

Alfonso & Webber

Alfonso & Webber, LLC
Attorneys at Law
350 Springfield Avenue #201
Summit, New Jersey 07901
Office: (609) 807-8643
Fax: (908) 685-2310

June 6, 2025

Via Hand Delivery

Jessica Sands
Land Use Assistant/Board Secretary
Department of Community Services
City of Summit
512 Springfield Avenue
Summit, NJ 07901

Re: Application for Development
Richard & Stephanie Gelband
45 Prospect Hill Avenue (Block 3501, Lot 28)
Summit, NJ

Dear Ms. Sands:

Enclosed please receive the following documents associated with the above referenced application for development:

- 1 original and 12 copies of the Application for Development forms with associated documents, including, but not limited to, the original and 12 copies of the narrative description of the project;
- 12 civil engineering plans prepared by Andrew B. Clarke, PLS, PE dated 5/27/2025;
- 12 architectural plans prepared by SEK Architects, dated 5/28/2025;
- 12 surveys prepared by James P. Deady dated 10/30/2024;
- 12 landscape plans prepared by Jeff Higinbotham, dated 5/20/2025
- 12 copies of the Certified List of Property Owners within 200';
- 2 copies of the Tax Certification.
- 1 copy of the checklist;
- 1 copy of the worksheet;
- 1 copy of the proposed Notice of Hearing for distribution;
- 1 copy of the proposed Notice of Hearing for publication;
- 1 check in the amount of \$200, for the application fee;
- 1 check in the amount of \$800, for the escrow fee; and
- 1 copy of the W-9 Form.

It is respectfully requested that the within documents be processed with your office as appropriate and the within application for development be considered for completeness and scheduled for hearing, at the Board's earliest convenience.

Should you have any questions or comments regarding the above, it would be a pleasure to respond at your convenience.

Sincerely,
ALFONSO & WEBBER, LLC

By: *Samantha T. Alfonso*
Samantha T. Alfonso, Esq

cc: Richard & Stephanie Gelband
Andrew Clarke, PLS, PE
Stephen E. Kowalski, Architect
Jeff Higinbotham, L.L.A.



**CITY OF SUMMIT - Department of Community Services (DCS)
Application for Development - Worksheet**

- ORIGINAL FILING MODIFICATION OF PRIOR APPROVAL
 RESUBMITTAL OF "INCOMPLETE" AMENDED PLAN(S)

Address: 45 Prospect Hill Avenue

Block(s) 3501 Lot(s) 28 Zone(s) R-25

How the property is used (one-family, offices, etc.): single family

Property Owner Richard and Stephanie Gelband Phone c/o Alfonso & Webber, LLC
 c/o Alfonso & Webber, LLC, samantha@alfonsoandwebber.com; 609-807-8643/862-812-2169

Email: Attorneys for Applicant james@alfonsoandwebber.com

Owner Address: Owners are the applicants

Applicant: Richard and Stephanie Gelband Phone: c/o Alfonso & Webber, LLC
 609-807-8643

Email: samantha@alfonsoandwebber.com; james@alfonsoandwebber.com

FILL IN ITEMS 1 THROUGH 5 - MARK EACH BOX OR CIRCLE AS APPROPRIATE FOR YOUR APPLICATION

1 TYPE PROPERTY: RESIDENTIAL OTHER

2 Type application:

- | | | |
|--|--|---|
| <input type="checkbox"/> Appeal | <input type="checkbox"/> Interpretation | <input checked="" type="checkbox"/> C - Bulk variance |
| <input type="checkbox"/> D - Use variance | <input type="checkbox"/> Conditional use | <input type="checkbox"/> D - Floor area ratio (FAR) |
| <input type="checkbox"/> Minor subdivision | <input type="checkbox"/> Major subdivision | <input type="checkbox"/> Site plan |
| <input type="checkbox"/> Other _____ | | |

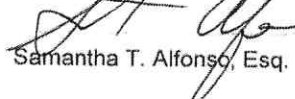
CONCEPT PLAN PRELIMINARY FINAL

3 Number of lots: 1 Existing Number of dwelling units 1 Existing
1 Proposed 1 Proposed

4 Building area 3,920 Existing
 _____ Proposed new *
5,625 Total site building area

* NEW INCLUDES ADDITIONS AND EXPANDED AREAS AS WELL AS NEW STRUCTURES, BUT DOES NOT INCLUDE AREAS ALTERED WITHIN THE EXISTING BUILDING FOOTPRINT

5 Comments: Alfonso & Webber, LLC
 Attorneys for Applicants

6 Signature  Date June 5, 2025
 Samantha T. Alfonso, Esq.



APPENDIX E-2
ZONING BOARD APPLICATION CHECKLIST
 City of Summit, Union County, NJ



Name of applicant Richard and Stephanie Gelband Date 6/5/2025

Address of property 45 Prospect Hill Avenue Block 3501 Lot 28

Approval requested: Appeal zoning officer decision Interpret Ordinance or Map
 Bulk variance Use variance

NOTE: This checklist is not a substitute for the specific requirements of the Development Regulations (zoning) Ordinance. See the Ordinance for detailed requirements.
NOTE: You must collate many of the items on this checklist into separate packages – please refer to the *Procedure for Filing Applications to the Zoning Board of Adjustment* for instructions.

	Applicant	City
1. Original and 12 copies of application form	✓	_____
2. Original and 12 copies of narrative description of project	✓	_____
3. Original and 12 copies of plat/property survey, showing the existing and proposed building setbacks	✓	_____
4. Original and 12 copies of proposed structure, including interiors	✓	_____
5. Grading plan	✓	_____
6. Thirteen copies of the zoning officer's decision (If applicable)	direct	_____
7. Thirteen copies of the area map of properties within 200 feet, showing each of the following items:		
a. <u>street numbers</u> c. <u>north arrow</u>		
b. <u>date and graphic scale</u> d. <u>Zone district</u>		
e. <u>uses of each property within 200 ft.</u>	✓	_____
8. Original and 12 copies of the certified list of owners of property within 200 feet.	✓	_____
9. Original copy of evidence of paid property taxes	✓	_____
10. Original copy of the proposed notice to owners within 200'	✓	_____
11. Original copy of the proposed advertisement	✓	_____
12. Subdivision submittal (If applicable)	N/A	_____
13. Site plan submittal (If applicable)	N/A	_____
14. Original copy of this completed checklist	✓	_____
15. Application fee and escrow deposit	✓	_____
16. Electronic copies of all submissions shall be submitted by CD, USB drive or other means acceptable to the Summit Department of Community Services staff.	✓	_____

Applicant - Please do not write below this line

On _____, this submittal was deemed complete _____ incomplete _____

_____ **Administrative Office**

Application to Zoning Board of Adjustment of Summit, New Jersey

Summit, N. J. June 6, 2025

In the matter of the petition of Richard and Stephanie Gelband for relief from the strict application of the provisions of the Development Regulations Ordinance of the City of Summit

Petitioners Richard and Stephanie Gelband
residing at 45 Prospect Hill Avenue say:

1. Petitioners are the owners of property
the located at 45 Prospect Hill Avenue
Block 3501, Lot(s) 28 on the Tax Map located in the R-25 Zone.

2a.) With respect to said property petitioner desires a variance, special exception, or other relief from the bulk requirements of the Zoning Ordinance of the City of Summit to permit the use of the property in the following manner:

Please see attached Memorandum in Support of the Application.

2b.) The proposed use described above requires the following variance(s):

Please see attached Memorandum in Support of the Application.

Application for Development
Stephanie and Richard Gelband
45 Prospect Hill Avenue
Block 3501, Lot 28
Summit, NJ 07901

Memorandum in Support of Application for Development

The applicants Richard and Stephanie Gelband request permission of the Board of Adjustment to construct their new home, patio, and in-ground swimming pool at 45 Prospect Hill Avenue, Summit, N.J.

Toward this end, the following relief is requested from the Board:

- Variance relief from the strict application of the Steep Slope Article of the Development Regulations Ordinance for disturbance of regulated steep slopes (where 1,000 s.f. is permitted, and 9,200 s.f. is proposed to be disturbed);
- Building Coverage (where 14% is permitted and 16.8% is proposed); and
- All other relief in the form of variances, waivers, interpretations, appeals, or exceptions in the strict application of the provisions of the Land Use Ordinance, and other relief, which may arise during the course of the hearings in this application, necessary to realize the development.

Steep Slope Disturbance.

The site is characterized by an eroding and subsiding area of steep slopes in the back yard. The exterior stairs, railings, stone retaining walls traversing the slopes are all in a state of disrepair and deferred attention. There is erosion, uncontrolled stormwater, loose riprap, with resultant siltation and undercutting of the slope.

The management of the steep slopes will comply with the purposes of the steep slope ordinance:

“The purpose of this Article is to provide for **reasonable control of development** within the steep slope areas of the

City in order to minimize the adverse impact caused by the development of such areas, including, but not limited to, erosion, siltation, flooding, surface water runoff, and pollution of potable water supplies from point and non-point sources.”

Summit, N.J. DRO, §35-16.1. (Emphasis added).

The Ordinance emphasizes regulation and not prohibition of soil disturbance, construction, and development as the most appropriate method of addressing those effects as follows:

“The most appropriate method of alleviating such conditions is through the **regulation** of such vegetation and soil disturbances, construction and development.”

Summit, N.J., DRO., 35-16.1. (Emphasis added).

The Ordinance directs the Board to exercise its reasonable control and regulation of construction and development in the steep slope areas through sound civil engineering directives such as providing for proper disposition of surface water runoff, providing for retaining walls, protecting downstream properties, etc.

The proposed steep slope improvements will advance the purposes of the steep slope ordinance. The plan demonstrates sound civil engineering exercised in an attractive and aesthetically pleasing manner. The proposed stormwater management plan is robust and significantly larger than required. It will benefit the community and the site by managing stormwater well. The retaining walls will be well landscaped, structurally sound, and attractive.

Overall, the improvements will allow the Stephanie and Richard their new home, their patio, and pool, all consistent with the character and amenities of Prospect Hill Avenue.

Building Coverage Variance.

The same significant degree of slope likewise creates the circumstance leading to the building coverage variance.

The DRO considers terraces and patios when they rise more than 12 inches at any one point to be decks and thus included in building coverage.

A deck is defined as follows:

“An unroofed, above grade platform that extends from a structure or is freestanding, and that rises more than twelve (12) inches above grade at any one (1) point, regardless of its material composition. A deck shall be considered part of the building area...”

Summit, N.J., DRO, 35-7.2.

As a result, the terraces are technically “decks.” As such, they are included in building coverage. All because of the significantly steep grade.

Negative Criteria.

The application will neither cause a substantial detriment to the public good nor a substantial impairment of the intent and purpose of the zone plan and zoning ordinance for the following reasons:

- The home is permitted as a principal use in the R-25 Zone district;
- The home is aesthetically pleasing;

- The application has been designed to comply to the extent possible with the zoning parameters for the site and zone district;
- Stormwater management, which is currently minimal, will be significantly improved; and
- Property values will be unaffected.

Based on the forgoing, and the presentation of the requisite proofs before the Board, it is requested that the within application for development be submitted for approval by the Board.

ALFONSO & WEBBER, LLC
Attorneys for Applicants

Dated: June 5, 2025

By: Samantha T. Alfonso
Samantha T. Alfonso, Esq.

3. The premises affected are more particularly described as follows:

Area of Plot 33,513 square feet
Area of existing structures which will remain 0 square feet
Total area of plot to be occupied by structures 10,034 square feet
Percentage of lot to be occupied by structures 29.9% percent
Proposed set-back, front line 53.9 feet;
Proposed sidelines (specify if corner 43.4/21.2 feet;
Proposed rear yard 82.7 feet.
Year house built approx. 1941.

Other pertinent characteristics _____

4. There has been no previous petition for relief involving these premises except: _____
None Known.


5. The reasons which support petitioner's claim of the right to relief are as follows: _____
Please see attached Memorandum in Support of the Application.

6. Attached hereto and made a part hereof are the following:

- (a) Complete set of plans of any proposed building alteration or extension including schematic floor plans and elevations with sufficient notations to clearly establish the extent and character of the proposed structure:
- (b) Plot plan showing size of plot bounding streets; compass point, size, type and location of all existing buildings and improvements on the plot; size and location of proposed building and improvements; distance of all property lines from buildings and improvements including the proposed building or buildings.

By signing this section, the petitioner hereby gives consent for City Officers and Board Members to enter upon this property for the purpose of reasonable inspections to investigate representations made herein.

Alfonso & Webber, LLC,
Attorneys for Applicant



c/o Alfonso & Webber, LLC, Petitioner
Attorneys for Applicant

By: Samantha T. Alfonso, Esq.

Petitioner's Phone Number

Office: 609-807-8643/
Cell: 862-812-2169

Petitioner's Email

samantha@alfonsoandwebber.com
james@alfonsoandwebber.com

Attorney's name, address, phone, email and fax numbers.

Alfonso & Webber, LLC,
Attorneys for Applicant
James G. Webber, Esq., and Samantha T. Alfonso, Esq.
350 Springfield Avenue #201
Summit, NJ 07901

609-807-8643/862-812-2169

james@alfonsoandwebber.com; samantha@alfonsoandwebber.com

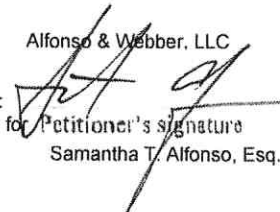
State of New Jersey
County of Union

SAMANTHA T. ALFONSO, being duly sworn, says that she/he is the petitioner, or one of the petitioners, in the above action; that permission of the owner has been obtained if the petition is filed by a party other than the owner; and that all of the matters and things set forth herein are true.

Alfonso & Webber, LLC,
Attorneys for Applicant

Petitioner's printed name

Alfonso & Webber, LLC

By: 
Attorney for Petitioner's signature
Samantha T. Alfonso, Esq.

Sworn and subscribed before me this

6 day of June, 2025


Notary Public

Check here if additional pages are attached

DOREEN DELDUCA
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES NOVEMBER 6, 2028



PROPERTY OWNERS LIST / 200 FOOT LIST

Application for a Certified List of Property Owners within 200 feet of the following:



PROPERTY INFO:

Address: 45 Prospect Hill Avenue	Date: May 5, 2025
City, State, Zip Code: Summit, NJ 07901	Block: 3501 Lot: 28

APPLICANT INFO:

Applicant		Owner (if different)
Name:	Frank DelleDone c/o Alfonso & Webber, LLC	Owner is the applicant
Address:	350 Springfield Avenue, #201 Summit, NJ 07901	
Email: (required)	samantha@alfonsoandwebber.com; doreen@alfonsoandwebber.com	
Phone:	609-807-8643	

PAYMENT INFO: WITH Map (\$11) WITHOUT Map (\$10) * Applicant must attach their own map if selected.

Fee Paid: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Cash
Date: 5/5/25 Emp.: CN	Check #: 1276	

Chraig Nicora
Zoning/Planning Board Secretary

5/5/25
Date

To Eng: 5/5/25
10:30 am/pm

Block	Lot(s)	Block	Lot(s)	Block	Lot(s)
3501	8,10-13,26,27,29,01,30,31		lot 31 additional lot to # 33		
3502	14-17				

Notes:

NOTE: In addition to the owners on the above list, the following entities **MUST** also be notified if checked:

- UTILITY: NJ American Water Co., Inc. Attn: Donna Short, GIS Supervisor ~ 1025 Laurel Oak Road - Vorhees, NJ 08043
- UTILITY: PSE&G, Attn: Manager -Corporate Properties ~ 80 Park Plaza, T6B – Newark, NJ 07102
- OTHER MUNICIPALITY: Property owner(s) in an adjacent municipality Clerk in an adjacent municipality
- COUNTY: County Planning Board if the property is on a county road
- STATE: Commissioner of Transportation if on/adjacent to state highway/property ~ P.O. Box 600 Trenton, NJ 08625-0600

Kidder
Engineer/Assistant Engineer

5/6/25
Date

I certify that the attached/above is an accurate & complete list of property owners and addresses from the Tax Assessor records.

Doreen S. Lopez
Tax Assessor / Staff Assessor

5-7-25
Date

#2021

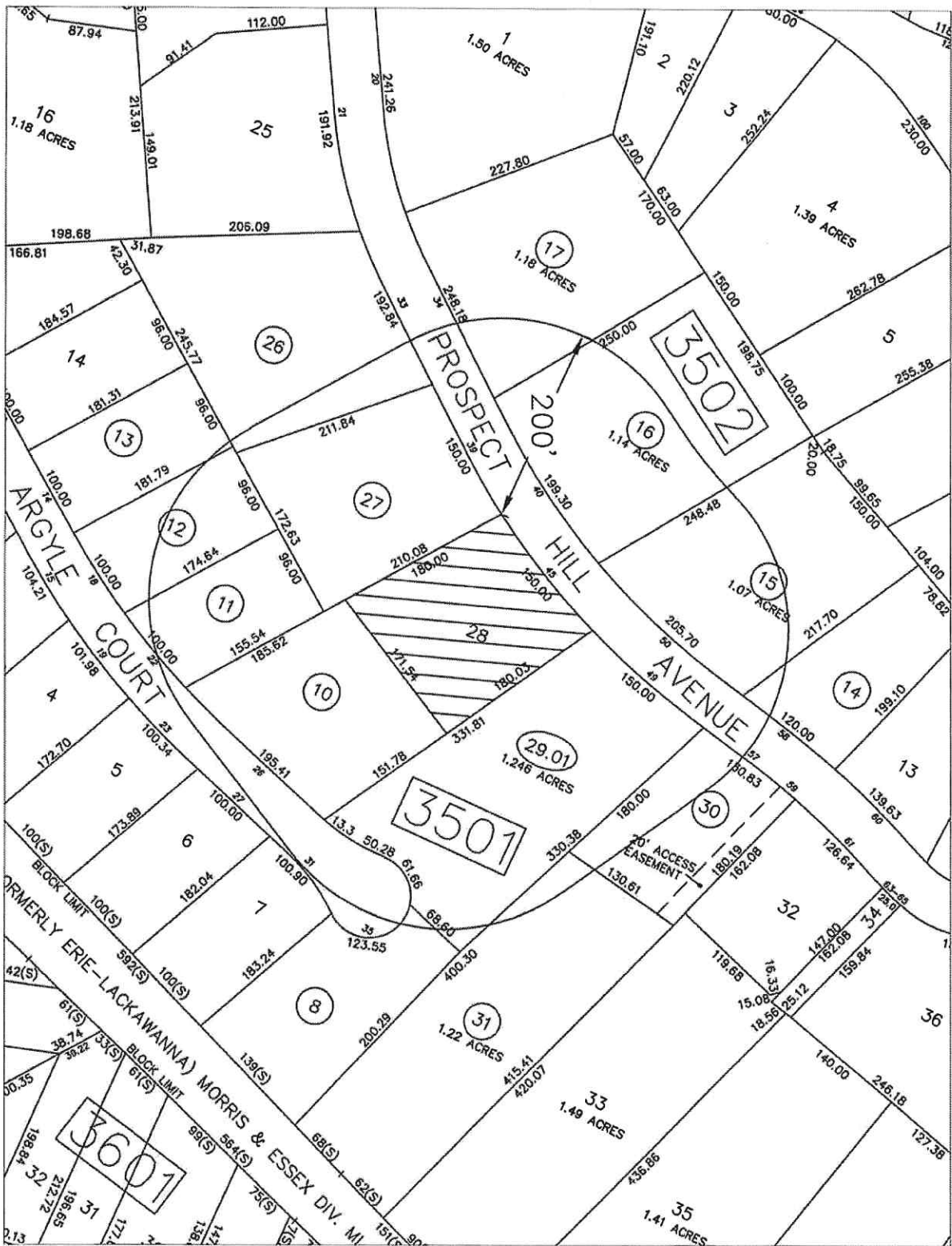
OWNER & ADDRESS REPORT

SUMMIT

3501-28 45 PROSPECT HILL AVE - GELBAND, RICHARD & STEPHANIE
 GELBAND, RICHARD & STEPHANIE

05/07/25 Page 1 of 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
3501	8		2	SYRACUSE, DONALD C. & AUDENA W. 35 ARGYLE COURT SUMMIT, N J 07901	35 ARGYLE CT	
3501	10		2	KIM, DENNY & JUNG SOO 26 ARGYLE CT SUMMIT, NJ 07901	26 ARGYLE CT	
3501	11		2	GUPTA, VIKRAM & GOEL, SHRUTI 22 ARGYLE CT SUMMIT, NJ 07901	22 ARGYLE CT	
3501	12		2	NOSS, HERBERT, & NICOLETTE 18 ARGYLE COURT SUMMIT, NJ 07901	18 ARGYLE CT	
3501	13		2	HAULA, ERIK & KRISTEN 14 ARGYLE CT SUMMIT, NJ 07901	14 ARGYLE CT	
3501	26		1	HAPPY LIFE GROUP LLC 3 SPRING MEADOW LN MENDHAM, NJ 07945	33 PROSPECT HILL AVE	
3501	27		2	SHALLCROSS, H A & J C, ETAL 11805 TURTLE BEACH ROAD NORTH PALM BEACH, FL 33408	39 PROSPECT HILL AVE	
3501	29.01		2	SONLAR LLC 49 PROSPECT HILL AVENUE SUMMIT, NJ 07901	49 PROSPECT HILL AVE	
3501	30		2	PRICE, ANDREW M & KERRI M 57 PROSPECT HILL AVE SUMMIT, NJ 07901	57 PROSPECT HILL AVE	
3501	33		2	INGE M HORN 2024 QUALIFIED PERSONAL 63 PROSPECT HILL AVE SUMMIT, NJ 07901	63 PROSPECT HILL AVE	31
3502	14		2	YEAGER, MARK R & KATHRYN 58 PROSPECT HILL AVE SUMMIT, NJ 07901	58 PROSPECT HILL AVE	
3502	15		2	WILLIAMS, EVAN F & MARIA K 50 PROSPECT HILL AVE SUMMIT, NJ 07901	50 PROSPECT HILL AVE	
3502	16		2	40 PROSPECT HILL LLC 57 PROSPECT HILL AVE SUMMIT, NJ 07901	40 PROSPECT HILL AVE	
3502	17		2	20 PROSPECT HILL LLC M.MORIARTY 20 PROSPECT HILL AVE SUMMIT, NJ 07901	34 PROSPECT HILL AVENUE	





Public Utility Registration List Request for Notice Hearings

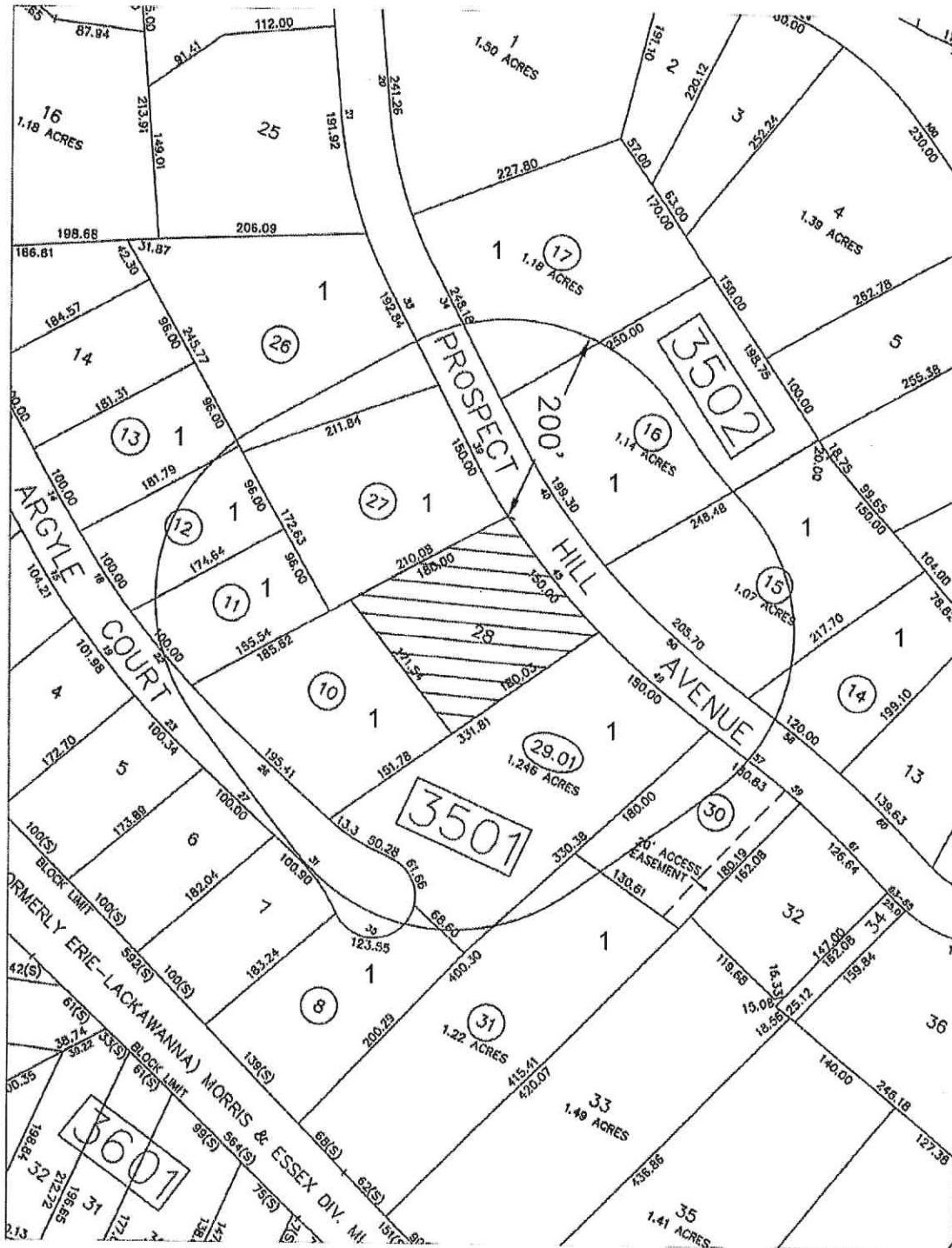


Any public utility, cable television company, local or other utility may request service of notice of hearings for development, pursuant to J.J.S.A 40:55D-12, et seq., provided the utility has an easement or other form of right-of-way.

The following listed utilities have registered to receive service of any notice of hearing for development in the City of Summit. Proof of service, as required by the Municipal Land Use Law shall include service to this utility.

- **NJ American Water Company, Inc.
Donna Short
GIS Supervisor
1025 Laurel Oak Road
Vorhees, NJ 08043**
- **PSE&G
Manager, Corporate Properties
80 Park Plaza, T6B
Newark, NJ 07102**

45 Prospect Hill Avenue
R-25 Zone District
1" = 150' (approx.)
6/5/2025



**NOTICE OF PUBLIC HEARING
BOARD OF ADJUSTMENT OF THE CITY OF SUMMIT
UNION COUNTY, N.J.**

Take notice that the Board of Adjustment of the City of Summit will conduct a public hearing at the Summit City Hall, located at 512 Springfield Avenue, Summit, N.J. 07901 at 7:30 p.m. or as soon thereafter as the matter may be called on _____, 2025, which may be continued on such dates thereafter as may be necessary in the judgment of the Board to complete the hearings and deliberations on an application for development by Stephanie and Richard Gelband regarding permission to improve their property known as 45 Prospect Hill Avenue, Summit, New Jersey, designated on the Tax Maps of the City of Summit as Block 3501, Lot 28. The applicants seek to construct their new home, with an in-ground pool and patio, install stormwater management, regrade, plant landscaping and provide other exterior improvements.

The applicants request variance relief to allow the disturbance of steep slopes and to exceed building coverage, together with all other relief in the form of variances, waivers, interpretations, appeals, or exceptions in the strict application of the provisions of the Development Regulations Ordinance, and other relief, which may arise during the course of the hearings in this application, necessary to realize the development as set forth more specifically in the application for development on file and available for inspection in connection herewith. The application may be amended from time to time including during the course of the hearings.

All maps and documents for which approval is sought are available for public inspection at the Department of Community Services at City Hall, 512 Springfield Avenue, Summit, NJ during the business hours of 9:00 a.m. to 4:00 p.m. During the summer, from Memorial Day through Labor Day, Monday through Thursday from 8:30 a.m. to 4:00 p.m., and Friday from 8:30 am to 12:30 p.m.

This notice is being given pursuant to N.J.S.A. 40:55D-12 and Article 35-5.3 of the Development Regulations Ordinance of the City of Summit.

ALFONSO & WEBBER, LLC
Attorneys for Applicants

By: _____
Samantha T. Alfonso, Esq.

Dated:

**NOTICE OF PUBLIC HEARING
BOARD OF ADJUSTMENT OF THE CITY OF SUMMIT
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This notice is being given pursuant to N.J.S.A. 40:55D-12 and Article 35-5.3 of the Development Regulations Ordinance of the City of Summit.

ALFONSO & WEBBER, LLC
Attorneys for Applicants

By: _____
Samantha T. Alfonso, Esq.

Dated:

THE CITY OF SUMMIT

N E W J E R S E Y


Form of Request
of Assessment

Form of Request
of Assessment

ADDRESS: 45 Prospect Hill Avenue DATE: 5/28/2025
OWNER(S): Richard & Stephanie Gelband

BLOCK: 3501 LOT(S): 28

PURSUANT TO THE PROVISIONS OF THE MUNICIPAL LAND USE LAW, N.J.S.A. 40:55D-1 ET. SEQ. PERTAINING TO THE ZONING BOARD OF ADJUSTMENT AND/OR PLANNING BOARD APPLICATIONS. I, HEREBY CERTIFY THAT THE TAXES OR ASSESSMENTS FOR PUBLIC IMPROVEMENTS, OR BOTH, ARE NOT DUE OR DELINQUENT ON THE ABOVE PARCEL(S), AND HAVE BEEN PAID TO DATE ACCORDING TO LAW.


EISA LAKE
DEP TAX Collector of Taxes

For Office Use Only:

Department of Community Services

Date filed: _____

File ZB/PB# _____

Received by: _____

THE CITY OF SUMMIT
NEW JERSEY


ADDRESS: 45 Prospect Hill Avenue

DATE: 5/28/2025

OWNER(S): Richard & Stephanie Gelband

BLOCK: 3501 LOT(S): 28

PURSUANT TO THE PROVISIONS OF THE MUNICIPAL LAND USE LAW, N.J.S.A. 40:55D-1 ET. SEQ. PERTAINING TO THE ZONING BOARD OF ADJUSTMENT AND/OR PLANNING BOARD APPLICATIONS. I, HEREBY CERTIFY THAT THE TAXES OR ASSESSMENTS FOR PUBLIC IMPROVEMENTS, OR BOTH, ARE NOT DUE OR DELINQUENT ON THE ABOVE PARCEL(S), AND HAVE BEEN PAID TO DATE ACCORDING TO LAW.


Eisa Lake
DEP TAX Collector of Taxes

For Office Use Only:

Department of Community Services

Date filed: _____

File ZB/PB# _____

Received by: _____