

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

- ☐ 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 JUNE 9, 2010

CALL TO ORDER: Chairman Cook called the meeting to order at 7:07 PM.

ROLL CALL:

PRESENT: Commissioner Scarneo, Donaghy, Frister, Alter. Toohey, Vice Chairman Franco, Chairman Cook

ABSENT: Commissioner Bowles, Alternate I Hann

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 May 12, 2010 was made by Chairman Scarneo, and second by Vice Chairman Franco, and followed with a Roll Call vote.

Ayes: Commissioner Scarneo, Donaghy, Frister, Toohey, Vice Chairman Franco, Chairman Cook

Nays: None

Motion Approved.

RESOLUTIONS:

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. **Use Variance was approved with conditions. Site Plan Carried until August 11, 2010.**

A motion to approve the resolution for the use variance with conditions was made by Vice Chairman Franco, and second by Commissioner Scarneo, and followed with a Roll Call vote.

Ayes: Commissioner Scarneo, Donaghy, Frister, Toohey, Vice Chairman Franco,
Chairman Cook

Nays: None

Motion Approved.

EXTENSION OF TIME: 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 August 11, 2010.**

05-10 – Morris Habitat for Humanity, Block 403, Lot 12, also known as 263 Ann Street located in the R-1 Zone. The application is an amendment to the Resolution of Approval (Application #05-09) to allow a second means of egress via a door and landing on the northeast side of the dwelling, and any other variances and waivers that may be required. **New Application.**

Paul Zelenty is the attorney for the applicant, Habitat for Humanity.

Liz Decoursey with Habitat for Humanity, Glen Stubaus licensed architect, and Fred Stuart, licensed surveyor was sworn in.

Glen Stubaus, explained where the door will be installed, and the details of the construction. He submitted into evidence-

A-1 Architectural plan showing original plan.

A-2 Revised plan to show the door.

Fred Stuart reviewed the survey for the board, showing the boundary lines and distance to the adjoining property owners.

Michael Hantson explained why such a small change to the application was brought to the Boards attention.

Open to the public:

Lawrence Lamb who resides at 4 Edgewood Terrace, asked the applicant what the purpose of the door was.

Liz DeCoursey explained that when the application was previously submitted for board approval they did not take into consideration that they may want to install a second means of egress for the dwelling. After submitting for construction permits with the new door on the plan it was decided that they had to come back to the board for that change. She stated it is a good idea to have two means of egress for this and all dwellings.

Lawrence Lamb stated he is concerned that with the door installed there would be a greater chance people would be trespassing thru his yard.

He was advised from the board that by installing the door would not create a better chance for trespassers. And that if he did not like that fact that a door could possibly be installed should the board approve the application that perhaps he could install a fence along his rear property line.

Closed to the public

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

Ayes: Commissioner Donaghy, Toohey, Vice Chairman Franco, Chairman Cook

Nays: Commissioner Scarneo, Frister

Motion Approved.

04-10 – Plaza K Realty-Dover LLC, Block 901, Lot 4, also known as 500 Mt. Pleasant Avenue located in the IND/OP Zone. The application is an approval of a modification of the Use Variance Resolution Condition (#14) (Application #11-03) allowing the use of the property for retail purposes, and any other variances and waivers that may be required. **New Application.**

Brian Burns the Attorney for the applicant Plaza K Realty LLC, gave his regrets that George Leontarakis owner of Plaza K Realty, could not be present tonight. He lives in Florida and his health would not permit him to fly to attend the meeting. He explained to the board that the building has been vacant since it has been built. Part of the reason being the constraints associated to the previously approved application concerning the excluded retail uses.

Michael Tobia licensed Professional Planner for the applicant submitted into evidence the following exhibits.

- A-1 Enlarged photo of Building from Route 15
- A-2 Enlarged photo of Building from Mt. Pleasant Avenue
- A-3 Enlarged photo Union Hill Denville – Quedoba
- A-4 Enlarged photo Union Hill Starbucks – Maggie Moos
- A-5 Enlarged photo Morristown - Atlanta Bread
- A-6 Enlarged photo Troy Hill Shopping Center – Five Guys
- A-7 Enlarged photo Troy Hill – Muscle Maker Grille
- A-8 Enlarged photo Parsippany – Moe’s South West Grill
- A-9 Enlarged photo Union Hill Tolbots & Vibrance Salon
- A-10 Enlarged photo Madison – Wine and Market Place Liquor Store
- A-11 Enlarged photo Florham Park – Panera Bread

He explained to the board that the owner is looking for upscale tenants to occupy the spaces, some of which could possibly be ones submitted as evidence. And if the board grants the changes made to the previously approved list of excluded retail uses, he is confident that will happen.

Mike Hantson brought up the fact that in the previously approved application hearing Commissioner Scareno wanted to see a tiger on the weather vane on top of the clock tower. The owner could not accomplish that. He agreed that if this application is granted he will install lettering on the clock tower to say "Dover Pointe".

Mike Hantson stated he wanted to see the lettering done prior to the occupancy of the first tenant. The board discussed the previously excluded tenants list and Attorney Brian Burns explained the changes to that list they are asking for. The board feels with the changing economy it would be nice to have someone occupy the building. They finalized the list, which would become part of the resolution of approval if the application is approved.

Open to the public: None

Closed to the public

A motion to approve the application with conditions (Board Attorney to come up with the proper wording for the new list of approved uses') was made by Commissioner Scarneo, and second by Commissioner Frister, and followed with a Roll Call vote.

Ayes: Commissioner Scarneo, Donaghy, Frister, Toohey, Vice Chairman Franco, Chairman Cook

Nays: None

Motion Approved.

OLD BUSINESS: None

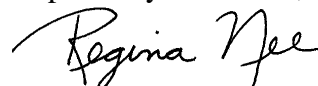
NEW BUSINESS: None

THE NEXT REGULAR SCHEDULED MEETING IS 7:00 PM JULY 14, 2010.

A motion to adjourn was made by Commissioner Scarneo, with all in favor, at 8:56 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