

**TOWNSHIP OF PARSIPPANY-TROY HILLS
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING FROM JUNE 2ND, 2010**

The meeting of the Board of Adjustment commenced at 7:35 P.M. The following members were present: Mr. Dickens, Mr. Dredde, Ms. Gragnani, Ms. Jennrich, Mr. Kimmey, Mr. Pathak, Mr. Iracane and Mr. Pathak and Mr. Dinsmore from the Planning Board. They will be sitting on the Mountain Way application. ABSENT: Ms. Schindel.

*The Board was represented by Counsel: George W. Johnson, Esq.
The Board's planner was present: E. Snieckus from Burgis Assoc.
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 of this 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 had a request from Robert Garofalo, Esq. to carry the Yogi Divine application to a date in July. This application has had many postponements. The Board informed Mr. Garofalo that they will carry this to the Aug 18th meeting, and if he is not ready to proceed, they will withdraw the application without prejudice.

The Board had a request from Robert Garofalo, Esq. to carry application # 10:10 to a date sometime in the near future. The Board has set August 18th for this hearing.

The Board had a request from Robert Garofalo, Esq. to consider amending one of the conditions of approval for a sign at the Holiday Inn site. Applicants did consent to a restriction that the reader board would not be changed more than twice daily. They are now asking for reconsideration to have it changed no more than 4 times in any one 24 hr. period. The Board denied this request.

The Board adopted the following resolutions granting approvals to:

*Holiday Inn – moved by Ms. Gragnani, second, Ms. Jennrich, with all in favor.
Howard Frank – moved by Mr. Dickens, second, Mr. Kimmey, with all in favor.
Nancy Capozza – moved by Ms. Jennrich, second, Mr. Dickens, with all in favor.
Ida Conzen – moved by Mr. Kimmey, second, Mr. Dickens, with all in favor except Mr. Iracane who did not sit on this application.*

The Board heard application #10:14 in behalf of Narendra Shnkla, premises affected is located at 9 Dundee Rd. lying in tax block 272, tax lot 4.01 in the R-4 zoning district. Applicants are seeking bulk variance relief to construct a shed and a roofed entry with stairs which would violate the side yard requirements and open deck requirements of the Ordinance. Mr. and Mrs. Shukla appeared and testified in their own behalf. No interested parties were present. The existing coverage for decks is at 23.78% and the applicant is proposing 25.51%. The proposed shed would be located 2' from the side and rear yard whereas 6' is required. Applicant stated that there is a fence, that his neighbors have no objection to its location and he intends to have matching materials with his home. He further said that there are many sheds within his neighborhood. Statement by Mr. Pathak as to why this should be granted: he believes that the size of the yard mandates that it be placed where shown, it will provide a more user friendly yard for his family and recommends approval. Motion to grant moved by Mr. Dickens, second, Ms. Gragnani, with all in favor.

The Board heard application # 10:16 in behalf of Mr. and Mrs. G. Uppalapati, premises affected is located at 71 Leah Way, lying in tax block 734, tax lot 84 in the APRD-2 zoning district. Applicants are seeking variance relief to construct a deck with stairs that would exceed the maximum impervious coverage. The Applicants appeared and testified in their own behalf. No interested parties were present. This property is located within the Mazdabrook section of the Township, where there are many such decks. His is one of the last homes that does not have a deck. His allowable coverage is 40% and he wishes to increase this to 45.55%. The Board has determined that this is a diminimous request and voted to approve the application. Statement by Mr. Kimmey as to why this should be granted: he believes that it is a safety factor, there is a large drop from the back to the yard, it will provide enjoy to the family and is a good use of the property. Motion to grant moved by Mr. Dredde, second, Mr. Pathak, with all in favor.

The Board heard application # 10:12 in behalf of T-Mobile @ Southhall Ct. property affected is located at 11 Southhall Ct. lying in tax block 764, tax lot 63.08 in the R-1 zoning district. Applicants are seeking use variance relief and minor site plan approval to add antennas onto the existing transmission tower. The Applicant was represented by counsel, James K. Pryor, Jason Fictor, PE who prepared the plans and William F. Masters, Jr. professional planner. No interested parties were present. There are two existing towers at the site, the antennas will be placed above the towers with an equipment cabinet at the back. This is a co-location. 9 antennas are proposed. The antennas as proposed will be 13" wide, 4 1/2 feet tall and will be of matching materials to the towers. No lighting is proposed, there will be a battery backup. Variance requested is for height only. The tower is 132' high, the ordinance permits heights up to 14', we are proposing total height of 144'-4", which applicants believe is a dominions request. They also believe that co-location meets the intent of the ordinance and is encouraged by ordinance. They believe that the 4'-4" deviation does not rise to any detriment effect. The Board determined that variance relief is appropriate and voted to approve the application. A transcript of the hearing will be on file in the Board office and will be made of these minutes.

The Board heard continued hearing in application # 07:13/14/15, in behalf of 700 Mountain Way, property lying in tax block 14, tax lots 9 & 9.01 in the R-R zoning district. Applicants are seeking use variance and preliminary major site plan approval to construct age restricted town homes in 5 buildings. This is a continued hearing, carried from the April 7th meeting. The Applicant was represented by Counsel, Robert C. Garofalo, Esq. and Patrick McClellan, engineer who prepared the plans. Interested parties were present. The Applicant has now reduced the scope of this project from 27 units to 22 units. The original submission called for 38 units, then reduced to 27 and now has amended his plans for 22 units. A court reporter was present and a transcript of this hearing will be on file in the Board office and will be made part of these minutes. Applicants did state that the number of variances are the same, but have been reduced. The applicants, will, at the next meeting submit a cross section of the rear of the proposal showing retaining walls, landscaping, , steep slopes, etc. They have stated that the rear of the buildings will be heavily enhanced with landscaping. A continued hearing has been scheduled for Aug. 18th, 2010.

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

*Respectfully submitted,
Harriet Jacobs,
Board of Adjustment*