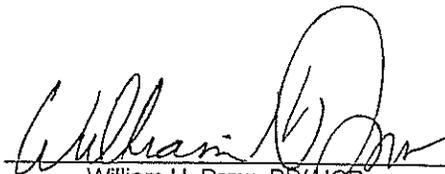


Town of Westfield, NJ Master Plan

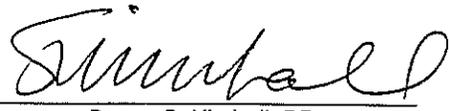
Amendment to the 2013 Housing Plan Element & Fair Share Plan

Adopted
December 2, 2013



William H. Drew, PP/AICP
License # 3971
Town Planner, Westfield NJ

Prepared By:



Susan C. Kimball, PP
License # 2280
Kimball Planning Services

A signed and sealed copy of this Master Plan amendment is on file with the Planning Board Secretary and Town Clerk.

TOWN OF WESTFIELD, NJ
AMENDMENT TO THE 2013
HOUSING PLAN ELEMENT & FAIR SHARE PLAN

Purpose of Amendment

This document represents an amendment of the Town of Westfield's 2013 Housing Plan Element & Fair Share Plan (the 2013 Plan). Its purpose is to delete from the 2013 Plan, a site that was proposed to be rezoned for a transit-oriented development (TOD), which would have included a setaside of affordable housing (i.e. an inclusionary housing development). The site was designated in the 2013 Plan as the "South Avenue TOD" and was identified as Block 3307 Lots 1-3, Block 4005 Lots 3 and 4 and Block 4004 Lot 17.

Background

In January 2009 Mount Laurel litigation was filed against the Town of Westfield (Sunnyside Senior Housing of Westfield v. Westfield, Docket No. UNN-L-135-09). On May 27, 2009 the Planning Board adopted a Housing Element & Fair Share Plan (the 2009 Plan) detailing a plan to address Westfield's affordable housing obligation, consistent with the then in effect third round rules adopted by the NJ Council on Affordable Housing (COAH). In December 2012, the Town reached a settlement in the litigation and on February 4, 2013 the Planning Board amended the 2009 Plan to include the plaintiff's property as an inclusionary housing site (the "Sunnyside Settlement").

In January 2013 the Court-appointed Master reviewed the Town's 2009 Plan (as amended) and the settlement agreement. In view of the passage of time and Court decisions invalidating important aspects of COAH's third round rules, the Court-appointed Master required a comprehensive update and revision of the 2009 Plan. On April 10, 2013 the Planning Board amended the Town's Master Plan with the adoption of the 2013 Housing Plan Element & Fair Share Plan.

The 2013 Plan consists of two parts. Part 1, the *Housing Plan Element*, contains the statutorily required information based on the 2010 Census concerning the Town's housing stock, demographics, and employment characteristics, and a determination of the Town's affordable housing obligation. Part 2, the *Fair Share Plan*, describes the Town's plan to address its affordable housing obligation with credit for existing affordable housing, programs for the rehabilitation of substandard housing, and zoning to provide a realistic opportunity for the construction of new affordable housing as part of inclusionary developments on specified properties in Westfield.

Amendment to the Fair Share Plan

The 2013 Plan was adopted by the Planning Board on April 10, 2013 and subsequently endorsed by the Town Council. The Council then considered zoning ordinances to implement the 2013 Plan. The owner of one designated inclusionary site (the South Avenue TOD) raised objections to being rezoned for inclusionary housing. As a result of a settlement with the owner, the Town Council agreed to remove that site from the 2013 Plan as a development site for inclusionary housing.

Westfield's Fair Share Obligation

The 2013 Housing Plan Element & Fair Share Plan contains detailed information on the history of Westfield's affordable housing obligations and compliance efforts dating back to the Superior Court's approval of the Town's first compliance plan in 1991. At that time, the Court approved a vacant land adjustment lowering the original 139-unit obligation from 139 to 51 units, referred to as the Town's "realistic development potential." The difference, or adjustment of 88 units, is referred to as "unmet need." The 2013 Plan describes how the Town has addressed the past affordable housing obligation, referred to as the "prior round" obligation; how it will address the rehabilitation obligation; and designates inclusionary housing sites and affordable units to address any future affordable housing obligation.

