

# Bellevue Theatre Redevelopment Plan

*Township of Montclair, Essex County, New Jersey*



*Prepared for:*

**Township of Montclair  
205 Claremont Avenue  
Montclair, NJ 07042**

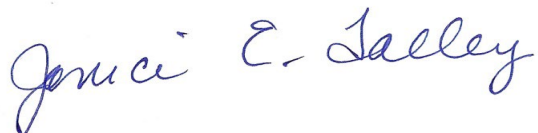
*Prepared by:*

**Township of Montclair  
Department of Planning and Community Development**

Adopted June 13, 2022

Cover photo: Photo of the Bellevue Theatre dated 1922.

The original of this report has been signed and sealed in accordance with N.J.S.A. 13:41-1.2.



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**ADOPTED ORDINANCE O-22-12  
TOWNSHIP OF MONTCLAIR**

**ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR THE BELLEVUE  
THEATRE**

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May 17, 2022 (date of introduction)  
June 13, 2022 (date of public hearing)

**WHEREAS**, the Council of the Township of Montclair (the "Council"), pursuant to N.J.S.A. 40A:12A-4, authorized the Montclair Planning Board (the "Board"), by Council Resolution dated July 13, 2021 (R-21-146), to conduct a preliminary investigation to determine whether Block 1711, Lot 38 (Bellevue Theatre) should be designated as an area in need of rehabilitation; and

**WHEREAS**, by Resolution R-21-197, adopted October 19, 2021, based upon the facts and findings contained in the Study, and the findings of the Planning Board, all made in accordance with N.J.S.A. 40A:12A-14, the Township Council declared Block 1711, Lot 38 on the Tax Maps of the Township of Montclair to be an area in need of rehabilitation; and

**WHEREAS**, Resolution R-21-197 requested and authorized the Planning Board to produce a redevelopment plan for the aforementioned property; and

**WHEREAS**, the Montclair Township Planning Department prepared and submitted a draft redevelopment plan to the Planning Board and the Historic Preservation Commission who made revisions and additions thereto; and

**WHEREAS**, by resolution adopted April 11, 2022 (the "Resolution"), a copy of which is attached hereto as Exhibit A, the Planning Board forwarded the Bellevue Theatre Redevelopment Plan (the "Plan") to the Township Council, with recommendation for approval pursuant to N.J.S.A. 40A:12A-7(f); and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, the Plan shall be approved by ordinance, upon a finding that the specifically delineated project area is in an area in need of rehabilitation, according to criteria set forth in N.J.S.A. 40A:12A-14; and

**WHEREAS**, the Township Council has reviewed the Plan; has conducted a public hearing on the same; and has considered the findings and recommendations of the Planning Department staff, the Planning Board, and the public.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Montclair, in the County of Essex that the Council finds that:

1. The Bellevue Theatre Redevelopment Plan (the "Plan") is in an area in need of rehabilitation, according to criteria set forth in N.J.S.A. 40A:12A-14.
2. The Council finds that the Plan meets all the requirements of N.J.S.A. 40A:12A-7.
3. The Council finds that no housing units affordable to low and moderate income households, as defined pursuant to N.J.S.A. 52:27D-304, are to be removed by the Plan.
4. In connection with the implementation of the Plan, the Township reserves the right to use all those powers provided by the Legislature for use in a rehabilitation area.
5. The Bellevue Theatre Redevelopment Plan, as filed in the Office of the Township Clerk and attached hereto as Exhibit B, is hereby approved and adopted.

**TOWNSHIP OF MONTCLAIR  
ADOPTED ORDINANCE O-22-12**

6. The Official Zoning Map of the Township of Montclair is hereby amended as shown on Exhibit C, to incorporate the provisions of the Plan and delineate the boundaries of the property; and

**BE IT FURTHER ORDAINED**, that this ordinance shall take effect 20 days after final passage and publication as provided by law.

<b>ROLL CALL VOTE ON ADOPTION</b>						
COUNCIL MEMBER	MOVANT	SECOND	YES	NO	ABSTAIN	ABSENT
<b>Councilor Cummings</b>			✓			
<b>Deputy Mayor Hurlock</b>		✓	✓			
<b>Councilor Price Abrams</b>			✓			
<b>Councilor Russo</b>			✓			
<b>Councilor Schlager</b>			✓			
<b>Councilor Yacobellis</b>			✓			
<b>Mayor Spiller</b>	✓		✓			

I **HEREBY CERTIFY** the foregoing to be a true copy of Ordinance O-22-12 adopted by the Mayor and Council of the Township of Montclair, in the County of Essex, at its meeting held on June 13, 2022.

  
 Angelese Bermúdez Nieves, Township Clerk

**[EXHIBITS FOLLOW ON NEXT PAGE]**

# **EXHIBIT A (ORDINANCE O-22-12)**

## **RESOLUTION OF THE PLANNING BOARD TO THE GOVERNING BODY OF THE TOWNSHIP OF MONTCLAIR RECOMMENDING ADOPTION OF THE BELLEVUE THEATRE REDEVELOPMENT PLAN**

April 11, 2022

WHEREAS, the Local Redevelopment and Housing Law of the State of New Jersey (N.J.S.A. 40A:12A-1, *et seq.*) (“LRHL”) provides, that the Planning Board, when authorized by the governing body, shall conduct a preliminary investigation to determine whether a proposed area is in need of rehabilitation pursuant to Section 14a to review whether a proposed area is in need of rehabilitation; and

WHEREAS, the Council of the Township of Montclair (the “Council”) authorized the Montclair Planning Board (the “Board”) to conduct a preliminary investigation concerning an area in need of rehabilitation in accordance with Council Resolution dated July 13, 2021 (R-21-146) with respect to Block 1711, Lot 38 on the Tax Map of the Township; and

WHEREAS, on October 19, 2021, the Council adopted an Area in Need of Rehabilitation designation for Block 1711, Lot 38 (Bellevue Theatre); and

WHEREAS, the LRHL requires a redevelopment plan to include “an outline for the planning, development, redevelopment” of the designated Area in Need of Redevelopment (at section 8) and it shall be “substantially consistent with the master plan or designed to effectuate the master plan” (at section 7d); and

WHEREAS, to consider these matters and to make an appropriate recommendation to the Council, the Board conducted two meetings held in conformity with the Open Public Meetings Act, N.J.S.A. 10:4-6 – 10:4:21, at which the Board heard from Planning Department staff and the opinions, comments and concerns of the Board members and incorporated comments from the Historic Preservation Commission into the Plan; and

WHEREAS, the Board held its final meeting on April 11, 2022; and

WHEREAS, the Board has prepared the Bellevue Theatre Redevelopment Plan dated March 29, 2022 (the “Bellevue Theatre Redevelopment Plan”).

NOW THEREFORE, in accordance with Section 7 of the LRHL, the Board recommends to the Council, as follows:

1. All of the “WHEREAS” recitals set forth above, as well as the Bellevue Theatre Redevelopment Plan, a copy of which is annexed hereto and made part hereof, are incorporated, as if set forth at length, as part of the Board’s recommendation to the Council.

2. The Board finds and determines that substantial evidence exists for its determinations that: (a) the Bellevue Theatre Redevelopment Plan sufficiently indicates all of the elements required by the LRHL to be contained in such a plan (see, N.J.S.A. 40A:12A-7a); and (b) the Bellevue Theatre Redevelopment Plan is substantially consistent with the master plan or is otherwise designed to effectuate the master plan, and those provisions that are not or do not do so are identified here: None.

7. This Resolution and the attached Bellevue Theatre Redevelopment Plan constitute the Board's recommendation to the Council to adopt the Bellevue Theatre Redevelopment Plan.

Resolution adopted on April 11, 2022.

  
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JANICE E. TALLEY, Board Secretary

# Bellevue Theatre Redevelopment Plan

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# Bellevue Theatre Redevelopment Plan

Township of Montclair, Essex County, New Jersey

## INTRODUCTION

The Bellevue Theatre Redevelopment Plan has been prepared for the Area in Need of Rehabilitation designated for Lot 38 in Block 1711 in Montclair Township in Essex County, New Jersey. The property is in the N-C Neighborhood Commercial zone on the south side of Bellevue Avenue between Valley Road and the railroad, as shown on Figure 1: Area Location Map.

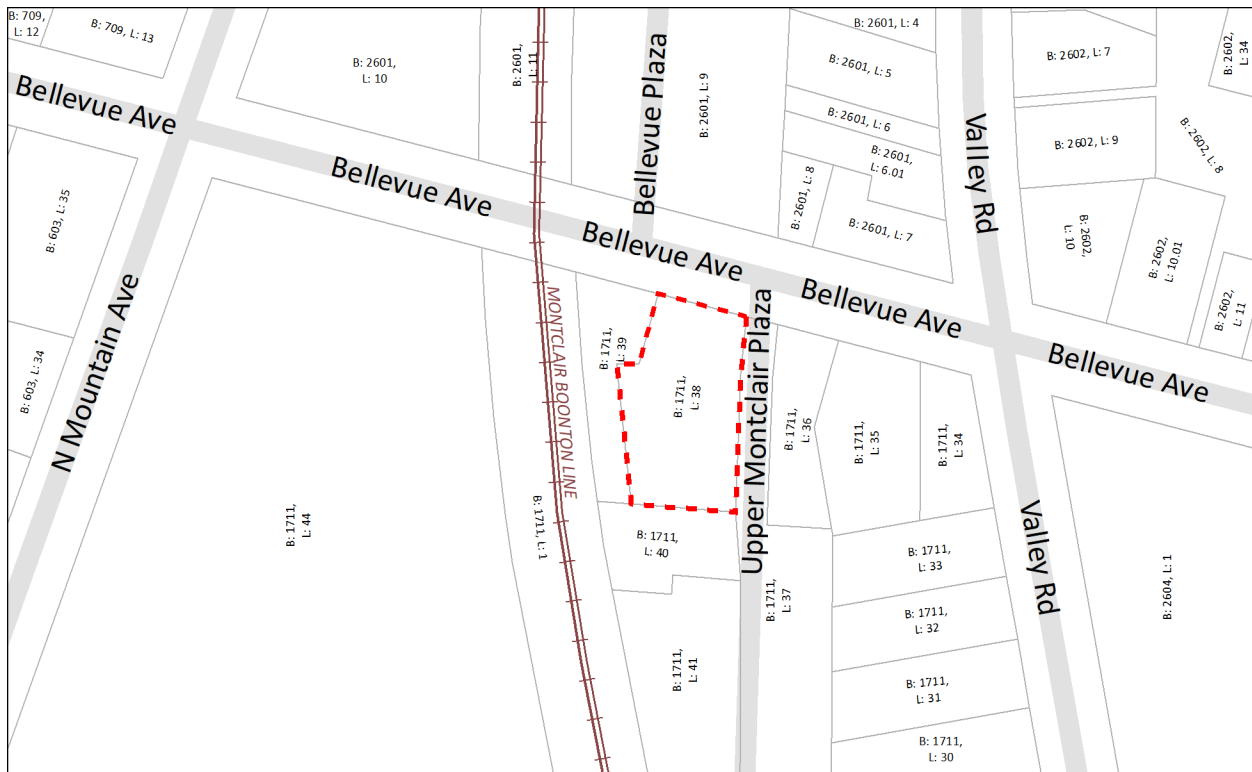


Figure 1: Area Location Map

The Montclair Township Council adopted a resolution on October 19, 2021, designating the subject property as an area in need of rehabilitation based on a report from the Montclair Township Director of Utilities who indicated that the infrastructure serving the subject properties is more than 50 years old and in need of substantial improvements. A copy of the resolution is provided in Appendix A.

The Bellevue Theatre Redevelopment Plan provides a framework for the redevelopment of the subject property through standards and guidelines for land use and design. Throughout this Redevelopment Plan, a conscious distinction is made in the regulations between “shall” and “should.”

- “Shall” or “must” means that a developer is required to comply with the specific regulation, without deviation.
- “Should” means that a developer is encouraged to comply but is not required to do so. If the exact recommendation cannot be met, the Planning Board will entertain any



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modification that meets the underlying spirit and intent of the regulation and/or the Redevelopment Plan generally.

## SITE DESCRIPTION

The subject property is located on the south side of Bellevue Avenue adjacent to the access driveway to the Upper Montclair Plaza parking lot as shown in Figure 2. The subject property is a corner lot that is 12,689 square feet in size with 72.2 feet of frontage along Bellevue Avenue and 160 feet of frontage along the driveway to the parking lot. It contains a historic building comprised of a front 2-1/2 story building that historically contained retail stores and the theater lobby attached to a larger two-story building that contained the theaters. Most recently while operating as a theater, the building had 885 theater seats in 4 theaters and 5,000 sq. ft. of personal service retail space and no onsite parking. The building has been vacant since 2017.



*Figure 2: Aerial view of subject property.*

The property abuts the driveway to the Upper Montclair Plaza municipal parking on the east, a two-story office building to the south and a realtor's office to the west. A sidewalk extending from Bellevue Avenue to the municipal parking lot is located on the east side of the building. The area on the west side of the building is used for refuse storage, pedestrian egress from the theater, and parking for the adjacent office building.

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The portion of the building that fronts on Bellevue Avenue, as shown in Figure 3, previously contained the theater lobby and a hair salon. It also contains a large marquee sign that identifies the entrance to the theater.



**Figure 3: View of subject property from Bellevue Avenue.**

The building abuts the eastern property line along the driveway to the Upper Montclair Plaza parking lot, as shown in Figures 4 and 5. A sidewalk is provided along the side of the building in the Township right-of-way. There are two doors that open directly onto the sidewalk and a fire escape that extends above the sidewalk.

A nine-foot wide setback is provided on the west side of the building. This area, as shown in Figures 6 and 7, is served by a curb cut from Bellevue Avenue and previously contained the dumpster that served the movie theater. It also contains an external staircase providing emergency egress from the 2<sup>nd</sup> floor. The alley serves as emergency egress to Bellevue Avenue for theater patrons. Parking associated with the adjacent realtor office abuts the southwest side of the building.



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**Figure 4: A view of the eastern facade of the theater, November 2019.**



**Figure 5: View of east façade of subject property adjacent to driveway.**



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**Figure 6: View of alley on west side of subject property.**



**Figure 7: View of western building façade of the subject property.**

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## HISTORIC BACKGROUND

The Bellevue Theatre is a key building in the Township's Upper Montclair Historic District and plays an important role in the long-term vitality of the Upper Montclair business district. The Tudor-Revival theater building was constructed in 1921 and designed by architect J. H. Phillips. The original design included retail storefronts along the Bellevue Avenue frontage. It was originally built by the Anderson family, who donated the land for what is now Anderson Park, at a time when masonry buildings were replacing wooden-frame buildings in Upper Montclair's center. The building complemented the Tudor village theme that was taking shape in the area in the buildings along Valley Road between Bellevue and Lorraine Avenues, including the former Upper Montclair Post Office (now Coldwell Banker) which was several buildings to the east of the theater.



**Figure 8: Photo of the subject property in 1923.**



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The theatre opened in 1922 and had a stately look that was accentuated by steel beams made to resemble oak. It was one of multitude of styles experimented with in the movie theater construction boom in the country of the early 1920s, when Hollywood began its long domination of American popular culture. Montclair's other theaters, the Clairidge and the Wellmont, were also built in 1922.

The theatre's distinctive Tudor Revival style identifies the two commercial districts of Watchung Plaza and Upper Montclair that was popularized by John Nolen, author of the first planning document for the Township, who advocated a return to the romance of Elizabethan England with its image of genteel commerce. Architects in Montclair embraced this vision in both commercial and residential building after WWI.

Nestled between Tudor Revival buildings on Bellevue Avenue, the one to the east designed by noted local architect Francis Augustus Nelson in 1918 and the one to the west being the original office building of the Osborne & Marsellis building supply company, 1917, the Bellevue Theatre exemplifies the Tudor Revival style with a steep double-gabled slate roof, decorative half-timbering on the upper floors, decorative chimney pots, distinctive brick-work in an English bond pattern and a combination of leaded diamond-pane windows and wood muntin windows. Philips designed the building façade to create the effect of a suburban English village greeting travelers alighting from the train and into the tranquil scene of village greenery in both Anderson Park and Bellevue Plaza, opposite the theater, which was originally planted as a complementary green space.

The Bellevue Theatre operated at this location for 95 years before it closed in 2017. The theater offered a variety of amenities, including a second-floor restaurant called Highgate Hall and an orchestra pit. It was converted into a three-screening-room theater in 1983; a fourth was added in 1997. By the time it closed, one of the two storefronts embedded in it had been taken over by the theater for the expansion of the concession stand.



**Figure 9: The Architectural Forum. June 1925. 411**

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## GOALS AND OBJECTIVES

Local theaters are becoming extinct, victim to the proliferation of alternative entertainment options on television, streaming services, and larger theaters with more screening rooms. This has been magnified by the need for isolation and personal separation created by the Covid-19 pandemic. As a result, local movie theaters that provided many fond memories are closing their doors.

The purpose of the Bellevue Theater Redevelopment Plan is to preserve both the movie theater use and the historic building. This requires a modern definition of movie theater that expands the use beyond just moving screenings. To compete with new media formats, the definition of movie theater must be expanded to include a place for community gatherings and special events. In addition, multiple uses should be permitted within the building to provide a broader range of income sources to support the local movie theater operation.

The property is also a key historic building that anchors the Upper Montclair business district. The iconic features of the building must be preserved to maintain the historic character and charm of the district.

## DEVELOPMENT REGULATIONS

1. **Definition.** The definitions set forth in the New Jersey Municipal Land Use Law and Chapter 347 Zoning of the Montclair Code are applicable within this redevelopment plan. The following additional definition also applies:

**Movie Theater.** A building or part of a building primarily used to screen motion pictures, film, and television productions, and secondarily to host special events and live performances.

2. **Permitted principal uses.** The uses listed below are permitted principal uses. Multiple uses are allowed within a principal building.
  - A. Movie theater.
  - B. Retail stores.
  - C. Personal service establishments.
  - D. Restaurants and cafes.
  - E. Educational play centers.
  - F. Health clubs open to the public.
  - G. Business and professional offices, excluding medical offices, above the first floor.
  - H. Multi-family dwelling units above the first floor.
3. **Accessory Uses.** The following uses are permitted as accessory uses:
  - A. Patios for outdoor dining.
  - B. Any uses customarily incidental to principal or secondary permitted uses.

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4. Bulk Regulations
  - A. Maximum Density. 28 dwelling units per acre.
  - B. Minimum lot size: 10,000 square feet.
  - C. Minimum street frontage: 70 feet.
  - D. Maximum Building Height. 40 feet.
  - E. Maximum Number of Stories: 3.
5. Building Setbacks
  - A. Front yard setback: 0 feet
  - B. Side yard setback - East: 0 feet
  - C. Side yard setback – West: 5 feet.
  - D. Rear yard setback: 0 feet
6. Additional Requirements.
  - A. A minimum of 50 percent of the gross floor area must be used for movie theater use.
  - B. Onsite parking is not required for the property if 50 percent or more of the building is used as a movie theater.
  - C. Affordable housing is required pursuant to Article XXVI of the Montclair Code.
  - D. One marquee sign above the entrance on Bellevue Avenue is permitted pursuant to Montclair Code §297-51. Otherwise, signage pursuant to Article XVIII of the Montclair Code is applicable.

## SITE PLANNING AND DESIGN

1. The existing features of the historic building must be preserved. All development applications must be reviewed by the Historic Preservation Commission prior to consideration by the Planning Board. The Historic Preservation Commission identified the following original design details that should be preserved, restored, and maintained on the exterior facades of the building:
  - a. **Siting** – The Bellevue Theater has weathered the past century without any major incursions to its original footprint in height or width. It is noted as a “Key” building in the Upper Montclair Commercial Historic District. Every effort should be utilized to maintain its prominence within the district.
  - b. **Slate roof** -The original slate should be maintained. Steep multi-gabled roofs are typical of the Tudor Revival style. This slate roof is designed to create an optical illusion. The slate shingles are smaller toward the ridges and grow larger as they descend, giving the illusion of a steeper more dramatic pitch. This “graduated” pattern should be replicated if the shingles are replaced.
  - c. **Bargeboards** – Another distinguishing feature of the Tudor Revival style. Some of these are rotting and need to be restored or replaced where the original wood cannot be salvaged.



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- d. **Half-timbering** – In Elizabethan England, the timbers reflect the actual construction of the building. In Tudor Revival, the timbers are applied to the stucco as a decorative but defining element. A closer look at the original sketch of the architect to the current placement of the timbers should be undertaken. They are different in both, with a curved element applied to the upper floor of both gables. This could be a deviation from the architect's plan, changed during the construction. If possible, the half-timbering should be preserved in its original design on both gables. Again, much of the half-timbering is rotting and needs to be restored or replaced where the original wood cannot be salvaged.
- e. **Final atop west gable** – This decorative accent is visible in earlier photos but has disappeared. It should be replicated and replaced in its original position.
- f. **Leaded diamond-pane windows** – The original design shows these on the 2<sup>nd</sup> and 3<sup>rd</sup> floor windows. Many of these have disappeared. There is a blocked transom on the east gable which should be replaced with diamond-pane panel. If possible, the 3<sup>rd</sup> floor single pane windows should be replaced with diamond-panes.
- g. **1<sup>st</sup> Floor Windows** – The original wooden multi-pane windows have disappeared with full length windows taking their place. The windows on the lower west façade should be reveled and made to mimic the windows on the east façade to create a sense of unity in the façade.
- h. **Windows** – Many have been bricked up with cement block especially on the west façade. These should be opened, or the cement block should be replaced with brick. There is also a metal casement window on the west façade that should be repaired and replaced.
- i. **Corbeled Chimney and Chimney Pots** – Exaggerated chimneys topped with terracotta chimney pots are a hallmark of Tudor Revival. The broken rims of the chimney pots should be repaired and retained.
- j. **Brickwork** – The theater is clad with brick laid in the English bond pattern and interspersed with clinker bricks. Clinker bricks are now rare and only found in salvage. It is important that renovations avoid removing any bricks which will need to be replaced. Any replacement should be in the English bond pattern and any clickers uncovered during renovations should be stored for future repairs.
- k. **Parapet wall** – The metal covering of the parapet wall on the west gable appears to be painted copper or another metal. It should be returned to its original appearance.
- l. **Metal staircase** - The staircase on the west, rear façade appears to be original, perhaps as a means of egress from the theater. Is it possible to repair and maintain?
- m. **Front Staircase** – The exterior 2<sup>nd</sup> floor staircase needs attention to the walls, half-timbering, and stairs. From the old photos, it looks as though it was open to the exterior entrance lobby. It appears that the door at the top of the stairs is original, which should be maintained. Lighting should be incorporated into this space which replicates the Tudor Revival style.

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- n. **Metal Window and Door Sections** – The windows of the commercial sections with the accompanying doors and the lobby doors should match in material, color, and size. This will unify the first- floor elements of the building.
  - o. **Marquee** – As the marquee was not original to the building, as per the original architect’s sketch and early photos, attention should be given to the existing marquee to make it more attractive through painting and replacing lighting.
2. The sidewalk along the east side of the building must be smooth, accessible, and free of obstructions. Additional lighting must be provided to illuminate the area. Public art is encouraged to improve the visual quality of the building wall and provide a more welcoming entrance to the Upper Montclair Plaza area.
  3. All leaders draining stormwater from the building must be connected to the storm sewer and not drain directly across sidewalks.
  4. A trash enclosure comprised of a masonry material or similar material that matches the building shall be provided on the west side of the building pursuant to Montclair Code §281-8.1H, unless all refuse is kept inside.
  5. A pedestrian pathway must be provided on the west side of the building to ensure safe emergency egress. All obstructions shall be removed from the sidewalk and lighting shall be provided for safety.
  6. External fire escapes shall be removed and replaced with new internal stairs or enclosed.

## OTHER CONSIDERATIONS

### Property Tax Exemption

The Five-Year Exemption and Abatement Law, NJSA 40A:21-1 et seq. allows municipalities to enact an ordinance providing for five-year tax exemptions and abatements for the improvement, expansion or construction of new commercial and industrial projects located within an area in need of rehabilitation. An exemption may be granted from the property taxes on all or a portion of the added assessed value that would have been generated by any improvement conversion, alteration, or new construction. Montclair Code §309 establishes the requirements for the Five-Year Tax Exemption and should be amended to allow a property tax exemption to the owner of the subject property in the Bellevue Theatre Redevelopment Plan at the discretion of the governing body.

## PLAN CONSISTENCY REVIEW

### Relationship to Intent and Purpose of the Master Plan

New Jersey’s redevelopment statute requires that “all provisions of the Redevelopment Plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan.” The Bellevue Theatre Redevelopment Plan is substantially consistent with and designed to effectuate the recommendations in the Unified Land Use and Circulation Plan (Unified Plan), which was adopted in May 2015 and last revised in July 2021. The Unified Plan describes the Bellevue Theatre and its relationship to the Upper Montclair business district as follows:

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Upper Montclair is a locally-designated historic district containing an eclectic mix of historic styles defined by several key buildings, as shown on the attached map which identifies key historic buildings and open space areas. **The Bellevue Theater, a key historic building, provides a regional draw for the district.** St. James Church, located in the heart of the district, is a key historic building whose front yard provides a gathering place for special events in the district. (Unified Land Use and Circulation Plan, page 143.)

The following recommendations from page 145 of the Unified Land Use and Circulation Plan are addressed in the Bellevue Theatre Redevelopment Plan:

- Require **clear pedestrian connections** between parking and the front sidewalk.
- Land use regulation should require quality **investments to be made in landscaping techniques and public realm furnishings** that ensure a high quality visitor/resident experience.
- **Maintain the vitality and pedestrian nature of the business district** by focusing retail uses on the first floor in the village center.
- **Preserve the historic integrity of the district** by ensuring that any new development maintains the character and scale of the key historic buildings that define the district.
- Buildings and infrastructure that detract from the historic nature and pedestrian feel of Upper Montclair, such as drive-throughs, large surface parking lots, and blank walls along the street line, should be redeveloped in a manner **consistent with the historic feel of Upper Montclair.**

## Relationship to Intent and Purpose of the Zoning Code

The Redevelopment Area lies entirely within the NC Neighborhood Commercial zoning district. Movie theaters are not a permitted use in the NC zone district. The Bellevue Theater predated the current zoning and is a pre-existing non-conforming use. This Redevelopment Plan shall supersede all provisions of the Zoning Ordinance and other regulations of the Township of Montclair regulating development in the area addressed by this Redevelopment Plan. In situations where zoning and site plan issues are not specifically addressed herein, the Montclair Zoning Ordinance and development regulations shall remain in effect. Final adoption of this Plan by the Township Council shall be considered an amendment of the Township of Montclair Zoning Map.

## Relationship to Adjacent Municipalities

The Plan Area is not adjacent to any of the surrounding municipalities. Given its physical separation, the Redevelopment plan will not affect those nearby municipalities to any significant degree, other than have a generally positive impact via the creation of a new pedestrian-oriented, mixed-use development that serves the region.

## Relationship to the Essex County Master Plan

Although the County of Essex does not have a current Master Plan, the revitalization of this area is consistent with the land use planning goals of the Essex County Planning Board.

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## **Relationship to State Development and Redevelopment Plan**

Among the State Plan's intentions is to revitalize the state's existing urban areas by directing growth and development to those areas. On the State Plan Policy Map, the Redevelopment Area is located in the Metropolitan Planning Area, which is identified in the State Plan as an appropriate location for much of the State's new growth. A stated goal of the State Plan is to revitalize the State's cities and towns by protecting, preserving and developing the valuable human and economic assets in cities, towns and other urban areas.

The Redevelopment Plan, by virtue of its location within a part of New Jersey that has extensive existing infrastructure and a long history of development, is by all measures an appropriate location for growth and redevelopment. The Redevelopment Plan will facilitate growth in this area and contribute to the economic revitalization of the State.

The objectives of the Bellevue Theatre Redevelopment Plan are consistent with the goals, strategies, and policies of the State Plan. The Redevelopment Plan ensures the preservation of an important historic resource while recognizing the importance of maintaining a valuable local movie theater to a small commercial district.

## **REDEVELOPMENT ACTIONS**

### **New Construction**

New construction and other improvements will take place as proposed in this Redevelopment Plan. The redeveloper must adhere to the overall parameters for development presented in this Plan. Once a redeveloper is selected, the redeveloper will be required to enter into a Redeveloper's Agreement with the Township that stipulates the precise nature and extent of the improvements to be made and their timing and phasing as permitted therein.

### **Relocation**

The Township does not anticipate the displacement or relocation of any residents or businesses within the Plan Area.

## **GENERAL PROVISIONS**

### **Definitions**

Except for those definitions specifically included within this Plan, words that appear in this Redevelopment Plan shall be defined in accordance with the definitions that appear in the Township's land use ordinances, or, where these ordinances do not provide a definition, in accordance with the definitions in the Municipal Land Use Law.

### **Easements**

No building shall be constructed over a public easement in the Redevelopment Area without prior written approval of the Township of Montclair.

### **Site Plan and Subdivision Review**

Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements within the Redevelopment Area, prepared in accordance with the requirements

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of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq .), shall be submitted by the applicant for review and approval by the Montclair Planning Board.

## **Approvals by Other Agencies**

The redeveloper shall be required to provide the Township with copies of all permit applications made to federal, state and county agencies upon filing such applications, as will be required by the redeveloper's agreement to be executed between the redeveloper and the Township.

## **Adverse Influences**

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features to be detrimental to the public health, safety, or general welfare.

## **Non-Discrimination Provisions**

No covenant, lease, conveyance, or other instrument shall be affected or executed by the Township Council or by a developer or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Township Council, or the developer, upon the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color or national origin.

## **DURATION OF THE PLAN**

The provisions of this Plan specifying the redevelopment of the Redevelopment Area and the requirements and restrictions with respect thereto shall be in effect for a period of 30 years from the date of approval of this plan by the Township Council.

## **Deviation Requests**

The Montclair Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Montclair Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments.

No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the

# Bellevue Theatre Redevelopment Plan

*Township of Montclair, Essex County, New Jersey*

requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12.a. and b.

Notwithstanding the above, any changes to the uses permitted in the Redevelopment Area shall be permitted only by means of an amendment of the Redevelopment Plan by the governing body, and only upon a finding that such amendment would be consistent with and in furtherance of the goals and objectives of this Plan.

## **Escrows**

The redeveloper shall be responsible to post sufficient escrows to cover all costs of the professional consultants retained by the Township to review the proposed redevelopment project and advise the Township on all aspects of the redevelopment process.

## **Infrastructure**

The redeveloper, at the redeveloper's cost and expense, shall provide all necessary engineering studies for, and construct or install all on- and off-site municipal infrastructure improvements and Township enhancements or upgrades required in connection with the provision of water, sanitary sewer, and stormwater sewer service to the project, in addition to all required tie-in or connection fees. The redeveloper shall also be responsible for providing, at the redeveloper's cost and expense, all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on- and off-site traffic controls and road improvements for the project or required as a result of the impacts of the project. The Redevelopment Agreement between the Township and the redeveloper will contain the terms, conditions, specifications, and a description of required performance guarantees (such as performance bonds or other acceptable performance security) pertaining to redeveloper's obligation to provide the infrastructure and improvements required for the project.

## **Severability**

If any section, paragraph, division, subdivision, clause, or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause, or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

## **OTHER PROVISIONS**

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.



# Bellevue Theatre Redevelopment Plan

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*Township of Montclair, Essex County, New Jersey*

- The Redevelopment Plan does not envision a need to acquire privately owned properties or to relocate any residents or businesses.
- The Redevelopment Plan is substantially consistent with the Master Plan for the Township of Montclair. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.
- This Redevelopment Plan shall supersede all provisions of the Zoning and Development Regulations of the Township of Montclair regulating development in the area addressed by this Redevelopment Plan, except where specifically mentioned within the text of this Plan. In all situations where zoning issues are not specifically addressed herein, the Montclair Township Zoning and Development Regulations shall, however, remain in effect. Final adoption of this Plan by the Township Council shall be considered an amendment of the Montclair Township Zoning Map.

## **PROCEDURE FOR AMENDING THE APPROVED PLAN**

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. The Montclair Township Council, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.

# Bellevue Theatre Redevelopment Plan

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*Township of Montclair, Essex County, New Jersey*

## Appendix A: Council Resolution R-21-197 Designating Property as Area in Need of Rehabilitation

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R-21-197  
TOWNSHIP OF MONTCLAIR

**RESOLUTION DESIGNATING CERTAIN PROPERTIES IN THE TOWNSHIP OF MONTCLAIR AS AN AREA IN NEED OF REHABILITATION**

October 19, 2021

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“LRHL”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

**WHEREAS**, in accordance with the LRHL, the Council of the Township of Montclair (the “Township Council”) has determined that Block 1711, Lot 38 on the Tax Map of the Township of Montclair, in the County of Essex (“the Property”) should be designated as an area in need of rehabilitation (the “Rehabilitation Area”); and

**WHEREAS**, the Township Director of Utilities has confirmed by Memorandum dated July 30, 2021 that the water and sanitary sewer lines serving the Property are at least 50 years old and are in need of substantial maintenance; and

**WHEREAS**, the Montclair Township Planning Board determined that the Property meets the criteria for designation as an area in need of rehabilitation at a meeting on August 23, 2021 and issued a report to the Council dated August 25, 2021 recommending the Property be designated as an area in need of rehabilitation and that the Planning Board be assigned the task of preparing the redevelopment plan; and

**WHEREAS**, designation of the Property as an area in need of rehabilitation will serve to prevent further deterioration and to promote the overall development of the Township in accordance with the requirements of N.J.S.A. 40A:12A-14.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Montclair, in the County of Essex, as follows:

1. Designation of the Area. The Township Council hereby designates that pursuant to N.J.S.A. 40A:12A-14, the area delineated on the attached map is as an area in need of rehabilitation;
2. Transmittal of Resolution to State Department of Community Affairs. The Township Council hereby directs the Township Clerk to transmit a copy of this resolution to the Commissioner of the Department of Community Affairs for review in accordance with the LRHL; and
3. Effective Date. This resolution shall take effect immediately.

ROLL CALL VOTE						
COUNCIL MEMBER	MOVANT	SECOND	YES	NO	ABSTAIN	ABSENT
<b>Councilor Cummings</b>			✓			
<b>Deputy Mayor Hurlock</b>		✓	✓			
<b>Councilor Price Abrams</b>			✓			
<b>Councilor Russo</b>			✓			
<b>Councilor Schlager</b>			✓			
<b>Councilor Yacobellis</b>			✓			
<b>Mayor Spiller</b>	✓		✓			

**I HEREBY CERTIFY** the foregoing to be a true copy of Resolution R-21-197 adopted by the Mayor and Council of the Township of Montclair, in the County of Essex, at its meeting held on October 19, 2021.

  
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Angelese Bermúdez Nieves, Township Clerk

