



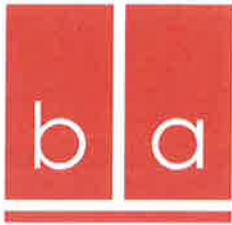
ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

Address:	13 Huntley Road
Application #:	ZB-25-2307
Description/Variations:	(c) - variance for front facing garage
Sent to Staff for Comments:	September 3, 2025
Due Date:	September 24, 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:	____/____/____
Sent to Attorney:	____/____/____



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
A S S O C I A T E S , I N C .

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: Lee & Luan Residence (ZB-25-2307)
13 Huntley Road
Block 3604 Lot 13
'c' Bulk Variance Request
Date: October 3, 2025
BA#: 4269.43

I. INTRODUCTION

The Applicants, James Lee and Yinyin Luan, are requesting 'c' variance relief to reorient the driveway and the garage attached to the existing dwelling at the above-referenced property. The dwelling and property will otherwise remain unchanged. The property is located in the R-6 Zone wherein the existing/proposed detached single-family dwelling is a permitted principal 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. Lot grading plan (1 sheet) prepared by ABC Surveys, LLC dated June 26, 2025.
3. Architectural plans (2 sheets) prepared by Space & Mark Architecture dated May 5, 2025.

III. PROPERTY DESCRIPTION

The site, identified as Block 3604 Lot 13 in City tax records, is a 9,928 square foot corner lot with frontages on Huntley Road and Dayton Road. Associated site improvements include paved walkways, patio, deck and retaining wall. Development surrounding the site consists solely of detached single-family dwellings. The aerial image below provides a general overview of the existing site conditions and surrounding development pattern.

IV. REQUIRED VARIANCE RELIEF

1. 'C' Front Facing Garage. The proposed garage reconfiguration will have a front entry oriented toward Dayton Road where front facing garages are prohibited for lots of a width greater than 90 feet.

1. The property has an existing nonconforming building coverage of 20.8% that will remain the same as a result of the proposed improvements where a maximum coverage of 20% is permitted. The Applicant shall address this deviation and request variance relief if this condition cannot be deemed a previously approved or lawfully existing preexisting nonconforming condition.
2. The proposed driveway reconfiguration entails the removal of the existing driveway and installation of a new 20 foot wide driveway providing access to the front garage entry.
3. The Applicant shall confirm the extent of any necessary tree removal to accommodate the new driveway location. No new landscaping is proposed.
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:

'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: September 3, 2025
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 type="checkbox"/>	Donna Patel	Environmental Commission

Property Address:	13 Huntley Road	Block: 3604	Lot: 13
Application #:	ZB-25-2307	Applicant Names: James T. Lee & Yinyin Luan	
Description/Variances:	(c) - variance for front facing garage		

Comments Due Date:	September 24, 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 (LM) _____

Print Name:	Eric Evers		Print Title:	Chief SFD	Date:	9/9/25
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COMMENTS: No objections
to CDDA

Print Name:		Print Title:		Date:	
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Memorandum

To: Zoning Board

From: Marie Raffay, P.E.

Date: September 24, 2025

Subject: 13 Huntley Road
Block 3604, Lot 13
Summit, Union County, NJ

Summit No.: ZB-25-2307

We have reviewed the application and associated submissions prepared by the Applicant, 13 Huntley Road of the subject property as referenced below:

- a. Application to Zoning Board of Adjustment, signed, dated July 8, 2025;
- b. Lot Grading Plan entitled, "Lee/Luan Residence, 13 Huntley Road, Tax Lot 13 in Block 3604, City of Summit, Union County, New Jersey", as prepared by Andrew B. Clarke P.L.S., P.E., of ABC Surveys, LLC, dated June 26, 2025.
- c. Architectural Plans, entitled "Huntley Residence, 13 Huntley Road, Summit, NJ 07901", prepared by Hayk Ekshian R.A., Space & Mark Architecture, consisting of two (2) sheets, last revised date of May 5, 2025.

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

- 1. The 9,928 square foot (0.228-acre) property is located on the southeast corner of Huntley Road, and Dayton Road.
- 2. The property is in the R-6 Single-Family Residential Zone, with surrounding properties in the same zone.
- 3. The property has approximately 78 feet of frontage along Huntley Road and approximately 117 feet of frontage along Dayton Road and a side yard extending 80 feet from Dayton Road.
- 4. The property slopes down from the west property line at elevation 199 to the east property line at elevation 185.
- 5. The property is currently improved with a 2-story dwelling, asphalt driveway with brick apron, patio, walkways, deck, retaining walls, and related site improvements.

6. The Applicant should provide testimony regarding the existing property conditions and the limiting factors that have necessitated this application for Board approval.
7. The Applicant is proposing to relocate the overhead garage doors on the attached garage and relocate the driveway to access the doors.
8. The Applicant proposes to construct new retaining walls at the rear of the lot along the shared property line with Lot 12. Testimony shall be provided to explain the necessity of the proposed walls.
9. The Applicant is seeking a variance to permit a front-facing garage. Testimony shall be provided to explain the need for this variance and to describe the hardship warranting Board consideration.
10. The Applicant is proposing an increase of 156 square feet in lot coverage from 3,643 square feet (36.7%) to 3,799 square feet (38.3%), which remains compliant with the maximum permitted lot coverage of 3,971 square feet (40%) in the R-6 Zone.
11. The Applicant shall provide testimony regarding the proposed 450 square feet of steep slope disturbance at the rear/side of the lot and whether this requires a variance under § 35-16.1 (Limit of Disturbance).
12. The Applicant shall clarify the extent of removal of the existing asphalt and brick driveways and provide testimony regarding what surface will replace the removed portions. Testimony shall also be provided regarding the intended use of the remaining brick driveway area east of the garage.
13. The Applicant should provide testimony on the existing manhole in the area of the proposed new driveway.
14. The Applicant shall obtain a Road Opening Permit for any work performed within the public right-of-way at the end of the driveway.
15. The Applicant is proposing a 24-foot-wide driveway apron, which exceeds the maximum permitted width of 18 feet in the R-6 Zone. Testimony shall be provided regarding this non-compliance and whether relief is being requested pursuant to §35-14.2.G of the City of Summit Development Regulations Ordinance.
16. The Applicant shall provide testimony regarding drainage at the proposed retaining wall at the rear of the site, including where runoff will be directed given the proposed site topography.
17. The Applicant shall provide testimony regarding how stormwater drainage will be adjusted in connection with the proposed driveway modifications. Particular attention shall be given to the existing downspouts located in the area of the proposed driveway.

18. The Applicant shall provide testimony regarding the proposed new patio, including the lot coverage calculations. The patio shall be clearly labeled on the proposed conditions plan.
19. No trees appear to be removed for the proposed project. We defer to the City forester for review and comment.
20. 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.
21. 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.
22. 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/mt



STAFF COMMENTS REPORT

DATE: September 3, 2025
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:	13 Huntley Road	Block: 3604	Lot: 13
Application #:	ZB-25-2307	Applicant Names: James T. Lee & Yinyin Luan	
Description/Variances:	(c) - variance for front facing garage		

Comments Due Date:	September 24, 2025	Please email landuse@cityofsummit.org if you are unable to meet this date.
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COMMENTS: _____

The garage area must comply with the fire rating specified in FTO-13.
All plans must adhere to current building codes.

- Please note that if any part of the proposed retaining wall exceeds 4 feet in height, building permits will be required. These permits must be accompanied by signed and sealed plans from a licensed Architect or Engineer.

- According to N.J.A.C. 5:23-2.14 (g), walls are measured from the bottom of the footing to the top of the wall. Ensure that all measurements are accurately documented to comply with this regulation.

- Site conditions may necessitate the installation of a guard on the retaining wall for safety.

- If the project includes steps, please be aware that handrails and/or guardrails may be required for safety compliance.

Print Name:	Ralph Maritato	Print Title:	Construction Official	Date:	9-4-25
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DATE: September 3, 2025
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<input type="checkbox"/>	Name	Title / Committee
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COMMENTS: It seems like this configuration will be much more
user friendly.
Some landscaping adjustments will need to be made.
No objection.

Print Name:	John Linson	Print Title:	Forester	Date:	10/15/25
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DATE: September 3, 2025
FROM: Land Use Assistant / Board Secretary
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COMMENTS: No comments

Print Name:	Laura Manco	Print Title:	REHS	Date:	9-5-25
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DATE: September 3, 2025

FROM: Land Use Assistant / Board Secretary

TO:

☐ **FLOOD ZONE**

	Name	Title / Committee
<input type="checkbox"/>	Eric Evers	Fire Chief
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COMMENTS: _____

The HPC supports the Development Regulations Ordinance.

CH 35 Development Regulations Pt II Zoning Art XIV Design and Performance Requirements 35-14.2 Single- and two-family dwellings. F. Garages. 4.

Attached garages shall have entrances from other than the front, except that lots of a width less than 90 feet shall be permitted to have front facing garages limited to a maximum of 24 feet in width to accommodate parking for a maximum of two vehicles.

Consideration may be given for corner lots.

Print Name:	Caroline King	Print Title:	Chair, HPC	Date:	09.23.2025
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TO:

☐ FLOOD ZONE

	Name	Title / Committee
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<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

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COMMENTS: _____

The application is for a variance for a street facing garage. The entrance to the existing rear-facing garage will be re-oriented to face Dayton Rd (the property is a corner lot). This will greatly improve the maneuverability into and out of the garage, which is currently hindered by the sewer/storm drain right of way directly behind the existing garage entrance. It appears that a portion of the existing paved driveway will be removed when the entrance is relocated, but that another portion of the brick drive will remain. There will be no changes in building coverage, but I will note that there is a pre-existing non-conformity of 79 sq. ft. for building coverage in this relatively new construction (2020).

While there was no mention on the survey, a site visit shows that a line of arborvitae will be removed from the Dayton Rd side of the property to allow for the new garage entrance and driveway. We strongly encourage the home owners to preserve and relocate these trees to another portion of the property.

We also strongly suggest that the new driveway use permeable pavers, and that the owners and their architect consider removing the remaining existing brick drive, which will be inaccessible to any vehicles, and replace it with plantings or permeable pavers. This is especially important given run-off considerations on this property which has several steep slope sections and is already over the building coverage limit, and further given its close proximity to the storm/sewer drain.

For alterations of this nature, as mentioned above, 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.

In addition, we would strongly 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 variance.

Print Name:	Francie Cho	Print Title:	Environmental Comm. Alt	Date:	9/18/2025
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