

**MINUTES  
ZONING BOARD OF ADJUSTMENT  
CITY OF SUMMIT  
Monday, April 3, 2023**

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The April 3, 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
- Vice Chairman, Joseph Steiner
- Ayman Maleh
- Walter Gonzalez
- Alternate 2, Diana Sajer
- Alternate 3, Jay Fehskens
- Alternate 4, Thomas Ucko

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

- Elizabeth Newell
- David Mollin
- Scott Loikits
- Alternate 1, Claire Toth

**Board Attorney Andy Ball and Secretary Stephanie Soulios were present.**

**IN THE MATTER OF THE AGENDA:**

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

- **Application: ZB-22-2173, 75 Tulip Street, Anthony and Erika Papeo, BL: 3208 L: 2, (C) variance for proposed addition to rear and right of home, both first and second floors including an addition to the basement.**
- **Application: ZB-22-2165, 475 Springfield Avenue, 475 Springfield Avenue LLC with MRY Associates, LLC, BL: 1911 L: 3, seeking (C) variance for bulk and (D) variance for FAR, site plan preliminary and final major site plan and variance approval for renovation and expansion of existing building.**

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

- **Application: ZB-22-2173, 75 Tulip Street, Anthony and Erika Papeo, BL: 3208 L: 2**

Prior to this evening's meeting, the applicant's architect Yuval Wellisch from Wellisch Architect sent Ms. Soulios, Board Secretary, an email on behalf of their clients Mr. and Mrs. Papeo requesting the application to be carried to a later hearing date. Ms. Soulios presented the email to the board, and proposed a new hearing date of June 5, 2023 to hear the Papeo's application.

In conclusion, the Board *approved* the request to carry the application to June 5, 2023, without further notice.

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

VOTE:           **YES:** Chairman Spurr, Vice Chairman Steiner, Mr. Gonzalez, Mr. Maleh, Ms. Sajer, Mr. Fehskens, Mr. Ucko  
                  **ABSTAIN:** None  
                  **NO:** None

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- **Application: ZB-22-2165, 475 Springfield Avenue, 475 Springfield Avenue LLC with MRY Associates, LLC, BL: 1911 L: 3**

Attorney Hilary Ulz was sworn in by Mr. Ball and introduced the application for 475 Springfield Avenue. Ms. Ulz stated the relief being sought, which includes the following: site plan approval, preliminary and final, FAR, building height, total building height, mounting light height, variance for the number of stories permitted. The next witness for 475 Springfield Avenue was the applicant, Mr. Mark Yeager. Mr. Yeager is a commercial real estate investor and developer. He is the owner of this property. He stated that the property was built in the 1950s and has been owned by the Genauldi family, who sold him the building at 475 Springfield Avenue. The building is currently non-conforming, and its use is also non-conforming. He states that there is currently minimal lighting from the existing windows. The building is accessed through 3 easements. It has 8 parking spots located in the back of the building, and there is no basement. Mr. Yeager is also proposing to utilize the rooftop as a private space for tenants. He proposes the first floor will be retail space. There will be two signs on the building, and both will comply with the ordinance.

The next witness for this application was Mr. Tsapatsaris, the applicant's civil engineer. Mr. Tsapatsaris was sworn in by Mr. Ball. He also stated that he is a credentialed architect but will mainly provide engineering testimony. Mr. Tsapatsaris stated that he has worked on this building since 2002. During his testimony, he referenced page SP101 from the materials submitted. He stated that this property is located within the CRBD zone, which allows for retail, residential, and office space. The proposed plan is for the sidewalks to be restored and repaired to improve the distance of the parking spaces. He also stated that the rooftop terrace will be handicap accessible. Mr. Tsapatsaris next referenced SP201 from the plans submitted, which outlined stormwater management. He stated that water and electric utilities are suitable in their current condition. Fire protection is being improved, along with new backflow prevention. There will be a soil erosion plan in place. The demolition plan will replace existing planters. Safety lighting will be installed, in order to provide lighting for the entrances.

The next witness providing testimony was Mr. Michael Sas. Mr. Sas was sworn in by Mr. Ball as the applicant's architect. Mr. Sas testified that he's been working on this property for over ten years. He remarked that the setbacks and alcoves of the building create caverns. Because of this, he wanted to bring natural light into the building. The rooftop lighting will not comply with the ordinance. The lights on the building will be

automatic. Aside from lighting, Mr. Sas confirmed that 1500 square feet of the office building will be designated to retail.

The next witness providing testimony was Mr. Connor Hughes. Mr. Hughes was sworn in as a traffic engineer. Mr. Hughes explained that 7 parking spots would be dedicated to this building. Employees will also be able to access the parking garage across the street from 475 Springfield Avenue. It was explained that at any given time there would be a small number of employees on the premises. The board asked questions regarding handicapped parking spaces, and the applicant stated that there are none.

The final witness for this application was Mr. Paul Phillips, the applicant's planner. Complete testimony regarding each witness and detailed questions from the board can be found in the transcription of this hearing.

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

1. Compliance with conditions noted in Board Engineer's Memorandum.
2. Applicant will comply with recommendations noted in City Forester's Memorandum.
3. Revised lighting plan will be submitted to Board Engineer for review and approval.
4. Applicant shall comply with Construction Official's Report
5. Applicant will comply with final paragraph of Fire Chief's Report.
6. Mechanical equipment testing will be limited to Monday through Friday, noon to 4pm.
7. Hours of operation of roof will be limited to 7am to 10pm.

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

VOTE:           **YES:** Chairman Spurr, Vice Chairman Steiner, Mr. Gonzalez, Mr. Maleh, Ms. Sajer, Mr. Fehskens, Mr. Ucko  
                  **ABSTAIN:** None  
                  **NO:** None

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**The Board memorialized the following Resolutions:**

- **64 Canoe Brook Parkway, ZB-22-2172.**

Eligible voting members: Chairman Spurr, Vice Chairman Steiner, Ms. Newell, Mr. Gonzalez, Mr. Mollin, Mr. Maleh, Mr. Loikits.

VOTE:

**Motion:** Vice Chairman Steiner                   **Seconded:** Mr. Gonzalez  
**YES:** Chairman Spurr, Vice Chairman Steiner, Mr. Gonzalez, Mr. Maleh  
**NO:** None were opposed.  
**ABSTAIN:** None

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**The Board memorialized Minutes from:**

- March 20, 2023

A motion of *approval* was made by Mr. Maleh and was seconded by Mr. Gonzalez.

A voice vote was conducted, with Vice Chairman Steiner abstaining due to his absence from the March 20, 2023, meeting. **All** were in favor, **none** were opposed.

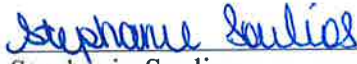
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**Adjourn**

The meeting concluded at 10:35 p.m.



Steven Spurr  
Chairman  
City of Summit  
Zoning Board of Adjustment



Stephanie Soulios  
Board Secretary  
City of Summit  
Zoning Board of Adjustment