



State of NJ Certificate of Authorization No. 276726

August 17, 2022

VIA EMAIL ONLY

Members of the Bogota Planning Board  
Borough of Bogota  
375 Larch Avenue  
Bogota, New Jersey 07603

**RE: Wenesco Bogota Realty, LLC – Wendy’s  
Block 3 Lot 3  
229 West Fort Lee Road  
Borough of Bogota  
Bergen County, New Jersey**

Dear Board Members:

Our office has reviewed preliminary and final site plans for the proposed drive-thru Wendy’s restaurant located along West Fort Lee Road (County Route 56). The applicant is proposing to demolish all existing on-site structures and construct a new 2,927 SF drive-thru Wendy’s restaurant with two queue lanes, outdoor seating amenities, and various other site improvements including but not limited to retaining walls, macadam parking lot, utility infrastructure, concrete sidewalks, curbs and aprons, lighting and landscaping. The site is located within the West Fort Lee Redevelopment Plan Zone District and is surrounded by the New York Susquehanna & Western Railroad track to the east, Jescraft Jobsite Equipment to the south, West Fort Lee Road to the west, and Pro Auto Body to the north. The proposed drive-thru restaurant is a permitted use within the West Fort Lee Road Development Plan and the current design proposes no deviations from the area, bulk and yard requirements. The applicant is seeking preliminary and final site plan approval for the proposed design with a variance for a freestanding sign, seen in the zoning analysis below. The below comments are based on our review of the site plan and supporting documents listed below.

**AERIAL IMAGE**



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**MATERIALS REVIEWED:**

We have reviewed the following documents provided for the above referenced application:

1. Preliminary & Final Site Plan consisting of thirteen (13) sheets prepared by Daniel T. Sehna P.E., Dynamic Engineering, 245 Main Street, Suite 110, Chester, NJ 07930.
  - “Cover Sheet” Sheet 1 or 13, dated January 18, 2022.
  - “Aerial Map” Sheet 2 or 13, dated January 18, 2022.
  - “Demolition Plan” Sheet 3 or 13, dated January 18, 2022.
  - “Site Plan” Sheet 4 or 13, dated January 18, 2022.
  - “Grading Plan” Sheet 5 or 13, dated January 18, 2022.
  - “Drainage & Utility Plan” Sheet 6 or 13, dated January 18, 2022.
  - “Landscape & Lighting Plan” Sheet 7 or 13, dated January 18, 2022.
  - “Soil Erosion & Sediment Control Plan” Sheet 8 or 13, dated January 18, 2022.
  - “Construction Details” Sheet 9 or 13, dated January 18, 2022.
  - “Construction Details” Sheet 10 or 13, dated January 18, 2022.
  - “Construction Details” Sheet 11 or 13, dated January 18, 2022.
  - “Construction Details” Sheet 12 or 13, dated January 18, 2022.
  - “Vehicle Circulation Plan” Sheet 13 or 13, dated January 18, 2022.
2. Survey consisting of one (1) sheet prepared by Rodolfo Pierri P.L.S., Dynamic Survey, LLC, 1904 Main Street, Lake Como, NJ 07719.
  - “Boundary and Topographic Survey” sheet 1 of 1, dated September 21, 2021.

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3. Floor Plan and Elevations consisting of three (3) sheets prepared by Robert Goldman Architect, 419 North Charles Street, Baltimore, MD 21201.
  - “*Equipment Plan*” sheet EQ1.1, dated December 7, 2021.
  - “*Exterior Elevations*” sheet A2.1, dated December 7, 2021.
  - “*Exterior Elevations*” sheet A2.2, dated December 7, 2021.
4. One (1) copy of the Borough of Bogota Application for Development and/or Appeal prepared by Lawrence A. Calli of Calli Law, LLC dated June 20, 2022.
5. One (1) copy of the Planning/Zoning Board of Borough of Bogota Resolution 2015-06 in the Matter of Redevelopment Study of 229 West Fort Lee Road and 172 West Fort Lee Road.
6. One (1) copy of the Traffic Impact Study prepared by Corey Chase, P.E. and Connor Hughes, P.E. from Dynamic Traffic dated January 28, 2022.
7. One (1) copy of the Stormwater Management Summary prepared by Daniel Sehnul, P.E. from Dynamic Engineering dated January 2022.

**Zoning Overview:**

<b>ZONING REQUIREMENTS INDUSTRIAL ZONE (I) &amp; WEST FORT LEE ROAD REDEVELOPMENT PLAN</b>			
<b>DESCRIPTION</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
<b>Permitted Uses</b>	Per §21A	Warehouse/Office	Restaurant
<b>Minimum Lot Area</b>	34,848 SF	38,086 SF	38,086 SF
<b>Minimum Lot Width</b>	100 Ft.	280.4 Ft.	280.4 Ft.
<b>Minimum Lot Depth</b>	100 Ft.	118.5 Ft.	118.5 Ft.
<b>Minimum Front Yard Setback</b>	5 Ft.	7.2 Ft.	26.1 Ft.
<b>Minimum Side Yard Setback</b>	5 Ft.	31.5 Ft.	65.9 Ft.
<b>Minimum Rear Yard Setback</b>	5 Ft.	66.4 Ft.	93.2 Ft.
<b>Max. Building Height</b>	4 Stories / 60 Ft.	2 Stories / 20 Ft.	1 Story / 28 Ft.
<b>Max. Building Coverage</b>	50%	15.8%	7.7%
<b>Max. Impervious Coverage %</b>	90%	97.5%	75.7%
<b>Maximum Height of retaining wall or fence within a nonresidential zone</b>	Front Yard – 6 Ft. Elsewhere – 8 Ft.	N/A	Complies

(V) – Variance Required

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<b>OFF-STREET PARKING REQUIREMENTS</b>		
<b>INDUSTRIAL ZONE (I) &amp; WEST FORT LEE ROAD REDEVELOPMENT PLAN</b>		
<b>DESCRIPTION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Minimum Number of Parking Spaces (Restaurant)</b>	1 PS per 3 Seats = 64 Seats / (1 PS / 3 Seats) = 22 Seats	22 Seats
<b>Minimum Parking Space Size</b>	9 Ft. x 18 Ft.	9 Ft. x 18 Ft.
<b>Minimum Aisle Width for 60° Parking Space</b>	18 Ft.	18 Ft.
<b>Minimum Off-Street Parking Setback from Front Lot Lines</b>	5 Ft.	Complies
<b>Minimum Width of Driveways</b>	One Way: 16 Ft. Two Way: 24 Ft.	One Way: 16 Ft. Two Way: 24 Ft.

<b>SINGAGE TABLE</b>		
<b>INDUSTRIAL ZONE (I) &amp; WEST FORT LEE ROAD REDEVELOPMENT PLAN</b>		
<b>DESCRIPTION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>FREESTANDING SIGN</b>	Number of Signs – Not Permitted	One (1) (V)
	Maximum Sign Area – 50 Ft.	49.8 Ft.
	Maximum Sign Height – 20 Ft.	20 Ft.
	Maximum Front Yard Setback – 10 Ft.	10 Ft.
	Maximum Side Yard Setback – 5 Ft.	36.9 Ft.
<b>WEST FAÇADE</b>	Number of Signs – N/A	One (1)
	Maximum Sign Area – 10% of Wall Face Area	1.9%
	Maximum Sign Extension – 12 inches	5 inches
	Maximum Sign Height – 5 Ft.	3 Ft.
	Maximum Sign Width – 90% Wall Face	9.5%
<b>EAST FAÇADE</b>	Number of Signs – N/A	One (1)
	Maximum Sign Area – 10% of Wall Face Area	1.9%
	Maximum Sign Extension – 12 inches	5 inches
	Maximum Sign Height – 5 Ft.	3 Ft.
	Maximum Sign Width – 90% Wall Face	9.5%
<b>SOUTH FAÇADE</b>	Number of Signs – N/A	One (1)
	Maximum Sign Area – 10% of Wall Face Area	3.5%
	Maximum Sign Extension – 12 inches	6.5 inches
	Maximum Sign Height – 5 Ft.	4.7 Ft.
	Maximum Sign Width – 90% Wall Face	13.7%
<b>DIRECTIONAL</b>	Number of Signs – N/A	One (1)
	Maximum Sign Area – 10% of Wall Face Area	1.9% or 21.5 SF
	Maximum Sign Extension – 12 inches	5 inches
	Maximum Sign Height – 5 Ft.	3 Ft.
	Maximum Sign Width – 90% Wall Face	36.9 Ft.

(V) – Variance Required

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<b>LIGHTING INDUSTRIAL ZONE (I) &amp; WEST FORT LEE ROAD REDEVELOPMENT PLAN</b>	
<b>DESCRIPTION</b>	<b>PROPOSED</b>
All Outdoor Lighting Shall be downcast and illuminate only the Intended Areas	Complies
Maximum Height of Free Standing Lights = 25 Ft. (Unless greater height is required for safety and security reasons, in which case the maximum height shall not exceed 40 Ft.)	Maximum Height = 20 Ft.

<b>LANDSCAPING INDUSTRIAL ZONE (I) &amp; WEST FORT LEE ROAD REDEVELOPMENT PLAN</b>	
<b>DESCRIPTION</b>	<b>PROPOSED</b>
Street trees shall be provided along the West Fort Lee Road frontages in the redevelopment area	Landscaping plan shown on Sheet 7 complies with Borough Ordinance
No shrubs or bushes shall be planted in any nonresidential zone which shall exceed eight feet in height above ground level, except that no shrubs or bushes exceeding six feet in height shall be permitted within the required front yard	

**GENERAL COMMENTS**

1. The applicant is proposing to raise the grade of the majority of the site considerably from elevation six to elevation eight. The applicant shall provide testimony regarding this aspect of the grading plan and shall confirm that Stormwater runoff will not negatively affect neighboring properties. Any damage caused by an increase in runoff or improper drainage shall be repaired by the Applicant. A note shall be added to the plan stating the same.
2. Our office has reviewed the FEMA mapping data for the subject property. According to the FEMA map number 34003C0193H the subject property is located within Zone AE Tidal Flood Hazard Area at an elevation of 9.00 feet (NGVD 1929) / 8.00 feet (NAVD 1988). The applicant has shown the flood plain elevation on the site plan at 8 feet. The Applicant’s Engineer shall provide testimony addressing measures proposed on-site to prevent / mitigate potential damage from floodwaters. The Applicant shall also discuss flood elevations as they relate to the proposed first floor elevations of the building and any/all permitting required by NJDEP.

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**CONCERNS:**

*Sanitary Sewer, Water Services & Other Utilities:* The applicant has provided a utility plan on Sheet 6 of the plan set showing proposed sanitary sewer laterals, water and gas services, and underground electric to the building. The applicant shall address the following comments:

- a) A 1,500 gallon grease trap is proposed and details have been provided. The applicant shall testify that the size of the grease trap is adequate.
- b) Sanitary sewer and utility valves must support H-20 loading.
- c) Sanitary sewer calculations shall be provided on the utility plan sheet.
- d) Approximate location of the sanitary sewer main on West Fort Lee Road and lateral connection from the existing manhole shall be shown.
- e) The applicant shall TV inspect the existing sanitary sewer line that will be tied into. If found to be in poor condition the applicant shall replace the line to the main along West Fort Lee Road.
- f) Testimony shall be provided as to the location of the existing lateral to the existing building and whether this manhole structure will be replaced.
- g) A concrete cradle is proposed where the sanitary sewer lateral crosses the storm 15” HDPE pipe. Details shall be provided for the same.

*Stormwater Management & Drainage Plan:* The applicant has provided a drainage plan on Sheet 6 of the plan set showing proposed Stormwater management improvements on the site including new inlets and storm sewers to be connected to the existing main along West Fort Lee Road. The applicant shall address the following comments regarding the proposed plan:

- a) Existing type ‘B’ inlet along West Fort Lee Road shall be reconstructed if found to be in poor condition. Testimony regarding the existing condition of the inlet structure and existing pipes shall be provided, if known.
- b) Location of existing pipes shall be shown for the type ‘E’ inlet.
- c) Roof leader clean outs must support H-20 loading.
- d) In the provided stormwater management summary, the Applicant indicates the existing soil classification is classified as Urban Land per NRCS Web Soil Survey. The pre-construction soil conditions were modelled as HSG B, and the post-construction soil conditions were modelled using HSG D. The applicant shall confirm this soil condition assumption.
- e) The proposed improvements disturb less than one acre of land therefore not classified as a “Major Development as defined under the Stormwater Management Adopted Rules NJAC 7:8. A net decrease in impervious coverage is also proposed therefore compliance with the groundwater recharge standards are not required.
- f) The development proposes a net decrease of approximately .22 acres in impervious coverage therefore compliance with NJAC 7:8 stormwater runoff quality standard is not required.

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Grading: The applicant has provided a grading plan on Sheet 5 of the plan set showing proposed grades of the sidewalks, retaining walls, curbs and macadam parking area. The applicant shall testify regarding the proposed grading plan and address the following comments:

- a) The applicant shall confirm whether or not the retaining wall proposed along the frontage is less than four feet in height including embedded blocks.
- b) Retaining walls in excess of four feet including embedded blocks require structural calculations. Calculations should be signed and sealed by a licensed Professional Engineer in the State of New Jersey. Additionally, a letter should be provided to this office stating that inspections were performed throughout the construction of the wall and certifying that the wall was constructed in accordance with the approved plan.
- c) A flush concrete curb is shown on Sheet 4 along a portion of the northern drive thru aisle, however the grading plan shows this curb to be six inches. The applicant shall address this discrepancy.
- d) The Applicant shall be responsible for ensuring that any and all soils imported to the site are certified clean soils in accordance with current NJDEP Standards, with a copy of the said certification provided to the Borough of Bogota and this office prior to the import of any material by a professional. Recycled materials or demolished materials are not permitted for the purposes of backfilling a vacated excavation area. A note stating the same shall be provided on the Site Plan.
- e) The applicant shall confirm all sidewalks have a maximum longitudinal slope of 5.0% and a maximum cross slope of 2.0%. Additionally, testimony shall be provided stating that all ADA accessible routes, parking spaces, curb ramps, etc. will conform to the ADA Standards for Accessible Design, latest revised.

Lighting & Landscaping: The applicant has provided a lighting plan and landscaping plan on Sheet 7 of the plan set showing proposed light fixtures and various plantings throughout the site. We defer to the board to whether or not the proposed plantings are acceptable. The applicant shall testify regarding the proposed plan and address the following comments:

- a) The applicant has stated that all lighting proposed conforms to Borough Ordinance and the West Fort Lee Road Redevelopment Plan. A statement shall be made regarding this.

Soil Erosion and Sediment Control Plan: The applicant has provided a SESC plan on Sheet 8 of the plan set showing proposed sediment control fence, inlet filters, stabilized construction entrance and stockpile.

- a) The Applicant shall ensure that the operations of soil movement vehicles are not to be utilized in a way that would deposit soil on any streets, sidewalk, public place or any other private property. A note stating the same shall be added to the Site Plan.

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Traffic: The applicant shall testify regarding traffic circulation throughout the site including emergency vehicles, delivery and garbage trucks. The following comments shall also be addressed:

- a) The applicant has provided a vehicle circulation plan for a WB-50 intermediate semi-trailer. Additional, circulation plans shall be provided for emergency vehicles and garbage trucks.
  - a. The following should be provided for the emergency vehicles: turning template for a ladder truck, provide the Minimum and Maximum turning radii, and the Centerline turning radius for the vehicle. Applicant should also demonstrate that the vehicle shown for the turning radius is of equivalent nature to the Bogota Fire Departments fire trucks.
- b) Queue lengths for the drive-thru lanes should be shown on the circulation plan to ensure there is no conflict with the drive-thru exit lane. Testimony shall be provided regarding the anticipated vehicle queue.
- c) The Applicant shall provide testimony regarding the anticipated number of walkup customers to the building.
- d) It is mentioned in the Traffic impact statement that a portion of West Fort Lee Road will be restriped in front of the subject property to include a left turn only lane. This is not reflected on the site plan. The applicant shall address this discrepancy and County approval will need to be obtained for any changes to West Fort Lee Road. Any/all correspondence with the Bergen County Department of Planning and Engineering shall be forwarded to the Borough.

