

# *Town of Dover Board of Adjustment*

- ☐ William Cook - Chairman
- ☐ Charles Franco - Vice-Chairman
- ☐ Cephas Bowles
- ☐ William Bisset
- ☐ Patrick Donaghy
- ☐ Michael Scarneo

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

Telephone: 973-366-2200 (Ext. 115)  
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- ☐ John R. Frister
- ☐ William Hann (Alternate I)
- ☐ Joan Bocchino (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**

**JUNE 11, 2008**

### **CALL TO ORDER**

Chairman Cook called the meeting to order at 7:29 PM.

### **ROLL CALL:**

**PRESENT:** Commissioner Bowles, Scarneo (arrived at 7:40), Frister, Donaghy, Bisset, Alternate Hann, Alternate Bocchino, Vice-Chairman Franco, Chairman Cook

**ABSENT:** None

**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 May 14, 2008 was made by Commissioner Frister, seconded by Vice-Chairman Franco, and followed with a Roll Call vote.

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

Nays: None

### **RESOLUTIONS:**

**04-08-** Danny Grafals; Block 1315, Lot 7, also known as 55 Passaic Street located in the R-3A Zone. The application is for Side Yard, Lot Width, Lot Area and Building Coverage Variances for the construction of a second story addition and attic, for the addition of three (3) bedrooms and a bathroom, 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 Bisset, and followed with a Roll Call vote.

Ayes: Commissioner Donaghy, Bisset, Hann, Bocchino, Vice-Chairman  
Franco  
Nays: None

**CASES:**

**03-08-** Secaucus Realty, Inc.; Block 1308, Lot 7, also known as 59 East McFarlan Street located in the C-2 Zone. The application is for a Use Variance, Bulk Variances and Preliminary & Final Major Site Plan approval for the construction of a new convenience store, parking area and other site features, and any other variances and waivers that may be required. **Application revised and is jurisdictional to the Planning Board.**

**05-08-** EL Investments, LLC; Block 1208, Lot 8, also known as 13 East Blackwell Street located in the C-1 Zone. The application is for a Use Variance and Waiver of Site Plan approval to change the use of the 3<sup>rd</sup> and 4<sup>th</sup> floor from a Music Studio to a dwelling unit, and any other variances and waivers that may be required. **Site Plan Portion – Carried to 7/09/2008.**

**06-08-** Edward Bartek; Block 606, Lot 9, also known as 122 W. Clinton Street located in the R-3 Zone. The application is an appeal of the decision of the Zoning Officer regarding the use of the property as a two-family residence and rooming house. **New Application.**

A five minute recess was called to give Attorney Seth Levine time to arrive.

Chairman Cook called Meeting Back to Order, followed with Roll call.

Ayes: Commissioner Bowles, Scarneo, Frister, Donaghy, Bisset, Hann, Bocchino, Vice-Chairman Franco, Chairman Cook  
Nays: None

Commissioner Scarneo recluse himself for the case.

Attorney Seth Levine goes over the application for applicant Dr. Edward Bartek.

Dr. Edward Bartek was sworn at 8:01PM. Mr. Bartek testified that in 1960-1970 the first floor consisted of two bedrooms, and five bedrooms on the second floor. The first floor consisted of a galley kitchen, bathroom (only shower), living-dining room combo, and the second floor has a eat-in kitchen. In 1972 Mr. Bartek returned from the Army, and father had rented the units out and took permits out. In 1972 father rented rooms like a rooming house.

Town data base indicates 122 W Clinton Street to be a single family in a two family zone.

**Open to the public:**

William Isselin Chief Code Enforcement Officer for the Town of Dover asked Mr. Bartek if he ever received permission from the Town of Dover to switch from a rooming house to second dwelling unit. Mr. Bartek answered that he was unaware he needed permission so the answer was no.

**Closed to the public**

Michael Bartek was sworn in at 8:41:27PM cousin of the applicant testifies his recollections of the property.

Exhibit A-1 picture of three meters for electric and gas.

**Open to the public: None**  
**Closed to the public**

Craig Bradley was sworn in and testifies of his recollection of the property. Harold & Mary lived in the first floor and Len Borrows lived in the second floor both men were employed by Craig Bradley.

**Open to the public: None**  
**Closed to the public**

Chairman Cook called Meeting Back to Order, followed with Roll call.

Ayes: Commissioner Bowles, Scarneo (reclused himself), Frister, Donaghy, Bisset, Hann, Bocchino, Vice-Chairman Franco, Chairman Cook  
Nays: None

Attorney Ralph Salerno representing Highlands Real Estate investment Group requested to carry his application to Tuesday June 17, 2008 at 7:30 PM.

A motion to carry the application of Highlands Real Estate Investment Group to a special meeting Tuesday June 17, 2008 at 7:30 PM was made by Vice-Chairman Franco, seconded by Commissioner Bisset, and followed with a Roll Call vote.

Ayes: Commissioner Bowles, Scarneo, Frister, Donaghy, Bisset, Hann, Bocchino, Vice-Chairman Franco, Chairman Cook  
Nays: None

Michael Hantson Town Engineer, Planner, and Zoning Officer goes over the application and exhibits. Mr. Hantson made his determination that the property was a single family.

Exhibit B-1 Mikes letter from May 3, 2002  
Exhibit B-2 Copy of sections of the Land Use Law

Mr. Hantson made his zoning determination May 3, 2002. The applicant had 20 days to appeal the Zoning Officers determination which he did not do.

Exhibit B-3 Town of Dover Zoning Ordinance dated 1965 adopted June 8, 1964 at 9:30 PM.

Attorney Seth Levine amends the description to the application to applicant seeks determination of prior nonconforming use of property as two family residence.

Mr. Ed Bartek removed the barriers from the first and second floors a few months ago because of the court case.

A motion to carry to August 13, 2008 was made by Commissioner Bowles, seconded by Commissioner Donaghy and followed with a Roll Call vote.

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

Nays: None

**OLD BUSINESS: None**

**NEW BUSINESS:** Chairman Cook would like picture ID's made.

The next scheduled meeting will be held on Wednesday, July 9, 2008 at 7:30 pm.

**ADJOURNMENT:** A motion to adjourn with all in favor, at 10:21 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