

**Minutes of the Borough of Bogota Planning & Zoning Board Meeting
August 8, 2023**

The Bogota Borough Planning and Zoning Board had a regular meeting on August 8, 2023 at 7:37 p.m. Members present were Chairman Mancini, Vice Chair Daniele Fede, Councilwoman Mary Ellen Murphy, Tom Napolitano, Robert Foster, Yesenia Frias, Daniel Schnipp, William Hordern and Rebecca Youla. Also in attendance were Board attorney Kevin Kelly (tardy) and Board secretary Patricia Morrone. Those not in attendance were Eddie Rieper and D/Sgt. Hector Liriano.

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

A motion was made by Rebecca Youla with a second by Mary Ellen Murphy to reverse the order of the agenda due to the late arrival of Mr. Kelly. Motion passed.

Tom Napolitano made a motion to approve payment of invoices with a second made by Councilwoman Murphy. Motion passed. Mrs. Morrone will forward invoices to the Finance office for payment.

A motion was made by Tom Napolitano with a second by Yesenia Frias to adopt the minutes of the July 25, 2023 meeting. Motion passed. Councilwoman Murphy abstained.

A motion was made by Dan Schnipp with a second by Rebecca Youla to reopen the meeting upon the arrival of Mr. Kelly. Motion passed.

The hearing for the 163 Queen Anne Road application was resumed. Jonathan Mincis filled in for the applicant's attorney, Franklin Soto. Albert Arencipia, AIA was deemed a qualified witness and began testimony before the Board.

The property in question is currently a single family home and the applicant is seeking to convert it into a 2 family home. A 2 family home is permitted in this zone. The expansion of the house requires a variance due to the garage encroaching the side yard setback. The applicant proposes to install two car garage on this property. The applicant purchased this property at a short sale and it is in disrepair. It is the intention of this applicant to improve the property by adding landscaping, improving drainage and new fencing.

A dry wall will be installed on the property to address the drainage issues. There is an existing issue with the front yard setback which is required because the front steps need to comply with the existing code.

The application requires 4 off street parking spaces. The proposed garage is noncompliant with RSIS standards which requires an 18 foot width. This will require a waiver of RSIS standards.

The property currently as a 10 foot curb cut which will be increased to an 18 foot cut to accommodate both garages. Parking is also available in front of the garage for a total of 3.5 spaces which were required for the expansion of the curb cut. This results in the loss of one off street parking space in the area.

The applicant is proposing a significant landscape plan in the front yard where there is currently none. A proposed shrubbery every 3 feet in accordance with the landscape plan as well as a 2 ½ caliber shade tree to be installed in the front yard. The tree in front of the house which was recently planted by the borough will be properly maintained. Lighting will also be in compliance with borough standards.

Jessie Frias questioned the location of the condensers. It was agreed that the condensers would be placed in back of the house in the middle of the garage to avoid excess noise for the neighbors.

Robert Foster expressed his concern regarding parking. He stated the garages should be used specifically for parking and not storage. Most people do not park their cars in the garage. The applicant agreed to stipulate that in the lease.

Rebecca Youla also questioned the positioning of the condensers. She felt they would encroach on the neighbor's property if they were placed behind the garage.

Vice Chair Fede stated the landscaping shown in the plans has not changed. She expressed concern about the new tree that was planted by the borough in front of the property. She felt the widened driveway would encroach on the tree and stated the tree must be protected. If the tree is not maintained and it dies, then the owner is responsible for paying for a replacement tree.

William Hordern stated the crawl space has 1 access point. It is placed in the middle of the crawl space with no secondary space required. He specified it should be moved to the middle of the area for easier access in the event of a fire. The applicant will reply with that request.

Due to the fact that impervious coverage is being increased, the applicant is installing a seepage pit. This proposed system is designed to the 50 year storm. It was stated that a percolation test will be form with the results provided to the Borough engineer. If the results do not satisfy the Borough engineer then the applicant will come back to the Board for an amendment to the site plan to install a system that can accommodate a 100 year storm.

A motion was made to open to public comment by Yesenia Frias with a second by Dan Schnipp. Motion passed.

John Votta, a resident of Teaneck, stated his property is landlocked and he was concerned about the impact on his backyard. He stated they originally heard the home would be 3 stories but now have no objections to the home being turned into a 2 family dwelling.

Mr. & Mrs. Juliano's home is adjacent to 163 Queen Anne Road. She questioned the variance needed for a 2 car garage. She also asked if the driveway went to the house and not beyond. It was stated a 6 foot vinyl fence would be put up against her chain link fence. She stated they were told when they put up their fencing that back to back fences were not permitted. This issue will be investigated. She also questioned drainage. It was stated that the applicant would have a percolation test performed with results sent to the Borough engineer. If results are not satisfactory then the applicant would have to come back for an amendment for a 100 year storm.

Discussion ensued about construction times, overnight parking, etc. It was stated to those residents in question, that there is a noise ordinance in place that is enforced. As is the parking issue. Any concerns should be addressed to the proper agencies.

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

Jonathan Mincis closed the hearing by stating the change in the existing residence has no major impact on other properties in the area. 7 variances are needed.

The Board began its deliberation. Mr. Kelly stated that the percolation test is costly but will be a condition of approval and it will be stipulated in the resolution. A variance may be needed for the fence issue. Will need to check with Art Sopelsa.

Rebecca Youla stated she is not in favor of this application due to close property line, driveway and newly planted borough tree.

Robert Foster stated he felt there is not enough parking. Not in favor.

Councilwoman Murphy stated she has no problem with the application. All questions were answered. Should look into fence issue.

Tom Napolitano said he was sorry to say there were too many variances needed and not enough positives. Drainage is an issue, parking is an issue and he is not in favor of it.

William Hordern stated many variances are needed. The drainage issue and fence issue need to be resolved. Not opposed.

Dan Schnipp stated the property was purchased on a short sale and the renovation would be appropriate for the neighborhood. The size of the lot is undersized for a 2 family. Not opposed.

Yesenia Frias felt that two 3 bedroom apartments is a lot. She would like the condensers in the middle of the garage. She would like to see the crawl space move to the middle.

Vice Chair Fede agreed with Dan Schnipp's comments and stated she is not against it.

Chairman Mancini not opposed.

A motion to approve this application was made by Councilwoman Murphy with a second by Vice Chair Fede. Motion passed with the stipulation that all conditions must be met. The tree caliber must be 2.5, crawl space must be moved to the center, condensers, PERC test performed with results sent to Costa Engineering. Owner must maintain the street tree or replace if it dies or is damaged. Roll called – passed 4-3.

Under new business Jonathan Mincus began his presentation of the 151 Elm Avenue application. Ollie Squershi, architect, was not adequately prepared to deliver testimony. It was determined that the matter be continued or if called for a vote at this meeting, it would be denied

and dismissed without prejudice. The applicant's attorney requested a continuance with no further notice or further publication. The matter was adjourned to October 10th at 7:30 p.m.

Yesenia Frias will not be available until October 1st. She is excused. She did ask if she could listen to the recordings of meetings so she could keep up with the workings of the Board while she is away. Mr. Kelly and Chairman Mancini agreed.

Rebecca Youla asked if anything has been done about those members who do not attend meetings on a regular basis. Chairman Mancini showed her a list of those members in question and said it would be brought to the Mayor's attention with the possibility of those members being replaced.

A motion to adjourn the meeting was made by Rebecca Youla with a second by Yesenia Frias. Motion passed. Meeting adjourned at 9:09 p.m.

Respectfully Submitted,

Patricia Morrone