

# *Town of Dover Board of Adjustment*

- ☐ William Cook –Chairman
- ☐ Charles Franco-Vice Chair
- ☐ Michael Scarneo
- ☐ vacant
- ☐ Cephas Bowles
- ☐ Patrick Donaghy

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

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

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

## **MEETING MINUTES OF THE BOARD OF ADJUSTMENT AUGUST 11, 2010**

**CALL TO ORDER:** Vice Chairman Franco called the meeting to order at 7:03 PM.

### **ROLL CALL:**

**PRESENT:** Commissioner Bowles, Scarneo, Donaghy, Frister, Alter. Hann, Alter. Toohey, Vice Chairman Franco

**ABSENT:** Chairman Cook

**ALSO PRESENT:** Board Attorney Kurt Senesky

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

**ADEQUATE NOTICE OF MEETING** was read by Clerk/Secretary Nee

**APPEAL TIME** was read by Clerk/Secretary Nee

### **APPROVAL OF MINUTES:**

A motion to approve the regular meeting minutes of July 14, 2010 was made by Chairman Scarneo, and second by Commissioner Bowles, and followed with a Roll Call vote.

**Ayes:** Commissioner Bowles, Scarneo, Donaghy, Toohey, Vice Chairman Franco

**Nays:** None

Motion Approved.

**RESOLUTIONS:** None

**CASES:**

**08-09 –Secaucus Realty, Inc.**, Block 1308, Lot 7, also known as 59 E. McFarlan St. located in the C-2 Zone. The application is for a Use Variance, Bulk Variances and Preliminary & Final Major Site Plan to reconstruct a motor vehicle repair garage to a motor vehicle service station & convenience store, and any other variances and waivers that may be required. **Site Plan Carried until September 8, 2010.**

Vice Chairman Franco read a letter from Attorney George Johnson requesting the application to be carried to the next meeting which is September 8<sup>th</sup>. And also requesting no new notice has to be given to the property owners within 200 feet.

A motion to carry the application to September 8<sup>th</sup> with no new notice having to be given, 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, Vice Chairman Franco

**Nays:** None

Motion Approved.

**06-10 –Pennella, Carmen, Helen & David C.**, Block 2017, Lots 15 & 16, also known as Berry St. and 145 King St. located in the R-3 and C-2 Zones. The application is for a Use Variance, Bulk Variances and Minor Site Plan approval to construct an accessory parking lot on Lot 15 to serve the mixed use on contiguous Lot 16, and any other variances and waivers that may be required. **New Application.**

David Pennella was sworn in, and stated he is also Municipal Attorney for the Town of Dover, but is acting on behalf of his parents in presenting this application. He gave a review of the application which consists of 145 King Street which is located on lot 16 that was purchased in 1962. Currently the first floor consists of Delizia Pizzeria and the apartment for Carmen & Helen Pennella. The second floor consists of four small single bedroom apartments. Lot 15 which is located on the corner of Berry Street and East McFarlan has been a vacant lot which was purchased in 1990. The construction of a parking lot would benefit the apartments and the customers for the pizzeria.

Exhibit A-2 Is a colored map of the 2 Lots.

Exhibit A-3 McKeel Brook Easement.

Exhibit A-1 Colored in drawing showing easement, and only area that could possibly be built upon.

A proposed four foot slatted chain link fence will be added to the area. No lighting is proposed because the school gives enough light.

Exhibit A-4 NJDEP granted approval on June 28, 2010 to develop the parking lot.

**Open to the public:**

Keith Titus who resides at 130 Berry Street asked how many parking spaces will be in the parking lot. Board Attorney Kurt Senesky said the plan is showing 21 spaces with one of them being a handicapped space. The total parking spaces needed are 25.

Mark Heimerdinger who resides at 134 Berry Street is concerned with the garbage and cooking oil storage. Mr. Pennella explained that a steel shed will store all the garbage and cooking oil.

Keith Titus who resides at 130 Berry Street is against the application for many reasons. Some reasons are no landscaping, fence style, fence height and too many parking spaces.

Mark Heimerdinger who resides at 134 Berry Street would like to see a trash receptacle, landscaping, and would like the fence to be 6 feet along his property.

Exhibit B-1 Two sheets of pictures showing lot 14.

Exhibit B-2 Pictures of Lot 15.

**Closed to the public**

Mark Heimerdinger expressed that he would like to see holly trees, and a fence along his property. If he had to choose he would prefer a fence.

Vice Chairman Franco recommended a 6 foot board on board fencing, from the property line adjacent King Street heading north to the last parking space than reducing to a 4 foot fence along Berry Street. The cooking oil and garbage is to be contained in the shed. If possible a garbage container should be placed by the entrance of the parking lot.

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

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

**Nays:** None

Motion Approved.

**OLD BUSINESS:** None

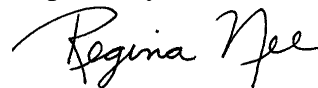
**NEW BUSINESS:** None

**THE NEXT REGULAR SCHEDULED MEETING IS 7:00 PM SEPTEMBER 8, 2010.**

A motion to adjourn was made by Commissioner Scarneo, with all in favor, at 8:53 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