

REGULAR MEETING of the Moonachie Planning Board called to order, J. Molinari in the chair, at the Municipal Building on Thursday, April 15<sup>th</sup>, 2021 at 7:05 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, Mayor Vaccaro- present

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

Attorney-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 March 18, 2021.

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Lyons, C/Wende- ayes,

Mayor Vaccaro – abstain

Six ayes, one abstain. Motion carried.

Mayor Vaccaro mentioned that he is a Board Member, and asked if he cannot vote on anything during the meeting because he was not appointed to the Board.

Attorney Novello mentioned that the Mayor is a member of the Board regardless if he is appointed, but for this meeting, unless he reviewed the minutes or the Zoom of the last meeting, he cannot vote on the application. Mentioned that the Mayor is automatically on the Board according to the Municipal Land Use Law.

Mayor Vaccaro mentioned that he is a Board Member, but for this application he was not at the last meeting, and will abstain from voting on the application.

COMMUNICATIONS:

None

REPORTS: Boswell Engineering- Review Report dated April 13, 2021 of Variance application (21-V1) for 17 Frederick Street Block 9, Lot 2.

NEW BUSINESS: None

OLD BUSINESS:

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

Attorney Novello- spoke about the application, mentioned that drawings were submitted to the Board Engineer, the review letter dated April 13<sup>th</sup> from the Engineer was provided to the Board and a Resolution was also prepared that is consistent with the approval. Mentioned that the Board was going to approve the application based on the Engineer's review. Spoke about the

resolution that includes the front yard setbacks, the development in the front of the house reduces the setback interference. Mentioned that it is up to the Board to approve the application and then to memorialize it.

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

No one wished to be heard.

Motion by J. Campbell and second by V. Drozd to close public hearing.

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Lyons, C/Wende, Mayor Vaccaro.

All ayes. So ordered.

Motion by J. Molinari and second M. Meehan by to approve Variance application 21-V1.

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Lyons, C/Wende-aye,

Mayor Vaccaro- abstain.

Six ayes and one abstain. Motion carried.

Motion by J. Campbell and second by C/Wende to adopt Resolution #2021-4.

**RESOLUTION#2021-4  
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 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 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.

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Lyons, C/Wende-eyes, Mayor Vaccaro-abstain.  
Six ayes and one abstain. Motion carried.

**PUBLIC HEARING: (Regular)**

Peter Meyers 17 Frederick Street- spoke about the number of residential homes near his neighborhood that have non-conforming front yards. Mentioned that the ordinance should be changed.

Mayor Vaccaro- spoke about the current ordinances, that are in place so that people do not do whatever work they want to do on homes.

Motion by V. Drozd and second by J. Molinari to close public hearing.

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Lyons, C/Wende, Mayor Vaccaro.  
All ayes. So ordered.

Motion by V. Drozd and second by J. Campbell to adjourn meeting at 7:22P.M.

ROLL CALL: Molinari, Campbell, Meehan, Drozd, Lyons, C/Wende, Mayor Vaccaro.  
All ayes. So ordered.

ATTEST:

Supriya Sanyal  
Secretary