

**MINUTES OF THE PARSIPPANY – TROY HILLS
PLANNING BOARD –MEETING
MONDAY MAY 16, 2011**

Chairman Parikh called the Planning Board Meeting of Monday May 16, 2011 to order at 7:33 PM.

Members Present: Mayor Barberio, Ms. Bronfman, Ms. Collins, Councilman dePierro (arrived at 8:35), Mr. Dinsmore, Mr. Keller, Mr. Mele, Mr. Purzycki, Mr. Shah, Chairman Parikh

Also Present: Anne Marie Rizzuto, Planning Board Attorney
Edward Snieckus, Burgis Associates
Bryan Vandergeyhnst, The RBA Group

Absent: Mr. Burns

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 anything not on the agenda. There was no one in the public wishing to speak.

There is only one item on the agenda, a continuation of an area in need of rehabilitation Block: 393 Lot: 1, 272 ParsIPPany Rd. Ann F. Grossi representing applicant.

Chairman Parikh told the public we will have a review of last meeting when the applicant explained what he wanted. The case was carried so members could visit the site and to get more photos simulations from other areas including Colonial Heights (to the east) to see the impact there.

Mr. Snieckus summarized. There is no application yet. We have an area in need of rehabilitation designated by Council on January 11, 2011, and now the Planning Board is considering an over-lay zone. The criteria is for a recommendation to the council for what the zoning there should be. Mr. Snieckus did a report dated March 31, 2011 of options and current conditions of area. Also covered was density, height, set-backs, coverage etc.

Ms. Rizzuto said it is a referral from the governing body to consider criteria for this area in need of rehabilitation. Tonight is a hearing by the board to consider the criteria. The current zone is B-3, so it has that and the board will consider other criteria. The recommendation goes to the council, who has a public hearing to adopt those criteria as an ordinance.

The Township has a new website that allows e-mail. We received a letter from Hank Heller in favor of the proposal. He asked the letter to be read, it will not, but it will be in the file if anyone wants to review it. In a normal application the reading of a letter would not be allowed but this is not a normal case.

Ann Grossi, for Cerbone/Prisco, property owners called Mr. Prisco. Mr. Prisco is still under oath. Exhibit A-2 was presented last meeting. Mr. Snieckus was present at the balloon test and agreed the balloons were at the right height. He did not review the technique used for the simulation. Mr. Prisco referred to exhibit A-3 showing the sight line.

New Exhibit A-5 is a photo showing where the photos were taken from, at Alexander Road and one at Barnsboro Road. Exhibit A-6 dated 5-16-11 is two photo simulations taken from Parsippany Rd. One is from Alexander by Wells Fargo where you can see a floor and half over the bank building. From Barnsboro you can see very little of the condo building. The photo shows the existing trees and those that would be installed. Mr. Dinsmore asked where the bottom of the building will be. That is 16 feet down. He asked is the rear of the building the base point, so the building is 62 feet from back but really 46 feet from ground in front. It shows existing trees and those that would be installed.

Exhibit A-7 dated 5-16-11 shows where the next photos were taken in Colonial Heights. Exhibit A-8 is photo simulation from Colonial Heights. Mr. Dinsmore asked if the existing trees are on the neighbor's property. Mayor Barberio asked if there are any photo simulations from Alexander Rd, Mr. Prisco said there are no pictures from there. On the Burgis report aerial picture Mr. Prisco showed the dwellings on Alexander. Mr. Snieckus questioned the distance to the property line. It is about 100-110 feet, property line to property line.

Mr. Keller asked about the photos from Parsippany Rd., the trees are on whose lot? Mr. Prisco, they are on the Wells Fargo lot.

Ms. Grossi noted that the public was not here last meeting. There is a lot of mis-information she would like to have their Planner give a quick overview. John McDonough gave the review. Last time they gave photos of the site and neighboring area. They want to turn area around and create a catalyst for the area. Parsippany is great place to live. A mixed use component will allow the residential to support the business on Parsippany Rd. and the commercial use provides a ratable. This development will attract professionals, not families.

Mayor Barberio spoke about the flyers that were distributed. One call to his office said they were told this will be all low income. Mr. McDonough said it will be owner occupied with a 10% set-aside for low income. The rest will be high end housing. The site is under

utilized and underdeveloped. The applicant has done a number of studies to show there will be no negative impact.

This is not a garden apartment on more levels, not a plan for all of Parsippany Rd. Residential development would generate 330 trips per weekday and 405 on Saturdays. The bank would generate 370 trips on weekdays and 215 on Saturdays. If the lot is developed for retail it could generate 2000 trips on weekdays and 2800 on Saturdays. Those numbers are from the Burgis review. The school population estimate is based on standard multipliers from a study by Rutgers and would be 4.3 children. Breakdown of the units is 28 one bedroom, 17 two bedroom, 5 affordable units at 1- one bedroom, 3- two bedroom and 1 three bedroom.

There was an analysis of the tax impact. With 45 market rate units the value would be \$13.5 million plus the 5 affordable for a total of \$14 million. Taxes would be \$266,000 based on that estimate. Per child cost for school is \$14,000 or \$70,000 so there would be a surplus of about \$100,000 for the schools. A commercial development would add about \$20,000 in ratables.

Mr. Purzycki spoke about the density. The surrounding apartments are about 24 units per acre. This would be 39 units per acre. Mr. McDonough noted it would be marketed to professionals and empty nesters. Amenities include energy efficiency, a fitness center and a media lounge for residents. It would not be the highest building in Parsippany. Brookside Gardens is similarly located with an apartment complex directly across the street, so the properties abut. Mr. Purzycki said he was not asking about the entire town but the community of Lake Parsippany for comparisons. Brookside has 192 units and 96 parking spaces. On density one question planners ask is can site accommodate the project and he feels this one can. This plan has 98 parking spaces for the residential portion.

Chairman Parikh asked to review other items the planner brought up including density and height. Mr. Snieckus said dwelling units per acre is how zoning establishes density. The R-5 (apartment) zone allows 12 units per acre. R-3 residential (Alexander Rd.) is 2.9 per acre and R-4 (Lake Parsippany) is 7 per acre. The density proposed is 50 units on 1.27 acres or 39 per acre. Other comparisons – B-3 has a minimum lot of 20,000 square feet. The overlay zone would be for a 50,000 sq. ft. lot. The minimum width complies with B-3 at 100 ft. Minimum front of 50 ft to the commercial, and set a minimum of 200 feet from road to the residential. Side yard, 10 ft. minimum same as B-3, rear yard is 15 feet, which is also the same. Maximum coverage at 25% would be the same. Impervious coverage of 75% would also be the same. Regarding height, 35 feet allowed with 2 stories. Proposed is 5 stories over one of parking and 62 feet high.

Mr. Snieckus also went over other details for an overlay, 10% set-aside for affordable (standards contemplated in legislature) or whatever is dictated. Parking is calculated per the RSIS. Buffers and streetscape considerations would be included too.

Councilman dePierro arrived at 8:35.

Mr. Purzycki spoke about the road between the property and Board of Education building, and is it part of the Township or not. It is a right of way owned and controlled by the Township on Board of Education property and provides access to Colonial Heights. The town can grant access. It could be developed as a public road. Chairman Parikh noted that if it is a road then the property is a corner lot and that is different set-backs. The recommend set back is 25 feet from other road. The overhead picture shows more of road than is there. Mr. McDonough noted that matter is a site plan issue.

No more questions from the Board. Ms. Grossi asked Mr. McDonough if this building will create a prescient. Mr. McDonough said no, a decision is just one lot.

Chairman Parikh opened the hearing to the public. He asked anyone speaking to be concise, not repetitive. Please sign in, state your name and address.

