

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 8, 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 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: Jeff Tillery, Steven Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Shawn Cahill, **ABSENT:** Roy O'Reggio

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. APPOINTMENT OF VICE-CHAIRMAN:

MOTION was made by Chairman Cahill to appoint Warren Zimmerman as Vice-Chairman to the Zoning Board; seconded by Mr. Weisman. **ROLL CALL:** Jeff Tillery, Steve Weisman, Kalpesh Patel and Chairman Cahill.

6. 20-ZB-52V

Meruyert Sadvkova

Bulk Variance

Block 1024, Lot 7.01; Zone: R-7.5

355 William Street

Applicant proposes to install a 6' privacy fence and a roof over the porch to an existing single family home on a corner lot.

VARIANCES REQUIRED:

21-501

Required – minimum lot area 7,500 square feet

Proposed – lot area 5,000 square feet (existing)

Required – 75 foot lot width

Proposed – 50 foot lot width (existing)

Required – 25 foot front yard setback

Proposed – 8.39 foot front yard setback (roof) (Eiseman Avenue)

21-613

Required – 75 foot lot frontage

Proposed – 50 foot lot frontage (existing)

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 Eiseman Avenue property line

21-620

Required – no shed shall be constructed within 3 feet of any property line

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Proposed – shed located on the property line (existing)

*The home was constructed in 1945; therefore, a garage is not required.

Action to be taken prior to December 22, 2020

Meruyert Sadvkova, the applicant, is sworn in to testify. Robert Krick is also sworn in to testify. Ms. Sadvkova states that they proposed a variance to have a roof over the porch entrance. They have two front yards so they would like a roof; the entrance always gets wet. They also proposed a fence for privacy to have friends over. Both sides are open and there is no privacy and safety for kids running around. Mr. Kinneally asked if they had a chance to review the Town's October 2, 2020 staff memorandum. Ms. Sadvkova states that they did receive it.

Mr. Krick states that in reference to screening of the shed, they would like some clarification. Mr. Hinterstein states that the reason that was brought up was because they are proposing a shed on the property line where 3 feet is required. They can either relocate the shed to where it needs to be so there is no screening required; they have to screen it. Mr. Krick states that they do not want to move the shed, they want to put up a fence. Mr. Hinterstein states that they are just looking to put up a fence along Eisman Street.

Ms. Sadvkova states that she only proposed two things and doesn't understand why the shed was brought up. Mr. Hinterstein states that it was brought up because it is not in a conforming location so it has to be on the report. The shed was most likely put up without a zoning permit in a non-conforming location and therefore it has to be included with the variance. They can move it to a conforming location as stated or they can put up a solid fence as a buffer from the neighbors. The shed is right on the property line; they can leave it there or put up a buffer.

The applicants will not move the shed, they will put something behind it to cover it up. In reference to #2 on the staff memorandum, it states that the fence is too close to the driveway; they will move it back. Mr. Hinterstein states that the issue is on Eisman Street; they are right on the property line. He would like them to move the entire fence off of the property line so that not only the applicant's driveway, but their neighbor's driveway also for more visibility when they're backing out.

Mr. Hinterstein states that the lot is narrow and there is kind of a hardship, but they never give a variance to put the fence right on the property line. There needs to be visibility and a site corridor. Mr. Krick states that the entire fence needs to be five (5) feet back. Mr. Hinterstein states that the setback required is 25 feet, they're only asking for five feet. The applicant's agree.

The applicant's would like to share their screen, they have more details on the survey. It has more lines on it; A-1. Mr. Kinneally asks if this is a new drawing that they haven't submitted before; they state yes. It shows a different line of the fence; revised drawing. Mr. Kinneally states that they have to provide a hard copy to Laura Buckley for the file. They have a drawing that shows the fence back but Mr. Hinterstein states that would not work. There are safety issues and the fence needs to go back 5 feet. Public portion open/closed.

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

ROLL CALL: Jeff Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Cahill.

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7. 20-ZB-53V

**James Hamilton
Bulk Variance
Block 6602, Lot 9; Zone: R-20
440 Elwood Street**

Applicant proposes to install an above ground pool within the setback.

VARIANCES REQUIRED:

21-501

Required – minimum lot area 20,000 square feet
Proposed – lot area 16,160 square feet (existing)
Required – 150 foot lot depth
Proposed – 146 foot lot depth (existing)

21-617

Required – a pool shall not be installed within 10 feet of any side yard property line
Proposed – a pool installed 5 feet from the side yard property line

Required – a pool shall be located only in the rear yard
Proposed – a pool partially located within the side yard

Action to be taken prior to December 23, 2020

James Hamilton and Shannon Hamilton, the applicants, are sworn in to testify on their own behalf. Ms. Hamilton states that they would like to get a pool and put it in the side yard of the house. They need a variance because it was not 10 feet off of the property line. Mr. Kinneally asks if they had a chance to review Mr. Hinterstein’s October 5, 2020 report; they have. Mrs. Hamilton states that the survey that was provided it currently states that there is a deck in the back, that was there when they purchased the home and was removed; there is a patio there now that goes out further than the deck was. The back area there is only 22 feet 10 inches, that is why they aren’t putting the pool there. If you are looking at the house, the back right has a large playground area; that is why they can’t put it there.

Mrs. Hamilton states there are also a lot of trees in the back as well that block a lot of the back yard. Mr. Hinterstein states that they can only work off of what was provided to him. He sees a yard that has ample space to put the pool that they want in locations that conform completely with the ordinance. This is something that looks like it’s just sandwiched in; he understands it’s to maximize the backyard, but he doesn’t see the hardship other than they want more green/open space in the backyard. The problem is they’re asking for a pool to be 5 feet from the property line where 10 feet is required. If a kid were to jump this fence, that is just to close to the property lines with safety issues.

If they want a foot or two variance he could see that, but not half at five feet. The pool could be 8 feet off of the property line. Mrs. Hamilton states that it’s an above ground pool. Mr. Hamilton states that the pool would actually be 6 feet, the fence is a foot on the survey. Mr. Hinterstein states that it is too severe and he would like them to put it 8 feet from the property line. Mrs. Hamilton states that there is a 6 foot vinyl fence there and if any neighbors have any issues they can speak to that. Mr. Hinterstein states that the ordinance is there for safety reasons and not to be so close to the neighboring properties. This particular neighbor may not have an issue but the next one could. They need to show a hardship and they have not done that for it to be where they want it.

Mr. Hinterstein states that the playset can be relocated if necessary. The patio can be relocated if needed. Mrs. Hamilton states that the patio cost almost \$25,000 to put it, she just can’t move it. Mr. Kinneally states that under the law, finances are not a hardship under the State of New Jersey. Mr. Hamilton states that there are six big oak trees and doesn’t want to put the pool there.

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Mrs. Hamilton states that on the side of the house they have a central air unit and there is not enough room for them to move the pool. It is suggested by the Board to see if they can fit it. Mr. and Mrs. Hamilton take a short break and go outside to measure to see if the pool can go in to 8 feet from the property line. Upon their return, they state that they can move the pool in 8 feet from the property line as requested. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Zimmerman.
ROLL CALL: Jeff Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Cahill.

- 8. 20-ZB-55V Ranchhodbhai Patel
Bulk Variance
Block 9401, Lot 38; Zone: R-20
8 Smoke Tree Close**
Applicant proposes to construct a shed and to keep an existing fence.

VARIANCES REQUIRED:

21-501 Required – minimum lot area 20,000 square feet
Proposed – lot area 16,268 square feet (existing)

Required -100 foot lot width
Proposed – 67 foot lot width (existing)

Required – 150 foot lot depth
Proposed – 147 foot lot depth (existing)

Required – 30 foot rear yard setback
Proposed – 24 foot rear yard setback (existing)

21-613 Required – 100 foot lot frontage
Proposed – 67 foot lot frontage (existing)

21-619.1 Required – in a residential district, the maximum fence height permitted is 6 feet
Proposed – a 7 foot high, chain link fence (existing)

Action to be taken prior to December 28, 2020

Ranchhodbhai Patel, the applicant, is sworn in to testify on his own behalf. Mr. Patel states that he would like to put a shed near the location he wants. The other shed is in a bad location and he needs to move it closer for his snow blower and other items. Mr. Kinneally asks if he received Mr. Hintersteins' report; yes he did. Mr. Patel will comply with the report; he can reduce the fence to six (6) feet. Mr. Kinneally states that if he can reduce it to six feet, all of the other variances are existing. Chairman Cahill asks if there are any other questions from the Board; none. **Public portion open:** Mr. Charles Wang, 7 Smoke Tree Close, is sworn in to testify. He states originally the fence was four feet and reduced the green acres behind them; then the deer came out and ravaged the area. The Town tax revenue will be reduced. The fence is good at seven feet; it's more deterrent for the deer. Public closed. Mr. Hinterstein states that he has until May 1, 2021 to reduce the fence.

MOTION was made by Mr. Zimmeran to approve the application; seconded by Mr. Patel.
ROLL CALL: Jeff Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Cahill.

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- 9. 20-ZB-58V Troyshon Phillips**
Bulk Variance
Block 8402, Lot 41: Zone: R-10
7 Brian Court
Applicant proposes to install a fence within an easement.

VARIANCES REQUIRED:

- 21-501** Required – 25 foot rear yard setback
Proposed – 19.3 foot rear yard setback (existing)
- 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 an easement
- 21-613** Required – 100 foot lot frontage
Proposed – 74.17 foot lot frontage (existing)

Action to be taken prior to January 8, 2021

Troyshon Phillips, the applicant, is sworn in to testify on his own behalf. Ms. Pembertain is also sworn in to testify. Mr. Phillips states that he would like to put up a fence around their property in the backyard. It goes a little bit into the easement. They recently bought the house in February and there is a patio in the back right off of the sliding glass doors and they would like to be able to enclose the patio and put a fence around the yard. They have a newborn and an eleven and twelve year old and want them to be safe. Mr. Kinneally states that they need to understand that if the Township needs access to that easement the owner would be responsible for taking it out and putting it back in; they agree. Chairperson Cahill asks if there are any other questions from the Board; there is none.

Public portion open: (1) Wilhelmina Bryant, 58 Poplar Road, is sworn in to testify. She states that her concern is with the variance is future owners, should she sell her property or they sell theirs, it might cause confusion. Mr. Kinneally states that there will be no confusion because there will be a condition of approval which requires the owner to be responsible for removing and replacing of the fence if the Township ever needs to gain access to that easement. (2) Jeff Lane, 1269 Brookside Road, is sworn in. Mr. Lane states that he wants to know if this is an addition to the fence that is already installed. Mr. Phillips states that they put in a permit for a fence originally, so this would be adding to the fence that is there now. It will be closing in the entire back of the property. Mr. Phillips states that the fence will follow the plan that was provided to the Board. Public portion closed.

MOTION was made by Mr. Zimmerman to approve the application; seconded by Mr. Patel.

ROLL CALL: Jeff Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Cahill.

- 10. 20-ZB-57V Janice & Mark Batulis**
Bulk Variance
Block 6920, Lot 5; Zone: R-10
433 Ellis Parkway
Applicant proposes to construct a 3-season room in the rear yard.

VARIANCES REQUIRED:

- 21-501** Required – 25 foot rear yard setback
Proposed – 22.41 foot rear yard setback

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Required – maximum building coverage 20 percent
Proposed – 22.42 percent building coverage

Action to be taken prior to January 7, 2021

Janice and Mark Batulis, the applicants, are sworn in to testify on their own behalf. Mrs. Batulis states that they would like to put a sunroom on the back of their house. The current setback is 25 feet and they are proposing 22.41 feet and the max building coverage is 20 % and they are proposing 22.42 %. Mr. Kinneally would like to point out the Mr. Hinterstein indicates that there are no planning considerations and that the variances requested by the applicants are de minimus. Chairman Cahill asks if anyone on the Board has any questions; there are none. Public portion open/closed.

MOTION was made by Mr. Zimmerman to approve the application; seconded by Chairman Cahill.
ROLL CALL: Jeff Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Cahill.

- 11. 20-ZB-59V Maria Bahouali**
Bulk Variance
Block 1216, Lot 9.01; Zone: R-10
14 Johnson Avenue
Applicant proposes to construct a roof over the existing patio in the rear yard of an existing single family home.

VARIANCES REQUIRED:

- 21-501** Required – 25 foot rear yard setback
Proposed – 23.5 foot rear yard setback (scaled)

Action to be taken prior to January 7, 2020

Maria Bahouali, the applicant, is sworn in to testify on her own behalf. Christian Vamos is also sworn in to testify. Ms. Bahouali states that she would like to put a roof over the patio in her backyard. Mr. Kinneally states that Mr. Hinterstein’s report indicates that there are no planning considerations and that the variance is de minimus. Chairman Cahill asks if the Board has any other questions; none. Public portion open/closed.

MOTION was made by Mr. Zimmerman to approve the application; seconded by Chairman Cahill.
ROLL CALL: Jeff Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Cahill.

- 12. 20-ZB-61V Aaron & Anna Stith**
Bulk Variance
Block 515, Lot 26; Zone: R-10
1785 Olive Street
Applicant proposes to retain the existing converted garage as living space.

VARIANCES REQUIRED:

- 21-501** Required – 35 foot front yard setback
Proposed – 34.22 foot front yard setback (existing)

- 21-621** Required – no shed shall be constructed within 3 feet from any property line
Proposed – shed located 1 foot from the side and rear yard property lines (existing)

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21-1102 Required – garage
Proposed – no garage (family room)

*The existing pool must be in conformance with the 10 foot setback requirement or an additional variance will be required.

Action to be taken prior to January 8, 2021

Aaron and Anna Stith, the applicants, are sworn in to testify on their own behalf. Mr. Stith states that they have an existing family room that at one point was a garage and was converted two owners ago. They would like to keep it as a family room. Mr. Kinneally asks if they had a chance to review Mr. Hinterstein’s report; they have. Mr. Stith states that the driveway can fit at least two parked cars. Mr. Kinneally states that the existing shed needs to be screened. Mr. Stith states that they plan on putting up a fence soon, but they will move the shed; it was there when they purchased the home. The shed is about two feet off of the property line. Mr. Hinterstein states that if it is only 2+ feet they don’t have to move it, just screen it.

Mrs. Stith states that there was a fence there but it was old and fell down; there is only woods behind them. Mr. Hinterstein states that if it’s 2.5 feet, he doesn’t have a problem with it. If they could relocate it to a conforming location that would resolve it. Chairman Cahill asks if there are any further questions from the Board; there are none. Public portion open/closed.

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

ROLL CALL: Jeff Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Cahill.

13. 20-ZB-62V Jayant Dalal
Bulk Variance
Block 6602, Lot 8; Zone: R-20
436 Elwood Street

Applicant proposes to install a shed to an existing undersized lot.

VARIANCES REQUIRED:

21-501 Required – lot area 20,000 square feet
Proposed – lot area 15,882 square feet (existing)

21-613 Required – 100 foot lot frontage
Proposed – 94.24 foot lot frontage (existing)

Action to be taken prior to January 8, 2021

Jayant Dalal, the applicant, is sworn in to testify on his own behalf. Mr. Dalal states that he would like to put up a shed. It will be 8 feet wide by 12 feet deep and it’s going to be assembled in the form. The main reason they are putting it up is because they have a garden shed which has many things, blower, weed whacker, lawn mover. He has furniture he needs to put in there in the winter time. Mr. Kinneally states that the applicant is only here because his lot is undersized; shed will be in a conforming location. No further comment from the Board. Public portion open/closed.

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

ROLL CALL: Jeff Tillery, Steve Weisman, Kalpesh Patel, Warren Zimmerman and Chairman Cahill.

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14. **20-ZB-47V** **Ibrahim Abdelsayed**
Bulk Variance
Block 1214, Lot 27.01; Zone: R-10
161 Johnson Avenue
Applicant proposes to construct a two-story side and rear yard addition to an existing single family home; 6' fence on a corner lot.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 10,000 square feet
Proposed – lot area 9,539 square feet (existing)
- Required – 100 foot lot width
Proposed – 85.53 foot lot width (existing)
- Required – 35 foot front yard setback
Proposed – 25.15 foot front yard setback (William Street)
Proposed - 28 foot front yard setback (steps - Johnson Avenue) (existing)
- Required – 25 foot rear yard setback
Proposed – 21.4 foot rear yard setback
- Required – maximum building coverage 20 percent
Proposed – 22.6 percent building coverage
- 21-613** Required – 100 foot lot frontage
Proposed – 85.53 foot lot frontage (existing)
- 21-621.1** 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 wooden fence located along the William Street frontage

Action to be taken prior to December 1, 2020

Ibrahim Abdelsayed and Laialy Abdelsayed, the applicants, are sworn in to testify on their own behalf. Mrs. Abdelsayed states that they are a family of six, they have four children ages 17, 15, 12 and 7. All of them are home now. They are trying to get an addition to the house because they refuse to move out of Piscataway because they love the schools. They need room, one will be going to college next year and the bedrooms are just big enough to sleep. All four of them are in bunk beds and they're growing out of them; they need room. She has an artist, who is going to college next year, all of her art supplies are under her bed; there is no room.

Mr. Kinneally asks if they had a chance to review Mr. Hinterstein's October 5th report; they have. Item 1 on the report, Mr. Abdelsayed states that he needs some help to make sure he understands number one completely. Mr. Hinterstein states that basically there are two variances, one is coverage. The coverage variance really isn't that great of a variance if it were the only variance. Unfortunately, in conjunction with the coverage variance there is a front yard setback variance which is severe. The required is 35 feet and they're asking for 25 feet. It would be minor if it was just the coverage, but they're compounding it with the front yard setback variance.

Mr. Hinterstein states that the closest setback, for the neighbors, is to the west which is 30.9 feet front yard setback. The house to the east has a 35 foot setback so that one complies. He needs the applicants

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to try to work something out with the architect to try to modify the addition where they can just reduce it. If the setback were about 30 feet and matched the adjacent property, he thinks that could be something the Board could live with. The house is built parallel to Johnson Avenue and William street is on an angle which means the addition is almost compliant on the westerly side, on the easterly side there could be a 5 foot variance for that corner. Off the family room there is a wide area, maybe that can be combined with another area. Maybe they can move the addition around shrinking it on the side; perhaps increase it in the back of the house that reduces the front yard setback.

Mr. Abdelsayed states that he understands. He said he neighbor just built a new house with the coverage at 35%. Mr. Hinterstein states that there is no house that got a 35% coverage approval; it was actually a setback for 35 feet. Mr. Hinterstein states that there is nothing on the block that is over a 30 feet setback. Mrs. Abdelsayed states that to get the bedrooms, the architect stated that they would need at least a 30 foot setback; Mr. Hinterstein agrees with the 30 feet. Mr. Kinneally states that they should review this plan with their architect and see if they can do it. If there are any questions he can call Mr. Hinterstein for clarification. Mr. Kinneally states that the Board will need a revised plan so we can adjourn this meeting until November 12, 2020 to be continued. The applicants agreed. *30' setback on William Street.

15. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF SEPT. 24, 2020:

- (a) **20-ZB-43V, Kevin Uherek;** application was approved.
- (b) **20-ZB-46V, Dane Reeves;** application was approved.
- (c) **19-ZB-06/07V, Muslim Center of Middlesex County;** application was approved
- (d) **19-ZB-70V, Sandra Carabello, Amended;** approved.

ALL IN FAVOR: Mr. Patel, Mr. Tillery, Mr. Weisman, Mr. Zimmerman and Chairman Cahill.

16. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF SEPT. 24, 2020

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

ALL IN FAVOR; ROLL CALL: Mr. Tillery, Steve Weisman, Mr. Zimmerman, Kalpesh Patel and Chairman Cahill.

17. ADJOURNMENT

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

ALL IN FAVOR: Mr. Tillery, Steve Weisman, Mr. Patel, Mr. Zimmerman and Chairman Cahill.

NEXT SCHEDULED MEETING IS OCTOBER 22, 2020 AT 7:30 P.M.

The meeting was adjourned at 8:36 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 October 8, 2020 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on October 22, 2020.

Shawn Cahill, Secretary & Chairman