

MINUTES OF THE PLANNING BOARD REGULAR MEETING OF PISCATAWAY TOWNSHIP HELD ON APRIL 12, 2023.

The Regular Meeting of the Piscataway Planning Board was called to order at 7:30 P.M. on Zoom (online), Piscataway, New Jersey by Vice-Chairperson Henry Kenney.

Chairperson Smith 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.

Thomas Barlow, Esq., states that he would like to place on the record that we are doing this meeting through an online meeting platform in light of the COVID-19 pandemic. In keeping with the guidelines that have been disseminated by the Department of Community Affairs, the Planning Board has tried its best to comply with the open public meeting act and the Governor's guidelines in dealing with the current situation. In addition, the applicant whose matter will be heard this evening had the login information for the online meeting platform put forth in their notice; members of the public who wish to be heard will be afforded an opportunity as if we were in an actual, physical space. He believes we have done our absolute best to comply with the DCA guidelines and the open public meetings act.

ROLL CALL: Mayor Brian Wahler, Councilwoman Cahill, , Carol Saunders, Dawn Corcoran, Rev. Henry Kenney, Alex Adkin and Chairperson Brenda Smith. **ABSENT:** Michael Foster, E. Basheer Ahammed.

Also present: Thomas Barlow, Esq. and Laura Buckley, Board Clerk.
It was determined that a quorum was present by roll call.

4. PLEDGE OF ALLEGIANCE

5. SWEARING IN OF PROFESSIONALS: Ron Reinersten

6. DULY AUDITED BILLS TO BE PAID

MOTION was made by Dawn Corcoran to pay the bills; seconded by Carol Saunders. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Dawn Corcoran, Carol Saunders, Rev. Kenney and Alex Adkins.

7. CHANGES TO THE AGENDA: None

8. ADOPTION OF RESOLUTION TO MEMORIALIZE ACTION TAKEN ON MARCH 8, 2023: N/A

9. ADOPTION OF THE MINUTES FROM THE REGULAR MEETING OF MARCH 8, 2023

MOTION was made by Carol Saunders to memorialize the minutes from the February 8, 2023 meeting; seconded by Alex Adkins. **ROLL CALL:** Mayor Wahler, Councilwoman Cahill, Carol Saunders, Dawn Corcoran, Rev. Kenney and Alex Adkins voted yes on the motion.

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- 10. 22-PB-06/07V Azhar Javed & R. Jissaom Farooqi**
Minor Subdivision & Bulk Variance
Block 8001, Lot 9; Zone: R-10
1112 Brookside Road
Applicant would like to subdivide property into two lots.

VARIANCES REQUIRED:

Proposed Lot 9.01

- 21-501** Required – 100 foot lot width
Proposed – 88.07 foot lot width
- 21-613** Required – 100 foot lot frontage
Proposed – 88.07 foot lot frontage

Proposed Lot 9.02

- 21-501** Required – 100 foot lot depth
Proposed – 88.07 foot lot depth
- Required – 35 foot front yard setback
Proposed – 23 foot front yard setback

Action to be taken prior to June 26, 2023

Attorney: Tim Arch

Tim Arch, Attorney, is here to represent the applicant. Mr. Arch states that this is an oversized property with a long lot. There are here for a two (2) lot subdivision and propose two new single family homes which are permitted in the area. Mr. Arch states he has three reports, they will agree with all the conditions in the comments. They are proposing an 88.7 foot lot width for one of the new lots and the other is 88.07 lot depth, front yard setback of 23 feet instead of the 35 feet required. Letters were sent to the adjacent property owners to see if anyone was interested in selling property to make these lots more conforming. When they originally applied for this application, the property is abutting against Township property. The Township agreed to sell a ten (10) foot piece of property to help make the lots more conforming.

They have a letter of intent so if the Board decides to approve the application, they will go forward and purchase the property from the Town. In reference to the CME report, it is a cellar as per the ordinance, not a basement with bedrooms, etc. Mr. Arch states that he has one witness this evening, Cathy Mueller, PE. Ms. Mueller, Owner & Principle, Warren, NJ is sworn in to testify; she is accepted by the Board. Ms. Mueller shares her screen with the Board; they are the plans that were sent to the Board for review. She states that the property is a corner lot and all of the improvements will be on lot one. There is an existing single family house that fronts on Brookside Road, one driveway, curb cut and in the middle of the lot there are some environmental constraints. The applicant filed with the DEP for and LOI which is valid until 2025. There will be a riparian buffer associated with that feature.

Mr. Mueller states that they studied the drainage area to the ditch, it's less than 50 acres so there is no flood elevation associated with it. It is a narrow rectangular lot. The lot is one acre and the adjacent Township lot is two acres. The minor subdivision plan shows the 10 feet from the Township lot and basically dividing the property into two lots. The lot 9.01 which is the corner lot of Brookside Road and Vocisano. The interior lot is 9.02. Lot 9.01 will be 24,571 square feet and lot 9.02 will be 24,639 square feet. Lot area for the R-10 zone required is 10,000 square feet so they will exceed the requirement.

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Ms. Mueller states that the rear lot (9.01) has one frontage along Vocisano which exceeds the 100 foot lot width and frontage, but their lot depth is 88 feet. There is a unique boundary along Vocisano Court where the property bends. They will build two single family homes and remove the existing home. The existing driveway will be abandoned and they will comply with any curb replacement. They will have a two car garage for both. The footprint of the home is 1990 square feet and is in line with the other homes on Vocisano. Lot 9.02, it is the same footprint as the other home but flipped it. The driveway and the garage will be on the left side. They had to pull this house forward because they have the riparian buffer in the rear of the property with vegetation. They will not be removing any trees within that buffer. The house will be 23' from the property line. They will be meeting the side yard setbacks for this home.

Sidewalks will be installed to all frontages. They will apply for DEP permits. Ms. Mueller states that they will be installing drywells which will be three (3) inches over the roof. They will be doing a soil test on the properties. They will both have public sewer and water; the existing home has both utilities and the new house will connect to Vocisano Court. Mr. Arch states that they will work with all Township professionals in reference to their reports; Ms. Mueller agrees. They can't move the house back any further because of environmental concerns. The house in the curve is 27 feet.

Chairperson Smith asks the Board for any questions or comments. Mayor Wahler states that some of the problems that they are having with homes that back up to Township property is that residents over time do not know where the boundaries are. They slowly start using Township land or parkland. They would like, as part of the Board approval, that there will be on the corners a small sign or delineation of where the boundary lines are. Signs will say "Private Property Beyond this Point" and "Township Property Beyond this Point". If DPW has to go out there for any reason, everyone knows where the boundary is; Mr. Arch agrees. Mr. Barlow asks the Mayor with new construction if they want something run underground. Mayor Wahler states that they would like a conduit line for fiberoptic run underground so they will be ready when it comes to Town; Mr. Arch agrees.

Chairperson Smith asks the Board for any other questions or comments; none. Public portion open:
#1. Jenny Mak, 16 Vocisano Court is sworn in. Ms. Mak states that when Vocisano Court was built, they have an Association. She would like to know if these homes will be part of the Association; they will not. The existing owner is not part of that Association.

#2. Digesh Patel, 38 Vocisano Court, is sworn in. He states that they take care of the area there. Mr. Arch states that is it private property and will not be part of the association. If the drainage easement is not taken care of then they can call the Town. Public closed.

Mr. Arch states that they are here for a minor subdivision for a unique property with environmental features. He does not believe there are any detriments to the surrounding areas. They will agree with the reports and install sidewalks.

MOTION was made by Rev. Henry Kenney to APPROVE the application; seconded by Councilwoman Cahill. **ROLL CALL:** Mayor Brian Wahler, Councilwoman Cahill, Dawn Corcoran, Carol Saunders, Rev. Henry Kenney, Alex Adkin and Chairperson Brenda Smith voted yes on the motion.

- 11. 22-ZB-27/28V KD Capital Ventures, LLC**
Minor Subdivision & Bulk Variance
Block 11207, Lot 8.01; Zone: R-10
164 Fisher Avenue
Applicant would like to subdivide into two lots.

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VARIANCES REQUIRED:

Proposed Lot 8.01

21-501 Required – 35 foot front yard setback
Proposed – 25.2 foot front yard setback (existing)
Proposed – 14 foot front yard setback (steps) (existing)

Required – 25 foot rear yard setback
Proposed – 19.5 foot rear yard setback

Proposed Lot 8.02

21-501 Required – minimum lot area 10,000 square feet
Proposed – lot area 7,500 square feet

Required – 100 foot lot width
Proposed – 75 foot lot width

21-613 Required – 100 foot lot frontage
Proposed – 75 foot lot frontage

*The front and rear steps/landing for the new dwelling can only encroach 5 feet into the setback or an additional variance(s) will be required.

Action to be taken prior to July 5, 2023

Attorney: Anand Dash

Anand Dash, Attorney, is here to represent the applicant. Mr. Dash states that they would like to subdivide this into two lots. Ms. Saunders needs to recuse herself from this application. Tony Gallerano, PE, PP, is sworn in to testify; Harbour Consultants, Cranford. Mr. Gallerano shares his screen with the Board; plans have been submitted to the Board previously. The property is 164 Fisher Avenue, located on the north side of Fisher between Forest and Deerfield Avenue. The property has two frontages; 100 foot on Fisher and 75 foot on Park Avenue. There is an existing dwelling on the property currently on Fisher Avenue. The entire lot area is 17,500 square feet with a depth of 200 feet.

Mr. Gallerano shares a colorized version of the site plan (A-1). They would like to split the lot in half and make a 75 x 100 lot on Park Avenue and a 100 x 100 lot on Fisher Avenue. Lot 8.01 on Fisher Avenue is the existing home that will remain and lot 8.02 will have a new single family home constructed. The existing home has a front yard setback of 25.2 feet where 35 feet is required. The new home will have a one car garage and one car driveway on Park Avenue. The rear yard for the existing home would now become 19.5 feet where 25 feet is required.

Mr. Gallerano shares A-2 with the Board which is a file map for the subdivision. The map is identified as map section A, New Brunswick Highlands, dated March of 1920. They highlighted the file map to show the current conditions. Back then, they subdivided into 25 foot increments so a person could buy 25 feet at a time and what they wanted. In this case, someone bought 3 lots on Park and 4 lots on New Brunswick (Fisher) so that is how this came about. The lots were merged somewhere along the line, probably by the Tax Assessor years ago. They would like to put a lot line in between the lots and make two lots.

A-3, a highlighted version of the tax map, is shown to the Board. There are several sizes of lots in the area, 50 x 100, 75 x 100, etc. Along Park Avenue and Fisher, there are several undersized lots. There are a total of 33 lots in this study area, where 16 are undersized. Mr. Gallerano doesn't see any detriment to the area and the negative criteria is satisfied. The rear yard setback variance being created, he doesn't

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see a negative impact to the area. In reference to the positive criteria, it is a sufficient use of land. Mr. Gallerano believes there is enough criteria for the granting of the variance. They will comply with all of the reports from the Board professionals. Ron Reinertsen states that these lots were not created by design, they were bought and divided before the zoning ordinance came into effect.

Chairperson Smith asks the Board if they have any questions or comments, seeing none. Public portion open: #1. Jeff Williams, 155 Park Avenue, is sworn in to testify. Mr. Williams states that he and his family have been using this property on Park since 1960. There is not enough parking on the street so they use it for parking. He states that there is a negative effect since there won't be enough parking on the street. Mr. Williams stated they had an easement and understanding for all of these years. Mr. Barlow asks if he has a copy of the easement; he does not but said it was understood. Mr. Barlow states that just because they have used the property for all of these years doesn't mean it is an easement; there is nothing on file. They have also been trespassing on private property for all of these years. Mr. Dash states that there is no formal easement for this property on file. #2. Keegan Rollins, 179 Park Avenue, is sworn in. He states that he is the corner lot next to Fisher Avenue. He states that he also uses this lot to cut through to his backyard when he has elderly family come so he can park in the back of his home. Councilwoman Cahill asks Mr. Gallerano about the parking situation. He states that they are conforming under the RSIS and have enough parking. Public closed.

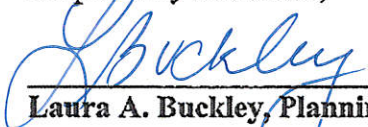
Chairperson Smith asks the Board if they have any further questions. Mr. Barlow states that they would like to give the public time to talk to the owner of the property to see if they are willing to sell part of the property to them since they have been using it all of these years. Councilwoman Cahill states that they will give the neighbors a month to get in contact with the owner, but the Board will be voting on this application the next meeting. The application will be carried to the May 10, 2023 meeting with no further notice required; Mr. Dash agrees.

MOTION was made by Councilwoman Cahill to **APPROVE** the application; seconded by Henry Kenney. **ROLL CALL:** Mayor Brian Wahler, Councilwoman Cahill, Dawn Corcoran, Rev. Henry Kenney, Alex Adkin and Chairperson Brenda Smith voted yes on the motion.

- 12. ADJOURNMENT:** **MOTION** made by Dawn Corcoran to adjourn; seconded by Ms. Saunders; All in favor. The meeting was adjourned at 9:04 P.M.

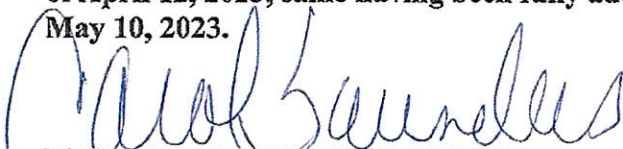
NEXT SITE PLAN/SUBDIVISION BOARD MEETING – APRIL 26, 2023 AT 2:30 P.M.
NEXT PLANNING BOARD REGULAR MEETING –MAY 10, 2023 AT 7:30 P.M.

Respectfully Submitted,



Laura A. Buckley, Planning Board Clerk for Carol A. Saunders, Secretary

I certify that the foregoing is a true and correct copy of the Minutes of the Regular Meeting of April 12, 2023, same having been fully adopted by the Planning Board of Piscataway May 10, 2023.


Carol Saunders, Secretary