



BOROUGH OF LEONIA
Leonía Planning Board
MINUTES

MAY 25, 2022

7:30 PM

LEONIA SENIOR CENTER

The Borough of Leonia Planning Board held a meeting on May 25, 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, Councilman Pasquale Fusco, Patrick Botten, Timothy Ford, Sean Thompson, Damee Choi

MEMBER(S) ABSENT: William Russell, Ron Wolf, Haeseok Ko.

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

Meeting called to order at 7:30 PM

OPENING MEETING STATEMENT, ROLL CALL

APPROVAL OF MINUTES:

Motion to approve the minutes of the April 27, 2022, regular meeting, made by: Mayor Zeigler

Seconded: Vice Chair Gold

On roll call, the vote was recorded as follows

Mayor Judah Zeigler	abstained	Councilman Fusco	abstained	Mr. Thompson:	yes
Chairman DeGidio:	yes	Mr. Botten:	yes	Ms. Choi:	yes
Vice Chair Gold:	yes	Mr. Ford:	yes		

NEW/CONTINUING APPLICATIONS:

PB21-17 – Carried to the 06-22-22 meeting with no further notice.

PB22-03 – 130 Highwood, Rocha. Block: 1503 Lot: 6 – Subdivision, Minor Subdivision, Parking.

The applicant's attorney, Cara Landolfi, addressed the board on behalf of the applicant.

Ms. Landolfi submitted a letter requesting the recusal of Mayor Zeigler from the case. Mayor Zeigler clarified that he has no relationship with the parties listed that would impact his impartiality. Mr. Steinhagen stated that in his opinion there is no basis for the disqualification of the mayor from hearing this case.

Ms. Landolfi, outlined the variances, and the subdivision request. Stating that the subdivision is for the owner specifically and not a for profit project. She then called up Mr. Zaccone.

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

A color map of the surrounding properties was marked as exhibit A-1.

Mr. Zaccone gave testimony regarding the nature of the surrounding properties and their size. Mr. Zaccone then clarified the nature of exhibit A-1.

A 1-page plan from Bertin Engineering dated 08-17-2021, revised through 03-24-2022 was marked as exhibit A-2.

Mr. Zaccone gave testimony in regards to exhibit A-2, and detailed the proposed subdivision. Mr. Zaccone stated that the existing driveway and garage were in disrepair. Ms. Landolfi inquired about the criteria of the subdivision and how they apply to C-1 and C-2 variances as related to the A-3 zone. Mr. Zaccone stated that project was beneficial, especially as the removal of the driveway and garage to increase pervious area. Ms. Landolfi and Mr. Zaccone both stated that the subdivided properties are conforming to the standards of the A-3 zone. Mr. Zaccone stated that he finds no negative criteria in the subdivision.

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

Mayor Zeigler asked Mr. Zaccone to clarify how the subdivision meets the requirements of the A-3 zone if there is a code section requiring subdivisions to be a minimum of 75 feet wide. Mr. Zaccone clarified that the proposed subdivision wouldn't meet that specific code section's requirements. The mayor also inquired about the reduction of lot coverage in relation to removing structures on one lot while adding coverage on the other. Mr. Zaccone stated that the existing driveway and garage constitute more coverage than the proposed added coverage.

Chair DeGidio asked for clarification of the C-1 and C-2 variance statements and how not adhering to the Borough resolutions can be considered beneficial? Mr. Steinhagen interjected that the standard for a C-2 variance is dependent on how it advances the purposes of zoning, not borough zoning specifically. Mr. Zaccone stated that the requirement for a 75-foot-wide lot minimum goes against the character of the existing properties in the area and other parts of the borough code. Chair DeGidio, requested for a clarification of the current state of the proposed subdivided lot. Mr. Zaccone detailed the aesthetics of the proposed lot.

Mr. Botten clarified to Mr. Zaccone that the subdivision requirement is only for a lot width and not 7500 square foot lots as he stated earlier. Mr. Zaccone agreed and outlined that he used that number since the lots in question are 100 feet deep.

Mr. Steinhagen inquired about the proposed uses and intent for proposed empty subdivided lot. Mr. Zaccone outlined some options for the lot but concluded that it would be up to the owner. Mr. Steinhagen clarified, and

asked if Mr. Zaccone thinks there is a chance that the new owner would hope to build a home on the property, Mr. Zaccone agreed. To this point Mr. Steinhagen then explained that if someone was to develop that lot, the beneficial assessment of less coverage would no longer apply. Mr. Steinhagen then asked Mr. Zaccone if he had reviewed the Borough master plan and assessed what the borough's intentions were in requiring a minimum subdivision width and lot patterns. Mr. Zaccone stated that he reviewed 2002 master plan and studied the subdivision regulations and felt that the lots were established over a long span of time creating inconsistencies

Chairman DeGidio asked if anyone from the governing body was approached in regards to using the new lot as a park as stated in earlier testimony. Mr. Zaccone said that no one approached to his knowledge.

Mrs. Chavan stated that the reason the 75-foot rule exists is to help alleviate the lot sizing inconsistencies Mr. Zaccone mentioned. Mr. Zaccone stated that if the lots were subdivided to create one compliant lot the other lot would be even further from compliance, additionally that to leave the lot this large and put an addition on it would not be consistent with the aesthetics of the neighborhood.

Mr. Steinhagen asked how the proposed subdivision is better than keeping a larger compliant lot. Mr. Zaccone said that 2 smaller lots fit better into the character of the neighborhood.

Councilman Fusco stated that the subdivision in any form is not permitted since a 75-foot lot would create a left-over lot 25 feet in width.

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.

Ms. Landolfi, requested to read a letter from a supporting neighbor into the record. Mr. Steinhagen denied the request. Mr. Landolfi requested that their support be recorded without the letter. Mr. Steinhagen clarified that since the neighbors were noticed but none showed up in support or opposition, this will be taken into advisement by the board.

Mr. Rocha was asked to provide planning testimony as the owner.

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

Mayor Zeigler inquired about the future of the subdivided property and if it would be sold. Mr. Rocha said he would possibly sell it in the future. Mayor Zeigler inquired about the garage and driveway present on site. Mr. Roach said he had maintained the site and the garage. Mr. Zeigler asked why Ms. Landolfi said the garage was in disrepair in earlier testimony if the garage is being maintained. Ms. Landolfi clarified her statement that the garage was too small to be usable and not in disrepair.

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

No members of the public provided questions.

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

The meeting was open to public comment in relation this this application.

Mr. Steven Meester of 131 Sylvan Avenue was sworn in and spoke in opposition of this application.

Public comment section was closed.

Ms. Landolfi made her final summary.

The board deliberated in relation to facts of the case. Ms. Landolfi requested to speak. Mr. Steinhagen denied the request as the board had already closed that portion of the application process.

A motion was made by Mr. Mayor Zeigler to deny the application.

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	Ms. Choi:	yes	Mr. Ford:	yes
Councilman Fusco:	yes	Mr. Thompson:	yes		

Application PB22-03 was denied.

PB22-05 – 402 Highwood, Rogava. Block: 1503 Lot: 6 – Wall and Fence combined height.

Mr. Thompson recused himself and left the meeting.

The applicant’s attorney, Rebecca Maioriello, addressed the board on behalf of the applicant. And explained the typographical error in regards of Highview Avenue rather than Highwood Avenue. Mr. Steinhagen upheld the application being correct due to existing case law.

Mr. Rogava was asked to provide planning testimony as the owner.

Mr. Rogava was asked to describe the property in question.

A photograph from Google Street view dated 07-2018 was marked as exhibit A-1.

Mr. Steinhagen asked the owner if the photo depicts the property conditions. Mr. Rogava agreed that it did.

Mr. Rogava provided further testimony about the property, and the proposed work in relation to the walls and fencing. He detailed why the work was being requested.

A set of 4 photographs taken by the owner in 2022 was marked as exhibit A-2.

Ms. Maioriello and Mr. Rogava described and detailed the photos.

A 4-page set of plans entitled Rogava residence deck extension drawn by Mr. Rogava dated 01-26-2022 was marked as exhibit A-3

Mr. Rogava went over the proposed plans including the deck and driveway work.

Mr. Ford inquired about deck size. Mr. Rogava stated that the deck size will be comparable to the existing deck. Mr. Steinhagen clarified that the deck isn’t the variance being heard before the board.

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

Mr. Dennis Dwyer of 51 Palmer Place voiced his concerns about potential drainage issues.

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

Mr. Mark Martins was asked to provide engineering and surveying testimony; he was sworn in and was deemed qualified by the board.

Mr. Martins was asked by Ms. Maioriello to detail the project and outline the proposal of the project. Mr. Martins described the project, and his plans along with the issues and challenges posed by the slope present on the site. He also explained in detail the grading and how it creates an issue which is alleviated by the proposed walls along with a fence atop the walls for safety and privacy. Additionally, he detailed the proposed drainage system.

Ms. Maioriello moved to detail the Borough Engineer's letter. She stated that she doesn't believe that a site plan is required due to the residential nature of the application and property. Mr. Di Sessa and Mr. Steinhagen clarified the requirement.

Mr. Martins then went through the requirements on the borough engineer's letter. He also stated that the intention is to improve the current drainage on the site.

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

Mayor Zeigler inquired if the driveway was intended to be compliant. Mr. Martins said that the driveway would be conforming.

Chairman DeGidio asked if the front yard tree which is proposed to be removed could be saved. Mr. Martins clarified that the tree is directly in the location of the driveway expansion so it's not possible. But they agree to plant a new tree in another section of the front yard.

Ms. Choi asked about rainfall calculations and drainage. Mr. Martins stated that they will redesign the drainage system to have more capacity.

Mayor Zeigler asked about why does the total height have to be so tall, why a smaller wall or smaller fence could not be an option. Mr. Rogava explained that from his yard only the 6-foot fence is visible as the 5-foot wall is retaining the soil on the site.

Mr. Botten inquired if the fence is for protection or privacy. Mr. Rogava stated it's for both.

Councilman Fusco asked about how the retaining wall and fence combo would affect the neighboring property. Mr. Martins explained that the 11-foot height is at the highest point not the entirety of the wall and fence and the highest point will be partially obscured by the neighbor's garage. Mr. Martins also clarified that the driveway walls will have fall protection. He also clarified about how much soil is being removed and added as part of the project.

Chairman DeGidio inquired about an inconsistency in the lot coverage numbers on the plan.

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

Mr. Dennis Dwyer voiced more concerns about potential drainage issues.

Mr. Martins stated that the plan is to help the drainage within the site.

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

The meeting was open to public comment in relation this this application.

Mr. Dennis Dwyer clarified that he wasn't opposed to the application, and then voiced concerns about drainage issues on this property as well as in that portion of Leonia as a whole.

Mrs. Kristina Sruoginis 400 of Highwood avenue (the next-door neighbor) spoke in support of the application.

Mr. Dennis Dwyer voiced concerns about drainage and spoke about the previous owners improperly draining their runoff.

Public comment section was closed.

Ms. Maioriello made her final summary.

The board held a discussion in relation to the details of this case.

A motion was made by Mr. Mayor Zeigler to approve the application.

Seconded: Councilman Fusco

On roll call, the vote was recorded as follows:

Chairman DeGidio	yes	Vice Chair Gold:	yes	Mr. Botten:	yes
Mayor Zeigler:	yes	Ms. Choi:	yes	Mr. Ford:	yes
Councilman Fusco:	yes				

Application PB22-05 was approved.

DISCUSSION ON BOARD MATTERS – NEW/OLD BUSINESS:

None

COUNCIL LIAISON REPORT:

Councilman Fusco was not present.

BOARD ATTORNEY REPORT:

Mr. Steinhagen stated he had nothing to report.

BOARD PLANNER REPORT:

Ms. Chavan informed the board of the upcoming Housing Fair Share Plan discussion.

ZONING OFFICER REPORT:

Mr. Myszka stated he had nothing to report.

PUBLIC COMMENT PERIOD – CORRESPONDENCE:

There was no public comment.

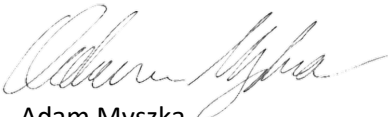
With no further business presented, a motion to adjourn the meeting was made by: Mayor Zeigler

Seconded: Mr. Botten

All in Favor – Motion Passed

The meeting was adjourned at 9:51 PM

Respectfully Submitted,



Adam Myszka
Planning Board Secretary