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**TOWNSHIP OF PARSIPPANY-TROY HILLS
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING FROM MAY 13TH 2009**

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

The Board was represented by counsel: George W. Johnson, Esq.

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

The Board adopted the following resolutions granting approvals to:

Frank Elia in application # 08:37 for permission to construct a one story addition. Motion to grant moved by Mr. Dickens, second, Ms. Jennrich, with all in favor.

Ryan Frei in application # 09:09 for permission to construct a new one family dwelling. Motion to grant moved by Ms. Gragnani, second, Mr. Kimmey, with all in favor.

The Board received a letter from James K. Pryor, Esq. requesting that his application in behalf of Metro PCS, scheduled for this evening's hearing be adjourned for one month. Applicant carried to the July 8th hearing. Moved by Mr. Kimmey, second Mr. Dickens.

The Board received a letter from James R. Gregory, Esq. requesting that his application in behalf of Land Design scheduled for this evening's hearing be carried. He will be amending his application and will be submitting a new site plan. Application carried to the July 8th hearing. Moved by Mr. Dickens, second, Mr. Kimmey.

The Board heard application # 08:36 in behalf of Michael Mulligan, property affected is located at 314 Allentown Rd. lying in tax block 287, tax lot 2 in the R-4 zoning district. Applicant seeks variance relief to construct a attached garage with driveway and add brick paver walkway which will increase building and impervious coverage as well as encroaching into the front yard. Mr. and Mrs. Mulligan appeared in their own behalf. No interested parties were present. The proposed two car garage would be attached to one side of the dwelling. The property does not have a garage. The property is irregular in shape and has frontage on two streets. The garage would be located on the Alpine Rd. side which has a 50' wide ROW, but the pavement begins about 15' from the side of the ROW. A front setback of 25' is needed and the end of the pavement would be about 28'

from the side of the proposed garage. Building coverage would increase from 17.60% to 22.54% whereas 20% is the maximum. Impervious coverage would increase from 23.28% to 40.81% whereas 40% is the maximum, The applicant has agreed to comply with all of the comments from the Township's Engineer. Statement from Ms Jennrich as to why this should be approved. She believes that this is a good application, the garages will take several vehicles off the street, it will also provide added storage space for the family, the increase in coverages are not great and she recommends approval. Motion to grant moved by Mr. Kimmey second, Mr. Dickens, with all in favor.

The Board heard application # 09:07 in behalf of Koftra, LLC, property affected is located at 43 Troy Rd. lying in tax block 725prop, tax lot 17 in the R-3 zoning district. The Applicants were represented by Counsel, Risha Mehta, Esq. and James Vigilante, builder. This is a request to construct a new single family dwelling on a parcel that has insufficient area and width and will require numerous bulk variances. No interested parties were present. There was a single family dwelling on this lot which was demolished on July 1st, 2008 and which was determined to be unsafe and uninhabitable by the Building Dept. This new dwelling will be two story with a one car attached garage, full basement with the basement floor at ground level at rear. Existing lot area is 6344sq. ft. where 15,000 sq. ft. is required for this zone. The Applicant testified that most of the lots in the area do not comply with minimum area or width and are fully developed with single family homes. A deck at rear, and a shed as well as bilco doors are also proposed. A 32' front yard is proposed, whereas 40' is required. a side yard of 7' is proposed, whereas 10' is required. With both side yards totaling 14' whereas 20' is required. Proposed building coverage is 25.22% whereas 15% is required and impervious coverage of 40.49% is proposed whereas 30 % is required. The Board determined that the deck size will be reduced 440 sq. ft. to 352 sq. ft. including the stairs and he has also agreed to eliminate the bilco doors, shed and will relocate the a/c units from a side yard to a rear yard. These changes will reduce building and impervious coverage. Statement from Mr. Kimmey as to why this should be approved. He believes that the concessions agreed upon by the Applicant, i.e. reduction of deck, relocation of the a/c unit out of the side yard, removal of the shed and bilco door, will reduce the amount of coverage for this small lot and will add a nice home to the community and recommends approval. Motion to grant moved by Mr. Patha, second, Ms. Jennrich, with all in favor.

The Board heard application # 09:17 in behalf of Mr. Ernesto Esposito, property affected is located at 263 Kingston Rd. lying in tax block 245.2, tax lot 4 in the R-4 zoning district. Mr. Esposito is seeking variance relief to construct a one story roofed entryway that will increase building coverage and impervious coverage. Applicant appeared and testified in his own behalf. No interested parties were present. Mr. Esposito testified that this improvement will be for protection during inclement weather as well as improving the appearance of his home. His building coverage will increase from 26.37% to 27.35% and impervious coverage will increase from 46.08% to 46.55. The finish will be of matching materials. Statement from Mr. Pathak as to why this should be approved. This is a very diminutive request that will not impact the zone plan and recommends approval. Motion to grant moved by Mr. Dickens, second, Mr. Kimmey, with all in favor.

The Board heard application # 09:19 in behalf of Mr. and Mrs. Saleem Samad, property affected is located at 4 ½ White Oak Rd. lying in tax block 625, tax lot 5.0 in the R-3 zoning district. Applicants are seeking variance relief to construct a 10 x 32 open deck with stairs that would increase impervious coverage from 44.65% to 50.57%. Mr. and Mrs. Samad appeared and testified in their own behalf. No interested parties were present. Applicants stated that the deck will provide their family with seasonal outdoor living. Statement from Ms. Gragnani as to why this should be approved: she believes that this is a diminimous request, the family will be able to enjoy many summers and recommends approval. Motion to grant moved by Ms. Jennrich, second, Mr. Dickens, with all in favor.

The Board heard application # 09:24 in behalf of TCI Education, Inc. t/a Anthem Institute. Property affected is located at 959 Rt. 46 lying in tax block 722, tax lot 2 in the B-1 zoning district. Applicants were represented by Counsel, Theodore Einhorn, Esq. and Diane Gilles, president of Anthem Institute. No interested parties were present. This is an application for permission to erect a wall sign at the rear of the property where such signs are not permitted. The Anthem Institute is a tenant in building who is requesting this sign. The Anthem Institute was formally known as the Chubb Institute, which is an educational school. They were previously approved to conduct a school at this site under a variance granted in 2007. Ms. Gilles testified that students and visitors have difficulty finding the building. The only access is from Rt. 46. The rear faces Rt. 80. Façade signs are only permitted at front façade. The proposed sign would be at a height of 25'-4" from ground. 20' from ground level is the maximum under Ordinance. The sign will be back lit, and on from dawn to dusk. Approximate distance of the sign from Rt. 80 to building is about 1000'. It is needed for those travelling on Rt. 80 for identification. The Board determined that this is a reasonable request and voted to approve. Motion to grant moved by Ms. DeCroce, second, Ms. Jennrich, with all in favor.

The Board heard application #09:10 in behalf of Parsippany Hospitality, LLC, property affected is located at Rt. 46 & Hill Rd. lying in tax block 136, tax lot 46.01 in the SED-5 zoning district. The Applicant was represented by Counsel, Joseph P.O'Neill, Esq. There was one interested party, Mr. Alfred Brunetti, Esq. representing an adjacent property owner. He contended that notice of the application may have been defective. After reviewing the facts the Board determined that service of notice was proper and the Board had jurisdiction to proceed. In addition to the Applicant, John J. Janis, Jr. was present as the sign installer. This is an application for permission to install a wall sign at a height that is not in compliance with the ordinance. It is proposed to locate a wall mounted sign on the upper portion of the front façade for this building known as Hampton Inn and Suites which is presently under construction. Variance relief for construction of the hotel was granted by this Board in July 2000. The top portion of the sign would be 40'-3" above the ground. The ordinance limits height of wall mounted signs to 25 feet. In addition to this witness, the Applicant's planner MeghanHunscher testified in support of the application. She stated that the height and location is common in the hotel industry and provided photos of similar signs on hotels in and around the Township. She further stated that due to the topography of the land and the deep setback of the building from Rt.

46, herein lies the hardship. The Board determined, based on the testimony given the proposed sign is needed to help assure site visibility, A conforming sign would not provide adequate identification due to the configuration and locale of the lot and voted to approve the application. Motion to grant moved by Ms.Jennrich, second Mr. Kimmey withal in favor.

With no other business to come before this Board, this meeting was adjourned at 10:15 P.M.

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