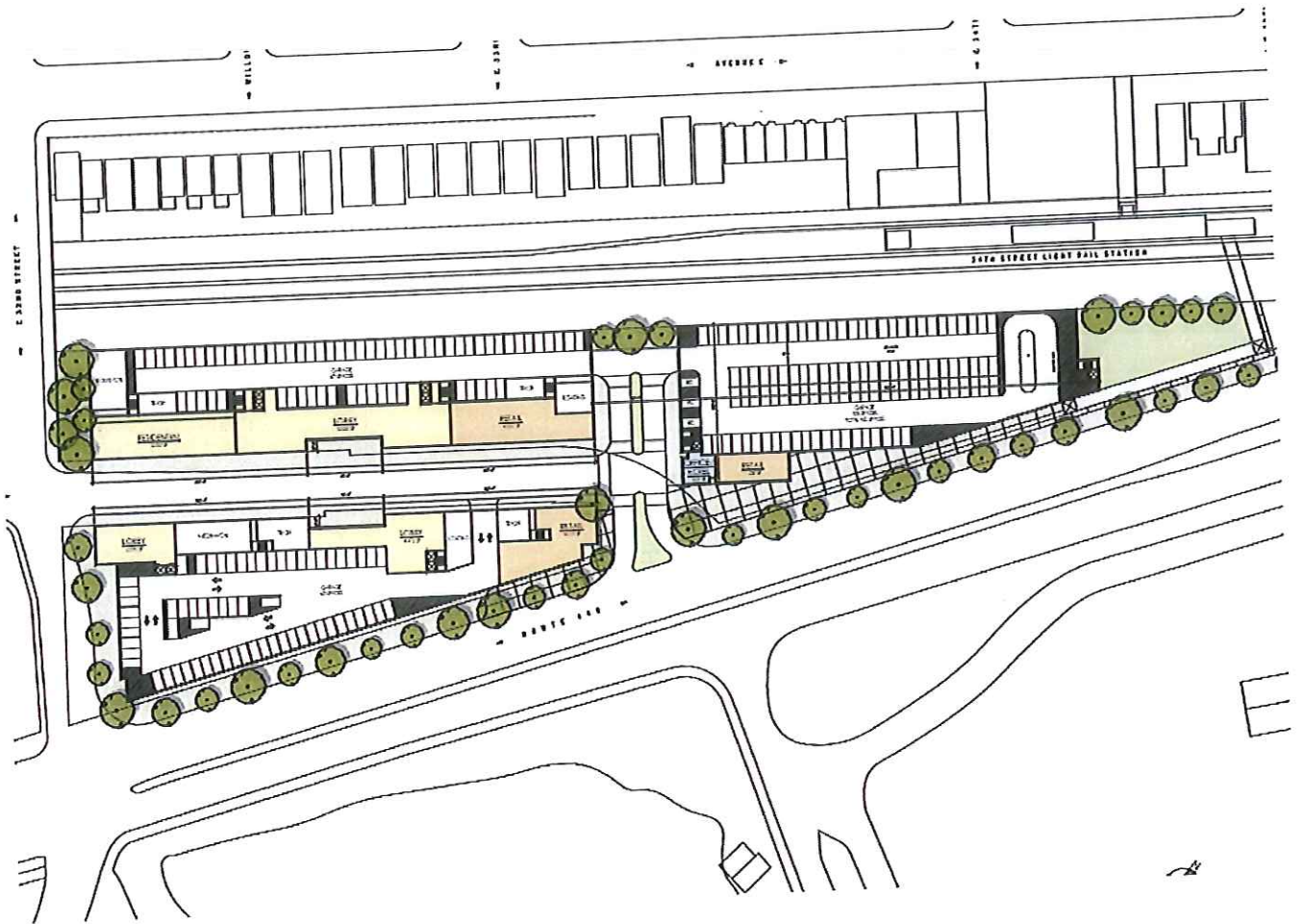


Amended and Restated Scattered Site Redevelopment Plan
NJ Transit 34th Street Station



Block 404, Lots 1, 2 & 3
Block 408, Lots 1 & 2
City of Bayonne
Hudson County, New Jersey

3.5.19

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Prepared By

City of Bayonne

Division of Planning & Zoning
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Section 1 Overview

I.1. Introduction

The Municipal Council of the City of Bayonne adopted Resolution R-14 on November 7, 2018 authorizing and directing the Planning Board of the City of Bayonne to reopen and amend the NJ Transit 34th Street Station Redevelopment Plan, which was adopted in April 2013 and includes properties within the City of Bayonne identified as Block 407, Lots 1, 2, 3, and 4; and Block 408, Lots 1 and 2. A copy of Resolution No R-14 is provided in **Appendix A**.

This Redevelopment Plan is prepared in response to the above resolution and shall serve as a targeted master plan and zoning ordinance for the area. The requirements herein shall supersede the existing redevelopment plan. The requirements herein shall also supersede the City of Bayonne General Ordinances Chapter 33 (Planning and Development Regulations) and Chapter 35 (Zoning) except where noted.

This redevelopment consideration has been initiated as part of the City's ongoing effort to incentivize private investment to revitalize and repurpose underutilized properties within the City. Presently the area is developed as surface parking lots for the 34th Street Station. The longstanding community vision for this area has been for transit-oriented mixed-use development: a portion of this site was part of the 2005 Scattered Site Redevelopment Plan and the redevelopment boundary was expanded by the 2013 Amended Redevelopment Plan. This redevelopment plan continues that vision with amendments that reflect current market conditions.

Since 2013, when the amended redevelopment plan was adopted, the City of Bayonne has experienced significant economic growth and revitalization, particularly around its transit hubs and Route 440 and Avenue E. Much of this growth has been realized through the effective use of

redevelopment plans created or refined in accordance with New Jersey's Local Redevelopment and Housing Law. This growth has benefitted the entire City.

In 2017, the City of Bayonne Planning Board adopted a new Master Plan Re-Examination Report. The new Master Plan recognizes the 34th Street Station as an important node within the City. The new Master Plan recommends "station area plans" around the City's light rail train stations that function as a transit village with a mix of uses including residential and an emphasis on mass transit and pedestrian circulation. This redevelopment plan directly advances that goal while maximizing intermodal connections between the ferry and HBLRT.

The purpose of this Redevelopment Plan is to recognize the shift in market preference and public policy for higher density development around transit hubs. The 2017 Master Plan recommends consideration of new zoning that increases development rights and promotes shared and public parking. It is the intent of this Redevelopment Plan to make redevelopment feasible through greater flexibility of zoning and appropriate increases in building heights, densities, and massing of development. The intent is that the City base ordinances pertaining to land development and zoning shall only apply in terms of administrative procedures such as site plan procedures, application fees, and the like; and construction improvement details such as pavement thicknesses, utility structures, MUTCD traffic control signage, and the like; all in accordance with the LHRL and MLUL.

The Mayor and Council of the City of Bayonne believe it is in the best interest of the City of Bayonne to implement this Redevelopment Plan for the NJ Transit 34th Street Station, to further effectuate positive change in the area and the community at large. The core planning vision remains the same, with the City reaffirming its goal of promoting the development of a high-density and mixed-use transit village at the 34th Street Station in partnership with NJ Transit.

I.2. Redevelopment Area Description

The Redevelopment Area is located at the intersection of Route 440, Prospect Avenue, and East 32nd Street and consists of Lots 1, 2, and 3 in Block 407; and Lots 1 and 2 in Block 408 in the City of Bayonne. The Redevelopment Area boundary is delineated on a map in **Appendix B**.

Lot 1 in Block 407 and Lots 1 and 2 in Block 408 were part of the “Scattered Site Redevelopment Plan” (SSRP) adopted by the City of Bayonne in January 2006. Those same lots, along with Lots 2 and 3 in Block 407, were part of the “Amended Redevelopment Plan – NJ Transit 34th Street Station Redevelopment Area” which was adopted by the City of Bayonne in April 2013.

The 2013 Amended Redevelopment Plan also included Lot 4 in Block 407, however current city tax records indicate that this parcel may actually be identified as Lot 4 in Block 504. Therefore, Lot 4 in Block 407 is intentionally excluded from this Redevelopment Plan, even though it was listed in the City Council resolution of authorization to prepare this plan. Notwithstanding the above, Lot 4 is a very small irregular shaped parcel at the extreme edge of the redevelopment area, and its inclusion is impracticable in effectuating this redevelopment plan.

To clarify any ambiguity as to whether any or all of the above parcels have been designated as An Area in Need of Redevelopment by the City of Bayonne, or whether the Redevelopment Plans were created under the city-wide designation as An Area in Need of Rehabilitation, the City Council adopted Resolution R-4 on November 7, 2018, authorizing the Planning Board to conduct a Preliminary Investigation as to whether any or all of the above lots satisfied the statutory criteria for designation as An Area in Need of Redevelopment. Based on the findings of same, the City Council adopted Resolution 19-01-16-055 on _____, 2019, designating the entire Redevelopment Area as an Area in Need of Redevelopment.

The above parcels are in common ownership by NJ Transit and are developed as surface parking lots for the 34th Street Station. The Redevelopment Area also consists of the mapped rights-of-way contiguous or internal to the above parcels. The total land area is approximately 4.5 acres.

I.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.

I.4. Redevelopment Goals and Objectives

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

- A. 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.
- B. To promote the revitalization of vacant and underutilized sites with viable land uses.
- C. To create economic development opportunities that will generate private sector investment, produce new jobs, and increase tax ratables.
- D. 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.
- E. To ensure high-quality and attractive residential and/or mixed-use redevelopment.
- F. To ensure compliance with all applicable state and local regulations.
- G. To promote the goals of healthy and livable communities.
- H. To provide a resident population to support local businesses and transit ridership.
- I. 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. The regulations herein shall supersede the Bayonne zoning and land development ordinances, unless otherwise noted herein. The intent is that the City base ordinances pertaining to land development and zoning shall only apply in terms of administrative procedures such as site plan procedures, application fees, and the like; and construction improvement details such as pavement thicknesses, utility structures, MUTCD traffic control signage, and the like; all in accordance with the LHRL and MLUL.

The regulations set forth herein shall apply to the tract as a whole, not to individual lots created therein. For the purposes of this section, “tract” shall mean the entire Redevelopment Area. The tract may be subdivided into one or more lots. The tract may be developed in one or more phases. The tract may consist of one or more uses, which may be provided in one building or multiple buildings.

A. Use Regulations

1. Required Development Format.

- a. The entire Redevelopment Area shall be developed in a cohesive manner with connectivity to the 34th Street Light Rail Station.
- b. The development format may retain, modify, or vacate existing streets within the Redevelopment Area. The development format may also create new streets. Any new public street proposed within the Redevelopment Area shall be subject to formal acceptance by the City Council.
- c. Any changes to existing traffic patterns must be approved by the City.

2. Required Principal Uses.

- a. Multifamily residential dwellings
- b. Existing mass transit facilities such as a train station, bus stops, commuter parking and connections thereto, which may be modified to effectuate this plan
- c. Shared off-street parking serving onsite residential, nonresidential, and NJ Transit commuter use shall be provided.

3. 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:

- a. Multifamily residential dwellings
- b. Retail Sales & services Restaurants, cafes, bars, taverns, and microbrew pubs
- c. Offices including general, business, medical, professional, and governmental (including emergency medical care facilities such as Urgent Care and pharmacies)
- d. Hotels, inns, and conference centers including extended stay hotels
- e. Grocery stores, markets, and convenience stores
- f. Arts and entertainment uses such as galleries, studios, music venues and theatres
- g. Banks and fiduciary institutions
- h. Recreation Facility, Commercial, as defined herein.
- i. Recreation Facility - Private, as defined herein.
- j. Recreation Facility - Public, as defined herein
- k. Open Space. Publicly or privately-owned open spaces as defined herein, such as parks, plazas, and promenades available to the general public, as well as privately used rooftop amenities and terraces.

- l. Civic. Facilities directly serving the public, such as municipal offices, community centers, post office, and library. Excluded facilities include public works yards, garages, and treatment plants.
 - m. Live-Work Space.
 - n. Shared-Work Space.
 - o. Day care center, adult or child.
 - p. Educational uses including special education uses
 - q. Ride-Sharing services (including brands such as Zip Car, by way of example)
 - r. Auto Rental Facilities
 - s. Transit uses for transit providers other than NJT such as NYCT-Bus, subject to NJ Transit approval)
 - t. Mixed Use – any combination of the above uses
4. Permitted Accessory Uses. The following accessory uses shall be permitted:
- a. Sidewalk Cafes (subject to the provisions of City Code, Section 21-32.)
 - b. Outdoor seating.
 - c. Fences
 - d. Signs
 - e. Parking, which may be structured parking, surface parking or subterranean parking. Surface parking may be an interim use in keeping with the goals and objectives stated in Section 1.4)
 - f. Recreation Facility, Personal, as defined herein, and resident amenities such as fitness centers, game/party rooms, outdoor space, terraces, pools, barbeque areas, and community open space.

- g. Landscaping
 - h. Utilities including alternative energy sources such as solar panels and electric charging stations, and green infrastructure such as green roofs and rain gardens
 - i. Refuse enclosures
 - j. Ride-sharing shelters
 - k. Any use that is customary and incidental to any principal uses set forth herein.
5. Prohibited Uses. The following uses shall be prohibited.
- a. Dollar stores, thrift stores, second-hand stores, pawn and consignment shops
 - b. Shops which offer for sale fire arms and/or ammunition on site
 - c. Check cashing stores
 - d. “We Buy Gold” stores
 - e. Massage parlors not part of beauty parlors or fitness centers
 - f. Adult-oriented cabarets
 - g. Industrial uses
 - h. Drive-through Uses
 - h. Automobile repair and gas stations

B. Bulk Regulations

- | | |
|-----------------------------|---|
| 1. Minimum Tract Area: | 4.0 acres (including streets) |
| 2. Minimum Tract Frontage: | 250 feet |
| 3. Maximum Building Height: | 12 stories (175 feet including rooftop appurtenances and rooftop amenities) |
| 4. Minimum Building Height: | 4 stories (50 feet including rooftop appurtenances and rooftop amenities) |

5. Minimum Building Setback:
 - a. From 32nd Street: 20 feet (from existing Right-of-Way Line)
 - b. From Route 440: 0 feet (from existing Right-of-Way Line)
 - c. From Any Other Streets: 0 feet (from any Right-of-Way Line)
 - d. From NJ Transit ROW: 18 feet (from rail structure, or as required by NJ Transit in its sole discretion)
6. Maximum building coverage: 70% (green roofs excluded)
7. Maximum tract coverage: 90% (green roofs excluded)
8. Minimum residential floor area:
 - a. Studio: 450 square feet per unit
 - b. One-Bedroom: 600 square feet per unit
 - c. Two-Bedroom: 800 square feet per unit
9. Maximum floor area ratio: 8.0 (Floor areas devoted to parking excluded)
10. Floor area ratio bonuses:
 - 1.0 bonus for chain-affiliated Hotel in STR Chain Scale class segment Luxury, Upper Upscale, Upper Midscale, or Midscale (not Economy Class Segment)
 - 0.20 bonus for LEED Platinum certification
 - 0.15 bonus for LEED Gold certification
 - 0.10 bonus for LEED Silver certification
 - 0.15 bonus for use of Green Roof

C. Parking Regulations

1. Minimum Number of Off-Street Parking Spaces.

a. Vehicle parking:

- i. NJ Transit: As determined through development of a Station Access Plan addressing short- and long-term access to the transit facilities and the impacted regional system, as necessary. NJ Transit typically requires management and project parking strategies that would mitigate for project parking demand. The Station Access Plan, including commuter parking during construction, is subject to NJ Transit review and approval in its sole discretion.
- ii. Residential: 0.5 spaces per unit
- iii. Nonresidential: 1 spaces per 1,000 square feet of floor area (except that no parking is required for nonresidential uses that have less than 3,000 square feet floor area). This standard shall apply to any use not otherwise specified below. This standard shall not apply to recreational facilities and daycare centers as they will be utilized primarily by residents.
- iv. Hotel: 0.5 spaces per hotel room key
- v. Educational: 1.0 space per maximum number of staff that will be onsite at any given time
- vi. Shared parking. For mixed-use developments, a shared parking approach to the provision for off-street parking may be provided for uses with non-coincident peak parking demands, based on acceptable industry standards such as the Institute of Transportation Engineers. Monthly visitor parking could be permitted for adjacent developments if capacity exists in off peak hours.

- vii. Handicapped designated parking shall be provided in accordance with the Americans with Disabilities Act (ADA).

b. Bicycle Parking:

- i. For residential uses: 0.50 spaces per unit, minimum.
 - ii. For other uses: 1.0 space per 50 vehicle spaces, minimum
 - iii. All multifamily, civic, and office buildings shall provide secure, conveniently accessible indoor bicycle parking and storage rooms. Other uses are encouraged to provide bicycle parking and storage facilities.
 - iv. The appropriate number of bicycle rack spaces, which will be calculated by the Planning Board, shall be provided.
 - v. In retail areas, centrally located sidewalk bicycle racks should be provided in clear view of storefronts.
 - vi. Bicycle racks and/or lockers should be provided in proximity of the NJ Transit transportation facilities.
 - vii. At least 50 percent of the provided bicycle racks spaces shall be enclosed.
- c. Ride-Sharing and Bike-Sharing. Provisions for ride-sharing and drop-off/pick up areas for taxi and related transport services are encouraged. Provisions for bike-share service are also encouraged.

2. Vehicle Parking Stall Dimensions

- a. Parking stall dimensions shall be based on the standards set forth below for standard parking stalls, compact parking stalls, parallel parking stalls, and tandem parking stalls, all of which shall be considered permitted parking types.
- b. Standard parking stalls shall be a minimum of 8 feet wide by 18 feet deep

- c. Compact parking stalls shall be a minimum of 7 feet 4 inches wide by 16 feet deep.
- d. Parallel parking stalls shall be a minimum of 8 feet wide by 20 feet deep.
- e. Tandem spaces shall be a minimum of 9 feet by 36 feet.
- f. A maximum of thirty-five percent (35%) of the off-street parking spaces may be compact-sized.
- g. Mechanical (stacked) parking systems are permitted to increase structured parking capacity. Parking spaces incorporated into a mechanical system shall be exempt from the dimensional requirements specified herein, but shall conform to all manufacturer specifications
- h. Handicapped designated parking shall be provided in accordance with the Americans with Disabilities Act (ADA).

3. Curb Cuts.

- a. Maximum Number: All driveway curb cuts shall be from streets or roadways interior to the Redevelopment Area unless determined necessary by NJ TRANSIT in connection with transportation operations. No driveway curb cuts shall be permitted from Route 440 or East 32nd Street. Existing roadway access to Route 440 or East 32nd Street may be modified, subject to outside agency approval
- b. Maximum Width: 20 feet, additional width permitted at driveway opening as may be necessary to permit safe turning movements
- a. Minimum Separation: No driveway shall be located within 50 feet of another driveway

4. Parking Structures.

- a. Off-street parking may be provided in a parking structure.

- b. Subterranean parking levels shall be permitted.
 - c. Parking structures shall be used as automobile parking units only, with no sales, dead storage, dismantling, or servicing of any kind permitted.
 - d. Parking structure roofs may be landscaped and/or utilized for open space and recreation facilities.
 - e. Parking structures shall have adequate security provisions.
5. Minimum Drive Aisle Width: 22' (two-way) 11' (one-way)

D. Other Regulations/Design Standards

1. Architecture

- a. 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. In addition, building features should be considered that maximize air/light, and create an open, pedestrian-friendly area. Building orientation and height should be considered so as to avoid year round shadows.

2. Lobby Location.

- a. Residential lobbies shall be permitted at the street level.
- b. Covered entryways to lobbies such as canopies shall be permitted to project into the public right-of-way, and no easement shall be required for any such projection.

3. Streetscape.

- a. "Streetscape" shall mean the sidewalk area along the site frontage and the street area on the same side of the site.

- b. Existing streetscape sidewalks, curbs, and parallel parking shall be reconstructed where so determined by the City Engineer.
 - c. Streetscapes shall be attractively and uniformly designed with pavers, shade trees, plantings, street furniture, and lighting.
 - d. The streetscape may include bump outs interior to the redevelopment tract, subject to approval by the City Engineer.
 - e. All streetscape improvements shall be designed in accordance with Section 15 (Traffic Calming) of the NJDOT Roadway Design Manual.
4. 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 abutting existing residential property lines. Light fixtures shall be shielded and utilize metal halide, LED or other white light source.
5. 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.
6. Open Space/Recreation Facilities. A minimum of 10% of the Redevelopment Area of open space and/or recreation facilities shall be provided within the Redevelopment Area. Sidewalks shall be installed to provide safe walking passage to any Park or Open Spaces within the plan area or areas utilized to fulfill this requirement. Terraces, balconies, public plazas and rooftop amenities shall count toward the open space requirement. Freestanding art and sculpture as well as art galleries. If after all good faith attempts are made onsite to meet this requirement a contribution may be made to a nearby park for the enjoyment of the residents of the development area and the general public

7. Fences/Walls.

- a. Fences and walls along the public right-of-way shall be a minimum of 50 percent open and a maximum of 4 feet high.
- b. Other than along any NJ Transit or other rail right of way, fences and walls on any side or rear property line shall not exceed eight (8) feet in height. Fences or walls along any NJ Transit or other right of way may exceed eight (8) feet as appropriate and necessary to abate or mitigate any noise or other impacts along the right of way within the discretion of the Planning Board, and as approved by NJ TRANSIT in its sole discretion.
- c. No fence shall contain barbed wire.
- d. Fences and walls shall not impede safe sight distance and shall provide a sight triangle for each access driveway.
- e. Fences shall be installed so that the “finished,” or better, side of any fence faces the street or adjacent property.

8. Signs.

- a. Buildings which are adjacent to Route 440 may have up to a total of three signs on the entire building, with one sign on each of the north, south, and east façades. Commercial signage shall be limited to one limited to one (1) architectural wall sign per tenant per facade, having a maximum sign area of 60 square feet, or 10 percent of the storefront, whichever is lesser; and further provided that such signs shall be affixed to the principal elevation and located below the second story.

- b. 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.
 - c. Signage shall be measured based on letters and symbols separate and distinct from the building
 - d. All lighting of signage shall be indirect and the use of internally illuminated light boxes, pole signs, or roof signs shall be prohibited.
 - e. 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.
 - f. Directional Signs already in place along Route 440 shall be maintained unless relocated by NJDOT. STM
 - g. Wayfinding Signage directing the public from Ave E should be considered.
9. Landscaping.
- a. Streetscapes shall be landscaped as noted above.
 - b. Courtyards, gardens, and terraces shall be attractively and uniformly designed with pavers, plantings, furniture and lighting.
 - c. 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.
 - d. Green space (trees, shrubs, flowers, etc.) shall be used as buffers and to accent entrances, arcades and sidewalks. Planters and containers are encouraged.

- e. 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.
- f. Plantings shall be permitted in parking lots.
- g. Any landscaping which is not resistant to the environment or dies within two (2) years of planting shall be replaced by the Redeveloper.

10. Streets.

- a. Any street associated with the redevelopment plan may be public or private.
- b. Pavement thicknesses and related street improvements shall comply with City of Bayonne improvement standards.
- c. The integration of “complete streets” principles is encouraged, including balanced, intermodal access, equal priority for pedestrians and bicyclists, integration with mass transit and traffic calming for safety purposes.

11. Effect of Redevelopment Plan. The regulations herein shall supersede the Bayonne zoning and land development ordinances, unless otherwise noted herein.

12. Affordable Housing. Affordable housing shall be addressed in the Redevelopment Agreement.

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 City of Bayonne Master Plan:

The City recently adopted an updated Master Plan Re-Examination Report in August 2017. The master planning process represents a continuing effort to ensure the City’s planning policies, goals and objectives provide the highest quality of life for its residents, business and visitors. The 2017 Master Plan Re-Examination Report provides updated recommendations for policy, land use and planning based on a changing pattern of development and identifies the importance of increasing the tax base while promoting the highest quality of life for the residents through progressive zoning and planning policies.

This Redevelopment Plan is substantially consistent with Bayonne Master Plan and its goals and objectives, specifically as they relate to housing around transit hubs and development along the Route 440 corridor. With respect to housing, the Master Plan has long encouraged the development of higher density housing around the NJ Transit Station of the Hudson Bergen Light Rail System. The Master Plan now recommends “Station Area Plans” be developed for a one quarter mile radius surrounding each of the NJ Transit Train Stations.

The Master Plan cites as a specific objective: *“Support the development of quality, higher density multi-family housing on Avenue E near HBLRT stations in order to serve the commuter population”* [page 80]. While the Redevelopment Area is not directly on Avenue E, it is located at the 34th Street Light Rail Station which has a direct connection to Avenue E. Therefore, this Redevelopment Plan is substantially consistent with the Master Plan objective for housing around the City’s transit hubs and Avenue E.

Route 440 is considered one of seven “Special Development Areas” in the Master Plan. The proposed development fronts on Route 440 and will be an enhancement to the corridor. Master Plan also cites the following as an Economic goal: *“Encourage selected retail, office and light industrial in the Route 440 corridor that takes advantage of extensive highway frontage, available land and regional access. Target the corridor for uses that complement Broadway rather than compete with it.”* [Page 45].

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. The Redevelopment Area does not border the contiguous municipalities.

3.2 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.

3.3 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 five parcels owned by NJ Transit. It is bordered by Conrail ROW, NJ State Highway 440 and two municipal streets. 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 NJ Transit's, 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, 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.
10. Vacating or modifying a public street subject to current agreements.

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 issued by NJ Transit and Conrail for temporary and permanent permits required shall be obtained prior to construction adjacent to an active rail line and copies of same shall be filed with the Planning Board
5. Redevelopment of any parcels in the Redevelopment Area owned by NJ TRANSIT, its successors or assignees, shall be subject to separate project agreements between the Redeveloper and NJ TRANSIT, as deemed necessary by NJ TRANSIT in its sole discretion.
6. 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.

7. This Plan shall be implemented consistent with the requirements of the LRHL for the effectuation of redevelopment plans.
8. 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.
9. A Technical Review Committee (TRC) will be scheduled prior to submission of any site plan.
10. 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. This plan specifically allows its Plan, subdivision, variance, exception, or any other approvals, which shall be administered 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.
11. 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.

12. 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.
13. 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 on payment of \$1000 for meeting and reporting costs and establishment of escrows for professional preparation and review fees. Upon the expiration of this Plan, all regulations contained herein shall automatically be directly incorporated into the Zoning Ordinance of the City of Bayonne unless the City and the Redeveloper agree otherwise. The City shall incorporate this redevelopment plan if any zoning changes are considered for any lot in the redevelopment tract.
14. Phasing. Any aspect of this Redevelopment may be constructed in one or more sections in accordance with a phasing plan approved by the City. Any deficiencies in respect to the overall plan created by implementation of a specific phase shall be examined and satisfied through the use of cross easements for traffic and setbacks for land use which may be extinguished on completion of the later phase.

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.”
4. The term “such as,” where used herein, shall be 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 (include all land uses mentioned in document)

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.

Automobile Rental Facility - establishments primarily engaged in renting passenger cars without drivers, generally for short periods of time.

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.

Day Care Center - an establishment providing for the care, supervision, and protection of children or adults that is licensed by the State of New Jersey

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.

Educational Use – A school or other learning institution, such as: a public, private, or parochial school that is recognized or approved by the State as meeting requirements for primary (elementary) or secondary (high school) academic instruction; a college, university, or other place of higher learning offering classes that count towards a degree; academic tutoring services including college entry and exam testing preparation; and business, specialized, or vocational schools such as trade schools, driving schools, language schools, and art, dance, and music schools; and special education & therapeutic facilities for children with disabilities of all kinds.

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.

Interim use - use, such as a new surface parking lot, on a short term basis which requires City approval every year after the first two years of such use in order to continue the use.

Live-Work Space – A single unit that provides accommodation for both a permitted commercial use and a permitted residential use, such as an artist studio or loft.

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.

Plaza

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

Recreation Facility, Commercial – A recreation facility operated as a business and open to the public for a fee.

Recreation Facility, Personal – A recreation facility provided as an accessory use on the same tract as a principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

Recreation Facility, Private – A recreation facility operated by a private organization and open only to bona fide members and guests

Recreation Facility, Public – A recreation facility open to the general public, which may be associated with a governmental agency but not necessarily so.

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 t heir food from a counter or cafeteria line, for consumption on 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.

Ride-Sharing Services – A public or private service that provides on-demand and ride-hailing transportation such as buses, taxicabs, limousines, car pools, van pools, and the like (including, by way of example, the following companies: Uber, Lyft, Zipcar); ride-sharing services may include bike-sharing (such as Citi Bike, by way of example); ride-sharing services .

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.

Shared-Work Space – An office unit or building that provides accommodation for multiple businesses to share office resources, also known as coworking or collaborative work spaces.

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 facades used for such purposes and shall further include banners, pennants, flags and similar attention attracting devices that convey a message. (Directional and destination signs along Route 440 must conform to NJDOT and MUTCD standards)

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 closes 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.

Appendix A:

Resolution Authorizing Redevelopment Plan

MUNICIPAL COUNCIL OF CITY OF BAYONNE

RESOLUTION NO.: 18-10-17-) 55

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AMENDING THE DESIGNATION OF PANEPINTO PROPERTIES, INC. AS REDEVELOPER OF THE PROPERTY LOCATED AT 276 PROSPECT AVE, WHICH PROPERTY IS IDENTIFIED AS BLOCK 407, LOT 1 AND BLOCK 408, LOTS 1 AND 2 TO INCLUDE BLOCK 407, LOTS 2, 3 AND 4 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AND AUTHORIZING AND DIRECTING THE PLANNING BOARD TO REOPEN AND AMEND THE REDEVELOPEMENT PLAN ENTITLED 34TH STREET STATION REDEVELOPEMENT AAREA

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 (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, on March 16, 2005, the City of Bayonne (the "City") Municipal Council adopted Resolution 05-03-16-048 authorizing and directing the Planning Board to (i) conduct investigations pursuant to *N.J.S.A. 40A:12A-6* to determine whether certain scattered sites in locations throughout the City and described on the Tax Map of the City of Bayonne, State of New Jersey, satisfy the criteria to be designated as areas in need of redevelopment under *N.J.S.A. 40A:12A-5* and (ii) prepare a redevelopment plan for the Study Areas; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services has prepared a redevelopment plan for the Redevelopment Area titled "Scattered Site Redevelopment Plan" dated December 7, 2005 (the "Redevelopment Plan"); and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services has prepared an amended redevelopment plan for the Redevelopment Area titled "NJ Transit 34th Street Station Redevelopment Area" dated April 2013 (the "Amended Redevelopment Plan"); and

WHEREAS, the Municipal Council agreed with the Planning Board's recommendation and by Ordinance, the Municipal Council adopted the Amended Redevelopment Plan; and

WHEREAS, PANEPINTO PROPERTIES, INC., with an office address of 3 2nd St, Jersey City, NJ 07302, (the "Redeveloper") wishes to develop the Redevelopment Area and use it for the purpose of implementing the Redevelopment Plan; and

WHEREAS, the Redeveloper has requested that the Municipal Council, as a redevelopment entity to authorize and direct the Planning Board to reopen and amend the existing redevelopment plan entitled "Amended Redevelopment Plan, NJ Transit 34th Street Station Redevelopment Area."; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:12A-7(e) of the Redevelopment Law, the Planning Board, through the City's staff and/or Planning Board professionals, is permitted to amend a Redevelopment Plan; and

WHEREAS, the Municipal Council believes that it is in the best interest of the City to reopen and amend the Redevelopment Plan for the property identified as Block 407, Lots 1, 2, 3, and 4 and Block 408, Lots 1 and 2 on the City's Tax Maps in order to expand the scope of the revitalization and redevelopment efforts in the City and make modifications to the Amended Redevelopment Plan necessary to further the goals and objectives of the Master Plan; and

WHEREAS, the Municipal Council desires to designate PANEPINTO PROPERTIES, INC. as redeveloper of the Redevelopment Area as provided for and in accordance with the provisions of the Redevelopment Law.

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

Section 1. The Municipal Council of the City of Bayonne hereby authorizes and directs the Planning Board to reopen the existing redevelopment plan entitled "Amended Redevelopment Plan, NJ Transit 34th Street Station Redevelopment Area" and make any modifications or changes to the redevelopment plan necessary to further the goals and objectives of the Master Plan; and

Section 2. The Municipal Council of the City of Bayonne hereby authorizes the execution of a Redevelopment Agreement by and between the City of Bayonne and PANEPINTO PROPERTIES, INC., concerning the Redevelopment Area identified as Block 407, Lots 1, 2, 3 and 4 and Block 408, Lots 1 and 2 in the City of Bayonne, in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City; and

Section 3. The Municipal Council, upon the full execution of the Redevelopment Agreement, recognizes PANEPINTO PROPERTIES, INC. as redeveloper of Block 407, Lots 1, 2, 3 and Block 408, Lots 1 and 2, in the City of Bayonne (the "Redeveloper") as provided for

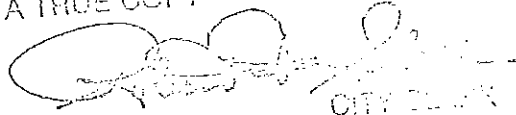
and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

Section 4. The Mayor and Clerk are hereby authorized to execute the Redevelopment Agreement, with such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel, on behalf of the City of Bayonne, acting as the redevelopment entity for the redevelopment of the Redevelopment Area by **Panepinto Properties, Inc.**

Section 5. This Resolution shall take effect immediately.

JFC/jc/jmd

A TRUE COPY


CITY CLERK

Agenda No. R-9

MUNICIPAL COUNCIL OF CITY OF BAYONNE

RESOLUTION NO.: 19-01-16- 355

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AND EXPANDED AREA IN NEED OF REDEVELOPEMT STUDY FOR THE NEW JERSEY TRANSIT 34TH STREET STATION REDEVELOPMENT PLAN FOR PROPERTY LOCATED AT 276 PROSPECT AVE, WHICH PROPERTY IS IDENTIFIED AS BLOCK 407, LOTS 1, 2, AND 3 AND BLOCK 408, LOTS 1 AND 2 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.* (34TH STREET LIGHT RAIL PARKING LOT)

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

WHEREAS, on March 16, 2005, the City of Bayonne (the "City") Municipal Council adopted Resolution 05-03-16-048 authorizing and directing the Planning Board to (i) conduct investigations pursuant to *N.J.S.A. 40A:12A-6* to determine whether certain scattered sites in locations throughout the City and described on the Tax Map of the City of Bayonne, State of New Jersey, satisfy the criteria to be designated as areas in need of redevelopment under *N.J.S.A. 40A:12A-5* and (ii) prepare a redevelopment plan for the Study Areas; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services has prepared a redevelopment plan for the Redevelopment Area titled "Scatter Site Redevelopment Plan" dated December 7, 2005 (the "Redevelopment Plan"); and

WHEREAS, the Planning Board passed a resolution adopting the findings of the Redevelopment Study and recommending to the City Council that the Study Areas be designated an area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-6* (the "Revised Study Areas"); and

WHEREAS, the original study did not include the adjacent properties designated as Block 407 Lots 2, 3 and 4 on the Tax Map of the City of Bayonne, State of New Jersey, 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 property located at 276 Prospect Ave, which property is identified as Block 407, Lots 1, 2, and 3 and Block 408 Lot 1 and 2 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, the City believes the expansion of the redevelopment area to include the adjacent Lots within the Study Area is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the City; and

WHEREAS, the preliminary investigation was presented to the Planning Board on January 8, 2019 and the Board recommended the Study Area be designated as a non-condemnation "area in need of redevelopment" in conformance with the statutory criteria contained in *N.J.S.A. 40A:12A-5*; and

WHEREAS, the City is desirous of continuing revitalization and redevelopment efforts in the City.

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

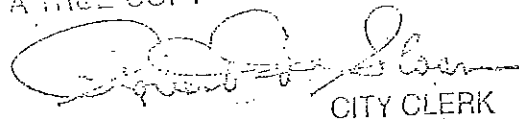
Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Study Area located at 276 Prospect Ave, which property is identified as Block 407, Lots 1, 2, and 3 and Block 408 Lot 1 and 2 as shown on the official Tax Map of the City constitute a non-condemnation "area in need of redevelopment," in accordance with the Redevelopment Law according to the criteria set forth in *N.J.S.A. 40A:12A-5*.

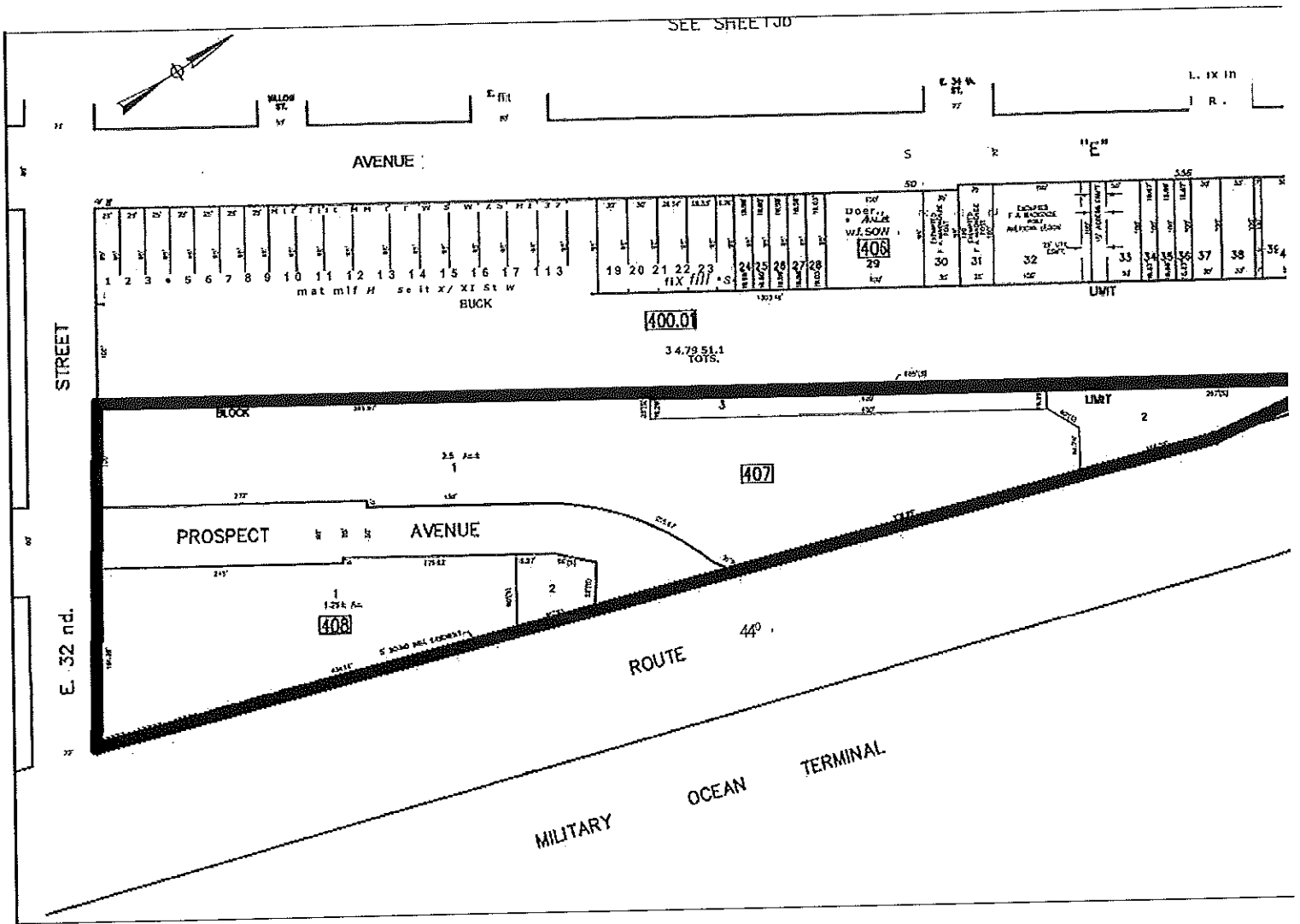
Section 3. The Municipal Council hereby directs the City Clerk to transmit a copy of the within resolution to the Commissioner of the Department of Community Affairs and to serve notice that Block 407, Lots 1, 2, and 3 and Block 408 Lot 1 and 2 is designated a non-condemnation redevelopment area on the owners of such Study Area and other parties within ten (10) days of the date hereof, in accordance with *N.J.S.A. 40A:12A-6.b(5)*.

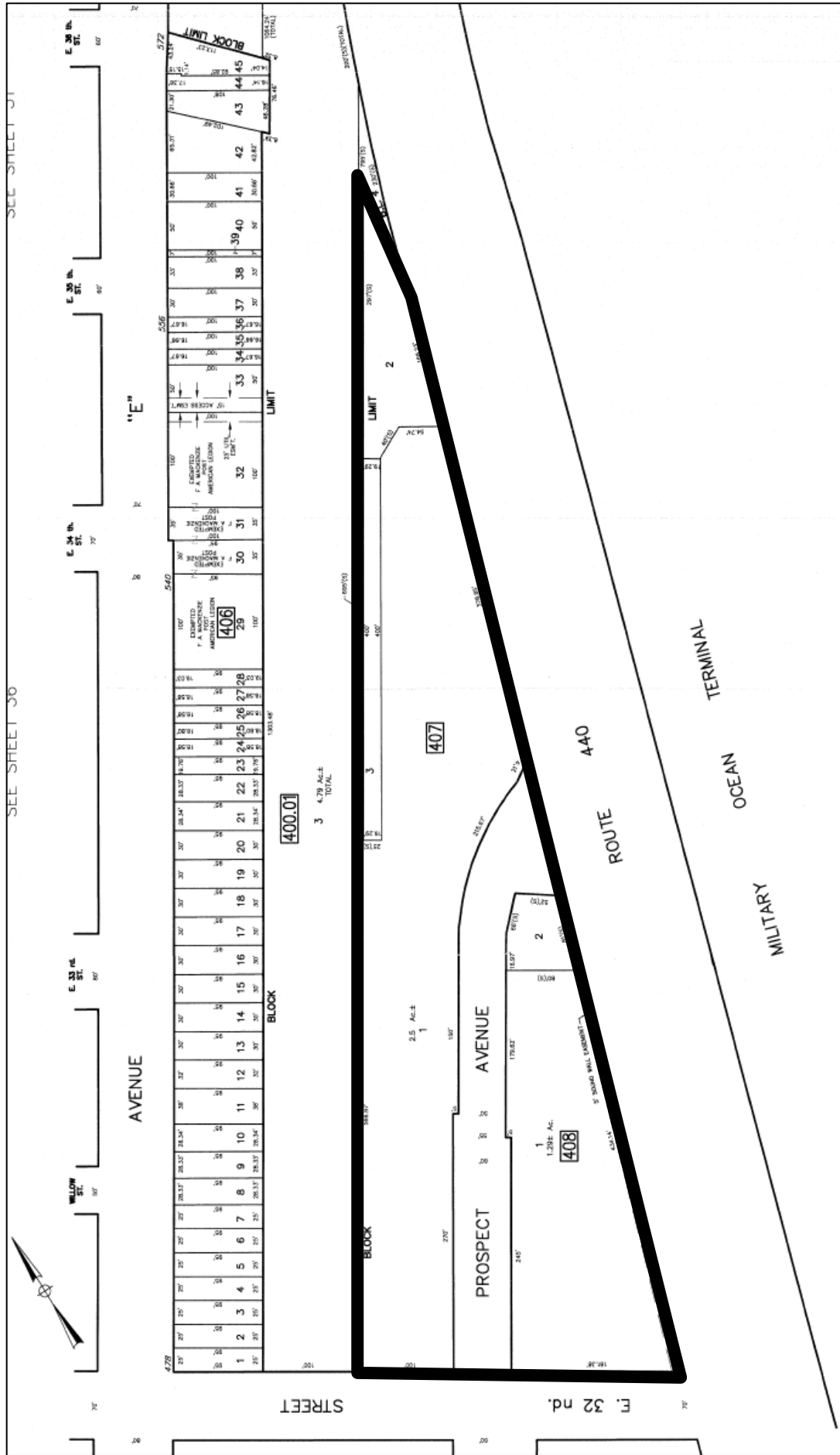
Section 4. This Resolution shall take effect immediately.

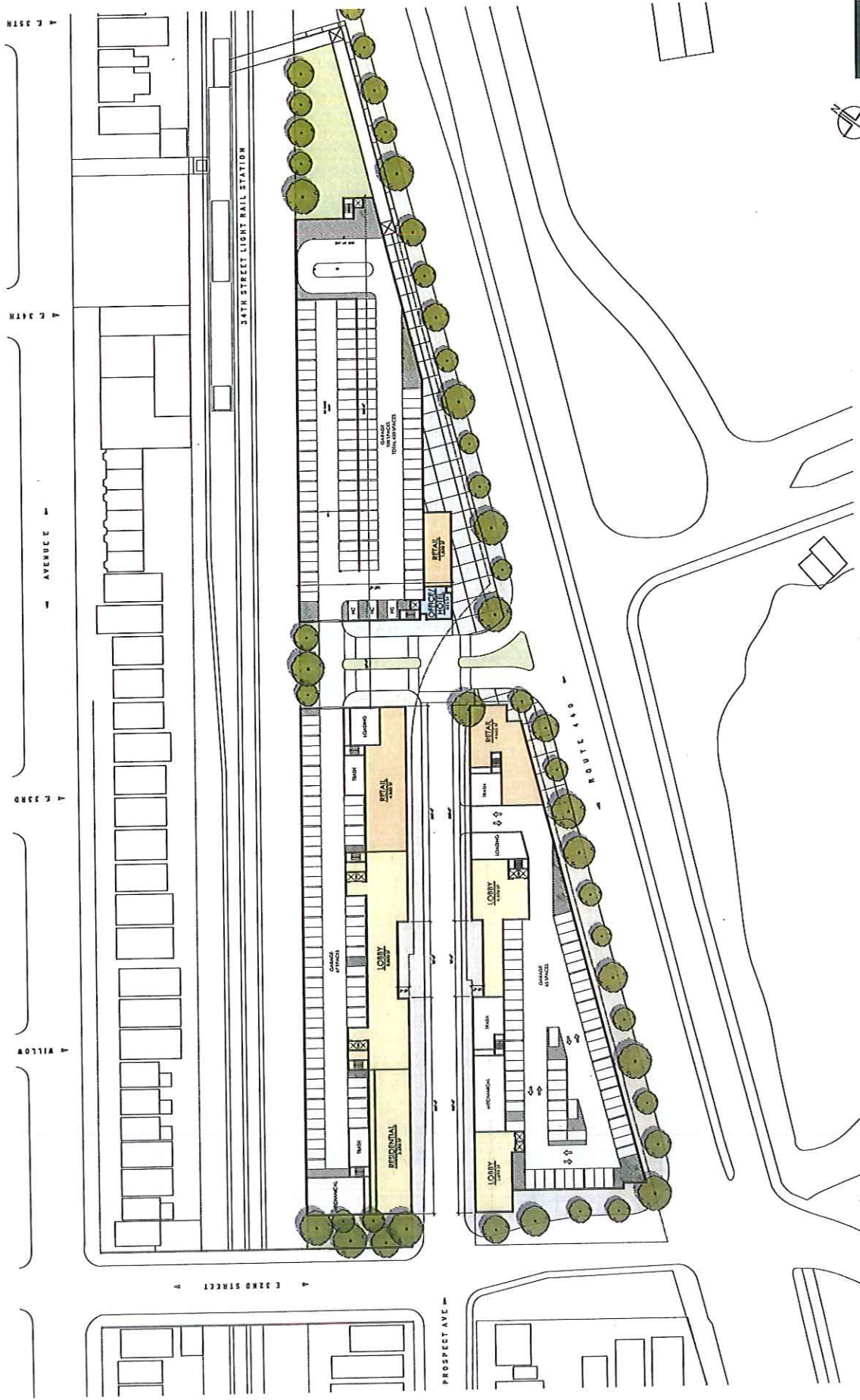
A TRUE COPY


CITY CLERK

Appendix B:
Redevelopment Area Boundary







Marchetto
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Steve
Architecture
P.C.
1000
Union Square

October 18, 2018
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GROUND FLOOR PLAN

Panepinto Properties
34th Street HBLR Station & Prospect Ave, Bayonne, NJ
Scale: 1" = 80'-0"

Illustration Only



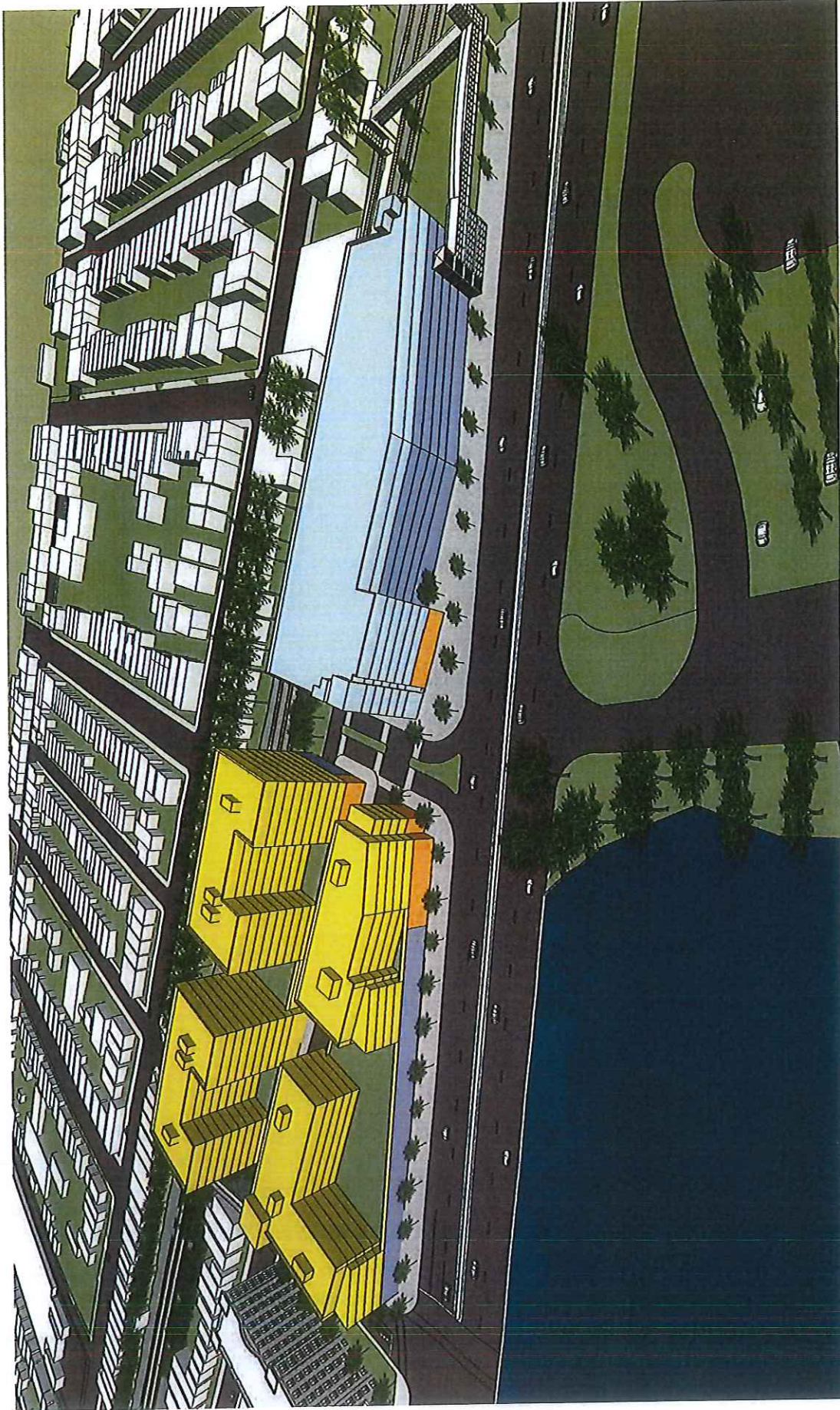
Panepinto Properties
34th Street HBLR Station & Prospect Ave, Bayonne, NJ

OFFICE OPTION - VIEW

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