

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 14, 2021.

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: Warren Zimmerman, Roy O'Reggio Kalpesh Patel, William Mitterando, Jeff Tillery, Rodney Blount, Waqar Ali. **ABSENT:** Steven Weisman and Shawn Cahill.

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 some changes to tonight's agenda; # 9, 21-ZB-64V, Abdul Dawan was postponed until November 4, 2021; must notice.

- 5. 21-ZB-61V Peter Brock**
Bulk Variance
Block 9401, Lot 17; Zone: R-20
393 Metlars Lane
Applicant would like to retain existing accessory structure.

VARIANCES REQUIRED:

- 21-501** Required – 100 foot lot width
Proposed – 77 foot lot width (existing)
- Required – 15 foot side yard setback
Proposed – 14.88 foot side yard setback (existing)
- Required – 8 foot side yard setback for an accessory structure
Proposed – 4.32 foot side yard setback for an accessory structure (shed) (existing)
- 21-613** Required – 100 foot lot frontage
Proposed – 77 foot lot frontage (existing)

Action to be taken prior to January 8, 2022

Peter Brock, the applicant, is sworn in to testify on his own behalf. Mr. Brock states that he would like to keep the existing shed that is on the property; it was there when it purchased the home in 2003. The shed is approximately 25' x14.6' and is located 4' 4 ½ " from the property line. Mr. Kinneally asked if he has seen Mr. Hinterstein's report stating that the shed is in disrepair. Mr. Brock states that on the front of it there is open doors and he has tarps over it to keep the deer out. Mr. Kinneally asks if he is willing to do the necessary repairs to get rid of the

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 14, 2021.

tarps; he agrees. He will take the tarps down and fabricate doors for the front of it. Mr. Hinterstein states that was the biggest concern, typically they have doors on them. Mr. Hinterstein states he could do one door or two, but anything would look better than the tarps. No further questions from the Board. Public portion open/closed.

MOTION was made by Vice-Chairman Zimmerman to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Warren Zimmerman, Roy O'Reggio, Kalpesh Patel, Jeff Tillery, Rodney Blount, William Mitterando and Waqar Ali. **NO ON THE MOTION:** None

- 6. 21-ZB-47V Nelson Balcarcel
Bulk Variance
Block 2811, lot 2; Zone: R-10
170 Mountain Avenue**
Applicant proposes to install a privacy fence within the front yard setback on a corner lot and existing deck.

VARIANCES REQUIRED:

- 21-501** Required – 35 foot front yard setback
Proposed – 23 foot front yard setback (deck/Locust Avenue) (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 (Locust Avenue)

Action to be taken prior to November 10, 2021

Nelson Balcarcel, the applicant, is sworn in to testify on his own behalf. Mr. Nelson states that he wants his privacy fence on the property line of his home. He will put a double gate on the side road which will be 4' x 8' wide. Mr. Kinneally asks if he received a copy of Mr. Hinterstein's report; he has. Mr. Hinterstein states that there are easements that are needed by the Township. Mr. Balcarcel states that the Township has already widened the road like 7 or 8 feet near the fence. Mr. Hinterstein states that there is a certain right-of-way width; the Town tries to bring these streets to the Master Plan half width; it is 8 feet short of the Master Plan and an easement is needed. He doesn't believe it will happen but they have to be prepared if the road is widened.

There is also a temporary construction easement needed if for any reason it is needed. Mr. Hinterstein states that on Locust Avenue, he is proposes the fence directly on the property line, which is about 20 feet from the curblineline. Mr. Hinterstein states that the fence needs to be places 10 feet from the property line for visibility. Mr. Balcarcel would like it to the property line for safety and privacy issues. He is told that the required setback for that zone for a 6 foot privacy fence is 35 feet and believes that a 10 foot setback is a fair compromise. There is a pole in the right-of-way that also must be removed.

Mr. Barcarcel shows the Board a copy of his survey which they have already received. He asks Mr. Hinterstein if he can continue his solid fence to the property line; he states no. He can put a 4 foot picket fence on the line, then after 10 feet, he can start the 6' privacy fence. Vivienne Garedo is sworn in, she lives at the property. She states that they have kids and would like the fence to the property line. Mr. Hinterstein states again that 10 feet is a good compromise. The applicant agrees to the 10 foot setback. No further questions from the Board.

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 14, 2021.

Public portion open: Sainisarg Mehta, Rutgers Students, is sworn in. He would like to know how does the Board determine if there is a deadline for these applications and would there be any type of violation. Mr. Kinneally states that when the applicant gets an approval, they must satisfy the conditions of that approval prior to any permits being approved. If they are in violation of any of those approvals, the Code Enforcement Department gets involved and they are sited and possibly Court fines. Public closed.

MOTION was made by Vice-Chairman Zimmerman to approve the application; seconded by Mr. Blount. **YES ON THE MOTION:** Warren Zimmerman, Roy O'Reggio, Kalpesh Patel, Jeff Tillery, Rodney Blount, William Mitterando and Waqar Ali. **NO ON THE MOTION:** None

7. **21-ZB-48V** **Suresh Keswani**
 Bulk Variance
 Block 8502, Lot 15; Zone: R-10
 519 New Durham Road
 Applicant proposes to install a shed on an undersized lot and relief for an existing fence.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 10,000 square feet
 Proposed – lot area 9,375 square feet (existing)
- Required – 60 foot front yard setback for an accessory structure
 Proposed – 29.6 foot front yard setback for an accessory structure (shed)
- Required – 8 foot side yard setback for an accessory structure
 Proposed – 4 foot side yard setback for an accessory structure (shed)
- Required – 100 foot lot width
 Proposed – 75 foot lot width (existing)
- Required – 35 foot front yard setback
 Proposed – 29.6 foot front yard setback (existing)
- Required – 10 foot side yard setback
 Proposed – 9.6 foot side yard setback (existing)
- 21-613** Required – 100 foot lot frontage
 Proposed – 75 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, stockade fence located within the front yard setback line (29.6 feet from New Durham Road) (existing)

Action to be taken prior to November 7, 2021

Suresh Keswani, the applicant, is sworn in to testify on his own behalf. He states that he wants to put up a shed on the side of his house, not in the front as he read in the rules. He is 30 feet from the property line. He needs it for the kids bikes, lawn mover and snow blower closer to the front.

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 14, 2021.

Mr. Kinneally asks if he received a copy of Mr. Hinterstein's report; he has. Mr. Keswani doesn't want to move the shed back, he needs it towards the front so he has easy access. If it snows it's easier there than going to the back yard; it's just a plastic shed. Mr. Hinterstein states that this is considered an accessory structure and it needs an 8 foot side yard setback and the applicant is right up against the fence line and 4' from the neighboring properties. The property is almost a quarter of an acre in size, there are other locations for it.

Mr. Hinterstein states that it's the applicant's requirement to show a hardship as to why they should deviate from the ordinance which is there to protect the neighboring residents. Putting the shed in this location may be a little more convenient for the applicant, but it doesn't work for the Town or the neighbors. Mr. Kinneally would like to remind the Board that convenience for the applicant is not a reason to grant relief from the ordinance.

Mr. Keswani states that he is not breaking any rules, he is not in the front yard, it's in the back yard. Mr. Kinneally states that the accessory structure must be 60 feet back from the front property line and 8 feet from the side property line. Mr. Hinterstein states that there are different requirements for accessory structures and a shed. Mr. Hinterstein states that if he puts up a shed that is 100 square feet or less, he can have it 3 feet from the property line and that can be behind the front yard setback; he can get a smaller shed and put it in the location that he wants it. If he wants an accessory structure it has to be on the other setback requirements.

Mr. Hinterstein states that it's not good where he wants it at this time; find a different location or a smaller structure. He would like him to move it back even with the back of the home, it's a good compromise, like 45 to 50 feet and closer to the sidewalk; 6-8 feet would work for the side yard. Mr. Keswani does not want to move it, he is here for the variance. He will move it back where Mr. Hinterstein wants it. He is told he has to move it back at least 6 feet from the side yard and even with the back of the house; he agrees. No further questions from the Board. Public portion open/closed.

MOTION was made by Vice-Chairman Zimmerman to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Warren Zimmerman, Roy O'Reggio, Kalpesh Patel, Jeff Tillery, Rodney Blount, William Mitterando and Waqar Ali. **NO ON THE MOTION:** None

- 8. 21-ZB-65V Prexa Patel**
Bulk Variance
Block 8001, lot 7.05; Zone: R-10
4 Vocisano Court

Applicant proposes to install a 6' privacy fence on a corner lot.

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 10 feet from the property line along Brookside Road

Action to be taken prior to January 14, 2021

Prexa Patel, the applicant, is sworn in to testify on her own behalf. Ms. Patel states that she is here asking for a 6' fence on a corner lot. She received a copy of Mr. Hinterstein's report and

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 14, 2021.

will comply. They will move the fence back 11 feet from the property line as requested on the Brookside Road of the property as per the report. Mr. Hinterstein states that if it's in 11 feet than it will not be in the easement; she agrees. No further questions from the Board. Public portion open/closed.

MOTION was made by Vice-Chairman Zimmerman to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Warren Zimmerman, Roy O'Reggio, Kalpesh Patel, Jeff Tillery, Rodney Blount, William Mitterando and Waqar Ali. **NO ON THE MOTION:** None

- 10. 21-ZB-67V Lynn Coburger
Bulk Variance
Block 2403, Lot 9; Zone: R-10
432 Baldwin Street
Applicant proposes to construct a second story addition.**

VARIANCES REQUIRED:

21-501 Required – maximum building coverage 20 percent
Proposed – 22.34 percent building coverage (existing)

21-621 Required – no shed shall be constructed within three feet from any property line
Proposed – a shed located 2.67 feet from the rear yard property line (existing)

Lynn Coburger, the applicant, is sworn in to testify. Her brother-in-law, Jeff Coburger, 504 5th Street, Jackson, NJ, is also sworn in to testify. Ms. Coburger states that they had applied for building permits to construct an addition but were denied because the existing house exceeds the building coverage and the shed is a couple inched to close to the property line. She is asking for those two variances. Mr. Hinterstein states that there really are no comments. The variances are all existing, perhaps they were approved in the past. They were exasperated by adding the volume you need another variance because the structure is increasing.

Mr. Hinterstein states that it is pre-existing and it would be favorable if it was brought down. The proposal is to double the square footage of the home; is there a need for the shed if they have so much volume? Why can't they just use the garage? Mr. Coburger states that the shed was there when the house was purchased in 1988. Ms. Coburger states that they are adding on bedrooms; they need the shed for the snow blower and lawn equipment. Mr. Hinterstein asks why they can't use the garage. Ms. Corburger states that they use the garage for the car 90% of the time. Mr. Hinterstein states the variances are existing. The garage is being used for a parking space and the shed is needed for other items. The deviation is minimal and just wanted that testimony on record. No further questions from the Board. Public portion open/closed.

MOTION was made by Vice-Chairman Zimmerman to approve the application; seconded by Mr. O'Reggio. **YES ON THE MOTION:** Warren Zimmerman, Roy O'Reggio, Kalpesh Patel, Jeff Tillery, Rodney Blount, William Mitterando and Waqar Ali. **NO ON THE MOTION:** None

- 11. 21-ZB-22V AWAD Construction, LLC
Bulk Variance
Block 1214, Lot 25.01; Zone: R-10
150 Central Avenue**

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 14, 2021.

Applicant would like to construct an addition.

VARIANCES REQUIRED:

21-501

Required – minimum lot area 10,000 square feet

Proposed – lot area 7,300 square feet (existing)

Required – 100 foot lot width

Proposed – 70 foot lot width (existing)

Required – 35 foot front yard setback

Proposed – 21.17 foot front yard setback

Required – 8 foot rear yard setback for an accessory structure

Proposed – 4.5 foot rear yard setback for an accessory structure (garage) (existing)

Required – maximum building height for an accessory structure, 18 feet

Proposed - an accessory structure 21 feet in height (garage) (existing)

Required – maximum building coverage 20 percent

Proposed – building coverage 27 percent *

21-613

Required – 100 foot lot frontage

Proposed – 70 foot lot frontage (existing)

*The building coverage calculation includes the proposed footprint of the dwelling, the detached garage, and the 2 foot cantilever located to the rear of the dwelling.

Action to be taken prior to October 15, 2021

Attorney: Peter Lanfrit

Peter Lanfrit, attorney, is here to represent the applicant. Mr. Lanfrit states that he was just made aware that one of his professionals did not have this on their calendar and therefore can't make the meeting. They would like to be carried to the next hearing. They are carried to November 4, 2021 with no further notice required. Mr. Lanfrit will agree to an extension of time if needed.

12. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF SEPT. 9, 2021:

- (a) **19-ZB-67V, 412 Netherwood; Approved.**

All in Favor: Warren Zimmerman, Jeff Tillery, Kalpesh Patel, Roy O'Reggio, William Mitterando, Mr. Ali.

13. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF SEPT. 23, 2021:

- (a) **21-ZB-50/51V, 225 Old New Brunswick Road, LLC; Approved.**

- (b) **21-ZB-60V, Ismael Brandino; Approved.**

- (c) **20-ZB-63V, Buddhist Worship Center; Approved.**

All in Favor: Warren Zimmerman, Kalpesh Patel, Roy O'Reggio, William Mitterando.

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 14, 2021.

14. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF SEPT 23, 2021

MOTION was made by Chairman Cahill to adopt the minutes; second by Mr. Patel.
All in Favor: Zimmerman, Steve Weisman, Kalpesh Patel, Roy O'Reggio, William Mitterando and Chairman Cahill.

15. ADJOURNMENT


MOTION was made by Mr. Zimmerman to Adjourn the meeting; second by Mr. Patel.
ALL IN FAVOR: Kalpesh Patel, Mr. O'Reggio, Mr. Mitterando, Mr. Zimmerman, Mr. Blount and Mr. Ali.

NEXT SCHEDULED MEETING IS OCTOBER 28, 2021 AT 7:30 P.M.

The meeting was adjourned at 8:21 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 October 14, 2021 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on October 28, 2021.



SHAWN CAHILL, Chairman & Secretary
Piscataway Township Zoning Board of Adjustment