

JAMES J. GREENFIELD

ATTORNEY AT LAW
669 MILL ROAD
VILLANOVA, PENNSYLVANIA 19085

(610) 527-0555
(610) 527-0550 fax
(610) 517-8821 mobile
greenfieldlaw@comcast.net

October 18, 2016

Michael R. Wylie, Zoning Officer
Township of Lower Merion
75 E. Lancaster Ave.
Ardmore, PA 19003

**Re: St. Joseph's University, Maguire Campus
Enforcement of Zoning Hearing Board
Conditions – Appeal 4011**

Dear Michael:

This is a request that the Zoning Officer determine that St. Joseph's University has lost its entitlement to the parking waiver and variance granted in Appeal 4011 because SJU has failed to comply with the conditions set by the Zoning Hearing Board ("Board") in that decision.

This request is submitted on behalf of all appellant parties who have been granted standing in Appeal 4390 currently pending before the Board – the Merion Community Coalition ("MCC"), Lydie S. Brown, Dr. Walter Herman, Ina Asher and Robert A. Marmon.

The following are the grounds supporting the Township's withdrawal of the parking relief granted in Appeal 4011:

I. Appeal 4011 Relief and Conditions

In its Order of March 16, 2006, in Appeal 4011, the Board granted SJU both a waiver of 50 percent of the Code-required parking (499 spaces waived out of 999 required) pursuant to Township Code § 155-95AA(1); and a variance from the same Code section, allowing SJU to provide only 28 of 181 additional spaces that would have been required.

In § (5) of its Order, the Board stated that "relief is based on, and is conditioned on *adherence to the plans and testimony presented at the hearing* and on Saint Joseph's (a) restriping the Dietrich lot to add 28 parking spaces and (b) reserving 78 parking spaces adjacent to McShain Hall, which spaces shall be constructed if the

Township Zoning Officer determines they are needed at any time during the ten years first following Saint Joseph's taking possession of the Property" (emphasis added).

II. SJU's Failure to Adhere to Conditions

SJU has failed to adhere to the Board's conditions of approval in Appeal 4011, and thus has yielded its right to the parking waiver and variance granted therein, in the following respects:

A. SJU has altered and expanded the physical facilities on the Maguire Campus with new construction to draw more spectators to athletic events and thus enhance the demand for parking.

During the hearings in Appeal 4011, SJU represented to the Board: "There is no construction. The existing use is going to be – is the same as the proposed use." (N.T. 10/27/05 at 9, 39, 55). But barely a year after taking control of the Maguire Campus in August 2008, SJU began a substantial land development process that ultimately won Township approval, improving and upgrading all outdoor athletic facilities and adding hundreds of spectator seats for baseball, softball, lacrosse and soccer.

As a result, Maguire Campus parking lots cannot accommodate parking demand during home games, especially in the spring, when street parking – and vehicular circulation through neighborhoods in search of parking – are at their peak. These are not isolated events; the baseball and softball teams alone hosted visiting teams on a combined 29 dates in spring semester 2016.

B. SJU pledged in Appeal 4011 that it would limit itself to "modest" student body growth, adding only about 250 part-time students beyond its 2005-06 total enrollment of 7,700. SJU's Provost testified that SJU had no plans to increase its 4,200 undergraduates, and he added: "We feel that we are reaching a kind of critical mass beyond which we don't wish to go in order to maintain that community sense of the university." (N.T. 10/27/05 at 31-32).

But SJU's enrollment growth already has substantially exceeded the limits it pledged to the Board. On September 13, 2016, SJU posted an article on its website stating that it had "welcomed the largest undergraduate enrollment in its history for the 2016-17 academic year. This includes a freshman class of 1,283 students, an 8.6 percent increase over 2015-16. Total undergraduate enrollment is a record 4,890." (The article is attached hereto and can also be found at: https://www.sju.edu/news-events/news/saint-josephs-university-climbs-us-news-world-report-rankings#_ga=1.99972826.517803925.1474680221)

Undergraduate enrollment therefore is now 16.4 percent above the level that SJU endorsed when the Provost testified in October 2005 that SJU did not want to expand it. Even in 2005-06, SJU could house only 65 percent of its undergraduates on campus; the rest, and all of its part-time students, were commuters. (N.T. 10/27/05 at 41-42). By 2012-13, according to the Township Comprehensive Plan, overall enrollment had reached 8,800 from 7,700 from 2005-06, an increase of about 14 percent, and overall enrollment certainly has grown over the last four academic years. These are students of driving age who are looking for additional parking that SJU is now unwilling to provide because of the relief that it obtained in Appeal 4011.

C. SJU has substantially increased parking fees beyond 2005-06 levels. SJU's parking expert represented to the Board in Appeal 4011 that SJU then charged \$100 for a parking permit. (N.T. 12/1/05 at 43-44, 49). SJU now charges \$250 for a Maguire Campus parking permit, and is the only educational institution in the Township that charges students for parking, a circumstance that violates the policy inherent in the Township Code and explicitly stated in the Comprehensive Plan – that institutions shall meet their parking needs on their campuses – by discouraging students from using SJU lots.

D. An SJU expert testified in Appeal 4011 that SJU would not use any of its facilities for commercial purposes. (N.T. 10/27/05 at 58-59). Over the last eight years, however, SJU has rented its facilities to commercial operators of athletic camps and other programs unrelated to SJU's educational mission, especially during the summer, sometimes with Board approval.

E. Special events such as Hawkfest have proliferated on the Maguire Campus, drawing crowds that sometimes number several thousand. The Kinney Autism Center has substantially expanded its operation, and most of its visitors are not affiliated with SJU.

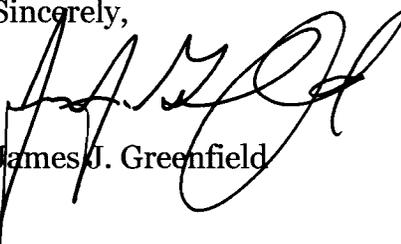
SJU has substantially altered the nature and increased the intensity of its Maguire Campus use far beyond the projections that it represented to the Board in Appeal 4011. Because the Board's parking waiver and variance approvals were conditioned upon SJU's adherence to those representations, SJU has failed to satisfy the conditions placed upon the relief it was granted. That relief therefore should be

Michael R. Wylie
October 18, 2016
Page Four

withdrawn by the Zoning Officer and SJU should be ordered to comply with Code parking requirements by providing 999 spaces on the Maguire Campus.

We look forward to your determination on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Greenfield', written over a rectangular box.

James J. Greenfield

By Electronic Mail

cc: Brian Gordon, Commissioner (by electronic mail)

Section Menu

[Home](#) > [Top Stories](#) > [News](#) > Saint Joseph's University Climbs in 'U.S. News & World Report' Rankings

Saint Joseph's University Climbs in 'U.S. News & World Report' Rankings

Tuesday, September 13, 2016

PHILADELPHIA (Sept. 13, 2016) — Saint Joseph's University has risen to a No. 11 ranking from No. 15 among 187 regional universities (North) in *U.S. News & World Report's* 2017 edition of Best Colleges. The rankings, released earlier today, place Saint Joseph's in the region's top tier for the 19th consecutive year, and the University's Haub School of Business's risk management and insurance program (RMI) as No. 1 in the nation.

"This recognition affirms that Saint Joseph's emphasis on academic excellence and a transformative student experience makes for an outstanding education," stated University President Mark C. Reed, Ed.D. "We know our graduates are prepared to excel in the workplace and in top post-graduate and professional schools."



Saint Joseph's welcomed the largest undergraduate enrollment in its history for the 2016-17 academic year. This includes a freshman class of 1,283 students, an 8.6 percent increase over 2015-16. Total undergraduate enrollment is a record 4,890. The academic profile of the Class of 2020 has improved across all common measures: Its average GPA is 3.62; the average SAT and ACT scores are 1144 and 25.7, respectively; and 87 percent of the class have taken honors or advanced placement courses in high school.

The highest ranked regional university in the Philadelphia metropolitan area and the second-highest ranked institution in its cohort in Pennsylvania, SJU received especially high scores for its student retention rate (seventh within the 187-school cohort) and graduation rate (10th).

In addition to the overall rankings and the No 1 ranking (from No. 3) for RMI, the Haub School of Business earned a spot in the top 100 for undergraduate business programs, and marketing (entertainment, food, international, pharmaceutical & healthcare, sports) moved from No. 10 to No. 8, and accounting jumped from No. 21 to No. 10. Additionally, SJU's business intelligence & analytics program was ranked No. 21 in the MIS category.

"Our students, faculty and alumni are innovative leaders who are shaping the insurance industry today," says Haub School Dean, Joseph A. DiAngelo Jr., Ed.D. '70. "The Haub School's RMI curriculum is aligned with best industry practices and prepares our students for successful careers with hands-on, real-world experiences. This recognition as the premier program in the country for RMI, as well as our rankings among the top 10 for marketing and accounting, validates our approach to business education."

Added Dr. Reed: "Saint Joseph's stands out among its peers because of the commitment of our faculty and staff, a student body that truly loves the University and, perhaps most importantly, our Jesuit mission and educational tradition that instills in its graduates a sense of purpose and awareness to use their education and talents for the greater good and to better our world."

Additional information on this year's rankings is available at usnews.com/colleges.

Media Contact

Contact: Joseph M. Lunardi '82, Vice President of Marketing Communications, 610-660-1222, jlunardi@sju.edu

Background

As Philadelphia's Jesuit, Catholic University, founded by the Society of Jesus in 1851, Saint Joseph's University provides a rigorous, student-centered education rooted in the liberal arts. SJU ranks as a top university in the Northeast, with a Phi Beta Kappa chapter in the College of Arts and Sciences and AACSB accreditation of the Erivan K. Haub School of Business. The University is also deeply committed to the Jesuit tradition of scholarship and service, earning a place on the President's Higher Education Community Service Honor Roll and the community engagement classification from the Carnegie Foundation for the Advancement of Teaching. With courses offered on campus and online, SJU prepares its more than 9,000 undergraduate, graduate and doctoral students to lead lives of personal excellence, professional success and engaged citizenship.

Related News

By News Type

[Press Release](#)

By Topic

[HSB](#)

[CAS](#)

[Email](#) [Print](#)