

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JULY 14, 2022.

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: Chairman Shawn Cahill, Jeff Tillery, Kalpesh Patel, Roy O'Reggio, Waqar Ali Steven Weisman, Rodney Blount & Artie Hayducka and William Mitterando. **ABSENT:** N/A

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:

- # 5. 21-ZB-81V, Arnaldo Peraza, Postponed until September 8, 2022-No further Notice
- # 13. 22-ZB-35/36V, JR Ventures, LLC-Postponed until August 11, 2022, No further notice

- 6. **22-ZB-45V** **Michele Lombardi**
Bulk Variance
Block 1503, Lot 108; Zone: R-7.5
76 Carlton Avenue
Applicant would like to construct a roof over existing patio.

VARIANCES REQUIRED:

- 21-501** Required – maximum building coverage 20 percent
Proposed – building coverage 25.4 percent

Required – 8 foot side yard setback
Proposed – 7.8 foot side yard setback (existing)

Action to be taken prior to September 30, 2022

Michelle Lombardi, the applicant, is sworn in to testify on her own behalf. She states that she would like to put a roof over her existing patio in the back yard. Mr. Hinterstein states that there is already an existing patio on the property and the roof would not cause a detriment. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steven Weisman, Kalpesh Patel, Artie Hayducka, William Mitterando and Chairman Cahill. **NO ON THE MOTION:** None.

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JULY 14, 2022.

7. **22-ZB-13V** **Craig Mernagh**
 Bulk Variance
 Block 9401, Lot 10.02; Zone: R-20
 365 Metlars Lane
 Applicant proposes to construct an addition.

VARIANCES REQUIRED:

- 21-501** Required – 15 foot side yard setback
 Proposed – 4 foot side yard setback
- Required – 100 foot lot width
 Proposed – 77 foot lot width (existing)
- 21-613** Required – 100 foot lot frontage
 Proposed – 77 foot lot frontage (existing)
- 21-1101.3** Required – paved driveway
 Proposed – stone driveway (existing)
- 21-3(b)** Required – in residential zones an accessory building should not exceed 25 feet by 25 feet or 625 square feet
 Proposed – an accessory building 30.2 feet by 10.1 feet (existing)

Action to be taken prior to October 14, 2022

Attorney: Andrew Ullrich

Andrew Ullrich, Attorney, is here to represent the applicant. Craig Mernagh, the applicant, is sworn in to testify. He states that he would like to do a second floor master bedroom with bathroom, two bedrooms and a bathroom to improve the house. Mr. Ullrich states that they are seeking variance relief for certain requirements; all of the variances needed are existing. Mr. Ullrich states that in reference to Mr. Hinterstein's report, all will comply except #3; a step in from the building. Mr. Mernagh states that they want to put the master bedroom on that side that is encroaching the 4 feet; it will go right on top and if they move it over they will loose the master bedroom space.

Mr. Hinterstein states that the issue is that the existing is only four feet from the property line, now there is a second story over the home; instead of a one story structure it's a two story on the property line. Just because there is an existing structure there doesn't mean you can exasperate it. Since the two story addition is only over part of the house, perhaps it can be shifted and the bedrooms can be switched around. Mr. Mernagh states that he can't move it over to the left side because his dining room is there and has a vaulted ceiling; his walls are only seven feet on that side.

Mr. Ullrich states that Mr. Mernagh is a home improvement contractor so the aesthetics of the home and what it looks like reflect on his business. Mr. Chadwick states that there should be a discussion with Mr. Hinterstein to see what changes are needed and the issues that have been raised. Chairman Cahill agrees and asks the Board if they have any questions; none. Applicant will come back to the Board on August 11, 2022; no further notice required.

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JULY 14, 2022.

8. **22-ZB-43V** **Christine Spengler & Marcelo Saladrigas**
 Bulk Variance
 Block 603, Lot 39; Zone: R-7.5
 115 Walnut Street
 Applicant would like to replace the existing retaining wall in her front yard.

VARIANCES REQUIRED:

- 21-501** Required – 25 foot front yard setback
 Proposed – 4 foot front yard setback (steps)
 Proposed – 4.5 foot front yard setback (house) (existing)

 Required – 60 foot front yard setback for an accessory structure
 Proposed – 50 foot front yard setback for an accessory structure (shed) (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 – wall located with the right-of-way (existing/proposed)
- 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, wooden fence located within the front yard setback line (6.5 feet from Walnut Street) (existing)

Action to be taken prior to October 6, 2022

Christine Spengler, the applicant, is sworn in to testify. She states that she would like to replace the existing retaining wall, steps and keep the fence where it is. Mr. Hinterstein states that the retaining wall is in the right-of-way and needs to be moved back. If someone gets hurt it's on Township property. He recommends that the wall should be relocated a foot or two back so it's right on the property line; she agrees. There is no issue with the fence; the house is on an angle and the fence is in a good location. Chairman Cahill asks the Board if they have any questions or comments; none. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Weisman. **YES ON THE MOTION:** Steven Weisman, Kalpesh Patel, Artie Hayducka, William Mitterando and Chairman Cahill. **NO ON THE MOTION:** None.

9. **22-ZB-47V** **James Fuller**
 Bulk Variance
 Block 1825, Lot 22.01; Zone: R-7.5
 69 Winans Avenue
 Applicant would like to retain the existing garage conversion.

VARIANCES REQUIRED:

- 21-501** Required – 25 foot front yard setback
 Proposed - 23.86 foot front yard setback (overhang) (existing)
- 21-621** Required – a shed shall not be constructed within three feet from any property line
 Proposed – a shed located one foot from the side yard property line (existing)

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JULY 14, 2022.

21-1102 Required – garage
Proposed – no garage (existing).

Action to be taken prior to October 6, 2022

James Fuller, the applicant, is sworn in to testify on his own behalf. Mr. Fuller states that he bought the house in 1984 and the garage was converted at that time. He is trying to sell his house and was told the garage conversion was not legal. Mr. Kinneally asks how many cars can be on the property; he states two. Mr. Hinterstein asks if he can add to the driveway. Mr. Fuller states that there is a tree and a utility pole so he would not be able to do that.

The Township is asking for a 10' temporary construction easement; he agrees. Mr. Hinterstein asks if he can remove or relocate the shed. Mr. Fuller states that it can't be moved. Chairman Cahill asks if there are any further questions or comments from the Board; none. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steven Weisman, Kalpesh Patel, Artie Hayducka, William Mitterando and Chairman Cahill. **NO ON THE MOTION:** None.

10. **22-ZB-46V** **Stella Lee**
Bulk Variance
Block 1401, Lot 19: Zone: R-7.5
600 Maple Avenue North
Applicant would like to install a 6 foot privacy fence on a corner lot.

VARIANCES REQUIRED:

21-501 Required – minimum lot area 7,500 square feet
Proposed – lot area 6,708.24 square feet (existing)

Required – 75 foot lot width
Proposed – 63 foot lot width (existing)

Required – 25 foot front yard setback
Required – 23 foot front yard setback (overhang) (Maple Ave N) (existing)
Proposed – 15.4 foot front yard setback (Lakeview Avenue) (existing)

21-613 Required – 75 foot lot frontage
Proposed – 65.55 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 (Lakeview Avenue)

Action to be taken prior to October 12, 2022

Stella Lee, the applicant, is sworn in to testify on her own behalf. Ms. Lee states that she would like to put up a 6 foot privacy fence, she's on a corner lot. Mr. Hinterstein states that the Town is asking for a 5 foot temporary construction easement on both frontages; she agrees. He states

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JULY 14, 2022.

that the house and property are on an angle so he would like the fence to be (on Lakeview) 17 feet from the property line at the rear; she could step it back after the 42 feet; she agrees. Chairman Cahill asks if there are any other comments or questions from the Board; none. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steven Weisman, Kalpesh Patel, Artie Hayducka, William Mitterando and Chairman Cahill. **NO ON THE MOTION:** None.

- 11. 22-ZB-58V** **NYSMSA Limited Partnership d/b/a Verizon Wireless
Interpretation of the Zoning Ordinance
Block 201, lot 2.02; Zone: M-1
1711 South 2nd Street**
Applicant would like to upgrade existing telecommunication equipment.

**Action to be taken by October 25, 2022
Attorney: David Soloway**

David Soloway, 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:** Steven Weisman, Kalpesh Patel, Artie Hayducka, William Mitterando and Chairman Cahill. **NO ON THE MOTION:** None.

- 12. 22-ZB-29V** **Vijay Singhal
Bulk Variance
Block 6601, Lot 15; Zone: RR-1
446 2nd Avenue**
Applicant proposes to construct a new single family home.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 43,000 square feet
Proposed – lot area 13,061.61 square feet (existing)
- Required – 150 foot lot width
Proposed – 75 foot lot width (existing)
- Required – 200 foot lot depth
Proposed – 175 foot lot depth (existing)
- Required – 25 foot side yard setback
Proposed – 13.36 foot side yard setback
- Required – 50 foot rear yard setback
Proposed – 32 foot rear yard setback (porch)
- Required – maximum building coverage 20 percent
Proposed – 22.43 percent building coverage

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JULY 14, 2022.

21-613 Required – 150 foot lot frontage
Proposed – 75 foot lot frontage (existing)

21-628 Required – an outdoor accessibility ramp may encroach into the required setback by 50 percent (12.5 feet)
Proposed – an outdoor accessibility ramp 9 feet from the side yard setback

Action to be taken prior to August 1, 2022
Attorney: Tim Arch

Tim Arch, Attorney, is here to represent the applicant. The application would like to construct a new single family home; the lot is undersized in area, width, depth and frontage which are existing variances. They are asking for variances for building coverage, side yard setback, rear yard setback and encroachment of an accessibility ramp into the rear yard. Mr. Arch states that they have revised the original plans based on the reports and Mr. Hinterstein's staff memorandum.

Mr. Vijay Singhal, the applicant, is sworn in to testify; 262 Pinelli Drive, Piscataway. He is the owner of the property and would like to build a new house on the property. It will be a multi-generational house. Mr. Singhal states that his Dad is 93 and he has a 22 year old handicapped daughter who lives with them. He is building this house for her quality of life. Mr. Arch states that the daughter has a medical condition and that is primarily why the house is designed the way it is; Mr. Singhal agrees. Mr. Singhal explains his daughter's medical condition; she is in a wheelchair and can't eat, drink, speak or walk. They have been living in Piscataway for over 20 years and would like to stay.

Mr. John DuPont, PE, PP, is sworn in to testify. He shares his screen (sheet 2) with the Board. They would like to demolish the existing home and will be pushing the new home back to the required 50 foot setback. The building coverage required is 20% where they are proposing 21.3%; the home needs to be a larger to accommodate the wheelchair.

The rear setback will be 45.5 feet where 50 feet is required. Mr. DuPont states that the property in the rear is a wooded not so the 5 feet in the rear yard wouldn't be noticed. They will be constructing a seepage pit to reduce runoff on both properties; they will move the pit to the front as requested. In reference to Mr. Hinterstein's report, they would like to keep the deck, there is a thick wooded buffer (exhibit A-1). They feel there is a significant buffer and there would be not adverse visual impacts for the extra two feet of the deck.

The existing home was right to the front of the property line, the new home will be moved back the 50 feet and will match the neighbor. Mr. DuPont states that the lot has restrictions because of the size. This house is certainly in scale with the neighborhood. They will construct curbs and sidewalks as request. From his standpoint, it is a simple project they can comply with Mr. Hintersteins' July 12th letter and will work with staff. Mr. Hinterstein states the rest of the report, easements etc. will they comply; Mr. Arch states that they will.

Mark Marcille, Architect, is sworn in to testify; 505 Main Street, Metuchen, NJ, he is accepted. He states that they will have the roof line under 28 feet and will push the garage back as requested. They have reduced the width of the garage by pushing it back. They pushed the second floor walls back also. He states that they have made the interior spacious enough to accommodate the required wheelchair access.

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JULY 14, 2022.

Mr. Hinterstein states that he doesn't have any further concerns; they have reduced the size as requested. Chairman Cahill asks the Board if they have any further questions; none. Mr. DuPont states that from a Planner's perspective, they are requesting from the Board several variances, most of which are existing. The property currently has a dwelling on it, a detached garage with existing violations. The size of the lot clearly impacts their ability to provide the required lot coverage. If the lot was consistent with the zone, their percentage would be well below coverage. The side and rear yards setbacks can be granted without substantial detriment to the greater good and the benefits outweigh the detriments. They will be improving the drainage and no negative visual impacts to the neighbors.

Chairman Cahill asks the Board if they have any further questions from the witness; none. He opens it up to the public/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steven Weisman, Kalpesh Patel, Artie Hayducka, William Mitterando and Chairman Cahill. **NO ON THE MOTION:** None.

14. **22-ZB-50** **Kingsbridge 2005, LLC**
 Preliminary & Final Site Plan
 Block 6702, Lot 8.01; Zone: LI-5
 80 Kingsbridge Road
 Applicant proposes to use existing building for
 warehouse/distribution.

VARIANCES REQUIRED:
No variances are required at this time.

*A use variance was previously granted for the existing physical therapy facility under Application #16-ZB-05V.

**The applicant must comply with the State's Municipal Electric Vehicle Ordinance.

Action to be taken prior to October 14, 2022
Attorney: James Spanarkel

James Spanarkel, 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:** Steven Weisman, Kalpesh Patel, Artie Hayducka, William Mitterando and Chairman Cahill. **NO ON THE MOTION:** None.

15. **ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF JUNE 23, 2022:**
- (a) **22-ZB-39V, Rinkesh Patel; Approved**
 - (b) **22-ZB-44V, NYSMSA; Approved**
 - (c) **22-ZB-57/58V, 28 Howard Street, LLC; Approved.**
 - (d) **22-ZB-11/12V, Mark Bahna; Approved as amended.**

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JULY 14, 2022.

All in Favor: Mr. Tillery, Mr. O'Reggio, Mr. Patel, Mr. Mitterando, Mr. Ali Chairman Cahill.

14. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF JUNE 23, 2022.

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

All in Favor: Mr. Tillery, Roy O'Reggio, Kalpesh Patel, William Mitterando, Waqar Ali and Chairman Cahill.

15. ADJOURNMENT

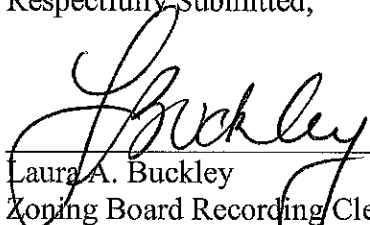
MOTION was made by Chairman Cahill to Adjourn the meeting; second by Mr. Patel.

ALL IN FAVOR: Aye

NEXT SCHEDULED MEETING IS AUGUST 11, 2022 AT 7:30 P.M.

The meeting was adjourned at 8:59 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 14, 2022 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on August 11, 2022.



SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT