



## ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

<b>Address:</b>	90 Tulip Street
<b>Application #:</b>	ZB-25-2314
<b>Description/Variances:</b>	(d) – variance for FAR and (c) – variance for building coverage, side yard setback, and combined side yard setback to construct second story additions.
<b>Sent to Staff for Comments:</b>	October 10, 2025
<b>Due Date:</b>	October 31, 2025

<b>Staff / Commission / Consultant</b>	<b>Delivery Method</b>	<b>Report Attached with Comments</b>	<b>Report Attached with No Objections</b>	<b>Not Submitted</b>	<b>Not Required</b>
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 <i>(if required)</i>	<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>	_____/_____/_____



BURGIS  
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 & Tom Behrens, PP, AICP  
Subject: Rufolo Residence (ZB-25-2314)  
90 Tulip Street  
Block 4602 Lot 22  
'd'(4) FAR & 'c' Variance Requests  
Date: October 30, 2025  
BA#: 4269.57

### I. INTRODUCTION

The Applicants, Emil and Laura Rufolo, are requesting 'd'(4) FAR and 'c' variance relief to construct second story additions to the existing dwelling at the above-referenced property. The site is located in the R-6 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

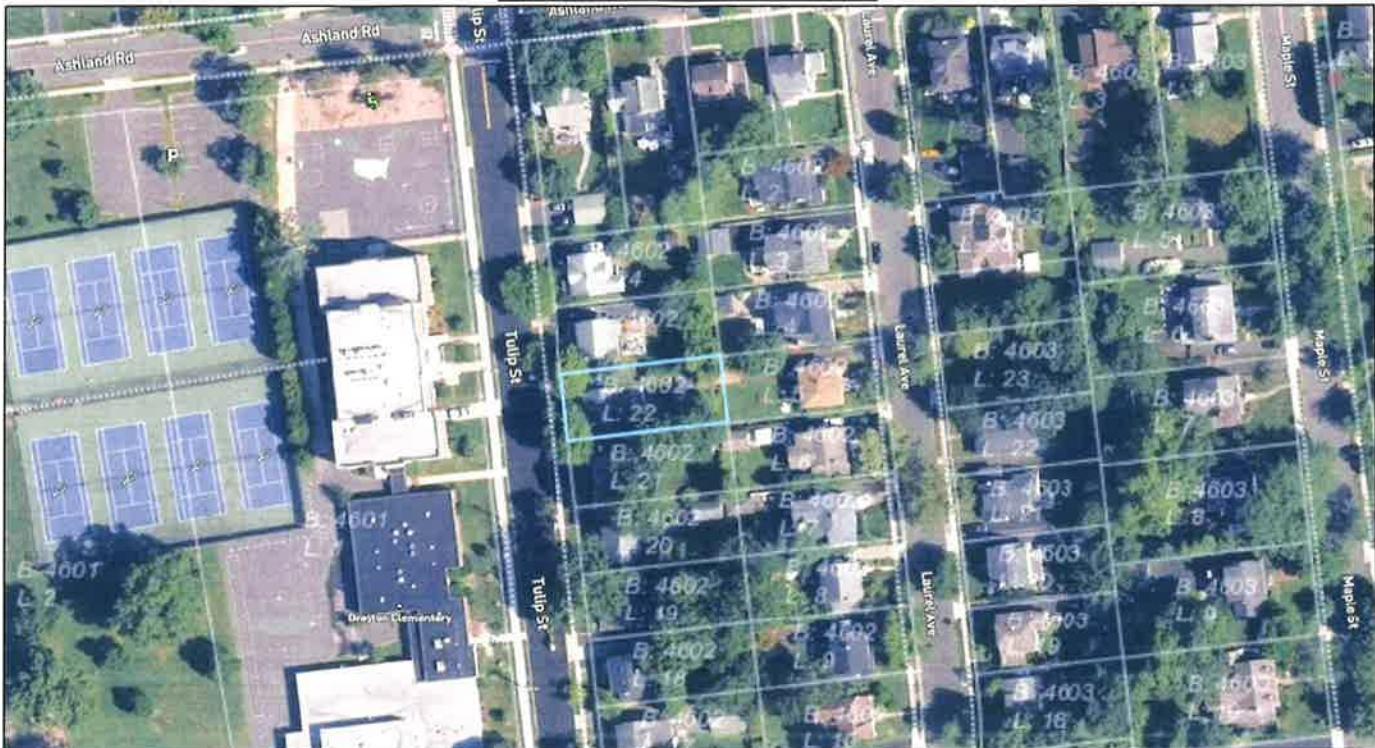
Our office has received and reviewed the following application documents:

1. Application forms and accompanying materials.
2. Property survey prepared by James P. Deady Surveyor, LLC dated October 17, 2018.
3. Architectural plans (5 sheets) prepared by AHM Architects, LLC dated August 12, 2025.

### III. PROPERTY DESCRIPTION

The site, identified as Block 4602 Lot 22 in City tax records, is a 6,000 square foot rectangular parcel with 50 feet of frontage on Tulip Street. Lot 22 is developed with a two-story single-family dwelling, including a paved driveway, rear deck and detached 1-story frame structure in the rear yard labeled "cottage". Development surrounding the site consists of single family uses to the north, south and east and Brayton Elementary School to the west. The following aerial image provides a general overview of the existing site conditions and surrounding development pattern.

### IMAGE 1 - SITE AERIAL PHOTOGRAPH



Source: Parcel Explorer, Rowan University. Accessed October 8, 2025.

#### IV. REQUIRED VARIANCE RELIEF

The development application requires the following variance relief:

1. **'d(4) Maximum Floor Area Ratio.** The R-6 Zone permits a maximum FAR of 35% where the property has an existing conforming FAR of 33% that will be increased to 38.8% as a result of the proposed additions. It is noted that this calculation appears to include the 327 square foot detached 1-story cottage.
2. **'c' Maximum Building Coverage.** The R-6 Zone permits a maximum building coverage of 20% where the property has an existing nonconforming coverage of 26.8% that will not change as a result of the proposed vertical additions. However, the second floor additions will exacerbate this condition requiring 'c' variance relief.
3. **'c' Maximum Lot Coverage.** The R-6 Zone permits a maximum lot coverage of 40% where the property has an existing nonconforming lot coverage of 42.16% that will not change as a result of the proposed vertical additions. However, there does not appear to be any record of prior variance relief being granted for this condition.
4. **'c' Minimum Side Yard Setback.** The R-6 Zone requires a minimum side yard setback of 8 feet where the proposed vertical addition proposed above the south side appendage of the dwelling will maintain the existing nonconforming side yard setback of 5.61 feet.

## V. GENERAL COMMENTS

1. The Applicant shall confirm the extent of all proposed improvements.
2. The applicant shall confirm the use of the detached structure in the rear yard labeled "1 story frame cottage" as well as any utilities connected to the structure.
3. It is noted that the architectural plans do not include a basement plan. The applicant shall describe the layout and use of the basement area.
4. The driveway has an existing nonconforming setback of less than 2 feet from the northern side lot line.
5. 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:** **October 10, 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

<b>Property Address:</b>	90 Tulip Street	<b>Block:</b> 4602	<b>Lot:</b> 22
<b>Application #:</b>	ZB-25-2314	<b>Applicant Names:</b> Emil J. and Laura H. Rufolo	
<b>Description/Variances:</b>	(d) - variance for FAR and (c) - variance for building coverage, side yard setback, and combined side yard setback to construct second story additions.		

<b>Comments Due Date:</b>	October 31, 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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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: 10/16/25



## STAFF COMMENTS REPORT

DATE: October 10, 2025

FROM: Land Use Assistant / Board Secretary

TO:

FLOOD ZONE

Name	Title / Committee
Eric Evers	Fire Chief
Ryan Peters	Police Chief
Engineering	Colliers
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: No objections 10/10/2025

Print Name:		Print Title:		Date:
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## Memorandum

To: Zoning Board  
From: Marie Raffay, P.E.  
Date: October 30, 2025  
Subject: 90 Tulip Street  
Block 4602, Lot 22  
Summit, Union County, NJ

Summit No.: ZB-25-2314

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We have reviewed the application and associated submissions prepared by the Applicants, Emil J. and Laura H. Rufolo of the subject property as referenced below:

- a. Application to Zoning Board of Adjustment, dated August 8, 2025;
- b. Dept of Community Services Application for Development Worksheet dated August 8, 2025;
- c. Zoning Board Application Checklist, undated;
- d. Variance Application Narrative, prepared by Douglas E. Miller AIA, of AHM Architects, LLC dated August 11, 2025;
- e. Property Owners List with map, dated August 7, 2025;
- f. Tax Payment Certification dated July 31, 2025;
- g. Survey, consisting of one sheet, prepared by John C. Ritt, PLS of James P. Deady Surveyor, LLC, dated October 17, 2018;
- h. Survey showing proposed additions;
- i. Architectural Plans, entitled "Proposed Addition and Alterations to The Rufolo Residence, 90 Tulip Street, Summit, New Jersey", prepared by AHM Architects, LLC, consisting of five (5) sheets, dated August 12, 2025.

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

1. The 6,000 square foot (0.138-acre) property is located on the east side of Tulip Street, approximately 250 feet south of Ashland Road.
2. The property is in the R-6 Single-Family Residential Zone, with surrounding properties in the same zone.
3. The property is rectangular in shape with 50 feet of frontage along Tulip Street and a depth of 120 feet.

4. Although no topography has been provided, the property appears generally level. The Applicant should provide testimony.
5. The property is currently improved with a 2-story dwelling, 1-story frame cottage, slate patio, wood deck, 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.
6. The Applicant is proposing to construct a second-floor addition over the existing kitchen and sunroom and a small portion of the deck. The Applicant should confirm the improvements in testimony.
7. The Applicant is requesting a variance for a pre-existing condition of exceeding the maximum permitted building coverage. The existing and proposed building coverage is 26.8% (1,608 SF), whereas 20% (1,200 SF) is permitted. The Applicant shall provide testimony in support of the requested variance, including justification for exceeding the maximum building coverage and why any other features cannot be relocated or modified to reduce these impacts.
8. The Applicant is requesting a variance for pre-existing condition of exceeding the maximum permitted lot coverage. The existing and proposed lot coverage is 42.16% (2,530 SF), whereas 40% (2,400 SF) is permitted. The Applicant shall provide testimony in support of the requested variance, including justification for exceeding the maximum lot coverage and why any other features cannot be relocated or modified to reduce these impacts.
9. The Applicant is requesting a variance for exceeding the maximum floor area ratio. The Applicant is proposing a floor area ratio of 38.8% (2,330 SF), whereas 35% (2,100 SF) is permitted. The Applicant shall provide testimony.
10. The Applicant is requesting a variance for not meeting the minimum side yard setback. The Applicant is proposing a side yard setback of 5.61 feet, whereas 8 feet is required. The Applicant shall provide testimony in support of the requested variance, including justification for not meeting the minimum side yard setback and why any other features cannot be relocated or modified to reduce these impacts.
11. The Applicant is not proposing any increase in lot coverage. Since the proposed increase in impervious coverage does not exceed 300 square feet, the Applicant is not required to provide stormwater mitigation.
12. The Applicant shall provide testimony regarding the proposed building height along the south property line. This is a non-conforming setback and the building height will exacerbate this condition.

13. Setback measurements should be provided for the existing arbor, wood deck, and all other non-conforming structures on site.
14. Testimony should be provided regarding if roof leaders from the proposed addition will be provided and if the change in the roof line will cause any adverse drainage affects to the neighboring properties.
15. It appears that the Applicant is not proposing to remove any trees for the proposed project. The Applicant shall provide testimony.
16. Testimony should be provided regarding the rear cottage, and to clarify its current and proposed use. The Applicant shall confirm compliance with zoning requirements for accessory structures within the R-6 Zone.
17. 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.
18. 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.
19. 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:** October 10, 2025  
**FROM:** Land Use Assistant / Board Secretary  
**TO:**

**FLOOD ZONE**

Name	Title / Committee
Eric Evers	Fire Chief
Ryan Peters	Police Chief
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

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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.

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<b>Print Name:</b>	Ralph Maritato	<b>Print Title:</b>	Construction Official	<b>Date:</b>	10/15/25
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## STAFF COMMENTS REPORT

DATE: October 10, 2025  
FROM: Land Use Assistant / Board Secretary  
TO:

### FLOOD ZONE

Name	Title / Committee
Eric Evers	Fire Chief
Ryan Peters	Police Chief
Engineering	Colliers
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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COMMENTS: No room for additional screening.  
No objection.

Print Name:	John Linson	Print Title:	Forester	Date:	10/30/25
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**DATE:** October 10, 2025

**FROM:** Land Use Assistant / Board Secretary

TO:

**FLOOD ZONE**

	Name	Title / Committee
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<input type="checkbox"/>	Ryan Peters	Police Chief
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COMMENTS: No comments

Print Name:

George Kavvadas

Print Title:

BEHO

Date:

10/14/85



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**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

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<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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COMMENTS: \_\_\_\_\_

90 Tulip Street, a circa 1925 Dutch Colonial contributes to Brayton School Historic District, which is included in the Summit Homeland Co. Historic District, in the List of Individual Historic Landmarks and Historic Districts of the City of Summit Ordinance. <https://ecode360.com/SU4097/laws/LF2492963.pdf>.

The proposed second story addition adds a balance to the front elevation. The HPC recommends the siding and fenestration match the existing house, in accordance with the City of Summit Development Design Guidelines <https://ecode360.com/attachment/SU4097/SU4097-035a%20Appendix%20A.pdf>

Print Name: Caroline King

Print Title: Chair

Date: 10/30/2025



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**TO:**

**FLOOD ZONE**

Name	Title / Committee
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<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"/> X	Francie Cho	Environmental Commission

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**COMMENTS:** \_\_\_\_\_

The application is for variances for building coverage and side yard setback necessary to construct 2<sup>nd</sup> floor additions over the existing kitchen and study. The footprint of the house will remain unchanged, but there are pre-existing non-conformities on this narrow lot. The additions will greatly improve the functionality of the home. No trees will be removed for this project.

For alterations of this nature, the Environmental Commission encourages the homeowners and their architect to consider the **use of solar panels on appropriately oriented roof areas**.

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 recommend approval of the requested variances.

<b>Print Name:</b>	Francie Cho	<b>Print Title:</b>	Environmental Comm. Alt	<b>Date:</b>	10/31/2025
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