

**Minutes of the Borough of Bogota Planning & Zoning Board Meeting  
On December 10, 2024**

The Borough of Bogota Planning and Zoning Board held its meeting on December 10, 2024 commencing at 7:35 p.m. Those members present were Chairman Mancini, Mayor Fede, Robert Foster, Tom Napolitano, Daniel Schnipp, Art Sopelsa, Rebecca Youla and Samuel Harris. Those not present were John Mitchell and Yesenia Frias. Also present was Board Attorney Jason Shafron. Board Secretary Patricia Morrone was absent.

A motion to open to public comments not related to items on the agenda was made by Rebecca Youla, second by Dan Schnipp. Having no members present from the public, motion made by Tom Napolitano, second by Rebecca Youla to close public comments.

Old Business: Continuation of hearing of 114 East Main Street a/k/a Tiger Lilly Holdings LLC.

Attorney Shafron confirmed the exhibits. Architect Lee presented the revised plan dated September 23<sup>rd</sup>, revised November 29<sup>th</sup> and marked it Exhibit A1A. David Russo appeared for the applicant. He advised that the revised Engineer Report and Planning Report were received. Mr. Lee, the architect continued his testimony and reviewed the plan revisions. He added the 200-foot property owner list, the Zoning table and the First Floor Plans and elevations to the plan. He testified that he made the changes requested. Member Harris had a question regarding the west side stairway. The architect testified that there are two separate entrances and the second floor windows are located at the landing inside the kitchen and the toilet room. All three windows will be blocked and the west elevation will be provided on revised plans.

Mr. Steve Lydon of Burgis Associates Planner appeared. He has 25 years experience. He is a licensed planner in good standing and has testified before our Board. He was admitted to testify on other Boards. Chairman Mancini accepted him as an expert.

Mr. Lydon testified that he visited the site, reviewed the Master Plan, the Zoning Ordinance and the engineering and planning reports. There will be no exterior work and they are not seeking site plan approval. The applicant is seeking a D-1 variance. The site is in the B-1 Zone which does not allow residential use on top of commercial use. Originally the property had an apartment on the upper floors and it is common to see this in a downtown setting. A parking variance is also requested. He advises there is very little room to expand any parking. He testified the site is well suited for the use. The eCommerce has impacted businesses and many are not financially viable. Offices are struggling. The changing in the marketplace makes the site well suited. The property is near the downtown and buses. Mr. Lydon testified there is residential use behind the site. There is adequate light air and open space. There is no need for a variance for the building height. The proposed use is more efficient use for the land. The office was used by an accountant. The area cannot support retail use.

He reviewed the Master Plan which confirmed that commercial areas are impacted by eCommerce and Covid. The variance will help the business areas remain viable. He reviewed the goals of the Master Plan to provide housing opportunities in a variety of uses. The parking variance is needed and there is shared parking. He testified that there is one employee at the flower store. He next reviewed the positive and negative criteria. He stated the positive criteria are met and the negative criteria shows there is no substantial detriment. There is no increase in stormwater runoff and there is no additional traffic. There is no impairment to the Master Plan intent and a variance will be needed for the loading zone. Dan Schnipp asked is there was a need for a loading zone variance. The planner testified that this may fall under the site plan waiver as a pre-existing non-conforming condition and in fact the parking requirement has decreased by this use.

Tom Napolitano asked which further goals the Master Plan are met. The planner testified that there is increased housing. It insures the business areas remain viable and that adaptive re-use of existing buildings is encouraged. Our planner stated that he agrees with the D-1 variance and is in line with the planning trends. The engineer Costa agreed with the planner. David Russo asked if there are any further questions to the applicant.

Art Sopelsa offered that the retail use picks up her own flowers and he is not worried about the loading dock. Tom Napolitano asked some questions about the balcony. The architect testified that the balcony will be used as an egress. There will be a new guardrail and a new door installed since the windows are being blocked. Flower boxes may be added to this balcony area. Art Sopelsa to confirm that the windows should be blocked.

Motion to open to the public by Tom Napolitano. Second by Rebecca Youla. Being no comments from the public, motion to close to public by Rebecca Youla, second by Tom Napolitano.

The Board deliberated. Art Sopelsa said that he liked the use. Dan Schnipp agreed. Samuel Harris disagreed. He wanted to stay with the current zoning. Rebecca Youla says that we need apartments and this will revitalize our downtown. Robert Foster said he was for the application and there is no longer a need for office use. Tom Napolitano stated that the applicant made its case and it's the right use for the space. Chair Mancini said he is in favor of the application and the planner did a good job showing that the Master Plan goals were met.

Attorney Shafron advised that there would be a motion to approve the D-1 variance and a C variance for the parking and the loading dock. Motion to approve by Tom Napolitano, second by Rebecca Youla. Roll call all members voted yes, except for Samuel Harris. Motion passed 6 to 1. Mr. Russo confirmed he will provide 18 sets of plans.

New Business: Motion by Dan Schnipp, second by Tom Napolitano to pay the invoices.

All members voted in the affirmative.

Under the minutes Ms. Youla stated that she was present but late. Motion by Daniel Schnipp, second by Tom Napolitano to amend the minutes as stated. All members voted yes.

Ms. Youla also stated that she signed the form and that she listened to the tape. Motion to accept the minutes by Rebecca Youla, second by Tom Napolitano. All members voted to approve the minutes.

There was a discussion on the 2025 meeting dates. The Board accepted the proposed meeting dates. Motion by Rebecca Youla, second by Tom Napolitano to adjourn. Meeting adjourned 8:19 p.m.