

# *EYE ON THE CLIFFS*

*"Let people know the facts and the country will be safe."* Abraham Lincoln

EC for Responsible Government

Website: <https://ecfrg.org>

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*Eye on the Cliffs* is a publication of EC for Responsible Government, a non-partisan and not-for-profit residents group whose goal is community education about local issues. We do not endorse any political party or candidate. We began as a group of residents who joined with the conservation community to seek a reduction in the height of the LG USA headquarters. We learned that residents working together can make a difference. We are inspired by the words of Abraham Lincoln: *"Let people know the facts and the country will be safe."*

## **Englewood Cliffs Planning Board continues fight against corporate development on Trillion Dollar Mile**

Mayor Mario Kranjac's Planning Board is still fighting against the corporate redevelopment project that 800 Sylvan LLC originally proposed to build on its property at 800 Sylvan Avenue, along our Trillion Dollar Mile.

Residents will remember that in October 2017, after four months of hearings, the Planning Board rejected (on a 4 to 3 vote) the corporate application to modernize the outdated corporate building and convert it into a state of the art corporate headquarters. In response to the Planning Board's rejection, 800 Sylvan intervened in our pending affordable housing litigation and sought, instead, to build a 600-unit high-density residential project on the site. The 600-unit plan was approved by the court earlier this year. The Settlement Agreement reduces it to 450 units.

But despite the Planning Board's rejection of its application, 800 Sylvan LLC did not give up on its corporate plan. In December 2017, it also sued to reverse the Planning Board's denial of its corporate building application. In addition, an Englewood Cliffs resident (the President of EC for Responsible Government) intervened in the court case to represent the widely held belief in the community that the Planning Board should have approved the corporate application.

The Planning Board's objection to the corporate building application focused on four points: a subdivision of the 800 Sylvan Avenue property, shared parking, a parking deck in the front of the proposed new building facing Sylvan Avenue, and a deed restriction prohibiting parking in the front of the building.

In March 2019, the court reversed the Planning Board. It found that the Planning Board's objections to the subdivision and to the shared parking were "arbitrary, capricious, and unreasonable" as a matter of law. The Court instructed the Planning Board to reconsider the deed restriction and the parking deck in the front of the proposed new corporate building. (See April 2019 issue of *Eye on the Cliffs* at : <https://ecfrg.org>.)

The Planning Board did not comply with the Court's directive to reconsider its denial of the corporate building application. Instead, the Planning Board and 800 Sylvan each appealed the Court decision to the New Jersey Appellate Court. The Planning Board has recently replaced its former counsel and hired a new legal team (at \$250 an hour) to continue its fight in the courts against 800 Sylvan Avenue's corporate building plan.

**Commentary:** While it is exceedingly doubtful that 800 Sylvan LLC would now decide to build its originally proposed new corporate development, it would still be in the best interest of our community for the Planning Board to stop wasting our tax dollars defending its denial of 800 Sylvan LLC's corporate plan in the Appellate Court. Approval by the Appellate Court of the zoning variances required for the corporate building application would provide 800 Sylvan LLC with the option to revert to its original plan to redevelop its property for corporate purposes.

In the unlikely event that the Appellate Court sustains the Planning Board's denial of the 800 Sylvan corporate development application, our Borough will gain nothing. It will be a pyrrhic victory. The Court has already approved the high-density residential housing on the 800 Sylvan property. That approval will not be affected or changed. The Planning Board will only have succeeded in foreclosing the possibility that 800 Sylvan LLC could construct a new corporate building on its site.

The Planning Board's opposition to the 800 Sylvan Avenue corporate building application was a mistake in 2017, and it has had dire consequences. We want our community to be perceived as hospitable and welcoming to corporate development. We need a Planning Board that is supportive of and works with corporations to preserve our corporate corridor and keep our taxes low.

## EDITORIAL

The local election is an important one in our small community. The outcome will determine who controls the Borough Council. If just one of Mario Kranjac's candidates is elected, control of the Borough Council, and our local government, will shift to Mayor Mario Kranjac. On the other hand, the Democrats need to win two seats to retain control of the Borough Council.

Some of this year's campaign literature is full of misleading and erroneous statements and allegations designed to inflame. The choice of who to vote for really comes down to this: if you believe that Mario Kranjac is the right person to shape the destiny of our community, if you agree with the actions he has taken and how these actions reflect on our community, you vote for his Republican candidates. If you disagree, you vote for the Democrats.

This election is no longer about affordable housing or dense residential development. After three years of litigation and the expenditure of almost \$4 million, the Council approved Settlement Agreements on October 4 after a 12-hour marathon special public meeting that began at 2 PM in the afternoon and was attended via zoom by more than 150 people. One week later, on October 13, the Court signed the necessary Consent Orders. The affordable housing matter is now over. It is not on the ballot.

Any attempts to breach or undo these agreements and orders, as some candidates suggest they will do, can only add to taxpayer-funded litigation defense costs and, even worse, the loss of immunity from profit-motivated developers and loss of our protective zoning. According to the Borough's experienced affordable housing legal team, reversal of Judge Farrington's decisions, based on her exercise of judicial discretion, is unlikely.

With the affordable housing litigation behind us, our taxes should now stabilize. Perhaps they will even decrease when the new LG USA Headquarters generates substantial tax revenue to support Borough operations. It would be shameful to squander these new tax revenues on Planning Board and Borough legal fees and expenses to continue fighting battles in court that cannot be won.