

**Resolution  
Township of South Orange Village  
Planning Board  
In the Matter of Seton Hall University  
Application #265  
Decided on August 6, 2018  
Memorialized on September 6, 2018  
Bulk Variance and Site Plan Approval**

**WHEREAS**, Seton Hall University (hereinafter the “Applicant”) has made an application for a rear yard setback variance and minor site plan approval to construct improvements to its athletic complex on property located at 400 South Orange Avenue, also known as Block 901, Lot 3 in the U University zone;

**WHEREAS**, a public hearing was conducted on July 10, 2018, resulting in a finding of completeness of the application, followed by a public hearing on the application held on August 6, 2018; and

**WHEREAS**, the Applicant was represented by Nicole B. Dory; and

**WHEREAS**, the Applicant provided testimony by John Signorello, the Associate Vice President of Facilities Engineering and Business Affairs at Seton Hall University; Patrick Lyons, Director of Athletics at Seton Hall University, John DiGiacinto, P.E., of Langan Engineering, a professional engineer whose expertise was accepted by the Board; and Pamela Rew, R.A., a professional architect whose expertise was accepted by the Board; and

**WHEREAS**, the Applicant presented and introduced the following exhibits, in addition to the documents presented to the Board in the form of the application package:

1. A-1 Photograph depicting the view of the athletic complex from Seton Drive;
2. A-2 Photograph depicting the view from the press box toward the field;
3. A-3 Photograph depicting the view from the field toward the bleachers.

**WHEREAS**, the Board reviewed and considered the application and documents submitted therewith; and

**WHEREAS** the Board also considered the input of its professionals at the hearings and in written reports, including the reports of Philip Abramson, professional planner, and Chris Kok, professional planner, of Topology, the Board’s planning consultants dated July 6, 2018 and July 27, 2018; as well as the report of Eric L. Keller, P.E., the Board’s consulting engineer, dated July 31, 2018.

**NOW THEREFORE**, the Board makes the following findings of fact, based upon the evidence presented at its public hearings, at which a record was made.

1. As a threshold matter, this application, like all applications related to the Seton Hall University campus, requires the Board to first approve an Amendment to the University Master Development Plan, pursuant to section 92-143 of the Ordinance. The last Amendment to that Plan was adopted in July 2016. That Amendment did not include the proposed improvements to the athletic fields. Following the adoption of that Amendment, two projects have been completed: an addition to the University Center completed in August, 2017 and improvements at Bethany Hall, formerly known as the Welcome Center, completed in January 2018. Other projects listed in the Master Development Plan are intended for construction in the future, with no current time line for construction.
2. As a part of the proposed amendment to the University Master Development Plan, the University conducted an inventory of buildings to ensure compliance with the requirements of the Zoning Ordinance. No changes to ingress or egress to the campus are contemplated by this application. This application will increase the proposed lot coverage on the overall site by 5,354 square feet. It will increase floor area by 710 square feet.
3. Based upon the foregoing, the Board approved the proposed amendment to the University Master Development Plan, depicting projects completed since the last Amendment and including the proposed athletic facility improvements, subject to approval of the rear yard setback variance and site plan that the Board then proceeded to consider.
4. The Applicant proposes to modernize its athletic facility to significantly improve the experience for athletes and spectators. The field in question is used for baseball and soccer. Currently, fans sit on bleachers. There is no enclosed press box. To broadcast the games, radio station personnel carry equipment back and forth to the field. No restrooms are provided. Instead, portable restrooms are provided. The turf field is ten years old and has reached the end of its useful life.
5. The Applicant proposes to provide better seating, a press box, restrooms and a new turf field. The amount of seating will be diminished but the overall fan experience will be improved. Prepared foods are not contemplated to be served. There will be no concession stands. They may sell bottled water and drinks along with packaged food/snacks. Restrooms will be open to the public and can be utilized at any time, not just during games or practices.
6. These facilities are located on a portion of the campus where Seton Drive is to the north, a parking deck is located to the East and off-campus residential structures are located to the Southwest along Wilden Place.
7. The Applicant is replacing the bleachers for baseball with a new structure with both fixed and bleacher seating and new restrooms. They are replacing the dugouts, replacing an existing shed a new shed with dimensions of 8 x 12 feet on the third base

line and installing a new 10 x 16 shed. Landscaping and sidewalk improvements will be completed between the new structure and the parking deck and along Seton Drive.

8. The soccer bleachers are being replaced and the number of rows is being reduced from ten to seven rows.
9. At the baseball field, the infield and foul pole will be shifted and the field will be regraded.
10. As a result of these improvements, the existing 1,568 seats in total for baseball and soccer will be reduced to 1057 seats.
11. The façade behind the bleachers, in the new structure, will be consistent with other buildings on the campus, particularly Presidents Hall and the Welcome Center, and will consist of cast stone with decorative metal. It will be a steel structure with a metal roof/canopy. There will be accessibility improvements to make the facility ADA-compliant. The steel structure canopy will include a dark trim.
12. The Applicant requires a rear yard setback variance because the Ordinance requires a setback of thirty feet. The Applicant is proposing a rear yard setback of ten feet, but that is an improvement from the existing condition of 3.99 feet.
13. In terms of height, the existing baseball press box canopy has a height of fourteen feet above grade. The existing soccer press box has a height of fifteen feet seven inches. The proposed building will have a height of 29 feet four inches. Surrounding buildings, including the parking deck and Lewis Hall, are much taller.
14. The soccer press box is screened by a sound wall eighteen feet high on the property line. The proposed structure is in compliance with the Ordinance.
15. The net increase in impervious coverage from the proposed improvements will be approximately 1,100 square feet. The building coverage will increase by 5,354 square feet, thereby increasing the building coverage on the overall site from 28.3 percent to 28.52 percent, below the maximum of 30 percent allowed. The building coverage increase is greater than the impervious coverage increase because most of the area on which the buildings are to be constructed is currently impervious. The floor area ratio will still be compliant after the increase in building square footage of 710 square feet.
16. The small increase in impervious coverage does not constitute a “major development” for storm water regulatory purposes. The increase in run off will be addressed by the existing system. The Applicant will provide calculations and grading plan revisions. Most of the flow is directed to an underdrain system. All run off from roofs will discharge underground and will not splash onto the ground. Odor control will be needed in the wet well because of longer accumulation in the well, which may cause odors.

17. The additional sanitary flow will be addressed by a new pump station. The Applicant will provide calculations for the sanitary sewer lift station.
18. With respect to landscaping, several planting beds are being removed and three new beds are being planted in front of the restroom and the stadium, using non-invasive species. With respect to lighting, existing features on Seton Drive will remain. With regard to field lighting, poles are not being moved but there will be some re-aiming. There are some new wall sconce lights proposed on the exterior of the new structure.
19. With respect to field lighting, there are no proposed changes from the Resolution adopted on June 27, 2006 reflecting the latest approval by this Board. Wall-mounted lights will be left on. However, after they are installed, the University may turn some of them off if an investigation shows they are not needed. The location of the wall sconce lights will not cause lighting to impact any neighbors. Field lights will be turned off at 11:00 pm on game nights and at 9:30 pm on other nights, consistent with the prior Resolution.
20. The modified baseball field currently has dimensions of 318 feet to left field, 390 to left center field, 398 feet to center field, 390 feet to right center field, and 320 feet to right field. The reconfigured field will have dimensions of 316 feet to left field, 375 feet to left center field, 380 feet to center field, 375 feet to right center field, and 320 feet to right field.
21. The area between the bleachers and the sound wall will be gated so there is no access. The facility will include a "closed" style bleacher system so that trash will not accumulate under the bleachers.
22. The Applicant will provide information to show compliance with the ADA code, and more specifically to address items #30 and 31 in the Bowman Consulting memorandum of July 31, 2018.
23. The public was afforded an opportunity to question witnesses and provide testimony in regard to the application, and Alyssa Aronson questioned witnesses and/or offered testimony.

**NOW THEREFORE**, the Board makes the following conclusions of law, based upon the foregoing findings of fact. Based upon the application, plans, reports and testimony placed before the Board, the Board finds that the Applicant has met the requirements of the Municipal Land Use Law, case law and Village Ordinances so as to grant the relief requested.

1. The Municipal Land Use Law, at N.J.S.A. 40:55D-70(c) provides Boards with the power to grant variances from bulk and other Ordinance requirements when the Applicant satisfies certain specific proofs which are enunciated in the Statute.
2. Under the (c)(1) criteria, the applicant must demonstrate that by reason of exceptional dimensions or topographic conditions or other extraordinary and exceptional situation

uniquely affecting the subject property, the strict application of the Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the Applicant.

3. Under the (c)(2) criteria, the Applicant must demonstrate that in a particular instance relating to a specific piece of property, the purposes of the Act would be advanced by allowing a deviation from the Zoning Ordinance requirements and that the benefits of any deviation will substantially outweigh any detriment.
4. These tests specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief.
5. Also, an applicant for these variances must show that the proposed relief sought will not cause a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The burden of proof is upon the applicant to establish that these criteria have been met
6. The Planning Board shall grant site plan approval if the submissions by the applicant conform to the zoning standards established by the zoning ordinance and the site plan-related requirements of that Ordinance. N.J.S.A. 40:55D-46, 46.1 and 50.
7. The Board hereby finds, based upon the foregoing findings of fact, that the application is in conformance with the Ordinance and therefore the application satisfies the statutory criteria for the site plan approval. With respect to the rear yard setback variance, the application satisfies the statutory criteria because the Applicant is actually proposing an improvement over the existing condition and the testimony reveals that the remaining deficiency in rear yard setback will not cause any substantial detriment to the public good, nor will it interfere with the intent or purpose of the zone plan or zoning ordinance. Therefore, the benefits of granting the relief and improving the existing condition outweigh any conceivable detriments.

**NOW THEREFORE** be it resolved by the Planning Board of the Township of South Orange Village that the application of Seton Hall University for property located at 400 South Orange Avenue in the U University district is determined as follows:

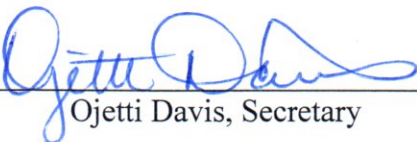
1. Preliminary and final site plan approval is granted pursuant to N.J.S.A. 40:55D-46, 46.1, and 50.
2. Rear yard setback variance is granted pursuant to NJSA 40:55D-70(c)(2).

**AND IT IS FURTHER RESOLVED** that the above approval is subject to the following terms and conditions

1. The Applicant will provide calculations and grading plan revisions to demonstrate compliance with proper storm water management, to the satisfaction of the Board engineer.
2. All runoff from roofs will discharge underground and will not splash onto the ground.

3. Odor control will be provided in the wet well of the sanitary sewer system as required and to the satisfaction of the Board engineer.
4. The Applicant will provide calculations for the sanitary lift station.
5. The Applicant will provide information to show compliance with the ADA code.

IN WITNESS WHEREOF, the Board has caused this Resolution to be executed by its Secretary on the 6th day of September, 2018.

  
 Ojetta Davis, Secretary

Vote on Action Taken by the Board

BOARD MEMBER	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
BUSCH-VOGEL	X		X			
COLTON-MAX (Ch.)			X			
FREEMAN			X			
HARRIS			X			
KRAIKER						
LERMAN (V.Ch)						
LOEHNER			X			
MILLER			X			
RICHARDSON (2 <sup>nd</sup> Alt.)						
ROSNER		X	X			
SLEVIN (1 <sup>ST</sup> Alt.)						

Vote on Memorializing Board

<b>BOARD MEMBER</b>	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
BUSCH-VOGEL						X
COLTON-MAX (Ch.)			X			
FREEMAN						X
HARRIS		X	X			
KRAIKER						
LERMAN (V.Ch)						
LOEHNER						X
MILLER	X		X			
RICHARDSON (2 <sup>nd</sup> Alt.)						
ROSNER			X			
SLEVIN (1 <sup>st</sup> Alt.)						