

**MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, MARCH 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 Steven Weisman, Warren Zimmerman, Rodney Blount, William Mitterando, Waqar Ali and Chairman Shawn Cahill, **ABSENT:** Kalpesh Patel

**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 Kinneally states that there are some changes to tonight's agenda. 20-ZB-82V, Ernesto Cedillos, has withdrawn his application without prejudice. 20-ZB-49V, Wael O. Hamed, has been postponed until April 8, 2021; applicant will notice.

- 6. 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)
- Required – maximum building coverage 20 percent  
Proposed – 23.7 percent building coverage

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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, was sworn in at the last meeting and is still under oath. Mr. Kinneally asks Mr. Patel to please advise the Board of any changes he has made from the last application on February 11, 2021. Mr. Patel states that he had good discussions with Mr. Hinterstein after the last meeting. His original proposal was a 14 x 24 carport, he will compromise and bring it down to a 12 x 24 foot carport. It is difficult to sell without a garage or carport. Mr. Kinneally states that originally the applicant proposed a 14 x 24 foot carport, now he's proposing a 12 foot by 24 foot carport in the same spot; applicant agrees.

Mr. Hinterstein states that Mr. Patel had called him and he tried to explain that the side yard setback whether it be zero feet or two feet was just too severe of a setback when there is a neighboring property that is in conformance. He states that they discussed that the ordinance is in place for a reason so that structures aren't built on top of each other so they don't impact their neighbors property with a structure that close. In this case, the carport could be moved back to the little finger portion of the yard where there would be a 6 foot side yard, or even 6.5 foot, and would be more in compliance with the ordinance. The other side of the house could be used as a carport area with a secondary drive being added. The cost factor is not a hardship for zoning purposes.

He tried to guide him (Mr. Patel) in a manor that he thought the application would be looked upon more favorably. From this revision, it doesn't seem like he is going to move it into another location where there is a setback problem. Eight feet is required, he is proposing two feet. Chairman Cahill asks if anyone else on the Board has any questions; hearing none, he opens it to the public. Mr. Kinneally asks if he has any other witnesses; he does not.

Public portion open:

1. Michael Weseloski, 32 Camelot Drive, Farmingdale, NJ. He is here speaking on behalf of the neighbors at 4 Art Place which are his parents. He states that Mr. Patel has not provided a hardship. Some houses in the area were built with garages, some were not.

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The applicant's simple willingness and desire to have this feature does not provide a hardship. The applicant has not provided any proofs for the Board to approve the variance. The application would be a detriment to the Land Use Law and would not advance public good and would be an eyesore and detriment to the surrounding area. He is against the application as proposed and ask the Board not to look favorably.

**MOTION** was made by Chairman Cahill to deny the application; seconded by Mr. Zimmerman.  
**ROLL CALL:** Steve Weisman, Rodney Blount, Jeff Tillery, Roy O'Reggio, Warren Zimmerman, William Mitterando and Chairman Cahill.

- 7. 21-ZB-03V Suzanne Hennessey  
Bulk Variance  
Block 1203, Lot 8; Zone: R-10  
64 Sefton Circle**  
Applicant proposes to construct a roof over the front porch and a variance for an existing shed.

**VARIANCES REQUIRED:**

- 21-501** Required – 35 foot front yard setback  
Proposed – 30.9 foot front yard setback
- 21-613** Required – 100 foot lot frontage  
Proposed – 99 foot lot frontage (existing)
- 21-621** Required – shed located 3 feet from any property line  
Proposed – shed located .7 feet over the property line (existing)

**Action to be taken prior to June 2, 2021**

Suzanne Hennessey, the applicant, is sworn in to testify on her own behalf. She states that they would like to add a portico and overhang over her front porch. Mr. Hinterstein asks if the applicant had a chance to read the staff report. She has and the only comment is that the shed on the survey has been removed and a new permitted shed was installed on the property. The porch must remain open, Ms. Hennessey agrees. Chairman Cahill asks if the Board has any questions, hearing none, public portion is open; closed.

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

- 8. 20-ZB-32V LaPorta Builders, Inc.  
Final Major Subdivision  
Block 1401, Lots: 4.01 & 15.01; Zone: BP-II  
15 Stelton Road/ Maple Avenue**  
Applicant is in front of the Board for a final approval. All conditions of the preliminary application have been met.

**Attorney: John Wiley  
Action to be taken prior to June 7, 2021**

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Lawrence Lavender, Attorney, is here to represent the applicant. Mr. Kinneally asks Mr. Hinterstein if he has anything to say on this application. Mr. Hinterstein states that he believes that the revised set of plans have been approved, the bonding has been put in place and he is not aware of any outstanding conditions for the application. He asks Mr. Lavender if he provided the contract between the applicant and the administrative agent for the affordable units? His witness (Jim) has applied to the administrative agent, CGP & H. They will provide the contract to the Township once it is received. Mr. Hinterstein doesn't see anything else outstanding.

Mr. Kinneally states that final major subdivision applications are pretty routine, once the applicant has provided all of the requested information and satisfied all of the conditions prior to being scheduled. Chairman Cahill asks the Board if there are any questions, seeing none, the public portion is open/closed.

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

- 9. 20-ZB-16V (Amended) Mudhushudham Soni  
Bulk Variances  
Block 1217, Lot 30.01; Zone: R-10  
151 Sherman Avenue  
Applicant is here to amend a previously approved plan.  
Attorney: John Sullivan**

John Sullivan, Attorney, is here to represent the applicant. He states that this application was approved by the Board previously in September of 2020. The Township of Piscataway did in fact appeal that decision, they were able to work a resolution out with the Township and it's a conditional settlement conditioned upon this Board approving the revised plans. This property is located at 151 Sherman Avenue, block 1217 lot 30.01 on the tax map in the R-10 zone and the property is currently being improved with a single family dwelling that is not in very good condition.

Mr. Sullivan states that the revised plans that were submitted are the variance plans prepared by Steve Druga, AIA, May 10, 2020 and revised January 18, 2021. There are also revised elevations with the same dates as the plans. The variances that are required are for lot area, 10,000 square feet is required and 5,000 is existing and proposed. Lot width and frontage, 100 feet is required and 50 feet is existing and proposed. Building coverage is 20%, they are proposing 21.3% which is a slight reduction from what was previously approved.

Steve Druga, Architect, 250 Stelton Road, Piscataway, was sworn in to testify; he is accepted. Mr. Druga states that the existing dwelling on the site is a half story cape with a detached garage. It also has an attached rear covered porch and everything on the site is overgrown; it hasn't been occupied in years. He was hired to do the plans and alterations and an addition to that structure adding a second floor. During his inspections of the house, he found that the house was in really bad shape and in need to be replaced. There was significant crawl space damage, water damage, termite and rot. There was parts of the ceiling missing in the rear of the home and everything was being exposed to the weather. Mr. Druga states that based on his inspections, the best option would be do is to demolish that structure and construct a new building.

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Mr. Druga states that in the revised proposal, they are asking for a lot coverage variance. The structure was downsized to fit within the footprint so they will not have any variances for front yard setback, side yard setback and rear yard setback. All of the dimensions comply within the footprint. The proposed structure will be a two-story home with an attached garage, four bedrooms, living room, dining room, open floor plan with stairs to the second floor and a full basement. Total square footage of the home is approximately 1,800 square feet not counting the garage. The only variances they need are for lot coverage and lot size which is existing. The original approval of lot coverage was 22.7% and they are now proposing 21.3%.

Mr. Kinneally states that this is what is called a Whispering Woods application, they are here tonight to approve or deny the proposed settlement and the applicant has now explained to the Board what the proposed settlement is. The variances or lot coverage are less than what the Board previously approved and the applicant has gotten rid of variances and setback issues that the Board previously approved. Chairman Cahill asks if anyone from the Board has any questions, hearing none, he opens the application to the public; public closed.

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

- 10. 21-ZB-05V                      Kervin Lopez Salcedo**  
**Bulk Variances**  
**Block 202, Lot 45; Zone: R-7.5**  
**216 Hazelwood Place**  
Applicant proposes to install a shed, patio cover and an above ground pool.

**VARIANCES REQUIRED:**

- 21-501**                      Required – minimum lot area 7,500 square feet  
Proposed – lot area 5,942 square feet (existing)
- Required – 75 foot lot depth  
Proposed – 64.6 foot lot depth (existing)
- Required – 25 foot front yard setback  
Proposed – 12.9 foot front yard setback (existing)
- Required – 8 foot side yard setback  
Proposed – 3.1 foot side yard setback
- Required – 25 foot rear yard setback  
Proposed – 7 foot rear yard setback

- 21-617**                      Required – a pool shall be located only in the rear yard  
Proposed – a pool located in the side yard

**Action to be taken prior to June 10, 2021**

Kervin Lopez Salcedo, the applicant, is sworn in. Mr. Salcedo asks if his wife can testify on their behalf; Darissa Lopez is sworn in to testify on their behalf. Ms. Lopez states that they would

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like to add a patio cover in the rear of the house, add a shed to the side of the house and an above ground pool on the side yard of the house. Mr. Hinterstein asks if they received a copy of the staff report; they have. Item #1, can they move the patio cover one foot in from the corner of the back of the property so that it's a little further away from the side yard; they agree. Ms. Lopez states that they will agree with all the conditions of the report. The pool will be 10 feet in from the property line and the shed will be 3 feet in from the property line. Patio cover will be six feet from the rear lot line. The chain link fence has been removed, about three weeks prior to the hearing.

Chairman Cahill asks if anyone from the Board has any questions, hearing none, he opens the application to the public; public closed.

**MOTION** was made by Chairman Cahill to approve the application; seconded by Mr. Tillery.

**ROLL CALL:** Steve Weisman, Rodney Blount, Jeff Tillery, Roy O'Reggio, Warren Zimmerman, William Mitterando and Chairman Cahill.

**11. 20-ZB-60V Shoba Chopra  
Bulk Variances  
Block 8101, Lot 7.01; Zone: R-20  
82 School Street**

Applicant proposes to construct a one story rear yard addition.

**VARIANCES REQUIRED:**

**21-501**

Required – minimum lot area 20,000 square feet

Proposed – lot area 16,997.6 square feet (existing)

Required – 100 foot lot width

Proposed – 75 foot lot width (existing)

Required – 15 foot side yard setback

Proposed – 9 foot side yard setback

Required – maximum building coverage 20 percent

Proposed – 23.3 percent building coverage

Required – 8 foot side yard setback for an accessory structure

Proposed – 3.3 foot side yard setback for an accessory structure (shed) (existing)

**21-613**

Required – 100 foot lot frontage

Proposed – 75 foot lot frontage (existing)

**21-619.1**

Required – no wall or fence located in the front yard setback shall exceed 4 feet in height and/or consist of no more than 50 percent solid material

Proposed – a solid wall/fence enclosure around the sheds located within the front yard setback (existing)

**21-621**

Required – no shed shall be located within a front yard

Proposed – shed(s) located in the front yard (existing)

**Action to be taken prior to April 12, 2021**

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Shobra Chopra, the applicant, is sworn in to testify on her own behalf. She states that she has her architect on the phone. Martha Brazoban, Architect, 570 N. Broad Street, Elizabeth, NJ, is sworn in to testify. Ms. Brazoban states that they are coming before the Board to construct a 1,504 square foot rear extension to the existing house. There are a number of existing variances. There is insufficient lot area, lot width, lot frontage, front yard and there is a height issue of the fence in the front yard and there is a shed setback issue. Those are all pre-existing variances. With the proposed addition, there is a side yard setback variance and a lot coverage variance that they are seeking.

Ms. Brazoban states that basically Ms. Chopra is looking to create a rear extension. It will provide a new master bedroom and a new kitchen and living space. The existing space in the house is not sufficient; as she has gotten older, it is harder for her to go up and down the steps so she would like new space. Mr. Kinneally asks if they had a chance to look at Mr. Hintersteins' report of February 8<sup>th</sup>; she has not. Ms. Chopra received it but Ms. Brazoban did not see it.

Mr. Hinterstein asks how many bedrooms will be in this house. Ms. Brazoban states that there will be a new master bedroom, two bedrooms above the garage; there will be five total bedrooms. Mr. Hinterstein states that is a lot of bedrooms. She states that Ms. Chopra has grown children with families. Ms. Chopra states that they visit her and she needs the bedrooms for them; her children and grandchildren. Ms. Chopra states that she read Mr. Hinterstein's report and sent it to her architect.

Ms. Brazoban states that she has read the report. Item #1, the side yard setback, came about because that size is a 9 foot setback to maintain the width of the new master bedroom. Once you reduce it down to the 15 feet, you lose six feet of the bedroom, this also makes the lot coverage larger. Mr. Hinterstein states that the new master bedroom is 21 feet wide? Ms. Brazoban states that the master bedroom is 14 feet interior, then there is a master bathroom, pantry, laundry room and there is a kitchen. On the other side of the kitchen is a family room. The kitchen is 11.9 feet and the area where the bathroom, laundry and pantry is 10.1 feet.

Mr. Hinterstein states that the bottom line is that this house is almost 2,500 square feet now and they're adding on an addition that is quite large at 1,500 square feet, that's 4,000 square feet. The property is a large property and he understands that there are certain things that they want, but they're over in coverage and he doesn't see any justification for encroaching on a side yard setback. He thinks that they need to go back and redesign this addition in a manner that can conform with the side yard setback. The size of this addition and the size of the rooms, the size of everything, there may be a way to reconfigure it to make it more conforming. He does not see a hardship on a property of this size to be over in coverage. There is a 20% requirement and they are proposing 23.3%; it is a large property and they are still going over by 3%. He would like to see it more conforming to the lot coverage variance and to be conforming to the side yard setbacks.

Mr. Kinneally asks if Ms. Brazoban is a professional Planner; she is not. He states that basically Mr. Hinterstein has identified for the Board several issues that need to be addressed. He would recommend that they adjourn this matter and she can have more time to go over the report that she just received, talk to her client and make the changes that have been requested. The plans should be more in line with Piscataway Townships ordinances. For example, lot coverage, the Board earlier tonight approved lot coverage at 21.3%, this is significantly larger than that. He states that he recommends she goes back and provide a revised plan to the Board.

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The revised plans would have to be in no less than ten (10) days before the meeting. The next date is April 8<sup>th</sup>; if the plans could not be in in time, they can be postponed until the following hearing. The application has been carried to April 8, 2021 with no further notice required to the public.

**13. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF FEB. 25, 2021: N/A**

**14. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF FEB 25, 2021**

**All in Favor:** Roy O'Reggio, Jeff Tillery, Warren Zimmerman, Bill Mitterando and Chairman Cahill.

**15. ADJOURNMENT**

**MOTION** was made by Mr. Zimmerman to Adjourn the meeting; second by Mr. Tillery.

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

**NEXT SCHEDULED MEETING IS MARCH 11, 2021 AT 7:30 P.M.**

The meeting was adjourned at 8:20 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 March 11, 2021 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on March 25, 2021.**

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**Shawn Cahill, Secretary & Chairman**