

**TOWNSHIP OF PARSIPPANY-TROY HILLS
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING FROM OCTOBER 6TH, 2010**

The meeting of the Board of Adjustment commenced at 7:40 P.M. The following members were present: Mr. Berkowitz, Mr. Dickens, Ms. Gragnani, Mr. Pathak, Ms. Schindel, Mr. Parikh and Mr. Dinsmore from the Planning Board. ABSENT: Ms. Jennrich, Mr. Kimmey, Mr. Iracane.

*The Board was represented by Counsel: George W. Johnson, Esq.
The Board's engineer was present: Jeff Shepard for Gordon Meth
The Board's planner was present: John T. Chadwick, IV
The Zoning Officer was present: Jennifer Collins*

In the absence of the Chairman and Vice-Chairman, the Board appointed Tom Dinsmore acting chairman for this meeting.

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 resolution granting approval to:
Teachers Insurance and Annuity Assoc. a/k/a Morris Corp. Center III for new signage.*

The Board adopted resolution #09:66/67/68 denying variance relief to BK of ParsIPPany.

The Board received a letter of resignation from George Dredde III, who, due to work commitments cannot continue serving.

The Board was asked to postpone case # 07:80"A" Springhill Suites to the Dec. 8th meeting without further notice. Motion moved by Mr. Dickens, second, Mr. Berkowitz.

The Board heard application # 10:41 in behalf of Mr. Ahmet Songun, property affected is located at 16 Schuyler Street, lying in tax block 723, tax lot 14 in the R-3 zoning district. Applicant is seeking variance relief to construct a 5' and a 6' chain link fence to his property. Mr. Songun appeared and testified in his own behalf. No interested parties were present. Mr. Songun testified that he has a corner property, thereby creating two front yards. He said that his property is lower in topography than his adjoining neighbors. As a result, his neighbors dogs, there are three, will cross over to his house, his children are in the yard, the dogs are unleashed. He has called animal control on several occasions. He is therefore proposing to install one 5' chain link along Livingston

Way, which is considered a side yard, but would start beyond the driveway and one 6' chain link at rear, which is considered a side yard as well. Mr. Pathak felt that the issues of the dogs and the fact that the property was somewhat depressed creates a peculiarity and recommended approval. Motion to grant moved by Mr. Pathak, second, Mr. Berkowitz with all in favor.

The Board heard continued testimony in behalf of Pavillion Properties, LLC, a/k/a Children of America, property affected is located at 70 Old Bloomfield Ave. lying in tax block 631, tax lot 3 in the R-3 zoning district. This is a request for use variance relief to convert a previously approved office building to a pre-school facility. This application was previously heard on July 7th and carried to this date for additional information. The applicant was represented by Counsel, Joseph A. O'Neill, Joseph Staigar, traffic engineer and John McDonough, professional planner. The testimony given dealt primarily with traffic, traffic patterns, and levels of service for this area and how that would impact on the pre-school. Mr. McDonough provided planning testimony supporting reasons why this should be approved. A court reporter was present and a transcript will be made available for public inspection and will be made part of these minutes. The Board went into conference and offered their opinions. Of the six members, three were not in favor. The applicant was offered the opportunity to return with a proposal that would reduce the number of children, if possible. In addition, an absent member would read the transcript and be eligible to vote. The Applicants agreed to return for another meeting. This application will be heard Dec. 8th for added material and a vote.

There was not sufficient time to hear case # 10:46, in behalf of 2889 Rt. 10 LLC. It will be on the Board's agenda Oct 20th solely for the purpose of setting a new hearing date.

With no other business to come before this Board, this meeting was adjourned at 100P.M.

*Respectfully submitted,
Harriet Jacobs,
Board of Adjustment*