

TOWN OF DOVER PLANNING BOARD

□ Rafael Rivera –Chairman
□ Scott Miller – Vice Chairman
□ William Isselin
□ James Visioli
□ Thomas Incera
□ Osvaldo Orama
□ John Londono
□ Hon. Mayor James P. Dodd – Mayor

TOWN OF DOVER
Mailing Address
37 North Sussex Street
Dover, New Jersey 07801

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□ Ruben Gilgorri – Mayor Designee
□ Arturo Santana – Council Member
□ Reese Riley - Alternate I
□ Maria Rosario - Alternate II
□ Stephen Hoyt – Board Engineer
□ William J. Rush – Board Attorney
□ John McDonough – Board Planner
□ Paula Mendelsohn - Board Secretary

Agenda for the Planning Board Meeting Thursday, April 17th, 2025 REGULAR MEETING

1. **Call to Order** - Reading of the New Jersey Open Public Meetings Notice.
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes** – March 20, 2025
5. **Resolutions**
 - a. P24-04: Edwin Steven Rosa
6. **New Business** – Non-Condemnation Area in Need of Redevelopment - Preliminary Investigation - Block 510 Lots 6 & 6 (Unit B01); Block 1213 Lots 2 & 4; Block 1219 Lots 4, 5, & 6; Block 1803 Lot 11; Block 1804 Lot 13
 - a. **Resolution** – In the matter of the non-condemnation area in need of redevelopment preliminary Investigation of Block 510 Lots 6 & 6 (Unit B01); Block 1213 Lots 2 & 4; Block 1219 Lots 4, 5, & 6; Block 1803 Lot 11; Block 1804 Lot 13
7. **Applications**
 - a. **P24-05: 19 Liberty Street LLC, Block 1104 Lot(s) 19** – located in the R-3 Double Family – 7,500 SF zone. Minor Subdivision/ Minor Site Plan for following project: to subdivide the lot and construct a new two-family home on the newly created Lot.
 - b. **P25-02: 150 Princeton Ave. Block 317 Lot(s) 35, 36 & 37** – The subject property identified as Block 317 Lot (s) 35, 36, & 37 currently has one single-family residential dwelling (to remain) on-site. Applicant proposes to combine the three undersized lots, subdivide it and construct a new single-family dwelling on the new lot with associated garage and site improvements. The subject property lies within the R-2 Single Family - 5,000 SF district.
 - c. **P25-03 126 E Dickerson** - The subject property identified as Block 1901 Lot 2 currently has a 65,500 square foot warehouse building with approximately 7,000 sf of vacant space. The

Applicant proposes to utilize this vacant space for a warehouse/manufacturing/distribution use in accordance with the requirements of the Town of Dover Planning Board Resolution memorialized on September 27, 2023 for a Minor Site Plan Approval. The Applicant proposes site improvements consisting of re-striping the existing parking area and loading zone, and the addition of signage to identify the Applicant's business. The subject property lies within the IND Industrial District.

8. Open to the Public

9. Old Business - None

10. Adjournment

The next schedule meeting is on May 15, 2025 @ 7:30 pm.

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MINUTES March 20, 2025

CALL TO ORDER: Vice Chairman Miller called the meeting to order at 7:35pm

ADEQUATE NOTICE OF MEETING

ROLL CALL:

PRESENT: Commissioners Incera, Isselin, Orama, Riley, Visioli, Council Member Santana, Commissioners Londono, vice Chairman Scott Miller and Commissioner Gilgorri.

ABSENT: Mayor Dodd, Commissioner Rosario and Chairman Rivera.

ALSO PRESENT: Paula Mendelsohn, Board Secretary; William J. Rush, Board Attorney and, Stephen Hoyt, Board Engineer.

PLEDGE OF ALLEGIANCE was recited by all.

MINUTES: Council member Santana made a motion to accept the February 20, 2025, Planning Board Meeting Minutes with a second by Commissioner Isselin. **Approved 6-0** by members that attended on 2/20/25.

RESOLUTIONS –

P25-04 Resolution to appoint Paula Mendelsohn as Board secretary. A motion was made by Commissioner Isselin and seconded by Council Member Santana. **Approved 9-0**

P25-01 A motion to approve Resolution P25-01 was made by Council Member Santana and seconded by Vice Chairman Miller. **Approved 9-0.**

CASES –

P24-05: 19 Liberty Street, block 1104, lot 19. Located in the R3 double family zone. Minor subdivision, minor site plan for the following project, to subdivide the lot and construct a new two-family home on the newly created lot.

Bianca Pereira was present on behalf of the applicant:

- The applicant presented a proposal about two months ago to subdivide the property and build a two-family home.
- The board and its professionals provided comments and suggestions.
- The project has been adjusted from a **two-family home** to a **single-family home**.
- Changes were made based on the feedback provided.

Mr. Pereira, architect, testified on behalf of the applicant:

- **Parking:** The new driveway has been moved to the left side of the proposed house, creating an 18-foot wide driveway to allow for off-street parking for both the existing house and the new house, improving the parking situation.
- Adjustments to the lot line were made to accommodate parking, resulting in two smaller lots
- **Variances Requested:** Minimum Lot Area, Minimum Lot Width, Side Yard Variance, Building Coverage
- A tree will be planted in the front yard, and landscaping will be added along the right-hand side, addressing changes in topography.
- Stormwater management is integrated into the driveway area
- The house features an open floor plan with a porch, living room, dining room, and kitchen. The second floor includes three bedrooms, including a master suite.
- The house is designed without a basement or attic to prevent future illegal conversions into rental units.

Public Comment: Vice Chairman Miller opened the meeting for public comment on Application P24-05. **Approved 9-0.**

- **Mr. Steinberg**, a neighbor to the property, expressed skepticism that the proposed driveway solution would significantly alleviate the parking challenges.
- Mr. Steinberg also discussed the timeline of the paving.

After addressing concerns from the public, Vice Chairman Miller provided the opportunity for additional comments. Hearing no further comments, Vice Chairman Miller closed the public portion of the meeting. **Approved 9-0.**

A motion to carry the application to the next meeting was made by Commissioner Orama and seconded by Council Member Santana. The motion was approved with no opposition. **Approved 9-0.**

OLD BUSINESS – None

NEW BUSINESS – None

PUBLIC DISCUSSION – None

Motion to adjourn was made by Commissioner Isselin and seconded by Council member Santana.
Approved 9-0.

Meeting adjourned 8:25 PM

Respectfully Submitted,

Paula Mendelsohn, Board Secretary

Date approved _____

RESOLUTION
Town of Dover
Planning Board
In the Matter of Steven Edwin Rosa
Application Number P24-04
Decided on February 20, 2025
Memorialized on April 17, 2025
Minor Subdivision Approval with Variance Relief

WHEREAS, Steven Edwin Rosa (hereinafter the “Applicant”) has made application to the Dover Planning Board for Minor Subdivision Approval with Variance Relief for property known as Block 2016, Lot 6, as shown on the Tax Map of the Town of Dover, located at 112 Clark Street, in the R-3 Zone (hereinafter the “Subject Property”); and,

WHEREAS, a public hearing was held on February 20, 2025, after the Board determined it had jurisdiction; and,

WHEREAS, the Applicant was represented by Ronald S. Heymann, Esq.

NOW THEREFORE, the Planning Board makes the following findings of fact, based on evidence presented at its public hearing, at which a record was made.

The application before the Board is a request for minor subdivision approval to subdivide the Subject Property into two (2) new lots (proposed Lots 6 and 6.01), with proposed Lot 6 being 5,300 square feet and proposed Lot 6.01 being 4,700 square feet in the R-3 Zone where a lot size of 7,500 square feet is required. The existing single-family home shall remain on proposed Lot 6 with the Applicant proposing to construct a new driveway and garage to service the existing one family home. On Lot 6.01 the Applicant proposes to construct a new single-family home and with an associated driveway. The Applicant will demolish the currently existing garage on proposed Lot 6.01.

The Applicant is also seeking variance relief for the minimum lot area of proposed Lots 6

and 6.01 as the minimum lot area required in the R-3 Zone is 7,500 square feet; for a minimum lot width of 47 feet for proposed Lot 6.01, as the minimum lot width required in Zone R-3 is 50 feet; and for a nonconforming side yard setback of 3.58 on proposed Lot 6, as the minimum side yard setback required in Zone R-3 is 7 feet.

Mr. Heyman provided an introduction to the application. He stated that the property is located at 112 Clark Street and it is designated as Block 2016, Lot 6 on the Tax Map on the Town of Dover. The property is in the R-3, 2-family Zone. The parcel consists of 10,000 square feet and is located in the middle of Clark Street between Elm Street and East McFarlan Street. It is the intention of the Applicant to divide the property into two (2) lots, each containing a one-family house.

Lot 6 is currently an oversized lot for Zone R-3 having a dimension of 100 feet in width and 100 feet in depth. The Applicant is proposing to subdivide the oversized lot into 2 separate lots with the existing home remaining on Lot 6 with a width of 53 feet and lot area of 5,300 square feet; and the new home being constructed on Lot 6.01 with a width of 47 feet and a lot area of 4,700 square feet.

Adam Kandil, Professional Engineer, appeared and testified on behalf of the Applicant. Mr. Kandil testified that proposed new lot sizes were comparable to the average lot size in the surrounding neighborhood and that two single-family homes were more conducive to the neighborhood than building one large home on an oversized lot. Mr. Kandil further testified that the proposed new home will be constructed to be consistent with the surrounding homes.

Mr. Kandil further testified that the proposed new driveway on Lot 6 will be able to park up to six (6) vehicles in tandem style and that the proposed new garage on Lot 6 will be constructed in

conformance with the required setbacks.

The Applicant will comply with the Town's tree ordinance and the Applicant will plant two (2) new trees on proposed Lot 6.01. Lighting on the new home will be contained to one light near the front door and one light near the rear door. The existing home is not proposing any additional lighting beyond what currently exists.

A report from the Board Engineer, Stephen C. Hoyt, PE, dated January 15, 2025 was reviewed at the time of the hearing. The letter was reviewed in its entirety and counsel for the Applicant confirmed that the Applicant can comply with all of the conditions set forth in Mr. Hoyt's January 15, 2025 letter.

The meeting was opened to the public and there were no members of the public present expressing an interest in this application.

NOW THEREFORE, the Planning Board makes the following conclusions of law, based on the foregoing findings of fact.

The application before the Board is a request for minor subdivision approval along with variance relief for the Subject Property. All the variance relief is pursuant to N.J.S.A. 40:55D-70c.

The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure

lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, an applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when the applicant has satisfied both these tests, that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria.

In reviewing the application, plans and testimony, the Board concludes the Applicant met the minimum requirements of the Municipal Land Use Law, Case Law and Town Ordinances to a sufficient degree so as to enable the Board to grant the variance relief sought.

First, as regards the affirmative criteria, the Board finds that the proposed subdivided lots are consistent with the other lots on the street.

As regards the negative criteria, the Board concludes this will not negatively impact the public good nor the zone plan or zone scheme for the area since nothing physically is changing on the parcels.

The Board also concluded the Applicant has met the minimum requirements of the Municipal

Land Use Law, Case Law and Town Ordinances to a sufficient degree so as to enable it to grant subdivision approval at this time.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board that the application of Steven Edwin Rosa for Block 2016, Lot 6, as shown on the Tax Map of the Town of Dover located at 112 Clark Street, in the in the R-3 Zone, requesting Minor Subdivision Approval with Variance Relief is hereby granted pursuant to N.J.S.A. 40:55D-47 and N.J.S.A. 40:55D-70c subject to the following terms and conditions:

1. The development of the site shall take place in strict conformance with the testimony, plans, and drawings which have been submitted to the Board and approved at the February 20, 2025 meeting with this Application, as well as any further recommendations made by the Board's professionals or amendments thereto as a result of the hearing process.

2. The Applicant represents that all the Applicant's representations and stipulations made, either by it or on its' behalf, to the Town of Dover Planning Board are true, accurate, and acknowledges that the Board specifically relied upon said stipulations in the Board's granting of approval, and the Applicant further acknowledges that if any representation or stipulation is proven false, this approval is subject to revocation.

3. This Approval is granted strictly in accordance with any recommendations set forth on the record by the Board at the time of the Public Hearing on February 20, 2025, or any recommendations from prior meetings, if applicable.

4. The Applicant shall obtain approval from all other governmental agencies having jurisdiction over the subject Application and development, if any, and provide evidence of approval,

waiver or exemption to the Board.

5. Applicant must comply with all applicable Federal, State, County, and Municipal laws, regulations, directives, and ordinances.

6. The Applicant agrees to comply with any and all requirements set forth by Engineering Report dated January 15, 2025 by Professional Engineer Stephen Hoyt of Pennoni Associates Inc.

7. The Approval is conditioned upon the Applicant adhering to the comments of the Town of Dover Chief of Police, if any, in any review letters and any resolution compliance letters.

8. The Approval is conditioned upon the Applicant adhering to the requirements and recommendations of the Town of Dover Fire Department and any resolution compliance letters.

9. Payment to the Township by Applicant of all escrow monies due to the Town of Dover pertaining to the application and complete set of signed and sealed documents to be submitted to Town.

10. Before recordation, the Subdivision Deed subdividing Lot 6 shall be submitted for review and approval of the Board Engineer and Board Attorney.

11. The timing of new curb cuts and other proposed improvements shall be subject to review and approval by the Board Engineer.

12. Applicant to provide Certificate that taxes are paid to date of approval.

13. The Applicant shall record the Subdivision Deed within 180 days of the memorializing Resolution being adopted. Failure to do so shall render this approval null and void.

The undersigned secretary certifies the within resolution was adopted by this Board on February 20, 2025, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on April 17, 2025.

Rafael Rivera, Chairman

The vote on the Resolution was as follows:

FOR: Eight (8)

AGAINST: None

ABSTAIN: None

Board Member(s) Eligible to Vote: Eight (8)

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on _____, 2025.

Paula Mendelsohn, Board Secretary

Dated:

Prepared by: William J. Rush, Esq.

John McDonough Associates, LLC
Land Use Planning · Landscape Architecture

**Non-Condensation
Area in Need of Redevelopment
Preliminary Investigation**

**Block 510 Lots 6 & 6 (Unit B01);
Block 1213 Lots 2 & 4;
Block 1219 Lots 4, 5, & 6;
Block 1803 Lot 11; Block 1804 Lot 13**

Prepared For



Town of Dover

Morris County, NJ

March 25, 2025

The original of this report was signed and sealed
in accordance with N.J.S.A.45:14A-12

John McDonough, LA, AICP, PP
NJPP License #33LI00518900

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Town of Dover, Morris County, NJ

Non-Condemnation Area in Need of Redevelopment

Preliminary Investigation

1. Introduction

The Town of Dover has and will continue to use redevelopment as a planning tool to promote revitalization of the Town. The 2007 Master Plan and the 2018 Master Plan Re-Examination Report cite redevelopment amongst the town's core goals and objectives to ensure a unified vision of future growth and development.

The essence of redevelopment is to reverse conditions of disinvestment and stagnation, and to encourage new development where transportation and infrastructure improvements are already in place. Redevelopment may take the form of large tracts of land or smaller sites that are scattered in a community.

This study investigates whether all or a portion of certain properties in the study area constitute an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et. seq. (hereafter "LRHL").

2. Statutory Authorization

The LRHL authorizes municipalities to determine whether certain properties in the municipality constitute an area in need of redevelopment. To make such a determination, the governing body must first authorize the Planning Board to conduct a preliminary investigation of an area and make recommendations.

On November 12, 2024, the Town Council of the Town of Dover adopted Resolution 285-2024 which authorized the Town of Dover Planning Board to conduct a preliminary investigation of lands identified as Block 510 Lots 6 & 6 (Unit B01); Block 1213 Lots 2 & 4; Block 1219 Lots 4, 5, & 6; Block 1803 Lot 11; and Block 1804 Lot 13 on the Town of Dover tax rolls. A copy of Resolution 285-2024 is attached as **Appendix A**.

3. Study Area

The nine (9) lots that are the subject of this preliminary investigation are listed below (hereafter "Study Area"). The governing body has authorized and directed the Planning Board to determine whether all or a portion of the Study Area consisting of the following properties constitutes a "non-condemnation" area in need of redevelopment:

- Block 510 Lot 6 (Railroad)
- Block 510 Lot 6, Unit B01 (Billboard/Orchard Street)
- Block 1213 Lot 2 (3 S Bergen Street and A)
- Block 1213 Lot 4 (S Dickerson Street)
- Block 1219 Lot 4 (Orchard Street)
- Block 1219 Lot 5 (21 Orchard Street)
- Block 1219 Lot 6 (Orchard Street)
- Block 1803 Lot 11 (S Morris Street)
- Block 1804 Lot 13 (46 S Morris Street)

Maps of the Study Area are provided in **Appendix B**. The Study Area also consists of the mapped rights-of-way contiguous or internal to same. Detailed data sheets for each lot in the Study Area are provided in **Appendix C**.

4. Condemnation vs Non-Condemnation

The LRHL distinguishes between "condemnation" redevelopment areas and "non-condemnation" redevelopment areas. The key difference between the two types of redevelopment areas is that a "condemnation" redevelopment area designation enables the governing body to use all its powers under the

Town of Dover, Morris County, NJ

Non-Condensation Area in Need of Redevelopment

Preliminary Investigation

redevelopment law, including the taking of private property by eminent domain. The governing body lacks the power of eminent domain in “non-condemnation” redevelopment areas.

The Town Council of Dover has authorized this Preliminary Investigation on the premise that any redevelopment area designated as a result of this study shall be a **non-condemnation** redevelopment area, which would allow the Town and the Town Council to use all those powers under the LHRL *excluding* the power of eminent domain.

5. Methodology

To prepare this Preliminary Investigation this office visited and examined each lot in the Study Area. The preparation methodology included the following:

- Site inspections. Examination of the physical condition of the site, including in most instances the interior of buildings. Where conditions of blight were readily apparent based on exterior observations, interior inspections were not conducted.
- Solicitation and review of violations or incident reports from the fire department, police department, zoning department, building department, and health department.
- Review of the Town of Dover zoning ordinances and redevelopment plan regulations as they applied to each site, and review of the underlying 2007 and 2018 Master Plan goals, objectives, and related policy statements.
- Review of publicly available planning documents including GIS mapping, UEZ boundaries, historic aerial photographs, Town zoning maps, and tax records.
- Review of the LRHL and the statutory criteria that apply for designation of an area in need of redevelopment.

6. Statutory Criteria

A study area may be determined to be in need of redevelopment if it meets one or more of the redevelopment area criteria that are provided in the LRHL at N.J.S.A. 40A:12A-5. These criteria are listed below:

- (a) Substandard Buildings. The statute reads: “The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.”
- (b) Abandoned Buildings. The statute reads: “The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.”
- (c) Vacant Land. The statute reads: “Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the

Town of Dover, Morris County, NJ

Non-Condensation Area in Need of Redevelopment

Preliminary Investigation

municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.”

- (d) Obsolescence or Faulty Design. The statute reads: “Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.”
- (e) Underutilization. The statute reads: “A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
- (f) Fire or Other Damage. The statute reads: “Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.”
- (g) Urban Enterprise Zones. The statute reads: “In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.”
- (h) Smart Growth. The statute reads: “The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.”

Lands that do not satisfy the blight criteria listed above may nonetheless be included in a redevelopment area, pursuant to Section 3 of the LRHL which reads: “A redevelopment area may include land, buildings or improvements, which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.”

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Preliminary Investigation

7. Summary of Findings and Conclusions

The study area consists of all or a portion of 9 tax lots in the Town of Dover. This preliminary investigation finds that all the lots in the study satisfy the statutory criteria for designation as a non-condemnation area in need of redevelopment, as summarized below. More detailed information is provided in **Appendix C**.

1. **Block 510 Lot 6** is developed as a maintenance yard for NJ Transit. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under criteria “d” (faulty and obsolete design) and criteria “h” (smart growth).
2. **Block 510 Lot 6 (Unit B01)** is developed as a billboard on the NJ Transit maintenance yard. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under criteria “d” (faulty and obsolete design) and criteria “h” (smart growth).
3. **Block 1213 Lot 2** is developed as “Lot A” public parking lot for NJ Transit commuters. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under criteria “d” (faulty and obsolete design) and criteria “h” (smart growth).
4. **Block 1213 Lot 4** is developed as the Dover Train Station. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under criteria “a” (substandard building), criteria “d” (faulty and obsolete design) and criteria “h” (smart growth).
5. **Block 1219 Lot 4** is developed as “Lot C” public parking lot for NJ Transit commuters. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under criteria “d” (faulty and obsolete design) and criteria “h” (smart growth).
6. **Block 1219 Lot 5** is developed as a residential dwelling. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under Section 3 as necessary for the effective redevelopment of the area.
7. **Block 1219 Lot 6** is listed as an additional lot on the tax card for Block 1219 Lot 4 and therefore satisfies the same criteria for designation as a non-condemnation area in need of redevelopment as indicated for Block 1219 Lot 4 above.
8. **Block 1803 Lot 11** is developed as “Lot B” public parking lot for NJ Transit commuters. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under criteria “d” (faulty and obsolete design) and criteria “h” (smart growth).
9. **Block 1804 Lot 13** is developed as a boarding house. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under criteria “a” (substandard building), criteria “d” (faulty and obsolete design) and criteria “h” (smart growth).

Town of Dover, Morris County, NJ

Non-Condemnation Area in Need of Redevelopment

Preliminary Investigation

8. Conclusions and Recommendations

This preliminary investigation concludes that the entire study area fulfills the statutory criteria of the Local Redevelopment and Housing Law for being designated as a non-condemnation area in need of redevelopment. The Planning Board may, therefore, recommend that the Dover Town Council adopt a resolution declaring that the study area meets the criteria for designation as a non-condemnation area in need of redevelopment.

Once the Dover Town Council has designated the study area as an area in need of redevelopment, it may develop a redevelopment plan for all or a portion of the study area, or it may direct the Dover Planning Board to develop a redevelopment plan for all or a portion of the study area. Any redevelopment plan, after review by the Dover Planning Board for consistency with the Dover Master Plan, would then be considered by the Dover Town Council. Upon receipt of the redevelopment plan, the Dover Town Council may act to adopt the redevelopment plan by ordinance for adoption. The adopted redevelopment plan would then become an amendment to the Town's zoning map and ordinance or may be treated as superseding existing zoning. Only after adoption by ordinance may the municipality exercise the redevelopment powers granted by the LRHL, excluding the power of eminent domain.

Appendix A

Resolution No. 285-2024

Authorizing Subject Study



TOWN OF DOVER

MAYOR & TOWN COUNCIL

RESOLUTION NO. 285-2024

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF DOVER, COUNTY OF MORRIS, DIRECTING THE TOWN PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY IN THE TOWN IS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

WHEREAS, N.J.S.A. 40A:12A-6 of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”) authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation “area in need of redevelopment” pursuant to the criteria contained in N.J.S.A. 40A:12A-5 of the Redevelopment Law; and

WHEREAS, the Mayor and Town Council of the Town of Dover (the “Town Council”) considers it to be in the best interest of the Town to have the Town Planning Board conduct a preliminary investigation of certain property located in the Town of Dover and shown on the official Tax Map of the Town as Block 510, Lot 6; Block 510, Lot 6 (Unit B01); Block 1213, Lots 2 and 4; Block 1219, Lots 4, 5 and 6; Block 1803, Lot 11; and Block 1804, Lot 13, and as shown on **Exhibit 1** attached hereto (collectively, the “Property”), to determine whether such Property, or any portions thereof, is a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, the Property is generally located along and on the north and south sides of a portion of the Norfolk Southern (Morris & Essex) railroad right-of-way, and along and on portions of Orchard Street and South Morris Street; and

WHEREAS, the Mayor and Town Council believes the Property is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the Town; and

WHEREAS, the preliminary investigation referenced herein shall be designed to evaluate and study the Property to determine whether the designation of the Property, or any portions thereof, as a non-condemnation redevelopment area is appropriate and in conformance with the statutory criteria contained in N.J.S.A. 40A:12A-5 of the Redevelopment Law; and

WHEREAS, subject to the results of the preliminary investigation referenced herein, a non-condemnation redevelopment area determination concerning the Property, if so made, would authorize the Town to use all those powers provided under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., except that such determination shall not permit the Town to exercise the power of eminent domain to acquire all or any portion of the Property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Dover that the Planning Board of the Town of Dover is hereby directed and authorized to conduct a preliminary investigation to determine whether the property located in the Town of Dover and shown on the official Tax Map of the Town as Block 510, Lot 6; Block 510, Lot 6 (Unit B01); Block 1213, Lots 2 and 4; Block 1219, Lots 4, 5 and 6; Block 1803, Lot 11; and Block 1804, Lot 13, constitute a non-condemnation “area

in need of redevelopment” according to the criteria set forth in N.J.S.A. 40A:12A-5 of the Local Redevelopment and Housing Law; and


BE IT FURTHER RESOLVED, that the Planning Board of the Town of Dover is hereby further directed and authorized to study the property located in the Town of Dover and shown on the official Tax Map of the Town as Block 510, Lot 6; Block 510, Lot 6 (Unit B01); Block 1213, Lots 2 and 4; Block 1219, Lots 4, 5 and 6; Block 1803, Lot 11; and Block 1804, Lot 13; to develop a map reflecting the boundaries of the proposed non-condemnation redevelopment area; to provide public notice and conduct public hearings pursuant to N.J.S.A. 40A:12A-6; and to draft a preliminary investigation/report to the Mayor and Council containing its findings; and

BE IT FURTHER RESOLVED, that the Planning Board shall submit the results of such preliminary investigation concerning the proposed non-condemnation redevelopment area to the Mayor and Council for review and consideration in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be published as and if required by law.

ATTEST:


Tara M. Pettoni, Municipal Clerk

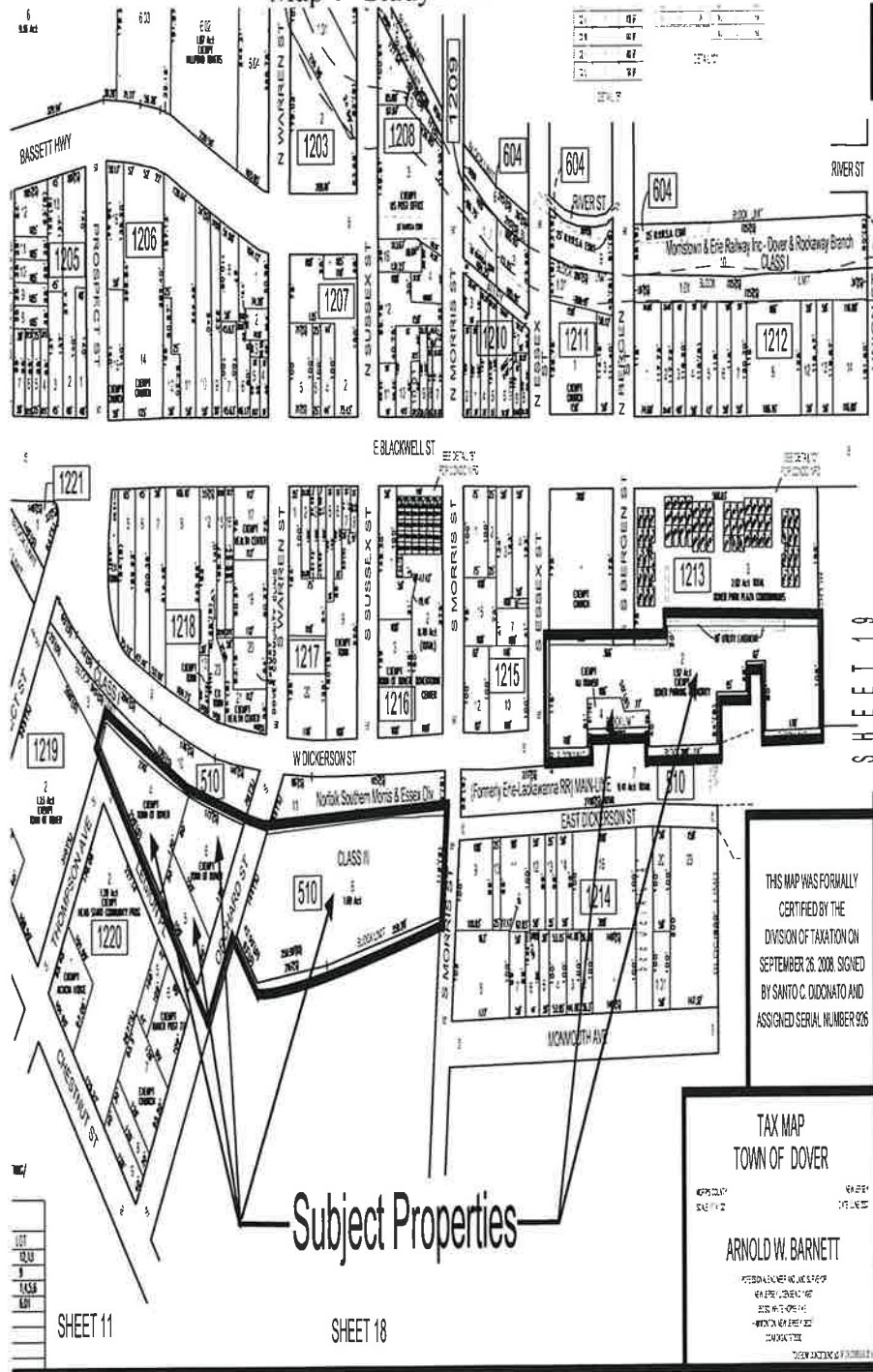

James P. Dodd, Mayor

ADOPTED: 11/12/2024



TOWN OF DOVER MAYOR & TOWN COUNCIL

Exhibit 1
Map of Study Area



**Block 510, Lot 6; Block 510, Lot 6 (Unit B01); Block 1213, Lots 2 and 4;
and Block 1219, Lots 4, 5 and 6**

(1 of 2)



SHEET 12

Subject Properties

SHEET 12

SHEET 19

18

Block 1803, Lot 11; and Block 1804, Lot 13

Appendix B: Maps

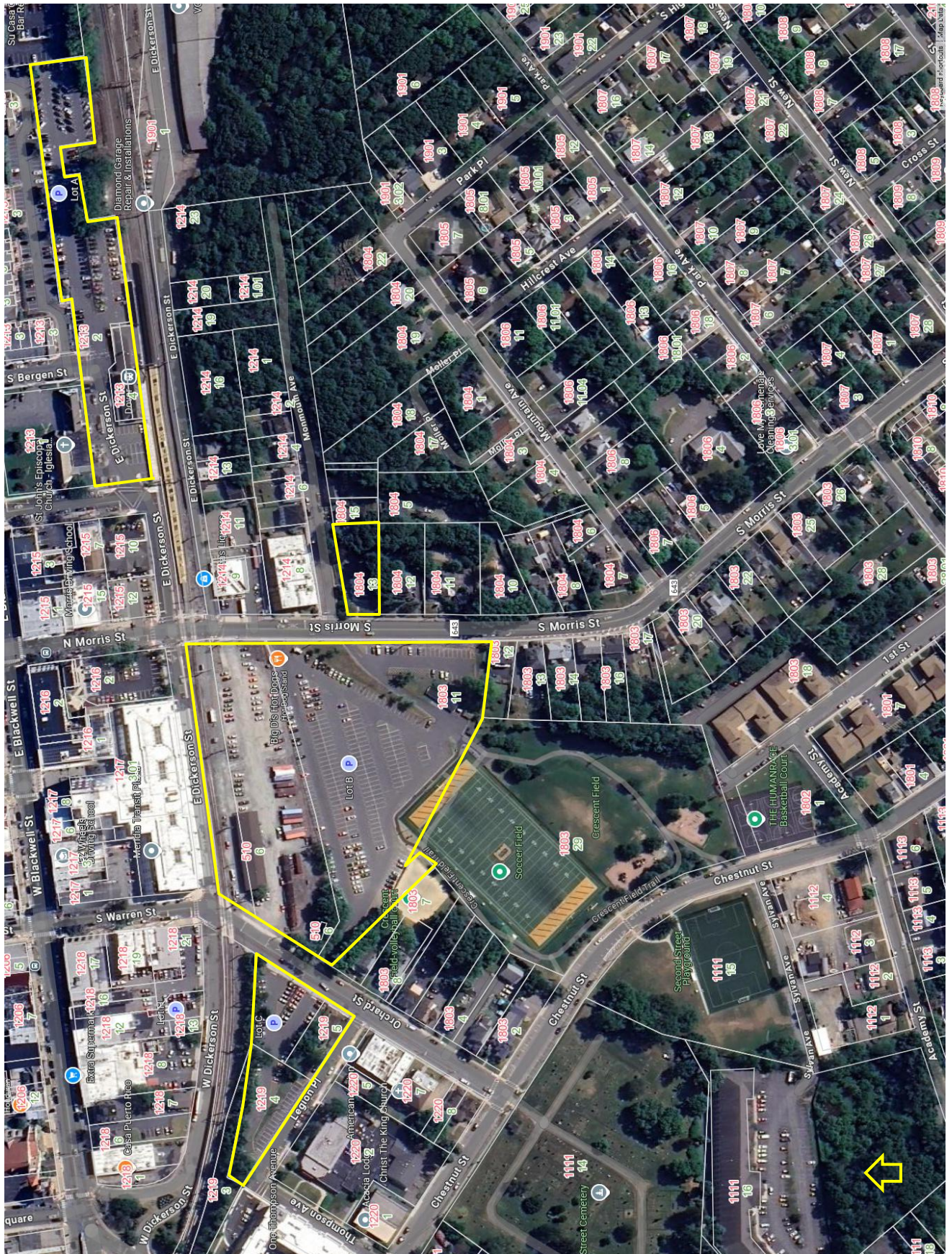


Figure 1 ~ Aerial satellite imagery of study area (njpropertyrecords.com)



Appendix C

Property Data Sheets

Block 510 Lot 6

Property Information

Tax ID:	Block 510 Lot 6	MOD-IV:	Class 5A –Railroad (Class 1)
Address:	Railroad (Various) Dover, NJ 07801-4202	Zone:	D4 South Downtown District
Assessed Owner:	New Jersey Transit Corporation 1 Penn Plaza East Newark, NJ, 07105	Lot Area:	1.94 acres ±
		Land Use:	NJ Transit Maintenance Yard

Property Description

The property is a through lot with frontage on Orchard Street and South Morris Street. It is adjacent to the NJ Transit rail line right-of-way, and caddy-corner to the Dover Train Station. Maps and photographs are attached.

The property has a lot area of approximately 1.94 acres and is developed as a NJ Transit maintenance yard. The property contains a brick maintenance building and various rail cars and storage containers (some that have been repurposed for storage and/or occupancy). There is also an unpaved, unstriped parking area and temporary structures.

Property Analysis

Based on field reconnaissance and review of public documents, the site **satisfies** the following criteria for designation as a non-condemnation area in need of redevelopment.

- Criterion (d) – Faulty Design – The site and the structures thereon suffer from faulty arrangement and design, based on its industrial and utility nature which is contradictory to the town’s vision for vibrant transit-oriented development (TOD) around the train station. The Town of Dover has identified this site as a focus point and area of concern for many years. As far back as 2007, the Master Plan recognized the area around the train station as a “tremendous opportunity” and recommended redevelopment and TOD as the tools to ensure financial feasibility and creative design.

The site suffers from excessive coverage; unpaved and uneven parking areas; deficient landscaping and buffering; lack of stormwater management structures; and unscreened outdoor storage including cylinders, loose aggregate and materials; and equipment. In general, the site is inconsistent with contemporary design standards and has a negative visual and functional effect on Dover’s vision for high-quality, modern transit-oriented development. Therefore, the site conditions have a detrimental effect on the community.

The brick maintenance building and other structures lack modern upgrades such as modern/updated HVAC systems, fire protection, and handicapped accessibility.

Block 510 Lot 6

- Criterion (h) – Smart Growth – While this criterion is not proposed in isolation, it can be applied to bolster other criteria that support a redevelopment designation. In this instance, designation is wholly consistent with smart growth principles in that it promotes redevelopment within Planning Area #1 (PA-1), the highest targeted growth area in the State Plan.

Block 510 Lot 6

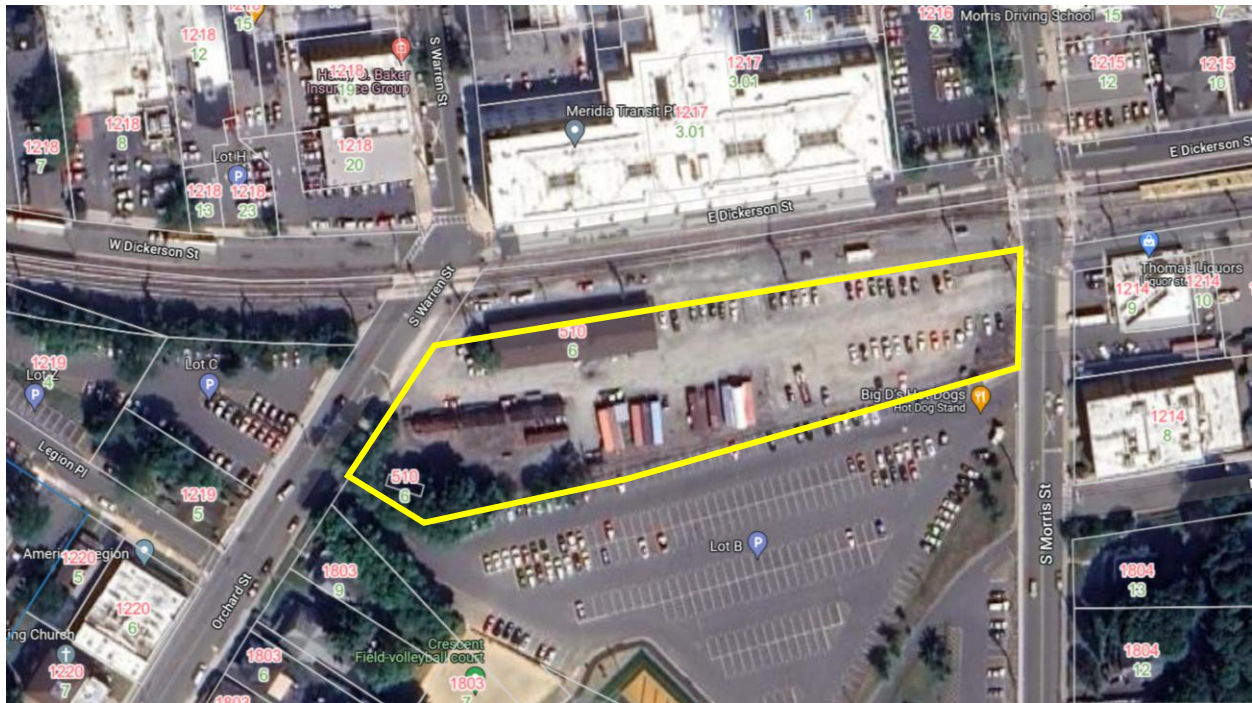


Figure 1 ~ Aerial satellite imagery of subject site and surroundings(njpropertyrecords.com)

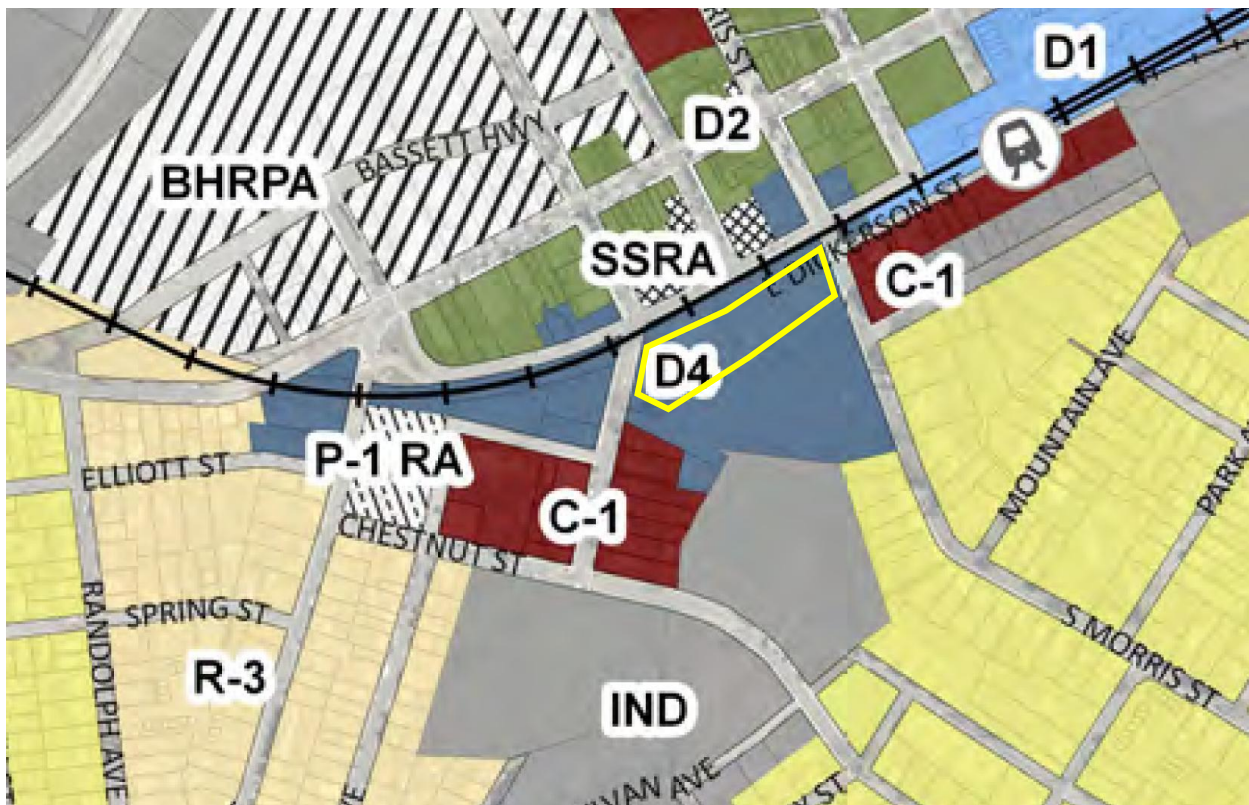


Figure 2 ~ Zoning map of subject site and surroundings (Dover Zoning Map)

Block 510 Lot 6



Figure 3 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)



Figure 4 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)

Block 510 Lot 6



Figure 5 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)



Figure 6 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)

Block 510 Lot 6 (Unit B01)

Property Information

Tax ID:	Block 510 Lot 6 (Unit B01)	MOD-IV:	Class 4A - Commercial
Address:	Orchard Street Dover, NJ 07801	Zone:	D4 South Downtown District
Assessed Owner:	NJ Transit Corp % CBS Outdoor - Joanne 185 Route 46 Fairfield, NJ 07004	Lot Area:	375 SF± (0.01 acres ±)
		Land Use:	Billboard

Property Description

The property is a small lot surrounded by the NJ Transit maintenance yard. The lot area is approximately 375 square feet and is developed with a one-sided, three-post, unlit static billboard. Maps and photographs are attached.

Property Analysis

Based on field reconnaissance and review of public documents, the site **satisfies** the following criteria for designation as a non-condemnation area in need of redevelopment.

- Criterion (d) – Faulty Design – The site and the structure thereon suffer from faulty arrangement and design, based on its remoteness from public streets and lack of visibility to the public realm for advertising purposes. The location is especially compromised given the community vision for transit-oriented development and larger building masses in the area, which would effectively block the sign from public view. Therefore, not only does the billboard structure lack the qualities of modern billboard advertising sign design and placement but also the site conditions have a detrimental effect on the community, in light of the future vision for the area.
- Criterion (h) – Smart Growth – While this criterion is not proposed in isolation, it can be applied to bolster other criteria that support a redevelopment designation. In this instance, designation is wholly consistent with smart growth principles in that it promotes redevelopment within Planning Area #1 (PA-1), the highest targeted growth area in the State Plan.

Block 510 Lot 6 (Unit B01)

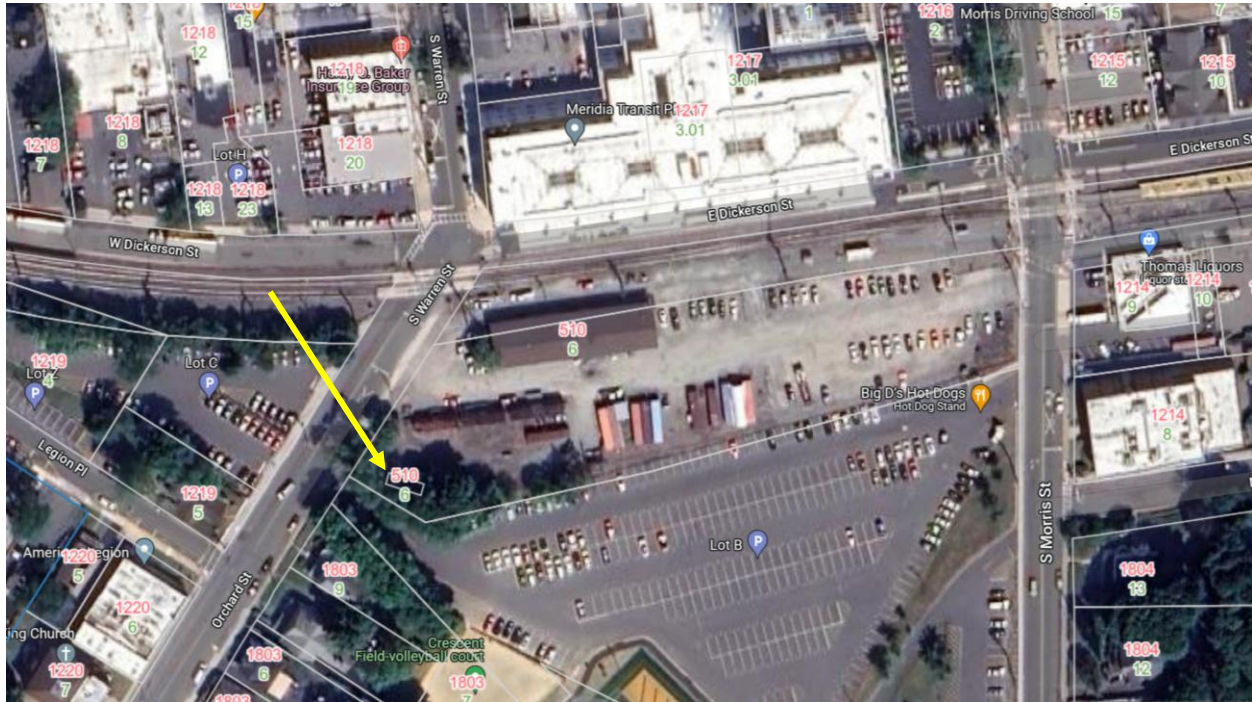


Figure 1 ~ Aerial satellite imagery of subject site and surroundings(njpropertyrecords.com)



Figure 2 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)

Block 1213 Lot 2

Property Information

Tax ID:	Block 1213 Lot 2	MOD-IV:	Class 15C - Public
Address:	3 S Bergen St & A Dover, NJ 07801	Zone:	D1 Station Area District
Assessed Owner:	Dover Parking Authority 37 N Sussex St Dover, NJ 07801	Lot Area:	1.916 acres ±
		Land Use:	Parking Areas

Property Description

The property is an irregularly shaped lot that is adjacent to the Dover Train Station. It has been developed as a “Lot A” parking lot for commuters. The lot area is approximately 1.916 acres. Maps and photographs are attached.

Property Analysis

Based on field reconnaissance and review of public documents, the site **satisfies** the following criteria for designation as a non-condemnation area in need of redevelopment.

- Criterion (d) – Faulty Design – The site and the improvements thereon suffer from obsolescence and faulty design. The irregularly shaped parking lot is a void in the town’s urban landscape and contrary to good urban design. The court in *Concerned Citizens of Princeton* found that surface parking was an obsolete means of providing parking in an urbanized setting and ruled that criterion (d) was appropriately applied.

The site is having a deleterious effect on the area that is detrimental to the public health, safety, and welfare because it is contrary to modern parking solutions for downtown areas and inconsistent with the town’s vision for vibrant transit-oriented development (TOD) around the train station. The Town of Dover has identified this site as a focal point and area of concern for many years. As far back as 2007, the Master Plan recognized the area around the train station as a “tremendous opportunity” and recommended redevelopment and TOD as the tools to ensure that increased parking demands will be met, financial feasibility will be attainable, and creative design will be encouraged.

- Criterion (h) – Smart Growth – While this criterion is not proposed in isolation, it can be applied to bolster other criteria that support a redevelopment designation. In this instance, designation is wholly consistent with smart growth principles in that it promotes redevelopment within Planning Area #1 (PA-1), the highest targeted growth area in the State Plan.

Block 1213 Lot 2

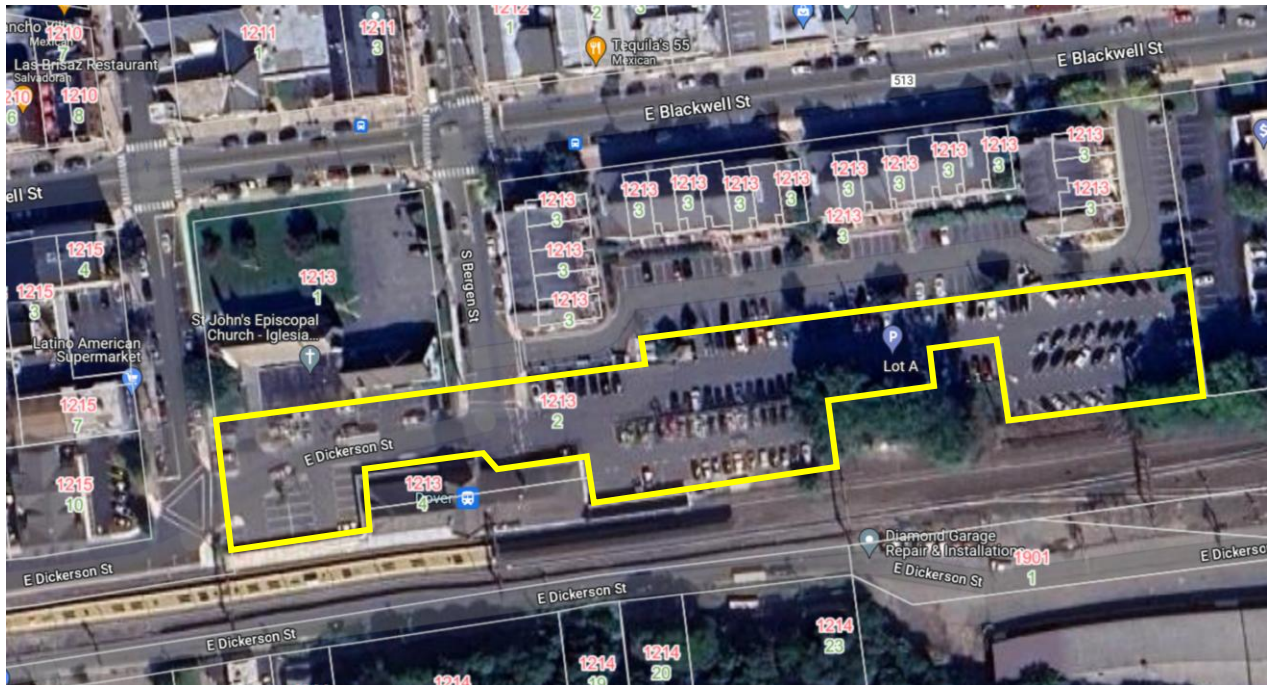


Figure 1 ~ Aerial satellite imagery of subject site and surroundings(njpropertyrecords.com)

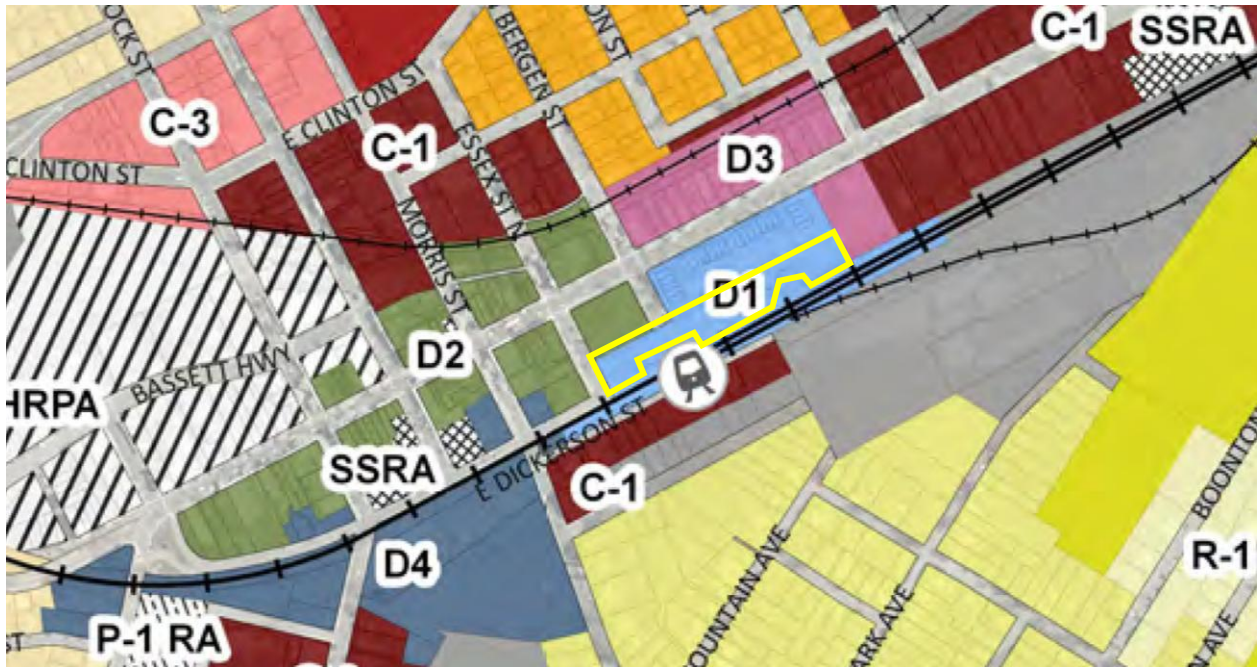


Figure 2 ~ Zoning map of subject site and surroundings (Dover Zoning Map)

Block 1213 Lot 2



Figure 3 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)



Figure 4 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)

Block 1213 Lot 2



Figure 5 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)



Figure 6 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)

Block 1213 Lot 4

Property Information

Tax ID:	Block 1213 Lot 4	MOD-IV:	Class 15C - Public
Address:	S Dickerson St Dover, NJ 07801	Zone:	D1 Station Area District
Assessed Owner:	New Jersey Transit Corporation 1 Penn Plaza East Newark, NJ 07105	Lot Area:	4,922.28 SF ± (0.113 acres)
		Land Use:	Railroad Station

Property Description

The property is an irregularly shaped lot that is developed as the Dover Train Station. The station was built in 1905. The complex has been listed on the State and National Registered of Historic Place. It is surrounded by "Lot A" parking lot for commuters. The lot area is approximately 0.113 acres. Maps and photographs are attached.

Property Analysis

Based on field reconnaissance and review of public documents, the site **satisfies** the following criteria for designation as a non-condemnation area in need of redevelopment.

- Criterion (a) – Substandard building – The site and the structures thereon suffer from dilapidation, as it is now well over 100 years old and showing signs of age. The court in *Civic JC, Inc vs The City of Jersey City* upheld the designation of Jersey City's City Hall, built in 1896, as an area in need of redevelopment under criteria (a) even though City Hall was still in operation and public use. As with Jersey City's City Hall, the Dover Train Station is in a dilapidated physical condition and advanced stages of deterioration. The lower-level windows remain boarded and the interior is lacking a sprinkler system, lacking modern handicapped access, lacking updated electrical and lighting services, and having general cosmetic damage including peeling paint and broken floor tiles.
- Criterion (d) – Obsolescence – The site suffers from obsolescence, for the same reasons that applied to criteria (a) above. The court in *Civic JC, Inc vs The City of Jersey City* upheld the designation of Jersey City's City Hall as an area in need of redevelopment under criterion (d), along with criterion (a). The site is having a deleterious effect on the area that is detrimental to the public health, safety, and welfare because it is contrary to the town's vision for vibrant transit-oriented development (TOD) around the train station.
- Criterion (h) – Smart Growth – While this criterion is not proposed in isolation, it can be applied to bolster other criteria that support a redevelopment designation. In this instance, designation is wholly consistent with smart growth principles in that it promotes redevelopment within Planning Area #1 (PA-1), the highest targeted growth area in the State Plan.

Block 1213 Lot 4

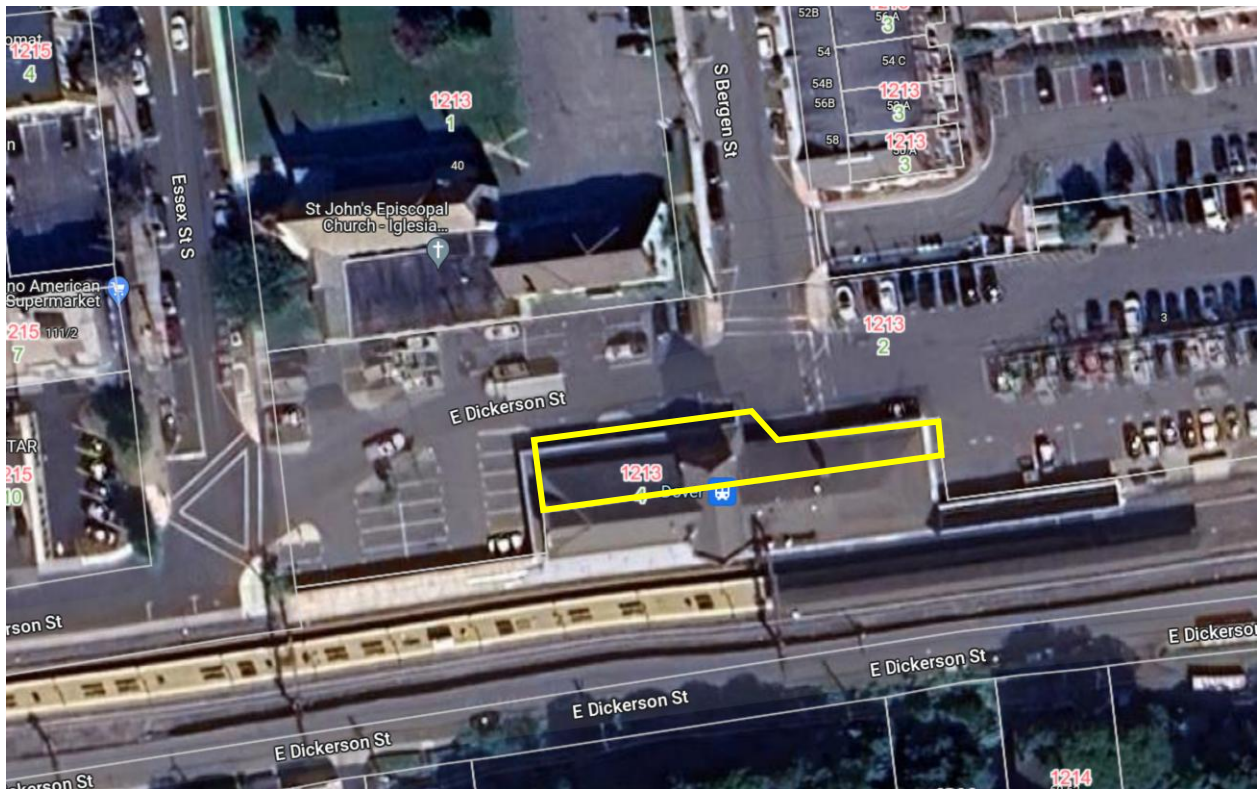


Figure 1 ~ Aerial satellite imagery of subject site and surroundings(njpropertyrecords.com)

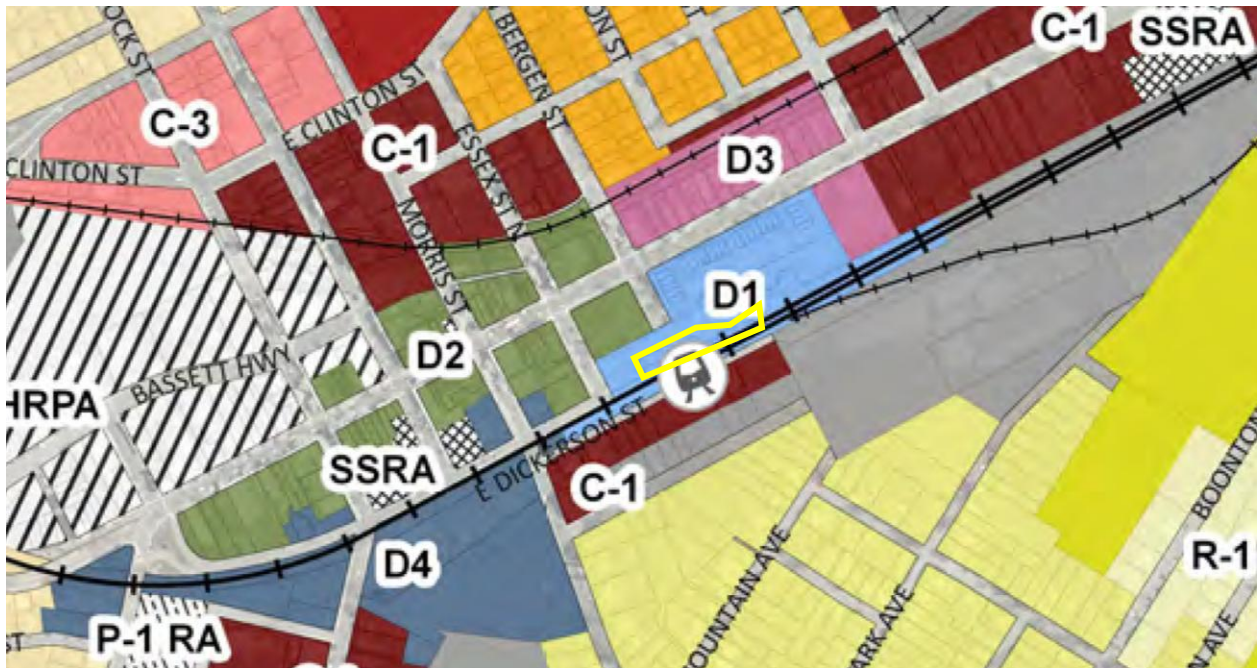


Figure 2 ~ Zoning map of subject site and surroundings (Dover Zoning Map)

Block 1213 Lot 4



Figure 3 ~ View of subject site and surroundings (taken by John McDonough on February 21, 2025)



Figure 4 ~ View of subject site and surroundings (taken by John McDonough on February 21, 2025)

Block 1213 Lot 4

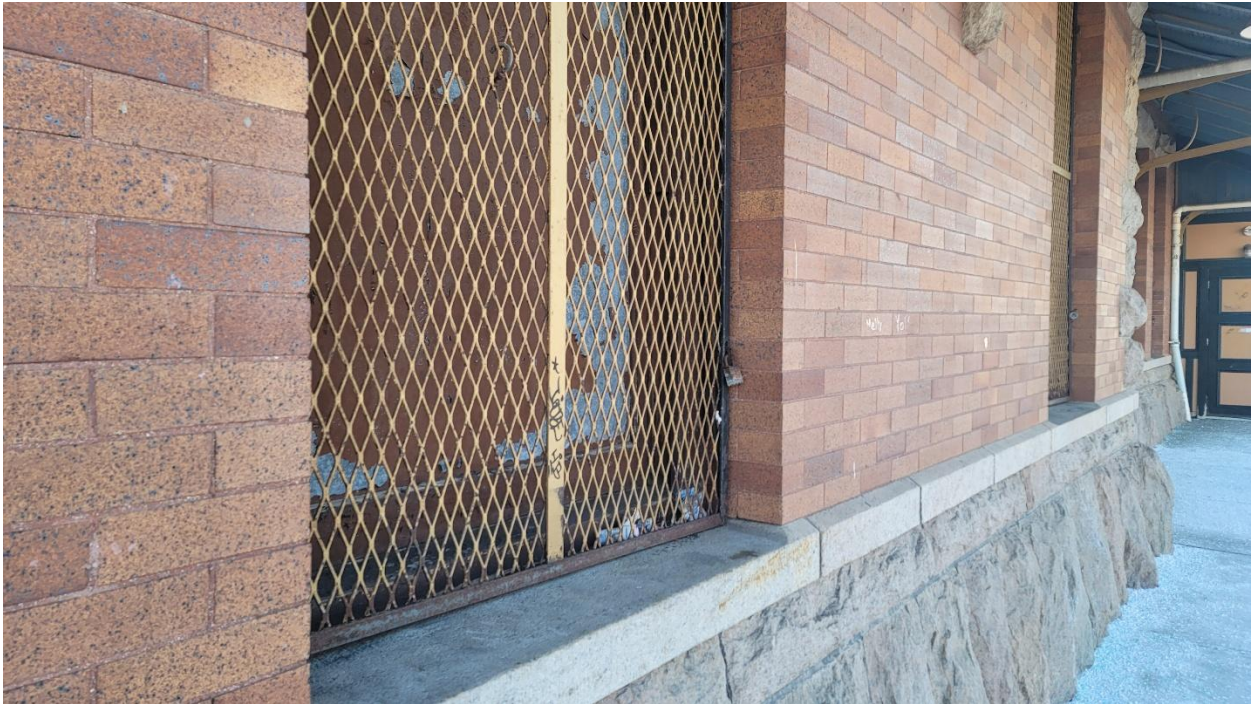


Figure 5 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)



Figure 6 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)

Block 1219 Lot 4

Property Information

Tax ID:	Block 1219 Lot 4	MOD-IV:	Class 15C – Public Property
Address:	Orchard Street Dover, NJ 07801	Zone:	D4 South Downtown District
Assessed Owner:	Town of Dover Parking Authority 37 N Sussex St Dover, NJ 07801	Lot Area:	39,250 SF ±
		Land Use:	Parking Areas

Property Description

The property is an irregularly shaped lot that is proximate to the Dover Train Station. It has been developed as “Lot C” parking lot for commuters. The lot area is approximately 39,250 square feet. Block 1219 Lot 6 is listed as an additional lot on the tax card. Maps and photographs are attached.

Property Analysis

Based on field reconnaissance and review of public documents, the site **satisfies** the following criteria for designation as a non-condemnation area in need of redevelopment.

- Criterion (d) – Faulty Design – The site and the improvements thereon suffer from obsolescence and faulty design. The irregularly shaped parking lot is a void in the town’s urban landscape and contrary to good urban design. The site suffers from excessive pavement and lack of vegetation. The court in *Concerned Citizens of Princeton* found that surface parking was an obsolete means of providing parking in an urbanized setting and ruled that criterion (d) was appropriately applied.

The site is having a deleterious effect on the area that is detrimental to the public health, safety, and welfare because it is contrary to modern parking solutions for downtown areas and inconsistent with the town’s vision for vibrant transit-oriented development (TOD) around the train station. The Town of Dover has identified this site as a focal point and area of concern for many years. As far back as 2007, the Master Plan recognized the area around the train station as a “tremendous opportunity” and recommended redevelopment and TOD as the tools to ensure that increased parking demands will be met, financial feasibility will be attainable, and creative design will be encouraged.

- Criterion (h) – Smart Growth – While this criterion is not proposed in isolation, it can be applied to bolster other criteria that support a redevelopment designation. In this instance, designation is wholly consistent with smart growth principles in that it promotes redevelopment within Planning Area #1 (PA-1), the highest targeted growth area in the State Plan.

Block 1219 Lot 4



Figure 1 ~ Aerial satellite imagery of subject site and surroundings(njpropertyrecords.com)

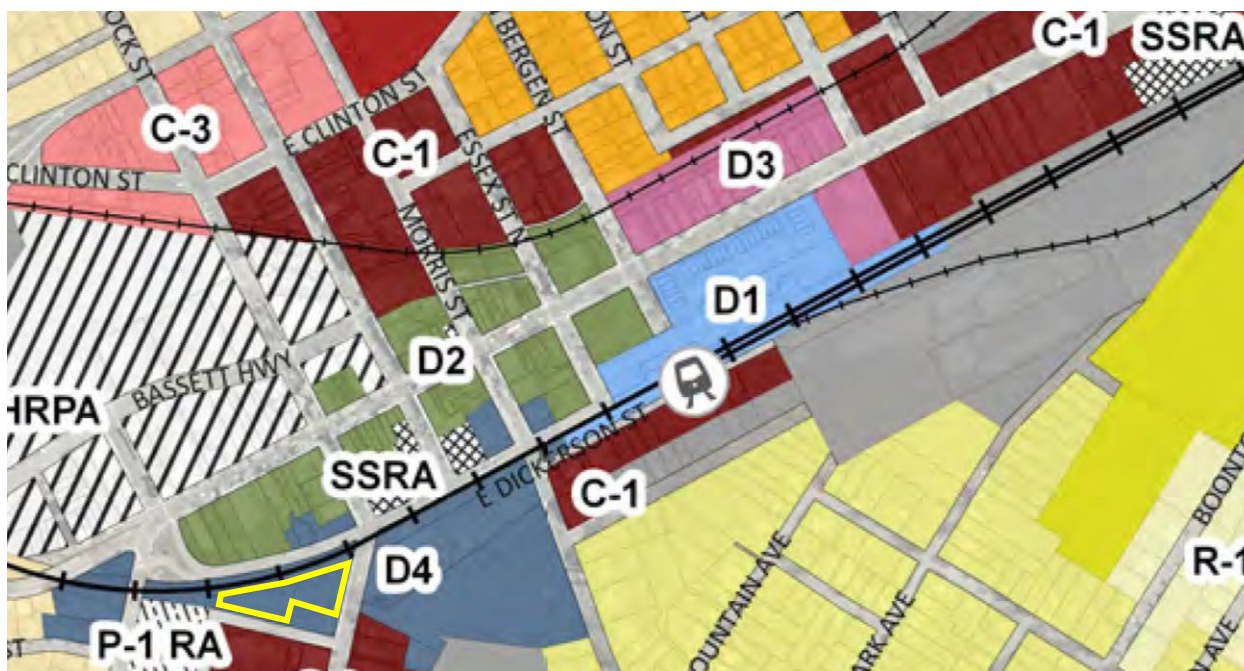


Figure 2 ~ Zoning map of subject site and surroundings (Dover Zoning Map)

Block 1219 Lot 4



Figure 3 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)



Figure 4 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)

Block 1219 Lot 4



Figure 5 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)



Figure 6 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)

Block 1219 Lot 5

Property Information

Tax ID:	Block 1219 Lot 5	MOD-IV:	Class 2 – Residential
Address:	21 Orchard Street Dover, NJ 07801	Zone:	D4 South Downtown District
Owner:	Aguirre, Luis T/Elizabeth Y 21 Orchard St Dover, NJ 07801	Lot Area:	0.17 acres ±
		Land Use:	Residence

Property Description

The property is a corner lot that has been developed as a detached dwelling. According to the tax records, the building was constructed in 1890. Maps and photographs are attached.

Property Analysis

Based on field reconnaissance and review of public documents, the site **satisfies** the following criteria for designation as a non-condemnation area in need of redevelopment.

- Section 3 – The site is adjacent to public parking lots which, based on this preliminary investigation, have been found to meet the blight criteria of Section 5 of the LRHL. While this site in and of itself does not appear to meet any of the blight criteria of Section 5 of the LRHL, it nonetheless satisfies the criteria under Section 3 of the LRHL as “necessary for the effective redevelopment of the area”.

The subject site is a corner lot and its inclusion in the redevelopment area enhances the redevelopment potential of the adjacent public parking lots. The parking lots have an irregular shape and the inclusion of this property would help “square off” the geometry, giving the redevelopment area a more regular shape, thereby increasing its redevelopment potential.

As a non-condemnation redevelopment area, the governing body does not have the power to use eminent domain to “take” this land for redevelopment. The only way this land can be acquired for redevelopment is through good-faith negotiations and agreement with the property owner(s), in accordance with the law.

Block 1219 Lot 5



Figure 1 ~ Aerial satellite imagery of subject site and surroundings(njpropertyrecords.com)

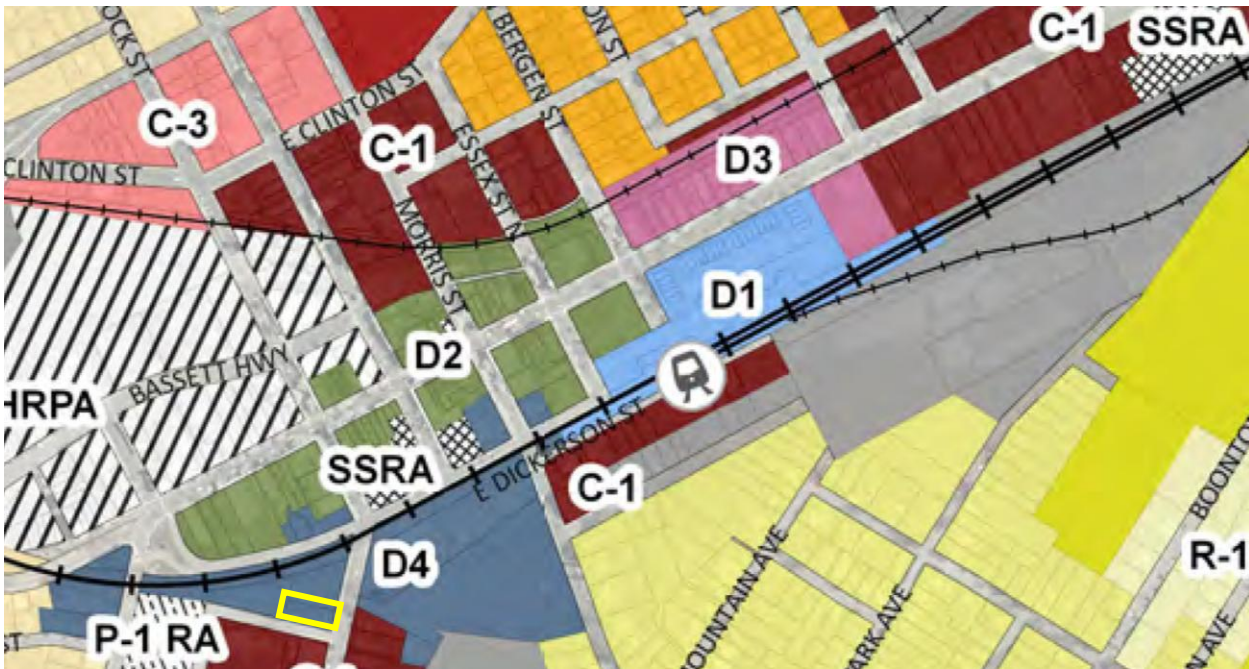


Figure 2 ~ Zoning map of subject site and surroundings (Dover Zoning Map)

Block 1803 Lot 11

Property Information

Tax ID:	Block 1803 Lot 11	MOD-IV:	Class 15C – Public Property
Address:	Orchard Street Dover, NJ,07801	Zone:	D4 South Downtown District
Owner:	Town of Dover Parking Authority 37 N Sussex St Dover, NJ 07801	Lot Area:	3.88 acres ±
		Land Use:	Parking Areas

Property Description

The property is an irregularly shaped lot that is proximate to the Dover Train Station. It has been developed as “Lot B” parking lot for commuters. The lot area is approximately 3.88 acres. Maps and photographs are attached.

Property Analysis

Based on field reconnaissance and review of public documents, the site **satisfies** the following criteria for designation as a non-condemnation area in need of redevelopment.

- Criterion (d) – Faulty Design – The site and the improvements thereon suffer from obsolescence and faulty design. The irregularly shaped parking lot is a void in the town’s urban landscape and contrary to good urban design. The site suffers from excessive pavement and lack of vegetation. The court in *Concerned Citizens of Princeton* found that surface parking was an obsolete means of providing parking in an urbanized setting and ruled that criterion (d) was appropriately applied.

The site is having a deleterious effect on the area that is detrimental to the public health, safety, and welfare because it is contrary to modern parking solutions for downtown areas and inconsistent with the town’s vision for vibrant transit-oriented development (TOD) around the train station. The Town of Dover has identified this site as a focal point and area of concern for many years. As far back as 2007, the Master Plan recognized the area around the train station as a “tremendous opportunity” and recommended redevelopment and TOD as the tools to ensure that increased parking demands will be met, financial feasibility will be attainable, and creative design will be encouraged.

- Criterion (h) – Smart Growth – While this criterion is not proposed in isolation, it can be applied to bolster other criteria that support a redevelopment designation. In this instance, designation is wholly consistent with smart growth principles in that it promotes redevelopment within Planning Area #1 (PA-1), the highest targeted growth area in the State Plan.

Block 1803 Lot 11



Figure 1 ~ Aerial satellite imagery of subject site and surroundings(njpropertyrecords.com)

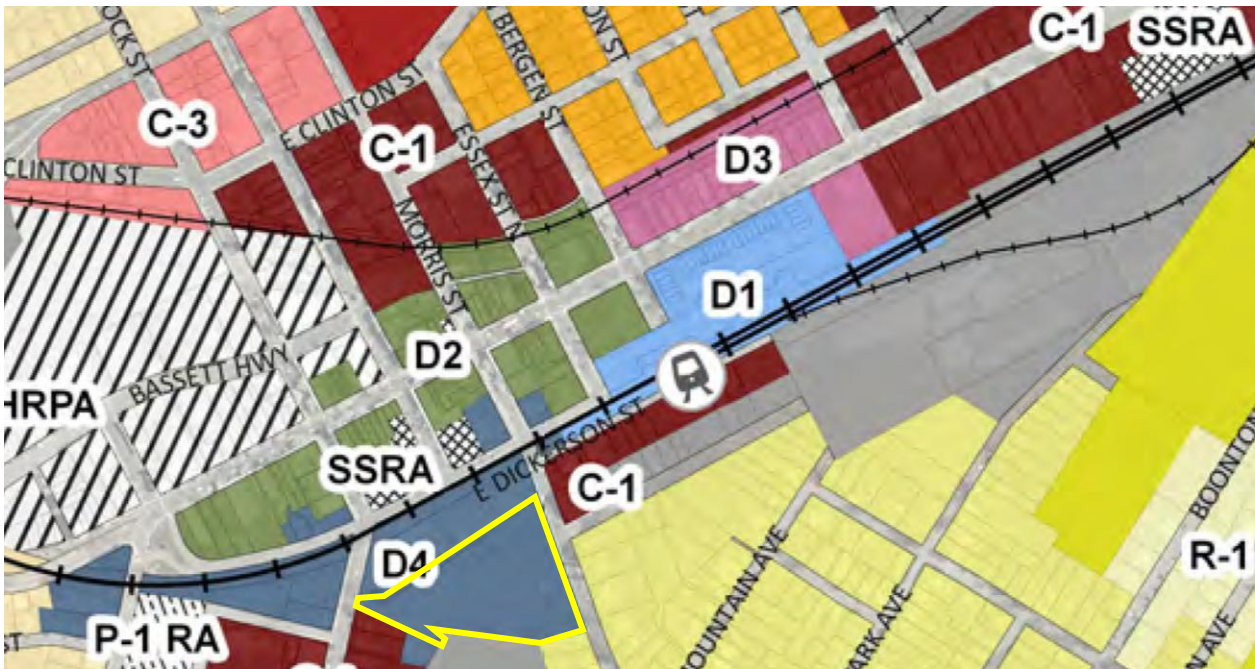


Figure 2 ~ Zoning map of subject site and surroundings (Dover Zoning Map)

Block 1803 Lot 11



Figure 3 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)



Figure 4 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)

Block 1803 Lot 11



Figure 5 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)



Figure 6 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)

Block 1804 Lot 13

Property Information

Tax ID:	Block 1804 Lot 13	MOD-IV:	Class 4A - Commercial
Address:	46 S Morris St Dover, NJ 07801	Zone:	R-2 Residential District
Assessed Owner:	PRR Realty, LLC 263 E Blackwell St Dover, NJ 07801	Lot Area:	0.2852 acres ±
		Land Use:	Boarding house

Property Description

The property is a corner lot on sloping land in close proximity to the Dover Train Station. The site is developed with a building that was constructed circa 1900 and is used as a boarding house. Maps and photographs are attached.

Property Analysis

Based on field reconnaissance and review of public documents, the site **satisfies** the following criteria for designation as a non-condemnation area in need of redevelopment.

- Criterion (a) – Substandard building – The site suffers from dilapidation, as it is now well over 100 years old and showing signs of age. The court in *Civic JC, Inc vs The City of Jersey City* upheld the designation of Jersey City’s City Hall, built in 1896, as an area in need of redevelopment under criteria (a) even though it was still in operation and occupied. As with Jersey City’s City Hall, the site is in a dilapidated physical condition and advanced stages of deterioration and has effectively outlived its useful life. For example, the site has no provision for off-street parking and poor connectivity to the street due to steep slopes and no handicapped accessibility whatsoever; the building exterior is disjointed and outdated in appearance; and the building interior lacks modern HVAC and fire protection systems.
- Criterion (d) – Obsolescence – The site suffers from obsolescence, for the same reasons that applied to criteria (a) above. The court in *Civic JC, Inc vs The City of Jersey City* upheld the designation of Jersey City’s City Hall as an area in need of redevelopment under criterion (d), along with criterion (a). The site is having a deleterious effect on the area that is detrimental to the public health, safety, and welfare because it is contrary to the town’s vision for vibrant transit-oriented development (TOD) around the train station.
- Criterion (h) – Smart Growth – While this criterion is not proposed in isolation, it can be applied to bolster other criteria that support a redevelopment designation. In this instance, designation is wholly consistent with smart growth principles in that it promotes redevelopment within Planning Area #1 (PA-1), the highest targeted growth area in the State Plan.

Block 1804 Lot 13

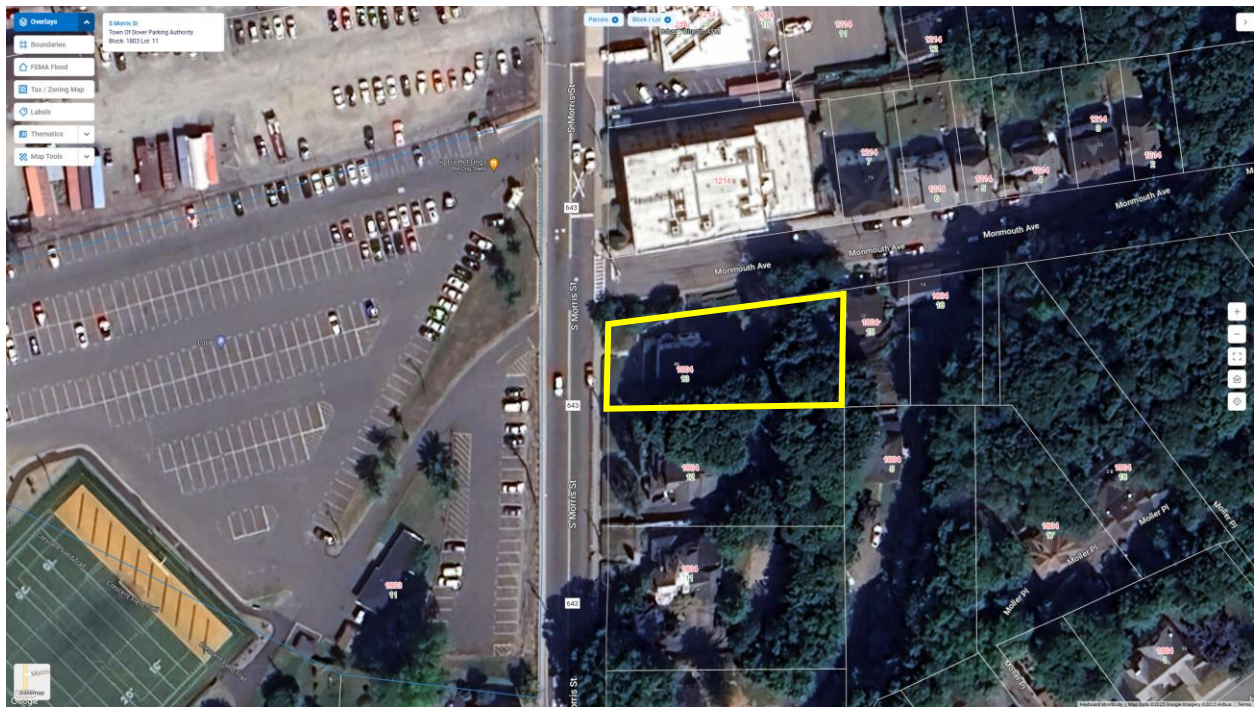


Figure 1 ~ Aerial satellite imagery of subject site and surroundings(njpropertyrecords.com)

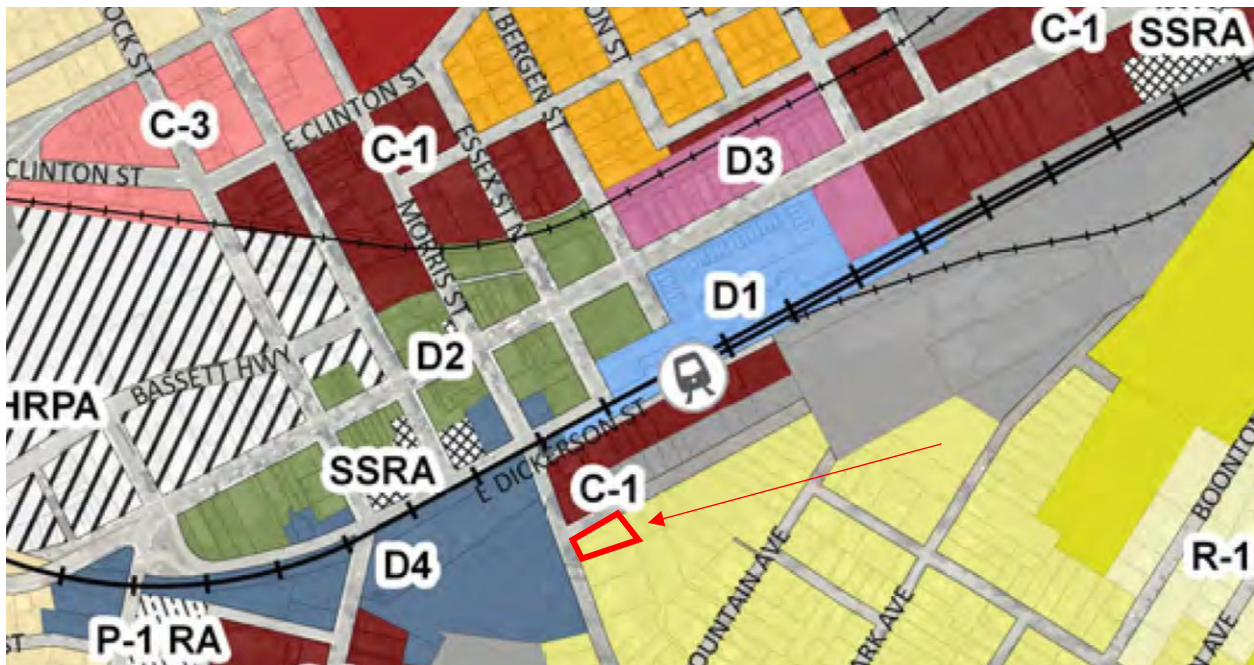


Figure 2 ~ Zoning map of subject site and surroundings (Dover Zoning Map)

Block 1804 Lot 13



Figure 3 ~ View of subject site and surroundings (taken by John McDonough on February 21, 2025)



Figure 4 ~ View of subject site and surroundings (taken by John McDonough on February 21, 2025)

Block 1804 Lot 13



Figure 5 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)



Figure 6 ~ Views of subject site and surroundings (taken by John McDonough on February 21, 2025)

Appendix D

Qualifications of Preparer

Qualifications of Preparer

John McDonough Associates, LLC is a land use planning and landscape architecture consulting firm with office location in Parsippany, New Jersey.

John McDonough, LA, PP, AICP is a licensed professional planner and landscape architect in the State of New Jersey. Both licenses are current and in good standing. He is also a member of the American Institute of Certified Planners. All licenses have been obtained through requisite showing of educational and experience requirements and passing of license examinations; none have been achieved through reciprocity. All licenses have been maintained through participation in mandatory continuing education courses.

Mr. McDonough has been working as a land use consultant for over 35 years. He has been recognized as an expert in land use matters before hundreds of boards and commissions throughout the State of New Jersey, and in Superior Courts. Mr. McDonough is a regular speaker on land use matters at Rutgers University Bloustein School of Planning and Public Policy and the New Jersey League of Municipalities on behalf of New Jersey Planning Officials (NJPO). He was also a speaker at the national conference of the American Institute of Architects (AIA) the past two years.

RESOLUTION

Town of Dover

Planning Board

In the Matter of the Non-condemnation Area in Need of Redevelopment Preliminary Investigation of Block 510, Lot 6; Block 510, Lot 6 (Unit B01); Block 1213, Lots 2 and 4; Block 1219, Lots 4, 5 and 6; Block 1803, Lot 11; and Block 1804, Lot 13

Decided on April 17, 2025

Memorialized on April 17, 2025

WHEREAS, N.J.S.A. 40A:12A-6 of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”) authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation “area in need of redevelopment” pursuant to the criteria contained in N.J.S.A. 40A:12A-5 of the Redevelopment Law; and

WHEREAS, the Mayor and Council of the Town of Dover (the “Town Council”) considered it to be in the best interest of the Town to have the Town Planning Board conduct a preliminary investigation of certain property located in the Town shown as Block 510, Lot 6; Block 510, Lot 6 (Unit B01); Block 1213, Lots 2 and 4; Block 1219, Lots 4, 5 and 6; Block 1803, Lot 11; and Block 1804, Lot 13 on the official tax map of the Town of Dover and as shown on the map attached hereto (collectively, the “Study Area”), to determine whether such Study Area, or any portions thereof, is a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, subject to the results of the preliminary investigation referenced herein, a non-condemnation redevelopment area determination concerning the Study Area, if so made, would authorize the Town to use all those powers provided under the Redevelopment Law, except that such determination shall not permit the Town to exercise the power of eminent domain to acquire all or any portion of the Property; and

WHEREAS, in Resolution No. 285-2024, dated November 12, 2024, the Town Council directed the Town Planning Board to conduct a preliminary investigation of the Study Area to determine whether same, or any portions thereof, is a non-condemnation area in need of redevelopment; and

WHEREAS, the Study Area is generally is generally located along and on the north and south sides of a portion of the Norfolk Southern (Morris & Essex) railroad right-of-way, and along and on portions of Orchard Street and South Morris Street.

NOW THEREFORE, the Dover Town Planning Board makes the following findings of fact, based on evidence presented at its public hearing, at which a record was made:

1. The Town of Dover Planning Board, at a duly noticed public hearing held on April 17, 2025, reviewed the report entitled “Non-Condemnation Area in Need of Redevelopment, Preliminary Investigation, Block 510 Lots 6 & 6 (Unit B01); Block 1213 Lots 2 & 4; Block 1219 Lots 4, 5, & 6; Block 1803 Lot 11; Block 1804 Lot 13”, dated March 25, 2025, prepared by John McDonough Associates, LLC (the “Preliminary Investigation”) and testimony of the Town’s professional planning consultant pursuant to and in accordance with the procedural requirements of N.J.S.A. 40A:12A-6, to determine whether the Study Area satisfies the criteria set forth in N.J.S.A. 40A:12A-5 (or, if and as

applicable, N.J.S.A. 40A:12A-3) to be designated as a non-condemnation area in need of redevelopment.

2. At the hearing, the Planning Board heard from all persons who were interested in or would be affected by a determination that the Study Area is a non-condemnation redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections were received and considered by the Planning Board and made part of the public record.

3. The Planning Board considered and reviewed each of the statutory criteria in the LRHL and the condition of the Study Area as analyzed in detail in the testimony of the Town's professional planning consultant and in the Preliminary Investigation, as well as comments from all persons who were interested in or would be affected by a determination that the Study Area is a non-condemnation redevelopment area, including but not limited to the ongoing vacancy and the functional obsolescence of the layout of the improvements within the Study Area, and concurred with the finding in the Preliminary Investigation, which states as follows in the Summary of Findings and Conclusions:

"The study area consists of all or a portion of 9 tax lots in the Town of Dover. This preliminary investigation finds that all the lots in the study satisfy the statutory criteria for designation as a non-condemnation area in need of redevelopment, as summarized below. More detailed information is provided in Appendix C [to the Preliminary Investigation].

1. **Block 510 Lot 6** is developed as a maintenance yard for NJ Transit. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under criteria "d" (faulty and obsolete design) and criteria "h" (smart growth).
2. **Block 510 Lot 6 (Unit B01)** is developed as a billboard on the NJ Transit maintenance yard. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under criteria "d" (faulty and obsolete design) and criteria "h" (smart growth).
3. **Block 1213 Lot 2** is developed as "Lot A" public parking lot for NJ Transit commuters. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under criteria "d" (faulty and obsolete design) and criteria "h" (smart growth).
4. **Block 1213 Lot 4** is developed as the Dover Train Station. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under criteria "a" (substandard building), criteria "d" (faulty and obsolete design) and criteria "h" (smart growth).
5. **Block 1219 Lot 4** is developed as "Lot C" public parking lot for NJ Transit commuters. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under criteria "d" (faulty and obsolete design) and criteria "h" (smart growth).
6. **Block 1219 Lot 5** is developed as a residential dwelling. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under Section 3 as necessary for the effective redevelopment of the area.

7. **Block 1219 Lot 6** is listed as an additional lot on the tax card for Block 1219 Lot 4 and therefore satisfies the same criteria for designation as a non-condemnation area in need of redevelopment as indicated for Block 1219 Lot 4 above.
8. **Block 1803 Lot 11** is developed as “Lot B” public parking lot for NJ Transit commuters. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under criteria “d” (faulty and obsolete design) and criteria “h” (smart growth).
9. **Block 1804 Lot 13** is developed as a boarding house. This preliminary investigation finds that the entire lot satisfies the criteria for designation as a non-condemnation area in need of redevelopment under criteria “a” (substandard building), criteria “d” (faulty and obsolete design) and criteria “h” (smart growth).”

4. The Preliminary Investigation goes on to conclude as follows in the Conclusions and Recommendations:

“This preliminary investigation concludes that the entire study area fulfills the statutory criteria of the Local Redevelopment and Housing Law for being designated as a non-condemnation area in need of redevelopment. The Planning Board may, therefore, recommend that the Dover Town Council adopt a resolution declaring that the study area meets the criteria for designation as a non-condemnation area in need of redevelopment.

Once the Dover Town Council has designated the study area as an area in need of redevelopment, it may develop a redevelopment plan for all or a portion of the study area, or it may direct the Dover Planning Board to develop a redevelopment plan for all or a portion of the study area. Any redevelopment plan, after review by the Dover Planning Board for consistency with the Dover Master Plan, would then be considered by the Dover Town Council. Upon receipt of the redevelopment plan, the Dover Town Council may act to adopt the redevelopment plan by ordinance for adoption. The adopted redevelopment plan would then become an amendment to the Town’s zoning map and ordinance or may be treated as superseding existing zoning. Only after adoption by ordinance may the municipality exercise the redevelopment powers granted by the LRHL, excluding the power of eminent domain.”

5. At the April 17, 2025 Planning Board hearing, the Town’s professional planning consultant testified substantially as set forth above and as stated and recommended in the Preliminary Investigation.

6. After conducting its investigation and reviewing the Preliminary Investigation, preparing a map of the proposed redevelopment area, and completing a public hearing at which all objections to and support of the designation were received and considered, the Town of Dover Planning Board recommends to the Town Council that it should designate the property shown as Block 510, Lot 6; Block 510, Lot 6 (Unit B01); Block 1213, Lots 2 and 4; Block 1219, Lots 4, 5 and 6; Block 1803, Lot 11; and Block 1804, Lot 13 on the official Tax Map of the Town of Dover as a non-condemnation area in need of redevelopment.

7. The Board Secretary shall transmit a copy of this Resolution to the Town Council upon its adoption.

8. This Resolution shall take effect immediately.

Rafael Rivera, Chairman

The vote on the Resolution was as follows:

FOR:

AGAINST:

ABSTAIN:

Board Member(s) Eligible to Vote:

I certify that the above Resolution is a true copy of a Resolution adopted by the Planning Board on _____, 2025.

Paula Mendelsohn, Secretary

Dated:

Prepared by: William Rush, Esq.