

PLANNING BOARD

MINUTES

DATE: June 14, 2023

1. **Roll Call**

This is the Regular Meeting of Wednesday, June 14, 2023. Chairman Garip called the meeting to order at 7:02 p.m.

Roll call was taken and the following members were present: Mr. Dib, Mr. Allegretta, Mayor Labrosse, Deputy Mayor Canestrino, Mr. Martucci, Ms. Solomon, and Chairman Garip.

ABSENT: Mr. Contini, Vice Chairman Chiusolo, and Mr. Iyamu

LATE ARRIVAL: None

EARLY DEPARTURE: None

ALSO PRESENT: Joseph L. Mecca, Jr., Esq.; Gregory J. Polyniak, P.E., P.P., Neglia Engineering; Bridget McLaughlin, Zoning Officer; and Kim O. Furbacher, Certified Court Reporter.

2. **Payment of Bills**

MOTION BY DEPUTY MAYOR CANESTRINO TO APPROVE BILLS SUBMITTED. SECOND BY MR. DIB. MOTION IS PASSED BY AN AFFIRMATIVE VOTE OF MR. DIB, MR. ALLEGRETTA, MR. MARTUCCI, MAYOR LABROSSE, DEPUTY MAYOR CANESTRINO, MS. SOLOMON, AND CHAIRMAN GARIP.

3. **Approval of Minutes of May 2023**

(Not voted on.)

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4. MEMORIALIZATIONS:

a. Applicant: 53-57 Essex Street Laundry, LLC
53-57 Essex Street, Block 75.01, Lot 19.01

The Applicant proposes to renovate the existing building and incorporate a laundromat in the vacant building space. The proposed laundromat will consist of twenty-nine (29) total washing and drying machines, folding tables, a reception desk, and a waiting area with four (4) chairs. The Applicant also proposes new brick veneer, glass doors, and windows. Additionally, the Applicant proposes to repave and restripe the existing parking lot to include twenty-nine (29) parking spaces, including two (2) ADA compliant parking spaces and two (2) electric vehicle parking spaces. Additionally, the Applicant proposes reconstructing sidewalk, landscaping improvements, and lighting improvements throughout the surface parking area. An aerial image is included on the next page for site orientation purposes.

MOTION TO MEMORIALIZE MADE BY MR. ALLEGRETTO.
SECOND BY MAYOR LABROSSE. MEMORIALIZATION IS
PASSED BY AN AFFIRMATIVE VOTE OF MR. DIB, MR.
ALLEGRETTO, MAYOR LABROSSE, DEPUTY MAYOR
CANESTRINO, MS. SOLOMON, AND CHAIRMAN GARIP.

b. Request for extension of board approvals:
378-380 Summit Avenue/Medical office -
Jeff Mason, Esq.

MOTION TO MEMORIALIZE MADE BY MS. SOLOMON.
SECOND BY MR. ALLEGRETTO. MEMORIALIZATION IS
PASSED BY AN AFFIRMATIVE VOTE OF MR. DIB, MR.
ALLEGRETTO, MAYOR LABROSSE, DEPUTY MAYOR
CANESTRINO, MR. MARTUCCI, MS. SOLOMON, AND
CHAIRMAN GARIP.

5. APPLICATIONS: NONE

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6. **New Business:**

a. Presentation: DMR Architects/Planners: Preliminary Investigation - Area in Need of Redevelopment: Block 405, Lots 3 and 14, and Block 406, Lot 1.03, a.k.a. the Sears, Aldi, and Safelite Sites.

F R A N C I S A. R E I N E R, L L A, P. P., c/o DMR Architects, 777 Terrace Avenue, Hasbrouck Heights, New Jersey 07604, having been duly sworn/affirmed, testifies as follows:

Mr. Reiner testified: Mr. Chairman, members of the board, thank you for having me here this evening. Tonight I'm here to present to you an investigation study that we conducted on Block 405, Lots 3 and 14, as well as Block 406, Lot 1.03, commonly referred to as the former Sears site, the Aldi site, and the former Sears Automotive building.

The Mayor and Council adopted a Resolution #144-223 on March 28, 2023, and asked DMR to conduct the investigation study. As a part of that study, we did a number of things. We had a number of site visits, including walking in and through the buildings, as well as around the property. We did a zoning analysis and a master plan analysis to make sure that the investigation study was consistent with the city's master plan and then we did a photo inventory.

As I've indicated in previous investigation studies, the planning board determines whether or not the properties meet a statutory criteria as an area in need of redevelopment, in this case it's without condemnation, and you provide a recommendation back to the Mayor and Council, and the Mayor and Council will then determine and adopt if they so choose to. So just as background, if you are to recommend that the properties be designated, there would be no change to zoning; the existing uses would be permitted. In this case, the Aldi is a working supermarket, the Sears is a vacant building, and the former Sears Automotive is intended to be and is under construction for a Safelite.

What the investigation study does do, it identifies issues that should be addressed and it gives the city greater development control. We looked at the eight criteria, and based on review of all of the properties, we identified criteria B as

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being the criteria in which we could recommend the designation of the former Sears building, prelude to what we're going to recommend. We're only recommending that the Sears building and the Sears property be designated, we're not recommending that the Aldi parking lot or the Aldi building and the to be Safelite building, we're not recommending that those meet the criteria.

In this particular instance, the property has been vacant for over two years and we confirmed that with Building Department and also confirmed it with a number of articles that were written. The building was vacated in September of 2020. Newspaper articles have it as September 13, 2020, which is in excess of two years.

We walked the site around and in the building and provided photo inventory in the report. Along the parking lot we determined that there was a number of eroded sections of asphalt, deteriorated around storm drains and deterioration at egress points both to Main Street and River Street.

Here's some of the photos of the actual exterior portions of the building. You can see that there's been cracking along a number of the brick facades and a number of those have been repaired with epoxy, but they are on all facades of the building. As indicated in the report, the separation of brick coursing, there's broken windows, and there's cracks and gapping filled with silicone, as well as graffiti on the building. Again vacant for over a period of two years.

Interior of the building is in fair condition. Obviously there's nothing in it. There's no occupants in there. It is heated and has electricity and light in it, but it is not currently being utilized. So here are some of the images of the interior spaces of the building.

The other two properties that we looked at, both on this sheet, are Block 405, Lot 14, which is the parking lot just to the south of Aldi. This was part of the Aldi's application that occurred multiple years ago in front of this board and the actual Aldi building. In that image the Aldi's building, the roof is white in that building.

That happens to be on the same block and lot as what was the former Sears Automotive, which is the gray roof building and there's parking in front of that facing River Street.

Those properties in our opinion do not meet statutory criteria as an area in need of

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redevelopment. They are occupied. One of them had a site plan application here, the Aldi is functioning well. The parking lot to the south of the Aldi's is in good condition. Again, part of the site plan application, so it's our opinion that neither one of these properties meet the criteria.

The automotive is under construction right now, so as we walk by it, there is actual physical construction going on. It's my understanding that there's building permits that have been pulled for that, so that again in our opinion would not meet statutory criteria because it's already being renovated.

So in our opinion of the three properties, we believe that Block 405, Lot 3 meets the criteria and specifically criteria B.

And that we would recommend that this board designate that property and we recommend that Block 405, Lot 14, and Block 406, Lot 1.03 not be considered for designation.

And with that I'd be happy to answer any questions.

The hearing was opened for public comment, and Andrew Kohut, Esq., of Wells, Jaworski & Liebman questioned Mr. Reiner and commented on the proposal.

No one else wished to comment, and the hearing was closed for public comment.

BOARD DELIBERATION AND VOTE

Chairman Garip stated: The vote now is whether to take this preliminary investigation as an area in need of redevelopment and forward it to the Mayor and Council for consideration.

Mr. Mecca stated: Yes, for recommendation as to a finding.

MOTION TO FORWARD TO MAYOR AND COUNCIL FOR RECOMMENDATION:

MOTION BY: J. Labrosse

SECOND BY: J. Martucci

ROLL CALL: A. Dib - aye

M. Allegretta - abstain

J. Labrosse - aye

K. Canestrino - aye

J. Martucci - aye

K. Solomon - aye

F. Garip - aye

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b. Presentation: DMR Architects/Planners:
Proposed amendment to the Downtown Rehabilitation
Plan.

F R A N C I S A. R E I N E R, L L A, P. P., c/o
DMR Architects, 777 Terrace Avenue, Hasbrouck
Heights, New Jersey 07604, having been previously
sworn/affirmed, testifies as follows:

Chairman Garip stated: The next presentation DMR
is going to make for us is simply an amendment to the
downtown rehabilitation plan. Mr. Reiner is here
representing the city.

Mr. Reiner.

Mr. Reiner stated: Thank you.

So we're here to present a minor amendment to the
downtown redevelopment plan as per an area in need of
rehabilitation.

What we did was looked at the proposed amendment
to determine and make sure that it's consistent with
the state's master plan, consistent with the Bergen
County master plan, and consistent with the city's
other master plans, and we did so and believe that
what we're proposing is consistent.

It is a minor change to a conditional use, which
is Section 2.2 under "Conditional Uses," and I've
just highlighted the actual language in here that
this is the new language. So under "Conditional
Uses," under "General and Neighborhood Retail," we've
added language and the language would now state
"shall not include" -- this is General and
Neighborhood Retail -- "shall not include more than
ten percent of the floor area space for the sale of
tobacco products, hookahs, electronic vapor devices,
electronic inhalation products or drug paraphernalia
to purchasers for consumption or use."

So what we're trying to do here is to not allow a
general neighborhood retail store to open up and have
50, 60, 70 percent of its floor area space be used
for sale of tobacco type products and/or vape type
products. So as part of this amendment, we are
requiring a maximum of ten percent of the floor
space, so that a store that opens has to have
90 percent of sale of other product and only ten
percent of its floor area can be for those uses.

