

Regular Public Meeting of the Englewood Cliffs Planning Board  
Minutes  
April 9, 2015

The Regular Meeting of the Englewood Cliffs Planning Board was called to order by Chairman Fehre at 7:30 PM.

Present at Roll Call:

Mr. Fehre  
Mr. Chinman  
Mr. Trovato  
Mr. Kilmartin  
Mr. Kiky Kim, 1<sup>st</sup> Alternate  
Mr. Duffy, 2<sup>nd</sup> Alternate  
Mr. Surace, 3<sup>rd</sup> Alternate  
Mr. Sean Kim, 4<sup>th</sup> Alternate

Absent:

Mrs. Rosenberg  
Mr. Dooly  
Mr. Nikow  
Mayor Parisi  
Councilwoman Oh

Also Present:

Bernard Mirandi, PE, of Boswell Engineering, the Borough's consulting engineer  
Michael Kates, Esq., of Kates Nussman Rapone Ellis & Farhi, the Board's attorneys.

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, The Star Ledger, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace.

Minutes for March 12, 2015, motioned by Mr. Kilmartin seconded by Mr. Chinman were approved by voice vote.

Flag Salute led by: Matthew Trovato

Old Business:

**Application #247K -** Sign Variance  
NBC Universal Media, LLC  
904 Sylvan Avenue – Block 1202 Lot 8 & 9.01  
**Approved – Resolution**

Mr. Kates, Board Attorney, read the resolution which is incorporated herein as though fully stated and made a part hereof. The Chairman asked for a motion to approve. Motion was made by Mr. Kilmartin, seconded by Mr. Surace. Chairman asked for roll-call vote of the members that were eligible to vote: E. Fehre, J. Chinman, R. Kilmartin, K. Kim, V. Surace and S. Kim, they each voted to adopt this Resolution; it was unanimous.

**Application #249K -** Minor Amendment to Approved Site Plan with Parking Variance  
INV Management, LLC  
455 Sylvan Ave. – Block 512 Lot 10  
**Approved – Resolution**

Mr. Kates, Board Attorney, read the resolution which is incorporated herein as though fully stated and made a part hereof. The Chairman asked for a motion to approve. Motion was made by Mr. Kilmartin, seconded by Mr. K. Kim. Chairman asked for roll-call vote of the

members that were eligible to vote: E. Fehre, J. Chinman, R. Kilmartin, K. Kim, V. Surace and S. Kim, they each voted to adopt this Resolution; it was unanimous.

**Application #238K -** Major Subdivision  
Estate of Josephine Mauro  
361, 365, & 369 Mauro Rd. – Block 406 Lots 1, 2, & 3

Carried without additional advertisement to May 14, 2015 meeting.

**Application #248K -** Impervious/Front Yard Coverage & Driveway Variance  
Gregory Eaton – 14 Jean Drive – Block 1103 Lot 19

Mr. Nicholas Sekas of The Sekas Law Group, LLC, 530 Sylvan Avenue, Englewood Cliffs, NJ 07632 on behalf of the owners Mr. & Mrs. Eaton. Mr. Eaton purchased the home and realized that the driveway was not balanced due to the circular driveway was not a total circular in shape.

Mr. Craig Moskowitz, P.E., 399 Cascade Road, Stanford, CT 06903 gave a description of the dwelling that was on the site and the driveway which are permeable pavers. He stated that on the street which he walked up noticed that most properties had circular driveways that are similar in size and have impervious pavers. We are proposing to complete the circular portion of the driveway with pervious pavers. There will be no additional modification to the property.

Mr. Sekas stated that they are seeking a 2% increase maximum total impervious coverage from 51% to 53.11%, the maximum total coverage of the front is 35% and we are seeking 49.49%, the circular driveway width maximum is 12' were we are seeking 13 ½', and the curb cut to be 15.7'. Mr. Sekas questioned Mr. Moskowitz if he felt that what the applicant is seeking will bring any detriment to the neighborhood or the neighbors. He stated no.

Mr. Trovato questioned what the additional square footage to be added to the property. Mr. Sekas stated 400 sq. ft.

Mr. Kates questioned if there was a brand name or manufacturer for the pavers to be used. Mr. Sekas stated they do not have that but that they will certify that they will be pervious pavers as per the building code.

Mr. Kilmartin questioned why 13 ½' wide driveway instead of the 12' which is allowed. Mr. Sekas stated it is because of the turning radius needed.

Mr. Kates questioned if there were any stormwater management systems on the property. Mr. Mirandi stated yes, one in the front and rear of the property which was installed at time of development. In regards to the size of the driveway width Mr. Mirandi gave the history about the property and how the developer had installed the complete circular driveway prior to CO, but was unable to obtain the CO because of the overage of impervious coverage, front yard coverage and driveway width. So part of the circular driveway was removed so that he could obtain a CO for the closing of the property. The curb cuts were just installed larger than approved. CO was granted with a bond till the end of June so that they would go in front of the board by June or they would have to restore it to the size of what was approved.

Mr. Chinman questioned what is the front yard coverage as of now? Mr. Sekas stated 34.4% which 35% is allowed. Mr. Chinman stated so you are asking for 49.49%. Mr. Sekas stated yes since it is similar to all the other homes on the block. Mr. Chinman asked for the coverage amounts of the neighboring properties but they were unable to produce them.

Chairman Fehre then requested a motion to open to the public. Motion was made by Mr. Trovato, seconded by Mr. Surace and carried unanimously by voice vote.

No Comments

Chairman Fehre then requested a motion to close the public portion. Motion was made by Mr. Chinman, seconded by Mr. K. Kim and carried unanimously by voice vote.

Chairman Fehre requested for a motion to approve the application. Motion was made by Mr. Trovato, seconded by Mr. Surace. This motion was approved by roll-call vote. 7 Ayes (Mr. Fehre, Mr. Kilmartin, Mr. Trovato, Mr. Kiky Kim, Mr. Surace, Mr. Duffy, and Mr. S.Kim), 1 Nay (Mr. Chinman), No Abstentions

### **New Business:**

**Application #250K -** Site Plan Approval and Conditional Use Variance  
Montrose Dean, LLC – 476 Sylvan Ave. - Block 506 Lot 13

Mr. Saverio Cereste, Esq., 1624 Center St., Fort Lee, NJ 07024 introduced the application to the board and gave a brief description of the property and use that has been impasse. They would like to use the building as a Bagel/Deli type business. There will be no change to size of structure just to improve it and improve the outside of the property as well. We are requesting variances for parking size, depth and quantity. There is a setback variance in the front due to parking. They want to use the lower area of the building for the selling of the items and tables. The second floor will be used for food prep and then brought down to the first floor area.

Mr. Cereste stated he has several exhibits which are as follows:

- A-1 Engineer Plan from Neglia Engineering dated Feb. 2015
- A-2 Architectural Plans from Vergona & Vergona dated Jan. 16, 2015
- A-3 Site photographs
- A-4 Survey from Frank DiSantos dated June 4, 2015
- A-5 Drainage Calculation by Neglia Engineering dated Feb. 27, 2015

Mr. Cereste stated they will be refinishing the entire building with new windows and exterior.

Mr. Anthony Kurus engineer of Neglia Engineering stated he prepared exhibit A-1 site plan of the property. He gave a description of the site location size, etc. How the building sits on property the parking lot location as well as a weeded grass area on the rear. This property is in the B-4 zone restricted commercial zone. There is a residential property to the west of the property. The building has a front entrance on Sylvan and a rear entrance on the building.

Mr. Cereste stated the following variances are what we are requesting:

- Minimum Lot Width - Require 100' existing non-conforming is 78'.
- Minimum Side Yard on a Corner Lot - Require 15' propose 9.9'.

Parking Space Dimensions - 9'x19' required propose 9'x18'.

Aisle Width - 90 Degree parking aisle width; 25' required proposed 24', 21.6', and 13.4'

Buffer Zone - There shall be no access roads leading into any residential zone proposed access from John St. in which a new curb cut & concrete driveway apron installed.

Front Yard Parking - No parking in front allowed proposed parking spaces are located within the front yard.

Parking Space Setback - Minimum parking setback from lot line; 10' required on a corner lot measured to the street right of way proposed .5'.

Projecting Signs -

Handicap space will be in the front yard and a new handicap accessible entrance.

We are proposing new curb cuts onto John St. Close access from John St. closer to Sylvan and move west down John St. to put new driveway into lot.

Existing building mounted sign will be reused which projects more than 1' off of the building so we are requesting a variance for that.

Drainage is shown on sheet 3 of exhibit with proposed seepage pit type system to be installed under the parking area. The chamber will be able to hold approximately 2000 gallons of water. Drainage has been designed to drain out without any adverse effect to any adjacent properties. Drainage has been designed to the borough ordinances. Landscape plans on sheet 4 of the exhibit proposing a full 20' buffer on the west side adjacent to the residential property. The buffer will consist of a mix of evergreen type trees. There will be a full planted buffer. Also, there will be some landscaping to be done on the front of the property with smaller type plantings. The property as is today has little to no plantings. The lighting plan is on sheet 5 of exhibit. There will be a total of 4 wall mount lights on all 4 sides of the building. They will be full house shield lights they will not be flood type of lights. They will be downward facing to pavement lighting with no spill outward onto the other properties. Mounting heights are 18' on the front and side elevations, 14' on the west side and 10' on the south side.

Mr. Cereste questioned Mr. Kurus on the trash location on site. Mr. Kurus stated it will be at the north west side of the property. There will be a 3 sided masonry wall around the dumpster. Sheet 7 of the exhibit shows the detail of this.

Mr. Kurus went through Mr. Mirandi's letter dated April 8, 2015 and feels that the applicant will be able to comply with the issues mentioned.

Mr. Kilmartin questioned Mr. Kurus on the number of parking spaces that are being proposed. Mr. Kurus stated 14 spaces. Mr. Kilmartin questioned how many are on the site now? Mr. Kurus stated 9 spaces non-conforming. Mr. Kilmartin questioned the handicap space in the front and the adding of a ramp in the front as well. Mr. Kurus stated yes the ramp will only be 6-8 inches parallel with the building. The ramp will be 5' in width and will be along the building. Mr. Kilmartin stated that the front area will be cut by 5' and cannot see how that can be safe and how someone can still park there. Mr. Kurus stated they are cutting the front from 5 parking spaces down to 2 to make it safer. There will be 2 employee spaces parallel to John St. adjacent to the building.

Mr. Fehre questioned if this is going to be a one way circulation or 2 way? Mr. Kurus stated that it is not marked on the plan but suggests coming in on Sylvan and going out onto John St.

Mr. Kilmartin questioned the way in which the handicap vehicle will come out of the spot. Mr. Kurus stated they will back out and preform a "K" turn in order to leave the site. He stated it is tight but can be done.

Mr. Chinman questioned if there is going to be 2 entrances one in the front and one in the back of the building. Mr. Kurus stated yes. Mr. Chinman stated so then people can park in the back and enter through the back so why can't the handicap be in the back? Mr. Chinman also stated he doesn't like where the dumpster location is as well. Mr. Cereste stated that to be ADA complaint the safety issue is best in the front.

Mr. Duffy questioned the parking on the south side of the lot which are the 2 spaces for employees how will they pull in and out. Mr. Kurus stated they are tandem spots so they will pull in and back out. The parking spot that is in front of the building but not the handicap spot are you planning on making it a compact car spot due to the spacing issue with the handicap spot? Mr. Kurus stated we could but the space does measure a full 18'.

Mr. Mirandi commented on the impact & evaluation statement on the bottom of page one states that no exit or entry on Sylvan Avenue is proposed for the application and the testimony stated that the existing curb cut will remain on Sylvan Avenue and will be utilized. Mr. Mirandi just wanted it to be placed on the record. Mr. Mirandi stated that in his letter there was a request for a sidewalk to be installed on the John St. side of the property. Mr. Mirandi stated in regards to the parking in the front space 2 does not work because if someone is parked in the handicap spot they will have to back out into oncoming traffic coming off of Sylvan Avenue. Mr. Mirandi had some questions in regards to the ramp and the railing which is further to the north. There is a possibility a handicap spot can go into spot 3 which can then put 2 head on spots in the front. Mr. Mirandi questioned the signage if there is to be any lighting internal or external on the sign. Mr. Cereste stated no but the lettering will change to the new company's info. The existing size will remain.

Mr. Fehre questioned if there is going to have be a curb between the property and the neighboring property? Mr. Kurus stated yes. Mr. Fehre stated why it can't just be striped. Mr. Mirandi stated the curbing will help with the parking in that area and feels it is a good idea. Mr. Kurus stated it will just be curbing no fence etc. will be there.

Mr. Kilmartin questioned if the rear boot piece of property is that being used for parking at this time. Mr. Cereste stated that Grissini's is using that area for parking right now. The plan for that are will be mulch and landscaped.

Mr. Fehre questioned if there was an agreement with Grissini's in regard to parking in the buffer zone. Mr. Cereste stated no there is no agreement.

Mr. Raymond Vergona from Vergona & Vergona Architects, 115 River Road, Edgewater, NJ described the plans for the building. The structure will remain as is but be totally refurbished inside and out. Replacement of windows, new stucco to be done to structure, new heating, air condition, sprinklers, and electrical to be installed. The proposed use is going to be the same as what it was for many years. The front first floor will be a retail space deli counter for purchasing of foods, the rear if the first floor will have tables and seating for 26 people. A new handicap bathroom will be installed on the first floor. The second floor will remain the same in square footage and will be an area for food preparation. There will be a bagel oven, prep table, refrigerator and a second handicap bathroom on that floor. The first floor consists of

1,670 sq. feet; second floor consists of 939 sq. feet with an approx. total of floor area in the building of 2600 sq. feet. The rear door that exists will be closed and moved to where there will be an entrance into the dining area. The air condition unit will be on the rear of the building and will be shielded by parapet walls. Mr. Vergona stated that he feels the site can accommodate the use with all the variances that are being sort and that the plan is making the site more desirable for the community.

Mr. Fehre questioned the use that they want compared to what was there prior. Mr. Vergona stated that the layout of the first floor is basically the same as what it was when Deli on the Cliffs was in there. Mr. Fehre questioned the hours of operation. Mr. Cereste stated it will be 6 am - 5 pm 7 days a week. It will be like a deli and there will be 26 seats for patrons.

