

Borough of Roosevelt
33 North Rochdale Avenue
Roosevelt, NJ 08555
Planning Board Meeting Minutes
April 21, 2020

CALL TO ORDER: Ms. Carpenter called the remote meeting (Zoom) to order on April 21, 2020 at 7:03 p.m.

ROLL CALL:

Present (9): Malkin, Carpenter, Vroman, Hartley, Petrilla, Taylor, Connors, Newrath, Bondonis
Absent (3): Hamilton, Ord, Katz

Michele Donato, Board Attorney, and Carmela Roberts, PE, CME, Board Engineer, were also in attendance.

Ms. Donato requested names of Board Members able to vote on the Variance Application being heard at this meeting for 4 Pine Drive. Those not in attendance at the previous meeting, but who were allowed to vote, listened to the March 3, 2020 audio meeting and signed a Certification in Lieu of Affidavit by Absent Member Establishing Eligibility to Vote. Therefore, those members permitted to vote on this application were: Malkin, Vroman, Hartley, Taylor, Connors, Bondonis and Carpenter.

OATHS OF OFFICE: No oaths were administered due to the meeting being electronic (Zoom).

OPEN PUBLIC ACT MEETING STATEMENT: Ms. Carpenter read the Adequate Notice.

SITE PLANS/SUBDIVISIONS/VARIANCES/INFORMAL REVIEWS, ETC.:

Ms. Donato requested that the following continued variance hearing for 4 Pine Drive be the next item on the meeting agenda:

- Review of request for 24' X 24' addition onto existing structure on their property from Youri & Lilia Nazarov, 4 Pine Drive after recommended additional requirements by Planning Board Engineer

Ms. Carpenter asked Mrs. Nazarov to begin the discussion of the issue of the proposed addition to her property. She stated that since the last meeting, she hired an engineer to work with Ms. Roberts and all of the plans have been submitted, except for minor changes requested by our engineer, Ms. Roberts.

Our engineer, Carmela Roberts, was then asked to present her most recent review of Mrs. Nazarov's updated plans. The property is currently undersized. 40,000 sq. ft. is required on an 18,433 sq. ft. lot. Minimum lot width is 100 ft. and the lot is 88 ft. wide. Minimum side yard is 25 ft. and the addition encroaches more into the side yard. Maximum building coverage in the zone is 20%, existing coverage is 24%, and with the addition it increases 27%. Ms. Roberts has recommended a dry well to accommodate additional water that will be generated on the site from the new impervious surface. They were asked to be sure to include proper elevations so there are no problems for neighbors or the homeowner. Calculations for the dry well were asked to be made from the bottom of the excavation to the invert of the inlet pipe. The calculations were not submitted that way; and Ms. Roberts stated that it was important for them to be done that way in order to get the proper volume of new water in the dry well. It was also asked of the homeowner to modify the grading in the front yard, so that the dry well overflow water runs into the front yard in case of heavy rain, and out into the street--not to the neighbors. In addition, the homeowner was asked for details for the proposed yard drain and piping and

the method they expose the pipe in. If the Planning Board approves this application, prior to a Certificate of Occupancy, they should require an as-built grading plan to assure us that what was constructed is in conformance with the plan being reviewed tonight with those requested changes.

In answer to Ms. Carpenter's question about whether the newly submitted plans addressed the concerns of the neighbor and Ms. Roberts' assessment of what needs to be done about any water issues, Ms. Roberts stated that the combination of the berm on the property line with landscaping, the yard drain, pipe to Pine drive, and the dry well to accommodate the water from the new addition does address the storm water issues and should not be a problem to neighbors.

Mr. Hartley had questions about what type of variance is being requested and the criteria for approval. Ms. Donato answered by explaining when considering a variance, there are positive criteria which is the basis for granting the variance under the Land Use Law, as well as negative criteria, for example, hardship to the property such as the undersized nature of the property, which does not necessarily mean that you get to build in further violation of ordinance provisions. The flexible "C" Variance is easier to propose as a better zoning alternative, when the benefits to the community are deemed to outweigh the detriments. The negative criteria are those that have a negative impact on the zone plan, create a substantial detriment to the public good, and were addressed at the first meeting.

There was further discussion with Mr. Hartley commenting about the negative impact this application would have to the town in regard to the extent of open space and views of the woodlands from one property to the next. The Board has an obligation to address the bigger picture in terms of future occupants, of adjoining and subject properties, and reduction of green space. He also again questioned why a second story addition that would have been permitted by the zoning ordinance was not pursued.

Mayor Malkin asked if there was any missing information from Mrs. Nazarov's engineers. Ms. Roberts stated that she had not received revised plans according to her review letter; but she received an email from Ms. Nazarov's engineers today and read it aloud. It stated modifications requested would be made on revised plans for resolution compliance once the variance and resolution for approval were granted.

Ms. Carpenter called on Board Members to allow them to make comments about the application. Mr. Connors suggested the Board vote on the Variance Application tonight as he feels it has been delayed too long. Mayor Malkin voiced concerns about the size of the proposed addition and how it will affect the neighborhood, community, ordinance; and it's taking away from the rural, wooded, agrarian area that perpetuates Roosevelt's character and beauty. She urged Mrs. Nazarov to consider building a smaller addition.

Mrs. Nazarov countered with reasons why she needs an addition as large as requested, referring to the amount of people who will occupy the space. She also mentioned a second story being difficult with handicaps of the people in the home.

Mr. Hartley further commented that the Board cannot take personal situations into account; but noted that if the applicant had chosen to build in compliance with zoning laws, the addition could have been built by this time. He stated that the onus cannot be placed on the Planning Board as they have an obligation to the community as a whole, with respect to both the history and future of the town.

Mr. Vroman stated the addition is already in excess of the allotted size, and is already out of compliance with the zoning ordinance.

Ms. Donato reminded Mrs. Nazarov that in order to avoid any possible misinterpretation about the issues being discussed, she sent a letter to her after the first hearing for the variance explaining that if Mrs. Nazarov makes the changes to the drainage issue, that does not mean that she will get a variance.

The meeting was open to the public for comment about the variance application hearing at 7:48 p.m. Alison Petrilla spoke about Roosevelt being a historic district with character, and feels there are more negatives to the proposed addition than positives.

Rainy Hartley also spoke about the proposed addition to the property not being in the best interests of the town, and that she was basically opposed to it. There was no one else who wanted to speak, and the public portion of the hearing was closed.

Virtually all the speakers expressed their sincere sympathy for the Applicant's situation.

Mr. Vroman made a motion to deny the present Variance Application. Mayor Malkin seconded it.

AYES (6): Malkin, Vroman, Hartley, Taylor, Connors, Bondonis

NAYS (1): Carpenter

ABSTAIN (0):

Ms. Donato stated the application was denied and the Resolution will be drawn up for adoption at the Wednesday, June 3rd, Planning Board meeting.

STAFF MEMBER BOARD APPOINTMENT:

Ms. Donato explained that under the Land Use Law, a Planning Board Administrative Officer serves many functions depending on how the functions are assigned. After an application is reviewed administratively for fees, receipt of required documents and plans, she recommended that the Board adopt a resolution that would provide that the Board Secretary will be responsible for administrative completeness, to assure that the correct number of plans are filed, appropriate documents have been submitted, escrow and application fees have been paid, and that everything be sent to Carmela Roberts to deem final completeness.

Mayor Malkin made a motion to appoint the Board Secretary to be responsible for administrative completeness; and after certifying it administratively complete, forward the application to the Board Engineer for the final review of completeness. Mr. Hartley seconded the motion.

AYES (9): Malkin, Carpenter, Vroman, Hartley, Petrilla, Taylor, Connors, Newrath, Bondonis

NAYS (0):

ABSTAIN (0):

All were in favor. Ms. Donato said she would have a resolution prepared for this matter at the Wednesday, June 3rd Planning Board meeting.

APPROVAL OF MINUTES:

Mayor Malkin moved for a motion to approve the Planning Board Minutes of the Meeting January 7, 2020 amended on March 3, 2020. Ms. Petrilla seconded the motion. All members were in favor.

AYES (4): Malkin, Carpenter, Petrilla, Taylor

NAYS (0):

ABSTAIN (5): Vroman, Hartley, Connors, Newrath, Bondonis

Mayor Malkin moved to approve the March 3, 2020 Planning Board Minutes of the Meeting. Mr. Connors seconded the motion.

AYES (6): Malkin, Carpenter, Petrilla, Connors, Newrath, Bondonis

NAYS (0):

ABSTAIN (3): Vroman, Hartley, Taylor

CORRESPONDENCE:

- The New Jersey Planner January/February 2020-Due to this meeting being remote, the correspondence will be held until the next meeting.

REPORT OF MAYOR AND COUNCIL REPRESENTATIVE:

The Council has had two meetings and has approved paying the bills and discussed a bamboo ordinance. However, that was tabled until they could meet in person as a lot of people expressed interest in that subject. They have also been dealing with the virus restrictions although they only have 2 cases at this time.

REPORT OF ENVIRONMENTAL COMMISSION REPRESENTATIVE:

Last week a meeting was held by Zoom Conference. There was a discussion concerning vandalism in different sections of Woodland Trail and motorized bikes that have been seen riding on a piece of it. There will be new signs at the entrances of the trail notifying people that no motorized vehicles are allowed. If necessary, they may put up barricades at the entrances of Rochdale to the Valley Road section near Solar Village. The other subject of discussion was about applying for an anjec grant of about \$1,500 available to go towards trail maintenance. They also discussed a bamboo control ordinance, which has already been submitted to the Council.

OLD BUSINESS: None.

NEW/OTHER BUSINESS: None.

PUBLIC COMMENT:

Ms. Carpenter opened the meeting to public comment at 8:10 p.m. No one spoke up, and it was immediately closed.

ADJOURNMENT:

Ms. Carpenter asked for a motion to adjourn the meeting. Mayor Malkin made a motion to adjourn the meeting, and Mr. Connors seconded the motion. The meeting was adjourned at 8:12 p.m. The next meeting will be held on May 5, 2020 at 7:00 p.m.

Respectfully submitted,

Kim Cuiffo
Administrative Assistant

Approved: 5/5/20