

**MINUTES OF THE PARSIPPANY – TROY HILLS
PLANNING BOARD MEETING
MONDAY, FEBRUARY 27, 2017**

Chairman Dinsmore called the Planning Board Meeting of Monday, February 27, 2017 to order at 7:33 PM.

Members Present: Mr. Aperawic, Mr. Ayaz, Ms. Csantaveri, Councilman de Pierro, Mr. Dinsmore, Mr. Keller, Mr. Mele, Mr. Pathak, Ms. Vealey.

Also Present: Kelly M. Carey, Esq. Planning Board Attorney
Bryan VanderGheynst, NV5
Edward Snieckus, Burgis Associates, Planner

Absent: Mayor Barberio, Mr. Caivano

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

Bob Venezia, 102 Brooklawn Road, Morris Plains, spoke of construction of apartments in Parsippany and his concerns of high density and Rezoning. He provided the Board with a chart to include total number of apartment units in town, number of students living in the apartments, number of students per 100 units, taxes assessment, and cost to educate students living in apartments vs. assessed value.

No further comments from the public.

Correspondence was received from Mayor Barberio appointing Saurin Pathak to the position of Alternate Member.

Chairman Dinsmore announced a change in agenda regarding Steinen Manufacturing Co. They requested to be on the March 6, 2017 Agenda requiring no further public notice being required.

The new member was sworn in by Ms. Carey, Attorney from DiFrancesco Bateman.

Application 16:511

Paul Miller, AWD, LLC (Subaru), 3469 Route 46, Block: 411 Lot: 19, Preliminary Major Site Plan, Application No. 16:511 was represented by Attorney Joseph O'Neill;

The Township Planner summarized his review of the application itemizing the request of waivers. Mr. Keller made a motion to grant the waivers, seconded by Mr. Aperawic.

Roll Call: Approved by All.

Witness Nicholas DeVita, Facility Manager for entire Paul Miller Auto Group was sworn in.

He explained that they wish to enhance the property to make it a nicer place for customers to visit and employees to work. They are adding a service drive which is standard in the industry. When customers drop off their cars for service and pick up, it is indoors, not out in the weather. They would also like to add a delivery bay to be attached to the smaller building to park new and used cars inside so when the customer picks up their car it is clean and the sales person can go over the operations of the car.

The Township Planners questioned the percentage of used car sales which is regulated on the site and if what was presented on the plan would be the used car component which was confirmed by the applicant.

No question from the public.

Patrick McClellan was sworn and is an expert for engineering purposes for the applicant.

Mr. McClellan presented Exhibit A-1 colorized Plan entitled, 'Site Plan Rendering', prepared by MCBG Engineering Associates, consisting of one sheet dated February 26, 2017.

The proposed are two one-story additions. One on the East side of the dealership and one at the back side of the certified pre-owned building. They also propose to formalize parking spaces by striping the spaces in front on the east side and in the rear; a refuse and recycling area for operation; to modify the front of the property by adding a sidewalk; a retaining wall and pavement repairs as needed.

Mr. McClellan went over the number of parking spaces throughout the property and their intended uses; the fenced in area; access and egress for general use & deliveries of material to and from the site; a reduction of impervious coverage in the rear.

Mr. Mele questioned the easement to Cherry Hill Road.

Mr. O'Neill explained that an agreement for the easement is under negotiation but not finalized and the right is reserved to utilize the easement as it has been in the past.

Ms. Csantaveri questioned delivery vehicles coming in from Route 46 and ADA parking spaces.

Mr. McClellan explained which type of delivery vehicles would utilize which entries and confirmed the number of ADA spaces and their locations.

Mr. Keller questioned the fence.

Mr. McClellan explained that the fence is existing with a portion on the West side to be replaced adding that any other part of the fence in disrepair will also be replaced. The fence is to be 6 ft. chain link with slats.

Mr. Keller questioned if there would be any reason why the access for new car deliveries would not be used. He witnessed a truck unloading on Route 46.

Mr. O'Neill explained that the driver became confused as to the access to use without any back up direction. Direction to us the Porche access will be given going forward until further notice to use the Cherry Hill entrance.

Ms. Vealey asked if the application were to be approved, would there be a condition in the resolution to enforce unloading on the highway or would board approval be needed to go back to using the easement.

Mr. O'Neill stated that the easement was pre-existing on lot 18 going back to Lohman's use of the property and was unsure additional approvals would be needed.

Pat McClellan presented exhibit A-2 "Color Photograph Rendering", one sheet, dated February 26, 2017, prepared by MCBG Engineering Associates.

Described was the access easement for Lot 18.

Mr. Keller questioned if there was additional access for new car deliveries other than Cherry Hill Road due to concerns that one day Paul Miller may not own both dealerships and the access through the Porche dealership is eliminated.

Mr. McClellan stated that should Lot 19 no longer be accessible through Lot 20 or the easement, the lot may no longer be able to continue as a dealership.

Mr. Aperawic questioned the timeline of the sidewalk, curbing and pavement repair. This repair is to be done in one phase alone with the enhancement.

Mr. Pathak questioned if plantings can be done however, the area is too steep.

Mr. Pathak also questioned signs and if any variances will be sought. There will be no variance applications made for signage.

Mr. VanderGheynst noted that the proposed access drive doesn't match up on the aerial map and should an adjustment be made in the future there would be change in impervious coverage.

Mr. Snieckus clarified items from report for record.

Mr. McClellan proposed an earthen berm. A landscape architect would have to be consulted to prevent soil erosion issues.

The summary of variances and existing condition; Mr. O'Neill is in agreement with items except impervious coverage since they are removing some impervious however, they would still be over the permitted 80%, they are not in compliance.

Mr. O'Neill stated that should any variance be necessary they would like to amend the application and that it become part of this application.

A variance for number of signs would be necessary.

Exhibit A-3, Schematic Elevations, dated February 27, 2017 prepared by Guttenberg Architects.

No additional questions from the Board or Public.

Subject to the Burgis and NV5 Reports both dated February 23, 2017, Mr. Keller made a motion to approve the application, further subject to the agreement with the Planner on the light fixture at the east egress; granting a variance for the square footage of the service sign and number of signs; condition in the alternative to maintain entrance method for delivery of new cars either through the existing Cherry Hill access or new proposed access from Porche site and no loading delivery from Route 46. A pre-existing variance for the impervious coverage will be included in the variance with the new numbers.

Seconded by Mr. Aperawic.

Roll Call: Approved by All.

Application 16:514

FC Italia, LLC, 35 North Beverwyck Road, Block: 607 Lot: 6, Preliminary Minor Site Plan/C Variance, represented by Attorney Vince Riccardi;

Witness Cataldo Cocuzza, Applicant and Managing Member, was sworn in.

The Township Planner summarized his review of the application itemizing the request of waivers. Mr. Keller made a motion to grant the waivers as listed in the Burgis Associates report except for the parking waiver discussed, seconded by Mr. Aperawic.

Roll Call:

Approved by: Mr. Aperawic, Mr. Ayaz, Ms. Csantaveri, Mr. Keller, Mr. Mele, Mr. Pathak, Ms. Vealey, Chairman Dinsmore.

Abstained: Councilman de Pierro.

Mr. Cocuzza described the property, what exists on the property and proposed one one-bedroom apartment and one two-bedroom apartment.

There is to be no change to the building or driveway.

Described was the parking and required sign for the ADA space.

Lighting was discussed.

Due to the proposed use there are parking issues with no way to increase the lot size.

Ms. Csantaveri asked questions of the existing tenant and possibly second tenant who may need parking. The applicant said he would rent the second commercial space to tenants who would park on the street or in the municipal lot. The current commercial tenant does not utilize the rear parking. The rear parking will be for the residential use only.

Mr. Keller questioned the number of spaces per apartment. Mr. Snieckus explained the RSIS standard and reason for variances.

Ms. Carey questioned possible prior approval for one apartment. The applicant was told by the prior owner before purchase that approval was in place for one apartment and storage, and agreed to abandon the storage approval.

The applicant stated that the existing tenant does not have use of the parking lot written into his lease.

The Chairman, Engineer and Mr. Keller discussed the handicap spot and if it was to be a dedicated spot, the size of the spot, and striping.

Ms. Carey questioned access for residential use. The applicant confirmed that the business use has its own access separate from the residential however, the access for the residential use is in the front of the building. There is one entrance with access to each area.

Fire code requirements were brought up by Mr. Keller. Each unit will have egress windows installed.

The Engineer followed up stating that if there were less than four spots and one of the spots is designated for the apartment unit, it may not have to be designated ADA though it will have to be ADA accessible. Follow up research will take place on this topic.

Debra Trapkau of 24 Washington Avenue has lived behind the building in question over 30 years. Concerns over how to safely exit the driveway and if there were parking and it was against the fence, how would people get out of the restaurant next door if there was a fire.

Mr. Riccardi stated his case.

Mr. Trapkau of 24 Washington Avenue spoke of his concerns over the residential use.

Mr. Riccardi questioned the Applicant and approvals.

Chairman Dinsmore made a motion to go into public conference to discuss the case.

Motion by Mr. Ayaz, seconded by Mr. Aperawic. Approved by all.

The conference took place in public and on record.

Each member gave their concerns. Mr. Mele recused himself.

Chairman Dinsmore suggested carrying the Application to the March 6, 2017 meeting so the applicant can secure a planner to testify.

Motion to carry by Mr. Keller, seconded by Mr. Pathak. Voice vote to carry to March 6, 2017 without further notice.

The Board took a 5 minute recess.

Roll was called to reconvene.

Other Business:

Mr. Snieckus addressed the board with the process of application review and the Boards roll.

Motion to adjourn. Voice vote approved by all.