



ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

Address:	32 Lenox Road
Application #:	ZB-25-2311
Description/Variances:	(c) - variances for max height for an accessory structure, max height of fence/wall combo, and steep slopes to construct, pool pergola, and poolhouse.
Sent to Staff for Comments:	November 3, 2025
Due Date:	November 24, 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 (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:	____/____/____



B U R G I S
ASSOCIATES, INC.

COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

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: Chizzik Residence (ZB-25-2311)
32 Lenox Road
Block 2501 Lot 22
'c' Variance Requests
Date: November 24, 2025
BA#: 4269.53

I. INTRODUCTION

The applicant, Andrew Chizzik, is requesting 'c' variance relief to develop a new inground pool, pergola, pool house, patio, retaining walls, fencing, lighting and landscaping with associated site grading in the rear of the above-referenced property. 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. Property survey prepared by 3 Wire Surveying, LLC dated September 12, 2025.
3. Lot grading plan (6 sheets) prepared by Korzen Engineering, LLC dated June 26, 2025.
4. Landscape plan (1 sheet) prepared by Cording Landscape Design dated September 11, 2025.
5. Architectural plans (2 sheets) prepared by John James Architecture, LLC last revised July 8, 2025.

III. PROPERTY DESCRIPTION

The site, identified as Block 2501 Lot 22 in City tax records, is a 1.05-acre parcel with 150 feet of frontage on Lenox Road developed with a 2-story single-family dwelling with associated site improvements including a detached 2-car garage, rear patio, slate front walkway, retaining walls and shed in the rear 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.

An aerial photograph of a residential neighborhood with white property lines overlaid. A blue line highlights a specific lot in the center of the image. The lot is labeled with 'R-2501' and 'L-11'. Surrounding streets include 'Spring Hill Ave' at the bottom, 'Lamar St' on the left, and 'Prospect Hill Ave' on the right. Numerous other lots are visible, each with its own 'R' and 'L' designation. The area is densely wooded with many trees.

IV. REQUIRED VARIANCE RELIEF

1. 'c' Maximum Accessory Structure Height. The proposed pool house will have a nonconforming height of 23.2 feet where a maximum accessory structure height of 15 feet is permitted.
2. 'c' Maximum Combined Fence/Wall Height. The combined fence (4 foot high aluminum picket) and retaining wall height around the rear terrace will have a nonconforming height of 12 feet where a maximum combined height of 10 feet is permitted. The proposed modular block retaining wall will have a maximum height of approximately 8 feet at the northern corner of the wall. The applicant shall discuss proposed measures to mitigate visual impacts to the adjacent property to the rear.
3. 'c' Maximum Steep Slope Disturbance. A maximum steep slope disturbance of 1,000 square feet is permitted where a total of 4,900 square feet of steep slope disturbance at the rear of the property is proposed.

1. The applicant shall provide an overview of all proposed improvements.
2. The existing nonconforming shed and block foundation along the rear lot line will be removed.

3. The applicant shall confirm the extent of proposed utilities (plumbing, electric, gas, HVAC, etc.) for the pool house. The pool house will have two levels containing an open floor plan on the first floor with a lounge area, kitchenette, pantry and full bathroom. The applicant shall confirm the equipment located in the kitchenette to determine the extent to which the pool house might qualify as a second dwelling unit. The basement level of the pool house contains a golf simulator area, pool equipment room and door providing access to the rear lower level patio.

Section 35-7.2 defines dwelling unit' as *"one or more rooms designed, occupied or intended for occupancy as separate living quarters by one family or household, provided that access is directly from the outside or through a common hall and that separate cooking, sleeping and sanitary facilities are provided within the dwelling for the exclusive use of the single family maintaining the household."*

