



April 17, 2026

To: Robert Ferraro, Esq., Borough Attorney
Tom Randall, Esq., Borough Planning Board Attorney
Cathy Scancarella, Borough Planning Board Administrator

cc: David Hoder, PE, Planning Board Engineer
Dave Horner, PE, Planning Board Traffic Engineer

From: Michael J. Mistretta, PP, LLA

**Re: Preliminary Final Site Plan Application with d and c variances
20-32 Sylvan Avenue and 4 Bayview Avenue
Block 201, Lots 10-14, Block 205, Lots 1, 2, & 4
Borough of Englewood Cliffs
Bergen County, NJ**

Our office has reviewed the referenced documents for a Preliminary and Final Site Plan Application with a d(5) density variance and c variance relief for the above-referenced application and offers the following planning project review report for your consideration.

A. Referenced Documents:

1. Letter from Applicant's Attorney, dated January 16, 2026, detailing revisions to the application for preliminary and final major site plan approval with variance relief for 20-32 Sylvan Avenue and 4 Bayview Avenue, Block 201, Lots 10-14 and Block 205, Lots 1, 2 and 4, Englewood Cliffs, New Jersey 07632.
2. Site Plan for 20-32 Sylvan Avenue, Lots 10-14 Block 201 & Lots 1, 2, & 4 Block 205, prepared by Collazuol Engineering & Surveying Associates, LLC, last revised December 23, 2025, consisting of eight (8) sheets.
3. Architectural Plans for 20-32 Sylvan Avenue, Lots 10-14 Block 201 & Lots 1, 2, & 4 Block 205, prepared by Architectura, last revised December 10, 2025, consisting of eight (8) sheets.
4. Landscape Plan, prepared by Stonefield Engineering & Design, last revised January 9, 2026, consisting of two (2) sheets.
5. Truck Turn Exhibit, prepared by Stonefield Engineering & Design, last revised January 12, 2026, consisting of three (3) sheets.
6. Traffic Impact Study, prepared by Stonefield Engineering & Design, LLC, last revised January 9, 2026.
7. Letter from Fair Share Housing Center to Hon. Maurice J. Gallipoli (ret.), dated September 17, 2025.
8. Hearing Adjournment Notice for CFI Development Application, 20-32 Sylvan & 4 Bayview, Englewood Cliffs, NJ 07632, dated September 3, 2025.
9. Drainage Report, prepared by Collazuol Engineering & Surveying Associates, LLC, dated November 22, 2024.

10. Borough's Fair Share Housing Center Settlement Agreement, Docket No. BER-L-5119-15, dated October 8, 2020.
11. Borough of Englewood Cliffs Planning Board Application with Checklists and Rider to Site Plan Application for 20-42 Sylvan Avenue & 4 Bayview Avenue, dated January 17, 2025.
12. Proof of Payment of Taxes, dated December 4, 2024.
13. Notice of Public Hearing Borough of Englewood Cliffs Planning Board Letter.
14. List of Property Owners within 200 feet.
15. Notice to be published in newspaper and served on property owners within 200 feet.
16. Submission Letter to the Planning Board, dated January 20, 2025.
17. Draft Procedural Memo dated May 23, 2025.
18. Section 30-5.15 Downtown Tiers (Hudon Terrace, East Palisades, B-3 Area Zone) Inclusionary Housing Overlay-2 (IHO-2) Zone.
19. Completeness Review, prepared by David Hoder, PE, dated July 30, 2025.
20. CFI Development – 3rd Technical Review, prepared by David Hoder, PE, dated April 15, 2026.
21. Traffic Engineering Review #2, prepared by David Horner, P.E., dated April 16, 2026.

B. Completeness Review and Engineering (Site/Civil) Review Report

A Completeness Review was prepared by David Hoder, PE, dated July 30, 2025.

C. Traffic Report

A review of the Traffic Impact Study and site plans have been prepared by David Horner, PE, Planning Board Traffic Engineer.

D. Existing Conditions

The subject property ("CFI (Cioffi) Site"), located at 20-32 Sylvan Avenue and 4 Bayview Avenue, consists of eight (8) individual lots. These lots are identified as Block 201, Lot 10 (20 Sylvan Avenue); Block 201, Lot 11 (22 Sylvan Avenue); Block 201, Lot 12 (24 Sylvan Avenue); Block 201, Lot 13 (24B Sylvan Avenue); Block 201, Lot 14 (28 Sylvan Avenue); Block 205, Lot 1 (30 Sylvan Avenue); Block 205, Lot 2 (32 Sylvan Avenue); and Block 205, Lot 4 (4 Bayview Avenue) on the Borough tax maps. The overall tract has an area of 86,462.97 square feet, or +/- 1.985 acres. The subject property has 289.54 feet of frontage along Fifth Street, an unimproved 33' wide Borough right-of-way, 50.00 feet of frontage along Bayview Avenue and 393.36 feet of frontage along Sylvan Avenue, (U.S. Route 9W). There are six (6) two-story former principal buildings on the site, consisting of both retail and single-family dwelling uses, and multiple accessory structures and garages. The overall condition of the buildings and structures show evidence of disrepair and neglect. To the north of the subject property, at the intersection of Bayview Avenue and Sylvan Avenue, is Block 205, Lot 3, which is developed with a two-story structure occupied by a veterinary clinic. To the south and west of the subject property along Sylvan Avenue are a daycare center, restaurants, medical/dental offices, and other retail and commercial properties located in the B-3 District (Special Retail). To the east of the subject property along unimproved Fifth Street and to the north of the subject property along Bayview Avenue are single family residences located in the R-B1 District (Single-Family Residential). The tract contains approximately fifty-seven (57) large deciduous trees.

The CFI (Cioffi) Site is located in the Downtown Tiers (Hudson Terrace, East Palisades and B-3 Zone) Inclusionary Housing Overlay - 2 (IHO-2) Zone, of which the underlying zoning is the B-3 District (Special Retail).

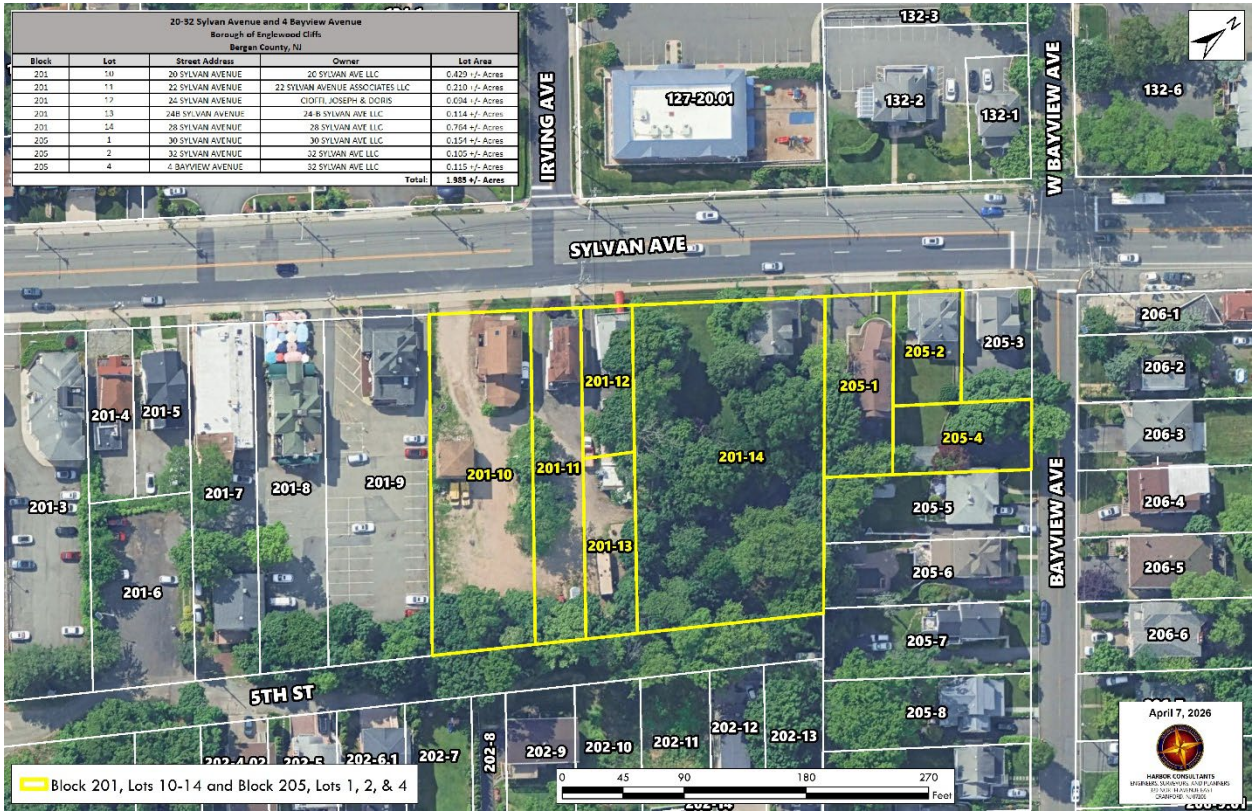


Figure 1: Aerial Map of 20-32 Sylvan Avenue and 4 Bayview Avenue (Block 201, Lots 10-14 and Block 205, Lots 1, 2, & 4)

E. Downtown Tiers (Hudson Terrace, East Palisades and B-3 Zone) Inclusionary Housing Overlay - 2 (IHO-2) Zone & Affordable Housing

On October 8, 2020, the Borough of Englewood Cliffs entered into a Settlement Agreement (SA) with the Fair Share Housing Center regarding the Borough’s compliance mechanisms addressing its Third Round affordable housing obligation. The following excerpts from the SA provide a basis for the inclusion of the CFI (Cioffi) Site as a mechanism addressing the Borough’s Third Round unmet need obligation and the creation of the Downtown Tiers (Hudson Terrace, East Palisades and B-3 Zone) Inclusionary Housing Overlay - 2 (IHO-2) Zone, for which the standards established therein regulate development for the CFI (Cioffi) Site.

The regulations and development standards of the IHO-2 Zone are provided in Section 30-5.15 of the Borough’s Municipal Code. The excerpts below from Section 30-5.15 of the Borough’s Municipal Code detail the intent and permitted density of development in the IHO-2 Zone.

- Per Section 30-5.15.1.d. of the Borough Code, “The Downtown Tiers (Hudson Terrace, East Palisades, B-3 Area Zone) Inclusionary Housing Overlay - 2 (IHO-2) Zone districts shall permit both mixed commercial and residential development or sole-use multi-family

residential development meeting the use, bulk, and design standards contained hereinafter provided that at least 20% of all residential units created pursuant to the overlay zone standards shall be set aside for low- and moderate-income households as provided for elsewhere in this section.”

- Per Section 30-5.15.1.f. of the Borough Code, “Notwithstanding the foregoing, every site within the areas identified above may be redeveloped as a completely residential inclusionary project at a density of 19 units per acre with a 20 percent set aside. Alternatively, the site can be redeveloped as a mixed commercial/residential project in which the residential component may be developed at a density of 24 units per acre with a 20% set aside. The affordable units shall not be age-restricted.”

As part of the Borough’s compliance with its Fourth Round (2025-2035) affordable housing obligations, the Borough prepared a Fourth Round Housing Element and Fair Share Plan (“HE&FSP”), which was adopted by the Borough Planning Board on June 26, 2025, endorsed by the Borough Council on June 27, 2025, and filed with the Affordable Housing Dispute Resolution Program and the Court on June 30, 2025. The Borough further entered a draft Consent Order for Conditional Compliance Certification with Fair Share Housing Center on January 27, 2026, which credited 10 family rental units from the CFI (Cioffi) Site towards the Borough’s Fourth Round Realistic Development Potential (“RDP”). However, although affordable housing credits from the CFI (Cioffi) Site are assigned to the Fourth Round, the Site has been part of the Borough’s affordable housing compliance plan since the Third Round and therefore shall follow the development standards and affordable housing regulations in accordance with the IHO-2 Zone, which remains intact as adopted in the Third Round, with the exceptions outlined in the FSHC letter dated September 17, 2025.

F. Development Proposal

The development proposal is for a three-story inclusionary mixed-use development consisting of 8,072 square feet of total commercial/retail space on the ground floor and forty-eight (48) apartment units on the upper two floors. The total commercial/retail space is proposed to be distributed between one (1) 6,732 SF space and one (1) 1,340 SF space located on the corners of the building fronting Sylvan Avenue, and additional indoor amenity space is proposed on the ground floor. The residential portion of the development is inclusive of a twenty percent (20%) affordable set-aside, or ten (10) affordable units, which are distributed across both the second and third floors of the building. One (1) curb cut and driveway is proposed along Sylvan Avenue providing both ingress and egress to the site, and one (1) curb cut and driveway is provided along Bayview Avenue providing only ingress to the site; the only point of proposed egress from the site is along the Sylvan Avenue right-of-way. The project is proposing 111 off-street surface parking spaces located at the side and rear of the building.

Based on the referenced documents, our office has prepared a zoning table and parking table analyzing the proposed project’s conformance with the use, bulk, and parking requirements under the Inclusionary Housing Overlay - 2 (IHO-2) Zone.

The zoning and parking tables are provided starting on the following page, where cells shaded dark yellow indicate where a variance is required, and cells shaded light yellow indicate where more information is needed to clarify compliance and/or determine whether a variance may be required.

**Table 1: Zoning Table, Inclusionary Housing Overlay - 2 (IHO-2) Zone
 § 30-5.15.2 Permitted Uses for the IHO-2 Zone
 § 30-5.15.3 Area and Bulk Requirements for the IHO-2 Zone
 Ordinance No. 20-14**

Description	Permitted or Required	Proposed Mixed-Use Plan	Remarks
Use Requirements			
Principal Uses (§ 30-5.15.2a)	<ol style="list-style-type: none"> 1. Multi-family Residential Development. 2. 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. 3. Non-residential uses within mixed commercial/residential structure shall be enumerated pursuant to Borough Code § 30-5.4, 30-5.5, 30-5.6, and 30-5.7 in the B-1, B-2, B-3, and B-4 Zones, respectively. 4. All uses enumerated in the underlying zoning. 	Mixed-Use Commercial/Multi-Family Residential Development with retail space and permitted accessory uses on the ground floor and residential units on the second floor and third floor.	Conforming
Accessory Uses and Structures (§ 30-5.15.2b)	<ol style="list-style-type: none"> 1. Amenities ancillary to multi-family residential and mixed commercial/residential developments, 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 enclosed with the same building materials and finishes used for the main portion of the mixed commercial/residential or multi-family residential building. 5. Refuse and recycling building and/or structure. 6. Roof decks including furnishings, screening, landscaping shade structures and facilities. 7. Stationary generators. 8. Fences and walls. 9. Signage. 	Amenities ancillary to mixed commercial/residential developments, parking spaces, refuse and recycling structure, signage, fences and walls, HVA equipment and utility cabinets/controllers	Conforming

	<p>10. HVAC equipment and utility cabinets/controllers.</p> <p>11. Temporary construction trailers, temporary sales trailer, and/or temporary sales office through final project Certificate of Occupancy.</p> <p>12. Any use or structure that is customarily incidental and subordinate to the principal use of land or building located on the same lot.</p>		
Lot and Density Requirements			
Min. Gross Lot Area (SF) (§ 30-5.15.3a)	8,712 SF (0.2 acres)	86,462.97 SF (1.985 acres)	Conforming
Max. Density (Residential Component of Mixed-Use) (§ 30-5.15.3b2)	24 units/acre or 47 units	24.18 units/acre or 48 units (V)	d(5) Variance Required (per § 30-5.15.3b2)
Min. Lot Width (§ 30-5.15.3c)	50 FT	> 50 FT	Conforming
Affordability Requirements			
Age Restriction of Affordable Units (§ 30-5.15.1f)	Affordable units shall not be age-restricted.	Not specified	Applicant shall confirm
% of Residential Units set aside for low-and-moderate income households (§ 30-5.15.1d)	20% x 48 units = min. 10 affordable units required	20% x 48 units = 10 affordable units proposed	Conforming
Breakdown of Affordable Units (§ 30-5.15.4e)	<p>Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:</p> <ol style="list-style-type: none"> The combined number of efficiency and one-bedroom units is no greater than 20 percent of the total low-and moderate-income units; (10 units x 30% = max. 2 one-bedroom units) At least 30 percent of all low-and moderate-income units are two bedroom units; (10 units x 30% = min. 3 two-bedroom units) At least 20 percent of all low-and moderate-income units are three bedroom units; and 	<ol style="list-style-type: none"> 2 affordable one-bedroom units 6 affordable two-bedroom units 2 affordable three-bedroom units 	Conforming

	(10 units x 20% = min. 2 three-bedroom units) 4. The remainder, if any, may be allocated at the discretion of the developer.		
Other Affordable Housing Requirements (§ 30-5.15.4)	See § 30-5.15.4 of the Borough Code	Not Specified	Applicant shall confirm
Setbacks			
Min. Front Yard (§ 30-5.15.3g1)	20 FT	> 20 FT	Conforming
Min. Side Yard (Single) (§ 30-5.15.3g2)	10 FT	> 10 FT	Conforming
Min. Side Yard (Corner Side) (§ 30-5.15.3g3)	15 FT	N/A	Conforming
Min. Side Yard (Combined) (§ 30-5.15.3g4)	20 FT or 25 FT (w Corner side)	> 20 FT	Conforming
Min. Rear Yard (§ 30-5.15.3g5)	20% of Lot Depth = ~89 FT (Applicant to dimension correct lot depth from Bayview Avenue to rear lot line to determine accurate min. rear yard setback requirement)	10 FT (V)	Variance Required (per § 30-5.15.3g5)
Coverage and Building Height			
Max. Impervious Coverage (§ 30-5.15.3e)	80%	76%	Conforming
Max. Building Coverage (§ 30-5.15.3f)	60%	29.71%	Conforming
Max. Principal Building Height (§ 30-5.15.3d1)	Lower elevation of 36 FT or 425 FT above mean sea level, including a parapet	38.37 FT (V)	Variance Required (per § 30-5.15.3d1)
Max. Number of Stories (§ 30-5.15.3d1)	3	3	Conforming
Max. Accessory Building Height (§ 30-5.15.3d3)	16 FT	N/A	Conforming
Roof Parapet			

Max. Height of Parapet above Roof Level (§ 30-5.15.3d2)	4 FT	4 FT	Conforming
Parapet Step Back from Roof's Edge (§ 30-5.15.3d2)	4 FT	All parapets align with exterior wall (V)	Variance Required (per § 30-5.15.3d2)
Rooftop Appurtenances			
Max. % of roof level area (§ 30-5.15.3d4(b))	20%	< 20%	Conforming
Additional Height and Max. Area Standards (§ 30-5.15.3d4(b))	No more than 5% of the total roof area may be occupied by equipment or structures measuring up to 10 feet in height and the remaining 15% of the total roof area may be occupied by equipment or structures measuring up to 5 feet in height.	3.2% of roof area occupied by elevator and stair enclosure measuring 6 FT – 6 IN in height; Remaining % of up to a max 20% of total roof area occupied by rooftop equipment less than or equal to 5 FT in height.	Conforming
Visibility of Rooftop Appurtenances (§ 30-5.15.3d4(c))	All Rooftop Appurtenances not otherwise shielded by a parapet shall be screened or otherwise visually mitigated such that they are not visible from eye-level of a person standing on adjacent public streets.	Is the elevator bulkhead and stairwell visible from street?	Applicant to Confirm. (per § 30-5.15.3)
Buffer Requirements (shall be as stated under provisions of Borough Code Section 30-7.10)			
Buffer Width Abutting Residential Lots (§ 30-7.10b)	Residential lots which abut lands zoned for business uses in the B-3 Zone shall be afforded a buffer area of 20 feet which shall be maintained on the B-3 Zone lot. Separately, residential lots which abut lands zoned for business uses in the B-3 Zone and are parallel to Fifth Street between the Fort Lee boundary and Bayview Avenue, east of Sylvan Avenue shall be afforded a buffer of 25 feet which shall be maintained on the lots zoned for business use.	Landscaped buffer provided along property line bordering R-B1 Zone (property line bordering Fifth Street and Block 205, Lot 5) varies in width, ranging from 24.3 FT at its widest point to 9 FT at its narrowest point (V)	Variance Required (per § 30-7.10b)
Pedestrian and Vehicular Access in Buffer Areas (§ 30-7.10f)	In all zones having buffer requirements, there shall be no pedestrian or vehicular access through the buffer to nearby residential streets.	No proposed pedestrian or vehicular access through the required buffer to nearby residential streets.	Conforming / However would be nonconforming if the full width of the required landscaped buffer was provided

Landscaping (§ 30-7.10g)	In the buffer areas the following plant material shall be placed: In areas where land is still in its natural state in the area to be buffered, the area shall be left in its natural state, if possible. In addition, evergreen trees between 10 feet and 14 feet in height shall be planted so as to provide a year-round visual screen which shall be placed in an area of the buffer zone in a manner architecturally suitable to accomplish said screening.	A variety of evergreen trees (American Holly, Norway Spruce, White Pine, Green Giant Arborvitae, and Emerald Green Arborvitae) are proposed in the buffer area, all ranging from 10-12 FT in height, and provide adequate screening.	Conforming
Parking/Building in Buffer Areas (§ 30-7.10h)	The buffer zone may not be used for building or parking purposes but same may be used for the purposes of installing underground utility connections if the need arises.	Surface parking spaces are proposed within the required 25 FT buffer zone (V)	Variance Required (per § 30-7.10h)
Building and Architectural Standards			
Mechanical Equipment Min. Setback (§ 30-5.15.7f)	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.	Not specified	Applicant to confirm
Min. Exterior Wall Height (§ 30-5.15.7h)	A solid wall of not less than two feet in height above floor level shall be provided along all exterior facades, except where necessary to allow driveways or other access points.	Not specified	Applicant to confirm
Refuse and Recycling Requirements			
Refuse and Recycling Facilities (§ 30-5.15.8)	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. A refuse and recycling building that is appropriately sized for the development shall be provided at a minimum of 5 square feet for unit.	Not specified	Applicant to provide area calculation of proposed interior trash room on plans to confirm compliance with minimum size requirement (5 SF x 48 units = min. 240 SF)
(V): Variance Required			

**Table 2: Parking Requirements
IHO-2 Zone**

Description	Proposed Mixed-Use Plan	Remarks
<p>Min. Number of Parking Spaces</p> <p><u>Residential:</u> 1.7 spaces per dwelling unit (§ 30-5.15.5b)</p> <p><u>Retail Store:</u> 1 space/200 SF of floor area (§ 30-10.1 Schedule B)</p> <p><u>Accessible Spaces:</u> 26-50 spaces = 2 accessible spaces required (including min. 1 van-accessible space)</p> <p>(Section 1106 New Jersey UCC Building Subcode 2021)</p>	<p>48 units x 1.7 spaces = 82 spaces required + 1.0 space/200 SF of retail = 8,072 SF / 200 = 41 spaces required = 123 total spaces required - 12 spaces from EV credit (see below) = <u>111 total spaces required</u></p> <p>111 spaces proposed</p> <p>26-50 spaces = 2 accessible spaces required (including min. 1 van-accessible space)</p> <p>5 accessible spaces proposed (including 1 van-accessible space)</p>	<p align="center">Conforming</p>
<p>EV Parking Requirements</p> <p>Prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces.</p> <p>A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.</p> <p>Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.</p> <p>(DCA Model Statewide Municipal EV Ordinance)</p>	<p>123 required spaces x 15% = 19 EV spaces required</p> <p>19 EV spaces proposed</p> <p>123 required spaces x 10% = max. reduction of 12 spaces from min. parking requirement</p> <p>123 spaces required – 12 spaces from EV credit = min. 111 spaces required</p> <p>19 EV spaces proposed x 5% = min. 1 accessible EV space</p> <p>1 accessible EV space proposed</p>	<p align="center">Conforming</p>
<p align="center">All off-street parking areas shall conform to the provisions of Borough Code Section 30-10.</p>		
<p>Min. Number of Loading Spaces</p> <p>Every building or structure, lot or land hereafter put into use for business or commercial purposes, and which has an aggregate floor area of 7,500 square feet or more, devoted to such use, shall be</p>	<p>1 loading space required for 8,072 SF of proposed ground floor commercial space.</p> <p>1 interior loading space proposed.</p>	<p align="center">Conforming</p>

<p>provided with off-street truck loading spaces in accordance with the following schedule:</p> <p>7,500-25,00 SF: 1 Loading Space</p> <p>25,001-40,000 SF: 2 Loading Spaces</p> <p>40,001-100,000 SF: 3 Loading Spaces</p> <p>Each additional 60,000 SF: Add 1 Loading Space (§ 30-10.1 Schedule B)</p>		
<p>Min. Parking Space Size Required parking spaces shall be computed on the basis of 171 square feet per space. The dimensions of individual spaces shall be at least nine feet by 19 feet. (§ 30-10.2a)</p>	9 FT x 18 FT (V)	Variance Required (per § 30-10.2a)
<p>Min. Parking Aisle Width 25 feet (visitor parking) & 22 feet (long term and employee) (§ 30-10.2b)</p>	24 feet (V)	Variance Required (per § 30-10.2b)
<p>Additional Parking/Loading Area Location Requirements Off-street parking and loading spaces shall be provided in side and rear yards only but not be located in any required front yard or in any required buffer area. (§ 30-10.2f)</p>	Parking spaces proposed in required 25 FT residential buffer (V)	Variance Required (per § 30-10.2f)
<p>Min. Distance of Parking/Loading Areas from Lot Lines Off-street parking or loading spaces shall not be located within five feet of any lot line. On corner lots, parking or loading shall not be located within 10 feet of the property line or street right-of way. (§ 30-10.2g)</p>	Parking spaces are located within 5 feet of rear lot line (V)	Variance Required (per § 30-10.2g)
(V): Variance Required		

G. Planning Review Comments

1. Boundary & Topographic Survey
A title report for the properties which comprise this development application identifying any existing easements or encumbrances on the tract should be submitted for review.
2. Planning & Zoning Comments:
 - a. As part of the Borough’s compliance with its Fourth Round (2025-2035) affordable housing obligations, the Borough prepared a Fourth Round HE&FSP, which credited 10 family rental units from the CFI (Cioffi) Site towards the Borough’s Fourth Round

Realistic Development Potential (“RDP”). However, although affordable housing credits from the CFI (Cioffi) Site are assigned to the Fourth Round, the Site has been part of the Borough’s affordable housing compliance plan since the Third Round and therefore shall follow the development standards and affordable housing regulations in accordance with the IHO-2 Zone, which remains intact as adopted in the Third Round, with the exception of the items outlined in the letter from FSHC dated September 17, 2025. According to Fair Share Housing Center’s letter, the CFI site was not “part of a judgement of compliance” from the Court in the Third-Round matter, and thus Developer shall subject the affordable rental units to a 40-year control period, not a 30 year one.

- b. The proposed site plan layout and design has been amended to address many of the issues in our planning review report dated June 6, 2025, with the exception of the removal of the additional residential unit and the corresponding d(5) density variance; access to Fifth Street, 25 foot landscape buffer requirements and the configuration and amount of proposed commercial space. By reducing the development proposal by one residential unit, the Applicant would eliminate the need for a d(5) variance, further reduce the required number of off-street parking spaces and provide the space needed for a future driveway access to Fifth Street.
- c. Professional Planning testimony shall be provided in support of the d variances and c variances identified in the Table 1.
 - i. While the law requires specific justifications for each of the several types of variances permitted under N.J.S.A. 40:55D-70, the following general guidance is offered.
 - ii. In order for a Board (Court) to grant a variance, an Applicant must demonstrate, to the Board’s (Court) satisfaction, that: (1) such action will relieve peculiar and exceptional practical difficulties or exceptional and undue hardship upon the developer of the subject property resulting from the strict application of the zoning ordinance (typically known as a Hardship Variance); OR (2) that granting a variance to allow departure from the zoning ordinance would advance one of the purposes of the *Municipal Land Use Law* (N.J.S.A. 40:55D-1 et seq. [MLUL]) and that the benefits of the deviation would substantially outweigh any detriment (typically known as the Special Reasons). Collectively, these are known as the Positive Criteria.
 - iii. An Applicant must also demonstrate, to the Board’s (Court) satisfaction, that such variance can be granted without substantial detriment to the public good. This is known as the Negative Criteria. Both the Positive Criteria and the Negative Criteria must be satisfied for the Board (Court) to grant the variance relief.

3. Site Plans and Layout

- a. The Applicant is requesting variances for the width of a required landscape buffer and minimum parking lot setbacks, which are directly related to the additional residential unit being requested and the amount of the commercial space being proposed. The 8,072 SF of commercial space further increases the demands for a larger building mass, greater site improvements and increases the required number of required off-street parking spaces, resulting in the need to request these bulk and design variances. If the amount of commercial space was reduced, the full width of the landscaped buffer could be accommodated in most locations, except for the

- buffer along the ingress driveway extending into the site from Bayview Avenue and the parking setback variance could be eliminated.
- b. The finish grade of the site is significantly elevated from existing conditions. A stepped concrete wall, varying in height up to 8 feet, with a guide rail or screen fence is proposed along all but the Sylvan Avenue side of the property. An imposing visual barrier is created when combined with the 4 to 6-foot-high PVC privacy fence atop the wall. Details of the proposed guiderail should be provided.
 - c. The site plans indicate “structural engineer to design wall.” Given the current prominence/height of the concrete wall, a more decorative wall design is encouraged and wall details shall be provided. Consideration should be given to regrading the site to lower the retaining wall height.
 - d. Access to commercial/retail spaces are oddly designed and poorly connected to the parking areas. The commercial/retail space closest to Bayview Avenue is accessed through walkways extending from the Bayview Avenue right-of-way, the Sylvan Avenue right-of-way, and through the central lobby and central commercial parking area. Given that the central lobby also provides access to the proposed residential amenity area and other resident-specific uses, the current design creates potential privacy issues for residents due to shared access/spaces among residents and commercial/retail users. The southern commercial/retail space is accessed via a walkway from the Sylvan Avenue right-of-way and a hallway accessed through the loading area and partially covered parking area at the rear of the building. To access the southern commercial/retail space from the central parking area, a user must exit the building via the central driveway or lobby and walk outside and around the building to enter the commercial/retail space via the Sylvan Avenue entrance or the rear hallway (which is only accessed by first walking through the partially covered parking area). This poses a convoluted method of entry from the parking area which is adjacent to the commercial/retail space. Additionally, neither commercial space is easily accessible from the ADA spaces located near the lobby entrance.
 - e. No exterior outdoor space is allotted for residential passive or active use. Site furnishings should be provided near building entrances.
 - f. The two ground signs should be located on the site plan.
4. Street Frontage, Parking and Circulation
- a. Fifth Street & Sylvan Avenue. One (1) curb cut and driveway is proposed along Sylvan Avenue providing both ingress and egress to the site, and one (1) curb cut and driveway is provided along Bayview Avenue (approximately 100 feet from the intersection with Sylvan Avenue) providing only ingress to the site. The only point of proposed egress from the site is along the Sylvan Avenue right-of-way, which is a busy four-lane state highway. The site plan layout fails to take advantage of the 289 feet of frontage along Fifth Street for a future ingress/egress into the site to mitigate circulation issues provoked by the current design. Fifth Street is an unimproved and partially underimproved Borough right-of-way extending to Washington Avenue. The Borough is in the process of moving forward with improvement plans for the construction of Fifth Street. The site plan should be modified to provide for a future driveway connection to Fifth Street.
 - b. The site plans should be amended to provide for the dedication of right-of-way along Fifth Street in accordance with the Municipal Land Use Law. Separately, as part of the Borough’s completion of roadway improvements to Fifth Street, the Developer has an

obligation to contribute to said improvements in accordance with the Municipal Land Use Law.

- c. Parking spaces are within 0.75 feet of the rear property line where a 5-foot setback is required.
- d. Parking stop blocks may be required for the 18-foot-long parking spaces to protect the perimeter concrete wall.
- e. Five (5) ADA parking spaces are provided in the rear surface lot. No ADA spaces are provided in the interior building lot.

5. Architectural Drawings

- a. The three-story brick veneer and stucco structure creates a monolithic 366-foot-long street wall along Sylvan Avenue. The elevation offers no visual cue to the commercial vs. residential uses. Given the significant length of building frontage proposed along Sylvan Avenue, special attention should be given to breaking up the facade with varying building setbacks and a mix of facade treatments to create a degree of architectural interest and prevent the perception of one long continuous wall. The current design should be further modified to mitigate the perceived “vastness” of the building at the street level.
- b. More detail should be provided on building materials – brick, windows, trim, doors.
- c. The Applicant shall provide testimony addressing the signage on the property in compliance with Chapter 19 of the Borough Code (Sections 19-13, 19-14, and 19-15).
- d. The elevation includes tenant signage near the cornice line and would be better placed above the first-floor windows or entry door where the commercial use exists.
- e. The Applicant shall clarify whether the eight (8) partially covered parking spaces located on the ground floor at the rear of the building are dedicated to the residential or commercial uses.
- f. The plans should include dimensions and area calculations for individual interior ground floor spaces (lobby, trash room, amenity space, mail/package room, mechanical and utility rooms, storage rooms, etc.). The use of the amenity space should be further clarified.
- g. Is there a garage door to the commercial parking spaces and rear parking area?
- h. More details on the roof plan shall be provided, particularly the location, area, and height of the rooftop appurtenances other than the central 6’-6” elevator and stair bulkhead to verify compliance with the maximum height and roof area percentage requirements of the rooftop appurtenances.
- i. A more decorative retaining wall design is encouraged.
- j. Building height calculations on the architectural plans should be coordinated with the civil plans, particularly denoting the highest elevation point of the flat roof to verify the accuracy of the building height calculation and evaluate compliance with the building height requirement of the IHO-2 Zone. Architectural elevations show a 38 FT – 8 IN building height to the roofline with a 4 FT parapet at the rear and southern elevations, and a 36 FT building height to the roofline and 4 FT parapet at the front and northern elevations. The extended height of the central lobby feature/elevator bulkhead is 6 FT – 6 IN. The Applicant shall clarify that the building height calculated per the civil plans is consistent with the architectural plans.

- k. Per paragraph 14.g. of the SA, “The preservation of the viewshed of the Palisades is a critically important aesthetic and scenic design consideration. Any zoning regulations for the sites in subparagraphs (c) through (e) of this paragraph shall 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. The proposed zoning regulations for the site in subparagraph (f) of this paragraph specify additional requirements for preservation of the viewshed for zoning regulations for that site.”
- l. The elevator bulkhead and stairwell identified on Sheet A-102 should be depicted on Sheet A-103.

6. Landscaping, Tree Removal and Buffers

- a. While the Applicant has provided a landscape plan which increases the buffer area along the R-B1 Zone (varying from 9-24.3 FT in width), the proposal is still noncompliant with the required min. 25 FT buffer from residential-zoned properties. Parking areas are only set back 0.75 FT from Block 201, Lot 9, where a more substantial buffer should be provided.
- b. Approximate tree canopy should be indicated for any existing trees to remain.
- c. The parking lot islands appears large enough to accommodate small shade trees in addition to the low-level shrubs proposed.
- d. *Carex pensylvanica* would be better suited on the north side of the building. Consider adding perennials and native grasses along the south facing facade and adding shade tolerant perennials and groundcovers to the north side.
- e. Consider the moisture requirements of the ferns proposed.
- f. The planting should be coordinated with the proposed ground signs and seating areas, which should be added in the next submission.
- g. The Landscape Plan shall address Borough Code Section 30-7.10.g. Buffer Requirements Landscaping. In the buffer areas the following plant material shall be placed: In areas where land is still in its natural state in the area to be buffered, the area shall be left in its natural state, if possible. In addition, evergreen trees between 10 feet and 14 feet in height shall be planted to provide a year-round visual screen which shall be placed in an area of the buffer zone in a manner architecturally suitable to accomplish said screening.
- h. The Landscape Plan shall address Borough Code Section 30-7.10.i. Buffer Requirements. Maintenance of Buffer Zone.
 - i. All buffer zones shall be maintained to provide continuous protection for residents from viewing commercial property.
 - ii. It shall be kept free of debris, litter and unsightly overgrowth.
 - iii. In the event that a tree is cut, destroyed, removed or substantially injured, it must be replaced.
 - iv. All fallen trees must be removed and replaced.
 - v. In the event that a tree is diseased or dead and is removed from the buffer zone, the tree must be replaced. The enforcing authority or his designee must be notified prior to the removal of the tree. Within a buffer zone the enforcing officer for this subsection shall be the Construction Official or his designee.

- i. The Landscape Plan shall address Borough Code Section 30-7.10.m. Buffer Requirements and Tree Replacement Plan.
 - i. All replacement trees shall be twelve-foot to fourteen-foot evergreens. They shall be planted during the earliest planting season after either the removal of the tree, or after notification of a violation.
 - ii. Replacement trees shall be approved by the enforcing officer or his designee prior to planting.
 - iii. After the replacement tree is planted, the enforcing officer or his designee must be notified so that it may be inspected to determine that it was properly planted.

7. Affordable Housing

- a. The proposed 48 residential units will include ten (10) units set aside for affordable housing. Given that this project was approved as part of the Borough's compliance with its Third Round (1999-2025) affordable housing obligation, the provision of affordable units shall be consistent with the October 8, 2020 Settlement Agreement between the Borough and the Fair Share Housing Center, applicable Council on Affordable Housing ("COAH") Round Two Substantive Affordable Housing Regulations (N.J.A.C. 5:93-1.1, et seq.), the Uniform Housing Affordability Controls ("UHAC") regulations (N.J.A.C. 5:80-26.1, et seq.) for the period beginning December 20, 2004, and § 30-5.15.4 of the Borough Code, unless specified as otherwise below:
 - i. All units that are subject to Mt. Laurel deed restrictions, regardless of round, must adhere to requirements regarding unit administration, advertising, and income-certification per the amended Uniform Housing Affordability Controls ("UHAC") regulations (N.J.A.C. 5:80-26.1, et seq.) effective for the period beginning November 6, 2025.
 - ii. Applicant shall comply with the FSHC letter dated September 17, 2025.
- b. The Applicant shall provide testimony demonstrating that affordable units will be built, deed-restricted, and administered in accordance with the Borough's affordable housing regulations.

8. Miscellaneous Comments

- a. The Applicant should address the reports prepared by the Planning Board Engineer and Planning Board Traffic Engineer.
- b. The Applicant should address any reports prepared by the Borough departments, including the Police and Fire Departments.
- c. The Applicant shall post Performance Bonds and Maintenance Bonds as required by Borough Ordinances and the Municipal Land Use Law.
 - The Applicant shall post inspection fees as required by Borough Ordinances and the Municipal Land Use Law.

9. Regulatory Approvals

The Applicant shall provide testimony on the status of the following regulatory agency approvals:

- a. Bergen County Planning Board.
- b. Bergen County Soil Conservation District.

- c. Borough Utility and Road Opening Permits.
- d. Veolia Water Company.
- e. New Jersey Department of Environmental Protection (NJDEP) (if applicable).
- f. New Jersey Department of Transportation (NJDOT) (if applicable).
- g. Any other regulatory agency having jurisdiction over or which this development application requires a regulatory approval or permit shall be obtained by the Applicant.