

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, DECEMBER 10, 2020.

The Regular Meeting of the Piscataway Zoning Board was called to order at 7:30 P.M. online via Zoom, Piscataway, New Jersey, by Chairman Cahill.

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

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

4. PLEDGE OF ALLEGIANCE

Mr. Kinneally states that there are some changes to tonight's agenda. 20-ZB-68V Tiffany O'Sullivan-Postponed until Jan. 14, 2021-no further notice. Also, 20-ZB-64V, Michal Murray-Postponed until Jan. 28, 2021-No further notice.

- 5. 20-ZB-47V Ibrahim Abdelsayed
Bulk Variance
Block 1214, Lot 27.01; Zone: R-10
161 Johnson Avenue**
Applicant proposes to construct a two-story side and rear yard addition to an existing single family home; 6' fence on a corner lot.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 10,000 square feet
Proposed – lot area 9,539 square feet (existing)
- Required – 100 foot lot width
Proposed – 85.53 foot lot width (existing)
- Required – 35 foot front yard setback
Proposed – 25.15 foot front yard setback (William Street)
Proposed - 28 foot front yard setback (steps - Johnson Avenue) (existing)
- Required – 25 foot rear yard setback
Proposed – 21.4 foot rear yard setback
- Required – maximum building coverage 20 percent
Proposed – 22.6 percent building coverage
- 21-613** Required – 100 foot lot frontage
Proposed – 85.53 foot lot frontage (existing)

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, DECEMBER 10, 2020.

- 21-619.1** Required – in a residential district, a fence located within the front yard setback line shall not be over 4 feet in height and/or consist of no more than 50 percent solid material
Proposed – a 6-foot wooden fence located along the William Street frontage

Action to be taken prior to December 10, 2020

Ibrahim Abdelsayed, the applicant, is here. He was sworn in at the prior hearing, him and his wife, so they are still sworn in. Mr. Abdelsayed states that he sent in revised plans to Mr. Hinterstein and the Board in which they reduced the building coverage to 21%. Mr. Hinterstein states that they have done what the Board has asked. Public portion open/closed.

MOTION was made by Mr. Zimmerman to approve the application; seconded by Chairman Cahill. **ROLL CALL:** Kalpesh Patel, Roy O’Reggio, Jeff Tillery, Warren Zimmerman and Chairman Cahill.

6. **20-ZB-74V** **Lynn Scala**
Bulk Variance
Block 7704, Lot 7; Zone: R-20
26 Seward Avenue
Applicant proposes to install a fence and shed within an easement.

VARIANCES REQUIRED:

- 21-501** Required – 8 foot rear yard setback for an accessory structure
Proposed – 7 foot rear yard setback for an accessory structure (shed) (existing)

Required – 8 foot side yard setback for an accessory structure
Proposed – 5 foot side yard setback for an accessory structure (shed) (existing)
- 21-601** Required – no open space, municipal drainage way, right-of-way or easement contiguous to any building shall be encroached upon or reduced in any manner
Proposed – a fence and shed located over a municipal easement (existing)

Action to be taken prior to February 24, 2021

Lynn Scala, the applicant, is sworn in to testify on her own behalf. Ms. Scala states that she would like to keep her fence and her shed where it is already located. Mr. Kinneally states that she should be aware that they are both in the easement and if at any time the Township needs to gain access, she would be responsible for the removing and replacing them; she agrees. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Roy O’Reggio. **ROLL CALL:** Kalpesh Patel, Roy O’Reggio, Jeff Tillery, Warren Zimmerman and Chairman Cahill.

8. **20-ZB-73V** **Jaime Zaballero**
Bulk Variance
Block 801, Lot 3; Zone: R-7.5
73 9th Street
Applicant proposes to construct a sunroom in the rear yard.

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, DECEMBER 10, 2020.

VARIANCES REQUIRED:

21-501 Required – maximum building coverage 20 percent
Proposed – 29.2 percent building coverage

Action to be taken prior to February 25, 2021

Jaime Zabarello, the applicant is sworn in to testify. Mr. Zamballero states that they would like to build a sunroom in their backyard. Mr. Kinneally states that this is a significant variance, they will be 9.2% over the allowable building coverage. Mr. Hinterstein states that the problem is that they are already over in coverage at 25.4% and will now be adding on more. The home was built over the coverage initially in the 1960's but was allowed then. This would be a significant addition to what is already over and they should really have a Planner to testify for the relief requested.

Mr. Zamballero states that they just want the sunroom added to their home and doesn't believe that he needs a Planner. Chairman Cahill asks if the Board has any additional questions; they do not. Public portion open/closed.

MOTION was made by Chairman Cahill to deny the application; seconded by Mr. Zimmerman.

ROLL CALL: Kalpesh Patel, Roy O'Reggio, Jeff Tillery, Warren Zimmerman and Chairman Cahill.

9. 20-ZB-72V

Fusan Li

Bulk Variance

Block 515, Lot 27; Zone: R-10

1795 Olive Street

Applicant proposes to retain existing converted garage as living space; also, existing shed.

VARIANCES REQUIRED:

21-501 Required – minimum lot area 10,000 square feet
Proposed – lot area 9,806.86 square feet (existing)

Required – 35 foot front yard setback

Proposed – 34.5 foot front yard setback (Olive Street) (existing)

Proposed - 33.8 foot front yard setback (Mansfield Road) (existing)

Required – 60 foot front yard setback requirement for an accessory structure

Proposed – 18 foot front yard setback for an accessory structure (metal rack) (Mansfield Road) (existing)

Required – 8 foot rear yard setback for an accessory structure

Proposed – 2 foot rear yard setback for an accessory structure (shed) (existing)

Required – 8 foot side yard setback for an accessory structure

Proposed – 5.7 foot side yard setback for an accessory structure (shed) (existing)

21-1102

Required – garage

Proposed – no garage (dining room)

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, DECEMBER 10, 2020.

*The existing pool must be in conformance with the 10 foot setback requirement or an additional variance will be required.

Action to be taken prior to February 20, 2021

Fusan Li, the applicant, is sworn in to testify on his own behalf. His friend, Michael, is sworn in to speak on his behalf. He states that they converted the garage into living space, a dining room, without any permits. Also, the shed is too close to the property line, it needs to be 8 feet and is only 2 feet and the other shed is 5.7 feet from the property lines. Mr. Hinterstein states that under the ordinance they have to have a garage and now they do not. Mr. Li does not have any use for the garage and wants it to be a dining room.

Mr. Hinterstein states that he can leave it as a dining room but would have to build a garage on the property. There should be Planning testimony put on the record but they do not have one. Mr. Kinneally states that they need to put on record testimony to justify the granting of the variance. Chairman Cahill asks the Board if they have any further questions, they do not. Public portion open/closed.

MOTION was made by Chairman Cahill to deny the application; seconded by Mr. Zimmerman.

ROLL CALL: Kalpesh Patel, Roy O'Reggio, Jeff Tillery, Warren Zimmerman and Chairman Cahill.

10. 20-ZB-81V

Kiss Products, LLC

Use Variance

Block 3502, Lot 6.06; Zone: LI-5

600 Ridge Road

Applicant proposes to store hazardous materials inside the existing building.

VARIANCES REQUIRED:

21-501

Required – no storage of hazardous materials

Proposed – storage of hazardous materials *

Attorney: Bob Smith

Action to be taken prior to March 20, 2021

Bob Smith, Attorney, is here to represent the applicant. Court Stenographer present; transcripts are on file in the Community Development Office.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr.

Zimmerman. **ROLL CALL:** Kalpesh Patel, Roy O'Reggio, Jeff Tillery, Warren Zimmerman and Chairman Cahill.

