

REGULAR MEETING of the Moonachie Planning Board called to order, J. Molinari in the chair, at Kathryn E. Flynn Civic Center on Tuesday, September 19th, 2017 at 7:10 P.M.

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

ROLL CALL: Mayor Vaccaro, C/ Surak, J. Molinari, N. Derevyaniuk – present,
J. Campbell, V. Drozd- not present, M. Lyons- present,
M. Meehan- not present, J. Telesmanic - present
Alternates –A. Arroyo – present, R. Petrella, C. Pallas -not present
Attorney-J. Novello- 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 J. Molinari to approve Minutes of Regular Meeting of July 20th, 2017.

ROLL CALL: Mayor Vaccaro-aye, C/Surak- abstain, Molinari- aye, Derevyaniuk- abstain, Telesmanic, Arroyo-abstain.

Four ayes, two abstain. Motion carried.

COMMUNICATIONS:

Supriya Sanyal, Borough Clerk- notification of appointment of Arnaldo Arroyo as Alternate 1 member to the Planning Board.

New Jersey Sport's Exposition Authority- notice of approval of subdivision plot of Jaret LLC, Block 70, Lots, 8.01 & 9.01.

Bohler Engineering-notification of submittal of Flood Hazard Area Individual permit and Verification application to NJDEP for Signature Flight, Block 76, Lot 1.02 in the Borough of Moonachie.

Mayor Vaccaro- spoke about new two hangars of Signature at the airport. He mentioned that Ms. Lyons and he have been attending the meetings, and this development will affect the Borough's flooding. He stated that the Borough has to watch carefully and he will be attending the next meeting. He spoke about the locations of these two hangars, one will be by the old tower on Redneck Ave and the other one will be by the mobile home on Moonachie Avenue. He mentioned that this will effect East Riser ditch.

M. Lyons- spoke about meeting with RBD Committee, they were unaware of this applications. She mentioned about the concerns about East Riser ditch and explained the plans for changing the direction of East Riser ditch at the northern border.

N. Derevyaniuk- asked if they need approval because of pcb contamination.

Me. Lyons- explained that they have to follow the requirements.

Mayor Vaccaro- mentioned that Moonachie, Little Ferry, South Hackensack, and Teterboro had concerns about last year's application, which they pulled out. He spoke about meetings and the concerns of flooding. He mentioned that they do not take consideration of the whole property but only take consideration is the portion of the construction.

N. Derevyaniuk- mentioned about the concern about pcb contamination cleanup.

M. Lyons – mentioned that the health of East Riser and West Riser ditches are extremely important

Motion by Mayor Vaccaro and second by M. Lyons to file communications.

ROLL CALL: Mayor Vaccaro, C/Surak, Molinari, Derevyaniuk, Lyons, Telesmanic, Arroyo
All ayes. So ordered.

REPORTS:

None

OLD BUSINESS:

Master Plan Re-Examination:

Grace Lynch, L+C Design – Spoke about revisions of the Master Plan after the DCA's review. She mentioned that she added information about other plans and labelling of demographics. She mentioned that the Zoning Ordinance needed track changes, and added nature of changes for Flood Prevention. She stated that some clarification was needed against the scope of the plans. Mentioned about adding table of contents for Debris Management plan, and sites in the Borough are in the flood zone, they are okay for other emergency events. She explained that Borough have to work with the County for debris site for emergency. She stated that GIS

needed a written description and Capital Improvement Plan was reworked for the priorities for Police and DPW.

N. Derevyanik- asked whether the budget time for capital improvement has changed.

Ms. Lynch-answered that it has not changed but the depreciation of equipment is lot.

J. Telesmanic- asked the changes of the plan is normal.

Ms. Lynch- mentioned that it is normal because it was through a grant.

J. Molinari- asked about the grants.

Ms. Lynch-mentioned that the program is finished and DCA accepted all the documents.

The Board discussed the costs of the grants for nine plans.

M. Lyons – spoke about the GIS, which is very helpful.

N. Derevyanik- asked about if there is any plan for people to go in a flooding event.

Ms. Lynch- said the plans laid out recommendations. She spoke about risk in flooding situation in the Borough. She mentioned that the Municipal Building is elevated and outlets are raised in the Civic Center.

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 this application will likely come next month.

