



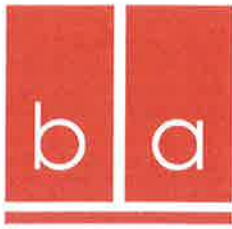
ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

Address:	45 Edgewood Road
Application #:	ZB-25-2301
Description/Variances:	(c) - variance for third story addition and side yard setback.
Sent to Staff for Comments:	July 29, 2025
Due Date:	August 19, 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 & Tom Behrens, PP, AICP
Subject: Behm Residence (ZB-25-2301)
45 Edgewood Road
Block 3401 Lot 44
'c' Bulk Variance Request
Date: August 20, 2025
BA#: 4269.33

I. INTRODUCTION

The Applicants, Jeffrey and Rachel Behm, are requesting 'c' variance relief to develop a new second floor addition to accommodate a master bedroom suite above an area of the existing dwelling located at the above-referenced property. The site is located in the R-25 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. Property survey prepared by Morgan Engineering and Surveying dated January 9, 2020.
3. Topography and grade analysis prepared by Morgan Engineering and Surveying dated December 19, 2024.
4. Architectural plans (7 sheets) prepared by MC Architecture and Design last revised July 17, 2025.

III. PROPERTY DESCRIPTION

The site, identified as Block 3401 lot 44 in City tax records, is a 0.49-acre parcel with 100 feet of frontage on Edgewood Road. The property is developed with a two-story single-family dwelling with attached front facing garage and associated site improvements including a paved driveway, walkways, rear deck and patio and retaining walls. The property is impacted by areas of steep slopes and generally slopes downward from the front of the property at elevation 414 to elevation 371 at the rear of the property. Development surrounding the site consists of detached single-family uses to the north, east and west and rail corridor to the south. 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 20, 2025.

IV. REQUIRED VARIANCE RELIEF

The development application requires the following variance relief:

1. 'C' Number of Stories. Given the slope of the property, the existing dwelling and proposed improvements constitute a 3 story dwelling where the R-25 Zone permits a maximum building height of 2 stories.

V. GENERAL COMMENTS

1. The Applicant shall confirm the extent of all proposed improvements.
2. 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: July 29, 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	45 Edgewood Road	Block: 3401	Lot: 44
Application #:	ZB-25-2301	Applicants Names: Jeffrey and Rachel Behm	
Description/Variances:	(c) – variance for third story addition and side yard setback		

Comments Due Date:	August 19, 2025	Please email landuse@cityofsummit.org if you are unable to meet this date.
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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:	8/6/25
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DATE: July 29, 2025

FROM: Land Use Assistant / Board Secretary

☐ FLOOD ZONE

TO:

	Name	Title / Committee
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<input type="checkbox"/>	Ryan Peters	Police Chief
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COMMENTS:

No objections

[Signature]

Print Name:		Print Title:		Date:	
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Memorandum

To: Zoning Board

From: Marie Raffay, P.E.

Date: August 19, 2025

Subject: 45 Edgewood Road
Block 3401, Lot 44
Summit, Union County, NJ

Summit No.: ZB-25-2301

We have reviewed the application and associated submissions prepared by the Applicants, Jeffrey and Rachel Behm of the subject property as referenced below:

- a. Application to Zoning Board of Adjustment, dated May 27, 2025;
- b. Application for Development Worksheet, dated May 12, 2025;
- c. Zoning Board Application Checklist, dated May 27, 2025;
- d. Project Narrative for Behm Residence, 45 Edgewood Road, Summit, NJ;
- e. Certified List of Property Owners with map, dated May 12, 2025;
- f. Certification of Tax Payments, dated May 12, 2025;
- g. Architectural Plans entitled "Additional and Alterations to 45 Edgewood Road, Summit, New Jersey", consisting of seven (7) sheets, prepared by MC Architecture and Design, dated December 23, 2024, last revised July 17, 2025;
- h. Topography & Above Grade Analysis for Lot 44, Block 3401, City of Summit, County of Union, New Jersey, consisting of one (1) sheet, prepared by David J. Von Steenburg, PLS of Morgan Engineering & Surveying, dated December 19, 2024;
- i. Existing Survey of Property, Lot 44, Block 3401, City of Summit, County of Union, New Jersey, consisting of one (1) sheet, prepared by David J. Von Steenburg, PLS, dated January 9, 2020;
- j. Proposed Survey of Property, Lot 44, Block 3401, City of Summit, County of Union, New Jersey, consisting of one (1) sheet, prepared by David J. Von Steenburg, PLS, dated January 9, 2020;

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

- 1. The 21,126-square foot (0.48-acre) property is located on the south side of Edgewood Road approximately 875 feet south of the intersection of Springfield Avenue and Edgewood Road.

2. The property is in the R-25 Residential Zone, with adjacent properties in the same zone and the rear property abutting the R-5 zone with the Norfolk Southern Rail line as the division.
3. The property is irregular in shape with approximately 100-feet of frontage on Edgewood Road and an average lot depth of approximately 182-feet and a rear lot width of approximately 140-feet.
4. The property slopes down from the front property line at elevation of 415 to the southeast corner at elevation 371.
5. The property is currently improved with a 2-story dwelling, slate walkway, paved driveway, walls, and related site improvements. The Applicant should confirm in testimony.
6. The Applicant is proposing a building addition on the east side of the existing dwelling to accommodate a new primary suite on the second floor. Due to the existing site topography, the basement level qualifies as a story above grade, thereby necessitating a bulk variance for exceeding the permitted number of stories. The Applicant should confirm the scope of the proposed improvements during testimony.
7. It is unclear if the Applicant is proposing to regrade the rear yard by removing the stone wall and the masonry wall. The Applicant should confirm in testimony if any grading changes are proposed.
8. The Applicant should provide testimony describing the intended use and interior layout of the proposed addition, as well as how its architectural design and exterior appearance will complement and be consistent with the existing dwelling.
9. The Applicant should provide testimony regarding the proposed drainage plan, including where stormwater from the addition will be directed. Clarification should be provided as to whether roof leaders or other drainage infrastructure will be installed.
10. As the application does not propose an increase in building or lot coverage, stormwater mitigation is not required. The Applicant should verify the proposed site conditions during testimony.
11. The Applicant must ensure that any proposed exterior lighting will not cause glare or light spill onto neighboring properties. Testimony should be provided to confirm this.
12. The Applicant does not appear to be removing any trees for this project. We defer to the City Forester for review and approval of the proposed improvements.
13. The Applicant shall be aware that disturbances of greater than 5,000 square feet require a permit from Somerset-Union Soil Conservation District.

14. 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.
15. 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/gd

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STAFF COMMENTS REPORT

DATE: July 29, 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:	45 Edgewood Road	Block: 3401	Lot: 44
Application #:	ZB-25-2301	Applicant Names: Jeffrey and Rachel Behm	
Description/Variances:	(c) - variance for third story addition and side yard setback.		

Comments Due Date:	August 19, 2025	Please email landuse@cityofsummit.org if you are unable to meet this date.
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COMMENTS: _____

In accordance with NJAC 5:23-6.32, the following requirements must be met for smoke detectors:

At least one AC-powered, interconnected smoke detector with battery backup is required on each level of the building, including the basement.

Smoke detectors must be installed in all sleeping areas and a Smoke/Carbon Monoxide detector within 10 feet of all bedroom doors.

If the variance is granted, ensure that the compliance with these smoke detector provisions is clearly indicated on the construction plans submitted for permit approval.

All plans must adhere to current building codes.

Print Name:	Ralph Maritato	Print Title:	Construction Official	Date:	7-30-25
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DATE: July 29, 2025

FROM: Land Use Assistant / Board Secretary

☐ FLOOD ZONE

TO:

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COMMENTS: No trees or landscaping are affected.

Proposed improvement is well screened with existing plant material.

No objection.

Print Name:	John Linson	Print Title:	Forester	Date:	7/31/25
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STAFF COMMENTS REPORT

DATE: July 29, 2025

FROM: Land Use Assistant / Board Secretary

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TO:

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COMMENTS: _____

THE PROPOSED DESIGN IS CONSISTENT WITH THE DRD DESIGN
GUIDELINES. THE HPC RECOMMENDS THE APPLICANT
MATCH THE EXISTING MATERIALS OF THE CURRENT HOME

Print Name:	CAROLINE KING	Print Title:	CHAIR	Date:	8/10/2025
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STAFF COMMENTS REPORT

DATE: July 29, 2025

FROM: Land Use Assistant / Board Secretary

☐ FLOOD ZONE

TO:

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COMMENTS: It does not appear that any trees or other landscaping will be removed or altered for this project. The Environmental Commission recommends that the homeowners and their architect consider the use of solar panels on any south-facing roof and consider adding native trees or shrubs on the property to assist with site hydrology (see the Rutgers list of native plants at (<https://njaes.rutgers.edu/fs1140/>)). The Environmental Commission has no objection to the requested variance.

Print Name:	Donna Goggin Patel	Print Title:	Chair, Summit Environmental Comm.	Date:	8-5-25
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