

# Town of Westfield, NJ Master Plan



## 2021 Amendment to the 2018 Housing Plan Element & Fair Share Plan

**Adopted:** June 7, 2021

**Prepared By:**

A handwritten signature in black ink, appearing to read "Donald B. Sammet", is written over a horizontal line.

Donald B. Sammet, PP/AICP, Town Planner License No. 5758

*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**  
**2021 Amendment to the**  
**2018 Housing Element and Fair Share Plan**

**Background**

On July 2, 2015, the Town of Westfield (the “Town”) filed a declaratory judgment action seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., in accordance with Mount Laurel IV, 221 N.J. 1 (2015). On April 4, 2017, the Town and Fair Share Housing Center (“FSHC”) entered into an agreement settling the DJ action (the “Settlement Agreement”), subject to review and approval by the court after a fairness hearing. The court reviewed and approved the Settlement Agreement as amended in certain respects by order entered on October 26, 2017, and an amended order entered on November 1, 2017. On May 31, 2018 the court entered a Conditional Judgment of Compliance and Repose. On August 23, 2018, the court entered a Final Judgment of Compliance and Repose.

The court order required that the Planning Board adopt and the Town endorse a Housing Plan Element of the Master Plan by March 17, 2018. The Board complied, and adopted its Housing Element and Fair Share Plan on March 5, 2018. Subsequently, the Mayor and Council endorsed the Plan by resolution at their March 13, 2018 meeting.

The preparation and adoption of the Housing Element and Fair Share Plan provided for a settlement of the Town’s Third Round affordable housing obligation consistent with the court order and provides a realistic opportunity for the development of affordable housing units that will satisfy the Town’s Third Round obligation under the New Jersey Supreme Court’s Mount Laurel decisions from 2015 to 2025 inclusive of the GAP period between 1999 and 2015.

One of the mechanisms the Town included in its Housing Element and Fair Share Plan towards satisfaction of its realistic development potential (“RDP”) was to amend an inclusionary development zoning ordinance governing the so-called “Williams Nursery” site (Block 1905, Lot 13) (the “Williams site”) to increase the density allowed on that site from 8 units per acre to 20 units per acre to allow up to a total of 130 total dwelling units on the 6.61-acre site, 26 of which units had to be affordable units set aside for low and moderate income households. The Town adopted the required ordinance amending the inclusionary zoning ordinance governing the Williams site.

One of the mechanisms the Town included in its Housing Element and Fair Share Plan to address its unmet need was to amend the North Avenue TOD zoning ordinance (the “North Avenue TOD”) providing for inclusionary development and governing a number of lots on North Avenue, one of which is the so-called “Handler Building” site (Block 3305, Lot 4) (the “Handler site”), to increase the density in the North Avenue TOD from 15 units per acre for sales units and 16 units per acre for rental units to 25 units per acre across the board, which would allow up to a total of 27 total dwelling units on the 1.1-acre Handler Building site, 6 of which units would be affordable units set aside for low and moderate income households. The Town adopted the required ordinance amending the North Avenue TOD.

At this time, just beyond the mid-point review, it appears that the Handler Building site located in the North Avenue TOD is unlikely to redevelop for residential housing because the building on the site is not conducive to conversion from industrial use to residential use. Concurrently, there has been interest in developing the Williams Nursery Site providing an opportunity for the Town to increase the number of affordable units on the site if the Town would increase the density allowed on the site.

### **Purpose of Amendment**

This document represents an amendment to the Town of Westfield's 2018 Housing Plan Element & Fair Share Plan (the 2018 Plan) relating to the Williams site which comprises the RA-5A Multi-Family Residence Zone District, and Handler site which is located within the North Avenue Affordable Housing Transit Oriented Development District. This document's purpose is to:

1. Increase the required minimum number of 26 affordable units on the Williams site, which comprises the RA-5A Multi-Family Residence District, to 32 affordable units ;
2. Permit an in-lieu of payment for any fractional increase in the affordable housing set-aside generated by the total number of units constructed on the Williams site, which comprises the RA-5A Multi-Family Residence District;
3. Increase the permitted density on the Williams site, which comprises the RA-5A Multi-Family Residence District, from 20 dwelling units per acre to 24.6 dwelling units per acre to allow 162 total dwelling units on the 6.61 acre site which at a 20% set aside for affordable housing, increases the number of affordable units set aside for low and moderate income households from 26 to 32;
4. Allow for the adoption of a redevelopment plan to supersede the existing zoning provisions for the Handler site which is located within the North Avenue Affordable Housing Transit Oriented Development District, so that commercial development without any inclusionary set aside will be allowed or required on the Handler Building Site.

The content of this amendment to the Town of Westfield's 2018 Housing Plan Element & Fair Share Plan (the 2018 Plan) is consistent with and is also intended to effectuate an "Amendment to Settlement Agreement Between the Town of Westfield and Fair Share Housing Center" last signed by the Town on May 11, 2021.

### **Amendments to the 2018 Housing Element and Fair Share Plan**

The 2018 Housing Element and Fair Share Plan is hereby amended as follows. All other provisions not specifically amended herein remain in full force and effect:

#### **I. The last paragraph on page 28 is amended to read as follows:**

Consistent with N.J.A.C. 5.93-4.2 (d) cited above and as a basis for settlement of its Third Round affordable housing obligation with FSHC and Court, the Town of Westfield agrees that its RDP is established as 68 dwelling units based upon the following properties indicated below:

**II. Table 23 on page 29 is replaced with the following:**

Table 23  
Third Round RDP

<u>Parcel</u>	<u>Area (ac)</u>	<u>Total Yield (du)</u>	<u>RDP (du)</u>
Williams Nursery Block 1905, Lot 13	6.61ac	80du	21.9du (see footnote 1)
430 Central Avenue Block 3006, Lots 5-9	.81ac	33du	6.6du (see footnote 2)
Former South Ave. TOD Block 3307, Lot 1	1.38ac	41du	8.3du (see footnote 3)
Myrtle Ave Block 4006, Lots 2 & 3	1.55ac	16du	3.2du
Myrtle Ave Block 4006, Lot 1 (100% ARC)	.67ac	6du	1du
WBS AMFH Block 3001, Lots 1 & 6	.48ac	31du	6.2du
Sunnyside Block 3905, Lots 27	1.46ac	24du	4.8du
NS AMFH Claremont Block 3207, Lot 1.01	1.5ac	70du	14du
440 North Avenue East Block 3202, Lot 7	.41ac	10du	2du
<b>Total RDP</b>			<b>68 du</b>
<sup>1</sup> RDP based on differential in density between Prior Round (8 du/ac) and Third Round (24.6du/ac) Zoning. <sup>2</sup> RDP based on assumption of residential use on all 3 floors of building approved for site. <sup>3</sup> RDP based on 30 du/ac density			

**III. The Section Prospective Need – 1,090 Units – RDP of 62 Units starting on page 36, is replaced in its entirety with the following:**

**Prospective Need – 1,090 Units-RDP of 68 Units**

Based upon the settlement terms, the Town of Westfield’s Prospective Need is 1,090 units. As detailed previously by Table 23, the Town’s RDP is calculated to be 68 units. The Town will satisfy its RDP as follows:

Table 24  
Third Round RDP Compliance

Project	Units	Bonuses	Notes
Williams Property, Block 1905, Lot 13 (additional units in Prior Round development resulting from an increase in density)	22		Family sales or rentals (at the option of the developer); 162 total units, including 32 affordable units, of which 10 are attributed to the Prior Round and 22 are attributed to the Third Round. There shall be a minimum of 32 affordable units and they shall be family sales or rentals at the option of the developer. The developer shall make an in-lieu payment to the Town of Westfield Affordable Housing Trust Fund of \$60,000 representing the factional increase in the affordable housing set-aside generated by the 162 units but not being constructed ( $162 \times 20\% = 32.4$ units whereas 32 units will be constructed). The developer shall pay half of the payment (\$30,000) as a condition precedent to the issuance of the first construction permit for the project and the remaining payment (\$30,000) as a condition precedent to the issuance of the first certificate of occupancy.
Myrtle Avenue Inclusionary, Block 4006, Lots 2 and 3	3		Family sales; received approvals in 2012; 16 total units
339 W. Broad Street	5	4	Family rentals; 31 total units, will meet UHAC bedroom distribution requirements
New Street, Block 3207, Lot 1.01	9	7	Family rentals; 70 total units; currently under construction
Sunnyside, Block 3905, Lot 27	4	4	Family rentals; 24 total units
Westfield Senior Citizens, Block 4901, Lot 9	16		Senior rentals; constructed in 1995 (additional 14 units – shall carry over for use as credits in the <u>Mount Laurel</u> affordable housing 4 <sup>th</sup> Round. See, paragraph 14 of this agreement.)
Myrtle Avenue 100% affordable (ARC), Block 4007, Lot 13 and Block 4006, Lot 1	6		Special needs rental
Our House	4		Special needs rental – completed in 2001
506 Boulevard			
Homefirst Interfaith	2		Special needs rental – completed in 2009
550 Trinity Place			
Homefirst Interfaith	2		Special needs rental – completed in 2010
706 Central Avenue			
Homefirst Interfaith	2		Special needs rental – completed in 2011
710 Central Avenue			
Total:	75*	15	
Total Third Round credits 75(+17)		92	
<p>*It should be noted that the total units generated by the development detailed in Table 24 is 75 units. Under second round rules, the total number of bonus credits available to the Town is capped at 25% of the RDP which is 17 units (25% of the RDP of 68 units) resulting in 92 total credits (<math>75 + 17 = 92</math>). After addressing the Town's RDP of 68 units, there are 24 available surplus credits that can and will be then applied to the Town's Third Round unmet need (<math>92</math> total third round credits – <math>68</math> RDP = <math>24</math> available surplus credits).</p>			

Table 25 outlines those sites that are either proposed or are existing inclusionary sites.

Table 25  
Existing and Proposed Inclusionary Sites

Project	Affordable Units	Notes	Realistic Opportunity
Williams Property (Proposed) Block 1905, Lot 13	32	Family sales or rentals (at the option of the developer); 162 total units including 32 affordable units, of which 10 are attributed to the Prior Round and 22 are attributed to the Third Round. There shall be a minimum of 32 affordable units and they shall be family sales or rentals at the option of the developer. The developer shall make an in-lieu payment to the Town of Westfield Affordable Housing Trust Fund of \$60,000 representing the fractional increase in the affordable housing set-aside generated by the 162 units but not being constructed (162 x 20% = 32.4 units whereas 32 units will be constructed). The developer shall pay half of the payment (\$30,000) as a condition precedent to the issuance of the first construction permit for the project and the remaining payment (\$30,000) as a condition precedent to the issuance of the first certificate of occupancy.	Realistic development opportunity is provided by density, yard and bulk standards appropriate for the site as determined by prior court approved First Round Plan. Proposed increase in density to 24.6 du/acre under this plan.
Sunnyside (Existing) Block 3905, Lot 27	4	Family Rentals; 24 total units	Approved by the October 7, 2013 Judgement of Compliance and Repose
Myrtle Avenue Block 4006, Los 2 & 3	3	Family sales; received approvals in 2012; 16 total units	Realistic development opportunity is provided by density, yard and bulk standards appropriate for the site
339 W. Broad Street TOD Block 3001, Lot 1 & 6	5	Family rentals; 31 total units	Realistic development opportunity is provided by density, yard and bulk standards appropriate for the site
New Street TOD (Existing) Block 3207, Lot 1.01	9	Family rentals; 70 total units; currently under construction	Realistic development opportunity is provided by density, yard and bulk standards appropriate for the site
North Avenue TOD Block 3305, Lots 4 & 5	13	Family Sales; 65 total units	Realistic development opportunity is provided by density, yard and bulk standards appropriate for the site. Proposed increase in density to 25 du/acre under this plan.
<b>Total</b>	<b>66</b>	<b>368</b>	

**IV. The Section entitled “Addressing Unmet Need – 1005 Units”; title and first paragraph on page 37 is amended to read as follows:**

Addressing Unmet Need- 1005 Units

Subtracting the Town’s RDP of 68 and allowable credits of 24 units from the Prospective Need of 1,090 leaves an unmet need of 998 units. While the Town does not agree that it has an obligation to satisfy unmet need and, further, does not agree that it has an obligation to zone or overlay zone properties to satisfy unmet need per N.J.A.C. 5:93-4.2 and/or N.J.A.C. 5:94-3.4, the Town has agreed, for purposes of settlement, to address its obligation as described in the following plan sections.

**V. The Section entitled “Amendment to North Avenue TOD” on page 39 is amended with the addition of the following paragraph:**

The Town may amend the North Avenue TOD to remove the Handler site (Block 3305, Lot 4) from the North Avenue TOD. Additionally, the Town may adopt a redevelopment plan for the Handler site to supersede the North Avenue TOD zoning. Finally, in the event that a redevelopment plan is not adopted for the Handler site and the Town decides to leave the Handler site in the North Avenue TOD, then the 6 units of affordable housing that will be generated by residential development of the Handler site will count toward any 4th Round affordable housing obligation.

**VI. The Section entitled “Williams Property; Block 1905, Lot 13” on page 43 is replaced in its entirety with the following:**

This site was identified as a developable and suitable property for affordable housing by the Court-appointed Special Master and was approved by the Superior Court for inclusionary zoning in 2013. The property is located along the east side of Springfield Avenue, is 6.61 acres in size and is presently zoned to permit residential development for 20 units/acre to permit a total of 130 multifamily units. Under this plan, the site will be rezoned to permit a residential development density of 24.6 units/acre that will result in 162 total dwellings and 32 affordable units. A minimum number of 32 affordable units will be constructed on the site and they shall be family sales or rentals at the option of the developer. The developer shall make an in-lieu payment to the Town of Westfield Affordable Housing Trust Fund of \$60,000 representing the fractional increase in the affordable housing set-aside generated by the 162 units but not being constructed ( $162 \times 20\% = 32.4$  units whereas 32 units will be constructed). The developer shall pay half of the payment (\$30,000) as a condition precedent to the issuance of the first construction permit for the project and the remaining payment (\$30,000) as a condition precedent to the issuance of the first certificate of occupancy. Of the 32 affordable units, 10 units will be attributed to the Prior Round and the remaining 22 units will be applied to the Third Round.

**VII. Table 27 on page 44 is replaced with the following:**

Table 27  
Very Low Unit Distribution by Project

Project	Total Affordable Units	Number of Very Low Income Units that Exist or Will Be Provided
Williams Property Block 1905, Lot 13 (additional units in Prior Round development resulting from increase in density)	32	5
Myrtle Avenue Inclusionary Block 4006, Lots 2 & 3	3	1
339 West Broad Street	5	1
New Street Block 3207, Lot 1.01	9	1
Sunnyside Development Block 3905, Lot 27	4	1
Myrtle Avenue 100% Affordable (ARC) Block 4007, Lot 13/Block 4006/Lot 1	6	6
Homefirst Interfaith 550 Trinity Place	2	2
Homefirst Interfaith 706 Central Avenue	2	2
Homefirst Interfaith 710 Central Avenue	2	2
<b>Total</b>	<b>65</b>	<b>21</b>

**VIII. The Section entitled, “Transit-Oriented Development”, paragraph 4, on page 46 is amended to read as follows:**

The base zoning for the North Avenue TOD permits 25 units/acre, with a required 20% set-aside for affordable housing. The orientation of these sites to the rail corridor suggests that developers may well be interested in developing the site for rental housing. However, at this time, just beyond the mid-point review, it appears that the Handler Building site located in the North Avenue TOD is unlikely to redevelop for residential housing because the building on the site is not conducive to conversion from industrial use to residential use. In fact, a developer has expressed interest in purchasing the site to adaptively re-use the existing building as indoor urban farm. The Town may amend the North Avenue TOD to remove the Handler site (Block 3305, Lot 4) from the North Avenue TOD. Additionally, the Town may adopt a redevelopment plan for the Handler site to supersede the North Avenue TOD zoning. Finally, in the event that a redevelopment plan is not adopted for the Handler site and the Town decides to leave the Handler site in the North Avenue TOD, then the 6 units of affordable housing that will be generated by residential development of the Handler site will count toward any 4th Round affordable housing obligation.