

**MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JUNE 25, 2020.**

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 Bleich.

Chairman Bleich 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:** Shawn Cahill, Roy O'Reggio, Steven Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Bleich. **ABSENT:** Jeff Tillery

**Also present:** James Kinneally, Esq., Henry Hinterstein, John Chadwick, PP and Laura Buckley, Recording Secretary. It was determined that a quorum was present by roll call.

**4. PLEDGE OF ALLEGIANCE**

Mr. Kinneally states that the following applications have been postponed:

- # 5 19-ZB-69V, James Livingston, has been postponed to Aug. 13, 2020. (Must Notice)
- # 10 20-ZB-09/10V, Equity Land Group, LLC-Postponed until Aug. 13, 2020 (no further notice required)

- 6. **20-ZB-11/12V Piscataway Storage, LLC**  
**Bulk Variance**  
**Block 5201, Lot 20.02; Zone: LI-5**  
**1518 S. Washington Avenue**  
Applicant proposes to install a free-standing sign.

**VARIANCES REQUIRED:**

- 21-1203.4** Required – 50 foot setback for a free-standing sign  
Proposed – 20 foot setback for a free-standing sign \*

\*A setback variance for a free-standing sign, 30 square feet in area, was previously granted under Application #18-ZB-43/44/45V.

**Action to be taken prior to July 31, 2020**  
**Attorney: Bob Smith**

Bob Smith, Attorney, is here to represent the applicant. Court stenographer present; transcripts are on file in the Community Development office.

**MOTION** was made by Mr. Cahill to approve the application; seconded by Mr. Weisman.

**ALL IN FAVOR; ROLL CALL:** Mr. Cahill, Roy O'Reggio, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Bleich.

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7.      **20-ZB-07V/17**      **American Express**  
   **Interpretation & Site Plan**  
   **2 Corporate Place**  
   **Block 5001, Lot 1.03; LI-5 Zone**  
   Applicant proposes to construct a new drive isle.

**VARIANCES REQUIRED:**

- 21-501**      Required – 80 foot front yard setback  
   Proposed – 70.8 foot front yard setback (S. Randolphville Rd.) (existing)
- 21-1102**      Required – 130 parking spaces  
   Proposed – 80 parking spaces (existing)
- 21-1203.4**      Required – 50 foot setback for a free-standing sign  
   Proposed – 22.7 foot setback for a free-standing sign (existing)

**Action to be taken prior to October 26, 2020**  
**Attorney: Susan Rubright**

Susan Rubright, Attorney, is here to represent the applicant. Ms. Rubright states that she is here to represent American Express located at 2 Corporate Place, block 5001, lot 1.03. The property size is just under 5 acres at 4.989 acres and the building size is 44,324 square feet. Scott Turner, Menlo Engineering, puts up a color exhibit and marked as A-1 with today's date. Ms. Rubright states that they are here tonight requesting several things. One is an interpretation of Piscataway Township's zoning ordinance to confirm that the property had prior site plan approval and received it April 23, 1975. They are also seeking an interpretation to confirm that 55 parking spaces and a drive aisle were added to the property at some point. To confirm that the following conditions present variance conditions for which they would seek relief. The variance conditions are for front yard setback, number of parking spaces, signage setback and they need waivers for the drive isle width and the loading space.

Ms. Rubright states that she has with her Scott Turner from Menlo Engineering and she also has on the line Cynthia Lagou from American Express if the Board has any questions from her. She states that American Express has contracted with a buyer to buy the property and that potential buyer submitted an application for a zoning permit and it was denied. In the denied permit it stated that the site plan approval was required given that no records of any kind could be found with regard to the previous approval. After they reviewed the zoning permit denial, they went back to the owner and they were able to provide a number of documents and they were provided to James Clarkin (9 documents) and these were also submitted with the submission of this application.

Ms. Rubright states that the documents submitted included a legal notice for the site plan application, several site plan sheets, Planning Board minutes noting the approval, a one page resolution for the site plan approval and a zoning permit application from 1974-1975. They were submitted to Mr. Clarkin and he advised that this is not unusual for this to occur where the Town does not have an actual site plan in place. Ms. Rubright states that she was advised by Mr. Clarkin that they would need to come in front of this Board for interpretation confirming in fact that there was a site plan approval based on certain documentation. That is why they are in front of the Board this evening for an interpretation for the existing conditions that are there now.

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Ms. Rubright states that the front yard setback variance is an existing condition. The number of parking spaces under the use that is there now is 130 required and 80 spaces provided. The sign setback required is 50 feet and the sign that is there now is 22.7 feet. Ms. Rubright would like Scott Turner sworn in to testify.

Mr. Kinneally states that he understands her argument and has no objection in reference to the interpretation that a site plan exists from the 1970's. To the extent that additional improvements were done after that site plan approval; the drive aisle and the parking spaces. He would like to know if she is seeking site plan approval for that tonight. Ms. Rubright states that she is seeking an interpretation in that some point that they were installed; they're there. She doesn't know when or why they were installed, but they're on the ground. Her position is that they are seeking an interpretation for that, they are existing conditions. Mr. Kinneally requests that as far as the Board is concerned, she can go forward for preliminary and final site plan application. It would be much cleaner just to go for a new site plan, not under the existing site plan from 1975.

Scott Turner, 261 Cleveland Avenue, Highland Park, NJ, Menlo Engineering, is sworn in to testify. He is accepted as a licensed professional Engineer in the State of New Jersey. Mr. Turner puts up on the screen exhibit A-1 dated June 25, 2020. It is a color rendering of the existing conditions on the site located at 2 Corporate Place and also an aerial image from Google from 2018. Mr. Turner zooms in to show the Board a better picture of the site. The property is located as block 5001, lot 1.03 and does contain 4.99 acres. It is located in the LI-5 zoning district which is a light industrial zoning district on the northeast corner of Corporate Place and South Randolphville Road; it has approximately 935 feet of total frontage across those two roadways. Immediately to the north is Route 287. Surrounding the property are other warehousing and industrial commercial uses which are noted on the exhibit.

Mr. Turner states that the site itself contains a one story building which totals 44,324 square feet; 31,027 square feet of the building was used as warehousing space, 13,297 square feet was used for office space. There are two means of ingress and egress to the site; there is a full movement drive which comes off of Corporate Place and then there is a right in and right out only drive that comes off South Randolphville Road. There is an existing parking lot on the property that contains currently 80 parking spaces, there are 36 parking spaces along the easterly property line coming off of Corporate Place and there are 44 parking spaces that are on the north side of the building. There is a large area of open space and wooded area towards the north of the site up against Route 287. On site there is an generator that is located right near the northeast corner of the building in the grass area. There is also an existing free standing identification sign that is located in the intersection of South Randolphville Road and Corporate Place and is the white sliver on the plan.

Mr. Turner states that the site currently has 41.8% impervious coverage and 20.4% building coverage. Everything on the site is existing, the application here in front of the Board proposes no improvements to the property. It has been here since their approval since 1975 which included the building that is on site today, both driveways and 55 parking spaces along the easterly boundary line. Somewhere between 1975 and 2014 there was additional parking put on the site which added the additional spaces with the new drive isle. He doesn't know why or when it was built, but states that it appears to be functioning well in circulation. They do require variances in reference to the LI zone requirements.

In reference to Ms. Gardella's report dated May 14, 2020; they are all existing conditions on the site. In her report she points out all of the existing variances. In reference to the sign there are no impacts or detriment to the intersection. Mr. Turner states that there are a few design waivers which will not impact the site. A minimum drive aisle width of 22 feet on site as to 25 feet which is required. A design waiver is requested for the loading spaces; 10 foot by 30 foot versus the 12 foot by 50 foot.

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There are two loading spaces which are located in the back of this building on the South Randolphville side of the property. In reference to Henry Hinterstein's memorandum, he has several items about the site. They have no issue addressing his comments; they will work with the staff to come up with a plan that is acceptable. These comments include adding sidewalks along the property frontages along with ADA ramps. Any curbing on site that is in disrepair will be replaced or repaired. They will provide the ADA accessible parking, lighting is all working, and the fencing around the generator area will be reviewed and replaced as necessary.

They will work with Mr. Hinterstein in reference to the landscaping. Number 6 on the report, it is asked what provisions are being made for refuse, there is no dumpster on site. The former tenant did not make enough refuse to need one; everything was handled inside. Unless a tenant comes in that needs one, that is when they will put in a dumpster. Mr. Chadwick's report, it indicates that they do not meet what they need for parking; they do require a variance for parking spaces. Mr. Cahill states that he accepts that they will work with Mr. Hinterstein, but he would like a little more of a commitment basically stating that the eleven items on the report will all be addressed; Mr. Turner agrees. He states that they have worked with Mr. Hinterstein on previous applications and will work with him.

Henry Hinterstein asks Mr. Turner if he feels that it will be beneficial to show perhaps a possible dumpster location at this time with a note stating that if it's needed by a future tenant here is the location. Just so that they don't have to come back to the Board for an amended site plan in the future. It could be like a land-banked dumpster location, some landscaping, etc. if needed. Mr. Turner agrees with Mr. Hinterstein. Ms. Rubright states that she also agrees. Chairman Bleich opens it up to the public/public closed.

**MOTION** was made by Mr. Cahill to approve the application; seconded by Mr. Weisman.  
**ALL IN FAVOR; ROLL CALL:** Mr. Cahill, Roy O'Reggio, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Bleich.

- 8. 19-ZB-70V**                      **Sandra Carabello**  
   **Use Variance/Certificate of Non-Conformity**  
   **Block 9701, Lot 16; Zone: R-20**  
   **28 Wickley Avenue**  
   Applicant proposes to continue the use as a three-family home.

**VARIANCES REQUIRED:**

- 21-501**                      Required – single-family residential use  
   Proposed – three-family use \*

**Action to be taken prior to June 18, 2020**  
**Attorney: Aravind Aithal**

Aravind Aithal, Attorney, is here to represent the applicant. Court stenographer present; transcripts are on file in the Community Development office.

**MOTION** was made by Mr. Cahill to approve the application; seconded by Mr. Weisman.  
**ALL IN FAVOR; ROLL CALL:** Mr. Cahill, Roy O'Reggio, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Bleich.

- 9. 19-ZB-03/04V**                      **135 Fleming Street, LLC**  
   **Use & Bulk Variance/Site Plan**  
   **Block 1810, Lot 1.01; Zone: LI-1**

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**135 Fleming Street**

Applicant proposes to construct a single story self-storage facility.

**VARIANCES REQUIRED:**

**21-501**

Required – use permitted in zone  
Proposed – use not permitted in zone (self-storage) \*

Required – minimum lot area 43,000 square feet  
Proposed – lot area 13,496 square feet (existing)

Required – 150 foot lot width  
Proposed – 100 foot lot width (existing)

Required – 150 foot lot depth  
Proposed – 133.87 foot lot depth (existing)

Required – 50 foot front yard setback  
Proposed – 20.8 foot front yard setback (Fleming Street)

Required – 30 foot rear yard setback  
Proposed – 27.7 foot rear yard setback

Required – minimum floor area 10,000 square feet  
Proposed – floor area 2,500 square feet

**21-606**

Required – no encroachment into the sight triangle  
Proposed – parking area partially located within the sight triangle

**21-613**

Required – 150 foot lot frontage  
Proposed – 100 foot lot frontage (existing)

**21-1101.2**

Required – parking may be located in the front yard area but no closer than 25 feet to the street line in industrial zones  
Proposed – parking located 4.9 feet to the street line

Required – no more than one-half of the required parking area shall be located in the front yard  
Proposed – all of the parking is located within the front yard

\* A use variance is required.

\*\* Additional variances were granted for the existing wireless communications facility under Application #13-ZB-32/33V. These variances are not included in this report.

**Action to be taken prior to June 30, 2020**

**Attorney: Aravind Aithal**

Aravind Aithal, Attorney, is here to represent the applicant. Court stenographer present; transcripts are on file in the Community Development office.

**MOTION** was made by Mr. Cahill to approve the application; seconded by Mr. Patel.

**ALL IN FAVOR; ROLL CALL:** Mr. Cahill, Roy O'Reggio, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Bleich.

**11. 19-ZB-44V**

**John & Joan's Road Stand**

**Certificate on Non-Conformity; Use Variance**

**Block 1519, Lots 18.01, 22.02, 26.01; Zone: R-7.5**

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**285 Stelton Road, 4 & 8 Ruth Place**

Applicants seek certification of pre-existing non-conforming use of the aforementioned three lots as a working farm with livestock.

**VARIANCES REQUIRED:**

**21-501** Required – single-family residential use  
Proposed – farm with livestock \*

\*The applicant is seeking a certification of non-conforming use or in the alternative, a use variance.

**Action to be taken prior to June 30, 2020**

**Attorney: Timothy Arch**

Timothy Arch, Attorney, is here to represent the applicant. Court stenographer present; transcripts are on file in the Community Development office.

**MOTION** was made by Mr. Cahill to approve the application; seconded by Mr. Patel.

**ALL IN FAVOR; ROLL CALL:** Mr. Cahill, Roy O'Reggio, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Bleich.

**12. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF JUNE 11, 2020: N/A**

**13. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF JUNE 11, 2020**

**MOTION** was made by Mr. Cahill to adopt the minutes; second by Mr. Weisman.

**ALL IN FAVOR; ROLL CALL:** Mr. Cahill, Roy O'Reggio, Mr. Tillery, Steve Weisman, Kalpesh Patel and Chairman Bleich.

**14. ADJOURNMENT**

**MOTION** was made by Mr. Cahill to Adjourn the meeting; second by Mr. Weisman.

**ALL IN FAVOR:** Mr. Cahill, Roy O'Reggio, Mr. Tillery, Steve Weisman, Mr. Patel and Chairman Bleich.

**NEXT SCHEDULED MEETING IS JULY 9, 2020 AT 7:30 P.M.**

The meeting was adjourned at 9:36 P.M.

Respectfully Submitted,

Laura A. Buckley

Zoning Board Recording Secretary for Shawn Cahill, Secretary

**I certify that the foregoing is a true and correct copy of the Minutes from the Regular Meeting of June 25, 2020 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on July 9, 2020.**

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**Shawn Cahill, SECRETARY**

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**Allan Bleich, CHAIRMAN**