



**BOROUGH OF LEONIA**  
**Leonía Planning Board**  
**MINUTES**

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**October 28, 2020**

**7:30 PM**

**REMOTE MEETING VIA GOTOMEETING**

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The Borough of Leonia Planning Board held a special meeting on October 28, 2020 at 7:30 p.m. via remote video conference in lieu of an in-person meeting due to the Coronavirus pandemic and Governor Murphy's Executive Orders 107 and 152 that restrict public gatherings.

**MEMBERS PRESENT:** Mayor Judah Zeigler, Councilman Pasquale Fusco, Chairman Michael DeGidio, William Russell, Ron Wolf, Patrick Botten\*, Timothy Ford, Sean Thompson, Ira Gold, Haeseok Ko, Damee Choi

**MEMBER(S) ABSENT:** Vice Chair Vincent Petti, Alicia Stewart

**ALSO PRESENT:** Planning Board Attorney Daniel L. Steinhagen, Zoning Officer Dan Melfi, Planning Board Engineer Robert Costa, Planning Board Traffic Engineer John Corak

Meeting called to order at 7:33 PM

**ROLL CALL, OPENING MEETING STATEMENT, FLAG SALUTE**

**APPROVAL OF MINUTES:**

Motion to approve the minutes of the September 23, 2020 meeting made by: Mayor Zeigler

Seconded: Mr. Russell

On roll call, the vote was recorded as follows:

Mayor Zeigler:	yes	Councilman Fusco:	yes	Mr. Thompson	yes
Mr. Wolf:	yes	Chairman DeGidio:	yes	Mr. Gold:	yes
Mr. Russell:	yes	Mr. Ford:	yes	Mr. Ko:	yes

**APPROVAL OF RESOLUTION(S):**

Resolution for Remote Meeting Guidance – Mr. Steinhagen provided an overview of the Resolution which details remote meeting requirements as stipulated by the New Jersey Division of Community Affairs. Per N.J.A.C. 5:39-1.1 through 1.7, the Board is required to adopt standard procedures for public participation as well as documents and presentations relied upon during remote meetings.

Motion to approve Resolution for Remote Meeting Guidance: Mayor Zeigler

Seconded: Councilman Fusco

On roll call, the vote was recorded as follows:

Mayor Zeigler:	yes	Councilman Fusco:	yes	Mr. Thompson	yes
Mr. Wolf:	yes	Chairman DeGidio:	yes	Mr. Gold:	yes
Mr. Russell:	yes	Mr. Ford:	yes	Mr. Ko:	yes

**PB20-06** - PSE&G, Grand Avenue (Rear) & Willow Tree Road, Block 503, Lots 16&27, Preliminary & Final Site Plan; Temporary Permit for Incidental Use

Motion to approve Resolution PB20-06: Councilman Fusco

Seconded: Mr. Russell

On roll call, the vote was recorded as follows:

Mr. Wolf:	yes	Chairman DeGidio:	yes	Mr. Gold:	yes
Mr. Russell:	yes	Mr. Ford:	yes	Mr. Ko:	yes
Councilman Fusco:	yes	Mr. Thompson:	yes		

**NEW/CONTINUING APPLICATIONS:**

**PB20-11** – Choo Choo Train Sushi Inc., 374 Broad Avenue, Block 805, Lot 10, Sign Waiver

Kenny Kim, was sworn in and provided testimony on behalf of the Signage Company as the General Contractor for Choo Choo Train Sushi. Mr. Kim addressed concerns raised by Mr. Melfi prior to the Board meeting regarding awning dimensions and light box extension.

Mr. Melfi responded to Mr. Kim’s testimony and further expressed concern regarding the uniqueness of the awning design. Mr. Steinhagen requested clarification of the size and dimensions of the proposed sign and whether or not the applicant required a variance for their proposal. Further discussion was held between the Board to clarify existing framing size and the additional height requirement for the smokestack design of the awning.

Following discussion regarding variance requirements for the proposed awning, Mr. Kim stated that he would review alternative options with the applicant in order to comply with zoning ordinance.

The meeting was opened to the public for questioning of Mr. Kim.

Mr. Prem Patel, of 658 Pascack Road, Paramus NJ, inquired whether the applicant was seeking a waiver or a variance. Mr. Steinhagen provided clarification.

No other members of the public came forward.

Motion to close the public session was made by: Mayor Zeigler

Seconded: Mr. Russell

All in Favor – Motion Passed

Chairman DeGidio advised Mr. Kim that if the application was re-submitted to comply with dimensional requirements of the awning and subject to zoning approval, then there would be no Board issue moving forward, however if a variance is required to alter size, then an application would need to be submitted for that variance.

**PB20-09** - Kulite Semiconductor, 400 Willow Tree Road, Block 802, Lot 21 Preliminary and Final Site Plan Approval for Installation of Lighting and Generator Improvements

Chairman DeGidio recused himself from this application. Mr. Russell was named Acting Chair for this application given the absence of Vice Chair Petti.

Francis Regan, Attorney for the applicant addressed the Board.

Marked was the following:

A-1 - Aerial Overlay with Lighting Plan, Revision dated 7/7/2020

Craig Stires, representing Stires Associates, was sworn in and gave expert testimony in civil engineering. Mr. Stires detailed the specifics of the proposal. Mr. Stires identified the proposed location for the new generator with a concrete pad and also stated that the proposed location will replace four existing parking spots and will be just over 13 feet away from the property line. With regard to the lighting proposal, the lighting upgrades will replace existing lighting with LED lighting.

Mr. Stires presented testimony regarding the sound data report provided by the manufacturer. Based on the report, Mr. Stires discussed the sound impact without sound attenuation and the impact with an enclosure to attenuate sound. According to Mr. Stires, further review was conducted to meet the state and Borough sound requirements at property line.

Marked was the following:

A-2 - Brochure for Acoustifence, Providing Photograph of Attenuation Fence

Mr. Stires stated that the Acoustifence product could be placed between the generator and property line in order to meet the State and Borough sound ordinances. Mr. Stires advised that the fence is 12 feet high and the applicant would need a variance for the additional height. Mr. Stires further stipulated that the fence would wrap around the short sides of the generator in addition to the side facing the property line.

Discussion was held regarding the State code exemptions to the sound ordinance. Mr. Melfi inquired about the lighting concern that was presented in the denial letter from July 2020, and also inquired about stairs and bollards. Further discussion was held regarding the lighting spill-over, the purpose for upgrading the lights and whether or not consideration was made for placement of the generator at another location on the property. Mr. Stires reviewed the lighting plan and light spillage calculations as depicted in the lighting plan.

Mr. Costa presented several questions regarding trenching, transfers switches, grading and the door swings for access to the generator. Mr. Costa also advised that the applicant will be required to obtain air quality permit from the DEP.

Per Mr. Regan, Kulite would be amendable to the Borough preferred color for the Acoustifence, provided that the fence is approved.

The meeting was opened to the public for questioning of Mr. Stires.

Ms. Joni Rabiner, of 136 Schor Avenue, Leonia NJ, inquired about the presence of an existing generator on the property due to noise that occurs onsite presently and the weekly schedule for testing of the new generator. Ms. Rabiner also inquired about the height of the existing light poles. Mr. Regan provided clarification regarding the window of time allowed for generator testing per the Borough ordinance.

Hearing no further questions from the public, the public questioning portion was closed.

Michael Good, representing Kulite Semiconductor, was sworn in and provided testimony as plant manager. Mr. Good elaborated on the location of the generator, other factors that were considered for the placement, to include location of the electric room and the gas line. Mr. Good also stated that the facility is designed for manufacturing and with the exception of heating, the plant operations run off of electric power. Mr. Good advised that the size of the generator was determined by an electrical engineer. Mr. Good also stated that he has not measured the existing lighting, however, he believed that the height is close to 25 Feet and he advised that the perimeter lighting did not currently work.

\*At 8:57 PM, it was noted by Mr. Steinhagen that Mr. Botten joined the meeting.

With regard to the question raised by Ms. Rabiner earlier, Mr. Good stated that the possible source of the noise coming from the property after hours may be the garbage compactor.

Discussion was held regarding choice of one generator versus two generators and the noise impact of two generators. The concern regarding light spillage was also revisited. It was suggested that if the application were to be approved, a condition of the resolution would be that the applicant would revise the lighting plan so that there was no spill-over.

The meeting was opened to the public for questioning of Mr. Good.

Chairman DeGidio, of 408 Grand Avenue, Leonia, NJ, speaking as a member of the public, inquired about the generator being moved further West of the proposed location.

Hearing no further questions from the public, the public questioning portion was closed.

Bob Kiser, representing Stires Associates, was sworn in and gave expert testimony as a professional planner. Mr. Kiser expanded on the positive and negative criteria of the proposed placement of the generator and the attenuation fence.

Ms. Choi inquired about the existing emergency power source and also expressed concern regarding the proposed placement of the generator due to the proximity to residents. Further discussion was held regarding the placement of the generator in the front yard and alternative conforming locations. Mr. Costa questioned the proximity of the generator to the building as compared to the requirements of ordinance.

Mr. Regan advised that the applicant will review the application for alternative placement options that will move the generator closer to the facility and the option of two generators verses one.

The meeting was open to the public for questioning of Mr. Kiser.

No members of the public provided questions.

Hearing no questions from the public, the public questioning portion was closed.

Mr. Regan requested that the Board carry this application to the next meeting.

Mr. Steinhagen announced to members of the public that the Kulite Semiconductor matter for 400 Willow Tree Road will be carried to the November 24, 2020, remote meeting of the Planning Board. Mr. Steinhagen advised that the login information for the meeting will be posted to the Borough website and on the Planning Board page in advance of the November meeting.

**PB20-08** - Kulite Semiconductor, 1 Willow Tree Road, Block 801, Lot 2, Preliminary & Final Site Plan Approval for Installation of Emergency Generator, continued

Mr. Stires followed-up on previous testimony that was provided in the September meeting regarding installation of a replacement generator, the existing location and building connection. Mr. Stires testified to the sound impact in relation the property line.

Marked was the following:

A-1 - Color Site Rendering, Revision dated 8/5/2020

Discussion was held regarding the generator placement and proximity away from the building. Mr. Costa discussed framing around the generator to limit view from the road and also suggested having an electrical engineer available for the next meeting.

The meeting was open to the public for questioning of Mr. Stires.

No members of the public provided questions.

Hearing no questions from the public, the public questioning portion was closed.

Mr. Regan requested that the Board carry this application to the next meeting.

Mr. Steinhagen announced to members of the public that the Kulite Semiconductor matter for 1 Willow Tree Road was being carried to the November 24, 2020, remote meeting of the Planning Board. Mr. Steinhagen advised that there will be no further notice published or mailed to property owners within 200 feet. Mr. Steinhagen also advised that the login information for the meeting will be posted to the Borough website in advance of the November meeting.

Mr. Regan consented to carrying the Schor Avenue application to the November meeting. Mr. Regan requested a copy of the traffic engineering report provided to the Board for this application.

Mr. Steinhagen announced to members of the public that the Kulite Semiconductor matter for Schor Avenue was being carried to the November 24, 2020, remote meeting of the Planning Board. Mr. Steinhagen advised that there will be no further notice published or mailed to property owners within 200 feet. Mr. Steinhagen also advised that the login information for the meeting will be posted to the Borough website in advance of the November meeting.

**DISCUSSION ON BOARD MATTERS – NEW/OLD BUSINESS:**

Streamlining Meeting Format – Chairman DeGidio advised of the intent for streamlining the meeting format in order to maximize time for application review and also to provide a standard schedule for receipt of review letters and distribution of meeting material to Board members. No further discussion was held and no objections to the recommendations were made.

Planning Board Professional RFP Advisory Committee – Chairman DeGidio requested three Board volunteers to serve on an advisory committee to review the RFPs and provide recommendations to the Board. Per Mayor Zeigler, the committee volunteers should include members whose term is not set to expire at the end of 2020 in order to maintain the integrity of the process. Mr. Botten, Mr. Ford and Mr. Thompson volunteered for this committee. Chairman DeGidio will remain in contact with the Borough Administrator to facilitate the process.

Discussion was held regarding the Change of Use/Occupancy application for Choo Choo Train that was received in March 2020. Since the Borough adopted a new ordinance in/around the time of the application stating that if the change of use did not exceed 2500 square feet, it was determined that Choo Choo Train did not have to come before the Board.

Mayor Zeigler advised that Ms. Stewart tendered her resignation as a member of the Board.

Mr. Russell expressed appreciation to Chairman DeGidio and planners for the Master Plan Presentation to the Environmental Committee.

**COUNCIL LIAISON REPORT:**

Councilman Fusco advised that there are few items in the works, however, there was nothing new to report for this meeting.

**BOARD ATTORNEY REPORT:**

Mr. Steinhagen had nothing new to report.

**PLANNING BOARD ENGINEER REPORT:**

Mr. Costa had nothing further to report.

**ZONING OFFICER REPORT/INTERPERTATIONS:**

Mr. Melfi had nothing additional to report.

**PUBLIC COMMENT PERIOD – CORRESPONDENCE:**

There was no public comment.

Motion to close the public comment period was made by: Councilman Fusco

Seconded: Mr. Russell

All in Favor – Motion Passed

With no further business presented, a motion to adjourn the meeting was made by: Mayor Zeigler

Seconded: Councilman Fusco

All in Favor – Motion Passed

The meeting was adjourned at 10:21 PM

Respectfully Submitted,

Angela Copeland  
Planning Board Secretary