

**MEETING OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS BOARD OF ADJUSTMENT
WEDNESDAY, SEPTEMBER 22 2021 at 7:30 P.M.**

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

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

Absent: Mr. Persaud

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 was opened to the General Public.

Julia Peterson, 25 Old Parsippany Road, asked if past virtual meeting videos can be used as evidence and if a witness who is coming from a distance could speak at a certain time during the meeting.

2022 MEETING SCHEDULE

Mr. Reddy made a motion to approve the 2022 meeting schedule; second by Mr. Joskowitz.

Approved by all.

MINUTES FOR APPROVAL

July 28, 2021 Special and Regular Meetings. August 11, 2021 Special and Regular Meetings.

Mr. Willans made a motion to approve; second by Mr. Reddy.

Approved by all.

RESOLUTIONS

Application 21:25, Patricia Yturbe, 40 Washington Avenue, Block: 601 Lot: 17 Zone: R-4
'C' Variance to construct a patio, walk and gazebo contrary to Sec. 430-35 Cols. 8, 10 & 13.

Mr. Berkowitz made a motion to approve Resolution 21:25; second by Mr. Reddy.

Approved by Berkowitz, Parikh; Reddy, Iracane.

Application 21:34, Nilamkumar Patel, 33 Flemington Drive, Block: 327 Lot: 3 Zone: R-4
'C' Variance to construct a shed contrary to Sec. 430-35 Col. 4.

Mr. Berkowitz made a motion to approve Resolution 21:34; second by Mr. Reddy.

Approved by Berkowitz, Parikh; Reddy, Iracane.

Application 21:35, Usman Basha, 464 Vail Road, Block: 457 Lot: 4 Zone: R-3
'C' Variance to construct an open roofed structure over an existing patio contrary to Sec. 430-35 Cols. 10 & 13.

Mr. Berkowitz made a motion to approve Resolution 21:35; second by Mr. Reddy.

Approved by Berkowitz, Parikh; Reddy, Iracane.

Application 21:43, Angela Culmone, 77 Norman Avenue, Block: 557 Lot: 6 Zone: R-4
'C' Variance to construct an open deck with stairs and pad contrary to Sec. 430-10 I.

Mr. Berkowitz made a motion to approve Resolution 21:43; second by Mr. Reddy.

Approved by Berkowitz, Parikh; Reddy, Iracane.

Application 20:56, Nekie Mahmudi, 35 Troy Road, Block: 725 Lot: 14 Zone: R-3
'C' Variance to legalize a front porch; legalize a front walk; install a front pad and walk; construct an open deck with stairs and driveways contrary to Sec. 430-35 Cols. 8, 10 & 13, Sec. 430-10. C. side and rear yards, 430-10. I.

Mr. Berkowitz made a motion to approve Resolution 20:56; second by Mr. Reddy.

Approved by Berkowitz, Parikh; Reddy, Iracane.

Application 21:21, Pratibha Patel, 27 Adelphia Road, Block: 377 Lot: 17 Zone: R-4
'C' Variance to legalize a new single-family dwelling with front porch and open deck contrary to Sec. 430-10 I, Sec. 430-35 Cols. 10 & 11.

Mr. Berkowitz made a motion to approve Resolution 21:21; second by Mr. Reddy.

Approved by Berkowitz, Parikh; Reddy, Iracane.

Application 21:31, Pineview Homes, 2900 Route 10, Block: 18 Lot: 8 Zone: O-T
Preliminary and Final Site Plan, 'C'/'D' Variance to a multi-story apartment building.

Resolution 21:31 will be on the next agenda for approval.

AGENDA

Application 21:40, Turk Akcay, 58 Pawnee Avenue, Block: 561 Lot: 29 Zone: R-4
'C' Variance to construct a two-story addition; second story addition; open deck with stairs; front landing and stairs and air conditioning units contrary to Sec. 430-35 Cols. 10 & 13.

Property Owner, Turk Akcay, was sworn by the Board Attorney and testified that he lives on an undersized lot and will demolish all but two walls of the existing home. There are many 40 ft. X 100 ft. houses in the neighborhood and after construction, the home will look like others in the immediate area. The home will be two stories and have 4 bedroom with 2.5 bathrooms. One bedroom will be located downstairs. Four bedrooms are needed because he has three children. A basement is not proposed. The property owner currently lives in Boonton and will move his family in after construction. The lot is located in a 500 year flood zone. A concrete patio will be removed and because the property is flat, drywells will be installed in the rear. The neighbor's driveway is partially located on the subject lot and will be removed with acknowledgement of the neighbor.

Mr. Akcay agreed to comply with the review of the Township Engineer which includes a soil moving permit.

Chairman Iracane opened the floor to the public to ask question of the witness.

Mr. Patel, 29 Lake Shore Drive, wanted to know how long it will take to build the house and if it will affect his property.

Ms. Young, 56 Pawnee, wanted to know if the house was too close to her house.

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

The Board made a motion to go into conference to speak of there reasons to vote for against the application.

Snyder made a motion to have the Board Attorney create the resolution subject to the removal of the concrete pad and proper flood designation; second by Mr. Berkowitz.

Approved by all.

Application 21:41, Grisel Pavlow, 409 South Beverwyck Road, Block: 765 Lot: 37 Zone: R-2
'C' Variance to construct an open deck with stairs contrary to Sec. 430-35 13.

Applicant did not appear nor supplied proof of notice.

Application 21:44, Liliam and Gustavo Moreira, 10 Nokomis Avenue, Block: 543 Lot: 15

Zone: R-4. 'C' Variance Adjustment to construct a patio; replace an existing front landing & stairs; replace existing side stairs contrary to Sec. 430-35 Col.13.

Property Owners, Liliam and Gustave Moreira, were sworn by the Board Attorney and testified that they would like to replace the front entrance and stairs. The applicant agreed to a paver patio instead of concrete. There are no issues with water drainage. The sidewalk to the street from the stairs at the front of the house is not illustrated on the survey but is not as wide as the stairs. The second walk is included in the calculations and is cement.

Chairman Iracane opened the floor to the public to ask question of the witness.

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

Mr. Reddy made a recommendation to approve the application.

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

Approved by all.

Application 21:45, Sunken Patel, 107 Harrison Road, Block: 234 Lot: 15 Zone: R-4
'C' Variance to legalize a shed & patio and to install a patio expansion contrary to Sec. 430-10 C (shed side and rear yards); Sec. 430-35 Cols. 8, 9 & 13.

Applicant did not appear.

Application 21:46, Michael and Carolyn Krug, 399 Allentown Road, Block: 266 Lot: 11
Zone: R-4. 'C' Variance to construct a patio contrary to Sec. 430-35 Col. 13.

Property Owners, Michael and Carolyn Krug, were sworn by the board attorney and testified that they live on an undersized lot and the patio will be for family enjoyment. Pavers will be used. Water issues do not exist on the lot.

Chairman Iracane opened the floor to the public to ask question of the witness.

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

Mr. Willans made a recommendation to approve the application.

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

Approved by all.

Application 21:48, Ali Sharif, 582 Lake Shore Drive, Block: 360 Lot: 20 Zone: R-4
'C' Variance to construct a detached garage (rebuild); open deck with two sets of stairs;
driveway expansion and front walk contrary to Sec. 430-10 I. and Sec. 430-35 Cols. 8, 9, 10
& 13.

Property Owner, Ali Sharif, and Friend, Ian Zafis, were sworn by the Board Attorney and testified that the garage was falling apart. A permit to repair the garage was applied for and received however, he was building a new garage and was made to stop construction. The driveway will be widened for ease of parking. Wood by driveway and concrete by the garage will be removed. The deck will be 21.5 ft. x 18 ft.

The property owner will comply with the report of the township engineer.

Chairman Iracane opened the floor to the public to ask question of the witness.

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

Mr. Joskowitz made a recommendation to approve the application.

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

Approved by all.

Application 21:56, Kevin Long, 5 McClintock Place, Block: 76 Lot: 1 Zone: R-3
'C' Variance to construct/convert an existing open entranceway/porch to an addition contrary to Sec. 430-35 Col. 4.

PO, Kevin Long, was sworn by the board attorney and testified that he would like to convert an existing open porch into an entranceway. The property owner lives in Mt. Tabor and has an undersized lot.

The Board asked about a proposed generator but the applicant stated it was being moved into a conforming location.

Chairman Iracane opened the floor to the public to ask question of the witness.

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

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

Approved by all.

Application 19:40 Ge Wang, 1010 Vail Road, Block: 491 Lot: 17 Zone: R-3
'C' Variance to construct a shed, deck expansion and patio expansion contrary to Sec. 430-10.C., Sec. 430-35 Cols. 8, 9 & 13.

Carried from May 5, 2021

Attorney, Rosemary Stone Daugherty, was present on behalf of the applicant. The applicant was not present due to a medical condition.

Witness, Fred Meola, previously sworn, testified that the drywell proposed at the last meeting will not work as the soil test produce solid dirt with a drainage rate of ¼ in. per hour which is the worst rate possible. More research proved there is a pipe that runs along Vail Road which will allow a trench drain along the back of the patio and be piped out to the front. A catch basin will be built over another pipe in the street and take the water into the storm sewer that will keep water from running onto the neighbor's properties. The patio will be reduced to decrease impervious coverage. Current impervious is 57.3% and will be reduced to 47.9% which equates to approximately 1600 Sq. ft. impervious coverage.

Exhibit A-1, Pictures of property as it exists today.

The Board confirmed that the patio and pool are 12 to 18 in. higher than the property to the rear. The pool was originally put in with variance in 1997.

The proposed drain will be 4 ft. to 6 ft. off the paver patio.

Exhibit A-2, Survey. Mr. Wang did expand the patio and driveway

Motion to carried the application to December 15, 2021.

Motion to adjourn.