

**MINUTES OF THE PARSIPPANY – TROY HILLS
PLANNING BOARD –MEETING
MONDAY JANUARY 25, 2010**

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

Members Present: Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Purzycki, Chairman Parikh

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

Absent: Mayor Barberio

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.

Chairman Parikh said we have a letter from Mayor Barberio re-appointing Edward Corcoran as Class II member for a term ending December 31, 2010.

Ms. Rizzuto gave the oath to Mr. Corcoran and Michael J. dePierro who was absent last meeting as Class III member for a term ending December 31, 2010.

The first case on the agenda is **ParsIPPany Jewelry Center, LLC**, Block: 693 Lot: 16, 176 Route 46, Amend Major Site Plan / "C" Variance, Application # 08:516A / 09:6.

Reports for the record;

Burgis Associates dated December 16, 2009.

Paul Stein represented the applicant. Mr. Stein explained this is an application to amend a site plan approval and a "C" variance for a sign.

Mr. Stein called Steven Koestner who was sworn in and qualified as engineer and planner. Mr. Koestner was here in July for the previous hearing. He went through the completeness items in the Burgis report. Under completeness there are no deed restrictions or covenants on the property. There is a waiver request for a wetlands evaluation as this is a completely developed site. Ms. Bronfman made a motion to grant the waiver, seconded by Ms. Bronfman. Ayes: Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Purzycki, Chairman Parikh.

The variances requested are for the sign. They propose a freestanding sign 10 feet from the property line where 15 is required and the height exceeds the 15 feet allowed. There is also a question about the height of the bottom of the sign.

Mr. Koestner said the factors effecting the sign placement include a curve in the roadway which means the sign is actually 25 feet from the curb and if placed back from the right of way line it would be in the driveway. The bottom height is 7.5 feet where 10 feet is required. This is for better visibility of the text and preventing the sign being wider requiring a size variance.

Exhibit A-1 id Site Plan for Parking and Sign dated 8/24/09. Chairman Parikh noted that the maximum height is violated by two decorative elements on top of the sign that are over 15 feet. Councilman dePierro said that there is also a minimum height which is in place for driver visibility. Mr. Koestner said that since the sign is 25 feet from the curb he thinks there is ample sight distance, cars will not stop that far back before entering the highway.

Ms. Apte asked about moving the sign to the west side of the site. Mr. Koestner said the visibility would be a problem with drivers passing the site before they saw the sign. It would also be closer to the property line and obstruct the neighboring lot now or in the future. On the east side there is an electrical pole where they would place the sign.

Morris Akdemir, applicant was sworn in to explain what is on the site to the east which will not allow the sign being there. Mr. Meth noted there are no poles on the plan. Mr. Koestner said the as-built survey submitted earlier does show the poles.

Mr. Meth said it looks like the sign could be moved 4 feet towards the building leaving a smaller variance. Mr. Koestner said three feet would have it back to the curb. Mr. Meth also asked if the sign could be 6 feet wide, not 8 feet. Mr. Akdemir said they are proposing 8 feet wide and 7.5 feet from the ground. He said the reduction to 6 feet wide would have a bad effect on the visibility. He said they will remove the decorative elements so the sign is no more than 15 feet high but they still want the 7.5 feet from the ground.

Ms. Apte asked if the comment that the sign on the west would be readable late was based on any study. Mr. Koestner said they hope to have all businesses in the building (five tenants) on the sign so the lettering will not fill the sign with one name.

Chairman Parikh noted that if the sign is moved back three feet and reduced to 6 feet in width you achieve the elimination of the variance for the front set-back. Mr. Akdemir argued for the full eight feet in width for visibility.

Councilman dePierro said he has seen many locations with the sign at the far end of the property and if they put the sign there they could keep the full size and width. Mr. Koestner repeated his fear that drivers would miss the building. Ms. Bronfman asked if there wasn't a sign on the building. Mr. Akdemir said there was but they were thinking of the tenants.

Chairman Parikh said there are two choices, move the sign to the west or move it toward the building and make it smaller. Ms. Apte asked about illumination. Mr. Akdemir said there will be external lighting with shielded lights. The sign will conform in colors. Ms. Apte also asked if the existing wall signs comply and Mr. Akdemir said they do.

Mr. Meth said as an engineer he does not have a problem with the 7.5 feet bottom height and does not think it will have a safety factor. Mr. Purzycki asked if the site could be changed to one driveway both ingress and egress. Mr. Koestner said this was a new building with the board approving two driveways. Mr. Meth said if the applicant wanted to change the driveways they would have to get DOT approval. Chairman Parikh suggested that the board concentrate on the sign.

Mr. Akdemir said there is a pole and transformer located to the west so the sign can not be placed there. This is also shown on the as-built survey. They still request the 8 foot width as the size is not larger than allowed by ordinance and they are eliminating one variance, for the height by getting rid of the decorative features. They still want it at 7.5 feet bottom height and less than the required distance from the lot line. The sign can still be moved back 3 feet and they will do that so it is set-back 13 feet back where 15 is required. Mr. Stein said they will move it back as far as they can in the island.

In the engineer's report Mr. Meth had comments about the ADA parking. One of the spaces has to have an 8 foot hatched area and it is shown at 5 feet. There is room available so the one hatched area will be changed. A new final as-built survey will be needed. The bonding and inspection fees will be due prior to the revised plans being signed.

Regarding the second floor the applicant wants it to be mixed retail and office where the original resolution says office only. Ms. Apte said there is adequate parking for the mix of retail and office. Ms. Apte asked if there were architectural plans for the second floor. Mr. Akdemir said they have no tenant yet so they have no plan for how the space will be divided.

Ms. Rizzuto asked if there were cut up spaces on the second floor now. Mr. Akdemir said there are now two offices of about 2750 sq. ft. each. The number of placards on the sign will be determined by the number of tenants. Mr. Akdemir said it will not exceed five placards.

There were no further questions from the Board or the public. Ms. Bronfman made a motion to approve the application by Parsippany Jewelry Center for

revised final site plan and "C" Variances. The use on the second floor will be mixed office and retail, the free standing sign will be set-back 13 feet from the lot line and have a bottom height of 7.5 feet with no more than five placards. The size, colors and lighting will comply with the code. One ADA space will have an eight foot hatched area. Motion seconded by Mr. Keller. Ayes: Ms. Bronfman, Mr. Burns, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Purzycki, Chairman Parikh. Nay; Mr. Corcoran.

The next case is **TL Gardens at Parsippany, LLC**, Block: 411 Lot: 32, 1100 Parsippany Blvd., Preliminary Site Plan and "C" Variance, Application # 09:524 / 09:10. Douglas Henshaw from Porzio Bromberg & Newman represented the applicant.

Reports for the record;

Burgis Associates dated January 4, 2010

Township Forester dated December 9, 2009

Fire District #6 dated December 28, 2009

Morris County Planning Board dated January 5, 2010

Tax Assessor dated December 9, 2009.

The RBA Group dated January 16, 2010

Eric Keller from Omland Engineering was sworn in and qualified as engineer and planner. Mr. Keller prepared the plans.

Mr. Henshaw went through the waiver requests. The MCPB report has been received so that one is met. Regarding wetlands the project is on previously developed areas. There are some easements on the property but none are affected by this application. There are some site photos on file so no waiver is needed.

There will be no change in drainage and that will be covered in testimony. Mr. Meth said he has no problems with that. There are no streets involved, no need for contractor storage on site and no change in traffic. They request a waiver for an environmental assessment report based on the scope of the project.

Mr. Keller made a motion to grant waivers listed in the Burgis report 1b and 2.a,c,d and e. Motion seconded by Mr. Burns. Ayes: Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Purzycki, Chairman Parikh

Exhibit A-1 is a Tivoli Gardens Aerial dated 2007 from the DEP. The area of the proposal is in the northwest corner. To the north is the cinema, to the west is the Township recycling center and to the south there are single family homes and office buildings. The site is 17 acres with 386 apartments and 575 parking spaces with 25 marked as handicapped. **Exhibit A-2** is a Project Site Aerial.

The complex was built in the mid to late 1960s. In the area in question there was a pool and there is an existing structure now used for maintenance. The plan is to remove that structure, add some parking and a new 1200 sq. ft. storage structure.

Sheet 2 of 6 of the plans submitted shows existing and new plans, the changes in the parking layout and the new storage building. The new building will have a covered area for outdoor storage of heavy equipment like plows etc. with an access gate. The building will be brick to mirror the apartments.

There is one variance needed, for set-back to the rear. This area is adjacent to the recycling facility. Ten feet is required and they propose 7.5 feet. Mr. Keller noted that if it was a side yard only 6 feet would be required. The new building will actually shield the view of the recycling center for the apartment dwellers. There is another variance for the parking set-back in the NW corner where they propose 7 to 8 feet where the code calls for 20 feet. This area is adjacent to the parking for the cinema, and will allow them to add more parking which is sorely needed.

Sheet 3 of the plan shows the proposed landscaping behind the building and they will comply with the wishes of the Township Forester.

The plan has a net increase of 28 spaces. Thirteen are to be removed and 41 will be added. The fire chief asked for one space to be removed closest to the drive aisle and they will comply with that so the new increase is 27 spaces giving them 602 spaces. The need is for 12 handicapped spaces but they will still have the 20 they have now.

The lighting will be LED shoeboxes building mounted fixtures. They will replace the current spotlights that are aimed out. The dumpsters will be moved next to the utility building with a roll-off 8 foot dumpster behind an 8 foot fence where 6 is permitted. The reason for the higher fence is to keep the residents from using it for their garbage and allow the maintenance staff sole use of that dumpster.

The drainage is handled by 2 inlets, one half way between the building to the south and Troy Brook which will be maintained. The disturbance is less than one quarter acre there is no need for water quantity or quality controls and no requirement for ground water recharge.

Mr. Henshaw said there are other issues on the Fire Chief report and they will comply with all of them including additional hydrants. **Exhibit A-3** is sheet 2 of 3 marked by the fire chief.

Mayor Barberio arrived at 9:05 PM.

Mr. Keller went to planner testimony. He has addressed the variance for the set-back of the building. The building coverage will increase by .2%. The site is already over what is allowable at 23.5% exists going to 23.7% with this increase. The height of the structure has been changed to 14 feet 10 inches so no variance is required. They will revise the plan to show this change.

The covered area of the building will be 16 square feet with a 10 x 16 uncovered area within the fence for outdoor equipment storage. There will be no vehicle

storage. There is adequate room for garbage trucks to maneuver. The eight foot height of the fence will require a variance. The plan is to control the roll-off container for maintenance use only. Mr. Keller confirmed that the fence will be locked and the key can be in the Knox box.

Chairman Parikh asked about the additional parking. The spaces are 9 x 18 which is consistent with RSIS standards. Mr. Meth confirmed that that is the height we use.

Mr. Keller said he has covered the variances. He sees no negatives and certainly no impact on the recycling center. They are trying to improve an existing facility built before the current zoning laws.

Chairman Parikh asked why they need additional parking. Mr. dePierro said he has been hearing complaints about parking for years. Some residents park by the cinema and some park on the streets in the Hills of Troy, so this may help.

Ms. Bronfman asked about the drainage and where it was going. Mr. Keller said it all goes down to the brook. He said this change is below the threshold for requiring changes, which is $\frac{1}{4}$ acre. Mr. Meth confirmed that this is below what our ordinance says is required to require retrofits. Ms. Bronfman noted that the homes in back have had problems and she does not want to see this make matters worse. Mr. Keller said Troy Brook flows east so any changes are after where those problems are. Ms. Bronfman said there are problems caused by the brook getting clogged and Mr. Keller said that is a maintenance problem.

In Mr. Meth's review Mr. Keller said they have no problem with comments one through five. He said Troy Brook does have a riparian buffer of 50 feet, and he noted that the work is over already paved areas. They will add the buffer and flood plane elevation to the plans. They will submit the Alta survey. They did not survey the stream so the map will cover that.

The parallel spaces are marked as no parking and the Township has permission to ticket in that area. Mr. Keller said he does not know if they are calculated in the total number of spaces. He agrees that parking in the spaces with the pull-in is nearly impossible with cars parked parallel to the building. Mr. Henshaw said they will paint over any lines creating spaces in that area parallel to the building.

Ms. Apte said that there are 575 existing spaces with 386 apartments. BY ordinance there should be 772 spaces so it is still short 170 spaces. It is an improvement to a pre-existing condition so it does not require another variance.

Continuing with Mr. Meth's report there is no change to the ADA spaces. The light pole on the SW corner of the building will be on a 30 inch concrete base for protection. The overall height will remain the same. They will comply with the rest of the report.

There were no further questions from the Board or the public. Ms. Apte asked about the perimeter fencing. It was noted that there is one on the west side. Ms. Bronfman asked if the entire complex could be fenced and the applicant said they decline to do that.

Mr. Keller made a motion to approve the application for TL Gardens at Parsippany, LLC, Application # 09:524/09:10 subject to the reports of Burgis Associates dated January 4, 2010, Township Forester dated December 9, 2009, Fire District #6 dated December 28, 2009 and RBA Group dated January 16, 2010. Motion seconded by Mr. Purzycki. Ayes: Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Purzycki, Chairman Parikh.

Chairman Parikh called a five minute recess. The meeting was re-adjoined at 10:05 PM. Roll Call: Mayor Barberio, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Purzycki, Chairman Parikh.

Also Present; Ms. Rizzuto, Ms. Apte, Mr. Meth.

The last application is **Hebro PM, LLC**, Block: 737 Lot: 2, 200 Webro Road, Minor Site Plan / "C" Variance, Application # 10:501/10:1. Joseph O'Neill representing the applicant.

Reports for the record;

Burgis Associates dated January 13, 2010

The RBA Group dated January 20, 2010

Fire District #6 dated January 20, 2010

Tax Assessor dated January 12, 2010

Mr. O'Neill explained that the proposal is to expand an existing loading dock by 1810 sq. ft. and the placement of generators inside. He reviewed the waivers noted in the Burgis report. They request a waiver for the wetlands reporting since it is a fully developed site. They will provide a survey per approval. The contours and elevations should be waived too due to the limited nature of the disturbance; they will address the one drain that will be re-located. The utilities will not be moved so they request a waiver from that. A waiver from soil erosion and sediment control because the area to be developed is now paved. They need no traffic study because there will be no changes in personnel. They want no signs and they request a waiver from environmental reports. He said they will submit operating and contingency plan for the generators.

Ms. Apte noted that the plan has been forwarded to the Burgis office but they are the only ones who have seen it. Mr. Burns made a motion to grant the waivers as shown in the Burgis report. Motion seconded by Mr. Keller. Ayes: Mayor Barberio, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Purzycki, Chairman Parikh.

Mr. O'Neill called Alex Rubenstein who is in charge of operations for the site. Mr. Rubenstein was sworn in. He explained that Hebro is involved in web hosting and Data Center Services with Net Access. They have to keep power at the site. They have to insure that the computer systems have power at all times and are secure. Normal power is from a sub-station adjacent to the site. There are transformers on site to step-down the power coming in.

They propose generators within the building, 20 generators, which use a diesel engine to produce power. Each has an emergence fuel source of 1000 gallons with actual capacity of 900 gallons. They would run for 18 – 20 hours. Exhaust is piped outside the building through a muffler and silencer system. They propose 4 generators initially up to a total of 20 generators. The servers are modular for expansion.

In the rear there re four open bays they propose to modify to two bays and convert two to a dumpster and cardboard recycling area. They propose an outside loading dock area. They want an apron from the edge of the building for the transformers. There will be no storage of materials outside the building.

Mr. Purzycki clarified they are applying for all 20 generators now but will install only four right now. Each is separately fueled. The fuel tank is double walled with the secondary tank able to contain the entire capacity with alarming. The alarms are annunciating locally as well as on site. They are monitored at three different sites. The generators power the entire building. Mr. Keller asked why 20 generators rather than 10 larger ones. Mr. Rubenstein said the maintenance is easier and cheaper and environmentally they are better with lower emissions. They estimate three to five years to get all 20 generators. They will test every two weeks Monday to Friday during business hours.

Paul Newman was sworn in and qualified as the architect. He introduced **Exhibit A-1** which is a colorized plan with some minor changes from what was submitted. The plan shows an overall view of the site. The loading dock in at the west side and there is an enlarged section of that area. The plan date is 1-21-10.

The proposed loading dock will be raised four feet. The raised platform will extend 10 feet from the rear of the building and 15.6 from the sides. There will be an egress stair down. The transformers will be placed on the sides of the platform, two on each side. This will protect them. There will be two truck dock areas with room for additional ones. They will have a dumpster and cardboard recycling areas. There will be a railing around the edges of the platform.

There are two existing exterior lights which will be replaced and two additional ones will be added matching those on the rest of the building. The existing office will stay as an office. The inlet currently at the loading area will be moved. It connects to the roof drainage. It will be replaced at a location just past the new platform. The loading dock will be on a currently paved area. There is no signage proposed at this time.

The transformers will have only safety signs and the operations and compliance data has been submitted. The generators will comply with all state and local standards. They will add four ADA spaces per code. **Exhibit A-2** is a revised site plan with the ADA spaces shown revised 1/21/10.

Chairman Parikh commented on the revisions that our professionals have not been able to review. Mr. O'Neill said the changes were per the reviews received and they will submit them. Mr. Meth verified that the new inlet which will be connected to the roof drains and will connect to the storm system in the street. Mr. Meth said we will need plans of the system submitted.

Mr. O'Neill called Robert Foley of CMX who was sworn and qualified as engineer. Mr. Foley testified on the generators. They are double walled with leak detection. Each of the up to 20 generators will have its own fill location outside of the building to the tank under the unit. There is overflow protection based in the nozzle of the filler truck like at a gas station. The building is fully sprinklered with a water system. The building is in a Tier 2 area.

Mr. Purzycki asked if each generator has its own exhaust and Mr. Foley said they do each have one to the outside. He asked about the probability all 20 generators would be in use at the same time. Mr. Foley said it depends on the future growth and power needs. After a discussion it was determined that a variance is needed from the Wellhead Protection Code for the 20,000 gallon potential storage of fuel.

There were no further questions from the Board or the public. Mr. Burns made a motion to approve the Minor Site Plan and "C" Variance for Hebro PM, LLC subject to the reports of Burgis Associates dated January 13, 2010, The RBA Group dated January 20, 2010 and Fire District #6 dated January 20, 2010. Motion seconded by Councilman dePierro. Ayes: Mayor Barberio, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Councilman dePierro, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Purzycki, Chairman Parikh.

Here was a motion to go into closed session at 11:00 PM.
The meeting was re-opened and adjourned at 11:25 PM.