

**TOWNSHIP OF PARSIPPANY-TROY HILLS
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING FROM FEBRUARY 3RD, 2010.**

The meeting of the Board of Adjustment commenced at 7:30 P.M. The following members were present. Mr. Dickens, Mr. Dredde, Ms. Gragnani, Ms. Jennrich, Mr. Kimmey, Mr. Pathak, Mr. Iracane. ABSENT: Ms. DeCroce, Ms. Schindel.

*The Board's attorney was present: George W. Johnson, Esq
The Board's planner was present: John T. Chadwick, IV & Sean Moronski
The Board's engineer was present: Gordon Meth-*

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 Public Portion was opened for any persons wishing to speak or ask questions not on this evening's agenda. There were none, and this portion was closed.

The Board adopted the following resolutions granting approvals to:

*Care One @ Parsippany – addition of 24 units to existing facility.
T-Mobile @ St. Gregory's Church – antennas to be enclosed in a new steeple.
Neil Kusant –legalize patio and walkway.*

The Board heard application # 09:69 in behalf of Mr. and Mrs. Ali Iqbal, property affected is located at 50 Calumet Ave. lying in tax block 523, tax lot 17 in the R-4 zoning district. Mr. and Mrs. Iqbal appeared and testified in their own behalf.They are proposing to construct a new single family dwelling, story in height including a front porch and a shed that would increase permitted building coverage. The lot is an existing undersized property. Applicant testified that his previous home on this lot was substandard and could not be improved. It has since been demolished. Total lot area is 4300 sq. ft. where 6000 sq. ft. is the minimum required for this zone.His proposed building coverage would be 22.32% where 20% is the maximum. The Board determined that variance relief is could be granted, and that it would not impair the character of the neighborhood No interested parties were present..

The Board heard application # 09:70 in behalf of Umberto Inghilterra,property affected is located at 305 Parsippany Road, lying in tax block 374, tax lot 7 in the O-S zoning district. This is an appeal from the decision of the Zoning Officer for a determination that the proposed use of a deli/pizza business is a permitted use and is a deviation from a prior resolution granted by the Board which specifically does not list pizza. The Applicant was represented by Counsel, Robert C. Garofalo, Esq.Vito Inghilterra, brother

and co-operator with his brother was present and testified. In addition, there were several persons, all with ownership or employment with pizza businesses in the area who were present and in particular, Frank & Sons. Was represented by Counsel, Larry Raiken, Esq. In 1995, the Board granted approval to this property that specifically enumerated certain uses for this site. Among those were an ice cream parlor, a bagel shop, a donut shop and a deli. Applicant testified that he intends to operate an Italian style deli where the bagel store was. There would be approximately 30 seats. The primary business would be deli, but he would also serve gourmet pizza. The Board reviewed Mr. Chadwick's report and listened to his advice and considered all testimony, both from the applicant as well as the objectors. The objectors primary concern was increased competition of the selling of pizza. Applicant testified and submitted a proposed menu more particularly described and would be known as "Vito's Café". A menu was introduced as evidence of the types of foods that would be served. He stated that his business is primarily a deli. The Board discussed and concluded that based upon the testimony and the exhibits the use as proposed falls within the definition of a "deli" and is a permitted use as outlined in the 1995 and 1996 resolutions and is therefore approved with pizza as part of the menu.

The Board heard continued testimony in behalf of 700 Mountain Way, LLC, property affected is located at 700 Mountain Way, lying in tax block 14, tax lots 9 & 9.01 in the R-R zoning district. This is an application to permit construction of 38 age restricted townhomes in 7 buildings. Application is continued from the Nov. 4th hearing. Applicant is represented by Counsel, Robert C. Garofalo, Esq. and Joseph Staigar, traffic engineer. The Board's planner for this hearing is Sean Moronski, from Burgis Assoc. Interested parties were present. Applicants testified that they are reducing the number of units from 38 to 27 and from 7 buildings to five buildings. Revised plans will be submitted prior to next hearing. Tonight's testimony dealt primarily with steep slopes. Exhibits A-6 & A-7 consisting of a site slope study and a slope disturbance plan was entered. A court reporter was present and a true copy of this hearing is on file in the Board office and will be made part of these minutes. Continued hearing will be April 7th, 2010. Motion to carry to this date moved by Mr. Dredden, second Mr. Dickens. No further notice required.

With no other business to come before this Board, this meeting was adjourned at 10:15 P.M. Motion to adjourn moved by Mr. Pathak, second Ms. Gragnani, with all in favor.

Respectfully submitted,
Harriet Jacobs,
Board of Adjustment.