



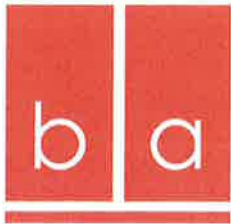
ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

Address:	80 Elm Street
Application #:	ZB-25-2291
Description/Variances:	(c)- variance to demolish and rebuild existing detached garage at rear of property
Sent to Staff for Comments:	June 27, 2025
Due Date:	July 14, 2025

Staff / Commission / Consultant	<u>Delivery Method</u>	<u>Report Attached with Comments</u>	<u>Report Attached with No Objections</u>	<u>Not Submitted</u>	<u>Not Required</u>
Eric Evers, Director Fire Chief	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
Ryan Peters Police Chief	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
Engineering: Colliers	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
Ralph Maritato Construction Official	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
John Linson City Forester	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
Board of Health: Westfield	<input type="checkbox"/> Paper <input type="checkbox"/> Email		✓		
Historic Preservation Commission	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
Environmental Commission (if required)	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
Board Planner Burgis Associates	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			

AT DUE DATE / UPON RECEIPT FROM ALL STAFF:

Sent to Applicant:	<u>7 / 28 / 25</u>
Sent to Attorney:	<u> / / </u>



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

PRINCIPALS:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

MEMORANDUM

To: City of Summit Zoning Board of Adjustment
From: Ed Snieckus, Jr. PP, LLA and Tom Behrens, PP, AICP
Subject: Serbu & Coates Residence (ZB-25-2291)
80 Elm Street
Block 3204 Lot 3
'c' Bulk Variance Requests
Date: July 16, 2025
BA#: 4269.24

I. INTRODUCTION

The Applicants, Jackie Serbu and Jay Coates, are requesting 'c' variance relief to replace the existing detached garage located in the rear yard of the above-referenced property with a new detached garage. The property is located in the R-5 Zone wherein detached single-family uses are permitted. The extent of proposed improvements and required variance relief are detailed herein.

II. DOCUMENTS SUBMITTED

Our office has received and reviewed the following application documents:

1. Application forms and accompanying materials.
2. Property survey prepared by ABC Surveys, LLC dated December 16, 2024.
3. Architectural plans (1 sheet) prepared by Elizabeth Rush, R.A. received June 24, 2025.
- 4.

III. PROPERTY DESCRIPTION

The site, identified as Block 3204 Lot 3 in City tax records, is a 6,792 square foot rectangular parcel with 37.5 feet of frontage on Elm Street. Lot 3 is developed with a 2-story single-family dwelling and associated improvements, including a rear detached garage, deck and paver patio, front paved walkway and paved driveway share with adjacent Lot 2 to the south. Development surrounding the site primarily consists of detached single-family uses. The following aerial image provides a general overview of the existing site conditions and surrounding development pattern.

IMAGE 1 - SITE AERIAL PHOTOGRAPH



Source: NJ Parcel Explorer, Rowan University.

IV. REQUIRED VARIANCE RELIEF

The development application requires the following variance relief:

1. 'c' Maximum Accessory Building Height. The R-5 Zone permits a maximum accessory building height of 15 feet. Section 35-9.8.B.3. permits an accessory building height up to 18 feet *"only when it is determined that such increase in height is required to match the roof pitch of the principal building for purposes of design continuity, and where the required setbacks of the accessory structure conform to the requirements of [Chapter 35]."*

The proposed garage height of 18.5 feet exceeds both the standard maximum permitted accessory building height of 15 feet and the allowance of up to 18 feet when it can be demonstrated that the garage height is necessary to match the roof pitch of the dwelling. In this case, the purpose of the proposed garage dormers primarily appear to accommodate a second floor in the garage where the relationship to the existing dwelling roof pitch is less clear.

The proposed garage height should be confirmed as there is a discrepancy between the architectural and engineering plans where the architectural plans indicate the height is 18.5 feet and the engineering plans indicate the height is 17.9 feet.

2. 'c' Maximum Accessory Building Dimensions. Section 35-9.8.B.2. stipulates that in residential zones, no accessory building shall exceed a footprint of 576 square feet or have dimensions that exceed 24 feet where the proposed garage footprint is 616 square feet with dimensions of 22 feet by 28 feet. The proposed depth of the garage appears to be related to the stairs providing access to the second floor.

3. 'c' Minimum Driveway Setback. The driveway will be reconfigured where a portion of the new driveway will be located in the location of the existing paver patio. The new driveway will have a nonconforming setback of 0 feet from both side lot lines where a minimum driveway setback of 2 feet is required.
4. 'c' Minimum Side Yard Setback. The existing deck will be replaced with a new smaller 12 foot by 16 foot deck in the same approximate location. The deck is attached to the house and therefore is required to comply with the R-5 Zone's setbacks for principal buildings, which in this case requires a minimum side yard setback of 7 feet where a setback of 2.8 feet is proposed.
5. 'c' Maximum Building Coverage. The R-5 Zone permits a maximum building coverage of 20% where the property has an existing building coverage of 25.8% that will be increased to 27.9%.
6. 'c' Maximum Lot Coverage. The R-5 Zone permits a maximum lot coverage of 45% where the property has an existing lot coverage of 57.0% that will be reduced to 56.0%, a reduction of 70 square feet. It is noted that a portion of the driveway will be paved while the central area will be composed of pea gravel, which both constitute impervious coverage.

V. GENERAL COMMENTS

1. The Applicant submitted two sets of architectural plans, both dated February 2, 2025, with the most recent submission received on June 24, 2025. The Applicant shall confirm the revision date of the most recent architectural plans.
2. The Applicant shall confirm the floor area ratio calculation to include the second floor garage space with headroom of 7 feet or more as measured from the floor to the underside of the roof rafters.
3. The Applicant shall confirm the location(s) of exterior equipment and demonstrate compliance.
4. A new drywell is proposed in the rear driveway area. We defer the review of stormwater management to the Board Engineer.
5. The Applicant shall confirm the proposed exterior building materials and colors of the garage to confirm consistency with those of the existing dwelling.
6. The Applicant shall confirm the extent of proposed utilities (plumbing, electric, HVAC, etc.) in the garage and confirm that it will not be used as a residential unit.

*Should the application be approved, the Applicant are hereby noticed to read the Zoning Board resolution of approval making note of all required conditions. It is the applicant's responsibility to take action necessary to meet the stated conditions prior to submitting a construction permit. Failure on the part of the applicant to meet the conditions will result in unnecessary delay in processing the construction and grading permit applications, as applicable.

VI. STATUTORY CRITERIA

The following is a summary of 'c' variance criteria required to be addressed by the Applicant:

'c'(1)/'c'(2) Variance Relief

The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test as described below. The Applicant may apply one or both of these tests in providing justifications for their 'c' variance requests.

- A. Physical Features Test: An applicant may be granted 'c'(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
- B. Public Benefits Test: An applicant may be granted 'c'(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the MLUL; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

In addition, the Applicant must address the Negative Criteria of the statute. Specifically, the Applicant must demonstrate: 1) the variance can be granted without substantial detriment to the public good; and 2) that granting the relief will not substantially impair the intent and purpose of the master plan and zoning ordinance.



STAFF COMMENTS REPORT

DATE:

FROM: Land Use Assistant/ Board Secretary

☐ FLOOD ZONE

TO:

<input type="checkbox"/>	Eric Evers	Fire Chief
<input type="checkbox"/>	Ryan Peters	Police Chief
<input type="checkbox"/>	Engineering	Colliers
<input type="checkbox"/>	Ralph Maritato	Construction Official

<input type="checkbox"/>	John Linson	City Forester
<input type="checkbox"/>	Health Dept.	Westfield
<input type="checkbox"/>	Caroline King	Chair, HPC
<input type="checkbox"/>	Planner	Burgis Assoc.
<input type="checkbox"/>	Donna Patel	Environmental Commission

Property Address	80 Elm Street	Block: 3204	Lot: 3
Application #:	ZB-25-2291	Applicants Names: Jackie Serbu & Jay Coates	
Description/Variances:	(c)- variance to demolish and rebuild existing detached garage at rear of property		

Comments Due Date:	July 14, 2025	Please email landuse@cityofsummit.org if you are unable to meet this date.
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Attached is a copy of the plans and application for the subject property. Please review this proposal and return a copy of this memo with your comments prior to the date indicated above. Attach additional pages or reports, if necessary.

COMMENTS:

Build to code (ML) _____

Print Name:	Eric Evers	Print Title:	Chief SFD	Date:	7/3/25
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STAFF COMMENTS REPORT

DATE:

FROM: Land Use Assistant / Board Secretary

TO:

☐ FLOOD ZONE

	Name	Title / Committee
<input type="checkbox"/>	Eric Evers	Fire Chief
<input type="checkbox"/>	Ryan Peters	Police Chief
<input type="checkbox"/>	Engineering	Colliers
<input type="checkbox"/>	Ralph Maritato	Construction Official

<input type="checkbox"/>	John Linson	City Forester
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COMMENTS:

No objections. All dumpsters to be stored on the property.

LHCADA

Print Name:		Print Title:		Date:	
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Memorandum

To: Zoning Board

From: Marie Raffay, P.E.

Date: July 14, 2025

Subject: 80 Elm Street
Block 3204, Lot 3
Summit, Union County, NJ

Summit No.: ZB-25-2291

We have reviewed the application and associated submissions prepared by the Applicants, Jackie Serbu and Jay Coates of the subject property as referenced below:

- a. Application to Zoning Board of Adjustment, dated January 20, 2025;
- b. Application for Development Worksheet, dated January 30, 2025;
- c. Zoning Board Application Checklist, dated January 1, 2025;
- d. Certified List of Property Owners with map, dated February 2, 2025;
- e. Certification of Tax Payments, dated January 30, 2025;
- f. Architectural Plans, entitled "Serbu-Coates Garage, 80 Elm Street, Summit, New Jersey" prepared by Elizabeth Rush Architect, consisting of one (1) sheet, dated February 3, 2025;
- g. Topographic Survey, entitled "Prepared for Serbu Residence, 80 Elm Street, Tax Lot 3 in Block 3204, City of Summit, Union County, New Jersey, prepared by Andrew Clarke PE of ABC Surveys, LLC, dated December 16, 2024; and
- h. Variance Plan, entitled "Prepared for Serbu Residence, 80 Elm Street, Tax Lot 3 in Block 3204, City of Summit, Union County, New Jersey", prepared by ABC Surveys LLC, consisting of one (1) sheet, dated December 16, 2024.

Based on our review of the above-referenced documents, this office offers the following comments:

1. The 6,792-square foot (0.156-acre) property is located on the east side of Elm Street approximately 120 feet north of the Doremus Street.
2. The property is in the R-5 Residential Zone, with adjacent properties in the same zone and properties across Elm Street in the R-10 zone.

3. The property is rectangular in shape with 37.5-feet of frontage on Elm Street and a lot depth of 181-feet.
4. The property is mostly level, featuring a predominantly flat terrain.
5. The property is currently improved with a 2-1/2 story frame dwelling, deck, enclosed front porch, paved driveway, detached rear two-car garage, concrete walkway, and related site improvements. The Applicant should confirm in testimony.
6. The Applicant has a shared driveway with the adjacent property to the south known as Lot 2 Block 3204. The proposed plans do not appear to impact any of the driveway shared with the adjacent property. The Applicant should confirm in testimony.
7. The Applicant is proposing to demolish the existing detached garage and replace with a new two story, two car garage. The Applicant is proposing to reduce the size of the deck and improve rear yard drainage. The Applicant should confirm the proposed improvements in testimony.
8. The Applicant is proposing an increase in building coverage of 146 square feet from 1,750 square feet (25.8%) to 1,896 square-feet (27.9%) where the maximum permitted in the R-5 zone is 1,358 square feet (20%). The Applicant should confirm in testimony.
9. The Applicant is proposing a decrease in lot coverage of 70 square feet from 3,874 square feet (57%) to 3,804 square feet (56%) where the maximum permitted in the R-5 zone is 3,056 square feet (45%). The Applicant should confirm in testimony.
10. The Applicant is proposing a drywell beneath the driveway in the rear yard to collect runoff from the proposed garage and partial runoff from the proposed driveway. It is unclear what area of the driveway will be collected in the proposed drywell. The Applicant should confirm in testimony and confirm that the drywell is sized appropriately to collect the runoff of the designed collection area.
11. A soil test shall be provided prior to the installation of the proposed seepage pit. Soil test shall include information regarding the location of the seasonal high-water table (SHWT). Per New Jersey's Stormwater Best Management Practices Manual, it shall be confirmed that the bottom of the proposed seepage pit is at least 2 feet above the SHWT.
12. There appears to be a discrepancy regarding the height of the proposed garage between the architectural plans and the engineering plan. The Applicant should ensure the plans agree and provide testimony on the proposed height. We defer to the City Planner for review and comment on the proposed height.
13. The proposed garage is shown to have a second-floor space. Testimony should be provided as to how this space will be utilized. Will there be electricity, water, heat, sewer, living space?

14. The Architectural plans indicate a side access door to the garage. No landing or walkway is proposed on the engineering plans. If a walkway is proposed, the lot coverage calculations should be updated.
15. The Applicant does not appear to be removing any trees for this project. We defer to the City Forester for review and approval of the proposed improvements.
16. The Applicant shall be aware that disturbances of greater than 5,000 square feet require a permit from Somerset-Union Soil Conservation District.
17. The Applicant shall be aware of their responsibility to repair any damage to improvements within the City right-of-way including, but not limited to, curb and asphalt caused by construction activities associated with the installation of the improvements on the subject lot.
18. The Applicant shall remove all excavated and excess soil from the site and shall not use excess soils elsewhere on site.
19. The Applicant shall be aware that if stormwater runoff drainage problems occur on their property and/or neighboring properties because of the construction of the proposed improvements, it is the Applicant's responsibility to remedy that drainage issue.
20. As a condition of approval, signed digital plans shall be transferred to the City of Summit for use in updating the GIS database for the property. Coordination with the City's Engineering Department shall be the responsibility of the Applicant after the application is approved by the City and prior to the issuance of a Certificate of Occupancy.

Should the Board approve the project, the approval may be subject to the issuance of a grading permit (Chapter 35, Article 15) and any required Board conditions. The Applicant shall verify the need for a grading permit with the City which will not be issued until all conditions of the resolution of approval are satisfied.

If you have any questions or require anything further, please contact me.

MKR/gd



STAFF COMMENTS REPORT

DATE:

FROM: Land Use Assistant / Board Secretary

TO:

☐ FLOOD ZONE

	Name	Title / Committee
<input type="checkbox"/>	Eric Evers	Fire Chief
<input type="checkbox"/>	Ryan Peters	Police Chief
<input type="checkbox"/>	Engineering	Colliers
<input checked="" type="checkbox"/>	Ralph Maritato	Construction Official

<input type="checkbox"/>	John Linson	City Forester
<input type="checkbox"/>	Health Dept.	Westfield
<input type="checkbox"/>	Caroline King	Chair, HPC
<input type="checkbox"/>	Planner	Burgis Assoc.
<input type="checkbox"/>	Donna Patel	Environmental Commission

Property Address:	80 Elm Street	Block: 3204	Lot: 3
Application #:	ZB-25-2291	Applicant Names: Jackie Serbu & Jay Coates	
Description/Variances:	(c)- variance to demolish and rebuild existing detached garage at rear of property		

Comments Due Date:	July 14, 2025	Please email landuse@cityofsummit.org if you are unable to meet this date.
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COMMENTS: _____

According to the 2021 IRC, the applicant and design professional must ensure that the exterior walls of the structure meet fire-resistance rating requirements based on the fire separation distance to the lot line. Additionally, exterior wall openings and eaves of the building must also comply with the fire separation distance regulations.

Print Name:	Ralph Maritato	Print Title:	Construction Official	Date:	7-8-25
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STAFF COMMENTS REPORT

DATE:

FROM: Land Use Assistant / Board Secretary

TO:

☐ FLOOD ZONE

	Name	Title / Committee
<input type="checkbox"/>	Eric Evers	Fire Chief
<input type="checkbox"/>	Ryan Peters	Police Chief
<input type="checkbox"/>	Engineering	Colliers
<input type="checkbox"/>	Ralph Maritato	Construction Official

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<input type="checkbox"/>	Health Dept.	Westfield
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COMMENTS:

No trees or landscaping are affected with this application.

No objection

Print Name:	John Linson	Print Title:	Forester	Date:	7/3/25
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STAFF COMMENTS REPORT

DATE:

FROM: Land Use Assistant / Board Secretary

TO:

☐ FLOOD ZONE

	Name	Title / Committee
<input type="checkbox"/>	Eric Evers	Fire Chief
<input type="checkbox"/>	Ryan Peters	Police Chief
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COMMENTS: No comments. No Regulations under
the Health Dept.

Print Name:	George Kostas	Print Title:	REHS	Date:	7/1/25
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STAFF COMMENTS REPORT

DATE:

FROM: Land Use Assistant / Board Secretary

TO:

☐ FLOOD ZONE

	Name	Title / Committee
<input type="checkbox"/>	Eric Evers	Fire Chief
<input type="checkbox"/>	Ryan Peters	Police Chief
<input type="checkbox"/>	Engineering	Colliers
<input type="checkbox"/>	Ralph Maritato	Construction Official

<input type="checkbox"/>	John Linson	City Forester
<input type="checkbox"/>	Health Dept.	Westfield
<input type="checkbox"/>	Caroline King	Chair, HPC
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COMMENTS:

80 ELM STREET IS A QUEEN ANN STYLE HOME AND IS LISTED IN THE SUMMIT SURVEY OF HISTORIC RESOURCES AS CONTRIBUTING TO THE STREET SCAPE. THE PROPOSED GARAGE IS LOCATED IN THE REAR OF THE PROPERTY. THE MATERIALS ARE NOT NOTED IN THE PROPOSAL. THE H.P.C. RECOMMENDS WOOD SIDING TO MATCH THE EXISTING MATERIAL OR HARDI BOARD AS AN ALTERNATIVE. THE H.P.C. RECOMMENDS THE APPLICANT MATCH THE STYLE OF WINDOWS OF THE HOME AND FOLLOW THE DEVELOPMENT REGULATION ORDINANCE (DRO) DESIGN GUIDELINES

Print Name:	JAMES BURGMAYER	Print Title:		Date:	7.11.25
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STAFF COMMENTS REPORT

DATE:

FROM: Land Use Assistant / Board Secretary

TO:

☐ FLOOD ZONE

	Name	Title / Committee
<input type="checkbox"/>	Eric Evers	Fire Chief
<input type="checkbox"/>	Ryan Peters	Police Chief
<input type="checkbox"/>	Engineering	Colliers
<input type="checkbox"/>	Ralph Maritato	Construction Official

<input type="checkbox"/>	John Linson	City Forester
<input type="checkbox"/>	Health Dept.	Westfield
<input type="checkbox"/>	Caroline King	Chair, HPC
<input type="checkbox"/>	Planner	Burgis Assoc.
<input checked="" type="checkbox"/>	Francie Cho	Environmental Commission

Property Address:	80 Elm Street	Block: 3204	Lot: 3
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COMMENTS: _____

The application is for building coverage, lot coverage, max. accessory area and any other variances necessary to demolish an existing garage and rebuild a much larger garage in the same location (616 sq. ft. proposed versus 334 sq. ft. existing). To offset some of the increase in lot coverage, the size of an existing deck will be decreased. There are existing non-conformities as the lot coverage is currently 57% vs 56% proposed and only 45% allowed, as well as an existing non-conformity for building coverage.

We appreciate that the deck will be reduced in size to reduce some impervious coverage. And we note that no trees will be removed as part of this rebuild. For alterations of this nature, the Environmental Commission strongly encourages the homeowners and their architect to: minimize the size of paved surfaces and use green infrastructure for patios and parking areas, such as permeable paving and rain gardens, to assist with drainage, mitigate heat island effects, decrease VOC (Volatile organic compounds) emissions from asphalt paving and markings, and reduce pollution from runoff. We would caution that if the existing garage is subject to flooding, the much larger footprint of the proposed structure may warrant further reductions in impervious coverage. We defer to the advice of the Engineers.

In addition, we would further encourage planting native shade trees and shrubs on the open spaces of the property to assist with site hydrology. We will note that native species are beautiful and cost effective. They

require far fewer inputs (water, fertilizer, and pesticide), protect our soil and waterways, and provide habitat for native birds and butterflies. This Guide to Landscaping with Native Plants and searchable database can be helpful in finding native replacements, as well as the Rutgers list of native plants (<https://njaes.rutgers.edu/fs1140/>).

On behalf of the Summit Environmental Commission, I recommend approval of the requested variances, contingent upon the approval of the Engineers with regard to lot coverage and water retention issues.

Print Name:	Francie Cho	Print Title:	Environmental Comm. Alt.	Date:	7/9/2025
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