Mr. Chinman questioned the parking in the rear that is being used by Grissini's that it should be investigated. Mr. Cereste stated that they will look into it.

Mr. Mirandi questioned about the rooftop units. One unit will go on the lower roof to replace the existing and a new air condition system will go on the second floor roof. Mr. Vergona stated yes. The parapet on the second floor roof line will cover the air condition system on that roof. Mr. Vergona stated yes. Mr. Mirandi questioned the lower roof if there is a parapet that will cover the air condition system on that roof. Mr. Vergona stated there is a short parapet existing that will cover the units. The resident on the west side right now can see the unit on the lower roof. Mr. Vergona stated we can screen it so as not to be visible to that neighbor.

Mr. Fehre questioned if the sidewalk on John Street will be done even though not on plan. Mr. Vergona stated that they don't have any objection to doing it.

Mr. Duffy questioned the overflow parking that might occur on John Street and how are you prepared to handle it to accommodate the residents on John Street. Mr. Cereste feels that the nature of the business is very fast turn over and that the number of parking spots would be sufficient.

Mr. Fehre requested that the sidewalk on John Street should stop at the buffer prior to the resident's property, but go up to Sylvan Avenue.

Mr. Trovato questioned that on the north side of the building there is the existing exhaust will it stay there for the kitchen. Mr. Vergona stated yes. Mr. Trovato than stated that there will be a second kitchen on the second floor will there be an additional exhaust system then for that? Mr. Vergona stated yes, but it will be up through the roof. Mr. Kilmartin questioned if it would make sense to take the system from the first floor up through the second floor and out the roof instead of having the exhaust out the side. Mr. Vergona stated that it is an existing system and we are not planning on removing and redoing it we will clean it up.

Mr. Mirandi stated that there will be a 2' curbing along the building with planting on the side where the exhaust is to protect the exhaust from not being hit when vehicles/trucks come into the lot.

Mr. S. Kim questioned the staircase is it existing and is it staying. Mr. Vergona stated yes it is existing and will remain. Mr. Kim was questioning them in regards to deliveries. Mr. Vergona & Mr. Cereste stated that the deliveries are on off hours and for a short time.

Chairman Fehre asked for a motion to open to public. Motion was made by Mr. Kilmartin, seconded by Mr. Chinman and carried unanimously by voice vote.

Mr. Morfesis, 26 John Street, Englewood Cliffs, NJ stressed his concerns about the driveway that will be coming out onto John Street. His house and the neighbor will get all of the car headlights directly into their homes. He was also concerned that work will start at 4-5 am in order to make the bagels. When cars park they all park on John Street to stop and eat. The fencing along the westerly part of the property is not in good shape it is falling down also the issue of the areas where the garbage is. He submitted pictures of this as exhibit O-1. Mr. Fehre stated that they are going to clean up and leave a buffer. Mr. Morfesis stated that is for the west what about the south side where there are residential properties. He is very much against the application.

Mr. John Sinda, 24 John Street, Englewood Cliffs, NJ voiced his reasons objecting to this application. He had to always clean up his property from the lunch time crowds when the old deli was occupying the building.

Mr. Joel Reinfeld, Esq., 120 Sylvan Avenue, Englewood Cliffs, NJ representing Mr. Steven Morfesis of 26 John Street Englewood Cliffs, NJ stated that just because it was a deli before doesn't mean it has to be a deli again. It is very obvious that during lunch time there were cars parked all along John St. many of you have seen it. This area was zoned for office building and should stay that way.

Chairman Fehre asked for a motion to close to public. Motion was made by Mr. Chinman, seconded by Mr. K. Kim and carried unanimously by voice vote.

Mr. Cereste stated that the existing property is an eye sore. The owner is trying to clean up an existing nonconforming building and also have a permitted conditional use type business in the building which was there before. The owner is committed to spending a large amount to make an eye sore structure into a clean nice property which would be better for the community. This will be a plus not a minus for the community.

Mr. Fehre stated that there are new issues in front of the board due to the public comment section. One being will this be open at 4 am. Mr. Macagna stated that he will be the tenant and yes someone (1 person) will be in the building at 4 am baking the bagels. In regards to the garbage pickup he stated that he can have it arranged to be at 10-11 am instead of early in the morning to accommodate the neighbors.

Mr. Kates questioned if he was willing to close by 6pm. Mr. Macagna stated yes. Mr. Kilmartin questioned Mr. Macagna if he is the tenant. He stated yes.

Mr. Duffy stated that the lights coming out of John Street and into the 2 houses on John Street will diminish their quality of life for those homeowners. Mr. Duffy would like to see the driveway onto John Street closed and refigure the parking lot ingress and egress of this property.

Mr. Fehre was in agreement with the statement Mr. Duffy made. Mr. Fehre stated that he would like to see if the applicant can go back and look this over and make some changes. Mr. Kilmartin stated that the best would be ingress and egress from Sylvan Avenue.

A five minute break was taken so that Mr. Cereste could discuss this with the applicant.

Mr. Cereste met with the applicant and they do not see any way of making changes to the parking and traffic pattern. They will make the exception to closing at 5pm instead of 6pm.

Mr. Fehre stated that he feels it really needs to be looked over again. Mr. Cereste stated they did take another look at it but do not see any change that can be made. They can make it to be a right turn off of Sylvan Avenue.

Chairman Fehre asked for a motion to reopen to public. Motion was made by Mr. Chinman, seconded by Mr. K. Kim and carried unanimously by voice vote.

Mr. John Sinde stated that there are many places where you have to come out of a lot and have to make a right even though you may want to go left. They are not accommodating the neighboring residents just what is best for business.

Mr. Morfesis doesn't feel he should have to smell the baking of bagels it is a detriment to the residents.

Mr. Kates questioned when did Deli on the Cliffs close? Mr. Morfesis stated in 2014 and they pulled all of the equipment out of the building.

Mr. Sanghoon Oh, 25 John Street, Englewood Cliffs, NJ stated that they are suffering from the 3 garbage dumpsters smelling all the time. We are unable to use our backyard due to this problem. I also have headlights shining into my house at night.

Chairman Fehre asked for a motion to close to public. Motion was made by Mr. Chinman, seconded by Mr. Trovato and carried unanimously by voice vote.

Mr. Kilmartin stated that he would like to see them come back showing the location of the homes on John Street and seeing if anything can be done with the driveway being angled onto John Street to minimize the effect to the residents on John Street and to give it more thought.

Mr. Fehre stated he agreed with Mr. Kilmartin and to try to get the egress and ingress through Sylvan Avenue.

Mr. Kilmartin would like to possibly see several different options for the board to vote on.

Mr. Fehre questioned Mr. Cereste if he wanted to have the board vote on the application or to relook at it and come back. Mr. Cereste requested to have the application carry to the May meeting.

Chairman Fehre asked for a motion to open to public. Motion was made by Mr. Chinman, seconded by Mr. Duffy and carried unanimously by voice vote.

No Comments

Chairman Fehre asked for a motion to close the public portion, and adjourn the meeting at 10:06 pm. Motion was made by Mr. Chinman, seconded by Mr. Kilmartin and carried unanimously by voice vote.

Respectfully submitted

  
Caterina Scancarella  
Planning Board Administrative Secretary

**ENGLEWOOD CLIFFS PLANNING BOARD**  
**REGULAR MEETING – April 9, 2015 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).

**"OPEN PUBLIC MEETINGS ACT" STATEMENT**

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, Star Ledger, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace, Englewood Cliffs.

**OATH OF OFFICE FOR NEWLY APPOINTED MEMBERS**

Stephen Duffy - 2nd Alternate

**ROLL CALL**

**FLAG SALUTE LED BY:**

**APPROVAL OF MINUTES:** March 12, 2015

**OLD BUSINESS:**

Application #247K - Sign Variance  
NBC Universal Media, LLC – 904 Sylvan Ave. – Block 1201 Lot 8 & 9.01  
**Approved – Resolution**

Application # 249K - Minor Amendment to Approved Site Plan with Parking Variance  
INV Management, LLC – 455 Sylvan Ave. – Block 512 Lot 10  
**Approved - Resolution**

Application #238K - Major Subdivision  
Estate of Josephine Mauro – 361, 365 & 369 Mauro Rd.  
Block 406 Lots 1,2,&3

Application # 248K - Impervious/Front Yard Coverage & Driveway Variance  
Gregory Eaton – 14 Jean Drive – Block 1103 Lot 19

**NEW BUSINESS:**

Application #250K - Site Plan Approval and Condition Use Variance  
Montrose Dean, LLC – 476 Sylvan Ave. – Block 507 Lot 13

**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 OF NBC :  
UNIVERSAL MEDIA, LLC FOR A SIGN VARIANCE : MEMORIALIZATION RESOLUTION  
RELATING TO LOTS 8 AND 9.01 IN BLOCK 1201 : APPLICATION NO. 247K  
900-904 SYLVAN AVENUE :**

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**WHEREAS, NBC UNIVERSAL MEDIA, LLC** applied on or about January 15, 2015 to the Planning Board of the Borough of Englewood Cliffs for a variance to replace an existing monument sign with a new two-sided monument sign and two new wall mounted signs; in the "B-2 Limited Business Zone" zoning district; and

**WHEREAS,** a public hearing was conducted on March 12, 2015, 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,** applicant was represented by John A. Schepisi, Esq., Schepisi & McLaughlin, P.A., 473 Sylvan Avenue, Englewood Cliffs, NJ 07632; and

**WHEREAS,** the only interdepartmental communication and advisory report was the review letter of Bernard N. Mirandi, P.E., the Board's consulting Engineer, dated February 9, 2015;

**WHEREAS,** admitted without exhibit references were the following:

- Sheet SP-1 entitled "904 Sylvan Avenue Proposed Signage Plan" prepared by Gregory J. Polyniak, P.E., P.P., and Anthony Kurus, P.E., P.P., Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ 07071, dated October 28, 2014; and

LAW OFFICES  
NASHEL, KATES,  
NUSSMAN, RAPONE,  
& ELLIS, LLP  
180 MOORE STREET  
SUITE 308  
ACKENSACK, N.J. 07801

- Prior Resolution of the Planning Board, dated June 12, 2014; and

**WHEREAS**, testimony in support of the application was given by Anthony Kurus, P.E., P.P., of Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ, and Huy Tran, Director of Facilities, NBC Universal Media, LLC; and no members of the public questioned the witness or commented on the application;

**WHEREAS**, the Planning Board did consider the testimony and evidence presented, the following are the findings of fact and conclusions of the Board:

#### The Development Application

1. Applicant is proposing to replace an existing monument sign with a new, two-sided face and to add two (2) wall-mounted signs, one for the front and one for the rear building entrances.<sup>1</sup> As the dimensions of the face of the monument sign are unchanged (96 inches wide by 60 inches high) and the existing face of the monument sign is illuminated, it was determined that the added face would not, on its own, compel amended site plan approval.
2. The two wall-mounted signs are proposed. The front entrance sign is 24.5 inches high by 70 inches long (14.1 square feet). The rear entrance sign is 38 inches high by 112 inches long (29.55 square feet). Only the front wall sign is proposed to be illuminated, and only the letters are illuminated, not the entire face of the sign.
3. It should be noted that the subject property, Block 1201, Lots 8 & 9.01, is approximately 21.488 acres in area, with substantial frontage of 1,200± linear feet along Sylvan Avenue, a major arterial. The site is fully developed with one two-story and one three-story building, in a campus-like setting. The proposed wall-mounted signs are on the CNBC Universal Technology Center. As on-site parking accessory to the Technology Center is both at its front and rear entrances, applicant has expressed the necessity of clearly demarcating the front and rear entrances to the building with this signage.

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<sup>1</sup> These two signs have been installed, subject to this curative application.

### Design Waivers

4. Signs are permitted accessory structures in the B-2 Zone District, as per Code Section 19-16.b. However, the proposed illumination of the front wall sign would violate Section 19-13.e, which prohibits illuminated signs anywhere in the Borough. As Code Section 19 is separate and distinct from the zoning regulations and criteria of Chapter 30, a "variance" from the illumination prohibition is to be considered as a design waiver and not a formal variance under N.J.S.A. 40:55D-70c or d. See also Code Section 30-7.5, which states "Signs in all zones shall be controlled by the Englewood Cliffs Sign Ordinance." (Ord. No. 8102; Ord. #9306, A VII).

5. It should be noted that the Board has approved the illumination of business signs along Sylvan Avenue to the point where the exception has become the rule. On this large campus and on a building larger than most of the buildings in the zone district, illumination is even more compelling. An illuminated entrance signs is a necessity on a building which is a destination for many persons unfamiliar with the site. The front of the Technology Center is approximately 167 feet from Sylvan Avenue.

6. The Board's concerns have consistently focused on the intensity of the illumination, to assure that it is not excessive and with a detrimental effect on surrounding properties. That is not the case here. As described by Mr. Tran, applicant's Director of Facilities, the recessed canopy above the wall sign has eight, 13-watt fluorescent recessed lights generating 26 foot-candles. With the addition of the sign being illuminated, and measured six feet from the location and 4 feet above ground, the foot candles measure 30. Thus, the illumination only adds 4 foot-candles. As previously stated, the entrance is approximately 167 feet from Sylvan Avenue and potentially further from on-site parking. With expansive frontage and acreage, there would be no adverse effect on surrounding properties.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Englewood Cliffs, that the within developmental application be, and the same is hereby, granted, subject to the following general conditions:

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

B. The action of the Planning Board in approving this application shall not relieve 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 and agencies, accept any responsibility for design of the proposed improvement or for any damages that may be caused by this development.

MOTION BY: MS. ROSENBERG

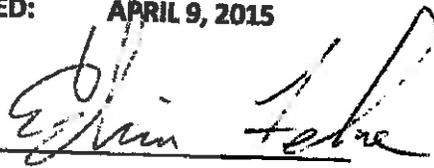
SECONDED BY: MR. S. KIM

IN FAVOR: MS. ROSENBERG, MR. S. KIM, MR. FEHRE, MR. CHINMAN, MR. KILMARTIN, MR. K. KIM, MR. SURACE and MS. OH

OPPOSED: NONE

DATE APPLICATION APPROVED: MARCH 12, 2015

DATE RESOLUTION APPROVED: APRIL 9, 2015



EDWIN FEHRE, CHAIRMAN  
PLANNING BOARD

ATTEST:



CATHY SCANCARELLA  
PLANNING BOARD SECRETARY

LAW OFFICES  
NASHEL, KATES,  
NUSSMAN, RAPONE,  
& ELLIS, LLP  
190 MOORE STREET  
SUITE 306  
ACKENSACK, N.J. 07801

# ORIGINAL

## PLANNING BOARD

### BOROUGH OF ENGLEWOOD CLIFFS

---

**IN THE MATTER OF THE APPLICATION OF INV :  
MANAGEMENT GROUP, LLC, FOR SITE PLAN : MEMORIALIZATION RESOLUTION  
APPROVAL AND A VARIANCE, ON LOT 10 IN : APPLICATION NO. 249K  
BLOCK 412, 455 SYLVAN AVENUE, a/k/a :  
452 HUDSON TERRRACE :**

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**WHEREAS, INV MANAGEMENT GROUP, LLC applied on or about February 10, 2015 to the Planning Board of the Borough of Englewood Cliffs for site plan approval and a variance approval for the construction / installation of a standby generator, in the "B-2 Limited Business" district; and**

**WHEREAS, a public hearing was conducted on March 12, 2015, 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, applicant was represented by John A. Schepisi, Esq., Schepisi & McLaughlin, P.A., 473 Sylvan Avenue, Englewood Cliffs, NJ 07632; and**

**WHEREAS, the only interdepartmental communication and advisory report of municipal departments and agencies was the review letter of the Board's consulting engineer, Bernard N. Mirandi, P.E., of Boswell McClave Engineering, 330 Philips Avenue, South Hackensack, NJ 07606, dated March 10, 2015; and**

LAW OFFICES  
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NUSSMAN, RAPONE,  
& ELLIS, LLP  
190 MOORE STREET  
SUITE 306  
HACKENSACK, N.J. 07601

**WHEREAS**, admitted into evidence were the following Exhibits:

**Exhibit A-1** – Engineering Plans prepared by Steven J. Collazuol, P.E., L.S., Collazuol Engineering & Surveying Associates, LLC, 1610 Center Avenue, Fort Lee, NJ 07024, consisting of four sheets, as follows:

**Sheet 1 of 9** – Title Sheet, dated March 17, 2005 with latest revision January 28, 2015;

**Sheet 2 of 9** – Proposed Generator Plan, dated March 17, 2005 with latest revision January 28, 2015;

**Sheet 4 of 9** – Landscape Plan, dated March 17, 2005 with latest revision January 28, 2015; and

**Sheet 8 of 9** – Boundary and Topographic Survey, dated February 25, 2005; and

**Exhibit A-2** – Generator Illustration; and

**WHEREAS**, admitted into evidence without exhibit references were the following:

- Survey of Property prepared by Steven J. Collazuol, P.E., L.S., dated February 25, 2005 with latest revision February 26, 2015;
- As-Built Survey prepared by Donald J. McCutcheon, McCutcheon Associates, P.A. 700 Plaza Drive, Secaucus, NJ 07094, dated July 13, 2007;
- Prior resolution of the Planning Board dated September 8, 2005;
- Prior Resolution of the Zoning Board in the matter of Terrace Investment Venture and Morsemere Federal Savings & Loan Association, dated July 26, 1988; and
- Prior Resolution of the Zoning Board in the matter of Morsemere Federal Savings & Loan Association, dated May 15, 1989; and

**WHEREAS**, testimony in support of the application was given by Michael Young, principal of INV Management Group, LLC; Steven J. Collazuol, P.E., L.S.; and Bernard N. Mirandi, P.E.; and no member of the public questioned the witnesses; and

**WHEREAS**, the Planning Board did consider the testimony and evidence presented, the following are the findings of fact and conclusions of the Board:

1. Applicant seeks amended site plan approval and a variance to allow for the construction/installation of a standby generator. Applicant's business as in marketing and computer services relies on computer banks of data, and power failures extending beyond backup battery life of ten (10) hours have, according to its principal Michael Young, caused

customers to demand a better system.<sup>1</sup> A backup generator has become a business necessity.

2. The installation of a generator is proposed in the location of one (1) on-site parking stall, on the southwest corner of the parking lot. The subject premises has 102 parking spaces. It is an improved site, with a two-story glass and steel building. The lot is approximately 40,157.5 square feet in area and is bordered by Sherwood Avenue on the north, Sylvan Avenue on the west and Hudson Terrace on the east. The use is conforming in the B-2 Zone (Limited Business) and the standby generator would be accessory to that conforming business use.

3. The reduction in the number of previously approved parking spaces from 102 to 101 necessitates amended site plan approval, together with a variance for enhancing the parking deficiency.

4. According to Mr. Young, one space is expendable because the business presently uses less than 30 parking spaces. This is a single-user building.

5. The property received site plan approval in September, 2005, which included several dimensional variances, including a variance for deficient on-site parking. A total of 128 spaces was required<sup>2</sup> and, as stated above, 102 spaces were to be provided.

6. The Board concludes that the ability to avoid a business closure for an extended period of time benefits commerce generally and "the general welfare"; and thus meets the criteria of N.J.S.A. 40:55D-70c(2). Applicant has met the proofs enunciated in Kaufmann v. Planning Bd. For Warren Tp., 110 N.J. at 560-561, to wit, that one of the purposes of the Municipal Land Use Law – "the general welfare", as enumerated in N.J.S.A. 40:55D-2, subsection a - would be advanced by a deviation from the zoning ordinance requirement for on-site parking and that the benefits of the deviation would substantially outweigh any detriment.

---

<sup>1</sup> Mr. Young testified that during coastal storm "Sandy", applicant was without power for seven (7) days.

<sup>2</sup> Code Section 30-10.1, Schedule B, requires 1 parking space for every 200 s.f. of floor area. A 25,610 s.f. building would require 128 parking spaces.

7. Through enhanced landscaping, any noise factor will be insulated. This approval will be conditioned upon the review of applicant's landscape plan by the Borough's Environmental Commission, as well as the Fire Department.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Englewood Cliffs that the development application be approved, subject to the following conditions:

**CONDITIONS SPECIFIC TO THE APPLICATION**

A. Applicant shall comply with conditions imposed by the Borough Engineer in his review letter of March 10, 2015, and as site conditions shall warrant during construction/installation.

B. This application shall be reviewed by the Environmental Commission to determine whether the proposed landscape plan is sufficient to screen and insulate the generator. Further, the Fire Department shall review the plan with respect to emergency access and fire safety. To the extent conditions are imposed by either and deemed unacceptable by applicant, it shall have leave to return to the Planning Board for relief therefrom, on public notice.

C. Applicant is reminded that a Final As-Built Survey is required to be submitted for review prior to the issuance of a Certificate of Occupancy.

**GENERAL CONDITIONS**

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

E. 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 and agencies, accept any responsibility for design of the proposed improvement or for any damages that may be caused by this development.

KATES NUSSMAN RAPONE  
ELLIS & FARH, LLP  
ATTORNEYS-AT-LAW  
190 MOORE STREET  
SUITE 306  
HACKENSACK, N.J.  
07601-7407

**MOTION BY: MR. S. KIM**

**SECONDED BY: MR. K. KIM**

**IN FAVOR:** MR. S. KIM, MR. K. KIM, MS. ROSENBERG, MR. CHINMAN, MR. FEHRE, MR. KILMARTIN, MR. SURACE and MS. OH

**OPPOSED:** NONE

**DATE APPLICATION APPROVED:** MARCH 12, 2015

**DATE RESOLUTION APPROVED:** APRIL 9, 2015



**EDWIN FEHRE, CHAIRMAN  
PLANNING BOARD**

**Attest:**



**CATHY SCANCARELLA  
PLANNING BOARD SECRETARY**

LAW OFFICES  
NASHEL, KATES,  
NUSSMAN, RAPONE,  
& ELLIS, LLP  
190 MOORE STREET  
SUITE 308  
ACKENSACK, N.J. 07801



**VIA FACSIMILE AND E-MAIL**

February 12, 2015

Borough of Englewood Cliffs  
482 Hudson Terrace  
Englewood Cliffs, New Jersey 07632

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Circular Drive Review  
**Variance Application**  
Gregory and Alice Eaton  
14 Jean Drive  
Block 1103, Lot 19  
Our File No. ECES-1363  
Board Application Number 248K

Dear Ms. Scancarella:

Boswell McClave Engineering is in receipt of copies of the following document:

- a. Planning Board, Borough of Englewood Cliffs, Application Form dated January 16, 2015 inclusive of a letter by Gregory H. Eaton also dated January 16, 2015.
- b. Engineering Plan Set (1 sheet) entitled, "Proposed Circular Drive Variance Plan, Lot 21, Block 1103, Lot 19, 14 Jean Drive, Borough of Englewood Cliffs, Bergen County, New Jersey," as prepared by Thomas W. Skrable, P.E. dated 1/15/15.

Based on our review of the above referenced information and recent site inspections, we offer the following comments:

**General**

1. The Applicant/Owner in this matter is:  
Gregory and Alice Eaton  
14 Jean Drive  
Englewood Cliffs, New Jersey 07632

The Applicant should notify the Board of any change in the above mentioned information.

2. Block 1103, Lot 19 (the "Site") is located on the northeast side of Jean Drive approximately 400 ft. from the intersection of Roberts Road and Jean Drive. The property contains 100 feet of frontage along Jean Drive. The Applicant seeks to construct a circular paver driveway with permeable pavers.

Boswell McClave Engineering deems the application complete from an engineering perspective.

#### Land Use

3. The property is located, in the R-A Residential Single Family Zoning District. Single Family dwellings are considered a permitted use in this zoning district.

#### Variations and Waivers

4. The following variances are required and the Board should request comments from the Board Attorney regarding the requirements for variances or waivers for the following:
  - a. Maximum Impervious Coverage: The maximum permitted is 51%. The Applicant proposes 53.11%.
  - b. Maximum Front Yard Coverage: The maximum permitted is 35%. The Applicant proposes 49.49%.
  - c. Circular Driveway Width and Cut: The maximum permitted is 12 feet. The Applicant proposes a width of 13.5 feet at the westerly drive and the existing easterly drive width and cut at the 'throat' of the driveway is 15.7 feet.

#### Application and Plan Comments

5. The original property Developer received building permits the last quarter of 2012. The current Owner/Applicant states that they purchased the home from the builder on December 12, 2014 and seeks a variance "so that the circular driveway can be re-installed as originally designed."
6. The original accepted site plan proposed a westerly driveway width of 10 feet, an easterly driveway width of 12 feet, a maximum impervious coverage of 50.32% and a front yard coverage of 35.5%. The proposed variance requested items are listed above under item 4.
7. We take no exception to the proposed trench drain tie-in to the existing 'Cultec' stormwater management chambers.
8. The following comments were noted in our December 8, 2014 Final As-Built Survey and CO Review Letter (**current comments are noted in bold**):
  - a. We take no exception to the Building Height Certification.
  - b. We take no exception to building set back dimensions from the property line.
  - c. The property also contains 5 feet of a 10 feet wide drainage easement along the rear property line.

- d. Evergreen trees have been planted along the side yard and rear yard property line within the easement area. Evergreen plantings were not proposed as part of the site plan design. We defer review of these plantings to the Environmental Commission. However, we note that since plantings have been added within the easement area, the Developer shall enter into a "Hold Harmless Agreement" with the Borough acceptable to the Borough Attorney and DPW Superintendent.
- e. The Final As-Built Survey has been revised to include the Type 'A' inlets in Jean Drive along with grate and invert elevations. The design drawing had proposed a 12" HDPE pipe connecting from the easterly inlet across the street to an existing inlet. The survey indicates the drainage line continuing to the east on the same side of the street. This change of plan/discrepancy shall be reviewed and reconciled. The survey shall indicate the size of the pipe and the pipe connecting across the street (if any). **(The Variance Plan identifies the 12" HDPE pipe).**
- f. The roof leaders did not have the overflow tee as detailed on the design plans. It is our understanding that the Developer will be installing same.
- g. The permeable paver driveway has not been installed as per the design plans and exceeds the allowable front yard coverage. The Developer has started removing a portion of the westerly circular driveway and its access drive. **(The Developer had removed the westerly drive paver area and now seeks a variance to add permeable pavers).**
- h. It is our understanding that the DPW has agreed to accept a bond for the dropped curb with the required full height curb restoration date of June 30, 2015. **(The requested variance as presented would allow this dropped curb to remain).**
- i. An emergency generator has been installed that was not indicated on the design plans. We defer generator review to the Construction Official.
- j. We take no exception to the fourth A/C unit pad. Three (3) were indicated on the design plans.
- k. As a result of soil log tests indicated groundwater issues, we had met on site in March 2013 and agreed that the Developer would install two (2) Type 'A' inlets and HDPE pipe to connect to the Borough's storm system via an inlet located on the opposite side of Jean Drive. As indicated in item e this shall be reviewed.
- l. At that time, the Developer verbally indicated their intent to install overflow connection from the onsite chambers as well as the basement sump pump to the proposed extension of the Borough storm system. These connections shall be indicated on a revised survey. Also, a "Hold Harmless Agreement" will be required. **(These overflow connections are indicated on the Variance Plan. "A Hold Harmless Agreement" for the overflow connection will not be required. However, the Applicant/Owner should be aware of the maintenance requirements of the Cultec Chambers and the associated piping for their stormwater management system.)**

The completion/acceptance of items remaining open from our December 8, 2014 letter shall be confirmed.

9. Note 6 on the Variance Plan states "Copies of this map not having the embossed seal of the land surveyor shall not be valid". Please provide.
10. Note 11 on the Variance plan states, "Curbs fronting the property to be replaced as required by the Superintendent of Public Works..." Modification to the dropped curb may be required whether the application is approved, conditionally approved, or not approved.
11. Any other issues the Planning Board deems necessary.

Thank you for your kind attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

BOSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.E.

BNM/amg

cc: Paul Renaud  
Environmental Commission  
Shade Tree Commission  
Mark Neville, via e-mail  
Ed Fehre, via e-mail  
Michael B. Kates, Esq., via fax & e-mail  
Gregory & Alice Eaton, via mail & e-mail  
Nicholas Sekas, Esq., via fax & e-mail  
Thomas W. Skrable, P.E., via fax  
John Englese

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VIA E-MAIL

April 8, 2015

Borough of Englewood Cliffs  
482 Hudson Terrace  
Englewood Cliffs, New Jersey 07632

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Site Plan Review  
Variance Application  
Montrose Dean LLC  
476 Sylvan Avenue  
Block 507, Lot 13  
Our File No. ECES-1377

Dear Ms. Scancarella:

Boswell McClave Engineering is in receipt of copies of the following documents relative to the above referenced application:

- A. Planning Board, Borough of Englewood Cliffs Application Form dated March 2, 2015 inclusive of Impact and Evaluation Statement prepared by Saverio V. Cereste, Esq.
- B. Survey of Property by Frank R. DeSantis, PLS, last revised July 2, 2014.
- C. Engineering Plans (9 sheets) entitled, "476 Sylvan Avenue, Lot 13, Block 507, Borough of Englewood Cliffs, Bergen County, New Jersey, February 13, 2015", as prepared by Neglia Engineering Associates, dated February 13, 2015, last revised February 26, 2015 and consisting of the following:

<u>Sheet No.</u>	<u>Description</u>
1.00	Cover Sheet/Key Map
2.00	Site Plan
3.00	Grading, Drainage, and Utility Plan
4.00	Landscaping Plan
5.00	Lighting Plan

- |        |                                      |
|--------|--------------------------------------|
| 6.00   | Soil Erosion & Sediment Control Plan |
| 7.00   | Construction Details                 |
| 7.01   | Construction Details                 |
| 1 of 1 | Boundary and Topographic Survey      |
- D. Architectural Plan (1 sheet) entitled, "Alterations to Existing Commercial Building, 476 Sylvan Avenue, Englewood Cliffs, New Jersey" as prepared by Virgona & Virgona, dated January 16, 2015, and consisting of drawing number SK-1.
- E. Drainage Calculations Report prepared by Neglia Engineering Associates, dated February 27, 2015.

Based on our review of the above information, we offer the following comments:

General

1. The Owner/Applicant in this matter is:

Montrose Dean LLC  
c/o Seligman Rosenberg, MD  
301 Bridge Plaza North  
Fort Lee, New Jersey 07024

The Applicant/Owner should notify the Board of any change in the above referenced information.

2. Block 507, Lot 13 (the "Site") is 12,976 square feet (sf) in area and is located on the westerly side of Sylvan Avenue, on the northwestern corner of the intersection of Sylvan Avenue and John Street.
3. The existing site contains a 2-story commercial structure and is located in the B-4 Restricted Commercial Zone District.
4. The Applicant proposes building interior and building exterior alterations to utilize the 2-story structure as a restaurant/delicatessen with seating for twenty-six (26) patrons. Also proposed are site improvements inclusive of parking lot pavement, striping, new curb cut, and concrete driveway apron off of John Street, landscaping, lighting and buffer area improvements.

Submission Status

5. This Application submittal is deemed *complete* with respect to engineering matters for a site plan submission, as outlined in Section 30-9.4 of the Zoning Code of the Borough of Englewood Cliffs and the Administrative Site Plan Checklist, *except as noted below*:



- a. A statement by the owner of whether any property adjoining the lands for which site plan approval is sought is or is not owned by said owner. (Section 30-9.4.i)
- b. Where applicable, the following information shall be provided (Section 30-9.4.v):
  - Narrative describing trucking on the site; number and size of trucks used in applicant's operation; number, size and frequency of trucks making deliveries; time of loading and unloading operations.

#### Permitted Land Use

6. Business offices, professional offices and governmental offices, banks without drive-in facilities, and accessory parking areas are considered principal permitted uses in the B-4 Zone District (Restricted Commercial) (§30-5.7). Banks with drive-in facilities and eating and drinking establishments, excluding fast food restaurants are considered conditional uses.

#### Variances/Waivers

7. The Applicant is requesting variances summarized as follows:
  - a. Minimum Lot Width, §30-6.1 – Scheduled A requires a lot width of 100 feet. An existing non conformity of 78 feet is along the Sylvan Avenue frontage.
  - b. Minimum Side Yard on a Corner Lot, §30-6.1- Schedule A requires a 15 feet side yard setback on the corner side yard. The Site Plan indicates a proposed corner side yard setback of 9.9 feet.
  - c. Parking Space Dimensions: 9 ft x 19 ft required (§30-10.2.a.), 9 feet by 18 feet proposed.
  - d. Aisle Width: 90 Degree Parking Aisle Width; 25 ft required (§30-10.2.b.), 24 ft., 21.6 ft. and 13.4 ft. is proposed.
  - e. Buffer Requirement Adjacent to Residential Zone. §30-7.10 e states "there shall be no access roads leading into any residential zones. All traffic shall flow onto New Jersey Highway 9-W, Hudson Terrace or Palisade Avenue." The Plan proposes access from John Street in which a new curb cut and concrete driveway apron are shown.
  - f. Front Yard Parking: No Parking in Front Yard allowed (§30-10.2.f.), 2 proposed parking spaces are located within the front yard measured from Sylvan Avenue.
  - g. Parking Space Setback: Minimum Parking Setback from Lot Line; 10 ft required on a corner lot measured to the Street Right-of-Way (§30-10.2.g.), 0.5 feet proposed.
  - h. Projecting Signs: §19-17 permits signs to project from the walls of buildings provided they are fastened so as to be at right angles to the building line of same. No such sign shall be more than 1 foot in thickness and may not project more than 1 foot

from the building line. Total area of advertisement shall not exceed 16 square feet on each face. The applicant proposes that the existing projecting sign remain. The architectural plans note that the existing sign is to remain. As it appears to project more than 1 foot from the building line of an existing non-conforming variance condition exists.

### Stormwater Management

8. The Applicant has included a Drainage Calculations Report (item E above). Based on our review we have the following comments on drainage and stormwater management elements of the project:
  - a) The depth (height) of StormTech SC-740 chambers should be noted as 30", rather than 16" in the seepage basin sizing calculations. Also the term "stone volume" should be changed to "void volume" to avoid ambiguity. (See attached).
  - b) A soil log and percolation test should be performed at the location of the underground retention-infiltration basin. Test results should be furnished to the Borough. Also this office should be contacted when a test is scheduled.
  - c) Maintenance measures for the retention system should be noted on the Grading and Drainage Plan. The entity responsible for maintenance should also be named.
9. No drainage from this property shall affect adjacent properties both during and subsequent to construction. Should any adjacent property be affected by runoff from this property, the Owner shall be responsible to remedy the matter at the owner's own cost.
10. The Applicant is reminded the property owners are responsible for maintenance of the stormwater management facilities at least twice annually, as well as, after every major storm event.
11. The Applicant should be aware that a contribution for the Borough's Stormwater Capital Improvements Project will be accepted for any proposed impervious area greater than that of the existing conditions.
12. The Applicant shall provide testimony to the conformance to the Borough's Stormwater/Green Committee the use of various "Stormwater/Green" design elements such as cisterns, rain gardens, green roofs, etc.

### Sign Review

13. As noted within the variance section above, there may be a possible existing non-conforming condition with the current del sign projecting from the face of the building variance.

14. The Applicant shall provide testimony as to the size of the existing sign proposed to remain.
15. The Applicant shall confirm that the wording of the existing sign and sign 'face' is to remain.

Landscape Review

16. The proposed landscaping elements and details included in the site application plans have been reviewed by our Landscape Specialist. The following comments are offered and a plan sketch is attached supplementing the comments:
  - a) An additional Norway spruce is recommended in the buffer area adjacent to the residences, in the area currently containing proposed inkberry shrubs.
  - b) The inkberry shrubs proposed within the north west portion of the site are recommended to be relocated and substituted with a denser 3-4 ft. high (mature growth) evergreen aligned along the parking, utilized to buffer the parking from John Street.
  - c) Improvements within the John Street right of way are recommended inclusive of sidewalk continuation, conversion of asphalt to pervious lawn or equal, street trees and evergreen shrub screening the two parking spaces along the John Street building wall.
  - d) Foundation evergreen plantings are recommended along the south portion of the building between the parking areas and along the northern portion of the building foundation with a 2 foot wide planting strip. Skypencil holly or equal narrow and tall evergreens are recommended to break up the asphalt to building connection and soften and separate the visual impact of these hardscapes.
  - e) A small decorative tree is recommended within the entrance plant beds off Sylvan Avenue.
  - f) The existing trees mapped along the new curblines, along the north side property line, appear they will require removal. Please clarify.
  - g) Visual separation of this site to the northern neighboring site does not exist. A row of small evergreen shrubs is recommended along this shared property line. We note the adjoining site to the north has parking that encroaches onto this site. This encroachment should be removed.
  - h) The plan shall define the definition of plant bed lines and all surface types inclusive of mulch, asphalt, concrete, etc., through to the roadway curblines.
  - i) The detail for deciduous tree planting and multi stem tree planting does not appear applicable to the plantings proposed. With the recommendations, the tree detail!

would become applicable. The multi stem tree detail should be removed as not applicable to this particular application.

- j) The plantings are recommended to have a two year guarantee with replacement as necessary.

#### Off-Street Parking

- 17. The number of off-street parking spaces required is as follows:
  - a. Restaurant Use: 1 parking space for every three (3) seats plus one space for each employee. Accordingly, 30 seats proposed would equal 10 spaces plus one (1) for each employee. Site Plan Zoning Table footnote number 2 notes that a maximum of 4 employees per shift. This would require 14 spaces. The proposed number of parking spaces is conforming at 14 spaces.
  - b. One (1) accessible parking space is proposed as required by the ADA guidelines. The accessible parking spaces must be in conformance to the ADA Guidelines inclusive of striping and signage.
- 18. A loading area is not proposed onsite. According to Schedule B (2) of Subsection 30-10.1, a loading area is not required for business or commercial purposes which have an aggregate floor area of less than seven thousand five hundred (7,500) square feet. The Applicant proposes a total gross floor area of 1,670 s.f. for the first floor and 939 s.f. for the second floor equaling 2,609 s.f. in total.

#### Traffic Review

- 19. The Applicant shall provide testimony regarding the frequency and times of deliveries, including the size of the delivery vehicles and method of circulation.
- 20. Our Traffic Specialist has reviewed the site plans and offers the following comments:
  - a. NJDOT approval may be needed for this project as a 12 ft. radius concrete curbs are proposed to tie into the driveway apron of both ends of the access drive. The Applicant indicates that the Sylvan Avenue driveway access is not to be used. Please clarify.
  - b. Testimony should be provided demonstrating the suitability of the dumpster location and truck approach.
  - c. Pavement markings and turn restriction signage should be provided.
  - d. The site plan indicates a cantilevered arm traffic signal fronting Sylvan Avenue while a pedestal traffic signal exists.

Lighting Review

21. We offer the following comments:
  - a) The proposed wall mounted light fixtures are on each face of the building.
  - b) Please provide the heights of the wall-mounted fixtures.
  - c) The applicant shall be prepared to provide testimony verifying the site lighting design requirements are in accordance with Borough standards.
  - d) Borough ordinance §9-19.2b requires all lights directly facing a neighboring or adjacent property or on a public roadway shall be shielded. The applicant shall verify in testimony conformance to same.

Site Plan Review

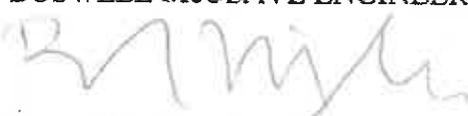
22. No trees are indicated to be removed on the plans. The Borough's Shade Tree and Environmental Commissions shall review/comment regarding these plans.
23. The installation of the proposed improvements shall comply with any and all applicable Federal, State and local requirements, including Section 9-22 of the Borough of Englewood Cliffs Zoning Ordinance.
24. The Applicant shall provide testimony as to vehicular flow into, out of and within the site.
25. The Applicant shall provide testimony on vehicle maneuvers to parking stall number 2.
26. We suggest that layout of parking space numbers 1 and 2 be reconsidered.
27. The Applicant shall provide testimony as to the number of employees that are expected and the days and times of operation.
28. The Bergen County Soil Conservation District shall review these drawings.
29. Any roadway and/or curbing along the property frontage damaged due to construction activities for this project shall be repaired by the applicant to the satisfaction of the Superintendent of Public Works. This should be noted on the plan.
30. The NJDOT should be contacted to determine if an Access Permit or a Letter of No Interest will be issued for the property.
31. Should the Board look favorable on this application; they may wish a Developer's Agreement be executed prior to the issuance of any building permits.
32. Any other issues the Planning Board deems necessary.

Borough of Englewood Cliffs  
Planning Board  
April 8, 2015  
Page 8 of 8

Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

BOSWELL McCLAVE ENGINEERING

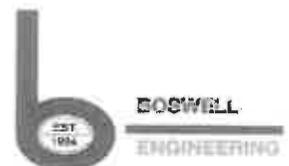


Bernard N. Mirandi, P.E.

BNM/amg  
Attachments

cc: Paul Renaud  
Environmental Commission  
Shade Tree Commission  
Mark Neville  
Ed Fehre, via e-mail  
Michael B. Kates, Esq., via fax & e-mail  
Chief Michael Cioffi  
Fire Chief George Drimones  
Mentrose Dean, LLC  
Saverio Cereste, Esq., via fax & e-mail  
Neglia Engineering Associates, via fax  
Virgona & Virgona, via fax  
John Englese

150406amgLi.doc



## SEEPAGE BASIN SIZING

Roof Area to Seepage Pit

A =	1700 sf
10 year storm (60 minutes)	2 inches
Volume Required	283.333 cf

Detention System Calcs

Total Volume Required	283 cubic feet
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Design Storm: Tech in Stone Trench to provide 542 cubic feet

Proposed Chambers

SC-740 interior chamber volume	45.9 cf
no of chambers	3
total interior chamber storage volume	137.7 cf
Plastic Chamber Volume	1.39 cf
no of chambers	3
	4.17 cf

Stone Trench Calcs

Length	10.84 feet
Width	16.75 feet
Depth of Chamber	16 inches <span style="margin-left: 20px;">30"</span>
Depth of Stone Trench	3.5 feet
Stone Volume <span style="margin-left: 20px;">void vol.</span>	197.5 cf

Total Storage Volume	335.2 cf	Okay
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