

**Minutes of the Bogota Planning/Zoning Board Meeting  
November 24, 2020**

The Borough of Bogota Planning/Zoning Board had a regular meeting on November 24, 2020 commencing at 7:40 p.m.

Members present were T. Napolitano, D. Fede, Chairman C. Mancini, E. Reiper, D. Schnipp and J. Mitchell. J. Frias arrived at approximately 8:00 p.m.

Motion to open for public comment by Mitchell, seconded by Napolitano. All in favor. Being no public comments, motion to close by Mitchell, seconded by Napolitano.

New Business:

Approval of the meeting minutes of November 10, 2020 meeting. Motion by Fede, seconded by Napolitano. All in favor.

Motion to approve Paul Grygiel invoices 31444, 31931 and 32200. Motion by Mitchell, seconded by Napolitano subject to the Mayor and Council review. All in favor. D. Fede abstained.

Hearing on the Board of Education Use Variance Application for 390 Palisade Avenue. Donald Pepe of Scarinci Hollenbeck made an appearance. The application was previously deemed complete. It is a use variance for a school use. No site plan application is a part of the matter. The hearing was in the Zoning Board of Adjustment configuration.

Due to counsel advice on the appearance of impropriety, the two Board of Education elect members were not present and did not participate in the hearing. While initially the application was to be adjourned until the 8<sup>th</sup> member J. Frias arrived late so the hearing did take place. The Board of Education property is under contract. The Department of Education needs the consent of the Board to approve to the acquisition and the Board of Education needs to demonstrate that the use is permitted in the zone. The two witnesses were provided, Paul Anderson, an engineering/ planner and Damian Kennedy, the school superintendent. This is a courtesy review and technically no vote was needed. The Department of Education reviews the plans to utilize the property as a school. Testimony by Paul Anderson, licensed planner. Exhibit A1 was provided which is the notice and publication of the application. Counsel accepted the proof of publication of the application as sufficient. Mr. Anderson has been in the past qualified as an expert before this Board. He showed an aerial of the school and the property in question. He also testified that space has been leased from St. Joe's School for the teachers parking. The

property in the R-1 zone for single family use in a D-1 variance has been requested. The intention of the use is an annexed building using the same teachers. Handicapped ramps on all four corners of Palisade Avenue and crossing signs have been installed as well as realigning the high school parking. The testimony on special reasons was that a school is an inherently beneficial use and testimony was provided on the SICA balancing test. There is a need for adequate classroom space to service the community and there will be no parking or loading and no traffic impacts. He testified there is no substantial impact to the community. Questioned by member Schnipp, “were other properties considered and was the parking lot project done in concert with this acquisition?” Mr. Anderson responded that the sidewalks were inadequate that there was a dangerous situation and it was fortuitous that the building became available but the parking lot was planned prior to that. Testimony was that possibly 5 classrooms, nurses office and an office will be in the location subject to a DOE approval.

E. Reiper requested the question on density of the use. The answer was that an assembly use in the property is approximately 10,000 square feet. There was also a question on when the property was constructed and the implementation of the application of the municipal land use law. It was later determined the property was built in 1925 prior to the land use law.

Motion to open for public comment by Mitchell, seconded by Rieper. Malvin Tirado of 400 Palisade Avenue requested whether there will be any construction outside and had a question on parking. Testimony was provided that there will be no outside construction and no on site parking. Motion by Mitchell, seconded by Frias to close to public comment.

Damian Kennedy witness, he testified that approximately 100 more students are enrolled in the school in 2020 and that there are 560 students at the high school. There is a need for extra space and they talk about career technical classroom use. Approximately 4 to 5 classrooms and an office will be provided. There were no questions from the Board. Motion by Mitchell, seconded by Frias to open for public comment.

Malvin Tirado asked if there will be new students from the construction on Fort Lee Road as he thought the school was at capacity now. Motion by Mitchell, seconded by Rieper to close public comment. His presentation was complete.

Counsel advised that the Board scope is limited. He evaluated Mr. Grygiel letter from November 13, 2020 with questions on the usage which had been answered and review of the

Neglia November 17, 2020 letter regarding site plan issues. No additional questions were provided by Grygiel or Neglia.

Open for public comment for and against the application by Mitchell, seconded by Frias. Mr. Tirado testified that he was in favor of the application. Motion by Frias, seconded by Mitchell to close public comment. Mr. Schnipp discussed that the acquisition of school property should be methodical and the property is clearly in a residential zone in a non-conforming building. The design should be well thought out and the lines clearly defined on the uses in the Master Plan. J. Frias stated the space is needed is in favor of the application. E. Rieper also stated that the school will need space as did John Mitchell. Corrado Mancini agreed that the town needs the use and he had a concern about the nurse being across the street with no crossing guard.

Motion by Mitchell to grant the use variance as presented, seconded by Frias. Voting in favor C. Mancini, E. Rieper, J. Frias, D. Schnipp and J. Mitchell. Variance approved. Counsel will draft a resolution for the meeting on December 8<sup>th</sup>.

Next order of new business the South End Redevelopment Plan. The governing body made a referral to the Planning Board of the South End Redevelopment Plan. The Planning Board has 45 days to respond. The Planning Board is to see whether it is inconsistent with the Master Plan. The Redevelopment Plan has been available for public inspection and was referred to the Planning Board on November 13<sup>th</sup> after the November 12<sup>th</sup> Mayor and Council meeting. The Plan is dated November 10, 2020. The summary of the plan is provided by Planner Grygiel. All original zoning will be kept in place. There is no developer lined up or formal plan. Additional permitted uses added are hotels, self-storage and breweries. No residential uses are allowed. There are modifications to the parking regulations as well as adding electric vehicle charging stations and river walks along the river. His testimony is the plan is consistent with the 2005 Master Plan and 2015 Reexamination Report. The goals of the Master Plan are met by promoting the rehabilitation of areas. Goal number 5 the quantity of parks and open space (The Hackensack River or Greenway), Goal number 10 encouraging economic development on a larger scale that do not fit in the downtown. Further testimony was provided on the generation of economic impacts. Self-storage generates less traffic. The warehouse and distribution use would be different than any current use with more modern buildings. This use is currently included in the zoning. Additional use allowed are research and development, child care centers

light manufacturing, warehouse, office and recreation. In order to approve the redevelopment plan it must meet at least 3 goals of the Master Plan as shown in the testimony.

Board deliberation: D. Schnipp likes the plan, it tied nicely into the Master Plan. He questioned why after the 2015 Plans this area came to be an area studied and authorized. Motion by Mitchell, seconded by Frias to open for public comment. Being no comment, motion to close by Napolitano, seconded by Frias.

Counsel advised he prepared a resolution in favor or the application. J. Frias noted that the development across the river would support this redevelopment. D. Schnipp congratulated Grygiel on a good plan. E. Rieper questioned whether the river walk would be extended to River Road. T. Napolitano thought that the plan would benefit the borough as an area as obsolete dated with the large smoke stack and the super factory needs to be rehabilitated. More outdoor space is needed and we can connect these areas to downtown to public and other transportation means. J. Mitchell testified that the planner did a good job with the plan.

Resolution 2020-2 was offered that the redevelopment plan is consistent with the Master Plan and recommends that the Mayor and Council adopt the same, including extending and connecting to River Road. Motion by Mitchell, seconded by Frias. Unanimous vote except for D. Fede abstained. Motion to adjourn by Mitchell, seconded by Napolitano.

Meeting adjourned at 9:45 p.m.