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OUR FILE NO. 130239-02

Chairman Charles Nalbantian and All Board Members
Village of Ridgewood Planning Board
Village Hall
131 North Maple Avenue
Ridgewood, NJ 07451

Re: Citizens for a Better Ridgewood, Inc.

Dear Chairman Nalbantian and Board Members:

Please be advised that we represent the Citizens for a Better Ridgewood, Inc., a non-profit corporation of the State of New Jersey (hereinafter sometimes "CBR").

A. INFORMATION ABOUT CLIENT

The CBR group was formed to represent the large number of Ridgewood residents and taxpayers who want to preserve the quality of life, unique character and attractiveness of the Village of Ridgewood. The current officers and trustees of the CBR are Amy Bourque, President, and three trustees, Jennifer DiTommaso, Lori Weil, and Carol Bicknese. This type of entity does not itself have "members" or "shareholders". It does, however, have many "supporters."

Forty-Three Years of Service

Please note that we do not represent the individual supporters. They may have opinions, in addition to their support, which may vary with or may be different from the position of the CBR. Accordingly, we will seek to provide the position of the group, but any individual retains the right to provide his or her own comments or opinions, which may differ from those of CBR.

B. GENERAL COMMENTS

It is our position that the focus of the Ridgewood Planning Board should be on identifying the *general* conditions that should be permitted in a zone or zones. The basic question with regard to the mixed-use projects is whether housing density above a first floor retail building should be increased above the **12 units per acre** that is currently permitted. A change to the Master Plan should only be considered if necessitated as a result of overall planning, not to address site-specific planning, which has overshadowed the process.

C. CBR RECOMMENDS THAT DENSITY REMAINS THE SAME, OR BE INCREASED ONLY SLIGHTLY

In the opinion of CBR, the 12-unit per acre density restriction has worked, and should not be substantially increased. A minor increase, if reasonable, would be acceptable. Putting aside the overcrowding of schools issue, it is clear that adding more density to Ridgewood will result in more traffic, more congestion, more strain on municipal facilities, less attractive views, less parking and less open space. Zoning laws were established in the first place to protect residents and provide an orderly development of the Village. The current Master Plan was designed to safeguard residents from the negative effects of ill-conceived or excessive new development.

Thus, we ask some simple questions: Isn't the Village of Ridgewood already fully developed? Would the Planning Board seriously encourage such an extensive amount of

development all at one time that will absolutely make the already congested CBD even more problematic? Wouldn't it be a more sensible approach to add new housing at a more slow and steady rate? Who, other than the four developers, will benefit from these new mixed-use housing developments? The addition of four massive, high-density housing units will not help the Village of Ridgewood.

To be clear, the CBR is not anti-development and recognizes that the vacant sites (or sites proposed to be "redeveloped") under consideration, may need to be developed to keep Ridgewood vibrant. However, development needs to occur without sacrificing the attractiveness or quality of life in the village. Once again, it seems the most sensible approach is to allow new development to occur at the rate currently permitted by today's zoning ordinances, 12 units per acre, or at a rate only slightly higher than 12 units per acre.

When comparing densities of some of other Bergen County municipalities, it is obvious that the most charming, desirable and highly-rated towns, towns comparable to Ridgewood, have maintained densities per acre in line with or just slightly higher than Ridgewood's 12 units per acre. Densities allowed in towns similar to Ridgewood are not even close to what is currently being proposed. What guidelines have other Bergen County towns established with regard to residential density? We thought it important to provide that information to you. A basic review of the density limits in some other Bergen County municipalities makes it obvious that the densities currently proposed by the mixed-use properties are simply "too dense."

We conducted research into 72 municipalities in Bergen County and analyzed regulations with respect to residential density.¹ For purposes of this study, we note that the population of Ridgewood is approximately 25,120 persons.

1. Densities of Towns With the Highest Populations:

There are only eight towns of the 72 municipalities in Bergen County with a greater population than Ridgewood. Yet these eight towns (except for Fort Lee) have a permissible density that is less than what is proposed in the four Master Plan amendment applications before the Planning Board. These eight towns are as follows:

	<u>Town</u>	<u>Population</u>	<u>Density</u>	<u>Zone</u>	<u>Ordinance Section</u>
1.	Hackensack	43,285	22 Units per acre	Garden Apartments	175-6,4
2.	Teaneck	39,776	28 Units per acre	RR-M Redevelopment Residential Multifamily district	33-24
3.	Fort Lee	35,579	50 Units per acre	PCR 1 – Other Permitted Uses	410-14
4.	Fair Lawn	32,669	17.65 Units per acre	CR- Combined Residential	125-30
5.	Garfield	30,487	12 Units per acre	Garden Apartments	341-46
6.	Englewood	27,325	12 Units per acre	Multiple Residence (RMA) District	250-60

¹ We obtained this information from the individual towns, official municipal web sites, unofficial web sites, and discussions with the Zoning Officers. For two municipalities, the towns were not responsive or we could not reasonably ascertain the information. This review does not of course include individual projects which may have received a variance, but represents the general zoning scheme of the municipalities to the best of our knowledge. [See also, New Jersey eCode360 Library; Clerkshq.com; Ordinance.com; Town website/other]

7.	Bergenfield	26,939	12 Units per acre	R-M Multifamily	06-2376
8.	Paramus	26,507	22 Units per acre	R-GC Zone Golf Course Cluster Townhouse Zone	429-179

When reviewing the data, it is fair to say that even when you consider towns with a greater population (*i.e.*, towns that are more urban in character), these towns have maintained density limits close to or only slightly above the 12 units per acre that is currently permitted in Ridgewood. Only Fort Lee, with a population of 35,579 and a density of 50 units per acre, has allowed the extreme density that is consistent with the proposed densities of the four multi-use housing projects under consideration. The Village of Ridgewood is not comparable to Fort Lee and should not permit anywhere close to the same number of residential units per acre.

2. Residential Densities in the 40+ Per Acre Range:

Only 10 towns of the 72 towns in Bergen County have residential densities above 40 units per acre. They are as follows:

	<u>Town</u>	<u>Population</u>	<u>Density</u>	<u>Zone</u>	<u>Ordinance Section</u>
1.	Palisades Park	19,752	60 Units per acre	MHR -1	300-9.1
2.	Cliffside Park	23,750	50 Units per acre	Planned Development	18A-7.2
3.	Fort Lee	35,579	50 Units per acre	PCR 1 – Other Permitted Uses	410-14

4.	Demarest	4,912	48 Units per acre	Affordable Housing	175-37
5.	Hasbrouck Heights	11,919	45 Units per acre	R-6 Senior Citizen Housing	275-20
6.	Rutherford	18,178	45 Units per acre	Planned commercial development regulations	131-50 B (2)
7.	New Milford	16,448	44 Units per acre	MFTH Residential E/Multi-family Townhome	30-24A
8.	Carlstadt	6,168	40 Units per acre	Senior Citizen Housing	21-23
9.	Elmwood Park	19,531	40 Units per acre	Affordable Housing – Elmwood Park River Drive Development	37-1.4
10.	Ridgefield	11,104	40 Units per acre	R-SR and TH Senior Citizens Housing and Townhouse	390-38.2

Simply put, only 13.9% of the towns in Bergen County allow housing densities of 40 or more units per acre. And in most cases, the higher density was only permitted to allow affordable housing or senior citizen housing. If you eliminate affordable housing or senior housing, there are only five towns that have a higher density (that are not limited to affordable housing or senior housing).

3. Residential Densities in Municipalities Having a Hospital:

As part of our study, we also reviewed the Bergen County towns with hospitals. These towns are Hackensack, Teaneck, Englewood and Westwood. The densities are listed as follows:

	<u>Town</u>	<u>Population</u>	<u>Density</u>	<u>Zone</u>	<u>Ordinance Section</u>
1.	Hackensack	43,285	22 Units per acre	Garden Apartments	175-6.4
2.	Teaneck	39,776	28 Units per acre	RR-M Redevelopment Residential Multifamily district	33-24
3.	Englewood	27,325	12 Units per acre	Multiple Residence (RMA) District	250-60
4.	Westwood	10,979	24 Units per acre	Multifamily Dwelling Units	195-129

The data shows that even if the municipality, like Ridgewood, is home to a large hospital, the municipality has still maintained a density limit close to or only slightly above the 12 units per acre that is currently permitted in Ridgewood. These "hospital" towns do not allow density in the magnitude of what is currently being proposed by the four new developments under consideration in Ridgewood.

4. Towns with Residential Densities of Only 50% of what is being Proposed:

Lastly, we also reviewed the towns with residential densities of only 50% of what is currently being proposed for Ridgewood in the Master Plan Amendments under consideration. If the average density proposed in the Master Plan Amendment applications in Ridgewood is assumed to be about 40 to 44 units (if not higher), then we looked to see how many Bergen

County towns were at a density equal to or lower than about half of that proposed density (*i.e.*, about 22 units per acre or less).

Using 22 units per acre as a guideline, we therefore investigated the number of towns in Bergen County that restrict zoning to a maximum of **22 residential units per acre or less**. Our preliminary review indicates that 44 towns out of the 72 towns in Bergen County permit residential densities of only 22 units per acre or less. An overwhelming 61% of all Bergen County municipalities restrict residential densities to about half (or less) of what is currently being proposed in Ridgewood. We question why Ridgewood would aspire to have zones that permit a residential density of more than double the density per acre allowed in most of the towns (61%) in Bergen County.

* * *

We do not think Ridgewood should allow the same type of residential density per acre that defines some of the more urban cities in Bergen County. The majority of the municipalities in Bergen County, especially towns similar in character and reputation to Ridgewood, do not allow residential density even close to the magnitude (or for that matter, even 50%) that is currently being proposed. Furthermore, we know of no surrounding towns that allow this type of excessive residential density in all or in part of their central business districts. That is precisely why we think that the density of each project should be viewed on a case-by-case basis before the Board of Adjustment.

To approve of all four mixed-use projects at one time, as well as the Hospital expansion, is frankly unreasonable, and we believe, extremely risky. Ridgewood's density and traffic barely

work now. Adding approximately 500,000+ square feet to the hospital and over 400 residential units to the CBD would be a recipe for disaster. We do not think the Planning Board and Mayor and Council should make such wide-reaching, irrevocable and potentially damaging changes to the Village, that only benefit a limited group of developers (four or five) whose sole interest is to maximize profits.

D. POTENTIAL RISKS TO PROPERTY VALUES AND QUALITY OF LIFE IN RIDGEWOOD

Ridgewood is an extraordinary village, with picturesque scenery, a charming downtown and a superior school system. As such, it enjoys widespread recognition as a great place to live. With respect to the mixed-use, high-density housing projects pending before the Planning Board, it is imperative that the Ridgewood Planning Board find a solution that meets the needs of our community while ensuring that Ridgewood's pristine reputation as a desirable place to live does not suffer. The key is how to manage growth and development without sacrificing the attractiveness or quality of life in the Village. It seems the most sensible approach is to allow new development to occur at the rate currently permitted by today's zoning ordinances, 12 units per acre, or slightly higher at most, rather than to alter the Master Plan.

My client, CBR, believes there is a serious risk that an abundance of new, high-density housing will undermine the character of the village and reduce property values. Ridgewood is a beautiful, historic village and it will be difficult to ensure that the design of new buildings reflect the local building styles and traditions. New buildings that are out of character with Ridgewood, especially buildings that span several acres on downtown blocks, may diminish the charm and appeal of the village. Many Ridgewood residents enjoy views of the New York City skyline and

other picturesque vistas from their homes. CBR strongly urges the Planning Board to consider enacting zoning laws that limit building height to preserve the beauty of the village and protect the views of its residents, views that enhance property values.

Property values are also affected by supply and demand. If empty nesters do, in fact, relocate to the new housing developments as the developers suggest, the real estate market in Ridgewood may be affected with a glut of single-family homes, which will result in softer real estate values. Ridgewood also runs the risk that the market will not support a large number of new housing units and retail locations, and as a result, new housing units and retail spaces may be left vacant. Similarly, if businesses in the Central Business District opt for newer space and relocate to new retail space available in the mixed-use projects, Ridgewood Avenue may be left with an abundance of vacant storefronts. These are serious issues to consider.

In addition, if Ridgewood schools experience an influx of students as a result of new high-density housing, there is a chance that the ranking of the Ridgewood schools will decline, and therefore, so will property values which rely on the reputation of the school system. School rankings are based on factors such as average class size, faculty to student ratio and resources per student. Higher pupil ratios will lead to lower high school ranking, which can have a negative effect on property values.

E. POTENTIAL ADVERSE EFFECT ON THE SCHOOL SYSTEM

It is common knowledge that the reputation of a school system has a direct bearing on the success of a municipality. My client has great concern that an abundance of new high-density housing units will have an adverse effect on the school system. Although the developers want us

to think otherwise, the CBR believes that an excess of high-density housing will most definitely result in overcrowding in Ridgewood schools. There is no way to guarantee or mandate that new housing units be restricted to empty nesters or families without school-aged children. It is a fact that Ridgewood attracts families with school-aged children. Families with limited incomes often move to multi-family housing units in Ridgewood to send their children to Ridgewood High School. In addition, if required by the Planning Board, the inclusion of *affordable* housing will certainly attract families with school-aged children to Ridgewood's reputable school district.

The developers are making predictions about school enrollment in Ridgewood based on what is happening in other municipalities, but we respectfully believe you cannot rely on averages or statistics from other municipalities to predict behavior in a special and unique municipality like Ridgewood. While enrollment at schools throughout the State has continued to decline, enrollment at Ridgewood Schools has increased every year for the past ten years. Ridgewood is an anomaly.

Blais Branchau, Planner for the Village of Ridgewood, testified that an estimated 50 to 60 school children are added every year to the Ridgewood schools. In 2003, the enrollment at Ridgewood High School was 1,524. In 2013, the enrollment is greater than 1,700 students. Even more alarming, the enrollment at Ridgewood High School is predicted to exceed 1,800 in two years. Ridgewood attracts new students, and no doubt new housing developments will enable families to move into Ridgewood to attend the schools.

Developers suggest that the new housing developments will average less than 10 students per 100 units. However, as testified by Village of Ridgewood Superintendent of Schools, Dr.

Daniel Fishbein, Ridgewood currently averages 25 students per 100 units of multi-family housing. The addition of 425 units to our community could potentially add another 106 students to our already overcrowded schools. The fiscal problem is that Ridgewood will have to absorb new students, but there is no money in the school budget to hire new teachers or build new classrooms. This means that average class size will continue to balloon. Even though the apartment owners will pay property taxes, a state-imposed cap of 2% constrains the school district from benefitting from extra tax revenue and prevents the school district from responding effectively to student growth by hiring new teachers and constructing new classrooms. So it is not the increase in school children that is a problem, but the ability of Ridgewood to accommodate the increase.

During the testimony, there were references that the Ridgewood school district was able to accommodate a greater amount of school children decades earlier, but what happened in the past in this regard is irrelevant. Years ago, Ridgewood employed an additional school building, Glen School, and met demands with split shifts at the high school, which is no longer an option with the busy sports and extracurricular schedules maintained by today's students.

Despite extensive studies and detailed information presented to the Planning Board, it is still unclear why some multi-family projects generate very few school children while others generate larger numbers of school children. Accordingly, my client's position is that you cannot predict with any reasonable degree of certainty how many families with school-aged children will choose to relocate to a new multi-family housing project in this unique municipality. Short of outright discrimination against families with children, which we obviously do not advocate,

there is nothing you can do to ensure that school-aged children do not move into the new housing projects.

Even if we are to believe data shared by the developers and concede that the new housing projects will not generate many additional school children, there is another important factor. If Ridgewood empty nesters choose to down-size and move into the new multi-use housing developments as some of the developers expect, the empty nesters will obviously sell their three, four and five-bedroom homes in Ridgewood. The likely buyers for these homes are families choosing to relocate to Ridgewood—families with multiple children that will be attending the Ridgewood schools. Therefore, the addition of a large number of new housing units could have an adverse effect on the Ridgewood school system either way. Therefore, it seems the most sensible approach is to limit the number of units per acre to protect Ridgewood's tradition of excellent schools.

F. POTENTIAL STRAIN ON OUR INFRASTRUCTURE, SERVICES AND RESOURCES, AND MORE DEBILITATING TRAFFIC

Another problem to consider is that high-density housing will create a strain on Ridgewood's public services and infrastructure, including the already over-burdened police, fire, water, sewer and sanitation services. Ridgewood's public services have been hit hard with budget cuts and firings. There are not enough police officers on duty to police traffic around the schools or to fill in if several crossing guards call in sick. Leaf collection has historically been a problem, as Ridgewood does not have enough resources to clear the streets on a timely basis. Ridgewood also must deal with frequent water shortages and rationing. These problems would only be exacerbated if 425 new families moved into the village. The new high-density housing

developments will drain even more resources, yet may not generate enough property taxes to cover the cost of additional services needed.

In addition, more residents will also mean more traffic and even less parking. The traffic engineer admitted that Ridgewood has some of the worst traffic he has ever seen, especially on Franklin Avenue and around the schools. Unfortunately, pedestrian accidents occur monthly in Ridgewood.

Experts testified in front of the Planning Board with respect to car trips per day and opined that adding new housing developments to Ridgewood would not add to the amount of traffic in the CBD. These experts suppose that trips in and out of the new housing developments will only happen during early morning and early evening hours. My client strongly disagrees. Hundreds of new residents travelling in and around the CBD will certainly have a negative impact on traffic. Moreover, adding more school children to the already overcrowded schools will intensify the severe traffic in and around the Ridgewood school parking lots.

It is very unlikely that residents occupying "luxury apartments," especially empty nesters, will walk to the grocery store or to run errands, and unlikely they will haul bags of groceries up and down the streets of Ridgewood. If you are going to rent a luxury apartment to a husband and wife, irrespective of whether that apartment is located near the train station, it is our opinion that both husband and wife will have a car. And they will drive their cars, as all other Ridgewood residents do, at all times of the day. This is an affluent area. Residents will not want to be inconvenienced by walking. They will travel to Route 17, the shopping malls and surrounding towns, all via car, not by train. More residents will mean more cars, which will undoubtedly lead

to more traffic. What Ridgewood needs are traffic improvements, including widening of roads, upgrading of pedestrian crossings and the addition of traffic lights, not more cars.

There is no question parking is also one of the biggest problems in Ridgewood. There are not enough parking spaces in the CBD to support retail businesses. Shoppers drive around the block several times looking for a parking spot and then abandon their plans to shop or dine in Ridgewood. Plans to construct parking garages in the CBD have been discussed for years. However, Ridgewood has yet to see any parking improvements. Again, adding hundreds of residents to an already crowded downtown will worsen the parking situation. Retail businesses that are benefitting from a resurgence will surely be hit hard if nothing is done to improve the parking situation in the CBD and more cars are added to the mix.

Lastly, more residents will create more of a burden on Ridgewood's open space and dwindling natural areas. According to Ralph Currey, Chairperson of the Ridgewood Open Space Committee, Ridgewood does not currently have enough open space to adequately serve its residents. The ratio of recreational space per resident is already alarmingly low. Ridgewood also lacks sufficient athletic fields to serve its youth athletic programs. Higher density of residents plus the addition of more school-aged athletes will definitely put a further strain on open space.

G. CBR RECOMMENDS ADDRESSING THE PARKING CRISIS

As mentioned above and as previously discussed by the Planning Board members, parking is a crucial problem in Ridgewood. As a resident of Ho-Ho-Kus, I can tell you that I have a parking problem every time I go into Ridgewood, and I travel to Ridgewood frequently.

We believe the Planning Board should review the feasibility of acquiring at least one of the vacant sites under consideration for use as a municipal parking facility, and recommend that the Mayor and Council address the parking shortage *immediately*. The Borough of Westwood, by way of example, has been very successful in addressing its parking issues by acquiring properties for municipal parking over a period of several years.

Whether or not the Village is able to utilize all or a portion of one of the vacant properties for parking, we believe that the Village should mandate that any new housing developments include sufficient parking for residents and for retail space. As mentioned before, we believe that most new housing units will be leased to couples or families, and both heads of household will own a car. Any project that proposes one parking space per unit is not going to work, irrespective of its proximity to the train station.

The Village cannot afford any new projects that do not include sufficient parking. If a new housing development only allocates one parking space per unit, Ridgewood's already miserable parking situation will worsen. Occupants owning a second car will park it someplace else in the Village, which will take away a parking space for someone wishing to shop, dine or conduct business in the CBD. My client would therefore support a reasonably sized project in which there was a ground floor of commercial parking, followed by several stories of apartments at a reasonable density, with the stipulation that there was a complying number of parking spaces for residents.

H. CBR RECOMMENDS HEIGHT RESTRICTIONS

Lastly, the CBR strongly urges the Planning Board to consider enacting zoning laws that limit building height in order to preserve the historic beauty of the village and to protect the views of its residents. The character and architecture of the Village has developed for decades with height restrictions in place, and that has worked well. When developers run out of land and vacant space and want to increase their profits, the only other solution is to build up. The Planning Board must protect Ridgewood from this kind of excess building.

We do not support an increase above three stories and believe that three stories should be the absolute allowable maximum height for multi-use buildings. Limiting new development to three stories will avoid a change in the fundamental character of the Village. The Village of Ridgewood no longer allows residential developments to exceed two stories. Obviously, by enacting a two-story limit for residences, Ridgewood officials recognize that building heights that are out of character with Ridgewood may diminish the charm and appeal of the village. A three-story limit for multi-use developments is consistent with the limits and constraints imposed on single-family residences.

We do not agree with the argument that setting a maximum height will encourage developers to construct unattractive buildings with flat roofs. Developers know that buildings need to be attractive in order to be successful. Architectural requirements can address that issue. Height limits do not translate to substandard architecture. Similarly, raising the height limit won't guarantee good-looking buildings. Therefore, it is imperative that the Planning Board impose height limits of three stories with architectural standards and enforce them.

**I. RECOMMENDATION TO REPEAL ORDINANCE NO. 3066
AND STOP THE "FORMAL" PROCESS FOR FUTURE
MASTER PLAN AMENDMENT APPLICATIONS**

At the current time, the Planning Board has unfortunately been inundated with "Master Plan Amendment" applications. The Board is currently considering four mixed-use applications, as well as the Valley Hospital expansion application. We understand that a fifth mixed-use master plan amendment application was also filed. Our comments to the Planning Board relate only to the mixed-use applications.² We are unaware of any Planning Board in the State of New Jersey that has pending six Master Plan Amendment applications (five plus the Hospital proposed amendment).

We note that under land use law, use variances, other use "D" variances and bulk "C" variances, all involve proof of "negative criteria." To gain approval, the applicant must prove that the project is not detrimental to the public and does not violate the zone plan and Zoning Ordinances. Thus, it is relevant what the Master Plan provides in connection with any variance application in the Village.

It is also relevant that the initial expansion proposal put forth by the Valley Hospital, (prior to the revised application currently under review by the Planning Board), resulted in the adoption of Village of Ridgewood Ordinance 3066 (the "Ordinance"). Valley Hospital lobbied for the adoption of this Ordinance to avoid the need to prove a Use Variance before the Ridgewood Board of Adjustment, and to make it more likely that the hospital's application for expansion would be approved and defensible to potential legal challenge. Indeed, Charles

² We were counsel to the Concerned Residents of Ridgewood, Inc. ("CRR") but are not currently representing them before the Planning Board in the Valley Hospital expansion application, and this letter does not present the position of CRR.

Collins, Esq., counsel for the Valley Hospital, filed the first application requesting a "Master Plan Amendment" under the new Ordinance to allow the hospital expansion. The ink on the new Ordinance was not even "dry." It was the prior Mayor and Council who passed this Ordinance. Unfortunately, they did not foresee that the Ordinance would open the floodgates for Master Plan Amendment applications and would raise substantial and divisive issues in the Village.

