

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
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PLANNING BOARD REGULAR MEETING MINUTES FOR JULY 28, 2004

CALL TO ORDER Chairman Hooper called the meeting to order at 8:00PM

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

ABSENT: Commissioner Shauer, Ruiz, Fico, and 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 Secretary Nee

MINUTES: Commissioner Bocchino requested an amendment to include on Page 5, Carol Mariani's statement, and Page 7, Shade Tree report to be included in minutes. The Board has received a copy of the Transcript of the meeting. Attorney Greb advised that the minutes of the meeting, by Statute 40:55D-9c, should contain the names of the persons appearing, and addressing the Municipal agency and of the persons appearing by attorney, the action taken by the Municipal agency, the findings of any made by it and the reasons therefore. The minutes shall there after be made available for public inspection. By Statute, what is required in the minutes is very brief to keep track of who spoke, of what, and what action was taken and why. A transcript is verbatim.

A motion to accept the minutes with corrections was made by Vice-Chairman McGrath, seconded by Alderman Shuler and followed with a Roll Call.

ROLL CALL: Ayes: Commissioner Yamoza, Bocchino, Alderman Shuler, Vice-Chairman McGrath, and Chairman Hooper

Nays: 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

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to please come forward at this time. Seeing no hands, hearing no voices, 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 advised that the Treasury and the Budget/Finance areas are working well.

Budget & Finance:

Master Plan: The committee met and has narrowed down their list to four firms; two dates for interviews have been set. The next meeting is set for August 31st.

RESOLUTIONS: 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.

Mr. Johnson, Attorney, was present for the applicant. He mentioned that there was additional Board members present this evening who were not at the last meeting. Secretary Nee advised that Commissioner Frister and Gilbert listened to the tapes and certified to it. Attorney Greb advised that there are six voting members for this application and the applicant elected to proceed. Two alternative sketches were provided and discussed by Steven Smith, Planner. For the proposed dwelling, Lot 3.02, increasing the setback, they are creating in excess the seventeen foot setback between the houses. The size of the house on the proposed lot is 29' wide by 44' deep. That is a footprint of 1,276 square feet. The building coverage (24.9%) complies with the ordinance; lot coverage 29.8%. (The third drawing was passed out at this time.) Mr. Smith reviewed the bulk requirements. The applicant proposed two additional drawings; one dated 07/06/04 showing a conforming two family house; an addition to the current dwelling, the second is a plan for the two single family houses with a seventeen foot of green between the two buildings. The two family house is solid building. The footprint of the addition to the two family dwelling is 1,456 square feet; the footprint for the single family houses is 1,276 square foot. It is 200 feet less. The third drawing titled Conforming Minor Subdivision Plan, Town of Dover, Morris County, NJ, Block 316, Lot 3, dated 07/06/04, is a proposal starts at the subdivision that is before the Town this evening, calls for removing the garage, removing a portion of the existing deck, placing the lot line in between the two lots irregular in shape in order to comply with the requirements of the fifty foot frontage at the road, minimum setbacks of seven feet in the side yard, and maintaining minimum lot size of five thousand square feet. Both of the proposed houses on these plans are in the same place, they are the same size, they jut up to the same distance in between the proposed dwelling on 3.02 and 3.01. To alleviate the side yard variance is to serpentine the lot line. Visually, the line is not seen. Mr. Smith explained a C-2 Variance is when the benefits out weigh the negatives of granting the variance. The benefit is a more regularly shaped lot line; there is not detriment to granting the variance, we are

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maintaining the same distance that we would have with the irregular shaped lot line without the variance, or granting the variance in order to maintain more uniformly shaped lots in the area. In his professional opinion, Mr. Smith believes that this variance can be granted without substantial detriment to the public good. The benefits substantially outweigh any detriments.

Mr. Hantson asked Mr. Smith if the two family dwelling proposed was conforming to the ordinance and was an alternative to the other plan. Mr. Smith advised in the affirmative. Mr. Hantson stated his opinion: "It is possible to develop this lot as a conforming two family lot without the need for variances while at the same time keeping with the character of the other two family homes in the neighborhood without making it as large as what is shown here. What you are showing is an option and does conform, it can be designed smaller." Mr. Smith stated that the biggest difference between the conforming subdivision and the conforming two-family plan will result in the big green that will be between the two single family dwellings. Mr. Smith was asked if he studied the other two family dwellings on the street. He advised that the majority of two family homes were not located on lots that were the same size as this lot. He advised that the purpose of the plan was to show the maximum that could be built. The two-family would have five parking spaces.

This portion of the meeting was opened to the public to address any questions to Mr. Smith.

Carlos Mariani, 8 Baker Avenue, Dover. Mr. Mariani was confused about "the green" between the two houses. A deed restriction would be required to keep a fence from being installed if the plan with the irregular property line were approved.

Josephine Thormahlen, 305 W. Blackwell Street questioned the parking if the sub-division was approved and Mr. Smith explained the proposed plan to her.

Scott Miller, 11 Hillside Drive, questioned if the applicant would find it just as viable to have a two-family dwelling as opposed to two single family homes. Mr. Smith stated that the applicant should be addressed that question.

Joe Burbridge, 8 Harvard Street, asked for an explanation of benefit with regard to the C-2 Variance. Mr. Smith stated that the benefit must outweigh the detriment. Mr. Burbridge was not happy with the proposed plans.

This portion of the meeting was closed to the Public.

Kevin W. Creter, 1 Patty Lane, Randolph, a principal of Randolph Knolls, was sworn in. He is the foreman on the job and has been in the construction business for thirty years. The size of the two-family proposed is what could be built; the addition would be done to match the existing dwelling. He prefers to build a single family dwelling and leave the existing dwelling as a single family. The best economic return would be to build the two-family home; going the condo route on this. A-1 was entered and depicts a single family dwelling that could be built. The purpose of the photo is to show the board the closest look of what could be built.

Mr. Hantson stated that at the last meeting, elevation views of the proposed new house was requested along with photo visualizations of what this would look like from the street; is there a reason why elevations were not submitted? Mr. Hantson asked if the Board were to grant the subdivision for the second single family home, how they could get a good feeling of what will really be going up. Commissioner Bocchino asked how many parking spaces are required. Mr. Hantson stated that because this is a two lot subdivision, they are allowed to provide total parking for both dwellings and any combination of the two. A four bedroom house requires 2 ½ parking spaces. The old with the new would require a total of five parking spaces on both lots. By creating a condo area,

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you can create limited common areas which restrict the use of the limited common area either to Unit A or Unit B. The property is not divided, just the living area. Five bedrooms would require three spaces. Whether there is a four bedroom or a five bedroom on the new lot, both lots will need to provide a total of five parking spaces. A condo is not a zoning term, it is a form of ownership, and is allowed in the R-3 zone.

Lauren and Jacqueline Castaldi, 26 Baker Avenue and Carlos and Carol Mariani, 8 Baker Avenue, were asked if they would be willing to sell to the applicant a piece of property to make the lot larger and neither party has responded. (Sent regular mail on 7/1) If the owner of Lot 2 were to sell some of the land, would that benefit the side yard setback pursuit? If the owner of Lot 4 were to sell some land would that benefit the side yard variance? Mr. Smith stated it would but did not know how it would impact the side yard setback on this structure.

This portion of the meeting was opened to the public.

Joe Burbridge questioned the process of contacting the adjoining property owners. Mr. Johnson stated it was a factor in the process. Mr. Burbridge said that owner has no property to sell. Mr. Greb stated that the applicant needs to make an effort to eliminate the need for the Board to grant the variance; one way to do that is to try to obtain additional land so that the variance would be eliminated.

Josephine Thormahlen owns one hundred feet behind the property. She would not sell any property. She wanted to see a more specific plan for the house; Mr. Creter advised that if the Board were to grant the subdivision for two one family dwellings without the requirement of a variance, a specific plan does not have to be submitted.

A recess was taken at 9:31PM

The meeting was called back to order at 9:47PM.

ROLL CALL: Present: Commissioner Gilbert, Yamoza, Frister, Bocchino, Vice-Chairman McGrath, and Chairman Hooper

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

A 3.41 side yard variance on the existing dwelling and a 30.2 percent building coverage variance on remaining Lot 3.01, whereas 25% is permitted. The steps on the deck would be removed, a Certificate of Compliance will be obtained, and the tree on the new lot would be saved. The lot should be numbered with the tax assessor's requirements. The applicant was asked if they would submit a specific plan for the proposed dwelling. Attorney Greb advised that the Statute does provide for concept theory, which is neither binding on the applicant or the Board, as to what they are proposing, without too much of a stretch, the applicant can rely on the good faith of the Board. Chairman Hooper stated that he felt it would be in the best interest of the neighborhood to subdivide and build a single family dwelling. He would feel better if a drawing were provided. Attorney Johnson asked if the Board could direct the attorney to prepare a favorable resolution, but do not vote on it tonight, then come to the August meeting with a rendering that would give us the potential approval for August as opposed to September. Attorney Greb advised that the Board would need to vote to recommend Mr. Greb to prepare a Resolution and it would be read and voted upon at the next meeting. Official action would not be taken tonight. The Board also asked for a rendering of a two family dwelling. Mr. Hantson advised that if a two family were built, no variances would be

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required. Commissioner Bocchino thought the drawings were to be provided for this meeting. She was concerned about the side yard variance. Five Board members were in favor of directing the attorney to prepare a resolution and one Commissioner was opposed and would be officially voted on at the next meeting. The resolution will be a skeleton and the action will take place on August 25th.

This portion of the meeting was opened to the public.

Josephine Thormahlen wanted to know what was going to be done at the next meeting. She was advised that the Board will decide to grant the subdivision or not. If the subdivision were to be granted, a condition would be added to require the subdivision be granted provided the house that was presented, would be the only home that could go up. A two family would have no conditions and no obligations. Carol Mariani, 8 Baker Avenue asked who the owner of the property is and she was advised it was still Mr. Colby.

Scott Miller, 11 Hillsdale Drive, stated a two family might be the better option. He wants to see a home that blends in with the neighborhood. There are other options.

Attorney Greb advised that if the applicant is displeased with the way the Board decides, the applicant can go to the Superior Court. Any decision that this Board makes; the applicant always has the right within a limited number of days to file an appeal to the Superior Court.

This portion of the meeting was closed to the public.

Chairman Hooper advised that the meeting is scheduled for next month, August 25th, and there will be no further notice. The regular meeting is at 8:00PM.

Alderman Shuler joined the Board at 10:32PM.

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.

Attorney Johnson was present for the applicant, RHB Realty. At the last meeting there were some issues about sewer uses. Mr. Smith, who previously testified, advised that Mr. Hantson asked if they inquired about an Industrial Discharge Permit. A-1, is a copy of an Industrial Survey Questionnaire that was submitted to RVRSA for them to determine if an industrial discharge permit would be required. It was submitted; we indicated we were going to install a grease and oil water separator and a sand filter. In response to that application, we received a letter, A-2, which stated that the authority received and reviewed the survey questionnaire, advised that an industrial discharge permit was not required for the facility. The facility must adhere to the RVRSA service rules and regulations. They will connect the floor drain to the sanitary sewer from the washing center in the detail shop. The applicant will have to make an application to the Mayor and Board for gallowage and they will do so. In the new facility the floor will be reconstructed to slope to the center of the building so that all of the water will go to the drain and will go through the oil and grease separator and sand filter and then into the sanitary sewer system. Commissioner Yamoza inquired about solid waste disposal. Mr. Hantson read the requirement for solid waste and recyclable material storage under site plan ordinance. "Solid waste and recyclable material from all uses other than single or

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two family homes, if stored outdoors, shall be placed in metal receptacles within a screened refuse area. Existing developed sites, this requirement may be waived by the Planning Board or the Board of Adjustment, upon showing by the applicant that the site currently handles all solid waste and recyclable material in an existing location, not meeting these standards, but in a satisfactory manner. Evidence of this shall include a report from the Town of Dover Health Department indicating same. Screened refuse area shall be subject to the following minimum standards: a) Shall not be located within any front yard, b) the refuse area shall be surrounded on three sides by a solid uniform fence or wall not less than five feet or more than eight feet high, c) five foot minimum width landscape area shall be provided along the fence or wall enclosing the refuse storage area where deemed appropriate by the Planning Board, d) opening and closing shall be located to minimize the view of refuse from adjoining properties or public streets, e) if located in or adjacent to a parking area or access drive, the enclosed refuse area shall be separated from such parking area or access driveway curbing, f) the enclosed refuse area shall not be located as to interfere with traffic circulation or the parking of vehicles, g) all solid waste and recyclable materials shall be deposited in containers maintained within the refuse area; no container shall be maintained anywhere on a site except in a refuse area meeting these requirements, h) if outdoor storage or solid waste or recyclable material is not proposed, the site plan shall detail the method proposed for accommodating the solid waste or recyclable material within the structure. Either Board may require that a single area be set aside but not include for future solid waste storage area meeting these requirements even if indoor accommodations are proposed. Mr. Smith advised that they propose to enclose the trash area with a solid fence of five feet, in metal containers, and propose the site in the easterly corner of the lot. This is not a dumpster site. It will require a five foot buffer of planting but the applicant advised there was insufficient room. This is just for the storage of garbage cans. The applicant previously stated that a fence will be installed along the property line of the adjacent property. Mr. Johnson advised that previously the proposal was to have a dentist office on the first floor and an apartment on the second floor with an office for him on the first floor. We currently have a law firm who want to take over the whole building. It results in Robbie building an office for his self in the detail center and also entails a variance for parking. The current application is for an office on the first floor of the existing building and a residential apartment on the second floor and a detail center placed in the garage. The parking requirements were 10.5 spaces for the first floor, 2 spaces for the second floor and 4 spaces for the detail center for a total of 16.63 spaces required. We had fifteen exterior parking spaces and three parking spaces in the garage. Since that time it has been revised and we now have seventeen parking spaces. With the new proposal, we would have office use for the entire building. The square footage on the first and second floor would be a little less than 3900 square feet. Based on four and a half spaces per thousand square feet, for four thousand square feet, we would be required to have eighteen spaces for the office use; for Mr. Berman's Detail Center, we would be required to have four spaces, for a total of twenty-two spaces. The proposal has seventeen spaces that would require a variance for being five spaces short. Mr. Hantson asked if they have any idea how many employees would be there.

Vincent Nuzzi, Boonton, NJ of Nuzzi-Mason, Attorneys, was sworn in. They are relocating from Boonton to Dover. They previously rented a house and this location came up very quickly. There are five attorneys, two secretaries, and one receptionist – eight people total. We do not run our office like a doctor's office; we do not have people coming in on a daily basis. The proposal is to take over the entire building for our office; the basement will be used for storage. Mr. Berman will have an office in the garage and there will be two bay areas. Mr. Hantson advised that if testimony is being provided that this particular use is unique and you grant a variance because of this

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uniqueness, you should limit that approval to law offices. If anyone else wanted to go in there they would have to return to the Board. Mr. Hantson stated that the ordinance requires you to have four spaces per service bay. Because the convenience of the other facility is across the street, you can set two spaces for Mr. Berman's facility and leave the rest for the lawyer's office. It will prevent any pile up of cars. Mr. Smith advised that he would like to have at least four available spaces for Mr. Berman's services. Upon discussion, the applicant asked for three spaces for Mr. Berman's detail center and fourteen for the law firm. It was advised to sign the parking as "reserved for the law firm".

This portion of the meeting was opened to the Public. Seeing no hands and hearing no voices, this portion of the meeting was closed to the Public.

Attorney Greb reviewed the conditions for the resolution as just discussed. The sign that stands diagonally at the northwest corner complies with the ordinance. The law office and the detail center will share the sign. Mr. Hantson requested that a new drawing be submitted detailing all of the changes and revisions that were discussed, submit it to Mr. Hantson for his review, so that it can be stated in the resolution that the revised plans reflected all of the changes; due in ten days prior to the next meeting.

Vice-Chairman McGrath made a motion to accept this application with revisions as stated, seconded by Commissioner Frister, and followed with a Roll Call vote.

ROLL CALL: Ayes: Commissioner Gilbert, Yamoza, Frister, Bocchino, Alderman Shuler, Vice-Chairman McGrath, and Chairman Hooper
Nays: None

EWSP Committee Report Lee Greb

EWSP-03-04 –318-320 Dover Realty LLC; Block 2310, Lot 18, also known as 318 Route 46 located in the C-2 Zone. Change of permitted use from a retail to office for Propane Company.

Attorney Greb advised that the committee met to permit the occupancy of a vacant space by Precision Propane. The building is the building that is located almost across the street from Frontier Wine. The vacant space was leased by a propane company which has arrangements to park their trucks at the quarry, there will be no trucks parked on site, additionally, and there will be no service rendered at the site. The office space will be used for administrative purposes for setting up route deliveries for the day for the drivers. It is an administrative office only. There will be three employees on site. The site was originally a retail space and there was sufficient parking. It was approved by the committee.

OLD BUSINESS: None

NEW BUSINESS: Recreation holding annual Senior Citizen's Day on Thursday, August 5, 2004 from 8:00am to 3:00pm. Anyone who can give some time is asked to volunteer some time.

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***REGULAR MEETING TO BE HELD AUGUST 25, 2004.
AT 8:00PM. WORKSHOP SAME NIGHT AT 7:00PM***

ADJOURNMENT: Vice-Chairman McGrath made a motion to adjourn with all in favor. The meeting adjourned at 11:43PM.

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

Respectfully submitted,

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

Regina Nee
Clerk/Secretary
Planning Board