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BUILDING DIVISION  
LOWER MERION TOWNSHIP

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June 10, 2009

Michael Wylie, Secretary  
Lower Merion Township Zoning Hearing Board  
75 East Lancaster Avenue  
Ardmore, PA 19003

Re: Saint Joseph's University -- Maguire Campus  
356-476 North Latches Lane, 480 North Latches Lane  
35 Berwick Road and 39 Berwick Road

Dear Mr. Wylie:

This firm represents Saint Joseph's University (the "University"), the applicant and owner of the above-referenced property (the "Maguire Campus"). Following the March 26, 2009 Memoranda, Findings, Opinions and Orders of the Lower Merion Township Zoning Hearing Board (the "Board") in Appeals No. 4166 and 4167 (together, the "2009 Decisions"), we hereby submit this letter as the University's application (the "Application") for special exception relief for an "expansion" of the Maguire Campus's approved accredited educational institution use. See §§ 155-11.S.2, 155-11X and 155-15.A of the Lower Merion Township Zoning Ordinance (the "Zoning Code").

**A. The Maguire Campus**

Of the parcels comprising the Maguire Campus, 356-476 North Latches Lane is in the RAA Residence District and 35 Berwick Road, 39 Berwick Road and 480 North Latches Lane are in the RA Residence District. The Maguire Campus is currently improved with twenty-one buildings comprising approximately 286,300 square feet of space, 14.5 acres of playing fields (the "Playing Fields") and 347 accessory parking spaces. The improvements on the

Maguire Campus are currently used, or are being adapted for use, by the University as part of its educational mission.

#### **B. The 2006 Campus Approval**

The University is a Jesuit, Catholic private university, qualified as an “accredited educational institution” under Section 155-4.B of the Zoning Code. On August 8, 2008, the University made settlement under an agreement of sale for the acquisition of the Maguire Campus from the Episcopal Academy (“Episcopal”). Before committing to acquire the Maguire Campus, the University made application to the Zoning Board on August 31, 2005 for a special exception for its proposed use (the “Campus Application”). University use -- an accredited educational institution use -- is a permitted use in both the RAA and RA Residence Districts by special exception. Zoning Code §§ 155-11.S.2, 155-15.A. Special exception relief was required for an “expanded use” to allow for an enlargement of the use of the Maguire Campus by virtue of a change from a day school to a university and from interacademic to intercollegiate athletics as evidenced by a more than ten percent increase in the number of students of driving age. Zoning Code §§ 155-4.B, 155-11.X.

By Memorandum, Opinion and Order dated March 16, 2006 (the “Campus Approval”), the Board granted the University a special exception to adapt the Maguire Campus and change from use by Episcopal, an accredited educational institution (day school), into use by the University, an accredited educational institution (university). A copy of the Campus Approval is attached hereto as Exhibit “A”. In addition to classroom and administrative uses, the Campus Approval specifically approved the University’s use of the Playing Fields for intercollegiate and intramural athletics.

#### **C. Implementing the Campus Approval: The Land Development Application**

Currently before the Township Board of Commissioners is a land development application setting out in detail the University’s proposed implementation of the approved intercollegiate and intramural use of the Playing Fields. The implementation of this approved use includes: (i) relocating the former home plate of the existing baseball field 70 feet further away from Latches Lane; (ii) combining the existing baseball field and the other playing field along Latches Lane into a single intercollegiate baseball field; (iii) utilizing the existing football field area for a combination intercollegiate softball field and intramural field; (iv) utilizing the two playing field areas along City Avenue for an intercollegiate field hockey field and an intramural field; (v) eliminating the existing track and related improvements; (vi) installing artificial turf on the baseball, softball and field hockey fields; (vii) erecting retaining walls; (viii) installing dugouts, new bleacher seating (which have a press or scorer’s box feature for the softball and baseball fields), fencing, netting, new scoreboards, a new public address system, batting cages, bullpens and landscaping (together, the “Playing Field Improvements”).

#### **D. The 2009 Decisions**

After considering the University's and the Merion Community Coalition's respective appeals of a September 16, 2008 Township Zoning Officer determination, the Board issued the 2009 Decisions. Copies of the 2009 Decisions are attached hereto as Exhibits "B" and "C" respectively. In the 2009 Decisions, the Board (i) reaffirmed the University's right to use the Playing Fields for intercollegiate and intramural athletics, but (ii) concluded that the University must obtain further special exception relief for the Playing Field Improvements under Sections 155-4.B and 155-11.X of the Zoning Code.<sup>1</sup> Specifically, the Board stated that the following activities collectively evidenced an "enlargement" of use, and therefore, an "expanded use": (i) the erection of retaining walls; (ii) the installation of artificial turf; (iii) the installation of netting; (iv) the reconfiguration of existing Playing Fields; (v) the installation of a permanent public address system; and (vi) the erection of "structures" and "buildings" comprised of dugouts, press boxes and bleachers.

#### **E. The Requested Relief**

In accordance with the 2009 Decisions, the University hereby requests special exception relief deemed necessary by the Board to permit the Playing Field Improvements pursuant to Sections 155-11.S.2, 155-11X and 155-15.A of the Zoning Code. The requested special exception relief should be granted because:

The Playing Field Improvements are permitted by special exception and will not be contrary to the public health, safety, welfare or morals and comply with the enumerated standards for special exception relief set forth in Section 155-114.C of the Zoning Code;

The Playing Field Improvements are integral to, and represent the implementation of, the Campus Approval, which granted permission to use the Playing Fields for intercollegiate and intramural use without condition;

The impact of the Playing Field Improvements, if any, will not pose a substantial threat to the health and safety of the community; and

The Playing Field Improvements have been designed in accordance with sound land-planning principles and represent an appropriate utilization of the Playing Fields.

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<sup>1</sup> By Notices of Land Use Appeal filed on April 24, 2009, the University appealed the 2009 Decisions to the Montgomery County Court of Common Pleas docketed at 09-11927 and 09-11928. The University is filing this Application without prejudice to its appeals of the 2009 Decisions.

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**F. The University's Presentation to the Board**

The University will present up to five witnesses, which may include expert testimony from a land planner, a traffic engineer, a civil engineer, an acoustician and a real estate appraiser. We anticipate the University will present four to six hours of direct and, if necessary, rebuttal testimony.

As part of this Application, the University encloses the following:

A check in the amount of \$950 made payable to Lower Merion Township, representing the applicable application fee;

Statement of Use described in Section 155-11.Y.2 of the Zoning Code;

Five (5) copies of the Maguire Campus Phase I Site Plan in 11" x 17" format; and

Five (5) color copies of the Maguire Campus Phase I Site Plan with Aerial Overlay in 11" x 17" format.

If you have any questions or require further information, please do not hesitate to contact us.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael Sklaroff", with a long horizontal flourish extending to the right.

Michael Sklaroff

cc: Mr. Robert Duncan  
Sean Flynn, Esquire  
Gilbert High, Esquire  
Carl Weiner, Esquire  
Bernadette A. Kearney, Esquire  
Timothy R. Lannon, S.J.  
Ms. Joan F. Chrestay  
Marianne Schimelfenig, Esquire  
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