

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

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- 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
-

PLANNING BOARD REGULAR MEETING MINUTES FOR JUNE 23, 2004

CALL TO ORDER Chairman Hooper called the meeting to order at 8:05PM

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

ABSENT: Commissioner Gilbert, Frister, Alternate I Fico, and Alternate II Walker (Each Commissioner called and asked to be excused for tonight's meeting.

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 Secretary Nee

PLEASE NOTE THE FOLLOWING:

MINUTES: A motion to approve the minutes for the May, 26th, 2004 meeting was made by Commissioner Ruiz, seconded by Commissioner Shauer and followed with a Roll Call vote.

ROLL CALL: Ayes: Commissioner Shauer, Bocchino, Ruiz, and Alderman Shuler
Noes: None

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

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.

Robin Kline wanted to know what a EWSP meeting is. She was advised that it stands for expedited waiver of site plan provided for in the Site Plan Ordinance that stipulates when a site plan is required. An expedited waiver of site plan is a process set up by ordinance in which a committee meets to review the request to make sure it meets the waiver requirements of the ordinance. It is a change in use under the Boca Code. It is handled by staff professionals and it has to be a unanimous

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vote. It usually deals with business uses in the C-1 zone in an existing building without any structural changes and is a change of use. Attorney Greb advised that the added benefit helped to develop an inventory of all the buildings and the contents of them with this process. There are three people on the committee, the Zoning Officer, the Planning Board attorney, and the Secretary of the Board, who is appointed by the Chairman of the Planning Board. Mr. Hantson read from the ordinance.

Ms. Kline was advised that the number of similar uses in the area is not for the Board to determine per Attorney Greb. No public notice is required.

This portion of the meeting was closed to the Public.

REPORTS

Chairman's Report: Nothing to report at this time.

Treasurer's Report: Commissioner Frister was not present.

Budget & Finance: Commissioner Frister was not present.

Master Plan: The committee will meet at a date and time to be determined after this meeting.

RESOLUTIONS:

SP-02-04 – Valley National Bank; Block 1902, Lot 2.01, also known as 96 E. Blackwell Street located in the C-1 Zone. The application is a Preliminary and Final Major Site Plan for a 1,426 SF one (1) story addition with associated site improvements, a variance for off-street loading and any other variances and waivers that may be required.

A motion of acceptance was made by Commissioner Ruiz, seconded by Commissioner Shauer and followed with a Roll Call vote.

ROLL CALL: Ayes: Commissioner Shauer, Bocchino, Ruiz, Alderman Shuler
Noes: None

CASES

SD-03-04 – Randolph Knolls, Inc. Block 316, Lot 3, also known as 12 Baker Ave. located in the R-3 Zone. The application is a two (2) lot Minor Subdivision to create one (1) building lot and the remaining single family dwelling, a side yard setback variance and any other variances and waivers that may be required.

Alderman Shuler was stepping down for this application.

George Johnson was the attorney present for the applicant. George Szatkowski, 68 Fords Road, Randolph, NJ 07869, owner and principal of Randolph Knolls was sworn in. Randolph Knolls, Inc. are home builders of one family residential dwellings. They have built approximately twenty-five homes in Dover. Mr. Szatkowski is also a realtor. He is under contract to purchase the home at 12 Baker Avenue and this subdivision was anticipated when the property was purchased. The home is

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in a two family zone, it can be converted, but we prefer to subdivide and construct a one family home to fit into the character of the neighborhood. It can be converted into a two family home. He feels a one family dwelling would be more suitable. March 3, 2004. There are a variety of uses in the neighborhood. Mr. Johnson reviewed a map which indicated the lots on the block in question and lots located across the street from the subject property. One of the variances requested is lot coverage which requires no more than sixty-five percent lot coverage. If the subdivision were granted, he would have the existing house and approximately a fifty by one hundred vacant lot available for the construction of a new single family home; a two story home constructed to match the surrounding area.

Mr. Hantson, speaking to the applicant, asked why no details of the proposed dwelling were presented, and as such, if the Board were to approve the subdivision, is it not true that the lot can be sold and anyone can build anything on that lot as long as it meets the zoning? That is true. Mr. Szatkowski stated that a stately, colonial type looking home would fit in. Mr. Hantson agreed, however, he wondered why the details of a home were not provided to allow the Board to get a feel for that. Doing a subdivision, for the purpose of building a house, with the applicant recognizing the character of the neighborhood; yet there is no criteria dealing with "character and style" that is part of a subdivision application. As per Mr. Johnson, the applicant does not have to provide that detail, but Mr. Hantson wants the Board to be aware that if the subdivision were approved without those details, there would be no obligation on behalf of the owner of that lot to build anything that you represented here. No property from Lots 4 & 5 was available to purchase. Vice-Chairman McGrath asked if the side yard setback could be increased by two feet; from ten feet to fourteen feet, side yard setback, which would shrink the width of the proposed dwelling to a maximum of twenty-nine feet wide. The applicant has no intentions of removing the trees on the front of this property.

Secretary Nee advised that the taxes have been paid.

This portion of the meeting was opened to the Public to ask questions of this witness.

Robin Kline questioned the type of home and was advised that it would be a two story single family dwelling.

Joe Burbridge, 8 Harvard Street, asked Mr. Szatkowski how his previous experience in building homes should weigh in on this variance. He stated that his experience would help enhance the area. He stated that there is a mixed use in the area and believes a single family dwelling would fit in better. Mr. Burbridge asked if the applicant was portraying himself as being under a hardship. The applicant responded negatively. Mr. Johnson advised that there is a hardship with respect to the existing house; the coverage being a technical hardship which is created by the subdivision.

Patrick Fahy, 2 West Chrystal Street, asked the applicant if he built the entire house in the section of homes on Boonton previously discussed. He did not build the first section.

Scott Miller, 11 Hillsdale Drive, asked the applicant if he built any other homes and was advised he built up on Madison Street; colonial and bi-level styles.

This portion of the meeting was closed to the Public.

Steven Ira Smith was sworn in. Business address: Jaman Engineering, 320 Route 10 West, Randolph, NJ, is a licensed professional planner in the State of New Jersey since 1985, a professional land surveyor since 1984, and has been previously accepted as a professional witness. Jaman Engineering was established in 1960. The Board accepted him as a professional witness. Mr.

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Smith described the property in question as it stands now and the requirements of the zone. (Sheet 2 of Mr. Smith's submission) The topography of the property is basically flat. It rises approximately a foot going towards Baker Avenue. The property is serviced by public water and sewer. The proposal is essentially to divide the property in half to form a single conforming vacant lot and a single lot that is conforming with respect to area. The proposed Lot 3.02, the vacant lot, would conform to all of the bulk requirements of the zoning ordinance. The proposed Lot 3.01, the lot that would contain the existing dwelling, will comply with the lot width and the lot area. There are pre-existing, non-conforming conditions on the property; the first is in regard to front yard setback at 11.7 feet to the enclosed porch, 19.68 feet to the main structure. The frame garage in the southeast corner of the property is set back at 2.53 feet on the side and the rear is 2.65 feet which are non-conforming. The proposed Lot 3.01 will have total lot coverage of 58.9 percent in total, 3,020 square feet in coverage. Two variances are needed; one for the side yard setback from the existing dwelling to the new property line, and a variance for the side yard setback for the deck. They are proposing 17.4 feet between the two homes. An additional variance is required regarding maximum building coverage. The ordinance provides for twenty-five percent, the building coverage that would occur as a result of the subdivision would be 30.2 percent. The building coverage includes the framed dwelling, the enclosed porch, and the frame garage. The deck is not included. The building coverage cannot be reduced. To reduce the building coverage to conform to the ordinance, it would require the removal of 267 square feet of building. Removing the porch would destroy the charm of the house; removing the garage would not accomplish anything other than allowing us to comply with the numbers that the ordinance requires. As a planner, his recommendation is to leave the garage. Granting this subdivision would not be detrimental and granting the variance would not have a negative impact. Not subdividing the property and converting the existing house into a two family dwelling can be done. Between the two alternatives, Mr. Smith preferred the look of two – one family dwellings. Regarding Mr. Hantson's report, items 1 through 5 have been discussed. Item No.6 indicates the steps on the north side of the deck will not be functional due to the close proximity to the subdivision line. Those stairs will be removed. No. 7 regarding parking; there is sufficient on site parking to handle the four bedroom existing dwelling. No. 8 is a statement of fact regarding property maintenance. No. 9 deals with an existing tree and the tree will be saved. No. 10 refers to numbering the lots in accordance with the tax assessor's recommendations.

The position of a fence on the property line would create a problem for the owner of the existing dwelling. Mr. Johnson advised that there are properties with zero lot line and stated that he felt the property can still be properly maintained. Mr. Hantson asked if it were possible to provide a five foot wide property maintenance easement on proposed Lot 3.02 common with the proposed property line; and restrict any structures, fences, or other site improvements including landscaping and hedging within that five foot area. This would be a means of accommodating this issue. Mr. Hantson asked Mr. Smith if he has done any surveys of adjacent property to make a determination as to how they meet or do not meet the building coverage requirement. Mr. Smith stated he did not.

Commissioner Bocchino stated that the open space next to the house should be preserved. She does not believe the property should be divided.

Mr. Smith advised that Dover has determined that the proper densities in this zone are a single family resident with five thousand square feet or two family residents with seventy-five hundred square feet. By saying it should remain a single family home on a ten thousand square foot lot or actually a lot that was ten thousand two fifty; what you are basically saying is that the densities that

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the town has determined are appropriate are not appropriate. The density that we are proposing isn't conforming to the densities that the town has determined.

Attorney Greb advised that this application was deemed complete by Mr. Hantson's report dated May 21, 2004. Because there is a variance involved, we would have till September 21st to act on this application. Since this was carried one month, we have till October 21st to act.

This portion of the meeting was opened to the public for questions to the witness.

Joe Burbridge asked Mr. Smith how extensive was his investigation in this neighborhood. He did not go out to the neighborhood and did not take actual measurements. Mr. Burbridge reviewed the proposed side yard setbacks. Mr. Smith advised that he would look for minimums that aesthetically would be uniform. We have proposed totals that surpass the minimums that the zone requires and he did not feel that having more than the minimum between homes is a detriment. The percent of impervious coverage is sixty-five percent. The proposed lot with the existing dwelling on it will have 58.9%.

This portion of the meeting was closed to the public.

This portion of the meeting regarding this application was opened to the Public.

Scott Miller voiced concern regarding a planner who did not go to the site. He voiced concern about turning these homes into two family dwellings. Mr. Johnson asked Mr. Miller, being an Alderman in the town, if he was aware that this was a two family zone and if he was aware that this property can be turned into a two family use. He was asked his opinion; would he rather see a two family home or would he rather see two – one family dwellings? He advised he would rather leave it as is.

Carol Mariani, 8 Baker Avenue, moved to Dover over fifty years ago. She read a prepared statement.

Roy Albee, 24 Harvard Street, purchased a two family home and converted it into a one family home. He loves the character of the houses in the area.

Bill Thormahlan, 305 W. Blackwell Street, cannot picture any house that would be built there that can fit in with the neighborhood.

Joe Burbridge spoke for the neighborhood. The hardship has been created by the applicant and the neighbors strongly oppose the proposal. Mr. Johnson asked what the side yard setbacks were at his home. He advised that one side was about three and a half feet.

Robin Kline stated that the town is a wealth of heritage with this area included. There is a reason for the appearance of the homes and the size of the lots. She does not want to see this area compromised.

Mr. Smith was asked by Mr. Johnson if the property testified to by Roy E. Albee, 24 Harvard St., was a two family house on a 50x100 lot. When it was a two family, it was non-conforming. Compared to the houses along Baker Street, Block 316, Lot 1, surveyed by his firm, the side yard setback on the left side 3.07 feet, the other side 17.69 feet in addition to being a two family house on a lot that is 6500 square foot. It also exceeds the building coverage. The square footage of the existing house is 906' square, two floors, plus or minus twenty-four hundred square feet.

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Mr. Roy E. Albee, 24 Harvard Street, was sworn in. He converted his two family into a single family home over a year ago. He has abandoned the two family use.

This portion of the meeting was closed to the public.

Mr. Johnson acknowledged that Mr. Patrick Fahy is also an Alderman in town and did testify.

Mr. Johnson stated that the Board could deny the variance and then run the risk of having this converted into a two family house which would not be a good planning thing to do.

Granting the subdivision with the requested variances with conditions would meet the requirements of zoning. A property maintenance easement could be created although Mr. Johnson felt it was not necessary. The best choice would be to permit a single family dwelling to be built in this neighborhood.

A motion to deny the application was made by Vice-Chairman McGrath, seconded by Commissioner Bocchino and followed with a Roll Call vote.

ROLL CALL: Ayes: Commissioner Yamoza, Bocchino, Vice-Chairman McGrath,
Noes: Commissioner Shauer, Ruiz, and Chairman Hooper

The vote was three to three and the motion does not carry.

A motion to carry the application to the July 28th meeting was made by Commissioner Ruiz, seconded by Commissioner Shauer, and followed with a Roll Call vote. A sketch of a proposed dwelling was requested by the Board to give them an idea of the proposed dwelling, a photo simulation and also the proposed two family conversions. Also, any member not present can listen to the tape and be able to vote at the next meeting.

ROLL CALL: Ayes: Commissioner Yamoza, Shauer, Bocchino, Ruiz, Chairman Hooper
Noes: Vice-Chairman McGrath

Carol Mariani asked each Board member to come to the neighborhood and look at the site.

A ten minute recess was taken at 10:15PM.

The meeting was called back into order at 10:36PM.

ROLL CALL: Present: Commissioner Yamoza, Shauer, Bocchino, Ruiz, Alderman Shuler,
Vice-Chairman McGrath, and Chairman Hooper

Still present is Board Attorney Lee Greb and Town Engineer Michael Hantson

SP-04-04 – RHB Realty; Block 2026, Lot 16, also known as 50 Nelson Street. located in the C-2 Zone. The application is a Minor Site Plan approval to renovate existing building and garage, remove access to Belmont Avenue and add parking spaces, any other variances and waivers that may be required.

A report from the Shade Tree Commissioner was read for the record.

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George Johnson was the attorney for the applicant. Two witnesses will be presented. Mr. Steven Ira Smith, was sworn in, and accepted as a professional. Mr. Smith presented eight sheets (A-1); he described the location of the house, the entrances to the building, and advised that there is a proposed parking paved area. There are presently nine parking spaces that are on site plus four spaces in the garage. The spaces do not conform to the current ordinance with regard to length of space. They are proposing to construct a new parking lot that will give additional spaces plus allow the current spaces to be reconfigured to comply with the ordinance. In the past this building has had different tenancies. We are proposing offices on the first floor and an apartment on the second floor. In addition, we are proposing to convert the garage into Robbie's Detail Center. This location is in the C-2 Zone which requires 10,000 square feet; we have 15,000 square foot lot. There are three street frontages. The side fronting on Nelson Street would be the front yard. The setbacks on this property are complicated because of the location of this dwelling. The first use would be office use and based on the size of this area, would require 10.5 parking spaces, the second floor is a three bedroom apartment, we need 2 parking spaces. The garage was going to be set up to be used for the automotive detail. There would be one bay, based on that, four parking spaces would be required for each bay. Total, we would be required to provide 16.6 parking spaces. We are proposing eighteen parking spaces which would include fifteen exterior parking spaces plus three additional that are shown in the garage. We are proposing to remove the existing driveway, remove the access onto Belmont Avenue which is more residential, widen the driveway coming off Nelson Street, and we propose a new parking area that has eleven new parking spaces. We are proposing new curbing, installing a storm drainage system as well as a landscaping and lighting design. We are requesting a variance for parking setback. It is a combination of a pre-existing condition as well as an expansion of that condition. Mr. Smith referred to Page 6 of 8 and Page 2 of 8. Presently, along Nelson Street there is existing parking that is three foot from the existing property line. The zoning ordinance requires ten foot from the property line. The current space is at three foot; we are expanding it, but not moving the line any closer to the property line. We are also requesting a variance regarding distance of a parking space from a building. Based on the ordinance, we have to be five foot minimum from building to parking space. Based on the existing condition, the parking space is up against the building with zero feet. We are removing the parking spaces that are adjacent to the garage and now our closest parking spaces are going to be two foot to the garage, the remainder of parking spaces would be at the five foot minimum from the building that the ordinance required. The next item was distance to a rear property line; the ordinance requires ten foot to a rear property line. Presently, we are 1.2 feet from the existing parking to the rear property line, Lot 15. That condition is being removed; we are increasing the distance to five feet from the property line. Mr. Smith reviewed the options which would exist depending on which yard was determined to be designated as the front yard. The applicant is also proposing a free standing sign at the intersection of Depew Avenue and Nelson Street. The sign is indicated to be setback four foot from the two property lines which is the minimum distance that the ordinance requires for a free standing sign. The evergreens, with our proposal, cannot be saved. We propose to add seven shade trees up along Depew Avenue by Nelson Street; we would try to put them in an area that would not interfere with sight distance from the corners and in a location where they have the best chance of surviving. The existing hedges on the northerly end of the property will remain; we hope to save them. We are also proposing a six foot high privacy fence to run down the westerly property line of Lot 2, along the southerly property line tying into the garage. We are also asking for a variance – not to have a loading zone. Based on the type of use on this site a loading zone is not required. The proposed uses are the apartment on the second floor which exists and will remain. The first floor is office

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space and there is potential for a dentist to move there. The garage will become a separate business for detailing.

Robert Berman, business address, 238 Hwy Route 46, Dover, NJ, was sworn in. Mr. Berman advised that the basement will house the utilities. It will possibly be used for storage. Alderman Shuler asked if the tenants would have access to the basement and was advised that the tenants would not have use of the basement.

Mr. Greb asked where payment of services would be done with regard to the detailing center. There is an office already there. Mr. Hantson advised that the parking spaces required for a doctor's office would be four spaces per doctor plus one per employee in that doctor or dentist's office. For other than doctor, dentist, or medical office, just general office use, the standard is as the applicant has shown. We need to know the office and areas. The applicant will have to return with that information. Mr. Hantson stated that they need a layout to see how the tenancy is spaced out. A basic floor plan layout to calculate square footage is required; including the office for the detailing.

Mr. Smith reviewed Mr. Hantson's report. Item No. 1 – existing and /or proposed use. Item No.2 – existing conditions on site. Item No. 3 – parking setback and six foot high fence. Item No. 4 – thirteen parking spaces must remain available for use. Item No. 5 – provide additional calculations to show that the pits can accommodate the actual run-off from the twenty-five year storm. Item No.6 – existing drainage will be picked up by trench drain in front of garage and an inlet that is in the westerly corner of the proposed parking. It will then drain into our drywell section; the overflow is then set to go back to a four inch pipe to tie into the existing inlet on Nelson Street. Further information will be gathered for the next meeting. Item No. 8 – Potential of contaminants entering the storm water system. An oil-water separator will be installed inline between the French drain and the first seepage pit. Mr. Hantson stated that whatever proposed detailing work that will be done on vehicles in one of the bays, will it always be done inside and will there be any car washing inside. Type J inlet will be used. Wash water will be collected and recycled. Chairman Hooper wanted to know the extent of what a detailing center entails. How would run-off pollutants be dealt with? A collection system within the building will be used to make sure nothing leaves the building. There will be a recycling system in the building. Mr. Hantson asked the applicant to provide a cut sheet on the system especially in light of the new State storm water regulations that have gone into effect. Detailing includes, waxing, polishing, windows, washing the outside of the car. The soap is biodegradable. The applicant will provide seven trees; the Shade Tree Commission has in the past requested a variety as opposed to just one type of tree.

The applicant will be returning to the next meeting which will be July 28, 2004.

EWSP Committee Report Lee Greb

EWSP-02-04 – Fruti-Mex Produce, Inc.; Block 1327, Lot 1, also known as 26-30 North Morris Street, located in the C-1 Zone. Change of permitted use from a church to retail.

Attorney Greb gave a review of the application. The applicant has a wholesale business on Warren Street. He applied for a retail store use to sell specialty type fruits. Recycling and garbage are discussed and he will be keeping it inside the building.

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OLD BUSINESS: Commissioner Bocchino inquired about the house on Thompson Avenue and the retaining wall. Essentially, the significantly high wall along the right will be filled up and eliminate the need for the wall. The existing house was said to be two bedrooms; it is being advertised in the paper as a three bedroom house. Mr. Hantson advised that they will require a Certificate at the time of sale.

NEW BUSINESS: Mr. Hantson advised that there are two ordinances back in our court. They are unchanged since the last time we talked about it. The Mayor and the Board of Alderman hope to hold a public hearing and adopt this; both the Steep Slope and Checklist Ordinance, at their next meeting. They need a positive or negative recommendation from the Board. There were questions; one member of the public asked how this would affect an addition to their house and into their yard area. The answer to that lies in the definitions of critical slope areas and moderate slope areas which define them as those previously undeveloped areas. The intention of this ordinance is to protect undeveloped areas. If you have a yard that has a grassed area, that is a developed area. This does not become an issue to it. Will this hurt any redevelopment in the downtown area? No because it is a developed area already.

The Board directed the Secretary to send a positive recommendation to the Mayor and Board endorsing the ordinance.

Mr. Hantson advised that he and Alderman Shuler will be attending a Cross Acceptance Meeting. We believe we have some issues with the state plan map. They have misidentified the landfill area as an area to be preserved because they have misinformation on where the Green Acres Restriction is on that property. There are also areas that have not been properly identified. Under the new regulations, we are all under the Highlands Bill. We will now be required by law to submit our Master Plan to the Highlands Commission which will be set up and from where approval must be obtained. We need to address the Highlands bill in the Master Plan update. The whole purpose of the Highlands Bill is to protect the water resources of this area; the majority of which is from surface water, surface drinking water and reservoirs. Ours is mostly ground water.

Attorney Greb asked the secretary to call the members who are absent today and see if they can come in and listen to the tape. They will also have to sign a certification.

***REGULAR MEETING TO BE HELD JULY 28, 2004.
AT 8:00PM. WORKSHOP SAME NIGHT AT 7:00PM***

ADJOURNMENT: Commissioner Ruiz made a motion to adjourn with all in favor. The meeting adjourned at 11:46PM.

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

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Respectfully submitted,

A handwritten signature in cursive script that reads "Regina Nee".

Regina Nee
Clerk/Secretary
Planning Board