

**TOWNSHIP OF PARSIPPANY-TROY HILLS
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING FROM OCTOBER 20TH 2010**

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

*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 Zoning Officer was present: Jennifer Collins*

Vice Chairperson Michele Jennrich will conduct this meeting.

Ms. Jennrich 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 adopted a resolution granting approval to Mr. Ahmet Songun in case # 10:41 for the installation of a fence.

The Board dismissed, without prejudice, Case #07:10/11 Yogi Divine Society of New Jersey. Motion moved by Ms. Gragnani, second, Mr. Pathak, with all in favor.

The Board was asked to carry case #10:01 in behalf of Mr. V. D'Accardi to the Nov. 17th meeting. Applicant to submit further information. Request granted.

The Board was asked to postpone case #10:44 to the Jan. 5th, 2011 hearing since the applicant did not believe he would be reached tonight. The Board agreed. Motion to carry without further notice moved by Mr. Pathak, second Mr. Dickens, with all in favor.

The Board was asked to switch the dates for two applications. i.e. Case # 10:46 to be heard on Nov. 3rd, (originally scheduled for Dec. 15th) and Case #07:13/14/15 (originally scheduled for Nov. 3rd) will go on the Dec. 15th agenda. Request granted.

The Board heard application #10:57 in behalf of Mr. and Mrs. Oleksandr Yarmolenko, premises affected is located at 26 Maplewood Dr. lying in tax block 457, tax lot 35 in the R-3 zoning district. Applicants are the owners of subject premises and are seeking variance relief to construct a shed that would exceed maximum building coverage. The Applicants appeared and testified in their own behalf. No interested parties were present. Mr. Yarmolenko testified that that the shed would be 89' x 12' and is needed for storage

of gardening tools and other equipment needed to maintain his property. His building coverage is presently 17.56% & and with the installation of the shed would increase to 18.20%. The Board determined that the request is diminimous, .64% would be added and agreed to approve.Motion to grant moved by Mr.Dickens, second, Ms.Schindel, with all in favor.

The Board heard application # 10:45 in behalf of Mr. Mohamed Salam, d/b/a Cluck-U-Chicken, premises affected is located at 1082-90 Rt. 46, lying in tax block 717, tax lot12 in the B-2 zoning district. The Applicant was present and was represented by Counsel, Joseph A. O'Neill, Esq. firm of Garofalo and O'Neill. No interested parties were present. In 2008 the Applicant received approval to operate a restaurant that had set hours of operation. This request is to delete the condition of approval for the hours and is requesting that the facility operate on a 24 hour basis. The Applicant is the tenant and has received consent from the property owner. Mr. Salam, who manages the business testified that limiting his hours to midnight is restricting his business, and although it is unlikely that he would be open 24 hours, he would like the option to set his own hours in accordance with requirements of his customers. He testified that there are several fast food type restaurants in town that operate past midnight especially on weekends. The Board discussed this in their conference.Comments from Ms. Schindel, she has no objection with the change in hours and will vote to approve. Comments from Mr.Pathak: he sees no problem with the applicant's request and agrees to approve.Commnts from Ms. Gragnani: she is happy to see that business is doing well and will approve request. Comments from Mr. Dickens: he is in favor of the request. Comments from Ms. Jennrich: she originally had some misgivings, but after listening to her colleagues feels that the request should be granted and will vote in favor..Motion to grant moved by Ms. Gragnani, second, Mr. Dickens, with all in favor.

The Board heard continued testimony in behalf of case # 09:13/14/15 more particularly described as International Swaminarayan Satsang Org. a/k/a ISSO, property affected is located at 1699 Rt. 46 lying in tax block 725, tax lots 8,9,10 in the O-3 zoning district. The Applicants were represented by Counsel, Robert C. Garofalo,Esq. and John McDonough, planner and Joseph Staigar, traffic engineer. Interested parties were present. This is a continued hearing, carried from the August 18th meeting. This is an application to construct a House of Worship, maintain the existing single family dwelling as well as the garage structure and seek minor subdivision for same. Mr. Staigar and Mr. McDonough both testified as to the changes they are proposing, such as reducing the size of the temple,to 6000 sq. ft. which is a reduction of 60%from the original,that previously there were 22 non-conformities, and they have been reduced to 2, removing the proposed bank(originally requested) keeping the flower shop and keeping the garage structure for storage. Signage will be conforming, no variances are requested. A court reporter was present. A certified copy has been made part of the minutes and are on file in the Board office for public inspection. The Board reviewed the changes, held a conference and voted to grant approval. Motion to grant moved by Mr. Pathak, second, Ms. Schindel, with all in favor.

With no other business to come before this Board, this meeting was adjourned at 9:45 P.M. Motion to adjourn moved by Mr. Dickens, second, Mr. Pathak.

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