



BOROUGH OF LEONIA
Leonía Planning Board
MINUTES

February 24, 2021

7:30 PM

**REMOTE MEETING VIA
GOTOMEETING**

The Borough of Leonia Planning Board held a special meeting on February 24, 2021 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, Vice Chair Vincent Petti, William Russell, Ron Wolf, Timothy Ford, Patrick Botten, Sean Thompson, Ira Gold, Haeseok Ko, Damee Choi

MEMBER(S) ABSENT: N/A

ALSO PRESENT: Planning Board Attorney Dan Steinhagen, Zoning Officer Dan Melfi, Planning Board Engineer Drew Di Sessa

Meeting called to order at 7:31 PM

FLAG SALUTE

A **MOMENT OF SILENCE** was held in honor of the Borough Planner, Jeffrey Janota, who passed away on February 8, 2021. Chairman DeGidio offered words of sympathy for the family of Mr. Janota.

OPENING MEETING STATEMENT, ROLL CALL

APPROVAL OF MINUTES:

Motion to approve the minutes of the of the January 27, 2021 Reorganization meeting made by: Mr. Botten
Seconded: Mr. Ford

On roll call, the vote was recorded as follows:

Mayor Zeigler:	yes	Councilman Fusco:	yes	Mr. Ford:	yes
Mr. Wolf:	yes	Chairman DeGidio:	yes	Mr. Botten:	yes
Mr. Russell:	yes	Vice Chair Petti:	yes	Mr. Thompson:	yes

Motion to approve the minutes of the January 27, 2021 Regular meeting made by: Vice Chair Petti
Seconded: Mr. Botten

On roll call, the vote was recorded as follows:

Mayor Zeigler:	yes	Councilman Fusco:	yes	Mr. Ford:	yes
Mr. Wolf:	yes	Chairman DeGidio:	yes	Mr. Botten:	yes
Mr. Russell:	yes	Vice Chair Petti:	yes	Mr. Thompson:	yes

APPROVAL OF RESOLUTION(S):

PB20-10 - Kulite Semiconductor, Schor Avenue, Block 503, Lot 26, Use Variance and Preliminary & Final Site Plan Denial of approval for Installation of Parking Facility with Lifts
Motion to approve Resolution PB20-10: Mr. Ford
Seconded: Vice Chair Petti

On roll call, the vote was recorded as follows:

Mr. Wolf:	yes	Vice Chair Petti:	yes
Chairman DeGidio:	yes	Mr. Ford:	yes

PB20-12 - Eddens-Crowley, 219 Overlook Avenue, Block 207, Lot 10
Motion to approve Resolution PB20-12: Mr. Botten
Seconded: Mr. Thompson

On roll call, the vote was recorded as follows:

Mayor Zeigler:	yes	Chairman DeGidio:	yes	Mr. Botten:	yes
Mr. Wolf:	yes	Vice Chair Petti:	yes	Mr. Thompson:	yes
Councilman Fusco:	yes	Mr. Ford:	yes	Mr. Gold:	yes

PB20-13 – Suez Treatment Solutions, 600 Willow Tree Road, Block 503, Lot 1 Change of Use/Occupancy for Raphael Stone Design LLC
Motion to approve the Resolution PB20-13: Mr. Botten
Seconded: Vice Chair Petti

On roll call, the vote was recorded as follows:

Mayor Zeigler:	yes	Councilman Fusco:	yes	Mr. Ford:	yes
Mr. Wolf:	yes	Chairman DeGidio:	yes	Mr. Botten:	yes
Mr. Russell:	yes	Vice Chair Petti:	yes	Mr. Thompson:	yes

PB21-01 – Muhamet Imeraj, 470 Grand Avenue, Block 503, Lot 13 Front Yard and Side Yard Set Back Variance Denial of Application
Motion to approve the Resolution PB21-01: Mayor Zeigler
Seconded: Vice Chair Petti

On roll call, the vote was recorded as follows:

Mayor Zeigler:	yes	Councilman Fusco:	yes	Vice Chair Petti:	yes
Mr. Wolf:	yes	Chairman DeGidio:	yes	Mr. Thompson:	yes

Following resolution approvals, Drew Di Sessa, recently appointed Planning Board Engineer, introduced himself and detailed his professional experience. Mr. Di Sessa was subsequently sworn in as Leonia Planning Board Engineer for calendar year 2021.

NEW/CONTINUING APPLICATIONS:

PB20-14 – Leonardo Garzon, 309 Beechwood Place, Block 1001, Lot 20 Side Yard Width and Building Coverage Variance

Mr. Bitar and Mr. Garzon were reminded that they were previously sworn in and were still under oath.

Marked was the following:

B-1 Engineering Review Letter Prepared by Pennoni, dated February 23, 2021

Mr. Bitar reviewed Board recommendations provided at the previous meeting. Mr. Bitar described the changes that were made to the revised plans, dated February 12, 2021. Mr. Bitar also reviewed the previous drawings and highlighted the changes that were made to the revised plans. Mr. Bitar confirmed that the revised plans do not include design changes to the first and second floors. Mr. Bitar also confirmed that the building height is 33.11 feet.

Mr. Melfi reviewed the habitable attic space based on his calculations of the attic floor compared to the floor below. Per Mr. Melfi, the amount of space that measures at seven feet or above would be defined by code as habitable space. Mr. Melfi also indicated that based on building code the attic floor may trigger sprinkler requirements. Mr. Steinhagen reviewed the half story definition as per the zoning book by Moskowitz. Mr. Steinhagen indicated that the reference provided by the Moskowitz book should be used since there is no definition provided for a half story in the zoning ordinance.

Discussion was held regarding floor calculations and the square footage that would account for the habitable space. Mr. Bitar stated that in his opinion and based on his interpretation of the code, the attic presents as less than one-third of the floor below. Further discussion was held regarding concerns raised by the Board and the appearance of the home as a three-story building. Mr. Bitar proposed reducing the height of the home by one foot to one and half feet in order to meet the conditions of the Board.

Mr. Steinhagen provided clarification regarding what is considered a story based on the zoning definition provided in the Moskowitz book. Mr. Steinhagen advised that he does not use building code definitions for zoning matters. As a point of clarity, Mr. Steinhagen advised that the zoning book previously referenced is The Complete Illustrated Book of Development Definitions, fourth edition, by Harvey Moskowitz, et al.

Upon questioning, Mr. Bitar confirmed that the roof height is incorrectly listed on the zoning table on sheet one of the revised plans. Mr. Di Sessa confirmed that the zoning table provided in the engineering review letter was provided by the applicant. Mr. Bitar once again confirmed that the maximum building height is 33.11 feet.

Further discussion was held regarding what definition should be applied when evaluating applications. According to Mr. Steinhagen, the Moskowitz book is often used for definitions because it is based on case law and planning case law. Chairman DeGidio advised that the applicant review calculations for the attic with the Zoning Official offline.

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

No members of the public provided questions.

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

Mr. Garzon addressed the Board and thanked everyone for their time. Mr. Garzon stated that the primary goal for the application was to expand the first and second floors to account for the size of his family given the current stay-at-home environment. Mr. Garzon stated that the attic space is a secondary issue for the family and that they wanted to make the best effort to stay within the zoning guidelines. Mr. Garzon also stated that the family does want auxiliary space and advised that given the condition of the basement, it was not suitable for storage or office space. Mr. Garzon expressed concern that the variance being sought for the application is building coverage and wanted guidance on what needed to be done in order to approve their application.

Mayor Zeigler inquired whether Mr. Garzon would be willing to lower the roof height, to which Mr. Garzon responded that he would. Councilman Fusco advised that the Board is in agreement that the family should have

reasonable living space, however, per Councilman Fusco, the height of the home appears to be top-heavy. Councilman Fusco made recommendations for ways to change the slope of the roof to lower eave height. Mr. Steinhagen provided clarity to the Board regarding definition of lot coverage.

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

No members of the public provided questions.

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

Mr. Steinhagen confirmed that questions can be provided in written form or in advance and indicated that the ordinance may need to be revised to state that only questions can be received in this format as opposed to comments.

Discussion was held as to whether the Board can move forward with the application with strict conditions applied. Mr. Bitar advised that the applicant would be willing to commit to conditional requirements and that the habitable space calculations would be subject to approval by Mr. Melfi. Further discussion was held regarding concerns from the Board regarding approval without revised plans and an option to approve and adopt the resolution in the next meeting.

The meeting was opened to the public for comments.

Ms. Karen Poretzky, of 311 Beechwood, Leonia NJ, was sworn in to provide public comment. Ms. Poretzky was advised of the discussion that occurred while she was offline. Ms. Poretzky thanked the Board for their work and advised that the Garzons were her immediate neighbors. Ms. Poretzky stated that the Garzons exemplify good neighbors. Ms. Poretzky also advised that she encouraged the Garzons to purchase the home. She also stated that she approved of the design of the home and believes that the design will bring integrity to the block and that the Garzons would bring integrity to the community.

Hearing no further comments from the public, the public comment portion was closed.

Discussion was held regarding taking a vote to permit the Planning Board Attorney to prepare a resolution that authorizes the variances being sought provided that revised plans are submitted that qualifies with the definition of a 2.5-story dwelling. Mr. Steinhagen clarified the motion that should be considered by the Board.

Motion to authorize the preparation of a resolution for building coverage variance to be adopted at the subsequent meeting upon presentation of plans demonstrating conformance with the limitation of the number of stories in the A-3 zone was made by: Mayor Zeigler

Seconded: Mr. Botten

On roll call, the vote was recorded as follows:

Mayor Zeigler:	yes	Councilman Fusco:	yes	Mr. Ford:	yes
Mr. Wolf:	abstain	Chairman DeGidio:	yes	Mr. Botten:	yes
Mr. Russell:	yes	Vice Chair Petti:	yes	Mr. Thompson:	yes

Mr. Steinhagen announced to members of the public that the application for 309 Beechwood Place, Block 1001, Lot 20, will be carried to the March 24, 2021, remote meeting of the Planning Board. Mr. Steinhagen advised that the remote meeting information will be posted on the Borough website and on the meeting agenda in advance of the March meeting. Mr. Steinhagen advised that the purpose of the meeting was to review revised plans and afford the public an opportunity to comment on the plan. Mr. Steinhagen advised that there will be no additional notice.

Mr. Bitar confirmed that there were no issues with the substance of the Engineer Review letter that was previously marked.

PB21-02 - Stieglitz/Sarama, 158 Moore, Block 1506, Lot 3 Front Yard Setback, Side Yard Width, Lot Width & AC Location Variances

Ms. Brigitte Stieglitz of 158 Moore Avenue, Leonia NJ was sworn in to provide testimony for the application. Mr. Peter Pulice was sworn in as well and was confirmed to be qualified to provide testimony.

Ms. Stieglitz detailed her history in Leonia and advised that she and her husband purchased the home in 2005. Ms. Stieglitz described how her family has grown and also advised of her family's community involvement. Ms. Stieglitz stated that the main reason for the application is that the family is out of space and that their needs have changed, particularly due to the pandemic. Per Ms. Stieglitz, the family is not looking to increase the footprint of the building, but instead want to add bedrooms for their children. Ms. Stieglitz stated that the family has roots in Leonia and would like to continue to stay in the neighborhood.

The meeting was opened to the public for questioning of Ms. Stieglitz.

No members of the public provided questions.

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

Mr. Pulice addressed the Board. Mr. Pulice detailed the lot specifications as well as the non-conforming side yard. Mr. Pulice advised that the lot coverage is well below the fifty percent total requirement for the zone.

Marked was the following:

A-1 Schmidt Surveying - Survey of 158 Moore Avenue

Marked was the following:

A-2 Photos taken by Mr. Pulice on January 26, 2021 Showing Neighboring Property and Conditions around Subject Property

Mr. Pulice reviewed the photos and proceeded to review the plot plan calculations, setbacks and existing condition. Mr. Pulice described his interpretation of the building area considering the additional coverage created by the second floor. Mr. Steinhagen noted that Mr. Pulice's interpretation of the building area coverage was reasonable.

Mr. Pulice continued to review the proposal to include the current layout of the home and full removal and redesign of the second floor. Per Mr. Pulice, the design is intended to modernize the home style. Mr. Pulice confirmed that the proposed home will not exceed height restrictions. Clarification was made by Chairman DeGidio regarding the code referenced on the plan for AC variance. Upon questioning, Mr. Pulice confirmed that the proposed location for the new air conditioning unit will line-up with the existing unit and that the hedges that run along the property line will screen the air conditioning unit.

Further discussion was held regarding the application satisfying the negative criteria for variance approval. Mr. Pulice also confirmed the dimensions of the proposed bedrooms and clarified the appearance of the column detailing on the attic dormers. Mr. Pulice confirmed that the column detailing is applied trim and not a column. Mr. Pulice stated that the roof design is a low slope, modified hip-roof that slopes away from the neighbor. Mr. Pulice advised that there were no issues with the substance of the Engineer Review letter.

Marked was the following:

B-1 Engineering Review Letter Prepared by Pennoni, dated February 23, 2021

The meeting was opened to the public for questioning of Mr. Pulice.
No members of the public provided questions.
Hearing no questions from the public, the public questioning portion was closed.

The meeting was opened to the public for comments.
Ms. Joanne Vega, of 162 Moore, Leonia NJ, was sworn in to provide public comment. Ms. Vega stated that it has been a wonderful experience having the applicant as neighbors. Ms. Vega stated that she supports the applicant’s desire for additional and better space to sleep and work. Ms. Vega stated that she has no objection to the expansion and is in complete support of their plan.

Hearing no further comments from the public, the public comment portion was closed.

Motion to approve PB21-02 was made by: Mr. Botten
Seconded: Vice Chair Petti

Prior to roll call, Mayor Zeigler advised that he visited the subject property at the request of the applicant and did so representing himself. Per Mayor Zeigler, this application is an example of a Leonia home that could not comply with the zoning ordinance and the applicant wanted to convert the home to a useable space. Upon questioning, Mayor Zeigler attested that his decision will be based on information presented during the meeting and not on any extraneous information received during his site visit.

On roll call, the vote was recorded as follows:

Mayor Zeigler:	yes	Councilman Fusco:	yes	Mr. Ford:	yes
Mr. Wolf:	yes	Chairman DeGidio:	yes	Mr. Botten:	yes
Mr. Russell:	yes	Vice Chair Petti:	yes	Mr. Thompson:	yes

DISCUSSION ON BOARD MATTERS – NEW/OLD BUSINESS:

Ordinance 2021-01 – An Ordinance Amending Chapter 247 Entitled “Streets and Sidewalks” and Chapter 290 Entitled “Zoning” of the General Code of the Borough of Leonia to Provide for the Regulation of Small Cell Wireless Facilities Within the Municipal Rights-of-Way – Mr. Steinhagen advised that the Ordinance amends the zoning ordinance and stated that there will need to be a consistency review. Per Mr. Steinhagen, this Ordinance is related to the 5G rollout. The Ordinance will allow for installation of each facility without requiring the wireless communication company to come before the Board for each application. The Ordinance does give the town a say as to the aesthetics and locations. Discussion was held regarding the right of way statement in the Ordinance as well as the consistency with the Master Plan and aesthetics.

A motion to find the proposed Ordinance consistent with the elements of the Master Plan and authorize the Planning Board Attorney to provide comments to the Borough Attorney regarding sections/questions raised was made by: Mr. Wolf

Seconded: Mr. Russell

On roll call, the vote was recorded as follows:

Mayor Zeigler:	abstain	Councilman Fusco:	yes	Mr. Ford:	yes
Mr. Wolf:	yes	Chairman DeGidio:	yes	Mr. Botten:	yes
Mr. Russell:	yes	Vice Chair Petti:	yes	Mr. Thompson:	yes

COUNCIL LIAISON REPORT:

Councilman Fusco stated that he had nothing to report. Councilman Fusco did advise that he is looking forward to presenting proposals for additional West Side Economic Development to the Board soon.

BOARD ATTORNEY REPORT:

Mr. Steinhagen reviewed the Shade Tree Ordinance and detailed the role of the Board with regard to reviewing applications that come before the Board with this Ordinance in mind. Mr. Steinhagen suggested that the Council amend the Ordinance for planning board submission requirement for site plans or resident applications. Per Mr. Steinhagen, plans should show where trees are located and whether it is to be removed. Discussion was held regarding notification requirements and best approach, recommendations for submission checklists and obtaining Shade Tree approval for site plan applications. Per Mr. Steinhagen, a recommendation should be made that applications that include tree removal should also include location of tree, tree species, and diameter. Councilman Fusco, in his capacity as liaison, stated he would bring the input back to the Mayor and Council.

PLANNING BOARD ENGINEER REPORT:

Mr. Di Sessa advised that he had nothing new to report. Mr. Di Sessa stated that a new storm water ordinance would be forthcoming.

ZONING OFFICER REPORT/INTERPERTATIONS:

Mr. Melfi had nothing additional to report.

PUBLIC COMMENT PERIOD – CORRESPONDENCE:

There was no public comment.

Chairman DeGidio advised that he would be sending information to Mr. Steinhagen regarding climate change vulnerability analysis and Master Plan requirements. Mr. Russell advised that he is working with his company to see if there's anything he can do as an example for the town but would check with the Borough Planner first. Mr. Steinhagen advised that this is a new plan element and as part of the Master Plan process, the Borough Planner must address this issue.

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

Seconded: Mr. Botten

All in Favor – Motion Passed

The meeting was adjourned at 10:37 PM

Respectfully Submitted,

Angela Copeland
Planning Board Secretary