

Town of Dover Board of Adjustment

- ☐ William Cook - Chairman
- ☐ Charles Franco - Vice-Chairman
- ☐ Cephas Bowles
- ☐ Robin Kline
- ☐ Antonio Acosta
- ☐ Michael Scarneo

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

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

REGULAR MEETING OF THE BOARD OF ADJUSTMENT

FEBRUARY 13, 2008

CALL TO ORDER

Chairman Cook called the meeting to order at 7:33 PM.

ROLL CALL:

PRESENT: Commissioner Scarneo, Frister, Donaghy, Bisset, Alternate Hann, Alternate Bocchino, Vice-Chairman Franco, Chairman Cook

ABSENT: Commissioner Bowles

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 meeting minutes of November 14, 2007 was made by Commissioner Scarneo, seconded by Vice-Chairman Franco and followed with a Roll Call vote.

Ayes: Commissioner Scarneo, Alternate Hann, Vice-Chairman Franco, Chairman Cook
Nays: None

A motion to approve the meeting minutes of December 12, 2007 was made by Commissioner Frister, seconded by Commissioner Donaghy and followed with a Roll Call vote.

Ayes: Commissioner Donaghy, Alternate Hann, Alternate Frister, Chairman Cook
Nays: None

A motion to approve the Reorganization meeting minutes of January 9, 2008 was made by Vice-Chairman Franco, seconded by Commissioner Frister and followed with a Roll Call vote.

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

Nays: None

A motion to approve the meeting minutes of January 9, 2008 was made by Commissioner Bisset, seconded by Alternate Commissioner Bocchino and followed with a Roll Call vote.

Ayes: Commissioner Scarneo, Frister, Donaghy, Bisset, Alternate I Hann, Alternate II Bocchino, Vice-Chairman Franco, Chairman Cook

Nays: None

RESOLUTIONS:

05-07-SPV- Estate of Robert Burt % George Johnson, Esq.; Block 2201, Lot 7, also known as 256-262 E. Blackwell Street located in the IND Zone. The application is an Amended Site Plan to change outdoor lighting and a Variance to construct a sign in excess of the maximum permitted size, and any other variances and waivers that may be required. **Approved with Conditions; Variance not needed. Carried to next Meeting.**

10-07- Frank & Mary Dulfer; Block 1702, Lot 36, also known as 21 Fifth Street located in the R-2 Zone. The application is a side yard setback Variance to construct a kitchen addition, and any other variances and waivers that may be required. **Approved with Conditions.**

A motion to approve with conditions was made by Vice-Chairman Franco, seconded by Commissioner Donaghy and followed with a Roll Call vote.

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

Nays: None

CASES:

09-07- Alba Neggia; Block 1318, Lot 9, also known as 26 E. McFarlan Street located in the C-2 Zone. The application is an Appeal of the Decision of the Administrative Officer, or in the alternative, a Use Variance and Bulk Variances to permit a Used Car Sales business and the reconstruction of the principal structure, and any other variances and waivers that may be required. **Carried until March 12, 2008.**

If not heard March 12, 2008 the board “will dismiss without prejudice” board clerk will let attorney know.

A motion to carry to March 12, 2008 or the Board will dismiss without prejudice was made by Vice-Chairman Franco, seconded by Commissioner Scarneo and followed with a Roll Call vote.

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

Nays: None

11-07- Beauty United Skin Care Corp. % Mallya Howe; Block 710, Lot 8, also known as 2 Davis Avenue, located in the R-2 Zone. The application is a Use Variance to create a new

tenancy as a Reflexology & Massage Therapy use, and any other variances and waivers that may be required. **Carried from the January 9, 2008.**

Representing owner Irene S. Wirth is Attorney William Johnson.

Irene S. Wirth explains the layout of the hair salon. The signage will not exceed 2x6 foot illuminated box sign above the door for the body massage. Irene would like to put a lock on the existing door to separate the two tenancies. Irene will work two, or three days a week and Nailya can work a full work week.

Hours of operations:

Mon.-Wed. 10-6, Thurs. 10-8, Fri.-Sat. 10-8

Kurt Senesky goes over the history, and the application with Irene Wirth.

At 8:05pm the Board took a break to look for previous application from 1988. File could not be located returned 8:22:56.

Chairman Cook called the meeting back to order at 8:22 PM.

ROLL CALL:

PRESENT: Commissioner Scarneo, Frister, Donaghy, Bisset, Alternate Hann, Alternate Bocchino, Vice-Chairman Franco, Chairman Cook

ABSENT: Commissioner Bowles

Nailya Howe was sworn in at 8:24, and explains the application. The space contains two rooms plus a reception area and bathroom on her side. The business will be closed on Sunday.

Open to the public: none

Closed to the public

Conditions:

No Sundays

2x6 illuminated box sign over the main door

A motion to approve was made by Commissioner Bisset with no conditions, no one seconded.

A motion to approve was made by Commissioner Frister with conditions, seconded by Commissioner Hann and followed with a Roll Call vote.

ROLL CALL: Ayes: Commissioner Frister, Donaghy, Bisset, Hann, Vice-Chairman Franco, and Chairman Cook

Nays: Commissioner Scarneo

01-08- Gabriel & Margaret Pelaggi; Block 503, Lots 9 & 10, also known as 210 W. Blackwell Street located in the R-1 Zone. The application is a Use Variance and Waiver of Site Plan to allow the second floor area to be used for a Music Studio and/or a general office tenant, and any other variances and waivers that may be required. **New Application.**

William Johnson attorney for the applicant Margaret Pelaggi goes over the history and application, and was sworn in. Margaret and her husband own the property at 210 W. Blackwell Street.

Hours of operations: Monday - Friday 4-9pm, Saturday 10-3pm, not open Sunday
Monument business hours: Monday-Saturday 10-4pm, not open on Sunday

Brian Farias – private music instructor was sworn in. Brian will have three employees with the hours being Monday thru Friday from 4:00am to 9:00pm, Saturday from 10:00am to 3pm, and Sundays will be closed.

Open to the public: none
Closed to the public.

A motion to approve with conditions was made by Vice-Chairman Franco with conditions, seconded by Commissioner Scarneo and followed with a Roll Call vote. Employees will not have on-site parking, and no group lessons will take place on the premises.

ROLL CALL: Ayes: Commissioner Scarneo, Frister, Donaghy, Bisset, Hann, Vice-Chairman Franco, and Chairman Cook
Nays: None

OLD BUSINESS:

Kurt Senesky goes over the outcome of the O'Malley case. The O'Malley case was decided in favor of the Board.

No further information concerning the Badges.

NEW BUSINESS:

The next scheduled meeting will be held on Wednesday, March 12, 2008 at 7:30 pm.

ADJOURNMENT: A motion to adjourn was made by Vice-Chairman Franco, with all in favor, at 9:40 P.M.

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

Respectfully submitted,



Regina Nee
Clerk/Secretary
Board of Adjustment