

REGULAR MEETING of the Moonachie Planning Board called to order, J. Telesmanic in the chair, at the Kathryn E. Flynn Civic Center on Thursday, July 21, 2016 at 7:09 P.M.

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

ROLL CALL: Mayor Vaccaro –not present, C/ Surak,-present,

J. Molinari, N. Derevyanik, M. Sartori, J Campbell-not present,

D. Dressel- not present, V. Drozd, J. Telesmanic - present

Alternates – M. Meehan, R. Petrella, 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 C/Surak and second by V. Drozd to allow J. Telesmanic to conduct the Meeting.

ROLL CALL: Telesmanic, C/Surak, Drozd, Meehan, Petrella, Pallas.

All ayes. So ordered.

COMMUNICATIONS:

None

REPORTS:

OLD BUSINESS:

DOCKET #16-V1:

Louis Rossi, Block 15, Lot 9, 35 West Park Street.

Motion by R. Petrella and second by C/Surak to approve the following Resolution:

RESOLUTION#2016-4
PLANNING BOARD OF MOONACHIE
Louis Rossi
35 W. Park Street
Moonachie, New Jersey 07074
Block 15, Lot(s) 9
Fence Variance

WHEREAS, Applicant had made application to the Planning Board of Moonachie for a variance from Borough Code Section 22-5.6 (Fences) which provides that the maximum height in front yard is four (4) feet from natural grade and to permit a six (6) foot fence in the front yard; and

WHEREAS, the application was presented by the Applicant Louis Rossi.

NOW, THEREFORE, the Planning Board makes the following Findings of Facts based upon the evidence presented at the public hearings of May 19, 2016 and June 16, 2016 at which a record was made:

1. The applicant testified that he requested to install a six (6) foot fence in the same place as the existing four (4) foot fence along Park and Albert Street frontages and that the bushes had overgrown the four (4) foot fence and that the bushes were over six (6) feet now. Further, the applicant testified that he was planning to remove the bushes but wanted to maintain his privacy. Also, the applicant's noted that the property was a unique corner lot which is confronted with the hardship of have two front yards. Based upon the recommendation of the Board Review Committee the applicant presented a revised fence installation drawing from Bergen Fence which depicted the new fence installed on the applicant's property twelve (12) feet set back from the curb line on Albert Street. Further, the

applicant agreed to the removal of the bushes which are currently larger in height than six (6) feet.

2. Mike Sartori, the Zoning Official, testified that the fence exceed Borough Code Section 22-5.6 in that the proposed six (6) foot fence is higher than the allowed four (4) foot fence. Further, he testified that his property is a corner property and has two frontages. He noted that the initial proposed fence drawing of Bergen fence as compared to the most recent Survey provides by the Applicant draws into question whether the installation of the fence will be on Applicant's property or public property. He recommended to the Chair that the Board establish a committee (Board Review Committee) to review the tax map against the applicant's survey against the Bergen fence drawing to further clarify the property line boundaries. The committee met and determined the location of the property line. The committee recommended that the Applicant install the new fence twelve (12) feet from the curb cut on Albert Street and remove the bushes which are currently higher than six (6) feet. The committee noted that the current fence is installed on the property line next to the sidewalk on Albert Street. Further, the committee noted that the removal of the bushes and the twelve (12) foot setback of the fence will improve safety at the intersection by improving sight visibility lines.

5. No public participation was given at the meeting.

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 Borough Code Section 22-5.6 is in conformity with the Borough's Master Plan.
2. The Applicant's proposed variance is granted based upon the hardship to the Applicant. The Applicant demonstrated that the variance is needed for a specific piece of property; the proposed variance advances the purposes of the Municipal Land Use Law by improving intersection safety and improving site visibility; and that the benefits of the deviation from the local zoning ordinance resulting from granting the variance would substantially outweigh any detriment.
3. The Board has determined that certain conditions are necessary to protect the public interest in this application and the Applicant shall comply with those conditions as a requirement for this variance as follows:
 - a) Installation of the proposed fence twelve (12) feet from the curb line on Albert Street; and
 - b) Applicant will remove the bushes along Park and Albert Streets.

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 hardship.
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, June 16, 2016 meeting, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on July 21, 2016.

ROLL CALL: Telesmanic- ayes, C/Surak-ayes, Drozd- abstain, Pallas, Petrella – ayes, Meehan- abstain,

Four ayes, two abstain. Motion carried.

NEW BUSINESS:

None

PUBLIC HEARING (Regular):

Motion by C. Pallas and second by R. Petrella to close public hearing.

ROLL CALL: Telesmanic, C/Surak, Drozd, Meehan, Pallas, Petrella.
All ayes. So ordered.

C/Surak asked about the Master Plan project.

S. Sanyal-mentioned that Grace Lynch of L+C is working on it, she has a copy of the last reexamination plan.

C/Surak asked if there is a deadline to submit the Master Plan.

S. Sanyal-mentioned that the reexamination is due next year, the last one was done in 2007.

C/Surak asked Attorney Novello about COAH and setting land aside for affordable housing. Attorney Novello- spoke about how COAH was disbanded, and their obligations were given to the court. He mentioned that cases are still being gone through regarding the COAH obligations of municipalities. He mentioned that he does not know whether the Borough of Moonachie had filed the substantial certification that is where the Borough has to comply with the prior year COAH's numbers and/ or thorough a plan. He mentioned if the Borough had the substantial certification then the Master Plan will deal with anything with the COAH. He spoke about recent important court ruling which determined that the communities and municipalities do not have to make the number within the gap in time when the COAH stop existing and the Court took over. He explained that the Master Plan will deal with COAH for the substantial certification and to protect the Borough & the Planning Board from the Developer remedy in the event that the Borough does not comply with COAH but the COAH does not exist anymore and the Court is laying down some of the decision to give the municipalities with some direction what to do.

Motion by V. Drozd and second by C. Pallas to adjourn meeting at 7:14 P.M.

ROLL CALL: Telesmanic, C/Surak, Drozd, Meehan, Pallas, Petrella.

All ayes. So ordered.

ATTEST:

Supriya Sanyal
Administrative Secretary