

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JULY 8, 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, Rodney Blount, Jeff Tillery and Chairman Shawn Cahill, **ABSENT:** Waqar Ali.

Also present: James Kinneally, Esq., 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-31V, Quenia Dinzey, has been postponed until August 12, 2021 with no further notice required. #9 on the agenda, 21-ZB-29V, Dwight Mitchell, has been postponed until August 12, 2021 with no further notice required.

1. **21-ZB-36V Carmelo Medina**
Bulk Variance
Block 11217, Lot 19; Zone: R-15
4 Theresa Court
Applicant would like to keep their existing pool which is encroaching in the setback.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 15,000 square feet
Proposed – lot area 10,454.40 square feet (existing)
- Required – 25 foot rear yard setback
Proposed – 16 foot rear yard setback (deck) (existing)
- Required – 10 foot side yard setback
Proposed – 9.1 foot side yard setback (existing)
- 21-617** Required – a pool shall not be installed within 10 feet of any side yard or rear yard
Proposed – a pool 5 feet from the rear yard property line

Action to be taken prior to September 12, 2021

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JULY 8, 2021.

Carmelo Medina, the applicant, is sworn in to testify on his own behalf. Mr. Medina states that he would like to replace the pool. It was broken by a tree that fell and they replaced it. The original pool was oval and this one is smaller. Mr. Kinneally asks if he received a copy of Mr. Hinterstein's report; he has and will comply with putting in trees (landscaping). There will be four trees and he would have to get all of the necessary permits.

Mr. Medina states that he'll put in the trees but he doesn't want to get the permits. He asks what he has to do if he doesn't get the permits. Mr. Kinneally tells him if he doesn't get the permit, for safety reasons, they Board can't approve the variance request. Mr. Medina states that he's in the process of selling his house and the new owner's don't really want the pool anyway. Mr. Medina states that he will just remove the pool. Mr. Kinneally asks Mr. Medina if he is withdrawing his application. Mr. Medina states that he is withdrawing and will remove the pool.

Chairman Cahill asks if they need to take a vote. Mr. Kinneally states that they do not, he will draw up a resolution for withdrawal and have it adopted at the next meeting.

7. 21-ZB-42V

Rubil Varghese

Bulk Variance

Block 3001, Lot 33; Zone: R-10

19 Sewell Avenue

Applicant proposes to install a fence within an easement.

VARIANCES REQUIRED:

21-601

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 a municipal easement.

Action to be taken prior to October 8, 2021

Rubil Varghese, the applicant, is sworn in to testify on his own behalf. Mr. Varghese states that he is requesting a bulk variance to install a fence in the easement area. Mr. Kinneally asks the applicant if he is aware that if the Township ever needs to gain access that he will be responsible for removing and replacing the fence; Mr. Varghese agrees. 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 Weisman, Rodney Blount, Kalpesh Patel, Jeff Tillery and Chairman Cahill. **NO ON THE MOTION:** None

8. 21-ZB-41V

Santos Lopez

Bulk Variance

Block 506, Lot 64: Zone: R-7.5

46 Marcel Lane

Applicant would like to install a privacy fence within an easement.

VARIANCES REQUIRED:

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 drainage easement

Action to be taken prior to October 15, 2021

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JULY 8, 2021.

Santos Lopez, the applicant, is sworn in to testify on his own behalf. Mr. Lopez states that he would like to put in a fence over the easement as well. Mr. Kinneally states that if the Township needs access to that easement, he will be responsible for the removing and replacing of that fence; he agrees.

Public portion open: Richard Barboza, he is directly on the right hand side of Mr. Lopez. Mr. Barboza is sworn in, 42 Marcel Lane. He states that if there is an era made if they should come on to his property. Mr. Kinneally states that you would then contact the Township and they will send an inspector out. If an era was made they (property owner) would have to move it. Mr. Barboza states that if he has a survey done and it conflicts, what does he do then. Mr. Kinneally states that then is a civil matter between him and his neighbor. He would like to know if the fence will make him get any water in his basement. Mr. Kinneally states that he will have to speak to Mr. Hinterstein.

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

- 10. 21-ZB-23/24V Ridgedale Gardens at Piscataway, LLC
Preliminary & Final Site Plan; Bulk Variance
Block 2406, Lot 27.01 & 31.01; Zone: RM
300 N. Randolphville Road**
Applicant proposes to renovate existing building and construct outdoor amenities.

VARIANCES REQUIRED:

- 21-501** Required – 75 foot front yard setback
Proposed – 64.3 foot front yard setback (addition)
- Required – 100 foot front yard setback for an accessory structure
Proposed – 25 foot front yard setback for an accessory structure (grill stations and tot lot)
- Proposed – 12 foot front yard setback for an accessory structure (dog run)
- 21-619.1** Required – in any residential district, no fence located within the front yard setback line shall exceed four feet in height
Proposed – 5 foot high chain link fence located around the dog run

*A use and bulk variances were previously granted under Applications #86-ZB-91V/92, #87-ZB-40, #88-ZB-31V/32 and #88-ZB-32.

**Action to be taken prior to September 25, 2021
Attorney: Richard Schkolnick**

Richard Schkolnick, Attorney, is here to represent the applicant. Court stenographer present; transcripts are on file in the Community Development Office.

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JULY 8, 2021.

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

- 11. 21-ZB-21V Mohamed K. Radwan**
Certification of Non-Conforming Use
Block 603, Lot 87.01; Zone: R-7.5
28 Curtis Avenue
Applicant would like to retain property as 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 August 25, 2021
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. Zimmerman. **YES ON THE MOTION:** Warren Zimmerman, Roy O’Reggio, Steve Weisman, Rodney Blount, Kalpesh Patel, Jeff Tillery and Chairman Cahill. **NO ON THE MOTION:** None

12. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF JUNE 24, 2021:

- (a) **21-ZB-30V, Ralonda Johnson;** application was approved.
- (b) **21-ZB-37V, Angela Gomes;** application was approved.
- (c) **21-ZB-39V, Kari & Matt Alligier;** application was approved.
- (d) **21-ZB-17/18V, Solops, LLC;** application was approved.
- (e) **21-ZB-19/20V, Solops, LLC;** application was approved.

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

13. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF JUNE 24, 2021

MOTION was made by Chairman Cahill to adopt the minutes; second by Mr. Patel. **All in Favor:** Zimmerman, Steve Weisman, Kalpesh Patel, Roy O’Reggio, William Mitterando and Chairman Cahill.

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JULY 8, 2021.

14. 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 AUGUST 12, 2021 AT 7:30 P.M.

The meeting was adjourned at 8:22 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 July 8, 2021 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on August 12, 2021.

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