

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JUNE 24, 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: Roy O'Reggio Kalpesh Patel, Warren Zimmerman, Steven Weisman, William Mitterando, Waqar Ali and Chairman Shawn Cahill, **ABSENT:** Rodney Blount & Jeff Tillery.

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. # 6 on the agenda, 21-ZB-36V, Camelo Medina, has been postponed until July 8, 2021; must notice the newspaper only. # 8 on the agenda, 21-ZB-21V, Mohamed Radwan, has been postponed until July 8, 2021 with no further notice required. #10 on the agenda, 21-ZB-29V, Dwight Mitchell, has been postponed until July 8, 2021 with no further notice required.

5. 21-ZB-30V

**Ralonda Johnson
Bulk Variance
Block 9901, Lot 1.02; Zone: R-20
73 Orris Avenue**

Applicant proposes to install a fence in the front yard; property has three (3) front yards.

VARIANCES REQUIRED:

- 21-3(b)** Required – an accessory building shall not exceed 25 feet by 25 feet or 625 square feet
Proposed – an accessory building 24 feet by 42 feet or 1,008 square feet (garage) (existing)
- 21-501** Required – 60 foot front setback for an accessory structure
Proposed – 43 foot front setback for accessory structures (garage) (existing)
- 21-617** Required – a pool shall be located only in the rear yard
Proposed – a pool located in a front yard
- 21-619.1** Required – in any residential district, a fence located within the front yard setback line shall not exceed 4 feet in height and/or consist of no more than 50 % solid material

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JUNE 24, 2021.

Proposed – a 6 foot stockade fence located within the front yard setback line (existing)

*The pool must be located, at minimum, 40 feet from the three property frontages or an additional variance will be required.

Action to be taken prior to August 28, 2021

Ralonda Johnson, the applicant, is sworn in to testify on her own behalf. Ms. Johnson states that they would like to put up a pool in their backyard; they have three front yards so they need a variance. Mr. Hinterstein states that this is a unique property having three frontages and there is not any issue where she would like to pool. The property has already been granted a variance for the fence in the front yard abutting Route 18 and for the existing garage. Public portion open/closed.

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

6. 21-ZB-37V

Angela Gomes

Bulk Variance

Block 2808, Lot 12; Zone: R-10

116 Heffernan Street

Applicant would like to retain the fence in the easement and install a pool within the front yard setback; house is a corner lot.

VARIANCES REQUIRED:

21-501

Required – minimum lot area 10,000 square feet

Proposed – lot area 9,931.68 square feet (existing)

21-601

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 municipal easement (existing)

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 (35 feet)

Proposed – a pool located 18 feet from the property line (Mountain Avenue)

Action to be taken prior to October 5, 2021

Angela Gomes and Jose De Jesus, the applicants, are both sworn in to testify. Ms. Gomes states that they are trying to get a variance for the existing fence and would like to put up a pool in the front yard setback; the house is on a corner and there is an easement for the fence. Mr. Hinterstein states that this is for a pool in the front yard, another corner property. The way the lot is set up, if they move the pool closer to the back yard, they would be too close to the property line. They are requesting an 18 foot setback from the front yard property line. His recommendation would be to move it back slightly to 20 feet from the property line; they agree.

Mr. Hinterstein states that the fence is there in the easement, it’s been there. The fence is a 4 foot chainlink fence which is allowed under the ordinance. The easement was after the fact when Mountain Avenue had improvements made to it. If the Township would need access to the

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JUNE 24, 2021.

easement, it would be the homeowners responsibility to remove and replace it; they agree. 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. Zimmerman. **YES ON THE MOTION:** Warren Zimmerman, Roy O’Reggio, Steve Weisdman, William Mitterando, Kalpesh Patel, Waqar Ali and Chairman Cahill. **NO ON THE MOTION:** None

7. 21-ZB-39V

Kari & Matt Alligier

Bulk Variance

Block 7802, Lot 57; Zone: R-20

15 Revere Road

Applicant would like to retain a fence within an easement and for an accessory structure above the allowable square footage.

VARIANCES REQUIRED:

21-3(b)

Required – in residential zones an accessory building should not exceed 25 feet by 25 feet

Proposed – an accessory building 44.1 feet by 15.5 feet (existing)

Required – no open space, municipal drainage way, right-of-way or easement contiguous to any building shall be encroached upon or reduced in any manner

Proposed – a fence located over an easement (existing)

Action to be taken prior to October 4, 2021

Matt & Kari Alligier, the applicants, are sworn in to testify on their own behalf. Mr. Alligier states that they are here because the existing fence is in the easement. Mr. Hinterstein states that he is more concerned about the structure in the back of the home since it’s over what is allowed for an accessory structure. He asks if there are any utilities to the shed; Mr. Alligier states no. Mr. Hinterstein asks what is the deck used that is attached to the structure. Mr. Alligier states that it’s just storage but that there is electric going to it, a panel. He states that the deck and overhang is just decorative. There is a 50 amp service in the shed for when they had their pool installed. There are no lights, just an outlet for the pool.

Mr. Hinterstein states that if the fence has to be removed that the homeowner is responsible; they agree. Public portion open: Mr. Mike Partipilo, 11 Revere Road, is sworn in. He states that his name is spelled wrong on the envelope that he received but doesn’t have an issue with the fence. Public portion closed.

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

11. 21-ZB-17/18V

Solops, LLC

Preliminary & Final Site Plan; Bulk Variance

Block 6003, Lot 13; Zone: BP-1

371 Hoes Lane

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JUNE 24, 2021.

Applicant proposes to install solar carports and building roof solar panels.

VARIANCES REQUIRED:

- 21-1014.3(a)** Required – rooftop solar panels shall not exceed a height of 12 inches above the rooftop
Proposed – rooftop solar panels 12.3 inches above the rooftop *
- Required – the placement of the solar panels shall not result in a total height greater than what is permitted in the zoning district for a principal structure (maximum building height is 40 feet)
Proposed – a building 40.3 feet in height with rooftop solar panels 12.3 inches in height *
- 21-1014.4(f)** Required – maximum height of a structure supporting solar panels is 10 feet
Proposed – canopies 20.33 feet in height

*All of the conditional use standards have not been met. A use variance is required pursuant to 40:55D-70d(3) of the NJ Municipal Land Use Law.

**The applicant must comply with the electric vehicle charging station ordinance or an additional variance will be required.

Action to be taken prior to August 25, 2021
Attorney: Susan Rubright

Susan Rubright, 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. Patel. **YES ON THE MOTION:** Warren Zimmerman, Roy O’Reggio, Steve Weisdman, William Mitterando, Kalpesh Patel, Waqar Ali and Chairman Cahill. **NO ON THE MOTION:** None

- 12. 21-ZB-19/20V Solops, LLC**
Preliminary & Final Site Plan; Bulk Variance
Block 6003, Lot 12.01; Zone: BP-1
377 Hoes Lane
Applicant proposes to install solar carports and building roof solar panels.

VARIANCES REQUIRED:

- 21-501** Required – 15 foot side yard setback for an accessory structure
Proposed – 3 foot side yard setback for an accessory structure (solar canopy)
- 21-1014.3(a)** Required – rooftop solar panels shall not exceed a height of 12 inches above the rooftop
Proposed – rooftop solar panels 12.3 inches above the rooftop *
- 21-1014.4(f)** Required – maximum height of a structure supporting solar panels is 10 feet
Proposed – canopies 20.33 feet in height

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JUNE 24, 2021.

*All of the conditional use standards have not been met. A use variance is required pursuant to 40:55D-70d(3) of the NJ Municipal Land Use Law.

**The applicant must comply with the electric vehicle charging station ordinance or an additional variance will be required.

**Action to be taken prior to August 25, 2021
Attorney: Susan Rubright**

Susan Rubright, 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. Patel. **YES ON THE MOTION:** Warren Zimmerman, Roy O'Reggio, Steve Weisdman, William Mitterando, Kalpesh Patel, Waqar Ali and Chairman Cahill. **NO ON THE MOTION:** None

13. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF JUNE 10, 2021:

- (a) **21-ZB-35V, Jeanette Ponce;** Applicant was approved.
- (b) **21-ZB-28V, Mohammed Elashry;** Application was approved.
- (c) **21-ZB-25V, Hugo Chacon;** Application was approved.
- (d) **21-ZB-27V, Luis & Rose Avila;** Application was approved.
- (e) **21-ZB-32V, Cynthia Parker;** Application was approved.

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

14. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF JUNE 10, 2021

MOTION was made by Mr. Zimmerman to adopt the minutes; second by Mr. Patel.

ALL IN FAVOR: Steve Weisman, Mr. O'Reggio, Mr. Mitterando, Mr. Zimmerman and Chairman Cahill.

15. ADJOURNMENT

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

ALL IN FAVOR: Kalpesh Patel, Mr. O'Reggio, Mr. Mitterando, Steven Weisman, Mr. Zimmerman and Chairman Cahill.

NEXT SCHEDULED MEETING IS JULY 8, 2021 AT 7:30 P.M.

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JUNE 24, 2021.

The meeting was adjourned at 8:37 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 June 24, 2021 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on July 8, 2021.

**Shawn Cahill, Chairman & Secretary
Zoning Board of Adjustment**