

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, APRIL 22, 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, Steven Weisman, William Mitterando and Chairman Shawn Cahill, **ABSENT:** Rodney Blount, Waqar Ali

Also present: James Kinneally, Esq., Henry Hinterstein, John Chadwick, PP 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-69C, Kiran Koduri has been postponed to May 27, 2021; no further notice required. Also, 20-ZB-64V, Michael Murray, has been postponed until May 27, 2021; no further notice.

- 5. 21-ZB-09V Alan J. Olegario**
Bulk Variance
Block 11215, Lot 24; Zone: R-15
2 Emmet Court
Applicant proposes and in-ground pool and privacy fence on a corner lot.

VARIANCES REQUIRED:

- 2-617** Required – a pool shall be located only in the rear yard
Proposed – a pool located in a front yard
- 21-618** Required – in the case of a corner lot, a pool shall not be constructed any closer than the required setback line for the front yard (40 feet)
Proposed – a pool located 10 feet from the property line (Hanson Avenue)
- 21-619.1** Required – in any residential zone, no wall or fence located within the front yard setback line shall exceed 4 feet in height and/or consist of more than 50 percent solid material
Proposed – 6 foot solid fence located within the front yard setback line (along Hanson and Deerfield Avenues) (existing) *

*A variance was previously granted for the fence under Application #08-ZB-47V.

Action to be taken prior to July 14, 2021

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Alan Olegario, the applicant, is sworn in to testify on his own behalf. Mr. Olegario states that they would like to put in a pool on their property. Mr. Hinterstein states that this is a unique property, it has three frontages which is a hardship. The location where the pool is proposed he doesn't see any impacts from that location. All of the homes on Emmet Court back up to Hanson Avenue. He thinks it's an appropriate location and he doesn't see anything detrimental. The applicant has already received a fence variance along Hanson Avenue with a landscape requirement; he just asks that the requirement remain.

Chairman Cahill asks if any of the Board has any questions from the application; none. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Zimmerman. **YES ON THE MOTION:** Roy O'Reggio, Jeff Tillery, Warren Zimmerman, Steve Weisman, Roy O'Reggio, William Mitterando, and Chairman Cahill. **NO ON THE MOTION:** None

- 6. 20-ZB-10V Michele Hutchinson
Bulk Variance
Block 6817, Lot 33; Zone: R-10
204 Elizabeth Avenue**
Applicant is applying for a variance for an existing fence and shed.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 10,000 square feet
Proposed – lot area 8,099.53 square feet (existing)
- Required – 100 foot lot width
Proposed – 50 foot lot width (existing)
- Required – 35 foot front yard setback
Proposed – 14.58 foot front yard setback (existing)
- Required – 10 foot side yard setback
Proposed – 8.12 foot side yard setback (existing)
- 21-613** Required – 100 foot lot frontage
Proposed – 50 foot lot frontage (existing)
- 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 high, vinyl fence located within the front yard setback line (existing)

*The home was constructed in 1939; therefore, a garage is not required.

Action to be taken prior to July 13, 2021

Michele Hutchinson, the applicant, is sworn in to testify on her own behalf. Ms. Hutchinson states that when she purchased the property four years ago, there was an existing fence and shed. It came to her attention that it wasn't previously approved. She would like a variance for

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them. Mr. Hinterstein states that the Town needs a 5 foot temporary construction easement for future road improvements on Elizabeth Avenue. He doesn't see any issues with the fence or the shed. Ms. Hutchinson asks what is an easement. Mr. Hinterstein states that the Township will probably do some road improvements in the future and maybe sidewalks. What typically happens is they would ask for the temporary construction easement so that if they disturb the grass on your property or drive a truck, etc., they have the ability to do that but everything will be restored at the completion of the work; she agrees.

Chairman Cahill asks the Board if there are any questions; none. Public portion open:

#1 K. Lewis, lives across the street at 201 Elizabeth Avenue, is sworn in. She states that in reviewing the information, she wants to clarify some things. States that the owner only has a small L shape piece of fence to screen the AC unit. She has a chain link fence and doesn't want the Board to think she has a vinyl fence.

#2. Ms. Martino, 218 Elizabeth Avenue, is sworn in. She states that there are many houses in the area that needs variances for sheds and stuff. States that "this woman" went and put up a shed without the proper permits and now is here.

#3. Beitz, across the street. States that there is a basketball court in the street and it's illegal. Ms. Hutchinson states that Code Enforcement came out and there are not any issues. Public portion closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Zimmerman. **YES ON THE MOTION:** Roy O'Reggio, Jeff Tillery, Warren Zimmerman, Steve Weisman, Roy O'Reggio, William Mitterando, and Chairman Cahill. **NO ON THE MOTION:** None

7. **20-ZB-20/21/22V** **Macedonia Original Freewill Baptist Church**
Prel. & Final Site Plan, Major Subdivision, Use & Bulk
Variances
Block 10514, Lots 15.05, 15.08, 31.03; Zone: R-7.5
Highland/Ludlow/Roosevelt
Applicant proposes subdivide the property and construct four (4) new single family homes.

VARIANCES REQUIRED:

Proposed Lots B & C

21-501 Required – 25 foot front yard setback
Proposed – 24.2 foot front yard setback (steps) (Roosevelt Avenue)

Proposed Lot

Hospitals, churches or other places of worship, Sunday schools and church schools, shall conform to the following conditions:

21-1003.1 Required – minimum lot area of 2 acres
Proposed – lot area 1.21 acres*

*A use variance is required pursuant to 40:55D-70d(3) of the NJ Municipal Land Use Law.

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**Any proposed overhang over 18 inches must comply with the required setback. In addition, it would also need to be included in the calculation for building coverage. An additional variance(s) may be required.

**Attorney: Diane Dabulas
Action to be taken prior to April 28, 2021**

Diane Dabulas, Attorney, is here to represent the application. Court stenographer present; transcripts are on file in the Community Development Office.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Roy O'Reggio, Jeff Tillery, Warren Zimmerman, Steve Weisman, Roy O'Reggio, William Mitterando, and Chairman Cahill. **NO ON THE MOTION:** None

- 9. 21-ZB-16V 28 Howard Street Holdings, LLC
Temporary Use Variance
Block 1102, Lot 51.01; Zone: M-1 & R-7.5
28 Howard Street**
Applicant proposes to use property for a landscaping company.

VARIANCES REQUIRED:

21-501 Required – use permitted in zone
Proposed – uses not permitted in zone (Diaz Landscape Design & Tree Service, Messercola Excavation Company, Regan Lawn care & Landscaping and Rony's Tree Service) *

**Attorney: Jason Hawrylak
Action to be taken prior to August 10, 2021**

Jason Hawrylak, Attorney, is here to represent the application. Court stenographer present; transcripts are on file in the Community Development Office.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Zimmerman. **YES ON THE MOTION:** Roy O'Reggio, Jeff Tillery, Warren Zimmerman, Steve Weisman, Roy O'Reggio, William Mitterando, and Chairman Cahill. **NO ON THE MOTION:** None

- 10. 20-ZB-75/76V Harris Realty Company, LLC
Preliminary & Final Site Plan, Use Variance
Block 703, Lot 1.05, 1.06; Zone: SC
3 Lakeview Avenue**
Applicant proposes to use property for outdoor storage as the principal use.

VARIANCES REQUIRED:

21-501 Required – use permitted in zone (shopping center)
Proposed – use not permitted in zone (outdoor storage as a principal use)

Required – minimum lot depth 500 feet
Proposed – 392.9 foot lot depth (existing)

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- 21-501** Required – 100 foot rear yard setback
21-1302.3 Proposed – 25 rear yard setback (outdoor storage)

Attorney: Tim Arch
Action to be taken prior to May 2, 2021

Doug Wolfson, Attorney, is here to represent the application. Court stenographer present; transcripts are on file in the Community Development Office.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Tillery. **YES ON THE MOTION:** Roy O’Reggio, Jeff Tillery, Warren Zimmerman, Steve Weisman, Roy O’Reggio, William Mitterando, and Chairman Cahill. **NO ON THE MOTION:** None

- 12. 21-ZB-06 SAM NJ 44 Stelton, LLC**
Preliminary & Final Site Plan
Block 1901, Lot 64.01; Zone: BP-II
44 Stelton Road
Applicant proposes site plan improvements, parking stalls, landscaping, signage and stormwater management.

VARIANCES REQUIRED:
No new variances are required at this time.

* Variances were previously granted under Application #16-PB-15/16V and Application #18-ZB-11V.

Action to be taken prior to July 28, 2021
Attorney: Steve Gouin

Steve Gouin, Attorney, is here to represent the application. Court stenographer present; transcripts are on file in the Community Development Office.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Roy O’Reggio, Jeff Tillery, Warren Zimmerman, Steve Weisman, Roy O’Reggio, William Mitterando, and Chairman Cahill. **NO ON THE MOTION:** None

13. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF APRIL 8, 2021:

- (a) **20-ZB-60V, Shoba Chopra;** Approved.
- (b) **20-ZB-84V, Mohamet & Mirelle Accilien;** Approved.
- (c) **21-ZB-08V, Samantha Rodriguez;** Approved.
- (d) **21-ZB-07V, Craig & Cheryl Galan;** Approved.
- (e) **20-ZB-11V, Ralph H. Dill;** Approved

All in Favor: Zimmerman, Kalpesh Patel, Roy O’Reggio, Jeff Tillery, Rodney Blount, William Mitterando and Chairman Cahill.

14. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF APRIL 8, 2021

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MOTION was made by Mr. Zimmerman to adopt the minutes; second by Mr. Tillery.
ALL IN FAVOR: Jeff Tillery, Steve Weisman, Mr. Mitterando, Mr. Zimmerman and Chairman Cahill.

15. ADJOURNMENT

MOTION was made by Mr. Zimmerman to Adjourn the meeting; second by Mr. Tillery.
ALL IN FAVOR: Jeff Tillery, Kalpesh Patel, Mr. Weisman, Mr. O'Reggio, Mr. Mitterando, Rodney Blount, Mr. Zimmerman and Chairman Cahill.

NEXT SCHEDULED MEETING IS MAY 13, 2021 AT 7:30 P.M.

The meeting was adjourned at 9:48 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 22, 2021 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on May 13, 2021.

Shawn Cahill, Secretary & Chairman