

**Preliminary Investigation  
Non-Condemnation Area in Need of Redevelopment**

**69-73 Lefante Way  
Block 412 Lot 3  
City of Bayonne, Hudson County, NJ**

**Public Hearing  
June 14, 2022**

Prepared By

City of Bayonne  
Division of Planning & Zoning

The original of this report was signed and sealed  
in accordance with N.J.S.A.45:14A-12

  
Suzanne T. Mack, P.P., A.I.C.P.  
Suzanne T. Mack, P.P., A.I.C.P. #33LI00442100

## Table of Contents

Section 1.	<u>Overview</u>	
	1. Introduction .....	2
	2. Identification of Study Area .....	2
Section 2.	<u>Redevelopment Area Criteria</u>	
	1. Statutory Criteria under LRHL Section 5 .....	3
	2. Statutory Criteria under LRHL Section 3 .....	5
Section 3.	<u>Preliminary Investigation</u>	
	1. Existing Land Use .....	6
	2. Redevelopment Analysis.....	6
Section 4.	<u>Conclusions and Recommendations</u>	
	1. Conclusions .....	10
	2. Recommendations .....	11
Section 5.	<u>Appendices/Maps</u>	
	A. Council Resolution No. R-19 Authorizing Subject Study .....	12
	B. Site Maps .....	xx
	C. Property Data Sheets .....	16

**Section 1 Overview**

**1.1. Introduction**

On February 16, 2022, the Municipal Council of the City of Bayonne adopted Resolution R-19 authorizing and directing the Planning Board to conduct a preliminary investigation to determine whether certain property identified as Block 412 Lot 3 as shown on the official tax map of the City constitutes a non-condemnation area in need of redevelopment pursuant the Local Redevelopment and Housing Law (“LRHL”), N.J.S.A. 40A:12A-1 et seq. A copy of Resolution No. R-19 is provided in **Appendix A.**

This investigation documents and analyzes the existing condition of the subject lands in accordance with the statutory criteria established for designating a non-condemnation area in need of redevelopment pursuant to the LRHL. The information contained in this report is intended to assist the Planning Board in making a recommendation to the Municipal Council as to whether it should adopt a resolution determining that all or a portion of the study area qualifies as a non-condemnation area in need of redevelopment under the law.

**1.2. Study Area Boundary**

The study area boundary is depicted on a map which is provided in **Appendix B.** The study area consists of one (1) lot within the City of Bayonne, which is summarized below.

Block- Lot	Owner	Mod IV Classification	LHRL Criterion
Block 412- Lot 3	North Hook Associates, LLC	Class 4B Industrial	B + D + F+ G + H

## **Section 2 Statutory Criteria**

### **2.1. Statutory Criteria Under Section 5 of LRHL**

An area may be determined to be in need of redevelopment if it meets one or more of the redevelopment area criteria that are provided in the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-5. These criteria are listed below:

a) *The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions. (N.J.S.A. 40A:12A-5[a]).*

b) *The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.(N.J.S.A. 40A:12A-5[b]).*

c) *Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital. (N.J.S.A. 40A:12A-5[c]).*

d) *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community. (N.J.S.A. 40A:12A-5[d]).*

e) *A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive*

*condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general. (N.J.S.A. 40A:12A-5[e]).*

*f) Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated. (N.J.S.A. 40A:12A-5[f]).*

*g) In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone. (N.J.S.A. 40A:12A-5[g]).*

*h) The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation. (N.J.S.A. 40A:12A-5[h]).*

## 2.2 Statutory Criteria Under Section 3 of LRHL

In addition to the conditions that have been listed above, the Local Redevelopment and Housing Law notes that:

*A redevelopment area may include land, buildings or improvements[,] which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part. (N.J.S.A. 40A:12A-3).*

## **Section 3 Findings, Conclusions, and Recommendations**

### **3.1 Findings and Conclusions**

Careful analysis including physical investigation of the subject lands has determined that the entire study area **qualifies** as a non-condemnation area in need of redevelopment. All the lands within the study area meet one or more of the statutory criteria for designation as a non-condemnation area in need of redevelopment. A parcel data sheet, including supportive photographic evidence, is in **Appendix C**.

The study area is part of the industrialized Constable Hook section of Bayonne. The area is characterized by tank farms, marine terminals, and industrial uses related to its location along the Kill Van Kull. The site is presently in the I-H Heavy Industrial District which also incorporates permitted uses in the IL-A and IL-B Light Industrial Districts. The site is also part of an overlay district that permits uses in the H-C Highway Commercial/Selected Light Industrial District. The relevant zoning for each of the above is provided in **Appendix D**.

All the lands within the study area qualify as a non-condemnation area in need of redevelopment under criterion “b” (abandonment) since it has been vacant for 2 years and has outdated building systems that are financially infeasible to repair; criterion “d” (faulty design) due to inadequate clear span to meet today’s “high cube” logistics demand, and criterion “f” (natural disaster) due to flood-related impacts and Hurricane Sandy.

In addition to the above, the study area also qualifies as a non-condemnation area in need of redevelopment under criterion “f” (natural disaster) as the entire area was subject to flooding during the unprecedented storm event Hurricane Sandy; criterion “g” because it is located in an Urban Enterprise Zone (UEZ) and criterion “h” (smart growth) based on the area’s designation as Planning Area #1 (PA-1), the highest targeted growth area in the State Plan.

### 3.2 Recommendations

Based on the foregoing analysis, the study area fulfills the requirements of the Local Redevelopment and Housing Law for being designated as a non-condemnation area in need of redevelopment. The Planning Board may, therefore, recommend that the Bayonne City Council adopt a resolution declaring that the entire study area should be designated as a non-condemnation area in need of redevelopment.

Once the Bayonne City Council has designated the area in need of redevelopment, it may direct the Bayonne Planning Board to develop a redevelopment plan for the area. Any redevelopment plan, after review by the Bayonne Planning Board, would then be referred to the Bayonne City Council. Upon receipt of the redevelopment plan, the Bayonne City Council may act to adopt the plan by ordinance.

The adopted redevelopment plan may then become an amendment to the city's zoning map and ordinance or may be treated as an overlay to existing zoning. Only after adoption by ordinance may the municipality exercise the redevelopment powers granted by the LRHL, excluding the power of eminent domain. As a non-condemnation area in need of redevelopment, acquisition of properties within the study area may only be achieved through good faith negotiations with the property owner, not by taking through eminent domain.



## **Appendix A**

### **Resolution Authorizing Subject Study**

**CITY COUNCIL OF CITY OF BAYONNE**

**RESOLUTION NO: 22-02-16-081**

**RESOLUTION AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE CITY OF BAYONNE TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY LOCATED AT 69-73 LEFANTE WAY AND KNOWN AS BLOCK 412, LOT 3 WITHIN THE CITY CONSTITUTES 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.**

**WHEREAS**, the City of Bayonne, in the County of Hudson, New Jersey (the “City”), a public body corporate and politic of the State of new jersey (the “State”), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 et seq. (the “Redevelopment Law”), to determine whether certain parcels of land within the City constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

**WHEREAS**, pursuant to the Redevelopment Law, the Municipal council adopted Resolution No. 98-02-04-040, designating the entire City as an area in need of rehabilitation in accordance with *N.J.S.A.* 40A:12A-14; and

**WHEREAS**, *N.J.S.A.* 40A:12A-6 authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation “area in need of redevelopment” pursuant to the criteria contained in *N.J.S.A.* 40A:12A-5; and

**WHEREAS**, the Mayor and Municipal Council consider it to be in the best interest of the City to have the Planning Board of the City (the “Planning Board”) conduct such an investigation to determine if certain properties located at 69-73 LeFante Way which properties are identified as Block 412 Lot 3 as shown on the official Tax Map of the City (the “Property”), constitute a non-condemnation “area in need of redevelopment”; and

**WHEREAS**, the City 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 City; and

**WHEREAS**, the preliminary investigation will be designed to evaluate the area to determine whether designation of the Property as a non-condemnation “area in need of redevelopment” is appropriate and in conformance with the statutory criteria contained in *N.J.S.A.* 40A:12A-5;

**NOW THERE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, NEW JERSEY AS FOLLOWS:**

**Section 1.** The Planning Board is hereby directed to conduct a preliminary investigation to determine whether the aforementioned 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

**Section 2.** The Planning Board is hereby directed to study the area known as 69-73 LeFante Way; to develop a map reflecting the boundaries of the proposed non-condemnation redevelopment area; to provide public notice and conduct public hearings pursuant to *N.J.S.A.* 40A:12A-6; and to draft a report/Resolution to the Municipal Council containing its findings; and

**Section 3.** The results of such preliminary investigation shall be submitted to the Mayor and Municipal Council for review and approval in accordance with the provisions of the Redevelopment Law.

**Section 4.** This Resolution shall take effect immediately.

**Appendix D**

**Existing Zoning Regulations**

### **35-5.17 I-H Heavy Industrial District.**

#### *a. Permitted Principal Uses.*

1. All permitted principal uses in the IL-A and IL-B Districts, but not automobile service stations, car wash facilities and new automobile and motorcycle sales listed as "Other Commercial Uses."
2. General industrial uses involving primary production from raw materials such as metals, botanic and other man-made or natural products.
3. Chemical and petrochemical refining and manufacture.
4. Tank farms and bulk storage of materials other than flammable and combustible liquids. Flammable and combustible liquids are permitted as conditional uses in accordance with the conditional use standards of Schedule II in subsection 35-5.28, Conditional Uses.

#### *b. Required Accessory Uses. Reserved.*

#### *c. Permitted Accessory Uses.*

1. Permitted accessory uses in the IL-A and IL-B Districts.

#### *d. Permitted Conditional Uses.* Subject to conditional use standards of Schedule II in subsection 35-5.28, Conditional Uses:

1. Tank farms and bulk storage of flammable or combustible liquids.
2. Automobile storage facilities for impounded or towed vehicles, subject to the following conditions:
  - (a) Facility operator must possess a valid towing license issued by the State of New Jersey.
  - (b) Facility operator must be licensed by the City of Bayonne under Section 4-29 et seq. of these Revised General Ordinances of the City of Bayonne.
  - (c) Vehicles shall be stored in the rear yard or side yard only.
  - (d) The area within which the vehicles are stored shall be fully enclosed with a fence or a wall a minimum of six (6) feet in height.
  - (e) The area within which vehicles are to be stored shall be screened or otherwise protected from view from public streets, rights of way and adjacent properties by way of a fence, wall, landscaping, berm or any combination thereof.
  - (f) Accessory structures or buildings associated with the aforesaid use shall be located in the rear yard or side yard only.
  - (g) Where the use adjoins a designated redevelopment area, commercial zone or residential zone; a buffer shall be provided having a minimum width as follows:
    - (1) Minimum buffer to residential district or use: 50-feet
    - (2) Minimum buffer to redevelopment area or use: 250-feet
    - (3) Minimum buffer to commercial district or use: 150-feet
  - (h) Automobile storage facilities for impounded or towed vehicles shall be located in those sections of the I-H Heavy Industrial District east of Route 440 and north of East 5th Street only. In no event shall such a facility or use be located on property that fronts Route 440.
  - (i) Automobile storage facilities for impounded or towed vehicles shall not be construed to include new or used vehicle sales lots, commercial parking lots, junkyards or outdoor storage facilities for the distribution and trans-shipment of vehicles for retail or wholesale trade.

#### *e. Area, Yard and Structure Requirements.*

1. Minimum area: 1 acre
2. Minimum lot fronting: 125 ft.
3. Minimum frontage setback: 30 ft.
4. Minimum rear yard setback: 50 ft. (where property abuts the waterfront, rear yard is reduced to not less than 25 ft.)
5. Minimum Side Yard 25 feet, except that the combination of both side yards must be at least 50 feet
6. Maximum Height  
Principal Structure none  
Accessory Structure none
7. Floor Area Ratio none

#### *f. Special Requirements.*

1. All uses are subject to performance standards of subsection 35-5.27.
2. As certain land uses become obsolete in this zone and as the new Master Plan implements new zoning based on market driven needs; the following

block and lots will form an "overlay zone district" which allows all "I-H" permitted principal, accessory and conditional uses by right. Concurrently, as an alternate, the overlay zoning also permits principal, accessory, and conditional uses of the Highway Commercial/Selected Light Industrial District in the shaded area on the City Zoning Map between the H-C District and the I-H District.

Block and lots in the "I" Overlay Zone District

Block 412 - Lot 3 (6.43 ac.)

Block 415 - Lot 1 (2.59 ac.)

Block 415 - Lot 2 (7.53 ac.)

Block 416 - Lot 3 (17.56 ac.)

Block 417 - Lot 1 (6.22 ac.)

Block 417 - Lot 2 (2.07 ac.)

Block 417 - Lot 3 (8.99 ac.)

3. An applicant may opt to utilize the overlay zoning once an application for site plan approval is made to the Planning Board. The applicant must set a termination date for the Heavy Industrial Use which cannot coexist with the proposed Highway Commercial/Light Industrial Use.

4. Design Criteria – Reserved.

(Ord. No. 095111

§ 355.11;

Ord. No. 00119

§ 19 [335.11]

; Ord. No. 00901

§ 2)

### **35-5.16 IL-A and IL-B Light Industrial Districts.**

#### *a. Permitted Principal Uses.*

1. Business, executive, or administrative offices.

2. Fully enclosed light manufacturing establishments, including the manufacture, assembly, packing or treatment of articles on merchandise from previously prepared materials, including:

(a) Pharmaceutical and cosmetics.

(b) Food processing.

(c) Electrical and electronic equipment.

(d) Woodworking, furniture, upholstery.

(e) Textiles and apparel.

(f) Awnings and venetian blinds.

(g) Machine shops/tool and die/metal working.

3. Wholesale storage, distribution and trucking services in the IL-B District only.

4. Bus terminals.

5. Research laboratories, including pilot facilities.

6. Fully enclosed heavy commercial establishments:

(a) Electrical and plumbing sales and contracting.

(b) Building material sales and lumber yards.

(c) Dry cleaning plants.

(d) Lithography, printing, ruling and binding establishments.

(e) Photo processing plant.

(f) Office supplies and services.

7. In the IL-A District only, other Commercial Establishments:

(a) Automobile service stations.

(b) Car wash facilities.

(c) New automobile and motorcycle sales.

*b. Required Accessory Uses.* Reserved.

#### *c. Permitted Accessory Uses.*

1. Accessory structures and uses, such as restaurants, cafeterias, offices, provided that they are on the lot of the principal use and are customarily incidental to a permitted principal use or structure.

2. Storage of building and lumber materials, provided they are properly screened from adjacent uses.

*d. Permitted Conditional Uses.* None.

*e. Area, Yard and Structure Requirements.*

1. Minimum area:

IL-A 7500 sq. ft

IL-B 20,000 sq. ft.

2. Minimum lot fronting:

IL-A 75 ft.

IL-B 100 ft.

3. Minimum frontage setback:

Both Districts 30 ft.

4. Minimum rear yard setback:

Both Districts 20 ft.

5. Minimum Side Yard:

IL-A District 10 feet, except that the combination of both side yards must be at least 25 feet

IL-B District 20 feet, except that the combination of both side yards must be at least 50 feet

6. Maximum Height (Both Districts):

Principal Structure 50 feet and not exceeding 4 stories

Accessory Structure 30 feet and not exceeding 2 stories

7. Floor Area Ratio: None

*f. Special Requirements.*

1. All uses are subject to performance standards of subsection 35-5.27.

(Ord. No. O0119

§ 16 [335.10])