

**RESOLUTION# 21-V1**  
**PLANNING BOARD OF MOONACHIE**  
**Peter Meyers**  
**17 Fredrick Street**  
**Moonachie, New Jersey 07074**  
**Block 9, Lot 2**  
**Minor Site Plan and Variances**

**WHEREAS**, Applicant had made application to the Joint Land Use Board of Moonachie for a minor site plan and bulk variances for two front-yard setbacks requirement; and

**WHEREAS**, the application was presented by the Applicant, Peter Meyers;

**NOW, THEREFORE**, the Joint Land Use Board makes the following Findings of Facts based upon the evidence presented at the public hearings of March 18, 2021 and April 15, 2021 at which a record was made:

1. The property is in an R-1 zone. 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 minimum front yard set-back requirement is 25 ft and the Applicant is proposing front yard of 11.4 ft. measured from the property line to the face of the building and a setback of 8.4 ft from the property line to the outer edge of the proposed steps.

The Applicant presented five sketches which provided sufficient information to determine the scope and nature of the work being proposed. The Applicant testified that the proposed improvement do not further reduce the setback and do, in fact, slightly improve the setback condition.

The Board questioned the Applicant on the basis of design of the covered porch as the inclusion of the porch intensified the front yard variances request. The Applicant testified that the covered porch is not necessary; however, it is more aesthetically pleasing and provides for a better design.

2. No 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 variances from the two front yard setbacks as the same is in conformity with the Borough's Master Plan.
2. The Board finds that the Applicant has satisfied the criteria under subsection (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 and

variances is hereby granted pursuant to N.J.S.A. 40:55D subject to the following terms and conditions:

1. The proposed site plan and variances 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) if required, the installation of sidewalks in right of way; and
  - b) compliance with Board Engineer's conditions;
2. Approvals of all other government agencies and utilities having jurisdiction over any aspect of the Project.
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.

The undersigned certifies the within Resolution was adopted by this Board at its Thursday, April 15, 2021 meeting, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on April 15, 2021.

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Joyce Molinari, Chairperson

FOR: \_\_\_\_\_

AGAINST: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

Board Members Eligible to Vote: