

REORGANIZATION MEETING
OF THE
BOARD OF ADJUSTMENT

January 07, 2004

The Reorganization meeting of the Board of Adjustment was held in Town Hall, 37 North Sussex Street, Dover, New Jersey, in the Council Chambers.

CALL TO ORDER

Clerk/Secretary Regina Nee called the meeting to order at 8:29 P.M.

ROLL CALL

PRESENT: Commissioners Scarneo, Franco, Mizzoni, Bowles, Cook, Corsetto, Kline, Alternate I Michalski, Alternate II Matias

ABSENT:

ALSO PRESENT:

PLEDGE OF ALLEGIANCE TO THE FLAG was recited.

ADEQUATE NOTICE was read by Clerk/Secretary Nee.

Madame Secretary advised that all members would be voting this evening.

ELECTION OF CHAIRMAN

Clerk/Secretary Nee asked for a nomination for Chairman.

Commissioner Cook nominated Commissioner Scarneo as Chairman of the Board of Adjustment.

The Clerk/Secretary asked if there were any other nominations for Chairman.

Commissioner Matias nominated Commissioner Corsetto for Chairman.

A motion to close the nominations was made by Commissioner Kline and seconded by Commissioner Cook.

Commissioner Corsetto declined the nomination and asked for his name to be removed.

A roll call vote was taken and all members were in favor of Michael Scarneo as Chairman.

Secretary Nee turned the meeting over to Chairman Scarneo.

ELECTION OF VICE-CHAIRMAN

Commissioner Bowles nominated Commissioner Cook for Vice-Chairman. No other nominations were made. Commissioner Mizzoni moved to close the nominations seconded by Commissioner Michalski.

Clerk/Secretary Nee cast the unanimous vote for Vice-Chairman Cook.

APPOINTMENT OF ATTORNEY

Commissioner Michalski nominated Kurt Senesky as Attorney for the Board of Adjustment. There were no further nominations.

The Board had a brief discussion on the process of choosing a board attorney. Commissioner Bowles suggested that the Board work on some type of resume for its Attorney and any other professional and a process for evaluating our attorney at the Re-organization meeting annually.

Secretary Nee read the Resolution of Appointment for the record.

Commissioner Bowles presented a motion for a Resolution to appoint Kurt Senesky as Attorney for the Town of Dover Board of Adjustment. It was seconded by Commissioner Franco and followed with a Roll Call vote.

Roll Call: Ayes: Commissioners Franco, Mizzoni, Bowles, Corsetto, Michalski, Vice-Chairman Cook, and Chairman Scarneo.

Noes: Commissioner Kline and Matias

APPOINTMENT OF PLANNER/ENGINEER

The Professional Planner with respect to services to this Board provides you with planning reviews pertaining to the applications that are before you. The planner generally deals with issues associated with zoning. He advises you of what the zoning ordinance of the town states, whether or not the application before you is for a variance, the correct variance, what the ordinance says, whether there are references into the ordinance as to intent. If there are no direct references as to intent, it is his job to interpret the ordinance, provide information as to what appropriate planning standards are if the ordinance does not address a particular subject. The planner provides the Board with professional planning advice with respect to the zoning ordinance and with respect to appropriate sections of the Master Plan. The planner can also give and explain the ordinances. The Municipal Land Use Law is also interpreted for the Board by the planner. The Municipal Land Use Law is the state statute that enables a municipality to have a zoning law. If there are issues associated with the M.L.U. Law, the planner will guide you on that. The planner provides a bridge between the legal and the profession of planning on what is good practice when there is no legal. For example, if you have a case before you of a particular use that is not covered by our zoning ordinance, and as a result of that, the question of parking requirements may come up; the planner can provide you with professional advice as to what standards are generally accepted in the industry that might not be covered in the particular ordinance. Compatibility of uses, a licensed planner who can practice in the state of New Jersey, who has a combination of experience from the municipal side but also from the private side; the planner gives you zoning, land use, master plan advice that might not be specifically outlined in the ordinance or point you to the ordinance. An engineer provides more technical information in nature. The engineer will provide you with information as to whether the layout of the parking can function properly, whether the drainage on the site is designed adequately, whether the drainage on the site meets code requirements for the town code

as well as the state code, DEP regulations. The engineer will provide you with expertise on traffic if necessary. Technical testimony given by an applicant is balanced by the planner/engineer.

It is the obligation of the Board members to base their decisions on the information presented to you at a hearing. The Board of Adjustment, by law, is not allowed to have a workshop. Members need to base their judgment on the facts presented at the hearing. If a member has some strong concerns about an issue, it is the member's obligation to bring up the issue and discuss it. Because this is a quasi-judicial board, it is not your obligation, as opposed to the planning board, to make the case for the applicant. If the applicant does not make his case, and you are for it, you can not vote on it. Professionals are here to provide you with a written report on the technical aspects of the application.

A planner and the engineer can be two different individuals. The Board has brought in additional experts for particular applications. A major development involving traffic synchronization would warrant a traffic engineer coming in to advise the Board. Environmental experts can also be brought in if there was an environmental issue. These experts are paid by the Board.

Commissioner Cook nominated Michael Hantson as Planner/Engineer for the Board of Adjustment seconded by Commissioner Michalski.

There were no other nominations.

Secretary Nee read the Resolution of appointment.

Commissioner Franco moved the Resolution, seconded by Commissioner Kline.

ROLL CALL: Ayes: Commissioner Franco, Mizzoni, Bowles, Corsetto, Kline, Michalski, Matias, Vice-Chairman Cook, and Chairman Scarneo

Noes: None

APPOINTMENT OF CLERK/SECRETARY

Commissioner Mizzoni nominated Regina Nee as Clerk/Secretary for the Board of Adjustment seconded by Commissioner Michalski. No other nominations were made.

Michael Hantson read the Resolution of appointment.

Commissioner Franco moved the Resolution, seconded by Commissioner Michalski.

ROLL CALL: Ayes: Commissioner Franco, Mizzoni, Bowles, Corsetto, Kline, Michalski, Matias, Vice-Chairman Cook, and Chairman Scarneo

Noes: None

OFFICIAL NEWSPAPER

Any newspaper can be chosen, but the most important consideration should be that by law, it must be local, and the amount of publication (daily). Timing issues are also a definite consideration. The newspaper should be readily available in the town.

Commissioner Mizzoni made a motion to designate *The Daily Record* as the official newspaper for the Board of Adjustment.

The motion was seconded by Commissioner Cook and passed with a Roll Call Vote.

ROLL CALL: Ayes: Commissioner Franco, Mizzoni, Bowles, Corsetto, Kline,
Michalski, Matias, Vice-Chairman Cook, and Chairman Scarneo
Noes: None

SELECTION OF MEETING DATES THROUGH JANUARY 2005

Commissioner Bowles made a motion to hold the Board of Adjustment meetings on the second Wednesday of every month commencing at 7:30PM. The motion was seconded by Commissioner Mizzoni and passed with a Roll Call Vote.

A corrected copy of the meeting dates will be sent out to all members.

ROLL CALL: Ayes: Commissioner Franco, Mizzoni, Bowles, Corsetto, Kline,
Michalski, Matias, Vice-Chairman Cook, and Chairman
Scarneo
Noes: None

SET FEES FOR MAILING AGENDAS & COPIES OF DOCUMENTS

Clerk/Secretary reviewed the fees for mailing of the agendas and copies of documents that would be the same as last year.

Mr. Hantson advised that the fees are set by Town Ordinance.

JOIN NEW JERSEY FEDERATION OF PLANNING OFFICIALS AND SUBSCRIPTION TO ZONING BULLETIN

Chairman Scarneo advised that this Board joins, with the Planning Board, for a membership in the Federation. The Clerk/Secretary stated that the total annual fee is \$296.00 and that each Board pays half; \$148.00.

A motion to approve the fees was made by Commissioner Cook, seconded by Commissioner Michalski, and followed with a Roll Call vote.

ROLL CALL: Ayes: Commissioner Franco, Mizzoni, Bowles, Corsetto, Kline,
Michalski, Matias, Vice-Chairman Cook, and Chairman
Scarneo
Noes: None

OLD BUSINESS: None

NEW BUSINESS: Mr. Barrett and Mr. Casiano will be recognized for their years of service and will be discussed at the next meeting.

Prepare a short dissertation of the proper proceedings for the meeting that will be available for the public who are present at the meeting. It can be printed along with the agenda.

It was suggested that no case be introduced after 11:00PM. It was suggested that the number of applications could be limited for a single meeting. A policy could be drawn up to address these issues. It was suggested that a waiver slip should be made up for an applicant that would give the Board members permission to enter onto a subject property. I.D. cards were also suggested.

Mobile Station – NO LEFT Hand Turn Sign – is still not in place.

The members were asked for a correct contact phone number and if they want, can provide an E-Mail address. The Web site is going to be available to the public. The concept of executive session exists in this forum only to the extent of discussing legal cases against this Board. Liability insurance covering Board members would be stated in the policy for the town and who is protected. A copy of the document will be procured from the Town Administrator for the next meeting.

ADJOURNMENT

Commissioner Bowles made a motion to adjourn the Reorganization meeting. Commissioner Mizzoni seconded with all present in agreement. Chairman Scarneo welcomed the new and returning members. The meeting adjourned at 10:07PM.

Respectfully Submitted,



Regina Nee
Clerk/Secretary