

**MINUTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS
BOARD OF ADJUSTMENT MEETING
WEDNESDAY, DECEMBER 4, 2019**

Vice Chairwoman Snyder called to order the Board of Adjustment Meeting of Wednesday, December 4, 2019 at 7:30 PM.

Members Present: Mr. Berkowitz, Mr. Joskowitz, Mr. Kaplan, Ms. Snyder, Mr. Parikh, Mr. Persaud, Mr. Reddy, Chairman Iracane

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

Absent: Mr. Willans

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

Chairwoman Snyder opened the floor to the public for anyone wishing to speak.

Resolutions:

19:44, 19:47, 19:48, 19:49

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.

Mr. Berkowitz made a motion to approve resolution 19:44; second by Mr. Reddy.

Approved by Berkowitz, Kaplan, Persaud, Reddy

Application 19:48, Joanne Jagiello, 37 Glacier Drive, Block: 171 Lot: 55 Zone: R-3 'C' Variance to construct a two-story addition contrary to Sec. 430-35 Col. 4.

Mr. Berkowitz made a motion to approve resolution 19:48; second by Mr. Reddy.

Application 19:49, Bhasker Nayini, 167 Janelle Boulevard, Block: 734 Lot: 104 Zone: PRD-2, 'C' Variance to construct an open deck with stairs contrary to Sec. 430-10.I. and 430-35 Col. 13.

Mr. Berkowitz made a motion to approve resolution 19:49; second by Mr. Reddy.

Approved by All

Application 19:47, Garden State Waste Management Corp., 232 & 240 New Road
Block: 767 Lots: 23 & 24 Zone: LIW-2, Preliminary and Final Major Site Plan 'C'/'D'
Variance/Major Soil Move for a truck storage yard.

Mr. Berkowitz made a motion to approve resolution 19:47; second by Mr. Joskowitz.

Approved by All

Minutes for Approval:

Mr. Kaplan made a motion to approve the minutes of December 4, 2019; second by Mr. Joskowitz.

Approved by All.

Agenda:

Application 19:57 Paula Tavares-Greco, 217 Everett Road, Block: 218 Lot: 2 Zone: R-4
'C' Variance to legalize an 80 ft. shed and 821 sq. ft. patio and walk contrary to Sec.
430-35 Col. 8 & 9.

Paula Tavares-Greco, Property Owner, was sworn by the Board Attorney and testified she purchased her home in recent years with an existing shed she wished to legalize.

Exhibit A-1, Picture of shed, was presented.

The walkway was cracked with weeds growing through so it was replaced with pavers. At the end of the walk additional pavers were put down to form a patio that runs to the side and rear property lines. The applicant asked that driveway

The Board asked questions about the existing and new walk and confirmed sand will be used to hold the pavers in place.

Vice Chairwoman Snyder opened the floor to the public for anyone wishing to ask questions of the Witness.

Vice Chairwoman Snyder opened the floor to the public for anyone wishing to speak in support or opposition of the application.

Mr. Berkowitz made a recommendation for approval of the application.

Mr. Joskowitz made a motion to amend and approve the application legalize a shed, patio and driveway, second by Mr. Reddy.

Approved by all.

Chairman Iracane was recorded as being in attendance and took over the meeting.

Application 19:13 Petro Hub, 261 Parsippany Road/Adelphia Road, Block: 376 Lots: 11 & 11.01 Zone: R-4 & O-S, 'C' Variance to legalize signage.

Joseph O'Neill, Attorney from Garofalo O'Neill Ruggiero, was present on behalf of the applicant to legalize signage at an existing gas station. In the '90's the canopy was approved however, signs were not. All signs comply with the ordinance except for the canopy.

Witness, Kathryn Gregory, Licensed Professional Planner was sworn and qualified by the Board Attorney.

Exhibit A-1, Aerial Photos of existing conditions of surrounding area. The photos included other gas stations in the area and two aerials. Each picture was described and noted was that the wall and freestanding signs do comply with the ordinance. The only variances needed are for the canopy signs which are 17.5 sq. ft. each.

The positive and negative criteria were presented.

Exhibit A-2, Picture of a BP gas station and their signs was passed out to the Board for comparison.

The Board asked about sign location on the canopy and if there was proposed site work.

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. Joskowitz.

Mr. Reddy made a motion to approve the application legalizing signage; second by Mr. Persaud.

Approved by all.

Application 19:18 Pacific Outdoor Advertising, 7 Entin Road, Block: 202 Lots: 9.03
Zone: SED-3, Preliminary and Final Site Plan/'C'/'D' Variance.
Carried from October 2, 2019.

