

**MINUTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS
SPECIAL BOARD OF ADJUSTMENT MEETING
WEDNESDAY, NOVEMBER 13, 2019**

Chairman Iracane called to order the Board of Adjustment Meeting of Wednesday, November 13, 2019 at 7:30 PM.

Members Present: Mr. Berkowitz, Mr. Kaplan Mr. Persaud, Mr. Reddy, Mr. Willans,
Chairman Iracane

Also Present: Mr. Hirniak, Board Attorney
Mr. Chadwick, Board Planner
Mr. Holloway, Board Engineer

Absent: Mr. Joskowitz, Mr. Snyder

Announcement is made that adequate notice of this meeting has been given, that it is being conducted in accordance with N. J. S. A. 10:4-6 et seq. of the New Jersey "Open Public Meetings Act".

Pledge of Allegiance

Chairman Iracane opened the floor to the public for anyone wishing to speak.

Agenda:

Application 19:50

Cozy Day Spa, 309-345 Route 46, Block: 767 Lot: 2 Zone: B-2

'D' Variance for a massage spa

Carried from November 6, 2019

Joseph O'Neill, Attorney from Garofalo O'Neill Ruggiero, was present on behalf of the applicant for a day spa to be located in a tenant space that had been occupied by a tanning salon.

Witnesses Karen Lee, Representative of the proposed tenant and Hua Zili, Licensed operator of the spa, were sworn by the Board Attorney.

Ms. Lee testified that Ms. Zili has been a licensed massage therapist for the last 12 years and is the owner of the spa. Locations she has worked in the past were 300 New Road in Parsippany and 1401 Route 23 in Butler. She will employ an office manager initially and Ms. Zili will be the only massage therapist. Once the business grows, she will employ additional licensed therapist. Walk-ins will not be permitted; everything will be scheduled by appointment. A shower room will be

added to wash off the oils used for massage. Referral from doctors will be accepted for patients. Hours of operation will be 9:00 am to 11:00 pm, 7 days per week. Due to everything handled by appointment, there is no waiting room or overlapping of appointments.

The Board confirmed the applicant will comply with all Township requirements and when the operation is at full capacity, there will be five licensed therapists for each of the five treatment rooms. Advertisement will be by distribution of flyers and word of mouth.

Chairman Iracane opened the floor to the public for anyone wishing to ask questions of the Witness.

Witness, John McDonough, Licensed Planner, was sworn by the Board Attorney and testified to the tenant space as being located on Route 46 in a commercial Zone. There are nine units in the building which is a strip mall, and the tenant space would go from one personal service use to another. The use is licensed by New Jersey and is renewed each year.

Positive and negative criteria were provided to the Board.

Chairman Iracane opened the floor to the public for anyone wishing to ask questions of the Witness.

Chairman Iracane opened the floor to the public for anyone wishing to speak in support or opposition of the application.

Recommendation for approval was made by Mr. Kaplan.

Mr. Reddy made a motion to approve the application; second by Mr. Willans.

Approved by All.

Application 19:44, Young Kim, 296 Old Bloomfield Avenue, Block: 626 Lot: 9 Zone: R-3
'C'/'D' Variance to legalize a second dwelling unit.
Carried from November 6, 2019

Steve Tombalakian, Attorney from Weiner Law Group, was present on behalf of the applicant to legalize a garage apartment.

Exhibit A-1, Time Documents of Subject Property; and Exhibit A-2, 12 Photos of property, home, garage and garage interior.

In 2016 the property was purchased in pre-foreclosure on a short sale. The applicant had a dispute with a neighbor which is when he received a visit from the Zoning Code Enforcement Officer regarding the apartment. The home and possibly the garage were built in 1935. According to the tax card the garage was assessed in 2002 which found a portion being used as a garage and a portion as living space.

History of ownership was presented to come up with a possible solution of how the apartment came about.

Gye Kim, Property Owner, was sworn by the Board Attorney and testified that he purchased the property in a short sale. When he checked the tax records everything seemed to be in order, though on record was an open plumbing permit in the Building Department. The permit was for the main structure so the applicant took care of the matter and closed it out.

The applicant explained his issue with the neighbor as being water related at the fence line when it rained. He wrote a letter to the neighbor asking him to take care of the problem but it was not resolved so Mr. Kim threatened to call an attorney. It was around this time when the Code Enforcement Officer became involved.

