TOWNSHIP OF PARSIPPANY-TROY HILLS
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING FROM SEPTEMBER 2ND, 2009

The meeting of the Board of Adjustment commenced at 7:30P.M. The following members were present: Mr. Dickens, Ms. Gragnani, Ms. Jennrich, Mr. Kimmey, Mr. Pathak, Mr. Iracane. Also in attendance was: Ms. Baldwin and Mr. Parikh from planning board who sit on the Mountain Way application. Board members Jennrich, DeCroce and Kimmey are recused from Mountain Way. ***ABSENT****: Ms. DeCroce, Mr. Dredden, Ms. Schindel*

The Board was represented by Counsel: George W. Johnson, Esq.
The Board's Planner was preset: John T.Chadwick, IV
The Board's Planner for Mtn. Way was present: Sean Moronski, Burgis Assoc.
The Board's traffic/eng. 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 on any matter not on this evening's agenda. There were none, and this portion was closed.

The Board was informed by our attorney that the litigation between Kuryllo vs. the BOA has been dismissed in favor of the Board.

The Board adopted the following resolution granting approval to:
Gilbert Roman in application # 09:22 for permission to occupy a vacant store as a convenience store and to add an additional free standing sign. Moved by Ms. Gragnani, second, Mr. Dickens, with all in favor.

The Board heard application # 09:40 in behalf of Mr.Chandrakant Patel, property affected is located at 72 Garfield Rd. lying in tax block 357, tax lot 22 in the R-4 zoning district. Applicant seeks variance relief to construct a 6' x15.8' driveway that would increase impervious coverage from 43.38% to 44.47%. The applicant appeared and testified in his own behalf. No interested parties were present. A road opening permit will be required for curb and driveway improvements within the Township's ROW as well as safeguarding that surface runoff be to Garfield Rd.The applicant agrees to these conditions. Based upon testimony provided, the Board determined that this was a diminimous request and approved the application. Motion to grant moved by Mr. Dickens, second, Mr. Kimmey, with all in favor.

The Board heard application #09:43 in behalf of Mr. Dhiren Patel, property affected is located at 218 Marcella Rd. lying in tax block 243, tax lot 16.2 in the R-4 zoning district. Applicant is seeking variance relief to construct a 12 x 12 shed which does not meet the setback requirements of the Ordinance. No interested parties were present. Mr. Patel would like to place his shed 2' from the rear and side yard, whereas 6' is required. He stated that if it were placed within the 6' setbacks, he would be losing a portion of his rear yard. The Board discussed a compromise and suggested a 4' setback which after much debate, the applicant agreed to. Based on this agreement, motion to grant was moved by Mr. Kimmey, second, Mr. Pathak.

The Board heard application # 09:42 in behalf of Robert Pellechio, property affected is located at 106 Parsippany Rd. lying in tax block 391, tax lot 4 in the R-3 zoning district. Applicant was represented by Counsel, Vincent J. Failla, Esq. and Frank Matarazzo, engineer/planner. No interested parties were present. The Applicant is requesting use variance relief to use premises for an insurance agency. This property was previously the subject of use variance to permit an employment agency in 1990. No alterations are being proposed to the existing site. A sign which is existing will remain with the new business. Hours of operation will be 9-5 Monday-Friday. There will be 3 employees, one part time. There are 9 parking spaces, more than sufficient. Testimony given is that Mr. Pellechio deals mainly with commercial insurance, and that he generally meets off premise, therefore very little traffic will be generated with this use. In addition, there are many trees to the south side existing that buffer the residential buildings. The Board went into conference, motion to conference moved by Mr. Kimmey, second, Ms. Jennrich. Comments from Ms Gragnani: she believes that this use is very similar to the use granted in 1990, this will have less of an impact, and she is in favor of approving. Comments from Mr. Dickens: he believes that this is a reasonable request, it is less intense than the employment agency and he is in favor of approving. Comments from Ms. Jennrich, Mr. Pathak, Mr. Kimmey: they all concur that the application has merit. Comment from Mr. Iracane: he remembers this application from 1990, and he believes that this request is very reasonable use for this site and is in favor of approval. Motion to grant moved by Mr. Dickens, second, Mr. Pathak, with all in favor.

The Board heard application #09:41 in behalf of Parsippany Hospitality, LLC, property affected is located at Rt. 46 and Hill Rd.lying in tax block 136, tax lot 46.01 in the SED-5 zoning district. This is a request for final site plan approval in connection with a previously granted use variance and prelim site plan to construct a 87 room hotel with associated amenities in 2006. The Applicant was represented by Counsel: Joseph A O'Neill, Esq. firm of Garofalo and O'Neill. One interested party , an objector, Alfred Brunner,Esq. representing adjacent property owner who is in litigation with applicant's client over a boundary line dispute. The Board has no jurisdiction .Michael Spillane, engineer who prepared the site plan was present and testified. He stated that the building is close to completion, no changes are proposed other than some grading, landscaping will be complete within the next week. They will comply with Mr.Meth's report, they have added the fire zones requested by the Fire Chief, and they have added an additional fire connection as well. The township's forester requests posting a performance bond, and they have agreed to this . In addition, no certificate of occupancy is to be issued until

all work has been completed. Based upon this testimony, the Board voted to approve final site plan. Motion to grant moved by Mr. Dickens, second, Ms. Jennrich, with all in favor.

The Board heard application # 073/14/15 in behalf of 700 Mountain Way, LLC, property affected is located at 700 Mountain Way, lying in tax block 14, tax lots 9 & 9.01 in the R-R zoning district. Applicant is represented by Counsel, Robert J.Garofalo,Esq. and Bruce Davies, Landscape Architect. Many interested parties were present. This is a continued hearing which was heard on July 8th. Applicant is seeking use variance and preliminary site plan approval to construct 38 age restricted townhomes in 7 buildings.Mr. Davies testified during the entire hearing. Other expert witnesses will be called at the next meeting. A court reporter was present and a copy of this hearing will be made part of the record and be available for public inspection. This application has been carried to the Nov. 4th meeting for continued hearing with no further notice.

With no other business to come before this Board, this meeting was adjourned at 10:00 PM.

Motion to adjourn moved by Ms. Gragnani, second, Mr. Kimmey.

Respectfully submitted,
Harriet Jacobs,
Board of Adjustment.