

**WYCKOFF BOARD OF ADJUSTMENT
DECEMBER 8, 2014 SPECIAL MEETING MINUTES**

Special Meeting: 7:30 p.m. – Wyckoff Memorial Town Hall, Second Floor Court Room, 340 Franklin Avenue, Wyckoff, NJ

The meeting commenced with the reading of the Open Public Meetings Statement by Jim Donkersloot, Chairman:

This special meeting of the Wyckoff Board of Adjustment dated Monday, December 8, 2014 is now in session. In accordance with Section 8 of the Open Public Meetings Act, I wish to advise that notice of this meeting has been posted in the lower level of Memorial Town Hall since Wednesday, November 10, 2014. A copy of the notice has been filed with the Township Clerk and copies were sent to the Ridgewood News, the Bergen Record and the North Jersey Herald and News all papers with general circulation throughout the Township of Wyckoff. This notice establishes a special meeting for the Christian Health Care Center application.

Board Member Attendance: Jim Donkersloot, Chairman; Erik Ruebenacker, Vice Chairman; Carl Fry; Mark Borst; Susan Yudin; John Carolan; Brian Hubert, Alt.

Absent: Ed Kalpagian, Alt.

Staff Attendance: John A. Spizziri, Board of Adjustment Attorney; Mark DiGennaro, Township Engineer; Peter TenKate, Boswell Engineering Representative; Susan Schilstra, Board of Adjustment Secretary.

Roll call was taken.
Pledge of Allegiance.

APPLICATION – NEW

CHRISTIAN HEALTH CARE CENTER (CHCC) BLK 443 LOTS 49.03, 52.01 & 51; 301 Sicomac Avenue; Amended site plan/Variance/Use Variance. *(The applicant proposes to amend the previous variance and site plan resolution adopted by the Board of Adjustment on May 13, 2013. The application amends the prior approval to provide for a reduction of building coverage in; 1) Wyckoff from 126,587 sf to 118,132 sf for a net change of minus 8,455 sf; 2) a reduction of impervious surface in Wyckoff of 11,672 sf; 3) a reduction in building coverage in Hawthorne from 26,502 sf to 25,935 sf for a reduction of 567 sf, and 4) a total reduction of impervious surface in Hawthorne of 1,221 sf. The total reduction in both municipalities of building coverage is 9,023 sf and the reduction in impervious area is 10,452 sf. The total number of units previously approved at 199 remains unchanged with some redistribution of 1 & 2 bedroom units. The applicant is also seeking an adjustment of the construction materials required in the Wyckoff resolution of approval).*

Mr. Jerome Vogel, the applicant's attorney, Mr. Ken Karle, the applicant's architect, and Mr. Doug Struyk, the President and CEO of the CHCC were present.

Chairman Donkersloot said the applicant proposes to amend the previous variance and site

plan resolution adopted by the Board of Adjustment on May 13, 2013. The application amends the prior approval to provide for a reduction of building coverage in; 1) Wyckoff from 126,587 sf to 118,132 sf for a net change of minus 8,455 sf; 2) a reduction of impervious surface in Wyckoff of 11,672 sf; 3) a reduction in building coverage in Hawthorne from 26,502 sf to 25,935 sf for a reduction of 567 sf, and 4) a total reduction of impervious surface in Hawthorne of 1,221 sf. The total reduction in both municipalities of building coverage is 9,023 sf and the reduction in impervious area is 10,452 sf. The total number of units previously approved at 199 remains unchanged with some redistribution of 1 & 2 bedroom units. The applicant is also seeking an adjustment of the construction materials required in the Wyckoff resolution of approval. So basically the Christian Health Care Center is back before the Wyckoff Board of Adjustment to review the changes made by the Hawthorne Board of Adjustment and also to address the construction materials to build the project.

Mr. Vogel called Mr. Ken Karle as a witness on behalf of the applicant.

Kenneth H. Karle, President of LAN Associates, a registered architect and professional engineer and professional planner in the State of New Jersey, was sworn. He said that he had previously testified on the proposed Vista independent living facility that was approved by this Board on its resolution of May 13, 2013. He reviewed with the Board the proposed revisions which included moving the driveway entrance to the lower garage towards the end of the building, removing the underground parking under the commons area and simplifying the delivery area to a three lane back-in area under the patio terrace. He added that the overall footprint of the building is the same but the bump out for balconies have changed since the locations of several one and two bedroom units have changed. He added that due to the change in the one way garage entrance area the rear roadway behind the units will be used for safety access for emergency and fire vehicles.

Marked as identification at this time were the following exhibits:

A-1 Site plan

A-2 Architectural plans

Mr. Karle continued that the applicant felt by reducing the footprint of the building, reduced the total square footage and reduced the impervious coverage which were beneficial changes. He said that additional fire walls have been added as well as a stairway which will improve ingress and egress to the garages under the A, B, C & F unit wings. He added that by adding additional stairwells and positioning the fire separations no dwelling unit door is more than 75' from an exit where 200' is required. He said that landscaping has been added to the terrace area over the loading dock, there has been no change to the central corridor entrance, a supplemental landscape buffer has been increased along the roadway for the home on Emeline Drive in Hawthorne and additional sidewalks have been added. He said this summarizes the changes to the original site plan approval.

OPEN TO THE PUBLIC for any questions of Mr. Karle.

Mary Mahon, 64 Emeline Drive, Hawthorne, NJ, was sworn. She said she would like to compliment the applicant on removing impervious coverage so there will be less drainage.

George Pitts, 675 Terrace Heights, Wyckoff, NJ, was sworn. He was concerned that the

retention pond would not be buffered enough.

Mr. Karle said the retention pond will be located behind the existing homes on Goffle Hill Road.

Neil Schlendorf, 816 Frederick Court, Wyckoff, NJ was sworn. He said the construction code for this type of project allows for combustible construction.

Board Attorney Spizziri said testimony will be developed later on the construction material.

Susan Donnelly, 444 Glendale Road, Wyckoff, NJ was sworn. She was also concerned with the down grade to combustible materials.

Bob Meyers, 300 Merrywood Drive, Wyckoff, NJ was sworn. He asked if this application has been reviewed by the Bergen County Planning Board yet with regard to the intersection.

Mr. Vogel said this application will need to be reviewed again in Hawthorne and then it will be ready to be presented to the County.

CLOSED TO THE PUBLIC

Mr. Vogel then said that a question has been raised to amending subparagraphs 51 & 52 of the Wyckoff resolution of approval relating to construction materials be amended as a function of the downsizing of this facility and by the enhancements in the nature of the construction, so as to provide a safe environment consistent with all relevant codes. He asked Mr. Karle to address this issue.

Mr. Karle said the applicant is requesting that we be allowed to use any code permitted construction that meets code. He said the applicant has enhanced the fire characteristics of the building by adding separations, fire rated construction and sprinkler systems. He said the applicant has added fire walls, additional stairwells and addition egress elements. The overall square footage of the building has been decreased and 25,000 square footage of parking garage under the center of the building have been removed. He said the central commons area of the building is simply a one story slab on grade building with wings that radiate off of it. The addition of the firewalls further divides this into eight separate buildings all contained behind firewalls. The fire suppression system will be enhanced with an NFPA 13R system which has more coverage, less space in between heads in some instances, increased water density in the parking garage, increase water density throughout the project in addition to firewalls and additional stairs.

Chairman Donkersloot asked that Fire Chief Graglia be called as the Board's next witness.

Lou Graglia, Departmental Chief of the Wyckoff Fire Department, was sworn. He said that he had submitted a letter dated December 4, 2014 to the Board of Adjustment office. In his letter he stated that there has been an overall reduction in the project size in the Commons areas while maintaining all program spaces from approximately 36,000 square feet down to 30,000 square feet; removal of approximately 25,000 square feet of below grade parking located underneath the Commons space; and the egress distance has been shortened from each apartment for expedient evacuation. He said additional stairwells have been added within each

wing providing a maximum distance to egress of 75 linear feet or less as opposed to the code maximum of 250 linear feet. He said that regarding the use of combustible material for this project, it is in conformance with applicable building codes and regulations. The Wyckoff Fire Department strongly recommends that the most complete fire sprinkler and fire alarm system be installed in the proposed building in order to provide the quickest and best protection to the residents and other occupants of the building.

Marked as identification at this time was the following exhibit:
B-1 Wyckoff Fire Department letter dated December 4, 2014

OPEN TO THE PUBLIC for any questions of Fire Chief Graglia

Neal Schlendorf, 816 Frederick Court, Wyckoff, NJ asked if the wood studs will be replaced with steel and being noncombustible is far less smoke generated enabling the fire department to evacuate the building quicker.

Mr. Karl said the frame of the building is completely enclosed with a one-hour, two-hour and three-hour graded construction. He said that generally fires are in contents of the building. The best thing to have is a robust sprinkler system since the building itself is fully protected and monitored by a central station. He added that the NFPA13 system much better addresses the hazard of quick detention and quick extinguishment of fire than just the issue of whether there's a wood or metal stud.

Vice Chairman Ruebenacker said that the residents will need to be ambulatory in order to live in this complex and self-evacuate in the event of fire.

Douglas Struyk, President and CEO of CHCC, 301 Sicomac Avenue, Wyckoff, NJ was sworn. He said that the residents living Longview Assisted Living are ones who can actively benefit from an independent living environment where they would be able to self-evacuate and would not need the level of care that would be needed in a licensed Health Care facility otherwise they would have to relocate to the next level of care.

Stanley Goodman, 691 Birchwood Drive, Wyckoff, NJ was sworn. He said that in 2013 the prior Fire Chief wrote a letter that said the Fire Company preferred to have non-combustible material used not so much for safety but for time to evacuate. His concern was the capacity of the fire department.

Fire Chief Graglia said that no matter what incident that happens at the CHCC if it's an active fire it would require regional response.

John Brandes, 700 Highview Drive, Wyckoff, NJ was sworn. He opined that if you have the opportunity to use a non-combustible material it wouldn't make sense to change to a combustible material.

Fire Chief Graglia said that more things have been added to enhance the fire safety of the building besides using a combustible material.

Mr. Brandes questioned whether there would be enough water pressure for the water sprinklers

and water supply.

Mr. Karle said that Hawthorne has a huge water storage tank located above the CHCC property which is gravity fed and will supply plenty of pressure.

Toni Brienza, 308 Voorhis Avenue, Wyckoff, NJ said she was concerned with the safety of the volunteer fire department if the building was built with combustible material. She added that since non-combustible materials were already approved why would it be changed to combustible materials.

CLOSED TO THE PUBLIC

Vice Chairman Ruebenacker said that since the Vista is not a hospital it can be constructed of combustible material.

Mr. Karle said a hospital or nursing home would need to be constructed of a non-combustible material because you have bed ridden people. He said it is the building contents that starts the fire and the best thing is a heavy water supply available immediately with automatic discharge onto the contents to dampen it down before the fire department gets there. He added that the fire safety code will be enhanced and the construction will exceed the building code at the Vista.

Chairman Donkersloot said that he was present through the 2 ½ years of testimony. He said that this project was deemed inherently beneficial. He said the original approval was for this project to be constructed out of a non-combustible material. He said to build out of a non-combustible material would not be in the best interest of the people who will be living at the Vista.

Board Member Fry said that regardless of the construction material used, the fire safety system is a standard system that would be installed either way. His concern was the time factor with the increasing fire load now that the applicant is requesting to construct with combustible material which will require more resources. He was miffed that if non-combustible material is used then the extra fire safety items and egress changes would be removed from the site plan. He did not want to be part of a decision and then something happened at the Vista.

Mr. Vogel said there is a certain allure to the use of a "non-combustible" material. The CHCC is attempting to build a facility that the law permits to be constructed in a certain manner that uses a function of combustible material in a manner in which a National Code that has been developed by the State and has evolved over more than a century to provide that a facility such as this can be built in a manner which doesn't strictly require noncombustible materials. The CHCC doesn't want to build anything that's less safe than the ultimate. He said this is the first time that he is aware of in which the Board of Adjustment has ever dictated the nature of construction. He said the issue that's before the Board is one which would allow us to build this facility and build it in a manner which would have it available to the public but in a fashion that's not less safe than building it with noncombustible materials. This facility is now divided into eight essentially separate buildings with firewalls. There are stairwells within 75 feet while the code allows them to be 250 feet apart. There would be 400 gallons per minute of water

available for this kind of construction. He concluded that he does not want the Board to change your opinion of what you previously approved but the CHCC wants you to have the opportunity to view the context of a different project before you now.

Chairman Donkersloot said that the Board has heard testimony as to the positive criteria that outweighed the negative and I think this is the opportunity where the facility should be built with noncombustible materials.

Boswell Engineering Representative Ten Kate asked the applicant to clarify the discrepancies that exist on the plan with regards to parking.

Mr. Karle said the total number of parking spaces under the building will be 200 parking spaces. He said the total spaces being proposed new and existing on the Wyckoff portion of the campus will be 1,050 parking spaces.

OPEN TO THE PUBLIC for brief comments from the audience

Celine Brandes, 700 Highview Drive, Wyckoff, NJ was sworn. She read a quote by Mr. Karle from the March 4, 2013 transcript which says, "Although the building code absolutely allows this building to be built with wood we have elected not to. There will be steel frames, steel joists, abiding the joists probably concrete floors. The overall roofs will be light gauge metal frame. A minimum amount of plywood is needed for the deck. There will be a hundred percent sprinkled flood work, so fire sprinklers will be outfitted in every single space. The building structure will be a noncombustible structure."

Mr. Karle said this statement is true and that's what the Board approved. The CHCC is hereby requesting an amendment for that in the reasons that were stated tonight.

CLOSED TO THE PUBLIC

Board Attorney Spizziri recommended to the Board that this application be voted on in 2 parts. The first part would be the applicant is seeking relief of using noncombustible material and the second would be the changes to the site plan.

Mr. Vogel said the additional stairwells and fire walls will be removed if the combustible material use is denied.

Mr. Karle said the applicant has provided more than what is required by the building code. He said the tradeoff for these extra items and the enhanced sprinkler system were greatly enhancing the rest of the building which was fully contained. Every wall is wrapped in one hour rated construction which we don't have to build, every dwelling unit is compartmentalized.

Board Attorney Spizziri suggested that a vote be taken on the nature of the material. If the vote is affirmative then the Board will vote on the site plan. If the vote is negative then the Board will withhold action on the site plan which will be considered at another meeting.

Vice Chairman Ruebenacker made a motion to amend the previous resolution for items # 51 and 52 with regard to construction of the Vista utilizing noncombustible materials and the Fire

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Board of Adjustment

Chief's recommendations contained in his letter dated February 6, 2013. Second, Board Member Fry. Voting in favor: Ms. Yudin. Voting in denial: Mr. Huber, Mr. Carolan, Mr. Fry, Mr. Borst, Mr. Ruebenacker and Chairman Donkersloot.

The Board unanimously agreed to carry the second part of this application to the January 15 2015 public hearing meeting.

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Chairman Donkersloot made a motion to adjourn the discussion. All in favor. The meeting concluded at 10:00 p.m.

Respectfully Submitted,

Susan Schilstra, Secretary
Wyckoff Board of Adjustment