

BELL CANYON ASSOCIATION **MINUTES**

Architectural Committee Meeting – Tuesday, January 9, 2018

Members Present: Peter Carniglia (voting), Daniel Burgess (voting), Ian Shrago (alternate)

Member Absent: Ray Jadali

Others Present: Eric Wolf (Board Liaison in the absence of Steve Kent), Dan Grossman, Nir Glycher, Leon Reingold, David Chai, Eugene Karpus, Scott Sand, Larry Kerrigan

The meeting was called to order at 7:06 PM

December 12, 2017 AC Minutes – approval of the minutes was postponed until the next AC meeting because only one AC member from the December 12 meeting was present.

7:00 – 7:15 - OPEN FORUM

Peter Carniglia, chairing the meeting, announced that Keir Milan has resigned from the AC.

Peter also informed everyone that since David Chai and Leon Reingold requested that they be added to the agenda, they will be heard during the Open Forum without a time limit.

Reingold, 9 Wagon: Leon Reingold asked about the reasons for the AC's denial of his grading plan. He requested an explanation on what "inharmonious" means. Peter stated that Leon doesn't understand the reasons listed on the plan rejection letter or why his landscape plan is missing information. Lulu explained that she had sent an e-mail to Leon telling him what was missing from the landscape plan submittal, and Leon said he had received her e-mail. Peter told Leon that the AC cannot design owners' projects and that owners should understand a rejection letter. Leon responded that the AC should explain further what "inharmonious" means, otherwise, owners cannot correct their plans. Leon also added that there is a fine line between what must be done and not be done; the AC should tell owners what should be done. The AC will develop a definition of what "inharmonious" means and the AC will provide him with a fuller explanation of the issues itemized in the AC's denial letter to the Reingolds.

According to Peter, residents have a right to be on the agenda to discuss their issues and concerns, and recommended adding 9 Wagon to the agenda to address his issues

The AC agreed that emergency items should be added to the agenda. Eric suggested that they make a motion to add Leon to the agenda.

*Ian Shrago made a motion to add Leon to the agenda. Daniel seconded the motion.
Approved Unanimous.

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APPOINTMENTS

7:20 PM Brachot, 47 Dapplegray Rd.: Dan Grossman, together with co-owner Nir Glycher, and Eugene Karpus of 35 Cinch were present to present an update on their proposed Storm Drain/Drainage Plan and draft permanent easement agreements with their neighbors. They explained that once the drainage work is complete, they will repair and clean up anything damaged by previous mudslides on the neighboring properties. Dan Grossman submitted Exhibits A, A1, B and B1 and a plot plan to the AC members. Attachments A & B are sample easement agreements with the neighbors to use easements on their properties to connect their drain line to the existing drain line. According to Dan, the plan takes the water from 47 Dapplegray through a pipe that runs under the trail and connects to the existing storm drain system on 35 Cinch and 41 Cinch. An updated storm drain plan was presented and discussed during the meeting. Peter informed the owners that previously the AC questioned the final size of the pipe and requested that the pipe size be indicated on the plan. Dan said the plan was revised to show a 12-inch pipe and a pdf of the plan was emailed earlier today. He was asked to submit a hard copy of the revised plan as well.

Peter advised the owners that corrections should be made to the Exhibits related to the accuracy of the street address, and then they should have it accepted and signed by the neighbors and recorded by the County. Eugene Karpus approved the use of his easement provided that the owners of 47 Dapplegray will be responsible for maintaining the trail and this requirement is included in the agreement. Peter also added that the proposed use of easement will have to go to the Board for approval. Dan asked the AC the location of the trail and the AC explained that it will be at its original location. He also must know the setback on the unpaved roadway to build his fence. Dan was reminded that he still has not supplied the drawing required by the Gas Company for the easement interference and was asked to comply. The discussion was concluded with the following action items:

1. The AC will support the application for use of the easement subject to Zembo's consent.
2. The AC will recommend to the Board approval of the permanent use of the easement, subject to agreement by the neighbors and appropriate permits from the County.
3. The owner must submit to the office a hard copy of the revised plan and corrected and complete Exhibits.

*Peter made motioned to approve the owners' request for permanent use of the easements subject to submittal of the updated plan and Exhibits. Ian Shrago seconded the motion. Approved Unanimous.

Peter commended Dan Grossman for submitting his plans for AC approval prior to submitting them to the County for approval.

Reingold, 9 Wagon: Leon Reingold presented Change Order #1 Grading Plan approved by the County on April 2017 and the Change Order he submitted on Dec. 11, 2017. He submitted a change order grading plan on August 2017 which was denied by the AC, but was allowed to install erosion control and BMPs. After Leon's most recent change order grading plan was rejected, his engineer never spoke with the AC's civil engineer consultant. The plan is inharmonious with the community. Leon explained the changes made between Change Order #1 and the most recent Change Order (#3):

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1. Height of pad is lower
2. The house was moved 8 ft., more visible to the west.
3. Relocation of the guest house.
4. The pavilion was removed.

It was the consensus of the AC to send him a written response regarding his questions on the definition of “inharmonious” and the specific reasons for the rejection. The AC advised Leon that the stop work order is still in place and he is only allowed to work on his erosion control and storm drainage plan. Leon was requested to revise his plan to accord with the recommendations of the AC and its consultants. The AC will send him a list of recommended corrections to be made to his plan. The AC also noted that in reviewing Reingold’s plan, County approved mitigation measures that have failed in Bell Canyon in the past, will be considered and in this case the rip rap pads were evaluated and need to be expanded to protect surrounding properties.

OTHER BUSINESS

Hovsepian, 10 Morgan: The AC discussed a letter received on Jan. 8, 2018 from the attorney for Joe Hovsepian of 10 Morgan, whose property is located below the property at 155 Saddlebow. Mr. Hovsepian has come to AC meetings before and believes his concerns are being ignored. Per AC architectural consultant Chiedu, the issue is the TIWE, which is not temporary because the wall is permanent. In the TIWE, the approved retaining wall height was a maximum of 10 ft. According to Daniel, measurement is from the top of the footing to the top of wall. The AC will have the wall measured when it is completed, to ensure that it is not taller than 10 ft. in height. The property is currently undergoing grading; therefore, drainage cannot be determined. The Association does not monitor construction, but the County inspects grading. Per Peter, the Hovsepians signed a settlement agreement with the owners at 155 Saddlebow which states that they waive their rights and any complaints with construction at 155 Saddlebow. It was the consensus of the AC to respond to the letter from the attorney, based on the discussion.

Meeting adjourned at 9:00 PM

**Next Architectural Committee Meeting:
February 13, 2018**