

Chairman Giarrusso: And we looked at this rendering and it shows different vehicles and we really weren't sure what type of vehicles there were. Now, we know what's in the construction yard now, but you say most of the heavy or large equipment has been moved to a site in Elmwood Park. What kind of vehicles will be stored in the underground or the decking -- under deck, whatever you call it?

Mr. D'Arminio: We have a list. We have a list. Okay. I knew you were going to ask that question, so this is then 12.

Chairman Giarrusso: There you go. Thank you. Let's take a quick look. I'll just go down the list for the purpose of -- a rack truck, keep forms, wooden forms and steel rods and things there, right?

Mr. Maisano: Yeah.

Chairman Giarrusso: A safety truck with the cones and the --

Mr. Maisano: Yes.

Chairman Giarrusso: -- stanchions and all? Box truck. What size box truck would that be?

Mr. Maisano: It would be, like, a small box truck that you see carrying materials.

Chairman Giarrusso: Okay. Obviously it's going to fit underneath the deck.

Mr. Maisano: The parking deck underneath --

Chairman Giarrusso: Yes.

Mr. Maisano: -- it's going to end up with about a 13-foot clearance.

Chairman Giarrusso: Okay.

Mr. Maisano: So any truck that travels out of the roadway has to be lower than 13 feet in order to travel on any highway or underneath any bridges.

Chairman Giarrusso: All right.

Mr. Maisano: So all our equipment that's listed there is below 13 feet.

Chairman Giarrusso: Okay. I see some pickup trucks. We have a flatbed truck. A tandem dump truck; would that be considered a mason dump truck

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that I'm familiar with? I used to work mason dump --

Mr. Maisano: Yeah, we have mason dump trucks. We have the tandem trucks, which are, like I said, they're about 8-foot high, 8-and-a-half-foot high.

Chairman Giarrusso: It's not what they consider a tri-axle dump truck, is it?

Mr. Maisano: No, it's not a tri-axle. They're dual axles.

Chairman Giarrusso: That wouldn't be considered heavy equipment, that kind of dump truck?

Mr. Maisano: It's a piece of equipment that's used every day that you see in any street that you -- any highway, any municipal street, any county street, major highway.

Chairman Giarrusso: I'm seeing them around.

I'm more familiar with the mason dumps in the neighborhoods used by landscapers and masons and contractors, but these other tri-axle dump trucks that you see on the highway carrying asphalt, carrying stone. Is that what this truck is? I call it a tri-axle.

Mr. Maisano: Yeah, we have a tri-axle, I don't want to steer you wrong. We have one tri-axle, but it's the same height as a tandem. It's about 8-foot high.

Chairman Giarrusso: More pickup truck, mason dump, utility vans, pickup trucks.

Mr. Maisano: It's, like, small dump trucks, you know, rack trucks, box trucks, you know, stuff like that.

Chairman Giarrusso: Okay. All of these or just at various times, different combinations of these.

Mr. Maisano: Basically just what you see there.

Chairman Giarrusso: All at once they're going to be parked there?

Mr. Maisano: Yeah.

Mr. D'Arminio: And they would fit underneath the deck.

Mr. Maisano: Correct.

Chairman Giarrusso: So this is the list, I'm just going to ask, because I'm going to ask, no backhoes, no excavation equipment, any of that sort? It's not here.

Mr. Maisano: No, they wouldn't be stored there, no.

Chairman Giarrusso: They wouldn't be stored there? Okay. We'll go a little further with this. Some materials that you may have in the dump trucks that you didn't use on the site; part load of sand, part load of stone, whatever.

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Would you be dumping it in that lot anywhere and leaving it?

Mr. Maisano: No, all the trucks, especially those trucks, they come back out empty every day.

Chairman Giarrusso: Empty, okay.

Mr. Maisano: Empty.

Chairman Giarrusso: 'Cause right now you have different piles of materials on site currently, but going forward, I mean we're not seeing that here.

Mr. Maisano: No, no, no.

We don't have any materials now dumped on the site.

Chairman Giarrusso: Okay.

Mr. Maisano: We don't have any materials.

We have, like, a pallet of expansion joints that we use every single day, that kind of stuff. Maybe some PVC pipe.

Chairman Giarrusso: I was going to ask about other items that you use on-site. Where are you going to store those items?

Mr. Maisano: Everything would be underneath the parking deck.

Chairman Giarrusso: Underneath. Out of sight.

Mr. Maisano: Yes.

Chairman Giarrusso: Okay. And the last time we discussed with the person giving testimony about louvers on here, so that would block some of the view of the equipment, some kind of design he was going to put louvers, screening, something.

Mr. Maisano: Yeah, we would put louvers or whatever, or whatever they want for us to put, we'll put in, you know.

Chairman Giarrusso: Because we wanted adequate ventilation there, I would believe many of these trucks, many, not all, are diesel when they start up.

Mr. Maisano: Most of them have diesel.

Chairman Giarrusso: You're going to have some fumes there and we want that parking garage to be ventilated.

Mr. Maisano: Yeah, it's going to be ventilated, yes.

Chairman Giarrusso: You're going to have your own ventilation system.

Mr. Maisano: Well, everything is going to be open.

Chairman Giarrusso: Well....

Mr. Maisano: Because we're on the ground level.

Chairman Giarrusso: Okay.

Mr. Maisano: So there's ventilation throughout the entire area.

Chairman Giarrusso: All right. I've seen some

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days where we have no wind, no breeze, I'm just a little concerned if, 6:00 in the morning, we start up 15 diesel trucks and we wait five minutes while they warm up in the winter before they pull out, you know, all right. Okay. Those would be my questions and comments that I had relative to this rendering and your vehicle list, so I thank you.

Mr. Polyniak, any thoughts about this?

Mr. Polyniak: As it relates to the equipment that are listed, it being inside a garage, are there any concerns with, say, reverberation of noise and people living there.

Mr. Maisano: No, there won't be.

Mr. Polyniak: So it will meet all the noise ordinance requirements.

Mr. Maisano: Yes.

Mr. Polyniak: Thank you.

Mr. D'Arminio: And just for the Board, I mean, this is a snapshot now, he may sell trucks. He's going to buy trucks. I mean, in the next five years he might buy more trucks and replace these trucks. I just want you to know that, I mean, obviously he's not going to keep this forever, he's got --

Mr. Diktas: It's not static. We understand.

Mr. D'Arminio: It's not static, you understand.

Mr. Diktas: We understand. That's today.

Mr. D'Arminio: This is just for today.

Mr. Maisano: The equipment has to be a -- trucks have to be updated, you know, every five years, every six years, every, you know.

Mr. D'Arminio: Mr. Maisano, this is the base of the billboard that's at your location. So this is the billboard pole, the lower base. Right now when Lamar Advertising comes to change the copy or to do any maintenance on the pole, how do they -- how do they enter the site and how do they access the pole?

Mr. Maisano answers: Well, they come in from Eileen Terrace, our driveway. They go to the pole.

Mr. D'Arminio? And what kind of a vehicle would they have?

Mr. Maisano: Basically they have, like, tool trucks or maybe a pickup truck, something like that. Mostly pickup trucks that -- maybe with side boxes, you know, they carry tools. They go up to the pole, they go up the ladder there, all the way up to the top.

Mr. D'Arminio: But they must have a ladder to meet the pole -- to meet the ladder; right? They bring a ladder, their own ladder?

Mr. Maisano replies: They bring a ladder to go

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up to the steps, the first step.

Mr. D'Arminio: So they have a panel truck or a pickup truck that has a ladder.

Mr. Diktas: Tell us the distance off the ground.

Mr. D'Arminio: That's the next thing. What's that distance.

Mr. Maisano: It's about 6 feet, 7 feet.

Mr. D'Arminio: It's not a big ladder, but they park their truck, they put the ladder and they access the first rung of the ladder, correct?

Mr. Maisano answers: Basically the rungs of the escalator, the ladder that you would call, is right above the electrical panel there. Yeah, running down here. They go all the way up.

Mr. Sarni: If I may? No different than PSE&G servicing a telephone pole, it's going to be less than that; right?

Mr. Maisano: Oh, yeah, much less. Like, they come with an 8-foot ladder.

Mr. D'Arminio adds: So then what do they do? They get on the ladder and they hook in, they have to meet all OSHA standards, union standards and the like. They hook in and they climb the ladder, correct? Then they get to the site, they have copy they've got to change; right? They change the copy. And then they take down the other copy, correct.

Mr. Maisano replies: Correct.

Mr. D'Arminio continues: Again, they're hooked up all the time, of course. And you could see there is a line in the middle of it where the rungs are, that's where they hook in with the ratchet; correct, and they go on?

Mr. Maisano answers: Yes.

Mr. D'Arminio: That's the hook. All right. So then they leave the site, correct?

Mr. Maisano: Yes, after they change the panel, then they leave. They fold it up, they put it down on the ground they fold it up and then they put it in their pickup truck and go.

Mr. D'Arminio asks: And these are vinyl packages that are all folded up when they get to the site, and they take it down, they fold it up again, they take it down and do it away. About how long are they there, half an hour, 40 minutes here?

Mr. Maisano: About a half an hour they're finished.

Mr. D'Arminio: And how often do they come per year?

Mr. Maisano: It's very difficult to say because they come at different times. Whenever they sell an

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advertisement, they come, they change it, they leave it for two weeks, three weeks, a month, two months sometimes.

Mr. D'Arminio: So it's one to two weeks; they don't sell it for two weeks, it's --

Mr. Diktas: Twenty days at a time, average is 20 days, 13 months a year. 13 payments in the 12-month year. 13 payments in a 12-month.

Mr. D'Arminio: That's right. You're right. I mean, if they come, say, once a month, twice a month -- they're not there every day, obviously, changing it?

Mr. Maisano: No, no, no, no, no.

Mr. D'Arminio asks: Now, if we get an approval and we build the deck, what would change? Would anything really change?

Mr. Maisano: Nothing will change.

Mr. D'Arminio: So they'd use the same truck, correct?

Mr. Maisano: Same trucks.

Mr. D'Arminio: They come in Eileen Terrace the same way.

Mr. Maisano: Same way, yes.

Mr. D'Arminio: They go underneath the location. They would access the ladder the same way?

Mr. Maisano: Same way, yes.

Mr. D'Arminio: But then they would have to get through -- is the design of the plan sufficient that they could get through the deck?

Mr. Maisano: Yes, the parking deck will go around so they have sufficient room. The base of the pole is 6-foot wide, so they'd have to -- they got more than enough room, you know, to climb. So -- and the parking deck will be built around it.

Mr. D'Arminio: So that'll be -- that's in the plan. So there is no change, I thought that the -- I'm sorry if I misdirected the board, because I thought that this ladder was much higher, that you would need like a truck or a longer access to it, a bucket truck, but you don't. You just use an 8-foot, 10-foot ladder.

Mr. Diktas: So you would have to have fall protection on your deck.

Mr. D'Arminio: Oh, yes. Oh, yes. We have -- the design of the deck has a parapet and it would have --

Mr. Diktas: You would have to put that proofs on.

Mr. D'Arminio: We did put those proofs on.

Mr. Diktas: I don't remember, you may have.

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Mr. Maisano: The entire parking lot will have a parapet over the ground, including the area where it goes around the pole.

Mr. D'Arminio: Okay. Yes. Nobody is going to be able to fall down there, it would be locked. I don't know what we'll do -- I don't know what Lamar would want us to do -- that's the name of the outdoor company. Maybe they would want a gate there, I just don't know. But it will be secure. They would make sure that nobody could climb up on the ladder, that's their liability issue and however high it has to be. We can try to find that out, but we could make that a condition of any approval. And the last issue you wanted testimony as to the wall and whose wall it was, the condition of the wall, any improvements to the wall that have been done. And I think -- why don't I just let you talk as you explained it to me, okay? Historically, whose wall is that?

Mr. Maisano replies the wall is owned by the property behind me which used to be Sanzari. Dave Sanzari's company. When they sold it about three years ago, the new owner applied to the City of Hackensack to get a permit to build a concrete with cables going from the front of the wall through the underground and encase it in concrete and have like a bulkhead 20 feet back or 25 feet back in case that wall moves. But prior to that, I surveyed the wall for about two years and it never moved one little bit. I have been there for 35 years and that wall never moved. Because I built a railroad retaining wall past that and it never moved.

Mr. D'Arminio: So you said that they got a permit from the city, the city approved the improvements, they inspected it, and then you actually got a surveyor there to make sure that it didn't move; correct?

Mr. Maisano: I got a surveyor prior to that. I got a surveyor after they bought the property, they did the work. They went in and they surveyed this wall for two years in case it made a move after they did the work that they had to do, which was approved by the town anyway. So...

Mr. D'Arminio: Well, the point is, is that there has been recent improvement. Mr. Maisano did survey it just to make sure that there were no problems with it, and the wall is their wall.

Mr. Maisano: It's their wall. It's about one foot in into my property.

Chairman Giarrusso: How is that wall --

Mr. D'Arminio: At one point it encroaches. I

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could have Mr. Hough indicate -- at one point it's correctly on their property and then at another point it gradually encroaches on the property. I don't know if they have a formal encroachment agreement, they probably didn't want to do that.

Mr. Maisano: No, when they built that wall it was a long time ago, maybe 45 years ago. They built it like that and it still is the way they built it.

Chairman Giarrusso: How is it constructed, that wall? Cinderblock, poured concrete?

Mr. Maisano: No, no, it's poured concrete. It's approximately two feet on the bottom and it goes up to about 18 inches to the top. It's all reinforced concrete.

Chairman Giarrusso: And you feel comfortable that it's structurally sound with the construction that is going to take place for your building, should you get approval to --

Mr. Maisano: After 35 years being there and it didn't move, I don't know what it's going to do.

Chairman Giarrusso: Well, nobody tried to build another building next to it with digging and so on --

Mr. Maisano: I don't think you could build right next to it anymore. There's not enough space to do anything, just parking spaces.

Mr. D'Arminio: No, what the Chairman is saying is that you're going to add a building -- the building is going to stay, but on top of that there is going to be more construction?

Mr. Maisano: No, there will never be construction there because --

Mr. D'Arminio: We are going to construct on top of your building.

Mr. Maisano: Oh, my building, yes.

Mr. D'Arminio: Yes. Nothing is going to be constructed next to the wall.

Mr. Maisano: No, no.

Mr. Diktas: You're comfortable that the vertical force of the building built on top of your building will not affect the wall.

Mr. Maisano: No.

Mr. D'Arminio: Mr. Chairman, those are the three issues that we flagged. Is there something else that you thought or any member of the board wishes to have us go through.

Chairman Giarrusso: Those are the ones I had on my list. I'll ask the board members, anything else or, Mr. Polyniak?

Mr. Polyniak: Yes, through the Chair, it's not for Mr. Maisano, it's for Bertin Engineering.

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I think they need to show, I guess, that parapet in the center of their parking lot and whatever fencing is going to be there.

Mr. D'Arminio: We'll provide a detail. Why don't we provide a detail.

Mr. Polyniak: Yes. For next month or whatever.

Mr. D'Arminio: Okay, we'll do that.

Mr. Diktas: You need a transcript and waiver of time.

Mr. D'Arminio: Yes. We'll extend that.

Mr. Diktas: Let the record reflect this matter will be carried without further notice to June 15 at 7:00 p.m., and the only notice will be on the municipal bulletin board and on the website. No further notice is required.

Chairman Giarrusso: Did we open up to the public for questioning of Mr. Maisano?

Mr. Diktas: No. There's no public here. Let the record reflect that the people in the public are members of the Maisano family and its representatives, except Mr. Inqlima. And, Mr. Inqlima, would you like to say anything, counselor.

Mr. Inqlima: No. I have no objection to concluding the hearing at this point.

Mr. Diktas: Thank you.

Chairman Giarrusso: Thank you. Mr. D'Arminio, thank you. You've concluded for the evening?

Mr. D'Arminio: Yes, yes.

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5. c. SP#34-22 V#34-22
Applicant: Hackensack Assisted Living LLC
Address: 329 Prospect Avenue
Block 344 Lots 3, 4, 5, & 14

The Applicant proposes to construct a nineteen (19) story, assisted living facility consisting of one hundred and fifty (150) residential units and two hundred and fifty (250) parking spaces with frontage on Prospect Avenue and Summit Avenue. The Applicant proposed forty-five (45) studio units, eighty-one (81) one-bedroom units, and twenty-four (24) two-bedroom units.

A P P E A R A N C E S

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E X H I B I T S

(No Exhibits marked)

P U B L I C H E A R I N G

G R E G O R Y J. P O L Y N I A K, P.E., P.P.,
having been previously sworn/affirmed.

B R I D G E T M c L A U G H L I N,
sworn/affirmed.

Mr. Diktas: Mr. Chairman, Members of the Board, members of the public, Bridget McLaughlin has been vetted by the Mayor & Council as she is the zoning

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officer for the City of Hackensack. Greg Polyniak from Neglia Engineering is the Board's planner and engineer and Greg has been vetted through the RFP process and the appointment by this board.

Chairman Giarrusso: Okay, thank you.

Mr. Diktas: Thank you, sir.

Chairman Giarrusso: Our first application for this evening is SP34-22, V34-22, Hackensack Assisted Living, LLC, 329 Prospect Avenue, Block 344, Lots 3, 4, 5 and 14. Mr. Basralian is presiding over that application. And before we hear from you this evening, Mr. Basralian, I have a correspondence that I would like to enter into the record. It's from the Hackensack Environmental Commission. So I am going to read that into the record.

"Dear Zoning Board Members," dated Tuesday, May 16, 2023, "the Hackensack Environmental Commission has reviewed the proposed variances and design waivers for 329 Prospect Avenue.

"Members have concerns about these proposals, some of which would have significant environmental impacts. The proposed building would cover 57.3 percent of the lots, which is almost twice the allowed amount.

"Additionally, 84.3 percent of the lot is proposed to be impervious, which is far above the 60 percent maximum allowed by ordinance.

"The purpose of limiting the percent of lot coverage is to be sure that there is adequate space for water absorption on the lot. The same amount of water would fall on the lot, but would either run off into adjacent areas or need to be carried away to the Hackensack River via sewers. Neither of these outcomes is desirable.

"While Prospect Avenue and Summit Avenue are not in designated flood zones, this property sits on elevated land just west of Dewolf Place, Berry Street, Third Street, James Street and Clay Street, all of which have experienced tremendous flooding in recent years.

"The flooding in this neighborhood is exacerbated by the extreme runoff from buildings on Prospect Avenue. Allowing this developer to decrease the permeable surface on this lot, to any degree, is potentially harmful.

"City of Hackensack has established very reasonable and responsible codes to ensure that there is sufficient amount of permeable surface on the lot. It is environmentally responsible to deny variances that propose excessive amounts of

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impermeable surfaces.

"Thank you for your consideration.

"Sincerely, Jennylyn Brown, Chairperson of the Hackensack Environmental Commission; Pedra DelVechio, Commissioner; Janet Wicka, Commissioner; Joel Dawkins, Commissioner."

Are you in receipt of this letter?

Mr. Basralian: I just received it about 60 seconds ago. I think -- I don't know that any of the members of the environmental commission were present at the April hearing, but there was a lot of detail testified to by our engineer, Eric Keller, regarding water retention -- detention on the site, rather, and how it would be handled so there would be no additional overflow or flow from the lots that presently exist, which is what the law provides. In addition, the Applicant is complying with the most recent DEP regulations for stormwater maintenance. They, perhaps, you should look at the plans and the transcript from the last hearing with respect thereto. Since I've just seen this, I don't know that I can -- I will have my engineer respond to the proposed coverage, but what they did is, it appears to be they looked at only one lot when there are four lots involved with a coverage, brings it down well below the 57.3 percent that they were talking about. So those are things that they weren't aware of, hadn't looked at the plans perhaps, and weren't here for the testimony. We will have to address this, perhaps in more detail, at a later hearing, so that those people could be present and understand how it works and why we believe it works and doesn't affect any flow -- any drainage from any of the site on the properties. It's -- all of that's being maintained on-site and being discharged back into the stormwater system in accordance with that law. So I don't know that I can ask Mr. Keller to address that. I am bringing Mr. Keller back because he didn't have an opportunity to address the Neglia report revised through March 3rd, and that's the reason he's back, for the comments that were in that report.

Chairman Giarrusso: Okay. And before you do that, Mr. Basralian, good evening, Mr. Keller.

Mr. Keller: Good evening, sir.

Chairman Giarrusso: I would like our engineer to comment on this letter, if he would like to.

Mr. Polyniak: Sure.

Chairman Giarrusso: Mr. Polyniak?

Mr. Polyniak: Sure.

Chairman Giarrusso: Do you have any comment?

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Mr. Polyniak: Through the Chair, as it relates to the letter, it kind of piggybacks on the information that's presented within our review letter as it relates to impacts to the City's infrastructure. The Board has heard me on numerous occasions testify as it relates to when the new Zoning Ordinance was adopted or enacted by the City of Hackensack, and that was in early 2022. And within that Zoning Ordinance, the City of Hackensack looked at overall infrastructure and what its infrastructure could support as it relates to future development in this city. As everyone is aware, there have been numerous redevelopment plans that have been proposed and provided and constructed on Main Street, and those developments have densities that are in excess of 50 units an acre because the City has implemented a substantial infrastructure improvement project as it relates to their storm sewer, combined sewer and sanitary sewer systems in that part of the city. At this time, the city hasn't implemented a global project as it relates to updating its infrastructure for the combined sanitary and storm sewers in the western side of the city. So what has occurred previously is boards in the City of Hackensack have not granted variances for density, and the reason is is because the City -- they've reviewed it in early 2022 and analyzed the infrastructure to determine what would be sufficient as it relates to capacity and sewage and water generation as it relates to individual developments. This proposed development has a density of 130 -- 130.7 dwelling units per acre on the merged lot, and if you just look at the lot that faces Prospect, it has 326.7 dwelling units per acre in that R3 zone. So that's -- whether you look at it in one form or fashion, it's two-and-a-half times for the overall merged lot, over six times for the individual R3 lot. What we've done within our review letter, I'm not sure if Mr. Keller is going to be able to address this tonight, is there's a comment as it relates to utility studies and plans that we have requested be provided. It's a sewer capacity analysis report for a 30-day sewer study to illustrate and to determine whether or not the combined sewer and sanitary storm sewer systems have capacity for densities in excess of this 50 units per acre. At this point in time, nothing has been submitted as it relates to it, so the Board could be analyzing a proposal that potentially would need to be scaled down dramatically if the off-site

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infrastructure doesn't have that capacity to address densities as such. So, again, my concern would be, as we progress with this, we don't know if we're hearing a development that truly could be supported by the City, and I'm not sure that the Applicant's engineer will be able to address that tonight.

Chairman Giarrusso: Thank you, Mr. Polyniak.

Mr. Basralian: Let me respond in part.

Irrespective of what the ordinance -- and that's the reason why we're before the Board of Adjustment, it's up to us to provide the proofs of the sewer capacity as to stormwater and as to density. And that will come in later testimony. Mr. Keller tonight will address comments in the revised March 3rd letter of Neglia and will address, in part, at least tonight, a letter we just received, which was dated May 16th, 2023, that I just got this evening from the environmental commission. So if we can proceed, we will provide all of the information. It all can't be done in one hearing, it's got to be done over a period of time, and there was other requests from the Board, all of which will be provided at the appropriate time so that you get a full picture both environmentally, stormwater, sewer capacity, planning and density; all of those issues will be addressed. So, if we could start now with at least where we finished off last time, before we -- we were stopped before we got to this portion of it, so it would be questions and answer.

E R I C K E L L E R, P.E. sworn/affirmed.

Mr. Keller: Eric Keller, Bowman Consulting.

I am the engineer of record for this project.

My license is still in good standing.

Mr. Basralian: Mr. Keller, there are a number of comments in the Neglia report revised through March 3, 2023, which we didn't get to address.

Would you please go through consistently, starting with the very first comment, which goes to the zoning table and other issues?

Mr. Keller: Certainly. And just for everybody's edification, I'm only going to address those that are related to our plans to site civil issues and that we need -- we feel the need to discuss. If there's ones in here about site civil -- you know, there's ones that said provide testimony, which is what I did last month. So I am not going to touch on those. If there are questions, I am happy to answer them. So I'm just going to talk about those that I would like to provide some additional clarification on.

And as Mr. Basralian indicated, the first one

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relates to the zoning table, and this is on page 5 of Mr. Polyniak's letter. We made a mistake on our zoning table and he carried it through. For maximum building coverage in the R75 zone, we listed 83 percent accessory building as the building coverage. The City's code for building coverage is only those structures that are above ground. So the only thing that is above ground -- Paul, could you go to sheet 4 of our site plans.

Mr. Basralian: This is already noted in our exhibit list that is referred to.

Mr. Diktas: Which number is it though?
Sheet 4 of -- Sheet 4 of 12 is Exhibit A-4.

Mr. Basralian: Yes.

Mr. Diktas: A-4 for the record.

Mr. Keller: Thank you, Mr. Diktas.

