

**ENGLEWOOD PLANNING BOARD  
WORK SESSION and PUBLIC HEARING  
AGENDA  
July 26, 2011  
Tuesday - 8:00 pm**

1. Call to Order
2. Statement of Compliance with Open Public Meetings Law:
3. Roll Call
4. Pledge Allegiance
5. Approval of Minutes of previous meeting;
6. Communications;
7. Motions to adjourn, scheduled cases and procedural motions;
8. Old Business/ Continued Hearings;
9. New Business/ New Hearing;
10. Other New Business;
11. Memorialization Resolutions:
12. Committee Reports:
13. Public Comments regarding Planning Board Business.
14. Adjournments

**Item #1**

**Case No: 2011-5**

**Applicant: Howdavar Associates, LLC**

**Address: 403 Grand Avenue**

**Block: 2911 Lot: 32**

**Proposed Use: Application for a Preliminary and Final Site Plan and Sign Waiver with variance relief for a medical office.**

**Item # 2**

**Case No: 2011-6**

**Applicant: Debra Appello d/b/a Jump and Bounce**

**Address: 250 South Van Brunt Street**

**Block: 2505 Lot: 1.01**

**Proposed Use: Application for Preliminary Site Plan with Variance Relief for an Indoor Children's Play Center**

**Item # 3**

**Case: City of Englewood Land Use Ordinance #11-11**

**Proposed Use: Upon Submission of Council for review and comments of The Planning Board**

**CITY OF ENGLEWOOD**

**ORDINANCE #11-11**

**AN ORDINANCE AMENDING SECTION 4-17 OF THE ZONING ORDINANCE OF THE CITY OF ENGLEWOOD RELATED TO PLANNED UNIT DEVELOPMENT (PUD-1) OVERLAY DISTRICT**

**WHEREAS**, on July 16, 2002, the City Council of the City of Englewood adopted Ordinance 02-12 entitled "An Ordinance Creating a Planned Unit Development (PUD-1) Overlay Zoning District and Amending the Zoning Ordinance of the City of Englewood," following notice and publication as required by law and following a favorable recommendation thereon by the Planning Board of the City of Englewood; and

**WHEREAS**, following adoption, the City Planner recommended an amendment thereto to modify the ratio between residential uses and nonresidential uses so as to reduce the density of the nonresidential uses; and

**WHEREAS**, pursuant to said recommendation and following notice and publication as required by law and receipt of a favorable recommendation from the Planning Board, the City Council of the City of Englewood adopted Ordinance No. 02-20 entitled "An Ordinance Amending Section 4-17.9(a) of the Zoning Ordinance of the City of Englewood, as amended by Ordinance No. 02-12 pertaining to the PUD-1 Overlay Zoning District" on October 29, 2002; and

**WHEREAS**, in conjunction with further amendments to the Master Plan of the City of Englewood by the Planning Board, the City Council of the City of Englewood restated and amended Ordinance Nos. 02-12 and 02-20 by adopting Ordinance No. 03-07 on July 22, 2003; and

**WHEREAS**, as a result of certain litigation instituted by ERA South, LLC, et al., the City entered into a Settlement Agreement which, among other things, required that the City consider amending the Planned Unit Development 1 (PUD-1) Overlay District in accordance with Exhibit A attached to said Settlement Agreement; and

**WHEREAS**, the City Council of the City of Englewood desires to introduce and adopt said amendments as set forth in Exhibit A attached to the Settlement Agreement.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Englewood, Bergen County, New Jersey, as follows:

Section 1. The Zoning Ordinance of the City of Englewood is hereby amended and supplemented by repealing the current Section 4-17 thereof and replacing the same with a new Section 4-17 entitled "Zoning Standard for PUD-1 Overlay District", consisting of various sections and subsections as set forth on Exhibit A attached hereto and made a part hereof.

Section 2. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. If any sentence, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

Section 4. This ordinance shall take effect after passage and publication as required by law; after filing of a copy of same with the Planning Board of the County of Bergen; and upon the entry of a Judgment of Compliance by the Superior Court of New Jersey in accordance with the terms and conditions of the Settlement Agreement between the City of Englewood, the Planning Board of the City of Englewood and various other parties approved by the City Council on June 28, 2011 by Resolution No. 151-06-28-11.

## Exhibit A

### 4-17 ZONING STANDARD FOR PUD-1 OVERLAY DISTRICT

#### 4-17.1. Purpose.

(a) The purpose of this ordinance with respect to the Planned Unit Development 1 (PUD-1) Overlay District is to provide for the development of an area as a single entity according to a plan containing both residential and non-residential uses subject to such specific conditions and limitations as set forth herein, so as to foster mixed use development in appropriate locations within the City of Englewood specified in the underlying zoning district.

(b) The further purpose of this ordinance as amended is to continue the regulation of certain areas formerly zoned PUD-1 for which some development approvals have previously been granted but to modify the conditions and limitations upon which further development may be permitted so as to foster mixed use development in appropriate locations within the City of Englewood specified in the underlying zoning district. Among other things, the purpose of this ordinance is to permit certain further residential and non-residential development within two areas within the PUD-1 overlay district, defined and designated in Section 4-17A.2 as the Supplemental Development Area and the North Office Pad, but only subject to specific conditions and limitations set forth herein which are intended to foster mixed development in the overlay zone.

#### 4-17.2. Permitted Uses.

Within the Planned Unit Development 1 (PUD-1) Overlay District and subject to the specific conditions and limitations set forth in this section no land or building shall be used, nor shall any building be constructed, altered or designed to be used, for any purpose other than the following:

- (a) Multifamily dwellings;
- (b) attached townhouse dwellings;
- (c) business, professional or governmental offices
- (d) hotels and conference centers
- (e) ancillary retail uses including banks, restaurants and retail sales and services
- (f) accessory parking decks and structures
- (g) accessory uses to permitted principal uses.

#### 4-17.3. General Site Zoning.

Any Planned Unit Development shall comply with the following specific conditions and limitations:

- (a) Minimum Aggregate Area: 12 Acres. Contiguous lot or lots separated by public streets or rights-of-way, other than divided highways, may be combined for the purpose of calculating aggregate area.
- (b) Maximum Impervious Coverage: 80%
- (c) Floor Area Ratio is calculated on the basis of the total aggregated lot size (minimum size is 12 acres) of the site plan.

- (d) Maximum Floor Area Ratio for Combined Commercial Development and hotel/conference center (ratio of total gross floor area constructed to total lot area): 0.72 (Floor area ratio excludes parking and parking decks) except as hereinafter provided.
- (e) Maximum Floor Area Ratio for Residential Development (ratio of total gross residential floor area constructed to total lot area): 0.75 (Maximum floor area ratio includes all levels of parking decks).
- (f) Density of Residential Units (attached townhouse or Multifamily dwellings):
  - 1. 25 Multifamily dwelling units per acre of total aggregated lot size, or
  - 2. 7.5 attached townhouse units per acre of total aggregated lot size.
  - 3. For any combination of Multifamily dwelling units and attached townhouse units, the permissible number of Multifamily dwelling units shall be reduced by 25 for each 7.5 attached townhouse units or part thereof.
- (g) Minimum 10' planting buffer between any existing industrial use.
- (h) Minimum 20% landscaped pervious area.
- (i) Signage shall comply with the provisions of Section 4-6.13 of the Zoning ordinance.

#### 4-17.4. Office Zoning:

The development of business, professional and governmental office uses shall comply with the following specific conditions and limitations.

- (a) Maximum Height: Building height shall be limited to 10 stories and 120 feet (including parking deck structures).
- (b) Maximum Gross Square Footage of Ancillary Retail Space: the lesser of 5% of total Gross Floor Area or 30,000 square feet.
- (c) Office Buildings may not be constructed within 100 feet of Overpeck Creek Channel Walls.
- (d) Parking: 4.0 spaces for every 1,000 square feet of Gross Floor Area including retail areas for buildings under 100,000 square feet, or 3.5 spaces for every 1,000 square feet of Gross Floor Area including retail areas for buildings having 100,000 square feet or more.
- (e) Setback from existing Hotel and/or Office Use: 30 feet
- (f) Setback from existing Residential Use: 50 feet.
- (g) Notwithstanding the maximum height and maximum floor area ratio for combined commercial development and hotel/conference center, for each 1% increase in landscaped pervious area over and above the 20% required, an increase in floor area ratio will be permitted of .01 and one story and 12 feet will be added to the permitted height up to a maximum floor area ratio for combined commercial development and hotel/conference center of .75, a maximum number of 12 stories and a maximum height of 144 feet.

#### 4-17.5 Hotel and Conference Center Zoning:

The development of Hotel and Conference Center uses shall comply with the following specific conditions and limitations:

- (a) Maximum Height: the lesser of 10 stories or 120 feet.
- (b) Hotel/or Conference Center may not be constructed within 100 feet of Overpeck Creek Channel Walls.
- (c) Parking: 1.2 spaces for each room plus 10 spaces per 1,000 square feet of Conference Center. Conference Center is defined as the gross square footage of all space encompassing conference rooms and auxiliary rooms that service the conference rooms (excluding kitchen area).
- (d) Setback from existing Hotel and/or Office Use: 30 feet.
- (e) Setback from existing Residential Use: 50 feet.
- (f) Notwithstanding the maximum height and maximum floor area ratio for combined commercial development and hotel/conference center, for each 1% increase in landscaped pervious area over and above the 20% required, an increase in floor area ratio will be permitted of .01 and one story and 12 feet will be added to the permitted height up to a maximum floor area ratio for combined commercial development and hotel/conference center of .75, a maximum number of 12 stories and a maximum height of 144 feet.

#### 4-17.6 Multifamily Zoning:

The development of Multifamily residential dwellings shall comply with the following specific conditions and limitations:

- (a) Maximum Height: The lesser of five stories or 59 feet in height.
- (b) Maximum Area of Single Building Coverage: 48,000 square feet.
- (c) Parking: In accordance with the New Jersey Residential Site Improvement Standards (RSIS) plus 3.5 spaces for each 1,000 square feet of ancillary retail gross floor area.
- (d) Maximum Ancillary Retail Space shall not exceed the lesser of 15% of the Gross Floor Area or 30,000 square feet, whichever is less.
- (e) Setback from existing Hotel and/or Office Use: 30 feet.

#### 4-17.7 Townhouse Zoning:

The development of Attached Townhouse dwelling units shall comply with the following specific conditions and limitations:

- (a) Maximum height: 35 feet not to exceed three (3) stories.
- (b) Maximum area of single building: 4,500 square feet.
- (c) Maximum gross floor area: 13,500 square feet.
- (d) Parking: three (3) spaces for each townhouse unit.

- (e) Setback from another townhouse building - minimum 20 feet.
- (f) Setback from Multifamily residential, office or hotel/conference center minimum 30 feet.

4-17.8 Parking Deck Zoning:

The development of parking decks shall comply with the following specific conditions and limitations:

- (a) Maximum height: the lesser of 7 stories or 84 feet.
- (b) Parking decks may not be constructed within 100 feet of Overpeck Creek Channel Walls.
- (c) Setback from Residential Use: 30 feet unless used to serve residential units.

4-17.9 Required Ranges Between Residential and Non-Residential.

To insure an appropriate balance of non-residential to residential uses within a Planned Unit Development, the following range of non-residential uses to residential uses is hereby required and shall be specified and depicted on any site plan required in connection therewith.

- (a) There shall be no more than 30 residential units (either multiple family dwelling units or attached townhouse dwelling units) for each 20,000 square feet of non-residential development (excluding parking). (02-20)
- (b) The land area within a Planned Unit Development designated for residential development shall not exceed 75% of the total land area within the Planned Unit Development, inclusive of parking.

**4-17A ZONING STANDARDS FOR FURTHER DEVELOPMENT IN THE SUPPLEMENTAL DEVELOPMENT AREA AND NORTH OFFICE PAD WITHIN THE PUD-1 OVERLAY ZONE**

4-17A.1 Title and Scope.

This section may be referred to as the PUD Supplemental Development Area Standards (PUD-SDA Standards). It establishes standards for further development in the Supplemental Development Area and North Office Pad areas within the PUD-1 Overlay Zone as defined and designated in Section 4-17A.2,

4-17A.2 Definitions

Except as otherwise expressly stated in this section, the following terms shall have the following meanings:

- (a) "North Office Pad" means Block 2518, Lot 1.01.
- (b) "Qualified Retail Uses" means facilities for the sale of goods or services to the public, but excluding facilities in which the predominant good or service sold is
  - i. paint;
  - ii. hardware;
  - iii. appliances;
  - iv. clothing;

- v. shoes;
  - vi. jewelry;
  - vii. cameras;
  - viii. finished works of art;
  - ix. liquor, but not excluding
    - (1) qualified retail uses in which wine, beer or liquor sold for consumption on-site and
    - (2) qualified retail uses which sell wine, beer or liquor for external consumption but whose predominant business on site is the sale of other goods or services, provided that no more than 20% of the shelf space is devoted to wine, beer, or liquor products.
  - x. bicycles;
  - xi. eye glasses or contact lens (optician); and
  - xii. stationary or greeting cards.
- (c) “Supplemental Development Area” means the area encompassed by “Block 2602, Lot 3.01, Block 2602, Lot 3.02, Block 2602, Lot 3.03, Block 2602, Lot 3.04, Block 2605, Lot 1.01, and Block 2605, Lot 1.02 as designated on the official tax map of the City of Englewood.
- (d) “Supplemental Multifamily Housing” means 195 multifamily residential dwellings excluding those that had received preliminary or final site plan approval prior to January 1, 2007.
- (e) “Gross floor area” means the sum of the gross horizontal internal areas of all the floors of a building (or buildings), measured from the exterior faces of exterior walls, or from the center line of walls common to two buildings, except that the floor area shall include only 75% of any basement or cellar space and shall exclude any parking or parking structures.
- (f) “Further development” means development which receives preliminary or final site plan approval after June 1, 2011.

#### 4-17A.3 Applicability

Except as otherwise provided within the PUD-SDA Standards, further development within the Supplemental Development Area and North Office Pad shall be governed by the PUD-1 Overlay Zone (codified as 4-17.1 et seq) and the PUD-SDA Standards. Where there is any conflict or inconsistency as to the standards governing such development, the PUD-SDA Standards shall control. The PUD-SDA Standards do not govern development in the PUD-1 Overlay Zone other than within the Supplemental Development Area and the North Office Pad.

#### 4-17A.4 Additional Permitted and Non-Permitted Uses.

- (a) Within the Supplemental Development Area and North Office Pad, and subject to the specific conditions and limitations set forth in this section, the following uses shall be permitted in addition to those permitted in the PUD-1 Overlay Zone.

- (1) qualified retail uses.
- (b) Within the Supplemental Development Area and North Office Pad, Ancillary Retail Uses as defined in Section 4-17.2(e) are prohibited.

#### 4-17A.5 Supplemental Multifamily Housing

- (a) Supplemental Multifamily Housing shall be permitted only in the Supplemental Development Area.
- (b) Except as expressly stated to the contrary, Supplemental Multifamily Housing shall comply with the standards set forth in the PUD-1 Overlay Zone for Multifamily Housing and shall also comply with the following standards
  1. Maximum number of units: 195.
  2. Maximum gross floor area: 257,400 square feet.
  3. The housing shall not include any units with more than two bedrooms.
  4. Parking: In accordance with the New Jersey Residential Site Improvement Standards (RSIS). Because of the location, anticipated demographic characteristics of residents, availability of mass transit, an applicant for development approval of Supplemental Multifamily Housing shall have the right, upon request, to utilize an alternative parking standard under the RSIS of 1.6 parking spaces for each dwelling unit.
- (c) Supplemental Multifamily Housing shall not be included in the Maximum Floor Area Ratio for Residential Development set forth in the PUD-1 Overlay Zone standards but the aggregate gross floor area for all Supplemental Multifamily Housing shall not exceed 257,4000 square feet.
- (d) Supplemental Multifamily Housing shall not be subject to the standards for Density of Residential Units (attached townhouse or multifamily dwellings) set forth in the PUD-1 Overlay Zone, but the total number of Supplemental Multifamily Housing units shall not exceed 195 units.
- (e) Supplemental Multifamily Housing shall not be subject to the standards for Maximum Area of Single Building Coverage for Multifamily Housing in the PUD-1 Overlay Zone.
- (f) Supplemental Multifamily Housing shall not be subject to standards for Parking for Multifamily Housing in the PUD-1 Overlay Zone.

#### 4-17A.6 Office Buildings

- (a) Office Buildings shall be permitted within the North Office Pad and the Supplemental Development Area, including medical offices.
- (b) The gross floor area of any office building within the Supplemental Development Area or the North Office Pad shall not be less than 40,000 square feet nor exceed 200,000 square feet.

#### 4-17A.7 Qualified Retail Zoning

The development of qualified retail uses shall comply with the following specific conditions and limitations:

- (a) Qualified retail uses shall be permitted only in the Supplemental Development Area.
- (b) Maximum aggregate gross floor area – 15,000 square feet.
- (c) Maximum gross floor within a single store
  - 1. Restaurant or specialty grocery store -- 15,000 square feet,
  - 2. Other qualified retail use – 10,000 square feet
- (d) Maximum height – The lesser of two stories or 30 feet
- (e) Parking: one space per 250 square feet of floor area

**4-17B ZONING STANDARDS FOR EXISTING NORTH RESIDENTIAL PAD PARCEL AND NORTH EXISTING RETAIL PAD PARCEL**

4-17B.1 Title and Scope.

This section may be referred to as the PUD Existing North Development Area (“PUD-ENDA”) Standards. It establishes standards for the current developed areas in the North Residential Pad parcel and the North Retail Pad parcel as defined and designated in Section 4-17B.2.

4-17B.2 Definitions.

Except as otherwise expressly stated in this section, the following terms shall have the following meanings:

- (a) “North Residential Pad” means Block 2517, Lot 3.03.
- (b) “North Retail Pad” means Block 2518, Lot 1.02.

4-17B.3 Applicability.

- (a) Except as otherwise provided within the PUD-ENDA Standards, development within the North Residential Pad and the North Retail Pad, i.e., the PUD-ENDA, shall be governed by the PUD-1 Overlay Zone (Codified as 4-17.1) and the PUD-ENDA Standards. Where there is any conflict or inconsistency as to the standards governing such development, the PUD-ENDA Standards shall control. The PUD-ENDA Standards do not govern development in the PUD-1 Overlay Zone other than within the North Residential Pad and the North Retail Pad.
- (b) Zoning compliance for applications for development for parcels in the PUD-ENDA shall be calculated without reference to any parcels in the Supplemental Development Area or the North Office Pad, and the owners of any parcels in the Supplemental Development Area or of the North Office Pad need not be parties to any such applications, regardless of the existence of any approvals involving those parcels prior to the adoption of this provision. However, calculations for parking in the PUD-ENDA may include parking spaces in the Supplemental Development Area or the North Office Pad, if there is a permanent easement of record which provides parking rights pursuant to any such prior approval.

4-17B.4 Specific Standards for PUD-ENDA.

Notwithstanding anything to the contrary set forth in the PUD-1 Overlay District (Codified as 4-17.1 to - 17.9) the following provisions shall replace and supersede only in the PUD-ENDA the density and linkage requirements of the PUD-1 Overlay District:

- (a) Density of Residential Units (Multifamily dwellings) :  
30 Multifamily dwellings units per acre of total aggregated lot size
- (b) Required Ranges Between Residential and Non-Residential:  
Deleted in the PUD-ENDA.

**ORDINANCE #11-11**

**AN ORDINANCE AMENDING SECTION 4-17 OF THE ZONING  
ORDINANCE OF THE CITY OF ENGLEWOOD RELATED TO  
PLANNED UNIT DEVELOPMENT (PUD-1) OVERLAY DISTRICT**

RECORD OF VOTE

FIRST READING DATE:

COUNCIL	MOTION	VOTE
Algrant		<b>Y</b>
Rosenzweig		<b>AB</b>
Reddin	<b>X</b>	<b>Y</b>
Cohen		<b>Y</b>
Drakeford		<b>Y</b>

DATE PUBLISHED IN THE RECORD:

DATE PUBLIC HEARING HELD:

DATE SECOND READING HELD:

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant						
Rosenzweig						
Reddin						
Cohen						
Drakeford						

Y=YES      N=OPPOSED    A=ABSTAINED      AB=ABSENT

PRESENTED TO MAYOR:

APPROVED \_\_\_\_\_

REJECTED \_\_\_\_\_ (VETO)

\_\_\_\_\_  
MAYOR FRANK HUTTLE III

I do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted and approved by the Mayor and Council of the City of Englewood.

\_\_\_\_\_  
Lauren P. Vande Vaarst, RMC  
City Clerk