



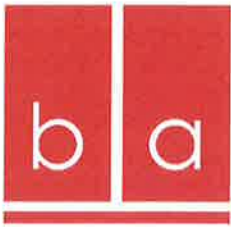
ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

Address:	71 Hill Crest Avenue
Application #:	ZB-25-2315
Description/Variances:	(c) - variance for lot coverage, building coverage, front yard setback, and front entry garage to construct a new home.
Sent to Staff for Comments:	October 15, 2025
Due Date:	November 5, 2025

Staff / Commission / Consultant	Delivery Method	Report Attached with Comments	Report Attached with No Objections	Not Submitted	Not Required
Eric Evers, Director Fire Chief	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
Ryan Peters Police Chief	<input type="checkbox"/> Paper <input type="checkbox"/> Email		✓		
Engineering: Colliers	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
Ralph Maritato Construction Official	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
John Linson City Forester	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
Board of Health: Westfield	<input type="checkbox"/> Paper <input type="checkbox"/> Email		✓		
Historic Preservation Commission	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
Environmental Commission <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:

Sent to Applicant:	____/____/____
Sent to Attorney:	____/____/____



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

PRINCIPALS:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

MEMORANDUM

To: City of Summit Zoning Board of Adjustment
From: Ed Snieckus, Jr. PP, LLA and Tom Behrens, PP, AICP
Subject: 71 Hillcrest Avenue, LLC (ZB-25-2315)
71 Hill Crest Avenue
Block 2006 Lot 10
'c' Bulk Variance Requests
Date: November 5, 2025
BA#: 4269.59

I. INTRODUCTION

The Applicants, Tyler and Lindsey Rhoten, are requesting 'c' variance relief to construct a new single-family dwelling with associated site improvements, including a front facing garage with driveway access on Bellevue Avenue, front and rear porches, retaining walls and paved walkways and driveway at the above-referenced corner property. The property is located in the R-25 zone where in the 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 ABC Surveys, LLC dated August 4, 2025.
3. Lot grading plan prepared by ABC Surveys, LLC dated August 4, 2025.
4. Architectural plans (7 sheets) prepared by TLA Design, LLC dated July 29, 2025.

III. PROPERTY DESCRIPTION

The site, identified as Block 2006 Lot 10 in city tax records, is a 15,700 square foot corner lot with frontages of 150 feet on Hill Crest Avenue and 100 feet on Bellevue Avenue. The property is developed with a 2-story single-family dwelling with associated site improvements and slopes upward from the adjacent roadways. 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 5, 2025.

IV. REQUIRED VARIANCE RELIEF

The development application requires the following variance relief:

1. 'c' Maximum Lot Coverage. The R-25 Zone permits a maximum lot coverage of 30% where the property has an existing lot coverage of 24.4% that will increase to 32.6% as a result of the proposed improvements.
2. 'c' Maximum Building Coverage. The R-25 Zone permits a maximum building coverage of 14% where the property has an existing building coverage of 13.8% that will increase to 17.3% as a result of the proposed improvements.
3. 'c' Neighborhood Minimum Front Yard Setback. In accordance with 35-9.10.B.2, the calculated neighborhood minimum average front yard setback is 59.6 feet along the site's Hill Crest Avenue frontage where the proposed dwelling will have a nonconforming front yard setback of 37 feet.
4. 'c' Front Facing Garage Prohibited. In accordance with 35-14.2.F.4., properties with lot widths greater than 90 feet are required to have side or rear facing garages where the proposed garage faces Bellevue Avenue where the property has a lot width of 100 feet. It is noted that the existing building has a two-car garage that faces Bellevue Avenue.
5. 'c' Maximum Steep Slope Disturbance. A total steep slope (>15%) disturbance of 1,250 square feet is proposed where a maximum disturbance of 1,000 square feet is permitted without variance relief.

V. GENERAL COMMENTS

1. The lot grading plan depicts the removal of 4 trees with calipers of 6 inches or greater. The application materials do not provide replacement trees or landscaping which should be addressed by the applicant.
2. The proposed lot grading features a series of retaining walls around the dwelling with a maximum height of 5.3 feet.
3. We defer the review of stormwater management to the Board Engineer.
4. The plans should be revised to depict the locations of all ground mounted equipment to demonstrate compliance in terms of location and screening.

***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 15, 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

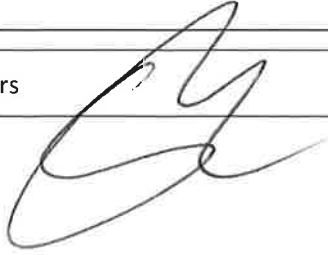
<input type="checkbox"/>	John Linson	City Forester
<input type="checkbox"/>	Health Dept.	Westfield
<input type="checkbox"/>	Caroline King	Chair, HPC
<input type="checkbox"/>	Planner	Burgis Assoc.
<input type="checkbox"/>	Donna Patel	Environmental Commission

Property Address:	71 Hill Crest Avenue	Block: 2006	Lot: 10
Application #:	ZB-25-2315	Applicant Names: Tyler and Linsey Rhoten (through their LLC: 71 Hill Crest Avenue LLC)	
Description/Variances:	(c) - variance for lot coverage, building coverage, front yard setback, and front entry garage to construct a new home.		

Comments Due Date:	November 5,, 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:	Chief SFD	Date:	10/16/25
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<input type="checkbox"/>	Ralph Maritato	Construction Official

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<input type="checkbox"/>	Health Dept.	Westfield
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<input type="checkbox"/>	Planner	Burgis Assoc.
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COMMENTS: UK CUD do objections

Print Name:		Print Title:		Date:	
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Memorandum

To: Zoning Board

From: Marie Raffay, P.E.

Date: November 6, 2025

Subject: 71 Hillcrest Avenue
Block 2006, Lot 10
Summit, Union County, NJ

Summit No.: ZB-25-2315

We have reviewed the application and associated submissions prepared by the Applicants, Tyler and Lindsey Rhoten of the subject property as referenced below:

- a. Application to Zoning Board of Adjustment, dated August 18, 2025;
- b. Dept of Community Services Application for Development Worksheet dated August 18, 2025;
- c. Zoning Board Application Checklist, dated August 18, 2025;
- d. Submission letter from Alfonso & Webber, dated August 20, 2025;
- e. Memorandum in Support of Application for Development, prepared by Samantha Alfonso Esq., of Alfonso & Webber, LLC, undated;
- f. Property Owners List with map, dated July 17, 2025;
- g. Tax Payment Certification dated August 13, 2025;
- h. Topographic Survey, consisting of one sheet, prepared by Andrew Clarke, PLS, PE of ABC Surveys, LLC, dated August 4, 2025;
- i. Lot Grading Plan, entitled "Prepared for Rhoten Residence, 71 Hill Crest Avenue, Tax Lot 10 in Block 2006, City of Summit, Union County, New Jersey" consisting of one (1) sheet, dated August 4, 2025;
- j. Architectural Plans, entitled "Rhoten Residence, 71 Hillcrest Avenue, Summit, New Jersey", prepared by TLA Design LLC, Architects, consisting of seven (7) sheets, dated July 14, 2025.

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

1. The 15,700 square foot (0.36-acre) property is a corner lot located on the southwest corner of the intersection of Bellevue Avenue and Hillcrest Avenue.
2. The property is in the R-25 Single-Family Residential Zone, with surrounding properties in the same zone.

3. The property is mostly rectangular in shape with approximately 101 feet of frontage along Bellevue Avenue, 150 feet of frontage along Hillcrest Avenue, and a depth of approximately 163 feet.
4. The property appears to slope down from 113 feet at the southeast corner to 100 feet at the northwest corner. The north and west frontage at the corner of Hillcrest Avenue and Bellevue Avenue contain areas of steep slopes.
5. The property is currently improved with a 2-story dwelling, slate patio, walkways, asphalt driveway, stone walls, and related site improvements. The Applicant should provide testimony on the existing conditions on the property and whether any improvements have been made since the date of the survey.
6. The Applicant is proposing to demolish the existing dwelling and related features to construct a new 2-story dwelling, walkways, porches, retaining walls, lot grading, driveway expansion, and a drywell for stormwater mitigation. The Applicant should confirm the improvements in testimony.
7. The Applicant is requesting a variance for exceeding the maximum building coverage. The Applicant is proposing a building coverage of 17.3 percent (2,715 square feet), whereas 14 percent (2,198 square feet) is permitted. The Applicant shall provide testimony in support of the requested variance, including justification for exceeding the maximum building coverage and why any other features cannot be relocated or modified to reduce these impacts.
8. The Applicant is requesting a variance for exceeding the maximum permitted lot coverage. The Applicant is proposing a lot coverage of 32.6 percent (5,126 square feet), whereas 30 percent (4,710 square feet) is permitted. The Applicant shall provide testimony in support of the requested variance, including justification for exceeding the maximum lot coverage and why any other features cannot be relocated or modified to reduce these impacts.
9. The Applicant is proposing to increase the lot coverage by 1,291 square feet. The Applicant has proposed a drywell to collect driveway and roof runoff. We have reviewed the calculations for the tributary collection area and the drywell sizing calculations and we take no exception.
10. The proposed limit of disturbance is 14,000 square feet which exceeds the 5,000 square feet threshold. The Applicant should obtain all necessary Soil Conservation District (SCD) permits through the Somerset-Union Soil Conservation District and provide testimony confirming compliance.
11. The Applicant is proposing a disturbance of 1,250 square feet of steep slopes greater than 15 percent where a maximum disturbance of 1,000 square feet is permitted. It appears a variance will be required for exceeding the allowable permitted disturbance of steep slopes. The Applicant shall provide testimony in support of the required variance, including justification for exceeding

the steep slope disturbance limit and why the proposed improvements cannot be relocated or modified to reduce these impacts.

12. The Applicant should confirm that the proposed disturbed area within the area labeled as Steep Slope Area #1 is encompassed by the silt fence and included in the total area of disturbance for the project. It appears that the limit of disturbance and silt fence does not encompass the entire steep slope disturbance.
13. The Applicant is proposing a number of retaining walls on the property. It appears that some of the wall heights exceed four feet. The Applicant shall be aware that any walls above four feet will require review by the building department and design and inspection by a licensed professional engineer. The Applicant should provide testimony regarding the proposed height, materials, and design of the retaining walls.
14. The Applicant shall provide testimony regarding the proposed driveway which appears to have a conforming driveway width. Since the existing curb cut is wider than the proposed curb cut, the Applicant should be aware that a road opening permit from the City is required for work in the City right-of-way.
15. It appears that the Applicant is proposing to remove multiple trees for the proposed project. We defer to the City Forester for review and approval.
16. 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.
17. 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.
18. 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/gcd



STAFF COMMENTS REPORT

DATE: October 15, 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:	71 Hill Crest Avenue	Block: 2006	Lot: 10
Application #:	ZB-25-2315	Applicant Names: Tyler and Lindsey Rhoten (through their LLC: 71 Hillcrest Avenue LLC)	
Description/Variances:	(c) - variance for lot coverage, building coverage, front yard setback, and front entry garage to construct a new home.		

Comments Due Date: November 5, 2025 **Please email landuse@cityofsummit.org if you are unable to meet this date.**

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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.

Print Name:	Ralph Maritato	Print Title:	Construction Official	Date:	10-16-25
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FROM: Land Use Assistant / Board Secretary
TO:

FLOOD ZONE

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

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COMMENTS: The proposed tree removals are essential to the project.
Tree protection fencing will be necessary for a least 3 trees.
Screening to lot 9 is none existant.

