



BOROUGH OF LEONIA
Leonía Planning Board
MINUTES

August 25, 2021

7:30 PM

**REMOTE MEETING VIA
GOTOMEETING**

The Borough of Leonia Planning Board held a special meeting on August 25, 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: Ron Wolf, William Russell, Chairman Michael DeGidio, Vice Chair Petti, Timothy Ford, Sean Thompson, Ira Gold, Damee Choi

MEMBER(S) ABSENT: Mayor Judah Zeigler, Councilman Pasquale Fusco, Patrick Botten, Haeseok Ko

ALSO PRESENT: Planning Board Attorney Daniel Steinhagen, Planning Board Engineer Drew Di Sessa, Planning Board Planner Sanyogita Chavan, Planning Board Traffic Engineer Arthur Kuyan

Meeting called to order at 7:34 PM

FLAG SALUTE, OPENING MEETING STATEMENT, ROLL CALL

On behalf of the Board, Chairman DeGidio extended sincere condolences to Mr. Botten and his family due to the recent passing of Mr. Botten’s mother-in-law.

APPROVAL OF MINUTES:

Motion to approve the minutes of the July 28, 2021, meeting was made by: Mr. Ford

Seconded: Vice Chair Petti

On roll call, the vote was recorded as follows:

Mr. Wolf:	yes	Vice Chair Petti:	yes	Mr. Gold:	yes
Mr. Russell:	yes	Mr. Ford:	yes	Ms. Choi:	yes
Chairman DeGidio:	yes	Mr. Thompson:	yes		

APPROVAL OF RESOLUTION(S):

PB21-12 – Peter Pulice & Heidi Cunningham, 187 Sylvan Avenue, Block: 1503/ Lot: 29 Side Yard Setback & Combined Side Yard Setback

Motion to approve Resolution PB21-12 was made by: Vice Chair Petti

Seconded: Mr. Wolf

On roll call, the vote was recorded as follows:

Mr. Wolf:	yes	Vice Chair Petti:	yes	Mr. Gold:	yes
Mr. Russell:	yes	Mr. Ford:	yes		
Chairman DeGidio:	yes	Mr. Thompson:	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 – *Applicant has requested to carry this matter to the October meeting.*

Mr. Steinhagen announced to members of the public that the 282 Grand matter was being carried to the October 27, 2021, remote meeting of the Planning Board. Mr. Steinhagen advised that if the meeting location changed, the applicant would be required to re-notice. Mr. Steinhagen requested that the Planning Board Secretary request a letter from the applicant’s attorney requesting an extension of time for the Board to act in this matter.

PB21-10 – Munr Kazmir/Sima Development LLC, 345 Grand Avenue, Block: 803/ Lot: 35 Rear Yard Setback – *Adjourned to September meeting*

Mr. Steinhagen confirmed that the notice for matter PB21-10 was deemed defective and that the applicant would be re-noticing.

PB21-14 - Bambini Plus LLC, 470 Broad Avenue/260 Harrison Street, Block : 509/ Lots: 1 & 2 Preliminary & Final Site Plan Approval, Change of Use, Use

Danielle Federico, of Kaufman, Semeraro & Leibman, LLP, addressed the Board on behalf of the applicant, Bambini Plus LLC. Ms. Federico stated that the applicant is seeking preliminary and final site plan approval to renovate approximately 12,715 square feet of the existing (unused) school section of the St. John the Evangelist Roman Catholic Church building for use as a private daycare. Included in the proposal are new safety features such as a ramp and egress stairs as well as some minor site work. Per Ms. Federico, the project would be considered an adaptive reuse of the building which has been vacant since 2013.

Brief discussion was held regarding the permittance of daycare facilities in residential zones in Leonia. Per Mr. Steinhagen, the ordinance does not specifically permit daycare facilities in residential zones, while the Municipal Land Use Law does specifically address the use and states that it is permissible in non-residential zones. Mr. Steinhagen further stated that he agreed with Ms. Federico’s analysis for variance relief since a portion of the property is in a residential zone.

Vice Chair Petti announced that he would be recusing himself from the application since he sits on the Finance Committee of the Church. Discussion was held as to whether Board members who are also parishioners of the Church present a conflict of interest in the matter. Mr. Steinhagen reviewed prior case law relating to planning/zoning board members and matters involving a church. In his professional opinion, Mr. Steinhagen stated that he would surmise that there is a conflict for Board members who are also parishioners of the church, however, the rule of necessity would warrant that given the Board is a combined Board and doesn't allow for pulling from a different Board for members in the absence of a quorum, the circumstances would warrant participation from all members. Ms. Federico stated that she found Mr. Steinhagen’s determination reasonable particularly if the parishioners do not hold any leadership role or have financial interests associated with the Church.

A motion was made by Mr. Wolf to invoke the rule of necessity as specified by Mr. Steinhagen.

Seconded: Mr. Russell

On roll call, the vote was recorded as follows:

Mr. Wolf:	yes	Mr. Ford:	yes	Ms. Choi:	yes
Mr. Russell:	yes	Mr. Thompson:	yes		
Chairman DeGidio:	yes	Mr. Gold:	yes		

Ms. Ginsil Kim was sworn in to provide testimony. Ms. Kim testified that she is a managing member of Bambini Plus LLC and will be operating the daycare with a partner. Ms. Kim also stated that she currently operates a private daycare in Ridgefield Park, NJ. Ms. Ginsil provided testimony regarding the fulltime operation of the proposed daycare facility along with the age range and total number of children within each age range that will be served at the daycare. Ms. Ginsil advised that parents would be provided with specific drop-off times for the child(ren). Ms. Ginsil further testified that per the State, the maximum number of children permitted at the facility is 186. Ms. Ginsil also stated that there will be approximately 30 staff members. Ms. Ginsil outlined the number of classrooms per floor and by age group and also confirmed that the placement of each age group meets State regulations. Ms. Ginsil provided further testimony regarding the logistics surrounding pick-up/drop-offs and trash removal.

Ms. Choi inquired about the scheduling conflict for pick-ups/drop-offs as it relates to the Leonia Middle School which is located a short distance away from the proposed daycare facility. Ms. Ginsil provided an estimation for how many students would potentially be dropped-off and/or picked-up during the start and dismissal times. Mr. Gold inquired as to whether or not the Leonia Police Department would be providing traffic management during the peak hours. Discussion was held as to the flow of traffic inside of the parking lot.

Mr. Wolf inquired where the children would be coming from. Ms. Ginsil testified that the children would be coming from all over Bergen County. Chairman DeGidio inquired about the use of the gymnasium and requested clarification on other questions raised by the Leonia Fire Marshall. Per Ms. Ginsil, the intent is to use the gymnasium for special occasions such as graduations and those events will be held outside of the daycare's operating hours. Ms. Ginsil also stated that the daycare would arrange timing with the church so that the parents could bring children directly into a separate entrance for the gymnasium on Broad Avenue. Upon questioning, Ms. Ginsil testified that the children will not be traversing any areas not included in the proposed renovation plans and that the gymnasium will not be accessible via any internal passageways. Ms. Federico further confirmed that there will be no internal access from the daycare to the church and that the entrance and egress for the daycare is on the 260 Harrison Street side of the building. Ms. Ginsil confirmed that they daycare will comply with any fire safety requirements per the State and the Borough.

Mr. Steinhagen inquired about outdoor recreation options for the children. Ms. Ginsil stated that there's a grassy area, located at the intersection of Harrison and Broad that the daycare has confirmed with the Church can be utilized. Per Ms. Ginsil the daycare will setup a fence and will obtain any other required approvals from the Board if necessary. Ms. Chavan, of H2M, inquired about the State requirement of 100sf per child for outdoor recreation activities. Per Ms. Ginsil, the children will not have outdoor recreation at the same time. Ms. Ginsil stated that the children would be assigned specific times to go outdoors and that the total number of children outdoors at any given time will meet the State requirement of 35sf per child. Ms. Ginsil also stated that the allotment of recreation space per child was confirmed by the State inspector.

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

No members of the public provided questions.

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

Mr. Lou Luglio, of Sam Schwartz Engineering located at 30 Montgomery Street, Jersey City NJ, was sworn in to provide expert testimony. Mr. Luglio provided the Board with his qualifications and was deemed qualified to testify before the Board.

Marked was the following:

A-1 – Aerial with Site Plan dated 3/12/2021

A-2 – Vehicle Operations

Mr. Luglio described the exhibits and detailed the surrounding streets and the layout of the parking lot. Per Mr. Luglio, there are a few parking spots that will not be used due to trees that are currently in those parking spaces.

Mr. Luglio testified that there will be 50 parking spaces, which would include two ADA parking spaces in the proposed plan. Mr. Luglio also stated that of the 50 available parking spaces, there would be 30 parking spaces designated for the daycare staff. Mr. Luglio reviewed the logistics for the pick-up and drop-off activities within the parking lot. Per Mr. Luglio, the daycare would direct parents or guardians to use the Kingsley Street entrance and the cars can then stack up inside of the parking lot area. According to Mr. Luglio, the parent/guardian would then exit out on to Harrison Street. Mr. Luglio stated that the current plan is to have one-way circulation and to have up to eight vehicles that could queue-up at any given time. Mr. Luglio testified that the drop-off timeframe would not conflict with church services or parking demand from church parishioners. Mr. Luglio stated that if there was a conflict with trash removal, the daycare would negotiate with town regarding pick-up or work with a private hauler to pick-up trash during off-peak times. Mr. Luglio provided dimensions for the drive aisles and parking spaces. Chairman DeGidio inquired about double-stacking option in the parking lot. Per Mr. Luglio, it is not anticipated that the queue of cars would warrant double stacking of cars in the lot. Mr. Luglio stated that he would revisit the operation once implemented to determine if there is a necessity for double stacking based on the demand. Chairman DeGidio also inquired about the Board Engineers comment regarding the required width of drive lanes for two-way traffic. Per Mr. Luglio, he did not see a need to widen the driveway cut out. Mr. Luglio also stated that most of the daycare staff would arrive prior to the daycare drop-off hours.

Mr. Steinhagen advised that if the board were to act favorably on this application, a condition of the approval would be to provide a revised site plan showing traffic circulation and striping.

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

No members of the public provided questions.

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

Mr. Jongseo Kim, of Jongseo Kim Architect located at 1067 Washington North, Old Tappan NJ, was sworn in to provide expert testimony. Following Mr. Kim's testimony regarding experience and educational background, Mr. Kim was deemed qualified to provide expert testimony. Mr. Kim described the details of the proposed project to include updating the existing school area of the church. The proposal includes having a separate entrance at the new ADA ramp located next to the parking lot and fire safety features for first floor classrooms. Mr. Kim confirmed that the proposed daycare will consist of 12,714 sf of space in a pre-existing daycare facility. Mr. Kim reviewed the number of classrooms and teacher facilities being proposed. Per Mr. Kim, State and Borough fire safety requirements will be followed. Mr. Kim also stated that there are no proposed plans to change the lighting in the parking lot. Further clarification was made as to the room that the children would use to enter the school. Chairman DeGidio inquired about security features associated with the daycare. Per Mr. Steinhagen, a safety review should be conducted and coordinated directly between with the applicant and the police department. Mr. Steinhagen inquired as to how many toilets are proposed. Mr. Kim stated that he followed the building code when designing and the proposed toilet count is more than what is required by code.

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

No members of the public provided questions.

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

Mr. Anthony Garrett, of Bilow Garrett Group, located at 161 Main Street, Ridgefield NJ, was sworn in. Mr. Garrett was deemed qualified to provide expert testimony. Mr. Garrett provided testimony and his professional opinions regarding the proposed project and the variances being sought. Mr. Garrett provided historical information regarding site, detailed the dimensions of the site, zone of the property as well as the geographical locations and hardships presented. Mr. Garrett discussed the planning justification for the relief being sought. Mr. Garrett emphasized that the proposal does not include an expansion of the actual building.

Marked was the following:

A-3 – Area Map AE1 dated 8/25/2021

Mr. Garrett reviewed the exhibits and provided further detail of the surrounding area. Mr. Garrett also referenced that Land Use Map that is part of Leonia’s Master Plan.

Marked was the following:

A-4 - Photo array of Photos taken by Mr. Garrett taken on 8/24/21

Mr. Garrett reviewed each of the photos in the array. Per Mr. Garrett, the project is an adaptive reuse of a site that has several benefits which the applicant plans to maintain. Mr. Garrett also stated that the site borders Leonia’s commercial district. In Mr. Garrett’s professional opinion, he believes that having a daycare center in this type of environment from a planning standpoint, is beneficial especially since it is expected to increase activity in the business district. Mr. Garrett stated that he believes the project advances the goals of the Master Plan Reexamination Report, specifically with regard to early childhood learning center and the project will not add costs to the taxpayers since it will be privately owned. Per Mr. Garrett, committing traffic flow to one-way traffic will help keep traffic off the street and the bypass lane could be used if necessary. Mr. Garrett testified that he witnesses the traffic flow and parking lot queuing at the applicant’s Ridgefield Park operation and stated that it flows efficiently.

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

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 comments portion was closed.

Mr. Steinhagen recommended that the Board find the proposed daycare facility is an inherently beneficial use as public interest has been identified and the impacts have been reviewed. Mr. Steinhagen reviewed conditions that would be applicable as part of the approval.

A motion to approve application PB21-14 with the conditions cited by Mr. Steinhagen was made by:

Mr. Russell

Seconded: Mr. Ford

On roll call, the vote was recorded as follows:

Mr. Wolf:	no	Mr. Ford:	yes	Ms. Choi:	yes
Mr. Russell:	yes	Mr. Thompson:	yes		
Chairman DeGidio:	yes	Mr. Gold:	yes		

PB21-14 was approved.

DISCUSSION ON BOARD MATTERS – NEW/OLD BUSINESS:

Extension Request for 401 Grand – Mr. Steinhagen reviewed the previous Board approvals for the project. Mr. Steinhagen also reviewed the circumstances relating to the delay in commencing the approved work and stated that the applicant is requesting an extension of six months.

Motion to approve the extension was made by: Mr. Russell

Seconded: Mr. Thompson

Mr. Wolf:	yes	Vice Chair Petti:	yes	Mr. Gold:	yes
Mr. Russell:	yes	Mr. Ford:	yes		
Chairman DeGidio:	yes	Mr. Thompson:	yes		

Mr. Steinhagen stated that a deed variance only needs seven votes.

Community Input Workshop: Chairman DeGidio discussed the planned workshop. Mr. Steinhagen presented concern regarding the scheduling of the workshop. Ms. Chavan detailed the specifics of the workshop and stated that the workshop would be held from 7pm – 9pm. Ms. Chavan explained that the first few minutes of the workshop would include a presentation regarding the Master Plan process and that there will be five to six tables covering different topics. Ms. Chavan asked if a few members of the Board can also participate in the workshop. Chairman DeGidio advised that he and Ms. Chavan will work with the Borough Administrator to adjust the workshop date.

Ordinance 2021-187 – Refer Additional Properties to Planning Board – Preliminary Investigation for Area in Need of Redevelopment – Chairman DeGidio advised that the Mayor and Council passed the Ordinance for adding areas in need for Redevelopment. The Chairman requested that Ms. Chavan to provide a proposal for the additional properties.

In-person Meetings: Chairman DeGidio advised that the Planning Board will not resume in-person meetings in September due to the increase in Delta variant cases. The Mayor and Council will continue with virtual meetings through the remainder of the year and the Planning Board will follow suit.

BOARD ATTORNEY REPORT:

Mr. Steinhagen had nothing additional to report.

PUBLIC COMMENT PERIOD – CORRESPONDENCE:

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

Seconded: Mr. Wolf

All in Favor – Motion Passed

The meeting was adjourned at 10:32 PM

Respectfully Submitted,

Angela Copeland
Planning Board Secretary