

**MINUTES OF THE PARSIPPANY – TROY HILLS
PLANNING BOARD –MEETING
MONDAY APRIL 26, 2010**

Chairman Parikh called the Planning Board Meeting of Monday, to order at 7:35 PM.

Members Present: Mayor Barberio(arrived 7:55), Ms. Bronfman, Mr. Burns, Mr. Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh.

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

Absent: Mr. Corcoran, Councilman dePierro, 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 anything not on the agenda. There was no one in the public wishing to speak.

Chairman Parikh asked for a motion on the resolutions. Mr. Burns made a motion to approve the resolution granting Site Plan Approval for TL Gardens at Parsippany, LLC, Application # 09:524 / 09:10. Motion seconded by Mr. Keller. Ms. Rizzuto said there is a correction specifying the number of parking spaces being approved and she checked and that is fine. Ayes: Ms. Bronfman, Mr. Burns, Mr. Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh.

Mr. Burns made a motion to approve the resolution granting Amended Minor Site Plan / “C” variance for EIPCO Foods of Parsippany, Inc. Application # 10:506 / 01:3. Motion seconded by Mr. Keller. There are corrections to the resolution, first the vote date should be shown as April m26, 2010, and correcting the wording on the drive thru sign that the wording will be Taco Bell and Drive Thru in the same size letters, plus an arrow. There will also be no vegetable graphics on the clearance sign base. The motion was seconded by Mr. Keller. Ayes; Ms. Bronfman, Mr. Burns, Mr. Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh.

Mr. Keller made a motion to approve the minutes of the workshop meeting of March 8, 2010. Motion seconded by Mr. Burns. Ayes; Ms. Bronfman, Mr. Burns, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Chairman Parikh.

Mr. Keller made a motion to approve the minutes of the Closed Session of 3/8/10, seconded by Mr. Burns. Ayes: Ms. Bronfman, Mr. Burns, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Chairman Parikh.

Mr. Keller made a motion to approve the minutes of the regular meeting 3/22/10, seconded by Mr. Burns. Ayes: Ms. Bronfman, Mr. Burns, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh.

Under correspondence there is a memo from Judy Silver Township Clerk dated April 14, 2010 regarding Ordinance 2010:10 – to re-zone the Forge Pond Track to RCW (Recreation, Conservation and Wildlife). Ms. Rizzuto explained the Council has had a first reading on this zone change of the Parkside Gardens Phase IV in accordance with the older ordinance found, 94:3, which limits the number of lots on the tract to the number already built. Since no more density is called for it should be rezoned. This impacts Block: 734 Lots: 2, 64 and 68. The impact on the current pending application will mean the Planning Board will no longer have jurisdiction.

Mr. Snieckus said this area is also recommended for RCW to further the intent of the previous improvements of the tract. This will protect the sensitive areas as well as the historic features on the property. It was noted that the clerk will provide notice to property owners before the second reading of the ordinance.

Mr. Keller made a motion to recommend passage of Ordinance 2010:10 to the Township Council. The motion was seconded by Ms. Bronfman, Ayes: Ms. Bronfman, Mr. Burns, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh.

The second letter is from Joseph McGlone dated April 22, 2010 regarding the extension application for 3676 Hill Road. The letter stated that Mr. Ketcherick, the applicant, believes that his application is covered by the extended Permit Extension Act. Ms. Rizzuto explained that as Mr. Ketcherick is proceeding under that fact there is no action for the Board to take. Ms. Mader will send a letter and explain that to Mr. McGlone.

The first application is 63NBR, LLC, Block: 601 Lot: 11. 63 North Beverwyck Road, Minor Site Plan / "C" Variance, Application # 10:502 / 10:1. Robert Garofalo represented the applicant.

Reports for the record;

- Burgis Associates dated February 22, 2010
- The RBA Group dated March 8, 2010
- Water Department dated January 26, 2010
- Forestry Department dated January 26, 2010
- Health Department dated January 21, 2010
- New Jersey Natural Gas dated April 7, 2010

Mr. Garofalo dealt with the waiver requests first. Per the Burgis letter the status of wetlands they ask for waiver because it is a developed small lot on North Beverwyck Road. Mr. Snieckus has no objection. This is item #12 on the report. Item #10 is natural features and they request the waiver for the same reason. #11 is contours will be provided with spot elevations on revised plans. #13 is location of existing buildings and that will be covered in testimony so the Board will hold on that request.

Item #14 is floor plans which are submitted, #16, signage, the signage will be covered in testimony and conform. Item #15 is parking which they will discuss. Items 18 & 19 are utilities and will be provided. #20 is lighting and it will be covered in testimony. # 21 is landscaping. The applicant met with the forester and they will agree with whatever he wants. There is a small backyard and the plan will be covered. Mr. Snieckus said there is a buffer requirement and we may need a plan to be sure what is provided is if we have a plan on file. Item 22 is soil removal plan, since the disturbance is less than 5,000 sq. ft. it is not required. #28 traffic will be covered in testimony. Mr. Meth said he did not request a traffic study but a parking study.

Item #29 is environmental impact and #30 is tree protection plan. Both waivers are acceptable.

Mr. Keller made a motion to grant waivers 10, 12, 22, 29 and 30 as listed in the Burgis Report of Feb. 22, 2010. Motion seconded by Mr. Burns. Ayes: Mayor Barberio, Ms. Bronfman, Mr. Burns, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh.

Mr. Garofalo added that the three items listed in the RBA report will be provided. Chairman Parikh announced that the Mayor had arrived.

Mr. Garofalo called Mohamed Seyam, 25 Northfield Rd who was sworn in. Mr. Seyam is the owner of the property and the applicant. Mr. Seyam purchased the property in Jan. 2009. He wants to construct an updated building that takes better advantage of the lot. Mr. Seyam is a Parsippany resident and former police officer who retired with a job related injury.

Exhibit A-1 is a board with 18 color pictures. Mr. Seyam identified the photos. #1 is an aerial view of the block. It shows one municipal parking lot 75 feet away with 34 spaces, and a second municipal lot on the corner of Hiawatha Boulevard with 20 spaces. #3 shows the other buildings on the block as aerial photo. Photos 6, 7, 8, 9, 10, 11 & 12 show the other buildings on the block. They show that the existing building is half the size of the other buildings using just a portion of the lot. Photo 2 shows Chief Hiawatha park which is next door and 4 & 5 show the rear of the neighboring next door at 61 N. Beverwyck. Photos 13 A – D show parking in the area. Mr. Garofalo said these photos especially 1 & 3 should cover the waiver request for location of neighboring buildings. Chairman Parikh said the Board would act on that waiver later.

Chairman Parikh said there are two lots with 54 spaces plus street parking. Is there a parking issue in the area? Mr. Seyam said not that he is familiar with, he never has problems with parking. It is busier at lunchtime. Many businesses share the municipal lots. Based on Mr. Snieckus' calculations they require 31 spaces. Chairman Parikh asked how to know when those lots are over-used.

Mr. Snieckus explained the calculations. Based on the floor area he got 31 spaces. If the one space per three seats he gets 19 spaces. The ordinance calls for the greater number be used. He calculated the number at 2340 sq. ft. for the 31 spaces. Mr. Garofalo said they will confirm the parking. Mr. Seyam said much of the space is not dining area but kitchen and office. The patron space has to be calculated including the second floor.

Mr. Snieckus said the first page of the plan refers to a survey of the adjoining lot 12 dated 2009. He asked if the applicant knows of any protrusion or venting into his lot. Mr. Seyam said he is not. Mr. Seyam also said all adjacent structures are one story. Some others =on the street are two stories but not adjacent buildings.

Mr. Mele asked the plans for the second floor and the total occupancy of both floors. Mr. Seyam said the second floor could be a party room or for a large group but he does not anticipate it being used at first.

The existing lot is 20 x 107 with a building of about 35 feet deep by 19 feet wide giving about 18 x 18 of usable retail space. It is really too small for a commercial tenant and the ceilings are low. In addition there are six steps up from the sidewalk to the front door. The current use is a religious education center.

The proposal is a Middle Eastern restaurant. The entrance would be on the ground level. One would enter to a small dining area with 26 seats. Going back there would be a counter with seating then restrooms and kitchen and rear door. The second floor would have a balcony. In back is office, closet and bathroom. The front would be an area for dining. There would be a stucco finish. The building would have 16 feet to back property line. That is the same as the adjoining building. He would serve lunch and dinner, 11:00 am to 11:00 PM and midnight on Friday and Saturday. He would have 4 – 6 employees.

Mr. Ferrara asked how many could fit on the second floor, and would it be used as a mini-banquet room. Mr. Seyam said the plan shows 26 seats, but there is no handicap access, only stairs.

Mr. Dinsmore asked if waste would be taken out through the front door. He also asked about smells and if the trash would be stores in the back and covered. Mr. Seyam said there is a designated area for the waste with a sealed container, but he would have to do what other neighbors do and bring it out front twice a week for pick-up. Mr. Dinsmore is concerned about where the garbage will be stored and how. He said he feels he will need planning help to be able to consider this plan appropriately. He feels he may need planner testimony. There is no on-site

parking, no place for a dumpster and he has concerns for the neighbors. Mr. Snieckus agreed that there should be planner testimony, also on the intensity of development in the area. There is also the question of the impact on the residential zone. He also cited the question of deliveries to the site.

Mr. Keller asked about the access to the second floor and he has concern about the stairs being right by the kitchen. The kitchen is where fires in restaurants typically happen and could people upstairs get out? Mr. Seyam said the stairs come down in back of the kitchen and there is a rear door. There is no fencing between the rear of the lot and the park or the neighbor on the other side.

Ms. Rizzuto asked what type neighboring building is and Mr. Seyam said it is a Pakistani restaurant.

Mr. Garofalo asked to adjourn for the evening and carry to the next meeting. There was no one in the public with any questions. The case will be carried to June 14 with no further notice.

Chairman Parikh called a short recess.

The meeting was reconvened at 8:45 PM. Roll Call: Mayor Barberio, Ms. Bronfman, Mr. Burns, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh.

Also present: Ms. Rizzuto, Mr. Meth, Mr. Snieckus.

The next case is **Sunnyside Builders**, Block: 475 Lot: 2, Knoll Road, Preliminary Major Subdivision / "C" Variance, Application # 09:004 / 09:7. Robert Garofalo represented the applicant.

Reports for the record:

Burgis Associates dated March 2, 2010

The RBA Group dated March 8, 2010

Water Department dated April 22, 2010 and Nov. 20, 2009

Engineering & Environmental dated March 1, 2010

Morris County Planning Board dated March 23, 2010

Mr. Garofalo said the applicant had met with the Planner and engineer and there are no waivers needed. Mr. Garofalo called Peter Korzen who was sworn in and qualified as engineer. Mr. Korzen prepared the plans.

Mr. Korzen referred to sheet 2 of 5 of the plans submitted. The lot is 1.76 acres with a two story dwelling and detached garage. There is a common drive with lot 1. The lawn area to the south and east is wooded with a man made stockpile. The utilities are from Knoll Road. On the south of the lot is a garage for lot 3.

Sheet 3 of 5 shows what is proposed. They propose three lots, lot 2.01 of 15,640 sq. ft. , lot 2.02 of 15, 802 sq. ft. and lot 2.03 of 43,394 sq. ft. The proposed houses on two of the lost are on lot 2.01 is 2300 sq. ft. and lot 2.03 2900 sq. ft.

The application complies with all bulk standards except lot 2.03 which has 53.26 feet width in front where 100 is required. There are two strips of land to be conveyed to lot 1 for the common driveway and along Knoll Road of 14 feet on the north side of the property. The other is a 30 feet wide strip for a right of way dedication.

On page 4 of 5 of the set is the grading, drainage, utility and sediment control plan. This shows not only the proposed improvements but also the utilities. The applicant did a drainage report and analysis for each lot. It shows the run-off for the 100 year storm. On the existing conditions plan almost all of the improvements are shown on lot 2.01. There is a single stack dry well in front for roof run off. On lot 2.02 there is a requirement for two dry well stacks, one for roof run-off but also for the driveway. Lot 2.03 has the largest amount of impervious coverage they are proposing three stacks for the roof run-off and driveway.

There will be a 77 foot extension of the sanitary sewer main in Knoll Road. That is why this is a major subdivision. The sewer to lot 2.01 will run off the existing sewer line on the property.

The grading on lots 2.02 and 2.03 will be raised slightly above the existing to get everything to sheet drain.

Chairman Parikh asked about adjoining homes to the south and Mr. Korzen said the Planner will address that. Mayor Barberio asked about the area and Mr. Korzen said it is wooded on the south and east sides. Most of it is brush.

Mr. Snieckus noted that lot 1 is subject of the application because of the driveway conveyance. Mr. Snieckus asked if there was any alternative to the variance, could it be a two lot subdivision? Mr. Korzen said they had not really looked at that. Mr. Snieckus asked if they had looked at any roadway configurations and Mr. Korzen said only conceptually. He said he feels that for drainage purposes you would still have a three lot division.

Mr. Meth commented that there is no formal easement between the two lots and Mr. Korzen said no there is not. Mr. Dinsmore asked what the easement between lots 21 & 22 is. Mr. Korzen does not know.

Mr. Snieckus returned to the road question and if a new road would avoid a variance for width. Mr. Korzen said he believed it did. Chairman Parikh asked if the variance could be avoided why did they not do that. Mr. Korzen said the applicant and Planner will address that. Ms. Rizzuto confirmed that all structures on the existing plan are to be removed and she confirmed that they would all be removed prior to filing the plat.

Chairman Parikh opened the floor to the public for questions of Mr. Korzen. Goerge Miller, 15 Buckingham, Block 475 Lot 19 asked about the storm drainage. He said the rain last March brought so much water the ground is still completely soaked. The drainage is from south to North North East. He asked what they are doing to correct it. He said over the last 40 years the lot has been raised by about 3 or 4 feet. Mr. Korzen said existing conditions are no control on storm water run-off. They propose to capture it from the impervious coverage to dry wells to underground seepage pits which are proposed to handle the 100 year storm. Mr. Miller asked if that does account for the slope on lot 2.03. Mr. Korzen said the stockpile will be removed and the elevation of the dwelling will match to surrounding levels.

Patricia O'Flaherty, 169 Knoll Road, asked about the extension of the sewer main. Mr. Korzen said it will be 77 feet in the road, not onto the property. She also asked about the vegetation on the lots. Mr. Korzen said there may be one or two trees of 6" caliber that would have to be removed according to the conceptual plan.

Mr. Meth said on the south property line, is there a garage from an adjacent property encroaching? Mr. Korzen said yes there is one encroaching and another directly on the property line. The applicant will look into this situation about easements or making the neighbor tear them down. Mr. Meth asked what type of fill was brought in. Mr. Korzen does not know. Mr. Garofalo said they will try to address that.

Mr. Garofalo asked for a three minute recess. The meeting was reconvened at 9:20 PM. Roll-call: Mayor Barberio, Ms. Bronfman, Mr. Burns, Mr. Dinsmore, Mr. Ferrara, Mr. Keller, Mr. Mele, Chairman Parikh.
Also present: Ms. Rizzuto, Mr. Meth, Mr. Snieckus.

Mr. Garofalo said they would like to ask for the case to be carried to the meeting of June 14 to clarify some matters that have come up. The applicant will meet with the neighbors regarding their concerns. The case will be carried to June 14 with no further notice. The applicant consents to any extension of time needed.

The meeting was adjourned at 9:25 PM.