



Preliminary Investigation

Lord & Taylor Sites Westfield, NJ

Topology | 60 Union St #1N Newark, NJ 07105

**TOPO
LOGY**

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Introduction

Study Authorization

The following preliminary investigation has been prepared for the Town of Westfield Planning Board to determine whether certain properties qualify as non-condemnation areas in need of redevelopment under N.J.S.A. 40A:12A-5. The Mayor and Town Council of Westfield authorized the Planning Board, through Resolution 78-2020, annexed hereto as **Appendix A**, to conduct this preliminary investigation to determine whether designation of Block 2502, Lot 14; Block 2506, Lot 1; and Block 2508, Lot 11 as shown on the official tax map of the Town of Westfield (the "Properties," "Redevelopment Area(s)," or "Study Area") as in need of redevelopment is appropriate and in conformance with the statutory criteria in N.J.S.A. 40A:12A-5.

Summary of Findings

The analysis contained within this report will serve as the basis for the recommendation that Block 2502, Lot 14; Block 2506, Lot 1; and Block 2508, Lot 11 be designated as non-condemnation areas in need of redevelopment. The recommended parcels for designation (“Redevelopment Areas”) are reflected in the figure below.



Figure 1: Recommended Redevelopment Areas

Background

Legal Authority

New Jersey's Local Redevelopment and Housing Law (the "LRHL") empowers local governments to initiate a process by which designated properties that meet certain statutory criteria can be transformed to advance the public interest. Once an area is designated "in need of redevelopment" in accordance with statutory criteria, municipalities may adopt redevelopment plans and employ several planning and financial tools to make redevelopment projects more feasible and to remove deleterious conditions.

Redevelopment Procedure

The LRHL requires local governments to follow a process involving a series of steps before they may exercise powers under the LRHL. The process is designed to ensure that the public is given adequate notice and opportunity to participate in the public process. Further, the redevelopment process requires the Governing Body and Planning Board interact to ensure that all redevelopment actions consider the municipal Master Plan. The steps required are generally as follows:

- A. The Governing Body must adopt a resolution directing the Planning Board to perform a preliminary investigation to determine whether a specified area is in need of redevelopment according to criteria set forth in the LRHL (N.J.S.A. 40A:12A-5).
- B. The resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers for use in a redevelopment area other than the use of eminent domain (non-condemnation redevelopment area) or whether the redevelopment area determination shall authorize the municipality to use all those powers for use in a redevelopment area, including the power of eminent domain (condemnation redevelopment area).
- C. The Planning Board must prepare and make available a map delineating the boundaries of the proposed redevelopment area, specifying the parcels to be included to be investigated. A statement setting forth the basis of the investigation or the preliminary statement should accompany this map.
- D. The Planning Board must conduct the investigation and produce a report presenting the findings. The Board must also hold a duly noticed hearing to present the results of the investigation and to allow interested parties to

give testimony. The Planning Board then may adopt a resolution recommending a course of action to the Governing Body.

- E. The Governing Body may accept, reject, or modify this recommendation by adopting a resolution designating lands recommended by the Planning Board as an “area in need of redevelopment.” The Governing Body must make the final determination as to the redevelopment area boundaries.
- F. If the Governing Body resolution assigning the investigation to the Planning Board states that the redevelopment determination shall establish a Condemnation Redevelopment Area, then the notice of the final determination shall indicate that: (i) the determination operates as a finding of public purpose and authorizes the municipality to exercise the power of eminent domain to acquire property in the redevelopment area, and (ii) legal action to challenge the final determination must be commenced within 45 days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.
- G. A Redevelopment Plan may be prepared establishing the goals, objectives, and specific actions to be taken with regard to the “area in need of redevelopment.”
- H. The Governing Body may then act on the Plan by passing an ordinance adopting the Plan as an amendment to the municipal Zoning Ordinance.

Only after completion of this process is a municipality able to exercise the powers under the LRHL.

Progress

The Westfield Town Council adopted Resolution 78-2020 on March 10, 2020. A map of the Study Area Parcels dated Jun 30, 2020 is on file with the Municipal Clerk and Planning Board. The resolution and study area investigation map, which satisfy Parts A, B, and C above, are included as **Appendix A** and **Appendix B**.

Purpose + Scope

In accordance with the process outlined above, this Preliminary Investigation will determine whether the Properties within the Town of Westfield meet the statutory requirements under N.J.S.A. 40A:12A-5 for designation as non-condemnation areas in need of redevelopment. This study was prepared at the request of the Westfield Planning Board and was duly authorized by the Mayor and Council.

The scope of work for the investigation included the following: a site visit on June 4, 2020; visual assessment of property conditions; review of ownership status

within the Study Area; review of municipal tax maps and aerial photos; review of state records; review of police records; review of other municipal records; review of the existing zoning ordinance and zoning map of the Town of Westfield; review of the Town's Master Plan and Reexamination; review of Sanborn maps; and review of other planning documents prepared by Westfield stakeholders.

Existing Conditions

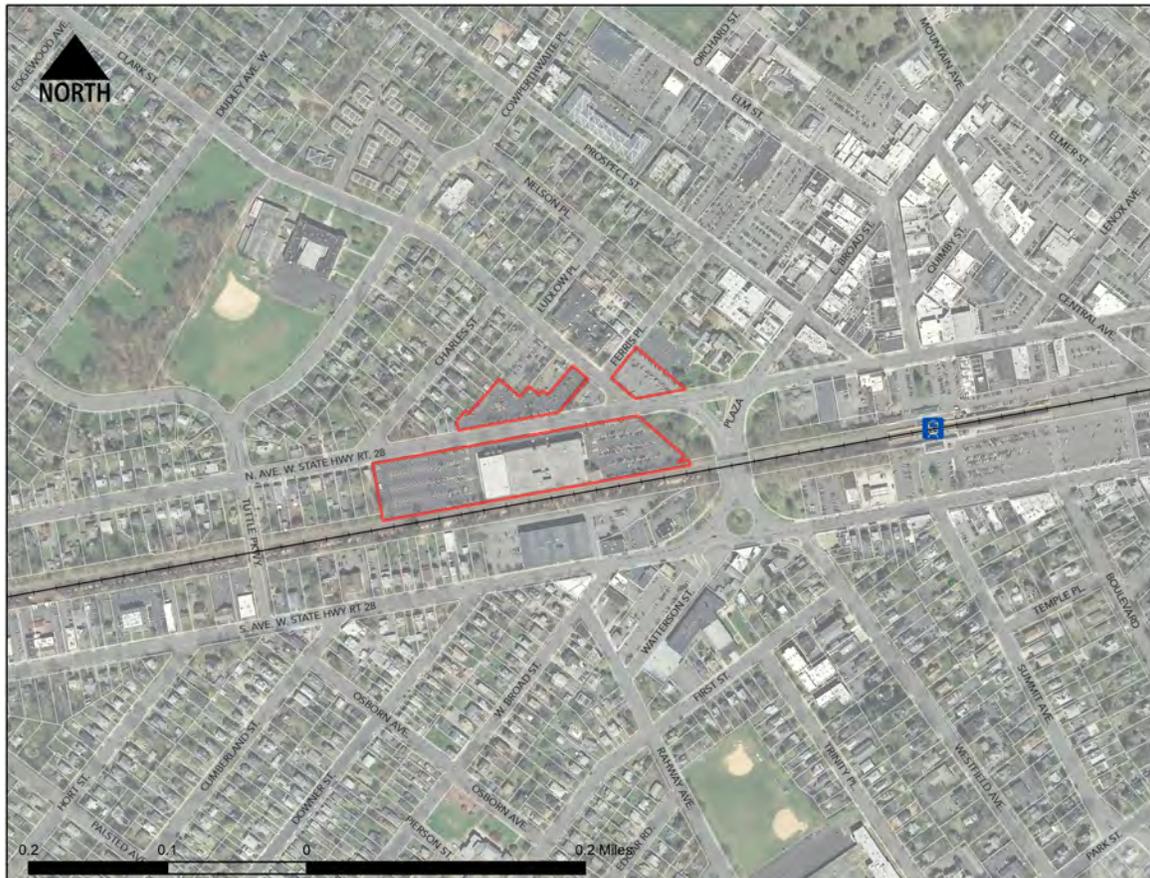


Figure 2: Study Area and surrounding context

Study Area Context

The Study Area properties sit on the western edge of downtown Westfield. Downtown Westfield is one of the most vibrant central business districts in the state, with over 400 stores including high-end shopping, entertainment and dining destinations. Downtown has received numerous accolades, including in 2004 with the receipt of the Great American Main Street Award and in 2018 and 2019 as a finalist in NJ.com’s “Best Downtown.”

Downtown Westfield is home to an active Special Improvement District, the Downtown Westfield Corporation, and houses a mixture of land uses, including commercial uses, residential areas, houses of worship, transit facilities, and public facilities such as the Westfield Library, parks, Town Hall, and Police and Fire stations. The Study Area is partially within the Special Improvement District boundaries.

The area is accessible primarily via New Jersey Route 28 (North Avenue), a major east-west arterial that runs through the Town’s center and connects Westfield to

the Garden State Parkway via exits 135 and 137. The Westfield Train Station, along the NJ Transit Raritan Valley Line, is also a major means of access for users of the Study Area. Local site access is also provided via Central Avenue, North Avenue West, and South Avenue East.

While downtown Westfield is recognized as a regional leader, in recent years several high-profile establishments have gone vacant, including the Children's Place, Victoria's Secret, the Rialto Theatre, and Lucky Brand Jeans. At the time of this report, the Downtown Westfield Corporation was publicizing fifteen available retail or restaurant spaces in the downtown, totaling roughly 37,480 square feet.¹ In the face of changing market trends evidenced by these vacancies, the Town has adopted a proactive approach to ensuring the continued vibrancy of downtown, as evidenced through its recent Master Plan Reexamination, and its efforts to assess the appropriateness of designating parcels as areas in need of redevelopment.

Study Area Description

The Study Area is comprised of three associated but non-contiguous properties within downtown Westfield.

The first (Block 2502, Lot 14) is an irregularly shaped surface parking lot bound by Bank of America, Clark Street and private residences to the north; Clark Street to the east; the offices of Coldwell Banker Realty Westfield and North Avenue West to the south; and the offices of Robert Newell Lighting Design and more private residences to the west. The property has vehicular access to the south by way of North Avenue West and to the east by way of Clark Street.

The second property (Block 2506, Lot 1) is quadrangularly shaped surface parking lot bounded by Ferris Place to the northwest; the First United Methodist Church of Westfield to the east; North Avenue West to the south; and Clark Street to the southwest. The property has vehicular access to the northwest by way of Ferris Place and to the south by way of North Avenue West.

The third and final property (Block 2508, Lot 11) contains a large commercial building which houses Lord & Taylor surrounded to the east and west by surface parking. The property is bounded by North Avenue West to the north; an open green space containing the Town's War Memorials to the east; the NJ Transit tracks of the Raritan Valley Line to the south; and private residences to the west. The property has vehicular access at three points along North Avenue West.

¹ "Available Commercial Space." Downtown Westfield Corporation.
<https://westfieldtoday.com/index.php?option=com_content&view=article&id=209&Itemid=231>
Accessed May 13, 2020.

Property History

Known as the “West Fields” of Elizabethtown in the early Colonial times, the Village of Westfield was established in 1720. The village and its residents experienced significant disruptions during the American Revolutionary War, eventually being occupied by the British Army which used the village as a command post for much of the war. As the village core, in what is now downtown Westfield, continued to develop a distinct identity, the village incorporated as a separate municipality from Elizabeth and became Westfield Township in 1794. The Town would continue to grow throughout this period, with a distinct commercial and civic center taking shape around the Central Railroad of New Jersey Station established in 1839. The parcels investigated in this report lie on the periphery of this central business district.

Based on a review of Sanborn maps, in the early twentieth century the Study Area existed largely as private residences with limited scale industrial uses such as automotive servicing. The historic conditions can be seen in the Sanborn map from 1921 below.



Figure 3: 1921 Sanborn map showing the presence of private dwellings and a small automotive service station on the site of the Study Area

With the arrival of the Hahne & Co. Department Store in the middle of the twentieth century, the land uses transitioned to accommodate the large commercial use in its new freestanding building and surface parking lots. In 1990, the store was acquired by Lord & Taylor, and the land use remains unchanged to this day.

In recent years, the long-term viability of Lord & Taylor has been called into question based on changes to shopping patterns and consumer preferences. The feasibility of the stand-alone downtown department store, having already been damaged by the emergence of the regional mall, has since been further affected by the growing preeminence of online shopping and, recently, the COVID-19 crisis and its impact on shopping patterns. In early May of 2020, reports emerged that the company would liquidate its stock after the pandemic, a sign that offered a “window into the grim future of a high-profile retailer (...) that does not expect to survive the pandemic’s economic fallout.”² The issue of the long-term viability of the use, and its implications for the relevance of the properties in their current configuration, is central to the analysis of this report.

While Lord & Taylor and its associated lots have remained a prominent feature of the downtown, the Town has expressed its resolve to take a strategic approach to improving the area by identifying opportunities and locations for new parking solutions and revenue-generating residential, retail and commercial development, particularly in light of questions regarding the long-term viability of the properties in their current use and configuration. These desires have been expressed as general goals to promote downtown improvements, but also in goals specifically related to the Study Area. The 2019 Master Plan Reexamination, for example, noted that “Future redevelopment opportunities that should be explored in more detail include a reassessment of the (...) properties owned by Hudson’s Bay Corporation (HBC), the parent company of Lord and Taylor along North Avenue”.³⁴

² “Exclusive: Lord & Taylor to liquidate its stores as soon as they reopen – sources.” Reuters. <<https://www.reuters.com/article/us-lord-taylor-liquidation-exclusive/exclusive-lord-taylor-to-liquidate-its-stores-as-soon-as-they-reopen-sources-idUSKBN22H2SJ>> Accessed June 17, 2020.

³ Master Plan Reexamination Report.” Town of Westfield and H2M. December 2019, p. 197.

⁴ Le Tote, a clothing rental company, acquired Lord and Taylor in 2019.

Existing Zoning



Figure 4: Study Area zoning

The Study Area is in the General Business (GB-2) zone. Additional zoning information is available in the Town of Westfield's full zoning code, relevant sections of which are included as **Appendix C**. Excerpts from the zoning code related to the GB-2 zone are included below:

Permitted uses are:

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:*
 - a. *Finance, insurance or real estate sales or services;*

- b. *Business or professional services;*
 - c. *Health services;*
 - d. *Social services;*
 - e. *Consulting service; and,*
 - f. *Educational services.*
4. *Museums, art galleries and indoor motion picture theaters, and theaters for conducting live entertainment or cultural performances;*
 5. *Childcare centers;*
 6. *Wholesale commercial establishments;*
 7. *Dry cleaners;*
 8. *Governmental buildings and municipal parking facilities;*
 9. *Public parks and playgrounds;*
 10. *Board of Education administrative offices; and*
 11. *Establishments engaged in offering instruction in art, dance including dance studios, music, gymnastics, martial arts.*

Permitted accessory uses are:

1. *Parking and parking facilities as regulated in Article 17;*
2. *Signs as regulated in Article 16;*
3. *Antennas, as regulated in section 13.04;*
4. *Mobile storage structures as regulated in section 13.03B; and*
5. *Other accessory uses and structures customarily subordinate and incidental to permitted principal uses and permitted conditional uses.*

Conditional uses and structures (permitted in the GB-2 district only if they comply with the appropriate regulations for such uses or structures in Article 18) are:

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.*

Prohibited uses include:

- 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 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.*

General required conditions are as follows:

Maximum height:

- Maximum building height: No principal building shall exceed the maximum of three habitable floors, exclusive of basement, or 40 feet in height, whichever is less.*
- Maximum coverage by buildings and above-grade structures: No more than 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*
- Maximum coverage by improvements: No more than 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 10% of its lot area without any improvements except vegetation...

Minimum yard setbacks:

- *Front: There shall be a minimum front yard equal to the height of the principal building, but not less than 15 feet in depth....*
- *Side: There shall be two side yards and no side yard shall be less than 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 foot for every two feet of height of the building located in the GB-2 zone district, but not less than 10 feet...*
- *Rear: There shall be a rear yard of at least one foot for every two feet of height of the principal building on the lot which is the subject of the application, but not less 10 feet...*

Ownership

A review of the Town’s property tax records was conducted to determine current ownership information. The table below shows the most current ownership information, based on records from the Town.

Block	Lot	Property Class	Area (Acres)	Address	Owner
2502	14	4A	1.134	630 North Avenue West	LT Westfield LLC, ATT H Grable
2506	1	4A	.6474	526 North Avenue West	LT Westfield LLC
2508	11	4A	5.61	601-613 North Avenue West	LT Westfield LLC



Figure 5: Blocks and lots comprising Study Area

Property Taxes

Property tax records from the State of New Jersey Division of Taxation’s database and the Town of Westfield were analyzed to determine the assessed value of each property in the Study Area and current property taxes. The value of the land, improvements thereon, and the net taxable value for each property is displayed in the table below. The change between 2018 and 2019 taxes can be attributed to the Town-wide property revaluation.

Block	Lot	Assessed Land Value	Assessed Improvement Value	Net Assessed Value	Taxes 2018	Taxes 2019
2502	14	\$1,427,300	\$50,700	\$1,478,000	\$56,832.56	\$31,777.00
2506	1	\$1,215,000	\$30,800	\$1,245,000	\$26,477.86	\$26,784.70
2508	11	\$3,610,000	\$18,528,500	\$22,138,500	\$370,208.28	\$499,444.56

Application of Statutory Criteria

Introduction

The “Blighted Areas Clause” of the New Jersey Constitution empowers municipalities to undertake a wide range of activities to effectuate the redevelopment of blighted areas:

The clearance, replanning, development or redevelopment of blighted areas shall be a public purpose and public use, for which private property may be taken or acquired. Municipal, public or private corporations may be authorized by law to undertake such clearance, replanning, development or redevelopment; and improvements made for these purposes and uses, or for any of them, may be exempted from taxation, in whole or in part, for a limited period of time... The conditions of use, ownership, management and control of such improvements shall be regulated by law.”

- NJ Const. Art. VIII, Section 3, Paragraph 1.

The New Jersey Local Redevelopment and Housing Law (“LRHL”) implements this provision of the New Jersey Constitution, by authorizing municipalities to, among other things, designate certain parcels as “in need of redevelopment,” adopt redevelopment plans to effectuate the revitalization of those areas and enter agreements with private parties seeking to redevelop such areas. Under the relevant sections of the LRHL (N.J.S.A. 40A:12A-1 et. seq.), a delineated area may be determined to be “in need of redevelopment” if the governing body concludes there is substantial evidence that the parcels exhibit any one of the following characteristics:

- 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 10 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.

Redevelopment Case Law Principles

The New Jersey LRHL has been interpreted extensively by the New Jersey State courts with regard to the specific application of the redevelopment criteria established under N.J.S.A. 40A:12A-5. The case law cited herein that is relevant to this analysis addresses: 1) the minimum evidentiary standard required to support a governing body's finding of an area in need of redevelopment; and 2) the definition of an area in need of redevelopment that would satisfy both the State Constitution and the LRHL, specifically as it relates to Criterion D.

Standard of Proof: The New Jersey Supreme Court's decision, Gallenthin Realty v. Borough of Paulsboro (2007), affirmed that a "municipality must establish a record that contains more than a bland recitation of the application of the statutory criteria and declaration that those criteria are met." In Gallenthin, the Court emphasized that municipal redevelopment designations are only entitled to deference if they are supported by substantial evidence on the record. It is for this reason that the analysis herein is based on a specific and thoughtful application of the plain meaning of the statutory criteria to the condition of the parcels within the Study Area as they currently exist.

Ultimately, the Gallenthin decision was perceived to constrict the scope of properties that were once believed to qualify as an area in need of redevelopment, specifically under subsection (e). In 62-64 Main Street LLC v. Mayor & Council of the City of Hackensack (2015), however, the Court offered a clarification that resisted an overly narrow interpretation of the statute:

[this Court has] never stated that an area is not in need of redevelopment unless it 'negatively affects surrounding properties' because, to do so, would undo all of the legislative classifications of blight established before and after the ratification of the Blighted Areas Clause."

The Hackensack case is largely perceived as having restored a generally expansive view of the Housing and Redevelopment Law, except as restricted by the Gallenthin interpretation of subsection (e).

Concerned Citizens and "Obsolescence": In Concerned Citizens, Inc. v. Mayor and Council of the Borough of Princeton (2004), the New Jersey Appellate Division affirmed that a downtown surface parking lot met the requirements for

an area in need of redevelopment under “Criterion D” based on substantial evidence that a surface parking lot, in itself, was evidence of “obsolescence.” More specifically, the Court concurred with municipal experts on certain key conclusions:

- Surface parking represented “yesterday’s solution” in downtowns where “structured parking is now the standard.” This aspect of the court’s reasoning establishes that obsolescence is relative to the location of the parcel and accepted industry practices for the use, design and development thereof.
- Long-term efforts had been underway by the municipality to analyze opportunities to improve the downtown.
- Parking lots inhibited the types of “urban center” uses that would fulfill Princeton’s objectives, and redevelopment was projected to promote economic development that would “serve the public health, safety, and welfare of the entire community.”

Subsequently, the New Jersey Supreme Court denied a petition for certification in the matter of Concerned Citizens, and the Court cited this case with approval in Gallenthin. In its finding, the Court applied the definition for obsolescence Court cited in Spruce Manor Enterprises v. Borough of Bellmawr (1998), “the process of falling into disuse and relates to the usefulness and public acceptance of a facility.”

The interpretation of obsolescence as upheld in Concerned Citizens is relied upon throughout this report to assess the appropriateness of designating the Study Area properties that are in use as surface parking lots as in need of redevelopment. The definition of obsolescence cited in Concerned Citizens is also relied upon in assessing the potential obsolescence of the stand-alone department store building at Block 2508, Lot 11.

Study Area Evaluation

The following evaluation of the Study Area is based on the statutory criteria described above for designation as an area in need of redevelopment.

Summary of Findings:

Study Area – All Lots

Criterion H applies to all properties within the Study Area. Criterion H states: “the designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.”

The Smart Growth principles crafted by the Smart Growth Network and cited by the United States Environmental Protection Agency include:

- Mix land uses
- Take advantage of compact building design
- Create a range of housing opportunities and choices
- Create walkable neighborhoods
- Foster distinctive, attractive communities with a strong sense of place
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Strengthen and direct development towards existing communities
- Provide a variety of transportation decisions
- Make development decisions predictable, fair, and cost effective

The Study Area exhibits many of the characteristics of an area suitable for Smart Growth. It has excellent access to public transit, including commuter rail. It is an established community center, with a land use form conducive to creating a walkable neighborhood that has a mixture of land uses. The area surrounding the Study Area has a distinct architectural character that could be enhanced via additional considerate and contextually appropriate development. Each of these characteristics supports the Properties qualifying under Criterion H.

The New Jersey State Development and Redevelopment Plan (the “State Plan”) was adopted March 1, 2001 and is intended to “serve as a guide for public and private sector investment in New Jersey.”⁵ In the State Plan, the properties that comprise the Study Area are located in the Metropolitan Planning Area (PA-1). The State’s intention for areas within PA-1 is to:

- Provide for much of the state’s future redevelopment
- Revitalize cities and towns

⁵ New Jersey State Development and Redevelopment Plan”. State of New Jersey (2001), p. 6.

- Promote growth in compact forms
- Stabilize older suburbs
- Redesign areas of sprawl
- Protect the character of existing stable communities

In 2010, Executive Order 78 reiterated the importance of using “State planning as a tool to align all levels of government behind a shared vision for future growth and preservation.” Redevelopment of the Study Area properties would be in line with the objectives of the State Plan and the directive of Executive Order 78, and the aims of the State Plan for PA-1 zones are consistent with Smart Growth principles.

As such, designation of the Study Area would be consistent with the aims of the State Plan and warrant designation under Criterion H.

The table below summarizes this report’s findings with regard to the statutory criteria’s applicability to the parcels within the Study Area:

Block	Lot	Criteria							
		A	B	C	D	E	F	G	H
2502	14				X				X
2506	1				X				X
2508	11				X				X

Block 2502, Lot 14



Address: 630 North Avenue West

Size: 1.134 Acres

Owner: LT Westfield LLC, ATT H Grable

Current use: Surface parking lot

Based upon an inspection of the property and examination of records, Block 2502, Lot 14 meets the following criteria under the LRHL:

Criterion 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 property qualifies as an area in need of redevelopment under Criterion D as it exhibits characteristics of obsolescence (specifically by housing an obsolete land use), faulty arrangement, and excessive lot coverage, in a manner that is detrimental to the safety, health, and welfare of the community.

Application of Criterion

Obsolescence: As established in Concerned Citizens, surface parking lots are obsolescent when they are situated in downtown cores (particularly those well-served by public transportation), when the municipality has well-established community goals to enhance the downtown core, and where the presence of these parking lots inhibits a community's ability to achieve these objectives.

Present conditions in Westfield are analogous to those present in Princeton at the time of the Concerned Citizens findings. As such, this report applies the findings of Concerned Citizens to support the designation of this surface parking lot under Criterion D.

As in Princeton, the subject property housing a surface parking lot is located within the historic and current downtown core of the Town in an area well served by public transit. The core is the densest area of the Town with the most economic and community activity, and where land is most constrained and most valuable, both economically and from a community development perspective.

While this surface parking lot is not located within the core of the downtown as defined by the boundaries of the Downtown Special Improvement District ("SID"), it is in close proximity to the train station, the core of downtown Westfield. The property is within .25 miles of the train station, a distance commonly considered as being an acceptable walking distance in transportation and public health research studies.⁶ Although the site is not located within the boundaries of the SID, it is adjacent to properties within the SID, as reflected in the map below. Considering it a part of the downtown is also supported by previous studies undertaken by the Town's stakeholders, specifically the Downtown Westfield Improvement Plan drafted by the Downtown Westfield Corporation in 1999, which recommended assessing the site for future redevelopment potential.

⁶ "Walking Distance by Trip Purpose and Population Subgroups." Yang & Diez-Roux.
<<https://www.sciencedirect.com/science/article/abs/pii/S0749379712002401>> Accessed June 16, 2020.

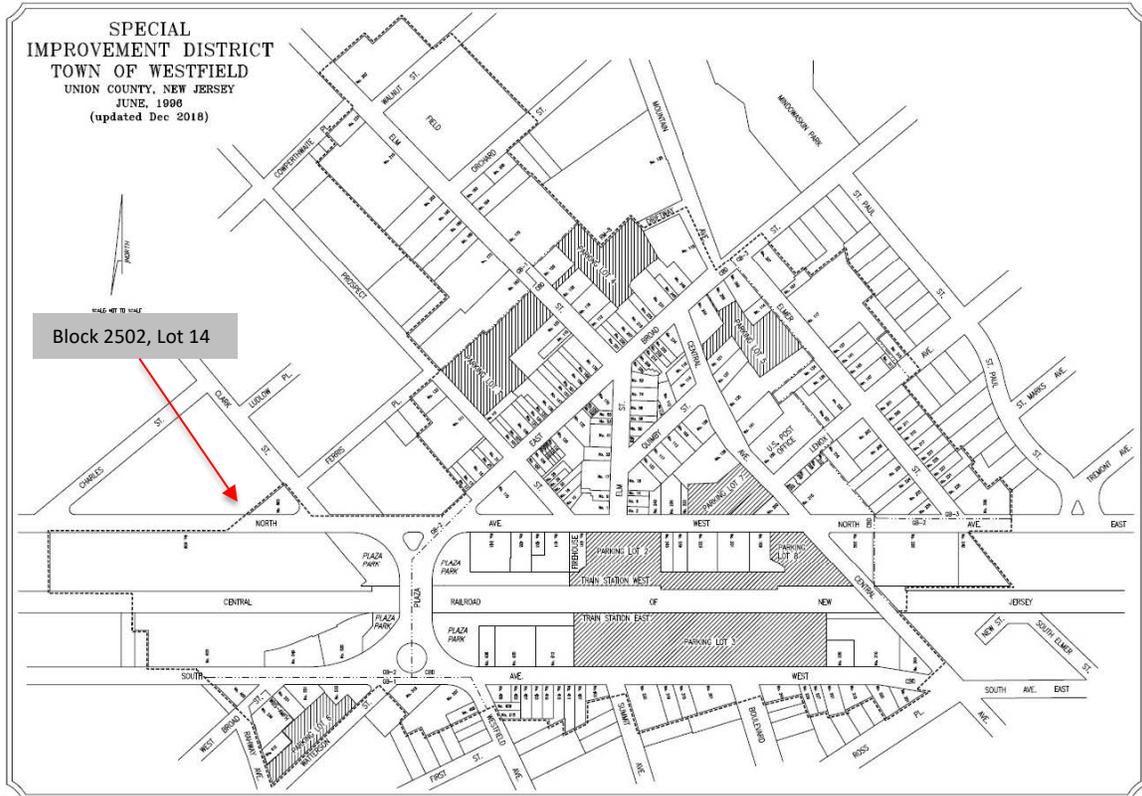


Figure 6: Property location relative to SID boundaries

Based on each of these considerations, it is appropriate to consider the Property a part of the Westfield’s downtown. As a result, the context specific conclusions of Concerned Citizens, specifically, that surface parking lots in downtowns represent “yesterday’s solution” to parking needs and are thus obsolescent within that context, are appropriate to apply to this property.

As in Princeton, the Town has engaged in efforts to create opportunities to improve the downtown in alignment with community objectives. These community objectives generally call for the downtown to continue to develop as a vibrant economic center that emphasizes the pedestrian experience. Specifically, the Master Plan Reexamination describes the downtown vision as follows:

Downtown Westfield serves as the heartbeat of the community’s commercial and social activities. It continues to be envisioned as [a] pedestrian-oriented and mixed-use center; it will offer a variety of housing choices, retail environments, and traditional and non-traditional office employment opportunities. New development will preserve and celebrate the Town’s history and architecture and provide housing and destinations

*for shopping and services, all within an environment of tree-lined streets, pedestrian parks, and plazas.*⁷

Ongoing efforts to improve the functionality and vibrancy of downtown, and the importance of the downtown to the community's overall success, are also noted in documents drafted by other Westfield stakeholders.

In 1999, the Downtown Westfield Corporation's *Downtown Westfield Improvement Plan* described downtown as the "economic heart of the community," and included streetscape, urban design, and land use recommendations intended to strengthen the downtown core.⁸

In 2017, the Mayor's Downtown Task Force's *Initial Report of Research and Recommendations* noted that "the downtown is (...) a significant factor adding to the town's overall appeal and liveliness" and that "the economic benefit to the community of a vibrant downtown is obvious."⁹ This report was commissioned "in light of the changes nationwide in demographics and the retail sector" and in an apparent response to concerns regarding increased vacancy.¹⁰

The conditions that led to the 2017 report, specifically regarding the changing nature of retail (particularly the increasing prevalence of online shopping and concerns about increased vacancy), and the importance of taking steps to maintain a vibrant downtown remain relevant today. The need for proactive efforts to strengthen a downtown that is seen as central to a community's success is further magnified by the COVID-19 public health crisis, and the uncertain economic landscape it will leave behind.

As described above, Westfield, like Princeton, has been engaged in a prolonged effort to promote the success of its downtown. While this effort draws a clear parallel with Concerned Citizens, the long-term nature of these efforts as it relates to applicable case law is significant beyond the findings of Concerned Citizens. In Forbes v. Board of Trustees (1998), the Superior Court of New Jersey cited the long-term efforts of the Township of South Orange Village to improve its downtown as relevant to the Court's ultimate decision to uphold the finding of blight. Specifically, the Court stated: "It was also clear that during the last ten years the Village has been taking significant steps to reverse that trend without

⁷ "Master Plan Reexamination Report." Town of Westfield and H2M. December 2019, p. 10.

⁸ "Downtown Westfield Improvement Plan." Downtown Westfield Corporation. 1999, p. 2.

⁹ "Initial Report of Research and Recommendations." Mayor's Downtown Task Force. 2017, p. 2.

¹⁰ "Initial Report of Research and Recommendations." Mayor's Downtown Task Force. 2017, p. 6.

recourse to redevelopment-area designation and adoption of a redevelopment plan.” These considerations also apply to present day Westfield.

Finally, as in Princeton, the presence of surface parking lots has inhibited the types of “urban center” uses that would fulfill Westfield’s objectives detailed through previous planning studies, and redevelopment is projected to promote economic development that would “serve the public health, safety, and welfare of the entire community.” The negative impacts of surface parking lots on health, safety, and welfare that would be mitigated by redevelopment of these lots are outlined below as the **inefficiency argument**, **noncontributory argument**, and **design argument**.

Inefficiency: Surface parking lots are an inefficient use of space, both from a vertical and horizontal perspective. From a vertical perspective, surface lots are inefficient because they only have one level of usable area. Like a single-story building, a single level surface lot fails to maximize the use of space in a downtown area. As a result of these factors, surface lots require significantly more area than a multi-level structure to provide an equivalent number of spaces.

Besides simply being inefficient in their provision of parking, surface parking lots leave less land available for achieving community goals. This is particularly impactful in a district that is intended to serve as the “heartbeat of the community’s commercial and social activities.”¹¹ The more efficient layout and utilization of modern configurations like multi-level structured parking leave more land available for other beneficial uses and make surface parking obsolete as a solution to modern parking needs.

The need for more efficient uses of parking areas is reflected in previous planning documents. The 1999 report of the Downtown Westfield Corporation noted that “parking capacity must be increased in order to sustain the economic viability of the district.”¹²

At the County level, the importance of examining downtown surface parking lots for more efficient uses was promoted in the Raritan Valley Trans-Line Village Study, prepared by The Louis Berger Group, Inc. and

¹¹ “Master Plan Reexamination Report.” Town of Westfield and H2M. December 2019, p. 10.

¹² “Downtown Westfield Improvement Plan.” Downtown Westfield Corporation. 1999, p. 8.

commissioned by the Union County Department of Economic Development to assess smart growth opportunities in the County.

The detrimental nature of surface parking's inefficient use of space is magnified by the fact that existing surface parking is inadequate to support existing demand. The Parking Planning Plan Element of the 2019 Master Plan Re-Examination prepared by Tim Haahs noted that "the community seems to agree that more parking is needed, just not in what capacity (i.e., structured parking or reconfiguring the current parking inventory to angled parking) or the location of additional parking."¹³ This community sentiment is reflected in responses to a survey conducted as part of the re-examination. In this survey, 77% of respondents rated parking in the downtown as a very important or somewhat important issue affecting Westfield, 59% supported adding more parking in the downtown, and only 27% thought the availability of parking in downtown was good or excellent.¹⁴

Each of these conditions supports an easily observed condition of surface parking: it is an inefficient use of space in a downtown, and this inefficiency detracts from the economic viability of the district, thereby having a detrimental impact on the welfare of the community.

Noncontributory: Downtown surface parking lots do not contribute to the functionality of the downtown at a rate commensurate with their location and size. Their failure to contribute to the downtown is reflective in their lack of functionality, their relative lack of improvement value, and their aesthetic impacts.

The lack of functionality is detrimental to the welfare of the community. As previously described, the Town views its downtown as its economic and cultural core. Surface parking lots only contribute tangentially to the viability of the downtown by holding place for empty vehicles, and as noted, the Study Area lots serve this role unsatisfactorily. They are not destinations and, in fact, displace destinations; they do not attract people to the downtown, nor do they create their own commercial activity.

¹³ "Parking Planning Plan Element." Town of Westfield and Tim Haahs Engineers + Architects. 2019, p. 4.

¹⁴ "Master Plan Reexamination Survey Results." Town of Westfield and H2M, p. 15; p. 35; p. 40.

Furthermore, properties in downtown cores, particularly near transit assets, tend to provide more commercial tax revenues than parcels outside of this core. Communities that have more commercial properties on the tax roll reduce the tax burden on residential users and generate revenue that can be utilized to support other community goals. Parking lots do not adequately serve this function or contribute to the general welfare of the Town. Lack of contribution to the tax base is detrimental to welfare.

Aesthetically, surface parking lots leave a gap in the urban form in a manner that discourages pedestrian activity and have a negative impact on the connectivity of the downtown. Poor connectivity and broken street walls detract from walkability and, therefore, have a negative impact on commercial activity, the economic viability of the downtown, and property values, and, as such, are detrimental to the welfare of the community. Research, as compiled in Todd Litman's "Economic Value of Walkability," has supported the notion that "improved walkability tends to increase commercial and residential land values" and that creating more walkable environments increases retail sales.¹⁵

Design: Finally, surface parking lots exhibit design conditions that are detrimental to the health and safety of the community. These conditions often include characteristics of faulty arrangement and excessive land coverage.

First, the design of surface parking lots, both internally and in how they relate to the surrounding environment, negatively affects the walkability of an area. A community's walkability has proven impacts on public health and safety. In 2015, the US Surgeon General released "Step it Up! The Surgeon General's Call to Action to Promote Walking and Walkable Communities." This report notes the public health benefits of designing walkable communities as a way of promoting physical activity, an outcome that "will significantly reduce their risk of chronic disease and premature death and support positive mental health and healthy aging."

"Step it Up!" also details the importance of creating safe street designs that promote pedestrian safety. Surface parking lots typically exhibit characteristics that conflict with these safe street designs, including

¹⁵ "Economic Value of Walkability." Litman. Victoria Transport Policy Institute. 2018, p. 16. <<https://www.vtpi.org/walkability.pdf>> Accessed April 26, 2020.

excessive curb cuts and layouts that lead to speeding.¹⁶ Surface parking, as exhibited in the lots within the Study Area, tends to bleed into any spaces it can fit another vehicle without consideration to how people will enter/exit vehicles or circulate through the lot safely. This condition tends to create illogical patterns, and features like drive wide aisles and blind turns. As will be seen in subsequent analyses, this and other surface parking lots in the Study Area lack adequate design features to promote pedestrian safety.

Surface parking lots also typically exhibit excessive lot coverages. Excessive lot coverage exacerbates stormwater management issues in a way that creates health and safety issues. Impervious surfaces (like paved parking lots) force water to move at a rate beyond the natural environment's capacity for recharge and filtration of stormwater. This results in sweeping channels of stormwater even during minor storm events that cause erosion and the movement of contaminants/trash/soil to surrounding locations, and eventually, major waterways. This nonpoint source pollution has been a significant contributor to the degradation of water quality throughout the country, but especially in New Jersey.

While surface parking lots can be retrofitted with bioswales, pervious pavement and detention areas to help with this issue, these interventions do not completely mitigate runoff impacts and, importantly, are absent within the Study Area. Therefore, reduction of impervious coverage through redevelopment of surface lots with uses that occupy less land area and include green features that manage stormwater helps address this important environmental consideration. This is evident in the fact that the parking lots in the Study Area exceed modern impervious coverage maximums, contributing to their obsolete design.

Based on the analysis above, the finding in Concerned Citizens that surface parking is an obsolescent land use in a certain context, can be appropriately applied to the site.

Detrimental to health, safety, welfare of the Community: As outlined above, there are three main arguments to support that the surface parking lot on Block 2502, Lot 14 is detrimental to health, safety, and welfare in Westfield:

¹⁶ "Executive Summary from Step It Up! Surgeon General's Call to Action". Office of the Surgeon General. 2015. <<https://www.hhs.gov/surgeongeneral/reports-and-publications/physical-activity-nutrition/walking-executive-summary/index.html>> Accessed April 26, 2020.

inefficiency, noncontributory and design. These arguments are each applicable to the analysis of Block 2502, Lot 14.

Inefficiency: The surface parking lot at Block 2502, Lot 14 is an inefficient use of space in a downtown. The lot provides roughly 98 spaces. These spaces could be more efficiently provided via a multi-level structure, or via incorporating public parking into a mixed-use development. Providing parking in this manner requires using more land in a constrained environment for parking, thereby excluding other uses. Excluding other uses is detrimental to the vibrancy of the downtown and detracts from the community's ability to achieve its downtown development objectives. Put simply, this inefficiency detracts from the economic viability of the district, thereby causing a detrimental impact on the welfare of the community.

The inefficient provision of parking is reflected in the average square feet required per parking space. Optimal, long-span parking garages create one space per every 300-325 square feet.¹⁷ At Block 2502, Lot 14 the ratio is roughly one space per 504 square feet. The inefficiency of the parking provided at grade is exacerbated by the lost opportunity for additional levels that would be possible using a modern, multi-level structure.

Noncontributory: The surface parking lot at Block 2502, Lot 14 contributes minimally to the economic vitality of the downtown. As such it is detrimental to the welfare of the community. This is reflected in its lack of functionality, its relative lack of improvement value, and its negative aesthetic impacts.

- i. **Functionality:** The lot's sole purpose is to provide roughly 98 spaces of parking. It provides minimal value for the downtown district beyond providing parking primarily for employees of one retail establishment.
- ii. **Minimal Improvement Value:** The lot has minimal improvements. On average, Westfield has an Improvement Value per Acre of \$933,152. The Improvement Value per Acre of this lot is \$44,709.

¹⁷ "Mixing it Up." Kavanagh. International Parking Institute. 2015, p. 30. <<https://www.parking.org/wp-content/uploads/2016/01/TPP-2015-04-Mixing-It-Up.pdf>> Accessed May 13, 2020.

- iii. Aesthetic Impacts: Visually, Block 2502 has an appealing street wall comprised of attractive and well-maintained single-family homes along Charles Street and parts of Clark Street and North Avenue West. The parking lot creates an obvious break in this pattern and is landscaped and maintained below the quality of surrounding properties. This lot does not contribute to the aesthetic values of the Block and has a negative impact on neighboring properties.

Design: Block 2502, Lot 14 exhibits characteristics that are detrimental to health, safety, and welfare by creating unsafe pedestrian conditions, discouraging walkability, and exacerbating stormwater management conditions.

- i. Walkability: The parking lot lacks or only has partially visible striping and directional painting throughout the parking lot which creates an unsafe environment with unpredictable patterns. Pavement within the parking lot is cracked and shows signs of settling. There is no space provided for people exiting/entering vehicles or crossing the parking lot to access surrounding uses. This results in pedestrians having to walk in the drive lanes. Tight turns within the parking lot reduce visibility, but the wide drive lanes encourage speeding and cars passing one another. This lack of visibility coupled with higher speeds and lack of predictability creates a dangerous environment for both vehicles and pedestrians. These conditions are reflective of faulty arrangement and are detrimental to health and safety.
- ii. Sustainability: Block 2502, Lot 14 exhibits excessive lot coverage as it is nearly entirely paved with the exception of narrow landscaped buffers surrounding the property and one centrally located island that includes a light pole and a few bushes. This creates more than an acre of impervious surface in the downtown district of Westfield. Excessive lot coverage that exacerbates stormwater management issues is detrimental to the health, safety, and welfare of the community. There was evidence of stormwater erosion and damage throughout the parking lot and along the edges. As mentioned, this creates opportunities for nonpoint

source pollution runoff and the spread of litter throughout the downtown district.

Based on the analysis above, the property qualifies as an area in need of redevelopment under Criterion D. Specifically, it exhibits characteristics of obsolescence (specifically by housing an obsolete land use), faulty arrangement, and excessive lot coverage, in a manner that is detrimental to the safety, health, and welfare of the community.



Figure 7: Dilapidated stormwater facilities and poorly maintained landscaped buffers



Figure 8: Excessive lot coverage, faded striping, and poorly maintained curbing

Block 2506, Lot 1



Address: 526 North Avenue West

Size: .6474 Acres

Owner: LT Westfield LLC

Current use: Surface parking lot

Based upon an inspection of the property and examination of records Block 2506, Lot 1 meets the following criteria under the LRHL:

Criterion 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 property qualifies as an area in need of redevelopment under Criterion D as it exhibits characteristics of obsolescence (specifically by housing an obsolete land

use), faulty arrangement, and excessive lot coverage, in a manner that is detrimental to the safety, health, and welfare of the community.

Application of Criterion

Obsolescence: As established in Concerned Citizens, surface parking lots are obsolescent when they are situated in downtown cores (particularly those well-served by public transportation), when the municipality has well-established community goals to enhance the downtown core, and where the presence of these parking lots inhibits a community's ability to achieve these objectives.

Present conditions in Westfield are analogous to those that were found in Princeton at the time of the Concerned Citizens findings. As such, this report applies the findings of Concerned Citizens to support the designation of this surface parking lot under Criterion D.

As in Princeton, the subject property housing a surface parking lot is located within the historic and current downtown core of the Town in an area well served by public transit. The core is the densest area of the Town with the most economic and community activity, and where land is most constrained and most valuable, both economically and from a community development perspective.

While this surface parking lot is not located within the core of the downtown as defined by the boundaries of the Downtown SID, it is in close proximity to the train station, the core of downtown Westfield. The property is within .25 miles of the train station, a distance commonly considered as being an acceptable walking distance in transportation and public health research studies.¹⁸ While the site is not located within the boundaries of the SID, it is adjacent to properties within the SID, as reflected in the map below. Considering it within the downtown is also supported by previous studies undertaken by the Town's stakeholders, specifically the Downtown Westfield Improvement Plan drafted by the Downtown Westfield Corporation in 1999, which included the site in its analysis of downtown and recommended assessing the site for future redevelopment potential.

¹⁸ "Walking Distance by Trip Purpose and Population Subgroups." Yang & Diez-Roux.
<<https://www.sciencedirect.com/science/article/abs/pii/S0749379712002401>> Accessed June 16, 2020.

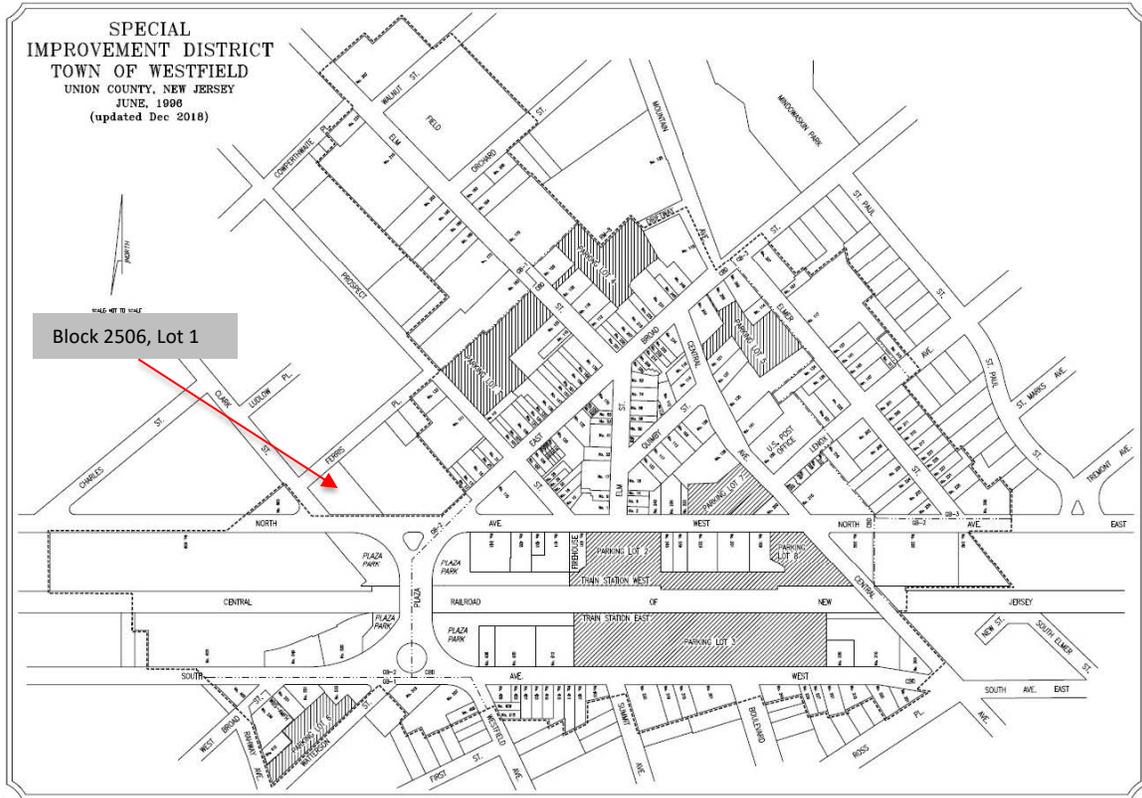


Figure 9: Property location relative to SID boundaries

Based on each of these considerations, it is appropriate to consider it a part of the Westfield's downtown. As a result, the context specific conclusions of Concerned Citizens, specifically, that surface parking lots in downtowns represent "yesterday's solution" to parking needs and are thus obsolescent within that context, are appropriate to apply to this property.

As in Princeton, the Town has engaged in efforts to develop and create opportunities to improve the downtown in alignment with community objectives. These community objectives generally call for the downtown to continue to develop as a vibrant economic center that emphasizes the pedestrian experience. Specifically, the Master Plan Re-Examination describes the downtown vision as follows:

Downtown Westfield serves as the heartbeat of the community's commercial and social activities. It continues to be envisioned as [a] pedestrian-oriented and mixed-use center; it will offer a variety of housing choices, retail environments, and traditional and non-traditional office employment opportunities. New development will preserve and celebrate the Town's history and architecture and provide housing and destinations

*for shopping and services, all within an environment of tree-lined streets, pedestrian parks, and plazas.*¹⁹

As noted earlier, this vision built upon a prolonged history of efforts by the Town and affiliated entities to improve upon the downtown, including its 2002 Master Plan, the 1999 Downtown Westfield Corporation's *Downtown Westfield Improvement Plan*, and the 2017 Mayor's Downtown Task Force's *Initial Report of Research and Recommendations*. Westfield's prolonged effort to promote the success of its downtown draws a clear parallel with Concerned Citizens.

Finally, as in Princeton, the presence of surface parking lots has inhibited the types of "urban center" uses that would fulfill Westfield's objectives detailed through previous planning studies, and redevelopment is projected to promote economic development that would "serve the public health, safety, and welfare of the entire community." The negative impacts of surface parking lots on health, safety, and welfare that would be mitigated by redevelopment of these lots, previously described as the **inefficiency argument**, **noncontributory argument**, and **design argument**, apply to this site.

Based on the analysis above, the finding in Concerned Citizens that surface parking is an obsolescent land use in a certain context, can be appropriately applied to the site.

Detrimental to health, safety, welfare of the Community: As outlined above, there are three main arguments for the surface parking lot on the Block 2506, Lot 1 property is detrimental to health, safety, and welfare in Westfield: inefficiency, noncontributory and design.

Inefficiency: The surface parking lot at Block 2506, Lot 1 is an inefficient use of space in a downtown district. The lot provides roughly 88 spaces dedicated primarily for Lord & Taylor customer parking. These spaces could be more efficiently provided via a multi-level structure, or via incorporating public parking into a mixed-use development. Providing parking in this manner requires using more land in a constrained environment for parking, thereby excluding other uses. Excluding other uses is detrimental to the vibrancy of the downtown and detracts from the community's ability to achieve its downtown development objectives. Put simply, this

¹⁹ "Master Plan Reexamination Report." Town of Westfield and H2M. December 2019, p. 10.

inefficiency detracts from the economic viability of the district, thereby causing a detrimental impact on the welfare of the community.

The inefficient provision of parking is reflected in the average square feet required per parking space. Optimal, long-span parking garages create one space per every 300-325 square feet.²⁰ At Block 2506, Lot 1 the ratio is roughly one space per 320 square feet. While this figure is within the range of acceptability, the fact that parking is only provided on a single level, rather than on several levels as would be possible using a modern, multi-level structure, is reflective of inefficiency.

Noncontributory: The surface parking lot at Block 2506, Lot 1 contributes minimally to the economic vitality of the downtown. As such, the surface parking lot is detrimental to the welfare of the community. This is reflected in its lack of functionality, its relative lack of improvement value, and its negative aesthetic impacts.

- i. **Functionality:** The lot's sole purpose is to provide roughly 88 spaces of primarily customer parking for the nearby Lord & Taylor department store. It does not create any value for the district in terms of generating activity beyond providing parking limited to the patrons of one retail establishment.
- ii. **Minimal Improvement Value:** The lot has minimal improvements. On average, Westfield has an Improvement Value per Acre of \$933,152. The Improvement Value per Acre of this lot is \$47,575.
- iii. **Visually,** Block 2506 has aesthetically pleasing buildings surrounded by trees and landscaping. The entrance to this parking lot on Ferris Place creates an obvious break in this pattern and is landscaped below the quality of surrounding properties. This lot does not contribute to the aesthetic values of the Block and detracts from connectivity.

Design: Block 2506, Lot 1 exhibits characteristics that are detrimental to health, safety, and welfare by creating unsafe

²⁰ "Mixing it Up." Kavanagh. International Parking Institute. 2015, p. 30. <<https://www.parking.org/wp-content/uploads/2016/01/TPP-2015-04-Mixing-It-Up.pdf>> Accessed May 13, 2020.

pedestrian conditions, discouraging walkability, and exacerbating stormwater management conditions.

- i. Walkability: The property lacks directional striping throughout the parking lot which creates an unsafe environment with unpredictable patterns for vehicles and pedestrians. Pavement within the parking lot is cracked and shows signs of settling. Much of the curbing is broken, missing or compromised throughout the parking lot. There is no space provided for people exiting/entering vehicles or crossing the parking lot to access surrounding uses. This results in pedestrians having to walk in the drive lanes. Tight turns within the parking lot reduce visibility. This lack of visibility coupled with higher speeds and lack of pedestrian infrastructure creates a dangerous environment for both vehicles and pedestrians. These conditions are reflective of faulty arrangement and are detrimental to health and safety.
- ii. Sustainability: The parking lot is nearly entirely paved with only minimal landscaping or pervious areas. This creates over three-quarters of an acre of impervious surface within walking distance of the train station. Excessive lot coverage exacerbates stormwater management issues and is detrimental to the health, safety, and welfare of the community. There was evidence of stormwater erosion and damage throughout the parking lot and along the edges. As mentioned, this creates opportunities for nonpoint source pollution runoff and the spread of litter throughout the central business district.

Based on the analysis above, the property qualifies as an area in need of redevelopment under Criterion D. Specifically, it exhibits characteristics of obsolescence (specifically by housing an obsolete land use), faulty arrangement, and excessive lot coverage, in a manner that is detrimental to the safety, health, and welfare of the community.



Figure 10: Lack of pedestrian pathways and unclear marking, excessive lot coverage

Block 2508, Lot 11



Address: 601-613 North Avenue West

Size: 5.61 acres

Owner: LT Westfield LLC

Current use: Retail and surface parking lots

Based upon an inspection of the property and examination of records Block 2508, Lot 11 meets the following criteria under the LRHL:

Criterion 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 property qualifies as an area in need of redevelopment under Criterion D as it exhibits characteristics of obsolescence (specifically by housing obsolete land

uses), faulty arrangement, and excessive lot coverage, in a manner that is detrimental to the safety, health, and welfare of the community.

Obsolescence: Unlike in the case of surface parking lots, there has not been a definitive verdict by the Courts regarding the obsolescence of downtown department stores. Nevertheless, guidance from the Courts and legislature in similar matters can be applied to understand if it is appropriate to determine if this building exhibits conditions of obsolescence. In Spruce Manor Enterprises v. Borough of Bellmawr (1998), the Court relied, in part, upon the following definition of obsolescence in their evaluation of a redevelopment designation, "obsolescence is the process of falling into disuse and relates to the usefulness and public acceptance of a facility." Later, in 2019, the New Jersey Legislature amended the LRHL to enable the designation of shopping malls as an "area in need of redevelopment" in recognition of their declining vitality, "as they have become and are becoming obsolete, vacant, and difficult to market".²¹ The language from both the Court and Legislature reveal a key component of obsolescence: it can represent a process, rather than a necessary end condition.

Real estate obsolescence is commonly defined within three categories: physical obsolescence, which relates to a declining utility due to deteriorating physical conditions; functional obsolescence, which generally refers to declining utility due to outdated building configurations; and economic obsolescence, which generally refers to declining utility due to changing market patterns. For various reasons, the land use housed on this property – a stand-alone downtown department store – exhibits conditions of functional and economic obsolescence.

In general, stand-alone downtown department stores are reminiscent of a bygone retail era dominated by automobile-dependent retail and efficient, homogenous large-scale stores. During the second half of the twentieth century, retail and its geographic orientation changed largely as a result of the increased availability of automobiles to American households. During this period, retail stores and businesses decentralized and moved away from traditional downtowns, attracted by regional malls and stand-alone facilities surrounded by substantial parking areas. Retaining and attracting department stores was one strategy that cities and

²¹ State of New Jersey, Assembly, No. 1700.

<https://www.njleg.state.nj.us/2018/Bills/A2000/1700_11.PDF> Accessed June 12, 2020.

towns deployed in an effort to keep their downtowns vibrant. As described in a 2018 report authored by the American Planning Association:

The initial response of cities to business decentralization was to adopt policies and strategies to coax the chain department stores back downtown. The idea was that if only downtowns were remade like malls, these businesses would return. (...) These approaches, however, provided a good lesson for civic leaders on how not to revitalize downtown economies: downtowns should not try to be the suburbs. To succeed, downtown economic revitalization strategies must be modeled specifically for the downtown.²²

Essentially, as a response to the failed strategy to see downtowns “remade like malls,” a context in which the Study Area can be appropriately placed, downtowns like Westfield were recognized as being unique in their ability to create walkable, mixed-use environments that foster synergy between uses and social interaction. In recognition of these unique assets, downtowns began to recover in the 1990s:

People with buying power have been moving back into the core of cities and urban centers in the suburbs. Not only is retail following, but also it is changing form to match the urban context. Downtowns and main streets are mixed-use places, and urban retail will be accompanied by many other kinds of storefront uses (...).²³

The tenets associated with this form of downtown development have remained relevant and continue to inform modern best practices employed by a range of communities, including Westfield.

Conversely, stand-alone department stores located in downtowns, as a form of automobile-dependent retail surrounded by sizable surface parking lots, are not conducive to the creation of a walkable, mixed-use urban environment favored by consumers, nor are they aligned with the development vision detailed in Westfield’s Master Plan Reexamination. In this sense, they exhibit conditions of obsolescence as they fall into disuse and their public acceptance diminishes.

²² “Downtown Revitalization in Small and Midsized Cities.” Burayidi. American Planning Association. 2018, p. 22-23.

²³ “A brief history of retail and mixed-use.” Steuteville. Congress for the New Urbanism. <<https://www.cnu.org/publicsquare/2019/08/26/brief-history-retail-and-mixed-use>> Accessed June 15, 2020.

The growing obsolescence of department stores is supported in tangible evidence. The struggles of fashion department stores with an established presence in Northern New Jersey and the New York Metro Area as a whole – such as Barney’s, which filed for bankruptcy in 2019,²⁴ Neiman Marcus, which filed for bankruptcy in 2020,²⁵ and JCPenney’s, which filed for bankruptcy in 2020²⁶ – can hardly be overstated. Already weakened by changing market trends, the fallout from the COVID-19 pandemic has further damaged the viability of these iconic department store brands.

The decline of department stores is also supported by economic data, which provides clear evidence of their economic decline and progression towards obsolescence. U.S. Census Bureau data shows that annual retail sales in department stores have fallen dramatically since turn of the century; from \$232,475 million in 2000 to \$184,755 million in 2010, and to \$135,026 million in 2019.²⁷ A similar trend is visible in New Jersey – data for Union County alone is incomplete and thus does not allow for a fair comparison – where each statistic shows a strong decline in the economic performance of department stores, as reflected in the table below.

Statistic	2012	2017
	(NAICS 2012: 4521)	(NAICS 2017: 4522)
# of Establishments	231	112
Firms	N/A	8
Sales, value of shipments, or revenue (\$1,000)	\$7,319,733	\$2,546,721
# of Employees	41,366	17,689
Annual Payroll (\$1,000)	\$808,725	\$392,865

Figure 11: A strong decline in New Jersey department stores’ economic performance^{28 29}

²⁴ “Barneys, a nearly century-old icon of New York retail, files for bankruptcy.” CNBC. <<https://www.cnbc.com/2019/08/06/barneys-icon-of-new-york-retail-files-for-bankruptcy.html>> Accessed June 22, 2020.

²⁵ “Luxury retailer Neiman Marcus files for bankruptcy as it struggles with debt and coronavirus fallout.” CNBC. <<https://www.cnbc.com/2020/05/07/neiman-marcus-files-for-bankruptcy.html>> Accessed June 22, 2020.

²⁶ “JCPenney files for bankruptcy.” CNN. <[https://www.cnn.com/2020/05/15/business/jcpenney-bankruptcy/index.html#:~:text=New%20York%20\(CNN%20Business\)%20JCPenney,instability%20and%20damaging%20market%20trends.](https://www.cnn.com/2020/05/15/business/jcpenney-bankruptcy/index.html#:~:text=New%20York%20(CNN%20Business)%20JCPenney,instability%20and%20damaging%20market%20trends.)> Accessed June 22, 2020.

²⁷ “March 2020 Monthly Retail Trade and Food Services. Retail and Food Service Sales 1992-present.” U.S. Census Bureau. 2020.

²⁸ “2012 Economic Census.” U.S. Census Bureau. 2012.

²⁹ “2017 Economic Census.” U.S. Census Bureau. 2017.

The significant economic decline of department stores both nationwide and in New Jersey, is expected to continue and will likely only be exacerbated by the fallout from the COVID-19 pandemic. Recent reports authored by CBRE, a leading commercial real estate firm, support this expectation. The 2019 report expected “more replacement of traditional soft goods and department store spaces with mixed-use development, food & beverage, entertainment, fitness and services.”³⁰ The 2020 report is even more explicit about the future of large-scale stand-alone retail establishments near downtown districts,

*Retail-only may no longer be the highest and best use for many struggling malls and oversized retail assets that are well-positioned to transform into mixed-use town centers in the heart of communities where people want to live, work and play. Integrated new uses beyond transitional multifamily residential, office and hotel are flourishing. Co-living, coworking, recreation and entertainment, sports complexes, universities, public event space and green space are complementing shopping and dining destinations, creating dynamic urban and suburban environments and community connection.*³¹

These macroeconomic trends are applicable to the conditions observed on this property. While the building remains occupied, its outdated scale and configuration support the conclusion that the building is obsolescent, meaning that it is in the process of falling into disuse. The conclusion that the property houses buildings or improvements that are obsolescent supports its designation as an area in need of redevelopment under Criterion D.

The obsolescent condition of the building is detrimental to the health, safety, and welfare of the community. The detrimental impacts of the property are outlined below.

Obsolescent buildings and improvements on site are detrimental to the welfare of the community because they threaten the stability of the municipality’s tax base.

Conditions of functional and economic obsolescence on site portend a decline in the Town’s tax base and a detrimental impact on the welfare of the community. While this reduction in tax value has not yet occurred and the property remains a top tax contributor, the signs of its onset are apparent. After

³⁰ “U.S. Real Estate Market Outlook 2019: Retail.” CBRE Research. 2018.

³¹ “U.S. Real Estate Market Outlook 2020: Retail.” CBRE Research. 2019.

years of speculation regarding the long-term viability of the use on this property, in May of 2020 reports emerged regarding Lord & Taylor's parent company's intention to liquidate its inventory.³² A reasonable assumption, and one that would be consistent with the fate of similar retailers, is that this liquidation would be followed by vacancy, and a subsequent reduction of improvement value.

In the long-term, absent intervention, the obsolescence of the building and its improvements threatens to negatively impact the welfare of the community by resulting in a reduction of tax revenue from both the property itself and neighboring properties.³³ Contrasting outcomes in the face of obsolescent downtown department stores can be viewed in nearby Springfield and Morristown. In Springfield, the former Saks Fifth Avenue, a similar downtown department store, has remained vacant since the retailer's departure in 1994. In Morristown, the former Epstein's property has been redeveloped into a vibrant mixed-use development that anchors Morristown's core. The importance of this Study Area property to Westfield's overall municipal finances necessitates proactive action in the face of obsolescence, rather than a reactive approach.

The impact of vacancy will be exacerbated by the purpose-built nature of the building, and the difficulty of reusing the building for alternative land uses. In this way, the building can be seen as functionally obsolescent. The building's purpose-built configuration, containing a floor area of roughly 150,000 square feet laid out specifically for large-scale retail use across multiple floors, inhibits its ability to be effectively reused. In other words, the physical configuration of the building is obsolete. This obsolescence will inhibit reoccupancy for alternative uses.

The building's use as a stand-alone department store evidences economic obsolescence. Economic obsolescence relates to a change in industry conditions that cause the specific property's use to generate decreased revenue, profit margin, or return on investment. As noted, consumer demand has markedly moved away from department stores, which have experienced an evident decline in both their usefulness and the public's acceptance of the land use.

³² "Exclusive: Lord & Taylor to liquidate its stores as soon as they reopen – sources." Reuters. <<https://www.reuters.com/article/us-lord-taylor-liquidation-exclusive/exclusive-lord-taylor-to-liquidate-its-stores-as-soon-as-they-reopen-sources-idUSKBN22H2SJ>> Accessed June 17, 2020.

³³ ""Vacant Properties. The True Cost to Communities." National Vacant Properties Campaign. <<https://files.hudexchange.info/resources/documents/VacantPropertiesTrueCosttoCommunities.pdf>> Accessed June 26, 2020.

Both functional and economic obsolescence have recognized negative implications for a property's assessed tax value. Therefore, the property's functional and economic obsolescence is likely to result in a substantial decline in the Town's tax base as a result of the department store's foreseeable reduction or discontinuance of income streams. In order to maintain the current level of municipal services provided by the Town, the reduced tax ratable base can only be offset by an increased tax rate and tax burden for all remaining taxpayers. As the current property owner was one of the Town's largest sources of tax revenue in 2019, the growing functional and economic obsolescence of the property is detrimental to the welfare of the community as it threatens its economic well-being.

Obsolescent buildings and improvements on site are detrimental to the welfare of the community because they inhibit the ability of the Town of Westfield to achieve its objectives to maintain the vibrancy of its downtown.

As noted, the Town views its downtown as its economic and cultural core. The 2019 Master Plan Reexamination Report was built on previous planning efforts and formulates the following goals and objectives for Westfield's downtown that are incompatible with the presence of a stand-alone department store,

- *Encouraging an appropriate mix of land uses that will complement one another and meet the retail and service needs of the Town.*
- *Promoting a desirable visual environment and preserving the small-town atmosphere in the business districts.*
- *Promoting a desirable pedestrian environment in the downtown business district.*
- *Discouraging automobile-only oriented development in the central business district, including "strip malls".*

At the core of these objectives is an understanding that the vitality of the downtown is central to the economic vitality of the community and the maintenance of property values. The presence of obsolescent buildings and improvements of the type found on site stand in opposition to these goals, and the department store and its surrounding parking lots detract from the ability of the Town to achieve its downtown vision.

The parking lots create a physical buffer around the department store, which prevents synergy between different downtown uses and an integrated urban

landscape. The obsolete, auto-oriented configuration of the building and its improvements serves to draw potential shoppers away from the core of the central business district, where they may patronize multiple establishments.

Furthermore, as evidenced by the data discussed above, department stores are experiencing a prolonged economic decline resulting in both their functional and economic obsolescence. The presence of an obsolescent use of this nature at a highly visible site at the gateway to downtown threatens the vitality of the overall district. These stores are reflective of downtown revitalization practices dominant in the 1950s and 1960s which were meant to combat the decentralization of business away from traditional downtowns—in its modern context it has the opposite effect.

In a more specific context, the building is directly in opposition to the configurations desired by modern users, current downtown planning best practices, and the outcomes called for in the Town's planning documents. The modern standard for successful downtown districts is to have a variety of small-scale uses integrated within a mixed-use and walkable urban landscape. Even if the building were not functionally obsolescent, its reuse in its current configuration would inhibit the community's ability to achieve this objective. In this way, the stand-alone department store, combined with roughly 377 customer-only parking spaces, is a use of space in a downtown district that precludes the accomplishment of this objective.

The dedication of such a sizable portion of downtown land to a building and parking lots that are configured to house one single use inhibits the ability of the community to achieve its downtown objectives in other ways. The presence of a solitary building means that its hours of activity are limited to store hours, sitting vacant otherwise, and that shared parking opportunities are limited if not precluded. Providing customer-only parking on-site requires using more land in a constrained environment, thereby excluding other uses. Like surface parking lots, stand-alone department stores, because of their scale, leave less land available for achieving community goals. This inefficiency detracts from the economic viability of the district, thereby causing a detrimental impact on the welfare of the community.

These effects are particularly impactful in a district that is intended to serve as the "heartbeat of the community's commercial and social activities."³⁴ The presence

³⁴ "Master Plan Reexamination Report." Town of Westfield and H2M. December 2019, p. 10.

of obsolescent buildings and improvements inhibits the Town's ability to meet these objectives and has a detrimental impact on the welfare of the community.

Obsolescent buildings and improvements on site are detrimental to the health, safety and welfare of the community because they diminish connectivity to the surrounding area, thereby discouraging pedestrian activity.

Stand-alone department stores like the one located on site break up the urban form in a manner that discourages pedestrian activity and has a negative impact on the connectivity of the downtown. Poor connectivity and broken street walls detract from walkability and, therefore, have a negative impact on commercial activity, the economic viability of the downtown, and property values, and, as such, are detrimental to the welfare of the community. As the large solitary building is serviced by several sizeable surrounding surface parking lots, these detrimental effects are generally consistent with those observed with regard to Block 2506, Lot 1 and Block 2502, Lot 14, as previously analyzed through the prism of Concerned Citizens.

Visually, Block 2508, Lot 11 is considerably affected by its automobile-only oriented development in terms of aesthetics. This property is characterized by its large-scale building combined with excessive coverage to provide for customer-only parking spaces. This creates the appearance of a retail configuration that would be more commonly seen along a highway.

This configuration is in contrast to the surrounding area, which is characterized by smaller scale buildings and different uses. Well-kept single-family detached homes surrounded by green yards are located to the north and west of the site, and the center Westfield's downtown core is located immediately to the east of the property. In contrast, Block 2508, Lot 11 exhibits a dissonant aesthetic in Westfield's downtown and fails to create a transition between, or harmonize with, the adjacent downtown and leafy residential neighborhoods in terms of scale and design.

The building's configuration as an automobile-oriented, stand-alone department store does not contribute to a walkable, mixed-use downtown characterized by an integrated urban experience. The presence of this single-use property covering over 5.5 acres within Westfield's downtown detracts from the human orientation of the area, and negatively impacts the character of the streetscape. The department store effectively sits on an island, as it is separated from the surrounding downtown by surface parking lots. The parking lots create a physical buffer around the department store and thus impede pedestrian activity which is

essential in creating synergy between different downtown uses. This lack of connectivity between this property and the surrounding downtown is highlighted by the outcomes of the 2019 Master Plan Reexamination Report Survey. Based on the survey results, the Reexamination Report concluded that pedestrian safety was lacking here as, “pedestrian movements were of significant concern at the intersection of East Broad Street and North Avenue around the war memorials because of angled approaches, and cars turning during pedestrian walk phases.”³⁵

As noted previously, publications like “Step it Up” and the “Economic Value of Walkability” have documented the health and welfare benefits of walkability. Detracting from walkability, therefore, has a detrimental impact on community health and welfare.

Based on this analysis, the lack of connectivity between the department store and the surrounding downtown is detrimental to the health, safety, and welfare of the community.



Figure 12: Large-scale stand-alone retail that does not contribute to a walkable, human-scaled downtown and exhibits a dissonant aesthetic

Obsolescent buildings and improvements on site exhibit conditions of faulty arrangement that are detrimental to the health, safety and welfare of the community because they create hazardous conditions for pedestrians on site.

On-site, conditions of obsolescence and faulty arrangement are detrimental to the health and safety of pedestrians. These conditions are also consistent with the analysis of surface parking lots in the context of Concerned Citizens detailed earlier. The two-story commercial building is flanked by large customer-only parking lots on either side. In total, about 377 parking spaces are located on this property alone and with additional parking available to employees and customers

³⁵ “Master Plan Reexamination Report.” Town of Westfield and H2M. December 2019, p. 112.

on nearby lots as well. While most of the striping and directional painting is still visible, there are signs of wear. This creates an environment with unpredictable patterns that is detrimental to the safety of pedestrians and drivers.

There is no space provided for people exiting/entering vehicles or crossing the parking lot to walk to the store and back to their vehicle. This results in pedestrians having to walk in the drive lanes, while the wide drive lanes encourage speeding and cars passing one another. The lack of designated pedestrian walkways coupled with higher speeds create a dangerous environment for both vehicles and pedestrians. These conditions are reflective of faulty arrangement and are detrimental to pedestrian safety.

Obsolescent buildings and improvements on site exhibit conditions of excessive lot coverage arrangement that are detrimental to the health and safety of the community because they exacerbate stormwater management issues.

As a use that is dependent on surface parking, the site exhibits similar lot coverage conditions as the surface parking lots described previously in the context of Concerned Citizens. Stand-alone department stores, including the one housed on this property, typically exhibit excessive lot coverage as they are housed in large-scale buildings surrounded by surface parking lots. Excessive lot coverage exacerbates stormwater management issues in a way that creates health and safety hazards. Impervious surfaces (like paved parking lots) force water to move at a rate beyond the natural environment's capacity for recharge and filtration of stormwater. This results in sweeping channels of stormwater even during minor storm events that cause erosion and the movement of contaminants/trash/soil to surrounding locations, and eventually, major waterways. Nonpoint source pollution has been a significant contributor to the degradation of water quality throughout the country, but especially in New Jersey. Therefore, reduction of impervious coverage through redevelopment of surface lots with uses that occupy less land area and include green features that manage stormwater helps address this important environmental consideration.

The property is almost entirely covered by the commercial building and pavement with the exception of narrow landscaping buffers along property lines and decorative flower beds near the store's main entrance. There was evidence of stormwater erosion and damage throughout the parking lot and along the edges. As mentioned, this creates opportunities for nonpoint source pollution runoff and the spread of litter throughout the central business district. The configuration of the building and its improvements creates over 5 acres of impervious surface in

the heart of Westfield. Excessive lot coverage that exacerbates stormwater management issues is detrimental to the health, safety, and welfare of the community.

Based on the analysis above, the property qualifies as an area in need of redevelopment under Criterion D as it exhibits characteristics of obsolescence (specifically by housing obsolete land uses), faulty arrangement, and excessive lot coverage, in a manner that is detrimental to the safety, health, and welfare of the community.



Figure 13: Conditions of faulty arrangement such as wide drive aisles and lack of pedestrian infrastructure; excessive lot coverage

Consideration of Redevelopment Designation

The results of the preliminary investigation indicate that the Study Area, encompassing Block 2502, Lot 14; Block 2506, Lot 1; and Block 2508, Lot 11 can be designated as an area in need of redevelopment under Criteria D and H in accordance with N.J.S.A. 40:12A as described above.

Conclusion

This Preliminary Investigation was prepared on behalf of the Town of Westfield Planning Board to determine whether properties identified as Block 2502, Lot 14; Block 2506, Lot 1; and Block 2508, Lot 11 be designated as a non-condemnation area in need of redevelopment. Based on the above analysis and investigation of the Study Area, we conclude that the above properties meet Criteria D and H for a redevelopment area designation. A map of the recommended Area in Need of Redevelopment is included as **Appendix D**.

Appendices

Appendix A: Authorizing Resolution

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO. 78-2020

CODE REVIEW & TOWN PROPERTY COMMITTEE

MARCH 10, 2020

RESOLUTION OF THE TOWN OF WESTFIELD, COUNTY OF UNION, STATE OF NEW JERSEY, AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE TOWN OF WESTFIELD TO UNDERTAKE A PRELIMINARY INVESTIGATION OF THE PROPERTIES KNOWN AS BLOCK 2502, LOT 14; BLOCK 2506, LOT 1; AND BLOCK 2508, LOT 11 TO DETERMINE WHETHER THE PROPERTIES QUALIFY AS NON-CONDEMNATION AREAS IN NEED OF REDEVELOPMENT

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the “**Redevelopment Law**”) provides a mechanism to empower and assist local governments to promote the advancement of community interests through programs of redevelopment for the expansion and improvement of commercial, industrial, residential and civic facilities; and

WHEREAS, the Redevelopment Law empowers the Town of Westfield (the “**Town**”), by and through its Mayor and Council (the “**Governing Body**”), to direct the Town’s Planning Board to conduct a preliminary investigation into certain real property to determine whether such property qualifies as an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, the Governing Body desires to authorize and direct the Planning Board of the Town (the “**Planning Board**”) to undertake a preliminary investigation to determine whether certain real properties, specifically:

Block	Lot	Street Address
2502	14	630 North Avenue West
2506	1	526 North Avenue West
2508	11	601-613 North Avenue West

(collectively, the “**Study Areas**”) qualify as non-condemnation areas in need of redevelopment pursuant to and in accordance with the Redevelopment Law; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Westfield, County of Union, and State of New Jersey, as follows:

1. The Planning Board is hereby authorized and directed to undertake a preliminary investigation pursuant to *N.J.S.A. 40A:12A-6* to determine if the Study Areas, or any part thereof, qualify as non-condemnation areas in need of redevelopment pursuant to and in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5* (the “**Investigation**”).

2. As part of the Investigation, the Planning Board shall prepare a map covering the Study Areas and showing the boundaries of the proposed non-condemnation redevelopment areas 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 Study Areas and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Areas be designated as non-condemnation areas in need of redevelopment (the “**Public Hearing**”). The Public Hearing shall be conducted in accordance with the provisions set forth at *N.J.S.A. 40A:12A-6*.

4. At the conclusion of the Public Hearing, 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 or should not designate all or part of the Study Areas as non-condemnation areas in need of redevelopment pursuant to the Redevelopment Law.

5. Any designation made by the Mayor and Council with respect to the Study Areas, or any part thereof, as areas in need of redevelopment shall authorize the Town of use all those powers provided by the New Jersey Legislature for use in a redevelopment area, other than the use of eminent domain.

6. All Town officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

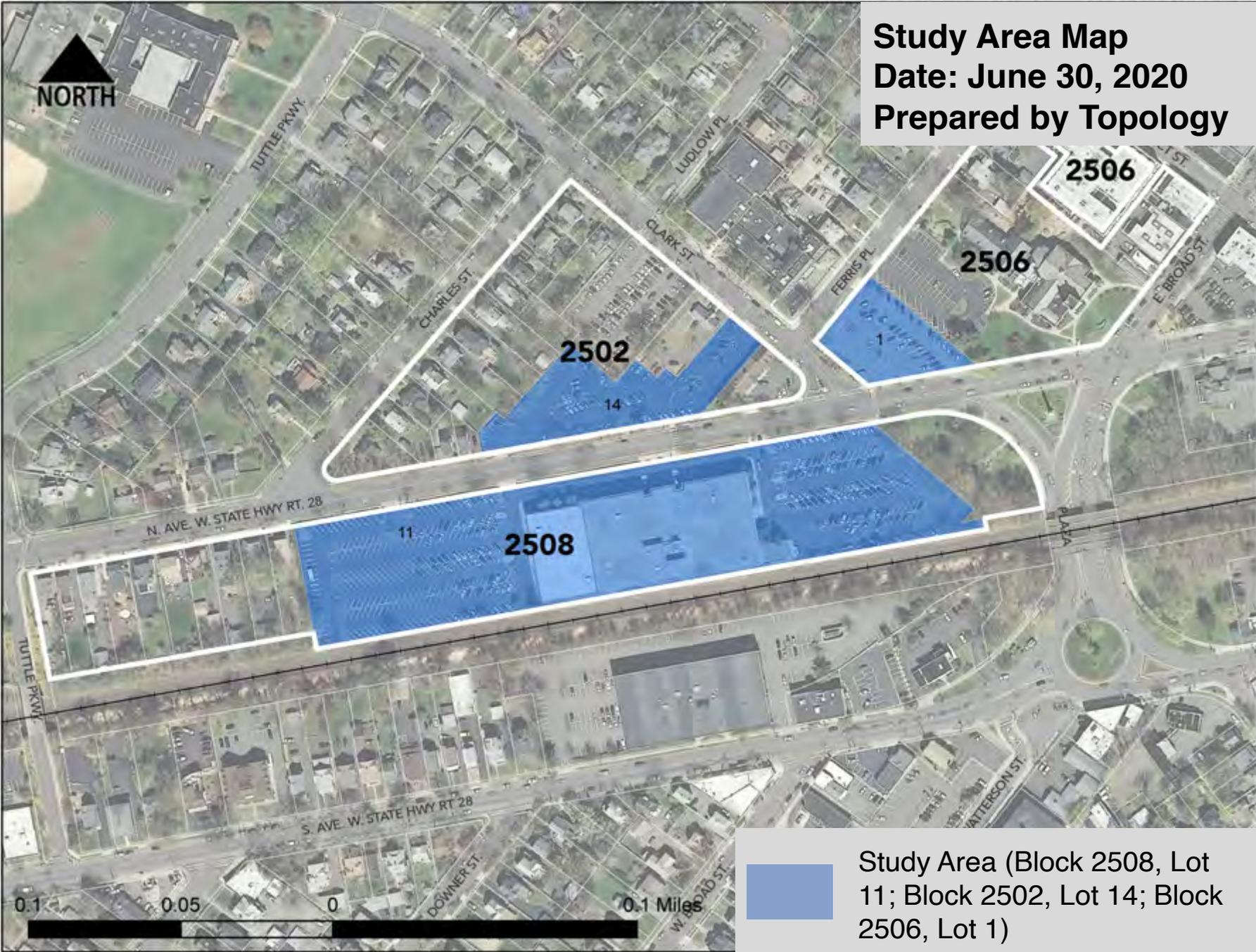
7. This Resolution shall take effect immediately.

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 March 10, 2020.


Tara Rowley, RMC
Town Clerk

Appendix B: Study Area Map

Study Area Map
Date: June 30, 2020
Prepared by Topology



Appendix C: Zoning Excerpt

§ 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 9-29-2009 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 6-6-2017 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 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 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 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 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 side yards and no side yard shall be less than 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 foot for every two feet of height of the building located in the GB-2 zone district, but not less than 10 feet. Within this required side yard, there shall be a buffer at least 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 foot for every two feet of height of the principal building on the lot which is the subject of the application, but not less 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 35 feet. Within this required rear yard, there shall be a buffer at least 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 habitable floors, exclusive of basement, or 40 feet in height, whichever is less.
5. Maximum coverage by buildings and above-grade structures. No more than 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 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 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 9-11-2012 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.

Appendix D: Recommended Redevelopment Area



Recommended Redevelopment Area



Recommended
Redevelopment Areas