

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 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 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: Shawn Cahill, Kalpesh Patel Jeff Tillery, Roy O'Reggio, Steven Weisman, Rodney Blount (late), Artie Hayducka and William Mitterando. **ABSENT:** Kalpesh Patel.

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:

- # 7, 22-ZB-21V, Calvin Somrah-Postponed until Oct. 27, 2022, Must notice 6 residents only.
- # 9, 22-ZB-79V, Lilly Pham-Postponed until October 27, 2022; No further notice required.

5. 21-ZB-81V

**Arnaldo Peraza
Bulk Variance
Block 106, Lot 1.01; Zone: R-7.5
1438 W 4th Street**

Applicant proposed to construct a single story addition.

VARIANCES REQUIRED:

21-501 Required – 25 foot front yard setback
Proposed – 20.83 foot front yard setback (West 4th Street)

21-601 Required – no open space, municipal drainage way, right-of-way or easement shall be encroached upon or reduced in any manner
Proposed – fence located within the right-of-way (Evona Avenue) (existing)

Action to be taken prior to October 18, 2022

Arnaldo Peraza, the applicant, is sworn in to testify. Mr. Peraza states that he wants to put an addition on the side of the house; corner lot. Mr. Hinterstein asks the applicant if the pool is still there; initially he said yes, but then stated that they took the pool down so there are not any setback issues to discuss. Mr. Hinterstein states that he does not have any issues with the addition but the fence is in the ROW and must be moved back about 2 feet; the applicant agrees. Chairman Cahill asks if there are any further questions from the Board; none. Public portion open/closed.

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

*Mr. Blount has joined the meeting.

6. **22-ZB-80V** **New Cingular Wireless, AT & T**
 Interpretation of Zoning Ordinance
 Block 4401, Lot 4.03; Zone: LI-5
 242 Old New Brunswick Road
 Applicant would like to update existing telecommunication equipment.
- Action to be taken prior to January 17, 2023**
 Attorney: Christopher Quinn

Judy Fairweather, 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. Hayducka. **YES ON THE MOTION:** Shawn Cahill, Steven Weisman, Jeff Tillery, Roy O'Reggio, Artie Hayducka, Bill Mitterando and Rodney Blount. **NO ON THE MOTION:** None.

8. **22-ZB-74V** **Sadaf Ayub Khalid**
 Bulk Variance
 Block 7802, Lot 67.12; Zone: R-20
 9 Wembley Place
 Applicant would like to install a fence within an easement and a shed within the front yard setback.

VARIANCES REQUIRED:

21-501 Required – minimum lot area 20,000 square feet
 Proposed – lot area 17,630.57 square feet (existing)

 Required – 150 foot lot depth
 Proposed – 126 foot lot depth (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 vinyl fence located within the front yard setback line (Metlars Lane)

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

Action to be taken prior to December 15, 2022

Sadaf Ayub Khalid, the applicant, is sworn in to testify. She states that they would like to place a fence on two sides, they have two front yards. It is shaped like a trapezoid and they would like

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to put fences up, 6' vinyl, on the sides. Mr. Hinterstein states that there rear yard property line is on Metlars Lane so it's considered a front yard; he has no issues with the application.

Public portion open: Shaista Hasan, 5 Wembly Place, she is the neighbor and has no issues with the fence. Public portion closed.

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

10. **22-ZB-41V** **100 Lakeview Rear, LLC**
Bulk Variances
Block 1406, Lot 45.04; R-7.5
100 Lakeview Avenue
Applicant would like to renovate existing home as a pool house and construct a new single family home on the property.

VARIANCES REQUIRED:

21-3b Accessory Building

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

Proposed – an accessory building 71 feet by 40 feet or 2,068 square feet (pool house/deck)

- 21-501** Required – maximum height of an accessory structure, 18 feet
Proposed – an accessory structure 24 feet in height (pool house)

- 21-602** Required – every building shall be built upon a lot with frontage upon a public or private street
Proposed – no frontage on public/private street

- 21-1101.3** Required – paved driveway
Proposed – stone driveway

*As required under 40:55D-35 of the NJ Municipal Land Use Law, no permit for the erection of any building or structure shall be issued unless the lot abuts a street giving access to such proposed building or structure.

Action to be taken prior to December 12, 2022

Attorney: Lawrence Sachs

Lawrence Sachs, Attorney, is here to represent the applicant. Mr. Sachs states that this property is located at block 1406, lot 45.04; R-7.5 zone. The property is a little over two acres and they here to convert an existing single family house into a pool house and construct a new single family dwelling. All variances are existing except maximum accessory structure height; 18 feet required, 24 existing. Maximum accessory structure is 625 square feet, proposing over 2,000 square feet. Frontage on a private street, it's the rear lot of 100 Lakeview Avenue, there is a driveway easement that accesses the property; no frontage on any private street. Requirement that the driveway be paved, existing is stone, need variance relief for that.

Mr. Sachs states that he will address Mr. Hinterstein's report, he has two witnesses to testify this evening; Engineer, Deborah D'Amico and the Architect, Kermit Hughes. Ms. D'Amico is sworn in and accepted by the Board. Ms. D'Amico shares her screen with the Board; it has been submitted so does not need to be marked. It is a copy of the plot plan. She explains the entire

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plan to the Board, showing the easements, which should be verified by a land surveyor. The existing house will remain, because it is adjacent to the pool, will be used for a pool house, man cave, tv, etc. No bedrooms in there, just recreational.

Ms. D'Amico shows on the plan where the location of the new home is proposed. She states that the septic system has to be tested. The existing home, pool house, is outside of the wetlands area, but is in the transition area. Ms. D'Amico states that it would be difficult to get a permit to remove the existing structure through DEP. She said it makes sense to leave the house for the environment. The existing structure is 29 feet from the stream and she states that you really don't want to disturb that if you don't have to.

Mr. Sachs states that there are existing variances for the existing structure, height, size, etc. They don't have any frontage on a private street; Ms. D'Amico agrees. There are homes that are quite a bit of distance away. The driveway has been there since the home was built. The structure is not required to be taken down since it's in the transition area. Chairman Cahill asks how many bedrooms is the existing structure; the architect will answer.

Mr. Kermit Hughes, Architect, is sworn in to testify; he is accepted by the Board. Mr. Hughes shares his screen, shows the existing floor plan. There is a front porch, kitchen, laundry, den, and access through the kitchen to the basement. Existing home has three (3) bedrooms currently but will remove the walls. The proposal is to remove all of the walls for a wide open space with a pool table and flow as a large non-separated area.

Mr. Sachs states that as per Mr. Hinterstein's report, they will eliminate the kitchen. There will be a deed restriction put on the property to be used as a single family only and not a second dwelling unit. Mr. Hughes shows pictures of the existing home with elevations. Chairman Cahill states that with the man-cave being as large as it is, would the owner be renting it out; Mr. Sachs states no. Mr. Sachs states that they would agree to a condition that this structure will not be used for any other residential purposes and they will put a deed restriction on it. They will not rent it out or have anyone live there. It will be a pool house structure only; they will remove the kitchen area.

Mr. Hinterstein states that it appears that they are proposing a septic system for the new home; would the existing home and the new home have city water and city sewer. If it exists on Lakeview Avenue, they would have to tie in to it. It should be a condition of any approval and worked out with the Engineering department. Mr. Sachs states that they are land locked; how do they do that. Mr. Hinterstein states with an access easement; Mr. Sachs agrees. His other concern is the size of the pool house. The accessory structure can't be larger than 625 square feet or 25 x 25; we are 3 times the size in this case. He doesn't see any reason why the structure can't be modified to meet the accessory structure ordinance. The new house is large, it conforms, but to ask if this 2200 square foot pool house can be when only 625 square feet is allowed is excessive.

Mr. Hinterstein states that most homes in the area are only about 2000 range, between the house and the pool house, that's a lot of square footage. He doesn't see the hardship for that pool house to be that large and not be modified. He has no problems with the new home, just the size of the pool house. Mr. Sachs states that they would love to demolish an old house, but there would be issues. Ms. D'Amico states that she isn't sure if the DEP would let them rebuild that close to the wetlands without jumping through hoops. The problem is with demoing the house and taking it out of the transition area. The purpose of the transition area is to buffer the

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wetlands. Mr. Hinterstein states that they are going to the DEP regardless for anything they do to the home. Ms. D'Amico states that it would take a long time to get the approvals; it would make sense for it to stay. She states that the lot is large enough for both structures. Mr. Sachs states that he would never submit for a plan for an accessory structure of this size. This is an existing structure that they just want to utilize. Mr. Hinterstein states that he doesn't see how the DEP would not want the structure shrunk so there is a smaller transition area. They are asked by the Board to reach out to DEP in reference to the transition area. They are carried to November 10, 2022; no further notice.

11. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF SEPTEMBER 22, 2022:

- (a) 22-ZB-62V, Michael Coffelt; Approved.
- (b) 22-ZB-63V, Nikesha Sinckler; Approved.
- (c) 22-ZB-71V, Ashok Azhagiri; Approved.
- (d) 22-ZB-66V, Manvinder Jangi; Approved.
- (e) 22-ZB-70V, Richard & Elizabeth Snyder; Approved.
- (f) 22-ZB-35/36V, JR Ventures; Approved.
- (g) 22-ZB-40V, Christopher Amato; Approved.

All in Favor: Mr. Tillery, Mr. O'Reggio, Mr. Blount, Mr. Mitterando. Mr. Weisman

12. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF SEPT. 22, 2022.

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

All in Favor: Mr. Tillery, Roy O'Reggio, Rodney Blount, William Mitterando, Vice-Chairman Weisman.

13. ADJOURNMENT


MOTION was made by Chairman Cahill to Adjourn the meeting; second by Mr. Patel.

ALL IN FAVOR: Aye

NEXT SCHEDULED MEETING IS OCTOBER 27, 2022 AT 7:30 P.M.

The meeting was adjourned at 8:25 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 October 13, 2022 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on October 27, 2022.



SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT