

**MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 27, 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, Steven Weisman, Waqar Ali, Rodney Blount & Artie Hayducka. **ABSENT:** William Mitterando

**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; #10, 22-ZB-84V, Frank Barber, has been postponed until December 8, 2022; must notice 200' list.

**5. 22-ZB-79V**

**Lilly Pham**

**Bulk Variance**

**Block 2704, Lot 6.05; Zone: R-20**

**540 William Street**

Applicant would like to retain patio & retaining wall.

**VARIANCES REQUIRED:**

**21-501**

Required – 40 foot front yard setback

Proposed – 30 foot front yard setback (Hobart Avenue)

**Action to be taken prior to January 18, 2023**

Lilly Pham, the applicant, is sworn in to testify on her own behalf. Ms. Pham states that she would like to keep her patio and retaining wall. Mr. Hinterstein states that it is front yard setback issue, it is in her rear yard, but it is a paper street. He does not have any issue with the application. Chairman Cahill asks the Board if there are any questions; hearing none. Public portion open/closed.

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

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6. 22-ZB-81V Mark & Danielle Sakitis  
Bulk Variance  
Block 6410, Lot 4; Zone: R-20  
2 Underwood Street  
Applicant would like to install a shed and retain existing deck.

**VARIANCES REQUIRED:**

- 21-501** Required – minimum lot area 20,000 square feet  
Proposed – lot area 8,806.74 square feet (existing)
- Required – 150 foot lot depth  
Proposed – 85.67 foot lot depth (existing)
- Required – 40 foot front yard setback  
Proposed – 24 foot front yard setback (porch) (existing)  
Proposed – 38.62 foot front yard setback (existing)
- Required – 30 foot rear yard setback  
Proposed – 9.39 foot rear yard setback (deck) (existing)
- Required – 15 foot side yard setback  
Proposed – 11.02 foot side yard setback (existing)

**Action to be taken prior to February 1, 2023**

Mark & Danielle Sakitis, the applicants, are both sworn in to testify on their own behalf. Mr. Sakitis states that they would like to install a shed on the property. Mr. Hinterstein states that he could not obtain any permits or variances for the existing deck in the rear yard; he has no issues with the shed but would like the applicant to obtain the proper permits for the deck. Mr. Sakitis agrees and will get the permits. Chairman Cahill opens it to 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:** Steve Weisman, Jeff Tillery, Roy O'Reggio, Kalpesh Patel, Waqar Ali, Artie Hayduck and Chairman Cahill. **NO ON THE MOTION:** None.

**\*Rodney Blount has entered the meeting.**

7. 22-ZB-38V Lori Sempervive  
Certificate of Non-Conformity  
Block 603, Lot 96.01; Zone: R-7.5  
1916 W 7<sup>th</sup> Street  
Applicant is seeking a certificate for a two-family home.

**VARIANCES REQUIRED:**

- 21-501** Required – single-family residential use  
Proposed – two-family use \*

\*The applicant is seeking a certification of non-conforming use.

**Action to be taken prior to November 24, 2022**  
**Attorney: John Sullivan**

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John Sullivan, 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:** Steve Weisman, Jeff Tillery, Roy O'Reggio, Kalpesh Patel, Rodney Blount, Artie Hayduck and Chairman Cahill. **NO ON THE MOTION:** None.

8.     **22-ZB-21V**                    **Kalvin Somrah**  
   **Bulk Variance**  
   **Block 303, Lot 50.01; Zone: R-7.5**  
   **1807 W. 5<sup>th</sup> Street**  
   Applicant would like to construct a two-story addition, roof over front porch and 6' fence in the front yard.

**VARIANCES REQUIRED:**

- 21-501**            Required – minimum lot area 7,500 square feet  
                                 Proposed – lot area 5,549 square feet (existing)
- Required – 75 foot lot width  
                                 Proposed – 61.65 foot lot width (existing)
- Required – 25 foot front yard setback  
                                 Proposed – 15.3 foot front yard setback (covered porch/steps)
- Required – 25 foot rear yard setback  
                                 Proposed – 20 foot rear yard setback  
                                 Proposed – 16 foot rear yard setback (steps) (existing)
- Required – 8 foot rear yard setback for an accessory structure  
                                 Proposed – 6 foot rear yard setback for an accessory structure
- Required – maximum building coverage 20 percent  
                                 Proposed – 28.15 percent building coverage
- 21-613**            Required – 75 foot lot frontage  
                                 Proposed – 61.65 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)
- 21-621**            Required – no shed shall be constructed within 3 feet from any property line  
                                 Proposed – a shed located 1 ½ feet from the side yard property line (existing)

**Action to be taken prior to December 22, 2022**

Kavlin Somrah, the applicant, is sworn in to testify on his own behalf. Mr. Somrah states that he would like to put up a two story addition and a roof over his front porch and a privacy fence. Mr. Hinterstein states that the coverage variance is quite extreme; it's 28.15% where the required is 20%. The fence in the front yard setback needs to be adjusted and moved back

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so that it's one section (8') further back for visibility. Mr. Hinterstein states that he believes that the survey does not accurately depict the existing conditions on the property, front stoop and stairs. The stairs today does not look like what is on the survey and the shed looks like it's larger in person than on the survey. It is hard to be accurate with the numbers when the survey is incorrect. He would like the survey updated to show all existing conditions and dimensions. Mr. Somrah can work with the Town on this, maybe he can remove some items, shed, canopy, etc. to reduce the coverage issue. Mr. Hintersein would like it closer to 23%.

Mr. Somrah states that the survey is accurate and up to date. The canopy is a 10 x 10 and he will remove that; he will move the fence back also. He has a swing-set in yard and wants to keep that. He states the shed is accurate, what he wrote is what he measured. He needs the addition, he has three kids and it's a two-bedroom house. Chairman Cahill states that the applicant should drop off new paperwork and revise the plan.

Mr. Hinterstein states that there are some pavers next to the shed, if there is a roof attached to that shed, that counts as building coverage. Even with removing the 10 x 10 canopy, he's still over 26% coverage. He needs to maybe rethink the addition to reduce the coverage. He understands it's an undersized lot, but it needs to be reduced. The swing set does not count as coverage. Mr. Hinterstein would like him to get to at least 25% in building coverage. Mr. Somrah can remove the big shed and put a smaller shed. Application will be continued on December 8, 2022 with no further notice required.

9.     **22-ZB-76V**                   **Camber Pharmaceuticals, Inc.**  
  **Bulk Variance**  
  **Block 6703, Lot 2.02; Zone: Redevelopment**  
  **800 Centennial Avenue**  
  Applicant would like to install signs.

**VARIANCES REQUIRED:**

**21-1203.3 as Amended by Ordinance 2021-26**

Required – one façade sign per tenant up to two facades of the building

Proposed – two facade signs on two facades of the building

**Action to be taken prior to January 18, 2023**

**Attorney: Dmitry Shelhoff**

Dmitry Shelhoff, Attorney, is here to represent the applicant. They would like to place 4 signs on the outside of the building which is leased by Camber Pharmaceuticals. The building is located at 800 Centennial Avenue. The main objection that he sees is from Mr. Hinterstein the Landscape Architect. Mr. Shelhoff shares his screen with the Board; it shows the signs and location. They are asking for four (4) signs and in the report Mr. Hinterstein states that it is excessive.

Mr. Shelhoff states that this picture shows where the signs would like to be placed. The ones at the corner of the building will be placed above the doors; they will be obscured from the road by a couple of pine trees. The reason for the signs in that location is for the truck drivers when they come in to the loading dock; they can't see the sign from the road and that is why they need additional signs. Camber does not occupy the entire building, but the placement for the signs are for the drivers to see.

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Mr. Shelhoff states there is a sign above the emergency door and people assume that is the entrance so they would like to change that. He believes that they need the four (4) signs. He discussed the MUP that is in the report. Camber is not the owner of the property, they are tenants. The owner of the building should take care of this multi-use path. He understands that this path is for the future so it is not going in immediately and we are just going for signs. They will replace any dead or missing landscaping; the owner.

Mr. Hinterstein states that he feels two signs are not necessary on one side; the exhibit confirms that fact. There is a little bit of a visual issue when you are going west on Centennial Avenue, but on Plainfield Avenue north they can definitely see with one sign. It could be centrally located on the building, it doesn't have to be in each corner. The majority of the traffic coming to the site is from Centennial Avenue, Plainfield Avenue is more residential. Two signs on the building on Centennial Avenue are good and the one sign on the Plainfield Avenue side should suffice.

Mr. Hinterstein states in reference to the MUP, it is between the tenant and the owner who will put that in. He recommends that the applicant speaks to the owner to work it out. Mr. Kinneally states that if the Board is inclined to make those two items a condition of approval, he would recommend that the condition is that the "applicant" or the "owner" is responsible for conditions two (2) and three (3) of the staff report. Mr. Shelhoff would like to know the connection of the signs and the MUP. Mr. Chadwick states that there is no connection, but it is part of the planning process for this area. The improvement is part of the development; it is triggered by making an application.

Mr. Shelhoff states that large trucks are missing the building and have to turn around. He doesn't know when the landscaping and MUP will be complete. Mr. Chadwick states that the applicant or the owner can work with the Town to get everything done. They will agree on three (3) signs, the MUP and the landscaping. Mr. Ronald Cermanaro, Somerset, is sworn in to testify. He states that the one sign on Plainfield Avenue side, there is an emergency exit door is there; he explains the doors. Mr. Hinterstein states that he can put up directional signs instead of another sign on the building. More discussion on the same items.

Mr. Hinterstein will work with them in reference to the dead landscaping. It is up to the applicant to work with the owner in reference to the MUP. Chairman Cahill asks the Board if they have any further questions, none. Public portion open/closed.

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

**10. 22-ZB-72/73V**

**Scholes Electric & Communications**

**Preliminary & Final Site Plan; Bulk, Use Variances**

**Block 4601, Lot 4; Zone: LI-5**

**1021 Centennial Avenue**

Applicant proposes to construct an addition to existing building and seeks to install 4 new solar arrays on the property.

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**VARIANCES REQUIRED:**

- 21-1014.3b(1)** Required – ground arrays shall be set back a minimum distance of 50 feet from the property line  
Proposed – ground array located 34.6 feet to the property line \*
- 21-1014.3b(4)** Required – ground arrays not to exceed a height of 10 feet in non-residential zones  
Proposed – ground arrays exceed 10 feet in height \*
- 21-1014.3b(5)** Required – screening of ground arrays  
Proposed – no screening of the ground arrays \*
- 21-1102** Required – 125 parking spaces  
Proposed – 87 parking spaces
- 21-1014.4f** Required – structures supporting solar panels in parking lots shall not exceed 10 feet in height  
Proposed – solar support structures with a minimum height of 10 feet

\* All of the conditions of the conditional use standards have not been met. A use variance is required per N.J.S.A. 40:55D-70(D)(3).

\*\*The applicant must comply with the NJ Municipal Electric Vehicle Ordinance.

**Action to be taken prior to January 2, 2023**  
**Attorney: Tim Arch**

Tim Arch, 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. Hayducka. **YES ON THE MOTION:** Steve Weisman, Jeff Tillery, Roy O'Reggio, Kalpesh Patel, Rodney Blount, Artie Hayduck and Chairman Cahill. **NO ON THE MOTION:** None.

**11. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF OCT. 13, 2022:**

- (a) **21-ZB-81V, Arnaldo Peraza; Approved.**
- (b) **22-ZB-80V, New Cingular Wireless; Approved.**
- (c) **22-ZB-74V, Sadaf Ayub Khalid; Approved.**

**All in Favor:** Mr. Weisman, Mr. Tillery, Mr. O'Reggio, Mr. Patel, Mr. Blount, Mr. Hayducka and Chairman Cahill.

**15. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF OCT. 13, 2022.**

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

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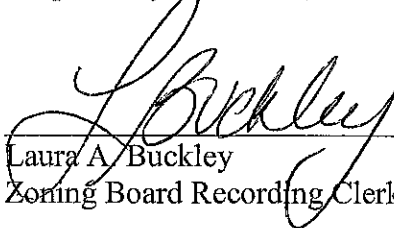
**16. ADJOURNMENT**

**MOTION** was made by Chairman Cahill to Adjourn the meeting; second by Mr. Patel.  
**ALL IN FAVOR: Aye**

**NEXT SCHEDULED MEETING IS NOVEMBER 10, 2022 AT 7:30 P.M.**

The meeting was adjourned at 9:06 P.M.

Respectfully Submitted,

  
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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 27, 2022 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on November 10, 2022.**

  
\_\_\_\_\_  
SHAWN CAHILL, SECRETARY  
PISCATAWAY ZONING BOARD OF ADJUSTMENT