

**Minutes of the Borough of Bogota Planning & Zoning Board Meeting  
July 25, 2023**

The Bogota Borough Planning and Zoning Board had a regular meeting on July 25, 2023 at 7:34 p.m. Members present were T. Napolitano, C. Mancini, D. Fede, R. Foster, Y. Frias, D. Schnipp and R. Youla. Councilwoman M. Murphy, E. Rieper, Detective Sergeant H. Liriano and W. Hordern were absent. Attorney was Tyler Avon.

Motion to open for public comments by R. Youla, second by J. Frias. Motion passed. No comments by public. Motion to close R. Foster, second R. Youla. Motion passed.

285 Orchard Terrace resolution. Tyler Avon reported that the attorney needs to confer with the Planning Board secretary as he has several questions on the exhibits and it will be ready for the next meeting.

Attorney for Applicant 2-8 Queen Anne Road, David Becker, provided opening statements. There are two property owners 8 Queen Anne Road, LLC and JZA LLC. Paul Fein is the sole managing member of both entities. Seven voting members were present so the proceedings commenced. Mr. Becker outlined that 2 Queen Anne Road is a single story office with apartments on top. As to 8 Queen Anne Road, there is an improved parking lot. The improvements to the parking would be drainage and landscaping. A D variance is required due to density. Two bulk variances are required for the loading zone and the number of parking spaces. 23 are required, 13 will be provided. There will be testimony that there is adequate parking for the use. They are adding an ADA compliant spot.

Paul Fein was sworn in as a witness. He purchased 2-6 Queen Anne Road in 2015 and recently purchased 8 Queen Anne Road 2 years ago. 8 Queen Anne Road was a motorcycle part shop with parking. 2-6 Queen Anne Road is an insurance office and hair salon with 2 residential apartments on top. The retail space at 8 Queen Anne Road is vacant. The prior approvals were

reviewed and the uses no longer exist. There will be no new signage. He will create a dumpster corrale on 8 Queen Anne Road for both purposes. Landscaping and curbing will be added as well as a grass strip. The rear access easement will be abandoned and a new easement will be provided. Daniele Fede asked about the trees to be removed. Mr. Fein testified that the two trees within the property are dead and the street tree needs to be removed for sight distance. D. Fede advised that a permit would be required by the Town for any street tree removals.

Motion by J. Frias, second by D. Fede to open to the public. No public comment.

Motion to close public comment by R. Youla, second by Dan Schnipp.

Next witness was the architect Yogesh Mistry. He is a licensed architect in New Jersey. His license is in current and good standing. He has testified for many Boards including Denville, Parsippany and Washington. He was accepted as an expert. He marked as Exhibit A1 two sheets of a plans dated February 14, 2023 also marked A1.01 and A2.01. He testified that the buildings have a basement and that there is a vacant retail space and the uses are to remain the same. A2.01 depicts the proposed new second floor on 8 Queen Anne Road. The fire stairs will be added and the access will be from the rear basement area. The façade is brick and stucco and shares a wall with the adjacent property. There are plans to change the façade. Exhibit A2 is a color rendering of the front and side façade dated June 27, 2023. The front sign will be taken down. The façade on the second story will be dark gray with Hardie vertical siding. Questions from the Board. J. Frias included a question as to whether there will be visible mechanicals on the roof. Dan Schnipp inquired as to whether a structural engineer will review the ability of the building to take the weight. The Applicant agreed as to a condition to approval to screen the mechanicals. There was also discussion to replace the stone with brick on the façade and to add an architectural element on the roof to match the adjoining building and the building across the

street. Motion to open to public comment by T. Napolitano, second by R. Youla. Being no public comment, motion to close by T. Napolitano, second by R. Youla.

Third witness was a licensed engineer/planner William P. Stimmel. He was sworn in. He went to NJIT for Civil Architecture. He has 24 years' experience. He is also a traffic operator/engineer. He has testified in Hackensack, Maywood, Lodi as well as other towns and was approved as an expert. Exhibit A3 was entered into evidence which is the site plan 1 of 2 drafted March 9, 2023, revised July 17, 2023. There was testimony that the existing curbing is short and will be enhanced. The curbs will be replaced as well as a sidewalk and concrete apron. There will be a two-way access aisle. 13 parking spaces are proposed. 2 planting beds and removal of the dead trees onsite. The street tree will be removed for sight distance. On sheet 2 a seepage pit is showing in the parking area with an open grate and parking on top. The lot coverage will be increased from 80.8% to 89.3% which is below the 90% requirement. They will be removing the paved access easement and providing grass or landscaping. There was a question as to whether electrical charging stations are required. Although there could be an argument that there is an exemption, they will provide a handicap/EV charging station spot. All utilities are provided on the plan and they will video camera the existing connection prior to construction. They are requiring a D2 variance on density. 12 units per acre are allowed and this provides 13.53 units per acre. The plan meets the positive criteria that the traffic added is minimal. The 21 parking spaces will be provided. The ADA parking space will be provided and the parking is not likely to be used by patrons. Review of the negative criteria as to if there is any detriment to public good. The planner testified that there is no detriment and it is limited impact to traffic. R. Youla requested information of the condition of the street tree. Our planner showed a photo of the tree in poor condition. The landscaping plan will be provided to the

Environmental Commission as a condition to any approval. Mr. Costa questioned whether a density variance was to be calculated for each lot. It was determined the density variance is still required by either way. They also agreed to not put any antenna or other equipment on the roof other than mechanical and to move the charging station away from the ADA handicap spot. The owner clarified that the use was an insurance use office even though the engineer/planner testified it was a realtor office. The employees use the rear parking while, the patrons use parking on Queen Anne Road. Mr. Fein testified there are two employees for the insurance office and three for the salon. The planner testified it is common to have apartments on top of businesses on Main Street.

Motion to open to the public, R. Youla, second by J. Frias. No public comment. Motion to close to public comment by T. Napolitano, second by R. Youla.

The Applicant agreed to change the façade.

Summation by the attorney. A C variance is needed for the parking and the loading dock. A D variance is needed for the density.

Motion to open to the public for those in favor of the application by R. Youla, second by T. Napolitano. No public comment. Motion to close public comment by T. Napolitano, second by R. Youla. Motion to provide the public an opportunity to state opposition to the Application by T. Napolitano, second by R. Youla. Motion to close any opposition by R. Youla, second by T. Napolitano.

Members of the Board were polled as to their position on the Application. T. Napolitano stated that he was in favor of the Application. D. Schnipp stated that there were de minimus variances and he was in favor of the Application. J. Frias stated that the Application was wonderful and she is in favor of the Application. R. Foster liked the plan as long as the roof line

was fixed and is in favor of the Application. R. Youla has no objection to the Application and suggested the charging station be turned off at night. The Applicant agreed to look into that. D. Fede stated that she would have liked to hear more testimony on the loading dock but was in favor of the variances. C. Mancini said that he agrees with all the comments provided that is a nice addition and well planned plan. Motion to approve subject to conditions by T. Napolitano, second by R. Youla.

Roll call. Motion to approve. Approved by T. Napolitano, R. Foster, C. Mancini, J. Frias, D. Fede, D. Schnipp and R. Youla. Motion passed 7-0.

Next topic on the agenda was review of Resolutions 1601 and 1602. The planner advised that the Resolutions are consistent with the Master Plan. Motion to adopt 2023-5 by T. Napolitano, second by J. Frias. All in favor 7-0. Motion to adopt 2023-6, motion by R. Youla, second by J. Frias.

Roll call. Motion passed 7-0.

Motion to accept the minutes of the July 11, 2023 meeting by R. Youla, second by T. Napolitano. D. Schnipp abstained. All in favor.

Motion to approve the invoices by T. Napolitano, second by J. Frias. All in favor.

Motion to adjourn by R. Youla, second by J. Frias. All in favor.

Meeting adjourned 8:49 p.m.