

# Town of Dover Planning Board

- Robert Hooper - Chairman
- Paul McGrath - Vice Chairman
- William B. Gilbert
- Jose Yamoza
- William Shauer
- John R. Frister
- Joan Bocchino
- Harry Ruiz

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- Javier Marin - Mayor
- William Shuler - Alderman
- Lewis Fico- Alternate I
- Kay Walker- Alternate II
- Lee Greb - Board Attorney
- Michael Hantson - Town Engineer
- Regina Nee - Clerk/Secretary
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## PLANNING BOARD REGULAR MEETING MINUTES FOR APRIL 28, 2004

**CALL TO ORDER** Chairman Hooper called the meeting to order at 8:07PM

**ROLL CALL: PRESENT:** Commissioner Yamoza, Shauer, Frister, Bocchino, Alternate II Walker, Alderman Shuler, Vice-Chairman McGrath, and Chairman Hooper

**ABSENT:** Commissioner Gilbert, Ruiz, and Alternate I Fico

**ALSO PRESENT:** Present this evening is Board Attorney Lee Greb, Town Engineer Michael Hantson, and Andrea Coroneos filling in for Secretary Nee.

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

**ADEQUATE NOTICE OF MEETING** was read by Ms. Coroneos.

**MINUTES:** A motion to approve the minutes for the March 24 2004 meeting was made by Vice-Chairman McGrath, seconded by Commissioner Frister and followed with a Roll Call vote.

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

Noes: None

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

### PUBLIC PORTION

Chairman Hooper opened the meeting to the Public. Anyone from the public wishing to discuss any business with this Board, other than the applications to be heard this evening, was asked to please come forward at this time. Seeing no hands, this portion of the meeting was closed to the public.

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#### REPORTS

Chairman's Report: Financial Disclosure Forms must be submitted.

Treasurer's Report: Commissioner Frister stated that they have adequate funds to continue their operations.

Budget & Finance: The Budget has been introduced to the Mayor and Board of Alderman. He will advise the results as soon as he gets them.

Master Plan: Chairman Hooper advised that the Master Plan Committee met to discuss the game plan for selection of a consulting firm to help with the review of the Master Plan. He previously asked the Board members to submit the name of any firm that they would like to entertain for having us review the Master Plan. He stated that he received two names from two Board members and asked if anyone had any names to offer. Chairman Hooper asked Mr. Hantson to review the normal procedure that a municipality would follow to choose a consultant to help with the Master Plan or any project. Mr. Hantson advised that a procurement process is utilized. A RFP is a request for proposals; a RFQ is a request for qualifications. The first step is to seek a list of qualified professional firms that meet a set of criteria to do the function that you want them to do. RFQ's are not difficult to obtain. Once a list of qualified firms is culled down to a reasonable number of professionals that you want to obtain a proposal from, (three to seven firms) the Board would need to prepare a document requesting proposals in which you state what you are looking for, the time frame, the deliverables, design approach, team members and their resumes, what criteria you will use in evaluating those proposals, such as a point system, and cost. This can be done by a committee and then voted on by the whole Board. This is a professional and logical procedure and is used every day in government. It is advertised in the League of Municipalities or professional planning journals or a trade publication. It is not run in a regular newspaper ad. It can be posted on the internet or personal contact can be made. Chairman Hooper asked the Board if three to six, maybe seven, request for proposals would be sufficient. He already received two names plus the presentation that was already given, totaling three. The names thus far are Clough Harbor & Associates with George Kimmerle, Schoor de Palma, and Heyer, Gruel, & Associates. Mr. Hantson suggested going to another source to get more names. He also suggested picking municipalities that are representative of what the Board would like to see for Dover, and contacting those towns to see which firm advised them. Madison and Summit were suggested to Mr. Hantson. Mr. Hooper asked the Board if they were comfortable with the three names suggested and he was advised in the affirmative. Commissioner Shauer asked what the time table is. Chairman Hooper stated that the committee would like to interview the firms. Alderman Shuler advised that the Land Use Committee met this week and discussed all the elements that they would like to see addressed and categorized them into the elements of the Master Plan. The Land Use, Historical Preservation, Community Facilities and the Housing elements were the top four that the citizen group would like to focus on. Chairman Hooper stated he would like to set up another meeting and asked members to submit any suggestion for firms to Mike Hantson. Mr. Hantson suggested interviews could be started by calling the recommended firms. Commissioner Frister suggested that the Board accept five recommendations. Chairman Hooper suggested letter could be sent to the firm stating that the committee would like to meet for an interview giving a set time frame. Mr. Hantson stated that the Board is in the driver seat; you set the requirements for the

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meeting and if the firm wants to participate, they will reply. A formal letter will be formatted by Mr. Hantson once a date and time is supplied to him.

**RESOLUTIONS:**

**SP-01-04** –Edward Murray, **Block 1903, Lot 4** also known as 111 East Blackwell Street, located in the C-1 zone. The application is a Preliminary and Final Major Site Plan to add a 288 square foot kitchen and a 6’x 8’ walk-in refrigerator to an existing tavern, and any other variances and waivers that may be required.

A new application was supplied and his professional was to drop off the new plans. Attorney Greb advised that a correction to the Resolution must be made; it should read SP-01-04 and not SD-01-04.

A motion to Deny without Prejudice was made by Commissioner Frister, seconded by Vice-Chairman McGrath and followed with a roll call vote.

**ROLL CALL:** Ayes: Commissioner Yamoza, Shauer, Frister, Bocchino, Alderman Shuler, Vice-Chairman McGrath, and Chairman Hooper  
Noes: None

**SD-02-04** –Doyle Brothers Construction, Inc., **Block 1813, Lot 9** also known as 41 Kensington Avenue, located in the R-2 zone. The application is a two (2) lot Minor Subdivision to create one (1) new building lot and the remaining single family dwelling, and any other variances and waivers that may be required.

Commissioner Bocchino mentioned that on page 4 of the minutes, it stated that a revised plan should be submitted prior to the filing of the subdivision deed. The amendment of the map should be done before the next meeting. The language of the resolution should be amended to include the subdivision plan last revised 4/10/2004 and the grading plan prepared by the engineer revised to meet the conditions of this resolution. (Item No. 4, bottom of second page of resolution)

Attorney Greb reviewed the changes to the resolution.

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

**ROLL CALL:** Ayes: Commissioner Yamoza, Shauer, Frister, Bocchino, Alderman Shuler, Vice-Chairman McGrath, and Chairman Hooper  
Noes: None

At this time, an informal conceptual presentation was made to the Board by Robert Thorsen, owner, and Mr. Chaplin regarding three lots on Harding and one lot on Salem. The status of Lot 17 is the primary point of discussion and is based on the fact of the relocation of South Salem Street. This would involve a major subdivision even though no new lots would be created. Without having all four lots a part of this project, it would not be cost affective. The fourth lot makes the difference and to have it part of the project would give Mr. Chaplin the ability

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to move forward with the project. A reasonable design for the road has been developed and the submitted plan shows how the lots would fit in this zone. They would like to consider Lot 17 an active part of this application and look for the vacation of the extension of Harding Avenue and the vacation of the vacant portion of South Salem Street as they would be able to utilize it to make this plan gel. Mr. Hantson advised that the length of a cul-de-sac is limited based on traffic volumes generated. The traffic volume generated is a function of how many lots are on it. Lot 2 would not be isolated. Presently, Lot 17 is undersized and would not become a legal building lot until the state adjusted the road. As this plan is presented, lot 17 is not buildable until South Salem Street vacation happens and the extension of Harding Avenue happened. Previously, the Board's position was that they did not want to approve Lot 17 to be built upon until such time as the vacation took place and you wanted any development of Lots 3, 2, 1, or 17 to be done in a fashion so that the front yard was on Harding and not South Salem. Since that meeting, there has been quite a bit of activity on the South Salem Street re-alignment and the applicant feels they are in a position to move forward. Mr. Thorsen, the seller, stated he was contacted by the D.O.T. regarding the realignment and produced a letter dated 10/01/02 from them which Mr. Hantson read for the record. Essentially, this letter, sent by the D.O.T. advised the property owner that they were going to enter onto the property to do surveys. Mr. Hantson advised that based on updates received from the D.O.T., this project is proceeding as planned. Commissioner Frister would like to see more specific and time dated information. Mr. Hantson stated that the D.O.T. plans to be in construction in 2006. Mr. Hantson inquired, "Has the Board, for any reason, changed its position that proposed Lot 17 would be considered for subdivision without condition giving the current status of the project?" Last time, the Board decided it would not authorize the creation of Lot 17 or construction until such time as the vacated portion of South Salem Street happened. Mr. Hantson reviewed Major Subdivision procedures which includes two phases, a preliminary major subdivision and a final major subdivision. In a preliminary major subdivision phase is where you approve the subdivision, the creation of the lots the way they are proposed to be created, you approve the proposed public improvements and if you do so, the applicant walks away with permission to start his public improvement construction. The lots are not created, as a matter of law, by that action. At some point in the future, the applicant comes back with a final major subdivision, that if approved and recorded in Morristown, is the point when the lots are created. Under the law, when the applicant comes in for a final, he does not have to come in for all four at once. Mr. Hantson advised that if a final were given for Lots 1, 2, and 3, you essentially have given a final to the fourth lot because that is what is left. The only way to do this is to merge lot 1 and 17 into one lot until such time as the realignment is complete. By doing this, neither lot one or seventeen could be developed until the vacation of South Salem Street. Mr. Hantson stated that they should wait until such time that the County vacates and completes the easterly side line relocation. The Board, however, short of title in hand, does not want to make a decision. If the cul-de-sac were not created, the lots would be conforming. The applicant would be dedicated land to the cul de sac, and they would receive land from the vacations of Salem and Harding. The Town of Dover does not want to see Harding Avenue, as part of the bridge construction, come out to South Salem Street because of the dangerous conditions. The County agrees with this point. This plan, with the development of the cul-de-sac at the end of Harding Avenue is in the best interest of the safety of anyone on Harding Avenue. Preliminary Approval, if they came in and got it, with the contingencies, doesn't cause the town any harm, but certainly, final approval creating the lots, is what is at issue

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here. Mr. Hantson asked the applicant if he would not come in for final subdivision to create lots one and seventeen until such time as you held title to the vacation. The Board's problem is that any final that creates three lots essentially creates the fourth by default and then could not be undone. Chairman Hooper asked if the applicant would consider developing lots three and two and just wait for the other two. Mr. Hantson asked about the extent of the improvements. The applicant said they could do improvements up to Lot 2. Mr. Hantson also stated that the vacation may not be given until the whole project is completed. If the applicant were to add two additional houses on lots 2 & 3, with the possibility that the cul-de-sac might never be done, might never happen, are you willing to accept the fact that if he improves Harding Avenue with curb, sidewalk, drainage, and the sanitary up to Lot 2, and builds on Lot 2 & 3, which already exist, and the rest of the project goes down the tubes, there will never be a cul-de-sac and the applicant cannot build on one or seventeen. The Town of Dover would not construct the cul-de-sac. The applicant could also approach the owner of Lot 3, to obtain land from him, to build the cul-de-sac with the bulb right. That should be a business deal that the applicant could pursue. The applicant suggested that he would pursue construction of improvements up to Lot 2, construct two dwellings, and at least get started. The house on lot seventeen would front on Harding. A buffer could be built on the existing lot which would be on the South Salem Street side. The applicant thanked the Board for their time and the current positive feedback.

**EWSP Committee Report EWSP-01-04** – Frederick C. Zander; Block 1326, Lot 2, also known as 12 W. Clinton Street. Use approved Motor Vehicle Repair Garage as a separate tenant space from the Motor Vehicle Service Station.

Attorney Greb reviewed this application which was to rent two bays at an existing gas station. The EWSP Committee reviews cases that meet certain criteria which eliminates an appearance before the Board. Basically, there is no outside construction, no change in traffic pattern, no change in the storm water runoff and no more than four employees in space for what was previously there. By doing this, the applicant can start operations quicker and they have to provide an inventory of the entire building so the town is building a data base. The applicant had six spaces for parking. The station has been before the Board on several occasions and did provide a site plan. The EWSP Committee reviewed the creation of a tenancy which was a permitted use. It requires the applicant to meet the requirements of the ordinance and is less costly to the applicant. Alderman Shuler voiced concern over the number of cars that could possibly be on site.

There are about twelve EWSP meetings per year. If Mr. Zander changes to another tenant a Certificate of Compliance would be required.

**PRESENTATION:** Steep Slope Development Restrictions – Michael Hantson

Mr. Hantson advised that this is an Ordinance to try and address what type and amount of development would be allowed on land that has steep slope on it. Mr. Hantson advised that there are three types of slopes: 1) Critical slope areas; 2) Moderate slope areas; 3) Unconstrained slopes which would be less than 15%. Mr. Hantson went on to describe slope areas methodology and restrictions. The Board received a copy of the draft. Two items in our zoning ordinance talk about disturbance and coverage. One is building coverage (the percent of the lot

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that is covered by a building) and one is lot coverage (the impervious surface). The ordinance will set restrictions that there will be no site disturbance, no structures and no impervious coverage permitted within critical slope areas and it will provide the limitations. This ordinance would apply to applications before the Board of Adjustment, the Planning Board, and would apply to anyone on an existing lot that wants to come in for a building permit. There are a significant number of isolated lots in the Town of Dover that this ordinance would regulate. This ordinance is not zone specific, nor is it not development specific. Mr. Hantson, with permission from the Board, advised that he will draft the information in ordinance form. Chairman Hooper thanked Mr. Hantson for the presentation. Attorney Greb suggested that the width of a driveway should be limited. Commissioner Bocchino suggested limiting the height of a retaining wall. Mr. Hantson also wanted to include "Driveways must be designed and constructed with a maximum grade of 15% at any point" and advised that there should be an amendment to the Ordinance that requires driveway permits that would put this standard in the driveway standard.

Alderman Shuler read from the 1979 Master Plan. He brought up the fact that seventy-five square foot minimum lots were discussed at that time. Commissioner Bocchino suggested that the building/lot ratio should be the next item this Board reviews. Mr. Hantson suggested bulk/volume or height/floor area ratio to be considered.

**OLD BUSINESS:** None

**NEW BUSINESS:** A Master Plan Committee meeting will be set up.

***REGULAR MEETING TO BE HELD MAY 26, 2004.  
AT 8:00PM. WORKSHOP SAME NIGHT AT 7:00PM***

**ADJOURNMENT:** A motion to adjourn was made by Commissioner Walker with all in favor. The meeting adjourned at 10:58PM

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

Respectfully submitted,



Regina Nee  
Clerk/Secretary  
Planning Board