

# *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**

**MARCH 8, 2006**

### **CALL TO ORDER**

Chairman Scarneo called the meeting to order at 7:42PM.

### **ROLL CALL:**

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

### **ABSENT:**

**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:** Meeting January 11, 2006, February 8, 2006

A motion to approve the minutes for January 11, 2006 was made by Commissioner Cook, seconded by Vice-Chairman Franco and followed with a Roll Call vote.

**ROLL CALL:** Ayes: Commissioner Bowles, Cook, Kline, Donaghy, Frister, Vice-Chairman Franco and Chairman Scarneo  
Nays: None

A motion to approve the minutes of the February 8, 2006 meeting was made by Vice-Chairman Franco, seconded by Commissioner Klein and followed with a Roll Call vote.

**ROLL CALL:** Ayes: Commissioner Cook, Kline, Donaghy, Wagoner, Frister, Vice-Chairman Franco, and Chairman Scarneo  
Nays: None

## RESOLUTIONS –

**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.

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

**ROLL CALL:** Ayes: Commissioner Bowles, Cook, Kline, Donaghy, Frister, Vice-Chairman Franco, and Chairman Scarneo  
Nays: None

## CASES:

**01-06-** Brian Shaw; Block 1221, Lot 1, also known as 66 West Blackwell St. in the C-1 Zone. The application is a Use Variance and Minor Site Plan approval for a change in use from Retail Furniture Sales to a proposed Recreational Gaming business, and any other variances and waivers that may be required.

Attorney Bill Bowkley was present for the applicant and requested to be carried to the April 12<sup>th</sup> meeting without further requirement of notice.

A motion to carry the application was made by Vice-Chairman Franco, seconded by Commissioner Wagoner and followed with a Roll Call vote.

**ROLL CALL:** Ayes: Commissioner Bowles, Cook, Corsetto, Kline, Donaghy, Vice-Chairman Franco, and 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, was present for the applicant.  
Michael Spillane, Spillane Engineering, was previously sworn in.  
Mel Oppenheimer, Specialty Signs, was previously sworn in.  
Joseph Olszewski, Regency Grande Administrator, was sworn in.

Ms. Berger distributed a new rendition of the canopy. (A-1) The new detail shows a ten foot canopy without posts with a clearance of eight feet above the sidewalk and four feet back from the curb-line with a curved end. The canopy will be cloth; the framing will be a metal structure. A sign 32 feet long, with reversed channel letters, will be placed on the side of the building with back lighting. (B-1) Mr. Hantson stated that the resolution must reflect that the planter is over some existing sub-surface piping installed by the DEP and if that piping needs to be addressed, it will be the responsibility of the applicant.

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 was made by Commissioner Cook, seconded by Commissioner Frister and followed with a Roll Call vote.

**ROLL CALL:** Ayes: Commissioner Bowles, Cook, Kline, Donaghy, Frister, Vice-Chairman Franco and Chairman Scarneo  
Nays: None

**09-05-** Lian Dong, LLC; Block 1208, Lot 10, also known as 5-7 E. Blackwell St. in the C-1 Zone. The application is an interpretation of the zoning ordinance as whether a proposed community service/political action tenancy is a permitted use in the zone.

William Johnson, Attorney from Johnson and Johnson was present for the applicant. The applicant requested confirmation of the use of this tenancy. Julian Garcia was sworn in. He is a volunteer for MIRA which is a political party from Columbia and is a representative for MIRA. It is a political party for absolute renovation of Columbia. They have representatives in this country who assist with various services to the Columbian people. Office hours are 8:00 to 4:30 Monday through Saturday with three paid staff who will provide services to anyone who comes in along with a retail area. Mr. Senesky advised that the Board needs to be careful; the content of the speech that they are exercising is not something prescribed or described in the ordinance. It is not something that is regulated by way of a zoning ordinance.

Mr. Hantson advised that the applicant is here for the Board to determine if what they are describing as a use falls into one of the categories allowed in this zone. Dover is a location where Columbian Nationals can come to vote for candidates who are running for office in Columbia.

Commissioner Kline recused herself at 8:43PM

It was determined that this use would be considered an office offering community services such as translations, legal services in Columbia, money transfers, sale of books and cd's from MIRA, phone cards, newspapers, political books and paraphernalia which would render the use to include retail.

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.

Commissioner Cook made a motion to consider this use to be under 236-17 C-1: Retail/Commercial district, and offices with an incidental retail element, seconded by Commissioner Donaghy and followed with a Roll Call vote.

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

Commissioner Kline rejoined the Board at 9:09PM.

**OLD BUSINESS:** Mr. Hantson advised that there are a number of courses that have been scheduled that may or may not be approved by DCA. He recommended that members wait for DCA approval of the courses that will be required.

Mr. Senesky advised that he has a copy of the 2004 edition of the "Bible" of Zoning.

A brief discussion was held regarding conflicts of interest.

**NEW BUSINESS:** It is very important for all members of the Board to be in attendance.

**DATES:** The next meeting will be held Thursday, March 9, 2006.

**ADJOURNMENT:** Commissioner Cook made a motion to adjourn the meeting at 9:26PM 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