

**TOWNSHIP OF PARSIPPANY-TROY HILLS
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING FROM SEPTEMBER 1ST, 2010**

The meeting of the Board of Adjustment commenced at 7:35 PM/The following members were present: Mr. Berkowitz, Mr. Dickens, Ms. Jennrich, Mr. Kimmey, Mr. Pathak, Mr. Iracane. ABSENT: Mr. Dredden, Ms. Gragnani, 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 engineer was present: Gordon Meth*

The Chairman read into record the Open Public Meetings Act in accordance with NJSA10:4-6 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 adopted the following resolutions granting approvals to:

Roasamina De LaRosa in application # 10:19/20, moved by Mr. Berkowitz, second, Mr. Pathak.

Salvatore DePasquale in application # 10:38, moved by Ms. Jennrich, second, Mr. Kimmey.

The Board agreed to carry case #10:30 to Sept. 15th meeting. New notice not required.

The Board heard continued testimony in behalf of the BKof Parsippany application. Frank DeVito, attorney for applicants appeared with Mr. Gary Dean who is the traffic engineer for this project. Mr. Dean testified that he appeared, at the request of the Board before the DOT seeking permission to create an exit driveway to Rt. 46. The DOT was concerned about safety since it would be very close to the jug handle and would not grant approval. They also investigated connecting site and determined they were insufficient. Their opinion was that applicants should try to improve the Baldwin drive.. The DOT, did, however agree that a sidewalk would be helpful. The Applicants agreed. A court decision DunkinDonuts vs. Twp. of N. Brunswick was cited that you cannot consider off-tract improvements. This application is an as-of-right request. This is for use variance. If the existing building were to be demolished and one new building constructed, this would be as-of-right and board could not deny for traffic. The Board went into conference. Moved by Mr. Dickens. Comments by Mr. Pathak: he is not in favor of another building on site, it is adjacent to town facilities, i.e. Smith Field, believes height would create an

eyesore and believes that the best option for this property would be to design one building. He is not in favor and will vote no. Comments by Mr. Kimmey: he has visited the site several times and has tried to envision another building, he has examined the ingress, egress and the ramp and believes that there is considerable traffic going south onto Baldwin Rd. which will be exacerbated. He also has observed people and children crossing on foot. He is not in favor and will be voting no. Comments by Ms. Jennrich: for the same reasons stated, she believes that it ;will be hard to fit a building on this lot and does not know types of businesses that would come in. It could be candy store, ice cream, and would attract children. She will be voting no. Comments by Mr. Dickens: he thinks the applicant did a good job meeting with DOT.He is concerned about safety, signage, lights and he is not in favor and will be voting no. Comments by Mr. Berkowitz: his initial reaction was that there is too much building for this property, having two buildings on one lot is a problem, it is too close to Baldwin Rd. and would create a bad traffic pattern. He will be voting no. Comments by Mr. Iracane: he remembers where one could exit Burger King to Rt. 46. He asks if this proposal would improve life in Parsippany, and does not believe it would. He sees no hardship here and will vote no. Move to come out of conference made by Mr. Dickens, second, Mr. Kimmey. Motion moved to deny applicants request by Ms. Jennrich, second, Mr. Pathak, with all in favor.

Mr.; Pathak leaves after this case.

The Board heard application #10:40 in behalf of Mr. Manish K. Shah, property affected is located at 155 Janelle Blvd. lying in tax block 734, tax lot 102 in the APRD-2 zoning district Mr. Shah appeared and testified in his own behalf. No interested parties were present. Applicant is seeking bulk variance relief to construct a deck at the second story that would increase impervious coverage for building and decks. Proposed coverage would be 43.36% whereas 40% is the maximum. Mr. Shah testified that he has an elevated door 12' above ground. He does not want stairs because of potential robberies He also stated that the proposed size 30 x 15 will be a good size for family entertaining.; To the rear of his home is vacant land. Statement by Mr.Kimmey as to why this should be granted: we have heard many such applications and he believes that this is an appropriate application to approve. Motion to grant moved by Ms. Jennrich, second, Mr. Dickens, with all in favor.

The Board heard application #10:50 in behalf of Ms Patricia Mattos, property affected is located at 49 Fox Hill Rd. lying in tax block 109 tax lot 8 in the R-3 zoning district. Applicant is seeking to construct an open deck with stairs. Applicant appeared and testified in her own behalf. No interested parties were present. Ms. Mattos stated that the house has lake views,, it will not encroach on any yards. The township's engineer reviewed and he has no objections. The house is undergoing a total renovation. It is approximately 90 years old. The deck with stairs will be 20 x 28. Statement by Mr. Dickens as to why this should be approved: he believes that this is a simple application, variances are diminimous and should be granted. Motion to grant moved by Mr. Kimmey,second Ms. Jennrich, with all in favor.

The Board heard application # 10:51 in behalf of Varsha Godbole, property affected is located at 90 Janelle Blvd. lying in tax block 734.08, tax lot 11 in the APRD-2 zoning district. Applicant is seeking variance relief to construct a brick patio that will increase impervious coverage from 38.30% which is existing to 48.10% which is proposed and from the requirements of accessory rear yard setback from 10 feet to 8 feet which is proposed. Ms. Godbole appeared and testified in her own behalf. No interested parties were present. The proposed patio would be 5' away from her French doors. The pavers will be of brick, some water will drain into ground. The property behind hers also has a patio. Statement by Mr. Berkowitz as to why this should be approved: he likes the deck on ground, the request is diminimous and recommends approval. Motion to grant moved by Ms. Jennrich, second, Mr. Dickens, with all in favor.

The Board heard application # 10:43 in behalf of Mr. and Mrs. Joseph Puso, property affected is located at 2 Lake Place, lying in tax block 441, tax lot 20 in the R-3 zoning district. Mr. and Mrs. Puso appeared and testified in their own behalf. Interested parties were present. Applicants are seeking bulk variance relief to demolish their existing dwelling and to replace with a new single family. The existing dwelling is a 3 bedroom home built in the 60;s, rooms are small. They are planning on a family and wanted to add an addition, but found it was not feasible, hence a new building is proposed. The new dwelling will be a center hall colonial, having 4 bedrooms and 2 1/2 baths. The existing lot is an irregularly shaped pie, undersized on a corner, therefore creating two front yards. This triggers the variances. The proposed driveway will be on Lake Place, not on Edgewater as now exists. There is an easement to the lake on Edgewater, it will remain as is, the lake association is the owner. Lake Place is a very small street, with very little traffic. The applicants stated that they will meet with the townships forester to see if they can save the ash tree. They will also consult with the township's engineer regarding runoff away from neighbors and the lake. No height variances are being requested. No views of the lake will be blocked. The proposed building coverage would be 15.80% whereas 15% is the maximum and that the proposed impervious coverage would be 30.50% whereas 30% is the maximum permitted. Lot area is 8439 sq. ft. whereas 15,000 sq. ft. is needed. This is an existing undersized lot. Gail Darmsteadt who lives across the street objected to the application stating that she is concerned about potential drainage issue. She also stated that relocating the driveway from Edgewater Pl. to Lake Place may add to any potential run-ff. Mr. Puso stated that he will work with the engineer and if needed, may very well have a drywell Ms., Darmsteadt was also concerned about the lights that will shine when they exit their driveway. Mr. Iracane said that this was a residence, not much traffic on this street. Cory Corigliano who resides at 10 Edgewater, in lot 19 across the street spoke in favor. He stated that the applicants have improved their home, he has no problem with this request. There are many other homes in the area that are very large. Todd Smith, who resides at 6 Edgewater Pl. in lot 18 has reviewed the plans, he does not see any problem, the home will fit, and he supports the application. Statement by Mr. Kimmey as to why this should be granted: he has listened to all of the testimony, believes the new home will benefit the owners, he sees no detriment and recommends approval. Motion to grant moved by Mr. Kimmey second Ms. Jennrich subject to compliance with the Township's engineer recommendations.

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

*Respectfully submitted,
Harriet Jacobs,
Board of Adjustment*