

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JULY 13, 2023.

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 Shawn 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: Shawn Cahill, Jeff Tillery, Steven Weisman, Rodney Blount, Roy O'Reggio William Mitterando, Kalpesh Patel and Artie Hayducka. **ABSENT:** 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 a couple of changes to the agenda. # 5, 23-ZB-50V, Aamir Motiwala, postponed to September 14, 2023; must notice. #9, 22-ZB-69V, Bradshaw, postponed until September 14, 2023; no further notice. #11, 23-ZB-55V, G & A, postponed until August 10, 2023-Must Notice. # 13, 23-ZB-57V, Caroline Ghorm, postponed until August 10, 2023; must notice the newspaper only.

- 6. 23-ZB-53V Chad Herbert
Bulk Variance
Block 250, Lot 8; Zone: R-15
250 Grandview Avenue
Applicant would like to retain existing fence in easement and corner lot.**

VARIANCES REQUIRED:

- 21-618** Required – a swimming pool shall be located a minimum of 40 feet from the front yard property line (corner property in a R-15 zone)
Proposed – a pool located 20 feet from the front yard property line (Anita Drive) (existing)*
- 21-619.1** Required – in any residential district, no fence located within the front yard setback line shall exceed 4 feet in height and/or consist of no more than 50 percent solid material
Proposed – a 6 foot, vinyl fence located within the front yard setback line

*A variance for the location of the pool was granted on 6/16/80.

Action to be taken prior to October 1, 2023

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Chad Herbert, the applicant, is sworn in to testify on his own behalf. Mr. Herbert states that he would like to replace his fence that is within the easement. Mr. Hinterstein states that in 1980 there was a variance granted for the pool which was required to be screened. The fence was never allowed to be on the property line, it needs to be 8 feet outside of the easement and 8' off of the property line. He also states that the shed should be removed. Mr. Herbert states that JCPL have no issues with the fence on the easement. Mr. Hinterstein states that there are many easements on this property and it is a corner lot. Mr. Herbert agrees with Mr. Hinterstein's recommendations. Public portion open/closed.

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

7. **23-ZB-66V** **Kenny Lai**
 Bulk Variance
 Block 8206, Lot 9; Zone: R-10
 50 Palisades Avenue
 Applicant would like to install a 6' privacy fence within the front yard setback.

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 6-foot solid fence located 17 feet from the Manor Boulevard property line

Action to be taken prior to October 3, 2023

Kenny Lai, the applicant, is sworn in to testify on his own behalf. Mr. Lai states that he would like to replace his existing fence with a 6 foot vinyl fence; corner lot. Mr. Hinterstein states that the applicant is proposing for the fence to be 17 feet from the property line; he has no issues with the application. Public portion open/closed.

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

8. **23-ZB-61V** **Paul Oglesby**
 Bulk Variance
 Block 7302, Lot 15.04; Zone: R-10
 3 Ivy Street
 Applicant would like to retain 6' privacy fence in front yard and shed within the setback.

VARIANCES REQUIRED:

- 21-501** Required – 100 foot lot width
 Proposed – 89.72 foot lot width (existing)

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- 21-613** Required – 75 foot lot frontage
Proposed – 89.72 foot lot frontage (existing)
- 21-619.2** 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 6-foot solid fence within the front yard setback line
- 21-621** Required – a shed shall not be constructed within 3 feet from any property line
Proposed – a shed located 1 foot from the side yard property line (existing)

Action to be taken prior to October 3, 2023

Paul Oglesby, the applicant, is sworn in to testify on his own behalf. Mr. Oglesby states that he is here for his fence and shed; his contractor told him the permit was approved. Mr. Hinterstein states that this property is on a corner and he recommends that the fence be moved back four (4) sections, 24 feet from the property line or change it to a 4 foot picket fence. The fence must be moved since it is encroaching in the R.O.W.

Mr. Hinterstein does not have any issue with the shed since it will be screened by the fence. Mr. Oglesby agrees to move the fence back four sections. Public portion open/closed.

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

10. **23-ZB-68V** **Ric Ursua**
Bulk Variance
Block 10102, Lot 2.95; Zone: R-20
14 Gemma Court
Applicant would like to install a fence within an easement.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 20,000 square feet
Proposed – lot area 10,678 square feet (existing)
- Required – 100 foot lot width
Proposed – 60 foot lot width (existing)
- Required – 150 foot lot depth
Proposed – 113 foot lot depth (existing)
- Required – 40 foot front yard setback
Proposed – 34.9 foot front yard setback (existing)
- 21-613** Required – 100 foot lot frontage
Proposed – 60 foot lot frontage (existing)
- 21-619.1** Required – no open space, municipal drainage way, right-of-way or easement shall be encroached upon or reduced in any manner
Proposed – a fence and rail road ties located over an easement

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Action to be taken prior to October 11, 2023

Ric Ursua, the applicant, is sworn in to testify on his own behalf. Mr. Ursua states that he wants to put up a fence in the easement. Mr. Hinterstein states that if the Township needs to gain access to this easement, it is up to the homeowner to remove and replace the fence; applicant agrees. Public portion open/closed.

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

14. **23-ZB-02/03V** **T.R. Weniger & 1900 New Brunswick, LLC**
Use & Bulk Variance, Preliminary & Final Site Plan or in the Alternative a Certificate of Non-Conformity
Block 701, Lot 25.01; Zone: R-7.5
1900 New Brunswick Avenue
Applicant would like to retain existing landscaping & excavating business, storage containers and existing uses on property.

VARIANCES REQUIRED:

21-501 Required – use permitted in zone in residential zone
Proposed – use not permitted in zone (landscaping and excavating business) *
Proposed – use not permitted in zone (six containers and a tank for long term use) *

21-619.1 Required – maximum wall height 6 feet
Proposed – a wall 8 feet in height (approximate)

21-3b. Accessory Structure

Required – in residential zones, an accessory building shall not exceed 25 feet by 25 feet or 625 square feet
Proposed – an accessory building 144 feet by 24 feet or 3,456 square feet

21-1101.3 Required – automobile parking space, all passageways and driveways shall be paved with a hard surface
Proposed – gravel driveways and parking areas

21-1201 Required – a sign 2 square feet in area
Proposed – a sign 9 square feet in area

21-1207.5-1 Required – a sign under 10 square feet must be set back a minimum of 10 feet from the property line
Proposed – a sign located 2 ½ feet from the front yard property line

*A use variance is required.

Action to be taken prior to September 27, 2023
Attorney: Paul Swanicke

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Paul Swanicke, Attorney, is here to represent the applicant. Court stenographer present; transcripts are on file in the Community Development Office. Application will be continued to the September 28, 2023 meeting with no further notice.

12. **23-ZB-63V** **Mark DuFour**
 Bulk Variance
 Block 913, Lot 21; Zone: R-7.5
 442 New Market Road
 Applicant would like to retain covered deck, fence and shed.

VARIANCES REQUIRED:

- 21-501** Required – 75 foot lot width
 Proposed – 60 foot lot width (existing)
- Required – 25 foot front yard setback
 Proposed – 17 foot front yard setback (existing)
- Required – 8 foot side yard setback
 Proposed – 6 foot side yard setback
- Required – 8 foot side yard setback for an accessory structure
 Proposed – 2.5 foot side yard setback for an accessory structure (shed)
 (existing)
- 21-613** Required – 75 foot lot frontage
 Proposed – 60 foot lot frontage (existing)
- 21-619.1** Required – in any residential district, no fence located within the front yard setback line shall exceed 4 feet in height and/or consist of no more than 50 percent solid material
 Proposed – a 6 foot, solid fence located within the front yard setback line
 (existing)

Action to be taken prior to October 4, 2023

Mark DuFour, the applicant, is sworn in to testify on his own behalf. Mr. DuFour states that he purchased the house six (6) months ago and when applied for permits for the existing roof they were denied. Mr. Hinterstein states that the fence and shed are ok but the deck and covered porch were not permitted and not allowed. He is more concerned about the roof than the deck itself; roof is only a few feet from the property line.

Mr. Hinterstein would like the applicant to move the roof back 8 feet from the side property line and the deck can remain where it is; applicant agrees. The applicant is required to obtain the property permits through the construction and zoning departments. Mr. Hinterstein would also like a 5' temporary construction easement for future projects on New Market Road; applicant agrees. Public portion open/closed.

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

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15. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF JUNE 22, 2023:

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| (a) | 23-ZB-59V | Charlene Jones; Approved. |
| (b) | 23-ZB-32V | Elizabeth Jorge, Approved. |
| (c) | 23-ZB-60V | Transcontinental Steel; Approved. |
| (d) | 23-ZB-54V | 33 Clawson Owner, LLC; Approved. |
| (e) | 23-ZB-62V | NYSMSA Verizon; Approved. |
| (f) | 23-ZB-31/33V | Colgate Palmolive; Approved. |

All in Favor: Mr. O'Reggio, Mr. Blount, Mr. Hayducka,,Mr. Mitterando, Steve Weisman and Chairman Cahill.

11. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF JUNE 22, 2023.

MOTION was made by Mr. Hayducka to adopt the minutes; second by Mr. Patel **All in Favor:** Mr. O'Reggio, Mr. Mitterando, Mr. Blount, Mr. Hayducka, Steve Weisman and Chairman Cahill.

12. ADJOURNMENT: MOTION was made by Vice-Chairman Weisman to Adjourn the meeting; second by Mr. Hayducka. **ALL IN FAVOR: Aye**

NEXT SCHEDULED MEETING IS AUGUST 10, 2023 AT 7:30 P.M.

The meeting was adjourned at 9:08 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 22, 2023 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on July 13, 2023.



SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT