

## **MINUTES OF THE FEBRUARY 8, 2022 PLANNING/ZONING BOARD MEETING**

The meeting was called to order by Vice Chair Mitchell at 7:33 p.m.

Chairman Mancini was experiencing log on difficulties and requested that Vice Chair Mitchell start the meeting until he could log on successfully.

Board members in attendance were Councilwoman Mary Ellen Murphy, Tom Napolitano, Corrado Mancini, Councilwoman Daniele Fede, John Mitchell, Ed Rieper, D/Sgt. Hector Liriano, Daniel Schnipp and Jessie Frias. Absent were Frank Miranda and Jose Chavez.

A motion was made by Tom Napolitano to open for public comments. Jessie Frias second. Motion passed. There being no public comments a motion was made by Tom Napolitano to close to public comments, second by Daniel Schnipp. Motion passed.

Mr. Kelly advised Mr. Wine that we have a quorum and he can certify that all absent members reviewed the recording of our January 8<sup>th</sup> meeting.

Mr. Wine again stated that he is the attorney for applicant, Yakira Bella LLC. He stated he received a letter from Robert Costa, the Borough Engineer. He stated that he would work with him regarding the CCTV inspection. Mr. Kelly noted that all points written in Mr. Costa's letter are to be adhered to, no exceptions.

Mr. Justin Scalfani, the applicant's architect was sworn in by Mr. Kelly. He presented exhibits A3 and A4 to the Board. In accordance with Mr. Costa's letter, he noted that the handicapped ramp is indeed ADA accessible. The parking space chart was updated to indicate a reduction of 89 spaces. A motion to open to public comments was made by Tom Napolitano and seconded by Jessie Frias. Motion passed. There being no public comments, a motion to close was made by Tom Napolitano with a second by Ed Rieper. Motion passed.

A letter from Mr. Young Lee (A5) was presented to the Board advising that the VFW has permission to use his dumpster for trash removal. This letter did not include Yakira Bella. Mr. Wine advised he spoke with Mr. Kelly regarding this

issue. Yakira Bella has agreed to store their trash in the building with pick up from a private carting company.

Mr. Kelly swore Commander Alex Hernandez of the Bogota VFW in for testimony before the Board. Commander Hernandez explained that due to the Covid 19 pandemic, party rentals were down, and funds were needed to keep the VFW running for our veterans. He told the Board that in the past there were numerous complaints from residents in the area about noise and parking and this type of rental would eliminate this problem.

Commander Hernandez reiterated the fact that Yakira Bella is an appointment only business, with online sales. He said at the most there would only be 5 people in the building with little or no effect on parking.

Mr. Kelly asked about the VFW's hours of operation. He said the lower level would be used for speaking engagements, Zumba classes and possibly small parties. Children's parties are usually held between the hours of 10 a.m. to 4 p.m. Alcohol consumption would be permitted between 11 a.m. (for such parties as adult birthdays, bridal showers) and 2 a.m. with everyone out of the building by 3 a.m. This is in accordance with borough ordinances.

Mr. Mancini asked Mr. Scalfani what he estimated the time to be for renovations to the building as the VW would be shut down during this process. Mr. Scalfani started he didn't have a time frame and that would depend on the contractor's availability, etc.

A motion was made by Jessie Frias and seconded by Daniel Schnipp to open for public comments. As a private citizen Mary Ellen Murphy raised the question of alcohol served at afternoon parties. The times for serving of alcohol at afternoon adult parties was amended as stated above.

Mary LaPorta, 20 West End Avenue, stated that Yakira Bella has been storing boxes and bins of items in the building. She was under the impression that they were not to be conducting business before approval of this project. Mr. Kelly advised Ms. LaPorta that business operations were ceased and the space was considered to be a non-occupied storage area.

Mr. Kelly advised Mr. Wine that his client should not be storing merchandise in the building until their application was approved. If this application is not approved, Mr. Kelly made it clear to Mr. Wine that his client would have to move all merchandise out of the building. There being no further public comments, a motion to close was made by Tom Napolitano with a second by Jessie Frias. Motion passed.

Mr. Peregoy, the applicant's traffic engineer again explained that parking spaces have been reduced to 89 rather than the 170 spaces required with 10 spaces allotted for Yakira Bella. There would be little or no impact on resident parking in the area or the traffic flow

Mr. Kelly swore in the applicant's Planner, Kirsten Osterkorn. She presented at aerial view (exhibit A6-dated 10/20/2021) of the building and surrounding area. She expressed her opinion that the Board should consider amending the B2 Zone to include apparel stores.

She stated that this area is well suited for an apparel store such as Yakira Bella since it has low customer overlap as well as storage area usage. There would be 5 employees in the store with a minimal increase in traffic flow.

A motion was made by Tom Napolitano to open to public comments. Second by Jessie Frias. A question pertaining to an old Campmor store in that area and its impact on the area. Ms. Osterkorn could not provide an answer. A motion to close to public comments was made by Tom Napolitano and seconded by Daniel Schnipp. Motion passed.

A motion was made to open to the public for comments in favor/against this application. Private citizen Mary Ellen Murphy said approval of this application would enable the VFW to stay open and provide a space for our veterans with very little, if any, impact on the residential area. There being no further comments a motion was made by Tom Napolitano and seconded by Ed Rieper. Motion passed.

Benjamin Wine, attorney for the applicant, Yakira Bella, thanked his witnesses for their testimony. He stated that this is a unique application in that there would be very little impact on the residents in the area. He said approval of this application

would eliminate the need for large parties as well as parking problems for area residents. He stated Yakira Bella would be a consistent tenant allowing the VFW to continue operation.

Tom Napolitano spoke about the presentation and testimony on the witnesses and felt that approval of this project would benefit the community and the VFW.

Jessie Frias spoke about this project easing the burden of parking for the residents as well as the reduction of noise in the area due to large parties.

Dan Schnipp mentioned that in the 1960's there was enough parking for use as an assembly hall. There were also less homes in the area. He felt that based on the testimony given the approval of this project would be of benefit.

Corrado Mancini noted that the construction in the building would make it a safer place overall.

Paul Grygiel agreed with all testimony given and stated he felt the application should be approval.

John Mitchell offered the approval of this application would be a positive thing for our town and our veterans.

A motion was made by Jessie Frias to approve this application based on the compliance of all conditions set forth by the Engineer and officials of the Borough as stated in the resolution to be presented before the Board. This motion was seconded by Tom Napolitano. Roll call was taken...all in favor. The Yakira Bella application was approved by the Planning/Zoning Board.

Kevin Kelly advised that Mr. Costa will provide an amendment to plans for the 30 Cross Street project.

Discussion followed regarding the amendment of rules pertaining to having a secretary/clerk. Mr. Kelly stated it is common practice for small town boards to have a municipal employee hold the position of Secretary/Clerk. He recommended that the rules be amended to read that a borough employee hold the position of Secretary/Clerk on the Planning/Zoning Board. Daniel Schnipp

made a motion to amend the rules and regulations with a second by John Mitchell. After a roll call, the motion was passed. Mrs. Morrone will be the Secretary/Clerk of the Board.

A motion was made by Mary Ellen Murphy with a second by John Mitchell to adopt resolution 2022-1. Motion passed.

Tom Napolitano motioned to approve payment of Costa invoice. Jessie Frias second. Councilwoman Fede abstained. Motion passed. Mrs. Morrone will forward invoice to the Finance Dept. for payment.

Corrado Mancini requested we table the discussion of the formation of a committee to change ordinances and user zones. Councilwoman Fede advised she spoke to the CFO and funds will be put into the budget for this purpose. A motion was made by Tom Napolitano and Daniel Schnipp to table this matter. Motion passed.

A motion was made to adjourn the meeting by John Mitchell with a second by Tom Napolitano. Motion passed. The meeting was adjourned at 9:28 pm.

Respectfully Submitted  
Patricia Morrone  
Planning/Zoning Board  
Secretary/Clerk