



# Preliminary Investigation

**Downtown Parking Lots  
Westfield, NJ**

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

## **Acknowledgements**

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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 77-2020, annexed hereto as **Appendix A**, to conduct this preliminary investigation to determine whether designation of Block 2405, Lot 15; Block 2505, Lot 12.01; Block 3001, Lot 5; Block 3101, Lot 5; Block 3103, Lot 7; Block 3107, Lot 2; and Block 3116, Lot 11 as shown on the official tax map of the Town of Westfield (the "Properties," "Redevelopment Areas," 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 2405, Lot 15; Block 2505, Lot 12.01; Block 3001, Lot 5; Block 3101, Lot 5; Block 3103, Lot 7; Block 3107, Lot 2; and Block 3116, 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.

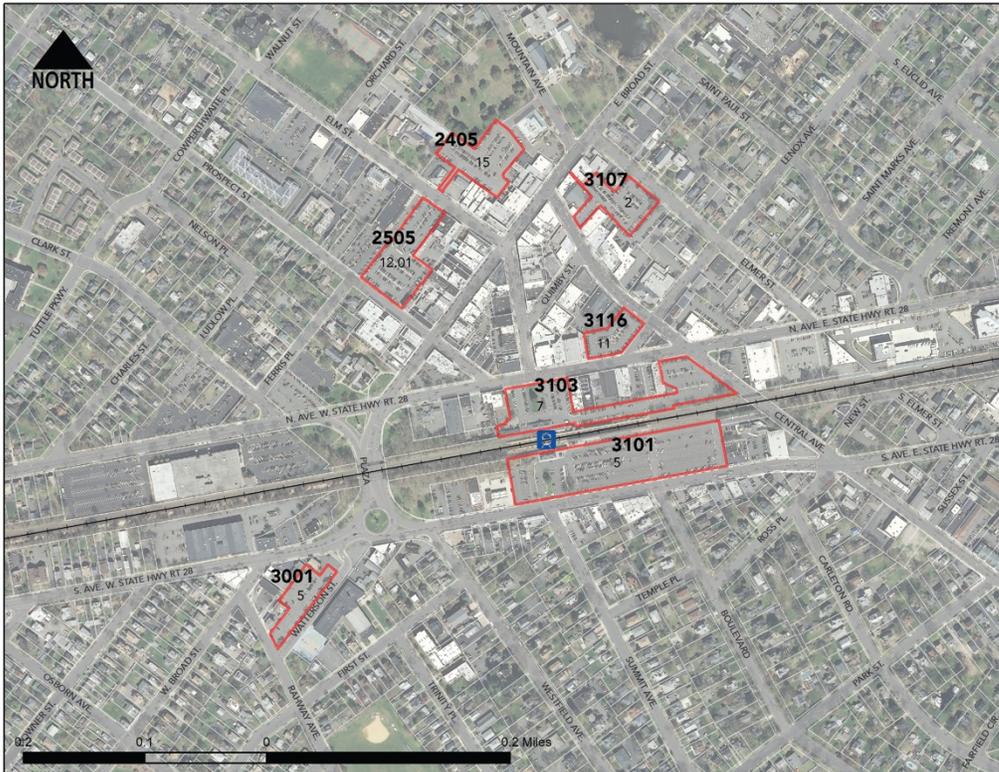


Figure 1: Recommended Redevelopment Areas

# 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 to remove deleterious conditions. A redevelopment designation may also qualify projects within the redevelopment area for financial subsidies or other incentive programs offered by the State of New Jersey.

## 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 77-2020 on March 10, 2020. A map of the Study Area Parcels dated May 2020 is on file with the Municipal Clerk and Planning Board. The resolution and study area map, which satisfy Parts A, B, and C above, are included as **Appendix A** and **Appendix B**, respectively.

## **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: multiple site visits including on April 19, 2020 and May 6, 2020; assessment of property conditions; review of ownership status; review of municipal tax maps and aerial photos; review of police records; review of tax assessor records; review of municipal records; review of Sanborn maps; review of the existing zoning ordinance and zoning map for the Town of Westfield; review of the Town Master Plan and Master Plan Re-examination; review of other planning documents prepared by Westfield stakeholders.

## Existing Conditions



Figure 2: Study Area and surrounding context

### Study Area Context

The Study Area contains municipal parking lots at the center of the Town of Westfield. Together, the properties comprise a large portion of the historic and present central business district core of the Town. Westfield is home to one of the most desirable downtowns in the region, boasting over 400 stores including high-end shopping, entertainment, and dining destinations. Downtown Westfield 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, public properties such as the Westfield Library, Town parks, Town Hall, and Police and Fire stations. While downtown Westfield is recognized as a regional leader, in recent years several high profile establishments have gone vacant, including Lord + Taylor, The Children’s Place, Victoria’s Secret, the Rialto Theatre, and Lucky

Brand Jeans. As of 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.<sup>1</sup>

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 destination for users of the Study Area. In addition to regular service to Newark Penn Station, the station recently introduced limited one-seat rides to midtown Manhattan. Local site access is also provided via Central Avenue, North Avenue West, South Avenue East.

### **Existing Conditions**

The Study Area is comprised of seven non-contiguous properties within downtown Westfield. All of the properties contain surface parking lots and are owned by the Town of Westfield.

The first property (Block 3107, Lot 2) is bounded by the Revolutionary Cemetery to the north; commercial uses like Verizon, South Moon Under, Baron's Drug Store, and Victoria's Secret to the east; Amazing Lash Studio, the Farmhouse Store, the Gap, Sole Shoes, Indigo Art Studio, Ahrré's Coffee Roastery, Westfield Tobacco and News, Evergreen, Napa Auto Care Service Center, and Wells Fargo Bank to the south; and the First Baptist Church of Westfield to the west. The property has vehicular access to the north and south by way of Mountain Avenue and Elm Street respectively and is referred to throughout this report as Parking Lot 4.

The second property (Block 2505, Lot 12.01) is bounded by Trader Joe's and Elm Street to the north; commercial properties with street frontages along East Broad Street to the east; Prospect Street to the south; and the Trader Joe's parking lot with the residential areas beyond to the west. The property has vehicular access to the north and south by way of Elm Street and Prospect Street respectively. This property is referred to throughout this report as Parking Lot 1.

The third property (Block 3001, Lot 5) is bounded by several commercial properties (Five Start Driving School and Evalyn Dunn Gallery among others),

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<sup>1</sup> "Available Commercial Space." Downtown Westfield NJ. <[https://westfieldtoday.com/index.php?option=com\\_content&view=article&id=209&Itemid=231](https://westfieldtoday.com/index.php?option=com_content&view=article&id=209&Itemid=231)> accessed May 13, 2020.

newly constructed multi-family housing and Rahway Avenue to the north and west; Holy Trinity School and Watterson Street to the east and south. The property has vehicular access to the lot from Rahway Avenue and Watterson Street. This property is referred to throughout this report as Parking Lot 6.

The fourth property (Block 3101, Lot 5) contains the eastbound platform of the Westfield NJ Transit Train Station and is bound by the NJ Transit Raritan Valley Line to the north; a small shopping complex containing Westfield Seafood, Manhattan Bagel, Priceless Cleaners, and VP Salon and two vacant commercial spaces to the east; South Avenue West to the south; and the Westfield NJ Transit Train Station and commercial properties beyond to the east. This property is referred to throughout this report as Parking Lot 3.

The fifth property (Block 3103, Lot 7) contains the westbound platform of the Westfield NJ Transit Train Station and is bound by North Avenue West to the north; Central Avenue to the west; the NJ Transit Raritan Valley Line to the south; and the Westfield Fire Department Headquarters and the commercial properties beyond to the east. It should be noted that the parking lot wraps several commercial properties along North Avenue West that carve an approximate 62,000 SF area from the overall block. This property is referred to throughout this report as Parking Lots 2 and 8.

The sixth property (Block 3107, Lot 2) is bounded by Elmer Street and commercial properties fronting along East Broad Street to the north; Elmer Street and Anthony Corello D.M.D to the east, Weldon Materials, Turning Point, Nos Vino, Williams-Sonoma, M&T Bank, and Starbucks, Just Bead Yourself, Jude Connally, and Digiplex Destinations to the south and west. The property has vehicular access to both Elmer Street and Central Avenue to the north and south respectively. This property is referred to throughout this report as Parking Lot 5.

The last property (Block 3116, Lot 11) is bounded by Capital One Bank and the commercial properties fronting along Quimby Street to the north, Central Avenue and Lenox Avenue to the east, North Avenue West to the south, Westfield Health & Rehabilitation and the commercial properties beyond to the west. This property is referred to throughout this report as Parking Lot 7.

### **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 generally encircle the train station and historic town center.<sup>2</sup>

Based on a review of Sanborn maps, by 19090 the Study Area was developed with a street pattern that largely reflects the existing conditions today. Land uses present at the time include a church, the former Town Hall and Police Station, private dwellings, the Westfield Club Hall, stores, and parking with a passenger station for the railroad. By 1921, the Town Hall and Police Station had been relocated, and many private dwellings had become new uses like a horse-riding school, a playhouse, and garages to accommodate the increasingly prevalent automobile. A selection of Sanborn maps from 1921, reflecting a largely unchanged street grid, the presence of the Train Station, and the emergence of existing public uses, like the Fire Station, are included below.

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<sup>2</sup> "History of Westfield," "Early Westfield Chronology," "The Emergence of the West Fields." Based on information compiled and edited by John R. Panosh from the original documents supplied by Ralph H. Jones, Curator, Westfield Historical Society Museum and Archives. Westfield Today. <[westfieldtoday.com](http://westfieldtoday.com)> Accessed 3 May 2020.

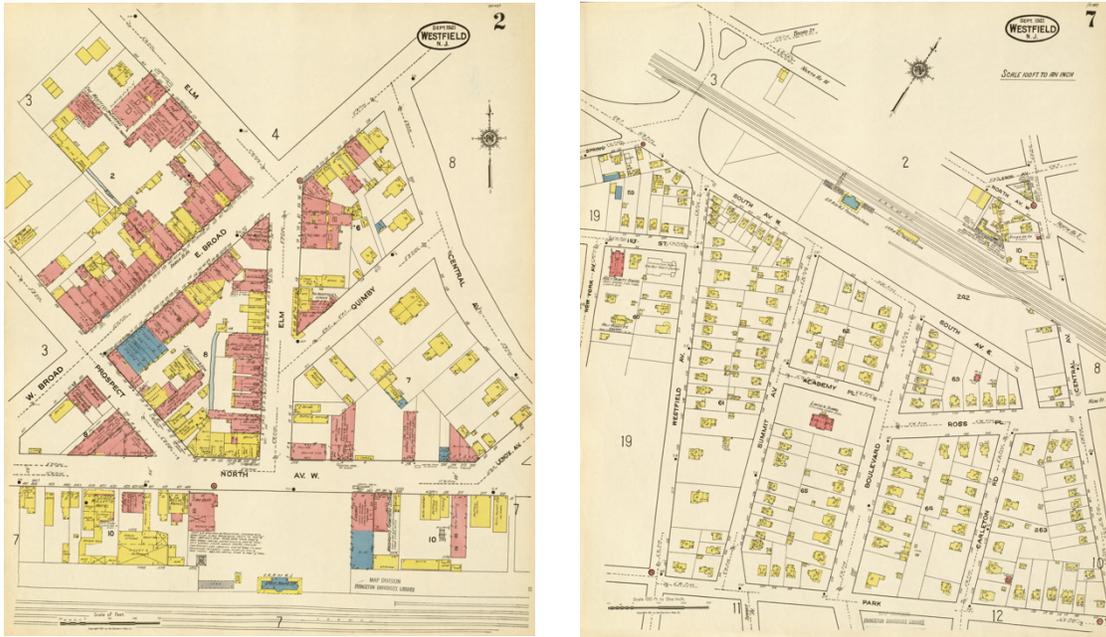


Figure 3: 1921 Sanborn maps showing the presence of the Train Station, Fire Station, and surrounding land uses.

Development in and around the Study Area continued through the first several decades of the twentieth century, with the provision of modern public services and amenities such as public parks, a municipal water and sewer system, a library and schools. Following the Second World War, the Town experienced another building boom as the last of the open farmland at the perimeter of the Town was subdivided for housing developments during this time.

A review of historic aerials during the latter half of the 20<sup>th</sup> century reveal that downtown Westfield, including the parcels that comprise the Study Area evolved to cater to more automobile-centric uses. Like many New Jersey downtowns, auto-oriented uses, including surface parking lots were introduced to accommodate cars and increasingly dominated the landscape. Surface parking lots emerged on municipal owned lots to satisfy growing parking demand. These separate lots were particularly necessary because the grid pattern of Westfield, like many New Jersey downtowns, was laid out in a pre-automobile era and, as a result, many properties lacked suitable on-site parking. This condition, whereby public land is providing parking to support demand generated by private properties, persists in the Study Area today.

While the downtown remains the civic and economic center of Westfield to this day, Town stakeholders have expressed a desire to make improvements to downtown in order to promote its long-term viability. 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 the Town should “Capitalize on underutilized properties, such as surface parking lots and one-story structures for future redevelopment and development opportunities.” The plan went on to encourage the Town to “Conduct Area in Need of Redevelopment or Rehabilitation in appropriate locations, such as the municipally-owned parking areas in the commercial districts to incentivize development and rehabilitation.”<sup>3</sup>

### Existing Zoning



Figure 3: Study Area Zoning

The Study Area is located within two zoning districts. Key provisions of these districts are compiled below. Additional zoning information is available in the

<sup>3</sup> “Master Plan Reexamination Report.” Town of Westfield and H2M. December 2019, pp. 142-143.

Town of Westfield's full zoning code, relevant sections of which are included as **Appendix C**.

The majority of the Study Area is in the Central Business District (CBD) zone. Key provisions of the zoning requirements of the components of the CBD district 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. Such business must be conducted on the premises, and must be the principal activity of the use on the premises;*
3. *On any floor of a building located in property with a frontage on North Avenue or South Avenue, and only on the second or third floors of a building on other property within the CBD zone district, 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. *Retail services;*
5. *Childcare centers;*
6. *Governmental buildings and municipal parking facilities;*
7. *Public parks and playgrounds;*
8. *Residential dwelling units on the second or third floors of a building;*
9. *A shared use of a single tenant space by multiple non-residential uses which are permitted principal uses as included in this section; and*
10. *The temporary use of existing floor area by a permitted principal use or uses as listed in this section, for a period of not more than 60 days tolled continuously from the first date of operation, shall not be subject to parking requirements for the duration of the use. Such temporary use shall be allowed once per calendar year for each tenant space. Temporary uses must comply with all sign provisions of Article 16 (of the Town Land Use Ordinance).*

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. *Sidewalk cafes as permitted and regulated by sections 24-46 through 24-57 of the Town Code; 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 CBD district only if they comply with the appropriate regulations for such uses or structures in Article 18) are:

1. *Non-profit chartered membership organizations;*
2. *Residential-type public utility facilities;*
3. *Certain cellular telecommunications antennas as set forth in Article 18;*
4. *Age-restricted multi-family housing on the ground floor of a building;*
5. *Microbreweries and craft distilleries, and*
6. *Commercial use of rooftops.*

General required conditions are as follows:

Maximum height:

- *No principal building shall exceed the maximum of three habitable floors, exclusive of basement, or 40 feet in height, whichever is less.*

Minimum yard setbacks:

- *Front: No front yard shall be required.*
- *Side: All principal buildings may be constructed without side yards, except that when a side yard is provided, it shall not be less than 10 feet. Notwithstanding the above requirement, when the side yard in the CBD 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 CBD 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 residentially zoned property.*
- *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 [than] 10 feet. Notwithstanding the above requirement, the following rear yard regulations shall apply to all properties*

*in the CBD zone district which are used for residential purposes, or which abut a residential zone:*

- o When a building in the CBD zone district is to be used in whole or in part for residential purposes, there shall be a rear yard of not less than 35 feet.*
- o When the rear yard in the CBD 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 property.*

Block 3001, Lot 5 is in the GB-1 zone. Significant provisions of the zoning for the GB-1 area 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 services; 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. Governmental buildings and municipal parking facilities;*
- 7. Public parks and playgrounds;*
- 8. Residential dwelling units on the second or third floors of a building;*
- 9. Parking areas accessory to a permitted principal use in the GB-1 district but which are located on a different lot than such principal use; and*

10. Establishments engaged in offering instruction in art, dance including dance studios, music, gymnastics, martial arts.

Conditional accessory uses include:

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. Sidewalk cafes as permitted and regulated by section 24-46 through section 24-57 of the Town Code; and
5. Other accessory uses and structures customarily subordinate and incidental to permitted principal uses and permitted conditional uses.

Conditional uses are:

1. Houses of Worship;
2. Non-profit chartered membership organizations;
3. Residential type public utility facilities;
4. Certain cellular telecommunications antennas as set forth in Article 18; and
5. Microbreweries and craft distilleries.

Prohibited uses include:

1. Any business conducted outside the confines of a building, except for the use of ground level patios as places for eating and drinking, except for sidewalk cafes permitted and regulated by §§ 24-46 through 24-57 of the Town Code, and except those temporary activities permitted by special permission from the Town Council;
2. Any gasoline filling stations, gasoline service stations, public garages and automobile body repair or painting shops;
3. Lumber or building material yards;
4. Sale, rental, or repair of automobiles, motorcycles, boats, trailers, lawn mowers, small gasoline or other liquid fuel engines;
5. Dry cleaning establishment where the dry cleaning is done on the premises;
6. Warehouses or businesses which do not sell directly to the general public;
7. Public or private schools;
8. Drive-in or drive-through restaurants;
9. Funeral services, undertakers, crematories, and morticians;
10. Residential use of any kind other than those uses as permitted in Subsection A above. Existing nonconforming residential buildings or

structures shall not be extended or enlarged for use relating to a business, unless the first floor is used entirely for business use;

11. 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;
12. 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; and
13. Private commercial parking lots as a principal use.

General required conditions are as follows:

- *Height.* No principal building shall exceed the maximum of three habitable floors, exclusive of basement, or 40 feet in height, whichever is less.
- *Front Yard.* No front yard shall be required.
- *Side Yards.* All principal buildings may be constructed without side yards, except that when a side yard is provided, it shall not be less than 10 feet. Notwithstanding the above requirement, when the side yard in the GB-1 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-1 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 residentially zoned property.
- *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, the following rear yard regulations shall apply to all properties in the GB-1 zone district which are used for residential purposes, or which abut a residentially zoned property:
  - When a building in the GB-1 zone district is to be used in whole or in part for residential purposes, there shall be a rear yard of not less than 35 feet.
  - When the rear yard in the GB-1 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 property.

## 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 records based on the most recent records from the Town.



Figure 4: Blocks and lots comprising Study Area

Block	Lot	Property Class	Area (Acres)	Address	Owner
2405	15	15C	1.46	146 Elm Street	Town of Westfield
2505	12.01	15C	1.7097	131 Elm Street	Town of Westfield
3001	5	15C	0.8446	360 Watterson Street	Town of Westfield
3101	5	15C	4.29	300 South Avenue West	Town of Westfield
3103	7	15C	2.83	301 North Avenue West	Town of Westfield

3107	2	15C	1.13	116 Elmer Street	Town of Westfield
3116	11	15C	0.674	148 Central Avenue	Town of Westfield

### 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 respectively. The value of the land, improvements thereon and the net taxable value for the parcels is displayed in the table below. As each property is municipally owned, no taxes were paid on these properties.

Block	Lot	Assessed Land Value	Assessed Improvement Value	Net Assessed Value	Taxes 2019
2405	15	\$1,230,000	\$62,000	\$1,292,000	\$0
2505	12.01	\$7,436,300	\$0	\$7,436,300	\$0
3001	5	\$988,000	\$63,700	\$1,051,700	\$0
3101	5	\$6,435,000	\$318,600	\$6,753,600	\$0
3103	7	\$5,377,000	\$131,100	\$5,508,100	\$0
3107	2	\$1,695,000	\$86,700	\$1,781,700	\$0
3116	11	\$4,805,100	\$35,200	\$4,840,300	\$0

# 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 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.

It should be noted that, under the definition of “redevelopment area” and “area in need of redevelopment” in the LRHL, individual properties, blocks, or lots that do not meet any of the statutory conditions may still be included within an area in need of redevelopment provided that within the area as a whole, one or more of the expressed conditions are prevalent. This provision is referred to as “Section 3” and is set forth under N.J.S.A. 40A:12A-3, which states that:

...a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

### **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 bulk of 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 rejected 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).

***Surface Parking 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." Generally speaking, the court defined obsolescence, in the context of Criterion D, as "the process of falling into disuse and relates to the usefulness and public acceptance of a facility" More specifically, the Court concurred with municipal experts on certain key conclusions that are analogous to the conditions present within the Study Area:

- 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."

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 municipal surface parking lots under Criterion D.

As in Princeton, the surface parking lots are 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. Based on these similar qualities, the finding upheld in Princeton noting that surface lots in downtowns represent “yesterday’s solution” to parking needs, and are thus obsolescent within that context, is appropriate to apply to this Study Area.

As in Princeton, the Town has engaged in efforts to analyze 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.<sup>4</sup>*

This vision built upon an extended history of efforts by the Town and affiliated entities to improve the downtown. Previously, in its 2002 Master Plan, the Town described the need to:

*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.”<sup>5</sup>*

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<sup>4</sup> “Master Plan Reexamination Report.” Town of Westfield and H2M. December 2019, pp. 10.

<sup>5</sup> “Master Plan.” Town of Westfield. October 2002, Goals and Objectives.

Ongoing efforts to improve the functionality and vibrancy of downtown, and the importance of the downtown to the community's overall success is 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.<sup>6</sup>

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."<sup>7</sup> This report was commissioned "in light of the changes nationwide in demographics and the retail sector"<sup>8</sup> and in an apparent response to concerns regarding increased vacancy.

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 recourse to redevelopment-area designation and adoption of a redevelopment plan." This circumstance is directly analogous to conditions in present day Westfield.

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<sup>6</sup> "Downtown Westfield Improvement Plan." Downtown Westfield Corporation. 1999, p. 2.

<sup>7</sup> "Initial Report of Research and Recommendations." Mayor's Downtown Task Force. April 4, 2017, p. 2.

<sup>8</sup> "Initial Report of Research and Recommendations." Mayor's Downtown Task Force. April 4, 2017, p. 6.

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 **environmental argument**.

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. From a horizontal perspective, surface lots are inefficient because of the geometrical difficulties that come from attempting to fit parking spaces into lots that are often, as in the case of many of those in the Study Area, irregularly shaped. 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.” The more efficient layout and utilization of modern configurations like multi-level structured parking leaves more land available for other beneficial uses and makes 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,” and recommended “that all of the surface parking lots owned by the Town of Westfield within the Special Improvement District be evaluated for mixed-use redevelopment.”<sup>9</sup>

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 commissioned by the Union

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<sup>9</sup> Downtown Westfield Improvement Plan.” Downtown Westfield Corporation. 1999, p. 8, 59.

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

The detrimental nature of the inefficient use of space via surface parking 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.”<sup>10</sup> 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.<sup>11</sup>

Each of these conditions support 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.

**Throughout the subsequent parcel specific analysis, this is referred to as the inefficiency argument.**

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.

This 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.

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<sup>10</sup> “Parking Planning Plan Element.” Town of Westfield and Tim Haahs Engineers + Architects. 22 November 2019, p. 4.

<sup>11</sup> “Master Plan Reexamination Survey Results.” Town of Westfield. P. 15, 35, 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 has a negative impact on the connectivity of the downtown. Poor connectivity and broken street walls detract from walkability and thereby have a negative impact on commercial activity, the economic viability of the downtown, and property values, and, as such, is 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.<sup>12</sup>

**This condition, the lack of value added by surface parking lots to the overall downtown environment, is referred to in the subsequent parcel specific analysis as the noncontributory argument.**

Finally, surface parking lots, including those in Westfield, 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."

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<sup>12</sup>"Economic Value of Walkability." Litman, Todd. Victoria Transport Policy Institute. 24 July, 2018, p. 16. <<https://www.vtpi.org/walkability.pdf>> accessed April 26, 2020.

“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 excessive curb cuts and layouts that lead to speeding.<sup>13</sup> Surface parking, as exhibited in most of 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, surface parking lots in Westfield lack adequate design features to promote pedestrian safety. This condition has been noted in previous reports, including a June 2000 “Bicycle and Pedestrian Needs Assessment” prepared by Harris Consulting Planners and Engineers that was prepared to “provide guidance to the Town for continuing its efforts to improve bicycle and pedestrian safety,” and specifically cites a lack of pedestrian amenities within several town lots.<sup>14</sup>

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. Some surface parking lots are retrofitted with bioswales, pervious pavement and detention areas to help with this issue, but even these interventions do not completely mitigate runoff impacts. 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 most parking lots, including those in the study area, exceed modern impervious coverage maximums, contributing to their obsolete design.

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<sup>13</sup> “Executive Summary from Step It Up!: Surgeon General’s Call to Action”. Office of the Surgeon General. 8 September 2015. <<https://www.hhs.gov/surgeongeneral/reports-and-publications/physical-activity-nutrition/walking-executive-summary/index.html>> accessed April 26, 2020.

<sup>14</sup> “Bicycle and Pedestrian Needs Assessment.” Harris Consulting Planners and Engineers. June 2000, p. 9

Collectively, these conditions, namely the physical characteristics of surface parking lots that detract from health, safety, and welfare by discouraging walkability and exacerbating stormwater management conditions, are referred to as the design argument.

Like in Princeton, these negative impacts to health, safety, and welfare evidenced via the **inefficiency, noncontributory, and design arguments**, can be expected to be mitigated or removed through redevelopment of surface parking lots and the creation of a more orderly, modern, and beneficial users. This potential was noted in the Economic Development element of the recent Master Plan Reexamination report, which noted the opportunity to “capitalize on underutilized properties, such as surface parking lots... for future redevelopment and development opportunities.”<sup>15</sup>

Based on the analogous property conditions between the study area and those presented in Concerned Citizens, and the arguments outlined above, the findings of the Court in Concerned Citizens are applied to support designation of surface parking lots in the Study Area as exhibiting obsolescence that is detrimental to health, safety, and welfare, under Criterion D in this report.

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<sup>15</sup> “Master Plan Reexamination Report.” Town of Westfield and H2M. December 2019, pp. 141.

## 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 in addition to the other criteria identified. 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 great 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. It has a distinct architectural character that could be enhanced via additional considerate and contextually appropriate development. Each of these characteristics support 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.”<sup>16</sup> In the State Plan, the Study Areas are located in the Metropolitan Planning Area (PA-1). The State Plan describes the intention of PA-1 as follows:

- Provide for much of the state’s future redevelopment

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<sup>16</sup> “New Jersey State Development and Redevelopment Plan.” State of New Jersey. 1 March 2001, p. 6.

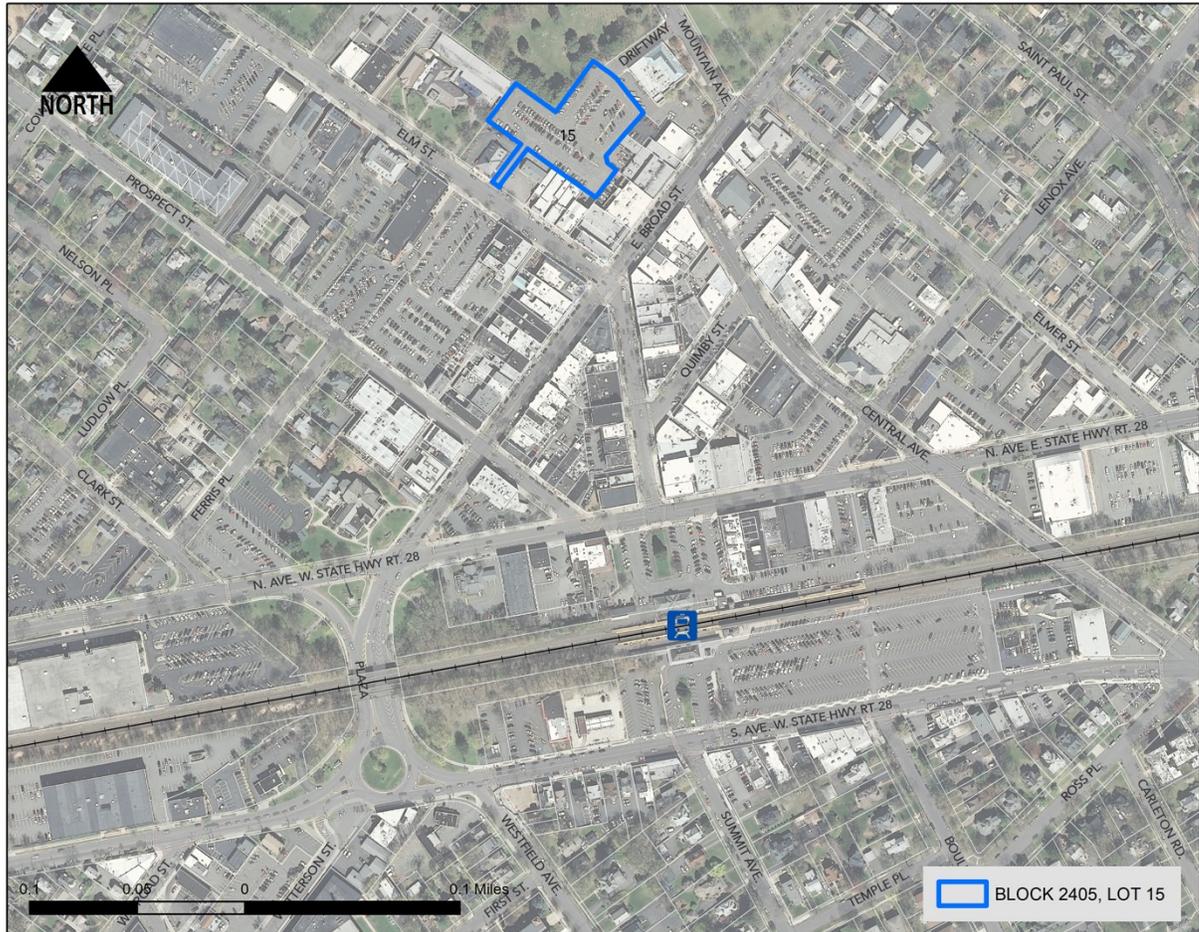
- Revitalize cities and towns
- Promote growth in compact forms
- Stabilize older suburbs
- Redesign areas of sprawl
- Protect the character of existing stable communities

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 aims are consistent with Smart Growth objectives. Furthermore, Town planning documents, including the recent Re-examination, are aligned with Smart Growth objectives as described herein. 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 parcel within the Study Area:

Block	Lot	Criteria							
		A	B	C	D	E	F	G	H
2405	15				X				X
2505	12.01				X				X
3001	5				X				X
3101	5				X				X
3103	7				X				X
3107	2				X				X
3116	11				X				X

## Block 2405, Lot 15



**Address:** 146 Elm Street

**Size:** 1.46 Acres

**Owner:** Town of Westfield

**Current use:** Surface parking lot

Based upon an inspection of the property and examination of records Block 2405 Lot 15 (Parking Lot 4) 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.

**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. As previously described, the conditions in the Study Area are analogous to those in Princeton, and support the determination that the property exhibits obsolescence, specifically by housing an obsolete land use. Based on this analysis, the property, as a downtown surface parking lot, is obsolescent.

**Detrimental to health, safety, welfare of the Community:** As outlined above, there are three main arguments for why surface parking lots are detrimental to health, safety, and welfare in Westfield: inefficiency, noncontributory, and design.

**Inefficiency:** The surface parking lot at Block 2405, Lot 15, also known as Parking Lot 4, is an inefficient use of space in a central business district. The lot provides roughly 142 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. 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 at Parking Lot 4 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.<sup>17</sup> At Lot 4, the ratio is roughly one space per 447 square feet. The inefficiency of the parking provided at grade is exacerbated by

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

the lost opportunity for additional levels that would be possible using a modern, multi-level structure.

The inefficiency of the lot is reflected in an analysis of the surrounding parcels. Lot 15 is 1.46 acres of Block 2405 that lies behind developments along Elm Street and East Broad Street including attorney offices, clothing retailers, a local shoe store, upper story apartments, and a coffee roaster. These users utilize a little over .5 acres. The value added in these commercial, residential and public uses reflects the potential value of more efficient land uses to the central business district beyond what is provided by the much larger parking lot.

**Noncontributory:** The surface parking lot at Block 2405, Lot 15 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 142 spaces of public parking. It does not create any value for the district in terms beyond providing parking.
- ii. **Minimal Improvement Value:** The lot has minimal improvements. On average, Westfield has an Improvement Value per Acre of \$933,1525. The Improvement Value per Acre of this lot is \$42,465.
- iii. **Aesthetic Impacts:** Visually, Block 2405 has an appealing streetwall comprised of attractive, well-maintained, appropriately scaled buildings along the main district corridors of Elm Street and East Broad Street. The entrance to Lot 15 off Elm Street 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 detracts from connectivity.

**Design:** Lot 15 exhibits characteristics that are detrimental to health, safety, and welfare by discouraging walkability and exacerbating stormwater management conditions.

- i. **Walkability:** Parking Lot 4 lacks or has partially visible striping and directional painting throughout the parking lot which creates an unsafe environment with unpredictable patterns. There is no space provided for people exiting/entering vehicles or crossing the parking lot to pay meters or access surrounding uses. This results in pedestrians having to walk in the drive lanes. The numerous tight turns of 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 create a dangerous environment for both vehicles and pedestrians.

Because maximizing spaces was prioritized over circulation, vehicles parking immediately adjacent to the Mountain Avenue entrance must circulate through the entirety of the parking lot to Elm Street to exit due to one-way lanes if they are following regulations. However, as might be expected and as witnessed upon inspection, vehicles do not follow the directed flow of traffic, further contributing to an unfriendly, unpredictable pedestrian environment.

Furthermore, the parking lot is surrounded by the back façade of businesses and users along Elm Street and East Broad Street. Most of the façades are unmaintained, boarded, or function purely for waste removal. This treatment can reflect the perceived potential value of the parking lot to contributing to these uses. The conditions of the obsolete land use reflect a faulty arrangement that is detrimental to the health and safety of the community.

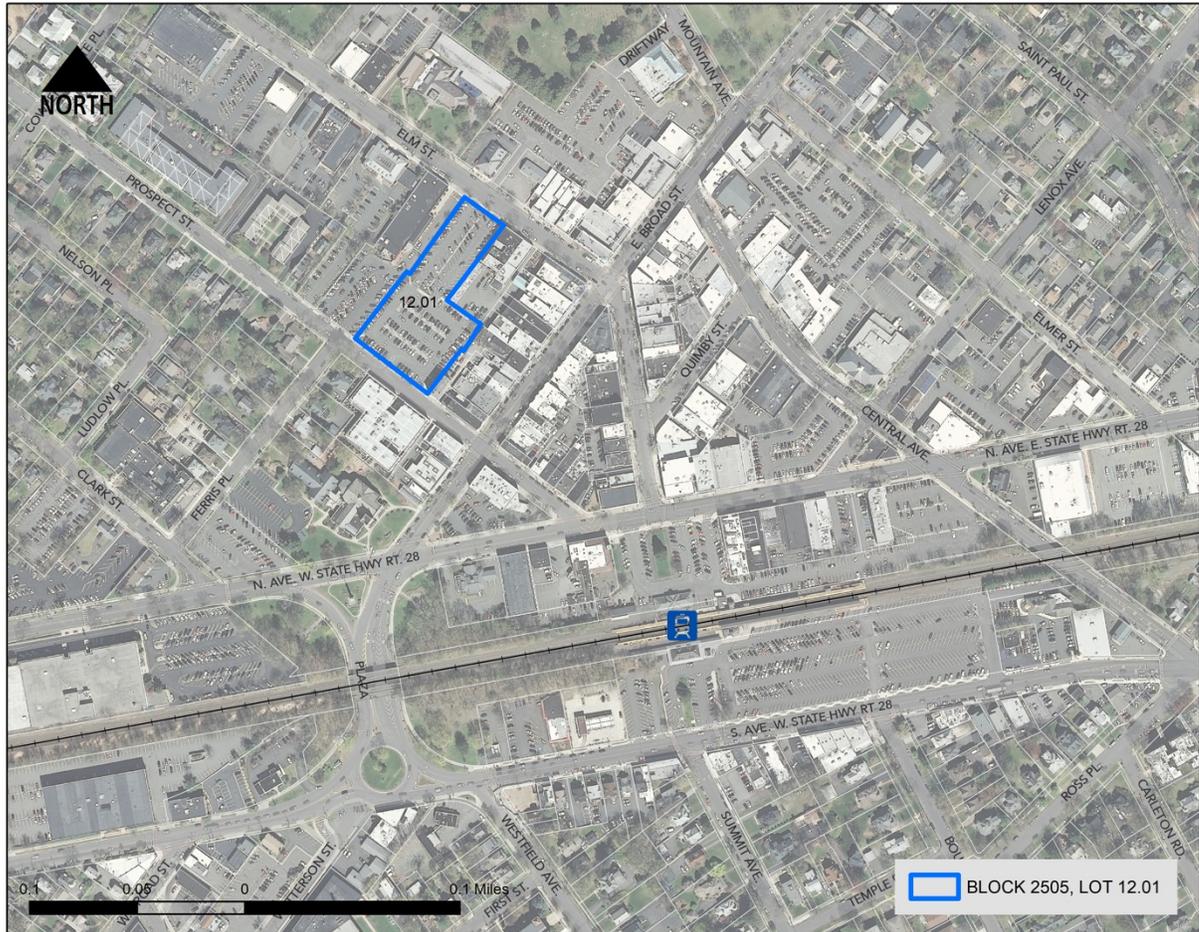
- ii. **Sustainability:** Parking Lot 4 exhibits excessive lot coverage as it is entirely paved with islands filled in with stones and a few small trees. This essentially creates almost an acre and a half of impervious surface in the heart of Westfield.

Excessive lot coverage that exacerbates stormwater management issues is detrimental to the health, safety, and welfare of the community. While high lot coverage ratios may be appropriate in downtowns, surface parking lots cannot accommodate active stormwater management techniques like those that could be included in buildings. 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.



*Figure 6: Wide drive lanes, lack of pedestrian spaces, excessive lot coverage*

## Block 2505, Lot 12.01



Address: 131 Elm Street

Size: 1.71 Acres

Owner: Town of Westfield

Current use: Surface parking lot

Based upon an inspection of the property and examination of records Block 2505 Lot 12.01 (Parking 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. As previously described, the conditions in the Study Area are analogous to those in Princeton, and support the determination that the property exhibits obsolescence, specifically by housing an obsolete land use. Based on this analysis, the property, as a downtown surface parking lot, is obsolescent.

***Detrimental to health, safety, welfare of the Community:*** As outlined above, there are three main arguments for why surface parking lots are detrimental to health, safety, and welfare in Westfield: inefficiency, noncontributory, and design.

**Inefficiency:** The surface parking lot at Block 2505, Lot 12.01, also known as Parking Lot 1, is an inefficient use of space in a central business district. The lot provides roughly 212 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. 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 at Parking Lot 1 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. At Lot 1, the ratio is roughly one space per 351 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.

The inefficiency of the lot is reflected in an analysis of the surrounding parcels. Lot 12.01 is 1.71 acres of Block 2505 that lies behind development along East Broad Street including: tailors, clothing retailers, numerous restaurants, a local coffee shop, upper story apartments, and financial institutions and services. These users utilize a little under 1.5 acres and include improvements assessed at over \$10 million. The value added in these commercial, residential and public uses is a significantly more efficient use of properties contributing to the central business district than the much larger parking lot.

**Noncontributory:** The surface parking lot at Block 2505, Lot 12.01 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 212 spaces of public parking. It does not create any value for the district in terms of generating activity beyond providing parking.
- ii. **Minimal Improvement Value:** The lot has minimal improvements. On average, Westfield has an Improvement Value per Acre of \$933,1525. The Improvement Value per Acre of this lot is \$0.
- iii. **Aesthetic Impacts:** Visually, Block 2505 has an appealing streetwall comprised of attractive, well-maintained, appropriately scaled buildings along the main district corridors of Elm Street and East Broad Street. The entrance to Lot 12.01 off Elm Street 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 detracts from connectivity.

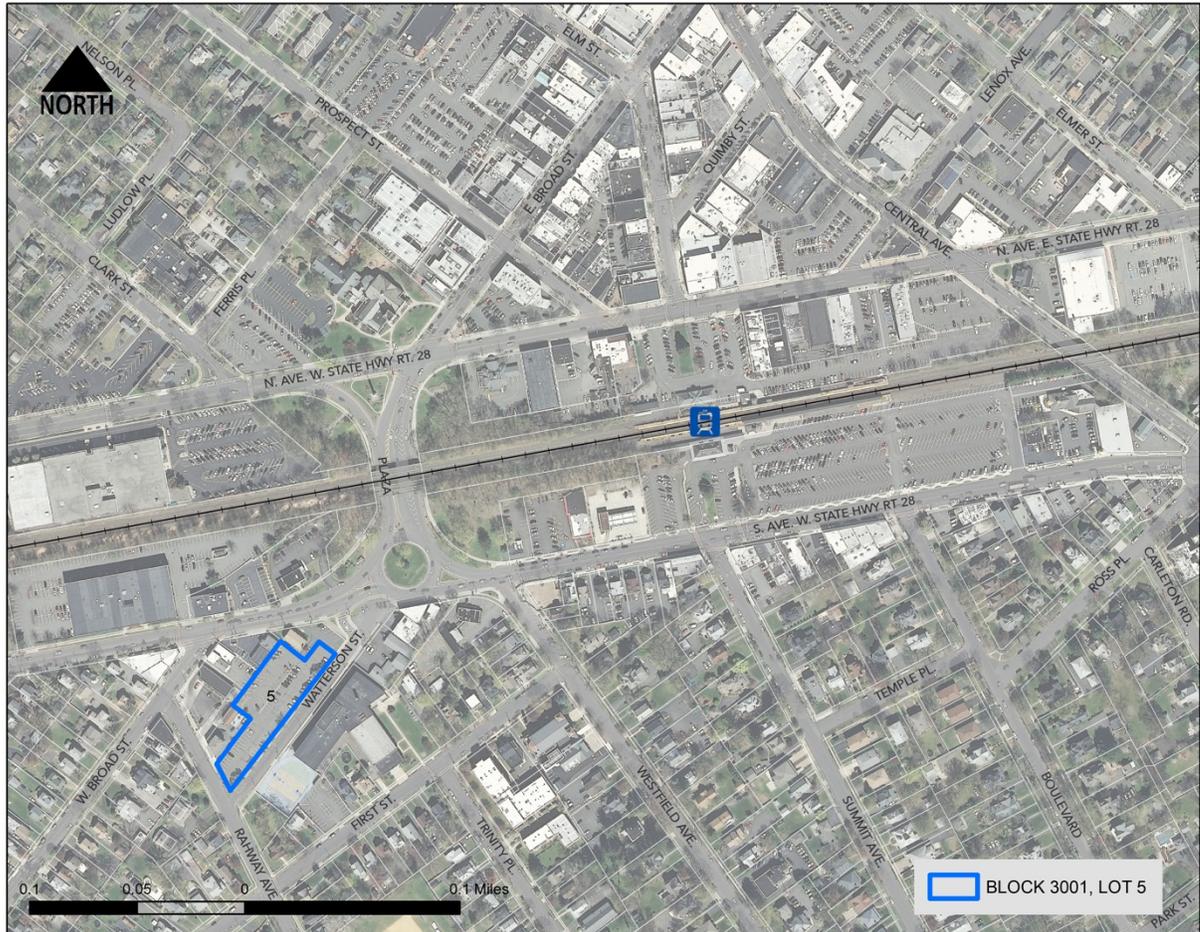
**Design:** Lot 12.01 exhibits characteristics that are detrimental to health, safety, and welfare by discouraging walkability and exacerbating stormwater management conditions.

