

**MINUTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS
BOARD OF ADJUSTMENT MEETING
WEDNESDAY, FEBRUARY 26, 2020**

Chairman Iracane called to order the Board of Adjustment Meeting of Wednesday, February 26, 2020 at 7:30 PM.

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

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

Absent: Mr. Joskowitz

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.

Resolutions:

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.

Mr. Kaplan made a motion to approve resolution 19:53; second by Ms. Snyder.

Approved by Kaplan, Parikh, Reddy, Snyder, Iracane.

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.

Mr. Kaplan made a motion to approve resolution 19:59; second by Ms. Snyder.

Approved by Kaplan, Parikh, Reddy, Snyder, Iracane.

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.

Mr. Kaplan made a motion to approve resolution 19:62; second by Ms. Snyder.

Approved by Kaplan, Parikh, Reddy, Snyder, Iracane.

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.

Mr. Kaplan made a motion to approve resolution 19:58; second by Ms. Snyder.

Approved by Kaplan, Parikh, Reddy, Snyder, Iracane.

Approval of Minutes:

October 2, 2019

Mr. Berkowitz made a motion to approve the minutes of October 2, 2019; second by Mr. Willans.

Approved by Berkowitz, Reddy, Willans, Iracane.

Agenda

Application 19:61, Claudia Bartek, 82 Berlin Road, Block: 273 Lot: 9 Zone: R-4

'C' Variance to construct an open deck; fire pit structure and driveway expansion contrary to Sec. 430-35 Cols. 8, 9, & 13, Sec. 430-275.X. and Sec. 430-10.I.

Property Owner, Claudia Bartek, was sworn by the Board Attorney and testified that the side yard variance she is seeking today is due to the belief that it was part of the variance approval received in 2011. The fire pit structure is a gravel surface that she did not realize was considered coverage. The deck will be constructed with wood but built at ground level. The pavement between the garage and property line exists.

The Board asked about the bump out on the proposed deck, the gravel area for the fire pit and water runoff.

The bump out area will contain a hot tub and the gravel area has existed the past ten years and is where chairs and a portable fire pit are placed. There is more than 6 ft. from the fire pit to the adjacent properties.

The driveway expansion is an area where the applicant can place her trash cans and is a pathway to the back of her house.

The applicant agreed as a condition of approval that she must consult with the Township Engineer to avoid runoff onto her neighbor's properties.

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.

The Board voted to go into conference and shared their reasons to vote for or against the application.

Mr. Reddy made a motion to approve the application subject to consulting with the Township Engineer; second by Mr. Willans.

Approved by: Berkowitz, Persaud, Reddy, Snyder, Willans, Iracane
Against: Kaplan, Parikh

Application 19:55

Whole Foods, 30 Waterview Boulevard, Block: 421 Lot: 29.03, Zone: R-C
'C' Variance to install a wall sign.

Carried from February 5, 2020

Mr. Kaplan recused himself.

David Kenney, Attorney from Snyder & Snyder, was present on behalf of the applicant for a wall sign at the western entrance of Whole Foods.

Witness, David Karlebach, Licensed Professional Planner was sworn and qualified and gave a background of the existing signage which includes a temporary sign, another wall sign and two freestanding signs. The temporary sign will be removed and replaced with the proposed sign at the western store entrance. It is proposed at 3 ft. 10 in. x 58 ft. 10 in. with white channel letter.

Exhibit A-1, Photo Board of four views of the site.

Whole Foods store, other stores in the shopping center, the retaining wall from Route 46 and the intersection at Waterview Boulevard.

The Board asked about heights of signs in other shopping centers in comparison.

The sign is proposed at the height of 31 ft. due to windows at the 25 ft. elevation and the size because the building is set back 500 ft.

Positive and negative criteria were presented.

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

Nick Homyak, 26 Oneida Avenue, asked if the sign would extend against the face of the building or if it would be extending into the sky.

Witness, Bret Wardman, Whole Foods Representative, was sworn by the Board Attorney and testified to the hours the sign would be lit as being 6:00 PM-10:30 PM. During daylight savings time it will be lit as early as 5:00 PM.

Because Whole Foods closes at 10:00 PM the Board questioned the extra half hour the sign would be lit and why signs were not more of a consideration early on with the proposal of the development.

The Witness stated that he would be willing to turn off the lights at 10:00 PM.

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.

Nick Homyack, 26 Oneida Avenue, was sworn by the Board Attorney and spoke in opposition.

Dave Kaplan, 263 Intervale Road, was sworn by the Board Attorney and spoke in regard to reducing lighting.

The Board voted to go into conference and shared their reasons to vote for or against the application.

Mr. Berkowitz made a motion to approve the application subject to the sign being turned off at 10:00 PM; second by Mr. Reddy.

Approved by: Berkowitz, Parikh, Persaud, Reddy, Willans, Iracane.

Against: Snyder

Recused: Kaplan

Application 19:67

Francisco Mateo, 21 Farrand Drive, Block: 712 Lot: 25 Zone: R-3

'C' Variance to construct a shed; legalize existing pool, pool equipment and patio contrary to Sec. 430-35 Cols. 9 & 13; Sec. 430-275.X. and Sec. 430-10.I.

The applicant failed to attend the meeting.

Mr. Berkowitz made a motion to carry the application to March 4, 2019 to establish a new hearing date with notice. Second by Mr. Kaplan.

Application 19:52

Randy Grieco, 22 Lincoln Avenue, Block: 605 Lot: 21 Zone: R-4

'C' Variance to legalize a 546 sq. ft. new driveway and 2 ft. 2 in. high retaining wall contrary to Sec. 430-275.X.

Property Owner, Randy Grieco, was sworn by the Board Attorney and testified that he expanded the driveway to park cars off the street and was not aware a permit was needed.

The Board questioned if he saw the memo from the Township Engineer and asked him to comply with the comments.

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

Nakul Kasadwala, 102 Minnehaha Boulevard, asked about the setback.

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

Mr. Reddy made a motion to approve the application.

Mr. Willans made a motion to approve the application subject to complying with the comments of the Township Engineer. Second by Mr. Reddy.

Approved by all.

Application: 19:43

SI 181 Kingston Realty, LLC, 181 Kingston Road, Block: 245 Lot: 18.1 Zone: B-4

Site Plan w/'D' Variance for an adult daycare center.

Carried from December 4, 2019

Steve Tombalakian, Attorney from Weiner Law Group, was present on behalf of the applicant for the continued application for an adult day care.

Witness, Adnan Kahn, previously sworn, recapped testimony given at the December 4, 2019 hearing and presented Exhibit A-2, Colorized Rendering of Elevations, dated February 26, 2020. The direction in which each elevation faced was described for the Board.

The Board questioned the canopy, second doorway, client arrival, traffic pattern and landscaping. Revisions were asked for and suggestions were made.

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

Witness, John McDonough, Licensed Professional Planner, was sworn by the Board Attorney.

The Witness presented Exhibit A-3, Six pages of various maps, and testified to the positive and negative criteria.

- 1) Tax Map with the subject lot outlined in yellow.
- 2) Aerial Map with the subject lot outlined in yellow.
- 3) Colorized Land Use Map of surrounding area.
- 4) Colorized Zoning Map of surrounding area.
- 5) View of the subject site from the onsite parking lot.
- 6) View of the subject site from Kingston Road.

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.

Nick Homyak, 26 Oneida Avenue, spoke in support of the application.

The Board voted to go into conference to speak about the conditions of the resolutions.

Mr. Willans made a motion to authorize the Board Attorney to draft a resolution incorporating the provisions spoken about. Second by Mr. Kaplan.

Approved by all.

The Board took a five-minute break then reconvened.

Application 19:63

NY Renaissance, 1209 Littleton Road, Block: 199 Lot: 48.1 Zone: R-3

Preliminary and Final Major Site Plan w/“C/D” Variance/Major Soil Moving Permit to construct a building for residential and commercial use.

Joseph O’Neill, Attorney from Garofalo O’Neill Ruggerio, was present on behalf of the applicant to demolish a single-family dwelling and replace it with a mixed-use building.

Witness, Marc Walker, Licensed Professional Engineer, was sworn by the Board Attorney.

Exhibit A-1, Areal of subject lot and surrounding area, dated February 26, 2020, was presented to the Board.

The Witness testified the subject lot is 34,921 sq. ft. and is locate on a county road. The proposed is a 48 ft. x 48 ft., 2304 sq. ft. structure with commercial use on the first floor in the front and residential use in the front and rear. The front of the structure will be two stories where as the rear will be three stories. Two one-bedroom apartments are proposed at the lower level to the rear of the building with two additional two-bedroom units above the commercial use. It is not known what the commercial use may be but the parking can support a deli, bakery, professional office, smaller medical office or a 34 seat restaurant. There will be 10 parking spaces located at the front of the building, one to be ADA, a 24 ft. access drive and nine parking spaces at the rear of the building. A door is located at the rear of the building for the residential use. A 6 ft. sidewalk will be installed at the front of the building with a concrete walk to the rear door. A/C units will be located at the rear of the building along with a common mailbox. The 11 ft. x 12 ft. trash enclosure at the rear of the property is not large enough for a dumpster however bearproof totes will be provided. A storm drain in the back, left corner of the lot will collect water from the parking lot and roof runoff and be direct to six 1,000 gallon drywells and is in compliance with the township requirements. Two 2.5 ft. retaining walls are proposed at each side of the front parking lot and a wall at the rear that averages 3 ft. in height though one section is 5 ft. high. Evergreens are proposed along the lot lines as well as around the dumpster area. One freestanding light fixture will be located in the front with three wall mounted fixtures. One 50 sq. ft. freestanding sign at a height of 15 ft. along with two 36 sq. ft. building signs are proposed. Wetlands exist at the rear of the lot along with a 50 ft. wetlands buffer. An application for a transition area waiver permit was filed with the DEP to allow them to modify the wetland buffer. This buffer comes into the parking lot and the applicant would like to slightly reduce the buffer in one area of the lot and increase it in another area. The rear portion would become a conversation easement dedicated to the DEP.

The Board asked about the drywell location, the wetlands, signs, parking, the trash area and if the commercial space could hold a convenience store.

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

Lou Gugliotta, 28 Delbrook Road, asked if there is a stream at the bottom of the wetlands.

Motion to carry the application to April 22, 2020 without further notice and with all required extensions was made by Mr. Berkowitz, second by Mr. Reddy.

Motion to adjourn.