



August 5, 2022
Revised November 18, 2022

Planning/Zoning Board
Borough of Bogota
375 Larch Avenue
Bogota, New Jersey 07603

RE: **Application of Wenesco Restaurant Systems, LLC**
Block 3, Lot 3 (229 West Fort Lee Road)
Preliminary and Final Major Site Plan Approval with Deviations

Note: This letter supplements my original review letter dated August 5, 2022 to address amended plans. New information is denoted in **bold**, deletions are shown in ~~strikethrough~~.

Dear Members of the Planning/Zoning Board:

Introduction

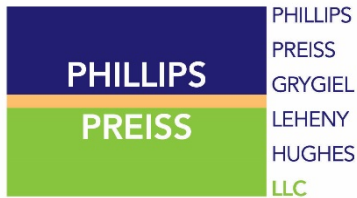
As per your direction, I have reviewed the above-referenced development application. The applicant is proposing to develop a drive-through restaurant on a property located on the northeast side of West Fort Lee Road. The development of the subject property is governed by the regulations of the West Fort Lee Road Redevelopment Plan, which permits the proposed use. **The application was approved with conditions at the October 25, 2022 Planning/Zoning Board meeting.**

As part of our analysis, I undertook the following tasks: an inspection of the subject premises; a survey of surrounding land uses; review of the filed application materials, including a site plan (13 sheets) prepared by Daniel T. Sehnal, PE and Joseph G. Jaworski, PE of Dynamic Engineering dated January 18, 2022 **and revised through November 16, 2022**; review of the West Fort Lee Road Redevelopment Plan and the Borough of Bogota Zoning Ordinance and Zoning Map; and review of the Borough of Bogota Master Plan.

Description of Site and Surrounding Land Uses

The subject property is designated as Block 3, Lot 3 on the Borough's official tax maps. It is located in the northwest section of the Borough of Bogota on the northeast side of West Fort Lee Road. The property is bounded to the rear by the New York, Susquehanna and Western railroad tracks, and commercial/industrial properties on either side.

The subject property is currently developed with a two-story brick masonry building formerly used for industrial purposes. Most of the site is covered with the building or asphalt paving, and it is nearly devoid of landscaping. The site was once owned by and



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utilized in conjunction with the Hess Terminal that was located on the opposite side of West Fort Lee Road. Site photographs are appended to this letter.

The subject property is in an area characterized by a mix of land uses, including industrial, multifamily residential, commercial, public and recreational. Properties occupied by commercial and industrial uses are located to the northwest and southeast of the subject property on the same side of West Fort Lee Road. The recently constructed Atwater multifamily residential development, which includes a small retail component, is located on the opposite side of West Fort Lee Road. Oscar E. Olsen Park and the Bogota Racquet Club are located on the northeast side of the New York, Susquehanna and Western railroad tracks.

West Fort Lee Road is a two-lane County road in front of the subject property. There are sidewalks located along the frontage of most of the properties on the same side of the street as the subject property.

Summary of Development Proposal

The applicant is proposing to remove all existing improvements on the subject property and construct a drive-through restaurant with a gross floor area of 2,927 square feet. The building ~~is was~~ proposed to include 64 indoor seats and 20 patio seats, for a total of 84 seats. **The applicant has reduced the number of patio seats from 20 to 10, resulting in a total of 74 proposed seats.** One freestanding sign is proposed just north of the southern site driveway. The sign would have a height of 14 feet, 10 inches, and a bottom clearance of eight feet, and would be 49.8 square feet in area. Three building-mounted signs are proposed: two “Wendy’s” signs on the front and rear façades and a Wendy’s logo sign on the southeast side façade. Each of these is proposed to be 21.5 square feet in area. Seven directional signs are proposed, each of which would be 6.25 square feet in area. A 10 foot by 20 foot masonry trash enclosure is proposed to the north of the building.

Access to the proposed development is proposed by two driveways: one two-way driveway at the southern end of the site and a one-way exit driveway at the northern end. The southern driveway would be 24 feet in width and the northern driveway would be 16 feet in width. A total of 22 parking spaces are proposed, of which two are handicap spaces and one is a ~~“make ready”~~ an electric vehicle parking space. Two drive-through ordering lanes are proposed. These would merge into one lane to access the payment and pickup windows. A four-foot wide sidewalk is proposed along West Fort Lee Road. A four-foot wide sidewalk and a crosswalk across the drive-through window exit lane are proposed to the southeast of the building to provide pedestrian access to the building. One bicycle rack is proposed to the east of the building.

A retaining wall up to four feet in height is proposed along the subject property's frontage, and other retaining walls topped with fencing are proposed on the other three sides of the site. Proposed landscaping includes four street trees along West Fort Lee Road, two shade trees interior to the site, and a number of shrubs, grasses and ground cover. The ~~only~~ low-level landscaping along the site's frontage is shrubbery around the proposed freestanding sign **has been supplemented by a row of 64 shrubs abutting the drive-through lane, which include 44 Shamrock Inkberry Holly evergreens and 20 Happy Face Pink Paradise Cinquefoil deciduous shrubs.** Other shrubs are proposed on either side of the building, as well as around the trash enclosure. Proposed site lighting includes nine LED fixtures on poles with a mounting height of 20 feet around the perimeter of the site and four building-mounted LED fixtures, with a mounting height of 12 feet.

Zoning/Redevelopment Plan Compliance

The subject property is located in the West Fort Lee Road Redevelopment Area. Its development regulations are set forth in the West Fort Lee Road Redevelopment Plan, which includes two "Redevelopment Parcels": the "Waterfront Parcel" and the "East Side Parcel." The subject property coincides with the boundaries of the East Side Parcel. Permitted principal uses on the East Side Parcel are as follows:

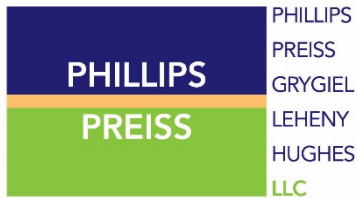
- Multifamily residential
- Retail and service commercial
- Restaurant
- Government uses

The only listed permitted accessory use is surface parking to support any permitted use on the East Parcel. Therefore the proposed uses are permitted.

The following table provides the applicable bulk requirements for the East Side Parcel and how the existing lot complies with them, based upon information provided on the site plan:

<i>Bulk Standards</i>	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>
Minimum lot size (acres)	0.8	0.87	0.87
Minimum lot width (feet)	100	280.4	280.4
Minimum lot depth (feet)	100	118.5	118.5
Minimum front yard (feet)	5	7.2	26.1
Minimum side yard (feet)	5	66.4	93.2
Minimum rear yard (feet)	5	31.5	65.9
Maximum building height (stories/feet)	4/60	2/20	1/28 21
Mix of residential unit types	Studio, 1BR, 2BR	Not applicable	Not applicable
Maximum building coverage (%)	50	15.8	7.7
Maximum impervious coverage (%)	90	97.5 e	75.7 75.6
Maximum gross residential density	32 units per acre	Not applicable	Not applicable

e: existing nonconformity



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Therefore, the proposal complies with all applicable bulk requirements of the West Fort Lee Road Redevelopment Plan.

In terms of off-street parking, one space is required for every three seats for a restaurant. A total of ~~84~~**74** seats are proposed (64 indoor and ~~20~~**10** outdoor), meaning ~~28~~**24** parking spaces are required, **inclusive of a one-space reduction for provision of an electric vehicle charging space**. Twenty-two parking spaces are proposed, which addresses the requirement for the indoor seats, but not the outdoor seats. Therefore a deviation is required, **which has been granted by the Board**.

The applicant is proposing building, freestanding and directional signs as discussed above. Pursuant to Section 5M.2) of the Redevelopment Plan, signs for nonresidential uses shall comply with the requirements for signs in the Business Districts in the Bogota Land Development Ordinance. The proposed signage will comply with nearly all applicable zoning requirements, according to the signage table on the site plan. The one standard from which a deviation is being sought is for a freestanding sign, which per Section 21A-13.1i is only permitted when a building is setback more than 50 feet from the street, while the proposed building front setback is 30.1 feet. **The Board approved this deviation.**

Planning Analysis and Issues for Consideration by the Board

We offer the following for your consideration in reviewing this application:

1. As noted, the proposed development appears to comply with all of the applicable bulk regulations of the West Fort Lee Road Redevelopment Plan. However, certain other requirements are not met as discussed above for minimum parking spaces and freestanding sign setback.
2. Section 8D of the West Fort Lee Road Redevelopment Plan permits the granting of deviations from its development regulations. Such deviations may be granted in accordance with criteria set forth in Section 8D, which is essentially the same as the requirements for granting “c” variances pursuant to the Municipal Land Use Law¹. The applicant’s planner ~~should~~**has** provided testimony as to how these criteria are addressed.

¹ The relevant section reads as follows: “The Bogota Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Bogota Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation

3. As noted, one freestanding sign and three building signs are proposed. One of the building signs is located on the rear and would not be visible from West Fort Lee Road. The applicant should explain the reasoning for this sign being proposed as a freestanding sign and two building signs, as well as seven directional signs, should provide adequate site identification. **The location of signage has been clarified through testimony and exhibits provided at the October 25, 2022 Planning/Zoning Board meeting.**

4. Section 5C of the West Fort Lee Road Redevelopment Plan includes the following requirement: “Exterior building architecture shall coordinate form, materials, color and detailing to achieve design harmony and continuity for all building elevations,” and requires elevations and specific architectural details to be provided. The applicant ~~must provide~~ **presented** architectural plans and elevations to address these requirements **at the October 25, 2022 Planning/Zoning Board meeting.**

5. The applicant should discuss whether additional landscaping could be provided on the site. One area of particular concern is between the top of the retaining wall along the site’s frontage and the drive-through lane, which will be located approximately seven feet from the sidewalk along West Fort Lee Road and not screened. **The comment has been addressed through the revisions to the site plan.**

If the Board has any questions or comments on the above, I would be happy to address them at the public hearing.

Respectfully submitted,



Paul Grygiel, AICP, PP
Principal

would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.”

Site Photographs – taken August 4, 2022 at approximately 5:45 PM



Looking west of West Fort Lee Road towards subject property



Looking west of West Fort Lee Road in front of subject property



Looking east on West Fort Lee Road towards subject property



Looking west on Fort Lee Road across from subject property



Looking across West Fort Lee Road towards west end of subject property



Looking across West Fort Lee Road towards east end of subject property