

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, DECEMBER 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, Steve Weisman, Bill Mitterando, Waqar Ali Jeff Tillery, Artie Hayducka, Rodney Blount, Roy O'Reggio and Kalpesh Patel. **ABSENT:** N/A. **Also present:** James Kinneally, Esq., 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. #15, 23-ZB-58V, NBAD1, LLC-Postponed until February 8, 2024. No further notice. #19, 22-ZB-41V, 100 Lakeview Avenue Rear, LLC, postponed until January 25, 2024, no further notice.

Mr. Waqar Ali was present, but had to leave the meeting.

- 6. 23-ZB-81V Allen Cruz**
Bulk Variance
Block 1504, Lot 24.01; Zone: R-7.5
781 Maple Avenue
Applicant would like to install a 6' privacy fence on a corner lot and retain existing shed.

VARIANCES REQUIRED:

- 21-501** Required – 25 foot front yard setback
Proposed – 14.5 foot front yard setback (porch) (Maple Avenue) (existing)
- 21-606** Required – no encroachment into the sight triangle
Proposed – a fence partially located within the sight triangle
- 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 and within the front yard setback (Hamilton Boulevard)
- 21-621** Required – no shed shall be constructed within 3 feet from any property line
Proposed – a shed located 2.8 feet from the rear yard property line

Action to be taken prior to January 4, 2024

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Allen Cruz, the application, is sworn in to testify on his own behalf. Mr. Cruz states that he would like to retain the fence on Hamilton Boulevard. Mr. Chadwick states that as per Mr. Hinterstein's recommendation, he should move the fence back 15 feet from the property line; this will eliminate the issue with the site triangle. There is also a shed on the property but there is not issue and can stay in its current location. There should also be a 5' temporary construction easement in place. Public portion open/closed.

MOTION was made by Chairman Cahill to APPROVE the application; seconded by Mr. Hayducka. **YES ON THE MOTION:** Steve Weisman, Kalpesh Patel, Mr. O'Reggio, Mr. Tillery, Bill Mitterando, Rodney Blount, Mr. Hayducka and Chairman Cahill. **NO ON THE MOTION:** None.

7. **23-ZB-93V** **Azhar Naqvi**
Bulk Variance
Block 1103, Lot 63.01; Zone: R-7.5
75 Hall Street
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 6 foot vinyl fence located over a municipal easement

Action to be taken prior to January 23, 2024

Azhar Naqvi, the application, is sworn in to testify on his own behalf. Mr. Naqvi states that they have a fence in the easement and would like to keep it there. Mr. Kinneally states that if for any reason, the Township needs to gain access to that easement, it is up to the applicant to remove and replace the fence; he agrees. Public portion open/closed.

MOTION was made by Chairman Cahill to APPROVE the application; seconded by Mr. O'Reggio. **YES ON THE MOTION:** Steve Weisman, Kalpesh Patel, Mr. O'Reggio, Mr. Tillery, Bill Mitterando, Rodney Blount, Mr. Hayducka and Chairman Cahill. **NO ON THE MOTION:** None.

8. **23-ZB-90V** **Shelia Hobson-1-11-2024**
Bulk Variance
Block 6915, Lot 6; Zone: R-10
2602 Wade Street
Applicant would like to retain privacy fence, pool and sheds; corner lot.

VARIANCES REQUIRED:

- 21-501** Required – 35 foot front yard setback
Proposed – 28.8 foot front yard setback (existing)

Required – 25 foot rear yard setback
Proposed – 18 foot rear yard setback (covered patio) (existing)

Required – maximum building coverage 20 percent
Proposed – 24.10 percent building coverage

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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 (Newark Avenue & Wade Street)

21-617 Required – a swimming pool shall not be constructed within 10 feet from any side yard or rear yard line

Proposed – a swimming pool located 4.5 feet from the rear yard property line and 5 feet from the side yard property line (existing)

21-621 Required – no shed shall be located within the front yard

Proposed – a shed located within the front yard (existing)

Required – no shed shall be constructed within 3 feet from any property line

Proposed – a shed located .5 feet from the side yard property line (existing)

Action to be taken prior to January 16, 2024

Shelia Hobson, the applicant, is sworn in to testify. She states that she would like to keep up the fence and sheds that she has. As per Mr. Hinterstein's report, there could be some additional structures on the property which could be encroaching in the setback as well or adding more building coverage. The Board and Ms. Hobson agree that she will contact Mr. Hinterstein to go over the application and come to an agreement. The application will continue on January 11, 2024 with no further notice required.

9. 23-ZB-98V

Shiv K. Patel

Bulk Variances

Block 1905, Lot 25.01; Zone: R-7.5

165 Kossuth Street

Applicant would like to construct a second story addition.

VARIANCES REQUIRED:

21-501 Required – 25 foot front yard setback

Proposed – 24.63 foot front yard setback (Richards Avenue)

Required – 25 foot rear yard setback

Proposed – 19 foot rear yard setback (deck) (existing)

Required – 8 foot rear yard setback for an accessory structure

Proposed – 7.54 foot rear yard setback for an accessory structure (garage) (existing)

Required – 8 foot side yard setback for an accessory structure

Proposed – 7.48 foot side yard setback for an accessory structure (garage) (existing)

21-601 Required – no encroachment into the right-of-way

Proposed – a fence located within the right-of-way (existing)

Action to be taken prior to March 12, 2024

Attorney: Daven Persuad

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Tim Arch, Attorney, is here to represent the applicant. Mr. Arch states that the applicant would like to construct a second story addition to the existing home. Many of the variances are existing to the property, none of these are caused from the second story addition. The only variance that is not setback related, is a fence that is current in the right-of-way. He has Mr. Hinterstein’s report dated 12-11-2023 with only three comments on it; they agree to all the comments. They will remove the fence from the right-of-way as requested. They will put in some buffering around the garage and grant a 5’ temporary construction easement.

Mr. Steve Druga, Architect, is present but does not testify. Mr. Chadwick states that there are no variances caused by construction. Chairman Cahill agrees and goes to a vote. Public portion open/closed.

MOTION was made by Chairman Cahill to APPROVE the application; seconded by Mr. Weisman. **YES ON THE MOTION:** Steve Weisman, Kalpesh Patel, Mr. O’Reggio, Mr. Tillery, Bill Mitterando, Rodney Blount, Mr. Hayducka and Chairman Cahill. **NO ON THE MOTION:** None.

- 10. **23-ZB-64/65V** **VYO-USA, Inc.**
 Preliminary & Final Site Plan; Bulk & Use Variances
 Block 9701, Lots 28.01 & 28.03; Zone: R-20
 460 & 464 Metlars Lane
 Applicant would like to construct two buildings for a Worship
 Center, Sunday School, Church School and Parsonage.

Action to be taken prior to December 15, 2023
Attorney: James Stahl

James Stahl, Attorney, is here to represent the applicant. He states that they had put on their testimony in November and wanted to give the Board members that were absent time to read the transcripts. Mr. Kinneally agrees and states that there is no new testimony and the Board needs to open it to the public for questions or comments. Public portion open/closed.

MOTION was made by Chairman Cahill to APPROVE the application; seconded by Mr. Blount. **YES ON THE MOTION:** Steve Weisman, Kalpesh Patel, Mr. O’Reggio, Mr. Tillery, Bill Mitterando, Rodney Blount, Mr. Hayducka and Chairman Cahill. **NO ON THE MOTION:** None.

- 11. **23-ZB-95V** **Kaz Beverley**
 Bulk Variance
 Block 301, Lot 26.02; Zone: R-7.5
 358 Hazelwood Drive
 Applicant would like to retain partially converted garage.

VARIANCES REQUIRED:

- 21-1102** Required – garage
- Proposed – partially converted garage
- Required – each enclosed parking space must measure at least 12 feet in width by 20 feet in length
- Proposed – a garage measuring 12.5 feet in width by 9.67 feet in length

Action to be taken prior to February 15, 2024

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Kaz Beverly, the applicant, is sworn in to testify on his own behalf. Mr. Beverly states that he would like to retain the garage as purchased. There is enough parking for several cars on the property; no issues. Mr. Chadwick states that the garage door is still there but is used for storage only. Public portion open/closed.

MOTION was made by Chairman Cahill to APPROVE the application; seconded by Mr. Weisman. **YES ON THE MOTION:** Steve Weisman, Kalpesh Patel, Mr. O'Reggio, Mr. Tillery, Bill Mitterando, Rodney Blount, Mr. Hayducka and Chairman Cahill. **NO ON THE MOTION:** None.

12. **23-ZB-100V** **Robyn Shepard**
 Bulk Variance
 Block 7907, Lot 1.01; Zone: R-10
 181 Lakeside Drive North
 Applicant would like to install a porch with portico.

VARIANCES REQUIRED:

- 21-501** Required – 10 foot side yard setback
 Proposed – 8.5 foot side yard setback (porch w/portico)
 Proposed – 5 foot side yard setback (existing)
- Required – 35 foot front yard setback
 Proposed – 30 foot front yard setback (existing)
- Required – 8 foot rear yard setback for an accessory structure
 Proposed – 5 foot rear yard setback for an accessory structure (shed) (existing)
- 21-601** 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 (existing)
- 21-1101.3** Required – paved driveway
 Proposed – gravel driveway (existing)

*Variances were previously granted under Application #21-ZB-62V.

Action to be taken prior to February 23, 2024

Robyn Shephard, the applicant, is sworn in to testify on her own behalf. Ms. Shephard states that she would like to put a roof over her porch on the side of her home. She had a variance for the easement and the driveway previously. Mr. Chadwick states that in Mr. Hinterstein's report he wants the a barrier around the bamboo; she agrees. Public portion open/closed.

MOTION was made by Chairman Cahill to APPROVE the application; seconded by Mr. Weisman. **YES ON THE MOTION:** Steve Weisman, Kalpesh Patel, Mr. O'Reggio, Mr. Tillery, Bill Mitterando, Rodney Blount, Mr. Hayducka and Chairman Cahill. **NO ON THE MOTION:** None.

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- 15. 23-ZB-103V Vijay Singhal
Bulk Variance
Block 6601, Lot 15; Zone: RR-1
446 2nd Avenue
Applicant would like to increase the height of the home.**

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 43,000 square feet
Proposed – lot area 13,061.61 square feet (existing)
- Required – 150 foot lot width
Proposed – 75 foot lot width (existing)
- Required – 200 foot lot depth
Proposed – 175 foot lot depth (existing)
- Required – 25 foot side yard setback
Proposed – 13.36 foot side yard setback
- Required – 50 foot rear yard setback
Proposed – 32 foot rear yard setback (porch)
- Required – maximum building coverage 20 percent
Proposed – 22.43 percent building coverage
- 21-613** Required – 150 foot lot frontage
Proposed – 75 foot lot frontage (existing)
- 21-628** Required – an outdoor accessibility ramp may encroach into the required setback by 50 percent (12.5 feet)
Proposed – an outdoor accessibility ramp 9 feet from the side yard setback

*These variances were previously approved under Application #22-ZB-29V.

**Action to be taken prior to February 9, 2024
Attorney: Tim Arch**

Tim Arch, Attorney, is here to represent the applicant. Mr. Arch states that his applicant was here prior and received approvals for his home. Because of the water table, they would like to raise the roof to 30.1 feet, which is still well under the 35 feet maximum requirement. No further questions from the Board. Public: Robert Creteau, 429 Patton Avenue, is sworn in. He states that he has no issues with the home and just wants to make sure that his home doesn't have any drainage issues once completed. Public portion closed.

MOTION was made by Chairman Cahill to APPROVE the application; seconded by Mr. Hayducka. **YES ON THE MOTION:** Steve Weisman, Kalpesh Patel, Mr. O'Reggio, Mr. Tillery, Bill Mitterando, Rodney Blount, Mr. Hayducka and Chairman Cahill. **NO ON THE MOTION:** None.

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16. 23-ZB-20V CZ Piscataway, LLC
Bifurcated Use Variance
Block 5601, Lot 2.05; Zone: R-20
1659 S Washington Avenue
Applicant would like to construct a self-storage facility.

VARIANCES REQUIRED:

- 21-501** Required – use permitted in residential zone
Proposed – use not permitted in zone (self-storage) *

Required – maximum building height 35 feet
Proposed – a building 38.33 feet in height

Required – maximum building coverage 20 percent
Proposed – 26.24 percent building coverage
- 21-1101.2** Required – a parking lot shall not be located nearer to a residential zone than 50 feet
Proposed – a parking lot located within a residential zone
- 21-1102** Required – 256 parking spaces
Proposed – 17 parking spaces
- 21-1201** Required – signs permitted in a residential zone
Proposed – a free-standing sign, 70 square feet in area, located 8 feet from the front yard property line

* A use variance is required per N.J.S.A. 40:55D-70(D)(1).

Action to be taken prior to February 9, 2024

Attorney: Tim Arch

Tim Arch, 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:** Steve Weisman, Kalpesh Patel, Mr. O’Reggio, Mr. Tillery, Bill Mitterando, Rodney Blount, Mr. Hayducka and Chairman Cahill. **NO ON THE MOTION:** None.

20. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF NOV. 9, 2023:

- (a) 23-ZB-99V, Marza Khaled Baig; Approved.
- (b) 23-ZB-98V, Gayatri Nayee; Approved.

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

21. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF NOVEMBER 9, 2023.

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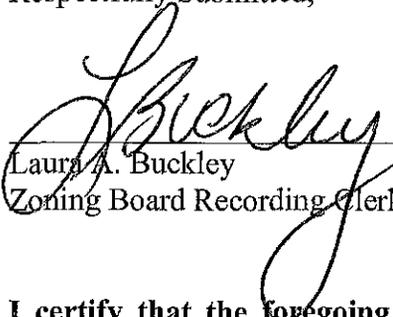
MOTION was made by Mr. Weisman to adopt the minutes; second by Mr. Patel **All in Favor:** Mr. Mitterando, Steve Weisman, Mr. Patel and Chairman Cahill.

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

NEXT SCHEDULED MEETING IS JANUARY 11, 2024 AT 7:30 PM

The meeting was adjourned at 8:58 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 November 9, 2023 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on December 14, 2023.



SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT