

# *Town of Dover Planning Board*

- Paul McGrath - Chairman
- William Gilbert –Vice Chairman
- Rafael Rivera
- Vacant
- William Shauer
- Brian Kurz
- William Isselin

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

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- James Dodd - Mayor
- Cindy Romaine – Mayor's Rep.
- James Visioli - Alderman
- Dave Lenox - Alternate I
- Vacant- Alternate II
- Glenn C. Kienz - Board Attorney
- Michael Hantson - Town Engineer/Planner
- Regina Nee - Clerk/Secretary

## **PLANNING BOARD REGULAR MEETING MINUTES FOR OCTOBER 24, 2012**

**CALL TO ORDER** Chairman McGrath called the meeting to order at 7:37 PM.

**ROLL CALL: PRESENT:** Commissioner Isselin, Shauer, Kurz, Rivera, Alternate Lenox, Vice Chairman Gilbert, Chairman McGrath  
**ABSENT:** Romaine, Alderman Visioli

**ALSO PRESENT:** is Board Attorney Glenn Kienz and Town Engineer & Planner Michael Hantson

**PLEDGE OF ALLEGIANCE** was recited by all.

**ADEQUATE NOTICE OF MEETING** was read by Secretary Nee

### **MINUTES:**

A motion to approve the minutes of September 26, 2012 was made by Commissioner Rivera, seconded by Vice Chairman Gilbert, and followed with a Roll Call vote.

Ayes: Commissioner Isselin, Shauer, Kurz, Rivera, Lenox, Vice Chairman Gilbert,  
Chairman McGrath

Nays: None

**Motion: Approved**

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

**Open to the public:** No one wished to speak.

**Closed to the public**

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**RESOLUTIONS:**

SP-08-12: Maria Camacho, T/A Smart Start Driving School, LLC; Block 2301, Lot 1 also known as 76 Perry St. located in the R-2 Zone. The application is a Minor Site Plan for a Home Occupation Use, and any variances or waivers that may be required. **Approved with Conditions.**

A motion to approve the resolution was made by Vice Chairman Gilbert, and seconded by Commissioner Shauer, and followed with a Roll Call vote.

Ayes: Commissioner Isselin, Shauer, Kurz, Rivera, Lenox, Vice Chairman Gilbert, Chairman McGrath

Nays: None

Motion: Approved

**CASES:**

**SP-05-12:** MLIC, LLC; Block 1211, Lot 3 also known as 45-47 E. Blackwell St. located in the D2 Zone. The application is a Minor Site Plan and Parking Variance for the creation of three (3) dwelling Units in existing vacant space on the second floor, and any variances or waivers that may be required. **New Application.**

Commissioner Rivera recused himself.

George Johnson Attorney for Manuel Gonzalez principal of MLIC, LLC goes over the application. Manuel Gonzalez was sworn in. The building consists of a 3 story masonry building. 1<sup>st</sup> floor completely occupied. 2<sup>nd</sup> floor has 2 apartments, and an office. Applicant would like to change office space to a third apartment (2 bedrooms, 1 bedroom, and a studio apartment). 3<sup>rd</sup> floor has 2 apartments and an office space. Applicant will install Knox Box. Applicant is not anticipating making any changes to the outside of the structure. Parking requirement needed is 3.5 spaces, but owner will provide parking permits for the occupants. The office space located on the third floor would still remain and the space would be used to manage the facility.

In response to questions from the Board, it was determined that the applicant would modify the plans to make them better conform to Ordinance standards by eliminating the 2 bedroom apartment and instead make 2 one bedroom apartment and a studio apartment on the second floor.

The Applicant also agreed that the signage along Blackwell Street to be uniform, and will be backlit subject to the final review and approval of the Board Engineer.

**Open to the Public: None**

**Closed to the Public**

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A motion to approve the application was made by Commissioner Isselin, and seconded by Chairman McGrath, and followed with a Roll Call vote.

Ayes: Commissioner Isselin, Shauer, Kurz, Lenox, Vice Chairman Gilbert, Chairman McGrath

Nays: None

Motion: Approved

**SD-01-12:** Cathy Cole; Block 1805, Lots 8, 9, 10 & 11 also known as 9 & 15 Park Place located in the R-2 Zone. The application is a Minor Subdivision (Lot Line Adjustment), and any variances or waivers that may be required. **New Application.**

George Johnson Attorney for Cathy Cole the owner who is not present goes over the application.

At the present time Lot 8 is a 50 by 100 square foot lot having 5,000 square feet and an existing 2-story frame dwelling located thereon. Lots 9, 10 and 11 are each 50 by 100 foot lots for a total of 15,000 square feet with a 2-story frame and stucco dwelling located on those parcels. The application proposes to create a new proposed Lot 8.01 which will contain 7,000 square feet leaving a remainder proposed Lot 10.01 containing 13,000 square feet.

**Open to the Public: None**

**Closed to the Public**

Mr. Johnson said his client will relocate her sheds so that they were in complete conformance with all Ordinance requirements.

A motion to approve the application was made by Vice Chairman Gilbert, and seconded by Commissioner Shauer, and followed with a Roll Call vote.

Ayes: Commissioner Isselin, Shauer, Kurz, Rivera, Lenox, Vice Chairman Gilbert, Chairman McGrath

Nays: None

Motion: Approved

**WSP-05-12:** 291 E. Blackwell St., LLC; Block 2316, Lot 10 also known as 291 E. Blackwell St. located in the IND Zone. The application is a Waiver of Site Plan for a change of use from a plumbing supply use to a Motor Vehicle Repair Garage use, and any variances or waivers that may be required. **New Application.**

George Johnson Attorney representing the applicant.

Appearing and testifying is the applicant Abdelkarim Assaf, the owner of the property. Mr. Assaf testified that at the present time he operates a Getty Station on Route 46 in Dover along with a repair facility located on Mercer Street. He does not do any bodywork or car painting.

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The applicants plan is to install four lifts in the garage area along with creating a waiting room and display area inside the building along with an office. It is his intention to work on no more than four cars at one time. No work will be performed outside of the building, and no outside storage.

The Board indicated that a great deal of material placed outside needs to be cleaned out before any use or occupancy of the building could take place. The Board also indicated that the existing fence surrounding the property was in poor condition and needs repair. The hours of operation will be from 7:00 a.m. to 6:00 p.m. Monday through Saturday. All waste such as oil will be kept inside, until time it is picked up.

Nicholas Rosania, a licensed professional engineer, testified that he prepared a parking and circulation plan for the property as part of the applicant's original request for a waiver of site plan.

Exhibit A-1 colorized circulation plan.

Mr. Rosania noted that portions of the property were not improved and that there were some flooding issues.

Mr. Hantson indicated that there was no on-site drainage and various depressions in the stone/earth area along the easterly side of the property. He recommended that the engineer investigate alternatives including but not limited to seepage pits and other on-site infiltration methods in combination to control direct runoff. He also noted that in order to provide additional impervious coverage a permit by Rule criteria of the NJDEP Flood Hazard Area Control Act Rules might be an appropriate mechanism by resolving issues on the site.

As a result of all these issues, it was Mr. Hantson's opinion that this did not qualify under Town Ordinances as a waiver of site plan but rather as a minor site plan. Mr. Hantson recommended the Applicant's Engineer should meet with him to discuss the various improvements.

The Board would like the Applicant to develop a time frame and phasing plan for development of the site.

#### Conditions:

1. The development shall be implemented in accordance with the plans submitted and approved.
2. No outside storage of any kind shall be permitted with the exception of vehicles waiting to be repaired or picked up, and said vehicles shall only be parked/stored in designated spaces.
3. No outside work on any vehicles shall be permitted.
4. No more than 21 vehicles shall be permitted to be kept on site prior to the completion of all site work, and no more than 38 vehicles shall be kept on site after completion of all site improvements. Said vehicles shall only be parked/stored in designated spaces.
5. All solid waste and recyclables material shall be stored inside the building.

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6. The fence must be repaired subject to the review and approval of the Board Engineer and Code Enforcement Department.
7. All the outside debris must be removed subject to the review and approval of the Board Engineer.
8. All site striping shall be thermoplastic.
9. The access aisles and parking stalls for the existing 21 spaces shown on the site plan shall have all potholes and striping repaired and completed prior to the issuance of a temporary Certificate of Compliance.
10. All fence repair and miscellaneous site cleanup shall be completed prior to the issuance of a temporary Certificate of Compliance.
11. All remaining site work indicated on the site plan shall be completed no later than July 1, 2013 and prior to the issuance of the final Certificate of Compliance.
12. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty days of said request by the Board's Secretary.
13. Certificate that taxes are paid to date of approval.
14. Morris County Planning Board approval, if necessary.
15. The Applicant shall be bound to comply with the representations made before this Board by the Applicant at the public hearing and the same are incorporated herein and are representations upon which this Board has relied in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval.
16. Subject to all other applications rules, regulations, ordinances and statutes of the Town of Dover, County of Morris, State of New Jersey, or any other jurisdiction.

**Open to the Public: None**

**Closed to the Public**

A motion to approve a 60 day temporary Certificate of Compliance, and the preparation of resolution was made by Commissioner Shauer, and seconded by Commissioner Rivera, and followed with a Roll Call vote.

Ayes: Commissioner Isselin, Shauer, Kurz, Rivera, Lenox, Vice Chairman Gilbert,  
Chairman McGrath

Nays: None

Motion: Approved

**OLD BUSINESS: None**

**NEW BUSINESS: None**

**EWSP-COMMITTEE REPORT- None**

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A motion to adjourn was made by Chairman McGrath at 9:21 PM with all in favor.

**THE NEXT REGULAR SCHEDULED MEETING IS DECEMBER 5, 2012 WORKSHOP  
STARTING AT 6:30 PM AND THE REGULAR MEETING AT 7:30 PM.**

**IF ANY MEMBER CANNOT ATTEND, PLEASE CALL CLERK AT 366-2200-ext.2141**

Respectfully submitted,

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

Regina Nee  
Planning Board Clerk