11. 20-ZB-41/42V

M & M Partners at Piscataway, LLC

Preliminary & Final Site Plan; Bulk & Use Variance

Block 5701, Lot 2; Zone: RR-1

1690 S. Washington Avenue

Applicant proposes to construct two warehouse buildings.

VARIANCES REQUIRED:

21-501

Required – use permitted in a residential zone

Proposed – use not permitted in the zone (warehouse) *

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, DECEMBER 10, 2020.

Required – maximum building coverage 20 percent
Proposed – 33.6 percent building coverage

Required – maximum building height 35 feet
Proposed – building height, 49.55 feet *

21-1102 Required – 738 parking spaces
Proposed – 363 parking spaces

21-1201 Required – no free-standing signs in a residential zone
Proposed – two free-standing signs (48 square feet in area, 6 feet high and located 10 feet and 13.5 feet from the property line)

* A variance is required pursuant to N.J.S. 40:55D-70d(1) and 40:55D-70d(6).

Attorney: Doug Wolfson
Action to be taken prior to January 12, 2021

Doug Wolfson, Attorney, is here to represent the applicant. Court stenographer present; transcripts are on file in the Community Development Office. Application will be continued on January 28, 2021; no further notice required.

13. 20-ZB-33/34V AP Aspen, LLC
Preliminary & Final Site Plan; Bulk Variance
Block 1301, Lots 1.04 & 1.05; Zone: R-10A
2800 New Brunswick Ave & 101 Aspen Court
Applicant proposes to construct a 1,250 square foot storage building.

VARIANCES REQUIRED:

21-3b. Accessory Building

Required- in residential zones, an accessory building shall not exceed 25 feet by 25 feet or 625 square feet
Proposed – an accessory building 25 feet by 50 feet or 1,250 square feet

21-1011.2a(3) Required – maximum of 15 dwelling units per acre
Proposed – 15.06 dwelling units per acre *

*A variance is required pursuant to N.J.S. 40:55D-70d(5). This variance was previously approved under Application #19-ZB-58V.

Action to be taken prior to February 25, 2021
Attorney: Simone Calli

Lawrence Calli, Attorney, is here to represent the applicant. Court Stenographer present; transcripts are on file in the Community Development Office.

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

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, DECEMBER 10, 2020.

15. ADOPTION OF RESOLUTION FROM THE REGULAR MEETING OF SEPT. 24, 2020:

- (a) **20-ZB-09/10V; Equity Land Group;** application was approved.

All in Favor: Mr. Tillery, Mr. O'Reggio, Mr. Zimmerman, Mr. Patel, Chairman Cahill

16. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF NOV. 12, 2020:

- (a) **20-ZB-65V, Ilia Scriven;** application was approved.
(b) **20-ZB-66V, Dennis & Shana Johnson;** application was approved.
(c) **20-ZB-48V, 2 Miller Realty, LLC;** application was approved.

All in Favor: Mr. Tillery, Mr. O'Reggio, Mr. Zimmerman, Mr. Patel, Chairman Cahill

Mr. Kinneally states that in anticipation of Kiss Products being approved, a resolution has been drafted and presented to the Board. He calls for a motion to adopt the resolution for Kiss Products, 20-ZB-81V. **All in Favor:** Mr. Tillery, Mr. O'Reggio, Mr. Zimmerman, Mr. Patel, Chairman Cahill.

MOTION was made by Mr. Zimmerman to Adjourn the meeting; second by Mr. O'Reggio.
ALL IN FAVOR: Steve Weisman, Mr. O'Reggio, Mr. Patel, Mr. Zimmerman and Chairman Cahill.

NEXT SCHEDULED MEETING IS JANUARY 14, 2021 AT 7:30 P.M.

The meeting was adjourned at 12:23 P.M.
Respectfully Submitted,
Laura A. Buckley
Zoning Board Recording Clerk for Shawn Cahill, Secretary

I certify that the foregoing is a true and correct copy of the Minutes from the Regular Meeting of December 10, 2020 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on January 14, 2021.

Shawn Cahill, Secretary & Chairman