

REGULAR MEETING of the Moonachie Planning Board called to order, J. Molinari in the chair, at Kathryn E. Flynn Civic Center on Tuesday, November 20<sup>th</sup>, 2018 at 7:13 P.M.

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

ROLL CALL: Mayor Vaccaro-present, C/ Surak-not present, J. Molinari, N. Derevyaniк-present, J. Campbell-present, M. Meehan-not present, V. Drozd-present, M. Lyons, J. Telesmanic- not present, Alternates – A. Arroyo-present, R. Petrella- not present Attorney- Novello-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. Derevyaniк and second by V. Drozd to approve the minutes of Regular Meeting of October 18<sup>th</sup>, 2018.

ROLL CALL: Mayor Vaccaro-abstain, Molinari, Derevyaniк-ayes, Campbell- abstain, Drozd, Arroyo-aye.

Four ayes and two abstain. Motion carried.

**COMMUNICATIONS:**

New Jersey Sport and Exposition Authority- certification of Completion for Jaret LLC, Block 70, Lot 8.01 for Technical Major Subdivision and Variance.

Federal Communications Commission-notice of Section 106 filing by AT&T Mobility, LLC for Moonachie COW 274 at 125 Moonachie Road.

Motion by Mayor Vaccaro and second by N. Derevyaniк to file communication.

ROLL CALL: Mayor Vaccaro, Molinari, Derevyaniк, Campbell, Drozd, Arroyo. All ayes. So ordered.

**REPORTS:**

**NEW BUSINESS:**

None

**OLD BUSINESS:**

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

Motion by V. Drozd and second by J. Molinari to approve Resolution#2018-5.

**RESOLUTION#2018-5  
PLANNING BOARD OF MOONACHIE  
Application No. 18-SP1 and Docket#18-V1  
Parvinder & Sukhwinder Ghotra  
24 Bruno Street  
Moonachie, New Jersey 07074  
Block 11, Lot 5  
Minor Site Plan and Variances**

**WHEREAS**, Applicant had made application to the Planning Board of Moonachie for a minor site plan and bulk variances from the two front yard setbacks, the building coverage and the minimum accessory structure setback requirement; and

**WHEREAS**, the application was presented by the Applicant’s Architect, Larry Quirk,

AIA;

**NOW, THEREFORE,** the Planning Board makes the following Findings of Facts based upon the evidence presented at the public hearing of October 18, 2018 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 accessory structure setback requirement is 5 feet and the applicant has an existing non-conforming garage structure which is 4.85 feet from the side yard property line. The minimum front yard set-back requirement is 25 ft and the Applicant's property is on a corner lot wherein the Applicant is proposing front yards of 6.73 ft at Bruno Street and 11 ft at Broad Street. The maximum building coverage is 30% and the applicant is proposing 36.44 %.

Mr. Quirk presented the Site Plan, A-1 dated 10/18/18, and provided an overview of the intended new home design explaining that all fences and walls would be eliminated because they are an eyesore and are encroaching into the Borough's right of way or other parcel. The elimination of the fences and walls would bring about conformity and a better design. The garage parking stalls are 16ft x 20 ft and the driveway parking stalls are 9 ft x 18 ft. on the interior of the property with no encroachment into the Borough right of way. The base flood elevation is 8.04 ft (NAVD 88) with the first floor at 10.04 ft. The total height of the new structure is 27.36 ft, measured from the elevation of the finished grade 5 ft away from the front of the building to the vertical mid-point between the base of the roof and its peak for peaked roofs.

He further explained the four variances being requested and addressed each. Related to the front yard setbacks a new porch was being proposed and Mr. Quirk presented an Aerial Photo, A-2 Google map from 10/18/18, which illustrated the surrounding corners and the frontages being less than the new porch being proposed. Further, he testified that the proposed new porch is on the same footprint of the existing building but as a porch its presentation is more inviting and conforms to the neighborhood.

Mr. Quirk presented a photo of the existing driveway, A-3, and testified that the paver driveway located between the rear of the house and the side of the existing garage would be removed and replaced with grass and the curbing would be replaced.

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

The Board recommended, and the Applicant stipulated to re-positioning the house and porch footprint back 5 ft from Bruno Street, leaving the front yard setback at 11.73 ft and the distance from the rear deck and garage at 10.27 ft. The Board raised concerns and the Applicant stipulated to compliance with the Board Engineer's storm water conditions.

2. No public participated at the meeting.

**NOW, THEREFORE**, the Planning 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, the building coverage and the minimum accessory structure side yard setback requirements 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 Planning 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) low level landscaping around the porch which are no higher than 2.5 feet at mature growth height to protect corner site lines;
  - b) moving the house and deck back 5 ft from Bruno Street, leaving the front yard setback at 11.73 ft and the distance between rear deck and garage at 10.27 ft;
  - c) the removal of the existing pavers and curb cut;

- d) if required, the installation of sidewalks in right of way;
  - e) Applicant confer with Borough Tax Assessor related to address change (from Bruno Street to Broad Street); and
  - f) compliance with Board Engineer's conditions related to storm water protections;
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 depicting all building setbacks, roof mid-point elevation and final grade along the front of the house in order to calculate the "as-built" height.

ROLL CALL: Mayor Vaccaro- abstain, Molinari- aye, Derevyanik-no, Campbell-abstain, Drozd, Arroyo- ayes.

Three ayes, two abstain and one no. Motion carried.

DISCUSSION: Draft Ordinance for Short-Term Rental

Mayor Vaccaro- mentioned that the governing body looked into drafting an Ordinance regarding short term rentals, and the governing body is looking for comments from the Planning Board. Mayor Vaccaro mentioned that residents had concerns about Airbnbs in their neighborhoods, and The governing body discussed for having some kind of regulation so that the Fire Department would have the information for the building. Spoke about concerns of safety issues for Fire Department.

J. Campbell asked about C.O.s

Mayor Vaccaro mentioned that when a home is rented a new application for a C.C.O. is completed.

N. Derevyanik asked how long the C.O will be good.

J. Campbell asked about the dollar amount.

Mayor Vaccaro mentioned that the annual C.O. for \$300 for short-term rental, and the town would know there is a unit there for the year.

N. Derevyanyik- confirmed with the Mayor that the Borough will know for short-term Rental annually not each short-term rental throughout the year.

Mayor Vaccaro- spoke about regulating the short-term rental unit. He asked Attorney Novello about allowable five occupancies in a single family home.

Attorney Novello -mentioned that under the draft ordinance is for anything less than 30 days, which is a short-term rental, and occupancy would have to do with the Construction Official. He explained that the amount of people in a structure has to do with square footage and number of bedrooms. He advised the Board that the town has to decide how the town is going to regulate, into it or regulate out of it and enforcement is difficult for municipality. He spoke about town's enforcement mechanism in place to stop it. He mentioned that some towns regulate with a fee, and a homeowner lets the town know about the Airbnb and pay fees.

Mayor Vaccaro- mentioned that

J. Campbell mentioned that the regulation should be stricter. Spoke about his experience with Airbnb's in Bradley Beach, Bradley Beach is very controlled, and allow only families. He mentioned that he has to pay the town \$50 for a C.O. and \$75 for tourist fee when there is a new tenant, and a tourist fee and provide information about the names and birthday of the people staying there.

J. Molinari- asked Mr. Campbell whether he has to register each rental.

J. Campbell- answered yes. He mentioned that Bradly Beach may go with once a year registration due to pressure from the residents.

Mayor Vaccaro asked if the rental has to be only for family members.

J. Campbell mentioned that it is only family members except for certain areas. Mentioned that the town would want to know who is coming into the town and there are two Airbnb near his home in Moonachie.

V. Drozd asked how concerned about this Airbnb came now. She mentioned that the town currently is not regulating rentals in two-family homes or illegal rentals units because kids are in the school.

Mayor Vaccaro- mentioned that the school does have a mechanism to check if students are living in illegal apartments. He mentioned that people can notify the Construction Official if there is knowledge there is illegal two-family home, but there has to be enough information, so he can go in, the Construction Official cannot just go into people's homes.

V. Drozd –spoke about her experiences as a realtor & as a Planning Board's application for Daniel Street and she mentioned about fires in Union City in illegal units and people perished due to lack of smoke detector and fire extinguisher.

Mayor Vaccaro- mentioned that it came to the attention of the governing body by neighbors about the short-term rental so the governing body wants to regulate so the town knows what is coming into the unit and the Fire Department is aware of short-term rental. He mentioned that the State regulations allow up to five borders and there is nothing currently in the town Ordinances to allow the Construction Department to look into short-term rentals. He spoke about regulation about the zone, where people can or cannot do it.

V. Drozd- asked Mayor to look into regulation for overnight parking that is for residents only. She mentioned that Little Ferry residents parking on her street and suggested to register all residents car.

Mayor Vaccaro- mentioned that there are certain streets that have permit parking during certain hours to avoid people getting on the bus from parking on the street and recently added permit parking end of Edstan Drive and Washington Street. Spoke about the enforcement of Ordinances.

V. Drozd- suggested to do permit on Henry, Daniel and Teresa Court.

J. Molinari- mentioned that the problem with Airbnb will get worse when the American Dream opens.

Mayor Vaccaro- mentioned that the governing body should put Ordinances in place for things that may happen in the future and he knows about four Airbnb in town.

J. Molinari- spoke about her concern regarding the number of cars during the day parked on East Joseph Street and tractor trailers in there.

Mayor Vaccaro- mentioned that he will also discuss about Airbnd with the Police Chief and the Construction Official.

J. Campbell -mentioned that the town has to make a decision because the issue is not that widespread yet. He spoke about his concerned about safety for his grandchildren.

J. Molinari -asked if the Airbnb affected the neighborhood by J. Campbell.

J. Campbell- answered yes. He mentioned that if it is regulated to two people to a bedroom, it would be better, and neighbors have to let the town know. He spoke about having a high fine of \$2,500.

Mayor Vaccaro- asked about the Board's opinions regarding regulation for Airbnbor not allowing it at all.

N. Derevyaniuk- asked how it is regulated in Bradley Beach.

J. Campbell -explained that the town Building Official looks during the day and at night the police patrols.

N. Derevyaniuk -mentioned that Airbnb would be a burden on Moonachie's Construction Department.

J. Campbell- spoke about length of stays in his house down the shore, and needing to know who is staying in the home.

Mayor Vaccaro- spoke about putting regulation for Airbnb so the building Department can have some power. He mentioned that even Airbnb is not allowed in the town it will be heard to justify the Airbnb. He spoke about putting ordinance to stop Airbnb by Police Department and Construction Department.

V. Drozd -asked if the Board can get Ordinances from other towns.

Mayor Vaccaro-mentioned that Jersey City allows short-term rental.

Secretary mentioned that Jersey City has a registration and license for short-term rental.

A. Arroyo mentioned that Union City may have outlaw it.

Secretary spoke about emailing all the Clerks in Bergen County and most of them do not have regulation. Four or five responded, and they have Ordinances that disallowed short-term rentals, including Hasbrouck Heights.

V. Drozd- suggested getting some Hudson County's Ordinance for Airbnb

Mayor Vaccaro -mentioned that he can reach out to the Mayor's of the surrounding towns in the Meadowlands regarding Airbnb.

Attorney Novello mentioned that this Board is following what other boards are doing, discussing the issue and what towns want to look like and actual enforcement. Spoke about staffing and other budgetary issues that would be put upon the Construction Department if they have to do more inspections and checks.

Mayor Vaccaro- mentioned that he will bring back information from surrounding town to the Planning Board at the next meeting.

#### PUBLIC HEARING:

John Wende 353 Maple Street- mentioned that parking issues should be taken into account for Airbnb and he felt it will change the complex of the whole town. He spoke about the differences between a shore town and Moonachie.

Motion by V. Drozd and second by N. Derevyaniuk to close public hearing.

ROLL CALL: Mayor Vaccaro, Molinari, Derevyaniuk, Campbell, Drozd, Arroyo.

All ayes. So ordered.

Motion by V. Drozd and second by N. Derevyaniuk to adjourn meeting at 8:04 P.M.

ROLL CALL: Mayor Vaccaro, Molinari, Derevyaniuk, Campbell, Drozd, Arroyo.

All ayes. So ordered.

ATTEST:

Supriya Sanyal  
Secretary