

**Borough of Cresskill
Zoning Board of Adjustment
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1202 Lee (cont.)

102 6th St.

Block 48 Lot 691

Mr. Amicucci asked if Mr. Sang Lee had attended the previous meeting (*Dec. 19, 2011*).

Mr. Sang Lee said no, it was his brother who had attended.

Mr. Amicucci said ask your father if he resolved the problem with the town.

Mr. Sang Lee said it has been resolved and everything in the garage was moved to a storage in Englewood.

Mr. Amicucci said please tell the board why you are here, and what variance you need for your application.

Mr. Amicucci asked that the architect for the applicant be sworn in.

Mr. Hyoman Nam, Architect, was sworn in.

Mr. Nam reviewed the front yard variance requested.

Mr. Nam said that where the garage was situated, a front yard variance was needed in order to enlarge the garage.

Mr. Amicucci said that this is a corner lot, and every corner lot has 2 front yards. To abide by the ordinance a 25' set back is required.

Mr. Amicucci said that in the area there are no homes that are beyond the 25'.

Mr. Amicucci said that in his opinion we cannot make an allowance for this application. Does anyone on the board have another opinion ?

Mr. Nam said that he had informed the applicant about the zoning restriction, but this situation is unique. Except for knocking down and putting up a new building there is no other option to enlarge the garage. The amount they are asking is minimum for parking a regular size car.

Mr. Amicucci said that he understood, but he drove around the area and looked at the corner lots.

There are none that intrude into the 25' frontage. It would not be fair to your neighbor when he walks out and looks at the side of a garage. Everyone keeps the 25' so everyone has the same views.

Mr. Amicucci asked if there was anyone in the audience that would like to speak about this for or against this application..

Ms Batistic said you have a one car garage with an entrance off 6th St., and you wish to make this a 2 car garage. Have you considered extending the garage towards the back?

Mr. Nam said that is another option but it does not function well- one car must be taken out to before the other. It is possible but not practical.

Mr. Nam said that there was another option. We can extend the garage into the house, decrease the size of the living room. In that case the living room cannot function as a living room, it would be tiny.

Ms. Furio made the motion to deny the application as presented, because it would set a precedence for a front yard set back variance.

Ms Batistic seconded.

Mr. Amicucci said he was voting yes to deny the application for the same reason as Ms. Furio.

Ms. Batistic said she was voting yes to deny the application because the applicant did not prove any hardship. There was an option using tandem parking.

The application was denied.

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Mr. Tim Hodges (102 Livingston Ave, Woodbridge, NJ) was sworn in.

Mr. Hodges testified that he was Chief Strategy Officer for CareOne. He had been with the company for 11 years, and have held this position for the last 2 years. His duties and responsibilities are market feasibility, business development, joint ventures, acquisitions etc.

Ms Erem asked what shift in market demands over the past 10 years which resulted in request for this expansion.

Mr. Hodges said that the dynamic in our skilled nursing facility business is that there has been a market shift from traditional long term care to a more short term stay after a hospital return to home level of care. That has necessitated the need for more beds to accommodate that population. The dynamic is driven by health care reform which is driving the hospitals to decrease the length of stay, and shift that level of care to our environment. Which means that we are in need of more capacity to accommodate that volume, of patients.

Mr. Hodges said that they have a Certificate of Need for the additional beds that they are seeking approval for.

Mr. Amicucci asked how many beds are being added.

Mr. Hodges said that they currently have 100 beds, and are requesting 22 beds in the application.

Mr. Moldt asked for an explanation of the Certificate of Need.

Mr. Hodges said the Certificate of Need is the approval process for the NJ Dept. of Health and Senior Services to license those nursing facility beds.

Mr. Amicucci asked were you there in 2002.

Mr. Hodges said that he was with the company then.

Mr. Amicucci said that in 2002 the company had applied for a variance.

Mr. Hodges said that he was with the company but was not a part of that process.

Mr. Amicucci said that in that application they stated that the use of these premises shall not be expanded beyond the existing 99 beds.

Ms. Erem said that it is possible that at that time that was the testimony. They might have misspoke.

Mr. Azzolina said that he had no questions for this witness.

Mr. Hodges said that he was not familiar with what has been referenced, but in the past 9 years the percentage increase of discharges to facilities like ours...from 2006 to 2010 the 3 area hospitals have increased the number of patients they send to our environment by 25%. The highest being Englewood hospital which has increased by 56%. In the past 5 to 6 years this need has dramatically increased.

Ms. Erem asked the chairman if he would like to open to the public any questions that they would like to ask of this witness.

Mr. Amicucci asked if the people in the audience would like to ask a few questions.

Mr. Frank Barretta of 10 Elmwood Place was sworn in.

Mr. Barretta said he was a neighbor of the nursing home.

Mr. Barretta thanked the chairman for referencing the previous application in 2002. He wants to make 2 points:

1) He was here when that application was made. That was part of the conversation that we had amongst the neighbors, that there was no intent nor plans to expand. And now we are here again 7 years later.

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2) He recognizes that there was a change in the market place, he is involved in the health care business. That does not mean that the burden has to fall on expanding the current facility. There are plenty of available facilities and buildings around where that can be expanded to. So I don't want it to be left in the board's mind that this is the only way the organization can expand to accommodate this need.

Ms. Erem said that as a point of order when a witness have finished speaking, is that the time for the public just to ask questions, or does the Board prefer the public to also give their comments after each witness. I would like everyone to know the process.

Mr. Amicucci said that we will have members of the audience ask questions, and at the end, after you have completed your presentation, we will swear them in and they can make their comments.

Ms. Erem said that they did invite all the neighbors on the 200' list to a 'Meet and Greet' at the facility- in order to here and address their concerns. Mr. Barretta called to say that he would be away at the time and that he wanted to see the plans. The only neighbor that did appear was Mr. Ely who came and spent quite a bit of time with us and gave us a lot of insight and history. We did reach out to the neighbors.

Mr. Michael Fowler, engineer, (14 Grandview Ave., West Orange NJ) was sworn in.

Mr. Fowler stated his qualifications as civil engineer.. He is an employee of Langan Engineering for 23 years.

Ms Erem said that she wants to mark Mr. Fowler 1st exhibit A-1. It is an aerial photo that will orient the board to the site.

Mr. Fowler said the aerial photo is of the present CareOne facility, showing County Rd., Ackerman and Union. The site has 2 lots one being larger and the other smaller. The Area is just under 2.7 acres. The site is in the P zone, the professional office zone. The present use is skilled nursing facility, which it has been for years. Adjacent to the north is residential uses, to the south it is mixed, to the east is residential with side yards and rear yards that face County road, to the west is a school and school grounds, parking lot and a church.

Ms. Erem said that she would like to mark the 2nd exhibit A-2. This is VT101 which is a survey containing the existing conditions of the site.

Mr. Fowler said this is the boundary topographic survey submitted to the board. It is oriented the same way as the aerial photo. There is one full access driveway off County Rd, a second full access driveway off Ackerman Place, an exiting driveway to Ackerman on the north side.

The site circulation. The south side of the site is one way from County Rd to Ackerman. The rear of the site is also one way in the south to north direction. The parking on the front of the site is two way, however it is dead-end parking in front. Also on the north side there is a grass paver driveway that goes between the rear parking lot and the front parking lot. That could be used by emergency vehicles. The front entrance faces Ackerman. In the rear there is a service area, that contains a compactor, a cardboard paper dumpster, an emergency generator, and some other recycling containers. The site presently has 81 parking spaces, and the building is approximately 32,135 sq.ft.

Mr. Merzel asked for an explanation of the emergency driveway.

Mr. Fowler described the emergency access on A-2.

Mr. Amicucci said that in 2002 the application specified 88 parking spaces.

Ms, Erem said 86. We thought it was 86. The 88 on the application might be a typo.

Mr. Fowler said that the survey shows 81 spaces.

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Ms. Erem said that they were planning for 85 spaces.

Ms. Erem said to mark as A-3 the site plan. Mr. Fowler will describe the proposed improvements.

Mr. Fowler said that the expansion to the building come in numerous places.

1. In the N.W corner there is a 4995 sq.ft one story addition
2. There is a 1976 sq.ft at the front entry
3. There a two 830 sq.ft additions in the front
4. A 960 sq.ft enclosure of a porch

There will be a 22 bed increase. The total building expansion will be 9551 sq.ft bringing the total building to 41,686 sq.ft

Access from County Rd will remain 2 way in the SE corner, located in the same position.

Ackerman will remain 2 way and to the north the driveway will be relocated to a more central part of the property.

Ms Batistic asked how far over are you relocating it?

Mr. Fowler said that the driveway will be moved 157 ft. from the northern boundary. The parking in the NW corner will be eliminated.

Mr. Amicucci asked how close to the boundary line is the emergency entrance.

Mr. Fowler said it is in the same location as the existing driveway- about 3' from the boundary.

Mr. Amicucci said the code is 10'.

Ms. Erem said that the driveway is grassed paver.

Mr. Fowler said it is not an active driveway- its for emergency use.

Mr. Fowler described the changes to the site circulation. On the south side where it was one way from County to Ackerman it becomes 2 way. 90 degree parking will be there. In the rear it is still one way going south to north. In the front it is still 2 way dead-end parking. The 2 way portion will encourage those that are parked on the south side to be able to access County Rd rather than having to drive out to Ackerman. This will get the traffic to more quickly exit the site.

Mr. Amicucci asked what changed that you can make this a 2 way?

Mr. Fowler said we widened the area by getting closer to the building parking.

Mr. Amicucci asked what is the code for that, how close are you allowed to get to a building.

Mr. Fowler said we do need a variance for that.

Ms. Erem said parking set back for the building 3.1' proposed where 15' is required.

Ms. Erem said in the binder in Tab A is the zoning chart and the list of requested variances.

Mr. Amicucci said that back in 2002 you were granted a variance for 4.14'.

Ms Erem said she could not tell if rhat was in that approval or if it came before that. This resolution is saying for permission to expand a non-conforming use requiring a parking variance, and that seems to indicate no off-street parking within the required front yard together with a variance for a driveway located within 10' of a property line. So it does not look that it was granted in 2002. It looks like it has been there longer than that.

Mr. Fowler said the service area will remain in the rear of the building. The cardboard container will be brought into the service area. The parking count will increase from 81 to 85, where 41 is required by the ordinance. The expansion in the NW area: the side yard set-back requirement is 15', this building will be 20' set back. It is approximately 57' from the nearest home. The parking lot in the area will be eliminated, this will provide a benefit from traffic noise. All the expansion is one story where a 2 story building would be permitted.

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221 County Rd

Block 71 Lot 13-14

Mr. Fowler reviewed the variances:

1. Expansion of non-conforming use
2. Front yard set-back 21.7' where 25' is required.
3. The maximum length of the building is 279.5', where 216' is existing, and 160' is per ordinance.
4. Parking set back from the building is 3.1' where 15' is required.
5. Parking set back from County Rd is 8.5' to be maintained.
6. Rear side set back on Ackerman it is presently 1.5' to be maintained.
7. Parking space dimensions are 9' by 18', where 10' by 18' is required.
8. Front yard buffer is 8.5' from the property line along County Rd.
9. In the rear the buffer is 1.5' to the rear parking along Ackerman.
10. Side yard buffer on the south side is existing 5.5' where 10' is required.
11. Sign set back. There is presently a CareOne sign located centrally along the frontage on Ackerman that is set back 5.6' where 25' is required. The sign will be relocated closer to the entrance and maintain the same set back.
12. Waiver required for light intensity in the parking lot. They are proposing 1.2 foot-candles where 0.5 foot-candles is required.
13. Waiver is required for the minimum distance from the property line to the driveway on Ackerman is presently 5.5' and they will maintain that 5.5'.

Mr. Moldt asked why is there a difference in the foot-candles and will those lights be shielded to keep lights from coming off the property.

Mr. Fowler said that light intensity at the property line meets the ordinance- 0.6 foot-candles. There are decorative 13' high light bulbs on the site today. They will relocate and re-use many of those, as well as add a couple of additional ones. They are a little miss-matched now. They are decorative in nature, they meet the intensity at the property line.

Mr. Moldt asked : the spill-over into the residential properties will not be increased ?

Mr. Fowler said: Correct.

Mr. Moldt asked if they will meet code.

Mr. Fowler said that they meet code.

Mr. Moldt said the front set-back of 8.5' is maintaining that distance along County Rd. How many linear feet is that ?

Mr. Fowler said almost 140'.

Mr. Moldt said while the 8.5' distance is maintained, we are going from one corner on one point of the street to the entire length now will be right up to the street.

Mr. Fowler said that is correct.

Mr. Moldt said there is a significant difference there even though the 8.5' is maintained.

Mr. McLaughlin remarked on the presentation as 2 big islands.

Mr. McLaughlin asked about the retaining walls on the south side.

Mr. Fowler said that except for around the patio, the retaining wall is about knee high- it is a planter.

Mr. Fowler explained what they will do to widen the road to make it 2 way.

Mr. Amicucci asked how many parking spaces total.

Mr. Fowler said 85.

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Mr. Merzel asked what was the purpose of turning that driveway into a 2 way driveway.

Mr. Merzel asked why are you asking for the variance for distance to the building.

Mr. Fowler said to add a few more parking spaces.

Mr. Merzel said you have now 81 and you are going to 85.

Mr. Fowler said that they were losing several spaces to the addition.

Mr. Moldt asked how many are you losing on the south side.

Mr. Fowler said about 20.

Mr. Amicucci asked if the 85 parking spots were for visitors.

Mr. Fowler said that the parking spaces were for employees.

Mr. Amicucci asked how many employees.

Ms. Erem said that she could have Mr. Hodges answer questions regarding staff.

Mr. Amicucci agreed to let Mr. Fowler complete his presentation.

Mr. Moldt said the parking set back to the building, the minimum of 3.1', how often does that occur

Mr. Fowler said it occurs along 4 spaces in the rear.

Mr. Moldt said that most of these spaces on the south side will be 8.5' from the building. Just 5 or 6 spots will be at the 3.1' distance.

Ms. Erem said to mark the Grading and Drainage Utility plan A-4.

Mr. Fowler said the drainage for the site will remain the same.

Mr. Fowler described the drainage.

Mr. Fowler said the new drainage is minor, it is less than a foot to accommodate some of the new expansion and the new parking configuration. The grading in the front has been adjusted to accommodate the bump-outs from the expansion. Presently the drainage system on the site: there is a pipe system on the front which drains to the south, goes down that southern driveway, connects with drainage from the rear, and is connected into Ackerman. That will remain the same. Some of the new piping on the plan accommodates those modifications in the grading, they pick up some of the roof drains that will be disturbed by the expansion and new construction, as well as the new roof drains from the new expansions. Presently on the 2002 plan, there are a couple of over-sized pipes in the front of the facility under ground, that would serve as some kind of detention facility. Since we don't have the design data from the report of 2002, we assume that is for detention purposes. As we go through Mr. Azzolina's letter, he does not think, from evidence in the field, that all that was installed per that 2002 plan. That is something that we will be investigating. The grading, the expansions, the paving provide a small increase in impervious coverage by 0.15 acre. There will also be some sanitary modification to pick up the larger expansion in the rear. There will be a new sanitary sewer connection into the on site lateral that will discharge into Ackerman. There will be no new outside sanitary sewer facilities for the other expansions. At this time we are not proposing any other utility improvements. Most of the site will have a fresh coat of pavement.

