

**MINUTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS  
BOARD OF ADJUSTMENT MEETING  
WEDNESDAY, April 4, 2018**

Chairman Berkowitz called the Board of Adjustment Meeting of Wednesday, April 4, 2018 to order at 7:34 PM.

Members Present: Mr. Berkowitz, Mr. Joskowitz, Mr. Kaplan, Mr. Persaud, Mr. Reddy, Mr. Shah, Mr. Willans

Also Present: Mr. Mehta, Board Attorney  
John T. Chadwick, IV, Board Planner  
Andrew Cangiano, Board Engineer

Absent: Ms. Snyder, Chairman Iracane

Announcement is made that adequate notice of this meeting has been given, that it is being conducted in accordance with N. J. S. A. 10:4-6 et seq. of the New Jersey "Open Public Meetings Act".

Pledge of Allegiance

Chairman Berkowitz opened the floor to the public for anyone wishing to speak.

Due to snow, it was noted that cancelled meeting of March 7, 2018 with scheduled Applications 17:109, 17:108 and 17:88 were to be heard at the Meeting of March 21, 2018 without further notice. It was further noted that scheduled Applications 17:95 & 17:74 would be heard at the Meeting of April 4, 2018 without further notice. Notice was posted on the Township website, the Township's public bulletin board and published in the Daily Record.

Due to snow, it was noted that cancelled meeting of March 21, 2018 with scheduled Applications 17:109, 17:108, 17:88, 18:04 and 18:01 were to be heard at the Meeting of April 4, 2018 without further notice. It was further noted that Application 17:74 rescheduled from cancelled Meeting of March 7, 2018 to the Meeting of April 4, 2018 is now rescheduled to the Meeting of May 2, 2018 without further notice. Notice was posted on the Township website, the Township's public bulletin board and published in the Daily Record.

Correspondence

Chairman Berkowitz read correspondence from Donna Erem of Chiesa Shahinian & Giantomasi, PC requesting the John Guest application be carried to the Meeting of May 16, 2018 without further notice.

A motion to carry the John Guest application without further notice was made by Mr. Reddy, second by Mr. Kaplan. Approved by All.

Resolutions:

Application No. 17:107

Mr. & Mrs. Cavaleri, 6 Elray Road, Block: 166 Lot: 71 Zone: R-3

'C' Variance to construct an open deck with stairs, patios, shed and walks.

A motion to Adopt was made by Mr. Kaplan, Second by Mr. Reddy.

Approved by Berkowitz, Kaplan, Reddy, Shah, Willians.

Application No. 17:112

Narasimhan Mani, 121 Seasons Glen Drive, Block: 14 Lot: 17.48 Zone: AHD-2

'C' Variance to install a 5 ft. high solid fence with 1 ft. of lattice.

A motion to Adopt was made by Mr. Reddy. Second by Mr. Willans.

Approved by Berkowitz, Kaplan, Reddy, Shah, Willans.

Approval of Minutes

A motion to approve the Minutes of February 21, 2018 was made by Mr. Kaplan, second by Mr. Shah. Approved by Berkowitz, Kaplan, Reddy, Shah, Willans.

There was brief discussion as to whether a Chairman could swear in a witness. An attorney from the audience confirmed it can be done. Mr. Willans made a motion for Mr. Berkowitz to fill in as temporary Chairman for the evening. Second by Mr. Joskowitz. Approved by All.

Agenda:

Application 17:109

Erin Murray, 11 Hope Road, Block: 31 Lot: 3 Zone: R-4

'C' Variance to install a 5 ft. and 6 ft. solid fence.

Property owner, Erin Murray was sworn by Chairman Berkowitz. It was testified that three sections of the existing fence was falling down and the property owner would like to replace it with five and six foot fencing for privacy and safety. The Board Planner question as to who owned the right of way easement depicted on the survey and the type of fencing that would be installed. It was also asked if the fence would be visible from the road but due to the property elevation it was confirmed it would not be.

Chairman Berkowitz opened the floor to the public for anyone wishing to ask questions of the Witnesses.

A recommendation for approval of the application was made by Mr. Joskowitz.

A motion to approve the Application granting a 'C' Variance to install a 5 ft. high solid fence and 6 ft. high solid fence contrary to Sec. 430-11.A. & B. was made by Mr. Reddy, second by Mr. Joskowitz. Approved by All.

It was noted that Chairad Meta, Board Attorney, was present.

Application 17:108

Piyush Panchal, 640 Vail Road, Block: 479 Lot: 25 Zone: R-3  
'C' Variance to install a circular drive way expansion.

Property owner, Mr. Panchal was sworn by the Board Attorney. It was testified that because Vail Road is extremely busy and in close proximity a school, a circular driveway would provide a safety measure for anyone exiting his property as well as for the students walking to and from school.

The Board questions the large percentage of the proposed impervious and asked if there was any way to reduce the size. Also questioned was the water flow from the driveway to the street.

The Board Planner asked the property owner to consider paving a smaller section near the house.

Mr. Panchal stated that many of his neighbors have circular driveways and felt it would make more sense to have a circular vs a square section for turning around. He is also going to landscape around the front and side yards.

Chairman Berkowitz opened the floor to the public for anyone wishing to ask questions of the Witnesses.

A recommendation for approval of the application and motion was made by Mr. Reddy subject to the Township Engineers report of January 26, 2018; further subject to a landscape plan submitted for approval and the property owner working with his contractor to find a way to direct water runoff into his property. Second by Mr. Joskowitz. It was noted that Mr. Persaud was present. Approval by All.

Application 17:88

Amit Patel, 167 Bridgeton Drive, Block: 261 Lot: 5 Zone R-4  
'C' Variance to construct a driveway expansion.

This Application was approved December 6, 2017 but was found to be improperly noticed.

Property owner, Amit Patel, was sworn by the Board Attorney.

The Board Planner noted the reason for the original Application which had been approved and asked the property owner if anything would be different.

Chairman Berkowitz opened the floor to the public for anyone wishing to ask questions of the Witnesses.

A motion was made to approve the original Resolution by Mr. Joskowitz, second by second by Mr. Reddy.

Application 18:04

Allison Perez, 118 Minnehaha Boulevard, Block: 603 Lot: 5 Zone: R-4  
'C' Variance to construct a new single family dwelling.

Property owners, Allison and Carlos Perez, were sworn by the Board Attorney. Mr. Perez testified that the current dwelling could not support a second level nor could he add to the sides due to the narrowness of the property.

The Board Planner reviewed the reasons for need of a variance for the proposed.

Chairman Berkowitz opened the floor to the public for anyone wishing to ask questions of the Witnesses.

A recommendation for approval of the Application was made by Mr. Willans.

A motion to approve the Application granting a 'C' Variance to construct a new single family dwelling, deck and covered porch contrary to Sec. 430-35 Cols. 3 and 10 and Sec. 430-10.I. was made by Mr. Kaplan, second by Mr. Joskowitz. Approved by All.

Application 17:95

Satvinder Manko, 27 Farmingdale Drive, Block: 250 Lot: 15 Zone: R-4  
'C' Variance to construct a deck with stairs.

Property owner, Satvinder Manko, was sworn by the Board Attorney and testified that he would like to build a deck over a portion and beyond his concrete porch.

The Board Planner asked questions regarding the existing concrete porch which will remain.

A recommendation for approval of the Application was made by Mr. Reddy.

A motion to approve the Application granting a 'C' Variance to construct a deck with stairs contrary to Sec. 430-35 Col. 13 and Sec. 430-10.I was made by Mr. Joskowitz, second by Mr. Persaud. Approved by All. Approved by All.

Application 18:01

Shri Siddhidhata, LLC, 299 Parsippany Road, Block: 375 Lot: 12 Zone: O-S  
'D' Variance for two studio apartments.

Joseph O'Neill, Attorney from Garofalo & O'Neil, was present to represent the Applicant.

Witness, Bhagirath Maheta, Principal of the LLC that owns the property, was sworn by the Board Attorney and testified that he did not have knowledge of the number of apartments at the time the property was purchased and that the two studio apartments were unoccupied. After speaking with the State who informed him he had seven apartments, he spoke with the Township Housing Department and was informed there were six registered apartments only.

The Board Planner asked if there had ever been approval for the six apartments and felt it would be best to amend the application to approve all apartments totaling eight.

The Board asked if the tax bill would have information on the number of apartments; if the two studio apartments were ever occupied and if CO's were ever issued.

The Applicant explained the Housing Department inspections of every two years or when a vacancy is filled. Also given was a brief description of the layout of the two studio apartments.

Chairman Berkowitz opened the floor to the public for anyone wishing to ask questions of the Witnesses.

Witness, David Karlebach, Licensed Professional Planner, was sworn by the Board Attorney and accepted as an expert.

Exhibit A-1, Aerial photo of site and surrounding area and Photos of subject property from different angles was presented to the Board.

The Witness reviewed the photos, gave details of the property, parking, commercial uses in the subject building, surrounding zones and surrounding uses. He noted that other than the approval being sought, there will be no other changes or modifications. The parking lot contains 38 spaces. Also addressed was the Townships Engineers report. The Applicant will relocate an existing fence, fence in the dumpster instead of shrubs and have new plantings along the property line.

Mr. O'Neill stated that they will comply with all other report comments.

The Board questioned if there will be any issues with occupancy.

The Board Planner noted the apartments would be limited to two occupants each.

Chairman Berkowitz opened the floor to the public for anyone wishing to ask questions of the Witnesses.

Motion to approve was made by Mr. Joskowitz subject to the Board Planners report of January 28, 2018, the Board Engineers report of February 16, 2018, the Township Foresters Report of January 29, 2018 except for fencing instead of shrubs around the dumpster; further subject to striping the lot and the Housing Department requirements. Second by Reddy. Approved by All

Application 18:05

Tesla, Inc., 350 New Road, Block: 767 Lot: 29.2 Zone: LIW-2  
'C'/'D'/Preliminary and Final Major Site Plan to install an electric charging station located at the Wawa site.

Duncan Prime, Attorney from Prime Law, was present to represent the Applicant and gave a brief explanation of the proposed installation of eight Tesla supercharge posts with charging cabinets, utility transformer and signs.

The eight spaces will be located in eight existing spaces behind the fuel canopy parallel to Edwards Road. Two of the eight spaces will be dedicated to Tesla only with the other six shared with Wawa.

Witness, William Watts, Tesla Market Lead for Charging Infrastructure, was sworn by the Board Attorney and testified they are expanding their supercharge program to allow customers on long distant trips to recharge. A full charge will take between 30-50 minutes. The company looks to install stations near amenities so customers can have a bite to eat. Once the charge stations are installed, it is operated by the owners of the vehicles and no additional employees are needed. Maintenance takes place once a year by the company. The location in the lot was chosen due to the large amount of power used so their equipment is near the transformer and parking stalls. Tesla will match their lighting with Wawa and will submit a lighting plan.

The Board questioned the spaces. It was confirmed that all eight are Tesla spaces with two for Tesla customers only. Signage will indicate this. Also asked was how accidents are reported. Tesla monitors their stations and power is cut. It was also noted that the only time power is in use is when the vehicle owner plugs the charger into their car.

Chairman Berkowitz opened the floor to the public for anyone wishing to ask questions of the Witnesses.

Witness, David Shropshire, Professional Planner and Traffic Engineer from Shropshire Associates, LLC, was sworn and accepted as an expert. He testified that he prepared a parking analysis which he reviewed for the Board. He stated there is a peak demand of 54 spaces with 69 on site. In 2016 13 spaces were approved and installed for employee parking but will be relocated to the rear. Eight of the 13 spaces is now the proposed Tesla parking.

Chairman Berkowitz opened the floor to the public for anyone wishing to ask questions of the Witnesses.

Witness, Kathryn Gregory, Licensed Planner from Gregory Associates, LLC, was sworn by the Board Attorney and accepted as an expert. It was testified that the proposed is an expansion of a non-conforming use and a history of prior approvals was given. She spoke of the positive criteria and did not feel there was substantial detriment to the public good. Landscaping will be added

Chairman Berkowitz opened the floor to the public for anyone wishing to ask questions of the Witnesses.

A recommendation for Approval was made by Mr. Kaplan.

Motion to approve was made by Mr. Joskowitz subject to the Board Planners report of February 16, 2018 and the Board Engineers report of March 8, 2018; further subject to submitting a lighting plan. Second by Mr. Reddy.

Motion to Adjourn. Approved by All.