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VILLAGE OF RIDGEWOOD  
PLANNING BOARD  
TUESDAY, APRIL 5, 2016  
COMMENCING AT 7:43 P.M.

.....  
IN THE MATTER OF: : TRANSCRIPT OF  
"Whispering Woods" Public Hearing :  
on Settlement and Consideration of: PROCEEDINGS  
a 2016 Master Plan Amendment :  
pursuant to Remand Order entered :  
by Honorable Lisa Perez-Friscia, :  
J.S.C. on the matter known as The :  
Valley Hospital, Inc. v. Village :  
of Ridgewood Planning Board, et al:  
.....  
B E F O R E:

VILLAGE OF RIDGEWOOD PLANNING BOARD  
THERE BEING PRESENT:

- CHARLES NALBANTIAN, CHAIRMAN
- RICHARD JOEL, VICE CHAIRMAN
- PAUL ARONSOHN, MAYOR
- SUSAN KNUDSEN, COUNCILWOMAN
- WENDY DOCKRAY, MEMBER
- KEVIN REILLY, MEMBER
- DAVID THURSTON, MEMBER
- KHIDIR ABDALLA, MEMBER
- DEBBIE PATIRE, MEMBER

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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A L S O P R E S E N T :

BLAIS L. BRANCHEAU, PP, VILLAGE PLANNER  
MICHAEL CAFARELLI, RECORDING SECRETARY

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Counsel for The Valley Hospital

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1                   CHAIRMAN NALBANTIAN: Good evening,  
2 everyone. We're about to begin.

3                   We have a lot of people this evening,  
4 and, as we did yesterday, we set up in the senior  
5 center downstairs so that if we reach Fire Department  
6 capacity in this room, we have a live video feed  
7 downstairs so the people can participate. I believe  
8 we also have a signup sheet for people who are  
9 downstairs who may want to speak this evening.

10                  As I always mention for everyone's  
11 safety, we have members of the Police Department and  
12 Fire Department, who assist us to manage the number  
13 of people we have here and also for everyone's  
14 safety.

15                  So at this time, I'd like to call  
16 tonight's regular Planning Board meeting to order,  
17 Tuesday, April 5, 2016.

18                  VICE-CHAIRMAN JOEL: In accordance with  
19 the provisions of Section 10:4-8d of the Open Public  
20 Meetings Act, the date, location, and time of the  
21 commencement of this meeting is reflected in a  
22 meeting notice, a copy of which schedule has been  
23 filed with the Village Manager and the Village Clerk,  
24 The Ridgewood News and The Record newspapers, and  
25 posted on the bulletin board in the entry lobby of

1 the Village municipal offices at 131 North Maple  
2 Avenue, and on the Village website, all in accordance  
3 with the provisions of the Open Public Meetings Act.

4 CHAIRMAN NALBANTIAN: Will everyone  
5 please rise for the flag salute.

6 (At this point in the proceeding all  
7 rise for a recitation of the Pledge of  
8 Allegiance.)

9 CHAIRMAN NALBANTIAN: Michael, will you  
10 please call the roll.

11 (At this point in the proceeding roll  
12 call is taken with Mayor Aronsohn,  
13 Councilwoman Knudsen, Chairman Nalbantian,  
14 Vice-Chairman Joel, Mr. Reilly, Ms. Dockray,  
15 Mr. Thurston, Mr. Abdalla, and Ms. Patire  
16 present, with Ms. Altano and Ms. Bigos  
17 absent.)

18 CHAIRMAN NALBANTIAN: It looks like we  
19 have listed on the agenda tonight and executive  
20 session, however, we do not have business to conduct  
21 in executive, so we will skip to No. 3, which is  
22 public comments on topics not pending before the  
23 board. So this is an opportunity for members of the  
24 public who have comments on issues that are not  
25 related to anything tonight, other matters that are

1 pending before the board, they may come forward.

2 THE COURT REPORTER: You have to speak  
3 up a little, Chairman.

4 CHAIRMAN NALBANTIAN: Can everybody  
5 hear me?

6 AUDIENCE MEMBERS: No.

7 CHAIRMAN NALBANTIAN: If there are  
8 members of the public who have comments on issues not  
9 pending before the board, what that means is if you  
10 have comments on things other than why we're here  
11 tonight or other matters that are before the board,  
12 you can come up and you can comment, otherwise we'll  
13 proceed.

14 Okay. Seeing that there are no  
15 comments, the next item we have is topics on issues  
16 that relate to the community/commission/profession  
17 updates for non-agenda topics.

18 Anything to my left?

19 MS. DOCKRAY: No.

20 CHAIRMAN NALBANTIAN: And to my right,  
21 Katie or Blais?

22 MR. BRANCHEAU: No.

23 CHAIRMAN NALBANTIAN: The next item we  
24 have the is the "Whispering Woods" Public Hearing on  
25 Settlement and Consideration of a 2016 Master Plan



1 Amendment pursuant to Remand Order entered by Hon.  
2 Lisa Perez-Friscia, J.S.C., on the matter known as  
3 The Valley Hospital, Inc. v. Village of Ridgewood  
4 Planning Board, et al. Public comment and possible  
5 formal action to be taken.

6 So thank you again, all, for coming and  
7 welcome to this meeting which has been convened for  
8 the purpose of continuing the board's Whispering  
9 Woods hearing to consider a proposed amendment to the  
10 Village of Ridgewood Master Plan pursuant to the  
11 settlement terms reached with Valley Hospital  
12 following litigation which commenced in 2014.

13 Tonight we will continue the process of  
14 public comment, which we started yesterday. I  
15 believe we were able to get through everyone who  
16 wanted to speak yesterday, but we were made aware  
17 that there were others who wanted to speak tonight,  
18 so we will continue public comment tonight.

19 Please remember that public comment  
20 began after two days of testimony and questions from  
21 both the board and the public, which is now complete.

22 I notice we have a number of children  
23 here tonight and typically we don't take public  
24 comment from children; however, this evening I think  
25 we will. But please note that if they do come up to

1 make comment, they will have to be sworn in, as all  
2 of us were. So you can keep that in mind, and if  
3 there are children that you can assist with that  
4 process before they come up, that would be  
5 appreciated.

6 I'd like to remind everyone that the  
7 board is proceeding under the guidelines of the  
8 remand order that was issued by the court. The order  
9 establishes a framework of a settlement and specific  
10 procedural requirements and timelines for these  
11 hearing, which we must strictly continue to follow.

12 Let me again now review the procedure  
13 for tonight's public comment. When you arrived here  
14 this evening, you were asked to sign up for public  
15 comment. If you signed up yesterday but left, you  
16 must sign up again tonight, we're starting a fresh  
17 list. And, again, if there are folks downstairs,  
18 please sign the list, we're going to proceed in that  
19 order.

20 When I announce that the hearing is  
21 open for public comment, we will call the names in  
22 sequence from the list and in that order. So if you  
23 wish to speak and have not signed up, please do so  
24 now. There will also be a signup list for those of  
25 you who are participating in the senior center



1 finish your statement within the remaining one minute  
2 so that the next individual in sequence can have  
3 their turn. As directed by the court remand order,  
4 everyone who wishes to comment will be given the same  
5 five-minute time period. I will call on everyone who  
6 is in line only once until everyone on the list has  
7 had their five-minute opportunity to comment. And I  
8 will try to get through everyone who has signed up  
9 tonight.

10 Please remember that the remand order  
11 requires that each person who wishes to comment is  
12 permitted only that five minutes, so that if you  
13 already spoke during public comment last night, you  
14 may not repeat your time again tonight.

15 Please keep in mind while the board  
16 will attempt to hear from everyone who wishes to  
17 speak, there is no obligation under the law or the  
18 remand order to entertain repetitious comments.

19 After members of the public have had  
20 opportunity to comment on the proposed plan amendment  
21 and the matter has been concluded, the board may then  
22 take action to approve the amendment or decline  
23 adoption of the amendment.

24 Before we begin public comment, let me  
25 again say that not everything that is said here

1     tonight during public comment is likely to be  
2     agreeable to everyone and, therefore, there is a  
3     level of patience, respect, and cooperation that must  
4     be maintained throughout this process by all of us.  
5     When a speaker is at the microphone, please don't  
6     interrupt. Shouting, applause, insults, or other  
7     disruption are not permitted.

8                     So with that, Katie, I don't know if  
9     you have anything you want to say at this time?

10                    MS. RAZIN: No.

11                    CHAIRMAN NALBANTIAN: If not, why don't  
12     I take a motion to open to public comment.

13                    VICE-CHAIRMAN JOEL: Motion to open to  
14     public comment.

15                    CHAIRMAN NALBANTIAN: Is there a  
16     second, please?

17                    MR. REILLY: Second.

18                    CHAIRMAN NALBANTIAN: Michael, please  
19     call the roll.

20                    MR. CAFARELLI: Mayor Aronsohn?

21                    MAYOR ARONSOHN: Yes.

22                    MR. CAFARELLI: Councilwoman Knudsen?

23                    COUNCILWOMAN KNUDSEN: Yes.

24                    MR. CAFARELLI: Mr. Nalbantian?

25                    CHAIRMAN NALBANTIAN: Yes.

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MR. CAFARELLI: Mr. Joel?

VICE-CHAIRMAN JOEL: Yes.

MR. CAFARELLI: Mr. Reilly?

MR. REILLY: Yes.

MR. CAFARELLI: Ms. Dockray?

MS. DOCKRAY: Yes.

MR. CAFARELLI: Mr. Thurston?

MR. THURSTON: Yes.

MR. CAFARELLI: Mr. Abdalla?

MR. ABDALLA: Yes.

MR. CAFARELLI: Ms. Patire?

MS. PATIRE: Yes.

CHAIRMAN NALBANTIAN: Thank you,  
Michael.

Okay. The first name I that have on  
the list for public comment is Benjamin Ran.

Good evening.

Please state and spell your name and  
provide your address.

MR. RAN: My name is Benjamin Ran,  
B-E-N-J-A-M-I-N R-A-N, 471 Berkshire Road, Ridgewood.

THE COURT REPORTER: Please raise your  
right hand.

Do you swear or affirm the testimony  
you are about to give in this proceeding is the

1 truth, the whole truth and nothing but the truth?

2 MR. RAN: I am a teacher at BF. I'm  
3 finishing my 11th year of teaching there and 16th  
4 year teaching middle school overall. I hold a  
5 bachelor of science and two master's degrees in  
6 education related fields. I want to say that I'm  
7 speaking for myself as a teacher and my students, and  
8 not as an official representative of the district or  
9 the REA.

10 By this point in my career, I have  
11 taught over 2,800 days of school, and at an average  
12 of five classes per day, I have seen over 14,000  
13 classes so far.

14 I have a pretty good sense about what  
15 it's like to be a middle-schooler. It's my opinion  
16 that this hospital expansion is going to be a huge  
17 distraction to them right from the start.

18 The way a middle-schooler's mind works,  
19 they're a distraction to themselves. Hair, clothes,  
20 shoes, friends, parents, grades, homework, sports,  
21 it's all so much to them. The hospital expansion  
22 adds noise, dust, traffic and alternate routes to the  
23 already full and growing bodies and brains. And my  
24 most estimates, this would be a 6 to 10 years of  
25 construction, a full 2 to 3 generations of BF kids,

1 which is roughly 700 to 1000 students.

2 I teach eighth grade. By now eight  
3 graders are too cool to go running to the windows  
4 when a fire truck or an ambulance goes down Van Dien  
5 towards the hospital or the rest of town, but I still  
6 see some of them crane their necks to get a glance at  
7 what's happening.

8 When the siren is going off, I have to  
9 pause my instruction or the students have to pause  
10 their thoughts to wait for the trucks to pass, and  
11 then we start over again.

12 When the landscaper is cutting grass  
13 across the street or the garbage truck is collecting  
14 trash and when the leaf machine is vacuuming up the  
15 leaves in the fall or the constant pounding of nails  
16 and cutting of wood for a local home renovation in  
17 the distance or anything else out there, all the  
18 noise is a competition for their attention. Even  
19 though all this noise is very normal and very  
20 temporary, even as adults, if this were to happen to  
21 you in your place of business, you'd say, gosh, it's  
22 so annoying, I can barely hear myself think.

23 So you can certainly imagine what it  
24 would be like for the attention of middle school  
25 students to endure 6 to 10 years of construction and



1 construction vehicles right next door, all while  
2 asking them to concentrate and work their hardest.

3 As much as schools are doing hands-on  
4 activities and writing and typing, schools are still  
5 very much verbally centered: Teachers talk to  
6 students, students talk to teachers, teachers talk to  
7 teachers and parents and administrators, students  
8 talk to each other, the noise of this expansion will  
9 disrupt this communication.

10 Now, I know some people think the  
11 answer to the problems of sound and dust are so easy,  
12 just close the windows, turn on the air conditioners.

13 If it were only so simple.

14 While I'm thrilled we have air  
15 conditioners, they're wall units and they're loud. I  
16 run them on my off periods just to cool the place off  
17 and I turn them off when the students are back in  
18 class. If you don't think fresh air is necessary, I  
19 invite you to visit a middle school class on a warm  
20 day just after gym. And it's not just the students  
21 in my class, there are 15 classrooms and the library  
22 on the Van Dien and Glen Avenue side of the building  
23 where all the construction vehicles are slated to  
24 pass by.

25 There are an additional 21 classrooms

1 on the parking lot side of BF, as well as classes  
2 that go outdoors for phys ed, yoga, outdoor learning  
3 and lunch recess. They will all be affected by the  
4 construction noise and dust. No one will be  
5 sheltered from this for 6 to 10 years.

6 From what I've heard, the hospital is  
7 now drawn up to be just 30 feet from the BF property  
8 line. I took a tape measure outside this morning and  
9 measured the distance between BF and the Valley  
10 property line. The total distance between the  
11 buildings would end up being about 200 feet apart.  
12 It sounds far, but it's really not. It's a distance  
13 of about six classrooms. Six classrooms are just  
14 down the hall. I can't imagine anyone thinking that  
15 putting a commercial building twice as high as it is  
16 now just six classrooms away is a good idea, and see  
17 that this is what this comes down to, the size and  
18 duration of this project is not just a good idea.

19 One of the things I love about middle  
20 schools kids is their honesty. They haven't learned  
21 how to be tactfully polite yet, they just say what's  
22 on their minds the minute it hits.

23 If this project goes through --

24 MR. CAFARELLI: One minute remaining.

25 MR. RAN: If this project goes through,

1 a few years from now, when we're stuck in the middle  
2 of it all, we'll be looking at the hospital and the  
3 student will ask, "Whose idea was this?"

4 The obvious answer is this is Valley's  
5 idea. What they really want to articulate is the  
6 attitude underneath the question, who signed off on  
7 this? Who let this happen to our neighborhood?

8 The answer to those questions lie in  
9 your hands, because depending on how this goes, I can  
10 either tell them that even though the Planning Board  
11 and Town Council and local neighbors and residents  
12 fought as hard as they could, still a judge ruled  
13 against us and an injustice has been committed  
14 against our town. Or I can tell them the Planning  
15 Board thought that this plan was good enough.

16 And that's not okay, because Ridgewood  
17 has always been about excellence, never just good  
18 enough.

19 So please vote no to this expansion  
20 plan, because we should continue to fight for what's  
21 best for our kids and our town.

22 Thank you.

23 (Applause.)

24 CHAIRMAN NALBANTIAN: Thank you,  
25 Mr. Ran.

1                   The next person we have is Matthew  
2 Salerno, Jr., No. 2.

3                   Hi, Matthew.

4                   Please state your name and spell your  
5 name and then provide your address.

6                   MASTER SALERNO: My name is Matthew  
7 Salerno, Jr., M-A-T-T-H-E-W S-A-L-E-R-N-O.

8                   CHAIRMAN NALBANTIAN: And your address?

9                   MASTER SALERNO: 164 North Van Dien  
10 Avenue.

11                   CHAIRMAN NALBANTIAN: Okay. She is  
12 going to swear you in.

13                   THE COURT REPORTER: Please raise your  
14 right hand.

15                   Do you swear or affirm the testimony  
16 you are about to give in this proceeding is the  
17 truth, the whole truth and nothing but the truth?

18                   MASTER SALERNO: I do.

19                   My name is Matthew Salerno, Jr., and  
20 I'm a seventh grader at Ben Franklin Middle School.

21                   I'd like to thank everyone on the  
22 Planning Board for the time you spent on the Valley  
23 Hospital Master Plan Amendments. I'm only 12, but it  
24 feels like this has been going on forever, so I can't  
25 imagine how you must feel.

1 I'm here tonight with my mom, Ann  
2 Salerno, and my four little sisters, Bella is 10,  
3 Camellia is five, Alexander is two and a half, and  
4 Ellie is one.

5 As a student at BF, I walk to school  
6 with to school every day. I play touch football on  
7 the side field with my friends during recess and I  
8 run the track with PE for spring track and for field  
9 day in June.

10 Most days most classrooms leave the  
11 windows open for fresh air, because it gets stuffy in  
12 our classroom. There's nothing like a nice cool  
13 breeze to keep you refreshed during the day. I walk  
14 home past the hospital every day. Some weekends and  
15 evenings, my family walks back to BF, passing the  
16 hospital, and we walk around the track. It's quiet  
17 and peaceful and safe for me to do these things.

18 I'm worried that if the massive  
19 construction were to take place, my four little  
20 sisters will experience a very different BF. Every  
21 day they will walk past an active construction zone  
22 with loud construction noises and disgusting  
23 pollution. Every day they will play on a field only  
24 40 feet away from the BF fence, which will become  
25 increasingly overshadowed by an enormous building.

1 Every day they will deal with noise and pollution in  
2 class, if the windows are open and during outdoor  
3 recess.

4 Or maybe they won't, because if this  
5 massive construction were to take place, my mom, like  
6 other moms, might just start driving them to school  
7 to avoid them having to walk past a construction zone  
8 every day, adding to the already congestion on the  
9 roads by BF.

10 If the massive construction were to  
11 happen, maybe kids would stop going outside for  
12 recess after lunch to avoid the construction noises  
13 and the pollution. And after dealing with the  
14 construction noise and pollution every day, day after  
15 day, maybe the PE teachers will stop taking classes  
16 outside because it's too hard to communicate over the  
17 construction noise and because it won't be safe for  
18 the students to be running around the field and  
19 breathing fumes from the construction. Maybe the  
20 classroom windows will be kept closed, because  
21 construction noises will distract already easily  
22 distracted students, and the construction smells will  
23 disgust us.

24 And after all of my little sisters have  
25 passed through BF, in over ten years of construction,

1 never experiencing the safety and peaceful BF that I  
2 experienced, future generations of BF students, maybe  
3 my kids, will never know what it was like not to have  
4 a giant building sitting practically on top of our  
5 field. This construction plan is so detrimental, too  
6 big and it will take too long for over three  
7 generations of BF students, affecting over 1,000  
8 students.

9 I ask you to please reject this  
10 settlement for the good of current students,  
11 educators, future generations of students, like maybe  
12 my children.

13 CHAIRMAN NALBANTIAN: Matthew, thank  
14 you very much.

15 MASTER SALERNO: You are welcome.

16 (Applause.)

17 CHAIRMAN NALBANTIAN: Vivian  
18 McWilliams.

19 THE COURT REPORTER: Please raise your  
20 right hand.

21 Do you swear or affirm the testimony  
22 you are about to give in this proceeding is the  
23 truth, the whole truth and nothing but the truth?

24 MISS McWILLIAMS: Yes.

25 Vivian McWilliams, 431 Bogert Avenue.

1                   My mom comes to these meetings, and she  
2 told me about the problems this is making to kids  
3 that will walk to BF, and, even my brother, who walks  
4 to the high school or my sisters, because it will be  
5 noisy and dirty and can hurt kids walking to school  
6 and home.

7                   Some people will have a hard time  
8 getting to and from school, because of all of the  
9 trucks. Some people have problems, like asthma or  
10 allergies, and dust makes it worse. If that happened  
11 near BF, it will put kids in danger.

12                   This is a lot of things to be worried  
13 about for a little kid. Please decide not to build  
14 such a giant building in our neighborhood and next to  
15 our school. Maybe you could change or alter the  
16 building and make it newer. Please try to keep our  
17 neighborhood safe for kids and school.

18                   Thank you.

19                   (Applause.)

20                   CHAIRMAN NALBANTIAN: Thank you,  
21 Vivian.

22                   I have a question for you. How old are  
23 you?

24                   MISS McWILLIAMS: Seven.

25                   CHAIRMAN NALBANTIAN: You're seven.



1 Thank you very much. You did a very nice job.

2 (Applause.)

3 CHAIRMAN NALBANTIAN: Richard Jones.

4 MR. JONES: Pass.

5 CHAIRMAN NALBANTIAN: Oh, okay. Thank  
6 you.

7 Janis Cross.

8 Good evening.

9 MS. CROSS: Hi. Good evening.

10 Janice Cross, J-A-N-I-C-E C-R-O-S-S,  
11 318 Pearsall Avenue in Ridgewood.

12 THE COURT REPORTER: Please raise your  
13 right hand.

14 Do you swear or affirm the testimony  
15 you are about to give in this proceeding is the  
16 truth, the whole truth and nothing but the truth?

17 MS. CROSS: Yes.

18 Good evening. I've never spoken at any  
19 of these meetings before, and I've actually attended  
20 relatively few of them over the years, but I was so  
21 surprised to have this issue come back up again, I  
22 felt like I had to add my voice to those others who  
23 have been speaking over the last few days, urging you  
24 to reject the amendment.

25 At the very first meeting I attended,

1 nearly 10 years ago, a representative for the  
2 hospital admitted that they would need a 30-acre  
3 campus to accommodate a new facility similar to the  
4 one they envisioned in their expansion plan.

5 At the time, I thought that in itself  
6 would be enough reason for the Planning Board to  
7 reject the hospital's proposal as irresponsibly large  
8 for a 15-acre site within the established residential  
9 community and in close proximity to schools.

10 Since then, the board has heard what I  
11 no doubt assume hundreds of hours of testimony and  
12 comments on substantial negative impact on our  
13 schoolchildren and community.

14 Testimony that was compelling enough  
15 for the board and the Village Council to reject the  
16 hospital's plan in 2014 as a disaster for our  
17 schoolchildren and for the very nature of our  
18 residential community.

19 Now I find, sadly, that we have come  
20 full circle, as if the last 10 years haven't happened  
21 at all. And the new proposal reduces the original  
22 project size by a mere 3 percent. Forgive me, but  
23 that really sounds regressive. The facts have not  
24 changed, as far as I know. The reasons for rejection  
25 have not changed.

1           A 10 year construction project of a 1  
2 million square foot facility on a 15-acre lot next to  
3 a middle school serving half of the students in the  
4 Village and landlocked by an established residential  
5 community is still not appropriate and never will be.

6           I have yet to hear anyone explain how  
7 this settlement resolves any of the valid reasons  
8 that led to the prior rejection.

9           I've been told that the judge has ruled  
10 that the board must consider the interests of the  
11 wider community served by the hospital, as well as  
12 the interests of our citizens.

13           If that's so, rejection is still the  
14 appropriate action.

15           The truth is the hospital has and  
16 always has had during this entire process other  
17 properties and other options available to it to  
18 modernize and expand without insisting that the  
19 entire burden fall on Ridgewood.

20           Rejection of the Master Plan Amendment  
21 does not end the hospital's ability to serve its  
22 broader regional community, it just acknowledges the  
23 limitations on the existing site and requires the  
24 hospital to shift more of its expansion plans to  
25 other sites.



1 to speak.

2 To me, this project has a lot of costs,  
3 but I don't really see a lot of benefits, especially  
4 because there's other medical centers nearby that are  
5 state-of-the-art. And it doesn't seem to me that a  
6 good case has been made for Valley to jump from being  
7 a community hospital to a large medical center,  
8 especially in light of Columbia Presbyterian only  
9 being 13 miles away, Hackensack Medical Center being  
10 even closer.

11 There are a lot of costs with this  
12 project and the costs, unfortunately, will be paid by  
13 the schoolchildren, the local residents, in the form  
14 of the pollution, the noise, the truck traffic that  
15 other speakers have mentioned this evening. And it  
16 just seems to too many Ridgewood residents are going  
17 to pay the costs while only a handful of people are  
18 going to benefit from this: The construction  
19 companies involved, the medical suppliers to the  
20 hospital, so the chief service at the hospital will  
21 have better fund balances because of the larger  
22 medical center, and it just doesn't seem fair.

23 So, for these reasons I recommend that  
24 you reject this proposal.

25 Thank you.

1 CHAIRMAN NALBANTIAN: Thank you,  
2 Mr. Kopec.

3 (Applause.)

4 CHAIRMAN NALBANTIAN: Sophia Kopec.  
5 Please say your name, spell your name,  
6 and then tell us your address.

7 MISS KOPEC: Sophia Kopec, S-O-P-H-I-A  
8 K-O-P-E-C, 471 Sterling Place, Ridgewood, New Jersey.

9 THE COURT REPORTER: Please raise your  
10 right hand.

11 Do you swear or affirm the testimony  
12 you are about to give in this proceeding is the  
13 truth, the whole truth and nothing but the truth?

14 MISS KOPEC: Yes.

15 Do kids deserve this? Do kids deserve  
16 trucks passing by their school 264 times per day? Do  
17 kids deserve air pollution and noise pollution every  
18 single day? Do kids deserve these things?

19 Kids shouldn't have to pay the price  
20 for the hospital to receive increased profits. Kids  
21 shouldn't have to walk to school and be affected by  
22 the air pollution that will include diesel fumes and  
23 construction dust. Kids shouldn't be affected by the  
24 noise pollution and be unable to concentrate on their  
25 schoolwork in school. Kids shouldn't have to go to

1 school and be endangered by the increased truck  
2 traffic.

3                   You need to vote like you live on North  
4 Van Dien Avenue. You need to vote like you live on  
5 East Glen Avenue. You need to vote like you live on  
6 Steilen Avenue. You need to vote like you live near  
7 Valley Hospital. And you need to vote like your kids  
8 go to Travell Elementary School or Benjamin Franklin  
9 Middle School. And most of all you need to vote like  
10 you're representing us and not the Valley Hospital.

11                   Thank you for your time and  
12 consideration.

13                   (Applause.)

14                   CHAIRMAN NALBANTIAN: Thank you very  
15 much.

16                   Jack Hooban, No. 8.

17                   MASTER HOOBAN: Jack Hooban,  
18 H-O-O-B-A-N.

19                   THE COURT REPORTER: Please raise your  
20 right hand.

21                   Do you swear or affirm the testimony  
22 you are about to give in this proceeding is the  
23 truth, the whole truth and nothing but the truth?

24                   MASTER HOOBAN: Yes.

25                   Good evening.

1                   431 Bogert Avenue.

2                   I live right in the area around the  
3 hospital, and I walk by the hospital every day.

4                   The machinery and the construction that  
5 would go on in this hospital would pollute the air  
6 and two schools full of children and most of the  
7 residential neighborhoods, including my own  
8 surrounding the hospital.

9                   This would make it dangerous for the  
10 kids to play outside, for people would have windows  
11 open, and many things along those lines.

12                   Many of the things that kids do as kids  
13 would not be possible for my four younger siblings,  
14 who are all entering the schools right around this  
15 area.

16                   On top of that, the traffic on Van Dien  
17 and around these areas is bad enough already. And  
18 the addition of a large scale construction project  
19 would not help the already problem with too much  
20 traffic.

21                   And despite the fact, like I said, that  
22 I have exited the schools in this area, I still have  
23 four younger siblings who are just entering these two  
24 schools. And this construction, in my opinion, will  
25 ruin the experience that I had at these schools.



1 Thank you very much.

2 CHAIRMAN NALBANTIAN: Jack, how old are  
3 you?

4 MASTER HOOBAN: 14.

5 CHAIRMAN NALBANTIAN: Thank you very  
6 much.

7 And, Sophia, how old are you?

8 MISS KOPEC: I'm 11.

9 CHAIRMAN NALBANTIAN: Thank you.

10 Okay. Emma Joung.

11 Please tell us your name, spell your  
12 name, and then tell us your address, and tell us how  
13 old you are.

14 MISS JOUNG: Emma, E-M-M-A, Joung,  
15 J-O-U-N-G. And my address is 408 Bogert Avenue.

16 THE COURT REPORTER: Please raise your  
17 right hand.

18 Do you swear or affirm the testimony  
19 you are about to give in this proceeding is the  
20 truth, the whole truth and nothing but the truth?

21 MISS JOUNG: Yes.

22 I am in sixth grade in currently  
23 Benjamin Franklin Middle School. Two of my younger  
24 siblings attend Travell School, and my younger  
25 brother will go to Travell.

1                   I have been living in Ridgewood for  
2 seven years now. I love Ridgewood. I walk to and  
3 from school, to my friends' houses, downtown with my  
4 friends and many other places.

5                   If Valley is to expand, there will be  
6 many strangers around, and I will be breathing in  
7 pollution constantly.

8                   Many students walk places when school  
9 ends.

10                  With construction workers everywhere,  
11 parents may not want them to walk anymore.

12                  Whenever we are outside, Valley's  
13 construction will also be affecting us in some way.

14                  Ridgewood is a nice, peaceful, suburban  
15 area, but with Valley's construction, all of that  
16 will change. Ridgewood will always be noisy with big  
17 trucks going back and forth in front of our houses.

18                  If Valley expands, construction will be  
19 going on until I go to college. Kids that are  
20 younger than me will have to suffer through the noise  
21 pollution, traffic, and danger and constant  
22 construction.

23                  Ridgewood is not New York City, but  
24 that's what Valley's construction is turning the  
25 Village into. People moved here to get away from the

1 city, not to come to another one.

2 Already there's so much traffic when  
3 school gets out, with Valley's construction there  
4 will be even more.

5 Although crossing guards help a lot,  
6 they can't stop every accident from happening. For  
7 example, I was walking home with my best friend and  
8 we were at the crosswalk waiting to cross. When she  
9 gave us the signal, we started crossing. Some crazy  
10 driver cut in between us and almost killed my friend.  
11 The driver missed my friend by only a few inches,  
12 because I jerked her by the strap of her backpack off  
13 of the street.

14 This incident was not the crossing  
15 guard's fault, but this story shows even with a  
16 million crossing guards, accidents still happen.

17 I know there are crazy drivers even  
18 without construction, but there will be even more due  
19 to the congestion of the road.

20 I hope this will help to stop or at  
21 least reduce Valley's expansion.

22 Thank you.

23 (Applause.)

24 CHAIRMAN NALBANTIAN: Thank you.

25 Nice job, Emma. How old are you?

1 MISS JOUNG: 11.

2 CHAIRMAN NALBANTIAN: Thank you.

3 Okay.

4 MS. DOCKRAY: Charles, I'm glad I'm not  
5 out there tonight, because I wouldn't want you to ask  
6 me how old I am.

7 (Laughter.)

8 CHAIRMAN NALBANTIAN: Okay. Jody  
9 McCambridge, No. 10.

10 Good evening, Jody.

11 MS. McCAMBRIDGE: Good evening.

12 Jody, J-O-D-Y, McCambridge,  
13 M-C-C-A-M-B-R-I-D-G-E, 232 Steilen Avenue, Ridgewood.

14 THE COURT REPORTER: Please raise your  
15 right hand.

16 Do you swear or affirm the testimony  
17 you are about to give in this proceeding is the  
18 truth, the whole truth and nothing but the truth?

19 MS. McCAMBRIDGE: I do.

20 Good evening.

21 I would like to thank the board for all  
22 their hard work and the opportunity to address you  
23 tonight.

24 I moved to Ridgewood with my husband in  
25 February of 1977. Yes, that was 39 years ago.

1                   Our two children were raised in that  
2 house and, yes, I knew that the hospital was there  
3 then.

4                   At that time, we were told that the  
5 hospital was a community hospital and had reached its  
6 maximum growth. We were also told that many hospital  
7 employees, like Mike Gazzara (phonetic) lived on the  
8 block and that it was quiet and friendly to the  
9 neighborhood.

10                   Huh. That was 39 years ago.

11                   And this is the first time I've spoken  
12 too in public.

13                   Like other people have stated, I love  
14 my house. I love my neighbors. I love the location,  
15 in regards to the schools, the town, the Y, the  
16 library, and, yes, even the hospital.

17                   Our house is a full house. My daughter  
18 Amy is a soccer trainer here in town. Her husband  
19 Mark is a 34-year-old permanently disabled Iraq war  
20 veteran. And their two children, a 14-year old high  
21 school freshman and a first grader at Travell live  
22 with us.

23                   At present, the noise level and  
24 pollution is incredible. It is a 24-hour constant  
25 factory.

1                   Well, just this past Saturday, all the  
2 neighbors had to endure the hospital snaking of all  
3 their lines. It is a continuous, ongoing project.

4                   I would be a fool to say I didn't like  
5 the hospital. Every member of my household has been  
6 in Valley for one reason or another: Surgery,  
7 emergency, or extended stay.

8                   My 14-year-old grandson, who is a  
9 freshman, is a severe asthmatic and has already had  
10 several admittances on several occasions.

11                   My son-in-law, the war veteran, Mark,  
12 he's had spinal surgery when one of his vertebra  
13 collapsed.

14                   My seven-year-old grandson was born in  
15 Valley. My other grandson was born in Hackensack.  
16 And at first I thought, oh, no, I can't walk around  
17 the corner to see him.

18                   Yet, once I got in the car, it didn't  
19 really matter whether I went a mile or 10 miles away.

20                   Valley needs to realize that if it  
21 needs to expand, it can, at alternative satellite  
22 locations.

23                   For those of us that live in Ridgewood,  
24 the demolition and the new building will be  
25 unbearable.

1                   Last Saturday alone, April 2nd, BF had  
2 a track and field event with cars parking all over.  
3 They were at Glenn, North Pleasant, Hickory, Red  
4 Birch, parked all over the place. There had to be at  
5 least 25 buses parked at Maple Field, where competing  
6 schools had parked waiting for the event to finish.

7                   BF is not just used four our Ridgewood  
8 children, but for other many communities that  
9 participate in our town's activities along with  
10 everyone else.

11                   I ask the board to realize that there  
12 is a reason that this proposal was voted down before.  
13 I would like to think that I can trust our board  
14 members and feel confident that they will protect  
15 Ridgewood and their residents. As in reality,  
16 nothing has really changed.

17                   Thank you.

18                   (Applause.)

19                   CHAIRMAN NALBANTIAN: Thank you.

20                   Laurel Kennedy.

21                   Hi.

22                   If you could tell us your name, and  
23 then spell your name, and tell us your address, and  
24 also if you can say how old you are.

25                   MISS KENNEDY: Laurel Kennedy,

1 L-A-U-R-E-L K-E-N-N-E-D-Y.

2 Address, 346 Northern Parkway.

3 12.

4 THE COURT REPORTER: Please raise your  
5 right hand.

6 Do you swear or affirm the testimony  
7 you are about to give in this proceeding is the  
8 truth, the whole truth and nothing but the truth?

9 MISS KENNEDY: Yes.

10 My name is Laurel Kennedy. I am a  
11 student at BF Middle School, and I live just a few  
12 blocks away from Valley.

13 I have Type 1 diabetes. Since my  
14 diagnosis, I've learned ways of managing it and  
15 preventing high and low blood sugars. But one of the  
16 things that is beyond my control, stress plays an  
17 important role in blood sugars. I can't imagine what  
18 the years of construction at Valley will do to my  
19 blood sugars. The constant noise from the  
20 construction, traffic jackhammering and many other  
21 factors will affect my ability to concentrate, which  
22 can also affect any blood sugars. High and low blood  
23 sugars can have a very dangerous outcome. Even a  
24 person who doesn't have Type 1 will be subjected to  
25 these conditions.



1                   There's nothing I can do to get rid of  
2 my diabetes, but I can speak on behalf of others who  
3 have tested positive for diabetes. There are many  
4 causes for Type 1, such as genetics, but exposure to  
5 environmental stressors can lead to diabetes and  
6 diseases.

7                   There are also triggers that can cause  
8 an onset. The environment is one.

9                   My younger sister, Caylee, is a fourth  
10 grade student at Travell School. She has all the  
11 markers for developing Type 1 diabetes. It is not  
12 known when she will develop it, but it can be  
13 triggered by one of these many things. It could be  
14 days, months or even years before she develops it.

15                   But why would you want to put any child  
16 at risk of developing any disease that can be  
17 triggered by environmental factors?

18                   This construction will bring pollution,  
19 dirt, dust, and many other things that will affect  
20 the environment. And, yes, there's construction that  
21 goes on around us everyday, but this construction  
22 will go on for years. And it may not affect us now,  
23 but it can affect us later in life.

24                   This construction may not even be while  
25 I'm at BF, but I still live in the immediate area.

1                   A number of environmental factors may  
2 contribute to the development of the Type 1 diabetes.  
3 Air pollution contains a bunch of bad things.  
4 Traffic-related air pollution from trucks and exhaust  
5 is one of the most studied type of air pollution  
6 related to diabetes, and there will be about 130  
7 trucks per day in the immediate area of BF.

8                   Studies have shown that air pollution  
9 levels could be related to peaks of Type 1 diagnosis.  
10 High exposure to the traffic-related air pollution,  
11 such as the possible construction at Valley, can  
12 trigger the onset of Type 1 diabetes.

13                   I know I may be 12-years-old and have a  
14 lot to learn, but I do know what can be bad for my  
15 health and the health of others.

16                   My family uses many doctors at Valley  
17 Hospital. Friends joke with us that we have an  
18 EZPass there.

19                   The one doctor we don't use there is  
20 for treatment for my diabetes and the monitoring of  
21 my sister.

22                   I would love nothing more to not have  
23 to Travell 45-minutes to a center for diabetes.  
24 Having it steps away from my house would be awesome,  
25 but as awesome as that would be, I do not want it at

1 the risk of my health, my sister's health and the  
2 health of my friends in the community.

3 I thought hospitals were to help us,  
4 not harm us. This construction will do more harm  
5 than good.

6 CHAIRMAN NALBANTIAN: Thank you very  
7 much.

8 (Applause.)

9 CHAIRMAN NALBANTIAN: The next person  
10 is No. 12, that's Eryn Carius.

11 Hi, Eryn.

12 MISS CARIUS: Hi.

13 CHAIRMAN NALBANTIAN: If you can  
14 remember to tell us your name, spell your name, and  
15 then your address, and your age, please.

16 MISS CARIUS: Eryn, E-R-Y-N  
17 C-A-R-I-U-S, 280 East Glen Avenue, Ridgewood, New  
18 Jersey.

19 Twelve.

20 THE COURT REPORTER: Please raise your  
21 right hand.

22 Do you swear or affirm the testimony  
23 you are about to give in this proceeding is the  
24 truth, the whole truth and nothing but the truth?

25 MISS CARIUS: Yes.

1                   My name is Eryn, and I'm a sixth grade  
2 student at BF Middle School. I live only several  
3 blocks from Valley. And I too, like many of my  
4 friends, are going to be directly impacted by this  
5 construction, if allowed.

6                   This construction that is trying to be  
7 passed at Valley Hospital is going to cause and make  
8 problems for all students directly impacted, those of  
9 us at BF and the kids at Travell.

10                   Imagine us trying to walk to school or  
11 hang out with our friends at 3:00 p.m. Those days  
12 will no longer exist. Everyday after school tons of  
13 groups gather on the front lawn and hang out for at  
14 least 30 minutes. Many of us play after-school  
15 sports or clubs that take place on the BF field. How  
16 can we do this with the enormous amount of debris and  
17 air pollution that we will encounter?

18                   The noise that will happen is not fair  
19 for us students as we are sitting in class trying to  
20 concentrate. How do you expect us to concentrate  
21 with so many trucks and construction noise? Where's  
22 your priorities, Valley or the kids in our Village?

23                   Thank you.

24                   (Applause.)

25                   CHAIRMAN NALBANTIAN: Thank you, Eryn.

1                   Next person is Marc Harris.

2                   Good evening.

3                   MR. HARRIS: Hi. Good evening.

4                   Marc Harris, M-A-R-C H-A-R-R-I-S, 243  
5 Pearsall Avenue, Ridgewood.

6                   THE COURT REPORTER: Please raise your  
7 right hand.

8                   Do you swear or affirm the testimony  
9 you are about to give in this proceeding is the  
10 truth, the whole truth and nothing but the truth?

11                   MR. HARRIS: When I graduated from  
12 college, over 20 years ago, my girlfriend at the  
13 time, now my wife, and I moved straight to New York  
14 City.

15                   New York City was, as the stereotype  
16 goes, the city that never sleeps. The price we paid  
17 for the luxury of living in the city was the stark  
18 reality of city living.

19                   People move to suburbs like Ridgewood  
20 to escape things like towering buildings, bright  
21 lights, and nonstop construction zone in your  
22 backyard for decades.

23                   When 2003 came, and our little girl  
24 went from a baby to a toddler, we began to explore  
25 places to move that had quiet neighborhoods, quaint

1 houses, and top performing schools in a wonderful  
2 community. A place we could raise our children in  
3 quiet and safety and comfort without the worries of a  
4 city. No long-term construction zones, no towering  
5 buildings or parking garages.

6 We looked all around the region, and we  
7 happily choose the Village of Ridgewood. We were  
8 going to live in a village, imagine.

9 We chose a house that was within  
10 reasonable walking distance to town and to all three  
11 schools they could attend, Travell, BF, and  
12 Ridgewood. What could be better for our family?

13 The local community hospital, we were  
14 told at the time and I've heard others testify the  
15 same, was as big as it could get from previous  
16 variances. That's what our Realtor told us. And the  
17 worse that we would likely see, and going back to the  
18 history when I checked that was some renovation now  
19 and again for variances.

20 Naively, we believed this was true, as  
21 we couldn't imagine in our wildest dreams the kind of  
22 massive permanent structures and the long-term  
23 construction that have been debated could be in the  
24 cards, but here we are.

25 I've attended most of these meetings,

1 right from the very first renewal PowerPoint  
2 presentations by Valley CEO, Audrey Meyers.

3           Hundreds of residents like me have  
4 shown up worrying about our kids, as you are seeing  
5 tonight, our community, playing David against the  
6 massive, deep-pocketed Goliath of Valley. Watching  
7 in shock as the first and second Planning Boards  
8 ill-fated decisions were thankfully rejected by a  
9 Village Council who saw some common sense. And now  
10 here we are again, debating a proposal, a negotiated  
11 proposal to some, but to an average citizen like me  
12 still defies common sense, and has now reached the  
13 point of defying public decency.

14           Many residents like me are outraged how  
15 their will and that of their representatives on the  
16 Council have been disregarded with a so-called  
17 mediated compromise that 10 years after attending the  
18 first PowerPoint presentation is still giving Valley  
19 almost everything they want.

20           Valley has had many viable site  
21 alternatives since this began in 2006, including a  
22 financial crisis, I would note, that opened many  
23 large tracts of land in nonresidential areas around  
24 Route 17. But it was simply too profitable on  
25 Linwood in the residential neighborhood they were in

1 to not keep pressing lawsuits and hearings.

2 This isn't a regional beneficial use,  
3 it's about big profit.

4 As a resident, I've lost a lot of  
5 confidence in the Planning Board's ability to deal  
6 with Valley in saying anything but yes in 10 years,  
7 and somehow common sense has not yet prevailed.

8 As a resident, I have a total lack of  
9 confidence in the transparency of this mediation  
10 process and what amnesty the residents truly receive  
11 in those secretive star chamber like discussions.

12 How can you, my representatives, spend  
13 the better part of the decade forcing me and you to  
14 spend massive amounts of time and energy on an  
15 application that remains wildly unreasonable?

16 Valley still wants to nearly double  
17 their square footage on the same land they have been  
18 denied to previously expand.

19 The reasonable resident, Planning Board  
20 member, or community leader has to look at that  
21 knowing little else and say no, despite the bullying  
22 legal tactics of this massively profitable nonprofit  
23 hospital.

24 Some of the Planning Board seem to feel  
25 utterly constrained by a lack of what Valley may do



1 to you or feel constrained by a fear of what Valley  
2 may do to you and this community. As a resident, my  
3 personal take is that Valley has no interest in  
4 leaving, and we have no interest in asking them to  
5 go. This is a highly profitable hospital and it will  
6 continue to be so.

7 Their request is to double the size in  
8 an attempt to make it massively more profitable on  
9 the shoulders of Ridgewood residents. That's where I  
10 ask you, as a long-term resident and respectful  
11 member of this community, you are tasked to represent  
12 in planning to say no to this Frankenstein's monster  
13 of urban planning.

14 Thank you.

15 CHAIRMAN NALBANTIAN: Thank you.

16 (Applause.)

17 CHAIRMAN NALBANTIAN: Next person is  
18 No. 14, it's Yishane Lee.

19 MS. LEE: Hi.

20 CHAIRMAN NALBANTIAN: Hi.

21 MS. LEE: The shirt is for Roger. So  
22 heads up to Roger. The spirit of Roger is here.

23 Y-I-S-H-A-N-E L-E-E, 235 Emmett Place.

24 I'm not saying my age.

25 So I wanted to start, I have prepared

1 remarks, but I wanted to point out, these face masks  
2 are not because the children are sick.

3 COURT REPORTER: I have to swear you  
4 in.

5 MS. LEE: Oh, I'm sorry.

6 THE COURT REPORTER: Please raise your  
7 right hand.

8 Do you swear or affirm the testimony  
9 you are about to give in this proceeding is the  
10 truth, the whole truth and nothing but the truth?

11 MS. LEE: I do.

12 So I have prepared remarks, but I  
13 wanted to point out these face masks these children  
14 are all wearing are not because they're sick, it's  
15 because we're trying to make a statement of what it's  
16 going to be like to live next to a construction site.

17 The particulate matter will be like  
18 living in Beijing. I also want to commend all the  
19 children who came up and spoke so eloquently and so  
20 well.

21 (Applause.)

22 MS. LEE: I keep talking about what's  
23 going on at Valley as a horrible game of Whack a  
24 Mole. We keep trying to Whack the Mole, Valley, and  
25 it keeps rearing its head elsewhere, it's the same

1 mole. Maybe it's 3 percent smaller, it lost a  
2 whisker in a fight with another mole, maybe one  
3 called "Hackensack," but it's still here again. And  
4 this is the third time, since my family and I moved  
5 here nearly six years ago, that this highly  
6 contentious issue of the Valley expansion has come  
7 up. Valley was denied twice and yet we're still here  
8 again. Why are we here again? Why are you here  
9 again?

10 This is a waste of time for all of us.

11 Why can't Valley provide us with a  
12 viable plan that we can all live with?

13 Most of us who are here keep saying we  
14 get it, we get the need to modernize and we're not  
15 against reasonable modernize.

16 Last year I took my five-year-old to  
17 the ER, after he had a run-in with the wall and the  
18 wall won, and, yes, it was awesome having an ER right  
19 down the street so we could get there in minutes.

20 But Valley's clearly profit-based plan  
21 to double the size on the same lot size is, like  
22 another speaker said yesterday, like an awful  
23 playground bully that you just can't escape.

24 We're all here, parents of young  
25 children, taking our time away from our families

1 again coming to these meetings to be heard.

2           It's made worse by the fact that all  
3 these years Valley continues to act as a bad  
4 neighbor. And it's been the height of irony to me  
5 that a hospital will potentially be the reason why  
6 our children will suffer from health ailments for  
7 years and years. I mean, seriously think about that,  
8 a hospital is going to cause this.

9           We renovated our house a couple of  
10 years ago and we followed the rules, and we were  
11 denied a variance that would have placed a front  
12 porch too close to the street. It needed to be a  
13 40-foot setback. So what bugs me is that Valley  
14 thinks it can play by its own rules -- I don't want  
15 to swear -- who cares about the children and  
16 families.

17           I also don't understand why any  
18 hospital would want to be a mile down a two lane  
19 road, whose speed limit is only 25 miles per hour.  
20 Of course, those of us who live off Linwood know that  
21 they never go 25 miles an hour. I'm the one who is  
22 going to be going 25 miles an hour, and there are  
23 cars on my butt basically.

24           Won't you want to be right off a  
25 highway? So I don't understand why you keep pushing

1 this plan down our throats.

2 I also want to know why Ridgewood is  
3 becoming increasingly urbanized. Is what the legacy  
4 that you, members of the outgoing Village Council,  
5 want to be your legacy.

6 Valley, please be reasonable. Any  
7 grade schooler, or even my kindergartner knows, a  
8 measly \$0.03 off a dollar is hardly a bargain. A 3  
9 percent reduction is not enough.

10 Give us a true, workable solution. Be  
11 a good neighbor, and do not insult us, including  
12 those on the Planning Board, with the so-called  
13 compromise.

14 And one last thing, the hammer to whack  
15 a mole, is going to get a whole lot bigger on  
16 May 10th when we vote in a whole new Village Council.

17 Thank you.

18 CHAIRMAN NALBANTIAN: Thank you.

19 (Applause.)

20 CHAIRMAN NALBANTIAN: Next person is  
21 No. 15, it's Mary Pilla.

22 MS. PILLA: Good evening, Mary,  
23 M-A-R-Y, Pilla, P-I-L-L-A.

24 I live at 333 Meadowbrook in Ridgewood.

25 And you're doing a great job. I'm

1 going to try to speak slowly.

2 Don't get mad at me, if I go over five  
3 minutes.

4 CHAIRMAN NALBANTIAN: I won't.

5 MS. PILLA: Have you ever seen the  
6 movie Groundhog Day? This movie stars Bill Murray as  
7 an arrogant, misanthropic weatherman stuck in a time  
8 loop repeating the same day over and over again.

9 Each morning Phil is woken up with the  
10 same song from this alarm clock, Sonny and Cher's, "I  
11 got you Babe." It alerts him that he'll be repeating  
12 the same hell from the day before.

13 Mr. Drill, I would like to be able to  
14 say I got you babe, I understand, I get that Valley  
15 needs to make a 961,000 square foot hospital with  
16 three-fourths of the size of a residential home and  
17 the other side abuts a middle school with over 800  
18 students and staff, but, quite honestly, I don't and  
19 I never will.

20 The residents of Ridgewood are living  
21 their own Groundhog Day. There own hell, waiting for  
22 the next lawsuit from Valley, wondering: Is today  
23 the day the Planning Board will fail us?

24 Will the landscape of the eastside of  
25 town forever be changed?

1 Will 90-foot smoke stacks and 80-foot  
2 buildings be our new normal?

3 Will the children attending BF and  
4 Travell have to worry about trucks and air pollution?

5 Is today the day, after countless years  
6 of fighting the same battle with Valley Hospital,  
7 that we lose?

8 No, today is not the day. Tonight is  
9 not the night. We will again say no. We do not  
10 accept this new Master Plan.

11 During these two weeks, we have  
12 listened to testimony from Valley explaining that  
13 even though their improved plan is just 40 feet or  
14 13 yards from BF, they've plans in place so that  
15 children will not be impacted with air pollution.

16 I don't understand how 747 students  
17 will not be negatively impacted by the air pollution  
18 of Valley Hospital's expansion. These students spend  
19 over 70 percent of their gym classes outside, enjoy  
20 outdoor class and recess steps from Valley, and the  
21 majority of students walk and bike to and from  
22 school. Yet they will not suffer negative impacts  
23 from this construction?

24 Track and field events, soccer,  
25 lacrosse, and various community events are all held

1 outdoors at the BF track throughout the year.

2 Now, I'm going to note exhibit A-21  
3 that was entered into evidence is completely  
4 inaccurate.

5 It shows two empty ball fields.

6 BF Middle School has a state-of-the-art  
7 track, and I will give you copies of this, that is  
8 only steps away from the parking lot or one of the  
9 new buildings of Valley Hospital.

10 With over a decade of construction, how  
11 will these students have a healthy, active, peaceful  
12 quality of life? Are you so sure their lives won't  
13 be adversely impacted?

14 On September 18, 2001, New Jersey's  
15 finest, Christine Todd Whitman, was glad to reassure  
16 people that the air around the Trade Center was safe  
17 to breathe, even though the collapse of the World  
18 Trade Center released nearly 2,000-tons of asbestos  
19 and hundreds of thousands of tons of concrete in the  
20 form of dust.

21 The EPA's proclamation of safe air  
22 ended up being very premature, and, as it turned out,  
23 very, very wrong. Over 2,500 rescuers and first  
24 responders have died due to contaminated air quality.

25 Doctors state that we won't know the



1 real impact of the World Trade Center on the  
2 residents living near Ground Zero, because the  
3 impacts are yet to come.

4 In 2014, the people of Flint, Michigan  
5 were told their water was safe to drink.

6 On March 12th, a private consultant  
7 group hired by Flint reported that the city's water  
8 met state and federal standards, they didn't report  
9 the specific lead levels.

10 Due to increasing concerns over the  
11 water, the Flint city council members voted 7/1 to  
12 stop using Flint River water and to reconnect with  
13 the Detroit River.

14 Yes, the Flint city council listened to  
15 their constituents.

16 They were overruled, though, by the  
17 state-appointed emergency manager, who declared the  
18 vote incomprehensible and water from Detroit is no  
19 safer than water from Flint.

20 Three months later, a group of clergy  
21 and activists filed a lawsuit against the city  
22 claiming that the river water was a health risk.

23 The city attorney said the lawsuit was  
24 baseless, and in September the case was dismissed.

25 In January 2016, the President issued a

1 state of emergency for the water crisis in Flint.

2 Ten people have died because of the  
3 water crisis in Flint, and we won't know the  
4 long-term effects for the children of Flint, because  
5 the impacts are to come.

6 These are two stories of people  
7 believing that their elected officials had their best  
8 interest at hand.

9 We elected you to be the voice of what  
10 we, the residents, want.

11 Yet, you were doing what the elected  
12 officials of Flint did. You are doing what the EPA  
13 did. You are not thinking long-term effects of this  
14 expansion. You are thinking of yourself and your own  
15 personal goals, you are not listening to your  
16 constituents.

17 Class action lawsuits have already  
18 begun in Flint, Michigan. The government of Flint  
19 did not listen to their people and they allowed  
20 injustice.

21 You are all here, you are listening to  
22 these residents speak. They are frightened. They  
23 are worried about the safety and health of their  
24 children and the community.

25 You cannot guarantee that during the

1 decade of Valley construction all of our children  
2 will be okay.

3 Be warned, if you think these residents  
4 behind me are angry now, wait until our residents,  
5 our teachers, our friends, and our most important  
6 resource, our children, get sick. Each of your names  
7 will be listed on the class action lawsuit.

8 Mr. Drill, do you know how Bill Murray  
9 gets himself out of that continuous loop of the  
10 groundhog day hell?

11 He changes. He doesn't make a 3  
12 percent change, but a real change. Bill Murray  
13 becomes a different person, a new man. He saved  
14 someone's life, he cares about people.

15 If Valley started to do that, I would  
16 wake up singing "I got you babe."

17 (Applause.)

18 CHAIRMAN NALBANTIAN: The next person  
19 is Kate Mancini, No. 16.

20 MS. MANCINI: Kate Mancini,  
21 M-A-N-C-I-N-I, 325 Meadowbrook Avenue.

22 THE COURT REPORTER: Please raise your  
23 right hand.

24 Do you swear or affirm the testimony  
25 you are about to give in this proceeding is the

1 truth, the whole truth and nothing but the truth?

2 MS. MANCINI: I do.

3 Valley's lawsuit is just another  
4 example of their primary motivation, increased  
5 profits at the expense of everyone else.

6 Valley sued Ridgewood, because they  
7 alleged that Ridgewood unlawfully prioritized the  
8 interest of the local neighborhood over the interest  
9 of the region, because they believe only Valley can  
10 fulfill the needs of an inherently beneficial  
11 regional hospital.

12 To help ensure only Valley could  
13 fulfill this role, in 2011, Valley sued the state to  
14 try to prevent the reopening of the Pascack Valley  
15 Hospital in Westwood.

16 If Valley was really interested in the  
17 inherent benefits to the region, why would they seek  
18 to prevent the opening of another highly quality  
19 medical center?

20 Back then, Audrey Meyers, Valley CEO,  
21 predicted devastation in Bergen County if Pascack  
22 Valley was to open. She projected \$24 million in  
23 lost revenues for Valley, and said allowing a  
24 hospital to open six miles away would destabilize the  
25 hospital and cause irreparable harm to the healthcare

1 system in Bergen County.

2 Valley's 2013 financial statements  
3 report total revenue of \$57.1 million.

4 And in 2014, they reported  
5 \$71.1 million in revenue.

6 An amazing 25 percent increase.

7 Now, I'm just a stay-at-home mom with a  
8 liberal arts degree, but I'm sure no one would call  
9 these results as devastating.

10 And just as a sidenote, Pascack Valley  
11 is a for-profit hospital, actually has paid the town  
12 of Westwood \$1.7 million in property tax abatement,  
13 which according to their mayor helped the town of  
14 Westwood rebuild its growth infrastructure.

15 So, again, going back to the language  
16 of Valley's lawsuit, where exactly is the broader  
17 community and regional neighbors' interest been  
18 harmed?

19 In fact, the exact opposite happened  
20 for the Westwood residents, not only do they have  
21 great health care options, they also have a great  
22 community partner who pays taxes to help improve  
23 their town.

24 Recently, Valley has brought a lawsuit  
25 against New Jersey's largest health insurance

1 company. Valley sued Horizon Blue Cross Blue Shield  
2 because of one of their new health care plans, Omnia.

3 Omnia was created as an option for  
4 people who need to buy insurance as a result of the  
5 Affordable Care Act.

6 Valley is unhappy, because its plan  
7 characterizes hospitals into two tiers, Valley was  
8 placed in the second tier, a high cost provider.

9 What was really ironic is that Valley  
10 alleges Horizon breached its contract with the  
11 hospital, because they were not given the opportunity  
12 to negotiate participation in the new plans.

13 Isn't this exactly what Valley did to  
14 Ridgewood? We asked and asked to sit down and  
15 negotiate a renovation that would be mutually  
16 acceptable, but Valley did not give us the  
17 opportunity to negotiate. They just sued us to get  
18 their way. A consistent theme, no doubt.

19 As Ridgewood residents, we recognize  
20 that Valley must be given some development  
21 flexibility in order to adapt to changing healthcare  
22 needs and standards, as stated in the H-Zone.

23 In Ridgewood, they did just that, when  
24 Valley wanted to expand their ER back in 2002.

25 Being a mom with four children, I've

1    been in Valley's ER on multiple occasions, and am  
2    grateful for their care.  However, in the last couple  
3    of years, because of the changing healthcare  
4    landscape, I have many other options and have been  
5    able to avoid the ER and go straight to an urgent  
6    care facility.

7                    In fact, last week I fell and injured  
8    my foot.  I called my insurance to see where I could  
9    go, and in a five-mile radius I had a choice of  
10   Valley ER or five other urgent care facilities.

11                   An urgent care visit is \$60 cheaper for  
12   me, than an ER visit, which provides a much more  
13   cost-effective alternative than the emergency room.

14                   While urgent cares are absolutely not a  
15   substitute for emergency care, I'm just illustrating  
16   how health care and health insurance industries is  
17   ever-changing.

18                   We should not assume everything always  
19   needs to get bigger, and in fact bigger is not always  
20   better.

21                   My iPhone has more computational power  
22   than all of NASA computers did when it launched three  
23   astronauts into space in 1969.

24                   Patient health records that took up  
25   valuable floor space can now be held in the cloud.

1                   Telehealth is becoming more  
2 sophisticated, and, combined with other technologies,  
3 is expected over the next 5 to 10 years to replace  
4 visits to the ER for certain non-life threatening  
5 illnesses.

6                   Mr. Drill said Valley does not have a  
7 crystal ball. Ms. Mediago stated she cannot  
8 conjecture what will happen 30 to 40 years from now.  
9 Valley CEO could certainly not predict just two years  
10 into the future what the reopening of the Pascack  
11 Valley would mean. However, what I can tell you with  
12 absolutely certainty is that the footprint of this  
13 neighborhood will not change.

14                   In conclusion, what we do know is that  
15 there are 600 plus BF students and 300 plus Travell  
16 students, plus a countless number of student athletes  
17 using the BF track and fields. These add up to well  
18 over 1,000 children per day in the area. So why  
19 would you, our Planning Board, put at risk the  
20 quality of their lives, the quality of their  
21 education, and the quality of their health for a plan  
22 that is not in the best interest of our Village?

23                   I would ask each of you to stand up for  
24 our Village and don't back down to Valley's threats.  
25 Your legacy in our village depends on it.



1 (Applause.)

2 CHAIRMAN NALBANTIAN: Tom DeVita.

3 THE COURT REPORTER: Please raise your  
4 right hand.

5 Do you swear or affirm the testimony  
6 you are about to give in this proceeding is the  
7 truth, the whole truth and nothing but the truth?

8 MR. DeVITA: I do.

9 Good evening. My name is Tom DeVita,  
10 226 Sollas Court, Ridgewood.

11 My wife and our six children have lived  
12 in Ridgewood for 14 years.

13 I'm here to ask you to reject the  
14 settlement proposed and apparently approved in  
15 principle by the Planning Board.

16 The building and structure is still too  
17 big, if not worse, than the previous plan.

18 This hearing, while suggested to be  
19 following the Whispering Woods precedent, seems off  
20 target.

21 Finally, the proposed amendment does  
22 not address the concerns raised by the Planning  
23 Board, so it seems illogical that this settlement  
24 could possibly be reflective of a true settlement  
25 discussion.

1                   With respect to too big, the hospital  
2 continues to demand that 450 beds at just over  
3 2,000 square feet per bed is required. Just because  
4 it is required, it is still not clear to me it makes  
5 sense for this parcel.

6                   In Whispering Woods, the proposed  
7 settlement satisfied the majority of the board that  
8 initially rejected the change.

9                   Given all the secrecy, it is not clear  
10 if the entire Planning Board participated in the  
11 settlement, but certainly the reservations of many of  
12 the Planning Board voting no were not met.

13                   In fact, the substantially similar  
14 requirement that Mr. Drill repeatedly reminds us  
15 about, confirms to me that no mediation or compromise  
16 was reached other than the bullied result we have  
17 here. It's truly regrettable, as this hospital is  
18 valued in this village. You are seeking to do in  
19 secret what you previously rejected in public.

20                   During the June 17, 2014 meeting, where  
21 the voting occurred, here are the concerns you  
22 raised.

23                   Mr. Mayor, your comments in voting no  
24 included the following: And having sat through  
25 15 months of testimony, having reviewed the

1 submissions, and having reread the transcripts, and  
2 having thought through all of the relevant issues,  
3 having done all of this, I don't believe the hospital  
4 has effectively made a case of the proposed change  
5 would sufficiently "Protect public health and safety  
6 and promote the general welfare.

7 Mr. Mayor, these few minor changes, to  
8 my mind, should not change your conclusion. Had they  
9 moved more, you could make an argument.

10 Ms. Peters, no longer on the board,  
11 also voted against the change to the plan. She cited  
12 many experts in the 2010 plan, but, in the end: I  
13 wish to just cite back to our planner, Blais  
14 Brancheau, where he commented that there are  
15 instances where the detriment of a project is so  
16 great that it can be rejected, even if there is a  
17 beneficial use. Again, she voted no.

18 The rules prevented us from asking  
19 Mr. Brancheau the question again, but suffice to say  
20 I do not think the modifications support a change to  
21 the planner's comment.

22 Ms. Dockray, in voting against the  
23 plan, your concerns cited the size of the facility,  
24 the height change, and the setbacks. While parking  
25 was adjusted during the process, it was not as you

1 would have expected. And to you the traffic was  
2 manageable.

3                   However, I think the current proposed  
4 amendment represents overdevelopment of the site and  
5 diminishes the compatibility of the hospital's  
6 operations and the surrounding residential  
7 neighborhood.

8                   On balance, I'm not convinced that the  
9 amendment before us is the best one, in terms of  
10 promoting public health and safety.

11                   Of interest and shock is that your  
12 comments remind me that during the last hearings  
13 there was no visual of the building, like we saw last  
14 week for the new structure from the BF field. We had  
15 orange banners on the roof. Remember those? Two  
16 years of hearings, no visual.

17                   After settlement discussion and one  
18 appears quickly. Very troubling. Your concerns do  
19 not appear to me to be satisfied.

20                   Mr. Reilly, wonderful, by far the most  
21 concerns. With respect to traffic, personally I  
22 remain unconvinced. So in my judgment, eliminating  
23 the traffic problem caused by the project, more than  
24 merely mitigating it somewhat, was part of Valley's  
25 task and I've not been persuaded.

1                   There's been no change to traffic  
2 plans.

3                   The length of the project - hence the  
4 impacts caused by the construction, even if they can  
5 be mitigated to a degree, have to be viewed in the  
6 context of an extended time period, which, in my  
7 judgment, escalates the impacts.

8                   No change to timing.

9                   With respect to height, however, the  
10 excessive height above the treeline of several  
11 buildings creates a visual impact that, in my  
12 judgment, cannot be adequately mitigated. A  
13 structure of that height in a different location  
14 might present a lesser impact. However, this is the  
15 part of the community that, excepting the hospital  
16 and a school, is low density residential. I do not  
17 see any reasonable way that the highest structures  
18 can be visually integrated into the landscape. And  
19 the impact is not only to the surrounding property  
20 owners, but to residents of several blocks away.

21                   And, unlike some of the other impacts,  
22 which I've looked at that can be corrected over time,  
23 it's permanent.

24                   Now, the settlement has reduced the  
25 height of the largest building by 14 feet, with a

1 resultant spreading of the height over all the  
2 remaining buildings.

3 MR. CAFARELLI: One minute.

4 MR. DeVITA: The settlement should not  
5 change your view either.

6 Mr. Joel for his part raised several  
7 concerns. It's too big. The residences in the area  
8 and the neighborhood would just be dwarfed by this  
9 project. I mean, there's a lot of adverse effects,  
10 you've heard some of the fellow board members running  
11 through them: Light, air, and space. The project  
12 would be overwhelming.

13 Plus, you raised traffic. It seems to  
14 me your concerns were not addressed.

15 Ms. Bigos, in fairness, voted yes and  
16 said it was an inherently beneficial use.

17 And, finally, Mr. Nalbantian, thank you  
18 for chairing this incredibly difficult task, but in  
19 even in your comments with a yes vote, you mentioned:

20 With so many variables in play to  
21 accommodate concerns regarding expanding underground,  
22 given dewatering and excavation and construction  
23 timetables, coupled with the need for desirable green  
24 space, buffers for neighbors, and setbacks, it seems  
25 allowance for a taller building in a single

1 controlled location within the H-Zone is a reasonable  
2 compromise, albeit a difficult one for me and most of  
3 us to easily accept.

4 MR. CAFARELLI: Time is up.

5 MR. DeVITA: Even with your yes vote,  
6 it's not clear to me why the height changes with the  
7 result of greater bulk and shorter setbacks, without  
8 other real changes, exacerbate your concerns that you  
9 raised rather than alleviate them.

10 The settlement proposed is inadequate,  
11 as evidenced by the board's own concerns raised on  
12 rejection in the first place. I realize that our  
13 quaint Master Plan and Zoning Ordinances puts us  
14 here, but I respectfully request that the hospital  
15 put forth a more reasonable change to the expansion  
16 plans.

17 Please vote no.

18 (Applause.)

19 CHAIRMAN NALBANTIAN: It's 9:00, I was  
20 asked by the court reporters if they could do their  
21 switch at nine.

22 I have four names from the list. Are  
23 there other people here who wish to speak who did not  
24 sign up on this list?

25 No?

1                   Okay. So let's take a short break.

2                   MR. DRILL: If there's only four  
3 others, don't switch.

4                   MALE AUDIENCE MEMBER: The taxpayers  
5 would like a break.

6                   CHAIRMAN NALBANTIAN: It's 9:00, let's  
7 resume at 9:15.

8                   (Whereupon, a brief recess is taken.)

9                   CHAIRMAN NALBANTIAN: Okay. Ladies and  
10 gentlemen, please take your seats. We're ready to  
11 begin.

12                   Ladies and gentlemen, we have a sign-in  
13 sheet. There are a few added names. There is one in  
14 the back as well so people who have arrived or have  
15 changed their minds and would like to speak, please  
16 sign up while we begin.

17                   Okay. Why don't we continue, we have  
18 our new court reporter.

19                   Is there a motion to reopen to the  
20 public?

21                   VICE-CHAIRMAN JOEL: Motion.

22                   COUNCILWOMAN KNUDSEN: Second.

23                   CHAIRMAN NALBANTIAN: Michael, please  
24 call the roll.

25                   MR. CAFARELLI: Mayor Aronsohn?



1 MAYOR ARONSOHN: Here.

2 MR. CAFARELLI: Councilwoman Knudsen?

3 COUNCILWOMAN KNUDSEN: Here.

4 MR. CAFARELLI: Mr. Nalbantian?

5 CHAIRMAN NALBANTIAN: Here.

6 MR. CAFARELLI: Mr. Joel?

7 VICE-CHAIRMAN JOEL: Here.

8 MR. CAFARELLI: Mr. Reilly?

9 MR. REILLY: Here.

10 MR. CAFARELLI: Ms. Dockray?

11 MS. DOCKRAY: Here.

12 MR. CAFARELLI: Mr. Thurston?

13 MR. THURSTON: Here.

14 MR. CAFARELLI: Mr. Abdalla?

15 MR. ABDALLA: Here.

16 MR. CAFARELLI: Ms. Patire?

17 MS. PATIRE: Here.

18 CHAIRMAN NALBANTIAN: Thank you,

19 Michael.

20 Okay, we're going to resume as we did

21 the last time. I won't repeat the rules. If you

22 could just hold your applause. Also, please allow

23 your five minutes to be five minutes and not go over.

24 Michael will identify when we're at four minutes.

25 And also I'll remind you to please keep

1 your comments specific to the changes that were made  
2 to the Master Plan for this potential settlement.

3 The focus of this discussion is with  
4 regard to the settlement agreement which are red line  
5 changes in the proposed 2016 Master Plan that we have  
6 put forth and posted on the website and also there  
7 are copies, I believe, in the back.

8 So the first person -- oh, yes, before  
9 we begin, Mary Pilla, you had some comments about  
10 questions -- about pictures before you wanted to  
11 bring them into evidence?

12 Katie, will you please take --

13 MS. RAZIN: Sure.

14 MS. PILLA: I just want to submit these  
15 again because I wasn't able to do that before.

16 MS. RAZIN: Yes, we just informally  
17 marked them. So I just want to ask, just --

18 MS. PILLA: Sure.

19 MS. RAZIN: -- a couple of questions.

20 I think you --

21 THE COURT REPORTER: I'm sorry. Will  
22 the speaker just identify yourself?

23 MS. PILLA: Sure.

24 MS. RAZIN: Sure.

25 MS. PILLA: Mary Pilla, "P" as in

1 Peter, I-L-L-A.

2 THE COURT REPORTER: Thank you.

3 MS. RAZIN: And you were previously  
4 sworn?

5 MS. PILLA: Yes.

6 MS. RAZIN: Okay. And you have three  
7 photographs that you wanted to enter?

8 MS. PILLA: Yes.

9 MS. RAZIN: Did you take the  
10 photographs yourself?

11 MS. PILLA: Yes, I did.

12 MS. RAZIN: Can you tell us the  
13 approximate date that you took the photographs?

14 MS. PILLA: I took them today at 3:45.  
15 That's approximate.

16 MS. RAZIN: And what do they represent?

17 MS. PILLA: Well, it was --

18 MS. RAZIN: Just generally is fine.

19 MS. PILLA: -- basically a reflection  
20 because I felt that the pictures that were on the  
21 website were not accurate of what BF -- the BF track  
22 looks like outside, so I wanted to just show a  
23 rendering of what the actual BF track and outside  
24 looks like.

25 MS. RAZIN: So they were more current

1 photos of BF today?

2 MS. PILLA: Yes, I think six years more  
3 current.

4 MS. RAZIN: I'm sorry?

5 MS. PILLA: Six years more current.

6 MR. DRILL: Yes, I saw the photos and I  
7 have no objection to them going in as O-2, O-3 --

8 MS. RAZIN: Well, I think we're going  
9 to do O-2A, -B and -C.

10 MR. DRILL: Okay, O-2A, -B and -C.

11 (Whereupon, Three Photographs are  
12 received and marked as Exhibits O-2A, O-2B and  
13 O-2C for Identification.)

14 MS. RAZIN: Great. Okay. Could I have  
15 them?

16 MS. PILLA: Of course.

17 MS. RAZIN: Great. I think there's  
18 only one set so I'll just pass them along and the  
19 board can just pass them back to me so I will mark  
20 them.

21 Thank you.

22 MS. PILLA: Thank you.

23 MS. RAZIN: Thank you. I'm going to  
24 hold them, Jon. And I'm going to, just for the  
25 record, I will just hold them. This is going to be

1 O-2A, O-2B and O-2C. But I will write them -- I'm  
2 going to write it on there, as well.

3 CHAIRMAN NALBANTIAN: Okay. Thank you  
4 for your patience with that.

5 The first person we have this evening  
6 on this added list for the second part of this  
7 evening that we have on the list is John Hersperger.

8 Good evening, John.

9 THE COURT REPORTER: Sir, if you could  
10 raise your right hand to be sworn in.

11 Do you swear or affirm the testimony  
12 you are about to give in this proceeding is the  
13 truth, the whole truth and nothing but the truth?

14 MR. HERSPERGER: Yes, I do.

15 THE COURT REPORTER: Please state your  
16 name for the record, spell your name and give your  
17 address.

18 MR. HERSPERGER: John Hersperger,  
19 H-E-R-S-P-E-R-G-E-R, 347 Linwood Avenue in Ridgewood.

20 I am going to give you two reasons why  
21 I believe we are in this dilemma and I can offer you  
22 my three-step solution for getting out of it.

23 First, the two reasons, I'm looking at  
24 them right now; our planning board chairman and our  
25 planning board legal counsel who have combined to get

1 us into this mess.

2 Chairman Nalbantian, you have a tough  
3 job and I will say that by and large you have been a  
4 gentleman and have handled yourself with composure  
5 under some trying times and I genuinely thank you for  
6 that effort.

7 However, it is crystal clear that your  
8 views on Valley's proposal are diametrically opposed  
9 to those of the overwhelming majority of residents,  
10 and to every village council and board of adjustment  
11 that has ever rendered a decision or an opinion in  
12 this matter.

13 As evidence, in 2010 you voted for this  
14 project when it was over 1.4 million square feet, and  
15 was thereafter rejected unanimously by the Village  
16 Council.

17 And you did it again in 2014, you voted  
18 for the 1.25-million-square-foot plan that five  
19 others voted against.

20 Clearly you are swimming against the  
21 tide. And although you have always had a right to  
22 vote on this issue, I believe now, because of your  
23 far-out-of-the-mainstream views, you no longer have  
24 the authority to lead in this matter.

25 And here is where I am very, very

1 concerned.

2 I don't believe that the 2014 majority  
3 that rejected Valley's proposal would have negotiated  
4 a 3 percent reduction. But you would.

5 So, if I am correct, and you have  
6 either led or in any way represented the Board in  
7 settlement discussions, I believe that would be a  
8 breach of your duty.

9 Now, let's consider what role of our  
10 legal counsel played in putting us between this rock  
11 and a hard place, with a paltry 3 percent reduction  
12 offer on one side and a judge on the other.

13 In my opinion they were the maestro of  
14 all this.

15 First, in 2010 you guided the Planning  
16 Board that crafted a Valley Master Plan that, due to  
17 bedrock disturbance and dewatering issues, could  
18 physically damage 400 homes and the BF Middle School.

19 Thank God our Village Council stopped  
20 that one. But unfortunately, your actions left that  
21 dangerous amendment in our Master Plan today.

22 Let's move ahead to April 2013. At the  
23 commencement of those amendment hearings, Attorney  
24 Gail Price and Chairman Nalbantian told us that the  
25 Planning Board had three options. The Board could

1 accept Valley's proposed amendment, they could reject  
2 it, or they could even fashion their own amendment.  
3 Based on that representation, we the residents raised  
4 funds and hired our own legal counsel and planner  
5 with the intent of constructively participating in  
6 actual amendment proceedings.

7 Then a year later, in 2000 -- April of  
8 2014, at a relatively quiet meeting, and in a rather  
9 casual off-the-cuff and sort of -- sort of way,  
10 Attorney Gail Price announced that Valley's proposal  
11 could not be modified in any material way, that any  
12 minor modifications would have to be acceptable to  
13 Valley first.

14 Gail Price effectively ruled that  
15 neither the residents, nor the Planning Board itself  
16 could modify or even offer any changes to Valley's  
17 plan. It was Valley's way or no way.

18 And that gets me to this overarching  
19 issue that we have in this village, which is  
20 Ordinance 3066. You tell us it's just -- we're told  
21 it's just a "funding mechanism", but nothing could be  
22 further from the truth.

23 It's not the language of the Ordinance  
24 that is necessarily the problem.

25 MR. CAFARELLI: One minute remaining.



1                   MR. HERSPERGER:  It's how you, as  
2                   counsel, apply it.  Your procedural and evidentiary  
3                   rulings permit the developers to use Ordinance 3066  
4                   as a hammer to bludgeon our Village.  You effectively  
5                   tie the hands of your own planning board.  They can't  
6                   actually plan, they just sit here night after night  
7                   and listen to what the developer wants.

8                   And the residents, who are trying like  
9                   hell to participate are stonewalled by every single  
10                  evidentiary ruling that you make, all in the interest  
11                  of "preserving the record".  What a pathetic joke.  
12                  The only thing you preserved was the ability of the  
13                  developers to pound us into submission, and bleed us  
14                  dry for legal fees.

15                  For 10 years, our village has been in  
16                  planning board hell in large part due to your legal  
17                  guidance.

18                  So let's get back to that 3 percent  
19                  thing that's on the table, and let's get back to that  
20                  rock and that hard place you have been so complicit  
21                  in putting us in between.

22                  Gail Price, the attorney for this  
23                  board, at court-ordered settlement discussions, and  
24                  in executive sessions, you presumably --

25                  MR. CAFARELLI:  Time's up.

1 THE WITNESS: Just a couple more  
2 sentences..

3 -- you presumably advised the Board on  
4 its legal options in executive session. That's a  
5 scary thing for the residents to comprehend. The  
6 person who is largely responsible for getting us into  
7 this legal dilemma, is now offering her legal  
8 guidance on how to get us out? No thank you, we  
9 don't need your advice any longer. We will get out  
10 of this mess ourselves all by ourselves. And here's  
11 how we will do it.

12 Step one, simply say no to the  
13 settlement.

14 Step two --

15 CHAIRMAN NALBANTIAN: Please wrap it  
16 up.

17 MR. HERSPERGER: -- fire Gail Price's  
18 law firm.

19 And Step three. Go home get some rest.  
20 And know that we, the residents, will stand behind  
21 you in this decision.

22 Thank you.

23 (Applause.)

24 CHAIRMAN NALBANTIAN: Before we begin  
25 again, Katie?

1 MS. RAZIN: Just for the record, I'm  
2 not Gail Price, I'm Katie Razin. I've been here  
3 throughout the proceedings.

4 MR. HERSPERGER: I know.

5 MS. RAZIN: Okay. So I just want to  
6 put that on the record because Gail Price isn't here  
7 today, I'm here. And I have been involved in these  
8 proceedings as well so...

9 CHAIRMAN NALBANTIAN: And Katie's been  
10 great in the process. Thank you, Katie.

11 Okay. Morgan Haley.

12 MS. HALEY: We've been tired so --

13 CHAIRMAN NALBANTIAN: Morgan. Morgan,  
14 I'm going to ask you if you can say your name and  
15 then spell your name and then tell us your age.

16 MASTER HALEY: Morgan Haley.

17 M-O-R-G-A-N, H-A-L-E-Y, 172 North Van Dien Avenue.

18 CHAIRMAN NALBANTIAN: And how old are  
19 you, Morgan?

20 MASTER HALEY: Seven.

21 CHAIRMAN NALBANTIAN: Seven? Thank  
22 you.

23 We have to swear you in. Please raise  
24 your right hand.

25 THE COURT REPORTER: Please raise your

1 right hand. Do you swear to tell the truth, the  
2 whole truth and nothing but the truth?

3 MS. HALEY: Say yes.

4 MASTER HALEY: Yes.

5 CHAIRMAN NALBANTIAN: Take your time.

6 MASTER HALEY: Well, sometimes when  
7 some people make trashes, some people need to clean  
8 them up so the Earth doesn't get all messy and all,  
9 so -- so the Earth doesn't get all messy and the  
10 Earth might get so messy, how are you going to -- how  
11 are you going to get through the trash? You need to  
12 clean up by using your responsibility to do it.

13 (Applause.)

14 CHAIRMAN NALBANTIAN: Kristin Kumar.

15 THE COURT REPORTER: State your name.

16 MS. KUMAR: Kristin Kumar.

17 K-R-I-S-T-I-N, K-U-M-A-R. I live at 329 Bogert  
18 Avenue.

19 THE COURT REPORTER: Please raise your  
20 right hand.

21 Do you swear or affirm the testimony  
22 you are about to give in this proceeding is the  
23 truth, the whole truth and nothing but the truth?

24 MS. KUMAR: Yes.

25 First I'd like to thank you for

1 extending this one more evening. I find it very  
2 commendable that you opened the floor up to the  
3 students of Ridgewood. And thank you for the  
4 opportunity for allowing me to speak. I made this  
5 little last-minute decision about an hour before the  
6 session tonight.

7                   So I have been in Ridgewood for about  
8 five years. I chose to move into the area of Valley  
9 Hospital right between Travell and Ben Franklin. I  
10 didn't know what was going on in this town about  
11 Valley; therefore, I couldn't use that to impact my  
12 decision on moving here.

13                   I'm just curious if the Board could  
14 raise their hand for those who live in the vicinity  
15 of the facility of -- in the vicinity of Valley.  
16 Just show of hands. Just one person on the Board.  
17 So that's concerning from my perspective because it  
18 may not impact you as much.

19                   But what I have seen and learned in the  
20 last five years is the type of population -- the  
21 population including the visitors to Valley that roam  
22 the streets in my neighborhood, they smoke and leave  
23 their trash in my yard or on the streets, and they  
24 contribute to a lot of feelings of unsafety in the  
25 area.

1                   One of my other questions is, and I  
2                   don't know if this is true because I have just  
3                   started to really become involved in this situation,  
4                   and I have learned that Valley owns the land, but  
5                   they don't pay taxes; is that true?

6                   CHAIRMAN NALBANTIAN: We're not at a  
7                   point where we can answer the question.

8                   MS. KUMAR: Is that true?

9                   AUDIENCE MEMBERS: Yes. Yes. Yes.

10                  MS. KUMAR: So I am clearly a homeowner  
11                  and taxpayer and that also concerns me because Valley  
12                  is not held accountable in any way to maintain our  
13                  town.

14                  So we've heard a lot of accounts of --  
15                  and valid points of concern. I'm not going to  
16                  reiterate those. I've already stated that Valley  
17                  currently brings in people that don't care about our  
18                  community and that concerns me.

19                  Some of the other things that I am  
20                  concerned about is that the project planning, the  
21                  timeline for the -- for the expansion. I'm a project  
22                  manager for an engineering company. What I have  
23                  learned in many years of doing this is that if the  
24                  project is not done in China, it takes three or four  
25                  times more to finish a project.

1                   So I have heard that it's two phases,  
2                   take over 20 years to do. It sounds like it could  
3                   take a lot longer and the scope and budget always  
4                   increases, so I'm not really sure if the town has  
5                   thought about the future of the decision they're  
6                   about to make tonight.

7                   This really comes down to being  
8                   business and who's going to succeed. So what does  
9                   the town want to do to maintain their success? Do  
10                  they want to help Valley succeed or does the town  
11                  want to succeed forever? Because business fails. Is  
12                  Valley going to be here in 20 years, 30 years? And  
13                  if they're not, what are they going to leave us with?  
14                  I don't know if you have considered that.

15                  So I am young enough to have made the  
16                  decision to move to Ridgewood to stay here for a long  
17                  time. I don't know if that's going to be the case.  
18                  If Valley expands to this -- to the height that they  
19                  are going to do, again, I do not know what research  
20                  has been done.

21                  MR. CAFARELLI: One minute remaining.

22                  MS. KUMAR: But I question if the town  
23                  has hired private research into the whole effort.  
24                  Thinking as a business, if it was my business I would  
25                  want to know if Valley's at the capacity that they

1 need to expand.

2 Yes, they have had other properties  
3 that they can build on, but we have what we have here  
4 and we have to discuss what is best for Ridgewood as  
5 a successful community, and it's on the Board to make  
6 that decision tonight. I hold you accountable and  
7 you have been voted into the position, and I have to  
8 put my trust in you.

9 That is almost why I didn't speak  
10 tonight, because I feel like it's a fruitless effort.  
11 But I do hold you accountable for it.

12 MR. CAFARELLI: Time's up.

13 MS. KUMAR: I wanted you to see who I  
14 am and that I live near Valley and that this will  
15 affect me because if I don't speak up for myself,  
16 nobody else will.

17 So thank you for your time.

18 (Applause.)

19 CHAIRMAN NALBANTIAN: Thank you.

20 Christie Fitzgerald is the next person.

21 MS. FITZGERALD: Hi. My name is  
22 Christie Fitzgerald. C-H-R-I-S-T-I-E. Fitzgerald,  
23 F-I-T-Z-G-E-R-A-L-D. I live at 714 Midwood Road.

24 THE COURT REPORTER: Please raise your  
25 right hand.



1                   Do you swear or affirm the testimony  
2 you are about to give in this proceeding is the  
3 truth, the whole truth and nothing but the truth.

4                   MS. FITZGERALD: Yes.

5                   I just want to share of couple of my  
6 thoughts about this so-called compromise. I would  
7 like to echo what a lot of people are saying about  
8 Valley not being a good neighbor. We have heard  
9 promises from Valley before and Valley was supposed  
10 to follow certain rules but they do not follow  
11 through on what they're supposed to do. There are  
12 light violations, noise violations, sanitation  
13 violations, landscaping violations, and that is with  
14 Valley's current design. And again, they don't  
15 follow through with what they do -- they're supposed  
16 to do now.

17                   So now we're expected to believe the  
18 first phase of construction is only going to take six  
19 years, and then the second phase of construction is  
20 only going to take four years. We are supposed to  
21 believe that Valley is going to follow through all of  
22 these proposed guidelines as far as background checks  
23 for workers and the demolition that is going to be  
24 controlled and that traffic will be affected along  
25 with all of the other things they say they are going

1 to do.

2 Just the fact that an actual red line  
3 item was to put in an outdoor eating area along the  
4 common property line with Benjamin Franklin middle  
5 school for any creep or any -- anyone who could be a  
6 danger to a child can just sit right next to a school  
7 should be a clear indication that Valley Hospital has  
8 no idea about school security and what is best for  
9 the children.

10 I know Mr. Drill said that they can  
11 remove that, but just the fact that they thought that  
12 was something that was positive and a selling point  
13 makes my stomach turn.

14 Let's talk about the vegetation.  
15 Valley has all of these renderings of the beautiful  
16 trees at maturity in however many years, and they  
17 look awesome in the pictures. They're full, they're  
18 green and they're healthy.

19 Has anyone looked at the Valley  
20 property now? The "evergreens" along Van Dien are  
21 brown and/or bare and if they can't maintain the  
22 property now, how are we to believe that they will  
23 maintain this new giant campus they are proposing.

24 Valley is telling us what they think we  
25 want to hear. They act like they are willing to work

1 with us and they have done nothing to lead us to  
2 believe that they will follow through with anything  
3 they say.

4 At three point -- a 3 percent reduction  
5 in square footage is not an acceptable compromise.  
6 It's not significant, nor is it substantial,  
7 particularly when it is children who will be affected  
8 most.

9 Thank you.

10 (Applause.)

11 CHAIRMAN NALBANTIAN: Thank you,  
12 Ms. Fitzgerald.

13 Matt Salerno?

14 MR. SALERNO: Good evening. Matt  
15 Salerno, "S" as in Sam, A-L-E-R-N-O. 164 North Van  
16 Dien Avenue, Ridgewood, New Jersey.

17 THE COURT REPORTER: Please raise your  
18 right hand.

19 Do you swear or affirm the testimony  
20 you are about to give in this proceeding is the  
21 truth, the whole truth and nothing but the truth?

22 MR. SALERNO: I do.

23 THE COURT REPORTER: Thank you.

24 MR. SALERNO: Ladies and gentlemen, my  
25 name is Matt Salerno. I am a partner in one of the

1 largest law firms in the world. My practice is  
2 mergers and acquisitions. I routinely advise  
3 corporations who are pursuing multi-billion-dollar  
4 merger acquisitions and sale transactions, and a  
5 major part of my job is advising board of directors  
6 of public companies on their fiduciary duties  
7 pursuing these transactions.

8           There, as here, the process is  
9 extremely important. Get the process right and you  
10 get frivolous litigation. Get the process wrong and  
11 you get extensive, costly and protracted litigation  
12 for everyone involved.

13           The process here has been simply awful.  
14 First, the initial notice of the meeting was  
15 defective and failed to adequately inform the public  
16 that there would be a single hearing spread over the  
17 course of up to five days. Instead, the public was  
18 informed that there would be five separate hearings  
19 on five separate nights at which the public would be  
20 permitted to comment. It appears, based on where  
21 we're headed, we might not hit that fifth night.

22           One need to look no further than the  
23 lackluster attendance at the first two days of  
24 hearings and the blockbuster attendance we've had the  
25 last two evenings for evidence that the defective

1 notice failed to adequately inform the public and  
2 induce them not to attend these hearings.

3           The remand order itself contained very  
4 clear and explicit language that could have simply  
5 been copied and pasted into the order and would have  
6 informed the public exactly of would have happened --  
7 what's going to happen here tonight. This -- perhaps  
8 posting the remand order could have cured this  
9 defect, but the remand order itself wasn't publicly  
10 available until four days after the initial notice  
11 was required to be given and on the second day of  
12 hearings.

13           That defect cannot now be cured without  
14 giving the public an opportunity to hear the  
15 testimony live and Valley to cross-examine the  
16 witnesses.

17           Which brings me to my -- the second  
18 defect in the process. The remand order clearly  
19 requires members of the public to be permitted to  
20 cross-examine the witnesses. Instead, what happened  
21 here was members of the public were required to  
22 submit oral interrogatories to the Planning Board and  
23 those questions were then asked on direct  
24 examination, not cross-examination, by friendly  
25 counsel the Plaintiff's board [sic] asked his own by

1 witness those questions.

2 I assure you that none of the legal  
3 counsel in this room think that is a valid  
4 cross-examination if that was the procedure that they  
5 were required to follow in a court.

6 When the Superior Court is advised of  
7 these irregularities, even if the board approves this  
8 amendment, it would be left with no choice but to  
9 once again remand these proceedings to the Planning  
10 Board for hearings to be conducted in compliance with  
11 the requirements of the remand order.

12 As to substantive matters, this board  
13 is accused by Valley Hospital of having been  
14 arbitrary, capricious and unreasonable in having  
15 denied their 2014 request for an amendment to the  
16 Master Plan.

17 In 2014 the board held extensive  
18 hearings and heard extensive testimony as to the  
19 benefits and detriments of Valley's proposed plan.  
20 At that time the board concluded, based on that  
21 testimony and extensive evidence and investigation,  
22 that the detriments outweighed the benefits.

23 This time around the board is being  
24 asked, based on a paper-thin record that includes  
25 testimony only as to the factual elements of minor

1 landscaping modifications of the plan and not a shred  
2 of evidence as to how those minor, insignificant  
3 modifications changed the relative mix of benefits  
4 and detriments.

5           This has been a dog and pony show, and  
6 not a very good one at that. There is not a single  
7 item of evidence in the record that permits you to  
8 even change your vote on the 2014 amendment, let  
9 alone any evidence in the record that requires you to  
10 do so.

11           There is no doubt in my mind and there  
12 should be no doubt in yours that the 2014 decision  
13 was the product of extensive testimony, careful and  
14 thoughtful deliberations and is in no way arbitrary,  
15 capricious or unreasonable, and there is no way that  
16 Valley could possibly hope to carry that burden in  
17 court.

18           There is also no doubt in my mind and  
19 there should be no doubt in yours that if the board  
20 proceeds to approve this amendment it will be this  
21 decision and not the 2014 decision that is the  
22 arbitrary, unreasonable and capricious one and it  
23 would be that decision that would expose the board to  
24 further litigation, not bring an end to it as it  
25 hopes.

1                   Running a hospital has changed in the  
2                   60-plus years that Valley has been operating, but the  
3                   neighborhood around it has not changed. Running a  
4                   hospital used to be a bucolic residential endeavor,  
5                   one need look no further than Greystone Hospital and  
6                   Bergen Pines to recall the days when that the theory  
7                   was that bucolic and natural surroundings would speed  
8                   the healing process. In those days hospitals looked  
9                   and operated a lot more like apartment buildings --

10                   MR. CAFARELLI: Four minutes.

11                   MR. SALERNO: -- rather than the large  
12                   commercial/industrial complex that Valley seeks to  
13                   build in our residential neighborhood today.

14                   I know that many of you have unanswered  
15                   questions about this process. I know that several of  
16                   you have wondered why -- what has changed since last  
17                   time? I know that some of you wondered why a 24-foot  
18                   mechanical penthouse is treated as only one story,  
19                   when if it was built on top of our own houses, it  
20                   would be treated as two.

21                   I know that some of you wonder why a  
22                   building that is twice as big as the building that is  
23                   currently built on the property is a reasonable  
24                   modification, a reasonable expansion.

25                   Don't allow yourselves to be pushed



1 into the wrong decision by Valley Hospital,  
2 Mr. Drill, the chairman, legal counsel or other  
3 members of the board.

4 You know in your heart that this  
5 expansion is too big, that it was too big in 2014 and  
6 that it is too big now. It does not take an expert  
7 in negotiations like me to tell you that this  
8 settlement is not a negotiated settlement, but a  
9 negotiated complete and unconditional surrender.

10 The modest changes elicited by the --  
11 MR. CAFARELLI: Your time is up.

12 MR. SALERNO: -- Planning Board in this  
13 negotiation are laughable at best. Valley Hospital  
14 is getting everything it wants and the Village is  
15 getting the shaft.

16 I ask you today to hold firm to your  
17 principles to do what you knew in your heart in 2014  
18 was right, to do what you know in your heart today is  
19 right, and to reject this so-called settlement, to  
20 continue the fight in court, where if justice is  
21 served, Valley will be unable to carry its burden.

22 I can only ask and pray that you have  
23 the wisdom and the courage tonight to do the right  
24 thing.

25 Thank you.

1 (Applause.)

2 CHAIRMAN NALBANTIAN: Denise DeAngelis.

3 MS. DeANGELIS: Hi. My name is Denise  
4 DeAngelis. I live at 606 Witthill Road. D-E capital  
5 A-N-G-E-L-I-S.

6 THE COURT REPORTER: Please raise your  
7 right hand.

8 Do you swear or affirm the testimony  
9 you are about to give in this proceeding is the  
10 truth, the whole truth and nothing but the truth?

11 MS. DeANGELIS: I do.

12 Okay. First I just want to thank you  
13 for all your time. I know this has been very trying  
14 on all of you and honestly, I don't want to be here.  
15 I really, really don't want to be here. I was here  
16 back in 2010 again saying similar things that I am  
17 going to say tonight and I'm not going to say  
18 anything new than what we've heard tonight and in the  
19 past couple of nights.

20 You know, the proposed buildings are  
21 too big. They're too big, they're too big and they  
22 are too big for our town, and there is not much more  
23 to say than that. You can say it a hundred million  
24 ways. And it doesn't belong in Ridgewood. And the  
25 construction is too long, too vast, too dangerous for

1 our children.

2 Why we're back here again, I don't  
3 know. I wish we weren't. I hope we're not back here  
4 again next year, six years from now. It would be  
5 really great if we could just end this. That is my  
6 sentiments.

7 I was here last night, I was going to  
8 speak, I had to leave. Between last night and  
9 tonight a friend of mine asked me to read something  
10 for her. Her name is Whitney Kline. She and her  
11 husband grew up here in Ridgewood. They came back  
12 and they're raising their family here now and she  
13 could not be here tonight and she was here last night  
14 as well and she asked me to read this.

15 CHAIRMAN NALBANTIAN: We can't take  
16 testimony from someone else.

17 MS. DeANGELIS: Okay. That's fine.

18 CHAIRMAN NALBANTIAN: I'm sorry.

19 MS. DeANGELIS: That's completely fine.

20 MS. RAZIN: Do you want to summarize  
21 some of the comments, the observations in your own  
22 words? I don't think the board would have any  
23 objection to that, but you can't read it directly.

24 MS. DeANGELIS: Okay. The basic gist  
25 is basically she's asking to remind you, the board,

1 your duty under the Whispering Woods hearing. That's  
2 basically the gist of what she was talking about.  
3 She was citing quotes from that hearing, so she wants  
4 you to remember that.

5 And like I said, there's nothing more  
6 that I could say that's already been said other than  
7 a 3 percent reduction is not a compromise and we need  
8 to come to a, you know, a better compromise than  
9 that.

10 Thank you.

11 (Applause.)

12 CHAIRMAN NALBANTIAN: Dolores  
13 Carpenter?

14 MS. CARPENTER: My name is Dolores  
15 Carpenter. 319 Steilen Avenue, Ridgewood.

16 THE COURT REPORTER: Do you swear or  
17 affirm the testimony you are about to give in this  
18 proceeding is the truth, the whole truth and nothing  
19 but the truth?

20 MS. CARPENTER: I do.

21 I have stood before Village planning  
22 boards many more times than I would like to count.  
23 The reason? Protesting Valley Hospital's expansions,  
24 of course. The Bergen wing, the Cheel wing, and now  
25 for the last ten years, the Valley renewal. Whatever

1 happened to that name, by the way?

2 As a child -- I have lived in Ridgewood  
3 for a really, really long time. As a child I watched  
4 from the windows of my home at 250 North Van Dien  
5 Avenue as the promised small community hospital on  
6 Linwood Avenue got built; and so it went, expansion  
7 after expansion. Each time the hospital being told,  
8 last one, no more. And yet, here we are again. The  
9 bullies are back and they are striking again.

10 Each of you, our Planning Board  
11 members, have to know in your hearts that this is so  
12 wrong and it has to stop. We all know that Valley  
13 Hospital owns real estate up the wazoo all over this  
14 area. We also know that they are behaving like  
15 stubborn brats, wanting to stay only in Ridgewood, no  
16 matter what damage they may cause to our beautiful  
17 Village. They don't care. I just lost my place for  
18 a second.

19 Valley will flourish in their  
20 healthcare industry no matter where it is located.  
21 They outgrew that property once they left Linwood  
22 Avenue and they have no right to continue the  
23 destruction of our peaceful Village. And so I  
24 challenge you tonight, Planning Board members, to  
25 stand up to the bullies to do what is right for

1 Ridgewood and vote no.

2 (Applause.)

3 CHAIRMAN NALBANTIAN: Thank you,  
4 Ms. Carpenter.

5 Jamie Cariddi?

6 MS. CARIDDI: Hi. I'm Jamie Cariddi.  
7 J-A-M-I-E, C-A-R-I-D-D-I, 467 Overbrook Road.

8 THE COURT REPORTER: Please raise your  
9 right hand.

10 Do you swear or affirm the testimony  
11 you are about to give in this proceeding is the  
12 truth, the whole truth and nothing but the truth?

13 MS. CARIDDI: I do.

14 Great minds must think alike because I  
15 also wanted to remind you all of the Whispering Woods  
16 hearing. In Whispering Woods, the owner of a  
17 275-acre residential land wanted to build a golf  
18 course and 215 homes. The Planning Board denied the  
19 request after extensive hearings. The property owner  
20 then sued the Planning Board for its denial of its  
21 application. Various entities including private  
22 property owners became aware that the Planning Board  
23 was negotiating a settlement without the public input  
24 and intervened.

25 The court, in Whispering Woods, raised

1 this question in its written opinion. May the  
2 parties to an action ever settle their litigation or  
3 must the case continue to a final determination?  
4 After all, goes the argument, litigation such as this  
5 does not involve mere private parties, a public  
6 interest is always present.

7           The court stated it would be  
8 unthinkable that a planning board, for example,  
9 charged with proper enforcement of local planning and  
10 zoning ordinances denied an application only to turn  
11 around and negotiate a final binding approval of its  
12 modification form to settle the very litigation which  
13 ensued upon the denial.

14           The Whispering Woods court stated that  
15 the settlement must necessarily be conditioned upon  
16 public hearing on the agreed upon -- agreed plan,  
17 just as if a new application were being presented to  
18 the board. In other words, any settlement must lead  
19 to further official action by the public body. That  
20 action is subject to all statutory conditions  
21 necessary to vindicate the public interest, notice,  
22 public hearing, public vote, written resolution, et  
23 cetera.

24           The Whispering Woods court continued:  
25 Courts do, of course, favor settlements, they

1 conserve judicial time, but more importantly,  
2 represent a rational resolution of a problem by the  
3 parties most closely involved and effected. The  
4 principal applies with equal force, so long as the  
5 public interest is not disserved thereby.

6           Lastly, the court stated, if the  
7 settlement must be known to the public subject to the  
8 public voice and voted upon in legal fashion, the  
9 public interest has been served. Under those  
10 circumstances, if the settlement meets with public  
11 approval, then necessary legal expenses of a full  
12 trial are saved.

13           I submit to you, the Ridgewood Planning  
14 Board, that according to Whispering Woods, you are  
15 making known the terms of the settlement with Valley.  
16 However, based on the testimony heard from the  
17 public, the public does not approve.

18           Although the Whispering Woods court  
19 favored settlement, the favor -- they favor a  
20 rational resolution of a problem by parties most  
21 closely involved and effected. A 3 percent reduction  
22 in size is not a rational resolution.

23           Moreover, the Whispering Woods court  
24 stressed that the public interest should not be  
25 disserved. Here the public interest, that being the



1 children and teachers who attend and work at BF, the  
2 surrounding homes and the Village of Ridgewood itself  
3 is not being served if you accept this settlement.

4 According to Whispering Woods, the  
5 Planning Board can and should reject the terms of the  
6 settlement with Valley.

7 Thank you.

8 (Applause.)

9 CHAIRMAN NALBANTIAN: Denise Ryan.

10 MS. RYAN: Denise Ryan, R-Y-A-N, 370  
11 Litchfield Street.

12 THE COURT REPORTER: Please raise your  
13 right hand.

14 Do you swear or affirm the testimony  
15 you are about to give in this proceeding is the  
16 truth, the whole truth and nothing but the truth.

17 MS. RYAN: Yes.

18 I want to thank everybody here for your  
19 minutes, hours and years attending to this matter.  
20 We moved to Ridgewood from Hoboken a few years ago  
21 and within the first month the fire department had to  
22 come to my house because we smelled gas. The fire  
23 department was at my house in a microsecond because,  
24 quite frankly, they're amazing. Anyway, our issue  
25 was resolved and the fireman said to us we had moved

1 to a very special village. Very special village.

2 And we talked about that, we were very  
3 happy, and for a few years we were very, very happy.  
4 The reason we had moved here was because of the  
5 community, the town, the top schools, and the quiet  
6 suburbs, because we had moved again from a city.

7 However, now our very special Village  
8 seems to be morphing into a city, the very place that  
9 we had moved from. We did not come here in hopes to  
10 have our kids educated among a construction site and  
11 we did not come here to be contaminated by both air  
12 and noise pollutants.

13 I do agree that we do not need a  
14 dilapidated hospital next to us and we don't want it  
15 to fall apart and we would like to continue to be  
16 competitive within the health industry. However, we  
17 do not need a mega campus institution here. We have  
18 Hackensack Hospital which is nationally ranked and is  
19 literally 8.7 miles from here.

20 I sincerely urge you to say no to the  
21 insulting, small percent decrease. It's an insult to  
22 all of us. If Valley wants -- is willing to play  
23 nice in the sandbox then let's talk, but if they keep  
24 throwing their pails and shovels at us then how are  
25 we supposed to get to a middle ground?



1 comments, I would ask you if there's a motion to  
2 close this portion of the meeting to public comment.

3 VICE-CHAIRMAN JOEL: Motion to close  
4 the public comment.

5 CHAIRMAN NALBANTIAN: Is there a  
6 second, please?

7 MR. REILLY: Second.

8 CHAIRMAN NALBANTIAN: Michael, please  
9 call the roll.

10 MR. CAFARELLI: Mayor Aronsohn?

11 MAYOR ARONSOHN: Yes.

12 MR. CAFARELLI: Councilwoman Knudsen?

13 COUNCILWOMAN KNUDSEN: Yes.

14 MR. CAFARELLI: Mr. Nalbantian?

15 CHAIRMAN NALBANTIAN: Yes.

16 MR. CAFARELLI: Mr. Joel?

17 VICE-CHAIRMAN JOEL: Yes.

18 MR. CAFARELLI: Mr. Reilly?

19 MR. REILLY: Yes.

20 MR. CAFARELLI: Ms. Dockray?

21 MS. DOCKRAY: Yes.

22 MR. CAFARELLI: Mr. Thurston?

23 MR. THURSTON: Yes.

24 MR. CAFARELLI: Mr. Abdalla?

25 MR. ABDALLA: Yes.

1 MR. CAFARELLI: Ms. Patire?

2 MS. PATIRE: Yes.

3 CHAIRMAN NALBANTIAN: Thank you,  
4 Michael.

5 First let me say thank you to all of  
6 you who came this evening and also who came yesterday  
7 and especially the children who came and spoke to us  
8 this evening. At this time the next step is to hear  
9 closing remarks from Valley's counsel, Mr. Drill. So  
10 Mr. Drill.

11 MR. DRILL: I want to start by thanking  
12 everyone for putting the time in to see whether this  
13 litigation between the hospital and the Planning  
14 Board can be settled. Pardon the voice. I've got  
15 hoarse even though I haven't been talking.  
16 Specifically, count one of the lawsuit which  
17 challenges the planning board's rejection of the  
18 proposed 2014 Master Plan Amendment to the H-Zone.

19 As I said when I made my introductory  
20 statement last week, through the mediation process  
21 Valley has agreed to revisions in its proposed 2014  
22 upgrade and the Planning Board agreed to consider a  
23 new proposed 2016 Master Plan Amendment which would  
24 accommodate such a revised project.

25 If the Planning Board adopts the 2016

1 Master Plan Amendment tonight, the Planning Board  
2 will have input into the ultimate parameters of the  
3 Master Plan Amendment and the project. If the  
4 Planning Board does not adopt the new plan, a trial  
5 will proceed on count one and a judge will decide  
6 what the Master Plan Amendment will look like.  
7 That's one of the choices.

8 I just want to make it clear right now,  
9 it's the 2010 Master Plan Amendment that's in effect.  
10 The 2010 Master Plan Amendment is broader than the  
11 2014 and the 2016. The 2014 Amendment provides for  
12 the North building to be the same height as in the  
13 2014 Plan Amendment, but additionally that 2010  
14 Master Plan Amendment provides for two below grade  
15 levels, not just the one below grade level that is in  
16 the 2014 Master Plan Amendment.

17 The hospital's vice president, Maria  
18 Mediago was here, she presented the changes to the  
19 2014 project that was heard to reduce the scope of  
20 the project and I am not going to repeat her  
21 presentation. I highlighted two areas in my  
22 introduction. It's just not a good use of time to  
23 repeat them here. Everyone knows what they are.

24 As I did in my introductory comments  
25 though I want to remind everyone what is not

1     changing. We have heard a lot of comments and some  
2     of the people weren't here through 2010 or through  
3     2014 and I know that there are some new board members  
4     and I know you've read through the voluminous  
5     materials, but the first thing that's not changing is  
6     the one below grade level of the buildings.

7                     In other words, 2010 says two below  
8     grade levels; 2014 proposed one below grade level.  
9     The 2016 Master Plan Amendment will not be increasing  
10    the size or the depth or adding another below grade  
11    level. It's the same one level below grade basement,  
12    for lack of a better word, that was in the 2014  
13    Amendment.

14                    This is important because it means  
15    there is going to be no change in the geological or  
16    hydrological issues related to rock removal,  
17    excavation and dewatering. And in this regard, I  
18    want to stress that there was undisputed expert  
19    testimony before this board in 2013 and 2014 from not  
20    only the hospital's geotechnical expert, but the  
21    board hired an independent geotechnical expert. The  
22    Board's own expert agreed that there would be no  
23    geological or hydrological problems resulting from  
24    the construction of the 2014 Plan Amendment. Again,  
25    and that's not changing the below grade aspect of it.

1           Second, the same traffic intensive  
2 services that the hospital agreed to move off-site as  
3 part of the 2014 Master Plan Amendment are going to  
4 be moved off-site as part of the 2016 Master Plan  
5 Amendment. And again, this is important and people  
6 just are not realizing that again, there is  
7 undisputed expert testimony both from the hospital's  
8 traffic expert and the Planning Board hired an  
9 independent traffic expert and the planning board's  
10 independent traffic expert agreed that there -- the  
11 traffic to and from the site would decrease by 430  
12 trips per day, not only would it not remain the same  
13 it would decrease by 430 trips per day. The same  
14 thing's going to happen in 2016.

15           The third, as to the issue that appears  
16 to be the most important issue to the public, the  
17 hospital presented unrefuted expert testimony during  
18 the 2013 and 2014 hearing from Dr. Shannon Magari,  
19 she is an occupational and environmental health and  
20 safety expert, Dr. Magari addressed the issue of fine  
21 particulate matter. She concluded that construction  
22 -- the construction project will comply with all  
23 applicable air quality standards which will ensure  
24 community protection. The hospital agreed to  
25 implement and execute an air monitoring plan which



1 would be developed by Dr. Magari and would include  
2 pre-testing, monitoring testing during construction  
3 and post-testing.

4 The hospital did not contest during the  
5 2013-14 hearing and doesn't contest now that  
6 particulate matter can be harmful. The issue before  
7 the board in 2013 and 2014 and the same issue is  
8 whether the hospital would have a system in place to  
9 detect the presence of fine particulate matter to  
10 stop it from migrating where it could cause harm.

11 The Valley Hospital presented its  
12 proposed system and no one presented anything to  
13 counter it, and the hospital stipulated then and has  
14 confirmed those stipulations through the list of  
15 conditions that it will implement the system. And  
16 it's also stipulated that if any particulars in  
17 implementing that system, that if the board, if the  
18 Village want changes in that, the hospital will make  
19 those changes.

20 Fourth, the time period for  
21 construction for Phase I is not changed. It's not  
22 ten years. The time period for construction remains  
23 the same as contemplated in the 2013-14 Amendment and  
24 that's six years for Phase I. And that is with the  
25 basement of the West building now being -- that would

1 be constructed as part of Phase I instead of Phase  
2 II. Still, construction of Phase I would be six  
3 years.

4 Further, as part of the mediation  
5 process, the hospital agreed it would not commence  
6 construction of Phase II for at least ten years after  
7 completion of construction of Phase I. So that is a  
8 change, but that is a change to the better. And the  
9 duration of Phase II was four years in the 2014 plan,  
10 remains four years.

11 Now, I want to remind everyone that the  
12 president of the Board of Education testified on  
13 October 29th, 2013, about the various construction  
14 projects that the board itself had completed.

15 And I'm going to read a couple  
16 sentences from the board president's statement that  
17 she made on October 29th, 2013. Her statement was  
18 actually admitted into evidence as Exhibit B-6 on  
19 that date. The statement differs a little if you  
20 read the transcript, she added a little detail. And  
21 I'm reading the transcript version.

22 First of all, she said a number of  
23 things, but I want to highlight two of the big things  
24 she said. She said that when additions were built to  
25 enlarge the Travell, Orchard, Somerville and Hawes

1 schools, students were present while they did  
2 construction. She also said that the board did  
3 extensive renovation of the Willard School, where  
4 they added a second-floor addition with five  
5 classrooms and the media center built over the  
6 existing classrooms.

7           The Willard School second-floor  
8 addition was constructed while school was in session.  
9 Kids were in the ground floor classrooms below when  
10 the second floor was being built. The project took  
11 18 months; only a portion of it was over the summer,  
12 the rest was when school was in session and kids were  
13 in the classroom below.

14           The board president testified that  
15 construction can be done safely and not interfere  
16 with education provided certain conditions are  
17 imposed, and the hospital agreed to have the  
18 conditions imposed. And again, in that list of  
19 conditions, and again, if they want to condition --  
20 if the Board of Education wanted some of those  
21 conditions changed, the hospital has said it will do  
22 so.

23           Finally, I want to remind everyone that  
24 the Planning Board is charged by law with guiding the  
25 use of land in a manner which promotes the general

1 welfare. And it's not just the welfare of the  
2 neighborhood around the hospital, it's all the  
3 residents of the municipality and it's all the  
4 residents of the region. That the vast majority of  
5 comments that this board has heard the night before  
6 and tonight have been from residents of the  
7 neighborhood. And we urge the board to consider the  
8 benefits of everyone in the municipality and the  
9 region by an upgraded and modern hospital that this  
10 2016 plan will allow and provide.

11 In closing, the hospital urges the  
12 board to approve the settlement and adopt the 2016  
13 Master Plan Amendment.

14 CHAIRMAN NALBANTIAN: Thank you,  
15 Mr. Drill. Does that conclude -- Mr. Drill, does  
16 that conclude --

17 MR. DRILL: Yes, that concluded my  
18 presentation.

19 CHAIRMAN NALBANTIAN: Okay. At this  
20 time I would like a motion if we can to close the  
21 public hearing, I think we're done with the hearing  
22 process.

23 VICE-CHAIRMAN JOEL: Motion to close  
24 the public hearing process.

25 CHAIRMAN NALBANTIAN: Second?

1 COUNCILWOMAN KNUDSEN: Second.

2 CHAIRMAN NALBANTIAN: Thank you. And  
3 Michael, please call the roll.

4 MR. CAFARELLI: Mayor Aronsohn?

5 MAYOR ARONSOHN: Yes.

6 MR. CAFARELLI: Councilwoman Knudsen?

7 COUNCILWOMAN KNUDSEN: Yes.

8 MR. CAFARELLI: Mr. Nalbantian?

9 CHAIRMAN NALBANTIAN: Yes.

10 MR. CAFARELLI: Mr. Joel?

11 VICE-CHAIRMAN JOEL: Yes.

12 MR. CAFARELLI: Mr. Reilly?

13 MR. REILLY: Yes.

14 MR. CAFARELLI: Ms. Dockray?

15 MS. DOCKRAY: Yes.

16 MR. CAFARELLI: Mr. Thurston?

17 MR. THURSTON: Yes.

18 MR. CAFARELLI: Mr. Abdalla?

19 MR. ABDALLA: Yes.

20 MR. CAFARELLI: Ms. Patire?

21 MR. PATIRE: Yes.

22 CHAIRMAN NALBANTIAN: Thank you,  
23 Michael. Okay.

24 At this time I am going to ask Katie  
25 Razin if she can present the legal perspective to us.

1 MS. RAZIN: Good evening. The first  
2 thing I would like to note for the record is that the  
3 certifications of board members have been received  
4 relative to transcripts of these proceedings and  
5 prior proceedings for board members that were not  
6 present. So we have all -- Michael has confirmed  
7 that we have all transcripts. I'm sorry. All  
8 certification relative to the transcripts.

9 So thank you to the board members for  
10 diligently reading and thank you to all the  
11 transcribers because I know it was a very difficult  
12 process.

13 As the Board and public are aware, this  
14 proceeding is a Whispering Woods process, which is a  
15 public hearing to consider and take action on a  
16 proposed settlement reached by The Valley Hospital  
17 and the Planning Board in the matter known as The  
18 Valley Hospital v. The Planning Board of the Village  
19 of Ridgewood.

20 Whispering Woods confirmed the  
21 authority of a local land use board to settle  
22 disputes with an applicant that challenges in an  
23 action in lieu of prerogative writs, a board's  
24 earlier denial on a matter. Presently the 2000  
25 Master Plan Amendment is in effect. Valley

1 challenged the Planning Board's denial of the  
2 proposed 2014 Master Plan Amendment which was  
3 reviewed in hearings in 2013 and 2014 before this  
4 board, and simultaneously included a count against  
5 the village governing body as to the zoning ordinance  
6 and its application to the H-Zone.

7 As part of that suit, Judge Friscia  
8 initially determined by way of order and rider to  
9 deny a motion to dismiss filed on behalf of the  
10 Village in May 2015.

11 Subsequently, in the course of that  
12 litigation, the Planning Board and the Village  
13 engaged in a court-approved mediation process with  
14 Valley led by a former New Jersey Supreme Court  
15 Justice, Virginia Long.

16 Through the mediation the Planning  
17 Board, after months of work, voted on the proposed  
18 settlement and then to proceed with the scheduling of  
19 a Whispering Woods hearing to review the proposed  
20 settlement and the amendment to the Master Plan, the  
21 latter of which is governed by Section 28 of the  
22 Municipal Land Use Law.

23 A remand order was entered into by the  
24 parties and signed by Judge Friscia, the terms of  
25 which I reviewed earlier in these proceedings when I

1 extensively, and in the very small print on the  
2 screen, went through and discussed in the beginning  
3 of these proceedings.

4           The board has operated under the  
5 direction of the remand order in this process which  
6 has provided certain timelines and requirements for  
7 the board, the public and Valley Hospital to follow.  
8 We have all tried to work under these terms,  
9 understanding that it's been difficult to do so at  
10 times.

11           Certain of the key elements of the  
12 Whispering Woods process have occurred so far.  
13 Notice was provided prior to the hearings, we have  
14 heard sworn testimony regarding the settlement from  
15 our planner, as well as a witness -- from a witness  
16 representing Valley Hospital. Both witnesses were  
17 made available for questions and cross-examination  
18 from the public and the board.

19           We have also heard public comment on  
20 the proposed settlement and the Master Plan  
21 Amendment. That process is complete. Once I am done  
22 speaking the board must determine to move this matter  
23 to a vote, whether this evening or on Thursday,  
24 following which a resolution would be drafted and  
25 adopted by the board at a subsequent meeting. That



1 vote can be either to approve the proposed settlement  
2 and 2016 Master Plan Amendment or to reject them.

3 It is important that items outside the  
4 record must not be considered in the Board's  
5 deliberations and only relevant and material  
6 testimony and evidence should be considered. That  
7 means testimony and evidence pertinent to the  
8 settlement and proposed 2016 Master Plan Amendment in  
9 relation to the 2014 proposed Master Plan Amendment  
10 be considered.

11 To remind the board about some of the  
12 general standards regarding the Master Plan is the  
13 policy statement. Although the Master Plan serves as  
14 the basis for a zoning ordinance, it is important to  
15 remember that it does not have the operative effect  
16 of a zoning ordinance. The board is the only  
17 municipal body authorized under statute to adopt and  
18 amend the Master Plan. That's pursuant to Section 28  
19 of the Municipal Land Use Law.

20 The Board's vote is the only necessary  
21 vote if the Village Council does not take action on  
22 the Master Plan. Likewise, only the Village Council  
23 takes action to adopt ordinances. Although prior to  
24 1975, it was found that Master Plans were primarily  
25 generic in content, the Municipal Land Use Law and

1 relevant case law have made it clear that specificity  
2 in the plan is essential and necessary to allow for  
3 proper review by the board.

4           The legal framework for the Board's  
5 action here relative to the adoption of the amendment  
6 to the Master Plan may be found in the Municipal Land  
7 Use Law which went into effect in 1976. N.J.S.A.  
8 40:55(D), section 28, excuse me, authorizes the  
9 Planning Board to adopt a Master Plan to, quote,  
10 guide the use of lands within the municipality in a  
11 manner which protects public health and safety and  
12 promotes the general welfare. It is your  
13 determination as the board to review the proposed  
14 2016 Master Plan Amendment and settlement.

15           It may also be helpful to keep in mind  
16 that case law entitles the board to change its  
17 position after a prerogative writ action is filed and  
18 the board is entitled to reconsider the advantages  
19 and disadvantages of a revised plan as part of a  
20 Whispering Woods hearing and as a result of the  
21 pending litigation. The board may discuss findings  
22 to this effect as part of its deliberations.

23           Thus, at the time of voting, the board  
24 may choose to approve the proposed 2016 Master Plan  
25 Amendment and settlement or reject them. Voting to

1 approve the Amendment would mean that the proposed  
2 2016 Master Plan Amendment becomes effective,  
3 replacing the existing 2010 Amendment. The 2010  
4 Amendment will be superceded by the 2016 Amendment.

5 The board may also vote to reject the  
6 proposed 2016 Master Plan Amendment and settlement,  
7 which would leave the 2000 Amendment -- 2010  
8 Amendment in place and operative. A rejection of the  
9 settlement and proposed 2016 Master Plan Amendment  
10 would result in the pending litigation to continue to  
11 a trial for decision by the court.

12 CHAIRMAN NALBANTIAN: Thank you very  
13 much, Katie.

14 MS. DOCKRAY: Charles, I'm sorry.

15 Kate, can I just ask one question about  
16 Whispering Woods? Just because there was a lady who  
17 read from the case.

18 Are you ready?

19 MS. RAZIN: Yes. I just want to make  
20 sure the public can hear you.

21 MS. DOCKRAY: Oh, I'm sorry.

22 There was a lady -- I'm sorry, I forget  
23 her name -- who read from the case.

24 MS. RAZIN: Jaime. Jaime.

25 MS. DOCKRAY: Oh, okay.

1                   And in that I didn't know if I heard  
2 the statement correctly, whether she said that we  
3 were -- the hearing should provide for -- she used  
4 the word public approval, the word "public approval"  
5 came out. It sounded like she said it's supposed to  
6 come back for public approval.

7                   What does that mean?

8                   MS. RAZIN: Well, I think that might be  
9 interpreted in different ways. There's a requirement  
10 in Whispering Woods that certain standards and  
11 requirements met -- I think I touched upon them in my  
12 opening. You have a requirement that the public  
13 interest be met in that certain standards and --  
14 certain standards be met such that you hold a public  
15 hearing, you provide public notice, you hold a public  
16 hearing, you have testimony, you have  
17 cross-examination, you open it to the public for  
18 public comment, you have a public vote, you draft a  
19 resolution.

20                   If you opened it to the public you've  
21 -- you've satisfied those requirements of the  
22 Whispering Woods proceeding. You made the settlement  
23 known to the public. The interpretation -- and, you  
24 know, I'm not -- I don't want to be argumentative,  
25 but the interpretation probably is just that, an

1 interpretation.

2                   So there's no requirement in Whispering  
3 Woods to have a public approval. It's up to the  
4 board to decide about whether to approve or reject  
5 the settlement. That public approval process you  
6 would consider as you would consider any other  
7 proceeding how you would, you know, incorporate the  
8 public's comments, you would consider the public  
9 comments just as you would consider the public  
10 comments in any other proceeding. You know, as you  
11 normally weigh them in your views.

12                   But it's not -- it's not a matter of  
13 subject to public approval because as long as you've  
14 incorporated and made the matter public, you've  
15 satisfied the Whispering Woods elements and you made  
16 the matter public, the settlement public. That's the  
17 key -- that's the key of Whispering Woods is that  
18 taking them out, the settlement proceeding from  
19 private to public.

20                   MS. DOCKRAY: And that's never been  
21 disputed, that interpretation.

22                   MS. RAZIN: It's that -- well --

23                   MS. DOCKRAY: No, no, it's okay. We'll  
24 go with it for now I just --

25                   MS. RAZIN: I mean that -- that

1 interpretation, I've never heard, I mean --

2 MS. DOCKRAY: Any other interpretation.

3 Okay.

4 Thank you.

5 COUNCILWOMAN KNUDSEN: Also, I have a  
6 question. This came up last week again, I think Matt  
7 Salerno raised it again this evening, in terms of  
8 just procedural cross-examination of a witness and  
9 the manner in which this is conducted, where a series  
10 of questions are presented and then the resident is  
11 returned to his seat. And then Mr. Drill was able to  
12 ask the questions of the witness.

13 And I just wanted to know, is that  
14 somewhere procedurally written or was that something  
15 you need to -- just so we can answer Mr. Salerno's  
16 inquiry.

17 MS. RAZIN: I don't know if that exact  
18 -- I mean, I think -- I think what was happening was  
19 that there was an attempt to summarize the question  
20 again, but I don't think it was a, like a, redirect,  
21 so I don't think there was anything improper about  
22 the way the questions were asked. I mean, the  
23 questions were asked and then the witness was  
24 entitled to answer them, but I don't think that there  
25 was anything -- there was -- I mean, I don't know how

1 else to answer that.

2 COUNCILWOMAN KNUDSEN: Well, I'm asking  
3 procedurally, is there anything in writing how -- or  
4 is this something that you need to see how we managed  
5 this particular meeting? I don't know, I am just  
6 asking because it was raised twice about oral  
7 interrogatories.

8 MS. RAZIN: I guess I wouldn't qualify  
9 it as that, I just -- I thought the questions were  
10 asked and then between -- we were -- I think the  
11 process was that we were trying to ensure that the  
12 witness was asked the correct question. I mean, I  
13 took very detailed notes so whenever there was -- if  
14 this was a misunderstanding about the question I -- I  
15 really tried to specifically assist with any wording  
16 that was missing or anything, I think that we were  
17 trying to get the full question and make sure the  
18 witness was answering the full question.

19 So I don't think the questions were  
20 misdirected or misqueued, so I would like to think  
21 that the questions were answered and asked the way  
22 that they were intended.

23 COUNCILWOMAN KNUDSEN: Thank you.

24 CHAIRMAN NALBANTIAN: Any other  
25 questions? Okay.

1                   So at this point I will ask the board  
2 if it's prepared to deliberate and vote this evening  
3 and if so, we can begin that process and conclude it.  
4 If not, we can begin Thursday.

5                   Do you have any thoughts?

6                   MR. THURSTON: We're here.

7                   COUNCILWOMAN KNUDSEN: I agree, I think  
8 we're here and I think the people are here. And I  
9 think that in fairness to the public, we should  
10 conclude this.

11                  MAYOR ARONSOHN: We're here.

12                  CHAIRMAN NALBANTIAN: Who would like to  
13 start?

14                  Kevin?

15                  MR. REILLY: Yeah, I'm the sacrificial  
16 lamb who goes first, I guess. Charles is throwing me  
17 out there.

18                  I was originally -- by the way, if I  
19 speak too fast or too loud, I've been known to shake  
20 the walls occasionally, just let me know. I was  
21 going to speak extemporaneously here in  
22 deliberations. I usually, by instinct and by  
23 training, I like to have a written statement, in the  
24 interest of time I think I'm just going to read my  
25 written statement that states my thoughts.



1                   Anyway, to begin, it's obvious that  
2 this is a controversial hearing and there's a lot of  
3 passion that surrounds it. I also understand the  
4 concerns of both the residents as well as the  
5 concerns over the development issues in general that  
6 have been coming up lately.

7                   I think you deserve an explanation of  
8 my reasoning on the issue before us tonight. So if  
9 you bear with me for a few minutes, I'll do that. In  
10 this I speak only for myself, I don't presume to  
11 speak for others who may reach similar or different  
12 conclusions for their own reasons.

13                   When the 2014 Master Plan Amendment was  
14 proposed, I voted against it for reasons which are  
15 set forth in the record at the time, I reread my  
16 statements from 2014 just to see how it holds up in  
17 context of litigation, and just in case I forgot  
18 those points, it was read back to me again tonight.  
19 So I'm aware of what my points were then.

20                   We were instructed at that time to  
21 focus only on the evidence in the record pertaining  
22 to that amendment and not to return to the record of  
23 the 2010 Master Plan Amendment. Hence while I was  
24 acutely conscious that the 2010 Amendment was valid,  
25 unless superceded by the 2014 Amendment, I was

1 privately concerned that if we rejected the proposed  
2 2014 Amendment, the much larger 2010 Amendment  
3 remained effective.

4 But my analysis at that time focused  
5 exclusively on the record of the 2014 Amendment. And  
6 I had some opinions at that time which rejected some  
7 of that evidence.

8 Today, however, we're in a different  
9 posture. We're in litigation. And I think a  
10 different kind of analysis was necessary.

11 Although technically we're considering  
12 another amendment, realistically we've been exploring  
13 whether we resolve the litigation in a manner that  
14 protects the Village and achieves a further reduction  
15 of the scale of the project.

16 In this context, I think that the  
17 existence of the still valid 2010 Amendment becomes  
18 very relevant.

19 I don't like -- I didn't like the 2014  
20 Amendment. I'm not especially happy with aspects of  
21 the 2016 proposed amendment, but I like the 2010  
22 amendment much, much less. And that 2010 Amendment  
23 very much exists, as was pointed out during the  
24 hearing last week. I think in a sense it's our  
25 Achilles' heel in the context of the present

1 litigation.

2                   Subject to whatever action the Village  
3 Council takes or doesn't take, it will likely have  
4 consequences. So in my deliberations this time, I'm  
5 thinking more defensively than was permissible for  
6 the vote of the 2014 Amendment. I want to see the  
7 greatest feasible reduction of the Valley project and  
8 doing so basically rendered moot the 2010 Amendment.

9                   Again, this is settling litigation  
10 rather than taking a fresh look at a new application.  
11 It's not a question of what I like, but rather what I  
12 can defend on the basis of the record evidence.

13 While not to go back over the prior evidence, nor to  
14 repeat my personal finding with connection to the  
15 2014 Amendment, a couple of factors draw my closest  
16 attention that were discussed during negotiations.

17                   Without disclosing what was discussed  
18 over mediation, I will only say that it became  
19 focused more on the scale of the project and the  
20 visual impact than other factors. I've said on a few  
21 occasions that I'm much less concerned with square  
22 footage, per se, than I am with the bulk of where it  
23 will be located and what it would look like.

24                   With that, I will turn to my review of  
25 the evidence offered last week in connection with the

1 2016 Amendment. The court recently issued a tight  
2 deadline for us to come to a decision on the  
3 mediation. Mediation is useful when a party may be  
4 uncertain of the outcome of the litigation.

5 The present litigation presents risks,  
6 as I see them. And I wanted to avoid the significant  
7 downside risk that the 2010 Amendment, which remains  
8 valid but which is inconsistent with the present  
9 ordinance, may be the one that eventually gets  
10 implemented.

11 Now, I'm not ignoring that Valley too  
12 has risks. It's a large project in a tight  
13 residential area.

14 So both of us are going into litigation  
15 and possible trial, with our risks. But I'll focus  
16 on what I think our risks are.

17 Having spent 30 years or more working  
18 for judiciary, I am sensitive to how a judge may view  
19 the evidence in the context of a possible settlement.  
20 Now, I don't know anything about this judge, except  
21 what I've heard. The judge presiding over the case  
22 is very diligent, very attentive to the record  
23 evidence. She reads the record. She understands the  
24 evidence. So that's what we're dealing with. She  
25 reads it very closely. And that evidence, not

1 opinions, is what's going to guide her.

2 We can possibly agree with a lot of the  
3 opinions that you heard tonight; I have my opinions.  
4 But the opinions are not going to carry the day in  
5 litigation. The judge's reading of the evidence is  
6 what's going to matter ultimately.

7 Now, the court reminded us that  
8 hospitals enjoy a special status from municipal  
9 planning. That, I think, was a hint.

10 As we are also reminded, the Planning  
11 Board voted in favor of a much larger project in  
12 2010, then voted against a smaller project in 2014.  
13 The results of those votes seemed contradictory,  
14 except that on each occasion the board considered a  
15 different body of evidence and a different record.

16 And of course, there was different  
17 people on the board, but that really doesn't matter.  
18 The board speaks as a unit.

19 However, while different results can be  
20 reconciled on that basis, it is a significant risk  
21 that the court will gloss over that explanation and  
22 pinpoint the apparent incongruity. We accepted the  
23 larger project, then turned around and rejected the  
24 smaller project. Still large, but not as large.

25 I've also seen case law where courts

1 have rejected an inconsistent later vote because of  
2 the section that was influenced by local controversy,  
3 rather than sound planning principles. That I can  
4 say with conviction was not the case with this board  
5 when it rejected the 2014 Amendment.

6 But the court may well reach a  
7 different conclusion, that our outcome was arbitrary  
8 and capricious. Maybe not, but maybe so. But when  
9 you start adding up the risks, you begin to see  
10 something of a pattern.

11 We are bound by the record. And our  
12 own evidence did not dispute much of Valley's case.  
13 Hence, the court may promptly point to where our  
14 evidence, in 2014, actually supported aspects of  
15 Valley's evidence, which may shape the court's  
16 perception of whether we acted arbitrarily in  
17 rejecting the 2014 Proposed Amendment. This is  
18 another risk of this litigation and with other  
19 factors may affect the court's outcome.

20 Now, while I thought some of the  
21 impacts of the 2014 Proposed Amendment could be  
22 mitigated or the evidence showed they weren't much of  
23 an impact. For instance, dewatering, in light of the  
24 evidence, our evidence supported Valley's evidence,  
25 but ultimately I think it really matters in the long

1 run. I think the real point of the dispute then was  
2 the effect on the neighborhood, the visual impact.

3 But anyway, I thought that some impacts  
4 were not adequately addressed by the 2014 record or  
5 maybe they couldn't be mitigated. The board -- maybe  
6 they couldn't be mitigated. And that was the primary  
7 basis for my rejection of the 2014 Amendment.

8 Those factors related mainly to the  
9 physical and visual impact on our neighborhood  
10 character during the period of construction, but also  
11 post-construction impacts.

12 To me, these factors included the scale  
13 of the project, items related to that was the height  
14 of the buildings and the timeframe of construction.

15 So as we've gone through the recent  
16 process of personally attending to these factors.  
17 Bearing in mind that these impacts wouldn't be  
18 eliminated. I was looking for as much mitigation as  
19 I thought could reasonably be achieved.

20 I was balancing what I thought would be  
21 achieved by negotiations, where we have some control  
22 over these impacts and in litigation, versus  
23 variances a downside risks if the court decided  
24 against us.

25 The 2016 Amendment is a result of a

1 legal compromise. And it's in the nature of  
2 compromise that you often end up in a different place  
3 than where you began. Here, because it was  
4 settlement of litigation, unlike when we made  
5 decisions in 2014, my own starting point was  
6 different. I started my own thinking knowing that I  
7 could not competently make guesses about Valley's  
8 operational needs. So I didn't. I took an approach  
9 that I think was more evidence-based, which I thought  
10 would be the visual and functional impact on the  
11 neighborhood.

12 On the scale of the project, my hope  
13 during negotiations was that we could get not only a  
14 reduction in square footage but a relocation of some  
15 of the bulk in a manner that reduced height.

16 The evidence that was presented in this  
17 hearing achieved some of that. I would have  
18 preferred an even great reduction. I felt that I had  
19 no basis to support different specific numbers. And  
20 to presume that by prolonging mediation, we could  
21 achieve an even greater reduction, seemed to me to be  
22 speculative. Any particular number, say we do, say  
23 holding out for another 50,000 feet or another  
24 100,000 square feet or some other number pulled from  
25 the air, would not be based on the evidence.



1                   And I'm not making fun of the point of  
2 it, but the court definitely brought mediation to a  
3 close.

4                   So with the court's deadline upon us  
5 the decision was to go forward with whether to  
6 negotiate over several weeks or alternatively, to go  
7 to trial in the very near future and maybe suffer the  
8 consequences of guessing wrong about the outcome.

9                   Ultimately, of course, it would be the  
10 local residents who would bear the burden of an  
11 unlucky guess on our part.

12                   We have seen the evidence and heard  
13 from Valley witness. We also heard from Blais, who I  
14 think was his usual, very informative. I read the  
15 transcript this weekend, double-checked my sense of  
16 the evidence. I think that the reduction in scale  
17 and the relocation of bulk, partially stepping back  
18 the bulk, helps mitigate the visual impact.

19                   The mass closer to the ground, I  
20 thought would be less of an impact, so by reducing  
21 the height by a floor, even if it's spread out more  
22 at the ground level, that that -- that spreading out  
23 of mass at the ground level, I thought wasn't that  
24 much of an impact.

25                   Again, I wasn't against the square

1 footage per se, it's a question of where the square  
2 footage was. And my goal was to reduce height as  
3 much as possible.

4 I also think that the so-called green  
5 roofing and vegetative cover, which I find very  
6 intriguing, and expect a lot of engagement during  
7 site plan review, further helped reduce the visual  
8 impact, as well as the ground level vegetative  
9 screen.

10 Would I have preferred a greater  
11 reduction? Yes.

12 Do I think that was reasonably  
13 achievable? I don't have a basis in the evidence to  
14 reach that conclusion. That would be guessing about  
15 Valley's operational needs, and I didn't have the  
16 basis to do that.

17 We also now have greater clarity as to  
18 the timeframe. My memory of the evidence of the 2014  
19 Amendment was that while six years was the estimated  
20 time on Phase I, it could have been extended out to  
21 ten years. Eight or ten years. And the demarcation  
22 between Phase I and Phase II was very fuzzy to me.

23 We've now -- we now have a hard and  
24 fast representation by counsel for Valley that Phase  
25 I will be completed within six years and Phase II

1 will not start until at least ten years after Phase I  
2 is finished.

3 That buys, I think, at least a decade  
4 of peace and quiet, at least as far as construction  
5 is concerned, after the main part of the project is  
6 finished. I would expect that the village remained  
7 engaged to ensure that these timeframes are  
8 respected.

9 I can understand the frustrations.  
10 Valley, over the years, keeps getting bigger. And  
11 here we go again.

12 But the context of our decision tonight  
13 is limited to settle litigation based on the record  
14 evidence.

15 Ideally, Valley will fold its tent and  
16 undertake no more enlargements at all.

17 Is that realistic? I don't think so.

18 Now I do recall residents, including  
19 members of CRR, conceding during the 2014 hearings  
20 that they would acquiesce in some enlargement. They  
21 just didn't want the proposed enlargement. I took  
22 them at their word that they were not categorically  
23 opposed to any enlargement.

24 So I think that in conclusion that some  
25 kind of project was always going to be in the works.

1 I think that it's unrealistic to assume that Valley,  
2 as it presently exists, will stay that way if we  
3 reject the settlement now on the table. So we have  
4 to make the decision on this lawsuit.

5 Is this perfect? No. But it's a legal  
6 settlement of litigation. My own sense is that the  
7 downside risks of this lawsuit, based on the  
8 evidence, based on the seeming contradiction between  
9 the 2010 vote and the 2014 vote, based on the  
10 preferential treatment afforded hospitals are  
11 substantial.

12 And as I said, Valley also has its  
13 risks. But I'm focused on our risks.

14 If we lose we're left with the 2014  
15 project, not the present proposal. If we win -- and  
16 this is the irony, and I've said it before, if we  
17 win, and that is an uncertain outcome, we're left  
18 with the 2010 Amendment. And I don't think anybody  
19 should comfortably assume that the 2010 Amendment  
20 remains effective, that the present ordinance being  
21 so far out of line with the 2010 Amendment, will  
22 remain unscathed.

23 So I'm taking into account what I think  
24 are the risks of litigation and considering that I  
25 think we have negotiated additional mitigation which,

1 while imperfect, seem workable. And I'm trying to  
2 avoid the worst-case scenario. And a final thought,  
3 traffic, it was a major issue tonight, I can  
4 understand that. It was along the scope of this  
5 hearing, but I will address it.

6 Our record evidence, unfortunately, you  
7 might think, support -- well, leave out  
8 unfortunately. Our record evidence from 2014  
9 supports Valley's position. When I voted against  
10 2014 Amendment, my opinion was that traffic was going  
11 to be an impact. That the record evidence, which the  
12 court is going to be looking at, indicates that  
13 traffic will either be reduced or can be mitigated by  
14 a variety of devices.

15 Tonight I don't feel that I'm free to  
16 ignore that evidence because the court won't. The  
17 court won't ignore it. So this is another risk of  
18 litigation that I think is incumbent upon us to  
19 avoid.

20 Thank you.

21 CHAIRMAN NALBANTIAN: Thank you, Kevin.

22 Anyone else? Wendy?

23 MS. DOCKRAY: I just -- I'm going to  
24 have other questions about the substance, but I have  
25 a question of Katie.

1                   To what extent is, you know, relative  
2 to Kevin's point, are we supposed to weigh in our  
3 personal opinions on what the risk of -- the risk of  
4 litigation is? Because obviously that played heavily  
5 in Kevin's decision or his opinions as they stand  
6 now.

7                   MR. REILLY: Well, it's my reading of  
8 the evidence --

9                   MS. DOCKRAY: Yes.

10                  MR. REILLY: -- if you can call it  
11 opinion.

12                  MS. DOCKRAY: Yes, but -- but you also  
13 -- you also said, you know, you didn't -- you were  
14 concerned about the risks --

15                  MR. REILLY: Yes.

16                  MS. DOCKRAY: -- the risks, the risks.

17                  MR. REILLY: Yes.

18                  MS. DOCKRAY: To what extent, my  
19 question is, are the risks supposed to play into our  
20 decision-making about this, please?

21                  Thank you.

22                  MR. REILLY: Well, we're here to settle  
23 litigation. We're not dealing with a fresh  
24 application, so the outcome of that litigation is  
25 fundamentally part of what we're considering.

1                   And it's not an opinion about an fact  
2                   that I have, it's an opinion reading through the  
3                   evidence that we already have. I'm not -- I'm not  
4                   inventing amending facts here.

5                   MS. DOCKRAY: Right. I didn't say you  
6                   were inventing facts.

7                   MR. REILLY: You can interpretation  
8                   rather than opinion.

9                   MS. DOCKRAY: Right.

10                  MR. REILLY: My interpretation.

11                  MS. DOCKRAY: I just want to hear from  
12                  our board attorney as to -- on this matter.

13                  MS. RAZIN: I think that the context of  
14                  this proceeding is one of the factors, one of the --  
15                  one of the factors that the board is entitled to take  
16                  into account. So when you consider the evidence,  
17                  when you consider the public, when you consider the  
18                  context of the litigation, I think you are -- you can  
19                  balance all of those things when you're looking at  
20                  the proceeding as a whole.

21                  So you have to just weigh all of those  
22                  different factors, but you're looking at the context  
23                  of a settlement proceeding. I mean, so it's -- this  
24                  process is a Whispering Woods proceeding, so it's in  
25                  the context of a settlement. I mean, that's --

1 that's -- that's what we're here for, so I don't -- I  
2 don't think it can be ignored --

3 MS. DOCKRAY: Right.

4 MS. RAZIN: -- but I'm not going to  
5 give a percentage level because that's not for me to  
6 say what -- what percentage level you weigh each of  
7 the different factors. But I don't think -- but  
8 that's my answer. It's in the context of a  
9 settlement.

10 MS. DOCKRAY: I have to think about it  
11 a little.

12 MS. RAZIN: Okay.

13 MR. REILLY: You want to keep going?

14 MS. DOCKRAY: Well, no, I -- truly, I  
15 have to think about it. I have to, because you were  
16 -- you know, a lot of what you had to say had to do  
17 with not risking, not risking, not risking, based on  
18 what you -- you had read and sort of what you heard  
19 and what you understand of the law.

20 MR. REILLY: And, well, that's based on  
21 the record, what's in the record.

22 MS. DOCKRAY: Right.

23 MR. REILLY: And I -- 2014, as I  
24 said --

25 MS. DOCKRAY: Right.



1 MR. REILLY: -- I looked at it from a  
2 more opinion standpoint on the basis of the record.

3 Now I'm looking at it much more  
4 defensively and it -- because we're in litigation,  
5 this isn't a fresh application. So my -- my -- my  
6 analytical model changes a little bit.

7 And as I said at the outcome, I'm  
8 speaking for myself. Other people may absolutely  
9 reject the need to consider the risk or may see no  
10 risks. That's -- everybody has a different point of  
11 view. This is -- this is the way I'm approaching  
12 this.

13 And it also explains why, in some  
14 respects, people say, well, what's changed from 2014?  
15 This explains that.

16 MS. RAZIN: And I think I mentioned in  
17 my instructions that there is case law that allows  
18 you to reconsider the advantages and disadvantages of  
19 a plan or a revised plan once prerogative writ is  
20 filed. So --

21 MS. DOCKRAY: Right.

22 MS. RAZIN: So in that context you can  
23 reconsider, you know, revisions to a plan as part of  
24 this context, as part of the proceeding.

25 MS. DOCKRAY: Right, but we can only

1 consider the changes that were in red in the  
2 amendment. We were told we can only consider and  
3 focus on the changes. We couldn't go back to the  
4 original -- those clauses that were not changed. We  
5 couldn't go back and reevaluate traffic because it  
6 was not in -- in the -- between 2014 and 2016, it was  
7 not changed, you know, the amendment was not changed.

8 My understanding was we could only  
9 focus on those things that were changed. If that's  
10 not correct, let me know.

11 MS. RAZIN: The remand order, and I  
12 don't have it out in front of me, but the remand  
13 order talks about, I believe, that the questions and  
14 the public comment being the relevancy of that and  
15 the material elements of that being limited to those.  
16 But I do not believe -- your considerations are not  
17 limited just to those elements.

18 MR. REILLY: I'm not even considering  
19 that evidence in --

20 MS. RAZIN: Right, but that's not what  
21 the remand order says.

22 Thank you.

23 MR. REILLY: Maybe, if want to see it  
24 this way, if there was any concern with this in -- in  
25 terms of what the instructions were and in terms of

1 what we've been doing all along and the narrow scope  
2 of our function here. I'm not reconsidering that  
3 evidence. It is what it is.

4 And in 2014 I had an opinion on some of  
5 it. I'm now looking at it from the perspective of  
6 how is a judge going to look at this.

7 So the angle of vision has changed.  
8 I'm not reviewing -- I'm not reconsidering that  
9 evidence. I accept it. It is what it is. And I  
10 think that's part of what kind of binds us tonight.  
11 The evidence is what it is. Whereas in 2014, I felt  
12 much freer to have the opinion about some of it, for  
13 instance the traffic evidence.

14 I don't feel I have that luxury right  
15 now. And I am speaking personally. So I'm trying to  
16 look at this from the perspective of how a court is  
17 going to look at it, if we go to trial, and how that  
18 court is going to evaluate whether we have to offer  
19 and what the consequences of that are, and if we  
20 don't prevail, what's going to be the remedy for  
21 Valley.

22 So I think in a sense we're narrower  
23 tonight on what we're doing, but as to the outcome I  
24 think we have to look -- I'm looking a little bit  
25 broader than I did in 2014.

1 CHAIRMAN NALBANTIAN: Thank you.

2 MS. DOCKRAY: I'm not ready.

3 Just go down there and come back. I'm  
4 not ready yet.

5 CHAIRMAN NALBANTIAN: Mayor?

6 MAYOR ARONSOHN: Thank you.

7 First of all, I just want to thank  
8 everybody involved in this process, not just over the  
9 last week or so, but over the last several months and  
10 last several years. That includes my fellow board  
11 members, Valley professionals, the Village  
12 professionals, and of course the public. I  
13 particularly want to thank those of you who spoke in  
14 very personal terms about what this means to your  
15 families, to your quality of life, concerns you have.  
16 It takes a lot to come up in public and speak in the  
17 first place and to do so in a very personal way, I  
18 think it's important, so thank you for that. I'm  
19 sure I speak on behalf of all of us, that helps us  
20 really get a sense of the gravity of the situation  
21 even more so, so we appreciate that.

22 I did not prepare a statement. Maybe I  
23 should have because maybe that would keep me more  
24 disciplined. But I had spoken to this issue in 2011  
25 as well as 2014. I prepared a couple of notes. So

1 if I sort of wander I apologize but I really wanted  
2 to, having dealt with this issue really for my entire  
3 time on the Council now, almost eight years, I wanted  
4 to speak from my head and my heart and address some  
5 of the points that were raised during this public  
6 hearing.

7 Let me just start by saying I hate this  
8 issue. I really, really hate this issue. And I hate  
9 it because it's been so divisive and it just doesn't  
10 go away. You know, I said that, you know, I have  
11 been dealing with this my entire time on Council.  
12 Actually I remember when I was running for Council in  
13 2008 and I was walking through the downtown and  
14 introducing myself to folks, and I remember going up  
15 to somebody and saying, Hi, I'm Paul Aronsohn,  
16 running for Council, immediately she jumped right  
17 into my face in a somewhat aggressive way and said,  
18 What do you think about Valley Hospital? And so I  
19 tried to sort of give my answer and I was trying to  
20 do it in a thoughtful way and before I got the words  
21 out she's like, Are you against the proposal, are you  
22 going to support Valley?

23 And I was struck by how, not only the  
24 stridency of it, but it was a false choice. It was a  
25 false choice then, I believed it then, I believe it

1 now, and I'm sure many of us believe that. I think I  
2 speak for a lot of people, it's not a question of one  
3 or the other. It's -- we can like Valley and not  
4 like the plan. And, you know, that's sort of where I  
5 started on this. You know, I felt it then, I felt,  
6 you know, I felt it through the entire eight years I  
7 have been dealing with this issue.

8           You know, I worked -- again, I was on  
9 the Council in 2011 when we took up the issue, the  
10 2010 plan. I was on the -- I have been on the  
11 Planning Board and I was here for the 2013-2014, and  
12 I had a lot of the same concerns that many of you  
13 expressed, very strong concerns, I felt very  
14 passionately and, you know, for me, I sort of bucket  
15 the issue into sort of two buckets.

16           One was sort of the planning and zoning  
17 issues, you know, and that's everything from height  
18 to setbacks, you know, looking at, you know, sort of  
19 the mitigation, all those issues. And then there was  
20 sort of the operational issue, if you will. I don't  
21 know a better way to frame it, but very poor  
22 operational issues dealing with things like  
23 pedestrian traffic, traffic safety, air quality,  
24 noise pollution. You know, those quality of life,  
25 those safety issues I think that many of you have

1 addressed over the last couple of days.

2           So I tried to bucket those issues. I  
3 bucket them in the sense because the truth is, unless  
4 you're against any type of renovation of Valley,  
5 we're going to have to deal with those issues. And,  
6 you know, obviously, you know, the bigger the  
7 project, you know, perhaps the bigger, you know,  
8 those set of issues, the bigger impacts those will  
9 have on us.

10           But I am confident -- I think Mr. Drill  
11 spoke about some of the renovations that have been  
12 done in the schools, I'm confident that, you know, we  
13 as the community, the Village officials, school  
14 officials, Valley officials, whatever happens, will  
15 take great care, great care in providing for the  
16 safety and security of the quality of life.

17           And, you know, I can assure you -- I'm  
18 not going to be here on this Planning Board, but I'm  
19 sure the Planning Board and the next Council will  
20 make sure, assuming this goes forward, that those  
21 issues are addressed. Because you're right to raise  
22 them, you're right to be concerned about them, you're  
23 right to engage us on them, and I can assure you that  
24 everybody takes them very, very seriously.

25           So it was against, you know, against

1 that backdrop with those issues that I spent a lot of  
2 time, you know, in context with both the 2011 and the  
3 2014. You know, asking my questions sometimes maybe  
4 a little too aggressively for Valley's taste so, you  
5 know, but asking my questions, raising my concerns,  
6 listening to the testimony of witnesses and, you  
7 know, I have ended up in 2011 being part of a Council  
8 that voted down unanimously the 2010 Amendment which  
9 is now part of the Master Plan. I felt very strongly  
10 back then and voted that down.

11 2014, you know, what started off as a  
12 90-day process ended up being about 15 months and a  
13 lot of us spent a lot of time on that thought too,  
14 and even on that one I felt compelled to vote against  
15 it. And I didn't do so -- none of us take joy in,  
16 take satisfaction out of voting somebody off the  
17 board, or voting something down, I should say, you  
18 know, that's not what we're here for. We like to be  
19 proactive, we like to be for -- but I couldn't find  
20 it either in my head or in my heart to support this,  
21 so I was very strongly against this.

22 But here we are, as Kevin pointed out.  
23 We have a lawsuit. We have been sued. Valley filed  
24 suit against both the Village Council as well as the  
25 Planning Board. And it's a real shame. You know,



1 it's a real shame when anyone sues you, particularly  
2 someone within your community sues you. It's just  
3 not how it's supposed to be. And, you know, they  
4 sued us because they didn't like the outcome. They  
5 didn't like the outcome, they didn't like the  
6 process, they didn't trust the process. You know,  
7 they said it was, you know, capricious, it was not  
8 reasonable.

9 I disagree. You know, part of the  
10 process -- the truth of the matter is, unfortunately,  
11 this is really unfortunate and I can tell you having  
12 been on the Council many years, Valley's not alone.  
13 I mean, concerned residents sued us, too. We had  
14 last year Citizens For A Better Ridgewood sue us.  
15 They filed a suit. We have got now residents very  
16 much in their right now petitioning decisions by the  
17 Council, even 5-0 decisions by Council on the parking  
18 deck. Again, everybody is in their right to do that,  
19 but it's just a real shame that we've gotten to this  
20 point where people don't trust the process and don't  
21 accept the outcome. Again, everybody's in their  
22 right to do what they do, but it's a real shame.

23 So in terms of the Valley issue, we're  
24 here. And we are, as someone said, between a rock  
25 and a hard place. And it's not a great place to be.

1 And we have to make some decisions. And as Kevin  
2 pointed out, we need to look at the risks. We need  
3 to look at them very seriously. And I can tell you  
4 through this mediation process, which included, for  
5 those of us on the Council, a full day session with  
6 the judge who compelled us to come down and spend the  
7 day with her and -- and -- and -- in her office, this  
8 is a real serious issue.

9 And whereas in the past we were able  
10 to, you know, vote against the proposal, vote against  
11 the ordinance, vote not to go forward with the  
12 ordinance or whatever we did, we were able to do that  
13 and that basically at least temporarily killed the  
14 issue, we don't have that luxury this time.

15 I can tell you, I have come out of this  
16 process over the last several months, including our  
17 full day with the judge, concerned. Concerned that  
18 we're not necessarily going to come out of the  
19 winning side of this.

20 And the Council, as you probably know,  
21 the Council could not agree to this so the Council is  
22 now appearing in court with Valley on May 9th and  
23 right now, you know, if nothing happened here or if  
24 we voted it down, the judge has the possibility of  
25 either, you know, requiring us to accept the 2010 or

1 the 2014, both of which are worse than the 2016. And  
2 we run a real risk here.

3 And so we have to weigh that. And I  
4 say that not just as a Planning Board member, I say  
5 that frankly as the mayor of this town. We run some  
6 risk. We run some risk of financial risk because  
7 going to court and then appealing a decision that we  
8 don't like costs a lot of money, a lot of your money,  
9 and we also run the risk of having something even  
10 worse than what we're talking about here today. I  
11 can't tell you -- I couldn't give you a percentage on  
12 what the risk is. I can tell you it's very real  
13 though.

14 And so we have to weigh that. And  
15 again, we are between a rock and a hard place trying  
16 to make a decision. I don't like this. I don't  
17 think think a judge should be making our decision.  
18 This is our decision. And I understand that  
19 hospitals have a regional benefit or however it's  
20 characterized. I get that. I recognize it. I'm in  
21 healthcare, too. I understand that.

22 But at the end of the day, we should be  
23 able to make some decisions, particularly when they,  
24 you know, when you look at the decisions of the  
25 Council in 2011 and the Planning Board in 2014, they

1 were pretty strong decisions taken by those two  
2 bodies. Both.

3                   You know, it's not a question of what I  
4 want or what I'd like. It's a reality that we're in  
5 the middle of a lawsuit. It doesn't look good. And  
6 I'm not, you know, I'm not an expert on the issue,  
7 but based on everything that I have been able to  
8 gather, it doesn't look good. And so we need to make  
9 the best of a bad situation.

10                   And so, you know, I -- since I have  
11 joined the Council in 2008 and the Planning Board in  
12 2012, I really have tried to do what is best for  
13 Ridgewood in my mind. I've let that guide me on  
14 every single decision, big and small. I let that  
15 guide me when I was, you know, fighting the good  
16 fight in 2011 on this issue. In 2014, too.

17                   But tonight I need -- to me, the best  
18 thing I can do for Ridgewood is to sort of mitigate  
19 the damage, try to protect our town as much as I can  
20 and for that reason, I will be supporting the  
21 settlement.

22                   Thank you.

23                   THE COURT REPORTER: Can we take a bio  
24 break?

25                   CHAIRMAN NALBANTIAN: Five minutes.

1 (Whereupon, a short recess is taken.)

2 CHAIRMAN NALBANTIAN: Ladies and  
3 gentlemen, why don't we take our seats so we can  
4 continue?

5 Thank you very much.

6 Michael, I'm going to ask if we can  
7 take the roll please?

8 Ladies and gentlemen please take your  
9 seats.

10 Michael, will you please call the roll?

11 MR. CAFARELLI: Mayor Aronsohn?

12 MAYOR ARONSOHN: Here.

13 MR. CAFARELLI: Councilwoman Knudsen?

14 COUNCILWOMAN KNUDSEN: Here.

15 MR. CAFARELLI: Mr. Nalbantian?

16 CHAIRMAN NALBANTIAN: Here.

17 MR. CAFARELLI: Mr. Joel?

18 VICE-CHAIRMAN JOEL: Here.

19 MR. CAFARELLI: Mr. Reilly?

20 MR. REILLY: Here.

21 MR. CAFARELLI: Ms. Dockray?

22 MS. DOCKRAY: Here.

23 MR. CAFARELLI: Mr. Thurston?

24 MR. THURSTON: Here.

25 MR. CAFARELLI: Mr. Abdalla?

1 MR. ABDALLA: Here.

2 MR. CAFARELLI: Ms. Patire?

3 MS. PATIRE: Here.

4 CHAIRMAN NALBANTIAN: Thank you,  
5 Michael.

6 Okay. We were about to continue  
7 deliberation with David.

8 David, would you go next.

9 MR. THURSTON: I would be the happiest  
10 member of the board to vote no on the settlement of  
11 the lawsuit and amendment to the Master Plan.

12 As you saw earlier today, I rose my  
13 hand I live two blocks from Travell school, where my  
14 kids went. I live four blocks from BF. I live four  
15 blocks from the hospital.

16 I don't think there is a contention of  
17 building six years of construction which will be  
18 incredibly inconvenient to everybody that lives in  
19 our neighborhood.

20 And I also think that there's no  
21 contention that the hospital structure will change  
22 the neighborhood. I have heard my neighbors and some  
23 friends come to testify to these issues and others.  
24 And so from up close and personal I can feel their  
25 pain and their concern.

1                   However, as a member of this board,  
2                   it's my duty to represent all the people of the  
3                   village and not just my interests, my neighbors'  
4                   interests. And to review the amendment and the  
5                   litigation to determine the best outcome for all the  
6                   people of the village.

7                   I know our yes vote has consequences.  
8                   And it's the duty of this board and every member of  
9                   the board to review these consequences in connection  
10                  with their decision.

11                  First, I think it's important to note  
12                  that many, many people talk about it's very minor  
13                  differences between the 2014 and 2016 amendments.  
14                  That's important because that's what we're here to  
15                  talk about during this time period.

16                  However, the real analysis and I think  
17                  Kevin raised it and I think Paul raised it is,  
18                  between the 2010 and the 2016 amendment because if we  
19                  say no and we go to court and we lose, we will have  
20                  spent all your tax dollars and end up with a  
21                  potential problem which is 30 percent bigger than  
22                  what the 2016 amendment provides.

23                  Also I think comparison between 2000  
24                  and 2016 is a false one because the 2016 [sic] board  
25                  was not -- had the sword of Damocles over their head

1 due to the litigation. And in that time point, at  
2 that timeframe, in that opportunity all they had to  
3 do was look at the facts. And that board determined  
4 at that point that they didn't like it. And that was  
5 their prerogative.

6 But in the context now we need to look  
7 at it with litigation, I think as both Kevin and Paul  
8 have said.

9 Now, I'm the last one to back down from  
10 a fight. However as a recovering lawyer, in this  
11 circumstance, I need to look at the facts and the law  
12 and in my estimation make a determination what's best  
13 for the village.

14 I particularly look at it as if I were  
15 in England because in the British side, the lawyer  
16 who loses pays the other lawyer. So when you're  
17 making that decision there it's much, much more  
18 difficult one than it is here.

19 So what I decided was the fair thing  
20 for me to do was read everything everybody said here,  
21 go back and read all the testimony from the 2000 --  
22 2013-2014 hearings. And read all the court  
23 proceedings that have happened today.

24 It's my estimation that we are not a  
25 winner in that lawsuit.



1                   And I based it on a number of things.  
2                   First, the witnesses that were called  
3 by the board, in almost every respect, agreed with  
4 the witnesses of the hospital.

5                   AUDIENCE MEMBER: Exactly. Exactly.

6                   MR. THURSTON: So when you go in a  
7 lawsuit before the court and your witnesses agree  
8 with the plaintiff's witnesses, you're in a pretty  
9 difficult position.

10                   FEMALE AUDIENCE MEMBER: Who hired  
11 them?

12                   FEMALE AUDIENCE MEMBER: Who hired  
13 them, seriously?

14                   MR. THURSTON: They were hired by the  
15 board --

16                   FEMALE AUDIENCE MEMBER: Who paid them?

17                   MR. THURSTON: -- the witnesses.

18                   Now --

19                   CHAIRMAN NALBANTIAN: Please, please  
20 allow David to speak.

21                   MR. THURSTON: -- the more important  
22 aspect is now we have control of the process.

23                   FEMALE AUDIENCE MEMBER: Valley does.

24                   FEMALE AUDIENCE MEMBER: Valley does.

25                   MR. THURSTON: Valley has agreed

1 through --

2 CHAIRMAN NALBANTIAN: Ladies and  
3 gentlemen --

4 MR. THURSTON: -- their --

5 CHAIRMAN NALBANTIAN: David, excuse me.  
6 Ladies and gentlemen, we have taken  
7 some time. We've gone through a process. We've  
8 heard your comments, please allow the board members  
9 to speak at this time, thank you, without  
10 interruption.

11 Thank you.

12 MR. THURSTON: We have control over the  
13 process for those particular items which Paul again  
14 mentioned. And I don't need to repeat them: Child  
15 safety, pedestrians, trucking, those are all items  
16 that we, working with Valley, will have a much better  
17 opportunity to control than continuing the fight. If  
18 we continue the battle, we'll have no control over  
19 these issues.

20 So with all that said, I'll be voting  
21 yes on the amendment, but yet hold Valley's feet to  
22 the fire to ensure the concerns of the public are  
23 properly attended to.

24 CHAIRMAN NALBANTIAN: Thank you, David.

25 Anyone else?

1 Richard?

2 VICE-CHAIRMAN JOEL: Yes.

3 I'd like to thank all of the  
4 participants of the public, board members, Valley  
5 Hospital and the professionals for participating in  
6 this matter.

7 The whole backdrop of this is the  
8 Planning Board and the Village were sued. And  
9 there's a lawsuit and now we have a settlement  
10 proposal. And we have to decide whether to approve  
11 or reject the settlement. So it's basically to weigh  
12 the risks and the costs of an adverse result in this  
13 case versus a settlement with compromise and with a  
14 known result.

15 There's factors to consider in this.  
16 The 2012 [sic] Amendment is still in effect, which is  
17 a much larger proposal. The 2013-2014 was a  
18 reduction and that was defeated, but then again we  
19 have this litigation and its associated risks and  
20 costs.

21 The 2016 proposal is a -- provides for  
22 a reduction, mitigation and some concessions. We  
23 also have to consider again the expert testimony that  
24 was provided, that's going to factor into the lawsuit  
25 that the experts for Valley Hospital and for the

1 board, their testimony were kind of the same and  
2 supported the -- the expansion.

3 Also the Court's going to consider that  
4 the hospital's an inherently beneficial use,  
5 throughout the region and in the village in general.  
6 And we cannot just make our focus just on the  
7 neighborhood.

8 We don't necessarily want Valley to  
9 fail or leave. This would create a lot of issues  
10 within itself.

11 So what do we have to do? We have to  
12 balance and determine what's in the best interests of  
13 Ridgewood. This is a big project. I do have  
14 concerns. And I wish Valley wouldn't pursue it, but  
15 you know, here we are. A decision has to be made.

16 If we deny this proposal the litigation  
17 will continue. There'll be high costs, risk of  
18 losing, and then just lose control of the process.  
19 And I see a very big downside for that.

20 If we approve we do take some control  
21 of the process. We replace the 2012 -- 2010 -- 2012  
22 amendment. We achieve a reduction. We mitigate  
23 certain detriments. We achieve certain concessions  
24 which are on the list of conditions.

25 And I believe this would be the better

1 course of action. And it doesn't end with us. We  
2 just make the policy statement here, then it's going  
3 to go to the Council. The Council is going to take  
4 up the issue and further review it.

5 And if it comes to pass that this  
6 project proceeds, then it'll come back for a site  
7 plan and developer's agreement and then they'll have  
8 -- there will be a lot more specifics to be worked  
9 out. And we'll further consider any other effects  
10 and provide for them.

11 This is a real tough decision and I  
12 think Paul summed it up, I hate this issue. In a  
13 sense you wish it would go away. You wish there was  
14 just cooperation and that there could be a happy  
15 middle ground.

16 And I don't take this decision lightly.  
17 And I'd rather not make it. But I think just taking  
18 all factors considered, it would be in the best  
19 interest to approve this settlement.

20 Thank you.

21 CHAIRMAN NALBANTIAN: Thank you,  
22 Richard.

23 Someone else?

24 Councilwoman?

25 COUNCILWOMAN KNUDSEN: Thank you,

1 Charles.

2                   So it's my turn. You know back in the  
3 fall when the suggestion of mediation was proposed I  
4 jumped at the opportunity to engage in the process,  
5 hopeful that it would be a positive outcome for our  
6 residents and it would allow us an opportunity to  
7 embrace Valley and allow them to expand and modernize  
8 in a way that was appropriate to the neighborhood.

9                   I saw it as an opportunity to unify  
10 this very divisive group or issue and an opportunity  
11 to move forward and grow.

12                   What I learned in the process is that  
13 mediation takes two parties to be willing to  
14 compromise. And when the outcome of mediation is the  
15 benefits and the burden of the mediation are some  
16 inequitably distributed, it doesn't -- it's simply  
17 not a compromise. I don't see this as a compromise.  
18 Any suggestion that this Master Plan Amendment is an  
19 appropriate replacement to a grossly inappropriate  
20 2010 Master Plan Amendment should be rejected.

21                   I heard a colleague just use the term  
22 "inherently beneficial". Inherently beneficial is a  
23 term exclusive to a use variance in a zoning  
24 application. It has no place in this conversation,  
25 simply no place here.

1           I listened to residents speak and I  
2 wanted to use this quote that that shared this  
3 evening. This is dated May 6, 2014, Blais Brancheau:  
4 There are instances when the detriment of a project  
5 is so great that it can be rejected, even if there is  
6 beneficial use.

7           I am a firm believer that we have the  
8 right and the obligation to zone within our  
9 boundaries that we, as the Planning Board, and  
10 the municipal body, governing body, have the right to  
11 zone within our boundaries and to make those  
12 decisions.

13           When I hear that sound planning is  
14 going to be based out of fear of litigation I have a  
15 very big problem with it. Personally I do believe --

16           (Applause.)

17           COUNCILWOMAN KNUDSEN: -- I heard  
18 another colleague this evening say that it's his job  
19 to not just represent residents that are here this  
20 evening, but all the residents of the Village of  
21 Ridgewood. I think he erred in his assessment of his  
22 obligation; his obligation as a planning board member  
23 is to engage in sound planning, beginning and end of  
24 it.

25           A resident this evening identified this

1 board as elected officials. That's not the case.

2 This is a the Planning Board of  
3 appointed members. They are volunteers. They work  
4 hard. They're dedicated. They spend, obviously,  
5 long hours. God only knows long hours. We're all  
6 tired. But they're appointed. There are only two  
7 elected members sitting here that represent really  
8 the people, and that would be myself and Mayor  
9 Aronsohn.

10 So when I listened to this whole  
11 argument and, you know I was actually there in 2010.  
12 I was there in 2010. I listened to all those  
13 meetings back then. I was at the George Washington  
14 Middle School in 2010 when the final vote came for  
15 the 2010 Master Plan Amendment. And the lone -- the  
16 only no vote that was cast was by former Planning  
17 Board Member Morgan Hurley. And his no vote was very  
18 simple. He said, It's just too big, no.

19 In 2014, Kevin Reilly stated, It's just  
20 too big, no.

21 I do believe this is a detriment.  
22 There is a traffic impact that -- of trucks, hundreds  
23 of trucks a day, a hundred trucks a day. I think the  
24 evidence would show that it is a detriment to the  
25 neighborhood. And the detriment is in no way, shape



1 or form, outweighed by the benefits.

2 So I am going be voting no. And my  
3 vote no will be very simple, it's too big.

4 (Applause.)

5 CHAIRMAN NALBANTIAN: Thank you,  
6 Councilwoman.

7 Wendy?

8 MS. DOCKRAY: I'm glad Susan went  
9 before me and spoke so eloquently and so effectively  
10 about this amendment.

11 I'm actually just going to take a few  
12 minutes to actually address the components of the  
13 amendment, which I thought we were supposed to do in  
14 evaluating the changes from the 2014 to the 2016. So  
15 I am going to do that first and then I'll try to  
16 address some of the broader issues.

17 First off, as we all know the enclosed  
18 floor area from -- is reduced from 1,056,400 square  
19 feet to 1,024,900 square feet, for a total of 31,500  
20 square feet. While this downward reduction is a  
21 plus, it represents just a nominal 3 percent change.  
22 I've heard that many times and I did my calculation.  
23 I think it's 2.98 percent. The mass of this building  
24 -- the buildings, clearly remains imposing as  
25 measured by this indicator. There is no positive

1 gain from the 2014 to the 2016 revision in this  
2 matter, in this area, no real gain.

3 On the positive side, the height of the  
4 North building is reduced by one story or 14 feet.  
5 Thank you for this concession.

6 However, the photo simulation of the  
7 North building shows that combined with its width and  
8 depth of the structure, and its proximity to the  
9 property line, this structure will still have  
10 significant negative visual impact on the surrounding  
11 properties. No gain.

12 On the minus side -- the two minus  
13 sides, there's a big one for me, the large reduction  
14 of the setbacks along Van Dien Avenue for both the  
15 North and West buildings from 120 and 100  
16 respectively to 47 feet for the first levels, is a  
17 significant problem. Even though the setback is  
18 greater for higher floors, the fact that a 24-hour,  
19 7-day a week commercial operation including a  
20 restaurant at that location with setback -- set back  
21 only 47 feet from the street lined with single-family  
22 homes, to me this represents poor planning and will  
23 exacerbate the incompatibility of the hospital with  
24 the surrounding neighborhoods. This provision of the  
25 amendment has clearly made the 2016 proposal worse.

1                   Looking to mitigate the visual impact  
2 of these large buildings, the proposal to green  
3 screen upper stories appeared on the surface to  
4 perhaps be a plus in favor of the amendment.

5                   As you have learned from these  
6 hearings, however, the possible effectiveness of the  
7 green screening is likely to be extremely limited as  
8 only 15 to 20 percent of the mechanical facades could  
9 benefit from this treatment.

10                  Additionally, there was no visual  
11 evidence provided to me that confirms that this  
12 treatment will actually mitigate the visual impact  
13 the massing of these buildings. So I see no positive  
14 gain, no real positive gain.

15                  The addition of the campus-like  
16 environment/landscaping clause, while a nice thought,  
17 I believe will not improve the site in any way that  
18 will positively impact the surrounding residential  
19 neighborhood. The lot coverage here is enormous, we  
20 are dealing with huge buildings and lots of pavements  
21 thus limiting the ability of these techniques to  
22 create a parklike environment for people to enjoy.

23                  This provision does not significantly  
24 enhance the 2016 amendment over the 2014. While I  
25 appreciate the efforts of all sides in the

1 negotiations which brought this amendment to the  
2 table, I feel strongly that this amendment does not  
3 represent a significant improvement over the 2014  
4 amendment. I hope we can do better for both the  
5 village and the hospital in this matter. I am deeply  
6 disappointed.

7 I do not endorse the 2016 amendment.  
8 And I will be voting no on the '16 -- 2016 amendment.

9 (Applause.)

10 MS. DOCKRAY: And I actually -- and had  
11 I gone out first I would have called upon my fellow  
12 board members to vote no as well.

13 Now in listening to -- actually most of  
14 the attorneys on the board and Paul as well, I am --  
15 had a little bit of time to reflect on the risk  
16 factor. And I'm generally not a risk-taker, not at  
17 all. Anyone who knows me, I am really risk-adverse.  
18 I always put the money in the meter, you know when I  
19 park my car and that whole bit.

20 But in this case I think it behooves us  
21 to take the risk. I think our role here is to  
22 provide a Master Plan Amendment that will create a  
23 vision for our community and commit a long standing  
24 vision for our community. I think for years you can  
25 see it in our land use. You can see it in our

1 neighborhoods, in our downtown, Ridgewood has worked  
2 really hard to preserve its residential neighborhoods  
3 and character. It's protected its residential  
4 neighborhood. It's protected its residents. And I  
5 do not feel at this time that we should be steering  
6 away from that for fear of litigation.

7 I fear if we lose, at least we would  
8 have tried. And I am not -- I think consideration of  
9 the financial risk, I mean sometimes in public  
10 service, in government things come quickly and fast  
11 and they don't cost too much. But sometimes they  
12 cost a lot. But they're worth it. They're just  
13 worth it. And I think it's worth taking the risk to  
14 go forward to protect the integrity of our Master  
15 Plan and the Village of Ridgewood.

16 Thank you.

17 (Applause.)

18 CHAIRMAN NALBANTIAN: Thank you, Wendy.

19 Debbie? Khadir?

20 MR. ABDALLA: Thank you all for being  
21 here.

22 I wasn't here for the previous 2010 and  
23 2014. And I don't know if that's an advantage or a  
24 disadvantage at this point, but I read the  
25 transcripts. And without going into a lot of details

1 about the mediation process, I looked at things, I  
2 guess, you know, we have lawyers on the board and  
3 politicians.

4 Looking at things from my perspective  
5 as a resident, first, also from my training as an  
6 architect, and my friend and colleague Isabelle is  
7 not able to be here, but, you know, I mean this one  
8 by far is very difficult for me. When we went  
9 through the multi-housing it was a little easier for  
10 some reason because it's downtown. And there's a  
11 whole host of issues there that makes it a little  
12 easier. But this one, in a residential neighborhood,  
13 and it's right next to a school. So I went back to  
14 the original issue of air, light and mass. And  
15 obviously the construction logistics associated with  
16 a six-year -- six-year project. It is -- it is very  
17 difficult if I put myself in the shoes of my  
18 neighbors, my -- people in my community who are  
19 living right next to the hospital and having to go  
20 through six years of construction.

21 But I also considered the fact that,  
22 amendment or not, if Valley Hospital decided that  
23 they will modernize, whether it's half a million or a  
24 million square feet, again, speaking from my  
25 background, also as construction manager, the

1 inconvenience is almost the same.

2                   So I put aside the construction and I  
3 looked at the air, light, space issues or call it  
4 mass. And the reality is, during the mediation  
5 process there was a lot of improvement. And,  
6 obviously, we all look at things from different  
7 backgrounds and from different training, even the  
8 evidence that we look at, we bring our own  
9 perspective and we bring our own training and  
10 experience into it.

11                   I really like the fact that Valley is  
12 committed to sustainability and they're willing to  
13 put green roofs and green walls. I like the fact  
14 that they are committed to treat the facades  
15 differently so they can break down the mass. Even  
16 the setbacks within the building, itself. So all and  
17 all I felt that the -- there was a great deal of  
18 improvement in this latest amendment and for that  
19 reason I am voting yes.

20                   CHAIRMAN NALBANTIAN: Thank you,  
21 Khadir.

22                   Debbie?

23                   MS. PATIRE: Hi. My name is Debbie and  
24 I am the newest appointee on the planning board.  
25 I've been here, I believe, since the holidays. So I

1 understand the comment made about Groundhog's Day. I  
2 feel like this is what we've been living the last  
3 couple of months.

4 I would like to thank all the  
5 volunteers on our board. We spent countless hours  
6 thinking about, trying to figure out what would be  
7 best for our village.

8 When I joined the planning board a few  
9 months ago, I joined and I took an oath to make sure  
10 I made decisions that were best for our community.

11 There was a member of the audience who  
12 spoke tonight about -- asked a question on who on the  
13 planning board lived over by Valley Hospital.

14 And I try to look at it not as somebody  
15 who would or wouldn't live by Valley Hospital, but  
16 our community as a whole, and especially the  
17 neighborhood over by Valley Hospital.

18 So just because I don't live there  
19 doesn't mean I wouldn't understand things that would  
20 happen with construction. I happen to work for a  
21 developer.

22 At this point in time I do not believe  
23 that the plan that The Valley Hospital has put  
24 forward is in the best interests of our village. If  
25 you look on the Valley website it states their values



1 as "SERVE", "S" for service, "E" for excellence, "R"  
2 for respect, "V" for value, and "E" for ethics.

3 What I and the residents would like to  
4 see are the same values applied to The Valley  
5 Hospital plan.

6 Yes, I am nervous about the lawsuit and  
7 I am nervous about the evidence that is in all the  
8 documentation that I spent the last couple of months  
9 reading. But I do not believe that that is a reason  
10 that we should vote yes to this Master Plan  
11 Amendment.

12 So I will be voting no to this Master  
13 Plan Amendment.

14 (Applause.)

15 CHAIRMAN NALBANTIAN: Thank you. Thank  
16 you, Debbie.

17 First of all, I would like to thank all  
18 of the public, camera people who are here this  
19 evening, the police and fire departments, most  
20 importantly the students who came to speak to us this  
21 after -- this evening. But also the board and my  
22 colleagues, Katie, our professionals, Blais, Laura  
23 and Kim and The Valley Hospital for participating in  
24 this process.

25 In our process over the past several

1 days there's been an attempt to settle ongoing  
2 litigation between the board and Valley Hospital.  
3 And, specifically, as it relates to the 2013 and 2014  
4 Master Plan Amendment that the board had then  
5 rejected.

6 The 2014 Amendment was, too, an attempt  
7 to serve as a better solution over the less  
8 attractive 2010 Master Plan Amendment which is still  
9 in effect today as pointed out by my colleagues.

10 So why would the board settle? Boards  
11 in the midst of litigation such as this could make a  
12 decision to settle for a combination of reasons.  
13 Here are a few that I considered. A settlement can  
14 avoid having this matter go to trial and, therefore,  
15 save the municipality and taxpayers time and a great  
16 deal of money.

17 But I agree with Wendy, that's not the  
18 worse -- that's not the most important thing in my  
19 mind.

20 What's more important is that  
21 settlement could also give Ridgewood zoning control  
22 and, therefore, avoid having the court make the final  
23 decision and potentially give the judge sole control.  
24 This, in my opinion, is key.

25 Thank you again for your questions and

1        comments. One comment -- one common thread that was  
2        throughout, that I heard throughout yesterday and  
3        part of today was that the reduction was only 3  
4        percent in overall size.

5                        Yes, it's a small reduction over the  
6        rejected 2014 proposed plan, but in my view 3 percent  
7        is only one element of several that we need to  
8        consider, including the 14-foot height reduction of  
9        the North building and importantly an opportunity to  
10       possibly control the visual appeal of any structure  
11       on the site. I don't underestimate the value of  
12       those elements and I do acknowledge that there are  
13       compromises, big compromises regarding setbacks.

14                       However, with this settlement we have  
15       also brought forward a lengthy list of conditions  
16       that impact the broader range of considerations  
17       including those that revolve around traffic, safety,  
18       construction, the impact with surrounding  
19       neighborhoods and, most important, safety of our  
20       children. And there will be more of those conditions  
21       going forward.

22                       Those conditions are a powerful  
23       starting point and they are placeholders that are  
24       meant to be further -- that are meant to further  
25       flush out -- to be further fleshed out and

1 strengthened in the future as the process for  
2 establishing ordinance by the Village Council, site  
3 plan applications and construction agreements.

4 And I trust that through these and  
5 other future Ridgewood control processes, the safety  
6 of our children will be kept as the top priority.  
7 And I do agree with Paul on that point. I don't know  
8 how we would not. This is very important to my mind  
9 and without settlement there is no guarantee at all  
10 that any of them or all of them would be in place or  
11 that they could be built upon in a substantial way  
12 going forward.

13 I, therefore, support the settlement  
14 and I am also inclined to vote in favor of the 2016  
15 amending the Master Plan.

16 Okay. With that, unless there are  
17 further comments by the board, what I would like to  
18 do is ask if there is a motion and a vote this  
19 evening.

20 MR. THURSTON: I am going to make a  
21 motion to support the settlement of the litigation  
22 and adoption of the amendment to the Master Plan.

23 CHAIRMAN NALBANTIAN: Thank you, David.  
24 Is there a second please?

25 VICE-CHAIRMAN JOEL: I'll second.

1 CHAIRMAN NALBANTIAN: Thank you,  
2 Richard.

3 Michael, would you please call the  
4 roll?

5 MR. CAFARELLI: Mayor Aronsohn?

6 MAYOR ARONSOHN: Yes.

7 MR. CAFARELLI: Councilwoman Knudsen?

8 COUNCILWOMAN KNUDSEN: No.

9 MR. CAFARELLI: Mr. Nalbantian?

10 CHAIRMAN NALBANTIAN: Yes.

11 MR. CAFARELLI: Mr. Joel?

12 VICE-CHAIRMAN JOEL: Yes.

13 MR. CAFARELLI: Mr. Reilly?

14 MR. REILLY: Yes.

15 MR. CAFARELLI: Ms. Dockray?

16 MS. DOCKRAY: No.

17 MR. CAFARELLI: Mr. Thurston?

18 MR. THURSTON: Yes.

19 MR. CAFARELLI: Mr. Abdalla?

20 MR. ABDALLA: Yes.

21 MR. CAFARELLI: Ms. Patire?

22 MS. PATIRE: No.

23 CHAIRMAN NALBANTIAN: Okay. Katie,  
24 does that pass?

25 MS. RAZIN: Yes.

1                   CHAIRMAN NALBANTIAN: So the motion is  
2 passed to adopt the settlement -- to approve the  
3 settlement and to adopt the 2016 Master Plan  
4 Amendment, proposed amendment.

5                   MR. DRILL: Thank you very much for  
6 your time.

7                   CHAIRMAN NALBANTIAN: Everyone, thank  
8 you very much.

9                   Motion to adjourn tonight's meeting?  
10 Motion to adjourn?

11                   VICE-CHAIRMAN JOEL: Motion to adjourn.

12                   CHAIRMAN NALBANTIAN: We have a motion  
13 to adjourn.

14                   Second?

15                   MR. THURSTON: Second.

16                   CHAIRMAN NALBANTIAN: All in favor?

17                   (Whereupon, all board members respond  
18 in the affirmative.)

19                   CHAIRMAN NALBANTIAN: Anyone opposed?

20                   (No response.)

21                   CHAIRMAN NALBANTIAN: We're adjourned.

22 Meeting is adjourned.

23                   Thank you everyone.

24                   (Whereupon, this matter is concluded.

25                   Time noted 11:37 p.m.)

C E R T I F I C A T E

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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID. #15855, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.

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LAURA A. CARUCCI, C.C.R., R.P.R.  
License #XI02050, and Notary Public  
of New Jersey #15855, Notary  
Expiration Date March 1, 2019

Dated: \_\_\_\_\_