

Lord & Taylor Sites Preliminary Investigation

A photograph of a street scene. In the foreground, there is a dark asphalt surface with a rusty, rectangular metal grate partially embedded in the ground. To the left of the grate is a large, dense green bush. To the right is a grassy area with a concrete curb. In the middle ground, a paved road with a yellow double line runs horizontally. Behind the road is a low green hedge and a white car. In the background, a large, modern building with a white facade and dark columns is visible under a clear blue sky. A utility pole stands on the right side of the image.

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 4, 2020

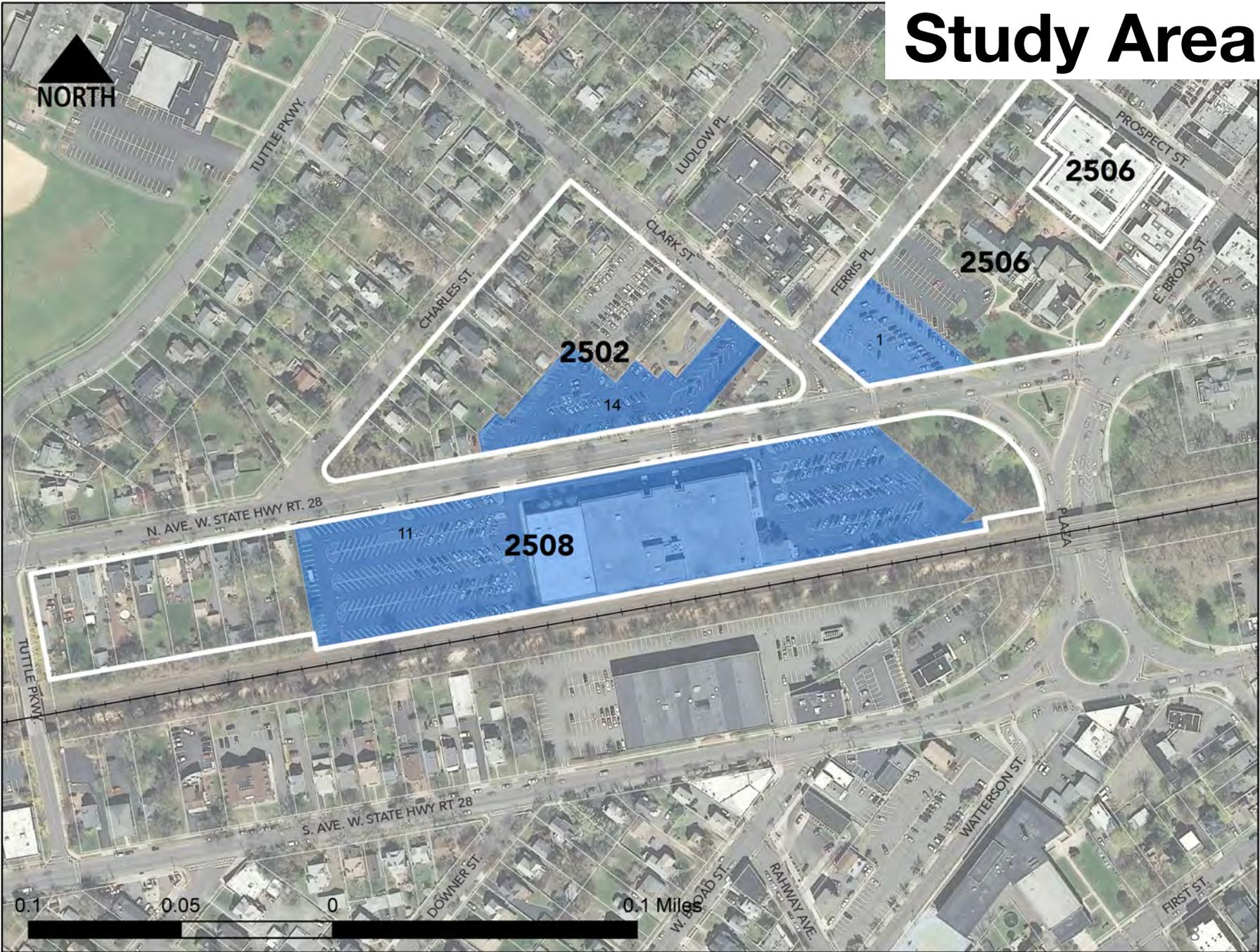
Documents Reviewed:

- 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



Study Area



“1” owner

3 properties

7.39 acres

\$24,861,500 cumulative improvements

2502

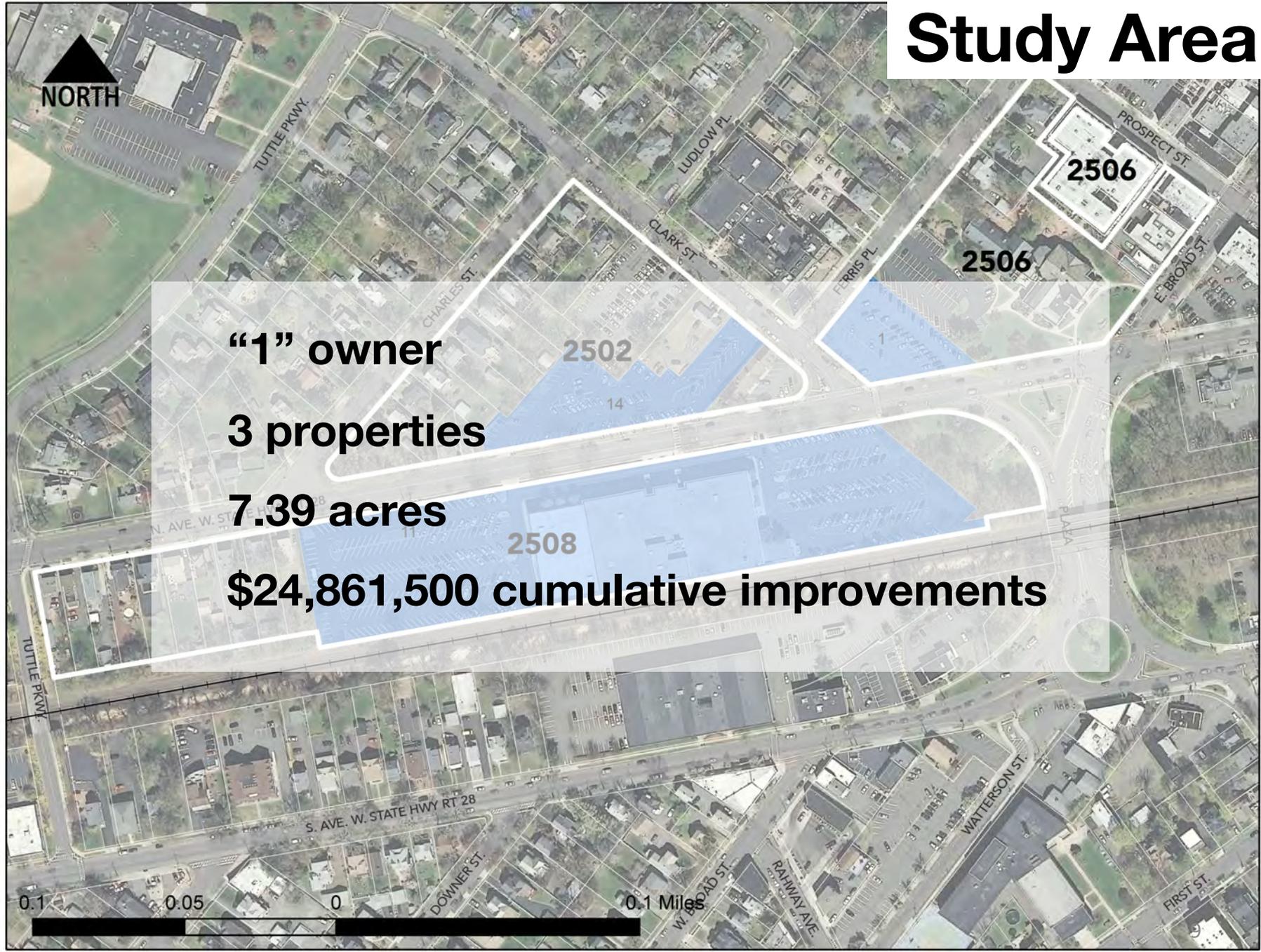
14

2508

2506

2506

0.1 0.05 0 0.1 Miles

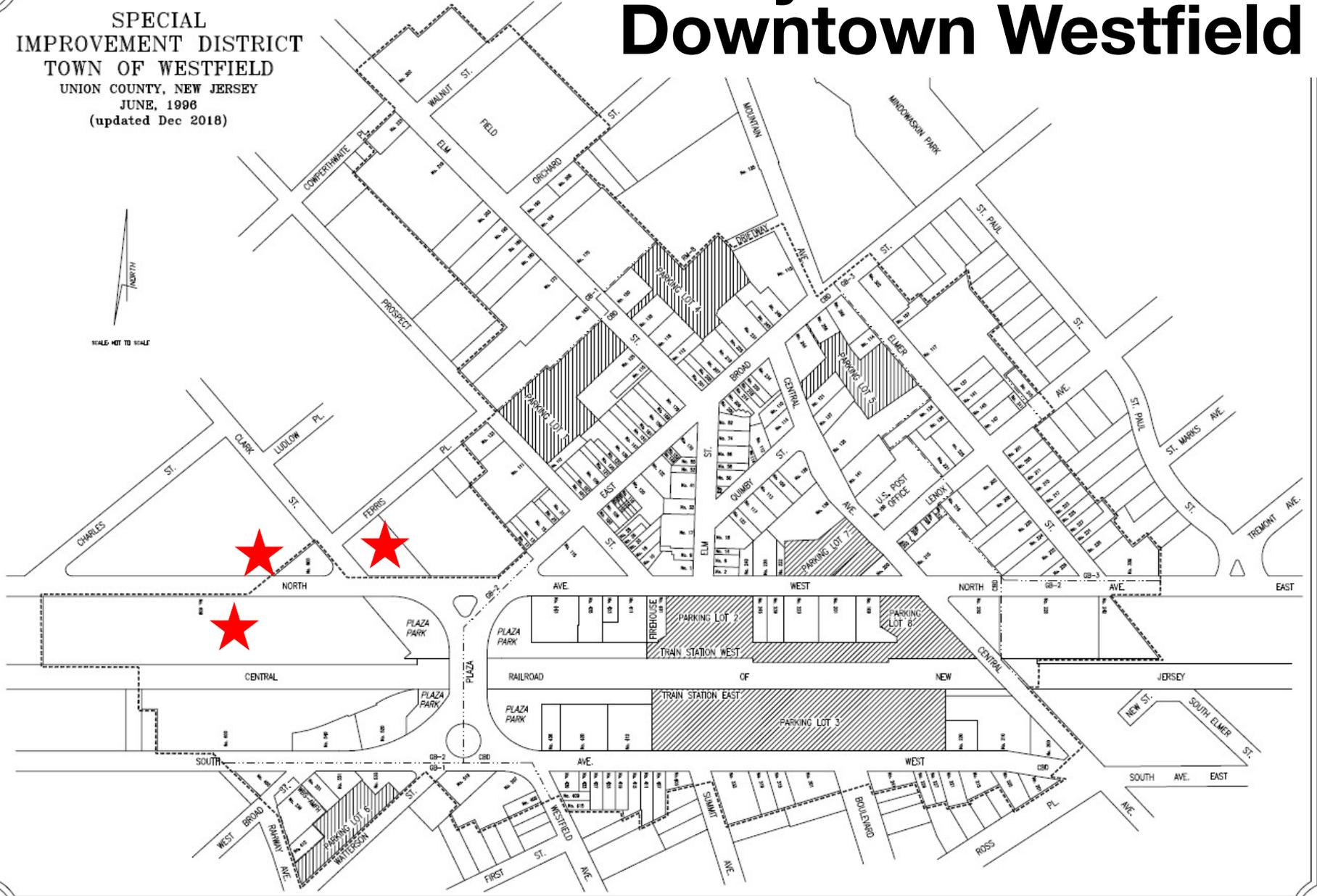


Study Area: Downtown Westfield

SPECIAL
IMPROVEMENT DISTRICT
TOWN OF WESTFIELD
UNION COUNTY, NEW JERSEY
JUNE, 1996
(updated Dec 2018)



SCALE NOT TO SCALE



Zoning

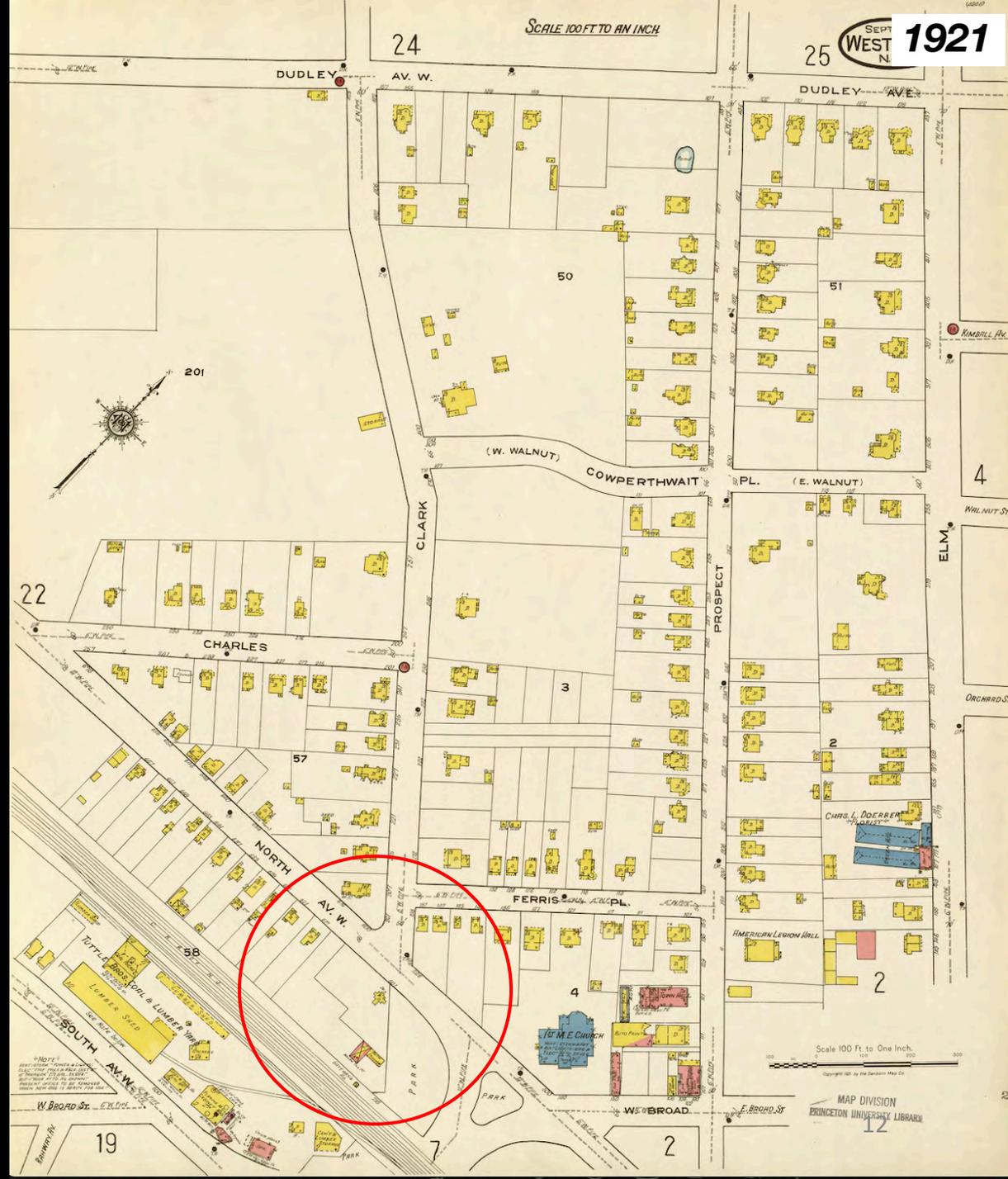


0.1 0.05 0 0.1 Miles

GB-2 Zone

Site History

- **1921:** Site occupied by private dwellings, small repair shop.
- **~Early 1960s:** Site developed in configuration roughly resembling modern day conditions. Hahne's opens.
- **~1990:** Lord & Taylor opens.



Prior Planning

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.

-2019 Master Plan Reexamination

Prior Planning

Capitalize on underutilized properties, such as surface parking lots and one-story structures for future redevelopment and development opportunities.

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.

-2019 Master Plan Reexamination

The community seems to agree that more parking is needed, just not in what capacity.

-Parking Planning Plan Element, 2019 Master Plan Reexamination

*77% rated parking in the downtown as very or somewhat important
59% supported adding more parking in the downtown
27% thought the availability of parking downtown was good or excellent*

-Survey Results, 2019 Master Plan Reexamination

Prior Planning

*Maintain and enhance the viability of the various business districts by: **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; **providing or requiring the provision of sufficient numbers of parking** and loading spaces in the appropriate locations to serve the needs of the general public as well as the needs of patrons and employees; **promoting a desirable pedestrian environment** in the downtown business district; and **discouraging automobile-only oriented development** in the central business district, including “strip malls.”*

-2002 Master Plan

Prior Planning: Downtown

Downtown is the “economic heart of the community,” and “parking capacity must be increased in order to sustain the economic viability of the district.”

-1999 Downtown Westfield Corporation

“Downtown is...a significant factor adding to the town’s overall appeal and liveliness” and “the economic benefit to the community of a vibrant downtown is obvious...[especially] in light of the changes nationwide in demographics and the retail sector.”

-2017 Mayor’s Downtown Task Force

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

Surface Parking + Obsolescence

- In Concerned Citizens, Inc. v. Mayor and Council of the Borough of Princeton (Appellate Division, 2004), the Court upheld a finding that a downtown surface parking lot was evidence of obsolescence and qualified as an area in need of redevelopment under criterion D.
- Specific conditions, similar to those found in Westfield, were cited by the Court in Concerned Citizens:
 - Properties were located **downtown** where surface parking represented “yesterday’s solution” in a setting where “structured parking is the new standard.”
 - **Long-term efforts** had been underway to improve the downtown.
 - Parking lots inhibited the types of uses that would fulfill Princeton’s objectives and redevelopment was projected to “serve the **public health, safety, and welfare** of the entire community.”

Downtown?



NORTH

2506

2506

2502

2508

0.1 0.05 0 0.1 Miles

Long-term efforts?

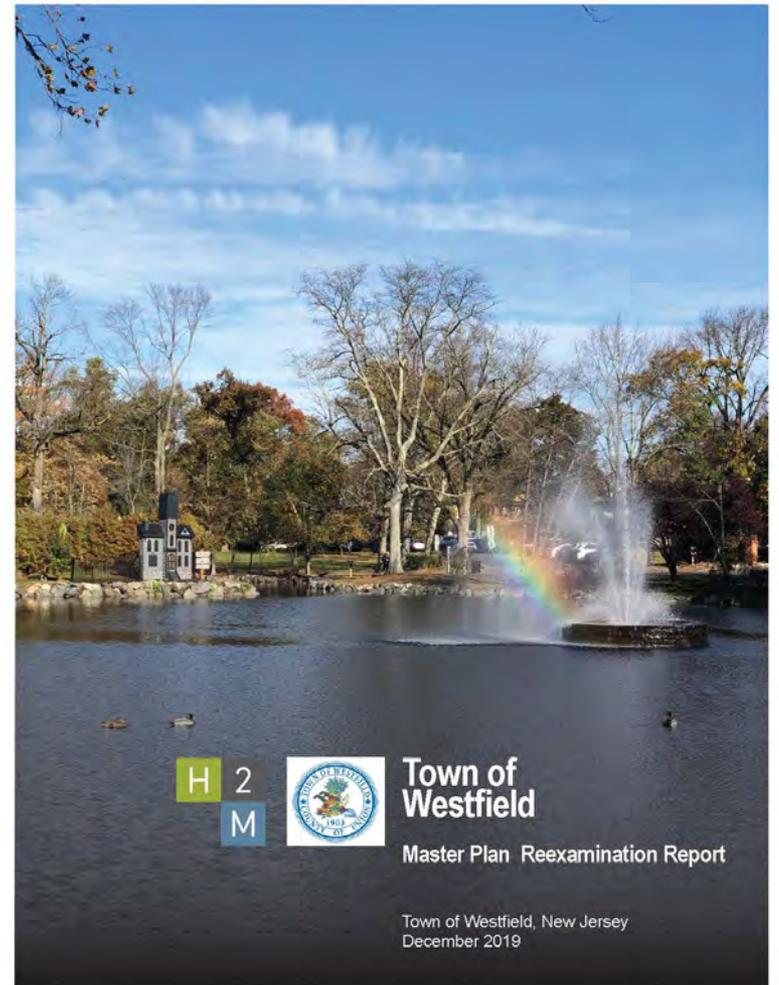
TOWN OF WESTFIELD UNION COUNTY, NEW JERSEY

PLANNING BOARD MASTER PLAN

Adopted October 7, 2002

with Amendments
Appendix B
&
Appendix C

Memorializing Resolutions
Appendix D



Health, safety, welfare?

Inefficiency argument (welfare): Surface parking lots are an inefficient way to provide parking. This comes at the expense of other uses.

Noncontributory argument (welfare): Downtown surface parking lots do not contribute to the functionality of the downtown beyond providing parking, a role they perform inadequately.

Design argument (health, safety, welfare): Surface parking lots exhibit design characteristics that are detrimental to the health, safety, and welfare of the community.

Inefficiency

- Why are they inefficient?
 - Surface lots only have one level of usable area.
 - Irregular dimensions result in high ratios of square foot per space provided.
 - Industry standard is one space per 300-325 square foot
- Why are they detrimental to welfare?
 - Lots leaves less land available for other uses.
 - Lots provides insufficient parking inventory.

Noncontributory

- Why are they noncontributory?
 - Their only function is storing vehicles, a role they play inadequately.
 - Lots break up the streetscape, detracting from walkability.
- Why are they detrimental to welfare?
 - Lack of functionality results in inferior assessed value and limited potential tax revenue.
 - Average improvement value per acre in Westfield is \$933,152.
 - Walkability has a positive impact on property values and retail sales.

Noncontributory



Design

- What is the design argument?
 - Surface lots exhibit faulty arrangement like wide drive aisles, poor pedestrian infrastructure, and excessive curb cuts that create unsafe environments.
 - Surface lots exhibit excessive lot coverage which creates stormwater issues. They present fewer opportunities for managing stormwater than a development with similar lot coverage.
- Why are they detrimental to health, safety, and welfare?
 - Walkability has a public health benefit.
 - Dangerous layouts are safety hazards.
 - Poor stormwater management leads to flooding, the movement of trash and pollution, and degradation of water quality.

Surface Parking + Obsolescence

- In Concerned Citizens, Inc. v. Mayor and Council of the Borough of Princeton (Appellate Division, 2004), the Court upheld finding that a downtown surface parking lot qualified as an area in need of redevelopment under criterion D.
- The Court found that surface parking lots in certain circumstances are evidence of obsolescence.
- Specific conditions, similar to those found in Westfield, were cited by the Court in Concerned Citizens:

- Properties were located **downtown** where surface parking represented “yesterday’s solution” in a setting where “structured parking is the new standard.”
- **Long-term efforts** had been underway to improve the downtown.
- Parking lots inhibited the types of uses that would fulfill Princeton’s objectives and redevelopment was projected to “serve the **public health, safety, and welfare** of the entire community.”

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

4. Property Evaluation



Block 2502, Lot 14



Address: 630 North Avenue West

Size: 1.134 acres

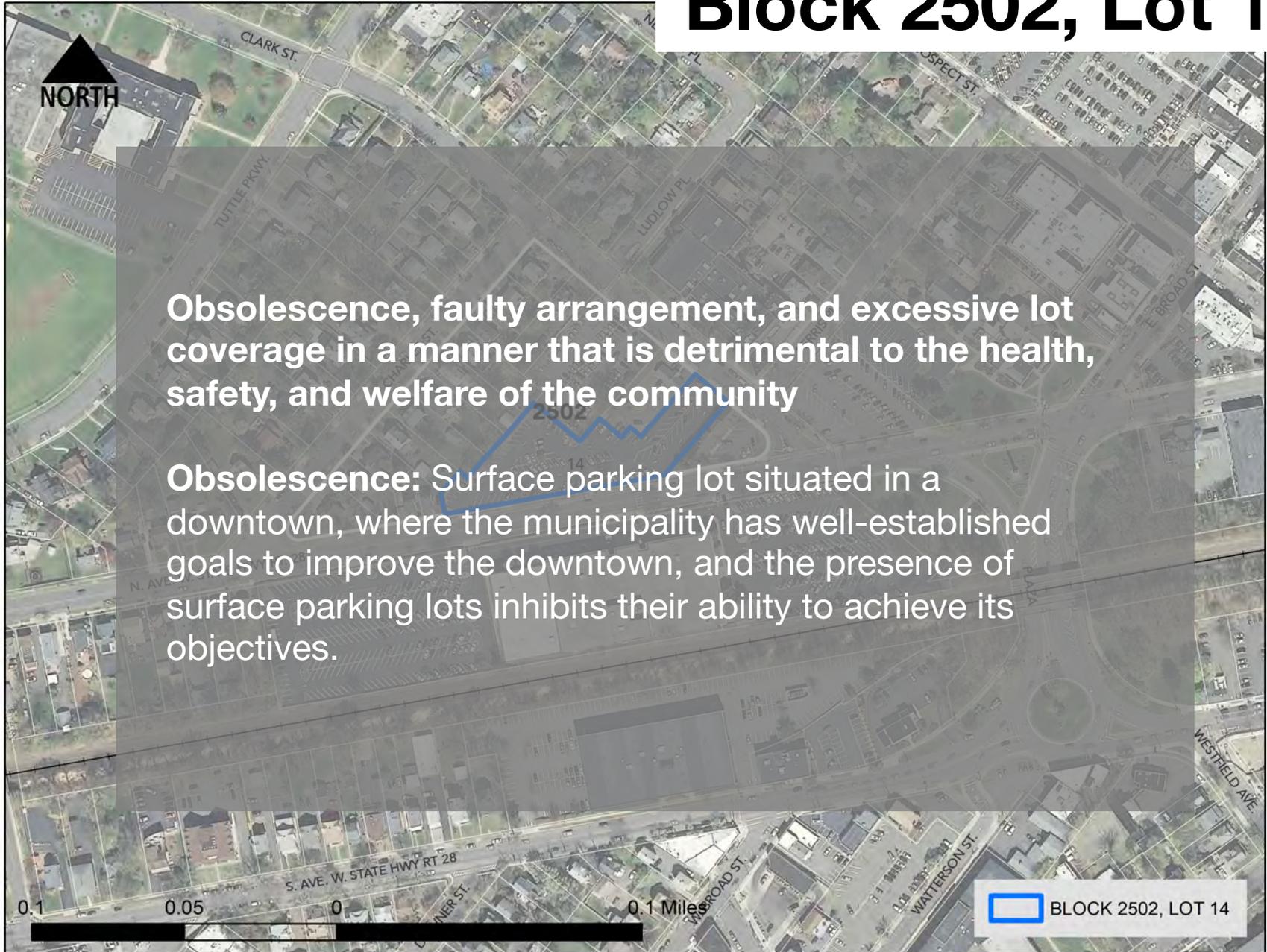
Owner: LT Westfield LLC, ATT H Grable

Use: Surface parking lot

Applicable Criteria: D, H

Assessed Value: \$1,478,000

Block 2502, Lot 14



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

Obsolescence: Surface parking lot situated in a downtown, where the municipality has well-established goals to improve the downtown, and the presence of surface parking lots inhibits their ability to achieve its objectives.

 BLOCK 2502, LOT 14

Block 2502, Lot 14

- **Detrimental to health, safety, welfare**
 - **Inefficiency (W)**
 - Single level of parking excludes other potential uses
 - One parking space per 504 square feet of area
 - **Noncontributory (W)**
 - No functional value besides providing 98 spaces
 - Improvement value per acre \$44,709
 - Creates a break in the street wall (lack of transition)
 - **Design (H, S, W)**
 - Parking lot lacks or has partially visible striping and directional painting
 - No pedestrian striping for crossing the lot
 - Wide drive lanes and tight turns
 - Excessive lot coverage



Block 2506, Lot 1



Address: 526 North Avenue West

Size: .6474 acres

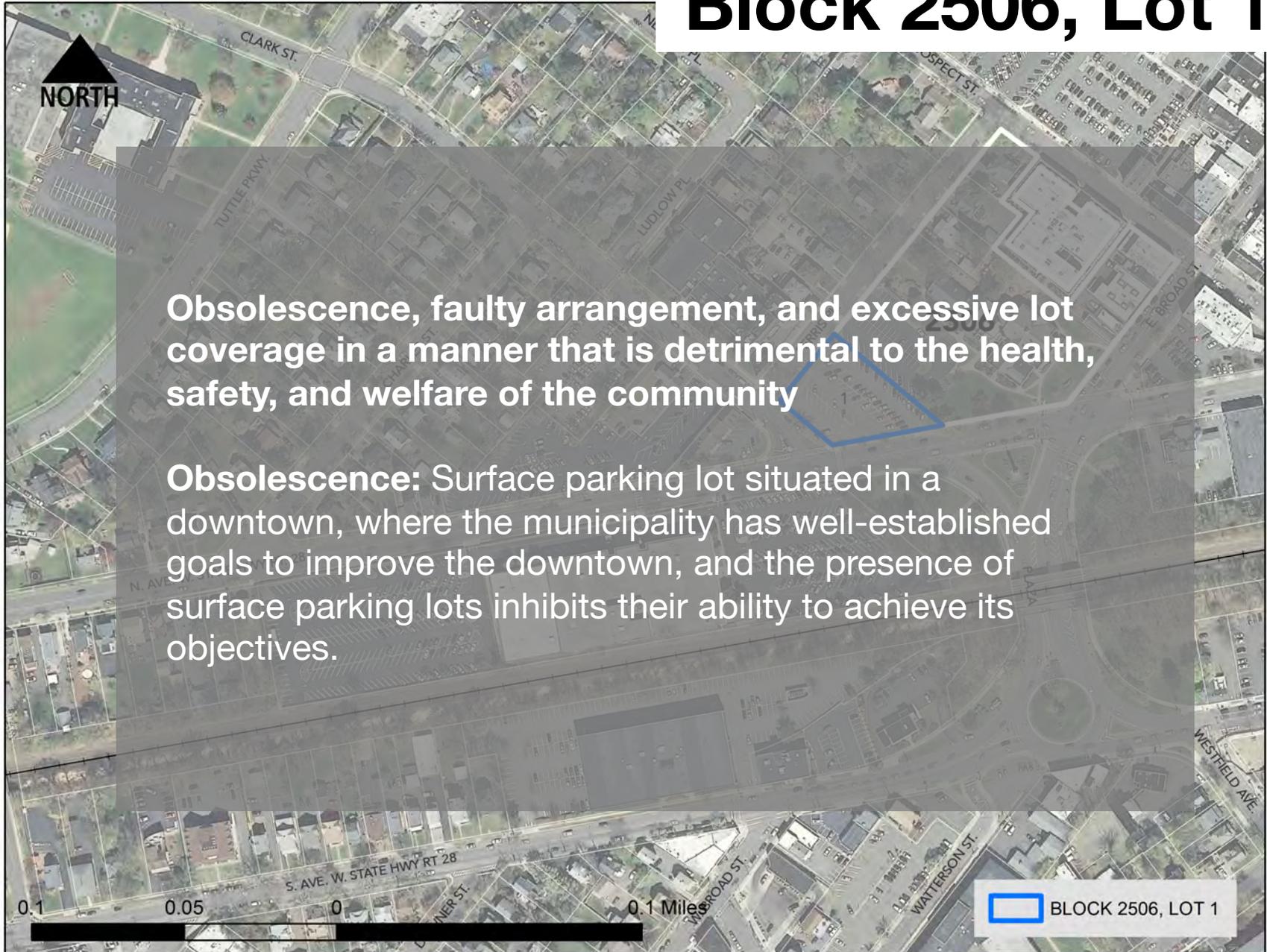
Owner: LT Westfield LLC

Use: Surface parking lot

Applicable Criteria: D, H

Assessed Value: \$1,245,000

Block 2506, Lot 1



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

Obsolescence: Surface parking lot situated in a downtown, where the municipality has well-established goals to improve the downtown, and the presence of surface parking lots inhibits their ability to achieve its objectives.

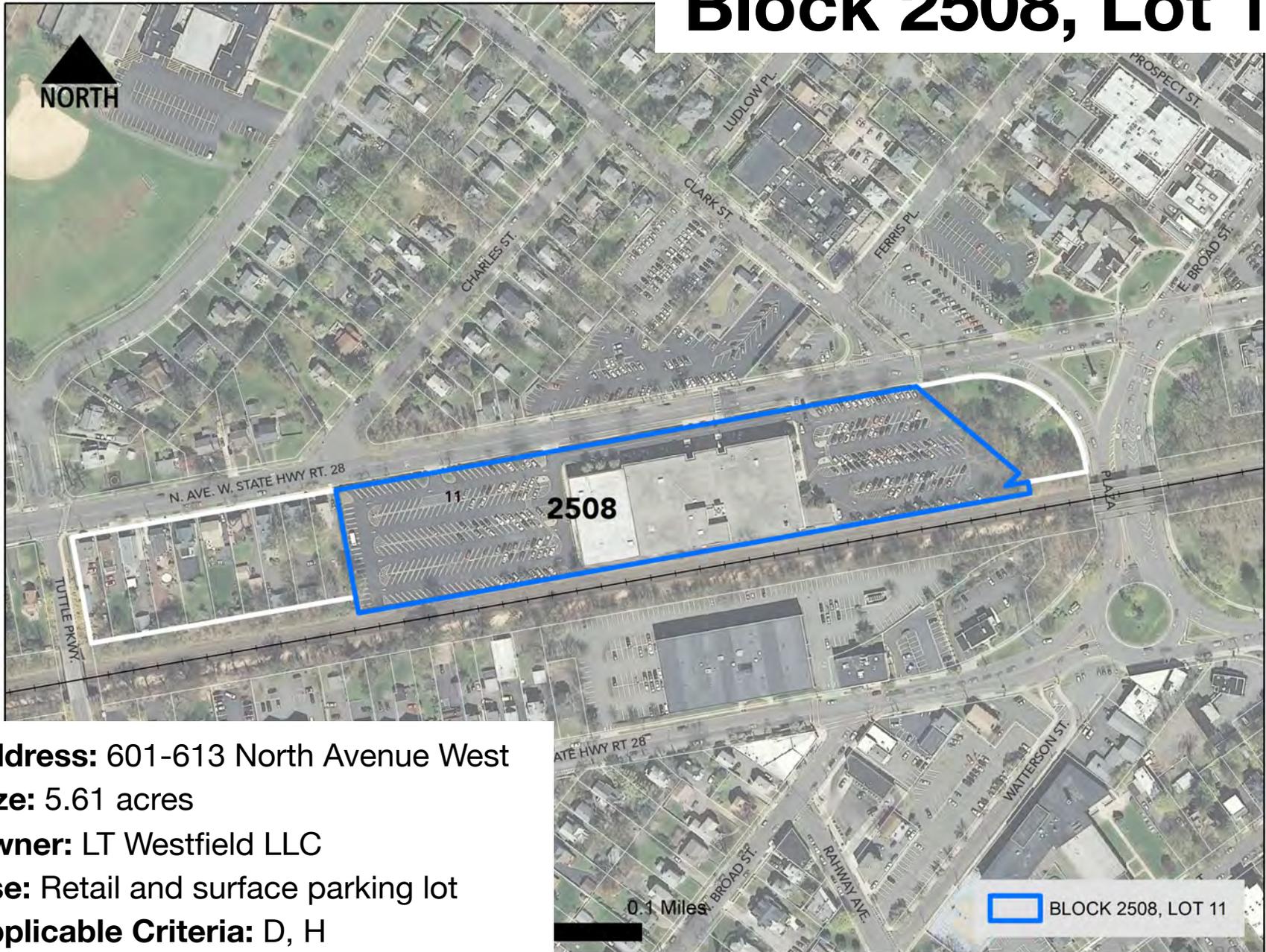
 BLOCK 2506, LOT 1

Block 2506, Lot 1

- **Detrimental to health, safety, welfare**
 - **Inefficiency (W)**
 - Single level of parking excludes other potential uses
 - One parking space per 320 square feet of lot area
 - **Noncontributory (W)**
 - No functional value besides providing 88 spaces
 - Improvement value per acre \$47,575
 - Creates a break in the street wall (lack of transition)
 - **Design (H, S, W)**
 - Parking lot lacks directional painting
 - No pedestrian striping to facilitate safe crossings
 - Broken, missing, compromised curbing
 - Excessive lot coverage



Block 2508, Lot 11



Address: 601-613 North Avenue West

Size: 5.61 acres

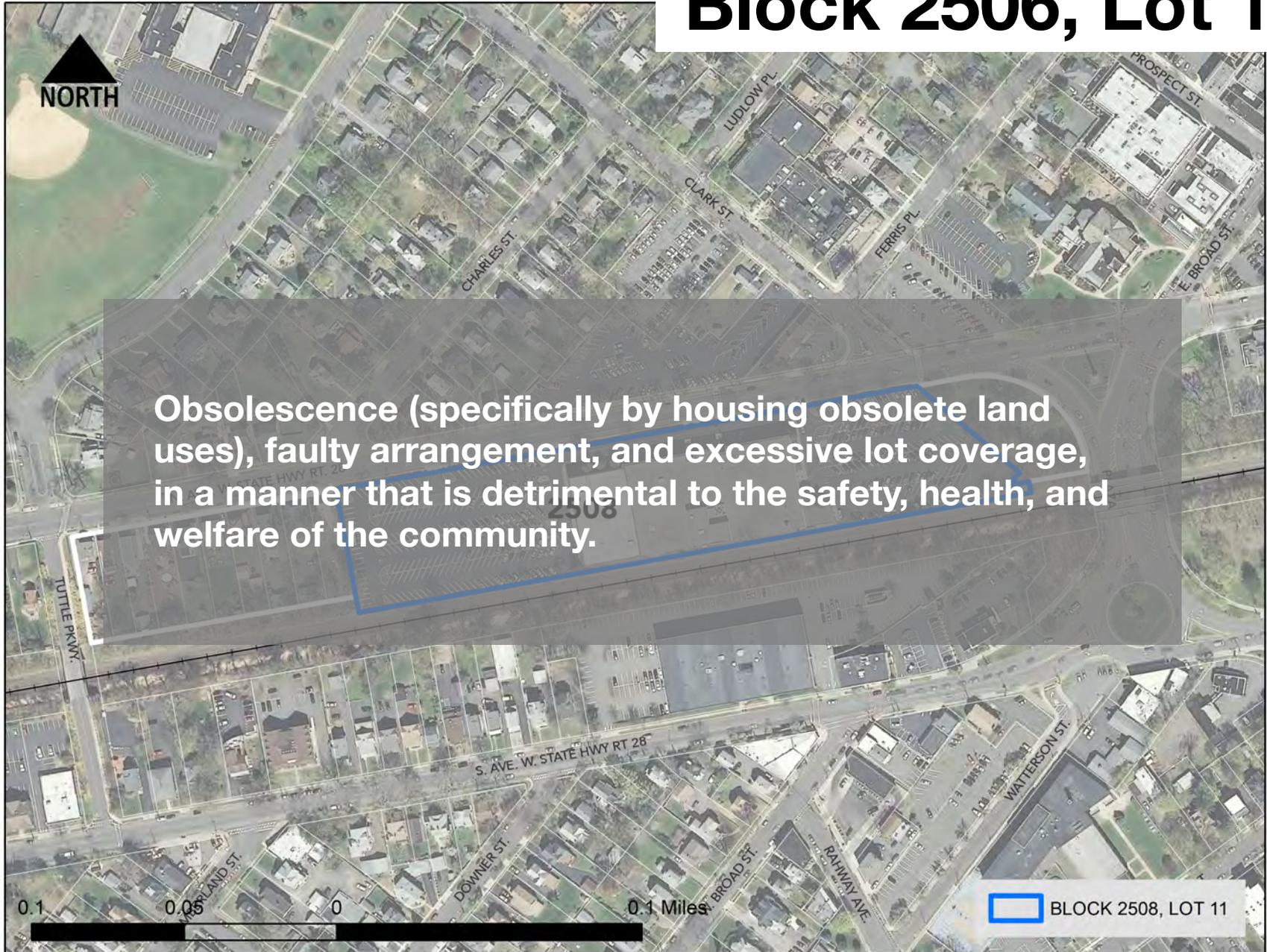
Owner: LT Westfield LLC

Use: Retail and surface parking lot

Applicable Criteria: D, H

Assessed Value: \$22,138,500

Block 2506, Lot 11



Obsolencescence (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.

 BLOCK 2508, LOT 11

Downtown Department Stores + Obsolescence

- In Spruce Manor Enterprises v. Borough of Bellmawr (1998) the Court relied on the following definition: *“Obsolescence is the process of falling into disuse and relates to the usefulness and public acceptance of a facility.”*
- Downtown department stores are a legacy of a dated effort to see downtowns “[remade] like malls.” They contradict modern best practices for downtown development, including those in Westfield’s planning documents.
- Obsolescence of department stores results in declining economic performance (pg. 46-47)
 - High profile bankruptcies
 - Dramatic decline in sales, employees
- This trend is expected to continue:
 - *“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.”*
 - CBRE Real Estate Market Outlook 2020

Consequence of Obsolescence: Tax Base

- **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.**
 - The Property is a top tax-payer for Westfield.
 - The building exhibits multiple forms of obsolescence.
 - Economic obsolescence: Consumer trends have moved away from downtown department stores.
 - Physical obsolescence: Building configuration inhibits potential reuse of building for alternative uses.
 - The expected outcome of obsolescence is vacancy. The expected outcome of vacancy is a reduction in tax revenue.
 - Reduction of tax ratable base is detrimental to the welfare of the community.

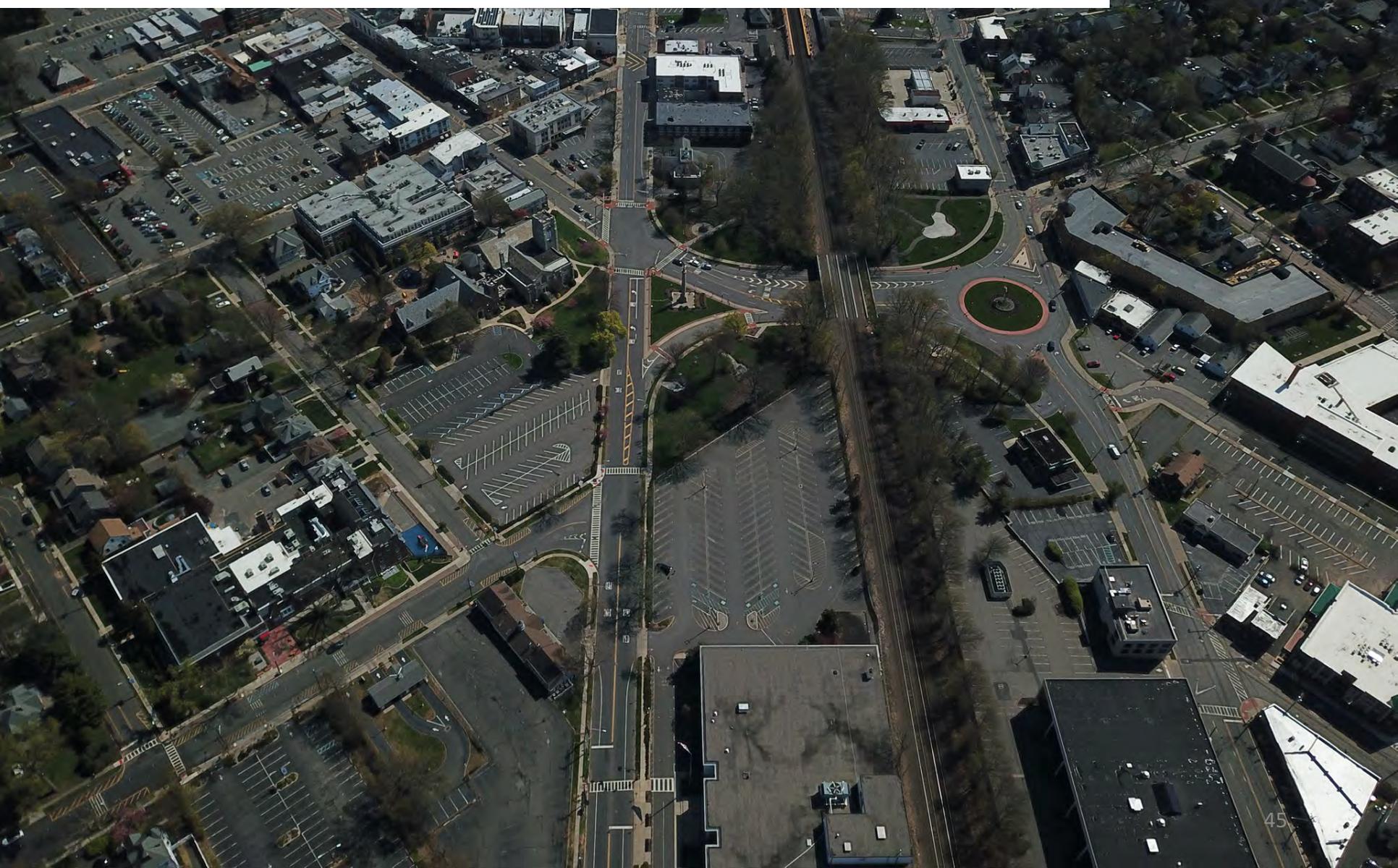
Consequence of Obsolescence: Downtown Viability

- **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 and maintain the vibrancy of downtown.**
 - The Town relies on downtown as its cultural and economic core, and desires an active and vibrant mixture of uses downtown.
 - The success of downtown is tied to the welfare of the community.
 - The presence of this obsolescent building threatens the viability of downtown.
 - Configuration creates a physical buffer which detracts from connectivity.
 - Obsolete configuration draws shoppers away from the downtown core.
 - Inefficient, single use, comes at the expense of other land uses.

Consequence of Obsolescence: Pedestrian Connectivity

- **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.**
 - The building and its improvements disturb the urban form and detract from walkability.
 - Parking lots create a moat-like effect and an edge to downtown.
 - Configuration creates a pedestrian dead zone between the downtown core and adjacent residential neighborhoods
 - Walkability has public health benefits and contributes to the economic vitality of the downtown.

Consequence of Obsolescence: Pedestrian Connectivity



Consequence of Obsolescence: On-Site Pedestrian Activity

- **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.**
 - Surface parking lots lack pedestrian infrastructure, requiring pedestrians to walk in drive lanes.
 - Wide drive lanes encourage drivers to speed and pass.



Consequence of Obsolescence: Stormwater Management

- **Obsolescent buildings and improvements on site exhibit conditions of excessive lot coverage that are detrimental to the health and safety of the community because they exacerbate stormwater management issues.**
 - Property is almost entirely covered with impervious surfaces, with evidence of erosion.
 - Excessive lot coverage creates stormwater management issues, like non-point source pollution and water quality degradation.



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
2502	14				X				X
2506	1				X				X
2508	11				X				X

5. Conclusion + Next Steps





Recommended Redevelopment Areas

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?