Mr. Amicucci read Mr. Azzolina P.E report Page 11, Para. b;

Stormwater Management

A field inspection of existing stormwater management system revealed that it may not have been constructed according to the plans approved by the zoning boards as part of the prior application.

Mr. Amicucci asked Mr. Azzolina to explain.

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Mr. Azzolina said that Mr. Fowler indicated that the plans, prepared by Shore Department Engineering which is no longer in business, indicate a pipe system of twin 30" corrugated metal pipes, commencing at the inlet of the southern curb line continuing to an inlet in the center of the parking lot, and from that point the twin pipe system continuing to the inlet that is in the lawn area near the proposed addition at the front of the nursing home facility.

Mr. Azzolina said that he did his site inspection on Monday. He stuck his head into each of the inlets and was only able to see one 30" pipe coming out of the inlet in the lawn area. There are 2 pipes coming out of the inlet in the center of the parking lot, but you cannot see the end of the system at the inlet along the curb line. Furthermore the Langan plans indicate that there is a significant amount of debris in that inlet as well as one near the back. My recommendation to the applicant is that they clean the inlets and do a video investigation of the system so we can see exactly what it is that was constructed. When that information is obtained, then we can determine if there are any supplemental storage type facilities required.

Mr. Moldt asked: with regard to the impervious do you have figures of the actual square footage existing and proposed, and what those percentages are of the total lot.

Mr. Moldt said that he had looked for those figures which were referenced in the responses to Mr. Azzolina's plan #33 on Page 3, but could not find them.

Mr. Fowler spent some minutes looking for the figures on the plan but could not find them.

Mr. Fowler said that the increase was 0.15 acres.

Mr. Moldt said that he was interested to know what that translates into square footage and percentage of entire lot.

Mr. Fowler said that the lot area is 2.7 acres and the existing landscaped area is 0.93 acres. The existing impervious is 1.76 acres and the proposed is 1.91 acres.

Mr. Moldt asked if that includes all lots, all roadways, covered patios .

Mr. Fowler said : Yes.

Mr. Moldt said that comes to 71% proposed and 65% existing. That means a 6% increase in the Impervious.

Mr. Fowler said that he agrees with the numbers. Approximately 6500 square feet (Impervious).

Ms. Erem said to mark as A-5 the Landscape plan.

Mr. Fowler said this is a color version of the landscape plan. Along County Rd. we are providing screening shrubs to provide screening from the head lights, ground cover such as juniper. There are several existing trees that will remain on County Rd. Along Ackerman there will be screening shrubs, ground cover grasses, also existing trees to remain. For the building addition, it's a mix of trees, shrubs and ornamental grasses. There are several trees that will be transplanted. 17 trees will be removed or transplanted. Of those 17, 8 will be transplanted and 5 new trees will be added. There is a net loss of 6 trees. In the front of the main entrance there is a 25' by 25' paver plaza that will have some tree furniture – benches. The existing bumper to the north will remain, untouched. We have been talking about augmenting it in the NW corner. Along the southerly border there is not a lot of room for landscaping, however there is an existing 6' high border on border fence that will remain. Some decorative plantings at the entry points, particularly along County Rd. as well as the driveway at Ackerman. The larger building expansion in the north west will get some nice treatments for that view from the rear- some trees and ornamentals as well as ground cover and shrubbery.

Mr. Amicucci asked exactly how many trees are coming down that won't be put back.

Mr. Fowler said 9 trees.

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Mr. Moldt said that M. Fowler said that 17 trees to be removed, 8 of those will be transplanted, and 5 new trees will be added.

Mr. Fowler said yes.

Mr. Moldt said that the net loss will be 4 trees.

Mr. Moldt asked what would be the caliper of the new trees. You will be replacing older trees with newer trees.

Mr. Fowler said there is a 24” tree at the front of the patio. There is a larger tree in the front. There is a 24” pine along the northerly side, another 24” in the rear left of the site in the back.

Mr. Moldt asked along south side, what types of trees are being removed.

Mr. Fowler said he did not know the types but they are deciduous.

Mr. Moldt asked what type are you planning to replace to replace them with.

Mr. Fowler said maple or elms.

Mr. Azzolina said that the numbers in my report differ in quantities as cited by Mr. Fowler. The plan that I had based my analysis on is the Demolition plan. Perhaps Mr. Fowler could put that up.

Ms. Erem said to mark the Demolition plan A-6.

Mr. Fowler said on the Demolition plan there are ‘X’ s marked. Those are items to be removed. These items include trees, light bulbs and other appurtenances. There are 36 ‘X’s, but not 36 trees.

Mr. Amicucci said that was on Mr. Azzolina’s report. It has 36 trees from 5” to 24”. The net quantity of trees to be removed is calculated equal to 28 units.

Mr. Azzolina said : if Mr. Fowler is correct that the ‘X’s pertain to other features, it is difficult to ascertain that, given the quality of the prints that I received. He is looking at a computer screen that is a more definitive view of the facility. Perhaps he could illustrate where the points- the labels are turned off on the demolition plan- there are no tree labels, nor light bulb labels.

Mr. Fowler said that these 4 ‘X’s at the rear are light bulbs.

Ms. Erem said that for the record we are referring to the General Issue Plan.

Mr. McLaughlin said that he came up with 15 trees that are coming down. We are losing 5 trees from the front of the building.

Mr. Fowler said that there are 3 trees near the front entrance that will be transplanted. There is one on the S.E corner that will be transplanted. There is one on the S.E corner of the southerly patio that will be transplanted. On the S.E side of the existing building there is one that will be transplanted. There is one to the west of the southerly patio that will be transplanted.

Mr. McLaughlin said my concern is that we are losing the trees that are a buffer between County Rd and the building, that soften the sight from the roadway.

Mr. Fowler said that is correct we are losing the trees to accommodate the rotation of the parking. The street trees and a couple of others (probably 3) along the front parking area will remain.

Mr. McLaughlin said that his concern is losing the trees that are a buffer in between the parking lot and the roadway.

Mr. Fowler said we are adding the perennial shrubbery.

Ms. Erem said to mark as A-7 the Lighting plan.

Mr. Fowler described the proposed lighting. We have 13’ high poles which match the existing. Some of the existing fixtures in good condition will be relocated, some of the older poles will be eliminated, and we will be adding a few new poles that will match the existing poles that remain.

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Mr. Fowler said that the foot candles at the property line comply with the code at 0.6 foot candle. However on site we have an average in the parking lot of 1.2 foot candles. This does not meet the code and we are asking for a design waiver. We feel that the lighting levels are appropriate for the use. A lot of seniors will use this facility, and we want the area to be substantially lit for them. The 1.2 foot candles is the industry standards for this type of use. Sometimes the levels for poles that are lower to the ground get driven up right below the pole- the light is not distributed as much- so that can skew some of the numbers.

Ms. Erem asked Mr. Fowler if there were any other approvals required from other agencies.

Mr. Fowler said yes, we applied to Bergen County for Site Plan approval and we will need a Soil Erosion permit for local soil conservation issues.

Ms. Erem said she received a copy of a letter from the county that they received the application, and they are looking for confirmation that they are before this board.

Ms. Erem said we could address the issues that were raised in Mr. Azzolina's report. Mr. Azzolina has indicated that he does not recommend that the board grant a waiver on the storm water submission. We will comply with his suggestion to investigate what is out there as far as the drainage system. I will note that he is asking for some sort of drainage for a 2" storm and when I read the ordinance it indicates that it applies to a "major development". That is defined in the ordinance as any development that provides for untimely disturbance of one or more acres of land..... disturbance, for the purpose of this rule, is displacement of impervious surface or exposure and removal of soil or bedrock, or clearing, cutting or moving vegetation. I will like to ask Mr. Fowler if we are disturbing one or more acres of land which would trigger this requirement for a 2" storm.

Mr. Fowler said: no, I did a calculation on what is going to be disturbed- what areas where the soil will be exposed- it is 0.77 acres, so it is below the one acre threshold.

Ms Erem said: while we do appreciate the board's concern with respect to drainage, and the issue that maybe involved regarding what was put there in '02, and what we need to do to take care of that in 2012. I will ask the board to only require us to do what the ordinance requires us to do, and in this case, for this minor addition it is not applicable. I will also ask Mr. Fowler, with the addition would the current drainage handle that so that this would not be necessary or would this be necessary in order to properly handle the drainage.

Mr. Fowler said that we have to address Mr. Azzolina's prior comment that is to verify that what was designed and approved in 2002 is out of the site. In my opinion, if that is there, then yes, this minor increase will be handled by that system.

Mr. Moldt asked: by the current existing system ?

Mr. Fowler said: as designed in 2002 if it is present at the site.

Mr. Moldt said: you are saying, that if it is installed as designed it could handle the increase.

Mr. Fowler said: yes. Another comment, Mr. Azzolina had calculated that there is 9.6 increase in storm water run-off. Sounds substantial. When I fact calculated it- that occurs during a 2 year storm which would be increased from 5 cfs (cubic ft / sec) to 5.5 cfs. So we are talking not about the difference between \$10,000 and \$9,000, but like the difference between \$0.25 and \$0.28. This is a very small amount of water.

Mr. Azzolina said I recognize that it is not a major development, I do not state that it is a major development. Standards that would apply to a major development would be much more rigid than the 2" of rain over the impervious area that I am asking that they accommodate in their

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design. If it were to be a major development, they would have to reduce the peak loads from the site to the 2, 10 and 100 year storm events to 50%, 75% and 80% of their existing values. So, the standards being cited are not accurate. The 2" of rain is a generally accepted rule of thumb that we apply to single family dwellings constructed in town. The Borough code allows the Borough engineer certain latitude with respect to drainage reviews, and I am utilizing that latitude on this site, making a firm recommendation that some storm water management facilities be incorporated into the design, especially if the investigation determines that there is inadequate volume to handle the additional run off from the roof areas, that just physically, I don't see how the rear addition is going to get into the front retention system. So that, I believe, needs to be investigated. The adequacy of the existing piping system on the site has not been demonstrated. We are seeking pipe sizing calculations. I note that the existing pipe systems were installed in the early or late 1960's when 12" and 15", actually 10" and 12" rcp's (reinforced concrete pipes) were installed. I am not certain of slopes, that's why we have asked for additional information. So that the capacity of those pipes can be evaluated, whether they falling under gravity flow or pressure head conditions. So there are certain investigations that need to be made before we are able to determine that the storm drain system is correct, and furthermore that there is no impact to the municipal storm water conveyance system in Ackerman Place which is a 15" pipe that has to accept all the flow from the site. Beyond that, I also note that there are base line flows that are not reflected anywhere, in that I believe the mechanical equipment from this facility is discharging to the storm drain. I have witnessed flows, in dry weather events, so there is either a serious storm water condition where the sump pump is going 24 hours a day, or, most likely, that the air conditioning system has an outlet to the storm drain system. So with all those things in the background, I believe we are properly requesting that the design be revised to accommodate the 2" rainfall event.

Ms. Erem said: Mr. Chairman we are agreeable to do as Mr. Azzolina suggests, to determine what is there now. We have no problem with that. We understand there are concerns, however, we need to know what is there now and make a determination at that time. Because our expert is telling us that if what was supposed to be there in '02 is there, that would accommodate this little expansion. But we have to know that first. But I will say, despite whatever latitude or discretion might be given the consultant to the borough, and I have great respect for Mr. Azzolina, if we are not required to do it by the ordinance, then we are not required to do it. But, we don't want to have a drainage problem. So, we are perfectly willing to investigate what is there. So my suggestion is, let us do that. Let our engineer consult with Mr. Azzolina and let them make a determination. Because Mr. Azzolina may feel, after that's done, that even though you have this here, I still want this. But we may be able to demonstrate that even within his discretion that that is not necessary, and if your ordinance does not require it, honestly, you do not have the jurisdiction to impose it, most respectfully. But let us see what is out there and what needs to be done. Because if something was not done that was supposed to be done, we need to deal with that. I think that is the fairest way to approach this, because you have now a CareOne that is different today then the CareOne of 10 years ago in 2002. Those people are no longer there. Mr. Torsky is the director of development and there is a "sheriff in town", and they do not want to be a bad tax payer / a bad neighbor. So we need to see what's out there first, and then move on from there. That's my suggestion.

Mr. Merzel said: you keep saying the small increase. You are increasing the size of the building by 30%.

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Ms. Erem said 6500 square feet. I am just applying the ordinance in this narrow issue. Where it says a certain disturbance of land.

Mr. Merzel said when we are talking about the rain water drainage system. 6% increase in impervious coverage..

Mr. Moldt said the Impervious is growing by 6500 square feet, the building is growing by 9530 square.feet.

Mr. Merzel said 30% increase to the size of the building.

Mr. Fowler said the larger expansion in the rear sits on existing parking lot and does not generate anymore. That is why the building is growing and the impervious is not growing as much.

Mr. Merzel said we are talking about roof lines and new water systems. So it may not be a little minor addition.

Ms. Erem said we need to figure it out.

Ms. Erem said we will be happy to comply with Title 39.

Mr. Azzolina said: Speaking of the trees there is one other issue based on my field inspection. The trees along Ackerman Place, I believe suffered significant damage during the October storm, they appear to be in poor condition. If ever there was a location where additional trees could be planted, I think that that would be an area, within the right of way. Permission to do this would be needed from the borough. The trees there are within the right of way. Perhaps the board would want to confer with the Environmental commission to get their input. This is a possible area where the tree loss could be mitigated- not on the site per se but immediately adjacent

Ms. Erem said : we will certainly take a look at that.

Mr. McLaughlin said: On Mr. Azzolina's report, on page 14, Applications to Other Agencies. Had anyone met with the Cresskill Emergency services, Police / Fire, to find out if the emergency access, as shown on the plans, will accommodate their specific apparatus.

Ms. Erem said: there is a suggestion here and we will talk to them .

Mr. Fowler said: that the emergency access with the grass pavers that is existing from the northerly property line and coming across to the front. The only thing we are adding is a straight stretch connecting to Ackerman. In our opinion its probably not an issue. We have also submitted a vehicle turning point for emergency vehicles and deliveries.

Mr. Moldt asked: you would be meeting all necessary standards and codes for those types of lanes? Meaning the amount of weight that they have to bear.

Mr. Fowler said: yes, although for the most part it is usually up to the local fire dept.

Mr. Azzolina said : I believe the witnesses have covered all the issues raised in my report to the board on Jan. 26, 2012. I find that Mr. Fowler's testimony to be accurate and truthful. I do note that there are certain additional features of information that we have requested under Appendix A. I assume that the application will have taken care of that. Certain of the items we have requested previously, such as the Impervious Coverage calculation be added to the plan. Not with standing the fact that within the Professional Office zone there is no specified limitation as to Impervious Coverage. There is a Building Coverage limitation. The Impervious Coverage, theoretically, a site could be 100% impervious. The stipulation is that all the comments set forth in Appendix A will be addressed in a future planning submittal. As well as any other comments contained in the body of the letter. Subject to the findings of the board relative to the extension of that information or redesign is required.

Ms Erem said: and to the extent that it was discussed and agreed to on the record.

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Ms. Erem noted that it was 9:50 pm, she asked if the board has a time limit.

Mr. Amicucci said: he would like to close the hearing by 11 pm. To be continued next month.

Ms. Erem said: she would not like to start the next witness, and not be able to finish him and have the public ask questions the same night. So we will see how long it takes for Mr. Fowler to answer any questions from the public.

Mr. Amicucci opened the meeting to anyone with questions for Mr. Fowler.

Mr. John Ely , 235 County Rd.: said he borders the north side of the property.

Mr. Ely asked: on the N.W corner you show that grid line, that's an emergency entrance? How wide is that?

Mr. Fowler said: about 20'.

Mr. Ely asked: what will be along side of the grass pavers? Right now there is a curb there.

Mr. Fowler said: that will be demolished.

Mr. Ely said that 10 years ago you put trees all along the north side. Those trees have grown pretty well. Are you going to extend that down any further ?

Mr. Fowler said: we can extend some landscaping between the pavers and the property.

Ms. Erem said: its not on the plan.

Mr. Ely designated his property on the plan. He had researched the ownership history of the property ten years ago.

Ms. Erem said: that they can add some landscaping along that strip (a 30' strip owned by Mr.Ely).

Mr. Fowler said: we could add some trees along the property line.

Mr. Ely said: I do not have a problem with what I've seen today. My concern is what about the next guy. Maybe someone would not like that. I am putting the place up for sale in the next 6 months.

Mr. Fowler said: we can add some landscaping along as we are not in the site triangle.

Mr. Amicucci said: everything has to be a question, later on you can make a statement.

Mr. Fowler said: I just told you something you did not know.

Mr. Amicucci agreed.

Mr. Fowler asked if he could show a picture of the property. He had given a copy to Dunroven.

Mr. Ely explained the picture.

Mr. Van Horne said to Mr. Ely: why don't you give me that document and I'll mark it, and later on in the proceeding you can make a statement. I will mark it P-1.

Mr. Dean Morgan (182 Wilson) asked: the designated parking for doctors and staff and handicapped, have we identified that?

Mr. Fowler said: we have dedicated parking for handicapped in the front of the facility of 4 spaces and 5 spaces in the rear for employee parking. Everything else is not designated.

John Cooley (93 Union Ave) asked: you are going to increase the beds by 22%, and increase the parking by 5%.

Ms. Erem said: the increase is 22 beds.

Mr. Cooley said: 22 beds out of 100 is 22 %.

Ms. Erem said: you are right.

Mr. Cooley asked: how can you accommodate the extra employees and visitors.

Mr. Hodges said: we do not plan to increase the staff with the addition. Presently the facility is divided into 2 sections of 50 units. Our staffing ratios are higher than state requirements and the

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addition of 22 patients, even at our current staffing levels, with that increase in patient volume, we would still be above staffing requirements from the Department of Health.

That number is established on a PVD basis per patient day- every patient should receive 2.5 hours per day of nursing care. Currently our facility runs close to 4.0 in staffing.

Mr. Amicucci asked: what's the number.

Mr. Hodges said: the highest point of staffing is during the day from 7am to 3pm. Shifts for nursing are 7am to 3pm, 3pm to 11pm, 11pm to 7am. Department heads and other ancillary staff from 9am to 5pm. Our heaviest staffing period is between 9am to 5pm. That is for a staff of 60. Many of our employees take public transportation. We researched and that's about 30. I don't know on the day shift how many of those are from the 30. I presume at least 20 of those folks. Our staffing goes down significantly after 5pm. ie our therapists, our housekeeping staff, our dietary staff are gone by 5pm. Our parking during our heaviest time is just for 40 employees.

Mr. Amicucci said: you say the other people take public transportation, but you really cannot count on that all the time. Suppose that changes and everybody drives their own vehicle to work, now there is a problem.

Mr. Hodges said: generally the employees that take public transportation will continue to take public transportation.

Ms. Erem asked: has that been in your experience? Have you investigated that in the past?

Mr. Hodges said: yes. Its very common in our industry. Mostly nurses aids and dietary, housekeeping population.

Mr. Van Horne said: you have testified that your staff will not increase, so you are going to allow the quality of care to diminish. The same number of people caring for 122 patients versus 100 patients.

Mr. Hodges said: one of the issues in the building right now, is that it is not set up to be as efficient as our other centers operate today. A 50 bed nursing unit is quite small, compared to our other operations. In some buildings we have units that have 80 patients for one nursing station. Right now our staffing ratios is at 4.0, its well above industry standards and state requirements.

Mr. Van Horne asked: have you done a calculation what the ratio will be with 122 beds ?

Mr. Hodges said yes, it will be close to 3.0.

Mr. Van Horne asked how do you do that calculation.

Mr. Hodges said it is based on the number of patients. There is an acuity calculation as well, based on certain clinical parameters- that includes g-tubes, traits , IV's,- so that is factored into it, and based on the number of patients.

Ms. Erem said: all of these things are all subject to the state inspection, on at least a yearly basis. So that is all within the purview of the Department of Health. You are justifying to the board, that what you do in this facility either meets or exceeds the standards that are set forth by the Department of Health for patient care.

Mr. Hodges agreed.

Mr. Amicucci said: you are telling us that you have approximately 60 people working from 9am to 5pm. You figure about half of them take public transportation.

Mr. Hodges agreed.

Mr. Amicucci said: you have 30 people taking up 30 spots, so you are down to 51 parking spots.

Mr. Hodges agreed.

Mr. Amicucci said: he had a question for Mr. Morgan.

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Mr. Morgan was sworn in.

Mr. Amicucci asked: how often he visits the facility.

Mr. Morgan said: twice a day.

Mr. Amicucci asked: do you see any problems with parking when you go there?

Mr. Morgan said: many times. He often parks on Ackerman.

Mr. Amicucci asked: why would that be a problem? You actually need only 40 spots, and here you have 81 spots, and this gentleman is having a problem parking his car.

Mr. Hodges said: we also have visitors during the day. During the day is our highest volume of traffic- not only staff but ancillary staff, health care providers, physicians, and home care providers coming to do assessments. So we have much activity during the day beyond our employees.

Mr. Amicucci said: our problem is that the formula you go by- so many parking spaces per bed and you seem to have more than enough- double. We all know that as Mr. Morgan says, that really does not work. We have to use common sense. From 8am to 5pm you will have a lot of visitors, a lot of physicians, now you add 22 more beds which will make the problem a little bigger.

Mr. Hodges said: from my perspective there are times when we are very busy. When parking can be a challenge during the day, during our heaviest peak time. However the majority of our visitors visit in the evening when our staffing is much lower and parking is quite ample.

Mr. Amicucci said: at night.

Mr. Hodges said which is the heaviest time of day for our visitors.

Mr. Amicucci said: I drove through your parking lot today at about 3:30pm and I counted 2 empty spots and there was one car parked in the No Parking zone.

Ms. Erem asked: Mr. Morgan what times do you usually go to the Nursing Home?

Mr. Morgan said 9am and after 4pm.

Ms. Erem asked: where do you usually park ?

Mr. Morgan said: I park on County where there is no sign.

Ms Erem asked: when you park there do you just automatically park there or do you go through the site first.

Mr. Morgan said: I go through the site first.

Ms. Erem asked: do you ever park along Ackerman ?

Mr. Morgan said that he parks on Ackerman when there is no restriction.

Ms. Erem asked: how about Margie Place, is there a restriction there ?

Mr. Morgan said: I never parked there. If I cannot find a spot, I come back later.

Mr. Morgan said: while I'm still on the floor, I would like to commend the great ladies and nurses that are working there. I was over in Westwood prior to that and this facility is far superior.

Mr. Merzel said: you say that most visitors come in the evening. How is the situation on the weekends? I would assume you get a lot of visitors on the weekends.

Mr. Hodges said: we do. Honestly, I have only visited out Dunroven facility only a handful of times over the weekends but we do not have our department heads working on the week ends, we have a weekend manager- so that is 10 spots we get on the weekend. We have a much lower Therapy staff on the weekend. We have 2 full time therapists on the weekend versus a staff of 15 to 20 during the week. So it is lighter from the staffing perspective.

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Mr. Morgan asked: when the construction will be going and the noise with construction. How will you take care of the patients as far as working with them so that they are not blasted out of the place.

Mr. Hodges said: we stop our construction at 4 pm in the afternoon. There is a number of safety requirements that we adhere to under the Dept. of Health guidelines. We scrutinize our contractors very closely and hold them to very high expectations. There are times when it is noisy, like any construction. But we work to start that later in the morning and finish early in the day. I have been working for the company for 11 years and we have done many renovation and addition projects. So we are experienced at making sure that we pick contractors that adhere to our standards and that have our patients' and residents interests put first before the project.

Mr. Morgan said: there are fragile patients there.

Mr. Hodges agreed.

Mr. Hodges said: we also have our own in-house project management team from CareOne that are frequently on site to manage the contractors. They are very experienced in ensuring that the patients and residents are safe.

Ms. Erem said: that seeing that there are a lot of questions, then perhaps we should stop now and regroup, because there were some issues raised which we should address next time- visit the police and fire dept. Next time I can start with our architect. I do not want to start and not be able to finish.

Mr. Amicucci agreed and said that the next hearing date was Feb. 23, 2012.

Ms Erem said: no further notice is required.

Greg Mueller (305 11th St) asked the applicant: when you come back next month will you be bringing back all the experts?

Ms. Erem said: yes.

Mr. Amicucci said: we will continue this next month on the 23rd.

Ms. Erem said: thank-you very much for your time.

Meeting was adjourned at 10:21pm