

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, SEPTMEBER 9, 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: Warren Zimmerman, Roy O'Reggio Kalpesh Patel, William Mitterando, Jeff Tillery, Waqar Ali. **ABSENT:** Steven Weisman, Rodney Blount and Shawn Cahill.

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; # 5 on the agenda, 21-ZB-47V, Nelson Balcarcel, has been postponed until October 14, 2021; applicant must notice several on the list. #7 21-ZB-48V, Suresh Keswani, postponed until October 14th, must notice newspaper and South Plainfield.

- 6. 21-ZB-31V Quenia Dinzey
Bulk Variance
Block 603, Lot 51; Zone: R-7.5
1834 W. 7th Street**
Applicant would like relief from the ordinance not to replace a garage that had been demolished.

VARIANCES REQUIRED:

- 21-501** Required – 75 foot lot width
Proposed – 40 foot lot width (existing)

Required – 25 foot front yard setback
Proposed – 18 foot front yard setback (porch) (existing)
- 21-601** Required – no open space, municipal drainage way, right-of-way or easement shall be encroached upon or reduced in any manner
Proposed – a wall and steps located within the right-of-way (existing)
- 21-613** Required – 75 foot lot frontage
Proposed – 40 foot lot frontage (existing)
- 21-1102** Required – garage
Proposed – no garage

Action to be taken prior to September 17, 2021

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Quenia Dinzey, the applicant, is sworn in to testify on her own behalf. She states that they want to put up an addition on their home but were denied. The garage that was there had to be taken down because it was broken; they didn't want to put up another one. Mr. Hinterstein asked where did the money go from the insurance company to rebuild; Ms. Dinzey states that they didn't give her anything. There is enough parking on site for at least six cars. Vice-Chairman Zimmerman asks the Board if they have any further questions, they do not. It is opened up to the public; public closed.

MOTION was made by Vice-Chairman Zimmerman to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Warren Zimmerman, Roy O'Reggio, Kalpesh Patel, Jeff Tillery, William Mitterando and Waqar Ali. **NO ON THE MOTION:** None

8. **DISCUSSION: 19-ZB-67V, 412 Netherwood Avenue, Block 6907, Lot 9.**
Applicant is asking for relief from a prior condition approved in 2019.

Attorney: John DeLuca, Jr.

Mr. Kinneally states that this application was approved awhile ago under United Realty, LLC. John DeLuca, Attorney, is here for the discussion for 412 Netherwood. Mr. DeLuca states that the applicant was here for a variance previously and approved for the porch and a roof. Under section 21-501 under the Zoning ordinance, they require a 35 foot front yard setback; they asked the Board for relief from that setback for that on Feb. 12, 2020. At the time of the meeting, no issues or concerns were brought up by the public. The Board unanimously decided to grant variance relief to construct a covered porch with a 25 and a quarter setback.

After the house was constructed, the as-built survey revealed that the covered porch ultimately was 24.75 feet due to a human error during construction; that is deficient from the Boards approval by less than one foot, 9 inches to be exact. Mr. DeLuca states that the applicant is seeking relief for an additional foot. He would like to note that the stairs were 21.5 feet and they are setback 21 feet. Vice-Chairman Zimmerman asks the Board if they have any questions, they do not. Public portion open/closed.

MOTION was made by Vice-Chairman Zimmerman to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Warren Zimmerman, Roy O'Reggio, Kalpesh Patel, Jeff Tillery, William Mitterando and Waqar Ali. **NO ON THE MOTION:** None

9. **21-ZB-41V** **Hyvest Inc. Fitzgerald Cabalfin**
 Bulk Variance
 Block 6817, Lot 30; Zone: R-10
 210 Elizabeth Avenue

Applicant proposes to construct a new single family home.

VARIANCES REQUIRED:

21-501 Required – minimum lot area 10,000 square feet
 Proposed – lot area 8,334 square feet (existing)

 Required – 100 foot lot width
 Proposed – 50 foot lot width (existing)

21-613 Required – 100 foot lot frontage
 Proposed – 50 foot lot frontage (existing)

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21-1102 Required – garage
Proposed – no garage

Action to be taken prior to November 13, 2021
Attorney: Richard Kaplan

Richard Kaplan, Attorney, is here to represent the applicant. Mr. Kaplan states that this is for 210 Elizabeth Avenue application for bulk variances, block 6817, lot 30, in the R-10 Zone. This is an application for new construction, a new single family dwelling. There was a prior application that was approved for bulk variances, there were some issues with construction and as a result of that, they have come in with a brand new application; the variances have changed slightly, it is an undersized lot. Out of the four variances, three of them are because of the size lot and shape. The one additional variance is the garage, there will be no garage. Mr. Kaplan has two witnesses, one being Fitzgerald Cabalfin, principle of Hyvest Inc., and the other is P. Dantas, the architect.

Mr. Cabalfin, the applicant, is sworn in to testify. He states that he is the owner of Hyvest Inc. and owns 210 Elizabeth Avenue. He would like to get variance approval since they have decided to make interior changes to the home and once decided, they needed to reapply for the variances. They will be moving the house back to conform with the front yard setback where the last application they were encroaching. Mr. Cabalfin states that the house that was there previously was small ranch about 6-700 square feet. In keeping with the neighborhood, the house that they would like to build is still a ranch, it's about 1,500 square feet with a full size walk-out basement.

Mr. Cabalfin states that the old house was 7-8 feet from the property line, it will now be 35 feet and conforming. The old home did not have a garage and this one will not either. A lot of the homes on the street are ranches, there are a few two-story homes, but mostly ranches. The new house would blend right in with the surrounding homes.

Mr. Dantas is sworn in to testify Architect, Union NJ. Mr. Dantas was accepted at the last hearing and will be accepted this evening. Mr. Dantas shares his screen with the Board. He states that the proposed project is located at 210 Elizabeth Avenue. The project consists of demolishing the existing single family home and constructing a new home. It will be a single level 1,525 square feet of building footprint. On sheet A-1, it shows the site conditions. Required lot are is 10,000, their existing is 8,334 square feet. The minimum lot width is 100 feet and existing is 50 feet and is also existing non-conforming. The lot depth required is 100 feet, they have 166.71 feet. Front yard setback requirement, the existing front yard proposed was 7.96 feet and the next front yard for the new home will be conforming at 38 feet.

Mr. Dantas states that the rear yard requirement is 25 feet and they are proposing 67.72 feet. The side yard setbacks are 10 feet and they are proposing 10 feet and 10.3 feet. The building height requirement is 35 feet and they are proposing a one story building at 18.9 feet. The building coverage requirement is 20%, they are proposing 19.3 %, 1,6515 square feet which includes the house and the covered porch. The one car garage is required, but there is currently none on the property and they are not proposing a garage; there will be two parking spaces in the driveway. The existing driveway will not be increased, it will be repaired as needed. There will be a walkway from the house to the ROW.

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Mr. Dantas shows sheet A-3 and describes the layout of the home; the porch, kitchen, etc. The home will consist of 3 bedrooms with a master bedroom at the rear of the home. There will be two bathrooms, one master and one to be shared by the other two bedrooms. All bedrooms will be to the right side of the home. There will be a laundry room in the basement near the stairs. Sheet A-4 shows the elevations and material selections. By excluding the garage, they are under the lot coverage and will not encroach on any setbacks. In the area, 3 houses have garages but the 3 do not have garages.

In reference to Henry Hinterstein’s letter, they will comply with all recommendations on the report. Mr. Kinneally asks Mr. Kaplan what is the offer to ensure that the basement area will never become either a separate apartment or additional bedrooms. The parking requirement would change if bedrooms are added. Mr. Kaplan asks Mr. Cabalfin if he is willing to stipulate that the basement will not be used for a bedroom; Mr. Cabalfin agrees. He states that it is intended as an open floor plan basement, it could be a condition of approval. There will never be a separate dwelling unit in the home. Mr. Cabalfin will agree to a deed restriction for a single family home only. Vice-Chairman Zimmerman asks the Board if they have any further questions; none. Public portion open/closed.

MOTION was made by Vice-Chairman Zimmerman to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Warren Zimmerman, Roy O’Reggio, Kalpesh Patel, Jeff Tillery, William Mitterando and Waqar Ali. **NO ON THE MOTION:** None

**10. 21-ZB-43V Bala Subramanian-Continued to 11/4
Bulk Variance
Block 11701, Lot 9.20; Zone: R-15
14 Waldhaven Court**

Applicant would like to reconstruct an existing accessory structure.

VARIANCES REQUIRED:
21-3b (Accessory Structure)

Required – in residential zones, an accessory building shall not exceed 25 feet by 25 feet or 625 square feet

Proposed – an accessory structure 50.21 feet by 27.48 feet or 1,379.77 square feet (existing)

Proposed – an accessory structure 20 feet by 38 feet or 760 square feet (existing)

21-501

Required – maximum building height for an accessory structure, 18 feet

Proposed – an accessory structure 23 feet in height (existing)

Required – 8 foot side yard setback for an accessory structure

Proposed – 6.8 foot side yard setback for an accessory structure (existing)

Required – 8 foot rear yard setback for an accessory structure

Proposed – 7.2 foot rear yard setback for an accessory structure (existing)

Action to be taken prior to November 20, 2021

Mr. Subramanian is not present, the Board goes to the next application.

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- 11. 21-ZB-52V Christopher & Jessica Flores
Bulk Variance
Block 7006, Lot 4; Zone: R-10
13 Runyon Avenue**
Applicant would like to construct a garage addition and for an existing fence within the front yard setback.

VARIANCES REQUIRED:

- 21-501** Required – 35 foot front yard setback
Proposed – 20.8 foot front yard setback (overhang)
- 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, wooden fence located within the front yard setback line (Beatty Street) (existing)

*There is an existing deck, fence and shed located within the JCP&L easement.

Action to be taken prior to December 1, 2021

Jessica Flores, the applicant, is sworn in to testify on her own behalf. She states that they would like to construct an attached garage on the side of her home; they are converting the existing garage into a master bedroom. The house is 25 feet from the property line now and she would like the garage to be even with the house. Mr. Hinterstein states that he would like the garage moved back a few feet. The fence is not shown on the survey and he would like put on a survey and submitted for the file. The fence is a 6’ solid fence and there might be a variance needed. Mrs. Flores states that it is in the proper place and will submit it on a surey.

Mrs. Flores wants it even with the house. Mr. Hinterstein states that he wants it backed up a bit, the required setback is 35 feet, he’s asking for 27 or 28 feet. She agrees to move it back two feet from the property line. Public portion open/closed.

MOTION was made by Vice-Chairman Zimmerman to approve the application; seconded by Mr. Tillery. **YES ON THE MOTION:** Warren Zimmerman, Roy O’Reggio, Kalpesh Patel, Jeff Tillery, William Mitterando and Waqar Ali. **NO ON THE MOTION:** None

- 10. 21-ZB-43V Bala Subramanian-Continued to 11/4
Bulk Variance
Block 11701, Lot 9.20; Zone: R-15
14 Waldhaven Court**
Applicant would like to reconstruct an existing accessory structure.

Bala Subramanian states that he has an existing barn in the back of his house and he wants to reconstruct it; it is in disrepair. There were two structures but the other one has been taken down and there is only a foundation. The structure on the right of the yard is still there. Mr. Hinterstein states that asks if he had a chance to review the report; he has not. Mr. Hinterstein states that there are items on there that really need to be addressed.

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The structure doesn't comply with the requirements for an accessory structure as far as the size and height. There was never an approval or variance given for the structure to be there. It's basically an illegal structure, he understands that it was there when the property was bought, but it's still not legal, it's more than twice the allowable size of an accessory structure. Mr. Hinterstein states that the max allowed is 625 square feet in a residential zone, it's twice that. He would need to justify to the Board why they should grant relief to that ordinance.

