

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JANUARY 13, 2022.

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: Chairman Shawn Cahill, Roy O'Reggio, Jeff Tillery, Waqar Ali, Steven Weisman, Kalpesh Patel, Artie Hayducka, William Mitterando. **ABSENT:** Rodney Blount

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-68V, Bihari Patel, has been postponed until February 10, 2022; must notice newspaper only.

6. **21-ZB-63V** **Prakash Patel**
 Bulk Variance
 Block 9601, Lot 53; Zone: R-20A
 15 Redbud Road
 Applicant would like to retain existing deck, addition and shed.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 20,000 square feet
 Proposed – lot area 4,440 square feet (existing)
- Required – 100 foot lot width
 Proposed – 37 foot lot width (existing)
- Required – 150 foot lot depth
 Proposed – 120 foot lot depth (existing)
- Required – 30 foot rear yard setback
 Proposed – 16.5 foot rear yard setback (deck)
- Required – 15 foot side yard setback
 Proposed – 0 foot side yard setback
- Required - maximum lot coverage 20 percent
 Proposed – lot coverage 25.4 percent

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

21-613 Required – 100 foot lot frontage
Proposed – 37 foot lot frontage (existing)

21-1102 Required – garage
Proposed – no garage (existing)

*The Zoning Board of Adjustment previously denied Application #07-ZB-47V for a patio enclosure.

Action to be taken prior to March 6, 2022

Prakash Patel, applicant, is sworn in to testify on his own behalf. Mr. Patel states that he wants to keep the existing deck, shed and structure. Mr. Kinneally states that there is a prior history with this property. Mr. Hinterstein states that this application came before them with a similar application previously. There were two sheds on the property and an illegal structure put in on the deck on the back of the townhome without any permits. As a result, he came to the Zoning Board to allow for that structure and sheds to remain, it was denied; coverage was over 27%. The sheds except one have been removed.

Mr. Hinterstein states that this application is very similar to the other, a structure that was put in illegally on top of the existing deck. One of the sheds was relocated out of the easement but still remains. The coverage is now 25.4% which is substantial. He has concerns, it is a tight under sized lot as all the lots are in this development, it's a cluster. The applicant is asked to remove the existing shed to reduce the building coverage; he agrees. The coverage will be at 23.2% which is more acceptable. There will be no sheds on the property at all.

Public portion: (1)Nayee Gayatri, 23 Redbud Road is sworn in. She wants to know if it's up to code. Mr. Kinneally states that they would have to get permits and then the building department would then do inspections to make sure it's up to code. (2) Nayee Jagriti, 21 Redbud Road is sworn in to testify She states that there is an easement and there shouldn't be anything in there. Mr. Hinterstein states that the fence has been relocated by permit and is permitted. Public portion closed. No fence in the easement. No further questions from the Board.

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

7. **21-ZB-77V Jose Carrera**
 Bulk Variance
 Block 802, Lot 19.01; Zone: R-10
 135 9th Street
 Applicant proposes to construct a second story addition.

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VARIANCES REQUIRED:

- 21-501** Required – 35 foot front yard setback
Proposed – 24.87 foot front yard setback (steps) (9th Street)
Proposed – 25.3 foot front yard setback (Adrian Avenue)

*The existing shed must be located at least 8 feet from the side and rear yard property lines or an additional variance(s) will be required.

Action to be taken prior to April 1, 2022

Jose Carrera, the applicant, is sworn in to testify on his own behalf. He states that he would like to put a second story over his existing first floor and renovating part of the first floor. He needs it for him and his family to improve living conditions with more space. Mr. Hinterstein states that there aren't really any big issues with this application, most of the variances are pre-existing. There is a slight exacerbation of the front yard setback because they are covering up a small entrance landing, but it's small in nature. The covered landing could be a condition that it has to remain open and never enclosed.

Mr. Hinterstein states that the only other is that the applicant represented to the Board that there was only one shed on the property in the back. Mr. Carrera states that the shed is 8 x 12; it is 13.5 feet and 4.5 feet from the property line. He sent a picture over and would like to keep the shed. Mr. Hinterstein states that he doesn't have an issue with the main shed, the problem is what wasn't represented is that there is a smaller make-shift shed on the backside of the existing shed with items stockpiled back there; it has to be removed. It can't be up against the property line.

He has no issues with the application, but that smaller shed must be removed. He could put up another shed by permit in another location if he needs to. Mr. Carrera agrees. Mr. Hinterstein states that needs to be removed before any other permits are issued, it will be a condition of approval. Chairman Cahill asks if anyone from the Board has any further questions, none. Public portion open/closed.

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

8. **21-ZB-22V** **AWAD Construction, LLC**
Bulk Variance
Block 1214, Lot 25.01; Zone: R-10
150 Central Avenue
Applicant would like to construct an addition.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 10,000 square feet
Proposed – lot area 7,300 square feet (existing)
- Required – 100 foot lot width
Proposed – 70 foot lot width (existing)
- Required – 35 foot front yard setback
Proposed – 21.17 foot front yard setback

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Required – 8 foot rear yard setback for an accessory structure
Proposed – 4.5 foot rear yard setback for an accessory structure (garage) (ex)

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

Proposed - an accessory structure 21 feet in height (garage) (existing)

Required – maximum building coverage 20 percent

Proposed – building coverage 27 percent *

21-613

Required – 100 foot lot frontage

Proposed – 70 foot lot frontage (existing)

*The building coverage calculation includes the proposed footprint of the dwelling, the detached garage, and the 2 foot cantilever located to the rear of the dwelling.

Action to be taken prior to January 15, 2022

Attorney: Peter Lanfrit

Peter Lanfrit, Attorney, is here to represent the applicant. Mr. Lanfrit states that this is the third time they have been before the Board for this application. They were here last on October 28th at which time both Mr. Kinneally and Mr. Hinterstein suggested that they look at the building coverage and feel the applicant was being a little aggressive in that request. They have resubmitted their request with a different plan for the property. This site had a single family home and a two car garage. The detached two car garage had an apartment above it illegally and the house is an eyesore. The property is owned by an estate, his client is buying it and wants to rehab it.

Mr. Lanfrit states that there are some existing variances and the two new variances which are building coverage which was at 27% and the new plan is 23%. They also had a front yard setback which is an existing condition at 24 feet, the applicant would like to keep the existing pad. The Planner and the Architect both testified at the last hearing. Mr. Asraf Rabad, Architect, is still sworn in. He states that the original plan was to keep a portion of the original dwelling and to retain the two car garage, they revised it to remove the two car garage completely and redesigned the main structure to include a two car garage in it on the existing slab on grade.

Mr. Rabad states that the new house is a two story standard colonial dwelling. The front yard setback they are asking for is 24.3 feet, the rest of the setbacks are conforming. The building coverage was reduced from 27% to 23% for a footprint of 1,679 square feet for the house. The total area for the house is 2,895 square feet. He goes over the floor plan of the home on the screen. The home will contain four bedrooms and 2 baths on the second floor. The exterior will have a stone base and stone accent around it, the left side is stucco and above the garage and the rest of the home will be sided.

In reference to Mr. Hinterstein's revised report, they will comply with all items except the front yard setback. Mr. Hinterstein states that this is new construction, he has an issue with the setback. There is nothing from the old home that is being kept, this is a new home with new foundation and a basement where the existing house is a slab. There is no benefit for the Township to allow this to remain here especially since it will be new construction. He

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definitely thinks that this is a substantial improvement from the last plan, the coverage could be looked upon favorable. Mr. Hinterstein states that the house should be moved back to 30 feet where 35 feet is required, he believes it's a good compromise. Mr. Lanfrit agrees, the front yard setback will be 30 feet. No further questions from the Board. Public portion open/closed.

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

8. **21-ZB-75V** **Deerpark US Holdings, LLC**
 Bulk Variance
 Block 301, Lot 31; Zone: R-7.5
 1772 W 4th Street
 Applicant proposes to construct a one-story single family home.

VARIANCES REQUIRED:

21-501 Required – 75 foot lot width
 Proposed – 50 foot lot width (existing)

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

Attorney: Tim Arch
Action to be taken prior to March 7, 2022

Tim Arch, Attorney, is here to represent the applicant. Mr. Arch states that he is in receipt of two reports; DPW dated 12-21-2021 and Mr. Hinterstein's report dated 1-5-2022. They have read the reports and will comply. The garage size as indicated in the report will be revised to the appropriate size as per the ordinance. Letters have been sent to adjacent property owner's asking if there is any available land for sale; they received one response that they were not interested and did not receive a response from the other owner.

Paul Fletcher, Planner, is sworn in to testify. Mr. Fletcher states that the property is located at block 301, lot 31 and is located in a R-7.5 zone. The lot is 50 feet in width and 405 feet in depth. The lot is currently vacant and the applicant proposes to construct a new single family dwelling. There are two existing conditions for lot width and lot frontage; they are not requesting any further variances. There is no available land to be purchased to make the lot conforming; both adjacent lots are also 50 feet wide.

Mr. Fletcher believes the Board can grant these two variances under the C-1 criteria which is a hardship as there is no available land. Mr. Kinneally states that in these undersized lot cases, if the adjacent lots don't have any available land and they are not willing to sell any to the applicant, the law states that the applicant has proof of a hardship and gets relief from the Board. Chairman Cahill asks if there are any further questions from the Board, none. Public portion open/closed.

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

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9. **21-ZB-78V** **Pinki Patel**
 Bulk Variance
 Block 5308, Lot 4: Zone: R-10
 60 St. Olga Place
 Applicant proposes to construct a second story addition.

VARIANCES REQUIRED:

21-501 Required – minimum lot area 10,000 square feet
 Proposed – lot area 9,064 square feet (existing)

 Required – 100 foot lot width
 Proposed – 96.57 foot lot width (existing)

 Required – 35 foot front yard setback
 Required – 33.6 foot front yard setback
 Proposed – 29.5 foot front yard setback (steps)

21-613 Required – 100 foot lot frontage
 Proposed – 96.57 foot lot frontage (existing)

Action to be taken prior to April 6, 2022

Kevin Patel, Pinki Patel’s son, will be testifying on her behalf; he is sworn in. Mr. Patel states that there are here for bulk variances to build a second story addition. Their family is growing and they need the additional space which would include the bedroom and the bathroom upstairs. They have been in Piscataway for a little over a decade and they love the community and the neighborhood and they just would like to continue living in the home.

Mr. Kinneally states that tree out of the four variances are existing conditions, the front setback is new. Mr. Hinterstein states that since they are doing the second story and adding some modifications, it requires a new landing and steps in the front. The zoning report says 29.5 feet, but the plans are not to scale and is was difficult to figure out. As per the architectural, he feels that it would be 28.5 feet and doesn’t believe it changes the application, it’s only for the steps and the landing. Chairman Cahill asks if there are any other questions from the Board; none. Public portion open/closed.

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

12. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF DEC. 9, 2021:

- (a) **21-ZB-71V, Daniel Mucisko; Approved.**
- (b) **21-ZB-16V, 28 Howard Street, LLC (extension); Approved.**
- (c) **21-ZB-40V, Leonardo & Margarita Fittipaldi; Approved.**
- (d) **21-ZB-50/51V, 225 Old New Brunswick Road; Approved.**

All in Favor: Steve Weisman, Roy O’Reggio, William Mitterando, Waqar Ali, Chairman Cahill.

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13. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF DEC. 9, 2021

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

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


14. ADJOURNMENT

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

NEXT SCHEDULED MEETING IS JANUARY 27, 2022 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 January 13, 2022 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on January 27, 2022.



SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT