

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, AUGUST 12, 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: Roy O'Reggio Kalpesh Patel, Steven Weisman, William Mitterando, Jeff Tillery and Chairman Shawn Cahill, **ABSENT:** Warren Zimmerman, Rodney Bount, Waqar Ali.

Also present: James Kinneally, Esq., John Chadwick, PP, 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; # 5 on the agenda, 21-ZB-31V, Quenia Dinzey, has been postponed until September 9, 2021 with no further notice required. #9 on the agenda, 21-ZB-22V, AWAD Construction, has been postponed until September 23, 2021 with no further notice required. #11, 21-zb-33/24v, Dwight Mitchell, postponed until Sept. 23, no further notice. # 12, 21-ZB-33/34V, Lauria Landscaping, has been postponed until Sept. 23, 2021, no further notice. #13, 20-ZB-63V, Buddhist Worship Center, has been postponed until September 23, 2021.

- 6. 21-ZB-45V Rajeshkumar Patel**
Bulk Variance
Block 9501, Lot; Zone: R-20
20 Boxwood Road
Applicant would like to install a shed within an easement and front yard; also an existing privacy fence.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 20,000 square feet
Proposed – lot area 15,028.20 square feet (existing)
- Required – 150 foot lot depth
Proposed – 124.6 foot lot depth (existing)
- Required – 40 foot front yard setback
Proposed – 30 foot front yard setback (Drake Lane) (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 shed located over a municipal easement
Proposed – a fence located over a municipal easement (existing)

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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 solid fence located along the Drake Lane frontage (existing)

21-621 Required – no shed shall be located within the front yard
Proposed – a shed located within a front yard (Drake Lane)

Required – no shed shall be higher than 9 feet above ground level
Proposed – a shed 10.29 feet above ground level

Action to be taken prior to October 27, 2021

Rajeshkumar Patel, the applicant, is sworn in to testify on his own behalf. He states that he would like to the backyard shed. Mr. Hinterstein states that in looking at the application, he didn't see any issues with it. The applicant does have a hardship due to the fact that the back of the property is also a front yard, abuts a roadway, therefore having two front yards. The shed is only over the height requirement. The shed is in an easement so if the Town needs to get to the easement, the owner is responsible for the removal and replacement of that shed; Mr. Patel agrees. Pubic portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel.
YES ON THE MOTION: Roy O'Reggio, Steve Weisman, Kalpesh Patel, Jeff Tillery, William Mitterando and Chairman Cahill. **NO ON THE MOTION:** None

7. **21-ZB-46V** **Mohammad Rabie**
Bulk Variance
Block 3801, Lot 1.05; Zone: R-10
89 Normandy Drive
Applicant proposes to install a fence in the front yard setback and construct an attached garage.

VARIANCES REQUIRED:

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

Required – 100 foot lot width
Proposed – 90 foot lot width (William Street) (existing)

Required – 35 foot front yard setback
Proposed – 25.22 foot front yard setback (garage) (Normandy Drive)
Proposed – 17.64 foot front yard setback (garage) (William Street)

Required – 25 foot rear yard setback
Proposed – 18 foot rear yard setback (deck) (existing) *

Required – 60 foot front yard setback for an accessory structure
Proposed – 4 foot front yard setback for an accessory structure (greenhouse/shed) (William Street) (existing)

Required – 8 foot side yard setback for an accessory structure

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Proposed – 0 foot side yard setback for an accessory structure (greenhouse/shed) (existing)*

Required – maximum building coverage 20 percent

Proposed – building coverage 20.6 percent

21-619.1

Required – in any residential district, no fence located within the front yard setback line shall exceed 4 feet in height and/or consist of no more than 50 percent solid material

Proposed – a 6 foot, vinyl fence located within the front yard setback line

*The property is a corner lot. The opposite of the shorter frontages is considered the rear yard.

**A portion of the existing fence encroaches into the Port Reading Railroad.

***No portion of the fence can extend into the sight triangle or an additional variance will be required.

Action to be taken prior to November 5, 2021

Mohammad Rabie, the applicant, is sworn in to testify on his own behalf. Mr. Rabie states that he would like to add a garage and a 6' fence. Mr. Hinterstein states that although some of the variances requested seem severe, but the property has a paper street adjacent to it and that's where the variances stem from. The paper street even though undeveloped, is considered a roadway so he has the front yard issues. Mr. Hinterstein states that he doesn't see this paper street ever being developed due to the fact that the railroad ROW is behind the property. He believes the Board could approve these variances without any detriments.

Mr. Hinterstein states that his only issue would be if he could step the garage back a little bit so it conforms more to the front yard setback; Mr. Rabie agrees to that condition. He could move it back about two feet. 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 approve the application; seconded by Mr. Patel.

YES ON THE MOTION: Roy O'Reggio, Steve Weisman, Kalpesh Patel, Jeff Tillery, William Mitterando and Chairman Cahill. **NO ON THE MOTION:** None

8. 21-ZB-49V

Jessica Gutha

Bulk Variance

Block 2004, Lot 29; Zone: R-10

103 Stanton Avenue

Applicant would like to install a privacy fence in the front yard setback.

VARIANCES REQUIRED:

21-501

Required – minimum lot area 10,000 square feet

Proposed – lot area 9,846 square feet (existing)

Required – 35 foot front yard setback

Proposed – 30.8 foot front yard setback (overhang/Stanton Avenue) (existing)

Proposed – 26.6 foot front yard setback (Donna Court) (existing)

Required – 8 foot side yard setback for an accessory structure

Proposed – 5.5 foot side yard setback for an accessory structure (shed) (existing)

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Required – 8 foot rear yard setback for an accessory structure
Proposed – 5 foot rear yard setback for an accessory structure (shed) (existing)

21-619.1 Required – in any residential district, no fence located within the front yard setback line shall exceed 4 feet in height and/or consist of no more than 50 percent solid material
Proposed – a 6 foot, solid fence located within the front yard setback line (Donna Court)

Action to be taken prior to November 4, 2021

Jessica Gutha, the applicant, is sworn in to testify on her own behalf. Ms. Gutha states that would like to install a 6 foot privacy fence. Mr. Kinneally asks if she received a copy of Mr. Hinterstein’s report, she has not; it was mailed and emailed to the applicant. Mr. Hinterstein states that they are looking to put a 6 foot fence directly on the property line in the front yard. The problem is that it impedes the site corridor and the visibility of the neighboring driveways. It is a court yard and doesn’t impede too many homes, I would ask that they relocate the fence back 5 feet from the property line, which is approximately 10 feet or so from the sidewalk, closer to 20 feet from the curb, he believes that would be an acceptable compromise.

Ms. Gutha states that 5 feet from the sidewalk. Mr. Hinterstein states no, 5 feet from the property line. Mr. Kinneally asks the setback requirement, Mr. Hinterstein states it is 35 feet, so 5 feet is a very good compromise. The applicant agrees. Chairman Cahill asks if there are any other questions; none. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Weisman. **YES ON THE MOTION:** Roy O’Reggio, Steve Weisman, Kalpesh Patel, Jeff Tillery, William Mitterando and Chairman Cahill. **NO ON THE MOTION:** None

10. 21-ZB-38V Deerpark US Holdings, Inc.
Bulk Variance
Block 8001, Lot 12; Zone: R-10
1122 Brookside Road
Applicant would like to construct a new single family dwelling on an undersized lot.

VARIANCES REQUIRED:

21-501 Required – 100 foot lot width
Proposed – 73.26 foot lot width (existing)

21-613 Required – 100 foot lot frontage
Proposed – 73.26 foot lot frontage (existing)

Action to be taken prior to October 20, 2021
Attorney: Tim Arch

Tim Arch, Attorney, is here to represent the applicant. Mr. Arch states that they are here asking for two bulk variances. The property is located at 1122 Brookside Road, both related to the same dimensional restriction on the lot which is a 73.26 foot lot width and frontage. Prior to the application, they sent letters out to the adjacent property owners asking for interest of selling or buying property to make it conforming, they were not interested. Mr. Arch states that they have

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one witness for tonight, Paul Fletcher, Engineer and Planner. Mr. Fletcher is sworn in to testify. He states that the property is located in a R-10 zone, it is 43,561 square feet in area with a frontage of 73.26 feet where only 10, 000 square feet is required. They are in access of almost 600 feet in depth. They would like to construct a new single family home which will comply with all of the other setbacks and requirements.

Mr. Fletcher states that this is clearly a C-1 hardship variance, the Board could approve this variance considering the applicant can't purchase any adjoining property to make the width conforming. The applicant is not requesting anything except the non-conforming width and would like to build what is allowed in the R-10 zone. There is no adverse effects to the zone plan or the Master Plan of the Township of Piscataway. There are no detrimental effects to the neighborhood. The existing foundation is an eyesore and will be removed.

Mr. Arch asks if anyone has any questions for Mr. Fletcher. Mr. Hinterstein states that he has a conflict with the application, Ms. Corcoran wrote the report. Mr. Kinneally states that he can go over the report. Mr. Arch states that he has two reports, one from Ms. Corcoran and one from DPW. They have reviewed the report and will agree with all of the conditions. Chairman Cahill asks if anyone has any other questions. Mr. Mitterando asks how large will the home be, it will be about 2,800 square feet plus the garage.

Public portion open:

#1 Brian Rak, 1247 Brookside Road. He is in favor of the application.

Public portion closed.

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

YES ON THE MOTION: Roy O'Reggio, Steve Weisman, Kalpesh Patel, Jeff Tillery, William Mitterando and Chairman Cahill. **NO ON THE MOTION:** None

14. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF JULY 8, 2021:

- (a) **21-ZB-36V, Carmelo Medina;** Application was withdrawn.
- (b) **21-ZB-42V, Rubil Varghese;** Application was approved.
- (c) **21-ZB-41V, Santos Lopez;** Application was approved.
- (d) **21-ZB-23/24V, Ridgedale Gardens at Piscataway, LLC;** App. was approved.
- (e) **21-ZB-21V, Mohamed K. Radwan;** Application was approved.

All in Favor: Jeff Tillery, Steve Weisman, Kalpesh Patel, Roy O'Reggio, William Mitterando and Chairman Cahill.

13. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF JULY 8, 2021

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

All in Favor: Zimmerman, Steve Weisman, Kalpesh Patel, Roy O'Reggio, William Mitterando and Chairman Cahill.

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14. ADJOURNMENT

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

NEXT SCHEDULED MEETING IS SEPTEMBER 9, 2021 AT 7:30 P.M.

The meeting was adjourned at 8:22 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 August 12, 2021 same having been fully adopted by the Zoning Board of
Adjustment of Piscataway on September 9, 2021.



Shawn Cahill, Chairman & Secretary
Zoning Board of Adjustment