

DOWNTOWN SCATTERED SITE REDEVELOPMENT PLAN

Block 1216, Lot 3; Block 1217, Lots 9 & 20; Block 1208, Lot 7; and Block 1902 Lots 19-28

Town of Dover
Morris County, New Jersey

NOVEMBER 4, 2014

AMENDMENT #1

April 12, 2022

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Block 1216, Lot 3; Block 1217, Lots 9 & 20; Block 1208, Lot 7; and
Block 1902 Lots 19-28

Town of Dover

Morris County, New Jersey



Recommended by the Planning Board:
November 10, 2014

Adopted by the Mayor & Board of Aldermen:
December 16, 2014

Amendment #1

Recommended by the Planning Board
March 23, 2022

Adopted by the Mayor & Board of Aldermen
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I. INTRODUCTION

On July 22, 2014 the Mayor and Board of Aldermen adopted a resolution 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 #183-2014 requested an investigation of:

- Block 1208, Lot 7
- Block 1216, Lot 3
- Block 1217, Lots 9 and 20
- Block 1902, Lots 22, 23 and 24

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 are designated as a Non-Condemnation Redevelopment Area.

On October 22, 2012, the Planning Board held a hearing on the investigation and found that the Study Area met the redevelopment criteria and recommended, via Resolution that the Mayor and Board of Aldermen designate the Study Area as an Area in Need of Redevelopment. Subsequently, on October 28, 2014 the Mayor and Board of Aldermen held a hearing, reviewed the Planning Board's recommendations and designated the Study Area as an Area in Need of Redevelopment via Resolution #2014-245.

In 2021, the Mayor and Board of Aldermen directed the Planning Board by Resolution #140-2021 on June 15, 2021 to undertake an Area in Need of Redevelopment (AINR)

investigation as to whether Lots 19-21 and 25-28 in Block 1902 should be added to the Swartz Redevelopment Area. The Planning Board, on August 25, 2021, recommended that the additional properties be added to the AINR. The Mayor and Board of Aldermen designated Lots 19-21 and 25-28 as an AINR on March 22, 2022 (Resolution 99-2022), thereby expanding the Swartz Redevelopment Area.

This Downtown Scattered Site Redevelopment Plan is essentially a master plan with "teeth" – a 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 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.)

II. REDEVELOPMENT AREAS

The Study Area consists of seven tax lots as follows:

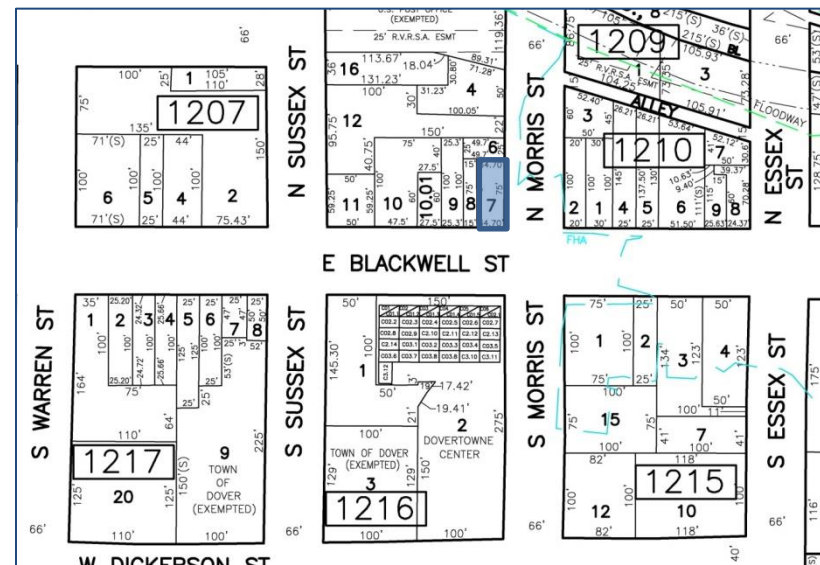
- Block 1208, Lot 7: 15 East Blackwell Street
- Block 1216, Lot 3: South Sussex Street
- Block 1217, Lot 9: 5-7 South Sussex Street
- Block 1217, Lot 20: 1 West Dickerson Street
- Block 1902, Lot 22: 196 East Blackwell Street
- Block 1902, Lot 23: East Blackwell Street
- Block 1902, Lot 24: 200 East Blackwell Street
- Block 1902, Lots 19-20: 178 East Blackwell Street
- Block 1902, Lot 21: 186 East Blackwell Street
- Block 1902, Lot 25-28: 218-228 East Blackwell Street

These seven parcels comprise three areas. The first is Block 1208, Lot 7 (hereafter "Sub-Area 1"), which contained the former Berry Hardware and Harris Jeweler Building, located in the Town's Historic District. The four-story building was built in 1875 and was most recently occupied by Berkeley College. However, the building is presently vacant and for sale. Figure 1 shows a historical photo of the Berry Hardware store located at the corner of East Blackwell Street and Morris Street.¹ The location of Sub-Area 1 is shown in Figure 2, as the tax map indicates, the property is located in the heart of Dover's downtown.

Figure 1: Historical Photo of the Former Berry Hardware Store



Figure 2: Location of Sub-Area 1

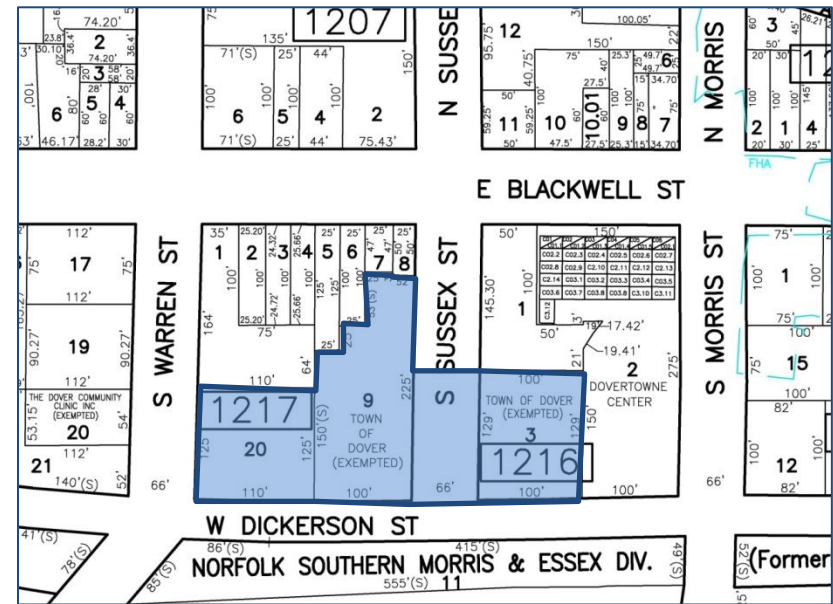


The second area includes three lots – Block 1216, Lot 3 and Block 1217, Lots 9 and 20 (hereafter “Sub-Area 2”). Two of the lots are owned by the Town and Lot 20 at the corner of South Warren Street and West Dickerson Street is privately owned. The second area also includes a portion of South Sussex Street as shown by Figure 4. All three properties are developed as surface parking lots. Figure 3, below, illustrates one of the municipally-owned parking lots.²

Figure 3: Block 1216, Lot 3

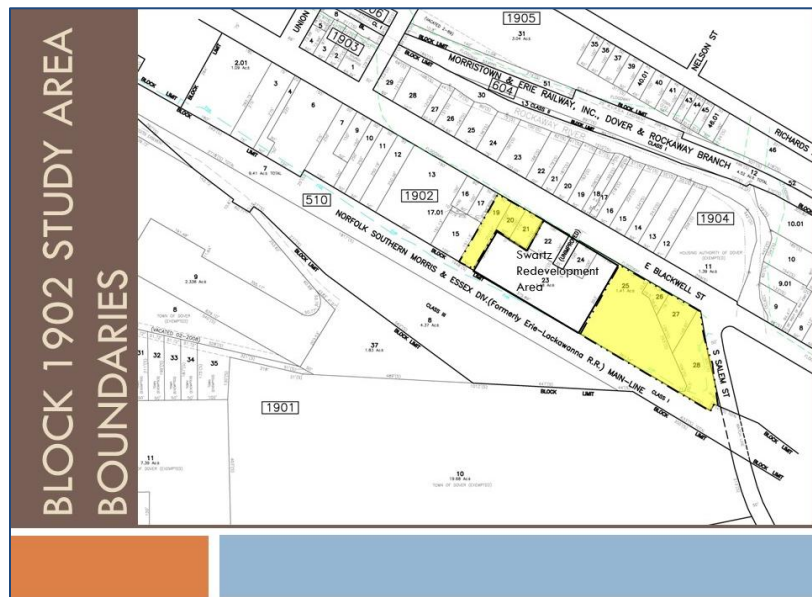


Figure 4: Location of Sub-Area 2



The third area includes Block 1902, Lots 19 through 28 (“hereafter Sub-Area 3”). These properties are collectively known as the “Swartz Redevelopment Area”. The Swartz Redevelopment Area is a former car dealership (Lots 22-24), which had its origins as a gas station, two 100 year old multifamily dwellings (Lots 19-21) and a vacant and dilapidated former commercial site (Lots 25-28). The original two-story portion of the Swartz dealership building that was constructed in 1902 still stands today. The ten lots total roughly 5.41 acres. Figure 5 shows the location of Sub-Area 3.

Figure 5: Location of Sub-Area 3



ZONING

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

SUB-AREA 1

Sub-Area 1 is located in the Blackwell Street Historic District Area and the D2 (Blackwell Street Historic) Zone. Permitted principal uses include:

- Dwelling units on the upper floors
- Hotel
- Business/professional offices on the upper floors
- Bank
- Retail sales and service

- Restaurant
- Theater
- Music and dance studios and fitness centers on the upper floors
- Club/fraternal organizations on the upper floors
- Civic use/community center

The D2 Zone requires that all existing buildings within the Historic District be retained and restored. Where existing buildings are restored and/or reused the principal structure is considered a conforming structure. No bulk requirements are provided within this district.

SUB-AREA 2

Sub-Area 2 is located in the D4 (South Downtown) Zone. Liner, courtyard, corner and civic buildings and commercial blocks are permitted within Sub-Area 2. If a developer wanted to build a commercial block building, permitted principal uses would include:

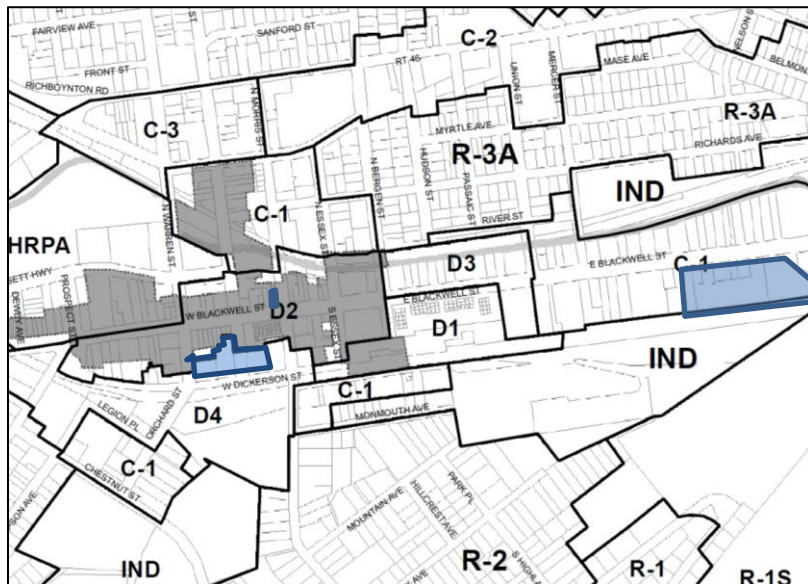
- Dwelling units on the upper floors
- Hotel
- Business/professional offices on the upper floors
- Bank
- Retail sales and service
- Restaurant
- Theater
- Music and dance studios and fitness centers on the upper floors
- Club/fraternal organizations on the upper floors
- Civic use/community center

Bulk standards for a commercial block building are as follows:

- Build-to-line – 0 feet
- Side yard setback – 0 feet
- Rear yard setback – 0 feet
- Minimum building height – 2 stories and 30 feet
- Maximum building height – 6 stories and 75 feet
- Maximum building width – 90% of the lot width, but not to exceed 125 feet
- Maximum building coverage – 85%
- Maximum impervious coverage – 90%

The map below shows a portion of the Town's Zoning Map and the location of all three sub-areas.³

Figure 6: Zoning Map Illustrating Sub-Areas



SUB-AREA 3

Sub-Area 3 is located in the C-1 (Retail Commercial) Zone, which permits the following principal uses:

- Food stores
- Markets
- Clothing and apparel stores
- Book stores (excluding adult book stores)
- Sporting goods stores
- Department stores
- Banks
- Drugstores
- Barbershops
- Beauty salons
- Cleaners which do not perform cleaning on the premises
- Stationery stores
- Jewelry stores
- Office supply stores
- Furniture stores
- Luncheonettes
- Restaurants
- Bus depots or other transportation center
- Hotels
- High-rise apartments
- Government buildings
- Offices
- Libraries
- Museums and community centers
- Photographers' studios
- Music and dance studios
- Package goods stores
- Computer, audio and video electronic sales and repair shops

- Florist
- Taverns
- Newspaper publishers
- Parks and playgrounds
- Buildings uses exclusively by federal, state, county or local government
- Shopping centers containing the type of retail and service establishments permitted above
- Automobile parking lots and parking garages
- Flea markets

Bulk requirements are as follows for the C-1 Zone:

- No minimum lot size or yard requirements
- Buildings may be attached, if they are not attached, there shall be a minimum 15 foot separation
- Height capped at 14 stories and 160 feet

PLAN RELATIONSHIP TO ZONING

SUB-AREA 1

This Redevelopment Plan constitutes an overlay to the existing D2 Zone for Sub-Area 1. The Plan intends to rehabilitate the existing building and reuse it in a mixed-use manner. For the most part, this Redevelopment Plan utilizes the underlying parameters for the D2 Zone; however, a few exceptions have been made with regard to parking, loading and façade restoration. These minor changes to the D2 Zone will enable the reuse of the site.

SUB-AREA 2

This Redevelopment Plan constitutes an overlay to the existing D4 Zone for Sub-Area 2. The plan intends to redevelop the existing parking lots and a portion of South Sussex Street into a mixed-use building. For the most part, this Redevelopment Plan utilizes the underlying parameters for the D4 Zone; however, a few exceptions have been made with regard to parking, loading, setbacks and façade guidelines. These minor changes to the D4 Zone will enable the redevelopment of the area.

SUB-AREA 3

This Redevelopment Plan supersedes the underlying zoning for Sub-Area 3. The vision is to reuse the site to develop a multi-family building with parking on the first level due to the fact that the site is within a Flood Hazard Area.

The D4 Zone requirements were used as a base to draft the regulations for Sub-Area 3. Amendments were made to the D4 Zone standards to work with the Flood Hazard Area. The density proposed for Sub-Area 3 is actually less than what is permitted in the C-1 Zone, which allows buildings to be a maximum of 14 stories, whereas the Redevelopment Plan limits residential buildings to five stories.

III. THE NEED FOR REDEVELOPMENT

The Mayor and Board of Aldermen, via resolution #183-2014, 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: Block 1216, Lot 3; Block 1217, Lots 9 & 20; Block 1208, Lot 7; and Block 1902, Lots 22-24 was prepared for the Study Area. The report found that the Study Area meets the conditions for an Area in Need of Redevelopment designation 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:

1. Block 1216, Lot 3 and Block 1217, Lots 9 & 20 attract anti-social behavior when they are deserted at night and are an obsolete and wasteful use of valuable downtown land where internalized parking in new mixed-use buildings near the train station are proposed in the Master Plan and TOD Form Based Code adopted by the Town. We find that they meet Criterion “d” as an obsolete and deleterious use in the downtown.⁴
2. Block 1208, Lot 7 does not have any on-site parking, which is an impediment to the building’s conversion to residential use, despite its relative proximity to the train station. Therefore, Criterion “e” can be applied. If the Board does not find Criterion “e” applies, it is recommended that the site be included in the redevelopment designation so that the building can become packaged with a larger redevelopment initiative on Blocks 1216 and 1217, to protect it from eventual demolition under a redevelopment plan and agreement.

3. Block 1902, Lots 22 through 24 fit into Criterion “a”, based on the building’s age and deteriorated condition. The properties also meet Criterion “b”, based on the prolonged vacancy of the entire second floor and part of the first floor as well as the untenable state of much of the building.
4. All of the properties meet Criterion “h” as redevelopment will allow for mixed land uses to be developed in a compacted, connected manner that is walkable. The redevelopment will have the potential to create an attractive place and will utilize existing water, sewer, roads, etc.⁵

Based on the findings of the above 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 on October 22, 2014. The Board memorialized its findings via Resolution. As a result of the aforementioned, the Mayor and Board of Aldermen adopted Resolution #2014-245, designating the Study Area an Area in Need of Redevelopment on October 28, 2014.

In 2021, the Mayor and Board of Aldermen directed the Planning Board by Resolution #140-2021 on June 15, 2021 to undertake an Area In Need of Redevelopment (AINR) investigation as to whether Lots 19-21 and 25-28 in Block 1902 should be added to the Swartz Redevelopment Area. The Planning Board, on August 25, 2021, recommended that the additional properties be added to the AINR. The Mayor and Board of Aldermen designated Lots 19-21 and 25-28 as an AINR on _____, 2021, thereby expanding the Swartz Redevelopment Area.

IV. PLAN GOALS & VISION

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

GOALS OF REDEVELOPMENT

1. To preserve and reactivate the former Berry Hardware and Harris Jewelry Building.
2. To create opportunities within the downtown for retail, office, restaurants and upper floor residential uses.
3. To create development that capitalizes on its proximity to the train station.
4. To create new multi-family residential housing close to the train station.
5. To improve the aesthetic appearance of East Blackwell Street, which acts as a gateway to the downtown area.
6. To create compact, pedestrian-friendly development.

VISION

The vision for the Redevelopment Area is written as if it is the year 2024, ten years into the future, and is as follows:

In the year 2024, the historic Berry Hardware and Harris Jeweler Building has been rehabilitated. The first floor houses shops and stores, while the upper floors have been transformed into dwelling units. The building's exterior has been preserved. An executed redeveloper's agreement has allowed for parking to be provided off-site for store owners and residents. The reuse of the former hardware store has activated the corner of Morris Street and East Blackwell Street.

In the year 2024, Sub-Area 2 has been transformed from underutilized parking areas to a mixed-use building that links West Blackwell Street to East Dickerson Street. Sussex Street has been converted into a pedestrian plaza that acts as the building's front door. Parking has been concealed within the building. The upper floors contain residential uses. The building establishes a street wall that existed prior to 1970, when numerous buildings lined West Dickerson Street. The new building respects the historic character of Dover's downtown and the façade includes historic architectural features.

In the year 2024, Sub-Area 3 has been redeveloped. The new building acts as a gateway to the downtown area. The building has been designed to work with the Flood Hazard Area, by placing the parking on the first floor and the development above. The building's exterior has been designed to conceal the parking and create an attractive streetscape façade.

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.

2006 TRANSIT-ORIENTED DEVELOPMENT PLAN

The TOD Plan analyzed the downtown area and the parcels along East Blackwell Street. The report includes goals, objectives and specific recommendations for each of the areas defined within the TOD.

This Redevelopment Plan advances the following goals of the TOD Plan:

- Guide future development and redevelopment of land within the Town so as to incorporate new construction without undue disruption of the established character of the Town
- Continued promotion of the balanced variety of residential, commercial, public and recreation land uses
- Provide for the continued vitality of the established commercial districts
- Maintain a balanced circulation system that incorporates the needs of pedestrians and bicyclists⁶

The TOD Plan contains principles for Sub-Area 1 of the Redevelopment Plan on page 43. This Redevelopment Plan would advance the following principles:

- Mixed-use buildings with retail on ground floor with residential and commercial uses permitted above
- Build to lines rather than setbacks

Page 35 of the plan contains an illustration of the downtown, which depicts new development within Sub-Area 2. The buildings depicted within Sub-Area 2 face Dickerson Street and create a building wall and streetscape. This Redevelopment Plan, specifically for Sub-Area 2, would advance the following principles of the TOD Plan:

- Create new buildings that complement the old by utilizing key design elements
- Act as an extension of downtown Dover
- Provide pedestrian amenities and connections thru, to and within the site
- Utilize surface parking facilities along Dickerson to create mixed-use development with parking that is complimentary and available to the downtown⁷

Page 52 of the report specifically deals with the surface parking lots that exist in Sub-Area 2. The document states "four to five story mixed use buildings on North Dickerson would create an active and pedestrian-friendly environment".⁸ See Figure 7 on page 28 for an illustration from the TOD Plan.

Sub-Area 3 is also discussed in the report as part of the greater East Blackwell Street area. The document states "perhaps an area in need of redevelopment investigation will be necessary.....some of the properties are in desperate need of rehabilitation, redevelopment and aesthetic upgrades".⁹ This

Redevelopment Plan encompasses three of the properties within the greater East Blackwell Street area reviewed in the Report. Redeveloping Sub-Area 3 will advance the goals of the TOD Plan.

Figure 7: Image on page 52 of the TOD Plan, illustrating Sub-Area 2.



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.¹⁰

The Land Use Element of the 2007 Master Plan calls out all three sub-areas as transit-oriented development for future land use. Page 56 of the document states that East Blackwell Street is a potential area for redevelopment. The report notes that the Rockaway River's Flood Hazard Area affects this portion of the Town and redevelopment may ultimately be the tool that is needed to assist this area (Sub-Area 3). There are no other recommendations in the Land Use Element that involve the sub-areas.

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 in the downtown was referenced:

"A third parcel within this plan, designated as Subarea 3, is hampered by floodplain issues and needs more thorough review in light of DEP floodplain and stream encroachment issues. These issues obviously make redevelopment more difficult and will likely require a plan

amendment as the DEP will not permit residential development without adequate emergency egress in accordance with their regulations.”¹

The addition of Lots 19-21 and 25-28 are intended to expand Subarea 3 in order to provide more flexibility in design to overcome the issues that obstructed the previous efforts to redevelop the Swartz property. The deplorable condition of the property on Lots 25-28 has been a deterrent to the redevelopment of the Swartz property (Lots 22-24). The objective of this Plan is to enable consolidation of this end of Blackwell Street and a viable redevelopment project that can overcome the challenges of its location in a flood hazard area.

CONCLUSION

The Downtown Scattered Site Redevelopment Plan as amended is substantially consistent with Dover's 2018 Master Plan Reexamination, 2007 Master Plan and 2006 TOD Plan. This document furthers a number of objectives that the Town has set for historic preservation, redevelopment and land use.

¹ 2018 Master Plan Reexamination Report, L&G Associates, Adopted October 24, 2018, page 15.

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. Sub-Area 1 and 2 are over a mile away from the municipal boundary with Wharton Borough. Sub-Area 3 is roughly a half mile from Victory Gardens Borough and 0.7 miles from Rockaway Township. Because the three sub-areas are 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".¹¹ The redevelopment of the three sub-areas will potentially result in a mixed-use 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 Street¹²

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

- Create bicycle and pedestrian facilities in areas surrounding railroad stations¹³
- Encourage municipalities to examine land use practices to provide opportunities for bicycle and pedestrian travel¹⁴
- Encourage bicycle use and walking as alternatives to single-occupancy automobile trips¹⁵

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.¹⁶

VII. REDEVELOPMENT PLAN

This chapter of the Scattered Site Redevelopment Plan provides the general provisions, including review process, as well as land use and design requirements for the redevelopment and rehabilitation of the three sub-areas.

GENERAL PROVISIONS

RELOCATION

No temporary or permanent relocation of residents is contemplated, as all three subareas were designated without the use of Eminent Domain (Non-Condensation Redevelopment Area). The historic building in Sub-Area 1 is vacant, there are no structures within Sub-Area 2 and Lots 22-28 within Sub-Area 3 are currently vacant and abandoned. There is no intent to displace the residents or restaurant on Lots 19-21. However, as there is no use of eminent domain authorized in the redevelopment area designation, it is possible that Lots 19-21 could be part of a sale of the properties to a redeveloper. The status of the residential and restaurant occupants of Lots 19-21 would then depend on the leases and the scope of the redevelopment project. Therefore, no relocation assistance is necessitated by the Scattered Site 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. 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-Condensation 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 is necessary for the feasibility of the project, will not substantially impair the intent of the Redevelopment Plan and will not present any detriment to the public health, safety and welfare.

REVIEW PROCEDURES

The review procedures for this Scattered Site Redevelopment Plan are as follows:

- The Mayor and Board of Aldermen, acting as the Redevelopment Entity, shall be provided with plans for all proposed redevelopment projects within the Redevelopment Area governed by this Redevelopment

Plan to ensure that such project(s) is consistent with the Redevelopment Plan and relevant redeveloper agreement(s). The Redevelopment Entity may provide comments to the Planning Board on waivers as part of their review. Such review shall occur prior to the submission of the redevelopment project(s) to the Planning Board for site plan approval.

- As part of its review, the Redevelopment Entity may require the redeveloper(s) to submit proposed site plan applications to a subcommittee of the Redevelopment Entity prior to the submission of such applications to the Planning Board. Such Committee may include members of the Redevelopment Entity and any other members and/or professionals as determined necessary and appropriate by the Redevelopment Entity. Such Committee shall make its recommendations to the full Redevelopment Entity for formal authorization to proceed to the Planning Board for development approval.
- In undertaking its review, the Redevelopment Entity shall determine whether the proposal is consistent with this Redevelopment Plan and relevant redeveloper agreement(s). In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of the plan.
- Following this determination, 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 approval from the Redevelopment Entity or any committee that it may designate for such purpose, stating that the application is consistent with the Redevelopment Plan and an executed redevelopment agreement.
- 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

This section has been divided into three parts – one for each of the sub-areas.

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.

Sub-Area 1 shall follow the standards prescribed for the D2 Zone with the following exceptions:

- Co-housing units are permitted – the purpose being to facilitate the possibility of student housing suites (several bedrooms arranged around a common kitchen and living area) and distinguish them from boarding houses.
- Minimum dwelling unit size shall be 550 square feet.
- No laundromats shall be permitted.
- Fitness centers shall be defined as:
 - An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities and saunas, showers, massage rooms and lockers. Instructional programs, aerobic classes and weight control programs may be part of the facility.
- Required parking may be provided off-site, within 500 feet walking distance of Sub-Area 1.
- Parking shall be provided for each residential unit in accordance with the following schedule:
 - [A] 0.8/unit: one bedroom.
 - [B] 1.0/unit: two bedrooms.
 - [C] 1.5/unit: three bedrooms.
- When an applicant does not specify the number of bedrooms per unit, 1.0 space per unit shall apply.

- For a redevelopment project in an area in need of redevelopment, off-street parking shall be in accordance with the parking ratios for new construction for that building's uses and shared parking norms may be utilized in determining compliance with these parking requirements.
- No off-street loading berth shall be required.
- The ground floor façade shall be restored along both the Blackwell Street and North Morris Street frontages in compliance with "Shop front & Awning" frontage type in the Section 236-17.1 (F) and Section 236-17.1-4. The original Blackwell Street façade is shown in Figure 8.

SUB-AREA 2

This Redevelopment Plan constitutes an overlay zone for Sub-Area 2. The specific land use and development requirements that are applicable to Sub-Area 2 are outlined below.

Sub-Area 2 shall follow the standards prescribed for the D4 Zone with the following exceptions:

A. Principal permitted uses

- No laundromats shall be permitted.
- Fitness centers shall be defined as: an establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities and saunas, showers, massage rooms and lockers.

Instructional programs, aerobic classes and weight control programs may be part of the facility.



Figure 8: Historic photograph of the Berry Building illustrating the ground floor façade on East Blackwell Street.¹⁷

B. Accessory uses

- Parking is permitted on the ground level along West Dickerson Street and South Warren Street so long as the parking is screened by the building façade and is integrated into the building's design.
- Loading is permitted on-street along West Dickerson Street.

C. Building form standards

- The minimum residential unit size shall be 550 square feet.

D. Building height

- No vertical setback is required from West Dickerson Street, South Warren Street or Block 1216, Lot 2.
- A vertical setback is required from South Sussex Street and from any property line of a lot that has frontage on East Blackwell Street (i.e., any new building façade that faces East Blackwell Street) Said setback shall be a minimum of five feet above the fourth story (i.e. fifth story and above).

E. Coverage requirements

- Maximum impervious coverage shall not exceed 90%, except that the portion of South Sussex Street that is closed to vehicular traffic and re-constructed as a pedestrian plaza shall be credited toward impervious coverage calculation for pervious pavement, dry-laid pavers and planting bed surfaces, on a square foot to square foot basis. For plaza improvements that include green infrastructure such as bio-swale tree lawns and rain gardens, the surface area shall be credited at a 3:1 ratio.



Figure 9: The plaza to be developed within the segment of South Sussex Street between East Blackwell and West Dickerson shall be designed with pervious pavements, pavers and rain gardens to offset the maximum impervious coverage requirements of this Plan.

Sub-Area 2 shall follow the standards prescribed for Section 236-17.1.E(1) of the code with the following exceptions:

A. Setback

- The setback distance for surface or interior parking shall be two feet.

B. Building size

- The maximum width of a building shall be 365 feet, however, building breaks shall be provided every 65 feet and said breaks shall project and/or recess a minimum of five feet.
- The minimum depth of ground floor commercial space shall be 35 feet.

C. Permitted configuration of parking

- Ground floor parking, integrated into the building design and screened from public view shall be permitted on the ground floor level.

Sub-Area 2 shall follow the standards prescribed for Section 236-17.1.F(2) of the code with the following exceptions:

A. Building interface

- No doors shall be required along the South Warren Street facade.
- The maximum distance between doors along South Sussex Street shall be 75 feet for retail uses.
- The minimum glazing for street level facades of a building shall be 60% for portions of the building used for retail space.

Sub-Area 2 shall follow the standards prescribed for Section 236-17.1.H of the code with the following exceptions:

A. Public parking

- The public parking that is required to be replaced as a result of a redevelopment project in a designated redevelopment area can be reduced with the submission of a transportation demand management plan, or through shared parking arrangements with adjacent parking lots, subject to the approval of the redevelopment entity.

B. Parking requirements

- Parking shall be provided for each residential unit in accordance with the following schedule:

[A] 0.8/unit: one bedroom.

[B] 1.0/unit: two bedrooms.

[C] 1.5/unit: three bedrooms.

- When an applicant does not specify the number of bedrooms per unit, 1.0 space per unit shall apply.
- For a redevelopment project in an area in need of redevelopment, off-street parking shall be in accordance with the parking ratios for new construction for that building's uses and shared parking norms may be utilized in determining compliance with these parking requirements.

Sub-Area 2 shall follow the standards prescribed for Section 236-17.1.I of the code with the following exceptions:

A. Principal façade walls

- Principal facades may not have blank walls (without doors or windows) for more than 15 feet of façade length. Deviations may be permitted subject to an alternative design acceptable to the Architectural Review Committee.

B. Windows – street level retail fenestration

- Window openings shall cover at least 60% of the wall area below the expression line. Deviations may be permitted subject to an alternative design acceptable to the Architectural Review Committee.
- Standards for PTAC Window Grills, lintels and sills may be modified subject to an alternative design acceptable to the Architectural Review Committee.

Sub-Area 2 shall follow the standards prescribed for Section 236-17.1.J of the code with the following exceptions:

A. Energy efficient building design

Deviations may be permitted subject to an alternative design acceptable to the Architectural Review Committee.

B. Landscaping

- The South Sussex Street plaza shall include landscaped areas planted with non-invasive species, drought-tolerant species and/or native or adapted species.

SUB-AREA 3

This Redevelopment Plan supersedes the underlying zoning for Sub-Area 3. The specific land use and development requirements that are applicable to Sub-Area 3 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.
- Trash and recycling areas, located within the building or to the rear of the building.

C. Bulk standards

- Maximum front yard setback (build-to-line) – 35 feet
- Minimum side yard setback – 5 feet
- Minimum rear yard setback – 5 feet
- Maximum building width – 90% of lot width, measured at the front setback, up to a maximum

of 250 feet measured from the third story level and above

- Maximum building height – 5 stories and 65 feet
- Maximum building coverage – 70%
- Maximum impervious coverage – 85%

D. Off-street parking

- Minimum surface and interior parking setback – 5 feet
- Parking shall be screened from public view.
- A flood evacuation parking plan shall be submitted prior to submission of a site plan application to the Planning Board. Such flood evacuation parking plan shall accommodate all parking spaces that would be vulnerable to flooding and the equivalent number of space shall be secured through a binding legal instrument, subject to the approval of the Town Solicitor, on private property within or outside the Town of Dover within a five mile driving distance of the site.
- 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 space per unit, but the parking may be reduced with the submission of a transportation demand management plan, subject to the approval of the redevelopment entity.
- 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.
- 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 – 550 square feet
- Pitched roofs are not permitted for buildings taller than four stories.
- Continuous “glass walls” are not permitted.
- The finished floor elevation of the lowest residential level shall be no more than 18 feet above the elevation of the lowest permissible finished floor of the ground level of the building under flood damage prevention regulations.
- Glazing (vertical fenestration), inclusive of windows, glass sliders or French doors with transparent glass, should cover an average of 30% of the gross wall area for each residential floor, as adjusted for energy efficiency, daylighting and views, subject to applicable building codes.

- Triangular, circular or other unusually shaped windows are not permitted.
- All lintels must extend a minimum of four inches beyond the edge of the opening.
- Windowsills shall project a minimum of two inches 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 are permitted, except that any building facade facing within 10 feet of a public street or property line shall be limited to a "Juliet" style balcony.
- The standards contained in Section 236-17.1.I(1) and 236-17.1.I(2)(a) shall also apply.

F. Landscaping

- The build-to-line shall be extensively landscaped to create a usable semi-public space.

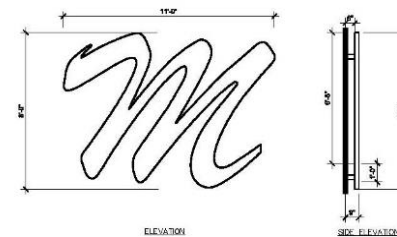
G. Streetscape

- Any application for development within Sub-Area 3 shall comply with the street standards contained in Section 236-17.1.G. of the code and the streetscape standards in Section 236-17.1.K. of the code.

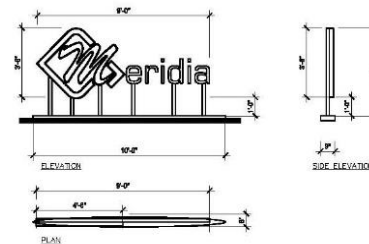
H. Signage

- Signage for the redevelopment project shall be detailed within a signage and graphics plan to be submitted to the Redevelopment Entity prior to submission of a site plan application to the Dover Planning Board. Signage may include:

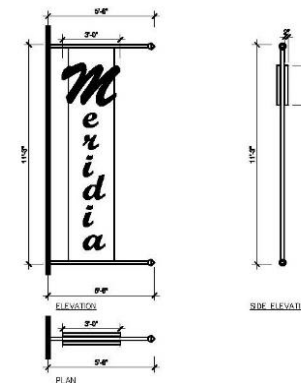
- 1) Branding Sign – Iconic letter or logo to brand the project and serve as a wayfinding marker (maximum of one per project - Sub Area 2 and 3 only);
- 2) Blade or banner sign (Sub Areas 2 and 3 only – maximum two per façade).
- 3) Façade Sign – (Sub Areas 2 and 3 only – maximum of one per public entrance.
- 4) Historic Signage – Sub Area 1 only – per D2 requirements of Form Based Code (Section 236-38.1)



Example of Branding



Example of Façade



Example of Blade or Banner Sign

I. Sustainability

- Any application for development within Sub-Area 3 shall comply with the standards contained in Section 236-17.1.J. of the code.
- Evidence of compliance with the Flood Area Control Act Rules (NJAC 7:13) shall be provided prior to submission of a site plan application to the Planning Board.

J. Electronic Vehicle Charging Stations

- For new applications in all Subareas for a multiple dwelling development consisting of five or more units, the redeveloper shall:
 - 1) Provide 15 percent of the proposed parking spaces as Make-Ready;
 - 2) Install charging equipment in one-third of the 15 percent Make-Ready spaces as part of initial construction;
 - 3) Install the additional required charging equipment over the course of six years after receiving a certificate of occupancy, subject to a particular schedule set forth in the law; and
 - 4) Ensure at least 5 percent of the Make Ready parking spaces comply with the Americans with Disabilities Act.
- For a site plan application for developments that include a parking lot or a garage that is not supporting multiple dwelling use, the following conditions of approval apply:
 - 1) Install at least one Make-Ready parking space if there will be 50 or fewer off-street spaces;
 - 2) Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street spaces;
 - 3) Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street spaces;

- 4) Install at least four Make-Ready parking spaces if there will be 101 to 150 off-street spaces; and
 - 5) Install at least 4 percent Make-Ready parking spaces if there will be 151 or more off-street spaces. In lieu of the foregoing, a developer is permitted to install EVSE.
- A parking space prepared with EVSE or Make-Ready equipment shall count as two parking spaces for the purposes of complying with a minimum parking space requirement, not to exceed 10 percent of the total required parking.

VIII. TAX ABATEMENT & COMMUNITY BENEFIT PROGRAM

By designating the three sub-areas 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.

While the use of the economic development tools of the Local Redevelopment and Housing Law enables the use of 5-Year and Long-Term property tax incentives, it is equally important for the public welfare that new redevelopment projects provide tangible benefits that increase opportunities for the existing Dover community, such as employment and housing opportunities that otherwise would not be available. The redevelopment process in New Jersey is undertaken by “responsible public bodies” to accomplish public purposes and to advance the public welfare. That objective is at the root of every action required within the provisions of the Local Redevelopment and Housing Law. When evaluating the impacts and benefits of any redevelopment project on the larger neighborhood or community, the local public body has a responsibility to uphold the overall public welfare over the private benefit of the project to the redeveloper. Every redevelopment project has associated trade-offs in terms of benefits to the community, such as the production of new housing units and/or jobs, compared to the cost of providing municipal services (police & fire protection, education, recreation, sanitation, utilities, etc.).

The cost of municipal services in New Jersey relies entirely on property taxes based on the assessed value of land and improvements. However, in a redevelopment project that is facilitated through a public-private partnership between a developer (redeveloper) and a municipality, the public body may seek to secure benefits to the public that extend beyond the geographic confines of the project and may make concessions to the developer in exchange for those broader public benefits to assure a net public benefit from the project and advance the public purpose under the LRHL. In New Jersey, the redevelopment agreement is used to memorialize the terms of such public-private partnerships in accordance with the provisions of Section 8 (power to enter into agreements) and 9 (mandatory and optional provisions of redevelopment agreements) of the Local Redevelopment and Housing Law (NJSA 40A:12A-8,9). The redevelopment agreement for each redevelopment project under this redevelopment plan shall therefore include a section addressing benefits to the existing residents and stakeholders in Dover.

EMPLOYMENT TO HOUSING RATIO

As was referenced above, the cost of providing municipal services to the residential population of a community is commonly analyzed by taking the total cost of providing those services as a function of the total population to derive a cost per capita. The need for specific municipal services such as recreation, which is particularly expensive in a community like Dover where the population density, scarcity/cost of land and high demand for more efficient, centralized recreation facilities are a constant challenge for municipal government, can sometimes be worked into a residential redevelopment project by incorporating a recreational facility, such as a park or indoor sports/community center into the project and making it

available to the public. However, employing such techniques to maximize benefits to the entire Dover community (the “public welfare”) in a strictly nonresidential redevelopment project becomes more abstract and does not address the Town’s need for efficient, centralized facilities that may be outside the geographic confines of the redevelopment project.

One approach applied by such known public entities as the Council On Affordable Housing (COAH) is the Employment to Housing Ratio. This formula establishes the relationship between jobs and housing demand.

The American Planning Association’s Planner Advisory Service (PAS) also generated a report in 2006 that developed employment to housing ratios based upon various types of communities. Included was the “edge city”. Edge Cities were described as one of several types, one of which was “historic activity centers built over an older city or town” (aka, “satellite city”).² Satellite cities are:

Small or medium-sized cities near a large [metropolis](#), that:

- predate the metropolis' suburban expansion
- are at least partially independent from that metropolis economically and socially
- are physically separated from the metropolis by rural territory or by a major geographic barrier such as a large river; satellite cities should have their own independent [urbanized area](#), or equivalent
- have their own [bedroom communities](#)
- have a traditional downtown surrounded by traditional "inner city" neighborhoods

² Edge City: Life on The New Frontier, Joel Garreau, 1991.

In the PAS Report 516, “Jobs-Housing Balance”, the Edge City description is as follows:

TABLE 5. TYPOLOGY OF JOBS-HOUSING IMBALANCES

Type of Imbalance	Jobs	Housing Units	Example
Type 1	Too many low-wage	Too few low-end	Suburban employment centers [or: edge cities]
Type 2	Too many high-wage	Too few high-end	Downtown employment areas in central cities
Type 3	Too few low-wage	Too much low-end	Older suburbs and central-city neighborhoods
Type 4	Too few high-wage	Too much high-end	High-income bedroom communities

The recommended “balanced” ratio in the PAS Report is 1.5 jobs per housing unit.³

Given estimated direct and indirect costs of services to support a redevelopment project, there is a public purpose to be advanced in using a redevelopment agreement supported by long-term property tax incentive to achieve a fair balance. The public costs to provide municipal services (such as education, recreation, transportation and public safety) can be balanced with revenue from the project and other public benefits as part of a negotiated redevelopment agreement between the Town and the redeveloper of the redevelopment project based on a detailed fiscal analysis.

As the Town of Dover, in its entirety, has previously been designated as an Area In Need of Rehabilitation, based on the age (more than 50% over 50 years old) of the housing stock, it is not surprising that the majority of the existing residents live in 1-4 family wood frame dwellings that range between 50 and 100

³ IBID, page 4.

“years in age. The need for rehabilitation of the housing stock is recognized as crucial to the public welfare. The Town of Dover has a housing rehabilitation program that could be supported through redevelopment agreements for new redevelopment projects.

Additionally, much of the existing housing stock is strained by occupancy of extended families which otherwise would live independently if affordable housing opportunities were made available for transitioning from rental to home ownership. Mechanisms such as taking inventory of vacant properties that the Town may own due to property tax foreclosure or that banks may have foreclosed upon and are looking to dispose of and using revenue from redevelopment project Payments In Lieu of Taxes (PILOTs) or negotiated impact payments to make such properties available to qualified Dover residents as first-time homebuyers could be cultivated. Other homeownership incentives such as down payment assistance or transition loans on new dwelling units within a non-rental residential redevelopment project could also benefit existing Dover residents through the redevelopment process.

An article entitled “The State of Gentrification” in the Winter 2022 edition of PLANNING Magazine of the American Planning Association, addresses the historic trends of suburbanization, partially fueled by “white flight”, and the rediscovery over the past decade or so that a diverse urban lifestyle near mass transportation is the answer to growing dissatisfaction with sterile suburban sprawl. The shift back to urban areas with walkable downtowns and convenient services and transit infrastructure is fueling revitalization and redevelopment and becoming an

issue of gentrification that impacts the “indigenous” residents that never left the cities.

The article asserts that revitalization brings the benefits of private re-investment in urban communities and that gentrification can advance the public welfare without causing displacement if redevelopment projects are linked to social equity. A new initiative called LEEP (Leadership in Engineering Equitable Participation) “aims to address many issues that are challenging to confront, or rarely even considered, in the development process”.⁴ The incorporation of community benefits such as rehabilitation of existing housing stock, employment, workforce housing, small business support, home ownership, among others, would earn LEEP certification for redevelopment projects the same way that LEED does for projects that are designed for environmental sustainability.⁵

This Plan requires that every redevelopment project be evaluated for the incorporation of benefits to the existing Dover community as part of each redevelopment agreement.

⁴ Gentrification Without Displacement, Pete Saunders, PLANNING, Winter 2022, page 30.

⁵ IBID, page 31.

IX. RELATIONSHIP TO ZONING

ZONING PROVISIONS

EFFECT OF PLAN

The Downtown Scattered Site Redevelopment Plan:

- Constitutes an overlay to the existing zoning for Sub-Area 1. The underlying D4 Zone shall continue to subsist and act as the primary zoning designation for Sub-Area 1.
- Constitutes an overlay to the existing zoning for Sub-Area 2. The underlying D2 Zone shall continue to subsist and act as the primary zoning designation for Sub-Area 2.
- Supersedes the existing zoning for Sub-Area 3.

TERMS & DEFINITIONS

Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and conditions 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 2 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 and 2. However, in order to differentiate the Redevelopment Area from the rest of the D2 and D4 Zone, the Zoning Map is hereby amended to illustrate Block 1208, Lot 7; Block 1216, Lot 3 and Block 1217, Lots 9 and 20 as the "Scattered Site Redevelopment Plan".

Sub-Area 3 supersedes the underlying zoning, which requires the Official Zoning Map to be amended for Sub-Area 3. The Zoning Map is hereby amended to illustrate Block 1902, Lots 19 through 28 as the "Downtown Scattered Site Redevelopment Plan".

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, including the community benefits provisions of Section VIII when tax abatements or exemptions are requested as part of redevelopment projects.

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.

This Redevelopment Plan will remain in effect until Certificates of Completion have been issued for the designated Area In Need of Redevelopment, or until the Redevelopment Plan is deemed no longer necessary for the public interest and repealed by Ordinance of the Mayor and Board of Aldermen.

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 Scattered Site 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).

It is anticipated that the implementation of this Redevelopment Plan may designate existing owners or utilize a process for the competitive selection of one or more redeveloper(s). The intent of this section of the Redevelopment Plan is to set forth the procedural standards to guide redeveloper selection. The Mayor and Board of Aldermen, acting as the Redevelopment Entity may, at any time, proactively solicit potential redevelopers by utilizing appropriate methods of advertisement and other forms of communication, or may, in its discretion, entertain an unsolicited proposal from a prospective redeveloper(s) for redevelopment of the Redevelopment Area.

The selection of a redeveloper by the Mayor and Board of Aldermen, acting as the Town of Dover's Redevelopment Entity for the Redevelopment Area, may be based on a competitive selection process. Under a competitive selection process, which may be undertaken from time to time at the discretion of the Mayor and Board of Aldermen, an applicant for selection as a redeveloper will be required to submit materials to the Mayor and Board of Aldermen that specify their qualifications, financial resources, experience and design approach to the property in question. The competitive selection process will likely include the submission of some or all of the following materials (additional submission materials may be requested by the Mayor and Board of Aldermen as deemed appropriate to the lands in question):

- Conceptual plans and elevations sufficient in scope to demonstrate that the design approach, architectural concepts, number and type of development, parking, traffic circulation, landscaping and other elements are

consistent with the objectives and standards of this Redevelopment Plan.

- Anticipated construction schedule, including estimated pre-construction time period to secure permits and approvals.
- Documentation evidencing the financial responsibility and capability with respect to carrying out site environmental remediation, the proposed redevelopment and/or rehabilitation including but not limited to: type of company or partnership, disclosure of ownership interest, list of comparable projects successfully completed, list of references with name, address and phone information, list of any general or limited partners, and financial profile of the redeveloper entity.

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.
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, including the Americans with Disabilities Act and the Prevailing Wage Law, where applicable.
6. Sub-Area 2 shall provide the required parking for Sub-Area 1.

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 2014-245

RESOLUTION NO. 2014- 245
RESOLUTION 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 July 22, 2014, the Mayor and Board of Alderman adopted Resolution #183-2014, requesting and authorizing the Planning Board to undertake a preliminary investigation to determine whether the properties identified as:

Block 1261, Lot 3;
Block 1217, Lots 9 & 10;
Block 1208, Lot 7; and
Block 1902, Lots 22, 23 & 24;

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 Maser Consulting, P.A., a professional engineering, planning and design firm ("Maser") 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, Maser conducted such investigations and prepared a report of its investigations entitled "Redevelopment Study Area Determination of Need: Block 1216, Lot 3; Block 1217, Lots 9 & 10; Block 1208, Lot 7; and Block 1902, Lots 22-24" dated September 24, 2014 (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 criterion, including criteria a, b, d, e and h under Section 5 of the Redevelopment Law, N.J.S.A. 40A:12A-5, as more specifically set forth in the Redevelopment Investigation Report; and

WHEREAS, on October 22, 2014, 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, LLA, RLA, the primary 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 and recommending that the Mayor and Board of Alderman designate the Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

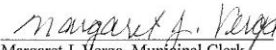
WHEREAS, the Mayor and Board of Alderman accept the conclusions of the Redevelopment Investigation Report and the Planning Board's recommendation and wish to designate the Study Area as a "non-condemnation" area in need of redevelopment.

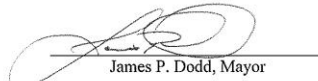
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Alderman of the Town of Dover that the Study Area described herein be and hereby is designated as a Non-Condensation Redevelopment Area, pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6.

BE IT FURTHER RESOLVED, that the Dover Planning prepare a Redevelopment Plan for said properties in accordance with Resolution No. 183-2014 and N.J.S.A. 40A:12A-7.

ATTEST:

TOWN OF DOVER, COUNTY OF MORRIS


Margaret J. Verga, Municipal Clerk


James P. Dodd, Mayor

ADOPTED: 10/28/2014

3154410.1

-2-

RESOLUTION 99-2022



TOWN OF DOVER MAYOR & BOARD OF ALDERMEN

RESOLUTION NO. 99-2022

A RESOLUTION OF THE BOARD OF ALDERMAN OF THE TOWN OF DOVER DETERMINING THAT THE PROPERTIES GENERALLY KNOWN AS, ALSO KNOWN AS BLOCK 1902, LOTS 19, 20, 21, 25, 26, 27 AND 28 AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWN OF DOVER QUALIFY AND ARE DETERMINED AS AN AREA IN NEED OF REDEVELOPMENT, SPECIFICALLY A NON-CONDEMNATION REDEVELOPMENT AREA, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the Board of Alderman of the Town of Dover (the "Town") identified certain properties located on East Blackwell Street and known as Block 1902, Lots 19, 20, 21, 25, 26, 27 and 28 as delineated on the tax map attached hereto and made part of this resolution (the "Properties"), to be considered for designation as an area "in need of redevelopment", pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, before an area may be declared in need of redevelopment, it is legally necessary for the adoption of a resolution authorizing the Planning Board of a given municipality to undertake a preliminary study to determine whether the Properties meet the criteria for determining as a redevelopment area pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, on June 15, 2021, the Town adopted a Resolution No. 140-2021, authorizing and directing the Town Planning Board (the "Board") to examine whether the Properties can be determined to be an area in need of redevelopment (specifically a non-condemnation redevelopment area) and that the Town will not have the right to exercise the use of eminent domain; and

WHEREAS, the Town hereby states that any redevelopment area determination shall authorize the municipality to use all those powers provided by the Redevelopment Law for use in a redevelopment area, except the use of eminent domain (hereinafter referred to as a "Non-Condensation Redevelopment Area"); and

WHEREAS, the Board conducted a public hearing on August 25, 2021 to determine whether or not the Properties may be designated as a Non-Condensation Redevelopment, pursuant to the criteria set forth in the Redevelopment Law and the public was provided the opportunity to appear and provide testimony and comments; and

WHEREAS, in advance of the public hearings held by the Board, the Board met the requirements of Redevelopment Law, by providing notice to all persons interested or who would be affected by a determination that the Properties is a Non-Condensation Redevelopment Area, which notice specifically stated that a redevelopment area determination shall not authorize the municipality to exercise the power of eminent domain; and

WHEREAS, a map showing the boundaries and the location of the Properties, as well as the Redevelopment Study Area Determination of Need for the Properties prepared by David G.

Roberts, PP, AICP, LLA, RLA dgRoberts Planning & Design, LLC, dated August 5 2021, (the "Roberts Report") was considered by the Board at the hearing and the Roberts Report and findings therein were incorporated into the record; and

WHEREAS, the Board recommended that the Properties be determined as a Non-Condensation Redevelopment Area pursuant to the Redevelopment Law, based on its preliminary investigation and the factual findings made by the Board, including the Roberts Report and the testimony presented at the hearing by David G. Roberts, PP, AICP, LLA, RLA, a licensed professional planner, who signed and prepared the Roberts Report.

NOW, THEREFORE BE IT RESOLVED, that the Board of Alderman of the Town of Dover accepts the findings and recommendations of the Board as made at a public hearing held on August 25, 2021 as supported by the Roberts Report of the Properties and the testimony of David G. Roberts, PP, AICP, LLA, RLA, a licensed professional planner and as further stated by the Planning Board at the hearing on August 25, 2021 and all are incorporated herein by reference and determines that the Properties located on East Blackwell Street, also known as Block 1902, Lots 19, 20, 21, 25, 26, 27 and 28, referred to herein as the Properties, meets the criteria and qualifies as an "area in need of redevelopment" and which shall be a Non-Condensation Redevelopment Area pursuant to the Redevelopment Law.

BE IT FURTHER RESOLVED that the Town hereby states that any Non-Condensation Redevelopment Area designation shall authorize the municipality to use all those powers provided by the Redevelopment Law for use in a redevelopment area, except the use of eminent domain.

BE IT FURTHER RESOLVED that the Town Council hereby advises that any owner wishing to challenge the designation of the Properties as a Non-Condensation Redevelopment Area must file a complaint in the Superior Court within 45 days of the adoption of that resolution.

BE IT FURTHER RESOLVED that within ten (10) days of the adoption of this Resolution, the Town Clerk shall serve a notice of the determination, including a copy of this Resolution, upon the last owner of each of the Properties according to the assessment records of the Town, which notice shall be in accordance with the requirements set forth in the Redevelopment Law.

BE IT FURTHER RESOLVED that upon adoption of this resolution, the Town Clerk shall transmit a copy of this resolution to the Commissioner of Community Affairs for the State of New Jersey for review pursuant to N.J.S.A. 40A:12A-6.b.(5).

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

ATTEST:


Reynaldo Julve, Deputy Municipal Clerk

TOWN OF DOVER, COUNTY OF MORRIS


Carolyn Blackman, Mayor

ADOPTED: 3/22/2022

END NOTES

¹ <http://doverhistoricalsociety.com/files/colls/harris/harris01.htm>

² Image courtesy of <https://maps.google.com/maps>

³ http://www.dover.nj.us/Documents/Planning%20and%20Zoning/Zoning_Map_2009%20MAH11-06-09.pdf

⁴ Redevelopment Study Area Determination of Need: Block 1216, Lot 3; Block 1217, Lots 9 & 20; Block 1208, Lot 7; and Block 1902, Lots 22-24, prepared by David G. Roberts of Maser Consulting, dated September 24, 2014, page 29.

⁵ Ibid, pages 30-31.

⁶ Transit-Oriented Development Plan, prepared by Heyer, Gruel & Associates, dated June 2006, page 9.

⁷ Ibid, page 50.

⁸ Ibid, page 52.

⁹ Ibid, page 55.

¹⁰ Master Plan, prepared by Heyer, Gruel & Associates, dated January 2007, Pages 2 – 12.

¹¹ <https://www.scribd.com/doc/78043102/Morris-County-Master-Plan-Future-Land-Use-Element>, page 5.

¹² Bicycle & Pedestrian Element, adopted 1998, page 148.

¹³ Ibid, page 190.

¹⁴ Ibid, page 191.

¹⁵ Ibid, page 195.

¹⁶ http://nj.gov/state/planning/final-plan/final_spp_november%208_pub.pdf, pages 8-9.

¹⁷ <http://doverhistoricalsociety.com/files/colls/harris/harris01.htm>