

STAFF REPORT COMMENTS

Address: 36 Locust Drive & 57 Prospect Street

Application: ZB-21-2104 – Minor Subdivision/ Lot Line adjustment

	<u>No Comments</u>	<u>Report Attached</u>	<u>Not Submitted</u>	<u>No Objections</u>	<u>Not Required</u>
Christa Anderson, Zoning Officer		✓			
Eric Evers, Director/Fire Chief	✓				
Andrew Bartolotti, Police Chief				✓	
Engineering Division		✓			
Gary Lewis, Construction Official	✓				
John Linson, City Forester		✓			
Board of Health	✓				
Historic Preservation Commission					
City Planner-Burgis (if required)		✓			
Environmental Commission (if required)		✓			

Sent to applicant / attorney on: _____

(circle one)

Due Back: _____

COMMUNITY SERVICES

TO : Planning Board members
FROM : Christa Anderson, Zoning Officer CA
DATE : January 20, 2022
SUBJECT : Planning Board application #PB-21-260
36 Locust Street/57 Prospect Street; 36 Locust Street LLC/ Jonathan & Valerie Flax
Minor Subdivision/Lot line adjustment application
COPY TO: File

This application, is filed as a direct application having no prior zoning review. The applicants, 36 Locust Street LLC and Jonathan & Valeri Flax, propose to adjust the existing rear common lot line between 57 Prospect Street (Lot 15) and 36 Locust Street (Lot 1) in order to add 13,167 square feet to the existing 57 Prospect Street lot for a total proposed lot area of 37,030 square feet. The new lot area of 36 Locust Street would become 13,730 square feet.

Proposed Lot 15, 57 Prospect Street: Existing Lot 15, 57 Prospect Street, is in the R-15 Zone which requires a minimum lot area of 15,000 square feet. The existing lot area meets the minimum requirement and the proposed lot area would meet the requirement. The portion of existing Lot 1 which would be added to Lot 15 will remain in the R-10 Zone unless and until the zoning map is revised by ordinance. This applicant does not propose any additions or site work, other than landscaping, in the application. Should the applicants propose future work in the portion of the lot that would remain in the R-10 Zone, this should not pose any zoning issues as the lot and building coverage requirements for both the R-15 Zone and R-10 Zone are the same. Likewise, the setbacks for accessory structures are the same in the R-15 and R-10 zones.

Proposed Lot 7, 36 Locust Street: Existing Lot 7 is located in the R-10 Zone and will remain in the R-10 Zone. The plans submitted do not provide a lot area and width averaging analysis to show that the proposed new lot area of 13,730 square feet would meet the required averaging calculation; however, as can be seen from the 200 foot map, it is obvious that the proposed lot will be larger than the lots to be included in the required neighborhood averaging analysis. The existing lot width will be unchanged being 83.9 feet whereas 75 feet is required.

The existing house on Lot 7 must be demolished in order for the subdivision to be perfected as the existing house would be partially located on the new proposed lot 15 and there cannot be two principal structures on one lot. Furthermore, the required setbacks could not be met. Should the proposed subdivision be approved, any construction on new Lot 1 will be reviewed for zoning compliance at the time a construction permit is submitted.

Copy To:			
<input type="checkbox"/>	PL/Zoning Chm./Atty.	<input type="checkbox"/>	Applicant
<input type="checkbox"/>	Boards Members	<input type="checkbox"/>	Applicant's Atty.

COMMUNITY SERVICES

TO: Christa Anderson, Zoning Officer
 Eric Evers, Director/Fire Chief
 Andrew Bartolotti, Police Chief
 Engineering Division
 Burgis Associates (if applicable)

Gary Lewis, Construction Official
 John Linson, City Forester
 Health Department
 Tom Conway, Chair, HPC
 Environmental Commission (if applicable)

FROM: Chris Nicola, Land Use Assistant, DCS

DATE: January 3, 2022

LOCATION:	36 Locust Drive & 57 Prospect Street	BLOCK:	2709 2709	LOT:	15 7
APPLICATION:	36 Locust LLC & Jonathan & Valerie Flax	FILE NO.:	PB-21-260		
PROJECT:	Minor subdivision / lot line adjustment				

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 below.
 Attach additional pages or reports, if necessary.

Please respond by: **January 17, 2022** (Please email cnicola@cityofsummit.org if you are unable to meet this date.)

COMMENTS:
 No comments 1/10/22 (JM) _____

Eric P. Evers	Fire Chief	January 12, 2022
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___ Zoning; ___ Fire; ___ Police; ___ Engineer; ___ Construction Official; ___ Forestry; ___ Board of Health; ___ HPC

Copy To:
 PL/Zoning Chm./Atty. Applicant
 Boards Members Applicant's Atty.

COMMUNITY SERVICES

TO: Christa Anderson, Zoning Officer Gary Lewis, Construction Official
Eric Evers, Director/Fire Chief John Linson, City Forester
Andrew Bartolotti, Police Chief Health Department
Engineering Division Tom Conway, Chair, HPC
Burgis Associates (if applicable) Environmental Commission (if Applicable)

FROM: Chris Nicola, Land Use Assistant, DCS

DATE: January 3, 2022

LOCATION: 36 Locust Drive & 57 Prospect Street **BLOCK:** 2709 **LOT:** 15
2709 7

APPLICATION: 36 Locust LLC & Jonathan & Valerie Flax **FILE NO.:** PB-21-260

PROJECT: Minor subdivision / lot line adjustment

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 below. Attach additional pages or reports, if necessary.

Please respond by: **January 17, 2022** (Please email cnicola@cityofsummit.org if you are unable to meet this date.)

COMMENTS: NO OBJECTIONS - LT. DAVID RICHEL

(NAME) PRINT PLEASE (PRINT TITLE) (DATE)

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____ Zoning; ____ Fire; ____ Police; ____ Engineer; ____ Construction Official;
____ Forestry; ____ Board of Health; ____ HPC

Memorandum

To: Planning Board

From: Christopher L. Dour, P.E., P.P.

Date: January 13, 2022

Subject: **Engineering Review No. 1**
Minor Subdivision/Lot Line Adjustment
36 Locust, LLC and Johnathan S. & Valerie M. Flax
36 Locust Drive and 57 Prospect Street
Block 2709, Lots 7 & 15
Summit, Union County, NJ

Summit #: PB-21-260

We have reviewed the application prepared by Johnathan S. and Valerie M. Flax, Applicants for the subject property. The following has been submitted for review:

- a. Application for Development-Worksheet dated 11/11/21;
- b. Application for Classification of Sketch or Preliminary Subdivision Plat dated October 11, 2021;
- c. Application to Planning Board dated November 11, 2021;
- d. Description of Project, unknown author, undated;
- e. Application for Certified List of Property Owners w/in 200 Ft- 36 Locust Drive, dated 7/21/21;
- f. Application for Certified List of Property Owners w/in 200 Ft- 57 Prospect Street, dated 10/26/21; and
- g. Plan entitled, "Minor Subdivision/Lot Line Adjustment Plans, Block 2709, Lots 7 & 15, #36 Locust Drive & #57 Prospect Street, City of Summit, Union County - New Jersey", consisting of four (4) sheets, prepared by Mark Gimigliano, P.E. of Dykstra Walker Design Group, P.A., signed, Sheet 1, 3 and 4 of 4 dated 10/29/21, last revised 12/6/21, and Sheet 2 of 4 dated 7/6/21, last revised 12/6/21.

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

1. The subject properties are located in two (2) different Zones with 36 Locust Drive located in the R-10 Zone and 57 Prospect Street located in the R-15 Zone. The Applicant shall correct the Zoning Table.
2. The Applicant shall provide testimony regarding the prior application to the Zoning Board for the 57 Prospect Street property. See our comments below.
3. The properties are surrounded by single-family dwellings with the Oak Knoll School approximately 300-feet to the southwest. Tulip Street runs to the east of the properties and Blackburn Road to the west.
4. The Applicant is proposing to reduce the square footage of Lot 7 (37 Locust Drive) by adjusting the lot line in favor of Lot 15 (57 Prospect Street). The existing/proposed Lots are further defined as follows:
 - a. Lot 7 (37 Locust Drive) is currently 26,897-square feet (0.62-acres); proposed 13,730-square feet (0.32-acres); and
 - b. Lot 15 (57 Prospect Street) is currently 23,863-square feet (0.55-acres); proposed 37,030-square feet (0.85-acres).
5. Lot 7 has approximately 72-feet of frontage along Locust Drive and Lot 15 has approximately 100-feet along Prospect Street.
6. A drainage channel of varying width runs along the east side of both lots. The Applicant has noted that "a Flood Hazard Area Permit is required for the Construction of a New Dwelling and other Improvements at Lot 7." (Notes and References, comment #10, Page 1 of 4) and shall confirm in testimony.
7. The Applicant shall provide testimony regarding the "Apparent Gore between Lots 7 & 11" as well as the "Declaration of No Interest" between Lots 7 & 8 noted on the plans.
8. The properties are relatively level and slope from a high of 378-feet along Prospect Street (Lot 15) to a low of 370-feet along Locust Drive (Lot 7).
9. The Applicant is proposing to demolish the existing dwelling and site improvements on Lot 7 and landscape and revegetate post demolition. The newly defined Lot 7 would be improved with a single-family dwelling with a 2,185-square foot footprint, covered porch, relocated shed, driveway, walkways, and retaining walls. The Building and Lot Coverages for proposed Lot 7 are noted to meet the maximum permitted for the R-10 Zone.
10. The Applicant has not noted the Limit of Disturbance and shall provide testimony.

11. The Applicant has proposed the following changes to coverages in both lots:
 - a. Lot 7 – Building Coverage – existing 5.3-percent; proposed 18.0-percent, where the maximum permitted in the R-10 Zone is 18.0-percent;
 - b. Lot 7 – Lot Coverage – existing 5,600-square feet (20.8-percent); proposed 4,805-square feet (35.0-percent), where the maximum permitted in the R-10 Zone is 35.0-percent;
 - c. Lot 15 – Building Coverage – existing 13.1-percent; proposed 8.4-percent, where the maximum permitted in the R-15 Zone is 18-percent; and
 - d. Lot 15 – Lot Coverage – existing 7,315 square feet (30.7-percent); proposed 7,315-square feet (no change) or 19.8-percent, where the maximum permitted in the R-15 Zone is 35-percent.
12. We note that the prior application to the Zoning Board for Lot 15, the Board approved a total Lot Coverage of 6,794-square feet, or 28.5-percent. The Applicant shall provide testimony regarding the increase of 521-square feet in coverage from the Board approval to this application.
13. Note that the installation of stormwater improvements for the proposed dwelling on the reconfigured Lot 7, would be subject to the review by the City as part of the Grading Permit submission.
14. The Applicant notes on Sheet 4 of 4, that the “Proposed Improvements shown on Lot 7 are conceptual. Applicant shall submit a detailed Lot Grading Plan for Lot 7 and shall obtain a Soil Erosion and Sediment Control Certification from the Hudson-Union Soil Conservation District prior to issuance of a Building Permit.” The Applicant shall correct the note to read the Somerset-Union County Soil Conservation District.
15. The Applicant is proposing to remove nine (9) trees on existing Lot 7 and has provided a Conceptual Lot Development Plan with proposed landscaping. We defer to the City Forester for his review and comments.
16. The Applicant is responsible to repair any damage within the City’s right-of-way including, but not limited to, curb and pavement caused by construction activities associated with the installation of the improvements on the subject lots.
17. The Applicant shall remove all excavated and excess soil from the site and shall not use excavated soils elsewhere on site without written permission from the City.
18. The Applicant shall be aware that if stormwater runoff drainage problems occur on their property and/or neighboring properties as a result of the construction of the proposed improvements, it is the Applicant’s responsibility to remedy that drainage issue.
19. 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 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.

CD/lb

Copy To:

<input type="checkbox"/>	PL/Zoning Chm./Atty.	<input type="checkbox"/>	Applicant
<input type="checkbox"/>	Boards Members	<input type="checkbox"/>	Applicant's Atty.

COMMUNITY SERVICES

TO: Christa Anderson, Zoning Officer
Eric Evers, Director/Fire Chief
Andrew Bartolotti, Police Chief
Engineering Division
Burgis Associates (if applicable)
Gary Lewis, Construction Official
John Linson, City Forester
Health Department
Tom Conway, Chair, HPC
Environmental Commission (if Applicable)

FROM: Chris Nicola, Land Use Assistant, DCS

DATE: January 3, 2022

LOCATION: 36 Locust Drive & 57 Prospect Street
BLOCK: 2709
LOT: 15
2709 7

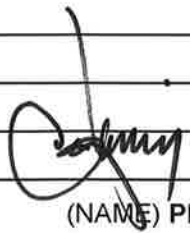
APPLICATION: 36 Locust LLC & Jonathan & Valerie Flax
FILE NO.: PB-21-260

PROJECT: Minor subdivision / lot line adjustment

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 below. Attach additional pages or reports, if necessary.

Please respond by: **January 17, 2022** (Please email cnicola@cityofsummit.org if you are unable to meet this date.)

COMMENTS: No comments.



G. Lewis

CONSTRUCTION OFFICIAL

1/10/22

(NAME) PRINT PLEASE

(PRINT TITLE)

(DATE)

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Copy To:	
<input type="checkbox"/> PL/Zoning Chm./Atty.	<input type="checkbox"/> Applicant
<input type="checkbox"/> Boards Members	<input type="checkbox"/> Applicant's Atty.

COMMUNITY SERVICES

TO: Christa Anderson, Zoning Officer
Eric Evers, Director/Fire Chief
Andrew Bartolotti, Police Chief
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Gary Lewis, Construction Official
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DATE: January 3, 2022

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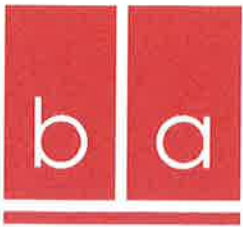
COMMENTS: If the proposed landscaping on Page 4 of 4 of the Dykstra Walker Design Group plan dated 10/29/21 will be a condition of a Planning Board Resolution, it would be desirable to add screening along the mutual property line between Lot 15 and Lot 7.
No other comment or objection.

John Linson Forester 1/6/22

(NAME) PRINT PLEASE (PRINT TITLE) (DATE)

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Zoning; Fire; Police; Engineer; Construction Official;
 Forestry; Board of Health; HPC



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

MEMORANDUM

To: City of Summit Planning Board
From: Joseph H. Burgis, PP, AICP & Tom Behrens, PP, AICP
Subject: 36 Locust, LLC and Johnathan S. & Valerie M. Flax
Block 2709 Lots 7 & 15
36 Locust Drive & 57 Prospect Street
Minor Subdivision/Lot Line Adjustment
Date: January 20, 2022
BA#: 3903.04

Based on our review of the application materials, the proposed lot line adjustment and development of Lot 7 with a new single-family dwelling appear to be conforming with the exception of the existing nonconforming side yard and combined side yard setbacks associated with Lot 15. The Applicant shall demonstrate such prior variance approval has been granted and that the application is otherwise in compliance with the applicable requirements. We note that Lot 15 is located in the R-15 Zone and the zoning table on Sheet 1 of the plans should be amended accordingly.

There are no other planning issues to note. Please refer to the Board Engineer's memorandum dated January 13, 2022 for a complete overview of the development application and issues to be addressed by the Applicant.

Copy To:

PL/Zoning Chm./Atty.
 Boards Members

Applicant
 Applicant's Atty.

COMMUNITY SERVICES

TO: Christa Anderson, Zoning Officer
Eric Evers, Director/Fire Chief
Robert Weck, Police Chief
Engineering Division
Burgis Associates (if applicable)

Gary Lewis, Construction Official
John Linson, City Forester
Health Department
Tom Conway, Chair, HPCex
Environmental Commission (if applicable)

FROM: Chris Nicola, Land Use Assistant, DCS

DATE: January 3, 2022

LOCATION: 36 Locust Drive & 57 Prospect Street

BLOCK: 2709 **LOTS:** 15 & 7

APPLICATION: 36 Locust LLC & Jonathan & Valerie Flax

FILE NO.: PB-21-260

PROJECT: Minor subdivision / lot line adjustment

Attached is a copy of the plans and application on the subject property. Please review this proposal and return a copy of the memo with your comments prior to the date indicated below. Attach additional pages or reports, if necessary.

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COMMENTS: Prior reviews of variances required for renovating the house on this property were done on 3/30/19, 11/14/19 and 1/24/20. The SEC comments said, in part, "the changes to the site plan are insignificant... Although three trees are being removed, the site has extensive plantings, and the house sits back over 122' from the front property line. It is noted and appreciated that the long driveway to the garage is gravel. On behalf of the Summit Environmental Commission, I have no objections to the necessary variances." The current proposal is to demolish the existing house and reconfigure the



property line between the two adjoining properties, changing the size of each lot. Assuming there will be no additional removal of major trees, on behalf of the Summit Environmental Commission, I have no formal objection to the change in property configuration. I must nonetheless register my regret, from an environmental perspective that after all the effort expended the existing house could not be renovated and saved.

Rick Bell

Rick Bell, FAIA
(NAME) **PRINT PLEASE**

Member, Summit Environmental Commission
(PRINT TITLE)

1/20/2022
(DATE)

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Zoning; Fire; Police; Engineer; Construction Official;
 Forestry; Board of Health; HP