

**O-23-16**  
**4/19/23**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE ADOPTING THE AMENDED AND RESTATED SUB-AREA PLAN FOR 8<sup>TH</sup> STREET STATION REHABILITATION AREA, FOR THE PROPERTIES LOCATED AT 17-29 EVERGREEN STREET AND 219-223 ORIENT STREET AND DESIGNATED AS BLOCK 306, LOTS, 1, 2, 3 AND 4 AND ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE**

**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**, in 2015, the City Council adopted an Ordinance approving a plan titled the “City of Bayonne, 8<sup>TH</sup> Street Station Rehabilitation Area Plan”, prepared by the Department of Community Affairs, Local Planning Services, dated March 9, 2015, revised April 24, 2015 (“Rehabilitation Plan”); and

**WHEREAS**, the Properties located at 17-29 Evergreen Street and 219-233 Orient Street and designated as Block 306, Lots 1, 2, 3 and 4 on the Official Tax Map of the City of Bayonne contain the Public Service Electric & Gas (“PSE&G”) Bergen Point 69kV Class H Substation (the “Property” or “Amended Rehabilitation Sub-Area”); and

**WHEREAS**, the substation on the Property is a critical piece of electrical infrastructure that takes direct high voltage at 69 kilovolts generated and steps down the voltage for distribution and use by customers for a large portion of the City; and

**WHEREAS**, the substation on the Property was first constructed in 1926 and has outlived its useful life and PSE&G is planning to reconstruct and upgrade the substation; and

**WHEREAS**, the Redevelopment Law permits municipalities to amend redevelopment and rehabilitation area plans from time to time within their discretion; and

**WHEREAS**, on December 14, 2022 the Municipal Council of the City of Bayonne (“Municipal Council”) adopted Resolution No. R-6 authorizing the Planning Board of the City (the “Planning Board”) to re-open the Rehabilitation Plan to consider amendments to the Plan and/or authorize preparation of subarea redevelopment plan/s for further consideration by the Municipal Council pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1

et seq (PSE&G Bergen Point 69kV Class H Substation property and other areas of the plan as warranted); and

**WHEREAS**, on March 14, 2023, the Planning Board adopted a resolution recommending an Amendment to the 8th Street Rehabilitation Plan for the Bergen Point Substation Redevelopment Plan – Sub-Area Plan Of The 8<sup>th</sup> Street Station Rehabilitation Area Plan (“Amended Rehabilitation Sub-Area Plan”) and concluding that the Amended Rehabilitation Sub-Area Plan is consistent with the Master Plan of the City of Bayonne (the “Resolution”); and

**WHEREAS**, upon receipt of the Planning Board’s Resolution and recommendations relating to the Amended Rehabilitation Sub-Area Plan, the Municipal Council believes that the adoption of the Amended Rehabilitation Sub-Area Plan is in the best interest of the City for the redevelopment of the Amended Rehabilitation Sub-Area.

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

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Amended Rehabilitation Sub-Area Plan, dated March 3, 2023, attached hereto as Exhibit A and made a part hereof, is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law. Further, the Amended Rehabilitation Plan shall amend, replace and supersede any prior plans with respect to Rehabilitation Area, except where the Amended Rehabilitation Plan specifically states otherwise.

**Section 3.** The zoning district map in the zoning ordinance of the City is hereby amended to include the “Rehabilitation Area” per the boundaries described in the Rehabilitation Plan and the provisions therein.

**Section 4.** If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

**Section 5.** A copy of this Ordinance and the Amended Rehabilitation Plan shall be available for public inspection at the office of the City Clerk during regular business hours.

**Section 6.** This Ordinance shall take effect in accordance with all applicable laws.