

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 12, 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, Jeff Tillery & Bill Mitterando, Rodney Blount, Roy O'Reggio, Waqar Ali, Kalpesh Patel. **ABSENT:** Artie Hayducka & Steven Weisman

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 a couple of changes to the agenda. # 10, 22-ZB-41V, 100 Lakeview Avenue Rear, postponed to December 14, 2023; No further notice. #11, 23-ZB-18/19V, LNR Properties, LLC, postponed until November 9, 2023; no further notice

5. 23-ZB-83V

Ahteck Lim
Bulk Variance
Block 7913, Lot 15.01; Zone: R-10
84 Lakeside Drive South

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 9,285 square feet (existing)

Required – 100 foot lot width
Proposed – 53.7 foot lot width (existing)

21-613 Required – 100 foot lot frontage
Proposed – 45.34 foot lot frontage (existing)

Action to be taken prior to December 15, 2023
Attorney: Lawrence Sachs

Lawrence Sachs, Attorney, is here to represent the applicant. Mr. Sachs states that the property is located at 84 Lakeside Drive South and is slightly undersized for the zone in area and is short in lot width and lot frontage. Joseph May, PE, is sworn in to testify. He shares that screen with the Board; exhibits have been previously submitted to the Board. The property has a frontage of 45 feet, 83 feet wide and is 9,285 in area. They would like to remove the existing home and construct a new 4 bedroom single family home. There will be no new variances, just the existing ones.

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The existing home has no garage and the left side setback is 2.6 feet. The new home will be conforming to all setbacks and have a two car garage that is required. They do plan on modifying the existing driveway and will have no impact on the town. Mr. Hinterstein asks if they did the buy/sell letters; they did and there is not any land available to make their lot conforming. Chairman Cahill asks the Board if there are any other 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, Jeff Tillery, Rodney Blount, Roy O’Reggio, Waqar Ali, Bill Mitterando and Kalpesh Patel. **NO ON THE MOTION:** None.

- 6. **23-ZB-86V** **John Jaramillo**
 Bulk Variance
 Block 1503, Lot 97.01; Zone: R-7.5
 48 Carlton Avenue
 Applicant would like to retain 5’ chain link fence and shed; corner lot.

VARIANCES REQUIRED:

- 21-501** Required – 75 foot lot width
 Proposed – 66.67 foot lot width (existing)

- 21-613** Required – 75 foot lot frontage
 Proposed – 66.67 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
 Proposed – a 6 foot fence located along the front yard property line and within the front yard setback (Charter Street)

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

*No portion of the fence can encroach into the Township’s right-of-way or an additional variance will be required.

Action to be taken prior to January 5, 2024

John Jaramillo, the applicant, is sworn in to testify on his own behalf. Mr. Jaramillo states that they had an existing fence and just replaced it. When they went to the Township to apply for permits they were denied. Mr. Hinterstein states that when they purchased the property the chain link fence that was there was conforming, then they put up a fence that was not conforming; they installed a 5 foot chain link were 4 foot is permitted.

Mr. Hinterstein states that he does not have an issue with the 5 foot fence but there is a shed in the front yard setback that needs to be moved to a conforming location on the other side; they agree. The shrubbery is in the site triangle and must be trimmed to 24” so that the cars coming off of Charter street can see; applicant agrees. Chairman Cahill asks if anyone has any questions or comments; none. 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, Jeff Tillery, Rodney Blount, Roy O’Reggio, Waqar Ali, Bill Mitterando and Kalpesh Patel. **NO ON THE MOTION:** None.

- 7. **23-ZB-71V** **Rafael A. Santiago**
 Bulk Variance
 Block 503, Lot 1.01; Zone: R-7.5
 203 Birchwood Drive
 Applicant would like to install a pool and privacy fence within the front yard setback.

VARIANCES REQUIRED:

- 21-501** Required – 25 foot front yard setback
 Proposed – 24.8 foot front yard setback (existing)
 Proposed – 18 foot front yard setback (steps) (existing)

 Required – 8 foot side yard setback for an accessory structure
 Proposed – 7.4 foot side yard setback for an accessory structure (shed) (existing)

 Required – 8 foot rear yard setback for an accessory structure
 Proposed – 3 foot rear yard setback for an accessory structure (shed) (existing)
- 21-618** Required – for a corner lot, a swimming pool shall not be constructed any closer than the required setback line for front yards (25 feet)
 Proposed – a swimming pool located 19 feet from the property line (Brunella Avenue)
- 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 5 feet from the property line (Brunella Avenue)

Action to be taken prior to October 23, 2023

Rafael Santiago, the applicant, is sworn in to testify on his own behalf. Mr. Santiago’s son is also sworn in to testify. He states that they bought the house a year ago and changed the fence without permits, they didn’t know, then received a violation. Mr. Hinterstein states that the 6 foot fence should be moved back 12.5 feet from the property line which is half of what is required. Mr. Hinterstein also states that the swimming pool does not need to be in the front yard setback, they can move it back to the 25 foot required setback line.

Mr. Santiago states that they have landscaping and other items there, so it would be hard for them to move the pool back. They agree on 20 feet from the property line for the pool and 12.5 feet from the property line for the 6’ privacy fence. Public portion open/closed.

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

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8. **23-ZB-96V** **Guest Room Events & Expo Center, LLC**
 Temporary Use Variance
 Block 8403, Lot 1.03; Zone: GB
 1412 Stelton Road
 Applicant would like a 6 month temporary use variance.

VARIANCES REQUIRED:

- 21-501** Required – use permitted in a business professional zone
 Proposed – use not permitted in zone (event space) *

*The applicant is seeking a temporary use approval.

Action to be taken prior to January 29, 2024
Attorney: Daven Persaud

Daven Persaud, Attorney, is here to represent the application. Transcripts are on file in the Community Development Office.

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

9. **23-ZB-92V** **T-Mobile Northeast, LLC**
 Interpretation; Appeal of ZO Decision
 Block 4503, Lot 1.05; Zone: LI-1
 300 South Randolphville Road
 Applicant would like to install a wireless communications.

Action to be taken prior to January 16, 2024
Attorney: Edward Purcell

Edward Purcell, Attorney, is here to represent the application. Transcripts are on file in the Community Development Office.

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

12. **23-ZB-84/85V** **Equity Land Group**
 Preliminary & Final Site Plan; Use & Bulk Variances
 Block 5302, Lot 1.02; Zone: LI-1
 521 Stelton Road
 Applicant would like to use existing flex space for recreational use.

VARIANCES REQUIRED:

- 21-501** Required – use permitted in zone
 Proposed – use not permitted in zone (car wash and tire center) *
 Proposed – use not permitted in zone (recreational use) **

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Required – 25 foot side yard setback
Proposed – 21.7 foot side yard setback

21-622 Required – fence around detention basin
Proposed – no fence around the detention basin

21-1101.2 Required – parking may be located in the front yard area but no closer than 25 feet to the street line in industrial zones

Proposed – front yard parking located 14.5 feet to the street line

21-1203.4 Required – a free-standing sign shall not be erected closer than 50 feet from the right-of-way line
Proposed – a free-standing sign located 11.5 feet from the right-of-way line (Sign A)
Proposed – a free-standing sign located 13.9 feet from the right-of-way line (Sign B)
Proposed – a free-standing sign located 20 feet from the right-of-way line (Sign C)

* A use variance was previously granted for the car wash and tire center under Application #91-ZB- 46V/47.

** A use variance is required.

***Variances were previously granted under Application #23-ZB-84/85V.

**Action to be taken prior to January 2, 2024
Attorney: Kevin Morse**

Kevin Morse, Attorney, is here to represent the application. Transcripts are on file in the Community Development Office.

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

**13. 23-ZB-72/73V PWY Chicken Rest NJ, LLC
Preliminary & Final Site Plan; Use & Bulk Variances
Block 5501, Lot 7.02 & 11.04; Zone: GB
1000 Stelton Road
Applicant would like to construct a restaurant; Bojangles.**

VARIANCES REQUIRED:

21-606 Required – no encroachment into the sight triangle
Proposed – a free-standing sign located within the sight triangle

21-619.2 Required – maximum fence height in a front yard setback is 6 feet
Proposed – a wall 3.5 feet in height with a 4 foot fence on top for a total height of 7.5 feet

21-622 Required – a fence at least 5 feet in height around the basin
Proposed – a fence 4 feet in height around the basin

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21-1202.2 Required – one 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 55.59 square feet in area

Required – a free-standing sign shall be setback a minimum of 25 feet from the street line

Proposed – a free-standing sign located 10 feet from the street line (Stelton Road)

Proposed – a free-standing sign located 14.5 feet from the street line (Seeley Avenue)

21-1207.5-1 Required – all signs under 10 square feet must be set back a minimum of 10 feet from the property line
Proposed – directional signs located less than 10 feet from the property line (2.5 feet, 7 feet, and 4 feet)

* All of the conditions of the conditional use standards have not been met. A use variance is required per N.J.S.A. 40:55D-70(D)(3).

Action to be taken prior to December 15, 2023

Attorney: David Shafkowitz

David Shafkowitz, Attorney, is here to represent the application. Transcripts are on file in the Community Development Office.

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

14. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF SEPT. 28, 2023:

- (a) **23-ZB-80V, Brandy Rivera, Approved.**
- (b) **23-ZB-70V, Ronko Development; Approved.**
- (c) **23-ZB-69V, Ronko Development; Approved.**
- (d) **23-ZB-35/36V, Piscataway Development, LLC (Sonic); 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 SEPTEMBER 28, 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.

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

NEXT SCHEDULED MEETING IS OCTOBER 26, 2023 AT 7:30 P.M.

The meeting was adjourned at 10:01 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 12, 2023 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on October 26, 2023.



SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT