

**ALPINE ZONING BOARD OF ADJUSTMENT**

Regular Meeting

Thursday, December 21, 2017 7:30 P.M.

(This meeting was taped in its entirety).

**CALL TO ORDER/PLEDGE OF ALLEGIANCE/PUBLIC ANNOUNCEMENT**

This regular meeting of the Alpine Zoning Board of Adjustment was called to order by Chairman Glazer at 7:30 PM, Thursday, December 21, 2017 at the Alpine Borough Hall, the Pledge of Allegiance recited and Public Announcement read per requirements of N.J.S.A. 10:4-6 et seq.:

*In accordance with the provisions of the Open Public Meetings Law, the notice of this regular meeting held Thursday, December 21, 2017 has met the requirements of the law by being published in The Record on January 6, 2017 and posted on the bulletin board in the lobby of the Borough Hall and a copy filed in the office of the Borough Clerk.*

**ROLL CALL**

Richard Glazer	Present	Tony Clores	Present
David Kupferschmid	Absent	Richard Bonhomme	Present
Steve Cohen	Present	Anthony Barbieri	Present
Jeffrey Mayer, Alt I	Absent	George Abad, Jr, Alt II	Present

**Staff Present on Dais:** Attorney Michael Kates, Borough Engineer Gary Vander Veer, Board Secretary Nancy Wehmann

**PROCEDURAL MOTIONS**

**Resolution: Approval of Minutes November 16, 2017** Upon a motion by Mr. Clores, seconded by Mr. Bonhomme and approved by all those eligible to vote at this regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, December 21, 2017 to approve the minutes of the regular meeting held on November 16, 2017. **MOTION APPROVED**

**Resolution: Approval of Bills and Claims** Upon a motion by Mr. Clores, seconded by Mr. Barbieri at the regular meeting of the Alpine Zoning Board of Adjustment held on Thursday, December 21, 2017 to approve the following Bills and Claims:

Azzolina & Feury	Escrow Haring 40/7	Inv. 69064	354.25
Azzolina & Feury	Escrow Fortier 30/4	Inv. 69060	54.50
Azzolina & Feury	Escrow Ma 54/12	Inv. 69053	490.50
Kates, Nussman, et al	Escrow Haring 40/7	Inv. 23327	1,112.00
Kates, Nussman, et al	7-01-21-185-021 – Nov&Dec	Inv. 23326	400.00

**Vote: Ayes:** Bonhomme, Cohen, Clores, Abad, Barbieri, Glazer **MOTION APPROVED**

**MEMORIALIZATION**

**HARING Block 40 Lot 7 – 45 Alpine Drive** As requested at the hearing Applicant's Engineer subsequently provided a drainage report which Mr. Vander Veer reviewed in his letter dated December 7, 2017 and found satisfactory. Attorney Kates reviewed the resolution.

**Resolution:** Upon a motion by Mr. Bonhomme seconded by Mr. Barbieri to approve the application for Applicants Thomas & Christine Haring to construct a cantilevered second floor addition atop single story portion of an existing 3-bedroom home with variance from Chapter 220-3(D)(1)(2) building coverage 14.63% where 13.77% exists and 10% is max. permitted (130 square feet new additional). The aforementioned approval is subject to conditions as outlined in the resolution for this property located at 45 Alpine Drive designated as Block 40 Lot 7 on the Tax Assessment Map of Alpine, New Jersey, Bergen County. This resolution is on file at the Borough of Alpine, 100 Church Street, Alpine, NJ for review and a copy attached to these minutes.

**Vote: Ayes:** Bonhomme, Clores, Barbieri, Glazer **MOTION APPROVED**

**HEARINGS****ROH Block 41 Lot 6 – 31 DuBois Avenue**

David M. Watkins, Esq. 285 Closter Dock Road, Closter, NJ 07624 appeared with and on behalf of the Applicants Sangho and Jeemin Roh of 31 DuBois Avenue, Alpine along with their witnesses:

- Michael Hubschman, PE PP Hubschman Engineering 263 S. Washington Avenue, Bergenfield, New Jersey 07621
- Roger DeNiscia PP of Bertin Engineering Associates, 66 Glen Avenue, Glen Rock, NJ. 07452

Exhibits List entered by reference as follows:

- A – 1 Proof of Publication on November 3, 2017 in The Record
- A – 2 Certified Mailing to Residents within 200' on November 3, 2017 per Tax Assessor's List dated September 14, 2017
- A – 3 Application Form signed and dated April 10, 2017 including:
  - Proposal, Reasons for Relief and Nature of Application
  - Tax Collector's records show taxes paid through 4<sup>th</sup> quarter
- A – 4 Zoning Officer's Letter dated January 30, 2017
- A – 5 Prior resolution Zoning Board of Adjustment dated August 2, 1983
- A – 6 Five Photos prepared by Hubschman Engineering, P.A. 263 A S. Washington Avenue, Bergenfield, NJ 07621 consisting of 4 pages dated July 18, 2017
- A – 7 Drainage Report prepared by Hubschman Engineering, P.A. 263 A S. Washington Avenue, Bergenfield, NJ 07621 dated August 3, 2016
- A – 8 Soil Moving Report prepared by Hubschman Engineering, P.A. 263 A S. Washington Avenue, Bergenfield, NJ 07621 dated August 3, 2016
- A – 9 Plans prepared by Hubschman Engineering, P.A. 263 A S. Washington Avenue, Bergenfield, NJ 07621 consisting of 3 pages:
  - Drawing No. 3450-1 entitled "Site Plan" dated August 3, 2016 last revised #1 January 3, 2017 "reduced size of addition"
  - Drawing No. 3450-2 entitled Soil Erosion & Sediment Control Plan; Details dated August 3, 2016 last revised #1 January 3, 2017 "reduced size of addition"
  - Drawing No. 3450-3 entitled "Existing Conditions Plan" dated August 3, 2016
- A – 10 Plan prepared by Joseph A. Cecco, AIA, LLC Architect 14 Broad Street, Norwood, NJ 07648 entitled "Proposed Addition to Existing Dwelling for Mr. and Mrs. Sangho Roh" dated 5/6/2016 last rev. 11/24/2016 signed and sealed 9/28/2017 consisting of 2 pages:
  - First & Second Floor Plans
  - Front, Rear, Left Side and Right Side Elevations
- A – 11 Applicant's Attorney letter dated September 11, 2017 requesting matter be carried to October 19, 2017
- A – 12 Borough Engineer's letter dated July 24, 2017
- A – 13 Borough Engineer's letter dated August 21, 2017
- A – 14 Borough Engineer's letter dated October 13, 2017
- A – 15 Applicant's Attorney letter dated November 7, 2017 requesting matter be carried to November 16, 2017.
- A - 16 Applicant's Attorney letter dated November 15, 2017 requesting matter be carried to next meeting (December 21, 2017)

And marked during the course of these proceedings:

- A – 17 Colored rendering of Exhibit A-9 Drawing No. 3450-1 "Site Plan"

Attorney Watkins explained applicants have lived in town for five years. Their family has grown. The application requires three variances but testimony will show the proposed will actually reduce existing nonconformities.

Mr. Hubschman was sworn and qualified as a professional engineer. Mr. Hubschman testified this 75 by 100-foot property is relatively level and located in the R2B zone. An existing three-bedroom single-family dwelling is centered on the lot. The first-floor footprint is 1,000 square feet with a smaller 500 to 600-foot second floor. The one existing septic field in the rear yard can only accommodate three bedrooms and no increase is proposed. A large frame barn takes up the west corner of the back yard received a variance in 1983 for a five foot setback from the property lines. There are three other existing nonconformities: lot area 7,500 square feet vs. 10,000 square feet required, building coverage 13.33% vs. 10% maximum and improved lot coverage 46.27% vs. 20% maximum.

Applicants propose to remove the 380-square foot storage barn eliminating the attendant five-foot setback variance and construct a 365-square foot addition to their home to include a garage and larger master bedroom. This will require three variances:

- A setback variance for the south side yard of 10.10 feet where 16.5 feet exists and 15 feet is the minimum required. This will still provide sufficient light, air and space as the distance between neighboring houses is 37 feet where 30 feet would be the intent in this zone. The addition of a garage where none now exists will provide an aesthetic value enabling parking of their car out of sight. The home lines up with other homes on the street.
- Building coverage 18.2% where 10% is maximum permitted and, if you included the barn, 18.4% exists. Removal of the barn also opens up the whole backyard.
- Improved coverage while still nonconforming decreases from 46.27% to 33.37% after removal of the barn along with a lot of the decking and patios.

They explored multiple design possibilities. They cannot expand to the rear because of the septic system. The home will still remain a relatively small dwelling on a small lot in keeping with the other homes on this street.

Mr. Hubschman reviewed Mr. Vander Veer's letter. He noted the home will remain at three bedrooms but provides for a larger master bedroom and increases bathrooms from 1½ to 2½. They are reducing coverage so there is no impact on drainage. Soil moving is under 100 cubic yards. The proposed will be more aesthetically pleasing providing a nice façade and removing the barn which is an eyesore for neighbors in the rear.

Chairman Glazer opened the meeting for questions. There were none from the public.

Mr. Abad questioned the barn's setback which Mr. Hubschman said was five feet where the proposed addition is further away at 10.1 feet and improved coverage is reduced. He clarified the plan depicts walls, more like piles of rocks, on the north side which, if the Board required, could be removed and would decrease the coverage by another 2%. They believe a prior owner constructed the walls to help level that area but they are not structurally necessary.

Mr. Vander Veer noted while there is no requirement to update the septic system for the proposed plan he is concerned with access to that area post-construction for service and repairs and recommends the owners rule out the need for any repairs prior to building for their own protection. Attorney Watkins stated they would take that into consideration. Mr. Vander Veer's second concern is discharge of the roof runoff closer to and directly at the south property line. While full size seepage pits may not be required it would be best if they could connect the roof leader drains to an underground system in the front that drains to the street. Mr. Watkins and Mr. Hubschman agreed this could be done.

Mr. DeNiscia was sworn and recognized as a professional planner. Mr. DeNiscia reviewed the variances. He testified the proposed substantially decreases total coverage. The barn was approved by the Board in 1983 for storage because they recognized how small the house was. The home is only about 1300 square feet with a smaller second floor under a gabled roof. Post addition the floor plans will be totally reconfigured for better function and appearance inside

and out. The size of the addition is roughly the same size as the barn. The home only increases to 2400 square feet of which 240 square feet comprises the garage providing more usable space.

The proposed improvements represent significant planning benefits providing for adequate living space on a very moderate scale. The proposed provides an enclosed garage where none now exists, eliminates the large barn that encroaches in the side and rear setbacks and reduces existing lot coverage by about a third which helps negate any drainage impact and increases open space in the rear yard by about 400 square feet. The home will be repurposed inside and out for better function and appearance enhancing the streetscape.

Mr. DeNiscia opined the proposed promotes multiple purposes of Municipal Land Use and Planning under NJSA 40:55D-2 under a., b., c., g., h. and i. [laid out below]

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;*
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;*
- c. To provide adequate light, air and open space;*
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;*
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;*
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;*

NJSA 40:55C-2 provides a variance may be granted if the benefits outweigh any substantial detriments. As testified to by Mr. Hubschman, there really isn't any impact from the proposed and no zoning detriments.

Chairman Glazer opened the hearing for questions of Mr. DeNiscia. There were none from the public.

Attorney Kates asked what are the benefits that accrue to the community as opposed to the objective of the property owner noting the application memorialized earlier focused on the hardship under C-1 of having an undersized house. Mr. DeNiscia testified the barn was permitted in 1983 for offsite storage because the house was too small indicating the house was undersized so why aren't they basing their request on that premise? Mr. DeNiscia agreed that point has relevance but felt there were strong community benefits in providing a home that is moderately sized, while still smaller than average per U.S. Census data, resulting in better function for a family and reduction in improved coverage limits limiting any drainage impact. The garage eliminates the need to park outside or in the street and the reconfiguration provides an aesthetic streetscape thus the proposed has a positive impact on the housing stock of the community.

Mr. Glazer requested assurance that roof runoff would be handled to the Borough engineer's satisfaction. Mr. Hubschman advised they will pipe the roof leaders to Cultech chambers in the front yard. Mr. Watkins stipulated to same.

Chairman Glazer opened the hearing for comments. There were none.

Upon a motion by Mr. Abad, seconded by Mr. Barbieri to approve the application with usual conditions including compliance with the Borough Engineer's recommendations for drainage.

Vote: Ayes: Bonhomme, Cohen, Clores, Abad, Barbieri, Glazer

**MOTION APPROVED**

**FORTIER BLOCK 30 LOT 4- 4 HIGHWOOD PLACE**

Brian M. Chewcaskie, Esq. of the firm Gittleman, Muhlstock & Chewcaskie, LLP 2200 Fletcher Avenue, 9W Office Center, Fort Lee, NJ 07024 appeared on behalf and with Applicants Alan and Bunny Fortier, One Oak Trail Road, Englewood, NJ 07631 along with their witnesses

- Douglas Doolittle PE, PP McNally Engineering LLC 169 Ramapo Valley Road, Oakland, NJ 07436
- Conrad Roncati, R.A. Architectura, One Executive Drive, Suite LL100, Fort Lee, NJ 07024.

Exhibit List noted as follows:

- A – 1 Proof of Publication on December 6, 2017 in The Record.
- A – 2 Certified Mailing to Residents within 200' on December 14, 2017 per Tax Assessor's List dated November 30, 2017.
- A – 3 Application Form signed and dated November 9, 2017 received with fees November 13, 2017 including:
  - Proposal & Reasons for Relief
  - Proof of taxes paid through 2018 2<sup>nd</sup> Quarter
- A – 4 Zoning Officer's Review letter dated July 10, 2017
- A – 5 Application for Soil Moving Permit not signed or dated
- A – 6 Plans prepared by McNally Engineering, LLC consisting of 1 pages
  - Drawing No. SP-1 entitled "Site Plan/Septic System Plan" dated March 8, 2017 last revised November 1, 2017
  - Drawing No. VM-1 entitled "Vicinity Map" dated March 24, 2017
  - Drawing No. SS-1 entitled "Steep Slope Analysis Plan dated March 30, 2017
- A – 7 Site Photos unauthored and not dated (set of 4)
- A – 8 Storm Drainage Report prepared by McNally Engineering, LLC dated May 28, 2017
- A – 9 Architectural Plans prepared by Conrad Roncati, Jr., RA of Architectura Suite LL100, One Executive Drive, Fort Lee, NJ 07024 dated October 24, 2017 consisting of 7 pages
  - Drawing No. T-100 Cover Sheet, Site Plan & Map, Zoning Table and Building Summary
  - Drawing No. A-100 Lower Level Floor Plan Ground Floor Plan
  - Drawing No. A-101 Upper Level Floor Plan, Roof Plan
  - Drawing No. A-200 Proposed Elevations
  - Drawing No. A-201 Proposed Elevations
  - Drawing No. A-300 Renderings
  - Drawing No. A-301 Renderings
- A – 10 Borough Engineer's letter dated August 3, 2017
- A – 11 Borough Engineer's letter dated November 20, 2017
- And A-12 through A-15 marked during the course of proceedings on December 21, 2017 as prepared by Conrad Roncati, Jr., RA of Architectura all dated October 24, 2017
- A – 12 Drawing No. A-400 entitled "Site Plan Diagram"
- A – 13 Drawing No. A-302 entitled "Existing Photos"
- A – 14 Drawing No. A-300 entitled "Renderings" (enlarged photo display of part of A-9)
- A – 15 Drawing no. A -301 entitled "Renderings" (enlarged photo display of A-9)

Attorney Chewcaskie explained this property is severely constrained by shape and slopes. Applicants seek to redevelop the property for their personal use with a new three-bedroom home. The Zoning Officer has determined the property has two rear yards and if the Board concurs the proposed setback would be 47 feet where the current encroachment is 33 feet and they believe this was once considered a side yard. They also require relief for disturbance of steep slopes that were mainly man-made for the prior construction and are not original or natural to the property plus a soil moving permit with waivers for fill. Another variance is needed for 36 linear feet of garage doors where 30 linear feet is the maximum permitted in this zone.

**Douglas Doolittle, PE, PP** was sworn and qualified. They were hired to prepare a site plan to construct a new home, patios, and septic systems while retaining the loop driveway and a smaller version of the existing garage. The property has several hardships:

- 1) fronts on a cul-de-sac
- 2) shape is five-sided and not rectangular. The Zoning Officer's interpretation identifies both the south and east yards as rear yards, each subject to the sixty-foot setback.
- 3) steep slopes
- 4) rock outcroppings

They tried to work with existing topography to overlay the proposed dwelling over areas that were disturbed and extensively regarded back when the existing house was built. The property slopes sixty-feet from the street to the southeast. The septic systems design located them in the lower area to the rear. Bulk variances comply except for the yard deemed a rear yard by the Zoning Officer. However, they assume this was once considered a side yard as the existing home encroaches 33.8 feet which would comply with a 30-foot side yard setback. The orientation of the existing home facing north also lends itself to this theory. The proposed would increase this setback to 47.1 feet. The larger yard to the south is clearly the rear yard. They propose to level this area off a bit for construction of the septic systems and a patio and create a little more usable rear yard where none now exists. Fill is required to create a walkout patio and grass area. The soil moving permit requires waivers for fill of areas more than five feet above existing grade including a small localized area requiring more than ten feet of fill.

The looped driveway would remain and they would add a courtyard between a new 2-car garage inside the home and a 2-parking space covered carport for visitor parking and storage. The existing 24 by 25 square foot two-car garage will remain but they will remove the walkover rendering it a standalone structure. Each garage has an 18-foot door requiring a variance for 36 feet vs. 30 feet of garage doors which they feel still maintains the intent of the ordinance as the doors are not near each other and are minimally if at all visible from the street. Plans show the existing garage's door at 22 feet and this will be corrected to 18.

To address drainage, they propose seepage pits in front and more in the rear for the roof leaders. Soil moving volumes are 837 cubic yards for cut, 3,402 cubic yards for fill, 2,565 cubic yards imported which will be revised slightly after additional cross sections are prepared as requested by the Borough engineer to refine the calculations. They need two waivers for soil depth and for slopes of 1:1 versus 1:4 for the rockeries in the rear of the property which they feel are more aesthetically appealing than a straight rock wall. Mr. Doolittle referred to the Steep Slope Analysis Plan **[A-6]** to show where they tried to fit the home primarily over the non-steep slopes noting the new garage and parking area are in the steeper slopes.

Mr. Doolittle summarized the requested relief in addition to the soil moving permit with waivers for depth of fill and slopes:

1. Rear yard variance 47.1 feet where 33.8 feet exists and 60 feet is minimum required
2. Length of garage doors 36 feet where 30 feet is maximum permitted
3. Disturbance of steep slopes 15-25% for the dwelling, pool, patio and rockeries where only road construction, driveways and conditional gradings area are permitted
4. Disturbance of steep slopes 25-35% for the dwelling, pool, patio and rockeries where only transitional area grading is permitted.
5. Disturbance of steep slopes greater than 35% for the patio and the rockeries where no disturbance is permitted.
6. Disturbance of 10.3% of the slope areas greater than 35% where no disturbance is permitted.
7. Existing garage to remain as an accessory structure in the side yard.

Mr. Doolittle stressed that the steep slopes greater than 35% are basically a manmade fill line and some rock outcroppings and not a result of virgin grade where the intent of the code, he believes, is to preserve natural vegetation and slopes.

Mr. Doolittle received and reviewed Mr. Vander Veer's letter dated November 20, 2017 and stated he can comply with all of the recommendations and requirements. There are 19 trees to be removed, four of which they will mitigate as required.

Chairman Glazer opened the hearing for questions. There were none from the public.

Mr. Bonhomme questioned the sketch in the lower right corner of **[A-9]** A-300 where Mr. Doolittle affirmed the standalone structure was the existing garage to remain.

Attorney Kates offered the purpose behind limiting disturbance of steep slopes takes into account issues of stability and surface water runoff. Mr. Doolittle explained the rockery is designed to be a one foot horizontal to one foot vertical with a 45-degree angle. This is a higher degree angle than the sheer angle of the soils in this area, therefore, a stability analysis is not required. Anything flatter than that going down to 0.5% can be stabilized.

Attorney Kates asked Mr. Doolittle to describe the neighborhood. Mr. Doolittle noted they will maintain the loop driveway adding provisions for drainage where there are none now. They are working with the rock outcroppings as opposed to blasting them for a big house. There is little or no impact to surrounding properties. The properties to the south and east are owned by the school, Borough and two residences that front on Robin Lane all with at least 300 feet of heavy trees before you see any structures. The properties north and west are much higher.

Mr. Glazer questioned the rear yard designations. Mr. Doolittle noted the Zoning Officer determined there were two rear yards, two side yards and a front yard on this five-sided parcel. However, he opines the eastern rear yard was probably defined as a side yard at one time and emphasized the proposed increases that setback. Mr. Glazer asked what part of the home encroaches and was deferred to the architect. Mr. Doolittle clarified location of the septic tanks.

Mr. Abad questioned the height of the rockeries. Mr. Doolittle stated about 8 feet. Mr. Abad questioned safety and Mr. Doolittle noted planted rockeries are not like retaining walls as they create a vegetative barrier. A mature example in town can be seen at the corner of Warren Lane and Closter Dock Road.

Mr. Bonhomme questioned the brook easement. Mr. Doolittle stated the rear seepage pits meet setbacks from the septic systems but are not in the easement which will not be changed.

Mr. Clores asked if the adjoining properties fronting on Robin Lane were flat or sloped. Mr. Doolittle responded they pitch down to Robin Lane but are not as steep as the subject lot.

**Conrad Roncati, R.A.** was worn and qualified as an architect. Additional exhibits **[A-12 to A-15]** were marked. Referencing his exhibit **[A-12: A400]** Mr. Roncati noted he overlaid the proposed footprint in red with the existing footprint in blue atop Mr. Doolittle's site plan to highlight the relationship to the building envelope and graphically depict the reduction in setback encroachment. Mr. Roncati felt this demonstrated the yard was originally considered a side yard where the setback for the existing house was in that 30-33 foot range with tall retaining walls extending toward the property line. The existing home is currently vacant and was a traditional large square box set on the property that attempted to flatten the rear yard but otherwise work with the topography and rock outcroppings as shown in **[A-13: A302]**, a set of four photos depicting views of the existing contours, driveway and structures.

They propose to work with the contours keeping the looped driveway and existing garage but removing the top fourteen feet of livable space and replacing it with a flat roof creating a standalone garage to house two cars. This garage would be refaced to match the new house. To provide onsite parking for visitors is typical in Alpine but rather than a large courtyard by the front door, they propose a courtyard to the side with a new two-car garage inside the house on the left for primary vehicles and a covered carport to the right for visitors. The Applicants are not looking for a traditional house on a flat lawn but rather one that fits in with the mountainous contours. Referencing **[A-9 T-100]** Mr. Roncati noted the detached garage and the new home which is pushed back a little towards the south and separated into components that cascade down the slope over areas that have already been disturbed. The proposed is not visible from structures on adjoining properties to the south and east and will be less visible from the property to the north. The front door faces north. Mr. Roncati next referenced his renderings **[A-14: A300]** to further describe the proposed new dwelling which would have two stories with a very flat or low sloped roof reducing the height from what currently exists further minimizing views from the street or the northerly neighbor. The inhouse garage will have a single 18-foot door rather than two doors for safety and convenience. This garage faces east and the second detached garage door faces north accessed by an existing stone path and stairs.

Having no children or large family the Applicants do not need a large lawn or play area but did want a nice master bedroom suite and a lap pool. He designed a large master bedroom suite in its own first level wing with a courtyard for enjoyment and privacy. An indoor lap pool is located on the lower level of a separate wing in about the same location as the existing outdoor pool. This location impacts the length of the wing as shown on renderings **[A-9: A-100]** which depicts the wings encroaching into the rear yard. The encroachments are part of the master bedroom with attendant basement housing a spa and rec room and the pool in the second wing. Applicants had desired a 75 foot Olympic short course pool but reduced this to 66 feet which is about as short as they want to go. Mr. Roncati again reminded this could be considered a side yard and no structures are visible for 300 – 500 feet through the woods to the south and east. Additional renderings **[A-15: A-301]** depict additional views from the east and the south. A freestanding rock wall between the house and driveway is designed to hide views of the driveway and blend in with the architecture of the house to give the master bedroom the feel of sitting in a landscaped courtyard. This is a modest sized home having 4,230 square foot of first floor and 2,105 square feet of second floor for a total of 6,355 square feet not including the basement level with the pool. He opined the setback variance is really a function of the rear yard determination and their desire to work with the site making it long and linear.

Mr. Roncati noted although the applicants did not need additional bedrooms he insisted they make provision. He designed a 2,100 square foot second floor space over the pool wing for two modest bedrooms with baths, 14 by 16 and 12 by 13 square feet and a home office with library and full bath that could be converted to two bedrooms in future for a total of five bedrooms. Septics are designed for a five-bedroom house as the cost differential was *de minimus* and he felt this was a better option should they sell in future and minimize need for further disturbance.

Utilities will be underground with two options for utility room connections dependent on company preferences. Using **[A-9: A-100]** Mr. Roncati indicated these locations as well as spaces for the emergency generator and HVAC units about 12 feet below the courtyard, screened and not visible to neighbors by sight or sound. They examined the detached garage and state it will be structurally sound after removal of the adjoining components. Mr. Roncati further assured they would move the existing driveway out of the tree buffer where it was found to encroach by about 8 or 9 inches.

Chairman Glazer opened the meeting to the public for questions. There were none.

Mr. Glazer asked why the Board should grant so many variances? Attorney Chewcaskie stated Mr. Doolittle would provide planning testimony. Mr. Glazer asked if they considered a design that wouldn't encroach? Mr. Roncatti offered any attempt to re-orient the pool would result in substantially more disturbance to the site and the steep slopes. For reasons previously stated he feels this is a better design that works with the site. Mr. Glazer noted once they demolish the existing home the encroachment is gone yet they're requesting variances that are necessitated only by applicants' desire for a six foot jacuzzi and a sixty-six foot long lap pool. How will that benefit the community? Mr. Roncatti's response was that the encroachment also involves the master bedroom. Attorney Chewcaskie reminded the property has an unusual five-sided shape and although the zoning officer found this to be a rear yard at one time it may have been interpreted as a side yard as maintained by the existing home. Under C-1 the shape and topography are hardships.

Mr. Abad observed if the house didn't encroach into the setbacks it wouldn't encroach into the steep slopes as much. Mr. Doolittle concurred but reminded the slopes were manmade and not natural. Mr. Roncatti noted if they moved it over they would encounter steep slopes on the east side, too. He thought of condensing the carport into a four-car garage facing north but felt hiding the doors from the street and the northerly neighbor was a better design alternative and the encroachment will not impact neighbors to the south and east. Mr. Glazer questioned eliminating the carport. Mr. Roncatti responded they would still need to provide parking elsewhere on site further disturbing steep slopes. Mr. Abad offered after demolishing the existing home they have lots of options. Mr. Roncatti maintained the relief is *de minimus* and any other options will involve more disturbance. Mr. Glazer questioned the statement regarding "a four-car garage facing north" where they already need a variance for length of garage doors. Mr. Roncatti's response was that they have the detached garage in the front yard even though it's considered a side yard but it's not a setback issue. Mr. Glazer reminded with the 18 feet of garage doors for the detached garage, barring a variance, they'd only have room for an additional 12 feet of garage doors.

Mr. Bonhomme questioned if they should approach the variances individually. Mr. Glazer felt absent a change in design they would need to deal with them as a package. Mr. Cohen repeated the question asking what benefit the proposed provides to the community. Mr. Chewcaskie reminded he had not yet provided the planning testimony. He requested a brief break to consult with his clients and experts.

Without objection the Board took a break from 9:30 to 9:42 PM.

Upon resumption of the public hearing Mr. Chewcaskie asked that the matter be carried to permit them time to revise the plans. As the next meeting is January 10, 2018 which does not afford them sufficient time this matter will be carried to the following meeting which has not yet been advertised but is tentatively set for February 15, 2018. The Secretary will confirm. Mr. Chewcaskie extended the time within which the Board needs to act on this matter.

**COMMUNICATIONS** Noted for the record that the following matters have been carried to the next meeting scheduled for Wednesday, January 10, 2018:

- Kim Block 75 Lot 10 – 18 Overlook Road
- Garcia Block 49 Lot 33 11 Rionda Court

**ADJOURNMENT** at 9:46 PM upon motion by Mr. Clores seconded by Mr. Cohen and approved by all.

Respectfully submitted,

Nancy Wehmann, Secretary