

**RESOLUTION
ANNUAL REPORT FOR THE YEAR 2022**

**BOARD OF ADJUSTMENT
City of Summit**

WHEREAS, N.J.S.A. 40-55D-70.1 requires the Zoning Board of Adjustment to make an annual analysis of its decisions for the prior year, and to make recommendations, if any; and

WHEREAS, the Zoning Board has reviewed the 2022 Annual Report attached as Exhibit "B" and desires to make recommendations to the Governing Body and Planning Board; and

NOW, THEREFORE, BE IT RESOVED by the Board of Adjustment of the City of Summit, County of Union, and State of New Jersey, that the Board, on this 17th day of April, 2023, hereby adopts the 2022 Annual Report of the actions of the City of Summit Zoning Board of Adjustment.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Adjustment recommends to the Mayor and Council and Planning Board to consider and respond to the following recommendations attached hereto as Exhibit "A".

ADOPTED, this 17th day of April, 2023.

MOVED BY: *ms. Toth*

SECONDED BY: *Ms. Newell*

THOSE IN FAVOR: *Chairman Spurr, Vice Chairman Steiner, Ms. Newell, Mr. Gonzalez, Mr. Mollin, Mr. Loikits, Ms. Toth*

THOSE OPPOSED: *Ø*

CERTIFICATION

I hereby certify this to be a true and correct copy of the Annual Report Resolution for the year 2022, adopted by the City of Summit Zoning Board of Adjustment, Union County, New Jersey, at a public meeting held on April 17th, 2023.



STEVEN SPURR
Chairman
City of Summit
Zoning Board of Adjustment



STEPHANIE SOULIOS
Secretary
City of Summit
Zoning Board of Adjustment

Exhibit “A”

City of Summit Zoning Board of Adjustment Annual Report Recommendations 2022

Potential Revisions to DRO

1. Roof Decks atop Multi-Story Buildings

Development of multi-story residential or mixed use buildings continues across Summit, especially in the city’s downtown core. Whether outright new construction or rehabilitation of existing structures, developers seek to offer modern amenities including roof decks for tenant use. In their most common form these rooftop amenities are promoted as an exclusive space for quiet contemplation, social gatherings, and other activities. With more intense use of multistory building roofs can come potentially problematic increase in noise, light, and other conditions that have the potential to disturb neighboring properties. Given the increasing incorporation of rooftop amenities into multistory building design, adoption of a common set of design guidelines should be considered. Key elements of those guidelines could include standard hours of access and/or exclusion of audiovisual equipment as examples.

2. Stacked Parking within Multi-Family Residential or Mixed-Use Development

Summit has recently and will likely continue to see increased interest in the construction of multi-family residential development. One of the challenges of accommodating multi-family residential development is fairly estimating and accommodating on-site parking needs. Developers are increasingly seeking to accommodate required on-site parking through the inclusion of what is commonly referred to as “stacked parking”. These parking solutions, essentially hydraulic lift systems, allow multiple cars to be parked in a space that would otherwise fit only one car. Additional study and potentially amendment to the DRO is appropriate given uncertainty as how our community should understand, consider within future development and accordingly address the impact of these compact parking solutions.

3. Definition of Porte-Cochère

Porte-Cochère translates to “carriage entrance” in French and was initially observed as an architectural feature among French palaces and manors primarily during the reigns of Louis XIV (1643 – 1715) and XV (1715 – 1774). This roofed structure is designed to add aesthetic as well as functional benefit to a home by extending shelter from the elements over an adjacent driveway from the building entrance. In 17th and 18th century France, this would allow horse drawn carriages to drop off and pick up guests under shelter. While horse-drawn carriages are a rare occurrence in Summit today, this design element can be argued as still functionally desirable given our varied seasonal climate, adds aesthetic benefit for some residential properties, and must be recognized as a common feature among existing homes of a certain era.

Summit’s DRO does not however differentiate between a Carport (specifically prohibited) and a Porte-Cochère. A Porte-Cochère could be defined as a structure attached to a principal building

providing a covered portion of a driveway such the driveway passes through the covered portion and is not a terminus for vehicular parking and storage (to help differentiate from a carport). A Porte-Cochère should not be a substitute for the required garage as required. We suggest the DRO be reviewed on this subject and corrective action be taken to appropriately accommodate inclusion of this desirable feature among Summit's housing stock.

4. Swimming Pools as Lot Coverage

While lot sizes here in Summit often preclude construction of pools on residential properties when they are proposed for construction the resulting square footage is included as Lot Coverage within the required Zoning calculation. We suggest further research be conducted regarding the appropriateness of including pools within the lot coverage calculations given their use when compared with above ground structures as well as their innate stormwater retention features. Consideration should be given to the potentially different stormwater management profiles of a pool given time of year, especially in the fall, winter, and spring when pools are typically covered and appropriately considered impervious.

5. Defining Appropriate Limits of Steep Slope Disturbance

The current standard of asking for a steep slope variance when more than 1,000 square feet of steep slope is disturbed applies regardless of lot size. We suggest some consideration to adopting a standard that looks at the size of the disturbance in terms of both square footage and the size of the lot. For example, a variance would be needed if the disturbance is more than 1,000 square feet or XX% of the lot size, whichever is greater. Steep slopes disturbance should also be reviewed for how much vegetation will be disturbed as that may impact the overall stormwater conditions.

6. Expanding the Definition of Permeable Driveway

Current standards provide that gravel is treated as impermeable for coverage standard purposes. Research reveals that there are types of gravel as well as underlying soil conditions with particular capacity for infiltration that could be considered permeable. Gravel driveways also last longer and require less maintenance than paved impermeable surfaces. We suggest consideration be given to allowing gravel driveway systems that can be shown to be permeable and maintained as such in fact to be also treated as permeable for purposes of the DRO and coverage calculations.

7. Decking Considered Impervious Lot Coverage

Decks are part of the building and therefore are considered impervious coverage even though water can easily flow between the boards that typically make up a deck and reach the ground below. We suggest excluding uncovered decks from the definition of impervious coverage unless the ground below the deck is impervious or the construction details of the decking adversely affects drainage by not permitting stormwater to reach the pervious area below the deck.

Other Land Use Policy Considerations

8. Neighborhood Stormwater Management

Certain areas of Summit (i.e. Wallace Road/Canoe Brook Parkway/Iris Road) have long been impacted by stormwater management challenges on the neighborhood level due to a variety of natural and man-made factors. However, improvements including the installation of seepage pits and dry wells proposed as part of individual Zoning applications within these neighborhoods are understandably limited in their impact to the applicant's property. We suggest the City continue efforts to proactively identify whole neighborhoods challenged with flooding and seek a more holistic approach that lessens the burden on the minority of residents within those areas who apply for Zoning relief and consequentially find themselves compelled to address stormwater management challenges that include but are not limited to their property. Within that holistic reexamination should be consideration for uncontrolled properties that would benefit themselves from localized improvement and by doing so positive impact the character of regional stormwater management.

9. Avoidance of Affordable Housing Obligation

To welcome and sustain an economically diverse representation of residents our community requires a correspondingly diverse housing stock. In practice this need is met primarily through the purchase or rental of single-family homes or apartment dwellings within multi-family developments. A variety of subsidized "affordable housing" options further diversify Summit's housing stock. In order to meet court-mandated obligations for "affordable housing", it is imperative the City closely monitors the obligations of developers and encourage the construction of affordable housing units in a manner that respects our legal obligations and suits the existing realities of our community's built environment. One scenario to consider is when separate but directly adjacent lots being developed for either sale or rental by one developer the Governing Body could explore mechanisms to calculate a developer's affordable housing obligation by recognizing the sum of its active development in the case of separate but directly adjacent lots under development.

Opportunities for Collaboration and Improved Public Engagement

10. In-House Engineering Review

Nearly every Zoning application rightfully requires Engineering review. While this review is typically conducted by the Zoning Board's appointed professional at the expense of the applicant, City Engineering staff can also provide these reviews at a substantial cost savings and offers the City an opportunity to generate additional non-tax revenues. We suggest the Department of Community Services review available Engineering staff time and coordinate with the Zoning Board Secretary City Engineering staff review of Zoning applications as appropriate. We would request City Engineering staff attend any Board meeting where applications reviewed by City Engineering staff are presented in case any questions do arise. This additional time should be factored into DCS scheduling of Engineering staff as well as rate calculations.

11. Zoning Review of Certificate of Occupancy

It is not uncommon for Zoning applications to include requests for relief that have arisen from non-conforming conditions imposed unknowingly by an applicant or more often by prior

property owners. To help identify these non-conforming conditions before an otherwise unrelated application comes before the Zoning board, we suggest that at least a cursory search of Zoning Board resolutions relevant to the property in question be conducted and ideally conformance with key elements of the DRO again with respect to the property in question be included as part of any Certificate of Occupancy inspections.

This request should extend as well to the approval, monitoring of, and ultimately close out of building permits where contractors may have mistakenly or otherwise exceeded the allowable lot or building coverages or encroached into a given setback in the construction of a project.

12. Facilitating Hybrid Meetings for Public Benefit

Among the harsh realities of the COVID-19 pandemic emerged a number of creative accommodations that allowed Summit residents to continue to engage with our local government. The provision of hybrid (remote and in-person) public meetings was one such accommodation deployed by communities around the state including here in Summit where elected Councilmen/women were able to join regularly scheduled Common Council meetings via Zoom while their colleagues and members of the interested public participated in-person. Legal and technical support for such a meeting format is questionable now that the relevant public health emergencies have expired, but it is appropriate now to investigate and if deemed appropriate adopt hybrid meeting technology for Summit's Zoning Board of Adjustment.

This question should be investigated in parallel, or ideally ahead, of the City's planned technology upgrade within Council Chambers where we also hope to see the presentation of digital exhibits made easier and more accessible for applicants, professionals, members of the interested public, and members of the Board.

13. Communication of Pending Applications

City staff have made great strides in recent years improving public access to Zoning materials. Today residents and other interested parties can review online active Zoning Board applications, meeting agendas and minutes, Board composition including assigned City staff, and more. In addition to the dedicated Zoning board page of the City's website, we suggest City staff and other relevant stakeholders consider leveraging additional communication channels to ensure community awareness of and engagement in Zoning applications of interest. Though most applications that come before the Zoning Board seek relatively minor relief with correspondingly minor impact on neighbors, from time to time potentially more impactful applications may not reach the broader community and as such a greater diversity of input is not received and not considered to the benefit of the Board's deliberations.



Steven Spurr
Chairman
City of Summit
Zoning Board of Adjustment

EXHIBIT "B"

