

# *Town of Dover Board of Adjustment*

- ↘ Michael Scarneo - Chairman
- ↘ Charles Franco - Vice-Chairman
- ↘ Cephas Bowles
- ↘ Robin Kline
- ↘ Joseph Corsetto
- ↘ William Cook

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

Telephone: 973-366-2200 (Ext. 115)  
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- ↘ Patrick Donaghy
- ↘ Steve Wagoner (Alternate I)
- ↘ John R. Frister (Alternate II)
- ↘ Kurt Senesky - Board Attorney
- ↘ Michael Hantson - Town Engineer/Planner
- ↘ Regina Nee - Clerk/Secretary

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## **REGULAR MEETING OF THE BOARD OF ADJUSTMENT**

**JANUARY 11, 2006**

### **CALL TO ORDER**

Chairman Scarneo called the meeting to order at 7:45PM.

### **ROLL CALL:**

**PRESENT:** Commissioner Bowles, Cook, Kline, Donaghy, Frister, Vice-Chairman Franco and Chairman Scarneo

**ABSENT:** Commissioner Corsetto, Alternate I Wagoner

**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:** December 14, 2005 Meeting

A motion to approve the December 14, 2005 minutes was made by Commissioner Kline, seconded by Commissioner Bowles, and followed with a Roll Call vote.

**ROLL CALL:** Ayes: Commissioner Bowles, Kline, Vice-Chairman Franco, Chairman Scarneo

Nays: None

### **RESOLUTIONS – None**

**08-05-** Elizabeth Davidson; Block 2102, Lot 10, also known as 8 Livingston Ave. in the R-2 Zone. The application is a Variance for the construction of a 203 SF addition, with insufficient lot area and rear yard setback, and any other variances and waivers that may be required.

Ron Heymann, Attorney, was present for the applicant, Mrs. Davidson, who was also present. Mrs. Davidson was sworn in. She currently lives at 8 Livingston Avenue and has been there for twelve years. She is requesting a small addition to accommodate a washer and dryer and a full

bathroom off the existing kitchen. She will be having back surgery, will not be able to do stairs, and needs a bathroom on this floor. Two variances are required; one is for an undersized lot and the rear yard setback is short. These are pre-existing conditions.

Exhibits: Pictures marked A-1 through A-5.

The plans show that the driveway will be paved. Commissioner Kline questioned the impervious coverage and was told that what was now proposed will reduce impervious coverage. The new open porch can not be closed in.

This portion of the meeting was opened to the Public. Seeing no hands, hearing no voices, this portion of the meeting was closed to the Public.

A motion to approve the application with conditions as discussed was made by Commissioner Cook, seconded by Commissioner Kline and followed with a Roll Call vote.

**ROLL CALL:** Ayes: Commissioner Bowles, Cook, Kline, Donaghy, Frister, Vice-Chairman Franco, Chairman Scarneo

Nays: None

**04-05-** Regency Grande Nursing and Rehabilitation Center; Block 1311, Lot 7, also known as 65 North Sussex St., in the C-3 Zone. The application is a Use Variance, Minor Site Plan and Miscellaneous Bulk Variances for the construction of an entrance canopy, building sign, planting bed and drainage improvements, and any other variances and waivers that may be required.

Wendy Berger, Attorney for the applicant, was present.

Michael Spillane, Spillane Engineering, was present to testify for the applicant, was sworn in and was recognized as a professional engineer and planner.

A revised Site Plan was submitted. Mr. Spillane reviewed what is being proposed to the building. Photographs A-1 through A-9 were submitted for review.

Mr. Hantson suggested that the Governing Body enter into a three or maybe a four party agreement with the nursing home, the D.E.P., the Town, and the D.O.T. for exactly who is responsible for what as time goes on. The ground cleaning is critical to the town.

Members of the Board voiced concern regarding narrowing the accessible sidewalk area on Clinton Street, which in fact, is a major highway, and could create a safety issue. Mr. Hantson advised that a smaller planter would act as a safety barrier for cars exiting the alley way between the two buildings because it would cause pedestrian traffic away from the building and allow an exiting car a better site advantage.

Mr. Spillane advised that they would like to construct a ten foot long canopy (A-6) for protection from the elements upon entering the building. Carpeting will not be used at the entranceway. A lighted sign is proposed at the top of the building (A-8) that is larger than the allowed sign area. The applicant was questioned as to the necessity of this large, lighted sign.

This portion of the meeting was opened to the Public. Seeing no hands, hearing no voices, this portion of the meeting was closed to the Public.

A motion to carry this case to the February 8<sup>th</sup> meeting with the applicant submitting a revised Site Plan was made by Vice-Chairman Franco, seconded by Commissioner Bowles, and followed with a Roll Call vote. No further notice is required.

**ROLL CALL:** Ayes: Commissioner Bowles, Cook, Kline, Donaghy, Vice-Chairman Franco, Chairman Scarneo  
Nays: Commissioner Frister

A short recess was taken at 9:07PM.  
The meeting was called back to order at 9:18PM.

**ROLL CALL:** Present: Commissioner Bowles, Cook, Kline, Donaghy, Frister, Vice-Chairman Franco, Chairman Scarneo  
Still present is Board Attorney Kurt Senesky and Engineer and Planner Michael Hantson

**10-05-** 2005 Dover Associates, LLC; Block 1317, Lot 1, also known as 37 Myrtle Ave. in the C-2 Zone. The application is a Use Variance, Minor Subdivision and Preliminary & Final Major Site Plan for the construction of a Walgreens Drugstore and associated site improvements, and variances for impervious lot coverage, required parking and parking setback, and any other variances and waivers that may be required.

Lawrence Cohen, Attorney, was present for the applicant.  
Mr. Gregory Ploussas, Engineer, was sworn in and was recognized as a professional in his field.

A-1 – Colored Site Plan (as shown in power point presentation)  
Mr. Ploussas reviewed the existing site, the present structure, and discussed the proposed subdivision, the new lot and proposed construction, access to the new development, traffic flow at the site, proposed parking, the demolition plan, proposed landscaping, impervious coverage, water run-off, storm drainage, sewer connections, and sanitary water. A revised signage plan will be submitted prior to the next meeting.

A majority of the school is not being used. The day care center will be moving. The school will remain in operation with the same number of students and staff.

This portion of the meeting was opened to the Public.  
Mike Spagnola, owns the building at 77 Union Street, asked if there has been an attempt to mitigate the variances under the requested Use Variance, mitigate the existing into conformity? He also questioned the ability of the site to handle tractor trailer trucks.  
This portion of the meeting was closed to the Public.

Kenneth Fears, Professional Engineer, was sworn in and accepted as a professional engineer in Traffic Engineering. Mr. Fears reviewed the Traffic Plan. Mr. Fears advised that the school is operating with ten classrooms. There are nine faculty members and five administrative staff that are active at this facility. Current enrollment is one hundred twenty students. School hours are from 8:30am – 2:45pm, the building is open from eight till four thirty. On Saturday morning they have a children's class that is three hours long. There is a graphic art business in the building. Walgreens will be operating from eight in the morning till ten at night, Monday thru Saturday, and on Sunday the hours would be from nine in the morning till ten in the evening. Truck activity was reviewed. Mr. Fears continued with a review of the traffic impact on the surrounding roadway system, the use variance aspects of this application, and the on-site conditions. Mr. Fears referred to his report, Page C-21 with regard to parking for the school and Walgreens and reviewed the parking demand for each use. From a Use Variance perspective, Mr. Fears finds it to be parking compatible, traffic compatible, signal access is appropriate for this site, and there is adequate capacity on the roadway system to accommodate this use. On site parking was reviewed and traffic flow out of the site was discussed. Commissioner Cook raised the question of how parking is going to be controlled when

shared by two entities and on weekends when the churches are open. He was advised that the school would have designated parking spots. Commissioner Kline also voiced concern regarding a shared parking plan for the school and for Walgreens. Mr. Hantson stated that the driveways, as proposed, appear to be too wide for the site. He also stated that angle parking and not perpendicular parking should be implemented.

This portion of the meeting was opened to the Public.

Mike Spagnola, 77 Union Street, voiced concern for parking, added traffic in the area, and the double use on this site.

Matthew Barrick, 107 Bassett Hwy., Dover: He operates a shared parking lot and advised that it is just about impossible to patrol the parking. He suggested splitting the lots and allowing each owner to control their own parking. He questioned if a tractor trailer can back in without blocking the school.

Mike Cicchetti: voiced concern as to whether a tractor trailer could actually make a turn on these streets.

George Laurie, 10 Hillside Avenue, Dover: This is a very congested area and is concerned regarding the accidents in this area.

This portion of the meeting was closed to the Public.

A motion to carry the application to the February 8, 2006 meeting with no further notice was made by Vice-Chairman Franco, seconded by Commissioner Cook, and followed with a Roll Call vote.

**ROLL CALL:** Ayes: Commissioner Bowles, Cook, Kline, Donaghy, Frister, Vice-Chairman Franco, Chairman Scarneo

Nays: None

**OLD BUSINESS:** The Board unanimously agreed that the budget would stand as submitted.

**NEW BUSINESS:** None

**DATES:** Next Regular Meeting is February 8, 2006 at 7:30PM.

**ADJOURNMENT:** Commissioner Frister made a motion to adjourn the meeting at 12:06AM with all present in favor.

**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