MINUTES OF REGULAR MEETING
TUESDAY, JUNE 21, 2016
COMMON COUNCIL OF THE CITY OF SUMMIT

Distributed: 7/1/16
Approved: 7/5/16

The meeting was called to order by Councilwoman Sandra Lizza at 7:30 PM. The City Clerk then read the following notice:

"Adequate notice of this meeting has been provided by the City Clerk in the preparation of the Council Annual Meeting Notice of Closed Session and Regular Meetings, dated January 5, 2016 which set forth the date, time, and place of this meeting and by properly posting such notice and forwarding the notice to those designated newspapers and the persons requesting meeting notices. Please be further advised that the FIRE EXITS are to my RIGHT your left, and at the BACK OF THE ROOM.

Please be further advised that the City has an Assistive Listening System for the hearing impaired. We have three (3) assistive hearing devices. If anyone needs them, please raise your hand and the device will be brought to you. Please return them to the City Clerk or leave them with the Police Dispatcher."

CALL TO ORDER

ROLL CALL

PRESENT: Councilmembers Hurley, Naidu, Ogden, Rubino, Sun and President Pro Tem Lizza and Council President McTernan*

*President Pro Tem Lizza presided over the meeting until Council President McTernan's arrival at 8:40 pm.

Minutes of this meeting are recorded on CD # 16-13 - 7:36:13 pm - 10:21:57 pm

Also in attendance were Mayor Radest and staff members Rogers, Cascais, Evers, Gerba, Licatese, Weck and Cruz.

PLEDGE OF ALLEGIANCE

Ed Mokuvos

APPROVAL OF MINUTES

Regular and Closed Session Minutes of June 8, 2016 - Approved by the following vote:

MOVER:	Hurley
SECONDER:	Sun
AYES:	Hurley, Naidu, Ogden, Rubino and Sun
ABSTAIN:	Lizza
ABSENT:	McTernan

REPORTS

Items/issues noted hereunder, if any, reflect those recommending and/or needing action by City department(s) or at a future council meeting.

- Mayor, City Administrator and Council President (Summit Historical Minute)

PRESENTATIONS

Certificate of Recognition - Character Education Program – Mayor Radest presented certificates to Police Officer Charley Daley and Lincoln-Hubbard School Principal Matt Carlin.

Recognition of Retiring Auxiliary Police Lt. – Chief Robert Weck and Auxiliary Chief Matthew Buntin presented Ed Mokuvos with a token of appreciation and thanked him for his service.

Emerald Ash Borer Report – Presented by John Linson, City Forester

President Pro Tem Lizza referred the matter to the Shade Tree Advisory Board.

PUBLIC COMMENTS

Ashland Rd Property, Lot 5203-1 - Lori Ingerman, 19 Linda Lane, and Vicki Weber, 17 Linda Lane, read from prepared statements, which are attached hereto.

Ms. Ingerman requested council action to halt any further changes to the subject property until neighbors had an opportunity to review a proposed plan for the lot.

In response, the City Solicitor was asked to opine and advised that he would review the facts and respond to Council.

President Pro Tem Lizza also referred the matter to the Buildings and Grounds Committee for further review.

Council President McTernan arrived at 8:40 pm and presided over the meeting from this point forward.

Beechwood Road Cobblestone Project Bid Award - Miguel Velez, 113 Mountain Avenue, shared his thoughts regarding the cost of the project, and questioned why the cost was not shared with those who would directly benefit from the improvement and whether the project required Planning Board approval. He asked the Council to reconsider the award and re-open the matter for public discussion.

Council President McTernan explained the process for awarding the project and how it fit in with the Master Plan. He agreed with Mr. Velez that there should have been a cost share from SDI, and was disappointed that there was not.

ORDINANCE(S) FOR HEARINGS

The Council President called for a hearing of the following ordinance(s), which the City Clerk read by title.

BUILDINGS AND GROUNDS

16-3111 **AN ORDINANCE TO AMEND THE CODE, CHAPTER XII, "PARKS, PUBLIC AREAS, RECREATION FACILITIES," SECTION 12-6, "CITY HALL CONFERENCE ROOMS"** *(Repeal Conference Room Use Fees)*

No one wished to be heard and the hearing was declared closed.

Proof of publication of the introduction of this ordinance, published in the Union County Local Source of June 9, 2016, was made part of the record.

FINANCE/PERSONNEL

16-3113 **BOND ORDINANCE APPROPRIATING $500,000, AND AUTHORIZING THE ISSUANCE OF $476,000 BONDS OR NOTES OF THE CITY, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE CITY OF SUMMIT, IN THE COUNTY OF UNION, NEW JERSEY, FOR THE SANITARY SEWERAGE SYSTEM OF THE CITY.** *(Various Sanitary Sewer Improvements - $500,000)*

No one wished to be heard and the hearing was declared closed.

Proof of publication of the introduction of this ordinance, published in the Union County Local Source of June 9, 2016, was made part of the record.

FINANCE/PERSONNEL

16-3114 **BOND ORDINANCE APPROPRIATING $3,600,000 AND AUTHORIZING THE ISSUANCE OF $3,428,000 BONDS OR NOTES OF THE CITY, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE CITY OF SUMMIT, IN THE COUNTY OF UNION, NEW JERSEY.** *(Various Improvements)*

Councilman Naidu suggested there be a mechanism for reviewing capital improvement projects relative to prioritization and funding.

Councilman Rubino spoke of the Union County Open Space Tax and that it is coming up for renewal consideration. He suggested that if the tax were not renewed the money saved could be put towards future capital projects.

No one else wished to be heard and the hearing was declared closed.

Proof of publication of the introduction of this ordinance, published in the Union County Local Source of June 9, 2016, was made part of the record.

FINANCE/PERSONNEL

16-3115 **BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADWAYS IN AND BY THE CITY OF SUMMIT, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $2,325,000 THEREFORE, DIRECTING A SPECIAL ASSESSMENT OF PART OF THE COST THEREOF, AND AUTHORIZING THE ISSUANCE OF $2,214,000 BONDS OR NOTES OF THE CITY FOR FINANCING THE SAME.** *(Edgemont Avenue, Lenox Road, Maple Street, Summit Avenue/Elm Street, Whittredge Road and Colt Road Curb, Sidewalk and Roadway Improvements - Special Assessment)*

In response to a question from Councilman Naidu, Cascais described the criteria used for prioritizing street improvements. Councilman Naidu suggested that the information be available on the City's website so the public could be aware of road improvement project schedules.

Mayor Radest advised that the City's Public Information Officer would be sending out press releases, using social media and the City's website to advise the public relative to timing of road projects.

No one else wished to be heard and the hearing was declared closed.

Proof of publication of the introduction of this ordinance, published in the Union County Local Source of June 9, 2016, was made part of the record.

ORDINANCE(S) FOR FINAL CONSIDERATION

The respective Committee Chairman, Committee member, or Councilmember, as indicated for the Committee, introduced the following ordinance(s) which was (were) individually read by title by the City Clerk for final passage and on motion, duly seconded and on roll call, unanimously adopted or adopted by the vote shown, if any:

Number	Title	Introduction Date
	BUILDINGS AND GROUNDS	
16-3111	**AN ORDINANCE TO AMEND THE CODE, CHAPTER XII, "PARKS, PUBLIC AREAS, RECREATION FACILITIES," SECTION 12-6, "CITY HALL CONFERENCE ROOMS"** *(Repeal Conference Room Use Fees)*	6/8/16

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rubino
SECONDER:	Sun
AYES:	Hurley, Lizza, McTernan, Naidu, Ogden, Rubino, Sun

	FINANCE/PERSONNEL	
16-3113	**BOND ORDINANCE APPROPRIATING $500,000, AND AUTHORIZING THE ISSUANCE OF $476,000 BONDS OR NOTES OF THE CITY, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE CITY OF SUMMIT, IN THE COUNTY OF UNION, NEW JERSEY, FOR THE SANITARY SEWERAGE SYSTEM OF THE CITY.** *(Various Sanitary Sewer Improvements - $500,000)*	06/8/16

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Lizza
SECONDER:	Rubino
AYES:	Hurley, Lizza, McTernan, Naidu, Ogden, Rubino, Sun

	FINANCE/PERSONNEL	
16-3114	**BOND ORDINANCE APPROPRIATING $3,600,000 AND AUTHORIZING THE ISSUANCE OF $3,428,000 BONDS OR NOTES OF THE CITY, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE CITY OF SUMMIT, IN THE COUNTY OF UNION, NEW JERSEY.** *(Various Improvements)*	06/8/16

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Lizza
SECONDER:	Rubino
AYES:	Hurley, Lizza, McTernan, Naidu, Ogden, Rubino, Sun

FINANCE/PERSONNEL

16-3115 **BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADWAYS IN AND BY THE CITY OF SUMMIT, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $2,325,000 THEREFORE, DIRECTING A SPECIAL ASSESSMENT OF PART OF THE COST THEREOF, AND AUTHORIZING THE ISSUANCE OF $2,214,000 BONDS OR NOTES OF THE CITY FOR FINANCING THE SAME.** *(Edgemont Avenue, Lenox Road, Maple Street, Summit Avenue/Elm Street, Whittredge Road and Colt Road Curb, Sidewalk and Roadway Improvements - Special Assessment)* 06/8/16

City Solicitor Cruz recommended that the Councilwoman recuse herself from the vote since she would directly benefit from the improvements.

Councilman Rubino disagreed with the City Solicitor's interpretation of the law and noted the following reasons:

1. Per ethics rules recalled that although an elected official may benefit from an improvement, if that improvement affects more than 300 people in the municipality, the elected official does not have to recuse themselves from the vote.
2. Felt that this particular project would qualify for that exception because the entire community would benefit from the improvement when using the roadway.

In response, the City Solicitor stated that the basis for his advice was because specific properties were identified in the ordinance and those are the people who will receive the benefit of the improvements and will be specially assessed.

Councilman Rubino maintained his contention and said that it was fitting and appropriate for the elected official to vote on this matter.

Council President McTernan stated that in the past he had voted on such matters under the same circumstances and felt that it is the elected official's responsibility to vote on matters for the public good.

Councilwoman Ogden advised that she would recuse herself from the vote, at which point the Councilwoman exited the Council Chamber until the completion of the vote process and then returned to her seat at the dais thereafter.

RESULT:	**ADOPTED [5 TO 1]**
MOVER:	Lizza
SECONDER:	Rubino
AYES:	Lizza, McTernan, Naidu, Rubino, Sun
NAYS:	Hurley
RECUSE:	Ogden

ORDINANCE(S) FOR INTRODUCTION

The respective Committee Chairman, Committee member, or Councilmember, as indicated for the Committee, introduced, for first reading, the following ordinance(s) as it (they) came up for consideration during the meeting, which was (were) individually read by City Clerk Licatese and unanimously adopted by the vote indicated below and referred to the Law Committee for study and report with a hearing(s) scheduled as indicated under Hearing Date below.

Number	Title	Hearing Date
LAW		
16-3112	**AN ORDINANCE AMENDING THE CODE OF THE CITY OF SUMMIT, COUNTY OF UNION NEW JERSEY, CHAPTER III, SECTION 3-8, NOISE RESTRICTIONS, SUBSECTION 3-8.1 NOISE PROHIBITIONS, TO PROVIDE FOR A WAIVER OF THE NOISE RESTRICTION HOURS DURING CONSTRUCTION AND PROHIBIT CONTRACTOR CONSTRUCTION, DEMOLITION OR REPAIRS ON SUNDAYS** *(Establishes noise waiver application procedure and prohibits commercial construction, demolition or repairs on Sundays)*	07/5/16

RESULT:	**INTRODUCED [UNANIMOUS]**
MOVER:	Ogden
SECONDER:	Naidu
AYES:	Hurley, Lizza, McTernan, Naidu, Ogden, Rubino, Sun

FINANCE/PERSONNEL		
16-3116	**AN ORDINANCE TO ESTABLISH THE 2016 SALARIES, WAGES OR COMPENSATIONS OF AND FOR THE OFFICERS AND EMPLOYEES OF THE CITY OF SUMMIT, IN THE COUNTY OF UNION, AND THE STATE OF NEW JERSEY** *(Establish 2016 Salaries - Union and Non-Union Employees)*	07/5/16

RESULT:	**INTRODUCED [UNANIMOUS]**
MOVER:	Lizza
SECONDER:	Rubino
AYES:	Hurley, Lizza, McTernan, Naidu, Ogden, Rubino, Sun

GENERAL SERVICES

16-3117 **AN ORDINANCE TO AMEND THE CODE OF THE CITY OF SUMMIT, COUNTY OF UNION, NEW JERSEY, CHAPTER VII, TRAFFIC, SECTION 7-8.5 PARKING TIME LIMITED ON CERTAIN STREETS, SUBSECTION 7-8.5.B.3 TYPES OF ZONES, FEES, TIMES OF LEGAL OPERATIONS, SUBSECTION 7-8.5.B.5 PARKING REGULATIONS AND SUBSECTION 7-25.2 MUNICIPAL PARKING LOT AREAS.** *(Establish "Special Event Parking" fees)* 07/5/16

RESULT:	**INTRODUCED [UNANIMOUS]**
MOVER:	Naidu
SECONDER:	Hurley
AYES:	Hurley, Lizza, McTernan, Naidu, Ogden, Rubino, Sun

WORKS

16-3118 **AN ORDINANCE TO ESTABLISH 2016 FEES FOR OPERATING AND MAINTAINING THE SANITARY SEWER SYSTEM IN THE CITY OF SUMMIT, COUNTY OF UNION, NEW JERSEY** *(Establish 2016 sewer user fees)* 07/5/16

RESULT:	**INTRODUCED [UNANIMOUS]**	**Next: 7/5/2016 7:30 PM**
MOVER:	Sun	
SECONDER:	Lizza	
AYES:	Hurley, Lizza, McTernan, Naidu, Ogden, Rubino, Sun	

RESOLUTIONS

(Resolutions, which were not identified on the agenda as same, do not appear in the minutes in the actual order in which they were addressed at the meeting, but under the proper committee heading after those that were on the agenda. Those with the name of another committee in italics after it indicate the other committee might have had some input.)

The respective Committee Chairman, Committee member, or Councilmember, as indicated for the Committee, introduced the following resolution(s) and on motion, duly seconded and on roll call, unanimously adopted or adopted by the vote shown, if any:

BUILDINGS AND GROUNDS

37414	1.	Amend Conference Room Use Policy
37415	2.	Appoint Technology Advisory Committee Member
(ID #4351)	3.	Authorize Use of Public Property – Parklet Pilot Program ***(pulled)***

GENERAL SERVICES

37416	1.	Extend Broad Street East Lot Valet Parking Concession Agreement
37417	2.	Reject Bids & Authorize Re-advertisement - Tatlock Park Bleacher Renovation Project

GENERAL SERVICES (cont'd)

37418	3.	Authorize Submission of the Recreation Opportunities for Individuals with Disabilities (ROID) 2016-2017 Grant Application and Acceptance
37419	4.	Declare Vacancy - Department of Community Programs - Administrative Assistant - Communications

LAW

(ID # 3550)	1.	Renew 2015-2016 Liquor License ***(pulled)***
37420	2.	Renew 2016-2017 Liquor Licenses
37421	3.	Declare Vacancy - Deputy Court Administrator

SAFETY

37422	1.	Appoint 3 New Volunteer Firefighters

Fire Department Staffing - Councilman Hurley reiterated his request for public discussion regarding the Fire Department's request for additional career firefighters. He shared his thoughts regarding the need for the council as a whole to have the opportunity to opine on the Fire Department's request.

Councilman McTernan shared his views on the process and advised that he felt it was more appropriate to have the discussion when considering next year's budget.

Councilman Naidu reiterated his suggestion for a mechanism to review all requests and supported having a public discussion regarding this staffing request.

Councilwoman Lizza explained how staffing requests go to the Finance Committee and that there is a process for considering staffing. She noted that the staffing request was vetted through both the Finance Committee and Safety Committee.

37423	2.	Appoint Two (2) New Police Officers

WORKS

X ***(pulled)***	Authorize Execution of Shared Services Agreement with New Providence - Wastewater Operations and Maintenance ***(pulled)***

CONSENT AGENDA

Staff reports are attached, as appropriate, when resolution is not self-explanatory. Matters authorizing action, licenses, or granting permission have met all department qualifications.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sun
SECONDER:	Hurley
AYES:	Hurley, Lizza, McTernan, Naidu, Ogden, Rubino, Sun

BUILDINGS AND GROUNDS

37424	Authorize Attendance - 2016 Annual International Code Conference

GENERAL SERVICES

37425	Authorize Refunds - Department of Community Programs

WORKS

37426		Road Opening Refund - 271 Oak Ridge Avenue

FINANCE/PERSONNEL

37427	1.	Authorize Competitive Contracting Process - Grant Writing Services
37428	2.	Authorize Attendance at NJ Government Finance Officers Association (GFOA) Conference
37429	3.	Amend Budget - Chapter 159 - 2015-2016 Cops in Shops
37430	4.	Authorize Cancellation of Refunds and/or delinquencies of Municipal Tax, Sewer Utility and Any Other Municipal Charges or Fees of less than Ten Dollars ($10.00)
37431	5.	Authorize Estimated 3rd Quarter 2016 Tax Bills
37432	6.	Refund Overpayment of Second Quarter 2016 Taxes
37433	7.	Refund Overpayment of 1st and 2nd Quarter 2016 Taxes
37434	8.	Authorize Redemption - Tax Sale Certificate #14-11
37435	9.	Authorize Refund of Property Use Escrow - Our House Foundation - $500.00
37436	10.	Authorize Payment of Bills - $902,979.20

COUNCIL MEMBERS' COMMENTS/NEW BUSINESS

Items/issues noted hereunder, if any, reflect those recommending and/or needing action by City department(s) or at a future council meeting which are not already being addressed by a committee.

ADJOURNMENT REGULAR MEETING

Respectfully submitted,

Rosalia M. Licatese, City Clerk

CORRESPONDENCE

1. Mayor's letter – Appointment to Technology Advisory Committee (pending closed session discussion)
2. Purchasing Letter - Tatlock Park Bleacher Renovation Project
3. Purchasing Letter - Broad Street East Lot Valet Parking Concession

RECEIVED AND FILED

MINUTES ATTACHMENTS

1. Public Comment – Lori Ingerman, re Ashland Rd Property, Lot 5203-1
2. Public Comment – Vicki Weber, re Ashland Rd Property, Lot 5203-1

Lori Ingerman
19 Linda Lane

Talking Points for Common Council Open Remarks
Tuesday, June 21, 2016
Re: New Construction at 223 Ashland Road / 21 Linda Lane

I. Situation Overview

Tonight, I am speaking on behalf of the homeowners on Linda Lane, which is a very small, quiet, double cul-de-sac, with a total of 12 homes on the street.

We are approaching you after 2 meetings with the City Zoning Officer, to express our concern over new construction planned on **Lot 5203-1**, which is currently 223 Ashland Rd.

An investment group / builder purchased this wooded lot on Ashland Rd, and noted that a sliver of property actually extends through the woods to the street behind it, which is Linda Lane.

The builder has deforested the property of nearly 40 trees, and is filing plans to change the property to a "through lot" to acquire a new address – 21 Linda Lane.

III. Narrow Lot

The lot is extremely narrow. It is only 55-feet at its widest point, with less than 25-ft of frontage on Linda Lane.

Because of this, the building plan calls for a very long, narrow "railroad-type" house situated sideways on the lot, not actually facing either street.

The main house will be 4,500 square feet, plus a 3-car attached garage with a guest residence built on top.

We have a number of concerns regarding how this violates **Zoning Regulation 35-4.3-1**, which seeks to preserve the character of the neighborhood, as follows:

A compatible relationship between new or expanded houses and traditional neighborhood houses that reflect the best of the neighborhood character, particularly in terms of scale, sizing, design features, and orientation on the site is encouraged.

Tonight, we approach the Council on 2 specific issues:

I. Prevent Lot 5203-1 From Becoming a "Through-Lot"

We are asking the Council to deny establishing the property as a "through lot" with an entrance to the property from Linda Lane.

Zoning Regulation 35-4.2-8-A:

Residential through lots or double-frontage lots shall be avoided except where essential to separate residential development from traffic arteries or to overcome specific disadvantage of topography and orientation. In such cases, access will be allowed only on the lower classification street. When both streets are determined to be of an equal street classification by the City Engineer, the applicant/land owner may choose the front yard, which will be the side on which the primary building entrance faces. Otherwise, the lower classification street of which the property maintains the necessary minimum street frontage shall be considered the front yard, and the other frontage shall be considered a rear yard.

This is important because...

1. Making this property a "through lot" does not meet the criterion of being "essential."

2. Since this is an unusually narrow lot in an R-15 zone, neither end of the property meets the frontage requirement of 90-feet.

   - The frontage on Ashland Rd is 55 feet.

   - The frontage on Linda Lane appears to be less than 20 feet.
     According to the Zoning Officer, the frontage on Linda Lane (including the city- owned right-of-way) is 25 feet.

Access to the lot currently exists at the end of the property where there is more than twice the amount of frontage (Ashland Rd). Changing the access point to the street where there is a smaller amount of frontage (Linda Lane) is not consistent with the zoning regulations.

We believe that constructing an entrance from Linda Lane is undesirable because...

1. It turns Lot 5203-1 into a "through lot," where none previously existed and which runs counter to the Zoning regulations **(35-4.2-8-A).**

2. It creates access to the lot from the street on which it has a ***lesser*** amount of frontage.

3. It creates additional traffic, activity, and visitor parking on a very small, residential street.

4. The average distance between driveways on the "straight end" of Linda Lane (8 houses) currently is ~ 82 feet. The plans for new construction on the "through lot" will place the driveway just inches from (and angled towards) my driveway. Again, this is not in keeping with the character of the neighborhood.

5. It negatively affects the neighborhood's "common area" at the end of the cul-de-sac by removing trees, impacting the nature of the retaining wall, and changing a significant portion of the cul-de-sac to a private driveway entrance.

II. Seek Neighborhood Input on the Structure and Aesthetics of the Cul-de-sac

Part and parcel of this is that, according to the Zoning Officer, anything that affects the city-owned trees and structure in the right of way at the end of the cul-de-sac must go to the Common Council for approval.

We ask the Council not to allow construction of a through lot's private driveway on Linda Lane, since it will negatively affect the neighborhood's "common area" at the end of the cul-de-sac.

We also ask that the neighbors on Linda Lane have input into the design, materials, and outcome of anything that would modify the aesthetic integrity of the cul-de-sac.

Vicki Weber, 17 Linda Lane
Re: 223 Ashland Rd, Lot 5203-1, seeking to be 21 Linda Lane
Comments to Common Council, June 21, 2016

First, I express my deep appreciation and respect for the work of the Community Services staff and the Zoning Officer to interpret and enforce our development ordinances. I spent 8 years on the Summit Zoning Board of Adjustment (including a term as Chair) and another 8 years on the City's Planning Board, have participated in Master Plan re-examinations and worked to craft some of our ordinances. This has given me first-hand understanding of the challenges in creating and implementing good zoning.

The complexity of our ordinances, coupled with the varied topography and variety of lot shapes and sizes that lend Summit its character, make it perhaps impossible to write ordinances that work to their intended effect in every instance. Sometimes conflicts arise between two requirements of an ordinance, and interpretation is needed.

The case of 223 Ashland Road is one that admits of alternate interpretations, and I join my neighbors in seeking a review of the interpretations before any building permits are issued on this property.

Specifically, we believe that the address of this property and the location of its driveway should remain on Ashland Road, not moved to Linda Lane, and that this interpretation is more in keeping with the intentions and language of the DRO.

In reg 35-4.2-8 of the DRO it states that 'through lots or double frontage lots should be avoided.' It further says that when one occurs, then the front yard should be on 'the lower classification street of which the property maintains the necessary minimum street frontage.'

While Linda Lane may be a lower classification street, the property at 223 Ashland Road has dramatically insufficient frontage on Linda Lane, perhaps as little as 20-25 feet where the Space Regulations require 90 feet. It is true that the frontage on Ashland Road is also below the requirement, but at 55 feet it has more than twice the street frontage than that facing Linda Lane. In addition, this lot has historically fronted Ashland Road, as do nearly all of its neighboring properties on the north side of that street. Moving the address and the driveway to Linda Lane would have a negative effect by resulting in less overall compliance to our zoning ordinances.

Changing the address of this property by moving the driveway to Linda Lane would reduce the compliance not only of the property itself, but also of the streetscape of Linda Lane, where all the other houses have substantially larger street frontage and are thus situated to 'belong' to this small neighborhood. It would also reduce the compliance of the streetscape along Ashland Road by turning what was once a front yard into an effective rear yard, in opposition to the other houses on that side of the street.

Keeping the driveway and the address on Ashland Road, on the other hand, would simply maintain the minimal non-compliance that has existed at that site since the zoning ordinances were originally implemented in Summit.

It is the intent of our zoning that, over time, properties will come into greater compliance with development regulations. The proposed interpretation to relocate the driveway for 223 Ashland Road onto Linda Lane goes in exactly the opposite direction. The neighbors on Linda Lane seek the help of Common Council to ensure consideration, before any final decisions are made or any building permits are issued for this property, of our alternative interpretation that the appropriate location of the driveway and the address for 223 Ashland Road remain on Ashland Road itself.

Thank you.