

Planning & Real Estate Consultants

August 2, 2022

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

RE: **Application of 285 Orchard LLC
Block 65, Lot 12 (285 Orchard Terrace)
Subdivision, Site Plan and Variance Approvals**

Dear Members of the Planning/Zoning Board:

As per your direction, we have reviewed the above-referenced development application. The applicant is proposing to construct two two-family dwellings and to retain the existing multi-family residential building, each on new subdivided lots.

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 boundary and topographic survey, prepared by Stonefield Engineering, dated July 12, 2021; a Site Plan (subdivision) set (nine sheets), prepared by Stonefield Engineering, dated February 18, 2022; architectural elevations and floor plans (four sheets), prepared by Plan Architecture, dated February 21, 2021; review of the Borough of Bogota Zoning Ordinance and Zoning Map; and review of the Borough of Bogota Master Plan.

Description of Subject Property

The subject property is designated as Block 65, Lot 12 on the Borough's official tax maps. It is located on the western side of the Borough of Bogota. The property is a 0.519-acre (22,625-square foot) trapezoid-shaped corner lot with 172.49 feet of frontage of the east side of Orchard Terrace and 138.03 feet of frontage on the north side of West Fort Lee Road.

The northern half of the property consists of a three-story multi-family building, a patio, and a parking lot with seven spaces. The southern half consists of undeveloped lawn area that is surrounded by a low retaining wall on the perimeter. There are a total of 19 trees located throughout the property. Large street trees line both street frontages. On-street parking is permitted on the sides of Orchard Terrace and West Fort Lee Road where the site is located.

Surrounding Land Uses

The area surrounding the subject property is predominantly residential, with a mix of older one-family and two-family dwellings, garden apartments, and low-rise multi-family development. River Road is located one block to the west, where there is a gas station and the Bogota Community Garden. Industrial and new multi-family development is

located two blocks to the west along West Fort Lee Road and the Hackensack River. Larch Avenue is located one block to the east, where there is a house of worship/school and a newer side-by-side two-family dwelling, along with older single-family dwellings.

Aerial Context

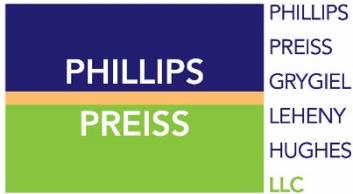


Summary of Development Proposal

The applicant is proposing to subdivide the property into three lots and to build two three-story, two-family dwellings facing West Fort Lee Road. The existing multi-family building is proposed to be retained on its own subdivided lot. The proposed subdivision and development proposal is as follows:

- Lot A: corner lot – proposed two-family dwelling,
- Lot B: interior lot facing West Fort Lee Road – proposed two-family dwelling,
- Lot C: interior lot facing Orchard Terrace – existing multi-family building and parking lot.

The applicant proposes removal of the southern patio, the southern retaining wall, 16 on-site trees, and three street trees on West Fort Lee Road in order to effectuate the proposed development.



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Two 38-foot-wide depressed curbs are proposed on West Fort Lee Road leading to four (4) driveways. At least four on-street parking spaces would be removed as a result of the proposed driveways. Entry stairs are proposed on the outside edge of each driveway.

The proposed pair of two-family dwellings are identical, each with a mirrored side-by-side unit design. The ground-floor of each dwelling is proposed to consist of a two-car garage and an open finished basement with full bathroom and utility room. The first full living floor is proposed to consist of an open plan living room/kitchen/dining room, a study, a pantry, and a powder room. The second floor is proposed to consist of three bedrooms, two full bathrooms, a walk-in closet, and a laundry room.

New retaining walls are proposed along each set of entry stairs and on the west side of the rear yard of Lot A. A six-foot-high board-on-board fence is proposed to surround the rear yards of the new dwellings. A new walkway and steps are proposed from Orchard Terrace up to a side entrance to the existing dwelling.

Zoning Compliance

The subject property is located in the R-3 Multi-Family, Garden Apartments and Townhouses District. The R-3 zone permits the principal uses listed below. The two proposed two-family dwelling uses are permitted in the R-3 zone.

- One family dwellings.
- Two family dwellings.
- Multi-family, garden apartments and townhouses, subject to subsection 21A-10.3.

Permitted accessory uses in the R-3 zone are as follows:

- Private garages limited to the storage of not more than three (3) vehicles, with further restrictions.
- Greenhouses, provided use in non-commercial and heating equipment does not require stacks or chimneys.
- Signs.
- Fences.
- Swimming pools.
- Professional occupations.
- Swimming pools and off-street parking accessory to multi-family, garden apartments, and townhouses, subject to section 21A-10.4 and Schedule A, respectively.

Permitted conditional uses in the R-3 zone are as follows:

- Public utilities.
- Community residences and shelters.
- Home occupation.

The following table provides a comparison of the application with the ordinance bulk requirements and the applicable parking requirements of the Residential Site Improvement Standards (RSIS):

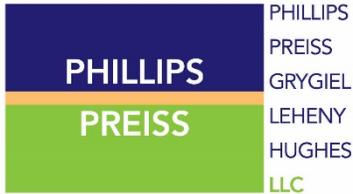
ORDINANCE STANDARDS – R-3 ZONE	REQUIRED, TWO- FAMILY	REQUIRED, MULTI- FAMILY	PROPOSED		
			LOT A, TWO- FAMILY	LOT B, TWO- FAMILY	LOT C, EXISTING MULTI- FAMILY
Minimum lot area (square feet)	6,000	30,000	5,314.2 (v)	5,577.5 (v)	11,733.5 (v)
Minimum lot width (feet)	50	100	65.8	69.1	127.8
Minimum lot depth (feet)	100	100	80.8 (v)	80.8 (v)	91.7 (e)
Minimum front yard (feet) – West Fort Lee Road	25	–	20 (v)	20 (v)	–
Minimum front yard (feet) – Orchard Terrace	–	25	–	–	27.3
Minimum side yards (feet)	8	12	11.8	14.3	0.1 (e)
Minimum rear yard (feet)	25	25	20.7 (v)	20.6 (v)	0 (v)
Maximum building height (stories/feet)	2½/35	2½/35	3/35 (v)	3/35 (v)	3/Not provided (e)
Maximum building coverage (%)	40	40	36.8	35.7	29.5
Maximum impervious coverage (%)	60	60	58.9	54.8	64.7 (v)
<i>Parking and Loading</i>					
Minimum off-street parking spaces (RSIS) <u>Two-Family Dwelling standard:</u> 2.0 spaces per three-bedroom dwelling. <u>Garden Apartment standard:</u> 2.0 parking spaces per dwelling, unknown bedrooms.	4	Not provided	7 ¹	7 ¹	7
Minimum driveway dimensions (feet)	20 length x 18 width	N/A	24 length x 18 width	24 length x 18 width	–
Minimum parking space dimensions (feet)	N/A	18 length x 9 width	–	–	Not provided. Existing, no change

(v): variance required. (e): existing non-conforming condition.

Notes:

¹ The RSIS counts two-car garage and driveway combination as 3.5 parking spaces for two-family dwellings.

The following table outlines the multi-family residential use on Lot C’s compliance with the applicable supplemental standards in § 21A-10.3 for Multi-Family, Garden Apartments and Townhouses in the R-3 Zone, in light of the reduction in size and arrangement of the lot on which it is located:



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SUPPLEMENTAL STANDARDS – MULTI-FAMILY RESIDENTIAL IN R-3 ZONE	REQUIRED	EXISTING	PROPOSED
Maximum gross residential density (units per acre)	20	Not provided	Not provided
Minimum buffer width (feet)	20	0 (e) to north and east lot lines	<20 to south lot line (v)
Yards between buildings ² – side to back (feet)	30	Not applicable	35.4
Maximum building length (feet)	180	<180	No change
Minimum open space (% of total land area)	25	Not provided	Not provided
Minimum setback from buildings to parking areas (feet)	10	0 (e)	0 (e)
Minimum recreation and sitting areas per dwelling unit (sq. ft.)	200	Not provided	Not provided

(v): variance required. (e): existing non-conforming condition.

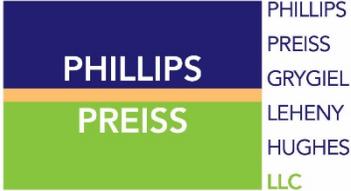
Notes:

² The other standards for yards between buildings are not applicable to the proposed arrangement.

Planning Analysis and Issues for Consideration by the Board

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

1. The application forms and engineering plans refer to the proposed dwellings on Lots A and B as multi-family residential. However, these dwellings do not meet the Zoning Ordinance definition of “Multi-Family Housing Development,” which is “a building containing three (3) or more dwelling units occupied or intending to be occupied by persons living independently of each other or a group of such buildings.” Therefore these dwellings are considered two-family dwellings, which are also permitted in the R-3 zone.
2. The application indicates site plan approval is required. While this is true for the multi-family use on Lot C, the two-family homes are exempt from formal site plan review, pursuant to the Municipal Land Use Law at N.J.S.A 40:55D-37. However, major subdivision approval is also required for the overall lot.
3. The subdivision into three new lots will require “c” variances for lot area less than required for all three proposed lots, lot depth less than required for proposed Lots A and B (a lot depth deviation for proposed Lot C is existing), and excess impervious coverage for proposed Lot C.
4. The two proposed two-family dwellings will each require “c” variances for front and rear yards that are shallower than required and height (stories) in excess of permitted. There is pre-existing non-conforming side yard setback deviation for the multi-family building. A new rear yard setback variance is required for the multi-family dwelling considering that, for zoning purposes, the current



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property does not technically have a rear yard and the subdivision will create a rear yard.

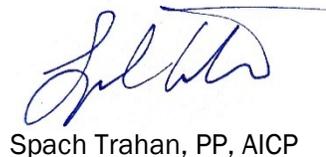
5. The number of existing and proposed dwelling units in the multi-family residential building must be provided in order to determine compliance with the maximum density requirement, as the lot area is being reduced from existing.
6. A **“c(1)” variance** is for cases of hardship due to factors such 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.
7. The applicant should describe the proposed landscaping, particularly along the street frontages. The architectural renderings include vegetation. Testimony should be provided to confirm whether what is shown is intended to be provided, and to provide a plan identifying the species, number and planting height or size of the plantings.
8. Pursuant to Section 22A-3a. of the Affordable Housing Development Fees Ordinance, “residential developers shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.” This development will be subject to this requirement.

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

Respectfully submitted,



Paul Grygiel, AICP, PP



Spach Trahan, PP, AICP

Site Photographs – taken July 27, 2022 at approximately 3:30 PM



View of the property, looking southeast from Orchard Terrace



View of the property, facing west along the West Fort Lee Road sidewalk



View of the corner of the property, facing north along the Orchard Terrace sidewalk



View of the existing southern patio



View of garden apartments on the opposite side of West Fort Lee Road, looking west



View of low-rise multi-family apartments on the opposite side of Orchard Terrace, looking north