

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF SUMMIT
Monday, March 20, 2023

The March 20, 2023, meeting of the City of Summit Zoning Board of Adjustment was opened at 7:30 p.m., with two applications on the meeting's agenda.

Adequate Notice Statement

The meeting commenced with the Adequate Notice Statement, where Chairman Spurr informed the public 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.

The Board Members listed below were present for tonight's meeting. Board Secretary Ms. Soulios called the Roll:

- Chairman, Steven Spurr
- Elizabeth Newell
- Ayman Maleh
- David Mollin
- Scott Loikits
- Walter Gonzalez
- Alternate 1, Claire Toth
- Alternate 2, Diana Sajer
- Alternate 3, Jay Fehskens
- Alternate 4, Thomas Ucko

The Board Members listed below were excused from tonight's meeting.

- Vice Chairman, Joseph Steiner

Board Attorney Andy Ball and Secretary Stephanie Soulios were present.

IN THE MATTER OF THE AGENDA:

Chairman Spurr reviewed the agenda for the evening. The following applications were ready to proceed:

- **Application: ZB-22-2176, 6 Westminster, Simon and Ioanna Lindenmann, BL: 2405, L: 26, seeking (C) variance for side-yard setback to rebuild landing and stairs and relocate them.**
- **Application: ZB-22-2175, 28 Druid Hill Road, Steven Thompson and Kaitlyn Lauber, BL: 4801 L: 17, seeking (C) and (D) variances for FAR for proposed rear addition and second floor addition.**
- **Application: ZB-22-2164, 31 Montrose, Cristian and Aurelia Massacesi, BL: 504, L: 10, seeking (C) variances for rear-yard setback, rear yard accessory setback, building coverage. Propose to construct rear addition, remove portion of rear patio, expand same patio, expand garage, new one-story vestibule over front entry platform and construct new masonry entry platform stairs, walkway.**
- **Application: ZB-17-1886-2, 38 Morris Avenue, VIP Puppy Spa/ BZ Paws, LLC, BL: 3607, L: 3, seeking (C) variance; amended site plan. Side yard setback of new walkway, platform, and stairs.**

Side-yard setback of new AC units, fence at rear of property, revision to approved rear façade architectural plan.

City of Summit Zoning Board of Adjustment Meeting: The applications listed below were heard this evening.

• **Application: ZB-22-2176, 6 Westminster, Simon and Ioanna Lindenmann, BL: 2405, L: 26**

Mr. Simon Lindenmann was sworn in by the board attorney Mr. Ball. Mr. Lindenmann explained the scope of his proposed work to be done at his residence. He plans to renew the staircase to the outside. He also wants to make his door larger to support functionality. He plans to have it built new and move 8 feet to the right. Mr. Lindenmann would also like to have a permanent generator installed and its placement would be by the existing air conditioning units. There was a previous variance granted for the air conditioning unit.

In conclusion, the Board, after careful deliberations, *approved* the variance requested if the following conditions are met:

1. Compliance with the board engineer's memo.
2. Generator variance to comply with the side-yard setback of 10 feet.

The motion of *approval* was made by Mr. Gonzalez and it was *seconded* by Ms. Newell. A roll call vote was completed with the results listed below:

VOTE: **YES:** Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Mollin, Mr. Maleh, Mr. Loikits, Ms. Toth, Ms. Sajer
 ABSTAIN: None
 NO: None

• **Application: ZB-22-2175, 28 Druid Hill Road, Steven Thompson and Kaitlyn Lauber, BL: 4801 L: 17**

The applicant's architect, Mr. Dave Rosen from Rosen, Kelly, Conway, was present to request the application be carried to a later hearing date. Ms. Soulios confirmed that the next available date for this application to be heard is June 21, 2023.

The motion of *approval* to carry this application without further notice was made by Mr. Loikits, and it was *seconded* by Ms. Toth. A roll call vote was completed with the results listed below:

VOTE: **YES:** Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Mollin, Mr. Maleh, Mr. Loikits, Ms. Toth
 ABSTAIN: None
 NO: None

• **Application: ZB-22-2164, 31 Montrose, Cristian and Aurelia Massacesi, BL: 504, L: 10**

Ms. Toth recused from this application.

Mr. Cristian Massacesi was sworn in by Mr. Ball and introduced his application. Mr. Massacesi explained that he and his family are looking for more space in their home, instead of purchasing a larger house. He states that they enjoy their neighborhood and wish to stay there. Mr. John James was sworn in as the applicant's architect.

He provided a bit more history about the property, stating that it is a 3- bedroom home, built in 1952. The house has never been renovated. The proposed updates are for the kitchen, powder room, primary suite with bathroom. They are also asking for a variance for the patio. The board asked questions of the architect, and there were members of the public present with concerns about the plans. Ms. Linda Taylor, residing at 7 Evergreen Road, stated that she has lived at her property for 45 years, and has always had issues with water drainage. She has had a water pump to dry well system installed to help mitigate this issue. Ms. Taylor also had read a letter written by another neighbor, residing at 5 Evergreen Road, who also experienced issues with water resulting in a tree falling onto her home. Ms. Taylor, on behalf of herself and her neighbor, questioned how water drainage would be handled with the additions to the Massacesi home. Their concern is for increased water damage that they think this may incur.

