

Planning & Real Estate Consultants

June 6, 2022
Revised January 9, 2023

Planning/Zoning Board
Borough of Bogota
375 Larch Avenue
Bogota, New Jersey 07603

RE: **Application of Thor River Road LLC**
Block 112, Lots 1 and 2 (14 and 22 River Road)
Preliminary and Final Major Site Plan Approval

*Note: This letter supplements my original review letter dated June 6, 2022 to address amended plans. New information is denoted in **bold**, deletions are shown in ~~strikethrough~~.*

Dear Members of the Planning/Zoning Board:

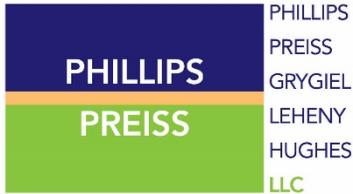
Introduction

As per your direction, I have reviewed the above-referenced development application. The applicant is proposing to develop a warehouse on a property located both in Bogota and Ridgfield Park. The portion of the property located in Bogota is subject to the regulations of the South End Redevelopment Plan.

As part of our analysis, I undertook the following tasks: an inspection of the subject premises; a survey of surrounding land uses; review of the filed application materials, including a site plan (39 sheets) prepared by John Cote, PE, Langan Engineering and Environmental Services, Inc. dated March 25, 2022; a Bergen County Ramp Plan (4 sheets) prepared by John Cote, PE, Langan Engineering and Environmental Services, Inc. dated April 4, 2022; **a site plan (20 sheets) prepared by Robert C. Moschello, P.E., Gladstone Design, Inc.**; architectural elevations (1 sheet) prepared by Nelson dated March 23, 2022 **and revised December 21, 2022**; **architectural floor plans (1 sheet) prepared by Nelson Architecture and Interiors dated March 24, 2022 and revised December 21, 2022**; and an ALTA/NSPS land title survey (1 sheet) prepared by Michael H. Saperstein, LS of Allstate Mapping & Layout dated September 10, 2021 and updated March 30, 2022; review of the South End Redevelopment Plan and the Borough of Bogota Zoning Ordinance and Zoning Map; and review of the Borough of Bogota Master Plan.

Description of Site and Surrounding Land Uses

The subject property is designated as Block 112, Lots 1 and 2 on the Borough's official tax maps. It is located in the southwest corner of the Borough of Bogota on the east side of the New York, Susquehanna and Western railroad tracks, which form its western boundary. The property is bounded on the east by the West Shore Railroad



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and River Road and on the north by Cross Street. The southern boundary of Lot 2 coincides with Bogota's border with the Village of Ridgefield Park. The property is irregularly shaped and its overall area is 10.5 acres, including the portion in Ridgefield Park. Lot 1 is 4.0 acres and Lot 2 is 3.0 acres, according to tax records.

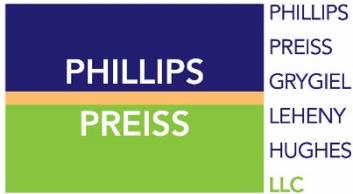
The portion of the subject property located in Bogota is currently developed with a two-story brick industrial and commercial building, as well as parking lots to the north and east of the building. The parking lots extend to the northeastern corner of the property adjacent to the intersection of River Road and Cross Street. The northwestern corner of the property along Cross Street is utilized by the Borough of Bogota for its recycling center. A tarp structure and portable containers are located on this portion of the property. The portion of the subject property located in Ridgefield Park is developed with the southern end of the building in Bogota, other buildings and paved areas. It is only accessible through the portion of the subject property in Bogota. Site photographs are appended to this letter.

The subject property is in an area characterized by a mix of land uses, including industrial, commercial and residential. The properties to the west and northwest on the west side of the New York, Susquehanna and Western railroad tracks are also located in the South End Redevelopment Area. The Bogota Golf Center recreational facility is located directly to the west, although the Planning/Zoning Board recently approved a warehouse development for this property. An industrial building is located to the northwest and a multifamily residential development is located to the north across Cross Street on the west side of River Road. Commercial and residential uses are located on the east side of River Road.

