



ZB / PB ~ STAFF COMMENTS TRACKING WORKSHEET

Address:	37 Webster Avenue
Application #:	ZB-25-2313
Description/Variances:	(c) - variances for rear yard setback, driveway width, building coverage, and existing non-conforming side yard setback for elements constructed without requisite approval.
Sent to Staff for Comments:	October 29, 2025
Due Date:	November 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
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: Troy Residence (ZB-25-2313)
37 Webster Avenue
Block 505 Lot 21
'c' Bulk Variance Requests
Date: November 19, 2025
BA#: 4269.56

I. INTRODUCTION

The applicant, Una Troy, is requesting 'c' variance relief related to the existing deck attached to the rear of the dwelling and existing rear patio at the above-referenced property. The property is located in the R-6 Zone wherein the existing detached single-family dwelling is a permitted principal 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. Topographic survey prepared by ABC Surveys, LLC last revised June 10, 2025.
3. Lot grading plan prepared by ABC Surveys, LLC last revised April 28, 2025.

III. PROPERTY DESCRIPTION

The site, identified as Block 505 Lot 21 in City tax records, is a 6,000 square foot parcel with 60 feet of frontage on Webster Avenue. The property is developed with a 1 ½-story single-family dwelling with associated site improvements, including a paved driveway and walkways, rear deck and rear brick patio. 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 November 19, 2025.

IV. REQUIRED VARIANCE RELIEF

The development application requires the following variance relief:

1. 'c' Maximum Building Coverage. The R-6 Zone permits a maximum building coverage of 20% where the property has a nonconforming building coverage of 22.1%.
2. 'c' Minimum Rear Yard Setback. The attached deck has a nonconforming rear yard setback of 23.3 feet where the R-6 Zone requires a minimum rear yard setback of 30 feet.
3. 'c' Minimum Side Yard Setback. The existing dwelling has a preexisting nonconforming side yard setback of 7.1 feet where the R-6 Zone requires a minimum side yard setback of 8 feet.
4. 'c' Minimum Rear Patio Setback. The existing detached patio has a nonconforming rear setback of 2 feet where a minimum setback of 15 feet is required. The applicant should confirm if there is adequate existing or proposed screening for adjacent properties.

V. GENERAL COMMENTS

1. The applicant shall provide an overview of all proposed improvements.
2. The R-6 Zone permits a maximum driveway width of 18 feet where the existing driveway appears to have a conforming width of 17.9 feet. It is unclear why the applicant is requesting a variance from the maximum driveway width requirement.

3. 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: October 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 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:	37 Webster Avenue	Block: 505	Lot: 21
Application #:	ZB-25-2313	Applicant Names: Una Troy	
Description/Variances:	(c) - variance for rear yard setback, driveway width, building coverage, and existing non-conforming side yard setback for elements constructed without requisite approval.		

Comments Due Date:	November 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 (ML) _____

Print Name:	Eric Evers		Print Title:	Chief SFD	Date:	11/5/25
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COMMENTS: No objections
LT [Signature]

Print Name:		Print Title:		Date:	
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Memorandum

To: Zoning Board
From: Marie Raffay, P.E.
Date: November 19, 2025
Subject: 37 Webster Avenue
Block 505, Lot 21
Summit, Union County, NJ

Summit No.: ZB-25-2313

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

- a. Application to Zoning Board of Adjustment, signed, dated August 13, 2025;
- b. Application for Development Worksheet, dated August 13, 2025;
- c. Zoning Board Application Checklist, dated August 13, 2025;
- d. Narrative of Proposed Project for a Variance prepared for 37 Webster Avenue property;
- e. Letter for Denial of Application from the City of Summit Zoning Office, dated May 7, 2025;
- f. Certified List of Property Owners within 200 feet, dated July 7, 2025, with map;
- g. Public Utility Registration List Request for Notice of Hearings;
- h. Certification of Taxes paid to date, dated July 8, 2025;
- i. Topographic Survey, entitled "Topographic Survey, prepared for, 37 Webster Avenue, Tax Lot 21, Block 505, City of Summit, Union County, New Jersey" prepared by Andrew B. Clarke, P.E., P.L.S., of ABC Surveys, LLC, consisting of one (1) sheet, dated 2/5/25, last revised 6/10/25;
- j. Lot Grading Plan, prepared by Andrew B. Clarke, P.E., P.L.S., of ABC Surveys, LLC, consisting of one (1) sheet, dated 4/9/25.

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 south side of Webster Avenue approximately 295 feet east of Morris Avenue.

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 60 feet of frontage on Webster Avenue and lot depth of 100 feet.
4. The property slopes down from the south rear corner at elevation 204 to the north property corner at elevation 200.
5. The property is currently improved with a 1-1/2 story dwelling, gravel driveway, brick paver patio, deck, and related site improvements. The Applicant should confirm in testimony.
6. The Applicant has stated that most of the work, including an addition, deck, and patio, has been completed and is proposing to finish installing handrails, trim, asphalt driveway, and installing a stormwater management system as part of this application. The Applicant should provide testimony for any prior approvals for improvements on the property and the history of the approved and unapproved work.
7. The Applicant appears to be requesting the following variances. We defer to the Zoning Officer for a full review and comment of the variances required:
 - a. The Applicant is seeking a variance for exceeding the maximum building coverage permitted. The proposed building coverage is 22.1% whereas, the maximum permitted building coverage is 20%. The Applicant should confirm in testimony.
 - b. The Applicant is seeking a variance for not meeting the minimum rear yard setback to a patio. The proposed rear yard setback to the patio is 2 feet whereas, the minimum required rear yard setback is 15 feet. The Applicant should provide testimony regarding the rear yard setback.
 - c. The Applicant is seeking a variance for not meeting the minimum rear yard setback to the deck attached to the house. The proposed rear yard setback to the deck is 23.3 feet whereas, the minimum required rear yard setback is 30 feet. The Applicant should provide testimony regarding the rear yard setback.
 - d. The Applicant is seeking a variance for an existing non-conforming side yard setback. The proposed side yard setback is 7.1 feet whereas, the minimum required side yard setback is 8 feet. The Applicant should provide testimony regarding the side yard setback.
8. Since the proposed impervious coverage has increased by an estimated 630 square feet since 2006, the Applicant is required to provide stormwater mitigation measures. The Applicant should provide information on source of the estimate for the increase in lot coverage.

9. A drywell is proposed at the northeastern side of the property to collect runoff from a portion of the rear yard and the roof. The drywell calculations indicate that it is sized only to collect the roof area of the dwelling. It appears the roof area may be larger than the area indicated on the calculations. Additionally, the rear yard runoff from the yard inlet does not appear to be included in the drywell sizing. A 4" P.V.C overflow pipe is proposed to discharge to Webster Avenue in the case of capacity being exceeded. We recommend the drywell be sized to collect and store the entire tributary runoff area being collected.
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) and permeability rating of the soil.
11. 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.
12. The Applicant shall provide testimony regarding if any trees were removed to accommodate the proposed improvements. We defer to the City Forester for review and approval of the proposed improvements.
13. 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.
14. The Applicant shall remove all excavated and excess soil from the site and shall not use excess soils elsewhere on site.
15. 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.
16. 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: October 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:	37 Webster Avenue	Block: 505	Lot: 21
Application #:	ZB-25-2313	Applicant Name: Una Troy	
Description/Variances:	(c) - variances for rear yard setback, driveway width, building coverage, and existing non-conforming side yard setback for elements constructed without requisite approval.		

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COMMENTS: _____

Deck plans are required and must include all footings, fastenings, structural details, and stair details. Guardrails must be a minimum of 36" inches in height. Guardrails are required when the adjacent grade or level is 30" or higher. Handrails and guardrails are required for staircases with four or more risers.

If a deck was built without permits, once a permit is issued, verification of the footings and fastenings will be required. This may include exposing existing footings, remove decking, or using other methods as determined necessary to verify compliance.

Print Name:	Ralph Maritato	Print Title:	Construction Official	Date:	10/30/25
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COMMENTS:

The proposed location of the dry well will necessitate the removal of a multi-stem ornamental tree.
However, if the dry well could be moved closer to the street it may be possible to preserve the tree.
No other concerns with this application.

Print Name:	John Linson	Print Title:	Forester	Date:	11/14/25
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DATE: October 29, 2025
FROM: Land Use Assistant / Board Secretary
TO:

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	Name	Title / Committee
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COMMENTS: no comments.

Print Name:	George Kostas	Print Title:	RETS.	Date:	10/31/25
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DATE: October 29, 2025

FROM: Land Use Assistant / Board Secretary

TO:

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	Name	Title / Committee
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<input type="checkbox"/>	Health Dept.	Westfield
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<input type="checkbox"/>	Planner	Burgis Assoc.
<input type="checkbox"/>	Donna Patel	Environmental Commission

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COMMENTS: _____

The house is not historic and the proposed changes are non-architectural.

Print Name:	Caroline King	Print Title:	Chair	Date:	11.13.2025
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STAFF COMMENTS REPORT

DATE: October 29, 2025
FROM: Land Use Assistant / Board Secretary
TO:

☐ FLOOD ZONE

	Name	Title / Committee
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<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 checked="" type="checkbox"/>	Francie Cho	Environmental Commission

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COMMENTS: _____

This application is for variances for rear yard setback, driveway width and building coverage necessary for long since completed patio, driveway and walkway alterations (2008 and 2009), plus completion of a deck, re-paving the driveway and installation of a stormwater management system. It appears that no trees will be removed.

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 and parking areas, such as permeable paving and rain gardens, to assist with drainage, mitigate heat island effects, decrease VOC (Volatile organic compounds) emissions from asphalt paving and markings, 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 recommend approval of the requested variances.

Print Name:	Francie Cho	Print Title:	Environmental Comm. Alt	Date:	11/16/2025
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