

Township of Randolph  
Randolph, NJ 07869  
April 27, 2023

A regular meeting of the Randolph Township Board of Adjustment was called to order at 7:30PM by Chairman Sesko. Adequate notice of the meeting was given to the official newspaper and an agenda was posted on the Township bulletin board.

**ROLL CALL:**

Present: Comrs. Asbaty, Bell, Norman, O'Neill, Stracco, Vice Chairman Dunn, Chairman Sesko, Darren Carney, Assistant Manager/Planning and Zoning Administrator, Richard Schneider, Board of Adjustment Attorney

Absent: Alts. Tatch, Fiscella

ACTION ON MINUTES OF: March 9, 2023

Chairman Sesko mentioned a correction on page 7 temperature of the lighting.

Vice Chairman Dunn made a motion to approve the minutes with correction and Comr. Bell seconded the motion. All in favor.

March 23, 2023

Vice Chairman Dunn made a motion to approve the minutes and Comr. Bell seconded the motion. All in favor.

PUBLIC COMMENTS: None heard.

MEMBERS COMMENTS: Chairman Sesko thanked the Fire Department for recently putting out a brush fire on the trail near the microwave tower in town.

CORRESPONDENCE:

RESOLUTION:

**DATE CREATED: April 14, 2023**

**REVISED:**

**TOWNSHIP OF RANDOLPH  
BOARD OF ADJUSTMENT**

**RESOLUTION MEMORIALIZING THE GRANTING OF VARIANCE  
RELIEF TO THE APPLICANTS, SUSANNAH PITMAN AND  
MICHAEL L'EPLATTENIER, RELATING TO PROPERTY LOCATED  
AT 30 PIERSON'S HILL ROAD, AND DESIGNATED AS BLOCK**

**146, LOT 78.02 ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP  
OF RANDOLPH**

**NAME OF APPLICANT:**                    **Susannah Pitman and Michael  
L'Eplattenier**

**LOCATION OF PROPERTY:**    **30 Pierson's Hill Road**  
  
   **Block 146, Lot 78.02**  
  
   **Randolph, NJ**

**APPLICATION NO:**                    **23-01**

**ZONE:**                                    **R-R**

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**WHEREAS**, Susannah Pittman and Michael L'Eplattenier ("Applicants") have applied to the Randolph Township Board of Adjustment ("Board") for permission to construct certain improvements and modifications, including a new two-car garage and driveway on property located at 30 Pierson's Hill Road, designated as Block 146, Lot 78.02 on the official tax maps of the Township of Randolph, which property is located in the Township's R-R Zone District; and

**WHEREAS**, on March 23, 2023, the Board of Adjustment ("Board") conducted a public hearing in accordance with the jurisdictional requirements of the Randolph Township Land Development Ordinance and the New Jersey Municipal Land Use Law; and

**WHEREAS**, the Board hereby makes the following findings of fact and conclusions of law:

1.     The Applicants are the owners of the subject property and have the right to request the relief sought herein.
  
2.     The subject property is located off Pierson's Hill Road in the Township's R-R Zone District. The property is technically undersized as to the minimum lot area and lot frontage required for the zone district. Critical for purposes of understanding the nature of the requested variance relief is the fact that the residence, represented by an existing two-story framed dwelling, dates back to the 1800s and is located within the existing front yard setback. Specifically, with respect to the variance relief sought herein, the existing garage maintains a 1.55 square foot front yard setback, whereas 50 feet is required by ordinance.

3. The Applicants presented the testimony of Alexander Rodriguez, AIA, whose qualifications were accepted as an expert witness in the field of Architecture. Mr. Rodriguez was the preparer of the architectural plans submitted in conjunction with the application, which shows the relevant details of the proposed improvements sought by the Applicants as to both the garage and internal renovations to the existing dwelling. The plans further reflect photographs and elevations depicting the current dwelling as well as elevations showing the proposed revised elevation, inclusive of the proposed new two-car garage. The new garage would measure  $\pm 24$  feet by  $\pm 22$  feet as detailed on accompanying plans and would be aligned with the existing porch. Mr. Rodriguez and the Applicants noted that the current garage creates a potentially unsafe condition in that there only exists a one car length distance accessing the current garage. The garage, as reflected in the accompanying plans, would be relocated from the front of the dwelling to the side of the dwelling via a new proposed 30-foot driveway measuring 15 feet in width at the entrance to Pierson's Hill Road. As referenced above, the garage would maintain a 3.55-foot setback to the front yard property line, whereas a 1.55-foot setback exists and 50 feet is required by ordinance.
4. First, with respect to the statutory criteria of N.J.S.A. 40:55D-70c(1) , the Board is able to conclude that, by virtue of the structures lawfully existing thereon (in this case represented by a non-confirming dwelling and garage in the front yard setback), the strict application of the front yard setback requirements would result in peculiar and exceptional, practical difficulties and undue hardship upon the Applicants. Therefore, as a result, a variance from the strict application of the front yard setback requirement is necessary to relieve such difficulties or hardship The Board is further able to conclude that, pursuant to N.J.S.A. 40:55D-70c(2), the purposes of zoning are advanced by virtue of this application and that the purposes of zoning substantially outweigh any detriment. The Board recognizes that, pursuant to N.J.S.A. 40:55D-70c(2), the proposed modifications, inclusive of the garage, will promote the public health, safety, morals, and general welfare; will promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, and the community; and will promote a desirable visual environment through creative development techniques and good civic design and arrangement. The purposes of zoning substantially outweigh any detriment as the Applicants proposal will provide a safety benefit with respect to accessing the garage and dwelling by virtue of the relocated garage. Both under N.J.S.A. 40:55D-70c(1) and N.J.S.A. 40:55D-70c(2), the Board is able to conclude that the there will be no substantial detriment to the public good or zone plan or zoning ordinance of the Township of Randolph occasioned by this application. Accordingly, the Board finds that the statutory criteria is herein satisfied.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the Township of Randolph that the variance application of the Applicants, Susannah Pitman and Michael L'Eplattenier, is hereby approved subject to the following:

1. The Applicants agree to be bound by all stipulations and representations made during the course of the public hearing.
2. A variance is granted for a front yard setback to permit the garage, at its closest point, to be 3.55 feet from the front yard property line.
3. The Applicants shall obtain a road opening permit from the Randolph Township Engineering Department for any work undertaken in the public right of way.
4. This approval is subject to the approval of any other federal, state or local governmental agency with jurisdiction.
5. This approval is subject to the Applicants paying all taxes, fees, and escrows required by the Township of Randolph. The Applicants shall pay any additional fees or escrow deposits that may be due and owing within thirty (30) days of notification or this approval shall be deemed withdrawn.

The foregoing Resolution is memorialized on April 27, 2023 pursuant to N.J.S.A. 40:55D-10(g)(2), memorializing an approval granted to the Applicants at a meeting of the Board held on March 23, 2023.

APPROVED:

Comrs. Bell, Stracco, Vice Chairman Dunn, Chairman Sesko

**DATE CREATED: April 18, 2023**

**REVISED:**

**TOWNSHIP OF RANDOLPH  
BOARD OF ADJUSTMENT**

**RESOLUTION MEMORIALIZING THE GRANTING OF USE  
VARIANCE APPROVAL PURSUANT TO N.J.S.A. 40:55D-70d(1),  
VARIANCE RELIEF PURSUANT TO N.J.S.A. 40:55D-70C, AND  
DESIGN WAIVER RELIEF RELATING TO PROPERTY LOCATED  
AT 1275 SUSSEX TURNPIKE, DESIGNATED AS BLOCK 86, LOT**

**63.01 ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP OF  
RANDOLPH**

**NAME OF APPLICANT:** Newman Turf, LLC

**LOCATION OF PROPERTY:** *1275 Sussex Turnpike*

*Block 86, Lot 63.01*

*Randolph, NJ*

**APPLICATION NO:** 22-06

**ZONE:** RLD

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**WHEREAS**, Newman Turf, LLC (“Applicant”), with the consent of the property owner - MLR Holdings, LLC, has applied to the Randolph Township Board of Adjustment (“Board”) pursuant to a bifurcated application, as authorized by N.J.S.A. 40:55D-76; for a use variance pursuant to N.J.S.A. 40:55D-70d(1), together with additional variance and design standard relief, to permit the use of the subject property for synthetic, athletic facilities and related improvements as a commercial, outdoor recreational use for soccer fields as hereinafter more specifically detailed; and

**WHEREAS**, the Board conducted public hearings on September 29, 2022; November 13, 2022; and March 9, 2023 in accordance with all of the procedural requirements of the Randolph Township Land Development Ordinance and New Jersey Municipal Land Use Law; and

**WHEREAS**, the Board hereby makes the following findings of facts and conclusions of law:

5. The Applicant is the contract purchaser of the subject property and has obtained the consent of the property owner to file the within application.
6. The Applicant was represented by Christopher Quinn, Esq. and presented the testimony of the following witnesses in support of the application:
  - A. John Hansen, P.E. and Kelley O’Such, P.E. – each of who are licensed Civil Engineers, employed by Engineering and Land Planning Associates (“E&LP”). Both Mr. Hansen and Mr. O’Such’s qualifications were accepted as expert witnesses in the field of Civil Engineering.
  - B. Nicholas Page, Vice President of Qualite Sports Lighting, LLC - The lighting design consultant of the Applicant.

- C. Matt Tal – a representative of the property owner.
  - D. Daniel Governale, RA, AIA of Barlo Governale Associates, whose qualifications were accepted as an expert witness in the field of Architecture.
  - E. Gary Dean, P.E., of Dolan and Dean Consulting Engineers, LLC, whose qualifications were accepted as an expert witness in the field of Traffic Engineering.
  - F. John Newman – a representative of the Applicant.
  - G. John McDonough, P.P., of John McDonough Associates, whose qualifications were accepted as an expert witness in the field of Professional Planning.
7. The Board is in receipt of the following review reports:
- A. Review reports from Ferriero Engineering, Inc., Township Engineer, dated July 19, 2022; July 22, 2022; and February 28, 2023.
  - B. Review report from Harbor Consulting, Township Planner, dated July 27, 2022.

The municipal review reports recite the documentary submission made on behalf of the Applicant during the public hearing.

8. The Board acknowledges the existence of a document entitled “Declaration of Covenants and Restrictions” dated December 15, 2017 by and between MLR Holdings, LLC (“Owner” or “Grantor”) and the Township of Randolph (“Township” or “Grantee”) to the extent said Declaration of Covenants and Restrictions relate to or impact the application before the Board. In accordance with Condition 6, the Applicant will be required to obtain any required approval from the Township of Randolph to confirm compliance of the proposed use with the provisions of the Declaration.
9. The Board takes notice of the fact that the subject property has been the subject of a number of prior applications relating primarily to its present use as a miniature golf course, driving range, and formally pitch and putt, as well as a retail golf establishment, a restaurant, and certain apartments located above the existing restaurant. The Board further takes notice of the prior application, under Application No. 18-18, resulting in the adoption of a Memorializing Resolution of Approval adopted on April 11, 2019 granting to the current property owner bifurcated use variance relief for the construction of certain synthetic, athletic fields and related improvements for commercial, outdoor recreational use as more particularly set forth in said Resolution. To the extent that the prior application resulting in the aforesaid Resolution is relevant to the within application, it is discussed herein.

10. The Board adjudicates this application as a bifurcated use variance application pursuant to N.J.S.A. 40:55D-76b. This section of the Municipal Land Use Law allows the Applicant the right when filing an application for a use variance, as is sought herein, to submit a separate application; first for the approval of the variance and if approved, for a subsequent application for any requisite site plan approval. The Applicant has sought to avail itself of that right under the New Jersey Municipal Land Use Law and additionally seeks at this time variance relief pursuant to N.J.S.A. 40:55D-70c as well as design standard relief pursuant to N.J.S.A. 40:55D-51.
11. The subject property is located in the Township's RLD Zone District and contains approximately 22.76 acres. It is located at the intersection of Sussex Turnpike and Church Road with access off of Sussex Turnpike. A detailed analysis of the current use of the subject property and its relevant land use characteristics, as well as the nature of the surrounding land uses, are best shown in conjunction with Exhibit A-12 prepared by the Applicant's Professional Planner. The site is in part encumbered by the existence of certain wooded wetlands areas to the western most portion of the property. As hereinafter further detailed, the proposed improvements are to be located within the existing disturbed area located on the eastern portion of the site. With respect to surrounding land uses, of critical import is certain residential uses to the south of the subject property located on the other side of Sussex Turnpike, residential uses on Church Road on the eastern side of the subject property, as well as certain commercial or other service type uses located both east and south of the subject property. In that regard, specific reference is made to Page 3 of 4 of Exhibit A-12 prepared by the Applicant's Professional Planner. As is further reflected on Pages 5 and 6 of Exhibit A-12, there exists a significant vegetative buffer along the southern portion of Sussex Turnpike adjoining the residential uses to the south, as well as on the eastern portion of the subject property along Church Road, in large measure buffering the existing uses from that of the proximate residential uses. The property, while zoned RLD, is adjacent to an R-1 Zone District to the south, and R-2 Zone District to the east. Slightly north and west of the subject property is property zoned OS/GU.
12. It should be noted that the application, in a positive manner, went through a number of material revisions during the course of the public hearing process. These were ultimately of critical import to the Board as it adjudicated the application as the application in its final form, as revised contained material revisions and actual improvements to the original lighting plan; parking; the commercial, recreational use layout and design as it relates to a proposed building; hours of operation; and various other matters as are herein discussed. It should be noted that, by virtue of a number of the plan revisions, a number of interested parties, who originally appeared in opposition to the application, withdrew their opposition based on the Applicant's revisions to the plans and certain stipulations as herein will be detailed.

13. Reference was made throughout the public hearing as to the significance of the Board's prior Resolution under Application No. 18-18. The Board recognizes that it did approve an application for the construction of synthetic, athletic facilities as an outdoor, commercial, recreational use at the subject property pursuant to that application. That application, as is the case with the present application, was submitted as a bifurcated use variance application pursuant to N.J.S.A. 40:55D-76b. The prior application, after having received use variance approval (as memorialized in a Resolution adopted on April 11, 2019), did not further seek site plan approval as would have been required. In that case, the applicant also did not seek, as would have been ultimately required during the bifurcated site plan portion of the application, approval of any lighting, parking, or any additional variance relief other than the request for a use variance to permit a commercial, outdoor, recreational use. That application essentially deferred all aspects of variance relief to the site plan phase of the bifurcated hearing process. Therefore, the Board is constrained to note that the prior application was far more limited in scope in terms of the requested relief and proposed site plan details as compared to the present application before the Board. The Board further notes that the nature of the proposed use is materially different in that the prior application was not limited to just soccer fields, but it did seek the proposed use of the subject property for tournament play. The proposed approval for tournament play, in conjunction with the prior application, certainly raised the contemplated intensity use of the subject property as compared to that of the present application.
  
14. The Applicant proposes to use a portion of the subject property located on the easterly portion for the proposed construction of a total of four athletic fields; a proposed two-story, 7,423 square foot building; parking; and related improvements as is more particularly set forth on certain plans prepared by E&LP bearing a latest revision date of 2/23/23 consisting of one sheet ("Plans"). The present use of the subject property as a driving range, miniature golf course, as well as the existing restaurant and apartments above, all would be eliminated as a result of this application. Recognizing the material revisions made during the course of the public hearing in its final presented form, the application, as reflected in the E&LP plan, proposes two synthetic fields each measuring 210 feet by 330 feet, a third synthetic field measuring 200 feet by 250 feet, and a fourth synthetic field for contemplated training purposes measuring 105 feet by 115 feet. These fields are respectively designated as Athletic Fields 1, 2, 3 and 4 on the E&LP plan. After some debate, the Board interprets the athletic fields as a principal structure, and Athletic Fields 1 and 2 will require front yard setback variance relief to Church Road as follows: Synthetic Turf Athletic Field No. 1 will measure 19.55 feet to a certain retaining wall from the Church Road property line and Synthetic Turf Athletic Field No. 2 will measure 10.46 feet to a certain retaining wall from the Church Road property line. Both deviations from the 50-foot front yard setback requirement require variance relief pursuant to N.J.S.A. 40:55D-70c. Originally, the Applicant sought



approval for two separate buildings. The original plan provided for a 1,000 square foot separate maintenance and bathroom building as well as a 9,202 square foot operational office building. As revised, the two buildings were combined into one building constituting a proposed two-story, building comprising 7,423 square feet. The architectural plans prepared by Barlow Governale Associates details the interior layout of the building comprised of lockers, meeting rooms, storage space, bathroom facilities, as well as office use. The proposed building would be limited to the proposed use of the Applicant and is not intended in any way for use or rental by any third parties. By virtue of a canopy overhang associated with the proposed building, a variance from the front yard setback to Sussex Turnpike is required; 50 feet is required by ordinance but by virtue of the canopy overhang, the building, at its closest point, would be 48.30 feet. To the extent the building is deemed accessory to the fields, a variance is also required for its location being closer to Sussex Turnpike than the principal field. Accordingly, variance relief is required from N.J.S.A. 40:55D-70c.

15. John Newman, a representative of the Applicant, testified relative to the operational aspects of the proposed commercial, recreational use. Mr. Newman is the current operator of Indoor Sports Pavilion, whose facility is used for indoor, commercial, recreational uses. He is also the operator of STA Soccer Club based out of Randolph and Morristown, which entity will be the user of the proposed commercial, recreational use. By virtue of those respective positions, he has an intimate knowledge of the operational aspects of both commercial, recreational uses and the operational aspects of the STA Soccer Club. Mr. Newman testified that the proposed commercial, recreational use would be limited to that of the use by the STA Soccer Club. Recognizing that use, as herein imposed as a condition of approval, the Board defers, as it must as a matter of law, to the Township Council whether that proposed use is in conformance with the aforesaid Declaration of Covenants, including specifically Paragraph 5 requiring that any and all commercial, recreational uses of the restricted premises shall remain open to the general public. The Board finds that the covenants contained within the Declaration are enforceable by the Grantor but does not affect the jurisdiction of the Board to grant variance relief. Essentially and summarily, there are two different operational aspects of the proposed use by the STA Soccer Club. By way of background, the STA Soccer Club, a private soccer club, participates in a national platform league primarily focused on high level caliber participants. During the week, the use of the proposed synthetic fields would be primarily practices. The hours of operation were revised during the course of the public hearing such that, as proposed, weekday practices would start at approximately 4:30 PM and concluded by 9:00 PM with an approximate 15-minute further allotment to have all players off the field such that all lights would be off by 9:15 PM. (Coaches associated with the STA Soccer Club would come earlier before practice.) Weekend hours would be such that when games were scheduled, they would generally take place between 10:00 AM and 6:00 PM. Subject to weather conditions, usually the soccer season would start

in August and conclude by the second week of December. Older children associated with the program may further train during January through March at the proposed facility depending upon weather. Spring season generally starts again in the middle of March and goes through June. Mr. Newman expressly confirmed that there would be no tournaments conducted at the subject property. All tournaments associated with the STA Soccer Club are run at a different facility. Practices are slotted into three separate one and one-half hour slots comprising the time period from approximately 4:30 PM to 9:00 PM. Based on the contemplated number of players per field, number of fields, and use of the fourth field for training purposes, Mr. Newman testified that the expectation would be that there would 85 players utilizing the field at any one point in time; plus, approximately seven coaches associated with the respective teams for a total of approximately 92 players per one and one-half hour slot. Upon inquiry from the Board, Mr. Newman estimated that, based on his experience, approximately 30 to 35 percent of the players' parents stay and watch the training sessions. With respect to the games conducted on the weekends, which will not include tournaments, the time periods for the games vary by age, and gaps are built in between the scheduled games to allow for players of the current game to leave the field before the next game begins. Games will involve some additional personnel such as referees for the respective games, the number of which is dependent upon the age group in question. The number of players associated with each team are also based on the age of the respective team. With respect to the use of the building, Mr. Newman confirmed that it was intended for office and maintenance staff with respect to the STA Soccer Club only. Any deliveries associated with the building, would be a standard small truck in the form of an Amazon type delivery truck. Mr. Newman was of the opinion that, based on the revised proposal, to provide a total of 186 parking spaces, would be more than sufficient than the number necessary to accommodate uses of the facility for both practices and games. The proposed number of spaces more than doubles the number of participants at any one time, so, in essence, accommodates a turnover of the facility from one slot to another. For purposes of compliance with the stipulation that there will be no tournament play, tournament play generally means having multiple teams from different locations, which teams would then play games during the day at allotted time slots.

16. Lighting was the subject of extensive testimony during the course of the public hearing process. As originally proposed, relief was sought from Section 15-74F, which would have limited fixtures with a mounting height not more than 20 feet, measured from ground level to the centerline of the light source, whereas 70 feet was originally proposed. At the initial public hearing, Nicholas Page, a representative of Qualite, testified as to the relevant details associated with the proposed lighting. It was Mr. Page's initial opinion that the Applicant required a 70-foot height in order to provide the minimum light necessary to provide a safe playing surface for the players. At a subsequent public hearing, testimony was presented by Mr. O'Such as to the design revisions to the lighting in order to mitigate any

adverse light pollution on adjacent residential uses, primarily south of the subject property across Sussex Turnpike. It is not necessary to ultimately address the specific details of same. In advance of the third public hearing, the Applicant substantially revised its lighting plan to address the concerns of neighboring property owners. Reference is made to a certain lighting plan consisting of two sheets dated January 2023 prepared by Qualite Sports Lighting LLC. That plan is assessed in the context of certain additional stipulations made by the Applicant as it relates to lighting. The lighting was redesigned and repositioned to reflect the following material revisions: No lights will be facing the residential neighbors to the south, and all field lights would be lowered to a maximum of 50 feet above the playing surface. The maximum length or total height of the proposed light stanchion to the field due to the retaining walls would be 64 feet. Critically, the source of the light would now be facing away from Sussex Turnpike, whereas previously, there were locations where the lighting was facing Sussex Turnpike. The lighting shall be downward facing and equipped with glare shields and would be turned off by 9:00 PM each night, except to the extent to allow for safe travel from the fields to the parking lot between 9:00 PM and 9:15 PM. While there would be a reduction in foot candles on the playing surface from approximately 51 to 31, notwithstanding the reduction, the testimony presented is that the reduced foot candle nevertheless still provides a safe playing surface for players. While the number of lights were increased, once again, the critical import of the revised lighting plan is that the lights are being directed away from the neighbors to the south. It is noted that no current plan shows the 64-foot maximum height, but the Applicant agreed to revise the plan as a condition of approval to reflect the same. Notwithstanding the reduction in height of the proposed lighting fixtures and light, relief is nevertheless sought to permit a maximum of 8.3-foot candles at the property line. Based on the Qualite plan, it is noted that the relief is granted from Section 15-74.G (which requires that the light intensity not exceed 0.3-foot candles along any property line); whereas, in this case, at one specified location, there is a maximum foot candle measurement of 8.3 feet along the eastern property line. It should be noted that essentially, as to Sussex Turnpike, there is virtually no light spillage by virtue of the revised plan. The Board approves the granting of required design relief for the respective foot candle measurements as reflected in the Qualite plan.

17. Parking was likewise the subject of significant testimony during the public hearing process. Originally, the Applicant proposed 142 parking spaces. As revised, the Applicant now proposes 186 spaces. Extensive testimony was presented through the testimony of Mr. Newman, Mr. Dean, and Mr. O'Such as to the revised parking design and the basis upon which the increases in number would accommodate the proposed use. Additional parking spaces were achieved in allowing for the increase in 44 spaces by providing additional parking along the westerly boundary of the proposed parking lot as well as the northern boundary of the proposed parking lot. Additional parking spaces were achieved in the location where the prior,

separate maintenance building was located. As required, the Applicant will, at the site plan stage, incorporate the electric vehicle charging spaces. Based on the testimony of Mr. O'Such, there will be 186 parking spaces that are proposed, but the actual count will be higher to accommodate the statutory credit afforded for providing EV charging stations. Significant discussion took place during the public hearing process as to the required number of spaces for an outdoor, commercial, recreational use. The Applicant advocated a position that, based on its interpretation of the ordinance, only 103 spaces were required by ordinance based on, again, its interpretation of the commercial, recreational use requirements of the ordinance. After significant debate and analysis, the Board rejects that conclusion and has determined that a parking variance would be required. The Applicant's analysis for its original proposal for 142 parking spaces (whereas 103 spaces would be required) is predicated on the analysis that the number of parking spaces for a commercial, recreational use is a calculation based on floor area. Specifically, the Applicant relies on the ordinance reference to a requirement of one space per 750 square feet of floor area for athletic activities plus some additional requirements for spectator area as more particularly set forth in Section 15-50.2. The Board rejects that analysis as "tortured". That analysis would make an artificial distinction between commercial, recreational uses for indoor activities versus that of outdoor activities. The Applicant's reliance on floor area as a means of calculating the required number of spaces is misplaced. The Board must reasonably interpret its ordinance in a manner to determine specifically the number of parking spaces based on, in part, the area of the field itself. The Applicant advances a position that you would calculate spectator area for an indoor, commercial, recreational use different than an outdoor, recreational use based on the ordinance's reference to floor area. The Board's interpretation of the ordinance would have required 372 parking spaces. The Board has considered the testimony of all witnesses, including specifically Mr. Newman, and is able to conclude that, based on the operations as described by Mr. Newman for both practices and games, the proposed number of parking spaces of 186 is a sufficient number of parking spaces to accommodate the proposed use and substantiate the granting of variance relief. Critical to the Board's granting of the required variance relief, is its assessment that even if there is an overlap of both practice and games from one respective slot to the next and if one essentially doubled the number of players and associated personnel, there would be sufficient parking available to accommodate that overlap. Hypothetically, taking the total number of participants at practice, constituting 92, even if one doubles that amount, there would be sufficient parking available to accommodate that even unlikely scenario. Furthermore, based on Mr. Newman's description of participants at games and associated personnel on the weekend and accommodating for carpooling and the other travel processes described by Mr. Newman, there would be more than sufficient parking to accommodate games on weekends even accounting for overlap and the intervals of time between the games.

Based on the foregoing, the Board is able to conclude that a parking variance pursuant to N.J.S.A. 40:55D-70c(2) is substantiated.

18. Traffic and its associated potential impacts were also the subject of extensive testimony. The Applicant presented the expert testimony of Gary Dean in support of the application, who testified in furtherance of his Traffic Impact Assessment Report dated June 13, 2022. The testimony of Mr. Dean, in furtherance of his report, included an analysis of current roadway conditions, a review of the anticipated site operations and projected trip generation, and certain recommendations and conclusions as a result of that analysis. The analysis of Mr. Dean further addressed, from a conceptual site plan perspective, the site suitability as it relates to access on-site circulation and parking supply. Mr. Dean had reviewed his analysis of existing traffic volumes based on an assessment of typical weekends, evenings, and Saturday middays representing the time periods when the proposed athletic fields are expected to be busiest. Details of that analysis are more particularly set forth in his Traffic Impact Assessment Report. Mr. Dean did note that the intersection of Calais Road and Sussex Turnpike has been under consideration for signalization by the County of Morris, and that infrastructure for the signalization is in place and a signal will presumably be installed when further traffic warrants the implementation of the signalization. Mr. Dean further assessed in his analysis an analysis of future traffic conditions and ultimately concluded that, even with the addition of site traffic, movements at the unsignalized intersection will continue to operate with similar levels of service to that of existing conditions. Mr. Dean further confirmed that, as may be required and subject to County allocation, the Applicant would be responsible for its fair share contribution to the cost of the signal construction, albeit noting that the Applicant's fair share contribution would not be significant. While noting respective levels of service at the unsignalized intersection to be a service level of F, with future signalization, Mr. Dean opined that the intersection movements could be greatly improved to operate at a level of service at C or better during peak hours. Ultimately, it was the opinion of Mr. Dean that the proposed athletic fields will not create a negative impact on external traffic conditions, especially during the off-peak nature of the proposed recreational use. Mr. Dean did note that there was an existing recreational use on the site, albeit in a different form, and that, as such, all of the traffic projected as a result of the proposed new type of commercial, recreational use will not be "new" to the existing roadway system. Based on the proffered expert testimony of Mr. Dean, the Board is able to conclude that in its consideration of the use variance, there will be no substantial detriment to the public good occasioned by the proposed use from a traffic perspective. The Board recognizes that the use here is not proposed and must, accordingly, legally assess any potential, detrimental impacts occasioned by the use that is not permitted but, at the same time, is constrained to recognize that there currently exists a use that is not permitted in this zone district, which itself creates some off-site traffic impacts. Assessing in the context of assessing the current use versus the proposed use, once again, the Board concludes

that there is no substantial detriment to the public good occasioned by the proposed use.

19. The Applicant presented the expert testimony of John McDonough in support of the requested variance relief, as above detailed. In first addressing the crux of the application being the request for a use variance pursuant to N.J.S.A. 40:55D-70d(1), Mr. McDonough testified in furtherance of his planning exhibit A-12. By virtue of the use variance being required, the Applicant must satisfy both the positive and negative criteria. In first addressing the positive criteria, the use here is not deemed to be an inherently beneficial use. Accordingly, the Applicant must demonstrate that the proposed use serves the general welfare because the site is particularly suitable for the proposed use. With the caveats having been articulated within this Resolution as to the significance of the Board's prior approval in 2019, the Board does recognize that it has approved a previous form of commercial, recreational use for this property, albeit of a different nature than that which is proposed here; and it further recognizes the existing commercial, recreational use presently located at the subject property, albeit in a different form. The Board recognized that, as reflected in the Randolph Township Master Plan, there is a need for additional facilities for outdoor, recreational use. The Board recognizes society's emphases on providing opportunities for young athletes to develop their expertise for particular sports and provide maximum opportunities to advance that development. As a result, the Board is able to conclude that the application advances the purposes of zoning pursuant to N.J.S.A. 40:55D-2. The Board is able to conclude that, pursuant to N.J.S.A. 40:55D-2.a, the proposed use will promote the public health, safety, morals, and general welfare; pursuant to N.J.S.A. 40:55-2.c, would promote the establishment of appropriate population densities that will contribute to the well-being of persons and preservation of the environment; pursuant to N.J.S.A. 40:55D-2.d, will provide sufficient space in an appropriate location for recreational use; pursuant to N.J.S.A. 40:55D-2.j, will promote the conservation of open space; and lastly, pursuant to N.J.S.A. 40:55D-2.m, will encourage the coordination of public and private procedures shaping land development and to provide for a more efficient use of land. The Board recognizes all of the purposes of zoning as advanced by this application. Having established that the purposes of zoning are advanced, the Board further finds that the site is particularly suitable for the proposed use. Yet again, the Board recognizes the existing commercial, recreational use currently located on the subject property, albeit in a different form. While it also defers to the Township of Randolph any further determination as to whether the proposed use is in conformance with the above cited Declaration of Covenants and Restrictions, strictly from a zoning perspective, the Board must recognize that the Declaration of Covenants was intended to be used for recreation purposes. In that regard, specific reference is made to Paragraph 6, which provides that synthetic playing surfaces for outdoor recreation are permitted on the restricted premises subject to obtaining the required approvals, which thereby certainly represents an

acknowledgement by the Township of the anticipated use of the property for outdoor, recreational use, albeit subject to certain other conditions. Having determined that the positive criteria is satisfied, the Board must assess the negative criteria in the context of the Medici enhanced quality of proof. Once again, the Board notes that while not dispositive of the Medici enhanced quality of proof burden, the Board again notes the Declaration of Covenants by the Township recognizing synthetic playing surface for outdoor recreational use as contemplated and authorized by the Declaration of Covenants subject to obtaining required approvals. Clearly, had the Township determined that such use would not be permitted, that would have significantly increased the Applicant's burden under the Medici enhanced quality of proof. However, that is not the case based on the provisions of the Declaration of Covenants. The Board is further able to conclude that, after significant analysis and critically recognizing the material revisions to the proposed use that have been stipulated to at the conclusion of the public hearing process, there will be no substantial detriment to the public good. While the Board recognizes there may well be some impacts associated with the proposed use as it may relate to such issues as traffic, parking, and lighting, it concludes that none of those impacts rise to the level of substantial detriment to the public good. The Board is further constrained to note that, pursuant to N.J.S.A. 40:55D-76(b), when considering a bifurcated application, as in this case, and it considers the site plan portion of the application, the Municipal Land Use Law specifically provides that any subsequent site plan approval cannot be granted unless such approval can be granted without substantial detriment to the public good and substantial impairment to the intent and purpose of the zone plan and zoning ordinance. In other words, the negative criteria applicable to a use variance applies again in the Board's consideration of the site plan portion of the application. For purposes of the bifurcated use variance application, the Board considered that the variance relief may be granted without substantial detriment to the public good and zone plan and zoning ordinance.

20. For the reasons set forth above, the Board also grants the required variance relief pursuant to N.J.S.A. 40:55D-70c as they specifically relate to the setback variances for the synthetic fields and building. To summarize, Athletic Fields Nos. 1 and 2 will not comply with the 50-foot front yard setback requirement, specifically noting that the relief herein granted is specifically conditioned upon relief to permit, at its closest point, a 19.55-foot setback variance to the retaining wall along Church Road at the northern most portion of Athletic Field No. 1 and a 10.46-foot setback to the retaining wall along the Church Road property line relative to Athletic Field No. 2. The variance relief is occasioned by the required location of those fields in a location within the exception area of the Declaration of Covenants and, in large measure, occasioned by the need to locate all improvements of the proposed use away from the environmental constraints associated with the western most portion of the subject property. The Board is able to conclude that, as to this specific piece of property, the strict application of

the 50 foot setback, pursuant to N.J.S.A. 40:55D-70c(1), in that by virtue of its physical features, would result in peculiar and exceptional, practical difficulties upon the Applicant. The Board is able to conclude that such variance relief can be granted without substantial detriment to the zone plan and zoning ordinance of the Township of Randolph or the public good for the reasons primarily set forth above in the context of the assessment of the negative criteria under the use variance statutory criteria discussion. The Board specifically notes that the deviation to the 50-foot setback requirement, as to Church Road, with the appropriate buffering, does not constitute any substantial, detrimental impact to the public good and specifically the uses on the opposite side of Church Road. With specific reference to the building, there is a 48.30-foot setback to Sussex Turnpike, whereas 50 feet is required. The de minimis deviation from the 50-foot setback requirement is completely a function of the overhead canopy creating the less than 2-foot deviation. For the reasons specifically set forth relative to the existing physical features affecting the property, as referenced above, the Board is able to conclude that the statutory criteria of N.J.S.A. 40:55D-70c(1) is again satisfied for this deviation. Lastly, for the reasons referenced in the analysis relative to parking, based on the testimony of both Mr. Newman and Mr. Dean, the Board is satisfied that a parking variance may be appropriately granted. The Board concludes that the purposes of zoning are hereby advanced (as summarized in the context of the use variance discussion) and that the benefits substantially outweigh any detriment. The Board is extensively relying on the operational testimony of Mr. Newman that the parking, as proposed, can accommodate the proposed use, including any overlap with reference to both practice and games and that there is adequate parking to accommodate the proposed use even in a worst-case scenario assumption.

21. Lastly, the Board grants the requisite design relief from Section 15-74F and G as it specifically relates to a proposed maximum height of the lighting structures to be 64 feet (the lighting fixture to be a maximum of 50 feet above the playing surface), whereas 20 feet is the maximum permitted by ordinance, and to permit a maximum foot candle of 8.3 feet, whereas a 0.3-foot candle is the maximum permitted along the property line. The Board references the lighting plan as revised, including the critical aspect of the revised lighting plan to shield all lighting away from residences to the south. The lighting plan, after much revision, achieves a satisfactory balance by providing the appropriate lighting for a safe playing surface, recognizing that the use here is proposed, while, at the same time, mitigating any off-site impacts to residential use to the south. The Board is further able to conclude that the limited area where the 8.3-foot candle is proposed will not create any substantial impact. The granting of design waiver relief shall be incorporated into the Applicant's separate site plan approval if granted.
22. With specific reference to the Ferriero Engineering Reports, a number of those comments as to the operational aspects of the use have been addressed. There will be no restricted parking area as to referees or



employees unless otherwise modified during the site plan phase of the application. Subject to further consideration at the site plan phase, the black, mesh fence is proposed at 4 feet. The issue of the continued netting along Church Road is deferred to the site plan phase. It is reiterated that the “negative criteria”, as to these and all site plan considerations, remains applicable during the site plan phase of the proceedings.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the Township of Randolph that the bifurcated variance application of Newman Turf, LLC, is hereby approved subject to the following conditions:

6. The Applicant agrees to be bound by all representations and stipulations made during the course of the public hearing.
7. All of the foregoing findings of facts and conclusions of law, to the extent applicable, are deemed to be conditions of approval to the extent that they include conditions stipulated to by the Applicant.
8. The variance relief that is here and approved is based on the variance plan of E&LP bearing a latest revision date of 2-23-23; the lighting plan prepared by Qualite Sprots Lighting dated January 13, 2023; and the architectural plans prepared by Daniel J. Governale dated February 22, 2023. Specifically, the E&LP plans shall be revised to reflect the 64-foot maximum height as stipulated to during the course of the public hearing.
9. The building, as reflected on the E&LP plan, shall be limited to use by STA only in conjunction with its use of the subject property for commercial, recreational use and not by use by any third parties.
10. Approval herein is subject to the submission of an approval of a separate site plan application pursuant to N.J.S.A. 40:55D-76b and, in conjunction with the Board’s consideration of site plan approval, the Board shall be authorized to adjudicate that site plan in accordance with applicable law, including an assessment as authorized, of the negative criteria.
11. This application is subject to the Applicant obtaining any and all required governmental approvals from any agency with jurisdiction. In that regard, notwithstanding the grant of the use variance approval, the Board is in no way endorsing that the proposed use and the conducting of activities for the synthetic fields are deemed to be approved pursuant to the Declaration of Covenants and Restrictions, and the Applicant shall be required, to the extent applicable, to obtain any required approval from the Township of Randolph or any other municipal or county agency, in conjunction with the proposed use, to confirm compliance with the Declaration of Covenants and Restrictions.
12. Subject to County allocation, the Applicant shall be responsible for its fair share contribution as determined, relative to the costs associated

with the anticipated signalization at the intersection of Calais Road and Sussex Turnpike.

13. The Board recognizes the stipulated conditions made by the Applicant as both summarized at the public hearing and as set forth in a correspondence from Applicant's Counsel dated February 27, 2023, which include the following stipulations:
  - A. The facility shall have a minimum of 186 on-site parking spaces to support its proposed operations.
  - B. The pole heights for any lighting located within the parking lot of the facility shall be no taller than 15 feet, with the light fixtures themselves being lower than 15 feet in height. Such lights shall be downward facing and equipped with glare shields to prevent light spillage, including towards the homes to the south of the facility.
  - C. All field lighting shall be installed at and to be no taller than 50 feet above the level of the playing surfaces of the fields being lit and shall not be installed on any retaining wall or raised surface. Such field lights (i) shall not face the south; (ii) shall be downward facing and equipped with glare shields; and (iii) shall be turned off by 9:00 PM each night, except to the extent to allow for safe travel from the fields to the parking lot between 9:00 PM – 9:15 PM.
  - D. Except, when necessary, in the event of an emergency, the facility will have no electronic amplification of sounds, will not use loud speakers, and not use electronic devices to amplify sound or music.
  - E. The Applicant shall not operate the proposed facility unless or until it has purchased the property. Subsequent to its purchase of the property, but prior to the commencement of any operations of the facility, Applicant shall record a deed restriction that will run with the property in perpetuity and contain the following restrictions on the facility and the property: (i) There will be no permanent or temporary dome or bubble structure(s) proposed over the playing fields; (ii) the fields of the facility shall only be used for soccer and soccer related activities; no sports format changes shall be permitted in the future; and (iii) with respect to any games conducted at the facility, there shall be no tournament play, nor any competitive play that adds multiple (more than two) teams to any one field, other than the division of a team or age group into smaller groups per the rules of youth soccer.
14. This approval is subject the approval of any other federal, state or local governmental agency with jurisdiction.

15. This approval is subject to the Applicant paying all taxes, fees and escrows required by the Township of Randolph. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of notification or this approval shall be deemed withdrawn.
16. All conditions of approval shall be deemed condition of approval binding on the Applicant at the time of the bifurcated site plan application.

The foregoing Resolution is memorialized on April 27, 2023, pursuant to N.J.S.A. 40:55D-10(g)(2), memorializing the approval granted to the Applicant at a meeting of the Board held on March 9, 2023.

APPROVED:

Vice Chairman Dunn, Chairman Sesko

Abstained: Comr. Bell

COMMENTS OF THE BOARD:

ADJOURN: A motion and a second to adjourn.

Attest:

Kimberly Coward  
BOA Secretary

TIME: 7:54PM