

**TOWNSHIP OF PARSIPPANY-TROY HILLS
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING FROM FEBRUARY 18TH, 2009**

The meeting of the Board of Adjustment commenced at 7:35 P.M. The following members were present: Ms. DeCroce, Mr. Dickens, Mr. Dredde, Ms. Gragnani, Mr. Iracane, Ms. Jennrich, Mr. Kimmey, Mr. Pathak, Ms. Schindel.

*The Board was represented by Counsel: George W. Johnson, Esq.
The Board's planner was present: John T. Chadwick, IV
The Board's traffic consultant 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 meeting was opened for any persons wishing to speak or ask questions not on this evening's agenda. There were none, and the portion was closed.

The Board adopted the following resolutions granting approvals to:

Sumit Indoria, application # 08:62 – to construct a deck. Motion moved by: Mr. Dickens, second, Ms. Jennrich.

Krishna Daggumatti, application #08:63 – to construct shed & patio. Motion moved by Ms. Gragnani, second, Mr. Kimmey.

The Board had a request to postpone case #09:01/02 scheduled for this evening to the March 4th meeting. Request granted.

The Board heard application # 08:64 in behalf of CRG 1725 LLC, property affected is located at 1725 Rt. 456 E. lying in tax block 725, tax lots 6.03 & 6.04 in the O-3 zoning district. Applicants were represented by Counsel, Joseph P. O'Neill, firm of Garofalo and O'Neill. No interested parties were present. The Applicants were seeking permission to install a temporary banner and a permanent sign at said premises which would not be in compliance with signage requirements under the Ordinance. The building in question is located behind the Bennigan's Restaurant and was affectionately referred to as the "rusty structure" having been unfinished for several years. The building is now in its final completion stage. Michael Spagnola, architect who prepared the plans was present to answer questions. He stated that when completed, the building will be known as the Inter Park Office Campus. During construction, applicant/owners are offering office space to prospective tenants and they would like to display a temporary banner for about 6 months until such time as a permanent sign is installed. The temporary banner will be

made of vinyl, 5' in height, 30' wide and would be placed on the south side which fronts onto Rt. 80. This banner will only have the building's web site address. As to the permanent sign, it will be 5' high and 30' wide, also affixed at the south side at a height of 54' to the top of the sign. Variance relief for the temporary sign is required since the Ordinance prohibits anything larger than 24 sq. ft. and this would be 150 sq. ft. Variance relief for a permanent sign is needed since all signs attached to buildings must be placed on the front, this sign would be at the rear and no sign shall be higher than 25' from the ground. This sign will at a height of 54' to the top of the sign. Neither sign will be seen from Rt. 46 or adjacent properties. The Board determined that variance relief is appropriate and voted to grant approval.

The Board heard application # 08:68 in behalf of MCP Developers, LLC, property affected is located on Rt. 10 E. lying in tax block 15, tax lots 25 & 25.01 in the O-T zoning district. This is an application to obtain minor subdivision approval in connection with a previously granted use variance to construct a town house development which was not a permitted use in this zone. The Applicant was represented by Counsel, Joseph P. O'Neill, Esq. No interested parties were present. The Applicant had previously applied for preliminary major subdivision but was not able to file the final plat. The Township's Engineer recommended that it be withdrawn and replaced with a minor application and has also filed a "corrective deed" dated 10/4/2007. Both the Township's Engineer and the Board's Planner agree that the entrance from Rt. 10 to the remainder of lot 25 be part of lot 25 subject to an access easement for lot 25.01 on which the development is located. The Board agreed and minor subdivision approval was approved

The Board heard application # 09:03 in behalf of Prem Israni, property affected is located at 16 Paine Ct. lying in tax block 733.03 tax lot 14 in the R-3 (RCA) zoning district. Mr. Israni appeared and testified in his own behalf. No interested parties were present. Applicant seeks variance relief to construct a 16' x 20' open deck with stairs that would exceed the maximum impervious coverage allowed. Owner testified that the deck and stairs would be affixed to the rear of his home. He further stated that when the house was constructed it had a sliding glass door that, when opened, had no landing, stairs or platform to stop anyone from falling to the ground. It is very unsafe for his children and the adults. The maximum allowable coverage for this zone is 40%, applicant is proposing 42.35%. The board determined that the Applicant is entitled to variance relief and voted to grant.

The Board heard application #09:06 in behalf of Mallika Enterprises, LLC, property affected is located at 3081 Rt. 46 (Morris Hills Shopping Center) lying in tax block 411, tax lot 31.1 in the B-1 zoning district. Applicants are seeks use variance relief to conduct a math and reading center in vacant space within the center. The Applicant was represented by Counsel, Joseph P. O'Neill, Esq. Ms. Veeren Reddy, operator of the proposed school was present. No interested parties were present. Ms. Reddy testified that she intends to operate a Kumon Math and Reading Center. This is not a listed permitted use for this zone, therefore use variance is required. She further stated that she now conducts classes at the Township's Community Center and will vacate this site if the variance is granted. She stated that this is a franchise that operates in 43 countries with

more than four million students enrolled. This education is a supplemental system of education to excel in math and reading, and does not replace school studies, but rather enhances and builds a foundation for children to make schoolwork easier. Her proposed hours of operation would be (initially) Tuesdays and Thursdays from 3 to 7:30 P.M and would extend to other days as demand would require. Students spend approximately 20 to 30 minutes for each subject, they will receive homework assignments to do at home and return to the center at their next visit. Approximately there are 8 teachers and 10 assistants. The assistants are high school students in grades 9 thru 11 who are dropped off by parents. She stated that this is not a child care facility. Mr. Ronald Reinersten, planner testified in support of the application. He stated the use is primarily educational and therefore is an inherently beneficial use. There is ample parking within the shopping center. The Board determined that variance relief is appropriate and voted to grant.

The Board heard application #08:48 in behalf of Mr. Manoj K. Shah, property affected is located at 2 Winterset Drive, lying in tax block 14.02 tax lot 1 in the AHD-2 zoning district. Mr. Shah appeared and testified in his own behalf. No interested parties were present. Mr. Shah is seeking permission to construct several fences that will not conform to the Township's Ordinance for fences. Applicant's property is a corner lot, therefore he has two front yards. The maximum height for a fence in the front yard is 4 feet with at least 50% openable. In addition, he is asking for a 6' solid fence in the rear yard up to the 25' front setback line of Seasons Glen Drive. From that point the solid fence will be reduced to 5 feet in height with a 1 ft. lattice topper. This same fence would run parallel to Seasons Glen Dr. to the rear corner of the house as extended where it will join the same type fence. He has also agreed to install a 5' solid fence with a 1' lattice topper in a southerly direction from the front corner of his house in a line parallel to Winterset Dr. to his property line. The board discussed and determined that variance relief should be granted.

With no other business to come before this Board, this meeting was adjourned at 9:30 PM.

*Respectfully submitted,
Harriet Jacobs,
Board of Adjustment.*