Howard Goldsmith, employee of Colonial Heights came forward. He said they had received no notice, he had just found out about it. Speaking for the owners, they are not against residential use but the height is grossly out of character for the area.

Julia Peterson, 25 Parsippany Road. She said she had looked at zoning which says it is to avoid density, provide open space and to prevent over crowding. Why a six story building? It does not set a precedent per law, but in effect it does. The trees are about 50 feet high and can be seen from the Lake, so how would a 62 foot building not be visible. Other underutilized buildings could go to the council for the same resolution. She said this minimizes the power of the planning board and gives the council power for zoning. This is spot zoning. Luxury will not compensate for no green space, no balconies. Can Parsippany Rd. handle more traffic? WE do not need high rise development at this time.

Robert Peterson 25 Parsippany Road asked several questions. Is the intent of land use to provide developers a way to profit or to repair blighted areas? Why is this not a precedent? Why is it not spot zoning. Regarding limits of density, who decides? He said the established characteristic of the area is low rise buildings.

Yvette Maglio, 31 Greenhill Road. Is there any zone that allows six stories and this density? She bought where she did because of the open space. What about run-off. What will the lot coverage be? This development does not belong on Parsippany Rd.

Vincent Schindel, 3 F. X. Downey Court. He is an empty nester who fears having to move because of taxes. He sees this as a way of getting new tax revenue. He lives near

District 5 Fire House, 20 feet away. It towers over his house and provides no tax revenue. There is an old schoolhouse that was supposed to house 2 or 3 trucks for schools that now has 20 trucks. There was a first aid squad there that moved. No tax revenue. Everyone says taxes are high but not in my backyard. He tolerates what is near him; he does not want to move. If it helps tax ratables it should be considered.

Pat Petaccia 182 Hawkins Ave, said she understands what they say but what if they do not get those prices, do they have a back-up plan. Mr. Rizzuto said in an overlay zone we can not require a particular form of ownership. The owner has said it will be condos, but we can not impose that legal requirement. An example is an over age 55 development that has been converted to open market. Taxes are assessed on market value, they have the right to appeal. We do our best but there are no guaranties.

Robert Venezia, 102 Brooklawn Drive does not believe it will be a positive impact. Children could be more or less than the estimated number. The average home value in Parsippany is \$306,000. Mayor Barberio asked where he got his figures on cost to the town. Mayor Barberio said we don't service condos. Mr. Venezia commented they have the same cops, fire, schools etc.

Chairman Parikh asked Mr. Snieckus to explain how they got the estimate of school kids. Rutgers did a study that gave multipliers for different types of units. His estimate was based on that. He also asked the schools how many school age children come out of the 3 apartment groups in the area and was told 1 per 6 units so that would mean 8 students.

Ms. Grossi said services in Mr. Snieckus' report would not impose cost on the Township such as need for new facilities or employees.

Mr. Snieckus gave some responses. The maximum coverage proposed is 25% for building coverage which is permitted. Impervious coverage is proposed at 75% so 25% of the property is open. Municipalities can target areas for rehabilitation based on state statutes. That tool lets you look at several lots, and we determined this one lot meets those criteria which allow overlay zoning. His office gives recommendations based on this specific property based on the unused rear of the lot and underuse of the front of the lot. The Planning Board gets his review and makes a recommendation to the Governing Body. Any recommendation made on this goes to the Council and they have to provide notice. We did advertise the first hearing. Ms. Rizzuto said it is not unusual for a developer to come to a town to ask for this designation. A planner looks at what a developer needs and what meets the overall plan for the town.

Mr. Dinsmore said he has a concern that an overlay area has special status over the rest of the town and zones. He gathers some of the markers for a judgment have to be deemphasized to consider things that in other areas we would say no way. What are the

good planning reasons why this should be in this spot? Mr. Snieckus said under current standards the property has not been developed to its potential. This area is unique, close to retail so residents could walk and access to major roads. We have the ability to look at planning tools like bulk criteria, but what would good planning allow. An overlay is an incentive zoning to achieve some benefits for the greater good. Questions do include impact on the neighborhood.

Nancy Manieri, 109 Hillside Terrace. She is all for re-vitalization but questions the impact in this area. If a family of four moves into a house you can guaranty more will be there. She has an above ground pool and what about her privacy. She said it is a great building, just not for that area.

Bob Crawford, 35 Hidden Glen Drive congratulated the board. He said he has a question on numbers. One argument is more ratables. Heard tax revenue of \$266,000. If the cost per student is \$14,000 which equals \$112,000 then there is \$154,000 left if you use the number of 8 students. If the cost of services is \$5000 per unit then you are at a negative.

John McDonough said the \$266,000 is based on the revenue but 63% goes to the schools. That is \$170,000 to the schools so the schools would see a surplus. The total new population does not rise to the level of needing new town facilities or employees.

Nick Petricca, 49 Alexander Ave. asked about the underdevelopment and is it a negative. Mr. Snieckus said we propose development in a B-3 zone to increase ratables. Mr. Petricca thinks underdevelopment of a lot is not a bad thing. Lake Parsippany is a disaster. Did we discuss drainage etc? Mr. McDonough commented that hat is for site plan. The lot slopes toward Rt. 287. There is the Board of Education and the road; it is used by busses, town vehicles so he feels it is a road. There is no public transportation there; there is no train or bus so everything will mean a car. This concept may work in Morristown but not here. Traffic is a problem. Making a left out of Greenhill is very difficult. All kids have to be bused to schools because it is dangerous. The undeveloped lot has many trees. We are Tree City. How many trees will be lost? Doing away with the buffer for Colonial Heights and their pool is bad. He thinks \$300,000 for condos is ridiculous. How can you compare owner occupied condo with garden apartment for number of kids?

Annalise Catanzaro, 67 Midvale Ave. What is the decision the Board makes. The Board is making a recommendation to the Council. They can adopt it, change it, send it back what ever. A development application is handled however any other would be handled. A redevelopment plan is often a much larger area, but it can be this size. Councilman dePierro noted we have a redevelopment area on Rt. 46. How many other areas would meet the criteria to be in need of rehabilitation? That study has not been done per Chairman Parikh. Every case is judged individually. Are there examples of another area in Parsippany that is a catalyst for more improvements? Mr. McDonough said they have

hit the standards to be declared in need. Many towns use a scattered site redevelopment plan where areas are designated as being in need. He said they are not trying to create a Morristown Green type area, or create a mid-rise district.

No further public. Take five minute break. Councilman dePierro asked if he can vote tonight since he arrived late.

Reconvene 10:03 Roll Call: Mayor Barberio, Ms. Bronfman, Ms. Collins, Councilman dePierro, Mr. Dinsmore, Mr. Keller, Mr. Mele, Mr. Purzycki, Mr. Shah, Chairman Parikh. Also present; Mr. Snieckus, Ms. Rizzuto, Mr. Vandergeyhnst.

Chairman Parikh said traffic is a major concern on Parsippany Road. There is only one light at Allentown Road. He asked Mr. McDonough to address those issues. He said the traffic of the proposal is 30% of as a zone development would generate. The school age children number is based on the standards. He knows that garden apartments could be different than owned properties. This is a site that is zoned for activity.

Chairman Parikh wants to hear from the board members.

Councilman dePierro asked how many units on each floor. There are 10. If one floor of apartments is eliminated what does that mean. There would be 40 units and 31 per acre density.

Board members. Mr. Purzycki said he feels that this type of development will mushroom. We have nowhere in town with this type of density. He said the building is nice but it does not fit the character of this community of Lake Parsippany. He asked if there is a good number of units and height of the building that would be good for the town. He said sixty two feet is too high and 39 units per acre is too much.

Milin Shah asked if this can set a precedent. Under the law and the rehabilitation law specifically this should not set a precedent. However we know others use other development as a basis for what they want. Legally it does not set any precedent, but everyone knows how people are. Two other concerns, if a developer builds a commercial retail building it will increase the traffic much more than this. His other concern is the height, but the code says 35 feet and if you consider the drop off you are really talking about 16 feet. This is a mixed use area, residential, commercial, retail. The Township needs development to boost rates.

Mayor Barberio said one concern is the flyer handed out by the Petersons. It is not factual. He has lived on Parsippany Rd. There were historical houses taken down. His first priority as mayor was to boost the economy. He looked at areas in town that could be redeveloped. One concern is the height. This is not a low income housing project. There are areas in need of rehabilitation and this is one of them. We need to do

something in Parsippany. We have to become proactive. He will meet with developer to see how we can move forward.

Councilman dePierro still has problem with this being an area in need of rehabilitation. His concerns are height and density. He is not willing to accept a six story high building.

Mr. Dinsmore has a series of problems. There are certain touchstones you look at, buffers, traffic, set-backs, and density. No where has more than 62 feet in height? Density of 39 units per acre is not allowed. Traffic levels have not been addressed. Before he could recommend this to the council issues like height to set-back, traffic, effect on Colonial Heights, density would have to be calculated. It doesn't set a precedent but that does not mean it will not be used.

Ms. Bronfman has lived here over 40 years. She agrees on height and density as what we should be looking at. Parking is an issue. What about parking for visitors?

Mr. Keller said he voted for the in need of rehabilitation designation. He thought the Master Plan would be followed. On the other side of Parsippany Rd we were very careful with buffers, commercial on first floor and residential above. He thought this would be the same. Where does water come from for 50 more units? The 62 feet height bothers him as a firefighter. Ten foot side yard does not give enough room for an aerial apparatus. AS to a precedent, look across Parsippany Rd, there are lots of older buildings that could claim they need rehabilitation. Mr. Cerbone listed many things that make Parsippany a place to move. They are still here, and he does not want to see this in this area be the start of a change.

Mr. Mele thanked all who came out regarding this proposal. Please come out when it is an application. He is keeping an open mind.

Ms. Collins said working in zoning she is happy to see that this is residential, not more commercial when we have so many vacancies. She is concerned with this proposal. WE should talk about what other commercial uses are permitted because the bank may not develop. Wee don't want a restaurant because of parking. She is concerned about height and density. The 10 foot set-back for that tall a building is a problem, it is ok for a 35 foot building. Also density is a concern.

Chairman Parikh said he has been on the Board for 16 years, for 15 years he heard Parsippany is all built out. Now they want to go up. That will be the only alternative, this is only the beginning. He thinks rehabilitation is only spot zoning hiding behind fancy words. When you are talking about incentives how much do you give? This is a B-3 where we will allow B-3 and R-5. R-5 allows 12 units per acre. Proposed is 39 units per acre. He is concerned about how the building looks from Parsippany Rd, but what about Colonial Heights and what about people in the swimming pool. What about their

privacy? He went there and looked, all the trees will go away, and maybe the sun will be blocked. He has heard a lot of applicants, many say what could be, 2000 cars etc. If that was so easy someone would build it. Right now the road is crowded. The tax revenue is a gimmick. When he moved in he paid \$3200 in taxes, now in a different house he pays \$16,000. What happened to all the building and the impact on taxes he heard about?

Chairman Parikh said he does not think the Board should make a decision tonight but come back next meeting to vote. The next meeting is June 6.

Mr. Purzycki asked are we going to ask for more information or just vote on an overlay zone. What we have to decide do we want overlay zone. If we do we should decide on what it should be. The Board will make those two decisions next meeting.

The meeting was adjourned at 10:38.