



**AREA IN NEED OF REDEVELOPMENT  
PRELIMINARY INVESTIGATION REPORT  
BLOCK 3307, LOTS 1 AND 2  
BLOCK 4004, LOT 17  
BLOCK 4005, LOTS 3 AND 4**



***PREPARED FOR: THE TOWN OF WESTFIELD PLANNING BOARD***

**Report Date: December 9, 2019**

**Prepared by:**

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*The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.*



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## **Executive Summary**

This Area in Need of Redevelopment Preliminary Investigation Report has been prepared to determine whether certain properties meet the statutory criteria for designation as an “area in need of redevelopment” pursuant to the State of New Jersey’s Local Redevelopment and Housing Law (the “LRHL”).

The study area consists of a total of 5 separate parcels located along South Avenue East, or Windsor Avenue. The properties include buildings once occupied by Sevell’s, who operated auto body repair and auto and truck repair businesses; abandoned light industrial buildings; and a lot containing tow storage, landscaper equipment storage, and trash hauler vehicles and dumpsters storage. The Mayor and Council directed the Planning Board by Resolution Number 220-2019 to investigate these parcels to determine if they met the criteria to be declared a **non-condemnation area in need of redevelopment**. The Planning Board subsequently directed their planner to prepare the preliminary investigation report.

A site visit made to all five properties on September 19, 2019 and an on-site analysis of existing building and site conditions was conducted. A subsequent visit was made on November 26, 2019 only to obtain additional photographs of the street frontage of the properties located along the northern side of South Avenue. Subsequently, a review of records from the Town Tax Assessor, Building Department, and Planning and Zoning Office was performed. As a result, the finding is that all of the five properties meet the statutory requirements for designation as an “area in need of redevelopment”, sometimes referred to simply as a redevelopment area.

A summary of the area in need of redevelopment determinations are presented in the following table:

<b>Block</b>	<b>Lot</b>	<b>Street Address</b>	<b>Statutory Criteria in Section 5 of the LRHL Met</b>
3307	1	421-429 South Avenue East	Criteria “d” and “h”
3307	2	445-449 South Avenue East	Criteria “a”, “b”, “d”, and “h”
4004	17	418 South Avenue East	Criteria “a”, “b”, “d”, and “h”
4005	3	338 Windsor Avenue	Criteria “a”, “b”, “d”, and “h”
4005	4	448 South Avenue East	Criteria “a”, “b”, “d”, and “h”

This report begins with a brief description of the redevelopment process, to help familiarize the reader with the steps involved in designation of areas in need of redevelopment and what criteria are utilized to determine if properties can be designated as such. A designation of an area in need of redevelopment is the first step towards improvement of property utilizing the powers of the LRHL, and must be done prior to the adoption of any redevelopment plan for the area.

This report also includes a description of the study area, and a review of the Town Master Plan, State Plan, and Land Use Ordinance. A property-by-property analysis of the study area is then included which describes how each property meets the criteria in the statute to be declared an area in need of redevelopment.

Finally, an outline of recommended next steps is included to help guide the Planning Board and Governing Body.

**The Local Redevelopment and Housing Law**

Redevelopment Process

The LRHL enables local governments to initiate a process by which properties which meet certain criteria contained within the statute may be designated as an area in need of redevelopment. When properties are designated an area in need of redevelopment, municipalities may then adopt a redevelopment plan for the designated area specifying specific and detailed development standards, reflective of community desires for improvement of the area. Designation may also qualify projects within for certain financial incentives only available to properties within an area in need of redevelopment.

The LRHL specifies the process which must be followed in designating a redevelopment area, and adopting a redevelopment plan. A summary of that process is as follows:

Responsible Party	Designating an Area in Need of Redevelopment
Governing Body	The Governing Body adopts a resolution directing the Planning Board to conduct a preliminary investigation, to ascertain if an area meets the criteria to be declared an area in need of redevelopment. The LRHL was amended in 2013 to require that the Governing Body’s resolution state whether the study area is to be considered a condemnation or non-condemnation area when directing the planning board to conduct the preliminary investigation.
Planning Board	The Planning Board prepares a map showing the boundaries of the proposed redevelopment area and the location of parcels to be included, with an appended statement setting forth the basis for the investigation. This is usually prepared in the form of a preliminary investigation report.

	The Planning Board sets a date for a public hearing and gives public notice describing the boundaries of the area, and the location of the map and statement for public inspection.
Planning Board	The Planning Board completes a public hearing and makes a recommendation to the Governing Body on whether or not to designate all or part of a proposed area as being in need of redevelopment.
Governing Body	The Governing Body adopts a binding resolution designating all or part of a proposed area as a redevelopment area. Notice of this determination is served on all record property owners located within the designated area and is also submitted to the Commission of the Department of Community Affairs for review.
Responsible Party	<b>Preparing and Adopting a Redevelopment Plan</b>
Governing Body	The Governing Body authorizes the preparation of a redevelopment plan, which may be delegated to the Planning Board.
Planning Board	The Planning Board either reviews the prepared redevelopment plan for consistency with the Master Plan, or causes the preparation of the redevelopment plan and submits it to the Governing Body for action.
Governing Body	The redevelopment plan is adopted by ordinance after a public hearing.

The Statutory Criteria Necessary to be Present for a Redevelopment Area Determination

Section 5 of the LRHL lists criteria which are used to determine if a property or properties should be designated as an area in need of redevelopment. At least one of the conditions described in the criteria must be present in order to determine if the property qualifies as an area in need of redevelopment. The criteria describe a number of conditions that show evidence of abandonment, disinvestment, decline, or stagnation of property. The criteria are as follows:

Criteria Identification	Description
a.	The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
b.	The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or

	industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.
c.	Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
d.	Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
e.	A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
f.	Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
g.	In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.).

	The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.
h.	The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

The “b” criteria was amended in 2019 to include building types of “retail, shopping malls or plazas, and office parks” in addition to building types already in the statute, namely, buildings used for “commercial, manufacturing, or industrial purposes”. It also added a new threshold criteria that a period of significant vacancy of at least two consecutive years for those building types would qualify them as meeting the “b” criteria. Finally, the amendment clarified the statute by making clear that individual buildings and not multiple buildings are necessary for the “b” criteria to apply.

The basis for applying the “e” criteria has changed as a result of the New Jersey Supreme Court decision in Gallenthin vs. Paulboro, decided on June 13, 2007. In that decision, the Supreme Court concluded that the “e” criteria does not apply in circumstances where the sole basis for redevelopment is that the property is not “fully productive”, but applies to areas that are unproductive due to issues of title, diversity of ownership, or similar conditions. In addition, the Gallenthin decision emphasized the need to inspect interiors of buildings if possible, and demonstrate actual blight and/or clear evidence of blighting influences in reaching a conclusion that a property qualifies as an area in need of redevelopment.

The “h” criteria was added to the LRHL in 2013 and addresses consistency with smart growth planning principles. The “h” criteria allows a municipality to designate an area in need of redevelopment if the designation is consistent with those principles. Smart growth is epitomized by compact, transit-accessible, pedestrian-oriented, and environmentally sustainable development. Smart growth may exhibit one or more of the following characteristics:

- Mixed land uses.
- Compact, clustered community design.
- A wide range of housing choices and opportunities.
- Walkable neighborhoods. • Distinctive, attractive communities offering a sense of place.
- Open space, farmland, and scenic resource preservation.
- Development directed to existing communities and infrastructure.
- Sustainable design
- A variety of transportation options.

Finally, Section 3 of the LRHL allows for the inclusion of parcels necessary for the effective redevelopment of the area by stating within its definition of “Redevelopment Area”:

“...A redevelopment area may include land, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.”

**Purpose of this Preliminary Investigation Report**

The purpose of this preliminary investigation report is to determine whether certain properties qualify as a **non-condemnation area in need of redevelopment** under the provisions contained within the LRHL, N.J.S.A. 40A-1 et seq (the “LRHL”). This report is written pursuant to Section 6 of the LRHL, which provides the following:

1. No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in Section 5 of P.L. 1992/c.79. The governing body of a municipality shall assign the conduct of the investigation and hearing to the Planning Board of the municipality.
2. After completing its hearing on this matter, the Planning Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area. After receiving the recommendation of the Planning Board, the municipal governing body may adopt a resolution determining the delineated area, or any part thereof, is a redevelopment area.

In Resolution Number 220-2019, adopted on September 3, 2019, the Mayor and Council of the Town of Westfield directed the Town’s Planning Board to undertake an investigation pursuant to Section 6 of the LRHL to determine whether any or all of properties described in the resolution (the “Study Area”) qualifies as an area in need of redevelopment. The resolution indicates that the Mayor and Council are considering a **non-condemnation area in need of redevelopment**, which would **not** authorize the municipality to exercise the power of eminent domain to acquire property within the area. The properties described in the resolution are:

Block	Lot	Street Address
3307	1	421-429 South Avenue East

<b>Block</b>	<b>Lot</b>	<b>Street Address</b>
3307	2	445-449 South Avenue East
4004	17	418 South Avenue East
4005	3	338 Windsor Avenue
4005	4	448 South Avenue East

The Town Planning Board, at its meeting of September 4, 2019, then directed its planner to determine whether the properties in the Study Area meet the statutory requirements for designation as an area in need of redevelopment. This report provides an analysis of current conditions of each of the properties including a review of land use, zoning and master plan policies, building conditions, site conditions, environmental conditions, and tax and building records. The statutory criteria for redevelopment are then applied to any findings to determine if the properties qualify as an area in need of redevelopment. Maps indicating the boundaries and location of the Study Area are included.

This preliminary investigation report shall constitute the required investigation pursuant to the LRHL and shall be severable in the event that the designation of any individual property as an area in need of redevelopment is deemed invalid by a court of law or other body with jurisdiction. Such severability shall mean that the analysis and conclusions contained herein for all other sites shall remain valid and in full force with respect to the LRHL should any finding that an individual property qualifies as an area in need of redevelopment be reversed.

### **Study Area Context and Location**

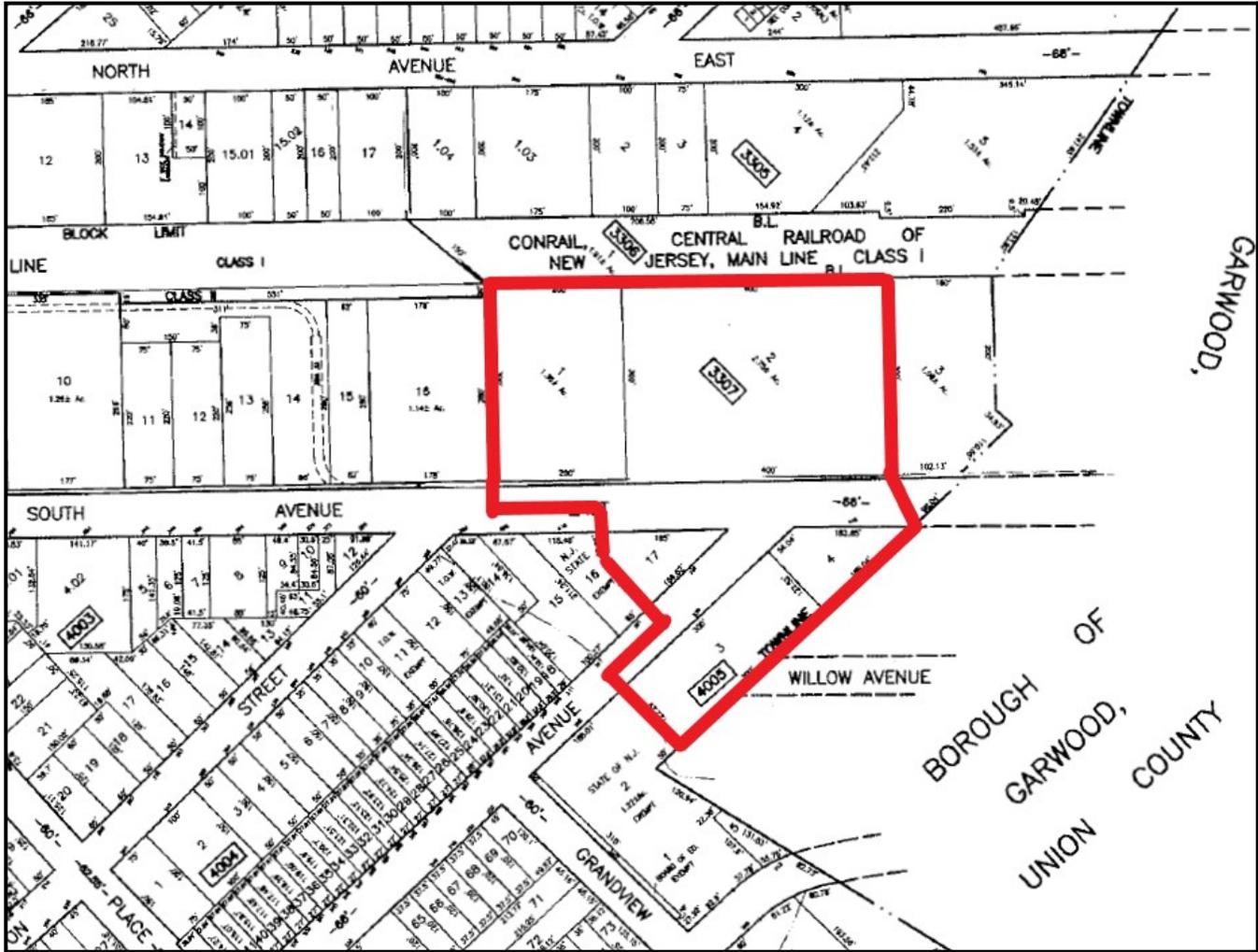
There are a total of five properties within the Study Area, located primarily along South Avenue East, with all properties but one having a frontage along that street. The remaining property has a street frontage on Windsor Avenue. In total, the five properties measure 5.54 acres in area.

Two of the parcels are located on the northern side of the Avenue have exclusive street frontage on South Avenue East. These properties are bound by the Raritan Valley – New Jersey Transit Rail Line to the north. The combined area of these two parcels is 4.14 acres.

Three of the parcels are located to the south of South Avenue East. The two parcels located within Block 4005 are contiguous and located at the southeast corner of the intersection of

South Avenue East and Windsor Avenue. The eastern boundary of these parcels is the municipal boundary between Westfield and Garwood. The one parcel in Block 4004 is located on the south-west corner of South Avenue East and Windsor Avenue. The combined area of these three parcels is 1.4 acres.

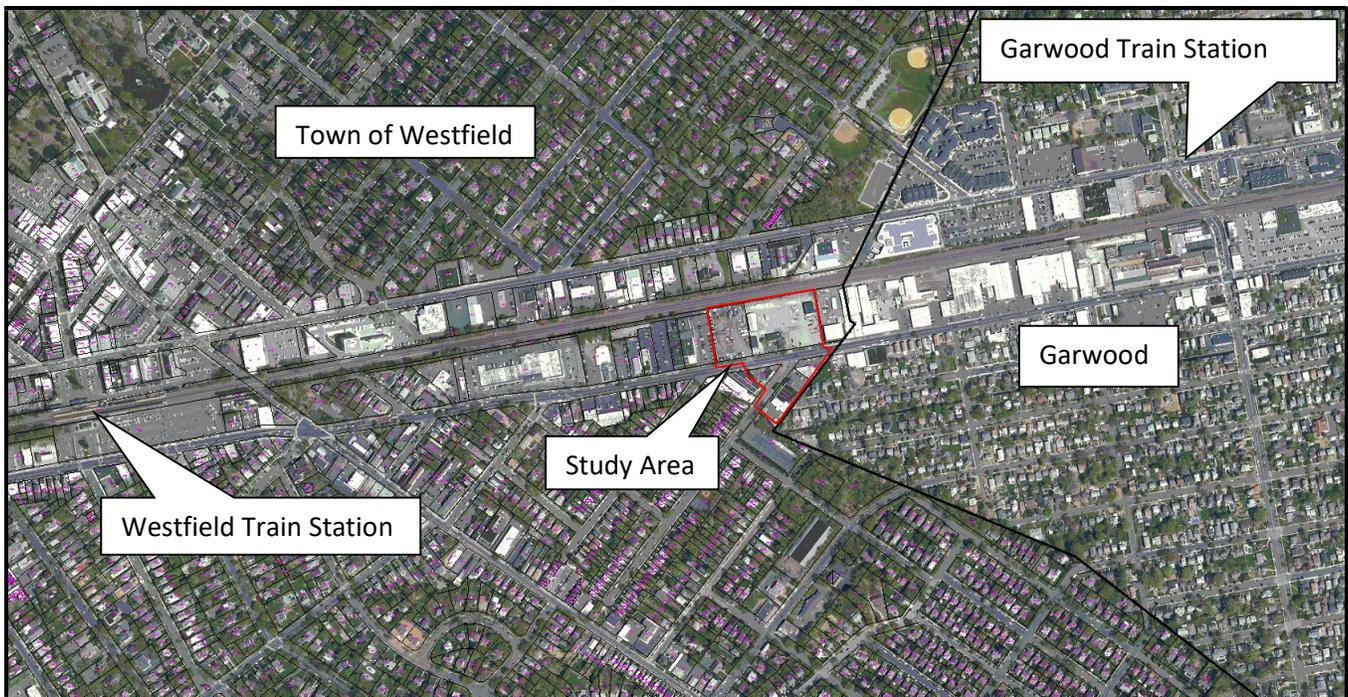
**Redevelopment Study Area Map**



**Redevelopment Study Area Parcels List**

Block	Lot	Street Address	Acreage	Zone	Description
3307	1	421-429 South Avenue East	1.38	C	Exterior storage
3307	2	445-449 South Avenue East	2.76	C	Vacant Commercial Buildings
4004	17	418 South Avenue East	.28	GB-2	Vacant auto repair shop
4005	3	338 Windsor Avenue	.80	GB-2	Vacant auto body shop
4005	4	448 South Avenue East	.32	GB-2	Vacant auto repair shop

**Study Area Location Map**



The immediate surrounding uses within Westfield consist of a mix of auto-related, light industrial, and service related (a gymnastics school) uses. The properties on Block 4005 also abut residential uses and a fence installation company within Garwood.

At the time of this report, utilizing current tax parcel data, Westfield Crossing II, LLC owned four of the five properties within the Study Area. The remaining property (Block 3307, Lot 2) is shown as owned by Ponderosa Land & Development Co. Inc.

## **Planning and Zoning**

### **Master Plan Review**

The Town of Westfield Planning Board adopted its current 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 this Reexamination Report and adopted same by resolution. The Reexamination Report made certain recommendations concerning amendments to the Land Use Element adopted in October 2005. In response to recommendations contained in the Reexamination Report, the Board prepared a revised Land Use Element to supersede prior Land Use Elements in fulfillment of the Reexamination Report findings. The revised Land Use Element was then adopted by the Board on July 6, 2009.

TOWN OF WESTFIELD  
UNION COUNTY, NEW JERSEY

PLANNING BOARD  
MASTER PLAN

Adopted October 7, 2002

with Amendments  
Appendix B  
&  
Appendix C

Memorializing Resolutions  
Appendix D



The 2009 Land Use Element was first amended on April 10, 2013 and has since been amended over the years generally in response to changes to Westfield's Housing Element and Fair Share Plan resulting from litigation over affordable housing development within the Town. Amendments to the Land Use Element were adopted to insure consistency between the two documents.

A review of the 2002 Town Master Plan, amended Land Use Elements from 2004, 2005, 2009, and 2018 was conducted. In addition, the latest Master Plan Reexamination Report of 2009 was reviewed, along with the Town Housing Element and Fair Share Plan, adopted in in 2018. At the time of drafting of this report, a new Master Plan Reexamination Report was well underway, but not yet adopted by the Planning Board.

## Master Plan Goals and Objectives

Goal number 5 of the Master Plan is 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.

Goal number 8 of the Master Plan is 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: c. Rezoning in appropriate locations, for mixed-use or residential uses, establishing densities within walking distance of the CBD and NJ Transit railroad stations.

Goal number 9 of the Master Plan is to address the need of affordable housing for the local and regional population of low- and moderate-income persons by establishing various zone districts that encourage the provision of affordable housing, where appropriate.

## 2004, 2005, 2009, 2013 Land Use Elements and Amendments to the Land Use Element

Both the 2004 and 2005 Land Use Element states that for the C zone, a highway strip character should be avoided, both in the character of uses and in the appearance of development. It further states that large-scale office uses and services and uses with high volume customer or client visitation should be prohibited, as well as uses involves high volumes or truck or automobile traffic. The 2004 Element also states that residential uses and lodging areas were inappropriate for the area.

The 2009 Land Use Element identifies the study area properties as part of a proposed transit-oriented development zone district, developed with multi-family housing and some low and moderate income housing units. It was noted that the site was within one-half mile of a passenger rail station. By amendment to the Land Use Element, the study area properties were removed as a proposed transit-oriented development zone district after “the property owner of the lots identified in the 2013 Plan objected to the rezoning of these properties for inclusionary development”.

## 2018 Housing Element and Fair Share Plan

The 2018 Housing Element and Fair Share Plan describes four overlay zones to be created as a result of settlements with objectors to the Town’s housing

 Community Planning Land Development and Design Landscape Architecture	Principal: Edward S. Burgis, P.E., AICP, AIA Edward S. Burgis, Jr., P.E., AIA, AIA
B U R G I S A S S O C I A T E S , I N C .	
HOUSING ELEMENT AND FAIR SHARE PLAN - 2018 TOWN OF WESTFIELD UNION COUNTY, NEW JERSEY	
PREPARED FOR:  TOWN OF WESTFIELD PLANNING BOARD BA# 3249.00	
February 22, 2018	
This document was duly adopted by the Planning Board of the Town of Westfield at their public hearing held on March 5, 2018.	
25 Westwood Avenue Westwood, New Jersey 07675	Phone (201) 666-1811 Fax (201) 666-2599 www.burgis.com

plan. Two of the four include the properties which are the subject of this preliminary investigation. A summary of their description in the Housing Element and Fair Share Plan is as follows:

Elite Homebuilding (Elite South): 418-448 South Avenue East; Block 4005, Lots 3 & 4; Block 4004, Lot 17;

The Elite South properties at Block 4005, Lots 3 and 4 were recommended for development with a mixed-use building with a rental residential component at a density of 25 units per acre, with a 15% set aside for low and moderate income housing. Property at Block 4004, Lot 17 would be developed with either parking to support the mixed-use development, or as open space.

Elite Homebuilding: Elite North: 421-449 South Avenue East; Block 3307, Lots 1 & 2

All properties included within the Elite North area at Block 3307, Lots 1 and 2 were recommended for development with rental housing at a density of 37.77 units per acre, with a 15% set aside for low and moderate income housing, plus an additional 3 units of affordable housing transferred to the site from a townhouse project located at Myrtle Avenue and Grove Street.

### 2018 Land Use Element

The 2018 Land Use Element describes the parcels which are part of the study area just as the 2018 Housing Element and Fair Share Plan does. It goes into additional detail as to the reasoning behind the recommended creation of overlay zone districts.

The Land Use Element notes that establishing the recommended overlay zone districts which include the properties which are subject of this investigation, fulfills the Town's affordable housing obligation for the Third Round as described in the 2018 HE&FSP and thereby promotes the Town Master Plan goal 8 which is described above.

Furthermore, the 2018 Land Use Element notes that the promotion of affordable housing in the strategic locations as proposed in the Town's 2018 HE&FSP is consistent with smart growth planning principles and continues the Town's land use policy of locating residential development near its train station, major bus routes and the central business district where residential densities, as contemplated by the Housing Element and Fair Share Plan, can be best accommodated.

Specifically, the following community wide benefits of adopting the proposed land use element amendments are noted:

1. The property and neighborhood characteristics of the selected parcels for affordable

housing are particularly suited for residential development given their close proximity to transit facilities specifically the Westfield or Garwood rail stations and the Town's central business district;

2. The land use element amendments promote the efficient use of land near consistent with New Jersey Smart Growth principles by locating residential development near major transit hubs. The benefit of locating housing development near the towns' transit hub and downtown include but are not limited to the following:
  - a. Providing multiple transit options by both rail and bus to future residents reduces traffic congestion and parking demand;
  - b. Implementation of the plan will promote the more efficient use of land through redevelopment. Development as envisioned by the Land Use Element amendments will revitalize the North and South Avenue corridors, portions of which are characterized by aging buildings with poor site arrangements (excessive building and pavement coverage, lack of green space or landscaping, poor site circulation and poor parking lot arrangements);
  - c. Proximity to the central business district will afford future residents convenient access to shop and enjoy downtown amenities and services which will also benefit downtown businesses.
3. Westfield has a long-standing policy of promoting affordable housing near its rail station along the North and South Avenue corridors as a means of creating "transit oriented development."

The 2018 Land Use Element goes on to describe that there are already existing affordable housing zones on North and South Avenues. The extension of these zones to encompass additional parcels reinforces this development pattern within the corridors and will result in a more cohesive land use arrangement.

#### Observations Made from Master Plan Review

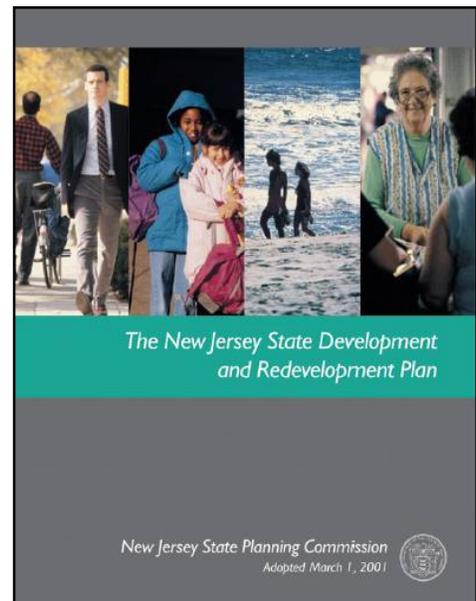
The goals and policies stated within the Town Master Plan, Land Use Element, and Housing Element and Fair Share Plan speak to if the existing uses and their location within the study area are considered appropriate. Given the characteristics of the properties within the study area as described within this report, existing goals and policies are not being met. In summary, the properties lack any distinctive or attractive design that would contribute to any sense of place in Westfield. The sites contain vacant commercial buildings, outdoor storage, and little to no accommodation for pedestrians for either circulation on-site or connection to surrounding neighborhoods. The property does however, have the potential to contribute to the Town's sense of place, creating a destination location and a walkable neighborhood near mass transit

with a mix of both residential and non-residential uses consistent with smart growth planning principles.

The statements made in the 2004 and 2005 Land Use Elements regarding prohibiting residential development are considered outdated and inconsistent with modern planning principals of encouraging mixed-use in proximity to transit stops.

### 2001 State Development and Redevelopment Plan

The State Plan Development and Redevelopment Plan (SDRP) was prepared and adopted by the State Planning Commission according to the requirements of the State Planning Act of 1985 to serve as an instrument of state policy to guide state agencies and local government in the exercise of governmental powers regarding planning, infrastructure investment and other public actions and initiatives that affect and support economic growth and development in the state. The SDRP is not itself a regulation but a statement of State policy that has been adopted by the State Planning Commission to guide State, regional and local agencies in the exercise of their statutory authority.



The SDRP uses a policy map to differentiate areas from highest growth to lowest growth based on information, such as natural resources, sewer availability, etc. These differentiations are called planning areas, which range from PA-1 Metropolitan, to PA-8 State Park. The entirety of the Town of Westfield is located within the Metropolitan Planning Area (PA1), as per the State Plan Policy Map found in the SDRP.

For areas located in the Metropolitan Planning Area (PA1), the State Plan's intention is to:

- Provide for much of the state's future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

In order to support the intent of the Metropolitan Planning Area, development and redevelopment activities need to be consistent with the traditional urban fabric—intensities sufficient to support transit, a range of uses broad enough to encourage activity beyond the traditional workday, efficient use of infrastructure, and physical design features that enhance public safety, encourage pedestrian activity and reduce dependency on the automobile.

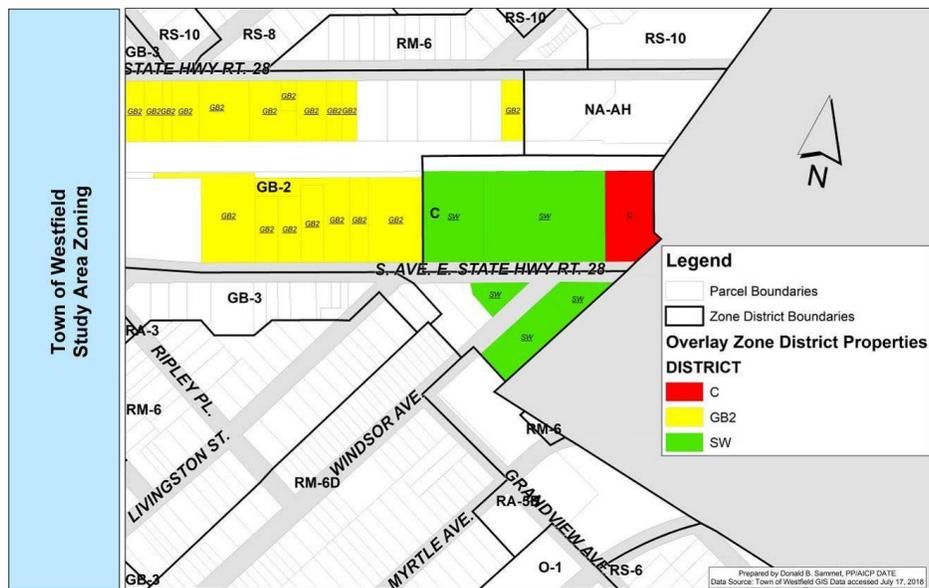
Since the Study Area lies within the Metropolitan Planning Area, which represents the areas for growth in New Jersey, the location of the Study Area is consistent with “Smart Growth” planning principals. However, reliance upon a property’s location within an area targeted for growth by the State Plan cannot be the sole basis for designating an area in need of redevelopment.

Draft State Strategic Plan

The draft State Strategic Plan: New Jersey’s update to the State Development and Redevelopment Plan and the draft Infrastructure Needs Assessment was released for public comments and hearings in November of 2011. The Plan is “to focus the State’s policies and investments on vibrant regions by fostering targeted job growth, supporting effective regional planning and preserving the State’s critical resources”. The intent of the State Plan is to direct growth and development into areas served by public infrastructure as a means of more efficiently using public resources. A total of six public hearings were scheduled to take place throughout the State. Since the initial public meetings and the addition of several more, the State Planning Commission has not yet acted on adoption of the plan.

Existing Zoning

All parcels within the Study Area are located within the SW-AHO Affordable Housing Overlay Zone District. The SW-AHO Zone District is an overlay zone district established in 2018 as part of the Town’s affordable housing plan. Development of properties within the SW-AHO is permitted under the regulations for the SW-AHO, and as an alternative under the regulations permitted by the underlying zoning. The two underlying zone districts are the C – Commercial, and GB-2 - General Business Zone Districts.



The nature of existing land uses, with respect to the spectrum of permitted uses and compatibility with same, plays a role in the evaluation of statutory criteria for the determination of an area in need of redevelopment.

Overlay Zoning: SW-AHO Zone District

The purpose of the SW-AHO district is to provide for the realistic opportunity for the development of affordable housing for households of low and moderate income, as required by Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”) and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and consistent with an amended order entered by the Superior Court of New Jersey on October 30, 2017 and filed by the court on November 1, 2017 which approved the settlement of a declaratory judgment action filed by the Town of Westfield titled In re Town of Westfield Compliance with Third Round Mount Laurel Affordable Housing Obligations, Docket No. UNN-L-2391-15, (the “DJ Action”) (the “Settlement Approval Order”). The regulations for the SW-AHO are intended to implement the Settlement Approval Order.

The SW-AHO is broken down into two sub-districts entitled the “North Subzone” and “South Subzone”. Permitted principal uses are the same for both subzones, and allow for multi-family housing, retail sales and service uses, private open space, private parks and playgrounds. Block 4004, Lot 17 is identified to be used as either parking or open space for properties at Block 4005, Lots 3 and 4.

Permitted densities range from 37.7 residential units per acre in the North Subzone, to 25 residential units per acre in the South Subzone. At least 15% of all residential units constructed must be made available to low and moderate income families. In addition, the North Subzone must provide for an additional 3 units earmarked for special needs families.

Appendix B is Section 11.39 of the Town of Westfield Land Use Ordinance, which provides the zoning regulations for development of the properties.

Underlying Zoning – C-Commercial, and GB-2-General Business Zone Districts

Individual properties within the Study Area are also within the following underlying zone districts as shown in the following table. Again, development may take place under the overlay zone regulations, or as an alternative under those part of the underlying zoning.

Block	Lot	Street Address	Underlying Zone District
3307	1	421-429 South Avenue East	C – Commercial
3307	2	445-449 South Avenue East	C – Commercial
4004	17	418 South Avenue East	GB-2 General Business
4005	3	338 Windsor Avenue	GB-2 General Business

Block	Lot	Street Address	Underlying Zone District
4005	4	448 South Avenue East	GB-2 General Business

### C – Commercial Zone District

The C zone district is designed for limited industrial and manufacturing uses, but also retail and wholesale sales, personal and business services, and business, administrative and professional offices.

Appendix C is Section 11.29 of the Town of Westfield Land Use Ordinance, which provides the zoning regulations for the C zone.

### GB-2 – General Business District Zone District

The GB-2 zone district is intended to encourage retail and wholesale sales, personal and business services, as well as business, administrative and professional offices. No residential use is permitted within the GB-2 Zone District.

Appendix D is Section 11.27 of the Town of Westfield Land Use Ordinance, which provides the zoning regulations for the GB-2 zone.

### Individual Property Analyses

The following is an evaluation of Study Area properties with the statutory criteria described earlier as necessary for designation as an “area in need of redevelopment”. An analysis of current conditions of each of the properties including a review of land use, zoning and master plan policies, building conditions, site conditions, environmental conditions, and tax and building records was made to determine if they meet the statutory criteria.

Block 3301, Lot 1: 421-429 South Avenue East

<b>Block and Lot</b>	Block 3307; Lot 1
<b>Street Address</b>	421-429 South Avenue East
<b>Site Photograph</b>	<b>Site Context</b>
	
<b>Owner</b>	Westfield Crossing II, LLC 210 Mountain Boulevard Watchung, NJ 07059
<b>Acreage</b>	1.38
<b>Year Built</b>	NA
<b>Tax Class</b>	1 - Vacant Land
<b>Zone District</b>	Overlay Zone: SW-AHO (North Subzone) Underlying Zone: C - Commercial
<b>Permitted Use</b>	No

Property Description

The property measures 1.38 acres in size with a singular access point off of South Avenue East. At the time of the September 17 site visit, observed uses on the site consisted of a vehicular towing and impound yard, and storage for a landscape company, and trash removal company. Impervious coverage, primarily blacktop, occupies nearly the entire parcel. This pavement is in poor condition with cracks, potholes, and surface degradation present. There are no delineated circulation aisles, directional arrows, or marked parking spaces. Improvements on the property consist of office trailers and storage sheds. There is exterior storage of vehicles including garbage trucks and landscaping equipment, vehicular trailers, refuse containers and dumpsters. Piles of debris are located at various locations throughout

the site. There are no pedestrian facilities such as sidewalks or marked pedestrian travel ways, nor are there any landscaped areas. A chain link fence surrounds the property, with weeds and scrub brush growing through the fencing. Portions of this fence are topped with barbed wire.

#### Criteria Applicability

The property meets redevelopment criteria “d”: *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

The following site conditions observed lead to a determination that the property satisfies the “d” criteria:

- Undefined parking and circulation aisles: The site functions without a defined circulation pattern, or delineated parking areas. Rather, storage of vehicles occurs along the perimeter of the site and at the site’s center. Mixed in with this vehicular storage are storage trailers, vehicle trailers, dumpsters, sheds, landscaping equipment, debris, and even firewood storage. There are no pavement markings indicating a circulation pattern. Access to a building on adjacent Block 3307, Lot 2 is also made available from the property, by way of an immediate right turn when entering the property from South Avenue East.
- Unsafe and improper storage of materials: Piles of debris are at various locations on the site including along fencelines.
- Lack of sidewalks and other pedestrian amenities: There are no pedestrian amenities whatsoever such as sidewalk areas or delineated pedestrian pathways on the site. Pedestrian areas are not separated from motor vehicle circulation. There is no sidewalk present along the street frontage, and consequently, there are no pedestrian connections to the existing sidewalk network to the west or east along South Avenue.
- Land uses that have an adverse impact on surrounding uses: The present conditions on the site are nonconforming with various regulations found in the Town Land Use Ordinance. Existing uses on the site are nonconforming as impound yards are not a permitted use within the C or SW-AHO zone districts, nor are trash hauling companies, or storage yards. Fencing in front yard areas are limited to 4 feet in height and no barbed wire is permitted, however, a 6 foot tall barbed wire fence is located along the front lot line. Article 15 of the Land Use Ordinance requires all debris intended for periodic removal be stored in approved containers for pickup and piles of debris are located throughout the site. Storage of motor vehicles held for sale, rental or repair are only permitted when accessory to a permitted conditional use, which the uses on site are not. Mobile storage structures are required to be screened from view from a public street and the structures on site are visible from South Avenue.

- Lack of buffering and screening: No formal landscaping is present on the property. Rather, the site contains weeds and scrub brush which act as an inadequate screen between the property and its surroundings. An open chain link fence surrounds the property which of itself provides little to no screening. The lack of screening creates a condition whereby the undesirable visual character of the property is not screened from public view or from adjacent uses.
- Environmental: Reports from CTM Environmental dated May 16, 2018, October 4, 2018, and October 3, 2019 were reviewed. The October 3<sup>rd</sup> report describes the extent of environmental remediation that has taken place including soil remediation/excavation. It describes how no further action for soil is required on Lot 1. However, the necessity for periodic groundwater monitoring and sampling is indicated and will allow for redevelopment of the site.

As described above, the site is arranged and designed in a manner absent clear vehicular and pedestrian circulation patterns creating conflicts and the potential for conflicts between motorists and pedestrians; the site contains non-conforming uses and other Land Use Ordinance violations inconsistent with Town land use policy and regulation; the poor condition of pavement creates pollution concerns with the storage of damaged vehicles as vehicle fluids can enter the soil and groundwater; and the lack of screening results in the undesirable visual character of the site being visible to the public and adjoining properties. This combination of conditions is detrimental to the health, safety, and general welfare to the public at large.

Captioned photographs follow and provide evidence to support the finding that the property meets criteria “d”.



Entrance to the site from South Avenue. No defined circulation pattern.



Deteriorated paving and no defined circulation pattern or clearly identified parking areas.



Vehicle storage along South Avenue frontage.



Vehicle storage along westerly side lot line.



No defined parking or circulation aisles.



Lack of buffering, screening, and maintenance



Deteriorated paving and no defined circulation.



View of the northwest corner of the site showing dumpster, construction equipment, accessory building, pallet storage.



Trash hauler trucks and dumpsters.



Storage containers and pickup trucks.



Debris along northerly property line. Oil stains visible on pavement.



Debris along westerly property line.



Debris along the South Avenue frontage.



Six foot barbed wire topped fencing and debris along the South Avenue frontage.

**Block 3307, Lot 2: 445-449 South Avenue East**

Block and Lot	Block 3307; Lot 2
Street Address	445-449 South Avenue East
<b>Site Photograph</b>	<b>Site Context</b>
	
Owner	Ponderosa Land & Development Co. Inc. %Elite Properties
Acreage	2.76
Year Built	Construction dates could not be located.
Tax Class	4B - Industrial
Zone District	Overlay Zone: SW-AHO (North Subzone) Underlying Zone: C - Commercial
Permitted Use	

**Property Description**

The 2.76 acre property contains a total of four separate buildings once utilized for light industrial, and manufacturing purposes. One of these are utilized in part for storage for a local small motor equipment sales facility. The others are completely vacant. The buildings on site are in various stages of physical decay and in some cases severe. A fifth building which once existed on the site, has been demolished. A permit was issued for this demolition in 2014, but permit records show this permit as still open. In this past building's location, a soft soil mixture remains, which is easily depressed upon stepping upon it. Other structures include storage containers and an accessory single bay garage. Uses on the site include the equipment storage mentioned above, a fencing company, and vehicular storage including that for a tow yard.

There are three separate access points to the property from South Avenue East, only one of which was open at the time of a site visit in September of 2019. In addition, access to the property may be obtained from adjoining Block 3307, Lot 1 via its South Avenue access. There are no delineated circulation aisles, directional arrows, or marked parking spaces. Pavement is in poor condition with cracks, potholes, and surface degradation present. There is exterior storage of vehicles, fencing, boats, and trailers. Debris is also present throughout the site. A chain link fence surrounds the property, with weeds and scrub brush growing through the fencing. Portions of this fence are topped with barbed wire.

#### Criteria Applicability

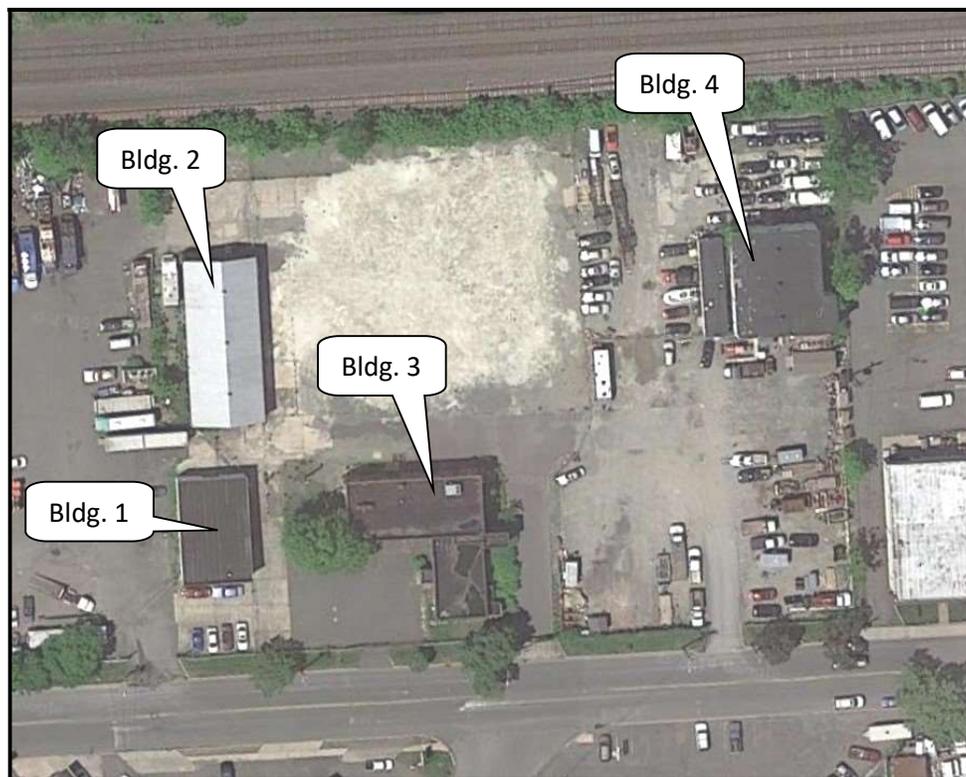
All four buildings on the site meets redevelopment criteria “a”: *The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.*

An exterior and interior inspection of each of the four buildings on the site was conducted. All buildings exhibit signs of dilapidation. There were signs of water damage, and all but one had missing or broken windows. Overall, the generality of buildings are deteriorated and potentially unsafe.

All four buildings on the site also meet redevelopment criteria “b”: *The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.*

An exterior and interior inspection of each of the four buildings on the site was conducted. All buildings are significantly or 100% vacant. Only a small portion of one of the buildings was being used at the time of inspection for storage for approximately six snowblowers owned by a small engine retailer. According to a representative of the property owner, all buildings have been vacant since 2004, well beyond the 2 consecutive years required by statute. All buildings exhibited severe signs of disrepair and have become uninhabitable due to their deteriorated conditions. All but one have doors and/or windows boarded up or missing.

For purposes of this preliminary investigation, buildings have been identified as numbers 1 through 4 as labeled in the following map. Captioned photographs follow and provide evidence to support the finding that the buildings meet criteria “a” and “b”.



### Building 1

Building 1 was vacant at the time of inspection. It is a single story concrete block structure, with brickface at its front façade. The interior consists of a large open area at the rear, and an office located at the front. It is in a dilapidated condition, exemplified by large cracks in the exterior building walls, visible from both the interior and exterior of the structure. There is water infiltration by way of a leaking roof, and mold. The office space within the building has missing ceiling tiles and damage to walls. The photos shown depict the deteriorating nature of the building.



Building front as seen from South Avenue entrance.



Cracked joints between concrete block exterior walls.



Cracked joints between concrete block exterior walls.



Cracked joints between concrete block exterior walls.



Visible water damage and hole in ceiling.



Evidence of water damage and mold at floor.



Holes in walls in office area.



Missing ceiling tiles and exposed plumbing.



Vacant office space within building.



Vacant floor space within building. Cracked exterior building walls visible.

**Building 2**

Building 2 was vacant at the time of inspection, but for the storage of approximately 6 snowblowers in the southeast corner of the building. The building contains an open floor plan, with lofts on either side of the interior. The building exhibits several signs of dilapidation, including holes in exterior walls resulting in both the elements entering the structure, and vegetation growing into the building's interior. Exterior siding is damaged and in places separating from the building. All windows openings and doors were boarded up. No windows were observed in the window openings. Exposed wiring was present and a ceiling beam was hanging dangerously in the building's interior.



Holes in exterior walls with vegetation growing into the building.



Holes in exterior walls, boarded windows, and vegetation growing into the building.



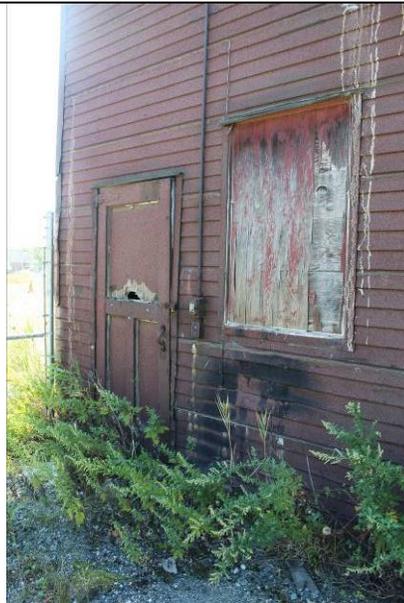
Damaged exterior siding pulling away from the building and exposing the interior to the elements.



Damaged exterior siding pulling away from the building and exposing the interior to the elements.



Boarded windows.



Boarded windows and doors.



Exposed wiring.



Beam hanging from ceiling.



Vacant building interior.



Portion of building containing snowblower storage.  
Boarded windows and holes in exterior walls.

**Building 3**

Building 3 was vacant at the time of inspection. It is a two story building with a brick exterior. Physical deterioration of the interior of the building is severe. There is no utility service to the building. Bathrooms were in a state of extreme deterioration. Wiring is hanging from the ceilings and walls, finished ceilings and walls were not present in many areas, and water damage was present throughout the structure.



Non-functional 1<sup>st</sup> floor bathroom and missing walls.



Non-functional 1<sup>st</sup> floor shower stall in bathroom, missing and damaged walls.



Non-functional 2<sup>nd</sup> floor bathroom.



Non-functional 2<sup>nd</sup> floor toilet, filled with concrete.



Hanging electrical wiring, missing ceilings.



Hanging electrical wiring and missing walls and ceilings.



Missing walls and exposed wiring and plumbing.



Missing walls and ceiling. Ductwork and wiring hanging from ceiling.



Evidence of water damage.



Evidence of water damage.



Evidence of water damage. Missing ceiling.



Evidence of water damage. Wiring hanging from ceiling.



Second story non-functional bathroom. Missing walls, peeling paint, damaged flooring.



Second story space, with damaged flooring, hanging wiring.

**Building 4**

Building 4 was vacant at the time of inspection. It is a 3 story building with concrete block exterior walls. Physical deterioration of the interior of the building is severe. There is no utility service to the building. There are cracks on exterior building walls, missing exterior doors, broken, missing, and boarded up windows, vegetation growing through window openings, holes in flooring clear to the floor below, and a concrete ceiling which is breaking apart and falling onto the floor below. Evidence of water infiltration and damage is also present.



Cracks in exterior walls and peeling paint.



Missing doors and damaged doorway. Cracking building wall.



Broken window.



Boarded window.



Evidence of water infiltration, debris covering floors.



Evidence of water infiltration. Peeling paint, missing ceiling, rusted windows, old car parts.



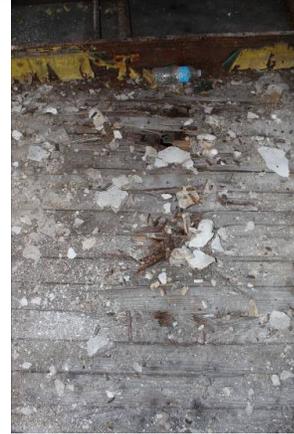
Broken window with vegetation growing in the interior of the building.



Broken window, debris on floor, hanging sprinkler system.



Holes in second story floor. Concrete ceiling has fallen from above.



Holes in second story floor. Concrete ceiling has fallen from above.



Holes in second story floor. Concrete ceiling has fallen from above. Water damage visible on walls.



Holes in second story floor. Concrete ceiling has fallen from above.



Buckling floor. Concrete ceiling has fallen from above.



Concrete ceiling is spalling and falling onto floor below.



Storage of chemicals and evidence of leakage of the same.



Debris storage and boarded window.

The property meets redevelopment criteria “d”: *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

The following site conditions observed lead to a determination that the property satisfies the “d” criteria:

- Undefined parking and circulation aisles: The site functions without a defined circulation pattern, or delineated parking areas. Rather, storage of vehicles occurs throughout the site along the front, side, and rear property lines and adjacent to existing buildings. Mixed in with this vehicular storage are storage trailers, vehicle trailers, fence installer equipment and fencing, and debris. There are no pavement markings indicating a circulation pattern. Access to a parking area in front of a building on the southwest corner of the site takes place through adjacent Block 3307, Lot 1 and not from the driveway or driveways located on the subject property.
- Unsafe and improper storage of materials: Piles of debris are at various locations on the site including along fencelines.
- Lack of sidewalks and other pedestrian amenities: There are no pedestrian amenities whatsoever such as sidewalk areas or delineated pedestrian pathways on the site. Pedestrian areas are not separated from motor vehicle circulation. There is no sidewalk

present along the street frontage, and consequently, there are no pedestrian connections to the existing sidewalk network to the west or east along South Avenue.

- Land uses that have an adverse impact on surrounding uses: The present conditions on the site are nonconforming with various regulations found in the Town Land Use Ordinance. Existing uses on the site are nonconforming as tow yards are not a permitted use within the C or SW-AHO zone districts, nor are storage yards. The property contains 4 principal buildings, where only one principal building is permitted within the C zone district. Fencing in front yard areas are limited to 4 feet in height and no barbed wire is permitted, however, a 6 foot tall barbed wire fence is located along the front lot line. Article 15 of the Land Use Ordinance requires all debris intended for periodic removal be stored in approved containers for pickup and piles of debris are located throughout the site. Storage of motor vehicles held for sale, rental or repair are only permitted when accessory to a permitted conditional use, which the uses on site are not. Mobile storage structures are required to be screened from view from a public street and the structures on site are visible from South Avenue.
- Lack of buffering and screening: No formal landscaping is present on the property. Rather, the site contains weeds and scrub brush which act as an inadequate screen between the property and its surroundings. An open chain link fence surrounds the property which of itself provides little to no screening. The lack of screening creates a condition whereby the undesirable visual character of the property is not screened from public view or from adjacent uses.
- Environmental: The site is plagued with environmental concerns. The environmental concerns noted in the reports analyzed is a public health, safety, and welfare concern, and places the site at a greater competitive disadvantage in the marketplace. Reports prepared by IRIS Environmental Laboratories, dated July 1, 2019 indicate asbestos in all principal buildings on the site. Reports from CTM Environmental dated May 16, 2018, October 4, 2018, and October 3, 2019 were also reviewed. The October 3<sup>rd</sup> report describes the extent of environmental remediation that has taken place including soil remediation/excavation. The necessity for periodic groundwater monitoring and sampling is indicated and the “capping” of the site through a combination of impermeable material and permeable clean fill material, which will allow for the redevelopment of the site.

As described above, the site is arranged and designed in a manner absent clear vehicular and pedestrian circulation patterns creating conflicts and the potential for conflicts between motorists and pedestrians; the site contains non-conforming uses and other Land Use Ordinance violations inconsistent with Town land use policy and regulation; the poor condition of pavement creates pollution concerns with the storage of damaged vehicles as vehicle fluids can enter the soil and groundwater; and the lack of screening results in the undesirable visual character of the site being visible to the public and adjoining properties. This combination of

conditions, along with the environmental concerns indicated, is detrimental to the health, safety, and general welfare to the public at large.

Captioned photographs follow and provide evidence to support the finding that the property meets criteria “d”.



Soft soil mixture at location of previously existing building.



No defined circulation or parking. Deteriorated pavement condition.



Storage of fence sections near the South Avenue frontage.



No defined parking areas.



Storage of boards, trucks, construction equipment at South Avenue frontage.



Piles of debris and 6 foot tall barbed wire topped fence at South Avenue frontage. Lack of buffering and screening.



Junked vehicles stored on-site.



Junked vehicles stored on-site.



Evidence of environmental investigation.



Junked vehicles stored on site.

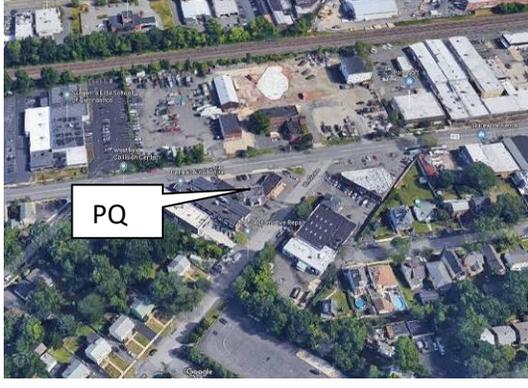


Lack of any sidewalks or pedestrian amenities.



Piles of debris along South Avenue fenceline. Lack of buffering and screening.

Block 4004, Lot 17: 418 South Avenue East

Block and Lot	Block 4004; Lot 17
Street Address	418 South Avenue East
<b>Site Photograph</b>	<b>Site Context</b>
	
Owner	Westfield Crossing II, LLC
Acreage	.28
Year Built	1940
Tax Class	4A – Commercial
Zone District	Overlay Zone: SW-AHO (South Subzone) Underlying Zone: GB-2 – General Business
Permitted Use	No (prior auto repair use)

Property Description

The property is a corner lot at the intersection of South Avenue East and Windsor Avenue, measuring .38 acres in size, and contains a single-story concrete block and brick structure once occupied by an auto repair facility. The structure exhibits signs of deterioration and was vacant at the time of inspection. Along the South Avenue frontage the building there are a total of 9 entries to service bays for vehicles. Of these, 5 are “through bays” and may also be accessed from the Windsor Avenue side of the building. An office ancillary to the prior use is also accessed from the South Avenue frontage of the building.

According to the Town Tax Maps, the site frontage along South Avenue East measures 195 feet in length and the Windsor Avenue frontage 166.62 feet in length. A broken pedestrian sidewalk exists along the South Avenue frontage but there are gaps along its length. No sidewalk exists along Windsor Avenue, and no curbing exists along Windsor

Avenue. On-site pavement is in poor condition with cracks, potholes, and surface degradation present.

Criteria Applicability

The building on the site meets redevelopment criteria “a”: *The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.*

An exterior and interior inspection of the building on the site was conducted. Some garage bays have rusting headers at the door openings, and some doors contain broken glass. Water damage was evident in both the office and service bay areas of the building. Spalling of concrete block walls and flooring was also present. Oil and chemical storage containers were present. Roof leaders were missing. Windows were deteriorating and separating from their openings. Vegetation was growing into the building from the exterior.

The building on the site meets redevelopment criteria “b”: *The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.*

An exterior and interior inspection of the building on the site was conducted. The building is 100% vacant. According to a representative of the property owner, the building has been vacant since 2015, well beyond the 2 consecutive years required by statute.

Captioned photographs follow and provide evidence to support the finding that the building on the property meets criteria “a” and “b”.



Rusting door header.



Broken windows in garage bay door.



Evidence of water damage and infiltration. Missing or stained ceiling tiles. Missing lenses on light fixtures.



Holes in ceiling and falling ceiling materials. Evidence of water damage.



Peeling ceiling paint.



Peeling ceiling paint.



Spalling concrete, chemical spills, and debris on floor.



Spalling concrete, and peeling floor surface.



Inoperable windows and water damage.



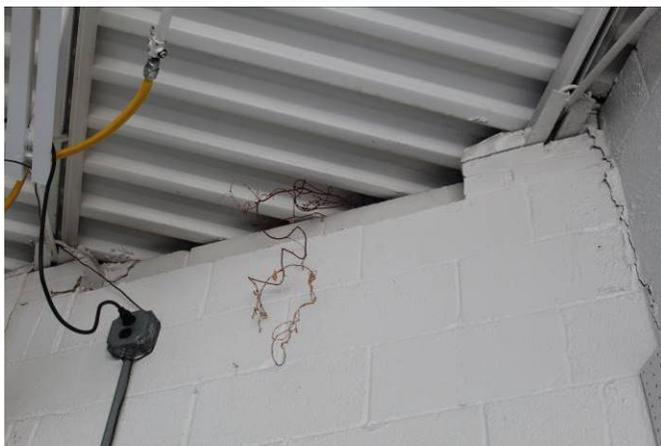
Gaps between window and window frame.



Oil canisters and tanks in garage bay.



Spalling concrete, chemical spills, and chemical storage.



Vegetation growing into the building's interior. Cracking exterior building wall.



Missing roof leaders.

The property meets redevelopment criteria “d”: *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

The following site conditions observed lead to a determination that the property satisfies the “d’ criteria:

- Undefined parking and circulation aisles: The site functions without a defined circulation pattern, or delineated parking areas. There are no pavement markings indicating a circulation pattern or parking stalls.
- Lack of defined ingress and egress points: There is a continuous curb opening along Windsor Avenue to access the surface bays along that frontage, and this also extends along the entire frontage of the property along Windsor creating the opportunity for vehicles to enter and exit the site at any point creating an unsafe condition.
- Lack of sidewalks and other pedestrian amenities: There are no pedestrian amenities on the site itself. The sidewalk along South Avenue has gaps and is not clearly delineated from the front yard parking areas. There is no sidewalk present along the Windsor Avenue frontage, and consequently, there are no pedestrian connections to the existing sidewalk network along Windsor Avenue. In short, pedestrian areas, where they exist, are not separated from motor vehicle circulation.
- Land uses that have an adverse impact on surrounding uses: The present conditions on the site are nonconforming with various regulations found in the Town Land Use Ordinance. Although no longer present, the auto repair facility was not a permitted principal or conditional use on the site. Side and rear yard setback requirements of 10 feet are not met. The maximum 90% coverage by improvements is exceeded as the lot is approximately 98% covered by the principal building and paved areas. Pursuant to Section 17.03C.5., off-street parking areas are to be set back the distance of the principal structure from front and side street property lines, and the parking areas are located in front and side street yard yards.
- Lack of buffering and screening: Existing landscaping on the property is limited to some overgrown foundation plantings adjacent to the office entry along South Avenue and a small patch of grass at the intersection of South and Windsor Avenues. The lack of screening creates a condition whereby the undesirable visual character of the property is not screened from public view or from adjacent uses.
- Environmental: The site is plagued with environmental concerns due to its prior use. The environmental concerns noted in the reports analyzed is a public health, safety, and welfare concern, and places the site at a greater competitive disadvantage in the

marketplace. A report prepared by ACE Insulation Company, dated December 26, 2018 indicates asbestos in roofing materials. Reports from CTM Environmental dated June 6, 2017 and September 24, 2019 indicate evidence of soil and groundwater contamination, need for soil excavation, removal from the site, and disposal; evidence of cleaning solvent spills, and the need for groundwater and soil investigation and monitoring.

As described above, the site is arranged and designed in a manner absent clear vehicular and pedestrian circulation patterns creating conflicts and the potential for conflicts between motorists and pedestrians; the site contains non-conforming uses and other Land Use Ordinance violations inconsistent with Town land use policy and regulation; and the lack of screening results in the undesirable visual character of the site being visible to the public and adjoining properties. This combination of conditions, along with the environmental concerns indicated, is detrimental to the health, safety, and general welfare to the public at large.

Captioned photographs follow and provide evidence to support the finding that the property meets criteria “d”.



Non-continuous sidewalk along South Avenue frontage.  
Pavement is deteriorating.



Deteriorated pavement along the South Avenue frontage.



No defined parking, circulation, or pedestrian amenities on the site. No buffering or screening.



No defined parking, circulation, or pedestrian amenities on the site. Continuous curb opening along Windsor Avenue. No buffering or screening.



No defined parking, circulation, or pedestrian amenities on the site.



Overgrown foundation plantings adjacent to building office entry.

Block 4005, Lot 3: 338 Windsor Avenue

Block and Lot	Block 4005; Lot 3
Street Address	338 Windsor Avenue
<b>Site Photograph</b>	<b>Site Context</b>
	
Owner	Westfield Crossing II, LLC
Acreage	.80
Year Built	1960
Tax Class	4A - Commercial
Zone District	Overlay Zone: SW-AHO (South Subzone) Underlying Zone: GB-2 – General Business
Permitted Use	No (prior was an auto body shop not compliant with conditions of the conditional use ordinance)

Property Description

The property is an interior lot with frontage on Windsor Avenue. The site measures .84 acres in size, and contains a single-story concrete block and brick structure once occupied by an auto body shop. There is a pedestrian entry to an office area in the front of the building. Along the northerly and southerly sides of the building are roll-up garage doors leading to interior workspaces. The structure exhibits signs of deterioration and was vacant at the time of inspection.

The majority percentage of the lot is improved with either building structure or pavement. There is a small lawn area and plantings within the Windsor Avenue front yard. A parking areas is located within the northerly side yard of the property, which also extends into the

Windsor Avenue front yard area. Construction vehicles including a backhoe and truck were stored in this location. There is also a paved parking area along Windsor Avenue directly in front of the building, portions of it being enclosed with fencing. Within the southerly side yard, exterior storage of an office trailer, dumpster, wood palettes, piping, and piles of miscellaneous debris were present. Six foot tall fencing is present, in many places in a state of disrepair and is topped with barbed wire.

Surrounding the property are residential uses to the east which are located within Garwood, a waterway (stream) and paved parking area owned by the State of New Jersey to the south, and a vacant commercial building to the north.

#### Criteria Applicability

The building on the site meets redevelopment criteria "a": *The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.*

The existing building exhibits dilapidated conditions, exemplified by visible water damage and infiltration, and mold. Ceiling tiles are damaged, missing, or falling throughout the building. There are broken windows with vegetation growing through them to the interior of the building. There are holes in the floor which have been filled with a stone aggregate but without a finished surface. There are visible cracks in an exterior concrete block wall, and damage to various parts of the building parapet.

The building on the site meets redevelopment criteria "b": *The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.*

An exterior and interior inspection of the building on the site was conducted. The building is 100% vacant. According to a representative of the property owner, the building has been vacant since 2015, well beyond the 2 consecutive years required by statute.

Captioned photographs follow and provide evidence to support the finding that the building on the property meets criteria "a" and "b".



Missing ceiling tiles and water damage.



Exposed installation and wiring



Missing ceiling panels.



Non-functional bathroom and falling ceiling.



Missing and damaged ceiling.



Evidence of water infiltration and mold.



Damaged interior walls.



Damaged and missing interior walls.



Asbestos tile flooring.



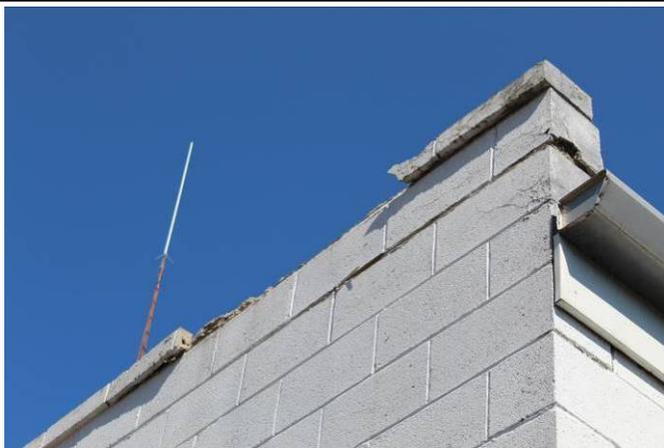
Filled holes in flooring.



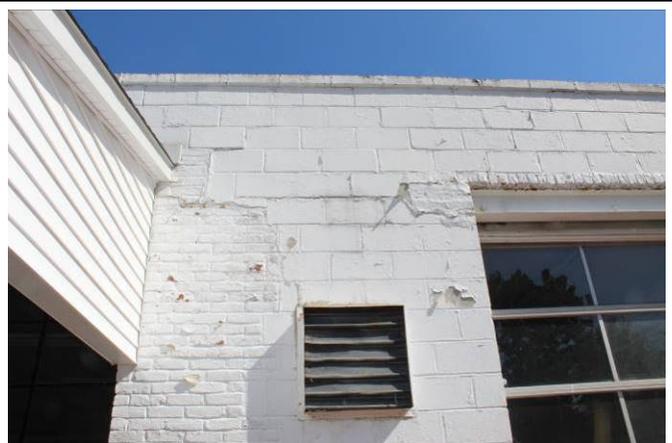
Broken windows with vegetation growing into the buildings interior.



Broken windows.



Damaged parapet, portions of which have fallen to the ground below.



Cracking exterior walls and peeling paint.

The property meets redevelopment criteria “d”: *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

The following site conditions observed lead to a determination that the property satisfies the “d’ criteria:

- Undefined parking and circulation aisles: The site functions without a defined circulation pattern, or delineated parking areas. There are no pavement markings indicating a circulation pattern and painting for parking stalls is faded and barely visible. A parking pad in the front of the building is unmarked and has no buffer between it and the travel way of Windsor Avenue.
- Lack of sidewalks and other pedestrian amenities: There are no pedestrian amenities on the site itself. There is no sidewalk present along the Windsor Avenue frontage, and consequently, there are no pedestrian connections to the existing sidewalk network along Windsor Avenue. In short, pedestrian areas, where they exist, are not separated from motor vehicle circulation.
- Land uses that have an adverse impact on surrounding uses: The present conditions on the site are nonconforming with various regulations found in the Town Land Use Ordinance. Although no longer present, the auto body repair facility was a permitted conditional use on the site. However, the site is nonconforming with the conditions for auto body repair facilities in the zone including minimum front yard (50 feet required and approximately 20 feet exists), minimum rear yard (25 feet required and approximately 14 feet exists), and building coverage (approximately 35% where 20% is permitted). In addition, the maximum 90% coverage by improvements allowed in the GB-2 Zone District is exceeded as the lot is approximately 93% is covered by the principal building and paved areas. Pursuant to Section 17.03C.5., off-street parking areas are to be set back the distance of the principal structure from front and side street property lines, and parking areas are located in front yard areas. Six foot tall fencing topped with barbed wire delineates portions of the site from the Windsor Avenue right-of-way, and the adjoining properties in Garwood, including residential properties. Additionally, the outdoor storage of debris is taking place on site which is a violation of the Land Use Ordinance.
- Unsafe and improper storage of materials: Piles of debris are at various locations on the site including along fencelines and near an adjacent waterway.
- Lack of buffering and screening: Existing landscaping on the property is limited to a grass area and some foundation plantings along Windsor Avenue. The lack of

screening creates a condition whereby the undesirable visual character of the property is not screened from public view or from adjacent uses.

- Environmental: The site is plagued with environmental concerns due to its prior use. The environmental concerns noted in the reports analyzed is a public health, safety, and welfare concern, and places the site at a greater competitive disadvantage in the marketplace. A report prepared by ACE Insulation Company, dated December 26, 2018 indicates asbestos in roofing, flooring, and window glazing. Reports from CTM Environmental dated June 6, 2017 and September 24, 2019 indicate contaminated soil which needs excavation, transportation from the site, and removal; evidence of paint thinner spills; underground storage tanks; gasoline release; and, petroleum product stains on flooring and asphalt. The need for groundwater and soil investigation and monitoring is also noted.

As described above, the site is arranged and designed in a manner absent clear vehicular and pedestrian circulation patterns creating conflicts and the potential for conflicts between motorists and pedestrians; the site contains Land Use Ordinance violations inconsistent with Town land use policy and regulation; and the lack of screening results in the undesirable visual character of the site being visible to the public and adjoining residential properties. This combination of conditions, along with the environmental concerns indicated, is detrimental to the health, safety, and general welfare to the public at large.

Captioned photographs follow and provide evidence to support the finding that the property meets criteria “d”.



Six foot tall barbed wire topped fence.



Six foot tall barbed wire topped fence.



Lack of buffering or screening from adjacent residential uses in Garwood.



Lack of a clearly defined entry to the site's parking area. No curbing present that helps in drainage control.



Unmarked parking pad in front of building lacking any buffer with the travel way of Windsor Avenue.



Deteriorating paving in parking area. Barely visible parking stall delineation.



Debris, weed growth, and barbed wire fencing along the



Debris storage in old oil drums along the Windsor

property line shared by an adjacent residential use.



Debris storage within the southerly yard of the site.

Avenue frontage.



Debris storage within the southerly yard of the site.



Debris storage within the southerly yard of the site, adjacent to a waterway.



Debris storage, lack of defined parking or circulation aisles.

Block 4005, Lot 4: 448 South Avenue East

Block and Lot	Block 4005, Lot 4
Street Address	448 South Avenue East
<b>Site Photograph</b>	<b>Site Context</b>
	
Owner	Westfield Crossing II, LLC
Acreage	.32
Year Built	1947
Tax Class	4A – Commercial
Zone District	Overlay Zone: SW-AHO (South Subzone) Underlying Zone: GB-2 – General Business
Permitted Use	No

Property Description

The property is a corner lot located at the intersection of South Avenue East and Windsor Avenue. It measures approximately .34 acres in size and contains a single-story brick-faced concrete block structure lastly occupied by an auto body repair facility. The site once contained a gasoline service station. The structure exhibits signs of deterioration and was vacant at the time of inspection. Along the South Avenue frontage of the building there are three service bays, and three pedestrian entries into the building.

There are no sidewalks along either road frontage, and parking spaces marked with badly faded paint extend right up to the curb. Some of these spaces are located directly in front of a curb-opening/access to the site from South Avenue creating a confusing condition for motorists. On-site pavement is in poor condition with cracks, potholes, and surface

degradation present. There is a freestanding sign post with an empty sign box at the street intersection.

Criteria Applicability

The building on the site meets redevelopment criteria “a”: *The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.*

The existing building exhibits dilapidated conditions, exemplified by visible water damage and infiltration, and mold. Ceiling tiles are missing, or falling throughout the building. The floor is marked with chemical spills and is spalling in certain areas. Headers above doorways were rusting.

The building on the site meets redevelopment criteria “b”: *The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.*

An exterior and interior inspection of the building on the site was conducted. The building is 100% vacant. According to a representative of the property owner, the building has been vacant since 2015, well beyond the 2 consecutive years required by statute.

Captioned photographs follow and provide evidence to support the finding that the building on the property meets criteria “a” and “b”.



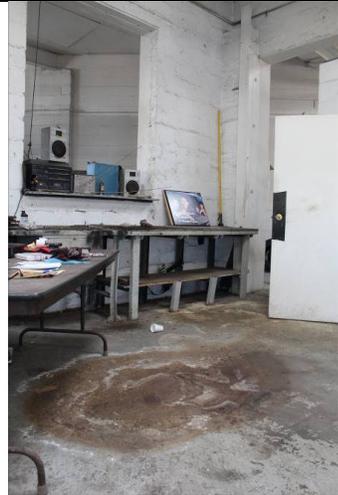
Missing ceiling and evidence of water infiltration including mold.



Missing ceiling and evidence of water infiltration including mold.



Evidence of water infiltration on exterior building wall.



Evidence of water infiltration on flooring.



Chemical spills present on the floor.



Falling light fixtures.



Floor damage. Vacant building.



Rusting door headers.

The property meets redevelopment criteria “d”: *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

The following site conditions observed lead to a determination that the property satisfies the “d” criteria:

- Undefined circulation aisles: The site functions without a defined circulation pattern. There are no pavement markings indicating a circulation pattern and painting for parking stalls is faded and barely visible. Along South Avenue East, parking stalls are located directly in front of a curb opening, creating potential vehicular conflicts.
- Lack of sidewalks and other pedestrian amenities: There are no pedestrian amenities on the site itself. There is no sidewalk present along either road frontage, and consequently, there are no pedestrian connections to the existing sidewalk network along South Avenue East or Windsor Avenue. In short, pedestrian areas, where they exist, are not separated from motor vehicle circulation.
- Land uses that have an adverse impact on surrounding uses: The present conditions on the site are nonconforming with various regulations found in the Town Land Use Ordinance. Although no longer present, the auto body repair facility was not a permitted principal use nor did it meet all conditions present in the ordinance for an auto body repair shop. Unmet conditions include: side and rear yard setback requirements of 25 feet are not met (+/- 5 feet exists). A minimum lot frontage of 100 feet is not met along Windsor Avenue (54.04 feet exists). The maximum 20% coverage by buildings and above grade structures is exceeded (approximately 38% exists). In addition, GB-2 minimum required side and rear yard setbacks of 10 feet are not met and the site is near 100% covered by improvements where only 90% is permitted. Pursuant to Section 17.03C.5., off-street parking areas are to be set back the distance of the principal structure from front and side street property lines, and a parking area is located in the front yard.
- Lack of buffering and screening: Apart from weeds growing through cracks in the pavement or within the side yard of the property, there is no greenery on the site at all. The lack of screening creates a condition whereby the undesirable visual character of the property is not screened from public view or from adjacent uses.
- Environmental: The site is plagued with environmental concerns due to its prior use. The environmental concerns noted in the reports analyzed is a public health, safety, and welfare concern, and places the site at a greater competitive disadvantage in the marketplace. A report prepared by ACE Insulation Company, dated December 26, 2018 indicates asbestos in roofing materials. Reports from CTM Environmental dated June 6, 2017 and September 24, 2019 indicate evidence of staining and oil absorbent granules,

underground storage tanks with evidence of soil contamination (tank removal permit granted by the Westfield Building Department on August 2, 2018, permit still open) evidence of cleaning solvent spills, and the need for groundwater investigation.

As described above, the site is arranged and designed in a manner absent clear vehicular and pedestrian circulation patterns creating conflicts and the potential for conflicts between motorists and pedestrians; the site contains Land Use Ordinance violations inconsistent with Town land use policy and regulation; and the lack of screening results in the undesirable visual character of the site being visible to the public, particularly front yard parking areas. This combination of conditions, along with the environmental concerns indicated, is detrimental to the health, safety, and general welfare to the public at large.

Captioned photographs follow and provide evidence to support the finding that the property meets criteria “d”.



Curb opening, however, unusable due to parking at its location. Creates a potential for vehicular conflicts.



Faded parking space delineation and deteriorating pavement.



Deteriorating pavement and lack of defined circulation aisles. Lack of sidewalks or other pedestrian amenities.



Deteriorating pavement.



Lack of buffering or screening. Weed growth within the property side yard.



Lack of sidewalks or pedestrian amenities on the site.

## Redevelopment Criteria “h”

All 5 properties within the study area meet redevelopment criteria “h”: The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation. The “h” criteria addresses smart growth consistency and provides that municipalities can designate an area in need of redevelopment if the designation is consistent with smart growth planning principles adopted pursuant to law or regulation.

All properties within the study area are located within the Metropolitan Planning Area (PA1) as shown in the 2001 State Development and Redevelopment Plan. As described earlier in this Preliminary Investigation Report, the State Plan’s intention for areas within the Metropolitan Planning Area is to:

- Provide for much of the state’s future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

Therefore, the location of the Study Area is within an area of New Jersey identified for revitalization, stabilization, and compact growth.

The New Jersey Office of Planning Advocacy has defined smart growth as “well-planned, well managed growth that adds new homes and creates new jobs, while preserving open space, farmland, and environmental resources. Smart growth supports livable neighborhoods with a variety of housing types, price ranges and multi-modal forms of transportation.” Smart growth is epitomized by compact, transit-accessible, pedestrian-oriented, and environmentally sustainable development. Smart growth may exhibit one or more of the following characteristics:

- Mixed land uses.
- Compact, clustered community design.
- A wide range of housing choices and opportunities.
- Walkable neighborhoods.
- Distinctive, attractive communities offering a sense of place.
- Open space, farmland, and scenic resource preservation.
- Development directed to existing communities and infrastructure.
- Sustainable design
- A variety of transportation options.

Designation of the area as an area in need of redevelopment is consistent with smart growth planning principles as described above. Smart growth defining elements and characteristics which are affirmed by this designation include the ability to take advantage of compact design, the feasibility of creating a range of housing choices, opportunities, and price ranges, fostering walkable neighborhoods, promoting distinctive, attractive communities offering a sense of place, and directing development to existing communities and infrastructure, including available rail and bus transit. The Study Area's proximity to public transit, both bus and commuter rail lines, provides for a variety of transit options. This proximity is also ideal for the promotion of smart growth principles that encourage compact design, creating a wide range of housing choice, and support for a walkable neighborhood.

The properties lack any distinctive or attractive design that would contribute to any sense of place in Westfield. The sites contain vacant commercial buildings, outdoor storage, and little to no accommodation for pedestrians for either circulation on-site or connection to surrounding neighborhoods. The property does however, have the potential to contribute to the Town's sense of place, creating a destination location and a walkable neighborhood near mass transit with a mix of both residential and non-residential uses consistent with smart growth planning principles.

The properties are all identified within the 2018 Housing Element and Fair Share Plan and 2018 Land Use Plan as an appropriate location for inclusionary housing. Their development consistent with those plans would itself be consistent with smart growth planning principles and would continue the Town's land use policy of locating residential development near major bus routes and transit stations where residential densities can be best accommodated.

The following community wide benefits of development consistent with the 2018 Land Use Element were noted, and include a reference to their consistency with smart growth planning principles:

1. Suitability for residential development given its close proximity to transit facilities specifically the Garwood and Westfield rail stations, and the Town's central business district;
2. Promotion of the efficient use of land near consistent with New Jersey Smart Growth principles by locating residential development near major transit hubs. The benefit of locating housing development near the towns' transit hub and downtown include but are not limited to the following:
  - a. Providing multiple transit options by both rail and bus to future residents reduces traffic congestion and parking demand;
  - b. Promotion of the more efficient use of land through redevelopment. Development as envisioned by the Land Use Element will revitalize the North and South Avenue corridors, portions of which are characterized by aging

buildings with poor site arrangements (excessive building and pavement coverage, lack of green space or landscaping, poor site circulation and poor parking lot arrangements);

- c. Proximity to the central business district will afford future residents convenient access to shop and enjoy downtown amenities and services which will also benefit downtown businesses.
3. Westfield has a long-standing policy of promoting affordable housing near its rail station along the North and South Avenue corridors as a means of creating “transit oriented development.”
  4. There are already existing affordable housing zones on North and South Avenues. The extension of these zones to encompass additional parcels reinforces this development pattern within the corridors and will result in a more cohesive land use arrangement.

### **Conclusion and Recommendations**

This analysis concludes that the Study Area meets the statutory criteria necessary in order to be declared an area in need of redevelopment. A determination to designate a redevelopment area is the first step in the redevelopment process. It is a delineation of an area in which a municipality intends to pursue an active role in furthering redevelopment. Next steps include the drafting and adoption of a redevelopment plan for the area, and working to effectuate or implement the redevelopment plan.

These steps are outlined below. For each step, recommended actions are provided for the Town’s information and consideration.

#### **Step One: Designate an Area in Need of Redevelopment**

- The LRHL provides that “no area of a municipality shall be determined a unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in section 5 of P.L. 1992, c.79 (C.40A:12A-5)”. Such determination must be made after public notice and hearing as required in the LRHL.
  - The Mayor and Council authorized the Planning Board to conduct the preliminary investigation by Resolution Number 220-2019.
- Upon receipt of this preliminary investigation, the Planning Board is required to hold a public hearing. Notices for the hearing are required to be published in the newspaper of record in the municipality once each week for two consecutive weeks and a copy of the notice mailed to the last owner of record of each property within the proposed

### Redevelopment Area.

- Upon completion of the Planning Board hearing, the Planning Board is required to forward its recommendation regarding whether the delineated area, or any part thereof, should be designated, or not designated, by the Mayor and Council to be an area in need of redevelopment.
- After receiving the recommendation of the Planning Board, the Mayor and Council may adopt a resolution designating the delineated area, or any part thereof, as an area in need of redevelopment. Notice of such a determination is then sent to each objector, if any, who has sent in a written protest.

### **Step Two: Prepare and Adopt a Redevelopment Plan**

- If the area, or part thereof, is designated, as the next step in the redevelopment process, a redevelopment plan is prepared to guide development within the delineated area. The Mayor and Council may choose to prepare the redevelopment plan itself, or designate this task to the Planning Board.
- A Redevelopment Plan is required to include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:
  - It's 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.
  - Proposed land uses and building requirements in the project area.
  - Adequate provisions for temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe, and sanitary dwelling units affordable to displaced residents will be available in the existing local housing market.
  - An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
  - 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, and (c) the State Development and Redevelopment Plan.
  - An inventory of all affordable housing units that exist at the date of the adoption of the resolution finding the area to be in need of redevelopment that are to be

removed as a result of implementation of the redevelopment plan.

- A plan for the provision of affordable replacement housing unit that is identified to be removed as a result of implementation of the redevelopment plan.
- A redevelopment plan must also describe its relationships to pertinent municipal development regulations.

### **Step Three: Implement the Redevelopment Plan**

- No redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance by the Mayor and Council.
- Upon redevelopment plan adoption, a redevelopment entity may proceed with the development and redevelopment of the specified area.
- The redevelopment entity may arrange or contract with redevelopers to effectuate the redevelopment plan.
- All applications for development or redevelopment of a designated redevelopment area or a portion of a redevelopment area are submitted to the Planning Board for its review and approval in accordance with the requirements for review and approval of subdivisions and site plans set forth by ordinance.

## **Appendices**

Appendix A: Resolution Number 220-2019

Appendix B: Land Use Ordinance Section 11.39

Appendix C: Land Use Ordinance Section 11.29

Appendix D: Land Use Ordinance Section 11.27

**Appendix A**  
**Resolution Number 220-2019**

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO. 220-2019**

**CODE REVIEW & TOWN PROPERTY COMMITTEE**

**SEPTEMBER 3, 2019**

**RESOLUTION OF THE MAYOR AND COUNCIL FOR THE TOWN OF WESTFIELD, COUNTY OF UNION, NEW JERSEY AUTHORIZING THE PLANNING BOARD TO INVESTIGATE WHETHER CERTAIN PROPERTIES QUALIFY FOR DESIGNATION AS A NON-CONDEMNATION REDEVELOPMENT AREA PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment, and

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, authorizes municipalities to investigate and determine whether certain parcels of land in the municipality constitute non-condemnation redevelopment areas; and

**WHEREAS**, to determine whether certain parcels of land constitute a non-condemnation redevelopment area, the Mayor and Council for the Town of Westfield (the "Mayor and Council") must authorize the Planning Board for the Town of Westfield ("Planning Board") to conduct an investigation of the area and make recommendations to the Mayor and Council; and

**WHEREAS**, the Mayor and Council desires to explore whether the real property located at Block 3307, Lots 1 and 2; Block 4004, Lot 17; and Block 4005, Lots 3 and 4, all as shown on the Official Tax Map of the Town of Westfield (the "Study Area") may be an appropriate area for consideration for the program of redevelopment.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council for the Town of Westfield:

1. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the above referenced Study Area satisfies any of the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as a non-condemnation redevelopment area.

2. As part of its investigation, the Planning Board shall prepare a map covering the Study Area and showing the boundaries of the proposed non-condemnation redevelopment area and the location of the various parcels contained therein and attaching to the map a statement setting forth the basis for the investigation.

3. The Planning Board shall conduct a public hearing, after giving due notice of the boundaries of the proposed area and the date of the hearing to any persons who are interested in or would be affected by a determination that the area delineated in the notice is a non-condemnation redevelopment area.

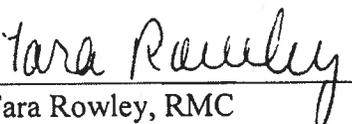
4. At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the area delineated in the notice is a non-condemnation redevelopment area. All objections to a determination that an area is a non-condemnation redevelopment area and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

5. After conducting its investigation, preparing a map of the proposed non-condemnation redevelopment area, conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Mayor and Council in the form of a resolution with supporting documentation as to whether the Mayor and Council should designate all or some of the area identified above as an non-condemnation redevelopment area pursuant to the Local Redevelopment and Housing Law.

6. That the redevelopment area determination shall further authorize the Town of Westfield to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, other than the use of eminent domain.

\*\*\*\*\*

I hereby certify that the within Resolution is a true and exact copy of the Resolution adopted by the Westfield Town Council at their meeting of September 3, 2019.

  
Tara Rowley, RMC  
Town Clerk

**Appendix B**  
**Land Use Ordinance Section 11.39**

**§ 11.39. SW-AHO AFFORDABLE HOUSING OVERLAY DISTRICT. [Added 03-13-18 by Ord. No. 2097]**

- A. **Purpose and intent.** The purpose of this article is to supplement Article 11 of the Code of the Town of Westfield in such a manner as to provide for the realistic opportunity for the development of affordable housing for households of low and moderate income, as required by Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and consistent with an amended order entered by the Superior Court of New Jersey on October 30, 2017 and filed by the court on November 1, 2017 which approved the settlement of a declaratory judgment action filed by the Town of Westfield titled In re Town of Westfield Compliance with Third Round Mount Laurel Affordable Housing Obligations, Docket No. UNN-L-2391-15, (the "DJ Action") (the "Settlement Approval Order"). These regulations are intended to implement the Settlement Approval Order.
  
- B. **Applicability.** These regulations shall apply to the following properties: Block 3307, Lots 1 and 2; Block 4004, Lot 17; and Block 4005, Lots 3 and 4, all as shown on the Official Tax Map of the Town of Westfield. This overlay includes the following two subzones:
  - 1. North Subzone: Block 3307, Lots 1 and 2, which are currently located in the C zone district on the Zoning Map of the Town of Westfield.
  - 2. South Subzone: Block 4004, Lot 17; and Block 4005, Lots 3 and 4, which are currently located in the GB-2 zone district on the Zoning Map of the Town of Westfield.
  
- C. **Principal uses and structures.** In addition to any use permitted in the underlying zone district, the following principal uses and structures shall be permitted in the SW-AHO zone district:
  - 1. Multi-family residences as defined in Article 2.
  - 2. Retail sales and retail services designed to serve a strictly local population on the ground floor only.
  - 3. Private open space, private parks and playgrounds.
  - 4. Block 4004, Lot 17, as shown on the Official Tax Map of the Town of Westfield, shall be used for either parking or open space appurtenant to Block 4005, Lots 3 and 4.
  - 5. Existing permitted uses, permitted by the underlying zone district.
  - 6. Development of a site in the SW-AHO is permitted for either a permitted use authorized pursuant to the underlying zone

or in the alternative, a use permitted by the overlay zone, but not both.

Multiple principal uses shall be permitted within a single building.

D. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the SW-AHO district:

1. Parking and parking facilities as regulated herein;
2. Signs as regulated in Article 16;
3. Antennas, as regulated in § 13.04; and
4. Accessory uses and structures customarily subordinate and incidental to permitted principal uses and shall include building lobbies, community rooms, fitness rooms, laundries, roof terraces on first or second story rooftops only, pools, storage and stormwater management facilities.

E. **Prohibited uses and structures.** Any uses or structures, other than those uses or structures permitted in subsection C through D above, are prohibited.

F. **Bulk and lot regulations - North Subzone.** The following bulk and lot regulations shall apply to all developments within the North Subzone of the SW-AHO zone district:

1. Minimum tract area. There shall be a minimum tract area of four (4) acres.
2. Minimum lot frontage and lot width. There shall be a minimum lot frontage and lot width of six hundred (600) feet along South Avenue.
3. Minimum front yard. Ten (10) feet.
4. Minimum side yard. Ground floor: Five (5) feet. Upper floors: Fifteen (15) feet.
5. Minimum rear yard. Ground floor: Five (5) feet. Upper floors: Fifteen (15) feet.
6. Maximum building height. No principal building shall exceed sixty-five (65) feet in height, as measured from average grade to the roof ridge. The maximum number of stories, including parking, shall be three stories within 100 feet of South Avenue and/or within 200 feet of any existing residential use in the Town of Westfield, and four stories beyond 100 feet of South Avenue and 200 feet of any existing residential use in the Town of Westfield.

7. Maximum coverage by buildings and other structures. No more than ninety-five (95) percent of the area of any lot shall be covered by buildings and above-grade structures. Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.
  8. Maximum density. The maximum density shall be thirty-seven and seventy-seven hundredths (37.77) units per acre.
  9. Maximum retail floor area. The maximum floor area devoted to retail sales and retail service uses shall be twelve thousand (12,000) square feet. Such uses shall be designed to serve a strictly local population.
  10. Floor area requirements. The minimum floor area provisions of Article 12 of the Town of Westfield Land Use Ordinance § 12.04D shall not apply to the SW-AHO zone district, nor shall there be any maximum floor area ratio requirements applicable to the SW-AHO zone district.
- G. **Bulk and lot regulations - South Subzone.** The following bulk and lot regulations shall apply to all developments within the South Subzone of the SW-AHO district:
1. Minimum tract area. There shall be a minimum tract area of one (1) acre, which may include the total of all parcels in the subzone.
  2. Minimum lot frontage and lot width. There shall be a minimum lot frontage and lot width of three hundred fifty (350) feet along South Avenue, which may be non-contiguous and include the total of all parcels in the subzone.
  3. Minimum front yard along South Avenue. Ten (10) feet.
  4. Minimum street side yard along Windsor Avenue. Fifteen (15) feet.
  5. Minimum side yard. Fifteen (15) feet.
  6. Minimum rear yard (opposite South Avenue). Twenty-five (25) feet.
  7. Maximum building height. No principal building shall exceed forty (40) feet in height, as measured from average grade to the roof ridge. The maximum number of stories shall be three stories, including parking.
  8. Maximum coverage by buildings and other structures. No more than seventy (70) percent of the total area of all parcels in the subzone shall be covered by buildings and above-grade structures. Earthen flood detention basins as defined

herein shall not be considered as a building or structure for purposes of computing this coverage.

9. Maximum coverage by improvements. No more than ninety (90) percent of the total area of all parcels in the subzone shall be covered by physical improvements, including, but not limited to, buildings; above-grade structures; and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, swimming pools, etc.
10. Maximum density. The maximum density shall be twenty-five (25) units per acre. Density shall be calculated for the entire area of the South Subzone of the SW-AHO zone district, including non-contiguous parcels.
11. Maximum retail floor area. The maximum floor area devoted to retail and other commercial uses shall be five thousand (5,000) square feet.
12. Floor area requirements. The minimum floor area provisions of Article 12 of the Town of Westfield Land Use Ordinance § 12.04D shall not apply to the SW-AHO zone district, nor shall there be any maximum floor area ratio requirements applicable to the SW-AHO zone district.

**H. Design Standards.**

1. The Design Standards set forth in § 10.15 shall apply.
2. The longest dimension of any continuous exterior wall of any building shall not be greater than fifty (50) feet. For the purpose of administering this provision, any exterior wall that is offset for a depth of four (4) feet or greater shall be construed as a separate wall.
3. The use of vinyl siding as an exterior wall material is prohibited.

- I. Parking.** All parking shall be located within the subzone it is intended to serve and shall be enclosed within a building, with the exception of a maximum of twenty (20) surface parking spaces in the South Subzone. All parking and driveway improvements shall comply with the provision of the Residential Site Improvement Standards (RSIS), except that the minimum number of parking spaces shall be as listed below. In addition, development of all property within this zone shall be in compliance with the following provisions of Article 17 of the Town of Westfield Land Use Ordinance §§ 17.05B and C, 17.06, 17.07, 17.08, 17.09, 17.10, 17.11, 17.12 and 17.13. The parking space depth requirement in § 17.04A for spaces with no curb overhang shall not apply to the SW-AHO zone district. The following minimum parking ratios shall apply to uses within the SW-AHO zone district:

1. Residential uses. The RSIS standards for high-rise dwellings shall apply.
  2. Nonresidential uses. One (1) space for each three hundred (300) square feet of gross floor area.
- J. **Yard location and minimum setbacks for parking areas.** Off-street parking areas are prohibited in front and street side yards, and parking areas shall be set back at least five (5) feet from side and rear property lines.
- K. **Loading.** The requirements for the minimum number of off-street loading and unloading spaces in Article 17 of the Town of Westfield Land Use Ordinance § 17.02E shall not apply to the SW-AHO zone district.
- L. **Residential unit location restrictions.** There shall be no residential units on the ground floor of any building. The ground floor shall only be used for common areas and facilities for the residents of the building, parking and permitted nonresidential uses.
- M. **Affordable housing set aside in the North Subzone.** In the North Subzone of the SW-AHO, at least fifteen (15) percent of the units constructed, plus three additional housing units transferred to the North Subzone of the SW-AHO zone district pursuant to the settlement approval order, shall be rented at rates affordable to low-, very low- and moderate-income limits in accordance with all applicable regulations of the affordable housing regulations of Article 23, the state's Uniform Housing Affordability Controls (N.J.A.C 5:80-26.1 et seq.) and Council on Affordable Housing regulations (N.J.A.C. 5:97-1.1 et seq.), with any fractional unit to be rounded upward. All affordable units shall be constructed on site. The three additional affordable housing units shall be earmarked for special needs tenants in accordance with the requirements set forth in the settlement approval order.
- N. **Affordable housing set aside in the South Subzone.** In the South Subzone of the SW-AHO, at least fifteen (15) percent of the units constructed shall be rented at rates affordable to low-, very low- and moderate-income limits in accordance with all applicable regulations of the affordable housing regulations of Article 23, the state's Uniform Housing Affordability Controls (N.J.A.C 5:80-26.1 et seq.) and Council on Affordable Housing regulations (N.J.A.C. 5:97-1.1 et seq.), with any fractional unit to be rounded upward. All affordable units shall be constructed on site.
- O. **Other regulations.** In addition to the above requirements, any development in the SW-AHO district must comply with all applicable regulations of this ordinance including, but not limited to, the following:

1. The general provisions of Article 12, except as regulated herein;
2. The regulations affecting accessory buildings, structures and uses in Article 13; and
3. The sign provisions of Article 16.

**Appendix C**

**Land Use Ordinance Section 11.29**

**§ 11.29. C COMMERCIAL DISTRICT.**

A. **Principal uses and structures.** The C zone district is designed for limited industrial and manufacturing uses, but also retail and wholesale sales, personal and business services, and business, administrative and professional offices. The following principal uses and structures shall be permitted in the C zone district:

1. limited industrial and manufacturing uses conforming with the performance standards of § 12.15;
2. scientific and research facilities limited to those uses which meet all of the following descriptions:
  - a. all aspects of the use, other than parking, shipping, and deliveries, are carried on within the principal building on the site; and,
  - b. the total habitable floor area does not exceed eighty thousand (80,000) square feet;
3. business establishments devoted primarily to the retail sales of goods and personal services on the premises, including restaurants and food establishments intended for food consumption on the premises or for take-out of food;
4. wholesale commercial establishments;
5. warehouses or storage buildings;
6. dry cleaners, including but not limited to establishments where the dry cleaning is performed on the premises;
7. banks and other financial institutions engaged in the business of accepting deposits from the public and/or extending credit to the public in the form of loans;
8. business, administrative and professional offices, or other business establishments providing the following services:
  - a. finance, insurance or real estate sales or services;
  - b. business or professional services;
  - c. health services;
  - d. social services;
  - e. consulting services;

9. museums, art galleries and indoor motion picture theaters, and theaters for conducting live entertainment or cultural performances;
10. child care centers;
11. governmental buildings and municipal parking facilities;
12. public parks and playgrounds; and
13. Board of Education administrative offices.

B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the C zone district:

1. parking and parking facilities as regulated in Article 17;
2. signs as regulated in Article 16;
3. antennas as regulated in § 13.04;
4. mobile storage structures as regulated in § 13.03B; and
5. other accessory uses and structures customarily subordinate and incidental to permitted principal use and permitted conditional uses.

C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the C district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. facilities of non-profit charter membership organizations and the offices of charitable organizations;
2. gasoline filling stations and gasoline service stations;
3. public garages;
4. automatic car washes and drive-through lubricating establishments;
5. automobile body repair shops and automobile painting facilities;
6. lumber, building material and garden center sales;
7. residential-type public utility facilities;
8. industrial-type public utility facilities; and
9. certain cellular telecommunications antennas as set forth in Article 18.

D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited. In addition, and notwithstanding the above permitted uses, the following uses shall be specifically prohibited:

1. public or private schools;
2. residential use of any kind;
3. used car sales, unless such sales are accessory to the sale of new cars sold within the confines of a building;
4. private commercial parking lots as a principal use;
5. trucking terminals;
6. any business conducted outside the confines of a building, except as may be specifically permitted by this ordinance and except those temporary activities permitted by special permission from the Town Council;
7. any building, structure or use involving the sale of food or beverages to be served or consumed on the premises, but outside the confines of the building. This prohibition shall include the serving of food from the interior of the building to the exterior through a window or other opening;
8. all aboveground and underground bulk storage of liquefied petroleum gases, gasoline, diesel fuel, kerosene, No. 2 fuel, fuel oil, chemicals or similar hazardous, flammable or combustible liquids in any amount, except as permitted otherwise by § 13.05 and § 13.06. Aboveground or basement storage of up to five hundred and thirty (530) gallons of kerosene or No. 2 heating fuel in approved storage tanks and used exclusively for heating purposes on the premises is exempted from the above prohibition;
9. petroleum refining and related industries;
10. commercial incineration, junk yards, or rubbish, garbage or trash dumps; and
11. any building, structure or use which would create an undue hazard of fire, explosion or nuisance by reason of odor, noise, dust or smoke, or which in any way would be detrimental to the health, public morals and public safety of the community.

**E. Bulk and lot regulations.**

The following bulk and lot regulations shall apply to all uses permitted within the C zone district, unless more stringent requirements are provided by this ordinance:

1. Minimum front yard. There shall be a minimum front yard of ten (10) feet.
2. Minimum side yard. There shall be two (2) side yards, and no side yard shall be less than twelve (12) feet.
3. Minimum rear yard. There shall be a minimum rear yard of ten (10) feet.
4. Maximum building height. No principal building shall exceed the maximum of two (2) habitable floors, exclusive of basement, but not more than forty (40) feet in height.

**F. Other regulations.** In addition to the above requirements, any development in the C zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the regulations affecting accessory buildings, structures and uses in Article 13;
3. the off-street parking provisions of Article 17; and
4. the sign provisions of Article 16.

**Appendix D**  
**Land Use Ordinance Section 11.27**

**§ 11.27. GB-2 GENERAL BUSINESS DISTRICT.**

A. **Principal uses and structures.** The GB-2 zone district is intended to encourage retail and wholesale sales, personal and business services, as well as business, administrative and professional offices. The following principal uses and structures shall be permitted in the GB-2 zone district:

1. business establishments devoted primarily to the retail sales of goods and personal services on the premises, including restaurants and food establishments intended for food consumption on the premises or for take-out of food;
2. banks and other financial institutions engaged in the business of accepting deposits from the public and/or extending credit to the public in the form of loans;
3. business, administrative and professional offices, or other business establishments providing the following services:  
**[Amended 09-29-09 by Ord. No. 1946]**
  - a. finance, insurance or real estate sales or services;
  - b. business or professional services;
  - c. health services;
  - d. social services;
  - e. consulting services; and
  - f. educational services;
4. museums, art galleries and indoor motion picture theaters, and theaters for conducting live entertainment or cultural performances;
5. child care centers;
6. wholesale commercial establishments;
7. dry cleaners;
8. governmental buildings and municipal parking facilities;
9. public parks and playgrounds; and
10. Board of Education administrative offices.
11. Establishments engaged in offering instruction in art, dance including dance studios, music, gymnastics, martial arts. **[Amended 6-6-17 by Ord. No. 2082]**

- B. **Accessory uses and structures.** The following accessory uses and structures shall be permitted in the GB-2 zone district:
1. parking and parking facilities as regulated in Article 17;
  2. signs as regulated in Article 16;
  3. antennas, as regulated in § 13.04;
  4. mobile storage structures as regulated in § 13.03B; and
  5. other accessory uses and structures customarily subordinate and incidental to permitted principal uses and permitted conditional uses.
- C. **Conditional uses and structures.** The following conditional uses and structures shall be permitted in the GB-2 district only if they comply with the appropriate regulations for such uses or structures in Article 18:
1. houses of worship;
  2. non-profit chartered membership organizations;
  3. gasoline filling stations and gasoline service stations;
  4. public garages;
  5. automatic car washes and drive-through lubricating establishments;
  6. automobile body repair shops, and automobile painting facilities licensed by the State of New Jersey;
  7. residential-type public utility facilities; and
  8. certain cellular telecommunications antennas as set forth in Article 18.
- D. **Prohibited uses and structures.** Any use or structure other than those uses or structures permitted in subsection A, B or C above are prohibited. In addition, and notwithstanding the above permitted uses, the following uses shall be specifically prohibited:
1. manufacturing, assembly or fabrication of goods or merchandise;
  2. public or private schools;
  3. any building, structure or use involving the sale of food or beverages to be served or consumed on the premises, but outside the confines of the building. This prohibition

shall include the serving of food from the interior of the building to the exterior through a window or other opening;

4. residential use of any kind;
5. all aboveground and underground bulk storage of liquefied petroleum gases, gasoline, diesel fuel, kerosene, No. 2 fuel, fuel oil, chemicals or similar hazardous, flammable or combustible liquids in any amount, except as permitted otherwise by § 13.05. Aboveground or basement storage of up to five hundred and thirty (530) gallons of kerosene or No. 2 heating fuel in approved storage tanks and used exclusively for heating purposes on the premises is exempted from the above prohibition;
6. any building, structure or use which would create an undue hazard of fire, explosion or nuisance by reason of odor, noise, dust or smoke, or which in any way would be detrimental to the health, public morals and public safety of the community;
7. used car sales, unless such sales are accessory to the sale of new cars sold within the confines of a building;
8. private commercial parking lots as a principal use; and
9. any business conducted outside the confines of a building, except as may be specifically permitted by this ordinance and except those temporary activities permitted by special permission from the Town Council.

**E. Bulk and lot regulations.**

The following bulk and lot regulations shall apply to all uses permitted within the GB-2 zone district, unless more stringent requirements are provided by this ordinance:

1. Minimum front yard. There shall be a minimum front yard equal to the height of the principal building, but not less than fifteen (15) feet in depth. Notwithstanding this requirement, where existing buildings on the same side of the street form an established front yard depth which is greater than fifteen (15) feet, the minimum front yard on the subject property shall be the same as said established front yard. If such established front yard depth varies, the dimension to be used in administering the above minimum front yard requirement shall be equal to the average depth of the established front yards. For purposes of administering this subsection, the properties used for determining said established front yard depth shall be located, in whole or in part, within two hundred (200) feet of the subject property measured along the street right-of-way line, and must be on the same side of the street, in

- the same block and in a zone district with the same front yard requirement.
2. Minimum side yard. There shall be two (2) side yards and no side yard shall be less than ten (10) feet notwithstanding the above requirement, when the side yard in the GB-2 zone district abuts a property in any residential zone, said side yard shall be not less than one (1) foot for every two (2) feet of height of the building located in the GB-2 zone district, but not less than ten (10) feet. Within this required side yard, there shall be a buffer at least ten (10) feet deep, within which plant material and/or a fence shall be installed, as required by the Planning Board, to adequately protect the abutting residential zone.
  3. Minimum rear yard. There shall be a rear yard of at least one (1) foot for every two (2) feet of height of the principal building on the lot which is the subject of the application, but not less than ten (10) feet. Notwithstanding the above requirement, when the rear yard in the GB-2 zone district abuts a property in any residential zone, said rear yard shall be not less than thirty-five (35) feet. Within this required rear yard, there shall be a buffer at least ten (10) feet deep, within which plant material and/or a fence shall be installed, as required by the Planning Board, to adequately protect the abutting residential zone.
  4. Maximum building height. No principal building shall exceed the maximum of three (3) habitable floors, exclusive of basement, or forty (40) feet in height, whichever is less.
  5. Maximum coverage by buildings and above-grade structures. No more than forty percent (40%) of the area of any lot shall be covered by buildings and above-grade structures. Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.
  6. Maximum coverage by improvements. No more than ninety percent (90%) of the area of any lot shall be covered by physical improvements, including but not limited to buildings; above-grade structures; and at-grade structures including, but not limited to, sidewalks, parking areas, patios, driveways, storage areas, etc. It is the intention of this provision that each lot shall have at least ten percent (10%) of its lot area without any improvements except vegetation. Earthen flood detention basins as defined herein shall not be considered as a building, structure or improvement for purposes of computing this coverage.
  7. Front yard landscaping. **Deleted. [Amended 09-11-12 by Ord. No. 1991]**

F. **Other regulations.** In addition to the above requirements, any development in the GB-2 zone district must comply with all applicable regulations of this ordinance, including but not limited to the following:

1. the general provisions of Article 12;
2. the regulations affecting accessory buildings, structures and uses in Article 13;
3. the off-street parking provisions of Article 17; and
4. the sign provisions of Article 16.