



ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

| | |
|------------------------------------|--|
| Address: | 19 Ox Bow Lane |
| Application #: | ZB-25-2282 |
| Description/Variances: | (c) – variances for side yard setback and combined side yard width for two story addition. |
| Sent to Staff for Comments: | November 10, 2025 |
| Due Date: | December 1, 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: | ____/____/____ |



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 & Tom Behrens, PP, AICP
Subject: Kilby Residence (ZB-25-2282)
19 Oxbow Lane
Block 2201 Lot 10
'c' Bulk Variance Request
Date: November 24, 2025
BA#: 4269.16

I. INTRODUCTION

The applicant, John Kilby, is requesting 'c' variance relief to develop a 2-story addition and front porch to the existing single-family dwelling at the above-referenced property. The property is located in the R-25 wherein the existing/proposed detached single-family dwelling is a permitted 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 Leeper Land Group, LLC dated July 23, 2020.
3. Architectural plans (4 sheets) prepared by Asral Architect last revised July 17, 2025.

III. PROPERTY DESCRIPTION

The site, identified as Block 2201 Lot 10 in City tax records, is a 0.66-acre lot with 100 feet of frontage on Oxbow Lane developed with a 1-story detached single-family dwelling and associated site improvements including a paved driveway providing access to a side entry 2-car garage, front walkway and slate patio in the rear yard. The property is surrounded by detached single-family development. The following aerial image 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 24, 2025.

IV. REQUIRED VARIANCE RELIEF

The development application requires the following variance relief:

1. 'c' Minimum Side Yard Setback. The R-25 Zone requires a minimum side yard setback of 17 feet where the existing dwelling and proposed addition have nonconforming setbacks of 12.8 feet from the northern side lot line.
2. 'c' Minimum Combined Side Yard Setback. The R-25 Zone requires a minimum combined side yard lot line of 40% where the existing dwelling and proposed addition have a nonconforming combined side yard setback of 37.0%.

V. GENERAL COMMENTS

1. The applicant shall confirm the extent of all proposed improvements.
2. The applicant shall confirm any proposed modifications to the basement level of the dwelling as only an existing basement floor plan was provided.
3. We defer the review of stormwater management requirements to the Board Engineer.

*Should the application be approved, the Applicant are hereby noticed to read the Zoning Board resolution of approval making note of all required conditions. It is the applicant's responsibility to take action necessary to meet the stated conditions prior to submitting a construction permit. Failure on the part of the applicant to meet the conditions will result in unnecessary delay in processing the construction and grading permit applications, as applicable.

VI. STATUTORY CRITERIA

The following is a summary of 'c' variance criteria required to be addressed by the Applicant:

'c'(1)"/>'c'(2) Variance Relief

The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test as described below. The Applicant may apply one or both of these tests in providing justifications for their 'c' variance requests.

- A. Physical Features Test: An applicant may be granted 'c'(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
- B. Public Benefits Test: An applicant may be granted 'c'(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the MLUL; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

In addition, the applicant must address the Negative Criteria of the statute. Specifically, the Applicant must demonstrate: 1) the variance can be granted without substantial detriment to the public good; and 2) that granting the relief will not substantially impair the intent and purpose of the master plan and zoning ordinance.



STAFF COMMENTS REPORT

DATE: November 10, 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 |

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| Property Address: | 19 Ox Bow Lane | Block: 2201 | Lot: 10 |
| Application #: | ZB-25-2282 | Applicant Name: John Kilby | |
| Description/Variances: | (c) - variances for side yard setback and combined side yard width for two story addition. | | |

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| Comments Due Date: | December 1, 2025 | Please email jsands@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: No objections
lt Ctd

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| Print Name: | | Print Title: | | Date: | |
|--------------------|--|---------------------|--|--------------|--|

Memorandum

To: Zoning Board

From: Marie Raffay, P.E.

Date: December 3, 2025

Subject: 19 Oxbow Lane
Block 2201, Lot 10
Summit, Union County, NJ

Summit No.: ZB-25-2282

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

- a. Application to Zoning Board of Adjustment, signed, dated 10/14/2024;
- b. Application for Development Worksheet, dated July 18, 2024;
- c. Zoning Board Application Checklist, undated;
- d. Narrative Description of Project dated 10/04/24;
- e. Certified List of Property Owners within 200 feet, dated 7/19/24 with map;
- f. Certification of Taxes paid to date, dated 10/15/24;
- g. Survey, entitled "Plan of Survey, Tax Lot 10, Block 2201, 19 Oxbow Lane, City of Summit, County of Union, State of New Jersey" prepared by Daren Leeper P.L.S., of Leeper Land Group, LLC, consisting of one (1) sheet, dated 7/23/2020;
- h. Architectural Plans entitled "Kilby Residence, Addition & Alteration, John & Andrea Kilby, Owner, 19 Oxbow Lane, Summit, NJ" prepared by Douglass Asral AIA of Asral Architect, consisting of four (4) sheets, dated 9/16/24, last revised 7/17/25;

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

1. The 28,613.59-square foot (0.66-acre) property is located on the south side of Oxbow Lane approximately 465 feet east of Summit Avenue.
2. The property is in the R-25 Residential Zone, with surrounding properties in the same zone.
3. The property is mostly wedge shaped with 100 feet of frontage on Oxbow Lane, an average lot depth of approximately 226 feet and a rear yard width of approximately 165 feet.
4. Although no topography is provided, a street view appears to indicate that the property slopes down from the rear of the property towards the front on Oxbow Lane.

5. The property is currently improved with a 1-story dwelling, slate patio, slate walkway, paved driveway, fencing, and related site improvements. The Applicant should confirm in testimony.
6. The Applicant is proposing the construction of additions to the dwelling including a two-story addition and a front covered porch. The Applicant should confirm in testimony.
7. The Applicant is seeking variances for minimum allowed side yard setback and combined side yard setback. The proposed side yard setback is 12.8 feet, whereas the minimum required side yard setback is 17 feet. The proposed combined side yard width is 37%, whereas the minimum required combined side yard width of 40% is required.
8. The Applicant is increasing the lot coverage on the property by 426 square feet, but no stormwater mitigation is proposed. The applicant shall add stormwater mitigation to the plans and provide stormwater calculations demonstrating that the system has adequate capacity to contain a 3-inch rainfall event over an area equal to or greater than the proposed increase in impervious surfaces. The plan and calculations should clearly indicate where water is being collected from and how it is to be conveyed to the system. Inverts should also be provided for the proposed system.
9. A soil test shall be provided prior to the installation of any stormwater mitigation devices. 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 stormwater device is at least 2 feet above the SHWT.
10. The Applicant should provide testimony on any grade changes being made to the property for the proposed improvements.
11. The Applicant shall provide testimony indicating whether any existing trees are proposed to be removed as part of the project. We defer to the City Forester for review and approval of tree removal on the property.
12. 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.
13. The Applicant shall maintain a silt fence for the entire duration of construction.
14. The Applicant shall remove all excavated and excess soil from the site and shall not use excess soils elsewhere on site.
15. 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.

16. 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

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STAFF COMMENTS REPORT

DATE: November 10, 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 |

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|--------------------------|---------------|--------------------------|
| <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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| Application #: | ZB-25-2282 | Applicant Name: John Kilby | |
| Description/Variances: | (c) – variances for side yard setback and combined side yard width for two story addition. | | |

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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.

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| Print Name: | Ralph Maritato | Print Title: | Construction Official | Date: | 11-12-25 |
|--------------------|----------------|---------------------|-----------------------|--------------|----------|



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COMMENTS: The proposed addition requires that foundation plant material be removed. No objection as long as foundation plant material is replaced.

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|--------------------|-------------|---------------------|----------|--------------|----------|
| Print Name: | John Linson | Print Title: | Forester | Date: | 11/14/25 |
|--------------------|-------------|---------------------|----------|--------------|----------|



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COMMENTS: No comments at this time.

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| Print Name: | George Harris | Print Title: | HEAT | Date: | 11/13/25 |
|--------------------|---------------|---------------------|------|--------------|----------|



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DATE: November 10, 2025

FROM: Land Use Assistant / Board Secretary

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TO:

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| <input type="checkbox"/> | Planner | Burgis Assoc. |
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COMMENTS: _____

Though the existing structure is non-contributing, 19 Ox Bow Lane is located in the North Side Historic District. <https://www.summitlibrary.org/wp-content/uploads/2023/05/Morris-Court-to-Park-Avenue-Vol-6-part-2.pdf> p318-319 c1955.

The HPC recommends consistent traditional windows and cornice returns. As the materials are not noted on the drawings, though indicated in the narrative, the HPC recommends the confirmation of the listed building materials.

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| Print Name: | Caroline King | Print Title: | Chair | Date: | 11.13.2025 |
|--------------------|---------------|---------------------|-------|--------------|------------|



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TO:

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| <input type="checkbox"/> | Engineering | Colliers |
| <input type="checkbox"/> | Ralph Maritato | Construction Official |

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| <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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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: _____

This application is for variances for side yard setback and side yard combined necessary to construct a modest 282 square ft two-story addition, plus a new covered front porch and open portico. These additions/alterations will greatly increase the functionality of the house. The existing side yard is non-conforming. While there was no landscape plan included, it appears that no trees will be removed as part of this construction.

For alterations of this nature, the Environmental Commission encourages the homeowners and their architect to: 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.**

In addition, 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 recommend approval of the requested variances.

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