

SPECIAL MEETING of the Moonachie Planning Board called to order, J. Molinari in the chair, at Kathryn E. Flynn Civic Center on Thursday, April 5th, 2018 at 7:13P.M.

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

ROLL CALL: Mayor Vaccaro- not present, C/ Surak, J. Molinari, N. Derevyanik- present, J. Campbell-present, M. Meehan- not present, V. Drozd- present, M. Lyons-not present, J. Telesmanic - present
Alternates – A. Arroyo, R. Petrella- present, C. Pallas – not present
Attorney- J. Novello-present, Engineer- E. Sachs-present,

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

C/Surak- recused himself.

J. Molinari stated that the purpose of the meeting will be for the following:

1. The Moonachie Planning Board will hear Site Plan and Use Variance applications of 31 A Daniel Street and a public hearing will be held on the Site Plan and Use Variance applications of 31 A Daniel Street.

V. Drozd- recused herself.

COMMUNICATIONS:

Richard B. Schommer, Jr. PE, PP- revised plan for the application of Safwat & Pilar Tadrous, 31 A Daniel Street, Block 5, Lot 2.02.

Motion by N. Derevyanik and second by J. Campbell to file communication.

ROLL CALL: Molinari, Derevyanik, Campbell, Telesmanic, Arroyo, Petrella.

All ayes. So ordered.

REPORTS:

Boswell Engineering- second review report dated February 12, 2018 for the application of Safwat & Pilar Tadrous, 31 A Daniel Street, Block 5, Lot 2.02.

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.

Michael Goodman, Attorney for Applicant- thanked the Board for agreeing to have this special meeting. Spoke about the variances that are needed for the application at the beginning. He mentioned that over time, the scope of this application has been changed, there is only use variance required and he will present testimony of the engineer/planner whether the Board should grant a use variance for a two family home in a one family zone.

N. Derevyanik asked if the owners will be residing in the home.

Mr. Goodman mentioned that the owner will not be living there, it is currently an old home that will be proposed for a 2-family dwelling.

Attorney Novello -entered the following as exhibits for the application:

A-1: Application of May 17, 2017

A-2: Site plan of January 3, 2018

A-3: Review Letters of Boswell Engineering dated May 30, 2017 and February 12, 2018

A-4: Zoning Denial Letter dated November 1, 2016

Richard B. Schommer, Jr. Engineer for the applicant, was sworn in by Attorney Novello. He mentioned that he is a licensed professional engineer and planner in New Jersey and had a license for over 30 years, he has presented applications for variances, site plans, subdivisions in

various municipalities in New Jersey. Also, he has represented a Board as a review engineer in the past and is a conflict engineer for other Boards.

Motion by J. Molinari and second by N. Derevyaniuk to accept Mr. Schommer as an expert witness.

ROLL CALL: Molinari, Derevyaniuk, Telesmanic, Arroyo, Campbell, Petrella.

All ayes. So ordered.

Mr. Schommer- explained exhibit A-5, which is an aerial photograph dated June 15, 2017 prepared by his office which shows the property in relation to others properties surrounded it. He mentioned that all that has been added to the photograph is text and graphic. He described the streets in the area and Daniel Street, which is a short dead end street, there are 5 homes on one side of Daniel Street and another 3 on the other side. He mentioned that the property is in a R1 zone, but much of the street is undeveloped, and block 5 is school property, some of the homes are in Little Ferry.

J. Molinari- asked about location of properties in Little Ferry.

Mr. Schommer- explained that corner properties lots are in Little Ferry, four properties of one side of Daniel St. are in Moonachie and two properties are on other side in Moonachie. He mentioned that the required lot width is 50' in R1 and the property is 60', & 150' deep, and 100' is required in the zone, the total lot area 9,000 sq. ft. which is almost double what is required for the zone. He described the current vacant dwelling. He mentioned that the garage is in the back does not conform to the set-back requirement and the property is in the AE Flood Zone, it was flooded in Sandy. He explained that the home currently was built in 1954 and has been unoccupied since Hurricane Sandy, it is unfit for renovation because it is too severely damaged.

N. Derevyaniuk- asked how high the structure will be when it is completed.

J. Molinari -asked if the home is structurally unsound.

Mr. Schommer -mentioned that he did not look at the structure, but the damage to the building is unfit to be lived in, would need severe renovations and would still be in a flood zone.

Mr. Goodman –asked if Mr. Schommer did social analysis.

Mr. Schommer- answered no. He explained that they want to correct the first floor that is below the flood level and parking is permitted on the street. He mentioned that there are other multifamily dwellings on the block within Moonachie. He explained that two lot has a shared driveway and parking area, Lot 1.01 is indicated as two family and the lots being used as two family are smaller than this lot. Also, he mentioned that lot 17 across the street is a two family property and next to that there is a mother daughter property.

N. Telesmanic asked whether these two- family home have two electric meters.

Mr. Schommer – mentioned that these have two separate entrances and he is going as per tax records. He explained that the intention is to demolish the existing building & to eliminate the garage and to build a two-family on the property. He mentioned that the floor level will be 2' above the Base Flood Elevation, the base flood elevation is 8 ft. as per Borough's ordinance and the lowest floor will be at the elevation of 10 ft. Also, he mentioned that the garage and the crawl space will be subject to flooding. He explained that first floor living space will be above the flood level. He mentioned that there will be two parking spaces in each garage, and storm water measures will be provided if the application is approved with conditions.

Mr. Goodman- asked if all issues that were raised by Boswell were met and whether any issues are still open

Mr. Schommer-answered that none issues are open and he will speak about that later. He spoke about the building coverage, which will satisfy all zoning requirements of set-back & coverage except for use, which will be two-family. He explained that the lot will not be overused or overdeveloped.

Mr. Goodman- asked if the property absorbed & allows a two-family use and the property can give full utilization of the property.

Mr. Schommer -mentioned that the use will fit the property.

J. Molinari-asked if the home will fit in with the character of the neighborhood.

Mr. Schommer -mentioned that it will be a residential use in a residential zone and explained the D1 Variance. Spoke about the density permitted in a R1 zone, which 1 unit per 5,000 square ft., the two units will be 9,000 Sq. ft. and the home will exceed density by 11%. He spoke about permitted conditional use such as an office, which will be more intense use. He mentioned that the home will fit in with the area and will be a less intense use. Also, he spoke about removal of an older vacant home with a new home that will conform to current codes and the flood hazard requirements. He mentioned that this home will be an aesthetic improvement to the streetscape. Mentioned about efficient use of the land and adding to the housing stock to provide more housing and diversity to the Borough. He explained that the two- family home in oversized lot

will not be a substantial damage to the character of the neighborhood as to constitute substantial detriment to public good.

J. Telesmanic mentioned that this may allow other R1 homes want to convert into two family homes, which may be a detriment.

Mr. Goodman spoke about his experience with Zoning Board. He explained that a variance will be specific to this unique property. He mentioned that some of the homes on the Daniel Street are already two-family uses. He is asking the Board to grant this on the site specific basis.

Attorney Novello- mentioned that there are considerations to be made about the neighborhood and many of the homes on the street are already two family uses, but other homes in the neighborhood can make the argument that two-family homes fit the neighborhood. He clarified that any argument made by a denial of the Board would have to be based on the application, not previous decisions.

J. Molinari -mentioned that the block is very unique, including the two homes next to this property.

R. Petrella -asked about how the adjacent lot will be affected because the house will be facing the side of the new home.

Mr. Schommer-mentioned that the plan meets the setback requirements to that home, and it meets requirements on both sides, six and 18 feet.

J. Molinari -asked about lining up the homes with the homes next to it.

Mr. Schommer -spoke about being consistent with the homes setback. He mentioned that there are two parking inside the garages and also outside parking. He summarized that due to the size of property and conformance with other Zoning, elimination of non-conforming structure & set back, it is not substantial detriment to the neighborhood and to zoning ordinance.

Mr. Sachs –mentioned that this is a D variance due to a two family home in a one family zone. He spoke about the following items on Boswell's recommendations:

Item #3, there is a D Variance due to a two family home in a one family zone. The height is being adjusted because the Ordinance is in regard to final grade not pre-grade. If the application is approved, as a condition, the applicant will have to apply to NJDEP for approval. Another condition can be after the home is built they can have a survey of the property and the height should be less or equal to 34.5'.

Item #4 is about the D Variance,

Item #5, is no drainage onto other properties and has to be rectified at the applicant's expense.

Item #6, if the application is approved, the applicant has to have drainage calculations. They might have a chamber due to the high-water table in Moonachie.

Item #7, no drainage piping is less than 4" to allow cleaning.

Item #8 if approved, a percolation test would be done and a soil log to see where the ground level water and bedrock are there.

Item #9, the property is in the AE flood area, and the garage and bottom floor are below the BFE, will have vents to water can go in and out. They need to verify the size with the DEP.

Item #10, the Applicants are raising the site of 1.24 ft. and they may need a Flood Hazard Individual Permit from the DEP.

Item #12 is regarding the building height, they took care of it.

Item #14, there will be no basement, and it will meet the Community Rating System standards.

Item #15 mentioned about the two cars garage and one car space is smaller than the other.

Mr. Schommer-mentioned that the garage is deeper to allow maneuvering of the cars.

R. Petrella asked if piping is needed between the area of the garages and cars.

Mr. Sachs -asked if there will be any gas meters in the garage.

Mr. Schommer- mentioned that they can be on the outside wall above grade.

Attorney Novello- confirmed with R. Petrella about his concern that the car can hit the inside wall.

R. Petrella -asked about the elevation of the office.

Mr. Schommer- mentioned that the offices will be above the base flood elevation.

Mr. Sachs- spoke about Item #16 regarding the construction details that would be needed specifically, construction stone access blanket, detail of specific make and model number of flood vents, Sanitary Sewer connection & cleanout detail including location, Stormwater cleanout detail, Stormwater Management system including all underground piping, Roof Leader overflow detail, Driveway paver detail, if Daniel Streets is open, then the rehabilitation detail shall be reviewed with DPW Superintendent, Concrete apron detail, Concrete walk detail if the application is approved.

Mr. Sachs- spoke about the necessary agency reviews and comments including Fire Department & Police Department, Bergen County Soil Conservation, NJDEP and any other jurisdictional agencies that Zoning Board deems necessary for the application.

J. Molinari -asked about two family rooms, one on the first floor and another on the second floor.

Mr. Schommer- mentioned that the first-floor family room area can be a play area.

N. Derevyaniuk- mentioned that it is unconventional to have two full baths on the bottom floors.

Mr. Sachs- mentioned about the separate side entrances. He asked whether the applicant can do without the full bathrooms downstairs. He mentioned that the first floor could be used similar to a studio apartment.

Mr. Safwat Tadrous, applicant was sworn in by Attorney Novello.

Mr. Goodman- asked Mr. Tadrous to address the question on the full bath on main level.

Mr. Tadrous-mentioned that at the main entrance has to have substantial amount of steps because of the elevation and the convenient access would be through the garage or through the side with less steps. He spoke about side entrance, it can be converted to a ramp if someone with limited mobility lives in the home. He mentioned that the full bath is a better use of the space and the half bath on the second floor could be used for guests.

R. Petrella asked if the space could be used as a second apartment.

Mr. Tadrous mentioned that there is no kitchen on this floor. He spoke about the areas being internally connected with access doors.

J. Telesmanic mentioned that there is a door separating the interior stairs.

Mr. Sachs asked why a full bath is needed.

Mr. Tadrous- said there will be an oversized shower there.

Attorney Novello mentioned that small towns face problems with illegal housing setup and the Board gets very concerned about parking and schools. He explained about Board's concern regarding the ability to separate from any other unit and a bathroom.

Mr. Goodman -spoke about being aware of the Board's concerns about illegal tenants. Asked Mr. Tadrous if he wanted to build one family house, the structure would be the same.

Mr. Tadrous answered yes.

Mr. Goodman- asked Mr. Tadrous whether his intention is to have illegal family use.

Mr. Tadrous-answered that it was never the intention.

Mr. Goodman -confirmed with Mr. Tadrous that he is here before the board for legitimate approval of a two- family uses.

Mr. Tradous- mentioned that he can offer to eliminate the wet bar and the access door.

Attorney Novello clarified that if this was a plan for a one family home, it would not be before the Board and if there was any intention of illegal units, the applicant would not be before the Board.

N. Derevyaniuk -asked about the placement of the full bath being on the first floor rather than the second floor.

Mr. Tadrous explained that the second floor, which has more activity and does not lend itself to have privacy, walking out into the dining room.

N. Derevyaniuk-mentioned that if the home is sold with this layout, it could become a detriment to the neighborhood and town.

Mr. Tadrous- mentioned that the buyer has to comply with local code.

Mr. Goodman- asked whether a revised plan will be beneficial to the board showing that the bath is a large shower for a gym.

N. Derevyaniuk-asked about the steps in the garage and the side entrance

Mr. Tadrous-mentioned that there are five steps in from the garage and there are six to seven at the side. He spoke about the number of steps and the elevation.

N. Derevyaniuk mentioned that the home is not ADA compliant.

Attorney Novello -spoke about conditions that the Board can make.

Mr. Goodman explained to Mr. Tadrous if he would consider as a condition eliminating the full bath and making it a half bath.

Mr. Tadrous mentioned the condition would be alright if it would satisfy the Board.

Mr. Sachs asked about the process if the home was sold and if work was done.

Attorney Novello explained if the home was to be sold it would need a CO. He spoke about condominium act, and the applicant has to come back for sub-division and site plan approval before the board.

J. Telesmanic spoke about the layout of the two-family home.

Mr. Goodman asked to carry over the application so that there are seven members who can vote on the application. He mentioned that the missing members that are not currently present can read a transcript or listen to the CD to enable them vote and he wanted to know if he should bring the Planner to the meeting in case there are any additional questions.

J. Molinari mentioned that it would be prudent to have the Planner there. The next meeting is April 19th.

N. Derevyaniuk asked if new plans need to be presented due to the condition of the bathroom being discussed.

Attorney Novello mentioned that they would not need revised plans due to revisions already having been done and stipulated by the applicant's and the Board's Engineers. He mentioned that the conditions that are stipulated at this meeting, was for bollards next to the wall of the garage and the conversion of the first-floor full bath to a half bath. Also, he mentioned that those would be conditions that would have to be done upon approval and would go to the Engineer for final review before the applicant go to the Building Department.

Motion by N. Derevyanik and second by J. Campbell to carry over Application No. 17-SP1 and Docket#17-V2 to the Regular meeting on April 19, 2018.

ROLL CALL: Molinari, Derevyanik, Campbell, Telesmanic, Arroyo, Petrella.

All ayes. So ordered.

PUBLIC HEARING (Application No. 17-SP1 and Docket#17-V2)

Motion by J. Telesmanic and second by N. Derevyanik to close the Public Hearing.

ROLL CALL: Molinari, Derevyanik, Campbell, Telesmanic- ayes, Arroyo-abstain, Petrella- aye. Five ayes, one abstain. So ordered.

N. Derevyanik requested that the application will be heard first at the next meeting.

C/Surak and V. Drozd rejoined the meeting.

NEW BUSINESS: None

Motion by J. Telesmanic and second by R. Petrella to adjourn meeting at 8:48 P.M.

ROLL CALL: Surak, Molinari, Derevyanik, Campbell, Drozd, Telesmanic, Arroyo, Petrella.

All ayes. So ordered.

ATTEST:

Supriya Sanyal
Secretary