

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, SEPTEMBER 14, 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'Reggi, Waqar Ali, Kalpesh Patel. **ABSENT:** Artie Hayducka, Jeff Tillery & Bill Mitterando

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. # , 23-ZB-71V, Rafael Santiago, postponed to October 12, 2023; No further notice. #11, 23-ZB-80V, Brandy Rivera, postponed until September 28, 2023; no further notice. #13, 22-ZB-69V, Bradshaw, postponed until October 26, 2023, no further notice. # 14, 23-ZB-58V, NBAD1, postponed until October 26, 2023; no further notice.

5. 23-ZB-75V

Amelita Gutierrez

Bulk Variance

Block 2008, Lot 9; Zone: R-10

67 Anita Drive

Applicant would like to install a fence and retain shed in an easement.

VARIANCES REQUIRED:

21-501

Required – 25 foot rear yard setback

Proposed – 8 foot rear yard setback (deck) (existing)

Required – maximum building coverage 20 percent

Proposed – 22.9 percent building coverage (existing)

21-619.1

Required – no open space, municipal drainage way, right-of-way or easement shall be encroached upon or reduced in any manner

Proposed – a fence and shed located over an easement

Action to be taken prior to November 4, 2023

Amelita Gutierrez, the applicant, is sworn in to testify on her own behalf. Ms. Gutierrez states that they would like to put up a fence and keep their shed; both are in the easement. Mr. Hinterstein states that if the Township ever needed to get to the easement, it is up to the home owner to remove and replace the fence or shed. Ms. Gutierrez asks how often does this happen? Mr. Hinterstein states very rarely but it could; she agrees. Public portion open/closed.

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

6. **23-ZB-77V** **Katherine Rydzy**
 Bulk Variance
 Block 11501, Lot 5; Zone: R-15
 13 Deborah Drive
 Applicant would like to install a shed in the rear yard.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 15,000 square feet
 Proposed – lot area 11,500 square feet (existing)
- 21-621** Required – no shed shall be higher than 9 feet above ground level
 Proposed – a shed 10.67 feet in height

Action to be taken prior to November 9, 2023

Katherine Rydzy, the applicant, is sworn in to testify on her own behalf. She states that their lot is undersized and the shed is slightly taller than is allowed. Mr. Hinterstein states that he has no issue with the shed, it is in a conforming location. Public portion open/closed.

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

8. **23-ZB-47V** **Leana Komandis**
 Bulk Variance
 Block 11203, Lot 5; Zone: R-10
 231 Highland Avenue
 Applicant would like 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)
- 21-613** Required – 100 foot lot frontage
 Proposed – 50 foot lot frontage (existing)
- 21-1102** Required – a garage must measure at least 12 feet in width by 20 feet in length and shall 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 October 5, 2023
Attorney: Rosalind Westlake

Rosalind Westlake, Attorney, is here to represent the applicant. Ms. Westlake states that they are here to seek relief to construct a new single family home. She states that they were here prior and

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as per the Town’s request, have reduced the size of the home; the lot is undersized. They will also reduce the roofline to 28 feet as requested.

Glen Patterson, PP, is sworn in to testify. He states that the home will have three (3) bedrooms and is a permitted use in the zone. The lot dimensions are 50 x100 and has been like that since 1922. The adjoining lots are 100 x 100 which is required in the zone so there is no property to ask for a subdivision. A subdivision would make the other lots non-conforming. Mr. Patterson puts on the criteria in favor of the application. The first floor is 9 foot and second floor is 8 foot which allows them to have an clear attic space of 8 ½ feet. It is non-habitable space for storage. If they drop the roof to 28 feet they would only have a 6.5 foot attic space.

Ms. Westlake states that the applicant’s father will be building the home and it is her understanding that they will incorporate the heating unit for the second floor up there. If the height of the attic is reduced it will create significant issues with respect to the furnace in the attic portion. Mr. Hinterstein states that his concern is that it is an undersized lot, half of the size that is required. There are modest homes adjacent to this property so he believes the height issue was again of light, air and open space. They don’t want to overpower the adjacent properties for that reason. Mr. Hinterstein states that they should still be able to put in the heating unit at 6.5 feet; this is just changing the pitch of the roof.

Ms. Westlake states that her client agrees with the 28 foot. Mr. Hinterstein states that anything under 29 feet would be acceptable. Chairman Cahill asks if there are any further questions from the Board, none. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Shawn Cahill, Steven Weisman, Rodney Blount, Roy O’Reggio, Waqar Ali, Kalpesh Patel. **NO ON THE MOTION:** None.

- 9. **23-ZB-50V** **Aamir Motiwala**
 Bulk Variance
 Block 6916, Lot 1; Zone: R-10
 2603 Wade Street
 Applicant would like to retain existing addition constructed by previous owner.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 10,000 square feet
 Proposed – lot area 9,794.27 square feet (existing)

Action to be taken prior to September 9, 2023

Aamir Motiwala, the applicant, is sworn in to testify on his own behalf. Mr. Motiwala states that he purchased the home with the addition already there. Mr. Hinterstein states that there is no issue with the addition. The lot is slightly undersized and there are no other variances requested. Chairman Cahill asks the Board if they have any questions; none. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Shawn Cahill, Steven Weisman, Rodney Blount, Roy O’Reggio, Waqar Ali, Kalpesh Patel. **NO ON THE MOTION:** None.

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10. 23-ZB-79V Jay Sy
Bulk Variance
Block 7109, Lot 15; Zone: R-10
24 Martin Lane
Applicant would like to install a fence within an easement.

VARIANCES REQUIRED:

- 21-619.1** 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

Action to be taken prior to November 23, 2023

Rachel Sy, the applicant, is sworn in to testify on her own behalf. Ms. Sy states that they would like to install a fence that will be in the easement. Mr. Kinneally states that if the Township would ever need to gain access to that easement it is up to the home owner to remove and replace; she agrees. The Board has no further questions. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Shawn Cahill, Steven Weisman, Rodney Blount, Roy O’Reggio, Waqar Ali, Kalpesh Patel. **NO ON THE MOTION:** None.

12. 23-ZB-82V Moaaz Ali
Bulk Variance
Block 3003, Lot 24.01; Zone: R-10
61 Chicago Avenue
Applicant would like to install a 6’ privacy fence, corner lot.

VARIANCES REQUIRED:

- 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 7.5 feet from the front yard property line (Baltimore Avenue)

Moaaz Ali, the applicant, is sworn in to testify on his own behalf. Mr. Ali states that he would like retain the 6’ privacy fence on his corner lot. Mr. Hinterstein states that the fence needs to be moved back, it was installed without permits. He suggests it goes back one more section to make it a total of 13.5 feet from the property line, 35 feet is required. Mr. Ali agrees. Chairman Cahill asks if the Board has any questions or comments, none. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Shawn Cahill, Steven Weisman, Rodney Blount, Roy O’Reggio, Waqar Ali, Kalpesh Patel. **NO ON THE MOTION:** None.

15. **ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF AUG. 10, 2023:**
- (a) 23-ZB-67V, Andrea Calabrese; Approved.
 - (b) 23-ZB-74V, Daniel Pieper; Approved.

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- (c) 23-ZB-57V, Caroline Ghorm; Approved.
- (d) 23-ZB-55V, G & A Property Development, LLC; Approved.
- (e) 23-ZB-78V, Dennia Duran; Approved.
- (f) 23-ZB-45/46V, T-Mobile Northeast, LLC; Approved.
- (g) 23-ZB-23V, Martha Sanders; Approved.

All in Favor: Mr. Patel, Mr. O'Reggio, Mr. Blount, Steve Weisman and Chairman Cahill.

16. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF AUGUST 10, 2023.

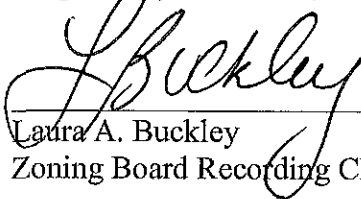
MOTION was made by Mr. Weisman to adopt the minutes; second by Mr. Patel **All in Favor:** Mr. O'Reggio, Mr. Blount, Steve Weisman, Mr. Patel and Chairman Cahill.

- 17. 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 28, 2023 AT 7:30 P.M.

The meeting was adjourned at 9:17 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 June 22, 2023 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on July 13, 2023.



SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT