



Town of Westfield, NJ Master Plan

Amendment to the 2013 Housing Plan Element & Fair Share Plan

Adopted: May 4, 2015

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A signed and sealed copy of this Master Plan amendment is on file with the Planning Board Secretary and Town Clerk.

TOWN OF WESTFIELD, NJ
AMENDMENT TO THE 2013
HOUSING PLAN ELEMENT & FAIR SHARE PLAN

Purpose of Amendment

This document represents the third amendment to the Town of Westfield's 2013 Housing Plan Element & Fair Share Plan (the Plan) relating to the New Street TOD zone (NS-AMFH zone). It includes the following provisions: (1) Increase the density in the zone from a total of a total of 68 units to a total of 70 units; (2) Increase the inclusionary set-aside from 10% to 13%; (3) Change the relevant tables in the Fair Share Plan concerning Credits for Future Round by the addition of 2 more affordable units to be provided through development in the New Street TOD.

In the adopted Plan, the Planning Board recommended that a new zone be created known as the New Street Affordable Multi-Family Housing (NS-AMFH) zone district. This district, along with development regulations for the district, were established by the Town Council's passage of Ordinance No. 2003 on May 7, 2013. Subsequently, and as recommended within the Second Amendment to the Plan, amendments were made to the development regulations for the NS-AMFH zone to increase the opportunity to provide affordable housing on properties located within that zone (Ordinance No. 2033, adopted on December 14, 2015). This Third Amendment to the Housing Element and Fair Share Plan includes additional recommendations for amendments to The Land Use Ordinance of the Town of Westfield.

Background

In January 2009, Mount Laurel litigation was filed against the Town of Westfield (Sunnyside Senior Housing of Westfield v. Westfield, Docket No. UNN-L-135-09). On May 27, 2009 the Planning Board adopted a Housing Element & Fair Share Plan (the 2009 Plan) detailing a plan to address Westfield's affordable housing obligation, consistent with the then in effect third round rules adopted by the NJ Council on Affordable Housing (COAH). In December 2012, the Town reached a settlement of the litigation, and on February 4, 2013 the Planning Board amended the 2009 Plan to include the plaintiffs property located at 206 Springfield Avenue as an inclusionary housing site (the "Sunnyside Settlement").

In January 2013, the Court-appointed Master reviewed the Town's 2009 Plan (as amended) and the settlement agreement. In view of the passage of time and Court decisions invalidating important aspects of COAH's third round rules, the Court-appointed Master required an update and revision of the 2009 Plan. On April 10, 2013, the Planning Board amended the Town's Master Plan with the adoption of the 2013 Housing Plan Element & Fair Share Plan (the 2013 Plan*).

The 2013 Plan consists of two parts: Part 1, the ***Housing Plan Element***, contains the statutorily required information based on the 2010 Census concerning the Town's housing stock, demographics, and employment characteristics, and a determination of

the Town's affordable housing obligation. Part 2, the ***Fair Share Plan***, describes the Town's plan to address its affordable housing obligation with credit for existing affordable housing, programs for the rehabilitation of substandard housing, and zoning to provide a realistic opportunity for the construction of new affordable housing as part of inclusionary developments on specified properties in Westfield.

Amendments to the Fair Share Plan

First Amendment

The 2013 Plan was adopted by the Planning Board on April 10, 2013 and subsequently endorsed by the Town Council. The Council then considered zoning ordinances to implement the 2013 Plan. The owner of one designated inclusionary site (the South Avenue TOD) requested of the Town Council that this site be excluded from the rezoning as he did not plan to redevelop the site as proposed in the 2013 Plan. Twenty affordable units would have been provided on this site. With the adoption of the first amendment on December 2, 2013, the South Avenue TOD site was deleted from the 2013 Plan as a development site for inclusionary housing.

Second Amendment

The purpose of the second amendment was to amend the adopted 2013 Plan to reflect changes resulting from a proposal presented to the Town to develop properties within the NS-AMFH zone. To achieve the goal of providing affordable housing, density increases were recommended and set-aside percentages were reduced from 20% to 10%. Relevant tables in the Fair Share Plan concerning Credits for Future Round were also changed to reflect the addition of one affordable unit to be provided through the development proposal, and to delete from the 2013 Plan several lots that were recommended be placed in the NS-AMFH zone.

The developer submitted concept plans showing that the properties owned by him (Block 3207, Lots 1 and 4 and Block 3208 Lot 1.02) could reasonably be developed at the proposed density, resulting in 68 living units. At a 10% set-aside, this development proposal would have provided 7 affordable units, surpassing the six units proposed in the then current plan.

There are significant on-site development costs associated with the construction of these units, including the construction of underground parking and the purchase of a significant portion of the New Street right of way from the Town. Additionally, the developer will be installing a right turn lane along South Avenue at its own cost, which involves the construction of significant traffic signal infrastructure.

As a result of the development proposal, the remaining properties within the zone were no longer necessary for inclusionary development. These remaining properties are identified on the Town Tax Maps as Block 3207 Lots 2, 3, 5 and 6, and Block 3208 Lot 2. Furthermore, these remaining lots were each under separate ownership, were not contiguous and did not present developable sites. Therefore, the re-delineation of the NS-AMFH zone district boundary was recommended for the purpose of removing the tax lots that were included in the rezoning of properties in conformance with the 2013 Plan. These identified tax lots were rezoned back to and became part of the existing

GB-3 zone. This was the same zone that these lots were part of prior to the establishment of the NS-AMFH zone.

Third Amendment

The purpose of this third amendment is to amend the adopted 2013 Plan in accordance with Consent Order Modifying the February 6, 2015 Order Amending the 2013 Judgment of Compliance and Repose, issued April 1, 2015 by the Superior Court of New Jersey Law Division - Union County, Docket No. UNN-L-135-09 (the Consent Order). The Consent Order includes the following provisions:

1. Increase the density of the development to 70 rental housing units with a 13% set-aside (consisting of 61 market rate units and 9 affordable units.)
2. Of the 9 affordable units, 4 will be two bedroom units and 5 will be one bedroom units.
3. Of the 9 affordable units, 5 will be moderate income units and 4 will be low income (3 low and 1 very low) units.

As a result of the Consent Order, it is recommended that existing provisions contained within the The Land Use Ordinance for the NS-AMFH zone be amended to allow for the density, set-aside, bedroom distributions, and low/moderate income split as described above.

Westfield's Fair Share Obligation

The 2013 Housing Plan Element & Fair Share Plan contains detailed information on the history of Westfield's affordable housing obligations and compliance efforts dating back to the Superior Court's approval of the Town's first compliance plan in 1991. At that time, the Court approved a vacant land adjustment lowering the original 139-unit obligation from 139 to 51 units, referred to as the Town's "realistic development potential." The difference, or adjustment of 88 units, is referred to as "unmet need." The 2013 Plan describes how the Town has addressed the past affordable housing obligation, referred to as the "prior round" obligation; how it will address the rehabilitation obligation; and designates inclusionary housing sites and affordable units to address any future affordable housing obligation.

Court Decision and Judgment of Repose

After holding a hearing and considering the recommendations of the Court-appointed Master with respect to the Sunnyside Settlement and the Town's 2013 Plan and supporting exhibits (taken together, referred to as the "compliance plan"), the Court issued an oral decision on September 9, 2013. On October 7, 2013, an Order was issued granting Westfield repose and immunity from Mount Laurel litigation until such time as a deadline for filing a third round affordable housing plan is established by new legislation or future Court decision.

The Court specifically found that the previously approved vacant land adjustment remains valid and that the Town has fully addressed its prior round obligation, consisting of the 51-unit realistic development potential and 88 units of unmet need. The

Court determined that the Town's rehabilitation obligation is 41 units, which is to be addressed by participation in the Union County rehabilitation program with respect to single-family home rehabilitation and by establishing a local program to address substandard multifamily housing. The Court also approved 55 additional credits that will be available to address any future affordable housing obligation and directed that the Town will be awarded (a) credit for affordable rental units associated with the Sunnyside site (four units proposed) after any appeals are resolved, and (b) credit for the New Street and North Avenue TOD sites when preliminary site plan approvals are granted for inclusionary development.

Amended 2013 Housing Plan Element & Fair Share Plan

The 2013 Housing Plan Element & Fair Share Plan adopted on April 10, 2013, was amended on December 2, 2013 to delete the South Avenue TOD as a designated inclusionary zoning site. The Plan was then amended on November 3, 2014 to address changes to the NS-AMFH zone to increase the density to 45 units/acre, reduce the set-aside percentage for inclusionary housing from 20% to 10%, and provide one additional credit for future round obligation (Round Three). The Plan also recommended that the NS-AMFH zone boundary be redrawn to remove Block 3207, Lots 2, 3, 5, & 6; and, Block 3208, Lot 2 from the zone. All other aspects of the 2013 Plan were to remain in place.

This Third Amendment addresses changes to the NS-AMFH zone to increase the density to a total of 70 units, increase the required set-aside to 13% (which would result in 9 affordable units), provide for a specific bedroom distribution and specific low/moderate income unit split, all as described and contained within the Consent Order.

As shown on the attached table, and as a result of this third amendment, the credits towards the Town's future affordable housing obligation have been increased by two additional set-aside units to provide for a total of 76 credits. Also attached is a map which displays the Town of Westfield's designated affordable housing sites (not including special needs housing).

Amendment to the 2013 Housing Element and Fair Share Plan Town of Westfield Planning Board

TOWN OF, WESTFIELD AFFORDABLE HOUSING							
Project, Date Established, and Location	No. of Afford. Units	Rental Hsg.	Population Served	Prior Round RDP Credits	Prior Round Rental Bonus	Prior Round Unmet Need	Credits for Future Round
Special Needs and Permanent Supportive		Housing	(20 units- all	housing is	Occupied		
ARC - 1982 478 Whittier (Poet's Place)	4 (BR)	Yes	Develop. Disabled	4			
ARC - 1989 56 Mohawk Trail	4 (BR)	Yes	Develop. Disabled	4	4		
Our House - 2001 506 Boulevard	6 (BR)	Yes	Develop. Disabled	2	2		4
Homefirst Interfaith Hsg - 2009 550 Trinity Place	2	Yes	Homeless Disabled				2
Homefirst Interfaith Hsg - 2010 706 Central Avenue	2	Yes	Homeless Disabled				2
Homefirst Interfaith Hsg - 2011 710 Central Avenue	2	Yes	Homeless Disabled				2
Regional Contribution Agreement (Terms Fulfilled by Westfield)							
RCA with the City of Elizabeth - 1993	21		n/a	21			
Senior Citizens Housing (Constructed in 1995 and Occupied)							
Westfield Senior Citizens	130	Yes Seniors		12	2	88	30
Inclusionary Zoning (Proposed Affordable Housing)							
Court-approved First Round Williams Property (52 total units/10 affordable)	10	No	Families				10
Court-approved First Round Myrtle Avenue Tract (originally 34 total units/7 affordable)	5	No	Families				5
Credits Granted by Court Order/Judgment of Repose on October 7, 2013				51		88	55
Future Credits: Sunnyside Settlement (24 total units/4 affordable)	4	Yes	Families				4
Future Credits: New Street And North Avenue Transitoriented Development (109 total units/17 affordable)	17	N. Ave: Option New St: Rental	Families				17
GRAND TOTAL OF UNITS & CREDITS (minus Prior round rental bonus)	207			51		88	76

