

REGULAR MEETING of the Moonachie Planning Board called to order, J. Molinari in the chair, at Kathryn E. Flynn Civic Center on Thursday, July 19th, 2018 at 7:20 P.M. J. Molinari called for Pledge of Allegiance to the Flag.

ROLL CALL: Mayor Vaccaro, C/ Surak-not present, J. Molinari, N. Derevyaniuk- present
J. Campbell-not present, M. Meehan, V. Drozd, M. Lyons- present, J. Telesmanic- not present,
Alternates – A. Arroyo-present, R. Petrella, C. Pallas- not present
Attorney- Novello- present Engineer- not 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. Derevyaniuk and second by A. Arroyo to approve the minutes of Regular Meeting of June 21st, 2018.

ROLL CALL: Molinari, Derevyaniuk- ayes, Meehan, Drozd- abstain, Lyons, Arroyo- ayes.
Four ayes, two abstain. Motion carried.

COMMUNICATIONS:

Parvinder & Sukhwinder Ghotra, 24 Bruno Street- site plan and variance applications to erect a new 2 story dwelling and site development at 24 Bruno street, Block 11, Lot 5.

Motion by M. Lyons and second by N. Derevyaniuk to file communications.

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

All ayes. So ordered.

REPORTS:

Boswell Engineering – initial review report dated June 27, 2018 and second review report dated July 13, 2018 for 24 Bruno Street.

NEW BUSINESS:

1. [Mandatory NJDEP Stormwater Training for Board Members.](#)

The Board members viewed the online Stormwater management Training.

Attorney Novello explained various stormwater activities including underground catch basin that can be considered when there is an application before the Board. He gave the example of having greenery included on sites rather than just sidewalks as part of Stormwater management.

J. Molinari asked about green roofs.

Attorney Novello- mentioned that there are green roofs in Hoboken and Jersey City.

M. Lyons mentioned that the new Municipal Building has pervious asphalt in the parking lot and it was done in order to consider runoff from the larger footprint of the building. Also, she mentioned that they investigated a green roof, but it attracts birds and it would be a problem for the airport and planes which is considered to be more important for human lives. She spoke about the study that is being done about moving the runoff in Teterboro Airport along the train tracks in Wood-Ridge. Also, she spoke about importance of runoff management for any development.

She mentioned that South Hackensack planned lot of vegetation by East Riser ditch.

J. Molinari-asked about runoff by Cosco and Walmart.

M. Lyons- mentioned that there are rocks and vegetation behind Walmart for runoff.

2. [2018 Land Use Liability Seminar for Board Members.](#)

Attorney Novello spoke about liability of the Board Members and members can be held personally liable for violating civil rights. He mentioned that an example for immunity, as long as the members act within the scope of the law and breaching the immunity would include going beyond the scope of the Board. He explained that the insurance liability coverages for the Board

Members. He reviewed with the Board the case study of site visit by the Board member and the Court decision of the board member in question should be recused from the application.

J. Molinari- mentioned that years ago the Board was invited to a dinner and nobody attended the dinner.

Attorney Novello- explained about the Open Public Meeting Act and quorum requirement for a meeting of the Board. He spoke about what would qualify as a meeting versus casual conversation after an application is received. He reviewed with the Board the case study about conflicts of interest. He explained the order an application is being heard by the Board and then the discussion of the Board regarding the application, question from the Board members but not the opinion of the members. He spoke about the appeal process if the application is denied, and he mentioned that the burden of proof is on the applicant. He spoke about the type of questions such as parking spaces, stormwater concerns related to the application that can be asked for the application by the members of the Board.

V. Drozd- asked whether the Board can have work session before the meeting.

Attorney Novello- answered the Board can have work session in front of the applicant if the work session was advertised.

M. Lyons confirmed with Attorney Novello that the applicant gives the presentation, the Board can ask question and the Board can have discussion.

Attorney Novello- spoke about the time frame for the Board to act on an application.

M. Lyons asked if an applicant can withdraw an application before the Board makes the decision.

Attorney Novello- explained that the applicant cannot withdraw the application. He mentioned about the decorum of a meeting and that the meeting of the Board is a judicial proceeding. He reviewed with the Board members the case study regarding inverse condemnation. He explained the case study that the Land Use Board can limit testimony to issues that are relevant to the decision before the board. He mentioned the special policy will provide up to \$50,000 (annual aggregate) in defense coverage for the following risks: criminal acts, willful violation, self-dealing/illegal profit and condemnation. Also, he mentioned that the members have to create an environment where staff and attorney are encouraged to tell what member should hear and not necessary what member or public wants to hear. He advised that member should not meet for meeting with the applicant or opponents to an application alone and to avoid to say anything that can be construed as bias, both at meetings and elsewhere.

PUBLIC HEARING:

Yris Encarnacion, Deputy Mayor, South Hackensack- thanked M. Lyons for inviting her to the meeting, and mentioned that she learned a lot.

Motion by M. Meehan and second by N. Derevyanyk to close public hearing.

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

All ayes. So ordered.

Motion by N. Derevyanyk and second by M. Lyons to adjourn meeting at 9:00 P.M.

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

All ayes. So ordered.

ATTEST:

Supriya Sanyal
Secretary