

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, APRIL 13, 2023.

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

Also present: James Kinneally, Esq., John Chadwick, PP, 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 a couple of changes to the agenda. #6. 22-ZB-69V, Derek Bradshaw, postponed to June 8, 2023-No Further Notice. #8, 23-ZB-07V, Carlos Arroyo, did not show; application has been postponed until May 11, 2023 and the applicant must notice.

- 5. 23-ZB-21V Shafiq Popal**
Bulk Variance
Block 1406, Lot 58; Zone R-7.5
9 Brook Hollow Road
Applicant would like to retain converted garage.

VARIANCES REQUIRED:

- 21-1102** Required – garage
 Proposed – no garage (living space)

Action to be taken prior to June 30, 2023

Abdul Wahab and Shafiq Popal, the applicants, are sworn in to testify. Ms. Popal states that they purchased the home last year and the garage was already converted into living space. Mr. Hinterstein states that the home was built in 1974 and a garage wasn't required; he has no issues. There is enough parking on site and meets the RSIS standards. They will be required if the Board approves their application to obtain permits for the conversion; Ms. Popal agrees. Public portion open/closed.

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

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7. **23-ZB-12V** **Megha Patel**
 Bulk Variance
 Block 2006, Lot 11.01; Zone:R-10
 14 Linden Place
 Applicant would like to install a gazebo and retain shed.

VARIANCES REQUIRED:

- 21-501** Required – 60 foot front yard setback for an accessory structure
 Proposed – 36 foot front yard setback for an accessory structure (gazebo)
 (Richmond Street)
- Required – 8 foot rear yard setback for an accessory structure
 Proposed – 2 foot rear yard setback for an accessory structure (gazebo)
- Required – maximum building coverage 20 percent
 Proposed – 20.5 percent building coverage
- 21-619.1** Required – in a residential district, a fence located within the front yard
 setback line shall not be over 4 feet in height and/or consist of no more than
 50 percent solid material
 Proposed – a 6-foot high, privacy fence located along the Richmond Street
 property line *

*A variance was previously granted under Application #21-ZB-13V.

Action to be taken prior to June 30, 2023

Megha Patel, the applicant, is sworn in to testify on her own behalf. Ms. Patel states that they would like to put a gazebo in their backyard and retain their existing shed. There is a park and a parking lot backing up to their property with a row of trees. Mr. Hinterstein states that 2 feet is pretty close and would like to see four (4) feet. He does not have any issue with the existing shed. Ms. Patel asks if they can meet at three (3) feet; they agree. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Haycucka. **YES ON THE MOTION:** Steve Weisman, Roy O’Reggio, Rodney Blount, Kalpesh Patel, Bill Mitterando, Artie Hayducka and Chairman Cahill. **NO ON THE MOTION:** None.

9. **23-ZB-24V** **Wallace Tillman**
 Bulk Variance
 Block 2501, Lot 10; Zone: R-15
 85 North Randolphville Road
 Applicant would like to install a 5 foot fence in front yard

VARIANCES REQUIRED:

- 21-501** Required – 25 foot rear yard setback
 Proposed – 20 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 5 foot, aluminum fence located within the front yard setback line

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21-621 Required – no shed shall be constructed within 3 feet from any property line
Proposed – shed located 2 ½ feet from the rear yard property line (existing)

Action to be taken prior to July 5, 2023

Wallace Tillman, the applicant, is sworn in to testify on his own behalf. Mr. Tillman states that he applied for a 4 foot fence, but was told by someone (maybe contractor) that he could put up the 5 foot fence instead. He states that the fence is rod iron and you can completely see through it.

Mr. Hinterstein states that the applicant obtained a zoning permit and was told it had to be no higher than 4 feet and still went ahead and did something that wasn't allowed. He asked for a 4 foot fence and put up a 5 foot fence; there is no hardship in this case in his opinion. Mr. Tillman states that when he saw all of the other homes near him have higher fences that were 6 foot solid, he decided to put up the 5 foot fence. Chairman Cahill states that he can either change the fence to a 4 foot or move it back to the 40 foot setback that is required.

Mr. Tillman asks if he can just cut a foot off of the top. Mr. Hinterstein states that he can, but there can't be any type of spikes on top, must be smooth and flat; he might be better off taking it down and cutting the bottom portion. Mr. Tillman states he will take off a foot and have it inspected. There is not any issues with the existing shed or deck. Public portion open/closed.

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

10. **22-ZB-110V** **Jamar Neal**
Bulk Variance
Block 6404, Lot 8; Zone: RR-1
221 2nd Avenue
Applicant would like to install a fence, corner lot.

VARIANCES REQUIRED:

21-501 Required – 50 foot front yard setback
Proposed – 36.2 foot front yard setback (existing)

Required – 25 foot side yard setback
Proposed – 22.1 foot side yard setback (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 fence located within the front yard setback line (23 feet from the front yard property line – Brentwood Ave)

Action to be taken prior to July 11, 2023

Jamar Neal, the applicant, is sworn in to testify on his own behalf. Mr. Neal states that he would like to put up a 6 foot privacy fence, he is on a corner lot. Mr. Hinterstein states that the setback for that zone is 50 feet for the fence, he would like it moved to 30 feet from the property line. Mr. Neal is asking for 23 feet, would the Board be willing to split it to 27 feet;

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Mr. Hinterstein agrees to the 27 feet. The Board is also asking for a 5 foot temporary construction easement if work would have to be done; Mr. Neal agrees. Public portion open/closed.

