

REGULAR MEETING of the Moonachie Planning Board called to order, J. Molinari in the chair, at Kathryn E. Flynn Civic Center on Thursday, July 20th, 2017 at 7:15 P.M.
J. Molinari called for Pledge of Allegiance to the Flag.

ROLL CALL: Mayor Vaccaro- present, C/ Surak- not present, J. Molinari- present
N. Derevyanik, J. Campbell, V. Drozd, M. Lyons – not present
J. Telesmanic. M. Meehan- present
Alternates – R. Petrella, C. Pallas - 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 J. Telesmanic and second by R. Petrella to approve Minutes of Regular Meeting of June 15th, 2017.

ROLL CALL: Mayor Vaccaro, Molinari, Telesmanic, Meehan, Petrella, Pallas.
All ayes. So ordered.

COMMUNICATIONS:

Bergen County Soil Conservation District- certifying the Soil Erosion and Sediment Control Act Plan for Truck Driving School, at 106 Moonachie Avenue.

Jorge E. Morales, 43 Diamond Way- variance application for converting existing above ground pool for the purpose of a wooden deck instead of said pool, thereby extending the existing deck at 43 Diamond Way, Block 42, Lot 16.

Supriya Sanyal, Borough Clerk- notification of appointment of Michael Meehan as Class IV member to the Planning Board.

Motion by M. Meehan and second by R. Petrella to file communications.

ROLL CALL: Mayor Vaccaro, Molinari, Telesmanic, Meehan, Petrella, Pallas.
All ayes. So ordered.

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

J. Molinari- mentioned that the application will be carried over until the next meeting.

NEW BUSINESS:

Docket#17-V3

Variance application of Jorge Morales, 43 Diamond Way, Block 42, Lot 16 for converting existing above ground pool for the purpose of extending the existing deck.

Jorge Morales, 43 Diamond Way- was sworn in by Attorney Novello. Spoke about survey that was submitted which shows the existing deck and pool. Mentioned that the deck will have the same footprint of the pool, there will additional space for water management underneath the deck and use of the area will be the same as the current deck. He stated that the character of the neighborhood will not be changed, and spoke about other properties in the area with similar characteristics. He mentioned if he were to follow the Ordinance, he would not be allowed to have any construction in the backyard due to the rear yard setback. Spoke about notifying of property owners within 200’ and all the Utilities. He mentioned that there will be nothing inconsistent with the Master Plan.

J. Molinari- asked when the deck was built.

Mr. Morales- mentioned that he did not know the exact date, but it is around 20 years ago and the pool has been there longer than the deck.

M. Meehan- asked about the distance between the deck and the rear property line.

Mr. Morales-mentioned that it is 10 feet.

M. Meehan – asked about the left side yard, it may be 12.02 feet.

Mr. Morales-mentioned that the current deck abuts the house but the new deck will be attached.

J. Molinari- asked what will be under the deck.

Mr. Morales- answered that there was concrete under the deck and cement steps out the back door.

Mayor Vaccaro- asked about the side yard setback.

Mr. Morales- mentioned that issues for denial were regarding the rear setback, not the side yard.

J. Molinari- mentioned that the denial letter from the Construction Official mentioned the rear setback.

Mayor Vaccaro- asked whether the current deck and pool came before the Zoning Board for a variance.

Barbara Morales, 43 Diamond Way- was sworn in by Attorney Novello. Mentioned that they did not apply for a variance, they applied for a permit for the pool, and spoke about the requirements needed for the pool. After the pool was completed, their contractor applied for the permit for the deck, and it was inspected by the town.

J. Molinari- asked if Mrs. Morales had a copy of the permits.

Mrs. Morales- mentioned that she was not able to find them.

Mayor Vaccaro- confirmed with Mrs. Morales that they did receive permits for the pool and the deck and got approval from the Borough. He asked about the setbacks for the existing deck.

Mrs. Morales- answered that the deck has not changed.

Mr. Morales- spoke about the concerns of the Construction Official regarding the rear setback for the current application for the deck.

Mrs. Morales- explained that in place of the pool where there is sand, they were going to put mulch or stones so water can run off and to keep animals from living under the deck.

Mayor Vaccaro- spoke about his concern was that they had previously mentioned that the setbacks did not meet the requirements, but they had a permit for it.

Mrs. Morales- mentioned that she had wanted to contact the original contractor who is their neighbor, but his office was in the home, and likely lost documents during Sandy.

R. Petrella- asked if all the concerns were addressed.

Mayor Vaccaro- recommended about the same conditions mentioned when they came for their zoning denial appeal. He mentioned that the deck is not allowed to be enclosed, water management underneath the deck, it is going to be attached, and the variance will not be transferred to the new owner if the deck is taken down.

Mr. Morales- spoke about water was underneath the deck during Sandy.

Mayor Vaccaro – mentioned that the water concern is with regular rainfall; the whole area will be a deck and we are making sure water runoff does not go onto another property.

Mrs. Morales- spoke about easement on their property, and that they get a lot of water.

The Board discussed and clarified about the location of the easement on the properties at Diamond Way.

Mr. Morales- spoke about originally wanting an in-ground pool but not being able to due to the easement.

Mr. Telesmanic- spoke about stipulation that no permanent structure would be put on the deck.

PUBLIC HEARING ON DOCKET#17-V3

Dolores Hroncich, 41 Diamond Way- was sworn in by Attorney Novello. She spoke about having an issue with privacy on her yard with the deck being bigger.

