



## ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

<b>Address:</b>	23 Ox Bow Lane
<b>Application #:</b>	ZB-25-2296
<b>Description/Variances:</b>	(c)- variance for steep slopes disturbance to construct a patio and outdoor space, and installation of stormwater management
<b>Sent to Staff for Comments:</b>	July 21, 2025
<b>Due Date:</b>	August 11, 2025

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 (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:**

<b>Sent to Applicant:</b>	____/____/____
<b>Sent to Attorney:</b>	____/____/____



**B U R G I S**  
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: Michael Cardone (ZB-25-2296)  
23 Ox Bow Lane  
Block 2201 Lot 11  
'c' Bulk Variance Requests  
Date: August 11, 2025  
BA#: 4269.30

### I. INTRODUCTION

The Applicant, Michael Cardone, is requesting 'c' variance relief for proposed steep slope disturbance to regrade areas of the property to accommodate a new patio and outdoor living space at the above-referenced property. The site is located in the R- 25 Residential Zone wherein the existing/proposed detached single-family use is permitted. In 2024, the Applicant received building permits to develop a new single-family dwelling on the property which is currently under construction. The extent of proposed improvements and required variance relief are detailed herein.

### II. DOCUMENTS SUBMITTED

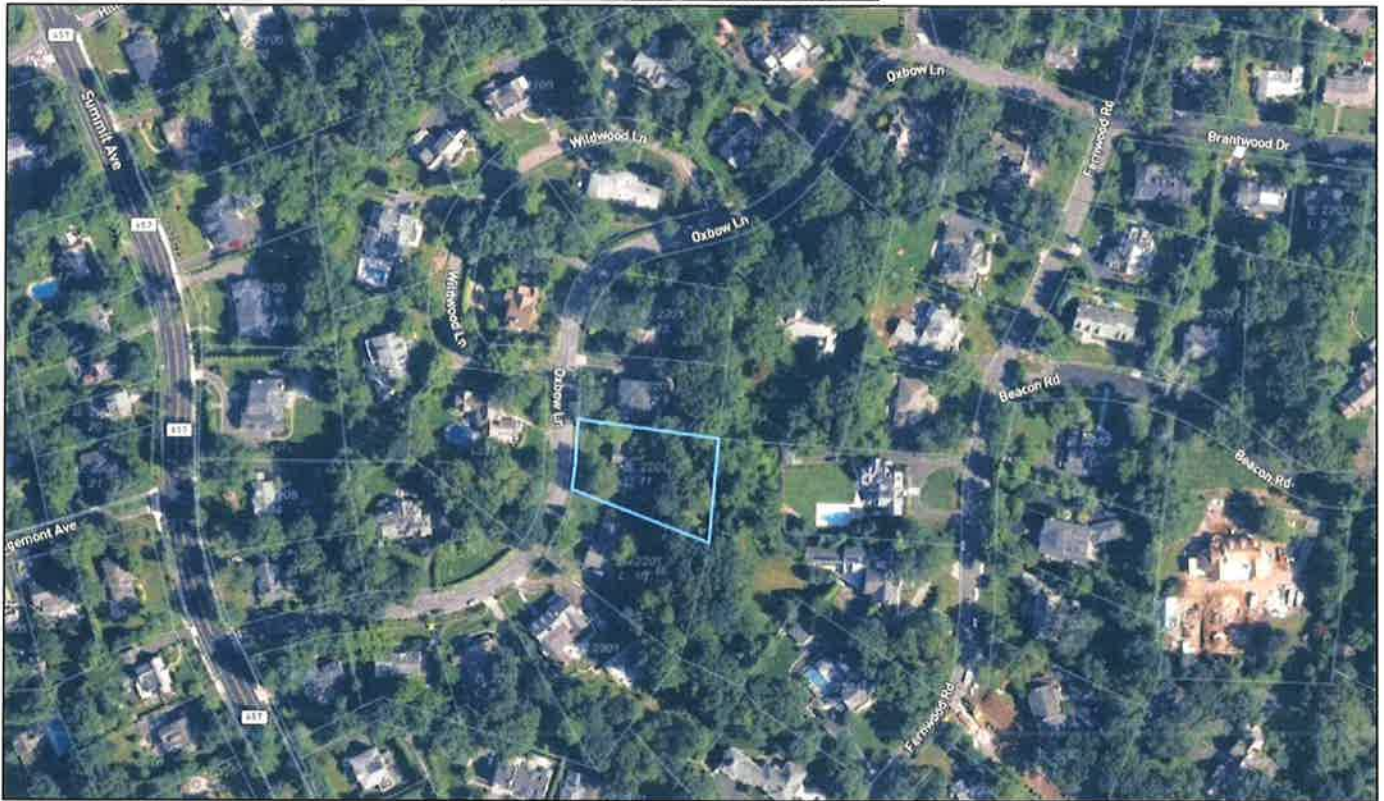
Our office has received and reviewed the following application documents:

1. Application forms and accompanying materials.
2. Foundation location survey prepared by James P. Deady Surveyor, LLC dated January 27, 2025.
3. Variance plans (5 sheets) prepared by Murphy & Hollows Associates, LLC last revised May 22, 2025.

### III. PROPERTY DESCRIPTION

The site, identified as Block 2201 Lot 11, is a 0.57-acre parcel with 100 feet of frontage on Ox Bow Lane. The parcel is currently being developed with a two-story detached single-family dwelling which received building permits in 2024. The property is impacted by areas of steep slopes (>15%) where the lot generally slopes downward from the highest elevation of 134 in the rear down to an elevation of 100 along the front lot line. Development surrounding the site consists solely of detached single-family dwellings. The aerial image below 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 11, 2025.

#### IV. REQUIRED VARIANCE RELIEF

The development application requires the following variance relief:

1. 'c' Maximum Steep Slope Disturbance. The proposed regrading results in a disturbance of 5,100 square feet of the existing 9,444 square feet of steep slopes (>15%) on the property, including the majority of the front yard where a maximum disturbance of 1,000 square feet is permitted in accordance with Section 35-16.1(A).

#### V. GENERAL COMMENTS

1. Several retaining walls will be installed to accommodate the proposed grading, including a Keystone block wall with a maximum height of 7.7 feet along the southern side lot line adjacent to the driveway that runs perpendicular behind the house above the rear patio. A boulder wall will be installed behind the Keystone block wall in the rear yard. Sheet 3 of the plans includes a note indicating that where the wall height exceeds 3 feet, landscaping or fencing will be placed on top of the wall. The Applicant shall confirm the extent of the walls and fencing and/or landscaping above the walls.
2. The Applicant shall confirm the proposed extent of tree removal and replacement. The plans do not appear to depict the removal of a mature tree located in the front yard area which is confirmed to have existed as late as June 2023 via Google Street View. The proposed landscape plantings are limited to foundation plantings along the front of the dwelling and northern side, including a variety of shrubs and 1 Columnar Hornbeam tree.

3. We defer the review of stormwater management to the Board Engineer.
4. The a/c units and generator located in the side yard shall be screened with dense landscaping or fencing. It is noted that the landscape plan does not currently include any form of screening of the equipment. The Applicant shall confirm the generator has a minimum 15-foot setback from the adjacent side lot line as required in the R-25 Zone or variance relief will be required.

\*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 21, 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	23 Ox Bow Lane	Block: 2201	Lot: 11
Application #:	ZB-25-2296	Applicants Names: Michael Cardone	
Description/Variances:	(c) – variance for steep slopes disturbance to construct a patio and outdoor space, and installation of stormwater management		

**Comments Due Date:**

August 11, 2025

Please email [landuse@cityofsummit.org](mailto: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

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<b>Print Name:</b>	Eric Evers	<b>Print Title:</b>	Chief SFD	<b>Date:</b>	8/6/25
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## STAFF COMMENTS REPORT

DATE: July 21, 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
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COMMENTS: No objections

LT CHH

Print Name:		Print Title:		Date:	
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## Memorandum

To: Zoning Board

From: Marie Raffay, P.E.

Date: August 11, 2025

Subject: 23 Oxbow Lane  
Block 2201, Lot 11  
Summit, Union County, NJ

Summit No.: ZB-25-2296

We have reviewed the application and associated submissions prepared by the Applicant, Michael Cardone of the subject property as referenced below:

- a. Application to Zoning Board of Adjustment, dated April 4, 2025;
- b. Application for Development Worksheet, dated April 4, 2025;
- c. Zoning Board Application Checklist, dated April 4, 2025;
- d. Certified List of Property Owners with map, dated November 13, 2024;
- e. Certification of Tax Payments, dated January 2, 2025;
- f. Submission Letter from Alfonso & Webber, LLC dated April 4, 2025;
- g. Submission Letter from Alfonso & Webber, LLC dated June 3, 2025, with revised engineering plans;
- h. Memorandum in Support of Application for Development requesting variance relief, prepared by Alfonso & Webber LLC, dated April 4, 2025;
- i. Variance Plan, entitled "Variance Plan for Steep Slope Disturbance, Lot 11, Block 2201, 23 Oxbow Lane, City of Summit, Union County, New Jersey", prepared by Murphy & Hollows Associates LLC, consisting of three (3) sheets, dated March 31, 2025, last revised with five (5) sheets, dated May 22, 2025.

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

1. The 24,855-square foot (0.57-acre) property is located on the east side of Oxbow Lane approximately 550 feet east of the intersection of Summit Avenue and Oxbow Lane.
2. The property is in the R-25 Residential Zone, with adjacent properties in the same zone.
3. The property is trapezoidal in shape with approximately 100-feet of frontage on Oxbow Lane, an average lot depth of 205-feet and a rear yard width of approximately 148 feet.

4. The property slopes down from the southeast corner at elevation 134 to the front property line at elevation 110.
5. The property is currently under construction with a dwelling and driveway. The Applicant should confirm in testimony.
6. The Applicant is proposing to disturb steep slopes to complete the improvements to the dwelling under construction on the property. There are 9,444 square feet of steep slopes greater than 15 percent on the property. The Applicant is proposing to disturb 5,096 square feet of steep slopes greater than 15 percent where 1000 square feet is permitted. A variance is required.
7. The proposed site disturbance includes leveling the steep slopes in the rear yard to create an outdoor patio and walkway, and installation of stormwater management and associated improvements. The Applicant should confirm the proposed improvements in testimony.
8. The Applicant is proposing a drywell system in the south side of the dwelling beneath the proposed driveway. Construction details indicate one drywell; however, the plans depict two drywells. The inconsistency should be eliminated.
9. The Applicant should provide testimony clarifying the drainage areas contributing to the system and confirm that the stormwater calculations have been revised accordingly to reflect the sizing of the proposed drywells. It is unclear of the additional impervious coverage on the property and the needed sizing of the drywell.
10. A soil test shall be provided prior to the installation of the proposed drywell. Soil test shall include information regarding the location of the seasonal high-water table (SHWT). Per New Jersey's Stormwater Best Management Practices Manual, it shall be confirmed that the bottom of the proposed drywell is at least 2 feet above the SHWT.
11. The limit of disturbance for the project should be clearly depicted on the plans. In addition, the Applicant should provide testimony confirming that the limit of disturbance reflects the full extent of proposed site activities.
12. The labeling of the silt fence location is unclear and should be clarified. The location of all proposed silt fence or other soil erosion control measures should be clearly shown on the plans to ensure adequate protection during construction.
13. To clarify the work proposed, all line types used on the plans should be clearly shown and included in the legend. The Applicant should ensure that line styles, thicknesses, and symbols are used consistently throughout the plan set to improve clarity and prevent misinterpretation during construction and review.



14. The Applicant should indicate whether any easements exist on the property, including utility, drainage, access, or conservation easements. If any are present, their locations and extents should be clearly shown on the plans. Testimony should also be provided confirming whether the proposed improvements will impact any existing easements.
15. The existing conditions of the site should be clearly provided in both the zoning chart and as a separate site plan sheet. Given that no existing conditions survey was submitted, a dedicated plan showing all existing features is necessary to properly evaluate the proposed improvements and confirm compliance with zoning requirements.
16. The Applicant should provide the height of all proposed retaining walls at the rear of the property, including finished grades at the top and bottom of the wall on both sides. This information should be clearly labeled on the plans to allow for accurate evaluation of wall height, grading impacts, and compliance with applicable design standards.
17. Testimony should be provided as to what utility connections will need to be made. Will there be electricity, water, gas, sewer?
18. The Applicant appears to be removing one tree for this project. We defer to the City Forester for review and approval of the proposed improvements.
19. The Applicant shall be aware that disturbances of greater than 5,000 square feet require a permit from Somerset-Union Soil Conservation District.
20. 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.
21. 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



## STAFF COMMENTS REPORT

**DATE:** July 21, 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:	23 Ox Bow Lane	Block: 2201	Lot: 11
Application #:	ZB-25-2296	Applicant Names: Michael Cardone	
Description/Variances:	(c)- variance for steep slopes disturbance to construct a patio and outdoor space, and installation of stormwater management		

<b>Comments Due Date:</b>	August 11, 2025	Please email <a href="mailto:landuse@cityofsummit.org">landuse@cityofsummit.org</a> if you are unable to meet this date.
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**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.

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<b>Print Name:</b>	Ralph Maritato	<b>Print Title:</b>	Construction Official	<b>Date:</b>	7-22-25
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## STAFF COMMENTS REPORT

DATE: July 21, 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.
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COMMENTS: The tree removal permit issued for this property requires trees to be replaced.  
This would be an appropriate time to show where the replacement trees will be planted.

Print Name:	John Linson	Print Title:	Forester	Date:	7/21/25
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DATE: July 21, 2025

FROM: Land Use Assistant / Board Secretary

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TO:

	Name	Title / Committee
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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: No Comments.

Print Name:	<u>George Hanson</u>	Print Title:	<u>HEHS</u>	Date:	<u>7-22-25</u>
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## STAFF COMMENTS REPORT

DATE: July 21, 2025

FROM: Land Use Assistant / Board Secretary

☐ FLOOD ZONE

TO:

	Name	Title / Committee
<input type="checkbox"/>	Eric Evers	Fire Chief
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COMMENTS:

23 OXBOW LANE IS A NON-CONTRIBUTING STRUCTURE  
LOCATED IN THE NORTHSIDE HISTORIC DISTRICT.  
THE PROPOSED IMPROVEMENTS ARE IN THE REAR  
OF THE PROPERTY WITH NO PROPOSED CHANGES TO  
THE BUILDING.

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

DATE: July 21, 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
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COMMENTS: The application is for a variance for steep slope disturbance to construct a patio and outdoor space. In the new proposed landscape plan, the Environmental Commission (EC) is pleased to see the inclusion of Arrowood Viburnum, which is a native species to New Jersey. Native species are crucial for managing stormwater and promoting biodiversity.

The following native plants could substitute for the non-natives in the landscaping plan (or see the Rutgers list of native plants at <https://njaes.rutgers.edu/fs1140/>). In particular, the American Boxwood could be replaced with Inkberry Holly (*Ilex glabra*) or Mountain Laurel (*Kalmia latifolia*). The Columnar Hornbeam could be replaced with Ironwood/American Hornbeam (*Carpinus carolina*). The various Holly species could be replaced with American Holly (*Ilex opaca*). There are also native rhododendron options. On behalf of the EC, I do not object to the requested variance.

Print Name:	Donna Goggin Patel	Print Title:	Chair, Summit Environmental Comm	Date:	8/1/25
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