

**MINUTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS
BOARD OF ADJUSTMENT MEETING
WEDNESDAY, SEPTEMBER 4, 2019**

Chairman Iracane called to order the Board of Adjustment Meeting of Wednesday, September 4, 2019 at 7:30 PM.

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

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

Absent: Mr. Persaud

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.

Julia Peterson, 25 Old Parsippany Road, spoke about her concerns regarding an application that has not been heard yet and requested to be informed of the hearing date once available.

Resolutions

Mr. Berkowitz made a motion to approve Resolutions 19:19, 19:24, 19:30, 19:33; second by Mr. Reddy.

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

Mr. Berkowitz made motion to approve Resolution 19:20; second by Mr. Reddy.

Approved by Berkowitz, Reddy, Willans, Iracane.

Mr. Berkowitz made a motion to approve the denial of Resolution 17:16; second by Mr. Reddy.

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

Mr. Berkowitz made a motion to approve Resolution 18:48; second by Mr. Reddy.

Approved by Berkowitz, Kaplan Reddy, Willans, Iracane.

Agenda

Application 19:35

Redentor Camaro, 79 Jacksonville Drive, Block: 346 Lot: 11 Zone: R-4
'C' Variance to construct an asphalt pad.

Property Owners, Vivian and Redentor Camero were sworn by the Board Attorney and testified that they would like to install a 25' x 40' asphalt pad in their rear yard for their children to play basketball instead of playing in the street. The pad would be placed 5 ft. from the rear property line with a buffer of trees and fencing between properties. The side yards have 6 ft. high fencing and there is approximately 20 feet from each side yard to the pad. There will be no lighting for nighttime 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 recommendation for approval of the application.

Mr. Reddy made a motion to approve the application to install a 25' x 40' asphalt pad contrary to Sec. 430-35 Col. 9, seconded by Mr. Joskowitz.

Approved by all.

Application 19:16

Paramjit Singh, 19 Littleton Rd., Block: 454 lot: 5 zone: O-1
'C' variance to legalize sheds, driveway expansion and to install a concrete pad, A/C units, porch, stairs, paver walkway and fountain.

Property Owner, name inaudible, and his son, Avneect Singh, were sworn by the Board Attorney and testified that they would like to keep the shed that sits at the property line but will remove the dog run. The applicant is unable to move the shed which he stated has been there since he moved in. A 6 ft. fence sits on the property line behind the shed which separates the adjoining property which is a gas station. The applicant installed a driveway expansion which came to the attention of the Zoning Department and an inspection was performed. With the inspection it was found that there were illegal sheds, a paver walkway was constructed, a concrete pad for air-conditioners was demolished and replaced, and stairs were removed, but not yet replaced.

Because Troy Brook is adjacent to the applicant's property, a portion of the property is located within a flood zone. There is also a riparian zone that may be affected by the disturbance of the proposed. The Board Engineer requested the plan be amended to clearly show the limits of the riparian zone and indicate if the improvements are within the flood and riparian zones. As a condition of approval, any DEP permits necessary are to be obtained by the applicant. Also noted was the possibility of wetlands and buffer transition zone associated with the brook that cannot be disturbed.

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

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

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

Mr. Joskowitz which made a motion to approve the application to legalize one shed, driveway expansion, replacement of the concrete pad for the AC units, porch and stairs; further subject to DEP approval in order to install the walkway and fountain. Second by Mr. Reddy.

Approved by all.

Application 19:34

Nuoyu Huang and Yanshan Ma, 17 Adam Drive, lot: 736 Lot: 11.10 Zone 2-M 'C/D' Variance for an addition and two-family home.

Attorney, Steven Tombalakian from Weiner Law Group, was present to represent the applicant whose son is a 20-year adult with severe autism and requires professional care by a caretaker who spends the overnight hours awake while the son sleeps, should he awake with any needs. The applicant would like a separate living space for the son and caregiver so the applicants can live a peaceful life. The separate living space would have all the components of a second kitchen which creates the use variance. With this application it is proposed that upon the sale of the house, the second kitchen would be removed. Removal of the kitchen will be written into a deed restriction.

Nuoyu Huang, Property Owner and Daniel Russell, Licensed architect were sworn by the Board Attorney.

Mr. Huang testified that his son is severely autistic with sleep problems and at night he walks around the house keeping the family up. His son is very aggressive and has pushed his grandfather who ended up in the ER. During the day from nine until three he goes to a day program. He receives occupational and speech therapy in and outside of the home. The addition will be one and a half stories and a portion of this addition can serve as space for

him to receive his therapy. The addition will incorporate the existing two car garage with access into the home from a door in the garage.

Chairman Iracane open the floor to the public for anyone wishing to ask questions of the witness.

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

Mr. Tombalakian summed his case and Mr. Reddy made a recommendation for approval of the application.

Mr. Joskowitz it's made a motion to approve the application for a two-family home subject to the condition of a deed restriction. Second by Mr. Reddy.

Approved by all.

The board took a five-minute break then reconvened.

Application 19:27

Forge Pond Developers, 2900 Route46, Block: 18 Lot: 8 Zone: O-T
'C/D' Variance - Bifurcated application to construct an apartment building.

Mr. Joskowitz recused himself due to being employed by the applicant.

Joseph O'Neill, Attorney from Garofalo O'Neill and Ruggiero was present to represent the applicant to replace an existing shopping center with the new apartment building.

Witness, Patrick McClellan, Licensed Civil engineer, was sworn and qualified by the Board Attorney.

Exhibit A-1, 3-page Concept Plan dated August 8, 2018 was presented to the board.

Sheet 1 Contains a tax map with the subject lot outlined to show all properties within 200 feet. The current uses on the lot consist of commercial and retail.

Sheet 2 illustrates the proposed, superimposed over the existing conditions. There are two access points, one at the easterly end of the lot which will be closed off, and another that sits approximately at the center point which will remain. The existing building will be demolished and replaced with a three-story U-shaped building. 180 residential units are proposed and of that 144 are one-bedroom units, 30 are two-bedroom units and 6 are three-bedroom units. 413 parking spaces are proposed were RSIS requires 332 parking spaces. This leaves a large number of spaces for guest parking. The property has a storm water management system from its previous development proposal that will remain in

place. This is due to the reduction in pavement with the current proposal which lessens the impervious coverage.

Variations required for this application are for the use, height, number of stories, building coverage, lot coverage, wall height in the front yard and steep slopes.

An existing retaining wall at the rear of the site will remain due to reasons of an underground detention system. The walls vary in height from 6 to 7 feet down to 4 to 5 feet and finally 2 to 3 feet. In addition to the 65 ft. natural buffer between the rear of the development and any residential lots, the application was amended to include a solid wood fence to help shield headlights from cars.

After the location of the building on the lot was questioned by the Board, the Witness explained that the grade of the property made it difficult to locate elsewhere. Also asked was the difference in size between the existing and proposed buildings, number of stories and if there would be an elevator.

Exhibit A-2, Powder Mill West Proposed Apartment, original plan submission for retail and residential use.

Exhibit A-3, Powder Mill West, current proposal for residential use only.

Exhibit A-4, Powder Mill West, current proposal.

The Witness read through the Board Engineers review and will comply with all items not already addressed.

The question of sidewalks came up and will be looked further into during the site plan portion of the application if the use is approved, though the decision is made by the DOT.

Chairman Iracane open the floor to the public for anyone wishing to ask questions of the witness.

Barbara Marzloff, 19 Granada Road, asked about the height of the wall at the rear of the property.

The Witness described the wall as being 2 ft. at the east end of the property and as it runs across toward the west side it reaches the height of 7 ft., then back down to 3 ft. A 6 ft. fence will be installed on top of the wall. Between the wall and property line is a natural buffer of trees.

Witness, Joseph Staiger, Professional Engineer was sworn and qualified by the Board Attorney and testified that a traffic impact study was performed with traffic counts taken at the intersections of Powdermill Road and Route 10 & Yacenda Drive and Pelican Ski Shop on

Route 10. The count was taken during typical peak hours of the roadway and during peak hours of what a residential development would generate, 7:00 am-9:00 am and 4:30 pm-6:30 pm. The traffic is directional whereas morning is heaviest traveling eastbound with westbound heaviest during the evening. The trip generation rate taken from the existing retail use vs. residential use would result in a decrease in traffic.

Discussion of traffic, traffic flow, trip generation and back up on jug handles took place between the Board and Witness.

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

A motion was made to carry the application to November 6, 2019 without further notice and with all necessary and required extensions by Ms. Snyder, second by Reddy.

Approved by All.

Motion to adjourn.