



**TOWN OF DOVER**  
**MAYOR AND BOARD OF ALDERMEN**  
**SPECIAL MEETING MINUTES**  
**December 29, 2009 7:00 PM**

The Special Meeting of the Mayor and Board of Aldermen was held in council chambers, 37 N. Sussex Street, Dover, New Jersey.

Mayor Dodd called the meeting to order at 7:00 pm

All joined in the Pledge of Allegiance to the Flag and prayer was given asking for guidance and strength to do what is right for our town and our citizens.

**ROLL CALL:**

Present: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd

Absent: Alderman Delaney, Poolas

Also present were Administrator Close, Attorney Pennella, and Clerk Verga

Clerk Verga stated adequate notice was given to the official newspaper.

*Mayor Dodd* commented that tonight's meeting is a special meeting for the discussion of a few items but most importantly for the discussion on the Form-Based Code (Ordinance #18-2009). He noted that approximately three hundred and twenty (320) notices were sent to business owners and residents in the downtown area that are affected by the ordinance. Mayor Dodd explained that the Form-Based Code Ordinance Transportation Oriented Development (TOD) Master Plan efforts started in January 2005 which was a process that took over two (2) years. He expressed that there were fifteen (15) public meetings, eight (8) stakeholders meetings and quite a few steering committee meetings. The TOD Plan and Land Use Plan was adopted by the Planning Board on October 17, 2006 and on January 2009 the town received a grant from the College of New Jersey, a municipal land use center, funded by the New Jersey Department of Transportation (NJDOT) to prepare the form based zoning code based on the TOD master plan.

Mayor Dodd commented that the committee consisted of the town's planning consultant Heyer Gruel & Associates, Town Administrator, Town Planner/Engineer Michael Hantson, himself and representatives from the Board of Aldermen, Planning Board, NJ Department of Transportation, NJ Transit, NJ Highlands Council, Morris County Planning Board and a Town Business Representative. He noted that the Planning Board reviewed and recommended the introduction of the plan at their October 28, 2009 public meeting and an ordinance was introduced at the Mayor and Board of Aldermen Meeting on November 24, 2009. The Planning Board determined its consistency with the Master Plan on their December 2, 2009 public meeting. Mayor Dodd asked Michael Hantson to provide the public with a brief overview of the plan.

*Michael Hantson* – Town Planner/Engineer – Mr. Hantson commented that it has been a long road but a road that has had many steps purposely taken in order to include the public. Mr. Hantson commented that during the process of the meetings, the public was more interested in the form, the look and the preservation of the downtown than the other multitude of things (typically zoning). He noted that there were many elements involved in the Master Plan but the key element in the plan was the transportation oriented development (TOD) plan. The plan focuses on the economic revitalization of the downtown with emphasis on the fact that the town is located as a town center with transportation. Mr. Hantson expressed that the town of Dover is blessed to have a train station and a historic district that has a downtown center, where you just can't go out and build.

Mr. Hantson explained that the public wanted to make sure that any buildings or new development that took place in the downtown area didn't conflict with the historic look. Mr. Hantson commented that the public was very much concerned with the look of the buildings, public grounds, sidewalks, awnings, public streets and expressed that the Master Plan was written to achieve those goals. Mr. Hantson commented that the nature progression was to say "what kind of code could be written to protect the view," and expressed that's how the formed based code came about. He noted that it's a relatively new type of zoning that focuses on the form and the look as oppose to some of the other things.

Mr. Hantson explained that the TOD plan was written and adopted by the Planning Board with recommendations that form based type code be used. He explained to the public that a code doesn't become law and regulatory until the Governing Body passes an ordinance. He noted that the Planning Board adopts a document that is called a Master Plan which is a guide and a foundation upon which zoning regulations are supposed to be written. He noted that the town is at the point, if everything goes well with the public hearing, where the Governing Body will have the opportunity to adopt the code.

Mr. Hantson expressed that personal service notices went out to every property owner in the proposed downtown district, notices went out to everyone within 200 ft (all went out regular and certified mail) and there was tremendous outreach during the TOD process. He commented that this should be a message to the Governing Body that this code was worked on for some time which also included the public. Mr. Hantson commented that the entire code with a copy of the map have been made available through the town's website and at town hall, for the public's review. The form based document that was prepared by the consultant was made as a companion document because pictures are worth a thousand words. The companion document makes it easier for a regular person to understand the zoning ordinance.

Mr. Hantson commented that if changes to the building occur and they're governed by the code then the change must be made in accordance to the code. He noted that the code doesn't have the effect of telling property owners with existing buildings in the downtown area that they have to tear down there buildings and change their facade.

Mr. Hantson recognized several people in the audience that helped with the process including Community Planner Carmen Valentin from the College of New Jersey - Municipal Land Center, who helped secure the grant. Also present were Staff Planner of the Morris County Planning Board Joe Barilla, Christine Marion who is the Director of the Morris County Planning Board, Bill Shauer, Alderman Visioli and Alderwoman Romaine who sit on Dover's Planning Board. Mr. Hantson commented that the plan is fairly comprehensive and asked the Mayor to open the meeting to the public for comments.

**Bill Kline** – Owner of the Baker Opera House – Warren & Blackwell Street – Mr. Kline is in favor of Ordinance #18-2009. However, he wanted to know if it's appropriate to have a six (6) story building on the north side of Dickerson Street. (He referred to pg.6 - District Regulating Map 3 Building Heights). He feels that a four (4) story building would've been more appropriate than having a six (6) story building that would overshadow the other buildings. Mr. Hantson clarified that the six (6) story regulation is the maximum height and the six story regulation applies to everything that borders Dickerson Street, both on the south and north side of the tracks. Mr. Hantson noted that the theory behind the regulation was that the frontage would be on Dickerson Street and not on Blackwell Street.

Mayor Dodd commented that the key word is "maximum" height, not to exceed. Mr. Kline commented that if he was a builder coming from out of town, he would go with the maximum. Mayor Dodd respectfully disagrees with Mr. Kline's comment and noted that the breaking point for the developers was three stories because anything after three stories the developers would have to go to steel and concrete according to the state's specifications. Mayor Dodd recognized that any new development would have to go to the planning board and he hopes that the planning board would take into consideration the transition from a four story to a six story. Mr. Kline would rather have the ordinance state a maximum height of four stories and allow for a variance application for the additional two stories.

**Warren Darnulc** – 151 Grant Street – Mr. Darnulc wanted the board to elaborate on the form-based code ordinance grant that was received to establish this ordinance. Mayor Dodd commented that the grant came from the College of New Jersey which was received by the State of New Jersey Department of Transportation (NJDOT). Mr. Darnulc wanted to know how NJDOT received the grant money. Ms. Valentin commented that the grant came from the federal government which is money that is set aside for planning. Mr. Darnulc wanted to know how the government received the money and Mr. Hantson noted that its money from the federal income tax. Mr. Hantson also noted that Dover was chosen to receive the grant because the town had the plan in place and with the grant it would be better enhanced.

**Jim Mullin** – 150 Ann Street – Mr. Mullin commented that he was unaware of any of the public meetings in reference to the form-based code. Mr. Mullin was also taken back by the building heights and wanted to know the rationale for going six (6) stories in those areas and not staying within the limits of four (4) stories. Mr. Hantson expressed that the existing zoning allows fourteen (14) stories and the Planning Board thought six (6) stories was reasonable to protect Blackwell Street's historic corridor. The Planning Board first thought six (6) stories and dropped it down to four (4) stories.

**Stanley Votruba** – 8 West Blackwell Street – Mr. Votruba feels that the ordinance is up for a vote and not for public input. He mentioned that tonight's special meeting was the first time he heard of the ordinance. Mr. Votruba has an issue with the height on the buildings on Baker Street. He commented that he's not sure of the qualifications from the individuals that sat on the board from the college and he's not sure how they came up with the processes. He owns property in Morristown and they have these problems and he doesn't feel they have been addressed it in the ordinance. He commented that there's currently a stop work order on a major construction project on the green (Morristown, NJ). He noted that the reason for the stop work order was because the builders and the town didn't have very specifics, there were suppose to be setup and step backs on height restrictions which he doesn't see in Dover's ordinance. He feels that there needs to be a specific language to say "that within a certain perimeters next to a two or three stories building you can not go up to six stories and you need to step back a building" to prevent these issues. He thinks that the town should spend more time debating this issue. He expressed he's concern with the limited parking which he doesn't see noted in the ordinance. He also noted that no major projects have taken place in the town over the last 30 to 40 years except for the Blackwell Street condominiums. He feels that the ordinance is a recycling of a lot of talk and nothing is specific. He realizes that it comes from a grant to be able to facilitate an ordinance but wanted to know the purpose of

the ordinance. He commented that there was a major aspect to the development in downtown, Transit Village, and that blew up in the town's face.

Mayor Dodd disagrees with Mr. Votruba's comment regarding the public not being informed of the meetings. He noted that there were thirteen (13) public meetings and eight (8) stakeholders meetings and there was a lot of input from the public. Mayor Dodd noted that the transit village project fell through because the previous administration didn't see eye to eye to with NJ Transit. Mayor Dodd has tried to mend those fences and believes the town is still #1 on the list in reference to the transit village. He expressed that the previous project didn't go through because of the economic climate change, but steps are being taken so the town is much further ahead when the economic climate changes.

Mr. Hantson commented that there's a comprehensive section in the ordinance that deals strictly with parking. He expressed that if any new construction exists, parking would be an issue that the builders/owners would have to address. Mr. Hantson clarified on the issue with Morristown's stop work order. He noted that there are set back regulations in Dover's ordinance. Mr. Hantson asked the public not to view the ordinance as a negative because the intention of the ordinance is to promote economic development in the town. Mr. Hantson commented on Mr. Votruba's concern regarding the qualifications of the individuals that worked on the form-based ordinance. He noted that he's a licensed professional planner and a licensed engineer, the College of New Jersey acted as a facilitator and there were (private and public) professional planners both from an economic and development stand point. He noted that this ordinance is to promote economic vitality to the downtown area. Mr. Votruba commented that there are certain key elements that are correct but some that are incorrect.

**Seeing no hands and hearing no voices Mayor Dodd closed this portion of the meeting to the public and stated the public would have another chance to talk during the public hearing on the ordinance.**

#### **MUNICIPAL CORRESPONDENCE:**

1. Letter from Ms. Wirth Re: Ordinance No. 19-2009
2. Letter from Mr. Genaud re: Handicapped Parking at the train station
3. Fax from Cablevision re: Enhanced Channel Mapping
4. January 2010 Calendar of Events from Division on Aging, Disabilities & Veterans

#### **CONSENT AGENDA**

1. Resolution Approving Bills List
2. Resolution Approving Transfer
3. Resolution Approving Mayor & Board Meeting Minutes – December 15, 2009
4. Resolution Authorizing Credit for Sewer Charges – 108-110 Thompson Avenue
5. Resolution Approving Annual Auction License for Berman's Auction
6. Resolution Approving Social-Athletic Club Licenses for Dover Hilltop Athletic Club & Club Colombia

#### **ORDINANCE(S) FOR SECOND READING/PUBLIC HEARING**

1. Ordinance # 18-2009 – Amending Chapter 236, Land Use and Development, Article IV, Zoning of the Codes of the Town of Dover
2. Ordinance # 19-2009 – Massage, Bodywork and Somatic Therapy Establishments

#### **AGENDA ITEMS:**

##### **RESOLUTIONS**

1. Approving the Settlement of a Tax Court Appeal for 600 Mt. Pleasant Associates, L.L.C, Block 901, Lot 5
2. Approving the Settlement of a Tax Court Appeal for Carl Iosso, Block 2005, Lot 1
3. Approving the Settlement of the Tax Court Appeal of Kerbel-Sheriff Partners, Block 1216, Lot1 for 2009
4. Authorizing Contract with Randolph Township for 2010 Animal Control Services
5. Approving Salary Resolution as per schedule A-SOA and PBA
6. Approving Salary Resolution – FMBA
7. Approving Salary Resolution – White Collar and Water
8. Approving Salary Resolution – Non-union

**SPECIAL MEETING MINUTES**  
**December 29, 2009**

The Regular Meeting of the Mayor and Board of Aldermen was held in council chambers, 37 N. Sussex Street, Dover, New Jersey.

The meeting was called to order by Mayor Dodd at 8:02 pm

**ROLL CALL**

Present: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd

Absent: Alderman Delaney, Poolas

Also present were Administrator Close, Attorney Pennella and Clerk Verga

Clerk Verga stated adequate notice was given to the official newspaper.

Mayor Dodd opened this portion of the meeting to the public for agenda items only.

**Jim Mullin** – 150 Ann Street – Mr. Mullin commented on the four salary resolutions and noted that at previous meetings the board stated that there will be no salary increases. Mr. Mullin wanted clarification on why there are salary increases. Mayor Dodd commented that the PBA (3.5%), SOA (3.5%), and FMBA (3%) are union contracts. Also union contracts are step increases for white collar, blue collar and water as per their contracts. Mayor Dodd noted that the Chief's increase is by statute that the town is obligated to give. The other increases are step increases that certain employees are entitled too. Attorney Pennella explained the statute pertaining to the Chief's salary. Mr. Mullin wanted to know what the dates represent on the resolution. Mayor Dodd explained the dates listed are effective dates. Mr. Mullin wanted to know why the chief's increase was retroactive to last year. Alderwoman Romaine commented that the salary is retroactive because the captain received a degree in the beginning of the year. Mr. Mullin wanted clarification on the clerk's increase. Alderwoman Romaine commented the prior administrator reduced the minimum salary range for clerk back in 2006 from \$82,500 to \$72,500, and also gave out other raises we were not aware of. The ordinance was changed to prevent that from happening again. The clerk's salary should be at \$93,000 and she is accepting \$87,000 and the finance committee had to correct the situation.

**Irene Wirth** – 2 Davis Avenue – She thanked the board for postponing the adoption of the ordinance/public hearing. Ms. Wirth read, a letter written by her, and wanted to know if there was a solution. Mayor Dodd commented when the ordinance was introduced we talked at length. Attorney Pennella commented that the State of New Jersey has undertaken to require licensing for massage therapists. He noted it's a state requirement and the town has nothing to do with the licensing other to assure that they have been done. He explained that people don't want "illegitimate" massage parlors and the town needs an ordinance to be able to combat the problem. Attorney Pennella feels that Ms. Wirth is comparing apples to oranges.

**Bill Kline** – Owner of the Baker Opera House – He's confused with page 2 of ordinance #19-2009 that states "this provision should not become effective until adoption by the New Jersey Board of Massage and Bodywork Therapy as regulation necessary to obtain a license." He wanted to know if massage operations need to have licenses because he's previous tenants were told they needed a license. He's confused because now he's being told that there's no license. Mayor Dodd can't provide an answer and had asked for a review of Mr. Kline's situation.

**Warren Darnulc** – 151 Grant Street – He wanted to know if the taxpayers had to pay for the Randolph Animal Control. Mayor Dodd commented that there was a 2-3% increase in the contract. Clerk Verga commented that the dog and cat license fees pay for the contract and those fees were increased last year.

**Irene Wirth** – 2 Davis Avenue – Ms. Wirth continued to read the letter that she had prepared. Mayor Dodd understands Ms. Wirth's concerns but perhaps she should look at it in a different way. Mayor Dodd feels that by passing the ordinance it allows for legitimate businesses to stay in town and gives the town the ability to enforce the law and get the illegitimate companies out of town. Mayor Dodd explained that the use variance and co fees are onetime fees. Alderman Donofrio wanted to know if the town could establish an account from the fees and fines that are anticipated and use them to assist the legitimate businesses. Attorney Pennella noted that the remedy is to prohibit the acts that are not appropriate and stated that fines cannot be delegated to specific departments.

**CONSENT AGENDA:**

**BILL LIST**

**WHEREAS**, the Mayor and Board of Aldermen of the Town of Dover have examined all bills presented for payment; and

**WHEREAS**, the Chief Financial Officer has certified that there are sufficient funds in the account(s) to which respective bills have been charged.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Board of Aldermen of the Town of Dover do hereby approve the bills as listed; and

**BE IT FURTHER RESOLVED** that the proper officials are hereby authorized to sign the checks for payment of same.

RESERVE ACCT claims in the amount of:	
CURRENT ACCT claims in the amount of:	\$53,776.66
CAPITAL ACCT claims in the amount of:	
WATER UTILITY ACCT claims in the amount of:	
WATER UTILITY RESERVE ACCT claims in the amount of:	
WATER CAPITAL ACCT claims in the amount of:	
PARKING UTILITY ACCT claims in the amount of:	\$119.05
PARKING UTILITY RESERVE ACCT claims in the amount of:	
PARKING CAPITAL ACCT claims in the amount of:	
ANIMAL CONTROL TRUST ACCT claims in the amount of:	\$477.00
EVIDENCE TRUST ACCT claims in the amount of:	
RECYCLING TRUST ACCT claims in the amount of:	
COUNTY FORFEITED ASSETS TRUST ACCT claims in the amount of:	
FEDERAL FORFEITED ASSETS ACCT claims in the amount of:	
TRUST/OTHER ACCT claims in the amount of:	\$2,891.45
COAH TRUST Acct claims in the amount of:	
DOVER MARKETPLACE INC TRUST ACCT claims in the amount of:	
<b>TOTAL CLAIMS TO BE PAID</b>	<b>\$57,264.16</b>

**BE IT FURTHER RESOLVED** that the following claims have been paid prior to the Bill List Resolution in the following amounts:

CURRENT ACCT claims in the amount of:	\$349,383.30
WATER UTILITY ACCT claims in the amount of:	\$20,189.50
PARKING UTILITY ACCT claims in the amount of:	\$2,878.34
PAYROLL AGENCY ACCT claims in the amount of:	\$97,598.46
UNEMPLOYMENT TRUST ACCT claims in the amount of:	\$15.93
<b>TOTAL CLAIMS PAID</b>	<b>\$470,065.53</b>

***TOTAL BILL LIST RESOLUTION*** **\$527,329.69**

**Alderman Timpani and the foregoing resolution be adopted and duly seconded by Alderwoman Romaine and passed by the following roll call vote.**

**Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd**

**Nays: None      Absent: Alderman Delaney & Poolas      Abstained: None**

**TRANSFER RESOLUTION**

**WHEREAS**, there appears to be insufficient funds in the following accounts (excepting the Appropriation of Contingent Expenses or Deferred Charges) to meet the demands thereon for the balance of the year, viz: 2009

Municipal Court OE

Health S & W

**WHEREAS**, there appears to be a surplus in the following accounts (excepting the Appropriation for Contingent Expenses, Down Payments and Capital Improvement Fund) over and above the demand necessary for the balance of the year, viz: 2009

Municipal Court S & W

Health OE

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Dover (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provision of R.S. 40A:4-58, part of the surplus in the accounts heretofore mentioned be and the same are hereby transferred to the account (excepting the Appropriation for Contingent Expenses or Deferred Charges) mentioned as being sufficient to meet the current demands; and

**BE IT FURTHER RESOLVED** that the Treasurer be and she is hereby authorized to make the following transfers:

<b>FROM</b>	
Municipal Court S & W	8,397.00
Health OE	1,290.00
Total	9,687.00

<b>TO</b>	
Municipal Court OE	8,397.00
Health S & W	1,290.00
Total	9,687.00

**Alderman Timpani has moved the foregoing resolution be adopted and duly seconded by Alderwoman Romaine and passed by the following roll call vote.**

**Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd**  
**Nays: None      Absent: Alderman Delaney & Poolas      Abstained: None**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN**  
**OF THE TOWN OF DOVER FOR APPROVAL OF MINUTES**

**WHEREAS**, In accordance with the provisions set forth in the Open Public Meeting Law, annual notice has been provided for all Mayor and Board of Aldermen meetings; and

**WHEREAS**, The Mayor and Board of Aldermen of the Town of Dover held their Public Meetings, and minutes of those meetings were transcribed.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey for approval the minutes for the following meetings:

1. December 15, 2009 – Caucus and Regular

**Alderman Timpani has moved the foregoing resolution be adopted and duly seconded by Alderwoman Romaine and passed by the following roll call vote.**

**Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd**  
**Nays: None      Absent: Alderman Delaney & Poolas      Abstained: None**

**RESOLUTION AUTHORIZING CREDIT FOR SEWER CHARGES**

**WHEREAS**, owner of 108-110 Thompson Ave has contacted Dover Water Commission seeking a credit for Sewer Charges because of a water leak; and

**WHEREAS**, the owner has corrected the leak and it was verified that the loss of water had not entered the sewer system; and

**WHEREAS**, he is requesting an adjustment on the sewer portion of his utility bill; and

**WHEREAS**, the Dover Water Board Commissioners recommend that the owner of account 303870-0 be credited \$400.50.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Board of Aldermen of the Town of Dover that a sewer credit be issued in the amount of \$400.50.

**Alderman Timpani has moved the foregoing resolution be adopted and duly seconded by Alderwoman Romaine and passed by the following roll call vote.**

**Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd**  
**Nays: None      Absent: Alderman Delaney & Poolas      Abstained: None**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER**  
**APPROVING AN AUCTION LICENSE FOR BERMAN'S AUCTION**

**WHEREAS**, Section 118-2 of the Code of the Town of Dover requires any person who operates a auction apply to the Clerk of the Town of Dover for a license to operate; and

**WHEREAS**, Donna Kurtz, t/a Berman's Auction, located at 33 West Blackwell Street, Dover, New Jersey, has applied for renewal of an Auction license ; and,

**WHEREAS**, the applicant has submitted the appropriate fees and completed the application as needed;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey that the application of Donna Kurtz, t/a Berman's Auction for a license to operate an auction house at 33 West Blackwell Street, Dover, New Jersey is hereby approved.

**Alderman Timpani has moved the foregoing resolution be adopted and duly seconded by Alderwoman Romaine and passed by the following roll call vote.**

**Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd**  
**Nays: None      Absent: Alderman Delaney & Poolas      Abstained: None**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER FOR THE**  
**RENEWAL OF SOCIAL AND ATHLETIC CLUB LICENSES**

**WHEREAS**, any person or group of persons, association or corporation, which meets for the purpose of promoting athletic sports, contests, exhibitions, classes or gymnasium; and

**WHEREAS**, any person or group of persons, association or corporation which owns, leases, operates or controls premises for the purpose of social intercourse and entertainment; excluding organizations of state or national scope and religious organizations; and

**WHEREAS**, the appropriate fees have been received with the renewal applications;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey that the following Social and Athletic licenses are hereby approved:

<b>Casa Puerto Rico – Social Club</b>	<b>Acropolis Social Club</b>
50 W. Blackwell Street	5 E. Blackwell Street

**Alderman Timpani has moved the foregoing resolution be adopted and duly seconded by Alderwoman Romaine and passed by the following roll call vote.**

**Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd**  
**Nays: None      Absent: Alderman Delaney & Poolas      Abstained: None**

**ORDINANCE NO. 18-2009**

**AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER COUNTY OF MORRIS AND THE STATE OF NEW JERSEY AMENDNG CHAPTER 236, LAND USE AND DEVELOPMENT, ARTICLE IV, ZONING OF THE CODE OF THE TOWN OF DOVER**

**BE IT ORDAINED** by the Mayor and Board of Alderman of the Town of Dover, County of Morris and state of New Jersey as follows:

**Section 1**

**Chapter 236, LAND USE AND DEVELOPMENT, ARTICLE IV, Zoning, 236-11. Zoning Districts and Zoning Map, Paragraphs A. and B.** is replaced with the following:

**§ 236-11. Zoning Districts and Zoning Map.**

- A. Zoning districts. For the purpose of this chapter, the Town of Dover is hereby divided into zoning districts as follows:
- R-1 ..... Single-Family
  - R-1S ..... Steep Slope Single-Family
  - R-2 ..... Single-Family
  - R-3 ..... Double-Family
  - R-3A..... Double-Family/Rooming House
  - R-4 ..... Multifamily
  - C-1 ..... Retail Commercial
  - C-2 ..... General Commercial
  - C-3 ..... Light Industrial-Commercial
  - D1 ..... Station Area
  - D2 ..... Blackwell Street Historic
  - D3 ..... East Blackwell Business
  - D4 ..... South Downtown
  - IND ..... Industrial
  - IND/OP ... Industrial-Office Park
  - RAD..... Redevelopment Area District
  - BHRPA .... Bassett Highway Redevelopment Plan Area
- B. Zoning Map. The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map, Town of Dover, Morris County, New Jersey," prepared by Michael A. Hantson, PE, PP, CME – Town Engineer & Planner, dated November 2009, which accompanies and is hereby made part of this chapter.

**Section 2**

**Chapter 236, LAND USE AND DEVELOPMENT, ARTICLE IV, Zoning**, is supplemented with the following:

**236-17.1 Downtown Districts.**

This section of the Land Development Ordinance establishes the ‘Downtown District’ and provides a Form-Based Code (Code) for Town of Dover’s downtown area (Downtown). Where the provisions of the Land Use and Development Code and §236-17.1 are inconsistent, the regulations of §236-17.1 shall apply. Any graphical reference to District boundaries shown in §236-17.1 shall be superceded by the boundaries adopted by the Zoning Map – Town of Dover as they may be lawfully changed from time to time.

A companion document entitled, “Form Based Code – Town of Dover,” prepared by Heyer, Gruel & Associates dated November 2009, contains graphical and pictorial examples of the application of this code and is encouraged to be used for reference not regulatory purposes.

A. Intent

The primary intent of this section of the Land Development Ordinance is to establish the ‘Downtown District’ and create a regulatory framework to implement the 2006 Transit Oriented Development Plan (TOD Plan) for the Downtown Area.

The Downtown Districts comprise Subareas 1, 3 and 5 of the TOD Plan, and include the train station and its surrounding properties, retail uses on Blackwell Street, and the surface parking lots owned by the Town and NJ Transit. The zone boundaries of the Downtown Districts generally follow the Subarea boundaries established in the TOD Plan (See Zoning Map); and the Dover Historic District boundary. The key principles of each Subarea, and the character defining elements of the Historic District are translated into district goals of the respective Downtown District.

The Downtown District is composed of D1 STATION AREA DISTRICT, D2 BLACKWELL STREET HISTORIC DISTRICT, D3 EAST BLACKWELL BUSINESS DISTRICT, and D4 SOUTH DOWNTOWN DISTRICT, which form the basis of a comprehensive change to the zoning within the Downtown. The land development regulations for the Downtown Districts are “form-based,” and place greater emphasis on the form of a building, rather than the use of a development site (or sites) and are meant to achieve predictable physical outcomes. They regulate the form, placement and design of private buildings in order to shape the public realm – the space between buildings. These form-based regulations will facilitate new development in Dover while remaining respectful of the historic integrity of the Town.

Specific objectives of the Downtown Districts are:

- (1) To create a framework for the construction of new buildings and renovation of existing buildings with a Form-Based approach and to reinforce the positive elements of the Downtown area.



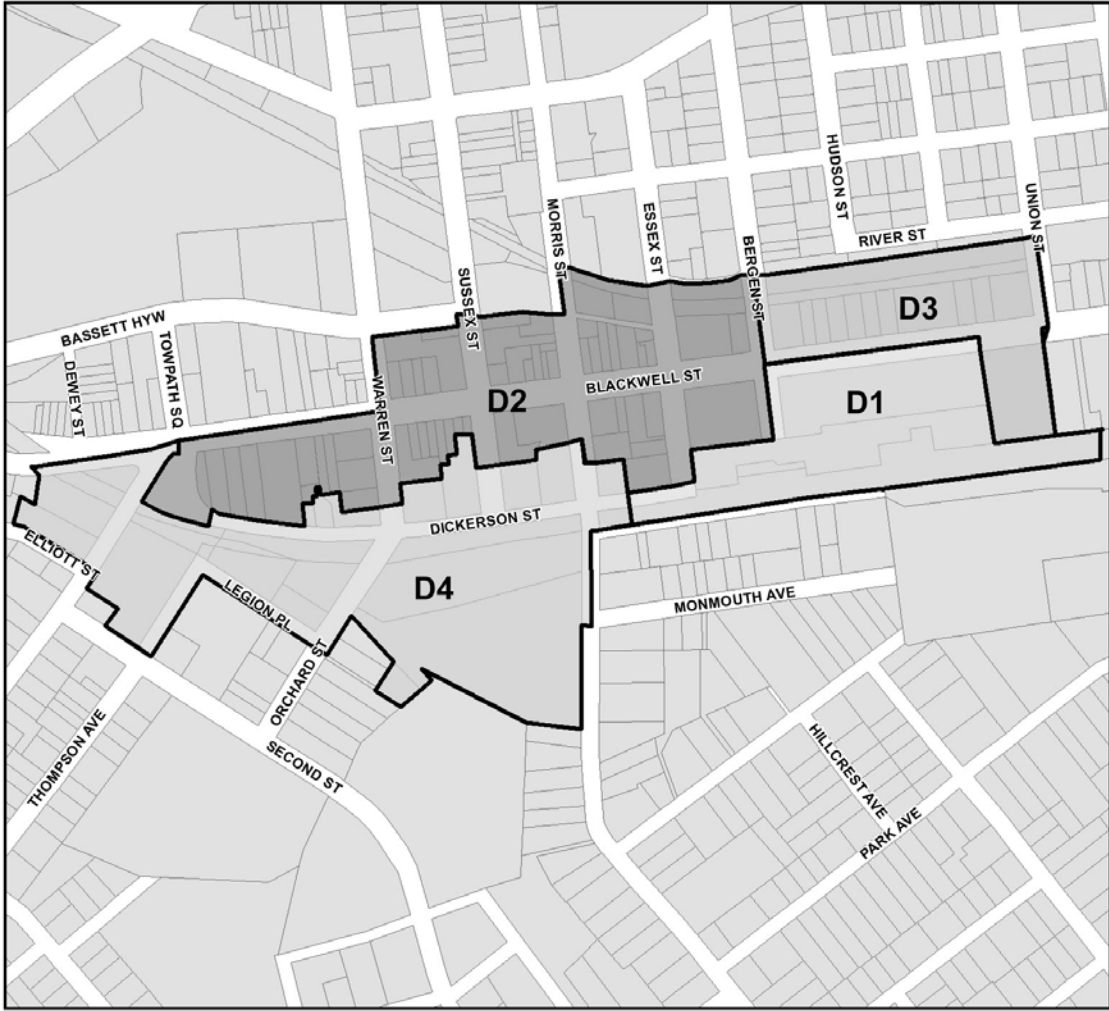
- (2) To define distinctive street profile specifications considering the needs of various groups of users - businesses, pedestrians, motorists, bicyclists, and transit riders - while creating a public realm that is active, comfortable and attractive.
- (3) To provide design standards for enhancing the Downtown and guide the form and architecture of new development to be complementary to its historic character and context.

**B. Organization**

This section of the Land Development Ordinance regulates development by the provision of: District Regulating Map - Designated Districts (Regulating Map 1), District Regulating Map - Designated Overlays (Regulating Map 2), Height Regulating Map, Downtown Districts, Building Types, Frontage Types, Street Profile Specifications, Architectural Standards, and Definitions.


- (1) District Regulating Map 1 – Downtown Districts (Regulating Map 1)

The Downtown District boundaries are established by Zoning Map but are indicated herein for reference by District Regulating Map 1 - Downtown Districts (Regulating Map 1), Figure 236-17.1- A. Future boundaries may change therefore the Zoning Map should be referred to for regulatory purposes.



**DISTRICT REGULATING MAP 1 - DOWNTOWN DISTRICTS**

- Downtown Districts**
-  D1 - Station Area District
  -  D2 - Blackwell Street Historic District
  -  D3 - East Blackwell Business District
  -  D4 - South Downtown District

 0 400 800 Feet  
 Data Sources: NJDEP and the Town of Dover  
 October 2009



**Figure 236-17.1- B**

The following Downtown Districts are established:

- (a) D1 Station Area District
  - (b) D2 Blackwell Street Historic District
  - (c) D3 East Blackwell Business District
  - (d) D4 South Downtown District
- (2) District Regulating Map 2 - Civic Spaces and Public/Quasi-Public Overlays (Regulating Map 2)

The Designated Overlays are established by the District Regulating Map 2 – Civic Spaces and Public/Quasi-Public Overlays (Regulating Map 2), Figure 236-17.1- C. Regulating Map 2 shows the location of designated civic buildings, civic spaces, new rights-of-way, and public parking. The purpose of this map is to reserve specific areas within the downtown for the creation of public improvements including civic spaces, civic buildings, new rights-of-way and public parking. Development within these overlays shall be limited to the creation of civic spaces and public/quasi-public buildings, irrespective of the provisions of Downtown Districts. Development in the Designated Overlays is regulated as follows:

- (a) Designated Civic Space: The primary use of land within this overlay shall be park, plaza, greenway or other types of public space. No building or parking may be constructed within the overlay.
- (b) Designated Civic Building: Provides for the conservation and construction of civic buildings. The primary use of land within this overlay shall be a civic building. The only Building Type permitted within the overlay shall be the “Civic Building”.
- (c) Designated New Right-Of-Way: The primary use of land within this overlay shall be a public right-of-way, designed in accordance with the Street Type Specifications of this Code. The “New Right-Of-Way Overlay” along the Dover Train Station frontage shall be designed in accordance with the recommendations of the TOD Plan, and shall incorporate enhanced pedestrian improvements and a “kiss-n-ride” amenity.
- (d) Designated Public Parking: The primary use of land within this overlay shall be surface or structured parking facilities for the provision of public parking. Liner Buildings, as defined in the Building Type regulations of this Code, may be provided to shield parking areas from view.

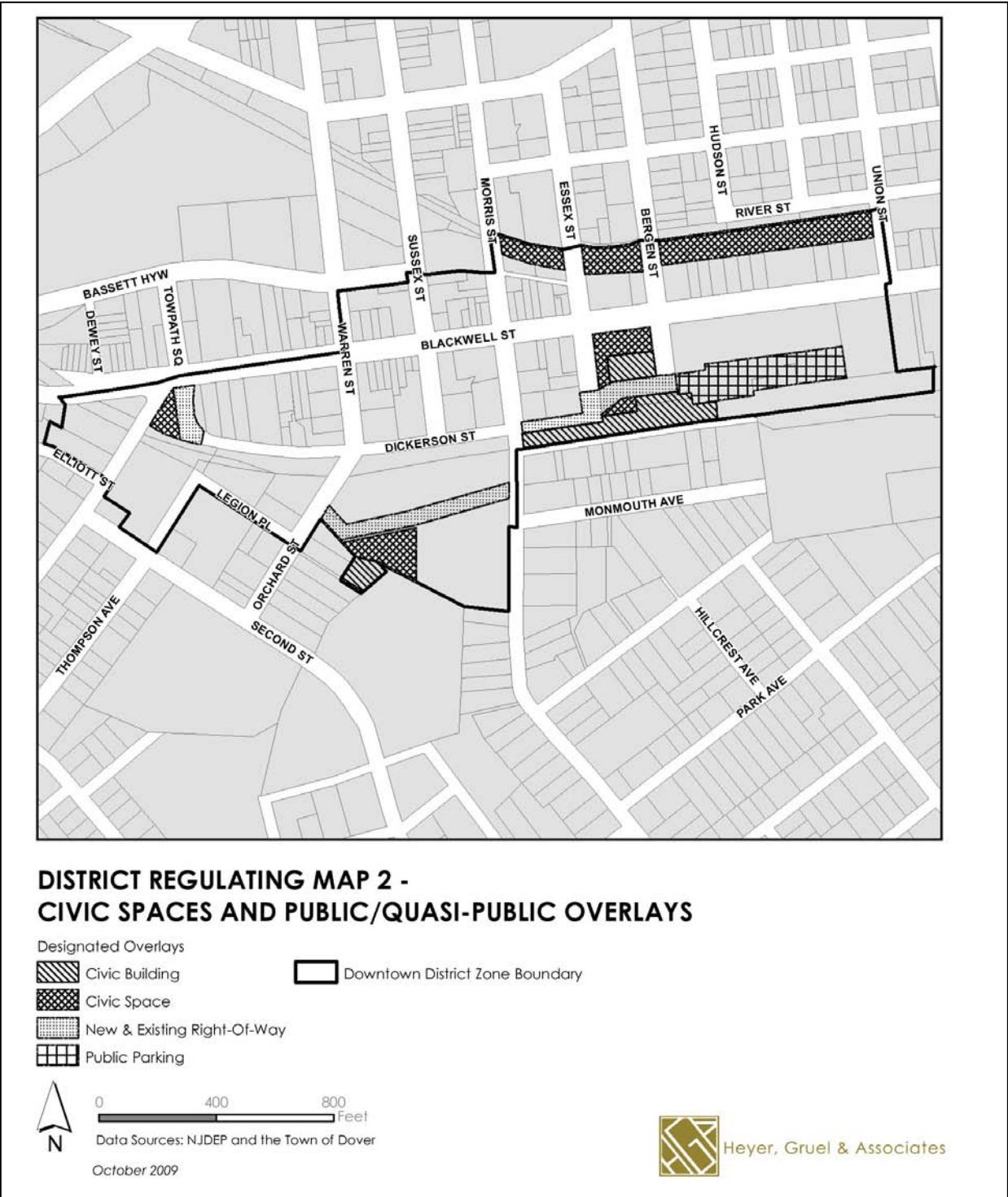


Figure 236-17.1- D

(3) District Regulating Map 3 – Building Heights

The District Regulating Map3 – Building Heights, Figure 236-17.1- E, illustrates the maximum building height in stories and feet permitted in each Downtown District. The height regulations shall apply to new construction as well as the future demolition and replacement. The height regulations shall not apply to any existing buildings within the Historic District. Any deviation from the Height Regulating Map requires a variance either from 40:55D-70.c or 40:55D-70.d in accordance with the Municipal Land Use Law.

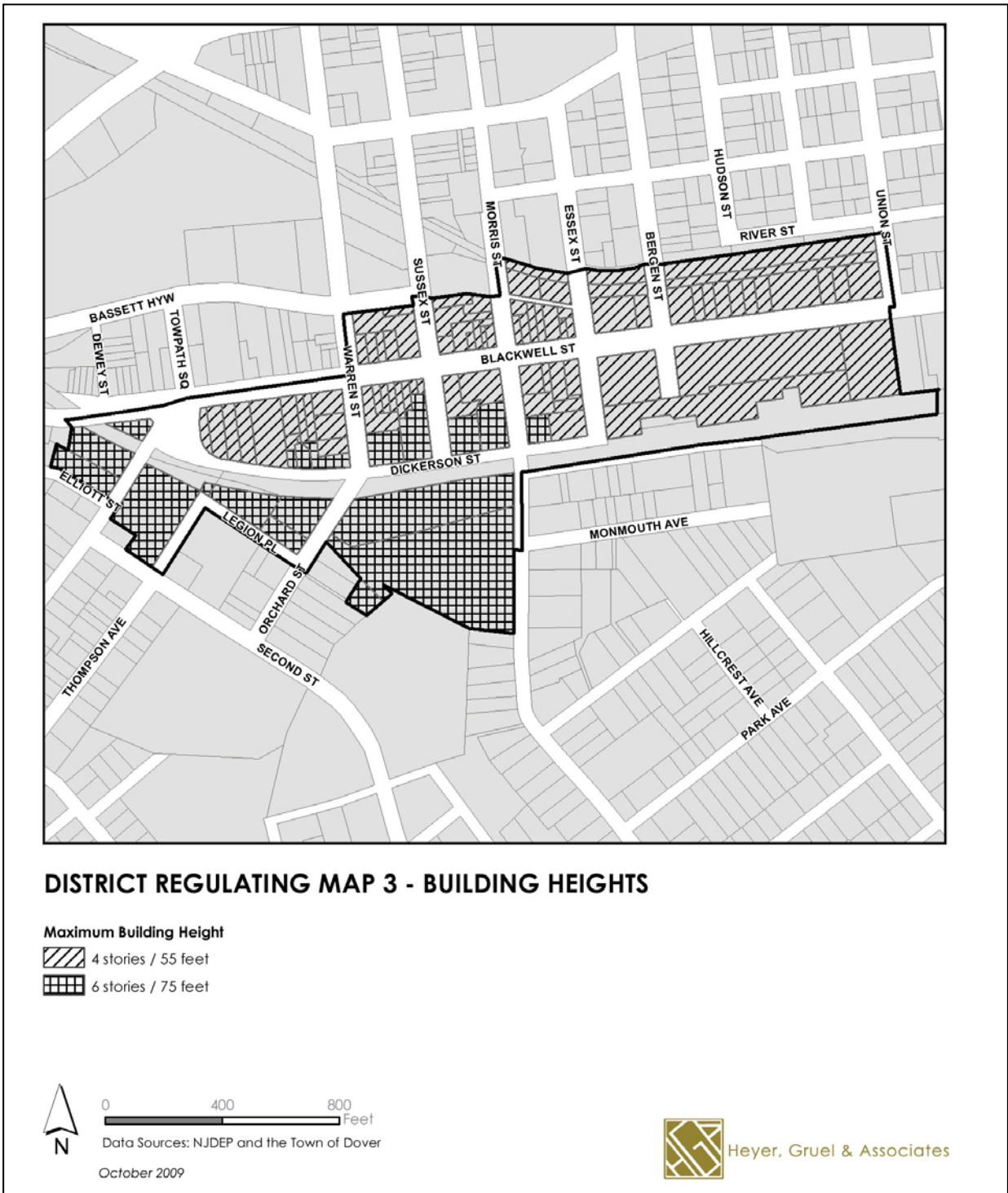


Figure 236-17.1- F

(4) Downtown Districts

This subsection establishes the primary goals and the general development regulations including permitted uses, lot sizes, setbacks, building heights, and the location of parking in each Downtown District. Permitted uses are provided by Downtown District and Building Type, in the Permitted Uses by Building Type Summary Table. Any deviation from the principal permitted uses requires a “d” variance.

(5) Building Types

Based on the predominant character and anticipated development patterns, as detailed in the TOD Plan, Building Types are specified for each of the Downtown Districts. Building Types are either allowed or prohibited based on the intended character of a District – they are the character defining elements of a District. Hence, any deviation from the permitted Building Types requires a “d” variance.

Building Type regulations, which focus on achieving the desired and essential characteristics, are specified in this subsection. This layer of regulation is designed to maintain the rich variety of buildings and streetscapes in the Downtown. The permitted uses, lot sizes, setbacks, building heights, and the location of parking are specified in the Downtown District regulations. The building type regulations do not apply to any existing buildings within the Historic District. A “Zone Application key Map” is provided as a convenience for each Building Type. This key map shows the Downtown Districts or portions of Downtown Districts where the Building Type is permitted.

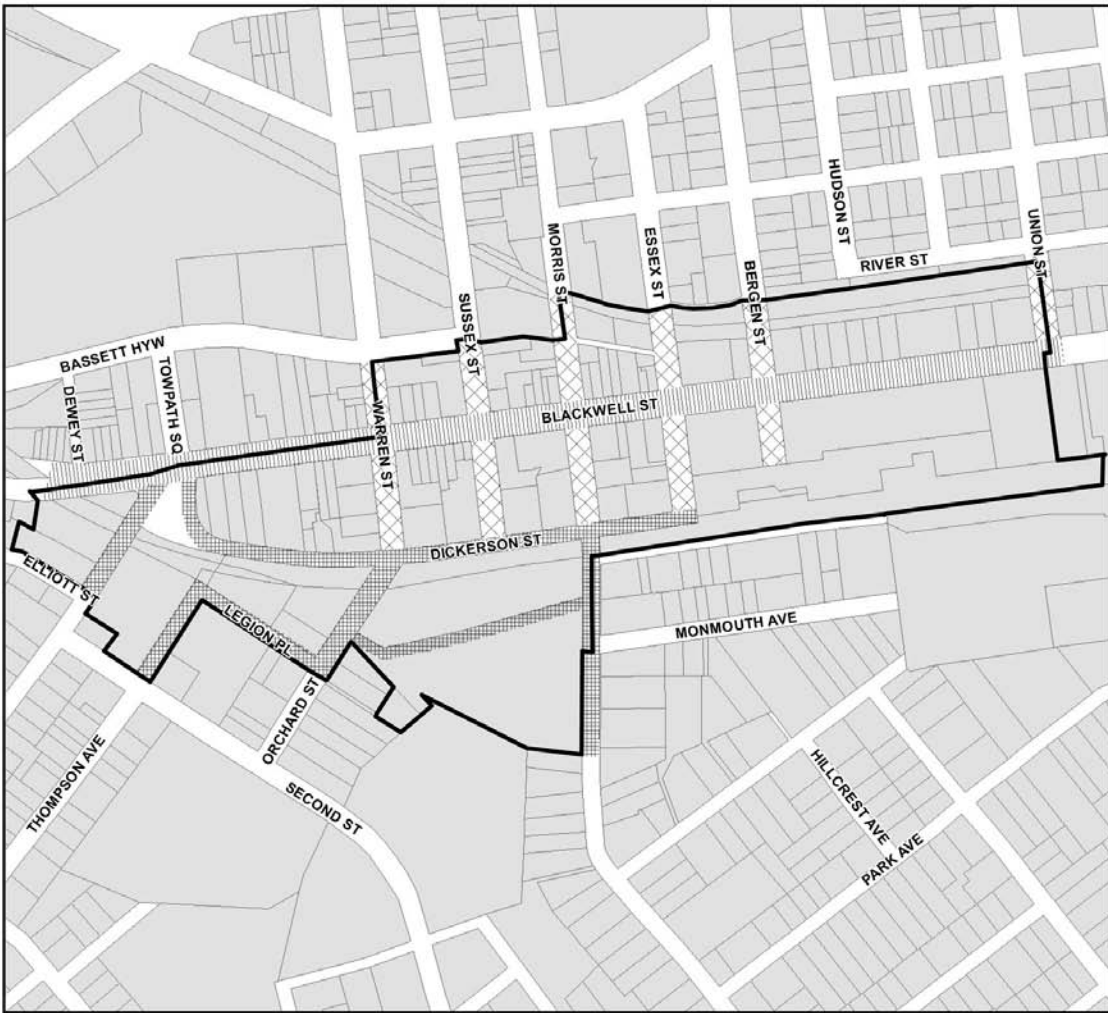
In case of a conflict between regulations for Downtown Districts and the specific requirements of a Building Type, the Building Type requirements shall take precedence.

(6) Frontage Types

The permitted Frontage Types include: shopfront & awning; stoop; terrace; and arcade. Building Frontage essentially defines the way a building relates to the public realm. Frontage Types are intended to regulate the ground-level frontage of a building, along a public street or a public space and to ensure that its interface with the public realm and the transition between the two are detailed properly. In this Code, Frontage Types are permitted by Downtown District, Building Type as well as the building use provided at the street level. Any deviation from the design requirements of a permitted frontage type shall constitute a ‘c’ variance.

(7) Street Profile Specifications and District Regulating Map 4 - Street Types

Streets within the Downtown are classified as Blackwell Street, Avenue ‘A’, Avenue ‘B’, based on the function and width of right-of-way. The District Regulating Map 4 - Street Types, Figure 236-17.1- G, illustrates the primary Street Types within the Downtown. The Street Profile Specifications illustrate the typical configuration of streets and street segments within the Downtown. These specifications address vehicular lane widths, sidewalks, on street parking, tree planting areas, bike lanes, and placement of street furniture and lighting. The respective street profile diagrams guide the street types.



### DISTRICT REGULATING MAP 4 - STREET TYPES

**Street Type**

-  Blackwell Street
-  Avenue A
-  Avenue B



0 400 800 Feet

Data Sources: NJDEP and the Town of Dover  
October 2009



Heyer, Gruel & Associates

Figure 236-17.1- H

(8) Architectural Standards

The Architectural Standards regulate the architectural elements of a building and set the parameters for configurations, styles, construction techniques, and desired materials. The standards also regulate the design of various elements of the buildings within the Districts including facades, roofs, fences, walls, and awnings. From a regulatory perspective, they shall be considered design standards and deviations shall be considered design standard waivers.

(9) Sustainability/"Green Design" Regulations for Downtown Districts

This section of the Code provides the necessary steps in creating a sustainable, mixed use, pedestrian friendly environment that protects and enhances natural resources while providing individuals and families with safe, healthy and comfortable places to live, work, and recreate.

(10) Streetscape Standards

The Streetscape Standards are meant to guide public investment in streetscape improvements, and to assist property owners and developers in designing their own building's relation to the public realm. These standards specify the allowable planters, trashcans, bike racks, bus stops, lighting, and paving materials.

(11) Definitions

This section contains a glossary of technical terms that are specific to the Downtown Districts. Article II Definitions and Word Usage, shall be the primary source of all other definitions. In case of a conflict in usage of words, the definitions in this Code shall supersede Article II.

C. Code Navigation

The Code for the Downtown has been designed to be user-friendly. The provisions of the Downtown Districts can be verified in seven simple steps:

- (1) Locate your parcel on the District Regulating Map 1 – Designated Districts (Figure 236-17.1- I) and identify the Downtown District in which it is located. Also, determine if your parcel is situated in the Historic District (as defined by Section 236-96.7 in article VIIIA of the Land Development Ordinance).
- (2) Locate your parcel on the District Regulating Map 2 – Civic Spaces and Public/Quasi-Public Overlays (Figure 236-17.1- J) and determine if your parcel is situated in a Designated Overlay.
- (3) Review the Downtown Districts subsection (236-17.1.D), to identify the permitted uses, lot sizes, setbacks, building heights, and the location of parking.
- (4) Use the District Regulating Map 3 – Building Heights (Figure 236-17.1- K), to determine the maximum building height for the parcel.
- (5) Review the Building Types subsection (236-17.1.E) to determine the Building Types that can be built on the parcel. Once a building type is identified, determine the requirements that are specific to the building type.
- (6) Review the Frontage Types subsection (236-17.1.F), to determine the frontage types allowed. Once a frontage type is identified, determine the requirements that are specific to the frontage type.
- (7) Review the General Regulations for Downtown Districts (236-17.1.H), to determine if any additional regulations may be applicable.
- (8) Review the Architectural Standards (236-17.1.I) to determine the applicable architectural regulations.
- (9) If the parcel is located within the Historic District, refer to Historic District requirements specified in Section 236-96.7 in Article VIIIA of the Land Development Ordinance.

Table 236-17.1-I is a list of regulatory maps and summary tables:



Regulatory Maps & Summary Tables			
		Section #	Table / Figure No.
<b>MAP</b>	District Regulating Map 1 – Downtown Districts Note: Refer to Zoning Map for Boundaries	Regulating Maps	Figure 236-17.1- L
	District Regulating Map 2 – Civic Spaces and Public/Quasi-Public Overlays	Regulating Maps	Figure 236-17.1- M
	District Regulating Map 3 – Building Heights	Regulating Maps	Figure 236-17.1- N
	District Regulating Map 4 – Street Types	Regulating Maps	Figure 236-17.1- O
<b>SUMMARY TABLE</b>	Building Types By Downtown District Summary Table	Downtown Districts	Table 236-17.1- 1
	Permitted Uses by Building Type Summary Table	Downtown Districts	Table 236-17.1- 2
	Allowable Frontage Types	Frontage Types	Table 236-17.1- 3

**Table 236-17.1- 4**

D. Downtown Districts

(1) D1 Station Area District

(a) District Purpose / Goal

- [1] To create a civic core of the Town with the Dover Train Station as its focus.
- [2] To create a public plaza and an outdoor dining space at the train station.
- [3] To continue the presence of multi-family residential housing close to the train station.
- [4] To create an opportunity for public and commuter parking.

(b) Permitted Uses

[1] Principal Uses

In accordance with the Permitted Uses By Building Type Summary Table.

[2] Accessory Uses

Uses accessory and incidental to principal permitted uses such as parking, loading, on-site storage, apartment common areas, and trash recycling areas.

[3] Additional Use Regulations:

- [a] Public parking lots (and structures) are permitted as the primary use of property in the “public parking” overlay areas shown on District Regulating Map 2
- [b] Multi-family residential housing is permitted as a principal use only in Block 1213, Lot 3

(c) Placement Of Accessory Uses With Respect to Principal Building

Parking, Loading, Trash and On-Site Storage shall be located in the rear or interior only

(d) Building Form Standards

- [1] The maximum wall plane width (Vertical Rhythm) shall be 50 feet
- [2] The maximum single tenant commercial area shall be 10,000 square feet.
- [3] The minimum residential unit size shall be 800 square feet.

(e) Setbacks

- [1] Setbacks shall be regulated by building type.

- (f) Building Height
  - [1] The minimum building height shall be regulated by building type
  - [2] The maximum building height shall be as indicated in the District Regulating Map 3 – Building Heights
  - [3] There is no vertical setback requirements from a public street
- (g) Coverage Requirements
  - [1] Maximum Building Coverage shall not exceed 85 percent
  - [2] Maximum Impervious Converge shall not exceed 90 percent
- (h) Permitted Building Types
 

Only the following Building Types are permitted

  - [1] Commercial Block
  - [2] Liner Building
  - [3] Townhouse
  - [4] Civic Building
  - [5] Multi-Family Building
- (2) D2 Blackwell Street Historic District
  - (a) District Purpose / Goal
    - [1] To provide for the renovation and conservation of historic buildings within the Dover Historic District.
    - [2] To create a strong street edge of mixed-use buildings with retail on ground floor with residential and commercial uses permitted by right in the upper floors.
    - [3] To create opportunities for retail, office, theaters, and eating/dining establishments.
  - (b) Permitted Uses
    - [1] Principal Uses
 

Permitted uses within existing structures shall be in accordance with the permitted uses provided in the Permitted Uses By Building Type Summary Table (All Existing Buildings)
    - [2] Accessory Uses
 

Uses accessory and incidental to principal permitted uses such as parking, loading, on-site storage, apartment common areas, and trash recycling areas.
  - (c) District Regulations
    - [1] All buildings within the Historic District shall be retained and restored as required by Article VIIA Historic Preservation.
    - [2] Where existing buildings are restored or re-used in their current state, the principal structure of all existing buildings within the District shall be considered a conforming structure. No bulk requirements are provided within this District.
    - [3] In case of new construction or demolition (where existing buildings are replaced by new structures), the district, use, building type, and frontage regulations of D3 East Blackwell Business District shall apply.
    - [4] In case of new construction or demolition (where existing buildings are replaced by new structures), the architectural standards of this Code shall apply.
    - [5] The provisions of Article VIIA Historic Preservation, shall apply to all lots within D2 Blackwell Street Historic District.
- (3) D3 East Blackwell Business District
  - (a) District Purpose / Goal
    - [1] To build upon the characteristic elements of the Town’s Historic District, and function as an extension of the D2 Blackwell Street Historic District.

- [2] To create a strong street edge of mixed-use buildings with retail on ground floor with residential and commercial uses permitted by right in the upper floors.
- [3] To create opportunities for retail, office, theaters, and eating/dining establishments
- (b) Permitted Uses
  - [1] Principal Uses
    - In accordance with the Permitted Uses By Building Type Summary Table.
  - [2] Accessory Uses
    - Uses accessory and incidental to principal permitted uses such as parking, loading, on-site storage, apartment common areas, and trash recycling areas.
- (c) Placement Of Accessory Uses With Respect to Principal Building
  - Parking, Loading, Trash and On-Site Storage shall be located in the rear or interior only
- (d) Building Form Standards
  - [1] The maximum wall plane width (Vertical Rhythm) shall be 50 feet
  - [2] The maximum single tenant commercial area shall be 10,000 square feet.
  - [3] The minimum residential unit size shall be 800 square feet.
- (e) Setbacks
  - [1] Setbacks shall be regulated by building type.
- (f) Building Height
  - [1] The minimum building height shall be regulated by building type
  - [2] The maximum building height shall be as indicated in the District Regulating Map 3 – Building Heights
  - [3] There is no vertical setback requirements from a public street
- (g) Coverage Requirements
  - [1] Maximum Building Coverage shall not exceed 70 percent
  - [2] Maximum Impervious Converge shall not exceed 70 percent
- (h) Permitted Building Types
  - Only the following Building Types are permitted
  - [1] Commercial Block
  - [2] Corner Buildings
  - [3] Civic Building
- (4) D4 South Downtown District
  - (a) District Purpose / Goal
    - [1] To create mixed-use development, that capitalizes on its proximity to the train station, and is a complementary extension of the existing downtown.
    - [2] To capitalize on the existing park/recreation space (Crescent Field)..
    - [3] To create new multi-family residential housing close to the train station.
    - [4] To preserve and enhance the public and commuter parking facilities.
  - (b) Permitted Uses
    - [1] Principal Uses
      - In accordance with the Permitted Uses By Building Type Summary Table.
    - [2] Accessory Uses
      - Uses accessory and incidental to principal permitted uses such as parking, loading, on-site storage, apartment common areas, and trash recycling areas.

- [3] Additional Use Regulations:
  - [a] Multi-Family and Townhouse building types are only permitted west of Orchard Street.
  - [b] With respect to the New Jersey Transit maintenance facility in Block 510 Lot 6, should New Jersey Transit choose to change or relocate this facility, it must be relocated to a suitable location outside the Downtown Districts.
- (c) Placement Of Accessory Uses With Respect to Principal Building
 

Parking, Loading, Trash and On-Site Storage shall be located in the rear or interior only
- (d) Building Form Standards
  - [1] The maximum wall plane width (Vertical Rhythm) shall be 50 feet
  - [2] The maximum single tenant commercial area shall be 20,000 square feet.
  - [3] The minimum residential unit size shall be 800 square feet.
- (e) Setbacks
  - [1] Setbacks shall be regulated by building type. Buildings with property lines adjoining a residential zone or a residential use shall have a vertical setback of 10 feet at every three stories along the property line..
- (f) Building Height
  - [1] The minimum building height shall be regulated by building type
  - [2] The maximum building height shall be as indicated in the District Regulating Map 3 – Building Heights
  - [3] Vertical Setback From Public Street shall be a minimum of 5 feet for after the fourth story
- (g) Coverage Requirements
  - [1] Maximum Building Coverage shall not exceed 85 percent
  - [2] Maximum Impervious Converge shall not exceed 90 percent
- (h) Permitted Building Types
 

Only the following Building Types are permitted

  - [1] Liner Building
  - [2] Courtyard Building; only east of Orchard Street
  - [3] Multi-Family Building; only west of Orchard Street
  - [4] Corner Building
  - [5] Townhouse ; only west of Orchard Street
  - [6] Civic Building
  - [7] Commercial Block

(5) Allowable Building Types

The allowable building types are defined by Downtown District.

Any existing building within the D2 Blackwell Street Historic District shall be considered a conforming structure. In case of new construction or demolition the regulations of D3 East Blackwell Business District shall apply.

<b>Building Types By Downtown District Summary Table</b>				
	<b>D1 Station Area District</b>	<b>D2 Blackwell Street Historic District</b>	<b>D3 East Blackwell Business District</b>	<b>D4 South Downtown District</b>
<b>Commercial Block (CO)</b>	YES	See Note Below	YES	YES
<b>Liner Building (LB)</b>	YES		NO	YES
<b>Townhouse (TH)</b>	YES		NO	YES*
<b>Courtyard Building (CY)</b>	NO		NO	YES**
<b>Corner Building (CR)</b>	NO		YES	YES
<b>Civic Building (CI)</b>	YES		YES	YES
<b>Multi-Family Building (MF)</b>	YES		NO	YES*
<p><i>* Only permitted West of Orchard Street</i></p> <p><i>** Only permitted East of Orchard Street</i></p> <p><b>Note:</b> Any existing building within the D2 Blackwell Street Historic District shall be considered a conforming structure. In case of new construction or demolition the regulations of D3 East Blackwell Business District shall apply.</p>				

**Table 236-17.1- 5**

(6) Permitted Uses By Building Type

The permitted uses within Downtown Districts are defined by Building Type. Table 236-17.1- 3 summarizes the permitted uses:

<b>Permitted Uses By Building Type Summary table</b>											
<b>Building Types</b>	<b>Permitted Uses</b>										
	<b>Dwelling Unit</b>	<b>Hotel</b>	<b>Business/Professional Office</b>	<b>Bank</b>	<b>Retail Sales and Service</b>	<b>Drive-Through Uses</b>	<b>Restaurant</b>	<b>Theater</b>	<b>Music &amp; Dance Studios, And Fitness Centers</b>	<b>Club /Fraternal Organization</b>	<b>Civic Use/Community Center</b>
<b>Commercial Block (CO)</b>	<b>Pu</b>	<b>P</b>	<b>Pu</b>	<b>P</b>	<b>P</b>	<b>N</b>	<b>P</b>	<b>P</b>	<b>Pu</b>	<b>Pu</b>	<b>P</b>
<b>Liner Building (LB)</b>	<b>Pu</b>	<b>Pu</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>N</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>Pu</b>	<b>P</b>
<b>Townhouse (TH)</b>	<b>P</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>
<b>Courtyard Building (CY)</b>	<b>Pu</b>	<b>Pu</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>N</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>Pu</b>	<b>P</b>
<b>Corner Building (CR)</b>	<b>Pu</b>	<b>P</b>	<b>Pu</b>	<b>P</b>	<b>P</b>	<b>N</b>	<b>P</b>	<b>P</b>	<b>Pu</b>	<b>Pu</b>	<b>P</b>
<b>Civic Building (CI)</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>Multi-Family Building (MF)</b>	<b>P</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>

<b>All Existing Buildings</b>	<b>Pu</b>	<b>P</b>	<b>Pu</b>	<b>P</b>	<b>P</b>	<b>N</b>	<b>P</b>	<b>P</b>	<b>Pu</b>	<b>Pu</b>	<b>P</b>
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<b>P</b>	Permitted (All Floors) Principal Use – Use may be provided on all floors in this Building Type
<b>Pu</b>	Permitted (Upper Floors) Principal Use – Use may only be provided on the upper floors of this Building Type
<b>N</b>	Not Permitted – Use is prohibited in this Building Type

**Table 236-17.1- 6**

## E. Building Types

### (1) Commercial Block (CO)

The Commercial Block is the most predominant building type found on Blackwell Street. It is typically a mixed-use building with retail uses at the street level and residential uses in the upper floors. These buildings are generally built up to the street without any side yard.

The three predominant variants of the Commercial Block, among existing buildings in Downtown are the 25-30 feet wide building, 50-60 feet wide building, and 100-125 feet wide building.

#### (a) Setback

- [1] The Build-To-Line distance shall be zero.
- [2] Side yard setback distance shall be zero. A side yard setback of no more than 5 feet shall be permitted for pedestrian access only.
- [3] There shall be no minimum side rear setback distance.
- [4] The setback distance for surface parking shall be 5 feet.

#### (b) Building Height

- [1] The minimum number of stories shall be 2.
- [2] The minimum building height shall be 30 feet.
- [3] The minimum height of the ground floor shall be 12 feet
- [4] The maximum height of parking structures shall be equivalent to the maximum permitted building height.

#### (c) Building Size

- [1] The maximum width of a building shall be 90 percent of the Lot Width, but not to exceed a maximum of 125 feet.
- [2] The minimum depth of ground floor commercial space shall be 40 feet.

#### (d) Permitted Configuration of Parking

- [1] Both structured and surface parking shall only be permitted in the rear of the building.

#### (e) Maximum. Building Encroachment

- [1] The Maximum. Building Encroachment for a signature building entrance shall be 5 feet.
- [2] The Maximum. Building Encroachment for a cornice, signage or other architectural element shall be 2 feet.
- [3] The Maximum. Building Encroachment for an awning shall be 5 feet.

#### (f) Additional Regulations

- [1] The Upper story storage, internal circulation areas, and staircases shall not be visible from the public street.
- [2] Upper story residential and office entrance lobbies are permitted at the street level.
- [3] Pitched and mansard roofs are not permitted.
- [4] Continuous “glass walls” are not permitted.
- [5] Upper story balconies are not permitted on facades visible from a public street.
- [6] The height of a parking structure shall not exceed the height of principal building.

### (2) Liner Buildings (LB)

A liner building is a mixed-use structure, which is generally parallel to the street and designed to enclose a functional core such as a parking garage, and shield the visibility of such structures from a public street, plaza or park. A liner building may include commercial, office, and/or residential uses. Entrances to liner buildings are provided in the form of a common lobby at the ground floor for access to upper story residential and office spaces and as private front doors to access ground-level unit and street-level entrances to retail spaces. If the liner building encloses a parking structure, the rooftop space of the parking structure may be designed as a green roof, which would serve as residential amenity.

#### (a) Setback

- [1] The Build-To-Line distance shall be zero. A Build-To-Line distance of 10 feet shall be permitted when Terrace or Stoop frontages are provided.
- [2] Side yard setback distance shall be zero. A side yard setback of no more than 25 feet shall be permitted for access only.
- [3] There shall be no minimum side rear setback distance.
- [4] The setback distance for surface parking shall be 5 feet.

(b) Building Height

- [1] The minimum number of stories shall be 3.
- [2] The minimum building height shall be 40 feet.
- [3] The minimum height of the ground floor shall be 12 feet.
- [4] The maximum height of parking structures shall be equivalent to the maximum permitted building height.
- [5] The maximum height of a Corner Architectural Element shall be 20 feet.

(c) Building Size

- [1] The maximum width of a building shall be 250 feet.
- [2] The minimum depth of a building shall be 40 feet.
- [3] The Building Frontage at the Build-To-Line shall not exceed 90 percent of the Lot Frontage.

(d) Permitted Configuration of Parking

- [1] Both structured and surface parking shall only be permitted in the rear of the building.
- [2] Structured parking may be under habitable space or a green roof.

(e) Maximum. Building Encroachment

- [1] The Maximum. Building Encroachment for a signature building entrance shall be 5 feet.
- [2] The Maximum. Building Encroachment for an upper story balcony shall be 4 feet.
- [3] The Maximum. Building Encroachment for a cornice, signage or other architectural element shall be 2 feet.
- [4] The Maximum. Building Encroachment for an awning shall be 5 feet.

(f) Additional Regulations

- [1] The Upper story storage, internal circulation areas, and staircases shall not be visible from the public street.
- [2] Upper story residential and office entrance lobbies are permitted at the street level.
- [3] Rooftop of parking structures may be occupied by a green roof or habitable space.
- [4] Pitched roofs, except mansard, are not permitted for buildings taller than 4 stories.
- [5] Internal access to parking from the mixed-use liner building may be provided at every floor.
- [6] The maximum footprint area of corner architectural elements shall be 300 square feet.

(3) Townhouse (TH)

A townhouse is one in a series of one-family dwelling units that are attached vertically by common fire and sound-resistant walls. Parking for a townhouse may be provided within the unit and accessed from a rear alley; or as a common surface lot or parking structure within the townhouse development.

(a) Setback

- [1] The Build-To-Line distance shall be no more than 10 feet.
- [2] Side yard setback distance shall be zero. A side yard setback of no more than 25 feet shall be permitted for access and landscaping only.
- [3] There shall be no minimum side rear setback distance.
- [4] The setback distance for surface parking shall be 5 feet.



(b) Building Height

- [1] The minimum number of stories shall be 3.
- [2] The minimum building height shall be 40 feet.
- [3] There shall be no minimum height of the ground floor.
- [4] The maximum height of parking structures shall be equivalent to the maximum permitted building height.

(c) Building Size

- [1] The minimum width of a building shall be 20 feet. The maximum width of a building shall be 30 feet.
- [2] The minimum depth of a building shall be 40 feet.
- [3] The Building Frontage at the Build-To-Line may equal 100 percent of the Lot Frontage.

(d) Permitted Configuration of Parking

- [1] Both structured and surface parking shall only be permitted in the rear of the building.
- [2] Structured parking may be under habitable space or a green roof.

(e) Maximum Building Encroachment

- [1] The Maximum Building Encroachment for an upper story balcony shall be 4 feet.
- [2] The Maximum Building Encroachment for a cornice, signage or other architectural element shall be 2 feet.

(f) Additional Regulations

- [1] The Maximum eave to roofline height of a mansard roof shall be 5 feet.
- [2] The Roofline of a pitched roof shall be parallel to the street.
- [3] Continuous “glass walls” are not permitted.
- [4] Townhouse buildings may be provided as a liner development for a parking structure on blocks west of Orchard Street. In such a case, the height of a parking structure may not exceed the height of the townhouse building.
- [5] No more than 6 townhouse buildings may be attached by common walls.

(4) Courtyard Building (CY)

A courtyard building, as permitted by this Code, is a mixed-use residential building with dwelling units arranged around an internal courtyard. The internal courtyard is a residential park area/green roof built on top of an embedded or underground parking deck, and is designed to be an extension of the Crescent Field.

This building type is permitted only east of Orchard Street, and the internal courtyards within these buildings may only front onto Crescent Field.

(a) Setback

- [1] The Build-To-Line distance shall be zero. A Build-To-Line distance of 10 feet shall be permitted when Terrace or Stoop frontages are provided.
- [2] Side yard setback distance shall be a maximum of 10 feet.
- [3] There shall be no minimum side rear setback distance.

(b) Building Height

- [1] The minimum number of stories shall be 3.
- [2] The minimum building height shall be 40 feet.
- [3] The minimum height of the ground floor shall be 12 feet.
- [4] The maximum height of parking structures shall be 25 feet.
- [5] The maximum height of a Corner Architectural Element shall be 20 feet.

(c) Building Size

- [1] The maximum width of a building shall be 250 feet.

- [2] The minimum depth of a building shall be 100 feet.
- [3] The maximum depth of a retail or residential space shall be 40 feet.
- [4] The Building Frontage at the Build-To-Line shall not exceed 90 percent of the Lot Frontage.

(d) Permitted Configuration of Parking

- [1] Structured parking may be under habitable space or a green roof.

(e) Maximum. Building Encroachment

- [1] The Maximum. Building Encroachment for a signature building entrance shall be 5 feet.
- [2] The Maximum. Building Encroachment for an upper story balcony shall be 4 feet.
- [3] The Maximum. Building Encroachment for a cornice, signage or other architectural element shall be 2 feet.
- [4] The Maximum. Building Encroachment for an awning shall be 5 feet.

(f) Additional Regulations

- [1] A Courtyard Buildings is only permitted east of Orchard Street.
- [2] Street level entrance lobbies for upper story office and residential uses are permitted.
- [3] The Maximum footprint area of corner architectural elements shall be 300 square feet.
- [4] Courtyards shall be well lit and landscaped.
- [5] Courtyards shall only front on Crescent Field.
- [6] The minimum building height on the Crescent Field frontage may be reduced to 2 stories and 25 feet
- [7] Ground level building frontage on Crescent Field shall be occupied by residential amenities, restaurants, cafes, or other types of assembly uses such as bookstores with outdoor seating.

(5) Corner Building (CR)

This is a variant of the Commercial Block designed to create signature buildings on corner lots at prominent intersections. This building type is allowed a greater height and a larger building footprint than the Commercial Block. It is typically a mixed-use building with retail uses at the street level and residential uses in the upper floors.

(a) Setback

- [1] The Build-To-Line distance shall be zero.
- [2] Side yard setback distance shall be zero. A side yard setback of no more than 15 feet shall be permitted for access only.
- [3] There shall be no minimum rear setback distance.
- [4] The setback distance for surface parking shall be 5 feet.

(b) Building Height

- [1] The minimum number of stories shall be 2.
- [2] The minimum building height shall be 35 feet.
- [3] The minimum height of the ground floor shall be 12 feet
- [4] The maximum height of parking structures shall be equivalent to the maximum permitted building height.
- [5] The maximum height of a Corner Architectural Element shall be 20 feet.

(c) Building Size

- [1] The minimum width of a building shall be 50 feet. The maximum width of a building shall be 100 feet.
- [2] The minimum depth of a building shall be 40 feet. The maximum depth of a building shall be 100 feet.
- [3] The Building Frontage at the Build-To-Line may equal 100 percent of the Lot Frontage.

(d) Permitted Configuration of Parking

- [1] Both structured and surface parking shall only be permitted in the rear of the building.
- [2] Structured parking may be under habitable space.

[3] Shared parking lots with other buildings are permitted.

(e) Maximum. Building Encroachment

[1] The Maximum. Building Encroachment for a signature building entrance or theater marquee shall be 5 feet.

[2] The Maximum. Building Encroachment for a cornice, signage or other architectural element shall be 2 feet.

[3] The Maximum. Building Encroachment for an awning shall be 5 feet.

(f) Additional Regulations

[1] The Upper story storage, internal circulation areas, and staircases shall not be visible from the public street.

[2] The height of this building type may be 10% greater than allowed in the Height Regulating Map.

[3] Continuous “glass walls” are not permitted.

[4] The Maximum footprint area of corner architectural elements shall be 300 square feet.

[5] Mezzanine floors are permitted with a minimum ground floor height of 18 feet.

[6] Upper story balconies are not permitted on facades visible from a public street.

[7] The height of a parking structure may not exceed the height of principal building.

(6) Civic Building (CI)

This is a building type designed to accommodate public and quasi-public uses. Civic Buildings are intended to accommodate community service uses such as a place of worship, a library, a community hall, a historical (or other) society building, etc. These buildings are intended to become identifiable landmarks within the Town, and hence the quality and style of architecture shall be of great importance.

(a) Setback

[1] The maximum Build-To-Line distance shall be 25 feet.

[2] Side yard setback distance shall be zero. A side yard setback of no more than 15 feet shall be permitted for access only.

[3] There shall be no minimum rear setback distance.

[4] The setback distance for surface parking shall be 5 feet.

(b) Building Height

[1] The maximum number of stories shall be 3.

[2] The minimum building height shall be 18 feet. The maximum building height shall be 40 feet.

[3] The minimum height of the ground floor shall be 14 feet.

[4] The maximum height of parking structures shall be equivalent to the maximum permitted building height.

[5] The maximum height of a Corner Architectural Element shall be 20 feet.

(c) Building Size

[1] The maximum width of a building shall be 100 feet.

[2] The maximum depth of a building shall be 100 feet.

[3] The Building Frontage at the Build-To-Line shall not exceed 80 percent of the Lot Frontage.

(d) Permitted Configuration of Parking

[1] Both structured and surface parking shall only be permitted in the rear of the building.

[2] Structured parking may be under habitable space.

[3] Shared parking lots with other buildings are permitted.

(e) Maximum. Building Encroachment

[1] The Maximum. Building Encroachment for a cornice, signage or other architectural element shall be 2 feet.

[2] The Maximum. Building Encroachment for an awning shall be 5 feet.

(f) Additional Regulations

- [1] The scale of entrance shall mimic the proportions of some of the existing public building such as the Town Hall building.
- [2] High quality building materials shall be used, and the scale of architectural elements shall be proportioned to create an iconic building.
- [3] The Maximum footprint area of corner architectural elements shall be 300 square feet.

(7) Multi-Family Building (MF)

This is a multi-family residential building type designed to provide housing opportunities within the Downtown and close to mass transit. The street frontages of these buildings shall be characterized by quality landscaping along the street edge and multiple street-level entries to create opportunities for social interaction.

(a) Setback

- [1] The Build-To-Line distance shall be a minimum of 3 feet and a maximum of 15 feet.
- [2] Side yard setback distance shall be zero. A side yard setback of no more than 25 feet shall be permitted for access and landscaping only.
- [3] There shall be no minimum side rear setback distance.
- [4] The setback distance for surface parking shall be 5 feet.

(b) Building Height

- [1] The minimum number of stories shall be 3.
- [2] The minimum building height shall be 40 feet.
- [3] There shall be no minimum height of the ground floor.
- [4] The maximum height of parking structures shall be equivalent to the maximum permitted building height.
- [5] The maximum height of a corner architectural element shall be 20 feet.

(c) Building Size

- [1] The maximum width of a building shall be 150 feet.
- [2] The minimum depth of a building shall be 70 feet. The maximum depth of a building shall be 100 feet.
- [3] The Building Frontage at the Build-To-Line shall not exceed 90 percent of the Lot Frontage.

(d) Permitted Configuration of Parking

- [1] Both structured and surface parking shall only be permitted in the rear of the building.
- [2] Structured parking may be under habitable space or a green roof.

(e) Maximum. Building Encroachment

- [1] The Maximum. Building Encroachment for a signature building entrance shall be 5 feet.
- [2] The Maximum. Building Encroachment for an upper story balcony shall be 4 feet.
- [3] The Maximum. Building Encroachment for a cornice, signage or other architectural element shall be 2 feet.

(f) Additional Regulations

- [1] Pitched roofs are not permitted for buildings taller than 4 stories.
- [2] The Maximum distance between street level building entries shall be 35 feet.
- [3] Continuous “glass walls” are not permitted.
- [4] The build-to-line distance shall be extensively landscaped to create a useable semi-public space.

F. Frontage Types

(1) Allowable Frontage Types

Street-level building frontages are closely related to the Building Type, the building use at the street level, and the desired characteristics of a specific Downtown District. Hence, the allowable frontage types are provided as a

combination of these three parameters. The permitted frontage types are mutually exclusive - no two frontage types can be combined. Table 236-17.1- 7 summarizes the allowable Frontage Types by Downtown District, Building Type, and building use at the street level:

Allowable Frontage Types Summary Table															
Frontage Types	Downtown District			Building Type							Street-Level Building Use				
	D1 Station Area Mixed Use District	D3 East Blackwell Business District	D4 South Downtown District	Commercial Block (CO)	Liner Building (LB)	Townhouse (TH)	Courtyard Building (CY)	Corner Building (CR)	Civic Building (CI)	Multi-Family Building (MF)	Retail Sales and Service/ Bank	Restaurant	Office	Dwelling Unit	Civic
<b>Shopfront &amp; Awning</b>	Y	Y	Y	Y	Y	N	Y	Y	N	N	Y	Y	Y	N	N
<b>Stoop</b>	Y	N	Y	N	Y	Y	Y	N	N	Y	N	N	Y	Y	N
<b>Terrace</b>	Y	N	Y	N	Y	N	Y	N	Y	N	N	Y	Y	N	Y
<b>Arcade</b>	Y	N	Y	Y	Y	N	Y	N	Y	N	Y	Y	Y	N	Y
<b>Y</b>	Frontage Type Permitted														
<b>N</b>	Frontage Type Not Permitted														
<b>Note:</b> As an example of identifying permitted Frontage Types, civic uses at the street level are permitted in the D3 District, but the frontage may only be a terrace, and not an arcade or a gallery. However, if the same civic building use is located within D1 or D4 Districts, terrace and arcade frontage types are permitted.															

**Table 236-17.1- 8**

(2) Shopfront & Awning

(a) Description

A building frontage wherein the façade is aligned close to the frontage line with the building entrance at sidewalk grade.

It has a substantial glazing on the sidewalk level and may have an awning that may encroach on to the sidewalk.

(b) Height of Finished First Floor from Sidewalk

[1] The first floor shall be no more than 2 feet above the sidewalk.

(c) Clearance Height of All Projections from Finished First Floor (awnings, etc.)

[1] The Clearance Height of All Projections from Finished First Floor (awnings, etc.) shall be a minimum of 8 feet and a maximum of 12 feet.

(d) Depth of Awning

[1] Awnings shall have a minimum depth of 3 feet and a maximum depth of 5 feet.

(e) Width of Frontage

[1] The maximum width of an awning shall be 12 feet.

[2] The maximum width of display windows shall be 12 feet.

(f) Landscaping

[1] Planters and street trees are permitted landscaping along shopfronts.

(g) Building Interface

[1] The maximum distance between doors shall be 35 feet.

[2] Window types shall be fixed or display type.

[3] The minimum glazing shall be 60 percent.

(3) Stoop

(a) Description

A building frontage wherein the building entrance is setback from the edge of the sidewalk, and the first story is sufficiently elevated from the sidewalk to secure privacy for the windows.

The stairs of a stoop shall be perpendicular to the sidewalk.

Stoops may be roofed or unroofed but may not be screened or otherwise enclosed.

(b) Height of Finished First Floor from Sidewalk

[1] The first floor shall be a minimum of 2 feet above the sidewalk.

[2] The first floor shall be no more than 4 feet above the sidewalk.

(c) Clearance Height of All Projections from Finished First Floor (awnings, etc.)

[3] There is no minimum or maximum clearance height of all projections from the finished first floor.

(d) Depth of Frontage

[1] The minimum depth of a stoop shall be 4 feet.

[2] The maximum depth of a stoop shall be to the Build-To-Line.

(e) Width of Frontage

[1] The maximum width of a stoop shall be 8 feet.

[2] The minimum width of a stoop shall be 4 feet.

(f) Landscaping

[1] Street trees and foundation plantings are permitted landscaping.

(g) Building Interface

[1] The maximum distance between doors shall be 35 feet.

[2] Window types shall be fixed residential type.

[3] The minimum glazing shall be 25 percent.

(2) Terrace

(a) Description

A building frontage wherein the façade is setback from the frontage line by an elevated terrace. For street level commercial uses such as restaurants, the terrace is suitable for conversion to outdoor cafes. In civic uses, a terrace can function as a strong base for the building, and also as an outdoor waiting/entrance area.

A terrace shall be paved, and only temporary outdoor furniture and landscaping may be provided on a terrace.

(b) Height of Finished First Floor and Terrace from Sidewalk

[4] The first floor and terrace shall be a minimum of 1 foot above the sidewalk.

[5] The first floor and terrace shall be no more than 4 feet above the sidewalk.

(c) Clearance Height of All Projections from Finished First Floor (awnings, umbrellas, etc.)

[6] The minimum clearance height of all projections from the finished first floor shall be 8 feet.

[7] The maximum clearance height of all projections from the finished first floor shall be 12 feet.

(d) Depth of Frontage

[1] The minimum depth of a terrace shall be 6 feet.

[2] The maximum depth of a terrace shall be to the Build-To-Line.

(e) Width of Frontage

[3] The minimum width of a terrace shall be 15 feet.

[4] The maximum width of a commercial window shall be 12 feet.

(f) Landscaping

[1] Planters and street trees are permitted landscaping.

(g) Building Interface

[1] The maximum distance between doors shall be 35 feet.

[2] Window types for commercial uses shall be fixed/vertical shutter.

[3] The minimum glazing for commercial uses shall be 60 percent.

(3) Arcade

(a) Description

A building frontage wherein the first floor (or the first two floors) façade is setback from the frontage line, and a permanent roof supported by a series of arches on columns or piers (or a colonnade) extends up to the frontage line. The upper floors of the building are built up to the frontage line.

A double story (first and second floors) arcade is permitted.

(b) Height of Finished First Floor and Terrace from Sidewalk

[1] The first floor shall be no more than 2 feet above the sidewalk.

(c) Clearance Height of Arcade from Finished First Floor

[1] The minimum clearance height of arcade from the finished first floor shall be equal to the height of the first floor.

[2] The maximum clearance height of arcade from the finished first floor shall be equal to the height of the first two floors.

(d) Depth of Frontage

[1] The minimum depth of arcade shall be 10 feet.

[2] The maximum depth of arcade shall be 15 feet.

(e) Width of Frontage

[1] The maximum distance between columns shall be 35 feet.

(f) Landscaping

[1] Planters and street trees are permitted landscaping.

(g) Building Interface

[1] The maximum distance between doors shall be 35 feet.

[2] Window types for commercial uses shall be fixed/vertical shutter.

[3] The minimum glazing for commercial uses shall be 60 percent.

G. Street Type Specifications

This section of the Code for Downtown Districts provides design specifications for public streets. Streets in the Downtown are classified as Blackwell Street, Avenue ‘A’ and Avenue ‘B’ (Street Types Classification Map). In addition to these three street types, Non Vehicular Ways are provided for mid-block connections and other non-vehicular pathways.

The design standards ensure that the streetscape improvements on these streets are coordinated, and a uniform character of the Downtown Districts is maintained.

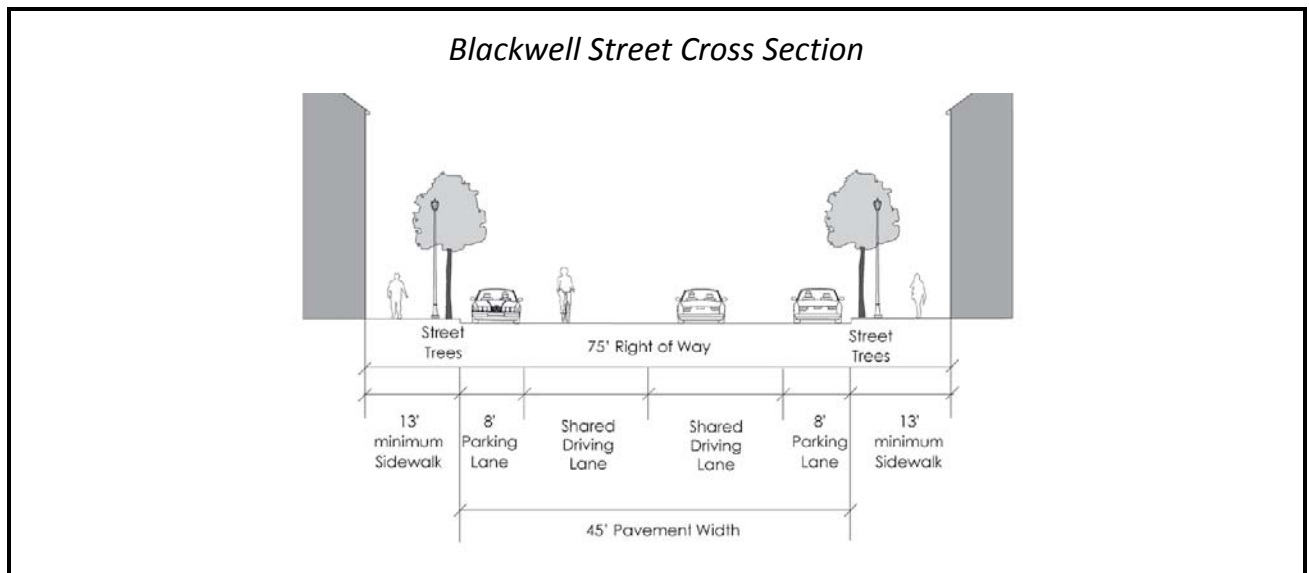
(1) Blackwell Street

Blackwell Street represents the Town’s downtown commercial area and contains an assortment of unique shopping venues. It has a mixed-use environment that can be enhanced by pedestrian and streetscape improvements.

The width of the right-of-way throughout this stretch of Blackwell Street is 75 feet. The street profile for Blackwell Street shall generally consist of sidewalks on both sides of the street, two 8 feet wide parallel parking aisles, and two travel lanes. Bulb-outs shall be provided at intersections that are pedestrian intensive.

<b>Blackwell Street – Specifications</b>	
Right-of-Way Width	75’
Pavement Width	45’
Vehicular Movement	Two-way
Number of Traffic Lanes	2
Number of Parallel Parking Lanes	2 parallel parking lanes, 8’ wide (one on each side)
Curb Radius	10’
Pedestrian Provision Type	Sidewalk, 13’ wide minimum (including curb)
Bicycle Provision Type	Within shared vehicle right-of-way
Median	None
Landscape Type	Street trees at 30’-50’ on center
Lighting	Street lights at 30’-50’ on center
Intersection Improvements	Curb ramps; Brick pavement and crosswalks at all intersections with ‘Avenue A’

**Table 236-17.1- 9**



**Figure 236-17.1- P**

(2) Avenue ‘A’

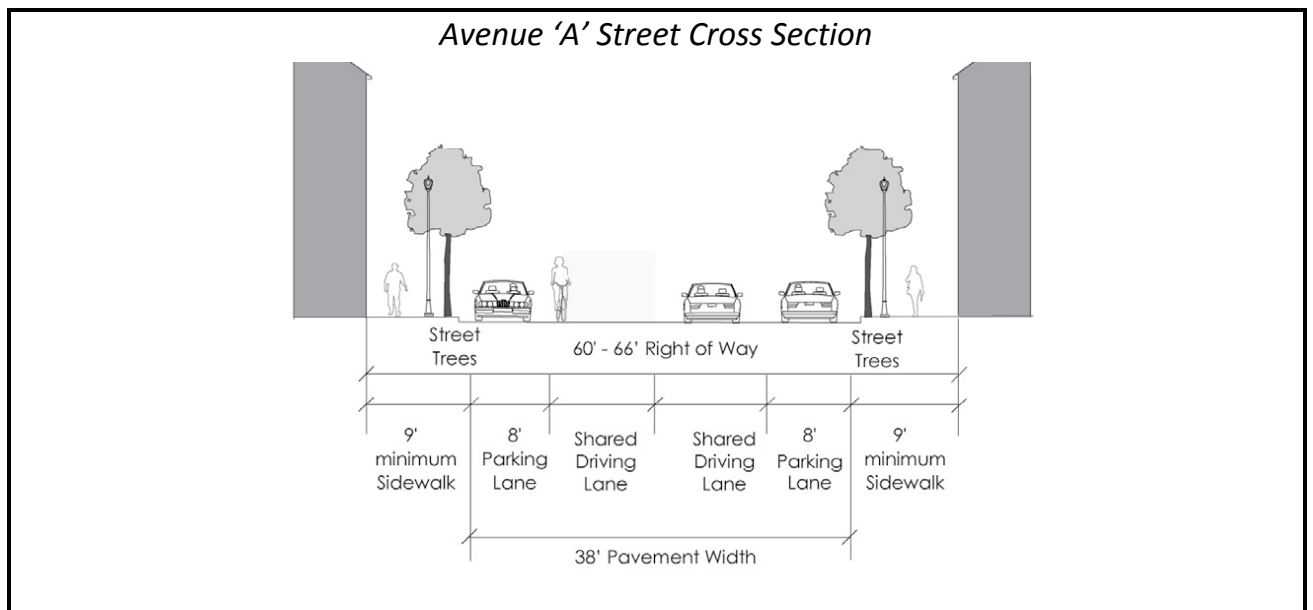


The Avenue 'A' classification includes 60'-66' wide streets that are perpendicular to and north of Blackwell Street. These streets intersect Blackwell Street to the north and traverse over the Rockaway River and the Dover and Rockaway Railroad, while extending north toward Route 46.

The right-of-way width of the streets ranges between 60 and 66 feet. The street profile for these streets shall generally consist of sidewalks on both sides of the street, two 8 feet wide parallel parking aisles, and two travel lanes. Bulb-outs shall be provided at intersections that are pedestrian intensive.

Avenue 'A' – Specifications	
Right-of-Way Width	60' - 66'
Pavement Width	38'
Vehicular Movement	Two-Way, except for N. Morris St., which is one-way.
Number of Traffic Lanes	2
Number of Parallel Parking Lanes	2 parallel parking lanes, 8' wide (one each side)
Curb Radius	10'
Pedestrian Provision Type	Sidewalk, 9' wide minimum (including curb)
Bicycle Provision Type	Within shared vehicle right-of-way
Landscape Type	Street trees at 30'-50' on center
Lighting	Street lights at 30'-50' on center
Intersection Improvements	Curb ramps; Brick paved crosswalks

**Table 236-17.1- 10**



**Figure 236-17.1- Q**

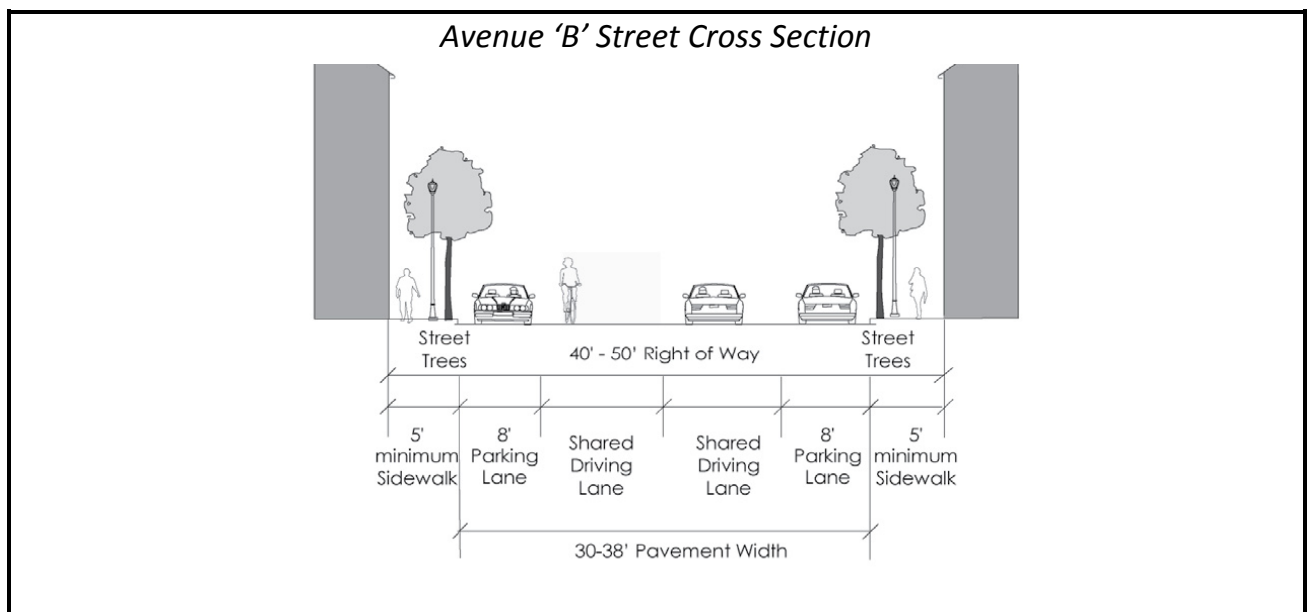
**(3) Avenue 'B'**

The Avenue 'B' Classification includes W. Dickerson Street, S. Morris Street, Prospect Street, Thompson Street, and Legion Place. In addition, any newly constructed streets south of the Norfolk Southern Morris & Essex Railroad, shall fall into this street classification.

The right-of-way width of these streets ranges between 40 and 50 feet. The street profile for these streets shall generally consist of sidewalks on both sides of the street, parallel parking aisles, and two travel lanes. Landscaping along the railroad right-of-way on Dickerson Street shall be coordinated with the New Jersey Transit. Bulb-outs shall be provided at intersections that are pedestrian intensive.

Avenue 'B' – Specifications	
Right-of-Way Width	40' - 50' for existing streets 50' minimum for all new streets
Pavement Width	30' - 38'
Vehicular Movement	Two-Way
Number of Traffic Lanes	2
Number of Parallel Parking Lanes	At least 1 side, 8' wide
Curb Radius	10'
Pedestrian Provision Type	Sidewalk, 5' wide minimum (including curb)
Bicycle Provision Type	Within shared vehicle right-of-way
Landscape Type	Street trees at 30'-50' on center
Lighting	Street lights at 30'-50' on center
Intersection Improvements	Curb ramps; Brick paved crosswalks

**Table 236-17.1- 11**



**Figure 236-17.1- R**

**(4) Non Vehicular Ways**

The “Non Vehicular Ways” Classification is provided as a template for all non-vehicular pathways and mid-block connections.

The right-of-way width of these non-vehicular pathways shall be no less than 14 feet. The street profile for Non Vehicular Ways shall generally consist of a 2 foot buffer for optional landscaping buffer and street furniture on both sides; and pavement for shared pedestrian and bike travel.

Non Vehicular Ways – Specifications	
Right-of-Way Width	14'
Pavement Width	10'
Vehicular Movement	Two bike/ped lanes
Number of Lanes	2, 5' wide
Number of Parallel Parking Lanes	n/a
Curb Radius	10'
Pedestrian Provision Type	Shared pedestrian and bike travel
Bicycle Provision Type	Shared pedestrian and bike travel
Landscape Type	2' landscaping strip with street trees and Low shrubs
Lighting	Pedestrian scaled lighting at 30'-50' on center
Intersection Improvements	Curb ramps; Brick paved crosswalks

**Table 236-17.1- 12**

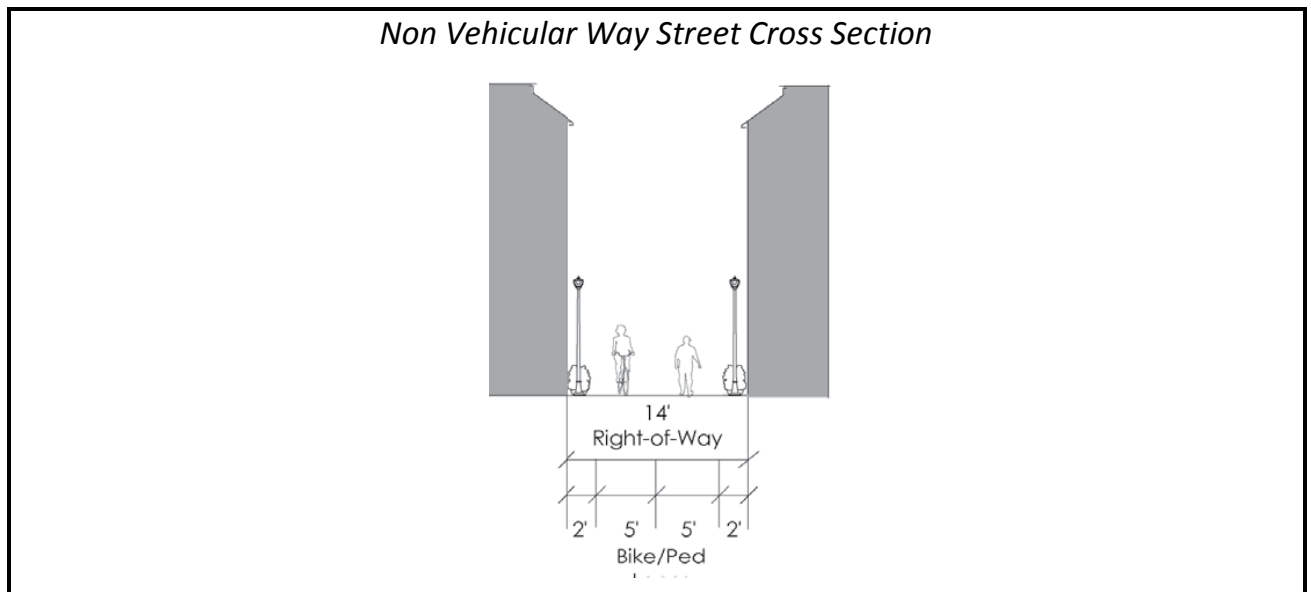


Figure 236-17.1- S

**H. General Regulations for Downtown Districts**

The following regulations represent a general set of standards that apply to all of the Downtown Districts.

**(1) Building Frontage**

- (a) For properties fronting on key open space assets (i.e. the Rockaway River and Crescent Field), the required building frontage percentage may be reduced up to 35% provided that the reduced frontage allows open views and/or capitalizes on access to these assets.
- (b) For buildings facing key view sheds (i.e. the Rockaway River and Crescent Field), it is encouraged that restaurants and cafes be provided at the ground level, to enhance the visual appeal and activity.

**(2) Public Parking**

**(a) Parking Garages**

Designated locations for parking garages that serve the commuter and public parking needs within the downtown are indicated on the District Regulating Map 2. Liner buildings, articulated facades, art walls or advertising windows shall be provided to integrate the parking garages into the built environment.

**(b) Downtown and Commuter Parking**

Any redevelopment of existing public surface parking lots within the downtown area must accommodate commuter and downtown parking needs in addition to the parking needs of such redevelopment. Table 236-17.1- 13 shows the number of parking spaces and the figure below indicates the location of the parking lots, as of the date of adoption of this Code. The determination of the actual number of spaces to be accommodated shall be made by the applicant

based on a study of the availability and need of commuter and downtown parking at the time of redevelopment. Such determination shall be subject to review and approval by the Planning Board. Town Lot 'A' is purposely not shown since it is reserved exclusively for public parking.

Parking Lot	Existing Number of Spaces
Lot "B" – Crescent Field	350
Lot "C" – Orchard Street & Legion Place	58
Lot "D" – Prospect Street	181
Lot "E" – Sussex /Dickerson East Side	40
Lot "G" – Sussex /Dickerson West Side	45
Lot "H" – Dickerson West of Warren	18

**Table 236-17.1- 14**

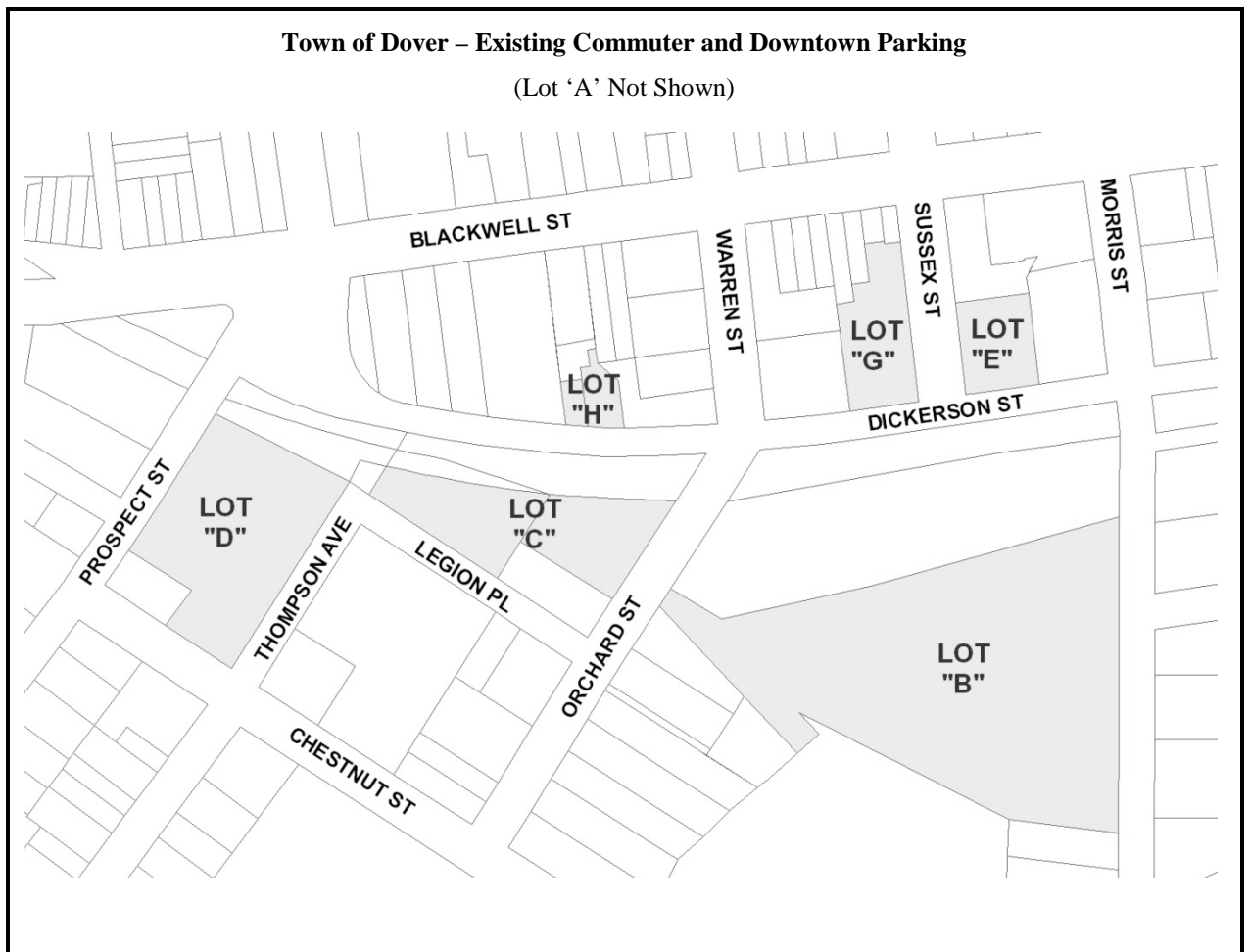


Figure 236-17.1- T

(3) Parking Requirements

(a) Off-Street Parking Provisions

The Downtown Districts are planned as “park-once” districts, wherein people are expected to park in one place and then make stops on foot rather than driving from one destination to another, with preference given to pedestrian

movement within the districts. For this reason, substantial reductions are allowed in the off-street parking requirements.

[1] All existing buildings shall be regulated as follows:

- [a] All residential uses shall be required to provide off-street parking in accordance with the parking ratios for new construction (see below).
- [b] For redevelopment of a lot, for which the cost of redevelopment exceeds 50% of the value of existing improvements, as determined by the Tax Assessor, and for which site plan review is required, off-street parking shall be in accordance with the parking ratios for new construction (see below).
- [c] For all other permitted nonresidential uses, there shall be no off-street parking requirements.

[2] The following ratios shall apply to determine the off-street parking space requirements for all new construction:

[a] Residential:

1.3 spaces per unit average. Further broken down by unit type:

- [i] 1.0/unit – 1 bedroom
- [ii] 1.5/unit – 2 bedroom
- [iii] 1.75/unit – 3 bedroom

When an applicant does not specify the number of bedrooms per unit, the 1.3 spaces per unit average shall apply.

[b] Office:

- [i] 1 space/1,000 square feet
- [ii] 1.5 spaces/1,000 square feet for buildings over 50,000 square feet

[c] Retail:

- [i] All retail, including restaurants shall be exempt from the parking standard.
- [ii] Retail is meant to utilize on-street parking as well as spaces unoccupied within the commuter or public parking lots.

[3] Any deviation from the off-street parking requirements stated above will require a 'c' variance.

(b) Shared Use of Off-Street Parking Areas

Parking areas of new developments shall be interconnected across lot lines to facilitate shared use of parking and eliminate or minimize driveway cuts. To ensure the effective use of these connections, the first property to develop shall be required to make an irrevocable offer of cross-access to the adjacent parcel (prior to issuance of approval by any land development board), and must design and build the parking lot to accommodate cross-access.

Individual property owners shall control all rights to the use of their own parking spaces, but may choose to allow wider use of these spaces through reciprocal arrangements with the Town of Dover Parking Utility.

All new development that relies on shared parking must demonstrate the adequacy of parking based on established standards/methodology such as those prescribed in "Shared Parking", authored by Mary S. Smith et al. and published by the Urban land Institute (ULI). This book contains the information needed to accurately estimate parking requirements for a mixed-use setting where parking is shared among the uses.

Any deviation from these requirements shall require a waiver.

(c) Driveway Connections

For existing buildings within D2 and D3 Districts, relocation of all existing access driveways to parking and loading areas from Blackwell Street is encouraged. New driveways shall connect only to 'Avenue A' Street Type, except where this would prohibit all reasonable access to a property.

The following shall apply to all new development:

[1] To the extent possible, driveways shall be shared between adjoining developments.

- [2] Where feasible, driveways shall front on streets that are less pedestrian intensive, on existing easements, or on alleys.
- [3] Driveways and other vehicular access shall not be provided from or adjacent to public plazas.
- [4] Any deviation from these requirements shall require a waiver.

(d) Parking Design

Off-street parking is encouraged to be as inconspicuous as possible and to incorporate landscaping and screening to the greatest extent possible to minimize its physical and visual impact. Off-street parking and loading areas shall be coordinated with the public street system serving the Area in order to avoid conflicts with through-traffic, obstruction to pedestrian walks and vehicular thoroughfares. Shared parking among mixed uses is encouraged.

- [1] All parking and loading areas shall be screened from view with walls, shrubs, and/or trees.
- [2] All ninety (90) degree parking spaces that are long-term in usage shall be a minimum of eight and one-half (8.5) feet in width and eighteen (18) feet in depth. Aisles shall be a minimum of twenty-two (22) feet in width. Ten (10) percent of required parking spaces may be provided as compact spaces measuring eight (8) feet in width and fifteen (15) feet in depth.
- [3] All parking structures shall be designed using compatible or complementary materials to the principal buildings so that they blend in architecturally. All voids in the structures shall be architecturally screened, so that lights and vehicles are not individually visible.
- [4] No blank walls of parking structures shall front the streetscape. All facades shall provide pedestrian interest at the street level either through retail uses and/or architectural details.
- [5] All permanent parking spaces shall be in structures or screened from street view.
- [6] Surface parking shall include decorative street lighting to be compatible with public lighting.
- [7] All pedestrian pathways across and along parking areas shall be well lit with pedestrian scaled lighting fixtures.
- [8] Vehicular access to internal parking structures shall be designed so as not to negatively impact upon major pedestrian routes. If necessary, provide "fish eye" mirrors or alarms to manage the interaction between pedestrians and vehicles.
- [9] Parking signage shall be consistent with signage standards of this code.
- [10] Residential garages facing the public right-of-way, and parking within front yard setbacks are prohibited.
- [11] The potential conflicts between truck delivery, vehicular traffic, and pedestrian circulation shall be considered when designing service entries, roadways, walkways, and pedestrian entrances.
- [12] To the extent possible, service entrances and loading areas between adjacent buildings shall be consolidated. Such service entrances shall be separated from walkways and pedestrian entrances.
- [13] Landscaping, fencing and/or low walls shall be provided to screen trash receptacles and dumpsters in loading areas.
- [14] Any deviation from these requirements shall require a waiver.

(4) Open Space and Buffers

- (a) Portions of properties adjacent to Crescent Field. The courtyard buildings shall have their private open space oriented towards Crescent field to maximize the perception of open space and minimize the building mass in proximity to Crescent Field. Such private open space should be fully integrated into the design of new development while enhancing surrounding areas.
- (b) Properties adjacent to the Rockaway River and the adjoining Dover Rail R.O.W. shall provide a landscaped buffer consisting of shrubs, and/or trees along this edge.
- (c) Any deviation from these requirements shall require a variance.

(5) Outdoor Uses

- (a) Outdoor service and sale of food is permitted as follows:
  - [1] Tables, umbrellas, and chairs may be placed by restaurants for the use of their customers; no signage is permitted except lettering on umbrellas up to 8 inches in height.
  - [2] Tables and carts shall be placed so that they do not block pedestrian movement along the sidewalk.

[3] Tables and chairs shall be moved indoors during non-business hours.

[4] A minimum depth of 6 feet of unobstructed sidewalk must remain.

(b) Sale of merchandise is not permitted other than restaurants.

## I. Architectural Standards

### (1) Exterior Walls

All exterior walls shall be clad with building materials that are durable and appropriate to the visual environment and climate. Design flexibility and creativity is encouraged using ornamentation from a wide variety of architectural styles but should be complementary to the historic buildings within the downtown.

(a) The following materials are encouraged for exterior walls, columns, arches, and piers:

[1] Natural stone or brick

[2] Wood, pressure-treated or naturally decay-resistant species

(b) Fastenings that are required to dry flood-proof the first story of commercial buildings shall be integrated into the design of principal facades or be visually unobtrusive.

(c) Building walls shall be consistent in detail and quality on all elevations visible from public streets.

(d) Trim elements and visible window framing shall be painted or sealed.

### (2) Principal Façade Walls

(a) Façade Elements

Principal facades are the facades facing a primary street, plaza, or public park. Being in full public view, they shall be given special architectural treatment.

[1] All principal facades shall have a prominent cornice and expression line, a working entrance, and windows (except for side-wall facades where entrances are not required).

[2] Principal facades may not have blank walls (without doors or windows) for more than 15 feet of façade length.

[3] Expression lines or decorative molding shall be provided for horizontal definition, and shall project at least 3 to 6 inches out from the principal façade.

[4] Provision of antennas, air conditioning units or other similar equipment on the principal façade walls is prohibited.

[5] Awnings may not hide or substitute for required features such as expression lines and cornices.

[6] The foundation walls of stoops must be consistent with the foundation treatment of the building.

(b) Entrances

A primary entrance and views into the first floor of commercial buildings are fundamental to creating an interesting and safe pedestrian environment.

[1] The primary entrance to all buildings shall front on a public street.

[2] Corner buildings shall have their primary entrance face on either the intersection or the street of greater importance.

(c) Windows

Every principal facade must contain transparent windows on each story.

[1] Residential windows and doors

[a] Openings for windows and windowpanes must have a vertical dimension greater than or equal to the horizontal dimension.

[b] Window openings shall cover at least 30% of the wall area below the expression line;

[c] Triangular, circular or other unusually shaped windows are not permitted.

[d] All lintels must extend a minimum of 4 inches beyond the edge of the opening.

[e] Windowsills shall project a minimum of 2 inches from the building face.

- [f] Glazing shall be set back at least 3 inches from the surface plane of the wall, or set back at least 2 inches when wood frame construction is used.
- [g] If exterior shutters are used, they shall be sized and mounted appropriately to fit their window (with appropriate hardware even if actually non-operable.)
- [h] Glass in windows and doors, whether integrally tinted or with applied film, must transmit at least 50% of visible daylight.
- [i] Glass blocks are not permitted.
- [j] Doors, except garage doors, shall be or appear to be constructed of planks or raised panels (not flush with applied trim.)

[2] Street level retail fenestration

In order to provide clear views inward and to provide natural surveillance of exterior spaces, the first story of every commercial building's principal facade shall have transparent windows meeting the following requirements:

- [a] Window openings shall cover at least 60% of the wall area below the expression line.
- [b] Glazing must be at least 70% transparent.
- [c] The maximum percentage of glass that may be blocked with interior fixtures or paper signs shall be 25%.
- [d] The height of windowsill above the sidewalk shall not be more than 3 feet.
- [e] These windows shall be maintained so that they provide continuous view of interior spaces lit from within. Private interior spaces such as offices may use operable interior blinds for privacy.
- [f] Exterior security grates are prohibited. Interior security grates must be as inconspicuous as possible and of open mesh to allow interior visibility from the street.
- [g] Glass blocks are not permitted.

[3] Façade Projections

Facade projections add visual interest to buildings. Some projections also provide protection from the sun and rain for those passing by; others provide additional floor space for the building.

- [a] Awnings and Canopies
  - [i] Awnings and canopies shall be provided in accordance with §236-38.1 Signage, Awnings and Canopies in the C-1 and C-3 Districts.
- [b] Balconies (where permitted)
  - [i] Balconies are not permitted in the D2 and D3 Districts.
  - [ii] No balconies may be located within ten (10) feet of a shared lot line. Glass parapets or railings are prohibited.
  - [iii] Balconies cannot exceed the following dimensions:
    1. Height: minimum clear height of 10 feet from the sidewalk.
    2. Length: a maximum of 60% of the upper-story building frontage.
    3. Depth: a minimum of 3 feet.
  - [iv] Balconies may have roofs, but are required to be open and may not be screened or otherwise enclosed.
- [c] Bay Windows
  - [i] Bay windows are only permitted in the Townhouse Building Type.
  - [ii] Bay windows may not encroach on the public right of way.
  - [iii] Windows extending from the first story cannot exceed the following dimensions:
    1. Depth: 3 feet maximum
    2. Height: 10 feet maximum
    3. Length: 6 feet maximum



[iv] Bay windows shall have the same details required for principal facades: sills, lintels, cornices, and expression lines.

(3) Roofs

- (a) All flat roofs must have their edges along all streets concealed with parapets and trimmed with decorative cornice.
- (b) All hip roofs and gable roofs, and any shed roof with a slope of more than 2 inches vertical rise per 12 inches horizontal run, must have a minimum roof overhang of 18 inches.
  - [1] Exposed rafter ends (or tabs) are encouraged.
  - [2] Wide overhangs are encouraged and can be supported with decorative brackets.
- (c) Small towers, cupolas, and similar architectural elements are encouraged.
- (d) Roof penetrations, except stucco or brick chimneys, shall be placed so as not to be easily visible from streets and painted to match the color of the roof
- (e) Dormers are permitted and encouraged on sloped roofs.
- (f) Visibility of skylights must be minimal. Skylight glazing must be flat to the pitch of the roof if the skylight is visible from a primary street, plaza, or public park.
- (g) Roofs shall be constructed of building materials that are durable and appropriate to the local climate and visual environment.

(4) Plazas and Courtyards

New commercial buildings are generally oriented to public sidewalks. This section addresses other public open spaces that also can affect the orientation of commercial buildings.

(a) Plazas

- [1] The width of the plaza cannot exceed 25% of a building's frontage.
- [2] The plaza shall be strictly for pedestrian usage and cannot be used to park vehicles.
- [3] All building walls that surround the plaza must meet the design criteria for principal facades.
- [4] The plaza shall be appropriately landscaped.

(b) Courtyards

The following standards shall apply for interior courtyards designed for public or private usage:

- [1] Courtyards are encouraged to have clear visual linkages between the courtyard and public sidewalks.
- [2] Courtyards are encouraged to provide passive and active recreational amenities for their residents such as play areas and lawn areas.

(c) Pedestrian Passages

Pedestrian pathways, may be provided on private property as mid-block connections; to connect a courtyard to the sidewalk system; to provide walkways to parking lots behind buildings; or to provide additional retail frontage. Such pedestrian pathways shall utilize the specifications for Non Vehicular Ways, detailed in the Street Type Specifications section of this Code.

(5) Signage

Signage shall be provided in accordance with §236-38.1 Signage, Awnings and Canopies in the C-1 and C-3 Districts.

J. Sustainability / "Green Design"

The following regulations apply to all new construction, and concentrate on necessary steps in creating a sustainable, mixed use, pedestrian friendly environment that protects and enhances natural resources while providing individuals and families with safe, healthy and comfortable places to live, work, and recreate.

(1) Energy Efficient Building Design (where applicable)

- (a) Appliances and fixtures must meet U.S. EPA's Energy Star standards. Projects must include Energy Star compliant clothes washers, dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), light fixtures (halls and common areas), and exit signs.

- (b) Project must install at least two of the following Energy Star components: Programmable thermostats; fluorescent or light emitting diode (LED) light fixtures; high-performance windows and doors; and efficient HVAC systems.

(2) Transportation Emissions

Transportation generates approximately 31 percent of total carbon emissions. Facilities are encouraged to increase use of alternative modes such as walking, biking, transit, and car-pooling and thereby reduce vehicle use and carbon emissions.

Where feasible:

- (a) For buildings with institutional, commercial and office uses, provide the following:

- [1] Secure bike racks and/or storage for at least 5% of building users, located no more than 200 yards from the building entrance
- [2] Shower and changing facilities in the building, or within 200 yards of a building entrance, for at least 0.5% of building users
- [3] For multi-family residential buildings, provide secure bike racks and/or storage for at least 15% of building occupants.

- (b) Provide designated preferred parking spaces to carpool users to encourage shared vehicle use and reduce trip generation.

- (c) Provide designated preferred parking spaces to low-emission and fuel-efficient vehicles.

(3) Renewable Energy

Where feasible, solar panels shall be provided on rooftops to capture renewable energy. Such roof top installations shall be screened from view.

(4) Energy Efficient Infrastructure

To the extent feasible:

- (a) Any outdoor lighting fixtures shall use light emitting diode (LED) technology.
- (b) Design or purchase water and wastewater pumps and treatment systems to achieve a 15% annual energy reduction beyond baseline energy use for similar infrastructure.
- (c) Design and implement a district heating and/or cooling system for multiple buildings within a development.

(5) Reflectivity and Heat Island Effects

To the extent feasible

- (a) Use roofing materials having a Solar Reflectance Index (SRI) of 78 for low-sloped roofs (less than 2:12) or 29 for steep-sloped roofs (greater than or equal to 2:12) for a minimum of 75% of the roof surface. The cooler roof (roofing material with a high Solar Reflective Index) reduces the heat transferred into the building, thereby reducing the amount of air conditioning needed. The Energy Star® program features product specifications for “cool roofs”.

- (b) Provide a combination of any of the following strategies for 50 percent of the site’s hardscape:

- [1] Shade – trees or manmade structures
- [2] Paving materials with a SRI of 29 or greater
- [3] Open grid pavement

(6) Landscaping

- (a) Where feasible use captured rainwater or other recycled and properly treated non-potable water for landscape irrigation.

- (b) Landscaping materials must include only

- [1] Non-invasive species
- [2] Drought tolerant species
- [3] Native or adapted species

- (c) Landscaped areas shall be mulched to conserve moisture and prevent water loss from evaporation.

## K. Streetscape Standards

The following Streetscape Standards are meant to guide public investment in streetscape improvements, and to assist property owners and developers in designing their own building's relation to the public realm. These standards specify the allowable planters, trashcans, bike racks, bus stops, lighting, and paving materials.

### (1) Street Trees

- (a) Street tree layout will be based upon final engineered streetscape layout.
- (b) Street trees shall be placed on property lines (between properties) so as not to block storefronts.
- (c) Street trees shall be at least 1-3/4 – 2” in trunk caliper measured 6” above the ground, and meet specifications set forth in American Standard for Nursery Stock (ANSI Z60.1-2004).
- (d) No more than 10% of all trees in the entire downtown area or 50% of all trees on a single block may be of the same species.
- (e) Plant materials and irrigation techniques that require less water should be considered.
- (f) Columnar shaped trees are perhaps the best at fitting into the urban environment where narrow sidewalks and awnings restrict the growth of a larger canopy.
- (g) Smaller leafed, spreading forms allow better visibility to building facades and signage. Smaller leaves generally are dispersed by the wind, require less fall cleanup and are less apt to clog storm sewers.

### (2) Shade Trees

The shade trees listed in §236-96 Schedule A: Preferred Tree List. Prepared by the Dover Shade Tree Commission are permitted by right. Other trees may be submitted as an alternative if the alternative accomplishes the stated purpose.

### (3) Tree Grates

- (a) Tree grates and coordinated tree guards are required for all street trees.
- (b) Tree grates shall be set parallel and flush with the curb line.
- (c) Tree grates shall be made of heavy grade, cast iron or cast aluminum of black finish. Cast iron Model R-8757, 4' X 4' Square as produced by Neenah Foundry Company, or equivalent shall be used.
- (d) The center hole of the tree grate shall be expandable to accommodate tree growth. The initial center hole shall be a minimum of 12 inches in diameter.
- (e) Electrical outlets should be provided in the tree grate area.

### (4) Planters

- (a) Flowering plants and decorative shrubs should be planted in raised freestanding planters (not in ground at grade level). Seasonal plantings may be used from November 1 - January 10. Annual flowers or ground covers may also be planted in planters.
- (b) Planters shall be “Rosa Planter”, 30”x18” or 36”x23”, granite finish, as manufactured by Landscape Forms, or equivalent.
- (c) Provisions must be made for ensuring adequate watering and drainage.
- (d) Planters should not block other elements such as streets, signs, meters, or streetlights.
- (e) Planters should be located at corners of intersections, focal points, and other locations where space permits and shall be generally placed at the end of a parking space.

### (5) Benches

- (a) Benches shall be “Plainwell Bench”, 72” length wooden seat, black color, as manufactured by Landscape Forms, or equivalent.
- (b) Benches located along the curb shall face the sidewalk and be set back from areas of on-street parking to accommodate auto door swing and shall generally be placed at the end of a parking space. Seating should not interfere with plant materials or pedestrian circulation.
- (c) Benches may also be placed adjacent to building walls subject to approval by owner.
- (d) Seating should be secured permanently to paved surfaces for safety and to avoid vandalism.

(e) Comfortable seating should provide a sense of having protection from behind and something interesting to look at such as shop-fronts or other pedestrians.

(6) Bicycle Racks

(a) Bicycle racks shall be “Hoop Rack Heavy Duty”, as manufactured by Dero Bike Racks, or equivalent shall be used.

(b) Bicycle racks shall be black in color, and galvanized (electropolished to reduce maintenance).

(c) Bicycle racks shall be placed near entrances or gathering places. Placement shall be avoided that creates a tripping hazard. If possible, place the racks where the parked bicycles will be visible from inside the adjacent building. Ideally, bicycle parking should be more convenient than automobile parking.

(d) Bicycle racks shall be securely fastened to the sidewalk.

(e) Bicycle rack locations shall not interfere with pedestrian circulation or endanger the safety of pedestrians or cyclists; they shall be sensitive to accessible requirements.

(7) Trashcans

(a) Trash and recycling receptacles, at a minimum, are required at each corner of all intersections. They should be conveniently placed near benches, bus stops and other activity nodes, arranged with other streetscape elements into functional compositions and where feasible, placed at the end of parking spaces. Trashcans may be left freestanding or surface mounted on site.

(b) The trash receptacles shall be Steelsites Series Model RB-36 with 45-gallon total capacity as manufactured by Victor Stanley, or equivalent.

(c) Trash and recycling receptacles should be designed in two pieces. The inner container should ensure easy trash pickup and removal and an outer shell should blend aesthetically with the other streetscape elements.

(8) Bus Shelters

(a) The location of bus stops would be as prescribed by New Jersey Transit, in coordination with the Town of Dover.

(b) The bus shelters shall be “Kaledioscope”, black color, as manufactured by Landscape Forms, or equivalent.

L. Definitions

**ARCADE** - is a building frontage wherein the first floor (or the first two floors) façade is setback from the frontage line, and a permanent roof supported by a series of arches on columns or piers (or a colonnade) extends up to the frontage line. The upper floors of the building are built up to the frontage line. A double story (first and second floors) arcade is permitted.

**AWNING** - means a flexible roof-like cover that extends out from an exterior wall and shields a window, doorway, sidewalk, or other space below from the elements.

**BALCONY** - means an elevated platform that forms the outdoor area of a habitable space within the building. A balcony may extend beyond the property line.

**BAY WINDOW** - means a window, which projects beyond the wall of a building to form an alcove within.

**Building Encroachment** means an entry feature, balcony, architectural element, or awning that extends outward from a building.

**BUILD-TO-LINE** - build-to line identifies the distance from the street line that the front of all primary structures must be built to in order to create a fairly uniform line of buildings along streets. Where a build-to line is specified as a range (the minimum and maximum distance from the street line), this means that building fronts may fall within that range of distances from the street line. Where there is a range, the front facade does not have to be in a single plane, as long as the front facade remains within the range.



**BUILDING FRONTAGE** - means the length of a buildings primary façade that faces a street or a public plaza.

**BUILDING TYPE** - means the principal structure.

**CIVIC BUILDING** - is a building type in the Downtown Districts that is designed to accommodate public and quasi-public uses. Civic Buildings are intended to accommodate community service uses such as a place of worship, a library, a community hall, an historical (or other) society building, etc. These buildings are not operated primarily for profit or monetary gain.

**CIVIC USE** - means a public or quasi-public use including but not limited to a house of worship, library, school, municipal use, or public open space.

**CLUB OR FRATERNAL ORGANIZATION** - is a community organization that is not operated primarily for financial gain, and consists of a group of people formally organized for a common interest, usually service, cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.

**COLONADE** - is similar to an arcade except that it is supported by vertical columns without arches.

**Commercial Block** is a multistory building in the Downtown Districts, with multiple dwelling units or offices in the upper stories and retail uses on the ground floor. Typically, these buildings are separated by common walls on the side lot lines.

**CORNER ARCHITECTURAL ELEMENT** - is a cupola or a similar structure provided on top of a building or ventilation or aesthetic purposes. Such structures shall not contain habitable spaces.

**CORNICE** - means a decorative horizontal feature that projects outward near the top of an exterior wall.

**CORNER BUILDING** - is a building type in the Downtown Districts. It is a variant of the Commercial Block designed to create signature buildings on corner lots at prominent intersections. This building type is allowed a greater height and a larger building footprint than the Commercial Block.

**COURTYARD** - means an unroofed area surrounded by buildings.

**COURTYARD BUILDING** - is a building type in the Downtown Districts, in which a mixed-use residential building with dwelling units arranged around an internal courtyard. The internal courtyard is a residential park area/green roof built on top of an embedded underground parking deck,

**DORMER** - means a projection from a sloping roof that contains a window and its own roof.

**EXPRESSION LINE** - means a decorative horizontal architectural detail that projects outward from an exterior wall to delineate the top of the story of a building.

**FAÇADE** - means the exterior face of a building, including but not limited to, walls, window sills, doorways, and such traditional design elements as horizontal lines, cornice, and parapet.

**FRONTAGE LINE** - means the property line along a public street.

**GABLE ROOF** - means a ridged roof forming a gable at both ends.

**GROUND FLOOR** - means the floor of a building at or nearest to ground level.

HIP ROOF -means a roof with pitched ends and sides.

LINTEL - means a structural or merely decorative horizontal member spanning a window opening.

LINER BUILDING - is a mixed-use structure, which is generally parallel to the street and constructed in front of designed to enclose a functional core (e.g. a parking garage) and shield its visibility of from a public street, plaza or park.

LOT FRONTAGE - means the length of a property that is adjacent to any street excluding alleys.

MANSARD ROOF - means a roof having two slopes with the lower slope steeper than the upper, or a single steep slope topped with a flat roof, enclosing the building's top floor. A modern variant is a partial sloped roof that is attached near the top of an exterior wall in place of a traditional cornice or parapet, creating the visual effect of a sloped roof on a flat-roofed building but without enclosing any floor space.

MULTI\_FAMILY BUILDING - is a residential building type in the Downtown Districts that is designed to provide housing opportunities within the Downtown and close to mass transit.

PARAPET - means a short vertical extension of a wall that rises above roof level, hiding the roof's edge and any roof-mounted mechanical equipment.

PLAZA - means an unroofed public open space designed for pedestrians that is open to public sidewalks on at least one side.

PRINCIPAL FAÇADE - is a facade facing a primary street, plaza, or public park; and containing the main building entrance.

PUBLIC REALM - is the space between buildings, including publicly owned streets, sidewalks, rights-of-ways, parks and other publicly accessible open spaces, and public and civic buildings and facilities

RETAIL SALES & SERVICE - is a use category that includes retail sales and service establishments excluding drive-thru facilities such as clothing and apparel stores, book stores, sporting goods stores, drug stores, barber shops, beauty salons, cleaners who do not perform cleaning on the premises, stationers stores, jewelry stores, and office supply stores.

SHOPFRONT & AWNING - is a building frontage wherein the façade is aligned close to the frontage line with the building entrance at sidewalk grade. It has a substantial glazing on the sidewalk level and may have an awning that may encroach on to the sidewalk.

SIGNATURE BUILDING ENTRANCE - means a theater marquee or a similar cantilevered projection provided at the street level to mark a residential or hotel entrance. Such projection shall have a clear height of at least 10 feet from the sidewalk level.

SILL - means a horizontal member beneath a window opening, constructed of wood, stone, concrete, or similar material.

STOOP - is a building frontage wherein the building entrance is setback from the edge of the sidewalk, and the first story is sufficiently elevated from the sidewalk to secure privacy for the windows. The stairs of a stoop shall be perpendicular to the sidewalk.

STREETSCAPE - means a representation of a street and its surrounding environment.

TERRACE - is a building frontage wherein the façade is setback from the frontage line by an elevated terrace. For street level commercial uses such as restaurants, the terrace is suitable for conversion to outdoor cafes. In civic uses, a terrace can function as a strong base for the building, and also as an outdoor waiting/entrance area.

TOWNHOUSE BUILDING - is one in a series of one-family dwelling units that are attached together by common fire and sound-resistant walls. Parking for a townhouse may be provided within the unit and accessed from a rear alley; or as a common surface lot or parking structure within the townhouse development.

VERTICAL SETBACK - means a building height setback along its frontage on a public street. Vertical setbacks are used to reduce the appearance of building mass on a public street, and thereby reduce the visual impact of taller buildings.

VERTICAL RHYTHM or FAÇADE WIDTH - means the perceived width a building façade measured along a public street. Longer buildings may be designed to read as multiple buildings by the change of material, color, or other architectural elements.

### **Section 3**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

### **Section 4**

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

## **Section 5**

This ordinance shall take effect immediately upon final publication as provided by law.

**Mayor Dodd opened the meeting to the public, seeing no hands or hearing no voices he then closed the meeting the hearing. He commented that the public's concerns and comments made earlier are well taken and amendments to the ordinance can be made in the future, if required.**

**Alderman Visioli has moved the foregoing resolution be adopted and duly seconded by Alderman Timpani and passed by the following roll call vote.**

**Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd**

**Nays: None      Absent: Alderman Delaney & Poolas      Abstained: None**

### **ORDINANCE NO. 19-2009**

### **ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER REQUIRING A PERMIT TO OPERATE A MASSAGE, BODYWORK & SOMATIC THERAPY ESTABLISHMENT**

**BE IT ORDAINED** by the Mayor and Board of Aldermen of the Town of Dover, Morris County, New Jersey as follows:

#### **Section 1: Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Massage, bodywork and somatic therapies* shall mean any systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage, bodywork or somatic principles. Such applications may include, but are not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, movement and neuromyofacial education and education in self-care and stress management. Massage, bodywork and somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

*Massage, bodywork and somatic therapist* shall mean any person licensed pursuant to the provisions of the Massage, Bodywork and Somatic Therapist Certification Act, N.J.S.A. 45:11-60 et. seq.

*Massage, bodywork and somatic therapy establishment* shall mean any establishment wherein massage, bodywork and/or somatic therapies are administered or are permitted to be administered, when such therapies are administered for any form of consideration.

#### **Section 2. Permit required.**

**(a) *Massage, bodywork and somatic therapy establishment permit required.*** No person, firm or corporation shall operate any establishment or utilize any premises in the Town of Dover as or for a massage, bodywork and somatic therapy establishment unless or until there has first been obtained a permit for such establishment or premises from the Town of Dover in accordance with the terms and provisions of this section.

**(b) *Massage, bodywork and somatic therapist's permit required.*** No person shall in the Town of Dover practice massage or related therapies as a massage, bodywork or somatic therapist, employee or otherwise, unless he or she has a valid and subsisting massage, bodywork and somatic therapist's license issued to him or her by the New Jersey Board of Massage and Bodywork Therapy pursuant to the terms and provisions of the "Massage, Bodywork and Somatic Theraport Certification Act.; N.J.S.A. 45:11-60 et. seq. This provision shall not become effective until adoption by the New Jersey Board of Massage and Bodywork Therapy of the regulations necessary to obtain the license.

#### **Section 3. Application for massage, bodywork and somatic therapy establishment permit; requirements.**

Any person desiring a massage, bodywork and somatic therapy establishment permit shall file a written application with the Town of Dover Board of Health upon a form to be furnished by the health department. The application form shall contain the following information:

- (1) The type of ownership of the business i.e., whether individual, partnership, corporation or otherwise.
- (2) The name, style and designation under which the business is to be conducted.
- (3) The business address and all telephone numbers, including facsimile, where business is to be conducted.
- (4) A complete list of the names and residence addresses of all massage, bodywork and somatic therapists and employees of the business and the name and residence address of the manager or other person principally in charge of the operation of the

business.

(5) A sworn statement indicating that all massage, bodywork and somatic therapists employed or to be employed by the establishment or otherwise permitted to work at the establishment have been licensed by the State of New Jersey pursuant to the Massage, Bodywork and Somatic Therapist Certification Act., N.J.S.A. 45:11-60 *et. seq.* This requirement shall not become effective until the State of New Jersey Board of Massage and Bodywork Therapy adoption of regulations for certification. Any existing establishments or new establishments will not have to comply with this provision until such time as regulations are adopted.

(6) The following personal information concerning the applicant, if an individual; concerning each stockholder holding more than ten percent of the stock of the corporation, each officer and each director, if the applicant is a corporation; concerning the partners, including limited partners, if the applicant is a partnership; and, concerning the manager or other person principally in charge of the operation of the business; shall be provided:

- a. The name, complete residence address and residence telephone number.
- b. The two previous addresses immediately prior to the present address of the applicant.
- c. Written proof of age.
- d. Height, weight, sex, color of hair and eyes.
- e. Two front-face portrait photographs taken within 30 days of the date of the application and at least two by two inches in size.
- f. The massage therapy or similar business history and experience, including, but not limited to, whether or not such person has previously operated, in this or another municipality or state under a license or permit or has had such license or permit denied, revoked or suspended and the reason therefore and the business activities or occupations subsequent to such action or denial, suspension or revocation.
- g. All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof. The applicant shall execute a waiver and consent to allow a fingerprint and criminal background check by the Town of Dover police department. Failure to execute such a waiver and consent shall result in a denial of a permit. An establishment permit shall be denied to any person who has been convicted of any crime or disorderly persons offense, other than traffic violations.

**Section 4. Massage, bodywork and somatic therapy establishment permit fee.**

Every applicant for a permit to maintain, operate or conduct a massage, bodywork and somatic therapy establishment shall file an application with the department of health upon a form to be furnished by said department, and pay an annual fee as set forth below, which permit fee shall become due on the first day of January each year:

<u>Massage, Bodywork &amp; Somatic Therapy Establishment</u>	<u>Annual Permit Fee</u>
1 – 1,499 square feet	\$ 200.00
1,500 – 2,999 square feet	\$ 350.00
3,000 – 4,999 square feet	\$ 450.00
5,000 – 9,999 square feet	\$ 750.00
Over 10,000 square feet	\$1,000.00

**Section 5. Building requirements; inspections.**

The department of health, upon receiving an application for a massage, bodywork and somatic therapy establishment permit, shall refer the application to the building department, fire department, police department and planning department and, shall inspect the premises proposed to be operated as such an establishment and shall make written recommendations to the division of licensing and permits concerning compliance with the codes that they administer. No massage, bodywork, and somatic therapy establishment shall be issued a permit or be operated, established or maintained in the Town of Dover unless an inspection by the health officer, building inspector and fire inspector reveals that the establishment complies with the minimum requirements of the property maintenance building and health codes for businesses operating in the Town of Dover. In addition, the establishment must comply with each of the following minimum requirements:

- (1) All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected, and shall be maintained in a sanitary condition and regularly cleaned and disinfected.
- (2) Adequate bathing, dressing and locker facilities shall be provided for the patrons to be served at any given time. In the event that male and female patrons are to be served simultaneously, separate bathing, dressing, locker and massage room facilities shall be provided.



- (3) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.
- (4) Adequate hand washing facilities shall be provided at convenient locations as necessary to maintain clean hands and arms of all employees during hours of operation.

**Section 6. Suspension or revocation of permit.**

(a) Permits issued under this section may be revoked by the health officer, after written notice and a hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement in the application for the permit.
  - (2) Fraud, misrepresentation or false statement made in the course of carrying on the permitted business in the township.
  - (3) Any violation of this section.
  - (4) Conviction by the owner or any employee of an establishment of a crime involving moral turpitude, a felony, an offense involving sexual misconduct, keeping or residing in a house of prostitution, and any crime involving dishonesty.
  - (5) Conducting the permitted business in the Town of Dover in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- (b) Notice of the hearing for the revocation of a permit shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be given personally or mailed to the permittee at his/her last known address at least five days prior to the date set for the hearing.
- (c) Such permit may, pending revocation proceedings, be suspended for not more than ten days by the health officer if, in his/her opinion, the conduct of the permittee is detrimental to the health, safety and general welfare of the Town of Dover.
- (d) The health officer shall serve as hearing officer for any hearing pursuant to this subsection.

**Section 7. Regulations.**

Every massage, bodywork, and somatic therapy establishment shall comply with the following:

- (1) Every portion of the massage, bodywork and somatic therapy establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- (2) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.
- (3) All employees, including massage, bodywork and somatic therapists, shall wear non-transparent outer garments. Dressing rooms must be available on the premises. Doors to such dressing rooms shall open inward and shall be self-closing.
- (4) All massage, bodywork and somatic therapy establishments shall be provided with clean laundered sheets and towels in sufficient quantity which shall be laundered after each use thereof and stored in a sanitary manner.
- (5) The sexual or genital area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage, bodywork or somatic therapist.
- (6) It shall be unlawful for any person knowingly, in a massage, bodywork and somatic therapy establishment, to place his or her hand upon or touch with any part of his or her body, to fondle in any manner or to massage a sexual or genital area of any other person. No massage, bodywork and somatic therapist, employee or operator shall perform or offer to perform any act which would require the touching of the patron's sexual or genital area.
- (7) All walls, ceilings, floors, pools, showers, bathtubs, steamrooms and all other physical facilities and surfaces shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat-rooms, steam or vapor rooms or steam or vapor cabinets and shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors it shall be kept dry, clean and sanitary.
- (8) Oils, creams, lotions and other preparations used in administering massage, body work and somatic therapies shall be kept in clean closed containers or cabinets.
- (9) Animals, except for seeing-eye dogs, shall not be permitted in the massage work area.

(10) Each massage, bodywork and somatic therapist shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage, bodywork or somatic therapy to a patron.

(11) Each establishment regulated hereunder shall prominently display its permit to operate issued by the Town of Dover.

(12) All massage, bodywork and somatic therapists employed in an establishment shall wear a badge displaying their name, title and state license number at all times during work. This provision shall not take effect until the Board of Massage and Bodywork Therapy adopts the regulations for licensing.

#### **Section 8. Inspections.**

The Department of health, police department and/or the building department shall, from time to time, at least twice a year, make an inspection of each massage, bodywork and somatic therapy establishment granted a permit under the provisions of this section for the purpose of determining whether the provisions of this section are being complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

#### **Section 9. Sleeping quarters prohibited.**

No part of any quarters of any massage, bodywork and somatic therapy establishment shall be used for or connected with any bedroom or sleeping quarters nor shall any person sleep in such massage bodywork and somatic therapy establishment except for limited periods incidental to and directly related to a massage, bodywork or somatic therapy treatment or bath. This provision shall not preclude the location of massage, bodywork and somatic therapy establishment in separate quarters of a building housing a hotel or other separate businesses or clubs.

#### **Section 10. Prohibited acts.**

(a) No owner or manager of a massage, bodywork and somatic therapy establishment shall tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of New Jersey, particularly, but not limited to, laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material; laws which relate to the commission of sodomy, adultery and proscribing fornication, nor shall any owner or manager tolerate in his or her establishment any activity or behavior which violates this section.

(b) Any conviction of any employee of a massage, bodywork and somatic therapy establishment of a violation of the aforementioned statutes and codes shall devolve upon the owner or manager of such establishment, it being specifically declared that following such conviction of an employee, the owner or manager of the establishment shall be prosecuted as an accessory to such violation and the permits which have been issued shall be automatically revoked.

#### **Section 11. Exceptions.**

The provisions of this section shall not apply to massage, bodywork or somatic therapies given:

- (1) In the office of licensed physician, chiropractor or physical therapist; or
- (2) By a regularly established medical center, hospital or sanatorium having a staff which includes licensed physicians, chiropractors and/or physical therapists; or
- (3) By any licensed physician, chiropractor or physical therapist in the residence of his or her patient; or
- (4) By a licensed barber or cosmetologist/hairstylist limited to the areas of the face, neck, scalp or upper part of the body as set forth in the Cosmetology and Hairstyling Act of 1984, N.J.S.A.

#### **Section 12. Violations and penalties.**

In addition to the revocation or suspension of the permit granted under this section any person who violates any provision of this section shall, upon conviction hereof, be punished by a fine not exceeding \$2,000.00 or by imprisonment for a term not exceeding 90 days, or both, in the discretion of the court.

#### **Section 13. Repealer.**

All ordinances or parts of ordinances inconsistent with this within ordinance are hereby repealed to the extent of such inconsistencies.

#### **Section 14. Saving Clause.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

#### **Section 15. Effective Date.**

The Ordinance shall take effect in accordance with law.

Mayor Dodd opened the meeting to the public for a hearing, seeing no hands and hearing no voices he closed the meeting to the public.

Alderman Blackman has moved the foregoing resolution be adopted and duly seconded by Alderman Romaine and passed for second reading by the following roll call vote.

Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd  
Nays: None Absent: Alderman Delaney & Poolas Abstained: None

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER**  
**APPROVING THE SETTLEMENT OF A TAX COURT APPEAL**  
**600 MT. PLEASANT ASSOCIATES, L.L.C., BLOCK 901, LOT 5**

WHEREAS, 600 Mt. Pleasant Associates, L.L.C. is the owner of 600 Mt. Pleasant Avenue, Dover, New Jersey, also known as Block 901, Lot 5; and

WHEREAS, 600 Mt. Pleasant Associates, L.L.C. filed an appeal with the Tax Court of New Jersey for the year 2009 bearing Docket # 1289-2009; and

WHEREAS, the Tax Assessor has reviewed Answers to Interrogatories and Plaintiff's appraisal and consulted with the expert appraiser for the Town, Robert J. Edgar of Certified Valuations, who has thoroughly reviewed the appeal; and,

WHEREAS, a settlement value of \$6,130,000.00 total assessment for year 2009 was recommended by the expert appraiser for the Town; and

WHEREAS, the taxpayer has accepted the market value offer of judgment; and

WHEREAS, the original assessments and requested tax court judgment are as follows:

<u>2009</u>	Original <u>Assessment</u>	County Board <u>Judgment</u>	Tax Court <u>Judgment</u>
Land:	\$ 2,583,000	None	\$ 2,583,000
Improvements:	<u>\$ 4,547,000</u>	Direct	<u>\$ 3,547,000</u>
Total:	\$ 7,130,000	Appeal	\$ 6,130,000

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey as follows:

1. The tax court appeals bearing the above referenced docket number is hereby authorized to be settled for the fair market value amounts for year 2009 in the amount of \$6,130,000.
2. The settlement shall be paid by tax credit to future tax bills and not by refund.
3. The taxpayer must waive interest on the overpaid amounts.
4. The Municipal Attorney is hereby authorized to execute a Stipulation of Settlement upon the terms set forth above.

Alderman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Timpani and passed for second reading by the following roll call vote.

Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd  
Nays: None Absent: Alderman Delaney & Poolas Abstained: None

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER**  
**APPROVING THE SETTLEMENT OF A TAX COURT APPEAL**  
**CARL IOSSO, BLOCK 2005, LOT 1**

WHEREAS, Carl Iosso is the owner of 14 John Street, Dover New Jersey, also known as Block 2005, Lot 1; and

WHEREAS, Carl Iosso filed an appeal with the Tax Court of New Jersey for the year 2009 bearing Docket # 013275-2009; and

**WHEREAS**, the Tax Assessor has reviewed Answers to Interrogatories and consulted with the expert appraiser for the Town, Robert J. Edgar of Certified Valuations, who has thoroughly reviewed the appeal; and,

**WHEREAS**, the Tax Assessor has offered a settlement which is the taxpayer withdrawing the 2009 appeal and the 2010 value being reduced to \$354,900; and

**WHEREAS**, the taxpayer has accepted the market value offer of judgment; and

**WHEREAS**, the original assessments and requested tax court judgment are as follows:

**2009 - Withdrawn**

**2010**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Tax Court Judgment</u>
Land:	\$ 153,400	None	\$ 153,400
Improvements:	\$ 280,300	Direct	\$ 201,500
Total:	\$ 383,700	Appeal	\$ 354,900

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey as follows:

1. The tax court appeals bearing the above referenced docket numbers are hereby authorized to be settled by the taxpayer withdrawing the 2009 appeal and the 2010 assessment being reduced to \$354,900.00.
2. The settlement shall be paid by tax credit to future tax bills and not by refund.
3. The taxpayer must waive interest on the overpaid amounts.
4. The Municipal Attorney is hereby authorized to execute a Stipulation of Settlement upon the terms set forth above.

**Alderman Timpani has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed for second reading by the following roll call vote.**

**Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd  
Nays: None      Absent: Alderman Delaney & Poolas      Abstained: None**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER  
APPROVING THE SETTLEMENT OF THE TAX COURT APPEAL  
OF KERBEL-SHERIFF PARTNERS, BLOCK 1216, LOT 1 FOR 2009**

**WHEREAS**, Kerbel-Sheriff Partners is the owner of 2 East Blackwell Street, Dover New Jersey, also known as Block 1216, Lot 1; and

**WHEREAS**, Kerbel-Sheriff Partners filed an appeal with the Tax Court of New Jersey for the year 2009 bearing Docket # 013679-2009; and

**WHEREAS**, the Tax Assessor has reviewed Answers to Interrogatories and consulted with the expert appraiser for the Town, Robert J. Edgar of Certified Valuations, who has thoroughly reviewed the appeal; and,

**WHEREAS**, a settlement of \$2,400,000.00 total assessment for year 2009 and \$2,100,000.00 total assessment for year 2010 was recommended by the expert appraiser for the Town; and

**WHEREAS**, the taxpayer has accepted the market value offer of judgment; and

**WHEREAS**, the original assessments and requested tax court judgment are as follows:

**2009**

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Tax Court Judgment</u>
Land:	\$1,330,000	None	\$1,330,000

Improvements:	<u>\$1,456,900</u>	Direct	<u>\$1,070,000</u>
Total:	\$2,786,900	Appeal	\$2,400,000

**2010**

Total Assessment of \$2,100,000.00

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Dover, County of Morris and State of New Jersey as follows:

1. The tax court appeals bearing the above referenced docket numbers are hereby authorized to be settled for the fair market value amounts for year 2009 for \$2,400,000.00 and \$2,100,000.00 for 2010.
2. The settlement shall be paid by tax credit to future tax bills and not by refund.
3. The taxpayer must waive interest on the overpaid amounts.
4. The Municipal Attorney is hereby authorized to execute a Stipulation of Settlement upon the terms set forth above.

**Alderman Timpani has moved the foregoing resolution be adopted and duly seconded by Alderwoman Romaine and passed for second reading by the following roll call vote.**

**Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd  
 Nays: None      Absent: Alderman Delaney & Poolas      Abstained: None**

**RESOLUTION AUTHORIZING CONTRACT WITH RANDOLPH TOWNSHIP FOR 2010  
 ANIMAL CONTROL SERVICES**

**BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Dover, County of Morris, State of New Jersey that the Mayor is hereby authorized to sign an agreement with the Township of Randolph for Animal Control Services for the year 2010 at a rate of \$80.82 per hour at a minimum of 520 to 624 hours of dog control services per year.

**Alderman Timpani has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed for second reading by the following roll call vote.**

**Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd  
 Nays: None      Absent: Alderman Delaney & Poolas      Abstained: None**

**SALARY RESOLUTION**

**BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Dover, County of Morris, State of New Jersey as follows:

1. That the annual, hourly salaries and wages as set forth hereunder be and hereby are established for the officials and listed employees of the Town of Dover at the respective sums shown following their names and or position designation following their name listed below.
2. This resolution directs the Treasurer of the Town of Dover to withhold such monies from individual salaries and wages so there is no advance payment of salaries and wages and annual sums may be adjusted through December 31, 2010.

**SCHEDULE A**

<b><u>Superior Officers</u></b>	<b>2010</b>
Robert Kerwick, Cpt	\$ 119,659
Peter Ugalde, Cpt	\$ 125,134
Joseph McGuire, Lt	\$ 116,573
Barry Young, Lt	\$ 116,573
Frank Coppinger, Lt	\$ 118,880
William Woodhull, Sgt	\$ 112,800
Richard Gonzalez, Sgt	\$ 112,800
Andy Milonas, Sgt	\$ 112,800
Chris Metzgar, Sgt	\$ 112,800
Anthony Smith, Sgt	\$ 112,800

**PBA**

Bostrom, Joseph, Police Officer	\$ 99,809		
Cachola, Jonathan, Police Officer	\$ 68,280	10/01/10	\$ 75,919
Camacho, Ronald, Police Officer	\$ 83,555		
Cicchetti, Jr. Aldo, Police Officer	\$ 99,809		
Corona, Oxmani, Police Officer	\$ 68,280	7/1/10	\$ 75,919
Delaney, Jonthan, Police Officer	\$ 61,761		
Flamia, Bryan, Police Officer	\$ 100,319		
Gabrys, Justin, Police Officer	\$ 100,319		
Galgano, Vincent, Police Officer	\$ 101,609		
Matos, Jose, Police Officer	\$ 83,555	12/01/10	\$ 90,980
McCarthy, William, Police Officer	\$ 99,809		
Michalski, Walter, Jr., Police Officer	\$ 99,809		
Negron, Joaquin, Police Officer	\$ 99,809		
Newton, William, Police Officer	\$ 87,155		
Peterson, Charles, Police Officer	\$ 100,249		
Pritchard, James, Police Officer	\$ 99,809		
Scinto, Anthony, Police Officer	\$ 99,809		
Smith, Keith, Police Officer	\$ 99,869		
Sperry, Louis, Police Officer	\$ 99,809		
Suarez, Oscar, Police Officer	\$ 68,280	07/01/10	\$ 75,919
Thiel, Timothy, Police Officer	\$ 99,809		
Wilkes, Paul, Police Officer	\$ 100,409		

**Alderman Timpani has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed for second reading by the following roll call vote.**

**Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd  
Nays: None      Absent: Alderman Delaney & Poolas      Abstained: None**

**SALARY RESOLUTION**

**BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Dover, County of Morris, State of New Jersey as follows:

1. That the annual, hourly salaries and wages as set forth hereunder be and hereby are established for the officials and listed employees of the Town of Dover at the respective sums shown following their names and or position designation following their name listed below.
2. This resolution directs the Treasurer of the Town of Dover to withhold such monies from individual salaries and wages so there is no advance payment of salaries and wages and annual sums may be adjusted through December 31, 2010.

**FMBA**

Nick Best, Fire Fighter	\$ 81,464
Donald Hammond, Fire Fighter	\$ 81,464
Richard Cloughley, Fire Fighter	\$ 81,464
James Reynolds, Fire Fighter	\$ 81,464
Jon Sperry, Fire Fighter	\$ 66,706

**Alderman Romaine has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed for second reading by the following roll call vote.**

**Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd  
Nays: None      Absent: Alderman Delaney & Poolas      Abstained: None**

**SALARY RESOLUTION**

**BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Dover, County of Morris, State of New Jersey as follows:

1. That the annual, hourly salaries and wages as set forth hereunder be and hereby are established for the officials and listed employees of the Town of Dover at the respective sums shown following their names and or position designation following their name listed below.
2. This resolution directs the Treasurer of the Town of Dover to withhold such monies from individual salaries and wages so there is no advance payment of salaries and wages and annual sums may be adjusted through December 31, 2010.

White Collar - Steps

Orama, Aracelis, Registrar - 95%	\$ 44,867
Cicchetti, Colleen, Dep. Court Admin. - 100%	\$ 46,836
Julve, Reynoldo, Sr. Clerk Typist - 95%	\$ 39,029
Kent, Erin, Sr. Clerk Typist - 95%	\$ 39,029
Lezcano, Jason, PS Tel Comm - 100%	\$ 41,083
Fernandez, Avelino, PS Tel Comm - 95%	\$ 39,029
Victoria Forgione, Library Asst. - 90%	\$ 34,202
Gabriela Luna, Library Asst. - 90%	\$ 14.22 / hr.

Water - Steps

Gutierrez, Maria, Pubic Works Repairer	\$ 37,833
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Blue Collar-Steps

Smith, Joan, Parking Enforcement Officer 95%	\$ 36,102
Ayala, Tina, Parking Enforcement Officer 95%	\$ 15.57 / hr.

**Alderman Timpani has moved the foregoing resolution be adopted and duly seconded by Alderman Picciallo and passed for second reading by the following roll call vote.**

**Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd  
Nays: None      Absent: Alderman Delaney & Poolas      Abstained: None**

Alderman Donofrio wanted to know if a rice notice is required to discuss the Town Clerk's salary. Attorney Pennella stated that a rice notice was not needed for a salary discussion. He then asked to know if there were any discussions with the chief to consent to a lesser adjustment. Mayor Dodd noted that there were several discussions with the administrator and chief but was not sure of the outcome. Alderman Donofrio stated you don't want to discourage education but, as departments in other municipalities in the area or state receive pay increases for education it raises the base ranges. He suggested that during the next contract negotiations if bonuses could be provided for education incentives instead of salary increases. Alderman Donofrio expressed that there was an interim administrator and wanted to know why that administrator didn't make the adjustment to the town clerk's salary. Mayor Dodd commented that Paul McDougall was a part-time interim administrator and during those nine months he was asked to do what was needed on an administrative standpoint. Mayor Dodd noted that many months of discussions went into the salary resolution and expressed that it wasn't put together quickly. There was much debate and also controversy over the increases, which is a good thing, much time and effort went into these meetings. Alderman Donofrio stated he didn't express that the salary ordinance was randomly put together.

Alderman Picciallo expressed that the tax collector was given the minimum grade increase due to her promotion in August, when she received her certification; the clerk typist is receiving her 90% step increase, the chief if you add 5% to the captain's salary it should be \$4,000 higher. Concerning the Town Clerk I fought tooth and nail to see evidence and looked at the salary ordinances. In 2004 the clerk was paid \$82,000 in 2006 and the ordinance range was changed to \$50,000 to \$75,000 which this board voted on. From 2006 to 2009 she should be making \$93,000 and is instead is accepting \$87,000. I do not see a problem with that, it is justified.

Alderman Donofrio asked if the resolution would be split Mayor Dodd answered non-union would be voted on together.

Alderman Blackman commented that as a first time board member she received an education from Mike concerning the salaries and the decision was not made lightly and you have to do the right thing for employees.

Alderwoman Romaine commented that raises given will not effect the tax rate for year 2009.

**SALARY RESOLUTION**

**BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Dover, County of Morris, State of New Jersey as follows:

1. That the annual, hourly salaries and wages as set forth hereunder be and hereby are established for the officials and listed employees of the Town of Dover at the respective sums shown following their names and or position designation following their name listed below.
  
3. This resolution directs the Treasurer of the Town of Dover to withhold such monies from individual salaries and wages so there is no advance payment of salaries and wages and annual sums may be adjusted through December 31, 2010.

<u>Non Union</u>	2009	
Coroneos, Andrea, Tax Collector	\$ 49,210	08/01/09
Santana, Maria, Sr. Clerk Typist - 90%	\$ 44,470	01/10/10
Valentine, Harold, Police Chief	\$ 123,736	01/01/09
Verga, Margaret, Mun. Clerk/Asses. Searcher	\$ 87,289	01/01/09

**Mayor Dodd has moved the foregoing resolution be adopted and duly seconded by Alderman Timpani and passed for second reading by the following roll call vote.**

**Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd  
Nays: None      Absent: Alderman Delaney & Poolas      Abstained: None**

**PUBLIC COMMENTS – Three Minutes per Person**

**Denise Ridner** – Recreation Chairwoman – Thanked the Mayor and Board of Alderman for the Tree Lighting and assisted with Santa. She thanked the Alderwoman Blackman, Dover Firehouse, Santa and helpers for their assistance with the Santa Run. She commented that if residents don't attend town meeting then you won't know what's going on.

**Warren Darnulc** – 151 Grant Street – Mr. Darnulc commented that he's in the 2<sup>nd</sup> ward and this morning was a mess with recycling. Mayor Dodd commented that he drove down Prospect Street at 4:45am and noticed that it was a disaster. He contacted Public Works to clean up the area. Mayor Dodd noted that for 2010 recycling containers are required to have lids on them.

**Marie Tambini** – 6-16 E. Blackwell Street – Ms. Tambini also had a concern about the lids on the cans, she is against it unless the lids are secured to the can. Mayor Dodd asked the public to give it a chance and hopefully the lid requirement will work.

Alderman Timpani and Mayor Dodd acknowledged Jon Sperry for his assistance with the memorial plaque on the bridge. Mayor Dodd announced the unveiling of the bronze plaque for fallen Officer Arthur Ohlsen which will be held tomorrow morning.

Mayor Dodd wished the public a Happy & Healthy New Year.

**Motion to adjourn made by Alderwoman Romaine at 9:05 p.m., and duly second by Alderman Donofrio and passed by the following voice vote.**

**Ayes: Aldermen Visioli, Donofrio, Picciallo, Timpani, Romaine, Blackman and Mayor Dodd  
Nays: None      Absent: Alderman Delaney & Poolas      Abstained: None**

Respectfully submitted,

Margaret J. Verga, Municipal Clerk