

REGULAR MEETING of the Moonachie Planning Board called to order, Joyce Molinari in the chair, at Kathryn E. Flynn Civic Center on Thursday, October 18<sup>th</sup>, 2018 at 7:10 P.M. J. Molinari called for Pledge of Allegiance to the Flag.

ROLL CALL: Mayor Vaccaro, C/ Surak- not present, J. Molinari, N. Derevyanik- present,  
J. Campbell-not present, M. Meehan, V. Drozd, M. Lyons-present,  
J. Telesmanic –not present,  
Alternates – A. Arroyo-present, R. Petrella- not present,  
Attorney- Novello-present, Engineer- Mr. Sachs-present

Secretary stated that notice of the meeting was announced in accordance with the Open Public Meeting Act.

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 N. Derevyanik and second by J. Molinari approve the minutes of Regular Meeting of August 16<sup>th</sup>, 2018.

ROLL CALL: Molinari, Derevyanik-ayes, Meehan-abstain, Drozd- ayes, Lyons-abstain,  
Arroyo-ayes

Four ayes and two abstain. Motion carried.

#### COMMUNICATIONS:

Acer Associates LLC- notice of submission of documentation on behalf of AT&T to the State Historic Preservation Office to review and provide comment for compliance with Section 106 of the National Historic Preservation Act prior to the modification of a cellular antenna facility located at 125 Moonachie Rd., Moonachie.

Supriya Sanyal, Borough Clerk- memo requesting the Planning Board to review the draft Ordinance for Short-Term Rental in the Borough of Moonachie.

Motion by M. Lyons and second by M. Meehan to file communication.

ROLL CALL: Molinari, Derevyanik, Meehan, Drozd, Lyons, Arroyo.

All ayes. So ordered.

REPORTS: None

#### NEW BUSINESS:

None

#### OLD BUSINESS:

##### Docket No. 18- V1 and Application t#18- SP1

Variance and Site Plan applications of Parvinder & Sukhwinder Ghotra, 24 Bruno Street, Block 11, Lot 5

Larry Quirk, Architect for the applicant of 24 Bruno Street- was sworn in by Attorney Novello. Attorney Novello confirmed with Mr. Quirk that he is a license architect.

Mr. Quirk presented undated drawings dated 10/18/18 as an exhibit A1 to the Board.

R. Petrella entered the meeting at 7:17 P.M.

Mr. Quirk- mentioned that his clients want to build a new home at 24 Bruno Street. He spoke about the existing home, which is one and half story with a detach garage on the 50’X100’ lot and there is fencing & walls on the property. He mentioned that they want to eliminate all the fencing, walls and take down the existing home to build a two storied home with wrap around porch and a deck in the back. He explained that this house will need three variances, one on Broad Street, one on Bruno Street, lot coverage and garage need a rear yard variance.

M. Meehan confirmed with Mr. Quirk that the existing house will be demolished.

J. Molinari confirmed with Mr. Quirk that the foundation will be demolished.

Mr. Sachs confirmed with Mr. Quirk that there will be variances for two front yards, rear yard for the garage and building coverage.

R. Petrella- asked whether the garage will be taken down.

Mr. Quirk- answered that the garage at the west side of the property will be kept and the shed will be taken down. He mentioned that there will be two cars parking spaces on the driveway and there will be parking space for one car inside the garage of 16’x20’.

He mentioned the parking issues brought up by Mr. Sachs, has been addressed and the flood elevation is 8.04’ for AE flood zone. He spoke about the first flood elevation of 10.04’, which is

two feet above flood elevation. He mentioned that the average height of the building will be 27.36', which is far below the max.

Mr. Sachs- mentioned that the average height of the front of the house is 27.36'.

Mr. Petrella-asked whether the height of the house has change because of the flood problem

Mr. Sachs- explained that the height did not change but the 1<sup>st</sup> floor elevation has to be 2 feet above the base flood elevation as per FEMA. He asked Mr. Quirk about the fence and wall that will be taken down.

Mr. Quirk- answered that they are eyesore and also, they are encroaching on the right-of way.

Mr. Sachs- asked whether the back fence belong to the neighbor or his client.

Mr. Quirk – answered that the back fence is on the neighbor's property and they will be taken down the fence on this property not the neighbor.

Mr. Sachs – explained that Mr. Quirk needs two parking spaces and he is providing one more.

He confirmed with Mr. Quirk that none of the car in the driveway will not encroaching onto the right-of –way.

R. Petrella- asked about the drainage.

Mr. Sachs- answered that after the memorialization of the approval, the Building Code Official will review the calculation or he will forward his firm to review.

Mr. Quirk- mentioned that the front yard door will be at Broad Street.

M. Meehan- asked about the location of the existing front door.

Mr. Quirk - answered that the location of existing front door is on Bruno Street.

M. Meehan- asked whether the address will be change.

Mr. Quirk- answered that they are not changing the address. He spoke about required front yards set back of 25' both on Broad and Bruno Streets. He mentioned that the proposed setback at Broad St. will be 11' as to the porch and the proposed setback at Bruno St. will be 6.73' as to the porch. He presented to the Board google Aerial phot of the property.

Attorney Novello – marked the Aerial phot as Exhibit A2. He confirmed with Mr. Quirk that he printed this phot today.

Mr. Quirk- explained that the house on west side of this property at Broad Street is close to the street and other houses in the neighborhood are close to the street. He explained that the porch, the open structure will be close to the Street. He mentioned that this will be a great addition to the neighborhood and they try to keep as many parking spaces on the property possible. He asked the Board to approve this application.

J. Molinari- asked about the landscaping of the property.

Mr. Quirk- answered that there will be low landscaping because the property is at the corner.

J. Molinari- mentioned about her concerned about the trees because it is in the corner.

Mr. Sachs- mentioned that the landscaping has to be 2.5'.

Mr. Sachs-confirmed with Mr. Quirk that in Moonachie, the rear yard is the opposite of the shortest front yard and existing rear yard setback of the accessory garage is 6'. He asked Mr. Quirk to change the Accessory Structure to show rear yard setback of 6' and side yard setback 4.85 on the drawings.

J. Molinari- asked about the location of the porch.

Mr. Quirk- mentioned that the porch being located on Broad St. and Bruno St.

J. Molinari -asked about the depth & width of the porch.

Mr. Quirk - answered that the depth of porch is 6' on both streets and length of porch on Broad St. is 33' and the length of porch on Bruno St. is 15'.

M. Meehan –confirmed with Mr. Quirk that the porch will be covered.

M. Lyons- asked about the distance from the property line to the house currently.

Mr. Quirk- mentioned that the distance is 12.9'.

M. Lyons- confirmed with Mr. Quirk that the proposed distance will be half and asked whether anyone has opinion about this.

J. Molinari- mentioned that now the house is unusual with two doors.

M. Lyons-asked about the square footage of the original house.

Mr. Quirk – answered that the footprint of the house is 1061 sq. ft.

M. Lyons-confirmed with Mr. Quirk that the footprint of the new house will be same. She asked that he is going from 30% coverage which is 1500sq. ft. to 36%, which is 20% increase of coverage in the property.

Mr. Sachs-mentioned that he is allowed 30% of 5,000sq. ft., he is going with 36.44% that is 1,822 sq. ft. and he is asking for relief of 6.44' sq. ft.

M. Lyons- mentioned that the lot coverage increase is 20% and she thinks that is excessive, because he is putting more coverage in a small lot. Also, she mentioned that the Board does not want to create a bigger problem.

V. Drozd-asked about the need for wraparound porch on Bruno Street.

Mr. Quirk- answered that it is for esthetic reason and for looking more homogeneous.

M. Meehan- suggested moving one the house few feet back at Bruno Street.

Mr. Quirk- mentioned that the garage is 396 sq. ft., without the garage there will be no lot coverage variance and the garage is a positive thing. He spoke about moving house and the porch 5 ft. towards the garage and having 10 ft. between the house and the garage, the porch will be in line with 20 Bruno Street.

N. Derevyaniuk- spoke about 2.5' landscaping.

Mr. Sachs- confirmed with Mr. Quirk that the deck is included in the building coverage and asked Mr. Quirk to put a note for clerical reason in the drawing

M. Meehan- asked about the ground between the house and the garage.

Mr. Quirk- mentioned that there will be grass.

M. Lyons-mentioned if the porch is removed from the house, then 288 sq. ft. will be reduce from 1822 sq. ft. and the total will be 1570 sq. ft.

Mr. Quirk – mentioned that the porch is the part of the house.

M. Lyons- mentioned that she is trying to do best for the community because the Community is highly receptacle to water issue. She spoke about doing thing with high standards so that does not cause water problem. She mentioned that the house is beautiful however there is a cost to community for having more coverage and asked the engineer to assure that any issue with rain and water can be mitigated, such as putting retention facility.

Mr. Sachs- mentioned that his report says that as condition of approval, they have to provide percolation test and putting seepage pit or chamber.

M. Lyons-asked about the location of seepage pit in the property.

Mr. Sachs- spoke about water level in the ground in Moonachie. He spoke about the calculation of the drainage to determine the needed components.

Mr. Quirk- mentioned that there will be no walls from the porch to the grate so the water can go underneath the porch unlike a structure.

M. Lyons- suggested putting seepage pit under the porch.

Mr. Sachs – mentioned that they have to go to DEP to get permit or to get “Letter of No Interest”.

Mr. Quirk- mentioned that the stormwater can go under the porch.

M. Meehan- mentioned that chamber could be put in the backyard or in the driveway.

Mr. Sachs- mentioned if it is in the driveway, there will be series of pipes.

M. Lyons – spoke about pervious pavers, which can collect water and her issue that the house being close to Bruno Street. She asked if the application is approved then it goes to the second review system for stormwater issues.

Mr. Sachs- mentioned that Mike Sartori will review. He explained that Mike Sartori will get the Resolution with all the conditions.

Attorney Novello- mentioned that the Board can make many conditions with underline concerns for approval.

N. Derevyaniuk- asked about the cost of drainage system for the home owner.

Mr. Quirk- mentioned that the cost of low profile retainer will be about \$5,000.

Mr. Sachs-mentioned that no system will protect if there is heavy rain like recent heavy rain.

M. Lyons- mentioned that more water cannot be put into the road ways, unless somehow the property is protected and nothing should be done on the property that will create problem with the neighbors. She mentioned about her concern about porch being only 6' from the road.

Mr. Quirk- mentioned that most he can move back the house 5 feet because he needs 10 ft. between the garage and the house.

Mr. Sachs-mentioned if the Board might think it will be too big for the area then Mr. Quirk has to give substantial reason for that.

M. Lyons- spoke about making sure that water will not be increase from the property. She mentioned that there has to be account for additional water.

Mr. Quirk-mentioned that now there will be retention in the property for additional water.

M. Lyons-mentioned that the dealing with stormwater is very important for the Board.

Attorney Novello-mentioned that the applicant stipulated moving the house 5 feet back, the minimum lot area, minimum width, minimum depth, all remain same, the maximum building coverage and building height stays same.

Mr. Sachs- felt that the site is being redesign

Attorney Novello- mentioned that the Board has power to ask for new set of plan.

Mr. Sachs- suggested for new set of plan for dimension.

Mr. Lyons- mentioned that moving the house back is better for water management.

Mr. Quirk- mentioned that moving the house 5ft. will result setback to 11.73ft.

Attorney Novello-confirmed with Mr. Quirk two front yard variances and he mentioned that all four variances will be needed.

Mr. Sachs- confirmed with Mr. Quirk that there will be three variances pertain to the house and existing non-confirming for the garage.

V. Drozd – asked about the distance between the deck and garage now.

Mr. Quirk- answered that it is 15.27’.

Mr. Sachs- mentioned that moving back 5ft. will result the distance 10.27ft.

V. Drozd- confirmed that the wraparound porch will be there. She asked about the apron by the garage.

Attorney Novello- marked the Google Earth picture (Boswell’s picture) of the property as A3.

Mr. Quirk – mentioned that the apron will be removed and the grass will be put in there.

Attorney Novello- mentioned that all the pavers will be removed and there will be grass between the garage and the house.

Mr. Sachs-reviewed the picture and he ask about the location of the new house.

Mr. Quirk – reviewed the Google Earth picture with Mr. Sachs and explained about the location of the new house. He mentioned that there will be 10 ft. between the deck and the garage.

Mr. Sachs- confirmed with Mr. Quirk that all pavers will be removed and there will more pervious.

J. Molinari- asked whether a new home required the sidewalk.

Attorney Novello – mentioned that the Board can make as condition if the sidewalk required.

Mr. Sachs- mentioned that the sidewalk will be on the right-of-way.

Attorney Novello- mentioned that the sidewalk will not change the site plan because it will be on the right-of-way and they will find out about the requirement when they apply for permit to the building Department.

V. Drozd- mentioned that there is no sidewalk between Frederick and Bruno Street.

#### PUBLIC HEARING (Docket#18-V1and Application No. 18-SP1):

Nobody wished to be heard.

Motion by V. Drozd and second by R. Petrella to close public hearing.

ROLL CALL: Molinari, Derevyanik, Meehan, Drozd, Lyons, Arroyo, Petrella.

All ayes. So ordered.

Attorney Novello- mentioned the following conditions:

1. The applicant will revised the site plan for moving the house and the deck 5 ft. back from Bruno Street leaving front year setback 11.73ft. and the distance between the rear deck and the garage will be 10.27ft.
2. Pursuant Exhibit A3, all existing pavers and curb cuts will be removed. All Fencing will come out.
3. The sidewalk on Borough’s right-of-way if it is required.

V. Drozd-asked whether the address change from Bruno to Broad is the concern of the Board.

Attorney Novello- mentioned that the Tax Assessor will deal with the change of address and he will put a note that the applicant has to confirm with the Tax Assessor about the change of address. He mentioned that all engineering’s recommendation will be in the Resolution.

M. Lyons-recommended that from item no. 10 on the page seven of Engineer’s Report thru page 11 including all stormwater requirements will be as condition.

Mr. Sachs- confirmed with Mr. Quirk that he is not raising the site and he is keeping the site at the existing grate.

Mr. Meehan- asked about the engineer’s recommendation.

Attorney Novello- mentioned that the resolution will have compliance with engineer’s report.

Motion by J. Molinari and second by M. Meehan to accept (approve) 24 Bruno Street (Docket#18-V1and Application No. 18-SP1) with conditions.

ROLL CALL: Molinari, Derevyanik, Meehan, Drozd, Lyons, Arroyo, Petrella.

All ayes. So ordered.

Mr. Sachs left the meeting at 8:46P.M.

#### Board Discussion:

Attorney Novello – asked when the ordinance for Short –Term Rental is being presented to the Mayor and Council.

Secretary Sanyal- mentioned that the Mayor and Council did not act on the Ordinance and she was directed by the Mayor to provide the draft ordinance to the Board for any recommendation.  
M. Lyons- mentioned that Airbnb exist in Moonachie.

Attorney Novello- mentioned that some town chooses to regulate out of it and some town chooses to regulate in it. He explained that the difficult part is overlap of Ordinance related to rental and this ordinance is for short-term rental. He spoke about rental registration and he spoke about fee based regulation to share the income of the rental. He mentioned about the illegal housing.

J. Molinari- mentioned about the issue with parking and snow plowing.

M. Meehan- mentioned that his concern does not know the people coming in and out of Airbnb if it is next to him and he will not feel comfortable. Also, he mentioned that it will be like running hotel and it is not zone for that.

Attorney Novello- spoke about pro-active enforcement. He mentioned that some Mayor and Council will fees it and will try to regulate it. He spoke about the illegal housing can be found by knocking on the door. He mentioned about some mechanism which might be to set up a call number to complain, to set up tenant registration, to set up no overnight street parking, to set up cross registration with other agency and school. He spoke about the ordinance, which he reviewed, the Mayor and Council acknowledged that Airbnb is happening and not going to stop from happening but wants to regulate and to registrar to see where it is happening. He mentioned about the option to create and to hire a department to regulate.

M. Lyons-spoke about rumor about illegal two-family.

R. Petrella-mentioned that in Bergenfield there was rental of room and up to thirty people were living in one building in rotation.

J. Molinari asked about the current ordinance.

Attorney Novello- mentioned that the Mayor and Council asking for recommendation from the Board regarding this Ordinance, the recommendation could be for regulate Airbnb, or not allowing Airbnb, or increase fees, or make the person coming before Planning Board.

M. Meehan- mentioned that People around the areas should have say in for Airbnb and the person has to come before zoning board, the person can have Airbnb if your neighbor does not have problem.

Attorney Novello- explained that the zoning law has to change that present Airbnb as conditional use that requires coming before the Planning Board.

