

**MINUTES
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF CHATHAM
MAY 8, 2019**

Mr. Vivona called the Work Meeting of the Zoning Board of Adjustment to order at 7:30 PM with the reading of the Open Public Meetings Act.

Oath of Office

Ms. Lisa McHugh took the Oath of Office as read by Mr. Shaw

Roll Call

Answering present to the roll call were Mr. Vivona, Mr. Weston, Mr. Williams, Mr. Borsinger, Mr. Newman, Mr. Fitt, and Ms. McHugh

Also present were Township Engineer Kevin Nollstadt for John Ruschke and Board Attorney Stephen Shaw

Township Planner Frank Banisch, Mr. Turco (Alt 1) and Ms. Labadie were absent.

Introduction of New Administrator

Mr. Bob Hoffmann was welcomed by Mr. Vivona and stated Chatham Township now has a AAA rating and the municipal budget has been passed. He also shared information on the big summer project the Township will be undertaking in the summer, namely revising all files in block and lot order to better serve the community. The Township will also be returning homeowner's plans after the summer project is completed that are more than 12 years old.

Memorialization of Resolutions

BOA 18-33-34 Jennifer Voelksen, 75 Susan Drive, Block: 33 Lot 34

A motion was made by Mr. Borsinger to adopt the Resolution as submitted and seconded by Mr. Williams. All in favor.

BOA 18-124-36 Daniel & Nicole Stratemeier, 17 Overlook Road, Block 124, Lot 36

A motion was made by Mr. Borsinger to adopt the Resolution as submitted and seconded by Mr. Williams. All in favor.

Hearings

Ms. Stone-Dougherty representing both The Nairs at 700 Fairmount Avenue and The Teotias at 625 Fairmount Avenue requested that the order of appearance for this hearing be switched to include The Teotias at 625 Fairmount Avenue appearing first due to all of the people present to hear the case, followed by The Nairs at 700 Fairmount Avenue. Mr. Vivona agreed.

BOA 18-62.12-4 Deepti & Kush Teotia, 625 Fairmount Avenue, Block 62.12, Lot 4

Rosemary Stone-Dougherty, attorney for The Teotias quickly recapped the last hearing. She stated that there was a lot of concern at the end of the last meeting regarding the measurement of the building

width and how it was derived. Ms. Stone-Dougherty said that her client and his architect took the Board's recommendations from that last meeting and revised the plans and alleviated the width variance and greatly shrunk down the house dimensions. She then received the revised review letter from John Ruschke dated May 7, 2019 where Mr. Ruschke changed his position on how the building width should be derived and now her client is two feet over and still requires a variance.

Ms. Stone-Dougherty called Mr. William Page PE & Professional Planner of 6 Forrest Avenue, Paramus, NJ 07052 and Mr. Page was sworn in by Mr. Vivona.

Mr. Page stated that the applicant revised the plans to alleviate the building width that was the contention of the last meeting. He said he calculated the building width on Fairmount Avenue to be 70 feet and then received Mr. Ruschke's revised letter of May 7, 2019 which mentions 80 feet and Mr. Ruschke's calculation of 82 feet. Mr. Page believes the 2 feet to be a de minimis and is a factor. Ms. Stone-Dougherty stated that the initial measurement was 95 feet and now has been reduced to 70 feet according to Mr. Ruschke's calculation before the last revision.

The landscape architect's drawing was marked into exhibits as A-20.

Mr. Page stated the applicant made the building a little bit more narrow and removed the second floor from the garage.

Mr. Shaw questioned the two feet de minimis Mr. Page stated earlier. Mr. Shaw stated that Mr. Ruschke's calculation of the building width variance from the last meeting was that the maximum width of a dwelling in an R-3 zone is 70 feet and that an 82 foot width is proposed. This makes it a 12 foot variance, not a two foot variance.

Ms. Stone-Dougherty recalled from the original memo from Mr. Ruschke dated March 18, 2019, that the maximum width of a dwelling in an R-3 zone is 80 feet required and that 50 feet is existing and a 95 foot width is proposed. She also stated that at the end of the last meeting, Mr. Ruschke said that it would be better if the applicant could get the house width down to 70 feet because of the angular way it was being measured, and that is exactly what her client did. Mr. Ruschke then revised his method of measuring the width after the last meeting with his May 7, 2019 revision letter and took her client by surprise. Now that the measurement is being taken perpendicular to the corners, the numbers have changed. Even with the recent changes, Ms. Stone-Dougherty stated that even if the Board feels the latest changes are correct, she will show that her client meets the burdens for variance relief.

Mr. Page stated that because of the unique shape of the property and the unique shape and where the house is situated on the property which is the maximum location for this property, if you send the lines perpendicular to the right of way on Fairmount Avenue like the engineer and architect did, the width comes out to 70 feet. He also said that in reference to the engineer's revised letter, the variance is now 12 feet, measuring from the line perpendicular to Fairmount Avenue. From the initial drawing the owner, engineer and architect have made drastic changes to eliminate variances and are now asking for only five variances – 3 for steep slopes, 1 for the driveway length, and 1 for the width of the house. Ms. Stone-Dougherty stated that there are now two new variances with the engineer's revisions: setback distances for the two retaining walls as they pertain to the structure. The one retaining wall is on the SW corner by the patio where the setback of the wall should be 20 feet from a structure and it now extends straight out from the structure. The other retaining wall is on the south side and comes out from the building by the garage to the driveway. Retaining walls are decorative and will minimize the slope they are upon.

Mr. Vivona asked if the house has decreased in size since the last hearing. Ms. Stone-Dougherty stated that the revised plans brought the house down in size from 95 feet to 70 feet on the width. Mr. Shaw asked that the homeowner Mr. Kush Teotia go through the latest revisions of the plans.

Mr. Teotia stated that he revised everything to get the house down to the 70 foot width. The large section in the middle is now gone and the 3 car garage is now a two car garage to conform with the comments of the Board from the last meeting. Because the house is smaller, it has been pushed back on the property and is now seen as smaller in perspective when viewed from the street. He conformed with the lot width number of 75 feet from Mr. Ruschke after the last meeting, and then received an email the next morning stating that width number should be 70 feet, and once again he conformed.

Mr. Shaw stated that the Board can interpret the ordinance for lot width or it could use that interpretation as a further justification should the Board feel that variance relief could be granted if in fact that there was an interpretation that would alleviate the need for the variance. He also stated that if the lot width was measured perpendicular to Fairmount Avenue it would be 70 feet and if it was measured corner to corner the building width would be 82 feet.

Ms. Stone-Dougherty stated that they have had five revision letters and Mr. Ruschke's new interpretation and she thought that they were coming to this meeting eliminating the building width issue which she felt was the Board's biggest concern.

Mr. Borsinger asked how much the dwelling coverage is with this last revision, as the earlier number was 3,453 square feet. Mr. Teotia stated that the building coverage is now 3,428 square feet and he's allowed 3,465. He also stated that from his original plans, he knocked the square footage down approximately 1,000 square feet off the house to conform.

Mr. Page stated that currently the applicants are requesting a C1 variance dealing with hardship and that three items apply: (1) the exceptional narrowness, shallowness, and shape of the property – property is shaped like a "U", (2) reason of topographic conditions uniquely affecting a piece of property – Sunrise Road to Fairmount Avenue is extremely steep and most of the houses on Fairmount Avenue have cut into the hill, and (3) extraordinary and exceptional situation uniquely affecting property – property is uniquely shaped and house location is in the best possible spot on the larger portion of the lot. He also stated that the applicant has eliminated 5 variances from his original application and has also eliminated one of two driveways.

Mr. Shaw asked if the applicant would have any objection to a condition of approval to obtain written approval from owners of lots 5 and 6 to make any proposed off site improvements. Ms. Stone-Dougherty agreed with the caveat that the owners agree to any off site improvements such as removing the asphalt section from their property as a courtesy. She also opined that this last revision is a substantial improvement from when the applicant first appeared before the Board and that the C1 variance is the majority of the variance regarding the steep slope conditions and that the C2 variance is due to the extension of the driveway which is now even longer due to the reduction in the size of the house. Ms. Stone-Dougherty stated that there were variances associated with the previously existing house on that same property.

Mr. Borsinger mentioned that the retaining walls and the proposed level play area still in the revised plans cause more disturbance to the steep slope and if they were trying to minimize the steep slope disturbance the way to do it would be to eliminate the play area.

Mr. Weston asked for clarification of the purpose of the steep slope ordinance and whether the steep slope ordinance contains any provisions for mitigating the disturbance of the steep slope. Mr. Weston also questioned whether purchasing property that does not conform and does not allow the applicant to build without a variance constitutes a hardship. Ms. Stone-Dougherty replied that a C1 variance looks at the design and shape of the lot and when looking at the building envelope and the setbacks, steep slopes will have to be provided. Mr. Shaw stated that the concept of the steep slope ordinance is the impacts on other properties, soil erosion, protection of foliage, protection of the steep slope, etc. and when dealing with a redeveloped lot which this is, the Board is confronted with the physical conditions of that lot and because there are conditions on that lot, the Township cannot tell the applicant that they cannot build on that lot. The Township can require the applicant to seek variance relief for the steep slope conditions.

Ms. Stone-Dougherty pointed out that the proposed driveway coming off Birch Hill Road is a more level area and actually decreased the steep slope disturbance than if the applicant would have reconfigured the driveway off Fairmount Avenue.

Mr. Borsinger questioned why the steep slope disturbance is six times more than it should be if two retaining walls have been eliminated. Mr. William Scott stated that the walls are staggered to create two tiers and are five feet and four feet tall. Mr. Borsinger stated that the neighbor would be staring at a nine foot wall, Mr. Vivona stated that the applicant has eliminated a steep slope, and Mr. Scott stated that the neighboring property will see the green grass above the wall because the neighbors are higher than the wall. Mr. Newman stated that the walls are actually underneath the allowable disturbance in Zone 1 (21,000 sf allowable vs 17,000 sf proposed). Mr. Page said that the landscaper has proposed shrubbery to lessen the visible impact of the wall.

Amy Tierney of 629 Fairmount Avenue voiced concerns regarding screening because the front door of the proposed dwelling is facing and overlooking her back yard from above and is at the level of the top of her fence. She feels strongly that the building of this home is a detriment to her family's privacy.

Brett Levine of Lot 6 questioned the topography of the easement and asked for clarification that there is no change to that slope that would affect his property. Ms. Stone-Dougherty replied that her client would pitch that slope to avoid runoff onto Mr. Levine's property and maintain the natural state of the slope as it is presently. She also stipulated that construction vehicles would minimize using the easement area to avoid further deterioration of the slope.

Jim McDole of Lot 8 voiced concerns over the retaining wall he believed was six feet high and now revised to nine feet high. Mr. Vivona and Mr. Teotia both replied that there are two walls proposed that are staggered to create tiers in the slope. Ms. Stone-Dougherty stated that this latest revision actually decreased the height of one wall by one foot and that from Lot 8 only the five foot wall will be seen. She also stated that there will be additional screening and landscaping in front of the new dwelling to address privacy concerns of Mrs. Tierney and attested to the fact that most people do not use their front door. Mrs. Tierney requested a copy of the landscaping plans from the applicants.

John Moran of Lot 7 stated he has no issues with the proposed building.

Kevin Nollstadt of Mott MacDonald questioned if there will be a roof on the deck and Mr. Teotia said no. Mr. Nollstadt also stated that Mott MacDonald still needed to see the stormwater calculations and curbing. Mr. Vivona asked if Mr. Nollstadt was in agreement with the 70 foot building width. Mr. Borsinger opined that the Board should go with Mr. John Ruschke's recent measurement. Mr. Shaw

opined that there were two methods of measuring the house and suggested that the Board stay with Mr. Ruschke's method of measurement as well.

Ms. Stone-Dougherty was asked by Mr. Vivona of any conditions of the resolution and she stated only Lots 5 and 6 – Lot 6 is the easement area discussed earlier, and Lot 5 is where the existing second driveway is shared and if the owner would like her client to remove the asphalt, her client will acquiesce. Ms. Stone-Dougherty asked the owner of Lot 5 who was present at the meeting if they would like the asphalt removed and they replied yes.

Mr. Vivona and Mr. Shaw stated that the conditions of the variance are compliance with all comments in the technical review. The variances sought are the steep slope variances, the driveway length variance, and the building width variance as per Mr. Shaw.

Mr. Williams moved to approve the variance. Mr. Fitt seconded the motion.

Roll call: Mr. Vivona – yes; Mr. Weston – yes; Mr. Williams – yes; Mr. Borsinger – yes; Mr. Newman – yes; Ms. Labadie – absent; Mr. Fitt – yes; Mr. Turco – absent; Ms. McHugh - abstain

BOA 18-60-18.02 Bhaskar Nair, 700 Fairmount Avenue, Block 60, Lot 18.02

Ms. Stone-Dougherty stated that her client Mr. Nair has decreased the number of variances from 5 variances to 3 variances since his first hearing on February 21, 2019, two of which are original ex post facto variances due to disturbance of the steep slope and one new variance request which her client revised the plans to decrease it by 1485 square feet since the site visit on March 16, 2019.

Mr. Vivona read the Site Visit report of March 16, 2019 into record.

Ms. Stone-Dougherty asked Mr. William Scott for an overview of the current, revised plan. Mr. Scott explained that the overall scope of work has drastically changed. There is no longer a proposed swimming pool, the proposed 9 foot wall was reduced down to a 6 foot wall, and the length and overall size of the wall has been greatly reduced. The plans include a wall to stabilize the disturbed soil at the corner of the garage noted in the Site Visit report to create a level play area. Mr. Williams opined that it was a huge drop of 6 feet. Mr. Scott stated that stairs and a lower patio are also proposed to create a walkout from the basement into the back yard. The vegetation that had been previously disturbed in the fall has since begun to grow and stabilize. The applicant also cut the underbrush to clean up the area and no big trees were removed.

Ms. Stone-Dougherty referenced a pink area on the plan and Mr. Scott explained that the soil in that area was never disturbed, but instead it was soil that was piled up and then rolled downhill from the pile. The steep slope itself was never altered or changed according to Mr. Scott. Mr. Vivona stated that it would be filled in anyway according to the proposed plan.

Ms. Stone-Dougherty then asked Mr. Scott to discuss the ex post facto disturbance. Mr. Scott explained that the retaining wall on the east side has been moved almost into the center of the dwelling and the retaining wall on the west side has been moved 5 feet into the middle of the property to preserve some of the slope in the side yard area. He also explained that the applicant needed some of the disturbance for planting as well as a way for the construction vehicles to access the work site. Mr. Scott considered the area between the property line and the closest retaining wall a transitory or temporary disturbance. Mr. Vivona asked if the slope would be restored and/or landscaped, and Mr. Scott said yes and that the slope would remain the same. Mr. Scott went on to explain that the overall disturbance of the area behind the garage, the construction of a small patio and the stairs to walk down

to the lower tier in the rear yard constitute 1214 sf of Zone 2 and 1132 sf of Zone 4 for a total of 2,346 sf of disturbance.

Ms. Stone-Dougherty requested that Mr. Scott discuss the Stop Work Order issued by Mr. Ruschke on October 18, 2018. Mr. Scott explained that the Stop Work Order was issued after Mr. Nair went to the Township Construction Office to self-report the disturbance created on his property and Mr. Ruschke performed an inspection of the property. Mr. Scott pointed out that in his conversation with Mr. Ruschke, Mr. Ruschke's main concern seemed to be that the silt fencing on the side of the property was incorrectly installed. Mr. Scott also expressed that the two main areas of concern with the Stop Work Order were the non-compliance to the lot grading plan and the excess disturbance of the steep slope. There was never any mention of the property being dirty. Mr. Scott said that the concerns were mitigated and that the Stop Work Order was lifted in early November around November 7th or November 8th, 2018. He also opined that the applicant truly felt badly about the entire situation.

Mr. Scott referenced the lot grading plan and the tree removal that was permitted according to that plan. He said that a loop driveway was originally proposed and that the county came out and removed the trees on Fairmount Avenue in front of the house before telling Mr. Scott that a second opening onto the county road (Fairmount Avenue) was not allowed. Mr. Williams asked if the county also tore up the sidewalk and opined that it is presently a safety issue. Ms. Stone-Dougherty answered that the applicant maintained that he would restore the sidewalk as soon as the variance is approved.

Ms. Stone-Dougherty mentioned the extensive water retention system and asked Mr. Scott to explain. Mr. Scott explained that Mr. Nair asked Mr. Scott to design a retention system that would account for some future improvement projects he had planned for on his property. Mr. Nair told Mr. Scott he did not want to continue to disturb the same soil repeatedly, so the retention system was designed with the full scope of work that Mr. Nair wanted to achieve in the future. Mr. Scott explained that this system is the largest water retention system he has ever designed at 11 feet wide x 75 feet long x 4 feet deep.

Mr. Vivona asked if the area in the far back by the retention system was left in its natural state. Ms. Stone-Dougherty maintained that it will be left in its natural state and that there currently is substantial regrowth since the site visit in March by the Board members already.

Mr. Scott said from a screening and planting perspective, if the applicant would be allowed to raise the area behind the home, it would buffer the area for the neighbors within sight. Mr. Vivona expressed appreciation for the overestimated disturbance for the retention system and the additional screening that is proposed.

Ms. Stone-Dougherty pointed out that according to Mr. Ruschke's letter, she feels Mr. Ruschke believes that Mr. Nair was going to landscape that area in the far back by the retention system, when Mr. Nair actually wants to allow the area to return to natural vegetation, therefore reducing the stormwater impact on the retention system from what Mr. Ruschke previously thought.

Kevin Nollstadt stated that the retention system had to have recharge capabilities. Mr. Shaw requested as a condition of approval, additional calculations to demonstrate how the existing stormwater complies with infiltration requirements. Mr. Scott agreed to the condition as part of the lot grading plan. Mr. Vivona asked Mr. Nollstadt to explain recharge. Mr. Nollstadt ascertained that a retention system presently has to maintain the existing 2 year runoff volume on the proposed addition. The water will run to the dry well or basin and then seep back into the ground. Mr. Nollstadt also stated that because Mr. Nair filed for a variance for the soil disturbance that triggered the stormwater requirements. Mr. Nollstadt requested soil tests and flood tests on the system to make sure the system is recharging.

Mr. Weston expressed concern and asked that the contractors do not freelance and that they will properly and carefully read and follow the plans while following all safety rules to alleviate problems. He asked for assurance that the contractors know what they are supposed to do and do it correctly.

Dorothea Stillinger, Chair of Chatham Township Environmental Commission, asked about Mr. Nair creating a conservation area in the wooded area near the retention system. She stated that creating this conservation easement would allow the Township oversight as to what happens in that wooded area because of the Conservation Easement Documents. After conferring with Mr. Nair, Ms. Stone-Dougherty stated that Mr. Nair acquiesced to creating a conservation easement along the entire rear yard setback consisting of 50 feet wide along the entire length of the parcel of 100 square feet. Mr. Nair requested a compromise that if the wooded area that is left to its natural vegetative state should expand and encroach upon his landscaped yard, he would be allowed to trim it back and clean it up. Also, Mr. Nair would like the ability to repair the fence along the rear property that is in a state of disrepair. Mr. Vivona stated that Mr. Nair can do some maintenance but cannot build on it and he should put as a condition when he permits the conservation easement the caveat that Mr. Nair will be allowed to repair the fence.

Mr. Williams motioned for approval of the variance. Mr. Borsinger seconded the motion.

Roll call: Mr. Vivona – yes; Mr. Weston – yes; Mr. Williams – yes; Mr. Borsinger – yes; Mr. Newman – yes; Ms. Labadie – absent; Mr. Fitt – yes; Mr. Turco – absent; Ms. McHugh - abstain

BOA 18-70-33 Bill & Christie Crawford, 1 Crestwood Drive, Block 70, Lot 33

Mr. Brian Siegel gave a general overview from the previous meeting on March 21, 2019. The variance is a C1 variance regarding a non-conforming front yard setback generated by the proposed addition on the SW corner of the property and driven by a paper street (Williams Road). The applicant only has a 25.98 ft setback instead of the required 50 ft setback because it is a corner lot and has two front yards.

Mr. Shaw cited that the addition is going out beyond the existing location of the house which is the pre-existing setback distance for the rest of the house and the lot line is also irregular.

Mr. Siegel stated that if the house was on an interior lot instead of a corner lot, the proposed addition would not require a variance relief. He also stated that there is an existing non-conformity relating to a retaining wall and the driveway because they were built over the property line into the Williams Road line prior to the Crawford's owning it. There also exists a non-conformity with the shed and the front yard setback as well as the pool and the west property line setback.

Mr. Vivona asked if there were any other issues other than the existing non-conformities and the 1.75 feet requested in the variance. Mr. Siegel said no. Mr. Siegel stated that the Crawfords are proposing a 2-story addition along the rear of the house, as well as a 1-story addition, the bulk of which is over existing patio areas and walkways. The addition increases the building coverage footprint by 711 square feet which is still within zoning compliance and the impervious coverage only increases by 188 square feet because it's mainly over currently paved areas. The back corner of the property was determined to have a 50 foot wetlands transition area which Mr. Siegel stated he has already received approval for by the State of NJ for encroaching upon.

Mr. Borsinger read the Site Visit report into record.

Mr. Nollstadt stated that a lot grading plan should be submitted. Mr. Siegel asked for a waiver for the lot grading plan. Mr. Shaw stated that the waiver for a lot grading plan is subject to the approval by the Township Engineer.

Mr. Siegel stated that there is no negative impact on the neighbors.

Mr. Williams moved to approve the variance. Mr. Borsinger seconded the motion.

Roll call: Mr. Vivona – yes; Mr. Weston – yes; Mr. Williams – yes; Mr. Borsinger – yes; Mr. Newman – yes; Ms. Labadie – absent; Mr. Fitt – recused; Mr. Turco – absent; Ms. McHugh - abstain

BOA 19-31-1 Ivan Levitskiy, 20 Mountainside Drive, Block 31 Lot 1

Mr. Gary Haydu of 414 Main Street, Chatham, NJ 07928, attorney representing Mr. Levitskiy, stated that there were several issues. The first issue was rectified by eliminating the wall on the easterly side of the dwelling, and the second issue of the steep slope disturbance Mr. Haydu stated was a mea culpa and his client is willing to accept full responsibility for it.

Mr. Haydu referenced a letter from the client's engineer written after the Stop Work Order was issued and states that while the steep slope was disturbed and trees were removed, the grade change was de minimis and the overall site has been well graded. In addition, swales have been installed and have improved the lot runoff for the surrounding neighboring properties

Mr. Vivona states that there will be a site visit on Saturday, May 11, 2019 at 9:00 am.

Jess Symonds, P.E. was sworn in by Mr. Vivona.

Mr. Symonds explained that the dwelling was existing and removed down to the foundation and square footage was added to the north and east of the existing structure. The lot area is 18,680 square feet and Mr. Symonds believes that only one variance instead of three variances the Planner stated is required because the lot is less than 25,000 square feet. Initial grading plan showed only a disturbance of 411 square feet but in reality 2740 square feet was disturbed. He also stated that trees were removed and two drywells were installed. The entire site is constructed and instead of seeding and mulching, the applicant decided to sod.

Mr. Shaw stated that he believes all three variances are needed as the Planner advised because the ordinance refers to a single family residence with a lot area of less than 25, 000 square feet. Mr. Shaw affirmed that Mr. Levitskiy's property did not fit into this category because the house had been removed from the site and that the Planner's advice still stands.

Mr. Symonds stated that the house is not currently occupied and that they have a buyer but cannot proceed with the sale until the variance issue is settled.

Mr. Vivona concluded the general overview until the next meeting.

BOA 19-35-1 Daniel Yang, 16 Dogwood Drive, Block 35 Lot 1

Mr. Vivona swore in Mrs. Janet Siegel of Siegel Architects in Chatham, NJ and Mr. Daniel Yang.

Mrs. Siegel explained that the Yangs did the first phase of construction back in 2017 which did not require a variance in preparation for this next phase currently before the Board. She stated that the Yangs are proposing to add a 2nd floor and that the current garage was improperly designed and they would like to rectify that. The position of the lally columns are conducive to a side loading garage, not a

front loading garage which is the current setup and causes the owners to park diagonally in the garage. The variances required for this project are a front yard setback variance for the proposed second floor addition, a front yard setback variance for the proposed portico, a side yard setback variance on the left side of the house, a 3 story variance because of the new way of calculating the basement, and steep slope variances for the proposed retaining wall to create the turnaround in the driveway leading to the side loading garage. Mrs. Siegel stated no change to the curb cut is required.

Mr. Vivona inquired if more than 50% of the foundation is exposed. Mrs. Siegel answered yes. She explained that the Township ordinance calculates the basement height from the inside of the basement and not from the point of grade outside. Mr. Shaw stipulated that the variance is usually eliminated through lot grading when calculated from the exterior but cannot be eliminated if the basement is measured from the inside. Mrs. Siegel affirmed that the proposed addition would put the project over the 50% allowable height for the basement, making it 64% and if they lower the basement floor one foot they will be at 61%. The IRC (International Residential Code) calculation simply shows the house as a one story house with a basement garage and a second story above.

Mr. Vivona inquired if the peak in the roof is attic space and Mrs. Siegel confirmed that. She stated that a second story is only proposed over the garage. The front of the house is currently non-conforming because of the setback.

Mr. Shaw said he would like Mrs. Siegel to calculate the basement from the exterior and discuss the interpretation of the ordinance with Greg Impink and maybe revise the grading to alleviate the 3 story variance. Mr. Vivona stated that a 3 story variance would not be granted.

Mr. Vivona scheduled a site visit for May 11, 2019 at 9:30 am.

Mr. Vivona motioned to adjourn. Mr. Williams moved to adjourn.

All in favor.

Kathleen Nagy-DeRosa

Zoning Board Secretary