

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, SEPTEMBER 26, 2024.

The Regular Meeting of the Piscataway Zoning Board was called to order at 7:30 P.M. online via Zoom, Piscataway, New Jersey, by Acting Chairman Jeff Tillery.

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, Artie Hayducka, Waqar Ali, William Mitterando, Rodney Blount, Kalpesh Patel, Roy O'Reggio **ABSENT:** Shawn Cahill & Steve Weisman

Also present: James Kinneally, Esq., Jonathan Misrahi, 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 some changes to tonight's agenda: #7, 24-ZB-51V, An-Noor Academy, Inc.-Postponed to Oct. 24, 2024-5-No further notice. #8. 23-ZB-101/102V, OnSwitch, Inc.-Postponed to Oct. 24, 2024-5-No further notice. #11, 24-ZB-14V, Facefield, LLP-Postponed to Oct. 24, 2024 (No further notice). #13, 24-ZB-09/10V, Wellspring Adult Day Care-Postponed until Nov. 14, 2024 (no further notice).

5. 24-ZB-19V

Sushma Sharma

Bulk Variance

Block 1406, Lot 62; Zone: R-7.5

1 Brook Hollow Road

Applicant would like to retain existing fence, shed and accessory structures.

VARIANCES REQUIRED:

21-501

Required – 75 foot minimum lot width

Proposed – 44.75 foot lot width (existing)

Required – 60 foot front yard setback for an accessory structure

Proposed – 35 foot front yard setback for an accessory structure

Proposed – 15 foot front yard setback for an accessory structure

Required – 8 foot rear yard setback for an accessory structure

Proposed – 2 foot rear yard setback for an accessory structure

Proposed – 3.5 foot rear yard setback for an accessory structure

Required – maximum building coverage 20 percent

Proposed – 23.4 percent building coverage

21-613

Required – 75 foot lot frontage

Proposed – 44.75 foot lot frontage (existing)

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21-619.1 Required – in any residential district, no fence within the front yard setback shall be over four feet in height and/or consist of no more than 50% solid material
Proposed – a 4 foot solid board-on-board fence located within front yard setback line

Action to be taken prior to December 10, 2024

Sushma Sharma, the application, is sworn in to testify on her own behalf. Ms. Sharma states that she would like to retain her shed and fence. Mr. Misrahi states that there were three (3) accessory structures with 240 square feet of area. Ms. Sharma states that Shed “B” was removed on 8/31/2024. Mr. Misrahi states that that will reduce the building coverage by 85 square feet. Ms. Sharma was told that one of the other structures must be removed, either the gazebo or the other shed. She decides to remove the gazebo but would really like to keep it. Once the remaining shed needs to be replaced, it must be placed in a conforming location. Mr. Misrahi states that the Town does not have any issue with the fence. No further comments from the Board. Public portion open/closed.

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

6. **24-ZB-44V** **William Bender**
Bulk Variance
Block 2006, Lot 1.01; Zone: R-10
9 Harmony Street
Applicant would like to retain 6’ privacy fence; corner lot.

VARIANCES REQUIRED:

21-501 Required – 35 foot front yard setback
Proposed – 19.1 foot front yard setback (Linden Place)
Proposed – 14 foot front yard setback (steps) (Harmony Street)

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 along the front yard property line (Linden Place) and within the front yard setback (Harmony Street)

Action to be taken prior to November 29, 2024

William Bender, the applicant, is sworn in to testify on his own behalf. Mr. Bender states that he replaced his chain link fence with a 6 foot vinyl fence, corner lot. Mr. Misrahi states that they would like him to move the fence back to be inline with the house, then it would be 19 feet from the property line where 35 feet is required. Mr. Bender states that he is now in Florida and would be difficult to move it. The chain link fence was permitted to be on the property line, a permit was not issued for the 6 foot vinyl fence. The Board has no further questions or comments. Public portion open/closed.

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

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9. **24-ZB-41V** **Venture Net Properties, LLC**
 Temporary Use
 Block 6003, Lot 3.03; Zone: BP-1
 425 Hoes Lane
 Applicant is seeking an extension of the temporary use; storage of materials.

VARIANCES REQUIRED:

- 21-501** Required – use permitted in the Business Professional zone
 Proposed – use not permitted in zone (storage of materials) *

*The applicant is seeking a temporary use approval.

Action to be taken prior to December 3, 2024
Attorney: Tim Arch

Tim Arch, Attorney, is here to represent the applicant. He states that they will be back in front of the Board for site plan approval by the new year. Court Stenographer present; transcripts are on file in the Community Development Office.

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

10. **24-ZB-05/06V** **Solare America Limited Liability Company**
 Preliminary & Final Site Plan; Use Variance
 Block 8501, Lot 45.02; Zone: R-10
 555 New Durham Road
 Applicant would like to install roof-top solar panels on an accessory structure (fuel canopies).

VARIANCES REQUIRED:

- 21-501** Required – use permitted in a residential zone
 Proposed – use not permitted in the zone (existing gasoline station and convenience store) *

- 21-1014.3(a)** Required – solar panels shall be conditionally permitted as a rooftop solar installation upon the principal structure only
 Proposed – solar panels installed on an accessory structure (canopy) **

*A use variance is required per N.J.S.A. 40:55D-70d(2)

** 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-70d(3)

Action to be taken prior to December 2, 2024
Attorney: Robert S. Baranowski, Jr.

Robert Baranowski, Attorney, is here to represent the applicant. Court stenographer present; transcripts are on file in the Zoning Office.

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

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12. 24-ZB-42/43V Fox & Foxx Development, LLC
Preliminary & Final Site Plan, Use & Bulk Variances
Block 1401, Lot 2; Zone: BP-II
9 Stelton Road
Applicant would like to construct townhouses.

VARIANCES REQUIRED:

21-501 Required – use permitted in the Business Professional (BP-II) zone
Proposed – use not permitted in zone (townhomes) *

Required – maximum building height 35 feet
Proposed – a building 38.09 feet in height

Required – 25 foot front yard setback
Proposed – 17.5 foot front yard setback (porch)
Proposed – 15 foot front yard setback (steps)

21-614 Required – all residential subdivisions, new residential development and new single family dwellings shall be required to install two (2) four (4”) inch PVC conduit lines along all property frontages.
Proposed – no conduit

* A use variance is required for the proposed use.

**There is no signage depicted on the site plan drawings for the new development. If a sign is proposed, the location and proposed setback should be added to the plans as well as a sign detail.

Action to be taken prior to December 31, 2024
Attorney: Kevin Morse

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

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

14. **ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF SEPT. 12, 2024**

- (a) 24-ZB-36V, Abdul Shariq Mohammed; Approved.
- (b) 24-ZB-32V, Andrian Bethea-Withdrawn without prejudice.
- (c) 24-ZB-08V, Arvind Patel; Withdrawn without prejudice.
- (d) 24-ZB-47V, New York SMSA LP d/b/a Verizon Wireless; Approved.
- (e) 24-ZB-37V, Haresh Patel; Approved.
- (f) 24-ZB-46V, Atul Agrawal; Approved.

All in Favor: Mr. Tillery, Mr. Patel, Mr. Blount, Mr. Ali, Mr. Mitterando

15. **ADOPTION OF MINUTES FROM THE REGULAR MEETING OF SEPT. 12, 2024**

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, SEPTEMBER 26, 2024.

MOTION was made by Acting Chairman Tillery to adopt the minutes; second by Mr. Patel.
All in Favor: Mr. Tillery, Mr. Patel, Mr. Blount, Mr. Ali, Mr. Mitterando

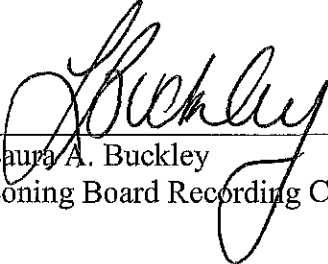
12. ADJOURNMENT

MOTION was made by Chairman Cahill to Adjourn the meeting; second by Mr. Patel.
ALL IN FAVOR: Aye **OPPOSED:** None

NEXT SCHEDULED MEETING IS OCTOBER 10, 2024 AT 7:30 P.M.


The meeting was adjourned at 9:00 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 26, 2024 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on October 10, 2024.



SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT