

**BOROUGH OF WOODCLIFF LAKE  
PLANNING BOARD  
MAY 23, 2011  
MINUTES**

**Call to order:**

The meeting was called to order at 8:00 p.m. at the Borough Hall by the Chairman.

**Adequate Notice Statement:**

The Chairman announced that the Meeting, in accordance with the Open Public Meetings Law, P.L. 1975, Chapter 231, was announced at the Reorganization Meeting held on January 10, 2011 in the Municipal Building. Notice of this meeting was posted and two newspapers, The Record and The Ridgewood News, were notified. Notice was also provided, in accordance with the Open Public Meetings Law, of the Planning Board's intention to conduct formal business at this Meeting.

**The public was advised of the Planning Board's rule that the meetings will be concluded by 11:00 p.m.**

**Flag Salute**

**Roll Call:**

George Fry, Chairman	Present
Robert McDonough, Vice Chairman	Absent – resigned!
Kenneth Glemby	Absent
John Glaser	Present
Frederick Singer	Absent
Mayor LaPaglia	Present
Willford Morrison	Present
Al Dattoli	Present
Robert Nathin	Present
Joseph Langschultz	Present
Marc Leibman, Attorney	Present
Berge Tombalakian, Engineer	Present
Donna Holmqvist, Planner	Present
John Pavlovich, Traffic Consultant	Present
Kathy Rizza, Secretary	Present

**Minutes:** to be approved at the next meeting of the Planning Board.

Due to the resignation of Robert McDonough there is a need to elect a new Vice Chairman of the Planning Board. Mr. Langschultz nominated Willford Morrison. This

nomination was seconded by Mayor LaPaglia, and carried by all by a roll call vote. Again, due to the resignation of Mr. McDonough, there is a need to swear Mr. Robert Nathin in as a regular member. This was done by Attorney Marc Leibman.

**Public Hearing Continued:**

**Russo Development – Assisted Living Facility  
364 Chestnut Ridge Road  
Block 402, Lots 5 and 6**

The applicant is represented by Attorney Antimo DelVecchio for this continued public hearing. The following exhibits were referenced:

- A-13 Operating manual for storm water retention system, Last revised 1-26-11
- A-14 Newly revised (May 12) operators' manual
- A-15 Revised elevations – May 12th. Three (3) sheets by Minno and Wasko
- A-16 Preliminary and final site plan dated May 12<sup>th</sup>, consisting of eighteen (18) sheets prepared by Russo Development
- A-17 Updated traffic report dated May 12<sup>th</sup> prepared by French and Parrello
- A-18 Updated storm water management report dated May 12 prepared by Russo
- A-19 Memo dated May 13<sup>th</sup> from Russo Development responding to Board Planner
- A-20 Memo dated May 13<sup>th</sup> from Russo Development responding to Board Engineer
- A-21 Memo dated May 13<sup>th</sup> from Russo Development responding to the Vol. Fire Dept.
- A-22 Memo dated May 13<sup>th</sup> from Russo Development responding to the Borough Water Dept. (Park Ridge Water)
- A-23 Cut and fill plans, 1 sheet, last revised May 12<sup>th</sup>, prepared by Russo Development.

Mr. David Minno, the Project Engineer, was recalled as a witness. He remains under oath. Mr. Minno reviewed updated elevation drawings on the Chestnut Ridge side. A cross section was also prepared. Exhibit A-24, a color rendering of 364 Chestnut Ridge Road, dated 5-5-11, was referenced. Mr. Minno stated that the 2 end caps of the building were further detailed on the revised plans and that additional windows have been added. Exhibit A-25, the Glen Road side, dated 5-5-11, was also referenced. Exhibit A-26, a color site section of 364 Chestnut Ridge Road, revised 5-12-11 sheet A-3 was referenced next. This exhibit shows the site plan with grading and the existing topography. New plantings are proposed between the building and the access road. It was stated that the pool deck will not be seen from Chestnut Ridge Road by a driver or a walker. The parking has been removed from this area, in addition to the terraced walls. Mr. Morrison commented that the parkway elevation is significantly lower. Chairman Fry questioned the closing in of the courtyard in the rear. Mr. Minno responded that this is for Alzheimer patients and that this is not a new element.

The meeting was opened to the public for comments and/or questions on the testimony of the Engineer on a motion from Mr. Morrison, seconded by Mr. Dattoli, and carried by all.

With no one wishing to be heard, this public portion of the meeting was closed on a motion from Mr. Morrison, seconded by Mr. Dattoli, and carried by all.

The next witness was Douglas Bartels, Project Engineer, who was also previously sworn and remains under oath. Mr. Bartels stated that the applicant has now complied with Mr. Sachs' letter except for the updating of the soil removal number in the application form. Exhibit A-27, the revised color site plan, dated 5-23-11, was referenced. He spoke regarding the two retaining walls of 5' each and the two retaining walls of 3' each. Mr. Bartels further stated that some parking has been removed on the west end and has been replaced with landscaping. Burms have been removed and some landscaping on the Glen Road side. The loading space has been relocated to make it easier for truck access. The applicant will submit turning templates showing easier access for trucks. The rear sidewalk is now shown on the plans. Drainage related issues were discussed. The linear height variance has been removed. Mr. Bartels stated that there are now eighty-five (85) parking spaces proposed and the parking spaces on the Chestnut Ridge Road side have been removed. The retaining walls in the rear and front have been tiered to a maximum of 5' per wall and will face internally. The wattage in 34 out of 44 light fixtures has been reduced to 100W from 150W. Mr. Langschultz questioned the height of the light poles and the wattage of the bollards. The bollards will be 36 to 42 inches high and will all be single-head fixtures. Mr. Dattoli asked if the lights will be on from dusk to dawn. He was told yes. Chairman Fry commented that there are four (4) stories in the rear with windows and lights. He wondered if the Royal Park neighborhood will be able to see these lights. Mr. Bartels stated that he is not familiar enough with the tree height in the area to answer this question. Chairman Fry stated that he is able to see the lights from BMW from his cul-de-sac. Mr. Bartels stated that there will be zero light spill from this area. Mr. Dattoli doesn't seem to think that the neighbors will see the building and the lights, but he is not definite. Mr. Langschultz stated that 100W is very low. Chairman Fry would like an answer to this question at the next meeting. This will be researched by the applicant. The height of the Mack Cali building was discussed. Mr. Bartels stated that the Mack Cali building is a little higher. Mr. Bartels stated that he has satisfied all comments from the Borough professionals – the Water Company, Boswell Engineering, and Planner. Fire lane marking requirements need to be obtained from the Fire Department and will be applied. Mr. Bartels spoke regarding the concrete area at the Glen Road entrance/exit with a 3' high curb. Plan TT2 - the truck turning plan was referenced. The Fire Department could make an illegal turn in the case of an emergency. The signs in this area have been repositioned by the County due to damage sustained in the past and should now eliminate any possibility of anyone else making an illegal turn. The rest of the island will be landscaped. The Mayor questioned whether or not the pool is lit. He was told yes there are two (2) 100W lights. Councilman Glaser was concerned with light spillage to the eastside and at the entranceways. Chairman Fry spoke regarding retaining walls. They will run along the northerly property line at 2' in height, at the north side courtyard, and near the employee parking area. They will be tiered and average about 3' at the highest point. The wall near the employee parking will be adjusted as per Mr. Dattoli's comment concerning a sharp turn. A 4' picket fence is proposed and shown on the plans on top of the retaining wall. Mr. Bartels stated that revised sheets will be submitted to correct any errors on previously submitted plans.

There will be a 3' setback on all walls. The highest wall is near the trash container and that is 8' to 8 ½' in height. Mr. Bartels stated that two variances are needed for the retaining walls, one near the pool and one at the canopy entrance. Mr. Langschultz asked if maybe the sidewalks could be continued down toward the residential neighborhood, due to that fact that there are sidewalks near this neighborhood and it seems that there are sidewalks under the Parkway. Mr. Bartels stated that burms would have to be created to accomplish this. Mr. Langschultz stated that he would prefer burms.

#### Landscape Review:

Mayor LaPaglia asked if the huge red oak in the northwest corner of the property could be saved. He was concerned since this tree is over 100 years old. Mr. Bartels will verify which tree the Mayor is referring to and will get back to the Board with an answer. It was stated that here will be shade trees and ornamental trees along Chestnut Ridge Road and Glen Road, there will be shrubs along the parking area and along the Mack Cali building side. Councilman Glaser asked if this is all designated on the landscape plan. He was told yes, sheet C-13. All burm locations were shown and sizes were reviewed. The Mayor confirmed the parking stall size at 9' x 18'. There will be a handicapped stall in the front. It was decided that the ten (10) spots on the north side will be designated for employees and will be stipulated in the resolution. There will be twenty-five (25) employees per shift. Councilman Glaser stated that he would like to see taller trees. Mr. Dattoli spoke regarding canopy clearance and whether or not emergency vehicles can fit. He asked that the applicant check with the Ambulance Corps to see if their vehicle will fit. Mr. Morrison asked for verification on the number of parking spaces. There will be 85, even though the Residential Site Improvement Standards (RSIS) only require 80. The number of spaces proposed and the formula used to get to that number incorporates employee parking. Mayor LaPaglia asked how many beds there are proposed in the east by the enclosed courtyard. He was told eight (8) studio units. Mayor LaPaglia stated that his biggest concern is the number of beds in the facility. At first 140 beds were proposed, now 160 beds are proposed. He is concerned with the impact on our emergency services personnel. Mr. Burman, previously sworn, stated that extra units were needed to make the structure work. They did not have to make the building larger to accommodate more beds. It was stated that Sunrise Assisted Living has 118 beds on six (6) acres. The old Pascack Valley Hospital site in Westwood has 128 beds on 20 acres. It was stated that 3.5 stories allows for more beds. Mr. DelVecchio explained how eliminating the top floor would affect the number of beds and work ability of the business. Land elevation also has a lot to do with it. This will be researched by Attorney DelVecchio.

Time being 9:35 p.m., a 10 minutes break was taken.

Mr. DelVecchio stated that there are fifty (50) beds on the top floor; twenty-two (22) in the front wing, and twenty-eight (28) in the rear wing. The Glen Road perspective was looked at by all members. Chairman Fry stated that with all the windows, it looks quite busy. Councilman Glaser asked how the size of the rooms proposed at this site compares with the size of rooms at Sunrise Assisted Living. The answer to this is not known. Mr. DelVecchio thinks that the acreage is split between Sunrise and Kindercare at three (3)

acres each. The site for this application is 4.2 acres with 160 beds. Chairman Fry stated that the burden to the Police Department is an issue. When the Police arrive at the scene in an emergency they have to stay until the ambulance arrives and this occupies a Policeman for some time. Mr. Burman stated that the nurse is not on duty 24/7. Mr. DelVecchio stated that in this zoning assisted living facilities are permitted, and that a variance does not trigger a required population density issue. The Bristol Group caters to a more mobile population, where residents from Sunrise are frailer. The facility will be using a private ambulance service and Mr. DelVecchio does not feel that this site will be a burden to the Police Department. He also stated that 4.5 is the average number of ambulance calls per month for the Bristol Group assisted living facilities. Chairman Fry stated that he feels that 160 83-year-olds will require the ambulance at one time or another. The Chairman stated that maybe if the facility did have a nurse 24/7 it would not be such a burden on our emergency services. Mr. DelVecchio stated that he is open for suggestions. Board Attorney Leibman stated that Chairman Fry had a conversation with the Police Chief. Mr. Leibman would like the Police Chief to come to a Planning Board meeting and present testimony. This will be arranged by the Board Secretary. Mr. Leibman suggested to Mr. DelVecchio that this facility get together with other similar facilities and perhaps share a nurse. Chairman Fry questioned whether or not the Mack Cali Building will allow access through their property. Mr. DelVecchio stated that they have been contacted and they are not willing to do this. Mr. DelVecchio is looking for the 1989 files on this issue. He feels that the access roadway parallel to the Parkway was never memorialized. Chairman Fry would be very interested in researching this, perhaps with the County. Board Attorney Leibman spoke regarding the possibility of the Borough condemning an easement across the applicant's property. Mr. DelVecchio stated that this may not be the proper way to go, it would take too long in court. Mr. Leibman feels that this bears further investigation. It was stated that the Borough wants the ratable, but not at the issue of safety. The questioning of Mr. Bartels is complete. There is no public present for questioning.

Mr. Mark Kataryniak of French and Parrello was sworn in by Attorney Leibman. He is the Traffic Engineer for the applicant. He previously testified before this Board on the office building application. He was accepted as an expert witness. He updated his marked projections, which were marked previously, and revised May 12<sup>th</sup>. Mr. Kataryniak stated that this type of facility is a very low generator of traffic. He stated that his report previously submitted, has more information. He referred to Exhibit A-27 with different scenarios of traffic. Mr. Kataryniak feels that this proposal is an appropriate use of the site and that it is the best design. Mr. DelVecchio stated that both Chestnut Ridge Road and Glen Road are County roads. He also added that it looks like the County will approve this application. Traffic numbers were based on volume at the following sites: Four Seasons at Ridgmont, BMW, Don's Sunoco – Bank proposal, Tice Mall, and the Ridge project.

Board questions:

John Pavlovich – Board Traffic Consultant: Asked for clarification on vehicle volumes that were included in the analysis. Mr. Pavlovich was also concerned with the number of

beds and that there will be some overlap with employee parking during shift changes. Mr. Kataryniak stated that he feels it will be a gradual change. The possibility of shift times being off-peak was discussed. The turning of fire apparatus and the size of the truck used in the analysis was discussed. Mr. Bartels stated that a 42' ladder truck was used in the analysis. Mr. Pavlovich questioned whether or not the proposed signage was planned with ADA requirements. He was told it was.

Chairman Fry asked if the site could be used as a hotel if it is not successful as an Assisted Living facility. Mr. DelVecchio stated that a hotel is not a permitted use. Mr. Kataryniak stated that maybe the building could be used for a technology center. Chairman Fry is concerned with the possibility of the facility not being successful. Mr. Nathin questioned the square footage of the building. He was told 131,500 square feet.

There was need for a public session at this point; there was no public in the audience.

The next witness was Peter Stec, the Planner for the applicant. Mr. Stec was sworn in by Attorney Leibman. Mr. Stec is from Maplewood, New Jersey and has testified before many Boards. He was accepted as an expert witness. Mr. Stec referred to his handout, Exhibit A-28, consisting of four (4) sheets. He mentioned that page 4 needs to be amended. Mr. Stec referred also to the Borough Master Plan that recognizes this use in this zone. He feels that with this application, the betterments outweigh the detriments. Mr. Stec spoke regarding a C1 hardship that has to do with steep slopes. He feels that this proposal is a permitted use, it is a lower traffic maker and it is RSIS compliant. Mr. Stec also stated that there are no signage standards in this zone and that all signs proposed require variances. He feels that the signage proposed is functional and modest. Mr. DelVecchio asked Mr. Stec about the 3.5 story section of the building that faces the BMW side. Mr. Stec stated that this area is made up of plantings and a walking path and the parkway entrance. Ms. Holmqvist, the Borough Planner, asked if a waiver is requested for the driveway grade. She was told yes, 8% is proposed while 6% is permitted. It was stated that the sidewalks are still ending as shown on the plans. There is no purpose in continuing.

Board Questions:

Mr. Dattoli wanted clarification regarding sign detail. Mr. Stec stated that plans C-8 are correct. There will be one (1) at each entrance. Chairman Fry spoke regarding grade levels for residents with ambulatory issues. Mr. Stec stated that this building is designed to minimize travel distance for its residents.

This matter will be carried to the next meeting of the Planning Board which is June 13<sup>th</sup>. Time limits have been waived.

A motion to adjourn was made by Mr. Morrison, seconded by Mr. Nathin, and carried by all.

Respectfully Submitted,

Kathleen S. Rizza, Secretary