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TO: Pequannock Township Zoning Board of Adjustment
FROM: Jill A. Hartmann, PP, AICP
RE: PRELIMINARY AND FINAL MAJOR SITE PLAN, CONDITIONAL USE AND VARIANCE APPLICATION TO CONSTRUCT A PRIVATE SCHOOL IN THE R-15 DISTRICT; 60 SUNSET ROAD; BLOCK 2104, LOT 21; APPLICANT: PASSAIC VALLEY LEARNING CENTER.
DATE: January 17, 2023

This is a Preliminary and Final Major Site Plan, Conditional Use and Variance Application to construct a new K-12 private school. The subject site is located in the R-15 Residential District of the Township. The proposed K-12 school is permitted in the R-15 District as a conditional use. The proposed use does not meet all the conditions of the conditional use. A d(3) conditional use variance is required. Ancillary "c" variances are required. The Zoning Board of Adjustment has jurisdiction to hear this application. The following submitted documents were utilized in the preparation of this planning report:

- Completed Pequannock Township Application of Site Plan and signed by Peter V. McArthur, Esq., dated October 21, 2022.
- Completed Pequannock Township Variance Application and signed by Peter V. McArthur, Esq., dated October 21, 2022.
- Preliminary and Final Site Plan, consisting of 14 sheets, prepared by Jake Modestow, PE of Stonefield Engineering & Design, LLC, dated October 17, 2022 with revisions through November 8, 2022.
- Architectural Plan, consisting of 6 sheets, prepared by Gregory Ralph, RA, dated October 17, 2022.
- Traffic Impact Study, prepared by John R. Corak, PE and Matthew J. Seckler, PE, PP, PTOE of Stonefield Engineering & Design, LLC, dated October 17, 2022.
- Sign Plan, consisting of 1 sheet, prepared by Gregory Ralph, RA, dated November 9, 2022.
- Environmental Impact Statement, prepared by Jake Modestow, PE of Stonefield Engineering & Design, LLC, dated October 17, 2022.
- Stormwater Management Report, prepared by Jake Modestow, PE of Stonefield Engineering & Design, LLC, dated October 17, 2022.

ZONING ANALYSIS AND COMMENTS

1. The subject site is a 3.98 acre corner parcel that is presently developed with a house of worship complex that consists of the house of worship, a classroom and activity building and a parking lot for ±50 vehicles.

The surrounding neighborhood consists of two single family residences adjacent to the subject site and located along Sunset Road and Roome Avenue, respectively. Across, from the subject site, along Roome Avenue is an established single family residential neighborhood. Finally, across from the subject site, along Sunset Road are a few single family homes with the predominant presence being the Pequannock Township High School.

2. The application proposes to remove all existing buildings and site improvements. The plan proposes to construct a new one story educational facility/school to serve students from K thorough 12th grade. New access and parking lot for 43 spaces. Outdoor site amenities include a soccer playing field and a hard court area for general outdoor activities as well as outdoor passive areas..

3. The proposed new one story K-12 school will have a physical separation between the junior and senior classes with each portion of the school containing classrooms/studios, quiet study areas, collaboration areas, bathrooms, a kitchen/canteen, a shared art room, a staff dining/work room. A dedicated gymnasium is located at the western end of the school. Separate entrances are proposed to the junior building area, the senior building area, the reception area and the gymnasium.

The plan proposes a circular one-way access driveway with the entrance at the eastern corner of the site, adjacent to Roome Avenue and the exit at the far end of the site. The site's parking lot is adjacent to the far western exit driveway.

A masonry trash enclosure is proposed at the end of the parking lot. The applicant should address refuse pick up procedures.

A perimeter 6' fence is proposed around the entire site with electric entrance and exit gates at the front of the site as part of the overall site access plan.

4. Section 360-46(G) states that schools shall be permitted as a conditional use in all residence zones, and each school shall be located on a lot with the following:

• Minimum Lot Size	5 Acres	Required
	3.98 Acres	Existing/Proposed
• Minimum Lot Frontage on Improved Road	50'	Required
	456.3'	Existing/Proposed
• Minimum Lot Width	300'	Required
	456.3'	Existing/Proposed
• Minimum Side Yard Setback	50'	Required
	105'	Proposed
• Minimum Rear Yard Setback	50'	Required
	152'	Proposed
• Side Yard and Rear Yard Buffer Adjacent Property Line	25'	Required
	25'	Proposed
• Maximum Building Height	35'2 Stories	Permitted
	21.9'1 Story	Proposed

As shown above, the proposed new K-12 private school does not meet the required lot size. Therefore, a d(3) conditional use variance is required.

Generally, a conditional use is suitable to a zoning district but not to every location within that district Coventry Square, Inc. v. Westwood Zoning Board of Adjustment, 138 N.J. 285 (1994). A conditional use applicant's inability to comply with some of the ordinance's conditions need not materially affect the appropriateness of the site for the conditional use. However, in order for the

applicant to obtain a conditional use or d(3) variance, the applicant has the burden of showing both the positive and negative criteria.

5. The application proposes to construct a 42 car parking lot that contains 18 spaces in a tandem configuration and 2 ADA compliant spaces. An additional ADA compliant space is located along the entrance driveway in the southeastern corner of the subject site. The Township off-street parking requirements are specific for elementary schools and secondary schools as follows:

• <u>Elementary School</u>			
2 spaces/classroom + 1/staff			
2 spaces x 8 classrooms + 12 staff	28 spaces	Required	
• <u>Secondary School</u>			
2.5 spaces/classroom + 1/10 students			
2.5 spaces x 7 classrooms + 10 spaces (100 students)	28 spaces	Required	
TOTAL	56 spaces	Required	

The proposed school requires 56 off-street parking spaces where 43 spaces are proposed and 9 are part of a tandem configuration. A variance from this requirement is needed. The applicant must address this issue of deficient off-street parking.

The Township Zoning Ordinance does not permit parking lots, associated with conditional uses, to be located in the required front yard. The proposed parking lot is setback from the front property line 33.1' where 50' is required. A variance from this requirement is needed.

The application proposes to utilize the striped area along and adjacent to the school building as a loading zone for two loading spaces. While the loading spaces comply with the required 10' x 35' size, they are located within the required front yard. This is not permitted. A variance from this requirement is needed.

6. The submitted plan proposes a variety of site lighting including 20' tall pole lights throughout the parking lot and along the front access driveway. Pole lights are not expressly permitted or prohibited in residential districts or with regards to conditional uses. However, the Township, in its non-residential districts, permits a maximum pole height of 12'. The submitted lighting plan must be revised to reduce the pole lights to 12' in height. These lights should be appropriately shielded to protect the surrounding neighborhood. The applicant should address the timing of the lights with regards to what time they will go off at night.
7. The submitted site plan indicates that the perimeter fencing, including the front yard, the secondary front yard, the side yard and the rear yard will consist of a 6' high solid fence. To clarify the yards, it should be noted that the front yard is adjacent to Sunset Road; the secondary front yard is adjacent to Roome Avenue; the side yard is along the western property line adjacent to the single family residence that fronts on Sunset Road and the rear yard is adjacent to Dewilde Road.

Variances from the Township Zoning Ordinance for the fencing is required as follows:

- A front yard fence is permitted to be 3' in height and 50% open. The application proposes a 6' high solid fence. This fence is located 3' off the western property line where 5' is required. Variance relief from this regulation is required.
 - A secondary front yard fence is permitted to be 4' in height, may be solid and must have a 5' setback. The application proposes a 6' high solid fence that is setback 3' from the property line, along the Dewilde Drive frontage. Variance relief from this regulation is required.
 - The side yard and rear yard fence is permitted to be 6' high and solid with no setback from the property line. The application proposes a 6' high, solid fence that is setback 3' from the property line. The fencing in the established side and rear yard complies with the Township Ordinance.
8. The Township Ordinance requires a 25' wide buffer along the side and rear yard property lines. The submitted plan provides the required buffer for a significant portion of the site. The rear yard area, adjacent to Dewilde Drive must be augmented to meet the buffer requirement or a variance will be needed.
9. The application proposes a number of signs.
- The kinds of signs that are permitted at schools and churches or at other institutions of a public or quasi-public nature are as follows: freestanding signs, attached signs, and changeable letter signs.

The application proposes 2 freestanding signs and 2 attached signs.
 - The number of signs shall be limited as follows: one freestanding sign and one changeable letter sign and one attached sign are permitted on an institutional building.

A variance is required from the proposed second freestanding sign and for the second attached sign.
 - The size of signs permitted in conjunction with an institutional use shall not exceed the following dimensions:
 - Freestanding: 20 square feet.
 - Attached: 1% of building facade.
Each freestanding sign is 15.1' and meets the Ordinance's maximum permitted size. The building facade is 5,620 sf which permits a 56.2 square foot attached sign. Each attached sign is 40 sf and 18 sf, respectively. Each sign meets the Ordinance requirement.
 - A changeable letter sign shall not exceed nine square feet, except that if it is installed in conjunction with a freestanding sign, the total area of the freestanding sign and changeable letter sign shall not exceed 30 square feet.

This section is not applicable. No changeable letter sign is proposed.

- No freestanding signs shall exceed eight feet in height nor shall they be located closer than 20 feet to any property line. No attached sign shall be installed such that the top edge is higher than 14 feet measured from the ground.

The proposed freestanding signs will have a height of 6.5' meeting the Ordinance requirement. The proposed freestanding signs will be setback from the Sunset Road property line 16' where 20' is required. Variance relief from this regulation is required. The proposed attached signs will be located 16' from the ground where 14' is permitted.

- External and internal lighting is permitted; however, no sign shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m.

This must be addressed by the applicant.

- Electronic message centers/boards are specifically prohibited.

This section is not applicable. No electronic message board is proposed.

10. The required variances that are not classified as "d" variances are classified as "c" variances. As with all "c" variance applications, the applicant must provide testimony as to how the variance requested addresses the statutory requirements of N.J.S.A 40:55D-70c (1) hardship or (2) that the variances requested benefit the community in that they represent a better zoning alternative for the property.

The c(1) hardship variance must relate to a specific piece of property or in other words the hardship arises out of a condition of the land itself or structures lawfully existing on the site. The c(2) variance does not require the showing of undue hardship. What must be shown is that the application (1) relates to a specific piece of property and (2) that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance. Essentially, the variances requested must benefit the community in that they represent a better zoning alternative for the property.

It is certified that all copies of this document are in conformance with the original prepared by Jill A. Hartmann, PP, AICP, License No. 4088


Jill A. Hartmann, PP, AICP

ZONE TABLE

60 Sunset Road
Block 2104, Lot 21

R-15 District
Conditional Use

Item	Required	Proposed	Variance
Use	School	School	OK
Lot Size	5 acres	3.98 acres	d(3) Variance Required
Lot Width	300'	456.3'	OK
Lot Frontage on Improved Road	50'	456.3'	OK
Side Yard Setback	50'	152'	OK
Rear Yard Setback	50'	154.2'	OK
Building Height	35' 2 stories	21.9' 1 story	OK OK
Parking	56 spaces	43 spaces	Variance Required