

Block 3107, Lot 1

Preliminary Investigation

Prepared by

Topology

For

Westfield
Planning Board

July 20, 2020



Agenda

- 1 Process**
- 2 Study Area Overview**
- 3 Statutory Criteria + Study Area Evaluation**
- 4 Property Evaluation**
- 5 Conclusion + Next Steps**

1. Process



Process: Overall

- 
- Initial Resolution:** Governing body authorized preliminary investigation to determine if the area qualifies as a **non-condemnation** area in need of redevelopment on March 10, 2020
 - Due Diligence and Analysis:** Research on the condition of the properties in the study area.
 - Preliminary Investigation:** Analysis of study area and recommendation (report submitted July 2, 2020).
 - Planning Board Review and Recommendation:** Planning Board public hearing on July 20, 2020.
 - Designation:** Governing body accepts, rejects, or modifies recommendation.

Process: Tonight's Report

Site Visits

- Aerial imagery and site inspections:
 - April 19, 2020
 - June 10, 2020

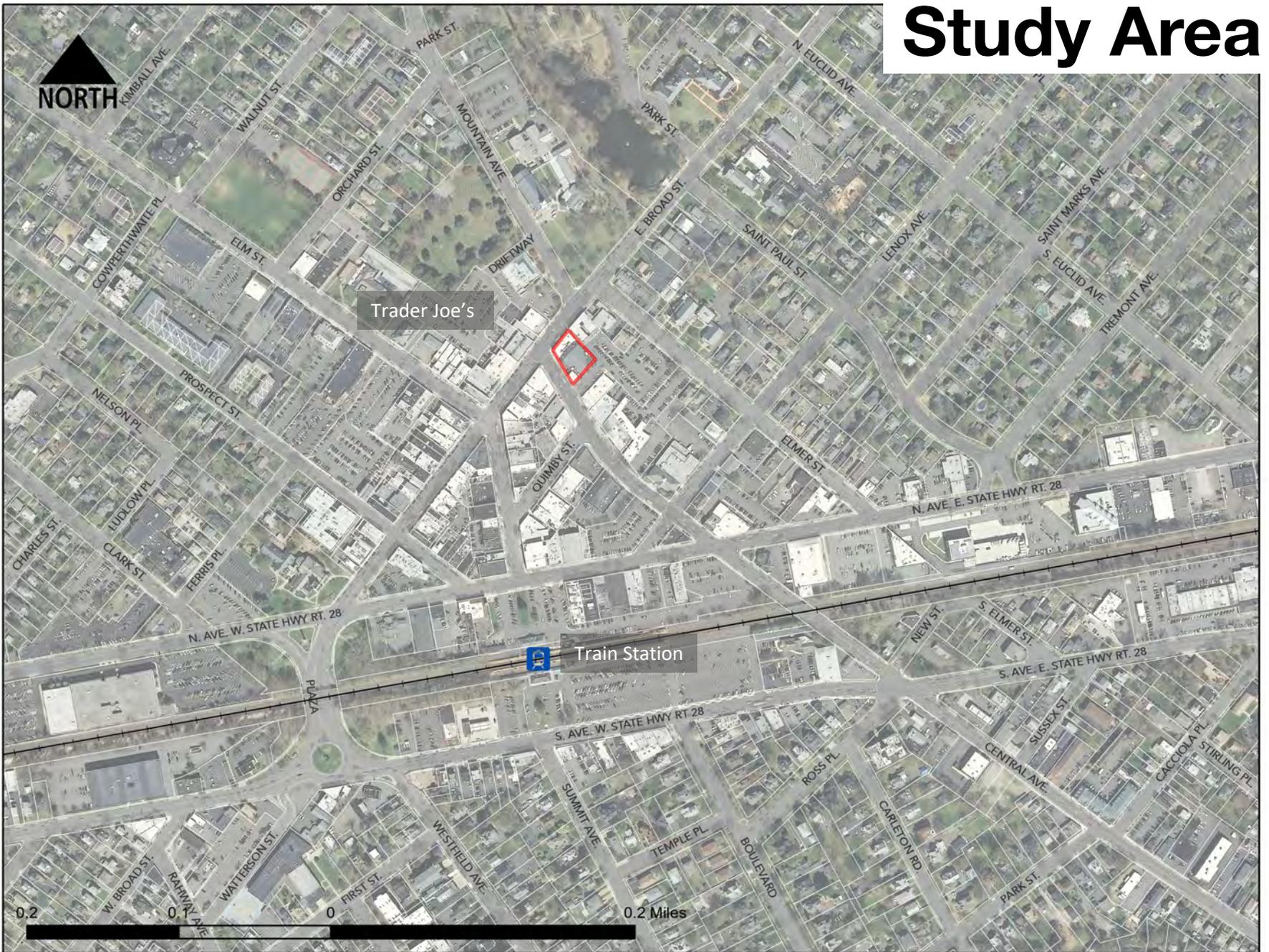
Documents Reviewed:

- Planning + zoning records
- Town Master Plan and Master Plan Reexamination
- Town zoning ordinance
- Available municipal records including tax maps
- Police records
- Tax assessor records including ownership information
- State tax records
- Sanborn maps
- Other planning documents prepared by Westfield stakeholders

2. Study Area Overview



Study Area



Trader Joe's

Train Station

0.2 0 0.2 Miles

Study Area



Study Area

NORTH

Block: 3107
Lot: 1
Address: 244-254 E. Broad Street
Owner: Rialto Holding Company, LLC
Use: Movie theatre, secondary commercial uses
Size: .32 acres
AV: 4,302,400 / 984,200 / 5,286,600

0.1 0.05 0 0.1 Miles

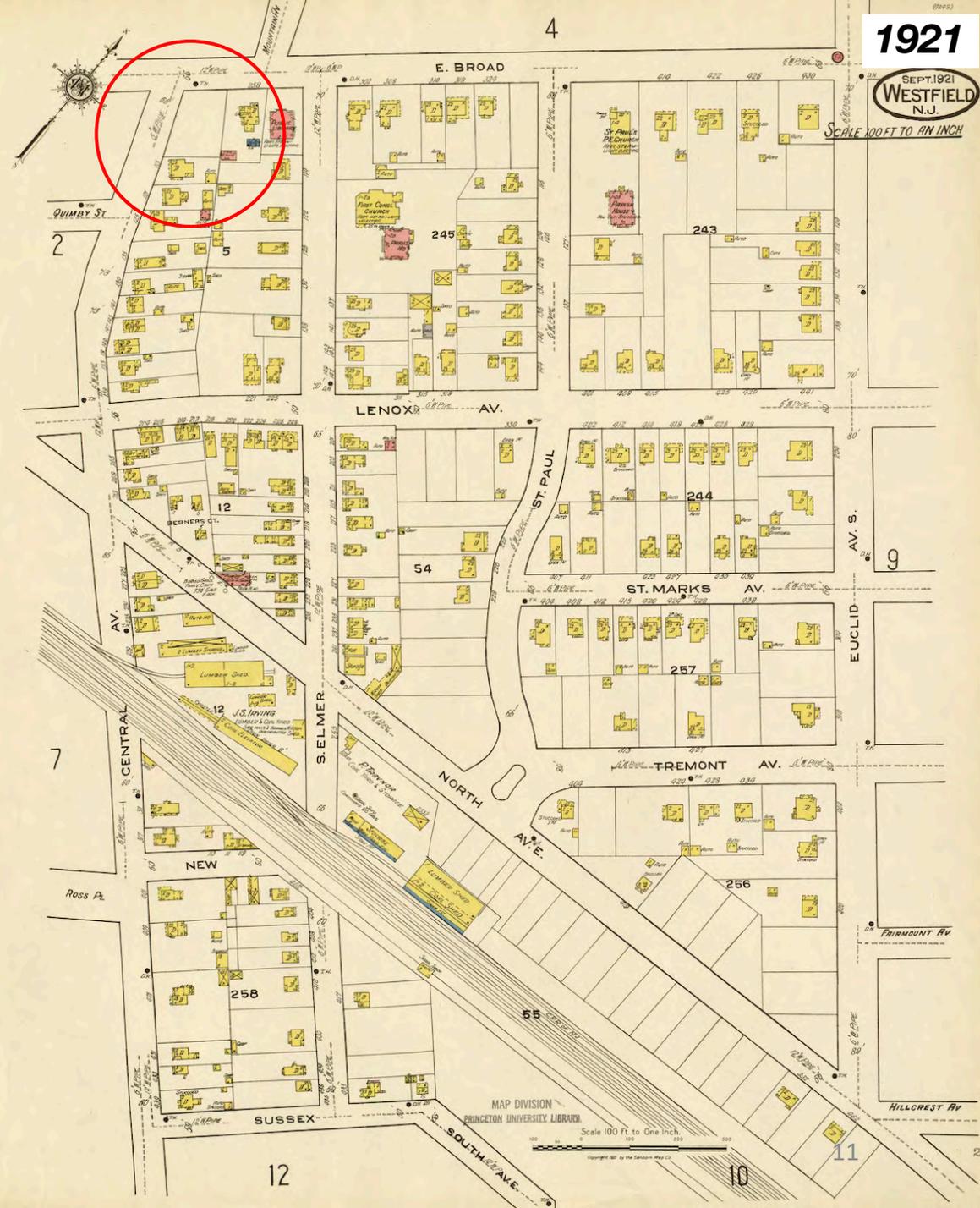
Zoning



CBD Zone

Site History

- **1922:** Rialto Theatre opens.
- **1978, 1997:** Additional screens added.
- **2009:** Ribbon cutting ceremony celebrating upgrades to auditoriums and concessions.
- **2019:** Theatre closes
- **2019-2020:** Town committee, RFP, to assess reuse options.



3. Statutory Criteria + Study Area Evaluation



Area in Need of Redevelopment Criteria

Statutory Analysis (N.J.S.A. 40A:12A-5)

- a** Substandard, unsafe, unsanitary, dilapidated, or obsolescent buildings
- b** Abandonment of commercial buildings or disrepair rendering them untenable; significant vacancies for two plus years
- c** Vacant or publicly owned land unlikely to be developed with private capital due to location, access or topography
- d** Dilapidated, obsolescent, faultily arranged or designed improvement detrimental to the public safety, health, morals, or welfare.
- e** Stagnant and unproductive condition of land because of a condition of title or diversity of ownership.

“Area in Need of Redevelopment” Criteria

Statutory Analysis (N.J.S.A. 40A:12A-5 (cont.))

- f** Area of 5+ acres with improvements that have been destroyed by fire or natural disaster
- g** Adopted and approved Urban Enterprise Zones (which may be designated for tax abatements only)
- h** **Designation is consistent with smart growth planning principles**

Standard of Proof

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.”

-Gallenthin Realty v. Borough of Paulsboro

Obsolescence

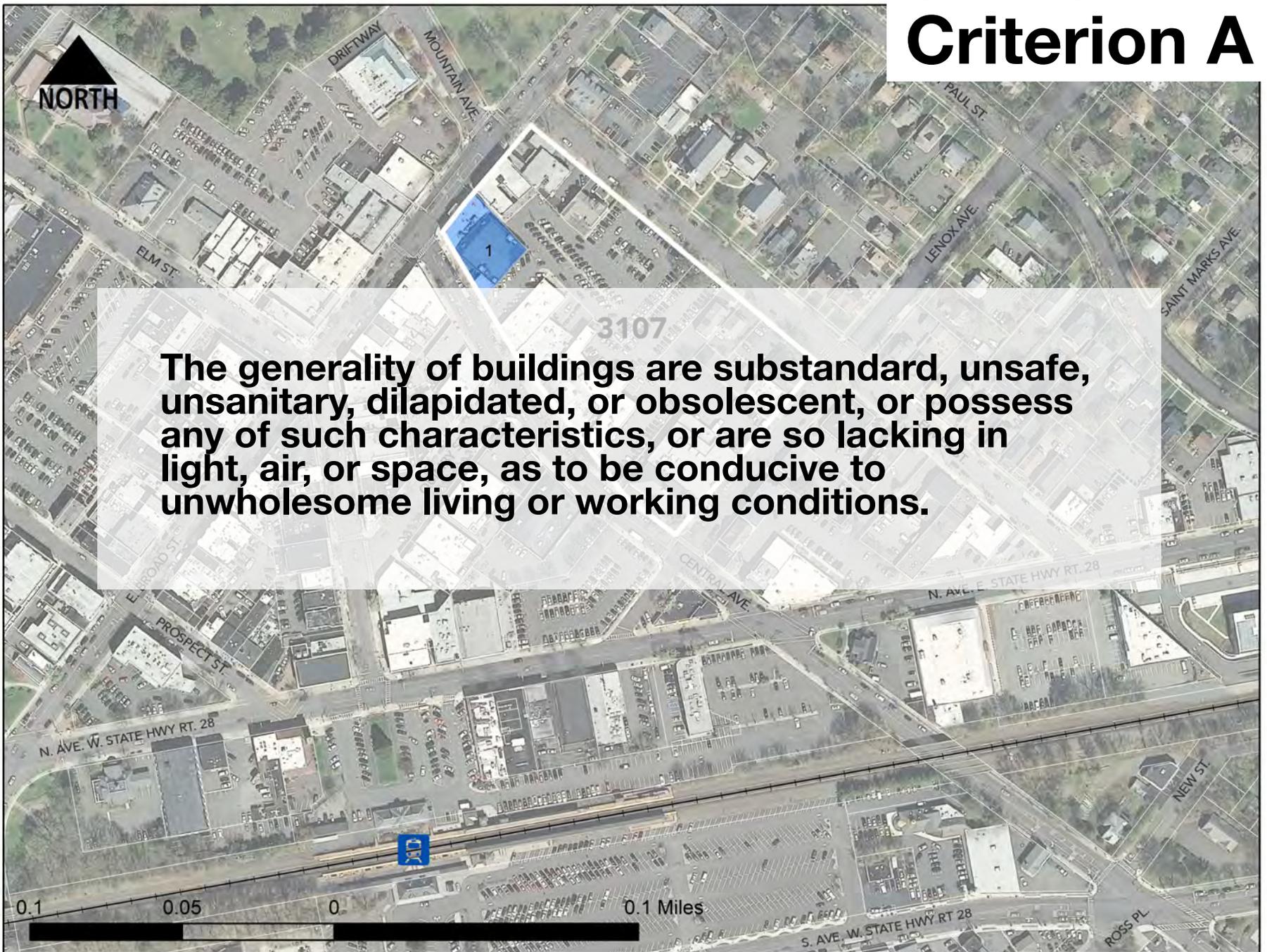
“Obsolescence is the process of falling into disuse and relates to the usefulness and public acceptance of a facility.”

-As cited in *Spruce Manor Enterprises v. Borough of Bellmawr* (1998)

4. Property Evaluation



Criterion A



NORTH

1

3107

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.

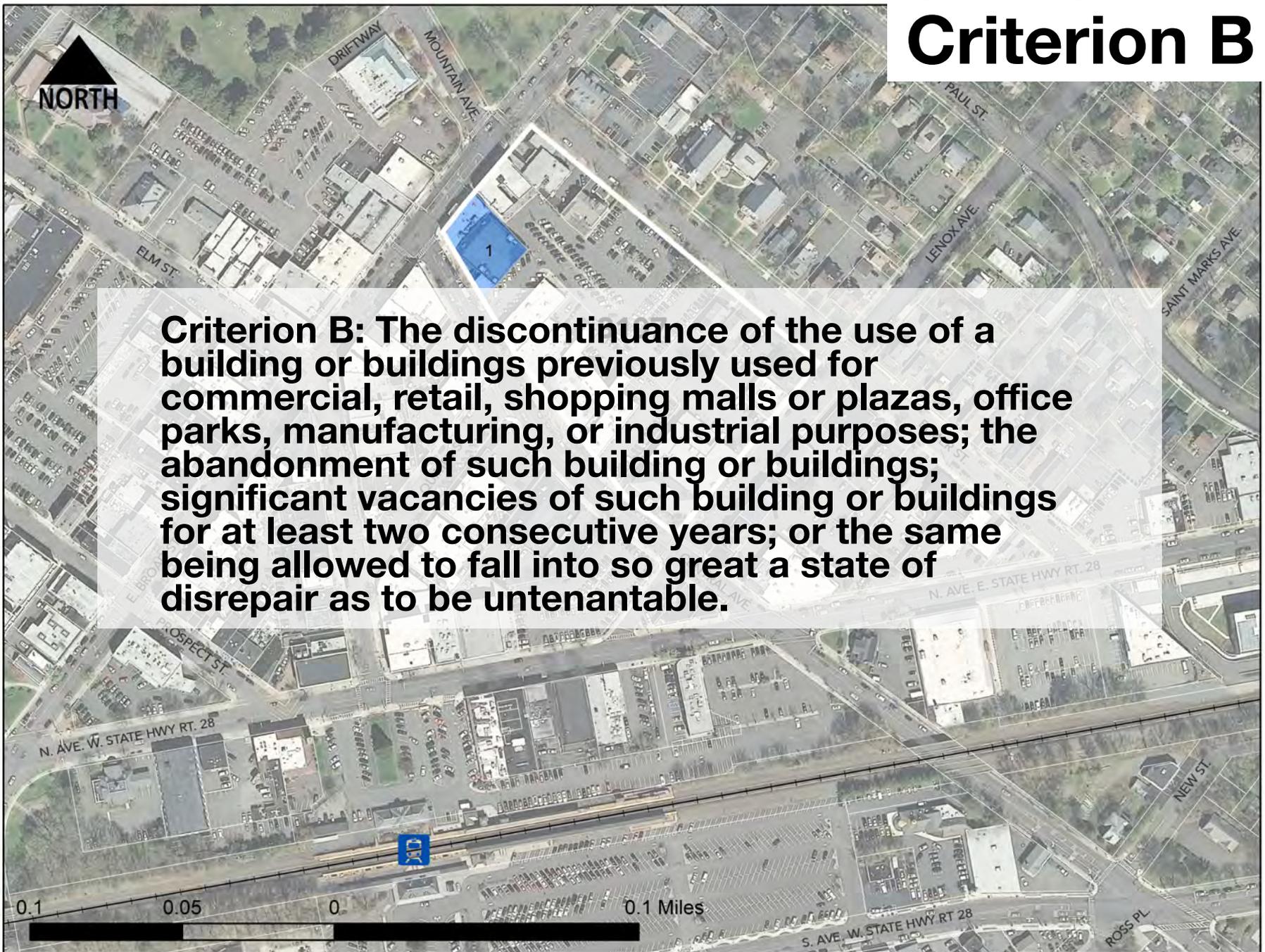
0.1 0.05 0 0.1 Miles

Criterion A

- **Generality of buildings are obsolescent and unsafe and, as a result, create unwholesome working conditions and health and safety risks for the general public.**
 - Haphazard wiring and equipment updates
 - Limited means of ingress and egress
 - Theatres are a “significant potential safety hazard” as per IBC—ingress/egress is paramount
 - Site exhibits limited means of egress (narrow staircases, fire escape exits into narrow walkway)
 - Water intrusion
 - Standing water observed in basement
 - Water intrusion associated with mold growth



Criterion B



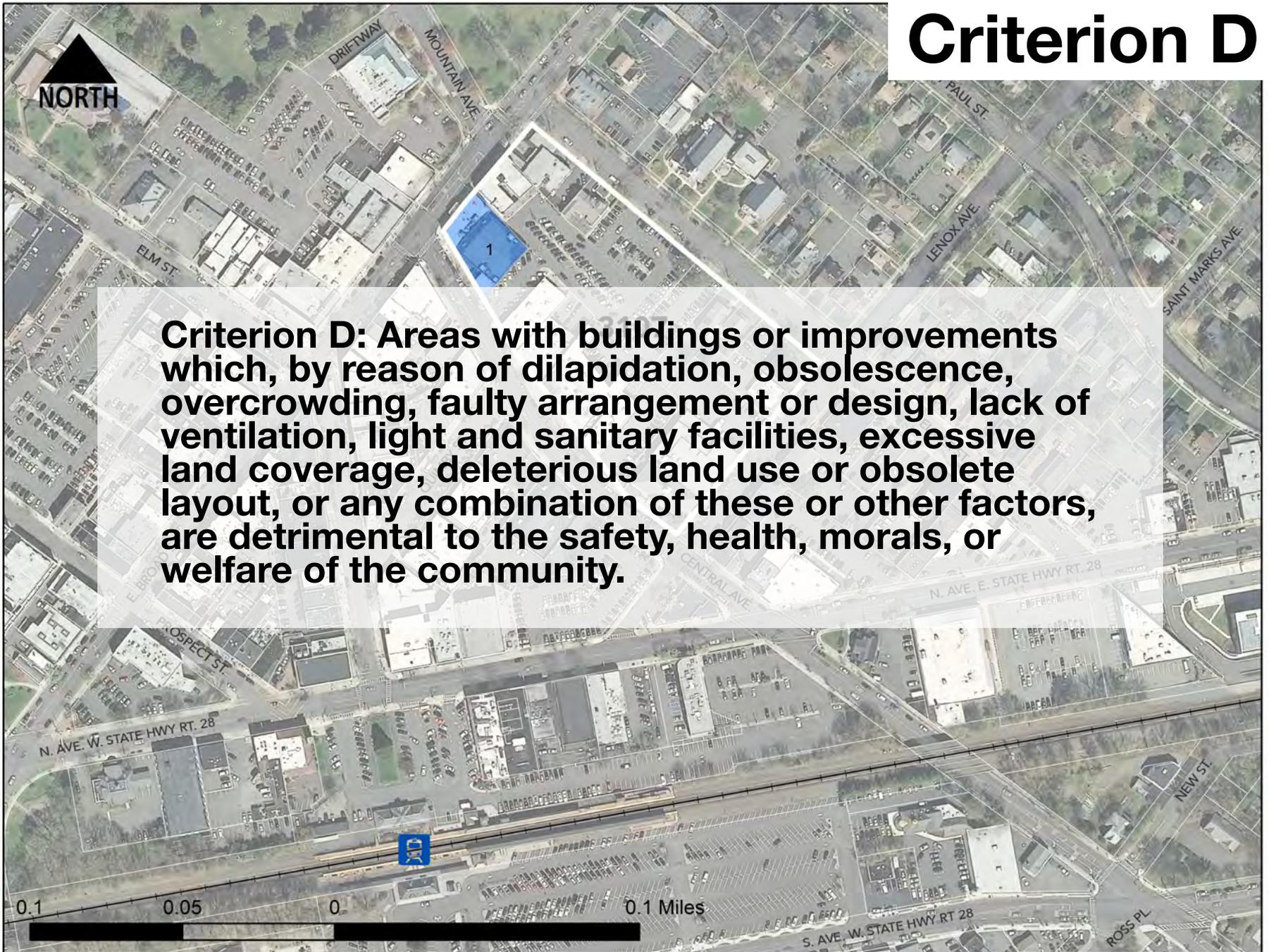
Criterion B: The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least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

Criterion B

- Building previously used for commercial use...that has been allowed to fall into so great a state of disrepair as to be untenable.
 - Theatre is vacant and unsuitable for tenancy.
 - Major upgrades and system replacements necessary to function as a movie theatre
 - Lacks necessary infrastructure to function as a movie theatre (projection equipment, fixed seating in certain auditoriums)
 - Criterion A issues (ingress/egress, water intrusion, wiring) need to be addressed for tenancy.



Criterion D



NORTH

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.

0.1 0.05 0 0.1 Miles

Criterion D

- Characteristics of obsolescence, faulty arrangement, excessive land coverage, and obsolete layout, in a manner that is detrimental to the safety, health, and welfare of the community
 - Obsolescence: Lacks amenities and infrastructure found in successful modern theatres of similar scale.
 - Obsolescence evidenced in vacancy. Vacancy detrimental to welfare.
 - Obsolescence: Limited means of ingress/egress (faulty arrangement), haphazard wiring.
 - Detrimental to health, safety.
 - Excessive land coverage: Conducive to flooding, stormwater management issues
 - Detrimental to safety, welfare.



Criterion H

Smart Growth principles crafted by the Smart Growth Network and cited by the United States EPA 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

Criterion H

Study area exhibits characteristics of Smart Growth area including:

- Proximity to transit
- Established community center
- Land use form conducive to walkability
- Mixed land uses
- Distinct architectural character that could be enhanced via additional distinctive and contextually appropriate development
- Consistent with growth recommendations of State Plan, as further supported by EO 78

The property qualifies under Criterion H as designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Summary of Findings

- Study Area qualifies as a non-condemnation Area in Need of Redevelopment based on:

Block	Lot	Criteria							
		A	B	C	D	E	F	G	H
3107	1	X	X		X				X

5. Conclusion + Next Steps





Recommended Redevelopment Area

Next Steps



Initial Resolution: Governing body authorization of preliminary investigation on March 10, 2020.

Investigation Map: Delineates the boundaries of the proposed study area.

Preliminary Investigation: Analysis of study area and recommended course of action.

Planning Board Review: Town Planning Board holds public hearing to review preliminary investigation for recommendation to governing body.

Designation: Governing body resolution that accepts, rejects or modifies recommendations.

Planning: Policy and regulatory framework for redevelopment.

Plan Adoption: Ordinance adopting the Plan as an amendment to Zoning.



Thanks for listening!

Questions / Comments?