Mr. Kim described the pictures in Exhibit A-2 as being a four-bedroom, two-story structure that has 2.5 bathrooms and is rented. One family was renting both the home and garage apartment but the apartment is now vacant. The garage has its own electric meter though water and sewer utilities are not separate.

Chairman Iracane opened the floor to the public for anyone wishing to ask questions of the Witness.

Witness, John McDonough, Licensed Professional Planner, was sworn by the Board Attorney and testified the property is located on a corner lot and is of older construction. Directly across the street is the rear of Paul Miller. The garage is located at the corner of the property with a vegetation buffer to one side. The interior living space was described and is heated with electric baseboard and the garage itself is used as storage. Positive and negative criteria were present to the Board.

The applicant agreed that as a condition of approval a deed restriction will be filed that indicates unrelated family would not live in the garage unit and the apartment cannot be expanded beyond it's 525 sq. ft.

Chairman Iracane opened the floor to the public for anyone wishing to ask questions of the Witness.

Chairman Iracane opened the floor to the public for anyone wishing to speak in support or opposition of the application.

Mr. Berkowitz made a motion to go into conference, second by Mr. Reddy.

Each member spoke of their reasons to vote for or against the application.

Motion to come out of conference was made.

Mr. Reddy made a motion to approve the application; second by Mr. Kaplan.

Approved: Berkowitz, Kaplan, Persaud, Reddy, Willans.

Against: Iracane.

Application 19:27

Pineview Homes, 2900 Route 10, Block: 18 Lot: 8 Zone: O-T

'C'/'D' Variance/Bifurcated Application to construct an apartment building.

Carried from November 6, 2019.

Joseph O'Neill was present on behalf of the applicant for the continuation for the use of an apartment building.

Witness, Greg Peragroy, Licensed Traffic Engineer, was sworn and accepted as an expert witness and testified to a traffic generation of the shopping center in comparison to a residential use. The counts were taken during morning and evening peak hours and it was found less trips would be made during both time periods with a residential use. A study of the jug handle during the same hours found there to be up to four vehicles in que through every traffic signal cycle where it can hold up to 16 vehicles without backing up on Route 10. The residential use would add an additional vehicle to this count.

Chairman Iracane opened the floor to the public for anyone wishing to ask questions of the Witness.

Witness, John McDonough, Licensed Professional Planner, was sworn by the Board Attorney and presented Exhibit A-5, 9 Sheets of Maps & Pictures, dated August 9, 2019.

Sheet 1: Tax map with the subject lot outlined in yellow.

Sheet 2: Aerial map of the subject and surrounding lots in current conditions.

Sheet 3: Colorized land use map of the subject lot and surrounding area and their uses.

Sheet 4: Zoning map of the subject lot and surrounding area.

Sheets 5 & 6: Rear view of the subject lot and its buffer canopy during summer and fall foliage.

Sheet 7: View of Mill Run multifamily development across Route 10 from subject site.

Sheet 8: An architectural rendering of the proposed development.

Sheet 9: Aerial of the area indicating other residential developments.

Exhibit A-6, Photo rendering of rear of building with existing tree line, was presented to the Board.

The Board confirmed that the new structure will not be closer in the rear than the existing structure; there will be an 80-100 ft. natural buffer between the existing wall and residential lots; the trees will not be touched; the wall in the rear will have a 6 ft. board on board fence on top; it is 116.9 ft. from the building to the rear property line; 48 ft. from the building to the wall and approximately a 69 ft. buffer behind the wall.

Exhibit A-7, Architectural plans submitted with the plan set to illustrate the east and west elevations, dated August 2, 2019. There will be a total of 180 units; 60 units per floor; with COAH units throughout. 144 units will be 1 bedroom; 30 units will be 2 bedroom and 6 units will be 3 bedrooms. The driveway access and parking areas were described.

The need for a D Variance was reviewed and the positive and negative criteria were presented.

The Board asked about other developments in the area; if they are of the same height as the proposed and the number of stories. Further discussed was the buffer at the rear; the wall at the rear and the affordable housing component.

Chairman Iracane opened the floor to the public for anyone wishing to ask questions of the Witness.

Motion to carry the application to February 5, 2020 without further notice and all required extensions was made by Mr. Willans; second by Mr. Kaplan.

Approved by All.

Motion to adjourn.