

**TOWN OF DOVER ZONING BOARD OF APPEALS REGULAR MEETING HELD ON WEDNESDAY, July 6, 2011, AT 7:00 P.M. AT THE DOVER TOWN HALL:**

**PRESENT:** Chair Marilyn Van Millon  
Member Debra Kaufman  
Member Anthony Fusco

**ABSENT:** Member George Wittman  
Member Henry Williams

Also in attendance was Secretary to the Board, Maria O'Leary, and Attorney Michael Liguori.

Chair Van Millon called the meeting to order at 7:05 p.m. and began with the Pledge of Allegiance. She then read the first item on the agenda as follows:

**PUBLIC HEARING - PASCUCCI** – Z 2011-005 - The applicant seeks to appeal Section 145-11(B) of the Town of Dover Zoning Law to erect a pool on his property without meeting the 25' rear yard setback for the SR district. This property is located at 980 Berkshire Road on tax map #7160-00-692497.

In attendance was the applicant, Vincent Pascucci.

**MOTION:** Member Fusco motioned to open the public hearing; seconded by Member Kaufman.

<b>VOTE:</b> Chair Van Millon – Aye	Member Fusco – Aye
Member Wittman – Absent	Member Williams – Absent
Member Kaufman – Aye	

Mr. Pascucci was sworn in. I would like to put an above-ground pool on my property. As you can see by the map, I live on a hill and the only flat spot on my property is directly behind my house.

Chair Van Millon: I tried to go up there the other night to see it, but there was nothing marking it where it was, there was 980 Berkshire Road...

Mr. Pascucci: There is a planter at the base of the driveway with 980 and 990.

Chair Van Millon: The 9', is that a deck that you're going to put on the back of the house?

Mr. Pascucci: That is the existing deck and I would like to go off the deck.

Chair Van Millon: The pool is 15' wide and 12' to the property line.

Mr. Pascucci: It's at the top of the hill and that's the only flat spot; there is a topographical map.

Member Fusco: On the back side of the property, what's behind you?

Mr. Pascucci: That's Westchester Modular and my neighbor is David Wylock and he has a pool that is set way back from my property line;

The Board reviewed the criteria for a decision.  
Code of the Town of Dover – Section 145-59 D. (2)

- a. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance? **No.**
- b. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance? **No.**
- c. Is the requested area variance substantial? **Yes.**
- d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? **No.**
- e. Was the alleged difficulty self-created, which shall be relevant to the decision of the Board, but which shall not necessarily preclude the granting of the area variance? **Yes.**

**MOTION:** Member Kaufman motioned to grant the area variance; seconded by Member Fusco.

VOTE:	Chair Van Millon – Aye	Member Fusco – Aye
	Member Wittman – Absent	Member Williams – Absent
	Member Kaufman – Aye	

**MOTION:** Member Fusco motioned to approve the June 1, 2011 minutes; seconded by Member Kaufman.

VOTE:	Chair Van Millon – Aye	Member Fusco – Aye
	Member Wittman – Absent	Member Williams – Absent
	Member Kaufman – Aye	

**MOTION:** Member Kaufman motioned to adjourn the meeting at 7:13 p.m.; seconded by Member Fusco.

VOTE:	Chair Van Millon – Aye	Member Fusco – Aye
	Member Wittman – Absent	Member Williams – Absent
	Member Kaufman – Aye	

Meeting adjourned at 7:13 p.m.

Respectfully submitted by:

Maria O'Leary  
Secretary to the Zoning Board of Appeals