

**FILED**  
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LISA PEREZ FRISCIA, J.S.C.

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THE VALLEY HOSPITAL, INC.,	)	SUPERIOR COURT OF NEW JERSEY
	)	LAW DIVISION-BERGEN COUNTY
Plaintiff,	)	DOCKET No. BER-L-9305-14
	)	
vs.	)	Civil Action
	)	
VILLAGE OF RIDGEWOOD PLANNING	)	REMAND ORDER FOR COUNT 1
BOARD and VILLAGE OF RIDGEWOOD,	)	OF THE COMPLAINT
	)	
Defendants.	)	

This matter having been opened to the Court by way of the successful conclusion of mediation by and between Plaintiff The Valley Hospital ("Plaintiff" or "TVH") and the Village of Ridgewood Planning Board (the "Planning Board") on March 8, 2016, followed by a Case Management Conference conducted by the Hon. Lisa Perez Friscia, J.S.C., on March 11, 2016, with Jonathan E. Drill, Esq. (Stickel, Koenig, Sullivan & Drill, LLC) appearing on behalf of

Plaintiff TVH, Katie Razin, Esq. and Gail L. Price, Esq. (Price, Meese, Shulman & D'Arminio, PC) appearing on behalf of Defendant Planning Board, and Matthew S. Rogers, Esq. appearing on behalf of Defendant Village of Ridgewood (the "Village"); and counsel for Plaintiff TVH and Defendant Planning Board advising the Court that Plaintiff TVH and Defendant Planning Board reached an agreement in principle which would resolve Count 1 of the Complaint and make a trial on Count 1 moot provided the Planning Board adopted a proposed amendment to the Master Plan pertaining to the H Zone as set forth below upon the conclusion of a Whispering Woods<sup>1</sup> hearing, which hearing would occur upon the Court's entry of an Order of Remand (while Defendant Village is a party to the litigation in Count 2 of the Complaint, no settlement has been reached between Plaintiff TVH and Defendant Village); and the Court determining for good cause shown that the within Remand Order should be entered on the terms set forth below;

IT IS HEREBY ORDERED ON MARCH 17, 2016 AS FOLLOWS:

1. Remand of Count 1 of the Complaint to the Planning Board.

The Court hereby remands Count 1 of the Complaint to the Planning Board for a hearing pursuant to Whispering Woods and N.J.S.A. 40:55D-13 for action on a 2016 Master Plan Amendment to the H Zone

<sup>1</sup> Whispering Woods v. Middletown Township, 220 N.J. Super. 161 (Law Div. 1987), approved, Warner Co. v. Sutton, 274 N.J. Super. 464, 476-478 (App. Div. 1994).

(the "2016 Master Plan Amendment"). The 2010 Master Plan Amendment is the policy document currently in place for the H Zone.

2. Scheduling of the Hearing and Decision. The hearing shall commence on March 30, 2016 and, if not completed, shall continue until completed on March 31, 2016, April 4, 2016, April 5, 2016 and April 7, 2016. The Planning Board shall vote and take formal action on the 2016 Master Plan Amendment upon the completion of the hearing. The Planning Board shall adopt a Resolution memorializing its vote within 7 days of the vote, but no later than April 14, 2016.

3. Parameters of the Hearing. The Planning Board shall provide all interested parties with the right, through their attorneys if represented, or directly if not represented, to cross examine witnesses that are presented by Plaintiff TVH and/or Defendant Planning Board for testimony during the hearing, subject to reasonable limitations as to amount of time allowed for such cross examination. In accordance with N.J.S.A. 40:55D-10d, five (5) minutes per person asking cross examination questions per witness is presumed to be a reasonable time limitation to ensure that the hearing proceeds efficiently and in a timely manner that affords all interested parties the opportunity to participate. All members of the public present and who wish to testify during the hearing will be given the opportunity to do so but, similarly, in

accordance with N.J.S.A. 40:55D-10d, five (5) minutes of sworn testimony per member of the public is presumed to be a reasonable time limitation to ensure that the hearing proceeds in an efficient and timely manner. The Planning Board shall take all steps necessary to ensure that the hearings are not delayed and that repetitious questions/comments are controlled.

4. Contents of the 2016 Master Plan Amendment. The 2016 Master Plan Amendment shall be substantially similar to the 2014 Master Plan Amendment prepared by Planning Board Planner Blais Brancheau, PP, dated February 28, 2014, and as revised at the June 9, 2014 Planning Board meeting (the "proposed 2014 Master Plan Amendment"). The 2016 Master Plan Amendment shall, however, include the following revisions to the proposed 2014 Master Plan Amendment:

a. Removal of the 5<sup>th</sup> Floor of the North Building, Construction of the Basement of the West Building in Phase 1 rather Phase 2 of the Project, and Other Changes in Above Ground and Below Ground Square Footage. In order to enhance the aesthetics of the new buildings and to address mitigation of visible mass, the 5<sup>th</sup> floor of the North Building to be constructed during Phase 1 of the project as contemplated in the proposed 2014 Master Plan Amendment shall be eliminated, the basement of the West Building to be constructed as part of Phase 2 as contemplated in the proposed 2014

Master Plan Amendment shall be included in Phase 1 of the project (the balance of the West Building shall remain as part of Phase 2), and certain other modifications as specified below shall be part of Phase 1 of the project. The 2016 Master Plan Amendment shall be drafted to provide:

(1) The height of the North Building shall be reduced from 70 feet (plus a 24 foot high mechanical penthouse for a total of 94 feet) to 56 feet (plus the 24 foot high mechanical penthouse for a maximum total building height of 80 feet).

(2) Elimination of the 5<sup>th</sup> floor of the North Building shall reduce the above ground square footage by 56,000 square feet, of which approximately 31,500 square feet of the floor area shall be added back to the western elevation of the North Building.

(3) An additional 5,000 square feet of above ground square footage of the North Building shall be eliminated.

(4) Construction of the basement of the West Building during Phase 1 rather than Phase 2 adjusts the below ground square footage by approximately 37,000 square feet to be built during Phase 1 of the project.

(5) 2,500 square feet of below ground footage from either the North Building or the West Building shall be eliminated.

(6) Collectively, the foregoing results in an above

ground reduction of approximately 31,500 square feet and an overall decrease of square footage above ground and below ground of approximately 34,000 square feet. The overall square footage of the project as contemplated in the 2016 Master Plan Amendment shall be no more than 961,000 square feet.

(7) The setbacks applicable to the Project shall be as set forth on the attached Exhibit A.

b. Additional Landscaping and Varied Building Materials. In order to create more of a campus feel and appearance, and to further enhance the aesthetics of new construction and to mitigate visible mass, the 2016 Master Plan Amendment shall provide for:

- (1) Addition of pathways for use by patients, visitors and employees.
- (2) Addition of existing landscaping designs such as water features and outdoor gardens / patios for inclusion in other areas of the property.
- (3) Addition of landscaping/ shrubbery to the outdoor eating area along the common property line with the Benjamin Franklin Middle School.
- (4) Provisions for mandatory replacement of all trees eliminated in the Linwood and/or Van Dien right-of-way due to off-site street improvements.

(5) Provision for use of "invisible" parapets where safety features are required and parapets are not needed for screening. Said safety features shall consist of railings or cable to provide an appearance of transparency in lieu of the use of wall-type or more opaque materials, provided that the selected material is allowed pursuant to applicable building regulations, codes and law.

(6) Provision for the use of varied building materials (texture and colors) at the exteriors of mechanical penthouses, including but not limited to the mechanical penthouse of the North Building, and to be used in the construction of any parapets that cannot be constructed as "invisible" parapets necessary for screening of rooftop mechanical equipment. A "green screen" shall be installed in front of the exterior of the North Building and West Building mechanical penthouses (with the only exceptions being areas directly in front of air louvers).

(7) Addition of a green roof (with plantings in addition to grass) on the one-story level of the western elevation of the proposed North Building.

5. Addition of Conditions. The 2016 Master Plan Amendment also contemplates inclusion of a list of conditions previously generated during the 2013-2014 Master Plan hearings. Said conditions shall be included as an Exhibit and made part of the


record of the 2016 Master Plan Amendment process.

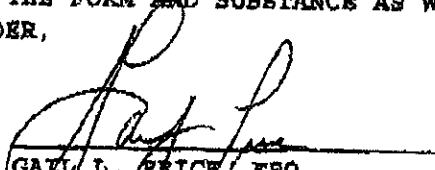
6. Only Revisions to the Proposed 2014 Master Plan Amendment Are Relevant and Material for Purposes of Questions / Cross Examination and Sworn Comments by the Public. While the technical rules of evidence are not applicable to the hearing in accordance with N.J.S.A 40:55D-10e, only revisions to the proposed 2014 Master Plan Amendment shall be relevant and material for purposes of questions / cross examination and sworn comments by the public.

7. Service of the within Order. A copy of the within order shall be served on all counsel within three (3) days of receipt thereof.

  
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HON. LISA PEREZ FRISCIA, J.S.C.

THE UNDERSIGNED HEREBY CONSENT TO THE FORM AND SUBSTANCE AS WELL AS THE ENTRY OF THE WITHIN REMAND ORDER,

  
\_\_\_\_\_  
JONATHAN E. DRILL, ESQ.  
Attorney for Plaintiff TVH

  
\_\_\_\_\_  
GAIL L. PRICE, ESQ.  
Attorney for Defendant  
Planning Board



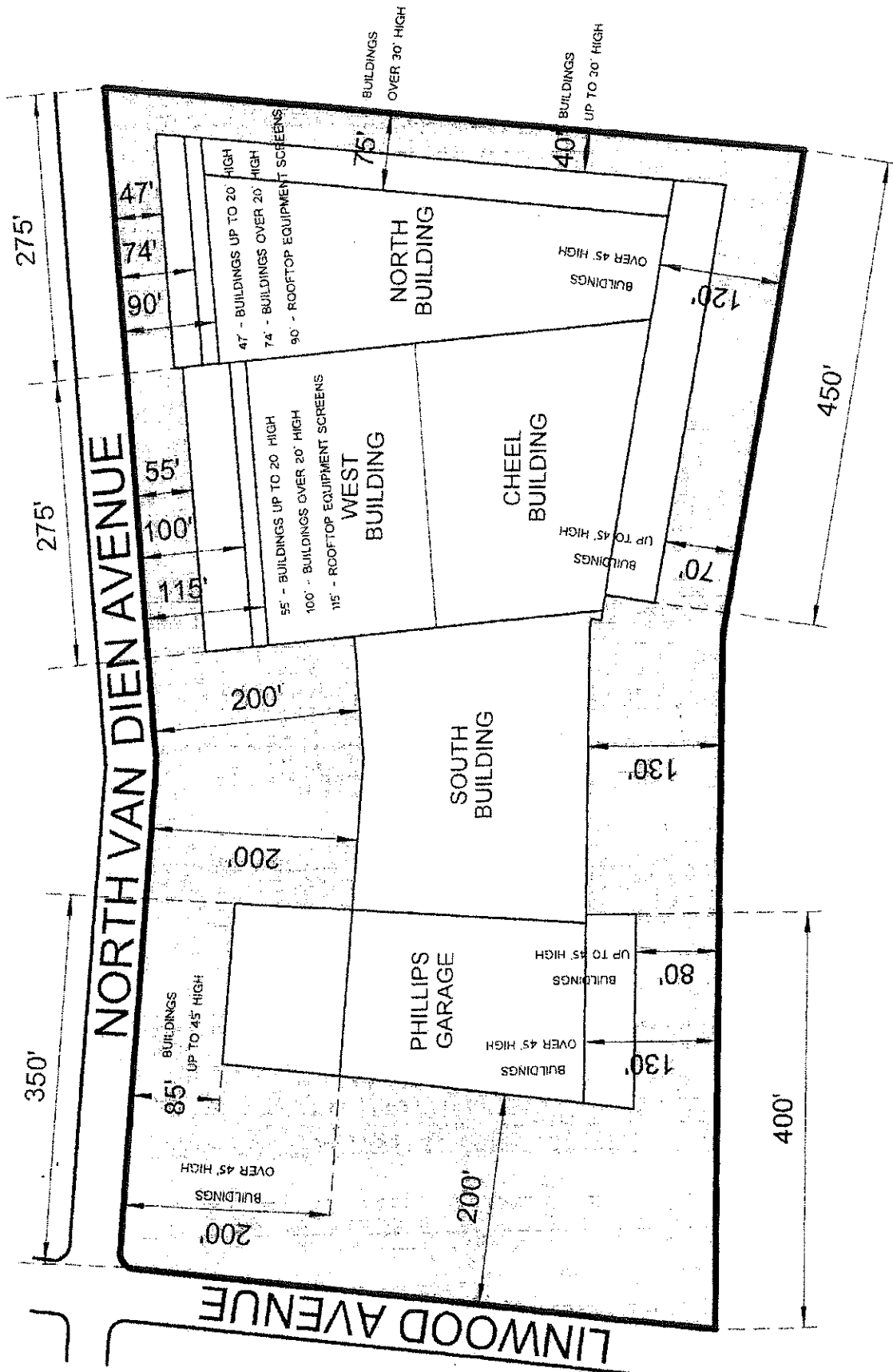


EXHIBIT A