

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, SEPTEMBER 24, 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: Jeff Tillery, Roy O'Reggio, Steven Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Shawn Cahill **ABSENT:** N/A

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

4. PLEDGE OF ALLEGIANCE

5. NOMINATION OF A CHAIRPERSON

Mr. Kinneally would like to open up nominations for a Chairperson:

MOTION was made by Mr. Zimmerman to appoint Shawn Cahill as the Chairman to the Zoning Board of Adjustment; seconded by Mr. Weisman.

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

6. PUBLIC PORTION

James Clarkin would like to congratulate Shawn Cahill on being elected as the new Chairman of the Board. He will keep his position as Secretary of the Board. Mr. Clarkin has known Mr. Cahill for over 20 years and he can certainly tell the Board that he knows he can handle both positions. His congratulations. In the near future, the Council is going to recognize Allan Bleich for his service. On the 29th, Council will consider a resolution to appoint Mr. Zimmerman as a permanent member of the Board apposed to being an alternate member. He can be considered at the next meeting for Vice-Chair. Chairman Cahill thanks Mr. Clarkin.

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

- # 10 19-ZB-69V, James Livingston, has been postponed until October 22, 2020-Must notice.
- # 11 20-ZB-38/39V, Francis Parker Memorial Home, has been postponed to October 22, 2020; no further notice required.

- 7. **20-ZB-43V** **Kevin Uherek**
 Bulk Variance
 Block 1933, Lot 1.01; Zone: R-7.5
 25 Desna Street
 Applicant proposes to install a fence within the front yard.

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VARIANCES REQUIRED:

- 21-501** Required – 25 foot front yard setback
Proposed – 22.5 foot front yard setback (existing)
- 21-606** Required – no portion of a fence shall be located within the sight triangle
Proposed – a 6 foot high, vinyl fence partially located within the sight triangle
- 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 high, vinyl fence located along the Day Avenue property line
Proposed – a 6-foot high, vinyl fence located 22.5 feet from the Desna Street property line

Action to be taken prior to November 27, 2020

Kevin Uherek, the applicant, is sworn in to testify on his own behalf. He states that would like to install a 6' privacy fence. The first top foot would be lattice. It would be installed in the front of his house and on the side street, Day Avenue. Being a corner lot, almost all of his property is visible to the public; by being able to put this in, he would be able to use 25% of his side property on Day Avenue. Mr. Uherek states that he submitted a site plan showing where he would like to put the fence. He did receive some feedback and was trying to obtain specific direction from the Board this evening.

Mr. Hinterstein states that the issue with the fence is really that they have two fronts. The problem was that the application that was originally submitted was in the site triangle which they never allow for safety reasons. The other issue is they typically request that the property owner move the fence at least a minimum of 10-15 feet from the property line so it doesn't impact the site corridor of the road as well as any neighboring driveways that may exist on the adjacent property. That being said, he did mark up a survey that showed a relocated fence. It basically shows the fence along the front of the house and then follows the site triangle and continues down Day Avenue along the side of this property but is 10 feet off of the right-of-way line/property line. This will maintain the 20 foot setback off of the curb.

Mr. Hinterstein states that that would be the compromise, the law says it needs to be 25 feet off the property line and he would like it 10 feet off of the property line. He believes that it is a good compromise between the applicant and the Township. Mr. Uherek states that a portion on Desna then go a 45 degree angle and then once it hits the 10 foot mark on Day Avenue it will be 10 feet off of the property line; Mr. Hinterstein agrees. Mr. Uherek states that he has never seen a 45 degree angle on a corner property. Mr. Kinneally states that he doesn't have to go with the 45 degree angle, he can just set the entire fence back out of the site triangle. Mr. Hinterstein states that he just can't go over the site triangle.

Mr. Hinterstein states that where that 10' offset is where it hits the site triangle as Mr. Kinneally stated, he could set back the front fence and keep it parallel with Desna Street it would just be 10 feet further back from the front of the house; Mr. Uherek states he understands. He would like to have someone tell him exactly where to put the fence since it will be in concrete and he doesn't want to move it. Mr. Hinterstein states the he can do the math, the survey is there and has an offset to the house from the Day Avenue property line. He can deduct 10 feet from that and it tells you how far you can go from the house. Mr. Uherek states that he isn't quite sure. Mr. Hinterstein states that the setback on the survey says 25.7 feet. Mr. Uherek states that is what the survey said.

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Mr. Hinterstein states that his contactor would need to figure it out. He has to work off of the property line which is approximately 15 feet from the house. Mr. Hinterstein states that from the curb line he would go ten feet off of that and that would be where his property line is; so he would have to go 20 feet from the curb line and that is where he would put the fence. There is not an issue for the fence to be flush with the front of his house; Mr. Hinterstein does not have an issue with that. Public portion open/closed.

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

- 8. 20-ZB-46V Dane Reeves
Bulk Variance
Block 1201, Lot 8; Zone: R-10
47 Michael Street**
Applicant proposes to install a fence within the front yard setback.

VARIANCES REQUIRED:

21-501 Required – 8 foot rear yard setback for an accessory structure
Proposed – 5.5 foot rear yard setback for an accessory structure (shed) (existing)

Required – 8 foot side yard setback for an accessory structure
Proposed – 7 foot side yard setback for an accessory structure (shed) (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 vinyl privacy fence located along the Hayford Street frontage

***Action to be taken prior to November 06, 2020**

Dane Reeves, the applicant, is sworn in to testify on his own behalf. Mr. Reeves states that he would like to put up a 6’ privacy vinyl fence in his backyard which faces Hayford Street. It is his understanding that the road is underutilized and the purpose of the fence would be for his small children. Mr. Hinterstein states that the request is minimal in nature and doesn’t see any issues or any impact on the surrounding areas. It is more of a technicality since the end of Hayford Avenue is more of a paper street. It is actually the dead end of the road and it’s appropriate to give this variance. Mr. Kinneally states that on a lot of these fence applications they have been requiring setbacks on corner lots. Since this is a paper street, the setback really doesn’t apply here. Mr. Hinterstein states that it is the applicant’s back yard, not a corner lot or front yard.

Public portion open:

1. Christine Alves, 51 Michael Street, is sworn in. She just wants to know if the fence that is there now is going to stay. Mr. Reeves says yes.

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

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- 9. 19-ZB-70V Sandra Carabello**
Revision to Condition #6
Block 9701, Lot 16; Zone: R-20
28 Wickley Avenue
Applicant would like a revision to existing approval for Condition #6 on the adopted resolution.

Attorney: Aravind Aithal

Aravind Aithal, Attorney, states that this was an application for a pre-existing, non-conforming or a use variance for a multi-family house. The property is located right where the curb is 90 degrees to the left. The road is very narrow and there are houses on both sides. One of the conditions of the approval was that they provide a 10 foot wide easement; a 5 foot wide ROW and a 5 foot temporary construction easement which would have literally put them in the living room of the house. The house is only setback 9'6". They have a letter from the Township Engineer from the 1970's that indicated it was highly unlikely this road would ever be widened.

The Board did approve the application previously. Mr. Clarkin provided a letter to the Board indicating that he believes also that is highly unlikely that the road will ever be widened. A 5 foot wide easement for Municipal purposes would suffice; a permanent easement. They would like to ask the Board to look favorably on that condition. Public portion open/closed.

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

- 12. 20-ZB-09/10V Equity Land Group, LLC**
Preliminary & Final Site Plan; Bulk & Use Variances
Block 5302, Lot 1.01; Zone: LI-1
521 Stelton Road
Applicant proposes construction of two new buildings.

VARIANCES REQUIRED:

- 21-501** Required – use permitted in zone
Proposed – use not permitted in zone (car wash and tire center) *
- Required – 25 foot side yard setback
Proposed – 21.6 foot side yard setback (existing)
- 21-622** Required – fence around detention basin
Proposed – no fence around the detention basin
- 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 – front yard parking located 14.5 feet to the street line (existing)
Proposed – front yard parking located 20 feet to the street line
- 21-1203.4** Required – a free-standing sign shall not be erected closer than 50 feet from the right-of-way line
Proposed – a free-standing sign located 11.5 feet from the right-of-way line (Sign A) (existing)

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Proposed – a free-standing sign located 13.9 feet from the right-of-way line (Sign B) (existing)

Proposed – a free-standing sign located 20 feet from the right-of-way line (Sign C)

* A use variance was previously granted for the car wash and tire center under Application #91-ZB-46V/47. The application proposes an expansion of a non-conforming use; a use variance is required.

Action to be taken prior to September 15, 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. Zimmerman to approve the application; seconded by Mr. Tillery. **ALL IN FAVOR; ROLL CALL:** Jeff Tillery, Roy O'Reggio, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Cahill.

- 13. 19-ZB-06/07V Muslim Center of Middlesex County
Use & Bulk Variances; Preliminary Major Subdivision
Block 12201, Lot(s)
Hoes Lane & Hoes Lane West
Applicant proposes to a major subdivision.**

VARIANCES REQUIRED:

Proposed Lot 3.01

- 21-501** Required – 100 foot lot width
Proposed – 89.4 foot lot width (existing)
- 21-613** Required – 100 foot lot frontage
Proposed – 85 foot lot frontage (existing)

Proposed Lot 4.01

- 21-501** Required – 8 foot side yard setback for an accessory structure
Proposed – 3.2 foot side yard setback for an accessory structure (garage) (existing)

Proposed Lot 9.04

21-3b.Accessory Building

- Required – in a residential zone any single property shall be allowed two accessory structures
Proposed – four sheds and one existing shed

Hospitals, churches, or other places of worship, Sunday schools and church schools, shall conform to the following conditions:

- 21-1003.3** Required – there shall be a setback of 50 feet from any building to any property line
Proposed – a structure located 45 feet from the front yard property line and 26.5 feet and 8 feet (ramp) from the side yard property line (existing) *
- 21-1003.5** Required – 511 parking spaces
Proposed – 273 parking spaces (existing) *

*The applicant does not comply with all of the conditions of the conditional use requirements. A use variance was previously granted.

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**Action to be taken prior to November 20, 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 Chairman Cahill to approve the application; seconded by Mr. Zimmerman.
ALL IN FAVOR; ROLL CALL: Jeff Tillery, Roy O'Reggio, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Cahill.

14. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF SEPT. 10, 2020:

- (a) **20-ZB-36V, Yun Wu;** application was approved.
- (b) **19-ZB-45V, AAA Budget Self Storage, Inc.;** extension of time was approved.
- (c) **20-ZB-23V, Aileen Soriano;** Application was approved.
- (d) **20-ZB-40V, Dawn & James Genteel;** Application was approved.
- (e) **20-ZB-51V, T-Mobile Northeast;** Application was approved.
- (f) **20-ZB-16V; Madhusudhan Soni & Archana Mohta;** application was approved-8/13

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

15. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF SEPT. 10, 2020

MOTION was made by Mr. Weisman to adopt the minutes; second by Mr. Zimmerman.
ALL IN FAVOR; ROLL CALL: Roy O'Reggio, Mr. Tillery, Steve Weisman, Kalpesh Patel and Chairman Cahill.

16. ADJOURNMENT

MOTION was made by Chairman Bleich 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 OCTOBER 8, 2020 AT 7:30 P.M.

The meeting was adjourned at 9:45 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 September 10, 2020 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on September 24, 2020.

Shawn Cahill, Chairman, Secretary