Summary of Development Proposal

The applicant is proposing to remove all existing improvements on the subject property and construct a warehouse and office building with a gross floor area of approximately ~~149,840~~ **141,368** square feet. The building is proposed to include ~~142,340~~ **133,868** square feet of warehouse space and 7,500 square feet of office space, and will have ~~22-24~~ loading docks. It would be partially located in Ridgefield Park. A monument sign **with dimensions of eight feet by ten feet** is proposed. **This sign was previously proposed** in the northeastern corner of the property near the intersection of River Road and Cross Street, **but its location is not indicated on the revised site plan.** Two signs are shown on the architectural plans on the east **and north** façades of the building. Dimensions are ~~not provided for any of the signs:~~ **6 feet by 21 feet, 9 inches (130 square feet) on the east façade and 6 feet by 21 feet (126 square feet) on the north facade.**

Access to the proposed development is proposed by two driveways on River Road and one on Cross Street. The southern River Road driveway would be 60 feet in width and located across from Elm Avenue. Vehicles would only be permitted to turn left out this



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driveway. The northern River Road driveway would be 30 feet in width and located adjacent to the automobile parking area. Parking for the proposed building includes 151 car parking spaces, six of which are handicap spaces located adjacent to the northern wall of the building, and 25 trailer parking spaces. Pavement types vary throughout the site, and include heavy-duty and standard-duty asphalt, porous asphalt, and heavy-duty concrete. **An emergency access driveway is proposed on the west side of the building and would have a surface of stabilized turf pavers. Emergency removable bollards are proposed at the northern and southern ends of this driveway.**

Landscaping is proposed throughout the property, including at the end of parking bays as required. Perimeter landscaping is ~~limited to~~ **proposed along** the River Road and Cross Street frontages, **as well along most of the New York Susquehanna and Western railroad right-of-way**. Foundation plantings are proposed on all building facades, except where loading bays are proposed. Fencing and guide rails are proposed at various locations around the site, including ~~structural steel and~~ chain link fencing.

Zoning/Redevelopment Plan Compliance

The subject property is located in the South End Redevelopment Area. Its development regulations are set forth in the South End Redevelopment Plan, which created the SEO South End Redevelopment Plan Overlay zone district. The SEO zone overlays the underlying PD-1 and PD-2 zone districts. Permitted principal uses in the SEO zone are any principal or conditional use permitted in the underlying zone district, as well as the following:

- Hotel
- Microbreweries, Craft Distilleries and Wineries
- Retail and Service Commercial Uses
- Self-Storage Facilities

Permitted principal uses in the PD-1 zone are as follows:

- Research laboratories
- Light manufacturing and assembly.
- Warehousing and distribution.
- Business, executive, and administrative offices.
- Indoor and outdoor commercial recreation facilities.
- Municipal buildings and facilities.
- Child-care centers.

Permitted conditional uses in the PD-1 zone are as follows:

- Public utilities
- Automobile service station

Permitted accessory uses are any accessory use permitted in the underlying zone district, as well as any use that is customarily incidental to a permitted principal use in the SEO zone. Multiple principal buildings and/or uses are permitted on a single lot in the SEO zone, and there are no limitations on the hours of operation of any permitted principal uses in the underlying zoning district. Therefore the proposed uses are permitted.

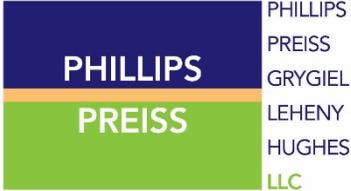
The redevelopment plan indicates the bulk regulations for any principal use permitted in the underlying zone district shall be the applicable bulk regulations for the underlying zone district, with certain exceptions. The only exception to the underlying PD-1 zone bulk standards applicable to the proposed development is maximum impervious coverage of 85%. The following table provides the applicable bulk requirements and how the existing lot complies with them, based upon information provided on the site plan (the table based on the originally submitted plans is provided as well for comparison):

CURRENT PROPOSAL:

<i>Bulk Standards</i>	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>
Minimum lot area (acres)	2	7.2	7.2
Minimum lot width (feet)	200	868	868
Minimum lot depth (feet)	200	660	660
Minimum front yard (feet)	50	21	79.5
Minimum side yards (feet)	40	0	46.5
Minimum rear yard (feet)	40	Not applicable	Not applicable
Maximum building height (stories/feet)	4/50	±40	1/43.92
Maximum building coverage (%)	40	48.1	39.5
Maximum impervious coverage (%)	85	81.1	80.1
Maximum floor area ratio	0.40	0.944	0.395

PRIOR PROPOSAL:

<i>Bulk Standards</i>	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>
Minimum lot area (acres)	2	10.5	10.5
Minimum lot width (feet)	200	614	614
Minimum lot depth (feet)	200	357	357
Minimum front yard (feet)	50	Not provided	80
Minimum side yards (feet)	40	Not provided	40
Minimum rear yard (feet)	40	Not applicable	Not applicable
Maximum building height (stories/feet)	4/50	Not provided	<4/<50
Maximum building coverage (%)	40	Not provided	32.9
Maximum impervious coverage (%)	85	Not provided	77.2
Maximum floor area ratio	0.40	Not provided	0.33



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Therefore, the proposal complies with all applicable bulk requirements for the SEO zone.

The proposed development does not comply with § 21A-10.9d, which limits the height of a fence, wall, retaining wall, shrubs or bushes within a required front yard: six feet is the maximum permitted, while a retaining wall height of 6.9 feet is proposed in the culvert adjacent to River Road to the southeast of the site driveway. Therefore a variance is required.

The following table outlines the proposal’s compliance with the regulations for off-street parking and loading:

<i>Parking and Loading Standards</i>	<u>REQUIRED</u>	<u>PROPOSED</u>
Minimum off-street parking spaces <i>Warehouse and distribution: 1 space per 2,500 sq. ft. of gross floor area = 56.953 spaces Office in warehouse and distribution building: 1 space per 250 sq. ft. of gross floor area = 30 spaces</i>	8783	151150
Minimum EV charging spaces <i>2% of total parking spaces</i>	43	4
Minimum parking space dimensions (feet)	9 x 18	9 x 18
Minimum off-street parking setback from street line in nonresidential zone (feet)	25	109.5 d
Minimum accessory structure or use setback from side or rear lot line in nonresidential zone (feet)	7	51.3* d
Minimum aisle width, 90° spaces (feet)	24	24
Minimum off-street loading spaces <i>1 per tenant plus 1 per tenant per 20,000 square feet on majority or portion thereof</i>	7.49 plus one per tenant 10	22**
Minimum loading space size (feet)	12 x 40	12.5 x 60
Off-street loading area in front yard	Not permitted	Proposed d
Minimum access driveway width (feet)	24	2430
Minimum access driveway curb radius (feet)	20	20

d: deviation required. *to fence along western perimeter. **24 spaces are shown on the Site Dimension Plan (Sheet 4) of the site plan

The applicant is proposing two building signs and a monument sign. These will comply with the applicable zoning requirements, according to the **architectural plans-signage table on the site plan.**

Planning Analysis and Issues for Consideration by the Board

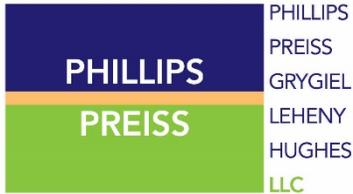
We offer the following for your consideration in reviewing this application:

1. As noted, the proposed development appears to comply with all of the applicable bulk regulations for the SEO zone district. However, certain other requirements are not met as discussed above. These include parking and loading area setbacks and locations **as well as retaining wall height**.
2. Section 7F of the South End Redevelopment Plan permits the granting of deviations from its development regulations. Such deviations may be granted in accordance with criteria set forth in Section 7F, which is essentially the same as the requirements for granting “c” variances pursuant to the Municipal Land Use Law¹. The applicant’s planner should provide testimony as to how these criteria are addressed.
3. Section 4C.3) of the South End Redevelopment Plan includes the following requirement:

“Electric vehicle charging stations shall be incorporated throughout the Redevelopment Area, with all developments offering designated spaces an amenity to employees, customers, and visitors when any one of the following occurs: (1) a new building with a new or existing off-street parking facility is developed; (2) an addition or improvement to an existing building is made that increases the size of the principal structure by more than 50 percent; or (3) the parking capacity of an existing building, site, or parking facility is increased by more than 50 percent. The required number of charging stations shall be two percent of the total number of parking spaces on a property, with any fractional spot being rounded up to the nearest whole number.”

As ~~151~~ **150** parking spaces are proposed on the subject property, four charging stations are required and four are proposed, **which complies with the current applicable requirements**. ~~However, this requirement predates changes to the Municipal Land Use Law enacted in 2021 providing statewide standards~~

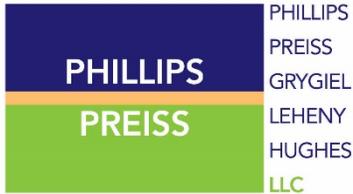
¹ The relevant section reads as follows: “The Bogota Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Bogota Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.”



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~~for provision of electric vehicle charging. It appears the relevant standard for a development of this type and a parking area with more than 150 spaces would be four percent of the total parking spaces, at least five percent of which shall be accessible to people with disabilities. The site plan should be amended to comply with this requirement.~~

4. As noted, one monument sign and multiple building signs are proposed, which will comply with the applicable regulations. It is recognized the building signage may not be designed until the building's tenant or tenants are determined. ~~However, additional information and a sign detail should be provided for the monument sign.~~ **The additional requested information for the monument sign has been provided. The location of the sign should be shown on the site plan.**
5. The architectural design of this type of building is typically relatively spare, given its size and long expanses of building walls. However, there are measures that can be taken to enhance the aesthetics of large warehouses. The proposed design provides architectural elements at corners and entrances and includes windows in varied locations. The Board should consider discussing with the applicant whether any modifications to the building design may be possible to further enhance its appearance, in particular along the long expanse of the west elevation of the building. **This comment remains valid.**
6. The applicant should discuss whether additional landscaping and screening could be provided along the eastern property line. While there is existing vegetation along the railroad right-of-way, it primarily consists of deciduous trees which do not provide year-round screening. The applicant's professionals should discuss whether evergreen plantings could be provided in this area. **This comment remains valid.**
7. There is an existing billboard sign on the subject property close to the eastern property line where River Road intersects with the West Shore Railroad right-of-way. This sign is not labeled on the survey or the site plan. The applicant should indicate whether it is proposed to remain. **This comment remains valid.**
8. The existing sidewalk and curbing along River Road adjacent to the eastern property line to the south of the proposed southern site driveway is in fair to poor condition. The applicant's engineer should confirm that these are proposed to be replaced. **This comment remains valid.**
9. One "c" variance is for the height of a retaining wall in a required front yard. **The Municipal Land Use Law at N.J.S.A. 40:55D-70c permits a board of adjustment to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a "d" variance. A "c(1)" variance**



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is for cases of hardship due to factors such as shape or topography, or due to "an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon." A "c(2)" variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a "c(2)" variance must include benefits to the community as a whole, not just to the applicant or property owner. A "c" variance applicant also must address the "negative criteria," and affirmatively demonstrate that the variance can be granted "without substantial detriment to the public good" and "without substantial impairment to the intent and purpose of the zone plan and zoning ordinance" of the municipality. The applicant's planner must address the above requirements.

10. The applicant should confirm whether 22 or 24 loading spaces are proposed, and correct the discrepancy on the site plan.

If the Board has any questions or comments on the above, I would be happy to address them at the public hearing.

Respectfully submitted,

Paul Grygiel, AICP, PP
Principal

Site Photographs – taken June 1, 2022 at approximately 11:00 AM



Looking southwest across River Road towards subject property



Looking west across River Road towards subject property



Looking west across River Road towards Cross Street and north end of subject property



Looking southwest across NYSW Railroad towards subject property



Looking southwest across parking lot on subject property



Looking north on subject property towards Cross Street and Bogota Recycling Center



View from Cross Street of Bogota Recycling Center