



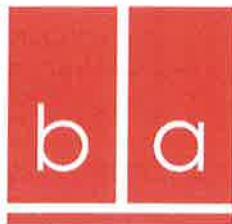
ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

Address:	58 Valley View Avenue
Application #:	ZB-25-2287
Description/Variances:	(c) - variance for steep slope disturbance, in ground pool, patio, and landscaping
Sent to Staff for Comments:	5/27/25
Due Date:	8/14/25

Staff / Commission / Consultant	Delivery Method	Report Attached with Comments	Report Attached with No Objections	Not Submitted	Not Required
Eric Evers, Director Fire Chief	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
Ryan Peters Police Chief	<input type="checkbox"/> Paper <input type="checkbox"/> Email		✓		
Engineering: Colliers	<input type="checkbox"/> Paper <input type="checkbox"/> Email			✓	
Ralph Maritato Construction Official	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
John Linson City Forester	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
Board of Health: Westfield	<input type="checkbox"/> Paper <input type="checkbox"/> Email		✓		
Historic Preservation Commission	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
Environmental Commission <i>(if required)</i>	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			
Board Planner Burgis Associates	<input type="checkbox"/> Paper <input type="checkbox"/> Email	✓			

AT DUE DATE / UPON RECEIPT FROM ALL STAFF:

Sent to Applicant:	_____ / _____ / _____
Sent to Attorney:	_____ / _____ / _____



BURGIS
ASSOCIATES, INC.

COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

MEMORANDUM

To: City of Summit Zoning Board of Adjustment
From: Ed Snieckus, Jr. PP, LLA and Tom Behrens, PP, AICP
Subject: Hynes Residence (ZB-25-2287)
58 Valley View Avenue
Block 3001 Lot 6
'c' Bulk Variance Requests
Date: August 15, 2025
BA#: 4269.20

I. INTRODUCTION

The Applicants, Michael and Grier Hynes, are requesting 'c' variance relief for steep slope disturbance to install new improvements in the rear yard, including an inground pool, stairway, patio, retaining walls, landscaping and stormwater management. The property is located in the R-15 Zone wherein the existing/proposed detached single-family dwelling is a permitted use. The extent of proposed improvements and required variance relief are detailed herein.

II. DOCUMENTS SUBMITTED

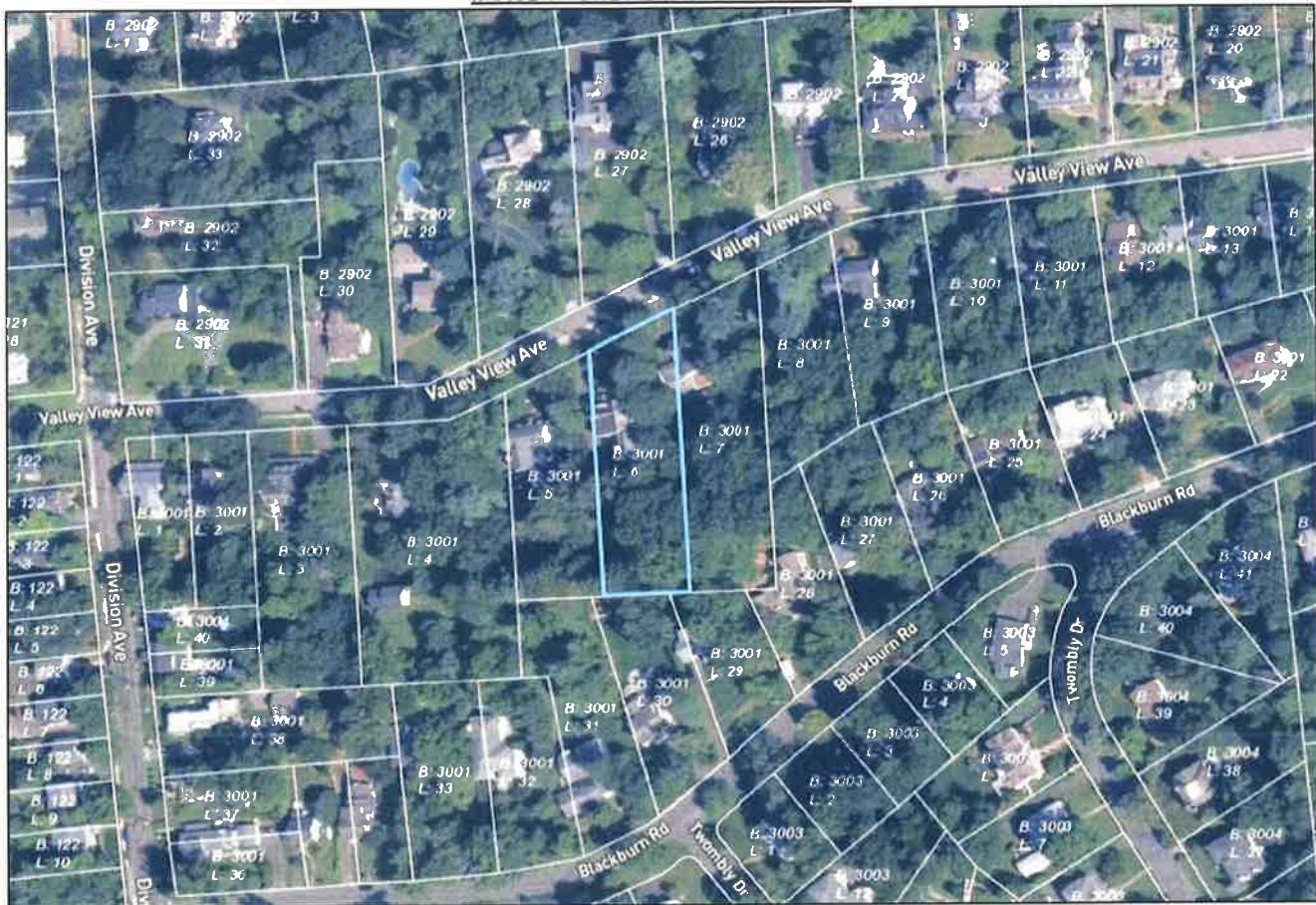
Our office has received and reviewed the following application documents:

1. Application forms and accompanying materials.
2. Engineering plans (3 sheets) prepared by Yannacone Villa & Aldrich, LLC dated December 19, 2024.
3. Landscape and lighting plan (1 sheet) prepared by Stephen Borghi, LLA dated May 1, 2025.

III. PROPERTY DESCRIPTION

The site, identified as Block 3001 Lot 6 in City tax records, is a 0.7-acre parcel with 108.5 feet of frontage on Valley View Avenue developed with a two-story single-family dwelling and associated site improvements. These improvements include a paved driveway that extends to the rear of the dwelling, rear gravel patio, slate patio in the side yard and stone walkways. The rear of the property has several mature trees. The property is impacted by steep slope conditions where the front northeast corner of the lot has an elevation of 334 which slopes down to an elevation of 296 at the rear southeast corner. Development surrounding the site consists solely of detached single-family uses. The following aerial image provides a general overview of the existing site conditions and surrounding development pattern.

IMAGE 1 - SITE AERIAL PHOTOGRAPH



Source: NJ Parcel Explorer, Rowan University. Accessed August 15, 2025.

IV. REQUIRED VARIANCE RELIEF

The development application requires the following variance relief:

1. 'c' Steep Slopes Disturbance. The proposed development involves the disturbance of 5,700 square feet of steep slopes (>15%) of a total 9,233 steep slopes impacting the property where a maximum steep slope disturbance of 1,000 square feet is permitted.

V. GENERAL COMMENTS

1. The proposed grading requires 2-tiered retaining walls between the improvements and rear lot line. The lower wall will have a maximum height of 3 feet above grade and the upper wall will have a maximum height of 4 feet above grade. There is 6 feet of space between the tiers to accommodate landscaping.
2. A total of 7 trees with calipers of 6" or greater will be removed in the rear yard to accommodate the proposed improvements. However, the locations of only 6 trees to be removed are depicted on sheet 3 of the engineering plans. The locations of all trees to be removed to be confirmed by the Applicant.

3. The landscape plan is limited to the rear yard featuring a variety of shrubs and evergreen trees, including 7 Norway Spruce and 10 Green Giant Arborvitae, located around the perimeter of the property. The plan depicts areas of unspecified perennials, shrubs and ornamental grasses around the pool area to be determined post construction.
4. The proposed pool equipment is located in a conforming location in the rear yard. The equipment will be screened with Skip Cherry Laurel shrubs.
5. Low-voltage path and landscape lighting are proposed around the pool area which appear to be compliant.
6. The landscape plan depicts the proposed location of fencing around the pool area but no fence detail was provided. The Applicant shall confirm the proposed fence height and style.
7. There are several preexisting nonconforming features including a gravel area, stone wall and stairs which extend beyond each side lot line. It is noted that these are not impacted by the proposed improvements.
8. We defer the review of stormwater management to the Board Engineer.

***Should the application be approved, the Applicant are hereby noticed to read the Zoning Board resolution of approval making note of all required conditions. It is the applicant's responsibility to take action necessary to meet the stated conditions prior to submitting a construction permit. Failure on the part of the applicant to meet the conditions will result in unnecessary delay in processing the construction and grading permit applications, as applicable.**

VI. STATUTORY CRITERIA

The following is a summary of 'c' variance criteria required to be addressed by the Applicant:

'c'(1) / 'c'(2) Variance Relief

The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test as described below. The Applicant may apply one or both of these tests in providing justifications for their 'c' variance requests.

- A. Physical Features Test: An applicant may be granted 'c'(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
- B. Public Benefits Test: An applicant may be granted 'c'(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the MLUL; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

In addition, the Applicant must address the Negative Criteria of the statute. Specifically, the Applicant must demonstrate: 1) the variance can be granted without substantial detriment to the public good; and 2) that granting the relief will not substantially impair the intent and purpose of the master plan and zoning ordinance.



STAFF COMMENTS REPORT

DATE: May 7, 2025

FROM: **Chris Nicola, Assistant Zoning Office**

TO:

FLOOD ZONE

<input type="checkbox"/>	Eric Evers	Fire Chief
<input type="checkbox"/>	Ryan Peters	Police Chief
<input type="checkbox"/>	Engineering	Colliers
<input type="checkbox"/>	Ralph Maritato	Construction Official

<input type="checkbox"/>	John Linson	City Forester
<input type="checkbox"/>	Health Dept.	Westfield
<input type="checkbox"/>	Caroline King	Chair, HPC
<input type="checkbox"/>	Planner	Burgis Assoc.
<input type="checkbox"/>	TBD	Environmental Commission

Property Address	58 Valley View Avenue	Block: 3001	Lot: 6
Application #:		Applicants Names: Michael & Grier Hynes	
Description/Variances:	(c) – variance for slope disturbance, in ground pool, patio, and landscaping		

Comments Due Date: August 14, 2025 Please email cnicola@cityofsummit.org if you are unable to meet this date.

Attached is a copy of the plans and application for the subject property. Please review this proposal and return a copy of this memo with your comments prior to the date indicated above. Attach additional pages or reports, if necessary.

COMMENTS: Build to code (ML)

Print Name:	Eric Evers	Print Title:	Chief SFD	Date:	6/2/25
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STAFF COMMENTS REPORT

DATE: 5/27/25

FROM: Land Use Assistant / Board Secretary
TO:

FLOOD ZONE

Name	Title / Committee
Eric Evers	Fire Chief
Ryan Peters	Police Chief
Engineering	Colliers
Ralph Maritato	Construction Official

<input type="checkbox"/>	John Linson	City Forester
<input type="checkbox"/>	Health Dept.	Westfield
<input type="checkbox"/>	Caroline King	Chair, HPC
<input type="checkbox"/>	Planner	Burgis Assoc.
<input type="checkbox"/>	Donna Patel	Environmental Commission

Property Address:	58 Valley View Avenue	Block: 3001	Lot: 6
Application #:	ZB-25-2287	Applicant Names: Michael & Grier Hynes	
Description/Variances:	(c) - variance for slope disturbance, in ground pool, patio, and landscaping		

Comments Due Date:	8/14/25	Please email landuse@cityofsummit.org if you are unable to meet this date.
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COMMENTS: No objections

LT CMM

Print Name:		Print Title:		Date:	
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STAFF COMMENTS REPORT

DATE: 5/27/25

FROM: Land Use Assistant / Board Secretary
TO:

FLOOD ZONE

Name	Title / Committee
Eric Evers	Fire Chief
Ryan Peters	Police Chief
Engineering	Colliers
<input checked="" type="checkbox"/> Ralph Maritato	Construction Official

<input type="checkbox"/>	John Linson	City Forester
<input type="checkbox"/>	Health Dept.	Westfield
<input type="checkbox"/>	Caroline King	Chair, HPC
<input type="checkbox"/>	Planner	Burgis Assoc.
<input type="checkbox"/>	Donna Patel	Environmental Commission

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COMMENTS: _____

A pool-compliant fence and gates are required. The gates must be self-latching, self-closing, and must swing outward. Plans must include all details for the inground pool type and barrier requirements.

- Please note that if any part of the proposed retaining wall exceeds 4 feet in height, building permits will be required. These permits must be accompanied by signed and sealed plans from a licensed Architect or Engineer.

- According to N.J.A.C. 5:23-2.14 (g), walls are measured from the bottom of the footing to the top of the wall. Ensure that all measurements are accurately documented to comply with this regulation.

- Site conditions may necessitate the installation of a guard on the retaining wall for safety.

- If the project includes steps, please be aware that handrails and/or guardrails may be required for safety compliance.

Print Name:	Ralph Maritato	Print Title:	Construction Official	Date:	5-28-25
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STAFF COMMENTS REPORT

DATE: 5/27/25

FROM: Land Use Assistant / Board Secretary
TO:

FLOOD ZONE

Name	Title / Committee
Eric Evers	Fire Chief
Ryan Peters	Police Chief
Engineering	Colliers
Ralph Maritato	Construction Official

<input type="checkbox"/>	John Linson	City Forester
<input type="checkbox"/>	Health Dept.	Westfield
<input type="checkbox"/>	Caroline King	Chair, HPC
<input type="checkbox"/>	Planner	Burgis Assoc.
<input type="checkbox"/>	Donna Patel	Environmental Commission

Property Address:	58 Valley View Avenue	Block: 3001	Lot: 6
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COMMENTS: *This application appears to be a creative use of the property. The trees that are proposed for removal are over-mature. The existing perimeter screening will adequately shield the proposed improvements.*

No objection.

Print Name: John Linson Print Title: Forester Date: 6/13/25



STAFF COMMENTS REPORT

DATE: 5/27/25

FROM: Land Use Assistant / Board Secretary
TO:

FLOOD ZONE

	Name	Title / Committee
<input type="checkbox"/>	Eric Evers	Fire Chief
<input type="checkbox"/>	Ryan Peters	Police Chief
<input type="checkbox"/>	Engineering	Colliers
<input type="checkbox"/>	Ralph Maritato	Construction Official

❑	John Linson	City Forester
❑	Health Dept.	Westfield
❑	Caroline King	Chair, HPC
❑	Planner	Burgis Assoc.
❑	Donna Patel	Environmental Commission

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COMMENTS: No comments

Print Name: Laura Manco Print Title: REHS Date: 5-29-25



STAFF COMMENTS REPORT

DATE: 5/27/25

FROM: Land Use Assistant / Board Secretary
TO:

FLOOD ZONE

Name	Title / Committee
Eric Evers	Fire Chief
Ryan Peters	Police Chief
Engineering	Colliers
Ralph Maritato	Construction Official

<input type="checkbox"/>	John Linson	City Forester
<input type="checkbox"/>	Health Dept.	Westfield
<input type="checkbox"/>	Caroline King	Chair, HPC
<input type="checkbox"/>	Planner	Burgis Assoc.
<input type="checkbox"/>	Donna Patel	Environmental Commission

Property Address:	58 Valley View Avenue	Block: 3001	Lot: 6
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COMMENTS: THE SCOPE OF WORK IS ALL LANDSCAPING AND NOT ARCHITECTURAL, THEREFORE IT DOES NOT REQUIRE A COMMENT BY THE H.P.C.

Print Name:	<u>James Burgmeyer</u>	Print Title:		Date:	<u>7.11.25</u>
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STAFF COMMENTS REPORT

DATE: 5/27/25

FROM: Land Use Assistant / Board Secretary

FLOOD ZONE

TO:

Name	Title / Committee
<input type="checkbox"/> Eric Evers	Fire Chief
<input type="checkbox"/> Ryan Peters	Police Chief
<input type="checkbox"/> Engineering	Colliers
<input type="checkbox"/> Ralph Maritato	Construction Official

<input type="checkbox"/> John Linson	City Forester
<input type="checkbox"/> Health Dept.	Westfield
<input type="checkbox"/> Caroline King	Chair, HPC
<input type="checkbox"/> Planner	Burgis Assoc.
<input checked="" type="checkbox"/> Francie Cho	Environmental Commission

Property Address:	58 Valley View Avenue	Block: 3001	Lot: 6
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COMMENTS: _____

The application is for a variance for a very large steep slope disturbance of approximately 5,700 square feet for construction of a pool and patio. The survey indicates that 7 significant trees will be removed as follows: a 20" maple, 12" "tree", 22" hemlock, 30", 26" and 20" spruces and a 16" cedar. The plant schedule provided by the landscape architects is useful, though the inclusion of more native plants would have been appreciated (for instance the 7 Norway Spruces on the planting list are native to Europe). We will note that native species are beautiful and cost effective. They require far fewer inputs (water, fertilizer, and pesticide), protect our soil and waterways, and provide habitat for native birds and butterflies. This [Guide to Landscaping with Native Plants](#) and searchable [database](#) can be helpful in finding native replacements, as well as the Rutgers list of native plants at <https://njaes.rutgers.edu/fs1140/>.

The 7 significant trees will need to be replaced with 7 comparable trees, in accordance with the City of Summit Tree Protection Ordinance. We would respectfully suggest, however, that the 16" cedar tree slated for removal need not be taken down (tree number 39 on the Tree Schedule), as it doesn't appear to be impacted by the proposed construction. We would strongly suggest planting more native shade trees on the open space of the property to assist with site hydrology, especially given the large scale of the steep slope disturbance.

The EC also recommends minimizing the size of paved surfaces as well as using green infrastructure for patios and parking areas, such as permeable paving, to assist with drainage, mitigate heat island effects, decrease VOC

(Volatile organic compounds) emissions from asphalt paving and markings, and reduce pollution from runoff. Using permeable paving for the pool deck is especially warranted given the large scale of the steep slope disturbance.

On behalf of the Summit Environmental Commission, I have no objections to the variances, provided further consideration of tree removal and replacement selections is made.

Print Name:	Francie Cho	Print Title:	Environmental Comm. Alt	Date:	7/10/2025
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