

**MINUTES OF THE PARSIPPANY – TROY HILLS  
PLANNING BOARD –MEETING  
MONDAY JUNE 6, 2011**

Chairman Parikh called the Planning Board Meeting of Monday June 6, 2011, to order at 7:30 PM.

Members Present: Mayor Barberio, Ms. Bronfman, Mr. Burns, Councilman dePierro, Mr. Dinsmore, Mr. Keller, Mr. Mele, Mr. Purzycki, Mr. Shah, Chairman Parikh

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

Absent: Ms. Collins

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.

The first order of business was a memo from the Township Clerk regarding bonding ordinances #2011:07, 2011:08, 2011:09 and 2011:10. Mr. Keller made a motion to recommend to the Township Council passage of the four ordinances. Motion seconded by Mr. Burns. Ayes: Mayor Barberio, Ms. Bronfman, Mr. Burns, Councilman dePierro, Mr. Dinsmore, Mr. Keller, Mr. Mele, Mr. Purzycki, Chairman Parikh.

The only item on the agenda is Block: 393 Lot: 1, area in need of rehabilitation.

Mr. Burns listened to recording of last meeting as did Councilman dePierro so they can fully participate and vote.

Chairman Parikh said last time we closed the public portion unless there is new testimony from the developer. There was none. He asked for comments from the Board. Councilman dePierro said he had listened with an open mind. When the board recommended this as an area in need of rehabilitation he did not understand all of the ramifications. He will comment after vote.

Mayor Barberio said we need quality properties to keep residential taxes down and to improve Parsippany Rd. This will help keep residential property taxes down and improve our housing stock. Based on those objectives the Council asked the Planning Board to review and recommend if the subject area is in need of rehabilitation. The

Council asked our planner to prepare a report in which he determined that the property is in need of rehabilitation. The council approved that unanimously. Regarding the structure the vision was always upscale condos. Such use follows the policy of upgrading Parsippany Road with high quality attractive buildings which improve our housing stock. We need to reassess our vision to address our growing senior population. But some have questioned the height and traffic, but the decision will be made by governing body with recommendations from the Planning Board. The process has been underway, debate is welcomed and healthy. There should be no effort to turn back the clock. The area qualifies as an area in need of rehabilitation, nothing has changed. The board must determine what they want, but they have to accept responsibility. A decision should be made tonight.

Mr. Dinsmore agrees with the mayor that the site is in need but he has some objections including the traffic generated, height, a type of project that requires neighbors to use their own property as buffers, and he feels no project like that should be approved. Never lose sight of good planning. The proposal is too intense, too high and imposing on the neighbors.

Mr. Purzycki said he does not like the height and the density which will be the highest in town. We should do something with the site, but this is a 1.2 acre site and what is proposed is too intense. The board should also look at other potential uses of the front portion than a bank because if the bank moves out we may get a use that does not have enough parking. The density is too high and the exit is on a non-road.

Chairman Parikh commented the zone was agreed upon by the board as in need of rehabilitation and that is not the discussion. The question is if the particular development is what should be there. We know we have a proposal with a developer asking us to recommend density of 39 dwelling units per acre, 10 foot set-backs on the side leaving problem for fire trucks, and relying on the neighbors or buffering. Tonight the board should come out with recommendations of what type of density and height there should be.

Ms. Bronfman agrees that height is a problem and she feels there is not enough parking for visitors to the residential portion.

Chairman Parikh asked for a motion for recommendations to the council. Mr. Purzycki asked what the motion should be, about height or what. Chairman Parikh said we are not discussing every detail.

Mr. Keller made a motion to deny the current proposal of 5 stories over 1 of parking and a density of 39 units per acre. Mayor Barberio asked Mr. Snieckus to comment on issues like water and traffic. Mr. Snieckus said he understands there is sufficient water based on a 15,000 sq. ft. commercial building. The water usage for residential use is 3 times

higher. He said that sometimes to encourage redevelopment you have to make concessions.

Ms. Rizzuto said the current motion is to deny the current proposal as it is. Yes agrees with denial. The motion was seconded by Mr. Purzycki. Ayes; Mayor Barberio, Ms. Bronfman, Mr. Burns, Mr. Dinsmore, Mr. Keller, Mr. Mele, Mr. Purzycki, Mr. Shah, Chairman Parikh. Abstentions Councilman dePierro.

Chairman Parikh asked for a discussion of height and density that then Board would like to see.

Mr. Dinsmore recommends Mr. Snieckus memo of March 31, 2011 and thinks the board should address this site not as a new garden apartment development but discuss the form (townhouses, etc). He does not want a new wing of the apartments that surround it.

Mr. Snieckus referred to his memo that gives various proposals regarding density on a table on page 3 and on page 2 there is a comparison to the surrounding areas.

Mr. Keller said he agreed with the designation as an area in need of rehabilitation but he never thought the proposal would go this far beyond the master plan. Something more in compliance with height and density would be more what he thought he was accepting when he agreed to the designation. He thinks three stories even over parking because of the slope and then the density would comply with the surrounding area.

Mr. Snieckus said if the board comes to an agreement on height and density he can go back and draft recommendations for bulk requirements.

Mr. Purzycki asked which Mr. Keller was referring to and he said item #3 in the table on page 3 of the March 31 report which is three stories over one of parking. Mr. Purzycki likes alternate number 4 or 2 stories over 1 of garage which with the mixed use is good for the site. Ms. Bronfman agreed three floors over one of parking would be ok with her.

Mr. Dinsmore agrees alternate #3 does not do violence to the master plan. As a neighbor he would like #4 but we also have to consider what would encourage the developer to proceed.

Chairman Parikh said we are talking about an overlay zone in an area of B3 and R5. In R5 we allow 12 units per acre. We are giving incentive to the developer, and he thinks the 3 stories of residential is enough of an incentive which yields a density of 24 units per acre. Because of the slope that height makes sense.

He proposes recommending to the council something specific and the bulk requirements can be worked out later.

Mr. Keller made a motion to recommend alternate #3 from the Burgis report of March 31, 2011 of 3 stories of residential over 1 of parking, height of 42 feet. The motion was seconded by Mr. Burns. Ayes; Mayor Barberio, Ms. Bronfman, Mr. Burns, Councilman dePierro, Mr. Dinsmore, Mr. Keller, Mr. Mele, Mr. Purzycki, Chairman Parikh.

Ms. Rizzuto said we now have parameters of what the Board will recommend to the council but Mr. Snieckus will come back with detailed bulk requirements before the recommendation is sent to the Council. Seven days before the next meeting for the report is OK. Mr. Dinsmore asked if the Board agrees to the mixed use. Chairman Parikh said he has no problem with that. Everyone agreed to the mixed use. The type of mixed use should be looked at to develop a list of the approved uses that could be different than what is allowed in the B3. That will be a part of his report. He will look to what can be a conforming application for parking etc.

Chairman Parikh said whenever the board looks at an area in need we should consider the uses etc. and define what we really want on that site.

The report will be available at the meeting of June 20 which is at 7:30 PM.

Mr. Keller asked how much latitude does the board have on what can be allowed. The board can be very specific or general. The council can follow or change the recommendations.

Councilman dePierro said he did not realize all of the implications of such a designation. He does not like this type of designation in Parsippany. He compliments the mayor on his efforts, but this seems like spot zoning. He guarantees if this is approved we will see many more like it and it will be the death knell of Parsippany as we know it. He does not think it is good for Parsippany. Times may change but he does not want to see Parsippany change. He would ask the Board to rescind the designation and recommend the council do the same.

Ms. Rizzuto reminded the board the fact is that the statute for areas in need of rehabilitation and redevelopment is a long standing process as a legitimate planning tool. If it is one property you could see a claim of spot zoning but often a whole block or area is designated where each property meets certain criteria in redeveloping. There are legitimate reasons for a designation. It is a tool that can help but they do not have to give away the store. There is some incentive but maybe not as much as a developer wants. Councilman dePierro said he wants to close the barn door.

Councilman dePierro asked if he can make a motion to rescind the designation. Chairman Parikh said the designation was made in January. Ms. Rizzuto will research if we can do that. It will be put off to the next meeting. Chairman Parikh said the Special Development area on Rt. 46 is working.

Mayor agreed, he said we will not turn into a Newark. There is no intention to change the character of Parsippany with high rises etc. but this is an area that needs help. He will be proactive in looking for development.

Mr. Dinsmore suggested the normal planning process can take care of many of the issues and the Board of Adjustment can also address these types of issues. If a list of these areas is given to the planner he could come up with recommendations for zoning changes for those areas. That way we will not be surprised by an applicant. The Mayor said that is true but we have to be proactive. He has driven around town looking at areas. It is a tool we can use, but we don't have to.

Mr. Keller said he agrees with the Mayor. This area does need something done. The developer went through a list of what Parsippany offers and we all want to protect it. The Master Plan can address updates and changes.

The meeting was adjourned at 8:25 PM.