

**BOROUGH OF WOODCLIFF LAKE
PLANNING BOARD
JUNE 13, 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
Willford Morrison, Vice Chairman	Present
Kenneth Glemby	Absent
John Glaser	Present
Frederick Singer	Absent
Mayor LaPaglia	Present
Al Dattoli	Present
Robert Nathin	Present
Joseph Langschultz	Present 8:50 p.m.
Edward Barboni	Present
Paul Kaufman, Attorney	Present
Elliot Sachs, 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.

Mr. Edward Barboni was sworn in by Attorney Paul Kaufman as an Alternate 1 member of the Planning Board. His term will expire December 31, 2012. An Oath of Office form was utilized and will be given to the Clerk and kept in the Planning Board files.

**Concept Review: DMR Construction Services, Inc
Ellis Court – Block 1905, Lots 1 and 2**

Mr. Antimo DelVecchio, Attorney, was present on behalf of the applicant. They are here at this meeting regarding the three lots on Pascack Road: 1.04, 1.05, and 1.06; that were part of a past subdivision approval. The resolution states that the three proposed homes on these lots need to face Pascack Road and have access on Pascack road. The plan is to have the houses front on Pascack Road with a sidewalk and mailbox on Pascack road. The stem of the driveway will be on Ellis Court. This plan allows for frontage on Pascack Road while minimizing curb cuts also on Pascack Road. Board Attorney Paul Kaufman stated that this application requires an amendment and approval from this Planning Board. Tonight the Board will offer non-binding opinions and then the applicant will decide if they want to file an application for an amendment. Board opinions follow:

Mr. Glaser – stated that this plan is an interesting approach. He stated that he is ambivalent towards the proposal and feels that he would like to hear from the rest of the Board and the public on this matter.

Mr. Morrison – referenced the 2005 ordinance that the Mayor and Council passed. As per this ordinance, what the applicant is proposing is acceptable.

Mr. Kaufman – there is a question of res judicata that needs to be answered. He explained that after the ordinance was adopted in September of 2005 the applicant made the application to change the orientation of the homes, the Board denied the application and this matter went to Court where the Board decision was upheld.

Mr. Morrison also stated that he does see the safety issue and that he is willing to listen to the professionals and other Board members on this issue.

Mr. Dattoli – has no opinion as of yet. He too will listen to the professionals and other Board members.

Mayor LaPaglia – explained that he was not on the Board in 2003 when the original vote was taken on this application, but he was present when the applicant came back to the Board. The Mayor has a strong preference to keep the houses facing Pascack Road. He referenced the Bliss Court subdivision which was the first time an issue such as this came up. The Mayor feels that you must give some preference to the surrounding resident. However, our Planner has stated that access from Ellis Court would be safer. Mayor LaPaglia feels that what is presented at this meeting is acceptable. He explained to all that when the Tax Assessor assigned house numbers to these three homes, they were given Ellis Court house numbers due to the original plan. This will be changed.

Mr. Nathin – stated that it makes logical sense to put the driveways off of Ellis Court.

Mr. Barboni – feels that for safety reasons, driveways should be off of Ellis Court.

Professional comments:

Mr. Sachs – Boswell Engineering - Mr. Sachs agrees with the Board, it is safer to have access from Ellis Court.

Mr. Pavlovich – Jacobs Inc. – Mr. Pavlovich also agrees.

Ms. Holmqvist – Burgis Associates – Ms. Holmqvist also agrees. She feels it is better to direct traffic through a street.

A motion to open the meeting to the public was made by Mr. Morrison, seconded by Mr. Dattoli, and carried by all present. Five minutes at a maximum was requested by the Board Attorney for all who speak.

Kevin O'Brien – 28 Summit Avenue – Westwood, NJ - Mr. O'Brien was a past adjacent neighbor. He spoke regarding his campaign for a false front in the past. Board Attorney Kaufman interrupted Mr. O'Brien to state that this is not a public hearing, just a concept review. We just want public input right now on whether you think it is a good idea or not. Mr. O'Brien stated no and continued to talk about the past issues regarding this property.

Guisepe Condemi – 5 Ellis Court – Mr. Condemi has lived on Ellis Court for 4.5 years. When he bought his home he was told there would be 6 homes facing each other. He would like some say in the matter as he is concerned with the safety of children. Mr. Condemi also stated that aesthetics is an issue. Mr. Kaufman stated to Mr. Condemi that he will absolutely have a say in this matter.

Sharon Bongard – 193 Pascack Road - Mrs. Bongard appreciates the landscaping that has been proposed. She stated that all homes on Pascack Road have driveways to Pascack Road and that she has not ever heard of any accidents due to this. Mrs. Bongard feels that it is dangerous for cars to exit from Ellis from Ellis Lane. Mrs. Bongard also spoke of the history of this application. Mr. Kaufman asked her if she was still opposed to this proposal. Mrs. Bongard stated that yes she is.

Time being 8:50 p.m. – Board member Joseph Langschultz arrived at the meeting.

The public portion of the meeting was closed on a motion from Mr. Morrison, seconded by Mr. Nathin, and carried by all.

Board Attorney Kaufman stated that now it is up to the applicant to decide if they wish to come back to the Board with an amendment. Chairman Fry stated to all present that the

applicant is not looking for driveways to be from Ellis Court and go through to Pascack Road, nor to change the approved house frontage direction.

**Public Hearing Continued: Russo Development – Assisted Living facility
364 Chestnut Ridge Road
Block 402, Lots 5 and 6**

Antimo DelVecchio was present as the Attorney for the applicant. The newest exhibits were shown to the Board by Mr. DelVecchio as follows: Exhibit A-29 - drawings - have been updated, revised June 1, 2011 sheets C-3, C-4, C-8, C-11, C-12 and C-13. Exhibit A-30 - A Russo memo dated June 3, 2011 – summary of plans, a 2-sheet document. Mr. Bartels, the Project Engineer, previously sworn, was present. He summarized changes that have been made. The retaining wall on the north side adjacent to the employee parking will be 3' or less. Exhibit A-31 SP1 site plan dated June 13, 2011 reflects a black and white version of what was shown by Mr. Bartels. The inside wall, the 'L' shape wall, remains at approximately 3'9". Mr. Dattoli asked if the wall will be tiered. He was told yes. Mr. Bartels also stated that the retaining walls running north on the south side have been tiered. There will be fences along all walls that exceed 3'. Mr. Bartels informed all that the lighting schedule has been revised. He also commented on the Mayor's request at the last meeting regarding the tree in the northwest corner of the property. The developer should be able to save this tree and it will be reflected that way in the plans. Their only concern is that the utility companies don't disturb the root system. The applicant will make every effort to save the tree. Mr. Sachs spoke regarding this specific tree. He inquired as to how far out the root system goes. An exact measurement was not known. Mr. Dattoli spoke regarding the height of the canopy. Mr. Bartels stated that the canopy needs to be raised. The tree is on the applicant's property, not in the right of way. Mr. Sachs suggested contacting an arborist to see if the tree can be saved.

Mr. DelVecchio has concluded his direct case.

A motion was made to open the meeting to the public by Mr. Morrison, seconded by Mayor LaPaglia, and carried.

Woodcliff Lake Police Chief Anthony Jannicelli – Chief Jannicelli was sworn in by Board Attorney Paul Kaufman. The Chief asked if any attempt to gain access from 400 Chestnut Ridge had been investigated. He is concerned with the fact that there is no access to the proposed facility southbound on Chestnut Ridge Road. He is also concerned with how much traffic will be generated from this building on a 24/7 basis. The Chief would like access to the traffic light at 400 Chestnut Ridge Road. He also stated that no matter what the application for this piece of property is he has had the same concerns. Attorney DelVecchio and Attorney Kaufman both stated that they have been unable to find the developers agreement for the old Timeplex building at 400 Chestnut Ridge Road. The Chief's second area of concern is the amount of assisted living facilities that we already have in town. We already have four; a boarding house on Broadway, Potomac Home, Sunrise and the Woodcliff Lake Rehab and Nursing Home.

He distributed information with year 2010 detail on emergency calls to these facilities. This was marked as Exhibit B3 and was prepared under the Chief's supervision. Attorney DelVecchio was given a copy at this meeting. The letter from the Chief to the Board, marked as Exhibit B4, consisting of fourteen pages (two-page letter with twelve pages of exhibits) dated June 7, 2011 was explained by Chief Jannicelli. The Chief explained the burden these facilities cause to his department. His men must wait at the site for the ambulance to arrive before they can leave, this could take a long time, thus holding up a patrol car from doing other duties. He also feels that 160 beds in this facility makes it beyond his department's capability to adequately respond to emergency calls. The Chief suggested that this proposal be denied or at the very least the 3rd story be removed to eliminate some of the beds. Mr. Dattoli asked if the Woodcliff Lake Manor has a nurse on duty 24/7. Chairman Fry asked Mr. DelVecchio who governs nurse availability. He was told the State Department of Health. The applicant was asked if they would consider providing a nurse on site 24/7. Mr. DelVecchio stated that this is not known as of yet. Mr. DelVecchio stated to the Board that his client needs to know where the Board is with this application. Attorney Kaufman stated that we are nearing the end, concerns are now being heard. The Ambulance Corps is the next to speak and there will be questions for the Chief of Police. Mr. DelVecchio stated that he will meet with his client and possibly make changes that are needed to gain approval from the Board.

Mayor LaPaglia asked the Chief how long a patrolman is detained at Sunrise while waiting for an ambulance to arrive. The Chief stated that this time varies; it could be 45 minutes to an hour. He also stated that the ambulance and the paramedics are dispatched at the same time. Mr. Dattoli asked if the patrolman stays after the ambulance arrives. The Chief responded that this depends on manpower and time. Mr. Morrison asked if it is normal procedure for the ambulance to take over the scene. He was told yes, with police assistance. The Chief additionally stated that all his men have been trained to drive the ambulance. Mayor LaPaglia asked the Chief to explain to all present how many police officers the Borough has, how many cars we have and the shifts that are worked. The Chief stated we have eighteen police officers, now at seventeen due to the sick leave of the Captain. Normally there is a Sergeant and 2 Patrolman on duty per shift. There are never less than two officers on duty at one time. The Police Department works a 4 day on, 2 day off schedule. The Chief, Captain and one traffic officer work Monday through Friday. Mayor LaPaglia stated that it is a numbers issue – how much can 2-3 cops really cover. The Chief stated that he has two choices: run the shift with two officers and hope that nothing happens, or add an additional officer on overtime. Mr. DelVecchio asked the Chief if he ever reviewed this case or heard any testimony in the past regarding the traffic light. The Chief responded that he has not heard any testimony on this application. Mr. DelVecchio stated to the Chief that the same kinds of emergencies occur at Sunrise and the Police Department handles the situation and there are no accidents. The Chief responded that it is difficult and that he has not heard of any accidents at this location due to the lack of access from the north. The Chief explained the kinds of assisted living facilities that we have in town. The Potomac Home has 10-12 Alzheimer's patients, 555 Chestnut Ridge Road is a rehabilitation facility and nursing home, 201 Broadway is a type of boarding house, and Sunrise has an aging population that fall quite often. Mr. DelVecchio stated that the Chief made reference to Sunrise

having 102 beds. According to the state website 116 beds is more accurate – that is what they were approved for. Chief Jannicelli was not surprised. Mr. DelVecchio asked the Chief if he ever heard of the access road running along the rear of Sunrise and KinderCare. He responded yes, they share this road. Traffic patterns were discussed, along with access to the sites. Since Chestnut Ridge Road is a County road, the decision is up to the County. It was stated that the other facilities use a private ambulance, including the facility at 555 Chestnut Ridge Road. Mr. DelVecchio asked if a private ambulance is used, does it trigger a police response. The Chief responded no.

Time being 9:49 p.m. – a 10 minute break was taken. Meeting resumes at 10:03 p.m. Roll call was taken by the Board Secretary. Roll call was the same as in the beginning of the meeting. The meeting was still open the public.

Heather McGee – 24 Hillcrest Avenue – Montvale - Ms. McGee is the President of the Tri-Borough Ambulance Corps. and has been a member since 1992, and an Officer for the last 15 years. She was sworn in by Board Attorney Paul Kaufman. Ms. McGee asked how many elevators are proposed in the building and what is the width of these elevators. She was told there will be two residential elevators and one service elevator. The width of these elevators was not known at this time. Ms. McGee was concerned with the turning radius at the front entrance. She asked if turning can be done in a single maneuver. She was told yes. It was stated that there are ramps only at the front entrance and that there will be a lifeguard at the pool, hours of which are not yet known. The age for residency has no requirement and the average age of a resident is 83. Ms. McGee asked if the units are apartments or single units. She was told there will be 1 and 2 bedroom studio units. If necessary, aids could live with their patients. Mr. Burman of the Bristol Group stated that there will only be 1 person to a bed. The building is 3 stories and residents are allowed to have cars, but this is not typical. Ms. McGee further asked if the applicant plans to use the volunteer ambulance service. She was told that a private ambulance will be utilized, but they will call 911 for emergencies. Ms. McGee stated that the Volunteer Ambulance Corps was established in 1938 and that they responded to 1700 calls in the year 2010. The Corps. covers Park Ridge, Montvale, and Woodcliff Lake and has 30 active members. There were 517 calls in 2010 to assisted living facilities in the three towns. They are running short at the present time. A crew chief and a driver are needed at a minimum to respond to a call. Ms. McGee explained her dedication to the Volunteer Ambulance Corps. Ms. McGee stated that the use of a private ambulance is needed. Mr. DelVecchio stated that the private ambulance from the County responds to emergencies from 6:00 am to 6:00 pm on a daily basis. He asked if other facilities provide private ambulance services. Ms. McGee stated yes. Sunrise provides private ambulances just for transportation. Ms. McGee was not sure if 555 Chestnut Ridge Road provides this service. Mr. DelVecchio asked Ms. McGee if it would help if his client provided private ambulance services for emergencies and non-emergencies. She stated yes! Mr. DelVecchio stated that this would be done and that he would be happy to put it in the resolution and have it contained in the title. He would like to reserve the right in the future to come back for a change with public notice for a public hearing if they feel this agreement places them at a disadvantage. Attorney Paul Kaufman stated that no promise would be made. Mr. DelVecchio feels that this would

also relieve the Chief of his burden. Attorney Kaufman suggested that any and all arrangements be acceptable to the Police Department and the Volunteer Ambulance Corps. since it is their job to see that all are protected. Mr. Nathin asked where the private ambulance is based. He was told Westwood and Nanuet. The Police Chief does not believe that in an emergency situation the police will not be called. Attorney Kaufman stated that this is an obligation that the applicant is taking and they will be held to it. Mr. DelVecchio stated that the staff will be trained to make the right call to the service, not a 911 call. The Chief asked if response times were given. He was told that this information has not been obtained yet. It was stated by Mr. Burman that oxygen will be on site and a nurse will be on call 24/7. Mr. Burman also stated that there will be no permanently bound wheelchair residents at this facility. Councilman Glaser inquired as to the amount of calls from these facilities on a monthly basis. Mr. DelVecchio stated that Mr. Burman gave testimony on this in the past. Chairman Fry asked what happens if the private ambulance arrangement does not work. Mr. DelVecchio stated that this would be a condition of approval and that would need a contract with a service that can do the job. Attorney Kaufman asked what if they cannot do that job? Mr. DelVecchio stated that maybe two companies would have to be under contract. Mayor LaPaglia asked what happens if there is a health outbreak at this location with 150 people and 30% are impacted. Mr. Burman stated that this has never happened. Ms. McGee asked if any evacuation plans are in place. She was told that these plans will be developed.

Joseph Hughes – 1 Antrim Road – Montvale – Mr. Hughes is the Captain of the Tri-Borough Ambulance Corps. He is concerned with the archway radius and the elevators. The elevators have to be large enough. They will help with evacuation if needed. Mr. Hughes also stated that the training of the staff is very important. He likes that the developer is willing to do whatever needs to be done. Mr. Hughes is willing to sit with the applicant if there are any additional questions. Mr. Dattoli stated that the code requires that the elevators are big enough to accommodate stretchers.

Al Nagy – 37 Crest Ave – Montvale - Mr. Nagy is an Officer with the Ambulance Corps. He has been a member for 25 years. He was sworn in by Attorney Kaufman. Mr. Nagy stated that intensive care units are always in the area and they are trained and equipped, although they cannot transport.

The public portion of the meeting was closed on a motion from Mr. Morrison, seconded by Mr. Glaser, and carried by all.

Mr. DelVecchio has rested his case. He thanked the volunteers for their input and stated that they have been very helpful. Chairman Fry at this time wanted to adjourn this application to the next meeting. Mr. DelVecchio would like direction from the Board at this time. Mayor LaPaglia is still concerned with the number of beds proposed. Acreage of the site for this application and the acreage of Sunrise/KinderCare was compared. The amount of beds per acre was discussed. Mr. DelVecchio stated, that at a minimum, he would like approval for 147 beds. Attorney Kaufman suggested that Mr. DelVecchio address the Mayors concerns regarding the comparison to Sunrise/KinderCare and come back to this Board in two weeks. Mr. DelVecchio feels that this is almost irrelevant. Mr.

Kaufman stated that there is a building story variance involved. Mr. DelVecchio submitted County paperwork on Sunrise/KinderCare. Mr. DelVecchio would like a vote. Chairman Fry stated that he does not want to rush this decision and would like to wait for the next meeting. Mr. Dattoli spoke about the occupancy rate at Sunrise. This is not known. Mayor LaPaglia stated that Sunrise has 86 beds occupied out of 118 beds. Mayor LaPaglia quoted a former Chairman of the Board – “ act in haste, repose in leisure.” Mr. DelVecchio spoke with his client and decided that they will wait for a vote for the next meeting in two weeks. They will be first on the agenda. Time limits have been waived.

The meeting was opened to the public on a motion from Mr. Nathin, seconded by Mr. Morrison, and carried. Being no one wanting to speak, the meeting was closed to the public on a motion from Mr. Morrison, seconded by Mr. Nathin, and carried by all.

The meeting was adjourned on a motion from Mr. Morrison, seconded by Mr. Nathin, and carried.

Respectfully Submitted,

Kathleen S. Rizza, Secretary