- i. **Walkability:** Parking Lot 1 has worn or missing striping and directional painting throughout the parking lots which creates an unsafe environment with unpredictable patterns. There is no space provided for people exiting/entering vehicles or crossing the parking lot to pay meters or access surrounding uses. This results in pedestrians having to walk in the drive lanes. Furthermore, the parking lot is surrounded by the back façade of businesses and users along East Broad Street. While some of the businesses have made improvements and secondary entrances to their buildings along these rear façades, some are unmaintained, boarded, or function purely for waste removal. This treatment can reflect the perceived potential value of the parking lot to contributing to these uses. These deleterious conditions discourage pedestrian activity and attraction, thereby reducing the quality of health potential of the community.
- ii. **Sustainability:** Parking Lot 1 is entirely paved with islands filled in with stones and a few small trees. This essentially creates an acre and a half 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. While high lot coverage ratios may be appropriate in downtowns, surface parking lots cannot accommodate active stormwater management techniques like those that could be included in buildings. 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.



*Figure 7: Lack of pedestrian pathways, excessive lot coverage, wide drive lanes*

## Block 3001, Lot 5



**Address: 360 Watterson Street**  
**Size: .84 Acres**  
**Owner: Town of Westfield**  
**Current use: Surface parking lot**

Based upon an inspection of the property and examination of records Block 3001 Lot 5 (Parking Lot 6) 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. As previously described, the conditions in the Study Area are analogous to those in Princeton, and support the determination that the property exhibits obsolescence, specifically by housing an obsolete land use. Based on this analysis, the property, as a downtown surface parking lot, is obsolescent.

**Detrimental to health, safety, welfare of the Community:** As outlined above, there are three main arguments for why surface parking lots are detrimental to health, safety, and welfare in Westfield: inefficiency, noncontributory, and design.

**Inefficiency:** The surface parking lot at Block 3001, Lot 5, also known as Parking Lot 6, is an inefficient use of space in a central business district. The lot provides roughly 102 spaces within the parcel boundaries. 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. 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 at Parking Lot 6 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. At Lot 6, the ratio is roughly one space per 360 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.

Parking Lot 6 is .84 acres of Block 3001 that lies between several commercial users along West Broad Street, a new multi-family residential structure at the corner of West Broad Street and Rahway Avenue, and Holy Trinity School along Watterson Street. The multi-family structure was completed in 2020 and utilizes .37 acres to provide 31 residential units. The value added in these commercial, residential and public uses is a significantly more efficient use of properties contributing to the central business district than the larger parking lot.

**Noncontributory:** The surface parking lot at Block 3001, Lot 5 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 135 spaces of public parking. It does not create any value for the district in terms of generating activity beyond providing parking.
- ii. **Minimal Improvement Value:** The lot has minimal improvements. On average, Westfield has an Improvement Value per Acre of \$933,1525. The Improvement Value per Acre of this lot is \$75,420.
- iii. **Aesthetic Impacts:** Visually, Block 3001 has an appealing streetwall comprised of attractive, well-maintained, appropriately scaled buildings along the main district corridors of West Broad Street. The entrance to Lot 5 off Rahway Avenue 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 detracts from connectivity.

**Design:** Lot 12.01 exhibits characteristics that are detrimental to health, safety, and welfare by discouraging walkability and exacerbating stormwater management conditions.

- i. **Walkability:** Parking Lot 6 lacks directional striping throughout the parking lot which creates an unsafe environment with unpredictable patterns for vehicles and pedestrians. There is no space provided for people exiting/entering vehicles or crossing the parking lot to pay meters or access surrounding uses. While there are minimal (approximately three-foot-wide) sidewalks along both sides of Watterson Street, they're often obstructed by parking signage and do not have clearance for those requiring ADA accessibility. Much of the curbing is broken, missing or compromised throughout the parking lot. These deleterious conditions are reflective of faulty arrangement and are safety hazards.
- ii. **Sustainability:** Parking Lot 6 is nearly entirely paved with islands filled in with stones and a few small trees. This essentially creates over three-quarters of an acre of impervious surface within two blocks of the train station. Excessive lot coverage that exacerbates stormwater management issues is detrimental to the health, safety, and welfare of the community. While high lot coverage ratios may be appropriate in downtowns, surface parking lots cannot accommodate active stormwater management techniques like those that could be included in buildings. 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.



*Figure 8: Lack of pedestrian pathways, minimal and obstructed adjacent sidewalks, excessive lot coverage, wide drive lanes*

## Block 3101, Lot 5



**Address: 300 South Avenue West**

**Size: 4.29 Acres**

**Owner: Town of Westfield**

**Current use: Surface parking lot**

Based upon an inspection of the property and examination of records Block 3101 Lot 5 (Parking Lot 3) 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. As previously described, the conditions in the Study Area are analogous to those in Princeton, and support the determination that the property exhibits obsolescence, specifically by housing an obsolete land use. Based on this analysis, the property, as a downtown surface parking lot, is obsolescent

**Detrimental to health, safety, welfare of the Community:** As outlined above, there are three main arguments for why surface parking lots are detrimental to health, safety, and welfare in Westfield: inefficiency, noncontributory, and design.

**Inefficiency:** The surface parking lot at Block 3101, Lot 5, also known as Parking Lot 3, is an inefficient use of space in a central business district. The lot provides roughly 549 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. This inefficiency detracts from the economic viability of the district, thereby causing a detrimental impact on the welfare of the community. This inefficient use of space is particularly detrimental because of the proximity of the site to the train station, a valuable transit asset that should serve as a focal point for efficient development.

The inefficient provision of parking at Parking Lot 3 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. At Lot 3, the ratio is roughly one space per 340 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.

Parking Lot 3 is 4.29 acres of Block 3101 that lies south of the NJ Transit Westfield Train station. Similarly sized lots in town provide a variety of community uses such as a development with dozens of senior residences, activated parkland, and retail options like grocery stores. The value added in these commercial, residential, and public uses is a significantly more efficient use of properties contributing to the central business district than this large parking lot.

**Noncontributory:** The surface parking lot at Block 3101, Lot 5 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 549 spaces of public parking. It does not create any value for the district in terms of generating activity beyond providing parking.
- ii. **Minimal Improvement Value:** The lot has minimal improvements. On average, Westfield has an Improvement Value per Acre of \$933,1525. The Improvement Value per Acre of this lot is \$73,846.
- iii. **Aesthetic Impacts:** Visually, Block 3101 is almost entirely affected by auto-centric uses in terms of aesthetics. Adjacent users include a gas station and a strip mall with vacancies. Nearby uses along South Avenue West are also low-scale, inefficiently laid out, auto-oriented businesses. It is not unreasonable to connect the presence of this massive parking lot operating as a slightly enhanced service entrance to a key community asset to the lack of well-designed, architecturally interesting buildings, like those found throughout many other

parts of the central business district, along South Avenue West.

**Design:** The property exhibits characteristics that are detrimental to health, safety, and welfare by discouraging walkability and exacerbating stormwater management conditions.

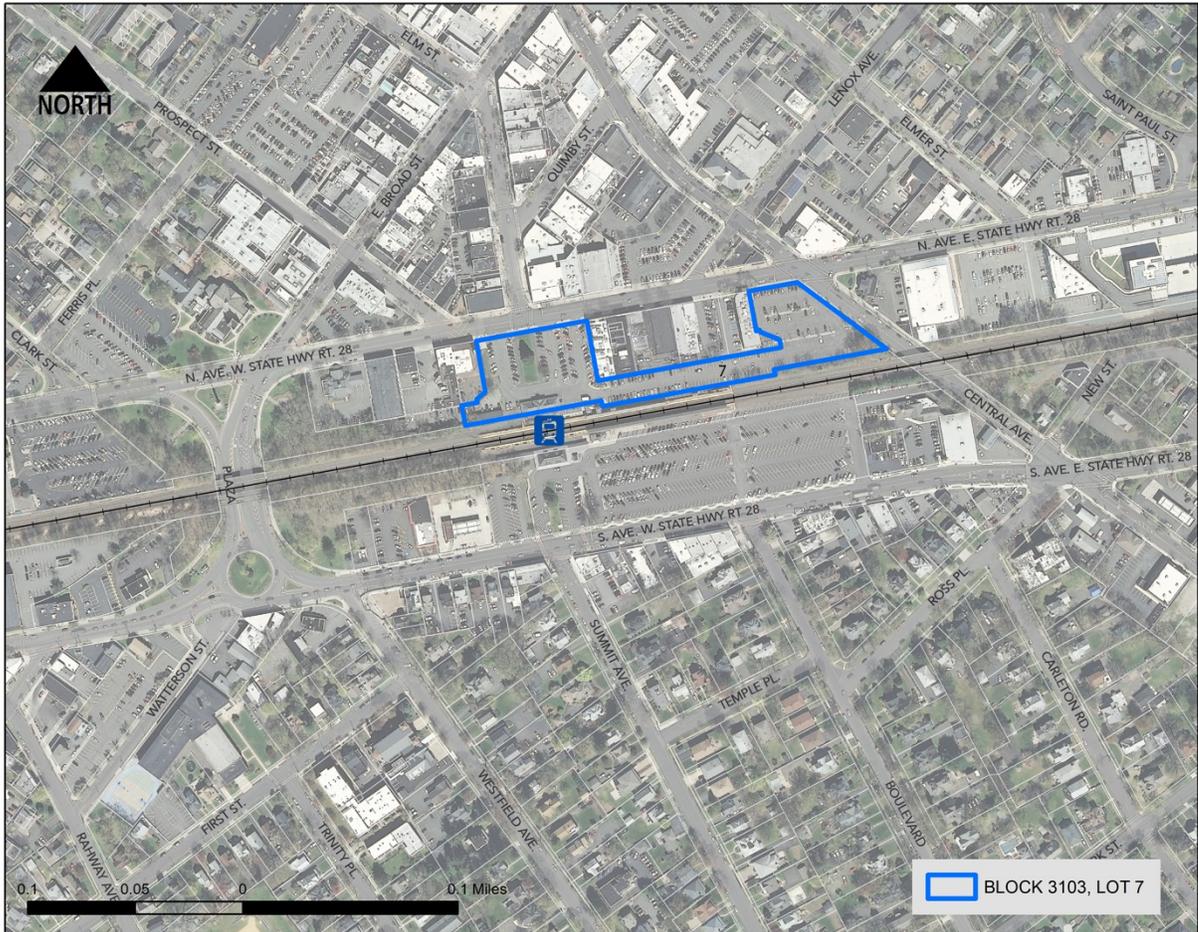
- i. **Walkability:** Parking Lot 3 is almost all the eye can see when a pedestrian exits the underpass at the train station. While most of the striping and directional painting is still visible, there is sign of wear. This can contribute to an unsafe environment with unpredictable patterns. There is no space provided for people exiting/entering vehicles or crossing the parking lot to pay meters or access the train station. This results in pedestrians having to walk in the drive lanes. The numerous tight turns of 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 create a dangerous environment for both vehicles and pedestrians. There are only three small, minimally landscaped islands near the entrance of the train station, otherwise landscaping is non-existent over the remaining four acres. These deleterious conditions are reflective of faulty arrangement and are safety hazards.
- ii. **Sustainability:** Parking Lot 3 is almost entirely paved with the exception of the three landscaped islands mentioned. This creates over four acres of impervious surface in the heart of Westfield next to a major community asset. Excessive lot coverage that exacerbates stormwater management issues is detrimental to the health, safety, and welfare of the community. While high lot coverage ratios may be appropriate in downtowns, surface parking lots cannot accommodate active stormwater management techniques like those that could be included in buildings. 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.



*Figure 9: Lack of pedestrian pathways to the train station, inefficient land use adjacent to the train station, excessive lot coverage, wide drive lanes*

## Block 3103, Lot 7



**Address:** 301 North Avenue West  
**Size:** 2.83 Acres  
**Owner:** Town of Westfield  
**Current use:** Surface parking lot

Based upon an inspection of the property and examination of records Block 3103 Lot 7 (Parking Lots 2 and 8) 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. As previously described, the conditions in the Study Area are analogous to those in Princeton, and support the determination that the property exhibits obsolescence, specifically by housing an obsolete land use. Based on this analysis, the property, as a downtown surface parking lot, is obsolescent.

**Detrimental to health, safety, welfare of the Community:** As outlined above, there are three main arguments for why surface parking lots are detrimental to health, safety, and welfare in Westfield: inefficiency, noncontributory, and design.

**Inefficiency:** The surface parking lot at Block 3103, Lot 7, also known as Parking Lots 2 and 8, is an inefficient use of space in a central business district. The lot provides roughly 270 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. This inefficiency detracts from the economic viability of the district, thereby causing a detrimental impact on the welfare of the community. This inefficient use of space is particularly detrimental because of the proximity of the site to the train station, a valuable transit asset that should serve as a focal point for efficient development.

The inefficient provision of parking at Parking Lots 2 and 8 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. At Lots 2 and 8, the ratio is roughly one space per 456 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.

Parking Lots 2 and 8 occupy 2.83 acres of Block 3103 that lies north of the NJ Transit Westfield Train station along North Avenue, a major corridor. Parking Lots 2 and 8 encircle several commercial uses along North Avenue including restaurants, real estate services, and senior care occupying 1.8 acres with a tax assessed improvement value over \$10 million. The value added in these commercial, residential and public uses is a significantly more efficient use of properties contributing to the central business district than this large parking lot.

**Noncontributory:** The surface parking lot at Block 3103, Lot 7 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 270 spaces of public parking. It does not create any value for the district in terms of generating activity beyond providing parking.
- ii. **Minimal Improvement Value:** The lot has minimal improvements. On average, Westfield has an Improvement Value per Acre of \$933,1525. The Improvement Value per Acre of this lot is \$46,325.
- iii. **Aesthetic Impacts:** Visually, Block 3103 has an appealing streetwall comprised of attractive, well-maintained, appropriately scaled buildings along North Avenue, including some of the most well-known and historically significant structures in town. The entrances to Parking Lot 2 at its western extreme and the train station entrance creates an obvious break in this streetscape and is landscaped and maintained below the quality of surrounding properties. This lot does not contribute to the aesthetic values of the Block and detracts from connectivity.

**Design:** The property exhibits characteristics that are detrimental to health, safety, and welfare by discouraging walkability and exacerbating stormwater management conditions.

- i. **Walkability:** Parking Lots 2 and 8 are in the worst condition from a maintenance and improvement perspective of all the lots reviewed. They lack or have partially visible striping and directional painting throughout the parking lots which creates an unsafe environment with unpredictable patterns. There is no space provided for people exiting/entering vehicles or crossing the parking lot to pay meters or access surrounding uses. This results in pedestrians having to walk in the drive lanes. The numerous tight turns of the parking lot reduce visibility and create a dangerous environment for both vehicles and pedestrians. The parking lot itself is in very poor condition with many potholes and broken curbing. Many parking spaces are not fully delineated and there are handicap designated spaces that do not meet ADA requirements. Furthermore, the parking lot is surrounded by the back façade of businesses and users along North Avenue. Some of the facades are unmaintained, boarded, or function purely for waste removal. This treatment can reflect the perceived potential value of the parking lot to contributing to these uses. These deleterious conditions are reflective of faulty arrangement and are safety hazards.

**Sustainability:** Parking Lots 2 and 8 are almost entirely paved with the exception of the main landscaped island at the train station entrance. This creates over two and a half acres of impervious surface in the heart of Westfield next to a major community asset. Excessive lot coverage that exacerbates stormwater management issues is detrimental to the health, safety, and welfare of the community. While high lot coverage ratios may be appropriate in downtowns, surface parking lots cannot accommodate active stormwater management techniques like those that could be included in buildings. 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.



Figure 10: Improvements in poor condition, exposed adjacent trash areas



Figure 11: Lack of clear pedestrian pathways, parking in unmarked areas

## Block 3107, Lot 2



Address: 116 Elmer Street

Size: 1.13 acres

Owner: Town of Westfield

Current use: Surface parking lot

Based upon an inspection of the property and examination of records Block 3107 Lot 2 (Parking Lot 5) 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. As previously described, the conditions in the Study Area are analogous to those in Princeton, and support the determination that the property exhibits obsolescence, specifically by housing an obsolete land use. Based on this analysis, the property, as a downtown surface parking lot, is obsolescent.

**Detrimental to health, safety, welfare of the Community:** As outlined above, there are three main arguments for why surface parking lots are detrimental to health, safety, and welfare in Westfield: inefficiency, noncontributory, and design.

**Inefficiency:** The surface parking lot at Block 3107, Lot 2, also known as Parking Lot 5 is an inefficient use of space in a central business district. The lot provides roughly 112 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. 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 at Parking Lot 5 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. At Lot 5, the ratio is roughly one space per 439 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.

Parking Lot 5 is 1.13 acres of Block 3107 that lies behind commercial users along East Broad Street and Central Avenue that include coffee shops, fitness studios, movie theaters, and major national retailers. Lots 12, 13 and 14 on the same lot occupy .77 acres and have a tax assessed improvement value of \$1.8 million. The value added in these commercial, residential, and public uses is a significantly more efficient use of properties contributing to the central business district than this large parking lot.

**Noncontributory:** The surface parking lot at Block 3107, Lot 2 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 112 spaces of public parking. It does not create any value for the district in terms of generating activity beyond providing parking.
- ii. **Minimal Improvement Value:** The lot has minimal improvements. On average, Westfield has an Improvement Value per Acre of \$933,1525. The Improvement Value per Acre of this lot is \$76,725.
- iii. **Aesthetic Impacts:** Visually, Block 3107 has an appealing streetwall comprised of attractive, well-maintained, appropriately scaled buildings along East Broad Street and Central Avenue. The entrance to Parking Lot 5 off Central Avenue creates an obvious break in this pattern and is landscaped and maintained below the quality of surrounding properties. Therefore, Parking Lot 5 does not contribute to the aesthetic values of the Block and detracts from connectivity.

**Design:** the physical characteristics of surface parking lots detract from health and safety by discouraging walkability and exacerbating stormwater management conditions.

- i. **Walkability:** Parking Lot 5 is the tightest and least pedestrian friendly parking lot studied. While the lot is adequately and recently striped, the drive lanes are very narrow and there are zero provisions for a pedestrian to stand beyond a few feet next to pay stations. There is sign of wear throughout the parking lot. This can contribute to an unsafe environment with unpredictable patterns. There is no space provided for people exiting/entering vehicles or crossing the parking lot to pay meters or access the adjacent uses. This results in pedestrians having to walk in the drive lanes. The irrational layout of the lot exacerbates the safety hazard caused by walking in drive aisles. The numerous tight turns of the parking lot reduce visibility and create a dangerous environment for both vehicles and pedestrians. There are two islands in the entire parking lot, and they are entirely cement with a few trees. These deleterious conditions are reflective of faulty arrangement and are safety hazards.
- ii. **Sustainability:** Parking Lot 5 is almost entirely paved. This creates over an acre of impervious surface in the heart of Westfield next what should be very pedestrian attractive corridors. Excessive lot coverage that exacerbates stormwater management issues is detrimental to the health, safety, and welfare of the community. While high lot coverage ratios may be appropriate in downtowns, surface parking lots cannot accommodate active stormwater management techniques like those that could be included in buildings. 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.



*Figure 12: Lack of clear pedestrian pathways, tight turns for vehicles, excessive lot coverage*

## Block 3116, Lot 11



**Address:** 148 Central Avenue

**Size:** .67 acres

**Owner:** Town of Westfield

**Current use:** Surface parking lot

Based upon an inspection of the property and examination of records Block 3116 Lot 11 (Parking Lot 7) 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.

**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. As previously described, the conditions in the Study Area are analogous to those in Princeton, and support the determination that the property exhibits obsolescence, specifically by housing an obsolete land use. Based on this analysis, the property, as a downtown surface parking lot, is obsolescent.

**Detrimental to health, safety, welfare of the Community:** As outlined above, there are three main arguments for why surface parking lots are detrimental to health, safety, and welfare in Westfield: inefficiency, noncontributory, and design.

**Inefficiency:** The surface parking lot at Block 3116, Lot 11, also known as Parking Lot 7, is an inefficient use of space in a central business district. The lot provides roughly 79 spaces within the parcel boundaries. 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. 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 at Parking Lot 7 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. At Lot 7, the ratio is roughly one space per 371 square feet. In recent years, Parking Lot 7 was redesigned. As a result of the redesign, a portion of the parking lot is now located in the Lenox Avenue right of way. While this expanded area was not considered as part of the analysis as it sits outside of the boundaries of the parcel, the reconfiguration of the Lot 7 to accommodate the

adjacent right-of-way is instructive in that it shows how surface parking lots expand to fit their surrounding area, often creating irregularly shaped and inefficient lots. 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.

Parking Lot 7 is .67 acres of Block 3116 that lies behind several commercial users along Central Avenue, East Broad Street and North Avenue. These users include financial institutions, numerous eateries, several local retailers, and personal services. Lot 10 on the same block is a similar size with a single store commercial structure (partially filled with Capital One Bank) with a tax assessed improvement value of almost \$1 million. The value added in these commercial, residential, and public uses is a significantly more efficient use of properties contributing to the central business district than this large parking lot.