Attorney Novello- mentioned that the applicant had the issue with not having a full board to vote on the application. He spoke about the extension of time period for this application.

Mayor Vaccaro- asked about the members having conflicts with this application.

Attorney Novello- spoke about the conflicts of the members affected having a quorum.

Secretary mentioned that 4 members have conflicts with this application.

Docket#17-V3

Motion by J. Molinari and second by J. Telesmanic to approve the following Resolution:

RESOLUTION#17-8
PLANNING BOARD OF MOONACHIE
Jorge Morales
43 Diamond Way
Moonachie, New Jersey 07074
Block 42, Lot 16
Minimum Rear Yard Variance

WHEREAS, Applicant had made application to the Moonachie Planning Board 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 proposed deck of 21 feet by 37 feet does not conform to the zoning ordinance; and

WHEREAS, the application was presented by the Applicant, Jorge Morales

NOW, THEREFORE, the Moonachie Planning Board makes the following Findings of Facts based upon the evidence presented at the public hearing of July 20, 2017 at which a record was made:

1. The property is in an R-1 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 to convert the existing above ground pool to a wooden deck thereby extending the deck contrary to the zoning ordinance. The applicant explained the basis of his request for the variance. The applicant reference a Survey from Job and Job dated August 22, 2008 which depicts the property and the current pool and deck. The applicant testified that the survey was used to obtain the prior permits allowing for the installation of the pool and then the deck. Further, the applicant testified that the use of the property is consistent with the Master Plan and that the character of neighborhood will not change as many of the surrounding homes have similar decks. In addition, the applicant testified that the elimination of the pool and addition of deck will benefit the water management of the property as nothing will be constructed under the deck. Also, the applicant testified that the required rear setback eliminates any possible deck on the house. Finally, the applicant testified that there is currently sand underneath the pool and the applicant is intending to remove the sand and replace with stone or mulch.

2. One resident testified in opposition to the application during the public participation at the meeting and no other public was heard. Dolores Hroncich, 41 Diamond Way, testified that there is a problem with privacy, the deck is going to be bigger and a further loss of privacy. The deck is 4 1/2 feet height but the fence is 6 foot high. The applicant's dog can jump over the 6-foot fence when on the deck. Loss of privacy is a detriment.

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 variance from rear yard 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 variances with respect to the rear yard set-back deviation are minor. The Board finds that granting the variance 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 Moonachie 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 based upon the following conditions:
 - a) installation of permeable stone underneath the deck for water management;
 - b) in the event the deck is ever removed then the applicant is required to apply for a new variance to replace the deck;
 - c) no part of the deck can be enclosed and no permanent or temporary structure can be constructed upon the deck;
 - d) no screening shall be installed on the deck;
 - e) the applicant is required to submit a drawing to the building department and obtain approval for the deck;
 - f) a rear yard minimum setback of 10 feet is required;
 - g) the deck railing must be lower than side yard fence; and
 - h) all side yard setbacks must comply with the Borough Code.
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.

Mayor Vaccaro- asked whether all the conditions are in this resolution
 Attorney Novello – spoke about the conditions in the Resolution.

ROLL CALL: Mayor Vaccaro- aye, C/Surak- abstain, Molinari-aye, Derevyanik-abstain, Lyons, Telesmanic – ayes, Arroyo- abstain.
Four ayes, three abstain. Motion carried.

PUBLIC HEARING (Regular):

Jorge Morales 43, Diamond Way- asked about the process after this resolution.

Attorney Novello mentioned that the Resolution will be signed and published and an appeal of the decision would be allowed 45 days from the date of publication.

Mr. Morales asked about the escrow money.

Secretary mentioned that he can send a written request after the 45 days of publication, to the Mayor and Council who can pass a Resolution to refund the escrow money.

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

ROLL CALL: Mayor Vaccaro, C/Surak, Molinari, Derevyanik, Lyons, Telesmanic, Arroyo.
All ayes. So ordered.

Motion by N. Derevyanik and second by C/Surak to adjourn meeting at 7:45 P.M.

ROLL CALL: Mayor Vaccaro, C/Surak, Molinari, Derevyanik, Lyons, Telesmanic, Arroyo.
All ayes. So ordered.

ATTEST

Supriya Sanyal
Secretary