

**MINUTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS  
BOARD OF ADJUSTMENT MEETING  
WEDNESDAY, JUNE 19, 2019**

Chairman Iracane called to order the Board of Adjustment Meeting of Wednesday, June 19, 2019 at 7:30 PM.

Members Present: Mr. Berkowitz, Mr. Joskowitz, Mr. Persaud, Mr. Reddy,  
Mr. Willans, Chairman Iracane

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

Absent: Mr. Kaplan, Mr. Shah, Ms. Snyder,

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 Juneteenth which celebrates the ending of slavery in the US dating back to 1865.

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

Resolutions:

Mr. Willans made a motion to approve Resolution 19:08, second by Mr. Reddy.

Approved by Berkowitz, Persaud, Reddy, Willans, Iracane.

Agenda:

Application 19:11

Jason McGrath, 35 Hidden Glen Drive, Block: 709 Lot: 1 Zone: R-3

'C' Variance to install a 6 ft. high solid fence

Jason McGrath, Property Owner, was sworn by the Board Attorney and testified he lives on a corner lot that currently has a 5 ft. solid fence with 1 ft. lattice along the rear of his property and along Jagged Rock Road. He would like to replace the existing fence and enclose the remainder of the property with the same fence type. The fence will be out of the right of way and 6 in. inside the property line.

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.

Mr. Willans made a recommendation for approval of the application.

Mr. Joskowitz made a motion to approve the application to install a 6 ft. high fence (5 ft. solid with 1 ft. lattice), second by Mr. Reddy.

Approved by all.

Application 19:02

Nikesh Shah, 18 Phillip Drive, Block: 757 Lot: 54.02 Zone: R-2

Major Soil Moving Permit in conjunction with an approved application for a single-family dwelling.

Nikesh Shah, Property Owner and Jeff Egarian, Licensed Professional Engineer, were sworn by the Board Attorney.

Mr. Egarian testified that he, the property owner and architect worked to minimize the need for retaining walls, control the stormwater and have as much useable rear yard as possible. A net fill of 1,400 CY will be brought in for a total cut and fill of 2,869 CY. A 4 ft. retaining wall will be built around the pool area and the north side of the property will be graded and sloped. Stormwater from the rear will be directed around the driveway to the side, the south side of the property and the front yard will be directed toward the street. It is estimated that there will be 100 truck loads brought in 8:30 am-4:30 pm, Monday-Friday.

It was confirmed that no soil will be removed, but moved around on the site. The subject site will have the same elevation as the home to the north. Water will flow north to south. Trees will have to be removed for grading and construction of the home but landscaping was proposed at the hearing for the single-family dwelling.

The Board asked about sediment and erosion control and if the Engineer had seen a copy of the Township Engineers report. It was also confirmed that the leaders would run to seepage tanks.

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.

Steve Kmit, 20 Phillip Drive, wanted to know if there were plans for a swell between the properties to keep water from running onto his property and if the mud from the work would be cleaned up each day.

Mr. Berkowitz made a motion to recommended the soil move to council subject to the Township Engineers report and Township Ordinances, second by Mr. Reddy,

Approved by all.

Application 18:68

April and Jeffrey Egarian, 34 Sedgefield Drive, Block: 185 Lot: 8 Zone R-3

'C' Variance to construct additions; a front covered porch; a rear screened-in porch; rear porch; front entrance patio; front stairs; front walk; front stepping stones; rear patio; rear stairs to patio; rear stairs to walk; rear stepping stones and side and rear walk.

Property Owners, April and Jeff Egarian, were sworn by the Board Attorney and testified that he lives on a 16,000 sq. ft. lot. He purchased the home approximately two year ago with the understanding it would need to be renovated. The current home is a ranch and part of the project is to construct a second story. The only variance necessary is for building coverage resulting from the covered front porch.

The Board asked about the grading plan.

A berm is proposed at the property line with a privacy screen and water will be directed toward the street.

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.

Mr. Willans made a recommendation for approval of the application.

Mr. Willans made a motion to approve the application to grant the variances requested, second by Mr. Reddy.

Approved by All.

Application 19:12

Bill and Anna Yachera, 38 Normandy Drive, Block: 741 Lot: 66 Zone: R-2

'C' Variance to install an in-ground swimming pool; surrounding patio; fence and pool equipment.

Property Owners, Bill and Anna Yachera, were sworn by the Board Attorney and testified that when they bought their home, an existing deck was in the easement. Because of the size of the lot, the neighbor is allowing them to use their property to get to the subject lot. The fence will be placed in the easement with permission from the Engineering Department as long as the post is at least one foot from the pipe below ground. The reason they are requesting a 3 ft. setback variance is that they are trying to preserve as much as the backyard as possible. The yard also slopes making it difficult to install the pool in a different direction. Trees will be planted to buffer the neighbor.

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.

Mr. Joskowitz made a motion to approve the application to install an in-ground swimming pool; surrounding patio; fence and pool equipment, second by Mr. Reddy.

Approved by All.

Application 19:15

Liliam & Gustavo Moreira, 10 Nokomis Avenue, Block: 543 Lot: 15 Zone: R-4

'C' Variance to construct (replace) a detached garage.

Property Owners, Liliam & Gustavo Moreira, were sworn by the Board Attorney and testified that their neighbors tree fell on their garage and they would like to replace what was destroyed. They are going to use some of the existing foundation, the garage will be the same size and in the same location and the façade will match the home.

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.

Mr. Joskowitz made a motion to approve the application to construct a garage, second by Mr. Reddy.

Approved by All.

Application 19:17

Margaret Stark, 1 Scenic Drive, Block: 124 Lot: 6 Zone: R-3  
'C' Variance to install a generator.

Property Owner, Margaret Stark, was sworn by the Board Attorney and testified that she would like to install a whole house generator. The generator would be placed to the side of her home but most of the house is in the front yard setback, therefore requiring a variance.

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.

Mr. Reddy made a recommendation for approval of the application.

Mr. Reddy made a motion to approve the application to install a generator, second by Mr. Joskowitz.

Approved by All.

Application 19:23

Patrice Nicita, 620 Lake Shore Drive, Block: 360 Lot: 14 Zone: R-4  
'C' Variance to legalize an existing deck in a setback.

Property Owner, Patrice Nicita, was sworn by the Board Attorney and testified that she did not realize the deck was built in a setback. The stairs were not originally proposed and a platform had to be added for the stairs.

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.

Mr. Reddy made a motion to approve the application to legalize the deck, second by Mr. Joskowitz.

Approved by All.

Application 18:66

1719 Route 10, LP, 1719 Route 10, Block: 200 Lot: 1 Zone: ROL

Amended Preliminary & Final site Plan/'C'/'D' Variance/ Major Soil Moving Permit  
Carried from May 15, 2019

Joseph O'Neill, Attorney from Garofalo O'Neill Ruggiero, was present for the continuation of the application.

Witness, Mario Iannelli, Engineer, was previously sworn. Revised plans have been submitted addressing concerns of the Board and Professionals. Sheet C105 illustrated a curb island added at the drop off area to protect people from cars backing up. The dumpsters have been moved to a location behind the hotel; the driveway at Starbucks was modified; a curb island was removed; a parking space was eliminated and signage was added for traffic flow. The area requested by the fire district to be striped for the fire connection of the hotel was also added to the plans. It was felt that even with the two parking spaces lost to the revisions, it will not impact parking due to the uses on the property peaking at different times. On site directory signs will be subject to the Board Professionals.

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

Witness, Mark Montalbano, Licensed Architect, was sworn by the Board Attorney and presented Exhibit A-10, Sign Plan and Elevations.

The three proposed signs will each be 120 sq. ft. The sign on the front of the building will conform to the ordinance. A variance will be needed for number of signs.

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

Witness, David Hilderbrandt, Representative for Wyndham, was sworn by the Board Attorney.

Exhibit A-11, Façade Color Samples for the Hotel, was presented. The colors are part of the hotels branding along with a sunburst. The Witness gave a history of La Quinta hotels to explain why the sunburst is being used today.

The Board confirmed the elevation shown in the exhibit is the west side of the building and is the only side with the sunburst. There was also discussion of the colors to be used.

Mr. O'Neill confirmed that those Board Members who did not attend the May 15, 2019 meeting, listened to the that recording.

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.

Mr. Berkowitz made a motion to go into conference, second by Mr. Joskowitz.

Each member spoke of their reasons for approving the application.

Motion to come out of conference was made by Mr. Berkowitz, second by Mr. Joskowitz.

Mr. Berkowitz made a motion to approve the application for Amended Preliminary & Final Site Plan/'C'/'D' Variance/ Major Soil Moving Permit subject to comments by the Board, Board Professionals and testimony given. Second by Mr. Joskowitz.

Approved by All.

Application 19:29

300 Kimball NJ, LLC, 300 Kimball Drive, Block: 735 Lot: 1.05 Zone COD  
'D' Variance for School Use

Steven Tombalakian, Attorney from Weiner Law Group was present to represent the applicant for a nurses training facility on the 5<sup>th</sup> floor of an existing office building. There are 17 other facilities nationwide and the proposed location was said to be their showcase.

Witness, Ted Bernstein, Director of Development for Orbis Education Services, was sworn by the Board Attorney and testified that Orbis trains nurses and is a pre-license, online program and is an accelerated program. Most of the work is done off site by the students but they would come in for training and testing. The school is associated with Atlantic Health Care Systems where students will perform their clinical rotation. To start up this location they must have Board of Nursing approval. An application is filled out to answer questions regarding the space being used, the size, capacity uses, etc. Everything is simulated, no human parts, no bio waste but students do practice injections with needles on fake arms and the needles are properly disposed of in a sharps disposal. The Applicant hopes to open in two month and has crew and equipment waiting should approval be received. The space currently sits empty.

The Board asked if the classes were interactive, if there were lectures, how this school is different from college. It was confirmed that that groups of 24 would

encompass a class and hours of operation would be 8:00 am-5:00 pm, Monday through Friday.

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

Witness, David Karlbach, Licensed Professional Planner, was sworn and qualified by the Board Attorney.

Exhibit A-1, 3 Pages of Color Photos was presented.

Page 1, Photos of the front and back of the building from outside. There are 1,632 parking spaces with 70,000 sq. ft. of vacant space in the building. There is no increase in building area, impervious coverage, site access or drainage. A parking count was performed and it was found that 433 spaces were vacant. The space will be used for office, classrooms and training and will have three training sessions daily. Two years of college is a requirement to attend this school.

Page 2, Photos of classrooms, training rooms and office space.

Page 3, Layout of the floor area.

The positive and negative criteria were presented for the proposed use.

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.

Mr. Joskowitz made a motion to approve the application for a 'D' Variance for school use, subject to waiving site plan and having no live patients, second by Mr. Reddy.

Approved by all.

Discussion took place about scheduling a meeting to update the Board on the Master Plan.

Motion to adjourn.