

REGULAR MEETING of the Moonachie Planning Board called to order, Joyce Molinari in the chair, at Kathryn E. Flynn Civic Center on Thursday, April 20th, 2017 at 7:58 P.M.

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

ROLL CALL: Mayor Vaccaro, C/ Surak, J. Molinari, N. Derevyanik-present,

J. Campbell-present, D. Dressel- not present,

V. Drozd-present, M. Lyons-not present, J. Telesmanic – present

Alternates – M. Meehan, R. Petrella, C. Pallas - present

Attorney-J. Novello- present

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

Motion by N. Derevyanik and second by C/Surak to approve Minutes of Regular Meeting of February 16th, 2017(no Meeting on March 16, 2017).

ROLL CALL: Mayor Vaccaro, C/Surak, Molinari, Derevyanik, Campbell, Drozd-eyes, Telesmanic-, Meehan, Petrella – ayes
Pallas- abstained

Nine ayes, one abstained. Motion carried

COMMUNICATIONS:

J.Molinari- stated that she received Daniel Dressel's letter of resignation from the Board.
Mayor Vaccaro- mentioned that one of the alternates would move into his seat.

John Bussanich, 5 Teresa Court- variance application to erect second floor rear addition.

Jorge and Barbara Morales, 43 Diamond Way- appeal to the Planning Board regarding determination of decision of Zoning Official.

New Jersey Sports & Exposition Authority- notice for two bulk variances filed with NJSEA by Eric Witmond, WIP Moonachie LLC for the premises located at 77 Moonachie Ave., Block 70, Lot 5.02.

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

ROLL CALL: Mayor Vaccaro, C/Surak, Molinari, Derevyanik, Campbell, Drozd, Telesmanic, Meehan, Petrella, Pallas.

All ayes. So ordered.

REPORTS:

None

OLD BUSINESS:

Master Plan Re-Examination:

J. Molinari- apologized to everyone for the delay of this meeting and mentioned that the Board was reviewing the Re-Examination report.

Attorney Novello- mentioned that the Board heard the presentation of Re-Examination at the Joint meeting and he stated that the board would have to take action to preliminarily approve the plan so the planner can conclude the plan and place it on file with the Borough. He mentioned that at the next meeting, the Board will have the public hearing, any additional comments can be added and will adopt the plan.

Motion by Mayor Vaccaro and second by C/Surak to preliminarily approve the Master Plan Re-Examination Report.

ROLL CALL: Mayor Vaccaro, C/Surak, Molinari, Derevyanik, Campbell, Drozd, Telesmanic, Meehan, Petrella, Pallas.

All ayes. So ordered.

NEW BUSINESS:

Motion by J. Molinari and second by J. Telesmanic to approve Resolution#2017-3:

RESOLUTION#2017-3

BE IT RESOLVED by the PLANNING BOARD OF THE BOROUGH OF MOONACHIE that the Chairperson be and is hereby authorized to sign the subdivision (subdivision was approved by NJSEA) plot for Block 70, Lot 8 & 9.

Mayor Vaccaro, C/Surak, Molinari, Derevyanik, Campbell, Drozd, Telesmanic, Meehan, Petrella, Pallas.
All ayes. So ordered.

Docket#17-V1:

Variance application of John Bussanich, 5 Teresa Court, Block 4, Lot 9

Christina Bussanich was sworn in by Attorney Novello.

Christina Bussanich, 5 Teresa Court-mentioned that there was question whether their home is in R1 or R2 Zone, but their home is a two family dwelling and they are looking to a rear addition on the second floor. She stated that the minimum setback for both R1 and R2 Zone is 30 feet and looking for a variance for the rear yard setback about 26 feet. She explained that currently, they have three children currently, expecting another one, and need another bedroom. They are planning on converting their current family room to another bedroom. She mentioned that the Board's approval on this variance will make their growing family more desirable to live here. Mentioned that her husband grew up in Moonachie, employed by the town, she lives here from 2003 and would like to keep the family here in town.

Attorney Novello- stated that the Zoning Officer, himself and the Board Secretary had communications with the Assessor's confirming that the applicant's property is in R2 zone, a subdivision was granted in 1978 to the developer; all the properties were going to be R2 but it was never updated on the public records. Stated that the Board is looking at a rear yard setback of 30' and a proposed setback of 25.9 or 26'. Asked Mrs. Bussanich if the Board approves the variance that there will be a detrimental impact on the neighborhood.

Mrs. Bussanich- stated no.

Attorney Novello- asked what would be on the first level.

C/Surak- confirmed with Mrs. Bussanich that there will be columns with an open area.

J. Telesmanic- asked if there is a patio in the area currently.

Mrs. Bussanich- stated there are pavers there.

M. Meehan- confirmed with Mrs. Bussanich that the room is on the second story and nothing on the ground level.

The Planning Board members reviewed the plans.

N. Deevyanik -confirmed with Mrs. Bussanich that there is another family lives in the home.

J. Molinari-confirmed with Mrs. Bussanich that the home has two cars garage.

V.Drozd -recused herself from the meeting.

Attorney Novello – stated if the board considers the variance request, there is a C-1 hardship variance, which is personally related to the applicant not the property, or C-2 because it is in two family zone so it is advancing the zoning that is already there. He mentioned that it is cleared from the testimony that the variance can be granted without substantial detriment to the public goods and as Mrs. Bussanich testified, it is a 30 feet set back to 25.9 feet setback.

Docket#17-V1 Public Hearing:

Vivian Drozd 7 Teresa Court- mentioned that she noticed that there is a stairway in the plans that connects to the lower level, and it is a good idea in case of an emergency.

Motion by R. Petrella and second by J. Campbell to close public hearing.

ROLL CALL: Mayor Vaccaro, C/Surak, Molinari, Derevyanik, Campbell, Telesmanic- ayes, Meehan, Petrella, Pallas- ayes,
Nine ayes. So ordered.

Motion by J. Telesmanic, second by N. Derevyanik to approve Docket#17-V1.

ROLL CALL: Mayor Vaccaro, C/Surak, Molinari, Derevyanik, Campbell-ayes, Telesmanic, Meehan, Petrella, Pallas –ayes,

Nine ayes. So ordered.

V. Drozd rejoined the meeting.

Attorney Novello -spoke about the Resolution to memorialize the action of the Board approving the variance.

Motion by C/Surak and second by J. Campbell to approve Resolution #2017-4:

RESOLUTION#2017-4
PLANNING BOARD OF MOONACHIE
John Bussanich
5 Teresa Court
Moonachie, New Jersey 07074
Block 9, Lot(s) 4
Minimum Rear Yard Variance

WHEREAS, Applicant had made application to the Planning Board of Moonachie for a bulk variance from the minimum rear yard set-back requirements. which provides that the minimum rear yard set-back is 30 feet and applicant's second floor addition plan proposes a rear yard set-back of 25.9 feet; and

WHEREAS, the application was presented by the Applicant, John Bussanich.

NOW, THEREFORE, the Planning Board makes the following Findings of Facts based upon the evidence presented at the public hearing of April 20, 2017 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. The minimum rear yard set-back requirement is 30 feet and the applicant proposes 25.9 feet. The applicant testified that he is requesting to be permitted to build a second-floor rear addition to his property. The applicant explained the basis of his request for the variance.

2. One resident testified in support of the application during the public participation at the meeting and no other public was heard. Vivian Drozd, 7 Teresa Court, in support of the application and noted that the proposed addition contained interior stairs which would provide better access to the addition.

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

1. The Applicant's request for variance from rear year set-back variance is in conformity with the Borough's Master Plan.

2. The Board finds that the Applicant has satisfied the criteria under sub-section (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 requested variance with respect to the rear yard set-back deviation are minor. 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 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 Planning Board of the Borough of Moonachie that Applicant's request for variance is hereby granted pursuant to N.J.S.A. 40:55D subject to the following terms and conditions:

1. The proposed variance is 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, April 20, 2017 meeting, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on April 20, 2017.

ROLL CALL: Mayor Vaccaro, C/Surak, Molinari, Derevyanik, Campbell, Telesmanic-eyes, Meehan, Petrella, Pallas -eyes

Drozd- recused

Nine ayes and one recused. Motion carried.

PUBLIC HEARING:

Jorge Morales, 43 Diamond Way- was sworn in by Attorney Novello. He presented to the Board his appeal.

J. Campbell recused himself.

Attorney Novello- stated that this application was listed in the communications not listed as an application before the Board. Mentioned that the Secretary creating agenda and there are other applications made before this one so hearing this would be taken out of order. He mentioned that the zoning was denied in last week and the appeal was filed. He explained that this is a unique kind of appeal, where the applicant is appealing the Zoning Officer's decision. He mentioned that that the Zoning Officer Michael Sartori is not present at the meeting and his testimony is relevant related to his denial, but the Board can hear the applicant's position. He cautioned the Board about taking agenda out of order and the Zoning Officer not being present. He stated that the Board has 120 days to make a decision.

J. Molinari - stated that she does not want to go out of agenda.

Jorge Morales- mentioned that he and his son served in the military and requested that Board to hear his appeal. He spoke about how he wants to replace his deck. He mentioned that the deck would be in place of a current pool. He mentioned that the pool and the deck was in compliance and he did not believe that a variance would be needed for the deck.

J. Molinari- mentioned that the Board cannot hear this appeal because Mr. Sartori is not here.

Attorney Novello- stated that there is no action to be taken by the Board but this will be added to the next agenda.

J. Molinari- mentioned that Mr. Morales appeal will be heard in May's meeting.

Motion by R. Petrella and second by V. Drozd to close public hearing.

ROLL CALL: Mayor Vaccaro, C/Surak, Molinari, Derevyanik, Drozd, Telesmanic-eyes, Meehan, Petrella, Pallas – ayes

Nine ayes. So ordered.

J. Campbell rejoined the meeting.

Motion by V. Drozd and second by R. Petrella to adjourn meeting at 8:31 P.M.

ROLL CALL: Mayor Vaccaro, C/Surak, Molinari, Derevyanik, Campbell, Drozd-eyes, Telesmanic, Meehan, Petrella, Pallas-eyes.

All ayes. So ordered.

ATTEST:

Supriya Sanyal
Planning Board Secretary