

# BELL CANYON ASSOCIATION **MINUTES**

## Architectural Committee Meeting – Tuesday, February 13, 2018

**Members Present:** Peter Carniglia (voting), Daniel Burgess (voting)

**Member Absent:** Larry Kerrigan

**Others Present:** Chiedu Chijindu (AC Consultant), Nissim David-Chai, Yarin David-Chai, Leon Reingold, Michael Glassman, Ginger & Daniel Oldham, Warren Weiss, Keith Clark, Josephine Schaeffer, Richard Moody

**7:04 PM** - The meeting was called to order

**December 12, 2017 AC Minutes** – Postponed

**January 9, 2018 AC Minutes** - Daniel made a motion to approve the minutes. Peter seconded the motion. Unanimous.

### **7:00 – 7:15 - OEN FORUM**

Peter Carniglia advised those present that Larry Kerrigan is the new member of the AC. Unfortunately, Larry is unable to attend, but there is quorum.

**Keith Clark** – submitted and read his letter to the AC about the slope faces at 9 Wagon. Peter Carniglia asked those present if anyone else would like to express their concerns.

**Ginger Oldham** informed the AC there was a petition filed last year regarding 9 Wagon which was signed by neighbors residing at Stagecoach Rd. and Rancho Rd. The petition asked for the original approved plans to be followed. Daniel Burgess advised AC he will be able to do a site visit at 67 Rancho.

**Richard Moody** requested an update on 9 Wagon. He is aware that the #2change order Grading Plan was not approved. The County is aware that current elevations do not meet the approved plans. The pad needs to be certified first by a civil engineer before the owner can start building the house. Richard informed the AC that he called the County regarding this information.

**David-Chai** told the owners in attendance that they should listen to his side of the issue because it is better for the community, for the lawsuit, and for everybody. He said that Ginger wants him to go down eight feet, but this is natural topography, so she should also hear his side.

**Leon Reingold** stated that 25 years ago no one in Bell Canyon cared about natural topography. He informed the AC that his submittal had minor changes; the only thing missing in his compaction report is for him to clean the trash.

### APPOINTMENTS

---

**7:20 PM Reingold, Lot 735, 9 Wagon Lane:** Peter stated that the primary reason this is on the agenda is for the AC to review the neighbors' complaints. Peter also said that Leon submitted an appeal to the Board of the AC's decision. Warren Weiss at 154 Stagecoach submitted his complaint to the County regarding mudflow from 9 Wagon during heavy rains. The AC reported that per the resulting County report, the slope face did not perform well in some locations; the erosion control measures such as hydroseeding and

# BELL CANYON ASSOCIATION **MINUTES**

## **Architectural Committee Meeting – Tuesday, February 13, 2018**

jute netting are not permanent solutions to water runoff; and that Leon agreed with the County's request to clean up Warren's property. Leon said he did not agree with County's request, but as a good neighbor he will clean Warren's property even if it cannot be confirmed that mud came from his property. He saw mud come from the middle of Warren's property. Peter stated that the County inspector did confirm that the mud came from 9 Wagon and recommended jute netting be installed at the bottom of the slope. A picture of the silt fence installed at the bottom of the property 100 ft. from Warren's property was referenced. Leon told the AC that he will plant after grading, which is his next step. Peter read the report from County Inspector stating the following:

- waiting for clarification on some issues that the geotechnical engineer needs to address;
- erosion control failed, needs to be addressed and one of his slopes which demonstrated erosion during the last rain needs to be fortified;
- mud went over the sand bags, the silt fencing is at maximum capacity; owner is working on preparing his silt fences, etc., for the next rain.
- These items must be completed before a rough grade clearance is issued to Building and Safety.

The AC asked if Leon agrees with the County's findings. Leon's opinion is that he did not do anything wrong. He said that no one in Bell Canyon with a change order was issued a stop work order. He did not have a choice, but to appeal the AC's denial to the Board.

The AC concluded the discussion and advised Leon:

- The AC cannot overturn its decision to reject his change order while his appeal to the Board is in process.
- The decision is now with the Board and the AC will abide by the Board's decision.
- No plans should be submitted to the County prior to receiving approval from the AC.

**7:30 PM Demichele, Lot 555, 15 Sage Lane:** Daniel Demichele was present to discuss his request for final approval to build his pool. He showed the AC his county approved plans dated July 2016. He advised the AC that the County just granted him 30 days to start building his pool before they conduct an inspection. The AC reminded Demichele that back in 2016 he planned to build his pool and now that his county permit is about to expire, he is rushing to start work. The AC's pool approval has expired, and the AC is concerned about finishing his project on time. The AC advised him that an immediate response to his request is not possible. He needs to go through the approval process again by resubmitting his plan for the review by the AC and its consultant. Daniel asked the AC why he needs to go through the approval process again when the plan did not change. The AC explained that the site plan he presented did not match the pool plan; the plans are totally different. The AC wants him to move forward with his project, however, it requires that all information be accurate. The AC needs the submittal of a correct plan for review and decision.

**7:40 PM Chai, Lot 396, 26 Appaloosa Lane:** David-Chai was present for the final approval of his County approved grading plan he submitted on Jan. 31, 2018. The AC advised David that his county approved grading plan was reviewed by the consultants who recommended allowing him to move forward with his project. However, approval is subject to the following conditions:

# BELL CANYON ASSOCIATION **MINUTES**

## **Architectural Committee Meeting – Tuesday, February 13, 2018**

- Height of retaining wall must not go over the approved height.
- Slope faces, slope heights, and wall heights are to strictly adhere to the approved plans.
- The AC will have a fee and deposit schedule prepared and it will include an additional \$20,000 deposit because of David's frequent deviations from approved plans on his previous projects. In the past, he repeatedly did not follow his own plans and that is not allowed. As a result, for all his future projects, the AC will have to engage additional oversight and utilize experts to ensure that he complies with his plans. He will be provided a record of all the charges against the \$20,000 deposit.

David informed the AC that to avoid another lawsuit, he wants AC to figure out conditions that will not require a \$20,000 deposit. David asked if there were any other projects in Bell Canyon for which the AC required an additional deposit. The AC advised David that he will be sent his approval letter and fee structure within seven days.

**7:50 PM Chai, Lot 505, 67 Rancho Rd.:** David-Chai asked why his project is inharmonious with the community. What does inharmonious mean? David said he spoke with the civil engineer consultant, Felix, and David said Felix told him that he does not have any problem with his project, only minor issues. David said Felix invited him to his office to discuss the plan. David said he did not receive any response from the AC on the letters his civil engineer, Don Waite, sent to them. Peter asked if David is saying that he does not know whether he was approved or not. The AC advised David that the AC responded to the letters. According to the AC, none of the arguments his engineer wrote was sufficient for the AC to change their minds. Because David filed a lawsuit regarding this property, the AC is not comfortable discussing issues about the letters in detail. Peter suggested that David submit an appeal to the Board. If David objects to the Dec. 6, 2017 rejection of his Change Order #2 Grading Plan for 67 Rancho. David asked what does inharmonious mean? Daniel Burgess said the project should be in harmony with the property's and surrounding natural topography. Yarin David-Chai said she does not understand what inharmonious means either. She requested that somebody explain to them what makes it inharmonious, so they will understand. Chiedu said they should work with the natural topography.

David informed the AC that nobody is allowed to come to his property without his permission. The AC reminded him that he signed a plan submittal form that the AC can visit his property.

### RATIFICATION

---

**Shubeck, Lot 272, 60 Hackamore:** The AC discussed the County approved Conversion to Guest House Plan submitted on January 29, 2018. The Architectural Consultant recommended the plan for final approval. Peter Caniglia made a motion to grant final approval. Unanimous.

### OTHER BUSINESS

---

**Like for Like Approvals & Similar Project:** Peter proposed that the AC assign review and approval of Like-for-Like Replacement/repair projects and other similar projects to the General Manager and Architectural Committee Coordinator. This will reduce the

# BELL CANYON ASSOCIATION **MINUTES**

## **Architectural Committee Meeting – Tuesday, February 13, 2018**

responsibility of the AC in reviewing and approving refunds, approving Like-for-Like projects such as pool replaster and repair, and minor landscape plans. It was suggested that the AC develop a list of projects approvable by staff such as softscape, which is a part of landscaping, and Like for Like repairs and replacements. Daniel Burgess agreed to draw up a list of projects that can be approved by the office for AC consideration.

### **EXECUTIVE SESSION**

---

**Meeting was adjourned at 8:45 PM for the Executive Session.**

**Next Architectural Committee Meeting:**

**March 13, 2018**