



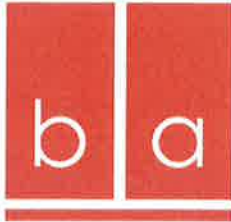
ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

| | |
|-----------------------------|--|
| Address: | 96 Fernwood Road |
| Application #: | ZB-25-2294 |
| Description/Variations: | (c) - variance for lot coverage for extended patio with kitchen. |
| Sent to Staff for Comments: | September 5, 2025 |
| Due Date: | September 9, 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
A S S O C I A T E S , I N C .

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 & Tom Behrens, PP, AICP
Subject: Caponetti Residence (ZB-25-2294)
96 Fernwood Road
Block 2105 Lot 34
'c' Bulk Variance Request
Date: September 10, 2025
BA#: 4269.48

I. INTRODUCTION

The Applicants, Christopher and Abigail Caponetti, are requesting 'c' variance relief to replace the existing rear patio with a new blue stone patio in the same general location, including an outdoor kitchen and associated landscaping. The property is located in the R-25 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. Variance plans (2 sheets) prepared by Careaga Engineering, Inc. last revised August 29, 2024.

III. PROPERTY DESCRIPTION

The site, identified as Block 2105 Lot 34 in City tax records is a 15,631 square foot parcel with 95 feet of frontage on Fernwood Road. The property is developed with a two-story detached single-family dwelling with associated site improvements, including a paved driveway providing access to rear entry garages, paved walkway and rear stone patio. A 10 foot wide utility easement traverses the northwest area of the lot. The front of the property has an elevation of 358 which slopes downward to the rear elevation of 345. The following aerial image provides a general overview of the existing site conditions and surrounding development pattern.

IMAGE 1 - SITE AERIAL PHOTOGRAPH



Source: Google Maps, access September 10, 2025. Note: lot lines are approximate.

IV. REQUIRED VARIANCE RELIEF

The development application requires the following variance relief:

1. 'c' Maximum Lot Coverage. The R-25 Zone permits a maximum lot coverage of 30% where the property has an existing nonconforming lot coverage of 31.4% that will be increased to 33.3% as a result of the proposed improvements.
2. 'c' Minimum Side Yard Setback. The R-25 Zone require a minimum side yard setback of 17 feet, including accessory structures attached to the principal building, where the attached patio will has a nonconforming side yard setback of 12.5 feet from the south side lot line.
3. 'c' Maximum Steep Slope Disturbance. The proposed improvements will result in steep slope (>15%) disturbance of 1,485 square feet in the rear southwest corner of the property where a maximum stee slope disturbance of 1,000 square feet is permitted.

V. GENERAL COMMENTS

1. The Applicant shall confirm the extent of all proposed improvements.
2. The application materials indicate that landscaping is proposed though no landscape details are provided.

3. The Applicant shall confirm the extent of any proposed exterior lighting improvements.
4. No fence details have been provided for the fencing depicted along the rear lot line and segment of the south side lot line.
5. The proposed boulder retaining wall will have a maximum height of approximately 3.15 feet the review of which we defer to the Board Engineer.
6. We defer the review of stormwater management requirements 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.



Done + Emailed

STAFF COMMENTS REPORT

DATE: September 5, 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 |

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|------------------------|---|---|---------|
| Property Address | 96 Fernwood Road | Block: 2105 | Lot: 34 |
| Application #: | ZB-25-2294 | Applicants Names: Christopher and Abigail Caponetti | |
| Description/Variances: | (c) – variance for lot coverage for extended patio with kitchen | | |

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|--------------------|-------------------|--|
| Comments Due Date: | September 9, 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 (LM)

| | | | | | |
|-------------|------------|--------------|-----------|-------|--------|
| Print Name: | Eric Evers | Print Title: | Chief SFD | Date: | 9/8/25 |
|-------------|------------|--------------|-----------|-------|--------|

Memorandum

To: Zoning Board

From: Marie Raffay, P.E.

Date: September 8, 2025

Subject: 96 Fernwood Road
Block 2105, Lot 34
Summit, Union County, NJ

Summit No.: ZB-25-2294

We have reviewed the application and associated submissions prepared by the Applicants, Christopher and Abigail Caponetti of the subject property as referenced below:

- a. Application to Zoning Board of Adjustment, signed, dated May 20, 2025;
- b. Department of Community Services (DCS) Application for Development Worksheet, dated March 21, 2025;
- c. Zoning Board Application Checklist, dated May 20, 2025;
- d. Narrative Description of Proposed Plan for 96 Fernwood Road, prepared by Brian W. Fahey, Jr, Esq. dated May 23, 2025;
- e. Certified List of Property Owners within 200 feet, with map;
- f. Certification of Payment of Taxes, dated 2/28/25;
- g. Survey Map prepared by Apgar Associates dated July 18, 2020.
- h. Variance Plan, entitled "Variance Plan, 96 Fernwood Road, Lot, 34, Block 2105, Situated in City of Summit, Union County, New Jersey", prepared by Jeffrey Careaga of Careaga Engineering Inc, consisting of one (1) sheet, dated 4/30/2024;
- i. Soil Erosion and Sediment Plan, entitled "Soil Erosion and Sediment Plan, 96 Fernwood Road, Lot, 34, Block 2105, Situated in City of Summit, Union County, New Jersey", prepared by Jeffrey Careaga of Careaga Engineering Inc, consisting of one (1) sheet, dated 4/30/2024;

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

1. The 15,631 square foot (0.36-acre) property is located on the west side of Fernwood Road, approximately 205 feet north of Brantwood Drive.

2. The property is in the R-25 Single-Family Residential Zone, with surrounding properties in the same zone and across the street from the R-15 zone.
3. The property is a rhombus in shape with 95 feet of frontage along Fernwood Road, an average depth of 165 feet and a rear yard width of 95 feet.
4. The property slopes down from the south-east corner at elevation 358 to the western property line at elevation 348. The southwest corner has 1,534 square feet of steep slopes.
5. The property is encumbered with a 10-foot-wide sanitary easement extending from the center of the northern property line diagonally to the center of the rear property line.
6. The property is currently improved with a dwelling, porch, walkways, asphalt driveway, slate patio, and related site improvements. The Applicant should provide testimony on the existing conditions on the property.
7. The Applicant is proposing to demolish the existing slate patio at the rear of the dwelling to construct a newly configured blue stone patio, improved stairs, additional walls, an outdoor kitchen, and additional landscaping. The Applicant should confirm the proposed improvements in testimony.
8. The Applicant is seeking a variance for disturbance of 1,485 square feet of steep slopes in excess of 15 percent where 1,000 square feet of disturbance is permitted. The disturbance will be accomplished with the use of retaining walls along the rear and southern property line to level the rear yard behind the proposed patio.
9. The Applicant is also seeking a variance for lot coverage of 33.3% where the maximum permitted in the R-25 zone is 30%. The existing lot coverage is 4,912 square feet where the proposed coverage is 5,211 square feet for an increase of 299 square feet of additional impervious coverage. The Applicant should confirm the coverage and if the walls were included in the impervious coverage.
10. The increase in impervious coverage of 299 square feet is less than 300 square feet so no stormwater mitigation is required. The Applicant should be aware that any increase in impervious coverage in excess of 300 square feet will require stormwater mitigation as required by Summit Ordinance Section 35-15.2E.
11. The Applicant is proposing to build the new patio configuration encroaching into the side and rear yard setback. We defer to the Board Planner for review and comment on whether or not a variance is required.

12. Testimony should be provided by the Applicant regarding the heights of the proposed walls along the south property line and the rear of the lot. It appears the wall height exceeds 4 feet at one location. We defer to the Building department for review and approval of the wall.
13. The Applicant should provide testimony on the proposed grading on site and where runoff will be directed for the site improvements.
14. The Applicant should provide testimony regarding the utility easement and ensure that the proposed boulder wall will not impact this area, and open access will remain for the existing easement on site during construction.
15. The Applicant should provide the location of all trees greater than eight inches in diameter particularly within the area of steep slopes.
16. We defer to the City Forester for review and approval of landscaping on site.
17. The Applicant is proposing to disturb 4,457 square feet of the lot. The Applicant should be aware that lot disturbances greater than 5,000 square feet require a soil permit from Somerset-Union Soil Conservation District. The Applicant should revise the Soil Erosion and Sediment Control Plan to reflect the correct Soil Conservation District.
18. 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.
19. The Applicant shall be aware that if stormwater runoff drainage problems occur on their property and/or neighboring properties because of the construction of the proposed improvements, it is the Applicant's responsibility to remedy that drainage issue.
20. As a condition of approval, signed digital plans shall be transferred to the City of Summit for use in updating the GIS database for the property. Coordination with the City's Engineering Department shall be the responsibility of the Applicant after the application is approved by the City and prior to the issuance of a Certificate of Occupancy.

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/mt



STAFF COMMENTS REPORT

DATE: September 5, 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: | 96 Fernwood Road | Block: 2105 | Lot: 34 |
| Application #: | ZB-25-2294 | Applicant Names: Christopher and Abigail Caponetti | |
| Description/Variances: | (c) - variance for lot coverage for extended patio with kitchen. | | |

| | | |
|---------------------------|-------------------|---|
| Comments Due Date: | September 9, 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: _____

- 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: | 9-5-25 |
|--------------------|----------------|---------------------|-----------------------|--------------|--------|



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DATE: September 5, 2025
FROM: Land Use Assistant / Board Secretary
TO:

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| | Name | Title / Committee |
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| <input type="checkbox"/> | Ralph Maritato | Construction Official |

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COMMENTS: NO comments

| | | | | | |
|--------------------|-------------|---------------------|------|--------------|--------|
| Print Name: | Laura Manco | Print Title: | PEHS | Date: | 9-5-25 |
|--------------------|-------------|---------------------|------|--------------|--------|



STAFF COMMENTS REPORT

DATE: September 5, 2025
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| | Name | Title / Committee |
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| <input type="checkbox"/> | Eric Evers | Fire Chief |
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| | | |
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| <input type="checkbox"/> | Donna Patel | Environmental Commission |

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COMMENTS: _____

THE PROSED IMPROVEMENTS ARE IN THE REAR OF THE
PROPERTY AND NOT VISIBLE FROM THE PUBLIC RIGHT OF WAY.
THE HPC TAKES NO EXCEPTION TO THIS APPLICATION.

| | | | | | |
|--------------------|---------------|---------------------|-------|--------------|------------|
| Print Name: | CAROLINE KING | Print Title: | CHAIR | Date: | 09.08.2025 |
|--------------------|---------------|---------------------|-------|--------------|------------|



STAFF COMMENTS REPORT

DATE: September 5, 2025
FROM: Land Use Assistant / Board Secretary
TO:

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| <input type="checkbox"/> | Ralph Maritato | Construction Official |

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|-------------------------------------|---------------|--------------------------|
| <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 |

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COMMENTS: _____

The application is for variances for lot coverage and side-yard setback to demolish an existing patio and replace it with a slightly larger patio and outdoor kitchen. There are pre-existing non-conformities. It appears that no trees will be removed for this project, but this is not clear from the materials provided. There is mention of "associated landscaping" so the inclusion of a landscape plan would have been appreciated.

For alterations of this nature, the Environmental Commission encourages the homeowners and their architect to minimize the size of paved surfaces and use green infrastructure for patios, such as permeable paving and rain gardens, to assist with drainage, mitigate heat island effects, and reduce pollution from runoff.

In addition, we would encourage planting native shade trees and shrubs on the open spaces of the property to assist with site hydrology. 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 (<https://njaes.rutgers.edu/fs1140/>).

On behalf of the Summit Environmental Commission, I have no objections to the requested variances.

| | | | | | |
|--------------------|-------------|---------------------|-------------------------|--------------|----------|
| Print Name: | Francie Cho | Print Title: | Environmental Comm. Alt | Date: | 9/8/2025 |
|--------------------|-------------|---------------------|-------------------------|--------------|----------|