Print Name:	John Linson	Print Title:	Forester	Date:	10/24/25
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DATE: October 15, 2025
FROM: Land Use Assistant / Board Secretary
TO:

FLOOD ZONE

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<input type="checkbox"/>	Eric Evers	Fire Chief
<input type="checkbox"/>	Ryan Peters	Police Chief
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COMMENTS: *No Comments*

Print Name:	<i>George Hargis</i>	Print Title:	<i>REHS</i>	Date:	<i>10/16/25</i>
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STAFF COMMENTS REPORT

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FLOOD ZONE

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<input type="checkbox"/>	Health Dept.	Westfield
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COMMENTS: _____

The applicants chose to demolish a 100-year old Tudor Revival historic home that contributes to the North Side Historic District. Following the demolition, the applicants are requesting variances for lot coverage, building coverage front yard setback, and front entry garage.

This is the second request within a month for demolition of a historic home in the North Side Historic District. Given the now empty lot, construction can adhere to the City of Summit DRO - Development Regulations Ordinance.

The most extensive of the historic districts, the North Side includes most properties north of Springfield Avenue, bounded by Morris Avenue, Woodland Avenue and Canoe Brook Country Club, and Route 24. The North Side Historic District exemplifies Summit's history and reputation as a commuter suburb. Described "as if everything were designed as a

harmonious whole”, this area is defined by a variety of architectural styles often in park-like settings. 1890- 1940’s architecture predominates, with Late Victorian Queen Anne, Shingle and Colonial Revival houses in abundance, along with more than 100 examples of Tudor Revival homes. Much of the district has been excellently preserved.

The North Side Historic District is included in the List of Individual Historic Landmarks and Historic Districts of the City of Summit Ordinance. <https://ecode360.com/SU4097/laws/LF2492963.pdf>. Whereas, the City of Summit desires to minimize and potentially prevent the demolition of designated historic buildings, structures and landmarks where preservation is feasible to maintain the established historic character of Summit’s Historic Downtown, residential neighborhoods and other environs by requiring HPC review for such applications, promoting the consideration of reasonable alternatives and through public education.

Print Name: Caroline King	Print Title: Chair	Date: 10/30/2025
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DATE: October 15, 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 variances for front yard setback, building coverage (17.3% vs 14% permitted, vs 13.8% existing), lot coverage (32.6% vs 30% permitted, vs 24.4% existing), steep slope disturbance of approximately 1,250 square feet and others for construction of a new house with significantly larger paved spaces and lot coverage than the previous home. A 1923 home that contributes to the North Side historic district will be demolished (and was in the midst of that demolition upon a site visit on 10/31/25). Four trees (24", 16", 12" and 10") are indicated for removal, of which 3 are significant trees with DBH of 12" or more, which are required to be replaced with approved trees.

The environmental impact would have been far less if the existing house had been saved and renovated. With any demolition, we would strongly recommend the reuse and recycling of the demolished structure.

Due to the large scope of these disturbances, we would have greatly appreciated the inclusion of a landscape plan.

For alterations of this nature, the Environmental Commission strongly encourages that the homeowners and their architect: **minimize the size of paved surfaces and use green infrastructure for patios and parking areas**, such as permeable paving and rain gardens, to assist with drainage, mitigate heat island effects, decrease

VOC (Volatile organic compounds) emissions from asphalt paving and markings, and reduce pollution from runoff. We also strongly encourage the use of solar panels on appropriately oriented roof areas.

We would strongly encourage planting native shade trees and shrubs on the open spaces of the property to assist with site hydrology, especially given the steep slope disturbance. 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 denying this application. We would urge a reduction in lot coverage as well as reconsideration of tree removal. A detailed landscape plan must be provided with native shade tree replacements for the significant trees slated for removal that is acceptable to the City Forester.

Print Name:	Francie Cho	Print Title:	Environmental Comm. Alt	Date:	11/1/2025
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