

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

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**DATE: July 20, 2023**

**1. Roll Call**

This is the Regular Meeting of Thursday, July 20, 2023. Chairman Giarrusso called the meeting to order at 7:08 p.m. Roll call was taken and the following members were present: Ms. Harrigan, Mr. Puleio, Mr. Sarni, Mr. Pemberton, Mr. Cheatham, and Chairman Giarrusso.  
**ABSENT:** Mr. Prifti and Vice Chairman Jones  
**LATE ARRIVAL:** None  
**EARLY DEPARTURE:** None  
**ALSO PRESENT:** Christos J. Diktas, Esq.; Gregory J. Polyniak, P.E., P.P., Neglia Engineering; and Kim O. Furbacher, Certified Court Reporter.

**2. Payment of Bills**

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

**3. Approval of Minutes of June 2023**

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

**4. MEMORIALIZATIONS: NONE**

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5. APPLICATIONS:

a. SP#5-22 V#5-22

Site Plan Application

Applicant: G.P. Development, LLC CARRIED TO  
7/20/2023

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.

MOTION MADE BY CHAIRMAN GIARRUSSO, SECOND BY MR. SARNI TO DISMISS THE APPLICATION WITHOUT PREJUDICE. MOTION IS PASSED BY AN AFFIRMATIVE VOTE OF MS. HARRIGAN, MR. PULEIO, MR. SARNI, MR. PEMBERTON, MR. CHEATHAM, AND CHAIRMAN GIARRUSSO.

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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.

A P P E A R A N C E S

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E X H I B I T S

None marked

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

Mr. D'Arminio and Mr. Inglima entered their appearance.

Mr. Diktas stated: Mr. D'Arminio, as noticed by our agenda and as per our conversations, this is limited to legal discussion and presentation only. They'll be no vote tonight, they'll be no proofs tonight, but you're welcome to put any position you'd like on the record for discussion and maybe some kind of action. I don't know what you're going to ask for, but we'll go from there, but not an approval.

Mr. D'Arminio responded: We've had some discussions with regard to this, Mr. Diktas. There was a concern with regard to the vacation of Caruso Street. We've spoken to the city attorney, and it appears that there has been a proper filing, but, nevertheless, we think it would be beneficial to carry the matter for a couple of months to get the proper paperwork in order from the city's perspective.

So all the evidence points to a proper filing but the city wants to take some additional action to confirm that, and we hoped that the board would agree with, to just give us a couple of months.

Mr. Diktas, is that accurate?

Mr. Diktas responded: Once the city amends its record, then we would deem it a proper filing subject to the city amending the record. So then you would have jurisdiction -- no, we would have jurisdiction, excuse me.

Mr. D'Arminio stated: Because our position is you always had jurisdiction, but, nevertheless, we're going to do it as indicated, to cross every T, dot every I, and that would be the wiser way to do it. We would just make the request --

Mr. Diktas stated: Before you do that, part two.

Mr. Inglima, since you're the one who raised this issue, do you have anything to add to the record? As long as you're here, you're welcome to speak.

Mr. Inglima responded: No, I don't have anything to add. I think the procedure that Mr. D'Arminio is outlining is acceptable.

Mr. D'Arminio stated: The other request is that should the board approve the matter, we would have a

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certain amount of time to clarify the NJDOT issues. We are trying to still do that. We've continued to contact them. We're trying to get that squared away during this interim period. We would just hope these two months would count to that period of time.

Chairman Giarrusso stated: Okay. We are going to approve that. It's in everybody's best interest about the vacated property, and we'll meet you with that DOT request you have, once we get to that point in September.

Mr. D'Arminio stated: Okay. Thank you, members of the board. Thank you, Mr. Chairman.

Mr. Diktas asked: Can I clarify just for the record?

Chairman Giarrusso agreed.

Mr. Diktas stated: Right now, just so the record is clear and the audience is clear and the public is clear, that this is not granting your client an approval.

Mr. D'Arminio stated: No, no.

Mr. Diktas stated: All it is is that if your client is approved, the approval would be a conditional site plan approval subject to DOT notice, and, Greg, we said once a month at least?

Mr. Polyniak responded: Correct, and I was going to add that to the record is that copies of your correspondence with the DOT should be provided to our office and the board.

Mr. D'Arminio stated: Okay. Yes.

Mr. Diktas stated: For a six-month period.

So as the Chairman indicated, we need a motion tonight to approve this modification or this permission, I should say, and they'll be a roll call. If it's successful, you'll be okay, but then instead of having six months from the time of your vote, and if you're successful, six months will run from there, your six months runs from July 20th.

Mr. D'Arminio stated: That would be great.

Thank you very much, and I think you had said it would be preliminary approval anyway.

Mr. Diktas responded: Yes. Correct.

Mr. D'Arminio stated: So that protects the board as well.

Mr. Diktas stated: Mr. Chairman, we would need a motion, a second, and an affirmative vote that, No. 1, there is no vote of approval tonight at all. All you are voting for is that if this board grants the Elleen Terrace applicant and approval, we already said that there's an issue with the DOT. They have six months to qualify and quantify and finalize that

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issue. If they do not, they have to come back to us, unless the DOT ignores us and our engineer/planner feels comfortable that the applicant will never be reached by the DOT for whatever reasons.

So they'll be a motion to commence the six-month time period for this applicant, Elleen Terrace, Maisano Properties LLC, to monthly address and contact the DOT in writing formally with copies to Greg Polyniak and Bridget and myself. We'll call you back in September.

Mr. D'Arminio stated: I hope to carry it to September. I think I've given an extension.

BOARD DELIBERATION AND VOTE

Mr. Diktas responded: You did. Let me take a vote first.

Chairman Giarrusso asked: When is this date going to commence?

Mr. Diktas responded: Tonight. So the six months from tonight, July 20th, so I'll need a motion.

Chairman Giarrusso stated: You said it so eloquently, Mr. Diktas, let's see if I can repeat it, I doubt it, but I'll try somewhat. I'll give the sum and substance of that.

So, No. 1, I'm going to make a motion to have no vote of approval this evening for Maisano property.

And, No. 2, we're going to request that they have a six-month window to get DOT notice and approval, commencing July 20th, 2023, for six months. Hopefully they can get that permission to proceed with their project.

I'd like a second.

Mr. Diktas stated: And the Chairman's no vote of approval, it's not a negative of their application, all it is that the applicant realizes that there will be no vote of approval or denial this evening.

Mr. D'Arminio stated: And also the DOT, I think everyone's indicated, DOT, we don't need their approval but we need to find out if they have plans for taking, that was the reason.

Mr. Diktas agreed.

Chairman Giarrusso stated: Motion amended and clarified, as mentioned by Mr. Diktas and Mr. D'Arminio.

Mr. Diktas asked: Second?

Mr. Puleio responded: Second.

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MOTION BY: R. Giarrusso  
SECOND BY: S. Puleio  
ROLL CALL: J. Harrigan - Aye  
S. Puleio - Aye  
R. Sarni - Aye  
D. Pemberton - Aye  
M. Cheatham - Aye  
R. Giarrusso - Aye

**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**

None marked.

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P U B L I C     H E A R I N G

Mr. Diktas stated: Just one minute, Mr. Basralian.

Let the record reflect that Mr. Basralian, on behalf of his client, submitted a legal position paper he's going to discuss this evening, and in response, the board's engineer had entered response to me and it's in the record, and that response and my review of Mr. Basralian's position and the legal argument presented was responded to.

Mr. Basralian is welcome here this evening, as he's always welcome before us, to present his legal argument as he deems appropriate this evening. With that preface, welcome, Mr. Basralian.

Mr. Basralian responded: Thank you.

Good evening, Commissioner Chair and members of the board.

I am responding to Mr. Diktas' letter, which I received today at 2:58 p.m. in response to my letter to the board on July 10th. As I went through the letter this afternoon, first and foremost, the applicant has not refused to conduct the 30-day sewer metering study. As a matter of fact, it was made emphatically clear at the May meeting that it was necessary and we said that we would go ahead and do it.

When I was here in June, I advised the board that we already retained Advance Flow, a flow assessment services, which is a company that's done these studies in Hackensack for many of the projects, as well as have our engineer lay out the metering plan. There's more to it than just metering flow, there's a whole set of plans and procedures and protocols that have to be followed.

It was submitted to Suburban, which is the city's consulting engineer. I am told by our engineer, over the last two weeks they've made repeated calls and sent repeated emails to Suburban to find out if they approved the plan.

The reason you do this is because you don't want to use your plan and find out when you conducted the study that Suburban wanted additional information, you have to start again. So as soon as they approve the plan, that will in fact start.

In no way did we refuse to do it. We didn't think it was something that was required in the very beginning. We had scheduled it, but for later on in the proceeding.

Advance Flow has undertaken a number of initial



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comments and studies. I had indicated that in July that -- June, rather, there that there was no way that the study would be ready tonight. Not only is it a 30-day study, it needs the approval of Suburban. And depending on the amount of rain we have, the study would be extended week to week to week in order to have necessary flow.

When we were here, we said we would start the study. As a matter of fact, there are some preliminary numbers that have already come in from the study in terms of the size of the combined sewer pipe, the sewer and stormwater pipe, in Prospect Avenue and Summit Avenue.

As I started to say, in May he indicated that no one knew what the size of the pipes were. And now I can be able to report, which will be substantiated by the appropriate expert when they testify, it turns out there is a 25-inch combined sewer line at Summit Avenue and a 15-inch combined sewer line in Prospect Avenue. One manhole south it goes to an 18-inch diameter combined sewer line, which increases the capacity by about 35 to 40 percent. The flow rate is determined by the grade of the pipe, and as you get to Beech Street and it turns left to go east, that flow rate continues substantially.

As testified to by Mr. Keller in the two times he testified, first at May, April maybe, he said the site flow, the stormwater coming out the site for a 100-year storm would be substantially less than it currently is.

As it turns out, based upon DEP numbers for a 150-unit assisted living residence, the numbers designated for sewer flow in a day is 16,500 gallons. Interestingly, when you combine the reduced flow of the stormwater and you add in the flow for the sewer water, sewer facility, that combined 100-year stormwater and the sewer water is 50 percent less than what is coming off the site today. So subject to the flow charts and the analysis of it, it appears that the pipes in the ground in both Prospect Avenue and Summit Avenue more than meet the capacity needs for this project for stormwater and sewer water. That will come through in the report when it is done.

Over the course of these hearings, we've had three hearings so far, the first two were taken up by the engineering, we weren't able to finish, because of the time constraints of an hour and 20 minutes, and so there were some questions from the public, which we will bring Mr. Keller back for. He will

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also be coming back with respect to the sewer study and he will testify in that regard.

As I said, we were very specific last month that a sewer study would not be available for this hearing because it just takes too much time to do. As I indicated, the preliminary work about the sizing of the pipe has already been completed so we know where that's going but the rest is getting the plan approved by Suburban.

Mr. Diktas, in his letter today, said that our hearing would be carried to the next meeting since he thinks the requested information wasn't provided within 10 days before the hearing.

As I indicated last month, we had no intention of bringing on the sewer study, since it won't be done and be anticipated will be continued with our architect, who testified at the last hearing. He needs all of the hour and 20-minutes we're usually given for our application to finish his direct testimony.

With respect to 10 days before, for example, I think Mr. Polyniak in his letter of July 12th indicated four additional areas of information he wanted. It would be impossible to receive a letter July 12th and get things in 10 days before. However, under the Municipal Land Use Law, if we submit plans that we have changed, we must give them to you 10 days in advance. That's not the same if requested by the board or its engineer to supply changes to plans that you need 10 days, but there's nothing before the board we anticipate getting in and discussing tonight, because I intended to continue with our architect. You have yet to hear from our traffic consultant. Then you have to hear from our landscape architect, as requested by Mr. Diktas last month, because the architect had not done the landscaping plan, although all of the plants and the sizes, etc., and plantings were all on the plans. Likewise, you haven't heard from our planner and you haven't heard from our consulting engineer on the flow study.

It seems to me, and I will be emphatic about, if you wish, but the board doesn't have the unilateral right to say we're not going to hear this application because you don't have this thing or that or the particular flow study. The preliminary, I've indicated, should give some comfort that there is in our opinion at this point, subject to the flow study, completion analysis by Neglia and Suburban and our engineer that there is a sufficient capacity for this particular project.

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I don't think you can say, though, we can't do anything because we don't have that study. There is much to be done yet and many more questions from the architectural, like I said, from the landscape architect, from our traffic study, all reports of which you had and which we intend to present testimony through our consultants at the appropriate time.

Further in his letter, Mr. Diktas said about the environmental commission report, that the environmental commission is an autonomous agency, and we had an exhibit that we had set forth that the city council refused the environmental commission's request to be able to review development applications and submit environmental reports. In fact, the council specifically declined to adopt an ordinance granting authority to the environmental commission to review development applications. Stephen Kleinman, the city attorney, attended an environmental commission meeting and informed the environmental commission that the council would not review the request to review application.

Somehow the environmental commission decided in this case to review the application and submitted a report, I think dated May 14, which I received at the May 16th hearing. I'd like to know and the board should know, should probably want to know, who requested the environmental commission to review the application, to submit a report, and why, since it had never done it for any other application that I'm aware of on any application of this board of adjustment or the planning board in the past. As a result of an OPRA request through May, we found out that the environmental commission met with the Hackensack condo and co-op board, which is an advisory board, before it prepared its May 14th report. I don't know what possible input the condo and co-op advisory board could have given the environmental commission relating to environmental issues that might involve not only this project but all of Prospect Avenue, and I think we should know that.

For that reason and as I set forth in my letter, that report, which was never authorized, but the review of the application and a subsequent report was never authorized nor permitted under the ordinances of the City of Hackensack, and frankly it should be expunged from the record and disregarded on the record stating just that, they had no authority to submit the report.

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Further, New Jersey adopted the International Building Code in September of 2022, with certain amendments. Section 1803.1 of the International Building Code, which is identical to the New Jersey Administrative Code, provides that the building code official is to review geotechnical information, not a board of adjustment or a planning board. Now, we have given you our geotechnical for informational purposes, but the final word on that geotechnical report rests with the Building Department, not the board of adjustment or the planning board, as the case may be. The same applies for all soil borings.

Our firm in the last five years has handled applications for over 2,000 units in the redevelopment district, which is a boom to the City of Hackensack. Not one time on any of the applications that our firm has handled has a 30-day flow report been required as a condition precedent for actual application. It was always a condition to which the application was subject. Needless to say, if the capacity of the sewers could not handle the anticipated or approved application, it wouldn't be built or it would have to find a way to provide the added sewer capacity for that purpose.

We did agree to do that. It's under work, and we don't control how quickly or how much rain will be in the combined line at the time they do the test. And if the engineers determine that you need more time and more rain, the report will take longer to complete.

Likewise, applicants are required, where they're close to additional, adjacent properties for construction to inspect those properties if the property owner gives its permission to do a preconstruction examination and a post-construction examination to see if any damages have occurred.

Likewise, every resolution that I have done so far for applications in my case, any repairs to the streets or curbs, etc., that are damaged by an applicant's construction are required to be repaired by the applicant. It's the same for shoring of buildings, which plans are supposed to go to the construction official, who has the final word whether it's adequate or not, and the engineers have been provided with that information. You can be provided with it, but that's not within the jurisdiction of a board of adjustment.

Likewise, every application we handled, the applicant, post approval, meets with the police

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department which designs a road plan for the construction vehicles, including excavation. It's not the board that sets whether or not it's appropriate or not. And of course in the last five years, there's been a tremendous amount of new construction in Hackensack, as well as construction by the city separating stormwater lines and stormwater and sewer lines, landscaping, curbs.

There have been detours all over the city, whether it's in the business zone, the mixed zone, or the residential zone, and the police are always on hand and required to be there whenever there's construction that affects the street, and they control the traffic and the flow and where vehicles go. Generally the police department wants construction vehicles out of the city in the most expeditious way that it can be done.

I might add to the question of the last report about where we would store materials, etc., during construction or soil during construction. Mr. Keller had testified that all the soil will be taken offsite. Anything that had to come back, once construction is completed for the community, the community parks, would be brought back into the site.

So I don't think in any case that it's appropriate for the city, for the board of adjustment or its attorneys to say, well, we can't have anymore hearings because we don't know all of these things. I'm telling you that I don't think you have the unilateral right to say we're not going to hear it.

The case that Mr. Diktas cited was the case in which a planning board rejected an application for a subdivision because it hadn't received the NJPDES permit. And the court found that it was more appropriate, because the board had acted unreasonably, arbitrarily, and capriciously in making it a condition precedent rather than a condition of the application. And it's the same thing here. Many times we have to get county site plan approval, as we do in this instance.

I handled a rather large application in which Mr. Polyniak is aware where the city required sidewalks and certain shrubs to be between the curb line and sidewalks. The county, which was putting forth a new line of sight controlled cameras for patrolling the city, refused to allow it. We had to come back to the planning board of the City of Hackensack and amend the plan to allow everything to be removed, because the county on a county roadway has precedent as to what's going to happen. We are still waiting

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for the county to give its final report on the application we submitted for the Summit Avenue application. They're looking for a change in the grade. It's in the engineer's hands, and once that's done, we expect to have a report from the County of Bergen.

All of these coming together means this application should go forward. By not being able to present the testimony for our architect tonight, we might have been able to finish up some of the questions from the board and the public, instead we're going to be off for another month, the earliest that could be is August. I think it's appropriate to continue with the application. You will have the report that you want and that's been requested as quickly as it's going to be produced. We have no control over the rain. We have no control over how the report is going to be done. I requires Suburban to give our clients the final approval on the engineering plans, otherwise we might be doing all of that for naught. So that's where we stand. I stand on the application and the reasons why we believe this application should go forward and should not be put off because a report has not been generated yet. It may take 30 days, it may take another 45 days. I don't control that. A lot has to do with when we get approval for the layout plan from Suburban, and then the application will go forward.

As we said earlier, preliminary work has been done to determine the diameter of the pipes, that I've reported that to you. It will be testified to by the appropriate consultant who's a licensed engineer. I'm just reporting what was given to me over the last couple of weeks.

So with that, I would like this matter to continue. I would like to be on the agenda for the next meeting to continue with my architect, and we will address the issues that have been raised by Mr. Polyniak in his report of July 12th as we go through the procedure. Not everything can be done overnight and certainly couldn't have been done before tonight's hearing, but we never intended to bring on any other witnesses except the architect, because that's what we had time for.

So with that, I ask the board to move forward with this application in an appropriate fashion for the reasons I've stated.

By the way, Mr. Chairman, I want to refer to in the last -- here it is, the transcript in the last hearing, it had a quote from you, which said that

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we're going to permit you to go forward this evening. We're talking about next month, we need perhaps to postpone if we don't have these facts and figures before us.

Well, I've given you the facts and figures as best as we can give you now. Hopefully we will have the report within 60 days or less. You can analyze it. Because once it's in, I'll have the ability to present it and we'll move forward in regard to combined water and sewer.

As I indicated, based upon the information we have and Mr. Keller's testimony, the combined sewer from this project and stormwater will be 50 percent less than currently is coming off the property for stormwater only, calculated on the 100-year storm.

So for those reasons I ask the board to continue this matter to the next meeting of the board, and we can proceed with our testimony and bring in the appropriate consultants when we get the flow meter report.

Mr. Diktas asked: May I please?

Are you finished?

Mr. Basralian responded: For now, yes.

Mr. Diktas stated: Thank you, Mr. Basralian.

Just the one issue, Mr. Basralian's discussion and presentment of their position, Greg Polyniak asked for this report in January, and it was reiterated many times through January. And if you had started in January, this would be a moot point. So your position is taken. The record is clear.

Greg, am I correct?

Mr. Polyniak responded: Correct.

And I would want to add some other information as it relates to this matter.

Mr. Basralian stated: You should be sworn first.

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

Mr. Diktas stated: Just for the record, Greg Polyniak is the board's engineer and planner. As the board's engineer and planner, he's been vetted through the RFP process.

Go ahead, Greg.

Mr. Polyniak stated: We also heard some information presented by Mr. Basralian as it related to the geotechnical report and whether it falls under the auspicious of this board or the Building Department, and I agree with Mr. Basralian on some aspects as it relates to it, but addressing

groundwater, dewatering operations, because you heard Mr. Basralian say that their engineer is going to

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present that the sanitary sewer plus the stormwater is going to be less than what exists today.

Mr. Basralian stated: I said subject to the flow test.

Mr. Polyniak stated: Sure, but that doesn't include the dewatering that's going to occur continuously on-site. So I think that needs to be addressed by your geotechnical engineer, which would also be overlaid into the sewer study off-site to ensure that capacity exists in the off-site sewer. So that needs to be gathered with respect to the geotechnical engineer.

Mr. Basralian stated: That would be one of the reasons for Suburban to respond to us.

Mr. Diktas stated: Mr. Basralian, excuse me, you spoke for 40 minutes and no one interrupted you.

Mr. Basralian stated: It wasn't 40 minutes.

Mr. Diktas responded: It felt like it.

Please give Mr. Polyniak the courtesy to finish the presentation, then I will speak, and then you can speak, and Mr. Alampi will wait until next month.

Mr. Polyniak stated: Also as it relates to the geotechnical information, there is a groundwater elevation that's 13 feet below grade. You're going to be building a four-story parking deck below grade which potentially could impact the groundwater table and you do have structures that are in fairly close proximity of that building that you're proposing.

An analysis geotechnically as it relates to the mounding and how the groundwater table will impact the adjoining properties needs to be performed to address the negative criteria. And there are other comments that are outlaid that need to be presented to ensure that the negative criteria with respect to this application is addressed. So we would ask that your geotechnical site engineer review the letter and address those comments accordingly.

Mr. Diktas stated: Again, as to our response to Mr. Basralian's position, it's delineated in our report. Our report is available, for the record. We take exception as to the delay, and it's been asked since January. Because if this was started in January, you would be done by March, April, and this was a moot point, and that's No. 1.

No. 2. No one is stopping you from proceeding, only tonight you can't proceed because this issue had to be addressed and the record has to be clarified as to the delay was not due to this board, the delay was due to the application's decision, for whatever reason whatsoever, not to commence the study when it



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was requested back in January.

Neither here nor there, January is gone, you've met with Suburban. They're working on it. It's understood. Next month or next time the board meets, you'll be welcome, as you're always welcome here, as you've been welcome for 30, 40 years with them.

Again, as to the environmental commission's report, if any document is submitted to this board, we do not have the ability to expunge anything.

First of all, it's not criminal. We don't expunge anything. And in the closing line of my response to you on the issue, it was said that the board would give the appropriate weight to the evidence as presented. And you understand, after trying as many cases as I have, that if the evidence is lacking substance, if the evidence is lacking foundation, if the evidence is lacking presentment or the ability to be presented or questioned, then the viability and the weight of the evidence is limited.

We went through many cases to that effect. So the board will address that for the weight that's accepted as presented, but there is no expungement of any public record. Once a public record has been submitted, it's in the jacket, it will stay in the jacket, and I've done this not as long as you, but

I'm working on 40 years, there's no expungement of anything public.

Our position is noted for the record. You're welcome to come back next month. We're really worried about the negative criteria. Really, we're trying to help you present a bona fide case to the board so they can understand the effect on this density, this tremendous density that you're requesting above and beyond the ordinance.

So your biggest issue right now is the density variance and the 150 units that far exceeds the requirements of the ordinance. These are the issues that Greg Polyniak as our planner and as our engineer has asked to have a clear, concise picture, because we can go through all your testimony and if it's determined that the flow cannot be satisfied, cannot be sustained, cannot be accepted by the city's lines, then you're coming back again. So instead of coming back, we should have been doing this from the beginning. You didn't. That's your choice. You're the quarterback of your team.

However, it had to be put on the record that the record is clear, and you're welcome, you're always welcome, you're welcome here this evening, but my recommendation to the board tonight is that tonight

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is legal argument only. You've made your argument. Both our arguments are on record for the judge, if there is an appeal, and we'll see you next month.

Mr. Basralian stated: Well, let me respond in part.

We know that we have the burden of satisfying the negative criteria. You haven't begun to hear the testimony of our planner with respect to negative criteria. I am certainly not an engineer, and I welcome the fact that the dewatering has to be a subject matter. I will take it up with the engineers, and they will have to consult with Suburban as to how they dispose of that water and whether the capacity is there.

With respect to the environmental report, they have no authority from the city council to review development applications. They requested it and they were denied, and the city refused to adopt an ordinance allowing them to do so. But to allow this to be given any weight whatsoever, any weight whatsoever, because it's in the record, as you said, then they have to come and they have to justify.

First of all, they have to justify why they did what they did, Who requested that they do it. To me, why they would meet with the co-op and condo association to review environmental matters is beyond me, and why they did what they did and who requested it. You can't leave that in the record. You can't give any credence whatsoever to any report that was not authorized to be given, but it's there. Once it's out, you can say disregard it all you want, once the words are out, they're there and they're out that way.

So if we are going to do that, the board should request or use the subpoena power to in fact have them here at the end of this hearing how they justified doing what they did and who instigated and why they did it. And what basis, by the way, was the net opinion. The net opinion was conclusionary without any backup.

My consultants are all required to testify as to the reports. They're supposed to give the background and justification for all their conclusions. This was a conclusionary report on the part of the environmental commission without any basis as to how they reached that conclusion. And you can't let that stand or be considered in any way other than them being here to testify accordingly under oath.

Mr. Diktas stated: The board can determine the weight that they give to that opinion. Whether it's

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accepted as written or they accept as documents submitted, but that's the board's decision. It's in the record, and we do not have the authority to expunge records. It's not a criminal action. We cannot expunge anything. Once it's submitted, once it's docketed, it's in the jacket. And the board will give it the weight that it deserves. It may be they accept it verbatim and you then have your argument that you've made or they may say we don't accept it based on the arguments presented by Mr. Basralian, but it's not coming out of the jacket.

Mr. Basralian stated: If it stays in the jacket, once it's there, it's there, I agree. All I'm saying, it should be disregarded on the record. Last month when our architect was testifying, he went through the renderings for the landscape plan. And you required, properly so perhaps, to have our landscape architect here to testify what was shown on the rendering, was that from day one or was it five years down the pike, and our landscape architect will be here. How possibly can anyone give any weight to an environmental commission report that so-called reviewed a development plan that they weren't authorized to do without standing here testifying how they reached their conclusion? It can't be done. Not without them, and it shouldn't be done anyway because they have no authority to do it. For my purposes, and I will do it at the end of the case as well, that report should be totally disregarded because it has no basis in anything, it's conclusionary, plus unauthorized in terms of review of site plan applications by the environmental commission.

Mr. Diktas stated: And that goes exactly to the weight that the board will give it, one way or the other. The board will make a decision. They'll be a decision. They'll be a discussion as to whether or not they accept it verbatim as gospel or whether or not the issues that you raised are correct and the net opinion is worthless, but it's still in the record and it's not going away.

Mr. Basralian stated: I would go one step further, if they do not testify, that it should be disregarded in its totality with no weight given to it because it's not something that justifies it being in the jacket, since it isn't substantiated by expert testimony, and that's what I'm supposed to do and that's what I will do on every one of the things that we discussed today. From the very beginning when I started this application, I gave an overview,

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everything I said would be justified by sworn testimony with the people who are required to testify about it. You wouldn't go forward and accept our landscape plan unless we brought the landscape architect in, why would we go forward and accept any consideration of an environmental report that wasn't justified and has no basis in fact and hasn't been testified to under oath?

So with that, I'll be back next month. I assume we're going to have a meeting next month.

Mr. Diktas stated: The schedule next month, you waived through September and Bridget will contact your office. Right now our next meeting is, subject to a quorum, give me one minute, please, is August 17th.

I would open it to the public, Mr. Chairman, before we close it, while Mr. Basralian is here. If anyone is here for the 329 Prospect Avenue, that's the SP#34-22, V#34-22 hearing, it will be carried to August 17th. If for any reason there is no quorum due to vacation schedules, because we are short members on the board, then the public notice will be carried through till September 21st. So it will either be heard on the 17th, if there's a meeting on the 17th. If there's no meeting, then it will be on September 21st. No further notice is required, and please don't leave. We want the people to speak in case you want to respond to them.

Mr. Basralian stated: If there's not going to be a quorum, we'd like to know as much in advance as possible, since our architect comes in from a long distance, and I would hate to bring him in and find out there's no quorum.

Mr. Diktas stated: Bridget sends letters out 10 days before, and we have an understanding. Tonight we had members that were coming, and at 3:30 they just said they couldn't make it.

Mr. Basralian stated: I understand it. In the past, the board of adjustment figuratively has not met in August because of vacations, it's the end of vacation schedule and people all trying to do it. I will not be on vacation, but I'll be here if there's a hearing.

Okay. Thank you.

Hearing was opened for public comment.

**A N N E T T E J A N K O W S K I**, 344 Prospect Avenue, Hackensack, New Jersey, having been duly sworn/affirmed.

Ms. Jankowski stated: I would just like to clarify something that I heard, that the condo co-op

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advisory board met with the environmental advisory board on May 14th. Did I hear correctly?

Mr. Diktas stated: That's Mr. Basralian's position.

Mr. Basralian stated: The minutes of the meeting indicated they intended to meet with the environmental commission. My OPRA request said they were meeting with the condo and co-op board to discuss the application.

Ms. Jankowski stated: No, absolutely not. We are not involved in this in any way, shape or form.

Mr. Diktas asked: Who is "we"?

Ms. Jankowski stated: The condo and co-op advisory board, I am the chairperson.

We neither support nor oppose. We are not involved in it at all, and members of our committee had never met with the environmental advisory board. So I just wanted to clarify that for the record, please.

Mr. Diktas stated: Thank you.

Mr. Basralian stated: I might add that the June meeting minutes of the environmental commission weren't available for our last OPRA request. And we'll do another OPRA request, I thought we had, to see what minutes were submitted. I represent they intended to meet then and that's why I asked what input would there be. I thank you for clarification.

So I'll do another OPRA request and find out what occurred and what the minutes say. If they say they didn't meet, then so be it. It still doesn't change my position on the environmental commission reviewing development applications contrary to what they've been directed not to do by the council.

Thank you.

(No one else wished to comment.)

Mr. Diktas stated: This application is carried to either August without notice, notice being certified mailings or in the newspaper, or if there is no quorum, because we may have vacation issues, then on September 21st at 7:00 p.m.

Mr. Diktas stated: Let me clarify. It's August 17th at 7:00 p.m. or September 21st at 7:00 p.m.

There's no further notice. There will be nothing in the mail. There will be nothing other than postings on the bulletin board. I recommend that you call Bridget McLaughlin, the zoning board secretary, the week of August 7, 8 or 9, and she should have a better understanding whether or not they'll be a quorum.

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**d. SP#27-22 V#27-22**

**Applicant: XE Corporation & Dr. Naljian**

**Address: 952 Main Street**

**Block 540 Lot 15**

The Applicant proposes to raze the existing site improvements and construct a four (4) story, fifteen (15) unit multifamily residential building. The proposed first floor will consist of a vestibule and lobby, refuse area, utility, and partially covered parking for twenty-two (22) vehicles, including two (2) handicap-accessible spaces. The proposed second through fourth floors consists of four (4) one-bedroom units and one (1) two-bedroom unit, per floor. Additionally, the Applicant proposed a 570-square foot common deck on the second floor as well as associated landscaping, lighting, curb cuts, a permeable paver sidewalk, and a permeable paver ramp to the entrance.

**A P P E A R A N C E S**

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E X H I B I T S

- A-1 Google Map aerial image
- A-2 Architectural color rendering dated 8/23/2022
- A-3 Architectural elevations of west and north side, dated 8/28/2022
- A-4 Architectural elevations of rear, east and south, dated 8/23/2022
- A-5 Architectural ground floor plan, last revised 2/17/2023
- A-6 Architectural first residential floor plan, dated 8/23/2022

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

Mr. Alampi stated: Good evening, Chairman, board members. Good to see everyone again.

Chairman Giarrusso responded: Yes, same here.

Mr. Alampi stated: So here I am again, still doing this work. I thought I'd be retired, but they keep pulling me back in.

I'm very happy to be here. I love presentations in Hackensack. The board is one of the most professional boards that I encounter. They're very patient.

Chairman Giarrusso stated: Thank you.

Mr. Alampi stated: And it's well appreciated.

I've come to know Dr. Naljian, my client, who is sitting right here with his son. He is a very proud father. His son is an attorney who works here in Hackensack as well and starting his legal career.

Dr. Naljian has owned this property for more than 30 years. He had his medical practice associated here, along with his practice in the city. Then he removed himself from this building and leased it out to other doctors. I believe about two years ago there was a horrific fire and it destroyed this building.

After he resolved issues with the insurance company, they indicated to him, based on their coverage, it's an unsafe structure, so he had to remove it altogether. He demolished it. Today it's a vacant lot, but at one time was occupied by a medical office, and we will present the new

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application in a moment.

I did fail to mention to you on the record that we did send notice to the property owners within 200 feet and published in the newspaper detailing in great detail the variances that are being requested. Out of an abundance of caution, I directed my paralegal to send a notice to all the unit owners in the adjacent property as well.

There's a question of law when you have a vertical development, a mid-rise building, whatever, you send it to the association or management office, not to the individuals on the fourth floor and fifth floor. But here we sent out about 75 or 80 notices.

I filed the proof of publication and the proof of service with your board. We uploaded all these documents, supplemental documents and plans digitally, and we're ready to begin.

Very briefly, this is the R-3B zone, I believe. We are in a zone that allows for multiple dwellings.

It's a permitted use.

So why are we here before the zoning board instead of the planning board?

It's because of the ratio of density of the number of units to the size of the property. It's not for the height, it's not for the use, it's permitted. We're well within the parameters. We do of course have a number of variances as to the setback and side yard, but you'll see when you get the testimony of the witnesses that although it's an 11,000 plus size piece of property, it's on a little bit of an angle, what we call a trapezoid, I believe, and it has certain site features.

We employed Virgona Architects to do something interesting on the site, so you don't just see a square, rectangular block, that triggers some of the variances on the setback element. I'm not trying to say that the building wouldn't have variances, what I'm saying is, we said while we have some variances, why don't we make this building look really nice and do some different features.

Mark Virgona is here tonight. He'll emphasize what he's done. Again, this property is on Main Street, the very northern end. We're within walking distance of Route 4. We have garden apartments around us and we have several mid-rise apartments around us. This is not a one-family zone, but we want to respect the zone and we certainly want to fit in in context, in size, in dimension and appearance.

The building that was demolished was an old building. It lacked any character. It was a brick



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blockhouse that housed several medical offices, and this is going to be a very beautiful building. The main variance again is the number of units ratio to the size of the property. We tried to respect what I know is the so-called policy in Hackensack. In the city, you have redevelopment areas and redevelopment zones that are more robust, more aggressive with the density. You have the rest of the city where there's different zoning and the ratio is generally 50 units to the acre. Being 11,000 and some odd square feet, this comes out to 58 units to the acre, so we were trying to stay within that ratio. But you understand that when you create the floor plate and the number of units, you duplicate it on each floor.

Again, the majority of the units are one bedrooms; the minority on each floor, there's one two-bedroom on each floor. There's a parking on the grade level, three levels, residential above.

Being that I've introduced the publication and notices, I just want to do a little housekeeping and make you informed that the reason that this application was filed last year and languished for so long was that we had to go through the Department of Environmental Protection to secure the appropriate permits, because everyone knows northern Hackensack is in a floodplain, it's a tidal basin, there are issues.

We did secure and we did achieve back in April final unconditional land use permit from the DEP. We received an exemption from Bergen County Planning, and we received soil conservation approval. So those three agencies have signed off and approved the project. Of course you have the final say here in the city.

In addition to those approvals, we submitted other ancillary documents such as the deed and showing that there are no title impediments to the property. The doctor unfortunately has been carrying this property for two and a half years now as vacant land because of the destruction from the fire, and recognizing the housing residential area that it's in, he chose, instead of rebuilding a commercial office building, that he would go with residential, and I think it will be well received.

Our first witness is Mark Virgona, who is our architect. Our next witness is Rob Costa, engineering. He will do the civil engineering, drainage, sighting, all of those issues. And also

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Rob possesses a planning license from the State of New Jersey, and he'll tie in the planning testimony, if we can get that far tonight.

We had planned to retain Michael Kauker, but Michael is on vacation this week, and if we do conclude tonight, we can then wrap it up with the two witnesses.

I promise not to be so verbose, although I've been talking for ten minutes now. We're going to have Mark Virgona as our first witness. We'll swear him in and I'll make the presentation.

Chairman Giarrusso stated: Mr. Alampi, before you do so, Mr. Polyniak has a general comment or introductory comments.

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

Mr. Diktas stated: Just for the record, Greg Polyniak is the board's engineer and planner. Mr. Polyniak was vetted through the RFP process. He is our resident expert.  
Please proceed.

Mr. Polyniak stated: Sure. I'd be glad to.

This application is similar to, and I don't know if the applicant was present, the public was present during the 329 Prospect hearing, similar with respect to not the scale and scope and size, but it's with respect to the density that's being requested. And as I mentioned during that hearing and I'll reiterate during this hearing, is that the city in January of 2022 reviewed its zoning ordinance, reviewed its code and density requirements throughout the city, and determined that the maximum permitted density within the City of Hackensack would be 50 units per acre in areas outside of the rehab and redevelopment zones which are located in the downtown of the city.

They also at that time took a look at the master plan with respect to uses and densities and requirements within the city also to tie those two requirements together. And as the applicant has mentioned or the applicant's attorney has mentioned, the density that's being proposed here is 58.8 units per acre, where 50 units per acre are permitted in the zone.

Since that zoning ordinance has been adopted by the city, the city boards have not approved an application that's been in excess of that 50 units per acre. Understanding that the city infrastructure in some sections of the city is not in per se good health, capacity issues exist, flooding issues exist, and that's why that 50 units per acre was proposed

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and adopted through the zoning ordinance through the City of Hackensack.

This is exceeding that requirement and potentially, although being close to what is permitted in the city, is still adding to the deleterious effects to the infrastructure in the city.

In addition to that, if you look at our report, and that's pages 3 and 4 and it continues on page 5 of the report, there are a number of variances that are requested as part of this. It also includes parking. And if the applicant was to eliminate three units, which would be going from 15 units to 12 units, which would be the permitted density for this property, that parking variance would be eliminated.

There was a report that was prepared December 20th of 2022 where the police department, and that was Police Officer Jake Marble of the Traffic Division, had significant concerns with respect to parking and the availability of parking on Main Street.

So we have an application that's being proposed that doesn't meet the density requirements that potentially causes issues to the off-site infrastructure and also it doesn't meet the parking requirements, thereby adding parking to a roadway system that doesn't have sufficient parking.

In addition to that, if those units are eliminated to meet the density requirements, I foresee there's potential that either the variances that are listed as part of this application, some could be eliminated or some could be brought closer to conformity with respect to the project, and there would be no reason not to do so as part of this.

I just wanted to mention that as it relates to the application, prior to the applicant proceeding, that they may want to take a second look into what they're proposing. Again, the use is permitted and we recognize that, it just appears in my eyes at this point in time that the site is being overdeveloped.

Chairman Giarrusso stated: Thank you, Mr. Polyniak.

Mr. Alampi stated: So those are pretty harsh words, but I would say to you that some people would say close but no cigar. We are attempting and had attempted to develop a plan that came to conformity, because, as Mr. Polyniak noted, we're slightly above the ratios that are in the ordinance. That's why we're here seeking relief, otherwise we'd be at the

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planning board as of right.

I think that when you see the plans and the beauty of the building and the layout, the board might review this with a little more flexibility in this sense, the design and the layout of the rooms were to accommodate so many one bedrooms and then a two bedroom on each floor plan. You know, the issue of say 12 units versus 15 units is a discussion of density, but I believe that the real issue is the number of bedrooms, you know, 12 two-bedrooms is more intense than this building would be in occupancy, numbers of cars. So keeping in mind that it is a 4:1 ratio of one bedrooms to two bedrooms should be very impactful in your deliberation. It's too simplistic to say, you know, you go to 12 units, because what if I did 12 two-bedroom units, we could stack the building that way. That would really intensify the required parking to maybe one and a half to two cars per unit.

On the issue of parking, there are 22 actual spaces, but three of them are electric vehicle spaces so they credit up to 26. So there's only a two parking space ratio or deficiency. It's very close to all the strict requirements. That's if we ask for no flexibility.

All I ask is that when you review the floor plans and Mr. Virgona's testimony, you'll hear some of the issues raised by Mr. Costa in how he was able to secure the DEP approvals, the board might understand, yes, 50 units to the acre is our standard, but since this is a 4:1 ratio of one bedrooms, we think this is a better fit than more two bedroom units.

Having said that, let's call Mr. Virgona.

**M A R K R. V I R G O N A, R A,** c/o Virgona & Virgona Architects, 125 River Road, Unit 201, Edgewater, New Jersey 07029, having been duly sworn/affirmed, testifies as follows:

Mr. Virgona's credentials were accepted by the board.

Mr. Alampi stated: Tell us what we have on the screen.

And, by the way, we submitted, Chairman and board members, all these visuals, all these plans and reports. We did receive reports from your illustrious engineer and planner, police department, fire department, etc. With that, Mark, just go through these, and if they are part of your package -- I don't know if you did the aerial or not?

Mr. Virgona responded: Right, I did not.

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Mr. Alampi stated: So A-1 is the aerial.

Mr. Diktas stated: And just qualify the aerial.

Did you or did a member of your firm download this picture? Can you testify to the authenticity?

Mr. Virgona responded: Yes, this was directly taken from a Google map.

Mr. Diktas asked: Did you do it or somebody in your firm?

Mr. Virgona responded: Someone from Costa's firm.

Mr. Diktas asked: And you concur it's an actual representation?

Mr. Virgona responded: Yes.

We looked at this view, right in the middle of the picture there, you see that red symbol, which is indicating the existing building that was on this lot prior to the fire. It's located on Main Street to our west. We're towards the north end of Main Street, closer to Route 4 than, let's say, the courthouse, we're quite far north. We're in a zone with a number of multifamily and commercial uses. So to our south is I believe it's a two-story dental office.

To our north is a three-story residential building that's out of the ground a few feet also, so it's a little bit taller than a three-story building.

To our rear is a combination of a garden apartment building, which you see to the upper right relative to ours, to the northeast, which is probably a two-story building.

And then to the other part of our rear, which we more directly face, is a seven-story residential building.

And then across the street from this site on Main Street is a two-story building with an exposed basement and sort of a stoop level to get to the first floor and it's also raised out of the ground.

So visually the roof of that building is taller than a typical two-story building with a stoop. So the property itself is pretty flat. As Mr. Alampi said, it's sort of trapezoidal. It's wider at the Main Street side, it's narrower at the eastern side, towards the back. It varies from 140 to 156 feet deep, so from Main Street to the east, and it's approximately 66 to 85 feet wide north to south. And the grades, it's sort of flat actually. The road elevation is around elevation 11 or 12 roughly above sea level, which puts us in a location where we actually had to -- this is part of what took a long time to get to this part, this building design had

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started far before last January and took us a long time to get through the DEP portion of it to find out that we have to actually raise -- we raised our lobby a little bit and we adjusted our grading just to accommodate any potential flood issues. So there's no residential on this site below -- there's no building at all below elevation 15, other than the parking area. So no interior space. And then there's no residential portion of the building that's really another 12 feet higher than that. So there's no risk. It's a resilient building in that there's no risk to the residential residents to be flooded.

Jason, maybe we want to go to the architecturals.

Mr. Alampi stated: So now we'll mark as A-2, and this appears to be your rendering of the building?

Mr. Virgona responded: Yes, this is part of the architectural package that we submitted to the board. It's the same drawing that you should have in front of you.

Mr. Diktas asked: Did you or a member of your firm prepare this?

Mr. Virgona responded: Yes.

So the building is a three-story building above the parking level. The height on the building is approximately 47 feet measured to the average grade. I believe the zone standard is closer to 55 feet, if I am not mistaken. We will go through the zoning table after that. So we're well within the height limit to our highest point of the roof. You can see we've arranged it in such a way that most of the parking is hidden from the street other than the actual driveway itself. The driveway is located in the center of the building, and we have walls on either side of it so the cars are not visible.

There's a one-story lobby piece on the right-hand side that you see. It's a glass lobby that's prominent, and it helps to organize and kind of break up the mass of the building. So what we've done is kind of created a series of volumes that are each kind of articulated with a little bit different material that are all sort of complementary. So that lobby actually projects in front of the building a little bit, and that lobby is the only portion, right where that hand is right now, that floor, that's the floor that's at elevation 15. So you can see there's a small sidewalk that kind of slopes down to the left from that entrance, that turns the corner and goes into the garage, and that's the accessible entry for the building from the parking.

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We had to make up that grade change, because the parking elevation is not elevated, it's more or less, it's slightly elevated but very close to street level.

So as I said, it's a three-story building. We have a mix of materials here. We have some what we would say is a simulated wood that would look like a wood but it's going to be less maintenance, something that won't degrade over time. We have a lot of glass, and you can see the windows are large. We want this to appear to be a nice, modern, new looking building. There is a combination of masonry in certain portions and then metal panels on the remainder on that facade.

Mr. Alampi asked: Mark, these are expensive applications on the exterior of the building, aren't they?

Mr. Virgona responded: That's correct. It's not an inexpensive building. We felt like that was something that the neighborhood deserves and that it makes our case a little bit more compelling maybe.

Mr. Alampi asked: I know we'll go to the other elevations, but are these materials utilized throughout the four sides of the building?

Mr. Virgona responded: Yes. I mean, we'll change to a little bit less expensive material as we turn the building, but the part that's the most visible and it wraps the corners, that remains the same as this facade, and I'll show you on those when we get there.

Mr. Alampi asked: And that gray component, is that the elevator?

Mr. Virgona responded: Yeah, that's the stair tower. I mean, there's the masonry component, that lighter one is the elevator and the darker gray with the windows is a stair tower.

And you'll see that there's like a wood railing above the lobby, and what we're doing there is creating a small outdoor space for the use of the tenants, and it's accessible from the main corridor of the building, and it just provides a small outdoor area because on the site, as you'll see, there's not a tremendous amount of extra space.

So that takes you through this.

Maybe we'll go to the next sheet, I'll show the remaining elevations. So on the top here --

Mr. Alampi asked: These are your elevations?

Mr. Virgona responded: Sure.

You want to make this different from the rest of the package?

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Mr. Diktas stated: This is your third exhibit, so it's your case, A-3.

Mr. Virgona stated: A-3 is the architectural elevations of the building for the Main Street side, which is the west and the north side, which is the left if you're looking at the building.

And we're showing the same thing you just show on the rendering, the top is the "to be" version of that, the Main Street elevation, that did not change from the rendering.

The one to the bottom area, you can see that that is the north side. And as you see, the building is broken up into masses, you know, separate pieces similar to the way it's done in the front, and those are articulated with breaks in the building and changes in the materials. And see the metal panels, the brick, everything wraps to the first third of the building. The second third of the building would be a HardiePlank or other kind of cement board. And then the remainder also would be similar, but the window sizes, all that kind of stuff, is similar to the front. We still have the cornice element that we have in the front, all those things still exist as you turn the corner.

Mr. Alampi asked: Mark, with these elevations, are there any balconies on this building?

Mr. Virgona responded: There are none proposed, only the one that I mentioned above the lobby, which is common.

Mr. Alampi asked: Right, but no individual balconies?

Mr. Virgona responded: No.

In the upper right corner of that sheet, there's a unit tabulation which I'll point to. So basically this is what Mr. Alampi is referring to.

We have a total of 15 units proposed. It's four one-bedrooms and one two-bedroom per floor for a total of 12 one-bedrooms and 3 two-bedrooms.

The number of parking spaces we have is 22 and this chart shows 28.6. This is the requirement before the EV credit. With the EV credit, technically we're at 25.2 I believe is the requirement. So we're slightly below that.

As far as the areas go, each floor is roughly 5,600 square feet on the residential floors. So it's a total of about 17,000 square feet of residential area plus the lobby. The remainder of that is the open garage. So the garage is hidden in the front and on the sides, and on the back it's just columns, and I believe we're showing a fence on the site plan,



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which our civil engineer will talk about. Let's go to the second sheet there -- I am sorry, the third drawing, which would be A-4 I guess?

Mr. Alampi responded: Yes.

Mr. Virgona responded: And that is sheet A-2 of the architectural set that is also dated 23 August.

Mr. Diktas stated: Give us a description, please.

Mr. Virgona responded: And that is also architectural elevations of the rear, which would be the east and the south, which is the right side.

Mr. Diktas asked: And that's also August 23rd?

Mr. Virgona responded: That's correct.

Referring to A-4, Mr. Virgona stated: And just to reiterate, if you look at the bottom drawing of this sheet, which is the right side, you'll see all the materials from the front elevation continue all the way across the side. We have an elevated walkway to gain access to the meter room and the service part of the building, which we'll look at when we get to the floor plan. You'll see the brick, the metal panels extends all the way back to that kind of break point, which is where our fire stair ends, and then we've changed the material to give the building a little bit more variety towards the rear.

And you'll see that on the left corner you can see that the common roof railing there, for that roof deck area, that small roof deck which is that common amenity. And again, large amount of glass on this side as well. And you can see the metal panels continuing in the lobby.

Just as far as the height again, you'll see that landing indicates roughly how high above the grade will be, it's about 2 to 2 1/2 feet above the ground to get out of the flood elevation, so that's why it's raised like that. That actually kind of forces the whole building to be higher by a couple of feet. We could have been a little bit lower, but because of the elevation of that minimum lobby elevation, it pushed it up a little bit, but again we're still in the height limit.

There's a story question. The chart is interesting, because the zoning allows for three-story buildings in lots of a certain square footage and four-story buildings in lots of a different square footage, a greater square footage, I believe it's 15,000 feet is the cutoff. So if we had a 15,000-foot lot, I believe it's 15, then we would have had an opportunity by right to have a four-story building. In this case, we're a little de minimis on

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the lot size for the fourth story, so that's why we had a story variance.

So let's go to the next drawing, which this is going to be A-5 we're up to.

This is the ground floor plan, it has a revised date of February 17, 2023. And this is depicting the parking level. It's a pretty simple arrangement. There's one entrance towards the middle of the site on the Main Street side. You come up in that entrance slightly, you go up slightly to get into the parking lot, and then you have the double loaded parking lot. The lot is a standard RSIS dimension, 60 feet wide; parking spaces are typically 9x18. I believe we have two compact spaces, but otherwise the remainder all meet RSIS. And we have two handicapped spaces, which would be van accessible adjacent to the lobby. This trash area, which would be taken into the garage from the aisle of the handicapped space, and we would expect this to be a private hauler.

Mr. Diktas asked: Mr. Virgona, you don't "expect" it, it's going to be by private hauler, correct?

Mr. Virgona responded: That's what we're saying, yeah.

Referring to A-5, Mr. Virgona stated: And on the southern side of the site, you can see there's the electric room, which is for various equipment that we'll need.

If you look at the setback, this is something that is in the report, that setback is a five-foot setback on the south side, but that setback only occurs at that one-story part of the building there, where the trash room, lobby, and electric area is, that whole little piece there, that's the minimum setback that we have of five feet. The remainder of the building is farther back than that. So it's in the chart, though, we have to go by the smallest setback but it has less of an impact than it might read on the chart.

Similarly, the front the building, if we look at the front, the lobby is roughly 15-foot 5 or so from the front setback line. But that's again a one-story element. The remainder of the building is about 21 feet back, so that residential portion of the building and the main wall of the building is back at 21 feet. I think the zone requirement is 25. So we're close to complying there. And we feel that that would actually meet the kind of neighborhood.

It would match, let's say, with what's nearby in the neighborhood, even though on paper we're taking

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the smallest number and it looks worse than it actually is in reality. Similarly on the north side, like on the north side we actually have everything is actually going to be 10 feet setback. And on the rear, we're showing 15-foot 7, and I believe there's one corner of the building which is slightly less than the minimum 15-foot setback, I believe it's 14-foot 6 or something, and we will actually make that comply. I think that's just an oversight. That was unintentional. We're going to adjust that and eliminate that one variance, should the board grant us.

Mr. Diktas asked: You amend your application to address the elimination of that variance, Mr. Alampi?

Mr. Alampi responded: Yes, we do.

Mr. Alampi asked: Mark, some of the setback variances are because of the irregular shape of the property, it's a little wider on Main Street, less so in the back property line, correct?

Mr. Virgona responded: Yes, it's true, and if you look at the way it's organized, the parking aisles was determining the location of the rear stair. For instance, we can't push that stair farther to the north because then it would be within our parking aisle and then the parking aisle would be de minimis.

Mr. Alampi asked: So your parking plan has to be perfectly parallel to each side, right?

Mr. Virgona responded: That's correct.

Mr. Alampi asked: So you can't put the parking on a skew and these stairways as well, so you're working to create a rectangle within the irregular shape when it comes to the parking layout?

Mr. Virgona responded: Correct. I mean, if we skewed the parking, if anything, it would take up more spaces than we're trying to limit the amount of impervious.

Mr. Alampi asked: Now, in addition to that, some of the features of the building are what triggers the setback deficiencies?

Mr. Virgona responded: Correct.

Mr. Alampi asked: For example, the stair tower and things of that nature?

Mr. Virgona responded: Yes.

Mr. Alampi asked: But the actual floor plan, when you go above, would those second, third floor, would they be more conforming to the setback at least on the sides?

Mr. Virgona responded: Yes, they're closer to conforming than the ground floor. And we can go --

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let me just finish the one thought. We do have two stairs, one sort of towards the rear of the garage and one that enters in the lobby, and there's not that much else on the ground floor. We have a small vestibule so we can have some security, and then a small lobby at that level.

So, yeah, why don't we go to the next floor, which we're going to call A-6. This is architectural sheet A-4 and it is dated 23rd of August. This is the first residential floor plan, and it's a typical floor plan for all three of the floors.

Addressing the setbacks that we were just talking about, as you can see, the north side is 10 foot setback, and so the rear, to the right side is a 15.8-foot setback at that particular corner. I think the chart is calling out the minimum setback at the rear to be 14, if I have it correctly, it is 14.5.

That's the one we're going to be able to amend to make that to 15.

The south side is where 10 feet -- again, 15 is the required setback on all of these. The challenge with the 15 is that to get an efficient building with a double loaded corridor, we already have narrow units from north to south to accommodate that lot size. So a typical lot for a multifamily building like this would normally want to be a little bit wider. We have that at the front but we don't have that as it gets tapered towards the back. So what's happening is we are forced to create a little bit narrower units that are a little bit more stretched out, and we're violating that yard because we're extending to get that extra, that double loaded efficient building. It's making our yards on the sides a little bit narrow.

Mr. Alampi asked: And of course all around this building is fully developed with multilevel buildings and commercial buildings and parking lots, correct?

Mr. Virgona responded: That's correct.

Mr. Alampi asked: So there's no land available to augment this and square it off, is there?

Mr. Virgona responded: No, there isn't.

So to the typical floor, we have the elevator and stair at the left side. We come up the elevator, you enter into a elevator lobby at that point. There's a door there that would lead to your outdoor common roof deck if you are at the R-1 level. And that area is about 570 square feet.

And then there's a common corridor, if you come out of the elevator and make a right turn, that takes you to the remainder of the units and a second stair

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which is towards the right side of the building, it's labeled stair B.

The units range in size from about 790 to 870 for the one bedrooms, and the two bedroom is 1,243 square feet. And we have again it's three of these floors, so we have a total of 15 units.

The building is approximately 115 feet long. I should say 116-foot 4, and in width it's about 73-foot 2 approximately. And again --

Mr. Diktas asked: Is that the widest point or the most narrowest point?

Mr. Virgona responded: That's the widest point.

Mr. Diktas asked: And the narrowest point, what's the width?

Mr. Virgona responded: It's probably 50 feet, because we had 59 feet on the front side and it steps in five feet at the back, so it's roughly, I should say 54 feet, 54 feet would be the narrowest. But you can see the property tapers from front to back. The front is 83 feet wide, the back is 56, so there's a pretty good change in the width at the property line.

And, again, if you look at the left side here, there's a setback called out on our corner of the building, but we're showing approximately 21-foot 1 on the upper left corner there, and that facade moves in and out. So that's the closest main wall of the residential building, then it bumps in at the elevator lobby, it's more like 23 1/2 feet and then it goes -- but then the stair tower, it's a farther setback. So that particular worst case -- I keep losing it.

So 21 feet is the closest point of the main wall, and then as we travel south along the building, it gets bigger, it goes back to 21 feet, then it goes to about 30 feet, 31 feet. So it varies. I mean, if we were to take an average of this wall, it would be greater than the minimum setback, but obviously we're taking the minimum for the calculation.

And, again, you can see that that minimum is taken to the corner of that deck below, which is that sort of area with the grid indicated on it, and that is the lobby roof basically and that's the closest point.

So as far as the setbacks go, it's the main issue -- we have a slight issue obviously in front, but we also have the north and the south are a little bit tight and we would argue it's due to the geometry of the particular site.

Mr. Alampi asked: Are there any other features on each residential floor, janitor's closets or

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anything like that?

Mr. Virgona responded: We will have a janitor's closet.

Typically, each unit has its own hot water heater. Each unit is going to be fully adaptable for handicapped accessibility. It will have individual heat and electric, and these are generous kind of -- these are not minimum standard units, these are luxurious units. We're trying to do a high-end product here that's not just, you know, the smallest, the minimum, the densest. We're trying to actually do something where the units are comfortable, and so that's part of the reason why we're here asking for this.

Mr. Diktas asked: Are there washers and dryers in the units?

Mr. Virgona responded: Each unit will have its own washer and dryer. The building will be fully sprinklered.

Mr. Alampi asked: The heating and air conditioning units, etc., will there be any large compressors or anything like that on the roof of this building?

Mr. Virgona responded: If we have compressors, it would be just a small condensing units we would have. If we had them, there would be one for each unit. We haven't really picked the HVAC system specifically, but if we did do a system that required that, we would locate those in the center of the building so they wouldn't really be visible from the street. Those would be at roughly two and a half to three feet high, and we would need about 15. It would probably be in line with the corridor, basically. And we have --

Mr. Diktas asked: Maybe screened, Mr. Virgona?

Mr. Virgona responded: We could provide screening for those, yes.

Mr. Alampi asked: So they would be soldiered down like a spinal column?

Mr. Virgona responded: In a row would be the least impactful, yes.

Mr. Alampi asked: And on the roof itself, there are no roof amenities?

Mr. Virgona responded: No, there's nothing proposed.

Mr. Alampi asked: Recreational area or anything of that nature?

Mr. Virgona responded: No, it's not occupied.

Mr. Alampi asked: The only main protrusion would be a bulkhead of the elevator and the stairwell?

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Mr. Virgona responded: That's correct.

Mr. Diktas asked: You're agreeing to screen the air conditioning units?

Mr. Virgona responded: Yes.

And, you know, these room sizes, just as a side, you can see, if you look at the room sizes, these are generous rooms. The bedrooms are all at least 15x11. The living rooms are generous. The kitchens, everything is sort of a standard that we would use for a higher end product than might be used if that wasn't the goal here.

So I think that's kind of it.

Mr. Alampi asked: Your firm and yourself included, of course, deal mostly with residential buildings, multiple dwelling buildings, as opposed to commercial shopping centers and things of that nature, right?

Mr. Virgona responded: Yes, predominantly we do, yes.

Mr. Alampi asked: Based on your location and your client base, etc., you've been dealing with the "luxury" residential market?

Mr. Virgona responded: Yes.

Mr. Alampi asked: And you plan to step up some of features in the units, the appliance package, all those other details?

Mr. Virgona responded: Yes, the kitchen finishes, right. And I think the idea here is that this site is a little bit different than some of the other Main Street sites that are being developed now. They're a little bit more urban. It's a little different character, maybe, and we feel that there's a benefit here to doing something a little bit more upscale and there might be a market for it that's not a direct competitor.

Mr. Alampi stated: So I'm concluding Mr. Virgona's testimony, principally of course architectural and the details. Chairman, we turn it back to you.

Chairman Giarrusso stated: Okay. Thank you, Mr. Alampi.

Mr. Virgona, a few points that I have here.

Can you bring us a sample brick veneer?

Mr. Virgona agreed.

Chairman Giarrusso stated: And you talk about the cement board, you mentioned Hardie Board. We recommend Hardie Board.

Mr. Virgona responded: Yes.

Chairman Giarrusso stated: I know there's different variations of the Hardie Board. I know

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Hardie Board is a brand name. Could you bring us a sample of that as well?

Mr. Virgona responded: Yes.

Chairman Giarrusso asked: And you also mentioned simulated wood on the deck railing. Can we get a sample of that?

Mr. Virgona responded: Yes.

Chairman Giarrusso asked: I see a room in the basement for electric, one for water, one for trash. Where do you propose to put the gas meters?

Mr. Virgona responded: I don't believe we're going to have any gas meters in this building, so this will be a fully electric building.

Chairman Giarrusso asked: Electric?

Mr. Virgona responded: Yes.

Chairman Giarrusso asked: Could you go back to your comments about air conditioning. I'm not sure if I fully understood that. Is it each apartment has their own AC/heat unit or is it something central on the top with ductwork throughout the building?

Mr. Virgona responded: No, each unit has its own unit within the unit and distributed within the unit.

Chairman Giarrusso asked: Will the grillwork be on the exterior of the building?

Mr. Virgona responded: That's the question. We haven't really determined that. If it was on the exterior, we would integrate that into the facade so it's hidden as much as possible. If we go with what's called a "split system" where we have an air handler in the unit and a condensing unit on the roof, which would eliminate the exterior grills on the walls, then we would need to put the equipment on the roof and screen it. So the two alternatives would be either --

Chairman Giarrusso asked: A decision hasn't been made yet?

Mr. Virgona responded: That's correct.

Chairman Giarrusso stated: Okay. That's all I have. Thank you. Well presented.

Mr. Polyniak, let me jump to you.

Mr. Polyniak stated: Yes.

Through the Chair.

As it relates to sheet No. 1, which I think is maybe it's A-1 of this package, the color rendering.

Mr. Diktas stated: The rendering is A-2.

Mr. Polyniak stated: A-2. Sorry.

On it, it says "conceptual rendering."

What is conceptual and what is actual?

Mr. Virgona responded: Yeah, conceptual is because the whole building is just a concept, and I



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think we've had this discussion before. This is what we want it to look like, meaning it's not built yet, otherwise this is the rendering.

Mr. Polyniak asked: So all the colors are what you're proposing?

Mr. Virgona responded: That's correct. That's right. If you ask me to and when I bring the materials, they will depict these materials as much as we can match.

Mr. Polyniak stated: If we go to I guess the floor plan sheet that you had presented, I don't know if that was A-3 or 4 or 5.

Mr. Virgona stated: I think that is -- of the residential floor, that's A-6, I believe.

Mr. Polyniak stated: A-6.

So I guess the first question I'm going to have is, why did you pick 15 units for this property? What got you to 15, not 18, not 12? Why 15?

Mr. Virgona responded: Yes, it's a good question.

I think we looked at the neighboring surroundings. We looked at some of the sizes of the projects next to us. As I mentioned, we have a seven-story building behind us. Next to us we have a commercial property with a large open parking lot. We have to the north a residential building which is about three plus stories. We felt that a four-story building seemed like the right reasonable height. We feel like the site can accommodate it. We're not asking for extreme -- you know, I think the things that we're asking for are relatively reasonable in the scope of it. And I think that this site can accommodate that size without choking and feeling like the neighborhood is being overwhelmed. And if we were to eliminate two or three units, I think from the street it would largely feel the same. You know, I don't think we're dramatically changing the character of this project. If we took one unit per floor, let's say, I don't think that's going to drastically change much about it in terms of the impact on the visuals or the mass.

Mr. Polyniak stated: I guess with respect of that statement, I disagree with that.

Mr. Virgona stated: I mean, it reduces the footprint, definitely.

Mr. Polyniak stated: My question is, you have the units on the eastern side of the building, the two A's. If you eliminated one, and I'm not an architect, twisted it, and then reduced the scale and size of the building and eliminated one unit per

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floor, what that would do is reduce the density, reduce overall building coverage, reduce maximum lot coverage, because you'd be able to potentially eliminate parking spaces, because I think you're four short and you would be able to reduce two, maybe you'd get closer to overall lot coverage. I think you'd be able then to shift the building farther back, meeting the front yard setback. By twisting the unit, that rear yard setback would be eliminated. I think a lot of issues -- you mentioned the word "hardship," I see hardship when you create this building which you really don't need to create. I see those issues and variances and density issues all going away by just eliminating one unit to the back and twisting one of those units or reconfiguring it so that you'd have again four per floor, address the concerns of the city and how the city looked at its master plan, looked at the zoning ordinance, looked at its infrastructure, and then at the same time a lot of bulk variances that you're requesting potentially could either be lessened or go away. So I think that's something that you might want to explore when you come back.

Mr. Virgona stated: Right.

Mr. Diktas stated: Mr. Virgona, just that we shifted the exhibit. So all these questions that Mr. Polyniak and Mr. Virgona talked about the floors and the reductions, that's pertaining to A-5. I'm sorry. I have to get the record straight. Go ahead.

Mr. Virgona stated: I was just going to say that I agree with you on some of those points, but the rear yard I think we're going to take care of either way, whether we would change the number of units. I guess it becomes a question because the density allows us to do, as Mr. Alampi had mentioned, we could do four two-bedroom units per floor instead of doing four one-bedroom units, and then actually probably end up in a bigger footprint. I'm not saying that's what we would want to do, but I'm just saying, if we're only looking at density as the criteria and yes, I don't think the impervious is going to change significantly because the parking is going to stay virtually the same, which means we don't have the luxury of moving the lobby, so the front setback on paper won't really change. If we go back -- can you go back to the ground floor.

This was A-5.

Mr. Alampi stated: A-6 was the floor plan that Mr. Diktas was referring to.

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Mr. Diktas stated: I stand corrected.

Mr. Virgona stated: So I guess the question becomes, if we do reduce the number of units, I don't think that we're significantly reducing this parking lot. We have 22 cars now, and if you're asking us to be completely as of right, right now we're asking for a parking variance, we're slightly deficient. We would reduce our need maybe by one, let's say, I'd have to do the calc, depends if we're two bedrooms, depends if we're one bedroom, but we would lose a little bit maybe here, but not enough to significantly push the lobby back and core to gain on the street side 10 feet to comply with the front yard setback. I don't think it could happen. That's what I'm concerned about. I'd have to really look at it. It seems to me like if we're going to be fully compliant with the parking, then I don't think we can really do that. So I don't know that there's as much of a change on the front as we may think. Maybe we could push the sides in a little bit, if we re-shape everything.

Mr. Alampi stated: To make it easy on you, Mark, you're not going to make the building any narrower. Mr. Polyniak, you still need the corridor, double loaded, and the elimination of the one apartment wouldn't really make the building shrink as much as one would think. The impervious coverage is going to be there no matter what, because we have to have the parking field and the layout, the stairs, the elevator and the lobby and so on and so forth. Your point is understood. We'll look at it. I don't think you'll see much change. Our argument is the 4:1 ratio of one bedrooms should really be considered. You know, I get the concept, 50 units to the acre, but 50 two-bedrooms is a lot more than, let's say, 30 one-bedrooms and 15 two-bedrooms or however, I may have that backwards but we'll leave it.

Mr. Virgona stated: I just wanted to follow-up on one thing. If we did 12 two-bedrooms, because that's conforming with the density, that would require 24 cars before the EV credit, which would be 2.4 cars roughly. So the parking requirement is 21.6 cars. If I'm doing the numbers right, we're providing 22 cars, so we wouldn't lose anything on the parking, which means that we can't really gain in the front yard, if we did that.

Mr. Alampi stated: Right. That was my point. They'll be minimal modifications to the building. So again we paint what we attorneys say is "lip service"

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or incantation to the ordinance, but it doesn't modify the building that much at all. But we will look at it, absolutely.

Mr. Polyniak stated: Please remember there's an EV credit, so when you do do that, it's not really 22, you get the 10 percent credit, which will allow you to eliminate some of the parking.

Mr. Virgona stated: But 24 is the requirement, minus the EV credit which would be 2.4, right, gets me to 21.6.

Mr. Polyniak stated: Right now you require, with the EV credit, 26 or 25.2, and you're providing 22 spaces. If you eliminate three units, that depends, it will either be, if they're two bedroom, it's six spaces, if it's the one bedrooms, it's 5.4, which is very close. You'll work the math out.

Mr. Virgona stated: Yeah. You know what it is, I'm playing devil's advocate saying if we were to do all two bedrooms, because we can by density. There's no limitation on the number of bedrooms. Then we would require the same number of cars.

Mr. Polyniak stated: Sure, but what will happen when you do all two bedrooms, you'll probably exacerbate the bulk variances and the massing of building, so then we're going to get into the building is too large for the site and you should consider the one bedrooms to reduce the building. I guess as a whole what I'm getting at, is there any reason that the site requires you to have 15 units other than 12 units to be compliant?

Mr. Virgona stated: I mean, I guess if your question is can it be smaller, it is always hard to say a building can't be smaller. The real question is can it accommodate this number of units and is it a significant negative impact on anyone for doing so, is there a benefit to having this arrangement as opposed to one that might be conforming. That's I guess the balance, right?

Mr. Polyniak stated: Correct. I think the board will have to weigh that out. I'll give it some reasons up-front as to why I think it doesn't. I think you should look at it. But, again, the board will weigh that out at the end.

As it relates to the properties, is there a need, and I don't know if you've gotten into this, the need for a transformer, because the last thing we would want to do is see in front of the building a transformer located on the property.

Mr. Virgona stated: No, there wouldn't be. For this amount of units, we don't need it.

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Mr. Polyniak asked: A generator?

Mr. Virgona responded: We don't require a generator and we wouldn't really need it, so we weren't proposing one.

Mr. Polyniak asked: As it relates to loading, say they have a move-in, where are people going to park a truck to load into the building and how would they?

Mr. Virgona responded: Well, again, it's a small site, it's a small building. I would say that maybe the loading would have to be a temporary truck sitting in the drive aisle. If we had 10 feet for the truck, you'd still have 10 feet to pass. You know, we have 22 cars. It's low trip generation. I don't know, I think that would be our logical -- I mean, it depends how big the truck would be. If it's low enough, it can get into the building and we can have it park under the building, which would be preferred. Generally because they're one bedrooms, you have smaller trucks coming than as if it's two bedroom and you get a two bedroom box truck, they're higher, they're bigger, it becomes more of a concern.

So we have three two-bedrooms, not a lot, but we didn't want to try to incorporate another curb cut or wider. You know, it's hard on this site to try to get something within the site, that's the challenge.

Mr. Polyniak stated: So is there sufficient space to have, say, a U-Haul truck pull into the --

Mr. Virgona stated: Right now, from our one level to the garage floor, we have about 14 feet, so we would have about 10 to 11 feet clear. I'd have to double check the size of the truck. If that became a bigger concern than we were expecting, we could theoretically push the R-1 level higher to get more ceiling height in the garage to accommodate that, because we are still within the 55-foot, we're well within the 55-foot height. So that is something we could definitely change.

Mr. Polyniak stated: In today's world, there are a lot of deliveries, whether it's Amazon, Fed Ex.

1. Where do you envision those vehicles parking?

2. Do you have a package room in the building?

How is it handled?

Mr. Virgona responded: Yeah. I mean, currently we have a small vestibule, but we could certainly look at adding a package room. We do have the space next to the elevator, which would be the logical place to put some sort of area for temporary, let's say, Amazon package storage.

As far as deliveries go, I think everything has

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to happen at the driveway, we really don't have an option. So an Amazon truck would be able to get under the building, depending on how big a truck. Again, we can double check all of those just to make sure.

Mr. Polyniak stated: I know the Chairman had mentioned it. No meters are going to be in the front face of the building visible to the public whatsoever? They're all located inside the building?

Mr. Virgona responded: That's correct. We won't have gas meters, and the electric service is going to be through the electric room itself.

Mr. Polyniak asked: When you come back, will you have made a decision as it relates to whether you're going to go with those PTAC units and if there's going to be grills or not, so the board understands what your side elevations are going to look like?

Mr. Virgona responded: We could look at that, yes.

Mr. Polyniak asked: I don't know if this is you, Mark. Snow removal on the property. So you're under-parked to begin with. What do you envision doing with snow?

Mr. Virgona responded: Yeah, I didn't really address that. I guess we could ask Rob, our engineer, and see.

Mr. Polyniak asked: Another question would be, so you're under-parked. How do you determine who gets to park in the garage or underneath the building, who parks off-site? Are the spots assigned? Are they not assigned?

Mr. Virgona responded: Yeah, I don't know that we've worked whether they're assigned. But I would say we have 15 units, everybody gets at least one spot, and then we have an additional seven parking spaces, so logically the two bedrooms would get an additional spot each, and then the others would be probably first come first served. And I would assume it would be a condition where if you didn't have the car -- there's not a lot of street parking in this area, I believe, so if you need that second car, you wouldn't really want to move into this building.

Mr. Polyniak asked: And maybe this is for Rob, but I'll ask you, then Rob could answer. If you don't assign the parking spaces and all the spaces are occupied, do I back all the way out onto Main Street? What do I do?

Mr. Virgona responded: Yeah, it's a good question. And Rob is going to give you a great answer on that.

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But, actually, I would say though, you probably have to assign them. You know, with the EV chargers, it gets a little more complicated than normal. So likely we would have a few guest spots towards the entrance and we would have the remainder would be assigned, but Rob is going to give you a little bit more on that.

Mr. Polyniak asked: Then as it relates to the building, no stucco is proposed, correct?

Mr. Virgona responded: No stucco is proposed.

Mr. Polyniak stated: Okay. Thank you for now. That concludes my questions.

Chairman Giarrusso stated: Thank you, Mr. Polyniak, very thorough, a lot of questions to ponder and considerations for Mr. Virgona to mull over. Any of the commissioners have questions? Go ahead.

Mr. Puleio asked: How do the residents dispose of their garage; do they bring it down to that garage?

Mr. Virgona responded: I would assume as they're going out to their car in the morning or leaving the building, they would go into the garage and put it into the trash.

Mr. Puleio asked: How does the carting agency gain access?

Mr. Virgona responded: We would have a private hauler, which would be like a pickup truck, which would pull under the building, empty the trash bags into the truck.

Chairman Giarrusso asked: They'll be recycling bins as well for recycling as well as garbage?

Mr. Virgona responded: Yes.

Chairman Giarrusso asked: Anybody else?

Mr. Sarni.

Mr. Sarni asked: Where's the mailroom?

Mr. Virgona responded: The mailroom is within the lobby.

Mr. Sarni asked: Regular size boxes?

Mr. Virgona responded: Yeah.

Currently we have just one strip shown for the mail. Like we said, we're probably going to add a package area just to accommodate the deliveries.

Mr. Sarni stated: They usually come in fours and eights.

Mr. Virgona responded: You mean the mailboxes?

Mr. Sarni stated: Yes.

If you have a big wall there, it would be prudent for you to put package boxes in there.

Mr. Virgona responded: We have enough space for

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two vertical stacks, which is more than what we would need in terms of just mailboxes, so we can incorporate some package boxes in that. But what we've seen and what everybody, the Amazon deliveries, the sizes and everything are --

Mr. Sarni stated: Again, another thing is to make sure that they have access to that lobby.

Mr. Virgona responded: Yes.

Mr. Sarni stated: That's on the part of owner, Amazon, they do it and Fed Ex is the same thing. Obviously that's not your equipment, but that's on the record.

And you said a pickup truck for private carting?

Mr. Virgona stated: Yeah. A lot of them do that. They drive in, and if you need to have it more often, they come more often. It's based on the frequency that you need.

Mr. Alampi stated: They look like the old Good Humor trucks, that small.

Mr. Sarni stated: As for the PTAC units, again that's another decision. Price-wise in the long run, you have to look at that as well. PTACs, depending on what kind of side you have there, obviously unless you paint them, the grills, they stick out to the street. And since you have a stick building, it might benefit to have those split.

Mr. Virgona stated: I would prefer to see the split systems myself. It's a question of economics, I think, at the end. But, yeah, we've done a lot of PTACs where they're integrated into the facade, they're painted out. You know, I agree with you, they can be horrible.

Mr. Sarni stated: Price-wise, 12,000 BTUs, you're going to need one per room, they are about \$1,000 each. Split unit is about the same price, except the ductwork.

Mr. Virgona stated: Yeah, it may be the case. We'll look at it.

Mr. Sarni stated: All right.

Mr. Cheatham stated: I understand you're marketing it as a high-end residence, so Mr. Polyniak asked about a generator. I know it presents other challenges, but high-end residence that was fully electric, I think you want a generator.

Mr. Virgona stated: It's interesting, because if you try to put the generator, it has to go on the roof then, which is possible, but I think a lot of times the owners look at the scale of the building. You know, if this were a 30-unit building or a 40, you would do it even if you didn't need it.



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In this particular building, because it's small, that cost gets divided amongst less units, so it's something we could look at, I agree.

Mr. Cheatham stated: I was just asking, you said "high-end," if I was a resident --

Mr. Virgona stated: Hopefully you don't need a generator. It's a greener building. As you probably know in New York City, for instance, you can't build a gas building anymore. So this theoretically could be a fully renewable building, because all the energy could be generated by renewable resources, which is nice.

Mr. Sarni asked: Did you discuss solar panels for the property or not?

Mr. Virgona responded: We haven't discussed that.

Mr. Sarni stated: Okay.

Mr. Virgona stated: Maybe you know the answer to this. The solar panels, that's something you would want to see at this stage or is there something in the ordinance that allows solar panels to be installed without having to be shown here at the board?

Mr. Polyniak stated: Through the Chair.

I don't have the ordinance committed to memory, but I believe that on multifamily buildings you actually would have to come back for a minor site plan. If it's a single family or a two-family residence, you would not have to.

Mr. Virgona stated: Okay.

Chairman Giarrusso asked: Mr. Polyniak, do you have any follow-up?

Mr. Polyniak responded: Yes.

As it relates to the generator, does building code require it for the elevator?

Mr. Virgona responded: No, not on this scale.

Mr. Diktas asked: What if an elderly person is on the third floor and the power goes out?

Mr. Virgona responded: The elevator can come down, it just can't go up. If you're in the building when the power failure happens and you get in the elevator, you're okay.

Mr. Diktas asked: What if there is an elderly person on the third floor and they take it down, but then you have someone on the second floor?

Mr. Virgona responded: It's not a code requirement.

Mr. Polyniak asked: Storage in the building, like if I have a bicycle or something, what do I do?

Mr. Virgona responded: You know, we don't have

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storage proposed at this point, so it's whatever is in your apartment.

Mr. Polyniak stated: So if I had a bicycle, I'd have to store it --

Mr. Virgona responded: There is an option for us to look at, which might be within the apartments adjacent to the hall, you might be able to add like storage closets, not on the ground level maybe because you can see we're tight here but possibly on a typical floor.

Mr. Polyniak stated: I know this isn't a redevelopment project, but the city requires bike storage in a redevelopment project.

Mr. Sarni stated: They could add some, but their sizes are big, so you're better for with larger apartments than storage for bikes.

Mr. Alampi asked: Storage for bikes in the apartment?

Mr. Sarni stated: You're better off with your larger apartments than have storage for bikes. Trust me, the board is happy they're not shoeboxes.

Mr. Pemberton stated: Just to confirm, all the employee parking, visitor parking, will be on the street?

Mr. Virgona responded: Well, no. I mean, I guess the RSIS standard takes into account visitor parking, so that's supposed to be included in this interior garage. And we don't expect, there's no employees in this building.

Mr. Alampi stated: To make this very clear, these will be assigned parking. If not, you have tenants competing with each other. So they'll be assigned and it will be one to every unit assigned.

Mr. Pemberton stated: Right. Just my question --

Mr. Alampi stated: That leaves you a few for visitor parking.

Mr. Pemberton stated: What's more, on the alternate side parking, there is nowhere to park, so they park up Coles and up Davis Avenue, which your now neighbors, they all have to move their cars from that side of Main Street to park going up towards the residences of Coles and Davis, so like any increase is just going farther up those streets.

Mr. Alampi stated: When you had all those medical offices in the building that was destroyed by fire, you had limited parking and you also had patients who had street parking. We're sensitive to it, but again, 15 spaces will be assigned for 15 units and then there are seven other spaces. And,

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yes, we understand parking, it's competitive parking up there.

**R O B E R T L. C O S T A, P.E., P.P., C.M.E.,**  
c/o Costa Engineering Corporation, 325 S. River Street, Suite 202, Hackensack, New Jersey 07601, having been duly sworn/affirmed, testifies as follows:

Mr. Costa's credentials were accepted by the board.

Mr. Costa stated: Mr. Chairman, I'm currently the town engineer in the adjacent town, River Edge, New Jersey. My firm was involved in The Jefferson and that whole intersection improvement. We designed it, we managed it. I have my young engineer behind me. If anybody here doesn't like it, hates it, then I'm going to say it wasn't me, I'll blame some of the younger guys, but if you like it, that was us. This particular site, 952 Main Street, the only thing

I want to say, and I could be totally wrong, I tried to get the information as far as the sewer study. Mike from Suburban sent me one sheet that shows no inverts but it shows actually some manholes, some pipes and direction.

I think, not that I've analyzed this, I have some information on it, I would think it goes down Jefferson. It's the start of a manhole pretty much on Main at that location. And if it does go down Jefferson, it continues, heads south, and if you go to Voorhees, we're building a new pump station there.

And if I'm correct, why would I need to do a 30-day sewer study on something, quite frankly, if they don't have that information, that's scary, because you're building a brand new pump station and if they don't know what's going in it or where it's coming from, that's problematic. And that's the only thing I'm saying. I don't think it should be our responsibility, and, again, if they don't have this information, shame on them. So if I'm wrong, I apologize, if I'm right, somebody should give us the information, not that my client has to spend thousands and thousands of dollars to figure out something that certainly should have been figured out already.

Chairman Giarrusso stated: Mr. Polyniak, what do you require for the sewer study, based on Mr. Costa's comments there?

Mr. Polyniak stated: Through the Chair.

The city C operator requires studies for all developments throughout the city, because they permit connections to the existing combined or sewer

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separated sanitary sewer.

Now, the issue is, as Mr. Costa said, they are upgrading the pump station, but I'm not sure how they analyzed what factor of safety they utilized with respect to the design of the pump station as it relates to overall development in the area. And again, this applicant's requesting a density variance which is going to lead to additional sewerage being generated, which is above and beyond the 50 units per acre that the city again had performed detailed studies to get to that point. So that is why we believe the sewer study would be needed at this point in time is because the density variance that's being proposed, the system needs to be analyzed to ensure that the negative criteria of this application is being addressed.

Mr. Costa stated: With all due respect, the sewer study is going to tell you what is the capacity and, believe it or not, you have an ordinance that was done in 1987.

And again I'll put one more thing on the record. I don't want to belabor the point tonight, but in 1987, actually for \$250, if you go to Section 141-11, regulations, it was amended in -- I'm sorry, I apologize, April 15, 1974, and then there were additional things added under C, D, and E, in the subsections in 1987, and it actually says for \$250 the city engineer can do this study, not the applicant. And if you put in an additional \$500, these deposits will be returned to the applicant upon payment of the engineering costs incurred by the city.

Chairman Giarrusso asked: 1980 what?

Mr. Costa responded: '87.

And why that sticks in my brain, December 5th, 1987, I said "I do." And for whatever reason, she's still with me and I'm still married.

Mr. Alampi stated: And you've been doing this ever since.

Mr. Pemberton stated: So in this part of the city, I live about a third of a mile away, the system is stressed. I've had two total losses of the basement within a three-year period, so I think the study should be done.

Mr. Costa stated: But to study, it had to be done because you have a million dollar project going on on Voorhees, and that's the pump station.

Mr. Diktas asked: Mr. Chairman, if I may, just on this point?

Chairman Giarrusso stated: If you can get us the

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statistics from that study, forward it to Mr. Polyniak in the required time, and he'll review it and if it's satisfactory, then we can move on. I have to go with my engineer and ask for a sewer study, but if you want to go an alternate route, then we'll hear from Mr. Diktas, that may be possible.

Mr. Diktas stated: Just to move it along with

Mr. Costa, Mr. Polyniak, and whoever is at Suburban, you gentlemen can set up a Zoom or a conference call or whatever, you all speak engineering, and this issue can be addressed probably in 45 minutes and not let the lawyers take three years.

Mr. Coast stated: Absolutely.

Mr. Alampi stated: Well, that's a good idea because there must have been extensive studies before they built the Voorhees station. I remember when I did the laundromat application down the road, we were contributing to that issue. It's a multimillion dollar upgrade.

Thank you, Chairman, for the courtesy of extending Mr. Costa. We will be returning. Will we be scheduled on your August meeting?

Mr. Diktas stated: Mr. Alampi, I'll tell you, I need an extension of time through September.

Mr. Alampi stated: We'll give you an extension through October.

Mr. Diktas stated: Thank you.

THE APPLICATION IS CONTINUING.

6. **Old Business: None.**

7. **New Business: None.**

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

9. **Adjournment:**

MOTION TO ADJOURN OFFERED BY CHAIRMAN GIARRUSSO.  
SECOND BY MR. PEMBERTON. ALL PRESENT BOARD  
MEMBERS RESPOND IN THE AFFIRMATIVE. MEETING IS  
ADJOURNED AT 9:55 P.M.