So you can see on the left side, in the R75 zone, that is the three lots fronting on Summit Avenue. The only two structures we have are the ground storage building which also contains the bathrooms and a stair tower that comes up from the garage below. So counting only those as building coverage, we only have 2.1 percent building coverage. Just for clarity, the way the city ordinance is structured, the definitions, impervious coverage includes below ground structures. So impervious coverage, as we reported in the zoning table and Mr. Polyniak has reviewed and put in his letter, includes the underground garage. It doesn't reflect the fact that there is, in this case on those lots, a park above it. Now, on page 6, item 4-C-3, our plans and the architect's plans are consistent with respect to the number of parking spaces. There are 244 parking spaces. There's 232 standard spaces. There are nine ADA spaces. And then there are three van ADA spaces. So that totaled 244. The architect's plans were a little unclear. The 232 was separate from the other two columns on their parking plan. On page 11, item 6, subsection 19, Mr. Polyniak has indicated about full-width paving on Summit Avenue. We're agreeable to that on Prospect Avenue because that is where our utilities are. Summit Avenue is a county road. We have received preliminary comments from the county and they are not requiring us to do full-width repaving because we're only doing the curb line and the driveways. So we're going to go with what the county is requiring us, which is just a pavement repair along the curb line.

Chairman Giarrusso: Could you repeat the number that was on page 11?

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Mr. Keller: It's section 6, which is item 19.
So --

Chairman Giarrusso: What page?

Mr. Keller: On page 11.

Mr. Basralian: That's in the Neglia report,
Mr. Chairman.

Mr. Keller: Page 11. It's the third bullet point down, No. 19, about full-width paving. And as I said, we'll do it on Prospect, but Summit is a county road and the county is not requiring it.

Vice Chairman Jones: I have a quick question. So it's the state code that says that underground parking counts towards impervious coverage?

Mr. Keller: No, it's a city ordinance.

Vice Chairman Jones: It's a city ordinance.

Mr. Keller: Correct.

Vice Chairman Jones: So why would that be in there -- again, I don't know the answer to this, but why would that be in there if it's -- doesn't affect the area around it. Like, what does -- like, I see what you're trying to say, that only 2.7 percent --

Mr. Keller: It's 2.1.

Vice Chairman Jones: -- you have -- 2.1, excuse me, you have above ground, but what's -- what's the purpose of that code if it doesn't -- what is it affecting? What is the reasoning behind it? And, again, pardon my ignorance.

Mr. Keller: No, no, no. It's a good point. It goes to zoning. Why it's that way, I am going to look at Mr. Polyniak if he knows, but it's in the definitions. But from a stormwater perspective -- and when I testified last month I was clear as from a stormwater perspective, we care about what is on the surface of the ground. If you're, you know, in a drone over this site after it's built, what are you going to see? And you're going to see a lot of green space. The architect who will be coming up shortly is going to show again that park area. There are some sidewalks and walkways in there, but for the most part it's green space. But it's on top of the garage and there's -- there's quite a bit of soil in there and -- which is where our cistern is, which is our stormwater management device and also a repository of water for our irrigation system.

Vice Chairman Jones: So everything from that system is reused?

Mr. Keller: Not all of it, but there's 9,000 gallons that are stored in that cistern for irrigation use on the property. And that's all designed in accordance with the DEP regulations and

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the best practices manual.

Vice Chairman Jones: And so that cistern sits between the parking garage and the park above.

Mr. Keller: Correct.

Vice Chairman Jones: Okay.

Mr. Keller: So, again, section 6, item 25, which is also on page 11, we will illustrate the limits and the type of fencing along the side property lines. It's not clear on our plans. Now, in the grading, drainage and utility comment section, starting on page 12, item 2, we will revise the grading to address the comment contained in Mr. Polyniak's letter, which is to direct the stormwater onto our property.

Mr. Polyniak: I apologize, which one was that.

Mr. Keller: Item 2. This is about the grading improvements along the southern property line.

Mr. Polyniak: Okay.

Mr. Keller: Item 3 right below it, we will also incorporate the updated survey information into the site plans to the extent that we will include it. Item 4, which starts on page 12, goes to page 13, are comments about stormwater. We're reducing the drainage area to Prospect Avenue. Right now, as I said last month, the drainage divide generally runs along the Summit Avenue properties into Prospect. So the lot 14 goes to Prospect, the other lots go to Summit. We're changing that because of where the building's located. Even though we're reducing the area, the runoff -- the rate of runoff for very short periods of time increases over what it does today. And that's not permissible, Mr. Polyniak is correct, that is not permissible under the stormwater regulations. So we're going to address that by providing outlet control and holding some of that water back before it goes out into Prospect. And that -- I will get to the specifics of the environmental commission letter, but under state regulations, we are required to reduce the rate of runoff from this site into the storm sewer system in Prospect and in Summit Avenue, so we are lessening the impact from what it is today. These lots have some improvements on there. The homes that used to be on these four lots were demolished, I don't know, ten years ago or so, so we can't take credit for the impervious coverage from those homes that was historically there. We're not allowed to. So alls we can do is the driveways are there and there is some gravel. And the rest is lawn. So we're reducing it from what it is today. Item 5 on page 13

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talks about the mechanical systems for the cistern, how are we going to take the water that's saved in the cistern and put it into the irrigation system, pumps and so on. We would respectfully request that that be a condition of approval because that's a mechanical engineer's -- MEP engineer's purview, so we'd like to have that as a condition of approval. I will note that the cistern has been sized to comply with the BMP manual requirements which Mr. Polyniak's office has reviewed. Item 8, water quality treatment is not required for this site because we are not creating or developing more than a quarter acre of new motor vehicle surfaces. The only motor vehicle surfaces, which are driveways, are the ramp that goes down from both Prospect and from Summit. The area that's exposed to the surface where rainfall would hit, is less than a quarter of an acre, so it is not required and so we don't propose to provide any water quality because it's not required under the regulations. Likewise, Item 9 talks about groundwater recharge. Mr. Polyniak's letter basically makes a statement that it's not required, but it says -- I forget how he put it. This remains applicable, or something like that. Yes, this comment remains applicable, but it's not required. So, again, under the state regulations, we're not required to provide groundwater recharge. Item 10, an operations and maintenance manual for the stormwater system is a requirement under the regulations. We're happy to do it, but we would like that to be, again, a condition of approval, so that we have -- any additional -- you know, we're going to be making stormwater revisions, so I don't want to do it multiple times, I would like to do it at the end. It's reasonable to have that as a condition of approval in my opinion.

Mr. Cheatham: So why wouldn't you be required for the stormwater recharge?

Mr. Keller: Groundwater recharge.

Mr. Cheatham: Groundwater recharge.

Mr. Keller: Under the regulations, we -- the City in this site are in what they call Metropolitan Planning Area, PA-1, which is where the state wants development to occur. Previously developed lands within a PA-1 are not required under the regulations to provide groundwater recharge. So -- unless, of course, you have a wooded area. And wooded area doesn't mean a tree within a lawn, it means a number of trees with natural leaf litter underneath them. So these are previously developed lots, there are no

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wooded areas, so it's not required.

Mr. Cheatham: Okay. Thank you.

Mr. Basralian: Just for clarification, when you're talking about regulations you're talking about DEP regulations for stormwater?

Mr. Keller: That is correct.

It is N.J.A.C. 7:8. All right. Item 11, also on page 13, we will provide additional inlets within the community park. We recognize that we needed to do that. We were looking to do that later, but given that Mr. Polyniak has asked for it, we'll do it now. Item 12 on page 14, this is kind of a combo of response. I'm going to give you mine and then the architect is going to give you his part because it's in that gray area between our two sets of plans. So this is about, you know, how is the runoff that's hitting the two driveways that go down into the garage, how is that stormwater being picked up. When it rains there's water. There's also snow melt systems on all the driveways, so when the snow or ice melts, it's got to go someplace. Well, there's trench drains at the base of the ramps. Those trench drains will pick up the runoff on each of those ramps and then there's an internal storm pump system that will pump that water back up and into the system that goes to the cistern, so... and as I said, because we have less than a quarter acre of new motor vehicle surfaces, there is no water quality requirements for that runoff.

Chairman Giarrusso: So let me stop right there I understand that. So, hypothetically, or in actuality, this water runoff from the snow melt, the rain that cars bring into the parking garage, the water is going to go into a French drain, into a system that's going to dump it back into the cistern. And then that cistern is going to irrigate the public park?

Mr. Keller: The community park, correct.

Chairman Giarrusso: Community park.

Mr. Keller: Yes.

Chairman Giarrusso: And there is no water quality checking. I mean, if you look at anyone's street, driveway, garage, oil, gas, grit from the roadway brought in by cars into the garage, it's going to be carried with that into the cistern. I can't see how that water is going to be used to irrigate an open space of greenery with possible contaminants; oil, gas, who knows what.

Mr. Keller: Well, a couple things.

Chairman Giarrusso: Yes, help me with that.

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Mr. Keller: It's a good question, Mr. Chairman. I'm not saying that there aren't some level of grit and other contaminants from motor vehicles that get in there, but they are at such a low level, and remember, the cistern is designed to accommodate the hundred year storm, so there will be flushing of that water, there will be dilution of the water that's in there. The other thing is that when -- in less urban areas, we design bio retention basins. We have roadways that we have flushed curb, and the runoff that comes off of those roadways flows directly into bio retention basins. The plant material that's in those bio retention basins and the plant material in this community park will absorb those levels of, you know -- they're not at such a degree that it affects the plant life. That's what -- why we designed one of the functions of a bio retention basin is to help clean the runoff. Bio retention basins provide water quality, so there's not -- you know, that runoff does not have a negative impact on the plant material.

Chairman Giarrusso: Well, I tend to see the street in front of my house with cars, trucks, the rains, all of that residue goes down the block into the sewer and down to the Hackensack River. I don't use it to water my grass and my tomato plants and my shrubs. I don't -- I don't buy that one, but you're giving the statistics that it's feasible.

Mr. Keller: I mean --

Chairman Giarrusso: Mr. Polyniak, I'll ask you to comment a little later on that, but -- you know, 'cause he wants to get through his --

Mr. Polyniak: Yes.

Chairman Giarrusso: -- his addressing your comments, but...

Mr. Keller: I only got a couple more, Mr. Chairman. So then...

Chairman Giarrusso: Okay, all right. And I may not be the only one with that concern.

Mr. Keller: The -- number item 14 on page 14 is a roof drain collection system for the building. It has not been designed at this point. And what we'd like to -- we will put a note on the utility plan that all of the roof drains for this building will be connected to the cistern system, but I don't know where they are at this point because that collection system for the building has not been designed at this point, but we'll add a note. Item 15 on page 14, we are preparing a geo-technical report. We had an older geo-tech report for this property and we found that the rock on-site is a

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sedimentary silt stone, and it begins at a depth of somewhere between 8 and 16 feet, based on the borings that were done. And that rock will be removed by drilling and ripping. There will be no blasting anticipated. All of the rock removal will be done in accordance with applicable regulations set forth by the city and by the state. There was groundwater that was found at a depth of about 16 feet below grade. We recommend and request that dewatering activities, the process for dewatering the excavation and other construction related activities, truck routes and so on, to be coordinated once we have a contractor on board, which would be -- we would like this to be a condition of approval, which we will coordinate with the city engineer in how that would be done. Item 18, Mr. Polyniak has requested a sewer study. Before he spoke before I was going to ask you to make that a condition of approval. I have talked to my client and we're going to do that during the process. So we'll have to coordinate with the city, hire a -- you know, a contractor to do that study. But we will conduct that study on Prospect Avenue. We'll coordinate with Mr. Polyniak on the location and structure of that. We have done that with his office previously on other projects.

Chairman Giarrusso: So let me stop there for a minute and make another comment that comes to mind while we're, you know, you brought it up. So you're going to do the drilling and ripping of this red shale material on-site, you're going to have construction vehicles digging it, putting it in --

Mr. Keller: Trucks.

Chairman Giarrusso: -- other construction vehicles --

Mr. Keller: Right.

Chairman Giarrusso: -- dump trucks, so on, and traveling through Prospect Avenue. And you want us to wait for a construction company to be considered after the fact of how they're going to handle the cleaning of the tires, the mud, the muck that's going to be carried out onto the street and through the neighborhood after the fact.

I think maybe we would like to know how it's going to be done on-site. How are they going to handle all of that? So I don't know about that condition of approval. We had something come before -- I'm not sure about this board, but another experience I had where it was a concern. Dust in the environment, that red clay shale. So that's my point. I don't know if you could expand on that, but...

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Mr. Keller: Certainly, you know --

Chairman Giarrusso: I don't see it. I see -- all right, I'll let you talk.

Mr. Keller: I hear your concerns, Mr. Chairman. What I will say, first off, I don't know that it -- I'm not a geo-technical engineer. I read the report. It is silt stone, I don't know how -- when you excavate it, how dusty that is. We'll talk to our geo-tech engineer to get some information on that. As far as dust, soil tracking, all of that is covered by the soil conservation district. We have to comply with providing tracking pads, means of not tracking dirt and mud onto city streets. There are dust control requirements. You know, there are dewatering requirements that, depending on the magnitude of the dewatering, may require approval from DEP. So there are regulations that we must follow during construction, and obviously the city engineer's office is going to be inspecting this construction project and there may be other agencies, depending on the scope of that work, that will be involved. So there are protections in place.

I am not saying that, you know, we're not going to do those. I'm just saying, you know, the exact process of how that work is going to be done is not something that's usually done during the site plan process. But it will be addressed -- you know, once a project is approved, there is a pre-construction meeting, and all of those things are set forth as to how you're going to comply. And it's an ongoing process during construction. You know, so that is when, you know, the controls are in place, there are permitting controls in place as well through soil conservation and through the city engineer's office.

Chairman Giarrusso: Mr. Polyniak, can you comment on that further on, this way we can --

Mr. Polyniak: Sure. Yes, I'd be glad to.

Chairman Giarrusso: We're going to hear more about this drilling and ripping and digging of the construction site as well from another professional? The drilling, the ripping and digging, the machinery, are we going to hear from a geo-technical person?

Mr. Basralian: We can address that. Yes, we can address it. But I'd like to say that for large projects in the past in Hackensack where excavation, -- wherever excavation is taking place, we did daily road cleaning with sweepers coming in to clean up the roads for large projects, and this was a large project, not as big as some of the other ones in the City, including the medical center, we did

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daily -- daily cleanup. That's also what was required of us by the city and we complied with that, and we would do the same thing here.

Chairman Giarrusso: Okay. It helps a little bit. Thank you.

Mr. Keller: You're welcome, Mr. Chairman.

Chairman Giarrusso: Please proceed.

Mr. Keller: A couple more. Item 19 on page 14, we will provide will-serve letters from the various utility companies. We've already had discussions with Public Service about the electric service. Item 24 on page 15 is -- again, we request that the detailed design of the ADA curb ramps be a condition of approval. I mean, it's providing additional spot grades. We may need some more survey information. And we're just -- be part of the resolution of compliance is our request. And then the last one is Items 26 and 27, which basically are both related to retaining walls. We'll put a note on the plans that all walls in excess of 3 foot exposed height are to be designed by a New Jersey professional engineer and that a certification is required after construction.

Mr. Basralian: Mr. Keller, let me go back to one thing. When you're talking about runoff, for those of the environmental commission who are here, would you reiterate again that the runoff onto the city streets will be no greater than it is today. Is that correct?

Mr. Keller: It will be -- the rate of runoff will be less than what it is today. It has to be under state regulations.

Mr. Basralian: So the issue -- effect here about the problems on Prospect Avenue or even Summit Avenue will not be impacted by this project because the runoff, as Mr. Keller just stated, will be less than it is today with vacant land. Okay.

Chairman Giarrusso: Is that it?

Mr. Keller: That's it on Mr. Polyniak's letter. Do you want me just to touch, I guess -- I just want to touch on two things in the environmental commission report.

Chairman Giarrusso: Maybe we can hold off on that, 'cause maybe there's --

Mr. Keller: Your pleasure.

Chairman Giarrusso: -- a few comments, you have Mr. Polyniak back and, of course, board members and then we'll let him finish before we open to the public.

Mr. Polyniak: Sure.

Mr. Basralian: Mr. Keller, did you want to

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comment on anything else, although those will be handled mostly by the architect.

Mr. Keller: Right. The remaining comments, you know, will be handled by the architect.

Mr. Basralian: At this point, Mr. Chairman, I have no further questions of this witness at this time. No further questions at this point of Mr. Keller.

Chairman Giarrusso: Mr. Polyniak, do you have any questions?

Mr. Polyniak: Yes, through the Chair, I have a few questions. There was a police e-mail that I think stated that they had no comments, and then there was also a fire memo that was issued. Are there any comments that you'd like to address there? Will you comply with everything? Are there any issues within the fire --

Mr. Keller: We'll comply with the police department letter.

Mr. Polyniak: Yeah.

Mr. Keller: The fire department letter I'm going to defer to the architect, because they're really all building or garage-related.