4. A detail of the proposed pergola is depicted on sheet A-31 of the architectural plans. The applicant shall confirm the proposed pergola height and if it will contain any lighting fixtures.
5. The plans depict the removal of 6 trees with calipers of 6 inches or greater. A row of 5 foot to 6 foot high evergreen tree of a species to be determined is proposed along the rear lot line and a portion of the northern side lot line adjacent to the area of improvements. The type of species and installation height are significant in determining the length of time that will be required to establish effective screening. 4 unspecified ornamental flowering trees with calipers of 2 ½ inches to 3 inches are proposed around the pool area. Additional landscape beds are depicted around the pool patio area.
6. The applicant shall confirm the extent of all proposed exterior lighting. The landscape plan depicts 3 post mounted lantern lights around the pool area. The pool house elevations depict 8 wall mounted fixtures.
7. The locations of all exterior equipment should be shown on the plans. Any such equipment shall be sufficiently screened as determined to be necessary.
8. 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: November 3, 2025
FROM: Land Use Assistant / Board Secretary
TO:

☐ **FLOOD ZONE**

	Name	Title / Committee
<input type="checkbox"/>	Eric Evers	Fire Chief
<input type="checkbox"/>	Ryan Peters	Police Chief
<input type="checkbox"/>	Engineering	Colliers
<input type="checkbox"/>	Ralph Maritato	Construction Official

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

Property Address:	32 Lenox Road	Block: 2501	Lot: 22
Application #:	ZB-25-2311	Applicant Names: Andrew Chizzik	
Description/Variances:	(c) – variances for max height for an accessory structure, max height of fence/wall combo, and steep slopes to construct, pool pergola, and pool house.		

Comments Due Date:	November 24, 2025	Please email landuse@cityofsummit.org if you are unable to meet this date.
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Attached is a copy of the plans and application for the subject property. Please review this proposal and return a copy of this memo with your comments prior to the date indicated above. Attach additional pages or reports, if necessary.

COMMENTS: Build to code (ML) _____

Print Name:	Eric Evers	Print Title:	Chief SFD	Date:	11/5/25
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<input type="checkbox"/>	Planner	Burgis Assoc.
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COMMENTS: No objections
LT Chizzik

Print Name:		Print Title:		Date:	
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Memorandum

To: Zoning Board

From: Marie Raffay, P.E.

Date: November 19, 2025

Subject: 32 Lenox Road
Block 2501, Lot 22
Summit, Union County, NJ

Summit No.: ZB-25-2311

We have reviewed the application and associated submissions prepared by the Applicant, Andrew Chizzik of the subject property as referenced below:

- a. Application to Zoning Board of Adjustment, signed, dated July 17, 2025;
- b. Application for Development Worksheet, dated July 17, 2025;
- c. Zoning Board Application Checklist, dated July 22, 2025;
- d. Narrative Description of Project for 32 Lenox Road property prepared by John James Architecture;
- e. Statement of Facts in Support of Variance Relief, undated;
- f. Certified List of Property Owners within 200 feet, dated July 14, 2025, with map;
- g. Certification of Taxes paid to date, dated July 14, 2025;
- h. Boundary Survey, entitled "Boundary Survey, 32 Lenox Road, Tax Map Block 2501 - Lot 22, City of Summit, Union County, New Jersey" prepared by Philip A. McEntee Jr., P.L.S., of 3 Wire Surveying, LLC, consisting of one (1) sheet, dated 9/12/25;
- i. Lot Grading Plan, entitled "Lot Grading Plan, Chizzik Residence situated at 32 Lenox Road - Tax Block 2501, Lot 22, City of Summit, Union County, New Jersey", prepared by Peter Korzen, P.E., P.L.S., of Korzen Engineering, LLC, consisting of six (6) sheets, dated 3/28/25, revised 6/26/25;
- j. Architectural Plans entitled "Chizzik Pool House, Proposed Plans and Exterior Elevations" prepared by John James Architecture, consisting of two (2) sheets, dated 1/28/25, last revised 7/8/25;
- k. Landscape Plan, prepared by Cording Landscape Design, consisting of one (1) sheet, dated 9/11/25.

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

- 1. The 45,869-square-foot (1.05 acres) property is located on the west side of Lenox Road approximately 850 feet north of Springfield Avenue.
- 2. The property is in the R-25 Residential Zone, with surrounding properties in the same zone.
- 3. The property is mostly rectangular with approximately 150 feet of frontage along Lenox Road, an average lot depth of approximately 280 feet and a rear yard width of approximately 180 feet.

4. In the rear, the property slopes down from the side property line at the south at elevation 120 to opposite side property line at the north at elevation 104. In the front, the property slopes down from elevation 112 at the middle of the property to the front property line at elevation 100.
5. The property is currently improved with a 2 ½-story dwelling, 1-story garage, slate patio, slate walkway, paved driveway, stone walls, and related site improvements. The Applicant should confirm in testimony.
6. The Applicant is proposing the construction of an inground pool, pergola, pool house, landscaping, stormwater management facility, and related site improvements.
7. The Applicant is proposing to disturb 4,900 square feet of steep slopes greater than 15 percent where a maximum of 1,000 square feet is permitted. As such, a variance is required. The Applicant should provide testimony in support of the requested variance.
8. The Applicant is proposing a net increase of 4,464 square feet of lot coverage. This increase is associated with the construction of a pool house and terrace, walkways, patios, steps, and other improvements on the northwest side of the dwelling. The net increase accounts for the removal of some existing impervious surfaces. Since the impervious coverage will increase by more than 300 square feet, the Applicant is required to provide stormwater mitigation measures.
9. A system of three drywells is proposed to collect runoff from the proposed pool house and patio, pool, rear steps, and new chimney. The Applicant is required to collect the runoff from the total increase in impervious cover of 4,464 square feet. However, the area of runoff collected is only 4,115 square feet. The Applicant shall revise the plans to collect the runoff from the total increase in impervious coverage.
10. A soil test shall be provided prior to the installation of the proposed drywells. Soil test shall include information regarding the location of the seasonal high-water table (SHWT) and the permeability of the soil. Per New Jersey's Stormwater Best Management Practices Manual, it shall be confirmed that the bottom of the proposed drywell is at least 2 feet above the SHWT.
11. A drywell exists in the front yard for existing stormwater runoff. The Applicant should provide testimony on the existing stormwater collection on the property and if any changes to the existing system are proposed.
12. The Applicant should clarify how stormwater runoff from behind the retaining walls will be managed and where any drainage pipes will daylight. While connection to the proposed drywells is not required, the discharge locations should be identified and evaluated.
13. The Applicant shall provide testimony regarding the height of the proposed retaining walls, how they tie into existing grades, whether the resulting grades will function as intended and if any fall protection is proposed for sections greater than four feet. The proposed grading within the limit of disturbance should be clearly shown.
14. The Applicant has proposed water and sanitary service to the pool house. What amenities will be provided in the pool house? Are any living quarters being proposed? The Applicant shall confirm all utility connections meet applicable standards and provide documentation of required approvals.

15. The pool house appears to contain the pool equipment. The discharge system for the pool should conform to Section 17-7 of the Summit City Ordinance stating that discharges to the sanitary system must be adequate as determined by the City Engineer and that the pool capacity cannot exceed thirty-six thousand gallons.
16. The Applicant shall provide testimony regarding the proposed landscaping on the property. Will property maintenance equipment be able to access the rear of the property for maintenance?
17. It is noted there are seven (7) trees to be removed from the site. We defer to the City Forester for review and approval of trees and landscaping.
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 should be aware that disturbance of greater than 5,000 square feet requires a permit from the Somerset Union Soil Conservation District.
20. The Applicant shall remove all excavated and excess soil from the site and shall not use excess soils elsewhere on site.
21. The Applicant shall be aware that if stormwater runoff drainage problems occur on their property and/or neighboring properties because of the construction of the proposed improvements, it is the Applicant's responsibility to remedy that drainage issue.
22. As a condition of approval, signed digital plans shall be transferred to the City of Summit for use in updating the GIS database for the property. Coordination with the City's Engineering Department shall be the responsibility of the Applicant after the application is approved by the City and prior to the issuance of a Certificate of Occupancy.

Should the Board approve the project, the approval may be subject to the issuance of a grading permit (Chapter 35, Article 15) and any required Board conditions. The Applicant shall verify the need for a grading permit with the City which will not be issued until all conditions of the resolution of approval are satisfied.

If you have any questions or require anything further, please contact me.

MKR/gd



STAFF COMMENTS REPORT

DATE: November 3, 2025
FROM: Land Use Assistant / Board Secretary
TO:

☐ **FLOOD ZONE**

	Name	Title / Committee
<input type="checkbox"/>	Eric Evers	Fire Chief
<input type="checkbox"/>	Ryan Peters	Police Chief
<input type="checkbox"/>	Engineering	Colliers
<input checked="" type="checkbox"/>	Ralph Maritato	Construction Official

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

Property Address:	32 Lenox Road	Block: 2501	Lot: 22
Application #:	ZB-25-2311	Applicant Name: Andrew Chizzik	
Description/Variances:	(c) - variances for max height for an accessory structure, max height of fence/wall combo, and steep slopes to construct, pool pergola, and poolhouse.		

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

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COMMENTS: _____

A pool-compliant fence and gates are required. The gates must be self-latching, self-closing, and must swing outward. Plans must include all details for the inground pool type and barrier requirements.

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:	11-4-25
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FROM: Land Use Assistant / Board Secretary
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COMMENTS: Four viable trees are proposed for removal and would need to be replaced. The evergreen species and quantities should be determined.
No serious concerns.

Print Name:	John Linson	Print Title:	Forester	Date:	11/14/25
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STAFF COMMENTS REPORT

DATE: November 3, 2025
FROM: Land Use Assistant / Board Secretary
TO:

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	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
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COMMENTS: No comments

Print Name:	George Karguian	Print Title:	BEHS	Date:	11/6/25
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COMMENTS: _____

32 Lenox Road, a circa 1935 Colonial Revival, contributes to the North Side Historic District. <https://www.summitlibrary.org/wp-content/uploads/2023/05/Kent-Place-to-Llewellyn-Road-Vol-5.pdf> p 333-334. The proposed architecture and materials for the accessory structure blend well with the existing home.

Print Name:	Caroline King	Print Title:	Chair	Date:	11.13.2025
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STAFF COMMENTS REPORT

DATE: November 3, 2025
FROM: Land Use Assistant / Board Secretary
TO:

☐ FLOOD ZONE

	Name	Title / Committee
<input type="checkbox"/>	Eric Evers	Fire Chief
<input type="checkbox"/>	Ryan Peters	Police Chief
<input type="checkbox"/>	Engineering	Colliers
<input type="checkbox"/>	Ralph Maritato	Construction Official

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

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COMMENTS: _____

The application is for variances for accessory structure height, fence height and a very large steep slope disturbance of 4,900 square feet to level the rear yard and construct a pool, pergola and pool house on a property. The survey indicates that 7 significant trees will be removed: 39", 2 – 36", 30" and 18" oak trees, and 18" and 15" hemlocks.

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 trees that are not directly in the footprint of the proposed pool and accessories. These trees play an important role in slope stabilization and great care should be taken when considering their removal given the steep grade of the property. Leaf litter under a single oak tree can hold up to two inches of rainfall until it can seep into the ground – preventing runoff. **We would like to see a detailed landscape plan with appropriate replacements for all significant trees that may be removed, including suitable shade tree replacements for any oaks removed, and we would also encourage a reduction in the amount of steep slope disturbed.**

We strongly encourage planting native shade trees and shrubs to assist with site hydrology, especially given the large scale of the steep slope disturbance and steep grade of the property. 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/>).

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 encourage the use of **solar panels** on appropriately oriented roof areas of the proposed pool house.

On behalf of the Summit Environmental Commission, I conditionally recommend approval of the requested variances, only after further consideration of steep slope disturbances and tree removal and replacement selections, and contingent upon the approval of the City Forester with regard to landscape considerations.

Print Name:	Francie Cho	Print Title:	Environmental Comm. Alt	Date:	11/24/2025
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