

John McDonough Associates, LLC

Land Use Planning · Landscape Architecture

PLANNING REPORT

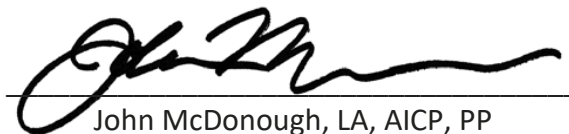
PREPARED FOR

**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**

(January 9, 2026)



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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 certain conditions of approval contained in Resolution ZB-08-37, which was memorialized by the Zoning Board of Adjustment on December 16, 2010.

The application also seeks preliminary and final site plan approval with “D-2” variance relief for expansion of an existing nonconforming conditional use, “D-3” variance relief for the proposed deviations from the conditional use standards, and “C” variance relief for a deviation from the ordinance’s lighting standards. The property has received similar approvals and relief in the past, as the campus has developed and evolved.

The proposed modifications and relief are 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.

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 applicant seeks to modify certain conditions of approval contained in Resolution ZB-08-37, which was memorialized by the Zoning Board of Adjustment on December 16, 2010. The conditions in question primarily relate to the operational constraints placed on the use of the athletic fields, including lighting prohibitions, limits on the number and timing of events, restrictions on concurrent activities, tournament use, community access, and the use of public address systems.

The applicant also proposes to install 4 sport light poles approximately 90 feet in height at the existing athletic field.

The application does not propose any new athletic fields or buildings, and no changes are proposed to the size or scale of any existing athletic fields and buildings.

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, requiring relief pursuant to N.J.S.A. 40:55D-70.d.(2) for alteration and expansion of previously approved nonconforming conditional use.

The present application also seeks relief pursuant to N.J.S.A. 40:55D-70.d.(3) for the following deviations from the conditional use standards set forth in the ordinance.

- Section 25-24.2.(d)(4) – Light pole setback (59.13’)
- Section 25-24.2(d)(4) – Outdoor recreation facility (evening use) buffer (less than 100’)

The application also seeks relief pursuant to N.J.S.A. 40:55D-70.c.(2) for the following deviation from the lighting standards set forth in the ordinance.

- Section 25-14.1.c. – Light pole height (90’ proposed, whereas 18’ is the permitted maximum)

The application also seeks modifications to the conditions of approval set forth in Resolution ZB-08-37. The following table demonstrates the modifications that are being requested.

Existing Condition	Requested Modification
36. During the months of June, July and August, the athletic fields can only be used directly by Seton Hall Prep and its own students or athletes and not by Seton Hall coaches or third parties to conduct other athletic or sports sessions or training camps (whether for pay or not).	The fields may also be used by the West Orange Recreation Department throughout the year to conduct regularly offered programs and activities.
37. There shall be no installation of any field lights on any of the fields, whether on a permanent or temporary basis.	Install Sports Lighting on Tevlin Field and Pathway lighting extending from the Home Grandstands and Visitors Bleachers to both parking lots.
40. Seton Hall Prep can have no more than eight home football games per school year at the Subject Property, excluding games played by another school using the Subject Property in the event of a necessity.	Seton Hall Prep can have no more than eight regular season home football games per level per school year at the Subject Property, excluding varsity postseason playoff games and games played by another school using the Subject Property in the event of a necessity.

41. At the Subject Property, Seton Hall Prep can conduct no more than one athletic event at the same time (with the exception of tennis and baseball), and to the extent that two or more events are scheduled at the Subject Property on the same date, there must be at least a 1.5 hour time period between the conclusion of one game of any sport and the commencement of the next game of any sport.	The scheduling of activities shall be at the discretion of the Applicant for reasonable and efficient use of the facilities, including parking and access.
46. The Essex County Baseball Tournament shall not be played at any field located on the Subject Property. No countywide football tournaments shall be played at the Subject Property. No county or state cross-country or outdoor track tournament or championship will be conducted at the Subject Property. No county or state soccer, lacrosse or tennis tournament or championship, which does not directly involve Seton Hall, will be conducted at the Subject Property.	No county or state tournament shall be held on the Subject Property which does not include Seton Hall Prep as a participant.
53. The Applicant agrees to offer the use of the baseball and football fields located at the Subject Property for use by the townships of West Orange, Livingston and South Orange for their high school varsity teams in the case of an emergency.	The Applicant agrees in addition to make the fields available to the West Orange Recreation Department and other local area community programs for use in conducting regularly offered programs and activities.
61. The use of a public address system at the Subject Property shall be limited to (i) during football games and/or (ii) isolated individual events held at the Subject Property, and only at normal and customary decibel levels.	A public address system may be used for activities at the Subject Property as usual and customary for each activity. Use of a Public Address System shall be at normal and customary decibel levels.

