

**MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, FEBRUARY 10, 2022.**

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

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:** Roy O'Reggio, Jeff Tillery, Waqar Ali, Steven Weisman, Kalpesh Patel, Artie Hayducka, William Mitterando and Rodney Blount. **ABSENT:** Shawn Cahill

**Also present:** James Kinneally, Esq., 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; #11 on the agenda, 21-ZB-76V, Moon Builders, has been postponed until March 10, 2022; no further notice required.

- 5. 21-ZB-68V                      Bihari Patel**  
**Bulk Variance**  
**Block 9601, Lot 38; Zone: R-20A**  
**22 Bayberry Close**  
Applicant would like to install a fence within an easement.

**VARIANCES REQUIRED:**

- 21-501**            Required – minimum lot area 20,000 square feet  
Proposed – lot area 4,536.17 square feet (existing)
- Required – 100 foot lot width  
Proposed – 47.99 foot lot width (existing)
- Required – 150 foot lot depth  
Proposed – 117 foot lot depth (existing)
- Required – 15 foot side yard setback  
Proposed – 0 foot side yard setback (existing)
- Required – maximum building coverage 20 percent  
Proposed – 20.4 percent building coverage

- 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

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- 21-613** Required – 100 foot lot frontage  
Proposed – 47.99 foot lot frontage (existing)

**Action to be taken prior to February 10, 2022**

Bihari Patel and his son Brett Patel are both sworn in to testify. Brett Patel states that they are here because they would like to keep their fence in the easement. Mr. Hinterstein states that they need to move the fence two feet back from the sidewalk. Mr. Patel states that they want to keep it where it is. Mr. Hinterstein states that they need a buffer between the fence and the sidewalk so if they have to shovel snow or take care of the sidewalk there is room. Mr. Kinneally states that the fence isn't allowed at all in the easement and moving it two feet back is a good compromise. Mr. Patel states that they will comply.

Public portion: Ms. Gayatri, 23 Redbud Road, is sworn in. She states that there are fences all in the area and they should move it back from the sidewalk. Public closed.

**MOTION** was made by Vice-Chairman Steve Weisman to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Jeff Tillery, Roy O'Reggio, Artie Hayducka, Steven Weisman, William Mitterando, Kalpesh Patel and Waqar Ali. **NO ON THE MOTION:** None.

6. **22-ZB-01V** **Jonathan Stuhl**  
**Bulk Variance**  
**Block 9803, Lot 18; Zone: R-20**  
**10 Dunbar Avenue**  
Applicant proposes to install a swimming pool and equipment.

**VARIANCES REQUIRED:**

- 21-601** Required – no open space, municipal drainage way, right-of-way or easement contiguous to any building shall be encroached upon or reduced in any manner  
Proposed – a fence located over a sanitary sewer easement (existing)
- 21-618** Required – a swimming pool shall not be constructed any closer than 40 feet to the street line  
Proposed – a swimming pool located 10 feet to the property line (Morris Lane)
- 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 within the front yard setback line (Morris Lane) (existing)

**Action to be taken prior to May 8, 2022**

Jonathan Stuhl, the applicant, is sworn in to testify on his own behalf. Mr. Stuhl states that they would like to put an inground pool in their backyard. The pool will comply with the 10 foot setback as required. Mr. Hinterstein states that in reference to the retaining wall, there

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was not a grading plan or topography plan included; will the fence be in that wall. Mr. Stuhl states that the property is on a slope, the grade drops, and they need to put in the retaining wall, the fence will not be in that wall. Mr. Hinterstein has no objections of the application. Public portion open/closed.

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

7. **21-ZB-83V** **Thanh Le**  
**Bulk Variance**  
**Block 8102, Lot 20; Zone: R-20**  
**6 Summershade Circle**  
Applicant would like to retain existing privacy fence within the front yard setback and existing accessory structure.

**VARIANCES REQUIRED:**

- 21-501** Required – minimum lot area 20,000 square feet  
Proposed – lot area 15,089 square feet (existing)  
  
Required – 8 foot rear yard setback for an accessory structure  
Proposed – 2.44 foot rear yard setback for an accessory structure (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 27.98 feet from the property line (Mimosa Lane)

**Action to be taken prior to May 1, 2022**

Thahn Le, the applicant is sworn in to testify. She states that when they bought the house there was a chain link fence and they just changed it to a wooden fence. They got a permit but it was denied for the setback. Mr. Hinterstein states that he doesn't see any big issues with this application, they are located almost 28 feet back and encroaches into the setback about 7 feet. The site corridor isn't impacted by the application and the shed seems to have been there for a really long time. Vice-Chairman Weisman asks if there are any questions from the Board; none.

Public portion open: Jesus Munoz, 3 Mimosa Lane, is sworn in to testify. He states that he lives behind the property. He wanted to put up a pool and was told he had to move it over and his fence too. He doesn't understand why his contractor told him that. Mr. Kinneally explains that the contractor was correct, but he could have applied for a variance just as this applicant is doing. Mr. Munoz states that the fence is facing the wrong way. Mr. Hinterstein states that they can call Code Enforcement and they would have to turn the fence around. Public closed.

**MOTION** was made by Vice-Chairman Weisman to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Jeff Tillery, Roy O'Reggio, Artie Hayducka, Steven Weisman, William Mitterando, Kalpesh Patel and Rodney Blount. **NO ON THE MOTION:** None.

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8. 21-ZB-81V Angela E. Christmas  
Bulk Variance  
Block 8306, Lot 39.01; Zone: R-10  
15 Charlton Avenue  
Applicant would like to construct a sunroom and renovations to make home handicap accessible.

**VARIANCES REQUIRED:**

**21-501** Required – 35 foot front yard setback  
Proposed – 31.2 foot front yard setback

Required – 25 foot rear yard setback  
Proposed – 17.7 foot rear yard setback

**21-3** Required – steps can encroach 5 feet into the front yard setback  
Proposed – steps encroaching 5.7 feet into the front yard setback

\*The architectural drawings show a kitchen and a “mini galley.” Only one kitchen is permitted by ordinance or an additional variance will be required.

**Action to be taken prior to April 15, 2022**

**Attorney: John DeLuca**

John DeLuca, Attorney, is here to represent the applicant. Mr. DeLuca states that Ms. Christmas has some disabilities and would like to make the home more comfortable with easier access. The application proposes to enclose the open front porch, add a new front porch and construct a sunroom in the rear yard. Also a deck with a handicap ramp in the rear yard. Ms. Christmas is sworn in. She states that the back yard is on a hill and a she would like to be able to enjoy it with the deck and the sunroom. She inherited the home from her Father and Step-mother when they passed away.

Ms. Christmas states that there will be some interior changes as well. She was in an accident and her Achilles heal was damaged so she has trouble going up and down stairs. The laundry facilities are in the basement so she would like to put in an elevator in since she has nerve damage and can't navigate the steps.

Catherine Mueller of Page Mueller Engineering is sworn in to testify; she is accepted by the Board. Ms. Mueller shares her screen with the Board. The property is in a R-10 zone, 150 feet wide by 100 feet in depth. She explains the dimensions of the proposed work and shows them on her screen. The basement will have egress and will be a walk out basement. In the back of the home there will be a flat patio then it goes into a handicap ramp for access to the deck. Because of the renovations, they will be moving the generator and pad.

Scott Murphy, Architect, is sworn in. He is here on behalf of the company and is the Project Manager. Mr. Kinneally asks Mr. DeLuca what is he being a witness for. Mr. DeLuca states that he is offered as an Architectural expert. Mr. Murphy states that he has a Bachelor's in Architecture but is not licensed in the State of New Jersey. Mr. Kinneally states that they can accept Mr. Murphy as an individual who is going to give the Board some architectural testimony but know that he is not licensed. Mr. Murphy states that Ms. Christmas has been a resident of Piscataway for a very long time and would like to make this her forever home.

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Mr. Murphy states that the front porch is currently opened and they would like to enclose that to make a foyer and add another front porch. He explains the new layout of the home. There is a 3 foot wide space, counter top, mini-fridge and microwave, it will not be a second kitchen. Mr. Hinterstein asks about the ramp on the plans that show it from the front yard. Mr. Murphy states that the plans have changed and the ramp is in the rear of the home now. Mr. Hinterstein asks why are they still asking for variances if they're not doing the ramp in the front. The steps in the back are 3 feet wide; Mr. Hinterstein states that they look larger.

Mr. Hinterstein states that the deck seems to be very large; it's seems large for the variance that they are requesting in the back. Mr. Murphy states that this size deck is good for entertaining. Ms. Mueller states that when they came on this project, they were already working on the architectural plans and then decided to move the ramp to the back.

Jim Higgins, PP, is sworn in to testify. Mr. Higgins states that the reasons for granting the variance could be granted under the C-2 criteria. The benefits substantially out way the detriments. The renovations will give Ms. Christmas better access to her home. Mr. Higgins states that from personal experience, 14 feet is the absolute minimum for a deck size. He lived for years with a disabled woman and they have a 20 foot deck and that was too small. The setback is measured to the ramp, not the deck, and the ramp is lower than the deck. The canopy variance is minimal, it is open. It would help keep the front porch covered in inclement weather. Mr. Higgins believes that the house would be more usable for Ms. Christmas with the renovations they are proposing. No further comments from the Board.

Public portion open: Lorraine Cook, 16 Melrose Avenue, is sworn in. She lives directly behind the applicant. Mr. Cook would like to know the distance between the deck and her property line; it will be 17.7 feet. No further comments. Public portion closed.

**MOTION** was made by Vice-Chairman Weisman to approve the application; seconded by Mr. Tillery. **YES ON THE MOTION:** Jeff Tillery, Roy O'Reggio, Artie Hayducka, Steven Weisman, William Mitterando, Kalpesh Patel and Rodney Blount. **NO ON THE MOTION:** None.

9.     **21-ZB-43V**                   **Bala Subramanian**  
  **Bulk Variance**  
  **Block 11701, Lot 9.20; Zone: R-15**  
  **14 Waldhaven Court**  
  Applicant would like to reconstruct an existing accessory structure.

**VARIANCES REQUIRED:**  
**21-3b (Accessory Structure)**

Required – in residential zones, an accessory building shall not exceed 25 feet by 25 feet or 625 square feet  
Proposed – an accessory structure 50.21 feet by 27.48 feet or 1,379.77 square feet (existing)  
Proposed – an accessory structure 20 feet by 38 feet or 760 square feet (existing)

**21-501**                   Required – maximum building height for an accessory structure, 18 feet  
Proposed – an accessory structure 23 feet in height (existing)

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Required – 8 foot side yard setback for an accessory structure  
Proposed – 6.8 foot side yard setback for an accessory structure (existing)

Required – 8 foot rear yard setback for an accessory structure  
Proposed – 7.2 foot rear yard setback for an accessory structure (existing)

**Action to be taken prior to February 20, 2022**

Bala Subramanian, the applicant, is here on his own behalf. Mr. Kinneally explains to Mr. Subramanian that it has come to the Board's attention that several neighbors have called the Township stating the he intended on making the structure into a soup kitchen. Mr. Subramanian states that he doesn't know what exactly he wants to do with the structure yet, he just wants to build it. Mr. Kinneally explains that the Board will no hear from him this evening and he needs to amend his application and state what he will be using the structure for. Mr. Subramanian states he just wants to build it. Mr. Kinneally again explains that the Board will not be taking testimony from him this evening and he needs to amend his application and apply for a Use Variance if he intends on using it for a soup kitchen. The application is postponed until March 10, 2022 with no further notice.

- 10. 21-ZB-80V Alka Srivastava**  
**Bulk Variance**  
**Block 2101, Lot 2.02; Zone: R-20**  
**5 Marissa Court**  
Applicant would like to construct a deck with partial roof in rear yard.

**VARIANCES REQUIRED:**

- 21-501** Required – 150 foot lot depth  
Proposed – 100 foot lot depth (existing)
- Required – 40 foot front yard setback  
Proposed – 31 foot front yard setback (existing)
- Required – 30 foot rear yard setback  
Proposed – 14.5 foot rear yard setback (deck)
- 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)

**Action to be taken prior to May 8, 2022**

Alka Srivastava, the applicant, is sworn in to testify. Ms. Srivastava states that they would like to remove the 8' x 10' deck and replace it with a 16' x 25' deck with half of the deck covered by a roof. The property is long at 200 feet wide and only 100 feet deep so there is no room for it that is why they are encroaching. Ms. Srivastava states that they read the letter from Mr. Hinterstein and would like to go through it. Covid has affected their lives and there are travel restrictions and social gathering restrictions. They built the sunroom back in 2015 with a small deck and it was sufficient at that time. The new deck will create new variances; they would like to be comfortable with a larger deck for social distancing and entertainment.

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Mr. Hinterstein states that the sunroom that was approved was 17.9 feet from the property line; the proposed deck is closer at 13.9 feet from the property line. The lots in this area are wide, not deep but there is plenty of space on the sides of the property. He doesn't want to see a ton of structures encroaching in the setback. Mr. Hinterstein states that he doesn't see the hardship and it can be relocated somewhere else. He states that the deck should at least be in line with the sunroom that is already there.

Mr. Srivastava states that the proposed deck will not be obstructing anything, it's in their backyard. Mr. Hinterstein states that they can do a paver patio and doesn't require a variance like the deck would. The setback is supposed to be 30 feet and they're asking for 13 feet, it's very close to the property line. You can place a patio and enjoy it on other parts of the property; this is an extreme variance. We can't ignore the setbacks for this zone; we can work with the applicant if they are willing to compromise and reduce the size of the deck. If they can take it back and limit the overhang and the deck can never be enclosed.

Mr. Kinneally states that since the applicant compared this applicant to the last he would like to make two points. Each application stands on their own merit, two can't be compared. The last application was looking for an 8' rear yard setback, this is looking for almost twice that. Ms. Srivastava apologizes for comparing. The reason why they want it outside is so that they have easy access or entertainment. The deck is right next to the kitchen area and it's easy access. They don't want the patio because if family visits from India they can have a hard time going up and down the steps.

Ms. Srivastava states that some of her neighbors have bigger decks than they are proposing. Mr. Kinneally states that that doesn't mean that they are permitted or that they got the property permits or variance; don't compare their property to other properties. Mr. Srivastava states that they have like 400 feet in the back and no one is back there. They will put in writing that the covered portion will never be enclosed. Mr. Kinneally states that Mr. Hinterstein was suggesting that they reduce the size of the deck. Ms. Srivastava states that they would like to keep it this size and provides proper access.

Mr. Kinneally states that to be approved by the Board, they need to put on certain legal proofs. One of the proofs that is not included is that it is the ideal plan for the applicant. It is decided that the applicant's need to revise the plans and come back to the Board; March 10, 2022. Vice-Chairman Weisman states that they need to get an Attorney or a professional to help put the correct proofs on record. The Board will not vote on this application this evening. No further notice required.

**12. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF JAN. 27 2022:**

(a) N/A

**13. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF JAN. 27, 2022**

**MOTION** was made by Mr. Weisman to adopt the minutes; second by Mr. Patel. **All in Favor:** Steve Weisman, Kalpesh Patel, Roy O'Reggio, William Mitterando.

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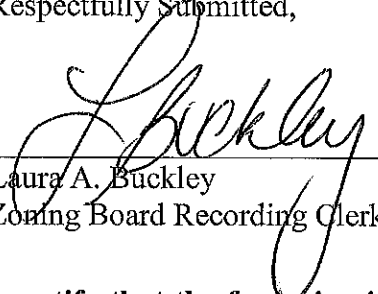
**14. ADJOURNMENT**

**MOTION** was made by Chairman Cahill to Adjourn the meeting; second by Mr. Patel.  
**ALL IN FAVOR:** Kalpesh Patel, Mr. O'Reggio, Mr. Mitterando, Steven Weisman, Mr. Hayducka and Chairman Cahill.

**NEXT SCHEDULED MEETING IS FEBRUARY 24, 2022 AT 7:30 P.M.**

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

Respectfully Submitted,



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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 February 10, 2022 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on February 24, 2022.**



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**SHAWN CAHILL, SECRETARY**  
**PISCATAWAY ZONING BOARD OF ADJUSTMENT**