TOWNSHIP OF PARSIPPANY-TROY HILLS
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING FROM APRIL 21ST, 2010

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

The Board was represented by Counsel:	*George W. Johnson. Esq.*
The Board's Planner was present:	*John T. Chadwick, IV*
The Board's engineer was present:	*Gordon Meth*

The Chairman read into record the Open Public Meetings Act I accordance with NJSA 10:4-6 et. seq.

The Pledge of Allegiance was recited.

The Public Portion of the meeting 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:

Priola Funeral Establishment – new parking lot.
D. Pietropinto – addition to enlarge kitchen.
S.Woodell – above ground pool.
D. Manne – legalize deck.
Fuddruckers/Sonoma Chicken – sign

The Board heard application # 09:59 in behalf of Dr.David Caggiano, property affected is located at 316 Parsippany Rd. lying in tax block 388, tax lot 5 in the B-3 zoning district. The applicant was present along with his attorney, Peter L.Agostini, Esq. and Mr. Bradley O'Conner from the sign company. No interested parties were present. The Applicant is requesting permission to construct a free standing sign that would be 6.5' in height by 7' in width which exceeds the permitted size of 25 sq. ft. There would be a solid base 4' wide at ground level whereas the ordinance requires it to be 8' above ground. The sign is proposed to be located 10 feet from the property line and 15 feet is needed. Applicant and his sign contractor both testified that if setback any further would not be visible from the street. He has received many calls from clients asking for a landmark in order to find his building. Statement by Mr. Dredden as to why this should be granted: he believes that the sign will enhance his practice, that promoting business within the Township benefits all and should be approved. Motion to grant moved by Mr. Kimmey, second, Mr. Dickens, with all in favor.

The Board heard application # 10:11 in behalf of the Pat Thai Restaurant, property affected is located at 435 N. Beverwyck Rd. lying in tax block 483, tax lot 1 in the B-3 zoning district. Applicants are seeking variance relief to enlarge an existing freestanding sign 3' x 8' that would read "Pat Thai-Authentic That Cuisine-patthai.net 973 257 1444 – Thai Restaurant". The ordinance states that no one surface of any sign shall exceed 25 sq. ft.The existing sign is at 32sq. ft the addition of the new sign panel would be 24sq. ft. bringing the total sq. footage to 56 sq. ft. The Applicants, Angelica Hocek andJaroslav Hocek, owners and operators of the restaurant appeared and testified in their own behalf. The property owner has consented to this application. No interested parties were present. The applicants testified that that have been at this location for about 2 years, that new customers have expressed their difficulty in finding their location since the building is set back within a shopping center. Visibility is their biggest problem. The existing freestanding sign for the Foodtown Supermarket is 4' x 8', the addition of this sign which would be 3' x8' and set below the Foodtown sign would result in total surface of 56 sq. ft. and 25 sq. ft. is the maximum permitted. The Board determined that the applicants were entitled to variance relief. Statement by Mr. Dickens as to why this should be granted: he believes that it makes good sense to have the sign so that the operators of this business can continue to remain. They have a very good customer base from a previous location and local patronage will be made easier to find the site. Motion to grant moved by Mr. Dredden, second Mr. Kimmey with all in favor.

The Board heard application # 10:18 in behalf of Massage Envy, property located at 1123 Rt. 46 E. lying in tax block 729, tax lot 7 in the B-1 zoning district. This is an application to permit the operation of a massage therapy facility within an existing shopping center that is within a zone that does not permit this use. The applicants were represented by Counsel, Robert C. Garofalo, Esq. Michael Tobia, professional planner and. Steve Miller operator of the proposed franchise and Bob Weisman regional representative of the franchisor were present. No other interested parties were present. The owner of the shopping center has consented to this application. The area that would be leased is a 3050 sq.ft. site that would be staffed by certified massage therapists. Mr. Weisman testified that there are presently more than 620 Massage Envy facilities located within the U.S. All operators of a franchise undergo extensive background checks. He further stated that these franchises are generally located within a shopping center where there are also exercise facilities. Mr. Miller stated that of the 620 facilities throughout the country, 27 are located in New Jersey, Short Hills, Rockaway Townsquare,Wayne, Morris Plains and Florham Park are just some he cited.Mr. Tobia testified that the site is well suited for this use, it does not differ substantially from uses specifically permitted in this zone, i.e. the LA Fitness Club several feet away.which is a personal service facility. Hours of operation would be Monday-Friday 8am to 10pm, Sunday 10am to 6 p.m. Mr. Miller has entered into a ten year lease, expects to invest $550,000.00 A wall sign is proposed that would be complying. Mr. Chadwick stated that Mr.Tobias' testimony was very credible. Motion to grant moved by Mr. Dredden, second, Mr. Kimmey, with all in favor.

The Board heard application # 09:66/67/68 in behalf of BK of Parsippany, property affected is located at 1429 Rt.46 East, lying in tax block 726, tax lots 9 & 10 in the B-2

zoning district. Applicants are seeking use variance (bifurcated application) to construct a retail building on port of lot 10 which has been purchased from the DOT. This would create two principal uses on one lot. The Applicant was represented by Counsel, Francis DeVito, Esq. Martin Santini, Architect and professional planner and John Marbenz, PE who prepared the plans. Mr. DeVito stated that this is a pre-existing non-conforming lot, coverage, building and impervious coverages are met, it does not meet the setback requirements. He stated that if a conforming building were built, it would be 5' x 60'The proposed retail building would be 3548 sq. ft., with no access from Baldwin Road. It would be one story, no basement, a 4 tenant occupancy.Mr. Santini testified that no food tenant is proposed, that the existing driveway is to remain, no new curb cuts are proposed. He stated that the Burger King now has 20 parking spaces, there would be total of 56 spaces and 38 are required per Ordinance. A variance is needed for a loading zone as well. Sidewalks were discussed. Mr. Meth stated that sidewalks are required by Ordinance. There is an existing large culvert from Rt. 46 to the parking lot which one cannot build over it. A trash enclosure is proposed facing the rear of the new building and would be landscaped.Variance for signage is needed. The site has two freestanding signs which are permitted. It is proposed to relocate one 17' high sign, not 15' which is minimum. The Applicants are asking for signs on the rear of each building as well as on the front in addition to the pylon signs. The Board had several concerns regarding this proposal. Since the Board had 6 members, the Applicant would need 5 affirmative votes and it appeared from the questions asked that if a vote were taken, the Applicant would get 4 in favor and two in opposition. Therefore, the Applicant has requested that copies of this hearing be sent to the absent members and at the next hearing a conference and vote will be taken.

With no other business to come before this Board, this meeting was adjourned at 10:30 P.M.

Respectfully submitted,
Harriet Jacobs,
Board of Adjustment/