



**BOROUGH OF LEONIA**  
**Leonia Planning Board**  
MINUTES

**October 25, 2023**

**7:30 PM**

**LEONIA HIGH SCHOOL**

The Borough of Leonia Planning Board held its regular meeting on OCTOBER 25, 2023 at 7:30 p.m. located at 305 Beechwood Place, Leonia, NJ.

**MEMBERS PRESENT:** Chairman Michael DeGidio, Vice Chair Ira Gold, Councilman Pasquale Fusco, Patrick Botten, Timothy Ford, William Russell, Sean Thompson, Ron Wolf, Haeseok Ko, Damee Choi.

**MEMBER(S) ABSENT:** Mayor Judah Zeigler.

**ALSO PRESENT:** Attorney – Dan Steinhagen, Sanyogita Chavan – Borough Planner, Drew DiSessa – Borough Engineer.

Meeting was called to order at 7:30 PM.

**FLAG SALUTE**

**ROLL CALL**

**APPROVAL OF MINUTES**

Motion to approve the minutes of the August 23, 2023, meeting made by: Mr. Botten and Seconded by Mr. Wolf:

On roll call, the vote was recorded as follows

Mayor Zeigler:	Absent	Chair DeGidio:	Yes	Councilman Fusco:	-
Vice Chair Gold:	Yes	Mr. Russell:	Yes	Mr. Ford:	Yes
Mr. Botten:	Yes	Mr. Thompson:	Yes	Mr. Wolf:	Yes
Mr. Ko:	-	Ms. Choi:	Yes		

Motion to approve the minutes of the September 13, 2023, special meeting made by: Mr. Botten and Seconded by Councilman Fusco:

On roll call, the vote was recorded as follows

Mayor Zeigler:	Absent	Chair DeGidio:	Yes	Councilman Fusco:	Yes
Vice Chair Gold:	Yes	Mr. Russell:	Yes	Mr. Ford:	Yes
Mr. Botten:	Yes	Mr. Thompson:	Yes	Mr. Wolf:	Yes
Mr. Ko:	Yes	Ms. Choi:	Yes		

**RESOLUTIONS**

**NEW/CONTINUING APPLICATIONS**

**PB23-01 – Weimin Zhang, 11 Brook Terrace, Block:206 / Lot: 9 – Variances related to constructing a porch outside the existing house entrance.**

Junhao Zhang, 11 Brook Terrace, was sworn in by Mr. Steinhagen. Mr. Zhang then presented the proposed project, an enclosed porch in the front of their home.

Chair DeGidio asked about the shape of the porch, and asked for further clarification.

Mr. Zhang stated that the shape of the porch has changed and is now squared off.

Chair DeGidio asked if the plans presented to the board are no longer accurate of what the applicant is currently seeking, and Mr. Zhang confirmed this. Chair DeGidio questioned if this would change coverage.

Mr. Steinhagen answered that it could but without more information than the board does not know what they would be approving.

The Board and Mr. DiSessa, Planning Board Engineer, discussed the possibilities of the change of coverage.

Councilman Fusco requested to pull up the picture of the front of their home, and questioned what the applicant is seeking to accomplish.

Mr. Zhang clarified what they are seeking to build. Councilman Fusco discussed with Mr. Zhang to get further clarification on his meaning and intent.

Chair DeGidio asked the applicant if there is an architect or engineer working on the project, and Mr. Zhang stated that his father is building the enclosed porch. Chair DeGidio recommended using a licensed architect and stated that the applicant should come back with actual plans.

Mr. Steinhagen agreed with Chair DeGidio that the board needs more information to understand what they are approving.

Mr. Zhang offered a sketch of their intention.

Chair DeGidio asked for the dimensions of the proposed structure. He then suggested that the applicant extend their application till the next meeting and come back with a plan to show the board.

The applicant was granted an extension of the application until the November 21, 2023 meeting without further notice.

**PB23-05 – Fish Fish Wing Wing Inc., 452 Broad Avenue, Block: 509 / Lot: 4 – Seeking Site Plan Approval with Variances for a rear yard deck.**

Charles J. Lange, 640 E. Palisade Avenue, Englewood Cliffs, NJ, called his architect to speak.

Peter Pulice, Pulice Williams Architects, was sworn in by Mr. Steinhagen. Mr. Lange asked Mr. Pulice a series of questions to clarify about the project.

Chair DeGidio asked some questions about the deck, and how and when it was built. He questioned the structural integrity of the deck seeing as it was installed without permits or inspections. Mr. Steinhagen suggested that the deck has to go through the building department process if it were approved, and that the board can put in a stipulation that if it does not pass inspections it would have to be removed. Chair DeGidio continued to ask about the fence and why the height would need to be out of compliance. Mr. Lange explained that there is no need, but it would be a large expense if they needed to tear it down and bring it down in height now.

Chair DeGidio asked further if the two accessory structures are there, and why they could not be seen in the presented pictures. Mr. Pulice clarified the images.

Ms. Choi questioned if the footing is structurally sound to hold up the weight of all accessory structures. She suggested that the deck is unnecessary and that the applicant could have just installed ramps into the building. She finished questioning about the run off of water onto the neighboring properties.

Mr. Pulice answered that the run off of water would not go to the neighbors as there is a small space between the deck and the fence for water to flow to.

Chair DeGidio asked how the refrigerator unit got there, and was answered that it was assembled back there.

Mr. Wolf asked a question about the possibility of vermin nesting below the deck. Mr. Lange stated that there are decks all over town and people do not know what is under them. Mr. Wolf asked about what would be stored in the shed, and Mr. Lange stated restaurant equipment and confirmed it is not suitable for food storage. Mr. Wolf stated that he sees an issue with the applicant following all protocols on the inside and then deciding to gain no approvals on the outside area. Mr. Lange stated that there was a disconnect in what approvals were needed and this was not done intentionally.

Mr. Lange stated that the structures are essentially to the building in order to be a restaurant.

Councilman Fusco asked about the problem of snow and where they would put the snow if there was a large snowfall. He stated that the idea of protection above the deck and structures may be helpful for this. Mr. Lange agreed and stated that his client would look into it.

Vice Chair Gold asked if the applicant or the attorney spoke with the neighboring businesses about the fence height in order to make sure they were ok with it. Mr. Lange informed that they did not speak with the neighbor but there have been no complaints. Vice Chair Gold continued to ask about the compression system, which Mr. Pulice stated would make little noise, and asked if they have heard it running. Mr. Pulice stated that he has not specifically heard it running, but his professional experience with these compressors is relatively low noise.

Chair DeGidio questioned that the intent was always to build the refrigerator, due to their statement of it being necessary to operate. Mr. Pulice stated that it was not the intention, but it came as an afterthought, that it could operate on a day-by-day delivery basis, but this is a more efficient way. Chair DeGidio also asked if the unit is designed to withstand outside weather, and Mr. Pulice confirmed it is. Chair DeGidio also asked what would happen if the restaurant closes, what happens to the unit. Mr. Lange explained that if the landlord requested, the unit would have to be moved, unless the new tenant wanted to keep it and then it would be negotiated.

Mr. Lange and Mr. Pulice explained that the permit process has already begun, and they requested a temporary certificate of occupancy, but everything is halted by the building department until a decision is rendered by the board.

Mr. Ko asked if the raised platform was not built, how many variances would be required. Mr. Pulice explained what he believes the variance would be and explains that it is better for the property to have the drainage offered by the deck.

Ms. Chavan asked about the size of the kitchen and the dimensions in the drawing. Mr. Pulice clarified the drawing and the layout of the restaurant. Ms. Chavan asked about emergency access in the rear yard. Mr. Pulice explained that they would have to access it from the neighboring yards. Ms. Chavan pointed out that it might make sense to add a gate in the back yard. Chair DeGidio pointed out Fire Prevention reviewed the property and had no complaints.

Mr. Wolf asked a question about the size and the appliances on the wall and if there is enough room for this use. Mr. Lange and Mr. Pulice explained that there is no way to increase the room inside. Chair DeGidio asked to accept this as a comment and move forward.

Mr. Botten asked to hear the dimensions again, and Mr. Pulice explained the restaurant lay out again.

Chair DeGidio opened the room to the public for questions, and hearing none, he closed the public portion.

Chair DeGidio explained that these applications are difficult as they are being asked to give approval for something built illegally. He stated that he does not like doing that, but as there are not very many uses for the space, and he does not like the raised fence height, but otherwise the use seems reasonable.

Mr. Russell stated that he does not have issue with the fence but wished he could have heard from the neighbor. Chair DeGidio confirmed they were noticed.

Mr. Botten suggested that the building department should play out their process before a decision is made. Chair DeGidio explained that the building department will not act before a decision is made by the board. Mr. Steinhagen explained that a condition could be added to an approval that if the building department finds it insufficient it would have to be torn down and the variances retracted.

Ms. Choi stated that she believes that for the tiny lot this is a beneficial use and understands that there was a disconnect with the exterior portion. Her only reservation is whether it is structurally sound and is for Mr. Steinhagen’s recommendation.

Councilman Fusco stated that the weight of the units would help determine if it is structurally sound, both empty and full. Chair DeGidio stated this would be checked during the permit and inspection process. Councilman Fusco also stated that he did not like the idea of setting a precedent here.

Vice Chair Gold spoke briefly on what is behind the property and to the sides of it, and discussed this with the board and the applicant’s attorney.

Chair DeGidio asked the board if they would want it to lower the fence to conformity or keep the higher fence. The board’s consensus was to keep the higher fence.

Motion to approve PB 23-05, 452 Broad Avenue, Fish Fish Wing Wing Inc. with conditions was made by: Vice Chair Gold and Seconded by Mr. Ford:

On roll call, the vote was recorded as follows

Mayor Zeigler:	Absent	Chair DeGidio:	Yes	Councilman Fusco:	Yes
Vice Chair Gold:	Yes	Mr. Russell:	Yes	Mr. Ford:	Yes
Mr. Botten:	Abstain	Mr. Thompson:	Yes	Mr. Wolf:	No
Mr. Ko:	Yes	Ms. Choi:	-		

Motion Passed.

**PB23-06 – High Jump Realty, LLC., 515 & 517 Grand Avenue, Block: 504 / Lots: 1&2 – Seeking Minor Subdivision Approval.**

Rebecca Maioriello, DeCotiis, FitzPatrick, Cole & Giblin, LLP, gave brief explanation on her clients application.

Mr. Steinhagen stated that he spoke with the attorneys and determined that there are variances required and as such notice would be required for that. Ms. Maioriello stated that the applicant is willing to forgo any variances in order to move forward if needed.

Ms. Maioriello called John Obecnny, High Jump Realty Owner, and he was sworn in by Mr. Steinhagen. Mr. Obecnny answered questions from his attorney and briefly explained the history of the properties and the intention of the application.

Ji Won Kim, 185 Harrison Street, wanted to make a comment, but Chair DeGidio explained that at the end of all the sections that comments on the project could be made at the end.

Bruce D. Rigg, Rigg Associates, 1000 Maple Ave, Glen Rock, NJ, was sworn in by Mr. Steinhagen and stated his credentials. Mr. Rigg gave a presentation describing the application and the intention through the plans.

Mr. Steinhagen stated that the board does not need to approve the design of the house for the subdivision and that the board is just approving the lot size.

Chair DeGidio asked for confirmation that the two houses currently on the lots are two family homes in a single-family home zone. Ms. Maioriello confirmed this. Mr. Steinhagen stated that this means that this would require a D Variance. Councilman Fusco who has not participated in this application, recused himself from the board for the D Variance.

The Board, Mr. Steinhagen, Ms. Chavan and Ms. Maioriello discussed the requirements and the case law on whether this would be a D Variance or not.

Mr. Steinhagen advised that the applicant should submit a legal memorandum letting the board know why they believe that this application should not trigger a D Variance.

Chair DeGidio stated that the applicant should go back and provide more information to the board professionals in order to make a more informed decision.

Ms. Maioriello asked the Board for an extension of time until the November 21, 2023 meeting, and the board granted the extension.

Mr. Steinhagen stated that the application would be carried without further notice to the November 21, 2023 meeting.

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

### **Sign Ordinance Discussion – Chair DeGidio**

Councilman Fusco returned to the board.

Chair DeGidio spoke briefly on the sub committee and why the ordinance was up for discussion now. Then he discussed the document in which the committee went through and made corrections to the ordinance, as well as some comments from the zoning officer. He asked the members of the board to look the ordinance over and send any corrections or thoughts to the board secretary before moving it on to the mayor and council.

### **Substation – Chair DeGidio**

Chair DeGidio spoke briefly on the PSE&G Substation on Willow Tree Road approaching the borough about putting in another swing gate. He told PSE&G that he would bring the matter to the boards attention and get their thoughts. The other swing gates are buttressed by columns so the Chair asked whether the new swing gate should similarly have columns to the sides or be less noticeable without them. The board decided that they preferred no side columns but the gate be of the same look and materials as the others. Chair DeGidio stated that he would relay this to PSE&G.

## **COUNCIL LIAISON REPORT**

Councilman Fusco spoke on his disappointment that the Redevelopment Plan was pushed until the new year by the mayor and council.

## **PLANNING BOARD ATTORNEY REPORT**

Mr. Steinhagen stated that there is no new activity in either of the litigations.

Chair DeGidio asked if he had reached out to 131 Fort Lee Road yet. Mr. Steinhagen stated that he has not reached out, but he can, but that it is contingent on the redevelopment plan.

## **PUBLIC COMMENT PERIOD – CORRESPONDENCE**

**CLOSED SESSION**

**ADJOURNMENT**

With no further business presented, a motion to adjourn the meeting was made by: Vice Chair Gold and seconded by Mr. Wolf.

All in Favor – Motion Passed

The meeting was adjourned at 9:51 PM.

Respectfully Submitted,

Michael Greco  
Planning Board Secretary