

**MINUTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS
BOARD OF ADJUSTMENT MEETING
WEDNESDAY, May 2, 2018**

Chairman Iracane called the Board of Adjustment Meeting of Wednesday, May 2, 2018 to order at 7:31 PM.

Members Present: Mr. Berkowitz, Mr. Kaplan, Mr. Persaud, Mr. Reddy, Mr. Shah, Ms. Snyder, Chairman Iracane

Also Present: Peter J. King, Esq., Board Attorney
John T. Chadwick, IV, Board Planner
Andrew Cangiano, Board Engineer

Absent: Mr. Joskowitz, Mr. Willans,

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 Iracane opened the floor to the public for anyone wishing to speak.

Resolutions:

Application 18:03

John & Suzanne Higgins, 106 Camden Road, Block: 238 Lot: 8 Zone: R-4
'C' Variance to construct an open deck with stairs and slab.

A motion to Adopt was made by Mr. Berkowitz, Second by Mr. Reddy.
Approved by Berkowitz, Persaud, Reddy, Shah, Iracane.

Application 18:11

Catherine Hughes, 162 Rainbow Trail, Block: 109 Lot: 26 Zone R-3
'C' Variance to construct an addition on an existing raised deck.

A motion to Adopt was made by Mr. Berkowitz, Second by Mr. Reddy.
Approved by Berkowitz, Persaud, Reddy, Shah, Iracane.

Application 18:02

Hendee/Huetz, 89 St. John's Avenue, Block: 75 Lot: 2 Zone: R-3
'C' Variance to construct several additions, a porch, front stairs and walk, rear landing and stairs, ramp and A/C unit.

A motion to Adopt was made by Mr. Berkowitz, Second by Mr. Reddy.
Approved by Berkowitz, Persaud, Reddy, Shah, Iracane.

Application 18:17

Donald Pierce, 30 Pawnee Avenue, Block: 561 Lot: 18 Zone R-4
'C' Variance to construct a new two-story single family dwelling with attached garage.

A motion to Adopt was made by Mr. Berkowitz, Second by Mr. Reddy.
Approved by Berkowitz, Persaud, Reddy, Shah, Iracane.

Application 18:12

Hitendra Pandya, 385 Allentown Road, Block: 245 Lot: 7 Zone: R-4
'C' Variance to construct and addition and install an A/C unit.

A motion to Adopt was made by Mr. Berkowitz, Second by Mr. Reddy.
Approved by Berkowitz, Persaud, Reddy, Shah, Iracane.

Application 18:08

MCP II Wateriew Plaza, LLC, 2001 Route 46, lock: 453 Lot: 2 Zone: O-3
'C' Variance to install two wall signs.

A motion to Adopt was made by Mr. Berkowitz, Second by Mr. Reddy.
Approved by Berkowitz, Persaud, Reddy, Shah, Iracane.

Application 18:10

Target, 1123 Route 46, Block: 729 Lot: 7 Zone: B-1
'C' Variance to install a signs and banners.

A motion to Adopt was made by Mr. Berkowitz, Second by Mr. Reddy.
Approved by Berkowitz, Persaud, Reddy, Shah, Iracane.

Approval of Minutes

A motion to approve the Minutes of April 18, 2018 was made by Mr. Reddy second by Mr. Berkowitz.
Approved by Berkowitz, Persaud, Reddy, Shah, Iracane.

Agenda:

Application 17:74

240 Littleton Road, LLC, 240 Littleton Road, Block: 412 Lots: 8 & 9, Zone: O-1
'C'/'D'/Preliminary and Final site Plan to develop the property with named tenant 7-11 and another unnamed tenant.

Chairman explained the type of application, roll of the Board and rules for speaking during the hearing to the members of the public.

Attorneys Present are Mark Semeraro from Kaufman Semeraro & Leibman, LLP

for the Applicant, Steve Schaffer for Troy Gardens and Jay Delaney for Parsippany Exxon at the corner of Route 46 and Littleton Road.

The Attorney for the applicant testified that he re-noticed due to last minute cancellation from a snowstorm and presented proof of notice for the Board file. The application was summarized and variances detailed.

Witness, Shergoh Alkilani, was sworn by the Board Attorney and is a member of the entity that is the applicant, and a development firm looking to redevelop the lots as shopping center. The LLC is the contract purchaser of the property who is filing with the consent of the property owner, Fulton Bank. He testified that the property has been vacant and abandoned for 15 years with one building in disrepair. The applicant became a contract purchaser approximately 18 months earlier when the current bank owner purchased another branch in the region. They marketed the property for bank use since approvals were already in place which included three drive-thru lanes and one bypass lane but was unable to find a tenant. Tenants for permitted uses were also marketed however, the area was considered not to be a desired location for some uses and others could not pay a reasonable rent to justify the development. There currently is a lease with 7-11 with contingencies. 7-11 would occupy 2,800-3,000 sq. ft. of the building and the other tenant approximately 1,512 sq. ft. and will also be retail. The surrounding area was described and it was noted that one business across the street is open 24 hours per day.

The Board questioned if Fulton Bank had approvals for this location and if the applicant owns other 7-11's.

The Chairman opened the floor to the public for anyone wishing to ask questions of the Witness.

Warren Singer, 23 Homer Street, questioned the property exchange with the County and amendment made to the application.

Steve Schaffer, Attorney, asked the Witness if the contract purchaser could not find a tenant for the property; if he could get out of the contract and if a 24/7 convenience store was compatible with the apartment complex.

Jay Delaney, Attorney, asked if the Witness would be involved with the operations of the 7-11; if there is another tenant yet and what the space is being marketed as and if 7-11 would consider reducing from 24 hours a day to 12.

Tim Kelly, 3 Noble Street, asked about the time spent marketing; how it was marketed, where it was marketed; if it was fully marketed and what would happen if the 7-11 was not approved.

Pat Pataccia, 182 Hawkins Avenue, voiced her concern of the area preschool.

Steve Schaffer, asked the Witness if he realized the surrounding uses mentioned were in a zone that permits them.

Warren Singer asked if the 7-11 would be a seven day operation.

Witness Patricia Eleneski, Senior Real Estate Representative with 7-11, was sworn by the Board Attorney and testified to the general operations of the 7-11. It was explained that 24/7 operations is a trademark to their stores and is important because they sell convenience to the public which includes those who work overnight shifts, anyone who may need over the counter medicines or milk when other stores are closed. Each shift will consist of two employees, six per 24 hours and are normally drawn from the community. Customers are residents, area workers and commuters. The witness stated 7-11 is a convenience location, not a destination location, and explained that a person would go out of their way to get to a destination location where one would come across a convenience location in their travels and stop. Delivery of fresh foods are made by truck approximately the size of a tractor trailer 2-3 times per week, 20-30 minutes per visit during off peak hours. Box trucks deliver newspapers, chips and soda type items daily, 10 minutes per visit during the day. All food is pre-cooked and pre-packaged, not cooked on premise and because of this there is no exposed food that goes into the trash. Larger delivery trucks will park on the side of the building and box trucks will pull into parking spaces. All items from the trucks will be made through the front door with no expected impact to the adjoining apartment complex. Employees are trained in security and depending on the area a 7-11 can have outside cameras, lighting in the rear or panic buttons carried by employees. There is a strong policy on loitering so some stores may have an electronic device that omits a sound to deter people from staying in front of the store. Bathrooms are accessed from inside the building and monitored. Average customer stay is a 2-3 minutes. Garbage pick-up is by private hauler and store employees handle daily maintenance. Peak hours are 6-8:00 am, 12-2:00 pm and 5-7:00 pm.

The Board questioned loitering, the electronic device, cameras around the building; privacy of those living in the apartments and ask if customers spent more time in the store during peak hours.

Nick Grossi, 10 Noble Street, questioned truck deliveries; the distance sound will travel from the electronic device and customer time spent during peak hours.

Average occupancy during peak times and customer numbers at different times during peak and non-peak hours will be supplied.

Rita Ben-Asher, 8 Queen Street, asked for clarification of destination location.

John Marron, Troy Gardens, questioned if a 24/7 operation would attract crime and had concerns that lights from cars may shine into apartment unit windows.

Warren Singer, 23 Homer Street, felt neighborhood children would loiter.

Nabin Batro, 21 Spartan Street, questioned traffic.

Tim Kelly, 3 Noble Street, asked where data came from for customer time spent in 7-11 stores and if the Applicant is a corporation or franchise.

Ajay Karwar, 3 Prince Street, asked for the number of shifts and crime stats.

Frank Fiorentino, 32 Homer Street, asked if there was a need for another convenience store in the area.

Steve Schaffer, Attorney, questioned whether zoning was taken into account for the site; how the site was selected; asked if health permits would be needed; if there will be a slop sink; about deliveries and how many spaces a box truck would need.

Jay Delany, Attorney, questioned foot traffic, truck deliveries and noise.

Motion to carry the Application without notice to June 6, 2018 made by Mr. Reddy. Approved by All.

Motion to Adjourn.

9:20 PM