



TOWN OF DOVER
COUNTY OF MORRIS
37 North Sussex Street, Dover N.J. 07801
(201) 366-2200

LAND USE APPLICATION

FOR TOWN USE ONLY

For Action By :

☒ **Planning Board**

☐ **Zoning Board of Adjustment**

Application No.: _____

Date Filed: _____

Application Fees: _____

Initial Escrow Deposit: _____

Taxes Paid To : _____

Meeting Date: _____

Referrals: ☐ **Police** ☐ **Fire** ☐ **Tax Assessor** ☐ **Shade Tree** ☐ **MCPB** ☐ **Other :** _____

APPLICANT

Name: Nicholas Family LLC/Jennifer Nicholas McBride as Trustee of The Nancy K. Nicholas Revocable Trust

Address: 180 Ann St. Dover, NJ 07801

Email: c/o RLO@OLLERLAW.COM

7 Chelsea Dr. Randolph, NJ

Telephone Number: 973-983-7020 X 120

Applicant is a :

☐ **Corporation**

☒ **Partnership**

☐ **Individual**

Pursuant to NJSA 40:55D-48.1, the names and addresses of all persons owning at least 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with NJSA 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns at least 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed. **Attach pages as necessary to fully comply**

	Name	Address	Interest
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

SUBJECT PROPERTY

Location/Address: 180 Ann Street, Dover, New Jersey 07801

Block: 407

Lot(s): 1 & 20

APPLICATION TYPE

SUBDIVISION:

☐ **Minor Subdivision**

☒ **Preliminary Major Subdivision**

☒ **Final Major Subdivision**

☐ **Amended or Revised Minor Subdivision**

☐ **Amended or Revised Preliminary Major Subdivision**

☐ **Amended or Revised Final Major Subdivision**

Number of lots to be created (including remainder): 23

Number of proposed dwelling units (if applicable): 22

SITE PLAN:

☐ **Expedited Waiver of Site Plan Approval (EWSP)**

☐ **Waiver of Site Plan Approval**

☐ **Minor Site Plan**

☐ **Preliminary Major Site Plan**

☐ **Final Major Site Plan**

☐ **Amended or Revised Site Plan**

Area to be disturbed: _____ Number of proposed dwelling units (if applicable): _____

Existing Use(s): _____

Proposed Use(s): _____

VARIANCE(S) / OTHER:

☐ **Informal Review of Concept Development Plan**

☐ **Appeal Decision of an Administrative Officer**
(NJSA 40:55D-70a)

☐ **Map or Ordinance Interpretation or Special Question**
(NJSA 40:55D-70b)

☐ **Variance Relief - "hardship" (NJSA 40:55D-70c(1))**

☐ **Variance Relief - "substantial benefit"**
(NJSA 40:55D-70c(2))

☐ **Variance Relief - "Use" (NJSA 40:55D-70d(1))**

☐ **Variance Relief - "Expansion of Non-Conforming Use"**
(NJSA 40:55D-70d(2))

☐ **Variance Relief - "Conditional Use Standard Deviation"**
(NJSA 40:55D-70d(3))

☐ **Conditional Use Permit (NJSA 40:55D-67)**

☐ **Direct issuance of a permit for a structure in a bed of a mapped street, public drainage way, or flood control basin**
(NJSA 40:55D-34)

☐ **Direct issuance of a permit for a lot lacking street frontage**
(NJSA 40:55D-35)

PROPERTY OWNER Property Owner is:

Same as Applicant ☒ Other Than Applicant ☐

If property owner is other than the applicant, provide the following information on the property owner(s):

Name of Property Owner: _____

Address: _____

Telephone Number: _____

SUBJECT PROPERTY

Location: 180 Ann Street

Block: 407

Lot(s): 1 & 20

Dimensions: Frontage varies Depth varies Total Area 396,208 combined (9.096 acres)

Last Previous Occupancy: single family home

Prop. Lot Coverage: conforming % Prop. Building Coverage: conforming % Prop. Height of Building: less than 35'

Yard	Required	Existing	Proposed
Front	20		See zone chart
Rear	30		All conforming
Side	10/25		All conforming

Prevailing setback of adjacent buildings within subject block: _____

ZONING DISTRICT(S)

RESIDENTIAL

- ☒ R-1 (Single-Family-7,500 SF) ☐ R-1S (Single-Family- Steep Slope) ☐ R-2 (Single-Family-5,000 SF)
☐ R-3 (Double Family-7,500SF) ☐ R-3A (Double Family/Rooming House) ☐ R-4 (Multifamily Garden Apt)

NON-RESIDENTIAL

- ☐ C-2 (General Commercial) ☐ C-3 (Commercial - Lt. Ind.-Com.) ☐ RAD (Redevelopment Area Distr.)
☐ IND (Industrial) ☐ IND/OP (Industrial/Office Park)

DOWNTOWN DISTRICTS

- ☐ C-1 (Retail Commercial) ☐ D1 (Station Area) ☐ D2 (Blackwell St. Historic)
☐ D3 (E. Blackwell Bus.) ☐ D4 (S. Downtown) ☐ BHRPA (Bassett Hwy. Redev. Plan Area)

Access Location(s): Ann Street & Beaufort Avenue

Does the subject property contain restrictions, covenants, easements, association by-laws, existing or proposed on the property?

Existing: ☒ Yes (attach copies) ☐ No

Proposed: ☒ Yes (attach copies) ☐ No

VARIANCES, DEVELOPMENT STANDARDS WAIVERS & CHECKLIST SUBMITTAL WAIVERS

Section(s) of Ordinance from which a variance is requested (attach additional pages as necessary):

None

Section(s) of Ordinance from which Development Standards waiver is requested (attach additional pages as necessary):

Waiver(s) Requested of Checklist Submittal Requirements (attach additional pages as necessary):

DESCRIPTION OF APPLICATION

Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use(s) of the premises (attach pages as needed):

Proposed major subdivision for 22 conforming residential single family lots and one detention basin lot.

Describe all on-site, off-site and off tract improvements proposed:

Beaufort Avenue to be extended. A portion of Beaufort Avenue R.O.W is proposed to be vacated. An existing conservation easement consisting of 0.486 acres, as shown on Filed Map 5210, is proposed to be vacated and a new conservation easement within proposed lot 1.18 consisting of 2.310 acres with detention basin, is proposed.

Describe any prior applications to the Planning or Zoning Board for this property, including date, applicant, nature of application and Board action:

SUBMITTALS

List of plats and other material being submitted in support of your application (attach pages as needed):

Title	No. of Copies	Prepared By
Preliminary & Final Major Subdivision Plan	4	Dykstra Walker Design Group PA
Stormwater Management Calculations	4	Dykstra Walker Design Group PA
(Thumb drive of the subdivision plan and stormwater calculations)	1	

Propose
To Testify?
(Yes/No)

Applicant's Attorney (Required for Corporations) Richard L. Oller, Esq., Oller & Breslin, LLC

Address 170 E. Main Street, Suite 101, Rockaway, NJ 07866

Telephone 973-983-7020 ext 120 Fax 973-664-1386

Email RLO@OLLERLAW.COM

Applicant's Engineer Marc G. Walker, P.E., Dykstra Walker Design Group

Yes

Address 21 Bowling Green Parkway, Suite 204, Lake Hopatcong, NJ 07849

Telephone 973-663-6540 Fax 973-663-0042

Email mwalker@dykstrawalker.com

Applicant's Planning Consultant TBD

Address

Telephone

Fax

Email

Other Professional TBD

Field of Expertise

Address

Telephone

Fax

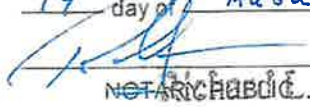
Email

CERTIFICATIONS**Applicant's Certification**

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the corporation or that I am a general partner of the partnership applicant.

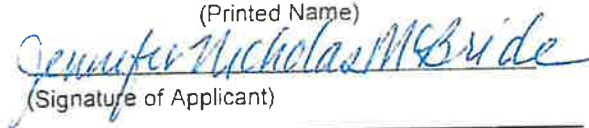
(If the applicant is a corporation this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this
19 day of AUGUST, 2026


 NOTARY PUBLIC
 Richard L. Oller
 Attorney at Law
 State of New Jersey

APPLICANT:

Jennifer Nicholas McBride, Trustee & Member
 (Printed Name)

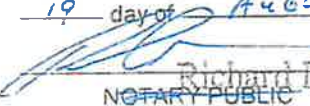

 (Signature of Applicant)

Owner Certification

I certify that I am the Owner of the property which is the subject of this application, and that I have authorized the applicant to make this application and that I agree to be bound by this application, the representations made and the decision in the same manner as if I were the applicant. I further certify that I am the individual Owner or that I am an Officer of the Corporate Owner and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership Owner.

(If the applicant is a corporation this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this
19 day of AUGUST, 2026


 NOTARY PUBLIC
 Richard L. Oller
 Attorney at Law
 State of New Jersey

OWNER:

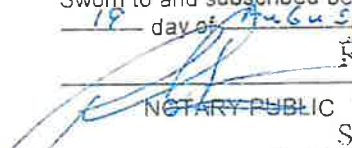
Jennifer Nicholas McBride, Trustee & Member
 (Printed Name)


 (Signature of Applicant)

Approval to Enter Premises

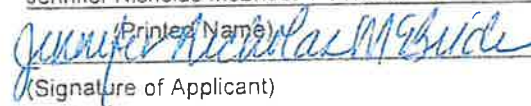
This Applicant and Owner hereby grant(s) permission to members of the various town government boards and agencies involved with this application to enter upon the subject premises for inspection and study pertaining to this application until the application is either granted or denied.

Sworn to and subscribed before me this
19 day of AUGUST, 2026


 NOTARY PUBLIC
 Richard L. Oller
 Attorney at Law
 State of New Jersey

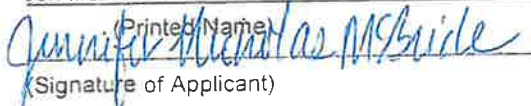
OWNER:

Jennifer Nicholas McBride, Trustee & Member
 (Printed Name)


 (Signature of Applicant)

APPLICANT:

Jennifer Nicholas McBride, Trustee & Member
 (Printed Name)


 (Signature of Applicant)

Escrow

I understand that the sum of \$6,711.25 has been deposited in an escrow account in accordance with the Code of the Town of Dover. I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the additional amount and shall add that sum to the escrow account within fifteen (15) days.

8/19/26
 Date


 Signature of Applicant

TOWN OF DOVER
COUNTY OF MORRIS
37 North Sussex Street, Dover N.J. 07801
(201) 366-2200
DEVELOPMENT CHECKLIST

FOR TOWN USE ONLY

Date Filed: _____

Application No.: _____

Applicant: Nicholas Family LLC/Jennifer Nicholas McBride as Trustee of the Nancy K. Nicholas Revocable Trust

For Action By: ☐ Planning Board

☐ Zoning Board of Adjustment

The following development checklist must be completed and submitted with the appropriate application(s) for the development. The checklist items are provided to the applicant as a simplified list of the information which must be filed in support of an application for development. Where the applicant feels that a required item is not necessary for an informed evaluation of his plans, a waiver may be requested from the appropriate Board, in writing. Unless a waiver is requested in writing and granted by the appropriate Board, if items required in the checklist are not provided with the application, the application shall be deemed incomplete. This Checklist is in accordance with §236-53 of the Code of the Town of Dover.

	BY APPLICANT			BY TOWN	
	Provided	Request Waiver	Not Applic.	Provided	Waiver Granted
Administrative					
1. Application form(s): 17 copies.	☒	☐	☐	☐	☐
2. Completed Checklist form(s): 17 copies	☒	☐	☐	☐	☐
3. Plans prepared by an appropriate licensed professional in accordance with state law: 17 hard copies (1 rolled and unstapled, 16 stapled and folded) and one (1) digital copy (PDF).	☒	☐	☐	☐	☐
4. Signature and seal of the appropriate licensed profession who prepared the plans, on the plans.	☒	☐	☐	☐	☐
5. Environmental impact statement in accordance with the requirements of §236-63 Environmental impact statement, if required: 17 copies.	☐	☒	☐	☐	☐
6. Proof of payment of taxes.	☒	☐	☐	☐	☐
7. Certification from the applicant's engineer on any development application stating that no wetlands exist on the property in question, in accordance with the requirements of N.J.A.C. 7:7A, as amended and supplemented, or, in the alternative, any of the following: (a) An exemption certificate issued by the New Jersey Department of Environmental Protection indicating that no wetlands exist on the property in question. (b) A wetlands permit issued pursuant to the New Jersey Administrative Code. (c) A certification by the applicant's engineer that application has been made to the New Jersey Department of Environmental Protection for an exemption or wetlands permit. (d) The applicant shall, in addition, submit a map delineating the wetlands if, in fact, wetlands exist on the property.	☒	☐	☐	☐	☐
8. A complete submission package with appropriate fee, for the Morris County Planning Board for all applicable applications.	☒	☐	☐	☐	☐
9. All current tenants on the property must have a Certificate of Compliance, a copy of which shall be submitted with the Application, and if the most recent Certificates of Compliance is more than 180 days old at the time of the filing of the Application, a copy of a current exterior inspection report shall be secured from the Code Enforcement Department and submitted with the Application.	☐	☐	☒	☐	☐
10. A copy of the deed of the property and any deed restrictions, easements and/or covenants.	☒	☐	☐	☐	☐

PRELIMINARY MAJOR SUBDIVISION DEVELOPMENT CHECKLIST

	BY APPLICANT			BY TOWN	
	<u>Provided</u>	<u>Request Waiver</u>	<u>Not Applic.</u>	<u>Provided</u>	<u>Waiver Granted</u>
Preliminary Major Subdivision Application					
In addition to the Administrative Form, all major subdivision, preliminary development applications shall provide the following information:					
1. The date, scale, North arrow, block and lot numbers, zoning districts and dates of all revisions.	☒	☐	☐	☐	☐
2. A key map at a scale of one inch equals 200 feet minimum, showing surrounding streets and tax lots.	☒	☐	☐	☐	☐
3. A signature box for the Chairman, Secretary and Engineer of the approving agency.	☒	☐	☐	☐	☐
4. Existing structures and streams/waterbodies on adjacent properties.	☒	☐	☐	☐	☐
5. The names and addresses of the owner of the subject property, the applicant and the plan preparer and all property owners within 200 feet.	☒	☐	☐	☐	☐
6. The size of the tract to the nearest square foot and the lot area of all proposed lots to the nearest square foot.	☒	☐	☐	☐	☐
7. Existing contours (2' intervals) and spot elevations at building corners, tops and bottoms of walls and other appropriate locations.	☒	☐	☐	☐	☐
8. All existing property lines, streets, buildings, watercourses, railroads, bridges, culverts, drain pipes and natural features, such as wooded areas and rock formations.	☒	☐	☐	☐	☐
9. The dimensions of all lots, including bearings and distances of all existing and proposed lot lines.	☒	☐	☐	☐	☐
10. Rights-of-way, easements and all lands to be dedicated to the Town or reserved for specific use.	☒	☐	☐	☐	☐
11. The locations and dimensions of existing buildings and of all accessory structures, such as walls, fences, culverts, etc. Structures to be removed shall be indicated by dashed lines.	☒	☐	☐	☐	☐
12. Plan, profile and typical section of all proposed roads, including cross sections at fifty-foot minimum intervals.	☒	☐	☐	☐	☐
13. The locations of all existing public utilities along all street/public right of way frontages and property contained easements and adjacent easements, including:					
(a) all water mains and services with material and pipe sizes, valves and hydrants,	☒	☐	☐	☐	☐
(b) all sanitary sewer lines including pipe size, material, manholes with rim and invert elevations,	☒	☐	☐	☐	☐
(c) all storm sewer lines including pipe sizes, material, manholes, inlets and other drainage structures with rim and invert elevations.	☒	☐	☐	☐	☐
(d) all gas, telephone, data and other underground utilities.	☒	☐	☐	☐	☐
(e) all overhead electric, telephone cable and data lines and services, including utility poles.	☒	☐	☐	☐	☐
14. Plans of proposed utility layouts, including sanitary sewers, storm drains, water mains, gas lines, electric lines and cable television.	☒	☐	☐	☐	☐
15. Connections to existing utility systems.	☒	☐	☒	☐	☐
16. Delineation of all freshwater wetlands areas as defined under NJAC7:7A-1.4 – Freshwater Wetlands Protection Act Rules, on the property and within 50 feet of the property. All Regulated Activities as defined in NJAC7:7A-1.4 – Freshwater Wetlands Protection Act Rules, shall be delineated and identified on the plan.	☐	☐	☒	☐	☐

PRELIMINARY MAJOR SUBDIVISION DEVELOPMENT CHECKLIST

17. Delineation of all floodways, flood hazard areas and riparian zones for regulated water on the property and within 50 feet of the property, including the top of bank, floodway line(s), flood hazard area limit line(s) and the flood hazard area design flood elevation. All Regulated Activities as defined in NJAC 7:13 – Flood Hazard Area Control Act Rules, shall be delineated and identified on the plan. If none of these items exist on the property or within 50' of the property, a note stating such shall be provided on the plan.	☐	☐	☒	☐	☐
18. Soil erosion and sediment control plan.	☒	☐	☐	☐	☐
19. Soil balance calculations.	☒	☐	☐	☐	☐
20. Drainage calculations for all required and proposed stormwater collection systems.	☒	☐	☐	☐	☐
21. A Stormwater Management Plan in accordance with §236 – Article V8 Stormwater Management for all applicable developments.	☒	☐	☐	☐	☐
22. All existing and proposed curbs and sidewalks.	☒	☐	☐	☐	☐
23. Comparison of the zone regulations to the proposed development.	☒	☐	☐	☐	☐
24. All variances requested, together with all appropriate applications.	☒	☐	☐	☐	☐
25. Rights-of-way, easements and all land to be dedicated to the municipality or reserved for specific uses.	☒	☐	☐	☐	☐
26. A Soil Disturbance Plan containing all information required by §236- Article VII – Soil Disturbance.	☒	☐	☐	☐	☐
27. A tree removal plan, if necessary.	☒	☐	☐	☐	☐
28. Such other information or data as may be required by the Planning Board in order to determine that the details of the minor subdivision are in accord with the standards of the required ordinances.	☒	☐	☐	☐	☐
29. The designation and calculations of steep slope areas and their adjustment to the developable area of the property in accordance with § 236-21.2, Steep slope development restrictions. [Added 7-13-2004 by Ord. No. 21-2004]	☒	☐	☐	☐	☐
30. A signed and sealed current property survey prepared by a licensed Land Surveyor depicting the property lines and current conditions on the property.	☒	☐	☐	☐	☐
31. If the plan is not signed by a licensed Land Surveyor, all existing planimetric features, existing building locations and existing contours shown on the site plan must reference a survey drawing prepared by a licensed Land Surveyor, and said survey, signed and sealed by a licensed Land Surveyor, shall accompany the drawing(s) as required by law.	☒	☐	☐	☐	☐



September 17, 2026

TODOV26202

Kyrillos Girgis
Board Secretary
37 North Sussex Street
Dover, NJ 07801

RE: ENGINEERING REVIEW LETTER #1
Nicholas Estates, LLC
180 Ann Street
Block 407, Lots 1 & 20
App No: P26-02
App Type: Preliminary and Final Major Subdivision
Zone: R-1 (Single-Family-7,500 SF)

Dear Mr. Girgis,

As requested, Pennoni is pleased to have reviewed the above-mentioned application. The following is a summary of the documents that were reviewed as part of this effort:

1. Cover Letter prepared by Oller & Breslin, LLC, dated August 20, 2026
2. Land Use Application
3. Development Checklist – Administrative
4. Preliminary Major Subdivision Development Checklist
5. Deed of Property for Block 407, Lot 20
6. Deed of Property for Block 407, Lot 1
7. Schedule A Legal Description
8. Proof of Payment of Taxes prepared by the Town of Dover Office of the Tax Collector, dated August 6, 2026
9. Cover Letter for Morris County Land Development Review Application prepared by Oller & Breslin, LLC, dated August 11, 2026
10. Morris County Land Development Review Application submitted August 10, 2026
11. Receipt of Payment for Application Fee (\$5,680.00)
12. Receipt of Payment for Escrow Fee (\$6,711.25)
13. Plan entitled, "Preliminary & Final Major Subdivision Plan" prepared by Marc G. Walker, P.E., of Dykstra Walker Design Group, dated June 26, 2026, consisting of seventeen (17) sheets
14. Report entitled, "Stormwater Management Calculations" prepared by Kevin J. Robine, P.E., of Dykstra Walker Design Group, dated July 9, 2026, consisting of three hundred fifty-one (351) sheets
15. Plan entitled, "Topographic Survey of Property" prepared by Jeffrey S. Grunn, P.L.S., of Lakeland Surveying, dated January 2, 2026
16. Document entitled, "Subdivision Report" prepared by Mike DiGiulio, PP and Joseph Barilla, PP, of the Morris County Planning Board, dated September 3, 2026

SUMMARY OF APPLICATION

The subject property identified as Block 407, Lots 1 & 20 currently consists of one (1) single-family dwelling on Lot 1 and wooded area on both Lots 1 and 20. The Applicant proposes to subdivide both lots into 23 new lots. Within the 23 new lots, the Applicant proposes seven (7) new dwellings, and the existing dwelling is to remain on its own lot. The remaining new lots are interpreted to be handled as separate developments at a later time. Site improvements include a new street across from Beaufort Avenue that ends in a cul-de-sac, sidewalks, grading, retaining walls, drainage, stormwater management features, and utilities.

A. SUMMARY OF VARIANCES & WAIVERS

1. The Applicant has requested a variance for the disturbance of 6,737 SF (0.15 acres) within critical slope areas. Critical slope areas are defined as previously undeveloped areas having a grade of 25% or greater. Per §236-21.2.B.(2)(a), there shall be no site disturbance, no structures, and no impervious coverage permitted within critical slope areas. Excluded from this limitation are utility improvements, both public and privately controlled, such as electric, telephone, cable lines, potable water, sanitary and storm sewer lines, driveways, utilities and roads, both public and private.
2. Per §236-21.2.B.(2)(a), driveways within critical slope areas must be designed and constructed with a maximum grade of 15% at any point and disturb no more than 25 feet of width parallel to the driveway. The Steep Slope Map, Sheet 8, shows that the driveways on proposed lots 1.11, 1.12, 1.15, and 1.16 contain critical slope areas and disturb more than 25 feet of width parallel to the driveway. This would require a variance for each of the proposed lots.
3. The Applicant has requested a waiver for the following items and testimony shall be provided addressing each:
 - i. Environmental Impact Statement in accordance with the requirements of §236-63. Given the scope of the application, we recommend that the Applicant provide.

B. PRELIMINARY & FINAL MAJOR SUBDIVISION PLAN

1. The Major Subdivision Plat must be a stand-alone plan for filing in accordance with N.J.S.A. 46:26A-4.
2. Per N.J.S.A. 46:26B, the outbound corners of the overall tract must be set with a concrete monument. The outbound corners cannot be bonded or set at a later date. They must be set prior to the map filing.
3. Signature blocks must be provided in compliance with NJSA 46:26B-2.
4. A metes and bounds description for the vacated portion of Beaufort Avenue must be provided.
5. A metes and bounds description for the vacated conservation easement must be provided.
6. Monuments must be shown along the proposed Beaufort Avenue that comply with N.J.S.A. 46:26B.
7. A utility easement must be provided on Lots 1.10, 1.14 & 1.15. The proposed Sanitary and Storm pipes shall be offset 10' to determine the extent of the necessary easements for future maintenance.
8. The Applicant shall provide Site Triangle easements for Lots 1.08 & 20.01.
9. Lot closure reports must be provided for the overall property, right of way of Beaufort Avenue, and each individual lot.
10. Bearings and distances must be provided for all easements showing how they affect each lot with areas.
11. The 20' drainage easement over Lot 1.13 must be tied to the boundary of Lot 1.13.
12. All non-radial lines must be labeled.
13. The north arrow should be moved out of Lot 1.13.
14. The note for Lot 1.13 should be placed within the bounds of Lot 1.13.
15. The Subdivision Plan shall be revised to show front, side, and rear yard setback dimensions on the plans for all proposed dwellings, and the setbacks shall match the Zoning Requirements table on the Cover Sheet, Sheet 1.
16. Per §236-13.F (1), every new residential building in an R-1 District shall have a minimum gross first floor area of 1,000 square feet per dwelling unit. The floor area shall be shown in the Zoning Requirements table on the Cover Sheet, Sheet 1, for each proposed lot.

17. Per §236-13.E., no building or structure in the R-1 District shall have a height in excess of 30 feet. There shall be no more than 2 ½ stories above grade. The Zoning Requirements table on the Cover Sheet, Sheet 1, shall be revised to note that 30 feet is the maximum building height requirement, and the Applicant shall confirm that the proposed dwellings will not exceed a height of 30 feet.
18. The Applicant shall revise the calculations for the maximum permitted building coverage and impervious coverage table shown on the Steep Slopes Map, Sheet 8. Per §236-21.2.B.(1)(b), the permitted lot coverage and building coverage of any site shall be calculated by excluding all critical slopes and 50% of the moderate slopes from the lot area.
 - a. Per §236-21.2.B.(2)(b), in zone district R-1, which permits a maximum lot coverage of 65% and building coverage of 25%, no more than 32.5% of that area classified as moderate slope may be improved with impervious coverage and no more than 12.5% of that area classified as moderate slope may be improved with building coverage.
 - i. The calculation for Lot 1.02 appears correct, which shows that the maximum building coverage is $(10,511 \text{ SF}) \times (0.25) - (1,120 \text{ SF})(0.125) = 2,488 \text{ SF}$ and the maximum impervious coverage is $(10,511 \text{ SF}) \times (0.65) - (1,120 \text{ SF})(0.325) = 6,468 \text{ SF}$.
 - ii. The Lot 1.01 calculation within the table shows a maximum building coverage of 2,310 SF and a maximum impervious coverage of 6,007 SF. It appears that this should be recalculated to show a maximum building coverage of $(10,310 \text{ SF}) \times (0.25) - [(1,638 \text{ SF}) \times (0.125) + (250 \text{ SF})] = 2,123 \text{ SF}$ and a maximum impervious coverage of $(10,310 \text{ SF}) \times (0.65) - [(1,638 \text{ SF}) \times (0.325) + (250 \text{ SF})] = 5,919 \text{ SF}$.
 - b. After these are recalculated, the Zoning Requirements Table on the Cover Sheet, Sheet 1, shall be revised to show that each of the proposed lots will comply with the maximum permitted building coverage and lot coverage requirement.
19. The Applicant shall provide testimony detailing how the off-street parking requirements are met for the proposed dwellings per the Residential Site Improvement Standards (RSIS) § 5:21-4.14. The plan shall be revised to show a parking calculation and compliance with RSIS.
20. The Tree Removal Plan, Sheet 10, shows the limit of disturbance and all the trees to be removed as part of the project. The Applicant shall provide testimony regarding how compliance with the Tree Removal Ordinance is achieved:
 - a. The Applicant shall revise the Subdivision Plan to show as many replacement trees as possible and a Landscape Plan shall be provided. There appears to be ample opportunity on each proposed lot to plant new trees.
 - b. Testimony shall be provided regarding any proposed payments into the tree preservation fund.
 - c. There appears to be a discrepancy on the Tree Removal Plan, Sheet 10. Per the tree replacement calculations table, 921 trees are to be removed. On the plan, it calls out a total of 950 trees to be removed. This plan shall be revised to address this discrepancy.
21. The Subdivision Plan shall be revised to show that a stop sign and stop bar are proposed at the intersection of Ann Street and Beaufort Avenue. Additionally, speed limit signage shall also be proposed on the plan for the new road.
22. The Subdivision Plan shall be revised to show details of all proposed signage and their compliance with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), 11th Edition, dated December 2023.
23. The Conceptual Grading Plan, Sheet 4, shall be revised to confirm that all ramps, landings, and walkways are ADA compliant from the proposed right-of-way to the entrance of the proposed dwellings.
24. The Utility & Drainage Plan, Sheet 5, shall be revised to show the top and bottom of pipe for all sanitary/storm and sanitary/water utility crossings. The Applicant shall confirm that there is sufficient vertical separation between the crossing utilities. If vertical separation cannot be met, the pipe material needs to be adjusted or crossing measures per NJAC 7.14A-23.6(b)4 shall be provided.

25. The Off-Site Drainage Plan, Sheet 6, shall be revised to shift pipe labels around so the plan is more legible.
26. The Off-Site Drainage Plan, Sheet 6, shall be revised to show all drywells that are proposed on the new lots, which convey flow to the subsurface infiltration basin, and details for the drywells shall be provided with calculations.
27. The Off-Site Drainage Plan, Sheet 6, shall be revised to show all pipes that convey flow to both the subsurface and surface infiltration basins, as well as all outflow pipes from the basins. All pipes shall show the direction of flow, and the four lots that will discharge via overland flow shall be identified on the plans.
28. The Applicant shall provide testimony regarding how trash/recycling is proposed to be handled for each proposed lot/dwelling.
29. The Applicant shall provide testimony regarding the proposed lighting and indicate if it conforms with the Residential Site Improvement Standards (RSIS) and the Illuminating Engineering Society of North America (IES) Lighting Handbook.
30. Granite Curb and Depressed Curb Details have been provided on the Construction Notes & Details, Sheet 15. The Subdivision Plan shall be revised to clearly indicate the locations for both standard and depressed curbs.
31. The Applicant shall provide testimony confirming all site improvements within the Ann Street right-of-way shall be in conformance with Town of Dover standards, and within the Prospect Ave right-of-way shall be in conformance with Morris County standards. Details for all site improvements shall be included in the Subdivision Plan set. It appears that a concrete sidewalk detail has not been included. Per §337-27, it is required as a condition for the issuance of a building permit for any new construction, whether residential, commercial or industrial, that sidewalks and curbs be installed along the frontage of any public street upon which the lot or parcel to be built upon has frontage, in accordance with the terms and specifications for sidewalks and curbs as established by this article. No certificate of occupancy shall be issued until the sidewalks and curbs have been properly installed. If the Applicant chooses not to provide sidewalks and curbs along the Ann Street frontage, a waiver is needed from the Mayor/Town Council.
 - a. The Applicant shall provide testimony regarding the extent of this work.
32. A Vehicle Circulation Plan shall be provided in the Subdivision Plan set to show how emergency and refuse vehicles enter and exit the new street for the proposed development.

C. STORMWATER REPORT

1. The Stormwater Management Calculations (report) shall be revised to provide the limit of disturbance that is shown on the plans (6 acres), the increase in impervious coverage (existing and proposed), and the increase in motor vehicle surface (existing and proposed) for the proposed development in the Project Overview section of the report.
2. Under Chapter 236 Article VB of the ordinance, a Major Development is defined as an individual "development," as well as multiple developments that individually or collectively result in the disturbance of one or more acres of land since February 2, 2004, the creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004, the creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021, or a combination of "regulated impervious surface" and "regulated motor vehicle surface" that totals an area of one-quarter acre or more. Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of the conditions of a major development
 - i. As per the Steep Slope Map, Sheet 8 of the Subdivision Plans, the project disturbs **6.00 acres**.
 - ii. The project appears to propose a net increase in regulated impervious coverage. The report shall be revised to provide an increase in square feet and acres.
 - iii. The project appears to propose a net increase in regulated motor vehicle surface. The report shall be revised to provide the increase in square feet and acres.
 - iv. Based on the **limit of disturbance**, the project is classified as a Major Development.

3. Stormwater management measures must be provided assuming the maximum impervious lot coverage for all lots that are a part of the subdivision.
4. The report shall be revised to provide the hydrologic soil groups (HSG) obtained from the USDA WebSoil Survey for each soil group on the subject site.
5. Per the USDA NRCS Web Soil Survey, it appears that the USGKAC soil is identified as urban land and has no hydrologic soil group (HSG) classification. As per Chapter 12 of the NJBMP Manual, for soils with unclassified HSGs, HSG B must be assumed for the pre-construction condition and HSG D for the post-construction condition. The Applicant must revise their calculations in accordance with Chapter 12 of the BMP Manual. The Curve number calculations for EX-1 shall be revised to show all HSG B soils for the pre-construction condition or hydrologic soil group soil classification testing must be performed.
6. The report includes Infiltration Soil Testing that has been completed on April 22, 2026. The report shall be revised to show the soil test pit locations on the grading/drainage plan and drainage area maps. Per Chapter 12, Section 1d of the NJBMP Manual, for soil testing from January through April if the water table is **not** observed, the seasonal high water table shall be assumed to be at the lowest elevation of soil exploration.
 - a. Both the stormwater report and the soil testing report shall be revised to demonstrate that it complies with Chapter 12, including the calculation for the minimum number of tests required.
 - b. The report shall be revised to show supporting calculations for the minimum depth of soil exploration as required in Chapter 12 Section 2a of the NJ BMP Manual.
 - c. The report shall be revised to show soil profile logs from the test pits and state if redoximorphic features were found.
7. The Existing Drainage Area Map shall be revised to show the soil type boundaries from the USDA NRCS Web Soil Survey. The Proposed Drainage Area Map shows the soil type boundaries. The area that is shown as D Soils on the Proposed Drainage Area Map shall be shown as B Soils on the Existing Drainage Area Map.
8. The Existing and Proposed Drainage Area Maps shall be revised to indicate the size of each cover area for all drainage areas. For example, PR-1A should show 2.17 Ac Pervious – Open Space Good Condition, 0.10 Ac Pervious – Woods, and 0.52 Ac Impervious – Buildings, Pavement. It is important to note that gravel is considered pervious for the pre-construction conditions and impervious for the post-construction condition.
9. The time of concentration calculations for EX-1 PER on sheet 24 of the report shall be revised to use a maximum of 100 feet for sheet flow. As per Chapter 5 of the NJ BMP Manual, only when there is something physically in contact with the flow of stormwater runoff to prevent sheet flow from occurring, such as a swale, curb or inlet, shall the value used be less than 100 ft.
10. The Existing and Proposed Drainage Area Maps shall be revised to show the flow type, length, slope, and time that match the time of concentration calculations for each drainage area.
11. The post-construction time of concentration calculations shall be revised to show that the max flow length for sheet flow is either the McCuen Spiess Limitation value or 100-feet, whichever is less. Additionally, the n-value for woods and grass must be 0.40 and 0.15, respectively.
12. The curve number calculations for PR-1G show a total area of 6.64 acres pervious and 0.70 acres impervious which totals 7.34 acres. The Proposed Drainage area Map shows that PR-1G is 7.29 acres. The report and Proposed Drainage Area Map shall be revised to address this discrepancy. Additionally, the Proposed Drainage Area Map shall be revised to show a table with each drainage area and its area in acres, with a total area at the bottom of three table showing that it equals 14.3 acres (EX-1).
13. The Groundwater Mounding Calculations shall be revised to use the largest exfiltration volume, which is typically the 100-year future storm, for both infiltration basins.
14. The report shall be revised to provide a statement or table that the water quality drainage area requirements are met and a calculation that the proposed manufactured treatment device and surface infiltration basin

(Basin 2) meet the required TSS removal of 80% as required per Chapter 5 of the NJBMP Manual.

15. The Proposed Subsurface Infiltration Basin #1 details on Construction Notes and details, Sheet 17 of the Subdivision Plan Set, shall be revised to show the following:
 - a. Minimum separation from the seasonal high water table per the NJBMP Manual
 - b. Peak water elevations from the WQ and all current and projected storm events
 - c. Minimum and max cover depths and surface elevations
 - d. A non-woven geotextile must be provided along the top and sides of the basin to prevent the infiltration of fines as per the NJBMP Manual
 - e. Add a note indicating that Post-construction testing must be performed on the as-built infiltration basin in accordance with the Construction and Post-Construction Oversight and Soil Permeability Testing section in Chapter 12 of this manual.
16. The Surface Infiltration Basin Section detail on Construction Notes and details, Sheet 17 of the Subdivision Plan Set, shall be revised to show the following:
 - a. Minimum separation from the seasonal high water table per the NJBMP Manual
 - b. Peak water elevations from the WQ and all current and projected storm events. A minimum of 12-inches of freeboard from the 100-year projected storm shall be provided.
 - c. Clarify the berm to match plan. There appears to be two walls associated with the berm condition. An additional detail of the berm section shall be provided and the report and plans shall provide seepage controls and calculations.
 - d. Add a note indicating that Post-construction testing must be performed on the as-built infiltration basin in accordance with the Construction and Post-Construction Oversight and Soil Permeability Testing section in Chapter 12 of the BMP Manual
17. Proposed Basin #2 does not include an emergency spillway. An emergency spillway shall be provided that is designed to accept the entire 100-year projected flow and not damage downstream structures or conditions. The emergency spillway shall be designed to assume that OCS is not functioning and no infiltration is provided.
18. The Construction Notes and details, Sheet 17 of the Subdivision Plan Set, shall be revised to show the minimum separation from the seasonal high water table within the Subsurface Infiltration Basin detail. Elevations shall be provided within the detail similar to the Surface Infiltration Basin Section.
19. The Off-Site Drainage Plan, Sheet 6, shall be revised to show that the first orifice for the outlet structure is set at the water quality design storm (WQDS) elevation for the Subsurface Infiltration Basin (Basin 1)
20. The Off-Site Drainage Plan, Sheet 6, shall be revised to show the peak elevations for the 2-, 10-, and 100-year current and future storm event for both the subsurface infiltration basin (Basin 1) and the surface infiltration basin (Basin 2).
21. There appears to be a discrepancy between the plans and the stormwater report regarding the surface basin outlet control structure. The Utility and Drainage Plan, Sheet 5, and the Construction Notes and Details, Sheet 17, and show that the weir is 2.33 feet, where the report on pages 55, 189, and 320 show that the weir is 3.0 feet. This discrepancy shall be addressed, and the report and plans shall both be revised so they are consistent.
22. There appears to be a discrepancy between the plans and the stormwater report regarding the subsurface basin outlet control structure. The Construction Notes and Details, Sheet 17, show a 2.5" orifice at 712.72 and a 6" weir at 713.07 within the Proposed Subsurface Infiltration Basin #1 (Plan View) Detail. The report on pages 45, 179, and 313 shows that the outlet structure has a 12" orifice at 815.00 and a 3.5 ft weir at 816.25. This discrepancy shall be addressed, and the report and plans shall both be revised so they are consistent.
23. The Construction Notes and Details, Sheet 17, shall be revised to provide a detail for the proposed Filterra
24. The Applicant shall provide an Operation and Maintenance Manual. The O&M Manual must be done in accordance with §236-63 22B and C and be provided as a separate signed and sealed document for review. The manual must include, at minimum:

- a. Include the contact information of the design Engineer and entity responsible for maintenance.
 - b. An example maintenance task log and estimated cost for maintenance tasks must be included.
 - c. Provide NJDEP Certification and manufacturer's operation and maintenance manual for any MTDs.
 - d. Map with all stormwater structures and piping, as well as any details related to the proposed stormwater management system
 - e. The maintenance plan shall be recorded upon the deed of record for each property on which maintenance is undertaken
25. As per §236-63.22 B.(4), responsibility for maintenance of the stormwater management system shall not be assigned or transferred to a homeowner or tenant of an individual property in a residential development unless such owner or tenant owns or leases the entire residential development. Maintenance of the stormwater management system shall be the responsibility of the developer or a homeowners' association.
 - a. If the plan identifies or homeowners' association, the plan must include a copy of the other party's written agreement to assume this responsibility.
26. The report shall be revised to confirm that all proposed stormwater pipes have adequate capacity. The pipe conveyance calculations shall be revised to:
 - a. Confirm that all off-site contributory flow is included in the calculations.
 - b. Provide an inlet area map for all proposed inlets
 - c. Demonstrate that the proposed improvements will not negatively impact the existing drainage system within Prospect Ave.

D. ENVIRONMENTAL

1. We recommend that the Applicant provides an Environmental Impact Statement as well as testimony regarding the potential impacts associated with this project as it relates to the items outlined in §236-63. The Environmental Impact Statement shall include the following:
 - a. Describe all of the probable effects, both on-site and off-site, of the proposed development upon:
 - i. Natural resources of all kinds, including plant and wild life.
 - ii. Hydrologic conditions and existing surface and storm water drainage patterns.
 - iii. Soil erosion and sedimentation in accordance with standards for soil erosion and sediment control in New Jersey adopted June 14, 1972, by the New Jersey State Soil Conservation Committee.
 - iv. Water quality with reference to standards established by the New Jersey Department of Environmental Protection and Energy.
 - v. Air quality with reference to standards established by the New Jersey Department of Environmental Protection and Energy
 - vi. Noise
 - vii. Potable water supply.
 - viii. Traffic volume and flow.
 - ix. Health, safety and welfare of the public.
 - b. Discuss alternative proposals for the proposed development which will reduce or eliminate any adverse on-site or off-site environmental effects.
 - c. Discuss the steps proposed to be taken before, during and after the development to minimize any adverse on-site or off-site environmental effects which cannot be avoided
2. Per NJ-Geoweb, the subject site contains a habitat for the Indiana Myotis, which is listed as a federal endangered species. The removal of 900+ trees will affect the habitat of this species.

E. MISCELLANEOUS

1. The Applicant shall obtain all other applicable approvals required by outside agencies, including but not limited to the Morris County Soil Conservation District, the Morris County Planning Board, the Town of Dover Building Department, the Department of Public Works, etc. Copies of said approvals shall be provided upon receipt.
2. Will Serve letters received from the various utility companies for water, sewer, gas, and electric shall be provided confirming services can be made available to the proposed dwellings for each lot

3. An Architectural Plan has not been submitted for this application. The Applicant shall provide testimony regarding the proposed material selections and colors for all elevations of the proposed dwellings.
4. Our office is in receipt of the Morris County Planning Board Subdivision Report Letter dated September 3, 2026. The Applicant shall address all comments provided by the County as this application proposes drainage improvements within Prospect Street (CR 513). A copy of Morris County Planning Board Approval shall be provided upon receipt once the comments have been addressed.

We reserve the right to present additional comments, variances, and/or design waivers pending testimony of the Applicant before the Board. The Applicant shall submit a point-by-point response letter to accompany any revised submission detailing how each of the above is being addressed.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

PENNONI ASSOCIATES INC.



Stephen Hoyt, PE
Board Engineer



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TO: Town of Dover Planning Board
c/o Rafael Rivera, Chairman
37 North Sussex Street
Dover, NJ 07801

FROM: Nicholas A. Graviano, PP, AICP, JD

RE: P26-02
180 and 220 Ann Street
Block 407, Lots 1 and 20
Nicholas Estates, LLC ("Applicant")
Preliminary & Final Major Subdivision Application

DATE: September 15, 2026

A. Project Summary

1. The Applicant proposes a major subdivision on Block 407, Lots 1 & 20 to create 22 single-family residential lots and one (1) conservation lot. The existing two (2) story dwelling at 180 Ann Street will remain on proposed Lot 1.06. The residential lots would be served by Ann Street and an extension of Beaufort Avenue terminating in a cul-de-sac.
2. The existing parcels are identified as 180 and 220 Ann Street and encompass approximately 396,208 sq. ft. (9.096 acres). The tract contains the existing dwelling, accessory improvements and wooded land extending toward Prospect Street.
3. The proposed residential lots range from 7,500 sq. ft. to 28,286 sq. ft.
4. The subdivision proposes Lot 1.18 as a conservation lot containing 2.31 acres (100,614 sq. ft.)
5. The site is located in the R-1 Single Family Residential District, which permits single-family detached dwellings.
6. Proposed site work includes the roadway extension and cul-de-sac, driveways, sidewalks and curbing, retaining walls, grading, drainage and utility improvements, and lighting and landscaping. Drainage improvements include surface and subsurface infiltration facilities, drywells and connections to the drainage system in Prospect Street. The plans also identify proposed conservation and utility easements and the vacation of portions of existing right-of-way and conservation easement areas.
7. The Applicant's engineer indicates that there are no floodplains or wetlands on the site.



B. Relief Required

"c" Variances:

- From Town of Dover Code Section 236-21.2B(2)(a) in that nonexempt disturbance within critical slope areas is prohibited, and 6,737 sq. ft. of critical slope disturbance is proposed.

"c" Variance Proofs:

There are two kinds of "c" variances; "c(1)" and "c(2)"; both must apply to a specific piece of property.

A "c(1)" variance is sometimes called "the hardship variance". The Applicant must prove hardship as outlined in the MLUL 40:55D-70c (1) where:

- (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or;
- (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or;
- (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship.

If hardship is proven, the Applicant must also show that such relief from the zoning ordinance will not be substantially detrimental to the public good, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. This second criteria is called the negative criteria.

For a "c(2)" variance, (see 40:55D-70c(2)), proof of hardship is not necessary. Two things must be proven to receive approval for a c(2) variance:

- (1) An applicant must show that the purposes of the MLUL (40:55D-2) would be advanced by a deviation from the zoning ordinance requirement and that the benefits of the deviation would substantially outweigh any detriment; and
- (2) that the variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance (negative criteria).



General Comments

1. The Applicant proposes a **\$284,900.00** contribution towards the required tree replacement on the site. The calculated fee shall be verified by the Board Engineer. While potentially compliant with ordinance standards, the it is suggested that the Applicant add additional tree plantings on site, especially in the vicinity of off-site properties.
2. The Applicant should provide sidewalks along the Ann Street frontage.
3. Other than adding additional plantings on-site and sidewalks on Ann Street, we have no major concerns with the application. All of the proposed lots meet or exceed the required lot sizes and will meet all required bulk standards. Consequently, the focus of the Board shall be on satisfying the comments of the Board Engineer.
4. We defer to the Board Engineer to any requested waivers.
5. No architectural plans were provided. The Applicant shall discuss how variation in the appearance of the dwellings and façade elevations will be achieved.
6. The Applicant shall be responsible for any residential affordable housing fee in **Town of Dover Code Section 236-63.4.**
7. As per **Town of Dover Code Section 236-23** building numbering shall be in figures at least three inches in height with a one-half-inch stroke, placed conspicuously on the front of each dwelling.
8. In any district, on any corner lot, no fence, wall (except retaining wall), sign, structure, planting or visual obstruction shall be erected or maintained to a height greater than 2.5 feet above road grade within a triangle bounded by the sides 25 feet from a street intersection as measured along the curbline from the point where the curbline intersect. See **Town of Dover Code Section 236-34.**
9. Building numbering shall be approved by the Postmaster. Lot numbers shall be approved by the Tax Assessor.
10. No development signage is proposed.
11. The Applicant shall not be able to apply for a zoning permit until all conditions of the Planning Board approval are met. Resolution compliance plans shall be submitted to the Board Secretary for distribution to the Board Attorney, Engineer and Planner.
12. The Applicant shall obtain all necessary approvals, permits or developer's agreements from Morris County Planning, NJDEP, NJDOT, Water Sewer Commission, Morris County Soil Conservation



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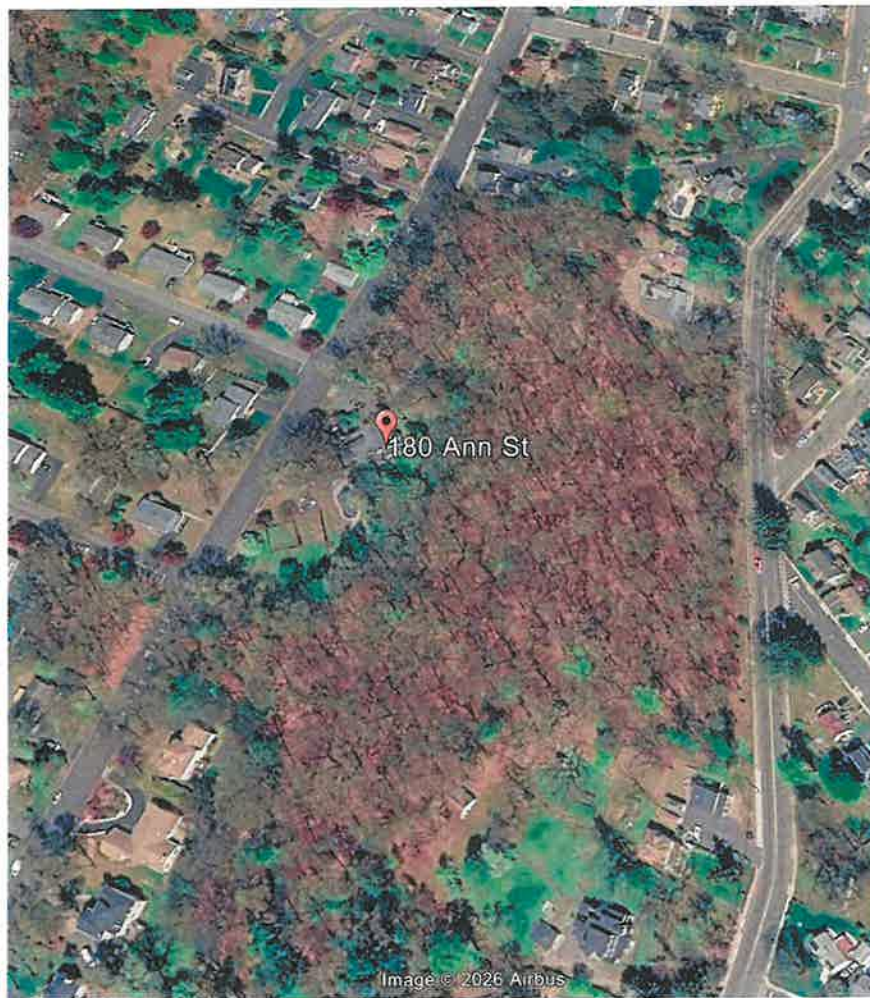
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District, the Town of Dover Building Department, Fire Department, Law Department, Tax Assessor, Health Department, Finance Department, Planning & Zoning Department or any other department or agency with jurisdiction over the project.

Site Aerial



Source: Google – Image date 4/20/2026



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Please contact our office with any questions.

Thank you,

Nicholas A. Graviano, PP, AICP, JD
Graviano & Gillis Architects & Planners, LLC