

John McDonough Associates, LLC

Land Use Planning · Landscape Architecture

PLANNING REPORT

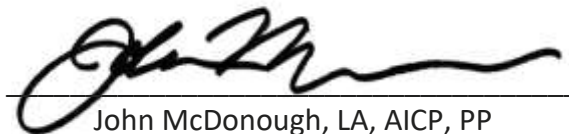
PREPARED FOR

**SETON HALL PREPARATORY SCHOOL
HEALTH AND FITNESS CENTER
KELLY ATHLETIC COMPLEX**

FOR PROPERTY LOCATED AT

**700 PROSPECT AVENUE
BLOCK 82.01 LOT 1
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NJ**

(December 23, 2022)



John McDonough, LA, AICP, PP
NJPP License #33LI00518900

The original of this report was appropriately signed and sealed in accordance with laws and regulations pertaining to the practice of Professional Planning in New Jersey (NJSA 45:14A and NJAC 13:41-1.3(b))

Introduction

This planning report is submitted in support of an application filed by Seton Hall Preparatory School (hereafter “SHP”) to modify an existing storage building, to create a new health and fitness center to serve student athletes and the SHP community.

The new health and fitness center is part of SHP’s continued commitment to provide the highest quality athletic and academic facilities for its student population, and to maintain its reputation as one of the premier high school athletic facilities in the state.

The application seeks preliminary and final site plan approval with “c” and “d” relief. The school has received similar approvals and relief in the past, as the campus has developed and evolved. This report is intended to address § 25-51.10.c. of the West Orange application requirements.

Description of Project

The site is located at 700 Prospect Avenue and identified as Block 82.01 Lot 1 on the West Orange tax rolls. It comprises approximately 44.5 acres and is developed as the Kelly Athletic Complex (KAC) which serves Seton Hall Preparatory School.

Seton Hall Preparatory School is a highly rated private college preparatory high school established in West Orange in 1856. Its academic campus is located at 120 Northfield Avenue. The KAC is home to the school’s baseball, soccer, tennis, track and field, lacrosse, and football programs.

The proposed project is limited to modifications to an existing storage building at the KAC. The building will be repurposed as a health and fitness center. The modifications include an expanded footprint and a second story addition. The total floor area will be approximately 9,015 square feet.

The first floor consists of an open area that can accommodate a full range of fitness equipment, such as weights and stationary bikes. The floor also provides coaches’ offices, a nurses’ suite, a stretching area, and support facilities.

The second floor overlooks the floor below and contains group instructional space which can serve as a team room or space for guest lecturers or programs on topics related to the health and wellness of students and the SHP community.

The building exterior consists of an expansive glass curtain wall to make the space feel open and inviting and to provide views of the athletic fields and greater KAC complex. The exterior is accentuated with wood wall cladding.

The project includes limited site modifications related to the new building, including utility adjustments and pavement improvements. Two additional parking spaces are proposed, which increases the total parking supply at the KAC from 677 spaces to 679 spaces.

There is an existing building on the south side of the KAC that currently serves as the fitness center and as part of the proposal that building will be repurposed as a storage building. No physical changes are proposed for that building. In effect, SHP is seeking to swap the use of two buildings.

The majority of the site's 44.5 acres will remain intact. The existing buffering that separates the proposed health and fitness center from its residential neighbors will remain intact. The proposed improvements are more than 400 feet away from the closest home. No new lighting is proposed.

Zoning Considerations

The site is in the R-1 District where public and private schools are permitted conditional uses. The zone also permits commercial recreation, parks, and playgrounds as conditional uses. Golf courses are permitted as a principal use.

The existing development is an approved nonconforming conditional use. The existing approved development does not fully conform to the conditional use requirements at §25-24.2(d) pertaining to setbacks and buffers, however none of the existing nonconforming conditions are changing.

The application requires relief pursuant to N.J.S.A. 40:55D-70.d.(2) for alteration and expansion of previously approved nonconforming conditional use. Notwithstanding, the proposed alterations do not increase or intensify any nonconforming conditions pertaining to setbacks and buffers.

The building expansion triggers a *deminimis* increase in overall building coverage, from 0.78% existing and approved to 1.03% proposed, which is well within the maximum threshold of 20% permitted at §25-24.2(d).

Planning Justifications for Relief

Land use planning operates within a legal framework. The statute recognizes that land use is not meant to be rigid and inflexible and gives zoning boards authority to grant “adjustments” if specific criteria are met.

New Jersey courts have determined that schools are so vital to public welfare that the land use inherently serves the public good. The definition of “inherently beneficial” in the municipal land use law at N.J.S.A. 40:55D-4 specifically includes schools.

Inherently beneficial uses are of such paramount public interest that they automatically satisfy the statutory positive criteria for use relief. Thus, the statutory test that applies to inherently beneficial uses is much more relaxed than other types of uses.

The Supreme Court in Sica v. Board of Adjustment of the Township of Wall, 127 NJ 152 (1992) established a simplified 4-prong balancing test for inherently beneficial use relief, as applied below. The more rigorous elements of proof are not required as part of the analysis.

1. Identify the public interest at stake.

The public interest at stake is quality education and the necessary facilities to fulfill the academic mission of the school. Athletics and fitness are critical components of SHP's mission to foster the spiritual, intellectual, social, and physical growth of its students.

The school values the role of athletics in the formation of character in young people, the understanding of fair play and sportsmanship, and the acquisition of life-long interests, friendships, and skills. Athletics develop more complete, socially responsible individuals.

The new health and fitness center will be a significant upgrade over the existing fitness center and better serve student athletes and the SHP community. The new building will be more centrally located and add to the aesthetic value of the KAC campus.

2. Identify the potential detrimental effects that could ensue from the grant of the variance.

The proposed project will have minimal if any detrimental effects. The project has been designated to flow, function, and operate safely, comfortably, and efficiently. The new health and fitness center will serve the same basic population as the existing fitness center.

The new health and fitness center will be located further away from residential neighbors than the existing fitness center. The existing fitness center has a nonconforming setback, whereas the new health and fitness center has a conforming setback.

3. Consider whether the imposition of reasonable conditions would ameliorate detrimental effects.

The land use law allows boards to impose reasonable conditions on variance applications. The specifics of these conditions typically arise during the public hearing process. Our Supreme Court envisions and encourages an interactive process.

Given the low impact cited above, mitigative measures will likely be minimal if any, since impact mitigation has already been built into the design. The nature of the use is not substantially different than other sports and recreation uses permitted in the zone.

4. Weigh the positive and negative criteria and determine whether, on balance, the grant of the variance would cause a substantial detriment to the public good.

On balancing, the extremely positive weight of enhancing and improving an inherently beneficial use substantially outweighs mitigated impacts. The statutory requirement of the Sica v. Board of Adjustment of the Township of Wall balancing test is met.

Conclusion

The proposed health and fitness center will be a positive addition to the SHP campus and advance its academic mission to promote the growth and development of young people. The facility does not trigger any relief related to parking, setbacks, buffering, coverage, or height.

The school is an inherently beneficial use which carries extreme weight in the statutory balancing test. For all the reasons set forth in this report, the new building will nicely fit and integrate with the campus, the neighborhood, and the community. It will have minimal, if any, negative effects.

From a land use planning standpoint, the application satisfies the four-prong balancing test under Sica v. Board of Adjustment of the Township of Wall. Therefore, the statutory criteria for grant of use relief are met, and approval is warranted.



Figure 1 ~ Aerial photo of subject site (Kelly Athletic Center at Seton Hall Preparatory School campus)

Qualifications of Preparer

John McDonough Associates, LLC is a land use planning and landscape architecture consulting firm with office location in Parsippany, New Jersey.

John McDonough, LA, PP, AICP is a licensed professional planner and landscape architect in the State of New Jersey. Both licenses are current and in good standing. He is also a member of the American Institute of Certified Planners.

All licenses have been obtained through requisite showing of educational and experience requirements and passing of license examinations (none have been achieved through reciprocity). All licenses are maintained through participation in mandatory continuing education courses.

Mr. McDonough has been practicing as a land use consultant in New Jersey for over 35 years. He has been recognized as an expert in land use matters before hundreds of boards and commissions throughout the State of New Jersey, and in Superior Courts.

Mr. McDonough has been a regular speaker at the League of Municipalities annual conference and at Rutgers University Bloustein School of Planning and Public Policy. In 2022, he was a speaker at the national conference of the American Institute of Architects (AIA).