

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
CITY OF SUMMIT  
Wednesday, June 21, 2023**

The June 21, 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
- Walter Gonzalez
- Scott Loikits
- Elizabeth Newell
- Alternate 1, Claire Toth
- Alternate 3, Jay Fehskens
- Alternate 4, Thomas Ucko

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

- Vice Chairman, Joseph Steiner
- David Mollin
- 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 applications were ready to proceed:*

- **Application: ZB-23-2186, 246 Summit Avenue, Richard and Susan Phelan, BL: 2006 L: 20, C variance to build a raised deck.**
- **Application: ZB-23-2185, 58 Dale Drive, Alexandra and Jason Rosenbaum, BL: 5605 L: 19, C variance for a rear yard accessory patio side yard setback.**
- **Application: ZB-23-2187, 19 Manor Hill Road, BL: 3103 L:12, (D) variance for FAR. Propose renovating and add additions to existing breakfast room and kitchen on first floor. Remove and replace existing deck and stairs to driveway. Second floor renovations and additions over breakfast room for enlarged primary bedroom and closets. Sidewalks and covered side entrance will be removed.**

- **Application: ZB-23-2175, 28 Druid Hill Road, BL: 4801 L: 17, Stephen Thompson and Kaitlyn Lauber, proposed rear addition and second floor addition. Seeking variances for side yard combined and FAR.**

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

- **Application: ZB-23-2186, 246 Summit Avenue, Richard and Susan Phelan, BL: 2006 L: 20, C variance to build a raised deck.**

Mr. Richard Phelan was sworn in by Mr. Ball. He explained that his proposal is to build a raised terrace on his property.

Mr. Laurence Alpl was sworn in by Mr. Ball. Mr. Alpl is a licensed engineer and architect. Mr. Alpl displayed the site plan drawing, created by another architect, Mr. Sive. This drawing was not new information. Mr. Alpl also introduced *Exhibit A1*, which were *photos taken on 6/21/23*, reflecting the current condition of the property.

Mr. Alpl discussed the plan for the new raised terrace and to realign the driveway. The proposed patio would be open and would not be visible from the street. This patio would be considered a deck because of its height. The patio would also create a 17-foot setback.

Mr. Alpl talked more about the property, and some of its hardships. He described the lot as having an unusual shape. He said the garage is a 'tuck under' garage.

Mr. Alpl also stated that the applicant has chosen to keep consistent with the neighbor's landscaping, choosing the same landscaper used.

The board asked questions of the applicant, asking if the applicant has spoken with their neighbor next door, who have a balcony that oversees their yard. The applicant said they have spoken with them and reported that they are in favor of the project.

The board also asked if the designer considered a deck level with the main living floor was considered. Mr. Appl responded that this would make columns necessary, and this would make it very difficult to maneuver a car out of the driveway. The board also asked if there are any plans for a sound system, chimney, or any of the like. The applicant responded that there are no such plans drawn or in mind. The board then asked if they have a plan to install handrails for the deck. The applicant responded that they would make any improvements required by code, not being opposed to the addition of handrails.

Board Engineer, Ms. Sheth, asked if the new patio area would be less than 300 square feet. Mr. Alpl confirmed that it will be. She also asked if the walls will be less than 4 feet and was confirmed that they will be less than 4 feet. Ms. Sheth requested detail for the walls and to display the height on the plans. Mr. Ball had questions about the driveway being realigned. Mr. Alpl explained that the driveway will remove the portion encroaching on the neighbor's property. The proposal is to move the driveway over by 2 feet.

In conclusion, the Board, after careful deliberations, *approved* the variance requested if the following conditions are met:

1. Compliance with conditions noted in Board Engineer's Memorandum.
2. Applicant will submit a stormwater management plan.

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

VOTE:           **YES:** Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Loikits, Ms. Toth, Mr. Fehskens, Mr. Ucko  
                  **ABSTAIN:** None  
                  **NO:** None

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- **Application: ZB-23-2185, 58 Dale Drive, Alexandra and Jason Rosenbaum, BL: 5605 L: 19, C variance for a rear yard accessory patio side yard setback.**

Mr. Anthony D'Alessandro, attorney, was sworn in by Mr. Ball. Mr. D'Alessandro explained that his client is seeking a C variance for left side yard setback. The applicants are seeking an addition with impervious coverage. The applicants also have an existing non-conforming screened in porch. This will be converted to a porch without screened-in walls. The proposed work will not be visible from the street and will have the appropriate privacy screening.

Mr. Harrison Barany was sworn in as the applicant's engineer. Mr. Barany discussed plans dated from December 2, 2022. Mr. Barany explained that the existing patio will be removed. There will be an increase in 266 square feet with the new patio. No trees or vegetation will be removed. They will regrade behind the patio. No steep slopes will be encroached.

The board asked if any additional improvements were made to the property after the survey was created, to which the applicant responded that there were not. It was also noted by the applicant that the mechanical equipment is well-screened with vegetation and comply with setbacks.

The board agreed that the property at 58 Dale Drive has undue hardships. The lot is oddly shaped. The proposed design lines up with the edges of the house, creating a favorable design and usable shape.

In conclusion, the Board, after careful deliberations, *approved* the variance requested, if the following conditions are met:

1. Compliance with conditions noted in Board Engineer's Memorandum.

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

VOTE:           **YES:** Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Loikits, Ms. Toth, Mr. Fehskens, Mr. Ucko  
                  **ABSTAIN:** None  
                  **NO:** None

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- **Application: ZB-23-2187, 19 Manor Hill Road, BL: 3103 L:12, (D) variance for FAR. Propose renovating and add additions to existing breakfast room and kitchen on first floor. Remove and replace existing deck and stairs to driveway. Second floor renovations and additions over breakfast**

**room for enlarged primary bedroom and closets. Sidewalks and covered side entrance will be removed.**

Ms. Amanda Creegan was sworn in by Mr. Ball and introduced her application. Ms Creegan stated that she would like to add an addition onto the rear of the house. The addition will be on the first and second floors of the home. The Creegans' would also like to remove and replace their existing deck, for reasons that they feel the existing one is unsafe, and has an angle railing, uncharacteristic with the home.

Ms Kimberly Tone was sworn in by Mr. Ball. She stated that the first-floor addition will add 47 square feet, whereas the second floor addition will add 219 square feet to the home. The second floor will add a larger primary bathroom, add a small office/ sitting room, and they also plan to move the current closet.

Regarding the exterior of the home, no changes will be made to the front of the house. The applicant plans to improve the deck stairs to make them safer and add a rail that will visually appear to suit the home.

Ms. Sheth requested an addition of top and bottom wall elevations to the current plans.

In conclusion, the Board, after careful deliberations, *approved* the variance requested on the basis that the proposal seems to create a more unified aesthetic to the home. The board agreed that the building of a safer deck is positive, and makes the home more accessible.

1. Compliance with conditions noted in Board Engineer's Memorandum.

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

VOTE:       **YES:** Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Loikits, Ms. Toth, Mr. Fehskens,  
                  Mr. Ucko  
                  **ABSTAIN:** None  
                  **NO:** None

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- **Application: ZB-23-2175, 28 Druid Hill Road, BL: 4801 L: 17, Stephen Thompson and Kaitlyn Lauber, proposed rear addition and second floor addition. Seeking variances for side yard combined and FAR.**

Mr. Stephen Thompson, applicant, was sworn in by Mr. Ball. The applicant stated that he is requesting a renovation and addition to the first floor of the home.

Mr. David Rosen was sworn in by Mr. Ball. He explained that the proposal is for an addition on the rear left of the home. The proposal is to raise the roof slightly. The bedrooms will be conforming. The dining room will be moved to create a classic layout for the home. Mr. Rosen explained that there is no real usable space in the basement. The basement is currently made of bedrock, which is expensive to remove. As a result of the improvements, the outside of the house will be more balanced and uniform.

Ms. Sheth referenced items 8 and 9 of the Engineer's report, noting the discrepancy of footage. It was confirmed that the increase will net 220 square feet.

In conclusion, the Board, after careful deliberations, *approved* the variance requested, if the following conditions are met:

1. Compliance with conditions noted in Board Engineer's Memorandum.

The motion to *approve* this application was made by Mr. Ucko and it was *seconded* by Mr. Loikits. A roll call vote was completed with the results listed below:

VOTE:           **YES:** Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Loikits, Ms. Toth, Mr. Fehskens,  
                      Mr. Ucko  
                      **ABSTAIN:** None  
                      **NO:** None

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**The Board memorialized Minutes from:**

- June 5, 2023

A motion of *approval* was made by Ms. Newell and was seconded by Mr. Gonzalez.

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

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**The Board memorialized Resolution from:**

- **7 Linda Lane, ZB-23-2180, BL: 4710 L: 10**

The eligible voting members are Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Maleh, Mr. Loikits, Ms. Toth, Ms. Sajer.

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

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

- **104 Woodland Avenue, ZB-23-2179, BL: 1203, L: 26**

The eligible voting members are Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Maleh, Mr. Loikits, Ms. Toth, Ms. Sajer.

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

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

**ABSTAIN:** None  
**NO:** None

- 709 Springfield Avenue, ZB-22-2159, BL: 1702, L: 49

The eligible voting members are Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Maleh, Mr. Loikits, Ms. Toth, Ms. Sajer.

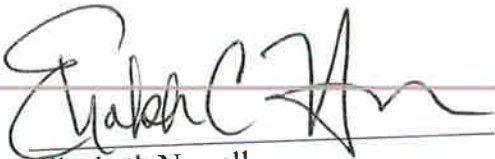
The motion to *approve* this resolution was made by Mr. Loikits and it was *seconded* by Ms. Toth. A roll call vote was completed with the results listed below:

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

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**Adjourn**

The meeting concluded at 9:10 p.m.



Elizabeth Newell  
Acting Chairperson  
City of Summit  
Zoning Board of Adjustment



Stephanie Soulios  
Board Secretary  
City of Summit  
Zoning Board of Adjustment