

**MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, APRIL 8, 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, Kalpesh Patel, Steven Weisman, Warren Zimmerman, Rodney Blount, William Mitterando, Waqar Ali and Chairman Shawn Cahill, **ABSENT:** Roy O'Reggio

**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. 21-ZB-10V, Michele Hutchinson, has been postponed to April 22, 2021; no further notice. 21-ZB-49V, Olegerio, has been postponed until April 22, 2021; no further notice required

- 5. 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

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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**

Ms. Chopra was sworn in; states that her architect had sent in new plans that have been revised. Martha Brazoban, architect, 570 N. Broad Street, Elizabeth, NJ, is sworn in to testify. Ms. Brazoban states that they condensed the addition down from 1500 square to 1184 square feet. They are maintaining both side yard setbacks at 15 feet. The shed in the front yard will be removed and the shed in the back will also be removed. With the reduction, they are still a little bit above the 20% building coverage; they are at 21.4% where before they were at 23.3%.

Ms. Brazoban states that they have also reduced the number of variances from 7 to 5. Mr. Hinterstein states that he looked at the revised addition and believes that the architect did a nice job in working towards getting the application to a manageable size with the coverage. They accomplished a few items, by removing the old sheds and moving the addition back. Public portion open/closed.

**MOTION** was made by Chairman Cahill to approved the application; seconded by Mr. Patel.  
**ROLL CALL:** Steve Weisman, Rodney Blount, Jeff Tillery, Kalpesh Patel, Warren Zimmerman, William Mitterando and Chairman Cahill.

**6. 20-ZB-84V**

**Mohamet & Mirelle Accilien  
Bulk Variance  
Block 2805, Lot 11; Zone: R-10  
167 Middlesex Avenue**

Applicant proposes to construct a second story and rear yard addition with a new front porch with roof.

**VARIANCES REQUIRED:**

**21-501**

Required – 35 foot front yard setback  
Proposed – 12.5 foot front yard setback (steps)

Required – 8 foot rear yard setback for an accessory structure  
Proposed – 2 ½ foot rear yard setback for an accessory structure (garage) (existing)

Required – 8 foot side yard setback for an accessory structure  
Proposed – 4 ½ foot side yard setback for an accessory structure (garage) (existing)

**21-619.1**

Required – a fence located within the front yard setback line shall not exceed 4 feet in height  
Proposed – a 5 foot chain link fence located within the front yard setback line (existing)

**21-1101.3**

Required – paved driveway  
Proposed – gravel driveway (existing)

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Mohamet & Mirelle Accilien, the applicants, are both sworn in to testify on their own behalf. Mr. Accilien states that they would like to remove the front porch from the house and build a portico in the front; they will be moving the house back 8 feet. They would also like to put an addition in the back of the house which is about 8 feet with a second story on the home.

Mr. Kinneally asks if they have had a chance to review Mr. Hinterstein's report dated April 17, 2021. They did and will comply with numbers 1 through 5. Chairman Cahill asks if there are any other members of the Board have any questions or comments; none. He opens it to the public; public closed.

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

7.      **21-ZB-08V**                      **Samantha Rodriquez**  
                                                 **Bulk Variance**  
                                                 **Block 2811, Lot 14; Zone: R-10**  
                                                 **25 Locust Avenue**  
                                                 Applicant proposes to install an above ground pool on side of home.

**VARIANCES REQUIRED:**

- 21-501**                      Required – 25 foot rear yard setback  
                                                 Proposed – 13.5 foot rear yard setback (existing)
- Required – 8 foot rear yard setback for an accessory structure  
                                                 Proposed – 3.4 foot rear yard setback for an accessory structure (shed) (existing)
- Required – 8 foot side yard setback for an accessory structure  
                                                 Proposed – 3.4 foot side yard setback for an accessory structure (shed) (existing)
- 21-617**                      Required – a swimming pool shall be located only in the rear yard  
                                                 Proposed – a swimming pool located in the side yard
- Required – a swimming pool shall not be installed within 10 feet of any side yard  
                                                 Proposed – a swimming pool located 6 feet from the side yard property line

**Action to be taken prior to July 8, 202**

Samantha Rodriquez, the applicant, is sworn in to testify on her own behalf. She states that she would like to add a 12 foot by 24 foot pool to the side of her property. Mr. Hinterstein states that his only recommendation is if she can meet the 10' mark in the back (rear yard) this way if it's pushed back, it will pull it a little further away from the neighbor. He would like her to add some evergreens on that side to help buffer it from the neighbors. Ms. Rodriquez agrees. No further comments from the Board. Public portion open/closed.

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

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**9. 20-ZB-49V**

**Wael O. Hamed**

**Bulk Variance**

**Block 9701, Lot 28.05; Zone: R-20**

**494 Metlars Lane**

Applicant would like to use concrete pillars in the front yard instead of fencing.

**VARIANCES REQUIRED:**

**21-619.1**

Required – in a residential district, a fence located within the front yard setback line shall not be over 4 feet in height and/or consist of no more than 50 percent solid material

Proposed – a 4-foot wrought iron fence with concrete pillars, 4.58 feet in height, located within the front yard property line

**Attorney: Aravind Aithal**

**Action to be taken prior to June 1, 2021**

Tim Arch, Attorney, is here to represent the applicant. Mr. Arch states that this is a fence variance, they are asking relief for two sections. This is a fence that is being constructed out of a series of stone pillars that has a black metal fence in between those pillars. They are seeking relief for both the height of the fence. Mr. Arch shares his screen with the Board. He shows where the pillars are located and there will be the black metal fencing in between which is 4 feet and complies. The pillars are slightly higher at 4.58 feet tall. They are asking for relief as to the fence exceeding 50% solid material which is because of the pillars.

Mr. Arch states that he has Mr. Hamed with him and can be sworn in; he is sworn in. Mr. Arch asks Mr. Hamed if he has been the owner of the property since 2014; correct. This is not a typical fence, it is more of a premium, higher end fence. Part of the reason that Mr. Hamed chose this is because of the durability and longevity of the fence; it will last longer and look better. Mr. Arch asks Mr. Hamed if there is a reason why he prefers the pillars. Mr. Hamed states that in addition to the better look it gives, it is security for him and his family. There was an incident where a car ran off the road and the pillars stopped them. They are located on Metlars Lane which is very busy like a highway. Mr. Hamed states that people race up and down the street and it's dangerous for his kids in the front yard.

Mr. Arch states, in reference to Mr. Hinterstein's report, number 3, the proposed fence shows pickets and requests that they be removed so there is no threat of being impaled. They will modify the fence as requested. In reference to the right-of-way dedication (#4) to bring the road to the half width, their request is for it to be an easement. Mr. Hinterstein states that after further research it was found out that the majority of the right-of-way that is necessary is actually on the opposite side of the road. There is an existing 10 foot stormwater easement, they would just need to language of the existing easement to be modified for Municipal purposes and could be used for the roadway; basically 10 feet and is an existing easement already. Mr. Arch agrees with the 10' easement and the rewording.

Mr. Arch states that in reference to the size of the pillars, Mr. Hinterstein would like every other pillar removed. These pillars were constructed prior to the hearing and without the proper approvals. He would ask the members of the Board to go and look at the property and to try to

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remember what the property looked like in the past; he shares his screen with a street view of 2019 which shows the property. In the pictures there were many overgrown trees and plants with no visual view to the street. If they look at the property now, it is a much nicer and a much more open look to the property. Mr. Hinterstein would like every other pillar removed.

Mr. Hinterstein and Mr. Arch discuss which pillars need to be removed. The applicant would like the Board Members to come out to the property and see how it looks before a vote; he would like to keep the pillars where they are.

The application will be continued to May 13, 2021 with no further notice required. Public portion open/closed.

- 10. 21-ZB-07V Craig & Cheryl Galan  
Bulk Variance  
Block 7108, Lot 1.01; Zone: R-10  
401 Runyon Avenue**  
Applicant proposes to construct a second story addition and front porch.

**VARIANCES REQUIRED:**

- 21-501** Required – 100 foot lot width  
Proposed – 95.54 foot lot width (existing)
- Required – 35 foot front yard setback  
Proposed – 31.5 foot front yard setback (Runyon Avenue)  
Proposed – 29.8 foot front yard setback (Wade Street)
- Required – 10 foot side yard setback  
Proposed – 8.5 foot side yard setback
- 21-619.1** Required – a fence located within the front yard setback line can't exceed 4 feet in height and/or consist of no more than 50% solid material  
Proposed – a 6 foot stockade fence located 5.5 feet from the property line (Wade)

**Action to be taken prior to July 13, 2021**

Craig & Cheryl Galan, the applicants are sworn in to testify on their own behalf. Mr. Galan states that they would like to add a second floor on their house and add a porch in the front. Mr. Hinterstein states that the proposal calls for a 10 foot porch and when you add the steps to it, it is a pretty substantial front yard variance request. If they can bring the porch down to 5 feet, which after the steps are added to that, the front yard variance would be 30.5 foot front yard setback. The other thing is that the fence should be at least 10 feet off of the property line, it should be adjusted.

Mr. Galan states that he agrees with the porch. He would like Mr. Hinterstein to explain the fence to him again. Mr. Hinterstein states that the right of way line is 10 feet from the curb typically, that is where the actual property line is. It would be 20 from the face of the curb; it should be 10 feet off of the property line so there is no issue with the neighbors site. He would like some plantings to buffer the fence. Mr. Galan states that it's about 16 or 17 feet, so it'll be

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moved. Mrs. Galan states that they will talk to their architect about moving back the porch. Mr. Hinterstein states that 5 to 5.5 feet at most is good. 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. Zimmerman. **ROLL CALL:** Steve Weisman, Rodney Blount, Jeff Tillery, Kalpesh Patel, Warren Zimmerman, William Mitterando and Chairman Cahill.

- 12. 20-ZB-11V                      Ralph H. Dill**  
**Bulk Variance**  
**Block 7305, Lot 1; Zone: R-10**  
**139 Seymour Terrace**  
Applicant proposes to construct a two-story rear yard addition.

**VARIANCES REQUIRED:**

- 21-501**                      Required – 25 foot rear yard setback  
Proposed – 15.4 foot rear yard setback

**Action to be taken prior to July 16, 2021**

Ralph Dill, the applicant, is sworn in to testify on his own behalf. Mr. Dill states that he would like to put a two story addition to the back of his house with an open porch on the side. Mr. Hinterstein states that this application came before the Board in 2015 for a sunroom in this location; the Board approved a setback variance for 15 feet. The applicant came in for building permits and it went from a sunroom to a two story addition with an open ground level porch. He doesn't have any issues, since it totally changed from the original approval it had to come back to the Board.

His only condition would be that the open porch area should be maintained and if he ever decides to enclose it, he would have to come back to the Board for approvals. That is the area that is closest to the neighbors so he would have to come back. Mr. Dill agrees to the condition. Chairman Cahill asks if there are any other questions from the Board; none. Public portion open/closed.

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

- 13. ADOPTION OF RESOLUTION FROM THE REGULAR MEETING OF FEB. 25, 2021:**

- (a) **21-ZB-01V, T-Mobile Northeast, LLC;** application was approved.

**All in Favor:** Roy O'Reggio, Warren Zimmerman, Bill Mitterando, Kalpesh Patel, Waqar Ali and Chairman Cahill.

- 14. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF MARCH 25, 2021:**

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- (a) **20-ZB-41/42V, M & M Partners at Piscataway, LLC;** application was approved.
- (b) **20-ZB-86/87V, Gayatri Pariwar, N.E. America;** application was approved.
- (c) **21-ZB-04V, Beverly Zambelli;** application was approved.

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

**15. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF MARCH 25, 2021**

**All in Favor:** Jeff Tillery, Warren Zimmerman, Bill Mitterando, Kalpesh Patel, Waqar Ali and Chairman Cahill.

**16. 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 APRIL 22, 2021 AT 7:30 P.M.**

The meeting was adjourned at 8:17 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 April 8, 2021 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on April 22, 2021.**

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**Shawn Cahill, Secretary & Chairman**