

**TOWNSHIP OF BELLEVILLE**  
**ESSEX COUNTY, NEW JERSEY**  
**NOTICE OF ORDINANCE ADOPTION**

NOTICE is hereby given that the below listed ordinance was adopted at a regular meeting by the Mayor and Municipal Council of the Township of Belleville, County of Essex, State of New Jersey on June 25, 2024. A copy is available to the general public in the Clerk's Office during regular business hours 8:30am to 4:00pm. This Ordinance may be viewed by visiting the official website of the Township of Belleville at: [www.bellevillenj.org/Code & Ordinances](http://www.bellevillenj.org/Code%20&%20Ordinances)

**ORDINANCE#13-24**

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BELLEVILLE, COUNTY OF ESSEX, NEW JERSEY ADOPTING THE 143 VALLEY STREET AND 254-256 & 258-260 WASHINGTON AVENUE NON-CONDEMNATION REDEVELOPMENT PLAN**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF BELLEVILLE, NEW JERSEY:

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL") authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment pursuant to the criteria contained in N.J.S.A. 40A:12A-5 of the LRHL; and

**WHEREAS**, the Township Council of the Township of Belleville (the "Township Council") considered it to be in the best interest of the Township to have the Township Planning Board conduct an investigation of certain property located in the Township identified as 143 Valley Street, 254-256 Washington Avenue and 258-260 Washington Avenue as shown on the official Tax Map of the Township of Belleville as Block 8701, Lots 8.01, 9 and 10 (collectively, the "Property") to determine whether such Property, or any portions thereof, is a non-condemnation redevelopment area; and

**WHEREAS**, in Resolution No. 221-2023, adopted September 12, 2023, the Township Council authorized and directed the Township Planning Board to conduct a preliminary investigation to determine whether the Property, or any portions thereof, constitute a non-condemnation "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-5 of the LRHL; and

**WHEREAS**, the Property is generally bounded by Washington Avenue to the west, Valley Street to the east, and developed properties to the north and south; and

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

**WHEREAS**, on behalf of the Planning Board, Dougherty Planning & Development, LLC prepared a report entitled "Preliminary Investigation, Non-Condemnation Area in Need of Redevelopment, prepared for Old Belleville Hall & The Elks for Property Located at 254-256, 258-260 Washington Avenue & 143 Valley Street, Block: 8701 Lots: 8.01, 9 & 10, Township of Belleville,

Essex County, NJ”, dated February 13, 2024 (the “Preliminary Investigation”), which concluded in the Summary of Findings that, *inter alia*, the Property meets the criteria under the LRHL supporting a declaration that the Property is a non-condemnation redevelopment area as follows:

“The study area consists of three (3) contiguous tax lots in the Township of Belleville. This preliminary investigation finds that the entire study area satisfies the statutory criteria for designation as a non-condemnation area in need of redevelopment.

**Black 8701 Lot 8.01**, contains an active 22-year-old-large one and a half (1 1/2) story commercial auto garage. While the site does not meet any of the statutory blight criteria under N.J.S.A. 40A:12A5. The site does satisfy the criteria for designation as a non-condemnation area in need of redevelopment under N.J.S.A. 40A:12A-3. Since its inclusion is necessary for effective redevelopment of the area.

Inclusion of lot 8.01 is necessary for the effective redevelopment of the area because it will optimize flexibility for additional improvements that will facilitate the redevelopment of lots 9 and 10 and benefit the Washington Avenue B-G corridor by providing more space for site grading, site circulation, and the like.

**Block 8701 Lot 9**, contains a small 75-year-old single story clubhouse at grade. The entirety of the site satisfies the Section 5 blight criteria under subsection (b) because it contains a building that has remained vacant for at least two consecutive years; subsection (d) based on the buildings obsolete layout and antiquated building systems after 75+ years, which are inconsistent with today’s design standards and codes, too costly to renovate and with the current lot area of approximately 9,047 square feet is limited to that of a commercial building within B-G “Commercial/Residential Mixed Use”; and subsection (h) for consistency with smart growth principles.

Observed problems with the aging condition of the building include increased maintenance costs due to the condition of the building, inefficient energy usage and mechanical services, handicapped accessibility, parking accommodations, deteriorating sidewalks, in efficient spatial organization and other site elements.

Without immediate repairs and such costly renovations, the building is unlikely to attract tenants and will remain vacant. Redevelopment designation is a mechanism to reverse the site’s current stagnation.

**Block 8701 Lot 10**, contains a large 85-year-old commercial building. The entirety of the site satisfies the Section 5 blight criteria under subsection (a) due to its substandard, unsafe, and dilapidated condition; subsection (b) because it has remained vacant for at least two consecutive years; subsection (d) based on its functional obsolescence and faulty design; and subsection (h) for consistency with smart growth principles

Observed problems with the aging condition of the building include eminent collapse, increased renovation and maintenance costs, handicapped accessibility, deteriorating sidewalks, in efficient spatial organization and other site elements.

It is financially infeasible to renovate and restore the building to a quality where it can remain competitive with newer commercial and mixed-use buildings in the area. Without immediate structural repairs and such extensive renovations, the building poses public safety concerns and will remain vacant. Redevelopment designation is a mechanism to reverse the site’s continued stagnation.”

**WHEREAS**, N.J.S.A. 40A:12A-6.b(4)-(5) of the LRHL provides in pertinent part relative to the Township Planning Board’s public hearing on the Preliminary Investigation and whether the Property should be designated a non-condemnation “area in need of redevelopment”:

“(4) At the hearing, which may be adjourned from time to time, the planning board shall hear all persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area. All objections to such a determination and evidence in support of those objections, given orally or in writing, shall be received and considered and made part of the public record.

(5) (a) After completing its hearing on this matter, the planning board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area”; and

**WHEREAS**, the Planning Board held a duly noticed public hearing on March 14, 2024 and received public comment, objections and evidence concerning the above-referenced Preliminary Investigation, and further concurred and agreed with the reasons stated in the Preliminary Investigation that the Property constitutes and meets the criteria under the LRHL supporting the recommendation that the Property be determined and declared a non-condemnation “area in need of redevelopment”; and

**WHEREAS**, the Planning Board considered and reviewed each of the statutory criteria in the LRHL and the condition of the Property as analyzed in detail in the Preliminary Investigation, including but not limited to public safety and other concerns related to the deleterious condition and obsolete layout of improvements and other conditions of the Property, and concurred with the findings in the Preliminary Investigation summarized herein; and

**WHEREAS**, on April 11, 2024, the Planning Board adopted a resolution recommending that the Mayor and Township Council declare the Property a non-condemnation “area in need of redevelopment” under the LRHL in accordance with N.J.S.A. 40A:12A-6 for the reasons stated therein; and

**WHEREAS**, on April 23, 2024, the Township Council concurred and agreed with the Planning Board’s recommendation and determined and declared the Property a non-condemnation “area in need of redevelopment” in Resolution No. 126-2024 and authorized Dougherty Planning & Development, LLC to prepare a redevelopment plan for the Property in order to effectuate the redevelopment of the Property; and

**WHEREAS**, Dougherty Planning & Development, LLC prepared a redevelopment plan for the Property entitled “143 Valley Street and 254-256 & 258-260 Washington Avenue Non-Condensation Redevelopment Plan, Block: 8701, Lots: 8.01, 9, & 10)” (the “Redevelopment Plan”); and, the Township Council referred same to the Planning Board for master plan consistency review under N.J.S.A. 40A:12A-7(e), whereafter the Planning Board advised the Township Council of the results of such consistency review in a letter report to the Township Council from the Planning Board Attorney, dated on or about June 20, 2024, which concluded that the Redevelopment Plan is consistent with the Township’s Master Plan and related Reexamination Reports, and recommended that Township Council consider adding additional on-site parking for the residential units; and

**WHEREAS**, for the reasons stated on the record, the Township Council believes that, *inter alia*, the additional on-site parking for the residential units recommended by the Planning Board is not consistent with the Township’s Master Plan and related Reexamination Reports and the underlying zoning (BG-Zone) in the Township’s Land Development Ordinance, and finally concluded that the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan as introduced without modification is in the best interests of the Township and the health, safety, morals and welfare

of its residents and is in accord with the public purpose and provisions of the applicable federal, state and local laws.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Township Council of the Township of Belleville, County of Essex, State of New Jersey, being the governing body thereof, that pursuant to N.J.S.A. 40A:12A-7 the Township Council hereby accepts, approves and adopts the Redevelopment Plan; and

**BE IT FURTHER ORDAINED**, if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of this Ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, to the extent that any portion of the Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Township's development regulations, the Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Township's zoning ordinance shall be deemed amended accordingly; and

**BE IT FURTHER ORDAINED**, this Ordinance shall be part of the Redevelopment Plan, and to the extent necessary the Township of Belleville Code, as though codified and fully set forth therein. The Township Clerk shall have this Ordinance codified and incorporated in the official copies of the Redevelopment Plan, and to the extent necessary the Township of Belleville Code; and

**BE IT FURTHER ORDAINED**, the Township Clerk is directed to file a copy of the Redevelopment Plan along with a copy of this Ordinance in the Office of the Township Clerk for inspection by the public; and

**BE IT FURTHER ORDAINED**, prior to adoption of this Ordinance on second and final reading the Township Council shall refer this Ordinance to the Planning Board for its review and recommendations in accordance with N.J.S.A. 40A:12-7; and

**BE IT FURTHER ORDAINED**, the Township Council hereby amends the zoning district map of the Township of Belleville to reflect that Block 8701, Lots 8.01, 9 and 10 are zoned in accordance with the Redevelopment Plan; and

**BE IT FURTHER ORDAINED**, this Ordinance shall take effect in accordance with the laws of the State of New Jersey after final passage.

All ordinances or parts thereof inconsistent with this Ordinance are hereby rescinded.

That the balance of the Ordinance shall remain in full force and effect.

This Ordinance shall take effect upon passage and publication as required by law.

/S/ Albert Cabrera  
Municipal Clerk  
Township of Belleville



