



SCHOOR DEPALMA
Engineers and Design Professionals

NORTH SUSSEX STREET LANDFILL REDEVELOPMENT AREA

REDEVELOPMENT PLAN

TOWN OF DOVER MORRIS COUNTY, NEW JERSEY

ADOPTED BY
TOWN OF DOVER
BOARD OF ALDERMEN
December 14, 1999

Revised April 24, 2001 by Ordinance 7-01
Revised February 12, 2002 by Ordinance 2-2002
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Introduction

This Redevelopment Plan has been prepared for the Town of Dover for purposes of providing a coordinated program of development for the former landfill site located on Mount Pleasant Avenue near Dover High School and the Public Works facility. The tract, known as the North Sussex Street Landfill, consists of 49.4 acres and is designated as part of a acre redevelopment area in accordance with the Local Redevelopment and Housing 73.35 Law (N.J.S.A. 40A:12A-1 et seq.) because its condition as a closed municipal landfill made the industrially zoned land a high risk to the private development community and cost prohibitive for residential or recreational use remediation. While remediation for a commercial use of the site could be accomplished with a capping of the site and control of stormwater runoff, remediation for residential use would require the removal and disposal of contaminated soil at substantially higher cost. The environmental risk of stormwater leaching through contaminated soils complicates the ability to irrigate the site for active recreational use. Finally, the knowledge that the site had been a landfill would also pose a serious marketing obstacle for either a residential or recreational use.

The remainder of the Redevelopment Area (23.9 acres) consists of the existing Department of Public Works Facility located at the end of North Sussex Street (see Figure 1.0).

The Dover Master Plan Reexamination Report, adopted on October 27, 1999, addressed the subject "brownfield" site as follows:

"Future use of the property would require a 'Remedial Action' or cleanup action that would be a function of the proposed land use. Alternatives include confinement, neutralization, removal and collection & treatment. Residential land uses are not considered the preferential land use for redevelopment of this property due to marketing and other factors associated with the current land fill condition. Redevelopment of this site is most likely better off as a commercial type use that would permit the construction of impervious surfaces that would allow for the control and collection of runoff to prevent infiltration into confined landfill in order to protect against the flushing of contaminants into the ground water".¹

¹ 1999 Master Plan Reexamination & Amendment, Town of Dover Planning Board, October 27, 1999, page 16.

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The Report then recommended the following with regard to the subject Redevelopment Area:

“The Planning Board recommends that the aforementioned Town owned property known as Block 901, Lot 1 be considered for redevelopment in accordance with the ‘Local Redevelopment and Housing Law’. The current status of the property as a closed landfill in the state of review by the NJDEP combined with the lack of municipal funds available to attain a ‘No Further Action’ status from the NJDEP makes redevelopment of this property extremely difficult. Redevelopment of this property in accordance with the Local Redevelopment and Housing Law is the recommended course of action provided any agreement for sale and redevelopment will result in a ‘No Further Action’ status from the NJDEP for the landfill and free the Town of Dover of any future legal responsibility for said landfill.”²

On September 28, 1999, by Resolution, the Town of Dover Board of Aldermen, directed that the Municipal Planning Board conduct a preliminary investigation into whether or not certain criteria exist with respect to the property making it appropriate for redevelopment. The criteria are defined within the New Jersey Redevelopment Law at N.J.S.A. 40A:12A-5.

The Town of Dover Planning Board held a public hearing on November 15, 1999 and officially recommended that the Board of Aldermen designate the subject property as an Area In Need Of Redevelopment (Redevelopment Area). This Redevelopment Plan has been prepared for consideration by the Board of Aldermen as a companion to the Redevelopment Area designation.

On December 14, 1999, the Dover Board of Aldermen adopted this Redevelopment Plan by ordinance and, acting as the Redevelopment Entity, proceeded to issue an RFP and designated a redeveloper with which to negotiate a redeveloper agreement.

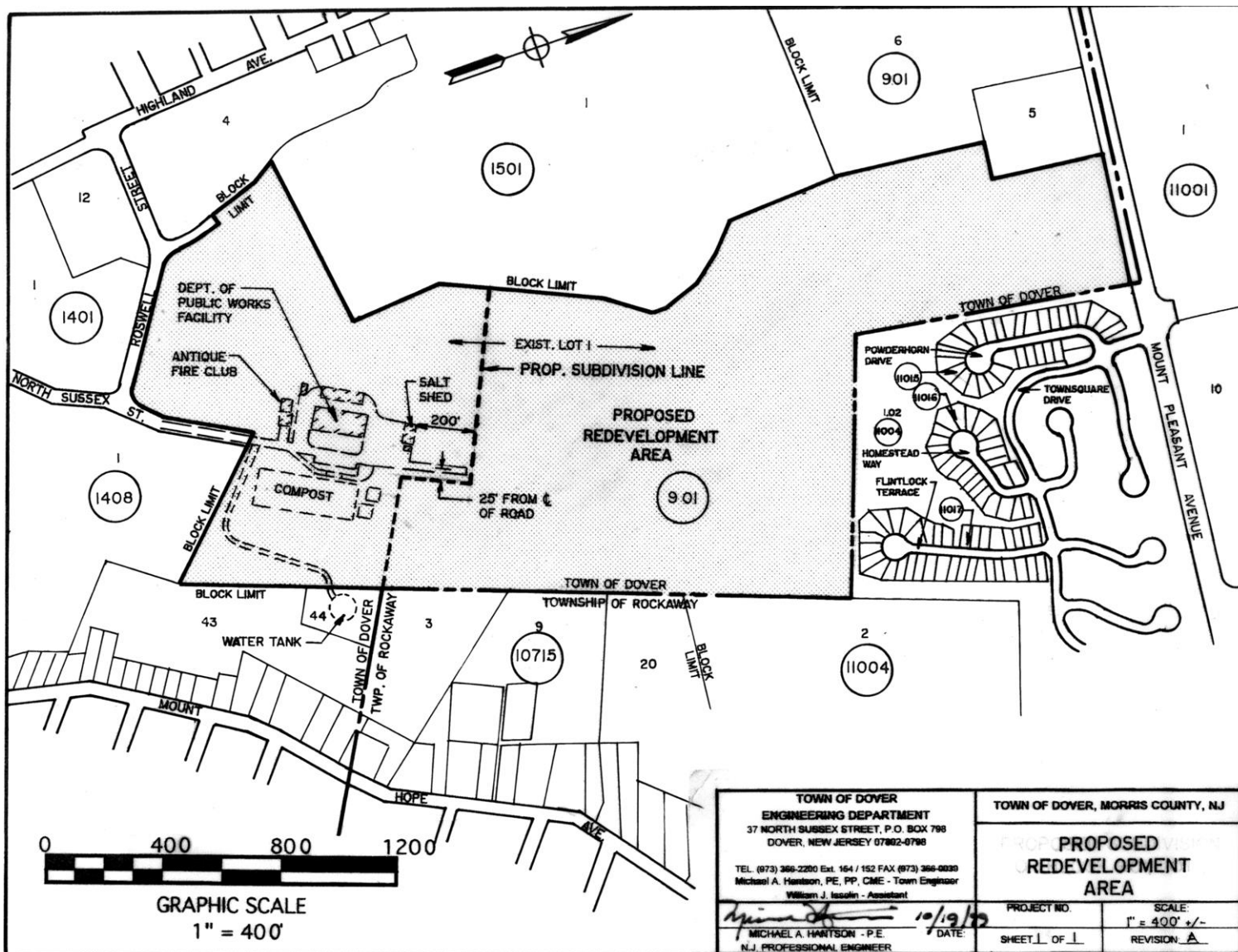
On February 27, 2001 the Town of Dover Governing Body, acting as the Redevelopment Entity, passed a resolution requesting the Planning Board to review the Redevelopment Plan to increase its flexibility to add Light Industrial /Office Flex Space as a permitted use in the Redevelopment Area. This request came as a result of changes in

² 1999 Master Plan Reexamination & Amendment, Town of Dover Planning Board, October 27, 1999, page 23.

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the economy and anticipated development on adjacent lands that made big box retail less feasible.

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Plan Section 1.0

The Public Purpose

Statutory Reference:

State relationship of redevelopment plan to local objectives regarding appropriate land uses, recreational and community facilities and other public improvements.

1.1 Description of site and findings of need for redevelopment

The subject Redevelopment Area is known as Block 9.01, Lot 1 and consists of the Town Department of Public Works Facility and a large tract of vacant land, a large portion of which is a landfill that was shut down by 1982. The Town's Remedial Investigation Report, submitted to NJDEP on November 3, 1997, reported that, while there was no indication of contaminants on neighboring properties or receptors at a level exceeding NJDEP Specific Groundwater Quality Criteria or Soil Cleanup Criteria, contamination existed in two wells within the landfill in excess of the Cleanup Criteria.

Based on the soil contamination and likelihood for prohibitive remediation

STATUTORY CRITERIA FOR REDEVELOPMENT AREA DESIGNATION

- a. *Buildings that are substandard, unsafe, unsanitary, dilapidated or obsolete, or are conducive to "unwholesome" living or working conditions;*
- b. *Vacant, abandoned or untenable buildings previously used for commercial, manufacturing or industrial purposes;*
- c. *Land owned by the municipality, county, housing authority or redevelopment entity; or land that has remained unimproved and vacant for a period of ten years prior to the designation and is not likely to be privately developed due to location, remoteness from developed portions of the municipality, lack of access or soil conditions;*
- d. *Buildings or improvements that adversely impact a designated area because of their dilapidated condition, overcrowding, obsolete arrangement or design, excessive land coverage, deleterious land use or combination thereof;*
- e. *A growing or total lack of proper utilization of areas caused by title restrictions, diverse ownership or other conditions resulting in economic stagnation and lack of productivity;*
- f. *Areas over five contiguous acres where buildings and improvements have been destroyed by fire or natural disaster resulting in material loss of assessed value;*

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costs, the Town Board of Aldermen directed the Town of Dover Planning Board to conduct a preliminary investigation to determine whether or not the subject property should be designated an Area In Need Of Redevelopment under the Local Redevelopment and Housing Law. The Planning Board determined, after a public hearing, that Block 9.01, Lot 1 met the following criteria as set forth in the Local Redevelopment and Housing Law:

“In accordance with condition (c), land that is owned by the municipality, that by reason of its soil, is not likely to be developed through the instrumentality of private capital, would be deemed in need of redevelopment. The very nature of the contaminants in the soil of the landfill has resulted in little private interest in development of the property.

In accordance with condition (d), areas with improvements which by reason of deleterious land use or any other factors, are detrimental to the safety, health, morals or welfare of the community, would be deemed in need of redevelopment. Given the aforementioned use of the property as a municipal landfill which has not received a “no further action” from the NJDEP puts its past use and current condition in a deleterious state detrimental to the safety, health, and welfare of the community. It is in the public’s best interest to properly close the landfill and redevelop the property with an appropriate use that will prevent the possibility of the spreading of any contamination that might be present.”

The Board determined that governmental action was needed in the best interest of the residents of the Town of Dover to pursue a public-private partnership that would enable the property to be redeveloped by a private redeveloper in accordance with a redevelopment plan for the site. The Preliminary Investigation Statement of Purpose made the following specific findings:

“In identifying Block 9.01, Lot 1 as a potential area in need of redevelopment, the Board of Aldermen considered that the prior use of the property as a landfill, and subsequent abandonment, rendered the property untenable.”

It was also noted by the Board of Aldermen, that the previously prevailing land use was deleterious and had created a detriment to the safety, health and/or welfare of the Town of Dover and that of the neighboring municipalities.

Further, the parcel of property is approximately seventy five acres. Although it has been owned by the Town of Dover since at least the early 1900’s, the portion of the property outside the limits of the existing Public Works Garage Site has

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remained without being used for seventeen years. Without the support and guidance of a redevelopment entity, it is believed that possibly the parcel would not be developed by private capital.”³

1.2 Definition of site development potential and suitable uses

The Redevelopment Area consists of an aggregate 73.35 acres, and is divided into two (2) distinct parcels. Parcel 1, which is intended for municipal services, consists of approximately 24 acres and contains the Dover Town Public Works facility. Parcel 2, slated for planned commercial development, contains approximately forty-nine (49) acres, based on the best available information. Approximately seventeen (17) acres of Parcel 2 are severely impacted by wetlands, wetland transition areas and steep slopes, potentially limiting the estimated net usable area of this Parcel to thirty (30) acres. Parcel 2 contains most of the obsolete North Sussex Street Landfill, and the level of site remediation necessary to bring this Parcel up to residential or recreational standards is impractical and cost prohibitive based on the need for the removal and disposal of contaminated soil and other costs associated with controlling and containing leachate.

The site's proximity to other commercial sites makes it particularly suitable for regional retail commercial uses and/or “Flex” space buildings for light manufacturing and office uses. Home Depot and Office Max are large, established retail uses located to the west of the site within Dover Town. The Rockaway Mall, another regional shopping magnet, is located directly north of the site across Mount Pleasant Avenue. The Casio office and warehouse use is adjacent to the site to the west. Further, the site's frontage along Mount Pleasant Avenue, a four-lane arterial roadway, provides convenient access for local and regional motorists.

Since the adoption of this Plan in December of 1999, the following changes have occurred that affect the successful redevelopment of the Redevelopment Area:

1. Rockaway Townsquare Mall, which lies directly across Mt. Pleasant Avenue from this parcel has recently received approval from the Rockaway Township Planning Board for the construction of over 600,000 SF of new retail space.
2. The “Rockaway 80” development adjacent to the Rockaway Townsquare Mall received a zoning change from the Rockaway Township Governing Body to permit Retail Uses.

³ Preliminary Investigation Statement of Purpose, Town of Dover Planning Board, page 3.

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3. Those two (2) aforementioned sites are much better suited to attract retail uses given their more direct access to Routes 80 and 15 and their much higher visibility.
4. Although the marketplace for retail development has not completely died, the present state of the economy has resulted in a cutback in the expansion plans of many of the major retailers thereby shrinking the market considerably as compared to two (2) years ago.
5. With the inherent difficulties associated with the development of a landfill site and the time associated with the required permits and approvals, the ability to construct a development on speculation as to the market needs at time of completion is critical.
6. There is currently a much more sustainable market for Light Industrial /Office Flex Space type uses with a much lower risk to develop said uses over the necessary time periods required due the landfill issues.
7. Almost all the potential redevelopers that have expressed interest in the project since the announcement of the withdrawal of the original redeveloper concur with the above noted findings.

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- To relieve the Town of Dover from the substantial cost of closing and remediating a brownfield condition caused by the prior use of the Redevelopment Area as a landfill;

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- To attract a private developer of the Town-owned former landfill site through the use of economic development tools under the Local Redevelopment and Housing Law to overcome the soil contamination and other subsurface conditions on the site;
- To create flexibility in land use and building requirements specific to the Redevelopment Area, while building in appropriate buffers and design controls to ensure the quality redevelopment of the tract;
- To return the Redevelopment Area to economic productivity and enable the residents and taxpayers of the Town of Dover to benefit from significant new revenue generated from tax payments and/or payments in lieu of taxes;
- To enable the Redevelopment Area to be redeveloped for land uses that will serve the residents of the Town of Dover and its neighboring towns;
- To provide for an intensity of development on the Tract that will pay the costs of the required environmental clean up, traffic controls, stormwater management and other improvements required for the appropriate development of the site.
- To resolve environmental and public health risks posed by the former landfill use on the site in an expeditious manner at least possible cost to Dover taxpayers.

1.4 Description of Public & Economic Benefits

The successful redevelopment of the Redevelopment Area will provide substantial public and economic benefits to the residents and taxpayers of the Town of Dover. It will convert land that is a financial liability on the taxpayers of the Town and a health risk to residents in the immediate area, into an economic asset and substantial contributor to the cost of providing municipal and educational services. The tract is sizable enough to support substantial development that would have a significant beneficial impact on the Town's fiscal condition. It has access to an arterial road (Mount Pleasant Avenue) and shares convenient proximity with Rockaway Townsquare Mall to Interstate Route 80 via Mount Hope Road. The Redevelopment Area is also adjacent to higher density residential development in Rockaway Township which is compatible with and could help support retail and/or office development in the same manner as occurs in Planned Unit Developments (PUDs).

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1.5 Relationship of proposed redevelopment objectives to Dover Master Plan and Zoning Regulations

Master Plan

This Redevelopment Plan is specifically intended to implement the 1999 Master Plan Reexamination Report & Amendment, which was adopted by the Town of Dover Planning Board on October 27, 1999. The Report states that it is intended to serve “as an amendment to the Master Plan with specific recommendations for certain tracts of land within the Town” and “act as an interim plan to allow for the development or redevelopment of those specifically noted tracts of land that need immediate attention prior to the whole scale rewrite of the Land Use Element”.⁴ The Report and Master Plan Amendment was adopted after a public hearing pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) and recommended that the tract be the subject of a redevelopment area designation and redevelopment plan in order to overcome the past inertia in attempting to turn the site over to private development.⁵

The 1999 amendment to the Master Plan was not the first time the tract that is the subject of this Redevelopment Plan was cited as a problem for Dover. The 1993 Master Plan Reexamination & Amendment stated the following:

*“Additionally, the Town of Dover property in the same zone has not been able to attract an industrial/office park type user despite a proactive approach by Town officials. This tract has additionally been constrained by the amount of wetlands that exist. The property immediately to the east in Rockaway Township is bordered by a multi-family townhouse development presently near completion”*⁶

Even though conditions at the time immediately preceding the 1999 amendment to the Master Plan were conducive to retail development and the Town was not able to attract industrial/office park development, market conditions in early 2001 have changed as previously noted.

⁴ The 1999 Master Plan Reexamination & Amendment, Town of Dover Planning Board, page 1.

⁵ Ibid., page 23.

⁶ 1993 Master Plan Reexamination & Amendment, Suburban Consulting Engineers, adopted November 22, 1993, page 6.

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Zoning Ordinance

Currently, the entirety of the site is located within the Industrial-Office Park (IND/OP) Zone District. All properties adjacent to the site within Dover Town are similarly zoned. The IND/OP Zone runs the length of Mt. Pleasant Avenue within the Town, and contains various office, industrial and retail uses. Retail uses such as The Home Depot and Office Max located to the west of the site on Mount Pleasant Avenue, though technically nonconforming uses, help establish this corridor as a destination for regional shoppers.

The IND/OP Zone permits the following uses as of right:

- Offices and office complexes
- Light manufacturing
- Scientific or research laboratories
- Hotel/motel complexes, including restaurants and convention facilities

Despite a pro-active approach by Town officials in the 1990's to attract development that is in concert with IND/OP Zone requirements, the site has remained dormant for well in excess of ten (10) years. Private development is hindered at this site due to its limited accessibility and visibility, as well as adverse soil conditions. The site's cessation as a landfill use and its subsequent dormancy has been inimical to the economic welfare of the Town.

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Plan Section 2.0

The Redevelopment Plan

Statutory Reference:

Describe proposed land uses and building requirements in the redevelopment area.

2.1 Land Use Plan

This Redevelopment Plan calls for the division of the Redevelopment Area into two land use categories, Municipal Services and Planned Commercial. The Municipal Services category applies to the existing 24 acres used by the Dover Department of Public Works facility. The 49 acre portion of the Redevelopment Area that is accessed from Mount Pleasant Avenue is designated for Planned Commercial land uses. The Planned Commercial portion of the Redevelopment Area is planned for development of one or more uses listed as "Permitted Uses" in the Section 3.0 of this Redevelopment Plan as part of one coordinated design for the entire site.

The Land Use Plan is shown on the Redevelopment Plan Land Use Map on the following page.

2.2 Schedule of land use and development requirements

Definitions

Planned Commercial Development shall mean an area with a minimum contiguous or noncontiguous acreage of 5 acres to be developed as a single entity according to a comprehensive development plan containing one or more commercial uses permitted in this Redevelopment Plan.

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Permitted Uses

In the Planned Commercial portion of the Redevelopment Area, a single Planned Commercial Development shall be permitted, provided that the proposed uses contain at least one single anchor use with a minimum of 30,000 square feet of floor space and that the Planned Commercial Development shall have only one primary access point on Mount Pleasant Avenue.

The following uses shall be permitted within a Planned Commercial Development in this Redevelopment Plan:

- Supermarkets and similar uses;
- Banks and financial services;
- Retail sales and service activities;
- Theaters for entertainment productions, including movies;
- Restaurants;
- Town operated buildings, recreational uses and other facilities;
- Offices and office complexes;
- Scientific or research laboratories;
- Hotel/motel complexes, including restaurants and convention facilities.
- Light Industrial/Office Park/Flex Space uses excluding large-scale warehousing
- Distribution Facilities
- Self-Storage Facilities

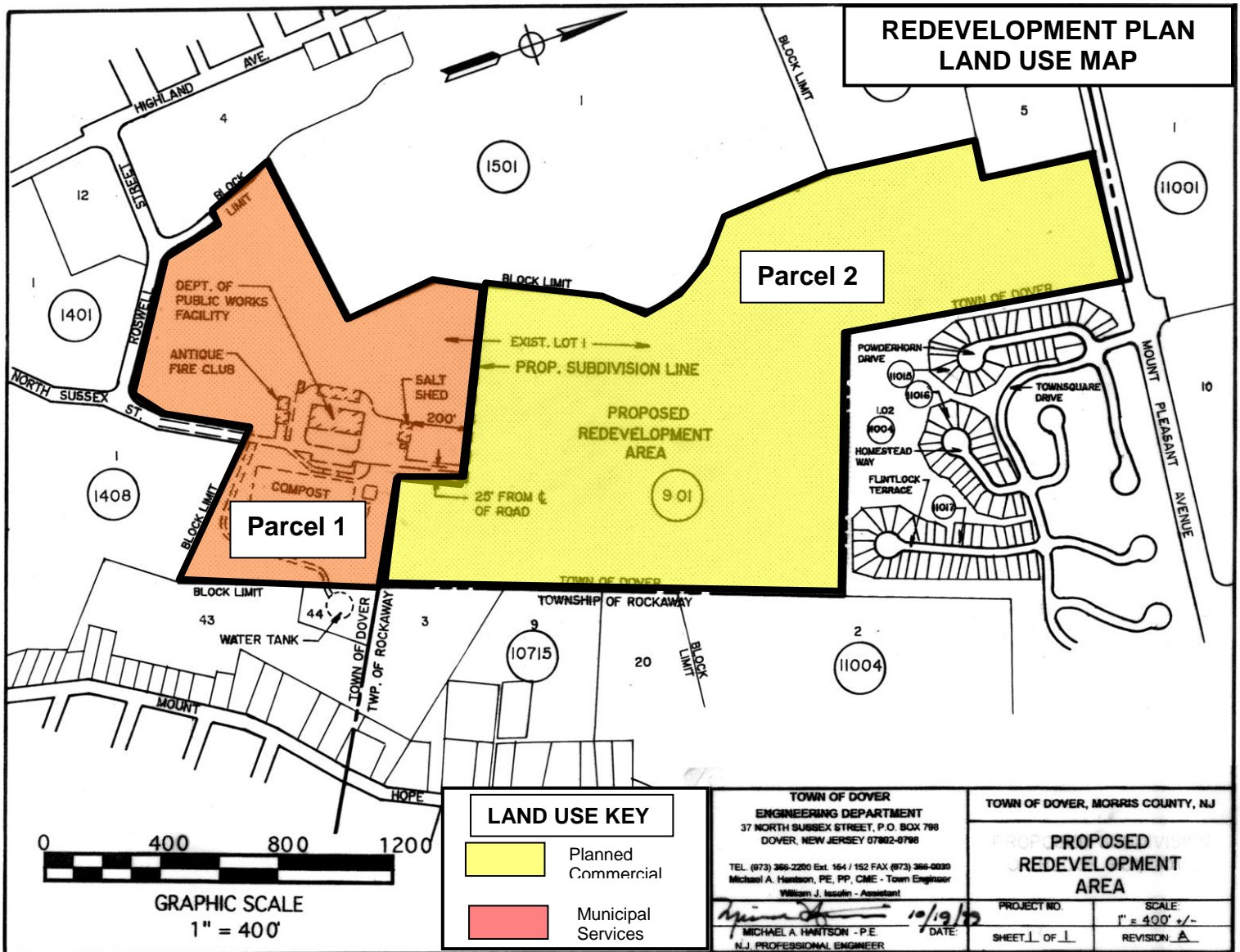
Accessory Uses

- Uses customarily incidental to those permitted uses as listed in this section.

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BULK REQUIREMENTS

	Existing Dover Town Requirement (IND/OP) (For Comparison)	Redevelopment Plan Requirement
Minimum lot area	2 acres	2 acres
Minimum lot width	200'	
Minimum lot depth	300'	
Lot frontage		150', however, the lot frontage may be reduced to 50' if a common entrance driveway is shared with an adjacent lot.
Front setback	75'	75'
Setback to Tract Boundary	30'	70' This setback may be reduced to no less than 40' if a minimum natural protected buffer of at least an additional 30' exists on the adjacent property. "Protected" shall mean by a deed restriction or NJDEP Environmental Regulatory restriction that is in effect at the time the reduced setback is approved.
Side Yard Setback		15'
Min. bldg setback to residential district boundary⁷	65'	100'
Min. distance between buildings	N/A	40' if buildings share a common driveway access and/or parking; otherwise 50'
Min. width of residential planted buffer	N/A	20'
Max. building coverage	50%	25%
Lot coverage	N/A	75%

⁷ The setback shall be measured to the nearest building line.

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(cont.)

	Existing Dover Town Requirement (IND/OP) (For Comparison)	Redevelopment Plan Requirement	
Max. building height	45'	45' ⁸	
Parking	In accordance with the Town of Dover Zoning, Chapter 236-43 Table I as a function of the Use	<u>Use</u>	<u>Requirement</u>
		Hotels with facilities limited to the exclusive use of guests	1.0 spaces per sleeping room
		Hotels with facilities not limited to the exclusive use of guests	1.0 spaces per sleeping room, plus the number of spaces required in the Town of Dover Zoning, Chapter 236-43 Table 1 for restaurants, banquet facilities and other retail services or recreational uses included in a hotel building or grounds, that are not limited to the exclusive use of guests
		Office (Commercial)	1.0 spaces per 350 SF of GFA
		Office (Medical)	1.0 spaces per 225 SF of GFA
		Self-Storage Facilities	1.0 space per 5,000 SF of Leasable Area
		All Other Uses	In accordance with the Town of Dover Zoning, Chapter 236-43 Table 1

⁸ except for hotels, which shall be a maximum of 55' provided that the minimum setback of the hotel structure to a residential district boundary shall be increased by one (1) foot for every foot above 45 feet.

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DESIGN STANDARDS

Parking and Loading

1. All parking areas shall be located at least forty (40) feet from an adjacent residential property line or district.
2. Interior driveways are to be setback a minimum twenty (20) feet from any property line, unless environmental constraints require a lesser setback, in which case a setback of at least ten (10) feet shall be provided .
3. Sidewalks shall be provided within the parking areas to facilitate the safe movement of all pedestrians. Building placement and arrangement should encourage pedestrian movement between uses and buildings.
4. Loading areas and docks are to be designed into building corners or otherwise screened from view.

Landscaping

1. Transition buffer landscaping shall be in accordance with §236-21.E of the Dover Town Zoning Ordinance, except that buffer plantings shall be a minimum height of six (6) to eight (8) feet at the time of planting.
2. The preservation of wetland areas and transition areas, except when isolated and of insignificant ecological value, is considered a paramount objective to obviate the need for extensive replacement plantings and to achieve a reasonable density of shade trees on the site. New plantings should be incorporated with preserved trees, where possible, to achieve a balanced mix of trees and shrubs appropriate to the site plan for the Planned Commercial Development. Substantial screen plantings to provide an adequate buffer to residential uses shall be provided in accordance with §236-21.E as modified herein.
3. Adequate street trees shall be provided along Mt. Pleasant Avenue, where deemed appropriate, and along the interior access roadway. Said trees are to be planted thirty (30) feet on center with a minimum height of eight (8) to twelve (12) feet at the time of planting.

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4. Foundation plantings shall be provided at all building facades, where appropriate, at the discretion of the Planning Board.
5. All parking islands shall be provided with trees and adequate ground cover as deemed appropriate by the Planning Board.
6. Adequate landscaping shall be provided at all freestanding and directional signs as deemed appropriate by the Planning Board.
7. If capping is required as part of the Remediation Action Plan, the landscape plan shall include a planting detail for planting on top of the cap using clean fill material and adequate drainage.

Lighting

Site lighting shall be provided only to the extent that it is needed for the public safety and welfare and the aesthetic design theme of the Planned Commercial Development. The number, spacing and height of pole mounted parking lot lighting shall be designed to concentrate lighting where it is needed to minimize ambient night "glow" from the site. Fixtures fitted with shields should be incorporated to minimize off-site light spillage. Illumination Engineers Society (IES) standards shall be used to determine appropriate illumination levels, except that a maximum ratio of maximum illumination to average illumination of 3:1 shall be maintained throughout the parking areas.

Building Design

1. Each façade shall be finished with materials and design treatments comparable to those that would be used on the front of the building
2. All building designs shall relate thematically to each other, and shall present a cohesive architectural statement. The buildings are to be designed in accordance with an architectural theme, including freestanding and wall mounted signage that is coordinated with site lighting, street furniture, landscaping, kiosks, street clocks and other appurtenances.

Signs

The subject Redevelopment Area is characterized with environmental constraints that require that the developed portions of the Planned Commercial Development be located towards the rear of the tract and essentially out of sight from the main thoroughfare at

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Mount Pleasant Avenue. Due to this practical difficulty peculiar to this site, the need for identification signage at the property frontage at Mount Pleasant Avenue is critical to its potential for success. However, the close proximity of high density residential development on adjacent lands to the east, particularly at the property frontage on Mount Pleasant Avenue, requires that the illumination of the signage be controlled in a way that prevents excess glare during late night hours. Accordingly, the following controls for signage are specifically designed to accommodate the needs of the redeveloper while preventing unreasonable impacts on adjacent residents:

1. Freestanding Signs – A detailed site signage and graphics plan shall be designed specifically for the Planned Commercial Development which is proposed for this Redevelopment Area. The site signage and graphics plan shall include any proposed freestanding signs and will be subject to the approval of the Planning Board at the time of site plan review of the project submitted by a redeveloper designated by the Town's redevelopment entity. The number and size of freestanding signs shall be the minimum required to enable the Planned Commercial Development to attract anchor tenants and clearly identify them to the motorists on Mount Pleasant Avenue, but no freestanding sign shall exceed 30 feet in height. Height shall be measured from the ground at the base of the sign to the top of the support structure. Each freestanding sign shall incorporate the design theme of the architectural theme of the Planned Commercial Development. The site's address is to be included on at least one (1) freestanding sign, but may be displayed on the skirting or support structure and shall not be counted against the area of the sign face. The illumination of any sign within 200' feet of a residential dwelling must be extinguished either upon close of business of the last open business in the Planned Commercial Development, or midnight, whichever comes first.
2. Facade Signs – No more than one (1) primary wall mounted face identification sign may be erected at any one (1) business facade, except that an anchor tenant of 25,000 square feet or greater may have a single primary wall-mounted identification sign on any building facade which provides an entrance to that business. Each primary identification sign may have a maximum area not to exceed ten (10) percent of the portion of the facade area of the side of the building occupied by the business. A single user of 10,000 square feet of floor space or greater shall also be permitted ancillary facade signage identifying specific services provided on the premises, except that the total area of the ancillary signage on any one building facade shall be limited to five (5) percent of the facade area. No facade sign may face an adjacent residential use. Facade

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signs are to be located at a height below the roofline of a building, and above window and/or windows of the facade used for public access.

3. Directional Signs – Directional signs shall be permitted in accordance with the following:
 - a) Access Directional signs – Directional signs indicating the path of motorists and pedestrians from the access points from a public street into and out of the site. These directional signs shall not have commercial messages and are limited to four (4) square feet in area and three (3) feet in height.
 - b) Internal Directional Signs – Directional signs indicating internal circulation with two or more separate buildings or developments with multiple commercial buildings. Such directional signage may contain identification or commercial messages useful to guide visitors from one commercial building to another, and may be up to eighteen (18) square feet in area and seven (7) feet in height, but must be no closer than fifty (50) feet from the tract perimeter.

Miscellaneous Provisions

1. If possible, Bowlby Pond shall be used for stormwater detention, including any off-site improvements to convey stormwater to the pond, subject to the approval of the NJDEP. Any required on-site detention basin and its associated lot shall be exempt from bulk zoning requirements. Said basin shall be provided with adequate interior and perimeter landscaping to provide a naturalized appearance and a functional design.
2. Off-tract improvements and performance guarantees shall be determined in a duly executed Redeveloper Agreement between the designated redeveloper and the redevelopment entity as designated by the Town Board of Aldermen. The Redeveloper Agreement shall include a schedule for the construction of the Planned Commercial Development, including a timetable for submission of a Remediation Action Work Plan and securing a No Further Action Letter from the NJDEP.

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3. Soil removal and grading plans shall be submitted at the time of site plan application to the Planning Board. Said plans shall be subject to the review and approval of the Town Engineer.

Variation from the requirements set forth by this Redevelopment Plan may be necessary in certain unusual circumstances. In such an instance, the Planning Board may waive certain setback, floor area, height, buffer and land coverage requirements if the designated redeveloper demonstrates that such waiver will not substantially impair the intent of the Redevelopment Plan, and will not present a substantial detriment to the public health, safety and welfare.

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Plan Section 3.0

Plan Interpretation

Statutory Reference:

Relationship of redevelopment plan to municipal development regulations.

Redevelopment plan shall either supersede applicable development regulations or constitute an overlay zoning district within redevelopment areas.

3.1 Description of zoning requirements to replace existing zoning under the Dover Zoning Code

It is the intent of this Redevelopment Plan to supersede, replace and supplement existing IND/OP Zone requirements as they relate to the Redevelopment Area. The degree to which existing regulations contained within the Dover Town Land Use Ordinance are continued is as follows:

§236-21.A(1)(3)(4): Uses shall be permitted.

§236-21.E: Transition Buffer to residential district or school.

§236-21.C(3): Satellite antennas as a Conditional Use pursuant to standards continued in §236-40.E.

§236-21D(1): Minimum lot area requirement (See bulk table in Section 2.0).
There shall be no set minimum lot width or lot depth requirements.

§236-21.D(3): Front yard setback requirement (See bulk table in Section 2.0).

§236-21.F: Height limitation (See bulk table in Section 2.0).

§236-42: Performance Standards.

§236-43: Off-street parking and loading, and as amended in Section 2.0.

§236-54: Standard required improvements.

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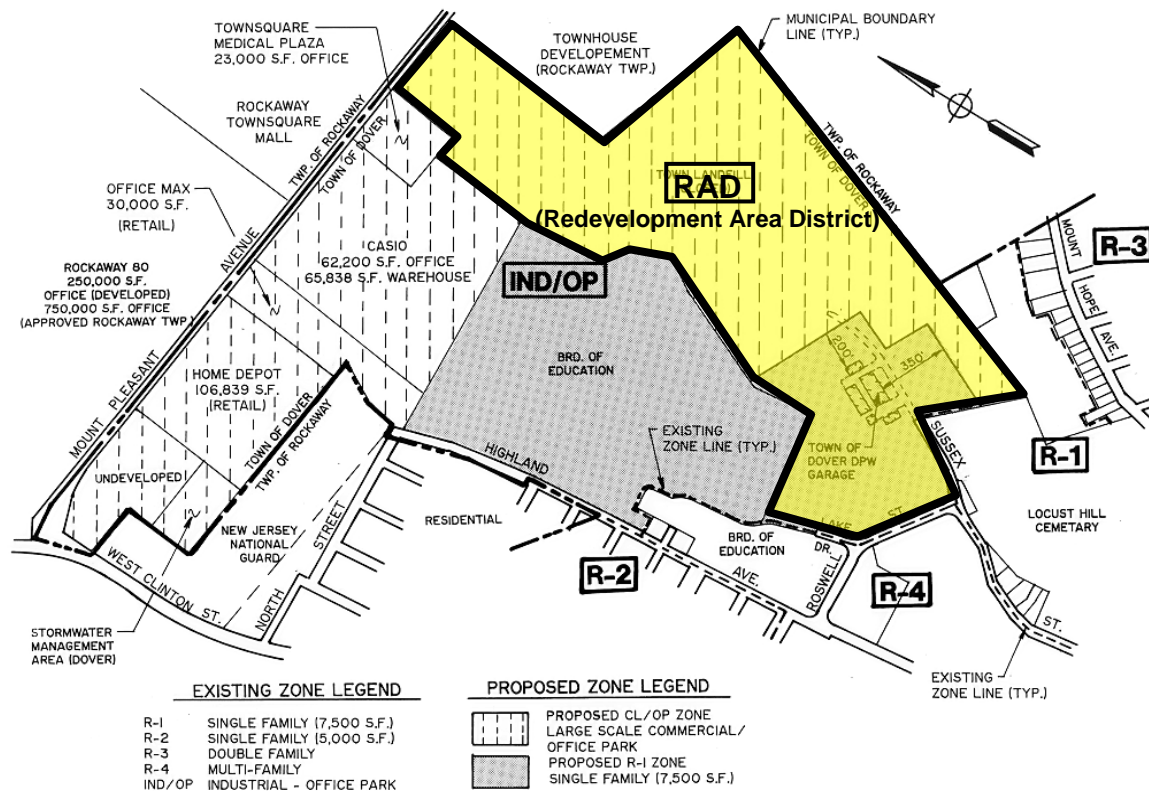
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§236-56: Construction requirements.

Where there is a conflict between a regulation contained within the Dover Town Land Use Ordinance and standards contained in this Redevelopment Plan, the standards of this Redevelopment Plan shall govern.

3.2 Zoning Map Revisions

The Town of Dover Zoning Map shall be amended consistent with the following:



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Plan Section 4.0

Acquisition and Relocation

Statutory Reference:

Identification of property recommended for acquisition;

Plan for temporary and permanent relocation of displaced residents and businesses, including an estimate of available housing in acceptable condition within the existing local housing market.

As a Town-owned vacant parcel, there is no land acquisition or relocation required as part of this Redevelopment Plan.

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Plan Section 5.0

Plan Consistency Review

Statutory Reference:

Describe the relationship of redevelopment plan to master plans of contiguous municipalities, county master plan and State Development and Redevelopment Plan.

5.1 Consistency of Redevelopment Plan with Rockaway Township Master Plan

The Redevelopment Area borders the Township of Rockaway to the east and across Mount Pleasant Avenue to the north. The Land Use Plan in the Master Plan Reexamination Report, Rockaway Township, adopted August 16, 1999, indicates that the adjacent land to the east is partially designated for RMF-8 (multifamily residential land use at 8 dwelling units per acre), which is where the Townsquare Village townhouse development is located, and partially designated for R-13 (single family residential land use on 13,125 square foot minimum lots, or 3.3 dwelling units per acre). Across Mount Pleasant Avenue to the north is the Rockaway Townsquare Mall, which is designated R-B for Regional Business land uses. Further west along Mount Pleasant Avenue in Rockaway Township is a large area designated "O-2" (Office Building District).

Because of the configuration of the parcel and development constraints posed by the prior solid waste landfill use of the site, the planned commercial development redevelopment approach will require a private access road from Mount Pleasant Avenue similar to the Mall access road that serves Rockaway Townsquare Mall. As such, the character of the redevelopment will be consistent with the intensity and mix of development along Mount Pleasant Avenue in Rockaway Township. Specifically, the Land Use Plan within Rockaway's 1999 Master Plan Reexamination Report for the land uses along Mount Pleasant Avenue states the following:

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- (RMF-8) - "The high density attached residential land use category includes those areas that are proposed for single family attached dwellings (townhouses) and multi-family dwellings. These areas are located in the southern portion of the township".⁹
- (R-B) – "The Regional Commercial land use category encompasses the Rockaway Townsquare Mall property. The R-B Regional Business Zone complements this land use designation. It is designed for the mall operation, as well as various retail and office uses which are located in close proximity to the mall, but are located outside of the mall ring road."¹⁰
- (O-2) – "These zones are located in relatively close proximity to the regional mall, and are designed to contribute to a regional town center character. They encompass two areas in the southern portion of the township near Route 80 and the Rockaway Townsquare Mall, to the east and west of the mall." "The O-2 Zone also requires a five acre building lot, but its building height is increased to one hundred feet in recognition of its particular location from residential development".¹¹

From the descriptions above, it is clear that the intent of the Rockaway Master Plan is to direct its most intensive development around the Rockaway Townsquare Mall along existing arteries which carry traffic to and from Interstate Route 80. In this fashion, the area around the mall, and the Regional Business zoning, contributes to the "regional town center character" referred to above. The entire Town of Dover was designated by the State Planning Commission as a Regional Center in 1994.¹² To the extent that the dormant landfill site becomes redeveloped with uses that are consistent with those found and permitted in the Regional Business and Office Districts in Rockaway Township, the two Regional Centers will become more contiguous and truly "regional".

It is also important to point out that the building and parking lot setbacks incorporated into this Redevelopment Plan are generally consistent with those within the Regional Business Zone in the Rockaway Township zoning code, which is the zone most closely related to the planned commercial development approach in this Redevelopment Plan. This Plan has the same minimum building setback of 100 feet from a district boundary line as the R-B Zone in Rockaway Township and the parking lot setback is 40 feet,

⁹ Master Plan Reexamination Report, Rockaway Township, New Jersey, Burgis Associates, adopted August 16, 1999, page 37.

¹⁰ Master Plan Reexamination Report, Rockaway Township, New Jersey, Burgis Associates, adopted August 16, 1999, page 42.

¹¹ Master Plan Reexamination Report, Rockaway Township, New Jersey, Burgis Associates, adopted August 16, 1999, page 43.

¹² Resolution No. 94-006, New Jersey State Planning Commission, December 2, 1994.

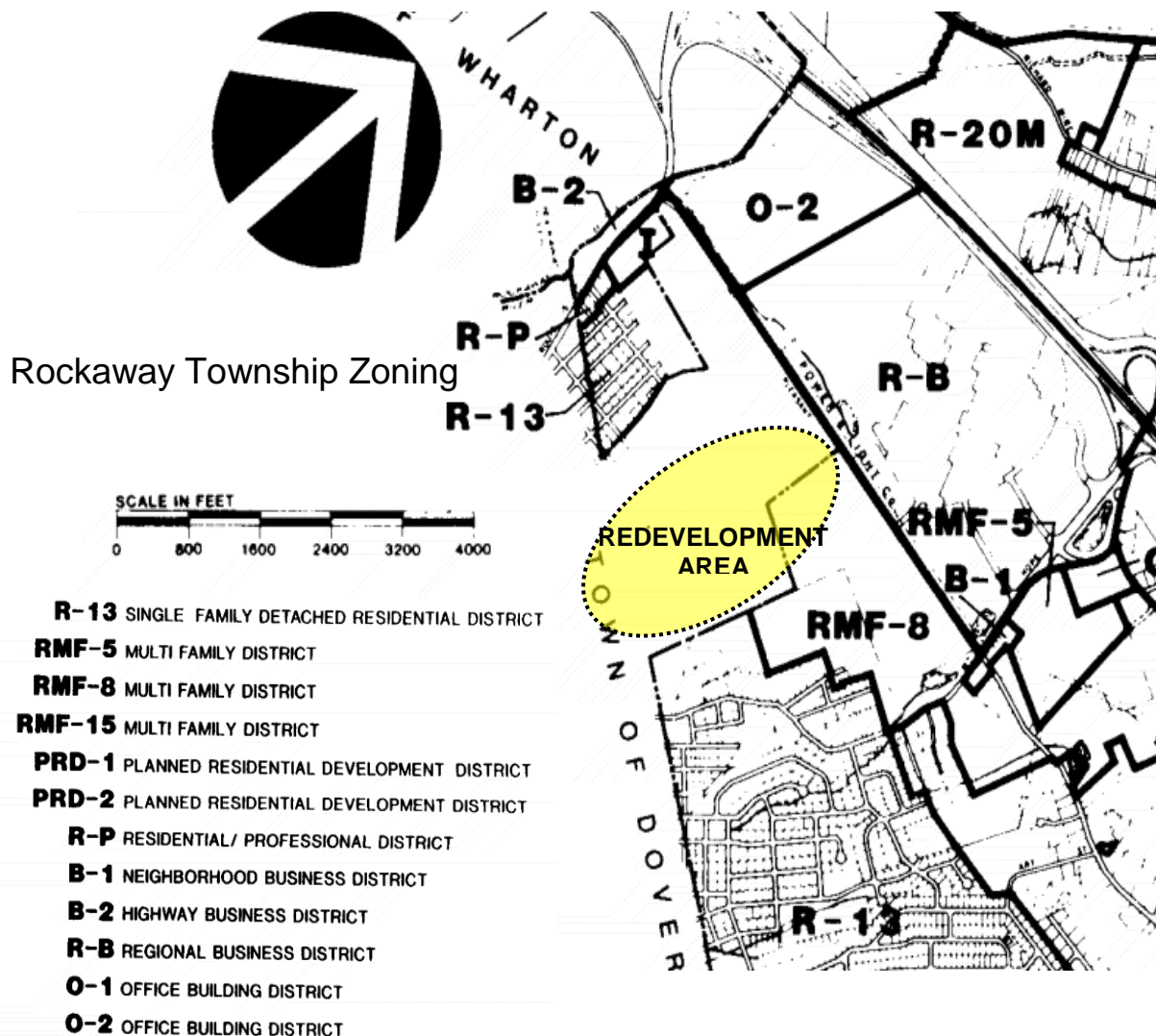
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while the R-B Zone requirement is 50 feet. However, the finished grade of the adjacent residential development to the east of the Redevelopment Area is fifteen feet or more above the redevelopment parcel and will not be at eye-level with the parking lots developed on the redevelopment parcel. The ten-foot difference between the parking lot setback of this Redevelopment Plan and the R-B Zone requirements in the Rockaway zoning code is therefore not significant.

Based on the above, the land uses and building requirements proposed for the Redevelopment Area in this Redevelopment Plan are consistent with a Regional Center and consistent with the regional center character that has evolved and that is planned for the Rockaway Township side of Mount Pleasant Avenue.



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5.2 Consistency of Redevelopment Plan with Morris County Growth Management Plan (Master Plan)

The Land Use Element of the Morris County Master Plan dates back to the 1970s and is currently in the process of being updated. The current version of the Master Plan recognizes Dover, as well as Morristown and Boonton, as “centers” within the County due to their intensity of development, integration of residential and nonresidential uses, number of employers and availability of public transportation. The County has viewed the Town of Dover as the nucleus of a regional center “complex” that extends from the K-Mart shopping center in Randolph at Route 10 and Salem Street, through Victory Gardens and Dover to the Rockaway Townsquare Mall, potentially to include the new “big box” retail development on Route 15 in Wharton.¹³ The Morris County Planning Board also endorsed Dover’s petition to the State Planning Commission requesting designation as a Regional Center, dated August 3, 1994.¹⁴

Based on the above, the redevelopment of the Redevelopment Area for planned commercial land uses is consistent with the recognition of Dover as a center in the Morris County Master Plan.

5.3 Consistency of Redevelopment Plan with State Development and Redevelopment Plan

The State Planning Commission on December 2, 1994 designated the Town of Dover as a Regional Center. As part of the review of the petition, the Director of the Office of State Planning recommended to the Town that it include, as part of its petition, a “planning and implementation agenda” addressing, among other things, strategic revitalization and economic development. The amended petition was then recommended for approval in November of 1994.¹⁵

This Redevelopment Plan is an important planning activity that furthers the planning and implementation agenda for implementation and development of the Regional Center.

¹³ Telephone interview with staff of Morris County Planning Board on November 8, 1999.

¹⁴ Resolution No. 94-006 of the New Jersey State Planning Commission, adopted December 2, 1994, page 3.

¹⁵ Resolution No. 94-006 of the New Jersey State Planning Commission, adopted December 2, 1994, page 3.

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Plan Section 6.0

Implementation & Completion

6.1 Execution of Redeveloper Agreement

This Plan may be amended from time to time in accordance with the procedures of the Redevelopment and Housing Law, except that amendments affecting a redevelopment parcel addressed in an agreement, duly executed by a redeveloper and the Town of Dover's redevelopment entity, shall be contingent on the written approval of such redeveloper.

6.2 Certificates of Completion

Upon the inspection and verification by the Town of Dover's redevelopment entity that the redevelopment of the Redevelopment Area has been completed, a Certificate of Completion shall be issued to the redeveloper and such parcel shall be deemed no longer in need of redevelopment.

This Redevelopment Plan shall remain effective until all the Redevelopment Area has been redeveloped and deemed no longer in need of redevelopment by the Board of Aldermen of the Town of Dover.