

Block 1315 REDEVELOPMENT PLAN

Block 1315, Lots 3 and 4

Town of Dover
Morris County, New Jersey

FINAL: July 28, 2021

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Recommended by the Planning Board:

Adopted by the Mayor & Board of Aldermen:

Prepared by:



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I. INTRODUCTION

On June 27, 2019, the Board of Aldermen adopted a resolution (159-2019) authorizing the Planning Board to investigate whether certain properties should be designated as an Area in Need of Redevelopment pursuant to the Local Redevelopment Housing Law. Resolution #159-2019 requested an investigation of:

- Block 1315, Lots 3, 4 and 5 (Subarea 1)
- Block 2023, Lots 1, 2 and 4 (Subarea 2)

The Resolution specifically states that the Town does not wish to exercise the power of eminent domain to acquire any of the aforementioned properties (hereafter the "Study Area"); therefore the parcels were investigated as a Non-Condemnation Redevelopment Area.

The Planning Board subsequently held a public hearing and recommended by resolution that the Board of Aldermen designate the Study Area as an Area in Need of Redevelopment. Subsequently, on September 10, 2019, the Mayor and Board of Aldermen reviewed the Planning Board's recommendations and designated the Study Area as an Area in Need of Redevelopment via Resolution #198-2019.

The Board of Aldermen reaffirmed the designation via Resolution #262-2020 on December 29, 2020.

This Redevelopment Plan is planning document that merges the vision of a master plan with the authority of a zoning ordinance. The required components of a Redevelopment Plan are described in the following section.

REQUIRED PLAN COMPONENTS

This document has been prepared in accordance with Section 40A:12A-7a of the Local Redevelopment Housing Law (hereafter "LRHL"), which requires redevelopment plans to include an outline for the planning, development, redevelopment or rehabilitation of the designated area. Specifically:

1. The Redevelopment Plan's relationship to definite local objectives as to appropriate land uses, density of population, the development of public electric vehicle charging infrastructure in appropriate locations, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements. (See Chapter V.)
2. Proposed land uses and building requirements in the project area. (See Chapter VII.)
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market. (See Chapter VII.)
4. An identification of any property within the area, which is proposed to be acquired in accordance with the redevelopment plan. (See Chapter VII.)
5. Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities; the master plan of the county in which the municipality is located;

and the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act", P.L. 1985, c.398 (C.52:18A-196 et al.). (See Chapter VI.)

6. Description of the plan's relationship to pertinent municipal development regulations as defined in the Municipal Land Use Law (MLUL). The plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the study area. (See Chapter II.)
7. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan. (See Chapter V, Conclusion.)
8. A redevelopment plan shall provide an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan.

II. STUDY AREA

The Redevelopment Plan Area for this Redevelopment Plan consists of two tax lots from Subarea 1 as follows:

- Block 1315, Lots 3 and 4: 80 E. McFarlan Street

Block 1315, Lots 3 and 4 (hereafter "Sub-Area 1"), is the site of a 9,868 square foot restaurant building constructed in 1960. The building was last used by the Hibachi Grill Restaurant and Atilio's Restaurant prior to that. The parcel has remained vacant for several years. The parking lot for the restaurant fronts Passaic Street and an easement through the parking lot provides access to a garage to the residential building on Lot 5.

Figure 1: Subarea 1

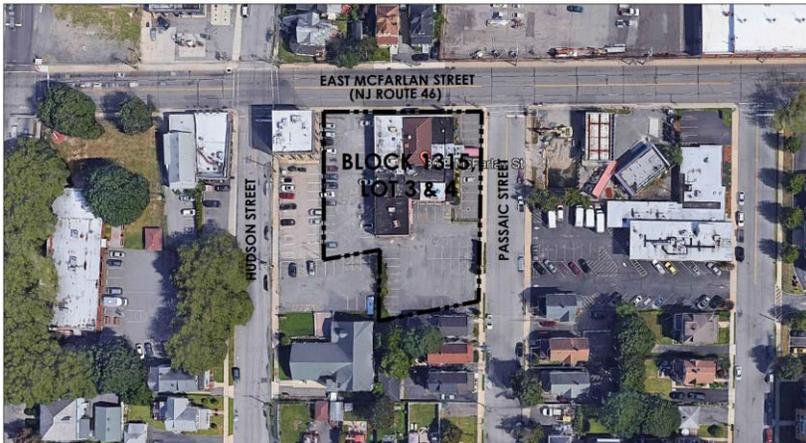


Figure 2: Google Earth Image of Sub-Area 1



Figure 3: 80 McFarland Street (Route 46)



ZONING

Existing zoning designations and their associated regulations are discussed in the following sections.

SUB-AREA 1

Sub-Area 1 is located in the C-2 (General Commercial) Zone, which permits the following principal uses:

- (1) Motor vehicle repair garages.
- (2) Tire sales, the indoor sales of motor vehicles and motor vehicle parts, hardware stores, retail lumber yards for the storage, sale and minor milling of materials.
- (3) Motor vehicle service stations.
- (4) Bars or taverns.
- (5) Computer, audio and video electronic stores.
- (6) Funeral homes.
- (7) Parks and playgrounds.
- (8) Buildings used exclusively by federal, state, county or local government.
- (9) Hotels and motels.
- (10) Offices.
- (11) Bars with live entertainment.
- (12) Restaurants.

(13) Restaurants, fast food.

(14) Restaurants, formula fast food.

(15) Restaurants with limited live entertainment.

(16) Restaurants, fast food with drive-up.

Accessory uses. Same as the C-1 Retail Commercial District.

Conditional uses as stipulated in § 236-40. Conditional uses, as stipulated in § 236-40, shall be as follows:

- (1) Same as R-1 and R-2 Districts.
- (2) Motor vehicle sales lot, both new and used.
- (3) Apartments.
- (4) Adult entertainment establishments, adult bookstores, adult picture theaters, adult mini-motion picture theaters and adult cabarets.
- (5) Limousine service businesses.
- (6) Taxicab service business.
- (7) Nightclubs.

Bulk requirements.

- (1) Every lot in the C-2 District shall have a minimum width of 100 feet at the street line and a minimum area of 10,000 square feet. Every principal building shall be provided with a side yard of not less than 10 feet, a front yard of not less than 20 feet and a rear yard of not less than 20 feet.
- (2) Every lot in the C-2 District shall be developed with not more than 80% impervious lot coverage nor more than 50% building coverage.

- (3) Height limits. All buildings in the C-2 District may be erected up to 65 feet in height.
- (4) Minimum floor area. There shall be no minimum floor area in the C-2 District.
- (5) Off-street parking. All uses shall be required to provide on-site, off-street parking in accordance with § 236-43.

PLAN RELATIONSHIP TO ZONING

SUB-AREA 1

This Redevelopment Plan constitutes an overlay to the existing C2 Zone for Sub-Area 1. The Plan intends to enable full development of Lots 3 and 4 without disrupting the current residential use of Lot 5. For the most part, this Redevelopment Plan utilizes the underlying parameters for the C2 Zone; however, a few exceptions have been made with regard to parking, loading, setbacks, building coverage and impervious coverage. Essentially the existing impervious coverage of 100% is being retained, but existing surface parking is being internalized into a parking structure.

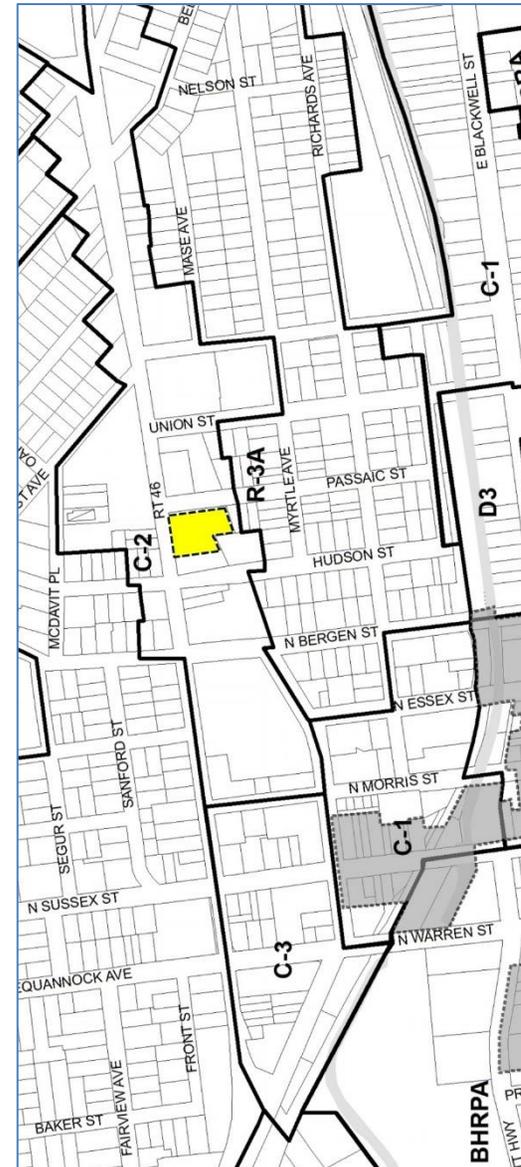


Figure 4: Zoning Map with Redevelopment Plan Area highlighted.

III. THE NEED FOR REDEVELOPMENT

The Board of Aldermen, via resolutions #159-2019, formally requested the Planning Board to conduct a preliminary investigation of the Study Area and make recommendations to the Governing Body. A report entitled Redevelopment Study Area Determination of Need Report: Block 1315, Lots 3, 4 and 5; Block 2023, Lots 1, 2 and 4; was prepared. The report found that the Study Area meets the conditions for an Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.) and is based on the following factual findings:

- The analysis finds that Subarea 1 could be designated as an Area In Need of Redevelopment based on Criterion “e”:

“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.”

- There was substantial evidence of the lack of proper utilization of the land and buildings in Subarea 1 based on the lack of building improvements and the chronic

citations for property maintenance for both the restaurant property on Lots 3 and 4 and the dwelling on Lot 5, both of which rely on the same parking lot for access and parking.

- The easement on Lot 4 to allow access to Lot 5 linked the economic stagnation on Lots 3 and 4 to the garage and rear parking on Lot 5 and created a chilling effect on interest in the property by the private sector.
- Based on the findings of the report, the Planning Board found that the area satisfied the statutory criteria to be designated as an Area in Need of Redevelopment under the LRHL and recommended said designation for the Study Area. The Board memorialized its findings via Resolution. As a result of the aforementioned, the Board of Aldermen adopted Resolutions #198-2019 on September 10, 2019 and #268-2020 on December 29, 2020, designating the Study Area an Area in Need of Redevelopment and directing the Planning Board to prepare a Redevelopment Plan.

This Redevelopment Plan is specific to Subarea 1 and applies only to Lots 3 and 4.

IV. PLAN GOALS & VISION

This chapter provides goals specific for the Redevelopment Plan Area as well as a vision statement.

GOALS OF REDEVELOPMENT

1. To create opportunities along Route 46 for higher density residential uses.
2. To improve the aesthetic appearance of the Route 46 corridor.
3. To create a more compact, pedestrian-friendly development.

VISION

The vision for the Redevelopment Plan Area is written as if it is the year 2031, ten years into the future, and is as follows:

In the year 2031, Sub-Area 1 has been transformed from a vacant restaurant to a multifamily apartment building. Parking has been concealed within the building. The upper floors contain residential uses. The building establishes a street wall on the two street frontages of the site.



Figure 5: SketchUp model illustration of redevelopment vision.

V. RELATIONSHIP TO LOCAL OBJECTIVES

This chapter of the Redevelopment Plan analyzes existing master plan goals, objectives and recommendations;

MASTER PLAN

The following sections detail the relevant goals, objectives and recommendations from the 2006 Transit-Oriented Development Plan (hereafter "TOD Plan") and 2007 Master Plan.

2018 MASTER PLAN REEXAMINATION

The most recent examination of the Master Plan was done in 2018 and the recommendations of the 2007 Master Plan regarding redevelopment were determined to be valid. Specifically, the following recommendation regarding redevelopment along Route 46 was referenced:

*"The Route 46 Corridor - A mix of auto-driven land uses with some conflicting land uses, such as an abundance of auto-related businesses, a comprehensive plan to sort out these land uses while working with the state to calm the roadway from a safety and aesthetics perspective was contemplated. The interface with the surrounding neighborhoods is also an important consideration, particularly in the downtown area as Rt 46 divides the neighborhoods to the north from the Town's commercial core making pedestrian and bicycle access difficult."*¹

¹ 2018 Master Plan Reexamination Report, adopted October 24, 2018, page 9.

In the proposed recommendations for the future, the Reexamination report referenced the Redevelopment Plan Area of this Redevelopment Plan as included in "Area 2" as follows:

"Area 2 -

*Area 2 consists of the current C-2 (General Commercial) and C-3 (Light Industrial- Commercial) Zones along the Rt. 46 corridor. For decades these zones prohibited retail type uses in an attempt to protect the downtown business district. This philosophy has long since faded with time and consideration should be given to permitting retail type uses along the corridor that are appropriate for the corridor and surrounding neighborhoods. With many small lots, consolidations and/or cross-access easements should be encouraged whereby surrounding neighborhoods are afforded the change to access retail goods and services without having to make their way to the Downtown."*²

Finally, as to the recommendations specific to redevelopment, the 2018 Reexamination Report recommended the following:

"In addition to the aforementioned redevelopment areas previously discussed, the Planning Board recommends the following areas be analyzed for consideration under the 'Local Redevelopment and Housing Law'. These areas are depicted on Map E – Potential Redevelopment Areas in the Appendix of this Report.

² 2018 Master Plan Reexamination Report, adopted October 24, 2018, page 17.

1. *The area adjacent to the NJ TRANSIT Maintenance Yard at the end of East Dickerson Street*
2. *The area in and around the Dover Tubular Alloy site along Route 15 Southbound.*
3. **Block 1315 Lot 3, a vacant restaurant parcel within the Route 46 corridor.**
4. *Dover Sporting Goods site on Route 46, Block 2024, Lots 3 & 4.*
5. *Block 2023 Lot 2-4, along the Route 46 corridor, a currently undeveloped contaminated site.*
6. *Area consisting of Parking Lot A – Currently pending Town review.*
7. *Area consisting of Parking Lot B – Currently pending Town review.*
8. *Block 1206 Lot 2,3,4,5, a currently vacant site due to a recent fire, which completely destroyed it.”³*

2007 MASTER PLAN

The Town of Dover adopted a Master Plan in January of 2007. The document contains a number of goals and supporting objectives. This Redevelopment Plan has the ability to advance the following goals:

- Enhance and create a sense of place that encourages economic vitality and community activity through well-designed land development.
- Maximize potential for expansion of the economic base.
- Develop a safe and efficient circulation system that capitalizes on Dover's multi-modal transportation system.

- Maintain and encourage diversity in the type and character of available housing promoting an opportunity for varied residential communities.
- Increase available housing options for pre-retirement, retirement and elderly residents.
- Preservation and continued use of properties of historic significance to the Town of Dover and its rich history.¹

CONCLUSION

This Redevelopment Plan is substantially consistent with Dover's 2018 Reexamination Report and 2007 Master Plan, as it furthers a number of objectives that the Town has set for housing diversity, redevelopment and land use along the Route 46 Corridor. The adoption of this Plan as part of the redevelopment process that led to the designation of Block 1315, Lots 3-5 in 2019 is part of the implementation of the recommendations of the Master Plan.

VI. RELATIONSHIP TO OTHER PLANS

PLANS OF ADJACENT COMMUNITIES

Dover is located in Morris County and is surrounded by Wharton Borough, Mine Hill Township, Randolph Township, Victory Gardens Borough and Rockaway Township. Because Sub-Area 1 is not immediately adjacent to other municipalities, the Redevelopment Plan's adoption will not impact other communities or their Master Plans.

MORRIS COUNTY MASTER PLAN

1975 FUTURE LAND USE PLAN ELEMENT

The Morris County Future Land Use Plan Element was adopted in 1975 and has not been updated since that time. The land use plan does include, however, a goal that states, "balanced and diversified economic growth, coordinated with transportation, utilities, and environmental limitations".² The redevelopment of Subarea 1 will potentially result in a mixed-use or residential development that is proximate to mass transit and sensitive to any environmental limitations that may exist on the land and therefore is consistent with the aforementioned Land Use Plan Element goal. Otherwise, the remainder of the Land Use Element is outdated.

1998 BICYCLE & PEDESTRIAN ELEMENT

Morris County adopted a Bicycle and Pedestrian Element in December of 1998. The plan looked at existing facilities and also proposed new facilities for each of its municipalities. Recommendations for the Town of Dover included:

- Sidewalks on West Blackwell Street
- Multi-use trails within North Sussex Street extension
- Bicycle lanes on Blackwell Street³

Objectives of the Bicycle and Pedestrian Element that the Redevelopment Area would advance:

- Create bicycle and pedestrian facilities in areas surrounding railroad stations⁴
- Encourage municipalities to examine land use practices to provide opportunities for bicycle and pedestrian travel⁵
- Encourage bicycle use and walking as alternatives to single-occupancy automobile trips⁶

NEW JERSEY STATE PLAN

The State Strategic Plan is the revision to the 2001 State Development and Redevelopment Plan. The document sets forth a vision for the future of New Jersey along with strategies to achieve that vision. The State Strategic Plan was intended to be adopted by the State Planning Commission in November 2012, but was postponed due to Super Storm Sandy. The Commission is revising the document to incorporate disaster planning goals in light of Super Storm Sandy.

The draft final State Strategic Plan has four overarching goals along with ten “Garden State Values”. This Redevelopment Plan has the ability to advance six of the ten values:

- **Concentrate development** – promote development that is compact, build densities that support walking and public transportation.
- **Prioritize redevelopment, infill and existing infrastructure** – prioritize redevelopment and the reuse of existing sites and structures.
- **Increase job and business opportunities** - provide opportunities for investments near infrastructure and transportation, support economic growth.
- **Create high-quality, livable places** – enhance community character and design, especially in historic areas, by reusing significant buildings.
- **Provide transportation choice** – provide transportation options that improve access and affordability for all users.
- **Diversify housing opportunities** – support the construction of homes that meet the needs of households of all sizes and income levels, located near transit and where services are available.⁷

VII. REDEVELOPMENT PLAN

This Redevelopment Plan provides the general provisions, including review process, as well as land use and design requirements for the redevelopment and rehabilitation of Sub-Area 1.

GENERAL PROVISIONS

RELOCATION

No temporary or permanent relocation of residents is contemplated, as there are no occupied residential units currently located in the Redevelopment Area. The existing building within Sub-Area 1 is vacant. Therefore, no relocation assistance is necessitated by the Block 1315 Redevelopment Plan.

PROPERTIES TO BE ACQUIRED

This Redevelopment Plan intends to encourage a developer to acquire a proprietary interest in the properties to be rehabilitated and/or redeveloped pursuant to this plan. This Redevelopment Plan is based upon an Area In Need of Redevelopment designation, which does provide the Town with the power to exercise eminent domain. However, the Mayor and Board of Aldermen have decided (via Resolution #183-2014) to use all the powers provided under the Redevelopment Plan for use in a redevelopment area **excluding** the power of eminent domain, creating a "Non-Condemnation Redevelopment Area". Therefore, no private property is identified for acquisition other than through private sale between a willing buyer and seller.

WAIVERS FROM REDEVELOPMENT PLAN REQUIREMENTS

Variation from one or more of the specific development requirements set forth in this Redevelopment Plan may be necessary in certain circumstances for the effective redevelopment of the Redevelopment Area, or to meet state or federal permit requirements. In such an instance, the Dover Planning Board may waive specific bulk, parking or design requirements, provided the designated redeveloper demonstrates that such waiver satisfies one of the variance criteria set forth in N.J.S.A. 40:55D-70(c) and will not substantially impair the intent of the Block 1315 Redevelopment Plan.

REVIEW PROCEDURES

The review procedures for this Redevelopment Plan are as follows:

- The Redevelopment Entity may designate a redeveloper of a redevelopment project and require the designated redeveloper(s) to enter into a redevelopment agreement with the Town and/or submit proposed site plans to the Town Planner prior to the submission of a full site plan application to the Planning Board. The Town Planner will determine if the conceptual site plan is consistent with this Redevelopment Plan and authorize the site plan application to be submitted to the Planning Board for development approval.

- All development applications shall be submitted to the Dover Planning Board through the normal site plan and subdivision procedures as outlined in N.J.S.A. 40:55-1 et seq. and the Town of Dover Land Use Code.
- The Planning Board shall deem any application for redevelopment subject to this Redevelopment Plan incomplete if the applicant has not been designated as the redeveloper by the Redevelopment Entity. Additionally, the Planning Board shall deem any application for redevelopment subject to this Redevelopment Plan incomplete if the applicant has not received confirmation from the Town Planner of consistency with the Block 1315 Redevelopment Plan.
- Neither the Planning Board nor the Board of Adjustment shall grant any deviations from the use provisions of this Redevelopment Plan. Any proposed changes to the Redevelopment Plan involving specific permitted or conditionally permitted land uses shall be in the form of an amendment to the Redevelopment Plan adopted by the Mayor and Board of Aldermen, in accordance with the procedures set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

LAND USE & DEVELOPMENT REQUIREMENTS

SUB-AREA 1

This Redevelopment Plan constitutes an overlay zone for Sub-Area 1. The specific land use and development requirements that are applicable to Sub-Area 1 are outlined below.

- A. Principal permitted uses
 - Multi-family residential development.
- B. Permitted accessory uses
 - Parking.
 - Loading, which may be located in on-street parking spaces.
 - Apartment common areas and amenities.
 - Trash and recycling areas, located within the building or to the rear of the building.
 - Any other use that is customary and incidental to multi-family residential development.
- C. Bulk standards
 - Maximum density: 135 dwelling units per acre
 - Maximum front yard setback (build-to-line) – 5 feet
 - Maximum side yard setback – 5 feet
 - Minimum rear yard setback – 0 feet
 - Maximum building height – 6 stories and 75 feet provided that elevator, elevator vestibule and stair towers, and mechanicals of other roof top appurtenances may exceed the height of the building by not more than 9 feet.
 - Maximum building coverage – 90%
 - Maximum impervious coverage – 95%
- D. Off-street parking
 - Minimum surface and interior parking setback – 1 foot
 - Parking shall be located within the building and screened from public view or behind the building except in instances where the parking structure must be left open to comply with NJDEP regulations and/or easements which benefit neighboring properties..

- A flood emergency response plan shall be submitted with the submission of a site plan application to the Planning Board.
- Surface and structured parking is permitted.
- Structured parking may not exceed the height of the principal building.
- Parking shall be provided on-site at a rate of 1.3 spaces per unit.
- All ninety-degree parking spaces that are long term in usage shall be a minimum of 8.5 feet in width and 18 feet in depth. Aisles shall be a minimum of 22 feet in width. Ten percent of required parking spaces may be provided as compact spaces measuring eight feet in width and 15 feet in depth.
- All ground floor parking areas shall be designed using compatible or complementary materials to the principal building so that it blends in architecturally. All voids in the structure shall be architecturally screened, so that lights and vehicles are not individually visible except in instances where the parking structure must be left open to comply with NJDEP regulations and/or easements which benefit neighboring properties.
- No blank walls of parking areas shall front the streetscape. All facades shall provide pedestrian interest at the street level through architectural details.
- All pedestrian pathways across and along parking areas shall be well lit with pedestrian-scaled lighting fixtures.
- Parking signage shall be consistent with the signage standards of the Town code.

E. Architectural standards

- Maximum wall plane width (vertical rhythm) – 50 feet.
- Minimum residential unit size – 600 square feet for a studio unit and 750 square feet for a one-bedroom unit.
- Continuous “glass walls” are not permitted.
- The finished first floor shall be no more than 17 feet above the sidewalk. For clarity, any building entrances, vestibules, or lobby areas are included in the definition of the finished first floor.
- Windows shall cover at least 30% of the wall area for each residential floor.
- Triangular, circular or other unusually shaped windows are not permitted.
- The primary building materials shall include brick, masonry, fiber cement panels or fiber cement horizontal sidings. The stone, brick or masonry materials shall cover a minimum 40% of the ground floor building façade which fronts public streets. Vinyl siding is strictly prohibited on exterior building facades, but allowable in any interior courtyard areas (if applicable).
- All stone, brick or masonry lintels must extend a minimum of four inches beyond the edge of the opening.
- stone, brick or masonry windowsills shall project a minimum of one inch from the building face.
- Glazing shall be set back at least three inches from the surface plane of the wall or set back at least two inches when wood frame construction is used.
- Glass shall transmit at least 50% of visible daylight.
- Glass blocks are not permitted.

- Balconies which project more than 8 inches from the building face are not permitted on any façade facing a public street, but are allowed on interior courtyards (if applicable).

F. Window air-conditioning units are prohibited on the principal facades, but wall-mounted HVAC units which are integrated in the principal façade design are allowed on all building facades.

G. Signage

- Signage for the redevelopment project shall be detailed within a signage and graphics plan. Signage may include:
 - i. Branding Sign – Iconic letter or logo to brand the project and serve as a wayfinding marker (maximum of one per project).
 - ii. Blade or banner sign (maximum two per façade).
 - iii. Façade Sign – (maximum of one per public entrance).

H. Sustainability

- Any application for development within Lots 3 and 4 in Sub-Area 1 shall reasonably endeavor to comply with the standards contained in Section 236-17.1.J. of the code when feasibility of compliance is economically viable in the good faith determination of the redeveloper.
- Evidence of compliance with the Flood Area Control Act Rules (NJAC 7:13) shall be provided with submission of a site plan application to the Planning Board.

VIII. TAX ABATEMENT PROGRAM

By designating the Sub-Area 1 as An Area in Need of Redevelopment, the Town of Dover is given the authority to offer long-term (up to 30 years) tax exemptions or abatements as a financial incentive to encourage rehabilitation and/or redevelopment of the three sub-areas, in accordance with N.J.S.A. 40A-20-1 et seq. Any tax abatement(s) for the rehabilitation and/or redevelopment of the sub-areas would need to be addressed as part of the redevelopment agreement and financial agreement.

IX. RELATIONSHIP TO ZONING

ZONING PROVISIONS

EFFECT OF PLAN

The Block 1315 Redevelopment Plan:

- Constitutes an overlay to the existing zoning for Sub-Area 1. The underlying C2 Zone shall continue to subsist and act as the primary zoning designation for Sub-Area 1.

TERMS & DEFINITIONS

Any terms not defined within this Redevelopment Plan shall have the definitions set forth in Chapter 236, Land Use and Development, of the Town of Dover.

OTHER APPLICABLE DESIGN & PERFORMANCE STANDARDS

Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in Chapter 236, Land Use and Development, of the Town of Dover.

CONFLICT

Any word, phrase, clause, section or provision of this plan, found by a court and other jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, section or provision shall be deemed servable and the remainder of the Redevelopment Plan shall remain in full force and effect.

ZONING MAP REVISION

Because this Redevelopment Plan constitutes an overlay for Sub-Area 1 and does not supersede the underlying zone, the Official Zoning Map of the Town of Dover is not required to be amended for Sub-Area 1. However, in order to differentiate the Redevelopment Area from the rest of the C2 Zone, the Zoning Map is hereby amended to illustrate Block 1315, Lot 3 and 4 as the "Route 46 SA1 Redevelopment Plan Area" (46S1RPA).

X. AMENDMENTS & DURATION

AMENDMENTS TO THE REDEVELOPMENT PLAN

This plan may be amended from time to time in accordance with the procedures of the LRHL. To the extent that any such amendment materially affects the terms and conditions of duly

executed redevelopment agreements between one or more redevelopers and the Town of Dover, the provisions of the redevelopment plan amendment will be contingent upon the amendment of the redeveloper agreement to provide for the plan amendment.

RECOMMENDATIONS FOR REDEVELOPMENT AGREEMENT PROVISIONS

While this Redevelopment Plan provides an outline for the redevelopment of the three sub-areas, the details of how the redevelopment will be implemented will need to be specified in a redevelopment agreement that is negotiated between the Town and the redeveloper(s). No development shall proceed to the Dover Planning Board for subdivision or site plan approval until after a redevelopment agreement is executed by the Town of Dover in accordance with Section 9 of the Local Redevelopment and Housing Law. The redevelopment agreement shall conform to the provisions of this Redevelopment Plan.

CERTIFICATES OF COMPLETION & COMPLIANCE

Upon the inspection and verification by the Mayor and Board of Aldermen that the redevelopment of a parcel subject to a redeveloper agreement has been completed, a Certificate of Completion and Compliance will be issued to the redeveloper and such parcel will be deemed no longer in need of redevelopment.

SEVERABILITY

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction

finds any word, phrase, clause, section or provision of this Redevelopment Plan to be invalid, illegal or unconstitutional, the word, phrase, clause, section or provision shall be deemed severable and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

SELECTION OF REDEVELOPER(S)

In order to assure that the vision of the Block 1315 Redevelopment Plan will be successfully implemented in an effective and timely way in order to promptly achieve the public purpose goals of the Plan, the Mayor and Board of Aldermen, acting as the Redevelopment Entity, will designate the redeveloper(s) for any redevelopment project in the area governed by this Redevelopment Plan. All redeveloper(s) will be required to execute a redevelopment agreement satisfactory to the Mayor and Board of Aldermen as one of the requirements to be designated as the redeveloper(s).

The following provisions regarding redevelopment are hereby included in connection with the implementation of this Redevelopment Plan and the selection of a redeveloper(s) for any property included in the Redevelopment Plan and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations to the contrary:

1. The redeveloper, its successor or assigns shall develop the property in accordance with the uses and building requirements specified in the Redevelopment Plan, subject to any duly granted waivers pursuant to Section VII of the Redevelopment Plan.
2. Until the required improvements are completed and a Certificate of Completion is issued by the Redevelopment

Entity, the redeveloper covenants provided for in N.J.S.A. 40A:12A-9 and imposed in any redeveloper agreement, lease, deed or other instrument shall remain in full force and effect.

3. The redevelopment agreement(s) shall contain provisions to assure the timely construction of the redevelopment project, the qualifications, financial capability and financial guarantees of the redeveloper(s) and any other provisions to assure the successful completion of the project.
4. The designated redeveloper(s) shall be responsible for any installation or upgrade of infrastructure related to their project whether on-site or off-site. Infrastructure items include, but are not limited to gas, electric, water, sanitary and storm sewers, telecommunications, recreation or open space, streets, curbs, sidewalks, street lighting and street trees or other improvements. The extent of the designated redeveloper's responsibility will be outlined in the redeveloper's agreements with the Town. All utilities shall be placed underground.
5. All infrastructure improvements shall comply with applicable local, state and federal law and regulations.

In addition to the provision of the infrastructure items set forth herein, the Redevelopment Agreement may provide that the redeveloper(s) will agree to provide amenities, benefits, fees and payments in addition to those authorized under the Municipal Land Use Law.

RESOLUTION 198-2019



TOWN OF DOVER
MAYOR AND BOARD OF ALDERMEN

RESOLUTION NO. 198-2019

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY DESIGNATING AN AREA OF THE TOWN OF DOVER, AS MORE PARTICULARLY DESCRIBED HEREIN, AS "AN AREA IN NEED OF REDEVELOPMENT", PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, on June 11, 2019, the Mayor and Board of Alderman of the Town of Dover adopted Resolution # 146-2019, requesting and authorizing the Planning Board to undertake a preliminary investigation to determine whether the properties identified as:

Block 1315, Lots 3, 4 & 5;
Block 2023, Lots 1, 2 & 4;

as identified on the Official Tax Map of the Town of Dover (the "Study Area") to determine if such properties qualify as a "non-condemnation" area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Redevelopment Law"); and

WHEREAS, the Planning Board retained the services of David G. Roberts, PP, AICP of DGROBERTS Planning & Design, LLC (Roberts) to assist in conducting the necessary investigations and analysis to determine whether the Study Area does or does not qualify as an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, Roberts conducted such investigations and prepared a report of its investigations entitled "Redevelopment Study Area Determination of Need Report - Route 46 Study Areas - Block 1315, Lots 3, 4 & 5 & Block 2023, Lots 1, 2 & 4" dated July 31, 2019 (the "Redevelopment Investigation Report"); and

WHEREAS, the Redevelopment Investigation Report concludes that the Study Area and the properties therein exhibit conditions which conform with various redevelopment criteria, including criteria d, e under Section 5 and Section 3 of the Redevelopment Law, N.J.S.A. 40A:12A-5, as more specifically set forth in the Redevelopment Investigation Report; and

WHEREAS, the Redevelopment Investigation Report concludes that the Study Areas and the properties therein exhibit conditions which conform with various redevelopment criteria, including criteria d and c under Section 5 and Section 3 of the Redevelopment Law, N.J.S.A. 40A:12A-5, as more specifically set forth in the Redevelopment Investigation Report; and

WHEREAS, Mr. Roberts and Mr. Hantson responded to questions from the Planning Board members and members of the public; and

WHEREAS, based upon the Redevelopment Investigation Report, Mr. Roberts' testimony concerning the Redevelopment Investigation Report and the comments from the public, the Planning Board accepted the findings of the Redevelopment Investigation Report and concludes that the Study Area meets the criteria for designation as a "non-condemnation" area in need of redevelopment under the Redevelopment Law as detailed in the Redevelopment Investigation Report.

WHEREAS, the Mayor and Board of Alderman accept the conclusions of the Redevelopment

Investigation Report and the Planning Board's recommendation and wish to designate the Study Area as a "non-condemnation" area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Alderman of the Town of Dover that the Study Area described herein be and hereby is designated as a Non-Condensation Redevelopment Area, pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6.

BE IT FURTHER RESOLVED, that the Town Clerk shall transmit a copy of this Resolution to the Commissioner of Community Affairs and serve a notice of determination, within 10 days of this determination upon all record owners of property located within the delineated area, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent, all in accordance with N.J.S.A. 40A:12A-6.

BE IT FURTHER RESOLVED, that the Dover Planning Board prepare a Redevelopment Plan for said properties in accordance with N.J.S.A. 40A:12A-7.

ATTEST:

Erica Vinales, Deputy Clerk

James P. Dodd, Mayor

ADOPTED: 9/10/2019

RESOLUTION 262-2020



TOWN OF DOVER
MAYOR & BOARD OF ALDERMEN

RESOLUTION NO. 262-2020

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY DESIGNATING AN AREA OF THE TOWN OF DOVER, AS MORE PARTICULARLY DESCRIBED HEREIN, AS "AN AREA IN NEED OF REDEVELOPMENT" PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, on June 25, 2019, the Mayor and Board of Alderman of the Town of Dover adopted Resolution # 159-2019, requesting and authorizing the Planning Board to undertake a preliminary investigation to determine whether the properties identified as:

- Block 1315, Lots 1, 3, 4 & 5
- Block 2023, Lots 1, 2 & 4

as identified on the Official Tax Map of the Town of Dover (the "Study Area") to determine if such properties qualify as a "non-condemnation" area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Redevelopment Law"); and

WHEREAS, the Planning Board retained the services of David G. Roberts, PP, AICP of dgROBERTS Planning & Design, LLC (Roberts) to assist in conducting the necessary investigations and analysis to determine whether the Study Area does or does not qualify as an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, Roberts conducted such investigations and prepared a report of its investigations entitled "Redevelopment Study Area Determination of Need Report - Route 46 Study Areas" dated July 31, 2019 (the "Redevelopment Investigation Report"); and

WHEREAS, the Redevelopment Investigation Report concludes that the Study Area and the properties therein exhibit conditions which conform with various redevelopment criteria, including criteria d, e under Section 5 and Section 3 of the Redevelopment Law, N.J.S.A. 40A:12A-5, as more specifically set forth in the Redevelopment Investigation Report; and

WHEREAS, on August 28, 2019, the Planning Board conducted a duly-noticed public hearing, pursuant to N.J.S.A. 40A:12A-6, at which time it heard a presentation of the Redevelopment Investigation Report by David G. Roberts, AICP/PP, J.L.A, R.L.A, the author of the Redevelopment Investigation Report, as well as comments from Michael Hantson, PE, PP, CME, the Town Engineer and Planner and members of the public in attendance; and

WHEREAS, Mr. Roberts and Mr. Hantson responded to questions from the Planning Board members and members of the public; and

WHEREAS, based upon the Redevelopment Investigation Report, Mr. Roberts' testimony concerning the Redevelopment Investigation Report and the comments from the public, the Planning Board accepted the findings of the Redevelopment Investigation Report and concluded that the Study Area meets the criteria for designation as a "non-condemnation" area in need of redevelopment under the Redevelopment Law as detailed in the Redevelopment Investigation Report.

WHEREAS, the Mayor and Board of Alderman accept the conclusions of the Redevelopment Investigation Report and the Planning Board's recommendation and wish to designate the Study Area as a "non-condemnation" area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Alderman of the Town of Dover that the Study Area described herein be and hereby is designated as a Non-Condemnation Redevelopment Area, pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6.

BE IT FURTHER RESOLVED, that the Municipal Clerk shall transmit a copy of this Resolution to the Commissioner of Community Affairs and serve a notice of determination, within 10 days of this determination upon all record owners of property located within the delineated area, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent, all in accordance with NJSA 40A:12A-6.

BE IT FURTHER RESOLVED, that the Dover Planning Board prepare a Redevelopment Plan for said properties in accordance with NJSA 40A:12A-7.

ATTEST:

TOWN OF DOVER, COUNTY OF MORRIS

John P. Schmidt, Acting Municipal Clerk

Carolyn Blackman, Mayor

ADOPTED: 12-29-2020

CERTIFICATION

I, John P. Schmidt, Acting Municipal Clerk of the Town of Dover in the County of Morris, State of New Jersey, do hereby Certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by the Mayor and Board of Aldermen of the Town of Dover at its meeting on December 29, 2020.

John P. Schmidt
Acting Municipal Clerk

END NOTES

¹ Master Plan, prepared by Heyer, Gruel & Associates, dated January 2007, Pages 2 – 12.

² <https://www.scribd.com/doc/78043102/Morris-County-Master-Plan-Future-Land-Use-Element>, page 5.

³ Bicycle & Pedestrian Element, adopted 1998, page 148.

⁴ *Ibid*, page 190.

⁵ *Ibid*, page 191.

⁶ *Ibid*, page 195.

⁷ http://nj.gov/state/planning/final-plan/final_spp_november%208_pub.pdf, pages 8-9.