

## *Preliminary Investigation*

## Area in Need of Non-Condemnation Redevelopment

# Bella Sorellas Site



**Date of Adoption:** \_\_\_\_\_, 2025

City of Bayonne, Hudson County, New Jersey

*Prepared by:*

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



## Preliminary Investigation

### Area in Need of Non-Condemnation Redevelopment

# Bella Sorellas Preliminary Investigation

1022-1024, 1026, 1028, 1030-1036 Broadway

9, 10 and 16 E. 51<sup>st</sup> St.

Block 54; Lots 1, 21, 22.03, 23-26

## City of Bayonne, Hudson County, New Jersey

Adopted pursuant to N.J.S.A. 40A:12A-1, *The New Jersey Local Redevelopment and Housing Law*, by Resolution of the City Council of the City of Bayonne following public hearing and recommendation of establishment by the Planning Board of the City of Bayonne on December 3, 2025.

*Prepared for the City of Bayonne by the Department of Planning, Zoning and Development by:*

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***Bella Sorellas Study***  
***Preliminary Investigation of an Area in Need of Redevelopment***  
BAYONNE CITY, HUDSON COUNTY, NJ

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## INTRODUCTION

The City Council of Bayonne directed the Planning Board, pursuant to Resolution \_\_\_\_\_ adopted on April 9, 2025 (see Appendix A), to conduct a preliminary investigation to determine whether a set of seven lots at the western end of the block between 50<sup>th</sup> and 51<sup>st</sup> Streets fronting on Broadway qualify as an *area in need of non-condemnation redevelopment* (AINR). This directive is pursuant to the criteria established at N.J.S.A. 40A:12A-1, *et seq.*, known as the “Local Redevelopment and Housing Law” (“LRHL”).

This report constitutes the *Preliminary Investigation*, which is the statutorily enabled vehicle by which the Planning Board responds to the City Council’s request to study the area in question. This study includes a description of the existing conditions of the study area, depicted through photography, written narratives and data analysis. The information gathered has been compared to the criteria contained within the LRHL. Based upon that comparison, a recommendation is made as to whether it should be formally identified as an AINR.

Previously, City Council passed Resolution 21-05-12-066 that included land identified as Block 54; Lots 1, 24, 25, and 26 that are also included in the subject Preliminary Investigation. While the Planning Board adopted a report on June 16, 2021 and transmitted its findings via resolution to the City Council, the governing body declined to consider it further at that time and no redevelopment area was established.

### Statutory Authority and Process

Under New Jersey’s LRHL municipalities are empowered to determine whether an area is in need of rehabilitation or redevelopment, to adopt a redevelopment plan, and to implement and carry out redevelopment projects. The City of Bayonne is required to follow the statutorily defined process set forth in the LRHL. This process may result in the adoption of a redevelopment plan, which is typically a new

### NJ Local Redevelopment and Housing Law: *Redevelopment Process*

- Borough Council directs the Planning Board to undertake a preliminary investigation to determine whether or not an identified area is in need of redevelopment.
- Borough Council decides whether this is condemnation or non-condemnation redevelopment.
- Planning Board conducts an investigation and holds a public hearing on the proposed redevelopment area designation.
- Based on the Planning Board’s recommendation, Borough Council may designate all or some of the study area as an “area in need of redevelopment”.
- The Borough Council prepares a redevelopment plan for the area or directs the Planning Board to prepare the plan.
- The Borough Council adopts the redevelopment plan.
- The Borough Council or another public agency/ authority designated as the “redevelopment entity” that oversees the implementation of the redevelopment plan.
- The redevelopment entity selects a redeveloper(s) to undertake a project(s) that implements the redevelopment plan.

set of development regulations. This enables the municipality to adopt other land development regulations as well as use fiscal tools to overcome the impediments identified in the Preliminary Investigation that have led to the existing conditions of the property.

**LOCATION AND EXISTING CONDITIONS**

The Bella Sorellas Study Area consists of seven properties located along Broadway or close by side streets between East 50th Street and East 51st Street, identified on the City of Bayonne Tax Assessment Map (Plate 101) as Block 54, Lots 1, 21, 22.03, 23, 24, 25, and 26. The Study Area encompasses approximately 0.92 acres. Approximately half of the properties within the Study Area have frontage along Broadway, with Lot 1 fronting E. 50th Street and Lots 21 and 22.03 fronting E. 51st Street. It is currently comprised of vacant land, an Ace Hardware store, private residential uses, a vacant commercial building and a mixed-use building with a vacant commercial ground floor and an occupied residential unit(s) on the upper floor. The former “Bella Sorellas” Italian restaurant is located within a two-story mixed-use building. The existing one-story Ace Hardware store provides four off-street parking spaces – the only property with such parking in the Study Area.

Most of the properties are owned by separate private entities, with Lot 21 being the only lot held by an individual, rather than a limited liability corporation. Table 1, Property Information, Bella Sorellas Preliminary Investigation, provides basic information on the various lots.

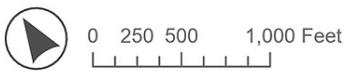
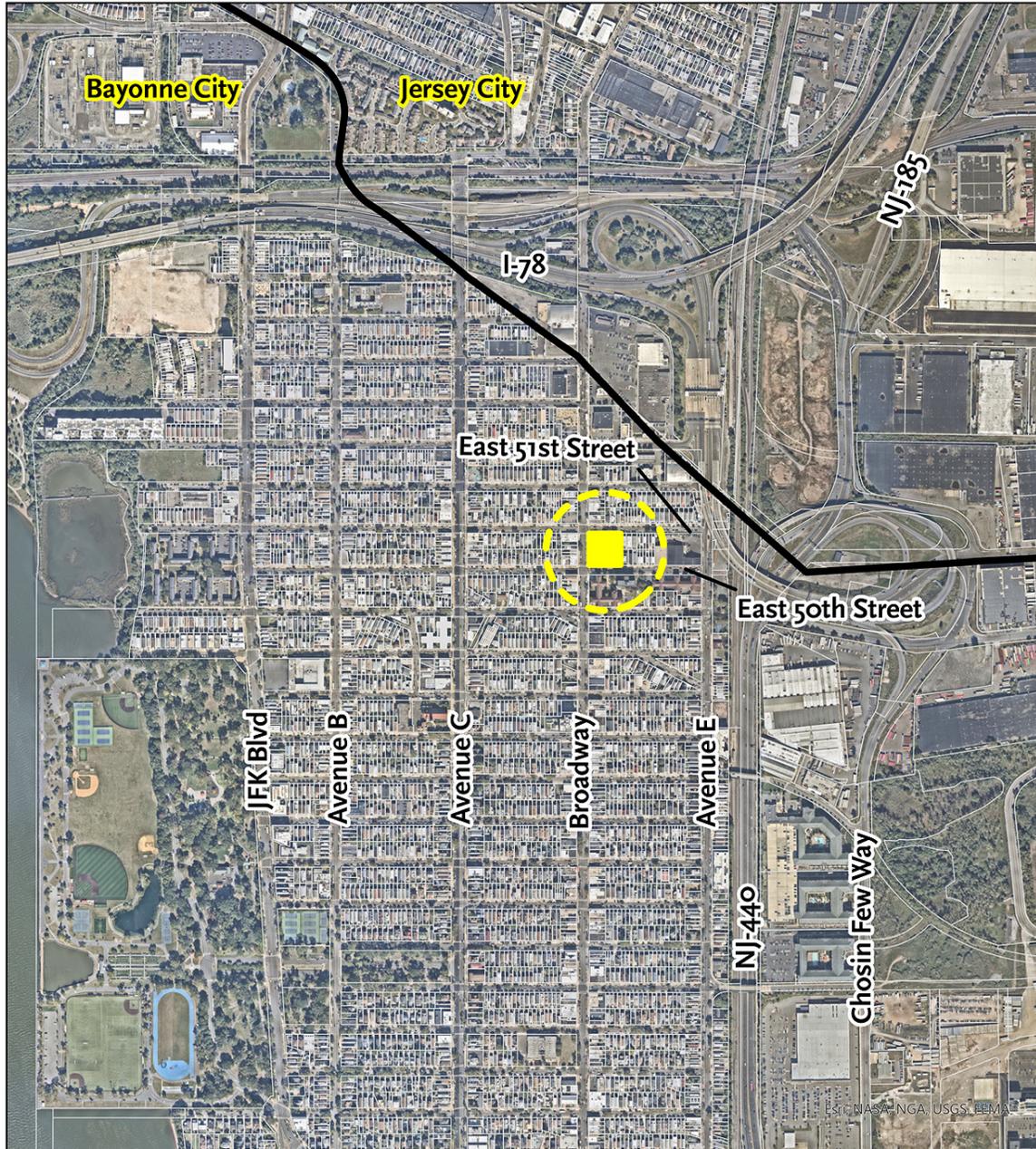
**Table 1. Property Information, Bella Sorellas Preliminary Investigation**

Block	Lot	Property Class	Owner	Address	Area (Acres)
54	1	2	9 East 50th Street, LLC	9 E. 50 <sup>th</sup> Street	0.23
54	21	2	Lopez, Melvin	16 E. 51 <sup>st</sup> Street	0.07
54	22.03	2	10 East 51st Street LLC	10 E. 51 <sup>st</sup> Street	0.16
54	23	4A	1030 Broadway, LLC	1030-1036 Broadway	0.23
54	24	4A	Country Roads Hope and Dreams, LLC	1028 Broadway	0.06
54	25	1		1026 Broadway	0.09
54	26	4A	1022 Broadway, LLC	1022-1024 Broadway	0.08
TOTAL ACRES					0.92

Property Class Notes: 1=vacant, 2=single family attached and detached residential, 4A= commercial, including apartments.

On page 3, Map 1, Study Area Within Bayonne, locates the tract of the investigation in the northeastern part of the City. On page 4, Map 2, Study Area Boundary and Parcels shows the Preliminary Investigation tract and the tax assessment lot numbers.

**Map 1. Study Area Within Bayonne**



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 Architecture  
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 Landscape Architecture

Bella Sorella Site AINR  
 Preliminary Investigation Study  
**Study Area Location**

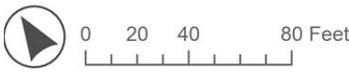
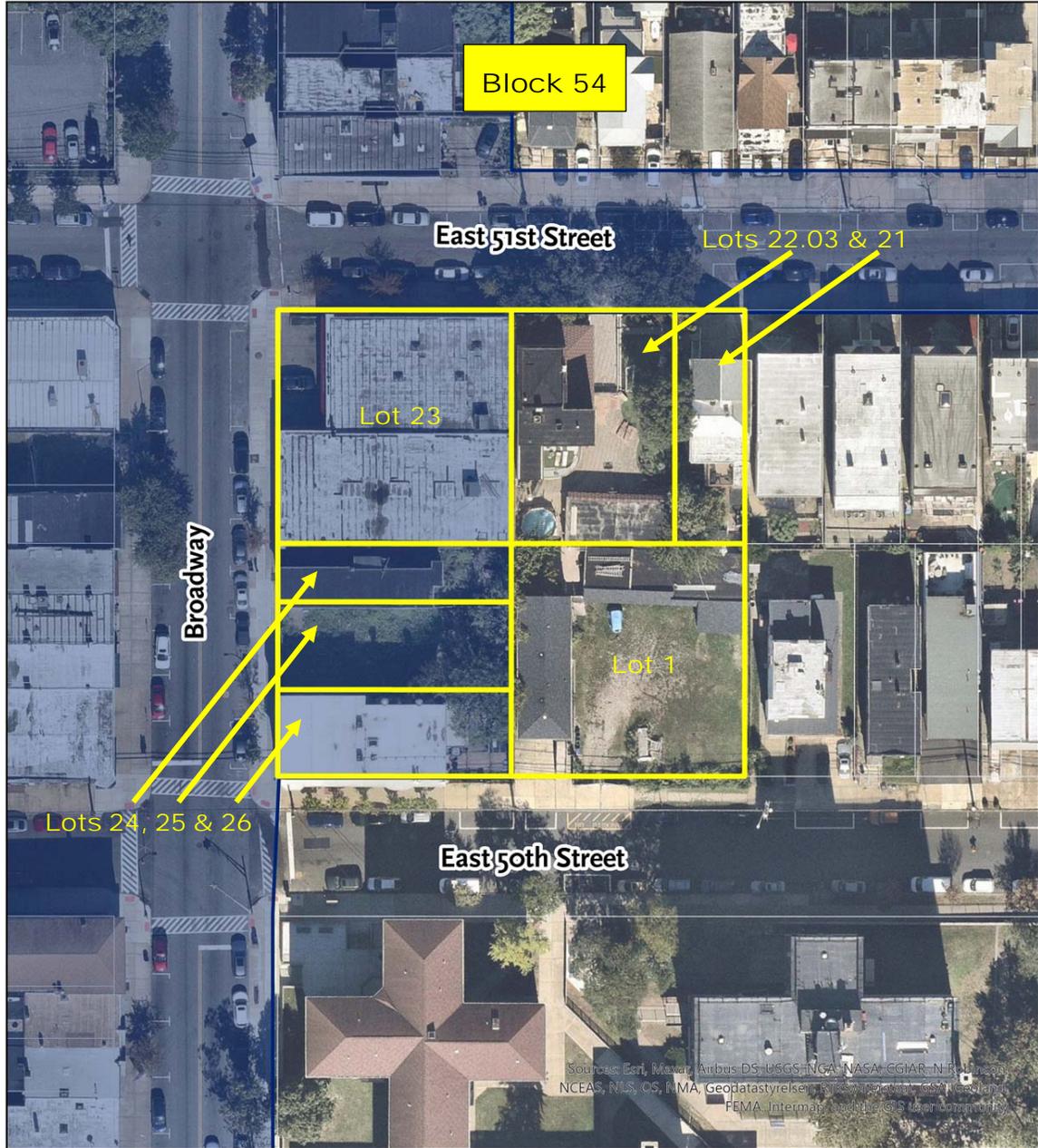
Block 54, Lots 1, 21, 22.03, and 23-26

LOCATION:  
 Bayonne City, Hudson County, NJ

DATE:  
 November 2025

 Study Area Boundary

**Map 2. Study Area Boundary and Parcels**



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Bella Sorella Site AINR  
 Preliminary Investigation Study  
**Study Area Boundary**

Block 54, Lots 1, 21, 22.03, and 23-26

LOCATION:  
 Bayonne City, Hudson County, NJ

DATE:  
 November 2025

- Study Area Boundary
- "UEZ" Boundaries

## Nearby Land Use

Nearby land uses on Broadway consist almost entirely of commercial, residential, and mixed-use buildings one to three stories in height, while the adjacent side streets are predominantly residential in character. However, at the eastern end of the block containing the Study Area is an industrial use – a pipe-supply metal shop and warehouse occupying approximately 1.3 acres fronting on Avenue E - and on the south side of E. 50<sup>th</sup> Street is the Pamrapo apartment complex operated by the Bayonne Housing Authority. Most of the housing stock otherwise on the two streets is separated residential buildings with one to four dwelling units in two to three story buildings. Rt. 440 and I-78 (New Jersey Turnpike Extension) are both easily accessed from the Study Area, with a highway entrance located just one block distant along Avenue E.

## Environmental Constraints

None of the seven properties in the Study Area are located in the inland flood hazard area according to Federal Emergency Management Agency (FEMA) Flood maps, nor within the 100-year and 500-year floodplains. There are no sites within the Study Area on the New Jersey Department of Environmental Protection (NJDEP) Known Contaminated Site List, though Lot 22.03 was the subject of site remediation activities in 2007. According to NJDEP’s “DataMiner” tool, there is no listed completion date to its remediation activity, though the case has been closed by the agency and there have been no updates in the file since 2007. One could conclude that the site has, in fact, been successfully remediated, though whether to an unrestricted standard or not is unclear.

## EXISTING ZONING, PLANNING DOCUMENTS AND OTHER DATA

### Uptown Business District (UBD)

The Study Area is partially located within Bayonne’s Uptown Business District (UBD) zoning district. The allowed uses in the Uptown Business District uses include (paraphrasing):

- Professional offices;
- Business offices;
- Banks and financial institutions;
- Boutique retail stores;
- Other retail commercial uses with the exception of thrift stores; pawn shops and fire arms sales; massage parlors; tattoo parlors and palm reading and psychics;
- Dwelling apartment uses on floors above the street level floor; and
- Commercial recreation.

The minimum lot area is 3,000 sf. with a minimum lot frontage of 30 ft. Lot 24, with 25 feet of frontage and 2,500 sf. in area is non-conforming. The uses, either as they exist today or existed in the past, conform to the use regulations for the UBD.

### **Detached/Attached Residential District (R-2)**

The other portion of the Study Area is located within Bayonne’s Detached/Attached Residential District (R-2) zoning district. The uses in the R-2 district include:

- Detached single-family dwellings;
- Detached two-family dwellings;
- Home occupations;
- Family day care homes; and
- Essential services.

The minimum lot area is 3,000 sf. with a minimum lot frontage of 30 ft. Lots 1, 21 and 22.03 meet these zoning regulations. Lot 1 has a three apartments in the residential building and an detached 7-bay garage that does not appear to be used as off-street parking for the three units. This appears to have been constructed as garages to rent to other car owners in the neighborhood. Lots 21 and 22.03, with two and one residential units, respectively, conform to the use regulations of the R-2.

### **2017 Master Plan Reexamination Report**

Bayonne’s 2017 Master Plan Reexamination Report emphasizes the need to identify sites adequate for redevelopment and economic revitalization along the Broadway Special Development Area as created in the 2000 Master Plan:

*“Plan for and promote the redevelopment of underutilized or vacant commercial and industrial properties including MOTBY, the Texaco site and portions of Broadway.”*  
[emphasis added]

### **Smart Growth Area**

The entirety of the Study Area has been designated to be in Planning Area 1, the Metropolitan Planning Area as is the entirety of Bayonne. This planning area constitutes a “Smart Growth Area” as characterized by the New Jersey State Development and Redevelopment Plan (“State Plan”) from 2001. While the State Plan is currently undergoing revision and is expected to be updated through adoption of a new State Plan shortly, the planning goals for the New Jersey represented by the Smart Growth initiative will remain with Bayonne being the focus of redevelopment efforts to accommodate additional population. The State Plan differentiates geographic areas within the State to:

*Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and inter-governmental coordination (N.J.S.A. 52:18A-200(f)).*

The State Plan characterizes areas relative to the State’s preference for development and redevelopment where coordination and resources should be focused as different “planning areas. Furthermore, the Office of Planning Advocacy has aggregated the most preferential areas (planning areas) for growth and development within a map depicting Smart Growth Areas:

*"Smart growth area" means an area designated pursuant as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), a designated center, or a designated growth center in an endorsed plan; a smart growth area and planning area designated in a master plan adopted by the New Jersey Meadowlands Commission; a growth area designated in the comprehensive management plan prepared and adopted by the Pine-lands Commission; an urban enterprise zone; an area determined to be in need of redevelopment and as approved by the Department of Community Affairs; or similar areas designated by the Department of Environmental Protection. [citations omitted]*

The LRHL considers the location of a redevelopment study area relative to the NJ State Plan policies, as embodied in the State Plan’s planning areas, for the purposes of determining whether a study area should be designated as an Area in Need of Redevelopment. The entirety of the Study Area is within the Metropolitan Planning Area, Planning Area 1, which is considered a “Smart Growth Area” by the State Plan.

## **APPLICATION OF REDEVELOPMENT CRITERIA TO THE STUDY AREA**

Criteria set forth in the LRHL at *N.J.S.A. 40A:12A-5* provide the basis for the determination of an area in need of redevelopment (AINR). Although there are a variety of factors that could apply, an area qualifies as being in need of redevelopment if it meets at least one of the eight statutory criteria. These criteria are commonly identified by the letter (a-h) corresponding to the paragraphs of Section 5 of the LRHL and relate to the impact of a particular area on public health, safety and welfare, primarily through conditions of deterioration, obsolescence, disrepair and faulty designs. The absence of use and an area’s relationship to an Urban Enterprise Zone or “smart growth” area are also addressed in the criteria.

In addition to the criteria contained at *N.J.S.A. 40A:12A-5*, the LRHL also permits the designation of areas, or portions of study areas that are not necessarily detrimental to the public health, safety and welfare to be designated as an area in need of redevelopment when their inclusion facilitates the redevelopment of the remaining area. At *N.J.S.A. 40A:12A-3*, the LRHL defines a “redevelopment area” or “area in need of redevelopment” may include:

*“...lands, 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.”*

### Criterion “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.”*

The parcels within the Study Area are generally not unsanitary, dilapidated, lacking in light, or any other characteristics “as to be conducive to unwholesome living or working conditions” required to meet Criterion ‘a’. Subsequently, Criterion ‘a’ does not support a designation of an Area in Need of Non-Condemnation Redevelopment.

### Criterion “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.”*

Several properties within the Redevelopment Study Area have been vacant for an extended period. Lot 26, which contains the former Bella Sorellas restaurant, has been closed since 2019, according to its former owner. Lot 25, previously operated as a storage yard until 2018, is now fully vacant, according to aerial photography. The mixed-use building on Lot 24 has also experienced prolonged vacancy, as the bar occupying its ground floor closed in 2020 and has not reopened. In contrast, the ACE Hardware store on Lot 23 remains in active operation, and the three residential properties within the Study Area are currently occupied. Based on these conditions, Criterion ‘b’ applies to Lots 24, 25 and 26.

### Redevelopment Criteria “a-d”

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

- 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.
- 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.
- 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.
- 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.

**Criterion “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.”*

The lots within the Study area are not owned by either the City of Bayonne, Hudson County, a Bayonne Housing Authority, redevelopment entity or other level of government. No lot within the Study Area has been vacant for a period of 10 years nor faces impediments to development by reason of location, topography or other defining characteristics of its nature and as such, the lots likelihood to be repurposed or redeveloped by private capital is not significantly affected by blighting influences to support a designation of a Area in Need of Non-Condensation Redevelopment under Criterion “c”.

**Criterion “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.”*

In the Study Area Lot 1 exhibits obsolete characteristics. The 7-bay garage has no driveway or garage forecourt, either stoned or paved. For a garage that exhibits commercial characteristics, there is no driveway and garage fore-

**Redevelopment Criteria “e” through “f”  
(N.J.S.A. 40A:12A-5)**

- 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.
- 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.
- g. In any municipality in which an enterprise zone has been designated pursuant to the “New Jersey Urban Enterprise Zones Act,” ... 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...
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

court lighting and landscaping as required by City Code. The lot, including its residential portion, lacks any kind of storm water management. The lot itself is not fully stabilized with established vegetation and exhibits soil erosion. See Figure 1, below.



**Figure 1. Lot 1 Oblique Aerial Depicting Site Conditions in 2025.**

The lot itself slopes from the rear of the property towards the street, which means during storm events, the topsoil erodes into the street. Since Bayonne has a combined sanitary and storm sewer system (“CSO”), this particulate matter adds to the pollutant load that must be treated by the sewage treatment facilities that serve Bayonne. In time of dry weather, dust from the unimproved portion of Lot 1 becomes airborne from wind and the vehicles that drive across the lot to reach the garages. While most study on the environmental factors of respiratory disease has focused on smaller particulates from transportation pollution (under  $PM_{2.5}$ ), the National Institutes of Health lists peer-reviewed publications noting that research now indicates childhood asthma indicators for coarser particulate matter, such as that found in wind borne soil erosion<sup>1</sup>. Bayonne

<sup>1</sup> - See for example, [The Effects of the Environment on Asthma Disease Activity](https://pmc.ncbi.nlm.nih.gov/articles/PMC6452888/), <https://pmc.ncbi.nlm.nih.gov/articles/PMC6452888/> accessed 11/26/25

residents already live in a non-attainment zone for the control of ground-level ozone and are at the nexus of a complex of polluting transportation routes such as the NJ Turnpike and in between two ports where atmospheric particulate matter is emitted from ships burning heavy fuel oil and trucks with diesel engines. Having an additional source of particulate matter in the neighborhood exacerbates the environmental effects that can lead to asthma and other respiratory disease. This is a deleterious land use that will only grow over time as topsoil sweeps from the site and the underlying subsoil is exposed that does not readily support vegetation. This contributes to the faulty design of the site as heavy rains would bog down vehicles on the surface and make it difficult to actually use it as functional garage space.

These conditions of the property by themselves rise to the level of being detrimental to the public welfare and when combined with Criterion “e” discussed below, overlaps and provides support for the finding that Lot 1 also exhibits a growing lack of the proper utilization of the property that has resulted in a stagnant condition. In conclusion, Lot 1 meets the criteria for designation as an Area in Need of Non-Condensation Redevelopment under Criterion D and provides strong support for a finding under Criterion E. No other lots in the Study Area exhibit conditions cognizable for a Criterion D finding.

### **Criterion “e”**

*“A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of real property therein or other conditions, resulting in the stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.”*

As outlined under Criterion “d”, the existing conditions on Lot 1 consist of a three-unit, three-story residential building that occupies about 22 feet of the 100 feet of frontage. Examining historic aerial photography, about 50 feet of the remaining frontage was occupied by buildings up until at least 1966 but demolished by 1979. Accordingly, the property has been in an underutilized state for at least 46 years. Housing has been in demand in Bayonne after reaching a nadir in 1990 and then greatly accelerating since 2010, 15 years ago. Yet during this time, no real estate activity has taken place on Lot 1. Existing conditions at the site, as detailed in the section on Criterion “d” show a “deterioration or stagnation that has a decadent effect on surrounding property” from the lack of improvements to the property adjacent to the residential building. It has not met the goals and objectives for land development under the City’s master plan and redevelopment goals. These goals are found under the section entitled, “Necessary for the Effective Development of the Redevelopment Area”. The inclusion of this land can support the goal of improving the Broadway corridor by creating a greater critical mass of land under which redevelopment may take place, should the property owners

decide to avail themselves of additional economic opportunities. Accordingly, Criterion ‘e’ supports a designation of an Area in Need of Non-Condensation Redevelopment.

#### **Criterion “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.”*

The lots in the Study Area total less than an acre and none of the properties been damaged or destroyed by way of disaster or catastrophe. Consequently, Criterion ‘f’ does not support a designation of an Area in Need of Non-Condensation Redevelopment.

#### **Criterion “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.”*

The designation of an Urban Enterprise Zone (UEZ) relies on the fact that there persist areas of economic distress characterized by high unemployment, low investment of new capital, blighted conditions, obsolete or abandoned industrial or commercial structures, and deteriorating tax bases. A finding under this subsection carries a presumption that blighting influences are present and allow the use of short-term tax abatement and long-term tax exemptions to further the development of property to stem such influences.

Lots 23-26 of the study are within the boundaries of a designated Urban Enterprise Zone, while Lots 1, 21, and 22.03, are not. Criterion ‘g’, as noted above, does however not constitute an Area in Need of Redevelopment designation simply based on the fact that a parcel is in a (UEZ). While Criterion ‘g’ alone does not alone support a

designation without assumed blighting influences, the portions of the Study Area located within the Urban Enterprise Zone exhibit the type of prolonged vacancy, limited reinvestment, and underutilized commercial structures that the UEZ program is intended to address. Accordingly, Criterion ‘g’ supports designation of an Area in Need of Non-Condensation Redevelopment for Lots 23-26.



**Figure 2. Lots 24, 25, and 26, from left to right.**

### **Criterion “h”**

“Smart Growth” principles are embodied in the New Jersey State Development and Redevelopment Plan adopted on March 1, 2001, by the State Planning Commission pursuant to the State Planning Act (*N.J.S. 52:18A-196 et seq.*). Bayonne City is wholly located in Planning Area 1, which is designated by the State Planning Commission as a “Metropolitan Planning Area”<sup>i</sup>. Metropolitan Planning Areas have also been codified in the lending criteria by the NJ Housing and Mortgage Finance Agency, infrastructure development by the Board of Public Utilities and in the expedited permit review process allowed under the NJ Department of Environmental Protection in smart growth areas (*N.J.S.A. 13:1D-144*).

In order to clarify locations where smart growth policies should be advanced, the New Jersey Office for Planning Advocacy (NJOPA) has developed a smart growth area map. This map distills those areas, from the other areas identified in the State Plan, that are considered to be locations where the State policies advocate for “smart growth.” The map includes Metropolitan (PA1) and Suburban Planning (PA2) planning areas, designated centers, Meadowlands Smart Growth Areas, and Pinelands Growth Areas, Villages and Towns.

Smart Growth is an approach to planning that directs growth to enhance and rebuild existing communities where infrastructure and services are available, supports transit, reduces the number of vehicular trips, limits sprawl, protects the environment and reduces energy consumption. The NJ State Plan identifies “planning areas” and “centers” throughout the State that are used to identify areas by the degree to which growth should be supported and where State and other resources should be focused to support growth.

Smart Growth includes a variety of principles such as the following:

- Compact, clustered community design;
- Mixed land uses, either as different housing types in one planned development or with residential and commercial uses together;
- Multi-modal transportation choices;
- Preservation of open space, farmland and scenic resources;
- Creation of new communities of place; and
- Infill development that strengthens these planning concepts.

The Study Area meets Criterion “h” pursuant to NJ Local Redevelopment and Housing Law, which states:

*h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.*

However, absent any other criteria, Criterion ‘h’ is not usually sufficient evidence for a determination that a property should be designated as an area in need of redevelopment but provides a supporting role for Criteria ‘d’, ‘e’ and ‘g’ in this preliminary investigation.

### **Necessary for the Effective Development of the Redevelopment Area**

Although not every lot within the Study Area independently satisfies a redevelopment criterion (apart from Criteria g and h), the Local Redevelopment and Housing Law explicitly permits the inclusion of properties that, while not themselves detrimental to the public health, safety, or welfare, are necessary for the effective redevelopment of the area as a whole. Lots 21 and 22.03 do not meet any of the eligibility criteria except for being in a Smart Growth area under Criterion “h”, but in the absence of other supporting criteria, is insufficient on its own to support their inclusion without examining their location within the Study Area as a whole. Expanding the redevelopment area to include Lots 21 and 22.03 would significantly increase the Bella Sorbellas’ Redevelopment Area development feasibility and market attractiveness. As noted, significant vacancies in the commercial development on Broadway point to the difficulty of sustaining small business on small lots, with Ace Hardware being the notable exception. Creating a regularly shaped parcel of nearly an acre presents the opportunity, but not the obligation, for each owner to contribute towards a greater whole – if they desire to. In this Prelim-

inary Investigation, the City Council has specifically foresworn the use of eminent domain, meaning that unlike redevelopment designations in distant years, no property owner is required to part with their land unwillingly.

The City has several specific goals in its Master Plan that place an emphasis on redevelopment along the Broadway corridor, and many of these goals specifically apply to the conditions found in the Study Area:

*“Strengthen commercial districts, especially the **Broadway Central Business District**, by encouraging a mix of uses that provide employment, retail opportunities, services and entertainment”;*

*Plan for and promote the redevelopment of **underutilized or vacant commercial and industrial properties including MOTBY, the Texaco site and portions of Broadway**;*

*“[Encourage] The presence of low-rise structures containing ground level retail and services with offices and multi-family residential units on the upper floors;”*

*“[Broadway has a] Lack of available land with numerous vacant buildings that are in need of renovation or redevelopment;”* This is particularly noteworthy for the Study Area has vacant, underutilized land on Lots 1 and 25.

Collectively, the designation of the Study Area as an Area in Need of Non-Condemnation Redevelopment presents a realistic opportunity to further the City’s long-term planning objectives and to facilitate economically viable redevelopment along this section of the Broadway corridor.

## PROCEDURAL STEPS

### Preliminary Investigation & Conclusion

This report constitutes a preliminary investigation for determining an Area in Need of Redevelopment as directed by the City Council of Bayonne. It is the conclusion of this preliminary investigation that the Study Area qualifies under the criteria set forth at *N.J.S.A. 40A:12A-1 et seq.*, to be designated as an Area in Need of Redevelopment. Specifically, these criteria are found at:

*N.J.S.A. 40A:12A-5.d – Lot 1*  
*N.J.S.A. 40A:12A-5.e – Lot 1*  
*N.J.S.A. 40A:12A-5.g – Lots 23-26*  
*N.J.S.A. 40A:12A-5.h – All Lots*  
*N.J.S.A. 40A:12A-3 – Necessary for the effective development of the redevelopment area – Lots 21 and 22.03*

### Public Hearing

Upon receipt of this preliminary investigation, the Planning Board is required to hold a public hearing. Notices for the hearing are required to be published in the newspaper of record in the municipality once each week for two (2) consecutive weeks with the last notice published at least ten days prior to the hearing. A copy of the notice is required to be mailed to the last owner of record of each property within the Study Area.

### Planning Board Conclusion

Once the hearing has been completed, the Planning Board may conclude that the statutory basis for determining the Study Area to be an “Area in Need of Non-Condemnation Redevelopment” is present and that the public health, safety and welfare would be promoted by designating it as such.

### Redevelopment Plan: Required Elements (N.J.S.A. 40A:12A-7.a)

- The plan’s relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- Proposed land uses and building requirements in the project area.
- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
- The relationship of the plan to the master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and the State Development and Redevelopment Plan.
- Pursuant to N.J.S.A. 40A:12A-7.c., the Redevelopment Plan must also describe its relationship to pertinent municipal development regulations as defined in the “Municipal Land Use Law”, N.J.S.A. 40:55D-1 et seq.

### **Planning Board Resolution and Recommendation to City Council**

The Planning Board makes a recommendation to the City Council that the delineated area, or any part of such an area, should or should not be determined to be an Area in Need of Redevelopment.

### **City Council Resolution**

The City Council, once receiving this document as well as the Planning Board's resolution of adoption and recommendation, may then adopt its own resolution determining that the delineated area or portion thereof should be designated a redevelopment area. In that event, the redevelopment area is established once the resolution is forwarded to the Commissioner of the NJ Department of Community Affairs.

### **City Council Creation and Adoption of a Redevelopment Plan**

If so designated by the City, the next action would be the creation and adoption of a redevelopment plan for the Redevelopment Area, pursuant to *N.J.S.A. 40A:12A-7.a*. A Redevelopment Plan is adopted by ordinance by the City Council before any project is initiated. Depending on the nature of the Redevelopment Plan, it may contain some or all of the land use controls for a particular Redevelopment Area. Furthermore, a plan may be created in such a way as to provide for detailed recommendations regarding land use, circulation, open space, utilities, urban design and architecture.

**Appendix A – City Council Resolution Directing the AINR Study**

[to be supplied when available]

**Appendix B - Planning Board Resolution Adopting Study and Recommendation**

[to be supplied when available]

**Appendix C - City Council Resolution Establishing the Area in Need of Redevelopment**

[to be supplied when available]