



Community Planning
Land Development and Design
Landscape Architecture

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MASTER PLAN AMENDMENT TO THE 2009 LAND USE ELEMENT

**TOWN OF WESTFIELD
UNION COUNTY, NEW JERSEY**

PREPARED FOR:

**TOWN OF WESTFIELD PLANNING BOARD
BA# 3249.00**

February 22, 2018

This document was duly adopted by the Planning Board of the Town of Westfield at their public hearing held on March 5, 2018.

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**John P. Szabo, Jr., P.P., AICP
Professional Planner #3445**

The original document was appropriately signed and sealed on February 22, 2018 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

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INTRODUCTION

The Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-62a, requires every municipality with a zoning ordinance to adopt a master plan containing at least a land use plan element and housing plan element.

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

The Planning Board conducted a reexamination of that Master Plan and its updated elements, and prepared a Reexamination Report dated February 2009. On March 17, 2009, the Planning Board conducted a public hearing on this Reexamination Report and adopted same by resolution. The Reexamination Report made certain recommendations concerning amendments to the Land Use Element adopted in October 2005. In response to recommendations contained in the Reexamination Report, the Board prepared a revised Land Use Element to supersede prior Land Use Elements in fulfillment of the Reexamination Report findings. The revised Land Use Element was then adopted by the Board on July 6, 2009.

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

The New Jersey Supreme Court In re Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015) on March 10, 2015 stripped the Council on Affordable Housing (COAH) of its administrative duties relating to the affordable housing certification process. This decision granted the Fair Share Housing Center's (FSHC) motion in aid of litigant's rights, declared COAH ineffective in complying with the mandates of the Fair Housing Act of 1985 (FHA), dissolved the substantive certification process before COAH and created a judicial process by which a municipality can file a declaratory judgment action with the court seeking a judicial determination that their housing element satisfied their "third round" affordable housing obligation. The New Jersey Supreme Court appointed "Mount Laurel" judges for each of the state's fifteen (15) judicial vicinages to hear and decide these actions. The Court directed that the reviewing judges utilize methodologies similar to that developed by COAH in the prior first and second rounds. The Court further established a specific deadline (July 8, 2015) by which municipalities could file such actions.

In response to the Supreme Court's March 10, 2015 decision, Westfield filed a declaratory judgment action with the Superior Court on July 2, 2015, titled In re Town of Westfield Compliance with Third Round Mount Laurel Affordable Housing Obligations, Docket No. UNN-L-2391-15 (the "DJ Action"). The DJ Action seeks a judicial determination of compliance with the Town's Third Round affordable housing obligation. The DJ Action was settled and the settlement was reviewed and approved by the Superior Court of New Jersey (the Honorable Karen Cassidy, A.J.S.C., presiding) after a Fairness Hearing, which approval is memorialized in an amended order entered by the court on October 30, 2017 and filed by the court on November 1, 2017 (the "Settlement Approval Order") To implement the Settlement Approval Order, the Planning Board prepared a Housing Element and Fair Share Plan dated February 1, 2018 (the 2018 HE&FSP) and also prepared the within Land Use Element amendment to the Master Plan.

The 2018 HE&FSP creates a realistic opportunity for the development of affordable housing units that will satisfy the Town's affordable housing obligation for the Third Round.

The 2018 HE&FSP identifies specific areas within Westfield for the development of affordable housing that require the creation of overlay zones and the adoption of zoning ordinance amendments. These actions necessitate amendments to the Town's 2009 Land Use Element in order to provide consistency between the Town's 2018 HE&FSP and 2009 Land Use Element as required by the Municipal Land Use Law. This

document identifies specific amendments to the Land Use Element necessary to achieve the consistency required to implement the 2018 HE&FSP.

AMENDMENTS TO THE LAND USE PLAN

The following amendments are hereby incorporated into the Land Use Plan:

Amendment to North Avenue TOD

The North Avenue TOD zone will be amended to increase the permitted density of multifamily rental housing from 15-16 units per acre (depending upon whether sale or rental housing produced) to 25 units per acre for sale “family units” with a required set-aside of 20 percent for affordable housing.

Creation of Overlay Zones

Overlay zones will be created over the following properties that will provide for a range of density of 9.1 up to 37.7 units per acre (depending upon the site) for affordable rental housing as reflected in Table 1. A map identifying the specific overlay areas is attached.

Table 1
Overlay Zone Parcels

Block	Lot	Address	Acreage	Density (du/ac)	Total Units	Total Affordable Units Rentals
3202	2	260 North Ave East	1.44	25	36	5.4
3202	3	270 North Ave East	0.53	25	13.25	1.9875
3202	6	422 North Ave East	1.17	25	29.25	4.3875
3202	7	440 North Ave East	0.41	25	10.25	1.5375
3202	8	450 North Ave East	0.69	25	17.25	2.5875
3202	9	462 North Ave East	0.28	25	7	1.05
3202	10	466 North Ave East	0.14	25	3.5	0.525
3202	11	474 North Ave East	0.41	25	10.25	1.5375
3202	12	500 North Ave East	0.76	25	19	2.85
3202	13	516 North Ave East	0.6	25	15	2.25
3202	14	522 North Ave East	0.11	25	2.75	0.4125
3202	15.01	526 North Ave East	0.46	25	11.5	1.725
3202	15.02	536 North Ave East	0.23	25	5.75	0.8625
3202	16	540 North Ave East	0.23	25	5.75	0.8625
3305	3	580 North Ave East	0.34	25	8.5	1.275
3002	3	335 Watterson Street	0.3	25	7.5	1.125
3002	4	325 Watterson Street	0.25	25	6.25	0.9375
3002	13	322 First Street	0.25	25	6.25	0.9375

Block	Lot	Address	Acreage	Density (du/ac)	Total Units	Total Affordable Units Rentals
3002	12	320 First Street	0.23	25	5.75	0.8625
3002	5	501 South Avenue	0.58	25	14.5	2.175
3002	6	408 Westfield Ave.	0.11	25	2.75	0.4125
3006	5	430 Central Avenue	0.2	25	5	0.75
3006	6	500 Central Avenue	0.2	25	5	0.75
3006	7	510 Central Avenue	0.24	25	6	0.9
3006	8	514 Central Avenue	0.06	25	1.5	0.225
3006	9	516 Central Avenue	0.11	25	2.75	0.4125
3207	2	110 New Street	0.06	25	1.5	0.225
3207	3	402 Elmer Street	0.09	25	2.25	0.3375
3207	5	408 Elmer Street	0.15	25	3.75	0.5625
3207	6	412 Elmer Street	0.15	25	3.75	0.5625
3207	7	123 South Avenue E	0.3	25	7.5	1.125
3204	5	401 Elmer Street	0.3	25	7.5	1.125
3204	4	417 Elmer Street	0.2	25	5	0.75
3204	3	419 Elmer Street	0.2	25	5	0.75
3204	2.01	211 South Avenue E	0.36	25	9	1.35
3204	1	201 South Avenue E	0.24	25	6	0.9
3204	7.01	215 South Avenue E	0.75	25	18.75	2.8125
3204	7.02	219 South Avenue E	0.28	25	7	1.05
3204	10	343 South Avenue E	1.26	25	31.5	4.725
3204	11	349 South Avenue E	0.38	25	9.5	1.425
3204	12	357 South Avenue E	0.38	25	9.5	1.425
3204	13	361 South Avenue E	0.44	25	11	1.65
3204	14	365 South Avenue E	0.8	25	20	3
3204	15	369 South Avenue E	0.4	25	10	1.5
3204	16	401 South Avenue E	1.14	30	34.2	5.13
3307	1	421 South Ave East	1.38	37.7	41.4	6.21
3307	2	445 South Ave East	2.75	37.7	82.8	12.42
3307	3	461 South Ave East	1.07	30	32.1	4.815
4004	17	418 South Ave East	0.38	25**	9.5	1.425
4005	3	338 Windsor Avenue	0.84	25	21	3.1
4005	4	448 South Ave East	0.34	25	8.5	1.275
3007	3,4 & 5	Ross Place	1.10	9.1	10	0***
Total*			26.07		666	100

*Dwelling Unit Totals Rounded; ** To be used for parking to support development of Bl 4005, Lots 3 & 4;

***Settlement calls for in-lieu of payment.

Overlay Zones Pursuant to Settlement

The 2018 HE&FSP describes four overlay zones to be created as a result of settlements that were incorporated into the plan to permit rental housing development with mandatory affordable housing set aside requirements. These parcels are incorporated into Table 1 above but are explained in more detail below as to the specific requirements relating to each.

a. McMaster Site (aka. Pan Am site): 501 South Avenue; Block 3002, Lots 5,6,12 & 13

The subject site is comprised of 4 lots and is located at the southwest corner of the intersection between South Avenue and Westfield Avenue within 600 feet of the Westfield Rail Station. The site encompasses 1.18 acres and is presently developed with multiple buildings previously occupied by a dry-cleaning establishment and a single-family residence that fronts on Westfield Avenue. The existing buildings have been abandoned and are no longer in use. The property will be permitted to develop at a density of 25 dwelling units per acre yielding a total of 30 residential rental units of which 5 units will be affordable to low and moderate income families. In addition, the developer will be permitted to construct 7,055 square feet of ground level retail fronting on South Avenue with ingress and egress limited to South Avenue.

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

The subject site is comprised of three parcels. The two parcels located within Block 4005 are contiguous and located at the southeast corner of the intersection between South Avenue East and Windsor Avenue. The one parcel in Block 4004 is across the street and located on the south-east corner of South Avenue East and Windsor Avenue. The properties are within 1 mile distance of the Westfield Rail Station. The combined site encompasses a total of 1.56 acres. The site is presently developed with auto related uses.

The two contiguous parcels located within Block 4005 (Lots 3 & 4) will be permitted to develop a mixed-use building with a residential component at a density of 25 dwelling units per acre based upon the total acreage of the three parcels (1.56 acres). The residential component of the development is anticipated to create rental units and there will be a required 15% set aside for low and moderate income housing. The remaining lot within Block 4004 (lot 17) will be developed for either parking to support the mixed-use development across the street or as open space appurtenant to Lots 3 and 4.

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

The subject site is comprised of 2 contiguous parcels with a total land area of 4.13 acres. The property identified as Lot 1 is undeveloped and used for vehicle parking and storage. Lot 2 is used for contractor vehicle storage. The properties are also within 1 mile distance of the Westfield Rail Station.

The subject parcels will be permitted to develop at a residential density of 37.77 dwelling units per acre which will include a transfer of three (3) affordable units, from the developer's current Townhouse Project, located on Myrtle and Grove Street to this site. This increases the total number of anticipated units to 156 units (inclusive of both market and affordable units) and results in a reduction of units for the Townhouse Project from 16 units (inclusive of both market and affordable units) to 13 market rate units. It is anticipated that the residential development will create rental units and will require a 15% set aside for low and moderate income housing plus an additional 3 affordable housing units representing the affordable units that are being transferred to this site.

Additionally, the 3 affordable housing units transferred from the Townhouse Project will be earmarked for special needs tenants and will provide one (1) 3-bedroom unit; and two (2) 2-bedroom units. As part of the settlement agreement, the three (3) special needs units will be included in the phasing schedule required by N.J.A.C. 5:93-5.6(d) for the development of this site and must be provided regardless of when or if the Townhouse Project on Myrtle and Grove proceeds to be developed. In addition, the calculation of the required 13% very low income units shall include the 3 special needs units and the 1 very low income special need unit in the calculation. Finally, for all other purposes, including affordability averages, low- and moderate-income split, and bedroom distribution, such requirements will exclude the 3 special needs units.

d. Ross Place: 203-215 Ross Place; Block 3007, Lots 3,4 & 5

The subject site is comprised of 3 contiguous parcels with a total land area of 1.1 acres fronting on Ross Place at the southwest corner of Ross Place and Carleton Road. The properties are less than a quarter mile walking distance to the Westfield Rail Station.

The property is presently developed with pre-existing nonconforming land uses. Lot 3 is a pre-existing 3-family dwelling. Lot 4 contains a 15-room boarding house but only three units are presently occupied as residences, and Lot 5 contains a pre-existing 6-family apartment house.

The existing buildings are to be demolished and the combined site will be permitted to develop a multifamily residential development at a density of 9.1 dwelling units per acre for a total of 10 market rate units with a total of 10 attached garages pursuant to a specific design as referenced in the agreement. The buildings are not to exceed 2-1/2 stories and are intended to be designed to reflect the single-family character of the existing neighborhood.

In exchange for this overlay zone, the development will provide a payment of \$111,000.00 into the Town's affordable housing trust fund in lieu of constructing affordable housing units at this site.

NJ Department of Motor Vehicle Site: Myrtle Avenue; Block 4005, Lot 2

The New Jersey Department of Motor Vehicles owns property located on Myrtle Avenue further identified as Block 4005, Lot 2 which is located in the RA-5B zone. This parcel is currently owned by the State of New Jersey. The Town has identified this site as a potential parcel for affordable housing and will request, at least once every two years, that this parcel be placed for sale by the State. Should the parcel be made available to the Town for affordable housing, the site will be developed in accordance with the RA-5B zoning and will require a mandatory set aside for affordable housing in accordance. The Land Use Element is hereby amended to recognize this parcel as an affordable housing site.

New Jersey Armory: 550 Rahway Avenue; Block 2904, Lot 2

The State of New Jersey presently owns property identified as an armory that presents an opportunity for affordable housing development. It is acknowledged that the site is not presently available and has been identified as a site that may be used partially or fully for educational purposes. Consequently, the Town has no obligation to zone or otherwise act with regard to this property until certain events trigger town action to promote the possibility of affordable housing development on this site as follows:

- a. In the event that the Armory property is sold, transferred, or donated by the State of New Jersey to any person or entity (excluding a federal or state agency), the Town agrees that it will provide a realistic opportunity for 16 affordable housing units through (a) rezoning of a portion of the Armory property; (b) rezoning of a portion of some other property situated in the Town; and/or (c) any other appropriate means in accordance with applicable law. The 16-unit obligation may not be met with bonuses.
- b. The basis of the 16-unit obligation will be as follows. Approximately half of the 12.41-acre Armory property (the southwest portion containing paved parking- not the northeast portion containing the main Armory building and two out-buildings) would be appropriate for residential housing at a density of no more than 14 units per acre, yielding an 84-unit development, 20% of which totals 16 affordable housing units.
- c. The 16-unit obligation may be met on-site or off-site through a 100% affordable housing project or inclusionary development. However, under no circumstances shall all or any portion of the Armory site redevelop for residential purposes for a non-100% affordable housing project without the inclusion of a mandatory affordable housing set-aside requirement of 20% if the affordable units will be for sale and 15% if the affordable units will be for rent.

The Land Use Element is hereby amended to recognize this parcel as an affordable housing site.

Williams Property: Block 1905, Lot 13

This site was identified as a developable and suitable property for affordable housing by the Court-appointed Special Master and was approved by the Superior Court for inclusionary zoning in 2013. The property is located along the east side of Springfield Avenue, is 6.5 acres in size and is presently zoned to permit residential development for 8 units/acre to permit a total of 53 multifamily units. Pursuant to the 2018 HE&FSP, the site will be rezoned to permit a residential development density of 20 units/acre that will result in 130 dwellings and 26 affordable units.

Myrtle Avenue – Block 4006, Lot 1 (100% ARC)

The Town of Westfield owns the Myrtle Avenue parcel located at 304 Myrtle Avenue with the intention of providing the property to a non-profit agency as a 100% affordable housing project for special needs housing. Partnering with a nonprofit agency, it is anticipated that this housing will yield 6 affordable housing units. The parcel is impacted by the presence of a tributary to the Rahway River which traverses a portion of the property thereby limiting the project density to a single building with 6 units. However, a significant portion of the parcel is developable and the property has access to road frontage, sewer and water thereby warranting its inclusion in the 2018 HE&FSP. The Land Use Element is hereby amended to recognize this parcel as an affordable housing site.

FINDINGS AND CONCLUSIONS

It is determined that the above land use plan amendments fulfill the Town's affordable housing obligation for the Third Round as described in the 2018 HE&FSP and thereby promotes Goal number 6 of the Town's 2009 Land Use Element as amended in 2013 which states the following:

6. *To provide a wide range of housing types and densities in a manner that maintains and is compatible with the predominant existing single-family detached dwelling development pattern through:*

a. Various zone districts that permit single-family detached, two-family and single-family attached, and multi-family dwellings where appropriate;

b. Density standards that reflect existing neighborhood conditions, where appropriate, as well as the needs of various housing types; and

c. Rezoning in appropriate locations, for mixed use or residential uses, establishing densities within walking distance of the CBD and NJ Transit railroad stations.

Furthermore, the promotion of affordable housing in the strategic locations as proposed in the Town's 2018 HE&FSP is consistent with smart growth planning principles and continues the Town's land use policy of locating residential development near its train station, major bus routes and the central business district where residential densities, as contemplated by the HE&FSP, can be best accommodated. Specifically, the following community wide benefits of adopting the proposed land use element amendments are noted:

1. The property and neighborhood characteristics of the selected parcels for affordable housing are particularly suited for residential development given their close proximity to transit facilities specifically the Westfield or Garwood rail stations and the Town's central business district;
2. The land use element amendments promote the efficient use of land near consistent with New Jersey Smart Growth principles by locating residential development near major transit hubs. The benefit of locating housing development near the towns' transit hub and downtown include but are not limited to the following:
 - a. Providing multiple transit options by both rail and bus to future residents reduces traffic congestion and parking demand;
 - b. Implementation of the plan will promote the more efficient use of land through redevelopment. Development as envisioned by the Land Use Element amendments will revitalize the North and South Avenue corridors, portions of which are characterized by aging buildings with poor site arrangements (excessive building and pavement coverage, lack of green space or landscaping, poor site circulation and poor parking lot arrangements);
 - c. Proximity to the central business district will afford future residents convenient access to shop and enjoy downtown amenities and services which will also benefit downtown businesses.
3. Westfield has a long-standing policy of promoting affordable housing near its rail station along the North and South Avenue corridors as a means of creating "transit oriented development."
4. There are already existing affordable housing zones on North and South Avenues. The extension of these zones to encompass additional parcels reinforces this development pattern within the corridors and will result in a more cohesive land use arrangement.

Therefore, given the scarcity of available vacant land and the developed character of the Town, the Land Use Element amendments as presented in this document, is a logical extension of Westfield's policy to concentrate residential development through the redevelopment of existing parcels, that are situated along or very near major thoroughfares, in close proximity to the Town's rail station, major bus routes and central business district.