

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, FEBRUARY 9, 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, , Roy O'Reggio, Kalpesh Patel, Steven Weisman, Waqar Ali, Artie Hayducka & Rodney Blount. **ABSENT:** Jeff Tillery

Also present: James Kinneally, Esq., 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 no changes to tonight's agenda.

- 5. 22-ZB-82V Evestar Properties, LLC**
Bulk Variance
Block 810, Lot 1.01; Zone: R-10
513 South Washington Avenue
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 6,432 square feet (existing)
- Required – 100 foot lot width
Proposed – 50 foot lot width (existing)
- Required – 35 foot front yard setback
Proposed – 7 foot front yard setback (porch)
Proposed – 4.5 foot front yard setback (steps)
- Required – 25 foot rear yard setback
Proposed – 24 foot rear yard setback (overhang) *
- Required – maximum building coverage 20 percent
Proposed – 25.4% percent building coverage
- 21-613** Required – 100 foot lot frontage
Proposed – 50 foot lot frontage (existing)
- 21-627** Required – air-conditioning unit must be a minimum of 10 feet from any property line and screened with fencing and/or plantings

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Proposed – air-conditioning unit 6.5 feet from the property line and not screened

- 24-702.3(d)** Required – an enclosed parking space must measure at least 12 feet in width by 20 feet in length with no obstructions
Proposed – an enclosed parking space measuring less than 12 feet in width by 20 feet in length

*Any roof overhang beyond 18 inches must comply with the principal structure setback requirements and also be included in the calculation for building coverage.

**Action to be taken prior to April 3, 2023
Attorney: Brian Schwartz**

Brian Schwartz, Attorney, is here to represent the applicant. Mr. Schwartz states that Evestar Properties is here to construct a new single family house at 513 South Washington Avenue. This is a challenging property, it is small and located on a corner of a very busy intersection. It is across from a commercial property and has some challenges. His client, who is a builder, wants to build a nice house which would be an asset to the neighborhood. He has notified the neighbors to see if they would like to purchase this lot or to sell some of their lot; no response after two weeks. It is not a property where they could buy a strip of land from someone.

Mr. Schwartz states that both neighbors have their driveways against this property; if they would sell some of their property they would lose their driveways and become non-conforming lots. Mr. Manish Karna, is sworn in to testify; he is the applicant. He is the managing member of Evestar Properties and they own 513 S Washington Avenue; he has been in business since 2014. They would like to build a 4 bedroom, 3 bathroom home with a two-car garage. The neighbor's driveway is currently encroaching on their property. They will have property markers put in to show the property lines. The home is near a park and is good for a family. Three letters were sent to the neighbors and no one has responded; it's been 23 days.

Mr. Parikosh Kumar, Architect, 472 Westfield Avenue, Clark, NJ is sworn in to testify. He is accepted by the Board. Mr. Kumar shares a color rendering with the Board, A-1, Washington Avenue and 11th Street. He states that the outside would will constructed of brick and stucco. There are older homes in the area that are 80-100 years old. He describes the home's exterior. There will be two garages, one will be set back from the other; this way it doesn't look like a big box and has some depth.

The home will be under the allowed height of 35 feet at 30 feet, 8 inches and will not have attic space. Any storage will be in the basement area. Mr. Kumar states it is an open floor plan and space is limited, but it will be a nice home. They need to have a full basement for storage and a play/entertainment area. They raised the first floor three feet so they can accommodate the basement windows.

Mr. Schwartz third witness is Matthew Wilder, the project Engineer. Mr. Wilder is sworn in to testify; Island Heights, NJ. He is a Planner and an Engineer; he is accepted. Mr. Wilder shares an aerial exhibit with the Board; A-2, color tax map. They highlighted the subject

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property in red. This was part of the Endertan Park subdivision in June of 1907. They made lots that were all 25 feet wide and 100 feet deep. At the time, the subdivision had two lots. Mr. Wilder explains the area in depth. They show 200' radius on the map and identified some of the other undersized lots in the area. There are many different zones in the area also. This property is located in the R-10 zone as are the properties to the east and the north-east. To the south is the LI Zone and to the west is the R-7.5 zone. Because of the zones in the area, there is a pretty wide array of uses.

They would like to construct a two-story, single family home on an isolated, undersized lot. He shares on the screen the plot plan that was submitted with the application. Mr. Wilder states that the home will have a two-car garage along with two parking spaces accessed by 11th Street. In the rear of the home there are stairs and a concrete pad which gives access to a sliding glass door and a door in the back of the garage. They are currently depicting the AC unit on the side of the home but if it creates a variance they will move it to the north side of the driveway so that it has the 10 foot setback; they will amend the plan to address that.

The property flows from the south west to the north east. It all flows through the property towards the adjacent properties. Their grading design has mimicked that but one exception, the roof drains for the home will direct all runoff into 11th street where it will travel along the gutter. The proposed development will result in less runoff being directed to any adjacent property. They have a no interest letter from the MCPB.

Mr. Wilder will now testify on a Planner. It is an isolated undersized lot and they are asking for some variance relief. There are three (3) variances associated with the lot that are unable to be changed; lot width, frontage and area. The home they would like to build is required 20% building coverage and they are proposing 25.4%. He lists all of the variances they are asking for relief of. The use is a permitted use and could be granted under the C1 or C2 variance criteria; 40:55d70c1 states that relief can be granted if there is an exception situation impacting the property.

They have a lot that is 35% smaller than the zone requires and it is also a corner lot and has two front yards. They have a building envelope that is 331 square feet and 5 feet wide. The case that really addresses this type of relief is the Dohlmeyer case vs. Lacey Township. He explains the case to the Board; they did send buy/sell letters. They supplies architectural plans and has the rendering of the home with multiple fascades.

Mr. Wilder shares A-1 on the screen to show the other similar lot in the area that is undersized. The setback on the other home is about 18 feet from the existing curb line to the nearest face of the structure. Their proposal would have 18.5 feet from the curb line to the home. They tried to be similar to other undersized homes in this area. There are no feasible ways to meet the required front yard setback to 11th Street and they are of the opinion that it is more important to have the 10 foot side yard setback for the neighbor.

Mr. Wilder states that the garage size is just undersized in both length and width; the second garage is under in width but longer than required. They believe it is important to have a two car garage. There are multiple curb cuts in the area and can make for difficult off street parking. He discusses the building coverage that exceeds the requirements. Mr. Schwartz states that the water runoff will be better after construction; Mr. Wilder agrees. Mr. Wilder states that there is no detriment by constructing a new home on this lot and adding architectural interest on the property.

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Mr. Wilder shows that tax map and shows the undersized homes in the area showing the sense of the building sizes in the area. The average size is just over 1,300 square feet and they are proposing 1,600 square feet. Mr. Wilder explains the goals and purposes of planning under the Municipal Land Use Law; G and I. They are proposing a residential home in a residential neighborhood as permitted. Mr. Schwartz states that the house of the scale will not have a negative impact on the neighbors; Mr. Wilder agrees. Mr. Wilder again goes over the variances requested; he doesn't believe there are any detrimental impacts to the properties.

Chairman Cahill asks if anyone on the Board has any questions or comments. Mr. Hinterstein states that this is not a use variance case, it is in a residential area and the Board recognizes that. He states that there are three (3) existing variances and those can't be corrected. The other variances need to show a hardship under the C1 or the C2 flexible analysis. Under the C2, the benefits that come out can not only benefit the owner or the builder of a project, building a house that is 5% over in coverage, that is 5 bedrooms, 2 car garage, that has nothing to do with the improvement of anyone else other than the owner.

Mr. Hinterstein states that he doesn't see the proofs for a C2. The community as a whole needs to benefit from the deviation in the ordinance. As far as the C1, if you take away the garage, the home is still in the high 2,000 square foot range. There is a cape on either side of this home so to say that this house is in character with the neighborhood, he just doesn't see it. It is a difficult lot, a corner lot, but he believes a better plan can be made where the home can be more in conformance with the ordinance. Better than a 4 foot setback from 11th street, less than 25% coverage. This house will be bigger than every other home on the block and testimony was not given to when the other homes were built.

Mr. Hinterstein believes that the hardship testimony is only a hardship to this developer. He asks Mr. Wilder if a smaller home can be built; yes it can. Chairman Cahill asks the Board if there are any further questions. He states that he would recommend to the applicant to reduce the home and send in revised plans. The application will be continued to April 27, 2023; applicant will renotice and submit revised plans for review.

6. **22-ZB-94V** **Patricia Malcolm**
 Bulk Variance
 Block 8202, Lot 24; Zone: R-10
 36 Palisades Avenue
 Applicant would like to enclose existing deck.

VARIANCES REQUIRED:

21-501 Required – 35 foot front yard setback
 Proposed – 25 foot front yard setback (steps) (existing)

 Required – 10 foot side yard setback
 Proposed – 8.9 foot side yard setback

 Required – 8 foot rear yard setback for an accessory structure
 Proposed – 1 foot rear yard setback for an accessory structure (shed) (existing)

Action to be taken prior to May 2, 2023

Patricia Malcolm, the applicant, is sworn in to testify on her own behalf. Ms. Malcolm states that they would like to enclose the existing deck and make a small deck to the side; they want

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a sunroom. Mr. Hinterstein states that he has no issue with the sunroom, but there is a large shed in the back about 1 foot off of the property line; it should be moved to a better location.

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

7. **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 and David Cape, the applicants, are sworn in to testify on their own behalf. Mrs. Cape states that she spoke to Mr. Hinterstein about the bump-out for the steps; they will have them inside of the addition as requested. Mr. Hinterstein states that they will not be adding any more coverage to the property if the stairs are relocated. It does resemble a two-family dwelling and the Capes are asked to have a Deed Restriction for a single family use only, they agree. Chairman Cahill asks the Board if there are any further questions; 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, Roy O'Reggio, Rodney Blount, Kalpesh Patel, Bill Mitterando, Artie Hayducka and Chairman Cahill. **NO ON THE MOTION:** None.

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8. **22-ZB-105V** **Harvey Quinonez**
 Bulk Variance
 Block 3101, Lot 2.01; Zone: R-10
 50 Sewell Avenue
 Applicant would like to retain 6' privacy fence located within the front yard setback and retain shed.

VARIANCES REQUIRED:

- 21-501** Required – 8 foot side yard setback for an accessory structure
 Proposed - .65 foot side yard setback for an accessory structure (shed) (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 within the front yard setback line

Action to be taken prior to May 7, 2023

Harvey Quinonez, the applicant, is sworn in to testify on his own behalf. Mr. Quinonez states that he would like to keep his 6' fence where he located it. Mr. Hinterstein would like the

fence moved back 10 feet from the property line unless he wants to install a 4 foot picket fence. Mr. Quinonez will move the fence back 10 feet from the property line. Mr. Hinterstein states that the shed also needs to be moved back; he recommends it to be 1.5 feet from the property line; applicant agrees. All items must be moved by June. No further questions from the Board. Public portion open/closed.

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

9. **22-ZB-104V** **Latasha Jones**
 Bulk Variance
 Block 410, Lot 6.01; Zone: R-7.5
 916 Walnut Street
 Applicant would like to construct a deck.

VARIANCES REQUIRED:

- 21-501** Required – 25 foot rear yard setback
 Proposed – 10 foot rear yard setback (deck)
 Proposed – 7.5 foot rear yard setback (existing)
- Required – 25 foot front yard setback
 Proposed – 24.3 foot front yard setback (Walnut Street) (existing)
- 21-601** Required – no encroachment in the right-of-way
 Proposed – block wall located within the right-of-way (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

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Proposed – a 6 foot, solid fence located within the front yard setback (Birchwood Drive) (existing)

Action to be taken prior to May 16, 2023

Latasha Jones, the applicant, is sworn in to testify on her own behalf. Ms. Jones states that they would like to put a deck up in their back yard. Mr. Hinterstein states that he doesn't have any issues with the deck, but the AC compressor needs to be screened with landscaping or a solid fence; applicant agrees. William Jones, the applicant, is sworn in. Mr. Jones asks to clarify how to buffer the AC unit. Mr. Hinterstein states they can put shrubs or a fence up. Mr. Jones states that there is a fence up now since they bought the home and is not visible. Mr. Hinterstein has no issue. No further questions from the Board. Public portion open/closed.

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

10. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF JANUARY 26, 2023:

- (a) **23-ZB-04V, HBR Properties; Approved.**
- (b) **23-ZB-05V, HBR Properties; Approved.**
- (c) **22-ZB-21V, Calvin Somrah; Approved.**
- (d) **22-ZB-99V, Kisha Horton; Approved.**
- (e) **22-ZB-106V, Dennia Duran; Approved.**
- (f) **22-ZB-107V, Anil Soni; Approved.**

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

11. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF JAN. 26, 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.

12. ADJOURNMENT

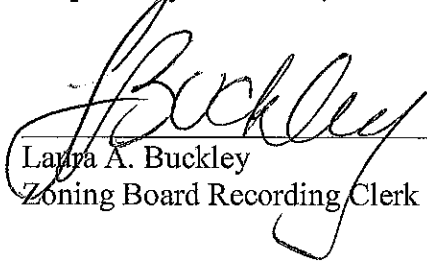
MOTION was made by Chairman Cahill to Adjourn the meeting; second by Mr. Weisman. **ALL IN FAVOR: Aye**

NEXT SCHEDULED MEETING IS FEBRUARY 23, 2023 AT 7:30 P.M.

The meeting was adjourned at 9:14 P.M.


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Respectfully Submitted,



Larra 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 February 9, 2023 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on February 23, 2023.


SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT