

REGULAR MEETING of the Moonachie Planning Board called to order, J. Molinari in the chair, at Kathryn E. Flynn Civic Center on Thursday, January 18th, 2018 at 7:09 P.M.

J. Molinari called for Pledge of Allegiance to the Flag.

ROLL CALL: Mayor Vaccaro- not present, C/ Surak, J. Molinari, N. Derevyanik- present, J. Campbell, M. Meehan, V. Drozd, M. Lyons, J. Telesmanic - present
Alternates – A. Arroyo- present, R. Petrella, C. Pallas– not present
Attorney- J. Novello- present, Engineer- not present

Secretary stated that notice of the meeting was announced in accordance with the Open Public Meeting Act.

Motion by C/Surak and second by N. Derevyanik to waive the Regular Order of the Business.
ROLL CALL: C/Surak, Molinari, Derevyanik, Campbell, Meehan, Drozd, Lyons, Telesmanic, Arroyo.
All ayes. So ordered.

REORGANIZATION:

Motion by J. Telesmanic and second by C/Surak to elect Joyce Molinari as Chairperson for 2018.

ROLL CALL: C/Surak, Molinari, Derevyanik, Campbell, Meehan, Drozd, Lyons, Telesmanic, Meehan, Arroyo.
All ayes. So ordered.

Motion by J. Molinari and second by J. Telesmanic to elect Nicholas Derevyanik as Vice Chairperson for 2018.

ROLL CALL: C/Surak, Molinari, Derevyanik, Campbell, Meehan, Drozd, Lyons, Telesmanic, Arroyo.
All ayes. So ordered.

Motion by J. Telesmanic and second by C/Surak appoint Supriya Sanyal as Secretary for 2018.

ROLL CALL: C/Surak, Molinari, Derevyanik, Campbell, Meehan, Drozd, Lyons, Telesmanic, Arroyo.
All ayes. So ordered.

Motion by C/Surak and second by N. Derevyanik to adopt Resolution #2018-1.

RESOLUTION#2018-1

RESOLUTION EMPLOYING AN ATTORNEY WITHOUT COMPETITIVE BIDDING

WHEREAS, there exists a need for the services of a PLANNING BOARD ATTORNEY in accordance with appropriate New Jersey law; and

WHEREAS, the provisions of said contract shall be in accordance with the dictates of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, the all legal services at the hourly rate of \$165.00 per hour, the annual contract shall not exceed \$5,000 and funds are subject to an appropriation by the Mayor and Council of the Borough of Moonachie and will be provided by the local finance office when appropriated; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:111 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED, by the PLANNING BOARD OF THE BOROUGH OF MOONACHIE as follows:

1. The Chairperson and Secretary of the PLANNING BOARD are hereby authorized and directed to execute the attached Contract with James T. Novello, ESQ.

2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services are to be performed by a person authorized by law to practice a recognized profession.

3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. A Notice of this action shall be printed once in the official newspaper of the Borough.

ROLL CALL: C/Surak, Molinari, Derevyaniuk, Campbell, Meehan, Drozd, Lyons, Telesmanic, Arroyo.

All ayes. So ordered.

Motion by C/Surak and second by J. Molinari to appoint Kevin Boswell as Planning Board Engineer for the year 2018.

ROLL CALL: C/Surak, Molinari, Derevyaniuk, Campbell, Meehan, Drozd, Lyons, Telesmanic, Arroyo.

All ayes. So ordered.

Motion by J. Telesmanic and second by V. Drozd to adopt Resolution #2018-2.

RESOLUTION#2018-2

WHEREAS, the Open Public Meeting Act requires that appropriate public notice be given in conjunction with the scheduled meetings of all public bodies; and

WHEREAS, the PLANNING BOARD OF THE BOROUGH OF MOONACHIE desires to operate in compliance with the aforesaid law; and

WHEREAS, the Planning Board intend that formal action be taken at the reorganization meeting, regular monthly meeting sessions and/or special meeting sessions of the Moonachie Planning Board; and

NOW, THEREFORE, BE IT RESOLVED, by the PLANNING BOARD OF THE BOROUGH OF MOONACHIE, that the Borough Clerk of the Borough of Moonachie publish the following list of monthly meetings for the calendar year 2018 in accordance with the Open Public Meeting Act:

February 15, 2018
 March 15, 2018
 April 19, 2018
 May 17, 2018
 June 21, 2018
 July 19, 2018
 August 16, 2018
 September 20, 2018
 October 18, 2018
 November 20, 2018 (Tuesday)
 December 20, 2018

Executive sessions will be held at 6:45 p.m. followed by the regular public meeting at 7:00 p.m. All meetings to be held at the Kathryn E. Flynn Civic Center, 125 Moonachie Road, Moonachie, NJ.

ROLL CALL: C/Surak, Molinari, Derevyaniuk, Campbell, Meehan, Drozd, Lyons, Telesmanic, Arroyo.

All ayes. So ordered.

Motion by J. Molinari and second by C/Surak to adopt the By-laws dated December 12, 1996, for the year 2018.

ROLL CALL: C/Surak, Molinari, Derevyanik, Campbell, Meehan, Drozd, Lyons, Telesmanic, Arroyo.
All ayes. So ordered.

COMMUNICATIONS:

Supriya Sanyal, Borough Clerk- notification of 2018 appointment of member to the Planning Board.

Public Service Electric and Gas Company-notification of submittal of Freshwater Wetlands Application to NJDEP for the maintenance and repair of existing and the installation of new underground and overhead electric distribution facilities within electric distribution and public rights-of-way.

Anthony Trano, 9 Teresa Court- variances applications for removal of one enclosed parking space and for installation of an 8 feet high fence.

Motion by J. Telesmanic and second by N. Derevyanik to file communications.

ROLL CALL: C/Surak, Molinari, Derevyanik, Campbell, Meehan, Drozd, Lyons, Telesmanic, Arroyo.

All ayes. So ordered.

The Board discussed any possible conflict of Board of Education member and a Board member being within 200' feet of Property of 9 Teresa Court to file communications.

Attorney Novello advised that with any potential conflict of a member with a specific application, that member should abstain from vote.

Motion by C/Surak and second by N. Derevyanik to amend the motion to file communication.

ROLL CALL: C/Surak, Molinari, Derevyanik, Campbell, Meehan- ayes, Drozd- abstain, Lyons, Telesmanic, Arroyo- aye.

Eight ayes and one abstain. Motion carried.

REPORTS: None

OLD BUSINESS:

Application No. 17-SP1 and Docket#17-V2

Site plan and variances ("C" Bulk Variance and "D" use Variance) application of Safwat & Pilar Tadrous, 31 A Daniel Street, Block 5, Lot 2.02.

Attorney Novello mentioned that the applicant's engineer met with the Board's engineer and the Board Engineer had requested additional information on the design. Also, he mentioned that the applicant's engineer had not replied as of this week to the Board's engineer, and asked to extend the meeting until the next month. Spoke about time period to act for the Board for the application, the Board got extension of time to act on this application from the applicant.

The Board took a five-minute recess.

Meeting reconvened at 7:20P.M.

NEW BUSINESS:

Application No. 17-V4

Variance application of Anthony Trano, 9 Teresa Court, Block 4, Lot 10.

C/Surak recused himself from the meeting.

V. Drozd recused herself from the meeting.

Mr. Anthony Trano was sworn by Attorney Novello. He spoke about purchasing his home, which was an illegal three family home that needed to be improved. He explained that he applied for permits and presented drawings to the building Department when the work was halfway done, the Construction Official notified him that the two-car garage that was there was illegal; a two-family home needs 4 total parking spaces. He mentioned that the building Department told him that he could either apply for a variance or put an extension on his home. Spoke about stairs, changes done to the home and a bedroom was built, where the garage was for his mother in law.

J. Molinari asked about the stairway.

Mr. Trano explained the doors and stairway to get into the room downstairs. He presented pictures of his home and driveway.

J. Molinari asked how much of the work is completed.

Mr. Trano mentioned that all work has been done about a year. He explained that the pictures show that there are three spots in the front of the home and one inside, totaling four car parking spaces.

J. Molinari asked about the total cars in the family.

Mr. Trano mentioned that there are five cars and spoke about parking during snowstorms.

M. Lyons asked where he parks the cars for snow events.

Mr. Trano showed the pictures of two cars that are under covers on the driveway. He mentioned that one car is in the driveway and they try to fit one on the grass and one on the street.

M. Lyons mentioned that the parking on grass is not allowed, and during snow storm the parking spots used to be available at Borough Hall, and now the ball fields are available for parking.

Michael Sartori, Construction/Zoning Official –was sworn in by Attorney Novello. He mentioned that he will be serving Borough of Moonachie for ten years this November. Spoke about the number of permits issued and reviewed, about around 100 zoning permits are filed in a year, which he reviews and between 150-200 permits per year are issued. He explained about the zoning review process which then leads to a building permit if zoning approved. He mentioned that for 9 Teresa Court, an application was done for a building permit, no zoning review was done and he was familiar with the home because he had recently issued a Certificate of Occupancy there because the home was being sold. Mentioned that permits needed to be taken out to remove a stove in the bottom level. Spoke about the inspectors that review the plans before the permit is released and the working being done was interior renovations, but he received a complaint after the permit was issued that the garage door was being removed. He mentioned that the plans did include removing the door and extending a bedroom area. He explained that Mr. Trano did some work that made the house back into a two family. He mentioned about meeting with Mr. Trano, the work was past the rough stage, and he had made a mistake that the Zoning was overlooked. Spoke about the Planning Board being able to rectify his mistake through granting a variance.

C/Surak mentioned that Mr. Sartori has done excellent work for the Borough.

Attorney Novello mentioned that there was a hardship on the property since the construction had already done, and that the construction made the home conformed compared to its prior illegal use. He asked Mr. Sartori if the three outside, one inside parking spots would be a detriment to the zoning.

Mr. Sartori answered no, and that the property has no adjacent homes across the property.

J. Telesmanic- asked about the placement of the fence on the property.

Mr. Trano -presented pictures of the fence in the backyard and the left side of the property to the Board.

M. Lyons asked if a permit is allowed for an 8ft. fence.

Mr. Sartori answered no, the limit is 6 ft.

Mr. Trano stated that he got permit for 6 feet fence.

Mr. Trano mentioned that there was an existing 8ft fence from the factory which goes across Teresa Court and he put his fence in front of it. He stated that the back and the left side fences are 8ft. and other side is 6ft. fence.

PUBLIC HEARING (Application No. 17-V4):

Vivian Drozd, 7 Teresa Court- questioned the replacement and extension of the prior macadam driveway to a current cement driveway and whether a buffer from neighboring property was required. She spoke about the driveway being widened possibly over a drainage easement, and no stakes were done.

J. Molinari asked about the grass and drainage easement.

Mr. Trano mentioned that there is no drainage easement there.

Attorney Novello asked Mr. Sartori about the side yard setback for driveways.

Mr. Sartori mentioned that the driveway is allowed to cover 50% of the frontage and there was no side yard setback requirement for driveway, he issued the permit for the driveway.

N. Derevyanik asked if the driveway permit was issued at the same time as the interior work.

Mr. Sartori mentioned that the driveway permit was done later.

Ms. Drozd asked if there is a current survey on file. she mentioned about a gap in the fencing and her concerned about the property line.

Mr. Trano explained that the chain link fence stopped and did not connect. He mentioned that he has a dog so he continued the fence.

Attorney Novello- asked whether a survey is required.

Mr. Sartori mentioned that a survey is required for a subdivision or building a new home and the survey is not required for improvement.

N. Derevyaniuk asked if there had been any impact on the drainage.

Ms. Drozd spoke about storm drain.

M. Lyons spoke about storm drains pipe, which runs parallel and is not aware of any easements on the property. She mentioned about upcoming changes to the storm water regulations for storm water utility.

Attorney Novello asked about the requirements for the fencing.

Mr. Sartori- spoke about the requirements which include a survey with the location of the fence and height.

Attorney Novello spoke about the survey which shows a drainage easement on the west side. He clarified that the Board can consider the impact of the drainage on the area, and there is no requirement regarding the property lines, He explained that it is up to each owner to get a survey if a neighbor may be on their property.

M. Lyons asked Mr. Sartori if the height of a fence is indicated on the permit application.

Mr. Sartori mentioned that he cannot approve a permit unless the height is on the application.

Motion by J. Telesmanic and second by C/Surak to close public hearing.

ROLL CALL: C/Surak, Molinari, Derevyaniuk, Campbell, Meehan, Lyons, Telesmanic, Arroyo.

All ayes. So ordered.

N. Derevyaniuk – asked about the fence height.

Attorney Novello- explained that the permit was for 6ft, and the variance would be for relief of two feet on the fence.

Motion by J. Molinari and second by N. Derevyaniuk to approve both variances for 9 Teresa Court.

ROLL CALL: C/Surak-recused, Molinari, Derevyaniuk, Campbell, Meehan- ayes, Drozd- recused, Lyons, Telesmanic, Arroyo- ayes.

Seven ayes, two recused. Motion carried.

PUBLIC HEARING (Regular):

No one wishing to be heard.

Motion by J. Campbell and second by N. Derevyaniuk to close public hearing.

ROLL CALL: C/Surak, Molinari, Derevyaniuk, Campbell, Meehan, Drozd, Lyons, Telesmanic, Arroyo.

All ayes. So ordered.

Motion by J. Telesmanic and second by C/Surak to adjourn meeting at 8:16 P.M.

ROLL CALL: C/Surak, Molinari, Derevyaniuk, Campbell, Meehan, Drozd, Lyons, Telesmanic, Arroyo.

All ayes. So ordered.

ATTEST:

Supriya Sanyal
Secretary