



WHEREAS, in February 2012 the Englewood Cliffs Zoning Board of Adjustment ("ZBA") granted a "d(6)" height variance and site plan approval ("2012 Approval") to LG Electronics USA ("LG") to facilitate the development of an 8-story corporate office facility located on Lot 6 in Block 207 on the tax maps of the Borough of Englewood Cliffs ("Borough") and commonly described as 111 Sylvan Avenue (the "Subject Property"); and

WHEREAS, several parties ("litigants") instituted legal challenges to the 2012 Approval, which were dismissed by the Superior Court of New Jersey, Law Division, Docket Nos. BER-L-2301-12 and BER-L-2373-12 in August 2013; however, approval of the "d(6)" height variance was later overturned by the New Jersey Superior Court, Appellate Division in Jacoby v. Englewood Cliffs Zoning Board of Adjustment, 442 N.J. Super. 450 (App. Div. 2015) in October 2015; and

WHEREAS, after the 2012 Approval and notwithstanding legal challenges thereto, the Planning Board of the Borough of Englewood Cliffs ("Planning Board") asked its planning consultant at the time, Burgis Associates, to study the potential of rezoning the properties located to the east of Sylvan Avenue within the southerly portion of the Borough's B-2 district to permit taller buildings; and, although the Master Plan was not amended, this study resulted in the adoption of Ordinance No. 2012-20 creating the "B-2A Overlay" zoning district, which permitted building heights of up to 150 feet and tied tract size to height for these particular properties; and

WHEREAS, in August 2014, the Borough amended its Zoning Ordinance (Ordinance No. 2014-11) to prohibit the construction of principal buildings in excess of 35 feet in height in all zoning districts, which effectively nullified the building heights permitted under the B-2A Overlay zoning without an express rescission of the B-2A Overlay Zone; and

WHEREAS, in June 2015, there was a negotiated settlement ("Settlement Agreement") by and between the owner of the Subject Property, LG, and certain of the litigants, including Scenic Hudson, Inc. and New Jersey State Federation of Women's Clubs, which set forth proposed zoning and dimensional criteria for the future development of the Subject Property; and

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WHEREAS, in light of the above actions, the Borough retained the professional planning firm of Phillips Preiss Grygiel LLC to provide zoning and master plan recommendations for the Subject Property and the larger Sylvan Avenue corridor, consistent with the Settlement Agreement; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board conducted public hearings on February 24, 2016 and March 30, 2016 on a draft master plan amendment presented by Paul A. Phillips, P.P., entitled "Amendment to the Land Use Element of the Borough of Englewood Cliffs Master Plan Creating a New B-5 Corporate Business Zone Classification for Block 207, Lot 6", dated February 2016; and

WHEREAS, public comments were received during the public hearings;

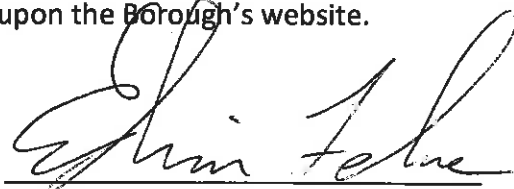
NOW, THEREFORE, BE IT RESOLVED that the Planning Board makes the following findings and conclusions:

1. The Subject Property, presently vacant, is approximately 27 acres in size with substantial frontage along Sylvan Avenue and Hudson Terrace, and additional frontage along Van Nostrand Avenue. It is of varying lot depth, ranging from approximately 1,000 feet at the southerly boundary to 240 feet along the northerly boundary, resulting in a uniquely shaped lot which is substantially larger than those in its vicinity along Sylvan Avenue.
2. The Subject Property presents a unique opportunity to attract a single corporate user in light of the property's acreage, size and differences relative to all other properties in the southerly portion of the B-2 Zone and the B-2A Overlay Zone, which include significantly smaller 2 to 3 acre lots.
3. There is ample room between the southerly portion of the Subject Property and the residences on Van Nostrand Avenue to create an adequate buffer between the two uses.
4. The proposed 70-foot height restriction on a portion of the Subject Property, with lower heights permitted on other portions of the Subject Property, will, consistent with the Settlement Agreement, keep buildings in the proposed B-5 Zone below the Palisades Interstate Park tree line, preserving the Palisades view shed and thereby benefiting the residents of Englewood Cliffs, residents of surrounding municipalities and the general public.
5. Building height as allowed in the proposed B-5 Zone maximizes natural light to future office facilities, reduces impervious coverage and allows for greater open space to be provided.

6. The proposed B-5 Zone advances the goals of the Borough Master Plan, including enhancing both residential and nonresidential areas, improving business areas, protecting the environment, and maintaining adequate buffer areas.
7. The proposed B-5 Zone advances multiple purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., including encouraging municipal action to guide the appropriate use or development of all lands in the state; providing adequate light, air, and open space; providing sufficient space in appropriate locations for a variety of uses; promoting a desirable visual environment; utilizing creative development techniques and specific design arrangement; and promoting the conservation of historic sites and districts, open space and valuable natural resources, and preventing urban sprawl and degradation of the environment.
8. The B-2A Overlay Zone, which was not supported by a preceding master plan amendment, should be rescinded in favor of the proposed B-5 Zone for the Subject Property, and the remainder of the lands in the B-2A Overlay Zone should revert to the B-2 Zone criteria.

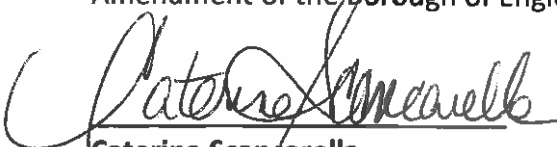
FURTHER RESOLVED that the Planning Board hereby adopts the proposed Master Plan Amendment entitled "Amendment to the Land Use Element of the Borough of Englewood Cliffs Master Plan Creating a New B-5 Corporate Business Zone Classification for Block 207, Lot 6" and recommends its implementation through the adoption of an amendment to the Borough's Zoning Ordinance.

FURTHER RESOLVED that copies of the Master Plan Amendment and this Resolution be filed with the Planning Board of the County of Bergen pursuant to N.J.S.A. 40:55D-13, and delivered to the Mayor and Council, and be placed upon the Borough's website.



Edwin Fehre
Chairman, Planning Board

I hereby certify that this is a true copy of the Resolution adopting the aforesaid Master Plan Amendment of the Borough of Englewood Cliffs, on **March 30, 2016**.



Caterina Scancarella,
Land Use Administrator

DRAFT

**AMENDMENT TO THE LAND USE ELEMENT OF THE BOROUGH OF ENGLEWOOD CLIFFS MASTER PLAN
CREATING A NEW B-5 CORPORATE BUSINESS ZONE CLASSIFICATION FOR BLOCK 207, LOT 6**



PREPARED FOR THE ENGLEWOOD CLIFFS PLANNING BOARD
by PHILLIPS PREISS GRYGIEL LLC | PLANNING & REAL ESTATE CONSULTANTS | FEBRUARY 2016

PA. Phillips

Paul A. Phillips
New Jersey Professional Planner License #3046

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FEBRUARY 2016

I. Introduction

The purpose of this Amendment to the Land Use Element of the Borough of Englewood Cliffs Master Plan is to guide the planning and development of a large and unique property on the east side of Sylvan Avenue in a manner consistent with the Borough's planning goals and objectives. Specifically, this document sets forth the planning rationale in support of a new zoning classification for Block 207, Lot 6 (the "subject property") that is intended to encourage modern corporate office development.

In 2012, the Englewood Cliffs Zoning Board of Adjustment (ZBA) granted a "d(6)" height variance and site plan approval to LG Electronics USA to facilitate the development of an 8-story office facility located on the subject property. Several parties instituted legal challenges to the ZBA approval. This approval was upheld by the Superior Court of New Jersey, Law Division, Bergen County in 2013, but was later overturned by the Superior Court of New Jersey, Appellate Division in a case decided in October 2015 (Jacoby v. Englewood Cliffs Board of Adjustment).

After the 2012 ZBA approval, the Borough asked its planning consultant at the time, Burgis Associates, to study a potential rezoning of properties located to the east of Sylvan Avenue within the southerly portion of the B-2 district to allow taller buildings. This resulted in the adoption of an ordinance (Ordinance No. 12-20) that created a "B-2A Overlay" district which tied tract size to height for these particular properties. Subsequently in August 2014, Englewood Cliffs also adopted an ordinance amending its Zoning Ordinance to prohibit the construction of any building in excess of 35 feet in height in any zoning district within the Borough, which effectively nullified the building heights permitted under the B-2A Overlay zoning.

In light of the above actions, the Borough has retained Phillips Preiss Grygiel LLC ("PPG") to provide zoning and master plan recommendations for the subject property and larger Sylvan Avenue corridor consistent with an agreement with certain parties settling litigation against the 2012 ZBA approval. The case settlement agreement dated June 17, 2015 is between Scenic Hudson, Inc., New Jersey State Federation of Women's Clubs, Margo Moss, Jakob Franke, and LG Electronics USA, Inc. and provides standards for development on the subject property. This Master Plan Amendment has been prepared in response to the Appellate Division ruling and the settlement agreement noted above.

The remaining chapters are organized as follows: Chapter II describes the locational and physical characteristics of the subject property; Chapter III discusses the zoning of the subject property and the surrounding lands along the Sylvan Avenue corridor; Chapter IV details the planning rationale in support of a Master Plan Amendment advocating a new zoning designation for the subject property; Chapter V considers the Master Plan Amendment in relation to the master plans of adjoining municipalities, the County Master Plan, the State Development and Redevelopment Plan, and the District Solid Waste Management Plan; and Chapter V provides a summary of the Master Plan Amendment from an overall policy standpoint.

II. Description of Subject Property

The subject property is located on the east side of Sylvan Avenue in the southerly portion of the Borough of Englewood Cliffs (see Figure 1). This 27.03 acre tract is known as 111 Sylvan Avenue and is referred to as Block 207, Lot 6 on the Borough's tax maps. As discussed below, the property had previously been occupied by several corporate users, but the buildings have since been demolished. The tract has substantial exposure with approximately 2,000 feet of frontage along Sylvan Avenue and approximately 2,200 feet of frontage along Hudson Terrace (which is located between the subject property and the Palisades Parkway). In addition, it has approximately 750 feet of frontage along Van Nostrand Avenue. Historically, access was provided via seven driveways located along Sylvan Avenue and six along Hudson Terrace. The property also possesses a varying lot depth which ranges from approximately 1,020 feet along its southerly boundary to approximately 240 feet at its northerly boundary. A few small wetlands areas are located within the easterly portion of the tract and a large wooded area of approximately 3.5 acres is located in its northerly section. There is also a change in grade from the property's high point along Sylvan Avenue down to Hudson Terrace (measuring approximately 35 feet within the southerly portion of the tract and approximately 10 feet within its northerly portion).

As illustrated by the aerial photograph in Figure 2, the subject property is currently vacant. It was most recently improved with an approximately 412,000 square foot three-story office and distribution facility with approximately 1,047 surface parking spaces. The building coverage was approximately 22.4 percent and the total impervious coverage on the site was approximately 57.5 percent. According to the Borough of Englewood Cliffs Comprehensive Master Plan, the sprawling low-rise mixed-use facility was originally constructed and occupied by Prentice-Hall in 1953 as the first major corporate tenant in the community. Later, a check-processing subsidiary of Citigroup occupied the property until its closure in 2011.

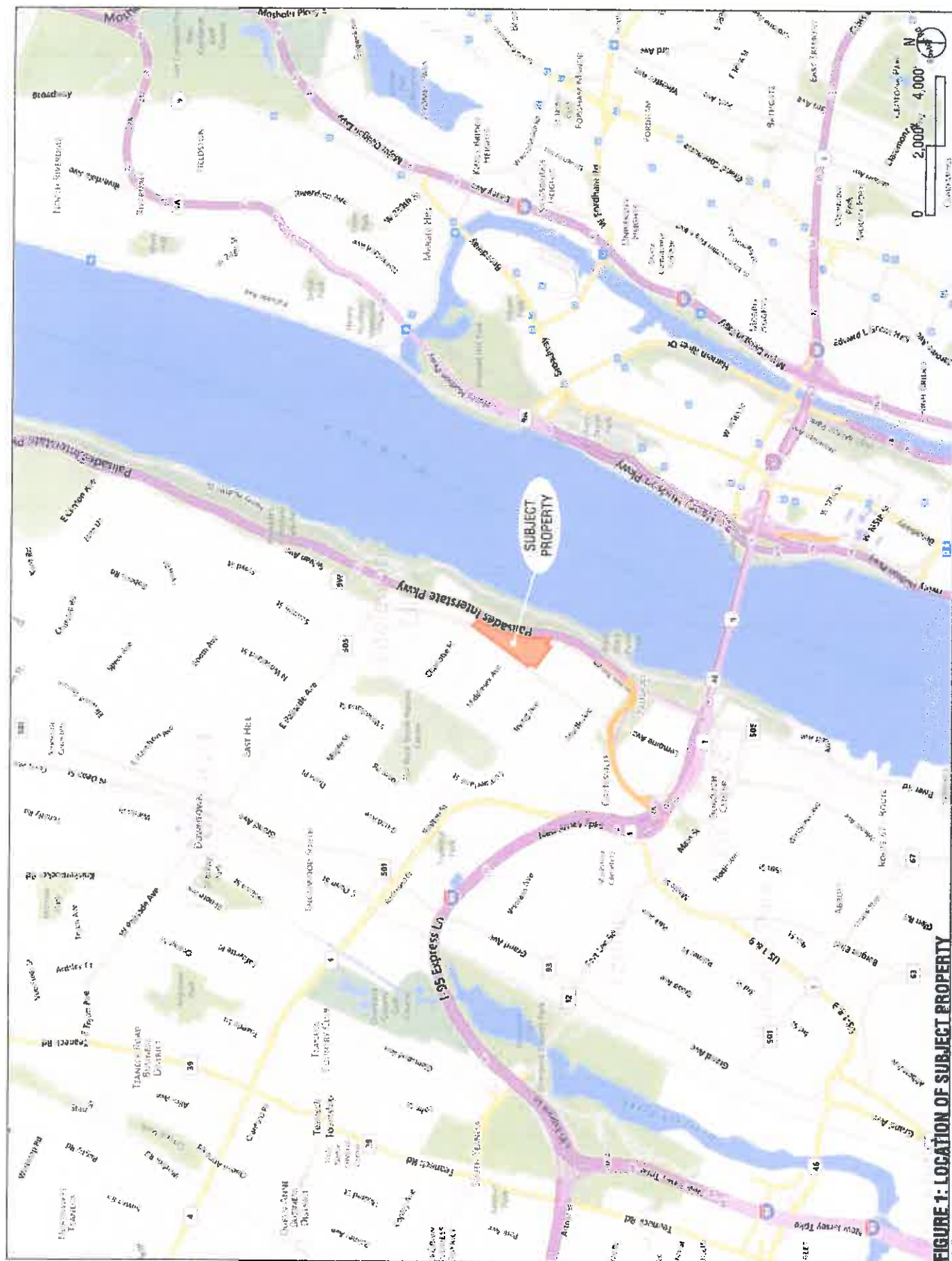


FIGURE 1: LOCATION OF SUBJECT PROPERTY

Phillips Preiss Grygiel LLC 2016

Source: bing.com



FIGURE 2: AERIAL PHOTOGRAPH OF THE SUBJECT PROPERTY

PHILLIPS PREISS GRYGIEL LLC 2016

III. Zoning and Master Plan Designations of the Sylvan Avenue Corridor Generally and the Subject Property in Particular

A. Zoning Classification of the Subject Property and the Sylvan Avenue Corridor in General

1) Description of “B” Zones along Sylvan Avenue

Sylvan Avenue is the primary commercial corridor within Englewood Cliffs. As shown in Figure 3, the Borough has historically utilized three “B” zone classifications to control development along Sylvan Avenue: the B-2 Limited Business district, the B-3 Special Retail district and the B-4 Restricted Commercial district. The B-2 district comprises over 80% of the lands with frontage along the corridor and is intended principally for office and laboratory/research use. The B-3 zone is located within the stretch of Sylvan Avenue which begins to the south at the Borough’s border with Fort Lee Borough and extends north to Van Nostrand Avenue. The intent of the B-3 district is to encourage professional offices and to modernize an area of traditional smaller retail establishments and restaurants. The B-4 district is oriented around the intersection of Sylvan Avenue and Palisade Avenue and permits offices and banks without drive-in facilities as principal uses. The maximum height permitted along Sylvan Avenue is 2 stories and either 30 feet (in the B-3 zone) or 35 feet (in the B-2 and B-4 zones). As will be explained in Subsection 3, the B-2A Overlay district, adopted in 2012, allowed the development of taller buildings in a portion of the B-2 zone by tying maximum permitted height to tract size.

2) B-2 Zone Regulations

The subject property is located within the B-2 zone, which is the most restrictive of the “B” zones located along Sylvan Avenue. It comprises two distinct sections: a northerly section located along the west side of Sylvan Avenue between Demarest Avenue and the Tenafly border and a southerly section bounded by Van Nostrand Avenue to the south; Hudson Terrace to the east; Sherwood Avenue to the north; and the rear lot lines of the properties along Sylvan Avenue to the west.

The B-2 zone permits business offices, professional offices, governmental and corporate offices; laboratory and research facilities; and houses of worship. Accessory parking areas are permitted on the same lot as the principal use. The bulk and height requirements for the B-2 zone are indicated in Table 2.

Table 2: Bulk and Height Requirements for the B-2 Zone

Regulation	Requirement
Minimum lot area	80,000 sq. ft.
Minimum lot width	125 ft.
Minimum front yard	60 ft.
Minimum rear yard	20% of lot depth
Minimum side yard	30 feet
Minimum both side yard	60 feet
Minimum corner side yard	30 feet
Maximum lot coverage	33.3%
Maximum building height	35 feet / 2 stories

The buffer requirement south of Hollywood Avenue and north of Van Nostrand Avenue is 50 feet; to north of Hollywood Avenue and south of Sanford Drive is 120 feet.

The southerly segment of the B-2 zone, which encompasses the subject property, contains a mix of uses and lot sizes that belie the current B-2 zoning. In fact, approximately half of the lots do not conform to the 80,000 square feet tract size requirement. Meanwhile, with an area of over 27 acres, Block 207, Lot 6 greatly exceeds the minimum lot area for the B-2 district.

3) B-2A Overlay

In October 2012, the Borough of Englewood Cliffs created an overlay zone, known as the B-2A, which encompassed the subject property and others in the vicinity (see Figure 3). The permitted principal uses in the B-2A zone are business offices, professional offices, corporate offices and laboratory and research facilities. The maximum height requirement is 6 stories for properties larger than 5 acres; 8 stories are allowed on tracts larger than 25 acres. Parking garages with a maximum height of four stories or 60 feet are permitted on tracts greater than 20 acres; for parcels at least 5 acres a maximum height of three stories and 40 feet is permitted for parking garages.

Table 3: Bulk, Height and Other Requirements for the B-2A Overlay Zone

Regulation	Overlay Standard No. 1	Overlay Standard No. 2
Min./Max. Lot Area	Min: > 5 acres Max: 25 acres	Min: >25 acres
Min. Lot Width	250 feet	500 feet
Min. Front Yard	60 feet	60 feet
Min. Side Yard	60 feet	100 feet
Min. Rear Yard	22.5% of lot depth	25% of lot depth
Min. Corner Lot Setback to Street	75 feet	100 feet
Max. Lot Coverage	22.5%	20%
Max. Impervious Coverage	40%	35%
Max. Building Height	6 stories/90 feet	8 stories/150 feet

Additionally, a 100 foot buffer is required on B-2A properties abutting “residential lots.”

4) Height Limit

In August 2014, the Mayor and Council of the Borough of Englewood Cliffs adopted Ordinance 2014-11, which amended the Borough’s Zoning Ordinance to prohibit the construction of any building in excess of 35 feet in height in any zoning district in the municipality.

B. Master Plan Designation and Relevant Land Use Policies

The Borough of Englewood Cliffs Comprehensive Master Plan (2001) places the subject property within the “Limited Business” category in the Land Use Plan (see Figure 4). The boundaries of the Limited Business area are largely consistent with the existing boundaries of the Borough’s B-2 zone, except for several publicly-owned properties which are placed under “public” land use categories. The Master Plan notes that the Limited Business areas include “business and professional offices, governmental uses and corporate offices.” These areas “represent the largest non-residential land use in the Borough” and “account for the overwhelming majority of all non-residential taxable lands in the Borough.” The Plan further states that “these uses represent the engine that sustains economic vitality to the community.” The 2003 Master Plan Reexamination Report recommended specific changes to the buffer requirements for the “B” zones along the Sylvan Avenue corridor. No other changes or significant land use policies related to the subject property were proposed.

A 2007 study of the “B” zones along Sylvan Avenue, prepared by Phillips Preiss Shapiro Associates on behalf of the Planning Board, emphasized that the “campus-style configuration” of the subject property

(i.e., Block 207, Lot 6) is “somewhat out-of-character with the largely 1- to 2-acre office sites in the area.” Noting its similarities to the CNBC and Unilever campuses within the northerly portion of the B-2 district, the 2007 study recommended that this particular tract be considered for placement within “any new corporate office district” established along the corridor. Subsequently, the Planning Board’s 2009 Master Plan Reexamination proposed a new “B-5” zone district for certain properties located within the existing B-2 zone. The Plan made the following statement:

It is recommended that the current B-2 zoning district be separated into two distinctive zones, as the northern section of the district has dissimilar characteristics than that of the remainder of the zone. Furthermore, the current zone regulations fail to support the large-scale corporate office presence that exists in the northern section of the B-2 zone. In fact, the existing bulk standards are too permissive, particularly relative to lot size and setbacks. It is therefore recommended that a new corporate office land use classification be created in the land use plan, and hence, a new B-5 zone classification be established in accordance with the proposed zoning map.

The Reexamination Report also set forth potential use and bulk regulations for a B-5 zone:

In the new B-5 zone, permitted uses should be limited exclusively to professional offices and corporate office/research facilities. The minimum lot size for these lots in the new B-5 zone should be increased from 80,000 square feet found in the current B-2 zone to at least 5 acres and possibly 15 acres to avoid potential future subdivision of these large corporate campuses. Similarly, the allowable 60-foot front yard setback requirement found in the old B-2 zoning regulations should be increased and an overall impervious coverage limitation should be established to protect the expanses of green space in this district. A front yard landscaping requirement should be considered as well.

The “Proposed Zoning Map” contained in the 2009 Reexamination Report showed the subject property along with several large corporate campus properties in the northerly portion of the B-2 district within the proposed new B-5 zone. The Report also provided several recommendations to enhance buffer and landscaping requirements throughout all of the “B” zones and also to relax the off-street parking requirements for corporate office uses. Despite those prior studies and Master Plan recommendations, Block 207, Lot 6 remained within the B-2 zone until the adoption of the B-2A Overlay zone.

Englewood Cliffs New Jersey Land Use Plan

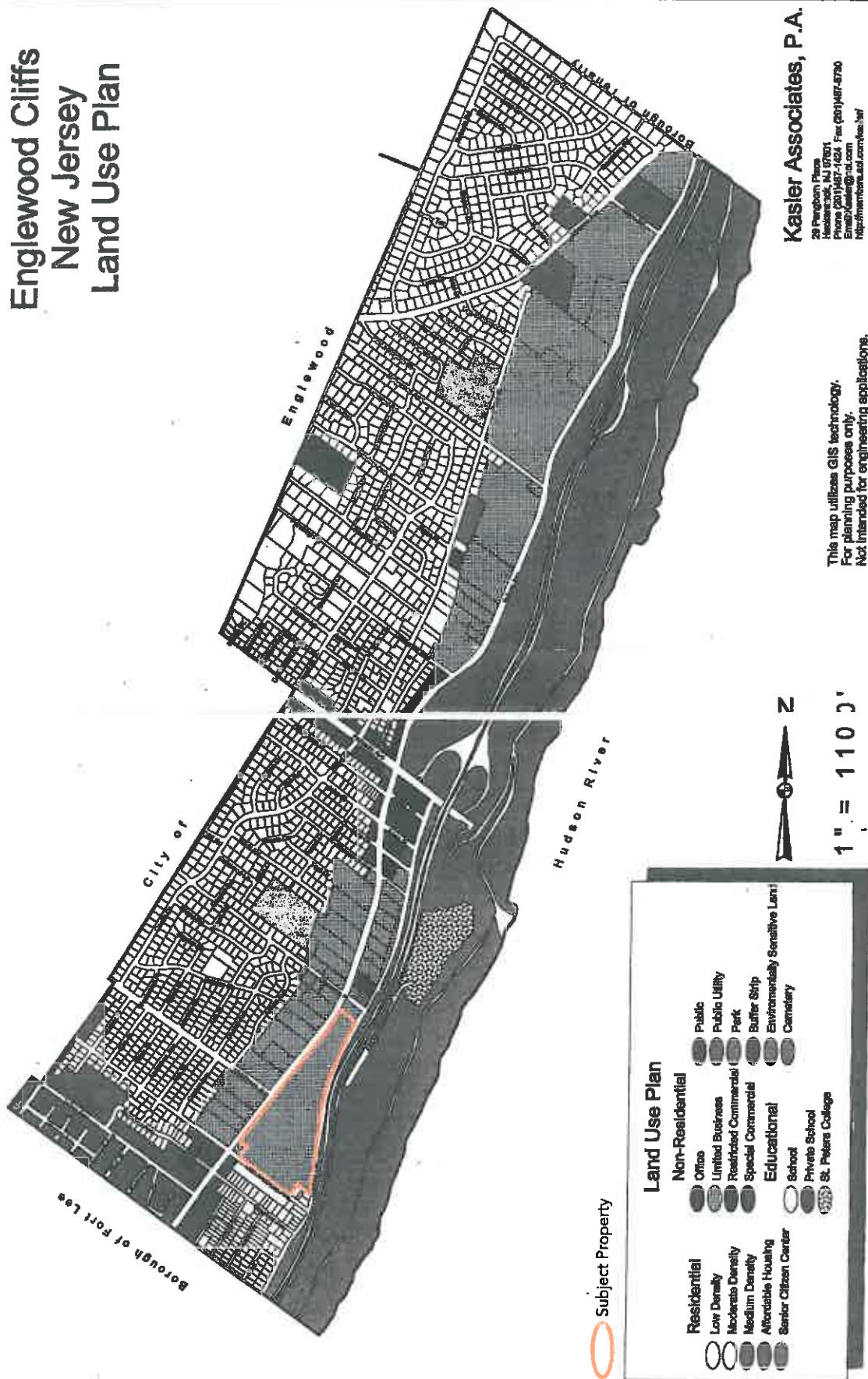


FIGURE 4: MASTER PLAN LAND USE DESIGNATION OF THE SUBJECT PROPERTY

Phillips Preiss Grygiel LLC 2016

Source: Borough of Englewood Cliffs Comprehensive Master Plan

IV. Recommended Master Plan Classification and Zoning for the Subject Property

In consideration of 1) the ZBA's approval of the LG corporate headquarters project; 2) the subsequent litigation and settlement; and 3) the adoption of the B-2A Overlay zone, the Planning Board is re-evaluating its Master Plan policies with respect to potential corporate office development within the Limited Business zone along the Sylvan Avenue corridor. The following sets forth the reasons for focusing on the subject property in particular and also describes the planning basis for an Amendment to the Borough's Master Plan which supports a new zone classification for the subject property while retaining the underlying Limited Business zone classification for the balance of what is now the B-2A Overlay zone. The chapter also summarizes the benefits of a new zone classification from a Master Plan perspective and identifies numerous Master Plan objectives and purposes of the Municipal Land Use Law which are advanced.

A. Planning Rationale in Support of an Amendment to the Master Plan Land Use Element

The physical characteristics, surrounding land uses and current conditions of the subject property stand out within the context of the "Limited Business" area along the Sylvan Avenue corridor. In terms of redevelopment potential for new corporate office development, much of the remainder of the area is constrained by surrounding residential land uses as well as the physical limitations of the properties themselves. As noted, the Limited Business area is principally intended to promote office development and is broken up into two distinct segments along Sylvan Avenue. The northerly segment possesses a different character than its southerly counterpart. It contains large corporate campus facilities for CNBC, Unilever and others which are well-suited to the large tracts located along the westerly frontage of Sylvan Avenue (the easterly frontage is undevelopable). The low-rise form of those campuses is appropriate considering the residential neighborhood located to the west and the substantial depth and frontage of each property. However, a more intensive development scheme (i.e., with buildings taller than 35 feet) would be challenging to implement without creating detrimental impacts on residential areas. Consequently, the current zoning scheme for the northerly segment of the Limited Business area – which encourages low-rise corporate campus uses – remains appropriate.

The southerly segment of the Limited Business area consists of the 27-acre subject property, as well as a number of small lots improved with office/commercial uses. Unlike the northerly segment, both sides of Sylvan Avenue are fully developed. The properties to the west of Sylvan Avenue in this area comprise small lots with limited depth that abut residential uses to the west. Most of these lots are in the range of two to three acres in area and none exceeds five acres. Meanwhile, lands along the easterly frontage of Sylvan Avenue other than the subject property are smaller, developed office properties, all of which are roughly an acre in area or less. The B-2 zone's regulations are in fact designed for development of smaller properties, with a minimum lot area requirement of just under two acres.

By comparison, the subject property is substantially larger in size and is presently vacant. This parcel presents a unique opportunity for redevelopment by a single corporate user. Given its acreage and undeveloped status, it merits special consideration from a planning/zoning standpoint relative to all other properties within the Limited Business district which have very different development characteristics (i.e., small sites developed with buildings). The subject property also does not directly abut any residential uses. There are residential uses on the south side of Van Nostrand Avenue across from the southern boundary of the subject property, but given the site's size and width at its southern end, there is ample room to require significant setbacks and buffering from these closest residential uses. The ability to provide such separation and to allow additional development on portions of the site away from residential uses provides an opportunity to advance a new master plan/zoning classification for this property, with its own regulations intended for a larger-scale redevelopment project. At the same time, given its close proximity to the Palisades Interstate Park and associated cliffs to the east, any new master plan/zone designation must be sensitive to this historic resource and any new height, bulk and other development standards should be designed so as to protect the Palisades viewshed.

Among the reasons to explore the potential for larger-scale – and taller (i.e., greater than 35 feet) – buildings for the subject property is the growing evidence that sprawling low-rise single-user corporate campuses with expansive parking fields have become outmoded in New Jersey.¹ Taller buildings with open floor plans and cutting-edge architecture are highly valued by modern high-tech, biotech and financial/professional services corporations and also preferred by the next generation of workers who are more likely to live in or near urban areas. Also, taller development can serve to maximize natural light, reduce the amount of impervious coverage on a property and provide greater amounts of open space. Properly crafted zoning regulations can allow for larger-scale development, such as a major headquarters of a global corporation, that furthers the general welfare without creating substantial detrimental impacts on surrounding areas or the community-at-large.

Meanwhile, there is a need for an improved regulatory scheme for the provisions of buffers and landscaping as well. As described in Chapter III, the 2009 Master Plan Reexamination noted that “buffers are of particular significance” along the Sylvan Avenue corridor and determined that “requiring front yard landscaping would enhance the overall image and streetscape along Sylvan Avenue.” The Master Plan Reexamination also emphasized that “introduction of a maximum impervious coverage standard would assure landscaping and green space as part of any future development.” In addition, buffering along Hudson Terrace, across from which to the east is the Palisades Interstate Parkway and Palisades Interstate Park, is similarly important.

¹ See “Reinventing the New Jersey Economy: New Metropolitan and Regional Employment Dynamics,” *Rutgers Regional Report*, Bloustein School at Rutgers University, December 2012.

Englewood Cliffs New Jersey Land Use Plan

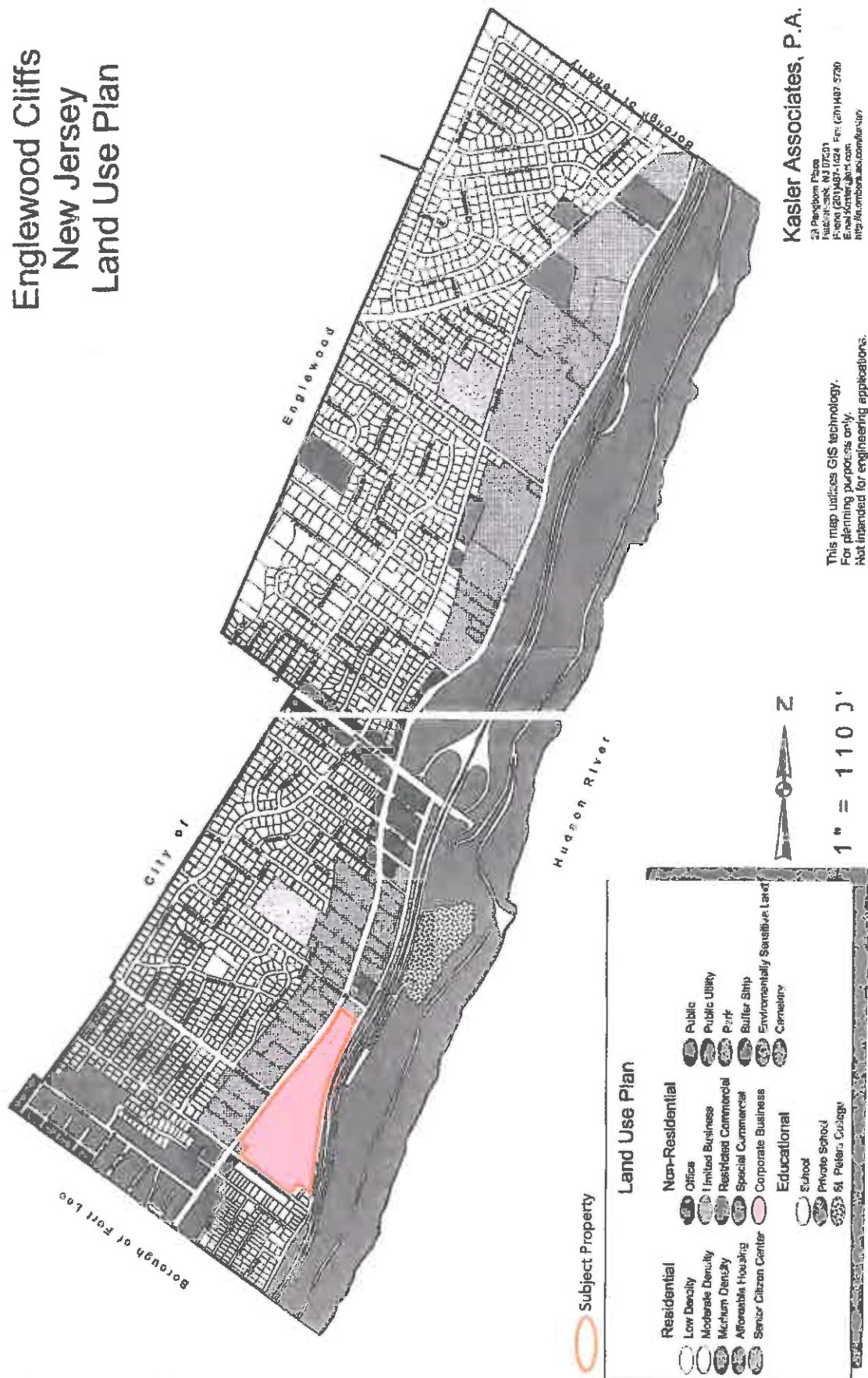


FIGURE 5: RECOMMENDED MASTER PLAN CLASSIFICATION FOR THE SUBJECT PROPERTY

Phillips Preiss Gygiel LLC 2016

Source: Borough of Englewood Cliffs Comprehensive Master Plan

Based on an analysis of the subject property and its physical and locational context with the Sylvan Avenue corridor, it is evident that the property is deserving of unique treatment from a Master Plan and zoning standpoint. In fact, a new "Corporate Business" classification for this large tract represents a valid approach to facilitating corporate office development in a manner that would also implement the Borough's Master Plan objectives regarding improved open space buffer and aesthetic requirements for this portion of Sylvan Avenue. The primary purpose of this new "Corporate Business" classification would be to provide for a large-scale office facility with taller buildings than currently allowed in the corresponding B-2 Limited Business zone, but also well below heights which were permitted in accordance with the B-2A Overlay zone.

The proposed new heights would also be in keeping with the previously cited 6/17/15 case settlement agreement (i.e., below the Palisades tree line), a principal goal of which is to preserve essentially unmarred the historic Palisades viewshed for the benefit of the general public, neighboring and regional communities and the residents of the Borough. A set of carefully-crafted standards regulating setbacks, coverage, buffers, landscaping and overall design would further alleviate the potential for detrimental visual, environmental and other impacts on the surrounding community. It should be emphasized that the boundaries of this new "Corporate Business" zone classification are proposed to be limited exclusively to Block 207, Lot 6, as none of the other properties in the current B-2A Overlay zone possess the same characteristics as this ±27 acre tract. Figure 5 illustrates the recommended boundaries for a new "Corporate Business" zone classification as shown on the Land Use Plan of the Borough of Englewood Cliffs Comprehensive Master Plan.

B. Recommended Requirements for a New B-5 Corporate Business Zone

In terms of implementation, it is recommended that the governing body consider a zoning ordinance amendment to create a new district entitled the B-5 Corporate Business zone consistent with the boundaries shown in Figure 5, which coincides with that of Lot 6 in Block 207. As indicated, although not part of any prior Master Plan Amendment, it is recommended that the B-2A Overlay zone district, which included Lot 6 in Block 207 as well as over a dozen additional lots as part of a continuous stretch of properties along the east side of Sylvan Avenue, be rescinded in its entirety. The permitted uses in the new B-5 Business zone would be the same as in the current B-2 zone (i.e., business offices, professional offices, governmental and corporate offices, laboratory and research facilities and houses of worship). Additionally, accessory parking structures would be permitted subject to certain height restrictions. Freestanding office buildings would also be allowed.

The permitted building heights would vary depending upon location within the limits of the property so as to be in concert with/respect the existing tree line of the Palisades. The maximum building height would be 70 feet, however such height would be permitted only within a specific portion of the property. Meanwhile, lower (and varying) allowable building heights would be mandated for the balance of the

property. In other words, permissible building heights would be tied to a series of required setbacks as measured from property lines.

The following generic standards are proposed to regulate new development within the B-5 Corporate Business zone (see Table 4). More definitive zone standards would be developed as part of the implementing zoning scheme.

Table 4: Recommended Bulk, Height and Other Requirements for the B-5 Corporate Business Zone

Regulation	Requirement
Min. Lot Area	25 acres
Min. Lot Frontage	2,000 feet
Min. Front Yard	60 feet
Min. Side Yard (one/both)	60 feet/200 feet
Max. Lot Coverage	33.3%
Max. Impervious Coverage	45%
Max. Building Height as measured from the curb level immediately adjacent to the front of the building (i.e., along Sylvan Avenue)	Maximum 70 feet restricted to a portion of the property only with lower (and varying) allowable heights mandated for the balance of the property
Min. Area for Private Common Open Space or Pedestrian Amenities*	5% of lot area
Required Buffer to R-B1 Zone	125 feet

*Shall include all outdoor seating, gathering and recreation areas and walking trails.

Under the B-5 Corporate Business zone, the required buffer to the R-B1 zone would be 125 feet. This will further mitigate the potential for detrimental impacts on the residential properties located along Van Nostrand Avenue, as would allowing additional height only beyond a prescribed distance from the R-B1 zone. Also, a minimum requirement for outdoor common space amenities for employees is recommended to ensure that corporate tenants include walking paths, seating areas and recreation spaces for use by their employees. Other appropriate design standards can be employed as necessary to insure that any new development is sensitive to the Sylvan Avenue streetscape, residential properties to the south and the Palisades parklands to the east. Strict regulations should be provided for signage in this zone as well. Lastly, consideration should be given to relaxing the current office parking requirement in the context of a single user corporate office facility.

C. Benefits of a New B-5 Corporate Business Master Plan and Zone Classification

When compared to the current B-2 zone standards that are designed to effectuate the existing Limited Business zone classification in the Borough's Master Plan, the proposed B-5 zoning mandates increased setbacks, open space and buffers. It should also be emphasized that the former improvements on the subject property, including the 412,000 square feet of office space and 1,047 parking spaces, covered almost 60% of the site. Also, since the floor area can be provided in a taller building envelope there is a positive trade-off in terms of the impacts to the balance of the site, and especially in terms of increased green space. Additionally, the 125 foot buffer to the R-B1 zone is more than twice the distance provided under the Limited Business zone designation. In summary, the new B-5 zoning would facilitate a state-of-the-art, corporate office prototype that provides tangible land use, environmental and aesthetic benefits in the form of additional open space, improved drainage and more landscaping.

From an impact standpoint, the subject property can certainly accommodate new development under the B-5 zoning without creating detrimental impacts on the surrounding properties or the community at large. As noted above, the increased setbacks and additional open space drastically exceed that which is envisioned under the Limited Business zone designation. Perhaps most importantly, not only would side yard setbacks be increased, but where no green space is now required as part of the B-2 zone standards that are intended to implement the Limited Business designation in the Master Plan, over half of the tract would be green space under the new B-5 zone. Such safeguards are intended to mitigate the impacts of buildings up to 70 feet in height (i.e., in lieu of the current 35 foot limit). The land use and visual impacts on residential uses would be minimal as well. The subject property is substantially separated from the residential neighborhoods located across Sylvan Avenue to the west. Additionally, there is a 125 foot buffer area separating the adjacent residential properties in the RB-1 zone. Finally, recognizing the importance of the nearby Palisades Interstate Parkway, public parklands and the Palisades cliffs, the varying height restrictions would essentially keep future building construction below the existing tree line, thereby protecting these historic resources as viewed from within or outside New Jersey, while still enabling reasonable development in an appropriate location.

D. Advancement of the Borough of Englewood Cliffs' Master Plan Goals and Objectives

The B-5 Corporate Business zone designation is substantially consistent with the goals and objectives of the Borough's Master Plan. Specifically, the following would be advanced by this proposal:

- *Objective #1: Established Neighborhood Areas.* To maintain and enhance the attractive and established character of Englewood Cliffs in both its residential and non-residential areas.

This objective would be furthered under the B-5 Corporate Business zone classification by ensuring that taller office buildings are restricted to a large tract located east of Sylvan Avenue (away from residential uses) and also by providing a 125 foot buffer to the RB-1 residential zone.

- ***Objective #3: Preservation of the Environment.*** To promote and protect environmentally sensitive areas including wetlands and wetlands buffers, flood prone buffers, steep sloping areas, the quality and purity of rivers and streams and areas of trees and other vegetative cover.

As enumerated above, the limited impervious coverage to be permitted on the subject property as part of the B-5 Corporate Business zone classification allows more of the lands to be devoted to open space, buffers and setback areas. Additionally, this reduction minimizes potential impacts to the existing wetlands areas and other environmentally-sensitive features. Finally, by restricting building height as proposed (i.e., below the tree line of the adjacent Palisades), such new zone designation will appropriately protect a significant historic resource.

- ***Objective #7: Appropriate Use of All Lands.*** To encourage action to guide the appropriate use or development of lands in Englewood Cliffs in a manner which will promote the public health, safety, morals and general welfare.

The B-5 Corporate Business zone classification provides appropriate standards for new larger-scale office development on a property which is particularly suited to sustain appropriate redevelopment without incurring any detrimental impacts on the public good.

- ***Objective #18: Buffer Areas.*** To continue to maintain adequate buffer areas separating residential areas from nearby non-residential uses.

This objective is advanced by the provision of a 125 foot buffer under the B-5 Corporate Business zone classification to separate new development from the adjacent R-B1 residential zone.

- ***Objective #19: Improvement of Business Area:*** To upgrade and improve the business areas of the community, where appropriate, by providing off-street parking, upgrading landscaping, signage and street fixtures in a comprehensive and coordinated manner.

The B-5 Corporate Business zone classification greatly enhances the southerly portion of the Sylvan Avenue corridor. The increased landscaping and open space required will implement aesthetic and environmental improvements to the streetscape along this corridor while allowing the Borough to attract a major corporate facility.

E. Advancement of the Purposes of the Municipal Land Use Law

The B-5 Corporate Business zone classification directly advances at least five (5) purposes of the Municipal Land Use Law (NJSA 40:50D-2 et seq.), as follows:

- (a) *To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare.* The B-5 Corporate Business zone classification will guide the redevelopment of a key property within the Sylvan Avenue corridor in a manner that will lead to aesthetic, environmental and economic benefits for the Englewood Cliffs community, while avoiding the potential for detrimental impacts on surrounding properties and the public-at-large. It will also attract new jobs to the Borough which help stimulate the local economy and reinforce the southerly portion of the Sylvan Avenue corridor.
- (c) *To provide adequate light, air and open space.* The recommended standards for the B-5 Corporate Business zone classification ensure that adequate light, air and open space are provided in a manner that allows for appropriate development within the district while also affording protection to surrounding commercial, residential and public lands.
- (g) *To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.* The B-5 Corporate Business zone classification focuses new office development on a previously developed property which, by virtue of its size and location away from residential uses, can sustain taller buildings while strengthening the Borough's open space, buffer and coverage requirements for this property. This will result in significant environmental benefits.
- (i) *To promote a desirable visual environment through creative development techniques and good civic design and arrangement.* The B-5 Corporate Business zone classification will encourage modern corporate office development while maximizing the amount of open space and landscaping on the redeveloped property. This will result in an improved visual environment along the southerly portion of the Sylvan Avenue corridor, while also protecting nearby residential properties and adjacent historic/scenic resources.
- (j) *To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land.* The B-5 Corporate Business zone classification allows for the appropriate redevelopment of a large, former office property while also providing for

substantial amounts of open/green space and avoiding any significant disturbance to or adverse visual impacts on the Palisades cliffs or adjoining park lands, which is especially relevant in light of the fact that the Palisades Interstate Park has been designated a National Historic Landmark.

V. Relationship to State Development and Redevelopment Plan and Adjacent Municipalities

Relationship to State Development and Redevelopment Plan (SDRP)

On March 1, 2001, the State Planning Commission readopted the State Development and Redevelopment Plan (SDRP). In the SDRP, the subject property is classified as Planning Area 1, Metropolitan Planning Area (PA-1). The SDRP defines Metropolitan Planning Areas as areas which “provide for much of the state’s future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities.” The Planning Board believes that the Master Plan Amendment creating the new B-5 Corporate Business zone classification for Block 207, Lot 6 is well-reconciled with the guiding policies and policy objectives of the adopted SDRP for Planning Area 1, Metropolitan Planning Area.

Consistent with the goals for the PA-1, the Board is satisfied that the B-5 Corporate Business zone classification will promote redevelopment needed to transform a large underutilized property into a state-of-the-art corporate office development that will ensure efficient utilization of scarce land resources while also carefully protecting the character of surrounding communities. The B-5 Corporate Business zone classification will also promote private sector investment and economic development in suitable core locations and in accordance with the objectives for PA-1. Such new zone designation also places compact redevelopment in a location well served by existing transportation networks, including Route 9W (Sylvan Avenue) and the Palisades Interstate Parkway.

Relationship to Adjoining Municipalities

The Borough of Englewood Cliffs borders three municipalities (Fort Lee to the south; Tenaflly to the north; and Englewood to the west). The Borough’s 2001 Comprehensive Master Plan sets forth a specific policy statement indicating the relationship of the proposed development of the municipality as developed in the master plan to the master plans of these three contiguous municipalities. In particular, the 2001 Comprehensive Master Plan discusses the Borough’s master plan designations in the context of the immediately adjacent master plan classifications of each of the three municipalities (i.e., specifically where lands directly adjoin the Borough of Englewood Cliffs). As the location of the B-5 Corporate Business zone classification (which is the basis for the Master Plan Amendment) does not adjoin and/or is sufficiently removed from any of these adjacent areas along the municipal boundary, the development contemplated will not alter the previously cited policy statements regarding the relationship of the Borough’s master plan to the master plans of contiguous municipalities.

Relationship to Bergen County Master Plan

The Land Use Element of the Bergen County Master Plan has not been updated since 1973. While the land use conditions in the County have changed since that time, the Master Plan Amendment advocating the new B-5 Corporate Business zone classification does not conflict with the goals and policies of the County plan.

Relationship to District Solid Waste Management Plan

The Bergen County Utilities Authority is the agency empowered to supervise the implementation of the solid waste management plan for Bergen County. The plan was originally adopted in 1979 and was most recently updated in 2006. The Master Plan Amendment creating the new B-5 Corporate Business zone classification in no way conflicts with the County's solid waste management plan.

VI. Summary

The foregoing Amendment to the Land Use Element of the Borough of Englewood Cliffs Master Plan outlined the planning rationale and recommended parameters for a new Master Plan designation and zoning classification known as the B-5 Corporate Business zone for a single ±27 acre property known as Block 207, Lot 6, located along the east side of Sylvan Avenue in the southerly section of the Borough. The conclusions were based on an analysis of the physical characteristics of the subject tract and surrounding properties, and also the Borough's historic master plan and zoning treatment of the Sylvan Avenue corridor. The B-5 Corporate Business zone classification provides a number of benefits to the Englewood Cliffs community and also advances several of its Master Plan objectives. In order to implement this concept, it is recommended that the Borough adopt a new B-5 Corporate Business zone consistent with the land use policies and zoning parameters set forth in this Amendment.