

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 26, 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, Roy O'Reggio, Kalpesh Patel, Artie Hayducka, Jeff Tillery & Bill Mitterando **ABSENT:** N/A

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. # 9, 23-ZB-81V, Allen Cruz, postponed to December 14, 2023; must notice. #10, 23-ZB-93V, Azhar Naqvi; postponed until Nov. 9, 2023; must notice Dunellen/Middlesex. #11, 23-ZB-58V, NBAD1, LLC, postponed until December 14, 2023, no further notice. # 12, 23-ZB-69V, Bradshaw, postponed until November 9, 2023; no further notice.

- 5. 23-ZB-87V Walter Hernandez & Tarcila Lopez**
Bulk Variance
Block 406, Lot 4.01; Zone: R-7.5
911 Rock Avenue
Applicant would like to construct an accessory structure and retain shed.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 7,500 square feet
 Proposed – lot area 6,000 square feet (existing)
- Required – 75 foot lot width
 Proposed – 60 foot lot width (existing)
- Required – 25 foot front yard setback
 Proposed – 13.5 foot front yard setback (steps) (existing)
- Required – 8 foot side yard setback
 Proposed – 7.3 foot side yard setback (existing)
- Required – 8 foot rear yard setback for an accessory structure
 Proposed – 4.9 foot rear yard setback for an accessory structure (garage)
 Proposed – 4.5 foot rear yard setback for an accessory structure (shed) (existing)

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 26, 2023.

- Required – 8 foot side yard setback for an accessory structure
- Proposed – 3.4 foot side yard setback for an accessory structure (garage)
- Proposed – 2.1 foot side yard setback for an accessory structure (shed) (existing)

- 21-613** Required – 75 foot lot frontage
- Proposed – 60 foot lot frontage (existing)

Action to be taken prior to January 9, 2024

Lucero Guemero, the applicant’s daughter, is sworn in to testify on their behalf. Ms. Guemero states that her parents do not speak great English, so she will be speaking to and for them. She states that there was a foundation on the property and in their Country if you owned a piece of property you can do what you’d like; they were unaware that they needed to get the permits.

Mr. Hinterstein states that the garage was started without permits and if permits were taken out, they would have known how far from the property line it would need to be. The lot is a decent size and the garage is close to the side yard property line. The rear and side yard setbacks should both be 8 feet, they are both less than 5 feet. Mr. Hinterstein states that the rear yard can stay where it is at 4.5 feet, but it needs to be moved over on the side to 8 feet; the applicants agree. Public portion open/closed.

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

- 6. **23-ZB-89V** **Somdat Lilia**
Bulk Variance
Block 7703, Lot 14; Zone: R-20
8 Suttie Avenue
Applicant would like to install a 6’ privacy fence and 5’ semi-private fence; corner lot.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 20,000 square feet
- Proposed – lot area 11,325.6 square feet (existing)

- Required – 100 foot lot width
- Proposed – 90 foot lot width (existing)

- Required – 150 foot lot depth
- Proposed – 125 foot lot depth (existing)

- Required – 40 foot front yard setback
- Proposed – 32.8 foot front yard setback (Suttie Avenue) (existing)
- Proposed – 30.8 foot front yard setback (Seward Avenue) (existing)

- 21-613** Required – 100 foot lot frontage
- Proposed – 90 foot lot frontage (existing)

- 21-606** Required – no encroachment in the sight triangle
- Proposed – a fence partially located within the sight triangle

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 26, 2023.

- 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 fence (semi-private) and 6 foot fence (private) located within the front yard setback line

Action to be taken by January 10, 2024

Somdat Lilia, the applicant, is sworn in to testify on his own behalf. Mr. Somdat states that there is currently a chain link fence that he wants to remove and install a 5’ semi-private fence. Mr. Hinterstein states that there are a couple of issue with this application. The fence falls within the site triangle so it would have to be moved over. The setback for the solid fence is 40 feet from the property line, his recommendation is 15 feet from the property line and must be moved out of the site triangle. Mr. Lilia would like it to be 10 feet from the property line. Mr. Hinterstein states that if he wants 10 feet, then it would have to be 4 foot high and 50% solid.

Mr. Hinterstein states that 15 feet from the property line is a good compromise. Mr. Lilia states that he wants the 10 feet but Mr. Hinterstein does not agree. They will give him the 15 feet, but nothing closer. Mr. Lilia withdraws his application.

7. **23-ZB-91V** **John Minogue**
Bulk Variance
Block 508, Lot 33.01; Zone: R-7.5
1402 Glenwood Drive
Applicant would like to retain deck and shed.

VARIANCES REQUIRED:

- 21-501** Required – 25 foot front yard setback
Proposed – 10.3 foot front yard setback (Cedarwood Drive) (deck) (existing)
Proposed – 7 foot front yard setback (Glenwood Drive) (steps) (existing)
- 21-621** Required – no shed shall be constructed within 3 feet from any property line
Proposed – a shed located 2.5 feet from the property line (existing)

Action to be taken by January 15, 2024

John Minogue, the applicant, is sworn in to testify on his own behalf. Mr. Minogue states that he would like to retain the deck on his home that was there when he purchased it and obtained a CO for the property prior to buying it. Mr. Hinterstein states that the deck and the shed are no issues, but he recommends putting landscaping around them as a buffer; Mr. Minogue agrees. Mr. Hinterstein asks for a 5’ temporary construction easement if the Township needs to do any work on the street; Mr. Minogue agrees. Public portion open/closed.

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

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 26, 2023.

8. 23-ZB-88V Mohamed Elashry
Bulk Variance
Block 2602, Lot 42; Zone: R-10
413 Lodge Street
Applicant would like to retain existing from steps with landing.

VARIANCES REQUIRED:

- 21-501** Required – 35 foot front yard setback
Proposed – 15.4 foot front yard setback (steps)

Action to be taken by January 12, 2024

Mohamed Elashry, the applicant, is sworn in to testify on his own behalf. Mr. Elashry states that they had an issue with the front steps during construction. Mr. Hinterstein states that the problem is that they came in front of the Board for variances for a second story addition in 2021 and were told that the front steps needed to face the side of the home. The original plans showed the steps to be 18' from the property line, the requirement is 35 feet. Mr. Elashry states that the steps weren't working out if they put it to the side, they needed more room on the landing. Mr. Hinterstein states that this isn't a hardship case, they intentionally constructed the steps the wrong way.

Chairman Cahill states that when you get an approval by the Board, you should construct what is approved, not what you want to do. The request is de minimus, but explains to the owner that this shouldn't happen. Public portion open: Donna Kozub, 409 Lodge Street, is sworn in. She states they are great neighbors and the steps look great; it is a wonderful improvement to what was there. Public portion closed.

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

13. **DISCUSSION:** Amendment to Resolution 22-ZB-29V, 446 2nd Avenue. Known as Block 6601, Lot 2.02, RR-1 Zone. Tim Arch, Attorney.

Tim Arch, Attorney, is here to represent the applicant. Mr. Kinneally states that there are no variances requested, the home will be under what is required. Mr. Hinterstein states that this is an undersized lot and the height is offered in conjunction to the previous approval. The house, with or without a basement, will be going from 4,000 square feet to 6,200 square feet of living space. There is a lot of discussion on the height and the high water table. It is concluded that the applicant must make a new application to the Board so any neighbors may be made aware of the changes to the home.

14. **DISCUSSION:** Amendment to approved site plan and subdivision for Application 18-ZB-32/33/34V; 15 Stelton Road & Tucceri Court. Attorney: Tim Arch

Tim Arch, Attorney, is here to represent the applicant. He states that they have received previous approvals for the subdivision. The issue they are having is the way it was worded in the prior approval, all work must be complete before the issuance of CO's on the individual homes. What

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 26, 2023.

they would like it to be able to CO the homes as they are complete for sale. Mr. Hinterstein has no issues. Public open/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, Bill Mitterando, Kalpesh Patel and Roy O'Reggio. **NO ON THE MOTION:** None

15. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF OCT. 12, 2023:

- (a) 23-ZB-83V, Ahteck Lim; Approved.
- (b) 23-ZB-86V, John Jaramillo; Approved.
- (c) 23-ZB-71V, Rafael A. Santiago; Approved.
- (d) 23-ZB-96V, Guest Room Events & Expo Center, LLC; Approved.
- (e) 23-ZB-92V, T-Mobile Northeast, LLC; Approved.
- (f) 23-ZB-72/73V, PWY Chicken Rest NJ, LLC; Approved.
- (g) 23-ZB-51V, Eleventh Street Property Partnership, LP-Withdrawn w/o prejudice
- (h) 23-ZB-02/03V, TR Weniger & 1900 New Brunswick Avenue, LLC; Approved.

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

16. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF OCTOBER 12, 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.

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 NOVEMBER 9, 2023 AT 7:30 P.M.

The meeting was adjourned at 8:32 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 26, 2023 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on November 9, 2023.



SHAWN CAHILL, SECRETARY

PISCATAWAY ZONING BOARD OF ADJUSTMENT