

## City of Englewood Zoning Board of Adjustment

Minutes

Regular meeting

Thursday June 15, 2023 8:00 p.m.

REMOTE MEETING/ZOOM MEETING

Members present: Chairman Adam Brown, Vice Chairman David Maron, Angelina Rivera, Dr. Thom Kelly,  
Kenneth Senkyire, Uri Moche, and Ayala Geva

Members absent: Juanita Harris, Mateo Duque, and Theresa Thomas

Attorney Present: Michael Kates, Esq.

Advisors Present: Frantz Volcy PE, Chelsea L. Gleis PP, AICP

Certified Court Reporter: Patricia Pucciarello, CCR, RPR

It Consultant, Zoom meeting moderator: Asher Forst

Meeting called to order at 8:05 p.m.

Roll call, reading of open public meeting statement

### New application

File ZBA 2023-3, Daniel and Joyce Straus, 42 Lincoln St., Block 1602, Lot 10

C(1) and C(2) variances are requested to permit a construction of a retaining wall to level off a portion of the side yard as well as repositioning of the existing tennis court. Relief sought for grade change elevation, side yard setback and maximum fence height within the front yard requirements.

Matthew Capizzi, attorney representing the applicant addressed the Board and gave a brief synopsis of the application.

Ms. Gleis addressed issues that had been noted by Mr. Szabo in his report, dated 5/23/23, where the application had been deemed incomplete. Ms. Gleis stated that the submission of the application for hearing contained a revised site plan dated 05/31/23 which addressed most of the issues. She noted that there was a waiver requested by the applicant for the Board's consideration. Ms. Gleis stated that the application could be considered as complete.

Mr. Brown asked Mr. Spence to proceed with his testimony.

Martin Spence, the engineer for the applicant, was given time to present his testimony. Site plan dated 02/28/23, last revised 05/31/23 was submitted as evidence.

Mr. Spence answered questions raised by Board Members and Professionals

The meeting was opened to the public for questions. No one came forward.

The public portion of the meeting for questions was then closed.

Paul Keyes, the landscape architect for the applicant, was called to give his testimony. Marked was the following:

- A-1 Additional Landscape Planting Plan, dated 06/13/23, sheet 1of 1
- A-2 Color rendering of view of property from the street without proposed trees and tennis court
- A-3 Color rendering of view of property with proposed trees and tennis court
- A-4 Google Earth aerial, date accessed 06/15/23

Mr. Spence answered a question raised by Mr. Maron.

Mr. Keys answered questions raised by Mr. Maron and Mr. Volcy.

The meeting was opened to the public for questions. No one came forward.

The public portion of the meeting for questions was then closed.

David Spatz, the planner for the applicant, was called to give his testimony.

The meeting was opened to the public for questions. No one came forward.

The public portion of the meeting for questions was then closed.

Mr. Capizzi made closing arguments

Mr. Volcy made comments

The meeting was opened to the public for comments. No one came forward.

The public portion of the meeting for comments was then closed.

The Board members expressed their thoughts pertaining to the application.

Motion to approve: Ms. Rivera, Second: Mr. Moche

Approved by a vote of 5 yes (Rivera, Kelly, Moche, Geva, Brown), 1 no (Maron) 1 abstained (Senkyire)

### New application

File ZBA 2023-4, Cityview Surgical Center, 28-46 S. Dean St., Block 2403, Lot 7.02

D(1) variance is requested to permit use of a portion of the 2nd floor of the existing commercial building as a surgical center in the downtown D-2c district. C(1) and C(2) variances are requested to permit an installment of a wall sign. Relief sought for total building area coverage, as well as letter and logo height requirements.

Matthew Capizzi, attorney representing the applicant addressed the Board and gave summary of the application.

Basil Sherman II, the architect for the applicant was called to give his testimony. Change of use plan dated 01/30/23 was submitted as evidence. Marked were the following:

- A-1 Architectural drawing by Pulse Design Group, sheet AEX-100, titled "Roof Top Visibility Study", dated 06/05/23
- A-2 Photograph of the building with proposed signage imposed. Prepared by Magestic Signs, dated 6/13/23

Mr. Sherman answered questions raised by the Board Members and Professionals. Mr. Brown stated that there should be a detailed parking plan prepared for the parking spaces for patients, their aides/drivers, and the facility's staff members. Mr. Capizzi agreed.

Ms. Gleis made comments concerning the signage and parking requirements

Mr. Kates and Mr. Capizzi discussed the signage variance request and the possibility to add this applicant's signage variance application to the existing signage application for the same building by other business owners pending before the Planning Board.

The meeting was opened to the public for questions. No one came forward.

The public portion of the meeting for questions was then closed.

Dr. Roy Davidovitch, orthopedic surgeon, the principal of the Cityview Surgical Center, gave his testimony.

Dr. Davidovitch answered the questions raised by Board Members and Professionals

Mr. Brown and Ms. Geils made comments about the parking requirements

Mr. Brown and Mr. Capizzi agreed that the parking plan should be presented to the City. This will be a condition to approval. It was also agreed that the signage variance request would not be presented before the Zoning Board of Adjustment, but would be submitted to the Planning Board

The meeting was opened to the public for questions. No one came forward.  
The public portion of the meeting for questions was then closed.

Lou Luglio, the traffic engineer for the applicant gave his expert testimony.

Mr. Brown requested that the resolution should state a condition to approval that the applicant must make a parking agreement with the City. Agreement should include at least two 15-minute parking spaces in close proximity to the entrance to the surgical center, and monthly parking spaces for employees. The total number of spaces should not be less than twenty.

The meeting was opened to the public for questions. No one came forward.  
The public portion of the meeting for questions was then closed.

Keenan Hughs, the planner for the applicant, gave his expert testimony.

Mr. Hughs answered questions raised by Mr. Gleis and Mr. Kates

The meeting was opened to the public for questions. No one came forward.  
The public portion of the meeting for questions was then closed.

The meeting was opened to the public for comments. No one came forward.  
The public portion of the meeting for comments was then closed.

Mr. Capizzi made final closing arguments

The Board members expressed their thoughts pertaining to the application.

Motion to approve: Mr. Moche, Second: Ms. Rivera

Approved by a vote of 7 yes (Rivera, Senkyire, Kelly, Moche, Geva, Maron, Brown), 0 no

#### Resolutions

File ZBA 2023, Ben and Tamar Blumenthal, 26 Lincoln St. Block 1602, Lot 12

Motion to approve: Mr. Senkyire, Second: Ms. Geva

Approved by a vote of 4 yes (Maron, Senkyire, Kelly, Geva), 0 no

File ZBA 2023-2, 351 Lewelen Circle LLC, 351 Lewelen Cr., Block 1403, Lot 1

Motion to approve: Mr. Maron, Second: Mr. Senkyire

Approved by a vote of 4 yes (Maron, Senkyire, Kelly, Geva), 0 no

Chairman Brown adjourned the meeting at 11:15 pm.

Respectfully submitted,  
Oksana Leonovich  
Board Secretary