Court Decision and Judgment of Repose

After holding a hearing and considering the recommendations of the Court-appointed Master with respect to the Sunnyside Settlement and the Town's 2013 Plan and supporting exhibits (taken together, referred to as the "compliance plan"), the Court issued an oral decision on September 9, 2013. On October 7, 2013, a Judgment was entered granting Westfield repose and immunity from Mount Laurel litigation until such time as a deadline for filing a third round affordable housing plan is established by new legislation or future Court decision.

The Court found that the previously approved vacant land adjustment remains valid and that the Town has fully addressed its prior round obligation, consisting of the 51-unit realistic development potential and 88 units of unmet need. The Court determined that the Town's rehabilitation obligation is 41 units, which is to be addressed by participation in the Union County rehabilitation program with respect to single-family home rehabilitation and by establishing a local program to address substandard multifamily housing. The Court also approved 55 additional credits that will be available to address any future affordable housing obligation. The Town will be awarded credit for affordable rental units associated with the Sunnyside site and credit for the New Street and North Avenue TOD sites as and when preliminary site plan approval is granted for each inclusionary development.

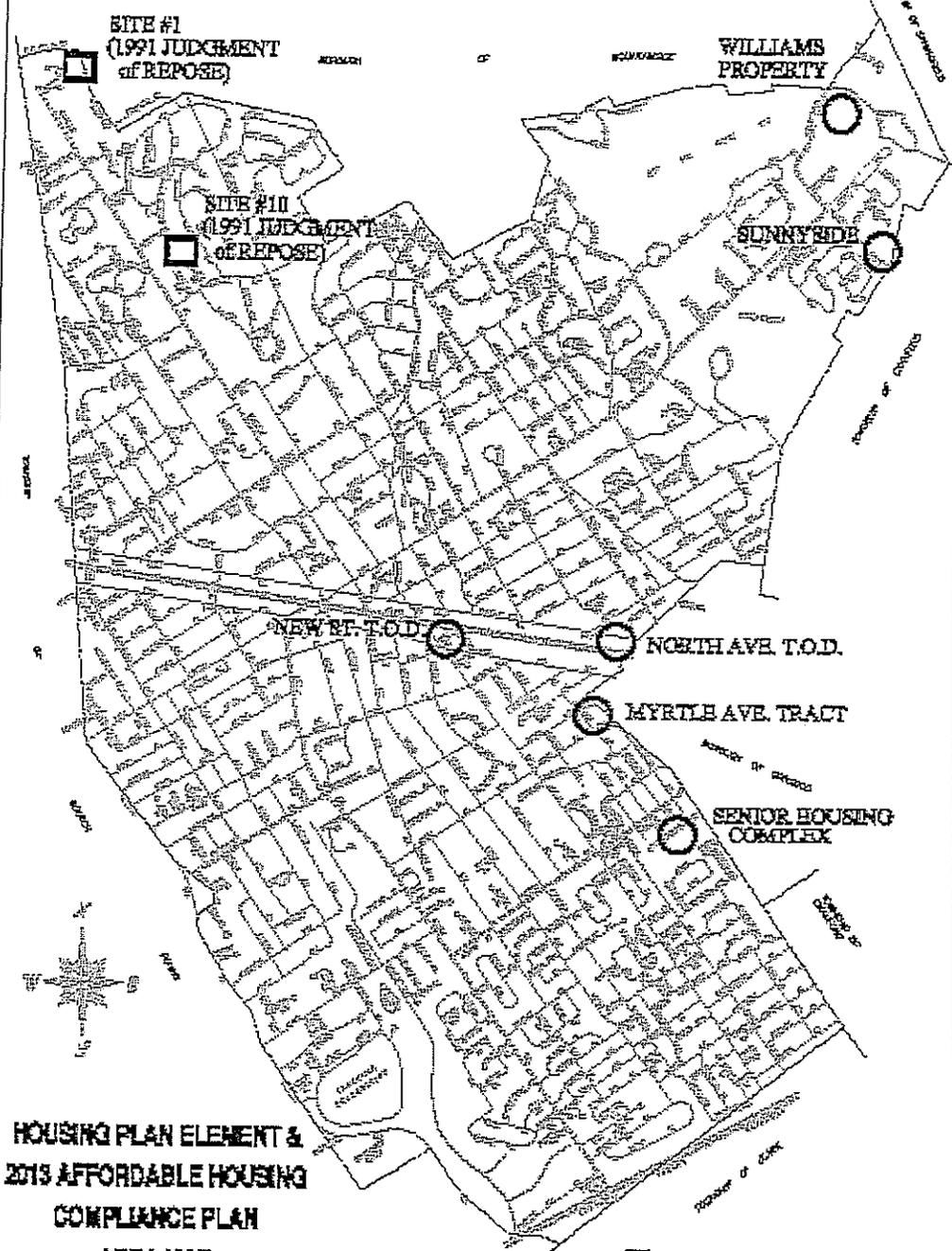
Amended 2013 Housing Plan Element & Fair Share Plan

Based on all of the above, the 2013 Housing Plan Element & Fair Share Plan adopted on April 10, 2013 is hereby amended to delete the South Avenue TOD as a designated inclusionary zoning site. All other aspects of the 2013 Plan shall remain in place.

The attached table displays 139 affordable housing credits addressing the prior round obligation (51 plus 88 units) and, after the deletion of the South Avenue TOD, 73 credits toward the Town's future affordable housing obligation, as approved by the Court. The attached map displays the Town's remaining designated affordable housing sites (not including existing special needs housing).

TOWN OF WESTFIELD AFFORDABLE HOUSING							
Project, Date Established, and Location	No. of Afford. Units	Rental Hsg.	Population Served	Prior Round RDP Credits	Prior Round Rental Bonus	Prior Round Unmet Need	Credits for Future Round
Special Needs and Permanent Supportive Housing (20 units - all housing is occupied)							
ARC - 1982 478 Whittier (Poet's Place)	4 (BR)	Yes	Develop. Disabled	4			
ARC - 1989 56 Mohawk Trail	4 (BR)	Yes	Develop. Disabled	4	4		
Our House - 2001 506 Boulevard	6 (BR)	Yes	Develop. Disabled	2	2		4
Homefirst Interfaith Hsg - 2009 550 Trinity Place	2	Yes	Homeless Disabled				2
Homefirst Interfaith Hsg - 2010 706 Central Avenue	2	Yes	Homeless Disabled				2
Homefirst Interfaith Hsg - 2011 710 Central Avenue	2	Yes	Homeless Disabled				2
Regional Contribution Agreement (Terms Fulfilled by Westfield)							
RCA with the City of Elizabeth - 1993	21		n/a	21			
Senior Citizens Housing (Constructed in 1995 and Occupied)							
Westfield Senior Citizens	130	Yes	Seniors	12	2	88	30
Inclusionary Zoning (Proposed Affordable Housing)							
Court-approved First Round Williams Property: 52 total units/10 affordable)	10	No	Families				10
Court-approved First Round Myrtle Avenue Tract: Zoning permits 34 total units/7 affordable	5	No	Families				5
Credits Granted by Court Order/Judgment of Repose on October 7, 2013:				51		88	55
Future Credits: Sunnyside Settlement: 24 total units/4 affordable	4	Yes	Families				4
Future Credits: New Street and North Avenue Transit- oriented Development (TOD): 67 total units/14 affordable	14	Option	Families				14
GRAND TOTAL OF UNITS & CREDITS:	204			51		88	73

TOWN OF WESTFIELD



HOUSING PLAN ELEMENT & 2015 AFFORDABLE HOUSING COMPLIANCE PLAN

AREA MAP

SCALE N.T.S. REV. SEPTEMBER 2013
DATE FEBRUARY 2015

TOWN ENGINEERS 10th Edition, P.E.

- SITES 1 & 10 (1991) JUDGMENT of REPOSE
- IDENTIFIED AFFORDABLE HOUSING SITES