



The Silk Lofts Redevelopment Plan and  
Overlay of a Portion of the Maidenform Plan  
Block 234, Lots 8.01, 11, 12, & 13  
Block 458, Lot 1 & 1.01  
Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26

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## **Section 1 Overview**

### **1.1. Introduction**

The Municipal Council of the City of Bayonne adopted Resolution 17-07-19-055 on July 19, 2017 designating properties identified on the City tax rolls as Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26; Block 234, Lots 8.01, 11, 12, & 13; and Block 458, Lot 1 & 1.01, as a non-condemnation Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law (“LRHL”) at N.J.S.A. 40:12A-1 et. seq. A copy of Resolution No. R-6 is provided in Appendix A.

The Municipal Council of the City of Bayonne also adopted Resolution 17-07-19-055 on July 19, 2017 authorizing and directing the Planning Board of the City of Bayonne to prepare a Redevelopment Plan for the above properties identified on the City tax rolls as Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26; Block 234, Lots 8.01, 11, 12, & 13; and Block 458, Lot 1 & 1.01, pursuant to the LHRL. A copy of Resolution No R-6 is provided in Appendix A.

This Redevelopment Plan is prepared in response to the above resolution. The subject properties are located on Avenue E between Sisson Street and East 18th Street, within walking distance of the 22<sup>nd</sup> Street Hudson Bergen Light Rail Station on Avenue E. The Redevelopment Area includes the Silk Lofts development, which transformed a century-old factory to luxury apartments, as part of the Maidenform Redevelopment Plan. The Silk Lofts redevelopment has been a tremendous success story for the City of Bayonne, and is widely recognized for its intricate preservation and revitalization of a beautiful historic building.

This Redevelopment Plan is intended to continue the success of the Silk Lofts project, with buildings that will reinforce the “post-industrial elegance” that Silk Lofts has brought to the area. The redevelopment vision is for new residential buildings on each side of Avenue E, of

complementary mass and scale to the Silk Lofts building. On the west side of Avenue E, the vision is for a 5- or 6-story luxury apartment building that would sit opposite the 6-story Silk Lofts building. And on the east side of Avenue E, the vision is for one or more 7-story to 10-story buildings that would sit just south of Silk Lofts. The overall vision is to develop the area as a unified and integrated whole loft district consistent with the recently adopted Master Plan.

This redevelopment consideration has been initiated as part of the City's ongoing effort to revitalize and repurpose underutilized properties within the City, and to incentivize private investment in areas where conventional zoning has failed to manifest same. The City used the same redevelopment mechanisms to transform the defunct Maidenform factory into the extremely vibrant Silk Lofts that exist today.

## **1.2. Redevelopment Area Description**

The Redevelopment Area comprises the following properties in the City of Bayonne:

- Block 234, Lot 8.01 (formerly designated as Lots 8, 9, 10) and Lots 11, 12, & 13
- Block 458, Lot 1 & Lot 1.01 (formerly designated Block 467 Lots 27, 28, and 29)
- Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26

The Redevelopment Area also consists of the mapped rights-of-way contiguous or internal to the above parcels, all as delineated on the map attached hereto as Appendix C. The parcels are currently in diverse ownership.

### 1.3. Required Redevelopment Plan Components

Pursuant to Section 40A:12A-7 of the New Jersey Local Redevelopment Housing Law (LRHL), redevelopment plans shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate the following:

- A. The plan 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.
- B. Proposed land uses and building requirements in the project area.
- C. Adequate provisions for the temporary and permanent relocation, as necessary, of residents in the project area.
- D. An identification of any property within the redevelopment area, which is proposed to be acquired in accordance with the redevelopment plan.
- E. Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities; (b) the master plan of the county in which the municipality is located; (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act", P.L. 1985, c398 (C.52:18A-196 et al.)
- F. Description of the plan relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law" (MLUL). The plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area.
- G. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan.

H. The redevelopment plan may include provisions of affordable housing in accordance with the "Fair Share Housing Act" P.L. 1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan.

#### **1.4. Redevelopment Goals and Objectives**

This Plan provides an orderly development of the Redevelopment Area in accordance with the following goals and objectives:

1. To provide for the coordinated and orderly development of vacant and underutilized parcels in a manner consistent with the City Master Plan, Hudson County Strategic Revitalization Plan, and State Development and Redevelopment Plan.
2. To promote the revitalization of a vacant and underutilized sites with viable land uses.
3. To create economic development opportunities that will generate private sector investment, produce new jobs, and increase tax ratables.
4. To promote redevelopment that is appropriate for the Redevelopment Area's unique location, the surrounding land uses, and proximity to the Hudson-Bergen Light Rail system and other mass transit facilities.
5. To foster development that maximizes and enhances the Redevelopment Area's potential as a prime walkable location proximate to the Broadway corridor.
6. To ensure high-quality and attractive mixed-use redevelopment.
7. To ensure compliance with all applicable state and local regulations.
8. To promote the goals of healthy and livable communities.
9. To provide a resident population to support local businesses and transit ridership.
10. To provide for a variety of land uses including new housing stock.

## **Section 2 Land Development Regulations**

The following use, bulk, and design regulations are intended to provide for the coordinated and orderly growth of the Redevelopment Area in the interest of public health, safety, and welfare. For the purposes of this section, "Parcel A" shall mean Block 234, Lots 8.01, 11, 12, & 13; and "Parcel B" shall mean Block 458, Lot 1 & 1.01 and Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, as shown on Appendix D.

The regulations herein are intended to supersede the Maidenform Redevelopment Plan. The regulations herein apply to new construction only. All lawfully existing uses and structures at the existing Silk Lofts development at the time of the adoption of this Redevelopment Plan shall be considered to be conforming to this Redevelopment Plan.

### **2.1. Use Regulations**

A. *Permitted Principal Uses.* One or any combination of the following uses shall be permitted, which may be provided in one building or multiple buildings on the same lot

1. Active Uses
2. Civic Uses
3. Multi-Family Dwelling
4. Office
5. Mixed Use

B. *Permitted Accessory Uses.* The following accessory uses are allowed:

1. Sidewalk Cafes (subject to the provisions of City Code, Section 21-32.)
2. Outdoor seating.
3. Fences
4. Signs

5. Structured parking
6. Recreational facilities
7. Landscaping
8. Utilities
9. Trash enclosures
10. Any use that is customary and incidental to any principal uses set forth herein.

*C. Prohibited Uses.*

1. Dollar stores, thrift stores, second-hand stores, pawn and consignment shops
2. Shops which offer for sale fire arms and/or ammunition
3. Check cashing stores
4. "We Buy Gold" stores
5. Massage parlors not part of beauty parlors or fitness centers
6. Adult-oriented cabarets
7. Gas stations
8. Industrial uses
9. Drive-through Uses

**2.2. Bulk Regulations – Parcel A (Block 234, Lots 8.01, 11, 12, & 13)**

*A. Lot Dimensions*

1. The minimum lot area shall be 8,000 square feet.
2. The minimum lot frontage shall be 70 feet.
3. The minimum lot width shall be 70 feet.
4. The minimum lot depth shall be 75 feet.

*B. Yard Dimensions*

1. The minimum front yard shall be 0 feet
2. The maximum front yard shall be 20 feet.
3. The minimum side yard requirements shall be as follows:
  - a. The minimum side yard adjacent to Block 234 Lot 7) shall be 3 feet.
  - b. Any other side yard shall be a minimum of 0 feet, unless the adjacent building has side-facing windows, whereby the minimum side yard shall be 3 feet.
4. The minimum rear yard requirement shall be as follows:
  - a. The minimum rear yard adjacent to Block 234 Lot 14) shall be 5 feet
  - b. The minimum rear yard requirement adjacent to Lots 18, 19, and 20 shall be 0 feet

*C. Building Dimensions*

1. The maximum number of stories for the principal building shall be 6 stories.
2. The maximum building coverage shall be 95 percent.
3. One or more principal buildings shall be permitted within Parcel A.

**2.3. Bulk Regulations – Parcel B (Block 458, Lot 1 & 1.01 and Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26)**

*A. Lot Dimensions*

1. The minimum lot area shall be 18,000 square feet.
2. The minimum lot frontage shall be 75 feet.
3. The maximum lot frontage shall be 250 feet
4. The minimum lot width shall be 75 feet.
5. The maximum lot width shall be 250 feet

6. The minimum lot depth shall be 75 feet.

*B. Yard Dimensions*

1. The minimum front yard shall be 0 feet
2. The maximum front yard shall be 20 feet.
3. The minimum side yard requirements shall be as follows:
  - a. The minimum south side yard adjacent to any existing lot to that is not being redeveloped shall be 6 feet.
  - b. The minimum north side yard requirement shall be 0 however there shall be a minimum building-to-building separation from the existing Silk Lofts building (aka the Maidenform building) of 20 feet, as measured from building walls, not from canopies or overhangs.
  - c. Any other side yard shall be a minimum of 0 feet, unless the adjacent building has side-facing windows, whereby the minimum side yard shall be 3 feet.
4. The minimum rear yard requirement (herein established by the rail right-of-way) shall be 0 feet unless the requirement as determined by a permit from NJ Transit exceeds 0 feet in which case NJ Transit permit shall take precedence as the rear yard requirement. All correspondence between NJ Transit and the developer and the permit shall be submitted to the Planning Board for their files.

*C. Building Dimensions*

1. The maximum number of stories for the principal building shall be 10 stories.
2. The maximum building coverage shall be 95 percent
3. No street-facing façade shall have a continuous length exceeding 150 feet without a recessed courtyard or plaza area measuring a minimum of 30 feet wide by 15 feet deep, as measured from the street line. In no instance shall the building frontage exceed 250 feet without a complete break such as between Lot 28 and 27 herein described above. For building frontages between between 230 and 250 feet the area break area may include the remainder of frontage up to 250 feet. This area can be developed for open spaces, passive recreation, drop off, deliveries, or other uses complementary to the building.
4. One or more principal buildings shall be permitted within Parcel B.

#### **2.4. Parking Regulations**

##### *A. Minimum Number of Off-Street Parking Spaces.*

1. For residential uses: 1.0 space per every new unit created, which may be dispersed throughout the entire Redevelopment Area or within a 500' feet radius of the Redevelopment Area; A 500' Radius map is attached in Appendix B. Special parking regulations pertaining to the existing Silk Lofts building and prior Planning Board and Zoning Board approvals are specified in Section 5 below.
2. For nonresidential uses, 3 spaces per 1,000 square feet of floor area

3. Shared parking. For mixed-use developments, a shared parking approach to the provision for off-street parking may be provided for uses with no coincident peak parking demands, based on acceptable industry standards such as the Institute of Transportation Engineers.
4. Bicycle Parking: 0.5 spaces per residential dwelling unit, minimum. 0.5 spaces per 1,000 square feet GFA nonresidential, minimum
5. Special parking regulations for the existing Silk Lofts building (aka the Maidenform building):
  - a. There shall be no reduction in the off-street parking supply (95 spaces for 85 units) that was approved in conjunction with the Silk Lofts project, during or after any new construction.
  - b. Temporary parking shall be allowed during construction, which may include stacked or mechanical systems that would create parking opportunities during construction.
  - c. Parking for the existing Silk Lofts, either temporary or permanent, shall be dispersed within 250 feet of the existing Silk Lofts building..
  - d. Redevelopment council will review any deed restrictions or legal instruments applicable to the off-site parking approval for the existing Silk Lofts currently in place and make recommendations to revise such documents provided the same numbers of spaces are established in accordance with the above requirements.

*B. Parking Stall Dimensions*

1. Standard parking stalls shall be a minimum of 8.5 feet wide by 18 feet deep.

2. Compact parking stalls shall be a minimum of 7 feet 4 inches wide by 16 feet deep.
3. A maximum of thirty-five percent (30 %) of the off-street parking spaces may be compact-sized.

*C. Curb Cuts.*

1. Maximum Number: 2 for Parcel A and 4 for Parcel B
2. Parcel A - no curb cut along Ave E shall be within 50 feet of the corner of 18<sup>th</sup> Street. The provision of a second curb cut on Ave E will be reviewed by the City's Engineering staff for feasibility. A second curb cut may be on 18<sup>th</sup> Street.
3. Maximum Width: 24 feet

*D. Parking Structures.*

1. Off-street parking may be provided in a parking structure.
2. Parking structures are permitted to front on streets above the first level, provided they are screened architecturally to match the rest of the building and all façade treatments.
3. Parking structures shall be used as automobile parking units only, with no sales, dead storage, dismantling, or servicing of any kind permitted.
4. Parking structure roofs may be landscaped and/or utilized for open space and recreation facilities.
5. The façade of parking structures shall be treated with the same materials used on the building façade.
6. Parking structures shall have adequate security provisions.
7. Minimum Drive Aisle Width: 22' (two-way).

**2.5. Design Standards**

*A. Architecture*

1. All buildings shall front on public streets in order to create a street wall consistent with good urban form and design principles.
2. All buildings shall provide an entrance with access to a public street. Other entrances may be provided from parking areas or any other place necessary to the design of the building.
3. Entrances shall be designed to be attractive and functional. Indicators such as awnings, changes in sidewalk paving materials, changes in height incorporating stairs, or any other indicator consistent with the design, proportions, material and character of the adjacent areas shall be encouraged.

*B. Streetscape.*

1. "Streetscape" shall mean the sidewalk area along the site frontage and the street area on the same side of the site.
2. Existing streetscape sidewalks, curbs, and public on street parallel parking shall be reconstructed where so determined by the City Engineer.
3. Streetscapes shall be attractively and uniformly designed with pavers, shade trees, plantings, street furniture, and lighting.
4. The streetscape may include bump outs, subject to approval by the City Engineer.
5. All streetscape improvements shall be designed in accordance with Section 15 (Traffic Calming) of the NJDOT Roadway Design Manual.

*C. Traffic signals.*

1. Traffic signals abutting the Redevelopment Area must be fitted with signal preemption for emergency vehicles.

2. At the request of the Redeveloper, the City shall, at the Redevelopers expense, provide for the installation of necessary equipment to accomplish such signal preemption for emergency vehicles at the signalized intersections adjacent to the Redevelopment Area. The equipment specifications are on file with the Superintendent of the Police & Fire Signal Communications Unit.

D. *Public Improvements.* Public improvements within all roadway rights-of-way within the Redevelopment Area, except for the top course of any roadway, shall be completed prior to the issuance of a final certificate of completion for a project.

E. *Remediation.* The designated Redeveloper of the Redevelopment Area shall be responsible for any and all environmental regulatory compliance in accordance with NJDEP requirements upon property acquired by the Redeveloper.

F. *Site Lighting.* All free-standing site lighting fixtures shall be no higher than 20-feet above grade with a maximum illumination of 1.0 foot-candles at all property lines. Light fixtures shall be shielded and utilize metal halide, LED or other white light source.

G. *Trash/Recycling.* All trash, recycling and refuse storage shall be fully enclosed and screened within the building or, if outside, within a minimum 6' enclosure of masonry construction on all four sides of said enclosure.

H. *Utilities.*

1. A storm water management plan and engineer's report shall be prepared for review and approval by the City Engineer.. Such plan shall comply with NJDEP rules and regulations.

2. Water and sanitary sewer utility extensions as approved by the City, Hudson County and NJDEP shall be provided.

3. The designated Redeveloper shall operate and maintain any newly installed sanitary, storm water and water utilities including connections.

I. *Open Space/Recreation Facilities.* A minimum of 10% of the Redevelopment Area of open space and recreation facilities shall be provided within the Redevelopment Area. Every attempt shall be made to provide open space on site. However, after good faith efforts have been made if a shortfall exists in meeting this requirement the developer may contribute to the City for creation of a public pocket park within the Redevelopment area, or in the surrounding area to be enjoyed by their residents and the public.

J. *Fences/Walls.*

1. Fences and walls along the public right-of-way shall be a minimum of 50 percent open and a maximum of 4 feet high.
2. Fences and walls on any side or rear property line shall not exceed eight (8) feet in height.
3. No fence shall contain barbed wire.
4. Fences and walls shall not impede safe sight distance.
5. Fences shall be installed so that the "finished," or better, side of any fence faces the street or adjacent property.

K. *Signs.*

1. Signage for each Multi-Family Dwelling shall be limited to one (1) architectural wall sign affixed to the principal elevation having a maximum sign area of no greater than 60 square feet.
2. All other permitted uses and their tenant(s) shall be limited to one (1) wall, window, or awning sign per frontage, with a maximum area of 25 square feet per frontage.

The design of all commercial signs shall be coordinated and of a similar design as to type, size, materials, illumination, design, and appearance.

3. All lighting of signage shall be indirect and the use of internally illuminated light boxes, pole signs, or roof signs shall be prohibited.
4. Additional signage such as decorative banners, canopies, and awnings are encouraged to create a sense of place, subject to the approval of the Planning Board and the City Council if there is any encroachment into the public right of way.
5. Existing signs are exempt from the above sign requirements.

L. *Landscaping.*

1. Streetscapes shall be landscaped as noted above.
2. Courtyards, gardens, and terraces shall be attractively and uniformly designed with pavers, plantings, furniture and lighting.
3. Any required buffer shall be used solely for landscaping/screening purposes, including fences/walls, pavers, ground cover or shrubbery plantings, evergreens, shade trees, or ornamental trees, except that fruit- and berry-bearing trees are prohibited.
4. Green space (trees, shrubs, flowers, etc.) shall be used as buffers and to accent entrances, arcades and sidewalks. Planters and containers are encouraged.
5. All plant material used must be able to withstand an urban environment. All screen planting shall be a minimum of three (3) feet high and shall be planted, balled and bur lapped, as established by the American Association of Nurserymen. A planting schedule shall be provided by the Redeveloper and approved by the Planning Board.

6. Any landscaping which is not resistant to the environment or dies within two (2) years of planting shall be replaced by the Redeveloper.

M. *Residential Unit Sizes.* The minimum floor area for residential units shall be as follows:

1. Studio – 500 square feet minimum per unit
2. One Bedroom – 600 square feet minimum per unit
3. Two bedroom – 700 square feet minimum per unit
4. No three bedroom units shall be permitted

N. *Effect of Redevelopment Plan.* This Plan shall overlay the underlying site design and zoning requirements in the City Ordinance. If a Redeveloper elects to proceed with development pursuant to this Plan, the regulations set forth herein shall supersede the design requirements set forth in Chapter 33 of the City Ordinance and the zoning requirements set forth in Chapter 35 of the City Ordinance, except as specifically referenced herein.

O. *Affordable Housing.*

1. All development within the Redevelopment Area shall comply with the City's affordable housing ordinances in effect at the time of land use approval and as amended from time to time thereafter. Considerable municipal and other governmental expense has been incurred within the designated redevelopment areas of the City of Bayonne, including but not limited to, the cost of acquiring land, demolition of derelict properties, site clearance, decontamination, the provision and extension of public water, public sewer, storm water management, flood control, flood plain Elevation, electricity, natural gas and cabling for media, streets and walkways, parks and open Space. Furthermore, the allowed intensity

and density of development has been increased from the base zoning controls or changed from one land use category to another to facilitate Redevelopment. These factors demonstrate an adequate compensatory benefit to the redeveloper for the provision of affordable housing pursuant to this Section. Upon request and for good cause, the City may amend or grant relief from its affordable housing requirements including but not limited to the total number of affordable housing units, method of inclusionary development, amount of contribution in-lieu of construction and other means of satisfying the municipal affordable housing requirement.

2. In the event relief from the inclusionary development requirement is granted, a contribution to the City's Affordable Housing Trust Fund shall be required. All relief shall be memorialized in an agreement between the City and the designated redeveloper for the Redevelopment Area. In light of the New Jersey Supreme Court decision, *In re Matter of the Adoption of N.J.A.C. 5:96 and 5:97 ex rel. New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015), which was issued on March 10, 2015, the municipality will be amending City Code Section 33-17, entitled Growth Share Affordable Housing Obligation, to comply with the directives of said decision.
3. If applicable, all development within the Redevelopment Area shall comply with the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 et seq.), which is presently 2.5%. N.J.S.A. 40:55D-8.4. .

P. Height Exceptions.

1. Penthouses and roof structures for the housing of stairways, tanks, ventilating fans, air-conditioning equipment, dust collectors or similar equipment required to

operate and maintain the building as well as skylights, spires, cupolas, flagpoles, chimneys, water tanks or similar structures may be erected above the height limits prescribed by this Redevelopment Plan but in no case more than the following distances above the maximum height permitted in the district, except spires for houses of worship shall have no height restrictions.

Building Height (feet)	Maximum Height of the Exceptions
Up to 45	10 feet
45 to 100	<p>For buildings without common rooftop amenity space, 12 feet or 20% of building height, whichever is greater.</p> <p>For buildings with common rooftop amenity space, a maximum of 20 feet shall be permitted.</p>
101 and over	<p>For buildings without common rooftop amenity space, 20 feet or 20% of building height, whichever is greater.</p> <p>For buildings with common rooftop amenity space, a maximum of 30 feet shall be permitted.</p>

2. Any rooftop appurtenance or penthouse covered by this section must be set back from any façade by a distance of one (1) foot one (1) inch for every foot of rooftop appurtenance or penthouse height.
3. Fire or parapet walls may be erected above the height limits prescribed by this Redevelopment Plan up to a maximum height of six feet from the roof of the top story and with a minimum of forty-two (42) inches from the floor of the rooftop deck, if provided.
4. Mechanical and other roof appurtenances shall not exceed twenty percent (20%) of the roof area and shall be properly shielded. Of this twenty percent (20%), a

maximum of one hundred (100) square feet may be used as access vestibules to and from points of egress.

5. There is no coverage limit on roof decks used for residents' open space, such as active recreation areas (pools, courts, and the like) and passive recreation areas (seating, tables, and the like).

Q. Solar Panels.

1. Solar panels are exempt from the rooftop area limits of 20% described above.
2. Ancillary solar equipment located on the roof is subject to height and rooftop area limits of 20% of rooftop area described above.

### **Section 3 Relationship to Other Plans**

Pursuant to the requirements of Section 7 of the LRHL, “[a]ll provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan.” Further, the redevelopment plan should identify “[a]ny significant relationship of the redevelopment plan to (a) the master plans of the contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et seq.” (The “SDRP”). This Plan for the Redevelopment Area is substantially consistent with the plans of the City, other contiguous municipalities, Hudson County and the SDRP as follows:

#### **3.1. City of Bayonne Master Plan:** Reserved as stated below

The City has recently adopted an updated Master Plan August 2017. The City is currently reviewing the goals and objectives in relation to this and all future redevelopment plans. This analysis will be complete prior to Planning Board hearing of this plan and will be incorporated into this plan as a revision for Planning Board consideration. The city is engaged in several initiatives to promote the remediation and redevelopment of blighted and underutilized commercial/industrial sites. The City has an on-going partnership with State agencies to remediate vacant brownfield properties and prepare sites for redevelopment. This Plan is another example of the City’s proactive approach to planning and redevelopment of underutilized sites. This Plan will facilitate this process and is consistent with the following Master Plan goals and objectives:

#### **Goals**

- Encourage the development of a diversified economic base that generates employment growth, provides increased tax rates, increases income levels and promotes the reuse of vacant and/or underutilized sites.
- Support conservation efforts in order to protect the environment, promote public health, encourage the remediation of contaminated sites and facilitate brownfield redevelopment.
- Preserve and upgrade the existing utility infrastructure including public water, storm water management, and wastewater treatment. Continue rehabilitation programs while pursuing selected replacement and expansion projects in order to accommodate growth and redevelopment.

#### Objectives

- **Land Use:** Plan for and promote the redevelopment of underutilized or vacant commercial and industrial properties including within the Redevelopment Area and various other sites throughout the City.
- **Economic:** Focus economic activity in the City's major economic centers including Broadway, the Peninsula, the LeFante Highway/Route 440 corridor and Constable Hook industrial area. Recognize the unique character of each area and promote development that will strengthen and reinforce market niches.
- **Conservation:** Encourage the remediation of contaminated sites and brownfield redevelopment to enhance the local environment and return vacant sites to productive use.
- **Housing:** Provide a balance of housing options to meet the needs of all residents.

**3.2 Contiguous Municipalities:** The City is a peninsula surrounded by Upper New York Bay to the east, Newark Bay to the west and the Kill Van Kull to the south. The only municipality that is contiguous to Bayonne is the City of Jersey City to the north; however, the

Redevelopment Area does not border nor is adjacent to any other municipality. This Plan and the Jersey City Master Plan both recommend the preservation of the existing residential neighborhoods, remediation of contaminated brownfield sites and redevelopment with higher density transit oriented development where appropriate. While the Redevelopment Area does not border any of the contiguous municipality, this Plan is substantially consistent with the plans of contiguous municipalities.

**3.3 Hudson County:** Hudson County adopted a Strategic Revitalization Plan and Master Plan in 2002 with a significant emphasis upon smart growth, brownfield redevelopment and preservation of the County's commercial base. This Plan for the Redevelopment Area promotes smart growth by facilitation private sector investment on blighted and vacant land with the City, encourages higher density transit-oriented redevelopment. In particular, this Plan promotes land use policies which maximize the use of existing and proposed transportation infrastructure by concentrating development activity in an area served by mass transit. This Plan is therefore consistent with and implements the Hudson County Strategic Revitalization Plan and Master Plan.

**3.4 State Development and Redevelopment Plan:** The SDRP provides a flexible framework for smart growth with an emphasis on promoting new development in designated centers, protecting environmentally sensitive environs, encouraging brownfield redevelopment and revitalizing the State's cities. The SDRP establishes a planning framework that encourages compact, mixed-use communities in so-called "centers" that will provide a variety of choices in housing, employment opportunities, entertainment, services, transportation and social interaction. The Redevelopment Area is located in Metropolitan Planning Area I ("PA-1") where the SDRP intends development provide the following:

- i. Provide for much of the State's future development and redevelopment;
- ii. Revitalize towns and cities;
- iii. Promote growth in compact forms;
- iv. Provide for mixed-use concentrations of residential and commercial activities;  
and
- v. Protect the character of existing stable communities.

This Plan is a smart growth initiative that promotes center-based growth in a compact, high-intensity development that advances the reuse of a vacant facility and supports the City's economic revitalization program. This Plan contains design guidelines that promote the development of a visually appealing and spatially functional commercial development that will thoughtfully enhance the City's commercial district. This Plan contains density controls and other land use regulations to ensure the revitalization is successful, while concurrently accommodating a significant amount of commercial growth within the Hudson County Urban Complex. This Plan is consistent with the purpose of the PA-1 and SDRP goals for such area, which designate the City for growth.

#### **SECTION 4. ACQUISITION AND RELOCATION PLAN**

The Redevelopment Area has been designated an area in need of redevelopment, under the non-condemnation provisions of the LRHL. It consists of four, privately-owned parcels. The City hereby declares that all of the parcels that are not owned by the City within the Redevelopment Area are eligible for acquisition through good faith negotiations only. Therefore a relocation plan pursuant to section 7 of the LRHL will not be required.

## **SECTION 5. PLAN ADMINISTRATION**

### **5.1 . PERMITTED REDEVELOPMENT ACTIONS**

The City may take or authorize the following actions to implement this Plan and address the conditions of blight that contribute to underutilization and the need for redevelopment:

1. Designation of one or more redevelopers for the Redevelopment Area and the negotiation and execution of a redevelopment agreement providing for the proper and timely development of the area, in accordance with the terms and conditions of the LRHL.
2. Undertake redevelopment projects and for this purpose issue bonds in accordance with the provisions of Section 29 of the LRHL (N.J.S.A. 40A:12A-29).
3. The provisions of infrastructure improvements necessary to support new development in the Redevelopment Area including but not limited to roadway, water and sewer service, drainage and environmental controls.
4. The undertaking of site remediation in compliance with NJDEP and City requirements.
5. The construction of new structures in furtherance of this Plan.
6. The provision of financial incentives in support of redevelopment implementation including short- and long-term tax exemptions.
7. The execution of any agreements, ground leases, leases, deeds or other instruments with any parties in connection with the implementation of this Plan in accordance with the LRHL.
8. Demolish existing structures/improvements on all or any portion of the Redevelopment Area.
9. Other actions that may be necessary for implementation of this Plan subject to authorization of the approving authority.

## 5.2 ADMINISTRATION OF THE REDEVELOPMENT PLAN

The City shall require the following administrative provisions in connection with the implementation of the redevelopment plan:

1. The City shall designate a Redeveloper for the implementation of this Plan and enter into a redevelopment agreement, financial agreement or other agreements as necessary to effectuate this Plan.
2. If a designated Redeveloper elects to develop the Redevelopment Area pursuant to this Plan, the Plan shall supersede (pursuant to Section 7(c) of the LRHL (N.J.S.A. 40A:12A-7c)) the provisions of the site plan design and zoning regulations of the City of Bayonne, except as those provisions are specifically referenced herein.
3. This Plan may be amended from time-to-time upon compliance with the requirements of law. A fee of \$1,000 plus all costs of copying and transcripts shall be payable to the City of Bayonne for any request to amend this plan. If there is a designated Redeveloper, said Redeveloper shall pay these costs. If there is no Redeveloper, the appropriate agency shall be responsible for any and all such costs.
4. All permits and agency reviews by NJ Transit for temporary and permanent permits required will be received prior to site plan as to construction adjacent to an active rail line and copies will be filed with the Planning Board
5. All development within the Redevelopment Area shall be consistent with the provisions of this Plan including but not limited to permitted uses and bulk requirements.
6. This Plan shall be implemented consistent with the requirements of the LRHL for the effectuation of redevelopment plans.

7. No development may be undertaken in the Redevelopment Area except pursuant to the terms of a redevelopment agreement entered into by the City and the designated Redeveloper for the purpose of effectuating this Plan consistent with the requirements of the LRHL.
8. The applicant shall attend a Technical Review Committee meeting with the City's professional staff prior to submittal of site plan. A site plan, subdivision plat, architectural plan and other information typically required as part of the City's development application checklist (Section 33-11 of the City's Planning Regulations) shall be submitted by the Redeveloper for Planning Board review and approval prior to commencement of new construction, rehabilitation of existing structures or a change in use in order to determine compliance with this Plan. The Planning Board and/or its professionals may grant submission waivers from any documents or information required in the plan. Site plan and subdivision review shall be conducted by the Planning Board in accordance with the Municipal Land Use Law N.J.S.A. 40:55D-1 et seq. No permits shall be issued without prior review and approval of the Planning Board. As part of the site plan approval, the Planning Board may require the redeveloper to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53 and as required by the City's Planning and Zoning Regulations. The performance guarantees shall be in favor of the City, and the City Engineer shall determine the amount of the performance guarantees in accordance with the foregoing.
9. The Planning Board may grant relief from the requirements of this Plan pursuant to N.J.S.A. 40:55D-70c or N.J.S.A. 40:55D-51, as applicable, where the standards set forth therein are met. In no event shall relief be granted to provide a use or facility that is not permitted by this Plan.

10. The designated Redeveloper shall cover the cost of professional services incurred by the City for administration, review of projects, preparation of this Plan and implementation of redevelopment projects including but not limited to legal, engineering, planning, and environmental, real estate, traffic/parking and urban design services. Said services shall be paid through escrow accounts established in accordance with Section 33-12 of the City's Planning Regulations or as otherwise provided in a redevelopment agreement with the City.
11. . This Plan may be amended from time to time upon authorization of the City Council and review of the Planning Board in accordance with the LRHL. Upon the expiration of this Plan, the zoning regulations contained herein shall automatically be directly incorporated into the Zoning Ordinance of the City of Bayonne.

## **SECTION 6. DEFINITION OF TERMS.**

The use and understanding of terms shall be consistent with the definitions listed at N.J.S.A. 40A:12A-3 of the LRHL, N.J.S.A. 40:55D-3 to 40:55D-7 of the Municipal Land Use Law and the LRHL.

### **A. Word Usage**

1. Words used in the present tense include the singular number as well as the plural.
2. The word "parcel" includes the words "lot" and "plot."
3. The phrase "used" includes "arranged," "designated," "intended," "constructed," "altered," "maintained," "occupied," "converted," "rented," "leased," or "intended to be used."sss
4. The term "such as," where used herein, shall e considered as introducing a typical or illustrative rather than an entirely exclusive or inclusive designation of permitted or prohibited uses, activities, establishments or structures.
5. "Shall" and "will" are mandatory.
6. "May" and "should" are permissive.
7. The word "person" includes an individual, corporation, partnership or any other legal entity.
8. Either gender shall include the other.
9. The word "includes" or "including" shall not limit the term to the specified example; but is intended to extend its meaning to all other instances of like kind and character.
10. Any word or term not defined or referenced within this Plan shall be used with a meaning of standard usage as defined in Webster's New International Dictionary of the English Language, unabridged and latest edition.

11. Whenever a term is used in this Section which is not defined, but which term is defined in the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), such term is intended to have the meaning as defined in the Municipal Land Use Law.

## **B. Definitions**

**Accessory Use or Structure** – A use or structure subordinate to the principal use of a building or structure on the same zone lot and serving a purpose customarily incidental to the use of the principal building.

**Active Uses** – Shall include, but not be limited to, retail sales, retail services, personal sales, personal services, entertainment, restaurants, cafes, night clubs, marketplace, and similar uses with high pedestrian use.

**Aisle** – the traveled way by which cars enter and depart parking spaces.

**Application for development** – The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, cluster development, conditional use, zoning variance or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or -36.

**Bar** – A drinking establishment where liquor is sold by the glass with ancillary food available for purchase.

**Building** – A combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof.

**Building Height** – The vertical distance measured from the main elevation of the finished grade along the front of the building to the highest point of the roof; flat roofs, to the main height level; between the eaves and the ridge, for gable and hipped roofs and to the deck line for mansard roofs. Building Height shall not include roof-mounted mechanical

equipment or other rooftop structures, including structures used for Recreation Facilities provided those equipment or structures do not exceed twenty (20) feet in height as measured from the top of the roofline, or as other stipulated herein

**Building, Principal** – A structure in which is conducted the principal use of the site on which it is situated.

**Café** – An informal eating and drinking establishment with a limited menu characterized by both indoor and outdoor seating.

**Civic Use** – Educational use, municipal use, library, recreation center, community center, fire house, and police station.

**Development** – The division of a parcel of land into 2 or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation of landfill, and any use or change in use of any building or other structure or land or extension of use of land, for which permission may be required; redevelopment.

**Drive-through use** – establishments that by design, physical facilities, service or packaging procedures encourage or permit customers to receive service, obtain goods, or be entertained while remaining in their motor vehicles. This prohibition shall not apply to establishments with pedestrian walk-up windows or outdoor counters.

**Floor Area** – The sum of the gross horizontal areas of the several floors of a building, measured from the exterior walls of the building. Floor area shall not include areas devoted to mechanical equipment or any rooftop structures serving the building, areas devoted exclusively to off-street parking and loading space for motor vehicles, nor any below-grade or subsurface level or space where the floor-to-ceiling height is less than 6½ feet.

**Floor Area Ratio (FAR)** – The sum of the area of all floor area divided by the total area of the site.

**Lot** – A designated parcel, tract, or area of land established by plat or otherwise permitted by law and to be used, developed, or built upon as a unit.

**Lot Area** – The total horizontal area included within lot lines, but not including any part of a street or railroad right-of-way.

**Lot, Corner** – A lot at the junction to two or more intersecting streets where the interior angle of the intersection does not exceed 120 degrees. Each corner lot shall have two front yards, one side yard, and one rear yard.

**Lot Coverage** – The area of a lot covered by any impervious surface.

**Lot Line, Front** – The lot line abutting a road right-of-way, the Street Line.

**Lot Line, Rear** – The lot line opposite and most distant from the front lot line or the point at which the two (2) side lot lines meet, as the case may be.

**Lot Line, Side** – Any lot line other than a front or rear lot line.

**Marketplace** – A retail complex primarily consisting of a series of small shops, restaurants, cafes and entertainment uses organized around an interior space and under one management structure.

**Mixed Use** – Development that contains more than one principal permitted use.

**Nightclub** – Any room, building or place in which any musical entertainment, singing, dancing or other similar amusement is permitted in connection with the restaurant business or business of directly or indirectly selling food or drink to the public.

**Office** – A place for the transaction of business where reports are prepared, records are kept and services are rendered, but where no retail sales are offered and where no manufacturing, assembly, or fabricating takes place.

**Open Space** – Any area that is unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with buildings, structures, streets, and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

**Outdoor seating** – An addition to or extension of a restaurant as defined herein that is characterized by the following;

- i. Serving food or drink to be consumed by the public at two (2) or less tables, with not more than four (4) chairs at each table, located within that portion of the sidewalk that lies within the area bounded by the public street, the principal façade and the imaginary perpendicular lines running from the outer edges of such principal façade to the public street; and
- ii. Containing only readily removable tables and chairs, without portable and/or temporary railings and/or planters; and
- iii. Unenclosed by fixed walls or ceilings, fences and removable barriers, umbrellas or other nonpermanent enclosures, exclusive of retractable awnings that are permanently affixed to the subject premises.

**Parking Structure** – A building or structure consisting of one or more levels and used to store motor vehicles.

**Personal Sales and Services** – Establishments primarily engaged in providing services involving the care of a person or his or her goods or apparel, including but not limited to laundering, shoe repair, hair and body care, tailoring, and domestic services, but not to include massage (as prohibited herein), tattooing, or body piercing services.

**Recreation Facilities** – Facilities or structures, and their accessory uses, including, but not limited to, game rooms, swimming pools, gymnasiums, bowling alleys, exercise rooms, or tennis, basketball, or racquetball courts, which may be located on the ground, within the building, or on rooftops

**Redeveloper** – Any person, firm, corporation or public body that shall enter into a contract with the municipality or other redevelopment entity for the redevelopment or rehabilitation, or any area in need of redevelopment, or an area in need of rehabilitation, or any part hereof, under the provisions of the LRHL, or for any construction or other work, forming part of a redevelopment or rehabilitation project.

**Restaurant** – A public eating facility where patrons are seated at tables, booths or counters and served by waiters or waitresses, or obtain their food from a counter or cafeteria line, for consumption on or off the premises, but not to include any such facility where service is offered from a drive-thru window or to patrons in passenger vehicles.

**Retail Sales** – Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including duty free shops, but not to include adult shops and adult media stores.

**Retail Services** – Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including, finance, real estate

and insurance, motion pictures, amusement and recreation services, health, educational, and social services, museums and concert halls, but not to include adult cabarets.

**Setback** – The closest distance measured perpendicular to the street line or lot line and the plane established by the farthest projection of a building nearest to the street line or lot line.

**Sidewalk café** – an addition to or extension of a restaurant as defined herein that is characterized by the following:

- i. Serving food or drink to be consumed by the public at more than two (2) tables located within that portion of the sidewalk that lies within the area bounded by the public street, the principal façade and the imaginary perpendicular lines running from the outer edges of such principal façade to the public street; and
- ii. Containing readily removable tables, chairs, portable and/or temporary railings and/or planters; and
- iii. Unenclosed by fixed walls or ceilings, fences, except for retractable awnings, removable barriers, umbrellas or other nonpermanent enclosures.

**Sign** – Any object, device, display, mural or structure, or a part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design symbols, fixtures, colors, illumination or projected images. This definition shall specifically include any building or part of a building, including walls and façades used for such purposes and shall further include banners, pennants, flags and similar attention attracting devices that convey a message.

**Story** – That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between the floor

and ceiling next above it. The floor of the first story of a building shall not be more than 6 feet above the grade of the ground around the building. A parking level under a building which is not more than half its height above grade shall not be considered a story. A mezzanine floor shall be counted as a story if it covers more than 1/3 of the area of the floor next below it. Mezzanine levels shall only be allowed in the top story of a building. Architectural embellishments, mechanical equipment enclosures, elevator penthouses and rooftop structures and improvements shall not be counted as a story.

**Street Line** – The edge of the existing street right-of-way, forming the dividing line between the street and lot.

**Streetscape** – All of the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, awnings and marquees, signs, and lighting.

**Street Tree** – A tree in a public place, street, landscape easement or right-of-way adjoining a street constituting a large tree in size when mature.

**Structure** – A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

**Yard** – A space extending between the closest point of any building and lot line or street line.

**Yard, Front** – A yard extending across the full width of the lot and lying between the street line and the closest point of the principal building on the lot. The depth of the front yard shall be measured horizontally and at right angles to either a straight street line or the

tangent lines of curved street lines. The minimum required front yard shall be the same as the required set back.

**Yard, Rear** – A yard extending across the full width of the lot and lying between the rear lot line and the closes point of the principal building on the lot. The depth of the rear yard shall be measured horizontally and at right angles to either a straight rear lot line, the tangent of a curved rear lot line, or the mid-point of an angled rear lot line.

**Yard, Side** – A yard extending from the front yard to the rear yard and lying between each side of the line and closes point of any building.

MUNICIPAL COUNCIL OF CITY OF BAYONNE

RESOLUTION NO.: 17-07-19-055

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING CERTAIN PROPERTY LOCATED AT 122 AVENUE E, 124 AVENUE E, 126 AVENUE E, 126 ½ AVENUE E, 128 AVENUE E, 130 AVENUE E, 132 AVENUE E, 134-136 AVENUE E, 138 AVENUE E, 140 AVENUE E, 165 AVENUE E, 167 AVENUE E, 169 AVENUE E, 170-180 AVENUE E, AND 157-163 AVENUE E WHICH PROPERTY IS IDENTIFIED AS BLOCK 467, LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, BLOCK 234, LOTS 8.01, 11, 12, & 13, AND BLOCK 458, LOT 1 & 1.01, WITHIN THE CITY AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT AND AUTHORIZING AN AMENDMENT AND EXPANSION OF THE REDEVELOPMENT PLAN TO INCLUDE THE PROPERTY 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 of the City (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, the State designated several blocks in the City as an "Urban Renewal Zone" pursuant to the *New Jersey Urban Enterprise Zone Act, N.J.S.A. 52:27H-60 et seq.* (the "UEZ Act" and those parcels located within the designated Urban Enterprise Zone shall hereinafter be the "UEZ"); and

WHEREAS, on May 20, 2009, the State approved expansions to the City's UEZ map, to encompass additional properties including the properties common known as Block 458, Lot 1, Block 467, Lots 27, 28, & 29 on the Official Tax Map of the City (the "Zone Area"); and

WHEREAS, Block 467, Lots 27, 28, & 29, were consolidated into Block 458, Lot 1; and

WHEREAS, Block 234, Lots 8, 9, & 10, were consolidated into Block 234, Lot 8.01; and

WHEREAS, on October 11, 2011, the Planning Board reviewed a report prepared by John D. Fussa, P.P., planner for the Planning Board (the "Planner") and a redevelopment plan prepared by the Planner, dated October 11, 2011 and entitled, "Redevelopment Plan Maidenform Redevelopment Area" (the "Redevelopment Plan"), at which hearing the Planning Board discussed the report and the Redevelopment Plan as presented and then resolved to recommend

to the City Council that the Zone Area be designated a redevelopment area and the Redevelopment Plan be adopted; and

**WHEREAS** on November 9, 2011, the Municipal Council adopted the Redevelopment Plan with amendments for the Property and designated the Zone Area as an area in need of redevelopment; and

**WHEREAS**, on May 17, 2017, by Resolution 17-05-17-055, the Municipal Council authorized and directed the Planning Board of the City (the "**Planning Board**") to conduct such an investigation to determine if certain properties located at 122 Avenue E, 124 Avenue E, 126 Avenue E, 126 ½ Avenue E, 128 Avenue E, 130 Avenue E, 132 Avenue E, 134-136 Avenue E, 138 Avenue E, 140 Avenue E, 165 Avenue E, 167 Avenue E, 169 Avenue E, 170-180 Avenue E, and 157-163 Avenue E, which property is identified as Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 234, Lots 8.01, 11, 12, & 13, and Block 458, Lots 1 & 1.01 as shown on the Official Tax Map of the City (the "**Study Area**"), constitute a non-condemnation "area in need of redevelopment," in accordance with the Redevelopment Law; and

**WHEREAS**, on July 11, 2017, the Planning Board held a public hearing, duly noticed under the Redevelopment Law, and reviewed an investigation/report titled "City of Bayonne: Preliminary Investigation Non-Condensation Area in Need of Redevelopment Silklofts Expansion Study" prepared by the City of Bayonne, 630 Avenue C Bayonne, NJ 07002, dated June 19, 2017 (the "**Study**") and any persons interested in or affected by a determination that the Study Area is a non-condemnation redevelopment area were given an opportunity to be heard, and any objections to such a determination and evidence in support of those objections, were received and considered and made part of the public record; and

**WHEREAS**, on July 11, 2017, the Planning Board further adopted the Resolution recommending that the Study Area be determined by the Municipal Council to be a non-condemnation "area in need of redevelopment" under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*; and

**WHEREAS**, the Municipal Council concurs and agrees with Planning Board's recommendation, as supported by the reasons stated in the Study, that the Study Area constitutes and meets the criteria under the Redevelopment Law and that the Study Area should be determined and declared a non-condemnation "area in need of redevelopment", which determination shall, among other things, authorize the City to use all of the powers provided by the Legislature for use in a redevelopment area except the authorization to exercise the power of eminent domain to acquire all or any portion of such Study Area; and

**WHEREAS**, the Municipal Council now believes that it is in the best interests of the City to amend the Redevelopment Plan to include the Study Area and expand the scope of the revitalization and redevelopment efforts in the City (the "**Amended Redevelopment Plan**").

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

**Section 1.** The properties located at 122 Avenue E, 124 Avenue E, 126 Avenue E, 126 ½ Avenue E, 128 Avenue E, 130 Avenue E, 132 Avenue E, 134-136 Avenue E, 138 Avenue E, 140 Avenue E, 165 Avenue E, 167 Avenue E, 169 Avenue E, 170-180 Avenue E, and 157-163 Avenue E, which property is identified as Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 234, Lots 8.01, 11, 12, & 13, and Block 458, Lot 1 & 1.01, as shown on the Official Tax Map of the City is hereby designated a non-condemnation "area in need of redevelopment" under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*

**Section 2.** The Municipal Council hereby directs the City Clerk to transmit a copy of the within resolution to the Commissioner of the Department of Community Affairs and to serve notice that Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 234, Lots 8.01, 11, 12, & 13, and Block 458, Lot 1 & 1.01 are designated as a non-condemnation redevelopment area on the owners of such property and other interested parties within ten (10) days of the date hereof, in accordance with *N.J.S.A. 40A:12A-6.b (5)*.

**Section 3.** The Planning Board of the City of Bayonne is hereby authorized and directed to prepare an amendment to the Redevelopment Plan for the Property identified as Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 234, Lots 8.01, 11, 12, & 13, and Block 458, Lot 1 & 1.01, as shown on the Official Tax Map of the City in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*

**Section 4.** The Planning Board shall transmit the Amended Redevelopment Plan to the Municipal Council for further consideration and action upon completion of same.

**Section 5.** This Resolution shall take effect immediately.

condemnation "area in need of redevelopment" according to the criteria set forth in *N.J.S.A.* 40A:12A-5.

**Section 3.** The Planning Board is hereby directed to study the property located at 122 Avenue E, 124 Avenue E, 126 Avenue E, 126 ½ Avenue E, 128 Avenue E, 130 Avenue E, 132 Avenue E, 134-136 Avenue E, 138 Avenue E, 140 Avenue E, 165 Avenue E, 167 Avenue E, 169 Avenue E, 170-180 Avenue E, and 157-163 Avenue E, which property is identified as Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 234, Lots 11, 12, & 13, Block 458, Lot 1 & 1.01, and Block 234, Lot 8.01 on the City's Tax Maps; 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 Mayor and Municipal Council containing its findings.

**Section 4.** 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 5.** The Planning Board of the City of Bayonne is hereby authorized and directed to prepare an amendment to the Redevelopment Plan for the Property identified as Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 234, Lots 11, 12, & 13, Block 458, Lot 1 & 1.01, and Block 234, Lot 8.01 as shown on the Official Tax Map of the City in accordance with the Redevelopment Law, *N.J.S.A.* 40A:12A-1 *et seq.*

**Section 6.** The Planning Board shall transmit the Amended Redevelopment Plan to the Municipal Council for further consideration and action upon completion of same.

**Section 7.** This Resolution shall take effect immediately.

**Section 1.** The properties located at 122 Avenue E, 124 Avenue E, 126 Avenue E, 126 ½ Avenue E, 128 Avenue E, 130 Avenue E, 132 Avenue E, 134-136 Avenue E, 138 Avenue E, 140 Avenue E, 165 Avenue E, 167 Avenue E, 169 Avenue E, 170-180 Avenue E, and 157-163 Avenue E, which property is identified as Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 234, Lots 8.01, 11, 12, & 13, and Block 458, Lot 1 & 1.01, as shown on the Official Tax Map of the City is hereby designated a non-condemnation "area in need of redevelopment" under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*

**Section 2.** The Municipal Council hereby directs the City Clerk to transmit a copy of the within resolution to the Commissioner of the Department of Community Affairs and to serve notice that Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 234, Lots 8.01, 11, 12, & 13, and Block 458, Lot 1 & 1.01 are designated as a non-condemnation redevelopment area on the owners of such property and other interested parties within ten (10) days of the date hereof, in accordance with *N.J.S.A. 40A:12A-6.b (5)*.

**Section 3.** The Planning Board of the City of Bayonne is hereby authorized and directed to prepare an amendment to the Redevelopment Plan for the Property identified as Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 234, Lots 8.01, 11, 12, & 13, and Block 458, Lot 1 & 1.01, as shown on the Official Tax Map of the City in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*

**Section 4.** The Planning Board shall transmit the Amended Redevelopment Plan to the Municipal Council for further consideration and action upon completion of same.

**Section 5.** This Resolution shall take effect immediately.

MUNICIPAL COUNCIL OF CITY OF BAYONNE

RESOLUTION NO.: 17-05-17-055

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY LOCATED AT 122 AVENUE E, 124 AVENUE E, 126 AVENUE E, 126 ½ AVENUE E, 128 AVENUE E, 130 AVENUE E, 132 AVENUE E, 134-136 AVENUE E, 138 AVENUE E, 140 AVENUE E, 165 AVENUE E, 167 AVENUE E, 169 AVENUE E, 170-180 AVENUE E, AND 157-163 AVENUE E WHICH PROPERTY IS IDENTIFIED AS BLOCK 467, LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, BLOCK 234, LOTS 11, 12, & 13, BLOCK 458, LOT 1 & 1.01, AND BLOCK 234, LOT 8.01, WITHIN THE CITY CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT AND AUTHORIZING AND DIRECTING THE PLANNING BOARD TO AMEND AND EXPAND THE REDEVELOPMENT PLAN FOR THE PROPERTY 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 of the City (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, the State designated several blocks in the City as an "Urban Renewal Zone" pursuant to the *New Jersey Urban Enterprise Zone Act, N.J.S.A. 52:27H-60 et seq.* (the "UEZ Act" and those parcels located within the designated Urban Enterprise Zone shall hereinafter be the "UEZ"); and

WHEREAS, on May 20, 2009, the State approved expansions to the City's UEZ map, to encompass additional properties including the properties common known as Block 458, Lot 1, Block 467, Lots 27, 28, & 29 on the Official Tax Map of the City (the "Zone Area"); and

WHEREAS, Block 467, Lots 27, 28, & 29, were consolidated into Block 458, Lot 1; and

WHEREAS, Block 234, Lots 8, 9, & 10, were consolidated into Block 234, Lot 8.01; and

WHEREAS, on October 11, 2011, the Planning Board reviewed a report prepared by John D. Fussa, P.P., planner for the Planning Board (the "Planner") and a redevelopment plan

prepared by the Planner, dated October 11, 2011 and entitled, "Redevelopment Plan Maidenform Redevelopment Area" (the "**Redevelopment Plan**"), at which hearing the Planning Board discussed the report and the Redevelopment Plan as presented and then resolved to recommend to the City Council that the Zone Area be designated a redevelopment area and the Redevelopment Plan be adopted; and

**WHEREAS** on November 9, 2011, the Municipal Council adopted the Redevelopment Plan with amendments for the Property and designated the Zone Area as an area in need of redevelopment; 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 122 Avenue E, 124 Avenue E, 126 Avenue E, 126 ½ Avenue E, 128 Avenue E, 130 Avenue E, 132 Avenue E, 134-136 Avenue E, 138 Avenue E, 140 Avenue E, 165 Avenue E, 167 Avenue E, 169 Avenue E, 170-180 Avenue E, and 157-163 Avenue E, which property is identified as Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 234, Lots 11, 12, & 13, Block 458, Lot 1 & 1.01, and Block 234, Lot 8.01 on the City's Tax Maps (the "**Study Area**"), constitute a non-condemnation "area in need of redevelopment," in accordance with the Redevelopment Law; and

**WHEREAS**, the preliminary investigation will be designed to evaluate the area to determine whether designation of the Study Area 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 pursuant to *N.J.S.A. 40A:12A-6* to authorize the municipality to use all powers provided by Legislature for use in a redevelopment area other than the use of eminent domain; and

**WHEREAS**, the Municipal Council believes that it is in the best interests of the City to amend the Redevelopment Plan to expand the scope of the revitalization and redevelopment efforts in the City and make necessary modifications to the Redevelopment Plan to include the Study Area if it determined to be a non-condemnation "area in need of redevelopment" (the "**Amended Redevelopment Plan**"); and

**WHEREAS**, in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*, the Municipal Council is desirous of directing the Planning Board to prepare the Amended Redevelopment Plan.

**NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL 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 Planning Board is hereby directed to conduct a preliminary investigation to determine whether the Study Area, 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 3.** The Planning Board is hereby directed to study the property located at 122 Avenue E, 124 Avenue E, 126 Avenue E, 126 ½ Avenue E, 128 Avenue E, 130 Avenue E, 132 Avenue E, 134-136 Avenue E, 138 Avenue E, 140 Avenue E, 165 Avenue E, 167 Avenue E, 169 Avenue E, 170-180 Avenue E, and 157-163 Avenue E, which property is identified as Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 234, Lots 11, 12, & 13, Block 458, Lot 1 & 1.01, and Block 234, Lot 8.01 on the City's Tax Maps; 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 Mayor and Municipal Council containing its findings.

**Section 4.** 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 5.** The Planning Board of the City of Bayonne is hereby authorized and directed to prepare an amendment to the Redevelopment Plan for the Property identified as Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 234, Lots 11, 12, & 13, Block 458, Lot 1 & 1.01, and Block 234, Lot 8.01 as shown on the Official Tax Map of the City in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*

**Section 6.** The Planning Board shall transmit the Amended Redevelopment Plan to the Municipal Council for further consideration and action upon completion of same.

**Section 7.** This Resolution shall take effect immediately.

**Appendix A:**

**RESOLUTION DESIGNATING AINR**

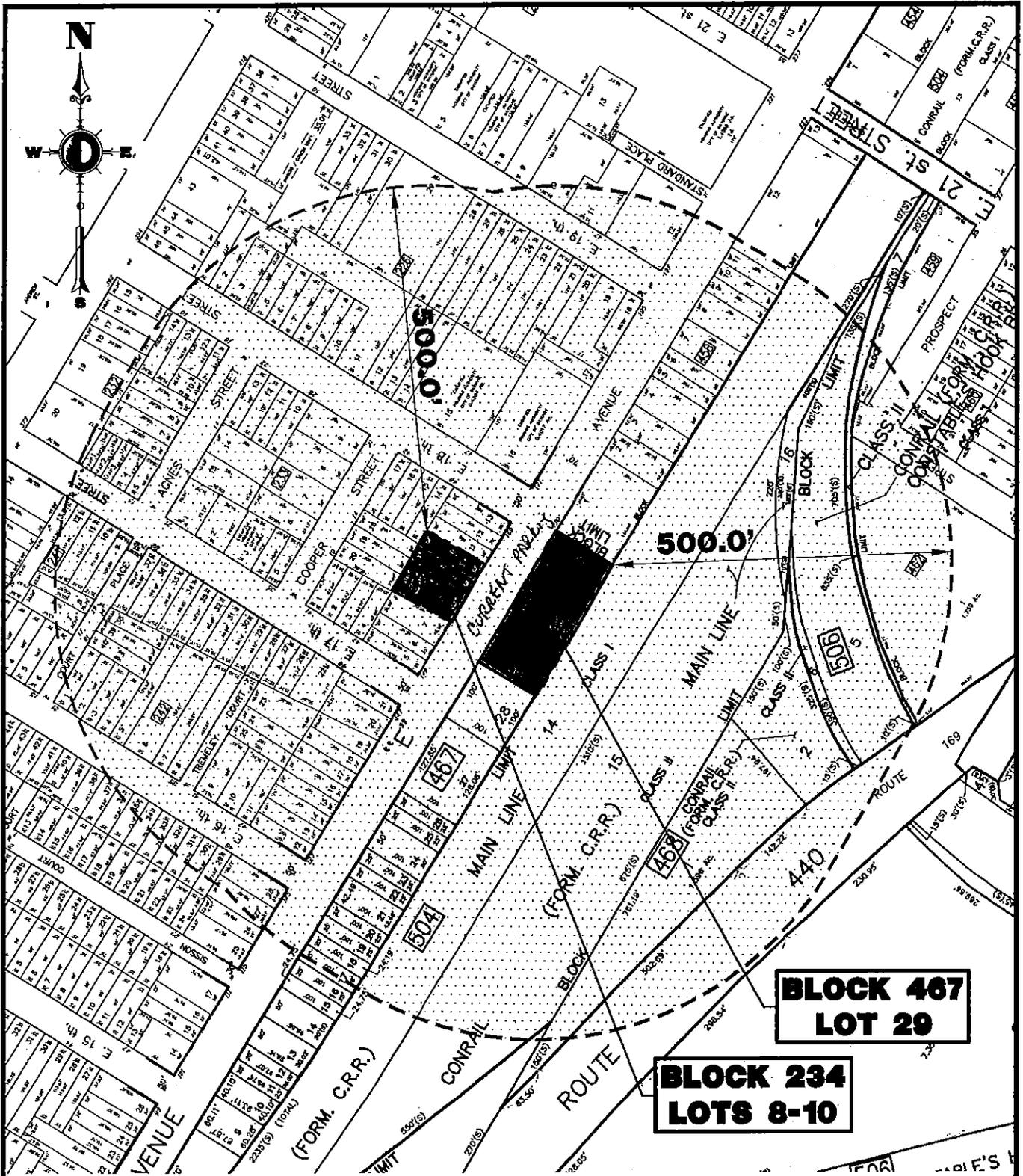
**RESOLUTION AUTHORIZING REDEVELOPMENT PLAN**

**Appendix B:**

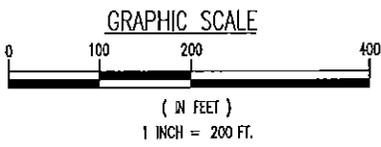
**500 foot Radius**

**Tax Maps**

**Proposed Redevelopment Layout**



**500' RADIUS MAP**



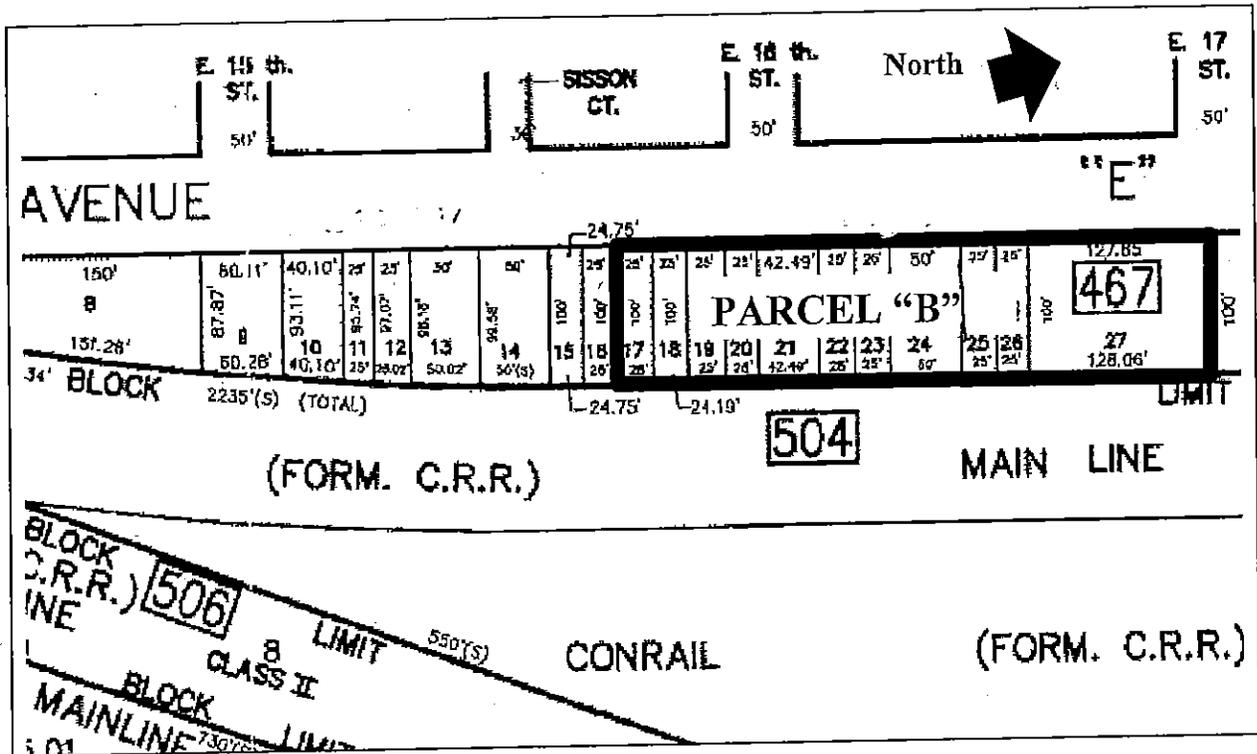
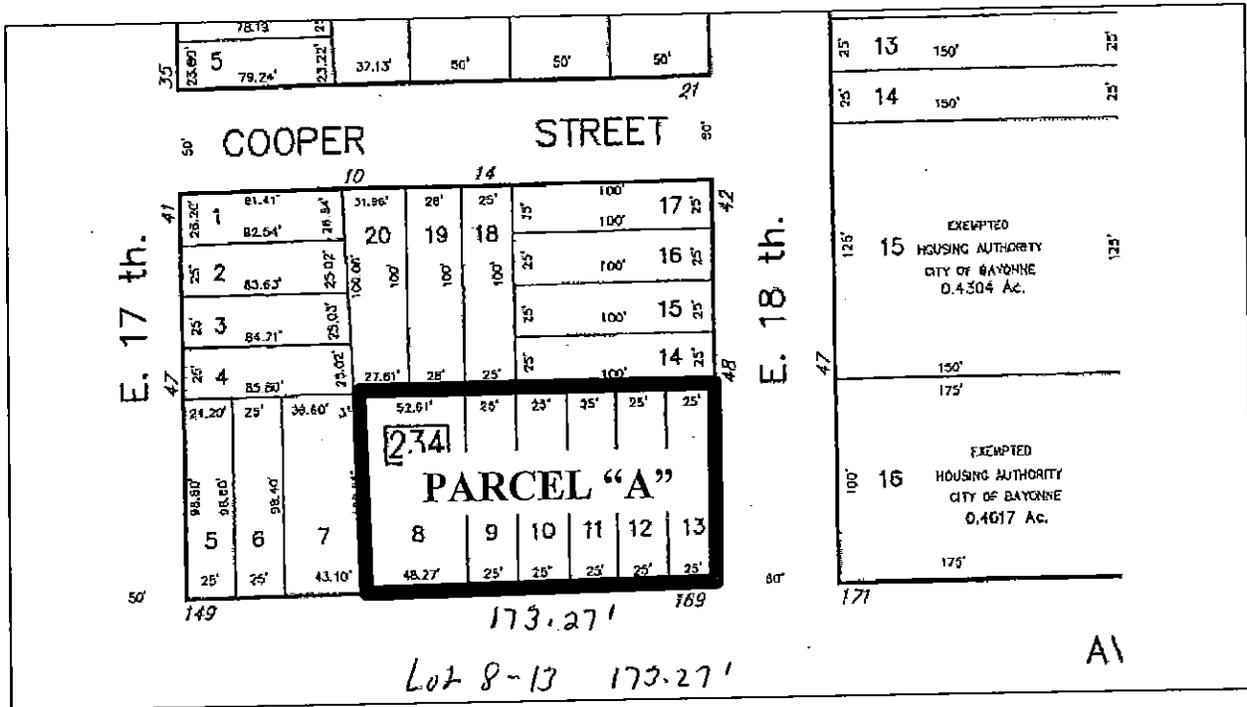
**BLOCK 467  
LOT 29**

**BLOCK 234  
LOTS 8-10**

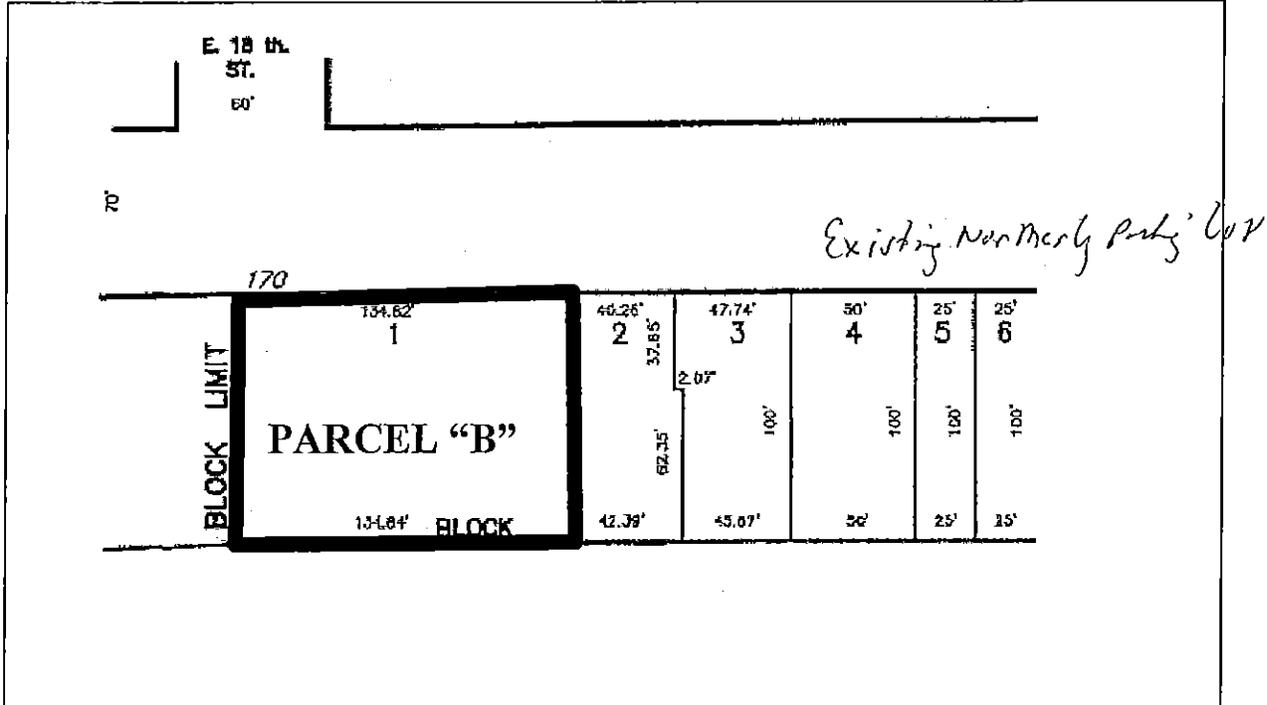
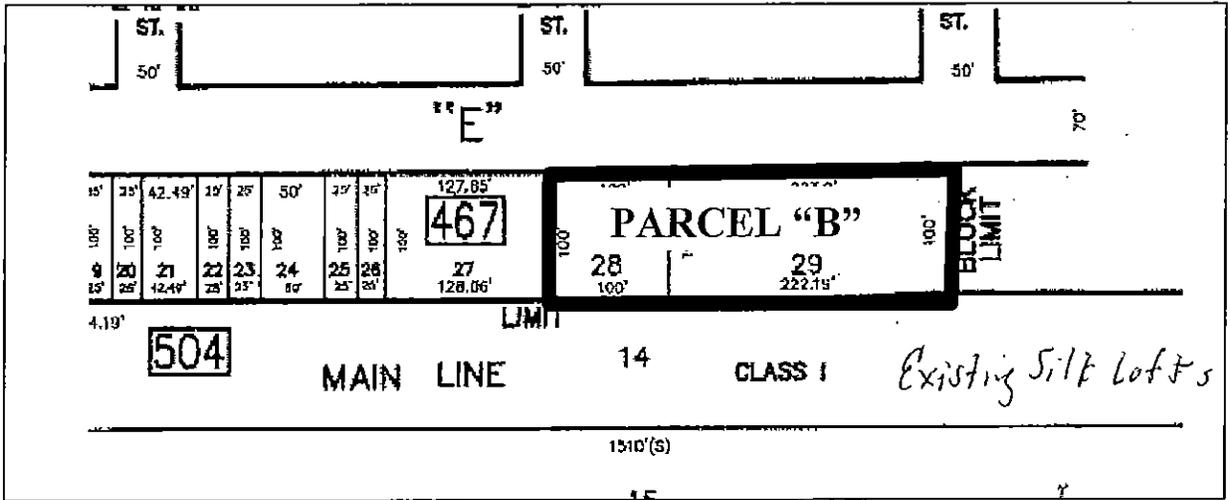
**DYNAMIC  
ENGINEERING**

245 Main Street - Suite 110 - Chester, NJ 07930  
 T: 908.879.9229 - F: 908.879.0222  
 www.dynamicoc.com

# Appendix C: Redevelopment Area Boundary



Lot 17  
- 25  
234.5'  
Lot 24  
-  
Lot 17.  
292.49'



Source: Bayonne Tax Maps

