

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF SUMMIT
Monday, April 17, 2023**

The April 17, 2023, meeting of the City of Summit Zoning Board of Adjustment was opened at 7:30 p.m., with one application on the meeting's agenda.

Adequate Notice Statement

The meeting commenced with the Adequate Notice Statement, where Chairman Spurr informed the public in accordance with N.J.S.A. 10:4-10 that adequate notice of this meeting has been provided by publication in the City's officially designated newspapers and by posting at City Hall.

The Board Members listed below were present for tonight's meeting. Board Secretary Ms. Soulios called the Roll:

- Chairman, Steven Spurr
- Vice Chairman, Joseph Steiner
- Elizabeth Newell
- David Mollin
- Scott Loikits
- Walter Gonzalez
- Alternate 1, Claire Toth
- Alternate 3, Jay Fehskens
- Alternate 4, Thomas Ucko

The Board Members listed below were excused from tonight's meeting.

- Ayman Maleh
- Alternate 2, Diana Sajer

Board Attorney Andy Ball and Secretary Stephanie Soulios were present.

IN THE MATTER OF THE AGENDA:

Chairman Spurr reviewed the agenda for the evening. The following application was ready to proceed:

- **Application: ZB-22-2152, 90 Ashwood Avenue, Design, Build, Management, INC, BL: 4301 L: 26, minor subdivision to construct two new two-family dwellings, D variance for FAR.**

City of Summit Zoning Board of Adjustment Meeting: The applications listed below were heard this evening.

- **Application: ZB-22-2152, 90 Ashwood Avenue, Design, Build, Management, INC, BL: 4301 L: 26, minor subdivision to construct two new two-family dwellings, D variance for FAR.**

Attorney Mr. Jim Webber introduced the application for 90 Ashwood Avenue for tonight's meeting. This application was a continuation of a meeting that was held on January 18, 2023. Mr. Loikits and Mr. Mollin were absent from that meeting, but they certified that they reviewed the transcription and materials prior to this evening, allowing them eligible to vote on matters.

Mr. Webber summarized the application by saying that the applicant proposes two- two family dwellings. The existing dwelling is a legal two-family home with a third unit. The board had questions regarding Mr. Webber's summary, wondering if a condominium or house is being built. It is unknown currently, as the owner has not decided his intentions for the dwellings. The size of the roof top was clarified. Parking was also questioned, as well as the proposed size of the curb cut.

Members of the public were able to ask questions to the applicant and attorney. Ms. Carmela Nocerino, residing at 70 Ashwood Avenue, asked for access to the survey and cost analysis provided to the engineer of 90 Ashwood. Next, Janice Barry had questions regarding the design feasibility. Geraldine Ponto of 7 Faitoute Court had questions as well. Scott Benn from 19 Pearl Street asked if a traffic study was done. Mr. Webber answered that it was not done, because there would need to be an increase of 100 trips per day to warrant a study. Helen Campanha from 16 Hughes Place wondered about drainage. She asked if the drywell proposed would have a grading permit, and what would be the plan to prevent sewer backup. Mr. Webber responded that the applicant plans to comply with the board and city engineer. Julia Connelly from 25 Pearl Street wanted to know if the applicant has met the criteria, both positive and negative, for the D1 variance. The response from the board was that they will weigh in, and Mr. Webber stated that the application is the burden on the applicant. Ms. Barry asked if the applicant has applied for a demolition permit, to which Mr. Webber confirmed that the applicant has not, but also pointed out that the permit isn't subject to land use regulation. It was also stated that the city engineer provided soil for the site to assist with the necessary grade change. Soil testing was done as well.

Mr. William Scott was sworn in by Mr. Ball. Mr. Scott explained his familiarity with the property at 90 Ashwood Avenue. He explained that his office prepared the survey, and he personally prepared the design for the project. Mr. Scott explained that he had revised plans based on comments from the board engineer. Mr. Scott spoke about the variances being requested and explained that the FAR is in conformity with the ordinance if it doesn't include the basement. **Exhibit A9** was introduced as the '*Existing Grade*.' For a full listing of prior exhibits from the last meeting, please refer to the City of Summit website. Mr. Scott talked about the proposed walls, specifically the retaining wall showing a steep slope. A 3-ft easement was created out of consideration for the neighbor at 87 Ashwood Avenue. **Exhibit A10** was introduced as a the '*Landscape Exhibit*'. A site meeting was held with the forester, Mr. Linson. The topography was removed from the original landscape plan to add tree removal. Sixteen of the existing trees were removed because they were not in good shape. Red maple trees, dogwood trees, Norway spruce, and arborvitaes/ green giants are being proposed. The curb cut was also discussed during Mr. Scott's testimony. Twenty-two feet is being proposed, whereas eighteen feet is allowed by ordinance. The board questioned the footage of curb cut, asking if it was a possibility to reduce the number so it is closer to regulations. The board professionals had the opportunity to ask questions regarding the testimony provided. Ms. Sheth, Board Engineer, asked if the Norway Spruce will be within the limit of disturbance, and it will not be within limit. The steep slope extends into lot 27. Mr. Snieckus questioned the deck, noting that there are no stairs being proposed. The applicant responded that there will not be stairs because the deck is 10 feet in the air. The members of the community present had the opportunity to ask questions regarding the testimony given by Mr. Scott. Ms. Ponto wanted to know if the engineer was familiar with the activities of the pool. She was concerned about the parking area abutting the pool. Ms. Connelly wanted to know if there was an easement from JP&L on the property. She also asked if the final architectural drawings were available for review, to which she was directed to the city website where the plans are posted. Mr. Menza was questioned regarding landscapers and lawn mowing. He suggested he could increase the area to allow for a push mower. Ms. Barry asked the applicant to consider not widening the

driveway, or to have it flare out for more room to maneuver. Ms. Connelly asked about parking spaces and wondered where guests would park. Mr. Webber answered that they would be expected to park within the four allotted parking spots. Mr. Webber further clarified that the basement would not be used as a bedroom.

The next witness providing testimony was Paul Grygiel. He was sworn in as a Planner. Mr. Grygiel stated the applicant is filing for a D1 use variance, and there are positive criteria and suitability to this. The neighborhood for 90 Ashwood is mixed use.

Members of the community were able to express their comments at this time. Mr. Davis Gates of 16 Hughes Place stated that he supports saving the house at 90 Ashwood Avenue. Mr. Scott Ben of 19 Pearl Street said the buildings are inappropriate, massive, and dense. Ms. Campanha of 16 Hughes Place suggested converting 1 of the homes into a Tudor style home, and another into a smaller two-family home. Ms. Barry suggested that the proposed homes are too drastic. Ms. Connelly referenced the HPC staff comments, stating that the building at 90 Ashwood is historic. She also mentioned parking and the implications it would have for the school and aquatics center.

The board deliberated, and following deliberations asked if Mr. Webber and his applicant Mr. Menza would like to request an adjournment to speak with some of the community members or take into consideration some of their questions and commentary. Mr. Webber confirmed that the applicant would like to request an adjournment. The application for 90 Ashwood Avenue will be *carried to July 17, 2023*, without further notice.

The motion to *approve the request to be carried* was made by Mr. Mollin and it was *seconded* by Mr. Loikits. A roll call vote was completed with the results listed below:

VOTE: **YES:** Chairman Spurr, Vice Chairman Steiner, Ms. Newell, Mr. Gonzalez, Mr. Mollin, Mr. Loikits, Ms. Toth
 ABSTAIN: None
 NO: None

The Board memorialized the following Resolutions:

• **31 Montrose, ZB-22-2164, BL: 504 L: 10**

Eligible voting members: Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Mollin, Mr. Loikits, Ms. Sajer.

VOTE:

Motion: Ms. Newell **Seconded:** Mr. Gonzalez
YES: Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Mollin, Mr. Loikits
NO: None were opposed.
ABSTAIN: None

• **38 Morris Turnpike, ZB-17-1886-2, BL: 3607 L: 3**

Eligible voting members: Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Mollin, Mr. Maleh, Mr. Loikits, Ms. Toth.

VOTE:

Motion: Ms. Newell **Seconded:** Mr. Loikits
YES: Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Mollin, Mr. Loikits, Ms. Toth

NO: None were opposed.

ABSTAIN: None

- **6 Westminster Road, ZB-22-2176, BL: 2405 L: 26**

Eligible voting members: Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Mollin, Mr. Maleh, Mr. Loikits, Ms. Toth, Ms. Sajer.

VOTE:

Motion: Mr. Mollin **Seconded:** Ms. Toth

YES: Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Mollin, Mr. Loikits, Ms. Toth.

NO: None were opposed.

ABSTAIN: None

The Board memorialized Minutes from:

- April 3, 2023

A motion of *approval* was made by Vice Chairman Steiner and was seconded by Mr. Gonzalez.

A voice vote was conducted, with Ms. Newell, Mr. Mollin, Mr. Loikits, and Ms. Toth abstaining due to their absence from the April 3, 2023, meeting. All those participating in voting were in *favor*, *none* were opposed.

Annual Report Adoption:

- The board reviewed, discussed, and voted on the 2022 Annual Report.

The motion to *approve* was made by Ms. Toth and it was *seconded* by Ms. Newell. A roll call vote was completed with the results listed below:

VOTE: **YES:** Chairman Spurr, Vice Chairman Steiner, Ms. Newell, Mr. Gonzalez, Mr. Mollin, Mr. Loikits, Ms. Toth

ABSTAIN: None

NO: None

Adjourn

The meeting concluded at 11:05 p.m.



Steven Spurr
Chairman
City of Summit
Zoning Board of Adjustment



Stephanie Soulios
Board Secretary
City of Summit
Zoning Board of Adjustment