

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF SUMMIT
January 8, 2020**

The January 8, 2020 meeting of the City of Summit Zoning Board of Adjustment was opened at 7:30 p.m. Board Secretary Christopher Nicola called the Roll: Thomas Ucko, Joseph Steiner, first alternate Kathryn Schwartzstein, third alternate Ayman Maleh, fourth alternate Scott Loikits, Board Attorney Dennis Galvin and Board Secretary Christopher Nicola were present. Attendees were informed in accordance with N.J.S.A. 10:4-10 that adequate notice of this meeting has been provided by publication in the City's officially designated newspapers and by posting at City Hall.

IN THE MATTER OF THE AGENDA:

Chairman Thomas Ucko reviewed the evening's agenda. The following applications were ready to proceed:

- **Application: ZB-18-1945, Brookside Friendly Service Inc., 324-326 Broad Street, BLOCK 3310, LOT 1 (Withdrawn)**
- **Application: ZB-19-1998, CSL Summit, LLC, 41 Springfield Avenue, BLOCK 3802, LOT 28**
- **Application: ZB-19-1994, Andrew & Michelle Thorn, 56 Kent Place Boulevard, BLOCK 1912, LOT 2**
- **Application: ZB-19-1986, Bergen Capital Partners, LLC, 38-40 Park Avenue, BLOCK 4004, LOT 1 & BLOCK 3907, LOT 5 (Carried to 2/19/20)**

City of Summit Zoning Board of Adjustment Meeting:

In the matter of:

Application: ZB-19-1998, CSL Summit, LLC, 41 Springfield Avenue, BLOCK 3802, LOT 28

Mr. Stephen Hehl of Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins, P.C. advised the Board that he represents the applicant. The applicant is requesting major site plan approval with (c) – variance relief for a generator. Mr. Laurence Murphy was sworn in by Mr. Galvin and provided his testimony to the Board. The Board then asked questions regarding Mr. Murphy's testimony. Resident Karen McBride asked questions regarding Mr. Murphy's testimony. Resident Peter Perillo asked questions regarding Mr. Murphy's testimony. Mr. Nicolas Graviano was sworn in by Mr. Galvin and provided her testimony to the Board as a licensed planner. The Board then asked questions regarding Mr. Graviano's testimony. Resident Bill McBride asked questions regarding Mr. Graviano's testimony. Resident Karen McBride asked questions regarding Mr. Graviano's testimony. Resident Karen McBride was sworn in by Mr. Galvin and provided his testimony to the Board. There were exhibits introduced to the Board as evidence. Details of this discussion regarding the application may be found in the transcript of this meeting. In conclusion, the Board, after careful deliberations, approved the variances requested. In addition, the Board included the following conditions:

1. The Applicant shall fully comply with the Board Engineer's letter dated December 23, 2019 and hereto attached as Exhibit "A".
2. The generator is to be exercised only Monday through Friday from noon to 3:00 p.m.
3. The applicant is to plant two new trees on-site in consultation with the City Forester.
4. The applicant is to provide a leak detection alarm in the event of spillage.
5. The generator enclosure is to be tan in color.
6. The applicant must confirm with the Board engineer that the current facility is sound compliant.

A motion of approval was made by Kathryn Schwartzstein and was seconded by Scott Loikits.

VOTE: YES: Joseph Steiner; Kathryn Schwartzstein; Scott Loikits; Thomas Ucko

NO: Ayman Maleh.

Application: ZB-19-1994, Andrew & Michelle Thorn, 56 Kent Place Boulevard, BLOCK 1912, LOT 2

Mr. Steve Warner of Ventura, Miesowitz, Keough & Warner, P.C. advised the Board that he represents the applicant. The applicant is requesting (d) – variance relief for floor area ratio with (c) – variances to construct a garage. Mr. Andrew Thorn was sworn in by Mr. Galvin and provided his testimony to the Board. The Board then asked questions regarding Mr. Thorn’s testimony. Mr. William Hollows was sworn in by Mr. Galvin and provided his testimony to the Board as a licensed engineer. The Board then asked questions regarding Mr. Hollows’ testimony. There were exhibits introduced to the Board as evidence. Details of this discussion regarding the application may be found in the transcript of this meeting. In conclusion, the Board, after careful deliberations, approved the variances requested. In addition, the Board included the following conditions:

1. The Applicant shall fully comply with the Board Engineer’s report dated December 4, 2019 and hereto attached as Exhibit “A”.

A motion of approval was made by Kathryn Schwartzstein and was seconded by Joseph Steiner.

VOTE: YES: Joseph Steiner; Kathryn Schwartzstein; Ayman Maleh; Scott Loikits; Thomas Ucko

None were opposed.

Application: ZB-19-1986, Bergen Capital Partners, LLC, 38-40 Park Avenue, BLOCK 4004, LOT 1 & BLOCK 3907, LOT 5

Mr. Craig Feldman of Paris Ackerman advised the Board that she is the attorney for the applicant. The applicant is requesting major site plan approval with a (d1) – use variance and (c) – variance relief for building coverage to construct a two-story childcare center. Ms. Cheryl Schweiker was sworn in by Mr. Galvin and provided his testimony to the Board as a licensed architect. The Board then asked questions regarding Ms. Schweiker’s testimony. Resident Ivan Novich asked questions regarding Ms. Schweiker’s testimony. Resident Wally Gonzalez asked questions regarding Ms. Schweiker’s testimony. Details of this discussion regarding the application may be found in the transcript of this meeting.

A motion to carry this application to the February 19, 2020 meeting was made by Joseph Steiner and was seconded by Kathryn Schwartzstein. All were in favor and none were opposed.

The Board memorialized the following Resolutions:

- None

The Board memorialized Minutes from:

- None

At the start of the meeting, the following matters were discussed:

The following appointments were made:

Mr. Scott Lokits was sworn in as a Board member.

A motion was made was made by Kathryn Schwartzstein and seconded by Ayman Maleh to nominate Mr. Ucko as Chairman of the Board for the year of 2020. All were in favor and none were opposed.

A motion was made was made by Joseph Steiner and seconded by Kathryn Schwartzstein to nominate Steven Spurr as Vice Chairman of the Board for the year of 2020. All were in favor and none were opposed.

A motion was made was made by Thomas Ucko and seconded by Kathryn Schwartzstein to nominate Christopher Nicola as Secretary of the Board for the year of 2020. All were in favor and none were opposed.

A motion was made by Joseph Steiner and seconded by Kathryn Schwartzstein to appoint Dennis Galvin, Esq of Davison, Eastman, Muñoz, Lederman & Paone, P.A. as Counsel for the Board for the year of 2020. All were in favor and none were opposed.

A motion was made by Joseph Steiner and seconded by Kathryn Schwartzstein to appoint Chris Dour, of Maser Consulting as Board Engineer for the year of 2020. All were in favor and none were opposed.

A motion was made by Joseph Steiner and seconded by Kathryn Schwartzstein to appoint Ed Snieckus, of Burgis Associates, Inc. as Board Planner for the year of 2020. All were in favor and none were opposed.

The meeting concluded at 10:09 PM.

Thomas Ucko
Chairman
City of Summit
Zoning Board of Adjustment

Christopher Nicola
Board Secretary
City of Summit
Zoning Board of Adjustment