

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF SUMMIT
June 13, 2019

The June 13, 2019 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, Michael Lardieri, Joseph Steiner, Steven Spurr, Elizabeth Newell, first alternate David Mollin, third alternate Katherine Hensel, fourth alternate Christina Davis, 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-18-1938, Morris habitat for Humanity, 146 Morris Avenue, BLOCK 4208 LOT 1**

City of Summit Zoning Board of Adjustment Meeting:

In the matter of:

Application: ZB-18-1938, Morris habitat for Humanity, 146 Morris Avenue, BLOCK 4208 LOT 1

Mr. Sean Monaghan and Matthew Posada of Schenck, Price, Smith and King advised the Board that they represent the applicant. Mr. Jay DeLaney of Lindabury, McCormick, Estabrook & Cooper advised the Board that he represents Alejandra Gurevich and Joel Gagliano. The applicant is requesting minor subdivision & major site plan approval with a (d) - variance for density and (c) – variances. Mr. DeLaney continued his objector case and asked if Mr. Michael Pessolano could be sworn in. Mr. Michael Pessolano was sworn in by Mr. Galvin and provided his testimony to the Board as a licensed planner. Mr. Monaghan then cross-examined Mr. Pessolano. The Board did not have questions regarding Mr. Pessolano's testimony. Ms. Jennifer Renn was sworn in by Mr. Galvin and provided her testimony to the Board. The Board did not have questions regarding Ms. Renn's testimony. Ms. Lynda Gagliano was sworn in by Mr. Galvin and provided her testimony to the Board. The Board then asked questions regarding Ms. Gagliano's testimony. Robin Dobiszewski was sworn in by Mr. Galvin and provided her testimony to the Board. The Board did not have any questions for Ms. Dobiszewski. Tara Gagliano was sworn in by Mr. Galvin and provided her testimony to the Board. The Board then asked questions regarding Ms. Gagliano's testimony. Dr. Julie O'Connell was sworn in by Mr. Galvin and provided her testimony to the Board. The Board did not have any questions for Ms. O'Connell. Dr. Walter H. Kraft was sworn in by Mr. Galvin and provided his testimony to the Board. Mr. Monaghan then cross-examined Dr. Kraft. The Board did not have any questions for Dr. Kraft.

Resident Linda Walker was sworn in by Mr. Galvin and provided her testimony to the Board. Mr. DeLaney then cross-examined Ms. Walker. Mr. Vernon Williams was sworn in by Mr. Galvin and provided his testimony to the Board. Mr. DeLaney then cross-examined Mr. Williams. Resident Dr. Betty Adams was sworn in by Mr. Galvin and provided her testimony to the Board. Resident Matthew Weisser was sworn in by Mr. Galvin and provided his testimony to the Board. Mr. Dennison Harrield was sworn in by Mr. Galvin and provided his testimony to the Board. Resident Peter Elliot was sworn in by Mr. Galvin and provided his testimony to the Board. Resident Tyler Dobiszewski was sworn in by Mr. Galvin and provided his testimony to the Board. Resident Frank Dobiszewski was sworn in by Mr. Galvin and provided his 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 meeting of December 3, 2018; February 4, 2019; March 4, 2019; April 15, 2019; May 20, 2019; and June 13, 2019.
2. The applicant shall provide all required Site Performance Bonds and Inspection Fees in accordance with the Municipal Ordinance.
3. The applicant will have one (1) year from the date of this resolution to obtain a building permit.
4. The applicant shall be responsible for obtaining any other approvals or permits from other governmental agencies, as may be required by law, including but not limited to the Municipality's and State's affordable housing regulations; and the applicant shall comply with any requirements or conditions of such approvals or permits.
5. The applicant must comply with all of the City of Summit and State of New Jersey's rules regarding affordable housing.
6. The Board retains drainage jurisdiction for a period of four years from the issuance of the certificate of occupancy.
7. The Board retains landscaping jurisdiction for a period of two years from the issuance of the certificate of occupancy.
8. The property is to be deed restricted as required by Summit's Affordable Housing plan and agreement.
9. The Applicant is to comply with the Board Engineer's letter dated February 1, 2019, which is attached hereto as Exhibit "A".
10. The plan is to be revised to add trees as discussed and to apply Title 39.
11. The Applicant will supply the updated drainage calculations to the Board's Engineer.
12. The Design Engineer must submit the required certification.
13. The lighting plan is to be submitted to the Board's Engineer for his review and approval.
14. Publication of a notice of this decision will be published in one of the City's officially designated newspapers, at the cost of the applicant.

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

VOTE: YES: Joseph Steiner; Steven Spurr; Elizabeth Newell; David Mollin; Katherine Hensel
 No: Michael Lardieri; Thomas Ucko

The Board memorialized the following Resolutions:

- None

The Board memorialized Minutes from:

- None

The meeting concluded at 10:33 PM.

Thomas Ucko
 Chairman
 City of Summit
 Zoning Board of Adjustment

Christopher Nicola
 Board Secretary
 City of Summit
 Zoning Board of Adjustment