

April 22, 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 Chairperson, Lawrence Dalziel.

Attendance was taken and the following members were present:

Lawrence Dalziel, Chairperson  
James Matthews, Vice-Chairperson  
Joseph Cooney  
Sean Havey  
Parker Godwin  
Peter Pizzi  
Therese Hough  
Jesse Benton  
Timothy Walters

There were no members absent.

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 03-67-14, Donald and Carolyn Degolyer (mem.); Calendar 03-90-13, Clark and Andrea Wagner (mem.); Calendar 03-62-99, Richard and Deborah Hennessey; Calendar 04-39-57, Brian and Suzanne Boutilier, Calendar 03-88-2, Sheila Collier; Calendar BOA 04-62.05-17 John and Carlene Pruitt**

The open public meetings statement was read by the Chairperson.

A resolution was read by Mr. Dalziel commending Mr. Havey for his service as a member of the Board of Adjustment. The resolution was accepted by the Board.

#### **Calendar 03-67-14, Donald and Carolyn Degolyer**

Mr. Godwin read the Degolyer resolution in its entirety. Several changes were made and noted on the resolution. Mr. Cooney moved that the resolution be accepted. Mr. Havey seconded the motion. A vote was taken. All members who voted were in favor, and the resolution was accepted.

#### **Calendar 03-90-13, Clark and Andrea Wagner**

Mr. Havey read the Wagner resolution in its entirety. Mr. Cooney moved that the resolution be approved. Mr. Pizzi seconded the motion. A vote was taken. All members who voted were in favor, and the resolution was accepted.

#### **Calendar 03-62-99, Richard and Deborah Hennessey**

Mr. Cooney read the site visit report which was marked into evidence as A-22. Mr. Sean Moronski of Burgis and Associates, Inc., a planner representing Eileen Basyra said that they would provide a rationale as to the height and the variance they were seeking and how that would remedy the situation instead of a height that was more in line with what was currently there. He said that the front yard setback represented a typical front yard setback on Buxton Rd. Mr. Dalziel said that the front setback had been revised 3/8/04 from Mr. Moronski's report, and that it was no longer 8.45 feet but now at 11.43 ft. Mr. Pizzi commented that the memo from the planner was very helpful. Ms. Luongo (architect previously sworn) said that Mr. Dalziel had suggested that it would be helpful to look at an interior section to see what the roof and the loft area was. A photo board showing interior section was marked A-25. Ms. Luongo said that they were still seeking both front yard setback and a height variance although the amount of the variance requested had been reduced. She said that the front yard would now be at 11.43 feet. She said that the existing front yard setback was 15.49 feet, the requirement 50 ft. She said that the entire house encroached into the required front yard. She said that the front yard encroachment that they were proposing to add accommodated a covered portico. She said they pulled the vestibule back to be coincident with the existing front of the porch. They were still seeking a D variance for the height. They were previously at 44.75 feet, but they reduced the pitch on the roof which lowered the height to 43.75 ft. The existing ridge was 38.2 feet and there was a 35 ft. maximum allowed. She said that

testimony had been previously made regarding the front yard setback for the C-1 and C-2 criteria for the variance. She said that there were exceptional topographical issues on the site which led to a minimal level area. She said that it was expected that variances would be required when it was constructed. There were steeply sloping sites to the rear. She said that the placement of the house on the only level part drastically limited the opportunities for improvements to the house. Ms. Luongo commented that there was proposed an interior stairway relocated to what was currently the front porch that would primarily be done to facilitate a more usable efficient floor plan at the lower level which was necessary for the living space in the house. She said that in order to provide some safety for the ingress into the house where the new stairs would be located, they would like to have a covered entranceway. She said the aesthetic appearance would be “appropriate and attractive at the street level.”

Ms. Luongo added that the house had been vacant for several years, and that much of the neighborhood had seen a great deal of improvement from new construction to significant renovation. She said that the Hennesseys’ current home was “somewhat of an eyesore” in the neighborhood, and that the improvements that were proposed would bring it more into conformance with the surrounding community. She said regarding the building height, they were required to supply special reasons in support of the applications. She said that they had an obligation to show both the negative and positive criteria. She said that the existing ridge on the house currently ran east to west. She said there were substandard rafter lengths and two by eight rafters that were running a distance of approximately 20 to 22 feet exceeding the required current building codes. She said that they were proposing instead of running north to south with the rafter direction, to turn it in the opposite direction reducing the span even as they increased the slope on it. She added that in an effort to try to create a great room that would give them the most flexible use of the interior space as well as open it up and allow them to enjoy the “treetops that they view”, they were turning the spanning direction opposite of that.

Ms. Luongo said that they were proposing to create a loft area over the front part of the house—she said that the usable area of the loft was 12.8 ft wide giving a clear head room of about 7 feet. The purpose of the space was to provide flexible use (the Hennesseys had adult children) and expected to accommodate guests without having to put in another bedroom suite. She said that this would allow them to appropriately expand the ridge, turn the visual view of the roof height and make it less of a volume of mass. She said that she believed that part of the LUL was to protect the volume and mass that you see on a structure. She said they were turning the house in a different direction making it so that instead of having the entire 25 ft. length visible, only a triangular area would be visible. She added that they had existing non-conformance for height with the house. She said that the triangular portion seen from the road represented approximately 39 sq. ft. of area.

A photographic depiction of the new roof above the ridge line (elevations) was marked into evidence as A-26. Mr. Pizzi asked what was at the top of the ridge. Ms. Luongo answered that it was a truss supporting the roof. Ms. Luongo said that peculiar to the house the lower level had a clear ceiling. Mr. Havey asked if the door shown in the section was the front door. Ms. Luongo answered that it was. Ms. Luongo commented

that peculiar to the house was the fact that the lower level had a clear ceiling height of 9 ft. 2 inches. She said that the floor to floor from the lowest level to the first floor was 10 ft. 2 inches. She said that was excessive and atypical for a lower level ceiling height because usually there was less than 8 feet clear let alone 9 or somewhat larger. Ms. Luongo said that the transition of the house was constructed from the grade condition at the lower level which was a natural grade condition to the existing grade at the first floor. She said that part of the height that they were looking at was driven by the fact that there was an excessively high lower story. She added that they tried to accommodate and to take out as much as they could by dropping the loft area below what the existing ceiling line was. She said that the plate height was also higher than any plate height on the first floor where the roof rafters rested currently.

Ms. Luongo said that the height in the back was not visible to any of the neighbors. She said that the house that was directly behind the Hennesseys was exceedingly lower. The ridge of that house was considerably below the lowest level of the applicants' property. Ms. Luongo said that the condition already existed in the neighborhood and she had existing photographs to support it. She cited a house three houses down, a carriage house that was renovated in the 1980s with a large addition in the back. She said that addition physically from the lowest level to the highest point of the addition was 3 ½ to 4 feet higher than what the applicants were proposing with the revised plans. Mr. Wilson asked how that was measured. Ms. Luongo answered that her firm did work on the house and they had the existing drawings, and she had them with her. Mr. Pizzi asked if the porch was open. Ms. Luongo answered yes. Mr. Pizzi asked where the intrusion into the setback of 11 feet was measured to. Ms. Luongo answered that it was measured to the edge of the slab. Mr. Pizzi commented that the eye looking at it would look through the porch to the door. Ms. Luongo said that was correct. Mr. Pizzi said that the porch was relatively narrow as opposed to building an entire house eleven feet from the road, and that he felt that the roof was also a small portion jutting north. He thought those two elements worked in the applicants' favor even though a D variance was somewhat difficult. Mr. Dalziel asked what the length of the ridge was from front to back. Ms. Luongo answered that it was approximately 32-33 feet. Mr. Dalziel asked going up or down Buxton Drive, how the ridge would be perceived. Ms. Luongo said that it was visible, and indicating A-17, the photo on the bottom left of Page 1 of 3 showed the actual view that Mr. Dalziel was referring to. Mr. Dalziel asked in relation to that photo would the ridge be higher than the chimney. Ms. Luongo answered yes, the ridge would be approximately two and a half feet taller than the chimney. Mr. Pizzi asked if that was the conforming view. Ms. Luongo said it was the conforming view. Mr. Dalziel asked what the ridge height was in the front of the house. Ms. Luongo answered that it was 23 feet. Mr. Godwin asked if that was down from the 24 feet. Ms. Luongo answered yes. Mr. Havey asked when the applicants changed the ridge slope from 12 on 12 to 12 on 11, what was the previous clear height in the loft. Ms. Luongo said that the loss was a foot in width and a foot in height. Mr. Frost said that they would have to raise the chimney. Ms. Luongo said that if they needed to, they would raise the chimney to meet the code.

Mr. Dalziel asked what drove the decision to go from 12 on 12 to 12 on 11. Ms. Luongo said that it was an effort to be cooperative. Mr. Hennessey said that if they went any

lower, they would “blow the loft out” because it would become such a small footprint of usable space. Mr. Dalziel asked how frequently the cross numbers occurred. Ms. Luongo answered that the final engineering had not been done. Mr. Wilson asked Ms. Luongo to refer to A-23, the elevation, and asked regarding the triangular area that was above the existing ridge line, what the area was that they were talking about. Ms. Luongo said as an elevation space, it was 39 square feet. Ms. Luongo pointed out that from Buxton Rd., the height of the proposed ridge was less than what currently existed across the street. Mr. Havey asked what was proposed as far as the new exterior finish. Ms. Luongo said that the siding would probably be a mix of materials. Mr. Havey commented that it was unattractive now. Mr. Hennessey said that it was “the ugly duckling” of the street. Mr. Pizzi said that to enhance the house the applicant would need to put a peak on the front, and asked if that would increase the mass in the front. Ms. Luongo said that there were a number of reasons that drove them to the solution, and added that the view was not the primary impetus. She said that they quickly knew that they were looking at serious variances and that they needed to be responsible in their solutions towards that. Ms. Luongo said that a benefit of turning the ridge was the fact that it allowed them to keep the rest of the structure relatively as is in terms of what its height was. The roof pitch on the existing structure was lower than what was typically considered aesthetically attractive. She said the more they started to play with it to get an aesthetic view and keep its relationship to the street, they were in a position of having to raise more of it and visually from Buxton Rd. would see more of that height. She continued to say that turning the ridge allowed them to solve a lot of problems, and that they felt that proposing 39 ft. was a less intense volume and massing. Mr. Dalziel asked if there were any egress issues with the loft. Ms. Luongo answered that there were no issues, and that they had a full stair coming down that would be appropriately designed with hand rail heights, etc. Mr. Dalziel said that there were a couple of points in Ms. Luongo’s letter that he wanted her to clarify regarding the D variance. Ms. Luongo responded that the master plan spoke to the fact that there was existing housing stock and that it was beneficial to take existing housing stock and improve it consistent with its neighborhood surroundings and give it a productive useful life going forward. She said that they had already remediated some significant structural problems at the house, and that they expected, as they undertook the project, that they would be repairing and improving many other situations along the way. She said that the project as proposed, she believed addressed specifically that aspect of the master plan in taking a house that was marginal in its condition right now. She added that if Mr. and Mrs. Hennessey were not willing to undertake the project, the house could fall into serious disrepair and become a distinct negative to the community. She said that the improvements were consistent with and actually modest in comparison to much of the work that had gone on in the neighborhood over the past four or five years. She said that their proposal would allow many families to be able to live in that house and make it their home. Ms. Luongo said that existing roof rafters were spanning in excess of 20 feet currently. It was a relatively low pitch to the roof which was not aesthetically pleasing nor something that should be continued. Ms. Luongo said that if they simply changed the existing roof rafters, they would still be seeking a D variance. She said that they believed that turning the ridge in the other direction and allowing a relatively modest loft area would provide the Hennesseys with a great deal of flexibility in the future use of the space. She said that

it was aesthetically pleasing, minimized visually the impact of the height variance being sought and allowed them to maintain the balance of the roof at the height it was already at. Mr. Dalziel said that the height was shown in the planner's report at 38.2 ft which was below the 38.5. She said that was existing, but they were 2 by 8's, so under the current calculations they would not be able to replace them with 2 by 8's, they would probably be replaced by 2 by 12s, so that "tipped them over." Mr. Frost said that they could drop the rafter down without going up. And he added that they still had approximately 40 ft. over the existing kitchen and eating area so they would still have to deal with approximately the same span front to back on the section of roof that would remain. Ms. Luongo answered that was correct, and they were not changing the elevation. Mr. Frost said the application did not call for raising the ridge.

Ms. Luongo said that was correct. She said that in the main area of the house they were taking out walls that would give them an opportunity to be able to provide additional support of the rafters. Mr. Matthews asked if they would still have some substandard rafters. Ms. Luongo answered that they were not replacing them all, noting that they had not done the full structural analysis yet. She said that where they would introduce additional structural loading conditions, they would have to do something to accommodate them. Mr. Matthews said that it looked as if a third of the rafters would be replaced by the new construction going from front to back and the other two thirds would remain the same. Ms. Luongo said that they were going to remediate them as they needed to. Ms. Luongo added that in the existing center part of the house they were taking out what was now interim supporting walls and opening up the space. Mr. Matthews said that what he was concerned about was whether there was a safety issue with the long rafters. Ms. Luongo said that she wanted to "beef up" the structure without having to remove it. Mr. Dalziel commented that the eating area of the kitchen which was also wide open front to back, was not proposed to be changed. She said that they would put ceiling joints in there, they were not taking the ceiling out, and they would put some beams in.

Mr. Frost said that in order to open up and create the great room, they would have to change the direction of the span to allow it to occur, not because it was substandard. He said that in order to get the front to back section of the roof, the ridge line needed to be raised in order to get use of the wall. He said that he understood all of that, but did not think it had anything to do with substandard roof rafters. Ms. Luongo responded that the substandard roof rafters were not the principal and first and foremost motivation. Mr. Frost said that the great room, the volume of the great room and the loft were the principal motivations. Ms. Luongo responded that anything they would do in that area in an attempt to change it, i.e. simply taking out the ceiling joints that exist, required them to do something with the roof rafters. Mr. Pizzi said that essentially no one could come in and renovate the house without doing something to the roof line in front of the house to create a big family room which was what everyone wanted in today's world. He commented that perhaps it was not practical to ask someone to renovate a house, but not change the pitch at the street, which created an engineering impediment in keeping the roof line where it is which was what was being addressed by the front to back alternative. He said that the other alternative would be to move the whole thing higher making the

situation worse, or leave the house as is and not do a large quantity of renovations. Mr. Frost said that the ultimate height of the ridge line was driven by the rafter; he said they could open up the great room, change the ridge line front to back but just not have as steep a pitch on the roof which would mean they would lose the loft.

Ms. Luongo said that could be done, but part of her original testimony was that there was another consideration. If in fact the space was necessary for them to now have an additional bedroom suite for example or additional storage space that did not exist in the house, to replicate the footprint of the loft area on grade on main level, the only opportunity would be to locate it to the west of the existing structure. She said they would still be before the Board for a height variance and they would also be in front of the Board for a front yard setback. She said in her professional judgment 39 sq. ft. in a triangular area that was conforming for its height when viewed from Buxton Rd., was a much preferable solution than to construct that same sq. footage on grade which would increase the length of the house along the street and increase the ridge in the other direction.

Mr. Moronski addressing both variances said that the first one regarding the front yard setback that the argument C-1 regarding extraordinary circumstances, topographic conditions there really was not a lot of level area to play with in terms of developing the porch, plus the fact regarding C-2 that the improved design conformed with the surrounding areas illustrated with the photographs. He added that he also did a site visit, and it was not inconsistent with the neighboring area. With regards to the D variance, the concern that he had was the hardship related to the roof height. He said that he was trying to reconcile it because it seemed to be related directly to providing the loft space which seemed to be a concern. Mr. Moronski said that Ms. Luongo had mentioned that they would still need a D variance if they did not use the loft. He said that it might be diminutive in nature compared to what numerically speaking was a significant variance from the ordinance. Ms. Luongo said if they were to exceed by, i.e. six inches for a distance of 25 feet along the front of the building, that would be 25% visually of the area that they were proposing with the excess height. She said with the 39 sq. ft. from the rear it would not be seen by anyone and would not affect anyone's use, light, air circulation, and would have no negative impairment on the intent of the development regulations or the purpose of the zoning ordinance in any way, shape or form. She said that it was compliant from the front, and that when balanced with the tradeoff of an alternate solution, that it was a special reason that could be considered looking at the application. She said again that it would be a small area that would be visual and considerably less than other alternatives.

Mr. Moronski in summary said that the benefits of having the height 43.75 ft. outweighed any potential detriments in terms of impact on surrounding neighbors. He said that given the fact that they were constrained by the sloping nature of the property, that the opportunity for expansion was limited. He asked Ms. Luongo if that were correct. Ms. Luongo answered that was correct. Mr. Dalziel asked if they were to put an addition on the side of the house, would any other variances be created other than the two variances in testimony. Mr. Frost answered that it would probably affect the disturbance of steep

slopes. Ms. Luongo said that it would possibly affect the steep slopes, but they would still remain compliant on building and lot coverage, but front and height would be affected. Ms. Luongo said that the survey did show the low point regarding slopes.

Mr. Frost said that because of the nature of the proposed improvements, there would not be a lot grading plan submitted as part of the application. He said that while it was not troubling, there were some issues that he wanted addressed. He said he asked for information on the railing and retaining walls in his memo, and he received some information: new railings at the westerly end of the building where the stairs would be relocated, information that showed top of wall at 431.73 plus or minus, bottom, 425.2.9 plus or minus which was two inches less than the maximum allowed in the ordinance. He said that he was a little concerned that topo was not shown. Ms. Luongo said she would be happy to provide it as a condition if approved. Mr. Frost said that the second issue was that the applicants showed a new raised wood deck. Ms. Luongo said that there were existing columns that went to newly created footings currently at the back. She said they had preliminary conversations with the structural engineer and expect that they would be spanning to support the deck with steel and doing "some sort of a vent tube at the outside." She said they currently did not anticipate additional footings to be required.

Mr. Frost asked if a building permit had been issued for the deck. Ms. Luongo answered that she did not know. Mr. Frost said regarding the vertical columns that he was concerned if there was a permit issued. Ms. Luongo asked if he was referring to the existing deck. Mr. Frost said that he was. Ms. Luongo said that the inspector did come out and inspected the deck after the past owner re-did it, and she did have a permit. Mr. Frost said that having seen the columns he was not very comfortable with the footings. Ms. Luongo said that there was remediation and construction done when the Hennesseys were under contract on the property because there were clearly problems with the footings at that time. She said there was knowledge by the engineer (Paul Beck and Associates) of what was proposed and an analysis had been done. The footings were put in with his guidance, his site visit and his inspection. Mr. Frost asked if she could provide the Board with a "short paragraph" from the structural engineer.

Mr. Hennessey commented that they were talking about two different sets of footings. He said that the deck followed the line of the house, abutted the house and was perfectly straight. Mr. Moronski said that it was seen on A-16. Mr. Frost asked if the columns were sitting on footings and if those were the footings they intended to re-use to support the new deck. Mr. Hennessey said that those footings would be replaced. Mr. Frost said that Mr. Beck looked at those footings, the footings that supported the front of the house. Ms. Luongo answered that was correct. Looking at A-4, Mr. Frost said that he had measured approximately 8 ft. 10.7/8 feet deck. He said that the applicant did not show any supporting structure for the deck on the plans, and that he had asked for that in his memo.

Ms. Luongo said that the conceptual discussions that were held with Mr. Deck concluded that a piece of steel would be dropped upon the two footings that had already been replaced. Mr. Frost said he was worried about the nine feet cantilevers coming out. Ms.

Luongo said that their construction document would contain a fully engineered and detailed structural system. Mr. Frost said he understood but wanted information sooner rather than later because the columns would be located, based on the drawing submitted, behind the existing retaining wall with no information and within the steep slope. He added that since there would not be a lot grading form submitted, he didn't know how that could be accomplished. Ms. Luongo said that she had no more submitted information than what she had already shared with the Board. She said they would be happy to comply with whatever technical information the Board required. Mr. Frost said that he was concerned as how they were going to implement the deck with the slopes and where it would go. Ms. Luongo said the information would be presented, and at the moment there was no expectation that they were dropping the additional footings on the steep slopes. Ms. Luongo said that the columns were in a level area. Mr. Frost countered that the existing columns and footings that were there would not support the deck, otherwise they would have a 9 ft. cantilever. Ms. Luongo said that the discussions with Mr. Beck were conceptual—she said that in addition to the steel there would then be a benched steel frame that would run around the corner. She said they had preliminary instructions while he was doing investigation for the founding of the footings, and that was a concept that was discussed. Mr. Frost said that he did not want to put everyone in the position of the applicant having to come back in front of the Board for a review.

Mr. Frost said that there was a 12 inch RCP (reinforced concrete pipe) at the west corner of the property shown on the plans and asked what that represented or what it served. Ms. Luongo said they did not know. Mr. Frost said that there was a shed located in the northwest part of the property which may be in violation and asked what the status of the shed was. Ms. Luongo said that the shed was a pre-existing condition when they purchased the property and the Hennesseys' would have no objection to its removal. Mr. Moronski said that the RCP to the best of his knowledge came out of the storm drain at the corner from the street and was in the easement that belonged to the township. Mr. Frost said that allocation wasn't depicted on the map. Mr. Frost said there was a proposal to construct a deck that would extend substantially away from the building. He said that he had great confidence in Paul Beck and Associates as structural engineers, but a 9 ft cantilevered deck plan would need to be known. Ms. Luongo said that she understood Mr. Frost's concerns, and she appreciated his question, and that she came in front of the Board believing that the conceptual conversations that she had with Paul Beck would be adequate to move forward. She added that at the moment they did not expect to add any additional footings and columns on the steep slope area. If further engineering determined that they were unable to conceptually design it the way it was represented they would either be required to pull the deck back so that the cantilever would be reduced or be required (if footings needed to be put in) re-introduced or prove it if it was in the steep slope area. Mr. Frost said that even if they were not in a steep slope area, they were coming into an area that there would still be concern. Ms. Luongo said that they would be happy to provide whatever technical information was needed, at the time that they were seeking their building permit to satisfy the Board. Mr. Dalziel asked if it would be sufficient to say that there was no disturbance of steep slopes included with part of the application. Mr. Matthews said that it could be conditioned by saying that the deck would have to be built on the existing footings. Mr. Dalziel thought that might be too

limiting. Mr. Frost said that he was not saying that it could not be done. Ms. Luongo said that all the conversations they had had at that point had only involved working over the existing footings. Mr. Matthews asked if they would come back if they needed additional footings. Ms. Luongo answered that she agreed with Mr. Frost that constructing new footings on the slope were virtually impossible. She said that she believed it would be highly difficult to get a piece of equipment back there, so from the Hennessey's perspective at that point, if a situation occurred where it was determined that it was too costly or it was structurally not feasible to construct the deck the way it had been discussed, they would be forced to re-design the deck. Mr. Matthews asked if they would be willing to accept that as an addition that no other footings would be allowed other than what was there. Ms. Luongo answered that she would agree that no other footings needed to go in the steep slope area. Mr. Hennessey agreed. Mr. Frost thought that might be restrictive. Ms. Luongo said she was the last person that would do something marginal—she believed that Mr. Beck was a highly conservative engineer, but they were happy to satisfy any concerns Mr. Frost or the Board had regarding the application.

Mr. Frost said that he was concerned about the fact that he was unsure where they were going to put the foundations for the building—it was an unusual design, the first floor being extended out with no visible means of support. He was sure they could support it, but wanted to know how. A lot grading plan was not needed because there was no disturbance to the ground. Ms. Luongo asked if it was possible for the application to retain Mr. Frost's review for the building permit. Mr. Frost said he understood, but that would be under the Board's purview and that Mr. Bennett would have to review the final plans, and the cost of the review would need to be borne by the applicant. Mr. Wilson added that there should be some way of reviewing it before it went to the construction state. Mr. Dalziel said that on an application that would otherwise not be reviewed by this criteria, that the applicant go through the motions as if they had a lot grading plan. Ms. Luongo said that she understood that, and knew that typically it would not be reviewed but in this particular case, they would have no objection, and as part of the review would provide whatever structural calculations and technical information that Mr. Frost or Mr. Bennett would want to see.

Mr. Dalziel stated that there were no variances sought for steep slope disturbance. Ms. Luongo said that was correct. Mr. Frost said that he was not sure that was technically true with the construction of stairs. Ms. Luongo said there were existing stairs in that area. Mr. Frost said that for all intensive purposes they would not be disturbing steep slopes. Mr. Wilson agreed, and noted there was a small addition on the front and asked if there were any variances needed for that. Ms. Luongo said that maintained the existing non-conforming front yard setback. Mr. Wilson asked if it was a continuation of the non-conforming setback. Ms. Luongo answered that it was. Mr. Dalziel asked if there were any other questions from the audience or the Board.

Mr. Matthews moved that the variances requested be approved subject to conditions put on the record by Mr. Frost regarding the deck. Mr. Havey seconded the motion. Mr.

Wilson asked that the setback for the addition be put on the plan. A vote was taken. All that voted were in favor, and the application was approved.

#### **Calendar 04-39-57, Brian and Suzanne Boutilier**

Mr. Brian Boutilier was sworn in by the chairperson. Mr. Boutilier gave a brief description of what they had done to maintain their residence, they took the vinyl siding off, painted the house, changed and enlarged the windows for improvement purposes. He said they were putting a family room on the back which did not require a variance. He said that the existing house as seen in the photos, they were extending the existing roof rafters and extending the roof line out 4 feet and bringing it around the face of the house. He said that the porch would go off 5 ft. off of the living room, and then there would be a 4 ft. proposed dimension taking it to 9 ft. Mr. Boutilier said that by bringing the roof line around they were bringing the front door in the proper direction. Mr. Boutilier said that his son had profound disabilities and attended school out of district. He said that he and his wife had discussed that they would not bring the issue up, but as an architect, he felt that not having a front door at the front of the house, and not being readily accessible to the bus, it was quite difficult for his son to maneuver. He said they also bought the house because of its flat level elevation. He said that one was the hardship issue and the other was an aesthetic issue. He said his home was "ugly as hell." They were making significant improvements in and outside of the home. There was a new porch that was only 12 inches in front of the gutter line of the existing house. Mr. Dalziel asked if they were proposing to change the pitch of the roof. Mr. Boutilier said that it would stay the same. He said that within the ordinance they could go into the encroachment 47 ft. from the front yard so they had in essence 4 columns. A site visit will be held on May 1, 2004

#### **Calendar 03-88-2, Sheila Collier**

A site visit report was read by Mr. Cooney. Mr. Dalziel asked if the Collier's received Mr. Frost's memo. Mr. Frost summarized his memo. Mr. Matthew asked if there was a backyard drain problem. Mr. Dalziel explained that there was a catch basin from the driveway which is in front of the garage, running the back of the property which stopped right at the property line. Mr. Collier said that they had their dry wall evaluated with their architect. Mr. Frost suggested that they re-visit the drywell situation if necessary. Mr. Collier wanted the record to show that the runoff would run to the backyard. There were no more questions from the Board. Mr. Pizzi moved that the application be approved contingent upon the condition of the dry well. Mr. Havey seconded the motion. All who voted were in favor, and the application was accepted.

#### **Calendar BOA 04-62.05-17 John and Carlene Pruitt**

Mrs. Hough read the site visit which was marked into evidence as A-20. Mr. Matthews said that the Feb. 10<sup>th</sup> letter submitted talked about the height being plus or minus 34 .6 feet, and asked what that statement meant. Mr. Majewski (architect previously sworn)

said that he had surveyed the building from the basement level through the two floors and measured from the attic to the ridge beam give or take a half inch or an inch. He said Mr. Frost had asked for the measurement and said that height was initially a problem for them and then they realized that they needed a variance. Mr. Majewski then did a survey and found out that the height was actually lower than what the ordinance required, so he corrected the drawing to illustrate that. Mr. Matthews asked if Mr. Majewski was confident that they did not need the height variance. Mr. Majewski said they did not need a height variance. Mr. Dalziel said that at the site visit they had spoken briefly about the drainage issue near the patio area. Mr. Pruitt said that Mr. Dalziel had asked him if the patio area ever flooded, and he had answered only when they had deep snow. Mr. Pruitt explained that the doors in the basement were lower than the flagstone, and there was a recess for the drain. He said he was unsure how it would work during construction but it would end up being just as it was. Mr. Dalziel said that the building department would look at the plans, and if they wanted to change the drainage they might want to address it in their plans, so that the inspector would know. Mr. Dalziel said that if the application were approved, the drainage should be represented on the plans. The hearing was closed. Mr. Pizzi moved that the variance be approved. Mrs. Hough seconded the motion. A vote was taken. All who voted were in favor and the application was approved.

The meeting was adjourned.

The next meeting of the Board of Adjustment will be May, 20, 2004.