



October 17, 2024

Last revised: October 18, 2024

(Revision #1)

VIA EMAIL ONLY

Members of the Bogota Planning Board
Borough of Bogota
375 Larch Avenue
Bogota, New Jersey 07603

**RE: Proposed Change in Use
114 E. Main Street
Block 39 Lot 3
Borough of Bogota
Bergen County, New Jersey**

Dear Board Members:

Our office has reviewed the application and architectural plan for the proposed residential apartment on the second floor of an existing two-story office building. The subject property is located within the B-1 Zoning District where the existing office use is permitted, and the proposed residential use on the second floor is not permitted. The existing lot is non-conforming the bulk standards for the B-1 zone and the existing building is conforming to the bulk regulations of the B-1 Zone. The site is bound by Second Place to the east, East Main Street to the North, commercial properties to the west, and residential properties to the south; and is currently improved with a two-story frame building, macadam parking lot, concrete steps, and paver. No site improvements are proposed as part of this application and no waivers have been requested. We offer a more in-depth breakdown of the B-1 Zoning regulations below, along with comments based on our review of the material submitted.

Aerial Image



Materials Reviewed

We have reviewed the following documents provided for the above referenced application:

1. Architectural Plan entitled, “Exist. Office to be Converted to New 2-Bed Room Apartment at 114 E. Main St. Bogota, NJ 07603”, signed and sealed by Khung H. Lee, R.A. of Lee Arch Group, dated September 23, 2024;
2. Borough of Bogota Application for Development and/or Appeal prepared by the Applicant dated April 25, 2023;
3. Letter of Denial from Art Sopelsa, Construction & Zoning Official, dated August 26, 2024.
4. **Request for Waiver from Site Plan Approval signed by David C. Russo of Russo & Russo, P.C., dated October 17, 2024.**

Zoning Overview

Zoning Requirements Business, Retail (B-1) Zoning District			
Description	Required	Existing	Proposed
Permitted Uses	Per §21A	Office	Office / Residential d(3) Variance
Minimum Lot Area	4,000 SF	1,788.90 SF (EN)	No Change
Minimum Lot Width	40 Ft.	20.00 Ft. ⁽¹⁾ (EN)	No Change
Minimum Lot Depth	100 Ft.	86.98 Ft. (EN)	No Change
Minimum Front Yard (E. Main Street)	0 Ft.	0.00 Ft.	No Change
Minimum Front Yard (Second Avenue)	0 Ft.	6.10 Ft.	No Change
Minimum Side Yard Setback	0 Ft.	0.00 Ft.	No Change
Minimum Rear Yard Setback	15 Ft.	37.00 Ft.	No Change
Max. Building Height	3 Stories / 35 Ft.	2 Stories / 22.00 Ft.	No Change
Max. Building Coverage	75%	49.30%	No Change
Max. Impervious Coverage	90%	100%	No Change

(EN) – Existing Non-Conformity; **(V)** – Variance Required; **N/A** – Not Applicable

Supplementary Lot, Yard and Bulk Regulations		
Description	Required	Provided
Buffer Zone when Abutting Residential Use/Zone	7 Ft.	0 Ft. (EN)

(EN) – Existing Non-Conformity; **(V)** – Variance Required; **N/A** – Not Applicable

Off-Street Parking Requirements		
Description	Required	Provided
Minimum Off-Street Parking Requirements (Office)	Retail: 1 ps/200 sq. f. GFA 1,785.96 GFA / 200 = 8.9 spaces Dwelling unit: 2 ps/du 1 du = 2 parking spaces Total required: 11 spaces	4 parking spaces (V) ⁽¹⁾
Minimum Off-Street Parking Requirements (Apartment)		
Minimum Driveway Dimensions	§21A-10.10	None (EN)
Minimum Parking Space Dimensions	9'x18'	9'x18'
Minimum Parking Setback from Front Lot Line – Second Street	5 Ft.	0 Ft. (EN)
Minimum Aisle Width for 90° Spaces	24 Ft.	None (EN)
ADA Parking Space	1 to 25 parking spaces: 1 ADA Spaces	None (EN)

(EN) – Existing Non-Conformity; (V) – Variance Required; N/A – Not Applicable

Off-Street Parking Requirements Residential Site Improvements Standards (RSIS)		
Description	Required	Provided
Apartment	Two-Bedroom: 2.0 parking spaces ⁽¹⁾	4 parking spaces

(EN) – Existing Non-Conformity; (V) – Variance Required; N/A – Not Applicable

Note(s):

(1) Per RSIS §5:21-4.14(g)4 Requirements for attached units (apartment/condominium/townhouse) include provisions for guest parking (0.5 spaces per dwelling unit). Guest parking must either be provided for on street or in common parking areas.

Site Plan Plat Requirements

The Applicant has ~~not~~ requested a waiver from site plan review and therefore will **not** be required to comply with §21-14.3 Details of Preliminary Site Plan Plat as follows:

- a. All lot dimensions, elevations and contours, at five (5) foot intervals on (10%) percent slopes and two (2) foot intervals on lesser slopes. ~~Not provided.~~ **Not required if a waiver is granted.**
- b. Building setback, sideline and rear yard distances. ~~Not provided.~~ **Not required if a waiver is granted.**
- c. The location of all buildings. ~~Provided.~~ **Not required if a waiver is granted.**
- d. The location of off-street parking areas with dimensions showing parking spaces, loading docks, off street loading space, access and egress drives, traffic circulation and location and description of any lighting in connection with the parking area. ~~Not provided.~~ **Not required if a waiver is granted.**

- e. The location and description of all proposed lighting and signs. ~~Not provided.~~ **Not required if a waiver is granted.**
- f. The type of surface paving, curbing and sidewalks. ~~Not provided.~~ **Not required if a waiver is granted.**
- g. All landscaping, fences, walls or similar facilities, and open spaces as well as the buffer areas which shall be provided for the purpose of isolating the activities conducted on the site from adjoining residential zoned areas, if any. The location of all shade trees to be provided in accordance with this chapter shall be shown. ~~Not provided.~~ **Not required if a waiver is granted.**
- h. The location of all structures within two hundred (200) feet of the property lines. ~~Not provided.~~ **Not required if a waiver is granted.**
- i. Size, height, location and arrangement of all proposed buildings and structures, including building plans, showing front, side and rear elevations. A description of the structure or structures including the architect's rendering and a description of all facing materials to be used. Facing materials shall be brick, stone or other approved material. ~~Not provided.~~ **Not required if a waiver is granted.**
- j. A written description of the proposed operations in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire hazards or safety hazards. ~~Not provided.~~ **Not required if a waiver is granted.**
- k. The proposed number of shifts to be worked and the maximum number of employees on each shift. ~~Not provided.~~ **Not required if a waiver is granted.**
- l. The location, size and nature of all existing and proposed rights-of-way, easements, community areas, buffer zones and other encumbrances, which may affect the lot or lots in question and the location, size and description of any lands to be conveyed to the borough. There shall also be submitted a copy of any covenants or deed restrictions that are intended to cover all or any part of the site. ~~Not provided.~~ **Not required if a waiver is granted.**
- m. Location of all water mains, fire hydrants, potable water systems, storm drainage facilities and sanitary sewer lines existing and proposed. ~~Not provided.~~ **Not required if a waiver is granted.**
- n. The name, title and address of the applicant and the owner and the name, address and title of the person preparing the plan or maps and appropriate seal of the professionals participating in the preparation of same. Maps shall include a place for the signatures of the chairman and secretary of the approving authority, as well as a place for the signature and seal of the borough engineer. The municipal tax map lot and block numbers of the lot or lots, or portion thereof, tax sheet number and key location map for all properties shall be on the map or plan. Map shall include all dates of preparation and revised dates as the case may be. ~~Not provided.~~ **Not required if a waiver is granted.**
- o. Indication of proposed traffic access and ways showing alignment and visibility and safety considerations. ~~Not provided.~~ **Not required if a waiver is granted.**

- p. Location and width of proposed driveways and curb cuts. ~~Not provided.~~ **Not required if a waiver is granted.**
- q. Parking layout, showing number of stalls in each block. ~~Not provided.~~ **Not required if a waiver is granted.**
- r. A table indicating in the left column the following requirements of this chapter and in the right column the extent to which the proposed development conforms with these criteria:
 - 1. Minimum lot area. **Provided. Not required if a waiver is granted.**
 - 2. Maximum lot width. ~~Not provided.~~ **Not required if a waiver is granted.**
 - 3. Maximum lot depth. ~~Not provided.~~ **Not required if a waiver is granted.**
 - 4. Maximum building or structure height (new and existing structures). ~~Not provided.~~ **Not required if a waiver is granted.**
 - 5. Floor area or other volume measurement of buildings. ~~Not provided.~~ **Not required if a waiver is granted.**
 - 6. Minimum front yard. ~~Not provided.~~ **Not required if a waiver is granted.**
 - 7. Minimum side yard. ~~Not provided.~~ **Not required if a waiver is granted.**
 - 8. Minimum rear yard. ~~Not provided.~~ **Not required if a waiver is granted.**
 - 9. Maximum building coverage. ~~Not provided.~~ **Not required if a waiver is granted.**
 - 10. Maximum lot coverage. ~~Not provided.~~ **Not required if a waiver is granted.**
 - 11. Dimensions of buffer zone. ~~Not provided.~~ **Not required if a waiver is granted.**
 - 12. Number of off-street parking spaces. ~~Not provided.~~ **Not required if a waiver is granted.**
 - 13. Distance to nearest residential zone district line. ~~Not provided.~~ **Not required if a waiver is granted.**
 - 14. Number of employees to occupy the building. ~~Not provided.~~ **Not required if a waiver is granted.**
- s. Such other information and data as may be required by the Planning Board/Zoning Board of Adjustment in order to determine that the details of the site plan are in accord with the standards of this chapter and other ordinances of the borough, and further that the building or use will not be detrimental to the public interest. ~~We defer to the Board to whether additional information is required.~~ **Not required if a waiver is granted.**

General Comments

1. Testimony shall be provided by all of the Applicant's professionals in support of the requested variances from the bulk standards, parking, signage, etc. **This comment remains applicable.**
2. The Applicant shall provide testimony confirming no covenants or deed restrictions exist on the property. Notation stating the same shall be added to the plan. **This comment remains applicable.**
3. The Applicant shall specify the present use of the office spaces. **This comment remains applicable.**
4. The Applicant shall provide any prior Resolutions granting variances for the existing non-conformities. **This comment remains applicable.**

Engineering Comments

Sanitary Sewer, Water Services & Other Utilities: No changes to the existing utilities are proposed within this application. The Applicant shall confirm that existing utilities are adequate for the intended use.

- a) Locations of the existing utilities shall be shown on the site plan. The Applicant shall confirm the size of the existing utilities. **This comment remains applicable.**

Stormwater Management & Drainage Plan: The Applicant is not proposing any changes to the impervious coverage of the site. Additionally, the existing site is 100% impervious. Therefore, no stormwater management measures are required to be implemented. **No further comment required.**

Grading: The Applicant is not proposing any changes the grades of the site. ~~However, existing grading shall be provided as required by §21-14.3a.~~ **No further comment required.**

Lighting & Landscaping: The Applicant is not proposing any lighting or landscaping as part of this application. **No further comment required.**

Soil Erosion and Sediment Control Plan: The Applicant is not proposing any changes to the site. Therefore, no soil erosion control is required. **No further comment required.**

Traffic: The Applicant will require a variance for the number of parking spaces. The following comment shall be addressed:

- a) The Applicant shall address guest parking as required by RSIS §5:21-4.14(g)4. **This comment remains applicable.**

Approvals Required

It is the Applicant's responsibility to determine what, if any, permits are required from outside agencies in order to construct the proposed development. Including, but not limited to, the following:

- **Bergen County Soil Conservation District**

- **Bergen County Planning Board**
- **New Jersey Department of Transportation**
- **New Jersey Department of Environmental Protection**

General Requirements

1. Escrow fees must be posted to cover engineering review and inspection, legal expenses and DPW review and inspection.
2. Construction activities may only be conducted during hours stipulated by Borough Ordinance.
3. Any adjacent structure, retaining wall, landscaping, curb, piping, pavement, fencing, etc. damaged during construction must be required or replaced.
4. The applicant's plans should indicate an appropriate notation and reference that all construction work for the project must be performed in accordance with all applicable rules and regulations of the Occupational safety and Health Administration (OSHA), the New Jersey Uniform Code, and good construction and engineering practice as it pertains to safety.
5. The applicant must provide a minimum of forty-eight (48) hours' notice of any inspections.

At this time, we recommend this application be deemed **incomplete complete** until the Applicant ~~complies with the requirements of §21-14.3 or formally requests a waiver from these requirements~~ **now that the Applicant has formally requested a waiver from site plan approval and we respectfully defer to the board's judgment on whether to grant or deny the requested waivers.** The foregoing comments are based on the review of the application and plans submitted. We have attempted to make this review as complete as possible. However, any new submission depending upon the nature of any revision may require additional review and comment.

Should you require additional information or have any further questions please do not hesitate to contact our office at (201) 487-0015.

Very truly yours,

COSTA ENGINEERING CORPORATION



Robert L. Costa, P.E., P.P. & C.M.E.
Borough of Bogota Planning Board Engineer

cc: Jason Shafron, Esq. Planning Board Attorney
Paul Grygiel, Board Planner
Patricia Marrone, Planning Board Secretary
Tiger Lily Holdings LLC (Applicant)
David Russo, Esq. (Applicant's Attorney)