**Noncontributory:** The surface parking lot at Block 3116, Lot 11 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 79 spaces of public parking. It does not create any value for the district in terms of generating activity beyond providing parking.
- ii. **Minimal Improvement Value:** The lot has minimal improvements. On average, Westfield has an Improvement Value per Acre of \$933,1525. The Improvement Value per Acre of this lot is \$52,225.
- iii. **Aesthetic Impacts:** Visually, Block 3116 has an appealing streetwall comprised of attractive, well-maintained, appropriately scaled buildings along East Broad Street, North Avenue and Central Avenue. The entrance to Parking Lot 5 off Central Avenue and North Avenue creates an obvious

break and appearance of a canyon between the corner of Central and North Avenues and the rest of the block. This lot does not contribute to the aesthetic values of the Block and detracts from connectivity.

**Design:** The property exhibits characteristics that are detrimental to health, safety, and welfare by discouraging walkability and exacerbating stormwater management conditions.

- i. **Walkability:** Parking Lot 7 is the best maintained of the parking lots studied. However, there is still no space provided for people exiting/entering vehicles or crossing the parking lot to pay meters or access surrounding uses. This results in pedestrians having to walk in the drive lanes. There are no islands within the parking lot and there's little to no landscaping along the sidewalks adjacent to the parking lot. These deleterious conditions are reflective of faulty arrangement and are safety hazards.
- ii. **Sustainability:** Parking Lot 7 is entirely paved. This creates over a half acre 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. While high lot coverage ratios may be appropriate in downtowns, surface parking lots cannot accommodate active stormwater management techniques like those that could be included in buildings. 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.



*Figure 13: Lack of clear pedestrian pathways, lack of landscaping, excessive lot coverage*

## Consideration of Redevelopment Designation

The results of the preliminary investigation indicate that the Study Area, encompassing Block 2405, Lot 15; Block 2505, Lot 12.01; Block 3001, Lot 5; Block 3101, Lot 5; Block 3103, Lot 7; Block 3107, Lot 2; and Block 3116, Lot 11 can be appropriately designated as an area in need of redevelopment 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 2405, Lot 15; Block 2505, Lot 12.01; Block 3001, Lot 5; Block 3101, Lot 5; Block 3103, Lot 7; Block 3107, Lot 2; and Block 3116, Lot 11 be designated as non-condemnation areas in need of redevelopment. A map of the recommended areas in need of redevelopment is included as **Appendix D**. Based on the above analysis and investigation of the Study Area, we conclude that the above properties meet the criteria for a redevelopment area designation.

# Appendices

## APPENDIX A: AUTHORIZING RESOLUTION

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO. 77-2020**

**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 2405, LOT 15; BLOCK 2505, LOT 12.01; BLOCK 3001, LOT 5;  
BLOCK 3101, LOT 5; BLOCK 3103, LOT 7; AND BLOCK 3116, 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:

<b>Block</b>	<b>Lot</b>	<b>Street Address</b>
2405	15	146 Elm Street
2505	12.01	131 Elm Street
3001	5	360 Waterson Street
3101	5	300 South Avenue West
3103	7	301 North Avenue West
3107	2	116 Elmer Street

3116	11	148 Central Avenue
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(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.

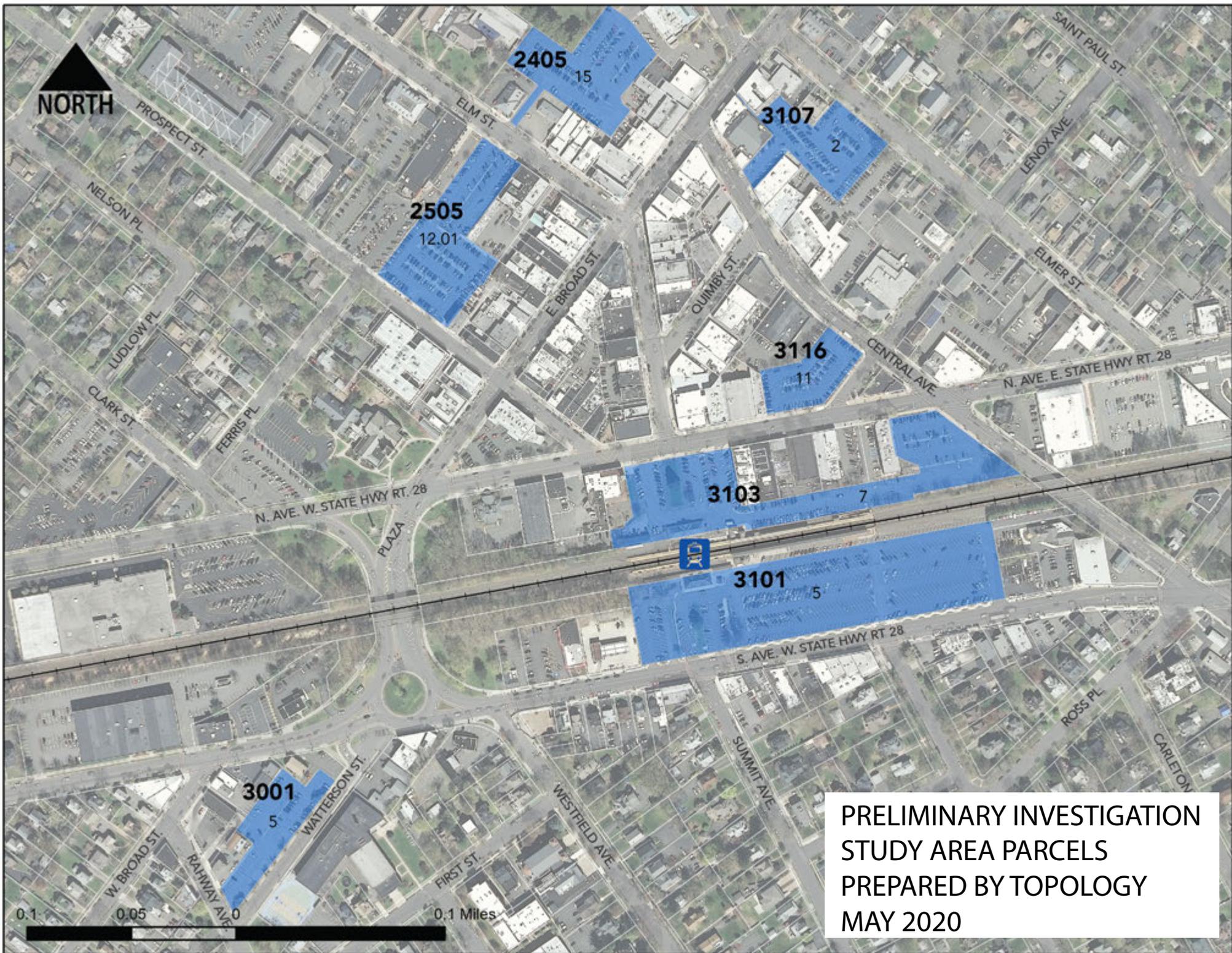
7. This Resolution shall take effect immediately.

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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



PRELIMINARY INVESTIGATION  
STUDY AREA PARCELS  
PREPARED BY TOPOLOGY  
MAY 2020

APPENDIX C: EXCERPTS FROM THE TOWN OF WESTFIELD ZONING CODE

*Town of Westfield, NJ  
Tuesday, September 24, 2019*

## Chapter LUL. Land Use Regulations

### Article 11. Zone District Regulations

#### § 11.25. CBD Central Business District.

A. Principal uses and structures. The CBD zone district is intended to encourage retail sales, retail services, personal services, offices, and residential uses in appropriate locations as set forth within this section, all within a mixed-use environment which encourages street activity throughout the day and evening hours. The following principal uses and structures shall be permitted in the CBD zone district:

[Amended 6-6-2017 by Ord. No. 2082]

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. Such business must be conducted on the premises, and must be the principal activity of the use on the premises;
3. On any floor of a building located in property with a frontage on North Avenue or South Avenue, and only on the second or third floors of a building on other property within the CBD zone district, 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 services; and,
  - f. Educational services.
4. Retail services;
5. Child care centers;

6. Governmental buildings and municipal parking facilities;
  7. Public parks and playgrounds;
  8. Residential dwelling units on the second or third floors of a building;
  9. A shared use of a single tenant space by multiple non-residential uses which are permitted principal uses as included in this section; and
  10. The temporary use of existing floor area by a permitted principal use or uses as listed in this section, for a period of not more than 60 days tolled continuously from the first date of operation, shall not be subject to parking requirements for the duration of the use. Such temporary use shall be allowed once per calendar year for each tenant space. Temporary uses must comply with all sign provisions of Article 16.
- B. Accessory uses and structures. The following accessory uses and structures shall be permitted in the CBD zone district:  
[Amended 8-3-2004 by Ord. No. 1838]
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. Sidewalk cafes as permitted and regulated by § 24-46 through § 24-57 of the Town Code; 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 CBD district only if they comply with the appropriate regulations for such uses or structures in Article 18:  
[Amended 12-14-2004 by Ord. No. 1843]
1. Non-profit chartered membership organizations;
  2. Residential-type public utility facilities;
  3. Certain cellular telecommunications antennas as set forth in Article 18; and
  4. Age-restricted multi-family housing on the ground floor of a building.
  5. Microbreweries and craft distilleries, and  
[Added 9-25-2018 by Ord. No. 2111]
  6. Commercial use of rooftops.  
[Added 11-6-2018 by Ord. No. 2115]
- 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. Any business conducted outside the confines of a building, except for the commercial use of rooftops, except for the use of ground level patios as places for eating and drinking, except for sidewalk cafes permitted and regulated by § **24-46** through **24-57** of the Town Code, and except those temporary activities permitted by special permission from the Town Council;  
[Amended 8-3-2004 by Ord. No. 1838; 11-6-2018 by Ord. No. 2115]
2. Gasoline filling stations, gasoline service stations, public garages, automobile body repair or painting shops;
3. Lumber or building material yards;
4. Sale, rental or repair of automobiles, motorcycles, boats, trailers, lawn mowers, small gasoline or other liquid fuel engines;
5. Dry cleaning establishments where the dry cleaning is done on the premises;
6. Warehouses or businesses which do not sell directly to the general public;
7. Public or private schools;
8. Drive-in or drive-through restaurants;  
[Amended 6-6-2017 by Ord. No. 2082; 11-6-2018 by Ord. No. 2115]
9. Funeral services, undertakers, crematories and morticians;
10. Residential use of any kind other than those uses as permitted in Subsections **A** and **C** above. Existing nonconforming residential buildings or structures shall not be extended or enlarged for use relating to a business, unless the first floor is used entirely for business use;  
[Amended 12-14-2004 by Ord. No. 1843]
11. All above-ground 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;
12. 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; and
13. Private commercial parking lots as a principal use.

E. Bulk and lot regulations. The following bulk and lot regulations shall apply to all uses permitted within the CBD zone district, unless more stringent requirements are provided by this ordinance:

1. Minimum front yard. No front yard shall be required.
  2. Minimum side yard. All principal buildings may be constructed without side yards, except that when a side yard is provided, it shall not be less than 10 feet. Notwithstanding the above requirement, when the side yard in the CBD 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 CBD 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 residentially zoned property.
  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 than 10 feet. Notwithstanding the above requirement, the following rear yard regulations shall apply to all properties in the CBD zone district which are used for residential purposes, or which abut a residential zone:
    - a. When a building in the CBD zone district is to be used in whole or in part for residential purposes, there shall be a rear yard of not less than 35 feet.
    - b. When the rear yard in the CBD 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 property.
  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.
- F. Facade regulations. The following regulations shall apply to the design of storefront facades in the CBD zone district:  
[Amended 6-6-2017 by Ord. No. 2082]
1. Window area. Building facades which face the street shall contain a transparent window area on the ground floor which comprises not less than 40% of the area of the ground floor facade, when the following conditions exist or are proposed:
    - a. The facade in question is set back less than 10 feet from the right-of-way; and
    - b. A new building, substantial renovation or reconstruction of the street facade of an existing building, or a conditional use as set forth in Subsection C.1 or C.2 above, is proposed.

When an existing building contains more than one unit occupied by different tenants, the above requirement shall apply only for the facade of the unit(s) being renovated or reconstructed. For purposes of administering the above requirements, the ground floor facade area shall be construed to be the product of the width of the facade times 10 feet.
  2. Awnings. Awnings shall be permitted as regulated by the Town Code. Internally illuminated awnings are prohibited.

3. Entrances. Each ground floor tenant shall provide at least one customer/client entrance on a street-facing facade. Service doors shall not be located along any street-facing facade.
  4. Existing window and door openings. Existing window and door openings on a facade may not be filled in unless the finished materials and color match those of immediately adjacent finishes on the building.
  5. Ground floor street-facing facades shall be occupied by permitted principal and approved conditional uses. However, vehicular access to parking areas (limited to 15 feet in width for a one-way driveway and 25 feet in width for a two-way driveway) are permitted along a ground floor street-facing facade.
- G. Mixed residential and non-residential use. The following regulations shall apply to dwelling units on the second or third floor of a principal building:
1. The habitable floor area devoted to residential use(s) shall not exceed 2/3 of the total habitable floor area of the building or structure containing said residential use(s).
  2. Any single-dwelling unit shall have a minimum of 600 square feet of habitable floor area.
  3. Parking shall be provided for the residential use as required by Article 17.
- H. Other regulations. In addition to the above requirements, any development in the CBD 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.

*Town of Westfield, NJ  
Tuesday, September 24, 2019*

## Chapter LUL. Land Use Regulations

### Article 11. Zone District Regulations

#### § 11.26. GB-1 General Business District.

A. Principal uses and structures. The GB-1 zone district is intended to encourage retail sales and personal services oriented to pedestrian shopping, other commercial uses permitted herein, and residential use on the upper floors. The following principal uses and structures shall be permitted in the GB-1 zone district:

[Amended 5-11-1999 by Ord. No. 1734]

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. Governmental buildings and municipal parking facilities;

7. Public parks and playgrounds;
8. Residential dwelling units on the second or third floors of a building; and
9. Parking areas accessory to a permitted principal use in the GB-1 district but which are located on a different lot than such principal use.
10. 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-1 zone district:

[Amended 8-3-2004 by Ord. No. 1838]

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. Sidewalk cafes as permitted and regulated by § 24-46 through § 24-57 of the Town Code; 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-1 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. Residential type public utility facilities; and
4. Certain cellular telecommunications antennas as set forth in Article 18.
5. Microbreweries and craft distilleries.  
[Added 11-6-2018 by Ord. No. 2113]

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. Any business conducted outside the confines of a building, except for the use of ground level patios as places for eating and drinking, except for sidewalk cafes permitted and regulated by §§ 24-46 through 24-57 of the Town Code, and except those temporary activities permitted by special permission from the Town Council;  
[Amended 8-3-2004 by Ord. No. 1838; 11-6-2018 by Ord. No. 2113]

2. Gasoline filling stations, gasoline service stations, public garages and automobile body repair or painting shops;
  3. Lumber or building material yards;
  4. Sale, rental or repair of automobiles, motorcycles, boats, trailers, lawn mowers, small gasoline or other liquid fuel engines;
  5. Dry cleaning establishments where the dry cleaning is done on the premises;
  6. Warehouses or businesses which do not sell directly to the general public;
  7. Public or private schools;
  8. Drive-in or drive-through restaurants;  
[Amended 8-3-2004 by Ord. No. 1838; 11-6-2018 by Ord. No. 2113]
  9. Funeral services, undertakers, crematories and morticians;
  10. Residential use of any kind other than those uses as permitted in Subsection **A** above. Existing nonconforming residential buildings or structures shall not be extended or enlarged for use relating to a business, unless the first floor is used entirely for business use;
  11. 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;
  12. 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; and
  13. Private commercial parking lots as a principal use.
- E. Bulk and lot regulations. The following bulk and lot regulations shall apply to all uses permitted within the GB-1 zone district, unless more stringent requirements are provided by this ordinance:
1. Minimum front yard. No front yard shall be required.
  2. Minimum side yard. All principal buildings may be constructed without side yards, except that when a side yard is provided, it shall not be less than 10 feet. Notwithstanding the above requirement, when the side yard in the GB-1 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-1 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 residentially zoned property.

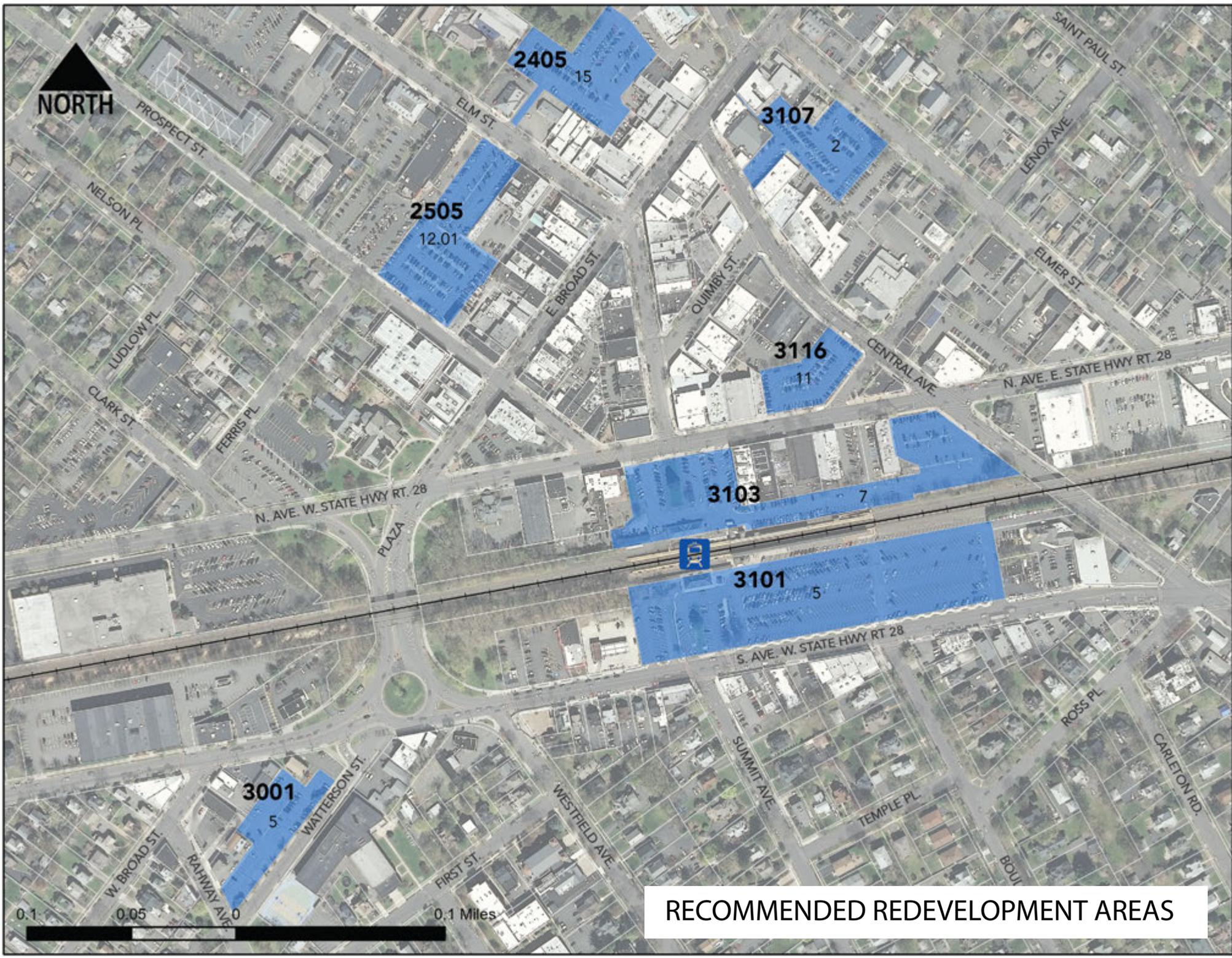
3. Minimum rear yard. There shall be a rear yard of at least one foot for every two feet of height of the principal building on the lot which is the subject of the application, but not less 10 feet. Notwithstanding the above requirement, the following rear yard regulations shall apply to all properties in the GB-1 zone district which are used for residential purposes, or which abut a residentially zoned property:
    - a. When a building in the GB-1 zone district is to be used in whole or in part for residential purposes, there shall be a rear yard of not less than 35 feet.
    - b. When the rear yard in the GB-1 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 property.
  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.
- F. Storefront facade regulations. The following regulations shall apply to the design of storefront facades in the GB-1 zone district:
1. Window area. Building facades which face the street shall contain a transparent window area on the ground floor which comprises not less than 40% of the area of the ground floor facade, when the following conditions exist or are proposed:
    - a. The facade in question is set back less than 10 feet from the right-of-way; and
    - b. A new building, substantial renovation or reconstruction of the street facade of an existing building, or a conditional use as set forth in Subsection C.1 or C.2 above, is proposed.

When an existing building contains more than one unit occupied by different tenants, the above requirement shall apply only for the facade of the unit(s) being renovated or reconstructed. For purposes of administering the above requirements, the ground floor facade area shall be construed to be the product of the width of the facade times 10 feet.
  2. Awnings. Awnings shall be permitted as regulated by the Town Code.
- G. Mixed residential and non-residential use. The following regulations shall apply to dwelling units on the second or third floor of a principal building:
1. The habitable floor area devoted to residential use(s) shall not exceed 2/3 of the total habitable floor area of the building or structure containing said residential use(s).
  2. Any single-dwelling unit shall have a minimum of 600 square feet of habitable floor area.
  3. Parking shall be provided for the residential use as required by Article 17.
- H. Other regulations. In addition to the above requirements, any development in the GB-1 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 AREAS



RECOMMENDED REDEVELOPMENT AREAS