

Regular Public Meeting of the Englewood Cliffs
Planning Board Minutes
September 11, 2025

The Regular Meeting of the Englewood Cliffs Planning Board was called to order by Vice Chairwoman O'Shea at 7:30 pm.

Roll Call:

Present:

Vice Chairwoman Mrs. O'Shea
Ms. Correa
Mr. Kim
Mr. O'Shea
Ms. Zamecki – 2nd Alternate arrived at 7:53 pm
Mr. Lee – Borough Representative
Mr. You – Mayor Designee
Councilwoman Biegacz

Absent:

Chairman Porrino
Mrs. Villari
Ms. Rizvi – 1st Alternate
Mayor Park

Present:

Thomas Randall Esq., of Randall & Randall, LLP, the planning board's attorney.

Flag Salute

Board had a moment of silence for 911 Victims and for Charlie Kirk.

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 bulletin board at borough hall building 482 Hudson Terrace, Englewood Cliffs, NJ.

Vice Chairwoman O'Shea requested a motion to approve the June 12, 2025, regular meeting minutes. Motion was made by Councilwoman Biegacz and seconded by Mrs. Zamecki with a roll call vote. (6) Ayes Vice Chairwoman O'Shea, Ms. Correa, Mr. Kim, Mr. O'Shea, Mr. Lee, Mr. You and Councilwoman Biegacz, No Nays, (1) Abstention Mrs. Zamecki

Vice Chairwoman O'Shea requested a motion to approve the June 26, 2025, special meeting minutes. Motion was made by Councilwoman Biegacz and seconded by Mrs. Zamecki with a roll call vote. (5) Ayes Vice Chairwoman O'Shea, Mr. Kim, Mr. O'Shea, Mrs. Zamecki and Councilwoman Biegacz, No Nays, (3) Abstention Ms. Correa, Mr. Lee and Mr. You

Vice Chairwoman O'Shea requested a motion to approve the July 10, 2025, regular meeting minutes. Motion was made by Councilwoman Biegacz and seconded by Mrs. Zamecki with a roll call vote. (7) Ayes Vice Chairwoman O'Shea, Mr. Kim, Mr. O'Shea, Mrs. Zamecki, Mr. Lee, Mr. You and Councilwoman Biegacz, No Nays, (1) Abstention Ms. Correa

Old Business:

Application #3348K - Residential Variance for Front Gates
Mr. & Mrs. Sinisi – 200 Pershing Rd. – Block 602 Lot 8
Resolution – Denial

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

Vice Chairwoman O'Shea requested a motion to adopt the resolution. Motion was made by Councilwoman Biegacz and seconded by Mr. Lee with a roll call vote (5) Mrs. O'Shea, Mr. Kim, Mr. Lee, Councilwoman Biegacz (1) Abstention Mrs. Zimecki

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

Vice Chairwoman O'Shea stated that the applicant has officially withdrawn this application.

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

Chairwoman O'Shea stated that the applicant has requested the application to be carried to the October 9th meeting. No further notice will be required.

New Business:

No New Business.

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

No Comments

Vice Chairwoman O'Shea requested a motion to close the public portion and adjourn the meeting at 7:40 pm. 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 – September 11, 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:

June 12, 2025 – Regular Meeting
June 26, 2025 – Special Meeting
July 10, 2025 – Regular Meeting

OLD BUSINESS:

- | | |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Application #348K - | Residential Variance for Front Gates
Mr. & Mrs. Sinisi – 200 Pershing Rd. – Block 602 – Lot 8
Resolution – Denial |
| Application #344K - | Residential Variance for New Driveway
Hyonjin Jeung & Jisun Kang – 5 Second St. – Block 128 – Lot 9
Withdrawn |
| Application #345K - | Commercial Site Plan Approval
Englewood Hospitality, LLC – 495 Sylvan Ave. – Block 512 – Lot 3 |

NEW BUSINESS:

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 RANDY AND JANE SINISI :
: APPLICATION NO. 348K
FINAL SITE PLAN APPROVAL RELATING :
TO LOT 8 BLOCK 602 :**

WHEREAS, Applicants, Randy and Jane Sinisi, applied on or about June 4, 2025 to the Planning Board of the Borough of Englewood Cliffs, for site plan approval with variance relief for two driveway gates to an existing single-family residence known as 200 Pershing Road, also known as Block 602 Lot 8 on the tax map of the Borough of Englewood Cliffs, which property is located in the R-A Single-Family Zone District; and

WHEREAS, the public hearings were conducted on July 10, 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 July 10, 2025 a vote of the Board was taken to deny the application; and

WHEREAS, during the course of said hearing, Applicant presented expert testimony from its professional 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, Applicants were represented by Richard Stewart, Esq. of the firm of Laser Hochman LLC; 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 Applicants; and

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

WHEREAS, 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, dated June 4, 2025;
- b) Application Form and Checklists, dated June 4, 2025;
- c) Application description, undated
- d) Tax Certification, dated July 2, 2025, 2022
- e) Plans entitled, "Site Plan," prepared by Michael Hubschman, P.E., P.P. of Hubschman

Engineering, dated May 30, 2025 consisting of three (3) pages;

- f) 200 Foot Property Owner List, certified May 6, 2025

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

- a. Hubschman

WHEREAS, the following Board consultants testified for the board:

- 1. Craig Zimmermann, P.E., Colliers Engineering

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

NOW, THEREFORE, on this 11th day of September, 2025, be it resolved that the Englewood Cliffs Planning Board makes the following findings of fact:

The Application

Existing Conditions

1. The subject site, known as Lot 8 of Block 602, is a 93,201 square foot parcel located within the R-A Single Family Zone District.
2. The property is near the corner of lot North Woodland Street (Englewood border) & Pershing Road with frontage on Pershing Road and is improved with a two-story masonry dwelling, rear pool and slate patios. The lot provides front yards along the northerly property lines, a side yard along the east and southeast property line and a Rear Yard along the Southerly Property Line. Two gates at the driveway entrance have been installed without prior approval.

Proposed Development

3. The project proposes the approval of two gates in the front yard of the property. The plans also propose several minor additions to sections of the existing dwelling. Additional improvements include but are not limited to drainage, retaining walls, and resurfacing of circular driveway. The applicant is requesting variances as shown on the plan below.

**ZONING NOTES
Zone R-A**

		<u>Requirement</u>	<u>Proposed</u>
	Minimum Lot Area	10,000 sf	93,201 sf
	Minimum Lot Frontage	75 ft.	188.70 ft.
	Minimum Lot Width	100 ft.	266.30 ft.
Ord. 30-7.4	Maximum Height of Fence	6 ft.	5.75 ft.
Ord. 30-7.7(d)	Fence Located in Front Yard	Not Permitted	Proposed

HEARINGS

Testimony on July 10, 2025:

Hubschman, Professional Engineer, was sworn and qualified:

1. The gates promote safety for the resident satisfying purpose a of the land use statute.
2. A safety arm was installed to allow for emergency services access.
3. Properties located near the city of Englewood, which allows gated driveways.
4. The height of the gate is 5.79 feet and two are installed.
5. Each of the gates has an emergency alarm that went activated and will open the gates.
6. They were installed after the occurrence of a prior emergency on the site.
7. The gate is located 10 feet inside the road.

STATUTORY CRITERIA

D(1) Variance Use

The Municipal Land Use Law (MLUL) sets forth the statutory positive and negative criteria for variance relief. It permits a Zoning Board of Adjustment to grant a 'D' variance "in particular cases and for special reasons." The courts have determined that special reasons include a showing by the Applicant that the granting of the variance will effectuate the intents and purposes of the MLUL and advance the goals and objectives of the local master plan. This is the "positive criteria" of the statute.

Additionally, the applicant for a use variance is obligated to address the planning issues raised in the New Jersey Supreme Court case Medici v. BPR Co. 107 NJ 1 (1987). In accordance with the guidelines set forth in Medici, an applicant for a use variance must demonstrate that special reasons are satisfied by either showing that the proposed use is one

which “inherently serves the public good” or that the proposed use promotes the general welfare because the proposed site is particularly suitable for that use. The Medici decision provides that in conjunction with the demonstration of the negative criteria, an enhanced quality of proof must be demonstrated to indicate that the grant of the requested use variance is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance.

Section 40:55D-70(d) of the Municipal Land Use Law allows variances to be granted “in particular cases and for special reasons”, further, “no variances or other relief may be granted ... unless such variances or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.”

An Applicant for a use variance must show that the variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance. Proof must reconcile the proposed use variance with the zoning ordinance’s omission of the use from those permitted in the district. This Medici “test” requires an enhanced proof based on what the New Jersey Supreme Court called “the primacy of planning”. This holds that to the greatest extent possible, a municipality must establish its land uses based on a master plan and zoning ordinance. The proposal meets these standards as follows: The property is particularly well suited for the proposed use.

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.

Discussion and Conclusion of Law

1. Gates are not permitted in the front yard zone.
2. Applicant was specifically advised this in its prior resolution memorialized March 9, 2023.
3. The proposed benefit is minimal as they desire a gate for a justification for safety, while the gate stops a car from entering the property in close proximity to a busy roadway.

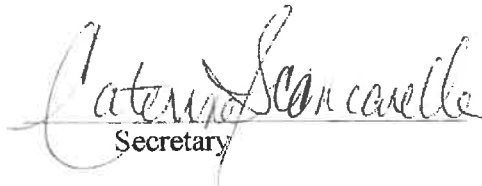
cause a detriment to the zone plan and impair the intent of the ordinance.

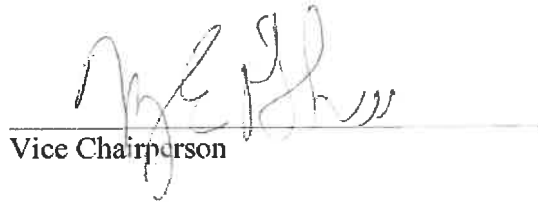
5. The board finds that the applicant has not carried their burden as the benefits do not outweigh the detriments.

NOW THEREFORE, BE IT RESOLVED that the Planning Board of the Borough of Englewood Cliffs denies the application for final amended site plan with variance.

ATTEST:

ENGLEWOOD CLIFFS PLANNING BOARD


Secretary


Vice Chairperson

ROLL CALL:

Offered By – Mr. Lee

Seconded By – Councilwoman Biegacz

Vote on Roll Call:

In Favor of Resolution Approval – Mrs. O’Shea, Mr. Kim, Mr. Lee, Councilwoman Biegacz

Abstention – Ms. Zamecki