

**MINUTES OF THE PARSIPPANY – TROY HILLS
PLANNING BOARD MEETING
MONDAY, JULY 22, 2019**

Chairman Keller called to order the Planning Board Meeting of Monday, July 22, 2019 at 7:30 PM.

Members Present: Mr. Aperawic, Councilman de Pierro, Mr. Dinsmore, Mr. Frigeri, Ms. Hernandez, Mr. Mandel, Mr. Mele, Mr. Patel, Ms. Vealey, Mr. Von Achen, Chairman Keller

Also Present: Scott Carlson, Carlson Siedsma Warner, Board Attorney
Susan Favate, BFJ Planning, Board Planner
Andrew Cangiano, Keller & Kirkpatrick, Board Engineer

Absent:

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

Resolutions:

Application No. 19:510
Sylvan Campus Realty, LLC, 7 Sylvan Way/8 Campus Drive, Block: 202 Lot: 3.4
Preliminary & Final Major Site Plan.

Mr. Dinsmore made a motion to approve Application 19:501, second by Mr. Aperawic.

Approved by all.

Minutes for Approval:

Mr. Dinsmore made a motion to approve the minutes of June 17, 2019, second by Mr. Mandel.

Approved by Aperawic, Dinsmore, Frigeri, Hernandez, Mandel, Mele, Patel, Vealey, Keller.

Agenda:

Application 18:511

Consolacion Navarro, 544 Allentown Road, Block: 306 Lot: 1
Minor Subdivision w/'C' Variance
Carried from May 6, 2019

Rosemary Stone-Dougherty was present to represent the applicant for a two-lot subdivision. The application is being presented as a new application since new plans were submitted and the hearing was noticed.

The Board Planner reviewed the list of requested waivers with a motion to approve made by Mr. Dinsmore. Second by Mr. Mele.

Approved by All.

Witness, Fred Meola, Professional Engineer and Planner, was sworn by the Board Attorney.

Exhibit A-1, Existing Conditions, updated July 22, 2019, was presented and described.

A structure sits at the southern end of the property with a shed behind and a parking area at the northerly end of the lot close to Allentown Road.

Proposed lot 1.01 will be 5,632 sq. ft. and contain the existing structure. An appendage from the structure will be removed as well as the shed to reduce the building coverage down to 23.9%. The driveway will be 38 ft. long and 10 ft. wide. Variances for this lot will be necessary for lot area, lot width, building coverage and driveway setback.

Proposed lot 1.02 will be 5,246 sq. ft. With the new home there will be a 7.8 ft. offset from the neighbor as discussed during the previous hearing. The driveway will be 42 ft. long and 12 ft. wide and is to be installed to the northerly side of the new home. A variance will be necessary for lot area.

Comments from the Board Engineers report dated July 2, 2019 was addressed. If the water or sanitary lines cross the lot, as a condition of approval, they will be relocated. Grading and drainage were discussed. Downspouts were identified and go into the ground but it is unknown where it goes from there. The height of the proposed building will be 32.4 ft. and the height of the existing home is 33.5 ft. As a condition of approval, landscaping between the driveways will be installed, construction details will be provided, stormwater will be connected into the street inlets and the subdivision will be filed by deed.

Exhibit A-2, Original Property Survey, was presented to the Board.

The Board Planners report dated July 9, 2019 was addressed. There will be landscaping in front of the proposed home, between the two driveways, at the southerly end of the existing home and property line. Trees are also proposed along the property line between the proposed and neighboring lots on Allentown Road. Roof leaders from the new home will be connected into a drywell on lot 1.02.

Mr. Meola reviewed the necessary variances as being lot area for both lots, lot width, setback for the existing driveway and lot coverage for lot 1.01.

In reviewing the positive and negative criteria the Witness presented Exhibit A-3, Tax Map, to illustrate other lots within 200 feet of the subject lot that are deficient in lot width and area. There were 10 such lots highlighted in yellow that were described for the board.

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

Consolacion Navarro, Property Owner, was sworn by the Board Attorney and stated she has lived in this neighborhood for five years and has tried to address the issues of the application. She bought her house with the intention of helping her family by subdividing the property so her family can build their own home. With this application, she is attempting to bring the property into conformity with the rest of the neighborhood. She spoke of landscaping around the proposed lots and understands that her plans will have to be adjusted to maintain the 7.8 ft. setback from her neighbor's property.

The board asked about the proposed lot that will contain the existing home and how it would fit into the neighborhood. Also asked about was drainage.

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

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

Karen Phelps, 21 Delanco Drive, felt that subdividing the lot would take away from the neighborhood; had concerns about the driveways and asked if the address would change.

Due to the number of variances required for this application, Chairman Keller polled the Board for their thoughts before a motion was made. Each member spoke of the reasons of why they would approve or deny the application.

Because a number of concerns from the reports of the Board Planner and Engineer have not been addressed, the applicant's attorney requested the application be carried without notice for revisions to be made.

Mr. Dinsmore made a motion to carry the application to September 23, 2019, second by Mr. Mele.

Approved by All.

The board took a five-minute break then reconvened with roll call taken.

Other Business:

Non-Condensation Area in Need of Redevelopment Study
800-900 Parsippany Road and 100-700 Parsippany Road
Block: 392 Lots: 1 and 2

A background of redevelopment and legal context was explained to the board members by the Board Planner so they had an understanding of the process and what their role would be. Town Council had tasked the Planning Board with the undertaking of a study to determine whether the subject lot meets the statutory requirements to be deemed a non-condemnation area in need of redevelopment. A map of the study area is then created, an investigation is conducted, the findings are presented, there is a public hearing, then a recommendation made to the governing body who ultimately decides what to do with this information.

The legal authority is the Local Redevelopment and Housing Law (LRHL) which gives power to local governments to designate areas in need of rehabilitation or redevelopment. Whether a property is in need of rehabilitation or redevelopment, it is usually due to the lack of property development. Once the designation is made, municipalities prepare a redevelopment plan which can supersede or overlay the existing zoning of the subject property.

The difference between a redevelopment and rehabilitation is that a redevelopment gives municipalities the opportunity for pilot programs and financing tools.

The northern lot, 800-900 Lanidex, is lot 1 and is about 11 ½ acres. The southern lot, 100-700 Lanidex, is lot 2 and is just under 34 acres. There are seven existing buildings between both properties that range from 2 to 4 stories, approximately 1,600 parking spaces and one point of access from Parsippany Road. The property was described as being extremely deteriorated, the building interiors being outdated, has rising vacancy, lacking landscaping and having drainage issues.

The surrounding area was described as commercial, residential, having a school and a park. There is also a nonprofit use and an apartment complex within the area.

There are eight criteria the Board must considered for the designation:

- 1) The general condition of the buildings and site.
- 2) If the buildings have been abandoned or discontinued use for a period of time.
- 3) Land that is publicly owned or has remained vacant for a decade or more and is unlikely to change.
- 4) Safety, health and welfare.
- 5) Ownership issues, problems with title.
- 6) Fire or natural disaster that has destroyed all or part of the property and reduced the value of the property.
- 7) Municipalities that have an enterprise zone established.
- 8) Would designation as a redevelopment area further smart growth planning principles.

It was felt that the subject property did meet the criteria for the designation of an area in need of redevelopment.

It was noted that there are options other than redevelopment and that this property was included in the future unmet need of the affordable housing plan.

The board asked about ownership of the properties, recent tenancy of two medical offices and expressed concerns due to the master plan not being finalized yet.

The Board Attorney explained that usually a property owner asks to be designated an area in need of redevelopment. They then work with the township's professionals, administration and governing body to come up with a plan that is agreeable to by all parties involved, then it is adopted by Council. The zoning overlay is then created for the site which allows for the development as agreed to. These overlays become ordinances.

Chairman Keller opened the floor to the public for anyone wishing to ask questions or comment.

Joseph O'Neill, attorney from Garofalo O'Neill Ruggiero was present to address the Board on behalf of the property owner regarding tools available to the municipality under the designation of redevelopment that other options would not afford. Some of these tools include details of the project you wouldn't otherwise have under rehabilitation. He spoke about the vacancy rate in Morris County be in the highest for office space, with Parsippany having the largest vacancy rates in the county. He also noted that Parsippany Road has the highest vacancy rate within the Township of Parsippany.

Property owner, Joseph Morelli, was sworn by the Board Attorney. A question was raised about 700 Lanidex being fully occupied for which Mr. Marelli stated 75% of the building has been occupied by one tenant since 1999 and has five years left on their lease. Another tenant very recently left for another location closer to New York City where most of their business takes place and with one other tenant located in 700 Lanidex, the building is not fully occupied.

The board asked why proper investment was not made over the years to keep the property up-to-date for which Mr. Marelli stated they purchased the property in 2015 through an auction. Up until 2008-2009 the properties were well occupied until the recession and with office trends changing, it was felt that they would not be able to fill the vacancies to where they had been. Large amounts of money were put into 800-900 Lanidex but the investments did not work out as they hoped. The buildings at 100-700 Lanidex were purchased in April 2018 but they have not been able to bring them up to the standards of the past.

Motion was made by Mr. Dinsmore that it was found the proposed area in need meets the statutory requirements to declare Block 392 Lots: 1 and 2 a non-condemnation area in need of redevelopment, seconded by Mr. Von Achen.

Approved by all.

Motion to adjourn.