

**MINUTES OF THE PARSIPPANY – TROY HILLS  
PLANNING BOARD – REGULAR MEETING  
MONDAY SEPTEMBER 17, 2007**

Chairman Parikh called the Regular Planning Board Meeting of Monday September 17, 2007 to order at 7:32 PM.

Members Present: Ms. Baldwin, Ms. Banks, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Ms. Elbin, Councilwoman Grossi, Mr. Keller, Chairman Parikh.

Also Present: Mr. Pucilowski, Township Engineer  
Mr. Snieckus, Burgis Associates  
Mr. John J. Montefusco, Planning Board Attorney

Absent: Mayor Luther, Mr. Purzycki

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".

The meeting was opened to the public on any issue not on the agenda. There was no one in the public wishing to speak.

Ms. Baldwin made a motion to approve the minutes of the Minor Site Plan and Subdivision Committee meeting of May 21, 2007. Motion seconded by Ms. Bronfman. Ayes: Ms. Baldwin, Ms. Banks, Ms. Bronfman, Mr. Burns.

Ms. Baldwin made a motion to approve the minutes of the Planning Board meeting of May 21, 2007. Motion seconded by Ms. Banks. Ayes: Ms. Baldwin, Ms. Banks, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilwoman Grossi, Chairman Parikh.

Under correspondence there is a letter from Christopher Quinn of Day Pitney requesting an amended resolution for UPS, Application #07:502/07:2 to allow work outside the transition prior to receiving DEP permits. Glenn Geiger was present representing UPS. He said they are now not asking for an amendment for a phasing plan. They are trying to get permits prior to their holiday rush. They will have to do shuttling of employees.

He asked the Board to consider being carried to October 15 with no further notice (they did notice for tonight) because they got feedback from DEP that they want a water quality swale in the middle of the lot which will mean revised plans. They may lose some parking places with the changes. He said they will complete their re-striping so all trailers will be on site.

Chairman Parikh carries the application to October 15, 2007 with no further notice.

The first case on the agenda is **Jayant Shah**, Block: 757 Lot: 61.11, 28 Phillip Drive, Major Soil Moving Permit. Mr. Shah is still under oath. Chairman Parikh asked Mr. Shah if he had the report from the Township Engineer dated June 29, 2007. Mr. Pucilowski said that the plan submitted is acceptable and based on that plan they have calculated the fees and inspection requirements. There is less than 5000 sq. ft. of disturbance so Morris County Soil is not required. Mr. Shah said he got a permit from Morris County Soil.

Chairman Parikh reviewed the fees and Mr. Shah said he understands and agrees. Item #10 regarding grade stakes will be done per Mr. Shah. Ms. Grossi asked about the landscaping. Mr. Snieckus explained that the tree replacement is up to the Forestry Department and they will follow up on their requirements. The concerns of the neighbors about drainage have been addressed in the plans.

Ms. Baldwin asked about the hours of operation. Chairman Parikh said they will be 9:00am to 3:00 pm Monday to Friday and the roads must be cleaned when work is done. The route will be South Beverwyck Road.

Mr. Keller asked about the total number of cubic yards. Mr. Pucilowski said based on the drawings submitted by Mr. Spillane the number of additional yards is 944 in addition to the 1200 already deposited. He said the only to verify the amount is to have an as-built done. The engineering office will go out to inspect and that is the reason for the grade stakes. Mr. Pucilowski said he has inspectors and the neighbors who he is sure will advise if they see something odd going on. There is no guaranty that Mr. Shah won't come back in the future with an additional request. Anyone has the right to do that.

Mr. Snieckus said that a fence should be put in to delineate the limits of disturbance and that should be coordinated with the Township Forester. Mr. Shah says he has a contractor who will coordinate with the Engineering Department and the Forester. There were no further questions.

Ms. Baldwin made a motion to recommend to the Township Council approval of the Major Soil Moving Permit for Jayant Shah, Block: 757 Lot: 61.11 28 Phillip Drive subject to the reports of the Township Engineer dated June 29, 2007 and the Township Forester dated June 12, 2007 and all previous reports. In addition subject to the hours of operation being 9:00am to 3:00pm and all roads on the route being cleaned when work is complete. Motion seconded by Mr. Keller. Ayes: Ms. Baldwin, Ms. Banks, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Ms. Elbin, Councilwoman Grossi, Mr. Keller, Chairman Parikh.

The next case is **Dun & Bradstreet**, Block: 202 Lot: 4.02. 3 Sylvan Way, Minor Site Plan / "C" Variance, Application #07:511. Raymond Zierak is representing the applicant.

Reports for the record:

Burgis Associates dated August 16, 2007

Township Engineer dated August 28, 2007

Fire District #6 dated August 2 and May 18, 2008

Mr. Zierak explained that this application is for a smoking shelter at the rear of the building at 3 Sylvan Way. There is a variance required for an increase in impervious coverage of one one-thousandth percent. Paul Newman the architect was sworn in and qualified.

Mr. Newman described the plan. Chairman Parikh asked to go over the completeness comments. Mr. Zierak said all of the items mentioned will be incorporated in revised plans.

Mr. Newman described the project. # Sylvan is part of a three building complex. The front of the building faces Sylvan Way and the rear is parking that faces the parking lot of another building. Dun & Bradstreet owns the building. The applicant proposes to erect an exterior smoking shelter in the rear of the building. This will keep people from being by the rear entrance. This is the primary entrance for employees.

**Exhibit A-1** is a revised plan and **Exhibit A-2** is a set of five photographs of views of the rear of the building. The size of the shelter is 12 '9" by seven feet. The pad is actually smaller and the walls sit in a bit. This will be a high-end attractive unit. It is all glass with no signage. **Exhibit A-3** is a catalogue picture of the type of shelter they will build.

There are two reasons for the shelter, one to keep people from congregating at the rear entrance and the get rid of the second hand smoke others have to walk through. They looked at several other locations on the site and this is the best. There is no heat or light or benches in the unit. The plan is not to be comfortable but for a cigarette. There is a roof for bad weather.

They will landscape the shelter which is going in a lawn area to reduce the impact. There is no way to reduce the impervious coverage to avoid the variance. The site is basically parking lot, building and walk-way so there is nothing that can be removed. There is enough ambient lighting and bollard lights on the sidewalk. There is a full time security person at all times and cameras on the lot. There will be ash trays in the unit.

The site is presently at 74.9 percent coverage which will not change without adding decimal points. Regarding the C-2 variance Mr. Newman said the impact is very low and the structure will benefit the non-smokers at the site. Mr. Snieckus confirmed that this is an accessory structure with a height of 8 feet 5 inches so it conforms at all codes regarding size and set-backs.

Ms. Elbin asked if anything could be done to protect birds from flying into it. Mr. Newman said there are metal elements holding the glass which will help. Mr. Elbin asked if they could do some frosting of the glass. It is made of shatter proof glass. Mr. Newman said reflective glass seems to cause more problems for birds than clear glass. Mr. Newman said they could do some frosting on the glass.

On the Burgis report completeness items they have done or will do most of the items requested. The total area will be 89.25 square feet. It will not be lighted or have any signage.

There were no questions from the board or the public. Ms. Baldwin made a motion to approve the Minor Site Plan and "C" Variance for Dun & Bradstreet, Block: 202 Lot: 4.02, 3 Sylvan Way, Application #07:511 subject to the reports of Burgis Associates dated August 16, 2007, Township Engineer dated August 28, 2007 and Fire District #6 dated August and May 18, 2007. Also subject to the addition of a frosted line or marking to interrupt the clear glass of the structure. Motion seconded by Mr. Keller. Ayes: Ms. Baldwin, Ms. Banks, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Ms. Elbin, Councilwoman Grossi, Mr. Keller, Chairman Parikh.

The meeting was adjourned at 8:15 PM.