

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF SUMMIT
Monday, August 7, 2023

The August 7, 2023, meeting of the City of Summit Zoning Board of Adjustment was opened at 7:30 p.m., with four applications 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 Spurr
- Vice Chairman, Joseph Steiner
- Elizabeth Newell
- David Mollin
- 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.

- Scott Loikits
- 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-22-2153-2, 79-105 New England Avenue, New England Summit Associates, BL: 1804 L: 7, amended application to enhance clubhouse accessibility.**
- **Application: ZB-23-2181, 3 Drum Hill Drive, Antonio Rivas Cortes, BL: 5601 L: 5, (C) and (D) variances for lot and building coverage, FAR for proposed alteration, and expansion of home by adding a first-floor addition, second floor expansion, and new driveway/ drop off zone.**
- **Application: ZB-23-2194, 9 Crest Acre Court, Michael and Katelyn Luke, BL: 1101 L: 9, (C) variance to permit the removal and replacement of a small deck and staircase off the rear of the dwelling. C variance to modify paved driveway to an expanded and new paved driveway. Also seeks to remove and replace the current front and rear walkways and patio.**

- **Application: ZB-22-2152, 90 Ashwood Avenue, Design, Build, Management, INC, BL: 4301 L: 26, Amended application to instead subdivide the property into three lots and construct a new single-family home on each parcel.**

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

- **Application: ZB-22-2153-2, 79-105 New England Avenue, New England Summit Associates, BL: 1804 L: 7, amended application to enhance clubhouse accessibility.**

Mr. Larry Calli, attorney for the applicant New England Summit Associates, was sworn in by Mr. Ball. Mr. Calli spoke about the application and provided a summary of the applicant’s previous application and approval from late last year. Mr. Calli stated that nothing would be changing, except the addition of ramps for ADA accessibility as the amended plan.

Mr. Sameh Walli was sworn in by Mr. Ball. Mr. Waleh is the civil engineer for the project being proposed. Mr. Waleh stated that the proposed improvements will be made to satisfy the city comments made on the previous application. During his testimony, Mr. Waleh introduced *exhibit A1, site plan overlay*, dated August 3, 2023.

Staff comments made by the fire chief were addressed. *Exhibit A2* was distributed to the board, which was *correspondence between Chief Evers and Dynamic Engineering, as shared between the applicant’s attorney and board secretary*. In the comments, Chief Evers states that he is satisfied with the proposed plans.

Mr. Paul Ricci was sworn in by Mr. Ball, as the applicant’s planner. Mr. Ricci discussed how the plans have minimal changes since the last time they presented to the board. He stated that any increase in coverage is extremely minimal.

Ms. Sheth asked if there would be any other ADA access on site besides the front, to which Mr. Calli stated that there is none planned.

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. The applicant shall be bound by the prior conditions noted in the previous resolution.

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

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

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- **Application: ZB-23-2181, 3 Drum Hill Drive, Antonio Rivas Cortes, BL: 5601 L: 5, (C) and (D) variances for lot and building coverage, FAR for proposed alteration and expansion of a home by adding a first-floor addition, second floor expansion, and new driveway/ drop off zone.**

Applicant, Mr. Antonio Rivas Cortes was sworn in by Mr. Ball. He explained the proposed work for his home, which he shares with his wife and three children. Mr. Cortes spoke in length about the driveway, in creating a drop.off zone, emphasizing the safety of his family as his primary concern. Mr. Cortes believes his home needs access to Drum Hill, since access onto Mountain Avenue, he states, is challenging and possibly dangerous.

The board had questions regarding the driveway, curious if it would be feasible for Mr. Cortes and his family to pull into the driveway, and then back out and turn around.

The board also wondered if creating the new drop off area would eliminate any type of recreation for the Cortese family on the outside of their property.

The architect for the applicant was Mr. Tomasz Bona. He was sworn in by Mr. Ball. Mr. Bona further explained the project, stating that the applicant would like to expand the second floor of the home, extend the master suite over the garage, remove the outdoor patio, and install a new driveway and drop off zone.

Exhibit A1, Packet of Photographs, were introduced by Mr. Bona.

The board had several questions regarding the new driveway and drop off zone. The applicant was asked by the board to enlist the assistance of a civil engineer regarding the applicant’s proposed plan and return to the board at a later date with a revised plan, specifically for the driveway. As a result, the application for 3 Drum Hill Drive will be carried to October 16, 2023, requiring no further notice, and the applicant has agreed to waive the time for the zoning board to act on a decision for this application.

The motion to *approve* this application being carried with no further notice, and to waive the time for the board to act on a decision, was made by Vice Chairman Steiner, and it was *seconded* by Ms. Toth. A roll call vote was completed with the results listed below:

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

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- **Application: ZB-23-2194, 9 Crest Acre Court, Michael and Katelyn Luke, BL: 1101 L: 9, (C) variance to permit the removal and replacement of a small deck and staircase off the rear of the dwelling. C variance to modify paved driveway to an expanded and new paved driveway. Also seeks to remove and replace the current front and rear walkways and patio.**

The applicants’ attorney, Mr. Anthony D’Alessandro was sworn in by Mr. Ball. The applicants, Mr. Michael and Katelyn Luke, were also sworn in by Mr. Ball.

Mr. D’Alessandro introduced the application and explained the applicant’s proposal, which is to permit the removal and replacement of a small deck and staircase off the rear of the dwelling. They also propose to modify the paved driveway to an expanded and newly paved driveway. The applicants also wish to remove and replace the current front and rear walkways and patio. Mr. D’Alessandro stated that the proposed updates would help unite the look of the home.

Mr. Andrew Clarke was sworn in by Mr. Ball. Mr. Clarke is the applicant’s engineer.

Ms. Barbara Wallace, located at 15 Crest Acre Court, presented a picture of the conditions of outside of her home after a rainstorm, dated June 23, 2023. This photo was labeled *Exhibit A1*. This highlighted her concerns of receiving excess water from the proposed improvements to 9 Crest Acre Court, as she is located ‘downhill’ from their property.

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 must revise the engineering plans to reflect impervious coverage as 41%.
3. Applicant shall maintain 2 years for storm water jurisdiction.
4. Applicant shall install a dry well as close to the wall as possible.

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

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

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- **Application: ZB-22-2152, 90 Ashwood Avenue, Design, Build, Management, INC, BL: 4301 L: 26, Amended application to instead subdivide the property into three lots and construct a new single-family home on each parcel.**

Mr. James Webber, attorney for the applicant of 90 Ashwood Avenue, was sworn in by Mr. Ball. Mr. Webber stated that he had intended to present this evening, and two witnesses accompanied him prepared to provide testimony, but given the time constraints of the evening, requested to carry the meeting. 90 Ashwood Avenue will be carried to a special meeting date, on Wednesday, September 13 at 7:30 pm. The hearing is carried without requiring notice.

The motion to *approve* this application being carried with no further notice was motioned by Ms. Newell and seconded by Vice Chairman Steiner. A roll call vote was completed with the results listed below:

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

The Board memorialized Resolution from:

- **252 Kent Place Boulevard, Roberto Roberti, ZB-22-2155, BL: 1401 L: 6**

The eligible voting members are Ms. Newell, Mr. Gonzalez, Ms. Toth, Mr. Fehskens, Mr. Ucko.

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

VOTE: **YES:** Ms. Newell, Mr. Gonzalez, Ms. Toth, Mr. Fehskens, Mr. Ucko.
 ABSTAIN: None

NO: None

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- **185 Oak Ridge Avenue, ZB-23-2188, BL: 4801, L: 7**

The eligible voting members are Ms. Newell, Mr. Gonzalez, Ms. Toth, Mr. Fehskens, Mr. Ucko, Mr. Maleh.

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

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

The Board memorialized Resolution of Extension:

- **17 Baltusrol Road, Abel and Margarita Flores, ZB-21-2100, BL: 4202 L: 23**

Ms. Toth recused from this extension.

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

VOTE: **YES:** Vice Chairman Steiner, Ms. Newell, Mr. Gonzalez, Mr. Mollin, Mr. Fehskens, Mr. Ucko.
 ABSTAIN: None
 NO: None

The Board memorialized Minutes from:

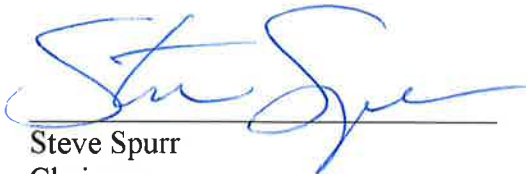
- July 17, 2023

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

A voice vote was conducted, excluding the members that were excused that evening. All were in favor, and none were opposed.

Adjourn

The meeting concluded at 10:48 p.m.



Steve Spurr
Chairman
City of Summit
Zoning Board of Adjustment



Stephanie Soulios
Board Secretary
City of Summit
Zoning Board of Adjustment

