

*Town of Dover Board of Adjustment*

p William Cook -Chairman  
p Michael Scarneo—Vice Chair  
p Charles Franco  
p William Bisset  
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 Joan Bocchino (Alternate II)  
p Kurt Senesky - Board Attorney  
p Michael Hantson - Town Engineer/Planner  
p Regina Nee - Clerk/Secretary

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**MEETING MINUTES OF  
THE BOARD OF ADJUSTMENT**

**AUGUST 12, 2009**

**CALL TO ORDER**

Chairman Cook called the meeting to order at 7:03 PM.

**ROLL CALL:**

**PRESENT:** Commissioner Bowles, Franco, Donaghy, Frister, Bisset, Hann, Bocchino, Vice Chairman Scarneo, Chairman Cook

**ABSENT:** None

**ALSO PRESENT:** Board Attorney Kurt Senesky, and Town Engineer and Planner Michael Hantson

**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 8, 2009 was made by Commissioner Scarneo, and second by Commissioner Bisset, and followed with a Roll Call vote.

Ayes: Commissioner Franco, Donaghy, Frister, Bisset, Hann, Vice Chairman Scarneo, Chairman Cook

Nays: None

Motion Approved.

**RESOLUTIONS:**

**02-09-** Axel’s Express Limo, LLC; Block 1329, Lot 7, also known as 20 N. Bergen Street located in the R-3A Zone. The application is a Use Variance and Waiver of Site Plan for the addition of a Taxi and Limousine Service Business to the existing Motor Vehicle Repair Garage use, and any other variances and waivers that may be required. **Approved with Conditions on July 8, 2009.**

A motion to approve resolution with conditions and correction to page 2 changing number 3 should read 5000-7500sf was made by Commissioner Franco, and second by Commissioner Bisset, and followed with a Roll Call vote.

Ayes: Commissioner Franco, Donaghy, Frister, Hann, Chairman Cook

Nays: None

Motion Approved.

**A signed copy of the resolution is to be given to the Town Clerk Marge Verga.**

**04-09-** Hector Grau; Block 2032, Lot 1.03, also known as 12 Beech Street located in the R-3 Zone. The application is a Variance for excess building coverage that will result from the construction of a proposed two car detached garage, and any other variances and waivers that may be required. **Approved with Conditions on July 8, 2009.**

A motion to approve resolution with conditions was made by Commissioner Franco, and second by Commissioner Bisset, and followed with a Roll Call vote.

Ayes: Commissioner Franco, Donaghy, Frister, Bisset, Hann, Vice Chairman Scarneo, Chairman Cook

Nays: None

Motion Approved.

**Applicant must provide updated survey when applying for a Zoning, and Building permit for garage. Only electric will be installed – no plumbing work is allowed.**

#### **CASES:**

**05-09- Morris Habitat for Humanity, Inc.;** Block 403, Lot 12, also known as Ann Street located in the R-1 Zone. The application is a Variance to construct a one story, single family, affordable housing dwelling on a lot with insufficient lot frontage, steep slope disturbance, and any other variances and waivers that may be required. **New Application.**

James Mullen Attorney for the applicant goes over the application.

All witnesses were sworn in by Kurt Senesky. All witnesses introduced themselves to the Board.  
Fred Stewart, Engineer

Bruce Katona, Planner

Glenn Stubaus, Architect

Blair Bravo who is the Executive Director of Habitat for Humanity, explains how Habitat for Humanity functions and what their goals are for this application. .

Pictures of the home on Baker Street which Habitat fixed up were submitted into evidence and marked as A-1

Marked as A-2 were pictures of homes in Denville also redone by Habitat.

#### **Open to the public:**

Peter Consentino who resides at 7 Linwood Avenue asked the witness why not rehabilitate a foreclosed home. Ms. Bravo explained to keep the cost down most foreclosed home are beyond their price point.

Lawrence Lamb who resides at 4 Edgewood Terrace, expressed his concern about a house being built on this property as he is an adjoining property owner.

Ed Trembicki who resides at 222 Ann Street wanted to confirm the mission of Habitat for Humanity is to eradicate sub-standard housing. Ms. Bravo answered yes.

Bill Gilbert who resides at 30 Greenwood Avenue asked if a search has been done for foreclosures in the area. Ms. Bravo responded with no.

Christine Trembicki -Guy who resides at 222 Ann Street

**Closed to the Public**

Fred Stewart Engineer located at 25 Pine Street Suite 3 Rockaway, NJ. Mr. Stewart has been in business for 20 years, and has been working as an Engineer and Surveyor since 1984. Mr. Stewart goes over the application.

Board Attorney Kurt Senesky asked Mr. Lamb if he would sell one foot to the applicant so the variance for insufficient lot frontage would not be needed or would he be willing to purchase property. Mr. Lamb said no.

Mr. Senesky also asked Mrs. Mirielle Roque who resides at 267 Ann Street the same question. She also stated said no.

Michael Hantson stated the application would need an additional variance for parking. The ordinance prohibits off-street parking in the front yard space except if it is in front of a garage.

**Open to the Public:**

Ed Trembicki who resides at 222 Ann Street was concerned with the drywells, and the slope percentages.

John Consentino who resides at 266 Ann Street asked if Mr. Stewart if he personally seen the water runoff.

Christine Trembicki –Guy who resides at 222 Ann Street asked what the percentage of disturbance is.

Bill Gilbert residing at 30 Greenwood Avenue asked why the house cannot be shifted to where it would not impact any neighbors.

Peter Consentino residing at 7 Linwood Avenue is concerned with the placement of the driveway and the impact it will cause to the house below.

Lawrence Lamb residing at 4 Edgewood Terrace has an issue concerning the position of the driveway.

Richard Dixon residing at 19 Greenwood Avenue is concerned if all the proper variances have been requested for the application.

**Closed to the public**

Glenn Stubaus Architect licensed since 1978 goes over the application. He entered into evidence a colored rendering of A-1 and it was marked as A-3.

Ms. Bravo explained to the board the type of homeowners allowed to live in a Habitat of Humanity home.

**Open to the public:**

Christine Trembicki-Guy who resides at 222 Ann Street had concerns on the sizes of doors and rooms of the interior dwelling.

Mirielle Roque who resides at 267 Ann Street had concerns with the interior design, and if in the future the house can withstand a second story being built onto it.

John Cosentino who resides at 266 Ann Street asked if the house is built to hold a second floor would the owners be allowed to increase the amount of people living in the home.

Mike Hantson explained that in order to increase the amount of people allowed to live in the home the off street parking would have to be increased, and may not be feasible.

Lawrence Lamb who resides at 4 Edgewood Terrace asked what the definition of off-street parking is.

Peter Constantino who resides at 7 Linwood Avenue asked how much disturbance will be made in order to put in the foundation of the building.

Ed Trembicki who resides at 222 Ann Street asked if there are any restriction on additional structures such as sheds.

**Closed to the public**

Bruce R. Katona is a Certified Landscape Architect and Professional Planner who provided planning testimony as to the reasons for the variances.

**Open to the public:**

Peter Costantino residing at 7 Linwood Avenue asked if the application meets the regulations.

Krista Seanor residing at 16 Greenwood Avenue asked if it would be a better choice to purchase a foreclosed home.

**Closed to the public**

Fred Stewart asked the Board to approve the variance so that the house may be built.

Chairman Bill Cook asked if the house is shifted to the west wouldn't that be better and one less variance. Mike Hantson explained this will cause a steeper slope disturbance.

Mr. Frister asked what kind of landscaping will be added to the property. It was suggested blue spruce trees could be added, so the neighbors to the south would be buffered. It was decided a landscaping plan will be developed to the satisfaction to the Town Engineer.

**Open to the public:**

Larry Magliocchetti residing at 33 Linwood Avenue objects to the application due to the water runoff, and how it will affect his property. Michael Hantson explained that no additional runoff would occur due to the construction of this house.

Krista Seanor residing at 16 Greenwood Avenue is concerned with the variances being asked to be granted, and she feels the land is unbuildable.

Mirielle Roque residing at 267 Ann Street feels the land is unbuildable, and is firmly against any construction on this lot.

Chairman Cook asked if the applicant would consider as part of the conditions that there would no blasting. The applicant is willing to accept the condition.

Lawrence Lamb residing at 4 Edgewood Terrace is concerned that the house will not have a garage, and people would be parking on the street. Mr. Lamb also feels his quality of life would be affected, and his property value would decrease.

Christine Trembicki-Guy residing at 222 Ann Street feels the land is unbuildable.

Bill Gilbert residing at 30 Greenwood Avenue feels that the land is unbuildable, and feels the neighboring property values will drop with the construction on this land.

Christine Buck residing at 22 Greenwood Avenue feels her neighbors are correct and the lot is dangerous and unbuildable.

Ed Trembicki residing at 222 Ann Street feels the land is unbuildable, and the house is not fit for the land.

Peter Costantino residing at 7 Linwood Avenue is concerned with the wildlife that live and travel thru that property.

John Costantino residing at 266 Ann Street is concerned that the house is not suitable for that area.

**Closed to the public**

Variations requested:

1. Lot width variance
2. Steep Slope
3. Front Yard Parking
4. Building Coverage

Conditions:

1. Deed restricted to contain limitations on the sale price for no less than thirty (30) years.
2. Install gutter guards
3. The building plans and elevations shall be revised to depict, on the front elevation, that the windows shall have shutters and that there will be half-round siding in the two peaks.
4. The site plan shall be revised to depict the installation of a 10x10 shed in the rear yard.
5. The site plan shall be revised to contain a note that no blasting shall take place .
6. Landscape plan approved by the Town Engineer

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

Ayes: Commissioner Donaghy, Frister

Nays: Commissioner Bowles, Franco, Bisset, Vice Chairman Scarneo, Chairman Cook

Motion not approved.

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

Ayes: Commissioner Bowles, Franco, Bisset, Vice Chairman Scarneo, Chairman Cook

Nays: Commissioner Donaghy, Frister

Motion approved.

At this time a short recess was taken. 10:20 PM

**Chairman Cook called the meeting back to order at 10:29PM.**

**ROLL CALL:**

**PRESENT:** Commissioner Bowles, Franco, Donaghy, Frister, Bisset, Hann, Bocchino, Vice Chairman Scarneo, Chairman Cook

**ABSENT:** None

**ALSO STILL PRESENT:** Board Attorney Kurt Senesky, and Town Engineer and Planner Michael Hantson

**06-09- Tai He Contracting, LLC**; Block 2317, Lot 2, also known as 10-12 N. Salem Street located in the IND Zone. The application is a Use Variance to change the current Beauty Shop use to a second dwelling unit, and any other variances and waivers that may be required. **New Application.**

George Johnson Attorney for the applicant goes over the application.

Lotus Zhang was sworn in, Ms. Zhang and her brother have a business called Tai He Contracting which purchased this property. The previous owner also came before the Board and was granted approval to change unit 10 from residential to commercial to create a Beauty Salon, and lived in unit 12. When Tai He Contracting purchased the property the interior of both units were pretty well destroyed. All the plumbing and electric were removed and the sheetrock damaged. Ms. Zhang explained to the board that they would like to return the Beauty Salon back into a residential unit. Members of the Board made it very clear that the basement and attics of both units can never be made into habitable space.

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, Franco, Donaghy, Frister, Bisset, Vice Chairman Scarneo, Chairman Cook

Nays: None

Motion approved.

**OLD BUSINESS: Identification badges-- we are looking into purchasing the soft ware to make them for the members.**

**NEW BUSINESS:** None

**THE NEXT REGULAR SCHEDULED MEETING IS SEPTEMBER 9, 2009 AT 7:00PM**

**ADJOURNMENT:** A motion to adjourn was made by Chairman Cook, with all in favor, at 10:44 P.M.

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

Respectfully submitted,



Regina Nee  
Clerk/Secretary  
Board of Adjustment