



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

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**APRIL 27, 2022**

**7:30 PM**

**LEONIA SENIOR CENTER**

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The Borough of Leonia Planning Board held a meeting on April 27, 2022 at 7:30 p.m. located at 305 Beechwood Place, Leonia NJ.

**MEMBERS PRESENT:** Chairman Michael DeGidio, Vice Chair Ira Gold, Mayor Judah Zeigler (7:43), Councilman Pasquale Fusco, 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 March 23, 2022, regular meeting, made by: Mr. Botten

Seconded: Mr. Ford

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
Councilman Fusco	yes				

**APPROVAL OF RESOLUTIONS:**

**Master Plan Resolution**

Motion to approve Resolution for The Master Plan was made by: Mr. Botten

Seconded: Vice Chair Gold

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. Ford	yes
Mr. Russell:	yes	Councilman Fusco	yes		

**PB22-04 – 177 Moore Ave - Addition, Side Yard Width, Combined Side yard Width, and AC Location.**

Motion to approve Resolution PB22-04 was made by: Mr. Botten

Seconded: Mr. Wolf

On roll call, the vote was recorded as follows:

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

**PB21-04 – 475 Park Ave – Resolution Extension**

Motion to extend Resolution PB21-04 was made by: Mr. Botten

Seconded: Mr. Wolf

On roll call, the vote was recorded as follows:

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

Mr. Steinhagen reminded the board secretary that a copy of the master plan along with the resolution needs to be sent to the county, he then accepted the responsibility of this task himself.

Chairman DeGidio asked Mr. Steinhagen to speak on the areas in need of redevelopment. Mr. Steinhagen outlined that a portion of the properties were not fully studied and assessed. He suggested that due to the amount of time that has passed a new resolution should be drafted requesting the study of the lots. He also stated the he'd make contact with the Borough attorney to work on this issue. Councilman Fusco outlined his concerns about transparency in this process and recalled the last time areas in need of redevelopment studies were voted on by the council.

Mayor Zeigler joins meeting at 7:43pm

Ms. Chavan, Chair DeGidio and Mr. Steinhagen discussed the differences in the 2018 and 2019 redevelopment resolutions.

**NEW/CONTINUING APPLICATIONS:**

**PB21-17 – Carried to the 05-25-22 meeting with no further notice.**

**PB20-03** – Michael Hoffman and Ivonne Dauhajre. 135 Howard Terrace, Block: 1305 / Lot: 8. Addition, Side Yard Width, Off-street Parking, Pool Location, Wall height and variances related to work done without permits.

The applicant's attorney, Gregory Asadurian, addressed the Board on behalf of the applicant.

Mr. Asadurian outlined all the proposed variances, and explained the circumstances which led to the filing of the board application and which work on the site was proposed and which was existing and nonconforming. He then called Mr. Hoffman to testify.

Mr. Hoffman was sworn in to provide testimony as the homeowner.

Mr. Asadurian asked Mr. Hoffman about his relation to the property, to which Mr. Hoffman outlined that he was the property owner along with his wife.

A Continued Certificate of Occupancy dated 05-02-2007 was marked as exhibit A-1.

Mr. Asadurian showed a Continued Certificate of Occupancy to the applicant and asked Mr. Hoffman to identify it. Mr. Asadurian asked Mr. Hoffman questions in relation to the home and its current use, along with the conditions of the home at time of purchase. Mr. Hoffman then described the parking issues he experiences.

A letter of denial dated 01-18-2020 was marked as exhibit A-2.

Mr. Asadurian showed the letter of denial to Mr. Hoffman and brought up the front overhang.

A photo was submitted and was marked as exhibit A-3.

Mr. Asadurian presented the photos and pointed out the existence of the front overhang in said photos. Mr. Steinhagen inquired about the origin and date of this photo. Mr. Hoffman said that the photo was taken from google and he didn't know the date of its taking. Mr. Asadurian asked about the condition of the property in the photos, to which Mr. Hoffman explained that the photos depicted the conditions at the time of purchase. He clarified that the front overhang which is a proposed variance was not built by him and it was this way at time of purchase.

A photo was submitted and was marked as exhibit A-4.

Mr. Steinhagen inquired about the origin and date of this photo. My Hoffman stated that he took the photo sometime between 2010 to 2012. Mr. Asadurian inquired about the content of the photo, Mr. Hoffman said that no work had been done at that time and the photo depicts the overhang in question. Mr. Steinhagen asked for clarification in regards to the testimony. Mr. Asadurian stated that their position is that the front overhang variance was for work prior to the applicant owning the home but was unsure of its legality. Chair DeGidio stated that he saw no variance specifically for the overhang and its mention was referring to total building coverage calculations. Chair DeGidio then outlined the front setback variance being the condition that affects the overhang, and inquired about what work was done by the applicant in relation to these variances. Mr. Steinhagen added that documentation would be required to consider something an authentic "existent nonconformity".

Mr. Asadurian asked his client about the pool on site. Mr. Hoffman described the pool and stated that he applied for a building permit for the structure.

A zoning permit dated 04-10-2014 for a "pool and fence" was marked as exhibit A-5.

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Mr. Steinhagen asked if there were plans available which accompany the pool permit. Mr. Asadurian stated that no such plans were given to him.

A construction permit dated 04-14-2014 for a "pool" was marked as exhibit A-6.

Mr. Asadurian showed exhibit A-6 to Mr. Hoffman and asked if the pool was approved and installed. Mr. Hoffman said yes.

A certificate of approval dated 06-01-2014 for a "pool" was marked as exhibit A-7.

Mr. Asadurian showed exhibit A-7 to Mr. Hoffman and asked if the other permits submitted alongside the pool were approved. Mr. Hoffman said yes.

An electrical permit from 2014 was marked as exhibit A-8.

Mr. Asadurian showed exhibit A-8 to Mr. Hoffman and asked if he had rebuilt the front entrance areas and if he had gotten a permit for the work. Mr. Hoffman said he did the repair and had gotten a permit.

A zoning permit for the front steps and stoop was marked as exhibit A-9.

Mr. Asadurian showed exhibit A-9 to Mr. Hoffman. He then asked Mr. Hoffman about the content of the permit.

A building permit dated 10-14-2016 was marked as exhibit A-10.

Mr. Asadurian showed exhibit A-10 to Mr. Hoffman. He then asked Mr. Hoffman about the content of the permit. Mr. Asadurian asked Mr. Hoffman about his roof replacement.

A building permit for the roof was marked as exhibit A-11.

Mr. Asadurian showed exhibit A-11 to Mr. Hoffman. Chair DeGidio inquired about the purpose of this questioning. Mr. Asadurian explained that he was laying the groundwork for the cause of the state of the property. Chair DeGidio requested for the testimony be more focused starting with the pool. Mr. Hoffman detailed his reasoning for building the new pool entrance.

A group of photos depicting the pool were marked as exhibit A-12.

Chair DeGidio reiterated that Mr. Hoffman explained that the pool came with a ladder entrance and he chose to change it to a platform. Mr. Hoffman stated that he replaced the ladder that was supplied with pool, and claimed he spoke to a building department official about the change. Mr. Steinhagen inquired if Mr. Hoffman had acquired a zoning permit, Mr. Hoffman replied that since he would not have needed a permit for the ladder he inferred that he would not need a permit for the platform since they served the same purpose according to the unnamed inspector at the time. Mayor Zeiger asked for a clarification of whether the inspector had specifically told Mr. Hoffman that he wouldn't require a permit for the pool platform. Mr. Hoffman stated that he didn't recall any of the details due to the amount of time that has passed since then. Mr. Steinhagen asked to clarify that there was no construction permit, zoning permit or inspection for the pool platform, he clarified and addressed Mr. Asadurian as to if any approval had been obtained. Mr. Asadurian stated that he had no records of any permits being obtained for the platform. Mr. Hoffman added that while he doesn't remember if there was a permit for the work he remembers speaking to the building inspector. Mayor Zeigler inquired about that statement due to Mr. Hoffman previously stating he didn't know what building department official he spoke to. Mr. Hoffman clarified that he spoke to the building inspector about a pool entrance but he spoke to no one in regards to zoning for the pool, but he did fill out applications for the pool. Mayor Zeigler replied, that he wasn't asking about the pool. Chair DeGidio clarified that the owner chose to not buy a better means of ingress or egress into the pool but rather built a structure. Mr. Steinhagen clarified his line of inquiry was to ascertain if the permit was obtained for the platform, and if one was

issued, did the issuing body have the authority to do so. Mayor Zeigler agreed and stated that was his goal as well with his inquiry, along with clarifying if Mr. Hoffman was instructed to get a permit. Mayor Zeigler asked Mr. Hoffman if he was told that he did not require a permit for the pool entrance platform. Mr. Hoffman stated that he believes that was the case but was unclear in his recollection. Councilman Fusco inquired about a ladder visible in a photo of exhibit A-12. Mr. Hoffman stated that this ladder is placed in the pool in order to exit the structure.

A photo depicting the rear deck and walkway was marked as exhibit A-14.

Mr. Asadurian showed exhibit A-14 to Mr. Hoffman. Mr. Steinhagen inquired about the origin and date of this photo. Mr. Hoffman stated that he took the photo roughly 2 to 3 years ago and the same is true for the pool photos.

A photo depicting the detached garage was marked as exhibit A-13.

Mr. Asadurian showed exhibit A-13 to Mr. Hoffman. He then asked Mr. Hoffman about the content of the photo and the reason why the stairs depicted in that photo were constructed. Mr. Hoffman stated that he had no way of entering the garage through regular means and the foundation was cracked in the rear of the structure so he decided to excavate in that area and add a rear door to the structure where the damage was.

A second photo depicting the detached garage was marked as exhibit A-15.

Mr. Asadurian showed exhibit A-15 to Mr. Hoffman. He then asked Mr. Hoffman about the content of the photo and the viability of the garage as a means of parking a vehicle inside. Mr. Hoffman stated that the garage is difficult to use due to elevation. Mr. Asadurian began to outline the proposed addition. Chair DeGidio requested that the garage be discussed fully first before changing focus. He then re-iterated that the new door would act as a second means of egress from the garage, leading directly into the yard. Mr. Botten asked if a permit was acquired for the stairs. Mr. Hoffman stated that there was no permit as he initially started the dig as a repair. Chair DeGidio clarified that stairs and door were constructed as a part of this process. Mayor Zeigler asked Mr. Hoffman how the scope of work went from repair to adding stairs and an entrance to the garage and if he didn't think a permit would be required for this work. Mr. Hoffman stated that the scope of work changed as he worked and was seeking to gain entrance to the garage, and that he didn't give the idea of acquiring any permit any thought in the moment. He clarified that the work was done by him and some acquaintances. Councilman Fusco asked about the depth of the stairs and how Mr. Hoffman was able to find the location of the damaged foundation despite not being able to gain entry to the inside of the garage. Mr. Hoffman clarified that he was mistaken earlier and he had access to the garage for the first 2 years of living in the home which is how he knew the location of the leaks. Councilman Fusco then asked how adding a door to the rear of the foundation assisted in keeping water out of the garage, and why the crack wasn't just patched. He also voiced concerns about the drain not being able to handle heavy rains and causing more water to accumulate at the bottom of the stairs. Mr. Hoffman said that he no longer gets water in the garage. Mr. Steinhagen asked if the water goes down the stairs. Mr. Hoffman stated that macadam was added to the side of the garage, and he thinks there is a dry well somewhere in that area but he doesn't know if the drain is tied into it. Councilman Fusco said that according to Mr. Hoffman's testimony he knows contractors and has been around construction, therefore Councilman Fusco doesn't understand why the owner would have not filed for permits. Mr. Hoffman stated that his application before the board was to clarify and fix these issues and he came forward willingly.

Chairman DeGidio proposed moving forward to the next variance, namely the shed. Mr. Asadurian asked the owner about the shed. Mr. Hoffman described the shed as a 4-foot by 8-foot garden shed which was placed on the existing macadam.

Chairman DeGidio then asked to focus on the attached rear deck. Mr. Asadurian referred to exhibit A-14. Mr. Hoffman stated that at the time of construction he didn't think he needed a permit for the deck. Mayor Zeigler asked if the walkways were also done without permits. Mr. Hoffman stated that the walkway was existing and he simply covered it with limestone. Chair DeGidio outlined that it's unlikely that an existing walkway would match the location of the stairs from the unpermitted deck exactly the way the photos show. Mr. Hoffman stated that he only added the walkway section to the new pool entrance.

Elevation drawings done by the owner were marked as exhibit A-16.

Mr. Asadurian introduced the documentation for the proposed addition. Mr. Asadurian asked Mr. Hoffman to explain the details of the drawings. Mr. Steinhagen inquired if there are architectural drawings for this proposed work. Mr. Asadurian and the owner stated that there were no professional drawings done for the addition. Mr. Steinhagen, Councilman Fusco, and Chair DeGidio all stated that A-16 could not be sufficient documentation for the variance requested. They went on to outline why architectural drawings would be required for an addition. Mr. Asadurian proceeded to the next part of the project, and would withdraw that portion of the application requesting the bathroom addition.

Exhibit A-16 was withdrawn along with the request for the addition.

Mr. Asadurian asked Mr. Hoffman about the proposed driveway. Mr. Hoffman stated that the driveway would alleviate the need to compete for limited parking and increase safety especially in bad weather and snowy conditions.

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

Chairman DeGidio asked if the owner had considered revamping the existing parking in the garage to alleviate his parking issues. Mr. Hoffman said the elevation issues in the garage would make the difficult and even then it wouldn't be enough to house his 3 vehicles.

Mr. Ford asked about the width of Howard Terrace. Ms. Choi stated it was 40 foot wide based on the documentation provided. Mr. Ford inquired what is located directly opposite of the proposed driveway. Mr. Hoffman said he wasn't sure but that his proposed work would not affect his neighbors.

Ms. Choi requested clarification if the owner was proposing to keep the garage if the driveway was approved, and inquired if any the neighboring properties currently had a parking layout that mirrored his proposed configuration. Mr. Hoffman said that he would keep the garage, no other neighbors have his proposed layout, but also stated that the elevation of his property is the most difficult to contend with out of all his neighbors. Ms. Choi asked which parts of the application were done by the owner. Mr. Hoffman said he wasn't sure, outlining that he was certain that the rear deck and garage entrance were done by him. Chair DeGidio clarified that the record states, that only the front entrance was present at the time of purchase by Mr. Hoffman and all other site conditions being requested of the board were done by the current owner.

Mr. Wolf inquired about adjusting the elevation in the garage making it more useable. Mr. Hoffman said that such work would require underpinning and then he might as well demolish and rebuild the garage completely.

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

No members of the public provided questions.

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

Bruce Rigg was asked to provide engineering testimony; he was sworn in and was deemed qualified by the board.

Mr. Asadurian asked Mr. Rigg to review his plans.

Survey was marked as exhibit A-16.

Engineering plans were marked as exhibit A-17.

Mr. Rigg reviewed the plans drawn by him and detailed changes in coverages. He brought up the inconsistency in coverages cause by a change in the Borough's coverage requirements between now and the initial filing of this paperwork. Mr. Rigg detailed the proposed changes for the new parking layout. Mr. Steinhagen asked about parking

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stall size. Ms. Chavan stated the RSIS regulations supersede town regulations. Chair DeGidio asked Mr. Steinhagen about the applicability of the old coverage regulations due to time of application rules. Mr. Steinhagen concurred that the regulations at time of application are the regulations that follow the application through the appeal process. Chairman DeGidio asked about the likelihood of removing existing nonpermitted work to reduce the coverage on site. Mr. Asadurian stated that he's willing to remove the shed. Mr. Steinhagen clarified that removing the shed would not reduce the lot coverage due to it being located on top of macadam. Mr. Asadurian added that the applicant is willing to remove the macadam area as well. Chair DeGidio asked how much the removal would decrease the coverage total. Mr. Steinhagen said roughly 5 percent.

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

Ms. Choi asked for a clarification about side yard setbacks for the pool platform and possible relocation for more compliance, she also stated that the removal of the shed would be beneficial.

Councilman Fusco inquired about the retaining walls around the proposed driveway and the area between them and the property line. Mr. Rigg stated that the area between the property line to the retaining walls will be grass.

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

No members of the public provided questions.

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

David Karlebach was asked to provide planning testimony; he was sworn in and was deemed qualified by the board.

Mr. Asadurian asked Mr. Karlebach to review the variances and give his opinion on the approvals request. Mr. Karlebach gave testimony outlining the existing site conditions and how the bulk of the variances apply to the pool. He also stated that the ordinances weren't written to consider a lot which fronts two streets the way this property does. Mr. Karlebach also reviewed the coverages and negative criteria. He also outlined all the benefits of additional on-site parking discussing the safety issues, the aesthetics and the reduction of cars on the street.

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

Ms. Choi asked about the risk of setting a precedent with this potential approval. Mr. Asadurian replied that each board application is judged on its own merit as per the Land Use Law and precedent is not applicable. Ms. Choi inquired about if this projects impact on the criteria within the master plan. Mr. Karlebach that the aesthetic of the dwelling will not change and only the driveway would change the look of the site. Ms. Choi asked about existing conformities as stated by Mr. Karlebach. Mr. Karlebach stated that the 7 variances do not refer to the pool. Ms. Choi asked for clarification about the legality of the pool and deck structure. Mr. Asadurian quoted the MLUL section on page 615 about board approvals not setting precedent.

Councilman Fusco inquired how work done without permission could be considered as legal nonconforming. Mr. Karlebach detailed that only some of the structures are being considered legal nonconforming those being the garage, the dwelling and shed. Mr. Steinhagen explained the defining detail of what makes a nonconformity legal.

Mr. Steinhagen asked about the planning and community benefits the proposed C variances. Mr. Karlebach outlined the benefits of the reduction of cars on the street and safety for the driveway users. Mr. Steinhagen inquired if other existing coverage was removed couldn't these benefits be acquired without the need for a coverage variance. Mr. Karlebach reiterated that the shed and macadam area were being removed in this proposal. Mr. Steinhagen then asked about what type of variance the pool deck would fall under. Mr. Karlebach defined the deck as a means of access and he'd consider it a part of the pool. Mr. Steinhagen then added that this would fall under a C2 variance and wanted clarification as to what purpose of the zoning code the pool deck fulfils. Mr. Karlebach reiterated that he feels the pool deck which he considers a part of the pool falls under the C1 variance since the hardship of this property is its dual front yards and no legal location for a pool to be installed. Mr. Steinhagen recounted that the is

no zoning permit for the pool platform. Mr. Karlebach replied that he considered the pool a lawful existing structure, and the platform facilitates its use. Mr. Steinhagen asked Mr. Karlebach why he considers the pool lawful. Mr. Karlebach replied that by the virtue of the permit being issued for the pool, makes it lawful. Mr. Steinhagen asked Mr. Karlebach if the building or zoning department has the ability to grant permits knowing they require board approval. Mr. Karlebach stated that the owner relied on the building department to inform him of any required variances. Mr. Steinhagen asked if Mr. Karlebach was approached to assess if this pool would require a variance, what would he suggest. Mr. Karlebach said that this pool would require a variance. Mr. Steinhagen asked if the zoning officer has the authority to grant variances such as this one. Mr. Asadurian replied that there is case law regarding such actions for zoning officers acting in good faith. Mr. Steinhagen defined that in this case there is a clear requirement for a variance for the pool due to its location and the zoning officer didn't have the authority to approve it. Mr. Steinhagen then asked what is preventing the owner from relocating the platform that serves as a pool entrance to a more compliant location. Mr. Karlebach stated that it is not practical for the structure to obscure the vision into the pool from the home. Chair DeGidio inquired about moving the entrance to the direct opposite side of the pool to avoid the visual obstruction. Mr. Karlebach didn't have an answer to the inquiry.

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

No members of the public provided questions.

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

Mayor Zeigler stated that the goal of this application is a means of getting more parking and that not enough was offered by the owner to offset the unpermitted work and site conditions which were created without approvals. He also felt that not enough evidence was submitted, not enough of the unpermitted work was proposed to be removed and he'd vote to have this application denied.

Chairman DeGidio agreed with the mayor and echoed his concerns. He stated that the owner would benefit from returning with a revised application that shows the pool platform relocated and more of the unpermitted work brought into compliance.

Councilman Fusco agreed with Chairman, and stated that he'd like a clearer outline of the variances sought and what relief could be agreed upon to rectify the unpermitted work.

Mr. Steinhagen interjected to allow Mr. Asadurian to request the board to hold off on voting in order to return with a revised application more to their liking. Mr. Steinhagen explained to the board had the option to permit Mr. Asadurian to return but was not required to do so. He said it was the board prerogative to agree to the request or to vote.

Chairman DeGidio inquired of the board how they wish to proceed with this application.

Councilman Fusco stated that the opportunity to return should be extended to the applicant due to the fact they are aware of what work was done without permits and can bring the project into compliance.

Vice Chair Gold inquired about how the applicant would handle reapplying if the board took action on this application. Mr. Steinhagen explained that the applicant would have to submit an application that is significantly different in order to be heard again, if the application was acted upon. Vice Chair Gold inquired who qualifies substantial enough difference in an application. Mr. Steinhagen replied that it would be the board's decision.

Mayor Zeigler clarified that he is not against hearing the application further but that the applicant should be made clear that the board has zero tolerance for unpermitted work.

Chairman DeGidio inquired if any board members had objections to allowing the applicant to revise their application. No one replied. Mr. Steinhagen suggested that the application should not be carried to the May meeting due to the number of applications already on that agenda. The mayor stated that a complete application should be filed first prior to committing to a date. Mr. Steinhagen clarified that the applicant could refile and would have to if they made



substantial changes to the application. Chair DeGidio voiced his corner about moving cases impacting other applicants on the agenda. Mr. Asadurian asked if a reschedule to the June or July meeting is allowed. Chair DeGidio agreed to the July date. Mr. Steinhagen clarified that Mr. Asadurian would give the board an extension of time until July 31st and would be required to re-notice.

Application 20-03 is carried to the meeting of 07-27-22, requiring new notice.

Mayor Zeigler and Councilman Fusco left the meeting.

**PB21-15** – 131 Fort Lee Road LLC/Sima Development LLC, 131 Fort Lee Road, Block: 802/ Lot: 16 – Preliminary & Final Site Plan Approval, Residential Use in D-Zone, Building Height, Rear Yard Setback, Side Yard Setback, Parking Spaces, Parking Aisles and Parking Requirements Variances.

The applicant's attorney, Carmine Alampi, addressed the Board on behalf of the applicant. Mr. Alampi outlined a reminder of the what portions of the case were heard at the prior meeting. He also reviewed the changes made to the application since the last meeting.

Pennoni revised engineering report dated 04-25-2022 was marked as exhibit D-8.

H2M revised planner's report dated 04-22-2022 was marked as exhibit D-9.

Stonefield revised traffic report dated 04-25-2022 was marked as exhibit D-10.

Mr. Alampi informed the board that the height issues were revised on the newest plan.

New Hubschman site plan excerpt dated 04-05-2022 were introduced and marked as exhibit A-9.

Mr. Hubschman was asked to provide engineering testimony, he remained sworn in from the previous hearing regarding this case and he was deemed qualified by the board.

Mr. Alampi informed the board that his professionals would not be available for the May 25 2022 meeting and requested for this case to be carried to the June 22 2022 meeting.

Mr. Alampi requested for Mr. Hubschman to go over the changes in his plans marked as exhibit A-9. Mr. Hubschman outlined the changes requested by the Borough traffic engineer, and the addition of EV charging stations and EV ready spaces. He also outlined the location of new proposed fencing and relocation of car stops in every parking space. Mr. Hubschman detailed the average height calculations and what the new total height is.

Mr. Alampi clarifies that A-9 is an excerpt of a larger plan which he will introduce.

New Hubschman site plans (5 pages) dated 04-05-2022 were introduced and marked as exhibit A-10.

Mr. Alampi asked if Mr. Hubschman had revised the plans to address the concerns raised in both review letters written by the Borough engineer. Mr. Hubschman explained that he did address the points of concern but didn't draft a letter outlining his answers point for point as requested until the day of the meeting and it hadn't been disseminated to the board and professionals.

A 3-page letter written from Hubschman engineering was introduced and marked as exhibit A-11.

A drainage report revised through 04-05-2022 was introduced and marked as exhibit A-12.

Mr. Hubschman continued to outline his plan revisions including roof drainage changes, rear stairwell, generator, changes to the drive isle and curb cut widths.

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

Chairman DeGidio wanted clarification on the rear exit stairwell as a means of egress in case of emergency, the occupants would have to traverse the parking area in order to reach the right of way if exiting through the back

stairwell due to the nature of the site layout and fences. Mr. Alampi stated that the occupants can cross into neighboring unobstructed properties to reach the right of way. Chair DeGidio stated that the property is fenced in, and inquired how would the occupants reach the adjoining properties specifically if the right of way if on Fort Lee Road. Mr. Alampi reiterated that the occupants could use neighboring unobstructed properties to reach any right of way not Fort Lee Road specifically. Chair DeGidio reiterated his question about the fencing blocking the occupants access to adjoining properties. Mr. Alampi stated that a fence could be installed with a gate which would allow passage into adjoining properties, but he would check with his professionals and provide an answer at the next meeting.

Mr. Botten inquired about the depth of parking spaces. Mr. Hubschman stated that they are 17.5 feet deep. Mr. Botten then inquired about how close the wheel stops are located to the wall of the adjoining building. Mr. Hubschman stated that the back of the wheel stops is 1.5 from the car wash building wall and the front of the wheel stop is 2 feet from the wall. Mr. Botten raised a concern that larger cars might stick out into the drive aisle.

Ms. Choi wanted clarification on the number of spaces required on the application. Mr. Hubschman stated that they are required to provide 32 parking spaces, and 19 spaces are proposed with a credit for 2 more spaces due to the EV provisions. Mr. Steinhagen clarified that the EV provisions lower the requirement of the spaces rather than provide space credit. Mr. Di Sessa questioned the amount of credit provided since 5 EV spaces were proposed total. Ms. Chavan explained that there is a percentage calculation which would quantify the proposed 5 EV spaces as 3 spaces of credit. Mr. Alampi stated that the EV regulations are new and still up to interpretation, he then asked Mr. Hubschman to show the proposed EV chargers for the site. Mr. Hubschman explained the EV charger location and detail for each charging post. Mr. Steinhagen inquired if the proposed post will contain level 2 chargers as required by statute. Mr. Alampi stated that they would meet statute requirements. Mr. Steinhagen explained that the chargers would not be permitted to charge a fee for use. Mr. Alampi stated that they would be free to use in that case. Ms. Choi added that there is a significant gap between the number of spaces required and proposed, and wanted to inquire how the applicant anticipated to deal with this difference. Mr. Alampi stated he anticipates one vehicle per apartment, he states that the owner will encourage the tenants to use public transport. Ms. Choi asked if the spaces will be assigned in this case, Mr. Alampi said yes they would be numbered and assigned.

Mr. Steinhagen wanted the updated height to be provided. Mr. Hubschman stated 61.27 feet. Chair DeGidio requested a clarification on the difference in heights, since a previous testimony stated the height at 56 feet. Mr. Hubschman explained there was no change to the physical height of the building but rather an adjustment to the means of calculating it. Ms. Chavan explained that the new number reflects the Boroughs method of calculating height.

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

Mr. Zaccone remained sworn in from the previous meeting and provided testimony as a licensed professional architect, he was deemed qualified by the board.

New Zaccone plans (4 pages) dated 04-07-2022 were introduced and marked as exhibit A-13.

Mr. Zaccone reviewed the new plan revision. He specifically detailed the Electric Vehicle Chargers and the ballads installed for their protection. He stated the height to the peak of the building is 60 feet plus 3 additional feet for the stair bulkhead. Mr. Steinhagen stated that the height is different from previous testimony. Mr. Hubschman interjected stating that the architect measures his height from the first floor while the engineer uses average grade as a start point causing the discrepancy. Mr. Steinhagen requested a clarification of the fact that Mr. Zaccone calculated his height from the first floor while Mr. Hubschman calculated his as per the borough ordinance. Mr. Zaccone said yes. Mr. Zaccone then went over the layouts of each floor. Mr. Alampi asked if there were any changes to the floor plan layout since the last revision, Mr. Zaccone said there are no changes.

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

Mr. Ford asked about what type of construction the building is proposed to use. Mr. Zaccone stated that decision hasn't been made yet and might require input from a structural engineer.

Mr. Steinhagen inquired if the affordable units on site have been chosen yet. Mr. Zaccone said they haven't been.

Ms. Choi asked about the number of units in the building. Mr. Zaccone stated there are 17 units in the building. Ms. Choi wanted to know how 19 parking spaces could work for 17 dwelling units considering some are 2-bedroom units and some are 3-bedroom units. Mr. Alampi stated that the multi bedroom units are required by the affordable housing regulations and had to be added.

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

Mr. Alampi outlined that he wishes to continue this case at the 06-22-22 public hearing. He stated that he'd extend the board time to act until 07-30-22

Application 21-15 is carried to the meeting of 06-22-22 without further notice.

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

Chairman DeGidio discussed the progress of the home business ordinance changes.

Mr. Botten asked about the hearing date for 130 Highwood. Mr. Myszka stated that they are on the May meeting.

#### **COUNCIL LIAISON REPORT:**

Councilman Fusco was not present.

#### **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 brought up a scheduling issue with the December meeting and the Senior Center already having something scheduled the same day. Chair DeGidio stated that the library might be an alternative option for the meeting location.

Chair DeGidio asked about the tentative agenda for the May meeting. Mr. Myszka stated that there were currently 5 cases slated for May.

Mr. Thompson stated that 402 Highwood had incorrectly noticed. Mr. Myszka agreed and stated that they would re-notice with the correct address for the meeting.

Mr. Botten asked about the possibilities in enforcing noncompliant site conditions prior to the issuance of Certificates of Occupancy for resales of properties. Mr. Steinhagen stated that this would require involvement from the governing body and an obligation for sellers to get surveys. Mr. Myszka added that then someone would have to assess the survey

against borough records. Chair DeGidio asked if anyone had any ideas on how to accomplish this. Mr. Steinhagen stated that getting a CO doesn't guarantee site compliance. Ms. Chavan inquired who is responsible to achieve compliance. Mr. Steinhagen stated that it is who ever is the owner at the time. Mr. Thompson added that changes in ordinances and requirements create an issue with enforcement timeline and which code to hold the properties to, and without a requirement for as-built surveys after work completion it would be difficult. The board discussed different issues with enforcement of unpermitted work. Chair DeGidio commented that this is most likely a property maintenance issue.

**PUBLIC COMMENT PERIOD – CORRESPONDENCE:**

There was no public comment.

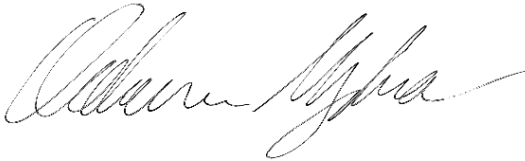
With no further business presented, a motion to adjourn the meeting was made by: Mr. Botten

Seconded: Vice Chair Gold

All in Favor – Motion Passed

The meeting was adjourned at 10:50 PM

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Adam Myszka".

Adam Myszka

Planning Board Secretary