

**MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF SUMMIT
April 18, 2022**

The April 18, 2022 meeting of the City of Summit Zoning Board of Adjustment was opened at 7:30 p.m. Board Secretary Christopher Nicola called the Roll: Steven Spurr, Joseph Steiner, Elizabeth Newell, David Mollin, Ayman Maleh, first alternate Claire Toth, second alternate Diana Sajer, Third alternate Jaime Levine, fourth alternate Walter Gonzalez, Board Attorney Andrew Ball 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 Steven Spurr reviewed the evening's agenda. The following applications were ready to proceed:

- **Application: ZB-21-2097, Pari Holdings, LLC, 119 Hobart Avenue, BLOCK 2303, LOT 3**
- **Application: ZB-21-2120, Matthew & Allie Brush, 38 Pine Grove Avenue, BLOCK 2804, LOT 26**
- **Application: ZB-21-2079, 503 Springfield Avenue Associates, LLC, 503 Springfield Avenue, BLOCK 1913, LOT 1**
- **Application: ZB-21-2109, Brian & Andrea Mullan, 79 Tulip Street, BLOCK 3208, LOT 4 (Defective notice)**

City of Summit Zoning Board of Adjustment Meeting:

In the matter of:

Application: ZB-21-2097, Pari Holdings, LLC, 119 Hobart Avenue, BLOCK 2303, LOT 3

Mr. James Webber from Dempsey, Dempsey & Sheehan represented the applicant. Ms. Nancy Lottinville from Prime & Tuvel represented Joshua & Roberta Weinreich. The applicant is requesting (c) – variance relief for steep slope to construct a single-family home. Mr. Andrew Clarke was sworn in by Mr. Ball and provided his testimony to the Board as a licensed engineer. The Board then asked questions regarding Mr. Clarke's testimony. Resident Charles O'Connell asked questions regarding Mr. Clarke's testimony. Resident William Deveau asked questions regarding Mr. Clarke's testimony. Mr. Jarret Kest was sworn in by Mr. Ball and provided his testimony to the Board as a licensed landscape architect. The Board then asked questions regarding Mr. Kest's testimony. Resident Robert Flanagan asked questions regarding Mr. Kest's testimony. Ms. Penelope Georges was sworn in by Mr. Ball and provided her 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 be bound by all exhibits introduced, all representations made, and all testimony given before the Board at its meetings of March 7, 2022 and April 18, 2022.
2. The applicant shall comply with the requirements set forth in the Board Engineer's Memorandum dated November 30, 2021, annexed hereto as **Exhibit A**.
3. A revised lot grading plan reflecting the trees that are being preserved shall be submitted to the Board for review and approval. This lot grading plan will incorporate all conditions noted in an agreement between the applicant and their neighboring property owners, the Weinrich's.

4. The Board shall retain drainage jurisdiction for a period of two years after the date of completion of the improvements.
5. The applicants will add a gate for access to the tree protection zone.

The location of the parking areas for construction will be determined as necessary by a construction manager on site. Any parking that includes the shared driveway will require an agreement with the neighboring property owner.

A motion of approval was made by Diana Sajer and was seconded by David Mollin.

VOTE: YES: Elizabeth Newell; David Mollin; Ayman Maleh; Claire Toth; Diana Sajer; Walter Gonzalez; Joseph Steiner

NO: None were opposed.

Application: ZB-21-2120, Matthew & Allie Brush, 38 Pine Grove Avenue, BLOCK 2804, LOT 26

The applicant is requesting (c) – variance relief to construct a portico. Mr. Matthew Brush was sworn in by Mr. Ball and provided his testimony to the Board. The Board then asked questions regarding Mr. Brush’s testimony. Mr. David Rosen was sworn in by Mr. Ball and provided his testimony to the Board as a licensed architect. The Board then asked questions regarding Mr. Rosen’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 comply with the requirements set forth in the Board Engineer’s Memorandum annexed hereto as Exhibit A.

A motion of approval was made by Diana Sajer and was seconded by Elizabeth Newell.

VOTE: YES: Elizabeth Newell; David Mollin; Ayman Maleh; Claire Toth; Diana Sajer; Walter Gonzalez; Joseph Steiner

NO: None were opposed.

Application: ZB-21-2079, 503 Springfield Avenue Associates, LLC, 503 Springfield Avenue, BLOCK 1913, LOT 1

Ms. Samantha Alfonso of Dempsey, Dempsey & Sheehan advised the Board that she represents the applicant. The applicant is requesting Major site plan approval with (d) – variance relief for FAR and (c) – variances to add a showroom and 2 residential units. Mr. Seth Leeb was sworn in by Mr. Ball and provided his testimony to the Board as a licensed architect. The Board then asked questions regarding Mr. Leeb’s testimony. Mr. Richard Keller was sworn in by Mr. Ball and provided his testimony to the Board as a licensed planner. The Board then asked questions regarding Mr. Keller’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 be bound by all exhibits introduced, all representations made and all testimony given before the Board at its meetings of December 6, 2021 and April 18, 2022.

2. The applicant shall comply with the requirements set forth in the Board Engineer’s Memoranda dated October 26, 2021, November 30, 2021, and January 11, 2022, all annexed hereto as **Exhibit A**.
3. The parking space standards may remain at their current and proposed level of 8 spaces as long as the business continues as an appointment-only retail store. This shall include, but is not limited to, at least 75 percent of customer visits being by appointment; all rug care, cleaning and similar activity shall be conducted exclusively off-site; the retail space shall be predominantly used for the display of rugs and products for sales; and transactions are limited to the first-floor office. Any future occupancy that exceeds these proposed limitations shall be subject to site plan approval and variances as appropriate.
4. No more than two delivery vans, consistent with the style of the existing delivery vans, shall be parked on site.
5. All garage parking spaces shall be for the apartment use only.
6. The location of roof generators and air conditioning units shall meaningfully address any potential noise or visual impact.
7. Lights shall automatically shut off at 11pm, be adjustable, and be dimmable. The City Engineer shall review the lighting within 6 months of completion of the construction.
8. The applicants shall submit a summary of lighting hours and controls to the Board.

A motion of approval was made by Claire Toth and was seconded by Elizabeth Newell.

VOTE: YES: Joseph Steiner; Elizabeth Newell; David Mollin; Ayman Maleh; Claire Toth; Diana Sajer; Steven Spurr

NO: None were opposed.

The Board memorialized the following Resolutions:

- 4 Evergreen Road Resolution of Extension
- 67 Dale Drive
- 1 Sunset Drive
- 52 Blackburn Place
- 82 Valley View Avenue

The Board memorialized Minutes from:

- March 21, 2022

The meeting concluded at 11:05 p.m.

Steven Spurr
 Chairman
 City of Summit
 Zoning Board of Adjustment

Christopher Nicola
 Board Secretary
 City of Summit
 Zoning Board of Adjustment