



## ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

<b>Address:</b>	47 Hill Crest Avenue
<b>Application #:</b>	ZB-25-2312
<b>Description/Variances:</b>	(c) – variance for min. required size of an accessory structure to construct a tennis court.
<b>Sent to Staff for Comments:</b>	September 17, 2025
<b>Due Date:</b>	October 8, 2025

<b>Staff / Commission / Consultant</b>	<b>Delivery Method</b>	<b>Report Attached with Comments</b>	<b>Report Attached with No Objections</b>	<b>Not Submitted</b>	<b>Not Required</b>
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 <i>(if required)</i>	<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:

<b>Sent to Applicant:</b>	_____ / _____ / _____
<b>Sent to Attorney:</b>	_____ / _____ / _____



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 & Tom Behrens, PP, AICP  
Subject: Ekmekjian & Roy Residence (ZB-25-2312)  
47 Hill Crest Avenue  
Block 1104 lot 6  
'c' Variance Requests  
Date: October 8, 2025  
BA#: 4269.49

### I. INTRODUCTION

The Applicants, Anthony Ekmekjian and Jessica Roy, are requesting 'c' variance relief to construct a tennis court in the rear of the above-referenced property. Additional improvements include a new 3-car attached garage addition and mudroom, wraparound porch with portions screened, retaining walls, stormwater management, lighting and landscaping. The existing 2-car detached garage and 90 feet of driveway will be removed. The property is located in the R-25 Zone wherein the existing detached single-family dwelling is a permitted use and the proposed tennis court is a permitted accessory use. The extent of proposed improvements and required variance relief are detailed herein.

### II. DOCUMENTS SUBMITTED

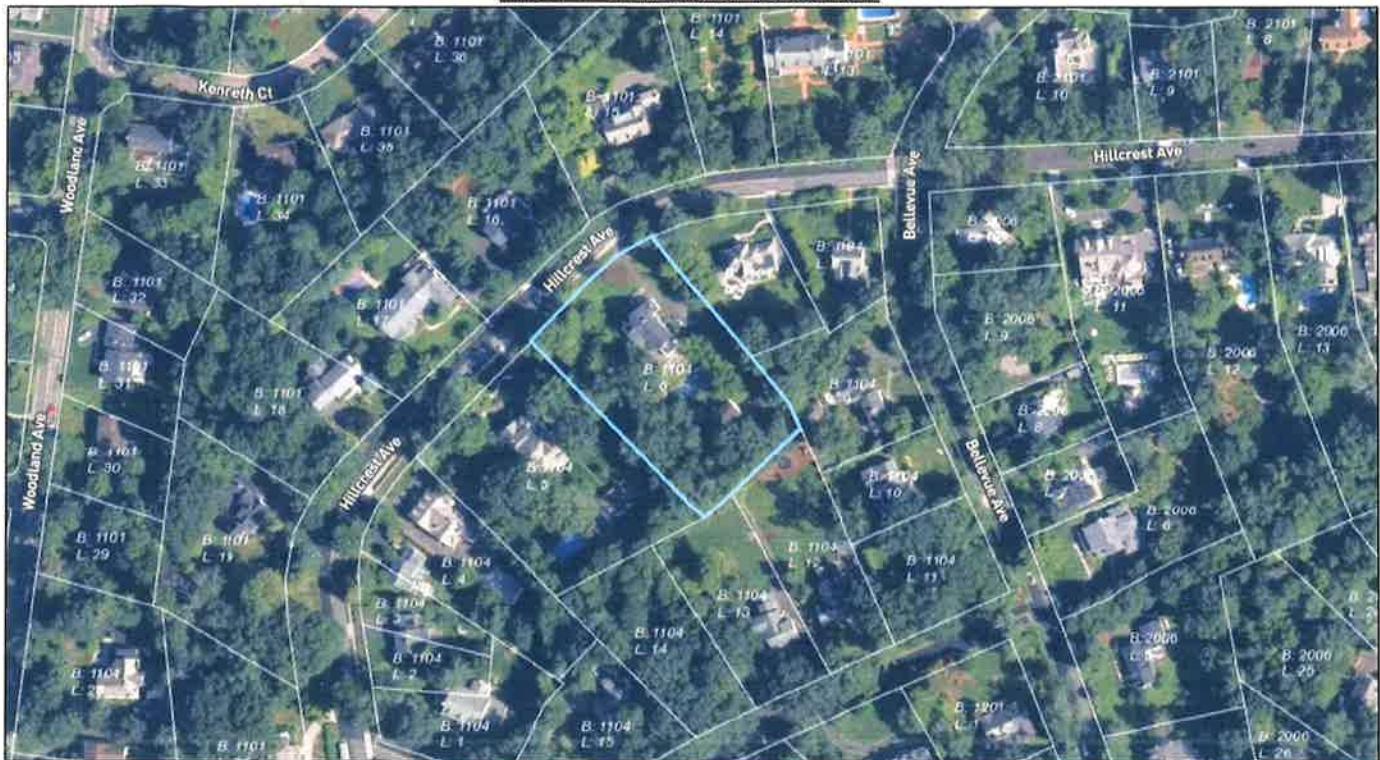
Our office has received and reviewed the following application documents:

1. Application forms and accompanying materials.
2. Lot grading plan prepared by ABC Surveys, LLC dated April 14, 2025.
3. Architectural plans (6 sheets) prepared by In-Town Design Studio, LLC dated July 23, 2025.

### III. PROPERTY DESCRIPTION

The site, identified as Block 1104 Lot 6 in City tax records, is a 1.38-acre parcel with frontage on Hill Crest Avenue. Lot 6 is developed with a 2 1/2-story frame dwelling, detached garage, barn, inground swimming pool and paved driveway, walkways and terraces. Development surrounding the site generally 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: Parcel Explorer, Rowan University. Accessed October 8, 2025.

#### IV. REQUIRED VARIANCE RELIEF

The development application requires the following variance relief:

1. 'c' Maximum Accessory Structure Dimensions. The proposed tennis court measuring 5,900 square feet in area and 118 feet in length technically constitutes a structure where the DRO permits accessory structures no greater than 576 square feet and maximum dimensions of 24 feet. This requirement was originally intended to apply to 2-car garages, pool houses, carriage houses, etc. but technically applies to tennis courts.

#### V. GENERAL COMMENTS

1. The Applicant shall confirm the extent of all proposed improvements.
2. The Applicant shall discuss how the proposed improvements to the existing dwelling constructed in 1890 are consistent with its historic character.
3. Other than the 'c' variance required for the accessory structure dimensions associated with the tennis court, the proposed improvements otherwise appear to be conforming.
4. The proposed tennis court will be sunken into the rear of the property with a retaining wall and 3 foot high fencing wrapping its sides and rear.

5. 21 trees with calipers of 6" or greater (10 trees are 12" caliper or greater) are proposed to be removed in the vicinity of the proposed tennis court. These will be replaced with 17 Green Giant Arborvitae along the rear and sides of the tennis court area. Additional screening will be added/relocated along the side lot line adjacent to the proposed garage addition. Given the proximity of the proposed driveway to the side lot line, it is unclear how the proposed plant screening in the vicinity of the garage addition will fit in the proposed location. The unspecified plants are depicted in the driveway on the grading plan.
6. Proposed lighting includes wall mounted lighting fixtures on the barn facing the tennis court and low-voltage landscape lighting along the interior of the retaining wall.
7. The proposed a/c units in the side yard areas shall be sufficiently screened with dense landscaping and/or fencing.
8. The installation of new dry wells are proposed to mitigate the impacts of the proposed increase in lot coverage. We defer the review of stormwater management requirements 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 17, 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

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

<b>Property Address:</b>	47 Hill Crest Avenue	<b>Block:</b> 1104	<b>Lot:</b> 6
<b>Application #:</b>	ZB-25-2312	<b>Applicant Names:</b> Anthony Ekmekjian and Jessica Roy	
<b>Description/Variances:</b>	(c) – variance for min. required size of an accessory structure to construct a tennis court.		

**Comments Due Date:** October 8, 2025 Please email [landuse@cityofsummit.org](mailto: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

Print Name:	Eric Evers	Print Title:	Chief SFD	Date:	9/17/25
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Print Name:

Exit Exam

**Print Title:**

Chief SED

Date:

9/17/25



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**FLOOD ZONE**

Name	Title / Committee
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<input type="checkbox"/> Engineering	Colliers
<input type="checkbox"/> Ralph Maritato	Construction Official

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<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

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COMMENTS: No objections LT/CHH

Print Name:		Print Title:		Date:	
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## Memorandum

To: Zoning Board  
From: Marie Raffay, P.E.  
Date: October 9, 2025  
Subject: 47 Hill Crest Avenue  
Block 1104, Lot 6  
Summit, Union County, NJ  
Summit No.: ZB-25-2312

We have reviewed the application and associated submissions prepared by the Applicants, Anthony Ekmekjian and Jessica Roy of the subject property as referenced below:

- a. Application to Zoning Board of Adjustment, signed, dated June 26, 2025;
- b. Dept of Community Services Application for Development Worksheet, undated;
- c. Zoning Board Application Checklist dated June 25, 2025;
- d. Variance Narrative prepared by Michael Di Geronimo, AIA, dated July 29, 2025;
- e. Property Owners List with map;
- f. Tax Payment Certification dated July 11, 2025;
- g. Lot Grading Plan, entitled "Lot Grading Plan prepared for Ekmekjian Residence, 47 Hill Crest Avenue, Tax Lot 6 in Block 1104, City of Summit, Union County, New Jersey", consisting of one (1) sheet, prepared by Andrew Clarke, PLS PE of ABC Surveys LLC, dated April 14, 2025;
- h. Architectural Plans, entitled "Ekhekjian Residence, 47 Hillcrest Avenue", prepared by Michael Di Geronimo AIA, of In-TOWN Design Studio, LLC consisting of six (6) sheets, dated of July 23, 2025.

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

1. The 59,938 square foot (1.38-acre) property is located on the south side of Hill Crest Avenue, approximately 297 feet west of Bellevue Avenue.
2. The property is in the R-25 Single-Family Residential Zone, with surrounding properties in the same zone.
3. The property is irregular in shape with approximately 197 feet of frontage along Hill Crest Avenue, an average depth of approximately 315 feet and a rear yard width of approximately 167 feet.
4. The property slopes down from the south at elevation 217 to the north at elevation 201.

5. The property is currently improved with a 2-story dwelling, pool, pool house, elevated patios, detached garage, walkways, paved driveway, and related site improvements.
6. The Applicant should provide testimony regarding the existing conditions on the property and whether any historic preservation requirements apply to the subject property.
7. The Applicant intends to demolish the detached garage and remove a portion of the driveway and build additions that will feature an attached garage, a mudroom, and a wraparound screened porch. Additionally, a tennis court with retaining walls, stormwater management solutions, and landscaping will be established at the rear of the property. The Applicant should confirm the improvements in testimony.
8. The Applicant is seeking variances for the size of a new tennis court which is considered an accessory structure. The maximum floor or ground area of an accessory building or structure in residential zones shall not be in excess of 576 square feet or have any dimension longer than 24 feet as shown in the City of Summit Ordinance Section 35-9.8.B.2. The proposed footprint of the tennis court is 6,140 square feet and a length of greater than 24 feet which is not compliant in the R-25 zone. The Applicant should confirm in testimony.
9. The Applicant should provide testimony regarding the justification for approval of the proposed nonconforming accessory structure.
10. The Applicant should provide testimony regarding how stormwater drainage will be affected by the proposed changes to the roof line from the addition. A note on the lot grading plan indicates that all new leaders are to be connected to the dry well systems. It does not appear that this has been accounted for in the dry well calculations. The calculations and note should be reviewed for consistency.
11. Dry well #2 appears to be collecting runoff from rear yard inlets, a driveway inlet and infiltration drains adjacent to the two bluestone terraces. The calculations should be clarified to indicate the tributary drainage area and how the square footage was calculated. The tributary drainage area should be indicated on the plan. A clean out is recommended for the length of drain pipe located beneath the driveway to allow for inspections and maintenance.
12. A lawn drain currently exists adjacent to the proposed driveway inlet. It is unclear if this inlet is to remain or be removed.
13. The Applicant should provide testimony regarding the trench drain system for the proposed tennis courts and conveyance to proposed Drywell #1.

14. The Applicant does not appear to be proposing any lighting or fencing for the tennis court. How will errant balls be prevented from leaving the property? The Applicant should confirm lighting and fencing in testimony.
15. The Applicant should give evidence regarding the noise linked to the tennis court and whether the court will be marked for pickleball.
16. Multiple trees appear to be removed for the proposed project. We defer to the City forester for review and comment.
17. The Applicant shall be aware that disturbance in excess of 5,000 square feet requires a permit from the Somerset-Union Soil Conservation District.
18. 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.
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/mt



## STAFF COMMENTS REPORT

**DATE:** September 17, 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

<b>Property Address:</b>	47 Hill Crest Avenue	<b>Block:</b> 1104	<b>Lot:</b> 6
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<b>Comments Due Date:</b>	October 8, 2025	<b>Please email <a href="mailto:landuse@cityofsummit.org">landuse@cityofsummit.org</a> if you are unable to meet this date.</b>
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**COMMENTS:** \_\_\_\_\_

In accordance with NJAC 5:23-6.32, the following requirements must be met for smoke detectors:

At least one AC-powered, interconnected smoke detector with battery backup is required on each level of the building, including the basement.

