

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JULY 9, 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, Jeff Tillery, Warren Zimmerman and Chairman Bleich. **ABSENT:** N/A

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:

- # 9 20-ZB-06V, Noor Kakur, has been postponed until September 10, 2020-Must notice.
- #10 20-ZB-16VMadhusudhan Soni & Archana Mohta-has been postponed to Aug. 13, 2020. all paperwork is in order.

- 5. **20-ZB-08V** **Jaimini Patel**
Bulk Variance
Block 8502, Lot 24; Zone: R-10
26 Kate Terrace
Applicant proposes to construct a single story 10' x 10' addition in the rear yard of an existing single family home.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 10,000 square feet
Proposed – lot area 9,375 square feet (existing)

Required – 100 foot lot width
Proposed - 75 foot lot width (existing)

Required – 35 foot front yard setback
Proposed – 30.2 foot front yard setback (existing)

Required – 10 foot side yard setback
Proposed – 9.6 foot side yard setback (existing)
Proposed – 5 foot side yard setback (carport) (existing)
- 21-613** Required – 100 foot lot frontage
Proposed – 75 foot lot frontage (existing)

Action to be taken prior to July 10, 2020

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Jaimini Patel, the applicant, is sworn in to testify. Their son, Urvish Patel, is sworn in on their behalf. He states that they would like to do a 10 foot by 10 foot addition to the back of the house for a second bathroom. They did receive a copy of Mr. Hinterstein's report and there are no concerns. Public portion is open/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.

- 6. 20-ZB-15V James D. Rodgers**
Bulk Variance
Block 9502, Lot 17; Zone: R-20
25 Snowdrift Drive
Applicant proposes to install a 10' x 18' storage shed.

VARIANCES REQUIRED:

- 21-502** Required – minimum lot area 20,000 square feet
Proposed – lot area 15,899.45 square feet (existing)
- Required – 150 foot lot depth
Proposed – 145 foot lot depth (existing)

Action to be taken prior to August 18, 2020

James Rodgers, the applicant, is sworn in to testify on his own behalf. Mr. Rodgers states that he would like to put a 10 foot by 18 foot shed in his backyard. The shed will conform to the setbacks; he is only here because the lot is undersized. He did receive a copy of Mr. Hinterstein's staff report; there are no concerns. Public portion open/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, Jeff Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Bleich.

*Record to show that Mr. Tillery has joined the meeting.

- 7. 20-ZB-01V Ramesh Harikrishnan**
Bulk Variance
Block 8504, Lot 9; Zone: R-10
18 Barnett Place
Applicant proposes to construct a second story addition to an existing single family home.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 10,000 square feet
Proposed – lot area 8,861.25 square feet (existing)
- Required – 100 foot lot width
Proposed – 75 foot lot width (existing)
- Required – 35 foot front yard setback
Proposed – 30.84 foot front yard setback (existing)

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Proposed – 28.24 foot front yard setback (overhang)

Required – 10 foot side yard setback

Proposed – 5.3 foot side yard setback (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 – fence and sheds located over a storm sewer easement (existing)

21-613

Required – 100 foot lot frontage

Proposed – 75 foot lot frontage (existing)

Action to be taken prior to July 19, 2020

Stephen Bulla, the contractor, 5 Robert Circle, South Amboy, NJ, is here to testify on behalf of the applicant. He states that the homeowner is having a hard time getting in on the meeting so he will testify for them. Mr. Bulla is sworn in by Mr. Kinneally. Mr. Bulla states that they are seeking three variances; they are proposing a second story addition. They have some setback issues and an easement on the property. Mr. Kinneally would like him to explain to the Board why the overhang is at 28.24 feet. Mr. Bulla states that was the best way the homeowner could maximize the upstairs layout. Mr. Kinneally states that he understands that the homeowner and the architect would like to maximize the second floor, however, they need some planning justifications for that encroachment into the front yard setback. The existing home is already encroaching by four feet, and they are going another 2.5 feet into the setback.

Mr. Bulla states that that is the way the architect designed it. Mr. Chadwick states that there is a more important issue here in Henry's report. The second floor qualifies as a dwelling unit over the first floor. He believes that without the architect here, he doesn't believe the Board can go any further. As the floor plan looks like there is a full dwelling unit on the first floor and a full dwelling unit on the second floor. Mr. Bulla states that there is only one kitchen on the first floor. Mr. Harikrishnan's mother who lives there, wants an add-a-level to get more space and they put stairs down to the back for access to the backyard from upstairs. He believes that is why it was brought up in one of the reports that the Board would want in the resolution a condition that the Town had a right to go inside the premises with a 24 or 48 hour notice to inspect it to make sure it is a single family unit.

Mr. Chadwick states that he plan shows the proposed sitting area on the second floor has a sink and other utilities; he believes that it is going to be a kitchen. Mr. Bulla states that it is not going to be a kitchen. Mr. Kinneally believes that the Board needs to hear from the applicant himself and the architect to address the issues that have been raised. Mr. Bulla states that the architect is going to be on shortly. Ronald Kacmarsky, the architect, is sworn in to testify and is accepted by the Board.

Mr. Chadwick asks Mr. Kacmarsky if this home is going to be used for extended family; he agrees. Mr. Chadwick states that the second floor plan shows a proposed seating area with what appears to be a kitchen. Mr. Kacmarsky states that it is a wet bar area adjacent to a sitting area in the new addition on the second floor. It will have standard outlets. Mr. Kacmarsky states that they will all be using the same kitchen on the first floor.

Mr. Kinneally states that the house already violates the front yard setback and the plan has an overhang on the second floor with further encroaches another approximately two feet. Can he give the Board of Adjustment justification for that. Mr. Kacmarsky states that the layout for the second floor

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which is over the existing first floor, but with the design it extends over the overhang. It is consistent with what is within the neighborhood and it is a modest overhang and is there to add character. Public portion open/closed. Mr. Chadwick asks Mr. Kinneally who can authorize that the home is being used as single family dwelling. Mr. Kinneally states that Mr. Bulla is here on behalf of the applicant and agreed to it. He (Mr. Bulla) was in contact with the homeowner and they agree to have something in the resolution as a condition. The Town has the right to come out and check on the property if they feel it is being used as a multi-family dwelling.

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

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

- 8. 20-ZB-18V Evelyn Akushie-Onyeani**
Bulk Variance
Block 6405, Lot 19; Zone: R- 20
420 Brentwood Drive
Applicant proposes to install a 6' privacy 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 and shed located over a municipal easement

Action to be taken prior to September 10, 2020

Evelyn Akushi-Onyeani, the applicant, is sworn in to testify on her own behalf. She states that she would like to install a 6 foot privacy fence. Mr. Kinneally states that the reason she is here is because the fence will be located within an easement. If the Township ever needs access to that easement, the homeowner would be responsible for removing and re-installing the fence; Ms. Onyeani agrees. Mr. Chadwick asks if the large shed is still there. Mr. Akushi-Onyeani states that the large shed has been removed and they put a smaller shed there (7 x 7). The shed also encroaches on the easement so she would have to replace it at her own cost just like the fence; she understands. Public portion open/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, Jeff Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Bleich.

- 11. 20-ZB-14V The Titan Group, LLC**
Bulk Variance
Block 210, Lot 73.01; Zone: R-7.5
1718 W 3rd Street
Applicant proposes to construct a second story addition to an existing single family home.

VARIANCES REQUIRED:

- 21-503** Required – minimum lot area 7,500 square feet
Proposed – lot area 6,000 square feet (existing)
- Required – 75 foot lot width
Proposed - 60 foot lot width (existing)

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Required – 25 foot front yard setback
Proposed – 21.83 foot front yard setback (porch)

Required – 8 foot side yard setback
Proposed – 6.44 foot side yard setback (existing)

Required – maximum building coverage 20 percent
Proposed – 20.5 percent building coverage

21-614 Required – 75 foot lot frontage
Proposed – 60 foot lot frontage (existing)

Action to be taken prior to August 29, 2020
Attorney: Janet Silver Rosen

Janet Silver Rosen, Attorney, is here to represent the applicant. Ms. Rosen states that this project involves building a second floor addition to a single family residence and to remove the first floor bedrooms and build three bedrooms and two bathrooms on the second floor within the same footprint. The application is for deminimus variances to build the master bedrooms and to add some architectural entrance to the front of the house. There are two new variances requested that are not preexisting; one is the front yard setback where 25 feet is required and the proposed is 22.95 feet. The second is the building coverage issue; the maximum is 20 % and the proposed is 20.5%. The existing variances are caused from the structure being off center on the property.

Ms. Rosen has two witnesses; the Architect for the project and the Managing member of the Titan Group. The first witness is Joseph Krawiec, Architect, 5 Crescent Drive, Toms River, NJ, is sworn in to testify and is accepted by the Board. Mr. Krawiec states that the existing house is basically a cape style or ranch style home, there is no access to the second floor. The first floor has a small kitchen, a combination living room/dining room area and two bedrooms and one bath. Their project is to expand this to make is more usable by people and will allow us to enlarge the shared living room and they will leave one bedroom there which will be used as an office; open up the kitchen to give it a more open look.

Mr. Krawiec states that on the second floor they will be adding three bedrooms, a shared bath and a master bath. Mr. Rosen states that it will remain a one family home; Mr. Krawiec agrees. Mr. Kinneally asks if the surrounding properties are developed with homes; yes they are. Are they on oversized lots that land could be purchased to make the existing variances conforming; Mr. Krawiec states that no there is not. Mr. Krawiec states that there are two new variances requested. In order to create reasonably sized rooms on the second floor, they have provided for a two foot cantilever both front and back to give them some additional width. That has two consequences which are it pushes them slightly over the allowable coverage. Without the cantilever in the front, the one bedroom becomes 7.8” wide which is a small area. The cantilever doesn’t extend the entire width of the house, only over the garage area.

Mr. Krawiec believes that the addition will be an improvement. It’s not creating the Taj Ma Hal, they will be creating a nice looking home that is appropriate for the neighborhood and fits in as an upgrade. Public portion open/closed. Mr. Chadwick asked about the covered walkway in the front; is it open? Mr. Krawiec states that yes it is open, there are two columns over the front corners of the existing landing on the front steps to provide some cover.

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Dwayne Hooks, 1718 W. 3rd Street, Piscataway, is sworn in to testify. He is a Managing member of Titan Group, LLC. He has lived on this street since 2001 and owns the subject property at 1715 W. 3rd Street. The Board members have received and reviewed copies of pictures of the surrounding area. Mr. Kinneally states that the Board has reviewed them and if the Board has any questions they can ask. Ms. Rosen states that several of the pictures show two story homes on this block and the surrounding block. Ms. Rosen asks Mr. Hooks considering he lives on the block, that the new addition will fit in with the neighborhood; he agrees. The home is in the same footprint and is just going up.

John Chadwick asks if the exterior is going to have brick siding. Mr. Krawiec states that they will be keeping the brick on the bottom portion that is there and the entire second floor will be vinyl. The vinyl will all be the same color and material. Public portion open/closed.

Ms. Rosen believes that these proposed variances will enhance the neighborhood and upgrade it to a nicer, more modern home. The application has de minimus variances and there will be no harm to the neighborhood or any negative effects on the public.

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

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

12. 20-ZB-19V

**New York SMSA L.P. d/b/a Verizon Wireless
Appeal of Zoning Officer's Decision/Interpretation
Block 201, Lot 2.02; Zone: MI
1711 South Second Street**

Applicant proposes to replace 12 antenna arrays on an existing water tower.

Action to be taken prior to October 10, 2020

Attorney: Gregory Meese/Edward Purcell

Edward Purcell, 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, Jeff Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Bleich.

13. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF JUNE 25, 2020:

- (a) **20-ZB-11/12V, Piscataway Storage, LLC; application was approved**
- (b) **20-ZB-07V/17, American Express; application was approved.**
- (c) **19-ZB-70V, Sandra Carabello; application was approved.**
- (d) **19-ZB-03/04V, 135 Fleming Street, LLC; application was approved.**
- (e) **19-ZB-44V, John & Joan's Road Stand; application was approved.**

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

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14. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF JUNE 25, 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.

15. ADJOURNMENT

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

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

NEXT SCHEDULED MEETING IS AUGUST 13, 2020 AT 7:30 P.M.

The meeting was adjourned at 8:34 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 July 9, 2020 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on August 13, 2020.

Shawn Cahill, SECRETARY

Allan Bleich, CHAIRMAN