

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, FEBRUARY 13, 2020.

The Regular Meeting of the Piscataway Zoning Board was called to order at 7:30 P.M. in the Department of Public Works Meeting Room, 505 Sidney Road, Piscataway, New Jersey, by Chairman Bleich.

Chairman Bleich stated: IN COMPLIANCE WITH THE OPEN PUBLIC MEETING ACT, ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED IN THE FOLLOWING WAYS:

- *Posted on the bulletin board of the Municipal Building and made available through the Township Clerk;
- *Notice published in the Courier News;
- *Notice sent to The Star Ledger;
- *Notice made available through the Township Librarians.

ROLL CALL:

PRESENT: Roy O'Reggio, Steven Weisman, Loretta Keimel, Jeff Tillery, Kalpesh Patel, Warren Zimmerman and Chairman Bleich. **ABSENT:** Shawn Cahill.

Also present: James Kinneally, Esq., Henry Hinterstein and Laura Buckley, Recording Secretary. It was determined that a quorum was present by roll call.

4. PLEDGE OF ALLEGIANCE

James Kinneally states that application on the #7 on the agenda, **19-ZB-64V, Aatif Qureshi- Postponed until February 27, 2020;** must notice newspaper only.

5. 19-ZB-48V

**Iqbal Ahmed
Bulk Variance
Block 8503, Lot 25; Zone: R-10
17 Charles Terrace**

Applicant proposes to construct a second story addition to an existing single family home.

VARIANCES REQUIRED:

21-501

Required – minimum lot area 10,000 square feet
Proposed – lot area 9,375 square feet (existing)

Required – 100 foot lot width
Proposed – 75 foot lot width (existing)

Required – 35 foot front yard setback
Proposed – 30 foot front yard setback (existing/proposed)

Required – 8 foot side yard setback for an accessory structure
Proposed – 4 foot side yard setback for an accessory structure (existing)

21-613

Required – 100 foot lot frontage
Proposed – 75 foot lot frontage (existing)

Action to be taken prior to February 15, 2020

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Iqbal Amhed, the applicant, is here in to testify on his own behalf. He was sworn in at the prior hearing and remains sworn in. Mr. Kinneally states that at the first hearing the Board had some concerns about the plan at the time and asked him to redesign some aspects. Mr. Kinneally states that it's his understanding that he did not submit the plans in advance but would like those copies to be handed to the Board; A-1. Mr. Ahmed states that they asked him to change the attic space and the steps. Mr. Kinneally states that the revised plan is dated Feb. 7, 2020. The Board reviews the new plan.

Mr. Hinterstein states that it appears that the applicant took the Boards advice and made some modifications that he believes alleviates some of the concerns that they had. The third story attic space, now it has pull down stairs and the stair case going up to the third floor which was isolated before has been removed. The stair case had an exterior entrance which could have easily been retrofitted into a two family home. He is definitely more in favor of the application now. Mr. Ahmed made the necessary changes to alleviate the Board's concerns. Mr. Weisman asks about the overall height; Mr. Hinterstein states that it complies. Mr. Hinterstein states that in the resolution it should be stated that it is to be used as a single family only. Public portion open/closed.

MOTION was made by Mrs. Keimel to approve the application; seconded by Mr. Tillery.

ROLL CALL: Loretta Keimel, Roy O'Reggio, Jeff Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Bleich.

6. **19-ZB-38V** **John Sharpe**
 Bulk Variance
 Block 6404, Lot 9; Zone: RR-1
 409 Crestwood Street
 Applicant proposes to install a pavilion, shed and a 6' privacy fence to an existing single family home on a corner lot.

Mr. Sharpe did not show up for the hearing. Mr. Kinneally states that it will be pushed to the March 12, 2020 hearing with no further notice required.

7. **19-ZB-45V, AAA Budget Self Storage**, will be heard at the end of the applications as a discussion item.

9. **19-ZB-64V** **Grand Home Investments VII, LLC**
 Bulk Variance
 Block 8501, Lot 16; Zone: R-10
 40 Charles Terrace
 Applicant proposes to construct a second story addition to an existing single family home on a corner lot.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 10,000 square feet
 Proposed – lot area 9,807 square feet (existing)
- Required – 100 foot lot width
 Proposed – 80 foot lot width (existing)
- Required – 35 foot front yard setback
 Proposed – 30 foot front yard setback (Charles Terrace)
- Required – 10 foot side yard setback
 Proposed – 9.29 foot side yard setback (cantilever)

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**Action to be taken prior to April 17, 2020
Attorney: Peter Lanfrit/James Stahl**

James Stahl, Attorney, is here to represent the applicant. Mr. Stahl states that he believes the Board has jurisdiction and all notices are in order; they are. His client is here, Mr. A. Motiwala, 40 Charles Terrace; is sworn in to testify. Mr. Stahl asks Mr. Motiwala if he lives here in Piscataway, purchases this home and gave in plans in reference to the application; he agrees. They would like to add a second floor to the existing footprint of the home. There will not be any expansion of the footprint; Mr. Motiwala agrees.

Mr. Stahl states that in reference to Mr. Hinterstein's report, one of the two sheds that are on the property currently will be demolished. The one that remains in the front will be pushed back and repaired. In reference to the fence, which is located on the left side will be relocated; he agrees. Mr. Hinterstein states that the fence has to be at the front yard setback line if it's a 6' privacy fence; if it's in the front yard it would have to be 4', 50% solid.

Mr. Motiwala states that the home is currently a ranch and he would like to add a second floor to the property; five (5) bedrooms and three (3) bathrooms. There are similar houses in the neighborhood and this house would look nice here. Mr. Stahl asks Mr. Motiwala about the existing variances; he will not be exacerbating any of the existing variances. The applicant's architect is here is anyone has any questions.

Public Portion open:

1. Angela Rusolo, 50 Charles Terrace, is sworn in. She states that she is worried about privacy. She is confused about the fence. Mr. Kinneally asks whose property the fence is on; she states it's between both houses. Mr. Hinterstein states that as he recalls, the fence is conforming and is on the applicant's property. The fence on the side is conforming; he wouldn't have an issue granting a variance if the fence between the two properties remain as is if it doesn't conform. The only fence moving is the one coming next to the house. She is also concerned with the safety on the road when the building starts. Mr. Stahl states that they will agree when they start construction they will knock on her door to see where she doesn't want the construction trucks.

2. Patrice Gulliford & William Gulliford, 38 Charles Terrace, are sworn in to testify. Mr. Gulliford states that they have solar panels and don't want the second story addition to block their panels; he states that 25% of his panels are going to be blocked. They also do not want people to see in their backyard, they want privacy. Mr. Kinneally states that the problem that the Zoning Board has is that they are not asking for a height variance, they are complying with the height regulations in that zone. Mr. Gulliford states then that's ok that they block our solar? Mr. Kinneally states that they have the right to build up to 35 feet and they are going to a proposed 30.5 feet; which is under what is allowed.

Mr. Hinterstein states that everybody's property has an imaginary line. The property line is allowed. When there is a corner lot the side property is opposite the longer side, the short side is adjacent to the Gulliford's property. Mr. Hinterstein states the combination with the side yard setbacks is 20' which is allowed in that zone. The way that the sun is going, the sun is going east to west; until that sun gets there it's going to be low before it's shaded out. It's going to be very late afternoon before it could get shaded if it gets shaded out at all. He states just that corner that might be shaded; he doesn't see it being an issue. The request to have solar, which is a good one, doesn't take precedent over existing ordinances such as trees, etc. Mrs. Gulliford states that this will kill her entire backyard; they have a pool and a deck, they'll have to privacy. Mr. Kinneally states that they are complying with the height variance, they are allowed to 35 feet. There are no regulations for the number of windows.

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3. Christine Korsun, 49 Charles Terrace, is sworn in to testify. Ms. Korsun states that should would like to know if the tree in the front is going to go away or are they keeping it; they are keeping it.

4. Matthew McDonough, 39 Charles Terrace, is sworn in to testify. Mr. McDonough states that he lives across the street and feels that there is a privacy issue. Mr. Stahl asks if there are any two-story homes in the area; Mr. McDonough states not next to him. Mr. Stahl asks again if there are any in the area; Mr. McDonough doesn't answer. Public portion closed.

MOTION was made by Mrs. Keimel to approve the application; seconded by Mr. Weisman.**ROLL CALL:** Loretta Keimel, Roy O'Reggio, Jeff Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Bleich.

10. 19-ZB-67V

United Realty USA LLC

Bulk Variance

Block 6907, Lot 9; Zone: R-10

412 Netherwood Avenue

Applicant proposes to construct an addition to the first and second floors of an existing single family home.

VARIANCES REQUIRED:

21-501

Required – 35 foot front yard setback

Proposed – 28.3 foot front yard setback

Proposed – 24.5 foot front yard setback (covered porch)

Proposed – 20.5 foot front yard setback (steps)

Action to be taken prior to May 10, 2020

Attorney: Peter Lanfrit/James Stahl

James Stahl, Attorney, is here to represent the applicant. Mr. Javed, the owner, Fords, NJ, is sworn in testify. Mr. Stahl states that he believes the Board has jurisdiction and all notices are in order; they are. Mr. Stahl states that the architect is here is he is needed. This is an existing house that is going to be a second floor addition with a small expansion and does not significantly affect the existing non-conformity of the variances. The reason his client is going to expand the footing and foundation, it allows him to put the second floor on in the necessary dimensions.

Mr. Stahl states that by using the first floor dimensions it would restrict the plan for the second floor. Right now it's a ranch, they would like to put bedrooms and bathrooms on the second floor and also adding a garage. They are not increasing any of the existing variances. As per Mr. Hinterstein's report, in regard to the front porch. He suggests that the stoop and the overhang match. Mr. Hinterstein states that he would like to see the porch match the protrusion of the proposed stoop. If the stoop is 39, then that's what the porch should be (example). The setback is already being exasperated so he would like to see the roof over the porch brought in to the columns; over the stoop only not the steps. They will agree to that condition.

Mr. Stahl states that there is already a temporary construction easement in place. Mr. Kinneally will receive a copy before resolution compliance. The agree with the 3 foot 9 inch front porch. Mr. Hinterstein states that the variance will be for 25.25 feet and the stairs will stay the same. Mr. Kim, the architect, is sworn in to testify. He states that he is a licensed NJ architect and was involved in the plans for this home. Mr. Kim understands what Mr. Hinterstein is requesting, but feels that if you cut

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back the overhang it doesn't look right, a little ugly. Mr. Hinterstein shows Mr. Kim on the plans where he would like to columns and the overhang; they agree.

Mrs. Keimel asks about the top portion of the sides. Mr. Hinterstein states that it goes almost a foot beyond the post so they would like them to bring the column/post back a little and the roof right over the stoop. Public portion open/closed.

MOTION was made by Mrs. Keimel to approve the application; seconded by Mr. Tillery.

ROLL CALL: Loretta Keimel, Roy O'Reggio, Jeff Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Bleich.

- 8. DISCUSSION: 19-ZB-45V**
 AAA Budget Self Storage
 Amendment
 Block 8801, Lot 57.01; Zone: GB
 1635 Stelton Road
 Applicant would like to amend a condition in the previously approved resolution.

Mr. Kinneally states that he was under the impression that they would be here tonight, but they do have paperwork for the Board. The applicant was here about a month or so ago, they received an approval. There was a condition in the approval based upon a comment by Mr. Chadwick that is included in the resolution. It involves incorporating an easement agreement that involves the Township. Mr. Kinneally received a phone call from the Assistant Township Attorney and states they do not want to be involved with this and wants that condition taken out of the resolution.

Mr. Kinneally spoke to Mr. Hintersten and the applicant about it, it does not need to be in there. They would like to revise that condition, this is not a noticed public hearing since it is a minor technical detail. Mr. Hinterstein states that it was a typical cross access in the subdivision in which the two lots shared a driveway; cross access agreement. Somehow the Township ended up being a party to the easement language and it doesn't need to be. Mr. Kinneally states that if there is no member of the public who wishes to comment, he would call for a vote to eliminate that part of the condition of the resolution.

MOTION was made by Mrs. Keimel to approve the application; seconded by Mr. Tillery.

ROLL CALL: Loretta Keimel, Roy O'Reggio, Jeff Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Bleich.

11. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF JAN. 23, 2020:

- (a) **19-ZB-65V, Teresa Douglas, Approved.**
- (b) **19-ZB-57/58V, AP Aspen, Approved.**
- (c) **19-ZB-71V, New Cingular Wireless, Approved.**

ALL IN FAVOR: Mrs. Keimel, Mr. Tillery, Mr. Patel, O'Reggio, Weisman and Chairman Bleich.

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12. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF JAN. 23, 2020

MOTION was made by Mr. Weisman to adopt the minutes; second by Mr. Patel

ALL IN FAVOR; ROLL CALL: Mrs. Keimel, Roy O'Reggio, Mr. Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Bleich.

13. ADJOURNMENT

MOTION was made by Mr. Weisman to Adjourn the meeting; second by Mr. Patel.

ALL IN FAVOR: Mr. Cahill, Roy O'Reggio, Mr. Tillery, Steve Weisman, Mr. Zimmerman and Chairman Bleich.

NEXT SCHEDULED MEETING IS JANUARY 23, 2020 AT 7:30 P.M.

The meeting was adjourned at 8:23 P.M.

Respectfully Submitted,

Laura A. Buckley

Zoning Board Recording Secretary for Shawn Cahill, Secretary

I certify that the foregoing is a true and correct copy of the Minutes from the Regular Meeting of February 13, same having been fully adopted by the Zoning Board of Adjustment of Piscataway on February 27, 2020.

Shawn Cahill, SECRETARY

Allan Bleich, CHAIRMAN