

**Town of Westfield
Planning Board
MINUTES
July 20, 2020**

The Westfield Planning Board met on July 20, 2020, at 7:30 pm. Due to the coronavirus pandemic, this meeting was held remotely through Zoom Webinar. The public was provided with access to join the webinar through Zoom.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT in the State of New Jersey, adequate notice of this meeting was provided to all members of the Planning Board and the newspapers that have been designated to receive notice, the Star Ledger and the Westfield Leader.

Chairman Newell called the meeting to order and opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL:

PRESENT: Robert Newell, Michael La Place, Kris McAloon, Linda Habgood, Michael Ash, Michael La Place, Anastasia Harrison, Matthew Ceberio, Ross Goldstein, Ann Freedman

ABSENT: Mayor Shelley Brindle

ALSO PRESENT: Alan Trembulak, Planning Board Attorney, Donald Sammet, Town Planner, Linda Jacus, Administrative Secretary

The Planning Board will undertake a preliminary investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether the property commonly known as 244-254 East Broad Street and designated as Block 3107 Lot 1 on the Westfield Tax Maps (the "Property") qualifies as an area in need of redevelopment.

The Planning Board will undertake a preliminary investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether the properties commonly known as Block 2502, Lot 14, 630 North Avenue West; Block 2506, Lot 1, 526 North Avenue West; Block 2508, Lot 11, 601-613 North Avenue West on the Westfield Tax Maps (the "Property") qualify as an area in need of redevelopment.

Chairman Newell swore in Chris Colley (60 Union St #1N, Newark) and Phil Abramson (60 Union St #1N, Newark).

Mr. Abramson went over the process of how an area gets designated as area in need of redevelopment. He stated the governing body authorized a preliminary investigation on March 10, 2020, to determine if the Lord & Taylor properties and the Rialto Theater qualify as non-condemnation areas in need of redevelopment. The information presented tonight will show the scope of the investigation which includes multiple site visits, assessment of property conditions, review of ownership status, tax maps and aerial photos, tax assessor records, review of the existing zoning ordinance and map, and review of the master plan and master plan reexamination.

The Rialto Theater property is Block 3107, Lot 1, and is located at 244-254 East Broad Street. The property is .32 acres, and has a movie theater with some small retail uses on site. Under the relevant sections of the Local Redevelopment Housing Law, a delineated area may be determined to be an area in need of redevelopment if at least one of the eight conditions described in the statutory criteria is present on the property. This property qualifies for redevelopment under criteria a, b, d, and h of the statutory criteria. Criteria a states a delineated area may be designated if there are substandard, unsafe, unsanitary, dilapidated, or obsolescent conditions, which create unwholesome working conditions and health and safety risks to the general public. The building has haphazard wiring, limited means of ingress and egress, water intrusion with standing water observed in the basement and signs of mold growth. Criteria b states a delineated area may be designated if there is abandonment of buildings or disrepair rendering them untenable or had vacancies for more than two plus years. The theater is vacant and unsuitable for tenancy and major upgrades and system replacements are necessary for it to function as a movie theater. Criterion d states a delineated area maybe be designated if it has buildings or improvements which are dilapidated, obsolescent, faultily arranged or designed, have a lack of ventilation/light and sanitary conditions, excessive land coverage, have a deleterious land use or obsolete layout or any combination of these factors that would be detrimental to the safety, health, morals, or welfare of the community. There are limited means of ingress/egress which are detrimental to the health and safety of the public. The theater lacks the amenities and infrastructure found in successful modern theaters of similar scale. There is excessive land coverage on the site which is conducive to flooding and stormwater management issues. The property qualifies under criteria h of the statutory criteria. Criterion h states a delineated area maybe be designated if it is consistent with the smart growth planning principles. The study area exhibits characteristics of a smart growth area as identified by the Smart Growth Network and EPA which include: proximity to transit, land use form conducive to walkability, mixed land uses, distinct architectural character that could be enhanced via additional distinctive and contextually appropriate development.

There was some concern by the Board that the report might be interpreted as a recommendation that the building be demolished. The Board agreed that it should be reflected that the property being designated for redevelopment does not mean the building should be demolished, only the use is obsolete, and an adaptive reuse should be considered for the site. Also, it was requested that it be clarified that the excessive lot coverage for the site, which is also reflected in the report, should not be construed as unacceptable. High lot coverage ratios are often found in the context of downtowns are appropriate, and traditional downtown buildings, such as this one, often cover 100 percent of the lot.

Open to public questions and comments.

Bill West (663 Summit Avenue) stated he appreciates the dialogue of the Board and the presentation. The building is in disrepair and is functionally obsolete, but it is historic and the adaptive reuse suggested by the Board is something that should be pursued.

Closed to public questions and comments.

Chairman Newell called for a motion. Michael La Place made a motion that the property meets the statutory criteria and should be recommended to the Town Council as an area of in need of redevelopment; a letter from Topology will be included which will reflect the comments made by the Board; Michael Ash seconded.

ALL IN FAVOR: Robert Newell, Michael La Place, Kris McAloon, Linda Habgood, Michael Ash, Michael La Place, Anastasia Harrison, Matthew Ceberio, Ross Goldstein, Ann Freedman

OPPOSED: None

ABSTAINED: None
 ABSENT: Mayor Shelley Brindle

The other study area are all the properties associated with the Lord and Taylor operation, which consists of three properties, Block 2502, Lot 14, 630 North Avenue West; Block 2506, Lot 1, 526 North Avenue West, and Block 2508, Lot 11, 601-613 North Avenue West. The main site is about 5 1/2 acres, with an ancillary parking lot across the street, and an additional parking lot on the corner of Ferris Place and Clark Street.

Block 2502, Lot 14, 630 North Avenue West, a surface parking lot that is 1.134 acres, meets criteria d under the LRHL. The property qualifies as an area in need of redevelopment under criteria d because 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. The area is inefficient as it is a single level of parking which excludes other potential uses, there is one parking space per 504 square feet. It does not have any functional value besides providing 98 parking spaces, and it creates a break in the street wall (lack of transition). The parking lot lacks or has partially visible striping and directional painting, there is not any pedestrian striping for crossing the lot, it has wide drive lanes and tight turns, and excessive lot coverage. The property qualifies under criteria h of the statutory criteria. Criterion h states a delineated area maybe be designated if it is consistent with the smart growth planning principles. The study area exhibits many 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 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.

Block 2506, Lot 1, 526 North Avenue West, a surface parking lot that is .6474 acres, meets criteria d under the LRHL. The property qualifies as an area in need of redevelopment under criteria d because 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. The area is inefficient as it is a single level of parking which excludes other potential uses, it has one parking space per 320 square feet. It does not have any functional value besides providing 88 parking spaces, and it creates a break in the street wall (lack of transition). There is not any pedestrian striping to facilitate safe crossings, it has broken and missing curbing, it and there is excessive lot coverage. The property qualifies under criteria h of the statutory criteria. Criterion h states a delineated area maybe be designated if it is consistent with the smart growth planning principles. The study area exhibits many 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 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.

Block 2508, Lot 11, 601-613 North Avenue West, retail site and surface parking lot that is 5.61 acres, meets criteria d under the LRHL. The property qualifies as an area in need of redevelopment under criteria d because 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. In a recent court case, Spruce Manor Enterprises vs Borough of Bellmawr, the court relied on the following definition, "Obsolescence is the presence of falling into disuse and relates to the usefulness and the public acceptance of the facility". Downtown department stores are a legacy of a dated effort to see downtowns remade like shopping malls, which contradicts modern best practices for development,

including those in Westfield's planning documents. 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. The presence of this single-use standalone building, combined with excessive coverage to provide for customer only parking spaces, does not contribute to a walkable mixed-use downtown. It exhibits dissonant aesthetics in Westfield's downtown and fails to create transition between the adjacent downtown and residential neighborhoods in terms of scale and design. 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. Poor connectivity and broken street walls detract from walkability and therefore has a negative impact on commercial activity, the economic viability of the downtown, property values, and as such are detrimental to the welfare of the community. The growing obsolescence of department stores can hardly be overstated with many stores filing for bankruptcy. 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, supports this expectation and believes this trend is expected to continue. The 2020 report expected "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". These 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 it is in the process of falling into disuse. 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 has 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. Reports have emerged regarding Lord & Taylor's parent company's intention to liquidate its inventory. A reasonable assumption would be that this liquidation would be followed by vacancy. 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. The property also qualifies under criteria h of the statutory criteria. Criterion h states a delineated area maybe be designated if it is consistent with the smart growth planning principles. The study area exhibits many 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 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 enhances via additional considerate and contextually appropriate development.

Based upon the results of the preliminary investigation, Mr. Abramson stated we conclude the study area Block 2502, Lot 14, 630 North Avenue West; Block 2506, Lot 1, 526 North Avenue West; Block 2508, Lot 11, 601-613 North Avenue West can be appropriately designated as an area in need of redevelopment.

Open to public comments.

Bill West (663 Summit Avenue) stated changing the structure of the Lord and Taylor site and developing the parking lots will not correct the busy intersection of North Avenue and Broad Street. It is better to have the department store and that break; most of the residents like Lord and Taylor and are able to drive there and find a parking spot. Mr. West stated he does not think it is possible to create a continuation between the downtown and the Lord & Taylor site in a redevelopment project.

Closed to public comments.

Chairman Newell called for a motion. Anastasia Harrison made a motion that the properties meet the statutory criteria and should be recommended to the Town Council as an area of redevelopment; Ann Freedman seconded.

ALL IN FAVOR: Robert Newell, Michael La Place, Kris McAloon, Linda Habgood, Michael Ash, Michael La Place, Anastasia Harrison, Matthew Ceberio, Ross Goldstein, Ann Freedman

OPPOSED: None

ABSTAINED: None

ABSENT: Mayor Shelley Brindle

There being no further business, a motion to adjourn was made, seconded and carried. The meeting adjourned at 9:37 pm.

Respectfully Submitted,

Linda Jacus
Administrative Secretary