

**MINUTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS  
BOARD OF ADJUSTMENT MEETING  
WEDNESDAY, OCTOBER 23, 2019**

Vice-Chairwoman Snyder called to order the Board of Adjustment Meeting of Wednesday, October 23, 2019 at 7:30 PM.

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

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

Absent: Mr. Iracane, Mr. Kaplan

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

Vice-Chairwoman Snyder opened the floor to the public for anyone wishing to speak.

**Resolutions:**

Mr. Berkowitz made a motion to approve applications 19:37, 19:38, 18:31 and 19:28; second by Mr. Joskowitz.

Approved by all.

**Minutes for Approval:**

Mr. Willans made a motion to approve the minutes of July 24, 2019 and September 18, 2019; second by Mr. Reddy.

Approved by all.

**Approval of the 2020 Schedule Meetings:**

Mr. Willans made a motion to approved the 2020 schedule of Board of Adjustment meetings; second by Mr. Joskowitz,

Approved by all.

Agenda:

Application 19:42

Cheryll De Leon, 77 Northfield Road, Block: 232 Lot: 7.1 Zone: R-4

'C' Variance to construct a 10 ft. x 20 ft. shed contrary to Sec. 430-35 Col. 10

Property Owners, Cheryll and Rainier De Leon, were sworn by the Board Attorney and testified they purchased the property two years ago and would like to buy a shed for storage. One does not currently exist on the property and they would like to store household items in it. There are no drainage issues nor is there runoff onto surrounding properties.

Vice-Chairwoman Snyder opened the floor to the public for anyone wishing to ask questions of the Witness.

Vice-Chairwoman Snyder opened the floor to the public for anyone wishing to speak in support or opposition of the application.

Recommendation for approval was made by Mr. Joskowitz.

Mr. Reddy made a motion to approve the application for a shed; second by Mr. Joskowitz.

Approved by all.

Application 19:41

Devin & Victoria Cavaleri, 6 Elray Road, Block: 166 Lot: 71 Zone: R-3

'C' Variance to legalize an additional 1,016 sq. ft. of river rock around pool patio and between house and walkway contrary to Sec. 430-35 Cols. 8, 9 & 13

Property Owner, Devin Cavaleri, was sworn by the Board Attorney and testified that he had previous approval for a deck, patio, shed and walk. He claimed he installed river rock around the patio and between his walk and house without realizing he needed a permit. Mesh sits under the rock. He stated he has always had water build up at the property line since moving in and the water runs toward his property from the neighboring lot.

Vice-Chairwoman Iracane opened the floor to the public for anyone wishing to ask questions of the Witness.

Frank Onofrio, 4 Glencove Road, was confused over notice requirements and claimed he never received notice for the current or last variance request. Mr. Onofrio would not listen to the rules of the Board, was out of order and left in anger.

The Board asked the applicant about his pool, how long he lived there; if the pool needed a variance; about landscaping; if the rock went to the fence; height of fence; if there has been an issue of standing water and if the Township Engineer has been to the property.

Discussion took place as to whether or not the case should be stayed while weighing concerns of the neighbor but also fairness to the applicant who met noticing requirements.

A decision was made to carry the case to December 18<sup>th</sup>. The applicant is to send notice again via regular mail and certified return receipt to 4 Glen Cove Road only. If the return receipt is not accepted and returned unopened, it will prove the regular mail was received by the neighbor.

The applicant complained of the Boards decision to stay the case, having to re-notice the one neighbor and pay the additional fee for return receipt.

The Board explained that they were having him take the extra steps to help him with his case since the neighbor complained that he was never noticed.

Mr. Willans made a motion was made to carry the case to December 18, 2019 subject to the applicant sending notice to 4 Glen Cove Road regular mail and certified return receipt and the report of the Township Engineer; second by Mr. Berkowitz.

Approved by all.

Application 19:40

Ge Wang, 1010 Vail Road, Block: 491 Lot: 17 Zone: R-3

'C' Variance to construct a shed; deck expansion and patio expansion contrary to Sec. 430-10 C and 430-35 Col. 8, 9 & 13.

Ge Wang, Lyrie Wang and Huan Wang were sworn by the Board Attorney and testified that the property was bought in 2003 with an existing pool and patio. The water table had risen and become a problem that left his yard muddy from his house to the pool. In 2015 he built a patio around the pool and between the house and pool. The property owner said he did not know if he needed a permit and the contractor would apply for it if necessary. It wasn't until this year he found out no permits were in place for the 2015 work and part of the original patio was in the rear yard setback. The new patio is made of paver that is grouted and sits on gravel. It also expands to the side and rear property lines. Also stated was that the Code Enforcement Officer left his card with a note for the property owner to call the Zoning Department. When he called, he was asked if he applied for a permit, for which he replied with the answer of 'no'. He explained the reason he expanded his patio was to help with his water problem.

The Board in wanting to see an engineer's report and have the Code Enforcement Officer present to explain his pictures, carried the case to December 18, 2019.

Neighbors were present in the audience wishing to speak due to the flooding conditions the applicant created on their properties, but were told they would have to come back to the next hearing.

A motion was made by Mr. Willans to carry the case to December 18, 2019 subject to the Townships Engineers report and appearance of the Code Enforcement Officer; second by Mr. Joskowitz.

Approved by all.

Application 19:39

Robert Bonora and Kimberly Roslon, 26 Glacier Drive, Block: 174 Lot: 25 Zone: R-3 'C' Variance to construct additions for an office, garage, bonus room; front open deck; walk; stairs; rear open deck with stairs; new driveway contrary to Sec. 430-35 Cols. 4, 10 & 11; 430-275.H. & X. and Sec. 430-10.I.

Property Owners, Kimberly Roslon and Robert Bonara, were sworn by the Board Attorney and testified they bought the house in April of this year, it has not been lived in for several years and is now in need many repairs. They would like a two-car garage as unlike their neighbors, this home has a carport only. The additions are for an office and the bonus room can be used as another bedroom when they start a family. With the addition they would be in the setback but roadwork had been done before the purchase of the property that makes it appear as if there is extra room between the road and house.

Exhibit A-1, Three photos of the driveway and one photo of the home.

The length of the driveway will be 41 ft. from the garage to the road and the homeowner is willing to reduce the width to 24 ft. from the proposed 35 ft.

There was confusion over the proposed three stories but it is due to the basement being above ground in the rear.

Witness, Angelo Bonora, Contractor, was sworn by the Board Attorney and asked about reducing the opening of the driveway as discussed and about the belgian block used.

Vice-Chairwoman Snyder opened the floor to the public for anyone wishing to ask questions of the Witness.

Vice-Chairwoman Snyder opened the floor to the public for anyone wishing to speak in support or opposition of the application.

Recommendation for approval was made by Mr. Joskowitz.

Mr. Berkowitz made a motion to approve the application; second by Mr. Reddy.

Approved by all.

Application 19:45

Kathleen and Christopher Cruz, 18 Mohican Place, Block: 527 Lot: 1 Zone: R-4  
'C' Variance to construct additions contrary to Sec. 430-35 Col. 7.

Property Owners, Kathleen and Christopher Cruz, were sworn by the Board Attorney and testified that the property was purchased in April of this year and is a three bedroom and one bath. They would like the addition added to the master bedroom for a bathroom, a bigger bedroom and closet. The variance is due to being a corner lot and what is considered their rear yard, is more of, and used as, a side yard and will be the location of the addition. The home is one story and will remain so.

The Board asked about the height of the fence, patio and landscaping.

Vice-Chairwoman Snyder opened the floor to the public for anyone wishing to ask questions of the Witness.

Vice-Chairwoman Snyder opened the floor to the public for anyone wishing to speak in support or opposition of the application.

Recommendation for approval was made by Mr. Willans.

Mr. Joskowitz made a motion to approve the application; second by Mr. Reddy.

Approved by all.

Application 19:14

Dennis and Stephanie Chiu, 10 Windsor Road, Block: 168 lot: 38 Zone: R-1  
'C' Variance to construct and addition and driveway expansion contrary to Sec. 430-35 Cols. 7 & 13.

Property Owners, Stephanie and Dennis Chiu, were sworn by the Board Attorney and testified they that due to Mr. Chiu's parents aging, they are going to move in with the applicants. An addition will be necessary for another bedroom and public space within the home. The existing driveway can accommodate a single car only for most of its length, then opens up to a two-car width as it nears the two-car garage. The

applicants have two children who will be driving soon and they would like to open the entire driveway to avoid the constant moving of vehicles for each other.

The Board asked for clarification on the driveway and what is located to the side and rear of the subject lot.

Exhibit A-1, Photo of wood area behind the applicant's home, dated October 23, 1029, was presented to the Board. There is a notch in the applicant's property from land owned by Littleton School. The applicants approached the Board of Education to see if they would have an interest in selling a portion of their property so the applicants could square off their land but the BOE was not interested, though they were fine with the applicant's addition located 2ft. from the property line. It was not submitted but the property owners have email correspondence to confirm this.

The Board confirmed the home will not be converted into a two-family home.

Vice-Chairwoman Snyder opened the floor to the public for anyone wishing to ask questions of the Witness.

Vice-Chairwoman Snyder opened the floor to the public for anyone wishing to speak in support or opposition of the application.

Recommendation for approval was made by Mr. Reddy.

Mr. Joskowitz made a motion to approve the application; second by Mr. Reddy.

Approved by all.

Application 19:36

Fulva and Archana Shah, 69 Allentown road, Block: 228 Lot: 5 Zone: R-4  
'C' Variance to construct a new two-story, single-family dwelling with attached garage and open deck with stairs contrary to Sec. 420-10.I. & 430-35 Col. 10.

Property Owner, Fulva Shah and Contractor, Dan Tedesco were sworn by the Board Attorney and testified the home was bought in 2002. The property owners are sisters whose parents also live in the home. As the parents age, stairs are becoming difficult so decision was made to build a new larger home with a bedroom and prayer room on the first floor for them. Additionally, the existing home has a leaking foundation along with other issues. The home sits on a corner lot and there will be no problems with setbacks. It was confirmed the home would not be built with a separate entrance or second kitchen.

Vice-Chairwoman Snyder opened the floor to the public for anyone wishing to ask questions of the Witness.

Vice-Chairwoman Snyder opened the floor to the public for anyone wishing to speak in support or opposition of the application.

Recommendation for approval was made by Mr. Joskowitz.

Mr. Reddy made a motion to approve the application; second by Mr. Joskowitz.

Approved by all.

The Board took a five-minute break than reconvened.

Chairman Iracane announced his presence and took over the Board.

Application 19:51

Donald Pierce, 26 Ute Avenue, Block: 562 Lot: 16 Zone: R-4

'C' Variance to construct a new two-story, single-family dwelling contrary to Sec. 430-35 Cols. 2, 3 & 10.

Property Owner, Donald Pierce, was sworn by the Board Attorney and testified that the existing lot is 40 ft. x 100 ft. with an existing dwelling.

Exhibit A-1, Three Pictures dated October 23, 2019, one of the subject lots as it exists today, another of two, two-story homes across the street from the subject lot and the third is what the proposed home will look like.

The foundation of the existing home is cracked, the four beams are rotted and the house is filled with mold. The existing home is also in both side yard setbacks.

The new home will need variances for lot area and width as well as building coverage.

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.

Recommendation for approval was made by Mr. Willans.

Ms. Snyder made a motion to approve the application; second by Mr. Reddy.

Approved by all.

Application 19:46

RD Realty, 30 Waterview Boulevard, Block: 421 Lot: 20.03 Zone: R-C  
'C'/D' Variance for an Urgent Care Facility and parking

Richard Hoff, Attorney from Bisgaier Hoff, was present to represent RD Realty. Explained was, due to a settlement agreement requiring the property owner to comply with the zoning of the property, the property owner had to go in front of town council to amend the settlement agreement to allow a use not permitted in the zone. The amendment was adopted by council allowing the application to move forward.

Witnesses Jean-Paul Romes, Physician and tenant of the urgent care, and Eric Keller, Licensed Professional Engineer and Expert Planner, were sworn by the Board Attorney.

Mr. Romes gave a background of his experience in operating other urgent care facilities. They are a full services care facility and focus on the highest level of care. Services at the Parsippany location will include urgent and primary care. Patient's seen range from day old babies to elderly. Only life-threatening illnesses such as heart attack or stroke are not treated at the facility. In a clinic that is not normally busy, a doctor, nurse and receptionist who is also a radiologist technician would staff that facility. At a busier facility there would be one doctor, two nurses and one or two front end staff. With family medicine introduced at the Parsippany facility, there will be up to two doctors, two nurses and two front end staff. The number of patients expected varies. There will be six to seven rooms, four patients per hour, over twelve hours per day. Hours of operation will be 8:00 am-8:00 pm Monday through Friday and 9:00 am-7:00 pm over the weekend, which will be flexible depending on demand. The waiting area will accommodate 20-25 people with the average period of time from check-in to check-out between one half hour to one full hour. The primary care will require an appointment.

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

The Board asked if the applicant was aware of other urgent care facilities in the area; if there was a standard for the number of and distance of urgent care facilities from one another; if urgent care facilities have affiliations with hospitals and if hospital locations determine locations of urgent care facilities and about the proposed primary care.

Chairman Iracane took a moment to speak announce that the Board would be unable to hear the last application of the evening, Cozy Day Spa, Application 19:50.

Ms. Snyder made a motion to carry Application 19:50 to November 6, 2019 without further notice and with necessary extension in order to announce a special meeting date; second by Mr. Berkowitz.

Approved by all.

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

Witness, Eric Keller, presented Exhibit A-1, Site Plan, CS-101, dated February 8, 2016, revised through August 14, 2019 to illustrate the location of the urgent care facility tenant space, which was highlighted in yellow. A parking variance is necessary due to the change of use from retail to medical.

Exhibit A-2, Picture of identification and window signs dated October 23, 2019, was presented to the Board. The identification sign on the front wall will be 45 sq. ft., a second wall sign will be also be 45 sq. ft. and a window band that is 18.3 sq. ft. will be permanent.

The variances were reviewed and positive and negative criteria were presented.

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.

Recommendation for approval was made by Mr. Joskowitz.

Mr. Reddy made a motion to approve the application; second by Mr. Joskowitz.

Approved by all.

Motion to adjourn.