

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, FEBRUARY 11, 2021.

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: Jeff Tillery, Roy O'Reggio Kalpesh Patel, Warren Zimmerman, Steve Weisman, William Mitterando, Waqar Ali and Chairman Shawn Cahill, **ABSENT:** Rodney Blount.

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 is one change to tonight's agenda. 20-ZB-60V, Shobra Chopra has been postponed until March 11, 2021-no further notice required.

5. 20-ZB-85V

**Jonathan Stuhl
Bulk Variance
Block 9803, Lot 18; Zone: R-20
10 Dunbar Avenue**

Applicant proposes to install a fence within an easement.

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

Required – 8 foot rear yard setback for an accessory structure
Proposed – 6 foot rear yard setback for an accessory structure (shed) (existing)

Action to be taken prior to April 20, 2021

Jonathan Stuhl, the applicant, is sworn in to testify on his own behalf. Mr. Stuhl states that he would like fence in the rear yard and on the one side of the property there is a 20 foot wide sanitary sewer easement. They would like to cross the easement and put up the fence. Mr. Kinneally asks the applicant if he understands that if the easement is ever necessary in the future, it is up to the applicant to remove and replace the fence; Mr. Stuhl agrees. Mr. Hinterstein has no issues with the fence. Public portion open/closed.

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MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Weisman. **ROLL CALL:** Steve Weisman, Kalpesh Patel, Jeff Tillery, Roy O’Reggio, Warren Zimmerman, William Mitterando and Chairman Cahill.

- 6. 20-ZB-83V Noel J. Pimentel-Meson**
Bulk Variance
Block 210, Lot 140; Zone: R-7.5
308 Oak Place
Applicant proposes to install a fence within an easement.

VARIANCES REQUIRED:

- 21-602** 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

Action to be taken prior to April 1, 2021

Noel Pimentel-Meson, the applicant, is sworn in to testify on his own behalf. Mr. Meson states that they would like to put up a fence within an easement. Mr. Kinneally states if the easement needs to be accessed for any reason, it’s up to the applicant to remove and replace the fence. Mr. Meson agrees. Mr. Hinterstein does not have any issues with the application. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **ROLL CALL:** Steve Weisman, Kalpesh Patel, Jeff Tillery, Roy O’Reggio, Warren Zimmerman, William Mitterando and Chairman Cahill.

- 7. 20-ZB-82V Ernesto Cedillos**
Bulk Variance
Block 11217, Lot 23; Zone: R-15
42 Mitchell Avenue
Applicant proposes to convert the existing garage into living space.

VARIANCES REQUIRED:

- 21-1102** Required – garage
Proposed – no garage

Action to be taken prior to April 1, 2021

Dave Baran, the contractor, is sworn in to testify for the applicant. Mr. Cedillos is on the Zoom meeting if he needs to testify. Mr. Kinneally asks if Mr. Baran will be speaking on Mr. Cedillos behalf; yes he will be. Mr. Baran states that he works for 5 Star Remodeling. He states that the applicant would like to create living space in the two car attached garage. Presently there are seven members of the family living in the home, he has pictures of the home if the Board needs to see. They have four children all attending Piscataway Schools. Mrs. Cedillos has been a life time resident of Piscataway and have lived in this home over seven years. They just want to turn the garage into extra living space.

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Mr. Kinneally asks if they have reviewed Mr. Hinterstein’s February 9th staff memorandum; they have. Item number 1, it states that a minimum of one car garage needs to be maintained as per ordinance. Mr. Baran states that that means they can only use one of the sides of the garage for living space; Mr. Hinterstein agrees. He states that the requirement is to have a garage, so there is a couple of ways to approach it. Mr. Hinterstein states that if they want to convert both sides of the garage, they can build a new garage (attached or detached); there is room on their property. Or they could just maintain a single car garage which must be 12 feet by 20 feet. They would have to weigh how they would like to proceed.

Mr. Hinterstein states that if they want all of that living space, the best solution could be to build a small garage next to the house. Mr. Baran asks if it could be just a covering; Mr. Hinterstein states that it has to be a garage, with walls. It could even be one that’s built in Pennsylvania and shipped, but it has to be able to handle a car. Mr. Baran states that when they hand in the paperwork to finish the living space, at the same time they can put in the permits for a new garage.

Mr. Hinterstein states that the issue they can run in to is that the property is a corner lot and they have two frontages. They need to see what the bulk requirements are; there are some pros and cons to this being a detached accessory structure. They would have to see the best way to do this. Mr. Baran states that the other way to go is if they just turn half of the garage into living space; Mr. Hinterstein agrees. A long as it’s a 12 x 20 space, they wouldn’t need to come back to the Board. Mr. Baran states that he will discuss it with his client and let the Board know.

If the applicant wants to add a detached garage, they might need variances for the front yard setback and will have to come back to the Board. If they only convert half of the garage, they don’t need to come back and can get their building permits. Mr. Kinneally states that any revised plans would have to be in the Board no less than 10 days prior to the hearing. The application will be continued to March 11, 2021 with no further notice. Public portion open/closed.

- 8. 20-ZB-54V Prakash Patel
Bulk Variance
Block 1824, Lot 7.01; Zone: R-7.5
2 Art Place**
Applicant proposes to install a 14 x 24 carport.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 7,500 square feet
Proposed – lot area 7,492.32 square feet (existing)
- Required – 25 foot front yard setback
Proposed – 19.7 foot front yard setback (existing)
Proposed – 13.5 foot front yard setback (porch) (existing)
- Required – 8 foot side yard setback
Proposed – 4 foot side yard setback (overhang) (existing)
- Required – 25 foot rear yard setback
Proposed – 14.8 foot rear yard setback (existing)
- Required – 75 foot lot width
Proposed – 50 foot lot width (Hanover Street) (existing)

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Required – maximum building coverage 20 percent

Proposed – 23.7 percent building coverage

Required – 60 foot front yard setback for an accessory structure

Proposed – 19.7 foot front yard setback for an accessory structure (carport)

Required – 8 foot rear yard setback for an accessory structure

Proposed – 0 foot rear yard setback for an accessory structure (carport)

21-601

Required – no encroachment into the right-of-way

Proposed – pavers partially located within the right-of-way (existing)

21-606

Required – no fence shall be located within the sight triangle

Proposed – a portion of the fence is located within the sight triangle (existing)

21-613

Required – 75 foot lot frontage

Proposed – 50 foot lot frontage (Hanover Street) (existing)

21-621

Required – no shed shall be located within three feet of any property line

Proposed – sheds located 2.5 feet from the side yard and rear property lines

(existing)

Action to be taken prior to April 11, 2021

Prakash Patel, the applicant, is sworn in to testify on his own behalf. Mr. Patel states that he would like to have a freestanding carport to protect his car near the porch that comes out of the kitchen. The property was built in the 60's and it's an odd shape lot and there are a lot of setbacks, that is why he has to go for the variance. Mr. Kinneally asks Chairman Cahill to discuss this with Mr. Hinterstein. Mr. Hinterstein states that the issue with this application is that there are proposing this open carport with a zero yard setback.

Mr. Hinterstein states that the adjacent home is only about 7 feet from the property line. To allow no setback whatsoever to the property next to them is sort of a deal killer. He states that it is a corner property, they do have additional space on the other side of the property. He believes that there are a couple of other things that they can do. They could probably put it on the other side of the house and perhaps create a walk; the property is 125 feet wide and the carport could be in that location and meet the front yard setback from the adjacent street. It's tough to say that there's a hardship when there appears to be an area that this carport could be put that would not impact the neighboring property as severely as it would in the proposes location.

Mr. Hinterstein states that his suggestion is the left side of the house to try to come up with an alternate solution if that's the way they want to go; but to put it on the right hand side where there is not setback, he just can't see that happening. It does have an odd shape to this lot, there is any area that is about 25 feet wide in the rear on the right hand side. That is another possible location that would at least comply with the front yard setback for an accessory structure. It wouldn't comply with the side yard setbacks. Mr. Patel states that he tried that going in the back, but he can't satisfy the right and left setback. Mr. Hinterstein states that it would be better than a zero foot setback where it's proposed.

Mr. Hinterstein if they have a 12 foot wide carport and there is a 25 foot area, that still leaves them with thirteen feet with approximately 6-6.5 feet on either side of the carport; if he moved it back and centered it. It would be in front of the two sheds that are in the back. He could relocate the shed that is at the end of the driveway. He's not saying that it is the best solution, but it could

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be a possible solution. The other solution is moving it to the other side of the property. Again, zero setback is not a hardship to justify that location. There are a lot of variances being asked for in reference to this carport in its current proposed location. Mr. Patel states that he needs an 8' setback; Mr. Hinterstein states that the back of his house is actually a side yard is 8 feet. It would be closer to compliance for the side yard than going for the front yard. Mr. Hinterstein believes that he might still need some variances on the other side of the house, but these could be looked on more favorably.

Mr. Patel understands but it will cost too much and decrease value of his property. He is getting older and doesn't want to shovel the snow. Mr. Hinterstein states he understands his concerns, but there are zoning laws and there is a neighbor that is seven feet away from this carport. He can't see a variance of zero to 1 foot getting passed by the Board. Chairman Cahill asks the applicant to work with Mr. Hinterstein and the office to revise the plan. The application is carried to March 11, 2021 with no further notice. Revised plans have to be in 10 days prior to the hearing.

10. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF JAN. 28, 2021:

- (a) **20-ZB-79V, T-Mobile Northeast;** Application was approved.
- (b) **20-ZB-77V, Ozcan Uzun;** Application was approved.

All in Favor: Zimmerman, Weisman, Kalpesh Patel, Roy O'Reggio, Rodney Blount, Chairman Cahill.

11. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF JAN 28, 2021

All in Favor: Zimmerman, Weisman, Kalpesh Patel, Roy O'Reggio, Rodney Blount, Chairman Cahill.

12. ADJOURNMENT

MOTION was made by Mr. Zimmerman to Adjourn the meeting; second by Mr. O'Reggio.

ALL IN FAVOR: Jeff Tillery, Steve Weisman, Mr. O'Reggio, Mr. Patel, Rodney Blount, Mr. Zimmerman and Chairman Cahill.

NEXT SCHEDULED MEETING IS FEBRUARY 25, 2021 AT 7:30 P.M.

The meeting was adjourned at 7:59 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 February 11, 2021 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on March 11, 2021.

Shawn Cahill, Secretary & Chairman