

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, APRIL 28, 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, Rodney Blount, Steven Weisman, Kalpesh Patel, Roy O'Reggio and William Mitterando. **ABSENT:** Waqar Ali, Artie Hayducka &

Also present: James Kinneally, Esq., Henry Hinterstein, John Chadwick, PP 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; #9, 22-ZB-11/12V, D. F. Osborne Construction; postponed until May 26, 2022, no further notice required.

- 5. 22-ZB-17V Michael Dudas**
Bulk Variance
Block 1005, Lot 21; Zone: R-7.5
20 Church Street
Applicant proposes to reconstruct front landing with steps.

VARIANCES REQUIRED:

- 21-501** Required – 75 foot lot width
Proposed – 50 foot lot width (existing)
- Required – 25 foot front yard setback
Proposed – 11.75 foot front yard setback (steps)
- Required – 8 foot side yard setback for an accessory structure
Proposed – 2.5 foot side yard setback for an accessory structure (garage) (existing)
- 21-613** Required – 75 foot lot frontage
Proposed – 50 foot lot frontage (existing)

Action to be taken prior to July 1, 2022

Michael Dudas, the applicant, was sworn in at the prior hearing. He states that it would be very difficult to move the steps and porch to the side like Mr. Hinterstein suggested. Mr. Hinterstein states that he has looked at the application and the problem is that a lot of the homes in this area are substandard as far as the front yard setback. If the steps are on the side

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there is still a landing but will not make the front yard setback worse; after the proposal they are looking at 11.9 feet where 25 feet is required. Pictures were given in but there are no setbacks on the pictures of the neighbors. Some have landings, some have porches, some are just steps. Mr. Dudas states that there are about 10 neighbors that have landings like he wants. It is agreed upon that he can have a 2 foot landing and then the steps. Public portion open/closed.

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

6. **21-ZB-43V, Bala Subramanian, is not yet on the meeting. It will be called at a later time.**

7. **22-ZB-22V** **Jason Dolphin**
 Bulk Variance
 Block 9402, Lot 7; Zone: R-20
 124 Sturbridge Drive
 Applicant proposes to install an accessory shed in rear yard.

VARIANCES REQUIRED:

21-501 Required – minimum lot area 20,000 square feet
 Proposed – lot area 13,036.68 square feet (existing)

 Required – 150 foot lot depth
 Proposed – 125 foot lot depth (existing)

 Required – 40 foot front yard setback
 Proposed – 35 foot front yard setback (existing)

 Required – 15 foot side yard setback
 Proposed – 12.2 foot side yard setback (existing)

 Required – 8 foot rear yard setback for an accessory structure
 Proposed – 2 foot rear yard setback for an accessory structure (shed)

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

Action to be taken by August 2, 2022

Jason Dolphin, the applicant, is sworn in to testify. He states that they would like to put a shed in the backyard and do a second story addition. Mr. Kinneally states that most of the variances are pre-existing conditions due to the undersized nature of the lot. Mr. Hinterstein states that the location of the shed should comply with the setback requirements of an accessory structure which is 8 feet from the property line. Mr. Dolphin would like it back further for more room; the pool has been removed. They agree on a 5 foot setback from the property line. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Rodney Blount, Roy O'Reggio, Steven Weisman, William Mitterando, Kalpesh Patel and Chairman Cahill.

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8. 22-ZB-16V Heather Baillie
Bulk Variance
Block 6801, Lot 8.01; Zone: R-10
23 Netherwood Avenue
Applicant proposes to construct a two-story addition to an existing single family home.

VARIANCES REQUIRED:

- 21-501** Required – 35 foot front yard setback
Proposed – 11.33 foot front yard setback
Proposed – 10.17 foot front yard setback (existing)
- Required – 8 foot side yard setback for an accessory structure
Proposed – 3.9 foot side yard setback for an accessory structure (garage) (existing)

Action to be taken prior to July 16, 2022

Robert & Heather Baillie, the applicants, are sworn in to testify. They state that they would like to put an addition on for their family. They submitted new revised plans to Mr. Hinterstein. Mr. Hinterstein states that the front yard setback is not changing. They moved the addition a couple of feet back and added steps to the side of the existing porch; no new porch has been added. Mr. Kinneally states that the existing house is violating the front yard setback but the new addition will be set back further so it does not affect the setback; Mr. Hinterstein agrees. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Weisman. **YES ON THE MOTION:** Rodney Blount, Roy O'Reggio, Steven Weisman, William Mitterando, Kalpesh Patel and Chairman Cahill.

10. 22-ZB-03V Craig & Denise Newton
Certificate on Non-Conforming Use & Use Variance
Block 11206 Lot 6; Zone: R-10
237 Park Avenue
Applicant is seeking a multi-family use.

VARIANCES REQUIRED:

- 21-501** Required – single-family residential use
Proposed – multi-family use *

*The applicant is seeking a certification of non-conforming use or in the alternative, a use variance.

Action to be taken prior to May 25, 2021
Attorney: Tim Arch

Tim Arch, Attorney, is here to represent the applicant. Court stenographer present; transcripts are on file in the Community Development Office.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Weisman. **YES ON THE MOTION:** Rodney Blount, Roy O'Reggio, Steven Weisman, William Mitterando, Kalpesh Patel and Chairman Cahill.

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11. 22-ZB-20V Maxim Real Estates, LLC
Use Variance
Block 911, Lot 15; Zone: R-7.5
245 William Street
Applicant requests use variance to reconstruct a 3 family home.

VARIANCES REQUIRED:

- 21-501** Required – single-family residential use
Proposed – three-family use *

Action to be taken prior to August 7, 2021
Attorney: Steven Herman

Michael Bonner, Attorney, is here to represent the applicant. Court stenographer present; transcripts are on file in the Community Development Office.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Weisman. **YES ON THE MOTION:** Rodney Blount, Roy O'Reggio, Steven Weisman, William Mitterando, Kalpesh Patel and Chairman Cahill.

12. 21-ZB-33/34V Lauria Landscaping, LLC
Preliminary & Final Site Plan, Use & Bulk Variance,
Cert. of Non-Conformity
Block 2101, Lot 10.01; Zone: R-20
278 Stelton Road
Applicant would like to retain the current landscaping business.

VARIANCES REQUIRED:

- 21-501** Required – use permitted in a residential zone
Proposed – use not permitted in a residential zone (landscaping business) *
Proposed – use not permitted in a residential zone (metal storage container) *

Required – 100 foot lot width
Proposed – 94.17 foot lot width (existing)

Required – 40 foot front yard setback
Proposed – 23.2 foot front yard setback (existing)

Required – 15 foot side yard setback
Proposed – 2.2 foot side yard setback (existing)

Required – 8 foot side yard setback for an accessory structure
Proposed – accessory structure located partially over the property line (chicken coop) (existing)

- 21-601** Required – no encroachment into the right-of-way
Proposed – a wall/walkway partially located within the right-of-way (existing)

- 21-613** Required – 100 foot lot frontage
Proposed – 94.17 foot lot frontage (existing)

21-3(b) Accessory Building

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Required – in a residential zone, any single property shall be allowed 2 accessory structures
Proposed – 8 accessory structures (existing)

Required – an accessory building shall not exceed 25 feet by 25 feet or 625 square feet

Proposed – accessory buildings exceed the maximum allowable size and square footage (existing)

21-1101.2 Required – parking lots for the accommodation of motor vehicles, loading and unloading facilities or the outdoor storage of mechanical equipment or materials in bulk shall not be located nearer to any residential zone than 50 feet

Proposed – parking lot/outdoor storage located within the residential zone (existing)

21-1101.3 Required – automobile parking spaces, all passageways and driveways shall be paved with a hard surface

Proposed – gravel driveway/parking area (existing)

21-1302.3 Required – outdoor storage shall meet all required setbacks for the zone (8 feet from the rear and side yard property lines)

Proposed – outdoor storage located along the property line

*The applicant is seeking a certification of non-conforming use or in the alternative, a use variance. ** No parking spaces or signage is proposed.

Action to be taken prior to April 4, 2022

Attorney: Tin Arch

Tim Arch, Attorney, is here to represent the applicant. Court stenographer present; transcripts are on file in the Community Development Office.

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

YES ON THE MOTION: Rodney Blount, Roy O'Reggio, Steven Weisman, William Mitterando, Kalpesh Patel and Chairman Cahill.

6. **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)

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- 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. Mr. Subramanian states that he is applying for a bulk variance to repair the existing structure with no changes. This is a legal structure that was there when he bought the property; Mr. Kinneally states that it is not a legal structure and that is why they are here. Mr. Subramanian states that they sent over a copy of the deed. Mr. Kinneally states that it does not matter what the deed says, if the deed is not from prior to 1953.

Mr. Subramanian states that the evaluation states that it was there since 1953 and the Board should have that. Mr. Kinneally states that the documents that were submitted do not support that the two accessory structures have been there prior to 1953. He discusses an evaluation from 1974 and 1966, but both are after 1953. Mr. Kinneally states that he has not provided proof that these are pre-existing, non-conforming structures. He asks Mr. Subramanian if he has any additional evidence to offer the Board; he does not. He does not have any other witnesses or a Planner.

Mr. Kinneally states to Chairman Cahill that this applicant has not applied for a non-conforming use certificate, he applied for variances. Mr. Subramanian states that he can get a Planner and come back. Mr. Kinneally states that he has been in front of the Board at least four (4) times before and has been given an opportunity to amend the application for a non-conforming use and has not done so. He applied for variances but has not supplied evidence to the Board through a professional witness, like a Planner, to justify the variances that he is seeking. Mr. Subramanian states that he has no other evidence.

Mr. Kinneally states that this applicant has certain legal requirements and has not met them; he has to advise the Board that the Board should deny this application. Mr. Subramanian would like one more chance to bring a Planner; his request is denied. Chairman Cahill states that he (applicant) was asked at the last hearings to bring in a professional Planner for testimony and did not comply. This has been going on over a year, almost two years, and this is now wasting time.

Public portion open: Uzman Aziz, 10 Waldhaven Court, is sworn in. He states that his property is located right next to this structure. The moved into the property is February of 2020 and this has been going on for two years. Their concern is the walls and roof are falling off. They are afraid to go in their backyard because this is a hazard and will fall. He would like the Board to make a decision. There are animals living in the structure also.

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

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13. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF APRIL 28, 2022:

- (a) 22-ZB-08V, Vincent Santiago; Approved.
- (b) 22-ZB-15V, Paul Passero; Approved.
- (c) 21-ZB-80V, Alka Srivastava; Withdrawn.
- (d) 22-ZB-18V, Sivakumar Natarajan; Approved.

All in Favor: Mr. Weisman, Mr. Tillery, Mr. Blount, Mr. Mitterando, Mr. Ali.

11. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF APRIL 28, 2022.

MOTION was made by Mr. Weisman to adopt the minutes; second by Mr. Patel.
All in Favor: Steve Weisman, Mr. Tillery, Rodney Blount, William Mitterando, Rodney Blount and Chairman Cahill.


12. ADJOURNMENT

MOTION was made by Chairman Cahill to Adjourn the meeting; second by Mr. Patel.
ALL IN FAVOR: Aye

NEXT SCHEDULED MEETING IS MAY 12, 2022 AT 7:30 P.M.


The meeting was adjourned at 9:49 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 April 28, 2022 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on May 11, 2022.



SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT