

Special Public Meeting of the Englewood Cliffs Planning Board
Minutes
February 24, 2016

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

Present at Roll Call:

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

Absent:

Mr. Fehre
Mr. Duffy – 2nd Alternate
Mayor Kranjac

Also Present:

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, and posting of notice on the borough hall bulletin board at 482 Hudson Terrace.

Flag Salute led by Mr. Kilmartin

Old Business:

New Business:

Public Hearing – Master Plan Amendment:

Amendment of Land Use Plan Element to reconsider zoning treatment the 27.03 acre tract known as 111 Sylvan Avenue – Block 207 Lot 6, in light of Appellate Division in October 2015 (Jacoby v Englewood Cliffs Board of Adjustment) and June 2015 and the property owner's negotiated settlement with interested parties as to the future development of the tract.

Presentation by Paul A. Phillips, P.O., Phillips Preiss Grygiel, LLC

See attached amendment document.

Transcripts of meeting attached.

Respectfully submitted



Caterina Scancarella
Planning Board Administrative Secretary

ENGLEWOOD CLIFFS PLANNING BOARD

SPECIAL MEETING – FEBRUARY 24, 2016 7:30 PM

10 Kahn Terrace, Englewood Cliffs, NJ

CALL TO ORDER

"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 posting of notice on the municipal building bulletin board at 482 Hudson Terrace, Englewood Cliffs.

ROLL CALL

FLAG SALUTE:

APPROVAL OF MINUTES: January 27, 2016

OLD BUSINESS: None

NEW BUSINESS:

Public Hearing - Master Plan Amendment:

Amendment of Land Use Plan Element to reconsider zoning treatment the 27.03 acre tract known as 111 Sylvan Avenue – Block 207 Lot 6, in light of Appellate Division in October 2015 (Jacoby v Englewood Cliffs Board of Adjustment) and June 2015 and the property owner's negotiated settlement with interested parties as to the future development of the tract.

Presentation by Paul A. Phillips, P.P., Phillips Preiss Grygiel, LLC

PUBLIC COMMENTS

PLANNING BOARD ACTION

COMMITTEE REPORTS: None

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

ADJOURNMENT

ANNOUNCEMENT OF COMPLIANCE

PUBLIC NOTICE OF THIS MEETING HAS BEEN GIVEN PURSUANT TO N.J.S.A. 40:55D-13 BY PUBLICATION IN THE RECORD ON FEBRUARY 13, 2016, POSTING WITH THE BOROUGH CLERK AND POSTING ON THE BOROUGH'S WEBSITE. ADDITIONALLY, 10-DAY NOTICES WERE GIVEN TO THE MUNICIPAL CLERKS OF THE CITY OF ENGLEWOOD, BOROUGH OF FORT LEE, AND BOROUGH OF TENAFLY, AND TO THE BERGEN COUNTY PLANNING BOARD, THE COUNTY ALSO RECEIVING THE PROPOSED AMENDMENT TO THE LAND USE PLAN ELEMENT OF THE MASTER PLAN FOR BLOCK 207, LOT 6, DATED DECEMBER 2015. THE DRAFT HAS ALSO BEEN POSTED ON THE BOROUGH'S WEBSITE.

DRAFT

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



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

PA. Phillips

Paul A. Phillips
New Jersey Professional Planner License #3046

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

PREPARED FOR

THE BOROUGH OF ENGLEWOOD CLIFFS PLANNING BOARD

BY

PHILLIPS PREISS GRYGIEL LLC

PLANNING & REAL ESTATE CONSULTANTS

FEBRUARY 2016

I. Introduction

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

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

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

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

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

II. Description of Subject Property

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

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

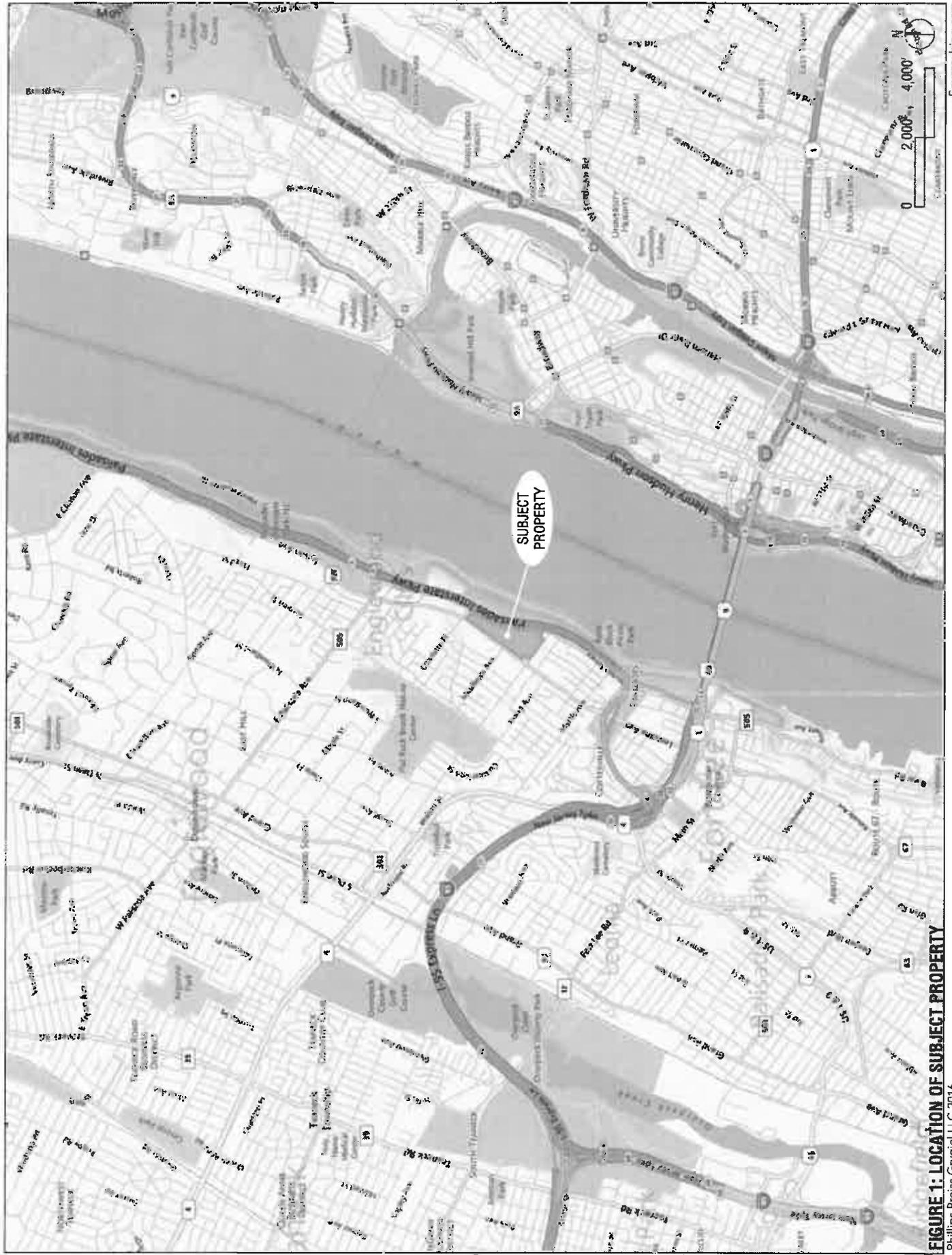


FIGURE 1: LOCATION OF SUBJECT PROPERTY

Phillips Preiss Gygiel LLC 2016

Source: bing.com



FIGURE 2: AERIAL PHOTOGRAPH OF THE SUBJECT PROPERTY

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

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

1) Description of “B” Zones along Sylvan Avenue

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

2) B-2 Zone Regulations

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

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

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

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

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

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

3) B-2A Overlay

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

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

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

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

4) Height Limit

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

B. Master Plan Designation and Relevant Land Use Policies

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

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

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

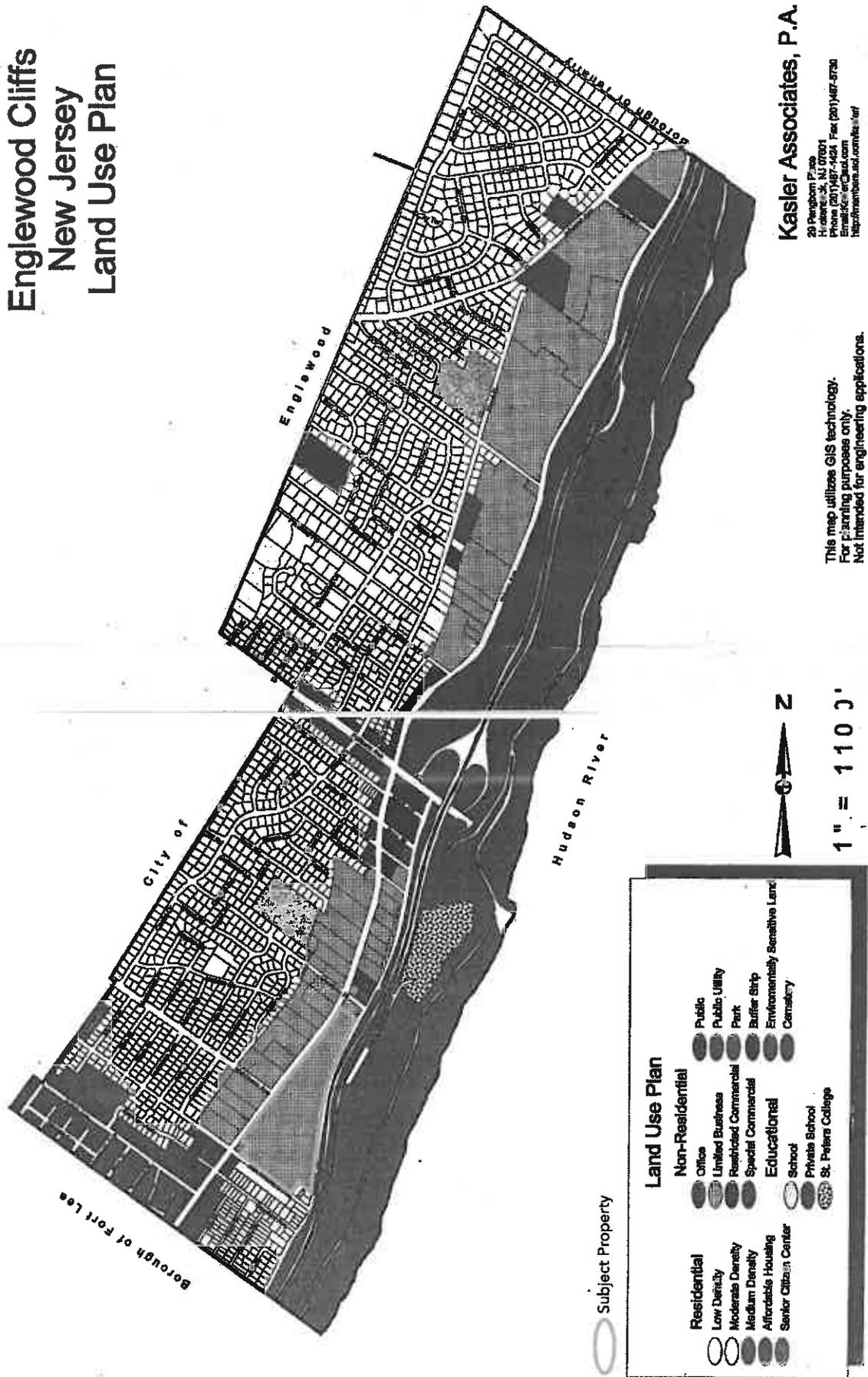
It is recommended that the current B-2 zoning district be separated into two distinctive zones, as the northern section of the district has dissimilar characteristics than that of the remainder of the zone. Furthermore, the current zone regulations fail to support the large-scale corporate office presence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

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

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

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

Englewood Cliffs New Jersey Land Use Plan



Kasler Associates, P.A.
 20 Persimmon Pk. #200
 H. Clark, NJ 07801
 Phone (201)487-4424 Fax (201)487-8720
 Email: k@kasler.com
 http://members.aol.com/kasler

This map utilizes GIS technology.
 For planning purposes only.
 Not intended for engineering applications.

Land Use Plan

Residential	Public
Low Density	Public Utility
Moderate Density	Park
Medium Density	Buffer Strip
Affordable Housing	Environmentally Sensitive Land
Senior Citizen Center	Cemetery
Non-Residential	School
Office	Private School
Limited Business	St. Peters College
Restricted Commercial	
Special Commercial	
Educational	

N

 1" = 110'

FIGURE 4: MASTER PLAN LAND USE DESIGNATION OF THE SUBJECT PROPERTY
 Phillips Preis Grygiel LLC 2016

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

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

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

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

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

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

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

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

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

Englewood Cliffs New Jersey Land Use Plan

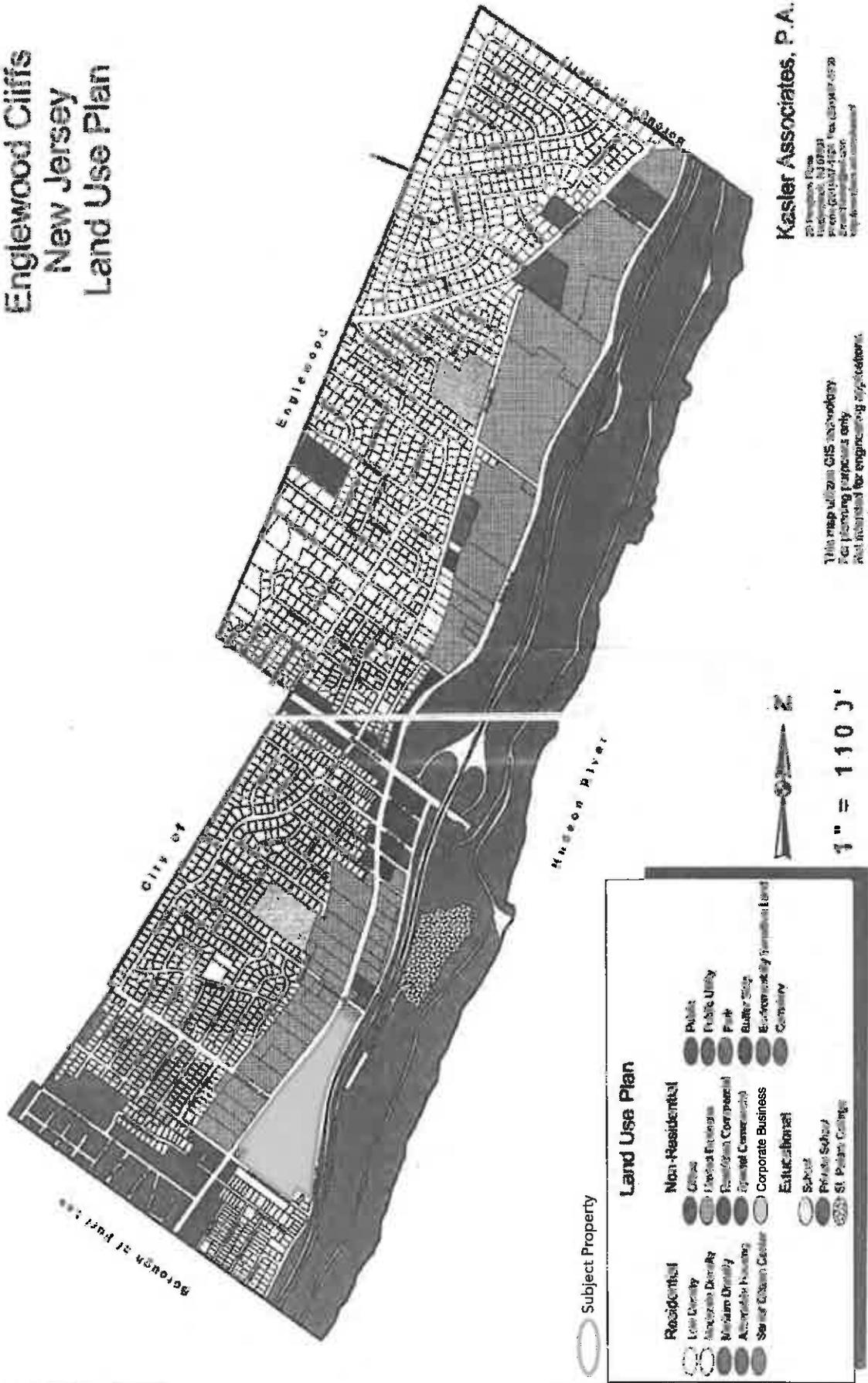


FIGURE 5: RECOMMENDED MASTER PLAN CLASSIFICATION FOR THE SUBJECT PROPERTY

Phillips Preis Grygiel LLC, 2016

Source: Borough of Englewood Cliffs Comprehensive Master Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relationship to State Development and Redevelopment Plan (SDRP)

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

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

Relationship to Adjoining Municipalities

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

Relationship to Bergen County Master Plan

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

Relationship to District Solid Waste Management Plan

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

VI. Summary

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

CREC: Testimony Supporting a Master Plan Amendment

My name is Roberta Paula Books. I live at 6 Demarest Court in Englewood Cliffs, where I have resided for over 30 years. I am reading into the official record this statement, **written by Carin Geiger** on behalf of Concerned Residents of Englewood Cliffs, of which I am a steering committee member.

My name is Carin Geiger. I live at 270 Alfred Street in Englewood Cliffs, where I have resided for over 35 years. I am speaking on behalf of Concerned Residents of Englewood Cliffs, a grass roots organization of Englewood Cliffs residents who are concerned about the issues that affect our quality of life, and are against any development in our community that would adversely affect the Palisades viewshed, a National natural and historic landmark. We urge you to adopt the proposed Master Plan Amendment for Block 207, Lot 6, and to eliminate the B-2 Overlay Zone.

The southern part of our community, the part of the community in which I reside, has long been considered a stepchild. Instead of the large scale, beautifully landscaped lots in the northern part of Englewood Cliffs which is home to Unilever and to CNBC, in the southern part of town, the B2 zone, has bright lights, visually abrasive signage, limited and ill maintained buffers, abandoned buildings, and a profusion of one acre lots lining Sylvan Avenue. Only one large lot has survived this cookie cutter landscape: Block 207, Lot 6, also known as 111 Sylvan Avenue, the subject of this hearing.

This site stands apart from all the other properties south of Palisades Avenue in the B2 District. Any resident in our community can easily testify that this site is different. First and foremost, it is significantly larger than any other site south of Palisades Avenue. Virtually all the other sites are 1-2 acres. This site is 27 acres. It has significant wetlands. Entrance and egress is on two highly trafficked roads ... 9W and Hudson Terrace. It has much in common with the corporate headquarters in the northern part of our community. Yet, unlike its sister

properties in the northern part of town which have much of their rear yard frontage overlooking residences, this site is bordered to the east and west by non-residential areas. It only borders residential property on its southern tip.

Developed in 1953 as the corporate headquarters of Prentice-Hall, it has always been home to a single entity. It should remain that way. Concerned Residents of Englewood Cliffs does not want this site to be subdivided, nor grouped for zoning purposes, with other sites with which it has little in common. Our infrastructure and the services that we enjoy in our community would be strained if it were subdivided or otherwise overpopulated. The visual open space that this large site provides must be preserved and protected.

It is essential that our Master Plan, as this amendment proposes, should establish significant limitations on impervious coverage to maintain a park-like setting on this property. Significant setback requirements and a large buffer, which will mitigate impact on residential property to its south, are essential. The permitted FAR (floor area ratios) must similarly be constrained. It is time for the southern part of Englewood Cliffs to enjoy the prestige and the landscaped beauty that only a corporate headquarters can provide. We want, for this part of town, what has been standard development for sites of similar size to our north.

But what about the new proposed maximum building height? As many of you know, I have been outspoken against any development in our community, and in particular on this site, which does not consider the Palisades viewshed. I have testified in Trenton on the need for protective legislation and have worked with many conservation groups to understand and ultimately promote the preservation of the Palisades. Any development that can mar a national natural and historic landmark will not be supported by our residents' group. The Appellate Court of New Jersey affirmed that the impact on the Palisades must be considered in any future development.

Although Concerned Residents of Englewood Cliffs has supported restoration of our zoning to limit building height town-wide to 35 feet, we have repeatedly stated that a different maximum height would have to be established for this unique site. The low rise buildings that populated the site in the past were

surrounded by acres of concrete to accommodate the necessary parking. Drainage and water run-off threatened the surrounding area, because so much of the land was hardscaped. To avoid these problems, and to pave the way for modern corporate development that we desire on the site, Concerned Residents of Englewood Cliffs supports a parking garage and increased building height on this site as long as the height and bulk of these buildings does not adversely affect the Palisades viewshed.

The question then becomes: how do we know that development on this unique site will be protective? What height and bulk can exist on this unique site where the Palisades will not be compromised? At this point I would refer you to the guidelines established in the Settlement Agreement which have been incorporated by the planner in the Master Plan Amendment. This Agreement, signed by the major conservation groups in the tri-state area and by LG USA, the current owner of the site, establishes a height that is protective of the Palisades for this site only, another reason why the Master Plan Amendment must apply to this unique site only and cannot be viewed as precedent setting. Many important activists in the conservation community, including The New Jersey Conservation Foundation, the New York - New Jersey Trailways Conference, the New Jersey Women's Clubs, Scenic Hudson and the Natural Resources Development Council, have each agreed that if maximum building height is limited to 70 feet on this site, and impermeable lot coverage is similarly limited, and lighting and signage are controlled, the Palisades viewshed will be sufficiently preserved. I see no reason to second-guess their judgment. In addition, the Settlement Agreement was applauded by Mayors Joe Parisi and Mario Kranjac, by members of our Council from both parties, by the Mayors of Tenafly, Alpine and Englewood, by our Bergen County Executive and by the Governor's representative to the Palisades Interstate Parkway Commission. All our major regional newspapers, including the New York Times, the New York Daily News, the Newark Star Ledger and our own Bergen Record, heralded the historic settlement and all that it implied.

It is with this background and knowledge that we urge you to adopt the Amendment to the Land Use Element of the Borough of Englewood Cliffs for Block 207, Lot 6. It is time for our Master Plan to reflect the desire of the

community for a corporate headquarters on this site and to embrace the necessary changes. **As a cautionary note, it is imperative that we all recognize that the Master Plan Amendment is for a unique property only and should never be viewed as a new acceptable standard for any other property in our community.** The proposed Master Plan Amendment that you have before you today, in the opinion of Concerned Residents of Englewood Cliffs, should be approved by the Planning Board, and the B-2 Overlay zone repealed, because this amendment sets this site apart from all others in Englewood Cliffs, and, in doing so, addresses the concerns of the Court, the conservation community with which I have worked over the past years, and most importantly, the concerns of our residents.

ENGLEWOOD CLIFFS PLANNING BOARD
SPECIAL MEETING

----- X

IN RE: MASTER PLAN AMENDMENT:

Amendment of Land Use Plan Element to
reconsider zoning treatment of the
27.03 acre tract known as 111 Sylvan
Avenue - Block 207, Lot 6, in light of
Appellate Division in October 2015
(Jacoby v. Englewood Cliffs Board of
Adjustment) and June 2015 and the
property owner's negotiated settlement
with interested parties of the future
development of the tract.

----- X

February 24, 2016
7:30 p.m.

SPECIAL MEETING, in the
above-captioned matter, held at the
Englewood Cliffs Planning Board, 20 Kahn
Terrace, Englewood Cliffs, New Jersey,
before Cynthia Zoller, R.P.R., a Notary
Public within and for the State of
New Jersey.

Job Number: NJ 2239117

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1
2 BOARD ATTORNEY: Michael B. Kates, Esq.
3
4 VICE CHAIRMAN: Aurel Villari
5 BOARD SECRETARY: Cathy Scancarella
6 BOARD MEMBERS:
7 Mary O'Shea
8 Kiky Kim
9 Jill Rosenberg (Recused)
10 Roy Kilmartin
11 Matthew Trovato
12 Jeff Chinman
13 J.P. Lee
14 Russell Porrino (Recused)
15 Lauren Eastwood, Mayor's Representative
16 Councilman Mark M. Park
17
18 Presenter of Master Plan Amendment:
19 Paul A. Phillips, AICP, PP
20 Phillips Preiss Grygiel, LLC
21 Planning & Real Estate Consultants
22 33-41 Newark Street
23 Third Floor, Suite D
24 Hoboken, New Jersey 07030
25

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1 CHAIRMAN VILLARI: Good
2 evening, ladies and gentlemen.
3 This Special Meeting of the
4 Englewood Cliffs Planning Board is
5 hereby called to order this 24th
6 day of February, 2016 at 7:30 p.m.
7 Madam Secretary, have you
8 advertised this Special Meeting of
9 the Englewood Cliffs Planning Board
10 in accordance with the Open Public
11 Meeting Dec?
12 MS. SCANCARELLA: Yes.
13 Public Notice of Meeting has been
14 given pursuant to NJSA40:55D-13 by
15 publication in the Record on
16 February 13th, 2016; posting with
17 the Borough Clerk and posting on
18 the Borough's website.
19 Additionally, ten days notice were
20 given to the Municipal Clerks of
21 the City of Englewood, Borough of
22 Fort Lee and Borough of Tenafly and
23 to the Bergen County Planning
24 Board, the County also receiving
25 the proposed amendment to the Land

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1 Use Plan Element of the Master Plan
2 for Block 207, Lot 6, dated
3 December 2015. The draft has also
4 been posted on the Borough's
5 website.
6 CHAIRMAN VILLARI: Thank
7 you, very much. Madam Secretary,
8 will you please call the roll.
9 MS. SCANCARELLA: Mr.
10 Trovato?
11 MR. TROVATO: Here.
12 MS. SCANCARELLA: Mr.
13 Kilmartin?
14 MR. KILMARTIN: Here.
15 MS. SCANCARELLA: Ms.
16 Rosenberg?
17 MS. ROSENBERG: Here.
18 MS. SCANCARELLA: Mr.
19 Chinman?
20 MR. CHINMAN: Here.
21 MS. SCANCARELLA: Mr. Fair
22 is absent.
23 Mr. Kiky Kim?
24 MR. KIKY KIM: Here.
25 MS. SCANCARELLA: Mr.

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1 Steven Duffy is absent.
2 Mr. Porrino?
3 MR. PORRINO: Here.
4 MS. SCANCARELLA: Mr. J.P.
5 Lee?
6 MR. J.P. LEE: Here.
7 MS. SCANCARELLA: Ms. Mary
8 O'Shea?
9 MRS. O'SHEA: Here.
10 MS. SCANCARELLA: Mayor
11 Kranjac is absent.
12 Councilman Park?
13 COUNCILMAN PARK: Here.
14 MS. SCANCARELLA: And
15 Lauren Eastwood?
16 MS. EASTWOOD: Here.
17 MS. SCANCARELLA: Thank
18 you.
19 CHAIRMAN VILLARI: Thank
20 you, very much.
21 Mr. Kilmartin, will you
22 please lead the Pledge of
23 Allegiance to the flag.
24 (Pledge of Allegiance.)
25 CHAIRMAN VILLARI: Tonight,

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1 ladies and gentlemen, we have no
2 approval of minutes, they have not
3 yet been prepared.
4 Also, this evening,
5 there's no old business before the
6 Planning Board and the only
7 business under consideration
8 tonight is a public hearing on the
9 Master Plan Amendment, more
10 particularly, the Amendment of Land
11 Use Plan Element to reconsider
12 zoning treatment the 27.03 acre
13 tract known as 111 Sylvan Avenue,
14 Block 207, Lot 6 in light of the
15 Appellate Division in October 2015,
16 the decision in (Jacoby versus
17 Englewood Cliffs Board of
18 Adjustment) and June 2015 and the
19 property owner's negotiated
20 settlement with interested parties
21 as to the future development of the
22 tract.
23 Tonight there will be a
24 presentation by Mr. Paul A.
25 Phillips of Phillips, Preiss

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1 Grygiel, LLC. Mr. Phillips.
2 MR. PHILLIPS: Thank you.
3 MR. PORRINO: Mr. Chairman,
4 if I may?
5 CHAIRMAN VILLARI: Yes. I
6 recognize Mr. Porrino.
7 MR. PORRINO: I'll be
8 recusing myself from this hearing,
9 as I own property within 200 feet
10 of the subject being discussed
11 tonight. Just let the record
12 reflect, I'm recusing and sitting a
13 member of the public only.
14 CHAIRMAN VILLARI: Thank
15 you, very much. The record will so
16 reflect your recuse.
17 MR. KATES: Mr. Phillips,
18 I'm going to ask that you be sworn
19 as soon as you get settled.
20 Do you swear the
21 temperature you are about to give
22 this Board shall be the truth, so
23 help you, God?
24 MR. PHILLIPS: I do.
25 MR. KATES: Would you

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1 identify yourself for our record,
2 please.
3 MR. PHILLIPS: Yes. My
4 name is Paul Phillips,
5 P-H-I-L-L-I-P-S, and I'm a
6 principal in the firm of Phillips
7 Preiss Grygiel.
8 MR. KATES: Mr. Phillips,
9 if you could angle that easel so
10 that both the board and the public
11 can see it, perhaps, to the left of
12 the water cooler. Sorry to
13 stage-manage the performance.
14 MS. SCANCARELLA: Excuse
15 me, Michael, you have a question.
16 MS. ROSENBERG: For the
17 record, I am recusing myself.
18 CHAIRMAN VILLARI: Please
19 identify yourself.
20 MS. ROSENBERG: Jill
21 Rosenberg, member of the board.
22 MR. KATES: Jill, you want
23 to state your reason?
24 MS. ROSENBERG: My law
25 firm has represented LG in the

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1 past.
2 CHAIRMAN VILLARI: Thank
3 you, very much.
4 MR. KATES: I think I'll
5 ask you to step down, even though,
6 this is a legislative proceeding.
7 Does any member of the
8 audience want to come up here?
9 MRS. O'SHEA: J.P. Lee.
10 MR. KATES: For the members
11 of the public, Mr. Phillips is
12 serving as a consultant to the
13 planning board. He himself is well
14 experienced in municipal law and
15 planning, as is his firm and we've
16 asked him to begin tonight with a
17 presentation to inform the public
18 as to what this is all about and I
19 turn it over to Mr. Phillips.
20 MR. PHILLIPS: Thank you
21 and good evening to the members of
22 the board, as well as the public.
23 As stated, what's before
24 you this evening is a Draft
25 Amendment to the Land Use Element

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1 of the Borough Master Plan and that
 2 amendment supports the new land use
 3 and zoning classification for Block
 4 207, Lot 6 and let me go through a
 5 brief history regarding the
 6 property. I know you are all
 7 familiar with it, but for your
 8 benefit and also the public that
 9 may not be familiar with the
 10 history and I'm only going to go
 11 back to 2012, but in 2012, the
 12 Englewood Cliffs Zoning Board of
 13 Adjustment granted a D6 height
 14 variance and site plan approval to
 15 LG Electronics for developing an up
 16 to eight-story office facility
 17 located on the property. Several
 18 parties instituted a legal
 19 challenge to that approval. The
 20 approval was upheld by the Superior
 21 Court, Bergen County in 2013, but
 22 it was two years later, overturned
 23 by the Appellate Division and in
 24 fact, it was October of 2015.
 25 Also for your edification,

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1 district, basically, went back to
 2 the allowable building height of 35
 3 feet which existed and still exists
 4 today in the B2 District.
 5 Lastly, and I think this
 6 is of particular note, there was a
 7 case settlement agreement that was
 8 dated June of 2015, between Scenic
 9 Hudson and other parties to the
 10 litigation that I previously
 11 mentioned and LG Electronics, which
 12 established certain agreed-upon
 13 parameters for development of the
 14 subject property so this Master
 15 Plan Amendment that's before you
 16 has been prepared in response to
 17 essentially, three things; the
 18 Appellate Division ruling, the
 19 Settlement Agreement and also
 20 independent planning analysis that
 21 I will address shortly.
 22 Let me first describe the
 23 subject property and what I have is
 24 several exhibits, which were
 25 basically just blowups of exhibits

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1 and we'll get to this a bit later,
 2 after the 2012 zoning board
 3 approval, the Borough adopted an
 4 ordinance. It was known as
 5 Ordinance 12-20, that created a B2
 6 Overlay District for properties
 7 located on the east side of Sylvan
 8 Avenue, including the subject
 9 property and moving as far as north
 10 as approximately, Sherwood Avenue
 11 and that basically allowed, with,
 12 if certain conditions were met,
 13 taller buildings up to 150 feet in
 14 height where the allowable height
 15 was basically tied to the size of
 16 the tract.
 17 Subsequently, in August of
 18 2014, the Borough adopted an
 19 ordinance which prohibited
 20 construction of any building in
 21 excess of 35 feet in height in any
 22 zoning district within the limits
 23 of the Borough and that effectively
 24 nullified the building heights that
 25 were permitted in the B2-A

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1 that were in the Draft Master Plan
 2 Amendment itself and the first is
 3 Figure 2 and it's an exhibit of the
 4 subject property and immediately
 5 surrounding properties. As was
 6 mentioned, this is a large tract.
 7 It's a shade over 27 acres in size
 8 and it has a good deal of roadway
 9 frontage, as much as 2,000 feet
 10 along Sylvan Avenue and actually,
 11 about 2,200 feet along Hudson
 12 Terrace. It also has about 750
 13 feet of frontage along Van Nostrand
 14 Avenue to the south. As you can
 15 see, it has varying lot depth,
 16 which is about 1,000 feet or so
 17 along the southerly boundary and
 18 then it narrows down to about 240
 19 feet along the northerly boundary.
 20 There's also a large wooded portion
 21 of the tract in its narrower
 22 section along the northerly limits.
 23 There is also, as you are well
 24 familiar, a grade change where the
 25 property basically drops off. The

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1 high point is along Sylvan Avenue
2 and it drops down in grade towards
3 Hudson Terrace. As you can see,
4 this is a fairly recent aerial,
5 it's from 2014. The property is
6 currently vacant. As you are also
7 well aware, it was most recently
8 developed with a roughly, 400,000
9 square foot, three-story in parts
10 office and distribution facility
11 and it had about over 1,000 surface
12 parking spaces at the time. This
13 property was originally occupied
14 dating back to 1953 by Prentice
15 Hall. The most recent user was
16 CitiGroup, which occupied the
17 property until it closed in 2011.

18 I want to talk a little
19 bit about the zoning and the Master
20 Plan classifications for the Sylvan
21 Avenue corridor, generally, as well
22 as with regard to the subject
23 property in particular. As you are
24 aware, Sylvan Avenue is the primary
25 commercial and business corridor in

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1 the Borough and there are 3B zone
2 classifications; there's a B2, it's
3 a limited business district; a B3,
4 a special retail district, and a
5 B4, which is a restricted
6 commercial district. The B3 is in
7 the southerly limits; the B4 is
8 immediately north of what was the
9 overlay zone that I described and
10 as you can see from the map, the
11 predominant zone classification as
12 part of your zone plan is B2. It
13 covers, roughly, about 80 percent
14 of the properties that are within
15 any of the B zones along the
16 corridor and this zone, the B2 zone
17 is intended principally for office
18 and research type uses. The B
19 zone -- the B2 zone is probably the
20 most restrictive of the B zones.
21 There are two distinct sections.
22 There's a northerly section and
23 then there is a southerly section
24 with the B4 zoning intervening.
25 The southerly section in which the

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1 subject property is a part, and
2 I'll get to the B2 Overlay Zoning
3 in a moment, basically runs from
4 Van Nostrand, as I mentioned, to
5 Sherwood Avenue in the north. The
6 B2 District, essentially, I think
7 it's critical bulk standards. It
8 requires an 80,000 square foot
9 minimum lot, which as you are well
10 aware, is just under two acres, but
11 also it allows only a maximum
12 building height of 35 feet and two
13 stories.

14 Now, I mentioned the B2
15 Overlay District, which was adopted
16 in October in 2012. That is shown
17 in the area that is cross-hatched
18 and I described, essentially, the
19 boundaries and I've highlighted in
20 sort of this burnt orange color,
21 the limits of the subject property
22 that is within that district and as
23 I mentioned, that district
24 basically created a maximum height
25 requirement tied to lot size where

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1 for properties larger than 5 acres,
2 6 stories were allowed and for
3 larger than 25 acres, eight stories
4 was allowed and as I mentioned, the
5 subject property is indeed, 27
6 acres and the principal permitted
7 uses within the B2 Overlay were
8 basically consistent with the uses
9 in the B2 District; essentially, an
10 office research type district. And
11 lastly, as I mentioned, in August
12 2014, the many Borough adopted an
13 ordinance that prohibited any
14 construction higher than the 35
15 feet in any zoning district.

16 Turning to the Master
17 Plan, your last comprehensive
18 Master Plan was done in 2001. That
19 document placed the subject
20 property within the limited
21 business classification and that
22 basically runs parallel to and
23 mirrors the B2 District so again
24 the Master Plan designation for the
25 subject property and for basically,

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1 all the B2 properties along Sylvan
2 Avenue, the Master Plan Land Use
3 designation mirrors the, the
4 existing zoning. And again
5 intended for business and
6 professional offices and the Master
7 Plan acknowledges and recognizes
8 that this area accounts for the
9 overwhelming majority of
10 nonresidential tax ratables within
11 the limits of the Borough. I will
12 mention that this board did a
13 Master Plan reexamination in 2009
14 and as part of that reexamination
15 there was a proposed zoning map,
16 which actually placed the subject
17 property together with the larger
18 corporate offices to the north
19 within a new category, which was a
20 proposed new B5 zone and it made a
21 recommendation that, because
22 basically, you have larger lots to
23 the north and that this was a 27
24 acre lot, another large lot, that a
25 new zone be created to increase the

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1 minimum lot size from that 80,000
2 square feet to somewhere between 5
3 and 15 acres and to also provide a
4 new overall impervious coverage
5 limitation to preserve some of the
6 green space that exists
7 particularly, along the northerly
8 property, but could also be set in
9 place for a large tract in the
10 south. I would add that subsequent
11 to that reexamination, no
12 implementing zoning was put in
13 place to follow that proposed map
14 change. And one final point which
15 I think is important, I mentioned
16 the B2-A Overlay District. When
17 that was adopted, there was -- it
18 was essentially put in place
19 without any supporting Master Plan
20 Amendment. It was basically, an
21 action of the governing body and
22 there was no Master Plan Amendment
23 that would have provided a
24 foundation for that particular
25 zone.

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1 So what I would like to
2 now briefly do is kind of discuss
3 with you the planning basis for an
4 amendment to the Master Plan, which
5 would support a new classification
6 solely for this 27 acre lot, while
7 also retaining the underlying
8 limited business classification for
9 the balance of what is now the B2-A
10 Overlay District and even though,
11 the Master Plan never recommended
12 the B2 Overlay Zone, it exists and
13 from a policy standpoint, we are
14 recommending that essentially, it
15 be rescinded and that what we are
16 advocating here is a new
17 classification solely for this 27
18 acre lot and I'll get to that in a
19 moment.
20 And as I mentioned, in
21 terms of the planning rationale,
22 the B2 District, essentially,
23 broken down into two segments and
24 as you are we'll aware, the
25 northerly segment basically

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1 accommodates a number of the major
2 corporate campus facilities; CNBC,
3 Unilever, and others. Most of the
4 properties have been developed for
5 some time. The campuses are
6 relatively low-rise. There's large
7 expanses of green space. The
8 property is also in the north, as
9 you can see, back up directly along
10 the rear yards, two residential
11 zones and for all those reasons,
12 essentially, the current zoning and
13 Master Plan scheme for those
14 northerly properties seem to work.
15 They protect the residential and
16 they again mirror the developed
17 characteristics of the district.
18 The southerly segment is
19 much, much different, with the
20 exception of this property. If you
21 look at the southerly segment of
22 the B2 District on either side and
23 again from Van Nostrand to,
24 essentially, Sherwood, what you
25 will find that most of the

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1 properties in the area are
2 relatively small lots, they have
3 relatively limited depth, the lots
4 on the westerly side are probably
5 in the range of about two acres, in
6 some cases, three acres. The lots
7 other than the subject on the
8 easterly side, average to probably
9 only about an acre in size. They
10 are actually smaller, for the most
11 part, than the minimum lot
12 prescribed for the district. So
13 what you have here with this
14 property is a bit of an anomaly and
15 an outlier. It's a large piece of
16 at 27 acres, it's presently vacant
17 where the bulk of the remaining
18 properties in the southerly portion
19 of the B2 are developed, and it, I
20 think, presents a unique
21 opportunity to attract a single
22 corporate user and I think, because
23 of its special status with regard
24 to acreage, size, and it's
25 differences relative to all other

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1 properties in the B2, I think it's
2 deserving and merits special
3 treatment from a planning and
4 zoning perspective, because again
5 it has very different development
6 characteristics than all other
7 properties in the southerly portion
8 of the B2 District.
9 It also does not directly
10 abut residential uses, but for the
11 residences on the opposite side of
12 Van Nostrand and there's also ample
13 room along the southerly portion of
14 the site to provide an adequate
15 buffer to those residences and also
16 to basically provide setbacks,
17 which would be tied to building
18 height to afford even additional
19 protection to these residential
20 properties.
21 I would also note that
22 given the property's proximity to
23 the Palisades Interstate Park, the
24 associated cliffs to the east, that
25 any new designation, in our

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1 opinion, should be sensitive to the
2 historic resource and any new
3 height, bulk, or any other
4 development standards should be
5 designed to obviously protect the
6 Palisades view shed.
7 So there are other reasons
8 to explore a potential new zoning
9 that would basically accommodate a
10 large corporate office user and to
11 accommodate them in a manner that
12 allows for some increase in the
13 allowable height, but also provides
14 a significant amount of green
15 space, basically, is a mitigating
16 factor and to complement the
17 ability to go higher and again we
18 list reasons from our own
19 experience. We've cited articles
20 that have been done on this related
21 to, sort of, the small low-rise
22 campus being out of favor with
23 expansive surface parking and that
24 buildings with open floor plans,
25 taller buildings, more cutting-edge

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1 architecture are now favored by
2 corporate users. We have noted
3 that and we've also noted that
4 taller development can serve to
5 maximize natural light to these
6 office facilities, reduce the
7 amount of impervious coverage on
8 the property and also provide
9 greater amounts of open space.
10 Now, we've basically
11 advocated a maximum height as part
12 of this Master Plan Amendment of 70
13 feet. We are indicating that that
14 70 feet should be restricted to
15 certain portions of the site with
16 lower heights mandated on other
17 portions of the property and the
18 reason for that is to basically,
19 propose heights that would be in
20 keeping with the, what I cited
21 previously, the Settlement
22 Agreement, which essentially, was
23 designed to keep buildings below
24 the Palisades tree line and again
25 the goal of which is to preserve

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1 the Palisade view shed, which
2 benefits not only residents of
3 Englewood Cliffs, but the general
4 public as well as other
5 municipalities and jurisdictions so
6 basically, what we are advocating
7 is a new B5. We are calling it a
8 B5 Corporate Business
9 Classification and again it would
10 be limited just to this one 27 acre
11 property, which is the only
12 property where we think it makes
13 sense to do that. Also, as I've
14 indicated, although, not part of
15 any prior Master Plan Amendment,
16 this document recommends that the
17 B2-A Overlay District be rescinded
18 in its entirety so that this
19 additional area, which is
20 cross-hatched, would basically go
21 back to B2 and would reflect the
22 existing condition and would be
23 limited to buildings of two stories
24 and 35 feet in height. We would
25 indicate that the uses for this new

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1 B5 should be basically the same,
2 similar to what, allowed in B2, an
3 office research type of use. We
4 additionally, are recommending that
5 accessory parking structures be
6 permitted again to keep as much
7 green space as possible and they
8 too would be subject to certain
9 height restrictions.
10 I mentioned the issue of
11 the varying height again to
12 preserve the tree line. There
13 would be -- and that would be tied
14 to setbacks from any of the
15 property boundaries to be worked
16 out, if and when an implementing
17 zoning is put in place, but just
18 some of the key parameters that
19 we're recommending in terms of the
20 new zoning, a minimum lot area of
21 25 acres makes it clear it's just
22 this property, a maximum impervious
23 coverage of 45 percent, which means
24 that over half of the site would be
25 required to be in green space,

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1 which is something that is not
2 within any of your zones, including
3 the B2 northerly section where
4 there are, as I mentioned, large
5 corporate office campuses with
6 large expanses of green space. We
7 are recommending 125 foot buffer to
8 the RB-1 Zone, which is bordering
9 on Van Nostrand and again we would
10 allow additional height only from a
11 prescribed distance. We would tie
12 into a prescribed distance to
13 further afford protection to those
14 residents. Other appropriate
15 design standards again could be
16 part of any zone amendment, which
17 would be designed to effectuate
18 this Master Plan document and we
19 are also indicating that since we
20 looked at your office parking
21 requirement, it's a little outdated
22 and excessive and consideration be
23 given to relaxing that parking
24 requirement as well.
25 The document goes on to

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1 highlight what we perceive are some
2 of the benefits, some of which I
3 described of this Master Plan
4 amendment; largely increased
5 setbacks, open space, and buffers
6 and also clearly, providing a
7 zoning that would facilitate a
8 state-of-the-art corporate office
9 prototype on this site and as I
10 mentioned, and this is perhaps most
11 importantly, where no green space
12 is now required, we are basically
13 providing and recommending a zoning
14 where over half of the site would
15 basically be in green space. And
16 again these safeguards are intended
17 to mitigate the impacts of
18 buildings that would be up to 70
19 feet in height and again, as I
20 mentioned clearly, cognizant of the
21 importance of the Palisades
22 Interstate Parkway, the park, and
23 the cliffs, the varying height
24 restrictions would essentially keep
25 future building construction below

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1 the existing tree line to protect
2 that historic --
3 We also have indicated how
4 the Master Plan, the new Master
5 Plan zoning classification would
6 advance certain goals that are in
7 your existing Master Plan
8 documentation. I'm not going to go
9 to through them all, but things
10 such as protecting and enhancing
11 both residential and nonresidential
12 areas, improving business areas,
13 protecting the environment
14 requirement, maintaining adequate
15 buffer areas.
16 We've also highlighted how
17 this new classification would
18 advance multiple purposes of the
19 Municipal Land Use Statute, the
20 enabling statute. There are at
21 least five purposes that we've
22 indicated that this zoning and
23 Master Plan classification would
24 advance; Purpose A, encouraging
25 municipal action to guide the

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1 appropriate use or development of
2 all lands in the state; Purposes C,
3 to provide adequate light, air, and
4 open space; Purpose G, to provide
5 sufficient space in appropriate
6 locations for a variety of uses, in
7 this case, corporate office use, to
8 promote a desirable visual
9 environment, creative development
10 techniques and specific design and
11 arrangement and lastly, but not
12 leastly, to promote the
13 conservation of historic sites and
14 districts open space valuable
15 natural resources in the state and
16 to prevent urban sprawl and
17 degradation.
18 So one last point is, as
19 part of this document, we are
20 actually making an affirmative
21 recommendation that the Borough
22 adopt a new B5 Corporate Business
23 Zone, which would be consistent
24 with the policies that we've
25 articulated in the document and

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1 consistent with the general zoning
2 parameters that we've established
3 as a foundation for such zoning.
4 Thank you. I'm happy to
5 answer any questions.
6 CHAIRMAN VILLARI: Thank
7 you, Mr. Phillips, for you
8 presentation.
9 MR. PHILLIPS: You're
10 welcome.
11 CHAIRMAN VILLARI: Does
12 any board member have any questions
13 for Mr. Phillips?
14 MR. CHINMAN: Yes. You are
15 talking about currently our parking
16 requirements are one space for
17 every 200 square feet?
18 MR. PHILLIPS: I believe
19 that's the requirement.
20 MR. CHINMAN: And in your
21 opinion, what, you mentioned
22 relaxing it?
23 MR. PHILLIPS: Well,
24 certainly, we could go down to as
25 low as one per 250, we may be able

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1 to go somewhere closer to one per
2 300. I think we can address that,
3 the details of that when, if and
4 when we do an implementing zoning.
5 I might want to do a little bit
6 more research on that, but I do
7 believe that the one per 200 is an
8 outdated standard and in my own
9 opinion is that why provide for
10 parking that is never used? It
11 just takes up space, adds to the
12 height of the structure, or if it's
13 surface parking, just adds to
14 coverage.
15 MR. CHINMAN: I agree. I
16 didn't know if there's any State
17 recommended coverage.
18 MR. PHILLIPS: Are you
19 talking coverage or parking, sir?
20 MR. CHINMAN: Parking.
21 MR. PHILLIPS: It varies
22 and if you go to zoning ordinances
23 throughout out the state, it
24 varies, but I think clearly,
25 somewhere between one per 250 and

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1 one per 300 is a more reasonable
2 standard in this day and age.
3 CHAIRMAN VILLARI: Any
4 further comments or questions by
5 board members for Mr. Phillips?
6 Seeing none, do I have a motion --
7 I'm sorry.
8 MR. KIKY KIM: Is there
9 parking -- so your parking lot,
10 parking garage that you built or
11 just the flat area, you are asking
12 for the flat area or you need a
13 parking garage?
14 MR. PHILLIPS: Well, what
15 we are recommending is that the new
16 zone have a specific provision that
17 allows for accessory parking
18 structures, which your zoning does
19 not allow. That doesn't mean you
20 can't do some amount of surface
21 parking, but what we've done is in
22 order to encourage as much green
23 space as possible, we basically put
24 in a fairly stringent impervious
25 coverage limit of 45 percent, which

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1 means in order to get floor area
2 out of the site, that it's almost
3 going to be necessary to do
4 structured parking, which would
5 also be subject to certain height
6 requirements so that there would be
7 probably, very limited surface
8 parking in order to keep the site
9 as green as possible.
10 MR. KIKY KIM: Thank you.
11 MR. PHILLIPS: You're
12 welcome.
13 MRS. O'SHEA: Mr. Phillips,
14 when you talk about the impervious
15 coverage, that we don't have that
16 now in our zoning for commercial
17 properties. Is that something that
18 you think that the Borough should
19 look at in the future?
20 MR. PHILLIPS: I absolutely
21 think the Borough should look at
22 that in the future, not just with
23 regard to this zone --
24 MRS. O'SHEA: But overall.
25 MR. PHILLIPS: -- this

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1 property, but overall, because
2 quite frankly, in the northerly
3 sections where you have the large
4 corporate campuses with the
5 expansive lawns --
6 MRS. O'SHEA: Right.
7 MR. PHILLIPS: -- right
8 now, there's no protection in the
9 zoning from that being basically
10 blacktop. Now, there is also other
11 zoning standards that have to be
12 met and that may not be practically
13 possible, but I would strongly
14 recommend that this board and the
15 governing body take a good, hard
16 look at that.
17 MRS. O'SHEA: Because we
18 also do get requests for variances
19 relative to the parking
20 requirements that we have and, you
21 know, based on how many times it's
22 asked to be relaxed, apparently, it
23 is definitely outdated --
24 MR. PHILLIPS: Yes.
25 MRS. O'SHEA: -- and you

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1 said that on this -- in this B5
2 zone, accessory parking structures
3 would be allowed where they are not
4 permitted otherwise.
5 MR. PHILLIPS: Correct.
6 MRS. O'SHEA: Okay.
7 MR. KILMARTIN: Mr.
8 Phillips, do you have any issue, or
9 could you address the fact we are
10 creating a B5 zone or a zone really
11 for one particular site only?
12 MR. PHILLIPS: Yeah, I can
13 and I think what you are asking in
14 some many words is, you know, if --
15 is this Master Plan Amendment, any
16 potential of implementing zoning,
17 does it kind of touch upon the
18 issue of spot zoning and I don't
19 think it does and I'll give you the
20 reasons why. Spot zoning is zoning
21 that does not serve a valid
22 municipal purpose, which I think
23 this Master Plan Amendment
24 implementing zoning would do. Spot
25 zoning is zoning that's not

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1 consistent with a Master Plan or
2 Master Plan objectives. The reason
3 we are doing this Amendment is to
4 provide a foundation for the
5 zoning. That zoning then would
6 basically, be able to fall back to
7 this Master Plan Amendment if there
8 were any legal challenge in the
9 future.

10 The other key thing with
11 spot zoning, and I have had
12 experience with this in the courts
13 as well, spot zoning is where you
14 treat like property differently.
15 We don't have like property here in
16 Englewood. We have an outlier, a
17 27 acre property that really has
18 absolutely none of the same
19 characteristics of the other
20 properties in the B2 District of
21 which it is a part and that's the
22 southerly B2 District. They are
23 nowhere near the size, they are all
24 developed, they don't have the same
25 depth. Here you have the ability

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1 to do a lot of green space so again
2 if this were a like property, you
3 know, you might have that issue to
4 worry about, but again you don't
5 have that fact pattern and with the
6 size of this property, what you
7 also have is the ability to enhance
8 and increase the setbacks and the
9 buffering in addition to the open
10 space, relative to the existing
11 bulk standards in the B2 District.
12 We are actually enhancing setbacks
13 and buffers so I think for all
14 those reasons, I don't think we
15 have an issue here with regard to
16 potential spot zoning and I just
17 want to, you know, add one other
18 thing. This is being advanced
19 by the, by the Borough, but we all
20 know the history here and
21 essentially, there's caselaw in
22 New Jersey that essentially says
23 that even if this were being
24 advanced, this zoning by a private
25 developer, that doesn't matter and

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1 even if he or she is the primary
2 beneficiary, that doesn't matter,
3 so long as all these other
4 standards are met in terms of the
5 test of whether or not this is
6 indeed, a legal spot zoning.

7 I, I believe as your
8 professional, that for the reasons
9 that I stated, that you are in good
10 shape so far as that goes.

11 MR. KILMARTIN: Thank you,
12 Mr. Phillips.

13 MR. PHILLIPS: You're
14 welcome.

15 CHAIRMAN VILLARI: Any
16 other comments or questions by
17 board members for Mr. Phillips?
18 Seeing none, I'm now going to open
19 this meeting to the public, do I
20 have a motion to open this meeting
21 for public comment?

22 MR. KILMARTIN: Motion to
23 open the meeting.

24 CHAIRMAN VILLARI: Do I
25 have a second?

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1 MRS. O'SHEA: Second.

2 CHAIRMAN VILLARI: All in
3 favor?

4 (All said, "Aye.")

5 CHAIRMAN VILLARI: All
6 opposed? The motion is now open
7 for public comments on the issue
8 that's just been discussed.

9 Anybody that would like to make a
10 comment, please approach. Is there
11 anyone who wants to make a
12 statement regarding the matter
13 that's under consideration before
14 the board.

15 Thank you. Please come
16 forward. Identify yourself.

17 MS. BOOKS: My name is
18 Roberta Paula Books. I live at 6
19 Demarest Court in Englewood Cliffs,
20 and I have been a resident for over
21 30 years. The statement I'm going
22 to read is the statement of
23 Concerned Residents of Englewood
24 Cliffs and it was written by Carin
25 Geiger, who is unable to be here

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1 tonight. I think some of you at
2 least have copies of the statement.
3 So my name is now Carin
4 Geiger. I live at 270 Alfred
5 Street in Englewood Cliffs, where I
6 have resided for over 35 years.
7 I'm speaking on behalf of Concerned
8 Residents of Englewood Cliffs, a
9 grass roots organization of
10 Englewood Cliffs residents who are
11 concerned about the issues that
12 affect our quality of life and are
13 against any development in our
14 community that would adversely
15 affect the Palisades view shed, a
16 natural and historic landmark. We
17 urge you to adopt the proposed
18 Master Plan Amendment for Block
19 207, Lot 6 and to eliminate the B2
20 Overlay Zone.
21 The southern part of our
22 community, the part of the
23 community in which I reside has
24 long been considered a stepchild.
25 Instead of the large scale,

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1 beautifully landscaped lots in the
2 northern part of the Cliffs, which
3 is home to Unilever and to CNBC, in
4 the southern part of town B2 zone,
5 has bright lights, visually
6 abrasive signage, limited and
7 ill-maintained buffers, abandoned
8 buildings and a profusion of
9 one-acre lots lining Sylvan Avenue.
10 Only one large lot has survived
11 this cookie-cutter landscape:
12 Block 207, Lot 6, also known as 111
13 Sylvan Avenue, the subject of this
14 hearing.
15 The site stands apart from
16 all the other properties south of
17 Palisades Avenue in the B2
18 District. Any resident in our
19 community can easily testify that
20 this site is different. First and
21 foremost, it is significantly
22 larger than any other site south of
23 Palisades Avenue. Virtually, all
24 the other sites are one to two
25 acres. This site is 27 acres. It

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1 has significant wetlands. Every
2 entrance and egress is on two
3 highly trafficked roads, 9W and
4 Hudson Terrace. It has much in
5 common with the corporate
6 headquarters in the northern part
7 of our community, yet unlike its
8 sister properties in the northern
9 part of town, which have much of
10 their rear yard frontage
11 overlooking residences, this site
12 is bordered to the east and west by
13 nonresidential areas. It only
14 borders residential property on its
15 southern tip.
16 Developed in 1953 as the
17 corporate headquarters of Prentice
18 Hall, it has always been home to a
19 single entity. It should remain
20 that way. Concerned Residents of
21 Englewood Cliffs does not want this
22 site to be subdivided, nor grouped
23 for zoning purposes with other
24 sites with which it has little in
25 common. Our infrastructure and the

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1 services that we enjoy in our
2 community would be strained if it
3 were subdivided or otherwise
4 overpopulated. The visual open
5 space that this large site provides
6 must be preserved and protected.
7 It is essential that our
8 Master Plan have, as this amendment
9 proposes, should establish
10 significant limitations on
11 impervious coverage to maintain a
12 park-like setting on this property.
13 Significant setback requirements
14 and a large buffer, which will
15 mitigate impact on residential
16 property to its south, are
17 essential. The permitted FAR must
18 similarly be constrained. It is
19 time for the southern part of
20 Englewood Cliffs to enjoy the
21 prestige and the landscaped beauty
22 that only a corporate headquarters
23 can provide. We want for this part
24 of town what has been standard
25 development for sites of similar

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1 size to our north.
2 But what about the new
3 proposed maximum building height?
4 As many of you know, I have been
5 outspoken against any development
6 in our community and in particular,
7 on this site, which is not
8 considered the Palisades view shed.
9 I have testified in Trenton on the
10 need for protective legislation and
11 I've worked with many conservation
12 groups to understand and ultimately
13 promote the preservation of the
14 Palisades. Any development that
15 can mar a natural and historic
16 landmark will not be supported by
17 our residents' group. The
18 Appellate Court of New Jersey
19 affirmed that the impact on the
20 Palisades must be considered in any
21 future development.
22 Although, Concerned
23 Residents of Englewood Cliffs has
24 supported restoration of our zoning
25 to limit building heights town-wide

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1 to 35 feet, we have repeatedly
2 stated that a different maximum
3 height would have to be established
4 for this unique site. The low-rise
5 buildings, the populated site in
6 the past was surrounded by acres of
7 concrete to accommodate the
8 necessary parking. Drainage and
9 water runoff threaten the
10 surrounding area, because so much
11 of the land was hardscaped. To
12 avoid these problems and to pave
13 way for modern corporate
14 development that we desire on the
15 site, Concerned Residents of
16 Englewood Cliffs supports a parking
17 garage and increased building
18 height on this site, as long as the
19 height and bulk of these buildings
20 does not adversely affect the
21 Palisades view shed.
22 The question then becomes
23 how do we know that development on
24 this unique site will be
25 protective? What height and bulk

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1 can exist on this unique site where
2 the Palisades will not be
3 compromised? At this point, I
4 would refer you to the guidelines
5 established in the Settlement
6 Agreement, which have been
7 incorporated by the planner in the
8 Master Plan Amendment. This
9 agreement, signed by the major
10 conservation groups in the
11 Tri-State area and by LG USA, the
12 current owner of the site,
13 establishes a height that is
14 protective of the Palisades for
15 this site only; another reason why
16 the Master Plan Amendment must
17 apply to this unique site only and
18 cannot be viewed as precedent
19 setting. Many important activists
20 in the conservation community,
21 including the New Jersey
22 Conservation Foundation, the
23 New York - New Jersey Trailways
24 Conference, the
25 New Jersey Women's Clubs, Scenic

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1 Hudson, and the Natural Resources
2 Development Council, have each
3 agreed that if maximum building
4 height is limited to 70 feet on
5 this site and impermeable lot
6 coverage is similarly limited and
7 lighting and signage are
8 controlled, the Palisades view shed
9 will be sufficiently preserved. I
10 see no reason to second-guess their
11 judgment.
12 In addition, the
13 Settlement Agreement was applauded
14 by Mayors Joe Parisi and Mario
15 Kranjac, by members of our Council
16 from both parties, by the mayors of
17 Tenafly, Alpine, and Englewood, by
18 our Bergen County Executive and by
19 the Governor's representative to
20 the Palisades Interstate Parkway
21 Commission. All our major regional
22 newspapers, including the New York
23 Times, the New York Daily News, the
24 Newark Star Ledger and our own
25 Bergen Record heralded the historic

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1 settlement and all that it implied.
2 It is with this background and
3 knowledge that we urge you to adopt
4 the Amendment to the Land Use
5 Element of the Borough of Englewood
6 Cliffs for Block 207, Lot 6. It is
7 time for our Master Plan to reflect
8 the desire of the community for a
9 corporate headquarters on this site
10 and to embrace the necessary
11 changes.
12 As a cautionary note, it
13 is imperative that we all recognize
14 that the Master Plan Amendment is
15 for a unique property only and
16 should never be viewed as a new
17 acceptable standard for any other
18 property in our community.
19 The proposed Master Plan
20 Amendment that you have before you
21 today and the opinion of Concerned
22 Residents of Englewood Cliffs,
23 should be approved by the Planning
24 Board and the B2 Overlay Zone
25 repealed, because this Amendment

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1 sets the site apart from all others
2 in Englewood Cliffs, and in doing
3 so, addresses the concerns of the
4 Court, the conservation community
5 with which I have worked with over
6 the past years, and most
7 importantly, the concerns of our
8 residents.
9 CHAIRMAN VILLARI: Thank
10 you, very much.
11 Is there any other member
12 of the public who wishes to be
13 heard regarding the matter under
14 consideration before the board at
15 this time? If there is, please
16 approach.
17 MR. STEIBER: My name is
18 Andrew Steiber. I live at 750
19 Floyd Street and I have been a
20 resident for a number of years.
21 I'm going to be very brief, because
22 I think everybody has said it all,
23 the story of this tract and what
24 needs to be -- what was now
25 proposed and I'm just, I want to

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1 voice that I'm in agreement with
2 the now approving of this B5
3 Amendment. I think it would be
4 very good for Englewood Cliffs,
5 both for the residents and for the
6 commercial owners in Englewood
7 Cliffs and I think it's time, of
8 course, there's been a great delay
9 through the years and now it's time
10 to get on with it, approve it, and
11 let them build this and finish this
12 building so I think a lot has been
13 accomplished, because we now will
14 have a building that's only 70 feet
15 and that's much better than was
16 proposed before and we are going to
17 have buffer zones and we are going
18 to have greenlands and so I think
19 it's time to say, you know, this
20 is, this has been a good thing and
21 we have to approve it and I'm also
22 -- I agree that parking garages
23 have to be to put on this kind of a
24 property, because otherwise, you
25 are going to use up all the green

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1 space with asphalt, with just
2 parking slots and when you have so
3 many employees, the most efficient
4 way to park those employees is to
5 have a parking garage. I think the
6 only thing you want to make sure of
7 is that the parking garage isn't
8 higher than the building itself,
9 that you put some height
10 restrictions on the parking garage,
11 but I think it's inevitable in
12 Englewood Cliffs that a lot of
13 these commercial properties are
14 going to have to have parking
15 garages and not only in the south,
16 but in the north so this is going
17 to happen so you might as well
18 incorporate it right from the
19 beginning.
20 CHAIRMAN VILLARI: Mr.
21 Steiber, thank you, very much for
22 your comments.
23 Is there anyone else who
24 would like to make a comment to the
25 board before we take a vote on the

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1 Amendment under consideration this
2 evening? Any other member of the
3 public wishing to be heard? Please
4 don't hesitate. We are happy to
5 hear anything you have to say.
6 Seeing no proposed
7 comments from the public, do I have
8 a motion to close this meeting for
9 public comment?
10 MR. KILMARTIN: Yes.
11 CHAIRMAN VILLARI: Do I
12 have a second?
13 MR. CHINMAN: Second.
14 CHAIRMAN VILLARI: All in
15 favor?
16 (All said, "Aye.")
17 CHAIRMAN VILLARI: All
18 opposed? This meeting is now
19 closed to public comment with
20 regards to the Amendment under
21 consideration this evening.
22 MS. EASTWOOD: Vice
23 Chairman?
24 CHAIRMAN VILLARI: Yes.
25 MS. EASTWOOD: I have a

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1 brief statement from the mayor.
2 CHAIRMAN VILLARI: Thank
3 you, Ms. Eastwood.
4 MS. EASTWOOD: Mayor
5 Kranjac is glad that this has
6 worked out with the compromise as
7 he suggested in May 2014, when he
8 and Council President McMorrow met
9 with Mrs. Geiger and a member of
10 the conservation community at Mrs.
11 Geiger's kitchen table.
12 CHAIRMAN VILLARI: Thank
13 you, very much.
14 Do I have a motion to
15 authorize the board attorney to
16 prepare a resolution approving the
17 Amendment to the Land Use Plan
18 Element of the Borough of Englewood
19 Cliffs Master Plan, creating a new
20 B5 Corporate Business Zone
21 classification for Block 207, Lot
22 6? Do I have a motion?
23 MRS. O'SHEA: So moved.
24 MR. CHINMAN: Are you also
25 going to rescind --

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1 MR. KATES: It will be part
2 of the vote.
3 CHAIRMAN VILLARI: Is that
4 motion seconded?
5 MR. CHINMAN: Second.
6 CHAIRMAN VILLARI: Madam
7 Secretary, would you please call
8 the roll.
9 MS. SCANCARELLA: Mr.
10 Trovato?
11 MR. TROVATO: Yes.
12 MS. SCANCARELLA: Mr.
13 Kilmartin?
14 MR. KILMARTIN: Yes.
15 MS. SCANCARELLA: Mr.
16 Chinman?
17 MR. CHINMAN: Yes.
18 MS. SCANCARELLA: Mr. Kiky
19 Kim?
20 MR. KIKY KIM: Yes.
21 MS. SCANCARELLA: Mr. J.P.
22 Lee?
23 MR. J.P. LEE: Yes.
24 MS. SCANCARELLA: Mrs.
25 O'Shea?

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1 MRS. O'SHEA: Yes.
2 MS. SCANCARELLA:
3 Councilman Park?
4 COUNCILMAN PARK: Yes.
5 MS. SCANCARELLA: Ms.
6 Eastwood?
7 MS. EASTWOOD: Yes.
8 MS. SCANCARELLA: And Vice
9 Chairman, Mr. Villari?
10 CHAIRMAN VILLARI: Yes.
11 MS. SCANCARELLA: The
12 motion passes.
13 CHAIRMAN VILLARI: Thank
14 you, very much.
15 There are no committee
16 reports this evening so there will
17 be no addressing of those. May I
18 have a motion to open the meeting?
19 MR. CHINMAN: May I ask one
20 question? There was a question or
21 a statement from one of the
22 residents about parking garages in
23 general and so, I'm sorry, Mr.
24 Phillips, as you had pointed out,
25 this is a very unique site, because

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1 it's not surrounded by any
 2 residents.
 3 MR. PHILLIPS: Correct.
 4 MR. CHINMAN: On the
 5 northerly side where you have a
 6 buffer for residences, what is
 7 your -- right now, we do not permit
 8 parking garages and how do you feel
 9 in the future, as a planner, about
 10 possibly allowing them?
 11 MR. PHILLIPS: Well, I
 12 mean, I haven't really, to be quite
 13 fair, studied the issue of whether
 14 it makes sense, where on the site,
 15 how much the buffer would be, what
 16 would be the height of the garage,
 17 so I think it would be unfair and
 18 probably unwise of me to, you know,
 19 speculate, but certainly, those
 20 would be the factors that I would
 21 take into consideration if I were
 22 asked that question or asked to
 23 evaluate whether that should be
 24 allowed in the northerly limits of
 25 the B2 District. It all depends on

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1 buffers, height of the garage,
 2 setback of the garage. I mean, all
 3 of those things I think would come
 4 into play in coming up with a, you
 5 know, an objective evaluation and
 6 I've not done that, to be honest.
 7 MR. CHINMAN: Okay.
 8 CHAIRMAN VILLARI: Any
 9 other comments?
 10 MR. KILMARTIN: Motion to
 11 open to the public.
 12 CHAIRMAN VILLARI: I will,
 13 but before I do that, any other
 14 comments? Okay, seeing none, do I
 15 have a motion to open this meeting
 16 for public comments on matters
 17 other than the Master Plan
 18 Amendment previously adopted?
 19 MR. KILMARTIN: Motion.
 20 CHAIRMAN VILLARI: Do I
 21 have a second?
 22 MRS. O'SHEA: Second.
 23 CHAIRMAN VILLARI: All in
 24 favor?
 25 (All said, "Aye.")

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1 CHAIRMAN VILLARI: All
 2 opposed? The meeting is now open
 3 to public comments on matters other
 4 than the Master Plan Amendment that
 5 has just been adopted. Any member
 6 of the public wish to make a
 7 comment or ask a question of the
 8 board? Please approach.
 9 Seeing none, do I have a
 10 motion to close the meeting?
 11 MR. KILMARTIN: So moved.
 12 CHAIRMAN VILLARI:
 13 Seconded?
 14 MR. CHINMAN: Yes.
 15 CHAIRMAN VILLARI: All in
 16 favor?
 17 (All said, "Aye.")
 18 CHAIRMAN VILLARI: All
 19 opposed?
 20 MRS. O'SHEA: Mr. Chairman,
 21 can I ask Madam Secretary the
 22 intended date of return for
 23 Chairman Fair.
 24 MS. SCANCARELLA: I think
 25 this week.

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1 MRS. O'SHEA: This week.
 2 CHAIRMAN VILLARI: Now, we
 3 had a motion to close the meeting.
 4 Has been adopted? We are going to
 5 close the meeting now for public
 6 comment, that's correct?
 7 MS. SCANCARELLA: Yeah, we
 8 did that.
 9 CHAIRMAN VILLARI: We
 10 already did that, okay.
 11 (Thereupon, the matter was
 12 adjourned. Time noted: 8:35 p.m.)
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CERTIFICATE

I, CYNTHIA ZOLLER, R.P.R., a
Notary Public and Certified Shorthand
Reporter of the State of New Jersey,
License No. 30X100178500, do hereby
certify that the foregoing is a true and
accurate record of the proceedings.

I DO FURTHER CERTIFY that I am not
related through blood or through
marriage, to any of the parties to this
action, and that I have no financial
interest in this action?

Cynthia Zoller, R.P.R.

Cynthia Zoller, R.P.R.
Notary Public of the State of New Jersey
My Commission Expires June 4, 2016

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