

# *Town of Dover Board of Adjustment*

p William Cook –Chairman  
p Charles Franco-Vice Chair  
p Michael Scarneo  
p Thomas Toohey  
p Cephas Bowles  
p Patrick Donaghy

COUNTY OF MORRIS  
37 NORTH SUSSEX STREET  
DOVER, NEW JERSEY 07801

Telephone: 973-366-2200 (Ext. 115)  
Fax: 973-366-0039

---

p John R. Frister  
p William Hann (Alternate I)  
p Richard Young (Alternate II)  
p Kurt Senesky - Board Attorney  
p Michael Hantson - Town Engineer/Planner  
p Regina Nee - Clerk/Secretary

## **MEETING MINUTES OF THE BOARD OF ADJUSTMENT MAY 9, 2012**

**CALL TO ORDER:** Chairman Cook called the meeting to order at 7:05 PM.

### **ROLL CALL:**

**PRESENT:** Commissioners Bowles, Scarneo, Donaghy, Frister, Toohey, Hann, Chairman Cook  
**ABSENT:** Commissioners Young, Vice Chairman Franco

**ALSO PRESENT:** also present is Attorney Kurt Senesky and Town Engineer and Planner Michael Hantson

**PLEDGE OF ALLEGIANCE:** was recited by all

**ADEQUATE NOTICE OF MEETING** was read by Alternate Clerk/Secretary Rey Julve

**APPEAL TIME** was read by Clerk/Secretary Rey Julve

### **APPROVAL OF MINUTES:**

A motion to approve the reorganization meeting minutes of January 11, 2012 was made by Commissioner Frister, and second by Commissioner Hann, and followed with a Roll Call vote.

**Ayes:** Commissioner Bowles, Frister, Toohey, Hann, Chairman Cook

**Nays:** None

Motion Approved.

A motion to approve the regular meeting minutes of January 11, 2011 was made by Commissioner Hann, and second by Commissioner Frister, and followed with a Roll Call vote.

**Ayes:** Commissioner Bowles, Frister, Toohey, Hann, Chairman Cook

**Nays:** None

Motion Approved.

**RESOLUTIONS: None**

**CASES:**

**01-12** Matt & Rachel Onufrak; Block 820 Lot 4; also known as 5 Garrison Ave. located in the R-2 Zone. The application is for Variance approval for the installation of shed with insufficient side and rear yard setback, and any other variances or waivers that may be required. **New Application.**

Mr. & Mrs. Onufrak were sworn. Mrs. Onufrak goes over the application. Currently the shed is over the side property line by 5 inches and 33.5 inches from the rear property line. The applicants proposal is to keep the 33.5 inch back yard set-back and move the shed about 17 inches to the right.

Exhibit A-1 Shows the property line.

Exhibit A-2 Shows yard, and where is shed located.

Exhibit A-3 Shows neighbors shed which is in line with the applicants shed.

Mike Hantson explains to the applicant that a zoning permit will be needed based on the action of the Board. An inspection will be done to make sure that it was built, and put in the location represented by the Boards approval. The shed does not require a construction permit, and does not have to be located on a foundation, so the shed can be moved for maintenance.

The homeowner can move the shed 17 inches to the right.

**Open to the public:** None

**Closed to the public**

A motion to approve the application with conditions was made by Commissioner Scarneo, and second by Commissioner Bowles, and followed with a Roll Call vote.

**Ayes:** Commissioner Bowles, Scarneo, Donaghy, Frister, Toohey, Hann, Chairman Cook

**Nays:** None

Motion Approved.

**02-12** Home Depot USA, Inc.; Block 901 Lot 3; also known as 530 Mt. Pleasant Ave. located in the IND/OP Zone. The application is for Use Variance and Parking Variance for the expansion of the Home Depot use to utilize the parking area for seasonal outdoor storage, and any other variances or waivers that may be required. **New Application.**

John A. Giunco, Esq. from Giodano, Hallerand, and Clesia is the attorney for the applicant, and goes over the application.

Fred Coco, Jay Troutman, Christine Mezzaro-Capone, John Kerekus were sworn in.

Alfred Coco is president of the Engineering firm, and has appeared in front of other Boards. Mr. Coco describes the layout of the property. Home Depot has 106,389 sq ft, the house can enclosure which was approved 1999 is 3,069 sq ft, tool rental center 2,000 sq ft with a total area of 111, 908 sq ft. The former Office Max has 30,000 sq ft with a total building area on site of 141,908 sq ft. Based on the parking requirement 568 spaces needed they are short 14 parking spaces.

**Open to the public:** None  
**Closed to the public**

Jay Troutman Licensed Professional Engineer in the state of New Jersey practicing for 5 years in Traffic Engineering, and has been accepted to testify before various Boards. He conducted a parking count the Saturday before Easter, and 247 parking spaces were used which was more than adequate.

Exhibit A-1 & A-2 - 4 Photographs on 2 pages taken April 7, 2012 depicting the car coral, trailer, some storage.

**Open to the public:** None  
**Closed to the public**

Christine Mezzaro-Capone Professional Planner for 17 years. She testified the proposed parking arrangement constitutes an efficient use of land that lessens the cost of development thus satisfying the purpose of zoning.

**Open to the public:** None  
**Closed to the public**

Mr. Hantson goes over outstanding issues that Code Enforcement has also had with Home Depot over the years. It has unfortunately and consistently failed to adhere to conditions of prior resolutions of this Board in its operations. Perhaps most aggravating has been Home Depot's persistent use of the northwesterly front yard of the site for the storage of products which are to be stored inside the building. It is to be emphasized once again that such storage is inappropriate and not permitted. The site plan shall be amended to contain a note that the front yard and parking area in the northerly section of the site not to be used for storage of products and that in event that any product is off-loaded in this section of the site, it shall be off-loaded during non-business hours and immediately placed inside the building during the same period of non-business hours. The site plan shall be revised to depict the use of certain of the parking spaces for cart storage/corrals (12 spaces) and trailer storage (1 space). The site plan shall be revised to expand the existing seasonal staging area by 4 parking spaces directly to the east of it.

Chairman Cook asked the applicant how they would insure the Board that they will follow the rules, and conditions. A plaque can be put on the wall saying this area to be kept clear obstruction.

**Open to the public:** None  
**Closed to the public**

A motion to approve the application with conditions was made by Commissioner Scarneo, and second by Commissioner Donaghy, and followed with a Roll Call vote.

**Ayes:** Commissioner Bowles, Scarneo, Donaghy, Frister, Toohey, Hann, Chairman Cook  
**Nays:** None

Motion Approved.

**Old Business:**

Commissioner Scarneo nominated Kurt Senesky, as Attorney for the Board of Adjustment seconded by Commissioner Donaghy, and followed with Roll Call vote.

**Ayes:** Commissioner Bowles, Scarneo, Donaghy, Frister, Toohey, Hann, Chairman Cook

**Nays:** None

Motion Approved.

**New Business - None**

**THE NEXT REGULAR SCHEDULED MEETING IS JUNE 13, 2012 at 7:00 PM.**

A motion to adjourn was made by Commissioner Frister, with all in favor, at 8:30 P.M.

**IF ANY MEMBER CANNOT ATTEND THE MEETING, PLEASE  
CALL CLERK NEE AT 366-2200 Ext. 115.**

Respectfully submitted,



Regina Nee  
Clerk/Secretary  
Board of Adjustment