

**TOWN OF DOVER ZONING BOARD OF APPEALS SPECIAL MEETING HELD ON TUESDAY, MARCH 19, 2008, AT 7:30 PM AT THE DOVER TOWN HALL:**

**PRESENT:** Chair Marilyn VanMillon  
Member George Wittman  
Member Rosalind Cimino

**ABSENT:** Member Anthony Fusco

Also in attendance was Secretary to the Board, Maria O’Leary, and attorney, Thomas Jacobellis.

Chair VanMillon called the meeting to order at 7:03 pm and began with the Pledge of Allegiance; she then read the first item on the Agenda as follows:

**ROBERT CHRISTIANSEN** – Z 2008-01 – Applicant seeks to demolish a house and build a new house on the existing foundation on a nonconforming lot. Property is located at 12 Christiansen Lane, Dover Plains, NY. Grid #7063-11-683626

In attendance was the applicant, Robert Christiansen.

Chair VanMillon asked Mr. Christiansen to explain what he wants to do.

Mr. Christiansen: I would like to tear down the existing house and put a new house on the existing foundation on the same footprint; it is actually going to be a smaller footprint than what’s already there; I will remove the existing steps on the front porch area which now intrudes on the adjoining lot. The concrete steps actually go across the property line and the front porch is within a few feet of the property line and that’s coming off. The length of the foundation is 32’ long; the top floor is 27’ long, so the bottom is 27’ long, putting the porch 5’ on to the existing foundation, so that I can get away from the property line as far as I possibly can.

Member Wittman: One of the things that I don’t believe that I saw on here (the application) is the square footage of the current house and the square footage of the proposed house. Do you know off hand what the square footages are?

Mr. Christiansen: The current home is 704 plus 200 for the porches, current 904. The proposed total house is 1480, the first floor is 768.

Member Wittman: The Planning Board, if they didn’t, they should have looked at the square footage and told you that it’s over 150%, which is what they can approve, and then you need to come here, but somewhere down here you should have asked for, say, this is what I need and I’m asking for, just guessing, 170% and they say they can only grant you 150%, so what I’m saying is that on this application, you have to tell us specifically what relief you’re asking for from the Zoning, we can’t guess that.

Mr. Christiansen: When I went to the Planning Board, it was the attorney who said it, and when you said an attorney was going to be here, I thought it was going to be the same attorney.

Attorney Jacobellis: I spoke with Mr. Rodenhausen.

Mr. Christiansen: He was the one and Mrs. Kendall that did most of the talking and they said that I needed to come to the Zoning Board to get a variance because the front of the home was not the 25' and was only 8.63'; get that variance from the Zoning Board and you do not need to come back here, that's what they told me, so that's what I thought I was here for, because of the 8.63'.

Member Wittman: Whatever they told you though, what I would strongly suggest is that you go back and fill this out further and our attorney can probably give you a little more explicit explanation about that, but the point is that we can't do this for you, in other words, if you're asking for a variance of 8', 10', 20', whatever it is from a setback or if you asking for square footage variance or something like that, you have specifically got to ask for those variances in here, and then we can consider it, but we can't act as your professional consultant in this, we can't take that upon ourselves. Our attorney can't act on your behalf either, so you either need to have very explicit information from the Code Enforcement Officer as to why he denied your application, and then you can come before us or you're going to have to get professional advice from somebody else. Either an attorney or a professional engineer, but we can't legally give that to you.

Attorney Jacobellis: The ZBA can only grant an application for relief for a specific request; they need to know to the inch, basically, how far this house is going to sit from the front yard, the side yard...

Mr. Christiansen: I gave that to you; if you look at it, its 8.63' front yard; the surveyor prepared it.

Attorney Jacobellis: We're not trying to be adversarial here; we just need something that conforms with a complete application so that the Board could then take action on it.

Mr. Christiansen: I thought I gave you more than enough information, it's all right there; this has been going on since last September.

Chair VanMillon: Have you ever considered hiring an attorney or an engineer?

Mr. Christiansen: I have already had the foundation checked by an engineer; I have a letter from him saying that the foundation is adequate for the new home.

Member Wittman: I think what she's referring to is filling out the application; in other words, somebody who knows the Code well enough so that once they review the survey and the proposed building, they will cite exactly what the relief is that they are looking

for when you file; so you can just take that information and file it; usually the engineer comes with the applicant or sometimes the engineer comes by himself and will present it to the Board. When you come before the ZBA, we can only consider exactly what you have put on your application; we can't assume anything, we can't put figures in there for you, because otherwise, we're acting as your legal adviser and we can't do that. I can only point you in a few directions; our attorney has already spoken about the setback; the other thing that you might want to take a look at is the square footage, because that's also something that the Code Enforcement Officer, that section, I'm only assuming, that that's what he was referring to and that's why I asked specifically about the square footage because the Planning Board can approve up to 150%; anything beyond that has to come to the ZBA, but that's the information that our attorney has said that we need in order to publish a legal notice in the newspaper for a public hearing. Ordinarily what would happen on a night like this is if the application is complete; you would give us a brief overview of what you wanted to do, we would set the public hearing date, which is usually the following month, the secretary will advertise, including notifying all the neighbors specifically what is being requested, and an escrow account would be set up for whatever amount of money the attorney feels is necessary for us to have a legal review of this; and that's the way it would usually be received. Unfortunately, from what we have here today, we can't set a public hearing date, we can't set a public hearing date until you give us the information we need.

Attorney Jacobellis: I don't want to speak for the Planning Board because I wasn't present, but I did speak to Mr. Rodenhausen; and the Planning Board, I believe, made a determination that your increase with the second level was bigger than 50%, so you're increasing more than 150%, that's why the Dover Code would permit the Planning Board without you ever having to come to the Zoning Board if it was less than 150% to issue a Special Permit. They made the determination that you're increasing it from the numbers you gave to the Board tonight; it looks like they made the correct determination. Mr. Rodenhausen then advised you that you have the opportunity to come to the Zoning Board to seek certain variances, but again, getting back to the application, it has to be more specific, your experts are going to have to look at the requirements in the HM District for the Town of Dover and then based on where your house is going to sit and based on the setbacks, you're going to have to specifically request the relief that you're seeking.

Mr. Christiansen: There's already a house there.

Member Wittman: That's right, but this is a whole new thing; you're asking for a bigger house.

Mr. Christiansen: I'm just going up, but I'm staying underneath Code.

Attorney Jacobellis: The setback requirements go from the ground up to infinity, so even though you're staying on the same foundation, adding a second story still requires a variance.

Member Wittman: Once you determine that, I strongly advise that you talk to Mr. Hearn to make sure that that's all he needs for the Building Permit because; yes, we can issue a variance, but if you get back in there and he says that's not enough, we'll see you again.

Mr. Christiansen: I don't know, 'cause if I have to hire attorneys, I can't afford to do this for my parents. I'm trying to take an 1800's house and build another new house. The Town of Dover is going to get more taxes, if you go up there and look at the property, since I've owned the property, I've done a tremendous amount of work there. I've been trying to figure this out since last September; I've tried to do everything that everybody's told me to do and I'm still absolutely nowhere.

Attorney Jacobellis: You've never been before the Zoning Board before?

Mr. Christiansen: No, because I was told that this is where I need to come.

Attorney Jacobellis: From a legal perspective, this is the place you need to be, so you've reached the point of final destination, it's just that you're going to have to submit a complete application and the Board could probably take action on your application. I don't think the Board is taking the position that they are against you, against the project, or anything close to that, it's a legal process that has to be followed.

Mr. Christiansen: I copied it right off what the Building Inspector said, so I just put that down and I gave you everything that I could give you as far as pictures and surveys.

Member Cimino: Mr. Christiansen, when you come to the Zoning Board, it's a legal process, and so the Zoning Board of Appeals is there to grant you relief from the Zoning Code, and since it's a formal legal process, I would think of it the same way as going for a closing on your house; you would hire an attorney to go for a closing on your house, so if you don't know the Code inside and out, you can't really do a good job interpreting or putting down on the application what you need or what we require as a Zoning Board of Appeals. The Town law only allows us to look at certain things, it doesn't give us the ability to look outside the application to figure out what it is that you want, and although we may love to give this to you for your mom, it has to meet the legal requirements in order for us to review it, so if there's questions that you have with respect to the Zoning Code and how to fill the application out, then I would see if you can hire someone who's got experience with filling these out 'cause they sometimes are complicated, it's not really as easy as it looks.

Mr. Christiansen: Well, I'm hearing all I should put down there is that I want 8.63, and I thought I did, but I guess I didn't. I filled in the 8.63, that's the problem.

Member Cimino: But so, let's say that you put down the 8.63 and we go through the legal process and we grant you a variance for that 8.63 and then you go to the Building Department and you say, "OK I have a variance for the 8.63 that I needed," and he

says, "We'll you're over 150% of what you need," so you have to back to the ZBA now because you're over your square footage for the house.

Mr. Christiansen: So I need two, one for the...

Member Wittman: We can't tell you what you need; you have to hire a professional.

Mr. Christiansen: Can I ask a question? If I shrink the house do I come here or do I go the Planning Board? I can't take the footprint that's there and put the porch on it and take anymore away from the house and expect anybody to live in the house, it's too small, so you've got to go up. Actually, the house that's there, if you look at it, they've used it in the past, there's windows up there, they've used it as a cape, which, to me, is illegal.

Member Cimino: That's a Code Enforcement issue; that doesn't come before us.

Mr. Christiansen: Yes, but if I put up a cape, and put two dormers on it, I'm under the square footage then, maybe I'll do that.

Member Cimino: As a Board, we can't tell you whether to do that or not; you can certainly fill out a Building Permit application and submit it and see what the Building Inspector says, and then it's a new application and he'll have to take it from there.

Mr. Christiansen: And I'll still have to come back here for the 8.63 though.

Member Cimino: I would suggest that you would just try to do it all at once if you could.

Member Wittman: We don't want you to be running around further, 'cause if we try to tell you what it is that you need, and it doesn't work out, then you're going to be mad at us because...

Mr. Christiansen: I'm frustrated; I've been trying to do this for...

Attorney Jacobellis: We understand all that, but I think the Board is trying to not only guide you, but almost push you in the right direction.

Mr. Christiansen: Another trip won't even do it because we need to go for a public hearing.

Member Wittman: Even if everything were perfect tonight, you would still need a public hearing; you don't have to be here, but there will have to be a public hearing.

Chair VanMillon: Is there anyone here that can stand in for you?

Mr. Christiansen: My parents can't do it.

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Member Wittman: You do not have to be here for the public hearing, but I would strongly advise it, personally.

Mr. Christiansen: Robert Keller is my neighbor, I can bring him in.

Member Cimino: I would love to see you get a house for your mom, I really would, and we'd love to see the site improved, it just has to be done in a lawful manner.

Mr. Christiansen: And the only way to do that is with an attorney?

Various members: No, an engineer...

Member Wittman: Do you have an engineer?

Mr. Christiansen: Yes, that's who came up here and went through the foundation.

Member Wittman: Then ask him to review it and ask him if he feels confident enough to help you fill it out.

Member Cimino: The Code is on-line, so he can look at the Code on the website.

Mr. Christiansen: I have the book, but it's confusing.

Member Cimino: It is confusing; it's not confusing to attorneys and engineers. We go to school to learn about our own Code, so it is confusing, it's a lot of legal "jargon" and it's very confusing and we go to classes to try to figure it out. So, what I'm saying is if you're looking at it for the first time, you really need somebody that can help you interpret the Code. So, if your friend can do that, it would be great.

Mr. Christiansen: He's got a New York stamp, but he's in Pennsylvania.

Member Cimino: But if you're out there... I'm sure you can work with Maria and fax things; you don't have to be here to submit them.

Attorney Jacobellis: I can't advise you, but I can review your expert's submission of work.

Mr. Christiansen: Do you have workshops like the Planning Board?

Member Cimino: No, you're the only application this month, it doesn't warrant a workshop.

Secretary O'Leary: But we can't anyway.

Member Wittman: Actually, we've gone a lot farther than what we should have said to you tonight.

Mr. Christiansen: I've been through this before, I've done this. I got a variance years ago.

Member Cimino: We're not saying that you won't get a variance; we're saying that the paperwork has to be proper.

Chair VanMillon: We're not saying that you will or won't get a variance, what we're saying is we can't act on it if it's not complete.

Member Cimino: Tom (Attorney Jacobellis), if the application comes in and it's faxed in, can we still have a meeting if Mr. Christiansen is not present and gives the OK for us to meet without him being here.

Attorney Jacobellis: He should be here for the simple reason that if there's questions...

Member Cimino: What if we use speaker-phone 'cause he's from Pennsylvania.

Mr. Christiansen: If it's better I'm here, I'd rather be here than keep going on months and months; I can't keep going on months and months and months.

Attorney Jacobellis: I have the authority as Town counsel, that if you submit a new application, to look at it to determine if it's complete or not.

Chair VanMillon: Submit a new application and we'll have him look at it to see if it's complete before you come all the way up again and we tell you it's not complete.

Attorney Jacobellis: Have your engineer fax it over.

Member Wittman: Chances are that the engineer that you have, if anything like Westchester Modular, which I'm sure it is, they are very familiar with Codes in every single area.

Member Cimino: I'm sure he can look at it and he's probably seen a million of these.

Member Wittman: So, he can probably help you fill it out and our attorney said he would review it so you won't have to come up here unnecessarily.

Mr. Christiansen: I'd notify the Board and the secretary?

Member Cimino: Yes, and then if we want, we'll just have the meeting and we could do it on speaker-phone.

Attorney Jacobellis: It would be quicker if you could get the amended application in; if there is a problem, then we may have the ability with the time to re-submit corrections prior and still make the meeting.

Member Cimino: I think it's just a matter of filling out the paperwork properly so that we can look at it and make a determination; I think that's all it is.

Mr. Christiansen: I have to explain my emotions; my mom has cancer and that's why I'm trying to do this, that's why I worry about the time. I can have this house up in a month; I'm already set up to have an excavator come in and take it down and I can build a house within a week.

Member Cimino: Even if you talk to your friend at the modular place, and even if he calls Tom (Attorney Jacobellis), and we do that with engineers and attorneys all the time, they talk to our attorneys...

Mr. Christiansen: He doesn't work for me; he's a professional PE, I pay him. So, I have to meet new deadlines again? What are the deadlines?

Secretary O'Leary: Two weeks before the next meeting; the next meeting is April 16, it would need to be in by April 2.

Member Cimino: Does the Zoning Board ever have special meetings for anything?

Chair VanMillon: Yes, we do; we could call a special meeting.

Secretary O'Leary: What exactly does he need? It is really just the wording on this one page (the first page of the ZBA application) that needs to be changed?

Attorney Jacobellis: In the application submitted, he listed three sections of the Zoning Code for the Town, I believe he got those sections from Mr. Hearn's original letter, but the Board can't guess what he's asking for.

Secretary O'Leary: That's what I'm asking... does he just need to do this one page over and just put right in that section exactly what he's asking for?

Attorney Jacobellis: That's typically how the applicant...

Secretary O'Leary: So, nothing else has changed, though? It's just that one little section that he needs to clarify?

Member Cimino: Do we need a copy of a stamped survey, the original survey?

Secretary O'Leary: Why would he need everything else? Can he just get that one section filled out properly?

Chair VanMillon: We can't advise you on that.

Member Wittman: When you fill the sections out, though, I think it would be prudent to call Mr. Hearn and say, "Look, on Section 145-11 D, this is what I'm going to put on my application, I'm doing this and this and this, now, if I get the variances that I've requested, will you issue me a building permit?" And see what he says about that, 'cause I don't want to see you have to go through this whole thing again.

Mr. Christiansen: I've never talked to Mr. Hearn, everything's in writing. I write letters, he writes letters back. All he does is cites Codes, I don't think he'll do that.

Member Wittman: Usually what happens is that the people who come in here before us have received a denial...

Mr. Christiansen: I still have a whole procedure once I get to his office of filing the NYS stamped plans, the Board of Health, I still have a whole process.

Member Cimino: It's New York State, not us.

Mr. Christiansen: I understand fully. I've built a lot of houses in New York, so I know what I have to do there.

Member Wittman: The reason I said to do this is because if you think and we think, well, we can't think about that, we can only review what you've said, if you think that you need a few feet...

Mr. Christiansen: Mr. Hearn has basically led me to believe that he can't give me a Building Permit because of these Codes and what it says in there, and if you read that Code, it says that a nonconforming use at the least has to go in front of the Planning Board and/or the ZBA, that's why he automatically sent me to the Planning Board.

Member Cimino: That's what he has to do, just like we can't advise you of what you need, he can't advise you, either; it's all Code driven.

Mr. Christiansen: Right, and as soon as I get back to his office that I got through these Boards...

Member Cimino: That's why it's important that you tell us exactly what you need so that we grant you the correct variances so that you go back to him and everything's good; and that's why we're telling you to find somebody that can help you interpret the Code.

Mr. Christiansen: Isn't that what he's telling me? He told me these three things.

Member Cimino: He's citing you sections, but he's not giving you specifics because he can't give you specifics; he can only site the sections that you don't comply with; he can't tell you what you need to comply with them. And, we can't tell you what you need to comply with them; you have to tell us what you're doing and you have to fill out the paperwork specifically for what you're doing and then we can go over your variance

request. But, if you just do something and fill it out and we look at it, we can only look at what you filled out and then we can make a determination on that and you can get that and you could go into Mr. Hearn and he can say, “Yes, but you know what? You didn’t do ‘this’.” And he can kick it right back, so that’s why you have to be perfectly clear on what you’re asking for.

Member Wittman: And, we still need to go to a public hearing.

Mr. Christiansen: I realize that; I knew I was coming back for another meeting, but I thought one more month and I can get this thing rolling.

Member Cimino: I don’t know about the Board, but I would be willing to hold a special meeting so he doesn’t get tied up.

Chair VanMillon: I have no problem with having a special meeting.

Member Cimino: We can work with you that way; I would be more than happy to come out on another night.

Member Wittman: Rather than holding it on our regular monthly meeting.

Mr. Christiansen: So, as soon as I get the paperwork in?

Member Wittman: As soon as the paperwork is completed and you have it in, and our attorney has reviewed it and has said, “Yes, this is complete.”

Attorney Jacobellis: And just because Mr. Hearn has listed these sections doesn’t mean you need a variance from these sections; he’s just pointing them out to you; I don’t think he’s making an ultimate determination, that’s for the Zoning Board to decide.

Mr. Christiansen: He just saying, “I can’t give it to you because the Code says you need to go there, once you go there, and they say OK....” Actually, he told me I need a Special Use Permit from the Planning Board; he didn’t tell me anything, he only writes letters; I don’t even know if it’s possible to speak to him.

Member Cimino: The other thing is you have to actually come to a meeting and submit your application to get a determination and sometimes the Board meets at a meeting and they can’t give you a determination before the meeting; the Board meets and they look at your application and they say, “You know what, you have to go to the ZBA.” They couldn’t have done that any earlier than the Planning Board than they did it because they have to meet. So, we had to meet as a Board to discuss this to let you know that we needed more information, but now that you’re here, we can, for the first time, I think that we can all work together and maybe push it along a little faster.

Mr. Christiansen: So, you’re willing to have a special meeting? Could we do it tonight at 8:30?

Secretary O'Leary: You want to make sure you have the right wording; you don't want to do it in five minutes.

Member Cimino: You want to make sure you're asking for exactly the right thing.

Member Wittman: When you talk to George Hearn you want to make sure that he just says, "OK, here's your Building Permit."

Attorney Jacobellis: I can't advise you legally, but certain sections of the Code are flexible and you have the ability to ask this Board for certain variances that I see right off the bat that you can go in two different directions, and that's for the applicant to decide, not for the Board to tell you. I don't mean to try to confuse you, but the way the Code reads, there's different sections which you may want to seek relief from; I can't tell you what sections you seek relief from, the Board can't tell you, that's for you or your consultants to make that determination.

Member Wittman: There's usually more than one way to do it.

Mr. Christiansen: Planning Board went through that; they talked about changing the lot lines, but then when you look at the map, it's just a mess, the whole end of the street, well, that doesn't make sense for him to do that 'cause I already had Brian Franks....

Member Cimino: The Planning Board can sit at a meeting and open up a site plan and they can look at things and say, "I like the way that is, that doesn't look right, let's try this way;" we can't on the Zoning Board.

Mr. Christiansen: That's what they did; they went through all the scenarios and said, "Go get a variance, you don't need to come back here."

Member Cimino: That's the purpose of the Planning Board, the Zoning Board can only look at what they're given and make a determination on it, they don't have the ability to look at alternative options; it's completely different from the Planning Board.

Mr. Christiansen: But I have to get somebody to interpret the same way you're interpreting it.

Member Cimino: No, you don't.

Attorney Jacobellis: I'm telling you that there's different ways you could go on this, but that's for you to decide and it's very difficult for a layperson to interpret the Code and figure out how to go about it; that's why you don't want to rush in and just put anything on paper tonight and submit it because there may be ratifications and may complicate things for you.

Mr. Christiansen: If I had put in this section that I was looking for a variance of the front of my property to go from 25', which is Town Code, to 8.63' and looking for a variance on increasing square footage over the Code of 50%, would....

Member Cimino: We would only look at those two things, and I don't know because it wasn't really filled out completely I don't know if there would be anything else that you would need, that's my point. I don't know because I didn't know when I read this what you really were looking for because we didn't have the square footage of your buildings; if we just looked at this and said, "OK, that's what he's looking for; he's looking for a variance of 8.63," we would have listened to you, we may have just taken that into account and then you would have said, "OK, let's say we would have approved it;" you would have said, "OK," you would have gone into Mr. Hearn with the Building Permit application with the house you want and he would have kicked it back saying, "You're over your square footage" and then you would have to come to us for another variance for the square footage.

Member Wittman: But that wouldn't even happen tonight, all we would have done is set up a public hearing.

Mr. Christiansen: So, there may be other things he may need?

Member Cimino: I don't know, and that's the problem.

Member Wittman: We can't guess how he's going to see it, either; that's why we strongly suggest that you get some professional advice. Some of the people who have been before the Planning Board and before the Code Enforcement Officer handled these things before us; they know these things really good, they know the Zoning in Dover better than we do.

Mr. Christiansen: Who are they?

Member Wittman: I can't tell you; that would be giving you advice, but there are professionals.

Member Cimino: You can look through the minutes on the website and see who the consultants are.

Member Wittman: If you went to the Bar Association, if you went to a professional engineer's association, I'm sure they would give you a whole list of people who can do that and our attorney would probably say the same thing; go to the Bar Association and ask for a list; we can't advise you who to go to.

Member Cimino: Or, just look on the website.

Mr. Christiansen: So, it's just a matter of filling this thing out right?

Member Wittman: Right.

Attorney Jacobellis: So the proper variances are sought, so you can go from here to Mr. Hearn and get a Building Permit.

Member Cimino: And you come here once for everything you need and we do it all at once.

Member Wittman: And we set a public hearing. Again, at the public hearing date, you can choose not to be here if you want; there may not be anyone who shows up for a public hearing. We're sorry we can't do more for you tonight; our hands are tied legally.

Mr. Christiansen: I don't know if John's the person or not...

Member Wittman: That's up to you to decide who you get, and as our attorney said, he'd be happy to review your new application to make sure it's filled out completely; that doesn't mean that what you're asking for is going to be granted.

Mr. Christiansen: So, if I send it into Maria...

Secretary O'Leary: As soon as I get it, I'll talk to the members to see when we can get a mutual date for everybody.

Mr. Christiansen: Can you review it at that time to see whether or not it's right before we have another meeting.

Attorney Jacobellis: When I say it's complete, I'm saying that your request for a variance is complete; I'm not guaranteeing you that it's all you need; again, I can't make that determination.

Member Wittman: If we grant it, we still can't guarantee that that's all that is going to be required for a Building Permit; we can only review what you've submitted to us and that's why we can't give you the professional advice that we think you need. If I were to come before the Board knowing what I know, I wouldn't come without an attorney.

Mr. Christiansen: I've had a couple of house closings and I have no attorney. The bank's got their attorney there to protect themselves.

Secretary O'Leary: So, what he needs to submit is a new application?

Chair VanMillon: Yes.

Member Cimino: He needs to amend the application.

Mr. Christiansen: You don't need all the rest of the stuff I gave you?

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Chair VanMillon: Just amend the application.

Member Cimino: As long as nothing changes in the application itself with your attachments. In doing the cover page, if it differs from what you've already submitted from the backup material, I don't know, if it differs...

Mr. Christiansen: You mentioned that as-built survey.

Attorney Jacobellis: Again, I'm an attorney and I represent both sides of the table; I would think that a variance is specific, I think you should be 100% sure to the point where you ask for a variance, let's say I'm just throwing out numbers, of 5'6", then you submit you Building Permit or move the foundation or whatever you're going to do then it's to the inch; because if you increase by an inch or two, it's in violation again, so that's why I'm saying that you need to be....

Mr. Christiansen: Its 8.63...

Chair VanMillon: We had an application for 7 inches.

Attorney Jacobellis: I'm just trying to give you some advice so you don't have pitfalls down the road.

Mr. Christiansen: I'll get back to you as soon as I get it filled out again.

Secretary O'Leary: As soon as I get it, I will make sure I contact everybody immediately. We'll get a mutual date and I will let you know.

Mr. Christiansen: And, if it's wrong, than you're going to let me know and I'll have to do it again?

Attorney Jacobellis: If it's not complete, I'll let you know.

**MOTION:** Member Wittman motioned to approve the February 20, 2008 minutes as written; seconded by Member Cimino.

VOTE: Chair VanMillon – Aye  
Member Wittman – Aye

Member Fusco – Absent  
Member Cimino – Aye

**MOTION:** Member Wittman motioned to adjourn the meeting at 7:53 pm; seconded by Member Cimino.

VOTE: Chair VanMillon – Aye  
Member Wittman – Aye

Member Fusco – Absent  
Member Cimino – Aye

Meeting adjourned at 7:53 pm.

Town of Dover ZBA Minutes – March 19, 2008

Respectfully submitted by:

Maria O'Leary  
Secretary to the Zoning Board of Appeals