

TOWN OF DOVER PLANNING BOARD

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

TOWN OF DOVER
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- Ruben Gilgorri - Mayor's Rep
- Arturo Santana - Council Member
- Reese Riley - Alternate I
- Vacant - Alternate II
- William J. Rush - Board Attorney
- Paula Mendelsohn – Board Secretary
- Stephen Hoyt PE– Board Engineer

MINUTES

November 24, 2025

CALL TO ORDER:

Chairman Rivera called the meeting to order at 7:39 PM.

ADEQUATE NOTICE OF MEETING:

Was read by Board Secretary Paula Mendelsohn.

PLEDGE OF ALLEGIANCE:

Was recited by all present.

ROLL CALL

PRESENT: Commissioners Incera, Isselin, Orama, Visioli, Councilmember Santana, Vice Chairman Miller, and Chairman Rivera.

ALSO PRESENT: Paula Mendelsohn, Board Secretary, Jasmine DiGenova, Planning Board Clerk, William J. Rush, Board Attorney, John McDounough, Board Planner, Stephen Hoyt and John DeMartinis, Board Engineers.

ABSENT: Commissioners Riley, Londono, and Mayor Dodd.

MINUTES: A motion to approve the minutes of the September 18, 2025, meeting was made by Councilmember Santana and seconded by Commissioner Isselin. The motion was approved by all members eligible to vote and abstained by Vice Chairman Miller. 6-1-0.

RESOLUTIONS: None

NEW BUSINESS:

- **Dover Baker Mansion- Blight Study** - "Area in Need of Redevelopment" for the following parcel of land as identified on the Town Tax Records: Tax Map Identifier: **Block 305, Lot 7, 45 Lehigh Street**. The site is locally known as the "Baker Mansion," the former estate of W.H. Baker, a historically significant Dover Merchant at the turn of the last century.

Introduction:

Alan Zarken, redevelopment counsel, explained that the governing council authorized a **preliminary investigation** for a *non-condemnation area in need of redevelopment* concerning the Baker Mansion property.

- Current private owners may legally develop property under existing zone, potentially leading to demolition of the historic mansion.
- The town initiated this study to **preserve the historic structure**.

- Baker Mansion is on the **Morris County Historic Sites Inventory**, though **not locally designated** by the Dover Historic Preservation Commission nor within a historic district.
- If designated an area in need of redevelopment (non-condemnation), the town could adopt a **redevelopment plan** tailored to preservation.

Presentation – Board Planner John McDonough

- Sworn in by **William J. Rush**, Board Attorney

Overview of the Property

- Single tax lot, approx. **3.9 acres in Dover** (total tract ~5+ acres split with the Borough of Wharton).
- Contains the **Baker Mansion**, former estate of W.H. Baker, a prominent early 20th-century merchant.
- The mansion appears structurally sound but aged.
- Ground conditions: deteriorated fencing, unused stagnant pool, unmaintained lawns, failing retaining walls, sidewalks leading to steep slopes, and circulation challenges.
- The property includes steep slopes—estimated about **one-third to one-half** of the site.
- Current driveway access is obstructed by **utility poles placed down the center** of the access lane.
- Property is currently used as a **multiple dwelling/boarding house**. Tenant information is protected under Daniel's Law.

Surrounding Context

- Surrounded by single-family R-2 zoning.
- If redeveloped as-of-right (no redevelopment designation), it could yield **approx. 6–7 single-family homes**, which would likely eliminate the mansion.
- Redevelopment designation would allow a plan that preserves the mansion and enables **clustered / townhouse-type development** around it.

Carriage House

- Carriage house is **not part of the current study**.
- In poor condition; could be included in a future phase or separate study.

Access / Circulation Issues

- Existing access road is a **dead end**, and does not connect through to the Borough of Wharton's N. Elk Avenue.
- Utility lines obstruct the path; any future redevelopment must address connectivity and circulation impediments.

Visual Evidence Presented

(Referenced photographs, aerials, and drone images)

Key observations:

- Mansion structurally intact; architecturally significant.
- Carriage house is deteriorated.
- Steep slopes along property perimeter.
- Sidewalks end at slope edges.
- Broken retaining walls, trailer on site, deteriorated asphalt.
- Rusted chain-link fencing visible from public streets (N. Elk Avenue).
- Access drive obstructed by centered utility poles.

Board Questions & Discussion

Steep Slopes

- Commissioner Miller asked for steep slope analysis; planner estimated **approx. one-third** of the property affected.

Possible Unit Count

- Commissioner Obama asked how many family homes can be built on this property?
- Without redevelopment designation, approx. 6-7 single-family homes could be built on the Dover portion under current zoning.

Why Not Preserve Entire Property Without New Development?

Commissioner Obama raised concerns about overburdened schools, police staffing, and municipal finances.

- Planner clarified:
 - Town cannot compel full historic preservation without owner consent.
 - Non-condemnation redevelopment allows negotiation but not seizure.
 - The redevelopment plan can limit the number of units if desired.

Property Maintenance Issues

- Commissioner Incera questioned why code enforcement had not cited the owner for property upkeep
- Commissioner Isselin will send an inspector out to review property.
- Counsel acknowledged this is a code enforcement matter.

Coordination with Wharton

- Wharton has not yet taken formal action.
- Joint municipal efforts will be needed if redevelopment spans both municipalities.

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Redevelopment Criteria Analysis (N.J.S.A. 40A:12A-5)

Eight criteria reviewed:

Criteria Met:

(D) Obsolescence / Faulty Design

- Grounds and site improvements have deteriorated and present conditions detrimental to the community welfare (failing fence, stagnant pool, poor access, obsolete layout).

(H) Smart Growth Consistency

- Site lies within State Plan PA-1 targeted growth area.
- High transit accessibility, proximity to medical, commercial, and civic services.
- Potential for compact growth aligns with Smart Growth planning principles.

Criteria Not Met:

- **A & B:** Not substandard and not abandoned.
- **C:** Not vacant or open land.
- **E:** Underutilization not applicable due to lack of fragmented ownership.
- **F:** No fire or natural disaster damage.
- **G:** Not in an Urban Enterprise Zone.

Only one criterion is required to justify designation; two criteria (D and H) were found to be satisfied.

Board Vote:

- **Motion made by Chairman Rivera**
- **Seconded by Councilmember Santana**
- **Result: 7-0, Approved**

APPLICATIONS:

P 25-07 - 58 N. Sussex Street (Block 1325 Lot 16) Excel Treatment Center Mgmt. - Minor Site Plan/Variance:

1. Application Overview

- Subject property contains a **2.5-story building** located to the rear of adjacent structures.
- Existing conditions:
 - **1st Floor:** Professional office (Excel Treatment Center outpatient facility) – *unchanged*.
 - **2nd & 3rd Floors:** Former apartment; currently vacant.
- Proposed improvements:
 - **18' x 17' addition on the third floor (rear).**
 - Raise building height by **1 foot** to enable full usable office space.
 - Renovate 2nd and 3rd floors for administrative office use.
 - **Upgrade facade along North Sussex Street.**
- Application previously reviewed by the **Historic Preservation Commission**; plans were modified per their recommendations.

2. Applicant's Attorney – Richard Oehler, Esq.

- Excel Treatment Center provides **outpatient mental health and substance use treatment**.
- Proposed renovations will allow administrative staff to relocate to upper floors, creating additional clinical capacity on the first floor.
- No additional staff or clients anticipated beyond current operations; renovations mainly reorganize existing space.
- Two variances requested:
 1. **Roofline setback** above the second floor (ordinance requires step-back; applicant proposes a straight vertical facade matching neighboring building).
 2. **Parking deficiency:** 7 existing spaces; ordinance requirement is 17. Site is fully built out; operations will not increase parking demand.

3. Testimony – Michael Frank (Owner & CEO, Excel Treatment Center)

- Founder of Excel Treatment Center; also operates Milestone House and The Good Bean in Dover.
- Milestone House has been a long-standing nonprofit recovery residence next door.
- Excel's current first-floor outpatient operations began in 2013.
- Second and third floors are **vacant**; previously a single apartment.
- Renovations will allow:
 - Administrative offices to consolidate upstairs.
 - Conversion of existing administrative spaces into additional **group therapy rooms**.
- No meetings, administrative work, or clinical activities currently occur on the vacant upper floors.

4. Testimony – Ken Fox (Architect & Professional Planner)

- Presented site photos, survey, floor plans, and building sections.
- Key architectural details:
 - Property is **long and narrow** with no direct vehicular access from North Sussex Street to the rear.
 - Existing roof structures (gable and reverse gable) will be removed; new single-slope roof added.

- Third-floor expansion is located only over current second-floor footprint.
- Building height increase is **only one foot**.
- First-floor footprint **unchanged**.
- Structure will appear as a full **three-story** facade on North Sussex Street.
- **Historic Commission Review:**
 - Materials, color selections, and facade details were revised at HPC request.
 - New cornice design aligns visually with adjacent buildings without disturbing its historic cornice.
 - A small **canopy with downlighting** is proposed.
 - Existing perpendicular hanging sign will be rebuilt in same location (conforming).
- **Variance Justification:**
 - Roofline setback variance: existing building is **zero-lot-line**, making compliance impractical.
Proposed facade aligns with neighboring structures.
 - Parking variance: long-standing shared rear parking arrangement; no new demand created by project. (Existing non-conforming.)

7. Closing

- Testimony concluded from applicant, architect, and planner.
- Board acknowledged review by the Historic Preservation Commission and that first-floor clinical operations remain unchanged.
- Application proceeded to Board discussion and consideration.

Board Vote:

- **Motion made by Vice Chairman Miller.**
- **Seconded by Councilmember Santana**
- **Results: 7-0, Approved**

● **P25-08 - 1 Wayside Avenue (Block 1708 Lot 6) - Minor Subdivision/Variance Relief:**

1. Application Overview

The subject property consists of a one-story frame dwelling, an asphalt driveway, and a detached garage. Located in the R-2 Single-Family Zone.

- Proposal includes:
 - Minor subdivision to create two lots (one existing lot to become Lots 6 & 6.01).
 - Removal of the existing detached garage.
 - Construction of a full second-story addition to the existing dwelling.
 - Renovations to create a modern four-bedroom home appropriate for a growing family.
- Existing home sits 8.3 feet from the front property line; zoning requires 20 feet.
- The second-story addition will sit on the same footprint, therefore requiring a front-yard setback variance.

2. Testimony – Applicant: Mr. David Valvano

- Recently purchased the property; the home had been in disrepair ("hoarder house").
- Existing second-story opportunity is limited; intent is to create an affordable, long-term family home.
- Property contains approximately 25 mature pine trees; applicant considers the lot to be scenic and historically one of the original homes on the street.
- Detached garage and all associated rear structures will be removed
- The second-story addition is proposed over the existing footprint to:
 - Maintain affordability.

- Avoid steep slopes behind the home.
- Avoid excessive excavation and retaining wall construction.
- Avoid intrusion into the 10-foot side-yard setback (expanding rearward or leftward would violate side setbacks).
- Applicant considered rear and side expansions, but:
 - Rear yard includes a steep slope requiring major grading and retaining walls.
 - Expansion would require removal of additional trees.
 - Side expansion would encroach into the setback.
- Intent is to create a 4-bedroom home suitable for a family; design prepared with extensive consultation with architect.

3. Testimony – Architect: Jonathan Babula, AIA

- Licensed architect in NJ and PA; testified as both architect and planner.
- Reviewed multiple design options, including rear expansion, but determined that steep slopes and required retaining walls made that approach impractical.

Design Summary

- Full second-story addition proposed directly above existing footprint.
- Roofline designed with peaks and gables to provide character and reduce visual massing.
- Massing stepped back from the front to maintain appropriate scale.
- Home reconfigured as follows:

First Floor:

- New stairway located in existing footprint.
- Open-concept kitchen/dining/family room at rear.
- Full bathroom on right side.
- Guest bedroom on left side.
- Existing front steps and entry to remain in place; relocating the entry would require moving stairs into the setback.

Second Floor:

- Four bedrooms total, including a primary suite.
- Centralized staircase landing.
- Hall bathroom and laundry area.
- Architect testified that a conforming second floor (starting 20 ft back) would eliminate the front bedroom, bathroom, and rear bedroom, reducing the home to only two bedrooms.

Construction & Materials

- Height: 24' 5.5" to roof peak.
- Attic area: 8'8" at peak, sloping down; used only for HVAC and storage, with pull-down stairs (no habitable space).
- Materials:
 - Asphalt shingles
 - Shake siding on front peaks
 - Horizontal siding elsewhere
 - Cultured stone veneer at foundation
 - Earth-tone color palette to blend with existing wooded surroundings

Trees

- Three trees to be removed; three new trees to be planted.
- Even if house remained single-story, existing front trees are hazards and would require removal.

4. Subdivision Details

- Total lot area approx. 9,000 sq ft (almost double the minimum 5,000 sq ft required).
- Proposed subdivision line would bisect the area where the existing garage currently sits; garage will be removed.
- New lot will have adequate space for replanting as required.

5. Variances Requested

1. Front-Yard Setback Variance
 - Existing: 8.3 ft
 - Required: 20 ft
 - Second story is built on same footprint; conforming design would eliminate two bedrooms and alter entire floor plan.
 - Hardship caused by existing nonconforming placement and physical constraints of the lot (steep slopes, mature trees, irregular layout).
2. Tree Removal Permit (if applicable)
 - Three trees to be removed; three planted.
 - Tree removal is needed for construction and due to hazard conditions.

6. Board Questions & Comments

- Board confirmed that relocating front door or stairway was impractical due to setback issues and interior layout constraints.
- Board noted the existing home is in poor condition and commended the applicant and architect for an aesthetically pleasing and functional redesign.
- Board discussed tree replacement requirements and confirmed compliance.

Board Vote:

- Motion made by Commissioner Orama
- Seconded by Council Member Santana
- Result: 7-0, Approved

OLD BUSINESS: None

PUBLIC COMMENT: None

Meeting adjourned at 9:24 PM

Respectfully submitted,



Paula Mendelsohn

Board of Adjustment Secretary

Dated: 12/18/25