



ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

Address:	8 Irving Place
Application #:	ZB-25-2304
Description/Variances:	(d) - variance for FAR and (c) - variance for lot coverage and building coverage to construct a 1-story addition and replace gravel patio with pavers.
Sent to Staff for Comments:	August 7, 2025
Due Date:	August 28, 2025

Staff / Commission / Consultant	Delivery Method	Report Attached with Comments	Report Attached with No Objections	Not Submitted	Not Required
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:	_____ / _____ / _____
Sent to Attorney:	_____ / _____ / _____



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

BURGIS
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 & Tom Behrens, PP, AICP
Subject: Gummy Residence (ZB-25-2304)
8 Irving Place
Block 2614 Lot 22
'd'(4) FAR & 'c' Bulk Variance Request
Date: August 26, 2025
BA#: 4269.40

I. INTRODUCTION

The Applicants, Joanna and Przemyslaw Gummy, are requesting 'd'(4) FAR and 'c' variance relief to construct a one-story addition to the rear of the existing dwelling to accommodate a first floor bathroom and replace an existing rear gravel patio with pavers at the above-referenced property. The property is located in the R-5 Zone wherein the existing/proposed detached single-family dwelling is a permitted use. The extent of proposed improvements and required variance relief are detailed herein.

II. DOCUMENTS SUBMITTED

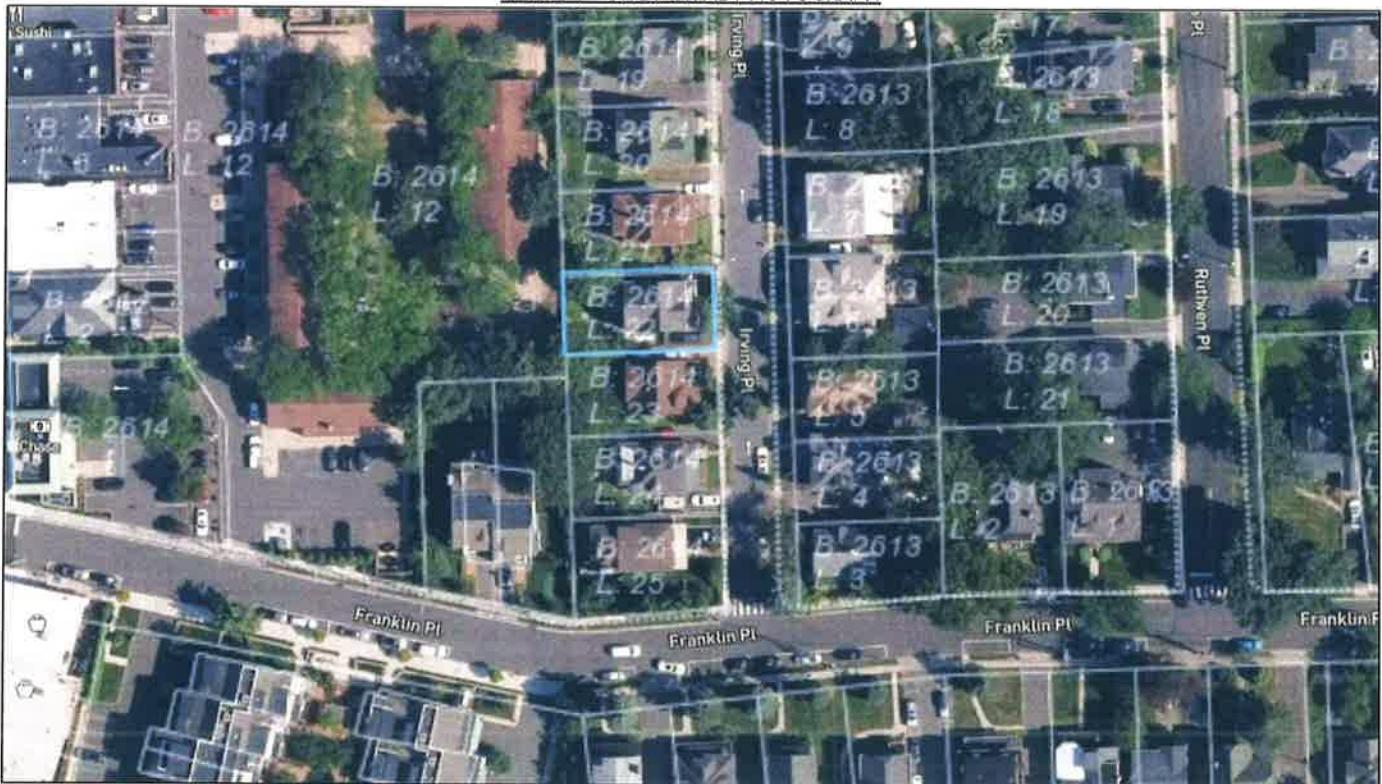
Our office has received and reviewed the following application documents:

1. Application forms and accompanying materials.
2. Property survey prepared by EKA Associates, P.A. dated April 22, 2025.
3. Architectural plans (4 sheets) prepared by Klesse Forbes Architects dated June 10, 2025.

III. PROPERTY DESCRIPTION

The site, identified as Block 2614 Lot 22 in City tax records, is a 4,214-square foot rectangular lot with 48 feet of frontage on Irving Place. The property is developed with a 3-story detached single-family dwelling and associated site improvements, including 2 paved driveways, paved walkways, rear gravel patio and rear shed. Development surrounding the property consists of single and two-family residential uses to the north, south and east and Summit Housing Authority's Glenwood development to the west. 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. Accessed August 26, 2025.

IV. REQUIRED VARIANCE RELIEF

The development application requires the following variance relief:

1. **'d'(4) Maximum Floor Area Ratio.** The R-5 Zone permits a maximum FAR of 40% where the property has an existing nonconforming FAR 59.3% that will be increased to 60.65% as a result of the proposed 56 square foot addition.
2. **'c' Maximum Building Coverage.** The R-5 Zone permits a maximum building coverage of 20% where the property has an existing nonconforming building coverage of 30.7% which will be increased to 32% as a result of the proposed 56 square foot addition.
3. **'c' Maximum Lot Coverage.** The R-5 Zone permits a maximum lot coverage of 45% where the property has an existing nonconforming lot coverage of 65.2% that will be reduced to 63.7% as a result of the proposed improvements. This represents a net reduction in impervious coverage of 63.7%.
4. **'C' Minimum Patio Setback.** The proposed paver patio will have a nonconforming side yard setback of 0.5 feet where the R-5 Zone requires a minimum side yard setback of 7 feet as the patio is considered attached to the dwelling and therefore must comply with the zone's required minimum setbacks for principal buildings.

V. GENERAL COMMENTS

1. The Applicant shall confirm the extent of all proposed improvements.
2. It is noted the property has several existing nonconforming conditions as follows:
 - A. Lot area of 4,214 square feet where the R-5 Zone requires a minimum lot area of 5,000 square feet.
 - B. Lot width of 48 feet where a minimum width of 50 feet is required.
 - C. Building height of 37 feet and 3 stories where a maximum height of 35 feet and 2 stories is permitted.
 - D. 2 driveways where 1 driveway is permitted. Both driveways have nearly 0-foot setbacks to side lot lines where a minimum setback of 2 feet is required.
 - E. Front yard setback of 9.2 feet as measured to the front porch where a minimum setback of 25 feet is required.
 - F. Shed in the rear yard with a nonconforming side yard setback of 0 feet where a minimum setback of 4 feet is required.
3. The a/c units and generator will be relocated to a conforming location in the rear yard to accommodate the building addition.
4. We defer the review of stormwater management to the Board Engineer.

*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:

'd'(4) FAR Variance

The application requires variance relief pursuant to N.J.S.A. 40:55D-70d(4) for the proposed floor area ratio (FAR) which exceeds the zone's maximum permitted FAR of 40%. An applicant requesting a 'd' variance must demonstrate that special reasons exist for the granting of the variance, and that the granting of the variance will further the purposes of the Municipal Land Use Law (MLUL). This is referred to as the positive criteria. In addition, the applicant must address the negative criteria by proving there will be no substantial detriment to the public good and no substantial impairment to the intent of the Master Plan and Zoning Ordinance.

In *Randolph Town Center v. Randolph*, 324 N.J. Super. 412, 416 (App. Div. 1999), the Appellate Division held that a 'd'(4) FAR variance is more akin to a 'd'(3) conditional use variance than a 'd'(1) use variance. As such, the standard established for 'd'(3) variance requests in *Coventry Square v. Westwood Board of Adjustment*, 138 N.J. 285, 298-299 (1994) was applied to 'd'(4) variances. Specifically, the applicant is not obligated to show the particular suitability of the site as required for a 'd'(1) variance, but rather that the site can accommodate the problems associated with the proposed permitted use with a larger FAR than permitted by ordinance.

'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: August 7, 2025

FROM: Land Use Assistant/ Board Secretary

TO:

FLOOD ZONE

<input type="checkbox"/>		
<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

❑	John Linson	City Forester
❑	Health Dept.	Westfield
❑	Caroline King	Chair, HPC
❑	Planner	Burgis Assoc.
❑	Donna Patel	Environmental Commission

Property Address	8 Irving Place	Block: 2614	Lot: 22
Application #:	ZB-25-2304	Applicants Names: Joanna & Przemyslaw Gummy	
Description/Variances:	(d) – variance for FAR and (c) – variance for lot coverage and building coverage to construct a 1-story addition and replace gravel patio with pavers.		

Comments Due Date: August 28, 2025 Please email landuse@cityofsummit.org if you are unable to meet this date.

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(LM)

Print Name:	Eric Evers	Print Title:	Chief SFD	Date:	9/9/25
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STAFF COMMENTS REPORT

DATE: August 7, 2025
FROM: Land Use Assistant / Board Secretary
TO:

FLOOD ZONE

Name	Title / Committee
Eric Evers	Fire Chief
Ryan Peters	Police Chief
Engineering	Colliers
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.
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COMMENTS: No objections
URCH

Print Name:		Print Title:		Date:	
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Memorandum

To: Zoning Board
From: Marie Raffay, P.E.
Date: August 29, 2025
Subject: 8 Irving Place
Block 2614, Lot 22
Summit, Union County, NJ
Summit No.: ZB-25-2304

We have reviewed the application and associated submissions prepared by the Applicants, Przemyslaw Piotr Gummy and Joanna Gummy, of the subject property as referenced below:

- a. Application to Zoning Board of Adjustment, signed, dated June 11, 2025.
- b. Survey prepared by Wayne K. Applegate, PLS, of EJA Associates, P.A., signed, consisting of one (1) sheet, dated 4/22/2025;
- c. Variance Plan entitled, "Alteration to Residence of: Mr. and Mrs. Gummy, 8 Irving Place, Summit, New Jersey", consisting of one (1) sheet, prepared by Klesse' Forbes Architects, signed by Wayne K. Applegate., P.L.S., dated 4/22/25.

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

1. The 4,214.4-square foot (0.096-acre) property is located on the west side of Irving Place, approximately 155 feet north of Franklin Place.
2. The property is in the R-5 Single-Family Residential Zone, with side properties in the same zone and rear properties in the Multi-Family Zone.
3. The property is rectangularly shaped with 48 feet of frontage along Irving Place and a depth of 87 feet.
4. The property appears to be a level lot with minor changes in elevation.
5. The property is currently improved with a 2-1/2 story dwelling, covered porch, walkway, patio, driveway, shed, and related site improvements.
6. The Applicant is proposing a first story addition at the rear of the dwelling and replacing and reconfiguring a pea gravel patio with a paver patio. The Applicant should confirm the proposed improvements in testimony.
7. The Applicant is proposing an increase in building coverage of 56 square feet from 1,293 square feet (30.7%) to 1,349 square feet (32.0%), where the maximum permitted in the R-5 Zone is 20% (842.88 square feet). This is a pre-existing nonconformity. The proposed addition will further exacerbate this non-conformity by 56 square feet (1.3%). A variance is required.

8. The Applicant is proposing a decrease in lot coverage of 63 square feet from 2,747 square feet (65.2%) to 2,684 square feet (63.7%), where the maximum permitted in the R-5 Zone is 45% (1,896.5 square feet). The proposed addition will continue this non-conformity by 46 square feet (1.5%). A variance is required.
9. The Applicant is proposing an increase in the floor area ratio of 56 square feet from 2,500 square feet (59.3%) to 2,556 square feet (60.65%), where the maximum permitted in the R-5 Zone is 40% (1,475 square feet). The proposed addition will continue this non-conformity by 56 square feet (1.35%). A variance is required.
10. It appears that the rear yard shed has been excluded from the calculations of lot coverage. The Applicant should offer clarification regarding whether this was taken into account.
11. The Applicant shall provide testimony regarding any existing or proposed drainage systems on the property, specifically addressing how stormwater will be managed to mitigate the impacts of exceeding the permitted lot and building coverage in the zone.
12. The Applicant shall provide testimony regarding the extent of gravel to be removed and the proposed replacement with pavers.
13. 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.
14. The Applicant shall remove all excavated and excess soil from the site and shall not use excess soils elsewhere on site.
15. 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.
16. 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: August 7, 2025
FROM: Land Use Assistant / Board Secretary
TO:

FLOOD ZONE

Name	Title / Committee
Eric Evers	Fire Chief
Ryan Peters	Police Chief
Engineering	Colliers
Ralph Maritato	Construction Official

❑	John Linson	City Forester
❑	Health Dept.	Westfield
❑	Caroline King	Chair, HPC
❑	Planner	Burgis Assoc.
❑	Donna Patel	Environmental Commission

Property Address:	8 Irving Place	Block: 2614	Lot: 22
Application #:	ZB-25-2304	Applicant Names: Joanna & Przemyslaw Gumny	
Description/Variances:	(d) - variance for FAR and (c) - variance for lot coverage and building coverage to construct a 1-story addition and replace gravel patio with pavers.		

Comments Due Date: **August 28, 2025** **Please email landuse@cityofsummit.org if you are unable to meet this date.**

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: _____

All plans must adhere to current building codes.

Print Name:	Ralph Maritato	Print Title:	Construction Official	Date:	8-12-25
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COMMENTS: No trees or landscaping are affected.
The existing privacy fencing appears to be adequate.
No objection.

Print Name:	John Linson	Print Title:	Forester	Date:	8/14/25
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DATE: August 7, 2025

FROM: Land Use Assistant / Board Secretary

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Name	Title / Committee
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COMMENTS: No comments.

Print Name: George Kossack Print Title: AEHS Date: 8/11/20



STAFF COMMENTS REPORT

DATE: August 7, 2025

FROM: Land Use Assistant / Board Secretary

TO:

FLOOD ZONE

Name	Title / Committee
Eric Evers	Fire Chief
Ryan Peters	Police Chief
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Ralph Maritato	Construction Official

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COMMENTS: _____

8 Irving Place a c1903 vernacular Victorian contributes to the Northside Historic District. The proposed addition is modest in scope and the design is in keeping with the original architecture. The proposed materials match the existing structure, consistent with the Development Design Guidelines in the DRO.

<https://www.summitlibrary.org/wp-content/uploads/2023/05/Greenbriar-Drive-to-John-Street-Vol-4-part-2.pdf> p435-436 _____

Print Name:	James Burgmeyer	Print Title:	Date:	8/22/2025
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FLOOD ZONE

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<input type="checkbox"/>	Caroline King	Chair, HPC
<input type="checkbox"/>	Planner	Burgis Assoc.
<input checked="" type="checkbox"/>	Francie Cho	Environmental Commission

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COMMENTS: _____

The application is for variances necessary to construct a modest one-story rear addition to accommodate a ground floor bathroom and a new patio. This addition will greatly increase the functionality of the house. No trees will be removed as part of this construction.

For alterations of this nature, the Environmental Commission 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 also encourage the use of solar panels on appropriately oriented roof areas.

In addition, we would 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.

Print Name:	Francie Cho	Print Title:	Environmental Comm. Alt	Date:	8/21/2025
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