

TIMOTHY M. PRIME, *Esquire*  
DUNCAN M. PRIME, *Esquire*  
TYLER T. PRIME, *Esquire*\*  
SARA R. WERNER, *Esquire*\*

**PRIME & TUVEL**  
ATTORNEYS AT LAW

JASON R. TUVEL, *Esquire*\*  
ALLYSON M. KASSETTA, *Esquire*\*  
NANCY A. LOTTINVILLE, *Esquire*\*\*  
BENJAMIN T.F. WINE, *Esquire*

\* ALSO ADMITTED TO THE PENNSYLVANIA BAR  
\* ALSO ADMITTED TO THE NEW YORK BAR  
\* ALSO ADMITTED TO THE ILLINOIS BAR

October 11, 2021

**VIA UPS & EMAIL**

Borough of Bogota  
Planning Board  
375 Larch Avenue  
Bogota, NJ 07603  
Attn: Planning Board Secretary

**RE: Application for Preliminary and Final Major Site Plan Approval with Related  
“C” Variance Relief  
Proposed assembly hall and retail apparel store  
Yakira Bella, LLC (the “Applicant”)  
Block 45 Lot 8 (the “Property”)  
240 Leonia Avenue, Bogota, NJ 07603**

Dear Sir or Madam:

As you are aware, this office represents the Applicant in connection with an application for preliminary and final major site plan approval with related “C” variance relief (the “Application”) for the above-referenced Property. The Applicant is proposing to utilize the second floor of the existing assembly hall as a retail apparel store, while the ground floor will remain assembly/event space. Please find enclosed the following materials for your review in connection with this Application:

1. Eighteen (18) copies of the Application package all items requested therein;
2. Eighteen (18) copies of a survey prepared by Omland & Osterkorn, Inc., dated August 2, 2021;
3. Eighteen (18) sets of architectural plans prepared by Guzzo + Guzzo Architects, LLC, dated July 30, 2021;
4. Eighteen (18) copies of a Traffic Impact Statement prepared by Dynamic Traffic, dated August 12, 2021; and
5. One (1) check in the amount of \$400.00 made payable to the “Borough of Bogota” representing the Application fee.

HOBOKEN OFFICE

P 201 883 1010  
F 856 273 8383  
50 Harrison Street, PH #511  
Hoboken, NJ 07030

MOUNT LAUREL OFFICE

P 856 273 8300  
F 856 273 8383  
14000 Horizon Way, Suite 325  
Mount Laurel, NJ 08054

HACKENSACK OFFICE

P 201 883 1010  
F 856 273 8383  
2 University Plaza Drive, Suite 109  
Hackensack, NJ 07601

October 11, 2021  
Page 2 of 2

Upon your review of the enclosed documents, kindly advise if the Application may be deemed “complete” and scheduled for a public hearing before the Planning Board. Thank you and please feel free to contact me with any questions.

Very truly yours,

*Benjamin T.F. Wine*

BTFW:syc  
Enclosures

Benjamin T.F. Wine  
Attorney for Applicant

DATE October 11, 2021

BOARD OF ADJUSTMENT  
X PLANNING BOARD

**PROOF OF PAYMENT OF TAXES**  
**\*Requested on October 4, 2021\***  
\_\_\_\_\_  
Tax Collector

FEE Variance \_\_\_\_\_  
Site Plan \_\_\_\_\_  
Conditional use \_\_\_\_\_  
Subdivision \_\_\_\_\_

**BOROUGH OF BOGOTA**  
**APPLICATION FOR DEVELOPMENT AND/OR APPEAL**  
**TO BE COMPLETED BY THE APPLICANT**

Site Location 240 Leonia Avenue Block 45 Lot 8

1. Name of Applicant: Yakira Bella, LLC

Address: 240 Leonia Avenue, Bogota, NJ 07603 Telephone: (201) 883-1010 (attorney)

Relation to Owner if not same as Owner: Tenant

2. Name of Owner (if other than Applicant): Ralph H Hall Post 5561

Address: 240 Leonia Avenue, Bogota, NJ 07603 Telephone: (201) 906-7292

3. The applicant is a:

X Corporation \_\_\_ Partnership \_\_\_ Individual \_\_\_ Limited Liability Company

Other (please specify): \_\_\_\_\_

See attached

If the applicant is a corporation, partnership or Limited liability Company, please attach a list of names and addresses of persons having a 10% interest or more in the corporation or partnership.

**CORPORATIONS AND LIMITED LIABILITY COMPANIES MUST BE**

**REPRESENTED BY AN ATTORNEY-AT-LAW**

4. Name of Architect or Engineer Guzzo + Guzzo Architects, LLC

Address: 608 Ridge Road, Lyndhurst, NJ 07071 Telephone: (201) 939-1446

5. Name of Attorney: Benjamin T.F. Wine, Esq. - Prime & Tuvel

Address: 2 University Plaza Dr., Suite 109, Hackensack, NJ 07601 Telephone: (201) 883-1010

6. Has this property been the subject of a hearing before the Board of Adjustment or Planning Board

X Yes \_\_\_ No

Disposition: Approval - see attached

(Please provide any resolution resulting from such hearing)

7. Deed restrictions that apply or are contemplated: \_\_\_ Yes X No

Description: \_\_\_\_\_

(If yes, attach copy)

#### DESCRIPTION OF PREMISES

8. Corner Lot: \_\_\_ Interior Lot: X Zone District B-2

Lot Size 6,218 sq.ft.

9. Lot Dimensions: Front 60 ft. Rear 60.15 ft. R. Side 105.77 ft. L. Side 101.5 ft.

Impervious coverage: 100%

#### BUILDING/OR STRUCTURE SETBACKS

10. Existing: Front 9.37 ft. Rear 0.1 ft. R. Side 0.04 ft. L. Side 0.1 ft.

11. Proposed: Front No change Rear No change R. Side No change L. Side No change

12. Building Height: <35 ft.- Building Coverage: 88.5%- Gross all floors: 12,034 sq.ft.-  
no change no change no change

#### USE

Present Use: Assembly hall (ground floor) and event space (second floor)

Proposed Use: Assembly hall (ground floor) and retail apparel store (second floor)

The Administrative Officer has declined to issue a permit and has made the following decision regarding the zone status of this application:

**TYPE OF APPLICATION**

- Site Plan
- Conditional Use
- "A" Variance
- "B" Variance
- "C" Variance
- "D" Variance (Use)

**IMPORTANT: MUST BE ANSWERED BY ALL APPLICANTS:**

Type(s) of Variance Requested and how relief can be granted without substantial detriment to Public good or Bogota's Zoning Plan

1) Number of parking spaces less than required (86 spaces required; 0 spaces proposed).

The property is currently used as a VFW event and assembly space on both floors, along with an office. Currently, 170 parking spaces are required and no spaces are provided on site. The proposed use, while requiring variance relief, reduces the number of required parking spaces by approximately 50%, down to 86 spaces, as one of the assembly spaces (the second floor) is being converted to retail. This reduces what was a 90 space requirement to a 6 space requirement. Accordingly, the reduction of 84 required spaces will have a benefit to the surrounding neighborhood and brings the use into closer conformance with the ordinance. Additional testimony will be provided at the public hearing.

**OFFICE USE ONLY**

BOARD OF ADJUSTMENT

PLANNING BOARD

Date of Hearing \_\_\_\_\_

Board action required by \_\_\_\_\_  
Date

Application declared complete on \_\_\_\_\_  
Date

Final Decision Rendered on \_\_\_\_\_  
Date

APPROVED \_\_\_ APPROVED WITH CONDITIONS \_\_\_ DENIED \_\_\_

WITHDRAWN OR DISMISSED \_\_\_

DEED RESTRICTION \_\_\_

Being duly sworn, says that he is the applicant or one of the applicants in the above action; that the application, if filed as an appeal from any order or decision of the Zoning Officer, has been filed within the time required by law, and that all of the matters and facts set forth in the foregoing are true.


  
\_\_\_\_\_  
APPLICANT  
Seth Gerzberg

State of New Jersey

County of: Bergen

Sworn to and subscribed before me

this 5 day of October, 2021.

  
\_\_\_\_\_  
SIGNATURE OF OFFICER ADMINISTERING OATH (Notary)  
Zachary Goldmen, ESO.  
NJ Attorney ID: 210662016.  
\_\_\_\_\_  
TITLE OF SUCH OFFICER

If the applicant is not the owner of the property, have the owner sign below consent or file with the application a letter signed by the owner consenting to the application.

The foregoing application is hereby consented to this 6 day of October, 2021.

Alexander J. Hernandez  
Owner  
Hernandez, Alexander J.

Sworn to and subscribed before me

this 6<sup>th</sup> day of October, 2021.

Erika Restrepo  
SIGNATURE OF OFFICER ADMINISTERING OATH (Notary)

Notary Public of New Jersey  
TITLE OF SUCH OFFICER

ERIKA RESTREPO  
NOTARY PUBLIC OF NEW JERSEY  
Comm. # 50070845  
My Commission Expires 10/24/2022

State of New Jersey

County of: Bergen

**APPLICATION FOR DEVELOPMENT/OR APPEAL**

Instructions for applicants:

1. All applicants will be required to submit their application to the Zoning Administrator's office for review and issuance of a Zoning permit or a Denial letter.
2. MATTERS FOR PLANNING/ZONING BOARD shall have filed reviewed by the Board Completeness Committee for completeness. After files are deemed complete the applicant will be notified of hearing that the matter will be listed on the Agenda to allow sufficient time to have notices served and published in the paper.
3. When required the Petitioner must notify each of the property owners entitled to Notice of Hearing at least 10 days before the date set for the Hearing. All property owners within a radius of 200 feet must be notified of the hearing. Written Notice by certified Mail to the last known address of the property owner or owners, as shown by the most recent tax list of said Municipality or by handing a copy thereof to the said property owners or by leaving a copy thereof at their usual place of abode.

4. All Application must be read by the Petitioner add sworn to before a Notary Public, Attorney or some other person with authority to take oaths in New Jersey.
5. If the Application is made by any person not the owner of the property, the Affidavit of Ownership must be signed by the owner and sworn to before a Notary Public, Attorney or some other person with authority to take oaths in New Jersey.
6. 18 copies of a Certified Plot Plan folded must be attached showing the following:
  - a. The line of plot covered by the petition;
  - b. All existing or proposed structures;
  - c. All adjacent streets.
7. 18 Sets of plans folded of alterations, additions, or new structures must be filed with the application.
8. The following papers must be completed and returned to the Zoning Administrator, Building Department, at least 10 days before the Hearing.
  - a. Affidavit of Proof of Service;
  - b. Copy of Notice of Appeal to Zoning Officer
  - c. Copy of Notice served upon property owners;
  - d. List of neighbors within 200 feet;
  - e. Receipt from newspaper for published Notice of Hearing.
9. Notice of Hearing is to be published in a local newspaper by the applicant at least ten (10) days prior to Hearing. The notice must be sent to newspaper by the applicant at least 15 days prior to Hearing in order to be published in a timely manner.
10. Escrow (if required) shall be submitted to Building Department for deposit with Borough Treasurer.
11. Failure to comply with the requirements of the Board may result in a dismissal of the petition.



**EXHIBIT A**  
**MEMBERS**

16

The Members of the Company and their respective addresses, Capital Contributions, and Ownership Interests are set forth below. The Members agree to keep this Exhibit A current and updated in accordance with the terms of this Agreement, including, but not limited to, Sections 2.1, 2.3, 2.4, 7.1, 7.2, and 10.1.

