

**MEETING OF THE TOWNSHIP OF  
PARSIPPANY-TROY HILLS BOARD OF ADJUSTMENT  
WEDNESDAY, AUGUST 9, 2023 at 7:30 P.M.**

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

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

Absent: Ms. Snyder, Mr. Willans

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.

**RESOLUTIONS**

**AGENDA**

Application 21:71, Puddingstone Developers; 47, 53, 48 Beverly Street, Block: 7 Lots: 45.09, 45.10, 45.11 Zone: R-1; 'C' Variance for steep slope disturbance and walls.

**For announcement of hearing date and location.**

Mr. Reddy made a motion to carry the application to September 27, 2023 without further notice and with all necessary extensions, second by Mr. Berkowitz.

Approved.

Application 23:14, Ryan Kelly, 85 Upper Rainbow Trail, Block: 116 Lot: 5 Zone: R-3  
'C' Variance to legalize a 6 ft. high, solid stockade fence contrary to Sec. 430-11. A & B.

Property owner, Ryan Kelly and Georgia Stefos, were sworn by the Board Attorney and presented Exhibit A-1, Seven Photos of the property.

Mr. Ryan did not realize permits were needed and constructed the fence, installing it at a height to high. The property is a corner lot with vegetation which buffers the fence.

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

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

The Board went into conference to discuss reasons to approve or deny the application.

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

Approved by all.

Application 23:26, Maura Mick, 6 Absecon Road, Block: 366 Lot: 2 Zone: R-4  
'D' Variance to operate an art school within a residential property.

Attorney, Fredrick Zelley, was present on behalf of the applicant to request a Use Variance to continue to operate an art school out of her home, which she has been doing for approximately 14 years.

Witness, Maura Mick, was sworn by the Board Attorney and testified that she has lived at the subject site for 21 years. She is an art educator who teaches students from 8 years old to 90. No signage exists, but she does have a website for advertisement. She currently teaches 4 classes per week, one on Friday and three on Saturday. The three classes are for students from 8 to 18, eight students each, and last one hour. Saturday classes are for adults and are two hours long.

Parents drop off students and adult students park in the driveway. The additional driveway had been made of gravel but five years ago had been paved.

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

Witness, Kendra Lelie, Licensed Professional Planner, was sworn by the Board Attorney and testified to the positive and negative criteria.

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

Application carried to December 6, 2023 without further notice and with all extensions.

Application 23:08, Dunkin, 430 North Beverwyck Road, Block: 481 Lots: 32 Zone: B-3  
Site Plan w/D Variance for a Dunkin Donuts and convenience store with drive-thru.

Attorney, Joseph O'Neill, of Garofalo & O'Neil was present on behalf of the applicant to repurpose a former drive-thru bank into a drive-thru Dunkin Donuts.

Witness, Mr. Santos, Business owner of the Dunkin next door to subject lot, was sworn by the Board Attorney and testified that the building would be a combination of a Dunkin and a convenience store. Hours of operation will be 5:00 am-10:00 pm with 5-6 employees during the morning rush. Donuts are shipped to the location and brought in overnight. Lights are turned off an hour after the close of business and turned on at 4:00 am. A trash enclosure will be located to the left rear of the property and will be picked up twice per week with recycling once a week. Landscaping will be modified to the right and rear of the building and the existing drive thru canopy will be removed.

The applicant will comply with the conditions of the Fire Districts memo.

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

Witness, John Corak, Professional Traffic Engineer, was sworn by the Board Attorney and presented Exhibit A-1, Aerial of the subject lot and surrounding area.

The site plan was displayed to describe the buffer, types of drive thru lanes and circulation. Stormwater will be captured in the inlets in the road. The existing building and impervious are compliant and will remain so.

One EV space is proposed.

The applicant agreed to comply with the review of the Board Engineer.

The drive thru que will hold 12-16 vehicles.

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

Witness, Michel Elkin, Licensed Professional Architect, was sworn by the Board Attorney and displayed the floor plan designed which was described to the Board.

Exhibit A-2, Elevations & Signage illustrated a proposed glass store front, wall and monument signs.

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

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

Exhibit A-3, 4 Pages of Aerial Drone views of the subject site and surrounding area to illustrate the heavy buffering surrounding the property.

A revised landscaping plan will be submitted.

The positive and negative criteria were presented, the need for variances were defined.

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

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

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

Approved.

Application 23:09, Dunkin, 199-239 Littleton Road, Block: 393.01 Lots: 1 Zone: B-2  
Site Plan w/D Variance for a Dunkin Donuts and convenience store with drive-thru.

The Board took a five-minute break then reconvened.

Attorney, Joseph O'Neill, of Garofalo & O'Neil was present on behalf of the applicant to repurpose a former drive-thru bank into a drive-thru Dunkin Donuts.

Witness, Mr. Santo, Owner Operator, was sworn by the Board Attorney and testified that existing Dunkin is larger however, the new space has a rear door that allows for deliveries and for baking muffins and scones on site.

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

Witness, John Corak, Professional Traffic Engineer, was sworn by the Board Attorney and presented Exhibit A-1, Amended Site Plan, was presented.

A landscaped island is proposed for drive thru ordering and those who use the Dunkin app.

The County comments will be met.

Parking is proposed for customers who have to wait for their food to be brought out.

The applicant will comply with the comments of the Board Engineer.

11-12 cars can fit in the drive thru que.

Deliveries will be made overnight. Hours of operation will be 4:00 am to 10:00 pm.

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

Witness, John McDonough, Licensed Professional Planner, was sworn by the Board Attorney and presented Exhibit A-2, 4 Pages of aerial Drone Views of the subject site which was described for the Board.

The positive and negative criteria were presented. Variances were review.

Chairman Iracane opened the floor to the public to ask questions 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 Mr. Reddy.

Approved by all.

Motion to adjourn.