



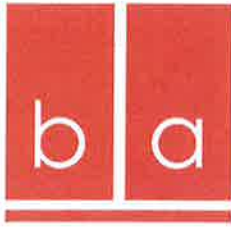
ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

Address:	58 Valley View
Application #:	ZB-25-2287
Description/Variances:	Revised Landscape and Lighting Plan submitted 8/14/25 (c) - variance for slope disturbance, in ground pool, patio, and landscaping.
Sent to Staff for Comments:	August 15, 2025
Due Date:	August 22, 2025

Staff / Commission / Consultant	<u>Delivery Method</u>	<u>Report Attached with Comments</u>	<u>Report Attached with No Objections</u>	<u>Not Submitted</u>	<u>Not Required</u>
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 (if required)	<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:	____/____/____



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
ASSOCIATES, INC.

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

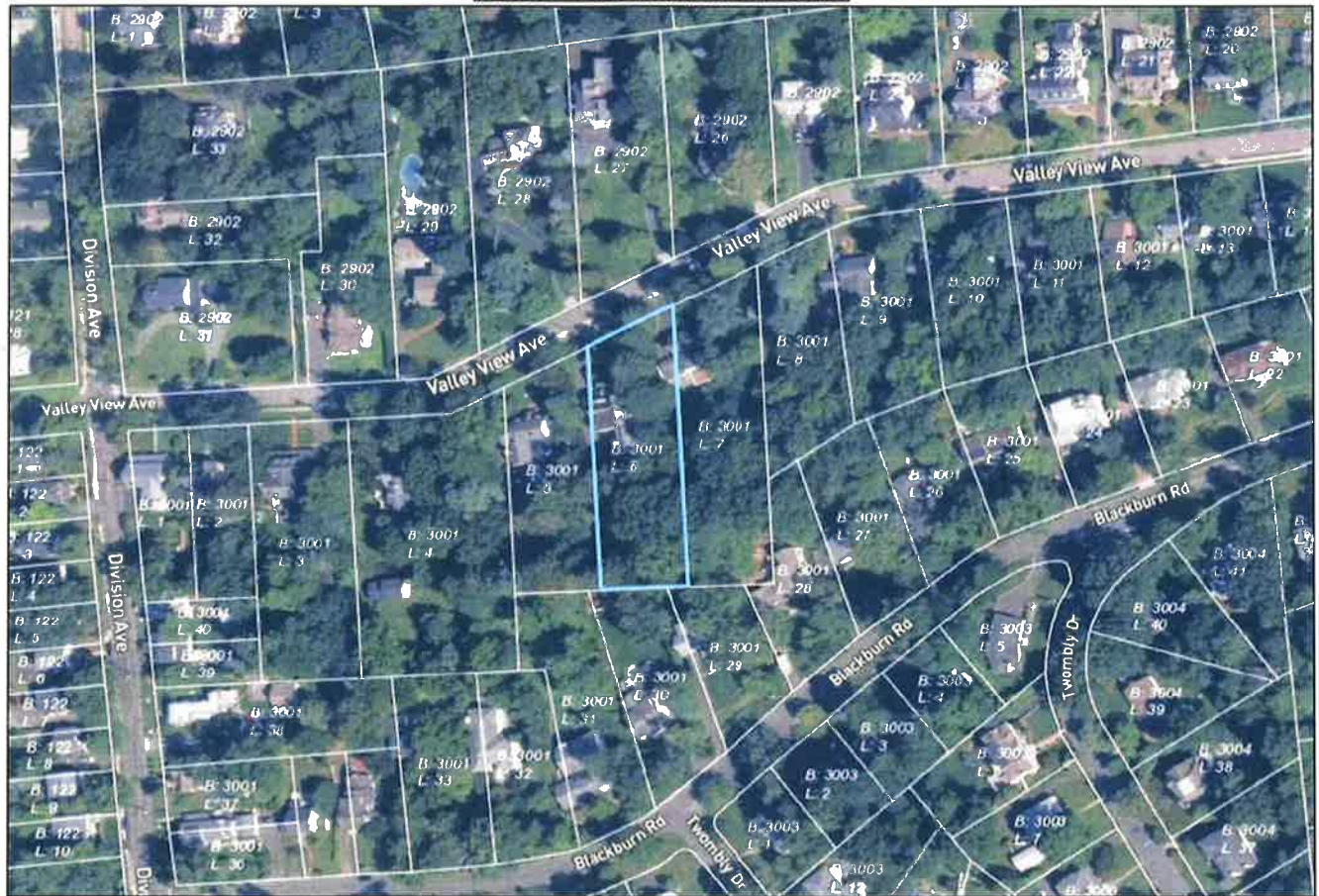
Our office has received and reviewed the following application documents:

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: August 15, 2025

FROM: Land Use Assistant/ Board Secretary

☐ **FLOOD ZONE**

TO:

<input type="checkbox"/>		
<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"/>	Donna Patel	Environmental Commission

Property Address	58 Valley View	Block: 3001	Lot: 6
Application #:	ZB-25-2287	Applicants Names: Michael & Grier Hynes	
Description/Variances:	Revised Landscape and lighting plan submitted 8/14/25 (c) variance for slope disturbance, in ground pool, patio, and landscaping.		

Comments Due Date:	August 22, 2025	Please email landuse@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

Print Name:	Eric Evers	Print Title:	Chief SFD	Date:	8/20/25
--------------------	------------	---------------------	-----------	--------------	---------



STAFF COMMENTS REPORT

DATE: August 15, 2025

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 type="checkbox"/>	Donna Patel	Environmental Commission

Property Address:	58 Valley View	Block: 3001	Lot: 6
Application #:	ZB-25-2287	Applicant Names: Michael & Grier Hynes	
Description/Variances:	Revised Landscape and Lighting Plan submitted 8/14/25 (c) - variance for slope disturbance, in ground pool, patio, and landscaping.		

Comments Due Date:	August 22, 2025	Please email landuse@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: No objections
LECH

Print Name:		Print Title:		Date:	
--------------------	--	---------------------	--	--------------	--

Memorandum

To: Zoning Board

From: Marie Raffay, P.E.

Date: August 14, 2025

Subject: 58 Valley View Avenue
Block 3001, Lot 6
Summit, Union County, NJ

Summit No.: ZB-25-2287

We have reviewed the application and associated submissions prepared by the Applicants, Michael and Grier Hynes of the subject property as referenced below:

- a. Application to Zoning Board of Adjustment, signed, dated February 26, 2025;
- b. Application for Development Worksheet, dated February 26, 2025;
- c. Zoning Board Application Checklist, dated February 26, 2025;
- d. Narrative of Proposed Project for a Variance prepared for 58 Valley View Avenue property;
- e. Certified List of Property Owners within 200 feet, dated February 20, 2025, with map;
- f. Certification of Taxes paid to date, dated February 20, 2025;
- g. Attorney Submission Letter dated February 26, 2025;
- h. Steep Slope Variance and Grading Plans, entitled "Steep Slope Variance and Grading Plans for Pool, Patio and Landscaping Improvements, Lot 6, Block 3001, City of Summit, Union County, New Jersey" prepared by Rudolf Holzmann, PE, of Yannaccone Villa & Aldrich, LLC, consisting of three (3) sheets, dated December 19, 2024;
- i. Conceptual Pool Plan, prepared by Stephen Borghi, LLA consisting of one (1) sheet, dated September 1, 2024;
- j. Landscape and Lighting Plan, prepared by Stephen Borghi, LLA, consisting of one (1) sheet, dated May 1, 2025; and
- k. Landscape and Lighting Plan, Colored Rendering, prepared by Stephen Borghi, LLA, consisting of one (1) sheet, dated May 1, 2025.

Based on our review of the above-referenced documents, this office offers the following comments:

1. The 30,400-square foot (0.698-acre) property is located approximately 180 feet east of the intersection of Division Avenue and Valley View Avenue.

2. The property is in the R-15 Residential Zone, with surrounding properties in the same zone.
3. The property is rhombus in shape with approximately 108-feet of frontage along the southern side of Valley View Avenue, an average lot depth of approximately 304 feet and a rear yard width of 100 feet.
4. The property slopes down from the middle of the property at elevation 334 to the front northwest property line at 324 and from the middle of the property at elevation 334 to the rear property line at elevation 296.
5. The property is currently improved with a 2-story dwelling, patio, slate walkway, paved driveway, stone walls, and related site improvements. The Applicant should confirm in testimony.
6. The Applicant is proposing the construction of an inground pool, patio, landscaping, and stormwater management facility. These proposed site improvements will result in disturbance to steep slope areas.
7. The property contains approximately 9,233 SF of steep slopes with a grade exceeding 15%. The proposed development includes disturbance of 5,616 SF of these slopes, where the ordinance permits a maximum of 1,000 square feet of disturbance. As such, a variance is required. The Applicant should provide testimony in support of the requested variance.
8. The Applicant is proposing a net increase of 1,335 square feet of lot coverage compared to existing conditions. This increase is associated with the construction of a pool, patio, and stairs on the south side of the dwelling. The net increase accounts for the removal of some existing impervious surfaces. Since the impervious coverage will increase by more than 300 square feet, the Applicant is required to provide stormwater mitigation measures.
9. The Applicant shall provide testimony regarding the height of the proposed retaining walls, how they tie into existing grades, and whether the resulting grades will function as intended. The proposed grading within the limit of disturbance is not clearly shown, and demonstrating that the proposed grades will tie into the existing grades at the property lines.
10. The Applicant should clarify how stormwater runoff from behind the retaining walls will be managed and where any drainage pipes will daylight. While connection to the proposed drywells is not required, the discharge locations should be identified and evaluated.
11. A drywell is proposed at the rear of the property to collect runoff from 2,407 square feet of the proposed patio and the existing driveway. An overflow to a scour hole at the rear of the property is provided to mitigate any excessive volume from the drywell and dissipate water to prevent concentrated discharges. We have reviewed the drywell design and the scour hole and take no exception.
12. The plans indicate that there is an existing roof drain collection system on the property and that the location of the discharge is at the west property line. Was it considered to tie the roof drains into the proposed drywell system rather than discharge near the property line?

13. The proposed grading and drainage plan shows an existing driveway drain to be connected to the new system. The plans show the existing 4-inch PVC pipe tail and have no note of it being removed. The Applicant shall provide clarification.
14. The Applicant shall provide testimony confirming compliance with §35-4.23 and applicable Uniform Construction Code requirements, including barrier height and gate specs, pool alarm or ASTM safety cover, suction entrapment protection, and electrical bonding.
15. The Applicant shall provide testimony regarding the proposed landscaping on the property. Will property maintenance equipment be able to access the rear of the property for mowing?
16. It is noted there are seven (7) trees to be removed from the site. The Applicant shall confirm with the city forester that there are no conflicts with the proposed trees to be removed.
17. A soil test shall be provided prior to the installation of the proposed seepage pit. Soil test shall include information regarding the location of the seasonal high-water table (SHWT) and the permeability of the soil. Per New Jersey's Stormwater Best Management Practices Manual, it shall be confirmed that the bottom of the proposed seepage pit is at least 2 feet above the SHWT.
18. The proposed improvements should be confirmed to not direct water onto the adjacent properties.
19. The Applicant shall be aware of their responsibility to repair any damage to improvements within the City right-of-way including, but not limited to, curb and asphalt caused by construction activities associated with the installation of the improvements on the subject lot.

Should the Board approve the project, the approval may be subject to the issuance of a grading permit (Chapter 35, Article 15) and any required Board conditions. The Applicant shall verify the need for a grading permit with the City which will not be issued until all conditions of the resolution of approval are satisfied.

If you have any questions or require anything further, please contact me.

MKR/gd



STAFF COMMENTS REPORT

DATE: August 15, 2025

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 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

Property Address:	58 Valley View	Block: 3001	Lot: 6
Application #:	ZB-25-2287	Applicant Names: Michael & Grier Hynes	
Description/Variances:	Revised Landscape and Lighting Plan submitted 8/14/25 (c) - variance for slope disturbance, in ground pool, patio, and landscaping.		

Comments Due Date:	August 22, 2025	Please email landuse@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: _____

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. Plans submitted for review with this packed do not show any pool compliant fence or location of fence.

- 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:	8-19-25
--------------------	----------------	---------------------	-----------------------	--------------	---------



STAFF COMMENTS REPORT

DATE: August 15, 2025

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

<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	Block: 3001	Lot: 6
Application #:	ZB-25-2287	Applicant Names: Michael & Grier Hynes	
Description/Variances:	Revised Landscape and Lighting Plan submitted 8/14/25 (c) – variance for slope disturbance, in ground pool, patio, and landscaping.		

Comments Due Date:	August 22, 2025	Please email landuse@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: The landscape plan fails to list the quantity,
species and sizes of the plant material.

It may be fine, but it is lacking valuable information.

Print Name:	John Linson	Print Title:	Forester	Date:	8/21/25
-------------	-------------	--------------	----------	-------	---------



STAFF COMMENTS REPORT

DATE: August 15, 2025

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

<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	Block: 3001	Lot: 6
Application #:	ZB-25-2287	Applicant Names: Michael & Grier Hynes	
Description/Variances:	Revised Landscape and Lighting Plan submitted 8/14/25 (c) - variance for slope disturbance, in ground pool, patio, and landscaping.		

Comments Due Date:	August 22, 2025	Please email landuse@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: Health Dept. has no comments (NA) 8/18/25

Print Name:		Print Title:		Date:	
--------------------	--	---------------------	--	--------------	--



STAFF COMMENTS REPORT

DATE: August 15, 2025

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 type="checkbox"/>	Donna Patel	Environmental Commission

Property Address:	58 Valley View	Block: 3001	Lot: 6
Application #:	ZB-25-2287	Applicant Names: Michael & Grier Hynes	
Description/Variances:	Revised Landscape and Lighting Plan submitted 8/14/25 (c) - variance for slope disturbance, in ground pool, patio, and landscaping.		

Comments Due Date:	August 22, 2025	Please email landuse@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: _____

AS STATED IN THE 8/14/25 COMMENTS, THE APPLICATION IS FOR STEEP SLOPE AND GRADING. THE IMPROVEMENTS ARE LOCATED IN THE REAR OF THE PROPERTY WITH NO CHANGES TO THE PHYSICAL STRUCTURE. THE HPC RECOMMENDS THE PROPOSED LIGHTING PLAN BE SENSITIVE TO THE STREETScape.

Print Name:	CAROLINE KING	Print Title:	CHAIR	Date:	8/21/2025
-------------	---------------	--------------	-------	-------	-----------



STAFF COMMENTS REPORT

DATE: August 15, 2025

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	Block: 3001	Lot: 6
Application #:	ZB-25-2287	Applicant Names: Michael & Grier Hynes	
Description/Variances:	Revised Landscape and Lighting Plan submitted 8/14/25 (c) - variance for slope disturbance, in ground pool, patio, and landscaping.		

Comments Due Date:	August 22, 2025	Please email landuse@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: _____

On behalf of the Summit Environmental Commission, I refer you to our previous comments dated July 10, 2025, and will note that the revised landscape plan still indicates that tree # 39, a 16" cedar will be removed.

Print Name:	Francie Cho	Print Title:	Environmental Comm. Alt	Date:	8/20/2025
--------------------	-------------	---------------------	-------------------------	--------------	-----------