**Members**

<b>Capital Contribution</b>	<b>Percentage Interest</b>
	100%

Emily Holton  
Address:  
229 Chestnut Street  
Englewood, New Jersey 07631

ON  
our  
1

TIMOTHY M. PRIME, Esquire  
DUNCAN M. PRIME, Esquire  
TYLER T. PRIME, Esquire  
SARA R. WERNER, Esquire

**PRIME & TUVEL**  
ATTORNEYS AT LAW

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October 4, 2021

**VIA REGULAR MAIL**

Bogota Borough Hall  
375 Larch Avenue  
Bogota, NJ 07603  
Attn: Chris Battaglia, Tax Collector

**RE: Yakira Bella LLC (“Applicant”)  
240 Leonia Avenue, Bogota, NJ (“Property”)  
Block 45 Lot 8  
Certification of Taxes Paid**

Dear Mr. Battaglia,

For your reference, I represent the Applicant with reference to the above-listed property. Applicant is in the process of making an application to the **Borough of Bogota** Planning or Zoning Board for Site Plan Approval at the above-listed site.

Pursuant to the Board application requirements, Applicant must submit to the Board certification that all taxes on the property are current and paid in full. By way of this letter, I am requesting that your office kindly fill out the attached form which certifies that all taxes on the property are current and that the application may be properly processed. The Applicant’s name may be different than the property owner’s name. Once completed, please return this form to our office in the self-addressed, stamped envelope provided for your convenience.

If you have any questions or concerns with this request, please do not hesitate to contact me. Thank you for your assistance and cooperation with this application.

Very truly yours,

*Benjamin T.F. Wine*

Benjamin T.F. Wine  
Attorney for Applicant

BTFW:syc  
Enclosures

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Date: \_\_\_\_\_

Pursuant to your request, I have reviewed the Tax Records of the **Borough of Bogota** and preliminarily note that there are no taxes or assessments for local improvements that are due or delinquent on the property which is the subject matter of the following applicant:

**Yakira Bella LLC**

\_\_\_\_\_  
Name of Applicant or Owner

**240 Leonia Avenue**

\_\_\_\_\_  
Property Address

**Block 45 Lot 8**

\_\_\_\_\_  
Block & Lot

\_\_\_\_\_  
Tax Collector

**NOTE:**

*The above is not a formal tax search or improvement search performed pursuant to NJSA 54:1 et seq. The information supplied is preliminary in nature, designed to assist the processing of applications before the Planning and Zoning Boards. In the event that the applicant desires to rely upon the information, a formal tax search and Municipal Improvement Search should be applied for and the fees posted for said search in accordance with the prevailing statutes.*

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## Tax Bill Payment

 For questions or assistance:  
[Contact Us.](#)

**STEP 2** Review bill, Choose amount to pay (if applicable) and click Continue.

### Property Identification:

- **Block-Lot:** 00045-00008
- **Property Location:** 240 LEONIA AVE
- **Property Zip:**
- **Property Owner:** RALPH H HALL POST 5561

### Tax Information:

- **Original Tax Amount:**

3rd Qtr:	N/A
4th Qtr:	N/A
1st Qtr:	N/A
2nd Qtr:	N/A

**\*Note:** *The tax bills for the upcoming year are not completed. Please check back soon to view and/or pay the upcoming quarter. Meanwhile you can still pay amounts due from previous quarters.*

- **Current Amount Due:**  
**Current Quarter #: 4**  
**Current Qtr. Due Date: 11/01/2021**

**Real Estate Tax**

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**Notes:**

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**Amount Due:** **\$0.00**

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**Status: ---**

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**Total Due:** **\$0.00**

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375 Larch Avenue - Bogota, NJ 07603 - (201) 342-1736

Powered by **CIT-e-NET** LLC

BOROUGH OF BOGOTA

Resolution

Offered by Councilman: Harold  
Seconded by Councilman: Tice

WHEREAS, the Board of Adjustment has recommended to the Mayor and Council of the Borough of Bogota, in accordance with Section X, Sub-Division F-4 of the Zoning Code of 1929, as amended, that the application of Ralph H. Hall Post #5561, Veterans of Foreign Wars of the United States, Inc., P. O. Box #334, Bogota, N.J., for a variance from the requirements of Section VIII-A, Article 6F, of the Zoning Ordinance of the Borough of Bogota, to permit them to erect an assembly hall at 240 Leonie Avenue, known as Lots 8 and 9, Block 45, on the Current Tax Assessment Map, without providing off-street parking facilities as required in said Ordinance, be approved; and

WHEREAS, the Board of Adjustment feels that allowing this variance will not effect the neighboring property and that it will be to the best interests of the neighbors and community to improve this property;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bogota that such permission be granted.

Adopted: March 24, 1960

Approved: March 24, 1960

ATTEST:

  
Borough Clerk

  
Mayor

March 25, 1960

Ralph H. Hall Post #5561  
Veterans of Foreign Wars of United States, Inc.  
P. O. Box #334  
Bogota, N. J.

Gentlemen:

At the regular meeting of the Mayor and Council on Thursday evening, March 24th, 1960, your application for a variance from the requirements of Section VIII-A, Article 6-F, of the Zoning Ordinance of 1929, as amended, was approved, in accordance with the recommendation of the Zoning Board of Adjustment.

Yours very truly,

Jessie Bayersdorfer  
Borough Clerk

JB/ck

CC-Zoning Board ✓  
Planning Board  
File

ZONING BOARD OF ADJUSTMENT

March 24, 1960

To the Honorable Mayor and Council  
Borough of Bogota, N. J.

Gentlemen:

I transmit herewith a copy of a resolution adopted by the Zoning Board of Adjustment at a special meeting held on Wednesday, March 23rd, 1960.

"WHEREAS, the Board of Adjustment at a special meeting on Wednesday, March 23rd, 1960, heard the application of Ralph H. Hall Post #5561, Veterans of Foreign Wars of the United States, Inc., P. O. Box #334, Bogota, N. J., for a variance from the requirements of Section VIII A, Article 6F, of the Zoning Ordinance of the Borough of Bogota, to permit them to erect an assembly hall at 240 Leonia Avenue, known as Lots 8 and 9, Block 45, on the Current Tax Assessment Map, without providing off-street parking facilities as provided in said Ordinance, and

WHEREAS, at the hearing of said application the following facts were adduced:

1. The area is zoned for Business
2. No citizens appeared at the meeting to be heard.
3. It was pointed out that there is sufficient parking area in the neighborhood, other than in front of one and two family residences, to provide more than sufficient space for any meeting requirements.
4. Applicants have agreed to abide by all existing parking ordinances
5. In general, it is felt to be to the best interests of the neighbors and community to improve this property.

WHEREAS, by virtue of the foregoing facts it is the finding of the Board of Adjustment that circumstances exist to warrant the recommendation to the Mayor and Council the granting of the application, and

WHEREAS, it is the further finding of the Board of Adjustment that property values will not be impaired by the granting of the variance and that the granting of the variance will not substantially impair the interest and purpose of the Zone Plan and Zoning Ordinance of the Borough.



Mayor and Council

March 24, 1960

"NOW, THEREFORE, BE IT RESOLVED, the Board of Adjustment recommends to the Mayor and Council, in accordance with Section X, Sub-Division F-4 of the Zoning Code of 1929, as amended, that such permission be granted."

I hereby certify that the above resolution was adopted by a unanimous vote of all the members present, one being absent.

Yours very truly,

Edward M. Kroeger  
Secretary, Board of Adjustment

k

455

YAKIRA BELLA LLC

DATE 10/06/2021

55-233/212

PAY TO THE ORDER OF

Borough of Bogota

\$ 400.00

Four hundred dollars with 00/100

DOLLARS



Security Features Included. Details on Back.



JPMorgan Chase Bank, N.A.  
www.Chase.com

FOR

AP Fee.

MP

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386710369⑈