

MINUTES OF THE PLANNING/ZONING BOARD MEETING
October 25, 2022 – 7:30 PM
COUNCIL CHAMBERS – BOROUGH HALL

The meeting was called to order by Chairman Mancini at 7:37 p.m.

Those members in attendance were Councilwoman Daniele Fede, William Hordern, Councilwoman Mary Ellen Murphy, Vice Chair John Mitchell, Yesenia Frias, Eddie Rieper, D/Sgt. Liriano and Tom Napolitano. Robert Foster and Daniel Schnipp were excused. Also in attendance was Board attorney, Kevin Kelly.

A motion to open to public comments unrelated to the 285 Orchard Terrace & Wenesco Realty applications was made by John Mitchell with a second by Eddie Rieper. Michelle Rugar, 140 West Fort Lee Road, Bogota NJ asked for clarification on the difference between a D Variance and a C Variance. Mr. Kelly advised that would be addressed during the presentation. There being no further comments a motion to close to public comments was made by John Mitchell and seconded by Yesenia Frias. Motions passed.

Mr. John Veteri, attorney for the 285 Orchard Terrace application told the Board that the property in question is a subdivided property, 3 lots, with two lots facing West Fort Lee Road. The applicant wishes to build two 2 family high end Town Houses for private sale.

Mr. Frank Troia, architect for the applicant, was deemed an acceptable witness and was sworn in by Kevin Kelly. Mr. Troia clarified the subdivision is a D5 variance. He went on to explain (sheet BA-000) that the drawings gave a good sense of what the applicant wishes to do. There will be two 2 family Town House homes on 2 different lots with as much yard space as possible, retaining walls and landscaping.

The square footage is about 1000 feet with a small second floor. The garages would face the front of the property. Each garage would accommodate 2 cars with the driveways deep enough for 2 cars next to each other. Mr. Costa advised according to RSIS there must be 2 spaces per unit.

Sheet BA200 showed the ground floor with an open basement, a toilet and utility closet. There will be an L shaped kitchen with a dining area, small patio, a pantry

and a powder room. There is a small space for office use off the living area that would be approximately 6 ½' by 8', with a tiny closet.

Sheet BA201 showed the second floor with a small hallway and 3 bedrooms. One bedroom would be the primary suite and the other 2 bedrooms in the rear of the second floor. A shared bathroom and laundry closet as well.

The attic would be used mostly for storage with no egress. No sprinkler systems are in the plans and this complies with the building code.

Bill Hordern questioned the basement window measurement and after much debate it was determined that the window would be a 3' window. His concern was for egress in the event of a fire. The applicant agreed to put in a window well. Laundry equipment would be gas operated.

Sheet BA300 showed that lot A is approximately 32.32 feet with lot B measuring 32.43 feet. There will be black trim around the windows and doors. There will be horizontal metal railings and no vinyl will be on the property.

Mr. Kelly stated the proposed homes have been described as 2 family, town house and duplex 2 family homes. Which one is it? After much discussion, it was determined these will be referred to as 2 family homes.

Kyle Goodwin, engineer for the applicant was deemed an acceptable witness and proceeded to advise the Board about the cut up on Ft. Lee Road. It was brought to the applicant's attention that there was no consideration taken to on street parking in the area. There would be a substantial loss in parking available to residents in the area who lived in the apartments.

Mr. Costa suggested that duplex town houses be eliminated and have 2 family homes eliminating the need for wide driveways.

Mr. Kelly suggested that the applicant reexamine the parking issue with a D Variance for density. Paul Grygiel stated a density variance is only needed for a multi family lot.

Mr. John Veteri, the applicant's attorney requested that this matter be rescheduled for our December 13th meeting so his client has time to revise plans in order to deal with the parking issues. The Board accepted Mr. Veteri's request. The matter does not have to be re-advertised or noticed.

A five minute recess was taken at 8:30 p.m. The meeting resumed at 8:36 p.m.

Mr. Larry Calli, attorney for the application advised the Board that Wenesco Realty will be proposing a Wendy's restaurant at the site. The restaurant would have 60 indoor seating in addition to 20 outdoor seat. A drive-thru window is also part of the plan.

Dan Schnael, the engineer for the applicant, was deemed an acceptable witness by the Board and proceeded to tell us that the lot is just under an acre on a county road. It is a vacant 2 story building and is in a flood hazard zone area. The applicant is working with the county regarding the flood zone area.

The building is approximately 3000 square feet and 87 feet in length. There will be 2 driveways with one way in and one way out. A dedicated left hand turn lane into the restaurant is planned and the applicant has applied to the county for a permit to do this.

There is a deficiency in the required amount of parking spaces. There will be 2 accessible spaces plus 1 EV charging space. An enclosed area will contain trash dumpsters with pick up as needed during off peak hours. A 4 foot wide sidewalk along with a handicap sidewalk will be created. They are signage compliant and there will be directional signs on site as well as pick up window signage.

A permit will be obtained from the DEP for 1 foot high retaining walls. There will also be fencing with no variance needed. There will be sufficient LED lighting throughout the site and the lighting can be dimmed accordingly. Deliveries are 3 times a week during off peak hours and the trucks are parked in the drive thru lanes.

Dining room hours are 6:30 a.m. to 10:00 p.m. Drive thru hours are 6:30 a.m. to 2:00 a.m. D/Sgt. Liriano stated that the borough ordinance requires all businesses

to close at 12:00 a.m. and the applicant MUST comply with this ordinance. They agreed.

There is a 3rd drive thru window for App users. Drivers can walk up to the window after hours to pick up food. This window would be closed at 12:00 a.m. to comply with the borough ordinance.

Questions from the Board as follows. Councilwoman Fede asked if the EV space was a super charger. It was determined that the EV space will be used by patrons while they dine and then leave. She asked if flood hazard permits. Retaining walls were required to be 1 foot but that requirement has been changed to 2 or 3 feet.

Councilwoman Murphy asked about the Apps window. Are there 3 windows in total. All windows must close at 12:00 a.m or they will be in violation of the borough ordinance.

Tom Napolitano asked if storm water would drain in the county systems. He was advised that will be the case.

The applicant agreed to reduce outdoor seating by 10 seats in order to comply with parking requirements.

Mr. Costa addressed the entry/egress issues of the driveways. He stated it would be a hazard if vehicles had to make a u turn in the parking lot causing 2 vehicles to possibly be entering and exiting at the same time. He suggested one 1 driveway as an entrance and 1 driveway as an exit so a left or right turn can be made onto West Fort Lee Road.

Paul Grygiel suggested landscaping along the front of the building. A 4 foot decorative black fence along the sidewalk was also suggested.

Resident Rebecca Youla, 64 Hill Street, Bogota NJ asked if the EV parking space was going to be disconnected after business hours. It wasn't in the plans but the applicant agreed to do so.

Warren Nagey, applicant's architect was deemed an acceptable witness and proceeded to review the outside façade of the building. The front of the building will have the Wendy's signage over the main entrance which faces Ft. Lee Road. There is a freezer attached to the rear of the building with indoor access be employees. Dark grey and beige with other neutral colors will be used on the outside of the building.

Mrs. Frias asked Mr. Kevin Woodside, Managing Member of Wendy's about trash pick up. It is scheduled for twice a week but can be arranged more often if needed. Window signage would only be displayed when the dining room is closed.

Councilwoman Fede asked about signage. Paul Grygiel advised signage faces the Atwater. She also asked about cooler access and was advised access would be inside the restaurant.

Corey Chase, traffic engineer for the applicant was deemed an acceptable witness and advised there would be no changes in the traffic flow. A designated left hand turn into the restaurant is planned and permits have been requested of the county.

There are 22 spaces for indoor seating and 20 for outdoor seating. With the elimination of 10 outdoor seats and credit for the EV space, applicant is compliant.

Paul Ricci, the applicant's planner was also deemed an acceptable witness. He stated the project is tremendous for our redevelopment plan and the plan advances for the greater good. He said the benefit to the redevelopment plan outweighs the detriments and urged the Board to approve this application.

Councilwoman Fede asked about the height of the Wendy's signage. It is 20 feet high.

The presentation was concluded and Chairman Mancini poled the Board.

Tom Napolitano said the application was well presented. He would like to see the driveway radius, and ordinance closing complied with. He approves. Bill Hordern is in agreement as is Councilwoman Murphy, Mr. Mitchell, Councilwoman Fede, D/Sgt. Liriano expressed concern about 12 a.m. closing time, Mr. Rieper is in agreement, Mrs. Frias is in agreement and appreciates the compromise in parking.

Chairman Mancini stated he is proud of this Board and the work it has done. He agrees that Wendy's will beautify that area of the town. He asked for Mrs. Morrone to call the roll. The application was unanimously approved.

Councilwoman Mary Ellen Murphy made a motion for Mr. Kelly to write a memorialized resolution including Mr. Costa's recommendations for the 2 way driveways, the reduction of outdoor seating to 10 seats and compliance with the borough ordinance of 12 a.m. closing time. The motion was seconded by Tom Napolitano. All in favor. Motion passed.

A motion was made by Councilwoman Murphy to adopt the minutes of the September 27, 2022 meeting with a second by Tom Napolitano. Mrs. Frias abstained. Motion passed.

A motion was made by Councilwoman Murphy with a second by Tom Napolitano to approve all invoices submitted to the Board. All in favor. Mrs. Morrone will forward all invoices to the Finance Department for processing.

A motion to adjourn the meeting was made by John Mitchell with a second by Councilwoman Murphy. Motion passed. Meeting adjourned at 10:00 p.m.

Respectfully Submitted,
Patricia Morrone
Secretary/Clerk