



**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:** Morris 46 Urban Renewal LLC  
**Address:** c/o Calli Law LLC **Email:** larry@callilawllc.com  
170 E. Main St. Suite 101, Rockaway, NJ 07866 **Telephone Number:** (973) 291-8102

**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:** 46 S. Morris St.  
**Block:** 1804 **Lot(s):** 13

**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):** \_\_\_\_\_  
**Number of proposed dwelling units (if applicable):** \_\_\_\_\_

**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:** 8.741 **Number of proposed dwelling units (if applicable):** 23

**Existing Use(s):** Residential.

**Proposed Use(s):** Residential.

**VARIANCE(S) / OTHER:**

|                                                                                                            |                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> <b>Informal Review of Concept Development Plan</b>                                | <input type="checkbox"/> <b>Variance Relief - "Expansion of Non-Conforming Use"</b><br>(NJSA 40:55D-70d(2))                                                              |
| <input type="checkbox"/> <b>Appeal Decision of an Administrative Officer</b><br>(NJSA 40:55D-70a)          | <input type="checkbox"/> <b>Variance Relief - "Conditional Use Standard Deviation"</b><br>(NJSA 40:55D-70d(3))                                                           |
| <input type="checkbox"/> <b>Map or Ordinance Interpretation or Special Question</b><br>(NJSA 40:55D-70b)   | <input type="checkbox"/> <b>Conditional Use Permit</b> (NJSA 40:55D-67)                                                                                                  |
| <input checked="" type="checkbox"/> <b>Variance Relief - "hardship"</b> (NJSA 40:55D-70c(1))               | <input type="checkbox"/> <b>Direct issuance of a permit for a structure in a bed of a mapped street, public drainage way, or flood control basin</b><br>(NJSA 40:55D-34) |
| <input checked="" type="checkbox"/> <b>Variance Relief - "substantial benefit"</b><br>(NJSA 40:55D-70c(2)) | <input type="checkbox"/> <b>Direct issuance of a permit for a lot lacking street frontage</b><br>(NJSA 40:55D-35)                                                        |
| <input type="checkbox"/> <b>Variance Relief - "Use"</b> (NJSA 40:55D-70d(1))                               |                                                                                                                                                                          |

**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: PRR Realty LLC (affiliated entity of Applicant)

Address: 263 E. Blackwell St., Dover, NJ 07801

Telephone Number: c/o Calli Law, LLC - (973) 291-8102

**SUBJECT PROPERTY**

Location: 46 S. Morris St.

Block: 1804

Lot(s): 13

Dimensions: Frontage 25.5 ft. / 4.7 ft. Depth \_\_\_\_\_ Total Area 13,141 SF

Last Previous Occupancy: see attached Deed.

Prop. Lot Coverage: 66.5 % Prop. Building Coverage: 53.3 % Prop. Height of Building: 64 ft

| <u>Yard</u> | <u>Required</u>     | <u>Existing</u>      | <u>Proposed</u>     |
|-------------|---------------------|----------------------|---------------------|
| Front       | <u>25.0' / 4.5'</u> | <u>31.6' / 18.2'</u> | <u>25.5' / 4.7'</u> |
| Rear        | <u>10.0'</u>        | <u>6.6'</u>          | <u>10.1'</u>        |
| Side        | <u>18.0'</u>        | <u>91.2'</u>         | <u>18.0'</u>        |

Prevailing setback of adjacent buildings within subject block: \_\_\_\_\_

**ZONING DISTRICT(S)**

- ☐ R-1 (Single-Family-7,500 SF)  
☐ R-3 (Double Family-7,500SF)

- ☐ R-1S (Single-Family- Steep Slope)  
☐ R-3A (Double Family/Rooming House)

- X - RDP  
☐ R-2 (Single-Family-5,000 SF)  
☐ R-4 (Multifamily Garden Apt)

- ☐ C-2 (General Commercial)  
☐ IND (Industrial)

- NON-RESIDENTIAL  
☐ C-3 (Commercial - Lt. Ind.-Com.)  
☐ IND/OP (Industrial/Office Park)

- ☐ RAD (Redevelopment Area Distr.)

- ☐ C-1 (Retail Commercial)  
☐ D3 (E. Blackwell Bus.)

- DOWNTOWN DISTRICTS  
☐ D1 (Station Area)  
☐ D4 (S. Downtown)

- ☐ D2 (Blackwell St. Historic)  
☐ BHRPA (Bassett Hwy. Redev. Plan Area)

Access Location(s): South Morris Street & Monmouth 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):

Ordinance No. 47-2025 - effective building coverage (55% permitted; 138.6% proposed); effective impervious coverage (75% permitted; 173.1% proposed)

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

N/A

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

See attached waiver statement

**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):

Redevelopment of site per Ordinance No. 47-2025 to a 23 unit apartment building with associated improvements.

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

Construct 23 unit apartment building with associated site improvements (sidewalks, retaining walls, trash enclosure, signage, etc.). See plans for more details.

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

An OPRA request has been submitted and any resolutions will be forwarded upon receipt of same.

### **SUBMITTALS**

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

| Title                                  | No. of Copies | Prepared By                        |
|----------------------------------------|---------------|------------------------------------|
| <u>Preliminary and Final Site Plan</u> | <u>17</u>     | <u>Dykstra Walker Design Group</u> |
| <u>Architectural Plans</u>             | <u>17</u>     | <u>Chambers Architecture Inc.</u>  |
|                                        |               |                                    |
|                                        |               |                                    |
|                                        |               |                                    |

Propose  
To Testify?  
(Yes/No)

Applicant's Attorney(Required for Corporations) Lawrence A. Calli, Esq. of Calli Law, LLC

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

Telephone (973) 291-8102 Fax (973) 756-4111  
Email larry@callilawllc.com

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

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 Keith T. Chambers, AIA of Chambers Architecture, Inc.

Field of Expertise Registered Architect

Address P.O. Box 1058, Flemington, N.J. 08822

Telephone (908) 788-3646 Fax N/A  
Email keithaia@chambersai.com

**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  
27th day of April, 2026

Angelique N. Koutsavlis, Esq.  
NOTARY PUBLIC  
Attorney at Law  
State of New Jersey  
NJ Attorney ID #435482025

APPLICANT:

Morris 46 Urban Renewal LLC  
(Printed Name)

(Signature of Applicant)  
Lawrence Calli, Esq. on behalf of the Applicant / Owner

**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  
27th day of April, 2026

Angelique N. Koutsavlis, Esq.  
NOTARY PUBLIC  
Attorney at Law  
State of New Jersey  
NJ Attorney ID #435482025

OWNER:

PRR Realty LLC  
(Printed Name)

(Signature of Applicant)  
Lawrence Calli, Esq. on behalf of the Applicant / Owner

**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  
27th day of April, 2026

Angelique N. Koutsavlis, Esq.  
NOTARY PUBLIC  
Attorney at Law  
State of New Jersey  
NJ Attorney ID #435482025

OWNER:

PRR Realty LLC  
(Printed Name)

(Signature of Applicant)  
APPLICANT: Lawrence Calli, Esq. on behalf of the Applicant / Owner

Sworn to and subscribed before me this  
27th day of April, 2026

Angelique N. Koutsavlis, Esq.  
NOTARY PUBLIC  
Attorney at Law  
State of New Jersey  
NJ Attorney ID #435482025

Morris 46 Urban Renewal LLC  
(Printed Name)

(Signature of Applicant)  
Lawrence Calli, Esq. on behalf of the Applicant / Owner

**Escrow**

I understand that the sum of \$ 4,062.75 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.

4.27.26

Date

Signature of Applicant

Lawrence Calli, Esq. on behalf of the Applicant / Owner

**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: \_\_\_\_\_

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           |
| <b>Administrative</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                     |                                     |                                     |                          |                          |
| 1. Application form(s): 17 copies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Completed Checklist form(s): 17 copies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 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).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Signature and seal of the appropriate licensed profession who prepared the plans, on the plans.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Environmental impact statement in accordance with the requirements of §236-63 Environmental impact statement, if required: 17 copies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Proof of payment of taxes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 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:<br>(a) An exemption certificate issued by the New Jersey Department of Environmental Protection indicating that no wetlands exist on the property in question.<br>(b) A wetlands permit issued pursuant to the New Jersey Administrative Code.<br>(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.<br>(d) The applicant shall, in addition, submit a map delineating the wetlands if, in fact, wetlands exist on the property. | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. A complete submission package with appropriate fee, for the Morris County Planning Board for all applicable applications.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 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.                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. A copy of the deed of the property and any deed restrictions, easements and/or covenants.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |

**PRELIMINARY MAJOR SITE PLAN DEVELOPMENT CHECKLIST**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | BY APPLICANT                        |                                     |                                     | BY TOWN                  |                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Provided                            | Request Waiver                      | Not Applic.                         | Provided                 | Waiver Granted           |
| <b>Preliminary Major Site Plan Application</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                     |                                     |                                     |                          |                          |
| In addition to the Administrative Form, all site plan, preliminary major development applications shall provide the following information:                                                                                                                                                                                                                                                                                                                                                                                                               |                                     |                                     |                                     |                          |                          |
| 1. The date, scale, North arrow, block and lot numbers, zoning districts and dates of all revisions.                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. A key map showing the location of the tract to be considered in relation to surrounding area within 500 feet, including tax lots, streets and zone boundary lines.                                                                                                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. A signature box for the Chairman, Secretary and Engineer of the approving agency.                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The names and addresses of the owner, applicant and plan preparer and all property owners within 200 feet.                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. The size of the tract to the nearest square foot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. A list of zone district requirements showing compliance with variances requested together with all appropriate applications.                                                                                                                                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Existing contours (2' intervals) and spot elevations at building corners, tops and bottoms of walls and other appropriate locations.                                                                                                                                                                                                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. 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.                                                                                                                                                                                                                            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. 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. (9) | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. 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,                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) all sanitary sewer lines including pipe size, material, manholes with rim and invert elevations,                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) all storm sewer lines including pipe sizes, material, manholes, inlets and other drainage structures with rim and invert elevations.                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) all gas, telephone, data and other underground utilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) all overhead electric, telephone cable and data lines and services, including utility poles.                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. The location, use and floor area of each proposed structure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. The location of all proposed roads.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. The location, design and capacity of proposed off-street parking and loading facilities, pedestrian circulation plans and solid waste and recyclable materials storage.                                                                                                                                                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |

**PRELIMINARY MAJOR SITE PLAN DEVELOPMENT CHECKLIST**

|                                                                                                                                                                                                                                   |                                     |                                     |                                     |                          |                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| 14. Plan and profile of proposed storm drainage facilities.                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Plan and profile of sanitary sewer facilities.                                                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. Plans for potable water supply.                                                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. The location and identification of proposed open space, park or recreation area.                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 18. Soil erosion and sediment control plan.                                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. A landscaping plan, including the types, quantity, size and location of all proposed vegetation with planting details. The scientific and common names of all vegetation shall be included.                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. Lighting plan, including direction of illumination, types of standards and power and time of proposed outdoor lighting.                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 21. Rights-of-way, easements and all lands to be dedicated to the municipality or reserved for specific uses.                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. A comparison of the zone regulations to the proposed development.                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. Bearings and distances of all lot lines.                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. Designation of front yards, side yards and rear yards.                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 25. A soil removal plan for all soil to be taken from the site.                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. A soil fill plan for all soil to be brought to the site.                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. A tree removal plan, if necessary.                                                                                                                                                                                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. Drainage calculations for all proposed drainage facilities, including an analysis of the capacity of downstream facilities and their ability to receive proposed added flow.                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 29. A Stormwater Management Plan in accordance with §236 – Article VB Stormwater Management for all applicable developments.                                                                                                      | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. Such other information or data as may be required by the Planning Board in order to determine that the details of the site plan are in accord with the standards of the required ordinances.                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. 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] | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |

**PRELIMINARY MAJOR SITE PLAN DEVELOPMENT CHECKLIST**

|                                                                                                                                                                                                                                                                                                                                                                                |   |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|--|
| 32. A signed and sealed current property survey prepared by a licensed Land Surveyor depicting the property lines and current conditions on the property.                                                                                                                                                                                                                      | ✓ |  |
| 33. If the site 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 site plan drawing(s) as required by law. | ✓ |  |

# FINAL MAJOR SITE PLAN CHECKLIST

## Final Major Site Plan Application

In addition to the Administrative Form, all major subdivision, final development applications shall provide the following information:

1. All checklist items required for a major subdivision, preliminary plat. The plan shall reflect the as-built condition of all work completed under the preliminary approval if applicable.

| BY APPLICANT                        |                          |                          | BY TOWN                  |                          |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <u>Provided</u>                     | <u>Request Waiver</u>    | <u>Not Applic.</u>       | <u>Provided</u>          | <u>Waiver Granted</u>    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

# **VARIANCE & WAIVER OF SITE PLAN CHECKLIST**

|                                                                                                                                                                                                                                                                    | BY APPLICANT                        |                          |                          | BY TOWN                  |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
|                                                                                                                                                                                                                                                                    | <u>Provided</u>                     | <u>Request Waiver</u>    | <u>Not Applic.</u>       | <u>Provided</u>          | <u>Waiver Granted</u>    |
| <b>Variance and Waiver of Site Plan Application</b><br>In addition to the Administrative Form, all variance applications that are not a part of any other development application or waiver of site plan review shall provide the following information            |                                     |                          |                          |                          |                          |
| 1. A signed and sealed current property survey prepared by a licensed Land Surveyor depicting the property lines and current conditions on the property and 17 copies (6 copies for expedited waiver of site plan).                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. A sketch of the proposed development superimposed on a copy of the property survey, with dimensions and distances to adjacent structures and property lines. The sketch shall include all existing and proposed uses on the property, geometrically delineated. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. 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, where applicable.                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

MORRIS 46 URBAN RENEWAL LLC  
46 S. Morris St. (Block 1804, Lot 13)  
WAIVER STATEMENT

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All waivers requested are for initial submission purposes.



July 8, 2026

TODOV26205

Alex Dougherty  
Official Town Planner  
37 North Sussex Street  
Dover, NJ 07801

**RE: ADMINISTRATIVE COMPLETENESS REVIEW LETTER**  
**Morris 46 Urban Renewal, LLC**  
**46 South Morris Street**  
**Block 1804, Lot 13**  
**App No: P26-05**  
**App Type: Preliminary and Final Major Site Plan/Variance Relief – “hardship” and “substantial benefit”**  
**Zone: RDP - Block 1804, Lot 13 Redevelopment Plan**

Dear Mr. Dougherty,

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

1. Cover Letter prepared by Calli Law, LLC, dated April 29, 2026
2. Land Use Application
3. Development Checklist – Administrative
4. Preliminary Major Site Plan Development Checklist
5. Final Major Site Plan Checklist
6. Variance & Waiver of Site Plan Checklist
7. Waiver Statement
8. W-9 Form
9. Deed of Property
10. Proof of Payment of Taxes prepared by the Town of Dover Office of the Tax Collector, dated April 24, 2026
11. List of Properties within 200 feet of Block 1804, Lot 13 prepared by the Town of Dover Planning & Zoning Department, dated April 30, 2026
12. Morris County Land Development Review Application submitted April 28, 2026
13. Receipt of Payment for Application Fee (\$2,825.96)
14. Receipt of Payment for Escrow Fee (\$4,363.62)
15. Plan entitled, “Preliminary and Final Site Plan” prepared by Marc G. Walker, P.E., of Dykstra Walker Design Group, dated April 14, 2026, consisting of eight (8) sheets
16. Plan entitled, “46 South Morris Street” prepared by Keith T. Chambers, P.E., of Chambers Architecture Inc., dated May 6, 2025, last revised April 22, 2026, consisting of six (6) sheets
17. Survey entitled, “Topographic Survey” prepared by Jaman Engineering Associates, dated May 15, 2021, last revised March 29, 2026

#### **SUMMARY OF APPLICATION**

The subject property identified as Block 1804, Lot 13 currently contains a 2-story, multi-family dwelling. The Applicant proposes to demolish the dwelling and redevelop the site into a six-story, 23-unit apartment building with a footprint of 6,093 square feet. Site improvements include sidewalks, trash enclosure, signage, retaining walls, grading, drainage, utilities, landscaping, and lighting.

Pennoni has reviewed the submitted documentation in accordance with the Town of Dover Ordinance §236-53. It is our opinion that the submission **does meet** the criteria required to be deemed complete at this time.

If you have any questions regarding this matter, please do not hesitate to contact our office.

Sincerely,

**PENNONI ASSOCIATES INC.**

A handwritten signature in black ink, appearing to read 'Stephen Hoyt', is written over the printed name.

Stephen Hoyt, PE  
Board Engineer



August 17, 2026

TODOV26205

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

**RE: ENGINEERING REVIEW LETTER #1  
MORRIS 46 URBAN RENEWAL, LLC  
46 SOUTH MORRIS STREET  
BLOCK 1804, LOT 13  
APP NO: P26-05  
APP TYPE: PRELIMINARY AND FINAL MAJOR SITE PLAN/VARIANCE RELIEF – "HARDSHIP" AND  
"SUBSTANTIAL BENEFIT"  
ZONE: RDP - BLOCK 1804, LOT 13 REDEVELOPMENT PLAN**

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 Calli Law, LLC, dated April 29, 2026
2. Land Use Application
3. Development Checklist – Administrative
4. Preliminary Major Site Plan Development Checklist
5. Final Major Site Plan Checklist
6. Variance & Waiver of Site Plan Checklist
7. Waiver Statement
8. W-9 Form
9. Deed of Property
10. Proof of Payment of Taxes prepared by the Town of Dover Office of the Tax Collector, dated April 24, 2026
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12. Morris County Land Development Review Application submitted April 28, 2026
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17. Survey entitled, "Topographic Survey" prepared by Jaman Engineering Associates, dated May 15, 2021, last revised March 29, 2026
18. Morris County Planning Board Site Plan Report dated June 4, 2026

#### **SUMMARY OF APPLICATION**

The subject property identified as Block 1804, Lot 13 currently contains a 2-story, multi-family dwelling. The Applicant proposes to demolish the dwelling and redevelop the site into a six-story, 23-unit apartment building with a footprint of 6,093 square feet. Site improvements include sidewalks, trash enclosure, signage, retaining walls, grading, drainage, utilities, landscaping, and lighting.

**A. SUMMARY OF VARIANCES & WAIVERS**

1. The Applicant has requested a variance for the disturbance of 3,376 SF 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. Testimony shall be provided by the Applicant.
2. The Applicant has requested a variance for the effective building coverage of 138.8%. 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. The effective lot area calculated is 5,049 SF, and the proposed building coverage is 7,006 SF, which is 138.8% of the effective lot area. The maximum building coverage permitted per Section V.B.4.j. of the Block 1804, Lot 13 Redevelopment Plan is 55%. Testimony shall be provided by the Applicant.
3. The Applicant has requested a variance for the effective impervious coverage of 173.1%. 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. The effective lot area calculated is 5,049 SF, and the proposed impervious coverage is 8,741 SF, which is 173.1% of the effective lot area. The maximum impervious coverage permitted per Section V.B.4.k. of the Block 1804, Lot 13 Redevelopment Plan is 75%. Testimony shall be provided by the Applicant.
4. The Applicant has requested a variance for a proposed wall height of 11 feet. Per §236-33.E., no retaining wall shall exceed 4 feet in height. Testimony shall be provided by the Applicant.
5. 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
  - ii. 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 sanitary sewer lines including pipe size, material, manholes with rim and invert elevations
    - b) All storm sewer lines including pipe sizes, material, manholes, inlets and other drainage structures with rim and invert elevations
  - iii. Tree Removal Plan

**B. PRELIMINARY AND FINAL MAJOR SITE PLAN**

1. Per the Redevelopment Plan, off-street parking is not required. However, the Applicant shall provide testimony regarding that anticipated parking demand based on the number of proposed units and any available parking near the site for both residents and visitors.
2. The Applicant shall provide testimony regarding loading/unloading operations for vehicles and the frequency in which they occur, as well as the type of vehicles that are expected to enter and exit the site.
3. The plans indicate that the eastern neighboring property has a patio and wall that crosses the property line on to the subject site. The Applicant shall provide testimony regarding this condition and any construction impacts that are anticipated.
4. The Applicant shall provide testimony detailing how the proposed building will meet ADA compliance standards for access.
  - i. The Site Plan Set shall be revised to replace the term "handicap" with "accessible or ADA" wherever indicated.
5. The Applicant shall provide testimony regarding trash/recycling management and if a refuse vehicle is intended to access the trash enclosure area. A truck turn plan shall be provided.

6. A Demolition Plan shall be provided showing all items to be removed, as well as the number of trees to be removed. A Tree Replacement Table per Ordinance No. 01-2025 shall be shown on both the Demolition Plan and Lighting & Landscaping Plan, Sheet 4. The Applicant shall confirm that the proposed landscaping complies with the Preferred Tree and Shrubs List per Ordinance No. 01-2025.
7. The Lighting & Landscaping Plan, Sheet 4, shall be revised to show that the proposed lighting does not exceed 0.25 Fc at the property line per Section V.B.8.d. of the Redevelopment Plan. It appears that the proposed lighting exceeds 0.25 Fc within the driveway and both sidewalk areas.
8. The Applicant shall provide testimony regarding how stormwater will be managed.
  - i. It appears that the total limit of disturbance is 15,000 SF (0.344 acres < 1.0 acre) and the total increase in impervious coverage is 5,306 SF (0.12 acres < 0.25 acres), so this application does not qualify for a major development per NJAC 7:8; however, we recommend that an analysis is completed showing that post construction peak flows are reduced from pre-construction peak flows for stormwater runoff, and if the drywell systems have been designed to address the increase in run-off associated with the new impervious coverage.
  - ii. The installation of the drywells shall be observed by the Town of Dover. Infiltration testing shall be performed by the contractor prior to installation.
  - iii. The Applicant shall revise the plans to include the existing pipe size and invert elevation at the proposed B inlet connection within South Morris Street.
9. The Grading and Utility Plan, Sheet 3, shows a proposed 4' tall transformer atop a 4' x 6' concrete pad. A concrete pad detail shall be provided on the Construction Notes and Details, Sheet 8.
10. The Applicant shall provide testimony confirming all site improvements within the right-of-way shall be in conformance with the Town of Dover standards.
11. 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. Testimony shall be provided by the Applicant regarding any proposed improvements to the existing sidewalk along both Monmouth Avenue and South Morris Street frontages.

**C. ARCHITECTURAL PLANS**

1. The Applicant shall provide testimony regarding the proposed material selections and colors for all elevations of the proposed building.
2. The Applicant shall provide testimony regarding the freestanding sign and the façade sign shown on Sheet SK-3 for the left side (Monmouth Street) Elevation, and if they comply with Section V.B.9. of the redevelopment plan. Façade and Freestanding sign details shall be shown on the plan.
3. The Applicant shall provide testimony regarding the proposed landscaping and plantings for the rooftop patios on the fourth and sixth floors.

**D. MISCELLANEOUS**

1. The Soil Erosion & Sediment Control Plan, Sheet 5, notes that the proposed limit of disturbance is 15,000 SF. As the total limit of disturbance exceeds 5,000 square feet, the Applicant shall apply for a soil erosion and sediment control permit from the Morris County Soil Conservation District. The Applicant shall provide a copy of the certification as a condition of approval.

2. Appropriate "Will Serve" responses from the various utility providers shall be submitted to the Town for record.
3. The subject property is located within the South Morris Street Streetscape Between Park Ave and Monmouth Street Historic District and is subject to the approval of the Historic Preservation Commission.
4. We are in receipt of the Morris County Planning Board Site Plan Report dated June 4, 2026. The Applicant shall address the comments within the letter and provide a copy of Morris County Planning Board Approval as a condition of approval.
  - a. South Morris Street is a County Road therefore the application is subject to County approval and all County road opening permit requirements are applicable.
5. The Applicant shall obtain all other applicable approvals required by outside agencies, including but not limited to the New Jersey Department of Environmental Protection, Morris County Soil Conservation District, the Town of Dover Building Department, the Department of Public Works, etc. Copies of said approvals shall be provided upon receipt.

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



graviano & gillis architects & planners, llc  
p.o. box 3341  
long branch, nj 07740  
tel: 732.816.4151  
web: <http://graviano.com>

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: P26-05  
46 South Morris Street  
Block 1804, Lot 13  
Morris 46 Urban Renewal LLC / Alfa Investments, LLC ("Applicant")  
Preliminary & Final Major Site Plan / Variance Relief

DATE: September 13, 2026

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#### A. Project Summary

1. The Applicant proposes to demolish the existing rooming house at 46 South Morris Street and construct a six (6) story apartment building containing 23 dwelling units. The proposed apartments comprise of five (5) one (1) bedroom units and 18 two (2) bedroom units.
2. The site encompasses 13,141 sq. ft. (0.302 acres) and is known as Block 1804, Lot 13. The site is located on the corner of South Morris Street and Monmouth Avenue.
3. The site is governed by the Block 1804, Lot 13 Redevelopment Plan, adopted by Ordinance 47-2025.
4. Proposed site work includes pedestrian walks and steps, curbing and driveway improvements, retaining walls, grading, drainage and utility improvements, and lighting, landscaping and signage. Access from Monmouth Avenue serves one (1) accessible parking space and one (1) loading space. A trash and recycling enclosure and three (3) drywells are also proposed.
5. The building program is as follows:

|                         |                                                                                                                                                                                                                   |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| First Floor / Basement: | Two (2) two-bedroom apartments, a 250 sq. ft. management office, storage and utility areas, basement space, a lower lobby with mail and delivery facilities, garbage and recycling areas, stairs and an elevator. |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|               |                                                                                                                                                                              |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Second Floor: | Five (5) apartments, comprising of four (4) two-bedroom units and one (1) one-bedroom unit, an upper lobby, storage and garbage and recycling areas, stairs and an elevator. |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



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|               |                                                                                                                                                                                     |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Third Floor:  | Five (5) apartments, comprising four (4) two-bedroom units and one (1) one-bedroom unit, lobby and storage areas, garbage and recycling areas, stairs and an elevator.              |
| Fourth Floor: | Four (4) apartments, comprising three (3) two-bedroom units and one (1) one-bedroom unit, lobby and garbage and recycling areas, stairs, an elevator and an open-air rooftop patio. |
| Fifth Floor:  | Four (4) apartments, comprising three (3) two-bedroom units and one (1) one-bedroom unit, lobby and garbage and recycling areas, stairs and an elevator.                            |
| Sixth Floor:  | Three (3) apartments, comprising two (2) two-bedroom units and one (1) one-bedroom unit, lobby and garbage and recycling areas, stairs, an elevator and an open-air rooftop patio.  |

#### **B. Relief Required**

There are no variances required for this project. While the Applicant's plans indicate relief is required, we do not believe that relief is required. The site plan submitted to the Board is consistent with the conceptual site plan included in the Redevelopment Plan. The Redevelopment Plan was drafted to accommodate the conceptual building and site plans included in the Plan. The bulk standards were designed knowing that slopes would be disturbed. Building and impervious coverages in the Plan were developed on this assumption. The conceptual site plan also depicts retaining walls in excess of four feet. The bulk standards provide setback distances for retaining walls in excess of five feet.

In the event that the Board took a conservative approach, and deemed that variances are necessary, we feel that relief is warranted under both the "c(1)" and "c(2)" criteria.

"c(1)" relief would be warranted in that relief would required by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property.

"c(2)" relief would be warranted in that it effectuates the Redevelopment Plan, thus advancing purposes of zoning "a", "g" and "i" of the MLUL.

*a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.*



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*g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;*

*i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;*

#### **“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 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 (40:55D-62 et seq.) would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such a property, grant, upon an application or an appeal relating to such a 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).



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### General Comments

1. The Applicant's proposal is in conformance with the Redevelopment Plan. We have no planning concerns with the application. Focus on this application should be on satisfying any engineering comments made by the Board Engineer.
2. The Applicant should discuss the operational characteristics of the proposed building, including: refuse removal; leasing; move-ins & outs etc.)
3. The Redevelopment Plan recognized that this site is located within walking distance to the train station and public parking lots. Off-street parking is not required in the Redevelopment Plan. Additionally, the New Jersey Residential Site Improvement Standards (RSIS) now specifies a maximum parking requirement. It is within a municipality's right to not require off-street parking for a zoning district or redevelopment plan. Off-street parking and traffic concerns cannot be a basis to deny the application.

Dunkin' Donuts of N.J. v. Tp. Of North Brunswick, 193 N.J. Super. 513, 515 (App. Div. 1984), the Appellate Division of the Superior Court explained that "the authority to prohibit or limit uses generating traffic into already congested streets or streets with a high rate of accidents is an exercise of the zoning power vested in the municipal governing body." As for the ability of a planning board to independently exercise its own discretion in determining whether to allow or scale back a proposed application for development of a permitted use along heavily traveled roadways. Section 40:55D-41 of the MLUL "contains no provision that would vest in the planning board the power to deny a site plan because of the intensity of vehicular traffic on adjoining roadways or in other parts of the municipality."

The Court in Stochel v. Planning Bd. of Edison, 348 N.J. Super. 636, 641-642 (Law Div. 2000) observed that a board cannot deny approval on the basis that a proposed development made "too intensive" a use of the site. Planning Board is severely limited in its ability to permissibly deny an application for preliminary and final major site plan approval. When a site plan is being considered by a Planning Board, a permitted use, in most cases the board must grant site plan approval and, where appropriate, variances, waivers or exceptions from ordinance provisions. The Board is not allowed to substitute its own judgment for that of the governing body as expressed in the Ordinance in terms of the type and scope of development that is permitted under the Ordinance on the Property, despite any concerns that the Board or any members of the public might have with regard to whether the proposed development is compatible with existing development in the area, fits in with the neighborhood, or is appropriate for the Property.

4. Signage details have been provided but lack details. The Applicant shall conform to all sign requirements of the Redevelopment Plan.
5. The final architectural plans shall be reviewed by the Board Planner for conformance to the Redevelopment Plan.



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6. 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.
7. The Applicant shall obtain all necessary approvals, permits or developer's agreements from: Town of Dover Council; Morris County Planning; NJDEP; NJDOT; Water/Sewer Commission, Morris County Soil Conservation 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 3/23/2026



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Please contact our office with any questions.

Thank you,

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