

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, SEPTEMBER 28, 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, Waqar Ali, Artie Hayducka, Jeff Tillery & Bill Mitterando **ABSENT:** Roy O'Reggio & Kalpesh Patel

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, 23-ZB-81V, Allen Cruz, postponed to October 26, 2023; must notice. #9, 23-ZB-51V, Eleventh St Property; withdrawn without prejudice. #10, 23-ZB-18/19V, LNR Properties, postponed until October 12, 2023, no further notice. # 13, 23-ZB-64/65V, VYO-USA, postponed until November 9, 2023, 2023; no further notice.

- 5. 23-ZB-80V Brandy Rivera**
Bulk Variance
Block 114, Lot 28; Zone: R-7.5
407 Oxford Street
Applicant would like to install a 6' privacy fence, corner lot

VARIANCES REQUIRED:

- 21-501** Required – lot area 7,500 square feet
Proposed – lot area 7,000 square feet (existing)
- Required – 75 foot lot width
Proposed – 70 foot lot width (existing)
- Required – 25 foot front yard setback
Proposed – 14.7 foot front yard setback (Oxford Street) (existing)
- Required – 8 foot side yard setback
Proposed – 6.9 foot side yard setback (existing)
- 21-613** Required – 75 foot lot frontage
Proposed – 70 foot lot frontage (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

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Proposed – a 6 foot, vinyl fence located along the front yard property line and within the front yard setback (Oxford Street)

Action to be taken prior to November 23, 2023

Brandy Rivera, the applicant, is sworn in to testify on her own behalf. Ms. Rivera states that she lives on a corner lot and would like a 6 foot privacy fence instead of the chain link fence. Mr. Hinterstein states that the house itself is non-conforming and would recommend that the fence goes back ten (10) feet from the property line. Ms. Rivera states that she has a side door and if she moves it back the door will not be behind the fence. She would like one panel over to be able to put in a small gate and enclose the yard with the door. Mr. Hinterstein states that he has no issue with that and they will compromise on 7.7 feet from the property line. Chairman Cahill asks the Board if there are any questions or comments, none. Public portion open/closed.

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

- 7. **23-ZB-70V** **Ronko Development, Inc.**
 Bulk Variance
 Block 7007, Lot 25; Zone: R-10
 146 Hillside 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)

 Required – 35 foot front yard setback
 Proposed – 25 foot front yard setback (dwelling); 23 foot front yard setback (steps)
 (Hillside Ave)
 Proposed – 16 foot front yard setback (Plane St)
- 21-613** Required – 100 foot lot frontage
 Proposed – 50 foot lot frontage (existing)
- 21-1102** Required – garage
 Proposed – no garage

Action to be taken prior to October 17, 2023
Attorney: Paul Mirabelli

Paul Mirabelli, Attorney, is here to represent the applicant. He states that the applicant would like to construct a new single family home on an undersized lot. Marc Leber, Planner & Engineer, is sworn in to testify. He states that the property was originally part of a subdivision October 29, 1930 when the map was filed. They took the recommendations of the Board Professionals and made the home smaller than originally designed. The home will have three bedrooms, first floor

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will be 928 square feet. The total square footage at the home will be 1856 square feet with a two car driveway. The will also be extending the sidewalk along Hillside Avenue as requested. Mr. Leber states the case of Dallmeyer vs. Lacey Township, there is a burden of proof the applicant must prove. The new home will be 16' from the property line on the side street and 25 feet from the front yard. He goes through the positive and negative criteria for the Board.

Mr. Hinterstein states that they would like the home to be moved back to 35' from the property line on Hillside Avenue to be even with the neighbors; they agree. The rear yard will have the required 25 foot setback. There is not a garage on the plans, but one is required; they agree. Mr. Hinterstein would like the roof to be at 28 feet with a 12' pitch. The applicant conforms with the 20% building coverage and has no other issues.

Mr. Maribelli states that they sent out buy/sell letters with no response from any adjoining neighbors.

Chairman Cahill opens the application to the public:

#1. Nelson Zumbana, 5 Long Street, sworn in. He states that the lot is too small and should not be built on.

#2. Anwara Ahmed, 138 Hillside, sworn in. States that there would be traffic and lots of problems for the community.

#3. Kevin Rodd, 177 Hillside Avenue, sworn in. Against the application.

Mr. Kinneally states that, by Law, the Board must approve the application. The lot is buildable and the applicants have done what the Township has asked them to do.

#4. Yuan Ren, 150 Hillside, sworn in. Against the application.

#5. Ms. Ahmed, 138 Hillside, sworn in. Against the application.

#6. Mitesh Patel, 7 Long Street, sworn in. Agrees with his neighbors, against the application.

#7. Stanley Smith, 193 Hillside Avenue, sworn in. Against the application.

Chairman Cahill states that he understands the concerns of the neighbors. Beatty is a bad road and he knows the area. Under the Law, this lot is buildable. Public portion closed.

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

YES ON THE MOTION: Chairman Shawn Cahill, Steven Weisman, Rodney Blount, Waqar Ali, Jeff Tillery, Artie Hayducka and Bill Mitterando. **NO ON THE MOTION:** None.

8. **23-ZB-69V** **Ronko Development, Inc.**
 Bulk Variance
 Block 7007, Lot 22; Zone: R-10
 160 Hillside 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)
- Required – 35 foot front yard setback
 Proposed – 25 foot front yard setback (dwelling); 24 foot front yard setback (steps)
 (Hillside Ave)

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Proposed – 16 foot front yard setback (Long St)

21-613 Required – 100 foot lot frontage
Proposed – 50 foot lot frontage (existing)

21-1102 Required – garage
Proposed – no garage

**Action to be taken prior to October 17, 2023
Attorney: Paul Mirabelli**

Paul Mirabelli, Attorney, is here to represent the applicant. Mr. Mirabelli states that this application is very similar to the last one, it is for 160 Hillside Avenue. Mr. Marc Leber is sworn in to testify. He shares his screen with the Board, plan was previously submitted. The lot is an isolated, vacant lot and no other land is available for purchase. This property was part of a subdivision on October 29, 1930. They will comply with the Township recommendations. The home will be 35 feet from the front yard setback, 16 feet from the side (front yard) and 25 feet from the rear yard setback. The home originally did not have a garage, but a one car garage will be put in the new plans prior to building.

Mr. Leber states that under Dellmeyer vs. Lacey Township, the lot is undersized and does not cause any detriment to the surrounding neighborhood. Mr. Hinterstein has no issues with the application presented. Chairman Cahill opens it to the public:

- #1. Nelson Zumbana, 5 Long Street, sworn in. He states that the lot is too small and should not be built on.
- #2. Yuan Ren, 150 Hillside, against the application.
- #3. Mitesh Patel, 7 Long Street, sworn in. against the application.
- #4. Amara Ahmed, 138 Hillside, against the application.
- #5. Y. Long, 150 Hillside Avenue, sworn in. Against the application.

Public portion closed.

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

11. **23-ZB-35/36V** **Piscataway Development, LLC (Sonic)**
Preliminary & Final Site Plan; Bulk & Use Variance
Block 5501, Lot 8; Zone: GB
1006 Stelton Road
Applicant would like to construct a Sonic Restaurant with signage.

VARIANCES REQUIRED:

21-501 Required – 100 foot lot width
Proposed – 82.4 foot lot width (existing)

21-613 Required – 100 foot lot frontage
Proposed – 80 foot lot frontage (existing)

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21-1202.2 Required – one façade sign may be placed on the front façade of a building
Proposed – five façade signs *

21-1202.3 Required – a free-standing sign shall not exceed 32 square feet in area
Proposed – a free-standing sign 52.7 square feet in area *

*The signage does not comply with the conditional use standards (21-1008.5). A use variance is required as per 40:55D-70d(3).

Action to be taken prior to November 31, 2023

Attorney: Benjamin T. F. Wine

Jason Tuvel, 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: Chairman Shawn Cahill, Steven Weisman, Rodney Blount, Waqar Ali, Jeff Tillery, Artie Hayducka and Bill Mitterando. **NO ON THE MOTION:** None.

12. **23-ZB-02/03V** **T.R. Weniger & 1900 New Brunswick, LLC**
Use & Bulk Variance, Preliminary & Final Site Plan or in the
Alternative a Certificate of Non-Conformity
Block 701, Lot 25.01; Zone: R-7.5
1900 New Brunswick Avenue
Applicant would like to retain existing landscaping & excavating business, storage containers and existing uses on property.

VARIANCES REQUIRED:

21-501 Required – use permitted in zone in residential zone
Proposed – use not permitted in zone (landscaping and excavating business) *
Proposed – use not permitted in zone (six containers and a tank for long term use) *

21-619.1 Required – maximum wall height 6 feet
Proposed – a wall 8 feet in height (approximate)

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 building 144 feet by 24 feet or 3,456 square feet

21-1101.3 Required – automobile parking space, all passageways and driveways shall be paved with a hard surface
Proposed – gravel driveways and parking areas

21-1201 Required – a sign 2 square feet in area
Proposed – a sign 9 square feet in area

21-1207.5-1 Required – a sign under 10 square feet must be set back a minimum of 10 feet from the property line
Proposed – a sign located 2 ½ feet from the front yard property line

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*A use variance is required.

**Action to be taken prior to September 27, 2023
Attorney: Paul Swanicke**

Paul Swanicke, Attorney, is here to represent the applicant. 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:** Chairman Shawn Cahill, Steven Weisman, Rodney Blount, Waqar Ali, Jeff Tillery, Artie Hayducka and Bill Mitterando. **NO ON THE MOTION:** None.

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

- (a) 23-ZB-75V, Amelita Gutierrez; Approved.
- (b) 23-ZB-77V, Katherine Rydzy; Approved.
- (c) 23-ZB-47V, Leana Komandis; Approved.
- (d) 23-ZB-50V, Aamir Motiwala; Approved.
- (e) 23-ZB-79V, Jay Sy; Approved.
- (f) 23-ZB-82V, Moaaz Ali; Approved.

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

15. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF SEPTEMBER 14, 2023.

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

16. 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.

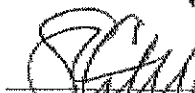
The meeting was adjourned at 9:53 P.M.

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 September 28, 2023 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on October 12, 2023.



SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT