

REGULAR MEETING of the Moonachie Planning Board called to order, J. Molinari in the chair, via Zoom in the Municipal Building on Thursday, March 18<sup>th</sup>, 2021 at 7:03 P.M. J. Molinari called for Pledge of Allegiance to the Flag.

ROLL CALL: J. Molinari-present, N. Derevyanik-not present, J. Campbell-present, M. Meehan, V. Drozd, M. Lyons-present, J. Telesmanic-not present, J. Wende- present

Alternates – A. Arroyo, R. Petrella- present

Attorney- J. Novello-present,

Engineer- Frank Dobiszewski-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 transmitted to the Star Ledger on January 25, 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 V. Drozd and second by M. Meehan to approve Minutes of January 21, 2021 (no Meeting in February 2021).

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Lyons, Wende, Arroyo, Petrella.

All ayes. So ordered.

#### COMMUNICATIONS:

Matrix New World Engineering- notification of submission of an application for a flood hazard area individual permit to NJDEP for 31 Capital Drive, Block 31, Lot 1, in the Borough of Moonachie.

Motion by J. Molinari and second by V. Drozd to file communications.

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Lyons, Wende, Arroyo, Petrella.

All ayes. So ordered.

REPORTS: Boswell Engineering- Initial Review Report of Variance application (21-V1) for 17 Frederick Street Block 9, Lot 2.

#### OLD BUSINESS:

Site Plan Application (2020-SP1) and the Variance application (20-V1) for 250 Moonachie Avenue, Block 57, Lot 10

Motion by V. Drozd and second by J. Campbell to adopt Resolution #2021-3.

**RESOLUTION# 2021-3**  
**PLANNING BOARD OF MOONACHIE**  
**Prologis, LP**  
**240-250 Moonachie Avenue**  
**Moonachie, New Jersey 07074**  
**Block 57, Lot 10**  
**Minor Site Plan, Variances and Waivers**

**WHEREAS**, Applicant had made application to the Joint Land Use Board of Moonachie for a minor site plan and bulk variance regarding parking stall size and design waivers for driveway width, depressed curb, parking within areas 20 ft. or more from a right-of-way, off-street parking within 5 ft. of side or rear lot line, curb return radius, reconfigured parking aisle width and front yard loading; and

**WHEREAS**, the application was presented by the Applicant's Attorney, Bradley E. Marcum, Esq. and the Board received testimony from Michael Zimmerman, Project Manager for Applicant, Michael A. Rodrigues, P.E., Hammer Land Engineering and Edward Neighbour, Parette Somjen Architects LLC in support of the application;

**NOW, THEREFORE**, the Joint Land Use Board makes the following Findings of Facts based upon the evidence presented at the public hearing of January 21, 2021 at which a record was made:

1. The property is in the M-Manufacturing Zone District. 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 proposed use is a permitted use in the zone. Current conditions depict a 148,000 sq. ft. warehouse with associated office space, along with three (3) loading docks located in the front yard and 90 parking spaces for vehicles currently occupying the property.

Mr. Rodrigues presented his qualifications and was accepted by the Board as an expert in Civil Engineering. Mr. Rodrigues presented the Overall Aerial Exhibit, A-1, Zoomed in Ariel Exhibit A-2, Original Site Plan Rendering, A-3, Revised Site Plan Rendering, A-4, Existing vs. Proposed Façade depiction, A-5, and provided an overview of the proposed improvements including but not limited to the addition of two (2) new loading docks, addition of parking and buffer area which, in his opinion, provide a safer traffic circulation pattern along with the installation of a new, attractive building façade and four (4) mounted building lights, all producing a significant improvement to the property. The proposed improvements require the demolition of a portion of the existing building on the front yard/street side which

would bring the building further into conformity with the front yard setback and the reduce the maximum building lot coverage from 51 % to 49%. All draining patterns would be maintained and no additional stormwater management is required. The proposed improvements include new curbing and one way traffic circulation with a dedicated ingress and egress, new angled parking which provides a benefit to traffic circulation.

Mr. Neighbour presented his qualifications and was accepted by the Board as an expert in Architecture. Mr. Neighbour presented the Existing vs. Proposed Façade depiction, A-5 and provided an overview of the reasoning for the design and desire to beautify the building and add consistency between the building that is the subject of this application as well as the other warehouse buildings the Applicant owns in the surrounding areas.

The Board questioned the Applicant as to the number of current and proposed total parking spaces and the reason for the intended improvements as well as snow stock piling areas.

The Board recommended and the Applicant stipulated to the condition of the Applicant obtaining a Fire Department application review letter in order to allow the Fire Department comment on truck circulation.

2. No one from the public participated at the meeting.

**NOW, THEREFORE,** the Joint Land Use Board hereby makes the following

Conclusions of Law based upon the foregoing findings of facts:

1. The Applicant's request for site plan approval and bulk variance for the parking stall size (perpendicular 9 ft. by 18 ft. parking spaces provided while 9 ft. by 20 ft. parking spaces required; parallel 8 ft. by 20 ft. parking spaces provided, while 8 ft. by 22 ft. parking spaces required) and waivers for driveway width (24 ft. driveway width provided while 30-50 ft. width required), depressed curb (27 ft. provided while 50-70 ft. required), curb return radius (not provided while 35' minimum and 45' maximum are required), reconfigured parking aisle width (24 ft. parking isle width provided while 25 ft. width required), parking located in areas 20 ft. or more from street right-of-way (parking not permitted in an area located 20 ft. or more from the street right-of-way line), off-street parking within 5 ft. of a side and rear lot line (off-street parking area cannot be located closer than five ft. from any side or rear lot line) and front yard loading (front yard loading not permitted) 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.

**NOW, THEREFORE, BE IT RESOLVED** by the Joint Land Use Board of the Borough of Moonachie that the Applicant's request for site plan approval, variance and waivers are hereby granted pursuant to N.J.S.A. 40:55D subject to the following terms and conditions:

1. The proposed site plan, variance and waivers are 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 requirements based upon the following conditions:
  - a) the Applicant obtain a Fire Department application review letter.
2. Approvals of all other government agencies and utilities having jurisdiction over any aspect of the project that is the subject of the application.
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 the 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.

7. Applicant will provide an “as-built” drawing prepared by a Licensed Land Surveyor in the State of New Jersey.

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Lyons, Wende, Arroyo, Petrella.  
All ayes. So ordered.

NEW BUSINESS:

Variance application (21-V1) for 17 Frederick Street Block 9, Lot 2

Peter Meyers, Owner- spoke about giving a copy of the current survey to the Board Secretary to distribute and the survey that shows the proposed work which would be the site plan.

J. Molinari asked if the paperwork was filed, Secretary mentioned that all of the documents were put on the Borough website.

Attorney Novello sworn in Mr. Meyers, and mentioned that Mr. Meyers will reference those documents that were submitted then that would be marked.

Peter Meyers, 17 Frederick Street- spoke about the rendering of the house and plans. He mentioned that his property is a non-conforming lot, and he wants to remove the current mud room to extend the room to the width of the house. Mentioned that because it is non-conforming now, he has to apply for the zoning variance and he changed the design as well so that the stairs are going sideways rather than out to the street, which will make the front of the house less non-conforming. Spoke about not giving the board the survey without the new plans, and submitted it early today. Mentioned that the plans for the room will go straight across the width of the house, and the current side decks will be removed.

R. Petrella asked whether the roof will be changed.

Mr. Meyers mentioned that there will not be changes to the roof.

M. Meehan asked where the front door will be.

Mr. Meyers mentioned that on the drawing the door is in the center of the house.

J. Molinari asked about the size of the proposed mud room.

Mr. Meyers mentioned that the proposed room is about 8.6' and will be the width of the house, which is 26'.

M. Lyons asked about the survey and asked if there was a site plan submitted.

Mr. Meyers mentioned that the survey with the application showed the proposed work on it and today gave a copy of the existing survey after seeing the Boswell report.

M. Lyons asked if what was submitted was accepted by the Board Engineer.

Mr. Dobiszewski mentioned that it is not a site plan and that there is information missing, he has concerns about the proposed columns & concrete footings and there is not enough information to make an informed decision. He mentioned that he would like to see the sizing and depth of the columns. Mentioned that if the addition is going to be wider than what it is now, then it is considered a structural change.

Mr. Meyers mentioned that he is using what was submitted just for zoning approval, not a full set of plans for building. Mentioned that if there is zoning approval, the full plans will show the details of the columns.

Mr. Dobiszewski clarified that Mr. Meyers is looking for zoning approval for the front yard setbacks.

M. Lyons asked if the board approves for zoning, whether the building plans could be changed from what was submitted.

Attorney Novello mentioned that the building code is different from zoning, and it can be beneficial for the applicant to have a full set of detail plans because then there will be a review at the Board level and those plans will become the ones that will be submitted to the Building Department. He explained that there is a risk to the applicant that if approval is given for zoning only, and the Building Department requires a waiver for some of the work, the applicant may have to come back before the Board. Advised that the Board can make a determination on zoning only and it will be limited, if the plans are modified, it will be rejected and come back before the Board.

Mr. Meyers mentioned that the rendering of the house submitted to the Board will be included with the building permit along with any detail on the plans, he is only interested in getting the approval for zoning.

M. Lyons asked Attorney Novello if they can include contingencies in an approval.

Attorney Novello mentioned that the survey and the drawing do not have details. Asked for opinion of the Board Engineer.

Mr. Dobiszewski clarified that the board is being asked to make a decision regarding zoning, not design. Mentioned that it is up to the Board if they want to make a decision understanding that at a later time a true design will have to be presented. He mentioned that he would have liked to see a full set of plans submitted and that a full plan is required when there is a structural change for the Planning/Zoning Board in the ordinance.

M. Lyons asked if they are allowed to waive the ordinance requirements, if there were problems with the design of the columns, the applicant have to come back before the Planning Board, and a full set of plans have to be presented to the Planning Board and Building Department. Spoke about high water table in Moonachie.

Mr. Dobiszewski mentioned that the applicant would have to come back to the Planning Board Attorney Novello agreed that the full set of plans has to go to both the Planning Board and the Building Department. He mentioned that the Board cannot dismiss an ordinance requirement, it has to be followed. He mentioned that there are certain waivers that may be required regarding the design, there is not enough information for the Board Engineer and the board can approve only the zoning on the condition that a full set of detail plans will be sent to the Board Engineer for review prior to a Resolution being adopted. Also, he mentioned that the engineer will be able to speak to the applicant regarding any design issues if there are any, then the plans would be sent to the Building Department for permit.

V. Drozd asked if the existing mudroom has heat in it.

Mr. Meyers mentioned that the room currently has hot water heat.

V. Drozd mentioned that the room is going to be enlarged, and the configuration of the stairs at sideways.

Mr. Meyers mentioned the room will be used as an entryway for coats & recycling and the decks are also being removed to have the room to be across the entire width of the house.

J. Molinari mentioned that she visited the site that it is currently non-conforming, it is close to the street, the applicant is squaring off the house.

Mr. Meyers spoke about the stairs, that they will be not as close to the street as they are currently.

V. Drozd mentioned about need for the supports for the room.

R. Petrella mentioned that the drawing shows 4 columns for support.

Mr. Dobiszewski asked if the exterior wall will remain.

Mr. Meyers mentioned that the three walls will be coming down and the house will also be resided.

M. Lyons mentioned about being concerned about making sure the board is following procedures. Spoke about Attorney Novello's suggestion, it would be fair for Mr. Meyers and the Board approves based on that the plan will be submitted to Board and Engineer.

Mr. Meyers mentioned that he wants to be compliant for his best interests, as long as it passes for zoning, he will submit any plans to the Board and the Building Department.

Secretary mentioned that she needs a hard copy and digital form of the plans for the website.

M. Lyons asked for clarification from Attorney Novello regarding making an approval, not waving site plan review with conditions.

Attorney Novello agreed that approving the zoning with the condition, that the additional detailed design drawings will be submitted and the Board Engineer will review, if the review letter from the Engineer says that everything is in compliance with Borough ordinance, a resolution will be passed and if not, the applicant may need additional waivers from the Board. Secretary mentioned that the plans have to be submitted at least 15 days before the next meeting and also 45 days after the Resolution publication is the time period for appeal.

Attorney Novello mentioned that the earlier the drawings are given to the board, the earlier the Board engineer can review and if the Resolution is adopted at the next meeting, 45 days after the publication of the Resolution is the appeal period. Mentioned that he recommends that the applicant to wait until the appeal period is over, because if construction is started, an appeal can go to court and the board's decision could be overturned.

#### PUBLIC HEARING (21-V1):

No one wished to be heard.

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

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Lyons, Wende, Arroyo, Petrella.

All ayes. So ordered.

Motion by J. Molinari and second by R. Petrella to approve Zoning only for Variance Application 21-V1 with the following conditions:

Attorney Novello mentioned that the Board is approving for zoning only with condition that the applicant will submit full detailed drawings that will allow the Board Engineer to review and that the Board Engineering can reply to the applicant regarding the design elements if it is confirming then the Board can approve next month.

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Lyons, Wende, Arroyo, Petrella.  
All ayes. So ordered.

PUBLIC HEARING: (Regular)

Motion by R. Petrella and second by M. Lyons to close public hearing.

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Lyons, Wende, Arroyo, Petrella.  
All ayes. So ordered.

Motion by V. Drozd and second by J. Campbell to adjourn meeting at 7:55 P.M.

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Lyons, Wende, Arroyo, Petrella.  
All ayes. So ordered.