

City of Englewood Zoning Board of Adjustment

Minutes

Regular meeting

Monday, September 29, 2025 8:00 p.m.

REMOTE MEETING/ZOOM MEETING

Attorney: Michael Kates, Esq.

Advisors: John Szabo., PP, AICP and Chelsea Gleis, PP, AICP

Certified Court Reporters: Ronda Reinstein, CCR, RPR

IT Consultant, Zoom meeting moderator: Asher Forst

Board Secretary: Oksana Leonovich

Call to Order

Chairman Maron called the meeting to order at 8:00 p.m.

Call to Order, Statement of Compliance with Open Public Meetings Act

Chairman Maron confirmed that the meeting was in compliance with the Open Public Meetings Act.

Roll Call

Ms. Leonovich conducted the roll call:

Member	Present	Absent
Chairman David Maron	✓	
Vice Chairman Uri Moche	✓	
Juanita Harris	✓	
Kenneth Senkyire		✓
Dr. Thom Kelly	✓	
Mateo Duque		✓
Howard Shafer	✓	
Dr. Margaret Haynes		✓
Vanessa Beatriz Marquez	✓	
Milton Davis	✓	
Dr. Suzanne Mullings	✓	

Continued Hearing (previous hearing date was on 07/17/25)

File ZBA-25-009, Dwight-Englewood School, 315 E Palisade Ave, Block 1901, Lot 8.03

The applicant is seeking an approval to increase school enrollment from permitted 1,060 students to 1,100 students

Attorney: Paul Kaufman, Esq., Gregory Asadurian, Esq.

Engineer: Jeffrey Morris, P.E., P.P.

Architect: Lucas Koch, R.A., A.I.A.

Director of facilities and operations: Jordan Massei

Mr. Kaufman summarized that a hearing concluded in July concerning the tennis complex restroom pavilion, and tonight's purpose was for the Board to make a decision regarding the enrollment limitation. Mr. Kaufman reminded the Board that testimony presented previously showed the number of parking spaces created on the site compared to

parking in 1994, compliance with Englewood ordinances on parking requirements for schools, and the engineering and traffic management improvements implemented by the school. He reported that the school currently has 999 students enrolled.

Mr. Szabo indicated that the primary issue was traffic and how the school population contributes to it. He stated that based on the testimony provided, the school had acknowledged traffic issues and made substantial improvements to address them. In his opinion, the additional students should not create a detriment to the neighborhood, as the parking and circulation could absorb the increase.

Mr. Kates clarified that the application was to modify a condition of approval to increase the student cap from 1,060 to 1,100 students, not to remove the cap entirely.

There was a discussion between Board Members, attorneys and Board Planner regarding previous approval and how student transportation and increase in student body contributes to street parking and traffic.

Motion to approve: Ms. Marquez, Second: Ms. Harris

Approved by a vote of 7 yes (Moche, Harris, Kelly, Shafer, Marquez, Davis, Maron) 0 no

Continued Hearing (previous hearing was on 04/17/25)

File ZBA-25-004, Spencer and Savannah Eisner, 350 Van Nostrand Ave, Block 3706, Lot 3

The applicant is requesting interpretation of municipal code concerning pool zoning requirements as well as C(1) and C(2) variances to construct a pool and pool patio. Relief is sought for rear and side yard setbacks, location of the pool in front yard, and maximum impervious coverage.

Attorney: Kevin P. Benbrook, Esq.

Engineer: David J. Egarian, PE

Objector: Eric Lipton, 344 Van Nostrand Ave, Englewood, NJ 07631 represented by Elliot Ostrove, Esq.

Mr. Benbrook presented the application. The application was for an interpretation of the municipal code concerning pool zoning requirements, specifically regarding whether a variance was needed for a pool on a corner lot. Mr. Benbrook explained that since the last hearing, his clients had undertaken additional work to reconfigure their pool application. They had hired surveyors, excavators, and engineers to conduct percolation tests in the proposed dry well areas, confirming satisfactory results. They also confirmed that the previously approved dry wells from the home renovation were properly installed and functioning. The applicants had revised their plans to: 1) shrink the size of the pool to make it conform to setback requirements, 2) ensure the pool was located outside the 25-foot setback from both streets, Eaton and Van Nostrand, and 3) comply with impervious coverage requirements.

Mr. Egarian presented his testimony. Civil plan set dated 08/30/24 with last revision date of 06/18/25 was admitted as evidence. He testified that the soil was suitable for percolation at 2.3 inches per hour, with groundwater at 10 feet 6 inches. The revised plan eliminated a patio that had previously been proposed adjacent to Eaton Street, reduced the pool size to 15 by 30 feet, and downsized other patio areas to bring the overall impervious coverage down to 49.2%, which complies with requirements.

The key question for the Board was whether a variance was needed for a pool on a corner lot with two front yards.

Mr. Egarian testified that the pool was set back 25 feet from Eaton Street and approximately 31.7 feet from Van Nostrand Avenue which placed the pool outside of front yard setbacks.

Attorney Eliot Ostrove, representing the neighbor Eric Lipton, argued that Section 250-59 I(3) of the code specifies that on corner lots, each yard abutting a street is considered a front yard, and Section 250-59 D(3) prohibits pools in front yards. Therefore, he contended a variance would be required regardless of the setback distance.

Mr. Szabo explained that while the corner lot has two front yards, the pool was set back beyond the required 25-foot setback and thus wasn't technically "in the front yard" as defined by the ordinance.

The meeting was opened to public for questions. The following person came forward:

Eric Lipton, 344 Van Nostrand Ave, Englewood, NJ 07631

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

The Board then debated the interpretation of the ordinance regarding front yards on corner lots and setback definition.

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

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

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

Approved by a vote of 6 yes (Moche, Harris, Shafer, Marquez, Davis, Maron), 1 Abstain (Kelly), 0 no

Continued Hearing (previous hearing was on 08/14/25)

File ZBA-25-0187, 21WIVY LLC, 21 W Ivy Ln, Block 701, Lot 16

The applicant is requesting a D(1) variance to permit a construction of a new two-story, two-family residential dwelling with related site improvements including landscaping, grading, installation of utilities, stormwater infrastructure and tree removal. Relief is sought for permitted use in R-D district, where single-family use only is permitted.

Attorney: Benjamine Wine, Esq.

Engineer: Kiersten Osterkorn, PE, PLS, PP

Architect: Arlenis Dominguez, RA, AIA

Planner: Matt Flynn,

Mr. Wine noted that engineering and architectural testimony was presented at the August 14th meeting, but due to lack of quorum and time constraints, the matter was adjourned to this evening's meeting. He highlighted that the applicant had submitted revised plans addressing previous Board comments: 1) removal of the sidewalk and paving along the frontage of the property, 2) changing the driveway to permeable pavers, 3) adding notes to the plans regarding street tree removal and replacement, 4) correcting a rear yard patio side yard setback from 14.1 feet to 15 feet to ensure compliance.

Ms. Osterkorn presented her testimony. Civil plan set dated 07/01/25, last revised on 09/08/25 was admitted as evidence. She noted that while permeable pavers would require maintenance by property owners, the project was already compliant with coverage requirements, and the permeable pavers would provide additional drainage benefits.

The meeting was opened to public for questions. The following person came forward:

Howard Seiden, 88 Willow Ln, Tenafly, NJ

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

Mr. Flynn presented his testimony explaining that: 1) the property is substantially larger, approximately 20,500 sq ft, than the minimum 7,500 sq ft required in the zone, 2) it is located in a transitional area, two lots removed from a commercial zone, 3) the property is on a block where there are no single-family dwellings - neighboring properties are two-family homes or non-residential uses, 4) the proposed development would remove existing nonconforming conditions including an old garage 4 feet from the rear property line and a pool near the rear property line, 5) the application complies with all bulk requirements including lot area, lot width, setbacks, building height, and coverage. He further testified that the "missing middle housing" (two-family homes) represents only about 20% of Englewood's housing stock according to the 2024 Master Plan, with 42% being single-family and 38% being 5+ unit buildings. The proposed density of 4.2 dwelling units per acre is below what would be permitted for a conforming single-family lot at 5.8 units per acre. Marked was the following:

- ` A-3 Zoning map and pictorial aerial views of subject property and surrounding areas, 5 pages
- A-4 Pictures of project property dated 9/29/25

The meeting was opened to public for questions. The following person came forward:

Howard Seiden, 88 Willow Ln, Tenafly, NJ

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

The meeting was opened to public for comments. The following person came forward:

Howard Seiden, 88 Willow Ln, Tenafly, NJ

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

Mr. Wine presented his final arguments and summarized that the application met the criteria for a use variance as the site was particularly suited for a two-family dwelling given the context of the neighborhood and surrounding uses. He noted that a single-family home on the property could actually be larger conforming to all code standards, and have less beneficial site improvements than what was being proposed.

Mr. Shafer commented favorably towards the proposed development.

Motion to approve: Mr. Shafer, Second: Mr. Moche

Approved by a vote of 7 yes (Moche, Harris, Kelly, Shafer, Marquez, Davis, Maron) 0 no

Adoption of Memorialization Resolution

File ZBA-25-011, Treeco Palisades Court LP, 96 West St, Block 605, Lot 5

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

Approved by a vote of 5 yes (Moche, Harris, Kelly, Davis, Maron) 0 no

Motion to adjourn the meeting: Mr. Shafer, Second: Mr. Moche

Without objections Chairman Maron adjourned the meeting at 11:23 pm.

Respectfully submitted,
Oksana Leonovich
Board Secretary