

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, APRIL 27, 2023.

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 Shawn 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: William Mitterando, Kalpesh Patel, Steven Weisman, Waqar Ali, Rodney Blount, Roy O'Reggio and Chairman Shawn Cahill. **ABSENT:** Artie Hayducka, Jeff Tillery. **Also present:** James Kinneally, Esq., PP, 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 a few changes to the agenda this evening. #8, 22-ZB*82V, Evestar Properties, will be postponed until May 25, 2023; no further notice required. # 10, 22-ZB-41V, 100 Lakeview Rear, postponed until May 11, 2023; no further notice required.

Chairman Cahill states that he would like to hear #9, Martha Sanders first.

- 9. 23-ZB-23V Martha Sanders**
Certificate of Non-Conformity
Block 215, Lot 15.01; Zone: R-7.5
339 Rock Avenue
Applicant would like to retain the use of a two-family home.

VARIANCES REQUIRED:

- 21-501** Required – single-family residential use
Proposed – two-family use *

*The applicant is seeking a certification of non-conforming use.

Action to be taken prior to July 3, 2023

Martha & Scott Sanders, applicants, are both sworn in to testify on their own behalf. Mr. Kinneally states that some issues have arisen and he doesn't believe that they are ready to go forward until they speak to a professional to see if the issues can be handled. They applied for a certificate of non-conformity for a pre-existing non-conforming use, stating that it has been a two-family house since before 1953. There was an addition put on the home in 1994, this is a different issue than a non-conforming use; it is an expansion of a non-conforming use and they have not applied for that.

Mr. Kinneally states that the Board is recommending that they adjourn this tonight so that that can speak to a Planner or Engineer or both so they can amend the application and not start all over. Mr. Sanders states that he read what Mr. Hinterstein had written in the report,

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he is a little confused because the footprint of the original structure has not changed. The garage was existing, the previous owner had the addition put on over the existing garage. Mr. Kinneally states that the living area was an expansion of a non-conforming use. The Board recommends that he seeks professionals to help with the application. The application will be heard on June 22, 2023. No further notice is required unless the application has changed.

5. **23-ZB-27V** **Yadira Pineda**
 Bulk Variance
 Block 2004, Lot 4; Zone: R-10
 306 William Street
 Applicant would like to construct a second story addition.

VARIANCES REQUIRED:

- 21-501** Required – 100 foot lot width
 Proposed – 65 foot lot width (existing)
- Required – 35 foot front yard setback
 Proposed – 34.84 foot front yard setback
 Proposed – 30 foot front yard setback (porch) (existing)
- Required – 10 foot side yard setback
 Proposed – 3.02 foot side yard setback (garage) (existing)
- 21-613** Required – 100 foot lot frontage
 Proposed – 65 foot lot frontage (existing)

Action to be taken prior to July 18, 2023

Yadira Pineda, the applicant, is sworn in to testify on her own behalf. Ms. Pineda states that they would like to put on a second story addition over the existing home. The addition would have a master bedroom and bathroom. There will not be an addition over the existing garage, only the home itself. Mr. Hinterstein states that he would like them to widen the existing driveway instead of making a second driveway. The front porch must remain open, she agrees. Ms. Pineda states that there is already a second driveway. Chairman Cahill asks if there are any questions or comments from the Board; none. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steve Weisman, Roy O’Reggio, Rodney Blount, Kalpesh Patel, Waqar Ali, Bill Mitterando and Chairman Cahill. **NO ON THE MOTION:** None.

6. **23-ZB-29V** **Christine Meketen**
 Bulk Variance
 Block 8404, Lot 5; Zone: R-10
 17 Water Street
 Applicant would like to construct a new single family home.

VARIANCES REQUIRED:

- 21-501** Required – 100 foot lot width
 Proposed – 80 foot lot width
- 21-613** Required – 100 foot lot frontage
 Proposed – 80 foot lot frontage

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21-1102 Required – garage
Proposed – no garage *

*At least one space shall be provided which shall be within an enclosed garage.

Action to be taken prior to July 18, 2023

Christine Meketen, the applicant, is sworn in to testify on her own behalf. Ms. Meketen states that she would like to rebuild her home due to the age and size and extend it for another bedroom; 595 square feet. Mr. Hinterstein states that a sidewalk must be installed on all frontage of the home; 6" apron and sidewalk. The other issue is that the plan would have to be revised. There is a moratorium on the road and she wouldn't be able to add the second curb cut. She could talk to the Engineering department to see if that is going to be allowed. Mr. Hinterstein states that the garage is being maintained and how to access it; you must have a driveway to the garage.

Ms. Meketen states that there is no sidewalk on the side of her street due to the location of where the drainage is. She states that the Township tried to put them in about three (3) years ago and it was cancelled due to where the drainage and sewer is. The garage was never a garage, there was never a driveway to the garage. The house was built in 1944, she has the original survey, which shows that there was never a driveway to these masonry garage is what it was labeled when she purchased the house in 2009. They just use it for storage, lawn mower, etc. There is nothing else in it.

Mr. Hinterstein states that once you knock your house down and rebuild it, you have to adhere to what the current zoning and site plan ordinances are. Unfortunately, one of those is that you are required to have a garage. It is fine for a home that was built in 1940 but for a house that is being built today, you need a garage. He states that she can modify the house she is building to add a garage and use the other building for storage, but there has to be a garage. If she keeps the existing garage as a garage, she would need to put a driveway. Ms. Meketen asks why she needs the garage, because of the size. Mr. Hinterstein states no, it's because it's a new house and it's required. She states that it would be more economical just to add a garage to one of her driveways. Mr. Hinterstein states that she could be creative with the driveway.

Mr. Hinterstein states that the garage has to be 12' x 20' for dimensions and it has to meet the accessory structure setbacks if it's detached and the primary building setbacks if it's attached to the house. The side yard for a setback for detached garage is 8' and 60' from the front yard. She would need to give revised plans. Mr. Hinterstein states that in the ordinance it is required to put in those sidewalks, if there is a reason that it can't be done the Engineering department will have to work that out. Ms. Meketen states that all of her neighbors on her side will now have to put sidewalks in. Mr. Hinterstein states that if they come in for new construction they would have to, yes. Mr. Kinneally states that they will go forward tonight and the conditions will be in the resolution. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steve Weisman, Roy O'Reggio, Rodney Blount, Kalpesh Patel, Waqar Ali, Bill Mitterando and Chairman Cahill. **NO ON THE MOTION:** None.

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7. **23-ZB-30V** **Javesh & Rina Patel**
 Bulk Variance
 Block 2602, Lot 33; Zone: R-10
 184 Dunn Avenue
 Applicant would like to install a fence within an easement.

VARIANCES REQUIRED:

21-619.1 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 a sanitary sewer easement

*Variances were previously granted under Application #19-ZB-36V.

Action to be taken prior to July 19, 2023

Rina Patel, the applicant, is sworn in to testify on her own behalf. Ms. Patel states that they would like to install a fence and are in an easement. Mr. Kinneally states that if the Township would need to gain access to that easement, then it is up to the home owner to remove and replace the fence; she agrees. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steve Weisman, Roy O’Reggio, Rodney Blount, Kalpesh Patel, Waqar Ali, Bill Mitterando and Chairman Cahill. **NO ON THE MOTION:** None.

11. **18-ZB-37V** **500 New Market Road, LLC**
 Certificate of Non-Conforming Use
 Block 912, Lot 6; Zone: R-7.5
 500 New Market Road
 Applicant would like to retain use as a motor-vehicle repair shop, 2 retail stores and three (3) residential apartments.

VARIANCES REQUIRED:

21-501 Required – use permitted in a residential (R-7.5) zone

 Proposed – use not permitted in zone (motor vehicle repair shop, 2 retail stores and 3 residential apartments) *

* The applicant is seeking a certification of a non-conforming use.

Action to be taken prior to May 12, 2023

Attorney: John Sullivan

John Sullivan, Attorney, is here to represent the applicant. 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. Mitterando. **YES ON THE MOTION:** Steve Weisman, Roy O’Reggio, Rodney Blount, Kalpesh Patel, Waqar Ali, Bill Mitterando and Chairman Cahill. **NO ON THE MOTION:** None.

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12. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF APRIL 13, 2023:

- (a) 23-ZB-21V, Shafiq Popal; Approved.
- (b) 23-ZB-12V, Megha Patel; Approved.
- (c) 23-ZB-24V, Wallace Tillman; Denied.
- (d) 22-ZB-110V, Jamar Neal; Approved.
- (e) 23-ZB-28V, Adam Burhani; Approved.
- (f) 23-ZB-26V, Kirittkumar Patel; Approved.

All in Favor: Mr. Weisman, Mr. Patel, Mr. O'Reggio, Mr. Blount, Mr. Mitterando and Chairman Cahill.

13. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF APRIL 13, 2023.

MOTION was made by Chairman Cahill to adopt the minutes; second by Mr. Weisman. **All in Favor:** Mr. Patel, Mr. Blount, Mr. Mitterando Mr. O'Reggio, and Chairman Cahill.


14. ADJOURNMENT

MOTION was made by Chairman Cahill to Adjourn the meeting; second by Mr. Patel.
ALL IN FAVOR: Aye

NEXT SCHEDULED MEETING IS MAY 11, 2023 AT 7:30 P.M.

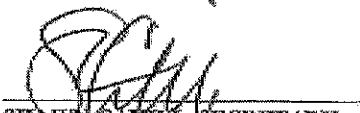
The meeting was adjourned at 8:12 P.M.

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 27, 2023 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on May 11, 2023.



SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT