

**CITY OF SUMMIT  
PLANNING BOARD MINUTES  
Monday, April 23, 2018**

**Present**

Chairman Anderson	Mr. Vartan, 1st Alternate
Vice Chairman Brinkerhoff	Mr. Parella, 2nd Alternate
Ms. Balson-Alvarez	Mr. Gibbons, Esq., Board Attorney
Mr. Drummond	Mr. Nicola, Board Secretary
Mr. Matias	
Mr. Zucker	
Mr. Dunn	

**Notice of Meeting**

Chairman Anderson called the meeting to order at 7:40 PM and stated that adequate notice of this meeting had been provided in accordance with the “Open Meetings Act.”

**Flag Salute**

**Approval of Minutes – February 26, 2018**

Chairman Anderson asked if the Board had comments relating to the minutes from February 26. Vice Chairman Brinkerhoff reminded Board members that the list at the bottom of page three was not the literal terms from the Master Plan. A motion of approval was made by Mr. Dunn and was seconded by Vice Chairman Brinkerhoff. All were in favor and none were opposed.

**Approval of Minutes – March 19, 2018**

The Minutes of March 19 reflected Mr. Kieser’s absence due to his recusal. Chairman Anderson verified if Mr. Kieser was present for the hearing. Mr. Gibbons confirmed that Mr. Kieser was not present for the meeting on March 19. A motion of approval was made by Vice Chairman Brinkerhoff and was seconded by Mr. Dunn. All were in favor and none were opposed.

**Resolutions for Memorialization – resolution of extension 603 Springfield Avenue**

Mr. Gibbons provided an overview and explained that the Planning Board previously voted to grant approval for preliminary and final major site plan with variances. Mr. Gibbons explained that under the MLUL the applicant is entitled to three, one-year extensions of that approval. Mr. Gibbons stated that he reviewed the submitted letter and that everything appeared to be in order. Ms. Samantha Alfonso of Dempsey, Dempsey & Sheehan, who is the attorney for the applicant, stated that there were significant delays with the approval from the Department of Environmental Protection, a condition of approval from the original resolution. Ms. Alfonso also stated that the property owner has changed since the approval was granted and the current owner is currently looking to sell the property. Vice Chairman Brinkerhoff asked if there were other outstanding approvals and if there was an indication as to the likelihood of when those approvals will be received. Ms. Alfonso stated that the soil erosion and sediment control plan certification and the New Jersey Department of Environmental Protection permit had not been received. Ms. Alfonso explained that the current owner is in the process of selling the property to the ultimate developer. Vice Chairman Brinkerhoff asked who is responsible between the buyer and the seller to pay for the permits. Ms. Alfonso stated that the sale of the property is subject to the approval of the resolution of extension and not the approval of the State agencies. Vice

Chairman Brinkerhoff asked if the seller will have an ongoing role in the development of the property. Ms. Alfonso stated that the new developer will take on the approval.

Chairman Anderson asked if the Board had any questions for Ms. Alfonso. Mr. Drummond stated that Euro Summit sold the property to Princess Estates on December 7, 2017. Mr. Drummond noted that the applicant name in the resolution should include the present owner who is Princess Estates LLC. Ms. Balson-Alvarez asked if the change in owner has an effect on the approval. Mr. Gibbons stated that the approval runs with the land. Chairman Anderson asked if this is the first resolution extension request. Mr. Gibbons stated that this is the first extension request. Mr. Parella asked if the new buyer has built anything in Summit before. Vice Chairman Brinkerhoff asked if the entitlement to three one-year extensions is a right. Mr. Gibbons stated that the applicant can request up to three one-year extensions, and that the extensions are presumed to be granted, unless there are outstanding fees or any indications that the applicant is not following through with their approval. Chairman Anderson asked if maintenance of property is something the Board is able to discuss. Chairman Anderson noted that he received an email from Council President Naidu regarding the poor condition of the property and if the Board can take action regarding this issue. Mr. Gibbons stated that the applicant can be advised that the property is in disrepair and the Board anticipates that the condition of the property will not become a public nuisance. Mr. Gibbons noted that a condition of approval can be made to address the issue of the property maintenance. Mr. Matias stated that property maintenance is something that should be handled by the City staff. Vice Chairman Brinkerhoff stated that he is satisfied with the approach to let the City Inspectors deal with the maintenance issues of the property as long as the City officials are notified about it. Chairman Anderson stated that the Board is not pleased with the current condition of the property and that City staff will go out to inspect the property. Chairman Anderson also noted that the new owners need to do a better job than the previous owners at keeping the property properly maintained. Mr. Drummond asked if the prior owner is still the applicant or if the new owner is the applicant. Mr. Drummond stated that he has a deed showing that the owner of the property has changed to Princess Estates LLC. Mr. Gibbons asked for a copy of the title Mr. Drummond provided to the Board. Mr. Gibbons stated that he will revise the resolution to reflect the current owner of the property. Ms. Alfonso stated that the Euro Summit Associates sold the property to Princess Estates LLC, who is also looking to sell the property to the ultimate developer. Mr. Gibbons stated that the Board can approve the extension under Princess Estates LLC. Chairman Anderson asked if any members of the public had any questions or comments.

Ms. Diane Lioudis at 606 Springfield Avenue stated that nobody received notice. Mr. Gibbons stated there is no notice requirement needed for a resolution of extension. Ms. Lioudis asked for clarification on the applicant's right for an extension. Mr. Gibbons then explained that the law relates the extension back to the original date of expiration. Ms. Lioudis stated that she was opposed to the initial application. Ms. Lioudis stated in her testimony that she prefers if the applicant does not receive the extension. Mr. Gibbons stated that the applicant is entitled to have the extension unless there are circumstances like outstanding fees. Ms. Lioudis stated in her testimony that the property is in disrepair. Chairman Anderson stated that the Board is in agreement with her testimony regarding the current condition of the property, and that City staff will go out and inspect the property. Chairman Anderson also noted that if there are additional things that need to be done, City staff will contact the current owners to resolve the issue. Mr. Zucker asked if there are standards by which the Board can review this matter the next time around. Mr. Gibbons stated that the periods of time are granted in the statute until they run out. A motion of approval was made by Chris Dunn and was seconded by Vice Chairman Brinkerhoff.

Roll Call:

YES: Anderson, Brinkerhoff, Balson-Alvarez, Drummond, Matias, Zucker, Dunn,  
Vartan, Parella

NO: None

Abstain: None

### **DRO revision update**

Mr. Matias provided a schedule that was generated by Burgis Associates to the Board. Mr. Matias noted that the outline is tentative and subject to change. Mr. Matias explained that there have been two stakeholder meetings, the first one with engineers and planners who submit applications to either the Zoning or Planning Boards. The second stakeholder meeting was with developers and attorneys who submit applications to the Zoning or Planning Boards. Mr. Matias stated that there is a third meeting scheduled for May 1, with commercial and residential real estate professionals to receive feedback on the DRO. Mr. Matias explained that the administrative components, such as editing, have already begun. Mr. Matias noted that the tasks on the left side of the outline are general main topics that do not reflect the final outline of the revised DRO. Mr. Matias stated that the City would like a fully approved DRO by the summer of 2019. Chairman Anderson stated that Board Planner Joe Burgis is scheduled to meet with the Planning Board in June. Ms. Balson-Alvarez asked if there is anyplace to learn what the feedback from the stakeholder meetings was. Mr. Matias stated that the notes have been compiled into a file and they will be formalized at a later date. Chairman Anderson asked what had caused the timeline to extend. Mr. Matias noted that unlike the Master Plan, the DRO is more specific and requires more review by staff. Chairman Anderson asked if the points which Mr. Burgis is coming to the Planning Board could be starred. Vice Chairman Brinkerhoff noted that six visits to the Planning Board were part of the agreement with Burgis Associates. Chairman Anderson stated that when Mr. Burgis comes to the Planning Board in June, the Board can suggest what they would like to see at future meetings.

### **DRO Amendment front-facing garages & driveway setbacks**

Mr. Dunn stated that front-facing garages and driveway widths are the last two issues from the Zoning Board Annual Report. Mr. Dunn stated that for the smaller lots it is acceptable to have front facing garages. Mr. Dunn stated that the language regarding the protruding amount from the property structure changed from four feet to six feet. Mr. Matias stated that Burgis Associates had proposed the change since most new front porch designs are wider than four feet. Mr. Dunn asked if there is an R-12 Zone. Mr. Matias stated that the City will follow up and if there is no R-12 zone, the typo will be removed. Mr. Matias stated that this is not the final language and that there will be additional review. Mr. Dunn asked if current properties greater than six feet need to comply. Mr. Matias stated that the language needs to be clarified, but the intent is to not have those properties have to retroactively comply. Mr. Matias stated that any feedback the Board has will be given back to Burgis Associates for a revision. After that it will be reviewed by the Zoning Officer and Mr. Matias and then get back to the Board. Mr. Zucker made a comment regarding the language in the first "Where as" clause. Mr. Zucker noted that the word used should be, "allotment". Mr. Matias stated that the allotment is changing from 75 feet wide to 90 feet wide to allow a front-facing garage.

Chairman Anderson noted that the Historic Preservation Committee will present at the next meeting. Vice Chairman Brinkerhoff asked if there was an update from the subcommittee that identified priorities of the Master Plan. Mr. Matias stated that a meeting is in the process of being scheduled.

The meeting concluded at 8:46 PM.