Another neighbor, Dave Barr, residing at 29 Montrose, was also present. He expressed concerns about mitigating water run off as well. Mr. James offered that Murphy Hollows will be creating a Drainage Plan for the Massacesi Residence. Mr. Barr requested that the neighbors are consulted in the plan creation. To this point, Mr. Ball suggested jurisdiction for water drainage.

In conclusion, the Board, after careful deliberations, *approved* the variance requested if the following conditions are met:

1. Compliance with the board engineer's memo.
2. Drainage jurisdiction for 2 years after the completion of construction.
3. Submission of drainage plan to Engineer for approval and share the document with the neighbors.

The motion of *approval* was made by Mr. Mollin and it was *seconded* by Ms. Newell. A roll call vote was completed with the results listed below:

VOTE: **YES:** Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Mollin, Mr. Loikits, Ms. Sajer
 ABSTAIN: None
 NO: Mr. Maleh

• **Application: ZB-17-1886-2, 38 Morris Avenue, VIP Puppy Spa/ BZ Paws, LLC, BL: 3607, L: 3**

Mr. Blake Width was sworn in by Mr. Ball and introduced the application for VIP Puppy Spa, BZ Paws, LLC. He stated they are seeking approval for an amended site plan and C variances. The original site plan improvements were approved and memorialized in 2018. New variances being sought for approval are for side-yard setbacks for the walkway, the A/C condenser units, approval for the 8-ft high rear vinyl fence. The applicant feels that the amendments will provide a better environment for the animals, and generally enhance the aesthetics of the property. Mr. William Scott, the Design Engineer, was sworn in by Mr. Ball. The board questioned why the original plans were not followed through. Mr. Scott stated that the deviations from the approved plan were found when the city was issuing the CO. Steven Schwartz, architect, was sworn in by Mr. Ball. Mr. Schwartz explained why the amendments are being sought. He stated that an expert in the animal care/ boarding business recommended these changes to maximize cleanliness of the building, as well as optimize air pressure and lower humidity, thus creating a better environment for the animals being cared for.

In conclusion, the Board, after careful deliberations, *approved* the variance requested if the following conditions are met:

1. Compliance with the board engineer's memo.

The motion of *approval* was made by Ms. Sajer and it was *seconded* by Mr. Loikits. A roll call vote was completed with the results listed below:

VOTE: **YES:** Chairman Spurr, Ms. Newell, Mr. Gonzalez, Mr. Mollin, Mr. Maleh, Mr. Loikits, Ms. Toth

ABSTAIN: None

NO: None

The Board memorialized the following Resolutions:

• **46 Hartley Road, ZB-22-2157**

Eligible voting members: Chairman Spurr, Vice Chairman Steiner, Mr. Maleh, Ms. Toth, Mr. Ucko.

VOTE:

Motion: Mr. Maleh

Seconded: Mr. Ucko

YES: Chairman Spurr, Mr. Maleh, Ms. Toth, Mr. Ucko

NO: None were opposed.

ABSTAIN: None

• **47 Parkview Terrace, ZB-22-2174**

Eligible voting members: Vice Chairman Steiner, Mr. Maleh, Mr. Loikits, Ms. Toth, Mr. Ucko.

VOTE:

Motion: Ms. Toth

Seconded: Mr. Ucko

YES: Mr. Maleh, Ms. Toth, Mr. Ucko

NO: None were opposed

ABSTAIN: None

• **26 Edgewood Avenue, ZB-22-2171**

Eligible voting members: Chairman Spurr, Vice Chairman Steiner, Mr. Maleh, Ms. Toth, Mr. Ucko.

VOTE:

Motion: Mr. Ucko

Seconded: Mr. Maleh

YES: Chairman Spurr, Mr. Maleh, Ms. Toth, Mr. Ucko

NO: None were opposed

ABSTAIN: None

The Board memorialized Minutes from:

- March 6, 2023

A motion of *approval* was made by Ms. Newell and was seconded by Mr. Mollin.

A voice vote was conducted, and **all** were in favor, **none** were opposed.

The Board entered an executive session.

- There was a *motion* to enter executive session by Ms. Sajer, and it was *seconded* by Ms. Toth.

The executive session was a closed session, without members of the public present. No decisions were made during the executive session. The annual report was discussed, as was the application for the Unitarian Church. Once the session concluded, there was a motion to exit the executive session.

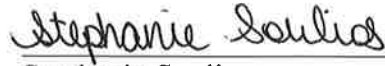
A *motion* was made by Ms. Toth to exit the executive session and was *seconded* by Mr. Loikits.

Adjourn

The meeting concluded at 10:15 p.m.



Steven Spurr
Chairman
City of Summit
Zoning Board of Adjustment



Stephanie Soulios
Board Secretary
City of Summit
Zoning Board of Adjustment