Preliminary Investigation
Non-Condemnation Area in Need of Redevelopment

Fryczynski Funeral Home
Block 212, Lots 30, 31, and 32
28-34 East 22nd Street
City of Bayonne, Hudson County, NJ

Bayonne Planning Board
Public Hearing
December 12, 2023

Prepared By

City of Bayonne
Department of Planning, Zoning and Development
Division of Planning

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3.3.1 Section 1 Overview

1.1. Introduction

On May 17, 2023, the Municipal Council (the “Council”) of the City of Bayonne adopted Resolution No. R- authorizing and directing the Planning Board to conduct a preliminary investigation to determine if certain lands located at 28-34 East 22nd Street, which are identified as Block 212, Lots 30, 31, and 32 on the official tax map of 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. (hereafter “LRHL”). A copy of Resolution No. R- 3 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 Council as to whether it should adopt a resolution determining that all or a portion of the study area qualify as a non-condemnation area in need of redevelopment under the law.

1.2. Identification of Study Area

The study area comprises the following tax parcels in the City of Bayonne:

- Block 212 Lot 30 (34 East 22nd Street)
- Block 212 Lot 31 (28-30 East 22nd Street)
- Block 212 Lot 32 (28 East 22nd Street) * number on house shows “26”

The study area is depicted on maps which are provided in Appendix B. The study area comprises approximately 0.68 acres and contains the Fryczynski Funeral Home and residential uses.
3.3.2 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 criteria provided in the LRHL at N.J.S.A. 40A:12A-5. These criteria are listed below:

(a) Substandard Buildings. The statute reads: “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.”

(b) Abandonment. The statute reads: “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 untenantable.”

(c) Vacant or Public Land. The statute reads: “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.”

(d) Obsolescence or Faulty Design. The statute reads: “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."

(c) **Underutilization.** The statute reads: "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.

(f) **Fire or Other Damage.** The statute reads: "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."

(g) **Urban Enterprise Zones.** The statute reads: "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.”

(h) **Smart Growth.** The statute reads: “The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.”

2.2. **Statutory Criteria Under Section 5 of LRHL**

Lands that do not satisfy the blight criteria listed above may nonetheless be included in a redevelopment area, pursuant to Section 3 of the LRHL which reads: “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.”
### 3.3.3 Section 3 Findings, Conclusions, and Recommendations

#### 3.2 Findings and Conclusions

Careful analysis including physical investigation of all properties has determined that the entire study area qualifies for designation an area in need of redevelopment. All the properties within the study area meet one or more of the statutory criteria for designation as an area in need of redevelopment under the LRHL. Individual lot data sheets, including supportive photographic evidence, are provided in Appendix C.

The study area is developed with the Fryczynski Funeral Home and residential uses. Most of the buildings in the study area are over 100 years old and have outlived their useful lives. The buildings have outdated antiquated utility systems which are inconsistent with today’s design standards and codes and too costly to renovate. In this regard, the study area satisfies the criteria for redevelopment designation under subsection “d” of the LRHL (N.J.S.A. 40A:12A-5) based on faulty design and obsolescence which is having an adverse impact on the area.

The study area also satisfies the criteria for redevelopment designation under subsection “g” of the LRHL (N.J.S.A. 40A:12A-5) based on its location within an Urban Enterprise Zone (UEZ).

In addition, to reinforce the above, designation of all the lots would promote “smart growth” principles for transit-oriented development around transportation hubs, by virtue of the site’s proximity to the 22nd Street light rail station. In this regard the statutory criterion for redevelopment designation under subsection “h” of the LRHL (N.J.S.A. 40A:12A-5.h.) is met.

A lot-by-lot listing of all the properties in the Study Area is provided in Table 1 below, along with observed land uses and the MOD-IV tax classification. The observed land uses of the Study Area generally matched the assessed land use, as indicated in the table.
Table 1 – Parcel Summary Table

<table>
<thead>
<tr>
<th>Block</th>
<th>Lot</th>
<th>Address</th>
<th>Mod IV Classification</th>
<th>Observed Land Use</th>
<th>LHRL Criterion</th>
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</thead>
<tbody>
<tr>
<td>212</td>
<td>30</td>
<td>34 East 22nd Street</td>
<td>Class 4A – Commercial</td>
<td>Funeral Home</td>
<td>d + g + h</td>
</tr>
<tr>
<td>212</td>
<td>31</td>
<td>28-30 East 22nd Street</td>
<td>Class 4A – Commercial</td>
<td>Multifamily Dwelling</td>
<td>d + g + h</td>
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<tr>
<td>212</td>
<td>32</td>
<td>28 East 22nd Street</td>
<td>Class 2- Residential</td>
<td>One-family Dwelling</td>
<td>d + g + h</td>
</tr>
</tbody>
</table>

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
MUNICIPAL COUNCIL OF THE CITY OF BAYONNE

RESOLUTION NO. 23-05-17-050


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 City 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 a certain property located at 28-34 East 22nd Street, which property is identified as Block 212, Lots 30 and 31 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; and

WHEREAS, the City Council further desires that to the extent that the Planning Board determines that the Property constitutes an area in need of redevelopment, that the Planning Board prepare a redevelopment plan for the Property (the “Redevelopment Plan”).

NOW THERE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, 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 Block 212, Lots 30 and 31 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.

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

Section 4. To the extent that the preliminary investigation determines that the subject Property meets the statutory criteria to be deemed a non-condemnation area in need of redevelopment, the Planning Board is further directed to prepare a Redevelopment Plan for the subject Property.

Section 5. This Resolution shall take effect immediately.

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Aye</th>
<th>Nay</th>
<th>Abstain</th>
<th>Absent</th>
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<td>Perez</td>
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<td>LaPelusa</td>
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Appendix B:

Study Area Maps
Appendix C

Property Analysis Sheets
Property Information

Tax ID: Block 212 Lot 30
Address: 34 E 22nd Street
Bayonne, NJ, 07002
Owner: S Fryczynski, Inc
34 E 22nd Street
Bayonne, NJ, 07002
MOD-IV: Class 4A - Commercial
Zone: TDD (Transit Development District)
TDO (Transit Development Overlay)
Lot Area: 0.38 AC ±
Land Use: Funeral Home 3U

Property Description

The property is a through lot with frontage on East 21st Street and East 22nd Street. It has an irregular shape and a lot area of approximately 0.38 acres. It has been developed as a funeral home for over 100 years. It consists of the funeral home building, a detached garage, and surface parking.

Surrounding uses include Mount Carmel Church, residential uses, Bayonne YMCA, and Dworzanski Funeral Home. The site is a short walk (less than 800 feet) from the 22nd Street Hudson-Bergen Light Rail train station.

Property Analysis

Based on field reconnaissance and review of public documents, the site satisfies the following criteria for designation as a non-condemnation area in need of redevelopment.

- **Criterion (d) – Faulty Design** – The funeral home is over 100 years old and has outlived its useful life. The building has outdated antiquated utility systems which are inconsistent with today’s design standards and codes and too costly to renovate. The site layout consists of narrow driveways that are not adequate for two-way circulation and limited off-street parking. The site is not in accordance with current ADA regulations in terms of accessible routes for disabled persons. The site was built for a singular purpose and is not conducive to adaptive reuse for another use. Funeral homes are not permitted in the TDD/TDO zone. By reason of its obsolete layout and faulty design, the site is detrimental to the health, safety, and welfare of the community.

- **Criterion (g) – Urban Enterprise Zone** – The site is within a designated Urban Enterprise Zone (UEZ).

- **Criterion (h) – Smart Growth** – While this criterion is not proposed in isolation, it can be applied to bolster other criteria that support a redevelopment designation. In this instance, designation is wholly consistent with smart growth principles in that it promotes redevelopment within Planning Area #1 (PA-1) based on the area’s designation as PA-1, the highest targeted growth area in the State Plan.
Figure 1 ~ Satellite imagery of subject site (photo source: Bayonne GIS)
Figure 2 ~ Aerial drone view of subject site (taken by John McDonough Associates 11/14/23).

Figure 3 ~ Aerial drone view of subject site (taken by John McDonough Associates 11/14/23)
Figure 4 ~ Aerial drone view of subject site (taken by John McDonough Associates 11/14/23)

Figure 5 ~ Aerial drone view of subject site (taken by John McDonough Associates 11/14/23)
Property Information

Tax ID: Block 212 Lot 31  
Address: 28-30 E 22nd Street  
Bayonne, NJ, 07002  
Owner: J Shack, LLC  
32-34 E 22nd Street  
Bayonne, NJ, 07002  
MOD-IV: Class 4A - Commercial  
Zone: TDD (Transit Development District)  
TDO (Transit Development Overlay)  
Lot Area: 0.2 AC ±  
Land Use: Multifamily 6U

Property Description

The property is an interior lot with frontage on East 22nd Street. It has a generally rectangular shape and a lot area of approximately 0.2 acres. It is developed with 2 multifamily buildings. According to city tax records, the site contains 6 dwelling units. According to state records, the site contains 3 dwelling units registered with the DCA.

Surrounding uses include Mount Carmel Church, Fryczynski Funeral Home, residential uses, Bayonne YMCA, and Dworzanski Funeral Home. The site is a short walk (less than 800 feet) from the 22nd Street Hudson-Bergen Light Rail train station.

Property Analysis

Based on field reconnaissance and review of public documents, the site satisfies the following criteria for designation as a non-condemnation area in need of redevelopment.

- **Criterion (d) – Faulty Design** – The main building is over 100 years old and has outlived its useful life (according to the tax records, the “year constructed” is 1920). The building has outdated antiquated utility systems which are inconsistent with today’s design standards and codes and too costly to renovate. The site lacks any off-street parking. By reason of its obsolete layout and faulty design, the site is detrimental to the health, safety, and welfare of the community.

- **Criterion (g) – Urban Enterprise Zone** – The site is within a designated Urban Enterprise Zone (UEZ).

- **Criterion (h) – Smart Growth** – While this criterion is not proposed in isolation, it can be applied to bolster other criteria that support a redevelopment designation. In this instance, designation is wholly consistent with smart growth principles in that it promotes redevelopment within Planning Area #1 (PA-1) based on the area’s designation as PA-1, the highest targeted growth area in the State Plan.
Figure 1 - Satellite imagery of subject site (photo source: Bayonne GIS)

Figure 2 - Aerial drone view of subject site (taken by John McDonough Associates 11/14/23).
Figure 3 ~ Aerial drone view of subject site (taken by John McDonough Associates 11/14/23)

Figure 4 ~ Aerial drone view of subject site (taken by John McDonough Associates 11/14/23)
Block 212 Lot 32

**Property Information**

<table>
<thead>
<tr>
<th>Tax ID:</th>
<th>Block 212 Lot 32</th>
<th>MOD-IV:</th>
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<td>Address:</td>
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<td>Zone:</td>
<td>TDD (Transit Development District)</td>
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<td></td>
<td>Bayonne, NJ, 07002</td>
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<td>TDO (Transit Development Overlay)</td>
</tr>
<tr>
<td>Owner:</td>
<td>Rock, Angela</td>
<td>Lot Area:</td>
<td>0.10 AC ±</td>
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<tr>
<td></td>
<td>28 E 22nd Street</td>
<td>Land Use:</td>
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<tr>
<td></td>
<td>Bayonne, NJ, 07002</td>
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</tbody>
</table>

**Property Description**

The property is an interior lot with frontage on East 22nd Street. It has a rectangular shape and a lot area of approximately 0.1 acres. It is developed with a 2-story single-family dwelling. According to city tax records, the year constructed was 1920.

Surrounding uses include Mount Carmel Church, Fryczynski Funeral Home, residential uses, Bayonne YMCA, and Dworzanski Funeral Home. The site is a short walk (less than 800 feet) from the 22nd Street Hudson-Bergen Light Rail train station.

**Property Analysis**

Based on field reconnaissance and review of public documents, the site satisfies the following criteria for designation as a non-condemnation area in need of redevelopment.

- **Criterion (d) – Faulty Design** – The dwelling is over 100 years old and has outlived its useful life. The building has outdated antiquated utility systems which are inconsistent with today’s design standards and codes and too costly to renovate. By reason of its obsolete layout and faulty design, the site is detrimental to the health, safety, and welfare of the community.

- **Criterion (g) – Urban Enterprise Zone** – The site is within a designated Urban Enterprise Zone (UEZ).

- **Criterion (h) – Smart Growth** – While this criterion is not proposed in isolation, it can be applied to bolster other criteria that support a redevelopment designation. In this instance, designation is wholly consistent with smart growth principles in that it promotes redevelopment within Planning Area #1 (PA-1) based on the area’s designation as PA-1, the highest targeted growth area in the State Plan.
Figure 1 ~ Satellite imagery of subject site (photo source: Bayonne GIS)

Figure 2 ~ Street view of subject site (Google) – note: the address on the building says "26" but the tax card says "28".
Figure 3 ~ Aerial drone view of subject site (taken by John McDonough Associates 11/14/23)

Figure 4 ~ Aerial drone view of subject site (taken by John McDonough Associates 11/14/23)