

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF SUMMIT
Monday, May 1, 2023**

The May 1, 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
- David Mollin
- Walter Gonzalez
- Alternate 1, Claire Toth
- Alternate 2, Diana Sajer
- Alternate 3, Jay Fehskens
- Alternate 4, Thomas Ucko

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

- Ayman Maleh
- Scott Loikits
- Elizabeth Newell

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-22-2170, 14 Franklin Place, Sharon Kou, LLC, BL: 3401 L: 19, minor site plan approval, building coverage D1 variance, lot coverage C variance, disturbance of steep slope.**

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

- **Application: ZB-22-2170, 14 Franklin Place, Sharon Kou, LLC, BL: 3401 L: 19, minor site plan approval, building coverage D1 variance, lot coverage C variance, disturbance of steep slope.**

Attorney Mr. James Webber introduced the application for 14 Franklin Place by providing facts about the property. Mr. Webber stated that it is in the R10 zone, abutting the R5 zone. The property is 380 feet deep and 70 feet wide. There are steep slopes along the perimeter of the property. The property has been vacant for the past twenty years.

The applicant is proposing 2- two family dwellings. **Exhibit A1**, *a video of the property*, highlighted the length and width of the property. **Exhibit A2** showed the *demolition permit*. **Exhibit A3** was the *NFA (no further action) letter from DEP*.

The applicant, Ms. Sharon Kou spoke on behalf of her application. Ms. Kou shared that she resides in Millburn and is the owner of the Debary Inn in Summit. The Debary Inn is located within a five-minute walk to 14 Franklin Place. She stated that her plan is to live in one of the units since it is near the inn which she operates. She is unsure what she would do with the other units being proposed. Ms. Kou stated that she has met with some of the neighbors regarding her proposal and is aware that it is met favorably by some, and unfavorably by others.

The board had questions regarding Ms. Kou's testimony, wondering why she chose a plan with such significant variances, and did not consider building one single two family home, requiring less variances.

Members of the community were able to ask questions. Mr. Robert Kuczik, of 12 Hobart Avenue, asked if the property is zoned for a one- or two-family home. Mr. Webber responded that it is zoned for a one family home.

A resident of 11 Franklin Place asked why the house the was demolished was labeled as a two-family home? Mr. Webber responded that the home was a two-family house.

Ms. Tory Weeks residing at 15 Franklin Place stated that she was originally told by Ms. Kou that the plans were for 2 units. She feels the plans were changed to 4 units. Ms. Kou answered that the plans did not change.

Ms. Catherine Mueller, engineer, was sworn in by Mr. Ball. Ms. Mueller stated that she is the design engineer for the project of 14 Franklin Place. Plans from October 31, 2022, were displayed on the monitors. These were plans provided in the application submission. Ms. Mueller outlined the property, explaining the existing conditions and the steep slopes encroaching the property. The proposed conditions were explained as well. There are retaining walls on the east and west boundaries of the property.

The administrative comments provided by the fire department were addressed. The fire department commented that the width of the curb should be wider to allow for fire trucks or emergency vehicles to pass through. Ms. Mueller said the curb can be widened if needed.

Parking was addressed. Each unit will have a two-car garage for occupants to help alleviate parking issues. Parking in front of a garage would not be permitted. The existing condition of the driveway is on the left of the property. It is proposed to be in a similar location, but wider and flatter.

In the rear of the property, there are swales. The units will be serviced by public utilities. Each unit will have its own service and connections. Ms. Mueller spoke with the city engineer regarding the speed signs, and said they have since been reposted after they had gone missing.

The applicant plans to limit disturbance of soil erosion and sediment control. Ms. Kou will also work with Mr. Linson regarding landscaping.

It was also mentioned that a corral will be added for garbage cans.

The board had questions regarding Ms. Mueller's testimony. They asked for insight regarding the fire department's comments for widening the driveway. A question was asked about the trash enclosures, and it was confirmed that they would open on the streetside.

Ms. Sheth, board engineer, had questions about proposed lighting around the property, and if it was thought to affect the neighboring properties. Ms. Sheth also questioned if there would be ADA access on the property. It was responded that ADA access is not required for this type of development.

There was a fence shown in the video earlier, and the board questioned if it would remain or be taken down. It was confirmed that it would be taken down.

The members of the public had questions for Ms. Mueller. Mr. Peter Kinget from 11 Franklin Place asked about soil contamination and its removal. It was confirmed that any removal would comply with the DEP. Mr. Kinget also requested that the tree on the property be preserved, for which he was told that it would have to be removed since it was in the middle of the lot. This was confirmed through a memo from Mr. Linson.

Mr. Robert Kuczik asked about the proposed driveways. It was confirmed that cars will be pulling out of the driveways facing forward.

Mr. Steve Hockstein was sworn in by Mr. Ball as the applicant's architect. He stated that the property at 14 Franklin presents the challenges of bordering a commercial site. The applicant wishes for the proposal to integrate well with the neighbors. The proposal is for twin buildings, high enough to block the neighboring commercial buildings. 14 Franklin Place will meet the setback requirements and have modest interiors. Mr. Hockstein stated that the plans comply with the HPC recommendation of wrapping in stone. **Exhibit A4, rear elevation**, was introduced. Mr. Hockstein also spoke about the basement. He stated that there is no plan to put a bedroom in the basement. The intention is for a finished basement area. There will be an attic space, but it will not exceed 7 feet.

The board had questions regarding Mr. Hockstein's testimony. It was asked if there is an alternative to having a deck in the rear of the property. The board also asked why a basement plan was not submitted. Mr. Hockstein clarified that there is no plan for the basement. It will possibly consist of an open partition with finished lights and finished walls.

Mr. Snieckus, board planner, asked for confirmation regarding the size of the garage and roof pitch, which was provided. A full testimony and questioning can be found in the transcription of this meeting.

Mr. Webber provided the board with closing remarks regarding Ms. Kou's application for 14 Franklin Place. The board deliberated, and it was decided that they could not support the application for two- two family homes at 14 Franklin Place.

The motion to *approve the denial of this application* was made by Ms. Sajer and it was *seconded* by Mr. Steiner. A roll call vote was completed with the results listed below:

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

The Board memorialized the following Resolutions:

- **475 Springfield Avenue, ZB-23-2178, BL: 1911 L: 3**

Eligible voting members: Chairman Spurr, Vice Chairman Steiner, Mr. Gonzalez, Mr. Maleh, Ms. Sajer, Mr. Fehskens, Mr. Ucko.

VOTE:

Motion: Mr. Steiner

Seconded: Ms. Sajer

YES: Chairman Spurr, Vice Chairman Steiner, Mr. Gonzalez, Ms. Sajer, Mr. Fehskens, Mr. Ucko

NO: None were opposed.

ABSTAIN: None

The Board memorialized Minutes from:

- April 17, 2023

A motion of *approval* was made by Mr. Steiner and was seconded by Ms. Toth.

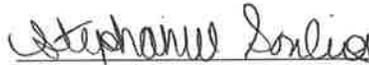
A voice vote was conducted, all were in favor, and none were opposed.

Adjourn

The meeting concluded at 11:10 p.m.



Steven Spurr
Chairman
City of Summit
Zoning Board of Adjustment



Stephanie Soulios
Board Secretary
City of Summit
Zoning Board of Adjustment