



ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

Address:	175 Oak Ridge Avenue
Application #:	ZB-25-2302
Description/Variances:	(c) – variance for lot coverage and building coverage to construct detached garage.
Sent to Staff for Comments:	October 24, 2025
Due Date:	November 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:	____/____/____
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: Toback Residence (ZB-25-2302)
175 Oak Ridge Avenue
Block 4801 Lot 5
'c' Bulk Variance Requests
Date: November 19, 2025
BA#: 4269.36

I. INTRODUCTION

The applicants, Christie and Eric Toback, are requesting 'c' variance relief to construct a new detached garage in the northwest corner of the rear yard of the above-referenced property. Associated improvements include the reconfiguration of the driveway to provide access to the new garage and retaining wall (max. height of 1.5 feet) along the driveway. The existing rear facing garage at the basement level of the dwelling will be converted into a recreation room. The property is located in the R-15 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. Topographic survey prepared by Lakeland Surveying dated April 4, 2025.
3. Engineering plans (2 sheets) prepared by Roth Engineering last revised July 21, 2025.
4. Architectural plans (5 sheets) prepared by Studio 1200, LLC last revised September 19, 2025.

III. PROPERTY DESCRIPTION

The site, identified as Block 4801 Lot 5 in City tax records, is a 0.34-acre parcel with 100 feet of frontage on Oak Ridge Avenue. Lot 5 is developed with a 2-story single-family dwelling with associated site improvements, including a paved driveway providing access to a rear facing garage, rear porch and paved walkways in the front yard. 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.

IMAGE 1 – SITE AERIAL PHOTOGRAPH



Source: NJ Parcel Explorer, Rowan university. Accessed November 19, 2025.

IV. REQUIRED VARIANCE RELIEF

The development application requires the following variance relief:

1. 'c' Maximum Building Coverage. The R-15 Zone permits a maximum building coverage of 18% where the property has an existing building coverage of 15.3% that will be increased to a nonconforming 19.1% as a result of the proposed detached garage.
2. 'c' Maximum Lot Coverage. The R-15 Zone permits a maximum lot coverage of 35% where the property has an existing nonconforming lot coverage of 36.1% that will be reduced to 35.6%.

V. GENERAL COMMENTS

1. The applicant shall provide an overview of all proposed improvements.
2. The proposed garage will have a maximum height of 17.9 feet where Section 35-9.8.B.3., "except as specifically permitted elsewhere in this chapter, no accessory building or structure shall exceed 15 feet in height. Detached garages and pool houses for single- and two-family homes may exceed the maximum fifteen-foot height requirement only when it is determined that such an 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 this chapter. In no case shall garage or pool house height exceed 18 feet. The two lowest exterior walls of any accessory building or structure shall not exceed a vertical dimension of 10 feet."

The Applicant shall demonstrate the proposed garage roof pitch matches that of the existing dwelling to qualify for the increase in accessory building height up to 18 feet. The DRO does not specifically address the flat area of the detached garage roof though it is noted that Section 35-14.2.C.1. permits flat roofs on low-tier roofs not to exceed 20% of the dwelling's total roof coverage.

3. The applicant shall confirm the extent of proposed utility connections for the detached garage.
4. The existing rear covered porch at the first floor provides the only outdoor amenity space in the rear yard. The applicant shall confirm that this space will be sufficient as a lot coverage variance is being requested. In addition, the rear door providing access to the basement level mudroom exists immediately onto a concrete pad and then lawn.
5. The Applicant shall confirm the proposed extent of tree removal and replacement, as applicable.
6. 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: October 24, 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:	175 Oak Ridge Avenue	Block: 4801	Lot: 5
Application #:	ZB-25-2302	Applicant Names: Christie and Eric Toback	
Description/Variances:	(c) - variance for lot coverage and building coverage to construct detached garage.		

Comments Due Date:	November 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

Print Name:	ERIC EVERS	Print Title:	Fire Chief	Date:	10-27-25
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COMMENTS: No objections
LT CHART

Print Name:		Print Title:		Date:	
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Memorandum

To: Zoning Board

From: Marie Raffay, P.E.

Date: November 17, 2025

Subject: 175 Oak Ridge Avenue
Block 4801, Lot 5
Summit, Union County, NJ

Summit No.: ZB-25-2302

We have reviewed the application and associated submissions prepared by the Applicant, Christie & Eric Toback of the subject property as referenced below:

- a. Application to Zoning Board of Adjustment, signed, dated May 29, 2025;
- b. Survey Plan entitled, "Topographic Survey of Property, Tax Lot 5 - Block 4801, 175 Oak Ridge Avenue, City of Summit, Union County, New Jersey", as prepared by William C. Buchok, P.L.S., of Lakeland Surveying, dated April 4, 2025.
- c. Lot Grading Plan entitled, "Lot Grading & Variance Plans for 175 Oak Ridge Avenue, Site Plan, Block 4801, Lot 5, City of Summit, Union County, New Jersey", as prepared by Michael J. Roth P.E., of Roth Engineering, LLC, dated May 28, 2025.
- d. Architectural Plans, entitled "Toback Residence, 175 Oak Ridge Avenue, Summit, NJ", prepared by Nancy Dougherty, A.I.A., L.E.E.D., of Studio 1200, LLC, consisting of five (5) sheets, last revised date of May 30, 2025.

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

1. The 14,940 square foot (0.343-acre) property is located on the north side of Oak Ridge Avenue approximately 250 feet south of Magnolia Place.
2. The property is in the R-15 Single-Family Residential Zone, with surrounding properties in the same zone.
3. The property is a rhombus in shape with 100 feet of frontage along Oak Ridge Avenue and a lot depth of approximately 150 feet.
4. The property slopes down from the south corner at elevation 492 to the north corner at elevation 478.

5. The property is currently improved with a 2-story dwelling, asphalt driveway, patio, walkways, retaining walls, and related site improvements.
6. The Applicant should confirm that no improvements have been made since the date of the survey.
7. The Applicant is proposing to convert their existing garage at the rear of the house into living space, eliminate the portion of the driveway located behind the dwelling and reconfigure the driveway to serve a proposed 18-foot-high 2-car detached garage at the northwest corner of the property. This includes installing retaining walls, curbing, and new drainage features.
8. The Applicant is seeking a variance to exceed the maximum building coverage allowed in the R-15 Zone. The Applicant is proposing a building coverage of 19.1%, whereas the maximum allowed building coverage is 18%. Testimony shall be provided to explain the need for this variance warranting Board consideration.
9. Although the proposed lot coverage is reduced by 72 square feet, the Applicant is seeking a variance to exceed the maximum permitted lot coverage. The Applicant is proposing a lot coverage of 35.6%, whereas the maximum permitted is 35%. Testimony shall be provided to explain the need for this variance warranting Board consideration.
10. The realigned driveway at the southwest of the property encroaches into an area of steep slopes requiring a retaining wall. The Applicant should provide testimony on the location of the walls and any impacts to drainage runoff.
11. The Applicant shall clarify the extent of removal of the existing asphalt driveway and provide testimony regarding how the removed areas will be restored.
12. The existing onsite drainage system appears to collect runoff from portions of the existing dwelling, a trench drain at the entrance to the existing garage doors, and a grate inlet at the rear of the driveway. The Applicant is proposing to maintain the existing house roof drain collection while changing the driveway grate to a lawn inlet. Additionally, a new trench drain and driveway inlet are proposed to collect driveway runoff for the new driveway surface. It is unclear where the roof leaders from the proposed detached garage will be directed. All of the site runoff collected is discharged to a stone trench behind the rear existing four-foot-high retaining wall both in the existing and proposed conditions. Tributary areas of runoff collection should be provided for review to confirm that no increase in stormwater runoff is being directed to the rear property. The Applicant should consider a stormwater system to maintain the runoff on site.
13. If the existing stormwater is to remain discharging as shown, the Applicant shall provide testimony regarding drainage conditions at and behind the proposed retaining wall along the property line, including how runoff will be managed given the proposed water collection.

14. The Applicant should consider modifying the inlet grate in the existing driveway at the rear of the dwelling to reduce the potential for grass, leaves and debris entering and affecting the drainage system. The Applicant should consider a sump or the replacement of the grate with a solid lid to increase the longevity of the system.
15. The proposed garage has a door on the east façade. No landing appears to be proposed for this door. The Applicant should clarify if a landing and walkway is proposed. This coverage should be included in the coverage calculations.
16. The Applicant should confirm utilities proposed for the proposed garage. Will there be heat, water, electricity, gas?
17. The proposed limit of disturbance is 3,500 square feet. The Applicant shall be aware that disturbances greater than 5,000 square feet require a permit from the Somerset-Union Soil Conservation District.
18. The Applicant has not indicated the removal of any trees in connection with the proposed project. We defer to the City forester for review and comment.
19. 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.
20. 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.
21. 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: October 24, 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

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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:	10/24/25
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COMMENTS:

There is existing evergreen screening in the west corner of the property where the proposed garage will be constructed. I have no objection to this application as long as the existing evergreen screening can be preserved or replenished following the garage construction.

Print Name:	John Linson	Print Title:	Forester	Date:	11/14/25
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COMMENTS: No Comments.

Print Name:	George Kostas	Print Title:	HEHS	Date:	10-27-25
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COMMENTS: _____

175 Oak Ridge Avenue, a circa 1930 Tudor Revival contributes to the Druid Hill District.

<https://www.summitlibrary.org/wp-content/uploads/2023/05/Morris-Court-to-Park-Avenue-Vol-6-part-2.pdf> p28-29

The wood roof and stucco materials on the proposed garage match the existing Tudor revival home and the garage doors are contextual to the architectural style. The proposed garage is located in the rear of the property and as proposed, will be minimally visible.

Print Name:	Caroline King	Print Title:	Chair	Date:	11.13.2025
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FROM: Land Use Assistant / Board Secretary
TO:

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<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

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COMMENTS: _____

The application is for variances for building coverage (19.1% proposed vs 18% permitted, vs 15.3% existing) and lot coverage (35.6% proposed vs 35% permitted, vs 36.1% existing), to construct a new detached garage at the rear of a property. The current attached garage will be converted to basement space. As part of this construction, a portion of the existing large rear paved driveway will be removed. No trees will be removed for this project.

While we appreciate that a portion of the asphalt driveway will be removed, and that the overall lot coverage will be shrunk, there is still an overage in lot coverage of 95 square feet. Therefore, the Environmental Commission strongly encourages that the homeowners and their architect: **further reduce 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. By replacing all or some of the impermeable driveway with green infrastructure, no lot coverage variance would be necessary.

We also strongly encourage the use of solar panels on appropriately oriented roof areas of the proposed new garage.

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 have no objections to the requested variances, BUT would urge replacing at least a portion of the proposed asphalt with permeable surfaces.

Print Name:	Francie Cho	Print Title:	Environmental Comm. Alt	Date:	11/16/2025
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