

**MEETING OF THE TOWNSHIP OF  
PARSIPPANY-TROY HILLS BOARD OF ADJUSTMENT  
WEDNESDAY, SEPTEMBER 2, 2020 @ 7:30 P.M.**

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

Also Present: Peter J. King, Esq. Board Attorney  
John T. Chadwick, IV Board Planner  
Andrew Cangiano, P.E., Board Engineer

Absent: Mr. Berkowitz, Mr. Joskowitz,

Announcement is made that adequate notice of this meeting has been given and 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"

**ROLL CALL**

Pledge of Allegiance

The meeting is opened to the General Public.

Robert Greenberg, Haddenfield Drive, spoke in regard to the code enforcement case and application for property 1010 Vail Road owned by Mr. Wang. The application is approximately one year old and has yet to be resolved. Mr. Greenberg has considerable water issues in his yard, as other neighbors, due the expansion of a patio that spans to the property lines. The application was first heard October 23, 2019, then rescheduled for December 18, 2019 and again March 4, 2020 which is when he was required to hire an engineer to evaluate his property for water issues. The water has caused some property destruction as well as ruining Mr. Greenberg's lawn. It has also caused the concrete footings holding the fence posts to have been pushed up to the surface leaving the fence distorted and drainage pushed five to six inches above the surface. In July Mr. Wang had the property surveyed in what was thought to be in connection with the ongoing issues and although the application was originally scheduled to be before the Board in August, Mr. Wang did not have the engineers report so the application was removed and rescheduled for tonight's meeting. The application was again removed for the agenda due to Mr. Wang not having the engineer's report and was again rescheduled for an October meeting. The rainy season is near and without resolution, there will be additional problems.

**RESOLUTIONS:**

**Application 19:41**, Devin Cavaleri, 6 Elray Road, Block: 166 Lot: 71 Zone: R-3  
'C' Variance to legalize river rock around pool patio and between house and walkway.

Mr. Willans made a motion to approve Resolution 19:41; second by Mr. Reddy.

Approved by Kaplan, Parikh, Reddy Willans.

**Application No. 19:65** Forge Pond Developers, Old Dover Road, Block: 14 Lots: 12.01 Zone: R-R, Amended Preliminary and Final Major Subdivision 'C' Variance 12 Lot Subdivision.

Mr. Willans made a motion to approve Resolution 19:65; second by Mr. Reddy.

Approved by Kaplan, Parikh, Reddy Willans.

**Application 19:66**, Chris & Alison Dahlhas, 230 Park Road, Block: 98 Lot: 52 Zone: R-1 'C' Variance to construct/install a detached garage; driveway expansion; walk and stairs and solid fence.

Mr. Reddy make a motion to approve the Resolution 19:66, second by Mr. Willans.

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

**Application 20:07**, DGN Investment, 51 Hamburg Road, Block: 240 Lot: 15 Zone: R-4 'C' Variance to construct a two-story single-family dwelling with attached garage and rear landing and stairs.

Mr. Reddy make a motion to approve the Resolution 20:07, second by Mr. Willans.

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

**Application 20:02**, Ted Haverkost, 22 Ridgewood Avenue, Block: 87 Lot: 2 Zone: R-3 'C' Variance to construct a two-story addition, greenhouse addition and deck with stairs.

Mr. Reddy make a motion to approve the Resolution 20:02, second by Mr. Willans.

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

**Application 20:06**, R&R Enterprise, LLC, 15 Norman Avenue, Block: 557 Lot: 30 Zone: R-4 to construct a new two-story single-family dwelling with open deck, no stairs.

Mr. Reddy make a motion to approve the Resolution 20:06, second by Mr. Willans.

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

#### **AGENDA**

**Application 20:14**, Jitenbhai Patel, 89 Marmora Road, Block: 230 Lot: 5 Zone: R-4 'C' Variance to construct an open deck with stairs contrary to Sec. 430-10.I., 430-35 Col. 13.

**Application 20:10** Keven Wentworth, 29 St. Peters Road, Block: 66 Lot: 11 Zone: R-3 'C' Variance to construct an entranceway, stairs, retaining walls, patio, deck with stairs walk, driveway and A/C contrary to Sec. 430-35 Cols. 4, 9, 10 & 13; 430-275.X.; 430.10.I.

Attorney, Robert Long, was present on behalf of the applicant and noted the application was being amended to delete 140 sq. ft.

Property owner Kevin Wentworth was sworn by the Board Attorney and testified that the house is approximately 100 years old and sits on a 50 ft. X 75 ft. corner lot. He purchased the home in 2019 and would like to reconstruct the existing deck, front patio, stairs and sidewalk as well as add three dormers. The applicant spoke with his neighbor regarding the proposed work and because the neighbor did not like the idea of the proposed rear patio, the applicant decided not to construct it.

The board asked about the surrounding area, the location of the neighbor's property and the coverage after removing the proposed patio.

It was noted that no one from the public was present.

Ms. Snyder voiced that she will not be voting for this application due to the increase of impervious coverage.

Mr. Reddy made a recommendation to approve the application.

Chairman spoke about the open space around the property due to the golf course with few neighbors.

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

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

Denied by Kaplan, Snyder.

**Application 20:19**, Diana & Kevin Hayes, 11 Woodland Road, Block: 93 Lot: 16 Zone: R-3 'C' Variance for a deck with stairs and shed contrary to Sec. 430-10.C. Side, Sec. 430-10.C. Rear, Sec. 430-10.I., Sec. 430-35 Col. 10 & Sec. 430-35 Col. 13.

Property owners, Diane and Kevin Hayes were sworn by the Board Attorney and testified they do not have outdoor living space in their rear yard and would like to construct a deck over an existing paver patio. The shed will replace an aluminum shed that was taken down a month earlier. They are asking for the large size due to being in charge of camping equipment for the cub scouts.

The Board asked if the shed could be downsized and if it could be moved off the property line.

It was noted that no one from the public was present.

The Board voted to go into conference and spoke of their reasons of why the application should or should not be approved.

A motion was made to approve the application.

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

Denied by Kaplan, Snyder.

**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.

Attorney, Joseph O'Neill was present on behalf of the applicant for the continuation of the application.

Witness, Patrick McClellan was previously sworn and displayed Sheet 2 of 3 from the original plan dated August 8, 2019 with the tunnel under access driveway.

Also displayed was revised Sheet 2 of 3 dated May 27, 2020. The revised plan eliminates the tunnel under the access drive. The reason for this is there would have been a need for walls in the front yard at heights of 11 and 12 ft. high. With the revised plan, all walls in the front yard are 6 ft in height or less. Parking on previous plan had 413 spaces. The new plan has 407 parking spaces. Additionally, the unit count has been lowered from 180 to 156 apartment which leaves a more than comfortable count on parking spaces. Since the last hearing, the applicant had met with the fire department regarding access around the building and it was found that the plan was acceptable for the fire department.

Witness, Aric Gitomer, Licensed Architect, was sworn by board attorney and accepted as an expert witness. explained that the court yard was increased from 100 ft. to 200 ft. for more green area which also allowed the unit count to decrease by 24 for a total of 156 units. The breakdown ranges from 120 one-bedroom units, 30 two-bedroom units and 6 three-bedroom units. The COAH will be spread throughout the building and consist of 4 one-bedroom units, 15 two-bedroom units and 5 three-bedroom units.

Exhibit A-10, Proposed Apartment was presented to illustrate the increase in the area and added windows on the side of the building.

Exhibits A-11 and A-12, Rear views of apartment the apartment building from Granda Drive and Penwood Drive were presented and described.

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

Witness, John Mcdough, previously sworn, spoke of enhancing the buffer with up to an additional 150 plantings and evergreens for the homes on Granada Drive.

The positive and negative criteria were detailed as were the requested variances.

Board asked about the trees to be added, where the plantings be located, the type of plantings, who would replace the trees if they die and the wall at the rear of the property.

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

Barbara Marzloff, Presented Exhibit P-1, view from her yard, asked about the height of the existing wall and the plantings.

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

Barbara Marzloff, is upset because she feels her property value will go down and renters will be able to look into her yard.

The board went into conference and spoke of their reasons to approve or deny the application.

The applicant's attorney summed his case.

The Board took a five-minute break then reconvened.

The applicant asked to have the case carried without further notice and with necessary extensions to December 16, 2020 to redesign some areas of concern.

Mr. Reddy made a motion to carry the application to December 16, 2020; second by Ms. Snyder.

Approved by all.

Motion to adjourn.