

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

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DATE: October 19, 2023

1. Roll Call

This is the Regular Meeting of Thursday, October 19, 2023. Chairman Giarrusso called the meeting to order at 7:07 p.m. Roll call was taken and the following members were present: Mr. Pemberton, Ms. Harrigan, Mr. Puleio, Mr. Cheatham, Mr. Sarni, Vice Chairman Jones, and Chairman Giarrusso.

ABSENT: Mr. Prifti

LATE ARRIVAL: None

EARLY DEPARTURE: None

ALSO PRESENT: Christos J. Diktas, Esq.; Bridget McLaughlin, Zoning Officer; David Juzmeski, P.E., P.P., Board Engineer/Board Planner, 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. SECOND BY VICE CHAIRMAN JONES. MOTION IS PASSED BY AN AFFIRMATIVE VOTE OF MR. PEMBERTON, MS. HARRIGAN, MR. PULEIO, MR. CHEATHAM, MR. SARNI, VICE CHAIRMAN JONES, AND CHAIRMAN GIARRUSSO.

3. Approval of Minutes of September 2023

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

4. MEMORIALIZATIONS: NONE

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5. APPLICATIONS:

a. 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.

CARRIED TO THE NOVEMBER 9, 2023 MEETING.

b. SP#7-23 V#7-23

Applicant: Marcello Bustamante

Address: 35 Jefferson Street

Block 18 Lot 9.02

The Applicant proposes to construct a three-story, one-family dwelling with frontage on Jefferson Street. The first floor consists of a two-car garage, mechanical room, and storage space. The second floor consists of a family room, kitchen, dining room, living room, home office, and bathroom. The third floor consists of two (2) bedrooms, laundry room, bathroom, primary bedroom, primary bathroom, and walk-in closet. Additional site improvements include a curb cut and driveway.

CARRIED TO NOVEMBER 9, 2023 MEETING.

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c. SP#7-23 V#6-23
Applicant: AADRP Development, LLC
Address: 50 South State Street
Block 74 Lot 4

The Applicant proposes to construct a three-story, two-family dwelling on the vacant lot. The ground floor consists of a two-car garage for both units, a family room, kitchen, water/gas meter room, and a full bathroom for Unit No. 1. The second floor consists of two (2) bedrooms, one (1) master bedroom, a walk-in closet, two (2) bathrooms, a kitchen, a living area, and dining area for Unit No. 1. The third floor will consist of two (2) bedrooms, one (1) master bedroom, a walk-in closet, two (2) bathrooms, a kitchen, a living area, and dining area for Unit No. 2. Additional improvements include a concrete driveway and landscaping improvements.

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 Application
- A-2 Tax Collector's Certification
- A-3 Notice of Publication & Certified Mail Receipt
- A-4.C1 Site Plan dated 6/5/2023, Sheet C1
- A-4.C2 Site Plan dated 6/5/2023, Sheet C2
- A-4.C3 Site Plan dated 6/5/2023, Sheet C3, last revised 8/2/2023
- A-5 Zoning Map & Survey, Floor Plan & Elevations prepared by A. Arencibia, last revised 8/3/2023
- A-5.000 Zoning Map & Survey, Floor Plan & Elevations prepared by A. Arencibia, last revised 8/3/2023, Sheet A-5.000
- A-5.001 Zoning Map & Survey, Floor Plan & Elevations prepared by A. Arencibia, last revised 8/3/2023, Sheet A-5.001
- A-5.002 Zoning Map & Survey, Floor Plan & Elevations prepared by A. Arencibia, last revised 8/3/2023, Sheet A-5.002
- A-6 Planning Report of D. Spatz dated 6/30/2023
- A-7 Site Photos
- A-8 Exterior Rendering

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

D A V I D J U Z M E S K I, P.E., P.P.,
sworn/affirmed.

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

Chairman Giarrusso stated: So our first application is SP#6-23, V#6-23. The applicant is AADRP Development, LLC, 50 South State Street, Block 74, Lot 4. We have James Novello handling that application.

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Mr. Novello stated: Good evening, Mr. Chairman, members of the board, my name is James Novello. I'm an attorney practicing law at 37 Liberty Street in Little Ferry, and I represent AADRP Development, LLC as the applicant and owner of property at Block 74, Lot 4, known as 50 S. State Street, on an application to construct a three-story two-family dwelling on the currently vacant lot.

We are requesting a (d)(1) use variance, as the proposed two-family dwelling is not permitted in your B-3 zone, as well as various bulk variances.

Although the property is currently vacant, we want to develop it, and we are not contract purchasers, my clients are the owners. They recently purchased the property in the last six months, and I think that's of note that they didn't come before you as a contract purchaser, they came before you as a proud property owner in Hackensack.

Also, the applicant has received and reviewed the professional review letters from Neglia Engineering, initially dated April 11th and through October 13, 2023. The applicant has authorized me to stipulate to the compliance of any conditions in those reports. Mr. Chairman, this evening we will have two witnesses for you. Our professional planner, unfortunately, David Spatz, fell ill and he is not going to be with us this evening. We send him our regards, I'm sure.

We, at the end of our presentation this evening, are going to be asking you to carry our application to the next public meeting without additional notice so that we can have Mr. Spatz at that time testify.

I will have two witnesses, Carl Jenne, our professional engineer, to testify to the site plan, and we will have Alfred Arencibia, a registered architect, as to the architectural set. Mr. Albert Arencibia is also the managing member of AADRP Development, LLC, so he's here on behalf of the owner as well. As he is the managing member of the owner, so he can answer any of your questions and your professional questions on behalf of the owners.

A L B E R T A R E N C I B I A, R.A., AIA, c/o
CPA Architecture, 6410 Park Avenue, Suite 201, West
New York, New Jersey 07093, having been duly
sworn/affirmed, testifies as follows:

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

Mr. Novello asked: Mr. Arencibia, you were engaged by the applicant to prepare a zoning plan, a proposed floor plan, and elevations. Is that correct?

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Mr. Arencibia responded: Yes.

Mr. Novello asked: And that architectural set dated June 6, 2023, was previously marked before the board this evening as A-5.000, A-5.001 and A-5.002.

In review of A-5, kindly describe the existing subject property and the proposed three-story two-family dwelling.

Mr. Arencibia responded: Okay.

Well, the site itself right now is an empty site.

I want to go through the survey, and also do you have the pictures that we took, because I think it's important for the board to recognize the location of the proposed site and what the uses are in the area, because while this application is in a B-3 zone, basically the site itself is more conducive to residential neighbors, as most of the properties in the area are all residential buildings.

So while we are having to compare the residential building to a commercial zone, it actually is more in keeping with a residential zone that is already existing, so I think it's important to be able to show the board the existing sites and the existing uses on the sites, adjacent properties, so they'll see that it's more in keeping with what's there.

So the handout that you're getting now are basically -- one is an aerial shot.

Mr. Novello stated: Counsel, we'd like to mark this exhibit as A-7, site photos.

Mr. Novello continued: Mr. Arencibia, these are site photos that you produced and you got them from where?

Mr. Arencibia responded: I got them from Google.

Mr. Novello asked: These are a current exhibit of what the property looks like today?

Mr. Arencibia responded: Yes, it is, pretty much the buildings and the picture you see there are fairly recently, so the picture must have been done fairly recently from Google.

Mr. Diktas asked: You printed them from Google or did someone else?

Mr. Arencibia responded: I printed them.

Mr. Arencibia continued: So one of the things that's important to see, as you can see on the development of the site there, you can see it's all residential buildings around the vacant lot that we have, residential to one side, both sides of us, at the corner. There is an industrial building at the very rear of our property, and there's also like a garage on the left rear of the property as well, but it's all residential in nature, all those uses are

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there.

It's a two-story masonry building that you see on the survey there. That's basically the rear of the property.

Mr. Diktas stated: It's A-5. When you testify to a photograph or on the board or in your hand, you are to give us the reference, because the record will not be complete.

Mr. Arencibia responded: Okay.

Mr. Arencibia continued: So the property in the rear, on A-5, that you see there's a survey, you see the two-story masonry building, basically that's a large building that abuts the back of our property as well as the other two adjacent properties next to us.

As you can see, also in the same drawing, you see there's a two and a half story dwelling, one-story framed dwelling, two and a half stucco dwelling, garage for another dwelling facing the other street, so, again, it's in keeping, as I said, that basically most of these in the area are residential in nature.

So the lot that we have currently is basically it's 24.68 by 100 feet. So it's a little bit undersized. It's 2,470 square feet. It's a little bit undersized, typically it's like a 25x100.

On that site, I'm proposing on putting a two-family home. Each of the units would be three bedrooms each, a living room, dining area, open space.

Mr. Novello asked: You want to pull up the floor plan. Now referencing A-5.001.

Mr. Arencibia responded: A-5.001, basically as you could see there on the left of the screen, that's basically the ground floor and you see the front of the property. That's basically where the parking garage is. There's a front-loaded garage inside the front of the property. There's also stairs on one side of the property to bring you up to the second floor, which is the location of one of the units on that floor, and then there's another interior stair that takes you up to the other level, the third floor, which takes you to the other unit right above.

As you walk up the stairs from the ground floor up to the first level, you make a right and you go into the door, and that's basically you go into a nice large living room, dining room area. Windows, of course, face the front. You get a lot of light and air into the space itself.

Behind that living room space, there's two bedrooms with closets. There's a washer, dryer, mechanical room immediately to the left, a bathroom,

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and then toward the rear of the property there's basically a master bedroom, bathroom, and a walk-in closet.

One of the advantages of this actual unit itself is that we actually have the space behind the garage on the ground floor so we're able to put stairs from that second floor down to the ground floor. We're proposing on having a family room there so that, you know, when they have guests over and friends over, they can have a place where they can entertain. There's also a bathroom and a small little kitchen area as well there.

So basically this first floor occupies the ground floor rear and the second floor is actually one unit. So in essence, it's a duplex unit.

Mr. Diktas stated: The room in the basement, how are you separating that? Is there going to be an outdoor entrance? The board just worries about that becoming an illegal apartment with an exit to the rear, unless that's required.

Mr. Diktas asked: David, can you help me?

But if there is an exit, then you have to make an adjustment as to the facilities so that you don't have an illegal apartment thereafter. So if can you describe the design that's clear to the board and the public that it's not now but cannot be tomorrow, if it's approved, that they can lock the door and have a separate entrance to the rear.

Mr. Arencibia stated: Well, one thing, first of all, we don't have a walkway to take you toward the rear outside. There's no door on the side of the building to get into that space. The only door is the sliding glass door in the back, but that takes you to the yard. But there is no actual walkway to get to the back and that's not the intention at all.

Mr. Diktas stated: Okay. Then you made your point.

Mr. Novello stated: Would you like to grab the rendering?

We're going to present a rendering. I think the exterior rendering will give you context on what you're looking on the inside.

Mr. Chairman, we'd like to be able to introduce the exterior rendering as A-8.

Mr. Arencibia stated: This is the rendering of the home. I don't know if you can see sort of these shaded area massings here, this basically shows you the size and locations of the adjacent structures. We just didn't want to show them all in here at this point in time, but in the pictures that you saw

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previously, you'll be able to see the buildings adjacent on both sides, but this basically shows us the massing of the other buildings in the immediate vicinity.

As you can see, basically it's a nice, clean, modern house. We're proposing on having vertical battens on the upper sections of the house. The finishes on the house is going to be cement board, horizontal siding on the bottom section, and we're going to have vertical battens on the upper section to kind of give it a break. And we also have white banding between the two to kind of break it up.

The windows, of course, you have a nice black trim, which I'm sure you've seen it recently. There are a lot of these homes that are white and black trim, so it is a really pretty look, very elegant. And, of course, the overhang of the roof and everything is all going to be black as well to have the nice contrast to it.

On the ground floor, the stairs leading up and the level area of the garage, that's all going to be by a black brick. So again it will have a nice texture to it, it will have a nice hard material to it. And the sides of the building, the upper two floors are also going to be the same cement board horizontal at the lower level and vertical battens on the upper level as well.

I'm also proposing on the side of the building, I'm proposing some additional landscaping in the area to buffer our driveway from the adjacent neighbor's home as well.

Chairman Giarrusso asked: Mr. Arencibia, do you have any samples of the products, samples of the brick or the cement board?

Mr. Arencibia responded: I do not, but I can definitely certainly get them for you. It's basically the cement board product that you see. So it's not vinyl siding, it's not that. It's a nice hard surface material that's also anti-rot and antifungal, so basically that's a much better material.

Chairman Giarrusso asked: Can you bring a sample for the next meeting, cause you have to come back?

Mr. Arencibia responded: Absolutely will do.

Chairman Giarrusso stated: I'm wondering, Mr. Novello, we have this basement, to me, an apartment in the back. Even though there's no direct entrance, there is an entrance or what maybe could seem to be an in-law apartment that they can just come downstairs and create another living space for an

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in-law.

Is there somebody here, is there the property owner that can explain some of their intentions of making this room in the back behind the garages?

Mr. Arencibia responded: That's me.

Mr. Novello stated: Mr. Chairman, in response, Mr. Albert Arencibia, in addition to being the registered architect for the project, is also the managing member of AADRP Development, who is the applicant and owner tonight.

So he can testify as to the intention behind the design that is before you, because he is the owner.

Mr. Novello stated: Albert, please proceed.

Mr. Arencibia responded: I am quite aware of what you're saying.

Chairman Giarrusso stated: Because I just question that there's no sidewalk to the back, but they can enter through the garage and get into that basement apartment, so tell us a little bit more about that.

Mr. Arencibia responded: Okay. I mean, again, the intention was not to have it as a separate apartment, because in Hudson County there's a lot of these types of structures, they're all over the place and that's always an issue that comes up all the time. And that's why I thought the fact that we're not putting a walkway in that section, you can't get access to the back, all you have is a door from the rear of that area to the back. The idea is to have it as a rec room, basically kids go down to play, they can watch computers, they can do their games, they can study from school, but they have a place to get away from their parents, they can be upstairs hanging with their friends as well too.

That's really the idea. What we have is a small, little kitchen area, so that basically if you're going to cook some hot dogs, whatever it is, you can do that, and there's a little bathroom so kids don't have to go all the way upstairs to go to the bathroom.

I understand what you're saying, I heard it before, but we're doing it for convenience, that's really the only reason for that.

Chairman Giarrusso asked: Bridget, do you have any comment relative to that?

Ms. McLaughlin responded: I'd have to agree with the Chairman, that I can guarantee that maybe not when you own it, but when the next person owns it, it will become an illegal apartment, so I would think at least there should not be a gas line for a stove in

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that area. You can have a bar area, you know, in my opinion, I'm just suggesting, but, I mean, even then, you know, people can get creative. And just by not putting a walkway there is not going to stop anybody from making it an illegal apartment.

Chairman Giarrusso asked: Any other Commissioners have a comment relative to this structure setup in the basement?

Mr. Diktas responded: Sir, if you've approved they'll be a condition that there will be no gas lines in the basement hookup, and in the resolution, there will be no kitchen or stove ever put into the basement, because, A, you don't have any venting, there has been no venting, you don't have a gas line, the electricity will not be adequate for the 220 for the electric stove.

Mr. Arencibia stated: Okay. No problem.

Ms. McLaughlin asked: Can we condition it to have a bar sink, not a standard sink?

Mr. Arencibia responded: Sure, I don't see a problem with that. Again, it's a convenience thing, that's really what it is.

Vice Chairman Jones stated: And just a quick question.

So that basement, there will only be access from the first floor apartment, only the first floor apartment gets the basement?

Mr. Arencibia responded: Or from the garage in the front. There's a door from the garage --

Vice Chairman Jones asked: I mean, who has the basement? It will only be the first floor?

Mr. Arencibia responded: The second floor apartment.

Vice Chairman Jones asked: The basement is for the second floor apartment?

Mr. Arencibia responded: The ground floor is for the second floor apartment, so the third floor --

Vice Chairman Jones stated: Yes.

Mr. Arencibia stated: So basically they're all connected. There's an interior staircase, so the staircase isn't even outside on an outside wall, the staircase is from inside the unit itself. So that's really, again the idea is just to give more space to that one particular unit.

If you want, we have done this too, if you want me to just make a door in the rear that is egress only, so you can't have handles or access, so you can't open the door from the outside. Just suggesting.

Chairman Giarrusso stated: You have a sliding

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glass door there, don't you?

Mr. Arencibia responded: Correct.

Mr. Cheatham stated: You can have a barbecue in the back, though. I would leave it the way it is.

Mr. Puleio stated: Excuse me. That looks like it's a two-car garage?

Mr. Arencibia responded: Correct.

Mr. Puleio asked: So who has access to the garage?

Mr. Arencibia responded: One unit is going to have one inside, one outside. It's the same thing on both, so they both are going to share. Both units are going to have one car inside and one on the apron.

Mr. Diktas asked: Are they divided?

Mr. Arencibia responded: There's nothing in the middle, no.

Mr. Diktas asked: So it's one big --

Mr. Arencibia responded: Open space, correct.

Mr. Puleio asked: So potentially the third floor could enter the ground level back room?

Mr. Arencibia responded: Only if you have a key. The back door will be locked from the garage. Only for the unit for the second floor. It's only for access, if they want to bring some furniture in, this and that, it's much easier for them to do that.

Mr. Cheatham asked: Maybe you've answered the question. So each tenant would have one side?

Mr. Arencibia responded: Correct.

Mr. Cheatham stated: And a stack of cars, otherwise it would be difficult if you mix cars.

Mr. Arencibia responded: That's correct.

Vice Chairman Jones stated: I might be missing something.

So I was looking at the police report, it looks like only three spaces were proposed but we're hearing four.

Mr. Arencibia responded: Well, I think the reason is because by law and code you can't count it because it's stacked parking, so you can't count it as --

Vice Chairman Jones stated: I got you.

Mr. Arencibia stated: So that's the reason why.

Chairman Giarrusso stated: All right. Mr. Novello, you may proceed with your witness.

Mr. Novello stated: Albert, turn your attention to the elevations, which is --

Mr. Arencibia responded: Okay.

Again, as you could see basically is what I indicated before, same thing with the rendering, the

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upper areas, you have the vertical battens on the upper section on the horizontal siding below the second floor, kind of break up the massing a little bit.

As you climb up the stairs from the front of the building, into the space, there's an overhang standing seam metal roof in the front, there's a nice texture and depth to that too. Again you can see we have a lot of large windows in the front to kind of get light and air into the units themselves.

Along the right-hand side of the building, of course we have some lighting for security reasons. And of course we have your leaders and your gutters dropping down. Our engineer will be speaking about how the water drainage issue is going to happen on the site, so they'll be, soon after I speak, talking about those.

Chairman Giarrusso stated: Okay. Our engineer tonight, filling in for Mr. Polyniak, David.

Mr. Juzmeski stated: I just have a few questions, Chairman.

What's the width of the driveway at the stairway location?

Mr. Arencibia responded: 16 feet.

Mr. Juzmeski stated: 16 feet. So that's a very narrow driveway. I don't think you can consider that an additional parking space. So I think officially you really have three parking spaces, which is what the police department brought up as well, including RSIS. They don't recognize that as a fourth parking space, because you don't have the necessary width of 18 feet.

Mr. Arencibia stated: No, I know, but again I'm sorry that David Spatz isn't here to speak to that, because he has all the information, the size of the cars, so I think that's a comment and hopefully we'll do that when David is here.

Mr. Novello stated: We are asking for a variance because exactly what you said. The police report has four required, our application has three legally. The planner will have some testimony with regard to that.

Mr. Juzmeski asked: Will Mr. Arencibia be discussing the fire department review letter and the fire safety, including RSIS. They don't recognize that as a fourth parking space, because you don't have the necessary width of 18 feet.

Mr. Arencibia responded: No, I know, but again I'm sorry that David Spatz isn't here to speak to that, because he has all the information, the size of

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the cars, so I think that's a comment and hopefully we'll do that when David is here.

Mr. Novello stated: We are asking for a variance because exactly what you said. The police report has four required, our application has three legally. The planner will have some testimony with regard to that.

Mr. Juzmeski asked: Will Mr. Arencibia be discussing the fire department review letter and the fire safety?

Mr. Novello stated: I'm going to let him testify to it, but basically there were some conversations that occurred between the owner as well as the architect and the fire subcode official.

Mr. Arencibia stated: Yes.

Mr. Novello stated: And there was a representation by the fire subcode official that there was going to be a revision. The board hasn't received it yet. I'm going to let him testify to it without really hearsay or anything else, it's going to be produced, but he can give you the benefit of what the conversation was.

Ms. McLaughlin stated: Yes, Mr. Novello, I spoke to the fire subcode today, he hasn't issued the letter yet but I explained to him that you would be continuing the next meeting since you didn't have all your professionals here, so you will have the letter before the next meeting, but, you know, I don't think we can represent what he said, not without the letter.

Mr. Novello stated: Maybe it's better for us to table that until you receive your letter from your fire subcode official revised and then we can testify to it at that time.

Mr. Diktas asked: He'll be back next month?

Mr. Novello responded: Yes.

Mr. Arencibia stated: Yes, I did meet with Charlie to discuss it with him and I went through the plans and everything, and he was in agreement with me that basically what we're proposing is a safe solution.

Mr. Juzmeski stated: Okay. We'll wait until next time.

That's all I have, Chairman, for now.

Chairman Giarrusso stated: Thank you.

Any Commissioners have questions for Mr. Arencibia?

Mr. Cheatham asked: Is there a mechanical engineer that's going to testify or you will answer questions?

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Mr. Arencibia asked: As far as what?

Mr. Cheatham responded: Cooling, heating.

Mr. Arencibia responded: Yes, it's going to be cooling and heating. It's going to be high energy efficient units, of course. Everything is going to be up to code. All the fire ratings are going to be up-to-date. We have nine-foot ceiling heights in the apartments, so it will be a nice height. They're going to be nice units, and of course they're going to have full heating and cooling.

Mr. Juzmeski asked: What kind of systems will they be?

Mr. Arencibia responded: It will be a split system.

There will be a couple of condensers in the back, so it will be one unit for each floor.

Mr. Novello stated: Mr. Chairman, with your permission may I call my next expert?

Chairman Giarrusso responded: Yes, please do.

C A R L A. J E N N E, P.E., CFM, CME, c/o Jenne Associates, LLC, 35 Gates Avenue, Warren, New Jersey 07059, having been duly sworn, testifies as follows:

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

Mr. Novello asked: Mr. Jenne, you were engaged by the applicant to prepare a site plan. Is that correct?

Mr. Jenne responded: Yes, I was.

Mr. Novello asked: And that site plan is dated June 5, 2023, and was previously submitted to the board and marked as A-4?

Mr. Jenne responded: Yes.

Mr. Novello stated: In review of A-4, Mr. Jenne, kindly describe the existing subject property and the proposed three-story family dwelling.

Mr. Diktas stated: A-4 is A-4.C1, A-4.C2, A-4.C3, so you have to tell us what page you are referring to.

Mr. Jenne responded: We're looking at A-4.C1, and that has a revision date of August 2, 2023.

The other drawings do not have a revision date, so they have the June date on them, yet that drawing has a revision date.

Why don't I zoom in a little more, if that's okay. I'm playing double roles as a projectionist too.

So Albert testified to the building itself for the site. He didn't really talk about the setbacks. The rear yard is set back from the rear property

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line, the rear of the building, ten-foot on the short side and 10.2-foot on the slightly longer side, because the rear property line is slightly askew to the back of the building because it's askew to the two side yards.

On the upper part of the north side of the building, the building is setback 1.5 feet from the property line. On the south side, the building is setback 3-foot 1 inches.

One thing I want to point out is on the north side, the existing two-story stucco dwelling, house #46, the survey shows it to be set back 3.4 feet from the property line. So in reality, the distance between the two buildings will be 3.4 plus 1.5, which if my math is right, is 5.1 feet. So even though we're only one and a half foot off the property line, the buildings are separated by over five.

Mr. Sarni asked: Sir, what was that math, one more time?

Mr. Jenne responded: The existing building to the north is 3.4 feet from the property line and our new building is 1.5 feet, so it's 4.9 feet between the two buildings.

Mr. Sarni stated: You said 5.1, that's why I asked. I just wanted to make sure.

Mr. Jenne responded: I said if my math was right. You had new math, I had old math, it's different.

[LAUGHTER]

Mr. Jenne continued: On the south side, where we have a 3-foot 1 inch, 1 and 3 quarter inch actually at the rear setback, the adjacent building at its closest in the middle of our building is setback 4.3-foot, I believe, it is, from the property line.

At the front, it is a little less than that. So, again, we have probably six-foot plus between our new proposed building, three-foot off the property line and the existing building. So while we're close to the property line, we're much farther away than that would otherwise indicate from the existing buildings that are there.

The front yard is setback 17-foot on the upper floors and 20-foot on the lower floors from the front property line, because the upper two floors extend out over the garage by three-foot.

The property is high in the back corner. The back, which is the northeast corner, there is a number 10.0 in a box. That's the high ground at the property corner.

We have the ground sloped from there coming on

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the side yards coming out to the front of the property. We have a swale that comes out of the back, so the grass will have an area where the water will be directed to so it doesn't go to the house, doesn't go to the adjacent property, comes down alongside the properties.

For stormwater from the roof, the roof is a pitch from the center out to either sidelines. We have gutters along either side then. The stormwater system I've designed collects the water on the north side from the roof leaders in a perforated pipe in a stone bed in that side yard, recharging stormwater into the ground. We have the same thing on the south side in the 3-foot 1 inch side yard.

Those two perforated pipes and stone recharge bed go out to the front and we have a trench drain with access from the driveway right behind the sidewalk, so it's on the property, so that the stormwater from the roof goes down through those pipes on the side yards, recharging into the ground, the water from the driveway goes into the trench drain before it leaves the property. The trench drain also has a stone bed underneath, and the total storage in these stone beds, the design criteria for the town is to have no increase in runoff for a 25-year storm. That was the original design criteria.

Based on how the lengths of pipe and amount of stone worked out, we not only met that criteria, but we're very close to meeting the hundred year storm criteria. So that while the design requirements for Hackensack is a 25-year storm, we actually almost address a 100-year storm and how much water will be collected and recharged into the ground. Every system you design is going to be exceeded at some point in time because, you know, we could get a 200-year storm tomorrow and then one the next day. So every system has to have a safe overflow.

The way I've set it up, since the low point is right behind the sidewalk, that trench drain that collects the water from the driveway before it goes onto the sidewalk will overflow once the pipes underground are full and it can't recharge anymore water. So at that point in time, the water will come up out of the trench drain or flow right over it and then across the sidewalk into the street, which is exactly how the existing property and all the adjacent properties work. But based on the design, it should not occur until we're very close to a 100-year storm event, based on the calculations.

That's the stormwater.

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We have a new sanitary sewer connection. There's a new water and gas connection. They're on the south side.

One of the comments in the review letter was for the utility trench area to re-pave the street, reconstruct it across the entire width of the street from curb to curb. If that's what the board wants to require the applicant to do, it certainly will do that.

I always show a two-foot wide repair trench, because even when you put a curb in, a lot of people try to just put a curb in right at the edge of the asphalt and it never works. Then they try to put in a one foot, and you can't compact the gravel underneath. So my standard is two-foot. I also, therefore, have a four-foot trench around the utility lines. If the board wants the paving to go from curb to curb, you know, certainly we'll comply with what the board has as a condition of approval. If I can address some of the open comments yet in the Neglia review letter at this point, that might be appropriate.

Payment restoration was Item 12 from No. 6, Planning and Engineering.

Item 13, we're going to change our detail. Right now we show dense graded aggregate underneath the sidewalk. Neglia review would like that to be clean stone, three quarter inch stone, which we certainly will comply, I'll change the detail.

Item 14 regarded the fence. The applicant has chosen and what I've shown on the plans is a six-foot high white stockade fence. Neglia has recommended that a Jerith type fence be put in.

Chairman Giarrusso stated: Yes.

Mr. Jenne stated: Again we'll leave that up to the board. If that's what the board directs, the applicant will certainly comply.

Chairman Giarrusso stated: We prefer that, Jerith style fencing.

Mr. Jenne stated: The only other comments that I see are open, there was a general comment about any utility work off-site that's required by the utility companies will be done by the applicant, you know, as long as they don't want us to run a new power line or a new waterline in from four blocks away, which is not the case. There's no issue with that.

The last comment, which I have noted on my plans, I have not done a perc test. I have not yet tested to see whether the ground can do this recharge. I mean, a recharge system is nice, it's what everybody wants,

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it's what the state recommends, but if the ground can't take the water or the water table is too high, it's totally worthless. So I show on the plans that before any construction happens, that that perc test needs to be done. The soil needs to be proven, not only to my satisfaction as the design engineer, but to Neglia's satisfaction, that indeed the system I designed is acceptable. If not, a different type of system, which basically would be an underground detention system of some sort would be the next logical choice. It's not as ideal and it does require, since the water is well below ground, it would require that the outflow from that be connected to the storm/sewer type pipe in the street, and I believe they're separate storm and sanitararies in State Street.

What I have done with this is this design does not have anything going into the existing storm/sewer system. We are down at elevation nine, only a foot above the 100-foot tidal elevation from the Hackensack. The property is outside the floodplain, you know, but we're close and the sewer main, the storm/sewer main obviously outfalls into the Hackensack. So we have it designed so we don't put anymore water into that than what would be coming in from the street, and, again, since I'm holding the increased flow from close to a 100-year storm, that's a marked improve condition over what exists now, because now all the water just flows off into the street.

Chairman Giarrusso stated: Okay. Rather thorough. I take it you're done.

I just have one quick question, and then we'll get to our engineer, before I forget about it.

You mentioned in your drainage system that if the ground becomes saturated enough it's going to rise --

Mr. Jenne stated: No.

Chairman Giarrusso continued: -- up into the stone and then flow over the sidewalk into the street?

Mr. Jenne stated: Yeah, what happens is --

Chairman Giarrusso stated: I've never seen anything like that before. We usually have the water coming out and drain through the curb cuts and into the street.

Mr. Jenne stated: Towns don't like that. I could do that.

What happens is that every system you design, eventually there's going to be a storm that's more than that system was designed for, so you have to

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have a safe way to get rid of the water. In this case, it's not that the groundwater is coming up, when it rains the water goes through the leaders into the pipe into the stone. The stone is clean stone, so it has storage capacity for that water, but once the capacity of that system is designed, which as I said would be close to a 100-year storm, the water has got to go somewhere. You have two choices, one you could have it pop out on the grass at the leader, so in other words, since it can't go down into the ground, it just comes out and spills on the grass.

Now you have erosion on the grass. Now you have water that's probably going to go directly onto the adjacent property. So that works, but that's not a good solution.

In this case, since we have a trench drain, once that's full, the outlet for that is to basically run off the site. Yes, it's coming out and going over the sidewalk, because it's coming out of the trench drain, but that's what happens now. Right now all the water from that site runs across the grass until it gets to the sidewalk. Then it rolls, goes across the sidewalk, goes down into the curb in the gutter along the curb of the road, and then heads down to the nearest inlet, which I believe is a street or two down to the south.

Chairman Giarrusso stated: You're making improvements to the site. We hope that you would make improvements to the drainage too.

All right. We'll hear from our engineer, from Neglia, with your comments relative to this testimony.

Mr. Juzmeski stated: The Chairman makes a good point. It's a good system design because of the recharge, but in the winter months when it does potentially overflow, now you have a sheet of ice across the entire sidewalk along your frontage. I think an overflow at the curb line is more appropriate for this design. So, again, it's dependent on the infiltration rates. So we would like to see the infiltration rates first through your perc and see what an appropriate outfall should be.

Mr. Jenne stated: I have no problem doing that. Typically you're only talking about a curb reveal height of six inches, so your pipe is going to be four inches or less. That certainly can be done so the water never fills up. It can only go in the trench drain and doesn't go out there. That's simple enough to do. It just requires pipes within the right-of-way under the sidewalk out to the curb, and

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a lot of towns don't want any water going out to the curb. I mean the other option is the overflow from that could be piped in the street directly to the storm main, so it doesn't see the sidewalk to freeze.

The same issue that you brought up with the ice in the wintertime is the same condition that you have in the gutter line by the curb.

Mr. Juzmeski stated: Yes. Due to proximity of your home or your building to the adjacent properties, usually the overflows are at the gutters.

Mr. Jenne stated: Correct.

Mr. Juzmeski stated: But you would be impacting the adjacent properties if we asked them to do that. The best alternative would be a curb cut outfall.

Mr. Jenne stated: Not a problem.

Mr. Juzmeski stated: It's not mimicking an existing condition. The existing condition is a lawn area. You don't have a whole driveway draining to the roadway that you are proposing to --

Mr. Jenne stated: But it's not draining there now, it's being collected by the system to a 100-year rainfall.

Mr. Juzmeski stated: Until it overflows.

Mr. Jenne stated: At a 100-year rainfall event, that grass on that site, there's no water being absorbed by the soil and the grass, it's all running off the property as if it was running off of asphalt at that level.

But however you want to do it, I have absolutely no problem with that. I'm a believer in keep it off the sidewalk.

Mr. Juzmeski stated: I think we can work with you on that, if approved.

Thank you.

He addressed most of the comments, Mr. Chairman, with the exception of the type of lighting that you propose on the side. Are there going to be shields to deflect any glare to adjacent properties?

Mr. Jenne stated: That's on the architect's plan. I believe that's the case. He always does that, but he has the lighting on his plan.

Mr. Juzmeski stated: All right. He's shaking his head yes, so that will be confirmed.

All right. That's all I have.

Chairman Giarrusso stated: Thank you.

Any of the Commissioners?

Rocco, you had something?

Mr. Sarni stated: You mentioned being okay with doing curb to curb pavement, right?

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Mr. Jenne responded: If the board has that as a condition of approval, the applicant is not going to say no.

Chairman Giarrusso asked: Anyone else?

Okay. Mr. Diktas, I believe I was remiss in opening to the public for questions for Mr. Arencibia. Can we do a doubleheader?

Mr. Diktas responded: Yes, Mr. Chairman.

Chairman Giarrusso stated: All right. I'll make a motion to open to the public.

Anyone have any questions only for these two witnesses?

Mr. Puleio stated: I'll second.

Chairman Giarrusso asked: All in favor?

(Chorus of ayes.)

Chairman Giarrusso asked: Anyone wishing to be heard, please come up, be sworn in, and questions only for these two witnesses.

Mr. Diktas stated: None appearing, Mr. Chairman, motion to close.

Whereupon, motion offered and seconded and the hearing was closed to the public.

Mr. Novello stated: We would request you carry this to your next meeting. There is no further notice.

Mr. Diktas stated: Let the record reflect that this matter, for the record it is SP#6-23, V#6-23, AADRP Development LLC, 50 South State Street, Block 74, Lot 4, will be carried to the board's next meeting, which is November 9th, at 7:00 p.m.

There will be no further notice. The only notice will be posted on the bulletin board and per this publication on the agenda.

Counsel, we need for you to authorize the transcript.

Mr. Novello responded: Yes.

Mr. Diktas stated: Thank you. And we need a waiver of all the time periods.

Mr. Novello responded: Yes, we waive the time periods under the statute.

My architect just informed us that he's not going to be here, he's going to be away on the ninth. May I swear him back in related to the lighting shield?

Mr. Diktas responded: Sure.

A L B E R T A R E N C I B I A, R.A., AIA,
having been previously sworn, testifies as follows:

Mr. Novello stated: There was a comment made by the board to a review comment by the board engineer.

Mr. Arencibia responded: Yes, there will be night sky lights, so basically there will be nothing

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spilling out and there's definitely not going to be any visual sighting of the actual light from the fixture itself, it's all going to be shielded.

Mr. Diktas stated: Mr. Chairman, Bridget just reminded me, Mr. Arencibia has advised he is not going to be here for the nine, so then your application will not finalize until December, because Mr. Arencibia has to be here to discuss the fire issues, the revised letter. So go on vacation, have a good time, we'll see you in December.

Bridget, when is the December meeting, please?

Ms. McLaughlin responded: I think it's the 21st.

Mr. Diktas stated: Unless you want to come all at once so you don't have to pay your lawyer all three times.

Mr. Arencibia asked: Can I ask a question?

Why do I need to be here for the next meeting?

Mr. Diktas responded: To discuss the fire meeting that you had with Charlie.

Mr. Arencibia asked: If I get a letter between now and then, would that suffice?

Mr. Diktas responded: No. If there's any questions from the engineer, from the board, from the public, we can't. So my recommendation is to bring you back in December so this way you don't have to come back three times and pay your experts and at this point you have a quorum.

So the date is now December 21st. This matter will be heard on 7:00 p.m., December 21st. No further notice will be given. The notice is given tonight and will be on the bulletin board on the agenda. We'll see you then. Have a good Thanksgiving and be safe.

THE MATTER IS CARRIED TO 12/21/2023 MEETING.

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d. 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

DIKTAS GILLEN, P.C.

BY: CHRISTOS J. DIKTAS, ESQUIRE

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Counsel to the Applicant

E X H I B I T S

A-33 Plan entitled "Typical Garage Photometric Calculation"

A-34 Plan entitled "Lighting Schedule & Cut Sheets"

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

D A V I D J U Z M E S K I, P.E., P.P.,
previously sworn/affirmed.

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

Chairman Giarrusso stated: Our next application for this evening is SP#34-22, V#34-22, Hackensack Assisted Living LLC, 329 Prospect Avenue, Lot 3, 4, 5 and 14. Mr. Basralian is representing the client.

Good evening, Mr. Basralian.

Mr. Basralian replied: Good evening, Mr. Chairman.

Mr. Diktas stated: Mr. Chairman, before we start, please, we have to go on the record. I have spoken a few times with Mr. Basralian about this issue.

The city's C engineer, Suburban Consulting Engineers, who monitors and controls the sewer infrastructure, issued a letter late yesterday afternoon. I sent it to Mr. Basralian this morning. He didn't really have an opportunity to look at it. He can and will. We're not here to talk about it tonight. For the record, I handed it out to all the board members. If anyone is interested, it is on the website. The letter is dated October 18, 2023. It's from Suburban Consulting Engineers, who works for the city, to Bridget. It's on the website. It consists of four pages with ten numbered points and other paragraphs. It is within those points there's recommendations, there's requirements as to impervious coverage, sewers, new sewers, flow, metering, etc. We're not going to go through that tonight, because it's not equitable to Mr. Basralian or to our engineers, Neglia, because they just got it again late last night. This came in after 5:00. There will be discussions in the future. If anyone wants to look at it from the public, it is on the website. It is very comprehensive.

Mr. Chairman, when the time comes for a discussion on this letter, which will probably be a whole meeting, I would request that we have Suburban Consulting Engineers, Mr. Michael McAloon, Senior Project Manager, let him be present, representing us and the city, so we have the ability to answer questions from both Neglia, Mr. Basralian's engineers, and from the public.

Chairman Giarrusso stated: We can make that request, Mr. Diktas.

Bridget, would you make note of that, please.

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Ms. McLaughlin responded: Yes.

Mr. Diktas stated: I don't know what date it is, but it won't be November. It might be December or January.

With that, thank you, Mr. Basralian.
Go ahead.

Mr. Basralian stated: Thank you.

This is a continuation meeting from July of this year. We haven't had a hearing since then. I'm going to be calling my architect, Michael Szerbaty, he testified at the June meeting and we stopped halfway through because the time had run. So I'd like to re-call him. He's is still sworn from the initial swearing-in in June. I'd like to re-call him to continue where we left off. If everyone hasn't seen the transcript, it is available. He is going to pick up after his discussion with respect to Exhibit 23. Everything is key to his presentation, so he might go back 1 or 2, but it depends what's germane to the discussion.

I asked him earlier today to make sure he identifies something on the screen. He had an exhibit list which was provided, it's the same exhibit list, it's in the transcript of the June hearing as well. It refers to the exhibit that's up.

Use the exhibit list as a reference so you can key it for your stenographer and identify the document.

All right?

Chairman Giarrusso replied: Yes.

M I C H A E L D. S Z E R B A T Y, AIA, c/o MD Szerbaty Associates Architecture, 307 7th Avenue, Suite 1501, NY, NY 10001, having been previously sworn/affirmed, testifies as follows:

Mr. Basralian stated: MR. BASRALIAN: You can pick up from where we were at the June meeting. I believe you were referencing Exhibit A-23.

Mr. Szerbaty stated: A-23 was what I testified to up to that point at the last meeting, so now I'm going to move on to Exhibit A-24, which is up on the screen for everyone.

This exhibit consists of a site plan of the entire project and has all the information regarding the zoning limits and various zoning requirements on it. So let me zoom in on, the overall site plan runs from Prospect Avenue on the right side of the drawing, over to Summit on the left side of the screen.

So the R-3 zone is off the Prospect Avenue side of the site, and the R-3 zone is the location of the

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assisted living facility tower.

At the south side of the site is a walkway that takes you from Prospect to the west to the main entry of the building, which is identified here with a large red arrow on the drawing and --

Mr. Diktas stated: You can't say that, because that red arrow isn't going to be there when you leave or is that red arrow permanently on the drawing?

Mr. Szerbaty responded: On the drawing, yes.

Mr. Diktas asked: The red arrow is there on the drawing?

Mr. Szerbaty responded: Yes, yes.

Mr. Szerbaty Continued: And that walkway continues on through the site onto the park side of the site.

So the building that you see here outlined, shaded in blue, is the outline of the ground level of the tower element. The areas that are shaded with the light gray just outside connected to the blue are the limits of the tower above the ground level. So the footprint at grade is in blue, and you'll see in subsequent plans the building as it occupies all of the blue and the gray area above.

From the walkway to the south, it goes off of Prospect, adjacent to that just north of it is the main driveway that takes you down to the parking level down below grade.

To the north of that is a community park area that's open, and what you see in green is outlined as landscaping, and the circles that you see of course are trees that are planted.

There is an area between the community park and the tower itself which is an area way that is providing fresh air and exhaust air as we need it to get to service the mechanical spaces down below which is mainly the incoming utilities and location of the generator and such.

Farther to the north of that is a service drive that provides access along the north side, and it goes to an area where the compactor is placed, and that is only used for that purpose. The site itself, boundaries of it, are fenced in accordance with the zoning, a six-foot high fence, and that fence in this case, it's not an opaque, it's a transparent fence. There is screening that is around the compactor. That's the only screening. So on this area of the site there are -- well, throughout the site there is nothing on grade that has any mechanical, there's no mechanical units or anything like that.

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Moving into the park side of the street off of Summit, between Summit and the zoning line between the two sites is the park itself. And what you see here in green is all of the landscaping that's part of the park and the two blue structures, the box to the -- well, the two blue structures are one-story elements. The larger one is a maintenance shed for the park to use for landscaping and materials and tools and equipment and it also includes the public toilets.

The little narrow blue structure is purely a bulkhead for the stair, that egress stair that comes out of the garage below, and then of course we have the driveway ramp that comes off of Summit to go into the garage.

I'm moving on to the next drawing, which is Exhibit A-13. And A-13 is just an overall general landscape plan and there has been previous testimony on that, so I'm just going to continue on to the next exhibit.

I should note that all the areas around that at the site, any walkway and driveways, they all have a snow removal melting system on them. So all of those surfaces, any hard surfaces have a snow melt system as part of it. And all of the surfaces along, any walkway surface throughout the site going along the walks to enter the building and through the park are all fully ADA accessible.

This is now Exhibit A-25, which includes the main floor plan, architectural floor plan of the grade level, and then also the floor plan of the grade directly below that, the basement level. So again I'm going to zoom in on the Prospect side, which has the tower.

Vice Chairman Jones stated: Before you continue, I have a quick question, and if it doesn't apply to you, I apologize.

The public restroom, what sort of like security is there going to be around there and is there anybody monitoring that area, is there any cameras in the area?

Mr. Szerbaty responded: Yes, you'll hear testimony from the owner on the functioning of it.

Vice Chairman Jones stated: Okay. Thank you.

Mr. Sarni stated: I'm going to add to that. Do you plan on using sun door locks for those restrooms, meaning that they're going to be open for certain times of the day when the sun is up, like they do at county parks?

Mr. Szerbaty responded: That I don't know, but

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the owner will testify to how the operation of the access to the park area and the building itself will take place.

Mr. Szerbaty continued: This is the ground floor plan that we saw as a rendered version, you know, another exhibit ago. Again, the main entry identified in red here. You come up along the walkway, along Prospect, you come and you go in the main entry to the building, directly in front of you is a security desk, and also in this area is the fire command center, fire control panel which we've had some response back from the fire department as to how they want to see that work out and where it's located and we'll continue to have that conversation to make sure that we meet their needs for that.

You come into the main lobby space, and to the left of you are two elevator banks, one on the north side, which has three elevators that only serve the tower, they go from this level all the way up to the tower. The elevator bank has two elevators to the south side only serve the garage below. So anyone coming from below from the garage is going to arrive at this lobby space, they do not continue on into the tower, you have to check in, transfer, and be monitored at that point.

The center portion of the building has some offices and administrative facilities, and then the portion of the building that faces Prospect has a service area, service rooms because incoming utilities and systems are coming in below so that stuff is migrating itself up through and into the building to go up into the tower.

Part of the review process comments from Neglia were addressed on this plan including the walls at the perimeter, around the ramp way and defining various ups and downs throughout the site, and all of those walls are parapet walls, properly designed, that will be engineered for their structural adequacy. I mentioned the snow melt system throughout all of the areas.

Mr. Basralian stated: Let me interrupt.

With respect to the comments that were raised by Neglia, to which you're referring, were they addressed on plans in subsequent submissions so that all of those matters were addressed accordingly, correct?

Mr. Szerbaty responded: Yes.

Mr. Basralian stated: I don't know if we should go through them, they have been addressed, they may not have been picked up from the Neglia report, but

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we'll make sure next time we come.

Mr. Szerbaty continued: The plan at the bottom is the basement level plan. The basement level plan has all of the building incoming services, main utilities and generator room facing the Prospect side, all kind of following some of the requirements from the utilities. And then we have a series of below grade spaces, like the laundry and the main kitchen area and several storage areas that you see that are at that basement level.

Now, we call this basement level is in between the ground level of the tower and the parking garage. The parking garage actually starts down below that. So the ramp that runs from Prospect that goes down bypasses this floor to get down to that lower level.

Vice Chairman Jones asked: And all that laundry is done on-site or the laundry is collected and sent off-site?

Mr. Szerbaty responded: On-site.

Vice Chairman Jones stated: So there's a whole laundry staff?

Mr. Szerbaty responded: Yes.

Vice Chairman Jones stated: Thanks.

Mr. Sarni asked: What's the square footage of that B-1, of that basement floor?

Mr. Szerbaty responded: I don't know off the top of my head.

Mr. Sarni asked: You don't have it on your plans, just the floor?

Mr. Szerbaty responded: No, I don't think it's on the drawings, no.

Mr. Sarni asked: Are any square footages on the drawing, the building footprint for a typical floor?

Mr. Szerbaty responded: It's provided as part of the written narrative that we have of the project.

Mr. Sarni asked: But off the top of your head, you don't know.

Mr. Szerbaty responded: No.

Mr. Szerbaty continued: Could we move on to the next sheet, which is Exhibit A-26. The --

Mr. Diktas stated: I'm sorry to interrupt.

Mr. Basralian, in furtherance of Mr. Sarni's question, the witness has said a written narrative. A written narrative isn't part of the record for the public to hear, so next time when he comes, if you can just ask him bullet points and then he can address those questions so it's written, just so it's clearly on the record.

Mr. Basralian responded: There's written narratives on the plan.

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Mr. Diktas stated: He doesn't know it, though.

Mr. Basralian stated: He doesn't know the square footages of each, but they're on the plans.

Mr. Diktas asked: If it's on the one plan, can he answer the question?

Mr. Basralian stated: It will be easier just to get the bullet points, if that's what you want, then to go back and read the --

Mr. Diktas stated: I understand, but we have to put it out.

Mr. Basralian stated: I understand, but if the public looks at the plan, the narrative is all there by square footage.

Mr. Diktas stated: So it's clear.

Mr. Basralian stated: The narrative is all there, which gives the square footage. We'll address it by floor. We'll do that for the next time.

Mr. Diktas stated: Thank you.

Mr. Szerbaty continued: The next sheet, which is Exhibit A-26, shows the various floor plans above the ground floor, and they consist of three amenity floor plans, which have the things like dining and spa area and salon and those types of things.

The next three floors above the ground floor, above that, are 15 floors of residential apartments, and those floors you see the beginnings of them here in this, you know, in the upper left of the drawing.

There are ten units per floor, and the units have a mixture of studio, one bedroom, and two bedroom apartments. There's a mixture amongst floors, the floors are grouped to different uses, so the mixture -- so each floor is a little different in terms of its mix, but they consist of the ten units per floor.

The next exhibit is A-27, and that exhibit is the uppermost floor of the residential apartment units, but it also then includes the penthouse level which is shown here. This is the main first penthouse, which has the elevators and stair, you know, coming up to this level. And then above that level is the penthouse or bulkhead for the elevator machine room on both the north and the south side of the building.

And of course the stairs come up to that level as well for egress.

And what you're seeing then are all the other, these are just parapet walls and things on the level below, which you see.

And then the uppermost, which is the roof plane, which you're just looking down on top of the building.

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This diagram here is a diagram taken from an elevator manufacturer to demonstrate the requirements for the height of the elevator overrun and the subsequent machine room above it that is relative to the issue of the ten-foot bulkhead requirement. So this is describing the needs technically in order to have the elevators work.

The next sheet are enlarged plans of the typical units -- oh, I'm sorry, Exhibit A-28 is the next drawing. These are the typical floor plans of the typical unit layouts. And what they consist of are studio apartments, as I talked about, the mixture of studio apartments that are roughly 337 net square feet each. Each apartment is fully accessible, which includes fully accessible ADA bathrooms and every apartment in every building is that way.

There are also one bedroom units, you're seeing two, you're seeing a pair of them. To each side is a one bedroom unit that they fit within the structural module of the building tower as it goes up.

Mr. Basralian asked: Each one of those would again have the requirements for assisted living as directed by the state and includes ADA compliance with bathrooms, etc. Is that correct?

Mr. Szerbaty responded: That's correct. Absolutely.

Mr. Basralian asked: Would that be the same for the two bedroom units as well?

Mr. Szerbaty responded: The two bedroom units, yes, that's what's here on the screen as well.

This is a typical two bedroom unit, fully ADA accessible compliant, all aspects of it.

Mr. Basralian asked: Just for the testimony, would you tell the board the square footage of the one bedroom and the square footage of the two bedroom?

Mr. Szerbaty responded: The one bedroom units are 634 net square feet each.

The two bedroom unit is 986 net square feet.

Ms. Harrigan asked: What is the studio?

Mr. Szerbaty responded: 337 net square feet for a studio.

Now, again, that's the net square feet of usable occupiable space, as opposed to the common gross floor space.

The next exhibit is A-17, and here we begin the sequence of plans for the parking level.

The first plan, which is the top plan on the sheet that I've enlarged, is the main arrival level when you come from the street, either Summit or

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Prospect, and you come down the ramp and you arrive at the first parking level, and again it bypasses the basement, so we're down, I forget how many feet exactly, but, you know, down a level below the basement, and that's due to the need for providing for adequate utility clearances, for incoming utilities on Prospect Street, and also providing for adequate coverage for landscaping and other developed site features for the park side, so the project is sunk down to get to that first parking level.

You come down the main drive off of Prospect, it comes down and basically you arrive in the center of the site, you know, below grade. And at that point there are trench drains, there are, you know, warning head knockers, all of those things at each area of the ramp. And when you come down here, you have options. One is to continue straight and there's a drop-off area, that's not a parking area, it's really just literally just a place to drop off people, and then they go to the main elevator bank and stair with access that goes up into and around the lobby area of the building that I described in talking about the ground floor. So that's the drop-off area, and you can circulate around and then just leave.

The second option is if you are coming to park, you continue straight and you start, you know, engaging the parking system, which is a system of flat areas and ramped areas that provide all the parking spaces. Several of the parking spaces you can see symbols on them which have electric vehicle plug-ins and they are ADA spaces, handicap spaces that are provided. All of these things are following the rules, you know, of the code.

The stair that I pointed out that comes up into the park above is over in this upper left corner, you know, this parking deck. And then of course you have a stair in the middle of the building that's part of the main access to the lobby above, and then you also have a stair on the easternmost side of the building, and that stair also includes a service elevator.

The service elevator is an elevator that goes from this level only, goes all the way up through the tower, up to the penthouse level.

Mr. Diktas asked: What level is this?

Mr. Szerbaty responded: This is level P-1.

Mr. Diktas responded: Thank you.

Mr. Szerbaty continued: And the third option of people coming into the garage is for deliveries. As has previously been testified to, the major deliveries of food, you know, and the like are going

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to come down to this level and there are drop-off spaces and loading dock areas here for those trucks, for box trucks.

And the ramp continues down on the left side of the site. And from there, you start the system of going down and going around, and the parking then goes under -- the public parking continues on under the Prospect side, under the building, and this goes down for two and a half levels, I believe. And you circulate around and then you go up and down, and all of the parking, it's all two-way accessible.

And Exhibit A-18 continues the parking system, and it's basically a duplicate of the typical parking level, with the exception that we do finally go down to the bottom at level P-4, which is only half of a level of parking because that's the end of the parking as it goes down. So that all occurs underneath the tower element on the Prospect side.

The next series of exhibits --

Chairman Giarrusso stated: Excuse me, can we stop there for a minute, because I have a few comments and questions about this cavernous underground area that you're talking about you want to utilize as a parking garage.

So I would like to know a little bit more about the security cameras that may be located, call boxes for the people who now become pedestrians once they leave their car; lighting that's adequate to see underground in this dark area; any cameras for surveillance. I want to know the people that are traveling from their car to where? Where is the nearest elevator? How many elevators are there?

Give us some more descriptions about the walkways, if they're striped for now what becomes a pedestrian. You said two-way traffic. So I see a maze of activity underneath there with cars in and out, pedestrians all around. It is difficult visualizing that underground in the darkened environment, so enlighten me a little bit, if you will, not literally, just give me the information.

Mr. Szerbaty responded: Sure.

Relative to lighting, I don't have it as one of these exhibits that I'm presenting but in the submission that we made, we have a full lighting plan.

Mr. Sarni stated: Excuse me, can we please limit the talking in the audience. Excuse me, ma'am. Excuse me, we have a professional here. Please limit the talking. Thank you.

Continue, sir. Sorry.

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Mr. Szerbaty stated: There is a full lighting plan with footcandle calculations, and it's a gridded plan that shows you all of the lighting levels.

Mr. Diktas asked: You testified to that. Do you have it tonight?

Mr. Szerbaty stated: I would have to dig it out, it's not one of these in the package.

Mr. Diktas stated: The Chairman asked you a pointed question as to the lighting and you refer him back to a plan that you can't dig up. And I asked you earlier a question, you said it's on a footnote rather than telling us the square footage. So you're being asked basic questions on a multi hundred million dollar plus project and this board can't get a straight answer. So in fairness to you and to Mr. Basralian, please dig up your plans and answer the questions and don't punt it down the road. So please give us a straight answer. And if you can't give us the answer, say I don't know, I can't give it to you, or I give you my word, and Mr. Basralian will keep you to it, when you come back next month, I will have these answers, but please don't punt it down the road. It's really hard to follow you and it's really hard to follow the questions that have been presented by the Chairman. So with all due respect, answer the questions.

Mr. Basralian stated: Just for the record, all the plans were submitted. It's there.

Mr. Diktas stated: That's not the issue.

Mr. Basralian stated: You have to dig it out from all the plans, yes, but everything he was talking about and the lighting plan you were talking about with the garage was all submitted as part of the original submission. I don't know if you can dig it up now or you want to go through the rest of it.

Mr. Szerbaty stated: I can dig it up, but it is going to take five minutes to bring it up.

Mr. Diktas stated: Let's take a five-minute break and answer the Chairman's question.

Mr. Basralian stated: Okay. Let him take a couple of minutes to pull it out. We'll answer the questions. That will delay you to another time.

Chairman Giarrusso stated: That would be fine. Five-minute break.

(A short recess is held.)

Chairman Giarrusso stated: We are back on.

Now, the official has found what is necessary to respond to questions from the board. So please continue.

Mr. Basralian stated: As he does this, since it

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wasn't on our exhibit list, he'll read the title of the exhibit, we'll make it Exhibit A-33.

Mr. Diktas stated: Thank you.

Mr. Basralian stated: A-33 and A-34.

Chairman Giarrusso stated: Mr. Basralian, before we proceed any further, we would just like your professional to know that at about 9:40, we're going to cutoff testimony and give an opportunity to the audience to refer any questions, because we do want to end at 10:00. All right?

Mr. Basralian responded: We'll do that. Thank you.

Mr. Szerbaty stated: Okay. I'm going to address the question about the lighting and how the garage functions.

This is the lighting calculation plan, and it's called "Typical Garage Photometric Calculation." And this is a typical level of the parking garage. And the parking garage of course, you know, primarily circulates around for vehicles with parking stalls. There are three areas that people can go to.

The main core area that anyone coming to the facility is going to use is there in the center, as I mentioned, describing the earlier floor plan, and that consists of the stair and elevator core and that takes you up to the ground level.

Chairman Giarrusso asked: So they are centrally located?

Mr. Szerbaty responded: Right in the middle.

And the other two stairs, one in the northwest corner and one on the east side of the building, they are purely emergency egress stairs. So anyone coming to this facility is going really to the center core.

The lighting of the parking garage follows standard requirements for it, and in this case there are two different types of lighting levels. There's the lighting level of the parking area itself and then there is the lighting level that exists where the people go to the core areas. Those areas are brighter, more brightly lit, and of course the main center core area is the dominant area. So, you know, have a different lighting level.

This sheet, which is the other exhibit referred to, it's called "Lighting schedules and cut sheets." So what this is, is a summary of calculations that were done for the typical garage level for lighting requirements. And it provides to you a cut sheet of the actual luminaire that was the basis of the design and all of the photometric data that's part of it. And the charts that are up at the top here go through

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and tell you where the different lights are used and the average footcandle or minimum/maximum footcandles that exist in those areas. And you kind of see here the two landings and the east and the west, those are the areas where the public walks to as opposed to the ramps and for where the cars drive and then park. So that's how the lighting is set up.

Chairman Giarrusso asked: Okay. Can you comment on security, the cameras, call boxes for emergency use. How is that spread out around in this underground garage?

Mr. Szerbaty responded: There will be cameras and there will be security monitoring, call boxes and the like. There are specific requirements for spacing and distances of those, but all of the areas of the garage would be perceived by camera, you know, the cameras would be able to look at, you know, all areas.

Chairman Giarrusso asked: Any other Commissioners have a comment relative to this testimony before we move on to a new exhibit?

Mr. Sarni responded: Not the lighting, no.

Chairman Giarrusso asked: Or anything about the underground garage?

Mr. Sarni stated: I have a quick few things.

On these plans, do they show any suppression systems for the underground parking lot?

Mr. Szerbaty responded: A suppression system will be provided, but, no, the plans they're not at that level of detail yet.

Mr. Sarni asked: So you won't know whether it will be wet or dry then?

Mr. Szerbaty responded: It will be wet.

Mr. Sarni asked: And access for egress and ingress, are you going to have gates, panels, license plate reader?

I'm asking this now because typically when you're in the planning stage, you'll have to plan for electric and at the end of the day, you may know.

Mr. Szerbaty: The owner will testify to those kind of operational issues, but it is anticipated there will be systems like that.

Mr. Sarni asked: Okay. And the same thing goes for exhaust?

Mr. Szerbaty responded: Yes, yes, the garage has -- I think that there was some previous testimony on that. I'm using the lighting plan, but I can just easily describe the situation with the lighting plan.

The garage has, as you know, a ramp coming off of Summit that goes down and then there's a ramp coming

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off of Prospect, so those are the two main, aside from vehicle circulation, air is coming into the garage and circulating around, and there is a garage ventilation system that would be placed in this north corner in the center and in the south corner in the center. So the air is coming from the two extremes, and then it moves through the garage, and then whatever the required ventilation pushes it out. And

I know that that was also a fire department concern that we provide more air, you know, more ventilation in case of a circumstance of a fire or smoke condition. So there are code requirements for what we need to provide ventilation-wise and that would be adhered to.

Mr. Sarni stated: Okay. And then I know you're on the lighting plan, in those alleys there, so you have, just to clarify, I'm going to say, minus one, I mean one floor below ground; minus two, two floors below ground. Minus one is the basement, and then you have three sub-floors beneath that, three levels, all parking levels?

Mr. Szerbaty responded: Yes.

Mr. Sarni asked: So approximately how many spaces are on each floor? I know that the detail is on the plan, and remember we have public here who may or may not have read or seen the plans.

Mr. Szerbaty responded: Give me a second.

This chart has the total parking count as to the levels, P-1 through 4. The four is a half level, as I described previously.

Now the totals, these are spaces and then there are ADA spaces, and then there are van spaces, I believe it's 244.

Mr. Sarni stated: So the reason why I was asking is because it is an assisted living facility. I think you have your mandates for how many spaces it may need for ADA compliance and first aid and how many van spaces you might have. The question is:

Mr. Sarni asked: Did you tweak them for the building that you're building or are you at the minimum?

Mr. Szerbaty responded: They're beyond. It's beyond the minimum.

Mr. Sarni responded: Thank you.

Mr. Basralian stated: It was testified to earlier by the engineer that 75 spaces are required, which we felt was the minimum, and so we added the additional because you're going to have more EV stations in the future, perhaps, but in addition we wanted to accommodate to make sure there was no

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traffic, no cars that ever had to park on the streets, either Prospect or Summit Avenue, so because you had to go down, we accommodated that.

Mr. Sarni stated: Thank you.

Mr. Szerbaty stated: I'll go back to the previous question about square footages.

You know, I described the square footage of the typical apartments, but the question was pertaining to the floor areas and each plan has that number on it.

So as an example, the ground floor, on the entry level plan --

Mr. Sarni stated: I apologize. I'll be more specific. I was looking for the gross square feet for the one basement level and one floor, preferably the lobby.

Mr. Szerbaty stated: I was trying to make it bigger so I can read it and you can read it. Just for your reference, a typical upper level floor, which is a residential floor, is 10,126 square feet.

Mr. Sarni stated: Thank you, and just one of the sub-basements.

Mr. Szerbaty responded: It's the one I'm having trouble enlarging.

The basement level that you see here has, on the R-3 side of the site, 13,924 square feet and the basement, that's on the R-75 side of the site, is 11,901 square feet.

Mr. Sarni stated: Okay. And if you add them both together, that would be the same as one of the garage? No?

Mr. Szerbaty responded: No, because the basement level does not consume the entire site because of the topography and things.

Mr. Sarni stated: Thanks.

Mr. Szerbaty stated: The ground floor level at grade is 7,770 square feet.

Mr. Basralian stated: If there are no further questions, he only has one more exhibit to go through and we can conclude and you can open to the public, if you wish. Okay?

Chairman Giarrusso responded: That would be fine, Mr. Basralian.

Mr. Basralian asked: Why don't you go back to your testimony.

Mr. Szerbaty responded: Yes.

So these exhibits that you see, 29, 30, 31 and 32, you can see the thumbnails of them on the right side. These are the shadow studies, and what we did was a pretty exhaustive shadow study. So we have the

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four different times of the year, June 21st, September, December, and the solstice. So each of the sheets represents one of those. So this sheet represents the sun and shadow on June 21st.

Mr. Diktas asked: Which is "this" sheet, so it would be?

Mr. Szerbaty responded: Sheet A-29.

Mr. Diktas stated: I understand that it's A-29, but then we have 8 sub sheets on A-29 and you're circling the upper middle one while you're speaking. And when I have to write this transcript, I'm not going to be able to discern anything. So let's go through each one of these sub sheets on A-29 and describe it and enlarge it so the board and the public can see the shadows that you're referencing, because right now all we have is eight sub blocks on A-29 and you circling with a cursor. Please, it's as important for you as it is for us and the public. Let's get all the facts out, because all we're doing is painting with a roller, and I'm not saying paint with a model brush, but we have to paint with a smaller brush so everybody can understand. You're just running through this, with all due respect. Your plans are beautiful, it has nothing to do with whether the project is approved or not, a lot of thought, a lot of effort, but please take your time and describe each one of those blocks and not just circle it and say this one here, this one there.

Mr. Basralian stated: They're referenced on our exhibit list as well.

Mr. Diktas responded: With all due respect, it's your obligation to say if there's a question from anyone, okay, don't say to me, you look it up. It's not for us to look up, because when I'm writing the resolution, I'm going to say the question was proposed and the applicant's response was you look it up.

Mr. Basralian stated: I got the picture. So please explain it, so it's in the transcript.

Mr. Diktas stated: Thank you. I'm trying to help everyone.

Mr. Szerbaty stated: This sheet, Exhibit A-29, is the June 21st shadow study. What we did was we took eight periods of time during the day, starting in the upper left corner, this is the shadow being cast by all the buildings up and down the street on either side of the street at 10:00 a.m. We move onto the next, I'll call it a kind of a cartoon where, you know, or it is the same thing at

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12 noon, 12:00 p.m. So that's the shadow at 12:00 p.m. on June 21st. We go on, and this is a 2:00 p.m., the upper right. And then 3:00 p.m., 4:00 p.m.

Mr. Cheatham asked: Excuse me, the property is outlined in blue?

Mr. Szerbaty responded: Yes, that's correct.

Good question. Yes, our building, the tower is outlined in blue.

Mr. Sarni asked: Just for the public, the bottom of this Exhibit A-29 is facing east, correct?

Mr. Szerbaty responded: Correct, yes, yes. So this is Prospect, of course, and that's Summit, and these are the line of the mid-rise, low-rise, and tower along Summit.

And so this at 6:00 p.m. and then at 8:00 p.m. So that's on June 21st.

The next exhibit, A-30, is September 23rd, following the equinox, and you want me to go through every single one?

Mr. Diktas responded: Yes.

Mr. Szerbaty stated: Again, we go through the eight times of day, 10:00 a.m., 12 noon --

Mr. Juzmeski asked: Can you describe the impact of the building shadows on the adjacent properties.

I think that's the point of the shadow study is to identify the impacts of the building on your adjacent property owners. Can you identify, as you're going through the times, what the impacts are.

Mr. Szerbaty responded: Okay. Yes.

Now, as an example here, the shadow study incorporates all of the buildings that are up and down the block and along the street. So what we did was we have data on the heights of all of those buildings, then we put our building there, and then cast a shadow representative of that time of the day as related to the shadow of adjacent buildings to the north, south, east, and west.

So what you're seeing here in terms of impact of this building on the adjacent building to the north at 2:00 p.m. is shadow covering, shadowing that portion of the building. And again, these are pretty exhaustive. It's the four times of the year. These are eight periods of each one of those times, so you really see how the sun and the shadows are moving around through the site over that period, these various periods.

So this one again, this one is at -- what did I do here?

Mr. Basralian stated: Just to clarify, the

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Chairman asked, someone asked, is that the front of the building, but remember, the dark square is the park area, so it's not the building, so distinguish between that and the building itself.

Mr. Szerbaty responded: This outline here of course is the landscape park area, so this is not a shadow, it's just utility outline.

Mr. Diktas asked: That's the northerly side of the park area?

Mr. Szerbaty responded: No, it's west.

Mr. Diktas asked: Westerly side?

Mr. Szerbaty responded: Summit side.

So you can look at any of the drawings. It's easier probably to relate it to what's going on along Prospect when you see the shadows being cast by the various buildings along Prospect as related to the shadow being cast by the proposed building we are designing.

So this is at 3:00 p.m., and 4:00 p.m., 6:00 p.m.

It's dark, right. And again, you know, it's dark again at the last one at 8:00 p.m.

The next drawing is the winter solstice, December 22nd. You can kind of look, just get an overall look at things and understand, and of course we're in the dead of winter, the darkest time of the year, so you're seeing extremely long shadows throughout the course of the day from any of the buildings across the site.

Mr. Diktas stated: Show us this building.

Mr. Szerbaty responded: Okay. Just bear with me.

So at 10:00 a.m., here is our building, and it's casting the shadow all the way across Summit, that's early in the morning, for winter, that's early in the morning, and you can see it as related to the other buildings. You know, this building would be shadowed by the building across the east side of -- across Prospect.

This is at 12 noon, 2:00 p.m., 3:00 p.m. I believe this is 4:00 p.m. -- that's 4:00 p.m., 6:00 p.m. It's dark, of course. And same at eight, obviously.

March 20th, which is the opposite, of course, you know we have June 21st and December, but March 21st is basically similar to September time. Again, at 10:00 a.m., you see our building and the shadow it's crossing. If you remember those drawings we just looked at previous to this was December, the shadow extended all the way across Summit. And 12 noon, 2:00 p.m. -- it's actually an error, you might notice

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on other drawings that this is not colored in, so again this is our building and this is the park that would now obviously have a shadow. 3:00 p.m., 4:00 p.m., 6:00 p.m., 8:00 p.m., dark.

Chairman Giarrusso stated: Okay. Can we adjourn your shadow study report at this time --

Mr. Szerbaty stated: I'm finished.

Chairman Giarrusso continued: -- due to the time restraints.

We also want to give our engineer five minutes.

Is there any brief comments about this testimony?

Mr. Juzmeski responded: Just real quick, Chairman.

You noted on one of the first exhibits there was an exhaust at ground level of the building adjacent to the park area, do you recall?

Mr. Szerbaty responded: Exhaust for the garage, are you talking about?

Mr. Juzmeski stated: I'm asking, you have said it was an exhaust adjacent to your park at the ground level.

Mr. Szerbaty responded: That's the ventilation for the garage.

Mr. Juzmeski asked: What's the detail of that; is that exhaust system above grade from the people that will be using the park?

Mr. Szerbaty responded: Absolutely. There are code requirements. What I know of the code is the exhaust has to be a minimum ten feet from a property line and then ten feet high off of the ground and that is precisely so that people are not getting any of the exhaust.

Mr. Juzmeski asked: The two exhaust systems --

Mr. Szerbaty continued: And it's ventilation, it's ventilation, really, 90 percent of the time.

Mr. Juzmeski stated: Okay. The exhaust for the ventilation systems that you showed us on one of the parking levels that were on either side, do they ventilate to the roof or do they ventilate to the side property lines?

Mr. Szerbaty responded: Just to the side, none -- relative to the garage, none of the ventilation would go into the building or up through the building, it would only come above at the park level and above grade.

Mr. Juzmeski asked: Ten feet above the park level?

Mr. Szerbaty responded: Yes, that's what I know of the code. Their requirement may be 12 feet, may be 15, I don't know is it precisely, that's an easy

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lookup.

Mr. Juzmeski stated: Okay. Your trash compactors immediately adjacent to the property line, I assume they'll meet all of the noise ordinance requirements?

Mr. Szerbaty responded: Yes.

Mr. Juzmeski asked: Is the kitchen in the basement level a commercial kitchen or is it a food prep area?

Mr. Szerbaty responded: Yes, it's a commercial kitchen.

Mr. Juzmeski asked: Where are you going to locate your grease interceptor?

Mr. Szerbaty responded: It will be in that area, in that room.

Mr. Juzmeski asked: It will be inside the building?

Mr. Szerbaty responded: Yes, in the kitchen area.

Mr. Juzmeski stated: We'll need that shown on the plan, you're going to need it anyway, but you should show that on the plan, the location, if you haven't already.

Mr. Szerbaty responded: Okay.

Mr. Juzmeski asked: You said you're going to have a wet fire suppression system, but a portion of your parking areas are open air. How are you going to juxtapose?

Mr. Szerbaty responded: We have to study the issue of the temperature within the garage. It's a below grade garage going down, you know, it's two levels below to start, so the study has to be made, the decision to determine whether, and I may have jumped the gun and said wet, when it may be dry.

Mr. Juzmeski asked: With this type of facility, what, I guess, state permits do you need for this type of facility, for this type of, I guess, health care that you're going to provide on-site? Do you know what permitting you need from the state?

Mr. Szerbaty responded: I think I would have to defer to the owner to run off that list of various permits.

Mr. Juzmeski stated: I think we'll need that information in use of whether or not there's any minimum requirements for the square footage of an individual unit.

Mr. Basralian stated: Yes, that would be addressed by the owner, but yes, there are minimums. Yes, it's licensed by the state. Yes, it has to be inspected by the state. Yes, they dictate the square

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footage, and the kitchen is mandatory, all of those things, ADA.

Mr. Juzmeski asked: We'll hear that testimony, Mr. Basralian?

Mr. Basralian responded: Well, this is only the second witness. It's going to come.

Mr. Juzmeski stated: Fair enough. We'll wait for that.

That's all I have, Mr. Chairman.

(Whereupon, the hearing was opened for public questions.)

M I C H A E L M A S S O N I, Sherbrooke Co-op, 125 Prospect Avenue, Unit 14C, Hackensack, New Jersey 07601, sworn/affirmed.

Mr. Massoni stated: I was curious to know in this obviously massive project how long is it estimated to complete?

Mr. Basralian responded: I don't know that's a question for the architect, that's really a question you can direct to the owner because he's better able to respond to it. There's more than just putting up a building, there's excavation and so on and prep work, so he has that stuff.

Mr. Diktas stated: To the best of your knowledge, Mr. Szerbaty, what can you do to answer his question, because you've done many, many projects, you have at least a guesstimate of time.

So to the best of your ability, can you give us a reasonable construction period from excavation to CO; one year, 2 years, 3 years, 8 months?

Mr. Szerbaty responded: I would say 24 months.

Mr. Massoni stated: Thank you.

D O R O T H Y M O N O P O L I, 307 Prospect Avenue, Hackensack, New Jersey 07601, sworn/affirmed.

Ms. Monopoli stated: I'm looking at the shadow study, and I can see, first of all, it wasn't done in the summer months. The Baridge House, which is one building away from where you're going to build this, has a swimming pool. And in May, June, July, and August the pool is used.

Now, these shadow studies weren't done in those months.

Vice Chairman Jones stated: He showed summer.

Mr. Diktas stated: The June solstice, June 21st.

Ms. Monopoli stated: Okay, June.

If I had a pointer, I could show you where the pool is.

Mr. Sarni stated: Walk right up.

Ms. Monopoli responded: Oh, okay.

Mr. Szerbaty stated: Give me one second. I'll

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mark it for you.

So at noon, this is at 12 noon.

Ms. Monopoli stated: Okay. Here's our pool right here.

Vice Chairman Jones stated: So two buildings south of the project?

Ms. Monopoli responded: Yes, yes.

And I want to understand in the summertime now, we don't normally use the pool before noon, but in the afternoon, from noon on till 8:00 at night, we do use it. And I don't know if this really shows -- this shows noon.

Vice Chairman Jones asked: Can you show us the rest of them.

Mr. Sarni stated: 10, 2.

Mr. Szerbaty stated: Well, the point here, you're asking whether our building has any impact on the Baridge House, and since our building is just north, the sun is not going to come from the north and cast a shadow south. The sun is always going to be --

Mr. Diktas stated: Show Ms. Monopoli. Go through the graphs, do 2:00 p.m. Show her the facts.

Mr. Szerbaty responded: Well, so again, the sun will never, ever --

Mr. Diktas stated: Show her. Why are you being difficult, with all due respect. Show the young lady.

Ms. Monopoli stated: All right. Here's two.

Vice Chairman Jones stated: So it goes the other way.

Mr. Diktas stated: It does opposite the Baridge House.

Mr. Szerbaty stated: The shadow is being cast to the north.

Ms. Monopoli asked: Oh, okay. So it's not being cast on the Baridge House?

Vice Chairman Jones stated: Yes, it's never going to go your way.

Ms. Monopoli stated: All right. That's one question I had.

All right. Other questions I had, you say you've got 232 parking spaces?

Mr. Szerbaty responded: 242, I believe.

Ms. Monopoli asked: 242. Does that include visitor parking?

Mr. Szerbaty responded: Yes.

Ms. Monopoli asked: Does it include staff parking?

Mr. Szerbaty responded: Yes.

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Ms. Monopoli asked: And you think that's going to be enough?

Mr. Szerbaty responded: Yes.

Ms. Monopoli asked: And resident parking?

Mr. Szerbaty responded: Yes.

Ms. Monopoli stated: Because, as you know, we have a problem with parking in the neighborhood. It's very, very limited. The only side street that allows some parking is Golf Place, and that's a very limited number of parking spaces.

Okay. Another concern that I have, since this is mostly -- this is going to be for many people are going to be physically challenged that are going to reside in this building, correct?

Mr. Szerbaty responded: Yes.

Ms. Monopoli asked: What do you do in case of fire; you evacuate these people?

Mr. Szerbaty responded: All of the floors and the egress is all following code requirements for any type of person that's living in the facility. So we would end up having conversation with the fire department in terms of evacuation conditions and how that would work, getting people out that are not so mobile and things, but there's nothing -- this follows any requirement for egress.

Ms. Monopoli stated: Okay. And there was one other question I had.

I had a question about the airflow from the garage levels, but I think you kind of answered that.

Mr. Szerbaty asked: The ventilation?

Ms. Monopoli responded: Yes, the ventilation.

Mr. Szerbaty responded: Yes, I think you're referring to the ventilation?

Ms. Monopoli stated: Uh-huh. All right.

Mr. Basralian stated: Excuse me, Mr. Chairman,

Mr. Chairman, if I could point out that the original testimony, the testimony by our engineer was that the zoning requirement for the City of Hackensack for this facility is 85 spaces. We're providing three times the minimum that's required by the City of Hackensack. The very purpose of it, as was testified earlier by our engineer, was to make sure there was adequate parking at all times, including all visitors, even the highest of the holidays, so that no one has to park on the streets.

Ms. Monopoli stated: Okay. Thank you.

Chairman Giarrusso stated: Thank you.

Anyone else wishing to be heard, please come forward.

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

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Ms. Manolio stated: Okay. My question is the public bathroom in the park, in the small park, what's the intention, why do we have to have a public bathroom in a small park in a residential area?

Mr. Szerbaty responded: It was thought of as a convenience to have for people. The park is actually fairly large, I mean, it's an entire three parcels of land.

Ms. Manolio stated: I walk there always and it's not that big. So I just don't feel safe about that. And the security, somebody asked about the security, especially could attract a drug scene. I heard it was 24/7 the opening, this bathroom might be.

Mr. Szerbaty responded: No, that wasn't the case; only when the park is available.

Ms. Manolio stated: Okay. I know this is no comments, but I don't feel it's necessary in a dense residential area with a small property.

Is there any intention of this public bathroom?

This is for the public, for anybody who could walk in?

Mr. Szerbaty responded: Yes, that's the intention but the owner will talk about how the park will be maintained and secured and monitored, which would work hand in hand with the access to the bathrooms.

Ms. Manolio asked: Okay. And I cannot say any opinion?

Mr. Diktas responded: You could ask questions as to what he testified to.

Ms. Manolio stated: Okay.

So this is assisted living. And is there going to be medicine delivered to this facility?

Mr. Szerbaty responded: That will be a question that the owner would address about the operation.

Ms. Manolio stated: Okay, because I was wondering, the security, is there going to be a policeman, like a hospital, there is a tight security when it comes to drug management? And between the public bathroom and the drugs, you know, I hope it's going to be a very strict security, first class security they are going to have in this facility.

And one more is, the on-site laundry, this is an industrial laundry room?

Mr. Szerbaty responded: It's commercial, but it is not getting barrels of chemicals and things. The owner will elaborate on that.

Ms. Manolio asked: How is the noise going to be for the neighbors?

Mr. Szerbaty responded: It's below grade, the

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laundry, it's in the basement.

Ms. Manolio stated: Okay. All right.

Also an engineer is going to be visiting here too at a different times about the digging the four floors down?

Mr. Diktas responded: Yes.

Ms. Manolio stated: I just was concerned about the digging so deep in with the dense area with the building is like 40 years old or 50 years old in the area, so I'm afraid that in the future maybe this could be --

Mr. Diktas stated: Questions, please.

Ms. Manolio responded: Yes.

Will this affect --

Mr. Diktas stated: That's not for him, that's for the engineer.

Ms. Manolio stated: Oh, the engineer, okay. So this is for the future.

Okay. That's all. Thank you.

Chairman Giarrusso stated: Thank you.

Anyone else from the public wishing to be heard?

Audience Voice: I'll need to wait for the engineer to come, because I have some concerns about blasting.

Chairman Giarrusso stated: We'll have to wait for the owner to come, because it sounds like the owner has a lot of explaining to do.

Mr. Basralian stated: Rather than explaining, he'll talk about the property and how it's operating.

Chairman Giarrusso stated: Thank you for that clarification, Mr. Basralian. I correct myself.

Mr. Basralian stated: This is the kind that's prescription medication that people take and everybody else takes every day or when they have to. It's drugstore stuff. There's no drugs to be made to this facility.

Chairman Giarrusso asked: When do you expect to put the owner on?

Mr. Basralian responded: Well, I have to get through some of the technical things first. We're bringing back the engineer for a couple of questions, if it's opened to the public. I have to address the traffic yet. I have to address when the reports are done and reports come in from our engineer with respect to the monitoring. All of those things have to be done, then there's the planner. So somewhere in between we'll get that. It's helpful when I put him on at one session, so I will make it concise. We're anticipating the questions already, but, yes, that's the sequence of what we have to do.

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You've also asked us to bring back the architect to explain how high the trees are going to be and how fast they'll grow, but these are very short ones.

Chairman Giarrusso stated: All right. Thank you.

(There being no further questions from the public, the hearing was closed to public questions.)

Ms. McLaughlin stated: I have a question.

With this meal prep area, do you intend to have a hood?

Mr. Szerbaty responded: Sure. Absolutely.

Ms. McLaughlin asked: Are you showing on the plans with the fire --

Mr. Szerbaty responded: The kitchen is not laid out equipment-wise.

Mr. Basralian stated: Those are construction plans.

Ms. McLaughlin stated: I understand that, Mr. Basralian. To actually help you, I am trying to tell you that's something you need to show now, because I've seen in the course of construction of other buildings in the city that when you try to bring it in later, and then the fire official and the codes, the codes that you're not familiar with, you know what I'm saying, they become an issue, and then you might have to change the entire design of the building.

Mr. Diktas stated: Then you're coming back.

Mr. Sarni asked: Specifically the grease traps?

Ms. McLaughlin stated: Yes, right. So this is to benefit the design, because then it comes later and the fire officials are trying to struggle with having to get through plan review at the building level, and now sometimes then they're even building it, and then, oh, but we already put this in. You understand what I'm trying to say?

Mr. Szerbaty responded: I do.

Ms. McLaughlin stated: So I strongly suggest you put those details in now and get the fire official to review it.

Mr. Szerbaty stated: That is commonly part of the development of the design, once we have a plan approval.

Ms. McLaughlin stated: All right. Don't go with my suggestion. I am trying to tell you that you could end up back at the board, Mr. Basralian, because of that design element.

Mr. Basralian stated: I understand, but a lot of things have to come through the Building Department, the Fire Department.

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Ms. McLaughlin stated: I've just seen it become a serious problem.

Mr. Basralian asked: I take it this is carried to November 9th?

Mr. Diktas responded: The meeting is carried to November 9th. No further notice will be given. The notice is given here tonight and the notice will then be also on the bulletin board and on the agenda. So you will not get a letter. Welcome, everybody. We'll see them November 9th, that's our meeting. It is a special night because of the League of Municipalities. The next meeting after that will be December, so we'll go two and a half weeks until the November meeting, but then we'll go close to five weeks, 6 weeks until the December meeting. So we'll see everyone on the 9th at 7:00 p.m. Be safe.

Thank you, everyone.

THE MATTER IS CARRIED TO THE 11/9/2023 MEETING.

6. **Old Business: None.**

7. **New Business: None.**

8. **Public Portion:**

Chairman Giarrusso stated: We are open to the public for any general public comment about this evening's meeting. Please come forward.

**D I A N E S O M E, 151 Prospect Avenue,
Hackensack, SWORN/AFFIRMED.**

Ms. Some stated: I'm concerned about the new building going up and I would like to know when it is appropriate to voice the concerns I have?

Mr. Diktas asked: You're asking about comments?

Ms. Some responded: Yes.

Mr. Diktas stated: Comments are done at the end of the proceedings. So you'll have to come and visit us and you're welcome to sit through all the meetings, write down all your notes, and at the last meeting before the vote, we open up for as long as it takes, and the people and the residents and whomever lives in town who is able to speak can come up and then just straight comments at the end of the proceedings. That's customary. That's how it's run.

Ms. Some stated: So all this that went on today and future meetings and all the work that's been put in, then it's comments from the neighbors.

Mr. Diktas responded: Yes.

Chairman Giarrusso stated: But you can also

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question the professionals based on their testimony given at a particular meeting, like this evening we had the architect come on, give his testimony, what he presented, you could question him. You can't comment, but you can question to get more information.

Ms. Some stated: Okay. All right. Can I make a personal comment now or no?

Mr. Diktas responded: Is it to this project, no, but anything else, yes.

Ms. Some stated: It's a related project.

Mr. Diktas stated: Then yes you may.

Ms. Some stated: I live across the street from The Restaurant, what was The Restaurant and now it's something else, it's been 12 other things. So we deal, myself and my neighbors, we deal with the ongoing traffic on Prospect and Summit as it is now, along with everybody else in Hackensack. A project this size, this massive, I ask for --

Mr. Diktas stated: Don't talk about this project.

Ms. Some stated: Okay. Sorry.

Mr. Diktas stated: That was about the restaurant.

Ms. Some stated: I got crazy, I forgot. So the restaurant, however, that was allowed to happen, it certainly wasn't this board.

Mr. Diktas stated: That was years ago, it was a preexisting use.

Ms. Some stated: I know. I've lived in Hackensack for 68 years. I know what goes on. So whatever, it was allowed, variances were given and it was allowed. We live with the traffic. We live with everybody who comes into Hackensack and leaves Hackensack from 2:35 in the afternoon till 7:00 at night. Enough said.

There being no one else wishing to comment, the meeting was closed to public 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 10:06 P.M.