

**MEETING OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS BOARD OF ADJUSTMENT
WEDNESDAY, OCTOBER 19, 2022 at 7:30 P.M.**

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

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

Absent:

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 open to the General Public.

Mr. Berkowitz and Mr. Willans were present via Zoom session.

CORRESPONDENCE

Correspondence received from Garofalo & O'Neill dated October 19, 2022 to withdraw Application 21:66 without prejudice.

RESOLUTIONS

Application 21.63, Chick-fil-A, 1180 Route 46, Block: 715 Lot: 11.1 Zone: B-2
Preliminary and Final Site Plan 'C'/'D' Variance for a restaurant with drive through lanes.

Discussion regarding the Chick-fil-A grand opening resulted in an amendment of the resolution to change policed traffic control from the first 30 days to the first 60 days; with further discussion beyond that time should traffic remain an issue.

Mr. Reddy make a motion to approve the resolution; second by Mr. Joskowitz.

Resolution approved.

Application 22:42, 11 Waterview Blvd. LLC, 11 Waterview Boulevard., Block: 421.4 Lot: 4
Zone: POD, 'C' Variance to install wall signs.

Mr. Reddy make a motion to approve the resolution; second by Mr. Joskowitz.
Resolution approved.

AGENDA

Application 21:82, Asad Rizvi, 80 Hawkins Avenue, Block: 3716 Lot: 20 Zone: R-3
'C' Variance to construct a carport addition and open deck with stairs contrary to Sec 430-35 Cols. 5, 10 & 13 and Sec. 430-10 I.

Carried from June 8, 2022.

Application carried to February 8, 2023 with all required extensions through February 28, 2023 and with notice.

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

Approved by all.

Application 22:31, Sebastian Parco, 20 Arnold Drive, Block: 698 Lot: 67 Zone: R-3
'C' Variance to install a 6 ft. high solid fence contrary to Sec. 430-11. A. & B

Property owner, Sebastian Parco, was sworn by the Board Attorney and testified that he would like to install a 6 ft. solid fence for the privacy for his family. The property is a corner lot located near the rear of Shoprite, which tends to have police activity. The 6 ft. fence will be installed on the Alba Place portion of his property, which is a dead end, and would be set back five to six feet. The applicant agreed to a 5 ft. solid fence with 1 ft. lattice with plantings outside the fence line.

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

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

Nick Homiyak about planting.

Ms. Snyder made a recommendation to approve the application.

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

Approved by all.

Application 22:39, Calixtus Antony, 6 Upper Rainbow Trail, Block: 117 Lot: 6 Zone: R-3
'C' Variance to construct a new two-story, single-family dwelling; proposed second story deck; necessary retaining walls; existing first story deck to remain; existing dock to

remain contrary to Sec. 430-35 Cols. 2, 3, 4, 5, 6, 7, 8, 9, 10 & 13; Sec. 430-10 I.; Sec. 430-11. A.

Property owner, Calixtus Antony and Licensed Architect Joseph Bruno were sworn by the Board attorney.

Mr. Bruno presented Exhibit A-1, Photos of Existing Conditions.

The applicant testified that the odd shaped property is undersized and although he is building a new single-family dwelling, the existing deck will remain, but be reduced in size.

The new home will allow for garage parking of two cars, front to back; a playroom for the children; a utility room and two bedrooms. The height will be 25.7 ft with a total of two-stories. As a condition of the resolution, there will be no driveway parking due to the length of the driveway and the applicant will work with the Township Engineer regarding any grading and drainage issues.

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

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

Mr. Joskowitz made a motion to approve the application; subject to working with the Township Engineer regarding water runoff; second by Mr. Reddy.

Approved by all.

Application 21:66, C.A.C. Management, LLC, 5 Georgene Court, Block: 365 Lot: 9
Zone: R-4, 'D' Variance to legalize a two-family home.

Carried from July 13, 2022

Application withdrawn.

Application 19:21, Pacific Outdoor Advertising, 299 Littleton Road, Block: 395 Lot: 1 Zone:
B-2 Preliminary and Final Major Site Plan w/'C'/'D' Variance to construct a billboard.

Carried from May 18, 2022

Attorney, Joseph O'Neill, was present for the continuation of an application to construct a billboard.

Mr. O'Neill noted that he had no further witnesses.

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

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

Amanda Lowenstein, 320 Littleton Road, sworn by the Board Attorney, spoke in opposition of the application.

Glenn Ceponis, NJ Historic Trust, Woodberry NJ, sworn by the Board Attorney, spoke in opposition of the application.

Objector Attorney, Phillip Rosenbach, presented Exhibit O-1, NJ Historic Trust Historic Preservation and Conservation Easement. Passages of the easement were read for the Board.

Nancy Brighton, 24 Maplewood Drive, sworn by the Board Attorney, spoke in opposition of the application.

Randy Tortorello, 180 Flemington Drive, sworn by the Board Attorney, spoke in opposition of the application.

Betty Wyka, 1 Bennet Court, sworn by the Board Attorney, spoke in opposition of the application.

Mark Peterson, 26 Old Parsippany Road, sworn by the Board Attorney, spoke in opposition of the application.

Nick Homyak, 26 Oneida Avenue, sworn by the Board Attorney, spoke in opposition of the application.

Randolph Glowacki, 23 Westminster Drive, sworn by the Board Attorney, spoke in opposition of the application.

Dirane Patel, 281 Littleton Road, sworn by the Board Attorney, spoke in opposition of the application.

Tim Kelly, 3 Noble Street, sworn by the Board Attorney, spoke in opposition of the application.

Evelyn Jacobson, 9 Princess Street, sworn by the Board Attorney, spoke in opposition of the application.

Opposition Attorney, Rosenbach, called witness, Julia Peterson, 25 Old Parsippany Road, who spoke in opposition of the application.

Exhibit O-2, Pictures of the subject site from the Livingston Benedict Historic Site and from Powdermill Towing, were presented and described.

Witness, Donna Holenquist, Licensed Professional Planner, was sworn by the Board Attorney and presented Exhibit O-4, Zoning District Map.

Exhibit O-5, Aerial View of the subject property and historic lots.

Exhibit O-6, Aerial of subject property and historic lots.

Exhibit O-7, Aerial of subject property and surrounding area with zones that allow billboards.

The witness presented the positive and negative criteria.

Mr. O'Neill questioned the witness then summed his case.

The Board went into conference to speak of their reason to approve or deny the application.

Mr. Joskowitz made a motion to deny the application; second by Ms. Snyder.

Denied by all.

Motion to adjourn.