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