

**MINUTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS  
BOARD OF ADJUSTMENT MEETING  
WEDNESDAY, JUNE 5, 2019**

Chairman Iracane called to order the Board of Adjustment Meeting of Wednesday, June 5, 2019 at 7:30 PM.

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

Also Present: Mr. King, Board Attorney  
Mr. Chadwick, Board Planner  
Mr. Holloway, Board Engineer

Absent: Mr. Joskowitz

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 spoke of the anniversary of D-Day, taking a moment of silence.

Chairman Iracane spoke of his wishes to put together a presentation for town council regarding approvals of variances.

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

Adoption of Resolutions:

Mr. Shah made a motion to approve Resolutions 19:09, 19:10 and 18:67, second by Mr. Berkowitz.

Approved by Berkowitz, Shah, Willans, Iracane.

Agenda:

Application 19:08

Sudip Saha, 38 Forest Drive, Block: 421.1 Lot: 8 Zone: R-3

'C' Variance to install a 6 ft. high vinyl fence and 6 ft. chain-link fence.

Sudip Saha, Property Owner, was sworn by the Board Attorney and testified that last year he was approved for a fence but would like the privacy of a solid fence.

After discussion, it was agreed that 4 ft. solid fence with 1 ft. lattice would be allowed and will be installed uniform around the house.

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

Chairman Iracane opened the floor to the public for anyone wishing to speak in support or opposition of the application.

Ms. Snyder made a recommendation for approval of the application.

Ms. Snyder made a motion to approve the application to install a 4 ft. solid fence with 1 ft. lattice, second by Mr. Reddy.

Approved by All.

Application 17:16

Robert Campbell, 1092 Littleton Road, Block: 166 Lot: 95 Zone: R-3  
'D' Variance to legalize a two-family home.

Douglas Kinz, Attorney, was present to represent the applicant and requested an adjournment. He stated that when he became involved with the case he looked into the history of the application and sent out subpoenas. When the property was purchased in 2012 it was thought to be a two-family home because there were two separate meters for two apartments, one in the front, one in the rear. The front apartment was occupied and the rear apartment was inhabitable until he fixed it up for his sister to live in. Mr. Campbell did not do his due diligence when he purchased the property therefore did not realize the CO was for a single-family dwelling but feels that at some point in time there were renovations to convert it into a two-family home. A violation notice was received from the code enforcement officer and in February of 2017 an application was filed for a variance. The Attorney stated the hearing had been scheduled for May 2017 but it was not heard and it was claimed the Applicant thought the board may have adjourned it. The application was then rescheduled for July 2017 and the applicant appeared without his attorney or a planner to present the case. Because of this, the application was rescheduled for October 2017. It was stated that the applicant did not request an adjournment of the October hearing but it had been and it had not been put on the schedule again until the current Board Secretary put it on the agenda for November 2018. The attorney was attempting to find out when the meters went in to see if it may have predated the ordinance. The Building file was looked at to see if the dwelling was a legal two-family home and the subpoena had not had a response. Witnesses were also interviewed to see how far back the two-family use was in existence. The November 2018 hearing was adjourned by the applicants Attorney and rescheduled for April 2019 but there was a defect in the noticing by the Attorneys office so the application

was rescheduled to June 6, 2019. The Attorney felt that in reviewing the history of the application, they may have the statute 120-day automatic approval.

The Board Chairman stated that stated that Mr. Campbell did not show up for the October 2017 hearing and the case could have been closed but was not and wanted the current hearing to proceed.

The Attorney wanted to address the procedural issue of automatic approval and wants to get a transcript of the October 2017 hearing to resolve the issue of this approval.

The Board rescheduled the application until August 7, 2019 with required extension of this hearing.

A motion was made by Mr. Reddy to carry the case to August 7, 2019 with extensions, second by Mr. Berkowitz.

Approve: Berkowitz, Persaud, Reddy, Shah, Willans, Iracane.  
Against: Ms. Snyder.

Application 18:48

Parsippany Jewelry, 176 Route 46, Block: 693 Lot: 16 Zone: B-2  
'D' Variance

Joseph O'Neill, Attorney from Garofalo, O'Neill and Ruggiero, was present to represent the Applicant for a Use Variance for five residential units, four two-bedroom apartments and a one bedroom, on the second floor, of a previously approved application for office space, over an existing commercial use.

Wakue Apeemir, Owner of Property, was sworn by the Board Attorney and testified that the building was constructed in 2008. He has tried marketing the property for office space without luck but has only had a karate use as a tenant. The first floor was described as having an adult day care and the jewelry store.

The Board asked for the sq. ft. of the second floor, how the space was marketed, what the rent would be and confirmed that the second floor was leased.

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

Witness, Hojoon Chung, Licensed Architect, was sworn and qualified by the Board Attorney.

Described was the site plan that was submitted with the application. Proposed is a two-story building with two means of egress. One is a main entrance at the center of the building and the other is a fire exit on the side of the building.

Exhibit A-1, Floor Plan, dated September 10, 2018, was presented. The total floor area is proposed at 7,790 sq. ft. with a security door leading to the units. When you first walk in you come upon a playroom then the first unit which is a 1,131 sq. ft. one-bedroom unit. The two-bedroom units are 1,290 sq. ft., 1,070 sq. ft. and two units 1,031 sq. ft. Each unit contains two bathrooms and have washer and dryers.

The Board asked if there will be an outdoor recreation area and confirmed that there will be an elevator. Also asked about was the trash area, how trash from the residential units would be handled, if residential parking spaces will be assigned and about the lighting.

The Property Owner pointed out the current trash locations and felt the current lighting was sufficient.

Discussion took place regarding the trash which will differ if the proposed is approved. Residential units would produce more food trash compared to the current office/retail use. It was also felt the current lighting would not be sufficient.

The Board took a five minute break then reconvened.

Mr. O'Neill requested an adjournment to revise the site plan with the details asked for by the Board.

The Board Planner brought up the Township's affordable housing obligation but Mr. O'Neill did not feel the 20% requirement would apply to this application until the new ordinance is adopted. The Applicant will comply with the current ordinance and pay into the Township's trust fund.

Mr. Willans made a motion to carry the application to August 7, 2019 without notice and any necessary extension, second by Mr. Reddy.

Approved by All.

Motion to adjourn.