TOWNSHIP OF PARSIPPANY-TROY HILLS
ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING FROM NOVEMBER 4TH, 2009

The meeting of the Board of Adjustment commenced at 7:35P.M. The following members were present. Ms.DeCroce, Mr. Dickens,Mr. Dredden, Ms. Jennrich, Mr. Kimmey, Mr. Pathak. Also in attendance from the Planning Board were: Ms Baldwin andMr. Parikh who will participate in the Mountain Way application.ABSENT: Ms. Gragnani, Mr. Iracane, Ms.Schindel.

The Board was represented by Counsel: George W. Johnson.Esq.
The Board's planner was present: John T.Chadwick
The Board's planner for Mountain Way was present: Sean Moronski,Burgis Associates.
The Board's engineer was present: Gordon Meth

This meeting will be chaired by Vice-Chairwoman Michele Jennrich.

The Pledge of Allegiance was recited.

The Chairman read into record the Open Public Meetings Act in accordance with NJSA 10:4-6 et.seq.

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 heard a request from Cortney Vreeland affecting application # 07:77 to grant her a one year extension in order to obtain permits. Due to economic conditions, Ms. Vreeland was not able to commence construction this past year, but is able to do so now. Extension has been granted to June 30th, 2010. Moved by Mr. Kimmey second, Mr. Pathak, with all in favor.

The Board was in receipt of a request from Joseph A. O'Neill,Esq. to carry application # 07:80'a' to next available date. Application has been carried to the Jan.13th hearing.Moved by Mr. Dickens, second, Mr.Kimmey, with all in favor.

The Board discussed and voted on application #09:47 in behalf of Metro PCS NY LLC, with all members having read the transcript. This is an application to increase the height of an existing monopole 10 feet, add 6 antennas at property located at 2 Sylvan Way.The Board determined that the applicants were entitled to variance relief and approved the application. A certified transcript is on file in the Board office and made part of these minutes for public inspection.

The Board heard application # 09:48 in behalf of Jerry McGinty, property affected is located at 241 Allentown Rd. lying in tax block 271, tax lot 15 in the R-4 zoning district. Applicant is seeking permission to legalize a 10'x10' shed that has exceeded the impervious coverage and encroaches into the side and rear yard setbacks. Mr. McGinty appeared and testified in his own behalf. No interested parties were present. He testified that he did not know a zoning permit was needed to construct the shed since it has only 100 sq. ft. of area, building permits are not required. He further stated that due to the topography of his lot and the location of a very large rock, this is the only place the shed could be placed.It is also set as an angle to the property lines so that only two corners of the shed are encroaching. His existing impervious coverage prior to the shed was 40.70% and will increase 3.30%, whereas 40% is the maximum allowable.He stated that the shed will be used to s tore his motorcycles. Statement from Ms. DeCroce as to why this should be approved: she has reviewed the radius map of the neighborhood and finds that there are many sheds in the area, it would not be out of character. In addition, testimony was given that the rock cannot be moved. She recommends approval. Motion to grant moved by Mr.Kimmey, second Ms. DeCroce, with all in favor.

The Board heard application # 09:52 in behalf of Parsippany Shopping Plaza, Inc. property affected is located at 388a Rt. 46 West, lying in tax block 693, tax lot 5 in the B-2 zoning district. The Applicant, Allen Tjiong is the tenant and the owner Anthony Sannazzaro was present and both were represented by Richard M. Onorevole, Esq. for the owner and James Pryor Esq. for the tenant.. No interested parties were present. This is a request for use variance to permit and to operate a martial arts fitness center within this shopping center. This use is not specifically listed in the ordinance, therefore relief is required. Mr. Sannazzaro testified that his center currently has tenants which include a Garden Center, a Dance Studio, a Dry Cleaners, a piano retailer, an insurance office an bagel shop a hair salon and a model toy retailer. There are 110 paring space which is more than adequate to accommodate all customers and employees. The proposed operator testified that he expects to have between 10-15 students at any one time. The school would operate after school hours and into the evening. Each session is approximately 45 minutes. Hours of operation are expected to be Monday – Friday 4PM to 9PM, Saturday 9:30AM to 2PM. No interior or exterior renovations are expected except to add a sign on the panel. Statement from Mr. Dickens as to why this should be approved. He believes that this is a good application, it also brings business into the Township and the use is consistent with the uses in the shopping center. Motion to grant moved by Mr. Dredden, second, Mr. Kimmey, with all in favor.

The Board heard application # 09:53 in behalf of Mr. and Mrs. Lloyd Heindrich, property affected is located at 1 Nokomis Ave. lying in tax block 542, tax ot 14 in the R-4 zoning district. Mr. and Mrs. Henidrich appeared and testified in their own behalf. No interested parties were present. Applicants are seeking permission to construct an 18'diameter above ground pool that will increase impervious coverage.Present impervious coverage is at 42.03% and will increase to 45.02%.This increase is due to the fact that surface water is counted as impervious coverage under the Ordinance. It is not substantial and is related to the inclusion of pool surface. The Board determined that the pool will provide seasonal enjoyment for the family and will not impair the zone plan.

Statement by Mr. Pathak as to why this should be granted. He believes this is a reasonable request, the variance is diminimous and recommends approval. Motion to grant moved by Mr. Dickens, second, Ms. DeCroce, with all in favor.

The Board heard application # 09:58 in behalf of Arthur Simonutti, property affected is located at 28 Deauville Drive, lying in tax block 754, tax lot 20 in the R-2 zoning district. Mr. Simonutti, owner of property appeared and testified in his own behalf. No interested parties were present. This is a request to construct a 12' x 16' open deck with stairs that would result in maximum impervious coverage to be further exceeded and also result in maximum area for open decks to be exceeded. Impervious coverage would increase from 24.69% to 26.05%. This section of the Township was rezoned many years ago from R-3 to R-2 under density modification. Had the R-3 remained, no variances would be needed. The deck will provide seasonal enjoyment for his family. There are many decks in the neighborhood. The Board determined that variance relief is appropriate and voted to approve the application. Motion to grant moved by Mr. Dredden, second Mr. Kimmey, with all in favor.

The Board heard application # 07:13/14/15 in behalf of 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. This is a request to construct 38 age restricted townhomes in 7 buildings. Use variance and preliminary site plan as well as major soil moving is needed. The Applicant was represented by Counsel,Robert C. Garofalo, Esq. Joseph Staigar, traffic engineer. Several interested parties were present. This is a continued hearing carried from the Sept. 2nd meeting. This hearing dealt only with traffic and traffic questions from the audience. The following persons came forward to ask questions: Jian Jao, 99 So. Powder Mill Rd. Carly Fraser, 789 Mountain Way, Dian Geohr, Powder Mill Rd. resident, Lynn Lieb, 1 Zeek Rd. A.Thuen, 715 Mountain Way, Vincent Kellett, 7 Rocky Hieghts Rd. A court reporter was present and a transcript will be available for public inspection and made part of these minutes. This hearing commenced at 9PM and concluded at 10:40PM. Continued hearing will be December 9th, 2009.

With no other business to come before this Board, this meeting was adjourned at 11:00 P.M.

Respectfully submitted,
Harriet Jacobs,
Board of Adjustment