

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JUNE 10, 2021.

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: Kalpesh Patel, Steven Weisman, Warren Zimmerman, Jeff Tillery, William Mitterando, Roy O’Reggio and Chairman Shawn Cahill, **ABSENT:** Rodney Blount, Waqar Ali

Also present: James Kinneally, Esq., Henry Hinterstein 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. 21-ZB-30V, Ralonda Johnson, has been postponed to June 24, 2021; must notice newspaper only.

- 6. 21-ZB-35V Jeanette Ponce**
Bulk Variance
Block 7916, Lot 9; Zone: R-10
16 Lakeview Road
Applicant would like to install a 10 x 16 shed.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 10,000 square feet
 Proposed – lot area 8,656 square feet (existing)
- Required – 100 foot lot width
 Proposed – 94 foot lot width (existing)
- Required – 35 foot front yard setback
 Proposed – 28 foot front yard setback (steps) (existing)

Action to be taken prior to August 28, 2021

Jeanette Ponce, the applicant, is sworn in to testify on her own behalf. Ms. Ponce states that she would like to install a shed in her backyard. Mr. Kinneally states that the shed will be in a conforming location, she is only here for existing variances on the property; Mr. Hinterstein agrees and has no issues with the application. Chairman Cahill asks the Board if they have any further questions; none. Public portion open/closed.

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

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7. **21-ZB-28V** **Mohamed Elashry**
 Bulk Variance
 Block 2602, Lot 42; Zone: R-10
 413 Lodge Street
 Applicant proposes to construct a second story addition with an attached garage.

VARIANCES REQUIRED:

- 21-501** Required – 35 foot front yard setback
 Proposed – 18 foot front yard setback (steps)
 Proposed – 34.55 foot front yard setback (garage)

Action to be taken prior to August 25, 2021

Mohamed Elashry, the applicant, is sworn in to testify on his own behalf. Mr. Elashry states that they would like to add an attached garage and a second story addition. Mr. Hinterstein states that the existing home is not conforming but the applicant is going to push back the new garage and addition as far back as he can. The lot is oversized, just the location of the home is non-conforming and he is not creating any new variances.

Mr. Hinterstein states that there is a moratorium on the street so he would have to leave the driveway as is for now but once the moratorium is up, he can get a road opening permit and change the location of the driveway. The moratorium is up in June of 2022. Mr. Elashry agrees with Mr. Hinterstein. Chairman Cahill asks if any members of the Board have any questions, they do not. Public portion open/closed.

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

8. **21-ZB-25V** **Hugo Chacon**
 Bulk Variance
 Block 1926, Lot 31.01; Zone: R-7.5
 192 Poe Place
 Applicant proposes to retain the existing pool and shed both within the required setbacks.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 7,500 square feet
 Proposed – lot area 5,000 square feet (existing)
- Required – 75 foot lot width
 Proposed – 50 foot lot width (existing)

- 21-613** Required – 75 foot lot frontage
 Proposed – 50 foot lot frontage (existing)

- 21-617** Required – a pool shall be located a minimum of 10 feet from the rear and side yard property lines
 Proposed – a pool located 4 feet from the side yard property line and 6 feet from the rear yard property line (existing) *

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21-621 Required – a shed shall be located a minimum of 3 feet from the rear and side yard property lines
Proposed – a shed located 2 feet from the side and rear yard property lines (existing)

*The pool equipment is not shown on the survey; however, it is also required to be at least 10 feet from the property lines. An additional variance may be required.

Action to be taken prior to August 28, 2021

Hugo Chacon is sworn in to testify. Luz Dow, the applicant's daughter, 238 Central Avenue, will speak on his behalf; Ms. Dow is sworn in. She states that they are here for the existing pool and shed that came with the house that they have recently purchased. Mr. Hinterstein asks the applicant where the pool equipment is, it was not shown on the survey. Ms. Dow states that you can see it in one of the pictures; it's between the fence and the pool. Mr. Hinterstein states that the equipment also has to be moved away from the fence.

Ms. Dow states that she was unaware that the equipment was part of the setback issue also. Mr. Hinterstein states that if they can, he would like them to have the pool equipment moved at least 8 feet from the property line so the neighbors have a little more buffering. It would be easier to move the equipment instead of the pool. Ms. Dow states that they will have someone move the equipment as requested. The Town is also asking for a 5 foot temporary construction easement for future road improvements; applicants agree. Ms. Dow asks the Board how long do they have to move it; it is agreed that they will have 60 days to do so. Public portion open/closed.

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

9. 21-ZB-27V Luis & Rose Avila
Bulk Variance
Block 2811, Lot 1; Zone: R-10
166 Mountain Avenue
Applicant would like to install a pool in the front yard setback of a corner lot and an existing shed.

VARIANCES REQUIRED:

21-501 Required – minimum lot area 10,000 square feet
Proposed – lot area 8,516 square feet (existing)

Required – 100 foot lot width
Proposed – 79 foot lot width (existing)

Required – 25 foot rear yard setback
Proposed – 10.9 foot rear yard setback (existing)

21-613 Required – 100 foot lot frontage
Proposed – 70.25 foot lot frontage (Gibson Street) (existing)

21-618 Required – in the case of a corner lot, a pool shall not be constructed any closer than the required setback line for the front yard (35 feet)
Proposed – a pool located 9.5 feet from the property line (Gibson Street)

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21-621 Required – no shed shall be constructed within 3 feet from any property line
Proposed – a shed located 2 feet from the rear yard and side yard property lines (existing)

Action to be taken prior to August 28, 2021

Luis and Rose Avila, the applicants, are both sworn in to testify. Mr. Avila states that they would like to install a fence on the side of their property which is a front yard and the existing shed in the backyard. The fence on the survey is already there, they have a fence permit; it's a 4 foot chain link fence. Once they hit the 35 feet, it turns into a solid 6 foot fence.

Mr. Hinterstein states that he doesn't see the location of the pool as being inappropriate where they want it, there is a hardship with the property, the way it's located and the size of the lot. It is behind the fence and sort of complies with the ordinance, it would be very difficult to place it in another location.

Mr. Hinterstein states that there is a future road improvement project coming and they would ask for a permanent roadway easement in front of the property and the other is a temporary construction easement along Gibson street; five (5) feet. On Mountain Avenue they will be putting in curbing and sidewalks if there aren't any yet. The applicant's agree. Chairman Cahill asks if anyone on the Board has any questions or comments; none. Public portion open/closed.

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

10. 21-ZB-32V Cynthia Parker
Bulk Variance
Block 109, Lot 59; Zone: R-7.5
1533 W 4th Street
Applicant would like to rebuild the home that was destroyed from a fire.

VARIANCES REQUIRED:

21-501 Required – minimum lot area 7,500 square feet
Proposed – lot area 3,042.80 square feet (existing)

Required – 75 foot lot width
Proposed – 58 foot lot width (existing)

Required – 75 foot lot depth
Proposed – 31 foot lot depth (existing)

Required – 25 foot front yard setback
Proposed – 5 foot front yard setback

Required – 25 foot rear yard setback
Proposed – 9.08 foot rear yard setback

Action to be taken prior to September 18, 2021

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Cynthia Parker, the applicant, is sworn in to testify on her own behalf. Ms. Parker states that she is here because she wants to rebuild her home that burnt down in a fire. Mr. Hinterstein states that he doesn't have to many issues with this. It is a tough lot, the house is pretty much going where the foundation is. The lot is very odd shape and triangular tract on West 4th Street. There is a paper street, Rushmore, next to her. Ms. Parker states that her house is the only house on that side of the street.

Mr. Hinterstein states that the only issue he has is that the one portion of the new home, the front entrance foyer, is only 5 feet from the property line. He asks if there is a way to make the foyer a little smaller so it comes back from the street a few more feet; maybe reduce the closet space in the foyer. If it's reconfigured, it would really help the setback. Ms. Parker agrees; it will be a 7 foot setback verses 5 feet. She will talk to her architect about it.

Mr. Hinterstein states it would be better to also move the rear porch back to seven (7) feet also. Ms. Parker agrees to both setbacks being seven (7) feet from the property line. He would like them to move the steps back in the back, so the landing would be 3 x 3 off of the back door giving more of a 7 foot setback instead of the 4.5 feet. Mr. Hinterstein states that her architect can call him if there are any questions. Chairman Cahill asks the Board if they have any questions or comments; none. Public portion open/closed.

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

11. ADOPTION OF RESOLUTION FROM THE REGULAR MEETING OF MAY 27, 2021:

- (a) **21-ZB-12V, Javendra Patel;** application was approved.
- (b) **21-ZB-13V, Megha Patel;** application was approved
- (c) **20-ZB-64V, Michael Murray;** application was approved.

All in Favor: Roy O'Reggio, Warren Zimmerman, Bill Mitterando, Kalpesh Patel and Chairman Cahill.

11. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF MAY 27, 2021

All in Favor: Jeff Tillery, Warren Zimmerman, Bill Mitterando, Kalpesh Patel, and Chairman Cahill.

12. ADJOURNMENT

MOTION was made by Mr. Zimmerman to Adjourn the meeting; second by Mr. Tillery. **ALL IN FAVOR:** Jeff Tillery, Steve Weisman, Mr. O'Reggio, Mr. Mitterando, Rodney Blount, Mr. Zimmerman and Chairman Cahill.

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NEXT SCHEDULED MEETING IS JUNE 24, 2021 AT 7:30 P.M.

The meeting was adjourned at 7:53 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 June 10, 2021 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on June 24, 2021.



**SHAWN CAHILL, SECRETARY & CHAIRMAN
PISCATAWAY ZONING BOARD OF ADJUSTMENT**