TOWNSHIP OF PARSIPPANY-TROY HILLS
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING FROM JANUARY 5TH, 2011

The meeting of the Board of Adjustment commenced at 7:35 P.M.The following members were present: Mr. Berkowitz, Ms. Gragnani, Mr. Iracane. Ms. Jennrich, Mr. Kelley, Mr. Kimmey, Ms. Schindel.ABSENT: Mr. Dickens, Mr. Pathak..

The Board was represented by Counsel:	*George W. Johnson, Esq.*
The Board's Planner was present:	*John T. Chadwick, IV*
The Board's Engineer was present:	*Gordon Meth*
Zoning Officer:	*Jennifer Collins – absent-*

The Chairman read into record the Open Public Meetings Act in accordance with NJSA 10:4-6 ET. SEQ.

The Pledge of Allegiance was recited.

The Board held its re-organization for this new year.

Board Member Loretta Gragnani was acting temporary Chairperson.

Board Members Robert Iracane, Christel Schindel and Brian Kelley were re-appointed and Oath of Office was administered by George W. Johnson.. Mr. Dickens was absent and he will be sworn in at next Board meeting, Jan. 19th, 2011.

George Kimmey nominated Robert Iracane for Chairman. Second by Mr. Kellley, ;with all in favor.

Bernard Berkowitz nominated Michele Jennrich for Vice-Chair. Second by Mr. Kimmey with all in favor.

Loretta Gragnani nominated George Johnson to serve as Board's attorney. Second by Mr. Iracane, with all in favor.

Michele Jennrich nominated John Chadwick, IV to serve as Board's planner. Second Mr. Kimmey, with all in favor.

Michele Jennrich nominated Gordon Meth to serve as Board's engineer. Second by Mr. Berkowitz, with all in favor.

With the re-organization completed, Chairman Iracane commenced with the Agenda.

The Board adopted the following resolutions:
Case # 10:22/23 – Pavillion Properties – Denied

Case # 10:55 – Church of Living Grace – Approved.
Case #10:65 Frank Mazzara – Approved.

The Board approved minutes from the following meetings:
November 3rd, 2010
November 17th, 2010
December 1st, 2010
December 8th 23010
December 15th 2010.

The Board was in receipt of a letter from Ray Webb requesting that his application be carried until he receives a ruling from Superior Court.

The Board was in receipt of a letter from Allen Hantman, Esq. representing objectors to Ray Webb's application and is asking the Board to dismiss his application for failure to prosecute.

Mr.Johnson will reply to both parties and will copy the Board.

The Board heard application #10:69 in behalf of Mr. and Mrs. Robert Steere, property affected is located at 3 Pleasant Terrace,lying in tax block 446, tax lot 11 in the R-3 zoning district. Applicants are seeking bulk variance relief to construct an addition, deck, ramps and a staircase that would dimimimously increase building coverage. Applicants appeared and testified in their own behalf. No interested parties were present. Mr. Steere stated that his mother as well as his wife's mother are in very poor health. They would like to provide wheelchair access as well as a larger bathroom for their parents with better accessibility to the outside for when they visit. Their existing building coverage is at 12.13% and would be increased to 15.52% where 15% is the maximum allowable. These minor improvements will provide a more comfortable lifestyle for their extended families. Statement from Mr. Kimmey: he believes this is a very worthwhile application that will provide comfortable care, it is diminimous in its request and ;will recommend approval. Motion to grant moved by Ms. Jennrich, second, Ms. Schindel, with all in favor.

The Board heard application # 10:70 in behalf of Mr. and Mrs.S. Schaefer, property affected is located at 96 Moraine Rd. lying in tax block 169, tax lot 2 in the R-3 zoning district. Mr. and Mrs. Schaefer appeared and testified in their own behalf. No interested parties were present. The owners are proposing to construct a 26'x26' addition with a 1199 sq. ft. driveway. There will be no encroachment into the rear yard.They have an existing driveway that will be removed and replace with the new driveway. The addition will have a two car garage on the lower level and living area above. The proposed driveway is 1' from the property line whereas 5 feet is required. The Applicants, after discussion with the Board agreed to remove 4' of the new driveway which would then eliminate a variance and will comply with setback requirements. The Applicants stated that the property where the rear yard setback is sought is adjacent to a commercial building and would not be in conflict with that use. Statement from Mr. Berkowitz why

this should be granted. He believes that the applicants are improving the site, that family needs are important, and that one variance will be eliminated. Motion to grant moved by Ms. Gragnani, second, Mr. Kimmey, with all in favor.

The Board heard application # 10:71 in behalf of Ray Gomez, property affected is located at 185 Hawkins Ave. lying in tax block 715, tax lot 2 in the R-3 zoning district. Mr. Gomez appeared and testified in his own behalf. No interested parties were present. Mr.Gomez wishes to constrct a two car garage with a new driveway that will increase impervious coverage and would exceed the maximum permitted height of 15' to 17'. Mr. Gomez testified that he does not have a garage and needs the added height of two feet for storage. There will soon be three drives with his teenage daughter driving, therefore the need for a wider driveway. He has an existing undersized lot of 12,000 sq. ft. where 15,000 sq. ft. is the minimum required for this zone. The new garage will be 24' x 24'. There is an existing driveway that will be moved and will be "grassed over". Proposed impervious coverage will be 30.98% whereas 30% is the maximum allowable and building coverage for garage and deck will be 19.03% whereas 19% is maximum. .Statement from Mr. Berkowitz why this should be granted: he believes this is a good application, he is making good use of the property and will vote to grant. Motion to approve moved by Mr.Kimmey, second, Mr. Kelley, with all in favor.

The Board heard application #10:44 in behalf of Danny Realty, LLC, property affected is located at 25 Rt. 46 East, lying in tax block 770, tax lot 1 in the B-2 zoning district. Applicants are seeking conditional use approval with site plan to replace a prior gas station (closed for many years) with a new, upgraded station and add a 711 convenience store. The Applicant was represented by Counsel,Louis Rago, engineer John Palus,from Dynamic Emgineering, Elizabeth Dolan, traffic engineer, A. Shah, architect and Allison Coffin, professional planner. No interested parties were present. This is a proposal to rehabilitate an existing property on a site that has been abandoned for several years. The proposed 711 store would be approximately 2000 sq. ft. much smaller than their prototype.14 parking spaces are proposed, this does not include 12 provisional spaces created by the pumps. There will be a 10'x20'trash enclosure, there will be 6 dispensers at the north side of the property, one one diesel dispenser at the west side.Wetlands have been delineated, a LOI has been obtained, existing impervious coverage is at 60.6% and will remain as such. 90% is allowed. All existing vegetation is to remain and will not be disturbed. Added landscaping will be installed,however it is agreed that it will be seasonal plantings.. There will be all new shoebox lighting fixtures total of 18 energy efficient.Proposed signage will include one free standing sign at the northwest corner of property, 120 sq. ft.30' high, with a a5' setback and 10' under clearance. This will not be flashing, nor blinking, it will be changed once per day.There is an existing pylon sign that will be removed. A sign above the entry door is proposed. No other signage at front of building other than a small ATM sign on the left side of the building's window. No outside displays are proposed, such as oil, waters, etc. No propone will be sold. The building will be lit internally.A "Shell" logo depicted on the canopy is to be removed at the request of the Board and the applicants have consented. In addition, a wall sign that

is proposed for the west side wall facing New Road will be reduced in size from 23 sq. ft. to ;9 sq. ft. and will only display the logo "711" with its color coded panels. There will not be any cooking, no counter space for eating, no sit down area. As to egress, it is proposed to maintain the existing driveway.

The Board went into conference, moved by Mr. Kimmey, second Ms. Gragnani. Comments from Ms. Gragnani: although she had concerns regarding this site, she is satisfied that this ;will be an improvement over what is existing and with what the applicants have agreed to and will vote to grant. Comments from Ms.Jennrich:originally she did not like this application, but appreciates the changes the applicant has agreed to, that deliveries can be controlled, that supplies can be delivered off peak, and that the applicants have made their best effort to improve the site and she will vote to grant. Comments from Mr. Kimmey: he believes this is a good application, it will be an improvement to the area and he appreciates the cooperation the applicants have consented to and he will vote to grant. Comments from Mr. Berkowitz: he is in full agreement with his colleagues and notes that DOT approval has been granted for the site and he will vote to approve. Comment from Mr. Kelley: he believes this is a good application, it is a difficult property and he will vote to approve. Comments from Ms. Schindel: she believes that this is a very good application and agrees with her colleagues and will vote to approve. Comments from Mr.Iracane: he believes this to be a very good presentation for a project that is in a terrible location. The applicants have done a very fine job and he will vote to grant. Motion moved to go out of conference made by Ms. Jennrich second Ms. Gragnani with all in favor. Motion moved by Mr. Berkowitz instructing our attorney to draft a resolution of approval incorporating all changes outlined at the hearing.

With no other business to come before this Board, this meeting was adjourned at 10:15PM.

Respectfully submitted,
Harriet Jacobs, Board of Adjustment.