

Regular Public Meeting of the Englewood Cliffs
Planning Board Minutes
June 12, 2025

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

Roll Call:

Present:

Chairman Porrino
Vice Chairwoman Mrs. O'Shea
Ms. Correa
Ms. Kim
Mr. O'Shea
Ms. Rizvi- 1st Alternate
Mr. Lee – Borough Representative arrived at 7:52 pm
Mr. You – Mayor Designee
Councilwoman Biegacz

Absent:

Mrs. Villari
Mayor Park
Ms. Zamecki – 2nd Alternate

Present:

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

Flag Salute

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

Chairman Porrino requested a motion for the May 8, 2025, regular meeting minutes. Motion was made by Mrs. O'Shea and seconded by Ms. Correa with roll call vote. (8) Ayes, Mrs. O'Shea, Ms. Correa, Mr. Kim, Mr. O'Shea, Ms. Rizvi, Councilwoman Biegacz, Mr. You and Chairman Porrino. No Nays, No Abstentions.

Old Business:

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

Chairman Porrino stated that we were in receipt of revised plans, which has been determined as deficient. There was some additional drainage information needed. We will carry this to the July 10, 2025, meeting.

Application #343K - Minor Subdivision with Commercial Site Plan Approval
Tag Sylvan Corp. Ctr. & Tag New Sylvan Corp. Ctr., LLC
Englewood Cliffs JLUB
910-940 Sylvan Ave. – Block 1201 – Lots 9.03 & 9.04

Chairman Porrino stated that the board was in receipt of multiply submissions from the applicant with most of the information needed. Our professionals were mostly satisfied. There are two open questions, one being the resolution that Tom Randall has started to draft and is not complete. He did his best to complete it by this evening's meeting but was unable to. We do have a special meeting coming on June 26, 2025, so that we can have a resolution on the agenda since there is still an open question we need to have answered. We did receive today from the applicant regarding back title information to do with the Sage Road potential buffer zone. There were documents that were found that showed a buffer on the Sage Road side. Mr. Capizzi stated that from his knowledge there is no such restriction existing. Chairman Porrino looked at the deed summary which was forwarded today and unfortunately there is not enough time from this afternoon and tonight to really review it. I feel we need to continue to address the question. My reason is that 5 or 6 different places on plans submitted by Collazoul they talked about this 90' buffer zone along Sage Road. There are also met and bounds closure of the loop which I found to be unusual. Unless there was some sort of an easement deed restriction whatever it might be.

Mr. Randall stated that he is aware that counsel for the applicants states it is not there but the board has a duty to do it's due diligence to make sure it is what is there and the request from the Chairman is just to confirm this open item since it is a concern and can be looked into before the special meeting date.

Mr. Capizzi stated that on May 9, 2025, I did provide the board with the agreement that support the existence of only a buffer along Johnson Ave. Chairman Porrino agreed with him on that. Mr. Capizzi stated that they hope that the resolution can be prepared and ready for adoption at the June 26, 2025, meeting. Whether there is still an open issue of a buffer on Sage Road or not should not preclude the adoption of the resolution since all resolutions state that they are subject to any issue that may be presented.

Mr. Randall stated that we can go over everything, even the title search which started back in 2004. Chairman Porrino stated that the buffers were on plans prior to that 2004 date and the deed restriction or document about the buffer would be pre-2004 and the historical documents that I saw are all pre-2004. We received a title summary with a start date of 2004 today but what we are talking about now is pre-2004 and we want to make sure that there is or is not a deed restriction on the Sage Road side.

Chairman Porrino stated that we will be carrying this item to the June 26, 2025, special meeting.

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

Mr. Capizzi, the attorney for the applicant, gave an overview of the property, home and garage which is below grade, and is side loading which has had flooding issues when it rains. The property has had 2-3 substantial property damages up to approx. \$550,000.00. To resolve this issue, we are looking to eliminate the garage by filling in the area and at grade and make a new three car garage and for esthetics we're proposing a small second story addition on top.

Mr. Lee planning board member entered the meeting at 7:52 pm.

Mr. Capizzi continued stating that the variances required are to be combined side yard setback, building coverage and maximum impervious coverage which are all generated from eliminating the below grade garage.

Mark Martins, engineer for the applicant, gave an overview of the property size, and what exists on the property now.

Chairman Porrino stated he has a business relationship with Mr. Martins and just wanted to put it on the record.

Mr. Martins continued with his description of the property stating that the lot size is 11,000+ sq. ft. with a 2 ½ story home constructed in 2019 with the CO issued in 2020. The home has a side loading garage on the south side which is a sunken driveway below the curb level. The issue they have been having is that the existing 36" storm drain that runs from Cambridge Place down to the rear of the property where there is an inlet along the rear of the property and runs out to Pershing Road. In 2021 during storm Ida the pipe capacity was not sufficient. Water surcharged over the inlet down the rear yard steps into the garage which created substantial damage to the home. There were two other minor episodes and then in August 2024 they had another major event of flooding. So, to elevate the problem we are proposing to fill in the area of the downward slope driveway and construct a new three car garage at grade level with a positive pitch from the garage out to the street. In addition to that we will be reconfiguring the driveway. Keeping the existing opening where it is but just flaring it out. We will also install new drainage swales one along the northern side, one along the rear and one along the side where the garage will be to divert any overflow that will be coming from the catch basin away from the dwelling and adjoining properties toward Maple St. We will also be installing a retaining wall on the southern side to raise that grade and to guard the swale. This created some variance conditions. Mr. Martins marked as exhibit "A1" a color rendering of the site plan. The brown area represents the addition which is 21' wide and 49' in depth and is a front-loading garage. The variance we are seeking is that we do meet the minimum side yard of 10' to the garage structure but the total side yard requirement of 30' we have a total of 20'. The other variance will be building coverage, the additional garage and the addition above does increase the coverage. We are seeking a variance of 32.08% where 30.65% is required. The last variance is for impervious coverage where we are reducing the impervious coverage by 125 sq. ft., but it is a variance because we will be at 51.94% whereas 51% is required. Mr. Martins feels that this will be a positive effect not only for the applicant but also the neighbors as well. Mr. Martins stated that they will address all technical questions in the Planning Board's engineer review letter dated June 9, 2025.

Ms. Correa questioned the side yard whereas you are approx. 41' away from the neighbor and you are looking to get 21' closer. Mr. Martins stated the required is 30' and currently it is 41' the new addition will be 21' leaving it with a 10' side yard.

Chairman Porrino questioned so there is tantum parking inside the garage? Mr. Martins stated yes, but when looking at it, it looks like a two-car garage with a third spot behind one side which will be a tantum space. Chairman Porrino questioned what will be adjacent to the inner spot. Mr. Martins stated the architect will explain the inside plans. Chairman Porrino questioned but it is not part of the garage. Mr. Martins stated he believes that it is the stairs since it is not aligned with the inner structure. Stairs go down to the basement level then up to the second level. Chairman Porrino questioned for more detail of the retaining walls and the swales. Mr. Martins stated we are raising the grade about 3' with a 8" difference from top of the wall to the grade with a 1' depression of the swale between the wall and the proposed structure. The wall will be 3' higher on the south and 8" on our side.

Mr. Lee questioned when the application was submitted there was a 10 Maple consent order draft, is there a reason why you submitted that. It looks like a lawsuit was filed by the applicant to the borough. Mr. Capizzi stated he has no knowledge of that, and I did not submit it to the board. Chairman Porrino stated he recalled a litigation with the borough on this

matter. There was a discussion between board members and Mr. Randall about if this impacts the decision of the board. Mr. Randall stated he doesn't think so. Mr. Lee stated that there is also a resolution with the litigation papers. Chairman Porrino stated he will investigate this matter.

Mr. Zimmerman from Colliers Engineering, the planning board's engineer, went over his review letter and the variances they were requesting. Mr. Zimmerman questioned if the current retaining wall will be demolished and re-constructed. Mr. Martins stated yes and will be approx. 3' in height. Mr. Zimmerman continued through his letter with Mr. Martins, and they agreed to all the items that were discussed.

Chairman Porrino and Mr. Martins discussed the retaining walls materials and how to be constructed to prevent any issues to the neighbors.

Mr. Zimmerman questioned the fencing and evergreens along the property line on the south side if they were staying for screening. Mr. Martins stated that the fencing will be removed as well as the trees. The fencing will be reinstalled for screening for the neighbors.

Chairman Porrino questioned the elevation on the north side in comparison to the neighbors if they are higher or lower or same grade. Mr. Martins stated they are about the same and that we are not changing much of the grade on that side.

Mr. Lee stated the existing garage slopes down quite a bit so by having the garage more on grade it is better but is there any reason why there is a three-car garage instead of a two-car garage. Mr. Capizzi stated it is a two-car front loading but holds 3 cars because of its depth. It will appear to be a two-car garage from the street.

Mrs. O'Shea questioned that there are seepage pits on the front of the home and then you will be doing the swales to direct the water to the storm drain. Mr. Martins stated the seepage pits are designed to capture the water from the existing structure and the swales are really meant to address this surcharge overflow that is coming from the borough storm sewer. Mrs. O'Shea questioned being you have the depth of the old driveway would it be possible to put some seepage pits in under the new driveway and catch some of the water that might come from the street and then direct it to the back to the 36" storm drain. Mr. Martins stated unfortunately because of the elevations it is a little odd due to the storm drain at a higher elevation than the front of the property. Also, the pipe does not have the capacity for additional water.

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

Mrs. Green, 6 Maple Street stated the new building will be encroaching on our open-air space, it will be closer to our home and will be an eye sore to the block. The second issue is water. Along with 10 Maple we had significant water damage as well. My concern is the new plan for the water flow. I see arrows of the water flow and I see them coming towards my property. I do not need any more water, and it seems to be directed to my property. Mr. Martins stated the arrows show the way they are going to direct the water. There is not only a surge from the inlet that is causing the problems, there is also an overflow running from the other properties from Cambridge Place. We are going to regrade and put depressions in between your property and 10 Maple to allow the water to flow. We cannot solve the borough's problem. Mrs. Green stated you are solving your problem but causing a problem for our property.

There was a discussion between Mr. Martins and Chairman Porrino regarding the swale and the possibility of a berm to be installed as well.

Mr. DiGregorio 165 Charlotte Pl. stated that he thinks this is insane and is huge. They don't need a bigger house. The town is in an emergency regarding water issues. He questioned

if they are decreasing any living space for this addition. So, you are increasing the building size which is big enough for the property.

Chairman Porrino requested a motion to close the public. A motion was made by Ms. Correa seconded by Mr. Lee and carried unanimously by voice vote.

Mr. Paul Wu architect for the applicant, gave an overview of the addition of the three-car garage with a stairway connected to the basement and then steps to the first floor and second floor. This design is to balance the look of the house. The second-floor area above the garage will be used for storage.

Ms. Correa questioned the height of the ceiling of the second floor. Mr. Wu stated it will be nine feet.

Mr. You questioned that the applicant is doing the garage project due to the issue that they currently have but I don't understand why they need to have the second-floor storage since they have to go for variances and that is not part of the issue. Mr. Capizzi stated that it was for aesthetic reasons.

Chairman Porrino asked if you considered making a sloping roof pitch so has to not have a full storage area above the garage. Mr. Wu stated we looked at it but it really will not look well with all the other roof lines of the existing home.

Mrs. O'Shea questioned since this is being proposed due to the water issue is there a way to cut the garages in half instead of having them double wide make it a single car width with tantom parking since you are having a tantom spot already to make a third car so to have two cars tantom which would give you another 10' or so on the side yard. This will eliminate one of the variances and maybe eliminate some of your neighbors' objections. I also don't think it will look bad to have a one-story garage because the house is big and basically you are adding a whole other room up there. You can call it storage, playroom etc. but it is another room. I feel it should be scaled down. Mr. Capizzi stated as far as taking it from a two car to a one car garage that wouldn't be feasible because having it so long would eliminate the ability to create the staircase that we need to connect to the various levels. Mrs. O'Shea stated you can always come out and go through the front door.

Mr. Capizzi requested a five-minute break to talk with his clients at 8:52 pm. Meeting resumed at 9:00 pm.

Mr. Capizzi stated they are going to revise the application so that the second level will be conforming to the right side set back of 20 feet. They will push the second floor by 10 feet but that will still require the variance for the total side yard since the first-floor garage will still only have a side yard of 10 feet. Mr. Wu went over what the second floor would look like with the 10' set back over the garage.

Mrs. O'Shea stated that you are still going to have the second floor, but it will be half the size so that is the concession. Mr. Capizzi stated yes, and it will have a 9' ceiling height.

Mr. Kim questioned the three-car garage and his concerns for drainage and the neighbor next doors concern. Mr. Kim also stated his concern about the second-floor room and how large the house is already, and you are making it larger, and it is not a small room. Mr. Capizzi stated the additional sq. footage is not beginning requested for space, it is for aesthetic reasons. Mr. Kim stated his concerns about the drainage and the coverage of the project.

Chairman Porrino stated there was a previous application of a home on Roberts Road that was also being flooded out and it is not aesthetically pleasing looking as it is constructed today, but we have to weigh the aesthetics in a case like this with the fact not just once but several flooding events. We can't fix the storm drains but we have the ability to try to help these homeowners.

Mrs. Cheng owner of 10 Maple gave an overview of the flooding issues that have happened to them during the past few years.

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

Mrs. Green 6 Maple St. wanted to know what she will be seeing from her property next door. I am south of 10 Maple. Mr. Wu gave a description of what will be on her side seeing the new addition of the garage and the second story that will be pushed back.

Mr. Green 6 Maple wanted to know what protection we will have that we will not have any issue. Where is my protection going to be from all this additional work. Mr. Randall stated that they are fixing their issue and are directing the water away from your property. There was much discussion between Mr. Green, Chairman Porrino, Mr. Randall and engineers.

Mr. DiGregorio 169 Charlotte questioned if there were any variances for this home when they built it. Chairman Porrino stated no.

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

Chairman Porrino suggested to Mr. Martins to increase the height of the wall which you said is about 6" from the grade to the adjacent dirt. I think it should be raised so that you have a bit more of a buffer so that the water does not go over the wall onto the neighbor's property and secondly that wall has to be built to what our engineer feels he needs in terms of the construction of the wall to avoid it from potentially failing in any one of these storm events. Also, we discussed a need for a berm starting from the back which would be the southwest corner of the property all the way to where the wall is. That should be at least 18" in height so that any water that will run through the backyard from one side to the other. The wall could be extended which may be better.

Mr. Martin stated he will provide a construction detail of that area with the wall a berm and some type of rubber membrane to protect that area to be reviewed by the planning board engineer.

Mrs. O'Shea stated she would like to see just a two-car garage with no second-floor space can be designed. What is being proposed is above what is needed to solve the issue which I feel sorry for the family to go through.

Mr. Capizzi gave an overview of the situation and why the applicant is trying to correct their issue and not impact their neighbors.

Ms. Correa stated what she sees is the increased retaining wall height and the extension of it that should help with the neighbors. It will direct water away from 6 Maple. I personally have no issue with the second floor being smaller and no issue with the width of the garage and length of it.

Mrs. O'Shea stated she feels for the situation they have incurred but she doesn't agree with the size of the garage and the aesthetics of the addition which I had previously stated.

Chairman Porrino made a motion to approve the application with the revisions agreed on:

1. Applicant to submit a demolition plan

2. Wall design and the related grading and berm will be resubmitted for approval by PB engineer. If they cannot come to terms with it they will have to come back to the board again.
3. The wall height to be raised maybe a full 12" above the nearest soil level. The wall to be extended to the easement line.
4. Applicant agreed to reduce the size of the second floor such that it is being cut back 10' on the side. Submission of revised architectural plans to be submitted for approval.
5. Fence will be replaced
6. Add some landscaping by and on top of the berm

Mr. Lee stated we are putting these conditions to the approval, and the variances are going to stay. Chairman Porrino stated the variances are being granted subject to the conditions and maybe revised plans should be submitted prior to the adoption of the resolution.

Chairman Porrino stated we have the motion we need a second. Motion was seconded by Mrs. O'Shea with a roll call vote (9) Ayes Mrs. O'Shea, Ms. Correa, Mr. Kim, Mr. O'Shea, Ms. Rizvi, Mr. Lee, Mr. You, Councilwoman Biegacz and Chairman Porrino.

Application #347K - Residential Minor Subdivision

Mr. & Mrs. Nazarian Estate, Seta Nazarian Executor
143 Demarest – Block 602 – Lot 2 &
147 Demarest – Block 602 – Lot 3

Joseph Basralian attorney for Mr. & Mrs. Nazarian who have both since passed away and the children have decided to sell the properties and were ready to close on them when it was discovered that the deeds of the properties and the tax map did not match. With the help of Mrs. Scancarella, we were able to find that a minor subdivision in 1971 to add 10' to the property with the house and reduce the vacant lot to a 100' frontage which complies with the borough's ordinances today. We found a letter marked in as Exhibit "A1" from the then chairman of the board dated November 10, 1971, addressed to the Mayor & Council that the board approved the minor subdivision. We also found the subdivision plat marked as Exhibit "A2" which was signed by the Mayor & Council on November 23, 1971. Unfortunately, no one perpetuated the subdivision or filed a deed. So, this is where we are today. Mr. Basralian is requesting that we just need approval for this subdivision so that we can submit it for perfecting it and complete the sale of the properties for the Nazarian family. We have a new plan showing the subdivision of the two lots. This is for the buyers to complete the sale which has been postponed several times.

Mr. Den Bleyker the applicants' land surveyor gave an overview of the plot plan subdivision that was submitted to the board for this application.

Chairman Porrino questioned the lot sizes. Mr. Basralian stated each lot was 110' wide when it was subdivided it was just taking 10' from one lot and adding it to the other so that one will be 120' and the other will be 100' wide frontage. In 1971 there was no home prior to the subdivision so they wanted the one lot larger for them to build the home. There are variances required for this. It is just a minor subdivision. Chairman Porrino stated this is just to fix an issue and the tax records are all correct, but the deeds are not.

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

No Comments

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

Mrs. O'Shea made a motion to approve the application with no conditions. Motion was seconded by Ms. Correa with a roll call vote (9) Ayes Mrs. O'Shea, Ms. Correa, Mr. Kim, Mr. O'Shea, Ms. Rizvi, Mr. Lee, Mr. You, Councilwoman Biegacz and Chairman Porrino.

Chairman Porrino stated that we were able to prepare a resolution for this application if approved so that we can adopt it to save time for the applicant.

Chairman Porrino requested a motion to adopt the resolution. Motion was made by Ms. Correa seconded by Mrs. O'Shea with a roll call vote (9) Ayes Mrs. O'Shea, Ms. Correa, Mr. Kim, Mr. O'Shea, Ms. Rizvi, Mr. Lee, Mr. You, Councilwoman Biegacz and Chairman Porrino.

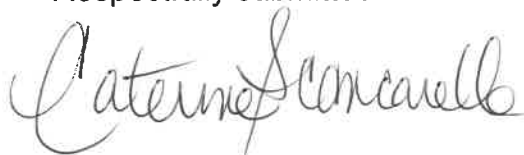
Chairman Porrino requested a motion to appoint Mr. Randall as acting secretary to sign the subdivision plat this evening. Motion was made by Mr. O'Shea seconded by Ms. Correa and carried unanimously by voice vote.

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

No Comments

Chairman Porrino requested a motion to close the public portion and adjourn the meeting at 10:16pm. A motion was made by Ms. Correa seconded by Mr. O'Shea and carried unanimously by voice vote.

Respectfully submitted.



Caterina Scancarella
Planning Board Administrative Secretary

ENGLEWOOD CLIFFS PLANNING BOARD
REGULAR MEETING – June 12, 2025 7:30 PM

10 Kahn Terrace, Englewood Cliffs, NJ

CALL TO ORDER

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

FLAG SALUTE:

"OPEN PUBLIC MEETINGS ACT" STATEMENT

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

ROLL CALL

APPROVAL OF MINUTES: May 8, 2025 – Regular Meeting

OLD BUSINESS:

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

Application #343K - Minor Subdivision with Commercial Site Plan Approval
Tag Sylvan Corp. Ctr. & Tag New Sylvan Corp. Ctr, LLC
Englewood Cliffs JLUB
910-940 Sylvan Ave. - Block 1201 – Lots 9.03 & 9.04
Resolution - Approved

NEW BUSINESS:

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

Application #347K - Residential Minor Subdivision
Mr. & Ms. Nazarian Estate, Seta Nazarian Executor
143 Demarest – Block 602 – Lot 2 &
147 Demarest – Block 602 – Lot 3

COMMUNICATIONS:

EXECUTIVE SESSION:

COMMITTEE REPORTS:

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

ADJOURNMENT

ORIGINAL

PLANNING BOARD BOROUGH OF ENGLEWOOD CLIFFS

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

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

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

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

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

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

application; and

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

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

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

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

Review letters of the Board's consulting professional:

- a) Application Cover Letter entitled "Zoning Board Application", prepared by Gary Goldenberg, dated February 9, 2023 (1 page);
- b) Application Form and Checklists, signed by Gary Goldenberg, dated February 9, 2023;
- c) Application Description, undated;
- d) Engineering plans entitled "Pool Site Plan" prepared by Mark Martins, PE, of Mark Martins Engineering, LLC, dated February 27, 2020, most recently revised June 26, 2020, consisting of 1 page;
- e) Survey entitled "Pool As-Built Survey" prepared by Mark Martins, PE, of Mark Martins Engineering, LLC, dated May 1, 2021, most recently revised November 4, 2021, consisting of 1 sheet;
- f) Engineering plans entitled "Pool As-Built/Variance Plan" and "Drainage Plan, prepared by Mark Martins, PE, of Mark Martins Engineering, LLC, dated July 29, 2022, most

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

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

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

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

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

and

WHEREAS, the following Board consultants were present,

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

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

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

The Application

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

Existing Conditions

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

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

Surrounding uses include additional single-family residential lots.

Approved Conditions

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

As-Built Conditions

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

Proposed Conditions

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

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

BULK REQUIREMENTS – R-A RESIDENTIAL SINGLE FAMILY ZONE DISTRICT

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

V – Variance

E – Existing Non-Conforming

*Subject to Exhibit A5

VARIANCES

The Applicant is requesting variances for the following:

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

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

HEARINGS

Testimony

The following persons testified on March 14, 2024

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

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

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

Michael Kauker, Professional Planner was sworn and qualified:

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

Testimony on May 9, 2024

Mark Martins continued testimony:

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

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

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

STATUTORY CRITERIA

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

'C' Variance

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

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

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

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

Analysis and Conclusion of Law

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

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

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

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

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

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

General Conditions

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

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

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

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

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

Specific Conditions

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

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

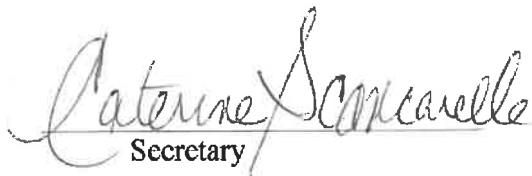
C. Should the existing drainage system be adequate for the proposed drainage, Applicant need not install further enhancements to its drainage system.

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

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

ATTEST:

ENGLEWOOD CLIFFS PLANNING BOARD


Secretary


Chairperson

Motion: Mrs. O'Shea

Second: Mrs. Villari

Roll Call:

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

Nays: none

ORIGINAL

PLANNING BOARD
BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION : MEMORIALIZATION RESOLUTION
OF TAG SYLVAN CORPORATE CENTER, :
LLC & TAG NEW SYLVAN CORPORATE :
CENTER, LLC MINOR SUBDIVISION AND : APPLICATION NO. 343
FINAL SITE PLAN APPROVAL RELATING :
TO LOTS 9.03 & 9.04 BLOCK 1201 :
910-940 SYLVAN :

WHEREAS, Applicant, Tag Sylvan Corporate Center, LLC applied on or about March 6, 2025 to the Planning Board of the Borough of Englewood Cliffs, for subdivision and site plan approval with variances relief to construct a two-story medical building with parking; and

WHEREAS, the public hearings were conducted on April 10 and May 8, 2025, upon proper notice certified by Applicant's proof of service to property owners within a 200-foot radius of the subject property and proof of publication in an official newspaper of the Borough; and

WHEREAS, on May 8, 2025 a vote of the Board was taken to approve the application; and

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

WHEREAS, all application materials, including all plans and reports submitted by

or on behalf of Applicant, are a part of the official record of the public hearings on the application; and

WHEREAS, Applicant was represented by Matthew Capizzi, Esq; and

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

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

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

Documents reviewed:

- Capizzi Law Office letter with Borough of Englewood Cliffs Planning Board Application with the Application Checklist attached dated March 6, 2025.
- Capizzi Law Office letter dated March 31, 2025 and response to David Hoder, PE, dated March 27, 2025 with Stormwater Management Report dated November 22, 2024, revised March 25, 2025.
- Completeness response memorandum from Collazuol Engineering & Surveying Assoc., dated March 27, 2024.
- Preliminary Engineering Plan prepared by Collazuol Engineering & Surveying Assoc., dated May 8, 2024 and last revised as of February 28, 2025 consisting of eleven (11) sheets inclusive of a Boundary & Topographic Survey prepared by Collazuol

Engineering & Surveying Assoc., dated February 2, 2023 and last revised as of November 19, 2024 (Sheet 9).

- Architectural Plan prepared by FX Collaborative dated March 5, 2025 consisting of six (6) sheets.
 - Landscape Plan, undated, no title block.
 - Site Plan, DBC Associates, one sheet, dated October 31, 1988.
 - As-Built Phase One, John E. Collazuol & Associates, one sheet, dated 1/15/1989 (unclear of date).
 - Traffic Impact Study prepared by Stonefield Engineering & Design, LLC dated February 28, 2025.
 - Borough of Englewood Cliffs Certified List of Property Owners within 200'.
Borough of Englewood Cliffs certification from Tax Collector that property taxes are paid to date.
 - Completeness Review and Engineering (Site) Technical Review Report was prepared by David Hoder dated April 7, 2025.
 - Site Plan Review Letter from Lieutenant Colin Ford of the Englewood Cliffs Police Department, dated March 28, 2025.
 - Site Plan Review Letter from Andrew D. Nikow, Chief of the Englewood Cliffs Fire Department, dated March 27, 2025.
 - Affidavit of Publication dated March 31, 2025.
 - Affidavit of Service, prepared by Matthew G. Capizzi, inclusive of Notice, Property Owners Notified within 200%, and Certified Mail Receipts dated by March 27, 2025.

- Engineering Completeness Review of Site Plan and Subdivision (consolidation) Plan, prepared by David Hoder dated March 14, 2025.
- Letter from Thomas W. Randall of Randall & Randall, LLC on behalf of The Englewood Cliffs Planning, dated by March 25, 2025.
- Planning Board Resolution approved March 09, 2025.
- Planning Board Resolution approved September 14, 2006 with Reciprocal Easement Agreement.
- Planning Board Resolution approved September 12, 2002.
- Zoning Board of Adjustment Resolution Case No. 1218, undated.
- Site Plan Rendering (Exhibit A-1) prepared by Steven Collazuol, P.E. dated May 8, 2024.
- Building Elevation View from North West prepared by fx collaborative (Exhibit A-2), dated November 27, 2024.
- Rendered Building Elevation View from CNBC Road/9W prepared by fx collaborative (Exhibit A-3) dated November 27, 2024.
- Aerial Exhibit prepared by Stonefield Engineering and Design, dated April 9, 2025 (Exhibit A-4).
- Landscape Plan Exhibit prepared by Stonefield Engineering and Design, last revised, April 10, 2025. (Exhibit A-5).
- Map dated May 8, 2025 (Exhibit A-6)
- Landscape Plan Rendering (Exhibit A-7)
- Report of Michael Mistretta dated May 1, 2025

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

- a. Steven Collazuol, P.E.
- b. Nicholas Kennedy, P.E.
- c. Paul DeVitto, L.A.
- d. Daniel Kaplan, RA, AIA

and

WHEREAS, the following Board consultants were present,

- a. David Hoder, P.E. – Board Conflict Engineer
- b. Thomas W. Randall, Randall & Randall, LLC – Board Attorney
- c. David H. Horner, P.E. – Board Traffic Engineer
- d. Michael Mistretta, P.P.

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

NOW, THEREFORE, on this 12th day of June, be it resolved that the Englewood Cliffs Planning Board makes the following findings of fact:

APPLICATION PROPOSAL

The Applicant is proposing to subdivide the property and redevelop the southernmost portion of the property consisting of surface parking, which is located on the opposite side of the primary driveway accessing the property via Sylvan Avenue. This portion of the property is proposed to be developed with a two-story medical office building, consisting of 137,544 square feet and associated surface and underground parking. The project will also expand parking on the northern portion of the property by 178 spaces to partially compensate for the surface parking spaces to be removed for the construction of the medical office building. The total proposed parking for the property is 1,270, which includes the existing parking spaces for the four office

buildings unimpacted by the proposed office development. CNBC has a lease agreement to use 69 parking spaces.

HEARINGS

Testimony

The following persons testified on April 10, 2025

Steven Collazuol, P.E. was sworn and qualified.

1. He testified as to the colorized rendering of sheet number two from the site plan submitted is Exhibit A-1.
2. The proposed building will be a few feet above existing grade.
3. An underground parking facility below the building is proposed with an entrance coming off the north side.
4. There are three (3) loading docks at the south side of the building.
5. He described the main part of the building, the north side, as well as the parking.
6. New parking was proposed near Sage Road.
7. Lot dimensions were described
8. Grading in utilities were described.
9. The parking proposed near Sage Road will have 178 cars parking and include a new drainage system.
10. Approximately 28 spaces will be added along Sylvan Avenue.
11. The detention element in the drainage plan will ultimately discharge into the town storm sewer.
12. The proposed building has a cantilever.

13. The lighting plan was introduced and lighting level controls were discussed.
14. Mr. Collazuol then reviewed the Engineer's report of Planning Board conflict Engineer David Hoder.
15. Lighting will be will be LEDs dimming light at night can be accomplished in regard to the adjacent residential area.
16. Sanitary sewer line was described as well.
17. The garage bottom floor will have floor drains which will be directed through filters for contaminants.
18. The garage has an overflow drain into the storm sewer of Sage Road, and the water will be pumped from the garage.
19. The Sage Road guard rails will be changed from metal to wood.

Daniel Kaplan, Architect, Duffield St., Brooklyn, NY was sworn and qualified.

20. He described his plans of March 5, 2025 consisting of eight pages.
21. Building and garage area were described.
22. The garage will be sized appropriately to permit emergency access in and around the building.
23. The building has a north and south suite
24. The main lobby is in the middle of the two sections.
25. There is also a north lobby.
26. There is an overhang covering the loading docks.
27. Mechanicals will be located on the roof and they will be screened.
28. It will be less than 25% the footprint of the building.

29. The mechanicals will also be recessed towards the middle of the building and screened to lessen the visual impact.
30. The garage will be mechanically ventilated.
31. He showed renderings of the building and were marked as Exhibit A-3.
32. The parking structure will be able to support the weight of emergency vehicles.
33. The height of rooftop screening appears to be about 13 feet high.
34. It may be reduced depending on the mechanicals.
35. The camouflage screening of the mechanical elements was discussed.
36. The potential for having EV charging area for EV vehicles was discussed.

Nicholas Kennedy Jr., P.E. was sworn and qualified as Traffic Engineer.

37. The present requirement for the existing buildings is four parking stalls per thousand square feet.
38. There is a 6.6 per thousand requirement for medical offices.
39. He believes the current rate per thousand uses is 1.63 parking spaces per thousand square feet, well below the Borough ordinance.
40. Presently there were only 435 spaces utilized over 1,000 spaces provided.
41. The parking counts taken lead him to opine there was a requirement of 2,541 parking spaces were needed and 1,201 are proposed.
42. He concluded there was more than an ample parking area.
43. He found the parking width of aisles of 24 feet was adequate for 12 foot lanes in either direction.
44. This is sufficient space for emergency vehicles to negotiate its way through the site.

45. The 9 x 18 lot parking stall size is typical and adequate.

Paul Devitto III, L.A. Stonefield Engineering and Design, was sworn and qualified.

46. He is a licensed landscape architect.

47. He described Exhibit A-4, an aerial image of the site.

48. He also walked the site and observed the species of plants in the area and described the site.

49. He described Exhibit A-5, a colorized rendering of the proposed landscaping plan.

50. Johnson Avenue is forested and will be undisturbed going along Sage Road where an evergreen buffer is proposed to complement some of the existing buffer trees.

51. Sylvan Avenue landscaping remains mostly undisturbed.

52. Applicant proposes to supplement existing deciduous and evergreen trees to the west.

53. They are looking to supplement mature trees with staggered rows of evergreen trees.

54. The purpose of the landscape buffers is to shield headlight glare toward offsite neighbors.

Testimony May 8, 2025

Steve Collazuol, Professional Engineer, continued:

55. He discussed the three lot subdivision and the variances.

56. Lot 9.04 will have no side yard setback and has a substandard rear yard of 36.08 feet as the only two subdivision bulk variances.

57. He introduced Exhibit A-6 subdivision map.

58. A timer on the lights were also discussed as well as photo metrics.

59. It was further proposed to move the underground stormwater detention system further away from Sage Road.

Daniel Kaplan, Architect continued:

60. He addressed the mechanical screening on a rooftop top plan and the ability to have noise attenuation for the mechanicals.

61. A continuous 13-foot screen will shield the mechanical equipment.

62. He noted the ground floor exterior will be an aluminum color and glass and solid in-fill panels of stone or terra-cotta.

63. The second floor exterior will be a lighter but not white color.

64. The bulkhead will be painted vertical textured screen which will allow air to circulate near mechanicals.

Paul Devitto, Landscape Architect, continued:

65. Described Exhibit A-7 dated 5/6/2025.

66. Landscaping plan was enhanced throughout the project, particularly along Sage Road to Johnson Avenue with an additional 28 trees.

67. An additional 37 trees are proposed along the wooded area and buffer.

Nicholas Kennedy, Traffic Engineer, testimony continued:

68. AI is proposing 1,195 parking spaces with the loss of six spaces recommended for buffering.

69. Templates for 48-foot fire truck were prepared by the Engineer to show the truck can be accommodated.

70. He indicated that he and Board Traffic Consultant Horner agree on the results of the traffic impact study.
71. Mr. Horner, as Board Traffic Engineer, endorsed the circulation plan and the associated waivers.
72. It was suggested that the Applicant consider banking 178 spaces rather than building them presently
73. The parking, including parking stall size and aisle with traffic access into the garage and pedestrian crossings with ADA compliant ramps were reviewed.
74. Counsel indicated the Applicant will comply with showing additional crosswalks and will submit a separate truck circulation plan to show the movements in the loading zone can be demonstrated.
75. It was suggested there be a six-month look back for addressing whether any signal modification and controlling access of the traffic needs to be addressed for more “green” time to access the site.
76. A site distance analysis was also suggested.

Spach Trahan, Professional Planner, was sworn and qualified.

77. She indicated she had reviewed the transcripts, the Master Plan and ordinances, and the site in question in preparation for rendering an opinion.
78. She described the existing site.
79. The properties were currently subdivided along building lines.
80. She noted that the B2 Limited Business Zone includes medical clinics, laboratory, research facilities.

81. With the creation of a third lot there is an increase in setback variances.
82. The new subdivision creates a rear setback of 36.08 feet on lot 9.04.
83. The parking variance of the parking setback, for building setback and waivers, were reviewed.
84. She indicated that there was a deed restriction along Johnson Avenue of 100 feet which is less than the Borough ordinance of 120 feet regarding buffer requirements.
85. They have taken the position that the deed restriction supersedes the 120-foot requirement of the ordinance.
86. In the alternative they request a variance from the buffer ordinance.
87. Under the criteria of the MLUL she felt the application presented satisfies the C(2) criteria.
88. One of the new variances identified for lot 9.05 is for setback on Johnson Avenue for front yard due to the lot configuration.
89. Given the building orientation, 20% of the lot depth would require 135.38 feet setback where 61.2 is proposed.
90. This setback is due to the irregular shape of the lots.
91. There is no way to avoid a 0 foot setback where it presently exists for the structures.
92. The new building proposal has sizable setbacks in the middle of the panhandle section of the lot.
93. She proceeded to review the justification under the MLUL for C(2) variances and concluded that the standard for approval under the case law has been met.

STATUTORY CRITERIA

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

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

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

ANALYSIS AND CONCLUSION OF LAW

The Board, considering all of the testimony regarding the above matter, finds the application is appropriate for approval. In reviewing the variance associated with the project, there are some pre-existing variances due to the existing lot lines, and others created with the subdivision of a third lot required additional bulk variances. These bulk variances are created due to the orientation of the lots and their corresponding front yard side yard. The Board is also of mindful of concerns for buffering of the commercial property located adjacent to the residential zone. This proposal

takes that into consideration, and provides very significant mitigation to prevent any negative impacts in the R2 zone with the final revision of the application including lighting, buffering, drainage, building design and noise attenuation.

The following bulk clearances have been requested:

- **Lot 9.03 – Rear Yard Setback** (opposite Sylvan-previous approvals identified it as the front yard)
 - 53.67 feet is required, whereas 0 feet is proposed.
- **Lot 9.04 - Side Yard Setback** (east property lines)
 - 30 feet is required, whereas 0 feet is proposed.
- **Lot 9.04 – Rear Yard Setback** (opposite Sage Rd)
 - 163.37 feet is required, whereas 36.08 feet is proposed.
- **Lot 9.05 – Rear Yard Setback** (opposite Johnson, far end near Lot 9.01 office property)
 - 135.38 feet is required, whereas 61.2 feet is proposed.
- **Minimum Off Street Parking** - 2,541 spaces required, whereas 1,195 spaces are proposed.
- **Minimum Parking Stall Size** - 9' x 19' dimensions are required, whereas 9' x 18' dimensions were previously approved and proposed.
- **Minimum Loading Spaces** – 7 spaces are required, whereas 3 spaces are proposed.
- **Minimum Drive Aisle Width** (§ 30-11.2b): 25' minimum width is required, whereas 24' width is previously approved and proposed.
- **Minimum Parking Setback** (§30-5.12.3.h.1) – 5 feet is required, whereas 0 feet is proposed along Lot 9.01, and 0 feet is proposed at internal property lines between the three lots.
- **Structured Parking** – prohibited, whereas it is existing and proposed in new building.
- **Location of Parking in Front Yard** – prohibited, whereas parking is located in Sylvan front yard (on Lot 9.03, existing and proposed parking) and in Sage Road front yard (on Lot 9.04, proposed parking).
- **Maximum Coverage of Rooftop Appurtenances** that exceed the height requirement – 25% is permitted, whereas 37% is proposed.

- **(TBD) Buffer Width (§30-7.10.b)** – 120 feet is required adjoining residential zone (along Johnson Ave), whereas 100 ft. is existing and proposed.
- **(TBD) Buffer Restriction (§30-7.10.f.&h.)** – prohibits vehicular access to a residential streets and parking in a required buffer, whereas 7 new parking spaces are proposed.

Findings

Board finds that with the engineering of the site and the architectural design of the new building the site will operate efficiently in conjunction with the other properties and the building proposed does not present any visual detriment to the surrounding neighborhood.

The use is permitted in the zone as noted. Lot 9.03 opposite Sylvan Avenue has a 0 foot setback which is an existing condition. The 36.08 foot variants that rear yard is occasioned by the new line being drawn in the subdivision to create the new lot. As to the parking setback variance, it appears based on the analysis received that even though six spaces are being removed the final count of 1,195 spaces is more than adequate for the actual needs of the site. The waivers for parking stall size and drive aisle have been determined to be adequate for navigating the site and waivers appropriate. The hundred foot buffer is adequate to protect and buffer the residential zone along Johnson Avenue.

The Board further concurs that this is a C(2) variance being sought and in employing the analysis for approval there are purposes of the land use act which are promoted with this proposal. While there are variances caused by the subdivision, they are caused due to the irregular shape of the lots which are designed more to address the overall lot area compliance rather than setback require requirement. In any event these setbacks are substantial.

The parking garage being partially constructed below grade constitutes an efficient use of the land and serves to keep the overall height of the mass of the structure minimized. The removal

of six parking spaces along Sage Road, and replacing it with landscaping certainly provides a benefit and is aesthetically attractive.

Additionally, while the rooftop mechanicals are 12% greater than permitted, the screening is more aesthetically attractive, and shields mechanicals from view. The Board finds the purposes a), c), i) and g) are promoted with this proposal.

Turning to the negative criteria, there is no substantial detriment to the public good. Also there is no detriment to the zone plan and we find it is consistent with the goals of the Master Plan. These are findings with which the board planner also concurs, and accordingly the Applicant has satisfied the positive and negative criteria to merit approval.

The Board does not see any significant negative impact created by this development as Applicant has mitigated any impact and has made sure to address concerns of drainage being addressed on site. The proposal will not negatively impact the neighborhood with the development. There is no detriment to the neighborhood or impairment of the zone plan or zone intent.

The benefits outweigh any detriment, as there is adequate mitigation of any impact. The relief can be granted without detriment to the Master Plan or Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Borough of Englewood Cliffs recommends the approval of the Subdivision and Final Site Plan with variances as set forth enumerated above.

General Conditions

1. The Applicant shall obtain the approval (or waiver thereof) of any and all other governmental agencies having jurisdiction over the proposed development, including but not limited to State of New Jersey DOT, Bergen County Sewer Authority, Bergen County Soil

Conservation District, the New Jersey Department of Environmental Protection and the Bergen County Department of Planning and Economic Development.

2. The Applicant shall reimburse the Borough for all costs and fees of the Borough of Englewood Cliffs, Planner, Engineer and Borough of Englewood Cliffs Planning Board Attorney associated with this application, and release of escrows posted authorized upon receipt of sign off letters from all Borough professionals prior to the issuance of building permits.

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

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

5. Execution of a Developer's Agreement by the Applicant. Applicant shall enter into a Developer's Agreement with the Borough and post appropriate performance guarantees.

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

Specific Conditions

- 1) Applicant will comply with all representations made at the hearings.
- 2) The rooftop will be used only for mechanical equipment and there will be no public access.
- 3) Cross easements for parking and utilities will be provided for review and approved by

Board Professionals.

- 4) The data for light pollution reduction, and dark sky will be provided for review and approval by the Board Engineer.
- 5) The lighting for parking will face the building so to avoid light spillage onto Sage Road and is subject to approval by the Board Engineer.
- 6) Applicant will move the lighting as far as practical without adding new poles.
- 7) The fire lane will remain in its present unpaved condition except for adjacent proposed parking where it may be paved.
- 8) The existing gate for the fire lane will be left as is, and will be utilized only in the event of an emergency that precludes traffic from going out to Sylvan Avenue.
- 9) The fire lane specifically is not to be used for ingress or egress for emergency vehicles or ambulances as part of normal business operations or transport of patients.
- 10) A truck circulation plan for the site will be provided.
- 11) An acoustical liner will be installed as needed to be compliant with sound regulations under Borough ordinances.
- 12) The existing plantings between the Borough property adjacent to Witte field and existing parking will be maintained as is, with new plantings installed to the west of existing plantings, so as not to harm the existing mature landscaping.
- 13) Pedestrian crossings with ADA ramps and crosswalks are to be added, with the proposed locations to be determined in consultation with the Board Traffic Expert.
- 14) There will be a six-month review of the signalized intersection of Sylvan Avenue and the site access to determine if traffic signal timing/phasing modifications are warranted.

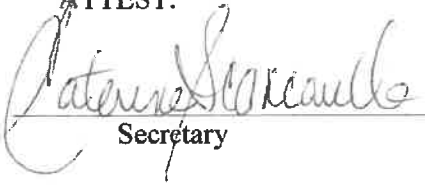
- 15) The lighting in the parking areas will be reduced at night after business hours.
- 16) There will be a six-month review of the lighting to determine whether the levels need to be adjusted.
- 17) The dead trees in the Johnson Avenue buffer area will be removed.
- 18) Applicant will comply with the sewer ordinance of the Borough, and provide downstream calculations for capacity to the satisfaction of the Board Engineer.
- 19) Trees and plantings installed by the Applicant will be maintained in perpetuity.
- 20) Any replacement of trees in the buffer will be governed by Borough Ordinance.
- 21) An additional fire hydrant will be installed to the west of the building (front yard).
- 22) The proposed storm water retention system will be moved further away from Sage Road as far as practical.
- 23) Applicant will plant 10'-12' Norway Spruce trees in staggered rows commencing at the intersection of Sage Road and Johnson Avenue and continuing 100 feet along both streets to create an evergreen screen for the benefit of the nearby residential properties.
- 24) The trees planted along Johnson and Sage Road will be planted on the residential side of the buffer, however, the location will be subject to complying with site distance requirements for the roadways.
- 25) The area adjacent to the intersection of Sage Road and Johnson Avenue where six (6) proposed parking spaces were removed will be augmented with evergreen and other plantings to provide additional screening for the residents nearby.
- 26) Along Sage Road, starting from a 100' distance from Johnson Avenue and continuing toward 9W, the Applicant will double the number of Norway Spruce trees depicted on the

toward 9W, the Applicant will double the number of Norway Spruce trees depicted on the plans.

- 27) The parking area lighting will have timers and dimming controls.
- 28) Sign application is deferred at this time and Applicant will return to the Board if any variances or other relief is required.
- 29) No building permits shall issue until escrows are posted by Applicant to satisfy all Board professional and legal invoices including reimbursement of escrows and fees paid by the Borough on behalf of the Applicant.
- 30) A revised landscape plan that includes all additional plantings will be submitted to the Planning Board Professionals for approval before issuance of building permits.
- 31) All trees that are proposed to be removed will be depicted and reviewed by Planning Board Professionals before issuance of building permits.
- 32) The Board notes that multiple previous plans for this property depict a 90' wide buffer zone potentially encumbering the property along Sage Road. For instance, a final subdivision plan by John Collazuol and Associates dated October 12, 2006 depicts a "90' Wide Buffer Zone" along with a metes and bounds description (see attached exhibit). Plans filed as part of this application and by the same engineer, John Collazuol & Associates, no longer depict the 90' wide buffer zone.
- 33) The Board has credible concerns as to the possible existence of a buffer zone along Sage Road, how it was created, and how/if it was removed. The Board raised the issue multiple times during the hearings and requested additional information about the Sage Road buffer but no clarity has been provided by the Applicant. The Board is concerned that there may

34) Therefore, the Board requires as a condition of approval that the Applicant provide appropriate information clarifying the buffer zone origin and removal subject to approval of the Board Attorney before the issuance of any construction permits.

ATTEST:


Secretary

ENGLEWOOD CLIFFS PLANNING BOARD


Chairperson

Roll Call:

Motioned by: Chairman Pomino

Seconded by: Mr. Timothy O'Shea

Ayes: Mr. Kim, Mr. O'Shea, Mrs. Rizvi, Conduoman Biegacz, Chairman Pomino

Nays: None

Abstention: none

ROLL CALL:

June 9th, 2025

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

Engineering Review #1
Application No. 346K
Zhanglan Cheng (Applicant)
10 Maple Street, Block 703, Lot 3
Colliers Engineering & Design Project No. ECP-0164

Dear Ms. Scancarella:

As requested, our office has reviewed the above captioned application submitted by Zhanglan Cheng seeking residential site plan & variance approval.

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

1. Planning Board Borough of Englewood Cliffs Application Form and related documents, prepared by Matthew G. Capizzi, Esquire, consisting of twenty (20) sheets, dated March 21st, 2025;
2. Engineering Plan Prepared by Mark Martins Engineering, LLC, consisting of two sheets, dated February 26, 2025;
3. Drainage Calculations prepared by Mark Martins Engineering, LLC dated February, 26, 2025;
4. Boundary and Topographic Survey prepared by mark Martins Engineering, LLC dated February 18, 2025; and
5. Architectural Plan Prepared by PO Yi Wu, consisting of four (4) sheets, dated February 27, 2025.

A. Existing Conditions

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

Surrounding uses includes additional single family residential lots.

B. Proposed Conditions

The Applicant is seeking to construct a new two-story addition of a three-car garage at the south side of the existing residential building, retaining walls, granite block curbing, expanded paver driveway, and landscaped swale. No other improvements are proposed as part of this Application.

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

ZONING SCHEDULE				
ZONE R-A, SINGLE FAMILY RESIDENTIAL				
ITEM	REQ'D	EXISTING	PROPOSED	VAR.
MIN. LOT AREA (sf)	10,000	11,349	11,349	NO
MIN. LOT WIDTH (ft.)	100	100.00	100.00	NO
MIN. FRONT YARD (ft.)	30 (30.0' Avg.)	30.0	30.0	NO
MIN. REAR YARD (ft.)	25	31.0	31.0	NO
MIN. SIDE YARD- Building (ft.) - ONE	10	10.0	10.0	NO
- BOTH	30	41.0	20.0	YES
MAX. BUILDING COVERAGE (%)	30.65	24.87	32.08	YES
MAX. BUILDING HEIGHT- CURB LEVEL	32 ft	31.0	31.0	NO
MAX. BUILDING HEIGHT- GRADE	30 ft	28.8	28.8	NO
IMPERVIOUS COVERAGE(%)	51	53.2	51.94	YES
REAR YARD IMPERVIOUS COVER (%)	60	45.15	36.1	NO
DRIVEWAY SIDE YARD SETBACK (ft.)	3	6.3	6.3	NO

* Minimum and Maximum Floor area percentage was not calculated on the proposed plans. Based on the application, neither of them appears to be applicable or potential variances.

C. Variances

The applicant is requesting variances for the following:

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

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

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

E. Proposed Site Plan Conditions

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

1. Grading:
 - a. It appears that the Applicant proposes installing a swale along the rear, south and north sides of the property to direct the drainage to a catch basin in the north side of the property and the street on the south side of the property. This wall appears to be approximately 2' in height.
 - b. There is small curb wall in the south side of the driveway adjacent to the to the garage.
2. Circulation and Driveway:
 - a. The Applicant proposes expanding the driveway area on the subject property without any modifications to the right of way.
 - b. The applicant shall be prepared to provide testimony regarding the ability of cars to turn around on the subject property.
3. Parking:
 - a. Applicant shall provide the total number of off-street parking spaces resulting from the proposed improvements.
4. Proposed three (3) car garage addition:
 - a. Applicant shall provide testimony in writing confirming that the proposed addition's roof complies with §30-7.7.c.
5. Sidewalks:
 - a. No sidewalks appear to be proposed and no sidewalks appear to exist along the frontage of the property.
6. Off-Tract Improvements:
 - a. There does not appear to be any proposed off-tract improvements related to this project.
7. Stormwater and Drainage:
 - a. The application appears to propose a net reduction in impervious cover, and therefore no additional stormwater treatment would be required.
 - b. The plans depict that some structures are to be removed to demonstrate the reduction in impervious cover. The plans are not clear exactly what will remain and what is to be demolished.
 - i. Our office suggests the applicant revise the plans to include a separate demolition plan detailing what is to be removed and what is to remain along with the calculations of each area.
 - c. The plans appear to depict the relocation of the stormwater line the connects to the seepage pits.
8. Utilities:
 - a. Utility connections for water, sewer, and gas are shown on the plans. No modifications to the utilities appear to be proposed.

- b. It appears there are two existing AC units that are to be relocated. The proposed plans appear to only show one AC unit.
 - c. The applicant shall be prepared to provide testimony regarding this item.
9. Landscaping:
- a. It appears the applicant is proposing to remove the landscaping along the south side of the property where the proposed relocated wall is proposed.
 - b. The Applicant shall provide testimony in writing regarding any trees, shrubs, or vegetation to be removed, altered, and/or planted.
10. Signs:
- a. The Applicant does not appear to propose any signs for this project.
11. Lighting:
- a. The Applicant does not appear to propose any lighting for this project.
12. Soil Erosion and Sediment Control:
- a. The plans depict a Soil Erosion and Sediment Control Plan.
 - b. Applicant shall provide a copy of the Soil Erosion and Sediment Control Plan permit to the construction code official prior to issuance of construction permit.
13. Environmental Constraints:
- a. The Applicant does not appear to propose any changes affecting environmental constraints.

F. Miscellaneous Comments

1. The Applicant is hereby advised that if stormwater runoff drainage problems occur as a result of the site improvements that are detrimental to the property and/or neighboring properties as a result of this construction, it shall be the responsibility of the owner of the property to remedy that drainage issue to the satisfaction of the Building Department and/or Borough Engineer.
2. The Applicant shall be aware of their responsibility to repair any damage to improvements within the Borough Right-of-Way including, but not limited to, sidewalk, curb, and asphalt, caused by construction activities associated with the installation of the improvements on the subject lot. We defer to the Borough's Department of Public Works in regard to this item.
3. The Applicant shall determine the limits of disturbance and install appropriate soil erosion preventative measures as necessary prior to constructing the proposed scope in association with this application and as shown on the plans.
4. The Applicant shall obtain any and all applicable approvals required by the Borough Building Department as well as outside agencies, including, but not limited to, the NJDOT, NJDEP, BCUA, and Bergen County. If applicable, proof of Bergen County Soil Conservation District shall be provided. It is the Applicant's responsibility to determine what outside agency permits are required. Copies of said approvals shall be provided upon receipt.
5. All excavated material shall be removed from the site unless approved for backfill by the Borough. Any soil disturbance shall be done as set forth by Borough Ordinance.

6. The Applicant shall be aware that posting of engineering escrow for construction administration oversight, plan review, and project closeout will be required at the time building permits are issued. Please be aware that unused escrow money will be returned to the property owner upon the issuance of a Certificate of Occupancy (C.O.).
7. The Applicant shall adhere to the building department's approved design plan. Any alterations and/or changes to the approved design plan(s) and contractor questions shall be brought to the attention of the Building Department for review prior to construction or installation on-site.
8. A signed and sealed "As-Built" site plan should be submitted as a requirement for this office to "sign off" on the issuance of the Certificate of Occupancy (C.O.). The provided "As-Built" should accurately show all installed site features including grading, spot elevations, structures, etc., and will be compared to the approved design plan in association with the application. The Applicant is hereby advised that deviations from the approved design plan without prior consent or approval by the building department are not acceptable. If in the event the As-Built deviates significantly from the approved design plan, the Building Department may not sign off on a C.O, especially if said deviation triggers or requires a zoning variance.

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

Sincerely,

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



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

cc: Thomas Randall, Esq. Board Attorney (via email)
Matthew G. Capizzi, Esq. Applicant's Attorney (Via email matthew@capizzilaw.com & gloria@capizzilaw.com)

June 10th, 2025

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

Completeness & Engineering Review #1
Application No. 347K
Estate of Nazar Nazarian (Applicant)
147 Demarest Avenue (Lot 3, Block 602) and 143 Demarest Avenue (Lot 2, Block 602)
Colliers Engineering & Design Project No. ECP0183

Dear Ms. Scancarella:

As requested, our office has reviewed Application No. 347K submitted by Estate of Nazar Nazarian (the Applicant), seeking minor subdivision approval.

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

1. Five (5) Completed Signed copies of the application;
2. Three (3) original full size signed/sealed copies of Minor Subdivision Plat prepared by Scott Den Blyeyker, P.L.S. entitled "Minor Subdivision of Tax Lots 2 & 3, Block 602 in the Borough of Englewood Cliffs, Bergen County, NJ, Dated May 21, 2025;
3. Five (5) 11" x 17" signed/sealed copies of Minor Subdivision Plat prepared by Scott Den Bleyker, P.L.S.;
4. Five (5) copies of the Application Checklist;
5. Five (5) copies of the Minor Subdivision Checklist;
6. Five (5) copies of the 1971 Redivision Plat Prepared by John E. Collazuol, P.E. & L.S. dated May 5, 1971 entitled "Proposed Redivision Lot 2 & 3, Block 16D, Borough of Englewood Cliffs, Bergen County, NJ signed by Mayor and Council and Planning Board;
7. Five (5) copies of the November 9, 1971, Planning Board Minutes and
8. Proof of Current Tax Payment for each Lot

A. Completeness

The application has been reviewed by this office for conformance in regard to the Site Plan/Subdivision application checklist(s). Based on our review the application either complies with all the items on the checklist and/or the item is not applicable. Our office takes no issue with the application being deemed complete.

B. Existing Conditions

The Estate owns the property located at 147 Demarest Avenue, Lot 3 in Block 602 as well as adjoining property located at 143 Demarest Avenue, Lot 2 in Block 602. 147 Demarest Avenue is currently improved with a one-family home. 143 Demarest Avenue is vacant.

In connection with the sale of 147 Demarest Avenue, the Applicant, the Executors of Mr. Nazarian's estate, discovered a discrepancy between the municipal records as reflected on the tax map and what the record title reflects. The decedent believed for more than 50 years that a 1971 subdivision approval he received was in place and the adjusted lot fine lawful.

Recently a title search was performed, and the question was raised requiring resolution in order to complete the sale. As the municipal records reveal, the property owner previously obtained minor subdivision approval in November 1971 to move the lot line between these two properties over 10 feet to make Lot 3 a width of 120 feet and Lot 2 a width of 100 feet. A search of the Borough records has revealed not only the minutes reflecting the approval but also an original mylar of the subdivision plat signed by the Planning Board and Mayor and Council.

The fast deed of record and fifed map that created the two lots (among others) reflects lot widths of 110 feet each. The municipal tax map since the 1970s approval has reflected the lots as 120 feet (Lot 3) and 100 feet (Lot 2). For over 50 years, it has been believed by both property owner and municipality that the lot line was adjusted in 1971.

C. Proposed Conditions

The applicant is seeking minor subdivision re-approval (no change to the approval received in 1971) so that the approval may now be perfected and the disparity between record title and the tax map may be resolved. There are not proposed site plan changes associated with this application.

Proposed Lots' compliance with the bulk standards of zone is as follows:

ZONING REQUIREMENT ZONE R-A RESIDENTIAL SINGLE FAMILY	REQUIRED	PROPOSED	
		LOT 2	LOT 3
Minimum Lot Area (sq.ft.)	10,000	16,475.2	19,177.9
Width (feet)	100'	100.0'	120.0'
Min. Front Yard Setback (feet)	30'	>30'	39.86'
Min. Rear Yard (feet)	25'	>25'	61.86'
Min. Side Yard – One Side(feet)	10'	>10'	16.90'
Min. Side Yard (Both – 30% lot width)	30'/36'	>30'	46.83'
Max. Lot Coverage (%)	25%/22%	<25%	21.5%
Max. Impervious Coverage (%)	51%	<51%	38%
Max. Rear Yard Coverage (%)	60%	<60%	14%
Max. Building Ht. (ft./stories)	2.5/30'/32'	<2.5/30'/32' 1 sty/pre-exist.	

* VARIANCE REQUIRED

D. Variances

No variances appear to be required regarding this application.

E. Proposed Site Plan Conditions

Other than the subdivision, the application does not propose any changes to the site.

F. Waivers/Exceptions

The Applicant has not requested any waivers/exceptions.

G. Miscellaneous Comments

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

Project No. ECP0183
June 10, 2025
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Should you have any questions concerning the above comments, please do not hesitate to contact my office.

Sincerely,

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

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

Craig Zimmermann, PE, CME
Senior Project Manager

cc: Thomas Randall, Esq. Board Attorney (via email)

\\corp.collierseng.com\files\Projects\E-H\ECP\ECP0183 - 147 & 143 Demarest PP #347K\Correspondence\OUT\250610 csz engineering review I - ECP0183 - 143 & 147 Demarest Ave. - App. #347K.docx