

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JANUARY 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 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: Chairman Shawn Cahill, William Mitterando, Jeff Tillery, Roy O'Reggio, Kalpesh Patel, Steven Weisman, Waqar Ali, Artie Hayducka & Rodney Blount. **ABSENT:** N/A

Also present: James Kinneally, Esq., John Chadwick, PP, 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 some changes to tonight's agenda; #10. 22-ZB-41V, 100 Lakeview Rear, LLC-Postponed to February 23, 2023; no further notice required.
#11. 22-ZB-82V, Evestar Properties, LLC-Postponed to Feb. 9 2023-Must Notice.

- 5. 23-ZB-04V HBR Properties, LLC**
Bulk Variance
Block 8301, Lot 1.10; Zone: R-10
1201 Brookside Road
Applicant would like to install a privacy fence on corner lot and AC unit.

VARIANCES REQUIRED:

- 21-501** Required – 100 foot lot width
Proposed – 90.72 foot lot width (existing) *
- Required – 35 foot front yard setback
Proposed – 29.1 foot front yard setback (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, solid fence located 15 feet from the property line located along Palisade Avenue
- 21-627.b** Required – an air conditioning unit shall be set back a minimum of 10 feet from any property line
Proposed – air conditioning units located 6.7 feet from the side yard property line

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*Variances were previously granted under Application #21-PB-25/26V.

**Action to be taken prior to May 7, 2023
Attorney: Peter Lanfrit**

Peter Lanfrit, Attorney, is here to represent the applicant. Mr. Lanfrit states that the applicant would like to install a 6' privacy fence on a corner lot property. The required is a 35 foot setback and they are proposing to have the fence 15 feet back from the property line. The other reason they are here is for an existing air conditioning unit that is located 6.7 feet from the property line where 10 feet is required. There was a report issued by Mr. Chadwick which did not raise any concerns with the application. Chairman Cahill asks if there are any questions or comments from the Board, seeing none. Public portion open/closed.

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

6. **23-ZB-05V** **HBR Properties, LLC**
 Bulk Variance
 Block 8203, Lot 43; Zone: R-10
 79 Coventry Circle
 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 8,000 square feet (existing)
- Required – 100 foot lot width
 Proposed – 80 foot lot width (existing)
- Required – maximum building coverage 20 percent
 Proposed – 22.9 percent building coverage
- 21-613** Required – 100 foot lot frontage
 Proposed – 80 foot lot frontage (existing)

**Action to be taken prior to May 9, 2023
Attorney: Peter Lanfrit**

Peter Lanfrit, Attorney, is here to represent the applicant. Mr. Lanfrit states that they are here to construct a new single family home on an undersized lot. There are three variances they are requesting this evening. First is for lot minimum lot area, the lot is 8,000 square feet the zone requires 10,000 square feet. The next variance is lot width, 80 feet is proposed, which is existing, and 100 feet is required. In conjunction with those variances, they sent letters to the adjoining property owners to see if they were interested in acquiring the subject property. Both adjoining property owners do not have any available land to sell to them, but by Law they are required to send letters; they have received no response. Mr. Lanfrit states that the third variance is for building coverage; 20% is required, they are proposing 22.9%.

Mr. Lanfrit states that in support of that variance, he will call his witness Mr. Paul Fletcher.

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Paul Fletcher, PP, 54 W Pond Road, Hopelawn, NJ. is sworn in to testify and accepted by the Board. Mr. Fletcher states that the lot requires 10,000 square feet and 8,000 square feet is existing. The lot is vacant and was created in 1971 by file map. The applicant proposes to construct a single family house. There are three variances associated as mentioned; lot width, lot area and building coverage. There is no land on either side available without making those lots non-conforming.

In reference to building coverage, 20% is required and 22.9% is proposed. A conforming lot of 10,000 you would be able to construct a house with a footprint of 2,000 square feet. They are proposing 1,832 square feet which gives a percentage of 22.9%. This lot is slightly unusual, the ROW does not curve where the road curves. If it was a normal ROW there would be an extra 585 square feet of land associated with the lot. If that were the case, the requested variance would only be 21.3%.

Mr. Fletcher believes the coverage variance is a de minimus request on the applicants part not being out of character in the area. The other variances are existing and under the C1 hardship criteria to grant the variances; there is no land available. Mr. Lanfrit states that the house that they are proposing is consistent and compatible with houses in the neighborhood; Mr. Fletcher agrees.

Mr. Lanfrit states that there was a report issued by Mr. Chadwick dated January 24, 2023. Mr. Fletcher has reviewed the report and states that deviations are in character with the neighborhood. Mr. Kinneally asks if the applicant can build a house that is conforming to the setbacks; Mr. Fletcher agrees. Mr. Fletcher states that he doesn't see a benefit for the Town but also does not see a detriment.

Public portion:

1. Gerry Wilson, son of Garry Wilson, sworn in. His parents live on 83 Coventry Circle, who are adjacent to this property; they have lived there over 45 years. He tries giving in a petition but is told by Mr. Kinneally that they are not allowed in the State of New Jersey. Lower market values, etc.; they are against the application. Mr. Wilson asks several zoning ordinance questions and is told that the standards are set by the Mayor and Council. He asks if any members of HBR are related to the Zoning Board. Mr. Lanfrit states that there is no member of HBR LLC that is a member of the Zoning Board. There are two principles and one is a Township employee. It is not a conflict of interest. Mr. Kinneally states anyone who would like to build would come in to the Zoning Board as anyone else would have to.
2. Judith Marshall, 64 Coventry Circle, is sworn in to testify. She is against the application. She lives on the street and states she just learned today about the situation. She asks if there would be another chance for the neighborhood to come to another meeting. Mr. Kinneally states that everyone who needed to receive notices under the law was sent a notice; not everyone on the block. Mr. Marshall states that those who weren't aware won't be able to speak. Mr. Kinneally states that everyone within 200 feet as per law was noticed and it was published in the newspaper.
3. Joyclyn Conover, 11 Coventry Circle, is sworn in to testify. She asks about encroachment of the house onto the neighbors' property. Mr. Kinneally states that the house will not be any closer to the property lines that is allowed. Will the house stand out? How big? Mr. Kinneally states that he can't answer that. She would like it within the 20% that is allowed.

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4. E. Lorraine West, 20 Coventry Circle, is sworn in. She states that Mr. Wilson asked several questions of the Board and the Board was not able to answer; she wants them answered before the vote. Mr. Kinneally states that the Zoning Board considers the facts that are in front of them.

5. Mortel Grant, 91 Coventry Circle, is sworn in. She is concerned about the overall esthetics of the new home and is opposed.

6. Otis Richardson, 32 Coventry Circle, is sworn in. He supports Mr. Wilson and is against the application. Mr. Kinneally states that if anyone is against the Zoning Board's decision in any matter, they can appeal that decision to the Superior Court. Mr. Richardson states that he believes that is what the neighbors should do.

7. Tiffany Cruickshank, 75 Coventry Circle, is sworn in. This lot was empty since 1971 so why all of a sudden it has enough space to build after so many years. Mr. Kinneally states that the applicant has brought in an application to develop the property. Zoning review identified several variances and that is why they are here. She states that the previous owner was knocked down so why are they here. Mr. Kinneally states that nothing has been passed. Every application has to be reviewed on it's own merits. This is the first meeting on this application.

8. Kyle Wilson, 87 Coventry Circle, is sworn in. He wants to know how accurate are the lot plans; seems like they are trying to take property from his parents that are on 83 Coventry. Mr. Lanfrit states that the land was surveyed by a professional land surveyor and it shows that the development on the property that is owned by the applicant, not on anyone else's property. If anything, over the years, there has been the use of this property by adjoining property owners without the consent of the prior owner. The plan that is before the Board is the plan that is owned by the applicant which is 8,000 square feet. Mr. Kinneally states to Mr. Wilson that if he believes there is a dispute to the location of property lines or ownership of property, the Zoning Board would encourage him to get his own land surveyor; this would be a boundary dispute. Mr. Wilson understands and agrees.

Ms. Marshall states that the property looks like a trapezoid and is right around the sharp curve. Homeowners might have cars out there and it would be a problem. Public portion closed. Chairman Cahill states that there will be a house on that property, that is why the applicant is here. It is up to the Board to make sure it's the right home for the neighborhood. Zoning allows a house to be built, it's allowed in the zone.

Chairman Cahill asks the Board if they have any further questions. Mr. Weisman states that he didn't here why they should go over the 22.9% in building coverage. Mr. Kinneally states that there are three variances here. The first two are existing conditions and the last is for building coverage. The applicant has shown a hardship in reference to the existing conditions and are entitled to relief. There is no hardship for the 22.9% building coverage. Mr. Weisman states that he has no issues with the existing variance. No other questions from the Board.

MOTION was made by Chairman Cahill to approve the application to build a new single family home but deny building coverage; seconded by Mr. Patel. **YES ON THE MOTION:** Steve Weisman, Jeff Tillery, Roy O'Reggio, Rodney Blount, Kalpesh Patel, Bill Mitterando and Chairman Cahill. **NO ON THE MOTION:** None.

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7. **22-ZB-21V** **Kalvin Somrah**
 Bulk Variance
 Block 303, Lot 50.01; Zone: R-7.5
 1807 W. 5th Street

***Mr. Somrah is not on the hearing, they will call him after another application.**

8. **22-ZB-75V** **Patricia & David Cape**
 Bulk Variance
 Block 905, Lot 1.01; Zone: R-7.5
 447 Valmere Avenue
 Applicant would like to construct a second floor addition and retain existing shed.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 7,500 square feet
 Proposed – lot area 5,000 square feet (existing)
- Required – 75 foot lot width
 Proposed – 50 foot lot width (existing)
- Required – 25 foot rear yard setback
 Proposed – 15 foot rear yard setback (existing)
- Required – maximum building coverage 20 percent
 Proposed – 27.9 percent building coverage
- 21-613** Required – 75 foot lot frontage
 Proposed – 50 foot lot frontage (existing)
- 21-621** Required – no shed shall exceed 9 feet in height
 Proposed – a shed 10 feet in height (existing)

Action to be taken prior to April 9, 2023

Patricia Cape, the applicant, is sworn in to testify on her own behalf. Mr. Kinneally asks if she received a copy of Mr. Hinterstein’s report; she has. She is advised by the Board that there is a large request for building coverage and is advised to come back to the next meeting after speaking with Mr. Hinterstein. They would like to try to get the coverage percentage lower; she agrees. Application will be heard on February 9, 2023 with no further notice required.

9. **22-ZB-99V** **Kisha Horton**
 Bulk Variance
 Block 107, Lot 21.01; Zone: R-7.5
 1697 W 4th Street
 Applicant would like to install a gazebo in the backyard.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 7,500 square feet
 Proposed – lot area 5,356 square feet (existing)

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Required – 75 foot lot width
Proposed – 42.85 foot lot width (existing)

Required – 25 foot front yard setback
Proposed – 11.5 foot front yard setback (steps) (existing)

Required – 8 foot side yard setback
Proposed – 3.61 foot side yard setback (existing)

Required – 8 foot rear yard setback for an accessory structure
Proposed – 3.1 foot rear yard setback for an accessory structure (garage) (existing)

Required – 8 foot side yard setback for an accessory structure
Proposed – 1.10 foot side yard setback for an accessory structure (existing)

Required – maximum building coverage 20 percent
Proposed – 21.8 percent building coverage

21-613 Required – 75 foot lot frontage
Proposed – 42.85 foot lot frontage (existing)

*The proposed gazebo must be located, at minimum, 60 feet from the front yard property line or an additional variance will be required.

Action to be taken prior to March 27, 2023

Kisha Horton, the applicant, is sworn in to testify on her own behalf. Ms. Horton states that she would like to place a gazebo in her backyard. Mr. Kinneally asks if she will comply with his report stating that the gazebo must be 60 feet from the front yard setback and 8 feet from the side property line; she agrees. Chairman Cahill asks if there are any further questions or comments from the Board; none. Public open/closed.

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

12. 22-ZB-106V Dennia Duran
Bulk Variance
Block 10514, Lot 1.01; Zone: R-10
300 Highland Avenue
Applicant would like to construct a single story addition.

VARIANCES REQUIRED:

21-501 Required – 35 foot front yard setback
Proposed – 33.6 foot front yard setback
Proposed – 27 foot front yard setback (steps) (existing)

Required – 10 foot side yard setback
Proposed – 6.5 foot side yard setback

Required – 25 foot rear yard setback
Proposed – 8 foot rear yard setback (existing)

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*The air conditioning unit must be a minimum of 10 feet from the side yard property line or an additional variance will be required.

Action to be taken prior to April 9, 2023

Dennis Duran, the applicant, is sworn in to testify on her own behalf. Ms. Duran states that they would like to construct a single story addition to the side of their home. It will be a 320 square foot addition to house a master closet and main bathroom. Currently because of medical issues her mother-in-law will be moving in with them. The small spare bedroom that they do have they are planning to give to her; it is her current closet there is not enough space. This addition will help with an additional bathroom and closet to hold their clothing. Mr. Hinterstein states that he would really like to see an 8 ½ side yard setback instead of 6 ½ feet. Ms. Duran understands and agrees to the reduction.

Chairman Cahill asks if there are any questions from the Board; none. Public portion open/closed.

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

7. **22-ZB-21V** **Kalvin Somrah**
 Bulk Variance
 Block 303, Lot 50.01; Zone: R-7.5
 1807 W. 5th Street
 Applicant would like to construct a two-story addition, roof over front porch and 6' fence in the front yard.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 7,500 square feet
 Proposed – lot area 5,549 square feet (existing)
- Required – 75 foot lot width
 Proposed – 61.65 foot lot width (existing)
- Required – 25 foot front yard setback
 Proposed – 15.3 foot front yard setback (covered porch/steps)
- Required – 25 foot rear yard setback
 Proposed – 20 foot rear yard setback
 Proposed – 16 foot rear yard setback (steps) (existing)
- Required – 8 foot rear yard setback for an accessory structure
 Proposed – 6 foot rear yard setback for an accessory structure
- Required – maximum building coverage 20 percent
 Proposed – 28.15 percent building coverage
- 21-613** Required – 75 foot lot frontage
 Proposed – 61.65 foot lot frontage (existing)

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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, solid fence located within the front yard setback line (existing)

21-621 Required – no shed shall be constructed within 3 feet from any property line
Proposed – a shed located 1 ½ feet from the side yard property line (existing)

Action to be taken prior to December 22, 2022

Kalvin Somrah, the applicant, is sworn in to testify on his own behalf. Mr. Somrah states that he has reduced the size of the addition as asked previously by the Board. Mr. Hinterstein states that he has reviewed the plans and the coverage is now at 24.35 % where he had originally proposed over 26%; he has no issues with the application. Chairman Cahill asks if the Board has any questions or comments; none. Public portion open/closed.

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

13. **22-ZB-107V** **Anil Soni**
Bulk Variance
Block 6913, Lot 9: Zone: R-10
512 Plainfield Avenue
Applicant would like to retain existing deck.

VARIANCES REQUIRED:

21-501 Required – 25 foot rear yard setback
Proposed – 21.6 foot rear yard setback (deck) (existing)

Action to be taken prior to April 9, 2023

Anil Soni, the applicant, is sworn in to testify on his own behalf. Mr. Soni states that he is here to keep his deck. The deck was there when he purchased the home and he would really like to keep it. Mr. Hinterstein has no issues with the application. Chairman Cahill asks the Board if they have any questions or comments; none. Public portion is open/closed.

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

14. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF JANUARY 12, 2023:

- (a) **22-ZB-103V, DISH Wireless; Approved.**
- (b) **22-ZB-91V, NYSMSA Verizon; Approved.**
- (c) **22-ZB-92V, Jonathan Stuhl; Approved.**
- (d) **22-ZB-84V, Frank Barber; Approved.**

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- (e) 22-ZB-78V, Kenneth Mazariegos; Approved.
- (f) 22-ZB-95V, James Murray; Approved.
- (g) 22-ZB-87V, Thomas Varughese; Approved.
- (h) 22-ZB-98V, Prakash Sen; Approved.
- (i) 22-ZB-96V, Garry Soumar; Approved.
- (j) 22-ZB-100V, Sameh Abdelrahman; Approved.
- (k) 22-ZB-97V, Hugo Toranzo; Approved.

All in Favor: Mr. Weisman, Mr. Tillery, Mr. Patel, Mr. Blount, Mr. Hayducka, Mr. Ali, Mr. Mitterando and Chairman Cahill.

18. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF JAN. 12, 2023.

MOTION was made by Chairman Cahill to adopt the minutes; second by Mr. Weisman. **All in Favor:** Mr. Weisman, Mr. Tillery, Mr. Blount, Mr. Hayducka, Waqar Ali and Chairman Cahill.


19. ADJOURNMENT

MOTION was made by Chairman Cahill to Adjourn the meeting; second by Mr. Weisman.
ALL IN FAVOR: Aye

NEXT SCHEDULED MEETING IS FEBRUARY 9, 2023 AT 7:30 P.M.


The meeting was adjourned at 8:44 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 January 26, 2023 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on February 9, 2023.



SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT