

Town of Dover Planning Board

- Robert Hooper - Chairman
- Paul McGrath - Vice Chairman
- William B. Gilbert
- Jose Yamoza
- William Shauer
- John R. Frister
- Joan Bocchino
- Harry Ruiz

COUNTY OF MORRIS
37 NORTH SUSSEX STREET
P.O. BOX 798
DOVER, NEW JERSEY 07802-0798

Telephone: 973-366-2200 (Ext. 115)
Fax: 973-366-0039

- Javier Marin - Mayor
- William Shuler - Alderman
- Lewis Fico- Alternate I
- Kay Walker- Alternate II
- Lee Greb - Board Attorney
- Michael Hantson - Town Engineer
- Regina Nee - Clerk/Secretary
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PLANNING BOARD REGULAR MEETING MINUTES FOR FEBRUARY 25, 2004

CALL TO ORDER Chairman Hooper called the meeting to order at 8:36PM

ROLL CALL: PRESENT: Commissioner Gilbert, Bocchino, Shauer, Ruiz, Alternate Fico
Alderman Shuler, Vice-Chairman McGrath, and Chairman Hooper

ABSENT: Commissioner Yamoza, Frister, and Alternate Walker

ALSO PRESENT: Present this evening is Board Attorney Lee Greb and Town
Engineer Michael Hantson

PLEDGE OF ALLEGIANCE was recited by all.

ADEQUATE NOTICE OF MEETING was read by Clerk/Secretary Nee.

MINUTES: A motion to approve the minutes for the January 28, 2004 meeting was made
by Vice-Chairman McGrath, seconded by Commissioner Fico and followed
with a Roll Call vote.

ROLL CALL: Ayes: Commissioner Gilbert, Bocchino, Shauer, Ruiz, Fico, Alderman
Shuler, Vice-Chairman McGrath, and Chairman Hooper
Noes: None

CORRESPONDENCE: Anyone wishing to view correspondence since the last meeting can do
so after the meeting.

PUBLIC PORTION

Chairman Hooper opened the meeting to the Public. Anyone from the public wishing to
discuss any business with this Board, other than the applications to be heard this evening, was
asked to please come forward at this time. Seeing no hands, this portion of the meeting was
closed to the public.

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REPORTS

Chairman's Report: No Report

Treasurer's Report: Commissioner Frister requested to be excused as he is away.

Budget & Finance: Commissioner Frister's report will be given at the next meeting.

Master Plan Committee: Chairman Hooper advised that this committee met for the first time this evening. The committee has set up an agenda for our next meeting and is ready to get started. They are scheduled to meet again in two weeks.

RESOLUTIONS: None

CASES

SP-01-04 –Edward Murray, **Block 1903, Lot 4** also known as 111 East Blackwell Street, located in the C-1 zone. The application is a Preliminary and Final Major Site Plan to add a 288 square foot kitchen and a 6'x 8' walk-in refrigerator to an existing tavern, and any other variances and waivers that may be required.

Chairman Hooper advised the Public that this case would not be heard this evening. It has been carried to the March 24, 2004 meeting.

SD-01-04 –Levitt Development Co., LLC, **Block 831, Lot 5** also known as 25 Hillside Avenue, located in the R-2 zone. The application is a two (2) lot Minor Subdivision to create one (1) new building lot with variances for pre-existing front yard setback on existing house, pre-existing side and rear yard setback for garage and maximum lot coverage for existing lot, and any other variances and waivers that may be required.

Lee Levitt was present as attorney for the applicant. This is an application for a minor subdivision. Mr. Steven Smith, a professional planner and surveyor, who was previously sworn in, is also present. Mr. Levitt advised that they would like to propose some substantial revisions to the proposed plans for the Board's consideration.

Mr. Smith stated that there were a number of items that were questioned at the last meeting that they did not have answers for. One of the questions was whether or not this was a two and a half story dwelling or a three story dwelling. On February 17, 2004, measurements were taken based on the measurements of the floor area that had a ceiling height of five foot or greater, the existing dwelling meets the Town's standard for a two and a half story dwelling; it is not a three story building. There are seven bedrooms in the dwelling. There is one bedroom on the first floor, four bedrooms on the second floor and two bedrooms on the two and a half floor. The increase in the number of bedrooms affects the required number of parking spaces that are needed on the site. We are no longer seeking a variance for the garage; it will be removed along with the shed. This removes two of the variances that were originally being sought; namely the side-yard setback is no longer needed. The variance for building coverage is no longer necessary. The coverage is now 23.6%. The number or parking spaces required for a seven bedroom house would be four parking spaces. A-2 was marked in for the records. We propose four parking spaces, which are indicated in the yellow. The green highlighted area represents impervious coverage to be changed back to pervious coverage. The maximum allowed lot

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coverage is 65%. The lot coverage has been reduced to 63.6% which removes the requirement for a variance for lot coverage. The variances that are still required would be the variance for the setback of the covered porch and the side yard setback. These are conditions that exist now and are not going to be changed.

The area that was five foot or greater was 245 square feet. The total floor area of the second floor is 876 square feet. The upper level, therefore, is twenty-eight percent of the floor below. Up to sixty percent is allowed.

The law says that in order for you to accommodate more than six people in a dwelling unit, you must have a minimum amount of square footage of living room, dining room, and kitchen area. Once you have more than six people, you do not have to have any more than that minimum requirement. The number of people that can sleep in a house is a function of the size of the bedrooms; there are two separate calculations. Previous housing inspections on this dwelling indicate that there are seven bedrooms in this house and do conform. A minimum of seventy square feet is required for one person, one hundred square feet for two people, and fifty additional square feet for every additional person thereof. If a bedroom is two hundred square feet, it can support four people in that bedroom.

Attorney Levitt stated that he would like to seek an approval of this Board. Attorney Greb stated that a motion to have a resolution drafted, provided plans are submitted in time, would be required tonight. Chairman Hooper asked if that was acceptable to the Board. Attorney Levitt reviewed the requirements and their resolve.

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 general public.

Commissioner Ruiz made a motion to authorize Attorney Greb to draft a resolution of approval for this application in its revised manner with the conditions that we have requested, seconded by Commissioner Gilbert and followed with a Roll Call vote.

ROLL CALL: Ayes: Commissioner Gilbert, Shauer, Ruiz, Fico, Alderman Shuler,
and Chairman Hooper

Noes: Commissioner Bocchino and Vice Chairman McGrath

The motion carries.

EWSP Committee Report None

OLD BUSINESS Attendees of the NJPO Education Program of 2/21/04 stated that this was an excellent opportunity for board members to attend that was very informative and all members should take advantage of these classes. The members discussed various aspects of the night's application. A significant point to be dealt with is the "floor area ratio". There is no floor area ratio requirement in the ordinance. This is how a board can control density and bulk of a building. Floor area ratio is the ratio of floor space to size of lot. Number of stories is one zoning criteria to measure, height of building is another measure, building coverage, lot coverage are all requirements to be met. The Master Plan committee should explore, on the side, because

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it is very involved. It does not have to wait for the master plan. There is no ordinance in zoning that regulates how many people can be in a dwelling on a lot; just areas, heights, etc. You can not say, in zoning, that you cannot have anymore than ten people on a five thousand square foot lot. The size of the building can be regulated; housing codes give you occupancy limits. Mr. Hantson stated that he has a number of changes to recommend for the housing code. The most important change would be to address the number of people per bedroom. Mr. Hantson recommended including in our code the maximum number of people per bedroom. The town attorney must guide you in how this would hold up in court. You can limit the number of people per bedroom by changing the ordinance. Mr. Hantson suggested amending the check list to require that prior to the submission of an application for sub-division; you will require a housing inspection of the property. You can recommend that Mr. Hantson draft an ordinance and present it to the Governing Body who has to pass the ordinance.

A motion to amend the checklist to require a housing inspection as a checklist requirement prior to any application before either board was made by Commissioner Ruiz, seconded by Commissioner Fico and followed with a Roll Call vote.

It was suggested that the Housing Department should inform the Tax Assessor of their inspection. Mr. Hantson suggested that the next time there is a reval in this town, the tax assessor's office better go out with a copy of whatever housing records we have and if something different is found, we need to be informed. Reval outfits were hired, came into town and did the inspections, and their main concern was to maximize taxes. The G.I.S. program can have data integrated. The tax data base does not have the number of bedrooms in a dwelling. That information is kept on separate cards; it can be done electronically. Digital format, detailing a house, is not something we can require.

ROLL CALL: Ayes: Commissioner Gilbert, Bocchino, Shauer, Ruiz, Fico, Alderman Shuler, Vice-Chairman McGrath, and Chairman Hooper

Noes: None

NEW BUSINESS Soil Permit Application

Soil Permit Application – Militsa Ruiz; Block 1113, Lot 11; also known as 108 Jordan Terrace. Minor Soil Permit for the filling of the rear yard with approximately 497 cubic yards of fill. Review and recommendation to the Mayor & Board of Aldermen in accordance with § 236-82. (See Engineering Department Report dated 1/21/2004)

Mr. Hantson advised that this is a piece of property fifty feet wide by 180 feet deep that the property owner filled the backyard with some good material and some bad material. He has applied for a permit after starting the fill. We have concerns regarding the filling activity being restricted to this property and with the incidental material that consists of brick, concrete, etc that could result in sink holes in the future. We also are not happy that the proposed final grading will be graded to a reasonable engineering standard to keep the property from eroding. Under our ordinance, anyone applying for a soil permit application makes that application to the Mayor and Board of Alderman. The ordinance requires that the Town Engineer review it and submit a report to them and for the Planning Board to provide comments to them. Mr. Hantson's recommendation to the Board, based on the engineering review, is that you recommend that the permit not be approved until the additional information recommended in the report dated January 21, 2004, is provided to answer some additional questions. The bad material has to be removed.

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If the soil permit is denied by the governing body, then the soil would have to be removed. If the applicant meets the requirements of the ordinance regarding filling, there is no reason to deny the permit. He needs additional information and detail in order for us to know if this can be finished off properly.

The Board decided that the property should be cleared of the fill and the applicant should apply for the soil permit with the correct and necessary information. It was suggested that Mr. Hantson prepare a new Soil Ordinance. The soil removal ordinance starts at 236.78 and members were asked for their input. Mr. Hantson suggested creating a new ordinance called the Surface Grading Ordinance that deals with anybody that wants to come in and re-grade their property. A set of standards should be set up to deal with that issue alone.

Ordinance 6-2004 Telecommunications Antennae and Tower is an ordinance that Mr. Hantson drafted with the help of the Town Attorney to regulate telecommunication antennae in towers in the Town of Dover. Currently, our zoning does not address it from two perspectives. It does not allow it, disallow it, regulate it, or provide any standards other than what would be deemed a structure. If an applicant made their case to install a tower based on federal regulations, they would have control. This ordinance will state where the tower can go, what requirements must be met in addition to federal requirements to make sure that it minimizes the number of towers in town, minimizes the visual impact, provides standards for the development of the site buildings and ground activities associated with it. It also promotes collocation, which are multiple carriers on a single tower before another tower is put up in town. Under SGC regulations, you cannot prevent a carrier from putting up an antenna in an area that he needs to fill in a gap of service to provide a public need. Without an ordinance, the town is at their mercy. The town can set a set of standards so that you can obtain, from the beginning, what you would expect of the applicant. Mr. Hantson has the ordinance prepared. Existing sites would not be affected. It specifically excludes municipal site construction that receives the approval of the governing body. It provides the carriers with an incentive to speak to the town first. T-Mobile is looking for coverage on the east end of town. This ordinance states that a tower would be permitted in any commercial or industrial district subject to certain setback requirement from residential zoned property and minimum spacing between towers, etc. It only allows them in residential districts, which cannot be excluded) if it is a conditional use with a number of conditions placed on it; one of which states in a residential zone the tower would have to be setback from the property line a distance equivalent to the height of the tower. It is required to blend in with the environment. We know that there is an application coming. It is important to get this ordinance in place. Size and structure are regulated in the ordinance. Mr. Hantson reviewed from the map, the area where a tower would be permitted. Commissioner Bocchino requested an amendment to the ordinance to add a Balloon Test. Mr. Hantson advised that there is a minimum setback but in addition to that is has to be at least two times the height of the tower. Mr. Hantson suggested that the governing body pass the ordinance as it is and then start the process for an amendatory ordinance.

Section 106 Review – The Historic Sites: Town Attorney Larry Cohen advised that this can not be in the zoning ordinance because it is a historic issue that requires a historical element; but it is automatically covered if it impacts a historical district. The 106 Review is regulated through the state historic preservation.

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This project went out for bid. The bid goes to the highest bidder. The pole is set up to accommodate four. The highest bidder gets choice of location on the tower, but the highest bidder had to build the tower.

The Board authorized a positive recommendation to the governing body with the recommendation that once this ordinance is adopted, they draft an amendment to the ordinance to add a condition that a balloon test be performed as part of the process. All were in favor.

DATES:

A special meeting will be held on Thursday, March 4, 2004 at 7:00PM for a presentation regarding the planning study and will be held in Town Hall. The meeting was noticed for both the Planning Board and the Governing Body.

The Master Plan Committee will meet at 6:30PM on Wednesday, March 10, 2004.

***REGULAR MEETING TO BE HELD MARCH 24, 2004.
AT 8:00PM. WORKSHOP SAME NIGHT AT 7:00PM***

ADJOURNMENT: The meeting adjourned with all in favor at 10:38PM.

IF ANY MEMBER CANNOT ATTEND, PLEASE CALL CLERK AT 366-2200-ext.115

Respectfully submitted,



Regina Nee
Clerk/Secretary
Planning Board