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

11. **23-ZB-16V** **Hitesh Bhatt**
 Bulk Variance
 Block 1920, Lot 29.01; Zone: R-7.5
 76 Montgomery Street
 Applicant would like to construct a second story addition.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 7,500 square feet
 Proposed – lot area 7,497 square feet (existing)
- Required – 25 foot front yard setback
 Proposed – 21.8 foot front yard setback (steps) (Tabb Avenue)
 Proposed – 17.8 foot front yard setback (steps) (Montgomery Street)
- Required – 8 foot side yard setback
 Proposed – 3.8 foot side yard setback (landing)
 Proposed – 2.13 foot side yard setback (bilco doors)
- Required – maximum building coverage 20 percent
 Proposed – 28 percent building coverage
- 24-702.3** Required – each enclosed space must measure at least 12 feet in width by 20 feet in length
 Proposed – garage measuring 13.75 feet in width by 16.21 feet in length.

Action to be taken prior to July 14, 2023

Hitesh Bhatt, the applicant, is sworn in to testify on his own behalf. Mr. Bhatt states that he needs a bigger house for his family; three (3) kids and his Mother also lives with them. They would like to put up a second story addition. Mr. Hinterstein states that the lot is located in a R-7.5 zone where the building coverage allowed is 20%, they are asking for 28% which is a large deviation. They need to bring it down to 22 to 22.5% for it to fit in.

Mr. Hinterstein states that if the overhangs are 18" they count as part of the setback. The garage by ordinance needs to be 12' x 20', they are not. Also, the bilco doors are located at the side entrance and are very close to the property line; these should be relocated to the rear of the property. The additions requested should be scaled down to a more conforming number. He suggests that the applicant reduce the size of the addition, resubmit revised plans and come back to the Board for consideration. Chairman Cahill asks the applicant if he is willing to do this; Mr. Bhatt agrees. Mr. Kinneally states that the applicant will be back in front of the Board on June 8, 2023 with no further notice required.

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12. 23-ZB-28V Adam Burhani
Bulk Variance
Block 2002, Lot 15.01; Zone: R-10
10 Harmony Street
Applicant would like to retain existing accessory structure and install a 6 foot privacy fence on a corner lot.

VARIANCES REQUIRED:

- 21-501** Required – 35 foot front yard setback
Proposed – 34.8 foot front yard setback (Harmony Place) (existing)
Proposed – 18.7 foot front yard setback (Linden Place) (existing)

Required – 8 foot side yard setback for an accessory structure
Proposed – 1.4 foot side yard setback for an accessory structure (existing)

Required – 8 foot rear yard setback for an accessory structure
Proposed – 6.5 foot rear yard setback for an accessory structure (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 (Linden Place)

Action to be taken prior to July 18, 2023

Adam Burhani, the applicant, is sworn in to testify on his own behalf. Mr. Burhani states that he would like to put up a 6 foot privacy fence in his corner lot. He also has a shed that was there when he purchased the home and would like to keep that. Mr. Hinterstein states that he has not issues with the shed, the fence that the applicant is proposing will buffer it. The fence should be moved back 10 feet from the property line. Mr. Burhani asks if they can do 8 feet because there is a tree there. Mr. Hinterstein states that he would like to keep the corridor open and the fence should be 10 feet back from the property line; Mr. Burhani agrees. Public portion open/closed.

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

13. 23-ZB-26V Kiritkumar Patel
Bulk Variance
Block 8001, Lot 16; Zone: R-10
1208 Brookside Road
Applicant would like to add a second story addition.

VARIANCES REQUIRED:

- 21-501** Required – 100 foot lot width
Proposed – 83.13 foot lot width (existing)

Required – 10 foot side yard setback
Proposed – 8.7 foot side yard setback

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21-613 Required – 100 foot lot frontage
Proposed – 83.13 foot lot frontage (existing)

Action to be taken prior to July 19, 2023

Kiritkumar Patel, the applicant, is sworn in to testify on her own behalf. She states that they would like to construct a second story addition. Mr. Hinsterstein states that he has no issues with the application. Chairman Cahill asks if there are any comments or questions from the Board; none. Public portion open: Brian Rak, 1247 Brookside Road, is sworn in. Mr. Rak states that the home is surrounded by two-story homes and would fit into the neighborhood. Public portion closed.

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

14. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF MARCH 23, 2023:

- (a) 22-ZB-108/109V, St. Moses Coptic Orthodox Church; Approved.
- (b) 23-ZB-17V, Venkat Padullaparthi; Approved.
- (c) 23-ZB-14V, Patricia Belloff; Approved.

All in Favor: Mr. Tillery, Mr. O'Reggio, Mr. Patel, Mr. Blount, Mr. Hayducka, Mr. Ali, Mr. Mitterando and Chairman Cahill.

11. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF March 23, 2023.


MOTION was made by Chairman Cahill to adopt the minutes; second by Mr. Weisman. **All in Favor:** Mr. Patel, Mr. O'Reggio, Mr. Mitterando, Mr. Blount, Mr. Hayducka and Chairman Cahill.

12. ADJOURNMENT: MOTION was made by Chairman Cahill to Adjourn the meeting; second by Mr. Hayducka. **ALL IN FAVOR: Aye**

NEXT SCHEDULED MEETING IS MARCH 23, 2023 AT 7:30 P.M.

The meeting was adjourned at 8:18 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 13, 2023 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on April 27, 2023.



SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT