

Minutes of the Planning/Zoning Board Meeting
June 14, 2022 @ 7:30 p.m.
Council Chamber – Borough Hall

The meeting was called to order by Chairman Mancini at 7:38 p.m.

Board members in attendance were Tom Napolitano, Robert Foster, Dan Schnipp, William Hordern, Councilwoman Daniele Fede, Ed Rieper, Jessie Frias, D/Sgt. Hector Liriano and John Mitchell. Councilwoman Mary Ellen Murphy was excused. Also in attendance was Board attorney, Kevin Kelly.

A motion was made by John Mitchell with a second by Jessie Frias to open for public comments not related to the Queen Anne Road project. There being no comments a motion was made by John Mitchell with a second by Ed Rieper to close. Motions passed.

A motion was made by Tom Napolitano with a second by Jessie Frias to adopt the minutes of the May 24, 2022 meeting. Motion passed.

Chairman Mancini advised the Board that an application was received for a Wendy's restaurant to be located on Fort Lee Road. The Completeness Committee will review the plans and advise. The application for 285 Orchard Terrace is still pending as we await additional plans, application fees and escrow fees.

The continuation of the 51 QAR project ensued. Brian Chewcaskie, attorney for the applicant, advised the applicant was prepared to testify to the requirements outlined at the May 10th meeting. Those being the issue of the easement, traffic study and storm water. He also advised there was a reduction in units from 35 to 34 with one apartment changed to a storage room. The breakdown is as follows: 11 units on the second floor, 11 units on the third floor and 12 on the fourth floor. There will be 10 one bedroom units, 23 two bedroom units and 1 three bedroom unit with the affordable housing requirement.

Mr. Kelly spoke about the issue with the easement. It was stated in 2006 an application was made by Geriatric Services for a senior housing building. The road was to be left in its disrepair at the time. Both the Teaneck and Bogota Boards

filed a suit and it was ruled that as long as the easement remained unimproved it was remanded back to the Teaneck Board. Bogota Board was dismissed.

The applicant, Amir Diabes was sworn in by the court reporter and began his testimony by advising the Board that he is the owner of a similar building located at 227 Teaneck Road, which was completed by the end of 2020. It consists of 24 units and is at full occupancy. There are 38 spaces on site with a 4/5 spaces vacated. With the reduction of units in the Bogota site, there would be 42 parking spaces but 52 spaces are provided.

Trash and recycle bins are brought to the curb twice a week by the super for pick up by an outside contractor. The same procedure would be followed in the Bogota building.

Mr. Diabes advised that Lukoil is responsible for the environmental issues on the site. He received notification from Lukoil's Environmental consultant stating that the wells have been tested and a report is expected shortly. He also stated depending on the results of these tests, the wells could possibly be sealed by late summer or early fall. It was further stated that the tanks would not be removed unless the DEP approved all reports regarding soil remediation.

Resident, Ms. Daniele Fede, asked who would be responsible for remediation of storage tanks, other than the wells at the gas pumps. Mr. Diabes advised it is all Lukoil's responsibility to ensure all takes and contamination are taken care of. Mrs. Fede also asked Mr. Diabes if there would be ongoing remediation if any gas leaks occurred. Mr. Diabes could not answer this question. She asked if the applicant would do their due diligence if any environmental issues arose in the future. Again, no answer was given.

The matter of telephone poles was addressed. Mr. Diabes advised they met with PSE&G and they accepted responsibility for the poles being placed on their property and they would help correct the issue. It was also determined that these poles served the senior building, Welsh Farms and the Lukoil station.

Mrs. Frias made mention of the easement being repaired. She also questioned whether or not there would be documentation that the wells were tested and cleared for removal.

Mr. Hordern mentioned a variance for parking spaces. There is a maximum of 60 spaces with 52 in use with 8 unused spaces.

Mr. Napolitano asked if any follow up testing would be done on the site and was advised there would be no follow up. Once the DEP receives lab reports and deems them safe, the matter is closed.

Mr. Diabes also stated the electric vehicle parking spaces have been moved to the outer courtyard with one space left in the garage for handicapped vehicles. There are three handicapped spots in front of the building and they are ADA compliant. The parking garage has a sprinkler system.

Jasvinder Arjani, the applicant's engineer discussed the layout of the building. He began with the changes in the lobby which was enlarged to accommodate package deliveries. He also stated the trash rooms were enlarged and would be sufficient to handle the amount of trash generated by the tenants.

It was stated that there is an allowance of 15% parking spaces for electric vehicles as per statute. At the time of construction 5% must be added, an additional 5% after 3 years and then another 5% after 3 years. They are dual ports.

There are 11 units on the second floor, 11 units on the third floor with one storage room and 12 units on the fourth floor as well as a community room.

The materials used are brick and stucco, limestone and a black wire fence in front of the building. The fence facing QAR will be 4 feet high with a 2 foot wall.

Mr. Schnipp questioned the heights of the senior building, the QAR building and the former Rainbow Cleaners building. No answer was given.

Each unit will have a balcony extending 5 feet. The Bogota ordinance is 2 feet.

Spach Trahan questioned the positioning of the pedestrian walkway. There is an opening so pedestrians can walk safely along the sidewalk. The ordinance for balconies in Bogota is 2 feet...will need variance for 5 foot balconies.

Mr. Costa had no questions.

Mr. Kelly addressed the possibility of grills, hanging items, such as laundry, on the balconies of the building. The applicant agreed that that would not be the case. It would most likely be small furniture placed on the balconies. This will be stipulated in the resolution should the project be approved.

Rebecca Youla, 64 Hill Street, Bogota asked if the package room in the lobby would be left open for anyone to walk in. It was advised that it would be an open space. Ms. Youla also asked if the 3 bedroom was included in the affordable housing units. She was advised it was.

Calisto Bertin was called on to complete his testimony. He advised the changes in landscape renderings (A6) were minor. He addressed the EV spaces being moved to the outside courtyard and the height of the brick/picket fence from two feet to 6 feet around the property.

The easement will be paved and a 5 foot buffer will separate the site from the Welsh Farms. There will be 3 parallel parking spaces along the side of the building.

Regarding the utility poles, two poles are on the QAR easement and one pole fed Welsh Farms. Service will be underground to service Teaneck building.

The drainage issue (A7) was addressed by Mr. Bertin. He stated the detention system was amped up and the water should not leave the existing property.

The traffic analysis (A8) was reviewed. Once again, it was stated that there is little or no impact on the traffic flow in the area. The result of studies performed on May 26th show a net result of less traffic than the gas station. It was also indicated that there is a 14 foot clearance under the parking garage and that the garage has a sprinkler system. It is stated that there is sufficient park for tenants with parking spaces being assigned.

Mrs. Frias asked how the garbage is being picked up. We were advised that there would be 1 or 2 yards of compacted trash that will be taken by truck.

Mr. Mitchell asked about the easement at Welsh Farms at the mouth of the driveway. From curb to edge of parking lot measures 14 feet with an exit.

Mr. Napolitano noted that with 52 spaces and during peak hours there are only 7 cars leaving, it seems light. No further comments followed.

Mr. Schnipp commented that the utility poles are 40 feet with lines buried 6-8 feet underground.

Mr. Foster noted that the sanitary system in the area is outdated and asked why a sewer study wasn't done. We were informed that no study was done and the applicant would rely on the DEP study for this. It was also noted that the sewer issue is part of the process when applying for a sewer connection. This would be done with an analysis with the borough engineer.

Mr. Costa spoke about the direction of traffic going through the easement. He stated it operates in 2 directions and poses a safety issue. The solution would be to change the direction of the traffic arrow with traffic coming in and not out.

The applicant's planner, Alex Dougherty, was sworn in and deemed a reliable witness. He distributed a handout of tax maps (A9) to the Board .

Before Mr. Dougherty continued his presentation, Chairman Mancini asked for a motion to continue the meeting past the 10 pm time limit. A motion was made by Tom Napolitano with a second by Jessie Frias to extend the meeting past 10 pm. Motion passed.

Mr. Dougherty explained that this project would enhance the appearance of the area of QAR. He said the lot is oversized and would accommodate the size of the building. He felt the height of the building wouldn't overpower the area. The D1 variance accommodates residential use and affordable housing. In general Mr. Dougherty stated that the building would fit into the character of the neighborhood and is town compatible.

Ms. Trahan commented on the height and design of the building and the open structure entry. She stated the Colonial Gardens apartments are an R-3 in the zone allowing for multi family dwellings. There is a concern pertaining to the impact the number of children living in the building would have on the schools. She also felt this project would not be a detriment to the zone plan.

Mr. Costa strongly advised the reverse circulation of the arrow on the easement.

D/Sgt Liriano addressed Chief Maye's requirements for the project. He stated there should be adequate lighting throughout the building site, security cameras throughout, and access to the building in the event of any emergency. He also stated any trees or landscaping should be moved to give motorists a clear view of traffic.

Resident, Rebecca Youla, stated she felt the residents in the area would be upset with a large building in their neighborhood. She also asked how is it that a monstrosity of a building does not change the look and feel of small town charm. There was no answer.

We were advised that there would be digital access to the package room with control of the management as to what items would be allowed to place on the balconies.

There being no further public comments, the applicant's attorney, Brian Chewcaskie, proceeded with his closing comments.

He thanked the Board for their cooperation and is pleased that everything will mesh together. Once again the height of the building was mentioned discussing the fact that the building is in compliance with the affordable housing allowance. He advised the design of the building is pleasing to the eye. He stated the location of the building adds to the neighborhood.

Mr. Chewcaskie also advised that if the application was granted, they would comply within reason to any of the Board's stipulations and with the police department requests.

A motion was made by John Mitchell with a second by Tom Napolitano for the Board to go into Executive Session. Motion passed.

Mr. Rieper did not have any comments. Mrs. Frias, is a resident of Cypress Avenue, and she prefers to see a building in that area rather than a gas station. She feels it would bring a new look to the town. She is in favor.

D/Sgt. Liriano is in favor of this project even though it would mean more work for the PD. He also stated that tenants should be properly vetted to prevent any future issues that would affect the quality of life of the residents.

Mr. Mitchell is also in favor of this project. He feels it will be a good thing for Bogota.

Mr. Napolitano expressed concern regarding the power lines. He also feels there can be the proper number of affordable housing units without having a 4th floor on the building. He expressed concern about the traffic on QAR as well. He wasn't sure.

Mr. Foster expressed his concerns about the effect these units would have on our outdated sewer system. He is also concerned about the height of the building and its affect on the neighborhood.

Mr. Schnipp raised concerns about the height of the building but felt it would be better for the area than a gas station. He is leaning toward approval.

Mr. Hordern was in favor of the project. Although like several board members, the height of the building is a concern. He did, however, say it is a benefit to the area.

Mr. Mancini expressed concerns regarding safety, parking, and the impact on our schools.

Before closing Mrs. Frias stated that it is her experience that professional couples rent 2 bedroom apartments for the extra office space and there would be no impact on the schools.

A motion to approve this application pending conditions by Mr. Costa, Mr. Grygiel, and a sewer study to be approved by Mr. Costa, was made by John Mitchell with a second by Jessie Frias. Roll was called and the application was approved.

A motion was made by John Mitchell with a second by Tom Napolitano to adjourn the meeting. Motion passed. Meeting adjourned at 10:55 pm.

Respectfully Submitted,
Patricia Morrone
Secretary/Clerk