

REGULAR MEETING of the Moonachie Planning Board called to order, J. Molinari in the chair, at the Municipal Building (via Zoom) on Thursday, August 19th, 2021 at 7:13 P.M.

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

ROLL CALL: J. Molinari-present, N. Derevyaniuk-not present, J. Campbell-present, M. Meehan, V. Drozd, G. Tessaro, J. Wende- present

A. Arroyo-present, R. Petrella- not present

Attorney- Kenneth Porro(representative of J. Novello) - present

Secretary stated that notice of the meeting was announced in accordance with the Open Public Meeting Act and notice of this Zoom Meeting was published in the Record on January 28 and in the Star Ledger on January 28, 2021 to join the Zoom Meeting please follow

The Zoom Information is as follows:

<https://zoom.us/j/95646506880>

Meeting ID: 956 4650 6880

Passcode: 034604

By Phone

+1 929 205 6099

Meeting ID: 956 4650 6880

Passcode: 034604

Meeting agenda and other documents will be available on the Borough's website:

<http://moonachie.us/planningboard.html>

Chairperson stated "This meeting is a judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all time."

Motion by J. Molinari and second by V. Drozd to approve Minutes of July 15th, 2021.

ROLL CALL: Molinari-aye, Campbell-abstain, Meehan, Drozd-aye, Tessaro-abstain, Wende, Arroyo- aye. Five ayes, two abstain. Motion Carried.

COMMUNICATIONS:

Supriya Sanyal, Borough Clerk- notification of vacancy and appointments of members to the Planning Board.

New Jersey Department of Environmental Protection- notification on application for permit for Rebuild By design- Meadowlands Project- Liberty Street Pumping Station and Force Main.

Motion by V. Drozd and second by M. Meehan to file communications.

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Tessaro, Wende, Arroyo.

All ayes. So ordered.

REPORTS: Boswell Engineering- 2nd Review Report dated August 12, 2021 for Variance/Site application (21-V2) for 150 Moonachie Road, Block 44, Lot 5).

OLD BUSINESS:

Variance/Site Plan application (21-V2) for 150 Moonachie Road, Block 44, Lot 5

Mr. Porro- Spoke about J. Molinari's conflict due to the ownership of property across the street from the applicant's property.

J. Molinari recused herself from the application.

Mr. Daniel Langana, Attorney for the applicant- mentioned that he represents Castremar Inc.dba Segovia Restaurant. Mentioned that the application is for a minor site plan and bulk variances related to the existing structure, it is a permitted use, and there is a pre-existing non-conforming structure, the restaurant has been there for over 40 years, and the building existed before then. Spoke about Mechanical pergola system that is being requested, to replace the awning that is there currently. Mentioned that the installation of the pergola system will add approximately 20 sq. ft.

Anthony Treus-was sworn in by Attorney Porro.

Mr. Treus mentioned that he has worked at the restaurant for 23 years and has been the general manager for the last 6 years, the restaurant has been in Moonachie since 1980, it is a Spanish restaurant.

The Board reviewed the Photo Array, Exhibits 1-7.

Mr. Treus spoke about the existing patio and the modification that they want to make.

Mentioned that currently there is a patio that is open and had an awning system above it, it has been used for outdoor dining. He mentioned that the current structure is made out of trex composite decking.

Mr. Langana confirmed that the picture is for the brick building and the deck.

Mr. Treus spoke about the trex decking in the photo that is warping.

Mr. Langana confirmed with Mr. Treus that the decking starting to raise is causing a hazard and that the deck is raised.

Mr. Treus mentioned that due to the patio being near the pump station there is a pest problem going underneath the deck, there is a retractable awning over the patio, but birds put nests in it, and it was meant to be used for shade. Mentioned that they are proposing putting a concrete foundation to eliminate the pest problems, and have the pergola system that is motorized and can close it when they have to.

Mr. Langana mentioned that the pergola system will be mounted to the concrete foundation, and the benefits are that the roof is retractable, and will be used seasonally. Spoke about the power-point that was provided to them by the pergola manufacturer.

Mr. Treus mentioned that rain and snow would be allowed to get through when the roof is retracted.

The Board reviewed the amended site plan.

Mr. Langana spoke about the patio area on the amended site plan.

Mr. Treus mentioned that about 20 square feet squares off the area for the pergola to be installed.

Mr. Dobieszewski, Boswell Engineering asked about the dimensions of the area on the site plan.

Mr. Langana mentioned that the entire deck area is 25'x15.6', the proposed area is 390 sq. ft.

Attorney Porro agreed with Mr. Dobieszewski that the new construction is 25x15.6' approximately and the additional from the existing structure is about 20 sq. ft.

Mr. Langana asked Mr. Treus about employee parking.

Mr. Treus mentioned that only he and the owner are allowed to park on site, during peak hours there are about 24 employees., many of the employees take public transportation, carpooling or Uber. Spoke about street parking on Rooney Place, Maple Street, Garden Street and the bus stop is located on the corner of Rooney Place.

Mr. Langana explained that the Borough code requires one parking space for every three seats and one space for every two employees, for seating, they would require 48 spaces, and 40 are on site. Asked Mr. Treus if there were any agreements regarding additional parking.

Mr. Treus mentioned that they have an agreement with the adjacent property, where there are 21 spots, and it is a sandwich shop that is not open yet that he has control over, also, there are ones with Barakat Market across the street with 14 spots and nine spots at Exclusive Granite and Marbles.

Mr. Langana mentioned that there are 44 additional spaces from the agreements for a total of 84 parking spaces. Mr. Langana mentioned that there are other restaurants in Little Ferry and in Carlstadt.

Mr. Treus mentioned that both restaurants are about a mile away, and any overflow of people can go to the other restaurants.

Mr. Langana asked if they were looking to add any lighting, if the landscaping pots will remain by the patio area, and where the water runoff goes to.

Mr. Treus mentioned that they are not adding additional lighting, the flower pots will stay and the water runs off will go the side of the building.

Mr. Langana confirmed with Mr. Treus that the addition will not affect parking.

G. Tessaro mentioned that the section 21-17.2 of the Borough Ordinance requires 1 spot for every three seats which would require another 7 additional parking spots.

Mr. Dobieszewski reviewed the ordinance and 48 spaces are required because the seating capacity is going to be 142, 48 places for seating, 1 space for every 2 employees, and there are at most 22, for 12 spaces.

Mr. Langana mentioned that they are providing 40 parking spaces, so the variance is for 8 spaces.

Mr. Dobieszewski mentioned that with the agreements with other business for parking is noted and how employees get to the restaurant satisfies the requirement. Spoke about not the

opportunity to review the information on the pergola system that was provided today, it would still need to be reviewed by him. Asked about current ADA accommodations for customers. Mr. Treus mentioned that there are 2 handicap parking spaces, and there is a ramp available through the patio to accommodate someone with a wheelchair.

Mr. Langana mentioned that they will comply with any ADA requirements to access the area.

Mr. Treus mentioned that the restroom is not ADA compliant due to the age of the building.

Mr. Porro confirmed with Mr. Treus that they would comply with ADA requirements.

Mentioned that they would not need any expert testimony, and Mr. Treus is familiar with the parking situation.

Mr. Dobieszewski confirmed that there is no increase of the pervious area.

V. Drozd confirmed with the board that there were no objections to opening the public hearing on this application.

PUBLIC HEARING on Variance/Site Plan application (21- V2) for 150 Moonachie Road, Block 44, Lot 5.

Joyce Molinari, 15 East Joseph Street- Asked Mr. Treus if the structure is similar to what is at the Segovia restaurant in Little Ferry.

Mr. Treus answered that it is similar.

Mrs. Molinari asked if it will be heated and there will be air conditioning.

Mr. Treus mentioned that he is not sure.

Mrs. Molinari asked if it is open that air can come through.

Mr. Treus mentioned that the roof is louvers and act as blind the motorized windows are meant to open and close according to the weather.

Attorney Porro spoke about the application, that it is a mechanical pergola system to replace the existing awning, a permitted use of a pre-existing structure and there was testimony from the general manager, Mr. Treus, his testimony was regarding the amended site plan and the C-Variance for parking. Spoke about the standard for the amended sit plan is for health and safety, and for the parking variance is that the positive outweighs the negative and the limitations that they have on the site which would be a C1 or C2 and they qualify for both. He mentioned that the motion would be to approve or deny the application.

Motion by J. Wende and second by J. Campbell to close public hearing.

ROLL CALL: Molinari- recused, Campbell, Meehan, Drozd, Tessaro, Wende, Arroyo- ayes. One recused, six ayes. Motion carried.

Attorney Porro- summarized the application is for Castremar, 150 Moonachie Road, Block 44, Lot 5, and there is an amended site plan for about 390 sq. ft. and a pergola system that will be seasonal, there was testimony from the general manager, and spoke about the type of application. Mentioned that there would be a condition that they would provide Boswell Engineering an as built plan and comply with building code requirements.

Motion by J. Wende and second by G. Tessaro to approve Variance/Site Plan application (21-V2)

ROLL CALL: Molinari- recused, Campbell, Meehan, Drozd, Tessaro, Wende, Arroyo- ayes. One recused, six ayes. Motion carried.

PUBLIC HEARING: (Regular): No one wished to be heard.

Motion by V. Drozd and second by G. Tessaro to close public hearing.

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Tessaro, Wende, Arroyo.

All ayes. So ordered.

Motion by J. Campbell and second by V. Drozd to adjourn meeting at 8:20 P.M.

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Tessaro, Wende, Arroyo.

All ayes. So ordered.

ATTEST:

Supriya Sanyal
Secretary