

**2009 MASTER PLAN
LAND USE ELEMENT**

**TOWN OF WESTFIELD
Union County, New Jersey**



TOWN OF WESTFIELD PLANNING BOARD

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ADOPTED JULY 6, 2009

AMENDED APRIL 10, 2013

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License No. 3971

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

LAND USE ELEMENT

The Town of Westfield Planning Board adopted its Master Plan on October 7, 2002. Subsequently, the Board amended and re-adopted the Land Use Element of the Master Plan in October 2005.

The Planning Board conducted a reexamination of that Master Plan and its updated elements, and prepared a Reexamination Report dated February 2009. On March 17, 2009, the Planning Board conducted a public hearing on their Reexamination Report and adopted same by resolution. The Reexamination Report made certain recommendations concerning amendments to the Land Use Element adopted in October 2005. Therefore, the Board has prepared this Land Use Element to supersede prior Land Use Elements in fulfillment of the Reexamination Report findings.

It should be noted that the Municipal Land Use Law stipulates that certain information be included in a land use element. The Planning Board conducted an all-inclusive review of the Town's natural features as a part of its 2002 Master Plan. There have been no significant changes that have occurred since the adoption of that document. Also, the Reexamination Report includes a complete review of the Town's population based upon the 2000 Census. Therefore, this report relies upon those previous studies.

Goals and Objectives

The Planning Board Reexamination Report reaffirmed the Master Plan goals and objectives and the general principles underlying that plan. The Board did, however, take note that certain goals and objectives pertaining to land use be expanded, and one new land use goal and objective be included. The goals and objectives pertaining to Land Use are listed below.

1. To provide light, air and open space by establishing, administering and enforcing bulk, density and design standards that are appropriate for the various zones and uses in the community.
2. To preserve and protect the suburban character of existing residential neighborhoods through:
 - a. Zone designations based upon existing neighborhood development patterns and according to the environmental requirements for the respective residential uses;
 - b. Bulk, density and design standards that are appropriate for the various dwelling types and not overly intensive in relation to the lot(s) on which a dwelling is situated in their respective zones;
 - c. Discouraging through-traffic in residential areas whenever possible; and
 - d. Regulations to preserve and enhance visual appearance of residential neighborhoods.

3. To minimize the environmental impact resulting from development through:
 - a. Appropriate regulations to encourage green building design in all new construction;
 - b. Appropriate regulations that discourage disturbance of steep slopes and vegetation;
 - c. Appropriate regulations that discourage unnecessary development in wetlands and flood hazard areas;
 - d. Implementation of best practices in stormwater management;
 - e. Appropriate regulations to ensure implementation of current soil conservation and erosion control measures; and
 - f. Appropriate regulations to protect and/or replace trees/woodlands impacted by development projects.
4. To maintain and enhance the viability of the various business districts by:
 - a. Encouraging an appropriate mix of land uses that will complement one another and meet the retail and service needs of the Town;
 - b. Promoting a desirable visual environment and preserving the small town atmosphere in the business districts;
 - c. Providing or requiring the provision of sufficient numbers of parking and loading spaces in the appropriate locations to serve the needs of the general public as well as the needs of patrons and employees;
 - d. Promoting a desirable pedestrian environment in the downtown business district; and
 - e. Discouraging automobile-only oriented development in the central business district, including "strip malls."
5. To eliminate areas of conflict or incompatibility in land use or zoning between Westfield and adjacent municipalities by:
 - a. Rezoning, where appropriate, those areas that conflict with the use or zoning of adjacent municipalities; and
 - b. Encouraging the buffer/separation of incompatible uses and/or zones.
6. To provide a wide range of housing types and densities in a manner that maintains and is compatible with the predominant existing single-family detached dwelling development pattern through:

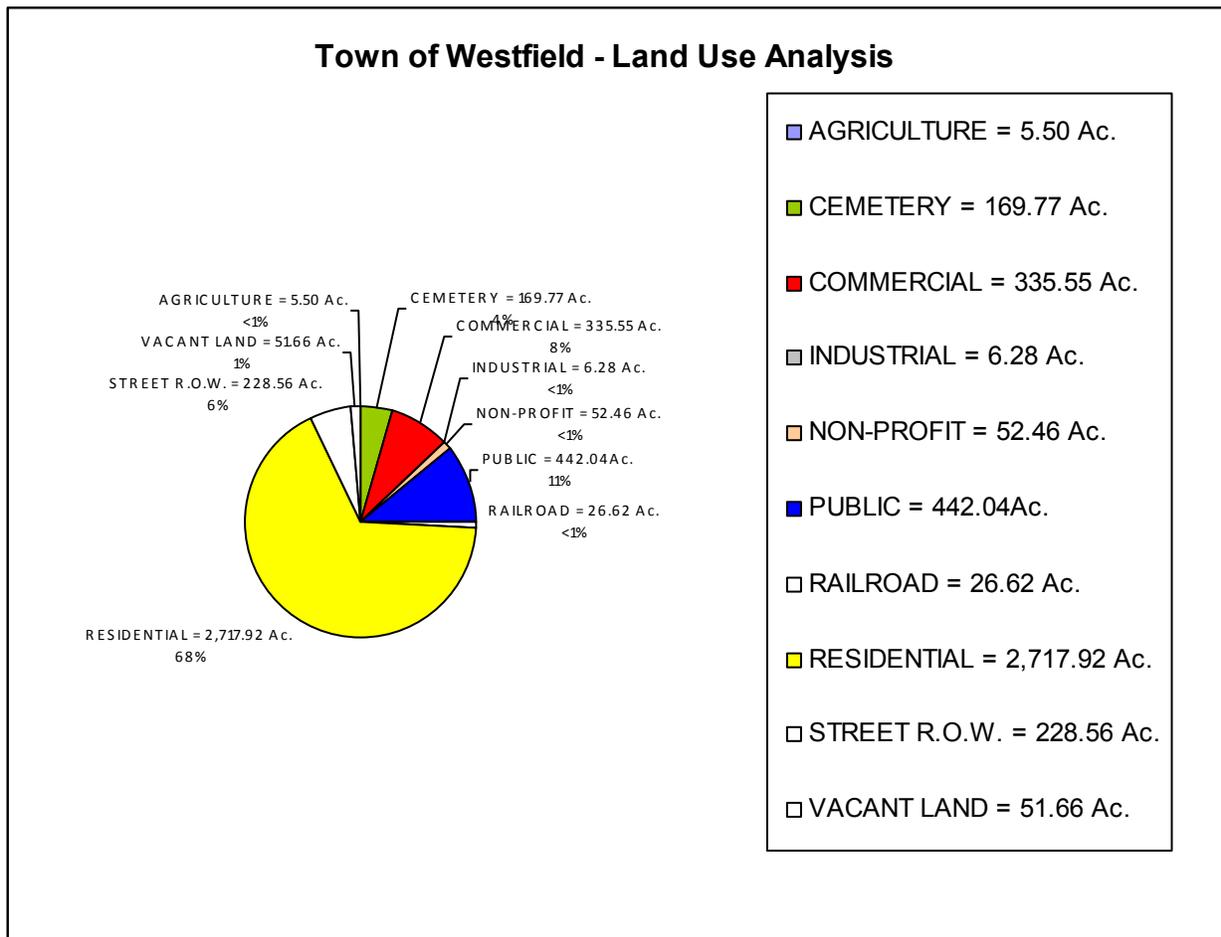
- a. Various zone districts that permit single-family detached, two-family and single-family attached, and multi-family dwellings where appropriate;
 - b. Density standards that reflect existing neighborhood conditions, where appropriate, as well as the needs of various housing types; and
 - c. Rezoning in appropriate locations, for mixed use or residential uses, establishing densities within walking distance of the CBD and NJ Transit railroad stations.
7. To address the need for senior citizen housing through zone districts that encourage the development of housing units that are designed to meet the particular needs of senior citizens.

Existing Land Use

One of the first steps before updating the Town Master Plan is the analysis of existing land uses. The 2002 Master Plan contained significant material regarding the prevalence of the various types of uses in the Town at that time. The Land Use Plan updates of October 7, 2002 and October 2005 rely upon and reference the two maps titled Existing Development and Existing Development Detail of Commercial Areas, which were an appendix to the 2002 Master Plan.

The Planning Department, together with the Town Surveyor, updated all of the existing land uses records of the Town. The Staff utilized the Assessor MOD IV data accessible through the Town's Geographic Information System (GIS) to prepare the Land Use Analysis, below. For the first time, land use categories have total acreages identified to more clearly depict the amount of land devoted to specific land uses in the Town.

Table 1



Residential

The Town of Westfield has been, and still may be, characterized as primarily a residential community. According to the Land Use Analysis chart, sixty-eight percent of the Town is occupied in residential uses, the majority of which are single-family residences. Also included in this category are the multi-family units within Town, which are comprised of the garden apartments and two, multi-story apartment buildings. There are also two senior rental-housing complexes owned and operated by the Westfield Senior Housing Corporation. It should be noted that this residential land use category does not include residential apartments over commercial land uses.

The residential character of Westfield has not changed materially over the years. However, in the mid 2000's, the Town did experience a redevelopment phenomena of tear down/rebuild of single-family houses. Typically, this involved demolition of older houses and replacement with large, state-of-the-art, single-family houses. This development activity has all but ceased with the recession of 2008.

It is interesting to look at the number of residential certificates of occupancy that were issued and the number of demolition approvals granted to demolish single-family houses from January 2004 through March 16, 2009.

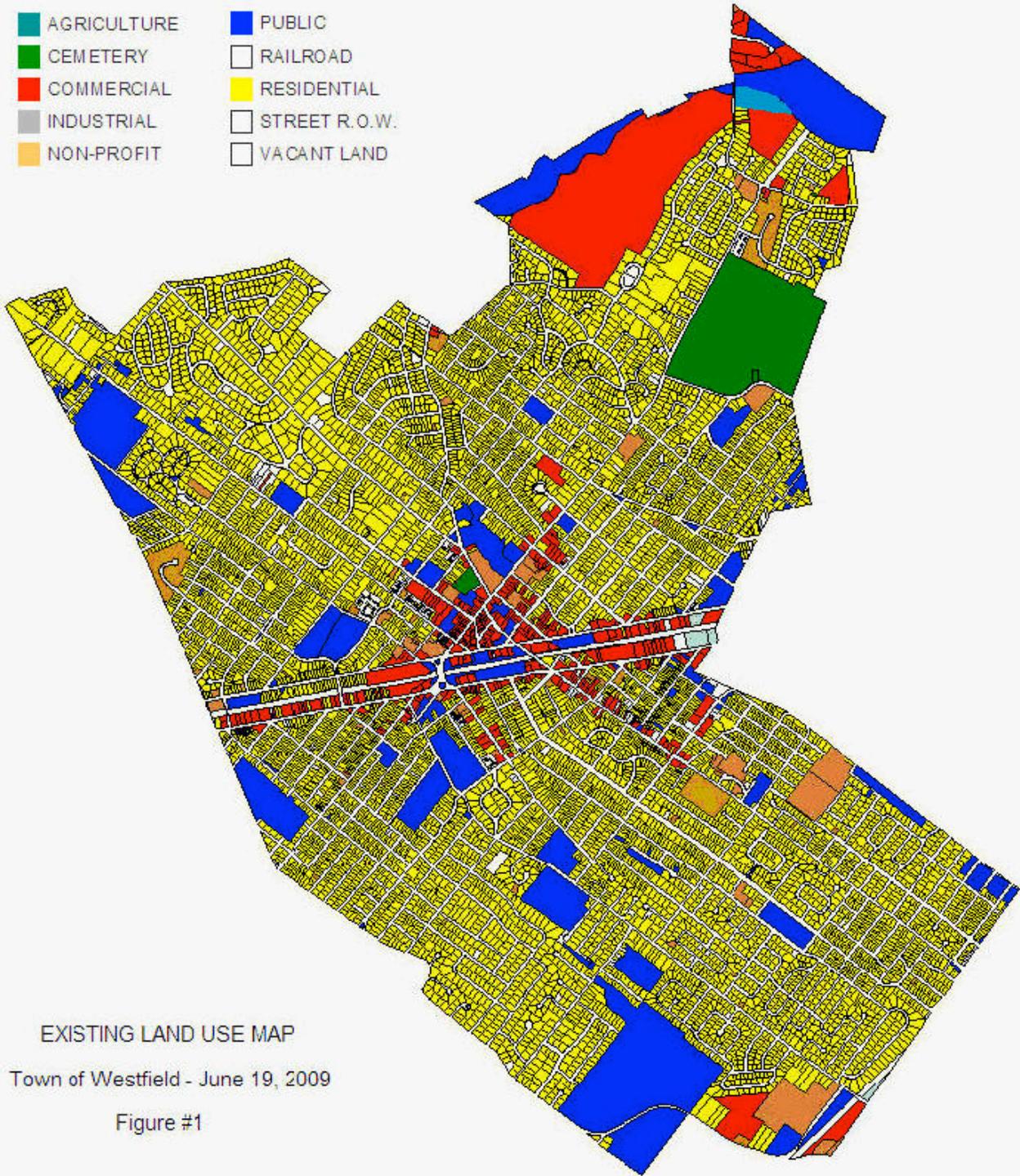
<u>Year</u>	<u>No. of Certificates of Occupancy</u>	<u>No. of Demolition Approvals</u>
2004	54	41
2005	33	69
2006	49	72
2007	73	52
2008	62	33
2009	<u>2</u> (to March 16)	<u>0</u> (to March 16)
Total	273	267

Source: Town Building Department Records and NJ DCA

Clearly, the volume of residential development that has occurred, as evidenced by the number of residential C.O.'s that have issued, is a result of the demolition phenomena experienced over this timeframe. It is not anticipated that the Town will, again, experience this occurrence anytime soon.

The assessed value of residential buildings (exclusive of apartments) in the Town increased from approximately 1.62 billion dollars in 2004 to over 1.68 billion dollars as of January 12, 2009, according to the Tax Assessor's records. The increase can, at least, be partially attributed to the value of the new houses that have been constructed during this time period.

The Existing Land Use Map, Figure 1, has been generated based upon the Tax Assessor's MOD IV database. When comparing the Land Use Analysis Chart and the Existing Land Use Map, several designations on the map need explanation. When viewing the Existing Land Use Map, it will be seen that the multi-family developments have been highlighted in orange. In addition, the multi-family developments that are in condominium ownership appear on the Existing Land Use Map to be identified in white. This latter designation is due to the fact that the property under the common ownership of the Condominium Association is identified as open space in the assessor's MOD IV data. While these land uses are identified separately on the Existing Land Use Map, the acreage is calculated under the residential land use category on the Land Use Analysis Chart.



Public (Including Community Facilities)

The next largest category, in terms of acreage, is public land, encompassing 442 acres, or 11 percent of the Town. This category is comprised of all government-owned land, occupied and vacant. The amount of land owned by the various government entities breaks down as follows:

	<u>Acres</u>
Town	253.31
County	92.41
Board of Education	81.84
Other:	
Armory	12.60
NJ DMV	1.39
Post Office	<u>.58</u>
Total	442.04

The Planning Board Reexamination Report, adopted March 17, 2009, brought current from the 2002 Master Plan the status of community facilities in the Town. That report should be referenced concerning that information.

A recommendation of the Master Plan Reexamination Report is the preparation of a new Community Facilities Plan Map utilizing updated base map information. Included herewith is the Community Facilities Plan Map (Figure 2), which provides the location of public lands by ownership and use. Identified are the municipal facilities, including the Town Hall and DPW buildings, the Town library, the two Town firehouses, the seven Town parking lots and train station, and public parks. There are nine parks providing active recreation in Westfield encompassing approximately 200 acres.

The Town also operates a composting and recycling center known as The Conservation Center. This is a shared facility with the Township of Scotch Plains. Permits are sold to residents of both Westfield and Scotch Plains to access and make use of this facility.

There are six elementary schools, two junior high schools, and one high school. A seventh elementary school was converted in September 2008 to pre-school and kindergarten purposes. The school locations are also shown on Figure 2.

The Town has dedicated Town-owned land for a bird sanctuary and nature park. This property is situated between Summit Avenue and Tice Place, north of Dunham Avenue. This dedicated property is approximately 3.25 acres.

The use of the Union County-owned land is diverse. The majority of county land in the Town is parkland located in the northeast corner of the Town bordering the Borough of Mountainside and Township of Springfield. This parkland, approximately 75 acres in area, is a part of a regional County Park that incorporates the Watchung Reservation, the Rahway River greenway, and other private commercial recreation facilities within Union County.

This County also has constructed a new administration office building on North Avenue, and further on-site parking improvements are under construction. The County also operates two educational facilities in the Town; one is located on Cardinal Drive and the other on Lamberts Mill Road. The County also owns a vacant, six-acre parcel on the Town border with Garwood known as Unami Park, adjacent to recreation fields that are located in Garwood. The Unami Park lands in Westfield are unimproved.

The New Jersey Department of Motor Vehicles operates an inspection station in Town. This facility occupies two lots on opposite sides of Windsor Avenue. One of the lots serves as a staging area, and the motorist must then drive across Windsor Avenue to access the vehicle inspection building. The New Jersey National Guard maintains an armory facility opposite the Westfield High School.

Commercial

Commercial land uses in the Town of Westfield account for almost 336 acres, or approximately 8 percent of the Town's land area. The commercial area of the Town is centrally located and is, in fact, a well-known and desirable destination for shopping, dining and entertainment. These businesses are generally located along Broad Street, east of North Avenue and Prospect Street, to its intersection with Cowperthwaite Place, and bordered by South Euclid Street to the east, and Central Avenue to South Avenue. Incorporated within this area is the commuter train station. This description generally outlines the limits of the Central Business District (CBD) Zone.

Other commercial land uses are concentrated along North Avenue between St. Paul and Fourth Streets, and along South Avenue east of the Central Avenue intersection. Also, a general retail business area extends along Central Avenue, south of South Avenue for several blocks. Another retail area is located along the north side of South Avenue from the traffic circle west to the Town border with Scotch Plains.

There is also a high concentration of professional and medical offices located along East Broad Street, from Elmer Street to St. Paul Street and south to Lenox Avenue. This square block consists of older, large single-family houses that have been converted into professional offices. Other concentrations of professional offices exist at the East Broad Street and East Chestnut Street intersection, and along St. Paul Street south of its intersection with Lenox Avenue. These areas rely heavily upon street parking, as on-site parking is limited. All of the above-described commercial areas are depicted on the Existing Land Use Map, shown in red.

There are five properties identified as commercial on the Existing Land Use Map, and included in the Assessor's MOD IV land area calculations, that are more appropriately termed commercial recreation uses. The Echo Lake Country Club is the largest of these commercially designated properties. This private country club is situated along the Town boundary with the Borough of Mountainside and encompasses 141 acres. There are also two private swim clubs, the Nomahegan Swim Club and Manor Swim Club, that total 17 acres, and two private tennis clubs, the Westfield Tennis Corporation and Grove Street Tennis Club, that make up another 5 acres. Combined, there are almost 164 acres devoted to commercial recreation use in Westfield.

Vacant Land

This category reflects the remaining privately owned vacant land, and represents only one percent of the land area of the Town. These vacant properties are shown as white on the Existing Land Use Map. As can be seen when viewing this map, these properties are scattered throughout the Town, the largest of which is less than two acres. The vast majority of these vacant parcels are located within residential zones, and may not be developable depending on property size and any environmental constraints that may exist thereon.

Other

The remaining land use categories reflected on the Land Use Analysis Chart that have not been discussed above comprise 12 percent of the land area of the Town. Most of this remaining area is comprised of transportation improvements, i.e., street rights-of-way (6 percent) and railroad right-of-way. Also, cemetery use accounts for 4 percent of the land area. The agricultural lands consist of one commercial nursery, and industrial land uses in Town are minimal (less than 1 percent of the total land area).

Future Land Use

One of the main purposes of a Master Plan is to review the existing land uses and zoning of the Town. A major part of this process is the review of the zone district designations throughout Town and to make recommendations concerning changes. The Westfield Planning Board, over the past six years, has analyzed the Town's zoning through a series of Master Plan studies and Land Use Element updates. Finally, in the reexamination process of its Master Plan, the Board completed an exhaustive review of previous plan recommendations, considered the relevance of those past recommendations, and compiled a final set of land use recommendations concerning the Zoning Ordinance regulations and zone map designations. The Planning Board adopted its Reexamination Report on March 17, 2009.

The Reexamination Report recommended that the Planning Board prepare a new Land Use Element of the Master Plan, incorporating the recommended changes to the Town Zoning Ordinance and Zoning map. These recommendations follow along with the Future Land Use Map (Figures 3A and 3B) reflecting the recommended zone changes.

Amend the RS-6 Zone District as Follows:

RS-6 to RS-8: - Two lots fronting along the northeast side of Embree Crescent northeast of its intersection with Seneca Place. Rationale: These two lots exceed the lot and bulk standards of the RS-6 District and meet all the standards of the adjacent RS-8 District.

(See Future Land Use Map 3A #1A)

- A single lot lying along the southwest side of Coleman Place between Edgewood Avenue and Dudley Avenue West. Rationale: This property is adjacent to the RS-8 Zone and greatly exceeds the standards of the RS-6 District.

(See Future Land Use Map 3A #1B)

- Six lots fronting along the northwest side of Hillcrest Avenue, north of Stanley Avenue and ten lots along the northwest side of Hillcrest Avenue south of Stanley Avenue, and nineteen lots fronting along the southeast side of Hillcrest Avenue from its intersection with North Avenue East and extending northeast, excluding the two most easterly lots at the Hillcrest Avenue-South Chestnut Street intersection. Rationale: All of these lots exceed the RS-6 standards, and the majority meets the standards of the RS-8 District. This proposal encompasses a sufficient number of lots to warrant its own RS-8 District. It will be bordered on the northwest and southeast by the RS-10 District.

(See Future Land Use Map 3A #1C)

- Eight lots, one at the northeast corner of Girard & Wallberg Avenues and the adjacent lot fronting along Wallberg Avenue, and six lots fronting along the following roads: three lots fronting on Wallberg Avenue north of Girard Avenue; one fronting on the north side of Girard Avenue; and two lots fronting on Grant Avenue north of Girard Avenue. Rationale: The majority of these eight lots exceeds the standards of the RS-6 Zone and are to become a part of a new RS-8 District in combination with other adjacent lots currently zoned RS-10. (See the RS-10 proposed zone changes.)

(See Future Land Use Map 3A #1D)

RS-6 to RS-12: - One lot fronting along the south side of Clark Street, just west of Dudley Avenue West to become a part of the existing RS-12 District adjacent to the east. Rationale: This lot will meet the RS-12 standards.

(See Future Land Use Map 3A #2)

Amend the RS-8 Zone District as follows:

RS-8 to RS-6: - Two lots located along the southeast corner of Clark Street and Edgewood Avenue fronting along Clark Street. Rationale: Based upon other proposed zone changes in this neighborhood (see RS-8 to RS-10), these two lots would become isolated and they will conform to RS-6 standards.

(See Future Land Use Map 3A #3A)

- Two lots fronting along the southeast side of Channing Avenue at the Town border with Scotch Plains Township. Rationale: These two lots are nonconforming to the RS-8 standards and will conform to the adjacent RS-6 standards.

(See Future Land Use Map 3A #3B)

- Two lots fronting along the southeast side of Whittier Avenue. Rationale: These two lots currently are nonconforming to the RS-8 standards and will conform to the adjacent RS-6 standards.

(See Future Land Use Map 3A #3C)

RS-8 to RS-10: - A total of twenty-three lots situated as follows: Three lots fronting along the southwest side of Clark Street, west of Edgewood Avenue; one lot fronting along the southwest side of Prospect Street opposite Newton Street; four lots fronting along the northwest side of Lincoln Road (excluding the corner lot); ten lots fronting along the northeast side of Clark Street, northwest of Webster Place; four lots fronting along the northeast side of Clark Street south of Webster Place; and a one lot fronting along the northeast corner of Lincoln Road. Rationale: The lot characteristics of the above-described area significantly exceed the RS-8 standards and better meet the RS-10 standards. This described area expands upon a recommendation put forth in the 2005 Land Use Plan.

(See Future Land Use Map 3A #4)

RS-8 to RS-12: - One lot at the easterly corner of Highland and Birch Avenues. This lot meets the standards of the adjacent RS-12 Zone (See Exhibit A-1 #5A).
- Three lots fronting along the northwest side of Dudley Avenue East, west of its intersection with Highland Avenue, and one lot fronting along the northeast side of Highland Avenue just west of Dudley Avenue East. Rationale: The above lots meet the standards of the RS-12 Zone, which is adjacent to these properties.

(See Future Land Use Map 3A #5B)

Amend the RS-10 Zone District as follows:

RS-10 to RS-8: - Five lots lying along the southeast side of Hillcrest Avenue southwest of Cornwall Drive, which properties are partially located in the RS-10 District to the rear. Rationale: These lots are currently split between the RS-6 Zone with the rear portion being within the RS-10 Zone. This recommendation is consistent with the previous recommendation to rezone lands from RS-6 to RS-8, thereby establishing an RS-8 Zone for this neighborhood.

(See Future Land Use Map 3A #6A)

- Numerous lots further described as follows: Two lots fronting along the southwest side of Putnam Avenue; three lots fronting along the southwest side of Girard Avenue, at its intersection with Franklin Avenue; all lots within the block bounded by Grant, Garfield and Wallberg Avenues (excepting five lots at the south end of the block fronting Grant, Girard and Wallberg Avenues); all lots within the block bordered by Wallberg Avenue to the northwest, Garfield Avenue to the north and Topping Hill Road to the east, Kimball Turn and Putnam, Franklin and Girard Avenues to the south; all six lots fronting along the northeast side of Garfield Avenue; four lots fronting along the east side of Topping Hill Road between its intersections with Kimball Turn and Garfield Avenue. Rationale: Nearly all of these properties are nonconforming to the RS-10 Zone standards, but would conform to the RS-8 Zone established for this neighborhood.

(See Future Land Use Map 3A #6B)

Amend the RS-12 Zone District as follows:

RS-12 to RS-24: - One lot fronting along Dudley Avenue East, at the easterly corner of Dudley Avenue East and Lawrence Avenue. Rationale: This lot greatly exceeds the RS-12 standards and is more consistent with the lots on Dudley Avenue to the west. Therefore, it is proposed to relocate the zone boundary in order to include this lot within the adjacent RS-24 Zone.

(See Future Land Use Map 3A #7)

Amend the RM-6 Zone District as follows:

RM-6 to GB-3: - One lot situated along the south side of South Avenue, west of the Drake Place and Palstead Avenue intersection. Rationale: This property is currently developed and utilized as a commercial business. The recommended change would make an existing business a permitted use in the GB-3 Zone, which zone is across South Avenue from the subject property.

(See Future Land Use Map 3B #8)

Amend the RA-3 Zone District as follows:

RA-3 to RS-6: - One lot bordered by West Broad Street, Osborn Avenue, and First Street and occupied by the Board of Education McKinley Elementary School. Rationale: This public school use will be made conforming by this zone change.

(See Future Land Use Map 3B #9)

Amend the GB-1 Zone District as follows:

GB-1 to RA-3: - Two lots fronting along the southeast side of Cowperthwaite Place between Prospect and Elm Streets. Rationale: General business use is not appropriate at this location, which encroaches upon a residential street.

(See Future Land Use Map 3A #10)

Amend the O-3 Zone District as follows:

O-3 to C: - Three lots lying southwest of Rahway Avenue south of the Lehigh Valley Railroad row and one-half of the railroad r.o.w located at the Town border with the Township of Clark. Rationale: The Conrail Lehigh Valley Railroad separates the lots from adjoining properties in Westfield, and the land is used primarily for public utility purposes by PSE&G. The land is adjacent to industrial/manufacturing uses in Clark Township and most appropriately zoned for Service and Industry uses, as permitted under Westfield's C Zone District. The public utility use is a conditionally permitted use in the C Zone.

(See Future Land Use Map 3B #11)

Zoning Ordinance Amendments

The Planning Board has reviewed the Town Zoning Ordinances concerning bulk standards in the residential zones, and permitted uses within the various business, commercial and professional office zones. The following recommendations are being made by the Board for ordinance amendments after careful review and thorough discussion by the Master Plan subcommittee and the Board.

The minimum required side yard setback for the RS-12 Zone is currently 15 feet. This setback requirement results in a conforming 75-foot wide lot with a building envelope with less width (45 feet) than that provided for a conforming lot in the RS-10 Zone (50 feet). The Board recommends that the RS-12 side yard setback requirement of 15 feet be reduced to 12.5 feet.

The Board further recommends that the allowance for cluster development in the RS-40 District be eliminated. The Planning Board finds that conventional residential development is more appropriate and in keeping with the character of Westfield.

In 2006, the Mayor conferred a Land Use Task Force to review and evaluate a series of pressing and land use concerns of the Town. In 2008, the Mayor's Land Use Task Force prepared a written report

of their findings with six recommendations concerning the massing and size of single-family homes being constructed in the RS Zones. These recommendations have been incorporated into this report by the Board, and it is recommended the Town Land Use Ordinance be amended to reflect the following recommendations.

Maximum Building Height:

The height and bulk of many of the newest homes in Westfield exceed that of the majority of older homes. It appears that until the late 1990’s, builders did not take advantage of the full height and bulk allowances permitted by the Land Use Ordinance. The Board finds that such homes often appear obtrusive and inappropriate, particularly when constructed in neighborhoods characterized by predominantly narrow lots (i.e., 50-60 feet) and having minimal (10-15 foot) side yard setbacks.

To address this issue, the Board recommends that the maximum building height be reduced from the 35-foot across-the-board maximum, to the graduated allowances listed in the chart below.

Zone District	Minimum Side Yard (Feet)	Maximum Building Height (Feet)
RS-40	20	35
RS-24, RS-16	15	33.5
RS-12	12.5	32.75
RS-10, RS-8, RS-6	10	32

Maximum Eave Height:

As a means of controlling building height and mass, the Board recommends a maximum eave height of 22 feet for all residential zones. Eaves will be defined as:

Building Eave Height:

The vertical distance from the grade plane to the lowest point of the roof for gable, hip, gambrel, mansard, and flat roof types. The grade plane representing the average of finished ground level adjoining the building at all exterior walls.

Building Mass at Zoning Side Yard:

As a means of reducing the visual impact of wall structures located adjacent to a side yard property line, the following ordinance amendment is recommended:

Maximum Continuous Wall Length at Zoning Side Yard:

The maximum continuous length for walls located adjacent to a side yard property line shall be limited to twenty-five (25) feet. For the purpose of administering this provision, any exterior wall that is offset in plane for a depth of two (2) feet or greater shall be construed as a separate

wall. In addition, a minimum of five (5) percent of the total square footage of each sidewall is to be made up of windows.

Maximum Number of Stories:

As a mechanism to limit building mass and bulk, the Board recommends the ordinance be amended to reduce the permitted number of stories in all residential zones from 3 to 2½.

The following definitions should be amended/added:

Half-Story: That portion of any building or structure located under a pitched roof at the top of a building having a story height of seven (7) feet, zero inches or greater, and having a floor area that is less than or equal to one-third of the gross floor area of the floor below. For the topmost story, story height shall be measured from the top of the finished floor to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Basement: An interior space, or portion thereof, having a floor level below the average outside elevation of ground at the foundation wall of the building or structure in which it is contained, and having a floor-to-ceiling height of not less than six and one-half (6.5) feet. A basement shall be considered as a story where the finished surface of the floor above the basement is:

More than four (4) feet above the average grade elevation;

More than four (4) feet above the finished grade for 50 percent or more of the total building perimeter; or

More than ten (10) feet above the finished ground level at any point.

Story: That portion of a building or structure included between the surface of any one (1) floor and the surface of the next floor above it or, if there is no floor above such floor, then “story” shall be that portion of the building or structure included between the surface of any floor and the ceiling next above it. A basement shall be considered as a story where the finished surface of the floor above the basement is:

More than four (4) feet above the average grade elevation;

More than four (4) feet above the finished grade for 50 percent or more of the total building perimeter; or

More than ten (10) feet above the finished ground level at any point.

Simplify Floor Area Ratio (FAR):

The calculation by which the FAR of houses is determined should be simplified, in the Board's opinion, by amending the definition of the term. The changes would eliminate the various existing exemptions, require measurement from exterior walls of structures, and include the full horizontal area of each story, whether or not its floor area extends completely throughout. In addition, the Ordinance for the RS Zones should provide for attached garage spaces (unheated) of up to 450 square feet and finished attic area of up to one-third ($\frac{1}{3}$) of the area of the floor below.

Floor Area Ratio:

FAR is defined as the total Habitable Floor Area of all of the buildings on site compared to the total area of the site.

Habitable Floor Area:

The area of that portion of a building or structure designed, intended, heated, and furnished for year-round human occupancy, measured on each floor from the building's exterior walls and including the full horizontal area of each floor of the building, regardless of whether or not an actual floor extends throughout it. Habitable Floor Area shall not include that portion of a finished attic equal to not more than one-third ($\frac{1}{3}$) the area of the floor below. Habitable Floor Area shall not include that portion of an attached unheated garage floor area as follows:

RS-6, RS-8 and RS-10 Zones: Up to but not exceeding 250 square feet;

RS-12, RS-16, RS-24, and RS-40 Zones: Up to but not exceeding 450 square feet.

Based on numerous FAR re-calculations using the revised definition, it appears that to permit the same floor areas currently permitted under the Land Use Ordinance, FAR allowances for each of the lot size ranges would require an increase of 2 percent. Task Force members agree that a 2 percent increase is appropriate for the RS-6 and RS-8 Zone districts, only.

Garages:

The Task Force recommends that garages be made a requirement in all residential zones, with minimum one-car garages in the RS-6, RS-8, and RS-10 Zones, and two-car garages in all other zones. A minimum 2-foot offset behind the main facade would be required in the case of attached, front-facing garages.

Multi-Family Residential – RA Zone Districts

The Board finds that the permitted uses in the RA Zones are generally appropriate and compatible with one another, with one exception. An incompatibility occurs in the RA-3 Zone District, wherein garden apartments and townhouses are permitted at a very high density (25 units per acre) alongside one- and two-family homes (at 7 to 10 units per acre). The ordinance is appropriately framed to require substantially different lot sizes and bulk requirements for each development type, however in certain cases, applicants have succeeded in gaining approvals for high-density, multi-family development projects on lots suited only to construction of a one- or two-family dwelling. The result is that adjacent conforming one- and two-family dwellings are hemmed in by massive multi-family structures, built without adequate setbacks or buffering, which would otherwise provide for appropriate blending of the different residential development types. This Report discourages this practice and seeks to protect existing one- and two-family homes from encroachment by higher density multi-family housing.

To begin to address this issue, this Report recommends that the density allowance for the RA-3 Zone District be reduced from 25 dwelling units per acre, to a maximum of 18 dwelling units per acre.

This reduction should be accompanied by a reduction in the permitted number of bedrooms per acre from 50 to 36. These changes are in keeping with the predominant development density currently existing for multi-family units in the RA-3 Zones (i.e., condominiums and apartments on Cowperthwaite Place, Prospect Avenue and Cacciola Place).

The Board also finds that the building height recommendations of the Mayor’s Task Force regarding the RS Zones should also be made a requirement for single/two-family homes in the RA and RM Zones, where applicable, and that the Zoning Ordinance also be amended accordingly. The following analysis identifies the RA and RM zones in which the Land Use Task Force recommendations apply.

Table 2
Applying Land Use Task Force
Criteria to RA & RM Zones

Zone 2 Districts	Current Max Building Height	Land Use Task Force Recommendations					
		Building Height	Eave Height	Continuous Wall Length	Maximum Stories	FAR	Garages
RA 3	38' (3 Floors)	32'	22'	N/A	2 ½	Applies	Applies
RM 12	35' (3 Floors)	32.75'	22'	Applies	2 ½	Applies	Applies
RM 8	35' (3 Floors)	32'	22'	Applies	2 ½	Applies	Applies
RM 6	35' (3 Floors)	32'	22'	Applies	2 ½	Applies	Applies
RM 6D	35' (3 Floors)	32'	22'	Applies	2 ½	Applies	Applies

Offices – P and O Zone Districts

The 2005 Land Use Plan provides a list of various types of offices intended to be permitted in the P-1 and P-2 Professional Office Zone Districts (page 15), however, these have not been incorporated into the Land Use Ordinance (LUO). This report proposes adjustments to the Land Use Plan recommendations to include the following additional uses: offices of medical doctors, dentists, acupuncturists, chiropractors, physical therapists; other design consultants (in addition to professional engineers, licensed land surveyors, professional planners as currently permitted uses); accountants, insurance agents, brokers and services, title agencies, business professional labor civic social and political associations, and other membership associations.

Retail Business – Permitted Uses in CBD and GB Zone Districts

The Board supports the continued retail viability of the CBD Zone, and the uses currently permitted. Closer review of the permitted uses is warranted to provide support to the retail business community without distracting from its sidewalk appeal. Further consideration should be given to the allowance of certain retail services as permitted uses in the CBD and GB Zone Districts. The Board further believes that education services are appropriate uses for the GB Zones and are appropriate uses for the second floor of buildings in the CBD District. These additional uses are compatible to the

existing permitted uses within the GB and CBD Zones. The definitions section of the Land Use Ordinance should be amended to provide a definition of educational services.

The Board finds that mobile storage structures are no longer an appropriate accessory use/structure in the GB-3 Zone District. This classification (contained in LUO §11.28B.5) should be eliminated from the GB-3 Zone.

The Board finds that public parks and playgrounds should be included among the permitted uses of the GB-3 Zone District – just as in the CBD, GB-1 and GB-2 Zones. Their exclusion from the GB-3 appears to be an oversight, as the district is intended for the least intensive development of any of the business/commercial districts and seeks to maintain and foster a more residential character.

Future Land Use Policies

A goal of the Reexamination Report, and restated at the beginning of this report (Goal No. 6), is to provide for a wide range of housing types and densities in a manner that maintains, and is compatible with, the predominant existing single-family, detached dwelling development pattern. A stated Board objective to meet that goal is to recommend rezoning in appropriate locations for mixed use or residential uses establishing densities within walking distance of the CBD and NJ Transit railroad stations.

Recent planning studies, including the State Development and Redevelopment Plan, have identified certain criteria to support the concept of walkability from residential land use to a mass transit station. Generally referred to as Transit Oriented Development (TOD), a walkable distance from residence to transit station is within one-half mile. Providing this housing through redevelopment of individual sites at the density proposed, creating aesthetic design, is supported in the Town Master Plan (see pages 61-68 of the 2002 Master Plan). Additionally, this TOD concept is further reinforced when a center is also within this one-half mile radius. Westfield has its railroad transit station situated within its town center. This center is fortified with a New Jersey Main Street designation, the Westfield Downtown Corporation (WDC), and a Special Improvement District (SID) designation. Therefore, Westfield possesses the desirable land use patterns fully exemplifying the desired attributes of a TOD.

The TOD concept is further supported in a Planning Study entitled, *Union County Raritan Valley Trans-Line Transit Village Study*, prepared by the Louis Berger Group, Inc., in association with A. Nelessen Associates, Inc., and dated March 2007 (referenced in the Board's Reexamination Report Section 4.8). This extensive study analyzed population, housing, employment, and economic trends, and other relevant data to provide an overall assessment of the communities within Union County along the Raritan Valley Railroad. This study also compiled existing ridership data and found that the Westfield Station has the highest daily ridership with approximately 2,365 people utilizing the station on any given weekday. This is almost double the next highest ridership location. Further, this study found that the Westfield Train Station has recently been restored by the Town to its original 1930's condition, and it is ADA compliant with convenient passenger access and egress points. The study found that this station is accessible and accommodating to its users. Suffice it to say, Westfield has the sound existing land uses to support this goal of the Planning Board.

Proposed Transit Oriented Development Zone Districts

The Planning Board has prepared, and recently adopted, the Housing Element of the Master Plan and the Fair Share Plan. That Element, along with the Land Use Element, are the only two mandatory elements of a Board's Master Plan, as per the Municipal Land Use Law. Two of the recommendations of the Planning Board Reexamination Report are the preparation and adoption of a new Housing Element and Fair Share Plan and Land Use Element. While the first document puts forth a sound planning strategy to provide a realistic opportunity for the construction of affordable housing, the Land Use Element should support that strategy and put forth recommendations for implementation from a land use perspective. Of prime importance is the ability of the land to accommodate the housing. Secondly, but not of lesser importance, the land use plan must take into account the needs of the residents in terms of transportation, employment, and access to convenient shopping.

This section of the report will review three areas identified in the Housing Element and Fair Share Plan that have been determined suitable for the construction of Transit Oriented Development housing with an affordable inclusionary component. These three locations are identified on the Future Land Use Map (Figure 3A). Each one of these areas will be discussed in turn below.

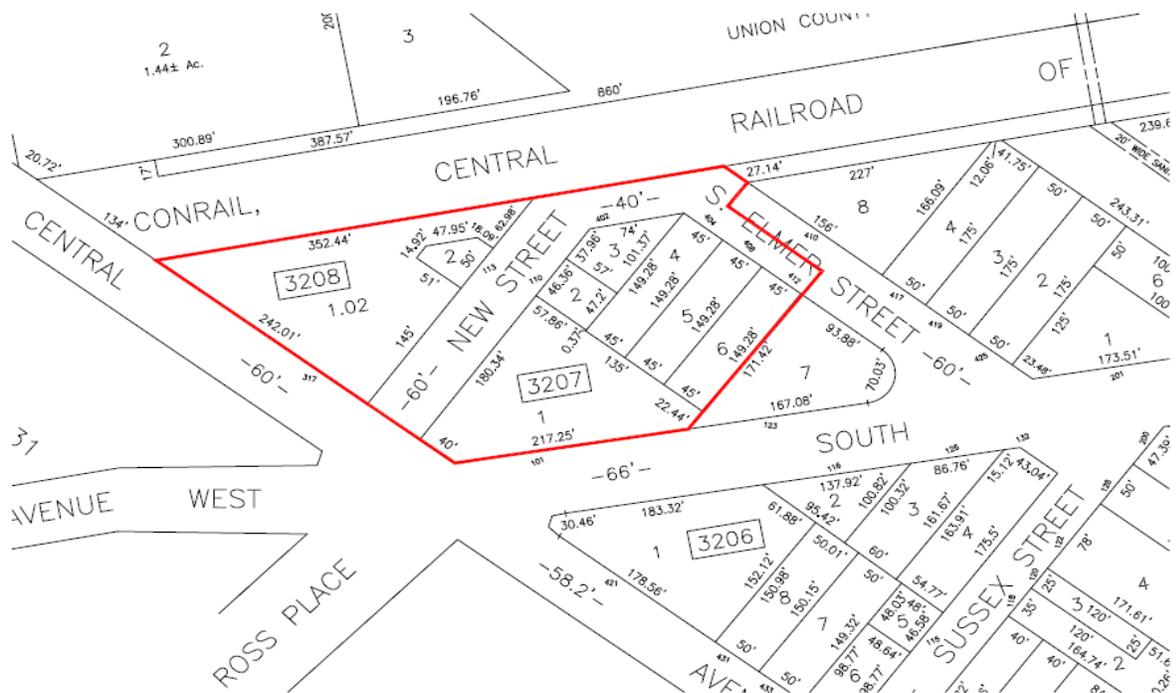
There are certain attributes that apply to each of these sites. Most notable is that all three sites are located within one-half mile of two New Jersey Transit Raritan Valley Line Railroad passenger stations in Westfield and Garwood Borough, and their proximity to Westfield's pedestrian-friendly downtown. Also, each of the TOD areas is presently used primarily for nonresidential purposes and off-street parking, but could be re-developed under new zoning permitting high-density residential development. All three areas have extensive street access and are served by public water and sewer systems with available capacity to support new development. The size and general characteristics of each site are described below.

The Planning Board believes that it is appropriate that a master plan be created for these three areas to assure that development occurs in keeping with TOD Standards and that the individual lots develop in a comprehensive manner. Therefore, recommended development guidelines have been prepared for these three areas as a part of the Master Plan Land Use Element (see Table 3, page 25). This is intended to provide direction and support for implementing the Zoning Ordinances when the same are prepared and adopted to implement the inclusionary housing component of the Town Housing Element and Fair Share Plan.

Area 1

This area is situated along the northeast corner of the Central and South Avenue intersections, with frontage along both streets (No. 12 on Figure 3A). It encompasses eight tax lots approximately 1.84 acres in size, along New Street and S. Elmer Street, both Town Roads. Currently, two of the lots in this TOD are vacant, two contain vacated single family homes, two contain occupied homes and two contain commercial buildings, one of which is vacant. Development of this zone should require a minimum lot size of one-half acre for development purposes. An open area at the intersection of Central and South Avenues should be maintained and improved as a pocket park and pedestrian-oriented area.

Area Map 1



Area 2

This area incorporates properties lying north and south of the railroad and, therefore, will be discussed separately as Areas A and B.

Area 2A (No. 13A on Figure 3A) includes two properties (Lots 4 and 5) fronting along North Avenue, between North Avenue and the railroad right-of-way. To the east is the Town border with Garwood Borough. The two properties are situated in the C-Commercial Zone. The properties are occupied with a commercial use and a light industrial manufacturing use. The properties west of the site are situated in the GB-2 Zone. The properties across North Avenue from the subject sites are situated in residential zones, and their uses are a Town Park (Gumbert Park) and townhouses. The area of these two lots is 1.1 and 1.5 acres each, and the maximum proposed density is 16 units per acre. Lot 4 is able to accommodate townhouses compatible with the land use across North Avenue. Lot 5 is able to accommodate multi-family housing not exceeding 35 feet in building height (see Table 3).

As can be seen from the above map, the six lots are separated by two public roads. Establishing bulk-zoning standards respecting side property lines, floor area ratio, building coverage, etc., and applying those standards on a lot-by-lot basis, could potentially result in a disjointed, unconnected series of individual residential buildings. To take this approach limits the flexibility and fluidity of design. In order to achieve the goals of the Land Use Element, these properties should be zoned for planned unit residential development (PURD), as provided for in the Municipal Land Use Law. In this approach, development can occur in a comprehensive manner with the intended result being a residential development with all the benefits of shared facilities, open space and a single association to manage the common elements.

Another important consideration in consolidating these properties is that the overall density can be achieved without consideration to the individual lots. In this manner, certain areas can remain open space, while other sections are more densely developed.

To provide for maximum fluidity in the overall development of Area 2B, the following criteria has been determined by the Board as essential. Lots 3 and 4 in Block 4005 are better suited for townhouses than multi-family due to the size and shape of the lots and the surrounding land uses. Combined, the area of these two lots is about 1.37 acres, which could accommodate approximately 22 townhouses at 16 units per acre. This density may either be accommodated on site, which may require innovative design, or a portion of this density may be transferred to the other lots across South Avenue.

Clearly, Lots 1, 2 and 3 exhibit the least constraints to development and, therefore, can accommodate a higher proportion of the development density. These lots should develop with multi-family housing in accordance with the general bulk standards provided in Table 3.

Lot 17, due to its very irregular shape and street frontage along two sides, should not be developed with housing and should be developed as a park.

Design Considerations

Westfield is a model illustration of the importance of design in creating a community of place; from the distinctive residential neighborhoods, to its immediately recognizable Downtown Westfield. The Board believes that design guidelines should be developed and specified to be included in the development of the TOD Zones.

The Union County Raritan Valley Trans-Line Village Study, as well as Designing New Jersey (Office of State Planning), have put forth recommended design guidelines, which are applicable to the proposed TOD Zoning. Those studies should be used as a reference in overall design consideration for a transit-friendly environment. Also, there are specific design elements that should be included in development plans when application is made to the Town. Comprehensive development plans should not only include development on site, but also improvements to the public right-of-way, commonly known as "streetscape." In this manner, improvements and upgrades can be made to the public right-of-way that supports and encourages multi-modal transportation.

Public Improvements

Below is a listing of the streets upon which the properties front, along with the associated right-of-way width and whether it is a state, county or municipal road.

Street	Right of Way Width	Jurisdiction
North Avenue (east of Central Avenue)	66 Ft. Row	State DOT
Central Avenue	60 Ft. Row	Union County
South Avenue (east of Central Avenue)	66 Ft. Row	Union County
Windsor Avenue	66 Ft. Row	Town of Westfield

As can be seen, coordination with and cooperation from the state DOT and Union County is necessary to implement comprehensive improvements to promote and facilitate multi-modal access to and from the train station and these subject sites. These improvements would include improved sidewalks, crosswalks, street lighting, shade trees, and bicycle improvements. Any developer contributions would be in accordance with the Municipal Land Use Law.

On-Site Development Standards

These developments should provide for an open space component, along with common amenities, such as parking, landscaping, pedestrian amenities, bicycle storage facilities, and other supportive features for its residents, as the Board may deem appropriate. Associations made up of the residents of these developments would manage and maintain the "common elements."

The identified density for these sites is sixteen units per acre in conformance with the Housing Element and Fair Share Plan. This density can be accommodated without exceeding the maximum building height, building coverage, and impervious cover criteria of the Town's GB-2 Zone.

Other Standards

A new goal has been added in the Reexamination Report of the Master Plan to promote environmental sustainability. Objectives cover a wide array, including transportation and residential structures and activities. Objectives that should be implemented in the development of these properties include conserve and protect water resources; minimize carbon emissions, waste, and pollutants of all kinds; maximize energy efficiency; maximize recycling; and plant trees and expand the urban forest.

These objectives can be achieved through the use of certain building material and proper construction methods, as well as site improvements and landscape design. The subject properties are, for the most part, occupied by older industrial and commercial land uses, developed under different site design requirements. At the time of demolition, the demolished materials should be recycled to the extent possible. Implementing state-of-the-art design in the development of these properties

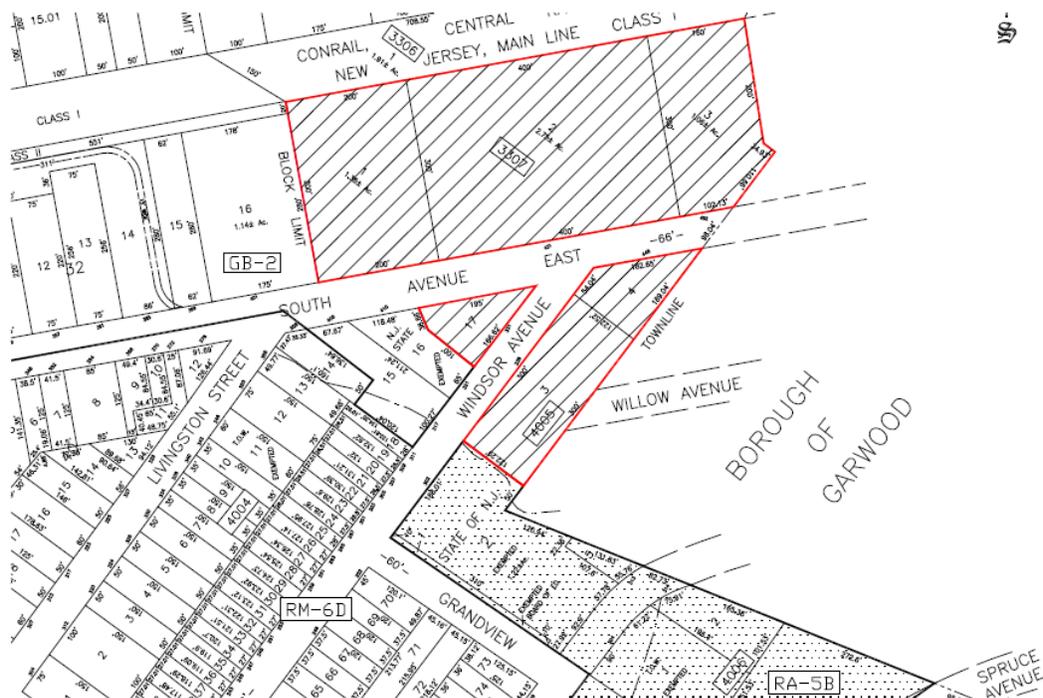
provide a unique opportunity to transform these older sites to improve and enhance the environment in numerous ways.

Other Future Land Use Consideration

There are two properties (Lots 15 and 16, Block 4004) that warrant land use consideration in the future, should development occur on surrounding properties, in conformance with the Town Zoning and Future Land Use Plan. On the following page is Area Map 3 which shows the westerly boundary of the RA-5B Zone and the proposed GB-2/TOD-3 Zone (the latter is depicted in a hatching designation). Both of these zone districts address a portion of the Town's affordable housing obligation.

If and when these zones develop in multi-family inclusionary housing, Lots 15 and 16, Block 4004, will be left in the GB-2 Zone. Therefore, it is appropriate to look ahead and provide recommendations for the rezoning of Lots 15 and 16. It is recommended that these properties be considered for either the TOD-3 Zone, or the RM-6D Zone lying to the south. The TOD-3 Zone permits ten housing units with a 20 percent set-aside, or two affordable units. The RM-6D Zone permits three market-rate units. Consideration should be given regarding the Town's affordable housing obligation when deciding upon the appropriate zoning for these two lots. However, the rezoning of these two lots should only occur when the properties that are in either the RA-5B or GB-2/TOD-3 Zones develop.

Area Map 3



Affordable housing settlement agreement

On December 11, 2012 the Town of Westfield entered into a settlement agreement with the plaintiff of the Sunnyside Senior Housing of Westfield, LLC (Sunnyside) to include in the Town's Housing Element and Fair Share Plan the provision to permit 24 townhouse residential units to be constructed on property known as Block 3905, Lot 27, situated along the northerly side of Springfield Avenue, west of the Town border with the Township of Cranford. The subject property, 1.48 acres in size, is proposed to be developed with 24 townhouse units, 4 of which will be affordable.

The subject site will be developed as a self-contained condominium with association ownership of all common elements. The development will be provided with sufficient on-site parking and with sanitary sewer and storm water drainage all in accordance with Town and RSIS standards. Furthermore, the development shall be in accordance with any and all provisions outlined in the settlement agreement.

To accommodate this development the subject property is to be rezoned from its current RS-16 single family zone to a new RA-5C multi family residence. This zone sets forth development standards as set forth in the settlement agreement.