

REGULAR MEETING of the Moonachie Planning Board called to order, J. Molinari in the chair, at Kathryn E. Flynn Civic Center on Thursday, February 15th, 2018 at 7:22 P.M. J. Molinari called for Pledge of Allegiance to the Flag.

ROLL CALL: Mayor Vaccaro, C/ Surak- not present, J. Molinari, N. Derevyanik-present, J. Campbell, M. Meehan, V. Drozd-not present, M. Lyons, J. Telesmanic- present Alternates – A. Arroyo-present, R. Petrella, C. Pallas – not present Attorney- James Novello Engineer- none

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

Motion by N. Derevyanik and second by J. Telesmanic to adopt the minutes of the Regular Meeting of October 19, 2017 (no meeting in November and December, 2017).

ROLL CALL: Molinari, Derevyanik, Lyons, Telesmanic, Arroyo. All ayes. So ordered.

Motion by J. Telesmanic and second by N. Derevyanik to adopt the minutes of January 18, 2018.

ROLL CALL: Molinari, Derevyanik, Lyons, Telesmanic, Arroyo. All ayes. So ordered.

COMMUNICATIONS:

Bergen County Soil Conservation District- Notice of approval of application for Soil Erosion and Sediment Control Plan Certification for Jet Aviation Service Hangar, 112 Charles A. Lindbergh Drive, Block 76/Lot 1.02.

Bergen County Board of Chosen Freeholders- Notice of update of Official County Map of County Road Right-of –Way and public hearing on the adoption of changes to the Official Map of Bergen County.

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

ROLL CALL: Molinari, Derevyanik, Lyons, Telesmanic, Arroyo. All ayes. So ordered.

REPORTS:

None

OLD BUSINESS:

Motion by N. Derevyanik and second by J. Telesmanic to approve Resolution#2018-3 RESOLUTION#2018-3

PLANNING BOARD OF MOONACHIE

**Anthony Trano
9 Teresa Court
Moonachie, New Jersey
07074 Block 4, Lot(s) 10**

**Rear & Side Yard Fence Height and Minimum Off-Street
Parking Space Variances**

WHEREAS, Applicant had made application to the Moonachie Planning Board for bulk variances from maximum rear and side yard fence height and the minimum off-street parking requirement for a two-family home; and

WHEREAS, the application was presented by the Applicant, Anthony Trano.

NOW, THEREFORE, the Moonachie Planning Board makes the following Findings

of Facts based upon the evidence presented at the public hearing of January 18, 2018 at which a record was made:

1. The property is in an R-2 zone. The Applicant satisfied the statutory procedural requirements of service and publication of notice, and there are no taxes or assessments due or in arrears. Pursuant to Borough Ordinance Section 22-5.6 c.1 the maximum height of a rear and side yard fence shall be six (6) feet from the natural grade and pursuant to Borough Ordinance Section 22-5 a two-family home requires two enclosed parking spaces.
2. The Applicant testified that he previously purchased the property which was an illegal three-family home and converted the property to a legal and conforming two-family which is owner-occupied. Further, the Applicant testified that he applied for and received building permits for the removal of one enclosed parking space and widening of the exterior driveway and that it was not until halfway through construction of the improvements that the Zoning Officer advised of the required variance.
3. In this regard, the Zoning Officer, Michael Sartori, testified before the Board and confirmed the facts and chronology submitted by the Applicant and apologized for inadvertently missing the variance requirement related to the off-street parking upon initial review.
4. Specific to the off-street parking requirement, the Applicant testified that the prior granting of permit approval and his undertaking of substantial construction prior to notice of the requirement of variances created a substantial hardship. Further, as to the positive criteria, the Applicant testified that his construction brought an illegal use into conformity and that the variance allowing one garaged off-street space and three exterior driveway off-street spaces caused no detriment or congestion to street parking access. The Applicant presented and the Board reviewed photos of the driveway improvements which illustrated that three cars could be maintained on the widened exterior driveway. Applicant's photos were marked as Exhibit A.
5. Specific to the off-street parking requirement, the Zoning Officer, Michael Sartori, agreed that the Applicant's construction was as a positive in bringing a prior illegal use into conformity and that there was no substantial detriment to the Zoning Ordinances in the granting of the requested variance as the Applicant will maintain a total of four off-street space, three exterior and one garaged.
6. Specific to the fence requirement, the Applicant testified that the neighboring industrial property's noise created a hardship as well as his need for privacy. Further, he testified that the neighboring industrial property currently maintained an eight-foot perimeter fence. As to the positive criteria, the Applicant testified that the Applicant's eight-foot fence in the rear and northwest side of the property provides a visual beautification and conforms with the neighboring industrial property's eight-foot fence. The Applicant presented and the Board reviewed photos of the fence improvements which illustrated the rear and northwest side height of the Applicant's fence in comparison to the neighboring industrial property fence. Applicant's photos were marked as Exhibit B.
7. One resident testified as to the application during the public participation of the meeting and no other public was heard. Vivian Drozd, 7 Theresa Court, questioned the replacement and extension of the prior macadam driveway to a current cement driveway and whether a buffer from her neighboring property was required. Further, she believed that some of the Applicant's improvements (fence/driveway) may encroach upon her property.
8. Upon questioning from the Board, the Zoning Officer confirmed that there was no side yard setback requirement for a driveway and that his office issued the driveway widening permit which conformed to the Borough Ordinances. Further, he testified that there was no survey requirement for the driveway widening improvement and the use of a prior property survey was sufficient for the fence permit and that the installation of survey stakes was not required.

NOW, THEREFORE, the Moonachie Planning Board hereby makes the following Conclusions of Law based upon the foregoing findings of facts:

1. The Applicant's request for variances from maximum rear and side yard fence height of six feet to allow installation of an eight-foot fence and the off-street parking requirement of two garaged and two exterior spaces to allow for one garaged and three exterior space for a two-family home is in conformity with the Borough's Master Plan.

2. The Board finds that the Applicant has satisfied the criteria under subsection (c)(2) of the relevant statute. The Board finds that: (1) the application relates to a specific piece of property; (2) the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning Ordinance's requirements; (3) the variances can be granted without substantial detriment to the public good; (4) the benefits of the deviation substantially outweigh any detriment; and (5) the variances will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. The Board finds that granting the variances will not have a substantial detrimental impact upon the neighborhood, the Master Plan or the Zoning Ordinance. The Board finds that, based upon the Applicant's testimony, the Zoning Officer's testimony and evidence presented by the Applicant, there exists a (c)(2) basis for granting the requested relief. The Board found that there will be no substantial detriment resulting to the public good, nor will there be an impairment of the zoning plan or municipal zoning ordinance and that the benefits of the deviation from the local zoning ordinance resulting from granting the variance would substantially outweigh any detriment.

NOW, THEREFORE, BE IT RESOLVED by the Moonachie Planning Board that Applicant's request for variances are hereby granted pursuant to N.J.S.A. 40:55D subject to the following terms and conditions:

1. The proposed variances are in conformity with the Borough's Master Plan and the Applicant has demonstrated that the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning Ordinance's requirements
2. Approvals of all other government agencies and utilities having jurisdiction over any aspect of the Project.
3. The Board retains jurisdiction as to any interpretation of this resolution.
4. Satisfaction by Applicant of the representations and commitments made in the submission testimony and in the record made available by Applicant before the Board.
5. Deposit of the appropriate amounts into escrow and payment of requisite application fees pursuant to ordinance and reasonable requirement of applicable Borough Professionals.
6. The Applicant shall comply with the requirements of structural, fire and sanitary safety as provided for in the current edition of the New Jersey Uniform Construction Code.

The undersigned certifies the within Resolution was adopted by this Board at its Thursday, January 18, 2018 meeting, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on February 15, 2018.

ROLL CALL: Molinari, Derevyaniuk, Lyons, Telesmanic, Arroyo.
All ayes. So ordered.

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.

J. Molinari mentioned that the application is tabled until next month due to a lack of board members.

NEW BUSINESS: None

PUBLIC HEARING: (Regular)

No one wishing to be heard.

Motion by J. Telesmanic and second by N. Derevyanik to close public hearing.

ROLL CALL: Molinari, Derevyanik, Lyons, Telesmanic, Arroyo.

All ayes. So ordered.

Motion by M. Lyons and second by J. Telesmanic to adjourn meeting at 7:25 P.M.

ROLL CALL: Molinari, Derevyanik, Lyons, Telesmanic, Arroyo.

All ayes. So ordered.

ATTEST:

Supriya Sanyal
Secretary