



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

Department of Planning and Development

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TO: Zoning Board Members

FROM: Paul Grygiel, AICP, PP, Township Planner

DATE: January 19, 2024

RE: **ZB 23-09 / Seton Hall Preparatory School**
Block: 59.04; Lot: 1.01; Zone: R-6
120 Northfield Avenue
Seeking preliminary and final site plan and “d” variance approvals for the expansion of a non-conforming use

INTRODUCTION

The applicant is seeking preliminary and final major site plan approval and a “d(2)” variance to permit the construction of an addition to its building. It has been previously determined by the West Orange Zoning Board of Adjustment that changes of this type constitute an expansion of an existing nonconforming conditional use, thus requiring a “d(2)” variance.

LAND USE

The subject property is located on the south side of Northfield Avenue a short distance to the west of Rollinson Street in the R-6 zone. Seton Hall Preparatory School is a private high school. The lot is 10.2 acres in area and developed with Seton Hall Prep’s academic building and related facilities, including an athletic field and parking areas. The site has frontages and driveways on Northfield Avenue, Rollinson Street and Glen Road. Photographs of the portion of the site where the building expansion is proposed and nearby areas are included at the end of this memorandum.



A mix of land uses is located in the surrounding area, including single-family residential, multifamily residential and offices. The proposed site modifications are limited to the north end of the school building, beyond the front setback of the building. The area of the proposed addition is located approximately 100 feet from the closest property line, Northfield Avenue.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
Boundary and Partial Topographic Survey (2 sheets)	Charles J. Stewart, P.E., P.L.S	7/25/22
Site Plan (9 sheets)	Charles J. Stewart, P.E., P.L.S	1/3/24
Architectural Plans (2 sheets)	Donald R. Fiore, A.I.A.	11/23/22
Planning Report	John McDonough, L.A., AICP, P.P.	9/3/23

VARIANCES REQUIRED

SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED	VARIANCE
25-7.1 Use	Expansion of a nonconforming school use previously granted variances			"d(2)"
25-15.3b.2. Signs in residential zones	One nameplate not exceeding one square foot in area	Wall-mounted and other signage	28.3-square foot sign on addition	"c"

PROPOSED DEVELOPMENT

The applicant is proposing to construct a two-story addition to an existing four-story school building on the subject property. The footprint of the building addition will be 1,450 square feet. Two new "digital classrooms" are proposed in the addition, along with a new entrance vestibule to the school's gym. One classroom is proposed on the first floor, along with a storage room, and a second classroom and the new vestibule are proposed on the second floor. A six-foot diameter emblem sign is proposed on the north-facing facade of the addition. Related site improvements are proposed in the vicinity of the addition, including stairs and walkways, and an existing flagpole will be removed and replaced.

The area of the proposed building and site improvements is limited to a small portion of the site at the north end of the school building and abutting outdoor areas. The area of disturbance is limited to 2,750 square feet. No changes are proposed to the existing site driveways, parking lots or any other site features, nor the number of existing parking spaces.



The applicant indicates that no increase is proposed in the number of students or staff at the school. Therefore, the number of required parking spaces will not be increased, as the calculations are based on the number of students and staff as well as the capacity of assembly areas, none of which are being enlarged. One electric vehicle charging station is proposed in an existing parking area to the south of the building.

DISCUSSION/RECOMMENDATIONS

Variance Proofs

The subject property is located in the R-6 single-family residential zone district. A public or private school is a permitted conditional use in the R-6 zone, but the school currently does not meet all of the conditional use standards. The existing nonconforming conditions would not be changed, but the proposal is considered an expansion of a nonconforming use.

The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70d(2) enables a board of adjustment to grant a variance to permit the expansion of a nonconforming use. An applicant for a “d” variance must comply with the requirements of the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70d. A “d” variance may be granted only “in particular cases for special reasons.” In addition, an applicant for a “d” variance must address the “negative criteria,” and affirmatively demonstrate that the variance can be granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the municipality.

The applicant’s planner indicates in his report that the school is considered an “inherently beneficial use,” pursuant to New Jersey court decisions. This position is consistent with the Board’s findings in a prior application for this property. Therefore the appropriate standard for review is in accordance with the Sica court decision cited in the applicant’s planner’s report.

A variance is also required for a new wall-mounted sign. The MLUL at N.J.S.A 40:55D-70c permits a board of adjustment to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a “d” variance. A “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just the applicant or property owner. The applicant must also address the “negative criteria” described above for this variance.



Other Issues

The application was reviewed at the November 7, 2023 meeting of the Township of West Orange Site Plan Review Advisory Board (SPRAB). Nearly all of the issues raised at that meeting have been addressed by the applicant in the revised submittal currently being reviewed by the Zoning Board. The changes from the original plans include providing an electric vehicle charging space, making the plans more legible and showing information regarding construction staging.

Testimony should be provided regarding the anticipated timing of construction. The applicant's engineer should also confirm the proposal complies with the recently updated state stormwater management regulations.





Location of proposed addition



Looking towards location of proposed addition from Northfield Avenue



Looking towards location of proposed addition from internal driveway



Opposite side of school building from proposed addition