

REGULAR MEETING of the Moonachie Planning Board called to order, J. Molinari in the chair, at the Kathryn E. Flynn Civic Center on Thursday, November 22, 2016 at 7:10 P.M.

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

ROLL CALL: Mayor Vaccaro- not present, C/ Surak, J. Molinari-present,
N. Derevyanik-not present, M. Sartori, J. Campbell-present,
D. Dressel-not present, V. Drozd, J. Telesmanic - present
Alternates – M. Meehan- present, R. Peterlla, C. Pallas – not 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 and second by J. Molinari to adopt the minutes of the Regular Meeting of October 20, 2016.

ROLL CALL: C/Surak, Molinari-ayes, Sartori-abstain, Campbell, Drozd, Telesmanic-ayes,
Meehan- aye

Six ayes, one abstained. Motion carried.

COMMUNICATIONS:

None

OLD BUSINESS:

Discussion of ongoing Post Sandy Planning Assistant Grant (for a new Zone for Park/Open Space and other Planning concerns).

Grace Lynch, L+C Design, PA- spoke about the draft of the community notice, and asked the Board to review the community notice and to make any changes if needed. She requested for the Board's feedback on zoning and planning concerns. She mentioned that the Community Notice can be put on the website.

C/Surak- stated that if he has a digital copy of the notice he can put it on the Borough's website.

J. Telesmanic- mentioned about the map given by Ms. Lynch.

Ms. Lynch- spoke about how the maps for the Board to take notes on or note any issues. She spoke about differences in the retail spaces in the Borough and Industrial spaces that seem to be doing well but not the retail. She mentioned that three people from L+ C Design including herself will be at the Community Session to speak to the residents and the owners of business.

J. Molinari- mentioned about the waterways and creeks in the Borough.

Ms. Lynch – stated that she will bring some maps and the land use survey to the input sessions.

Attorney Novello- asked about notification for the sessions.

Ms. Lynch- stated that the notice could be handed door to door or by mailing of postcards and she mentioned that if she can get the labels for owners residential and owners of the business from the Borough then she can mailed the postcards.

The Board discussed changing the dates for the sessions, December 6th and 9th.

Attorney Novello- recommended publishing a public notice for Community Input Session at least 10 days prior to the Community Input session and he mentioned that it is not required by the statute but this notice is as generality. He mentioned that the Board is trying to reach out to the Community by putting the notice on the website, by mailing and posting at the Borough Hall for the Community Input sessions giving the opportunity to the community to speak to the planners and these are not a formal meeting.

Ms. Lynch- spoke about moving dates for Community Input Session to the 9th and the 13th December so there is enough time with the notice being published. Mentioned about the times for Community Input Session and confirmed with the Board the times for the Community Input Session. She asked whether there were any comments on the maps, which she mailed to the Board members.

C/Surak- asked about zone for the parks.

Ms. Lynch- spoke about changing the zone for the park as community facilities. She mentioned that the most pressing issues are with the two parcels for the Open Space grants. She asked about the status of the deed restriction.

She was told that the Borough Attorney is working on the deed restriction.

C/Surak- asked about lighting in the park for the north side of the Borough hall.

Ms. Lynch- mentioned that the lighting will be up to the funding amounts, it is not resolved yet.

C/Surak- spoke about the parks on Redneck Avenue, one on Concord Street and the one leased to the town by the Port Authority on Moonachie Avenue.

Ms. Lynch- mentioned that the Borough can zone the areas as parklands or open space, even though the Port Authority owns the property. Mentioned there is not much the Borough can do on the land on Moonachie Avenue. Spoke about undeveloped land, such as the lot between the two mobile home communities.

C/Surak – asked about COAH and the regulations that the town needs to follow for COAH for the Master plan.

Attorney Novello- stated that COAH was disbanded and issues are before the courts. He mentioned that each Town has to have an affordable housing plan and certain judges are deciding how many affordable units need to be in a town. He spoke COAH certification for affordable housing that protects the towns from developers law suit and Builder remedy lawsuit. He does not think that Moonachie has issue with affordable housing plan. Spoke about regulations. He mentioned that the requirement is 20% affordable housing for new development over 3 families. He mentioned that COAH is not applicable. He explained that a Developer can come to town for approval of more units than allowable to put on a property as affordable housing if the Town has sub-certification , the town can say no to the developer and the town will win by law suit of the developer.

Ms. Lynch- mentioned that she would like to come back to the Board after the Community Input session and she spoke about neighborhood plans, and industrial areas.

C/Surak- asked whether the Borough's Master plan has to do anything with the Meadowlands.

Ms. Lynch- mentioned that Meadowlands does not have to approve the Borough's plan, and they have their own plans and her office has copies of the Meadowlands' plans.

J. Telesmanic- asked if Ms. Lynch noticed any changes between the Borough's last Master Plan.

Ms. Lynch- stated that the original Master Plan is old, and included land development. She mentioned that there have not been big changes with development; there was development between the 1930's thru late 1950's. She stated that updates to the Master Plan did not address tax revenue issues and climate changes/water levels. She asked the Board to note any issues. She spoke about how the Master Plan sets guidelines and identify the issues, which can be supported when money does become available. She mentioned about design standards for homes that will have to be raised to help homeowners and the Capital Improvements are being worked on with by a group working with her office. She has DPW inventory and will be doing the inventory for the Police Department.

C/Surak – asked about height restrictions regarding houses being raised.

M. Sartori- mentioned that the Governor overrode the Borough's requirements.

Ms. Lynch- spoke about coming to the January meeting with input from the community.

NEW BUSINESS:

None

PUBLIC HEARING (Regular):

Jorge Morales, 43 Diamond Way- spoke about application before the board in December 2015 regarding 46 Diamond Way and a front yard fence. Spoke about how it was mentioned in the meeting that a new survey was needed for the property. He mentioned that he has contacted the Building Department and the Mayor to find out whether there was a new survey regarding the setback for the fence, he did not received any answer. He spoke about Judge's decision about the fence of 46 Diamond Way. He asked the Board whether the survey was submitted.

J. Telesmanic- mentioned that the Board did not asked for survey but the Board asked the owner to fix the fence.

Attorney Novello- stated that nothing was submitted to the board and the Board took action to deny the variance application. He explained when the Board published the resolution, there was nothing more to be submitted to the Board. He mentioned that there may have been a municipal ticket issued regarding the height of the fence but there is no requirement for the applicant to submit anything to the Board because the application was denied.

Mr. Morales- mentioned that it was discussed at this Board's meeting that the fence may have also been moved forward as well.

Attorney Novello- explained that the Board does not have the authority to issue summons and this Board provide relief for homeowners when they cannot get a building permit.

Mr. Morales- spoke about various correspondences between the applicant and Building Department.

Barbara Morales, 43 Diamond Way- spoke about various correspondences with the Building Inspector regarding the fence and mentioned that the judge dismissed the court issue. She asked why the judge dismissed the issue.

Attorney Novello- stated that this is the Planning Board, the Construction Official is an appointed member of the Board and the judge is outside the purview of this Board. He advised that the Board not to discuss issues that do not relate to the Planning Board.

Mrs. Morales- mentioned that she came to the meeting because the Board denied the application for the fence. She spoke about sending letters to other offices in the Borough, the Mayor and Council and the Borough Attorney.

Attorney Novello- stated that the Board may have discussed a survey and having the applicant submit one but the applicant did not provide one and the application was denied. He mentioned that the Board could not make the condition because the Board denied the application. He stated that this is not the right forum for this discussion.

Mr. Morales- stated that the height was an issue but the applicant moved the fence. He spoke about the setback for the fence. He asked who would be able to resolve the problem.

V. Drozd-asked whether a survey was submitted at the time of the permit. She felt that the fence should be torn down.

She was told that no survey was submitted.

M. Sartori- mentioned that he was instructed not to discuss the issue with 46 Diamond Way because there is threat of law suit against the Mayor and Council. He mentioned that the Borough Attorney will speak to the Morales' on the issue and this is not an issue for the Planning Board.

Mr. Morales- mentioned that he or his wife did not threaten the Borough, the Council or the Board any law suit.

Attorney Novello- stated that he cannot advise to Mr. Morales where to go, but this issue is not for the Planning Board.

Mrs. Morales-mentioned that the inspector should be confirming that the fence is correct with the height and placement. Also, she mentioned that the proper documents should have presented to Planning Board for the determination.

Attorney Novello- mentioned that the Board made the determination to deny and the application is closed for the Board. He stated the Board does not have the authority to do anything about the fence until another application for the fence comes to the Board.

C/Surak- asked whether it is a separate issue when the fence was moved.

Attorney Novello- mentioned that this issue will be for another department but not with the Planning Board.

Mrs. Morales- mentioned that she will be going to the Mayor and Council Meeting because the fence is violating the Ordinance.

V. Drozd recused herself from the meeting.

Vivian Drozd, 7 Teresa Court- spoke about parking spaces requirement for 2 family homes on her street. She mentioned that her neighbor closed up a garage. She asked whether that resident have to come for a variance.

Attorney Novello- mentioned if the off street parking is required by the ordinance, someone modified the requirement and it was founded by the town then they would need relief from this Board.

V. Drozd- mentioned that she went to Building Department for the information on the garage and did not hear back. She spoke about window being put up and a fence installed on the property as well.

M. Sartori- stated that he just learned about the inquiry about the garage today and did not know about the garage.

V. Drozd- stated that there were no permits posted on the windows for all the work at that home. Daniel Dressel, 5 Mavus Place- spoke about how Building Official is part time and he is in the office twice a week for couple of hours a day. He stated that Mr. Sartori reviews the drawing for construction, he issue the permits, he does the inspection and also, other things can be going on in the office. He mentioned that if there is a complaint, Mike responses as quickly as he can get to it. He stated that a lot of work goes on in the town, and Building Official is overloaded. He

mentioned that the issue with work being done, it would be caught upon an inspection if it is brought to the Inspector's attention.

V. Drozd- asked whether she can request for reviewing the building permits as per public information act.

Mr. Dressel answered yes.

V. Drozd returns to the meeting

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

ROLL CALL: C/Surak, Molinari, Sartori, Campbell, Drozd, Telesmanic, Meehan.

All ayes. So ordered.

Motion by J. Telesmanic and second by J. Molinari to adjourn the meeting at 8:20 P.M.

ROLL CALL: C/Surak, Molinari, Sartori, Campbell, Drozd, Telesmanic, Meehan.

All ayes. So ordered.

ATTEST:

Supriya Sanyal

Administrative Secretary