Mr. Subramanian states that he bought the house with this there. He just wants to keep the same footprint. Once of the attractions to the property that it was there. Mr. Kinneally states that you never take the seller's word for it, always check with the Town, any Town, before purchasing a property. The Board needs some kind of evidence to justify this to remain. Mr. Kinneally asks if he has any witnesses; he does not. He is advised to seek a professional (Attorney/Planner) to put proofs on the record why this should be granted. Mr. Subramanian agrees to come back to the Board on November 4, 2021; no further notice required.

- 12. 21-ZB-53V Purva H. Patel
Bulk Variance
Block 1902, Lot 1.01; Zone: R-7.5
110 Woodrow Avenue**
Applicant proposes to construct a second floor over existing garage space and convert garage into living space.

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)
- Required – 25 foot front yard setback
Proposed – 18.5 foot front yard setback (steps) (existing)
- Required – 25 foot rear yard setback
Proposed – 23 foot rear yard setback
- Required – 8 foot side yard setback
Proposed – 7 foot side yard setback
- Required – maximum building coverage 20 percent
Proposed – 28 percent building coverage (existing)
- 21-613** Required – 75 foot lot frontage
Proposed – 50 foot lot frontage (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, vinyl fence partially located within the front yard setback line (existing)

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21-621 Required – a shed located a minimum of 3 feet from the side and rear yard property lines
Proposed – a shed located .6 feet from the rear yard and 2.5 feet from the side yard property lines (existing)

21-1102 Required – garage
Proposed – no garage

Action to be taken prior to November 20, 2021

Purva Patel, the applicant, is sworn in to testify on her own behalf. Parth Patel, her son, is sworn in. Hinterndra Patel, her husband, is also sworn in. She states that they want to convert the garage into living space with one room into living space and a room over the garage. Mr. Hinterstein states that they provided a floor plan of the proposal but not the existing. Mr. Patel states that they don't have a second floor it's a one floor house and there are three bedrooms, a kitchen, living room. The existing garage is not usable where it is located. They want to put an addition over the garage and convert existing garage; one bedroom in each with a full bath.

Mr. Hinterstein states that there is an existing coverage issue on the property and if they can get rid of the shed to help that. Mr. Patel states that they will get rid of the shed. The driveway is large, can hold up to six (6) cars and the existing garage isn't usable. No further questions from the Board. Public portion open/closed.

MOTION was made by Vice-Chairman Zimmerman to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Warren Zimmerman, Roy O'Reggio, Kalpesh Patel, Jeff Tillery, William Mitterando and Waqar Ali. **NO ON THE MOTION:** None

**13. 21-ZB-56V Nicole Campos
Bulk Variance
Block 10408, Lot 41.01; Zone: R-10
5244 Witherspoon Street**
Applicant would like to retain the existing 6 foot privacy fence and shed on corner lot.

VARIANCES REQUIRED:

21-501 Required – 25 foot rear yard setback
Proposed – 14.4 foot rear yard setback (deck) (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, vinyl fence located within the front yard setback line (3.3 feet from Roosevelt Avenue)

Action to be taken prior to December 14, 2021

Nicole & Jonathan Campos, the applicants, are sworn in to testify on their own behalf. He states that he built the fence not knowing he needed a permit. It is too close to the property line. Mr. Hinterstein states that the problem is that it is only 3.3 feet from the front property line along Roosevelt Avenue where the setback is 35 feet. They are asked to move it back to the 10 foot mark off of the property line; they agree. Public portion open/closed.

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MOTION was made by Vice-Chairman Zimmerman to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Warren Zimmerman, Roy O'Reggio, Kalpesh Patel, Jeff Tillery, William Mitterando and Waqar Ali. **NO ON THE MOTION:** None

14. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF AUG. 12, 2021:

- (a) **21-ZB-45V, Rajeshkumar Patel;** application was approved.
- (b) **21-ZB-46V, Mohammad Rabie;** application was approved.
- (c) **21-ZB-49V, Jessica Gutha;** application was approved.
- (d) **21-ZB-38V, Deerpark US Holdings, Inc.;** application was approved.

All in Favor: Jeff Tillery, Kalpesh Patel, Roy O'Reggio, William Mitterando.

15. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF AUG. 12, 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.

16. 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 23, 2021 AT 7:30 P.M.

The meeting was adjourned at 8:50 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, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT