

**BOROUGH OF BOGOTA PLANNING AND ZONING BOARD
MINUTES
MEETING OF 08/28/2018**

The board convened at 7:39 p.m. The public session meeting of the Board was opened after flag salute and public meeting act statement by George Shalhoub. A roll call was taken.

Roll Call: Present; George Shalhoub, Nick Zampetti, Jesse Frias, Tina Trotta, Corrado Mancini, John Mitchell, Police Chief Dan Maye and John Ambrosio (Not Present) Dermot O'Hagan

Public Comments: None.

Old Business: None.

New Business:

-Approval of Minutes from 5/8/18 through 6/26/18
Passes on a unanimous basis (with amendments)

-Hearing for 174 Central Ave., Block 6, Lot 55 (Subdivision)

Jessie Frias has recused herself from the hearing which is her right to do so. (Business Relationship)
Frank Soto, Esq (applicant's attorney) is sworn in and presents the 200 ft notice and proof of publication.
Mr. Aristedes Ortega (applicant) is sworn in. The Mr. Soto then questions his client as to what is being requested at the proposed site.

The Board is presented the Architectual Plans for the Subdivision. They are labeled Exhibit A-1 (plans).
Exhibit A-2 (Survey) is presented to the Board as well. The applicant is named Hoyt Enterprises, LLC,
located at 206 Hoyt St., Brooklyn, NY 11217.

Jeff Morris of Boswell Engineering claims he has concerns over the size of the structure and needs to review the plans.

Exhibit A-3 (proof of publication) is presented to the Board. Meeting to be continued at the next scheduled Planning and Zoning meeting on 9/11/18.

Vote to allow Board to continue in Closed Session – Motioned by Zampetti and Second by Trotta.

*****Closed Session discussion regarding ongoing litigation*****

Motion to Adjourn – Mr. Zampetti,

Second – Ms. Frias

Meeting adjourned at 9:02 p.m.

**BOROUGH OF BOGOTA PLANNING AND ZONING BOARD
MINUTES
MEETING OF 10/23/2018**

The board convened at 7:35 p.m. The public session meeting of the Board was opened after flag salute and public meeting act statement by George Shalhoub . A roll call was taken.

Roll Call: Present; George Shalhoub, Nick Zampetti, Jesse Frias, Tina Trotta, Dermot O'Hagan, Corrado Mancini, John Mitchell, Police Chief Dan Maye and John Ambrosio

Public Comments: None.

Old Business: None.

New Business:

-Approval of Meeting Minutes for 9/11/18 – 9/25/18

Motioned by Mancini; 2nd by Trotta

Minutes pass on a unanimous basis (with minor amendments)

*****Meeting is voted by the Board to continue in a CLOSED SESSION, to discuss ongoing litigation*****

Motioned by Mitchell; 2nd by Maye

Motion to Adjourn – Mr. Mitchell,

Second – Mr. Ambrosio

Meeting adjourned at 8:23pm

**BOROUGH OF BOGOTA PLANNING AND ZONING BOARD
MINUTES
MEETING OF 12/11/2018**

The board convened at 7:45 p.m. The public session meeting of the Board was opened after flag salute and public meeting act statement by George Shalhoub . A roll call was taken.

Roll Call: Present; George Shalhoub, Nick Zampetti, Counc. Tom Napolitano, Tina Trotta, Dermot O'Hagan, Corrado Mancini, John Mitchell, Police Chief Dan Maye and John Ambrosio -Not Present; Mayor Chris Kelemen and Jessie Frias

Public Comments: None.

Old Business: None.

New Business:

-Approval of Meeting Minutes for 10/23/18
Motioned by Zampetti; 2nd by Maye
Minutes pass on a unanimous basis

-Approval of invoices for Professional Services Rendered – Kelly, Kelly, Marotta & Tuchman, LLC. (Board Attorney) Invoices #'d 11880, 11888 & 11866 (Outfront Media) ...passes on a unanimous basis to be paid
Also, Invoices #'d 11897 & 11907 (Interstate Outdoor Advertising) ...passes on a unanimous basis to be paid

Lastly, Invoices #'d 11839, 11840, 11867 & 11908 (to be billed to Escrow accounts) ...passes on a unanimous basis to be paid
Motioned by Mancini, 2nd by Trotta

-Approval of Invoices for Professional Services Rendered – Phillips, Preiss, Grygiel, Leheny & Hughes, LLC (Borough/Board Planner) Invoice # 27528 (COAH) ...passes on a unanimous basis to be paid
Invoices #'d 27599 & 27600 (Redevelopment Study) ...passes on a unanimous basis to be paid
Lastly, multiple invoices pertaining to work rendered for the Borough of Bogota (were reviewed and OK'd by the Planning and Zoning Board) ...passes on a unanimous basis to be paid
Motioned by Mitchell, 2nd by Mancini

-Redevelopment Hearing - Kevin Kelly, Esq briefs the public about the ongoing discussion pertaining to the Redevelopment Study done by Paul Grygiel (Borough/Board Planner)
Bogota #1 is called into evidence (Resolution) – Bogota #2 (Public Notice) – Bogota #3 (Area Development Report by Paul Grygiel)

Mark Leibman and John Cromei for Bergen Asphalt speak before the Board in regards to the Study.
Larry Lowen for Fuda Tile also speak before the Board.

Kevin Kelly states that the Planner, Paul Grygiel is in attendance but Grygiel's expert was not available to attend. Due to this fact, Kevin Kelly mentions to the Public and the Board that it may be better to adjourn the Witness Testimony.

Paul Grygiel, Borough of Bogota and Planning and Zoning Board Planner is sworn in, he states his credentials and educational background.

Open to Public (pertaining to Redevelopment Study only) – motioned by Mitchell, 2nd by Zampetti

-Michelle Rugar asks for a clearer understanding as to where the Blocks and Lots are located regarding the Study. (Kevin Kelly answers)

-Lee Blanco asks whether the decisions are final or just preliminary. (Kevin Kelly answers)

-Tom Favorito of Tom's Service Center states that he has owned and operated his business for 42 years and there was never an issue with his property until now. He asks, "why now has he been put on the Redevelopment list?"

Kevin Kelly states to the Board and the Public that the Redevelopment Discussion will be adjourned until Feb. 12th and everyone in attendance is made aware.

Motion to Adjourn – Mr. Zampetti,

Second – Mr. Mitchell

Meeting adjourned at 8:29pm

**BOROUGH OF BOGOTA PLANNING AND ZONING BOARD
MINUTES
MEETING OF 01/08/2019 (Reorganization)**

The board convened at 7:35 p.m. The public session meeting of the Board was opened after flag salute and public meeting act statement by George Shalhoub . A roll call was taken.

Roll Call: Present; George Shalhoub, Daniele Fede, Counc. Tom Napolitano, Tina Trotta, Counc. Mary Ellen Murphy, Corrado Mancini, John Mitchell, Det. Sgt. Hector Liriano, Jessie Frias and Frank Miranda - Not Present; Dermot O'Hagan

Public Comments: Nick Zampetti asks when did the current procedure change in regards to appointing of Board members??? Kevin Kelly states that the procedure has not changed since he was originally appointed as Board Attorney.

Michelle Rupar asks about the Meeting Minutes and why they are not being posted at a sufficient time??? Kevin Kelly answers her inquiry.

Old Business: None.

New Business:

1-New Members are sworn in, Det. Sgt. Hector Liriano, Daniele Fede, Frank Miranda and Jessie Frias are sworn in. Councilwoman, MaryEllen Murphy is also appointed as a new member of the Planning and Zoning Board.

2-Elect Chairman, Vice Chair and Secretary

-Corrado Mancini is appointed the New Chairman of the Planning and Zoning Board

-John Mitchell is appointed the New Vice Chair of the Planning and Zoning Board

-Tina Trotta is appointed the New Secretary of the Planning and Zoning Board

3-Elected Chairman to appoint Committees

-George Shalhoub is appointed as part of the Completeness Committee

4-Kevin Kelly, Esq. is appointed as Board Attorney

5-Costa Engineering is nominated by Frank Miranda and second by Counc. Tom Napolitano

Neglia Engineering is nominated by Counc. MaryEllen Murphy with no second.

Boswell Engineering is nominated by Daniel Fede, second by George Shalhoub

Motion to vote on Engineerinig by Murphy, second by Shalhoub

Boswell Engineering is voted in and appointed as Board Engineer

6-Vote on invoices to be paid for Board/Borough Planner Paul Grygiel.
Passes on a unanimous basis

Motion to Adjourn – Mitchell, Second – Murphy

Meeting adjourned at 8:16pm

**Borough of Bogota Planning & Zoning Board Minutes
Meeting of January 22, 2019**

The Board convened at 7:30 p.m. The public session of the Board was opened after the flag salute and public meeting act statement by Chair Corrado Mancini. A role call was taken.

Role Call:

Present: George Shalhoub, Councilwoman MaryEllen Murphy, Daniele Fede, Chairman Corrado Mancini, Dermot O'Hagan, Detective Sergeant Hector Liriano, Vice Chair John Mitchell and Mayor's Designee, Councilman Thomas Napolitano

Absent: Jesse Frias, Tina Trotta

Alternate: Frank Miranda arrived at 7:50 p.m.

Public Comments: Michelle Rupar questioned whether Dermot O'Hagan would be sworn in.

Old business:

- Chair Corrado Mancini named Jesse Frias and Daniele Fede to the completeness committee.
- New and returning members were asked to sign their oath of office.
- Closed Session discussion on litigation. Motion by Murphy, second by Mitchell.

New Business:

- Adoption of resolution 2019-1 re: Re-organization of Planning & Zoning Board for 2019 and also re-appointing the preliminary committees for said Board. The motion was by John Mitchell seconded by M. Murphy. Adopted resolution passes on a unanimous basis.
- Adoption of resolution 2019-2 regarding minor subdivision for Hoyt Enterprises, LLC, 174 Central Avenue, Block 6, Lot 55. Approved by the Board in 2018. Motion by Mitchell, seconded by Napolitano. Motion passes unanimous by the members present during 2018.
- Board attorney Kevin Kelly announced that NJDEP requires all members of the Planning Board to take an online course for storm water management and a handout was given for signup.
- A New Jersey Planning Officials form was handed regarding the application for the mandatory land use training required by DCA.

George Medina will register members for the course and we can take advantage of membership to the NJPO.

- Kevin Kelly advised on the status of the area in need of redevelopment. There have been several objectors regarding the inclusion of condemnation powers in the area of redevelopment. The previous discussion had been adjourned pending reorganization. The review of the area of the redevelopment is further complicated by the fact that the Borough currently has no planner and that there are no mechanisms for payment of the planner. We understand that the Borough has advertised for Borough Planner. We could re-advertise the application and hear it at our February 12, 2019 meeting. If there is a new planner hired then, it will need to reundertake an entire study and the plan would be submitted to the Mayor and Council to take action. If we choose to proceed without condemnation, we can readvertise the hearing without the condemnation powers. It is currently noticed for the February 12, 2019 meeting.

- The motion made to go back to open session by Murphy seconded by John Mitchell. Motion to adjourn by Mitchell, seconded by Murphy. Meeting adjourned.

**Minutes of the Bogota Planning/Zoning Board Meeting
April 9, 2019 Work Session**

The Borough of Bogota Planning and Zoning Board had a work session on April 9, 2019. Members presents were Councilwoman Mary Ellen Murphy, Daniele Fede, Corrado Mancini, Dermot O'Hagan, Detective Sergeant Lirrano, John Mitchell and Jesse Frias. Absent were Councilman Tom Napolitano, Tina Trotta, Frank Miranda and George Shalhoub.

Motion by Mitchell, second by Murphy for public comment. No public comment. Board attorney described a resolution regarding the redevelopment area study that will be provided at the next meeting. There may be a scale back on some of the area to be included in the study. The hearing on the redevelopment will be at the April 23, 2019 meeting.

Next, counsel advised that the resolution memorializing the Interstate decision will be at the next meeting.

There was a report as to whether a variance application pertaining to 187 Queen Anne Road has been deemed "complete" by the Completeness Committee. The Completeness Committee reported that it is not complete. The Borough Attorney advised that a letter deeming it incomplete will be sent to the applicant who will have thirty (30) days to respond.

No invoices have been provided by the Board Attorney as no contract has been executed. The attorney left four signed copies with the Clerk. He will charge \$140.00 an hour and a \$2,400.00 retainer per year. No changes to the contract other than the date has been made. No correspondence was provided.

The Completeness Committee discussed updating the application forms. Jesse Frias will obtain a Word document so the committee can update the forms. The Board Attorney advised that the checklist is in the ordinance so that when the checklist is revised it needs to be sent to the

governing body for approval. Motion to adjourn by Mitchell, seconded by Frias. Meeting adjourned 7:42 p.m.

**Minutes of the Bogota Planning/Zoning Board
April 23, 2019 Public Meeting**

The Borough of Bogota Planning and Zoning Board had a public meeting on April 23, 2019. The meeting commenced at 7:35 p.m. Members present were Councilman Thomas Napolitano, Councilwoman Mary Ellen Murphy, Daniele Fede, Chairman Corrado Mancini, Frank Miranda, Dermot O'Hagan, Detective Sergeant Hector Liriano and Vice Chair John Mitchell. Absent were George Shalhoub and Jessie Frias.

Motion by Mitchell, seconded by Murphy, to open for public comment. Michelle Rugar commented that the agendas were not posted on the website and asked the council members to check with the webmaster. Counsel advised that the required posting in Borough Hall was compliant.

Motion by Napolitano, seconded by Mitchell, to close for public comment.

Counsel discussed that the resolution for the Interstate Outdoor approval has not yet been completed.

It was announced that Tina Trotta has resigned as secretary from the Board. Nominations were made to replace Tina with Dermot O'Hagan or Daniele Fede (nomination for Mr. O'Hagan by Thomas Napolitano, and nomination for Ms. Fede by Corrado Mancini). Mr. Miranda seconded Mrs. Fede. Ms. Fede accepted the nomination and was voted in by unanimous vote. It was also announced that Jessie Frias would be moved to Alternate #1 and Jose Chavez was sworn in as Alternate #2. Frank Miranda was elevated to Regular Member.

Council discussed the redevelopment plan public hearing which was scheduled for the evening. He announced that there was an objection raised by counsel on the question of whether condemnation powers referred to as "eminent domain" were included in the notice. The

Borough council passed Amended Resolutions 19-57 and 19-58 to eliminate the condemnation powers. The Planning Board passed Resolution 2019-03 by unanimous vote to amend the redevelopment proposal in accordance with these resolutions. Included in the motion was to strike out lot 8 on the resolution. The redevelopment study hearing will take place at the next meeting on May 14, 2019, because Mr. Greigel was in a car accident at 7 p.m. and the hearing could not proceed without the witness.

Motion by Mitchell, seconded by Murphy, to continue the hearing until May 14, 2019.

The minutes of the April 9, 2019 meeting were approved. The motion was by Mitchell, seconded by Murphy. Connell Foley, on behalf of some of the objectors, asked if the same redevelopment reports were being used. Counsel for the Board stated that they were the same reports. A woman named Victoria with a last name starting with "H" asked for the addresses of the properties included, as she received some verbal notice on a Saturday. Daniele Fede read out the addresses of the properties subject to the redevelopment area. Motion by Murphy, seconded by Miranda, to close the meeting at approximately 8 p.m.

**BOROUGH OF BOGOTA PLANNING AND ZONING BOARD
MINUTES
MEETING OF 05/14/2019**

The board convened at 7:36 p.m. The public session meeting of the Board was opened after flag salute and public meeting act statement by Corrado Mancini . A roll call was taken.

Roll Call: Present; George Shalhoub, Counc. Mary Ellen Murphy, Jesse Frias, Det. Sgt. Hector Liriano, Dermot O'Hagan, Corrado Mancini, John Mitchell, Frank Miranda, Counc. Tom Napolitano and Jose Chavez (Not Present) Sec. Daniele Fede

Public Comments: None.

Old Business: None.

New Business:

-Approval of Meeting Minutes for 4/23/19
Motioned by Mitchell; 2nd by Miranda
Minutes pass on a unanimous basis

-Redevelopment Study (continuation)

Kevin Kelly, Esq., briefs the public about the ongoing study, asks owner's Council to be sworn in.

Michael Ash Esq. of the Carlin Ward Law Firm and representing 157 West Fort Lee Rd. states that his client would like to be left out of the study.

John Cromey Esq. representing 305 West Fort Lee Rd.(Bergen Asphalt) and 151 West Fort Lee Rd. (Delta Gas Station/ Tom's Service Center) states he is there just to listen and not formally object.

Kevin Kelly calls Mr. Paul Grygiel (Borough Planner) of Phillips, Preiss, Grygiel, Leheny and Hughes. LLC, to be sworn in and gives his educational background. Mr. Grygiel then proceeds to submit 3 exhibits: Ex. 1. Proofs of Publication, Ex. 2. Report Regarding Redevelopment, Ex. 3. Phillips, Preiss, Grygiel, Leheny & Hughes Study

Mr. Grygiel states that the Blocks and Lots on the Study do qualify for redevelopment criteria. The complete area...Ex. 4. consists of 9.5 acres of land and 7 Tax Lots with varying conditions. Block:3, Lot:3 had previously met the criteria (prior to new study) Ex. 5. Map of Designated Area handed to the Board.

Mr. Grygiel states that Eastern Concrete / Bergen Asphalt has hazards regarding their property. The height exceeds limit for Industrial Zones. Also claims the area is no longer adequate for industrial use. Also, each lot is too small to be redeveloped individually, hence, they were put on the list as a whole. Mr. Grygiel states that some of the sidewalk around that areas where no sidewalk exists.

Regarding 151 West Fort Lee Rd. (Tom's Service Center), Mr. Grygiel claims the access is not adequate with today's standards. Claims that there are parked cars all over the property and there are no designation on where the property lines are. Former train station access to property is not clearly assigned.

Board Members Question for Mr. Grygiel. – Tom Napolitano, questions about contamination that was mentioned in the report. Mr. Grygiel claims the former Hess property DID have contamination. Tom Napolitano also asks if the Asphalt plant is still in business.

George Shalhoub asks whether the interior was checked regarding the asphalt plant. The planner said he did not gain entrance.

Kevin Kelly asks whether anything was done differently than any former study. (NO)

Kevin Kelly also asks if the Planner had spoken to any of the property owners. Mr. Grygiel had spoken to only (1) of the Lawyers for the owner of the property.

John Cromey Esq. asks how many redevelopment studies has Paul Grygiel done before and also, is there a standard to follow in regards to obtaining the information. He asks Mr. Grygiel about his professional qualifications??? Is he an engineer? Also questions whether Bergen Asphalt should meet the criteria to be on the redevelopment study? He asked if the Borough Planner had requested any accident reports. In regards to Tom's Service Center, 151 West Fort Lee Rd., asks why does this property qualify to be on list and Mr. Grygiel proceeds to explain his findings on his report.

Michael Ash, Esq. representing 157 West Fort Lee Rd. asks whether a freight line is beneficial or not in a residential area? Also asks multiple questions as to why the property qualifies to be on the list. Mr. Grygiel explains once again his findings on his report. Mr. Ash says that his client would to be Sworn in and asks questions which he is told by Kevin Kelly that we will have to proceed at a later date due to the fact that the property owner was not in attendance. The Board votes and agrees to carry the meeting till 6/11/19

***The Planning and Zoning Board also confirmed, Resolution 18-077 and Resolution 18-078, pertaining to the Redevelopment Study, were NOW to reflect No Condemnation powers. They were removed from each Resolution.

***The Planning and Zoning Board approved the memorialization of Resolution 2019-4 (Whispering Woods meeting)

Motion to Adjourn – Mrs. Murphy,

Second – Mr. Mitchell

Meeting adjourned at 9:17pm

**Minutes of the Bogota Planning/Zoning Board Meeting
June 11, 2019**

The Borough of Bogota Planning and Zoning Board had its public meeting on June 11, 2019. The meeting commenced at 7:32 p.m. Members present were Dermot O'Hagan, Thomas Napolitano, Corrado Mancini, Councilwoman Mary Ellen Murphy, John Mitchell, Jessie Frias and Daniele Fede.

A motion was made by Murphy, seconded by Mitchell, to open public comment. Since there was no comment, motion was made by Murphy, seconded by Mitchell, to close public comment.

Under old business, there was a continuation of the hearing of the redevelopment study. Mr. Grygiel was sworn in to continue his testimony. Mr. Grygiel provided testimony on the questions raised regarding the driveways and the sidewalks at the last hearing. He documented some of the existing conditions and refreshed his recollection on the Bergen County Planning Board standards. He offered two sets of photos. The first was a series of seven photos of the Bergen Asphalt property on Block 3, Lot 1.01. It was marked as Board Exhibit 6. The photograph was taken May 22, 2019. It shows the road frontage on Fort Lee Road. The second exhibit, marked Board Exhibit 7, was a group of four photographs, two from the former Fuda Tile property and two from the gas station. Again, the photographs were taken by Mr. Grygiel on May 22, 2019. Mr. Grygiel authenticated the photos through testimony.

His testimony regarding Board Exhibit 6 was that the driveway was excessively wide and that West Fort Lee Road is indeed a county road (Route 12). He testified that the conditions do not meet the county standards for sidewalks Title 40 and that the maintenance was up to the property owner. He also testified that the off-street loading and parking were not compliant with

the Bergen County Site Plan Standards, including the prohibition on turning around in a right of way. The photographs showed a roll off door up against the street. Mr. Grygiel testified that the traffic and pedestrian safety are unsafe conditions. As to Lot 13 on Board Exhibit No. 7, the property formerly known as the Fuda Tile property now owned by 157 West Fort Lee Road Associates LLC shows parking and loading within the 20 ft. right of way. Both driveways are within 10 ft. of a property line. Only one driveway is permitted. Mr. Grygiel showed photographs of the gas station where the price sign was blocking the sidewalk and was not respecting pedestrian right of way. He also testified that the Fuda Tile property has a residential use and the zoning does not permit such residential use.

A motion was made by Thomas Napolitano, seconded by Jessie Frias, to open to public questioning of the witness. Michael J. Ash of Carlin Ward questioned the witness. He questioned whether he researched how many times Bergen County grants reliefs from such standards in its site plan criteria and whether all of the site planning criteria applies to commercial and industrial uses. Mr. Grygiel stated that there was a possibility of granting relief under the standards and that they do apply to all properties. A motion was made by Napolitano, seconded by Frias, to close the witness to public comment.

John Dowell of Connell Foley requested clarification of properties in the second redevelopment area. Mr. Grygiel provided testimony on the second study area in his report which includes Blocks 112 and 113. Lots 1 and 2 in Block 112 are subject to study and Lots 3, 4, 5, 6, 7, 8, 2.01, 4.01, 5.01, 5.02, 7.01, 7.02, 7.03, 8.01 are included in Block 113. Several of the .01 lots are riparian lots. Mr. Grygiel described the areas as on the southwest corner of the Borough between River Road and the Hackensack River. Properties included are the Outwater Plastic facility located at 14-22 River Road, the driving range and the former slipper factory site

up to Cross Street shown on Figure 5 of his study. Mr. Grygiel testified that he reviewed the Master Plan, visited the site, the tax records, searched property code violations, and the usage of the property as well as observed on-site operations. He noted that one of the properties has been vacant for over 10 years. He testified that the properties marked in green on Figure 5 meet criteria D as they are dilapidated, obsolete and have safety concerns. The properties identified in red meet Section 3 of the criteria and can be included if they don't meet the criteria as long as they are necessary to be a part of the access and assemblage. He testified that Lots 2.01, 3, 4 and 4.01 meet criteria C as remote parcels with no access, landlocked and have been vacant for over 10 years. Mr. Grygiel stated his opinion as a professional planner that these properties meet the criteria of those in need of redevelopment.

He then discussed the properties in Lot 113 (5.01, 5.02, 6 and 6.01) that meet criteria D. They are a warehouse property which has 100 percent impervious lot in poor condition, has limited access over a lot owned by PSE&G and the building encroaches on the river. As to the building on Block 112, Lots 1 and 2 (the Outwater Plastic property) there are six underutilized buildings and a DPW tent. There is a larger building with loading docks along the railroad and the property is on the known contaminated site list. He discussed that trucks back out onto River Road and access is limited. The buildings are obsolete for modern use.

The next testimony was on the driving range's three buildings. While they do not meet the criteria, and contamination has been addressed, they qualify under Section 3 as being appropriate for overall redevelopment. There was a question whether it makes sense to include these properties in the redevelopment area. He does not think that it is an impediment to leave this property out, but it includes more flexibility to include it in. It could be left out. Question from Dermot O'Hagan as to whether any public streets are impacted, and testimony was only

that the property ends at Cross Street. John Mitchell inquired as to why the redevelopment area did not go further north. Counsel answered that the Borough of Bogota owns the properties, or they are riparian grants. There was a question as to whether there is contamination on the slipper factory. Mr. Grygiel was not aware of the environmental condition of the property. A motion was made by Mitchell, seconded by Murphy, to open to the public. No public comment. A motion was made by Murphy, seconded by Mitchell, to close the public comment.

Next, the witness, Robert Cohen, was sworn in as the Property Manager of 157 West Fort Lee Rd. Associates LLC, Lot 13, Block 64.01 – the former Fuda Tile property. He stated the address was P.O. Box 466, Cresskill, New Jersey. Exhibits were provided (157 A-L). He testified that the property has been owned since December 9, 2016 and is no longer owned by Mrs. Fuda. The property is vacant, but it is used to support the racket club operations. He testified that access to the rear of the property for the solar power array on the tennis courts was needed, and there is a 10 ft. right of way for access which was granted prior to their acquisition of the property in 2016. They bring lifts into the rear door. He testified that the former train station is not occupied, but that the entire building is occupied. He testified that renovations are ongoing and that it is used to store barricades for traffic and that the entity donated 20 to the Borough. He testified that the Hess remediation is complete, and it is not used as a Hess remediation staging area as stated in the report. As to the dilapidated sign, they are amenable to remove it, but do not want to lose any right to replace the sign in the future. He testified that they are painting and replacing windows and working on functionality for use of the site. He formally provided opposition to the plan, as he feels his property rights are impacted and there is a concern that he will lose control of the property if a redeveloper is designated. There is also a question as to whether the court lot and the Fuda Tile lot have been merged. They have not. He

testified that there is some interest on tenancy and that the heating, air conditioning and plumbing has been renovated but is currently useful for storage and used for the storage of lifts and tools. There was general testimony that there are two apartments in the two-story portion of the building and that they use the barricades to shield the property inside for security purposes. He clarified that Hilltop is the management company and that is the name on the barricades. A motion was made by Frias, seconded by Mitchell, to close to the public. Counsel stated that there is no redevelopment plan in place and this aspect is only to find out whether the area is in need of redevelopment and the governing body could agree or disagree on the Planning Board's conclusion. A motion was made by Murphy, seconded by Napolitano, to reopen for further testimony.

Connell Foley stated that Lot 13 (the gas station) does not oppose its inclusion in the redevelopment area. A motion was made by Napolitano, seconded by Mitchell, to close public comment again. A motion was made by Mitchell, seconded by Murphy, to accept the two study areas and findings that all other properties are areas in need of redevelopment. All members present voted unanimously yes. Counsel will prepare a resolution for the next meeting which will be forwarded to the governing body for further review. A motion to adjourn was made by Murphy, seconded by Mitchell, at 9:15 p.m. The next meeting will be June 25, 2019.

**Minutes of the Bogota Planning/Zoning Board Meeting
June 25, 2019**

The Borough of Bogota Planning and Zoning Board had a regular meeting on June 25, 2019. The meeting commenced at 7:40 p.m. Members present were Councilman Napolitano, Councilwoman Murphy, Daniele Fede, Chair Corrado Mancini, Frank Miranda, Jose Chavez, Dermot O'Hagan, Vice Chair John Mitchell and Jessie Frias. Absent were Detective Sergeant Hector Liriano and George Shalhoub.

A motion by Frias, seconded by Murphy, to open for public comment. Being no public comment, motion by Murphy, seconded by Mitchell, to close public comment.

Under new business, the memorialization of resolution 2019-6 which pertains to the redevelopment study prepared by Paul Grygiel, Borough Planner was adopted by all members present except Miranda and Chavez who abstained. Motion by Napolitano, seconded by Mitchell. The resolution will be referred to the Mayor and Council and published in the newspaper for the next steps in the process. Counsel suggested we wait 45 days for the referral to the Mayor and Council as counsel for one of the objectors mentioned that they may file an appeal. Counsel explained that to proceed there must be a development plan in conjunction with a property owner. Therefore, an owner within the redevelopment area would present a plan or the Council would prepare its own plan. This resolution is a first step in a very long process.

Approval of prior meeting minutes- The minutes of the May 14, 2019 and June 11 meetings were amended by motion made by Mitchell, seconded by Murphy to include certain changes relating to resolution numbers. Motion to accept the minutes made by Mitchell, seconded by Murphy. Frank Miranda abstained as to the June 11, 2019 meeting minutes.

Motion by Mitchell, seconded by Murphy to adjourn the meeting. Meeting adjourned at 8:01 p.m. The next meeting will be July 9, 2019 at 7:30 p.m.

**Minutes of the Bogota Planning/Zoning Board Meeting
April 9, 2019 Work Session**

The Borough of Bogota Planning and Zoning Board had a work session on April 9, 2019. Members presents were Councilwoman Mary Ellen Murphy, Daniele Fede, Corrado Mancini, Dermot O'Hagan, Detective Sergeant Lirrano, John Mitchell and Jesse Frias. Absent were Councilman Tom Napolitano, Tina Trotta, Frank Miranda and George Shalhoub.

Motion by Mitchell, second by Murphy for public comment. No public comment. Board attorney described a resolution regarding the redevelopment area study that will be provided at the next meeting. There may be a scale back on some of the area to be included in the study. The hearing on the redevelopment will be at the April 23, 2019 meeting.

Next, counsel advised that the resolution memorializing the Interstate decision will be at the next meeting.

There was a report as to whether a variance application pertaining to 187 Queen Anne Road has been deemed "complete" by the Completeness Committee. The Completeness Committee reported that it is not complete. The Borough Attorney advised that a letter deeming it incomplete will be sent to the applicant who will have thirty (30) days to respond.

No invoices have been provided by the Board Attorney as no contract has been executed. The attorney left four signed copies with the Clerk. He will charge \$140.00 an hour and a \$2,400.00 retainer per year. No changes to the contract other than the date has been made. No correspondence was provided.

The Completeness Committee discussed updating the application forms. Jesse Frias will obtain a Word document so the committee can update the forms. The Board Attorney advised that the checklist is in the ordinance so that when the checklist is revised it needs to be sent to the

governing body for approval. Motion to adjourn by Mitchell, seconded by Frias. Meeting adjourned 7:42 p.m.

**Minutes of the Bogota Planning and Zoning Board Meeting
July 23, 2019**

The Borough of Bogota Planning and Zoning Board had a regular meeting on July 23, 2019. The meeting commenced at 7:33 p.m. Flag salute by Dermot O'Hagan. Members present were Councilman Thomas Napolitano, Secretary Daniele Fede, Chairman Corrado Mancini, Dermot O'Hagan and Jessie Frias. Absent: Councilwoman Mary Ellen Murphy, Frank Miranda, Jose Chavez, George Shalhoub, Detective Sergeant Hector Liriano and Vice Chair John Mitchell.

Motion to open for public comment by Frias, seconded by Napolitano. No members of the public being present. Motion to close public comment by Napolitano, seconded by Frias. Both motions pass unanimously.

New Business

Approval of the minutes for June 25, 2019. Motion made by Fede, seconded by Napolitano. All members present voted yes.

A closed session was held discussing the ongoing litigation. Motion to go into open session by Napolitano, seconded by Frias. Motion by Napolitano to amend the agenda to add two invoices from Kevin Kelly dated July 23, 2019 in the amounts of \$5,464.33 and \$3,940.00. Motion to approve by Frias, seconded by Napolitano. Motion passed unanimously.

There was a general discussion on the status of the area in need of redevelopment. Counsel noted that the notice had not been published in the paper. Councilman Napolitano suggested a meeting with the owners and potential developers to discuss the next step in the process. It was suggested by counsel that the Mayor or the Administrator reach out to the property owners to further that discussion. Motioned by Frias, seconded by Napolitano to adjourn.

Meeting adjourned at 8:30 p.m.

**Minutes of the Bogota Planning/Zoning Board Meeting
September 10, 2019**

The Borough of Bogota Planning and Zoning Board had its work session on September 10, 2019. The meeting commenced at 7:33 p.m. Members present were Councilman Thomas Napolitano, Councilwoman Mary Ellen Murphy, Secretary Daniele Fede, Chairman Corrado Mancini, Dermot O'Hagan, John Mitchell. Absent: Frank Miranda, Jose Chavez, George Shalhoub, Detective Sergeant Hector Liriano and Jessie Frias.

A motion by Mitchell, seconded by Murphy, to open for public comment. Having no public present, motion by Mitchell, seconded by Murphy, to close public comments.

New business: Approval of the meeting minutes for July 23, 2019 occurred. Motion by Napolitano, seconded by Fede. Motion passed. Abstained by Murphy and Mitchell.

Counsel discussed the next step and the redevelopment plan process the racquet club has been in communication with the Borough Attorney to include the racquet club into the study. The governing body is to determine whether or not this request would be granted. Counsel reported that the 45 days to challenge the redevelopment area designation is coming up. It was announced that Fede and Murphy receive their certificate for their Basic Course in Land Use. Motion by Napolitano, seconded by Fede to amend the agenda to add closed session litigation discussion. Motion by Murphy, seconded by Mitchell to go into closed session.

Motion by Napolitano, seconded by Murphy to open meeting from closed session. Motion by Mitchell seconded by Murphy to adjourn.

Meeting adjourned at 8:14 p.m.