

1 PLANNING BOARD
2 BOROUGH OF MONTVALE
COUNTY OF BERGEN

3 BLOCK 3201, LOT 4 :
4 RIDGECREST REALTY ASSOCIATES :
21 Philips Parkway : TRANSCRIPT OF
Application for Conditional Use: PROCEEDINGS
5 and Variance Approval, Major :
Soil Moving Permit Approval, :
6 Bulk Variance Approval, EIS :
Approval and Site Plan Waiver :

7 -----X

8 Council Chambers
Municipal Complex
12 Mercedes Drive
9 Montvale, New Jersey
Tuesday, October 16, 2018
10 Commencing 10:15 p.m.

B E F O R E:

11 JOHN DePINTO, CHAIRMAN
FRANK STEFANELLI, VICE CHAIRMAN
12 JOHN CULHANE
ROSE CURRY, COUNCIL PRESIDENT
13 JIMMY D'AGOSTINO
MICHAEL GHASSALI, MAYOR
14 WILLIAM LINTNER
MAGGIE O'NEILL
15 ANNMARIE RUSSO
DANTE TEAGNO
16
ROBERT REGAN, ESQ., BOARD ATTORNEY
17 LORRAINE HUTTER, BOARD SECRETARY
JEFFREY FETTE, BOROUGH CONSTRUCTION CODE OFFICIAL
18 DARLENE GREEN, PLANNER
ANDREW HIPOLIT, BOROUGH ENGINEER
19 GUSTAVE E. DeBLASIO, MASER CONSULTING

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4 MATTHEW LIVINGSTON

9

5 CHRISTOPHER HAN

6 BY: MR. DEL VECCHIO 12 15

BY: THE BOARD 24

7 BY: THE PUBLIC 30

8 DAVID TINTLE

SUSAN MEDELOWITZ

JEANINE TINTLE

9 ROBERT CALLEN

10

E X H I B I T S

11

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24

25

1 CHAIRMAN DePINTO: And, Mr. Del Vecchio, I
2 understand you have two witnesses this evening.

3 MR. DEL VECCHIO: Yes.

4 CHAIRMAN DePINTO: Maybe it is your intent
5 to introduce the proposed project?

6 MR. DEL VECCHIO: Correct.

7 CHAIRMAN DePINTO: Okay. I do want to
8 open the meeting to the public for questions. So, I
9 would ask in the interests of all, if you could make
10 this introduction as, as brief as possible.

11 MR. DEL VECCHIO: Will do.

12 CHAIRMAN DePINTO: Thank you.

13 MR. REGAN: Mr. Chairman, let me ask
14 Lorraine, do you have the requisite notice document?

15 MS. HUTTER: No.

16 MR. REGAN: Mr. Del Vecchio, I assume you
17 want the notice document marked as A-1?

18 MR. DEL VECCHIO: Yes.

19 MR. REGAN: And rather than take 15
20 minutes to review the notice document, we'll proceed
21 on the assumption that the notice was in order with
22 the recognition if there is any problem with the
23 notice document...

24 CHAIRMAN DePINTO: Mr. Del Vecchio, you
25 have the ability to project any images on to the

1 screen? You got that?

2 MR. DEL VECCHIO: I have the technical
3 guru here this evening.

4 CHAIRMAN DePINTO: Okay. Why don't you
5 put on the first item.

6 MR. HIPOLIT: Is this Triboro or
7 Ridgecrest?

8 CHAIRMAN DePINTO: Weren't you paying
9 attention?

10 MR. HIPOLIT: I walked outside. Sorry.

11 MR. TEAGNO: Mr. Chairman, and before we
12 get started, I noticed on the Maser document that this
13 property is Block 3204, Lot 4 as is the Fire
14 Department. On the L2A, it's 33201, Lot 4; the
15 Montvale Police is 3201, Lot 4 and on the L2A document
16 it's 3201, Lot 4.

17 Which property are we talking about?

18 CHAIRMAN DePINTO: Lorraine has indicated
19 it's 3201, Lot 4.

20 Is that correct?

21 MS. HUTTER: That's correct.

22 CHAIRMAN DePINTO: Mr. Del Vecchio, do you
23 agree the proper identification of the property is
24 Block 3201, Lot 4?

25 MR. DEL VECCHIO: Yes. That's where we've

1 been paying taxes on.

2 MR. HIPOLIT: You might have testified
3 wrong.

4 MR. TEAGNO: I ask for all the documents
5 be --

6 MS. HUTTER: Yes.

7 MR. HIPOLIT: I'm correct that --

8 MR. TEAGNO: With the correct lot and
9 block.

10 CHAIRMAN DePINTO: Okay. Thank you.

11 Members of the public that are here that have an
12 interest in this application, please be advised this
13 is the policy of the Montvale Planning Board. Every
14 applicant has the right to appear before the Board in
15 the form of an advertised public hearing.

16 They have as much time as they need to have
17 their professionals present to the Board any plans
18 they may have for the development or redevelopment of
19 any properties within the Borough of Montvale.

20 All plans are reviewed by Board professionals;
21 that is the Board Attorney, the Board Engineer, the
22 Panner, the Zoning Officer as well as Planning Board
23 members.

24 In the aggregate we have probably sitting here,
25 I don't know, close to 200 years in the aggregate of

1 experience of hearing applications like this.

2 The practice of the Board is, we hear testimony
3 from each witness, Board Members are then given the
4 opportunity to ask questions of those witnesses or ask
5 questions of our professionals.

6 We then open the meeting to the public. I will
7 call upon you, I'm going to ask that you identify
8 yourselves, we will swear you in, give us your name
9 and your address and ask questions of the testimony
10 that you heard. Not to make comments. I don't want
11 anyone, because I'll cut you short, to stand up and
12 say I love this, how quickly are you going to pass it.
13 I don't think any of you are going to do that or say
14 how terrible it is. But merely to ask your questions.

15 You're acting as Board Members. Through the
16 course of the hearing, after each witness is presented
17 by the applicant's attorney, you will again have an
18 opportunity to speak. So, it will go on a little bit.
19 Hopefully at the next meeting I could give more time
20 to this particular application. But that will be
21 subject to our agenda.

22 And with that said, Mr. Del Vecchio, please
23 continue.

24 MR. DEL VECCHIO: Good evening, Mr.
25 Chairman, members of the Board, Andy Del Vecchio,

1 member of the firm of Beattie, Padovano on behalf of
2 the applicant in connection with property known as 21
3 Philips Parkway. The applicant is Ridgecrest Realty
4 Associates, LLC. The property is formerly designated
5 on the tax map as Block 3201, Lot 4. It is located in
6 your OR-4 zoning district.

7 In this case, apparently from the review letter,
8 size does matter. The acreage is 3.0 rounded on the
9 survey or, if we get to the detail, it's .021 so a
10 10th of an acre matter which will have some meaning
11 when we put some testimony on later on.

12 The application that is before you is to
13 redevelop the property by demolishing all of the
14 existing structures on the site and improving the site
15 with a 75 unit, 98 bed assisted living facility which
16 will include a memory care component and consists of
17 approximately 15 beds that will be restricted for
18 affordable income units or beds.

19 The application in its technical composition is
20 for preliminary and final site plan approval for a
21 major soil moving permit, EIS approval, conditional
22 use and conditional variance approval.

23 There are some bulk variances that are currently
24 exhibited on the plans which we hope to remove in a
25 subsequent addition but there is some bulk variance

1 relief being requested as well.

2 The project team for this project is a
3 representative of the owner, Mr. Matt Livingston.
4 Christopher Han will testify on operational issues.
5 Mike Dipple is our project engineer.

6 This is a Minno & Wasko design. We have Bruce
7 Englebaugh from Dave Minno's office and Richard Preiss
8 will be our project planner on this application.

9 MR. DEL VECCHIO: With me this evening
10 first is Matt Livingston.

11 And before I call him to testify, I do want to
12 go through the exhibit markings for tonight's hearing
13 to get us at least current and started.

14 A-2 would be the Minno & Wasko architectural
15 plans consisting of six sheets, bearing a revision
16 date or prepare by dated June 13, 2018.

17 A-3 is the survey consisting of one sheet on L2A
18 title block dated January 18 of 2018.

19 A-4 is the L2A EIS report dated June 18 of '18
20 last revised 9/21/18.

21 A-5 is the L2A storm water management report
22 dated June 18, last revised 9/21/2018.

23 A-6 is the L2A site plan consisting of 16
24 sheets, last revised 9/27/18.

25 A-7 is the L2A storm water maintenance manual,

1 9/21/18.

2 A-8 is the L2A summary letter dated 9/27/18 or
3 9/27 of 2018.

4 And finally, A-9 is the drawing that is on the
5 Board and on your screen which is the site rendering
6 or what's labeled as a perspective prepared by Minno &
7 Wasko bearing a revision date of October 15, 2018.

8 Okay. With that said, I would like to call Mr.
9 Matt Livingston.

10 MR. REGAN: Mr. Livingston, if you would
11 raise your right hand.

12 I'm also simultaneously going to swear in
13 Borough Engineer Hipolit, Borough Planner Green and
14 Borough Landscape Architect DeBlasio.

15 Do you swear or affirm the testimony you give in
16 this proceeding will be the truth so help you God?

17 (Mr. Livingston, Mr. Hipolit, Ms. Green
18 and Mr. DeBlasio swear to tell the truth.)

19 MR. REGAN: Let the record reflect that
20 the witnesses have been sworn.

21 MR. LIVINGSTON: Mr. Chairman,
22 commissioners thanks for the opportunity to speak
23 before you tonight and propose a project that I'm very
24 proud of.

25 My name is Matthew Livingston. I'm one of the

1 owners of the property along with my sisters and my
2 father, Dr. Lawrence Livingston.

3 And, as Mr. Del Vecchio said, we're here to talk
4 about what is a, I think, a beautiful building and
5 highly well-managed project.

6 My family has owned the building for about 20
7 years. We've been in this area, not myself personally
8 but my family has been here for about 70 years mostly
9 in medical and education. And the building is
10 actually my father's office for the last decade or so.

11 Over the last 10 or so years it's been very
12 difficult to keep the building at a reasonable
13 occupancy. People are more inclined to work in the
14 City or work, I think, in smaller, smaller offices or
15 work at home because of the commuting and so on and it
16 has been a challenge to keep it occupied. And, we've
17 explored different options with the property and when
18 we started exploring assisted living we were very
19 excited about that prospect for a number of reasons.

20 I think, No. 1, it gives us an opportunity to
21 stay invested in this community that we've been part
22 of for so long. It allows us to care for our elders
23 which the population is growing and certainly in need
24 of, in need of assistance.

25 My father, Dr. Livingston could not be here

1 today because of a prior commitment but he is involved
2 in what we're doing. He's helping us put together a
3 health and wellness program that's really, from a
4 medical perspective, which has been very helpful.

5 When, when we started exploring this opportunity
6 to redevelop the property, the first person I thought
7 of was Christopher Han who is here to speak tonight as
8 well. Chris is an old friend and colleague and shares
9 a lot of the same values that, that I share and my
10 family shares with operating a facility well, thinking
11 about our residents first and the care that they need.

12 Chris has built and operated 13 facilities in
13 his career and I'm very proud to have him as partner
14 on this project.

15 And I would just conclude that, again, we're,
16 we're excited about the opportunity to stay in the
17 community and stay invested, obviously the family
18 still lives here, but to be an active participant at
19 21 Philips and develop what I think is an excellent
20 project. We're very excited about it.

21 Thank you for your time.

22 CHAIRMAN DePINTO: Thank you.

23 THE WITNESS: I will answer any questions
24 you have.

25 CHAIRMAN DePINTO: Thank you.

1 Mr. Del Vecchio, why don't you introduce your
2 next witness and then I'll call for questions.

3 MR. DEL VECCHIO: Sure. Chris.

4 MR. REGAN: Raise your right hand, please.

5 Do you swear or affirm that the testimony you
6 give in this proceeding shall be the truth so help you
7 God.

8 THE WITNESS: I do.

9 MR. REGAN: For the record, state your
10 full name please and spell your last name.

11 THE WITNESS: Christopher Han, H A N.

12 DIRECT EXAMINATION BY MR. DEL VECCHIO:

13 Q Chris, can you provide the Board with a
14 little bit of your background and experience as it may
15 relate to assisted living?

16 A So I've been involved as a principal
17 owner/operator, developer, staff member, cook,
18 marketer, cleaner of senior care projects all over the
19 country for the past 16 years.

20 MR. REGAN: How many years.

21 THE WITNESS: 16, sir.

22 Q And in connection with that experience you
23 have been asked to partner with Matt Livingston and
24 his family in developing this particular site?

25 A Matt and I have worked together and

1 collaborated over several projects in the prior years.

2 I think this project, I think it's an important
3 ingredient as best understood through the arc of his
4 father's and family's history here in Montvale. This
5 project that has true roots in the community and I
6 think that has implications for the quality of
7 management and the quality of care against contracts
8 between owners, residents, staff and community as a
9 whole that does not get enough air time in the current
10 industry.

11 And, I can return to that later. I would like
12 to -- I think it's important to underscore that's what
13 drew me to this project.

14 Q Chris, can you walk us through your
15 participation in the project and skill set you bring
16 to operate it?

17 A Matt and I are both real estate
18 professionals. We have had both development in the
19 early stages, ground up, funding, financing,
20 organization, underwriting.

21 In the past 16 years I've also had the
22 opportunity to have my own management company for a
23 boutique portfolio of memory care communities in the
24 midwest.

25 But, we're not a corporate builder, developer of

1 senior care. I think that's also an important
2 distinction.

3 We're, we're a small team. We're a competent
4 team. People like us have to impart a higher degree
5 of quality, I think, in our product because we don't
6 have the same breadth and depth of assets to leverage
7 necessarily from a marketing and resource perspective.
8 It forces us to be better, better on our toes.

9 In this particular project, Matt and I are kind
10 of walking the predevelopment, development and
11 underwriting and financing of the project. And in a
12 twist, a lot of developers, a lot of companies will
13 develop under a, what we call a build, fill and sell
14 model where the primary goal is to maximize revenue,
15 to maximize the valuation.

16 And getting back to the point about this being a
17 routed project to the community, Matt and I would be
18 taking an operational role. We will be co-managing
19 this project and working with some managers and
20 support people in the industry here in the northeast
21 but Matt and I will be taking an active quality
22 control and asset management role in this project.

23 That's what drew me to this project. It's not a
24 commercial corporate development.

25 Q If you can, walk us through -- let's start

1 with the components of the project.

2 As you heard in my opening remarks, this is a 75
3 unit, 98 bed project and I am emphasizing that because
4 I know there was some confusion and concern in some of
5 the reports that we had received as to what the actual
6 counts are.

7 We've taken a second look based on those
8 comments and that's how we believe this project will
9 be constituted today.

10 Is that correct?

11 A I believe so. Yes.

12 Q And we are prepared, as owners and
13 developers of this project, to commit the 15 beds to
14 be qualified and I guess in COAH term creditable for
15 low and moderate income occupancy or restricted beds.

16 A That is correct.

17 Q And that typically means Medicaid
18 qualified.

19 Correct?

20 A Low to moderate, yes.

21 Q Now the project also has a memory care
22 component as I alluded to in my opening remarks.

23 Could you tell us what that means in layman's
24 terms?

25 A Memory care refers to approximately three

1 different kinds of dementia. These different kinds of
2 dementia express themselves physiologically and
3 behaviorally.

4 I manage -- there is no one size fits all
5 approach as to how you manage these different
6 dementias but there are a few things that are common.
7 It's very difficult to mix the general population with
8 people with dementia issues. There's a lot,
9 obviously, disorientation that can easily translate
10 into agitation. These are normal expressions of most
11 forms of dementia.

12 So we have a -- in a natural progression really
13 for a lot of people, there is a natural part of a care
14 spectrum. And so we will have approximately -- we
15 will have a memory care wing as part of this project.
16 It will be segregated to the extent that people in the
17 memory care wing do not have open access to the rest
18 of the community.

19 There's a safety issue. There's a safety issue
20 not only for other residents but for the residents of
21 the memory care sites.

22 If you'd like me to detail some of the more
23 unusual stories and why those --

24 CHAIRMAN DePINTO: No, I don't think
25 that's necessary.

1 Mr. Del Vecchio, please continue with your
2 questions.

3 MR. DEL VECCHIO: Yes.

4 Q In terms of, we've talked about the
5 occupancy in terms of who we will care for. And the
6 next question is how we do that.

7 And if you would walk us through the operational
8 components in terms of staffing, shifts, change of
9 shifts and those general features so we can put some
10 numbers to the care component that is necessary.

11 A So we offer and will provide full spectrum
12 assisted living and memory care services.

13 The definition of full spectrum assisted living
14 typically refers to a list of what we call assistance
15 of daily, ADLs. These are tasks that, in the best way
16 to think about people who need ADLs are frail, elderly
17 or just frail, period. And I think anybody who has
18 been in the hospital at any age, been flat on their
19 back for five days are some of the more basic things
20 like just walking, ambulating would be a challenge.
21 That's a good way to think about what ADLs mean for
22 people when they reach a frail, elderly stage.

23 Aside from that, the critical, we feel that one
24 of the critical elements in senior care is social
25 aspect, a heavy social and interactive aspect that

1 encourages both physical, intellectual, spiritual and
2 really emotional issues, really a full spectrum. And
3 that's what our environment is designed and geared to
4 provide and encourage.

5 Typically, assisted living is staffed about 12
6 to one meaning one full-time care staff per 12
7 residents. Those are what we call direct care staff
8 and memory care is usually eight to one.

9 In addition to that, we have approximately a
10 core staff of 10 to 12 in various administrative and
11 other common functions such as facility maintenance,
12 transportation, activities, marketing, management and
13 our food prep.

14 Q Chris, on a typical, average, maximum
15 shift, what would be the employee population for this
16 site?

17 A In our bed count we're looking at about
18 20, 21.

19 Q Now when, obviously, you know, care is
20 given 24/7 -- step back so you can look at the board.

21 At the maximum shift 21, we obviously have to
22 provide care on a 24/7 basis. I assume in the
23 overnight hours the staffing levels go down?

24 A We stagger our care staff. The care staff
25 is 24/7. At night on a facility schedule we probably

1 have three or four people overnight.

2 Q And in terms of your shift changes, you
3 indicated 20 or 21 would be an average maximum shift.
4 At some point in the day, pick a time. I don't know
5 what your shift change would be. Say 3:00, would 21
6 people come, 21 people leave or how does that work?

7 A We usually control that by staggering our
8 on and off shifts by 15, half hour, 15 minutes, half
9 an hour so that, for example, if we have six people
10 rolling off, we won't bring all six people at the same
11 time. We'll bring two and the next block two more at
12 20 minutes after, two more 40 minutes after that.

13 That's not only, that's really not a parking
14 concern as it is a continuity of operational pace and
15 tempo and trading information between shifts. But it
16 has the effect of alleviating that issue.

17 Q So effectively you have a rolling shift
18 change, correct, for lack of a better label?

19 A Correct.

20 Q Now you had indicated that you would
21 provide transportation and that, obviously, touches
22 upon two areas; one is the transportation to, I'll
23 just use another project, the Wegman's up the street
24 or some other location that a resident may want to go
25 to and I assume that is done through some vehicle that

1 in-house?

2 A Most of it. If we choose for an outside
3 linen service we'll have to contract for that. But,
4 again, I don't think that's going to be very common.
5 We've daily delivery.

6 Q And we haven't gotten into the details of
7 the loading area before this center in terms of
8 testimony before the Board but you're obviously aware
9 of what drawing, the drawing shows in terms of a
10 delivery area in the rear of this building.

11 Correct?

12 A Yes.

13 Q And you are satisfied, from an operational
14 standpoint, that that loading area is sufficient to
15 provide for the needs of a center of this size?

16 A I didn't see any, anything wrong with
17 this. In my experience, it's more than adequate.

18 Q In terms of the staffing of this project,
19 you had indicated an average maximum of four to one
20 and three to four on the overnight shift. I assume,
21 in the overnight shift that the parking lot areas can
22 be brought to a reduced security level of lighting as,
23 you know, there is not a lot of activity anticipated
24 to occur in the outdoor area in the overnight hours?

25 A I'm sorry.

1 Q Light levels in the parking lot.

2 A Yes.

3 Q In the overnight hours when we don't have
4 shift changes or we don't have activity can be brought
5 to a security level as opposed to full on status if
6 that is a requirement of the Board?

7 A Yes. You guys have a dark sky here, I
8 presume.

9 Q Not technically by a standard but, yes.

10 A Most of the facilities that I have built
11 in the last few years are what we call dark sky. It
12 varies from here to here but it's a pretty low level
13 and tends to be down cast. So it's not a, it's not a
14 full on five miles away.

15 Q In terms of the location of this project
16 being on Philips Parkway it, obviously, is not on a
17 roadway which this area classifies as a County roadway
18 but from an operational standpoint do you find that
19 the location has adequate access to and from the
20 County road to and from the major arteries that may be
21 necessary, either for staff, residents or, God forbid,
22 emergency vehicles to adequately service the site?

23 A In my experience the level of traffic
24 utilization for these communities is far less than you
25 would anticipate given the number of residents, given

1 the number of parking spots, given the number of
2 staff.

3 So I've always seen it being an underutilized
4 aspect of this community which I think is great for
5 impact.

6 MR. DEL VECCHIO: At this point I'm going
7 to curtail further questions of Mr. Han, make him
8 available to the Board for their questions trying to
9 be mindful of our time constraints.

10 CHAIRMAN DePINTO: Okay. Very good.
11 Thank you.

12 Questions from Board Members of either Mr. Han
13 or Mr. Livingston starting with Mr. D'Agostino.

14 MR. D'AGOSTINO: I don't have any
15 questions.

16 CHAIRMAN DePINTO: Thank you.
17 Miss O'Neill.

18 MS. O'NEILL: I don't have any questions.

19 CHAIRMAN DePINTO: Thank you.

20 Mr. Teagno.

21 MR. TEAGNO: No questions at this time.

22 CHAIRMAN DePINTO: Thank you.

23 Mr. Culhane.

24 MR. CULHANE: I just want to confirm there
25 is no independent living units. They're all assisted

1 living?

2 THE WITNESS: I'm going to answer that as
3 from an industry insider perspective. I think the
4 defining differences between independent living and
5 assisted living in my mind have, have really become
6 much weaker and more transparent. The reason why is
7 that when someone joins your community whether it's in
8 this case two stories or suburban environments five
9 stories, one of the premiums that we try to preserve
10 is a commonality, in place a recognition of the area,
11 their surroundings. Because of that, we tend not to
12 move people unless it is their choice.

13 So I think the harder line is do people want to
14 live in a care for versus uncared for community. In
15 the case when you talk about an uncared for community
16 you are really talking about, for lack of a better
17 word, 55 and plus or technically speaking anybody who
18 would prefer to live in kind of an independent living
19 scenario.

20 So, for example, if someone wants to live in our
21 building because they appreciate the social aspect,
22 does not require the assistance, does that make them
23 an independent living person, independent living
24 resident? I think the answer is what they want and if
25 they so choose, we would, of course, welcome them to

1 our community.

2 So we don't have anything that I would say is
3 formally designated independent living. But I think
4 that part of the care spectrum you're seeing a lot
5 more hard line between what's a cared for community
6 and what's not a cared for.

7 MR. REGAN: I think this needs to be
8 addressed up front because if it's an independent
9 living situation it's going to trigger a D-1 use
10 variance, it's not a permitted use in this zone,
11 permitted conditionally.

12 If you're going to have an independent living
13 component it's going to implicate a D-1 use variance
14 which is fine, you can ask for the relief.

15 THE WITNESS: If a couple wants to live in
16 one of the, one of the parents needs assisted living
17 care and the other person does not, you're asking
18 whether we would forbid that person from living in our
19 community, I don't think the answer to that is yes.

20 MR. DEL VECCHIO: I think the technical --
21 I think there's a little dichotomy between industry
22 jargon and zoning. And the --

23 THE WITNESS: It is not an independent
24 living community if that's what you're asking.
25 There's very much an assisted living memory care

1 community.

2 MR. REGAN: Your counsel referred to the
3 Pike Development application which is 203 units, 90 of
4 which were clearly defined as independent living
5 units.

6 MR. DEL VECCHIO: That is not this
7 application. All of the units are given the same
8 level of care. They share all of the services.

9 I think the distinction that Mr. Han was trying
10 to highlight is that there are situations like a
11 spouse who may choose, even though they don't need
12 that level of care, to move in with a spouse.

13 THE WITNESS: Sure.

14 MR. DEL VECCHIO: And enjoy the same
15 services as one who would require assisted living
16 services would be provided even though they do not.
17 technically or physically need it.

18 So this is not an independent living like Pike
19 presented. This is purely an assisted living.

20 I think Mr. Han was just trying to highlight the
21 fact that we wouldn't prohibit somebody who
22 technically may not need it from joining a spouse.

23 CHAIRMAN DePINTO: I think you're
24 referring to the exception to the rule.

25 THE WITNESS: Correct.

1 CHAIRMAN DePINTO: And, I think that
2 should be clearly understood. The rule being this
3 Board is considering an application for assisted
4 living with a memory care unit.

5 THE WITNESS: That is correct.

6 CHAIRMAN DePINTO: If there is the
7 occasional need for something other than that, that
8 can be dealt with but there has to be a primary goal,
9 that goal would be assisted living. That's your
10 intention of how to operate this facility.

11 THE WITNESS: As an assisted living memory
12 care, correct.

13 CHAIRMAN DePINTO: Thank you.

14 Mr. Culhane, do you have anything else?

15 MR. CULHANE: Not at this time, Mr.
16 Chairman.

17 CHAIRMAN DePINTO: Thank you.

18 Mr. Fette?

19 MR. FETTE: Nothing at this time, Mr.
20 Chairman.

21 CHAIRMAN DePINTO: Thank you.

22 Mr. Stefanelli.

23 VICE CHAIRMAN STEFANELLI: Nothing at this
24 time.

25 CHAIRMAN DePINTO: Thank you.

1 Ms. Russo.

2 MS. RUSSO: Nothing at this time, Mr.

3 Chairman.

4 CHAIRMAN DePINTO: Thank you.

5 Mr. Lintner.

6 MR. LINTNER: Nothing at this time, Mr.

7 Chairman.

8 CHAIRMAN DePINTO: Okay. With that said,
9 the Chair is going to entertain a motion to open the
10 meeting to the public.

11 MR. CULHANE: So move.

12 VICE CHAIRMAN STEFANELLI: Second.

13 CHAIRMAN DePINTO: Mr. Culhane, seconded
14 by Mr. Stefanelli.

15 All in favor?

16 (Aye)

17 Members of the public that wish to be heard,
18 again it's with respect to questions of either Mr. Han
19 or Mr. Livingston or both, please raise your hand,
20 come to the podium, identify yourself and make your,
21 address your questions through the Chair.

22 Yes.

23 We'll swear you in. I'm sorry.

24 MR. REGAN: Well, if he's only going to
25 ask questions --

1 CHAIRMAN DePINTO: Sometimes questions
2 cross the line.

3 Swear him in.

4 MR. REGAN: Do you swear or affirm that
5 the testimony you give in this proceeding shall be the
6 truth, so help you God.

7 MR. TINTLE: Yes.

8 MR. REGAN: Give us your name, please, and
9 spell the last name.

10 MR. TINTLE: David Tintle, T I N T L E. I
11 live at 49 Whitney Hill, Park Ridge, adjacent to the
12 Philips property here.

13 My wife and I have lived in this area for over
14 50 years. As a matter of fact, my siblings and I all
15 graduated from Pascack Hills High School.

16 My question is regarding the lot size and the
17 parking. My mother spent a great deal of time at
18 Sunrise Assisted Living in Wall Township, New Jersey.
19 That facility, oddly enough, looks very much like
20 this. However, it's a two-story, 50 unit facility.

21 The traffic in the parking lot has always been a
22 nightmare. When children go to see their mother on
23 weekends, we are coming in in multiple cars, different
24 parts of the State.

25 CHAIRMAN DePINTO: Mr. Tintle, I'm going

1 to have to interrupt you. Again, it's questions of
2 the applicant.

3 MR. TINTLE: Okay. So the applicant --

4 CHAIRMAN DePINTO: Turn, turn that
5 statement into a question.

6 MR. TINTLE: Okay. The applicant is
7 proposing 50 percent more living units than Sunrise
8 with seven less parking spots than Sunrise. It just
9 seems inconceivable --

10 CHAIRMAN DePINTO: Ask it in the form of a
11 question.

12 Is, in your opinion, as professional operators,
13 is it justifiable? Is there adequate parking for --

14 MR. TINTLE: Is there adequate parking?

15 MR. DEL VECCHIO: Mr. Chairman, we're in
16 this strange situation. We haven't done our parking
17 counts. We haven't testified to any of that.

18 CHAIRMAN DePINTO: But he asked a very
19 simple question. Given what is proposed, is it your
20 opinion or is it your client's opinion that adequate
21 parking has been designed into the site.

22 Yes or no?

23 THE WITNESS: We believe for where we are
24 today, yes, sir, it has.

25 CHAIRMAN DePINTO: I don't know what that

1 means, where you are today. You're in Montvale, New
2 Jersey.

3 THE WITNESS: Where we are in the process
4 not having, as Mr. Del Vecchio --

5 CHAIRMAN DePINTO: So you're not prepared
6 to answer the question until such time as your design
7 engineer testifies?

8 THE WITNESS: Correct.

9 CHAIRMAN DePINTO: That's a simple answer.

10 THE WITNESS: Okay. Sir, anything else?

11 MR. TINTLE: Yes. The west side of the
12 Philips property abuts a commercial property neighbor.
13 To the south side of the property is designed for
14 residential.

15 Wouldn't it be more feasible to place the
16 service entrance, the dumpster and related activities
17 on the west side of the unit adjacent to a commercial
18 property as opposed to a dumpster being right outside
19 my front door?

20 MR. DEL VECCHIO: It's not a question that
21 the witness can answer.

22 CHAIRMAN DePINTO: Once again, that's a
23 design engineer question and I ask that you hold that
24 question till we hear the testimony of a design
25 engineer.

1 This is for operations and ownership.

2 MR. TINTLE: I'm done. Thank you.

3 CHAIRMAN DePINTO: Thank you.

4 Anyone else have any questions? Yes, ma'am, in
5 the back, please.

6 MR. REGAN: Do you swear or affirm that
7 the testimony you give in this proceeding shall be the
8 truth, so help you God.

9 MS. MENDELOWITZ: Yes, I do.

10 MR. REGAN: Give us your name and address.

11 MS. MENDELOWITZ: Susan Mendelowitz, M E N
12 D E L O W I T Z. I live at 42 Whitney Hill. And I'm
13 a retired, recently retired hospital administrator.

14 MR. REGAN: Thank you.

15 MS. MENDELOWITZ: Question. You say that
16 the average staffing is 20 to 21 per day per shift,
17 per day?

18 THE WITNESS: We have care staff that's
19 staffed 24 hours a day. We staff those ratios
20 according to our population so our maximum count is 9
21 or 10 and the other one was administrator.

22 MS. MENDELOWITZ: And that includes
23 maintenance, housekeeping and dietary staff as well
24 not just direct caregivers?

25 THE WITNESS: That is correct.

1 MS. MENDELOWITZ: Everyone, the entire
2 facility is staffed with about nine people per shift?

3 MR. DEL VECCHIO: No. The witness
4 indicated the maximum average shift is about 21 staff
5 members inclusive of all of the, all of the folks you
6 have identified and probably some others that you
7 didn't.

8 In the other there will be other shifts. We
9 testified specifically on the overnight shift would be
10 three to four and then, obviously, there are a couple
11 other shifts that will be at 21 or fewer at those
12 times but the shift is rolling on terms of their
13 changeover.

14 MS. MENDELOWITZ: The other thing, what
15 are your plans for outside activities and what types
16 of activities will occur and where will they occur?

17 THE WITNESS: In the back of the facility
18 we have an outdoor terrace and outdoor areas that we
19 haven't fully developed. The outside areas in the
20 back will be accessible. We'll have probably a
21 standard program of physical, entertainment and social
22 activities. In addition to that, we will have what we
23 consider to be medically evaluated, medical review
24 that goes beyond the average spectrum that an
25 activities director would be normally in assisted

1 living. But we haven't fully developed that. We are
2 developing that in conjunction with the operational
3 phase.

4 MS. MENDELOWITZ: So recreation activities
5 would include like barbecues, outside parties, things
6 of that nature.

7 THE WITNESS: Social activities, I would
8 say those are more social activities.

9 MS. MENDELOWITZ: How many people do you
10 think would be out attending those activities?

11 THE WITNESS: I cannot say. I think
12 between the months of December and March there are
13 probably very few but I really can't say.

14 MS. MENDELOWITZ: You can't say. Okay.

15 CHAIRMAN DePINTO: Excuse me. I think
16 that's a reasonable question. Of course during the
17 winter months you're not having many barbecues.

18 During the spring and summer how much activity
19 will be to the rear of the building for those specific
20 purposes?

21 THE WITNESS: I think, in my experience,
22 the facilities of this size where we've had social
23 functions, we typically draw about 20 people and
24 under, in my experience. That's a big event.

25 CHAIRMAN DePINTO: I'll accept that as an

1 answer. Please continue.

2 THE WITNESS: That --

3 CHAIRMAN DePINTO: I understand, I
4 understand. But I don't like a glib response of
5 during the winter months you're not having barbecues.

6 THE WITNESS: I was actually just going to
7 make a joke that I'm freezing in here and I like
8 winter.

9 CHAIRMAN DePINTO: Yeah. Okay. Whatever.
10 We're not big on jokes. We need facts.

11 Please continue.

12 MS. MENDELOWITZ: How do you intend to
13 secure the property?

14 Do you intend to fence? Do you have, you have
15 dementia patients, they're on a security unit, people
16 do get out of secure units. And how do you intend to
17 secure the property?

18 THE WITNESS: We don't anticipate a --
19 it's not a lock down, 24 hour facility. It is open
20 as --

21 MS. MENDELOWITZ: The unit is not a secure
22 unit?

23 THE WITNESS: The dementia unit inside is
24 and you asked about the overall facility, that is not
25 a secure facility in the sense that it's, it is a

1 controlled facility with access limited to the public.

2 It is an open facility.

3 But we are, our memory care unit would be on a
4 separate floor. It will be a secure unit and there's
5 lock down.

6 MS. MENDELOWITZ: And if someone were to
7 get out of that secure unit, follow someone out, what
8 do you have in the property to keep them secure?

9 THE WITNESS: So what I've done in the
10 past is I have used GPS and perimeter monitoring which
11 gives proximity alerts, door alerts, perimeter alerts,
12 it gives us three levels of alert for, technically
13 speaking, someone who is four or five hundred yards
14 away and I can't tell you that that's, of course,
15 because we've never had anybody at four or five
16 hundred yards away.

17 So we tend to have between door alarms,
18 proximity alarms and then a perimeter, a lateral, we
19 tend to have three or four levels of, of security.

20 If you're --

21 MS. MENDELOWITZ: That's fine. That's
22 fine. Okay. Thank you.

23 CHAIRMAN DePINTO: Thank you.

24 Yes, ma'am.

25 MR. REGAN: Do you swear or affirm that

1 the testimony you give in this proceeding shall be the
2 truth so help you God?

3 MS. TINTLE: I do. Jeanine Tintle, 49
4 Whitney Hill.

5 I'm just interested in the disparity between
6 assisted living, memory care and maybe a spouse that
7 wants to live there.

8 Have you allotted for cars for your people that
9 live there?

10 CHAIRMAN DePINTO: I'm going to interrupt
11 you.

12 I think that is a question better presented to
13 the design engineer. This is an operator of a
14 facility.

15 MS. TINTLE: I'm just trying --

16 CHAIRMAN DePINTO: I understand.

17 MS. TINTLE: Yeah.

18 CHAIRMAN DePINTO: I think, until we hear
19 the testimony of Mr. Dipple, who is the design
20 engineer --

21 MS. TINTLE: All right. So I'll hold my
22 questions then.

23 CHAIRMAN DePINTO: If you could. Thank
24 you.

25 Anyone else? Yes, sir.

1 MR. REGAN: Do you swear or affirm the
2 testimony you give us in this proceeding shall be the
3 truth so help you God?

4 MR. CALLEN: Yes, I do.

5 MR. REGAN: Robert Callen and I live at 43
6 Whitney Hill.

7 And this is just a clarification question on
8 the, you mentioned but I didn't get it, the number of
9 memory case people that you intend to house at this
10 facility? Do you know?

11 THE WITNESS: 32, I believe.

12 MR. CALLEN: 32 out of?

13 THE WITNESS: Approximately a hundred.

14 MR. CALLEN: So about a third.

15 THE WITNESS: Correct.

16 MR. CALLEN: What procedures do you do to,
17 to ensure their security?

18 MR. DEL VECCHIO: I think we just provided
19 that information in response to the last two speakers
20 ago and the same answer applies. They have triple
21 level of protections and alerts that happen before
22 somebody could leave a building.

23 MR. CALLEN: Okay. Thank you.

24 CHAIRMAN DePINTO: Thank you.

25 Anyone else questions?

1 Okay. The Chair will entertain a motion to
2 close the meeting to the public.

3 VICE CHAIRMAN STEFANELLI: So move.

4 MS. O'NEILL: Second.

5 CHAIRMAN DePINTO: Mr. Stefanelli,
6 seconded Ms. O'Neill.

7 All in favor?

8 (Aye)

9 What is the carry date on this? November 20th.

10 Members of the public that are here that have an
11 interest in this application please be advised that it
12 will be carried until November 20th.

13 We will do our darndest to try to get you up a
14 little bit earlier. I understand some people have
15 early bed times. We don't. We do this all night
16 long.

17 Mr. Del Vecchio, what witnesses are you prepared
18 to present at the next meeting?

19 MR. DEL VECCHIO: It would be our
20 architect, Mr. Englebaugh and Mr. Dipple.

21 CHAIRMAN DePINTO: Okay. We'll try to get
22 it up as early as we can.

23 If you have any questions with respect to the
24 time, please feel free to give Miss Hutter a call. If
25 you promise not to be abuse her, I'll tell her to

1 answer your questions.

2 Okay. Thank you.

3 No further notice will be required so don't wait
4 for any registered mail. It's just this announcement.

5 Thank you.

6 (The matter adjourns 10:20 p.m.)

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1 C E R T I F I C A T E

2 I CERTIFY that the foregoing is a true and
3 accurate transcript of the testimony and proceedings
4 as reported stenographically by me at the time, place
5 and on the date herein before set forth.

6 I DO FURTHER CERTIFY that I am neither a
7 relative nor employee nor attorney or counsel of any
8 of the parties to this action, and that I am neither a
9 relative nor employee of such attorney or counsel, and
10 that I am not financially interested in this action.

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