

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, OCTOBER 28, 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: Jeff Tillery, Chairman Shawn Cahill, Warren Zimmerman, Roy O’Reggio, Kalpesh Patel, Steven Weisman, William Mitterando. **ABSENT:** Rodney Blount and Waqar Ali

Also present: James Kinneally, Esq., John Chadwick, PP, 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; # #11 on the agenda, 21-ZB-33/34V, Lauria Landscaping, has been postponed until November 4, 2021 with no further notice required. #10,21-ZB-40V, Leonardo & Magarita Fitipaldi, has been postponed until December 9, 2021; must notice Middlesex Borough only.

- 5. 21-ZB-62V Robyn Shephard**
Bulk Variance
Block 7907, Lot 1.01: Zone: R-10
181 Lakeside Drive N
Applicant proposes to install a fence within an easement.

VARIANCES REQUIRED:

- 21-501** Required – 35 foot front yard setback
Proposed – 30 foot front yard setback (existing)
- Required – 10 foot side yard setback
Proposed – 5 foot side yard setback (existing)
- Required – 8 foot rear yard setback for an accessory structure
Proposed – 5 foot rear 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 – a fence located over an easement
- 21-1101.3** Required – paved driveway
Proposed – gravel driveway (existing)

Action to be taken prior to January 23, 2022

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Robyn Shepard, the applicant, is sworn in to testify on her own behalf. Ms. Shepard states that she would like to put up a 6' privacy fence for her new dog. There will be four gates, two 4 foot gates near the house front and back and two that would be 5 foot gates that would be a ten foot opening to provide access to the lake and the backyard for trucks and other vehicles should the need arise.

Mr. Hinterstein states that there are a few comments on his report. The easement that is on her survey does not match up with the walkway exists, she needs to work with the Town to have the easement relocated so that it is further away from the fence, it would not even cross the easement at that point. The easement should be relocated where the path is because that is where the Township put the walkway. Ms. Shepard agrees and if the Township needs access it is up to her for the removal and replacement of the fence. Mr. Hinterstein states that it should be conditioned on the Township moving the easement and that is something that the Town will do; she agrees.

Mr. Hinterstein's only other concern is the other side of the fence, it is very close to the property line and there is a cement walkway. He just wants to make sure that the fence will be on her property and if need be, the fence company will have to cut into the concrete to make sure of this. Ms. Shepard states that she is aware of this and has already mentioned that to the fence company. Chairman Cahill asks if there are any other questions from the Board; none.

Public portion: Chris Dennison, Lakeview Associates, 107 Lakeside Drive North is sworn in. He states that there is deeded access to the lake. There are times where they have to get to the lake for maintenance and needs access. Ms. Shepard agrees and will give them access when needed. Mr. Dennison would like to put locks on the gate so they have this access at all times; she agrees and will receive a copy of the key. All parties agree and will discuss further after the hearing on their own time. Public portion closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Zimmerman. **YES ON THE MOTION:** Warren Zimmerman, Jeff Tillery, Roy O'Reggio Kalpesh Patel, Steven Weisman, William Mitterando and Chairman Cahill. **NO ON THE MOTION:** None

6. 21-ZB-59V

Danyel Hutchinson

Bulk Variance

Block 11402, Lot 9; Zone: R-15

25 Mitchell Avenue

Applicant proposes to construct an addition and a 6 foot privacy fence in the front yard setback.

VARIANCES REQUIRED:

21-501

Required – minimum lot area 15,000 square feet

Proposed – lot area 11,559 square feet (existing)

Required – 40 foot front yard setback

Proposed – 39.6 foot front yard setback (existing)

Proposed – 37.9 foot front yard setback (overhang) (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 wall located within the right-of-way (existing)

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21-617 Required – a pool and pool equipment shall not be installed within 10 feet from any side yard or rear yard property line
Proposed – a pool installed 3 feet from the side yard property line (existing)

21-618 Required – a pool installed on a corner lot must comply with the required front yard setback (40 feet)
Proposed – a pool located 27 feet from the front yard property line (Cheryl Court) (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 solid fence located within the front yard setback line (Cheryl Court) *

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

*A variance was previously granted under Application #20-ZB-29V. The new fence was not installed 10 feet behind the Cheryl Court property line as required by the Board.

Action to be taken prior to January 25, 2022

Danyel Hutchinson and Lathan Hutchinson, the applicants, are sworn in to testify on their own behalf. Ms. Hutchinson states that they would like to make their attic space into living space. It is about 4.5 to 5 feet and would like to raise the roof to add some bedrooms. She is also asking for the Board to keep her fence (corner lot) where it is now located, not where the Board approved her for the fence last year. When they purchased the property there was a 6 foot wooden fence and the setback was not where it should be; they were told by the Board that they needed to move it back. They thought that their fencing guy did it where the Board wanted it but they did not. They recently found out that there is a small portion of the fence that was not brought in. She said that her fence company said she should put it where they said for insurance reasons.

