

# *Town of Dover Board of Adjustment*

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

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

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

## **MEETING MINUTES OF THE BOARD OF ADJUSTMENT DECEMBER 12, 2012**

**CALL TO ORDER:** Chairman Cook called the meeting to order at 7:12 PM.

### **ROLL CALL:**

**PRESENT:** Commissioners Scarneo, Donaghy, Frister, Toohey, Hann, Chairman Cook  
**ABSENT:** Commissioner Bowles, 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 Clerk Nee

**APPEAL TIME** was read by Clerk Nee

### **APPROVAL OF MINUTES:**

A motion to approve the meeting minutes of November 14, 2012 was made by Commissioner Scarneo, and second by Commissioner Frister, and followed with a Roll Call vote.

**Ayes:** Commissioner Scarneo, Frister, Toohey Hann

**Nays:** None

Motion Approved.

### **RESOLUTIONS: None**

### **CASES:**

**08-12** – Morris Habitat for Humanity; Block 514, Lots 14.01 & 14.02; also known as 32 Spring St. located in the R-3 Zone. The application is for a Variance for a third story above grade, for the construction of a two (2) family three story duplex, and any other variances and waivers that may be required. **Carried from November 14, 2012 meeting.**

Sean Monaghan, Esq. attorney representing the applicant goes over the application.

Fred Stewart Engineer for the applicant goes over the changes to the application.

Exhibit A-2 – Colored rendering of dwelling

Michael Hantson asked the applicant if the proposed white post and rail fence would match the rendering. Applicant said they will match what is proposed in vinyl. Also the drainage would be going out to the system, and all roof drainage will also drain to the system.

**Open to the Public:** None

**Closed to the public**

Kurt Senesky goes over all the conditions.

1. Applicant shall construct a granite block curb and sidewalk along the entire frontage.
2. The existing “B” inlet will be converted to an “E” inlet due to the alignment of the new curb.
3. The post and rail fence shown on the plan along the frontage shall be of white vinyl and shall be continues so as to form the “Safety Barrier” along the east side of the dwelling due to the proposed modular block wall exceeding 2.5 feet in height. The same style fence shall be used along the west side of the dwelling where the proposed modular block wall exceeds 2.5 feet in height.
4. The runoff from the entire roof surface shall be piped to the existing municipal drainage system.
5. Applicant shall comply with all applicable building codes in the construction of the dwellings and it shall obtain all necessary permits including construction permits and certificate of occupancy.
6. The housing shall be constructed in accordance with the plans submitted and the terms and provisions of the within resolution.
7. Applicant shall comply with deed restrictions presently in place including the requirements that there shall be no further subdivision of the property and that the units shall be owner occupied affordable housing for a period of thirty years from the date of applicant’s ownership.

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

Ayes: Commissioner Scarneo, Frister, Toohey Hann

Nays: None

Motion Approved.

**09-12** – Axel’s Express Limo, LLC; Block 1904 Lot 12; also known as 213 E. Blackwell St. located in the C-1 Zone. The application is for a Conditional Use Standard Deviation and Minor Site Plan approval for a Limousine and Taxi Service Business in conjunction with an existing Motor Vehicle Repair Garage use, and any variances or waivers that may be required. **New Application.**

A motion to carry the application to the January 9, 2013 meeting was made by Commissioner Scarneo, and second by Commissioner Frister, and followed with a Roll Call vote.

Ayes: All in Favor

Nays: None

Motion Approved.

**07-12** – Marlon Holder; Block 1904 Lot 5; also known as 253 E. Blackwell St. located in the IND Zone. The application is for a Use Variance, Parking Variance and Minor Site Plan, for the conversion of second floor office space in the rear building to a two (2) bedroom dwelling unit, and any variances or waivers that may be required. **New Application.**

George Johnson attorney for the applicant goes over the application.

Marlon Holder was sworn in. Mr. Holder has owned the property since 1998. The rear property lower level is being used as a driving school before that it was a DOT Field Office when the construction of the Route 46 Bridge was taking place. The upstairs office was previously used as part of sign business along with the first floor. Mr. Holder has been having trouble renting out the 2<sup>nd</sup> floor for years.

Mr. Hantson asked the applicant if Code Enforcement ever wrote the applicant a violation for the fence in the front of the property being in disrepair. The applicant answered yes and that he was also aware that it is located in the right of way. The applicant stated he would comply.

**Open to the public:** None

**Closed to the public**

Kenneth Fox Planner and Architect explained the application to the Board. The proposed 2 bedroom apartment over the driving school and the single family house on the front of the property will need a total of 11 parking spaces. The site plan shall be revised to reflect the parking spaces.

Exhibit A-1 9 photos of the property.

Mr. Holder is willing to agree nothing over a single unit truck to be allowed on the property.

The site plan shall be revised to reflect signage for four of the parking spaces to be reserved for residential tenants. The driving school use on the site shall not be permitted to park trucks on the property. Only automobiles shall be permitted to be parked on site. The operation of the driving school shall be limited to the hours of 9:00 a.m. to 6:30 p.m.

**Open to the public:**

Vito Magnotti owner of Vito's Auto since 1986 thinks the application is a good application.

**Closed to the public**

A motion to approve the Use Variance only with the condition they will prepare a Site Plan and return to the Board was made by Commissioner Donaghy, and second by Commissioner Hann, and followed with a Roll Call vote.

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

Nays: Commissioner Scarneo

Motion Approved.

**OLD BUSINESS:**

Mr. Hantson will check Denville Bear & Body. Mr. Hantson will check if variance was associated with application.

Mt. Hope Avenue old Service Station was torn down.

**NEW BUSINESS: None**

**THE NEXT SCHEDULED MEETING IS THE REORGANIZATION MEETING ON JANUARY 9, 2012 at 7:00 PM REGULAR MEETING TO FOLLOW.**

A motion to adjourn was made by Commissioner Scarneo, with all in favor, at 9:16 P.M.

**IF ANY MEMBER CANNOT ATTEND THE MEETING,  
PLEASE CALL CLERK NEE AT 366-2200 Ext. 2141**

Respectfully submitted,



Regina Nee  
Clerk/Secretary  
Board of Adjustment