Mr. Polyniak: Okay.

Chairman Giarrusso: They're asking for the lock boxes and so on, all the things --

Mr. Keller: Yeah, I'm going to defer to him.

Chairman Giarrusso: And which you have to comply with by law anyway.

Mr. Polyniak: As it relates to that, have any fire flow tests been performed in the vicinity of the site to make sure that there's adequate pressure and capacity to address a potential emergency that could occur on the site.

Mr. Keller: Not to my knowledge. I will confirm. You know, the water system is operated by Veolia. And, you know, as far as the building itself, I am going to ask you to wait for Mr. Erbati (phonetic) to talk about that.

Mr. Polyniak: Sure.

Mr. Keller: But I am not aware of any flow tests or pressure tests that have been done.

Mr. Polyniak: Sure. And, again, it kind of ties into what I had mentioned earlier on in the hearing as it relates to utilities, zoning ordinances, densities, which then require, when you have a density of this -- a building of this size and height, I think it's important that that study occur now so that the adequacy of all utility systems, whether it's sanitary, storm, domestic water,

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electric, gas, there is sufficient capacity for your building. 'Cause again, the city looked at their infrastructure and determined there are some deficiencies. We don't want to see something approved that can't be supported by the police or...

Mr. Keller: Understood. Understood.

Mr. Polyniak: I think there was some generic testimony early on, and I'm not sure if you're the witness that would answer this; site delivery, solid waste, recyclable pickups, I know you provide an area for that on site, there's an area below grade as it relates to it. What witness would address the timing and when those would occur, the number that would occur related to the site?

Mr. Basralian: That would be the architect and management who will be there this year.

Mr. Polyniak: I guess the building accommodations and amenities would be addressed by the architect, too.

Mr. Keller: Yes, correct.

Mr. Polyniak: As it relates to -- and I don't know, Mr. Keller, if you would address this. So you have the public park that's being proposed on-site as part of this on the western side. If someone wanted to drive to this facility, would they be using your parking garage to park in it? How would you access it?

Mr. Keller: The park is intended for people who live in the area. They would be able to walk to it. There is no parking provided on-site for the park. This is not intended to be something that somebody will drive to. It's relatively small in the context of parks. But we are not providing any parking on-site for public use. The part -- and the architect will get into this more. The garage, itself, the elevators in there go up into the lobby of the building. There is, you know, that -- I mentioned that there is an egress stairway. It's an egress stairway only. You know, it's required by code, which I am going to let the architect expound upon that because that is not my area. But, so, you know, you can't go back down those stairs. So the only access from the garage is coming up into the building. So it's really designed to -- you know, for the staff, the residents who may have a car, and for guests and visitors.

Mr. Polyniak: So I guess I understand the intention of the park and I know you're not going to put signs out front that are going to say no one can drive to the site.

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But I foresee, with the amenities that you're supplying, that people may drive to this site and it will attract residents from the city. And as we know, if you travel Summit Avenue, parking is at a premium. There is almost nowhere to park. And what could happen is it could spill into other residential areas, maybe people from the downtown choose they want to visit this park. Our concern, and I think your traffic engineer should analyze it when she comes back and provides testimony, is what trip generation do they see with respect to the park for the public and how -- and where these people would park if they choose to utilize the park.

Mr. Keller: Right. Well, I will defer that to our traffic consultant.

Mr. Polyniak: Okay. So I know -- and this may end up being the architect's because I know you didn't design the parking garage. There are questions I had as it related to the sizing of ADA spaces within the parking deck and whether they will --

Mr. Basralian: This will be addressed with the next witness.

Mr. Polyniak: Okay, okay.

Mr. Keller: Yes.

Mr. Polyniak: Now, I know you mentioned previously that it's a county road. We agree that Summit Avenue is a county road. But you can request, I am sure, to the county that that frontage be paved, and we're going to recommend that you do so as part of the project, to pave that property along its entire frontage. So we would ask that you do so.

Mr. Keller: Understood.

Mr. Polyniak: As it relates to fall protection, you'll provide any fall protection that is necessary?

Mr. Keller: If it's required by code, yes, we'll provide fall protection.

Mr. Polyniak: Okay. So inside the parking deck you mentioned that there would be trench drains at the base of the driveways.

Mr. Keller: Well, let me just -- that's why I said, it was kind of a combination, it's part me, it's part Mr. Erbat. As far as where they're located, how they function, I am going to defer to him. I know that, you know, we discussed this. Those areas are picked up.

Mr. Polyniak: Sure.

Mr. Keller: What happens, where it is, I'm going to -- I'm getting very good at saying it's the next witness.

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Mr. Polyniak: Okay. Understood. I guess something that the next witness will need to testify to and explain is that we would expect that there would be at least scupper drains inside the deck. As you go down each individual level, potentially you can have someone that has snow on their car, it melts, and then if there's nowhere for it to be captured you could have issues in the parking deck.

Mr. Keller: Understood. I don't guess, I don't -- you know --

Mr. Polyniak: Yes, I know.

Mr. Keller: You know, so... next witness will deal with that.

Mr. Polyniak: Now I'll get into, I guess, the cistern, itself. I do agree with the Chairman. And my concern would be if it was the roof runoff and you're capturing it and utilizing the roof runoff for irrigation, that is considered by DEP to be clean. If it is runoff from, say, a driveway I agree, there will be particulates. I know you're mentioning that will be self-flushing, but I would envision some of the material settling out and actually getting concentrated. So it's not behaving per se as a bio retention basin because those would be cleaned out over time. This, I don't know -- and you haven't supplied the maintenance manual to illustrate how many times it's going to be cleaned. Potentially could be a place where this sediment will accumulate and you could have issues where it is contaminated runoff that you're delivering to planting systems and killing such. So I think you may want to take a second look at how you're going to do that, just to make sure that we don't end up in a situation where we're spraying particulates that have a high concentration of contaminants.

Mr. Keller: Right. It's a fair point. We'll take a look at it and we'll provide a response.

Mr. Polyniak: Okay. Now, getting back to the construction activities on site, how many cubic yards of material do you envision excavating and removing on the site?

Mr. Keller: That I can't answer right now. We've probably done that calculation, but I don't know what it is. It's not like other sites where we're taking dirt from over here and putting it there and -- you know, I don't have that number. We can find out.

Mr. Polyniak: Yes, I would ask that you do that. I know it's means and methods, but how do you

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envision excavating the site and where do you envision storing the material at the site you excavate it? I think it's important to understand that since you're in close proximity to residential properties and buildings. I'd recommend, if you don't have that answer tonight, that you have it. As it relates to the cubic yards that are being excavated, that will then turn into vehicles that will remove the spoils or construction material off site and they will be hauled in some direction. I can see that being hundreds of trucks potentially. And how is that going to impact the roadway system? I know you have a report, a traffic report as it relates to the project after construction, but as it's getting constructed this project could take years to complete; how is that going to affect the roadway system?

Mr. Keller: Yeah, I mean, as with any construction project, and certainly Hackensack has their share of construction projects, you know, they are spread out over the day, they're spread out over the week. They're spread out over the months. So, you know, and there's -- while there's X number of yards of material that needs to be removed, it will occur in an incremental basis. So we can look at that, we can -- you know. But it's like any other construction project, it occurs over time. And, you know, it will -- there will be materials brought in, there will be materials removed. More so the removals will be in the beginning, and then we'll move towards, you know, bringing, you know, materials in to construct the garage and then to construct the building, so...

Mr. Polyniak: I appreciate your answer. I think we would like something more exact as it relates to -- and again, your traffic engineer is going to be present. I would ask that she testify and provide information as it relates to the number of trucks, how it's going to impact the adjoining roadway system during construction.

Mr. Keller: Okay.

Mr. Basralian: For the record, as you know, Mr. Polyniak, with all our construction sites, and I have been involved in many of them here in Hackensack, as you have, and work out the routes with the police department as to where the trucks will go, what hours they can move and so on, and what routes they have to take. And that's usually -- when we know all those details, that we meet with the police department and they set up the routes and that's

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incorporated in the developer's agreement. And we've done that on every major project.

Mr. Polyniak: Agreed. This project is a little different than the other projects as it relates to being in the downtown and being in a residential area. So it's substantially different from those other projects, and that's why I think I'm pressing for this information because it is going to provide impacts to areas that don't typically see that type of impact.

Mr. Basralian: Well, this isn't unique on Prospect Avenue, there has been a lot of construction, all of those managed to do -- some of them are much bigger buildings than is proposed here, and all of those things have been worked out with the city and the police department and would be in this instance as well.

Mr. Polyniak: Sure. It -- I agree. A building of that size may or may not be that different from what exists on Prospect, but it's substantially different from what exists on Summit.

Mr. Basralian: Yes, agreed. But those things have to be worked out once you know the calculations, the time iteration and you work it out. It would be the same as we do with cleaning streets on days of excavation, et cetera.

Mr. Polyniak: Sure. As it relates to groundwater, so you mentioned there is groundwater you've hit at, say, 16 feet below grade.

Mr. Keller: That was what the borings showed, yes.

Mr. Polyniak: So I assume then you will have a sump pump system to address dewatering after the building is constructed if it's approved.

Mr. Keller: Most likely, yes.

Mr. Polyniak: So then what will occur is it will be important, in your sanitary sewer study and analysis, to make sure that that is encompassed, so you will need to work with your geo technical engineer to determine what that flow is, because it will be on top of what your stored generation flow is and on top of what your stormwater discharge is.

Mr. Keller: Okay.

Mr. Polyniak: So the proposed building parking deck parking garage is fairly deep and fairly close to the property lines. How do you envision supporting the adjoining properties during construction without impacting any of the other building foundation structures, parking decks and whatnot.

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Mr. Keller: Well, I mean, the geo tech will have the design, which will be submitted for building permits, you know, how they will, you know, drop the excavation to remove the work, remove the rock and the soil, and they will have to also assess pinning of any foundations. You know, they will have to create a system that will protect the adjoining buildings. You know, I'm sure, you know, whatever code requires as far as, you know, pre-construction inspections and so on, we have to follow what the building code is. I mean, this is, you know, not an unusual circumstance where you're excavating down and you have adjacent buildings. It may be, you know, not typical in this particular part of the city, but I mean, it happens in -- you know, in New Jersey, in other states a lot, you know. So it's not an unusual circumstance. And the geo tech engineer will be responsible for providing the appropriate support of the excavation, itself, and underpinning the adjacent foundations.

Mr. Polyniak: Where do you envision storing all your materials?

Mr. Keller: I don't -- at this point I -- that's not my area of expertise and that's not something that we've...

Mr. Polyniak: Will you have a witness that will testify to that as to how you're going to build this.

Mr. Basralian: You know that we can't store it on any city streets.

Mr. Polyniak: Correct.

Mr. Basralian: So everything has to come into the site, off loaded, and inserted into the building. It's not going to be on city streets under any circumstances. We will in large measure do the construction on-site.

Mr. Polyniak: And you're testifying that there is sufficient space on-site?

Mr. Basralian: Well, that's coordination with the contractors in order to be able to do this without affecting the city streets. But we certainly can't, as I said, store on city streets. It has to be inside. Now, in many instances, the City of Hackensack, as everyone on this board knows, they close off streets for these things and they have to do it when there's no other means. This is a large lot. You have to be able to store all the construction of the building. So that's where everything will come. It will be on-site.

Mr. Polyniak: Have you talked to all the utility companies or you're in the process of doing so?

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Mr. Keller: We're in the process. We started with Public Service because the electric service obviously is really the most critical service for this building. We still, you know, deciding whether we will even need gas or how much gas. Most of this building will be, you know, served by electricity, you know. And then we have water, sewer, you know, so on.

Mr. Polyniak: So you're going to contact all these utility companies they'll reach out to you, you'll conduct the sewer study as it relates to storm and sanitary, because in some areas it is combined.

Mr. Keller: Well, we were going to study the sewer system and to the extent that that incorporates the storm sewer but, you know, our sanitary is going out to Prospect. So we're not going to study anything on Summit Avenue 'cause --

Mr. Polyniak: Understood. Understood.

Mr. Keller: I just want everybody to be clear.

Mr. Polyniak: Now, when you do that, and if it's determined that capacity is not available and you need to construct improvements off site, you understand it's your sole responsibility to address that?

Mr. Basralian: To the extent it's necessary for our project, it's our cost to provide the utilities to service this building without affecting any other structure.

Mr. Polyniak: So you understand if there is any upgrade throughout the city, you understand --

Mr. Basralian: That's a broad term, throughout the city.

Mr. Polyniak: Well, due to your -- created and caused by your project.

Mr. Basralian: Okay. With that caveat, yes. By the way, this is not a -- this is not a combined system in this part of the city.

Mr. Polyniak: As it heads further towards the east, it does.

Mr. Basralian: Right, but it's -- but the stormwater goes out to Summit Avenue, it's not a combined system.

Mr. Polyniak: Correct, correct.

Mr. Basralian: As everyone in the city knows, there's a big combined system that started 110 years ago and the city is working on separating it.

Chairman Giarrusso: Yes.

Mr. Basralian: This part of the city is not affected with combined systems. And what's being proposed doesn't affect anything going east in terms

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of a combined system.

Mr. Polyniak: Well, your sanitary sewer system actually ties into a combined system as it heads east.

Mr. Basralian: Yeah, but that -- by the time this building gets to that point, if it's approved, the city will have resolved, at least out in this part of the city because they're working on it now.

Mr. Polyniak: If they do.
If they do.

Mr. Basralian: Well, as you know from the medical center, we did provide for a whole new system of stormwater separated from sewer so that system -- that did not affect anything, so that was part of the approval, as you are fully aware.

Mr. Polyniak: On lighting, Mr. Keller, there appeared to be some spillage onto Summit.

Mr. Keller: Yeah, we'll take care of that.

Mr. Polyniak: Okay. And as it relates to the off-site sewer study, you will do it in fairly short order. Because what we don't want to do is have you do it during the summer when potentially it's a dry weather condition or a drought and then we want to make sure that it's formed correctly.

Mr. Keller: We'll get it lined up as soon as we can. You know, that's always an issue of having a rain event, though.

Mr. Polyniak: Yes.

Mr. Keller: If we had it in for the past couple of weeks, we wouldn't have had much of anything either.

Mr. Polyniak: Yeah.

And that's why we're asking for a month, because we want to make sure we capture at least a storm or two.

Mr. Keller: Understood.

Mr. Polyniak: That concludes our comments for now. Some may come up later.

Chairman Giarrusso: Thank you very much,

Mr. Polyniak. There's a lot there to be digested and worked on. You have your homework cut out for you.

Mr. Keller: Yes, sir.

Chairman Giarrusso: Now, you mentioned you have two more items to discuss.

Mr. Keller: Two things on the environmental commission report. Now, and like Mr. Basralian, we got this tonight. So one thing I want to clarify with building coverage, it says it's 57.3 percent of the lot. That's not correct. It is 57 percent building coverage on Lot 14. If you look at the overall lot, bear with me, it is 24.2 percent

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building coverage on the overall development area. So we broke it up because this is one of those quirky cases where we have two different zones. When you look at building coverage, you look at the development. So when you do that, we're at 24.2 percent. And the other thing is, and I've already kind of talked about this, is impervious coverage. The impervious coverage we have in our zoning table is based on the city's definition that even though the parking garage is underground and is not visible from the surface, it counts as impervious coverage from a zoning perspective. But from a stormwater perspective, we are at a much lower percentage -- I am trying to find -- the impervious coverage from a stormwater perspective is only 32.2 percent. And that's impervious surfaces on the ground surface. So, you know, your zoning code has a different definition of it, so I just wanted to put that into context. It's not like we took a 1.1-acre lot and paved 87 percent of it. That's not the case. We have a lot of green space on this development, so... And that's all that I'm -- I don't know that there's really much more in here, other than what we've talked about with stormwater, we are, again, reducing the rate of runoff from this site over what's there today.

Chairman Giarrusso: We thank you for your clarifications.

Mr. Polyniak?

Mr. Polyniak: Yes, just one question through the Chair. As it relates to your zoning table, when you do make your resubmission, say, for next time you appear, you'll update it accordingly?

Mr. Keller: Yes, yeah.

Mr. Polyniak: Okay, thank you.

Mr. Basralian: For the record, we reserve the right to address the environmental report.

Mr. Diktas: Absolutely. Not a problem.

Mr. Basralian: Okay. This is -- we didn't have much time to digest it all and respond, so we reserve that right.

Mr. Diktas: No issue, Mr. Basralian.

Chairman Giarrusso: Any Commissioners have dialogue for Mr. Keller based on his testimony this evening?

Mr. Sarni: I do.

I'll make it quick. As to what our board professional said here about storage on-site, I see that you have two locations, front and back, to the rear of Prospect -- the front of Prospect and to the

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rear of Prospect, we're going to keep top soil; correct? Do you know -- I don't know because I can't see, how tall your fences are going to be on that site plan. You drew the site plan.

Mr. Keller: Yes. But --

Mr. Sarni: Is it listed on there, how tall the fences will be to both sides of the street. That's north.

Mr. Keller: Six-foot-high fence.

Mr. Sarni: Okay.

Mr. Keller: Thank you for zooming in.

So, I mean, the -- honestly, the topsoil stockpiles will probably be after the garage is built, 'cause to build the garage --

Mr. Sarni: Yeah.

Mr. Keller: We're going to need the entire lot. So --

Mr. Sarni: The whole thing.

Mr. Keller: Yeah. So the topsoil is most likely going to be removed and then -- but the soil conservation district makes us show where we're going to stockpile topsoil --

Mr. Sarni: So --

Mr. Keller: -- so more likely it's going to be brought in as we need it, and we're not -- like, if you go look at a construction site in a suburban area, you see this big mound of dirt. We're not going to have that. We don't have -- you know, it's going to be a dance of materials in and out.

Mr. Sarni: And I'll save the question for the -- I know you mentioned about gas for the building. I didn't know if you had any comment about whether they're going to be used for the units or just for the water. And if not, I'll direct it towards the architect.

Mr. Keller: I'll defer to the architect. And it's something -- it's an evolving discussion.

Mr. Sarni: I understand that.

Mr. Keller: So...

Mr. Sarni: That's all. Greg answered the rest.

Chairman Giarrusso: Anyone else? (No response.) okay. I'll make a motion to open to the public for questions for Mr. Keller's testimony based on the words this evening and questions only.

Do I have a second?

Vice Chairman Jones: I'll second. (Whereupon, all present members respond in the affirmative.)

Chairman Giarrusso: We are open to the public for questions to Mr. Keller.

Mr. Diktas: Would anyone like to come forward,

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please come forward, give us your name, spell your last name, and your address.

Edward Schultz, 377 Prospect Avenue, sworn/affirmed.

Mr. Diktas: Please proceed. Just one minute, just so the record is clear, your questions are questions to Mr. Keller as to what he discussed this evening.

Mr. Schultz: Yes, that is correct.

Mr. Diktas: No comments.

Mr. Schultz: Right.

Mr. Diktas: Comments are at the end of the proceedings. Thank you, I'm sorry to interrupt you.

Mr. Schultz: Okay. You had mentioned 100-year rainstorm, are you aware in the last 12 years we've had three 100-year rainstorms with major flooding in that area.

Mr. Keller: The 100-year storm is a terminology. What I -- and I really didn't testify to that tonight, so -- but it -- quickly, it's -- a 100-year storm is a storm of magnitude that has a one percent chance of occurring at any given time.

Mr. Schultz: Yes, well, we've had three of them in the last decade. Thank you.

Mr. Diktas: Would anyone else like to come forward, please give us your name, spell your last name and your address, and you will be sworn in. Welcome, sir. Your name, please.

Bob Feinberg, 280 Prospect Avenue, sworn/affirmed.

Mr. Feinberg: Would you define impervious protection [sic] or --

Mr. Keller: Impervious coverage.

Mr. Feinberg: Impervious coverage.

Mr. Keller: Impervious coverage is a manmade material on the surface of the ground. It's a manmade surface on the surface of the ground.

Mr. Feinberg: What does it do?

Mr. Keller: We call it impervious coverage because water does not soak through it for the most part, it runs off of it.

Mr. Feinberg: My next question is can you explain to me what does a cistern do.

Mr. Keller: A cistern is an underground storage tank that will hold some portion of water for the irrigation system.

It has additional storage which will be used like an underground detention system.

Mr. Feinberg: Now, how is the size of this cistern calculated.

Mr. Keller: Based on the stormwater calculations.

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Mr. Feinberg: So, in other words, you think there's a storm that cannot occur that would overcome this cistern.

Mr. Keller: It is designed in accordance with the applicable regulations.

Mr. Feinberg: So a storm then that would occur would not overcome this cistern.

Mr. Keller: We have designed it in accordance with the applicable regulations.

Mr. Feinberg: Were the regulations -- are the regulations designed so that a storm that could occur would not overcome the cistern.

Mr. Keller: Within the regulations, yes.

Mr. Feinberg: Within the regulations.

Mr. Keller: Correct.

Mr. Feinberg: Where would the toxic waste from the building go.

Mr. Keller: A, I didn't testify to that; and B, there is no toxic waste.

Mr. Feinberg: Okay. All right. Those are my questions, it's -- you answered them. Thank you.

Mr. Diktas: Thank you.

Come on down, sir. Welcome. First name, spell your last name and your address, please.

Chester Brown, 309 Summit Avenue, sworn/affirmed.

Mr. Diktas: Mr. Brown, please present your questions to Mr. Keller. Thank you.

Mr. Brown: Mr. Keller, good evening.

Mr. Keller: Good evening.

Mr. Brown: In regards to the park, are there any other privately managed public parks where, you know, the use and purpose and answers about what -- how this one would be used or the need for it are directly derived from?

Mr. Keller: I don't know if there are. I'm sure there are, but I'm not aware of them.

Mr. Brown: Okay. No, just -- I mean, I live directly across the street from the site and I don't see or know anybody that lives in any close proximity that would use it, and, you know, even just walking on the street, in COVID, different things, people that would use the street for exercise, public use, have driven and parked and used the area, so I just thought, you know, perception of how and why this would be used. I don't know if those answers were derived from someplace else that has a facility.

Mr. Diktas: Mr. Basralian, can you answer that question for Mr. Brown.

Mr. Basralian: Well, I can answer part of the question.

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Mr. Diktas: Please.
speak up, though.

Mr. Basralian: Yes. There is a park in the corner of Essex Street and Main Street which was constructed by Sanzari organization, is maintained in perpetuity by the Sanzari organization, just as this one would be.

Mr. Diktas: But not by Mr. Sanzari?

Mr. Basralian: No, I don't think he wants to do that.

Mr. Diktas: Thank you. Just so we're clear.

Mr. Basralian: Obviously Mr. Sanzari is maintaining the park that he built and paid for. And yes, and so --

Mr. Diktas: Your client will --

Mr. Basralian: In this case our client will do the same thing, that's correct.

Mr. Diktas: Mr. Brown, did that answer your question?

Mr. Brown: Yes, sir. Thank you.

Mr. Diktas: Thank you, sir. Anyone else that can come and speak, speak and ask questions of Mr. Keller? (No response.) None appearing, Mr. Chairman, please close the meeting.

Chairman Giarrusso: Okay. I'll make a motion to close to the public.

Mr. Sarni: Second.

Chairman Giarrusso: All in favor? (Whereupon, all present members respond in the affirmative.)

Chairman Giarrusso: Closed to the public.

Mr. Diktas: Mr. Chairman, due to the time constraints, we have the 215 Eileen Terrace, I did speak to Mr. Basralian earlier and this evening. He's wrapping up for tonight. He'll be back next month in June. I need a transcript, please, and a waiver of time.

Mr. Basralian: Yes. We always order a transcript which you had from last hearing.

Mr. Diktas: Yes, we did.

Mr. Basralian: Would you just announce the date so the public --

Mr. Diktas: Yes, I am doing so right now.

Mr. Basralian: Thank you.

Mr. Diktas: Just for the record, the 329 Prospect Avenue, this application will be reconvened at 7 p.m. on June 15th, Thursday evening at 7 p.m. You will not receive any further notice, you will not get anything in the mail. There will be nothing posted other than on the bulletin board and, Bridget, on the website?

**CITY OF HACKENSACK
ZONING BOARD OF ADJUSTMENT**

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MINUTES

DATE: May 18, 2023

Ms. McLaughlin yes.

Mr. Diktas: So it will be on the city's website and on the bulletin board. So it will be 7 p.m., next month, for the continuation of this application. And Mr. Basralian, beyond -- I don't know if he'll be first, second or third, but he will be on that evening to reconvene and present other witnesses.

Mr. Basralian: Mr. Chairman, thank you for the time this evening.

Chairman Giarrusso: Thank you, Mr. Basralian.

6. **Old Business: None.**

7. **New Business: None.**

8. **Public Portion:** No one wishing to comment.

9. **Adjournment:**

MOTION TO ADJOURN OFFERED BY CHAIRMAN GIARUSSO.
SECOND BY MR. CHEATHAM. ALL PRESENT BOARD
MEMBERS RESPOND IN THE AFFIRMATIVE. MEETING IS
ADJOURNED AT 9:57 P.M.