Mr. Hinterstein states that the applicant's need to get a permit; if they had applied for a permit after the first variance there would not have been an issue now. The Board agrees with Mr. Hinterstein; the fence needs to be moved to the location that was approved at the prior hearing. Ms. Hutchinson states that she did not know that she had to get permits; Mr. Hinterstein reads into record the first line of her approved resolution from the last hearing which states that she needs to obtain permits.

In reference to the addition that they are requesting, there are not any new variances. They are all existing because of the undersized lot and they are just adding a second story. There is not a garage on site now and they do not plan to add one. Chairman Cahill asks if there are any other questions from the Board; none.

Public portion open: Marion Cicerale, 31 Mitchell Avenue, is sworn in. She states that she doesn't think they should be able to have a 6 foot fence in the front yard on Mitchell. Mr. Kinneally explains that the fence is not going on Mitchell Avenue, it is going on Cheryl Court. The fence is already there and she has to move it back as per the last resolution. She thinks the addition to the home will be too big and not fit into the neighborhood. Public closed.

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MOTION was made by Chairman Cahill to approve the application; seconded by Mr. O'Reggio. **YES ON THE MOTION:** Warren Zimmerman, Jeff Tillery, Roy O'Reggio Kalpesh Patel, Steven Weisman, William Mitterando and Chairman Cahill. **NO ON THE MOTION:** None

7. **21-ZB-55V** **NYSMSA Limited Partnership d/b/a Verizon Wireless
Interpretation of the Zoning Officer Decision
Block 6701, Lot 3.02; Zone: HC
121 Centennial Avenue**
Applicant proposes to upgrade existing wireless communication facility.
- Action to be taken prior to December 4, 2021
Attorney: Frank Ferraro**

Frank Ferraro, 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:** Warren Zimmerman, Jeff Tillery, Roy O'Reggio Kalpesh Patel, Steven Weisman, William Mitterando and Chairman Cahill. **NO ON THE MOTION:** None

8. **21-ZB-69V** **Emmanuel & Nelita Laano
Bulk Variance
Block 2005, Lot 24.04; Zone: R-10
14 Vogel Avenue**
Applicant proposes to construct a second story addition and to retain existing fence partially within the front yard setback.

VARIANCES REQUIRED:

- 21-501** Required – 25 foot rear yard setback
Proposed – 17.7 foot rear yard setback
Proposed – 21.8 foot rear yard setback (deck)
- Required – 35 foot front yard setback
Proposed – 30.4 foot front yard setback
- Required – 100 foot lot depth
Proposed – 88 foot lot depth (existing)
- 21-621** Required – a shed shall not be constructed within three feet from any property line
Proposed – a shed located 1 foot from the side yard property line (existing)
- Required – a shed shall not be located within a front yard
Proposed – a shed partially located within the front yard (existing)

Action to be taken prior to January 28, 2022

Nelita Laano, the applicant, is sworn in to testify on her own behalf. Mrs. Laano states that they would like to put on a second story addition for their family. She has two sons, one is moving back home; the boys are twins and one is autistic. She would like to put the addition on for more

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room so he can move back home. Her mother also lives in the home with them. Mrs. Laano states that she works nights and doesn't want to go upstairs and wake anyone up, so she would like to have an extra bedroom downstairs so she can sleep. Mr. Hinterstein asks if they will have a second kitchen, like a second dwelling unit. Mrs. Laano states they will not, the house is just for her family with one kitchen.

Mr. Hinterstein states that as long as it's used for a single family home only and he would like a deed restriction on the home, he has no issues. 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:** Warren Zimmerman, Jeff Tillery, Roy O'Reggio Kalpesh Patel, Steven Weisman, William Mitterando and Chairman Cahill. **NO ON THE MOTION:** None

9. **21-ZB-22V** **AWAD Construction, LLC**
 Bulk Variance
 Block 1214, Lot 25.01; Zone: R-10
 150 Central Avenue
 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 January 15, 2021
Attorney: Peter Lanfrit

Peter Lanfrit, Attorney, is here to represent the applicant. Court stenographer present; transcripts will be on file in the Community Development office. They are proposing a 2 story home.

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After some testimony by Mr. Ashrai Regab, Architect, the Board feels that the 27% building coverage should be a lower number. The applicant will revise their plans and continue the application on December 9, 2021 with no further notice required.

12. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF OCTOBER 14, 2021:

- (a) **21-ZB-61V, Peter Brock; Approved.**
- (b) **21-ZB-47V, Nelson Balcarcel; Approved.**
- (c) **21-ZB-48V, Suresh Keswani; Approved.**
- (d) **21-ZB-65V, Prexa Patel; Approved.**
- (e) **21-ZB-67V, Lynn Coburger; Approved.**

All in Favor: Steve Weisman, Kalpesh Patel, Roy O'Reggio, William Mitterando

13. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF OCTOBER 14, 2021

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

All in Favor: Zimmerman, Steve Weisman, Kalpesh Patel, Roy O'Reggio and William Mitterando.

14. 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, Steven Weisman, Mr. Zimmerman.

NEXT SCHEDULED MEETING IS NOVEMBER 4, 2021 AT 7:30 P.M.

The meeting was adjourned at 8:58 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 28, 2021 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on November 4, 2021.

Shawn Cahill, Chairman & Secretary
Zoning Board of Adjustment