

Regular Public Meeting of the Englewood Cliffs Planning Board
Minutes
April 14, 2016

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. Villari
Mr. Kilmartin
Mrs. Rosenberg
Mrs. O'Shea – Borough Rep
Mr. Kim – 1st Alternate
Mr. Porrino – 3rd Alternate
Mr. Lee – 4th Alternate
Councilman Park
Ms. Eastwood – Mayor Designee

Absent:

Mr. Trovato
Mr. Chinman
Mr. Duffy – 2nd Alternate
Mayor Kranjac

Also Present:

Michael O'Krepky, P.E., of Maser Consulting, 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.

Flag salute led by Mr. Villari

The minutes of the March 10, March 15, March 29, and March 30 2016 meetings motioned by Mrs. O'Shea, seconded by Mr. Kim were approved by voice vote.

Old Business:

Application #259K - New Home Construction with Variances
Mr. & Mrs. Pogharian – 8 Second Street – Block 129 – Lot 3
Resolution - Approved

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. Porrino, seconded by Mr. Kilmartin. Chairman asked for roll-call vote of the members that were eligible to vote: Mr. Fehre, Mr. Villari, Mr. Kilmartin, Mr. Kim, Mr. Porrino, Mrs. O'Shea, Councilman Park, and Ms. Eastwood each voted to adopt this Resolution; it was unanimous.

Application #260K - Minor Subdivision
Senatore III Development, Inc.–577 Floyd Street–Block 802–Lot 7
Resolution – Approved

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. Villari, seconded by Mrs. Rosenberg. Chairman asked for roll-call vote of the members that were eligible to vote: Mr. Fehre, Mr. Villari, Mr. Kilmartin, Mrs. Rosenberg, Mrs. O'Shea, Councilman Park, and Ms. Eastwood each voted to adopt this Resolution; it was unanimous.

Application #238K - Major Subdivision
Estate of Josephine Mauro – 361, 365, 369 Mauro Road
Block 406 – Lots 1, 2, 3
Resolution – Approved

Board decided to carry the approval of this resolution to the April 25, 2016 special meeting.

Application #264K - Site Plan with height variance – boundary fence in excess of 6' in height.
Dwight Englewood School
Soloman Field (Terminus of Egan Place)
Block 702 – Lot 21

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 Mrs. O'Shea, seconded by Mr. Kim Chairman asked for roll-call vote of the members that were eligible to vote: Mr. Fehre, Mr. Villari, Mr. Kilmartin, Mr. Kim, Mrs. O'Shea, Councilman Park, and Ms. Eastwood each voted to adopt this Resolution; it was unanimous.

New Business:

Application #265K - Residential Variance, Chimney Side Yard Encroachment
Melissa Ko – 675 Floyd Street – Block 808 – Lot 6

Mr. Porrino and Mr. Kim recused themselves from this application.

Mr. Cereste attorney representing the applicant Ms. Melissa Ko gave a brief description on the reason or the variance they are seeking. Mr. Cereste stated the house has been constructed and the reason we are here is because the chimney projects out of the structure approx. 2 feet into the side yard. The chimney is on the Hollywood Avenue side which will not affect any neighbors. The house is in compliance with all other side, front, and rear yard setbacks.

Mr. Seung Kim, 71 Grand Avenue, Palisades Park, NJ is the architect that worked on this project. A-1 exhibit dated February 15, 2015 Final As Built drawn by Mr. Kim. Mr. Kim gave a description of the new home on the site. Mr. Kim was not the original architect who designed the home. The original plans from the other architect was approved at time of permit approval. Mr. Kim stated that during the construction of the home they added the fireplace on the ground floor on the Hollywood Avenue side. The contractor thought they thought they had approvals for it. Once the house was completed and the final as built was submitted to the Construction Official Mr. Renaud he noticed the chimney being in the side yard setback which is in violation of the zoning ordinance. This is why we are seeking this variance in the RA zone. Everything else is in compliance with the zoning ordinances. Mr. Kim stated he didn't feel it was a structure and that there is a no footings for it. Mr. Kim stated it is 18" above grade.

Mr. Kilmartin stated he heard what Mr. Kim stated and questioned if the plans were approved without the chimney it seems like they just wanted the chimney and did it.

Mrs. O'Shea questioned if the original plan that was approved have a fireplace in that location. Mr. Kim stated yes.

Mrs. Rosenberg questioned if they had the original plans. Mr. Kim stated he didn't have it but it is on file in the Building Dept.

Mr. Kilmartin questioned that the original plans showed a plan for the fireplace, but without any projecting chimney. Mr. Kim stated yes. Mr. Kilmartin then questioned so where was the chimney going to be. Mr. Kim stated that you would have to blame the prior architect for not designing it properly.

Mrs. O'Shea questioned if they could bring the fireplace into the room and then the chimney could be brought in as well. Mr. Kim stated that with the intricate framing of the home it would not work.

Mr. Lee questioned Mr. Kim that you being an architect and designs homes so you put in all the details, specifications for the fireplace on the drawing. Mr. Kim stated that it is not mandatory to put on the plans it is up to the architect.

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

No Comments.

Chairman Fehre asked for a motion to close to public. Motion was made by Mrs. O'Shea, seconded by Mrs. Rosenberg and carried unanimously by voice vote.

Chairman Fehre requested a motion to approve the application. Motion was made by Mrs. O'Shea, seconded by Ms. Eastwood. This motion was approved by roll-call vote, 6 Ayes, (Mr. Fehre, Mrs. Rosenberg, Mr. Lee, Mrs. O'Shea, Councilman Park, and Ms. Eastwood), 1 Nay (Mr. Kilmartin), 1 Abstention (Mr. Villari). Mr. Kim and Mr. Porrino recused themselves.

Chairman Fehre asked board members about appointing a Planner on a as need basis depending on each application for their remarks.

Mrs. O'Shea stated that we had discussed appointing a planner for application that come inform of the board with a planner as a witness so that we can have one to look out for what the board wants. It wouldn't be an expense to the board since the applicant would have to pay through escrow funds.

Chairman Fehre is in agreement and feels we need to have someone on so that the board is protected on major applications.

Mr. Kates stated that this will be on a as need basis where the board feels they need this assistants on a application.

Mr. Porrino stated that maybe Mr. Park can go back to the governing body in regards to having a planner on board in regards to the Master Plan to start looking at our zoning to protect certain sections of the town.

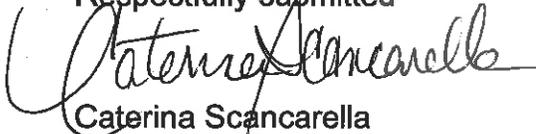
Mr. Porrino has a motion to appoint Masr Consulting as planner on a consulting as need basis for applications in front of the board. Motion was seconded by Mrs. O'Shea. Chairman Fehre asked for a roll call vote. Chairman asked for roll-call vote: Mr. Fehre, Mr. Villari, Mr. Kilmartin, Mrs. Rosenberg, Mr. Kim, Mrs. Mr. Porrino, Mr. Lee, O'Shea, Councilman Park, and Ms. Eastwood to appoint a planner; it was unanimous.

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

No Comments.

Chairman Fehre asked for a motion to close to public portion and adjourn the meeting at 8:25 pm. Motion was made by Mr. Villari, seconded by Mr. Kilmartin and carried unanimously by voice vote.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Caterina Scancarella".

Caterina Scancarella
Planning Board Administrative Secretary

ENGLEWOOD CLIFFS PLANNING BOARD
REGULAR MEETING – April 14, 2016 7:30 PM

143 Charlotte Place, 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, and Northern Valley Press posting of notice on the Borough Hall bulletin board at 482 Hudson Terrace, Englewood Cliffs.

ROLL CALL

FLAG SALUTE LED BY:

APPROVAL OF MINUTES: March 10, March 15, March 29, and March 30, 2016

OLD BUSINESS:

- Application #259K - New Home Construction with Variances
Mr. & Mrs. Pogharian – 8 Second Street – Block 129 – Lot 3
Resolution – Approved

- Application #260K - Minor Subdivision
Senatore III Development, Inc. – 577 Floyd Street – Block 802 – Lot 7
Resolution – Approved

- Application #238K – Major Subdivision
Estate of Josephine Mauro – 361,365,369, Mauro Road – Block 406 – Lots 1,2,3
Resolution – Approved

- Application #264K - Site Plan w/Height Variance – boundary fence in excess of 6' in height
Dwight Englewood School – Saloman Field (Terminus of Egan Place)
Resolution - Approved

NEW BUSINESS:

- Application #265K - Residential Variance, Chimney Side Yard Encroachment
Melissa Ko – 675 Floyd Street – Block 808 – Lot 6

Appointing of Planning Board Planner

COMMUNICATIONS

COMMITTEE REPORTS

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

ADJOURNMENT

ORIGINAL

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION OF :
GLENN POGHARIAN AND ANITA DABAGHIAN : MEMORIALIZATION RESOLUTION
POGHARIAN FOR A DIMENSIONAL VARIANCE : APPLICATION NO. 259K
FOR BLOCK 129, LOT 3, 8 SECOND STREET :

WHEREAS, GLENN POGHARIAN and ANITA DABAGHIAN-POGHARIAN applied on or about December 18, 2015 to the Planning Board of the Borough of Englewood Cliffs for a residential variance to demolish an existing shed with deck above and proposes to construct a new 20ft. x 27.67 ft. three (3) story addition (with a two (2) car garage at the north elevation). Interior alterations are also proposed with the number of bedrooms increasing from two to four of by reconstruction and expanding the existing ½ level. A front yard paver and rear yard raised deck, paver landing and new pavers below the deck are proposed, together with drainage improvements, in the "R-B1 Residential Single-Family" zoning district; and

WHEREAS, a public hearing was conducted on March 10, 2016, upon proper notice certified by applicants' 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; and

WHEREAS, applicant was represented by David E. Maynard, Esq., Strasser & Associates, P.C., 7 East Ridgewood Avenue, Paramus, NJ 07652; and

WHEREAS, interdepartmental communications and advisory reports of municipal departments and agencies were accepted as part of the record, as follows:

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- Certification of Taxes Paid dated November 19, 2015 by Vincent Bruno, Tax Collector, certifying payment of taxes through the 2nd quarter, 2015;
- Denial of Application letter of Paul Renaud, Zoning Officer, dated November 30, 2015, denying the zoning permit application for reasons stated therein; and
- Engineering review letter from the Board's consulting engineer Bernard N. Mirandi, P.E., of Boswell McClave Engineering, 330 Philips Avenue, South Hackensack, NJ 07606, dated January 11, 2016; and

WHEREAS, admitted into evidence were the following exhibits:

Exhibit A-1 – Sheet No. A-1 of Architectural Plans prepared by Wayne T. Johnson, R.A., P.P., Blueline Architectural, L.L.C., 397 Franklin Avenue, 2nd Floor, Wyckoff, NJ 07481, entitled "Location Map w/200 Radius • List of Property Owners • Landscaping Plan • Architectural Site Plan • Zoning Chart • Coverage Calculations", dated December 2, 2015;

Exhibit A-2 – Sheet No. A-2 of Architectural Plans prepared by Wayne T. Johnson, R.A., P.P., entitled "Existing Floor Plans • Existing Elevations • Existing Photographs", dated December 2, 2015;

Exhibit A-3 – Sheet No. A-3 of Architectural Plans prepared by Wayne T. Johnson, R.A., P.P., entitled "Proposed Floor Plans", dated December 2, 2015;

Exhibit A-4 – Sheet No. A-4 of Architectural Plans prepared by Wayne T. Johnson, R.A., P.P., entitled "Proposed Elevations", dated December 2, 2015; and

Exhibit A-5 – Roof Comparison prepared by Blueline Architectural, L.L.C., dated March 10, 2016; and

WHEREAS, admitted into evidence without exhibits references were the following:

- Application, dated December 18, 2015;
- Drainage Calculations prepared by Mark A. Palus, PE, PP, Map Engineering, 170 Kinnelon Road, Suite 36, Kinnelon, NJ 07405, dated December 9, 2015;
- Boundary and Topographic Survey prepared by Stephen P. Eid, P.E. & L.S., Eid & Lapatka, LLC, 795 Susquehanna Avenue, Franklin Lakes, NJ 07417, dated September 30, 2015; and
- Sheet 12 of the Borough Tax Map identifying the subject property as Lot 3 in Block 129; and

