

February 12, 2004

The regular meeting of the Board of Adjustment of the Township of Chatham, County of Morris, and State of New Jersey commenced at 7:30 p.m., 58 Meyersville Road, Chatham Township. The meeting was called to order by Vice-Chairperson, Lawrence Dalziel.

Attendance was taken and the following members were present:

Lawrence Dalziel, Chairperson
Joseph Cooney
Sean Havey
Parker Godwin

The following members were absent:

James Matthews, Vice-Chairperson
Peter Pizzi

Also in attendance:

Lewis Wilson, Esq., Board Attorney
Mary Jo Tucker, Recording Secretary
Marshall Frost, Board Consulting Engineer

**The agenda for the evening was as follows: Calendar 03-7-1, Scott De Pace;
Calendar 03-67-14, Donald and Carolyn Degolyer; Calendar 03-90-13, Clark and
Andrea Wagner**

The open public meetings statement was read by the Chairperson

Ordinances were read by Mr. Dalziel commending the volunteer service of John Leonard and Alyce Twomey and thanking them for their contributions to the Board of Adjustment and Chatham Township. It was moved and seconded that the ordinances be accepted. All were in favor and the ordinances were accepted by the Board.

Calendar 03-7-1, Scott De Pace

The site visit report was read by Mr. Havey. Mr. Dalziel informed the applicant that there were only four board members present for the evening's hearing. Mr. Dalziel said that in reviewing the latest plan he was confused between the plans submitted previously and the new plan and zoning table which seemed to have different numbers than what was submitted earlier. Mr. De Pace said that Mr. McTameny had helped him with the zoning table. Mr. Dalziel said that he was more concerned with the diagram that appeared on James W. Albee's document. He said that he was under the impression from the site visit that Mr. Halsey did not create the plan, but that Mr. De Pace had taken the plan that Mr. Halsey had created and added to it. Mr. De Pace said that first they took the original survey of the house, and their architect then made the first plans, and then they made changes and that the changes were corrected and then checked by his architect. Mr. Dalziel asked if they had been checked by Mr. Halsey. Mr. De Pace answered that the new survey had not been checked by Mr. Halsey. Mr. Dalziel said that the fact that the De Paces were using a licensed land surveyor's diagram and adding information to it that not having it checked by Mr. Halsey might prove to be a problem. He said that the newly submitted diagram showed different numbers than the previously submitted diagram. He said that the new diagram showed the addition being closer to the lot line than the previous diagram did. Mr. Dalziel said that nothing was accomplished by moving the house further away. Mr. Dalziel suggested that the De Paces speak to Mr. Halsey. Mr. De Pace said that he was confident regarding the numbers and added that the mathematical errors on the previous plan were the result of his own calculations. He commented that the application had been in process for the last eight months and this was the first time he heard that he should speak with Mr. Halsey regarding this particular issue. Mr. Dalziel said that generally adding on to the survey by drawing a deck or something on it was not usually an issue, but in the De Pace submission, the numbers varied greatly from "plan to plan".

Mr. Dalziel said that in all respects the addition was closer than it was the last time plans were submitted. Mr. De Pace said that the change was within inches. Mr. Dalziel said that was an incorrect statement and that the change was more than inches. Mr. De Pace said that it was a mathematical error that he made on the scale, and that he did not realize at the time that professional services were needed to do the process. He said again that his newly submitted plan was correct and that it had been checked by professionals. He

added that Mr. McTameny from the beginning of the application had questions as to how the chart was labeled. Mr. De Pace said that he had two front yards—after research he found that in 1996 the definition of the corner lot in a residential area said that the owner or developer first applying for a building permit would designate which of two streets would be the principal frontage for the purpose of establishing the front, rear and side line requirements. He said that he understood that it did not apply today because the ordinance was amended, but felt that the ordinance could not take into effect everyone's yard situation. He also thought his situation should be grandfathered in. Mr. Wilson said that the language that Mr. De Pace had cited really referred to a newly constructed house. He said that the next best thing to do with an existing home was to establish the principal front where the front of the house stood.

Mr. Wilson added that it was rather difficult determining the actual front of the house of the De Pace Home, and that it was an unusual situation. Mr. De Pace said that his address was Mountainside Drive, but his house really faced River Road. He said that he made two changes to cut back the variance: he cut 3 feet on the garage side and 3 feet on Mountainside Drive. He said that he was requested at the last meeting to do some homework about similar plans. He complied and came up with four plans, and determined from the site visit that the Board preferred the fourth plan. Mr. Dalziel said that the Board did not express any preference as to how the applicants designed their home regarding their application. Mr. Dalziel said that the plans did not show the changes Mr. De Pace was describing. Mr. De Pace said that the differences were shown between the original plans versus the last plan submitted. Mr. De Pace said that the addition started as a 12 foot wide addition and that it was now 9 feet and the addition towards Mountainside Drive was 4 feet extra but was now 1 foot. Mr. Havey asked if the column that was pre-existing on the zoning table was what was being proposed in the new plan. Mr. De Pace answered that was correct. Mr. Wilson said that the new plans had been marked A-28 for the record. Mr. Wilson commented that although Mr. De Pace was saying that pre-existing was what was also proposed, where the plans indicated side-yard, it was really a front yard.

Mr. Frost said that there was a side yard and that the requirements were 15 feet for a side yard (**recording at this point unintelligible**). Mr. Dalziel said that on the zoning table submitted in August the building coverage was 1750 sq. ft., and that currently the building coverage was at 1852. He asked if that was correct. Mr. De Pace answered that 1852 sq. ft. was correct.

Mr. Frost asked if the previous numbers were pertinent. **Mr. Frost's comments at this point were unintelligible; he did explain that the plans submitted would be what would be voted on by the Board and the applicant, if the application were approved, would have to abide by his/her submission.**

Mr. De Pace referring to a comment from Mr. Frost said that the structure in the front was moved so the measurement lowest point changed. Mr. Frost asked where the physical lowest point would be. Mr. De Pace answered that it would be on the present day driveway. Mr. Frost asked how the height was determined. Mr. De Pace answered

that he used his tape-measuring skills. Mr. Frost said that the height was shown at 27.6 feet. Mr. De Pace said that the plans that Mr. Frost had did not have the elevation that was on the current plans. **Mr. Frost's comments at this point were unintelligible.** Mr. Frost said that he would like a plan depicting the intersection if the Board approved the application. Mr. Frost said that it was considered standard practice to not have driveways near a roadway within the confines of an intersection. He said it would create conflicts and that in his opinion the proposed location of the driveway was not a good location. Mr. De Pace said that at the site survey he looked at that situation. He added that there was a large difference as to what the tax map showed than what was currently there. He said that he was not within 15 to 20 feet of the intersection. Mr. De Pace added that the tax map was "shown like someone would need to take a turn at 50 miles per hour." He added that it was quite different to the reality of the lot. Mr. De Pace said that as far as the grade they were taking a driveway that was approximately a 20 ft drop and changing it to a 4 or 3 ft. elevation. He added that as far as safety Mountainside Drive was a "virtual highway" that cars travel frequently. He said that he was trying to raise his family in a safe environment and that no one could tell him that Valley View was not the safer street. He added that he understood Mr. Frost's concern regarding the intersection but he did not believe it was a problem. He said that Valley View had five to six houses on it—and that maybe 15 to 20 cars a day drive on that road, and that they realize an intersection is coming up and naturally slow down. Mr. De Pace said that it would be far safer trying to back out on to Valley View rather than Mountainside Dr. Mr. Frost commented that their existing driveway on Mountainside Dr. was designed to turnaround and drive out of the driveway. Mr. De Pace said that was impossible with two cars. Mr. Frost said perhaps they should modify the proposed driveway. He said that again he was concerned about the driveway going out into an intersection. Mr. De Pace said that what was proposed on the survey if the driveway was altered he was willing to do whatever they needed to do moving it up to Valley View. Mr. Frost said that he did not know what the applicant was proposing to do, but moving it up to Valley View in a westward direction would affect the grading. Mr. De Pace said that the grade would be improved compared to what was there currently. Mr. Frost said that the applicant was making suggestions with the Board not having anything to evaluate except to go back out and visit the property. Mr. De Pace said that he believed that was what the site visit was about.

Mr. Frost said if the Board decided to approve the applications he had concerns that proper numbers be shown to the building department and he was concerned about the grading, and the applicant may need to submit a lot grading plan. Mr. Dalziel said that Mr. Frost was saying that the dimensions relative to the plan had not been verified by Mr. Halsey or any other surveyor to verify the dimensions. Mr. De Pace asked if that was a requirement for all applicants. Mr. Dalziel answered that the requirement was to abide by what was approved, and that the proposed changes may be affected. Mr. De Pace said again that the architect looked at the numbers and that he thought they were correct, and that if granted the variance, he would live by the numbers presented on the plans.

Mr. Wilson said that Mr. Frost had commented on a well on the property. Mr. Wilson said there was also something regarding the design of the driveway. Mr. Frost said that

the driveway should be constructed, if approved, with an apron that would go uphill to ensure that there would be no drainage coming off into the street, and recommended that the Board have that be a requirement. Mr. Wilson asked if the plan would otherwise be required by ordinance. Mr. Frost said that was true currently, but the ordinance had been changed in the past. Mr. De Pace said that he had spoken to the town regarding the well issue and was told that as long as they had not used it within the last five years all that would be required was to put large material into it, and that they would take care of that situation. Mr. Dalziel asked if there was a hole there currently. Mrs. De Pace answered that it had been filled in and that they had added rocks to it.

There were no more questions from the Board members.

Doug Eilendor, 12 Mountainside Drive, spoke in support of the De Pace application. He thought that the proposed addition would increase the value of the home. He understood that there would be a reassessment next year from the township. He also concurred with Mr. De Pace that Mountainside Drive was a dangerous road.

Robert Ripp, 16 Mountainside Drive, concurred with Mr. De Pace's testimony and added that moving the driveway off of Mountainside Drive would be safer than keeping it there. He said he understood the Board's comments regarding the intersection but it was his understanding that the line that was being judged against was the possibility of the road being widened, and that given the nature of the road, it was unlikely to happen. He also thought that the De Paces accommodated the Board's request and tried hard to put forth the best plan.

Mr. Dalziel asked should there be widening of Valley View Road in the future, what type of impact that would have. Mr. Frost said that he knew the area quite well, and if the driveway were measured from the edge of the pavement to the base of the garage and if the street were widened, it would shorten the dimension so it would move the garage and apron back towards the house and shorten the driveway available. Mr. Dalziel asked what type of impact would occur. Mr. Frost answered that it would shorten the length of the driveway and that it might be problematic. Mr. De Pace commented that it was a dead end street. **(Mr. Frost offers comments that are unintelligible).**

Mr. De Pace said that they looked at the proposed driveway regarding Mr. Frost's suggestions. Mr. Frost suggested that they come out of the driveway, cut the wheel and turn. Mr. Dalziel asked if there was a curb around their property. Mr. De Pace said he believed that curbing was being put in. Mr. Frost said he also believed that they were putting curbing in. Mr. Dalziel said that when a catch basin is set, it is set to receive a curb.

Mr. Wilson said that there was no height variances applied for. Mr. Frost said that if the Board grants the setbacks that are being questioned, that did not mean the applicant could double the size of the house over what was being proposed. Mr. De Pace said that he was asking for 1852 sq. ft. principal building coverage. Mr. Havey said that the De Paces would need to have their architect build within the square footage. He said that he was

concerned that the De Paces would not get what they thought they were getting without submitting a final completed set of plans. Mr. Dalziel said that if this were to be approved the 1852 sq. ft. principal building coverage was not a variance issue, so they would have rights to build in the setback. Mr. Frost said that the bulk of what they propose was part and parcel to the essence of the variance. He said that prior boards have had some problems with this situation. He said that usually the reference would be a set of architectural drawings, which Mr. De Pace had not submitted. Mr. De Pace said again that he was happy with what they were presenting. He added that if they did not get the variance, they would need to relocate. Mr. Wilson said that the architectural plans would have to conform to not only the survey but also the coverages or less. Mr. Wilson said the magnitude of the impact was a factor as well. Mr. De Pace said that he had no plans of doing anything more than what was proposed. Mr. Havey asked if the column that said pre-existing which was what was really proposed, if he would go by those numbers in terms of impervious coverage, building height, etc. Mr. De Pace answered yes. Mr. Wilson said that the zoning table had been marked as A-29 which was separate than the plans. There were no more comments. Mr. Cooney asked that the front and side yard variance be approved with the condition that a lot grading plan and architectural plans be submitted. **(Mr. Frost unintelligible)**. Mr. Dalziel added that the grading plan should indicate the lowest point within 15 feet and that the submission of architectural plans conforms to the zoning table, A-29. Mr. Frost said that he would like the lowest point shown on the re-submitted surveyor's drawing. Mr. Havey seconded the motion.

A vote was taken. Three members were in favor, one voted no, (Mr. Dalziel). The application was approved.

Calendar 03-67-14, Donald and Carolyn Degolyer

Donald and Carolyn Degolyer and David Rosen (architect), were sworn in by the Chairperson. Mr. Rosen said that Mr. Frost had asked in his recent memorandum that the applicant supplies a survey which they complied with and Mr. Frost also asked that revised architectural plans showing the vertical dimensions in reference to the first floor elevation be submitted. Mr. Rosen said that the floor elevation to the ridge was 27 feet from the first floor elevation to the ridge. He said that the third item requested was a revised grading plan to show the contours on the driveway. He said that there was also a request for a detailed showing of the re-grading details and the newly submitted details showed the edge of the driveway, the ground raised 6 inches higher than the driveway before sloping down on each side. He said he also submitted a letter from Murphy & Hollows dated 2/12/04, which said for the grading plan prepared for the project; the majority of the steep slope disturbance took place between the existing dwelling and the existing detached garage. He asked that the Board keep in mind that they would be moving the garage. The revised survey was marked as A-20; grading plan, A-22; Feb. 12 Murphy and Hollows letter, A-23; architectural plans, A-24.

Mr. Frost said that if the Board decided to approve the application, complete sets of the plan should be resubmitted showing what was proposed versus what was currently existing.

Mr. Rosen submitted photos to the Board marked A-25 taken by Leigh Moran from the Rosen Group on Feb. 11 and 12. Mr. Degolyer said that they enjoyed the town and their home, and had resided in Chatham Township for the past 17 years at their current address. He added that they were active in the community, their church, the Red Cross, etc. He said that they hoped to stay in the town. He stated that their home was the original nursery school in the township. He said that they wanted to make the house safer—they live on a busy street (Fairmount Ave.) and they have been backing out onto the street for a number of years. He said they wanted to go down the driveway and around into a two car garage. He said that they would like a larger family room and kitchen and above that add a bath and bedroom. He said they wanted to maintain the aesthetics and integrity of the original architecture.

Mr. Rosen announced that they were asking for four variances. The first variance was for front yard setback; he said that the required front yard setback was 50 ft. and existing was at 15 ft. from the front property line. Mr. Rosen said that because of the slope off of Fairmount Ave., when the structure was originally built, it was built close to the street. The house was approximately 90 years old and pre-dated any current ordinances. He said that the proposed addition had its closest point at 17 feet from the front property line. He said that the existing house had a tower-like element which projected to the front which was at 15 feet. He said that the entire house was non-conforming because the entire house was within the front yard setback. He said that the only portion that was not within the front yard setback was the back half of the porch on the back of the house. He added that if they added on to the back part of the main body of the house, they would still need a front yard setback. He said they were left with a considerably large rear yard. He said that it was an existing non-conformance. The second variance was for building coverage. He said that the allowable limit was approximately 12.8 percent of the property; the existing was 11.3 percent; proposed, 13.7 percent. He said that put the applicant at .9 percent over the allowable limit--or 175 sq. ft. He said that the allowable limit on building coverage and sq. footage was 2627 sq. ft.; the existing was 2307 sq. ft.; proposed, 2802 sq. ft. He said that the variance requested was because they were making the house larger; they wanted to expand the family room, kitchen, mud room, etc. Mr. Rosen said that the house had a number of porches: an existing front porch, a very large porch on the back—both of which were roofed without living space above. He said that they were adding a small new porch above in the front corner on the left facing the house in order to make the addition look like an integral part of the existing home. Mr. Degolyer said that Fairmount was a very busy street and they wished to take the noise out of the house by moving most of the living area to the rear. Mr. Rosen showed the Board the extent of the existing house, and said that the actual addition was not an extension of 38 feet, but an addition of less than half that going out towards the side. He showed the Board where the porches were located as well as the floor plans depicting the 'buffer' across the front of the house both on the first and second floor. He said that the rooms were positioned originally across the back, and that positioning would be continued.

He said that the third variance was for maximum building height. Mr. Rosen said that 39.68 ft. was the greatest number. He said that dimension was not the actual height of the house above the ground, but was 15 ft. away as the property continued to slope down towards the back. He said that was both existing and proposed. Mr. Rosen said that the measurement from the first floor level up to the ridge was 27.16 ft. The actual height at the front of the building from the ground level was currently 28.33 ft. He said that was the dimension that “almost everybody sees.” He said that there were neighbors similarly set back from Fairmount to the left as you face the house. There were no neighbors to the right, and essentially no neighbors to the back. He said that the height of the house at its highest point (39.68 ft.) was not that relevant to the way that anyone perceived the house. He said that the way it was perceived was as it appeared in the front (28.33 ft.). He said that the addition the highest point was at 30 ft. because the ground level started to slope down in the front left corner. Mr. Wilson asked if Mr. Rosen realized that they were asking for a D-6 variance. Mr. Rosen said that he did. Mr. Wilson pointed out that there was an enhanced burden of proof. Mr. Rosen said that he understood that they had to eliminate the negative criteria and show special reasons and so on. He said that the other variances were C-1 which was a hardship created by the steepness of the lot and by the legally existing buildings on the property. Mr. Havey asked if the property also sloped down in the back. Mr. Rosen answered that it was essentially the same all the way across. He said that the low part on the existing was at the back of the porch. He said that the actual height of the house at the back wall of the house, the lowest point to the existing ridge was 36.75 ft. He said that there was no change for proposed.

The fourth variance requested had to do with steep slopes. He said that Bill Hollows from Murphy & Hollows had given them information. He said that it was shown on the submitted drawings. He showed the Board where the steep slope was indicated. He said that the first was from 0-15 percent and the applicant was fine with that percentage; the second was from 15-20 percent, the allowable disturbance was 30 percent of whatever portion of the property had that slope. He said that the only portion of the property that had that slope was 170 sq. ft. which was relatively small considering the property was over 20,000 sq. ft. He said that they were permitted to disturb 51 feet at the back, and they were disturbing 170 sq. ft. The third area of steep slopes was between 20 and 25 percent—there existed 127 sq. ft.; the allowable disturbance was 5 percent which was 6 sq. ft, and they were disturbing 32 sq. ft. He showed the area to the Board and said that area was being disturbed because they were removing the garage. Mr. Frost commented that there was an undisturbed section across the property. Mr. Rosen said that was the majority of the area that was within that slope of 20 to 25 percent. He said the last one was slopes over 25 percent which was the back half of the property. They were allowed to disturb only 1 percent of it or 500 sq. ft. They were disturbing 396 sq. ft. related to the dry well system, etc., and there was no variance in the steepest portion.

Mr. Rosen said that they were removing two items requiring a variance on the detached garage. He said that the detached garage was required to be 15 feet away from the side property line, and it was currently at 3.5 ft. He said they were proposing to demolish the garage and remove the existing non-conforming. The other item was the building height

for an accessory structure which was allowed to be a maximum of 15 ft., and it was currently at 25 ft. He added that demolishing the garage moved the side yard set back for the main house from 3.5 ft. to 29.8 ft. Mr. Rosen said that a new garage would be incorporated underneath the home in the back. He said that the average building height of the home was 33.4 ft. Mr. Frost asked how Mr. Rosen defined “average.” Mr. Rosen answered that “average” was defined from the ridge down to the property down to the ground level 15 ft. out from the house. Mr. Frost asked how he took the measurements. Mr. Rosen answered that usually they measured every ten feet around the perimeter of the house, but he would confirm the information. Mr. Rosen said that the applicant felt that the proposed addition was very complementary to the existing house and that the variances that were being requested were primarily due to the existing nature of the structure. He added that the building coverage was less than one percent over the allowable. He said that they elected not to remove elements of the house that were already there that were roofed but not fully internal spaces, e.g. the large back porch and the small front porch. He said that the building height was a condition of the way the home sat on the hill. He said that the critical issues within the steep slope were usually whether there was going to be additional stormwater runoff or erosion or sediment or other negative impacts on neighbors presumably downhill. He added that was taken care of by the dry well and by making sure that the water was captured, kept on site and then recharged into the ground below ground level. With regard to the negative criteria, Mr. Rosen said that he believed the addition was a positive one for the Degolyers because it answered their questions of how they could continue to live in the house with a higher level of comfort than the 17 years they’ve lived there. He said they were attached to the property and added that it was a historical building on a busy street visible to others. He said the addition was appropriate for the property. He said there was no negative impact on anyone else. He said that anyone below the house would see only the eaves because of the steepness of their view. There would be no lighting, odors or noise associated with the addition. He said that they were creating something that was an asset both to the owner and passersby.

Mr. Havey said that Mr. Rosen had stated that they were removing a part of the house that looked less like the original house. Mr. Havey asked if that statement implied that something was done to the original house. Mr. Rosen answered yes, that there was a portion of the house that had a flat roof and windows out of proportion to the rest of the house. He said that would be removed, and that by removing that and doing an addition that more complied with the main body of the house, they were creating a much more pleasing look. Mr. Dalziel asked if the applicant and Mr. Rosen had studied ways of designing the house within the building coverage. Mr. Rosen answered that they had, and that they had gone through many different versions where they tried to reduce the size of some of the rooms. They tried to eliminate pieces, but they did not have much choice in the front to back dimension because they were trying to keep within the guidelines established by the original house. He said that they bumped out slightly to the back so that the rear of the house would look better with a vertical element that mimicked some of the elements on the front. He said that otherwise, it was getting out of balance and had a “long drawn-out façade in the back. They tried various options on the size of the family room, but it was not practical. He said they also had family room sizes that

were larger but cut back so that it would be proportional to the other parts of the existing house. He added that they tried the idea of eliminating the new proposed porch which would have saved 100 sq. ft. approximately, but it looked worse on the house. He said that they considered eliminating the fireplace but felt it was important for it to match the existing chimney on the other side. He said they went through a variety of things, but in order to get it so that the proportions were attractive and that the house would look like one home with one idea they felt this proposed addition was appropriate.

Mr. Godwin asked what would happen to the 36 inch Maple tree. Mr. Rosen said that he would need to check with Mr. Hollows, but that they did want to keep the tree. He said that construction would probably affect the root structure of the tree, and they also might affect the branches on the side. He said they may want tree experts to give guidance on how to save the tree. He said there were a series of things that the tree experts did to help save trees. Several board members commented on the saving of the tree. Mr. Rosen said they would find out more information by the next meeting. He did say that there were a lot of trees on the property and the intent was to landscape the sides and the back, should the addition be approved.

Mr. Dalziel asked if the large circular line on the Murphy & Hollows plan was indicative of the canopy of the tree. Mr. Rosen said that it was a symbol representing a tree and that what was on the drawing should not be considered as accurate. Mr. Frost said that Mr. Rosen had indicated that there was a limited amount of disturbance on the slope ordinance. He asked if he was right in characterizing the lot that 60 percent of the lot had been developed over time with the remaining 40 percent being towards the south representing the original slope. Mr. Rosen said that was correct. Mr. Frost asked if the area where the slope was being disturbed was in the area between the house and the garage was a landscaped area. Mr. Rosen answered yes. Mr. Frost asked if that meant it had been modified in the past. Mr. Rosen answered yes. Mr. Rosen said that the expansion of the house was an increase of building coverage of 495 sq. ft. Mr. Frost said that proposed building coverage was 2802 sq. ft. Mr. Rosen answered that was correct and that it exceeded the allowable 2027 by an amount of 175 sq. ft. Mr. Frost asked Mr. Rosen what percentage 174 was of 2628 sq. ft. Mr. Rosen answered 1.06. Mr. Frost said that would be somewhere between 6 and 7 percent. 7 percent over what the allowable coverage was. Mr. Rosen said it was that much over the allowable for the building, but it was .09 percent of the lot. Mr. Frost said that it was 7 percent over the allowable coverage.

Mr. Havey asked if the private drive existed currently or if it was a paper street. Mr. Degolyer said that used to be a fire entrance from Fairmount down to Hillside. Mr. Havey asked if it was open. Mr. Degolyer answered that it was overgrown. Mr. Havey asked if there was a structure behind them and Hillside. Mr. Degolyer answered there was a house to the right which was a house that Dixiedale farm rented. It was not the main house on Dixiedale farm. Mr. Havey asked if that would be the house that would be looking at the back of their house. Mr. Degolyer answered yes, but maintained that their house was not easy to see due to the slope situation.

A site visit will be held March 6 at the Degolyer residence.

A five minute break was taken at this time.

Calendar 03-90-13 Clark and Andrea Wagner

Mr. and Mrs. Wagner, David Rosen and Kimberley Tone (architects) were sworn in by the chairperson. Mr. Frost said that he was called by the architect and they did not have copies of the signed and sealed survey available for the meeting this evening, but they would have them for the next meeting. Ms. Tone said that they had located a copy of a signed and sealed survey and it was submitted into evidence as A-17. A-18 was a copy of signed and sealed survey and A-19 was the newly submitted survey with the proposed addition and setbacks drawn on it as requested by Mr. Frost. A-20 was photographs taken 2/11/04 by Nestor Villarreal from the Rosen Group. Mr. Wagner said that he and his family had lived at 13 Fairfax Terrace for 12 years. He said they were seeking one variance in conjunction with work that they were going to do on the house. Ms. Tone noting the photo board, A-20, showed the Wagner home from front, back as well as a panoramic view of existing neighboring homes.

Ms. Tone said that the applicant was before the Board for a rear yard setback variance. She said that the back of the existing house was non-conforming at 41 ft. and the required setback was 45 ft. for the zone. Ms. Tone added that they were adding three additions to the house: one car garage into a two-car garage, master bathroom addition over the kitchen and breakfast room addition below; and a portion of the existing breakfast and kitchen addition. She said that the back wall of the addition aligned with the back wall of the dining room. She showed the Board the section on the plans. She said that Mr. Frost had asked for explanation of the difference between the proposed building coverage and the proposed lot coverage. Ms. Tone said that the proposed building coverage was approximately 619 sq. ft., and the lot coverage was approximately 300 sq. ft. less than that because the garage addition was partially over a paved driveway and that was why there was a discrepancy between the numbers. Ms. Tone said that there was a small section on the site plan that was shaded as a two-story addition which represented the master bathroom on the second floor with the kitchen and the pantry below. She said that the addition conformed to the side yard setback on that side, and that the second floor addition also conformed to all of the setbacks in that area and building coverage. Ms. Tone said that the dining room and renovated bathroom were a level that was three steps above the level of the house. She said that primarily they were going to extend the addition out towards the back, so that they could relocate the stair and get enough room to circulate around the table and have a comfortable seating area. She said that the addition next to the dining room integrated nicely with the back of the house and also added more charm to the back of the house. She said that the garage, master bedroom and portion of the two-story addition of the garage conformed to all of the requirements. Referring to another of Mr. Frost's comments, Ms. Tone said that there was a request to draw the leaders and drainage on the drawing, and she said they could provide that at the next meeting. She added that they had not yet addressed the drainage and lot grading

plan. She said because they were not applying for a variance she did not think that they would be required to submit a lot grading plan, but said if the Board required, it they would provide it. Mr. Frost said that he did not think they needed a lot grading plan, but said that he would take a look at the situation. Mr. Dalziel said that they also had a large tree on the left of the house, and asked if it would be affected if the addition took place. Ms. Tone answered that it would not. Mr. Dalziel asked the applicant and Ms. Tone why the addition could not be done within the setback line. Ms. Tone answered that the existing stair on the existing plan, the dining room stair came down into the kitchen in the middle leaving very little room to circulate around the table. She commented that the Wagners had a table in the kitchen that was difficult to sit at currently and that there was very little space. She said that they felt that aesthetically they could come out a little bit but it made sense to come to the back of the dining room and align the addition to make it look like an original part of the house. Mr. Wagner added that an additional factor was the pantry and the stairs going to the basement, quite a few space elements would have been eliminated. He said that the addition would allow them to keep the pantry and area where coats were held.

Mr. Samuel Seley, 23 Edgewood Rd, a lifelong resident, and volunteer with the fire dept. said that he had a concern. Construction occurred in 1979 and 1980. He said that he was concerned about stormwater runoff. He said that currently his yard retained quite a bit of water. He said that his other concern was that it was the 8th or 9th addition in the neighborhood over the last 7 or 8 years and he did not want to listen to construction. He informed the Board that he had medical issues having been hospitalized recently.

There were no more questions/comments from the public.

Mr. Dalziel asked about the existing shed. Mr. and Mrs. Wagner said that it was pre-existing. Mr. Wilson said that looking at the zoning table, for the side yards, it was required 15, actual 15, pre-existing 16, and asked were they moving it in. Ms. Tone said that they were moving one foot closer to fit in with the requirements. There was question from the Board regarding the shed, and it was determined that it would be looked at during the site visit. Mr. Wagner asked about the history of sheds on property and whether their shed could remain where it was currently without a variance because it was pre-existing. Mr. Dalziel answered that it would need to be looked at. Mr. Wilson concurred and added that the application could be amended to include the shed.

A site visit will be held on March 6 regarding this application.

The meeting was adjourned.

The next regular meeting of the Board of Adjustment will be March 18, 2004.