Smoke detectors must be installed in all sleeping areas and a Smoke/Carbon Monoxide detector within 10 feet of all bedroom doors.

The garage area must comply with the fire rating specified in FTO-13.

If the variance is granted, ensure that the compliance with these smoke detector provisions is clearly indicated on the construction plans submitted for permit approval.

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.

Fences over 6' in height require a permit and footing details are required from a licensed architect. \_\_\_\_\_

Print Name:	Ralph Maritato	Print Title:	Construction Official	Date:	9-22-25
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## STAFF COMMENTS REPORT

DATE: September 17, 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: The proposed tennis court will be well screened.

I am concerned about the lack of screening of the driveway and three car garage from Lot 7.

It seems like the only possible screening would have to be off site.

Print Name:	John Linson	Print Title:	Forester	Date:	10/3/25
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**DATE:** September 17, 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
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COMMENTS: No comments.

Print Name:

George Kossiakos

Print Title:

REHS

Date: \_\_\_\_\_

9/18/25



## STAFF COMMENTS REPORT

**DATE:** September 17, 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.
<input type="checkbox"/>	Donna Patel	Environmental Commission

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**COMMENTS:** \_\_\_\_\_

Also known as the Martin House, 47 Hillcrest Avenue is an 1890 Colonial Revival shingle style home located in the North Side Historic District. This house was part of the property developed by Archer and Mary Martin in 1889-90. With John Newton Cady (1840-1918) as architect, five original houses were built on Hillcrest Avenue and building lots were offered for sale. This was one of the original five houses. Archer Martin's son, Aubrey, lived here in the 1890s and had the barn built in the rear for \$2,000. John N. Cady designed over 200 houses in Summit and several commercial buildings, as well as Summit's first Town Hall located at 71 Summit Avenue.

The proposed addition incorporates the architectural elements of the existing house including the fenestration, handrails and architectural trim and moulding. The marriage between the new and existing structure is seamless. \_\_\_\_\_

Print Name: Caroline King

Print Title: Chair, HPC

Date: 09.23.2025

Rev: 9/15/2022



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**DATE:** September 17, 2025  
**FROM:** Land Use Assistant / Board Secretary  
**TO:**

**FLOOD ZONE**

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

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**COMMENTS:** \_\_\_\_\_

The application is for a variance for accessory structure size to add a tennis court at the rear of a property as part of a larger renovation, including removing a detached 2 car garage at the left rear of a property, removing a portion of the existing driveway, addition of a new mudroom, attached garage and wrap around porch. The proposed tennis court is 5,900 sq. ft., and 118' in length, versus the allowed accessory structure max of 576 sq. ft. and 24'. The survey indicates at least 29 trees, including 10 significant trees with DBH 12" or larger (a 44", 30", 26", 3-14" and 4-12") are to be removed. Due to the large scope of these disturbances, we would have greatly appreciated the inclusion of a landscape plan.

**Furthermore, the applicant should confirm the extent of any steep slope disturbances.**

The narrative indicates that 10 Green Giant Arborvitae plus 7 additional trees will be added as replacements for the trees slated for removal. While there is no landscape plan, nor tree removal nor replacement chart, a site visit shows that many if not all of the trees slated for removal are shade trees. The Arborvitae may not be suitable replacement trees for the shade trees being removed as specified in the Protection of Trees Ordinance since they may not meet the required canopy spread at maturity; in addition, they aren't native.

A tree canopy is an asset to the home and neighborhood, and should be maintained and enhanced to the greatest extent possible, accordingly, we would respectfully suggest that the home owners and their architects reconsider cutting down the significant trees at the rear and perimeter of the property. These trees are providing habitat, retaining storm water on

site and sequestering carbon. Leaf litter under a single oak tree can hold up to two inches of rainfall until it can seep into the ground – preventing runoff. Demolition of such a large, naturally forested area should not be taken lightly or in haste.

We appreciate the removal of 90' of driveway at the rear left of the property. The Environmental Commission strongly encourages that the homeowners and their architect: minimize the size of the remaining 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 strongly encourage the use of solar panels on appropriately oriented roof areas, and recommend the re-use and recycling of the large detached garage slated to be demolished.

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 would strongly urge the reconsideration of the razing of this large natural wooded area to construct a tennis court. At a minimum, I recommend delaying consideration of approval of the requested variance until a landscape plan is submitted.

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Print Name:	Francie Cho	Print Title:	Environmental Comm. Alt	Date:	10/2/2025
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