

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, MARCH 10, 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 Shawn 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, Jeff Tillery, Waqar Ali, Steven Weisman, Kalpesh Patel, Artie Hayducka, William Mitterando and Chairman Cahill. **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

- 5. 22-ZB-06V Kendra Bryant-Morrow
Bulk Variance
Block 6802, Lot 7; Zone: R-10
123 Netherwood Avenue
Applicant would like to convert existing garage into living space and construct a 20' x 8' shed in the front yard.**

VARIANCES REQUIRED:

- 21-501** Required – 35 foot front yard setback
Proposed – 26 foot front yard setback (Beatty Street) (existing)
Proposed – 24.7 foot front yard setback (Netherwood Avenue) (existing)
- Required – 60 foot front yard setback for an accessory structure
Proposed – 20 foot front yard setback for an accessory structure (shed) (Beatty Street)
- Required – 8 foot rear yard setback for an accessory structure
Proposed – 2 foot rear yard setback for an accessory structure (shed)
- Required – maximum building coverage 20 percent
Proposed – 25 percent building coverage
- 21-617** Required – a pool shall not be installed within 10 feet of any side or rear yard property line
Proposed – a pool located 8.5 feet to the rear yard property line (existing)
- 21-601** Required – no encroachment into the right-of-way
Proposed – a 6 foot solid fence located within the right-of-way (existing) *

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21-1102 Required – garage
Proposed – no garage

*A portion of the fence may also be located within the sight triangle.

Action to be taken prior to June 1, 2022

Kendra Morrow-Bryant, the applicant, is sworn in to testify on her own behalf. Ms. Bryant states that they need to convert her garage into living space; her mother needs to move in. She would also like to put a shed up on the side of her home. Mr. Hinterstein states that currently she is over building coverage; 20% is required and she is existing at over 23%. He believes that she should put up a smaller shed or build a second story addition for storage if needed.

Ms. Bryant explains that she can't afford to do an addition and just needs the shed to put in items from the garage. Mr. Hinterstein states that if she puts up the shed she is proposing, it's 25% building coverage which is substantial. They agree to reduce the size of the shed to and 8' x 10'. Mr. Kinneally asks Mr. Hinterstein the percentage; it would be down to 24.2%. The other issue is that her fence is over in the right-of-way on Township property. The house is on a dead end street, corner lot. Mr. Hinterstein states that she can keep the privacy fence on the corner, but has to move it to the property line and out of the right-of-way; she agrees.

Public portion: Mr. Marc Cianfrone, 201 Netherwood Avenue, is sworn in to testify. He states that he lives across the street and they are great neighbors. They take care of the property and has no objections to what they are doing. Public portion 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, William Mitterando, Kalpesh Patel, Waqar Ali and Chairman Cahill. **NO ON THE MOTION:** None.

6. **21-ZB-80V** **Alka Srivastava**
Bulk Variance
Block 2101, Lot 2.02; Zone: R-20
5 Marissa Court
Applicant would like to construct a deck with partial roof in rear yard.

VARIANCES REQUIRED:

21-501 Required – 150 foot lot depth
Proposed – 100 foot lot depth (existing)

Required – 40 foot front yard setback
Proposed – 31 foot front yard setback (existing)

Required – 30 foot rear yard setback
Proposed – 14.5 foot rear yard setback (deck)

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 fence located over an easement (existing)

Action to be taken prior to May 8, 2022

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Alka Srivastava, the applicant is sworn in to testify. Mr. Kinneally asks her to explain what she would like to do. Ms. Srivastava states that they were here once to put up a deck and a partial roof over half of the deck. They sent in different diagrams showing how it would be used and how it would not work if the deck was smaller. Mr. Singh, sworn in, states that there is no one behind them. They talked to the construction company and can't relocate the deck to the sides of the home.

Chairman Cahill states that they were asked at the previous meeting to reduce the size or change the plans; he recommends that they do that and come back to the Board with revised plans. Mr. Kinneally states that they have not put on any proofs as to why they should be granted the variance; they need to revise the plans. Ms. Srivastava states that they have neighbors on the meeting and would like them to speak and state that they are ok with the proposed plans. There was no testimony given and the public portion is not open for comments.

Mr. Hinterstein states that they do not have a hardship; there is room on the sides of the property and a hardship is not because of where or what you want. He understands that is what they want, but it doesn't work with the setback. The deck should be pushed back to match the size of the sunroom, the roof isn't necessary since they have the sunroom. The other option is to put in a patio the same size and they won't need a variance. They haven't come back with any options or choices for the Board to look at. Mr. Singh asks what kind of proofs are needed; Mr. Kinneally states that he is the Board Attorney and they should seek their own Counsel to help them put on their testimony and proofs. They will be carried to the April 14, 2022 hearing with not further notice required.

- 7. 22-ZB-02V Mario & Viviana Ojeda
Bulk Variance
Block 1910, Lot 23.01; Zone: R-7.5
147 Montgomery Street**

VARIANCES REQUIRED:

- 21-501** Required – 75 foot lot width
Proposed – 30.66 foot lot width (existing)
- Required – 25 foot rear yard setback
Proposed – 8 foot rear yard setback
- Required – maximum building coverage 20 percent
Proposed – 21.9 percent building coverage
- 21-613** Required – 75 foot lot frontage
Proposed – 30.66 foot lot frontage (existing)

**Action to be taken prior to June 2, 2022
Attorney: Tim Arch**

Tim Arch, Attorney, is here to represent the applicant. He is in receipt of three (3) reports; Ms. Corcoran's zoning report, DPW and Staff Memorandum dated March 8, 2022. Mr. Arch states that the Ojeda family would like to build their dream house on this property. The lot has two frontages, it is an "L" shaped lot. The maximum building coverage required is 20%

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and they are proposing 21.9% coverage. The other variance is for rear yard setback where 25 feet is required and they are proposing 8 feet. The reason for this is because the shape of the lot it is actually a side yard to the home but is considered a rear yard.

Mr. Anthony Garrett, Architect and Planner, is sworn in to testify; he is accepted by the Board. Mr. Garrett shares his screen with the Board (A-1) showing a rendering of the home that has been colored in. He states that the property is located in a R-7.5 zone and has 8,083 square feet with double frontage. He shares the floor plan; home will be 1,768 square feet with 480 square feet for the attached garage. It will have a patio in the back of the home. Mr. Garrett shares a picture of the proposed façade and the outside structure.

Mr. Arch states that in reference to Mr. Hinterstein's report, #2 indicates that adjacent homes in the area are predominately modest ranches, and since the lot is deficient in lot width, the Board should consider lowering the roof line as much as possible. Mr. Garrett shares his screens showing an aerial photo (A-2) of the area showing that there are nine dwellings in this area that are over two stories, similar to what they are proposing. He points out the homes that are two stories. He shows (A-3) which are street view pictures of homes in the area. Mr. Garret states that the roofs are 8 feet high and doesn't believe they can lower the pitch.

Mr. Arch states that they will be installing a dry-well system to the home for drainage. In reference to the rest of Mr. Hinterstein's report, they will comply with all. They will construct sidewalks and curbing. The DPW letter recommends that they indicated the location of utilities, specifically the sanitary sewer lateral with a clean-out at the property line, they will comply. Mr. Hinterstein states that he has no issues but does believe that the roof line should be lowered with a lower pitch; they will comply and work with the Township and Mr. Hinterstein. Public portion open/closed.

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

8. **21-ZB-76V** **Moon Builders, LLC**
 Bulk Variance
 Block 2003, Lot 13.01; Zone: R-10
 30 Stanton 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 5,000 square feet (existing)
- Required – 100 foot lot width
 Proposed – 50 foot lot width (existing)
- Required – 35 foot front yard setback
 Proposed – 14 foot front yard setback (Richmond Street)
- Required – maximum building coverage 20 percent
 Proposed – 20.3 percent building coverage

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

24-702.3(d) Required – an enclosed parking space must measure at least 12 feet in width by 20 feet in length and not be obstructed with stairways, landings, etc.
Proposed – a garage measuring less than 12 feet in width by 20 feet in length

Action to be taken prior to May 8, 2022
Attorney: Donald Whitelaw

Brian Schwartz, Attorney, is here to represent the applicant. Mr. Schwartz states he has two witnesses this evening. They sent out letters to the adjacent property owners to see if they could purchase some of their property to make the lot conforming. The Township will not sell and they had no reply from the other neighbor.

Mr. Thomas Cheung, the property owner, is sworn in. He has experience in building and has constructed homes in Piscataway; approximately four or five homes. They would like to build a two-story single family home. The width of the home would be 24 feet wide and the height is at 25.6; the height was taller but they lowered it to be more in line with the neighborhood. They removed the deck in the rear and will just do a landing and a patio.

Mr. Schwartz shares his screen with the Board; it shows the lot facing Stanton Avenue (A-1). The house will be facing Stanton. There are two front yards since it's a corner lot. To the right there is a single family neighborhood, two story homes. There is a vacant lot behind this lot which is identical and a baseball field on the other side. A-2 shows the surrounding lots showing they are 100 x 100 and some are irregular. A-3 and A-4 are letters from Mr. Whitelaw to the surrounding property owners asking to purchase some additional property. They did not receive a response from 28 Stanton, next door and a no interest letter from the Township (James Clarkin). If they took property from lot 9.01 then they would make that lot non-conforming. Mr. Kinneally states that they have made a case for a hardship since there is no available land to be purchased.

Mr. Cheung explains the elevations of the proposed home which will face Stanton. Mr. Schwartz states that one of the comments that they received was that they reduce the roof line; they revised the plans and made it 5/12. The proposed deck has been eliminated from the first set of plans. They show and describe the floor plan with a one car garage. They have reduced the setback off of Richmond to 16 feet, the house will be 24 feet wide. If the house was any smaller it would be a really small, thin house. The garage will conform at 12' x 20'.

Lee Titus, PP & PE, is sworn in to testify; he is accepted. They need a variance for lot width where 100 feet is required and 50 feet is existing; 10,000 square feet in area is required, there is 5,000 existing. They share the screen and show the existing conditions, the proposed house and an area map. The property has fronts on two streets, Stanton Avenue and Richmond Avenue, there is a drainage system on Stanton Avenue that slopes towards Stanton Avenue. The roof litters from the house would tie into the existing drainage system.

Mr. Titus states that the building coverage will be reduced once they make the house smaller; it will no longer be a variance. The remaining variances are lot area, lot width and front yard setback. Mr. Titus believes that this house will be compatible with other homes in the area.

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Mr. Titus states that it would not be feasible to make the house any smaller. The variance that are remaining can be granted by a reason of shape of property under the C-2. He discusses the reasons under the C-2 to be granted; it would not affect the Master Plan or the Zone Plan.

Public portion open: (1) Chris Fitzpatrick, 28 Stanton Avenue, is sworn in. He states that he is next door to the property. The 50' side they need 35 feet from Richmond Street and 10 feet on the other side of the house. He said if you're driving up and don't have the 35 foot setback you can't see. He believes it's a safety hazard; doesn't agree with the application. (2) Rich David, 1 Susan Court, is sworn in. He states it's not esthetically pleasing and doesn't want it there. Public portion closed. Chairman Cahill calls for a vote.

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, William Mitterando, Kalpesh Patel, Steven Weisman and Chairman Cahill. **NO ON THE MOTION:** None.

9. **21-ZB-43V** **Bala Subramanian**
 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 February 20, 2022

Bala Subramanian, the applicant, is sworn in to testify. He just wants to rebuild the structure and hasn't updated his variance application. He wants to be grandfathered in. Mr. Kinneally states that he has not filed an application for a non-conforming use, so he can't ask the Board to grandfather this structure. Only a variance application has been filed to date. Mr. Kinneally states that a non-conforming use means a building that was there before the Township Zoning Ordinance was adopted; that is not the applicant that was filed.

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Mr. Subramanian would like to postpone and file a new application for a non-conforming use. Chairman Cahill states that there is no testimony so there will not be a public portion. The applicant will be heard on April 28, 2022. If the application is amended, the applicant will have to re-notice. Chairman Cahill states April 28, 2022.

10. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF FEB. 24, 2022:

(a) 21-ZB-82V JSM @ Centennial, LLC, Approved.

11. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF FEB. 24, 2022

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,

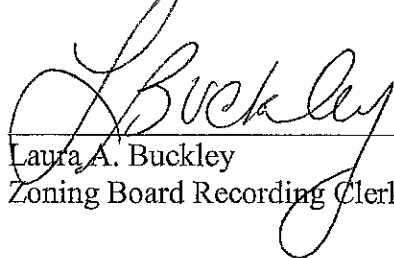
12. ADJOURNMENT

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 MARCH 24, 2022 AT 7:30 P.M.

The meeting was adjourned at 9:20 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 March 10, 2022 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on March 24, 2022.



SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT