

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, MAY 13 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: Kalpesh Patel, Steven Weisman, Warren Zimmerman, Rodney Blount, William Mitterando, Roy O’Reggio and Chairman Shawn Cahill, **ABSENT:** Jeff Tillery, Waqar Ali

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-49V, Javendra Patel, has been postponed to May 27, 2021; no further notice. 21-ZB-13V, Megha Patel, has been postponed until May 27, 2021; Must notice one resident only.

5. 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. He states that last time they were here, they provided testimony and went through Mr. Hinterstein’s report. There were three major items in the report. One was removal of pickets from the fence, they will comply. The other is granting of a deed of dedication but they modified that to an easement for Municipal purposes. And the last condition is what they are back in front of the Board for which is to keep or remove

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seven (7) pillars in the front yard. They are proposing black metal fencing and the pillars. Mr. Hinterstein's recommendation was to remove seven (7) pillars which were identified at the previous hearing. On behalf of his client, they asked to carry the application at the April 8th meeting to give the Board members a chance to go to the site and see the site as it is now and possibly reconsider that condition because they really believe there are no issues with site in the front yard. It is also better than what was there previously with the trees and shrubs. They will comply with anything that the Board decides.

Public portion was closed at the last hearing. Chairman Cahill asks the Board if anyone went out to the site; he did. Several other members did go out and look. Chairman Cahill is looking favorably on Henry's recommendation; the columns are very large. He understands the applicant's concern about safety, but it looks like a fortress. He lives on River Road and it's twice as bad with traffic, and there is no one with anything like this on their property.

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

- 8. 21-ZB-14V Alexey Braginskiy**
Bulk Variance
Block 406, Lot 29.01; Zone: R-7.5
1631 Meister Street
Applicant proposes to construct a sunroom and a roof over existing patio.

VARIANCES REQUIRED:

21-501 Required – maximum building coverage 20 percent
Proposed – 22 percent building coverage.

Action to be taken prior to August 18, 2021

Francis Cole, the owner of the property, he is sworn in to testify on his behalf. Mr. Cole states that he would like to install a sunroom over their existing deck and a roof extending over the patio area. The variance is for coverage. Instead of 20% it is 21.4%. Mr. Hinterstein states that looking at this application, he believes that the deviation from the coverage is minimal and they could put a condition on it that the covered patio remain open and not enclosed in the future. Mr. Cole agrees to the condition, that is there intent.

Mr. Kinneally asks if the coverage is 22% or 21.4% as indicated by the homeowner. Mr. Hinterstein states that the Zoning Officer has it a 22%, so he would go with that just to be safe. Public portion open, closed. Alexey states that there are just going over the deck with a sunroom and a roof over existing patio; nothing new for foundation.

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

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- 9. 21-ZB-15V Raymond & Lucille Harcar
Bulk Variance
Block 1903, Lot 28.01; Zone: 7.5
132 Hamilton Street**
Applicant would like to retain existing accessory building in rear yard.

VARIANCES REQUIRED:

- 21-501** Required – 8 foot rear yard setback for an accessory structure
Proposed – 1 foot rear setback for accessory structures (existing)
- Required – 8 foot side yard setback for an accessory structure
Proposed - 1 foot side yard setback for accessory structures (existing)
- Required – maximum building coverage 20 percent
Proposed – building coverage 27.5 percent (existing)

Action to be taken prior to August 20, 2021

Raymond and Lucille Harcar, the applicants, are sworn in to testify on their own behalf. He states that he has a shed that is a foot off of the property lines, it's a 12 x 12 shed, he is looking for a variance. Mr. Kinneally asks if it's one foot off the rear and the side property lines; he agrees. Mr. Hinterstein states that this shed has been there for a while as well as some of the other conditions. The coverage is also quite over, he doesn't know how or when this happened. The deck and shed have been there for a long time.

Mr. Hinterstein states that he believes that Mr. Harcar is trying to legitimize this because he will be selling it in the future. He doesn't have a big issue due to the fact that it has been here for such a long time. His only concern is if there are other temporary canopies on the property, which he believes there are, they would need to come down; Mr. Harcar agrees. There would also be a condition if the shed burns down or is destroyed, once it's lifespan is gone and someone wants to rebuild, they will have to come back to the Board for approval. The variance would be good for the life of that shed only; Mr. Harcar 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 with the conditions outlined; seconded by Mr. Patel. **ROLL CALL:** Steve Weisman, Rodney Blount, Kalpesh Patel, Roy O'Reggio, Warren Zimmerman, William Mitterando and Chairman Cahill.

10. ADOPTION OF RESOLUTION FROM THE REGULAR MEETING OF APRIL 22, 2021: Mr. Kinneally states that last meeting a few Board Members lost connection, he asks the Members to please vote only on what applications they voted on.

- (a) **21-ZB-09V, Alan J. Olegario;** application was approved.
- (b) **20-ZB-10V, Michele Hutchinson;** application was approved.

All in Favor: Roy O'Reggio, Steven Weisman, Warren Zimmerman, Bill Mitterando, Kalpesh Patel and Chairman Cahill.

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- (c) **20-ZB-20/21/22V, Macedonia Original Freewill Baptist Church;** app. was app.

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

- (d) **21-ZB-16V, 28 Howard Street Holdings, LLC;** application was approved.

- (e) **20-ZB-75/76V, Harris Realty Company, LLC;** application was approved.

- (f) **21-ZB-06, SAM NJ 44 Stelton, LLC;** application was approved.

All in Favor: Roy O'Reggio, Steven Weisman, Warren Zimmerman, Bill Mitterando, Kalpesh Patel and Chairman Cahill.

- (g) **20-ZB-69V, Kiran Koduri;** application was withdrawn.

MOTION was made by Chairman Cahill to withdraw the application; seconded by Mr. Weisman. **All in Favor:** Roy O'Reggio, Steven Weisman, Warren Zimmerman, Mr. Blount, Bill Mitterando, Kalpesh Patel and Chairman Cahill.

11. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF APRIL 22, 2021

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

12. 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 MAY 27, 2021 AT 7:30 P.M.

The meeting was adjourned at 7:53 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 May 13, 2021 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on May 27, 2021.

Shawn Cahill
Secretary & Chairman