

## **Minutes of the Borough of Bogota Planning & Zoning Board Meeting June 13, 2023 Meeting**

The June 13, 2023 meeting of the Borough of Bogota Planning/Zoning Board was called to order by Chairman Mancini at 7:38 pm

Members in attendance were Chairman Mancini, Vice Chair Daniele Fede, Robert Foster, Yesenia Frias, Rebecca Youla, William Hordern and Daniel Schnipp. Also in attendance were Board attorney Kevin Kelly and Board secretary Patricia Morrone.

Councilwoman Mary Ellen Murphy, D/Sgt. Liriano and Tom Napolitano were excused. Eddie Rieper was absent.

A motion to open to public comments not related to items on the agenda was made by William Hordern with a second by Rebecca Youla. Motion passed. There being no public comments, a motion was made by Rebecca Youla with second by Yesenia Frias to close to public comments. Motion passed.

John Veteri, attorney for 285 Orchard Terrace LLC began his opening comments as a continuation of their hearing. He stated the applicant had taken suggestions and comments made by the Board into consideration to include the pavers, height of existing building. Exhibit A-4 with a revision date of June 12, 2023 was presented to the Board by Kyle Goodwin of Stonefield Engineering.

Mr. Goodwin advised the pavers used for driveway would be impervious. A variance is needed for the retaining wall, which is 9.4 feet and with the addition of a 4 foot fence would exceed the maximum allowed, which is 12 feet.

The height of the existing building is 32 feet as listed other on the table. All materials for the retaining walls will be concrete as per Mr. Costa's suggestion.

Mr. Schnipp asked who measured the height of the existing building. Mr. Goodwin responded that their team took the measurement. Mr. Schnipp suggested that the height of the retaining wall be brought down to 9 feet with a 42 inch fence to reduce the need for a variance. It was noted that this is not possible due to the

position of the other building. Mrs. Fede asked if there would be holes in the retaining wall to provide drainage. Mr. Goodwin said yes.

Mr. Hordern said the fence is for safety and will keep people from falling off the wall. It was determined it would be a black metal fence.

A motion to open from public comments was made by Yesenia Frias with a second by William Hordern. Motion passed. Michelle Rugar, 140 West Fort Lee Road asked for clarification of green space between the existing building and the proposed buildings. It was noted that the slate patio behind the existing building will remain intact. She also asked for clarification on the number of trees to be taken down. It was explained that one tree would be taken down on Orchard Terrace. The applicant has agreed to plant 2 trees for every tree taken down in any part of town we choose. A variety of trees will be planted on the property and the borough tree expert will be involved so all tree roots are preserved when new sidewalks are installed.

There being no further comments from the public a motion to close was made by Rebecca Youla with a second by Yesenia Frias. Motion passed.

Mr. Schnipp asked if there would be a fenced in dumpster on the property for trash and recycles. It was stated that the residents would be putting out their trash, etc, according to the borough trash calendar.

The applicant's planner, TJ Ricci summarized all changes as outlined by Mr. Goodwin and said the building of these units complies with the Master Plan for more housing in the borough. He also said that the parking is in compliance with the Master Plan.

Mrs. Fede asked about the proposal on 4 units at 23.1 units per acre. After completion there would be 12 units on the site.

Mr. Schnipp advised the parking is not a good situation on Orchard Terrace. It would create more of an issue if residents parked on the street rather than in their driveways. Mr. Foster stated that each unit has a 2 car garage with space for 3.5 vehicles in the driveway. There shouldn't be an issue with parking.

A motion to open for public comments was made by Yesenia Frias with a second by Daniele Fede. Motion passed.

Michele Rugar asked for clarification of density issue. She also stated the existing building has some historical meaning to the residents in the area. She was advised there will be a single building with 4 units in town house style. Each unit would have 3 bedrooms.

Robert Ferro, 140 West Fort Lee Road, former Councilman in the Borough stated he has been a long time resident in the area and any tree removal would be ridiculous.

A motion to close public comments was made by Yesenia Frias with a second by Rebecca Youla. Motion passed.

A representative from Mr. Costa's office stated that they agree with the revised plans and all issues must be in compliance.

Paul Grygiel stated the area is a R3 multi family application with 12 multi family units per 23.1 acre. A D variance is required for density and a C variance for set backs.

A motion to open for public comments was made by William Hordern with a second by Rebecca Youla. Motion passed.

Michelle Rugar, 140 West Fort Lee Road, stated she is against this on so many levels. She urged the Board to cut back on density.

A motion to close public comments was made by Yesenia Frias with a second by William Hordern. Motion passed.

Mr. John Veteri, attorney for the applicant gave his summation to the Board. He stated the applicants have been very accommodating in every aspect of the process. He hopes the Board will approve this application.

A motion to open to comments from the Board was made by Rebecca Youla with a second by Yesenia Frias. Motion passed.

Rebecca Youla stated the applicant took the comments of the Board and delivered solid plans. She feels the buildings are a beautiful addition and has no objection.

Robert Foster advised the applicant made a lot of changes to the plans and he feels nothing more is required of the applicant.

Daniele Fede stated the project has both positive and negative aspects to it. The applicant has complied with all recommendations of the Board.

William Hordern appreciated the applicant's changes in plans according to the Board specifications and has no objection to this project.

Dan Schnipp feels there are too many variances needed, no attempt has been made to comply with zoning requirements. He feels too much is being jammed into a small area and it is in the best interest of the borough for the Board not to approve this project.

Yesenia Frias thanked the applicant for coming back to us with clarification of the type of buildings to be built on the lot. She feels it will improve the area and is in favor of this project.

Chairman Mancini is in agreement with this project and expressed his appreciation of the applicant's compliance with safety, which is his #1 priority. He appreciates Mr. Schnipp's concerns but feels approving this project will benefit the town.

A motion to open comments from Paul Grygiel was made by Rebecca Youla with a second by Yesenia Frias. Motion passed.

Mr. Grygiel stated the R3 zone is for multi family use. This complies with the proposed buildings on site.

A motion to close comments was made by William Hordern with a second by Rebecca Youla. Motion passed

A motion to approve this project subject to all stipulations and conditions stated at multiple meetings was made by Robert Foster with a second by Yesenia Frias. Before roll call, Mr. Kelly advised that 2 alternative members are voting a full members of the Board. They have listened to the meeting recordings and completed certification forms. Mrs. Morrone agreed that all forms are on file. After roll call, the application was approved by this Board.

The roll was also called for the Wenesco affirmative resolution. Dan Schnipp abstained. Resolution approved.

A motion to approve invoices submitted for payment was made by William Hordern with a second by Rebecca Youla. Mrs. Fede abstained. Motion passed. Invoices forwarded to Finance to payment.

A motion was made by Rebecca Youla with a second by Dan Schnipp to adopt the minutes of the May 9, 2023 meeting. Motion passed.

A motion to adjourn the meeting was made by Yesenia Frias with a second by Rebecca Youla. Motion passed. Meeting adjourned at 9:00 pm

Respectfully Submitted,  
Patricia Morrone  
Secretary