Miscellaneous Comments: The applicant should address the following:

- a) Existing bollards are not shown at UP #837BG. The applicant shall address whether or not these bollards will be replaced or removed.
- b) All concrete including curbs, sidewalk and driveways shall be 4500 psi with polypropylene fibers and sealed with Sikaguard 701w.
- c) The sidewalk detail on Sheet 10 shall be revised to show 5” thick concrete and 5” of ¾” clean stone base.
- d) Reinforced concrete pad details shall be revised to show 8” thick concrete.
- e) County curb detail shall be revised to show an 8” exposed face dimension.
- f) The Applicant shall provide testimony regarding garbage pick-up.
- g) The architectural plans shall be revised to include the sign elevations/dimensions.
- h) The applicant shall address whether a clearance of 9’ 4” for the proposed canopy of the drive-thru windows will be sufficient for all anticipated vehicle models to pass under. Testimony shall be provided for the same.



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**APPROVALS REQUIRED**

It is the applicant’s responsibility to determine what, if any, permits are required from outside agencies in order to construct the proposed development. Including, but not limited to, the following:

- **Bergen County Soil Conservation District**
- **Bergen County Planning Board**
- **New Jersey Department of Transportation**
- **New Jersey Department of Environmental Protection**

**GENERAL COMMENTS AND REQUIREMENTS:**

1. The Developer must enter into a Developer’s Agreement which will include a performance bond if required by Planning Board Resolution.
2. Escrow fees must be posted to cover engineering review and inspection, legal expenses and DPW review and inspection.
3. Zoning requirements should be reviewed by the Zoning Official.
4. Specifications for curb, driveway and sidewalk construction must be followed per Resolution.
5. As-built drawings for the on and off-site sanitary sewers, storm drains, roadways must be furnished to the Building Department, Department of Public Works and City Engineer, prior to the release of any certificate of occupancy.
6. Sanitary sewer connections must be approved and inspected by the City Engineer, Department of Public Works and Building Department.
7. Construction activities may only be conducted during hours stipulated by City Ordinance.
8. Any adjacent structure, retaining wall, landscaping, curb, piping, pavement, fencing, etc. damaged during construction must be required or replaced.
9. The applicant’s plans should indicate an appropriate notation and reference that all construction work for the project must be performed in accordance with all applicable rules and regulations of the Occupational safety and Health Administration (OSHA), the New Jersey Uniform Code, and good construction and engineering practice as it pertains to safety.
10. Two full sets of plans showing all site work including lighting and landscaping signed by the chairman and secretary of the land use board must be submitted to this office, construction code official, City clerk, DPW director prior to the start of any work.
11. A pre-construction meeting must be held with representatives of this office, building department, and director of the DPW prior to the commencement of work on this site.
12. The applicant must provide a minimum of forty-eight (48) hours notice of any inspections.
13. Full-Time Inspection by a Geotechnical Engineer is required of all soil moving onsite and proper compaction, if necessary.

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The foregoing comments are based on the review of the application and plans submitted. We have attempted to make this review as complete as possible. However, any new submission depending upon the nature of any revision may require additional review and comment.

Should you require additional information or have any further questions please do not hesitate to contact our office at (201) 487-0015.

Very truly yours,

COSTA ENGINEERING CORPORATION



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Robert L. Costa, P.E., P.P. & C.M.E.  
Borough of Bogota Planning Board Engineer

cc: Members of the Bogota Planning Board  
Kevin Kelly, Esq. Planning Board Attorney  
Paul Grygiel, Board Planner  
Patricia Marrone, Planning Board Secretary  
Wenesco Bogota Realty, LLC, Applicant  
Daniel T. Sehnal, P.E., Applicant’s Engineer  
Lawrence Calli, Esq., Applicant’s Attorney

**SITE PHOTOGRAPHS**

The photographs shown below were taken from Google Maps, last updated March 2022.



**Photo 1: Southwest corner of the existing site along West Fort Lee Road. Location of the proposed southern driveway.**



**Photo 2: Existing building and utility connection. Utility pole to remain and underground electric connection will be run to the proposed building**



**Photo 3: Northwest corner of the site where the proposed one way exit driveway is located.**