



BOROUGH OF LEONIA
Leonía Planning Board
MINUTES

MARCH 23, 2022

7:30 PM

REMOTE MEETING VIA GoToMeeting

The Borough of Leonia Planning Board held a meeting on March 23, 2022 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: Chairman Michael DeGidio, Mayor Judah Zeigler, Councilman Pasquale Fusco, Vice Chair Ira Gold, William Russell, Ron Wolf, Patrick Botten, Timothy Ford, Sean Thompson, Haeseok Ko, Damee Choi

MEMBER(S) ABSENT: None.

ALSO PRESENT: Planning Board Attorney - Daniel Steinhagen, Zoning Officer – Adam Myszka, Planning Board Engineer – Drew Di Sessa, Planning Board Planner – Sanyogita Chavan & Paul Cancilla

Meeting called to order at 7:30 PM

OPENING MEETING STATEMENT, ROLL CALL

APPROVAL OF MINUTES:

Motion to approve the minutes of the February 08, 2022, special meeting, made by: Mr. Ford

Seconded: Mr. Wolf

On roll call, the vote was recorded as follows

| | | | | | |
|-------------------|-----|------------|-----|---------------|-----|
| Chairman DeGidio: | yes | Mr. Wolf: | yes | Mr. Thompson: | yes |
| Vice Chair Gold: | yes | Mr. Fusco: | yes | Ms. Choi: | yes |
| Mr. Russell: | yes | Mr. Ford: | yes | | |

Motion to approve the minutes of the February 23, 2022, regular meeting, made by: Mr. Botten

Seconded: Mr. Russell

On roll call, the vote was recorded as follows

| | | | | | |
|-------------------|-----|-------------|-----|---------------|-----|
| Chairman DeGidio: | yes | Mr. Wolf: | yes | Mr. Thompson: | yes |
| Vice Chair Gold: | yes | Mr. Botten: | yes | Mr. Ko: | yes |
| Mr. Russell: | yes | Mr. Ford: | yes | Ms. Choi: | yes |

APPROVAL OF RESOLUTIONS:

PB21-18 - 176 Fort Lee Road - Preliminary & Final Site Plan Approval, Variances for Density.

Motion to approve Resolution PB21-18 was made by: Mr. Wolf

Seconded: Chairman DeGidio

On roll call, the vote was recorded as follows:

| | | | | | |
|-------------------|-----|-----------|-----|---------------|-----|
| Chairman DeGidio: | yes | Mr. Wolf: | yes | Mr. Thompson: | yes |
| Mr. Russell: | yes | Mr. Ford: | yes | | |

PB21-19 - 181 Sylvan Avenue - Minor Subdivision, Side Yard Width

Motion to approve Resolution PB21-19 was made by: Mayor Zeigler

Seconded: Mr. Botten

On roll call, the vote was recorded as follows:

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

NEW/CONTINUING APPLICATIONS:

PB21-15 – Carried to the 04-27-22 meeting with no further notice.

PB21-17 – Carried to the 04-27-22 meeting with no further notice.

PB22-03 – Carried to the 05-25-22 meeting with no further notice.

PB20-03 – Carried to the 04-27-22 meeting with no further notice.

PB22-04 – Murphy, Peter & Erica. 177 Moore Avenue, Block: 1505/ Lot: 33.

Addition, Side Yard Width, Combined Side yard Width, and AC Location.

The applicant Peter Murphy was sworn in to provide testimony as the property owner.

Mr. Murphy outlined the existing nonconformities and issues found on the site which he means to remedy with this renovation project. Chair DeGidio asked for more details pertaining to the addition and variances specifically. Mr. Murphy went over the proposed plans outlining all the portions of the project. Mr. DeGidio asked Mr. Myszka to confirm the variances which were required. Mr. Myszka listed the side yard variance, combined side yard variance and the AC location variance. Chairman DeGidio asked if all of the requested variances were continuations of nonconformities. Mr. Myszka replied that all but the AC locations are continuations of existing nonconformities.

The meeting was opened to the board for questioning of Mr. Murphy.

Chairman DeGidio inquired why the AC units could not be relocated to permitted location. Mr. Murphy replied that the compliant rear yard has water accumulation issues and is moving the units away from there intentionally. Mr. Botten inquired about fencing and screening the AC units from the adjacent properties. Mr. Murphy said he would enclose the units if required. Mr. Botten asked about the status and location of the shed. Mr. Murphy stated that the shed has been removed.

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

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

A motion was made by Mayor Zeigler to approve the application with the conditions that the AC units be completely screened with a fence buffer. Seconded: Mr. Botten

On roll call, the vote was recorded as follows:

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

Application 22-04 is approved.

H2M Comprehensive Master Plan – Discussion and adoption

Chairman DeGidio took a moment to thank the subcommittee members and outlined the scope and magnitude of the Master Plan reexamination. He then thanked H2M for their hard work and opened the meeting to Ms. Chavan.

Ms. Chavan began the presentation with an explanation of what a Master Plan is. She then detailed how the public input was provided and used in steering the Master Plan to create changes which the community preferred.

Ms. Sanyogita Chavan of H2M was sworn in to provide testimony as the Planning Board Planner.
Mr. Paul Cancilla of H2M was also sworn in to provide testimony as the Planning Board Planner.

Mr. Cancilla detailed the engagement and participation of the community and how it affected the new master plan draft. Mr. Cancilla reviewed how the plan takes into consideration the issues most important to the community through a survey H2M conducted. Ms. Chavan detailed the population increase in the Borough and outlined the age distribution in the borough and how the plan addresses the needs of community members. She then presented an overview of the Land Use concerns which the master plan focused on. Ms. Chavan detailed the status of residential zones. Mr. Cancilla presented the preferred housing types according to the survey. Ms. Chavan touched on incorporating commercial districts regulations in the master plan especially pertaining to parking. Mr. Cancilla explained the Climate Change Vulnerability Assessment and presented recommendations in relation to storms and flooding. Ms. Chavan added that the assessment is a mandatory state legislation. Mr. Cancilla addressed how the Master Plan will approach circulation issues and how they impact the community along with circulation recommendations. Ms. Chavan spoke about the economic development. Mr. Cancilla detailed the sustainability issues & recommendations, he then spoke about the parks, open space areas, and community facilities in the Borough including the municipal building. Ms. Chavan outlined the plans for historic areas and recommendations for their preservation. Ms. Chavan closed out the presentation detailing that the Master Plan is intended to be adopted on March 23, 2022.

The meeting was opened to the board members for questioning and comments of Ms. Chavan and Mr. Cancilla.

Mr. Botten thanked H2M and everyone who took the time to take part in the assessment

Councilman Fusco inquired about how changes for areas in need of development would be approached. Ms. Chavan explained that the master plan identifies and recommends redevelopment areas. She said that moving forward the governing body has the basis for requesting studies for specific areas in need of redevelopment.

Chairman DeGidio asked for Ms. Chavan to detail the integration of the Karp Strategies economic development study to the master plan. Ms. Chavan replied that the master plan integrates this study into its recommendations.

Hearing no other questions from the board members, the board questioning portion was closed.

The meeting was opened to the public for comments.

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

A motion to approve and adopt the Master Plan was made by Mr. Botten

Seconded: Vice Chair Gold

On roll call, the vote was recorded as follows:

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

Chairman DeGidio thanked everyone involved and asked Ms. Chavan to follow up on the ongoing housing elements and fair share plan. Ms. Chavan addressed the board secretary and outlined that she was sending physical copies of the master plan to the secretary one of which would be kept for the board's records and one which must be sent to the county. She added that the housing element and fair share housing plan is the next item they are working on.

Mr. Steinhagen recommended a utility service plan along with a circulation plan element for a potential future off-trail improvement ordinance.

Chairman DeGidio asked if there is a timeline for the housing plan, Ms. Chavan said that it is the next item on the agenda and will be handled after the Master Plan is finalized. Mr. Steinhagen added that input of the governing body will be required, Ms. Chavan agreed. Mayor Zeigler, requested that the Borough attorney be included in the process.

DISCUSSION ON BOARD MATTERS – NEW/OLD BUSINESS:

Chairman DeGidio opened up a discussion in relation to business uses in homes and changes to the ordinance which regulates said uses. He detailed the committee which was created and its purpose in guiding changes and revisions to the home business ordinance. Mr. DeGidio stated that the current regulation is very restrictive, and that having an exhaustive list of permitted uses is not practical. He proposed an approach outlining the nature, scope and intensity of a home business use is more beneficial as it focuses on the impact rather than the definition of each specific use. Chair DeGidio stated the first recommendation is to remove the list of permitted uses and replace it with a generalized impact limitations of a proposed home business. Chair DeGidio continued to detail the current limitation of home businesses only being permitted on three streets, and suggested that it should be permitted throughout the Borough. He clarified that intensity of the use was considered as a limitation along with no additional staffing to limit traffic to the uses. Chair DeGidio then discussed the parking issues which arose with home businesses, including off-street parking. Chair DeGidio explained that signage would not be permitted in the extended home office areas outside of the initial 3 major roadways (Broad Ave, Grand Ave, Fort Lee Road.) He also added that this revision would limit hours of operation, limit the square footage being used for the business, and limiting the type of equipment permissible.

Chairman DeGidio then opened up the meeting up to the board members for questions and comments regarding the preliminary home business regulation re-assessment.

Mr. Wolf thanked the subcommittee for their work on reviewing and assessing the home business regulations.

Councilman Fusco voiced his support for the presented revisions.

Chairman DeGidio asked Mr. Steinhagen to summarize the ADA and parking requirements.

Mr. Steinhagen explained how ADA regulations are applied and enforced on businesses. He then outlined handicapped parking requirements when off-street parking is provided, but this may not apply to driveways because while they are off-street parking they aren't striped and regulated parking lots. He continued to say that having a handicapped space on site may be pertinent if the business is one that caters to people with disabilities on a regular basis.

Hearing no more questions or comments Chairman DeGidio outlined the next steps in proposing these changes to the council. Mr. Steinhagen clarified which aspects of these regulations would be applicable to the board and how some may fall to other governing bodies.

Chairman DeGidio reiterated that the board will be going to an in-person meeting for the April 27th 2022 meeting of the Planning Board. Mr. Steinhagen relayed to the board secretary that a notice will have to be published outlining the location for the meeting. Mayor Zeigler asked the Chairman if the board is proposing to undertake hybrid meetings. Chairman DeGidio discussed how hybrid meetings would impact the in-person meeting structure. Mr. Steinhagen said there is no issue for board members to attend in-person meeting remotely but in order to vote they would have to be able to see the exhibits presented in the case, but from the applicant and any opposition materials which could be submitted at the meeting in person. Chairman DeGidio inquired about people bringing exhibits to the meeting which haven't been provided prior in digital format, Mr. Steinhagen clarified that legally bringing exhibits to the meeting the night of is permitted, especially objectors who aren't required to submit anything in advance. Mayor Zeigler stated that cameras are present in the room the board should have the ability to show the images to the online members of the meeting. Mr. Steinhagen voiced his concerns as to the legal requirements for in person meetings not necessarily being conducive to the hybrid meetings. Mr. Wolf requested a clarification of the appeal period for applications. Mr. Steinhagen explained the details of the board's time to act requirements. Chairman DeGidio also brought up the potential issue of technical difficulties. Chairman DeGidio asked Mr. Steinhagen if he knew of any other boards proposing hybrid meetings, Mr. Steinhagen stated he didn't know of any land use boards himself. Chairman DeGidio stated that the board would attempt a hybrid model pending the success of the hybrid council meetings.

COUNCIL LIAISON REPORT:

Councilman Fusco outlined that the council informally voted on the Area in Need of Development which the board previously oversaw and approved. A formal vote will be held at the next Mayor and Council meeting.

BOARD ATTORNEY REPORT:

Mr. Steinhagen stated he had nothing to report.

BOARD PLANNER REPORT:

Mr. Di Sessa stated he had nothing to report.

ZONING OFFICER REPORT:

Mr. Myszka stated he had nothing to report.

Mr. Botten asked Mr. Myszka about adding a tree removal note into the application, which Mr. Myszka agreed to add.

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: Councilman Fusco

All in Favor – Motion Passed

The meeting was adjourned at 9:19 PM

Respectfully Submitted,

Adam Myszka
Planning Board Secretary
