

Exhibit “A”

City of Summit Zoning Board of Adjustment Annual Report Recommendations 2023

1. Roof/ Decks atop Multi-Story Buildings

Development of multi-story residential or mixed-use buildings continues across Summit, especially in the city's downtown core. Whether outright new construction or rehabilitation of existing structures, developers seek to offer modern amenities including roof decks for tenant use. In their most common form these rooftop amenities are promoted as an exclusive space for quiet contemplation, social gatherings, and other activities. With more intense use of multistory building roofs can come potentially problematic increase in noise, light, and other conditions that have the potential to disturb neighboring properties. Given the increasing incorporation of rooftop amenities into multistory building design, adoption of a common set of design guidelines should be considered. Key elements of those guidelines could include standard hours of access and/or exclusion of audiovisual equipment as examples.

2. Definition of Porte-Cochére

Porte-Cochére translates to “carriage entrance” in French and was initially observed as an architectural feature among French palaces and manors primarily during the reigns of Louis XIV (1643 — 1715) and XV (1715 — 1774). This roofed structure is designed to add aesthetic as well as functional benefit to a home by extending shelter from the elements over an adjacent driveway from the building entrance. In 17th and 18th century France, this would allow horse drawn carriages to drop off and pick up guests under shelter. While horse—drawn carriages are a rare occurrence in Summit today, this design element can be argued as still functionally desirable given our varied seasonal climate, adds aesthetic benefit for some residential properties, and must be recognized as a common feature among existing homes of a certain era. Summit’s DRO does not however differentiate between a Carport (specifically prohibited) and a Porte-Cochére. A Porte-Cochére could be defined as a structure attached to a principal building providing a covered portion of a driveway such the driveway passes through the covered portion and is not a terminus for vehicular parking and storage (to help differentiate from a carport). A Porte—Cochére should not be a substitute for the required garage as required. We suggest the DRO be reviewed on this subject and corrective action be taken to appropriately accommodate inclusion if this desirable feature among Summit’s housing stock.

3. Lot Coverage

Swimming Pools

While lot sizes here in Summit often preclude construction of pools on residential properties when they are proposed for construction the resulting square footage is included as Lot Coverage within the required Zoning calculation. We suggest further research be conducted regarding the appropriateness of including pools within the lot coverage calculations given their use when compared with above ground structures as well as their innate stormwater retention features. Consideration should be given to the potentially

different stormwater management profiles of a pool given time of year, especially in the fall, winter, and spring when pools are typically covered and considered impervious.

Definition Reform of Impervious/Pervious Surfaces

There is an increasing trend in pervious surface increases due to applicants offsetting these increases with Stormwater Management. Impervious coverage, and particularly pavement, is about much more than stormwater runoff. Guided by the Environmental Commission and Town Engineer, the Planning Board should consider more specific guidelines and definitions on impervious surfaces within the DRO when it is revised.

One specific example- Decks are part of the building and therefore are considered impervious coverage even though water can easily flow between the boards that typically make up a deck and reach the ground below. We suggest excluding uncovered decks from the definition of impervious coverage unless the ground below the deck is impervious or the construction details of the decking adversely affects drainage by not permitting stormwater to reach the pervious area below the deck.

Definition of a Permeable Driveway

Current standards provide that gravel is treated as impermeable for coverage standard purposes. Research reveals that there are types of gravel as well as underlying soil conditions with capacity for infiltration that could be considered permeable. Consider the benefits/disadvantages of the specific surface for driveway construction (i.e., gravel, permeable pavers) and add language to the DRO reflecting the conclusions reached by the commissioners/Engineering Department regarding the type of material used.

5. Defining Appropriate Limits of Steep Slope Disturbance

The current standard of asking for a steep slope variance when more than 1,000 square feet of steep slope is disturbed applies regardless of lot size. We suggest some consideration to adopting a standard that looks at the size of the disturbance in terms of both square footage and the size of the lot. For example, a variance should be needed if the disturbances more than 1,000 square feet or XX% of the lot size, whichever is greater. Steep slopes disturbance should also be reviewed for how much vegetation will be disturbed as that may impact the overall stormwater conditions.

6. Neighborhood Stormwater Management

Certain areas of Summit (e.g. Wallace Road/Canoe Brook Parkway/Iris Road) have long been impacted by stormwater management challenges on the neighborhood level due to a variety of natural and man-made factors. However, improvements including the installation of seepage pits and dry wells proposed as part of individual Zoning applications within these neighborhoods are understandably limited in their impact to the applicant's property. We suggest the City continue efforts to proactively identify whole neighborhoods challenged with flooding and seek a more holistic approach that lessens the burden on the minority of residents within those areas who apply for Zoning relief and consequentially find themselves compelled to address stormwater management challenges that include but are not limited to their property. Within that holistic reexamination should be consideration for uncontrolled properties that would benefit themselves from localized improvement and by doing so positive impact the character of regional stormwater management.

7. Avoidance of Affordable Housing Obligation

To welcome and sustain an economically diverse representation of resident our community requires a correspondingly diverse housing stock. In practice this need is met primarily through the purchase of rental or single-family homes or apartment dwelling within multi-family developments. It is imperative that the City closely monitors the obligations of developers and encourage the construction of affordable housing units in a manner that respects our legal obligations and suits the existing realities of our community's built environment. One scenario to consider is when separate but directly adjacent lots being developed for either sale or rental by one developer the Governing Body could explore additional mechanisms to calculate a developer's affordable housing obligation by recognizing the sum of its active development in the case of separate but directly adjacent lots under development. This effort should be made in conjunction and with an awareness of the new State-Wide rules being put into effect regarding affordable housing.

8. In-House Engineering Review

Nearly every Zoning application rightfully requires Engineering review. While this review is typically conducted by the Zoning Board's appointed professional at the expense of the applicant, City Engineering staff can also provide these reviews at a substantial cost savings and offers the City an opportunity to generate additional non-tax revenues. We suggest the Department of Community Services review available Engineering staff time and coordinate with the Zoning Board Secretary City Engineering staff review of Zoning applications as appropriate. We would require City Engineering staff attend any Board meeting where applications reviewed by City Engineering staff are presented in case any questions do arise. This additional time should be factored into DCS scheduling of Engineering staff as well as rate calculations.

9. Zoning Review of Certificate of Occupancy

It is not uncommon for Zoning applications to include requests for relief that have arisen from non-conforming conditions imposed unknowingly by an applicant or more often by prior property owners. To help identify these non-conforming conditions before an otherwise unrelated application comes before the Zoning board, we suggest that at least a cursory search of Zoning Board resolutions relevant to the property in question be conducted and ideally conformance with key elements of the DRO again with respect to the property in question be included as part of any Certificate of Occupancy inspections. This request should extend as well to the approval, monitoring of, and ultimately close out of building permits where contractors may have mistakenly or otherwise exceeded the allowable lot or building coverages or encroached into a given setback in the construction of a project. A post construction survey could be considered as a further safeguard for compliance.

10. Communication of Pending Applications

City staff have made great strides in recent years improving public access to Zoning materials. Today residents and other interested parties can review online active Zoning Board applications, meeting agendas and minutes, Board composition including assigned City staff, and more. In addition to the dedicated Zoning board page of the City's website, we suggest City staff and other relevant stakeholders consider leveraging additional

communication channels to ensure community awareness of and engagement in Zoning applications of interest. Though most applications that come before the Zoning Board seek relatively minor relief with correspondingly minor impact on neighbors, from time to time potentially more impactful applications may not reach the broader community and as such a greater diversity of input is not received and not considered to the benefit of the Board's deliberations.

11. Specific Regulations Regarding Existing Home Renovation

Variance applications that include additions, gut renovations, and refacing a property should make efforts to address current aesthetic standards to achieve curb appeal. This includes, having a front facing door, and including any plans for entryways, porches, etc. in the original building permit. This encourages a construction with an attractive street view. Consider making aesthetic standard updates part of the next revised DRO.

12. Review and Revision of the NB Zone Side Yard and Rear Yard Setbacks.

Planning should conduct a review and possible revision of the NEIGHBORHOOD BUSINESS ZONE (NB) on the Schedule of Space Regulation NON RESIDENTIAL. Some adjustment is needed as there are currently no guidelines as to rear yard setback or side yard setback. So, a commercial property could be set very close to the rear and or side yard creating a problem for a neighboring residential property not in the NB zone.

13. Review and Define Signage Regarding New Residential Developments

For the next round of DRO Revisions, the Planning Board should consider specific regulations regarding the signage requirements for New Residential Developments that codify the size, shape, illumination, and content of any planned signage.

14. Permitting Process More Closely Aligned with the Zoning Approval Process

Over the years, there has been numerous projects that employed a phased permitting approach where part or all of the work is completed without a variance and when that work is complete, or nearly complete, a variance application is submitted. The board has seen more than one case where the applicant is asking for forgiveness rather than permission to complete a project, thus essentially subverting the system in place. More careful coordination should be given to the issuance of building permits based on the overall zoning compliance of any given project. This is to encourage the property owner to carefully think through their project so that they do not build without adherence to the zoning code and then later approach the zoning board for a variance to grant their project into acceptance. One solution could be adding a zoning questionnaire to the application to ensure any current or future construction is considered in tandem with the Zoning approvals process. For example, "When submitting this application, please verify that you have considered necessity of additional or increased patio areas? Porch areas? Future parking needs? Swimming pools? Other structures? yes or no."

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