Joseph O'Neill, Attorney from Garofalo O'Neill Ruggiero, was present for the continued application for a billboard to be located at 7 Entin Road.

Witness, Diego Duarte, Licensed Engineer, previously sworn, presented Exhibit A-4, 60 ft. billboard from a 500 ft distance. It is a Google street view looking North Bound with the billboard superimposed in the distance. The face has been reduced to 48 x 14 with the sign angled to be viewed by northbound traffic only. The sign height has also been reduced to 60 ft. in height, right above the tree tops. Residents on Jacksonville Road will not see the sign or light from the sign. There is no generator therefore there is no noise.

The Board asked about light intensity; if there is a regulation regarding how large the lettering has to be to safely view a message at a rate of speed and about the angle of the sign toward the road.

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

Debra Lovett, asked about the location of the sign, if the southbound traffic would see the sign, color of sign structure, hours sign will be lit.

Witness, Kevin O'Brien, Licensed Professional Planner, was sworn and qualified by the Board Attorney and testified that sign was modified to reduce the size and height of the sign and is as low as possible without trees blocking the view. The north side of the sign was removed and the angle will not allow residents to see the sign.

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.

Debra Lovett was sworn by the Board Attorney and testified that she is pleased with the revisions but has concerns over traffic congestion and the billboard distracting drivers causing accidents.

Mr. O'Neill summed his case.

Ms. Snyder made a motion to go into conference, second by Mr. Joskowitz.

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

Motion was made to come out of conference.

A motion was made by Mr. Reddy to have the Board Attorney draft the resolution; second by Mr. Joskowitz.

Approve: Berkowitz, Joskowitz, Parikh, Reddy, Iracane
Deny: Kaplan, Snyder

Application 19:43 SI 181 Kingston Realty, LLC, 181 Kingston Road, Block: 245 Lots: 18.1
Zone: B-4, Site Plan/'D' Variance for an adult daycare center.

Steve Tombalakian, Attorney from Weiner Law Group, was present on behalf of the applicant to repurpose an existing structure for an adult daycare center.

Exhibit A-1, State License, was presented to the Board.

Witness, Jasad Mehta, Contract Purchaser, was sworn by the Board Attorney and testified he would like to relocate his business from Whippany to Parsippany, which is where most of his clients come from. His current location was the first adult day care center in the county and where he rents space. Because he is unable to expand at his current location, he would like to purchase the subject lot. The operations in Parsippany will be identical to the operations in Whippany. The overall hours are 8:00 am-8:30 pm. There will be two shifts, 9:00 am-2:00 pm and 2:30 pm-7:30 pm. Drivers will pick up clients in passenger vans owned and operated by the company. There are 12 vans, each able to hold 14 people and each shift can accommodate 190 people. Currently the applicant has 100 clients. No medical care will be provided at the facility but nurses will be present to take vitals. There is a kitchen to heat milk and tea and prepared food is brought in. Clients are taken to doctor appointments as well as weekly outings. Ten employees will be on site along with 12 drivers. Additionally, there will be one nurse for every 60 people.

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

Witness, Avard Kahn, Licensed Professional Engineer, was sworn and qualified by the Board Attorney and testified to the existing conditions. There are 22 parking spaces at the front of the building. Two additional doors will be added; one for entrance and exit use, and another at the north side of the building. The paved area in the front will be eliminated and changed into green area. This area is also partially located in the right of way. Currently, the parking spaces vary in size but will be made to all standard 9 x 18 plus two handicapped for a total of 41 spaces. There are three curb cuts which will remain but two will be adjusted for 24 ft. wide openings for ingress

and egress and the third will remain as is and be used for egress only. There is an existing easement on the property to the north side of the property that will remain. A 7 ft. x 9ft. trash enclosure is proposed as well is LED lighting throughout the lot and on the building. Variances necessary are front and rear yard setbacks which is existing and will not change; a canopy that will be 8 ft. wide and 2.8 ft. from the front yard setback, building coverage which is currently over but not changing and impervious coverage where 80% is allowed, is currently 97.5%, but being reduce to 95.82% and overnight parking.

Traffic circulation was described as was the client drop off area. There is a walkway along the front of the building that meets ADA requirements and there is no parking or cueing of vans on the street. Solar panel LED lights are proposed and can be set by timer. Building mounted lights are at 8 ft. and pole mounted lights are 15 ft.

Recommendations were made by the board to redirect traffic circulation, to make revision to the walkway, as well as adjustments to one driveway opening.

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

The Board in wanting to see renderings of the canopy and hear Planner testimony chose to carry the application.

Ms. Snyder motion was made to carry the application to February 26, 2020 without notice and required extensions, second by Mr. Reddy.

Motion to adjourn.