

Special Public Meeting of the Englewood Cliffs
Planning Board Minutes
March 5, 2026

The Regular Meeting of the Englewood Cliffs Planning Board was called to order by Chairman Porrino at 7:35 pm.

Roll Call:

Present:

Chairman Porrino
Vice Chairwoman Mrs. O'Shea
Mrs. Villari – entered at 8:01 pm
Mr. Kim
Mr. You
Mrs. Rizvi – 1st Alternate
Mrs. Zamecki – 2nd Alternate
Mr. Lee – Borough Representative
Mr. Woo – Mayor Designee
Councilwoman Biegacz

Absent:

Ms. Correra
Mayor Park

Present:

Mr. Tim Wiss Esq., of Randall & Randall, LLP, the planning board's attorney.
Mr. Michael Mistretta, Harbor Consultants, the planning board conflict planner

Flag Salute

Public notice of this special 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.engagewoodcliffsnj.org and posting on the entrance of the borough hall building at 482 Hudson Terrace, Englewood Cliffs, NJ.

New Business:

Affordable Housing 4th Round Borough Ordinances Review for Consistency

Chairman Porrino stated that we only have one item on the agenda tonight and it is for the review of two ordinances that have had a first reading by the Mayor & Council. We have an obligation to review them and hopefully the board will find them consistent with the Master Plan of the borough.

Mr. Michael Mistretta gave a summary of the two ordinances for consistency review. He gave an overview of the changes from the original ordinances that were in front of the board February 12th. The two main topics are one mixed use and two impervious converge. I am recommending to the board that the bulk table is amended with a separate ordinance that provides for a maximum impervious coverage which is not part of the ordinances presented tonight. I am not singling out and treating the multifamily from the commercial in the overlay zones. This is not to our benefit this evening.

There was discussion between members and Mr. Mistretta about the zoning table 30.1 in regard to impervious coverage.

Mr. Mistretta discussed the issue regarding mixed use. When I was here, I stated the removal of the mixed use which I stand by my statement, but my procedure was wrong and for that I made an error. Procedurally only my recommendation of the ordinances are consistent with the housing element fair share plan and for this evening as written. It includes both the multifamily at 20 and the mixed use at 24. The reason why is when you go back and look at the planning board's resolution signed, adopted and submitted to the court in June 2025 and you look at the Mayor & Council resolution of June 2025 and you look at the plan housing element fair share plan that was filed with the DCA and the court Fair Share Housing in June of 2025 and you look at the fair share housing challenge report dated August 2025 and you look at the signed consent order dated February 2026 collectively all of these documents have the multifamily and mixed use referenced in them. So, to take that out at the introduction of the ordinances after I just went through those 6 steps which are all on file all having been reviewed and all part of our record and then try to fix it after the fact it is not the proper procedure. I recommend we address this issue after so that we do not lose our immunity.

There was discussion between members and Mr. Mistretta about this issue on how it can possibly be changed after the ordinances have been adopted and the 4th round affordable housing is complete. Mrs. O'Shea and Mr. Mistretta went back and forth discussing mixed use plus and minus reasons.

Mrs. Villari entered the meeting at 8:01 pm.

There was discussion by members and Mr. Mistretta about mixed use development possibilities positive and or negative.

Mrs. O'Shea stated that she is very tired of everything going to mixed use. We don't want mixed use all through our town.

Mr. Mistretta stated he has completed his presentation of the two items that were the concern for this evening which was impervious coverage and mixed use.

Mr. Mistretta gave the board the timeline of what is next for the borough with fair share housing as well as all the borough's obligations.

Mrs. O'Shea wanted the following put in the record. As a Planning Board Member, I want inclusionary housing not mixed-use properties. Other members expressed the same sentiment. Mixed use required the ground floor to be commercial and the two upper floors residential instead of the ground floor being parking and two upper floors of residential. Mixed use pushed out the parking to the perimeter and increases impervious coverage by requiring more parking for the commercial and that became very eminent to me when I went to the hearing regarding the Cioffi application. Even when the mixed use was proposed in the B3 zone I did have a strong feeling about it since I didn't understand it, but after listening to the Cioffi application and seeing what happened to his property when they put commercial on the ground floor and how they were juggling around trying to fit the parking it was a like a light bulb went off. Mr. Mistretta you advised us that if the property owner wishes to maintain the property in the current zoning they could and if the property owner wish to build up inclusionary housing they could but that the two could not be combined. You stated that I wrote it down. You indicated that you are in constant contact with Fair Share Housing and that you have a good relationship. Fair Share and you would send them a letter to remove the mixed use. You also seemed to

indicate that you have already consulted with them about this. That was from your conversation. The ordinances you presented to the Mayor & Council after all assurances you would give to us in the planning board completely reversed this. I was shocked when the council came out and voted for ordinances that included mixed use and when I asked the attorney which ordinance they were voting on version one or two he wouldn't give me an answer. So, I did not know how to address my comments that is not transparency council members. At the last meeting you distributed maps you had them at the council meeting and distributed them here and ordinances. The maps had incorrect zoning zones, the map had incorrect lot numbers, incorrect block numbers, lot and block numbers were in the wrong zone then the right zone and those are all inexcusable errors and the substitutions of different ordinances at the last minute is also inexcusable. That's my opinion.

Mr. Mistretta stated that he has not had any direct conversations with Fair Share Housing Center about the ordinances. I made a statement that I could contact Fair Share Housing or something along those lines. I generally do as part of my job. It is my responsibility to have conversation with Fair Share Housing Center that's what I do for a living. I talk to Fair Share Housing Center all the time I have to, but I did not talk to them about these ordinances. There is no communication via phone, text, email or anything with Fair Share Housing and me for the record. I made that suggestion that it is not uncommon for me to be at a meeting and either have a planning board or governing body official say talk to them about this as long as I am representing you it is in your best interest to have a positive relationship. We always don't agree on everything that's for sure, but you have a conversation and you throw back ideas and you talk it through. I did not have that conversation with Englewood Cliffs regarding this Englewood Cliffs matter.

Chairman Porrino stated does it make sense to get this plan approved and ordinances approved by Fair Share Housing and then if there is an attempt by the governing body to revise the ordinances. It's a limited conversation fair share could say no they don't like the idea or yes, we are ok with it. That's different then trying to do it now. We don't want to dig too deep into the conversation but there are risks with upsetting the apple cart. We have a plan in place and hope it is completed by March 15, 2026, so that it will be done. We want to make some amendments to it later you are now dealing with those amendments and not potentially opening other issues.

Mr. Mistretta went over all the next steps the borough is to go through and where the borough stands today with Fair Share Housing. If we get the certification of compliance from Fair Share Housing, we are completed for 10 years. Technically 9 years by the time we get it. Each cycle is 10 years so every 10 years the borough will have to review this again with a possible new number from the state.

There was explanation of time from if changes are made to the ordinances by Mr. Wiss the planning board attorney and the issues that the borough will face if the board does not adopt these for consistency review.

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

Mr. Martin Geiger, 270 Alfred St. stated that I have been listening to the remarks of Mr. Mistretta going back to January when he stated a 329 number and let's not upset the apple cart. He should have protested that number and not try to construct this mouse trap we have to find enough places for housing we don't have. I remember he included the cemetery property which is not available land in June last year and the minutes of the planning board will confirm this. Mrs. O'Shea and members of the public addressed the matter of mixed use. The mixed use was in the HESPA report. The mixed use was objected to and in the minutes, it noted that the concerns of the public would be addressed. I had hoped a committee of the public and members would be formed or any discussion since then. We don't want mixed use. Your job is to determine if the ordinance conforms with the master plan but for the mention of mixed use in some places in the HESPA report there is no mention of mixed use in the master plan. What I get from Mr. Mistretta's comments that it was a mistake to have in the reports. So, why compound the error. Fair Share Housing had got their share in Englewood Cliffs, so what is the risk. Mixed use is in there in footnotes and parenthesis. I recommend that you do not approve mixed use in the ordinances this evening and send it back to the Mayor & Council with a note that the other documents should be flagged that it needs to be changed in all reports. Don't compound the error. We have complied with the 329 without the mixed use.

Mrs. Carin Geiger, 270 Alfred St., stated that she is disturbed by what Mr. Mistretta has said here today. I have been involved with all the HESPA reports since 2009. If I was you I would be furious that you are given a 500-page report 10 days before it had to be adopted and that there was 4 pages that needed to be reviewed about the 4th round. Those pages included mixed use, but they didn't include mixed use in the totals. So, when you add up our affordable housing obligation towards the 329 that 329 is gotten by 177 units out of the C & D not including mixed use, 60 units that Mr. Mistretta calculated by another ordinance and 79.5 units that Mr. Mistretta calculated so all those numbers do not include mixed use. If you have mixed use there will be 49 more units. More units not less. You get more units by making them smaller. I had spoken with Mayor Park and informed him that I read all the reports and that there are inconsistencies between the HESPA report and the plan that Mr. Mistretta was presenting to the Mayor & Council the plan excluded mixed use. Mayor Park told me to talk to them about it. So, I did. I spoke to Bob Ferraro borough attorney and Mr. Mistretta and told them that there were inconsistencies between the HESPA report, the consent order and the ordinances. Mr. Mistretta told me that he would take care of it in a letter no problem. Now I guess it is a problem. Those ordinances that were approved by the Mayor & Council on February 11, 2026, that excluded mixed use from them were not given to the court. Why just the ones approved a week later. All of a sudden, we have document upon document all written by Mr. Mistretta stating what we have to do in our town not what we don't want. The letter from Fair Share did not question mixed use or the number 329. What it did question is our calculation of the 79.5 units. The consent order letter they only changed was the 79.5 units adding the word hypothetical. They didn't change the mixed use they didn't rely on the mixed use or comment on the mixed use. They basically ignored it because it wasn't necessary. I am concerned when we are threatened with losing our immunity. So please as a planning board send a judgement that says redo the HESPA plan minus mixed use. We approved the ordinances in version two as

originally submitted and we are not approving mixed use it is an error and not necessary for our number and should be deleted from every document it is in.

Mr. Mitch Kapsaskis 251 Alfred St., I have questions regarding the proposed ordinance on lot coverage. When a builder is looking to develop a residential building and they have the option of a mixed use or all residential with the stipulation of parking on the ground floor. It is my understanding that it is not a requirement to have it that way as long as it fits the coverage, they do not have the parking underneath, and they can possibly put additional units on the first floor. Is that a fair assessment? Mr. Mistretta stated the parking does not have to be inside the structure it could be outside as long as you meet the parking requirements. It is not required to be on the first floor. Mr. Kapsaskis stated so if I was a developer, it would be more feasible to have more units on the first floor then parking. I would want more residential units. Mixed use maybe someone's priority but really investment reasons more units would be beneficially. I don't have any concerns on possibly having mixed use in the future.

Mr. Tae Lee 10 Ridge Rd, I am concerned about zoning when I read zoning on the chart I see B2A Overlay zone that it is limited to offices. I am confused with B3 and B2A zoning. Also, impervious area question if only decided by Fair Share Housing they are going to maximize it. We should look more into this to limit this.

Chairman Porrino tried to explain these items to Mr. Lee.

Chairman Porrino made a motion to close the public for this matter and seconded by Mr. Kim and carried unanimously by voice vote.

There were more discussions between members and Mr. Mistretta about the ordinances and the housing plan.

Mrs. O'Shea made a motion to reject the ordinances 2026-5 30-5, 19 Southern Avenue Overlay Zone C in Chapter 30 of the code of the Borough of Englewood Cliffs to provide District Regulations for an Overlay Zone and to address compliance with the Borough's Affordable Housing Obligation, and 2026-6 30-5, 20 Southern Sylvan Avenue Overlay Zone D in Chapter 30 of the code of the Borough of Englewood Cliffs to provide District Regulations for an overlay zone and to address compliance with the Borough's Affordable Housing Obligations, and approve version 2 of the same listed above ordinances, which does not have the mixed-use component within the ordinances and was seconded by Mrs. Villari

Before the vote was taken Mrs. O'Shea also stated to the members and Mr. Mistretta that the draft ordinances that were received by the Planning Board did not include any mixed-use housing, only inclusionary housing at 20 units per acre. As a planning board member, I want inclusionary housing not mixed-use properties. Other members of the planning board expressed the same sentiment. Mixed-use required that the ground floor be commercial and the two upper floors residential, instead of ground floor parking and two upper floor residential. The mixed-use pushes out the parking to the perimeter and increases impervious coverage by requiring more parking for the commercial. You had advised us that if a property owner wishes to maintain the property under the current zoning, they could. If the property owner wished to

build up inclusionary housing, they could not be combined. You indicated that you are in constant contact with Fair Share and have a good relationship with Fair Share and would send them a letter about the removal of the mixed-use. You also seemed to indicate that you had already consulted them on this. The ordinances that you presented to the Mayor and Council, after all the assurances that were given to the planning board completely reversed this. At our last meeting, you distributed maps and ordinances with incorrect zones and lot and block numbers, and the lot and block numbers were in the wrong zones. This is an inexcusable error, and the substitution of different ordinances after is also inexcusable.

Chairman Porrino and Mr. Wiss explained to the board what this motion meant and the possible outcomes by this vote before the vote happened.

Roll call vote 3 (Ayes), Mrs. O'Shea, Mrs. Villari and Mrs. Rizvi, 6 (Nays) Mr. You, Mr. Kim, Mr. Lee, Councilwoman Biegacz, Mr. Woo and Chairman Porrino.

This motion failed.

Chairman Porrino made a motion to approve the ordinances 2026-04 & 2026-05 that they are consistent with the Master Plan and seconded by Mr. You with a roll call vote. 6 (Ayes) Mr. You, Mr. Kim, Mr. Lee, Councilwoman Biegacz, Mr. Woo and Chairman Porrino, 3 (Nays) Mrs. O'Shea, Mrs. Villari and Mrs. Rizvi

This motion passed

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

Mrs. Geiger, 270 Alfred St., stated if the planning board rejected this the law provides that the council still can approve it. The council is the one who decides not the planning board. I wish you would have clarified that the Mayor & Council has the ultimate decision. I hope that each member of the Mayor & Council reads Judge Farrington's January 17, 202 order which revoked the borough's immunity and hope that they pay attention to hear comments about Mr. Mistretta. I think that you have made a mistake and that Mr. Mistretta changed the meaning of what mixed use is.

Mr. Tae Lee, 10 Ridge Rd asked a question before about zoning and wanted to know if we can leave the zone B2A and B3 as is.

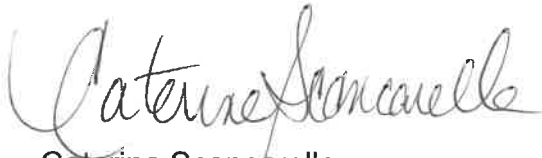
Chairman Porrino requested a motion to close the public portion of the meeting. A motion was made by Mr. Lee seconded by Mr. Lee and carried unanimously by voice vote.

Chairman Porrino wanted to make a comment about comments that was brought up by members of the public. Mr. Mistretta was put in a position in 2019-2020 that nobody wants to be in. He did his best to defend the borough. It's a matter of what tools you have at your disposal. He didn't have many tools, and he was overwhelmed by Fair Share Housing, 800 Sylvan and other parties to that litigation. He did what he could it didn't pass the judges sniff test because he didn't have the tools. The case was what it was and the odds were nil. Unfortunately, from day one he gave it his best. So, yes, he took his beating and he is still standing here for us whereas most people wouldn't be. So, hats off to you for staying with the borough because there are imperfections. No one is perfect, but I was there for some of the hearings, and it wasn't a pretty picture, and it wasn't because Mr. Mistretta wasn't prepared, he was up against insurmountable odds.

Mr. Mistretta thanked Chairman Porrino and stated that once the settlement was agreed there was a change in that person.

Chairman Porrino requested a motion to adjourn the meeting at 9:43 pm. A motion was made by Mr. Lee seconded by Chairman Porrino and carried unanimously by voice vote.

Respectfully submitted.

A handwritten signature in cursive script, reading "Caterina Scancarella". The ink is dark and the signature is fluid, with a large initial "C" and a long, sweeping underline.

Caterina Scancarella
Planning Board Administrative Secretary

ENGLEWOOD CLIFFS PLANNING BOARD
SPECIAL MEETING – March 5, 2026, 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.engagewoodcliffsnj.org, and at Borough Hall, 482 Hudson Terrace, Englewood Cliffs, NJ.

ROLL CALL

APPROVAL OF MINUTES:

OLD BUSINESS:

NEW BUSINESS:

Review of Affordable Housing 4th Round Borough Ordinance Changes for Continuity

COMMUNICATIONS:

EXECUTIVE SESSION:

COMMITTEE REPORTS:

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

ADJOURNMENT

**BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

ORDINANCE NO. 2026-06

**TITLE: AN ORDINANCE TO ENACT § 30-5.20 (SOUTHERN SYLVAN AVENUE
OVERLAY ZONE D) IN CHAPTER 30 (ZONING) OF THE CODE OF
THE BOROUGH OF ENGLEWOOD CLIFFS TO PROVIDE DISTRICT
REGULATIONS FOR AN OVERLAY ZONE AND TO ADDRESS
COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING
OBLIGATIONS**

**(SOUTHERN SYLVAN AVENUE OVERLAY ZONE D ORDINANCE – BLOCK 130,
LOTS 22-25; BLOCK 314, LOTS 10-15; BLOCK 313, LOTS 1-3; AND BLOCK 411,
LOTS 16-23)**

WHEREAS, the Borough of Englewood Cliffs (the “Borough” or “Englewood Cliffs”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the “Fair Housing Act”) on January 28, 2025; and

WHEREAS, the Borough’s Fourth Round fair share obligations has a Present Need of 0 units and a Prospective Need of 329 units, which no party appealed, and ordering the Borough to file a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

WHEREAS, the Borough of Englewood Cliffs Planning Board adopted the Fourth Round HEFSP, dated June 2025 on June 26, 2025 pursuant to the Municipal Land use Law at N.J.S.A. 40:550-1, et seq.; and

WHEREAS, the Fourth Round HEFSP has been endorsed by the Borough Council by Resolution No. 25-142 on June 27, 2025; and

WHEREAS, the Borough having filed its Fourth Round HEFSP on June 30, 2025 (“Adopted HEFSP”); and

WHEREAS, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s Fourth Round HEFSP on August 29, 2025; and

WHEREAS, the Borough and FSHC having agreed to amicably resolve the issues set forth in the challenges through a Consent Order filed on January 27, 2026 (“Consent Agreement”), which further clarifies the Borough’s compliance mechanisms through specific amendments to its Fourth Round HEFSP; and

WHEREAS, the Consent Order has been adopted by the Borough Council by Resolution No. 2026-83 on February 11, 2026;

WHEREAS, this Ordinance implements and incorporates the adopted and endorsed Amended Fourth Round Housing Element and Fair Share Plan, which provides that a portion of the Borough's Fourth Round Unmet Need obligation is to be addressed through the creation of an overlay zone at 50-440 Sylvan Avenue, 110-120 Charlotte Place, and 8 Rose Avenue identified as Block 130, Lots 22-25, Block 314, Lots 10-15, Block 313, Lots 1-3, and Block 411, Lots 16-23 on the Borough tax maps which shall permit a maximum residential density of 20 dwelling units per acre with a required minimum 20% affordable housing set-aside or a maximum mixed use density of 24 units per acre with a required minimum 20% affordable housing set-aside; and

WHEREAS, the Borough intends to amend Chapter 30 (Zoning) of the Code of the Borough of Englewood Cliffs to establish the Southern Sylvan Avenue Overlay Zone D;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Englewood Cliffs in the County of Bergen, State of New Jersey as follows:

Section 1. The Municipal Zoning Ordinance of the Borough of Englewood Cliffs is hereby supplemented and amended by the creation and establishment of a new § 30-5.20 to be entitled "Southern Sylvan Avenue Overlay Zone D" to read as follows:

§ 30-5.20 SOUTHERN SYLVAN AVENUE OVERLAY ZONE D.

§ 30-5.20.1 Purpose.

- a. To implement the Consent Agreement between the Borough of Englewood Cliffs and Fair Share Housing Center dated January 27, 2026 (Docket No. BER-L-775-25) by permitting Block 130, Lots 22-25, Block 314, Lots 10-15, Block 313, Lots 1-3, and Block 411, Lots 16-23, with a street address of 50-440 Sylvan Avenue, 110-120 Charlotte Place, and 8 Rose Avenue to be developed with inclusionary multifamily residential affordable housing or mixed commercial and inclusionary multifamily residential housing based upon the standards set forth herein.
- b. This section establishes the Southern Sylvan Avenue Overlay Zone D, which shall be applied, as shown in the attached map as Attachment A, in the following areas:^[1]
 1. Southern Sylvan Avenue Overlay Zone D, the area located along Sylvan Avenue, northeast of Van Nostrand Avenue and southwest of Sherwood Avenue - which is only comprised of the existing B-2 Zoning District and shall only apply to the following properties, specifically: Block 130, Lots 22-25, Block 314, Lots 10-15, Block 313, Lots 1-3, and Block 411, Lots 16-23.

[1] *Attachments on file in the Borough offices.*

- c. The Southern Sylvan Avenue Overlay Zone D shall permit a maximum density of 20 residential units per acre with a minimum 20 percent affordable set-aside for rental and/or for-sale units or a maximum density of 24 mixed use units per acre with a required minimum 20% affordable set-aside for rental and/or for-sale units. The affordable units shall not be age restricted.
- d. Definitions. The following terms, as used in this section, shall have the following meanings:

AVERAGE FINISHED GRADE

Shall mean the average finished grade of a building or structure measured at intervals of ten (10) feet along each exterior wall of the building or structure, i.e. the sum of the results of such finished grade measurements, divided by the number of such measurements.

BUILDING COVERAGE

Shall mean that portion of a lot covered by the largest floor area of all structures, both principal and accessory.

BUILDING HEIGHT, ACCESSORY BUILDING OR STRUCTURE

Shall mean the measurement from the average finished grade to the midpoint of the roof for pitched roofs and the highest point of the roof deck for flat roofs, for any accessory buildings or structures.

BUILDING HEIGHT, MULTI-FAMILY DWELLING, TOWNHOUSE OR STACKED TOWNHOUSE

Shall mean the measurement of the vertical distance from the Average Finished Grade to the highest point of the roof deck which intersects the building's exterior walls.

DWELLING, MULTI-FAMILY

Shall mean a building containing three (3) or more dwelling units, including units that are located one over another, where entranceways, hallways, basements, attics, storage areas, heating systems, yards and similar services in the building may be individual, shared in common, or in combination.

ELEVATION ABOVE MEAN SEA LEVEL

Shall be defined as a measure of the vertical distance of a location in reference to the mean sea level (MSL) based on the National Geodetic Vertical Datum of 1929 (see the NOAA, National Geodetic Survey website:
<https://www.ngs.noaa.gov/datums/vertical/national-geodetic-vertical-datum-1929.shtml>)

MULTI-FAMILY FLOOR AREA RATIO

Shall mean the area of all floors of multi-family buildings, including spaces within multi-family buildings used for off-street parking or loading.

STORY

Shall mean the portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

§ 30-5.20.2 Permitted Uses.

a. Principal Permitted Uses:

- A. Multifamily residential uses provided at a maximum density of twenty (20) dwellings units per acre, and where a minimum twenty percent (20%) affordable housing set-aside shall be required in accordance with applicable Borough Ordinances.**
- B. Mixed Commercial/Multi-Family Residential Development in structures combining retail business establishments or personal service establishments on the ground floor and containing a multi-family residential use above with no residential dwelling units located on the ground floor.**
- C. Existing principal permitted uses of the underlying zone(s) are not modified or affected by the establishment of this overlay zone.**

b. Permitted accessory uses and structures. The following uses and structures shall be permitted:

- 1. Amenities ancillary to multi-family residential, such as lobbies, fitness centers, storage areas for the residents of the multi-family buildings, and common area meeting rooms for the residents of the building.**
- 2. Active and passive outdoor recreation areas.**
- 3. Common indoor open space areas.**
- 4. Parking spaces, driveways, structured multi-level parking garages provided that any structured parking is limited to the first floor of any multifamily or mixed-used building and is enclosed with the same building materials and finishes used for the main portion of the multi-family residential building.**
- 5. Refuse and recycling building and/or structure.**
- 6. Stationary generators.**
- 7. Fences and walls.**
- 8. Signage.**
- 9. HVAC equipment and utility cabinets/controllers.**
- 10. Temporary construction trailers, temporary sales trailer, and/or temporary sales office through final project Certificate of Occupancy.**
- 11. Any use or structure that is customarily incidental and subordinate to the principal use of land or building located on the same lot subject to Planning Board approval.**

c. Conditional Uses: All conditional uses permitted in the underlying zone(s) shall continue to be conditional uses.

- d. The following uses are specifically prohibited in this zone:
 - 1. Standalone garages.
 - 2. All prohibited uses in the underlying zone(s) shall be prohibited.

§ 30-5.20.3 Area, Yard and Bulk Requirements.

- a. Refer to Attachment 1 – Schedule of Regulations in Chapter 30 (Zoning) for the underlying schedule of bulk requirements, as applicable, for the B-2 (Limited Business) District.
- b. Maximum Density:
 - a. Multi-Family Residential Development: 20 units/acre.
 - b. Mixed Commercial/Residential Development: 24 units/acre.

§ 30-5.20.4 Affordable Housing Requirements.

- a. Affordable units provided shall be constructed, administered, and monitored in conformance with the requirements of amended Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), UHAC (N.J.A.C. 5:80-26.1 et seq.), N.J.A.C. 5:99, and the Borough's affordable housing regulations per Sections 30-19, 30-19A, and 30-19B in Chapter 30 of the Ordinances of the Borough of Englewood Cliffs.

§ 30-5.20.5 Off-Street Parking, Parking Design, and Circulation Requirements.

- a. All off-street parking and loading areas shall conform to the provisions of Borough Code.
- b. The minimum parking requirement shall be 1.7 spaces per dwelling unit.
- c. Off-street parking may be located in surface parking areas and/or within a building as established herein.
- d. Tandem spaces (where one parking space is located directly behind or in front of another parking space) where each space comprising the tandem is to be designated for use by a single unit, each space comprising the tandem shall each be counted as a separate and distinct space with each being credited towards compliance with the RSIS parking requirement.
- e. All vehicular ingress and egress driveways shall extend from Sylvan Avenue. No driveways, curb cuts, or other vehicular access points shall be permitted onto any residential side street.

§ 30-5.20.6 Buffer and General Landscaping Requirements.

- a. Buffer requirements shall be provided for all multi-family development as required for non-residential uses in the underlying zone under the provisions of Borough Code § 30-7.10.
- b. The front yard setback area along Sylvan Avenue shall be landscaped with a mixture of deciduous and evergreen trees and shrubs and lawn areas coordinated with any stormwater management facilities.
- c. Any development that fronts the Palisades Interstate Parkway shall specifically provide adequate screening along any setback from the Palisades Interstate Parkway so as to protect

its scenic quality and take other mitigating actions to protect the view from the Palisades Interstate Parkway.

- d. In addition to the provisions in the Borough Code, all buffers shall comply with the following standards:
 - i. Only natural materials may be used.
 - ii. Trees shall be evergreen, hardy, or other similar tall trees and vegetation at least six to eight feet in height and two inches in caliper when planted and be of a species common to the area.
 - iii. No structure, storage of materials or parking of vehicles shall be permitted in a buffer area.
 - iv. The standards for the location and design of buffer areas are intended to provide flexibility in order to provide effective buffers.
 - v. The location and design of buffers shall consider the use and scale of the portion of the property being screened; the distance between the use and the adjoining property line; and differences in elevations.
 - vi. The preservation of all natural wooded tracts and rock outcroppings shall be an integral part of all site plans and may be calculated as part of the required buffer area, provided that the growth is of a density and the area has sufficient width to serve the purpose of a buffer. Where additional plantings are necessary to establish an appropriate tone for an effective buffer, said plantings may be required.
- e. Landscaping Requirements.
 1. A landscape plan prepared by a landscape architect licensed in the State of New Jersey shall be submitted and shall include details for all decorative features. The plan shall identify proposed trees, shrubs, ground cover, and other landscaping elements. When existing natural growth is proposed to remain, the applicant shall include in the plans the proposed methods to protect existing trees and growth during and after construction.
 2. Landscaping plans shall be professionally drawn and conform to the design principles described herein with a goal to mitigate visual intrusion of any development upon the Palisades.
 3. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design creating a pleasing site character which mitigates the impact of structures.
 4. Landscaping shall be used to accent and complement buildings. For example, where appropriate, groupings of tall trees to break up long, low buildings and lower planting for taller buildings.
 5. Provide a variety and mixture of landscaping. The variety shall consider susceptibility to disease, colors, season, textures, shapes, blossoms, and foliage.
 6. All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing a variety of landscape material, including but not limited to landscaped fencing, shrubbery, lawn area, ground cover, and trees. The variety shall

consider susceptibility to disease, colors, season, textures, shapes, blossoms, and foliage. The use of coniferous and/or deciduous trees native to the area shall be used to lessen the visual impact for the structures and paved areas.

7. All plant material shall consist of native landscape plantings.
8. Local soil conditions and water availability shall be considered in the choice of landscaping.
9. Assure that no aspect of the landscape design inhibits access to the development by emergency vehicles.
10. Applicant shall maintain and enhance any visual buffers of the new development from the vantage points referenced in the required Professional Viewshed Survey.
11. All development applications shall also comply with the landscaping requirements in the Borough Ordinances.

§ 30-5.20.7 Building and Architectural Standards.

- a. The preservation of the viewshed of the Palisades is a critically important aesthetic and scenic design consideration. The applicant shall demonstrate that the proposed development would not adversely affect the scenic integrity of the Palisades Interstate Park and its surroundings when viewed from vantage points east and south of the Palisades, specifically the George Washington Bridge center and the Cloisters Terrace and high point of Fort Tryon Park, Manhattan.
- b. Buildings shall be designed with each of a building's facade being of similar importance and shall have a base, middle and top. Building facades may be articulated both horizontally and vertically. Architectural devices such as providing string courses, cornices and sub-corniced, raised parapets, and/or horizontally differentiating surface treatments maybe be used to aid articulation and transitions. Bay windows and projections at each facade may also be used to create varied articulation in the design.
- c. Upper level facades shall be articulated to provide architectural interest. Frontages shall have at least one window appropriately proportioned per structural bay. Building designs may utilize various types of materials and material changes for facade articulation. The intent of this required articulation is to create interesting and varied building facades such that the building facades do not read as uniform or continuous slabs along the streetscape.
- d. Exterior facade materials may consist of, but not limited to, masonry brick veneer, manufactured cast stone veneer, precast sills and bands, fiber cement siding panels, accent composite metal panels, composite wood panels and similar materials. Exterior materials may further include windows, PVC trim, and architectural metal canopies.
- e. Windows shall be double-glazed and vinyl- or metal-cased in all residential portions of the building. Differentiated glazing treatment and building materials may be used at the lobby entrance and other feature areas.

- f. All mechanical equipment shall be set back a minimum of 10 feet from the edge of any roof or raised parapet. If equipment is not screened by a parapet, it shall be otherwise screened such that it is not visible from eye-level on adjacent public streets.
- g. Elevator overrides, egress stair towers, and/or rooftop projections (excluding mechanical equipment) measuring greater than 5 feet in height shall be clad with materials which do not contrast with the materials used on the upper level of the building facade.
- h. All building elevations shall be constructed to the same level of architectural interest, design and use of building materials.

§ 30-5.20.8 Refuse and Recycling Requirements.

- a. Adequate facilities shall be provided for the handling of garbage, recycling, and other refuse by providing and maintaining a screened enclosure, a separate building, or an interior area within the multi-family dwelling where all trash and refuse containers shall be stored while awaiting pickup.
- b. A refuse and recycling building that is appropriately sized for the development shall be provided at a minimum of 5 square feet for unit.

§ 30-5.20.9 Palisades Scenic Integrity Protection.

- a. The Preservation of the viewshed of the Palisades is a critically important aesthetic and scenic consideration. The Palisades Scenic Integrity Protection standards require the applicant to demonstrate that the proposed development would not adversely affect the scenic integrity of the Palisades Interstate Park and its surroundings when viewed from vantage points east and south of the Palisades, specifically the George Washington Bridge center and the Cloisters Terrace and high point of Fort Tryon Park, Manhattan.
- b. The developer shall provide studies, reports and testimony demonstrating that any proposed development meets the height limitations for this overlay zone and complies with the standards of this section.
- c. Notwithstanding any other requirement of the Borough Code, no application shall be deemed complete unless the developer has provided a copy of the application and plans to the Executive Director of the Palisades Interstate Park Commission.
- d. Additionally, Applicant will demonstrate that the proposed development will avoid adversely affecting the scenic integrity of the Palisades Interstate Parkway.
- e. Maximum Building Elevation:

Block	Lot	ASL Maximum
130	22	411'
130	23	407'
130	24	411'
130	25	408'
313	1	380'
313	2	336'

313	3	291'
314	10	406'
314	11	398'
314	12	389'
314	13	379'
314	14	372'
314	15	367'
411	16	395'
411	17	398'
411	18	406'
411	19	395'
411	20	385'
411	21	385'
411	22	390'
411	23	378'

§ 30-5.20.10 Infrastructure Improvements.

- a. All new electric, telephone, television, cable, gas, and other utility service lines servicing the buildings shall be installed underground, to the extent such underground service is commercially reasonable, available and permitted by the applicable utility companies, and in all events, shall be installed in accordance with the prevailing standards and practices of the respective utility or other companies providing such services.
- b. The Borough has not prepared utility, roadway or traffic studies on the existing conditions, capacity, or reports on upgrades required to support the proposed development. As directed by the Borough Engineer and/or Board Engineer, the Developer shall provide utility, roadway and traffic studies evaluating the existing conditions, capacity and details of any necessary upgrades required to support the proposed development. The Developer shall be responsible for contributing towards any infrastructure upgrades in accordance with the Municipal Land Use Law (MLUL).

§ 30-5.20.11 Green Building Standards.

- a. All development shall incorporate green building design practices consistent with the New Jersey Green Building Manual or equivalent national standards.
- b. Site and building design shall promote energy efficiency, water conservation, indoor environmental quality, and sustainable material use through:
 1. Energy-efficient lighting and HVAC systems;
 2. Use of renewable energy sources, including solar photovoltaic or solar thermal systems;
 3. Low-impact development strategies such as pervious paving and rain gardens;
 4. Water-efficient landscaping utilizing native and drought-tolerant species; and

- 5. Recycling and reuse of construction materials when able.
- c. Green roofs or rooftop vegetation are encouraged for stormwater management.
- d. Developers shall include Green Building plans outlining compliance measures as part of the site plan application.

§ 30-5.20.12 Climate Resiliency.

- a. Development shall incorporate climate adaptation and resiliency strategies consistent with N.J.A.C. 7:8 (Stormwater Management) and the Borough's Stormwater Management Ordinances. In computing pre-construction stormwater runoff, the design engineer shall consider that no more than 50 percent of the existing impervious surface is impervious. For the purposes of this calculation, all other surfaces shall be considered as wood in good condition.
- b. Projects shall evaluate vulnerabilities to localized flooding, extreme heat, and severe weather events and incorporate mitigation measures such as:
 - 1. Risen floor elevations above FEMA base flood elevations where applicable;
 - 2. On-site stormwater detention, infiltration features and other non-structural measures to minimize and mitigate localized flooding;
 - 3. Use of flood-tolerant landscaping and tree canopy for cooling, shade, and reforestation and buffering to mitigate stormwater runoff and flooding;
 - 4. Backup power and grid-ready infrastructure to maintain systems during outages.
- c. All development applications shall include a Climate Resiliency Assessment demonstrating how the proposed development addressed projected climate impacts and enhances resilience.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Englewood Cliffs, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Englewood Cliffs are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Borough Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Englewood Cliffs for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

**Introduction and First Reading:
February 19, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz							
Liang							
Patel							
Kapsaskis							
Lee							
Koutroubas							
Mayor Park							

**Second and Final Reading of Ordinance Adoption:
March 11, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz							
Liang							
Patel							
Kapsaskis							
Lee							
Koutroubas							
Mayor Park							

Mark Park, Mayor

**This Ordinance was duly passed on second and final reading
by the Council of the Borough of Englewood Cliffs
at a meeting held March 11, 2026.**

**Beauty Nadim, RMC/CMR
Borough Clerk**

**BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

ORDINANCE NO. 2026-05

**TITLE: ORDINANCE TO ENACT § 30-5.19 (SOUTHERN SYLVAN AVENUE
OVERLAY ZONE C) IN CHAPTER 30 (ZONING) OF THE CODE OF
THE BOROUGH OF ENGLEWOOD CLIFFS TO PROVIDE DISTRICT
REGULATIONS FOR AN OVERLAY ZONE AND TO ADDRESS
COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING
OBLIGATIONS**

**(SOUTHERN SYLVAN AVENUE OVERLAY ZONE C ORDINANCE –BLOCK 617,
LOTS 6 AND 13-17)**

WHEREAS, the Borough of Englewood Cliffs (the “Borough” or “Englewood Cliffs”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the “Fair Housing Act”) on January 28, 2025; and

WHEREAS, the Borough’s Fourth Round fair share obligations has a Present Need of 0 units and a Prospective Need of 329 units, which no party appealed, and ordering the Borough to file a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

WHEREAS, the Borough of Englewood Cliffs Planning Board adopted the Fourth Round HEFSP, dated June 2025, on June 26, 2025 pursuant to the Municipal Land use Law at N.J.S.A. 40:550-1, et seq.; and

WHEREAS, the Fourth Round HEFSP has been endorsed by the Borough Council by Resolution No. 25-142 on June 27, 2025; and

WHEREAS, the Borough having filed its Fourth Round HEFSP on June 30, 2025 (“Adopted HEFSP”); and

WHEREAS, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s Fourth Round HEFSP on August 29, 2025; and

WHEREAS, the Borough and FSHC having agreed to amicably resolve the issues set forth in the challenges through a Consent Order filed on January 27, 2026 (“Consent Order”), which further clarifies the Borough’s compliance mechanisms through specific amendments to its Fourth Round HEFSP; and

WHEREAS, the Consent Order has been adopted by the Borough Council by Resolution No. 2026-83 on February 11, 2026;

1

WHEREAS, this Ordinance implements and incorporates the adopted and endorsed Amended Fourth Round Housing Element and Fair Share Plan, which provides that a portion of the Borough's Fourth Round Unmet Need obligation is to be addressed through the creation of an overlay zone at 510-550 Sylvan Avenue, identified as Block 617, Lots 6 and 13-17 on the Borough tax maps which shall permit a maximum residential density of 20 dwelling units per acre with a required minimum 20% affordable housing set-aside or a maximum mixed use density of 24 units per acre with a required minimum 20% affordable housing set-aside; and

WHEREAS, the Borough intends to amend Chapter 30 (Zoning) of the Code of the Borough of Englewood Cliffs to establish the Southern Sylvan Avenue Overlay Zone C;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Englewood Cliffs in the County of Bergen, State of New Jersey as follows:

Section 1. The Municipal Zoning Ordinance of the Borough of Englewood Cliffs is hereby supplemented and amended by the creation and establishment of a new § 30-5.19 to be entitled "Southern Sylvan Avenue Overlay Zone C" to read as follows:

§ 30-5.19 SOUTHERN SYLVAN AVENUE OVERLAY ZONE C.

§ 30-5.19.1 Purpose.

- a. To implement the Consent Agreement between the Borough of Englewood Cliffs and Fair Share Housing Center dated January 27, 2026 (Docket No. BER-L-775-25) by permitting Block 617, Lots 6 and 13-17, with a street address of 510-550 Sylvan Avenue, to be developed with inclusionary multifamily residential housing or mixed commercial and inclusionary multifamily residential housing based upon the standards set forth herein.
- b. This section establishes the Southern Sylvan Avenue Overlay Zone C, which shall be applied, as shown in the attached map as Attachment A, in the following areas:^[1]
 1. Southern Sylvan Avenue Overlay Zone C, the area located along Sylvan Avenue, northeast of Palisade Avenue and southwest of Demarest Avenue, which is comprised of the existing B-4 and R-B Zoning Districts. The Overlay Zone shall apply only to the following properties: Block 617, Lots 6 and 13-17.

[1] *Attachments on file in the Borough offices.*

- c. The Southern Sylvan Avenue Overlay Zone C shall permit a maximum density of 20 residential units per acre with a minimum 20 percent affordable set-aside for rental and/or for-sale units or a maximum density of 24 mixed use units per acre with a required minimum 20% affordable set-aside for rental and/or for-sale units. The affordable units shall not be age restricted.
- d. Definitions. The following terms, as used in this section, shall have the following meanings:

AVERAGE FINISHED GRADE

Shall mean the average finished grade of a building or structure measured at intervals of ten (10) feet along each exterior wall of the building or structure, i.e. the sum of the results of such finished grade measurements, divided by the number of such measurements.

BUILDING COVERAGE

Shall mean that portion of a lot covered by the largest floor area of all structures, both principal and accessory.

BUILDING HEIGHT, ACCESSORY BUILDING OR STRUCTURE

Shall mean the measurement from the average finished grade to the midpoint of the roof for pitched roofs and the highest point of the roof deck for flat roofs, for any accessory buildings or structures.

BUILDING HEIGHT, MULTI-FAMILY DWELLING, TOWNHOUSE OR STACKED TOWNHOUSE

Shall mean the measurement of the vertical distance from the Average Finished Grade to the highest point of the roof deck which intersects the building's exterior walls.

DWELLING, MULTI-FAMILY

Shall mean a building containing three (3) or more dwelling units, including units that are located one over another, where entranceways, hallways, basements, attics, storage areas, heating systems, yards and similar services in the building may be individual, shared in common, or in combination.

ELEVATION ABOVE MEAN SEA LEVEL

Shall be defined as a measure of the vertical distance of a location in reference to the mean sea level (MSL) based on the National Geodetic Vertical Datum of 1929 (see the NOAA, National Geodetic Survey website:

<https://www.ngs.noaa.gov/datums/vertical/national-geodetic-vertical-datum-1929.shtml>)

MULTI-FAMILY FLOOR AREA RATIO

Shall mean the area of all floors of multi-family buildings, including spaces within multi-family buildings used for off-street parking or loading.

STORY

Shall mean the portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

§ 30-5.19.2 Permitted Uses.

a. Principal Permitted Uses:

- A. Multifamily residential uses provided at a maximum density of twenty (20) dwellings units per acre, and where a minimum twenty percent (20%) affordable

housing set-aside shall be required in accordance with applicable Borough Ordinances.

- B. Mixed Commercial/Multi-Family Residential Development in structures combining retail business establishments or personal service establishments on the ground floor and containing a multi-family residential use above with no residential dwelling units located on the ground floor.
 - C. Existing principal permitted uses of the underlying zone(s) are not modified or affected by the establishment of this overlay zone.
- b. Permitted accessory uses and structures. The following uses and structures shall be permitted:
- 1. Amenities ancillary to multi-family residential, such as lobbies, fitness centers, storage areas for the residents of the multi-family buildings, and common area meeting rooms for the residents of the building.
 - 2. Active and passive outdoor recreation areas.
 - 3. Common indoor open space areas.
 - 4. Parking spaces, driveways, structured multi-level parking garages provided that any structured parking is limited to the first floor of any multifamily or mixed-used building and is enclosed with the same building materials and finishes used for the main portion of the multi-family residential building.
 - 5. Refuse and recycling building and/or structure.
 - 6. Stationary generators.
 - 7. Fences and walls.
 - 8. Signage.
 - 9. HVAC equipment and utility cabinets/controllers.
 - 10. Temporary construction trailers, temporary sales trailer, and/or temporary sales office through final project Certificate of Occupancy.
 - 11. Any use or structure that is customarily incidental and subordinate to the principal use of land or building located on the same lot subject to Planning Board approval.
- c. Conditional Uses: All conditional uses permitted in the underlying zone(s) shall continue to be conditional uses.
- d. The following uses are specifically prohibited in this zone:
- 1. Standalone garages.
 - 2. All prohibited uses in the underlying zone(s) zone shall be prohibited.

§ 30-5.19.3 Area, Yard and Bulk Requirements

- a. Refer to Attachment 1 – Schedule of Regulations in Chapter 30 (Zoning) for the underlying schedule of bulk requirements, as applicable, for the B-4 (Restricted Commercial) and R-B (Residential Single Family) Districts.
- b. Maximum Density:
 - 1. Multi-Family Residential Development: 20 units/acre.
 - 2. Mixed Commercial/Residential Development: 24 units/acre.

§ 30-5.19.4 Affordable Housing Requirements.

- a. Affordable units provided shall be constructed, administered, and monitored in conformance with the requirements of amended Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), UHAC (N.J.A.C. 5:80-26.1 et seq.), N.J.A.C. 5:99, and the Borough's affordable housing regulations per Sections 30-19, 30-19A, and 30-19B in Chapter 30 of the Ordinances of the Borough of Englewood Cliffs.

§ 30-5.19.5 Off-Street Parking, Parking Design, and Circulation Requirements.

- a. All off-street parking and loading areas shall conform to the provisions of Borough Code.
- b. The minimum parking requirement shall be 1.7 spaces per dwelling unit.
- c. Off-street parking may be located in surface parking areas and/or within a building as established herein.
- d. Tandem spaces (where one parking space is located directly behind or in front of another parking space) where each space comprising the tandem is to be designated for use by a single unit, each space comprising the tandem shall each be counted as a separate and distinct space with each being credited towards compliance with the RSIS parking requirement.
- e. All vehicular ingress and egress driveways shall extend from Sylvan Avenue. No driveways, curb cuts, or other vehicular access points shall be permitted onto any residential side street.

§ 30-5.19.6 Buffer and General Landscaping Requirements.

- a. Buffer requirements shall be provided for all multi-family development as required for non-residential uses in the underlying zone under the provisions of Borough Code § 30-7.10.
- b. The front yard setback area along Sylvan Avenue shall be landscaped with a mixture of deciduous and evergreen trees and shrubs and lawn areas coordinated with any stormwater management facilities.
- c. Any development that fronts the Palisades Interstate Parkway shall specifically provide adequate screening along any setback from the Palisades Interstate Parkway so as to protect its scenic quality and take other mitigating actions to protect the view from the Palisades Interstate Parkway.
- d. In addition to the provisions in the Borough Code, all buffers shall comply with the following standards:
 - i. Only natural materials may be used.
 - ii. Trees shall be evergreen, hardy, or other similar tall trees and vegetation at least six to eight feet in height and two inches in caliper when planted and be of a species common to the area.
 - iii. No structure, storage of materials or parking of vehicles shall be permitted in a buffer area.
 - iv. The standards for the location and design of buffer areas are intended to provide flexibility in order to provide effective buffers.

- v. The location and design of buffers shall consider the use and scale of the portion of the property being screened; the distance between the use and the adjoining property line; and differences in elevations.
 - vi. The preservation of all natural wooded tracts and rock outcroppings shall be an integral part of all site plans and may be calculated as part of the required buffer area, provided that the growth is of a density and the area has sufficient width to serve the purpose of a buffer. Where additional plantings are necessary to establish an appropriate tone for an effective buffer, said plantings may be required.
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 2. Landscaping plans shall be professionally drawn and conform to the design principles described herein with a goal to mitigate visual intrusion of any development upon the Palisades.
 3. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design creating a pleasing site character which mitigates the impact of structures.
 4. Landscaping shall be used to accent and complement buildings. For example, where appropriate, groupings of tall trees to break up long, low buildings and lower planting for taller buildings.
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 6. All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing a variety of landscape material, including but not limited to landscaped fencing, shrubbery, lawn area, ground cover, and trees. The variety shall consider susceptibility to disease, colors, season, textures, shapes, blossoms, and foliage. The use of coniferous and/or deciduous trees native to the area shall be used to lessen the visual impact for the structures and paved areas.
 7. All plant material shall consist of native landscape plantings.
 8. Local soil conditions and water availability shall be considered in the choice of landscaping.
 9. Assure that no aspect of the landscape design inhibits access to the development by emergency vehicles.
 10. Applicant shall maintain and enhance any visual buffers of the new development from the vantage points referenced in the required Professional Viewshed Survey.
 11. All development applications shall also comply with the landscaping requirements in the Borough Ordinances.

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- b. Buildings shall be designed with each of a building's facade being of similar importance and shall have a base, middle and top. Building facades may be articulated both horizontally and vertically. Architectural devices such as providing string courses, cornices and sub-corniced, raised parapets, and/or horizontally differentiating surface treatments maybe be used to aid articulation and transitions. Bay windows and projections at each facade may also be used to create varied articulation in the design.
- c. Upper level facades shall be articulated to provide architectural interest. Frontages shall have at least one window appropriately proportioned per structural bay. Building designs may utilize various types of materials and material changes for facade articulation. The intent of this required articulation is to create interesting and varied building facades such that the building facades do not read as uniform or continuous slabs along the streetscape.
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- e. Windows shall be double-glazed and vinyl- or metal-cased in all residential portions of the building. Differentiated glazing treatment and building materials may be used at the lobby entrance and other feature areas.
- f. All mechanical equipment shall be set back a minimum of 10 feet from the edge of any roof or raised parapet. If equipment is not screened by a parapet, it shall be otherwise screened such that it is not visible from eye-level on adjacent public streets.
- g. Elevator overrides, egress stair towers, and/or rooftop projections (excluding mechanical equipment) measuring greater than 5 feet in height shall be clad with materials which do not contrast with the materials used on the upper level of the building facade.
- h. All building elevations shall be constructed to the same level of architectural interest, design and use of building materials.

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- a. Adequate facilities shall be provided for the handling of garbage, recycling, and other refuse by providing and maintaining a screened enclosure, a separate building, or an interior area within the multi-family dwelling where all trash and refuse containers shall be stored while awaiting pickup.

- b. A refuse and recycling building that is appropriately sized for the development shall be provided at a minimum of 5 square feet for unit.

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- b. The developer shall provide studies, reports and testimony demonstrating that any proposed development meets the height limitations for this overlay zone and complies with the standards of this section.
- c. Notwithstanding any other requirement of the Borough Code, no application shall be deemed complete unless the developer has provided a copy of the application and plans to the Executive Director of the Palisades Interstate Park Commission.
- d. Additionally, Applicant will demonstrate that the proposed development will avoid adversely affecting the scenic integrity of the Palisades Interstate Parkway.
- e. Maximum Building Elevation:

Block	Lot	ASL Maximum
617	6	376'
617	13	378'
617	14	381'
617	15	381'
617	16	378'
617	17	374'

§ 30-5.19.10 Infrastructure Improvements.

- a. All new electric, telephone, television, cable, gas, and other utility service lines servicing the buildings shall be installed underground, to the extent such underground service is commercially reasonable, available and permitted by the applicable utility companies, and in all events, shall be installed in accordance with the prevailing standards and practices of the respective utility or other companies providing such services.
- b. The Borough has not prepared utility, roadway or traffic studies on the existing conditions, capacity, or reports on upgrades required to support the proposed development. As directed by the Borough Engineer and/or Board Engineer, the Developer shall provide utility, roadway and traffic studies evaluating the existing conditions, capacity and details of any necessary upgrades required to support the proposed development. The Developer shall be responsible for contributing towards any infrastructure upgrades in accordance with the Municipal Land Use Law (MLUL).

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- b. Site and building design shall promote energy efficiency, water conservation, indoor environmental quality, and sustainable material use through:
 1. Energy-efficient lighting and HVAC systems;
 2. Use of renewable energy sources, including solar photovoltaic or solar thermal systems;
 3. Low-impact development strategies such as pervious paving and rain gardens;
 4. Water-efficient landscaping utilizing native and drought-tolerant species; and
 5. Recycling and reuse of construction materials when able.
- c. Green roofs or rooftop vegetation are encouraged for stormwater management.
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§ 30-5.19.12 Climate Resiliency.

- a. Development shall incorporate climate adaptation and resiliency strategies consistent with N.J.A.C. 7:8 (Stormwater Management) and the Borough's Stormwater Management Ordinances. In computing pre-construction stormwater runoff, the design engineer shall consider that no more than 50 percent of the existing impervious surface is impervious. For the purposes of this calculation, all other surfaces shall be considered as wood in good condition.
- b. Projects shall evaluate vulnerabilities to localized flooding, extreme heat, and severe weather events and incorporate mitigation measures such as:
 1. Risen floor elevations above FEMA base flood elevations where applicable;
 2. On-site stormwater detention, infiltration features and other non-structural measures to minimize and mitigate localized flooding;
 3. Use of flood-tolerant landscaping and tree canopy for cooling, shade, and reforestation to mitigate stormwater runoff and flooding;
 4. Backup power and grid-ready infrastructure to maintain systems during outages.
- c. All development applications shall include a Climate Resiliency Assessment demonstrating how the proposed development addressed projected climate impacts and enhances resilience.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Englewood Cliffs, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Englewood Cliffs are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Borough Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Englewood Cliffs for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

**Introduction and First Reading:
February 19, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz							
Liang							
Patel							
Kapsaskis							
Lee							
Koutroubas							
Mayor Park							

**Second and Final Reading of Ordinance Adoption:
March 11, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz							
Liang							
Patel							
Kapsaskis							
Lee							
Koutroubas							
Mayor Park							

Mark Park, Mayor

**This Ordinance was duly passed on second and final reading
by the Council of the Borough of Englewood Cliffs
at a meeting held March 11, 2026.**

**Beauty Nadim, RMC/CMR
Borough Clerk**

