

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF SUMMIT
March 2, 2020**

The March 2, 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, Steven Spurr, Michael Lardieri, Joseph Steiner, Elizabeth Newell, David Mollin, 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-19-2002, Mr. & Mrs. Herr, 37 Fairview Avenue, BLOCK 1801, LOT 13**
- **Application: ZB-19-1992, Aldo & Irene Curiale, 235 Morris Avenue, BLOCK 3307, LOT 10**
- **Application: ZB-19-2004, Patrick & Kim McGovern, 142 Colonial Road, BLOCK 1402, LOT 24**
- **Application: ZB-19-2001, Cardone Contracting Inc., 149 Hill Crest Avenue, BLOCK 2105, LOT 29 (Carried to 4/6/20)**

City of Summit Zoning Board of Adjustment Meeting:

In the matter of:

Application: ZB-19-2002, Mr. & Mrs. Herr, 37 Fairview Avenue, BLOCK 1801, LOT 13

The applicant is requesting (d) – variance relief for FAR and (c) – variance relief for building coverage to construct a second story addition. Mr. Robert Herr was sworn in by Mr. Galvin and provided his testimony to the Board. The Board then asked questions regarding Mr. Herr's testimony. Ms. Christine Miseo was sworn in by Mr. Galvin and provided her testimony to the Board as a licensed architect. The Board then asked questions regarding Ms. Miseo's 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 patio is to be on grade.
2. The fence is to be replaced as agreed to by the applicant at the time of the hearing.
3. The applicant shall comply with the Board Engineer's letter attached hereto as Exhibit "A".

A motion of approval was made by David Mollin and was seconded by Steven Spurr.

VOTE: YES: Steven Spurr; Michael Lardieri; Joseph Steiner; Elizabeth Newell; David Mollin; Kathryn Schwartzstein; Thomas Ucko

NO: None were opposed.

Application: ZB-19-1992, Aldo & Irene Curiale, 235 Morris Avenue, BLOCK 3307, LOT 10

Mr. Steiner recused from this application. Mr. Bartholomew A. Sheehan Jr. of Dempsey, Dempsey & Sheehan advised the Board that he represents the applicant. The applicant is requesting Major site plan approval with a (d) - variance for expansion of a nonconforming use and FAR. Mr. Michael Tobia was sworn in by Mr. Galvin and provided his testimony to the Board as a licensed planner. The Board then asked questions regarding Mr. Tobia's 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 October 17, 2019 and hereto attached as Exhibit "A".
2. The truck to be parked outside is to be no bigger than a 25-foot box truck and must be parked alongside the building and is never to be forward on the driveway.
3. Site signage shall be limited to a lamp post or portico sign Identifying the Site only as "235 Summit Avenue".
4. All storage of materials including unfinished wood shall be Stored inside the building used by Summit Millwork and Supply, Inc., 235 Morris Avenue (the "Site"). There shall be no exterior Storage of materials outside of the buildings at the Site.
5. The applicant offered the following additional conditions:
6. There shall be no more than four (4) employees engaged in Production work at the Site at any given time.
7. All off-loading of unfinished wood or other materials for Summit Millwork and Supply, Inc. shall be confined to the Site. No off-loading of unfinished wood or other materials related to production at Summit Millwork and Supply, Inc. shall take place on Sayre Street.
8. All exterior mechanical equipment shall be located on the roof tops of the structures of the Site and shall be screened from off-site view.
9. 15. One truck shall be permitted to remain on-site when not in service. No additional commercial vehicles may be stored on the Site.
10. The Applicant shall confer with the City Forester to identify a location of the city Forester's choosing either on the Site or a different location in the City of Summit suitable for the planting of a tree to replace the tree removed as a part of the new construction.

A motion of approval was made by Vice Chairman Spurr and was seconded by Michael Lardieri.

VOTE: YES: Steven Spurr; Michael Lardieri; Elizabeth Newell; David Mollin; Kathryn Schwartzstein; Ayman Maleh; Thomas Ucko

NO: None were opposed.

Application: ZB-19-2004, Patrick & Kim McGovern, 142 Colonial Road, BLOCK 1402, LOT 24

The applicant is requesting (c) - variance relief for total side yard percentage to construct a second-floor addition. Kimberly McGovern was sworn in by Mr. Galvin and provided her testimony to the Board. The Board then asked questions regarding Ms. McGovern's testimony. Mr. Patrick McGovern was sworn in by Mr. Galvin and provided his testimony to the Board. The Board then asked questions regarding Mr. McGovern's testimony. Mr. Ralph Finelli was sworn in by Mr. Galvin and provided his testimony to the Board as a licensed architect. The Board then asked questions regarding Mr. Finelli's 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 is to fully comply with Board Engineer's letter attached hereto as Exhibit "A".

2. Prior to the issuance of a building permit the applicant must record a deed restriction providing that although the home was granted variance relief for a second means of access, Buyers should be on notice that this home is not a two-family home. The deed restriction must be reviewed and approved by the Board's Attorney prior to recording.

A motion of approval was made by Michael Lardieri and was seconded by Vice Chairman Spurr.

VOTE: YES: Steven Spurr; Michael Lardieri; Elizabeth Newell; David Mollin; Kathryn Schwartzstein; Ayman Maleh; Thomas Ucko

NO: None were opposed.

The Board memorialized the following Resolutions:

- 250 Hobart Avenue (ZB-19-1991)
- 16 Blackburn Place (ZB-19-1999)

The Board memorialized Minutes from:

- February 3, 2020

The meeting concluded at 9:25 p.m.

Thomas Ucko
Chairman
City of Summit
Zoning Board of Adjustment

Christopher Nicola
Board Secretary
City of Summit
Zoning Board of Adjustment