WHEREAS, testimony in support of the application was given by applicant, Anita Pogharlan; Wayne T. Johnson, R.A., P.P.; and the Board's consulting engineer Andrew R. Hipolit, P.E., P.P., C.M.E., Maser Consulting PA, 400 Valley Road, Suite 304, Mount Arlington, NJ 07856, who questioned the witnesses on behalf of the Board and gave testimony; and the following members of the public commented in support of the application: Michael Marinuzzi, 2 Second Street; Edward Timpone, 24 Irving Avenue; Lal Bachani, 6 Second Street; Arthur Danzo, 13 Second Street; Jacques Dabaghian, 10 Second Street; and Shah Punkajumar, 3 Second Street; 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. Block 129, Lot 3 ("the subject property") is an irregularly shaped interior lot located on the easterly side of Second Street, approximately 280' south of Irving Avenue and two (2) lots north of the Fort Lee municipal boundary. The property is located in the R-B1 Single-Family Residential Zoning District. Single-family dwellings are a permitted use in this zoning district.

2. Applicant proposes to demolish an existing house, leaving only the foundation and the front walls, and reconstruct a new home and rear yard addition, 20 feet long by 27.67 feet wide, a three (3) story addition, with a two-car garage at the north elevation replacing a one-car garage. Interior alterations will increase the number of bedrooms from two to four. A front yard paver walkway and rear yard raised deck, paver landing and new pavers below the deck are proposed. Also proposed are drainage improvements.

3. The subject home and property have been in applicants' ownership and possession for thirty-six years. The home was constructed in 1948 on a lot that is undersized under current zoning - 4,679 sq ft in a zone requiring a minimum 5,000 sq. ft. It is 48 feet wide and 96± deep (irregular). The existing home is correspondingly modest in size and deficient in modern-day accommodations, with two bedrooms and a single car garage and with a rear storage shed 8 feet by 9 feet offering some compensating space. Applicant's testimony was that the one-car garage was used for storage and not to keep an automobile under cover. It illustrates the lack

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of sufficient storage in the house itself. The shed will be removed in the expansion, as will the rear yard deck above it, in favor of a new deck.

4. Variances ("V") and existing nonconformities ("E") include:

- Lot Area: Minimum 5,000 sf required, 4,649 sf proposed (E);
- Lot Width: Minimum 50 ft required, 48 ft proposed (E);
- Front Yard Setback: Minimum 20 ft required, 11.2 ft proposed (E) (V);
- Side Yard Setback (One): Minimum 5 ft required, 3.2 ft proposed (E) (V);
- Percent Lot Coverage: Maximum 35% allowed, 42.01% proposed (V);
- Impervious Coverage: Maximum 51% allowed, 76.9% (E), 74.58% proposed (V); and
- Number of Stories: Maximum 2½ stories allowed, 3 stories proposed (V);
- Maximum Horizontal Surface Forming the Porch, Deck or Raised Platform: As per Code §30-7.9.c(4.), the horizontal surface of the roof shall not exceed 9 ft above grade. The horizontal surface is greater than 9 ft above grade according to Sheet No. A-4 (V); and
- Roof Overhang Extension: As per Code §30-6.3), extensions ten (10) feet or more above grade shall not exceed two (2) feet into yard setbacks. The proposed extension of the roof overhand into the front yard exceeds two (2) feet. (V)

5. Significantly, the development plan reduces existing impervious coverage by 2.32%. Further, applicants agreed to replace the entire driveway with pervious pavers and place pervious pavers in all other new and exposed solid surfaces, such as under the new rear yard deck. The installation of a drywell where none exists is, in the words of Borough Engineer Hippolit "a help to the site".

6. The Board concluded that the foregoing improvements justified a variance pursuant to N.J.S.A. 40:55D-70c(a) (the exceptional narrowness and shape of the property) and N.J.S.A. 40:55D-70c(c) (the exceptional situation affecting the deficiencies of the existing structure.

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7. As to the negative criteria, there are no detriments, and certainly no "substantial" detriments as mandated by the statute. The street is imprinted with the existing home on the undersized lot. The reconstruction offers an aesthetic improvement, consistent with abutting homes. One negative has been removed by the relocation of the air conditioning units to the deck stair area.

8. All other variances relate to preexisting conditions or are deemed to be more beneficial than detrimental, such as the front porch overhang and a flat portion of the roof, both of which enhance the aesthetics of the new home.

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. Applicants will comply with all of the recommendations set forth in Mr. Mirandi's review letter of January 11, 2016, including the submission of a final as-built survey prior to the issuance of a certificate of occupancy - with the exception of requiring review by the Environmental Commission or Shade Tree Committee.

B. Applicants shall amend their submitted drawings to annotate the revisions and conditions herein set forth.

C. All new and exposed solid surfaces, such as under the new rear yard deck, shall be capped with pervious pavers; but excluding any sidewalk replacement.

D. The entire driveway shall be replaced with pervious pavers.

E. The proposed new air conditioning condensers shall be relocated to the deck stair area to minimize the noise factor.

F. In coordination with the Borough, applicants will replace deteriorated curbing at the fronting street, Second Street.

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GENERAL CONDITIONS

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

H. The action of the Planning Board in approving this application shall not relieve the applicants 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: MR. PORRINO

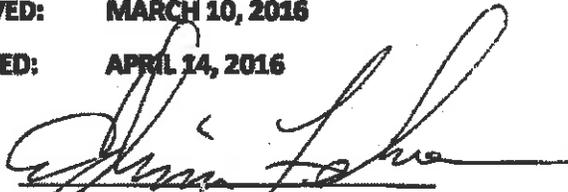
SECONDED BY: MR. KIM

IN FAVOR: MR. PORRINO, MR. KIM, MR. TROVATO, MR. KILMARTIN, MR. VILLARI, MS. O'SHEA, MS. EASTWOOD, COUNCILMAN PARK and MR. FEHRE

OPPOSED: NONE

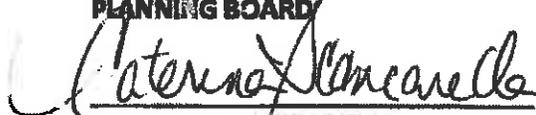
DATE APPLICATION APPROVED: MARCH 10, 2016

DATE RESOLUTION APPROVED: APRIL 14, 2016



**EDWIN FEHRE, CHAIRMAN
PLANNING BOARD**

Attest:



**CATERINA SCANCARELLA
PLANNING BOARD SECRETARY**

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ORIGINAL

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION OF :
SENATORE III DEVELOPMENT, INC., FOR : MEMORIALIZATION RESOLUTION
CLASSIFICATION OF A PROPOSED SUBDIVISION : APPLICATION NO. 280K
OF LOT 7 IN BLOCK 802, 577 FLOYD STREET :

WHEREAS, SENATORE III DEVELOPMENT, INC., with offices at 36 Rock Road, Englewood Cliffs, NJ 07632 applied on or about January 8, 2016 to the Planning Board of the Borough of Englewood Cliffs to obtain classification as a minor subdivision of Lot 7 in Block 802, Lot 7 into two conforming homesites without variances, in the "R-A Single-Family" zoning district; and

WHEREAS, a public hearing was conducted on March 15, 2016, upon proper notice certified by applicants' 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 Mark J. Sokolich, Esq., c/o Law Office of Mark J. Sokolich, 1223 Anderson Avenue, Fort Lee, NJ 07024; and

WHEREAS, the only interdepartmental communication and advisory report of municipal departments and agencies was engineering review letter from the Board's consulting engineer Bernard N. Mirandi, P.E., of Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, NJ 07606, dated February 5, 2016; and

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WHEREAS, admitted into evidence as Exhibit A-1 was "Minor Subdivision Plat" prepared by Mark S. Martins, P.E., Mark Martins Engineering, LLC, 55 Walnut Street, Norwood, NJ 07648, dated December 22, 2015:

WHEREAS, admitted into evidence without exhibits reference was the Application package, dated January 8, 2016;

WHEREAS, testimony in support of the application was given by Mark S. Martins, P.E.; and no member of the public questioned the witness or commented on the application; 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, the contract purchaser of the subject property, is proposing to subdivide existing Lot 7 into two (2) conforming lots and to subsequently construct upon each lot a conforming single-family residence. At this time Applicant is not requesting any variance relief. The lot to the south is proposed to be known as Lot 7.01 and the lot to the north is proposed to be known as Lot 7.02. The proposed subdivision line results in the following lot areas:

- Lot 7.01: 26,797± sf, where a minimum of 10,000 sf is required by code; and
- Lot 7.02: 26,202± sf, where a minimum of 10,000 sf is required by code.

2. Existing improvements, consisting of a single-family home dwelling, in-ground pool and other related improvements will be demolished.

3. Code Section 15-4 defines "minor subdivision" to mean "any subdivision containing not more than two lots fronting on an existing minor street . . . and not in conflict with any provision or portion of the master plan, official map, zoning ordinance or this chapter". There are no environmental constraints; nor is Floyd Street a County road.

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4. Code Section 15-5.1 sets forth an initial procedure for classification of a subdivision as "major" or "minor". In subsection b, the Code delegates that task to a "subdivision committee". The Subdivision Committee was not unanimous in classifying the subject subdivision as a "minor" one, not based upon the definitional criteria of Section 15-4 but in the belief that a public hearing was justified. Otherwise, classified as a "minor subdivision", there is no requirement of a public hearing, or public notice. Applicant's counsel, Mr. Sokolich did not object to proceeding on public notice and public hearing.

5. The Board concludes that the subdivision is a "minor subdivision", and it shall be classified as such. Nothing herein contained shall be deemed to grant necessary variance relief to any home to be constructed on the new lots. When, as and if proposed homes require variances, this Planning Board will be subsequently engaged in the review process and by public notice pursuant to the Municipal Land Use Law.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Englewood

Cliffs that the minor subdivision be approved, subject to the following conditions:

CONDITIONS SPECIFIC TO THE APPLICATION

A. The Tax Assessor of the Borough of Englewood Cliffs is to be consulted by the applicant as to the numbering of new lots.

B. If the plat is to be filed with the County of Bergen it must meet the requirements of the New Title Recordation Law, with respect to minor subdivisions. If this is not the intent, then deeds containing metes and bounds descriptions need to be provided to the Board's consulting engineer for review prior to execution and filing of the deeds.

C. The New Jersey County and Regional Planning Enabling Act (40:27-6.2) provides for County review of ALL subdivisions of land within the County as does the Bergen County Subdivision Review Resolution (Section II.A.1); notwithstanding the facts that the proposed subdivision may not affect county roads or drainage facilities and/or be classified a "major subdivision".

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GENERAL CONDITIONS

D. All representations made by applicant or its agents shall be deemed conditions of this approval and any misrepresentations by applicants 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 applicants 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

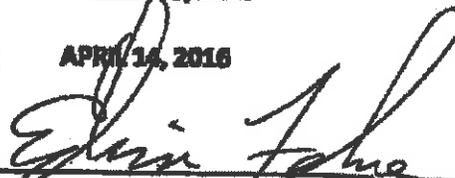
SECONDED BY: MR. CHINMAN

IN FAVOR: MR. FEHRE, MS. ROSENBERG, MR. VILLARI, MR. TROVATO, MR. KILMARTIN, MR. CHINMAN, MS. O'SHEA, COUNCILMAN PARK and MS. EASTWOOD

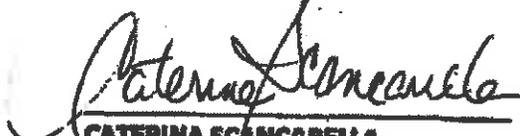
OPPOSED: NONE

DATE APPLICATION APPROVED: MARCH 15, 2016

DATE RESOLUTION APPROVED: APRIL 14, 2016


EDWIN FEHRE, CHAIRMAN
PLANNING BOARD

Attest:


CATERINA SCANCARELLA
PLANNING BOARD SECRETARY

KATES NUBEMAN RAPONE
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ORIGINAL

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION OF DWIGHT :
DWIGHT-ENGLEWOOD SCHOOL, FOR SITE PLAN : MEMORIALIZATION RESOLUTION
APPROVAL WITH A HEIGHT VARIANCE RELATING TO : APPLICATION NO. 264K
BLOCK 702, LOT 21, SOLOMON FIELD AT TERMINUS :
OF EGAN PLACE :

WHEREAS, DWIGHT-ENGLEWOOD SCHOOL (hereafter "D-E School"), a coeducational, independent school of approximately 900 students, from preschool through Grade 12, with its principal business offices at 315 E. Pallsade Avenue, Englewood, NJ 07631, applied on or about March 2, 2016 to the Planning Board of the Borough of Englewood Cliffs for site plan approval and an accessory variance to install a fence ten (10) feet in height with an additional twenty (20) feet of retractable netting, in the "RA" zoning district; and

WHEREAS, a public hearing was conducted on March 30, 2016, 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 its Head of Grounds, George Van Haasteren; and

WHEREAS, the only interdepartmental communication was a Denial of Application letter of Paul Renaud, Zoning Officer, dated March 9, 2016; and

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

- Application, dated March 2, 2016 with attachments;

- Zoning Permit Application dated March 2, 2016 with attachments, prepared by **Melissa Rotola**, Bergen Fence, 279 Bergen Turnpike, Ridgefield Park, NJ 07660; and
- Notice of Hearing on Application for Development prepared by **Bruce Devlin**, Director of Facilities received March 16, 2016; and

WHEREAS, testimony in support of the application was given on behalf of applicant by **George Van Haasteren**, Head of Grounds, D-E School; and **Remo Blagioni** of 240 Fairview Avenue, Englewood Cliffs, questioned the witness; 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. This application is D-E School's response to complaints by abutting homeowners on Chestnut Street and Maple Street in Englewood Cliffs that Solomon Field, a baseball field, required fencing to contain errant baseballs which were disturbing their use and enjoyment. The baseball diamond is on the south east corner of Solomon Field, with the pitching mound facing that south east corner. Consequently, foul balls are sprayed in the yards of neighbors on Chest Street and Maple Street.

2. The proposed solution is a retractable net of 20 feet, achieving total fencing of 30 feet. When the netting is retracted into the fence, the stationary and permanent fencing is 10 feet. It will be clad in black vinyl.

3. There is an existing fence of eight (8) feet that will be replaced, which is a preexisting violation of the zoning ordinance requiring a maximum of six (6) feet. Code § 30-7.4 states:

30-7.4 Walls, Steps and Fences.

The requirements of this chapter respecting yards and courts shall not apply to any accessory retaining walls, steps or fences which are less than six (6) feet in height. Fences shall not exceed six (6) feet in height. The type of fence shall be determined by the Planning Board in conjunction with site plan approval. (Ord. #9306, A VII)

4. The Board takes judicial notice of Code § 23-6.c which provides that a tennis court shall be enclosed by a fence erected to a height of ten (10 feet). The subject fence serves a similar recreational purpose and is more analogous to a tennis court fence than the Code § 30-7.4, which is meant to control the height of fencing on residential properties.

5. As a protective measure, the additional height cannot be said to negatively impact surrounding homes or be a substantial detriment to the zone plan or zoning ordinance.

6. The height variance does not relate to the height of a "principal structure", as set forth in N.J.S.A. 40:55D-70d(6) and therefore this statutory section does not apply.

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:

A. All representations made by applicant or its agents shall be deemed conditions of this approval and any misrepresentations by applicants 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 the applicants 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: MR. TROVATO

SECONDED BY: MS. EASTWOOD

IN FAVOR: MR. TROVATO, MS. EASTWOOD, MR. VILLARI, MR. CHINMAN, MR. KILMARTIN, MS. O'SHEA, MR. FEHRE, MR. KIM and COUNCILMAN PARK

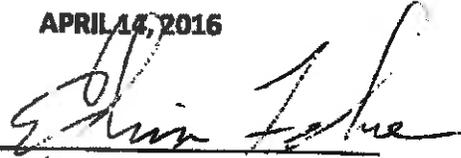
OPPOSED: NONE

**RECUSED: MS. ROSENBERG
MR. PORRINO**

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07601-7407

DATE APPLICATION APPROVED: MARCH 30, 2016

DATE RESOLUTION APPROVED: APRIL 14, 2016



**EDWIN FEHRE, CHAIRMAN
PLANNING BOARD**

Attest:



**CATERINA SCANCARELLA
PLANNING BOARD SECRETARY**

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