

STONEFIELD

February 2, 2024

Pequannock Township
Lori Camaya
Land Use Secretary
530 Newark-Pompton Turnpike
Pompton Plains, NJ 07444

RE: Planning Memo
Applicant: One School Global
Block 2104, Lot 21
60 Sunset Road
Pequannock Township, NJ

Members of the Board:

Stonefield Engineering & Design, LLC ("Stonefield") has prepared this Planning Memo on behalf of The Applicant at the request of the members of the Zoning Board of Adjustment, Board Attorney, and members of the public. This analysis concludes that the statutory criteria are present to warrant approval of the application.

Project Description

One School Global is proposing the construction of a 27,825 SF private school. The subject property is designated Block 2104, Lot 21, commonly known as 60 Sunset Road, in the Township of Pequannock, New Jersey. The property is located within the R-15 Residence District and is bounded by residential dwellings to the north, Sunset Road to the south, Roome Avenue to the east, and residential dwellings to the west. The total project area is 173,411 SF (3.98 AC).

In the existing conditions, the project site is occupied by the former Pompton Valley Presbyterian Church. The property currently contains a house of worship building, a 1-story building which formerly operated as the Sunset Co-op Nursery School, and a two-story parsonage. A parking area exists in the southwest corner of the site accessed via Sunset Road and a pick-up and drop-off loop exists in the northeast corner of the site accessed via Roome Avenue. The church and nursery school are no longer in operation, therefore the site is currently vacant. The site is generally in average to poor condition.

The proposed development includes the construction of a 27,825 SF private school inclusive of 44 parking spaces and a van drop-off loop. Additional improvements include a turf soccer field, hardscape courts, wall-mounted and freestanding signage, as well as new utility connections, lighting, landscaping, and stormwater management improvements. The site will be accessed via one (1) ingress-only driveway along Sunset Road and one (1) egress-only driveway also along Sunset Road.

Per N.J.S.A. 40:55D-4, schools are classified as an "inherently beneficial use" which is a use that is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Additionally, schools are conditionally permitted uses in the R-15 Residence District, however a "d(3)" conditional use variance is required for the proposed development. The Applicant is also requesting "c" variance relief associated with the proposed development.

"d(3)" Conditional Use Variance Justification

Pursuant to N.J.S.A. 40:55D-70, the board has the power to grant d(3) "conditional use" variances, "in particular cases and for special reasons." The Coventry Square, Inc. v. Westwood Zoning Board of Adjustment case established the appropriate justification standard for a conditional use variance, which includes demonstrating that the site continues to be appropriate for the proposed use, and that the site will accommodate any potential problems associated with the use despite not meeting all

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conditions of the zoning ordinance. In addition, the focus of the negative criteria is narrowed to the potential impacts as a result of the deviation, as opposed to the impacts of the proposed use itself. Schools in the R-15 Residence District are subject to the conditions outlined in **Table I**.

Table I – Conditional Use Requirements for Schools in the R-15 Residence District:

REQUIREMENT:	REQUIRED:	PROPOSED:	COMPLIANT:	NOTES:
Minimum Lot Size	5 AC	3.98	NO	Existing condition (unchanged)
Minimum Road Frontage	50 FT	456.3 FT	YES	More than 9 times compliant
Minimum Lot Width	300 FT	456.3 FT	YES	More than 1.5 times compliant
Maximum Structure Height	35 FT / 2 Stories	29' – 3 5/8"	YES	Below the maximum height by approximately 15%
Minimum Side Yard	50 FT	105.3 FT	YES	More than 2 times compliant
Minimum Rear Yard	50 FT	154.2 FT	YES	More than 3 times compliant
Minimum Side and Rear Yard Buffer	25 FT	29.9 FT	YES	Nearly 20% more than required (at closest point)

The single condition that is not met pertains to the minimum required lot size where 5 acres is required, and 3.98 acres exists and is proposed. Given that this is an existing condition affecting the property, and the site is surrounded by developed lots containing existing single-family residences, compliance with this condition is not feasible and/or nearly impossible.

The ordinance conditionally permits both private and public schools. Compared to public schools, private schools typically have greater liberty to select the size and scale of the proposed development. As such, the proposed development has been scaled to appropriately fit the size of the lot that exists, while still providing all the necessary components to the site's operation such as adequate parking and stormwater management facilities. A fully compliant school on a 5-acre lot could potentially have a much higher impact on the surrounding area.

The project has effortlessly complied with the other 6 conditional use requirements in which the applicant does have control over. Specifically, the project has been designed to over-comply with the required side yard and rear yard setbacks, as well as over-comply with the side and rear buffer areas. Additionally, the proposed building is significantly lower than the maximum permitted height. Other conditional use requirements pertaining to the lot characteristics, such as lot frontage and lot width are also well in compliance, further mitigating the deficient lot area. Notably, this is the largest available lot in the R-15 Residence District that a school could be built on, therefore making it the most appropriate site in the R-15 District for the proposed development.

“C” Variance Relief Justification

The board has the power to grant “C” variance relief based on the “benefits vs. detriments” criteria pursuant to N.J.S.A. 40:55D-70c(2). All “C” variance relief associated with this application can be granted under the “C(2)” “benefits vs. detriments” criteria and we find that the benefits of the project as a whole substantially outweigh any detriments for the following reasons:

- I. **Maximum Impervious Surface Coverage** – The maximum impervious surface coverage permitted is 35% (60,694 SF), whereas 39% (67,756 SF) is proposed. The additional 4% of impervious coverage is not a substantial deviation from the requirement. Visually, the additional impervious coverage will be mitigated by an extensive landscaping plan that will give the site a very “green” appearance. The stormwater management impacts of the additional impervious coverage will be mitigated by the construction of a new stormwater management system on site that complies with the current stormwater requirements, where no system currently exists on the site. Additionally, the inclusion of approximately 3,564 SF of porous pavement in the parking area will further offset the increase in impervious as this area was included in the impervious surface calculation but acts more like a pervious surface.

2. Minimum Parking Spaces – 56 parking stalls are required, whereas 44 spaces are proposed. Per the Traffic Impact Study, the anticipated daily parking demand is 23 spaces, which is based on 17 employees and 6 student drivers. Per the zoning ordinance, the required parking is calculated based on a combination of the number of classrooms, number of students, and number of staff. Due to the unique operational characteristics specific to One School Global, the amount of parking required by the zoning ordinance results in a higher-than-needed parking requirement for this user. This, coupled with generally smaller class sizes results in fewer required parking spaces when compared to traditional schools. The large majority of students will be dropped off at the school via a shuttle van service and parent drop offs would not be a regular occurrence. The Traffic Impact Study concludes that the proposed parking supply is sufficient.
3. Signs Permitted for Institutional Uses – One freestanding sign, one changeable letter sign, and one attached sign are permitted (for a total of 3 signs), whereas two freestanding signs and two attached signs are proposed (for a total of 4 signs). One wall sign is located next to the main entrance of the school, and the second wall sign is located outside of the gymnasium. It is typical of any non-residential development to include signage next to an entrance to facilitate people into the building's entrance. It is also customary for schools to have their name displayed on the outside wall of the gymnasium. One freestanding sign is located at the proposed driveway entrance and the second freestanding sign is located adjacent to the proposed parking area. These signs are for wayfinding purposes and will provide guidance to students and drivers coming into the site therefore improving circulation and safety on the property.
4. Attached Sign Height – An attached sign is not permitted to have a top edge greater than 14 FT from the ground, whereas the proposed wall sign will have a top edge of 16 FT above the ground. The proposed wall sign placement is a result of the architecture of the building. There is an overhang along the front of the building that provides shelter for people walking outside of the building. The sign would need to be placed under the overhang in order to comply therefore reducing visibility of it. The proposed sign location is appropriate given the architectural features of the building, maximizing it's visibility, and the desire to provide a sheltered overhang for students outside.
5. Maximum Fence Height in the Front Yard, and Maximum Fence Height in the Secondary Front Yard – The maximum permitted fence height is 3 FT in the established front yard, and 4 FT in the secondary front yard, whereas the proposed fence is 5 FT high in both yards. The proposed fence complies with the required 5 FT setback, and complies with the required 50% open requirement. The fence has been designed to conform to the applicant's prototypical safety and security standards. Additionally, given the location of the stormwater basin along the front of the site, a 5 FT fence is a better alternative to what is required to prevent anybody from potentially falling into or climbing into the basin.
6. Minimum Fence Setback in the Secondary Yard for Fences in Excess of 4 FT – A fence in a secondary front yard that is in excess of 4 FT and not to exceed 6 FT in height is permitted if the fence is located at the required building setback. The required setback is 50 FT, whereas the proposed 5 FT high fence is located 5 FT from the property line. Compliance would result in moving the fence back to the 50 FT setback line therefore significantly reducing the amount of recreational and open space provided for the students.

The C(2) balancing test has been summarized below in **Table 2**.

Table 2 – C(2) “Benefits vs. Detriments” Analysis:

<u>BENEFITS OF PROJECT:</u>	<u>POTENTIAL DETRIMENTS OF VARIANCES:</u>	<u>FINDINGS:</u>
1. Construction of an inherently beneficial use classified by the MLUL which promotes the general welfare of the community 2. Elimination of a vacant and underutilized property that is generally in poor condition 3. Construction of a new stormwater management system that minimizes water quality impacts and runoff impacts and has been designed to prevent against flooding 4. New sidewalks, curbing, and crosswalk connections surrounding the exterior of the site increasing pedestrian access and safety to and from the site 5. Installation of a dense landscaping design that improves the sites overall aesthetics and provides buffering to nearby residential properties 6. Inclusion of fencing for the safety of students and overall site security 7. Over-compliance with building setback and buffer requirements to mitigate the potential impacts on nearby properties 8. Provide more than adequate parking spaces to alleviate any potential parking impacts 9. Provide appropriate signage to facilitate site wayfinding as well as promote school pride and branding 10. Elimination of two curb cuts on Roome Avenue which is a local road, and consolidating access to Sunset Road only 11. Providing ADA compliant spaces on the site where none currently exist	1. Impervious Coverage: mitigated by new stormwater management improvements and dense landscaping plan 2. Parking: site provides more than adequate number of spaces as supported by the Traffic Impact Study 3. Signage: for wayfinding and safety purposes 4. Fencing: for safety and security of students	No substantial detriment No substantial detriment No substantial detriment No substantial detriment

The variances requested can be granted without substantial detriment to the public good, and will not substantially impair the intent and purposes of the zone plan and zoning ordinance. The project carries out many goals of the Pequannock Master Plan, including right-sizing parking ratios, ensuring non-residential land uses are compatible with surrounding neighborhoods through buffering, improving sidewalks and crosswalks, and providing new stormwater management facilities. The R-15 Residence District district allows schools as a conditionally permitted use, therefore it is presumed that the governing body has found the use itself to be compatible with the other permitted uses in the zone. Pursuant to N.J.S.A. 40:55D-2, the proposed development carries out Purposes a, b, c, g, and i of the Municipal Land Use Law.

Conclusion

Based on a review of the subject property, surrounding area, and applicable zoning requirements, it is concluded that the benefits of the application substantially outweigh the detriments. Furthermore, the variances can be granted without substantial detriment to the public good or substantially impairing the intent and purposes of the zone plan and zoning ordinance. It is the opinion of our office that the statutory criteria has been met for the relief required as presented by the planning proofs and the justifications presented in this report.

Regards,

A handwritten signature in black ink that reads "Thomas Ricci". The signature is fluid and cursive, with the first name "Thomas" and last name "Ricci" clearly distinguishable.

Thomas Ricci Jr, PP, AICP
New Jersey Professional Planner License #6476
Stonefield Engineering and Design, LLC

Sent Via FedEx

CC: Board Attorney – F. Clifford Gibbons, Esq. – via email
Board Planner – Jill A. Hartman, PP, AICP – via email