The proposed modifications, by further accommodating use by the West Orange Recreation Department, other schools and other local community programs directly benefit the Township and surrounding area by taking advantage of this existing community resource. By continuing to limit county and state tournaments and regular season football games, there will remain significant restrictions on the intensity of use of the property. In regards to the lighting and public address system modifications, the applicant is only intending to utilize these features for those events for which same is appropriate and effectuates the viability and functionality of the property.

Planning Justifications for ‘D-3’ and ‘D-2’ Variance 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.

The same test established in Sica is applicable when considering “D-3” conditional use variance relief when the use in question is an inherently beneficial use, per House of Fire Christian Church v. Zoning Bd. of Adjustment of the City of Clifton, 379 N.J. Super. 526 (App. Div. 2005), 879 A.2d 121. The four prongs of the test are addressed below.

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 locations of the proposed light poles support the safety, visibility and functionality of the athletic field.

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

The proposed light pole height will have minimal if any detrimental effects. The site has been designed to flow, function, and operate safely, comfortably, and efficiently, and the addition of the proposed light poles do not alter any of these site planning objectives.

Despite the setback and buffering deviations, the proposed light poles do not advance closer to any property lines than the other improvements on the site. The applicant has submitted a lighting plan demonstrating that the proposed lighting is concentrated on the athletic field and will not have an adverse impacts to neighboring properties.

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.

Planning Justifications for ‘C’ Variance Relief

Legal Basis for Relief

The requested ‘C’ bulk variance relief can be granted pursuant to N.J.S.A. 40:55D-70.c.(2), whereby the benefits of the application taken as a whole substantially outweigh any detriments.

Positive Criteria

Pursuant to Pullen v. Township of South Plainfield Planning Board, 291 N.J. Super. 1, 676 A.2d 1095 (App. Div. 1996), the project benefits to be considered by the board flow not from each specific deviation themselves, but rather from the application taken as a whole. In this vein, the following purposes of zoning, as set forth in N.J.S.A. 40:55D-2, are furthered as a result of the proposed application.

- Purpose A, which speaks to the promotion of the general welfare, is furthered with the continued improvement of an existing inherently beneficial use. The proposed light pole height is necessary to effectuate its intended purpose, which is to provide lighting for the athletic field. This enhances visibility, safety and the overall functionality of the field.
- Purpose M, which speaks to the efficient use of land, is furthered by working within the existing development footprint of an existing, established land use. The proposal does not result in any site improvements being located closer to any property lines than the existing conditions.

Negative Criteria

The application satisfies the negative criteria as it does not result in a substantial detriment to the zone plan or the public. The application seeks to retain the existing development footprint and simply provide lighting for the existing facility. The applicant has provided a lighting plan demonstrating that the additional lighting will be concentrated on the athletic field, with no substantial impacts to any neighboring properties. The relief relates to a distinct property that has received approval for an athletic field and has continually evolved to better accommodate the needs of the community at large.

Conclusion

The proposed modifications will represent a positive addition to the SHP campus and continue to advance its academic mission to promote the growth and development of young people. The application does not propose the enlargement of any existing fields or buildings on the site, with the only physical modification being the addition of 4 new light poles.

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 proposed modifications will constitute an improvement to the existing athletic facility, and will integrate well with 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. The application also satisfies the balancing test of Pullen v. Township of South Plainfield Planning Board, 291 N.J. Super. 1, 676 A.2d 1095 (App. Div. 1996). Therefore, the statutory criteria for grant of use relief are met, and approval is warranted.

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).