



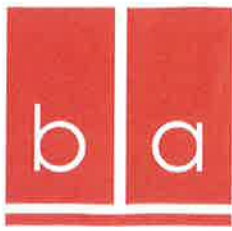
ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

Address:	45 Prospect Hill Avenue
Application #:	ZB-25-2303
Description/Variances:	(c) - variance for steep slope disturbance and building coverage to construct new home, patio, and in-ground swimming pool.
Sent to Staff for Comments:	September 18, 2025
Due Date:	October 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
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: Gelband Residence (ZB-25-2303)
45 Prospect Hill Avenue
Block 3501 Lot 28
'c' Variance Requests
Date: October 9, 2025
BA#: 4269.37

I. INTRODUCTION

The Applicants, Richard and Stephanie Gelband, are requesting 'c' variance relief to remove the existing site improvements to accommodate the development of a new single-family dwelling and associated improvements including porches, a paved driveway, walkways and patio, terrace, retaining walls, fencing, stormwater management, spa, inground swimming pool and landscaping at the above-referenced property. The property is located in the R-25 Zone wherein the proposed detached single-family dwelling is a permitted use. The extent of proposed improvements and required variance relief are detailed herein.

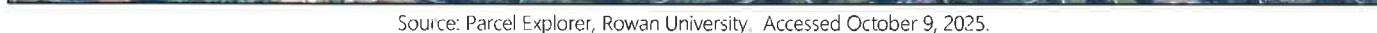
II. DOCUMENTS SUBMITTED

Our office has received and reviewed the following application documents:

1. Application forms and accompanying materials.
2. Property survey prepared by James P. Deady Surveyor, LLC last revised April 14, 2025.
3. Lot grading plan prepared by ABC Surveys, LLC dated May 27, 2025.
4. Steep Slopes Plan prepared by ABC Surveys, LLC dated May 27, 2025.
5. Architectural plans (7 sheets) prepared by SEK Architects dated May 28, 2025.
6. Landscape plan (1 sheet) prepared by Landbox Landscape Architecture Studio dated May 20, 2025.
7. Wall and fence details (2 sheets) prepared by Landbox Landscape Architecture Studio dated August 1, 2025.

III. PROPERTY DESCRIPTION

The site, identified as Block 3501 Lot 28 in City tax records, is a 0.77-acre parcel with frontage on Prospect Hill Avenue developed with a 2 1/2-story dwelling with associated site improvements including a paved driveway and walkways, rear stone patio and pool and patio in the side yard area. The rear and northeast corner of the property are impacted by

[illegible]

1. 'c' Maximum Building Coverage. The R-25 Zone permits a maximum building coverage of 14 where the proposed improvements will result in a nonconforming building coverage of 16.8%.
2. 'c' Steep Slope Disturbance. The proposed improvements require the disturbance of 9,200 square feet of steep slopes (>15%) where the DRO permits a maximum steep slope disturbance of 1,000 square feet.

1. The Applicant shall confirm the extent of all proposed improvements.
2. The Applicant shall discuss the extent to which the proposed dwelling is consistent with the Development Design Guidelines contained in Attachment 1 of Chapter 35 (DRO) of the City Code.
3. The Applicant shall address compliance with the neighborhood average front yard setback calculation for the proposed new dwelling in accordance with Sections 35-9.10.B.2. and 35-9.6.E.

4. 20 trees with calipers of 6" or greater. The proposed landscaping is extensive featuring the installation of 85 trees and several varieties of shrubs, perennials, grasses and groundcover throughout the grounds. This including a row of Green Giant Arborvitae installed around the side and rear property lines at planting heights of 12 to 16 feet.
5. The Applicant shall confirm the extent of proposed exterior lighting and address compliance of same.
6. The proposed a/c units in the side yard area shall be sufficiently screened with dense landscaping and/or fencing.
7. The installation of new dry wells are proposed to mitigate the impacts of the proposed increase in lot coverage. 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.



STAFF COMMENTS REPORT

DATE: September 18, 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

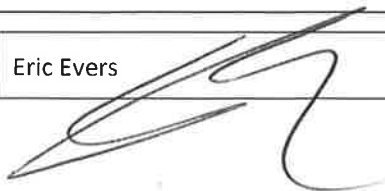
<input type="checkbox"/>	John Linson	City Forester
<input type="checkbox"/>	Health Dept.	Westfield
<input type="checkbox"/>	Caroline King	Chair, HPC
<input type="checkbox"/>	Planner	Burgis Assoc.
<input type="checkbox"/>	Donna Patel	Environmental Commission

Property Address:	45 Prospect Hill Avenue	Block: 3501	Lot: 28
Application #:	ZB-25-2303	Applicant Names Richard and Stephanie Gelband	
Description/Variances:	(c) - variance for steep slope disturbance and building coverage to construct new home, patio, and in-ground swimming pool.		

Comments Due Date:	October 9, 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:	9/24/25
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COMMENTS: No objections

Print Name:		Print Title:		Date:	
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Memorandum

To: Zoning Board

From: Marie Raffay, P.E.

Date: October 13, 2025

Subject: 45 Prospect Hill Avenue
Block 3501, Lot 28
Summit, Union County, NJ

Summit No.: ZB-25-2303

We have reviewed the application and associated submissions prepared by the Applicants, Richard and Stephanie Gelband of the subject property as referenced below:

- a. Application to Zoning Board of Adjustment, dated June 6, 2025;
- b. Alfonso & Webber Attorney submission Letter dated June 6, 2025;
- c. Dept of Community Services Application for Development Worksheet dated June 5, 2025;
- d. Zoning Board Application Checklist dated June 5, 2025;
- e. Memorandum in Support of Application for Development, prepared by Samantha Alfonso, Esq. dated June 5, 2025;
- f. Property Owners List with map;
- g. Tax Payment Certification dated May 28, 2025;
- h. Techno Block Retaining Wall Specifications, consisting of two (2) sheets, prepared by Landbox Landscape Architecture Studio, dated August 1, 2025;
- i. Boundary & Topographic Survey, consisting of 3 sheets, prepared by John C. Ritt, PLS of James P. Deady Surveyor, LLC, dated 10/30/2024, last revised April 14, 2025;
- j. Lot Grading Plan, entitled "Lot Grading Plan prepared for Gelband Residence, 45 Prospect Hill Avenue, Tax Lot 28, in Block 3501, City of Summit, Union County, New Jersey" consisting of one (1) sheet, prepared by Andrew Clarke, PLS, PE, dated May 27, 2025;
- k. Steep Slopes Plan, entitled "Steep Slopes Plan prepared for Gelband Residence, 45 Prospect Hill Avenue, Tax Lot 28 in Block 3501, City of Summit, Union County, New Jersey", consisting of one (1) sheet, prepared by Andrew Clarke PLS, PE, dated May 27, 2025;
- l. Planting Plan, consisting of one (1) sheet, prepared by Landbox Landscape Architecture Studio, dated May 20, 2025;

m. Architectural Plans, entitled "45 Prospect Hill Ave, Variance Submission", prepared by Stephen Kowalski RA of SEK Architects, consisting of seven (7) sheets, dated of May 28, 2025.

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

1. The 33,513 square foot (0.769-acre) property is located on the south side of Prospect Hill Avenue, approximately 600 feet east of Wittredge Road.
2. The property is in the R-25 Single-Family Residential Zone, with surrounding properties in the same zone.
3. The property is mostly rectangular in shape with 150 feet of frontage along Prospect Hill Avenue, an average depth of 208 feet and a rear yard width of approximately 176 feet.
4. The property slopes down from the front northeast corner at elevation 419 to the southwest corner at elevation 387.
5. The property contains approximately 1,400 square feet of steep slopes in the front of the property and approximately 9,000 square feet of steep slopes in the rear.
6. The property is currently improved with a 2-1/2 story dwelling, shed, pool, slate patios, concrete walkways, asphalt driveway, and related site improvements. The Applicant should provide testimony on the existing conditions on the property and whether any improvements have been made since the date of the survey.
7. The Applicant is proposing to remove all of the site improvements and construct a new dwelling, terrace, porches, in-ground pool, patio, spa, stormwater mitigation, asphalt driveway, walkways, HVAC equipment, and retaining walls. The Applicant should confirm the improvements in testimony.
8. The Applicant is requesting a variance for disturbance of regulated steep slopes. The Applicant is proposing a disturbance of 9,200 square feet where a maximum of 1,000 square feet is permitted. The Applicant shall provide testimony in support of the requested variance, including justification for exceeding the steep slope disturbance limit and why the proposed improvements cannot be relocated or modified to reduce these impacts.
9. The Applicant is requesting a variance for a building coverage of 16.8 percent where a maximum of 14 percent is permitted. The Applicant shall provide testimony in support of the requested variance, including justification for exceeding the permitted building coverage and why the proposed improvements cannot be modified to reduce these impacts.
10. The proposed improvements result in a total limit of disturbance of 30,000 square feet, which exceeds the 5,000-square-foot threshold and therefore requires approval from the Somerset-Union Soil Conservation District.

11. The Applicant is proposing a lot coverage increase of 887 square feet which requires stormwater mitigation for exceeding 300 square feet of increase. The Applicant is proposing dry wells in the front of the house to capture the roof dwelling and driveway runoff. Additionally, dry wells are proposed in the rear of the property and appear to be collecting water from behind the retaining walls that are supporting the pool. However, no tributary drainage area has been identified for either dry well nor have any details been provided for the method of collection of surface runoff for the rear dry well. Calculations have been provided for the dry wells being sized to collect 5,000 square feet of stormwater runoff. It is unclear if that area is for the dwelling and driveway or the rear yard. The Applicant should provide calculations for review to confirm that each dry well is appropriately sized for the area being collected. A detail should be provided for the rear collection method and to justify if the method of stormwater collection is suited for collecting the intended runoff.
12. 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 permeability rating 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.
13. The Applicant shall provide testimony regarding the proposed grading elevations in the rear yard associated with the construction of the retaining walls.
14. The Applicant's engineer shall provide testimony regarding the building height calculations and that the proposed height complies with the City's ordinance.
15. The Applicant has provided a planting and landscaping plan. The Applicant should provide testimony regarding the overall planting plan as well as the feasibility of access of lawn maintenance equipment for the areas surrounded by walls and large shrubs and trees.
16. The landscape plan appears to conflict with the proposed HVAC and generator locations on the west side of the proposed dwelling. This inconsistency should be eliminated, and the Applicant should ensure that proper screening of equipment is provided.
17. The location of the pool equipment should be noted on the plans. The Applicant should ensure that proper screening of the equipment will be provided.
18. The Applicant shall confirm any proposed lighting and confirm there will be no glare onto neighboring properties.
19. It appears that the Applicant is proposing to remove multiple trees for the proposed project. We defer to the City forester for review and comment.

20. 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.
21. 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.
22. 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/gcd

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STAFF COMMENTS REPORT

DATE: September 18, 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 Prospect Hill Avenue	Block: 3501	Lot: 28
Application #:	ZB-25-2303	Applicant Names: Richard and Stephanie Gelband	
Description/Variances:	(c) - variance for steep slope disturbance and building coverage to construct new home, patio, and in-ground swimming pool.		

Comments Due Date: **October 9, 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.

The garage area must comply with the fire rating specified in FTO-13.

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.

- 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.

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.



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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: I would like to see a more detailed tree preservation plan
and it might be possible to preserve an additional tree or two.

Print Name:	John Linson	Print Title:	Forester	Date:	10/3/25
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COMMENTS: The Health Dept. recommends burying the
property for rest during construction.

Print Name:	George Korman	Print Title:	REHS	Date:	9/18/25
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STAFF COMMENTS REPORT

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<input type="checkbox"/>	Caroline King	Chair, HPC
<input type="checkbox"/>	Planner	Burgis Assoc.
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COMMENTS: _____

The applicants chose to demolish a 100-year old Tudor Revival historic home that contributes to the North Side Historic District. Following the demolition, the applicants are requesting variances for building coverage. Given the now empty lot, construction can adhere to the City of Summit DRO - Development Regulations Ordinance.

The most extensive of the historic districts, the North Side includes most properties north of Springfield Avenue, bounded by Morris Avenue, Woodland Avenue and Canoe Brook Country Club, and Route 24. The North Side Historic District exemplifies Summit's history and reputation as a commuter suburb. Described "as if everything were designed as a harmonious whole", this area is defined by a variety of architectural styles often in park-like settings. 1890-

1940's architecture predominates, with Late Victorian Queen Anne, Shingle and Colonial Revival houses in abundance, along with more than 100 examples of Tudor Revival homes. Much of the district has been excellently preserved.

45 Prospect Hill Avenue was home to the founder of the Community Food Bank of New Jersey (CFBNJ). In 1975, Summit resident Kathleen DiChiara saw the need in the community and began collecting and distributing food from the back of her station wagon, using her garage as storage and her kitchen as an office. Celebrating 50 years, the CFBNJ, a member of Feeding America®, works to end hunger by distributing food to more than 800 community partners – including food pantries, soup kitchens, and child and senior feeding programs – and by connecting neighbors in need with supportive solutions.

Print Name:	Caroline King	Print Title:	Chair, HPC	Date:	09.23.2025
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<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 building coverage (16.8% vs 14% permitted) and an extremely large steep slope disturbance of approximately 9,200 square feet (vs 1,000 permitted) for construction of a new house, pool and patio with extensive hardscaped terracing. A circa 1925 Tudor Revival home will be demolished, and an existing pool and pond will be filled in. The survey indicates that 21 trees will be removed, of which at least 6 are significant trees with DBH of 12" or more.

The environmental impact would be far less if the existing house were saved and renovated. If the house is destroyed, however, we would strongly recommend the reuse and recycling of any demolished structures.

Furthermore, with an entirely new construction on a completely razed, very large lot, there should be no reason for a variance for building coverage. While we appreciate the installation of water retention measures on the property, and remediation of deteriorating steep slope areas, the steep slope disturbance and removal of established trees is excessive. The plant schedule provided by the landscape architects is useful, though the inclusion of more native plants would have been appreciated, as the vast majority of those listed are not native. Furthermore, the Japanese maple is on the 2025 NJ Invasive Species Strike Team Do Not Plant List and likewise, the weeping hemlock is on the Summit do not plant list. We would recommend choosing alternative plants from the native plant website below, such as Inkberry holly (which provides evergreen screening) and shade trees like White Oak, Swamp White Oak and Black Gum, among others. Creating monocultures of 67 Green Giant arborvitae and 80 Green Velvet Boxwoods (non-natives), as suggested by the landscape plan, is not best practices.

We will note that the 21 trees slated for removal contribute to the tree canopy, and help to stabilize the steep slopes, as well as providing habitat, storm water management and carbon sequestration. We would respectfully suggest that most of these trees need not be taken down as they won't be impacted by the proposed construction, in particular those along the right side of the property. A tree canopy is an asset to the home and neighborhood, and should be maintained and enhanced to the greatest extent possible. Leaf litter under a single oak tree can hold up to two inches of rainfall until it can seep into the ground – preventing runoff. 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/>. Accordingly, we would strongly suggest planting more native shade trees on the open spaces of the property to assist with site hydrology, especially given the large scale of the steep slope disturbance proposed.

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 and patios and terracing is especially warranted given the large scale of the steep slope disturbance. We also strongly encourage the use of solar panels on appropriately oriented roof areas.

On behalf of the Summit Environmental Commission, I recommend denying this application as it now stands, and urge further consideration of tree removal and replacement selections, reduction of the lot coverage and reduction of the steep slope disturbance, as well as re-consideration of the demolition of the original 100+ year old home before it can be considered for approval.

Print Name:	Francie Cho	Print Title:	Environmental Comm. Alt	Date:	10/2/2025
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