M. Meehan- felt that just paying fee for Airbnb is not fair.

J. Molinari- mentioned that Garfield, Lodi and Wallington has been cracking down illegal two family, three family homes.

V. Drozd- asked about the code book regarding the limit on number of unrelated people can live with her in her single unit.

M. Lyons- mentioned that as per Fire Official that unrelated five people can live together.

Attorney Novello- mentioned that there cannot be any rent from the people because the boarding house is illegal.

V. Drozd- mentioned that there cannot be any exchange of money then Airbnb is like boarding house.

Attorney Novello- mentioned that instead having a long-term rental, Airbnb is short-term rental, which is less than thirty days to get maximum amount of money. He explained that someone coming to the city may have to pay \$1,200 for hotel rental in the city for a week but for Airbnb has to pay \$600 for a week. He spoke about having people call to complain about illegal housing.

J. Molinari- mentioned that South Hackensack will not give CO with New York license plate to renter.

Attorney Novello- spoke about amnesty.

M. Meehan- mentioned that he has to pay \$150 for CO every time for change of tenant.

R. Petrella- mentioned that he pays \$40 a year for rental in Pennsylvania.

Attorney Novello- mentioned that the town has to create a enforcement unit within the Zoning Department, a enforcement unit with inspectors and he spoke about increase in taxes for the enforcement unit.

V. Drozd-asked about the students from illegal apartments in school and enforcement.

Attorney Novello- answered yes and he explained that there is no way the Board of Education not to educate a child, the Board of Education asks for lease for registration.

M. Lyons- spoke about having many children in the family was the cultural thing and they all live together.

V. Drozd- mentioned that rental in basement is illegal and in Union City, people died in illegal apartment.

J. Molinari – mentioned that in Little Ferry two people died in fire.

M. Lyons- mentioned that in Hawthorn, two children died in fire.

J. Molinari- mentioned that the Ridgefield has an Ordinance, which required that new buyer has to sign off that no one will sleep in the attic and basement to get a CCO.

Attorney Novello- suggested that the Board can direct the clerk to request presence of a Councilperson at the next public meeting to discuss the Board's concern and recommendation in regarding this ordinance.

M. Lyons- asked attorney Novello if he can forward another town's ordinance on this issue.

R. Petrella- asked whether there are people pushing this Airbnb.

N. Derevyaniuk- mentioned that the Borough discovered that two homes are doing Airbnb and now this Ordinance will be done.

M. Lyons- mentioned that the Borough did some research from other communities that have Airbnb. She spoke about the Board's concern and will do the best for community at- large.

N. Derevyaniuk- mentioned that in order to do this ordinance, there should be close monitoring that will increase the taxes.

Attorney Novello-mentioned that under the New Jersey law, the landlord have the liability for illegal tenancies and the housing inspector is required to remove them, landlord has to relocate them.

Attorney Novello-mentioned that the landlord can be assess for up to six months of relocation.

He spoke about a proposed municipal Ordinance, in case of displacement of any person by enforcement agency that was illegal occupancies; they can get relocation assistance from the landlord for six months. He suggested to the Board to start with macro, which is whether the Mayor and Council will take that position, then the means and methods, which will be Ordinance and he mentioned that this is a South Bergen issue.

Secretary- confirmed that she is directed to request the Mayor and Council to have a representative at the next Board Meeting.

M. Meehan- asked about the town's ordinance regarding sale of Marijuana because it will be soon legalized.

M. Lyons-mentioned that there is no ordinance but the Mayor and Council is aware of it and she will bring Board's concern to the Mayor.

J. Molinari- mentioned that there are medical Marijuana dispensary in Secaucus and Montclair.

M. Meehan- mentioned that there should be something done for Marijuana.

Attorney Novello-mentioned that once it is legalized, it cannot be stopped but the town can zone for Marijuana. He explained that it can be zone for industrial area.

J. Molinari – confirmed with Attorney Novello that in Carlstadt, there is zone for Exotic Wear.

Attorney Novello – mentioned that before in front of Giant Stadium, there was adult entertainment. He explained when it is legalized, it can be zone in industrial area.

Motion by V. Drozd and second by N. Derevyaniuk to adjourn meeting at 8:50 P.M.

ROLL CALL: Molinari, Derevyaniuk, Meehan, Drozd, Lyons, Arroyo, Petrella.

All ayes. So ordered.

Supriya Sanyal  
Secretary