

**MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, AUGUST 10, 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 Vice-Chairman Steven Weisman.

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:** Jeff Tillery, Steven Weisman, Waqar Ali, William Mitterando, Kalpesh Patel and Artie Hayducka. **ABSENT:** Shawn Cahill, Roy O’Reggio, and 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 a couple of changes to the agenda. #7, 23-ZB-71V, Rafael A. Santiago, postponed to September 14, 2023; Newspaper & BOE only. #11, 22-ZB-51V, Eleventh St. Properties, postponed until September 28, 2023; no further notice. #14, 23-ZB-70V, Ronko Development, postponed until September 28, 2023-Must Re-Notice. # 15, 23-ZB-69V, Ronko Development, September 28, 2023-Must Re-Notice.# 16, 22-ZB-41V, 100 Lakeview Drive Rear, postponed until Oct. 12, 2023; no further notice. #17, 23-ZB-18/19V, LNR Properties, postponed until September 28, 2023; no further notice.

- 5. 23-ZB-67V                      Andrea Calabrese**  
**Bulk Variance**  
**Block 1003, Lot19.01; Zone: R-7.5**  
**440 Webster Avenue**  
Applicant would like to retain existing home and deck.

**VARIANCES REQUIRED:**

- 21-501**                      Required – 25 foot rear yard setback  
Proposed – 15.4 foot rear yard setback (deck)
- Required – maximum building coverage 20 percent  
Proposed – 21 percent building coverage

**Action to be taken prior to October 12, 2023**  
**Attorney: John Sullivan**

John Sullivan, Attorney, is here to represent the applicant. Mr. Sullivan states that Ms. Calabrese has owned the property since 1977 and the footprint of the home has not changed. There are here for the deck setback and the building coverage of the existing home. The deck height is 1 to 1 ½ feet high and is 15 x 15. The back yard is enclosed by a fence and there has not been any issues with the neighbors.

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Mr. Hinterstein states that the deck is not to have a roof or become enclosed; they agree. He states that the request is very minimal. Public portion open/closed.

**MOTION** was made by Vice-Chairman Weisman to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steve Weisman, Kalpesh Patel, Bill Mitterando, Artie Hayducka, Jeff Tillery and Waqar Ali. **NO ON THE MOTION:** None.

6. **23-ZB-74V**, Daniel Pieper, is not on the meeting yet, we will go to the next application.

8. **23-ZB-57V** **Caroline Ghorm**  
**Bulk Variance**  
**Block 209, Lot 22; Zone: R-7.5**  
**1648 Short Street**  
Applicant would like to retain fence and canopy within the setbacks.

**VARIANCES REQUIRED:**

**21-501** Required – minimum lot area 7,500 square feet  
Proposed – lot area 6,650.65 square feet (existing)  
  
Required – 25 foot front yard setback  
Proposed – 19.25 foot front yard setback (Short Street) (existing)  
  
Required – 60 foot front yard setback for an accessory structure  
Proposed – 6.83 foot front yard setback for an accessory structure (canopy) (existing) \*

Required – 8 foot rear yard setback for an accessory structure  
Proposed – 3.5 foot rear yard setback for an accessory structure (canopy) (existing)

Required – 25 foot rear yard setback  
Proposed – 24.99 foot rear yard setback (existing)

Required – 75 foot lot width  
Proposed – 47 foot lot width (existing)

**21-613** Required – 75 foot lot frontage  
Proposed – 40.98 foot lot frontage (existing)

**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 solid fence located within the front yard property line (.83 feet from Short Street) \*

**21-620** Required – a shed shall not be constructed within 3 feet from any property line  
Proposed – a shed located 1.25 feet from the side yard property line and 1.39 feet from the rear yard property line (existing)

\*The distance was confirmed based on a field inspection.

**Action to be taken prior to October 4, 2023**

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Caroline Ghorm, the applicant, is sworn in to testify on her own behalf. Ms. Ghorm states that she is a corner lot and the fence is on the side of the house. She would like it there for privacy and protection. Mr. Hinterstein states that it is a unique property where the majority is a front yard and there is a hardship since they are so close to the ROW. He doesn't see any issue in approving the existing fence. Mr. Hinterstein states that if the she or canopy are destroyed or need to be replaced, they must be put in a conforming location; Ms. Ghorm agrees. Public portion open/closed.

**MOTION** was made by Vice-Chairman Weisman to approve the application; seconded by Mr. Tillery. **YES ON THE MOTION:** Steve Weisman, Kalpesh Patel, Bill Mitterando, Artie Hayducka, Jeff Tillery and Waqar Ali. **NO ON THE MOTION:** None.

9.     **23-ZB-55V**                   **G & A Property Development, LLC**  
  **Certificate of Non-Conforming Use**  
  **Block 614, Lot 3.01; Zone: C**  
  **447 Washington Avenue**  
  Applicant is seeking a certificate of non-conformity.

**VARIANCES REQUIRED:**

- 21-501**           Required – use permitted in a commercial zone  
                          Proposed – mixed use building (commercial use and a residential apartment) \*

\*The applicant is seeking a certification of non-conforming use.

**Action to be taken prior to October 3, 2023**  
**Attorney: Kevin Morse**

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

**MOTION** was made by Vice-Chairman Weisman to approve the application; seconded by Mr. Hayducka. **YES ON THE MOTION:** Steve Weisman, Kalpesh Patel, Bill Mitterando, Artie Hayducka, Jeff Tillery and Waqar Ali. **NO ON THE MOTION:** None.

6.     **23-ZB-74V**                   **Daniel Pieper**  
  **Bulk Variance**  
  **Block 3201, Lot 18.01; Zone: R-10A**  
  **21 Birch Run Drive**  
  Applicant would like to retain existing garage within the setback.

**VARIANCES REQUIRED:**

- 21-501**           Required – 35 foot front yard setback  
                          Proposed – 26.25 foot front yard setback (existing)
- Required – 10 foot side yard setback  
                          Proposed – 7 foot side yard setback (existing)
- Required – 8 foot side yard setback for an accessory structure  
                          Proposed – 1.67 foot side yard setback for an accessory structure (existing)

**Action to be taken prior to October 19, 2023**

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Daniel Pieper, the applicant, is sworn in to testify on his own behalf. Mr. Pieper states that he came in for an addition, which is conforming, but the existing garage is too close to the property line. Mr. Hinterstein states that there was an addition to the garage and a deck was added also; the deck has since been removed. Mr. Pieper will be required, if approved, to obtain building and zoning permits for the garage/shed; applicant agrees. Public portion open/closed.

**MOTION** was made by Vice-Chairman Weisman to approve the application; seconded by Mr. Hayducka. **YES ON THE MOTION:** Steve Weisman, Kalpesh Patel, Bill Mitterando, Artie Hayducka, Jeff Tillery and Waqar Ali. **NO ON THE MOTION:** None.

10.    **23-ZB-78V**                    **Dennia Duran**  
  **Bulk Variance**  
  **Block 10514, Lot 1.01; Zone: R-10**  
  **300 Highland Avenue**  
  Applicant would like to retain existing addition.

**VARIANCES REQUIRED:**

- 21-501**            Required – 35 foot front yard setback  
                          Proposed – 33.2 foot front yard setback  
                          Proposed – 27 foot front yard setback (steps) (existing)
- Required – 10 foot side yard setback  
                          Proposed – 7.9 foot side yard setback
- Required – 25 foot rear yard setback  
                          Proposed – 7.5 foot rear yard setback (existing)

\*The air conditioning unit must be a minimum of 10 feet from the side yard property line or an additional variance will be required.

**Action to be taken prior to November 22, 2023**

Dennia Duran, the applicant, is sworn in to testify on her own behalf. Ms. Duran states that she was here originally for an addition to her home, side yard. They were approved to be 8/5 feet from the property line but after the contractor built it, it was only 7.9 feet from the property line. Mr. Hinterstein states that he has no issues with the application. Public portion open/closed.

**MOTION** was made by Vice-Chairman Weisman to approve the application; seconded by Mr. Tillery. **YES ON THE MOTION:** Steve Weisman, Kalpesh Patel, Bill Mitterando, Artie Hayducka, Jeff Tillery and Waqar Ali. **NO ON THE MOTION:** None.

12.    **23-ZB-45/46V**                **T-Mobile Northeast, LLC**  
  **Preliminary & Final Site Plan; Use Variance**  
  **Block 5301, Lot 14.04; Zone: LI-5**  
  **1551 South Washington Avenue**  
  Applicant would like to install a wireless communications.

**VARIANCES REQUIRED:**

- 21-1016.7(c)(1)(b)**    Required – no tower shall be less than 200 feet from a property line or twice the height of the tower (whichever is greater)  
                                  Proposed – tower located 17.5 feet from the property line \*

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- 21-1016.7(c)(2)(b)** Required – no structure shall be permitted within a distance of 1,000 feet from the property line of any existing residence  
Proposed – a structure located 562 feet to the nearest residential lot \*

\*A use variance is required as per 40:55D-70d(3).

**Action to be taken prior to October 3, 2023**  
**Attorney: Edward Purcell**

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

**MOTION** was made by Vice-Chairman Weisman to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steve Weisman, Kalpesh Patel, Bill Mitterando, Artie Hayducka, Jeff Tillery and Waqar Ali. **NO ON THE MOTION:** None.

- 13. 23-ZB-23V Martha Sanders**  
**Certificate of Non-Conformity**  
**Block 215, Lot 15.01; Zone: R-7.5**  
**339 Rock Avenue**  
Applicant would like to retain the use of a two-family home.

**VARIANCES REQUIRED:**

- 21-501** Required – single-family residential use  
Proposed – two-family use \*

\*The applicant is seeking a use variance.

**Action to be taken prior to September 30, 2023**  
**Attorney: John Sullivan**

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

**MOTION** was made by Vice-Chairman Weisman to approve the application; seconded by Mr. Tillery. **YES ON THE MOTION:** Steve Weisman, Kalpesh Patel, Bill Mitterando, Artie Hayducka, Jeff Tillery and Waqar Ali. **NO ON THE MOTION:** None.

**18. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF JULY 13, 2023:**

- (a) **23-ZB-50V, Chad Herbert; Approved.**
- (b) **23-ZB-66V, Kenny Lai; Approved.**
- (c) **23-ZB-61V, Paul Oglesby; Approved.**
- (d) **23-ZB-68V, Ric Ursua; Approved.**
- (e) **23-ZB-63V, Mark DuFour; Approved.**

**All in Favor:** Mr. Tillery, Mr. Patel, Mr. Hayducka, Mr. Mitterando and Steve Weisman.

**11. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF JULY 13, 2023.**

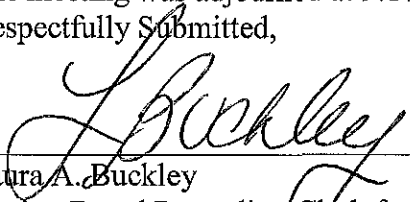
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**MOTION** was made by Mr. Hayducka to adopt the minutes; second by Mr. Patel **All in Favor:** Mr. Tillery, Mr. Mitterando, Mr. Patel, Mr. Hayducka and Steve Weisman.

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

**NEXT SCHEDULED MEETING IS SEPTEMBER 14, 2023 AT 7:30 P.M.**

The meeting was adjourned at 9:17 P.M.  
Respectfully Submitted,

  
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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 August 10, 2023 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on September 14, 2023.**

  
\_\_\_\_\_  
SHAWN CAHILL, SECRETARY  
PISCATAWAY ZONING BOARD OF ADJUSTMENT