Chairman Garip asked: So they can still sell it?

Mr. Reiner responded: They can still sell it,
what they cannot do is open up what they call a

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neighborhood retail and really be a hookah shop or a tobacco shop, and that's really all of the changes.

The hearing was opened for public comment. No one wished to comment.

The hearing was closed to public comment.

BOARD DELIBERATION AND VOTE

Mr. Mecca stated: It's a recommendation to the Mayor and Council for the amendment to the downtown rehabilitation plan.

MOTION TO FORWARD TO MAYOR AND COUNCIL FOR THE AMENDMENT TO THE DOWNTOWN REHABILITATION PLAN:

MOTION BY: J. Martucci
SECOND BY: A. Dib
ROLL CALL: A. Dib - aye
M. Allegretta - aye
J. Labrosse - aye
K. Canestrino - aye
J. Martucci - aye
K. Solomon - aye
F. Garip - aye

c. Request for extension of board approvals:
137-141 Essex Street, Dennis Liloia, Esq.
SP#19-21 V#19-21 Meridian Hackensack 151 Urban,
LLC f/k/a Meridia at the Station, Urban Renewal
Hackensack, LLC

BOARD DELIBERATION AND VOTE

MOTION TO GRANT A ONE YEAR EXTENSION:

MOTION BY: A. Dib
SECOND BY: M. Allegretta
ROLL CALL: A. Dib - aye
M. Allegretta - aye
J. Labrosse - aye
K. Canestrino - aye
J. Martucci - aye
K. Solomon - aye
F. Garip - aye

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d. Request for extension of board approvals:
19 Mercer Street, Jason Tuvel, Esq.
SP#23-19 V#23-19 Mercer Lofts, LLC, Block 303
Lot 14.

Mr. Tuvel stated: Good evening, Mr. Chairman, members of the board, Jason Tuvel, attorney for the applicant.

This was a redevelopment that was approved by the board, actually when I was looking at the resolution, literally right before COVID started. It was approved in December of 2019; the resolution was adopted in 2020. The applicant, based on the COVID situation, took sometime with costs and other issues that came into effect, but I'm happy to report that the applicant has submitted for building permits.

The applicant has worked out a financial agreement. I just was corresponding with Mr. Nelson today, Brian Nelson. It will be on the Mayor and Council's agenda in July. So the applicant is ready to move forward, but technically based on the fact that the expiration would have been January of 2022, we're seeking really two extensions, one, the initial one which would have been 2022-2023, and the second one which would be 2023-2024. But as I indicated, building permits have been submitted, so it's not as if the applicant is not moving forward with all of its permits and approvals.

Chairman Garip stated: Dopey question, why didn't you come in January?

Mr. Tuvel responded: There was a change in ownership of the parcel. So the initial developer transferred the urban renewal entity, so there were some issues that had to be fleshed out that way. I've been keeping Mr. Dib up-to-speed as well.

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

Mr. Polyniak stated: Through the Chair, we've also held meetings with the city Land Use Department as the applicant attempts to move through resolution compliance, and they've done so and they've been moving forward with Bridget's office to secure building permits for it.

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BOARD DELIBERATION AND VOTE

Mr. Martucci stated: Six months from now but it's retroactive 18 months.

Deputy Mayor Canestrino stated: It two years.

Mr. Mecca stated: It's two years from January.

Mr. Martucci asked: Is that normal we do it retroactive?

Mr. Tuvel responded: The statute permits that.

Mr. Mecca stated: They do permit them to come in and say we are asking for an extension retroactively, yes, they do.

Chairman Garip stated: Okay. It seems to defeat the purpose of an extension to do them retroactively.

I guess you'd rather say I'm sorry than ask permission.

Mr. Martucci asked: Are the taxes current?

Mr. Tuvel responded: I believe so, yes.

Chairman Garip stated: All right. Anyone, discussion on this?

Mr. Dib stated: I would just say through the Chair that I'm happy to see this adaptive reuse infill project happen. It's a challenging project. We had high hopes that it would get done. There was a period of time when we didn't think it was going to get done. So I'm happy to make the offer to extend it and I hope that this moves forward as planned.

Chairman Garip stated: The offer is on the table, do I hear a motion?

Mr. Allegretta stated: I'll second it.

MOTION TO GRANT A TWO YEAR RETROACTIVE

EXTENSION:

MOTION BY: A. Dib

SECOND BY: M. Allegretta

ROLL CALL: A. Dib - aye
M. Allegretta - aye
J. Labrosse - aye
K. Canestrino - aye
J. Martucci - aye
K. Solomon - aye
F. Garip - aye

7. Old Business: None

8. Public Comment: No one wishing to comment.

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9. **Adjournment**

MOTION TO ADJOURN MADE BY MR. DIB. SECOND BY MR. ALLEGRETTA. MOTION IS PASSED BY A UNANIMOUS VOTE. PLANNING BOARD MEETING IS ADJOURNED AT 7:26 PM.