

**BOROUGH OF WESTWOOD  
ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
MINUTES**

**March 29, 2012**

**APPROVED 5/7/12**

**1. OPENING OF THE MEETING**

The meeting was called to order at approximately 8:00 p.m.

Open Public Meetings Law Statement:

This meeting, which conforms with the Open Public Meetings Law, Chapter 231, Public Laws of 1975, is Special Meeting of the Westwood Zoning Board.

Notices have been filed with our local official newspapers and posted on the municipal bulletin board.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL:**

**PRESENT:** Raymond Arroyo, Vice-Chairman  
William Martin, Chairman  
Michael Bieri  
Vernon McCoy  
Robert Bicocchi  
Eric Oakes  
Christopher Owens  
Matthew Ceplo (Alt #1)  
Guy Hartman (Alt #2)

**ALSO PRESENT:** David Rutherford, Esq., Board Attorney  
Louis Raimondi, Brooker Engineering,  
Board Engineer  
Steve Lydon, Burgis Associates,  
Board Planner

**ABSENT:** None

- 4. MINUTES:** None
- 5. CORRESPONDENCE:** None
- 6. VOUCHERS:** None
- 7. RESOLUTIONS:** None
- 8. PENDING NEW BUSINESS:** None

(WWZB 3/29/12-Special)

**9. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS, APPEALS, INTERPRETATIONS:**

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS  
The Board Professionals were sworn in.

**1. Care One at Valley, 300 Old Hook Road - Variance & Site Plan Approval, Block 2001, Lots 51 and 64** - Special Meeting Hearing - Donna Erem, Esq. of Wolf and Samson, Esqs. represented the applicant, for preliminary and final site plan approval, in a continued hearing from 2/27/12.

The Police Department provided a letter dated 3/28/12 as requested by the Board.

Michael Fowler, engineer, was presented to respond to the Board's questions and concerns.

Exhibit A4 - Care One at Valley, SU-30 Truck Maneuver Plan, dated 3/12/12, prepared by Langan engineering, was entered into the record. Mr. Fowler explained the curb closest to the building was pulled closer to the building, to provide better access and maneuverability for trucks. It is 6' from the building. They are going to eliminate the emergency access and replace it with landscape area. The asphalt sidewalk would be replaced with concrete.

Exhibit A5 & A6 - Existing Watershed Area Maps - These were included in the Stormwater Drainage Report filed with the Board, but not submitted to all the Board Members. Mr. Martin advised that all Board Members should receive a copy of all transmittals in advance of the meeting. Mr. Fowler explained the drainage would have much more capture now. The area that would go to Old Hook Road is decreased from 1.3 acres to 1.2 acres. There has been no revision to the plan. Mr. Raimondi asked if any inlets were proposed at the easterly driveway, and Mr. Fowler responded no, but the drainage was reduced. The County was in the process of reviewing this.

Questions on drainage continued. Mr. Martin noted there is a problem with flooding in Westwood. Mr. Raimondi commented anything that can be captured in the on-site system would be

(WWZB 3/29/12-Special)

helpful, and he did not think it would have to be increased significantly. Ms. Erem asked Mr. Fowler to review this.

Exhibit A7 - Residential Screening Sketch - a blow up of the rear end of the property. There was a concern about providing screening. It had not yet been submitted, and is a proposed supplement based on the Board's comments. Again, Mr. Martin commented these items should be submitted in advance of the meeting for the Board to review and followed. This is our practice. We normally defer applicants. Ms. Erem explained they did not amend the plan yet in case the Board did not like this. Nonetheless, Mr. Martin noted everything is to be submitted in advance. Mr. Martin stated it would be deferred for now until the next hearing and asked if there were any other drawings the Board had not seen yet, and the response was no. Mr. Raimondi commented on the landscaping plan, recommending they leave grass areas for the North addition.

Mr. Arroyo asked if they completed a title search to determine whether there are any easements. Ms. Erem said they did not receive a search yet, and there was no definitive answer. Mr. Martin questioned whether the lot line of the lot that encroaches into the Residential Zone would go away. Mr. Erem advised the lots will be joined, and the lot line will go away. It remains R1, and they are requesting a variance, Mr. Martin explained.

There were no further questions of the engineer from the Board and none from the public.

Rubin Twerski, VP of Development for Care One, was sworn in and testified about the need for nursing facilities. They are governed by the Department of Health. Mr. Twerski acknowledged, per Ms. Erem, that he received and read the letter of Police Capt. Frank Durante, Office of Chief Frank D. Regino, stating although this would be a credible establishment, in 2011 they received 102 calls from the location for alarms and emergency responses, and expect that to increase. Care One has a Certificate of Need for 120 beds. There is a regional need for these beds, which are approved, licensed beds. Mr. Martin requested documentation for the number of beds and expansion, as well as data as to the number of emergency calls received. Once that data is received, Mr. Martin continued, it should be

(WWZB 3/29/12-Special)

circulated to the Ambulance Corp. and Fire Dept., as the Chief's letter suggests.

There were no further questions of Mr. Twerski from the Board and none from the public.

Ralph Rosenberg, Architect, NK Architects, Morristown, NJ, was sworn in, qualified and accepted. He is a licensed architect and planner, but was testifying as an architect this evening. Exhibits A8, A9 and A10 are Sheets A1, 2 and 3 of the Architectural Plans. Mr. Rosenberg testified. Sheet A1 is the First Floor Plan. Care One at Valley is an existing, one-story building serving 120 beds. Units represent rooms, not number of beds. The South part is on Old Hook Road. There is a central recreation area. Driveway is to the West for drop off and then you proceed down the property. What is outlined in red and highlighted is a two-story expansion in the rear. They are increasing beds from a 120 to a 150-bed capacity. Sheet A2 is a blow up detail of A1. They are providing outdoor seating, hair salons and more amenities. It shows the expansion into the R1 Zone. They are providing 10 rooms that can accommodate a variety of different scenarios, depending on the need. The zone line comes into the middle of the expansion. Ms. Erem asked how many feet they were pushing into the R1 Zone, and Mr. Rosenberg responded about 32', and about 72-74' remain. It is important to know the scope of the North property addition.

Mr. Rosenberg discussed the aesthetics. They added a porch and second story porch to break up the length of the building, adding windows, and roof shingles would match the existing building. It is very decorative and elaborate. As for height, he referred to Sheet A5, which focuses on details. On Old Hook Road, they are proposing 32-36' at the eaves and 14' in the rear. The building in the R1 zone is not larger than a single-family home. It is comparable to a ranch-style home. Building-mounted lighting was discussed. There would also be wall sconces and would not adversely affect the surrounding residents.

Questions of the architect followed. Mr. Martin reviewed it was indicated they had to have all nursing services on one floor. He asked what was driving the planning to bring it so close to Old Hook Road and encroach into the R1 Zone. Mr. Rosenberg responded for this facility in this program it was

(WWZB 3/29/12-Special)

mandatory to develop an expansion program to keep the building uninterrupted during the renovation expansion project. This is a limited site and footprint, and they have to make sure that the existing facility would be disturbed in the least, the architect explained. It has to be done a certain way to make sense financially to build.

Chairman Martin commented your client is asking the Board to approach the project in one way, and asked him if it was possible to expand all on the HSO zone property, irrespective of the financial costs. Mr. Martin deferred to the Board Attorney. Mr. Rutherford commented they have 120 already on the first floor and are only increasing by 38. It seems they would have all the services on the 1<sup>st</sup> or 2<sup>nd</sup> Floor. Mr. Oakes asked does it have to go here and does it have to happen in such a specific way to encroach on the road and expand into the R1. This is being viewed under the criteria of the Board's review.

Ms. Erem clarified the question is whether it could have been built in such a way as to not have a front yard setback variance. Mr. Rosenberg explained how he did not want a long flat building in the front, and aesthetically they had to encroach on Old Hook Road for the front of the building. There was no additional property available to them to proceed without any variances.

Do all residents stay on the premises during construction, Mr. Arroyo asked. Mr. Rosenberg deferred to the operator. They would have to arrange everything to line up properly. Mr. Lydon questioned the applicant on the setback and coverage variances. Assuming this all gets approved as proposed, is it three separate entities, i.e., a third entity for the Alzheimer's, he asked. It is all part of the assisted living, Mr. Rosenberg responded. Mr. Martin, the questions Mr. Bieri asked about rearranging things regarding setbacks, he realizes it is for design, but from the standpoint of the Board, this expansion is going to become massive, all pushed towards the front and the modern parts in the back. Also, there is quite a list of variances. Perhaps there is something to be done to realign the design, something with a better planning alternative, to reduce impact on Old Hook Road, but not due to the cost of applicant. The Board would like this to be explored. We would want to hear from the planner. He wanted to emphasize what Mr. Bieri was saying.

(WWZB 3/29/12-Special)

There were no further questions of the architect, and none from the public.

The Board took a recess from 9:44-9:56 pm.

Mr. Arroyo asked them for the number of residents or projection of how many people will be displaced by this construction. Mr. Twerski responded from past and present experience, they would move residents within the facility. Mr. Martin commented we are looking at it from a planning point of view and compliance and want to see alternatives. Mr. Twerski commented about need; they are providing a service to the public and there is a need. They will take a second look to alleviate the variances. He also spoke about construction materials and staging. We are more interested in a planning perspective and planning testimony, Mr. Martin stated. Ms. Erem advised they will explore alternatives and will not have planner testimony until we have a plan agreed upon. The Chairman commented we are talking about a nursing facility, and there are aspects a planner can start testifying about. Ms. Erem noted there are a number of variances that may or may not remain. She does not want to present it chopped up, and wants it to be coherent. There is a four point test that they want to present in a clear manner.

There were no further questions from the Board of Mr. Twerski. A member of the public came forward. Moses Monoyan asked if they were going to use Hudson Street for construction. He does not want to have trouble accessing his property. Ms. Erem answered they are not sure how they are going to use Hudson Street. Mr. Raimondi said he has entered the site from Carver Avenue and asked if he has an easement from Hudson Street, noting he has to look at his deed. All he has on the survey is a gravel drive. Mr. Martin explained to the gentleman if the applicant is successful, he should be prepared to access his property from Carver. Right now he is crossing someone else's property to access his own. It happened over time, and we do not know how that happened, he added. There were no further questions.

The matter adjourned until May 7<sup>th</sup>, with no further notice and the time extended. Ms. Erem advised she would submit the new drawings introduced at the hearing this evening.

(WWZB 3/29/12-Special)

**10. ADJOURNMENT** - On motions, made seconded and carried, the meeting was adjourned at approx. 10:10 p.m.

**Respectfully submitted,**

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**MARY R. VERDUCCI, Paralegal**  
**Zoning Board Secretary**