



October 17, 2024

**Last revised: December 3, 2024**

**(Revision #4)**

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.
5. **Architectural Plan entitled, “Existing 1<sup>st</sup>. Floor Plan”, consisting of one sheet with no name, signatures or date.**
6. **Letter entitled, “114 E. Main Street, Bogota, NJ – Parking requirement”, signed by K.H. Lee, R.A. of Lee Arch Group, dated November 8, 2024.**

**Zoning Overview**

<b>Zoning Requirements Business, Retail (B-1) Zoning District</b>			
<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Permitted Uses	Per §21A	Office	Office / Residential <b>d(1) Variance</b>
Minimum Lot Area	4,000 SF	1,788.90 SF <b>(EN)</b>	No Change
Minimum Lot Width	40 Ft.	20.00 Ft. <sup>(1)</sup> <b>(EN)</b>	No Change
Minimum Lot Depth	100 Ft.	86.98 Ft. <b>(EN)</b>	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 <del>882</del> <b>695</b> GFA <sup>(3)</sup> / 200 = 4.41 <b>3.48</b> spaces Round up to <del>5</del> <b>4</b> spaces	4 parking spaces (V) <sup>(1)</sup>
Minimum Off-Street Parking Requirements (Apartment)	Dwelling unit: 2 ps/du 1 du = 2 parking spaces Total required: <del>7</del> <b>6</b> spaces	
Make-Ready Parking Space	<del>15% of the required off-street parking spaces: 6 * 0.15 = 0.90</del> <del>One (1) make-ready space required</del> <b>None</b> <sup>(4)</sup>	None <sup>(2)</sup>
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

Note(s):

- (1) A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking. With the required EVSE parking space the Applicant will provide five (5) off-street parking spaces.
- ~~(2) The Applicant will be required to install one (1) Make-Ready electric vehicle parking space.~~  
**Comment removed; see Note 4 below.**
- (3) The Applicant’s Architect has provided parking calculations using the net floor area of the first floor, provided in the Existing 1<sup>st</sup>. Floor Plan. Per the Borough Ordinance Floor Area *shall mean the gross leasable floor area designed for tenant or owner occupancy and exclusive use, including basements, mezzanines and upper floors, if any, measured from center lines of joint partitions and exteriors of outside walls.* **The Applicant’s Architect calculated the gross floor area of the existing first floor as 607 square feet, which excludes the structure, entrance, staircase, and walk-in cooler. We agree with the Board Planner’s determination that the walk-in closet should be included. Therefore, the floor area should be 695 square feet.**

(4) Per the New Jersey Department of Community Affairs FAQ for EVSE parking spaces, *The requirements are based on the number of off-street parking spaces associated with new construction that are required as part of a site plan approval. Therefore, if there are no off-street parking spaces being constructed as part of the new construction, there is no requirement. Since the Applicant is not proposing new off-street parking spaces, they are exempt from the EVSE requirements.*

Off-Street Parking Requirements Residential Site Improvements Standards (RSIS)		
Description	Required	Provided
Apartment	Two-Bedroom: 2.0 parking spaces <sup>(1)</sup>	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<b> 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. **This comment remains applicable. The Applicant shall provide testimony regarding guest parking.**

**Site Plan Plat Requirements**

The Applicant has 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 required if a waiver is granted.**
- b. Building setback, sideline and rear yard distances. **Not required if a waiver is granted.**
- c. The location of all buildings. **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 required if a waiver is granted.**
- e. The location and description of all proposed lighting and signs. **Not required if a waiver is granted.**
- f. The type of surface paving, curbing and sidewalks. **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 required if a waiver is granted.**
- h. The location of all structures within two hundred (200) feet of the property lines. **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 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 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 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 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 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 required if a waiver is granted.**
- o. Indication of proposed traffic access and ways showing alignment and visibility and safety considerations. **Not required if a waiver is granted.**
- p. Location and width of proposed driveways and curb cuts. **Not required if a waiver is granted.**
- q. Parking layout, showing number of stalls in each block. **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 required if a waiver is granted.**
  - 3. Maximum lot depth. **Not required if a waiver is granted.**
  - 4. Maximum building or structure height (new and existing structures). **Not required if a waiver is granted.**

5. Floor area or other volume measurement of buildings. **Not required if a waiver is granted.**
  6. Minimum front yard. **Not required if a waiver is granted.**
  7. Minimum side yard. **Not required if a waiver is granted.**
  8. Minimum rear yard. **Not required if a waiver is granted.**
  9. Maximum building coverage. **Not required if a waiver is granted.**
  10. Maximum lot coverage. **Not required if a waiver is granted.**
  11. Dimensions of buffer zone. **Not required if a waiver is granted.**
  12. Number of off-street parking spaces. **Not required if a waiver is granted.**
  13. Distance to nearest residential zone district line. **Not required if a waiver is granted.**
  14. Number of employees to occupy the building. **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. **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. **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<b>. **This comment remains applicable.**

Miscellaneous: The Applicant shall address the following comments:

- a) Per the International Fire Code Table 705.8 openings are not allowed on walls within three (3) feet of the property line. The existing windows on the second floor on the west side of the building are not allowed per this section of the IFC. The Applicant shall address this comment and revise the plans accordingly. **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. **This requirement remains applicable.**
2. Construction activities may only be conducted during hours stipulated by Borough Ordinance. **This requirement remains applicable.**
3. Any adjacent structure, retaining wall, landscaping, curb, piping, pavement, fencing, etc. damaged during construction must be required or replaced. **This requirement remains applicable.**

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. **This requirement remains applicable.**
5. The applicant must provide a minimum of forty-eight (48) hours' notice of any inspections. **This requirement remains applicable.**

At this time, we recommend this application be deemed **complete** 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



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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)  
Steven Lydon, P.P. (Applicant's Planner)