

**WYCKOFF BOARD OF ADJUSTMENT
MARCH 2, 2015 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 Erik Ruebenacker, Chairman:

This special meeting of the Wyckoff Board of Adjustment dated Monday, March 2, 2015 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 Thursday, February 12, 2015. 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: Erik Ruebenacker, Chairman; Carl Fry, Vice Chairman; Mark Borst; Susan Yudin; John Carolan; Brian Hubert: Brian Tanis, Alt.

Absent: Ed Kalpagian, Alt.

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

Roll call was taken.
Pledge of Allegiance.

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Chair Ruebenacker welcomed Brian Tanis as an alternate member of the Wyckoff Board of Adjustment. He stated that Board Member Tanis has read the transcript from the December 8, 2014 special meeting for the CHCC and has signed an affidavit noting so. And therefore is eligible to vote on this application.

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.

Board Attorney Spizziri said the Board is in receipt of a letter from the Department of Community Affairs dated December 8, 2014 advising the Board that the Board does not have jurisdiction over what kind of building materials the applicant uses. He added that he spoke with Mr. Hilzer of the NJ Department of Community Affairs and he reaffirmed the reason that he had written this letter. Chair Ruebenacker said the Board is not to take the letter into effect of any decision making that they may or may not take this evening.

Mr. Vogel said this application was before the Board in December to amend the prior resolution that the Board had adopted with respect to one, the site and the revision of the plan to reduce the size of the structure and the intrusion on the land. The other part of the application was to have this Board reconsider Paragraphs 51 & 52 of the condition of its resolution of May 13, 2013. The Board unanimously agreed to reconsider the decision made by the Board at the December 8, 2014 meeting.

Mr. Doug Struyk, President and CEO of the CHCC said that many of the new proposed building materials came out of meetings with experts and the Wyckoff Fire Department and they came to a comfortable agreement that the building is safer than what was proposed in 2013. He said the number of units for the Vista will remain at 199. However, the outlines of the buildings and the size of the commons area, dining area and a multi-purpose room were reduced. Fire exit stairs enclosed by masonry were added to the wings, as well as masonry fire walls in each wing, which are 2 to 3 hours rated. He concluded the fire safety is a key goal of the CHCC. Mr. Ken Karle, the applicant's engineer, said the masonry fire walls are the highest and best rated in the construction building code and designed to survive collapse on either side of the wall. The distance to fire exit stairway were reduced down to an average of 41 feet apart. Between each dwelling unit there would be 1 hour rated fire assemblies. The parking garages would have 2 hour rated masonry roofs. Sprinklers would be Nation Fire Protection Association (NFPA) Grade 13, which is typically used in commercial locations. Marked as identification were the following exhibits"

A-1 Site plan from December 8, 2014 meeting

A-2 Cross section of residential wings.

Mr. Karle continued stating that the attics are not included in the building design however there are mansard roofs which are small decorative corners to mask utilities on the roof. The structure of the floors and ceilings of dwelling units would be open truss and made of fire-rated lumber. Gaps would be filled with non-combustible insulation to prevent the spreading of fire horizontally and vertically. Dwelling walls and ceilings will be encased in Type X gypsum board which is one four fire rated. Board Member Fry asked if the additional stairwells will have standpipe and if all the material will be Type X gypsum board. Mr. Karle answered yes. Board Member Fry liked the idea that no exit will be in excess of 75' and the building will be sprinklered throughout the entire complex. Chair Ruebenacker like that all fire walls were rated at one hour.

John Horton, Senior Fire Protection Consultant with Jenson Hughes, a firm which consults on NJ Construction Code matters, was sworn. Mr. Horton said that he is a certified fire protection specialist and a licensed construction official, fire sub code official and fire protection inspector

of HHS by the State of New Jersey. He said with each added fire prevention item, the project using combustible materials as a whole is safer than the previous non-combustible plan. There is a whole lot of really good stuff that the CHCC does not have to provide especially with their use of the higher grade fire sprinkler system. What CHCC is proposing to construct is safer because the fire has to burn through all of this fire inhibited construction before it gets to combustible material. Each unit has a one hour fire rating meaning a resident has one hour to evacuate the building. He said that the travel distance to an exit is no greater than 75' where 250' is required by code. Board Member Hubert asked if sensors will be attached to the building management. Mr. Horton said a fire call will go through a central fire station. He concluded that the CHCC is proposing a better constructed building.

Chair Ruebenacker then called Wyckoff Fire Chief Lou Graglia and Assistant Chief Tim Brock as witnesses on behalf of the township, were sworn. They confirmed they had 3 meetings reviewing the enhancement plans of the building and advised the applicant how to proceed to make it as safe as possible. Mr. Brock said that one hour fire wall rating would be more than sufficient to evacuate a building like the Vista. Chair Ruebenacker then opened the meeting to the public for direct questions to the testimony given tonight.

OPEN TO THE PUBLIC for comments of the experts.

Stanley Goodman, 691 Birchwood Drive, Wyckoff, NJ was sworn. He questioned if one hour fire rating is enough to evacuate the residents from the building. Assistant Fire Chief Brock said one hour is plenty of time to evacuate the building. Mr. Stanley suggested the fire enhancements are above code and could be denied by the DCA. Mr. Horton said there would be no reason for any denial from the DCA on the CHCC's proposed fire safety enhancement measures.

Neal Schlendorf, 816 Frederick Court, Wyckoff, NJ was sworn. He said there is a lot of money being spent to protect a combustible structural material and asked how does a life cycle cost analysis been done to consider a Class 2 Type 2 construction vs. the Type 5 with the fire protection. Mr. Vogel said this is more cost effective and more flexible.

John Brandes, 700 Highview Drive, Wyckoff, NJ was sworn. He asked if there is a difference in construction code applied to hospitals, nursing homes, schools, versus this type of a building use which would be a continuing care facility. Mr. Horton said yes, there are different codes based upon the use of a particular building. Mr. Brandes was also concerned with the accessibility of the building due to the topography of the land. Assistant Fire Chief Brock said there has always been full access to all the buildings on the CHCC complex. Board Member Fry said he is a 25 year active member of the Wyckoff Fire Department and in 25 years there has not been an issue with access to the CHCC due to weather conditions or the topography of the land. Mr. Fry was pleased that the size of the wings have been reduced and the interior roadways have been expanded.

Dan Melfi, 84 Emeline Drive, Hawthorne, NJ was sworn. He asked what code the building will be built to. Mr. Karle said the building will be code compliant by law

CLOSED TO THE PUBLIC

OPEN TO THE PUBLIC for comments from the public

Tom Ashbahian, 221 Navajo Drive, Wyckoff, NJ was sworn. He said that he is an architect,

engineer and planner in the State of New Jersey. He agrees with Mr. Vogel's opinion that a code requirement or building code requirement was a condition of an approval. He added that the CHCC is a vital institution in this community and it has earned and deserves the highest level of trust. He concluded that building codes at their very essence protect occupants not buildings and respectfully urged the Board to recognize the prevailing laws and vote for this modification positively with all of its enhanced and prior building safety upgrades offered by the applicant.

Celine Brandes, 700 Highview Drive, Wyckoff, NJ was sworn. She remained concerned with the New Jersey codes as to how this building will be constructed.

CLOSED TO THE PUBLIC

Board Attorney Spizziri suggested that the Board adjourn this matter to another date so that I may conclude a conversation with Mr. Hilzer from the DCA. Chair Ruebenacker said the Board would like to attempt to resolve this DCA letter and the jurisdiction if any that the DCA has prior to this Board proceeding.

The Board unanimously agreed to reserve its decision until after hearing the outcome of Board Attorney Spizziri's conversation with the DCA to the Monday, March 9, 2015 meeting at 7:30 p.m.

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Chairman Ruebenacker made a motion to adjourn the discussion. All in favor. The meeting concluded at 9:45 p.m.

Respectfully Submitted,

Susan McQuaid, Secretary
Wyckoff Board of Adjustment