

**MINUTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS
BOARD OF ADJUSTMENT MEETING
WEDNESDAY, FEBRUARY 5, 2020**

Chairman Iracane called to order the Board of Adjustment Meeting of Wednesday, February 5, 2020 at 7:30 PM.

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

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

Absent: Mr. Berkowitz, Mr. Persaud, Mr. Willans

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.

Nick Homyak, 26 Oneida Avenue, asked about affordable housing and wanted to know if the Board of Adjustment was aware of the water deficit.

Agenda:

Application 19:53

Kamalkant Shah, 24 Erica Way, Block: 734.04 Lot: 4 Zone: PRD-2

'C' Variance to legalize a 108 sq. ft. front walk and 1,003 sq. ft. patio with rear stairs and decorative wall contrary to Sec. 430-35 Col. 13.

Kamalkant and Meena Shah, Property Owners, were sworn by the Board Attorney and testified that the work has already been done. The property contains two easements, one for the establishment and maintenance of landscaping and buffer and the other a utility easement. Part of the patio was built over the utility easement which the applicants were unaware of and will require the owner of the easement to mark out the area so the portion of patio can be removed.

Chairman Iracane opened the floor 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. Kaplan made a motion to approve the application to legalize a front walk, patio with stairs and decorative wall subject to removing the patio from the utility easement and final approval from the Board Planner; second by Mr. Reddy.

Approved by all.

Application 19:59

Ratan Patel, 4 Ulysses Street, Block: 404 Lot: 10 R-3

'C' Variance to construct two sheds contrary to Sec. 430-35 Col. 10.

Property Owner, Sanjay Patel, was sworn by the Board Attorney and testified that at one time he had two sheds but one fell apart. They were located next to each other within the setback but he would like to move the existing shed to sit 6 ft. from the property line and install a new shed at the opposite side of the yard, also 6 ft. from the property line.

The reasons for two sheds is that Mr. Patel has three cars which leaves limited space for storage in the garage for items such as rakes, mower, shovels and snow blower. One shed will hold summer items, the other winter. This will allow for easy access to everything.

Discussion took place regarding the size of the existing and proposed sheds as well as placement of both. The property owner then stated the existing shed had been removed and there will be two new sheds, one of which is already constructed.

At this point the application was suspended to give the applicant the opportunity to call his wife for the measurement between the property line and new shed.

Application 19:62

Marissa Ur, 64 Westminster Drive, Block: 741 Lot: 39 Zone: R-2

'C' Variance to construct a patio, front walk and shed contrary to Sec. 430-10.C., Sec. 430-35 Cols. 10 & 13.

Property Owners, Marissa Ur and Eric Hoover, were sworn by the Board Attorney and testified that the request for the 3 ft. setback for a shed is due to the tree root system that they did not want to disturb. The patio will sit on gravel with sand between the paver. Each side of the property has a utility easement and the land behind their property is owned by the Township and is open an area.

Chairman Iracane opened the floor 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.

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

Approved by all.

Application 19:59 return with the requested information. The new shed was installed 4 ft. from the property line but the other will be installed as required by ordinance.

Chairman Iracane opened the floor 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 for two sheds, one located 4 ft. from the property line, the other at 6ft., subject to an inspection to confirm the sheds were placed in the approved locations; second by Mr. Joskowitz.

Approved by all.

Application 19:27

Pineview Homes, 2900 Route 10 Block: 18 Lot: 8 Zone O-T

'C'/D' Variance – Bifurcated application to construct an apartment building.

Carried from November 13, 2019

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

Witness, Patrick McClellan, Professional Engineer, previously sworn, presented Exhibit A-9, Fire Truck Turning Exhibit 1, dated March 28, 2019, revised through February 3, 2020.

The exhibit illustrates the removal of the tunnel under the access driveway and two less parking spaces than originally proposed. Additionally, the exhibit simulates a fire ladder truck that runs through the property successfully and able to make all turns.

The original plan proposed a tunnel that connected the front parking lots on each side of the access drive, however it created variances for 12 ft. walls. With the removal of the tunnel, no wall will be greater than 6 ft. in height.

The Board Engineer noted that their traffic review department reviewed the updated plan and were satisfied in regard to emergency vehicles traversing the property.

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

Narayana Masspalli, 133 Jillian Boulevard, asked where the `subject property is located and if the application was approved yet.

Nick Homyak, 26 Oneida Avenue, asked about types of fire trucks; where they will come from; parking; fire zones and landscaping.

Tom Williams, 41 Long Ridge Road, asked if sprinklers will be installed in the building.

Barbara Mardloff asked how much higher the proposed building would be from the existing building.

The Board was concerned that no review was provided by the fire district. This was due to the district moving its contents to a temporary location and not having a chance to review the plans. If the application is approved, a condition will be to comply with the comments and recommendations of the fire district.

Witness, Art Gitimer, Licensed Architect, was previously sworn and brought back to answer questions regarding the wall in the rear and its height. Sheet P3, dated August 2, 2019, was displayed to illustrate the ridge height proposed at 55 ft. 8in. vs. the current height of 42 ft.

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

The Board confirmed that the residential lots in the rear are sloped down; the distance from the rear of the proposed building to the residential lots and where evergreen plantings will be located.

Narayana Masspalli, 133 Jillian Boulevard, asked what the impact of the proposed will be on the township.

Barbara Mardloff wanted to know the height of the proposed vs. the existing building.

Nick Homyak, 21 Oneida Avenue, asked about noise that may be created by cars at the rear of the proposed and how close they will be parked to the building.

The Board took a five-minute break then reconvened.

The application was carried to March 18, 2020 without further notice and with all necessary extensions.

Application 19:58

Liquid Church, 299 Webro Road, Block: 736 Lot: 20 Zone: SED-5
'C/D' Variance to install signs, parking and café use.

Joseph O'Neill, Attorney from Garofalo O'Neill Ruggiero, was present on behalf of the applicant.

Witness, David Brooks, Pastor, was sworn by the Board Attorney and testified to the cause of the church and their contributions to the community. A lot of their work goes towards people with special needs and the church would like to provide employment opportunities to these adults. They would like to extend the hours of the existing café to Monday through Friday to provide breakfast and lunch. By doing so, they can employ up to 30 people. The café would be open to not just the church community, but those who are in the building during the week attending activities and anyone who may be driving by. Profits will be donated to clean water which is the churches most singular cause globally. Not only does it provide clean water wells around the world, it allows those working there to make a difference.

Discussion took place as to whether this portion of the church could be open to paying tax on money earned and be charged property taxes.

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

Nick Homyak, 21 Oneida Avenue, asked if the church would be willing to ban plastic.

Witness, Michael Hughes, Licensed Architect, was sworn by the Board Attorney and presented Exhibit A-1, Proposed walks and freestanding sign, colorized, dated January 20, 2020.

The orientation of the plan was described for the Board in order to illustrate the location of the café in the building. Currently, there is seating for 80, a mid-size kitchen with commercial fixtures, a serving counter, sinks and refrigerators with additional sinks proposed.

The Board confirmed that a fire suppression system is in place.

Exhibit A-2, Exterior Elevations, was presented to illustrate the location of the canopy over windows, which will be to the left of the main entrance doors. It is meant as a guide to get customers to enter through the main entrance and to the café. The canopy will be 13 ft. wide and 4 ft. in height.

Referring back to Exhibit A-1, signage was defined. The existing sign at the corner of Webro Road was modified to include the name of the café, Clean Water Café, with an identical sign at the entrance to the parking lot.

The Board questioned the canopy and absence of a door beneath to be used to access the café and if there would be signage.

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

Witness, John Hansen, License Professional Engineer was sworn and qualified by the Board Attorney.

Exhibit A-3, Colorized aerial of the site and surrounding area, dated February 3, 2020, was presented to the Board. The surrounding area was detailed for the Board and it was noted that the parking conforms. The Stormwater management system is underground; a meeting with the Township Forester took place and shade trees and shrubs will be planted to buffer the building; one parking space was moved due to the fire districts request for fire zones and minor revisions will be made per the reviews of the water and sewer departments. The existing lighting will remain and LED lighting is proposed in the new parking area. ADA improvements will be made with additional parking stalls and signs.

The hours of operation for the café are Monday through Friday, 7:00 am-3:00 pm. They will serve coffee, latte, espresso, tea, pastries and sandwiches which will be brought in and warmed. There will be no active cooking.

Exhibit A-4, Traffic Circulation, was presented to the board. The trash area will be moved from its current location to the east side between Jefferson Road and the building. The exhibit also shows a 40 ft. fire truck having the ability to enter from Jefferson Road and exit onto Webro.

The Board asked about tree removal, landscaping and soil moving.

600 yards of soil will be moved which equates to 150 truckloads. The route will be Jefferson Road to East Halsey Road. Hours of the soil move will be during the approved hours for construction per ordinance. The applicant will also comply with the report of the Township Engineer as with the comments of the Board Engineer.

The applicant hopes to perform the work during the spring and summer.

Positive and negative criteria were presented.

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

Nick Homyak, 21 Oneida Avenue, asked about trees and trash.

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

Nick Homyak, 21 Oneida, was sworn by the Board Attorney and spoke in opposition of the application.

Mr. O'Neill summed his case.

Recommendation for approval was made by Mr. Joskowitz.

Mr. Reddy made a motion to approved the application subject to the various requirements put on record, revised site plans and phasing of work in those plans.

Approved by all.

Application 19:55

Whole Foods, 30 Waterview Boulevard, Block: 421 Lot: 29.03 Zone: R-C

'C' Variance to install a wall sign.

Mr. Reddy made a motion to carry the application to February 26 2020 without further notice and with all required extensions; second by Ms. Snyder.

Approved by all.

Motion to adjourn.