M. Meehan- asked if there was a fence, and height of the fence.

Ms. Hroncich- mentioned that there is a 6' fence and that the deck is above that.

Mr. Morales- mentioned that the deck is below the fence and the height will be the same as the current deck. He stated that the height of the deck will be 4.5 feet

Ms. Hroncich- spoke about dog barking in the yard, and about concerns that the dog can jump over and her main concern regarding privacy for her yard. She mentioned if the application is approved may be include something for privacy.

Mayor Vaccaro- asked if she had a pool in her backyard.

Ms. Hroncich- mentioned that she has a patio, grass and a garden.

Mr. Morales- spoke about neighbor on other side having a deck, and the proposed deck will not be taller than the current one. Spoke about supervision of dogs outside.

Mayor Vaccaro- asked about the height of the railing on the deck.

Mrs. Morales- spoke about the height of the railing on the deck is below the 6' fence. Spoke about closing steps so that the dogs cannot access the side of the yard by Ms. Hroncich.

Mayor Vaccaro- asked about layout of the deck.

Mrs. Morales- spoke about the deck, and mentioned that recently rearranging it so that the swing is blocking the side of the yard and the lattice is blocking the steps. She mentioned that if the application is granted and if allowed, they would put up a non-permanent gazebo in order to create privacy.

Mayor Vaccaro- confirmed with Mrs. Morales that the lattice to block the steps is lower than 6'.

J. Molinari- asked if they had any pictures.

The Board members reviewed pictures on Mrs. Morales's phone.

J. Telesmanic- asked about concrete, whether it was a walkway.

Mrs. Morales- explained the layout of the backyard and the height of the railing around the pool and deck.

Mr. Morales- spoke about backyard and location of neighbor's yard.

J. Molinari- asked if they were going to keep the swing on the deck to maintain some privacy.

Mrs. Morales- spoke about wanting to put a gazebo on the deck if the Board allows. Spoke about landscaping on their property.

Attorney Novello- commented that there was not a prior variance required when the permit was taken out the first time. Also he advised that the Board cannot take photos off of a phone. And the board can require physical testimony such as drawings or pictures. Spoke about the photos not being available to each Board member to review and things not being submitted due course of normal application.

Mrs. Morales- explained additional photo of side yard and her neighbor's yard on her phone.

Motion by J. Molinari and second by J. Telesmanic to close public hearing.

ROLL CALL: Mayor Vaccaro, Molinari, Telesmanic, Meehan, Petrella, Pallas.

All ayes. So ordered.

Mayor Vaccaro- asked to include the requirements that there can be nothing under the deck, nothing can be built on top of the deck to enclose it, and a drawing be submitted to the Building Department showing setbacks on all sides, with the rear setback at minimum of 10', where the pool is there now, the deck should be the same. Also, He mentioned that the deck cannot be higher than the 6' fence and based on the testimony, the deck is not currently higher than the fence.

Attorney Novello- clarified the conditions for approval, for purpose of water management, underneath the deck shall be permeable.

Mrs. Morales- spoke about what is currently underneath the deck and there is concrete that will stay there.

Mayor Vaccaro- mentioned that the concrete will not be able to stay there for the footings for the deck. He mentioned that the Board is asking for them not to put back the concrete.

Mrs. Morales- spoke about putting stones there to keep animals out.

Mayor Vaccaro- mentioned that the Board was concerned with runoff into their neighbor's yards.

Mr. Morales- spoke about the ordinance regarding deck as accessory structure and height requirements for accessory structure.

Mayor Vaccaro- mentioned that the deck will be attached, and it is not an accessory structure.

Mrs. Morales- mentioned that the water will run to the cement walkway without the pool.

Mayor Vaccaro- mentioned that the construction is always good if it is done right.

Attorney Novello- spoke about condition as follows: a. For Water management underneath the deck, there will be permeable stone. b. If the deck is removed, a variance must be applied for to replace the deck. C. The deck cannot be enclosed & no permanent structures. d. No screening, e. drawings must be submitted to the Building Department and a rear yard setback of 10', f. The side fence is lower than the perimeter fence.

Mayor Vaccaro- confirmed with Mrs. Morales that the side setbacks as per code.

Attorney Novello - mentioned that the conditions for the relief would be for the rear setback from 30' to 10, which is for 20 feet relief".

Motion by J. Molinari and second by Mayor Vaccaro to accept (grant) Docket #17-V3 with stipulations.

ROLL CALL: Mayor Vaccaro, Molinari, Telesmanic, Meehan, Petrella, Pallas.

All ayes. So ordered.

C. Pallas- spoke about understanding that Mr. Morales was upset when their appeal was denied at a previous meeting, but Mr. Morales owed the Planning Board an apology regarding the remark that he made. He asked if he would make an apology.

Mr. Morales – answered no sir.

PUBLIC HEARING (Regular):

Mrs. Morales- asked if the drawing would be from the Contractor.

Mayor Vaccaro- mentioned that it would be whatever is required by the Building Department.

Mrs. Morales- mentioned that she wanted to make sure so she can contact her contractor.

The Board advised that Mrs. Morales should contact the Building Department for drawings

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

ROLL CALL: Mayor Vaccaro, Molinari, Telesmanic, Meehan, Petrella, Pallas.

All ayes. So ordered.

Motion by J. Telesmanic and second by R. Petrella adjourn meeting at 8:05P.M.

ROLL CALL: Mayor Vaccaro, Molinari, Telesmanic, Meehan, Petrella, Pallas.

All ayes. So ordered.

ATTEST:

Supriya Sanyal
Secretary