

Regular Public Meeting of the Englewood Cliffs  
Planning Board Minutes  
July 10, 2025

The Regular Meeting of the Englewood Cliffs Planning Board was called to order by Chairman Porrino at 7:36 pm.

Roll Call:

Present:

Chairman Porrino  
Vice Chairwoman Mrs. O'Shea  
Mr. Kim  
Mr. O'Shea  
Mrs. Villari  
Ms. Zamecki – 2<sup>nd</sup> Alternate arrived at 7:53 pm  
Mr. Lee – Borough Representative  
Mr. You – Mayor Designee  
Councilwoman Biegacz

Absent:

Ms. Correa  
Mayor Park  
Ms. Rizvi – 1<sup>st</sup> Alternate

Present:

Thomas Randall Esq., of Randall & Randall, LLP, the planning board's attorney.  
Mr. Craig Zimmerman, of Colliers Engineering, the planning board's engineer.  
Mr. Nicholas Dickerson, of Colliers engineering, the planning board's planner.

Flag Salute

Public notice of this regular meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, notification to The Press Journal, and posting of notice on the municipal website at [www.EnglewoodCliffsNJ.org](http://www.EnglewoodCliffsNJ.org) and posting on bulletin board at borough hall building 482 Hudson Terrace, Englewood Cliffs, NJ.

Chairman Porrino announced that the June 12, 2025 and June 26, 2025, meeting minutes will be carried to the August 14, 2025 meeting.

**Old Business:**

Application #325K - Residential Impervious Coverage Variance  
Dr. & Dr. Goldenberg – 20 Lynn Dr. – Block 1003 Lot 16  
Resolution – Approved.

Mr. Randall gave an overview of the resolution which is attached.

Chairman Porrino requested a motion to adopt the resolution. Motion was made by Mrs. O'Shea and seconded by Mrs. Villari with a roll call vote (7) Mrs. O'Shea, Mr. Kim, Mr. O'Shea, Mrs. Villari, Mr. Lee, Councilwoman Biegacz and Chairman Porrino

Application #346K –Residential Variance for Garage Addition  
Zhanglan Cheng – 10 Maple St. – Block 703 – Lot 3  
Resolution - Approved

Mr. Randall gave an overview of the resolution which is attached.

Chairman Porrino requested a motion to adopt the resolution. Motion was made by Mrs. Villari and seconded by Mr. Kim with a roll call vote (7) Mrs. O’Shea, Mr. Kim, Mr. O’Shea, Mrs. Villari, Mr. Lee, Councilwoman Biegacz and Chairman Porrino

**New Business:**

Application #344k - Residential Variance for New Driveway  
Hyonjin Jeung & Jisun Kang – 5 Second St. – Block 128 Lot 9

Mr. Hyonjin Jeung owner/applicant’s husband, stated that their architect Mr. Inwon Yon will testify for the applicant about the plan that has been submitted.

Mr. Carmine Alampi from the public wanted to put on the record that he has been retained as attorney for the neighbor at 3 Second St. Mr. Shah. I will listen to the presentation but will have questions etc. after.

Mr. Alampi objected and stated that this project requires excavation of rock on the property and feels that this requires an engineer to address these issues.

Mr. Jeung stated we would like to have a parking area for the house due to our mother who is ill and has a hard time getting into and out of the home since we do not have a driveway on our property.

Mr. Yon architect, for the applicant, gave an overview of the plan and was informed that he could not testify on behalf of the engineer who completed the engineer plan. Mr. Yon gave an overview of the lot size and what is being proposed to get a driveway on the front of the home. They want to put in a 15’x21’ driveway. Mr. Yon stated nothing will be changed at any other part of the property in the rear or side yard. Everything will remain as is except for the installation of a two-car driveway.

Mr. You questioned the front step entrance if they are changing them. Mr. Yon stated they are not changing. Councilwoman Biegacz stated if your mother is not well how is she going to get into the house. Mr. Jeung stated that on second St. there is no handicap parking to even help her to be able to park near the house. We may have to park far from the home. We noticed that on First St. there is a handicap spot but on Second St. there isn’t one. If we had at least a designated spot closer to the home it would help us now, but we can’t depend on getting a spot close to the house so we feel having the driveway would be best. Councilwoman Biegacz feels the driveway will not be able to help her.

Mr. Jeung stated he tried to get a handicap spot in front of the home but never got any response from several people that we reached out to. Mr. Randall stated we understand the hardship you are talking about, but you need planning reasons for why you want to do this. The hardship under the law has to do with the issues of the property itself and it is presented that an issue to complete what is being presented. It is not just a personal hardship because if you were to sell the home the next person may not have the same issues that you have.

Mr. Zimmerman planning board engineer stated that his opinion is that the testimony presented is basically engineering not architectural since it is not affecting the house in any way. Since you are asking for a parking bay in front of the home I can’t commit without your engineer here tonight.

Chairman Porrino stated for the board to thoroughly vet this application we would need the engineer here to testify and answer any questions. We appreciate you coming out tonight and starting the application, but it is not something we can act on this evening. There is one option that you can try to obtain a handicap spot at the front of the home, and it can be just for your vehicle. There was the suggestion to check with the ECPD about obtaining this as well as checking with the Municipal Clerk since it may have to be a Mayor & Council approval.

Chairman Porrino requested a motion to open to the public for this matter. A motion was made by Mrs. O'Shea seconded by Chairman Porrino and carried unanimously by voice vote.

Mr. Carmine Alampi attorney representing Mr. & Mrs. Shah of 3 Second St. stated that he reviewed the application and plan. I understand the issue that the family has. This is an engineering application not a planning application. It is a serious engineering problem since there is a natural rock exposed not only outside, but in the basement of this home and others on the block. This will be substantial excavation work. The problem is the topography on either side with the curb cut and will be a parking lot not a driveway. We will have a retaining wall, drainage issues etc. which the board and board engineer stated this is an engineering issue and needs to be addressed properly. This will be a bad situation not only for this applicant, but my client and other residents will have issues.

Rachel Choi, 7 Second St. I am the neighbor next to the applicant. My family is very concerned about the large tree that is along the property line that is on our side and has special meaning to our family. We are concerned it will be damaged during the work and don't want anything to happen to it.

Jihee Choi, 7 Second St. stated she had sent an email regarding this issue which is attached. We are concerned about the heavy work that will be completed.

Mr. Pogharian, 8 Second St. wanted to point out there was not much direction about the handicap spot. Maybe they should investigate the process. Mr. Scancarella stated it is a police and Mayor & Council process for them to get a spot in the front of the home designated for the handicap person only.

Chairman Porrino requested a motion to close the public. A motion was made by Mrs. O'Shea seconded by Chairman Porrino and carried unanimously by voice vote.

Chairman Porrino stated they will carry this application to the August 14, 2025, meeting. It is your decision to come back with your engineer to continue or if you decide to investigate other ideas that were suggested. Please let Planning Board Secretary know if you will return in August or at another time etc. No further notice will be needed.

Application #345K - Commercial Site Plan Approval  
Englewood Hospitality, LLC – 495 Sylvan Ave. – Block 512 Lot 3

Mr. Greg Paster attorney for the applicant Englewood Hospitality known as Lefkas Restaurant. The restaurant has an outdoor seating area on the southwest side of the property that is currently open air, and they would like to enclose the area. We also have a tented area on the property which was because of the COVID pandemic expansion that was permitted by the State and has recently been signed by the Governor as permanent. We are looking to put like an umbrella over the open-air section which is about 50 seats and a bar area. It will be a retractable roof with glass walls and soundproof. Part of the problem we have is that this year we are in the middle of July and there have been many days that weather has disrupted use of that area. We are not really changing anything on the site. We are not adding any seating or parking configuration except for the garbage containers that are on the site. We have valet parking and a parking leasing agreement with property at Connect One Bank building behind

our property. Valet use that for the overflow of parking that maybe needed. We have an architect; engineer here tonight we just don't have the engineer from the company that manufacturers the structure that is being installed with us tonight. I am asking that we continue this application at the next meeting so to have him come for testimony at that time.

Chairman Porrino questioned if the applicant would have a planner testify. Mr. Paster stated that we do not have one since nothing is changing just closing in the area, so we felt a planner was not necessary. I did receive the Planning Board's planner memo and feel some of the items are not required. I think we will be able to address everything without a planner testimony.

Mr. Pericels Stravrides of L2A Land Design is the applicant's engineer. Mr. Stravrides gave an overview of the property location and site. It has a two-story structure and has an enclosed outdoor dining area and small valet booth area and has a paver patio outdoor area for dining and parking lot area. It is a conditional use as an eating and drinking establishment which will remain the same. The following are the existing non-conformities:

1. Front yard setback from primary building.
2. Building exceeds the allowable height
3. Parking spaces – they have 65 spaces where 101 spaces are required by our calculations.

These all have prior approvals. These are all existing non-conforming conditions. The proposed work for the prefab enclosed space will have windows and an overhead covering. We are proposing to remove the pavers that are there now with this overall structure which will reduce impervious coverage. Regarding drainage the proposed structure is impervious so we are going from impervious surface to impervious surface so there is no change in drainage area direction of flow of stormwater. It is all being managed as the existing condition. We are not proposing any major changes that would require drainage changes. The existing drainage on the property is towards the east side of the property to an inlet.

Mr. Paster questioned the storage containers at the southeast portion of the property about how many parking spaces that are used. Mr. Stravrides stated he would have to verify but it would be at least 2 possibly 3. Mr. Paster stated that those are to be moved as part of the application. Mr. Stravrides stated yes. Mr. Stravrides gave an overview of the trash removal where there is a dumpster on the site now. Trash is collected 4 times a week. Regarding lighting for the proposed structure, it will be inside the structure. I am not aware of any new sight lighting. Snow removal will not be impacted with the new structure. There are no utilities being brought to the structure meaning water, gas, sewer. The closed area will be less than 500 sq. ft. which does not require soil erosion on the plan. There will be no difference in traffic flow of the property.

Mrs. Villari questioned the foundation of the prefab structure. Mr. Paster stated the manufacturer's engineer of the unit can give more specifics when he comes next month. Mrs. Villari questioned what about noise. Mr. Stravrides stated it will be noise proof.

Mrs. O'Shea questioned if the tent structure that was constructed during COVID be removed when this is put up. Mr. Paster stated no, it has been made permanent by State Law and so we do not plan to remove it. Mrs. O'Shea stated so you plan on keeping that and adding this new enclosure. Mr. Paster stated that the area is already being used for dining we are just covering it. Mrs. O'Shea stated it will become denser with more tables. You will have more people on the premise. Mr. Paster stated it is self-contained with wall outside. Mrs. O'Shea asked the occupancy of the building is currently and what the occupancy of the tent area is now and what the occupancy will be of the new enclosed area. Mr. Pastor stated he doesn't have it but believes the indoor occupancy is about 330 people and the outside deck is 56 people. In total with the tent is 426 people and will continue to be. Mrs. O'Shea questioned

each area amount. Mr. Paster stated 330 indoor, 42 tented area, and 56 outdoor area for a total of 426. Mr. O'Shea stated she has been there and there is a lot more than 42 people in the tent area.

Mr. Randall questioned the seasonal use of the outdoor area now. Mr. Paster stated it is in use for 12 months pending weather. This will allow it all year round. Mr. Randall questioned the statement about utility service and whether there will be any. Mr. Paster stated there will only be electricity for lighting and possibly the structure to open/close. Mr. Randall stated I was really thinking of heating/air condition because I am pretty sure they do not allow those heating elements under tented structures. Mr. Paster stated we will have to figure that out I am not sure if we are going to use a propane heating element.

Chairman Porrino stated this is being questioned because the usage is going to change now that it will be all year long usage instead of seasonal as it is now. There will be more use of parking etc. Chairman Porrino questioned that it was mentioned it was going to be soundproof structure, but it was also mentioned that the roof will be retractable, and windows can open. How do you maintain a soundproof structure then. Mr. Paster stated it will not be soundproof when opened. I will have to defer to the manufacturer engineer when he testifies. Chairman Porrino agreed but this is a sensitive issue with members of the board already and that we are aware that there are issues already regarding the noise coming from the site already. Mr. Paster stated that this application is also to try to help with the issue that we are aware of.

Chairman Porrino questioned if there is going to be a traffic expert to testify regarding traffic? Mr. Paster stated no since we are not changing the trip information but based on the engineer and planner letters, I think we will obtain one and bring that expert in next month. Chairman Porrino questioned the lease agreement with Connect One Bank if it is being used today. Mr. Paster stated the agreement has been in effect since 2021 with approx. an additional 54 spaces. We haven't had any issues with parking and not having enough spaces.

Mr. Zimmerman questioned Mr. Paster about the occupancy number total as 426. Mr. Paster double checked with the owner, and the correct occupancy is 232 inside, 56 in tent area and 44 at the outdoor area for a total of 332 for seated occupancy. Mr. Zimmerman went over parking spaces if it is 65 or 69 that will be on site. I feel a traffic expert coming in would be helpful.

Mr. Paster stated that there is one new variance and relief being requested. Mr. Stravirides stated that the location of this structure requires a variance as it is considered an accessory structure. The variance is a 2' setback from the lot line there is a minimum of 10' rear yard is 20' which doesn't apply. We are asking for a 2' setback variance being an 8' variance.

Mr. Dickerson planning board's planer stated an eating and drinking establishment is a conditional use on the B4 zone and the way the conditional use requirements are stipulated in the ordinance does not differentiate principal structures. It will require a 15' setback and being that Sylvan Ave. is the frontage there is also a front yard setback of 5.5 ft. where 20' is required. The reason we placed it in this area is because that is where the existing outdoor seating is. Mr. Paster stated that there is an existing variance for that outdoor area it is nothing new. Mr. Dickerson stated that there is a deficiency with the conditional use requirements. We are dealing with a "D3" conditional use variance vs. a bulk variance. Chairman Porrino questioned is this because of the conditional use or that there are additional variances being requested. Mr. Dickerson stated eating and drinking establishments are conditional uses, so they need to meet the requirements of the conditional use which in this zone is a set of bulk requirements. Minimal lot size which is not an issue same with lot width and depth, but then you do have a front yard, rear yard and side yard requirement. Maximum coverage and building height which they mentioned, is an existing non-conforming item but the last one also is the off street parking

which has been discussed. So, by my calculations it is one space per three seats plus one space for each employee. So based on the number of seats mentioned you are looking at 110-111 spaces required. I am not sure if there will be additional seating we could request a seating chart to see how this works out. Chairman Porrino questioned putting parking aside the setback variance requirements for this structure is that enough to trigger this "D3" variance? Mr. Dickerson stated that from his review it is yes, because it is an eating and drinking establishment.

Mr. Randall stated this will have to be looked at and figured out the way in which the board will have to sit either as a planning board or a zoning board. Mr. Paster and Mr. Randall will discuss this and figure it out for next month's meeting.

There was discussion that the application may change to a zoning board so there was agreement that there will not be any more testimony and that when they return, we will have the answer on which way the board will sit to complete the application.

Chairman Porrino requested a motion to open to the public for this matter. A motion was made by Mr. Lee seconded by Mrs. O'Shea and carried unanimously by voice vote.

Mr. Morfesis, 26 John St, stated that he didn't think it is a bad idea to enclose the area to lessen the noise and beautify the area. Other restaurants have the same parking problems. It's not bad to be friendly to businesses in our town. Hate to see a business go down. I think we should accommodate them.

Chairman Porrino requested a motion to close the public for this matter. A motion was made by Mrs. O'Shea seconded by Mrs. Villari and carried unanimously by voice vote.

Chairman Porrino stated that this application will be carried to the August 14, 2025, meeting with no further notice required.

#### Application #348K - Residential Variance for Front Gates

Mr. & Mrs. Sinisi – 200 Pershing Rd. – Block 602 Lot 8

Mr. Richard Stewart attorney for the applicant who are seeking site plan variance for the two driveway gates located at 200 Pershing Rd.

Mr. Hubschman engineer and planner for the applicant gave an overview of the site plan showing the driveway gates on the front of the property which have been installed already. Mr. Hubschman stated that they really are not detriment by having these gates.

Chairman Porrino asked for more clarification on the benefit vs the detriment. Mr. Hubschman stated it is to promote safety and the welfare as a purpose "A" for the residents. They did install safety arms to open the gates for emergency services. We are close to the City of Englewood which allows gates and will be the same and the wall was there before. Chairman Porrino stated he felt that wall was replaced preapproval by the board. Mr. Hubschman stated pre 2007 there were gates on the property.

Mr. Zimmerman questioned the height of the gate. Mr. Hubschman stated 5.79' and there are two installed. There is an alarm on each of the gates for emergency purpose that if it is activated it will open the gates. Mr. Hubschman stated they were installed after an emergency call at the house that happened, and they could not open the gates. Mr. Zimmerman stated that was all he really has for engineering it really is just a zoning variance.

Mr. You questioned the location of each since they seem different. Mr. Hubschman stated one is about 10' back and the other is 20' back so vehicles can go onto the area and get off the roadway.

Mr. Lee questioned the keypad if it also has an intercom on it. Mr. Hubschman stated yes. Mr. Lee stated that the keypad is in the right of way since it is only 10' in on the property.

Chairman Porrino stated that we had a previous application for this property and the resolution specifically spoke about this issue and that a gate or gates would not be installed because the walls were constructed before coming to the board and we gave approval to leave the walls but part of that resolution of approval was specific that gates could not be installed. We understand that you have the right to come to the board to request this, but you must understand that it is pretty close to an insult (oops). It was an intentional installation of something that was specifically prohibited. That is not the right way to go about doing things. If you wanted to install it, you should have come before us, and we would either except or reject it. The way it is being presented now is not the way a resident/applicant should do it.

Mr. Stewart stated he understands and agrees but apparently there was some misunderstanding, and we are here to make it right.

Chairman Porrino requested a motion to open to the public for this matter. A motion was made by Mrs. O'Shea seconded by Chairman Porrino and carried unanimously by voice vote.

No Comments.

Chairman Porrino requested a motion to close the public for this matter. A motion was made by Mrs. O'Shea seconded by Mr. O'Shea and carried unanimously by voice vote.

Mrs. O'Shea stated Englewood Cliffs does not allow gated properties and if this is approved it will set a precedent, and we are an open community.

Mr. Lee stated having the gate may make more traffic issues and is not in favor of them.

Mr. Stewart stated we are not trying to make it a gated community. We are just trying to provide security for the homeowners.

Mrs. O'Shea made a motion to deny this application for two gates because we do not allow gates in Englewood Cliffs. Chairman Porrino requested a second which was made by Mr. You with a roll call vote (7) Mrs. O'Shea, Mr. Kim, Mrs. Zimecki, Mr. Lee, Mr. You, Councilwoman Biegacz and Chairman Porrino

Discussion of Ordinance #25-03 – "Zoning" & Specifically Prohibiting the Construction of Subsurface Car Garages Due to Flooding Risks

Mr. Randall stated that the Mayor and Council requested that the board review the proposed ordinance #25-03 and send the board's comments to them within 35 days.

Councilwoman Biegacz stated that one statement about flood zone needs to be removed. We have to figure out how people can build underground or not.

There was much decision between members, planning board engineer, and planner about the ordinance and changes that they felt were needed. After much discussion the members felt that there needs to be changes to the ordinance not only by the planning board but that the borough professionals like engineer and planner should be involved on the writing of the ordinance.

Chairman Porrino stated that we should adopt a resolution to have Mr. Randall draft a letter to the Mayor & Council with his suggestions on the next steps for this ordinance and that the board would be happy to help with it.

Chairman Porrino made a motion to have Mr. Randall write a letter to the Mayor & Council about Ordinance 25-03 and was seconded by Mr. Kim and carried unanimously by voice vote.

Chairman Porrino requested a motion to open to the public for any matter. A motion was made by Mr. O'Shea seconded by Councilwoman Biegacz and carried unanimously by voice vote.

No Comments

Chairman Porrino requested a motion to close the public portion and adjourn the meeting at 10:18pm. A motion was made by Mrs. O'Shea seconded by Mr. Lee and carried unanimously by voice vote.

Respectfully submitted.

A handwritten signature in cursive script that reads "Caterina Scancarella". The signature is written in black ink and is positioned above the printed name.

Caterina Scancarella  
Planning Board Administrative Secretary

**ENGLEWOOD CLIFFS PLANNING BOARD**  
**REGULAR MEETING – July 10, 2025 7:30 PM**

10 Kahn Terrace, Englewood Cliffs, NJ

**CALL TO ORDER**

The meeting of the Englewood Cliffs Planning Board will come to order this (date). The time is (time).

**FLAG SALUTE:**

**"OPEN PUBLIC MEETINGS ACT" STATEMENT**

This meeting which conforms with the Open Public Meetings law, Chapter 231, Public Laws of 1975, is a regularly scheduled Planning Board meeting by advertisement in The Record, notification to the Northern Valley Press Journal, the Suburbanite, posting of notice on the municipal website at [www.EnglewoodCliffsNJ.org](http://www.EnglewoodCliffsNJ.org), and at Borough Hall, 482 Hudson Terrace, Englewood Cliffs, NJ.

**ROLL CALL**

**APPROVAL OF MINUTES:**

June 12, 2025 – Regular Meeting

June 26, 2025 – Special Meeting

**OLD BUSINESS:**

Application #325K - Residential Impervious Coverage Variance  
Mr. & Mrs. Goldenberg – 20 Lynn Dr. – Block 1003 - Lot 16  
**Resolution – Approved**

Application #346K - Residential Variance for Garage Addition  
Zhanglan Cheng – 10 Maple St. – Block 703 – Lot 3  
**Resolution – Approved**

**NEW BUSINESS:**

Application #344K - Residential Variance for New Driveway  
Hyonjin Jeung & Jisun Kang – 5 Second St. – Block 128 – Lot 9

Application #345K - Commercial Site Plan Approval  
Englewood Hospitality, LLC – 495 Sylvan Ave. – Block 512 – Lot 3

Application #348K - Residential Variance for Front Gates  
Mr. & Mrs. Sinisi – 200 Pershing Rd. – Block 602 – Lot 8

Review & Discussion - Ordinance #25-03 – “Zoning” & Specifically Prohibiting the  
Construction of Subsurface Car Garages Due to Flooding Risks

**COMMUNICATIONS:**

**EXECUTIVE SESSION:**

**COMMITTEE REPORTS:**

**PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA**

**ADJOURNMENT**

# ORIGINAL

## PLANNING BOARD BOROUGH OF ENGLEWOOD CLIFFS

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**IN THE MATTER OF THE APPLICATION : MEMORIALIZATION RESOLUTION  
OF GARY GOLDENBERG : APPLICATION NO. 325K  
FINAL SITE PLAN APPROVAL RELATING :  
TO LOT 16 BLOCK 1003 :**

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**WHEREAS**, Applicant, Gary Goldenberg, applied on or about February 9, 2023 to the Planning Board of the Borough of Englewood Cliffs, for site plan approval with variances relief retroactive for site improvements previously approved, but not constructed in conformance with the approved plans and a single-lawn inlet.

**WHEREAS**, the public hearings were conducted on March 14, 2024 and May 9, 2024, upon proper notice certified by Applicant's proof of service to property owners within a 200-foot radius of the subject property and proof of publication in an official newspaper of the Borough; and

**WHEREAS**, on May 9, 2024 a vote of the Board was taken to approve the application; and

**WHEREAS**, during the course of said hearing, Applicant presented expert testimony from several professionals outlining the site plan application and short summary; and

**WHEREAS**, all application materials, including all plans and reports submitted by or on behalf of Applicant, are a part of the official record of the public hearings on the

application; and

**WHEREAS**, Applicant was represented by Nicholas G. Sekas, Esq; and

**WHEREAS**, the Planning Board considered documentary evidence submitted in connection with the application and heard testimony of the Applicant, witnesses, and considered the argument of Applicant's attorney; and

**WHEREAS**, the Planning Board was represented by Thomas W. Randall, Esq., at the hearings on this Application; and

**WHEREAS**, Applicant submission, interdepartmental communications and advisory reports of municipal departments and agencies were received and considered as follows:

Review letters of the Board's consulting professional:

a) Application Cover Letter entitled “Zoning Board Application”, prepared by Gary Goldenberg, dated February 9, 2023 (1 page);

b) Application Form and Checklists, signed by Gary Goldenberg, dated February 9, 2023;

c) Application Description, undated;

d) Engineering plans entitled “Pool Site Plan” prepared by Mark Martins, PE, of Mark Martins Engineering, LLC, dated February 27, 2020, most recently revised June 26, 2020, consisting of 1 page;

e) Survey entitled “Pool As-Built Survey” prepared by Mark Martins, PE, of Mark Martins Engineering, LLC, dated May 1, 2021, most recently revised November 4, 2021, consisting of 1 sheet;

f) Engineering plans entitled “Pool As-Built/Variance Plan” and “Drainage Plan, prepared by Mark Martins, PE, of Mark Martins Engineering, LLC, dated July 29, 2022, most

recently revised July 3, 2023, numbered Sheet 1 of 2;

g) Engineering plans entitled “Drainage Plan” prepared by Mark Martins, PE, of Mark Martins Engineering, LLC, dated July 10, 2023, numbered Sheet 2 of 2;

h) Revised as-built plans dated March 27, 2024.

**WHEREAS**, testimony in support of the application was given by:

- a. Dr. Gary Goldberg
- b. Mark Martins, P.E.
- c. Michael Kauker, Professional Planner

and

**WHEREAS**, the following Board consultants were present,

- a. Craig Zimmermann, Colliers Engineering – Board Engineer
- b. Thomas W. Randall, Randall & Randall, LLC – Board Attorney

**WHEREAS**, the Board did consider the testimony and evidence presented,

**NOW, THEREFORE**, on this 13<sup>th</sup> day of June, 2024, be it resolved that the Englewood Cliffs Planning Board makes the following findings of fact:

**The Application**

1. The application submitted by Applicant was complete and jurisdiction before the Board was proper.

**Existing Conditions**

2. The subject site, known as 20 Lynn Drive, or Lot 16 of Block 1003, is a 12,000 +/- lot with frontage along Lynn Drive and is located within Borough’s R-A (Residential Single Family) zone district. Prior to the most recent site plan approval, this property contained 2.5-story

single family residence and additional other improvements, including paver driveway, paver patio, rock wall, AC equipment pads, landscaping, and underground Cultec infiltration chambers in the front and rear yard.

Surrounding uses include additional single-family residential lots.

**Approved Conditions**

The previously approved application included the installation of a pool within the center of the rear yard, two (2) yard inlets within both rear corners of the lot, yard piping from downspouts and the yard inlets to the existing Cultec infiltration chambers, associated pool equipment, PVC fence enclosure, retaining wall offset from the property lines, and associated grade changes. Additional site improvements included the removal of portions of the existing paver driveway and the rear yard paver patio.

**As-Built Conditions**

Based on the most recent as-built survey, the property currently contains a 2-5-story single family residence and additional other improvements, including paver driveway, pool within the northeast corner of the rear yard, pool equipment, rear yard paver patio, outside bar, retaining wall adjacent to the property lines, AC equipment pads, landscaping, and new/relocated underground Cultec infiltration chambers in the center of the rear yard.

**Proposed Conditions**

The Applicant is seeking retroactive variance approval for site improvements previously approved, but not constructed in conformance with the approved plans.

The information provided for as-built Lot 16's compliance with the bulk standards of the R-A zone and proposed changes to impervious area is as follows:

**BULK REQUIREMENTS – R-A RESIDENTIAL SINGLE FAMILY ZONE DISTRICT**

	Required	Pre-Existing	As Built/ Proposed	Variances
Minimum Lot Area (sf)	10,000	12,000	12,000	
Minimum Lot Width (ft)	100	100.43	100.00	
Min. Front Yard (ft)	30	31.0	No change	
Min. Rear Yard (ft)	25	28.7	No change	
Min. Side Yard (ft)	10	10	No change	
Min. Side Yard Both (ft)	30% Lot Width=30.0	30.2	No change	
Max. Bldg Coverage (%)	30	29.91	No change	
Max. Building Height-grade (ft)	30	29.7	No change	
Max. Building Height-curb (ft)	32	31.9	No change	
Max. Impervious Coverage (%)	51	50.21	64.8/63.3 mod.	Yes
Max. Rear Yard Coverage (%)	60	1.83	69.6/60.0 mod.	*
Circular Driveway Coverage	35	34.2	No change	
Min. Pool Setback to Street (sf)	25	NA	95.6	
Min. Pool Rear Yard (ft)	30	NA	7.4	
Min. Pool Side Yard (ft)	30	NA	9.0	

V – Variance

E – Existing Non-Conforming

\*Subject to Exhibit A5

**VARIANCES**

The Applicant is requesting variances for the following:

“Schedule A – Schedules of Regulations (Subsection 30-6.1) (7) Table R-A Zone

A. Bulk Variance for Maximum Impervious Coverage. Maximum 51%, pre-existing 50.95%, as-built 62.92%.

**HEARINGS**

**Testimony**

**The following persons testified on March 14, 2024**

**Mark Martins. P.E. Martins Engineering** was sworn and qualified:

1. He described as-built plan dated September 28, 2023, consisting of 3 pages marked as Exhibit A1 A2 and A3.
2. The drainage plan was reviewed.

3. The zoning chart and Exhibit A1 were described.
4. No additional improvements are proposed.
5. The two variances for impervious were described.
6. The first variance for impervious area is 51% permitted where 64.8% exists.
7. The second is for rear yard coverage where 60% is permitted and 69.6% exists.
8. Landscaping is proposed around the rear and the front to mitigate the impervious increase.
9. A drainage system in a rear is proposed to address the additional patio drainage generated by the increased coverage.
10. There are 2 drainage chambers in the rear presently.
11. The plan would add two more chambers.
12. There is a second drainage system in the front of the home.
13. In response to question from the Board he indicated that there had been an increase in the calculation of total impervious coverage and rear yard impervious coverage from previous submission due to the inclusion of a rock wall in the rear of the property.
14. Mr. Martin explored the possibility of removing some of the 265 square feet of excess impervious coverage.
15. Reducing the impervious coverage around the pool and the removing driveway pavers was explored as well as part of the patio near the rear retention system near the swing set.
16. This reduced rear impervious from 68.7% to 63.3%.

**Michael Kauker, Professional Planner** was sworn and qualified:

17. He described the area where the property is located.
18. He described the single family zone.
19. A4 depicting homes same size with pools and decks in vicinity.
20. The increase in impervious was due to town request to include the rock wall.
21. He reviewed ordinances and the Master Plan of 5/30/2019.
22. Goal 1 of the Master Plan maintaining the established character of Englewood Cliffs.
23. In addressing the c variances, he found the coverage issue is satisfied by the mitigation detention system proposed.
24. It is further mitigated by proposed buffering with landscaping.
25. There is no aesthetic detriment.
26. Also under a c(2) analysis, he found the stormwater drainage safety was improved with a flatter patio.
27. The patio is an integral part of the plan and consistent with the neighborhood.
28. Purpose of the Land Use Act promoted with the visual and environmental improvement.
29. With the mitigation there is no impairment of the zone plan or intent.
30. The improvements cannot be seen from neighboring properties.
31. The property can accommodate it; meets spirit and intent of ordinance.

**Testimony on May 9, 2024**

**Mark Martins** continued testimony:

32. Revised plans dated March 27, 2024, where introduced and marked as Exhibit A5.

33. The plan depicted reduced impervious coverage.
34. The total lot area was reduced by 160 ft.<sup>2</sup> and the rear yard portion by 111 ft.<sup>2</sup>
35. The rear yard impervious will be 188 square feet.
36. The patio area was reduced on the left side by 2 feet on the right side area by 3 feet by the pool.
37. The plan reflects the removal of approximately 71 ft.<sup>2</sup> in the bar area.
38. Pavers would be removed for a total of 182 square feet net reduction.
39. Also proposed was the replacement of 600 ft.<sup>2</sup> of driveway with permeable pavers, although it should be noted they do not count towards reduction impervious coverage.
40. There will be a total reduction in the rear yard of 111 ft.<sup>2</sup> reducing total and impervious coverage to 65.7%.
41. More grass and trees will be added where the pavers will be removed for a greater green area.
42. The new rear yard drainage system would be subject to engineering review and approval of the Board Engineer.
43. Ultimately the Applicant agreed to reduce the rear coverage to conform with the impervious coverage for a rear yard of 60% by removing additional areas.
44. This will be accomplished by reducing the patio by 164 ft.<sup>2</sup> to reduce impervious coverage.
45. By removing the rear patio, they may no longer require the installation of additional drainage, chambers.

46. The total reduction in impervious will be the 182 square feet as reflected on the revised plans of 3/28/2024 plus the additional 164 square feet for a total reduction of 346 square feet.
47. The Applicant agreed to submit the updated calculations for drainage to confirm the additional chambers are no longer required.
48. The calculations will be submitted to the Board Engineer for review and approval.
49. Additionally, the applicant need not replace the driveway pavers with pervious pavers due to increase the pervious coverage.
50. The Applicant will submit new plans and calculations to the Board Engineer for approval as a condition of approval.

### **STATUTORY CRITERIA**

**WHEREAS**, the criteria for the variances required for this Application are:

#### **'C' Variance**

Statutory Criteria. The application is seeking variance relief pursuant to NJSA 40:55D-70(c)(1) and/or (2). The statute provides two approaches to 'C' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test. These are identified as follows:

- a. An Applicant may be granted c(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

b. Public Benefits Test. An Applicant may be granted c(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the Municipal Land Use Law; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

c. Negative criteria. In addition to the above, the Applicant must address the Negative Criteria of the statute. To meet the negative criteria, an Applicant must demonstrate the variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the master plan and zoning ordinance.

**Analysis and Conclusion of Law**

During the course of the hearing the Applicant has significantly reduced an impervious area which was built without variance approvals. The project has been improved to the point that additional drainage chambers are not necessary to mitigate the runoff.

Landscape buffering from adjacent property and elimination of the rear yard impervious variance have mitigated any negative impact of the proposal. This development is consistent with the development pattern in the neighborhood. The project does constitute an architectural enhancement for the area. The property can accommodate the remaining coverage variance for total impervious area, which also has been significantly decreased.

As a result, the proposal will not impair the zone plan or intent. The benefits outweigh any detriment, as there is adequate mitigation. The relief can be granted without detriment to the Master Plan or Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board of the Borough of

Englewood Cliffs recommends the approval of the Final Site Plan with variances for:

A. Bulk Variance for Maximum Impervious Coverage. Maximum 51%, pre-existing 50.95%, as-built 62.92%.

**General Conditions**

1. The Applicant shall obtain the approval (or waiver thereof) of any and all other governmental agencies having jurisdiction over the proposed development, including but not limited to the New Jersey Department of Environmental Protection and the Bergen County Department of Planning and Economic Development.

2. The Applicant pay the costs of the Borough of Englewood Cliffs, Planner, Engineer and Borough of Englewood Cliffs Planning Board Attorney associated with this application, and release of escrows posted authorized upon receipt of sign off letters from all Borough professionals.

3. All representations made by applicants or their agents shall be deemed conditions of this approval and any misrepresentations by applicants or their agents contrary to the representations made before the Board shall be deemed a violation of this approval.

4. The action of the Planning Board in approving this application shall not relieve the Applicant of responsibility for any damages caused by this project, nor does the Planning Board of the Borough of Englewood Cliffs, or its reviewing professionals or agencies, accept any responsibility for design of the proposed improvement or for any damages that may be caused by this development.

5. Building permits as needed must be obtained before any work begins at the site and in accordance with the approval(s) conferred herein.

**Specific Conditions**

A. Submission of revised plans to be submitted to the building department and revised calculations of impervious coverage to confirm compliance with the impervious coverage ordinance for a rear yard of 60%.

B. Revised drainage calculations of the existing rear yard detention system shall be submitted for review and approval by the Board Engineer to determine the adequacy for the proposed drainage.

C. Should the existing drainage system be adequate for the proposed drainage, Applicant need not install further enhancements to its drainage system.

D. Should the system prove to be inadequate to address rear yard drainage, additional chambers will be installed as determined by the Board Engineer to achieve compliance.

E. Revised site plan and drainage calculations must be submitted to the Borough Engineer for review and approval prior to the resolution being adopted.

ATTEST:

ENGLEWOOD CLIFFS PLANNING BOARD

  
Secretary

  
Chairperson

Motion: Mrs. O'Shea

Second: Mrs. Villari

Roll Call:

Ayes: Mrs. O'Shea, Mr. Kim, Mr. O'Shea, Mrs. Villari, Mr. Lee, Councilwoman Biegacz, Chairman Porrino

Nays: none

# ORIGINAL

## PLANNING BOARD BOROUGH OF ENGLEWOOD CLIFFS

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**IN THE MATTER OF THE APPLICATION : MEMORIALIZATION RESOLUTION  
OF ZHANGLAN CHENG : APPLICATION NO. 346K  
FINAL SITE PLAN APPROVAL RELATING :  
TO LOT BLOCK 703 :  
10 MAPLE STREET :**

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**WHEREAS**, Applicant, Zhanglan Cheng, applied on or about March 21, 2025 to the Planning Board of the Borough of Englewood Cliffs, for site plan approval with variances relief to construct a two-story addition; and

**WHEREAS**, the public hearings were conducted on June 12, 2025, upon proper notice certified by Applicant's proof of service to property owners within a 200-foot radius of the subject property and proof of publication in an official newspaper of the Borough; and

**WHEREAS**, on June 12, 2025 a vote of the Board was taken to approve the application; and

**WHEREAS**, during the course of said hearing, Applicant presented expert testimony from several professionals outlining the site plan application and short summary; and

**WHEREAS**, all application materials, including all plans and reports submitted by or on behalf of Applicant, are a part of the official record of the public hearings on the application; and

**WHEREAS**, Applicant represented themselves; and

**WHEREAS**, the Planning Board considered documentary evidence submitted in connection with the application and heard testimony of the Applicant, witnesses, and considered the argument of Applicant's attorney; and

**WHEREAS**, the Planning Board was represented by Thomas W. Randall, Esq., at the hearings on this Application; and

**WHEREAS**, Applicant submission, interdepartmental communications and advisory reports of municipal departments and agencies were received and considered as follows:

Review letters of the Board's consulting professional:

a) Application Form and related documents dated March 21, 2025 by Matthew G. Capizzi, Esq. – 20 sheets

b) Engineering Plan Prepared by Mark Martins Engineering, LLC, dated February 26, 2025 – 2 sheets

c) Drainage calculations dated February 26, 2025 by Mark Martins Engineering, LLC

d) Boundary and Topographic Survey prepared by Mark Martins Engineering, LLC dated February 18, 2025

e) Architectural Plan prepared by Po Yi Wu dated February 27, 2025 – 4 sheets

**WHEREAS**, testimony in support of the application was given by:

a. Mark Martins, P.E., L.S.

b. Po Yi Wu

and

**WHEREAS**, the following was submitted into evidence:

Exhibit A-1 – Colorized Version of Page A-1 of Plans Submitted

Exhibit A-2 – Alternate Plans Depicting Recessed Second Floor of Addition; and

**WHEREAS**, the following Board consultants were present,

- a. Craig Zimmermann, Colliers Engineering – Board Engineer
- b. Thomas W. Randall, Randall & Randall, LLC – Board Attorney

**WHEREAS**, the Board did consider the testimony and evidence presented,

**NOW, THEREFORE**, on this 10<sup>th</sup> day of July, 2025, be it resolved that the Englewood Cliffs Planning Board makes the following findings of fact:

**The Application**

The application submitted by Applicant was complete and jurisdiction before the Board was proper.

**Existing Conditions**

The subject site, known as 10 Maple Street, or Block 703, Lot 3, is a 11,349 Sq. Ft. lot with frontage along Maple Street and is located within Borough's R-A (Residential Single Family) zone district. This property contains a 2-story single family residence and additional other improvements, including an in-ground pool & equipment, paver patios, paver driveway and walk, AC pads, generator, and vegetative landscaping.

Surrounding uses includes additional single family residential lots.

**Proposed Conditions**

The Applicant is seeking to construct a new two-story addition of a three-car garage at the south side of the existing residential building, retaining walls, granite block curbing,

expanded paver driveway, and landscaped swale. No other improvements were proposed as part of this Application.

Below is a bulk zoning table regarding this application as provided by the Applicant's professional.

**Zoning Schedule  
Zone R-A – Single-Family Residential**

Item	Required	Existing	Proposed	Variance
Minimum Lot Area (sf.)	10,000	11,349	11,349	No
Minimum Lot Width (ft.)	100	100.00	100.00	No
Minimum Front Yard (ft.)	30 (30.0' Avg.)	30.0	30.0	No
Minimum Rear Yard (ft.)	25	31	31	No
Min. Side Yard Bldg (ft)				
- One	10	10.0	10.0	No
- Both	30	41.0	20.0	Yes
Max. Bldg. Coverage (%)	30.65	24.87	32.08	Yes
Max. Bldg. Height – Curb Level	32 ft.	31.0	31.0	No
Max. Bldg. Height-Grade	30 ft.	28.8	28.8	No
Impervious Coverage (%)	51	53.2	51.94	Yes
Rear Yard Imperv. Coverage (%)	60	45.15	36.1	No
Driveway Side Yard Setback (ft.)	3	6.3	6.3	No

**Variations**

The Applicant is requesting variations for the following:

"Schedule A - Schedules of Regulations (Subsection 30-6.1) (7) Table 1 R-A Zone.

1. Bulk Variance for Minimum Side Yard Setback. (Ft.), Minimum 30 ft., (both sides) existing 41.0 ft., proposed 20.0 ft. (10.0 ft. variance required)
2. Bulk Variance for Maximum Building Coverage (%), Maximum Allowed 30.65%, Existing 24.87 %, Proposed 32.08 % (1.44% variance required)
3. Bulk Variance for Impervious Cover (%) Maximum Allowable 51%, Existing, non-conforming 53.2%, Proposed 51.94 % (0.94% variance required, Existing 2.2% required)

The Applicant shall be prepared to provide additional testimony regarding the items above.

**Proposed Site Plan Conditions**

1. Grading:

a. Applicant proposes installing a swale along the rear, south and north sides of the property to direct the drainage to a catch basin in the north side of the property and the street on the south side of the property. This wall appears to be approximately 2' in height.

b. There is small curb wall in the south side of the driveway adjacent to the to the garage.

2. Circulation and Driveway:

a. The Applicant proposes expanding the driveway area on the subject property without any modifications to the right of way.

3. Parking:

a. Applicant shall provide the total number of off-street parking spaces resulting from the proposed improvements.

4. Proposed three (3) car garage addition:

5. Sidewalks:

a. No sidewalks appear to be proposed and no sidewalks appear to exist along the frontage of the property.

6. Off-Tract Improvements:

a. There are no proposed off-tract improvements related to this project.

7. Stormwater and Drainage:

- a. Application appears to propose a net reduction in impervious cover, and therefore no additional stormwater treatment would be required.
  - b. The plans depict the relocation of the stormwater line the connects to the seepage pits.
8. Utilities:
- a. There are two existing AC units that are to be relocated.
9. Landscaping:
- a. The Applicant is proposing to remove the landscaping along the south side of the property where the proposed relocated wall is proposed.
10. Soil Erosion and Sediment Control:
- a. The plans depict a Soil Erosion and Sediment Control Plan.
11. Environmental Constraints:
- a. Applicant does not appear to propose any changes affecting environmental constraints.

## **HEARINGS**

### **Testimony**

#### **The following persons testified on June 12, 2025**

**Mark Martins, Professional Engineer,** was sworn and qualified.

1. He described the subject property Block 702 Lot three located on the east side of Maple Street.
2. Has dimensions of 100, 110.4 width and 110.42, 116.56 depth
3. Introduced SP one a colorized version of plan submitted as Exhibit A-1.
4. The storm drain wraps around the back of the property.
5. It flooded previously causing basement flooding and damage to the home.

6. They re-oriented the garage to the front and raised the garage with a positive pitch toward Maple Street.
7. There is a retaining wall along the driveway which is to capture and divert the water down the driveway.
8. Roger's proposed as a two-car garage with a tandem parking within it.
9. They proposed reroute the water from the back on both side sides of the property.
10. A 20-foot addition was proposed on the north side of the property which required a variance for combined side yard.
11. Grade is being raised 3 feet along the driveway.
12. The retaining wall is 8 inches of height on the northerly side and 3 feet on the southerly side.

**Craig Zimmerman, P.E. - Board Engineer**

13. It is noted that they are bringing the previous area into greater conformity by reducing it.
14. There is no issue with the building height.
15. They will provide a cut and fill plan with the demolition plan as required.
16. The Keystone wall to be constructed will be pinned and have a deeper footing.
17. They will increase the sway depth on the west side.

**Po Yi Wu** was sworn and qualified as in a licensed architect.

18. The basement and first floor were just described.
19. The second floor of the addition is intended for storage and is done for aesthetic purposes.

20. The addition has a two story appearance in the front and it drops off in the back.

21. Exhibit A-2 was described and they proposed to move the second-story side addition in 10 feet from the first story setback.

**Angela Chin, Applicant** was sworn

22. She testified as to the need to design the property appropriately to avoid more flooding as they have flooded out several times and have rebuilt at great expense.

**The following people spoke from the public**

**Joel Green and Mrs. Green** were sworn:

23. She is at is the neighbor to the south and has expressed concern of not having water diverted onto their property as a result of this project.

24. They also have been flooded out in the past from water coming from both of the west and the north and west.

**David De Gregorio**

25. Commented on the flooding issues generally within the Borough.

### **STATUTORY CRITERIA**

a. An Applicant may be granted c(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

b. Public Benefits Test. An Applicant may be granted c(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and

purposes of the Municipal Land Use Law; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

c. Negative criteria. In addition to the above, the Applicant must address the Negative Criteria of the statute. To meet the negative criteria, an Applicant must demonstrate the variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the master plan and zoning ordinance.

#### **ANALYSIS AND CONCLUSION OF LAW**

Applicant is seeking variances under Subsection C of the land use law. Applying the standard of the C(1) analysis, it is evident that there are pre-existing flooding conditions in the property which present practical difficulties and complying with the ordinance with a garage under the home requiring it to be raised above present elevation. Existing set sides are non-conforming for the zone. A garage in the side yard with the raise in grade violates the combined two side yard setback. There are C(2) variances justifications as well. There is an aesthetic benefit in the modest side addition to balance the house appearance. The Applicant is also reducing impervious coverage and attempts to channel runoff to their benefit and should benefit its neighbor to the south and mitigate the variance impact. The Applicant has also mitigated the impact of the addition with recessing the second floor from the southerly neighbor ten feet further from the addition's first floor setback. Applicant also agreed to raise the retaining wall along the driveway and extend it further west to the Borough drainage easement. Adding a berm with vegetation and extending it onto the rear yard drainage easement will maximize the water flow and they can deviate from themselves and their neighbor. On balance the benefits of this

clearly outweigh the detriment and relief and can be given without detriment to the neighborhood or zone intent under this criteria.

Turning to the C(2) variances this presents an aesthetic improvement in design balancing the appearance and promotes that purpose of the Land Use Act. They area also reducing impervious area and promoting the interest of safety for themselves and their neighbor.

Regarding both C(1) and C(2) standards, the board does not see any negative impact coming from this development as Applicant has mitigated any impact and has made sure to address concerns of drainage being addressed on site. The proposal will not negatively impact the neighborhood nor impair the zone intent. There is no detriment to the neighborhood or impairment of the zone plan or zone intent.

The benefits substantially outweigh any detriment, as there is adequate mitigation of any impact. The relief can be granted.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board of the Borough of Englewood Cliffs recommends the approval of the Final Site Plan with variances for:

- A. Construction of a two-story addition on a single-family home.

**General Conditions**

1. The Applicant shall obtain the approval (or waiver thereof) of any and all other governmental agencies having jurisdiction over the proposed development, including but not limited to the New Jersey Department of Environmental Protection and the Bergen County Department of Planning and Economic Development.

2. The Applicant pay the costs of the Borough of Englewood Cliffs, Planner, Engineer and Borough of Englewood Cliffs Planning Board Attorney associated with this application, and

release of escrows posted authorized upon receipt of sign off letters from all Borough professionals.

3. All representations made by applicants or their agents shall be deemed conditions of this approval and any misrepresentations by applicants or their agents contrary to the representations made before the Board shall be deemed a violation of this approval.

4. The action of the Planning Board in approving this application shall not relieve the Applicant of responsibility for any damages caused by this project, nor does the Planning Board of the Borough of Englewood Cliffs, or its reviewing professionals or agencies, accept any responsibility for design of the proposed improvement or for any damages that may be caused by this development.

5. Building permits as needed must be obtained before any work begins at the site and in accordance with the approval(s) conferred herein.

#### **Specific Conditions**

6. The addition is approved with the step back of 10 feet on the second floor with the following conditions:

- a. The retaining wall will be interlocking block and pinned and the foundation will be set deeper subject to the Board Engineer approval.
- b. The water barrier to be put in behind the retaining wall.
- c. Planting will be moved from their existing location at the top of the driveway.
- d. Submission of a demolition plan
- e. The retaining wall design and height with grading and a berm will be submitted to the Engineer for approval.

f. The wall will be extended to the 10-foot Borough easement and an earthen berm with vegetation will continue from the end of the wall over the drainage easement.

g. Applicant will reduce the second floor of the addition, an additional 10 feet from the first floor setback.

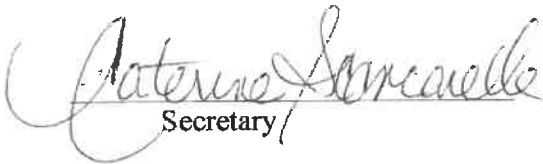
h. Applicant will deepen the proposed swales subject to Board Engineer approval.

i. Revised plans to be submitted for compliance.

j. No building permits to be issued until the Board Engineer has received and approved compliance with this resolution.

ATTEST:

ENGLEWOOD CLIFFS PLANNING BOARD

  
Secretary

  
Chairperson

Motion: Mrs. Villari

Second: Mr. Kim

Roll Call:

Ayes: Mrs. O'Shea, Mr. Kim, Mr. O'Shea, Mrs. Villari, Mr. Lee, Mr. You Councilwoman Biegacz, Chairman Porrino

Nays: none

## Memorandum

To: Cathy Scancarella, Planning Board Administrative Secretary  
From: Michael J. O'Krepky, P.E.  
Date: April 30, 2025  
Subject: Completeness Review Summary: Application #344K - 5 2nd St.  
Block 9, Lot 128  
Project No.: ECP0166

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On April 21, 2025 the Englewood Cliffs Completeness Review Committee met to discuss the above referenced project. At that time, the Committee will discussed several items in support of completeness and/or discuss concerns to be addressed prior to a formal Planning Board hearing date for this application and deemed the application **INCOMPLETE**.

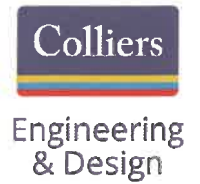
The Committee had several concerns regarding the application, including but not limited to the following:

1. There are no topographic elevations shown on the existing survey and/or proposed plan, and there are wall sections shown in the detail section of the proposed plans.
2. There are no drainage calculations provided in relation to the proposed impervious cover.
3. There several administrative items cited in the completeness checklist in this memorandum.

The application has been reviewed by this office for conformance in regard to the Site Plan/Subdivision application checklist(s). We offer the following comments. An **OK** signifies compliance and/or substantial compliance to the application checklist. The Board members and Board professionals reserve the right to provide additional comments during the time of the Planning Board hearing(s). Additional comments where necessary are also provided in **BOLD**.

1. Name and title of applicant, owner, and person preparing map. **Not Provided**
2. Place for signature of chairman and secretary of planning board. **Not Provided**
3. Place for signature of Borough engineer. **OK**
4. Lot and Block numbers. **OK**
5. Scale (not less than 1" = 20'), "north" sign. **OK**
6. Drawing date and revision number. **OK**
7. Zone district of subject property and zone district of properties within 200'. Show zone lines.  
**Not Provided**
8. Names of owners of all property owners within 200'. **Not Provided**
9. Lot dimensions, setbacks, front yards, side yards rear yards. Show fences and type of fence.  
**OK**
10. Location, dimensions and details of all signs. **N/A**
11. Lighting details, including standards, location, radius and direction of light, intensity of light.  
**N/A**
12. Outside dimensions of existing and/or proposed principal buildings and all accessory structures. **OK**
13. Storm drainage plan showing location of inlets, pipes (including size, flow quantities, slope, velocity), swales, berms, roof leaders and other storm drainage facilities. Submit existing and proposed run-off calculations. Include for each pipe run:
  - a) Total tributary area in acres
  - b) Rainfall intensity, in/hr computed by formula  $R =$
  - c) Time of concentration in minutes
  - d) Coefficient of runoff**Not Provided**
14. Rights of way, easements and all lands to be dedicated to the borough or reserved for specific uses. **N/A**
15. Show the entire property in question, even though only a portion may be involved in the development. **OK**
16. Show significant existing physical features, including streams, water courses, rock outcrops, swampy soil, etc. **OK**
17. Bearings and distances of property lines. **OK**

18. Plans of off-street parking area layout and off-street loading facilities showing location and dimensions of individual parking spaces, handicapped parking, loading areas, aisles, traffic patterns and driveways for ingress and egress. **OK**
19. Show all driveways within 200' of site. **OK**
20. Show all existing and proposed curb cuts and sidewalks. **OK**
21. Show all existing and proposed utility lines within and adjacent to the subject property, including cable TV and underground systems. **OK**
22. Show typical floor plans and elevations. **OK**
23. Show existing and proposed sanitary sewerage disposal system. Show percolation and test holes and results and soil log data. **N/A**
24. Show water supply system. **OK**
25. Show method of solid waste disposal and storage. **OK**
26. Show existing and proposed spot elevations based on US Coastal Geodetic datum at all building corners, floor levels, center of abutting roads, top and bottom of curbs and retaining walls, property corners, gutters and other pertinent locations. **Not Provided**
27. Show construction details of all retaining walls. Provide engineering calculations for walls over four feet in height. **OK**
28. Show existing and proposed contours of site for areas greater than 5% grade. **Not Provided**
29. Provide separate landscaping and buffering plan showing what will remain and what will be planted, indicating names and dimensions of plants and trees, approximate time of planting and method of planting. Properties with buffer zones to show year-round buffering and screening plan. **Not Provided**
30. Projects which disturb more than 5000 square feet of land shall file application with the Soil Conservation District as per Soil and Sedimentation Control Act NJSA 4:24-39. A copy of the approved plan shall be filed with the Planning Board. **Not Provided**
31. Include a table showing all required existing and proposed zoning data, indicating any variances sought. **OK**
32. Calculation of impervious coverage, before and after completion of the proposed project. **OK**



If you have any questions or comments, please do not hesitate to contact our office at 973-810-0049.

Sincerely,

Colliers Engineering & Design

A handwritten signature in blue ink, appearing to read "Michael O'Krepky".

Michael O'Krepky  
Borough Engineer

cc. Russ Porrino, Board Chairman – Via Planning Board Administrative Secretary  
Members of Englewood Cliffs Planning Board, Via Planning Board Administrative Secretary

## Cathy Scancarella

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**From:** Jihee Choi <calljihee@yahoo.com>  
**Sent:** Tuesday, July 8, 2025 11:01 AM  
**To:** Cathy Scancarella; Beauty Nadim  
**Cc:** Honey Steve Choi; Daughter Rachel Choi  
**Subject:** Concerns regarding Driveway and Retaining wall construction at # 5 2nd Street  
**Attachments:** Objection to Variance Application – 5 2nd Street Construction Project (3).docx; archive (5).zip

### CAUTION:

This email originated from outside of our email domain. Do not click on links or open attachments unless you recognize the sender and know the content is safe. If unsure, do not reply to this email and call the sender directly.

Dear Cathy and Beauty,

Please forward this email to the board members and the parties who would be evaluating this subject before the planning board meeting scheduled on Thursday. Also I'd appreciate it if you could confirm that you've received this email. Thank you for your assistance in advance.

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To Whom It May Concern,

As a resident of **7 2nd Street**, which directly faces the proposed driveway and retaining wall construction at **5 2nd Street**, I would like to formally express my deep concerns about the potential risks and negative impacts this project may bring to my home and surrounding area.

#### 1. Proximity and Construction Impact

The proposed excavation, tree removal, and retaining wall construction are planned to occur *less than 3 feet* from our property. The tree that is proposed to be removed holds great sentimental value to our family, especially as it holds memories of my late father.

More importantly, the close proximity of heavy construction equipment and excavation to our home poses a **serious risk of structural damage**. When we built our home, we encountered significant rock formations, and similar conditions could lead to vibrations or impacts that could damage Our **Retaining wall** in driveway, **foundation and structure, Water joints**, and Recently repaired **front walkways, balcony, and patio**

The use of **jackhammers, excavators, and related machinery** creates a realistic threat of cracking or shifting, which we cannot accept lightly.

#### 2. Retaining Wall Safety Concerns

We are also concerned about the safety and long-term integrity of the retaining wall that will be constructed facing our property. There is no guarantee that it will be 100% safe, especially considering the potential for pressure buildup, soil erosion, or construction flaws.

#### 3. Drainage and Flooding Issues

Another major issue is the **inadequate stormwater drainage system** on 2nd Street. The removal of **two mature trees** and the cutting of soil will decrease the land's ability to absorb water. Since **no stormwater infrastructure or sewer drainage** exists nearby, there is a high likelihood that: Rainwater will flow directly into our driveway and garage, may lead to severe flooding.

#### 4. Request for Planning Board Actions

Given these concerns, we respectfully request that the Planning Board **postpone any approval** of the project until:

1. A **Thorough** is completed—including its ability to manage heavy rain
2. The **structural safety of our home** is evaluated in the context of nearby excavation and retaining wall installation. **Town Engineer reviews** the plan, and proper **preventative measures** are established.
3. A **bond, retaining fee, or liability insurance** is mandated from the contractor or owner of # 5 2nd Street to ensure **compensation for any potential damage**, in order to avoid future legal complications.

We hope the Planning Board takes these matters carefully and protects our rights and safety before approving any development that could have irreversible consequences.

Sincerely,

Resident of 7 2nd Street,  
Yong Hwa Choi, Steve Choi, Jihee Choi



**Jihee Choi**  
Realtor Associate ®

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calljihee@yahoo.com  
Christie's International Real Estate  
2050 Center Ave Suite 300 | Fort Lee, NJ 07024



July 7, 2025

To Whom It May Concern,

I am writing to formally object to the variance application for the proposed driveway and retaining wall construction at 5 2nd Street. As the neighboring property owner who will be directly affected by this project, I have serious concerns about safety, property damage, and environmental impact that I believe require your careful consideration.

## Why This Project Poses Serious Risks

### 1. The Rock Problem is Dangerous

When my brother-in-law, an architect, built our home, it took over a month just to excavate through the rock formations. This tells you something important about our neighborhood - we're dealing with serious geological challenges that require professional engineering, not just standard construction approaches. The current application lacks any engineering report to assess whether the area they want to excavate is safe or even possible to dig without major complications.

When using jackhammers and heavy excavation equipment just 3 feet from existing homes, the vibrations and impacts can crack foundations, damage retaining walls, and destroy recent improvements. We've just invested \$50,000 in mortar joint repairs, and my neighbors have spent considerable money on walkways, patios, and balconies. This construction could undo all that work.

### 2. The Retaining Wall Design Doesn't Add Up

A critical legal issue that needs immediate attention:

New Jersey Administrative Code Section 19:66-7.8 specifically states that retaining walls having an exposed height of 4 feet or more must be designed in accordance with the New Jersey Uniform Construction Code and require design stability calculations signed and sealed by a New Jersey-licensed professional engineer.

The blueprint drawings are unclear about the actual retaining wall measurements, making it impossible to determine whether this project falls under the professional engineering requirement. Given the elevation differences and soil conditions visible at the site, **there's no engineering analysis to prove this wall will be safe long-term**, regardless of its final height.

Another critical concern about tree safety during construction: if they remove soil around the existing mature trees during excavation, how will those trees survive and remain stable? The current application lacks any reference to ANSI A300 standards, which guarantee that during excavation, the roots of trees are pruned professionally with the tree's wellbeing in mind. Following these standards would also prevent the potential of trees falling during or after construction, which could damage homes or injure people. Professional arborists recommend making retaining walls twice as wide when they're near large trees to protect the root systems, but there's no evidence this consideration has been included in the current design.

### **3. Water Problems Will Get Much Worse**

Right now, the two mature trees on the blueprint are doing important work - they're absorbing rainwater that would otherwise run downhill toward neighboring properties. When you remove trees and dig up soil, you lose that natural water absorption.

The bigger problem: 2nd Street doesn't have proper stormwater drainage or sewer systems to handle the extra water runoff. This means that during heavy rains, water will flow directly into neighboring driveways and garages, potentially causing flooding. This isn't just an inconvenience - it's a **serious property damage risk that could affect multiple homes.**

### **4. The Sentimental Loss**

One of the trees that are unmarked on the blueprint holds deep historical meaning for our family. It was planted by my late father and holds many cherished memories. While I understand that personal attachment cannot stop legitimate development, when you combine this sentimental value with all the practical problems this project creates, it strengthens the case for finding a better solution.

### **5. Questions That Need Answers Before Approval**

Several important questions remain unanswered in this application.

- Where will all the excavated rock and soil go?
- Will the town allow dumpsters on the street for what could be weeks of debris removal?
- How will construction equipment access the site without damaging the street or neighboring properties?

- If this driveway is being built for accessibility reasons to help a family member with disabilities, wouldn't it make more sense to explore alternatives like dedicated handicap parking spaces that wouldn't require major excavation and environmental disruption?

## My Proposal

I respectfully request that you postpone approval of this variance until these essential steps are completed:

### **1. Get Professional Engineering Review:**

Require a qualified structural engineer to assess how the excavation and construction will affect neighboring properties. This should include studying vibration impacts, foundation stability, and protective measures needed during construction.

### **2. Conduct Proper Drainage Analysis:**

Have a professional study how removing trees and excavating soil will affect water flow in the area. Given our lack of adequate stormwater infrastructure, this analysis is essential to prevent flooding damage to neighboring homes.

### **3. Require Financial Protection:**

Given the high risk of property damage during construction, require the developer to obtain bonding or insurance that will compensate neighbors for any damage that occurs. This protects everyone involved and ensures accountability.

### **4. Develop a Construction Management Plan:**

Before any work begins, establish clear protocols for construction hours, equipment operation, debris disposal, and protective measures for neighboring properties.

### **5. Consider Alternative Solutions:**

Explore whether the property owner's needs could be met through less disruptive alternatives that don't require major excavation and tree removal.

## Why This Matters for Our Community

**This project affects more than just two properties.** It sets a precedent for how we handle development challenges in areas with difficult geology and environmental constraints. This decision will influence how future developments are evaluated and what level of protection neighboring property owners can expect.

I want to be clear that I'm not opposed to reasonable development. Property owners have rights, and I respect that. However, those rights must be balanced against the safety and property rights of neighbors, especially when a project presents significant risks that haven't been properly evaluated.

The combination of geological challenges, environmental impact, inadequate drainage infrastructure, and potential property damage creates a situation where careful professional review is not just advisable - it's essential for responsible municipal decision-making.

## **Conclusion**

I trust that these concerns will be carefully weighed and comprehensive professional assessments will be made before making a decision. The protection of existing property values, neighborhood safety, and environmental resources should guide your evaluation of this variance application.

Thank you for taking the time to thoroughly consider these important matters. I'm available to provide additional information or answer any questions you may have about these concerns.

Sincerely,

Jihee Choi

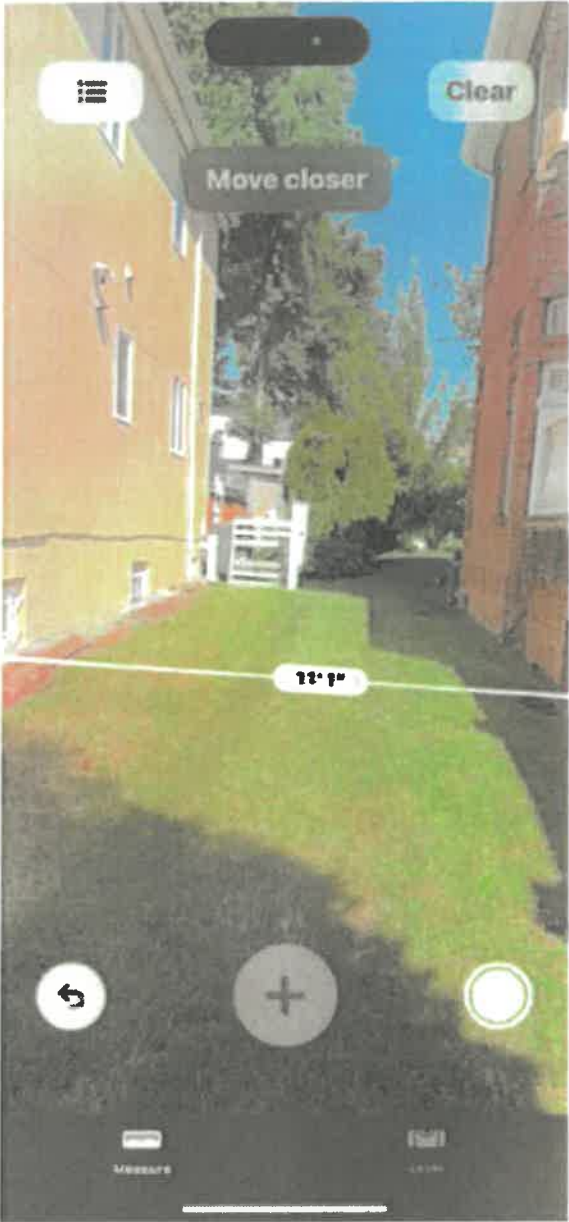
Resident of 7 2nd Street

(201) 647-5455













June 3<sup>rd</sup>, 2025

Cathy Scancarella, Administrative Secretary  
Borough of Englewood Cliffs  
482 Hudson Terrace  
Englewood Cliffs, NJ 07627

Engineering Review #1  
Englewood Hospitality, LLC (Applicant)  
Address (Block 512, Lot 3)  
Application #345K: Preliminary and Final Site Plan  
Colliers Engineering & Design Project No. ECP-0165

Dear Ms. Scancarella:

As requested, our office has reviewed application #345K submitted by Englewood Hospitality, LLC (Applicant), seeking Preliminary and Final Site Plan approval to enclose an existing outdoor patio area with a prefabricated structure.

The following documents, which were submitted in support of the Application, have been reviewed:

1. Cover letter, prepared March 20, 2025 by Gregg F. Paster.
2. Zoning Application with Exhibits, dated March 19, 2025
3. Property survey, prepared May 15, 2025 by William C. Buchok, PLS, of Lakeland Surveying, consisting of 1 sheet.
4. Plans entitled "Preliminary & Final Site Plan," prepared June 19, 2025 by Michael E. Dipple, PE of L2A Land Design, consisting of 3 sheets.
5. Prior Resolutions:
  - a. Application 190K, memorialized December 11, 2003
  - b. Application 186K, memorialized May 8, 2003
  - c. Application 168K, memorialized December 11, 1997
  - d. Application 168K, memorialized April 22, 1996
  - e. Application 168K (Amended), memorialized October 10, 1996
  - f. Application 1183, memorialized April 14, 1994
  - g. Application 152K, memorialized March 8, 1990 and October 10, 1991

## A. Existing Conditions

The property, known as 495 Sylvan Avenue, is located at Lot 3 of Block 512 in the Borough's B-4 Restricted Commercial Zoning District. The property contains an area of 35,501 square feet and is located at the southeast corner of Sylvan Avenue and Palisade Avenue. The property is currently developed with a 2-story masonry building, currently used as a restaurant, with a surface parking lot in the rear portion of the property. Attached, or otherwise connecting to the building is a covered patio, along with a paver patio. The property survey also shows an attendant's booth located in one of the on-street parking spaces, along with an "enclosed dining area." Surrounding uses include a bank to the east, and a restaurant to the south. West, opposite Sylvan Avenue is a gas station and a commercial office building. To the north, opposite Palisade Avenue, is generally wooded, and includes an on/off ramp to the Palisades Interstate Parkway.



Figure 1: Nearmap imagery of the subject site (March 11, 2025)

## B. Proposed Conditions

The Applicant has provided very limited details on the proposed development, with no description provided in the Application forms. We can infer, from the site plan submitted, that the Applicant is seeking to replace the existing paver patio and wooden deck with a standalone prefabricated structure. It also appears the applicant proposes to leave the remainder of the site as it exists today leaving the structures that have been constructed, including the temporary structures, unchanged.

## C. Variances

We defer to the Planner's review letter prepared by Nicholas Dickerson of CED, dated July 3<sup>rd</sup>, 2025 regarding the review of all planning and variance matters related to this application.

## D. Proposed Site Plan Conditions

The applicant shall be prepared to provide testimony regarding all the items below.

1. General Site Plan Comments:
  - a. The proposed demolition and construction plans are unclear. It is suggested the applicant provide a clear set of plans with separate sheets including, but not limited to existing approved conditions, temporary structures, off-site parking, on site parking, demolition and proposed construction.
2. Grading:
  - a. Based on our review of the application, it does not appear the applicant is proposing any grading changes to the site.
3. Traffic, Access and Parking:
  - a. Applicant should provide a traffic assessment letter, which should include a detailed trip generation comparison between the originally approved, interim (Covid), and proposed uses.
  - b. Should the results of the aforementioned traffic assessment show an increase of 100 peak hour trips or greater, a capacity analysis will need to be provided for the intersection of Sylvan Avenue (Route 9W) with Palisade Avenue, as well as the site driveways.
  - c. The traffic assessment should also provide a narrative explaining the parking operations. For example, if valet parking and/or off-site parking facilities are utilized during peak hours, an **explanation and plan** should be provided. All off-site parking agreements should be submitted as part of the parking evaluation.
  - d. The valet parking plan should also include accommodations for sufficient emergency access.
  - e. Should a review of the parking evaluation result in a deficit in the number of spaces and/or a variance, a parking accumulation study should be conducted for a minimum of four (4) hours on two (2) typical peak days and times.
  - f. The applicant shall provide a clear plan on a site plan depicting where all the parking stalls related to this site plan by agreement are located and how they can be

accessed. We defer to the planner's letter regarding the review of other parking review for this application.

g. This application may be subject to County and/or NJDOT review.

4. Sidewalks:

a. There are existing sidewalks along the entire frontage of this site. It appears that no modifications are proposed to the sidewalks.

5. Off-Tract Improvements:

a. There does not appear to be any proposed off-tract improvements related to this project.

6. Stormwater and Drainage:

a. The application appears to propose a net reduction of 1,869 SF of impervious cover, and therefore no additional stormwater treatment would be required.

b. It is unclear if the applicant is not counting the proposed impervious cover of the roof in the calculations.

c. It is unclear where the drainage from the proposed roof area and related impervious areas will be discharged.

d. Applicant shall provide additional information & testimony regarding this item.

7. Utilities:

a. Utility connections for water, sewer, and gas are shown on the plans. No modifications to the utilities appear to be proposed.

b. The applicant shall be prepared to provide testimony regarding this item.

8. Landscaping:

a. It appears the applicant is not proposing any changes to landscaping.

b. The Applicant shall provide testimony in writing regarding any trees, shrubs, or vegetation to be removed, altered, and/or planted.

9. Signs:

a. The Applicant does not appear to propose any signs for this project.

10. Lighting:

a. The Applicant does not appear to propose any lighting for this project.

b. The Applicant shall provide testimony regarding the need or lack thereof of site lighting and how the proposed structures will impact the lighting of the exterior pedestrian and parking areas.

11. Soil Erosion and Sediment Control:

a. It does not appear the application requires a Soil Erosion and Sediment Control plan.

b. The applicant shall be prepared to provide testimony regarding this item.

12. Environmental Constraints:

a. The Applicant does not appear to propose any changes affecting environmental constraints.

## E. Miscellaneous Comments

1. The Applicant is hereby advised that if stormwater runoff drainage problems occur as a result of the site improvements that are detrimental to the property and/or neighboring properties as a result of this construction, it shall be the responsibility of the owner of the property to remedy that drainage issue to the satisfaction of the Building Department and/or Borough Engineer.
2. The Applicant shall be aware of their responsibility to repair any damage to improvements within the Borough Right-of-Way including, but not limited to, sidewalk, curb, and asphalt, caused by construction activities associated with the installation of the improvements on the subject lot. We defer to the Borough's Department of Public Works in regard to this item.
3. The Applicant shall determine the limits of disturbance and install appropriate soil erosion preventative measures as necessary prior to constructing the proposed scope in association with this application and as shown on the plans.
4. The Applicant shall obtain any and all applicable approvals required by the Borough Building Department as well as outside agencies, including, but not limited to, the NJDOT, NJDEP, BCUA, and Bergen County. If applicable, proof of Bergen County Soil Conservation District shall be provided. It is the Applicant's responsibility to determine what outside agency permits are required. Copies of said approvals shall be provided upon receipt.
5. All excavated material shall be removed from the site unless approved for backfill by the Borough. Any soil disturbance shall be done as set forth by Borough Ordinance.
6. The Applicant shall be aware that posting of engineering escrow for construction administration oversight, plan review, and project closeout will be required at the time building permits are issued. Please be aware that unused escrow money will be returned to the property owner upon the issuance of a Certificate of Occupancy (C.O.).
7. The Applicant shall adhere to the building department's approved design plan. Any alterations and/or changes to the approved design plan(s) and contractor questions shall be brought to the attention of the Building Department for review prior to construction or installation on-site.
8. A signed and sealed "As-Built" site plan should be submitted as a requirement for this office to "sign off" on the issuance of the Certificate of Occupancy (C.O.). The provided "As-Built" should accurately show all installed site features including grading, spot elevations, structures, etc., and will be compared to the approved design plan in association with the application. The Applicant is hereby advised that deviations from the approved design plan without prior consent or approval by the building department are not acceptable. If in the event the As-Built deviates significantly from the approved design plan, the Building Department may not sign off on a C.O, especially if said deviation triggers or requires a zoning variance.



Should you have any questions concerning the above comments, please do not hesitate to contact my office.

Sincerely,

Colliers Engineering & Design, Inc.  
(DBA Maser Consulting)

A handwritten signature in blue ink, appearing to read "C Zimmermann".

Craig Zimmermann, PE, CME  
Senior Project Manager/Board Engineer

cc: Thomas Randall, Esq. Board Attorney (via email)  
Gregg F. Paster, Esq. Applicant's Attorney (Via email [gpaster@pasteresq.com](mailto:gpaster@pasteresq.com))

101 Crawford's Corner Road Suite 3400  
Holmdel, New Jersey 07733  
Main: 877 627 3772



Via email  
July 3, 2025

Cathy Scancarella, Administrative Secretary  
Borough of Englewood Cliffs  
482 Hudson Terrace  
Englewood Cliffs, NJ 07627

**Planning Review #1**

Englewood Hospitality, LLC (Applicant)  
Address (Block 512, Lot 3)  
Application #345K: Preliminary and Final Site Plan  
Project No. ECP-0165

Dear Ms. Scancarella,

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**A. Existing Conditions**

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patio, along with a paver patio. The property survey also shows an attendant's booth located in one of the on-street parking spaces, along with an "enclosed dining area." Surrounding uses include a bank to the east, and a restaurant to the south. West, opposite Sylvan Avenue is a gas station and a commercial office building. To the north, opposite Palisade Avenue, is generally wooded, and includes an on/off ramp to the Palisades Interstate Parkway.



Figure 1: Nearmap imagery of the subject site (March 11, 2025)

## B. Applicable Land Use Controls

As mentioned above, the property is zoned B-4 (Limited Commercial), which conditionally permits restaurants according to specific bulk requirements, which are provided in the following section.

### Prior Approvals

The property has been the subject of numerous development proposals over the years, including the following:

#### Application 190K, memorialized December 11, 2003 (Planning Board)

The Applicant, 11K Restaurant Corp (dba The Assembly Restaurant) received site plan approval with variance relief. This included the installation of a storage shed on the southwest corner of the building, which required a variance for accessory structures in the front yard. The Board approved

this application, subject to certain conditions, which included a maximum height of 14 feet, the color had to match the building exterior, and that the Applicant comply with the requirements of the Borough Engineer regarding the size, location, height, material and all other characteristics of the storage shed to be placed at the southwest corner of the property.

**Application 186K, memorialized May 8, 2003 (Planning Board)**

The Applicant, 11K Restaurant Corp (dba The Assembly Restaurant) received site plan approval with variance relief to construct an outdoor dining area with 80 seats on the south side of the existing restaurant, along with an outdoor parking area containing 57 parking spaces, which required variance relief. The Board approved this application, subject to conditions that included complying with the review letter of the Board Engineer, the construction of a wall between the outdoor parking area and Sylvan Avenue, and to “dress down that number of tables on the inside of the restaurant at the subject property as are occupied on the outside of the premises so as to prevent any impairment of the intent and purpose of the zone plan and the zoning ordinance.” The Applicant would be required to continue to use valet parking.

**Application 168K, memorialized December 11, 1997 (Planning Board)**

The Applicant, Eleven K Restaurant Corp returned to the Board for final “K” approval for the application, which the Board Approved.

**Application 168K (Amended), memorialized October 10, 1996 (Planning Board)**

The Applicant, Eleven K Restaurant Corp returned to the Board for site plan approval for a restaurant in the B-4 zone district, requiring variances for minimum front yard, side yard, sign area, off-street parking, drive aisle width, parking space dimensions, parking in the front yard, maximum width of a driveway, and parking spaces within 10 feet of any lot line on corner lots. The application at the time sought to expand the existing restaurant along with other improvements to the parking area, signage, and utilities. At the time, it was noted that the expansion of the restaurant would not add seating area, but rather for expanded kitchen, restroom, and storage facilities. The Board approved this application, subject to conditions from the Borough Engineer, the parking lot would be resurfaced, the two dropped curbs on Route 9W would be removed and replaced with full height curbing, and that the white pines on the site would be planted on the property would be maintained at no greater than 12 feet in height.

**Application 168K, memorialized April 22, 1996 (Planning Board)**

The Applicant, Eleven K Restaurant Corp came to the Board for site plan approval for a restaurant in the B-4 zone district, requiring variances for minimum front yard, side yard, sign area, off-street parking, drive aisle width, parking space dimensions, parking in the front yard, maximum width of a driveway, and parking spaces within 10 feet of any lot line on corner lots. It was noted at the time that the restaurant had seating for 126 on the first floor, and the second floor banquet room had seating for 89. The Board approved this application subject to the comments from the Borough Engineer.

**Application 1183, memorialized April 14, 1994 (Board of Adjustment)**

This Application applied to a portion of Lot 3, but also Lots 4, 5, and 6, for the Applicant, United Jersey Bank, located at 750 E. Palisade Avenue. The Applicant was seeking approval for the construction of 3 signs, which were approved by the Board.

**Application 152K, memorialized March 8, 1990 and October 10, 1991 (Planning Board)**

This Application also applied to the adjacent bank property, which included a small portion of Lot 3, where the applicant had sought to construct an addition to the property. At the time, there was concern about the fact that the Applicant was leasing several of the parcels in questions. Without plans, it is not possible for us to determine, but the Resolution suggests that some of the parking spaces at the neighboring restaurant, then known as Leos, would lose parking spaces as part of the proposed expansion and integration of the two sites. The Board approved this application, along with their subsequent appearance for final “K” approval.

**C. Proposed Development**

The Applicant has provided very limited details on the proposed development, with no description provided in the Application forms. We can infer, from the site plan submitted, that the Applicant is seeking to replace the existing paver patio and wooden deck with a standalone prefabricated structure.

In reviewing the prior resolutions governing the development of this site, it is not clear if/when the “enclosed dining area” was approved.

The Applicant has also submitted a parking agreement from ConnectOne Bank at 750 East Palisade Avenue to utilize the property to valet park vehicles on the site between the hours of 7:00 PM to 12:00 AM, Wednesday through Sunday.

Eating and drinking establishments are regulated as conditional uses in the B-4 zone, subject to the requirements listed in the table below. It is our opinion that these requirements apply to the eating and drinking establishment use, and not simply just the principal structure. As such, the proposed prefabricated structure, and the existing “enclosed dining area” would be subject to both the conditional use requirements, but also the accessory structure standards.

Conditional Use: Eating and drinking establishments.			
	Required	Existing	Proposed
<b>Minimum lot size</b>	10,000 square feet	35,501 sq. ft.	35,501 sq. ft.
<b>Minimum lot width</b>	100 feet	(Note 1)	(Note 1)
<b>Minimum lot depth</b>	100 feet	(Note 2)	(Note 2)
<b>Front yard</b>	20 feet	0	0 (ENC) 5.5 feet (new pre-fabricated enclosure)(V)
<b>Rear yard</b>	20% of lot depth	(Note 3)	(Note 3) (Note 4)
<b>Side yard</b>	15 feet (Note 4)	(Note 4)	2 feet (new pre-fabricated enclosure) V 2.1 feet (enclosed dining area)
<b>Maximum coverage</b>	33 1/3% (Note 5)	18.46% (Note 5)	22.79% (Note 5)

<b>Building height</b>	2 stories, 30 feet (Note 6)	(Note 6)	(Note 6)
<b>Off-street parking</b>	1 space per 3 seats plus 1 space per each employee on the peak shift	(Note 7)	(Note 7)

**Notes**

(1) Applicant to clarify. The measurement provided 141.5 is the length of the Sylvan Avenue street frontage. The ordinance defines Lot Width as “the mean width of a lot measured at right angles to its mean depth.”

(2) Applicant to provide. This calculation was not provided in the plans.

(3) Applicant to provide. The Applicant suggests that this is not applicable. In our opinion, the rear yard would be the one abutting adjacent Lot 4, as it is opposite the Sylvan Avenue front lot line.

(4) Incorrectly provided. The Site Plan suggests the requirement is 10 feet, however, 15 feet is required for eating and drinking establishments. The Applicant shall correct. Moreover, the Applicant suggests that a side yard is not applicable. In our opinion, the side yard is the one facing adjacent Lots 2 and 7. This shall be corrected, and plans updated accordingly.

(5) It is not clear if either the existing or proposed calculation includes the “Enclosed Dining Area.” This shall be clarified.

(6) Incorrectly provided. The Site Plan suggests that the requirement is 35 feet/2 stories, whereas the conditional use requirement for eating and drinking establishments is 2 stories, 30 feet. This shall be corrected. Moreover, since the building height is listed as <35 feet, the Applicant shall clarify if the building exceeds the 30 foot requirement.

(7) The Applicant shall clarify. The Site Plans do not differentiate between what the existing parking requirement is, versus what is proposed, only suggesting that 65 spaces is an existing nonconforming condition. A seating chart for all on-site seating should be provided. Moreover, the existing “Enclosed Dining Area” appears to have been constructed over several parking spaces, however, evidence of the approval, and the loss of parking spaces, was not submitted with this application. As noted in the following section as well, the plans show several parking spaces occupied, or otherwise blocked by storage containers, approvals for which have not been provided.

The Applicant shall provide the information requested above to confirm if the proposed improvements comply with the conditional use requirements.

In addition to the above, the proposed standalone structure would be required to meet the accessory structure requirements for nonresidential uses, as described below.

**Accessory Structure Requirements**

- Front Yard: No accessory structures shall be permitted in the front yard. (Section 30-7.2 a. 4). The proposed development would include the construction of an accessory structure in the front yard, located 5.5 feet from the front property line.
- Side yard in the B-4 Zone: 10 feet (Section 30-7.2a.6). Proposed: 2 feet. The existing “Enclosed Dining Area” is shown in the plans at 2.1 feet.
- Maximum Building Height in the B-4 zone: 1 story, 14 feet (Section 30-7.2c). We note that the Applicant has not provided information or elevations for the proposed structure, or the

existing "Enclosed Dining Area." This information shall be provided to the Board to evaluate compliance with these requirements.

## D. Variances

### Summary

Based on our review, the proposed development requires the following conditional use variances:

1. Front yard setback (Section 30-8c1) of 20 feet, whereas 5.5 feet is proposed for the prefabricated enclosure.
2. Side yard setback (Section 30-8c1) of 15 feet, whereas 2 feet is proposed for the prefabricated enclosure. The Applicant shall also provide evidence of prior approval for the enclosed dining area, which is located 2.1 feet from the side yard property line.

Based upon our review, the Application requires the following bulk variances:

1. Accessory structure in the front yard. (Section 30-7.2 a. 4). An accessory structure is proposed for the front yard.
2. Side yard in the B-4 Zone (30-7.2a.6): 10 feet
  - a. The proposed structure is 2 feet from the side yard.
  - b. Similarly, the existing "Enclosed Dining Area" is shown in the plans at 2.1 feet. The Applicant shall provide evidence that this previously received variance relief.
3. Section 30-10.1b requires that no building or premises shall be built or erected, nor shall any building be altered so as to expand its floor area, nor shall the use of any building or premises be expanded unless there is provided parking and loading space in accordance with the requirements of Schedule B. The site is currently deficient for parking. The existing "Enclosed Dining Area" also appears to have been placed atop existing parking. Dumpsters and storage containers are located atop existing parking spaces or have otherwise rendered parking spaces unusable. The Applicant shall provide evidence that this previously received variance relief.
4. Section 30-10.1g requires that for all developments, the site in question shall be of adequate size to contain all required parking spaces, and that any combination of on-site and off-site parking shall not be permitted. The site is currently deficient for parking. Moreover, the Applicant has provided evidence of an off-site parking agreement.

In addition to the above, the site contains several existing nonconforming conditions which do not appear to be exacerbated by this application.

5. Section 30-10.1i specifies that there shall be no parking in the required front yard. This is a nonconforming condition that does not appear to be exacerbated by the proposed development.
6. Section 30-8c1. Minimum front yard of an eating and drinking establishment is required to be 20 feet, whereas 0 feet to the Sylvan Avenue right-of-way exists.

## 'd' Variances

### Criteria for D(3) Conditional Use Variance:

The Board should note that the Court held, in Coventry Square v. Westwood Zoning Bd. of Adjustment, 138 N.J. 285 (1994), that the proof of special reasons that must be adduced by an applicant for a "d" variance from one or more conditions imposed by ordinance in respect of the conditional use shall be proof sufficient to satisfy the board of adjustment that the site proposed for the conditional use, in the context of the applicant's full site plan, continues to be an appropriate site for the use despite the deviations from one or more conditions imposed by the ordinance.

Prior to Coventry Square, courts treated a conditional use that does not comply with all of the conditions of the ordinance as if it were a prohibited use, imposing on the applicant the same burden of proving special reasons as would be applicable to use variances. According to the Coventry Court, that standard is inappropriate and does not adequately reflect the significant differences between prohibited uses and conditional uses that do not comply with one or more of the conditions imposed by ordinance. A conditional-use Applicant's inability to comply with some of the ordinance's conditions need not materially affect the appropriateness of the site for the conditional use. The burden of proof required to sustain a use variance is too onerous for a conditional-use variance and its focus is misplaced. Proofs to support a conditional-use variance need only justify the municipality's continued permission for a use notwithstanding a deviation from one or more conditions of the ordinance.

The finding in Coventry was that a variance can be granted if problems are accommodated even if the conditions are not met and that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance. As such, proofs to support the requested "d(3)" conditional use variance should focus on the problems associated with the deviations from the conditional use requirements that are not met rather than the problems with the use itself.

### Positive Criteria (Special Reasons)

The Applicant must demonstrate that the particular use is peculiarly fitted or particularly suitable to the site and its setting and that special reasons exist to support the grant of the variance application. These special reasons exist when one or more purposes of zoning are promoted (N.J.S.A. 40:55D-2).

The court also found in Saddle Brook Realty v. Board of adjustment, 388 N.J. Super. at 76, that there are three categories of circumstances where the "special reasons" may be found where: (1) the proposed use inherently serves the public good; (2) the property owner would suffer "undue hardship" if compelled to use the property in conformance with the permitted uses of the zone; or (3) the use would serve the general welfare because the "proposed site is particularly suitable for the proposed use".

The applicant should answer the following questions regarding the positive criteria:

- a. Does the proposed use inherently serve the public good?
- b. Can the property accommodate any of the uses permitted within the B-4 Zone District without “undue hardship” to the property owner?
- c. Why is this site in the B-4 Zone District particularly well-suited for the proposed use, where the proposed use is not permitted?
- d. What public purpose is served by allowing this use within the B-4 Zone District?

### Negative Criteria

The Applicant must demonstrate that the grant of the variances would not be substantially detrimental to the public good or substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.

Regarding the “substantial detriment to the public good” prong of the negative criteria, the court affirmed in Medici v. BPR Co., 107 N.J. 1, that the focus is on the impact of the proposed use variance upon the adjacent properties and whether or not it will cause such damage to the character of the neighborhood as to constitute “substantial detriment to the public good”.

The court also stated, with regards to the “substantial detriment to the zone plan and zoning ordinance” prong of the negative criteria, that “the added requirement that boards of adjustment must reconcile a proposed use variance with the provisions of the master plan and zoning ordinance will reinforce the conviction expressed in Ward v. Scott [11 N.J. 117 (1952)], the negative criteria constitute an essential ‘safeguard’ to prevent the improper exercise of the variance power” (107 N.J. 22). William Cox notes that the focus is on the “extent to which a grant of the variance would constitute an arrogation of governing body and planning board authority.”<sup>1</sup>

The applicant should provide the answers to the following questions regarding the negative criteria:

- a. What impact—aesthetic, noise, lighting, parking, traffic, etc.—would the grant of this use variance have on the surrounding properties?
- b. In what ways does the proposed use lessen or substantially increase any adverse impacts on surrounding properties as compared to other uses permitted in this district that could be developed on this particular lot?
- c. What changes can be made, in terms of revisions to the plan or conditions, to mitigate any of the potential increased impacts from this proposed use?
- d. Are there similar nonconforming uses nearby?

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<sup>1</sup> Cox, W. M. and Koenig (Revised and Updated by Jonathan E. Drill & Lisa A. John-Basta) (2025). *New Jersey Zoning and Land Use Administration*, 2025 Edition. Newark, NJ: Gann Law Books. (p. 524-525).

- e. What changes have occurred in the community since the adoption of the Zoning Ordinance and Master Plan that would justify an approval for this particular use?

### 'C' Variances

For bulk 'C' variances, NJSA 40:55D-70(c) sets forth the criteria by which a variance can be granted from the bulk requirements of a zoning ordinance. The first criteria is the C(1) or hardship reasons including exceptional narrowness, shallowness or shape of a specific piece of property, or exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or extraordinary and exceptional situation uniquely affecting a specific piece of property.

The second criteria involves the C(2) or flexible "C" variance where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

The Applicant should be advised that, pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-70C), deviation from a bulk standard can be granted under either a "C(1)" hardship variance or a "C(2)" flexible variance:

- a. A "C(1)" hardship variance can be granted to relieve peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of a specific piece of property that is uniquely affected by (a) exceptional narrowness, shallowness or shape, (b) exceptional topographic conditions or physical features, or (c) other extraordinary and exceptional situation affecting the property or the lawfully existing structures. For a "C(1)" variance, the Applicant must demonstrate that there is some specific physical feature of the property that prevents compliance with the ordinance.
- b. A "C(2)" flexible variance requires the Applicant to demonstrate that the benefits of allowing the proposed deviation will substantially outweigh any detriments associated with the deviation. The Applicant must show that the requested "C(2)" variance will result in a better plan for the property.

For both "C(1)" and "C(2)" variances, the Applicant must also demonstrate to the Board that:

- a. The purposes of zoning (see N.J.S.A. 40:55d-2) would be advanced by the proposed deviation. Furthering one or more purposes of zoning would indicate that there is a benefit to granting the proposed variance.
- b. The variance can be granted without substantial detriment to the public good. The focus is on the impact of the proposed variance upon the adjacent properties and whether or not it will cause such damage to the character of the neighborhood as to constitute "substantial detriment to the public good."
- c. The variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The Applicant must demonstrate that the variance is not inconsistent with the intent and purpose of the ordinance requirements from which relief is sought.

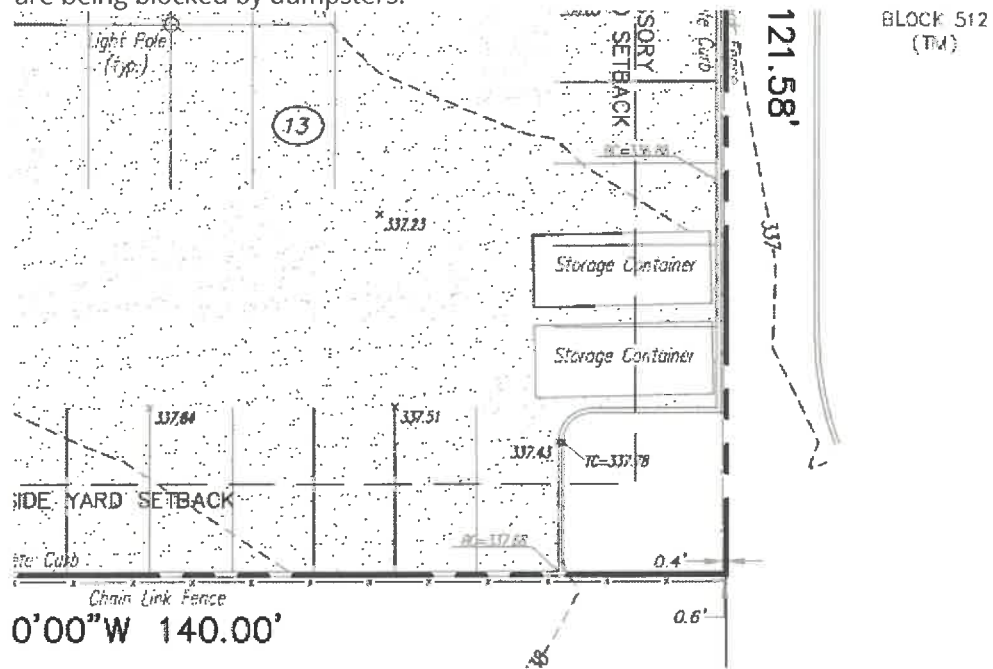
## E. Design Waivers/Exceptions

The Applicant has not requested any waivers/exceptions, nor have we identified any as part of our review.

## F. Comments

1. The Applicant's professionals must provide testimony that the proposed development meets each of the conditional use criteria, or otherwise does not exacerbate any existing nonconforming conditions which would require additional 'd(3)' conditional use variance relief.
2. The Applicant's professionals must provide testimony to support the grant of the variances required by the Application. Testimony must address both the negative and positive criteria requirements of the MLUL.
3. Parking:
  - a. The site plan suggests that the number of parking spaces—65—is an existing nonconforming condition. The Site Plan includes a footnote, referencing a prior parking variance for 57 parking spaces, when 101 spaces were required. This was an approval in 2003, based on the calculation of 215 existing seats, plus an additional 56 outdoor seats, plus 10 total employees. It is not clear how, despite the numerous additions to the property over the years, that the amount of seating and employees are still to remain the same.
  - b. The Applicant shall provide information concerning the number of seats in the newly proposed prefabricated enclosure, number of seats in the "Enclosed Dining Area" in the parking lot, the number of seats in the existing restaurant, and any other seating areas at the restaurant, including the outdoor covered porch area. This shall be accomplished with seating charts for each section, existing and proposed, of the restaurant.
  - c. Testimony shall be provided on the number of employees, both existing and proposed.
  - d. The existing structure, identified in the survey as an "Enclosed Dining Area" appears to have been placed in a location where 3 ADA parking spaces had been. Aerial imagery suggests that this structure was constructed between March and July 2021, yet no resolutions of approval were provided for this addition.
  - e. Aerial imagery of the property shows that several of the parking spaces are occupied by dumpsters and storage containers. The Site Plans suggest that two of these storage containers would remain on the site (see image below). These storage containers occupy two full parking spaces, and would block an additional 2 from being used, further reducing the existing parking on the site. The Applicant shall

provide evidence that approvals were granted for the placement of these storage containers or seek a variance for the reduction in parking spaces. By our count, the property contains 63 usable parking spaces, not including any parking spaces that are being blocked by dumpsters.



f. Section 30-10.1h specifies that "No property owner or lessee shall permit (by agreement in any form) the premises to be used for off-street parking which is not directly related to the building parking requirements of that site, without Planning Board approval. If there are no buildings on a site or lot, parking is prohibited unless there is approval by the Planning Board." As this parking agreement was signed in 2021, the Applicant shall provide evidence of Board Approval, or seek the appropriate variance relief.

4. The Applicant shall provide exterior renderings and elevations for the proposed structure.
5. The first page of the site plans incorrectly suggests this property as being zoned B-1.
6. We defer to the Board Engineer on comments relating to any proposed site grading, drainage, and utility improvements.
7. The Applicant shall be responsible for any applicable development fees.



Should you have any questions concerning the above comments please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Sincerely,

Colliers Engineering & Design, Inc.

A handwritten signature in blue ink, appearing to read "ND", written over a light blue horizontal line.

Nicholas Dickerson, PP, AICP, CFM  
Board Planner

cc: Thomas Randall, Esq., Board Attorney (via email)  
Craig Zimmerman PE, & Michael O'Krepky Board Engineer (via email)  
Gregg F. Paster, Esq., Applicant's Attorney

July 3<sup>rd</sup>, 2025

Cathy Scancarella, Administrative Secretary  
Borough of Englewood Cliffs  
482 Hudson Terrace  
Englewood Cliffs, NJ 07627

Engineering Review #1  
Application No. #348K  
Randy & Jane Sinisi (Applicant)  
200 Pershing Road, Block 602, Lot 8  
Colliers Engineering & Design Project No. ECP-0184

Dear Ms. Scancarella:

As requested, our office has reviewed the above captioned application submitted by Randy & Jane Sinisi care of Richard C. Stewart, Esquire seeking residential site plan & variance approval of two driveway gates that have been constructed without Board approval.

The following documents, which were submitted in support of the Application, have been reviewed:

1. Planning Board Borough of Englewood Cliffs Application Form and related documents, prepared by the Applicant consisting of five (5) sheets, dated March 4<sup>th</sup>, 2025;
2. Survey & Site Plan of subject property prepared by Robert J. Mueller, NJ PLS, and Michael B. Hubschman, PE & PP, dated 5/30/2025;

### **A. Existing Conditions**

The subject site, known as 200 Pershing Road, or Block 602, Lot 8, is a 93,201 Sq. Ft. lot with frontage Pershing Road and is located within Borough's R-A (Residential Single Family) zone district. This property contains a 2-story single family residence and additional other improvements, including a paver walks, AC pads, patios, cabana house, pool, generator and vegetative landscaping.

Surrounding uses includes additional single family residential lots.

## B. Proposed Conditions

The Applicant is seeking residential site plan & variance approval of two driveway gates that have been constructed without Board approval.

### ZONING NOTES

	<u>REQUIREMENT</u>	<u>PROPOSED</u>
ZONE R-A		
MIN. LOT AREA	10,000 S.F.	93,201 S.F.
MIN. LOT FRONTAGE	75 FT.	188.70 FT.
MIN. LOT WIDTH	100 FT.	266.30 FT.
ORD. 30-7.4 MAX. HEIGHT OF FENCE	6 FT.	5.75 FT.
ORD. 30-7.7(d) FENCE LOCATED IN FRONT YARD	NOT PERMITTED	PROPOSED *

\* VARIANCE REQUIRED.

## C. Variances

The applicant is requesting variances for two gates at the driveways that have already been constructed. (Subsection 30-7.7) (d) R-A Zone.

## D. Proposed Site Plan Conditions

The applicant shall be prepared to provide testimony regarding all the items below.

1. Site Plan:
  - a. The applicant is seeking Board approval for the gates that have been constructed at the driveways of the property.
    - i. The applicant shall provide testimony regarding:
      1. The positive and negative criteria of granting the required variances.
      2. How emergency services may operate the gates to access the property.
      3. How the gates provide for access when the primary power, and backup power are not working properly.
2. Other improvements and modifications to the site plan:
  - a. It does not appear the applicant is proposing improvements or modifications to:
    - i. Grading
    - ii. Circulation and Driveway
    - iii. Parking
    - iv. Sidewalks
    - v. Off-Tract Improvements

- vi. Stormwater and Drainage
- vii. Utilities
- viii. Landscaping
- ix. Lighting

## E. Miscellaneous Comments

1. The Applicant is hereby advised that if stormwater runoff drainage problems occur as a result of the site improvements that are detrimental to the property and/or neighboring properties as a result of this construction, it shall be the responsibility of the owner of the property to remedy that drainage issue to the satisfaction of the Building Department and/or Borough Engineer.
2. The Applicant shall be aware of their responsibility to repair any damage to improvements within the Borough Right-of-Way including, but not limited to, sidewalk, curb, and asphalt, caused by construction activities associated with the installation of the improvements on the subject lot. We defer to the Borough's Department of Public Works in regard to this item.
3. The Applicant shall determine the limits of disturbance and install appropriate soil erosion preventative measures as necessary prior to constructing the proposed scope in association with this application and as shown on the plans.
4. The Applicant shall obtain any and all applicable approvals required by the Borough Building Department as well as outside agencies, including, but not limited to, the NJDOT, NJDEP, BCUA, and Bergen County. If applicable, proof of Bergen County Soil Conservation District shall be provided. It is the Applicant's responsibility to determine what outside agency permits are required. Copies of said approvals shall be provided upon receipt.
5. All excavated material shall be removed from the site unless approved for backfill by the Borough. Any soil disturbance shall be done as set forth by Borough Ordinance.
6. The Applicant shall be aware that posting of engineering escrow for construction administration oversight, plan review, and project closeout will be required at the time building permits are issued. Please be aware that unused escrow money will be returned to the property owner upon the issuance of a Certificate of Occupancy (C.O.).
7. The Applicant shall adhere to the building department's approved design plan. Any alterations and/or changes to the approved design plan(s) and contractor questions shall be brought to the attention of the Building Department for review prior to construction or installation on-site.

8. A signed and sealed "As-Built" site plan should be submitted as a requirement for this office to "sign off" on the issuance of the Certificate of Occupancy (C.O.). The provided "As-Built" should accurately show all installed site features including grading, spot elevations, structures, etc., and will be compared to the approved design plan in association with the application. The Applicant is hereby advised that deviations from the approved design plan without prior consent or approval by the building department are not acceptable. If in the event the As-Built deviates significantly from the approved design plan, the Building Department may not sign off on a C.O, especially if said deviation triggers or requires a zoning variance.

Should you have any questions concerning the above comments, please do not hesitate to contact my office.

Sincerely,

Colliers Engineering & Design, Inc.  
(DBA Maser Consulting)



Craig Zimmermann, PE, CME  
Senior Project Manager/Board Engineer

cc: Thomas Randall, Esq. Board Attorney (via email)  
Richard C. Stewart, Esquire, Applicant's Attorney (Via email [rstewart@lasserhochman.com](mailto:rstewart@lasserhochman.com) )

Draft

**BOROUGH OF ENGLEWOOD CLIFFS  
COUNTY OF BERGEN**

**ORDINANCE NO. 2025-03**

**AN ORDINANCE AMENDING CHAPTER 30 OF THE BOROUGH CODE ENTITLED  
“ZONING” AND SPECIFICALLY PROHIBITING THE CONSTRUCTION OF  
SUBSURFACE CAR GARAGES DUE TO FLOODING RISKS**

**WHEREAS**, the Borough of Englewood Cliffs recognizes the potential risks associated with flooding, which can result in significant damage to property and infrastructure; and

**WHEREAS**, the construction of subsurface car garages poses a heightened risk of flooding due to their below-ground level positioning, potentially endangering property and public safety;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey, that Chapter 30 entitled “Zoning” is hereby amended as follows:

**Section 1: Purpose**

The purpose of this ordinance is to protect public safety and property by prohibiting the construction of subsurface car garages in designated flood-prone areas within the Borough of Englewood Cliffs.

**Section 2: Section 30-2b is hereby amended to add the definitions below.**

**§ 30-2 DEFINITIONS.**

**b.**

Specific Definitions. For the purposes of this chapter, certain words and terms used herein are defined as follows, unless the context clearly indicates a different meaning.

- **Subsurface Car Garage: A car parking facility that is constructed below the natural ground level.**
- **Flood-Prone Area: Any area within the Borough identified as being at risk of flooding according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps or any other officially recognized flood risk assessment.**

**Section 2: Section 30-10.1 e is hereby amended to amend Section 30-10.1e including new provisions set forth in Section 30.10.1 e (iii) as follows:**

§ 30-10 **OFF-STREET PARKING AND LOADING.**

§ 30-10.1 **General Provisions.**

**a.**

The intent of these regulations is to insure that all uses and structures have sufficient off-street parking and loading spaces to provide for all vehicles attracted to those uses and structures in order to avoid congestion of the public streets, to promote the safety and convenience of motorists and pedestrians and to insure the continued efficient operation of the uses established on the premises.

**b.**

No building or premises shall be built or erected, nor shall any building be altered so as to expand its floor area, nor shall the use of any building or premises be expanded unless there is provided parking and loading space in accordance with the requirements of Schedule B attached hereto.

**c.**

If a use is not listed in Schedule B then the number of required off-street parking spaces becomes the number of spaces required for the use which most nearly approximates the proposed use.

**d.**

Off-street parking spaces required herein shall be used solely for the parking of passenger automobiles of visitors, patrons, occupants or employees of the use for which required. In addition to these parking spaces, there shall be a space for each truck, ambulance, hearse, company car or other commercial vehicle regularly stored on the lot.

**e.**

(i) All parking of motor vehicles shall be at grade level. Structural parking garages, platforms and deck parking are prohibited. For the purpose of this chapter, any combination of materials to form a construction or uses so as to allow above grade parking shall be considered a structure, and is prohibited.

(ii) Parking at ground level below office areas is permitted, and shall not constitute a building story in determining number of stories permitted.

**(iii) No person or entity shall construct, or cause to be constructed, a subsurface car garage within any flood-prone area as designated by the latest FEMA Flood Insurance Rate Maps or any other officially recognized flood risk assessment tool. This prohibition applies to new construction projects as well as modifications to existing structures where a subsurface car garage is proposed. Exceptions to this prohibition may be granted by the Borough Planning Board if the applicant can demonstrate, through a detailed engineering study, that adequate flood mitigation measures are in place to ensure the safety and integrity of the subsurface car garage. Any exception granted must comply with all other applicable local, state, and federal regulations concerning floodplain management and construction.**

**f.**

Parking areas under office areas shall be open on all sides where practical at the discretion of the Planning Board.

**g.**

For all developments, the site in question shall be of adequate size to contain all required parking space. Any combination of on-site and off-site parking shall not be permitted.

**h.**

No property owner or lessee shall permit (by agreement in any form) the premises to be used for off-street parking which is not directly related to the building parking requirements of that site, without Planning Board approval. If there are no buildings on a site or lot, parking is prohibited unless there is approval by the Planning Board.

**i.**

There shall be no parking in the required front yard.

**Section 4: Severability**

- If any section, subsection, paragraph, sentence, or other part of this ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this ordinance but shall be confined in its effect to the section, subsection, paragraph, sentence, or other part of this ordinance directly involved in the controversy in which such judgment shall have been rendered.

**Section 5: Effective Date**

This ordinance shall take effect immediately upon final passage and publication as required by law.

**Introduction and First Reading:  
June 19, 2025**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Drimones						
Luciano						
Biegacz						
Liang						
Patel						
Koutroubas						
Mayor Park						

**Second and Final Reading of Ordinance Adoption:  
August 13, 2025**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Drimones						
Luciano						
Biegacz						
Liang						
Patel						
Koutroubas						
Mayor Park						

\_\_\_\_\_  
**Mark Park, Mayor**

**This Ordinance was duly passed on second and final reading  
by the Council of the Borough of Prospect Park  
at a meeting held August 13, 2025.**

\_\_\_\_\_  
**Intashan Chowdhury, MPA  
Acting Borough Clerk**