

REGULAR MEETING of the Moonachie Planning Board called to order, Joyce Molinari in the chair, at Kathryn E. Flynn Civic Center on Thursday, January 7, 2016 at 7:13 P.M.

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

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

J. Molinari, N. Derevyaniuk, M. Sartori, J. Campbell, V. Drozd- present,
D. Dressel-not present

J. Telesmanic -present

M. Meehan-not 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 second N. Derevyaniuk to waive the Regular Order of the Business.

ROLL CALL: Molinari, Derevyaniuk, Sartori, Campbell, Drozd, Telesmanic, Petrella, Pallas.

All ayes. So ordered.

REORGANIZATION:

Motion by N. Derevyaniuk, second by J. Telesmanic to elect Joyce Molinari as Chairperson for 2016.

ROLL CALL: Molinari, Derevyaniuk, Sartori, Campbell, Drozd, Telesmanic, Petrella, Pallas.

All ayes. So ordered.

Motion by J. Molinari and second by J. Campbell to elect Nick Derevyaniuk as Vice Chairperson for 2016.

ROLL CALL: Molinari, Derevyaniuk, Sartori, Campbell, Drozd, Telesmanic, Petrella, Pallas.

All ayes. So ordered.

Motion made by J. Molinari and second by N. Derevyaniuk to appoint Supriya as a Board Secretary.

No roll call. Motion was not carried.

Mr. Sartori- asked a question about the motion for the Planning Board Secretary that the Planning Board appoints Secretary that has signing powers for site plans and documents and mentioned that Supriya will be secretary to the Board.

Attorney Novello- mentioned that the Planning Board will have someone that can sign plans, and have a liason as a secretary for administrative purposes.

Mrs. Molinari- asked if there could be two different people.

Attorney Novello- answered that it could be.

Mr. Sartori- stated that usually there is a secretary that is a Planning Board member for signing documents.

Attorney Novello- stated that it should be someone that comes to a majority of the meetings, but cannot be the chairperson.

Motion by M. Sartori and second by N. Derevyaniuk to elect Supriya Sanyal as Administrative Secretary for 2016.

ROLL CALL: Molinari, Derevyaniuk, Sartori, Campbell, Drozd, Telesmanic, Petrella, Pallas.

All ayes. So ordered.

Motion by R. Petrella and second by J. Campbell to elect J. Telesmanic as Board Secretary (as the signatory).

ROLL CALL: Molinari, Derevyaniuk, Sartori, Campbell, Drozd, Telesmanic, Petrella, Pallas.

All ayes. So ordered.

Motion by J. Molinari and second by N. Derevyaniuk to adopt Resolution #2016-1:

RESOLUTION#2016-1

**RESOLUTION EMPLOYING AN ATTORNEY
WITHOUT COMPETITIVE BIDDING**

WHEREAS, there exists a need for the services of a PLANNING BOARD ATTORNEY in accordance with appropriate New Jersey law; and

WHEREAS, the provisions of said contract shall be in accordance with the dictates of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, the all legal services at the hourly rate of \$165.00 per hour, the annual contract shall not exceed \$5,000 and funds are subject to an appropriation by the Mayor and Council of the Borough of Moonachie and will be provided by the local finance office when appropriated; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:111 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the Contract itself must be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED, by the PLANNING BOARD OF THE BOROUGH OF MOONACHIE as follows:

1. The Chairperson and Secretary of the PLANNING BOARD are hereby authorized and directed to execute the attached Contract with James T. Novello, ESQ.

2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services are to be performed by a person authorized by law to practice a recognized profession.

3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. A Notice of this action shall be printed once in the official newspaper of the Borough.
ROLL CALL: Molinari, Derevyanik, Sartori, Campbell, Drozd, Telesmanic, Petrella, Pallas.
All ayes. So ordered.

Motion by J. Telesmanic and second by N. Derevyanik to appoint Kevin Boswell as Planning Board Engineer for the year 2016.

ROLL CALL: Molinari, Derevyanik, Sartori, Campbell, Drozd, Telesmanic, Petrella, Pallas.
All ayes. So ordered.

Motion by J. Molinari and second by N. Derevyanik to adopt Resolution #2016-2:

RESOLUTION#2016-2

WHEREAS, the Open Public Meeting Act requires that appropriate public notice be given in conjunction with the scheduled meetings of all public bodies; and

WHEREAS, the PLANNING BOARD OF THE BOROUGH OF MOONACHIE desires to operate in compliance with the aforesaid law.

NOW, THEREFORE, BE IT RESOLVED, by the PLANNING BOARD OF THE BOROUGH OF MOONACHIE, that the Borough Clerk of the Borough of Moonachie publish the following list of monthly meetings for the calendar year 2016 in accordance with the Open Public Meeting Act:

February 17, 2016(Wednesday)
March 17, 2016
April 21, 2016
May 19, 2016
June 16, 2016
July 21, 2016
August 18, 2016
September 15, 2016
October 20, 2016
November 22, 2016 (Tuesday)

December 15, 2016

Executive sessions will be held at 6:45 p.m. followed by the regular public meeting at 7:00 p.m. All meetings to be held at the Kathryn E. Flynn Civic Center, 125 Moonachie Road, Moonachie, NJ.
ROLL CALL: Molinari, Derevyanik, Sartori, Campbell, Drozd, Telesmanic, Petrella, Pallas.

All ayes. So ordered.

Attorney Novello- mentioned that he will review the By- Laws for the planning and Zoning aspect and suggested to table the Motion to adopt the By laws.

Motion by J. Molinari and second by N. Derevyanik to adopt the minutes of the Regular Meeting of December 17, 2015.

ROLL CALL: Molinari, Derevyanik, Sartori, Campbell, Drozd, Telesmanic, Petrella- ayes
Pallas-abstain

Seven ayes, one abstain. Motion carried.

COMMUNICATIONS:

Supriya Sanyal, Borough Clerk- notification of 2016 appointment of members to the Planning Board.

Motion by J. Telesmanic and second by R. Petrella to file communications.

ROLL CALL: Molinari, Derevyanik, Sartori, Campbell, Drozd, Telesmanic, Petrella, Pallas.

All ayes. So ordered.

OLD BUSINESS:

DOCKET #15-V1:

Lisa Calderon, Block 42.01, Lot 4, 46 Diamond Way.

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

RESOLUTION #2016-3

WHEREAS, Applicant Lisa Calderon 46 Diamond Way Block 42.01, Lot(s) 4 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 five (5) foot fence in the front yard; and

WHEREAS, the application was presented by the Applicant Lisa Calderon.

NOW, THEREFORE, the Planning Board makes the following Findings of Facts based upon the evidence presented at the public hearings of **December 17, 2015** at which a record was made:

1. The applicant testified that on or about December 2014 she applied for a permit to install a four (4) foot fence and that the fence was installed on or about May 2015. Further, she stated that the fence company which installed the fence advised her that the installation of the four (4) foot fence would be acceptable on a pre-existing berm. Further, the applicant testified that she did add mulch to re-arrange the landscaping and build up low areas.

2. Michael Sartori, the Zoning Official, testified that the fence exceed Borough Code Section 22-5.6 in that the four (4) foot fence was not installed at natural grade but was installed on top of a berm.

5. Public participation was given at the meeting as reflected on the record. Barbara Morales and Jorge Morales, 43 Diamond Way, testified in objection to the application in that the fence height in is violation of the Borough Fence Height Ordinance and that they believe that the fence is in violation of the Borough Front Yard Set Back requirement and that allowing the fence would have a

negative impact for the area. The objectors noted that the fence was already installed and that the house is up for sale.

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 not in conformity with the Borough's Master Plan.
2. The Applicant's proposed variance must be denied based upon a lack of showing of any showing of hardship to the Applicant.
3. The potential negative aspects of the granting the variance outweigh any possible positive impact.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Moonachie that Applicant's request for variance is hereby denied pursuant to N.J.S.A. 40:55D subject to the following terms and conditions:

1. The proposed variance is not in conformity with the Borough's Master Plan and the Applicant has not demonstrated any hardship.

The undersigned certifies the within Resolution was adopted by this Board at its Thursday, December 17, 2015 meeting, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on January 7th 2016.

ROLL CALL: Molinari, Derevyaniuk, Drozd, Telesmanic, Petrella-eyes
Sartori, Campbell, Pallas- abstain
Five ayes, three abstain. Motion carried.

Mr. Derevyaniuk- asked about the hours for Mr. Sartori when he would be available to meet with the public concerning zoning or other questions.

Mr. Sartori- stated that he is in the office on Tuesday and Thursdays 6-6:30, unless there are inspections scheduled.

Mr. Derevyaniuk- asked if appointments were needed.

Mr. Sartori- stated that it would be better, since then there could inspections scheduled accordingly.

Mr. Derevyaniuk- asked if Mr. Sartori answered emails.

Mr. Sartori – answered yes.

Mr. Derevyaniuk- stated that he has been asked what the hours are.

Mrs. Molinari- confirmed with Mr. Sartori that it is preferred to have the appointment to see him.

Mr. Derevyaniuk- mentioned that he had the answered regarding the mandatory requirement to have the bottom part of the house to fill in with concrete when the house is being lifted.

Mr. Sartori- mentioned that typically it is required by the uniform construction code.

Mr. Derevyaniuk- mentioned that the cost will increase about \$5,000 to \$9,000 to fill with concrete.

NEW BUSINESS:

None

PUBLIC HEARING:

No one wishing to be heard.

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

ROLL CALL: Molinari, Derevyaniuk, Sartori, Campbell, Drozd, Telesmanic, Petrella, Pallas.

All ayes. So ordered.

Motion by J. Molinari and second by J. Campbell to adjourn meeting at 8:29 P.M.

ROLL CALL: Molinari, Derevyaniuk, Sartori, Campbell, Drozd, Telesmanic, Petrella, Pallas.

All ayes. So ordered.

ATTEST:

Supriya Sanyal
Administrative Secretary

