



BOROUGH OF LEONIA
Leonia Planning Board
MINUTES

May 26, 2021

7:30 PM

**REMOTE MEETING VIA
GOTOMEETING**

The Borough of Leonia Planning Board held a special meeting on May 26, 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: Councilman Pasquale Fusco, Chairman Michael DeGidio, Vice Chair Vincent Petti, William Russell, Timothy Ford, Patrick Botten, Sean Thompson, Ira Gold, Haeseok Ko, Damee Choi

MEMBER(S) ABSENT: Mayor Judah Zeigler, Ron Wolf

ALSO PRESENT: Planning Board Attorney Dan Steinhagen, Zoning Officer Dan Melfi

Meeting called to order at 7:30 PM

FLAG SALUTE, OPENING MEETING STATEMENT, ROLL CALL

APPROVAL OF MINUTES:

Motion to approve the minutes of the April 28, 2021 meeting was made by: Councilman Fusco

Seconded: Vice Chair Petti

On roll call, the vote was recorded as follows:

Mr. Russell:	yes	Vice Chair Petti:	yes	Mr. Gold:	yes
Councilman Fusco:	yes	Mr. Ford:	yes	Mr. Ko:	yes
Chairman DeGidio:	yes	Mr. Thompson:	yes	Ms. Choi:	yes

APPROVAL OF RESOLUTION(S):

PB21-04 – Brendan Delaney, 475 Park Avenue, Block: 1307, Lot: 6
Side Yard Width and Building Coverage Variance

Motion to approve Resolution PB21-04 was made by: Mr. Ford

Seconded: Mr. Thompson

On roll call, the vote was recorded as follows:

Mr. Russell:	yes	Vice Chair Petti:	yes	Mr. Gold:	yes
Councilman Fusco:	yes	Mr. Ford:	yes	Mr. Ko:	yes
Chairman DeGidio:	yes	Mr. Thompson:	yes	Ms. Choi:	yes

NEW/CONTINUING APPLICATIONS:

PB21-03 – Soonrye Kim, 282 Grand Avenue, Block: 1209/ Lot: 5
Rear Yard Setback, Side Yard Setback and Continuance of Use

Ms. Janine Glatt, of the Beneli Group located at 462 Broad Avenue, Palisades Park NJ, was sworn in to provide testimony. Ms. Glatt was deemed qualified to provide expert testimony of behalf of the applicant.

Marked was the following:

A-1 – Photo of the Addition, taken January 2021 by Beneli Associate

A-2 – Photo taken from Rear Egress Door at Stairs

Mr. Melfi provided some historical information regarding the property. Per Mr. Melfi, the deck, which the homeowner is seeking the variance for, was built previously without permits. Mr. Melfi advised that the Construction Official along with the Fire Subcode Official conducted an inspection and it was found that the addition built on top of the deck was deemed structurally unfit.

Marked was the following:

A-3 – Photo of the Addition Built Over the Deck and Patio, taken From Rear of the Home

It was noted that the Construction Official advised Ms. Glatt that even with Planning Board approval for variances being sought, the addition would need to be removed due to the lack of structural integrity. Further discussion was held regarding the process of approving an application for a structure that would need to be removed and rebuilt. Ms. Glatt advised that it is the applicant's preference to keep the deck and addition in place and to work with the Construction Official on a code compliant resolution to reinforce the addition. Additional discussion was held to clarify the intention of the applicant and to review items noted on the plans.

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

No members of the public provided questions.

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

Mr. Robert McBride, of the Beneli Group located at 462 Broad Avenue, Palisades Park NJ, was sworn in to provide testimony. It was determined that Mr. McBride was not eligible to testify as an expert but could provide testimony as a fact witness as it relates to the construction. Mr. McBride detailed the existing conditions of the home and inquired about town policy for grandfathering pre-existing conditions.

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

No members of the public provided questions.

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

Upon questioning regarding variance proof standards for bulk variances or use variances, Ms. Glatt stated that conversion of the home from a two-family to a one-family residence would be irregular given the total amount of building space. Ms. Glatt also testified that in her experience, it is not unusual to add a home office to a home, especially given the circumstances created by the pandemic. Ms. Glatt also testified that the property did not create lighting or air issues and the addition did not cast any shadows onto neighboring property. Following additional questioning, Ms. Glatt advised that she was not well-versed in statutory proof. Vice Chair Petti stated that based on his experience, the application appeared to be incomplete. Discussion was held on whether the applicant should proceed with a vote or carry the application in order to prepare adequate planning testimony.

Mr. Roy Mossi, of the Song Law Firm located at 400 Kelby Street, Fort Lee NJ, addressed the Board as counsel for the Applicant. Mr. Mossi requested clarification for the best way path forward with the application if voted

on at the hearing versus carrying the application. Discussion was held regarding next steps and consideration for items that should be identified and highlighted on plans presented to the Board.

Mr. Steinhagen announced to members of the public that matter PB21-03 was being carried to the June 23, 2021, 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 in the event that in-person meetings were to be conducted, the applicant will be required to re-notice. Mr. Mossi consented to this extension of time for the Board to act on this application.

PB21-05 – Joe Choi, 4 Palmer Place, Block: 1610/ Lot: 15

Mr. Steinhagen advised that the applicant is required to re-notice.

PB21-06 – Muhamet Imeraj, 470 Grand Avenue, Block: 503/ Lot: 13

Front Yard & Side Yard Variances

Mr. Peter Pulice, of Pulice Williams Architects located at 344 Broad Avenue, Leonia NJ, was sworn in and addressed the Board. Mr. Pulice was deemed qualified to provide expert testimony on behalf of the applicant.

Ms. Anabel Imeraj of 470 Grand Avenue, Leonia NJ, was sworn in to provide testimony. Ms. Imeraj stated that she and her family moved to Leonia due to the proximity to the New York City as well as the school system. Per Ms. Imeraj, she and her husband have elderly parents and would like to add a bathroom on the first floor to accommodate the parents.

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

No members of the public provided questions.

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

Mr. Pulice proceeded to detail the circumstances surrounding the application. Per Mr. Pulice, he and the applicant reconfigured the proposed plans based on the denial of an earlier application presented to the Board in January 2021. Mr. Pulice reviewed the plans and detailed the changes that were made from the original proposal, to include utilizing a reduced percentage of the existing front yard platform and adding some of the bathroom features inside of the existing space. Mr. Pulice advised that it is still the intent to add definition to the front door and improve the architectural character of the structure.

Mr. Botten inquired about the existing front platform and wanted to know when it was built. Mr. Pulice advised that he was not certain of exactly when the platform was built, however, based on his site visits, the platform was at least 15 years old and had been resurfaced recently. Mr. Botten further inquired as to whether the platform could be removed entirely and have the front stairs built at the addition. Discussion was held as to whether or not the new application presented a substantial change to the original application presented to the Board. Per Mr. Pulice, the addition to the home was reduced by approximately 46%. Upon questioning, Mr. Pulice confirmed that the bathroom addition will be a half bathroom and that there is an existing full bath on the second floor.

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.

Additional discussion was held regarding the recommendation to reduce the front platform and also removing some of the pavers in the front in order to reduce the lot coverage percentage to fifty percent.

The meeting was opened to the public for comments.

Mr. Dino Redzic of 474 Grand Avenue, Leonia NJ, was sworn in to provide public comment. Mr. Redzic stated that he has been living on Grand Avenue for seven years. Per Mr. Redzic the conditions of the area below Grand

Avenue are not ideal, however it is Mr. Redzic’s opinion that the proposed addition will add value to the neighborhood. Mr. Redzic advised that he is in favor of the improvements giving the previous conditions of Grand Avenue.

Mr. Pulice outlined the recommendations made by the Board for reducing the front platform in order to obtain applicant approval. Ms. Imeraj advised that she was in agreement with the recommendations outlined. There was discussion regarding the driveway access and maneuverability of driving onto Grand Avenue. Mr. Pulice advised that he would submit a site plan to demonstrate compliance with the fifty percent lot coverage.

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

A motion was made by Mr. Botten to approve the application based on the recommendations outlined to the homeowner by Mr. Pulice. Chairman DeGidio reiterated the conditions presented as part of the motion. Mr. Botten confirmed the motion as presented.

Motion was seconded by: Mr. Russell

On roll call, the vote was recorded as follows:

Mr. Russell:	yes	Vice Chair Petti:	yes	Mr. Thompson:	yes
Councilman Fusco:	yes	Mr. Ford:	yes	Mr. Gold:	yes
Chairman DeGidio:	yes	Mr. Botten:	yes	Mr. Ko:	yes

PB21-06 was approved. Mr. Steinhagen confirmed that he would condition the approval so that the applicant reduces the impervious coverage on the lot to comply with the fifty percent limit.

PB21-07 – Andrea Cancro, 210 Christie Heights Street, Block: 504/ Lot: 7
Fence & Retaining Wall Height Variance

The applicant, Ms. Andrea Cancro of 210 Christie Heights Street, Leonia NJ, was sworn in to provide testimony. Ms. Cancro stated that she currently has a Temporary Certificate of Occupancy (TCO) in place and given the town requirements, she is appearing before the Board for approval to add a safety fence above the retaining wall that will be placed on the west side and rear of the property. Ms. Cancro advised that the fence will match the existing white vinyl fence that is currently in place on the East side of the property.

Mr. Melif provided some background regarding the construction of the home, grade changes and the original plans for the retaining wall. Mr. Melfi confirmed the height of the wall at its highest point and the expected combined height of the wall and fence at the highest point. Mr. Melfi further advised that the height of the home was raised approximately two feet from the original plan.

Mr. Steinhagen inquired whether or not screening would be added near the wall for the neighbor. Further discussion was held regarding spacing between the neighbor’s property and the wall. Mr. Melfi and Ms. Cancro confirmed that the retaining wall is on the property line.

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

Mr. Tom Veca of 200 Christie Heights asked for confirmation on whether the added fence would be white PVC, to which Ms. Cancro confirmed that it would be.

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

The meeting was opened to the public for comments.

Mr. Tom Veca of 200 Christie Heights Street, Leonia NJ, was sworn in to provide public comment. Mr. Veca stated that the concern was that the wall appeared to be a huge structure and he felt that the wall impeded on the quiet enjoyment of his yard. Mr. Veca stated that he was hopeful that the applicant would consider adding landscaping, or something similar, to diminish the visual impact of the wall. Per Mr. Veca, he agrees with the

facts presented as to why the wall is required, however, he would like some consideration made for how the wall and fence would impact the character of the surrounding area.

Mrs. Nora Veca of 200 Christie Heights Street, Leonia NJ, was sworn in to provide public comment. Mrs. Veca expressed concern as to how the status of the project got to the point where it is now. Mrs. Veca stated that she understands the need for the safety fence for the children, however, in Mrs. Veca’s opinion, the project was not done with consideration for the neighbors or the value of adjacent properties.

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

Upon questioning, Ms. Cancro confirmed that the retaining wall was already built and was made of gray stone. Mr. Melfi confirmed that the combined height for a wall and fence allowed by the Town is six feet. Discussion was held regarding soil movement. Mr. Melfi provided further background information regarding the zoning approvals and advised that the applicant was originally approved for a two-foot wall and then a five-foot wall after the wall was built. Mr. Melfi clarified that the requirement for the fence on top of the wall is a Building requirement and not a Zoning requirement.

Ms. Cancro testified that all of the changes were approved and she obtained a TCO with a few conditions that needed to be met. Ms. Cancro confirmed that the wall is right on the property line. Councilman Fusco recommended that the homeowner add the fence two feet in front of the wall which would allow for landscaping to be added in between the fence and the wall. Upon further discussion regarding screening options, Mr. Botten suggested that there should be a minimum height of four feet for any plants that are installed in order to properly mitigate any aesthetic impact. Mr. Steinhagen advised that if landscaping is added to the property, there should also be consideration made for limiting how tall the plantings may grow in order to prevent the landscaping from becoming too obtuse and blocking out light for the neighbor. Mr. Steinhagen advised that if the Board were to act favorably on the application, a condition would be to obtain engineering certification in the event that one was not already obtained.

The meeting was opened once again to the public for comments made in reference to recent discussion held by the Board or recent answers provided by the applicant. Mrs. Veca of 200 Christie Heights Street, Leonia NJ stated that she was still unclear as to what occurred during the inspections. It was further stated that there should be consideration for adding some element to soften the appearance of the wall.

With no further comments, the public comment portion was closed.

Mr. Melfi stated that per code the height of the fence can be three feet, six inches. It was determined that the fence setback should be at least two feet from the retaining wall. A motion was made by Mr. Botten to approve the application with the condition of moving the safety fence, which will be the appropriate size per code requirements, to allow for sufficient landscape screening at the retaining wall. Chairman DeGidio reiterated the motion, to have the fence height set to the minimum height allowed per code compliance and to have the fence setback to allow suitable space for plantings to be placed along the wall to provide screening.

Seconded: Vice Chair Petti

On roll call, the vote was recorded as follows:

Mr. Russell:	yes	Vice Chair Petti:	yes	Mr. Thompson:	yes
Councilman Fusco:	yes	Mr. Ford:	yes	Mr. Gold:	yes
Chairman DeGidio:	yes	Mr. Botten:	yes	Mr. Ko:	yes

PB21-07 was approved.

PB21-08 – Robert Tynan & Angela Toro, 118 Lakeview Avenue, Block: 205/ Lot: 5
Non-conforming Use, Side Yard Setback, Combined Side Yard Setback, Lot Area, Lot Width, Building Coverage & Lot Coverage

Mr. Robert Tynan, of 118 Lakeview Avenue, Leonia NJ, was sworn in to provide testimony.

Mr. Peter Pulice, Pulice Williams Architects located at 344 Broad Avenue, Leonia NJ, was sworn in again and addressed the Board. Mr. Pulice asked that Mr. Tynan provide some background for the Board.

Mr. Tynan provided information regarding his background in Leonia and stated that his parents still lived in Leonia and that his two daughters both attend ACS. Per Mr. Tynan, his family has outgrown their home and due to COVID, the circumstances have become more prevalent. Mr. Tynan stated that in lieu of purchasing a new home, the family would like to stay on Lakeview, especially considering that his parents have moved into the condos that are nearby. Mr. Tynan stated that in determining what could be done to improve conditions, however, it was decided that he and his wife did not want to change the character of the home or neighborhood. Mr. Tynan advised that the home is a single-family home, however it is an attached home. Mr. Tynan stated that if the Board approved the application, it would make a big difference for the family.

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

No members of the public provided questions.

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

Mr. Pulice reviewed the survey for the property and detailed the existing conditions. Mr. Pulice described the property as narrow and being part of a 14-lot enclave. Per Mr. Pulice, the lot is 26.42 feet in width and 125 feet in depth. The enclave includes two or three brick buildings that are joined by a party wall. Mr. Pulice stated that the applicant is proposing to replace the existing wood deck with an addition that would be approximately 335 square feet.

Marked was the following:

A-1 – Photo taken from Rear of the Home, taken by Mr. Pulice on May 5, 2021

Mr. Pulice described the photo which depicts the existing condition of the home as well as the existing rear addition to the neighbor's home. Mr. Pulice continued to review the proposal as well as the variances being sought. Mr. Pulice advised that proposal includes a sloped roof and inserting a skylight. Per Mr. Pulice, the proposed exterior would be a contemporary design. Mr. Pulice explained that there are a number of variances because of the non-conforming lot. Mr. Pulice detailed the conditions of two other lots that had additions similar to the one that is being proposed by the applicant. Mr. Russell inquired as to the window that is on the neighbor's addition that may be covered up by the applicant's addition. Per Mr. Pulice, structures cannot have windows on the property line. Mr. Pulice confirmed that the stack would remain, and the construction will occur around it. Further discussion was held regarding the reduction in lot coverage. Per Mr. Pulice, the existing concrete surface would be removed, and the percentage presently calculated for lot coverage would move to building coverage. Mr. Pulice stated that in his opinion the lot size created a hardship condition due the narrow size.

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.

No members of the public provided comments.

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

Mr. Tynan provided clarification regarding the neighbor’s window that is on the property line. Per Mr. Tynan, the window in question is not a typical window as there is a wall behind it. Mr. Tynan stated that if the application were approved, he and his neighbor have agreed to take care of the issue.

A motion to approve the application was made by: Mr. Ford
Seconded: Councilman Fusco

On roll call, the vote was recorded as follows:

Mr. Russell:	yes	Vice Chair Petti:	yes	Mr. Thompson:	yes
Councilman Fusco:	yes	Mr. Ford:	yes	Mr. Gold:	no
Chairman DeGidio:	no	Mr. Botten:	yes	Mr. Ko:	yes

Application PB21-08 was approved.

PB21-09 – Dino Redzic, 474 Grand Avenue, Block: 503/ Lots: 11 & 12
Pool Location & Lot Coverage

Mr. Dino Redzic of 474 Grand Avenue, Leonia NJ, was sworn in again to provide testimony. Mr. Redzic advised that he and his wife purchased the distressed property approximately six years ago. Mr. Redzic advised that he and his family were previously using the community pool, however with the COVID restrictions, he thought there was enough property to add an above ground pool. Mr. Redzic stated that he was unclear why there were restrictions for above-ground pools. Mr. Redzic stated that he wanted to provide a nice home for his children.

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

Mr. Pulice reviewed the proposal, existing property conditions and the grade of the property. Mr. Pulice described the pool as a salt-water, above ground pool. Per Mr. Pulice it would be a necessary to compact the area to sustain the water load. Mr. Pulice described how the pool would be supported or braced. Mr. Pulice also advised that the applicant is seeking to construct of a Trex deck or platform in order to allow for access to the pool. Mr. Pulice detailed the dimensions of the pool and the guard railings and also advised that the pool would include the state required fencing around it. Mr. Pulice advised that the pool would add approximately 525 square feet of coverage.

Chairman DeGidio inquired as to what steps were taken to minimize lot coverage in order to accommodate the addition of the pool. Mr. Botten suggested removing 10 feet of pavers from the side yards in order to comply with lot coverage requirements. Upon questioning from Mr. Thompson, Mr. Pulice confirmed that pool is 15x30x52 and will have 17,020-gallon capacity.

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.
No members of the public provided comments.
Hearing no comments from the public, the public comment portion was closed.

Discussion was held regarding the removal of 10-feet of coverage on both sides of the home in order to comply with lot coverage requirements. Mr. Redzic reviewed the current conditions of the property. Mr. Redzic stated that the property provides for a lot of greenery currently and inquired whether removing the shed in the rear yard and pavers near the shed would accomplish the lot coverage percentage desired by the Board. Chairman

DeGidio reviewed the proposal as presented to the Board and advised that in his opinion, staying neutral with the current lot coverage would be acceptable in lieu of adding more lot coverage. Mr. Pulice advised the applicant that the condition proposed by the Board was an equitable solution.

Motion to approve PB21-09, with 525 square foot reduction of impervious coverage was made by: Mr. Botten
Seconded: Mr. Thompson

On roll call, the vote was recorded as follows:

Mr. Russell:	yes	Vice Chair Petti:	yes	Mr. Thompson:	yes
Councilman Fusco:	yes	Mr. Ford:	yes	Mr. Gold:	yes
Chairman DeGidio:	yes	Mr. Botten:	yes	Mr. Ko:	yes

Application PB21-09 was approved.

DISCUSSION ON BOARD MATTERS – NEW/OLD BUSINESS:

Chairman DeGidio advised that a meeting was held with H2M and the Master Plan Subcommittee. To date, roughly 500 respondents have provided comments to the public input survey. Chairman DeGidio advised that the next step will be to hold a public forum that is expected to take place in September at the Recreation Center. It was determined that additional Nixle messages should be distributed in order to obtain additional feedback.

COUNCIL LIAISON REPORT:

Councilman Fusco advised that he had nothing additional to provide.

BOARD ATTORNEY REPORT:

Mr. Steinhagen advised that he has been contacted by a Developer regarding a project at Grand Avenue and Station Parkway. Mr. Steinhagen stated that the Developer will present at the June Board meeting. Mr. Steinhagen also advised that he will not be available for the June Board meeting, however, Mr. Arthur Ness will be present. Mr. Steinhagen stated that the Developer will present in order to obtain feedback from the board. Mr. Steinhagen advised that the process will be informal and that anything discussed during the presentation will be non-binding. Chairman DeGidio advised that the Developer had previously presented before the Mayor and Council and suggested that Board members review the recording from that meeting.

ZONING OFFICER REPORT/INTERPERTATIONS:

Due to recent pool applications, Mr. Melfi inquired about the difference between a deck around a pool and a platform around a pool. Mr. Melfi stated that depending on the size of the platform, he would consider it a structure which would then include additional zoning requirements for placement away from the pool. Mr. Melfi suggested revisiting the topic at another meeting given the time.

PUBLIC COMMENT PERIOD – CORRESPONDENCE:

There was no public comment.

With no further business presented, a motion to adjourn the meeting was made by: Mr. Botten

Seconded: Mr. Russell

All in Favor – Motion Passed

The meeting was adjourned at 11:26 PM

Respectfully Submitted,

Angela Copeland
Planning Board Secretary