When the Ordinance was adopted, it was not limited to Valley Hospital (even though, respectfully, we believe it was designed to facilitate the Valley Hospital expansion.) As a result, other developers have seen fit to "jump on the band wagon" and utilize the Ordinance to seek a "Master Plan Amendment" and a subsequent Zoning Ordinance change. Thus, because an Ordinance has now been adopted that allows an applicant to seek a Master Plan Amendment, there has been an abundance of Master Plan Amendment applications, which has made a mockery of the Master Plan process and the Board of Adjustment process.

The unforeseen consequence of the new Ordinance is that applicants are avoiding the need to seek a Use Variance before the Board of Adjustment. Instead, the favored procedure is to seek a Master Plan Amendment and subsequent Zoning Ordinance Amendment from the Planning Board in order to avoid the Ridgewood Board of Adjustment. This essentially diminishes the jurisdiction of the Ridgewood Board of Adjustment and is contrary to the Municipal Land Use Law. Therefore, it is our position that the current procedure being used to evaluate land use applications is both improper and invalid.

As a result of the Ordinance and the new methods employed by applicants, the Planning Board is now spending a great deal of time reviewing "Master Plan Amendments." There are six

applications pending, which require continuous Master Plan review, at a time when state law has moved in exactly the opposite direction. In fact, the Municipal Land Use Law ("MLUL") initially required municipalities to perform periodic reviews of their Master Plan every six years. However, a revision to the MLUL was made in 2011 relaxing the time period and requiring Master Plan re-examination only every ten years. As a result of the Ordinance paving the way for Master Plan Amendment requests, the Planning Board must go through a Master Plan review multiple times in a year. This has substantially increased the workload and strain on the Planning Board, and has created a need for additional analysis and discussion on top of the already time-consuming Valley Hospital discussions. Simply put, the amount of time required to review the Master Plan Amendment applications is a problem for the Village of Ridgewood.

We recognize the right of any property owner or interested party to seek a Zoning Ordinance change. We are also all aware of the legal prohibitions for "spot zoning." There are separate developers (exclusive of the Hospital) currently in front of the Planning Board representing five separate projects on different properties, each proposing a different height, a different density and a different use. They all seek a "Master Plan Amendment" (and thereafter a Zoning Ordinance Amendment) related to their specific property. These "Master Plan Amendment" applications have come in the form of what is tantamount to an actual site plan submission. There is nothing "Master" about them. There are specific plans, with specific setbacks, and specific criteria, proposed for each of the five separate properties. But after this "Master Plan" site plan review, assuming an Ordinance is adopted reflecting the Master Plan

Amendment, there will be yet another site plan review and a duplication of effort by the Planning Board.

We are respectfully trying to assist the Village of Ridgewood, its Planning Board, and its Mayor and Council with this "runaway" Master Plan Amendment process. After careful review, it is our position that Village of Ridgewood Ordinance 3066 should be repealed so that the Village of Ridgewood can return to an informal process of evaluating applications for development that most municipalities currently employ. With an informal process, if property developers or owners want to have a property rezoned, they can apply to do so informally; and if the Village (or Planning Board) does not want to consider the rezoning, they can just deny the application.

While we recognize that the Planning Board cannot repeal an Ordinance, we are also aware that the Mayor and one member of the Council serve as liaisons to the Planning Board. Also, if the issue of the efficacy and suitability of the Ordinance is ever called into question, we are aware that the Planning Board will have an opportunity to make a recommendation to the Mayor and Council whether or not to repeal the Ordinance. Therefore, one final, important recommendation of the CBR is to reverse the extreme Master Plan Amendment process and with it the Ordinance which serves as the authority for this process. We ask the Planning Board to take the lead on the recommended change and initiate the recommendation to the Village.

After discussing this with a number of land use attorneys regarding numerous Master Plan Amendment applications before a Planning Board, we have not found one attorney that had observed a situation like what exists in Ridgewood. I would surmise that there is not one single

municipality in the State of New Jersey that currently has six or more Master Plan Amendments pending before a planning board. In fact, I would venture to say that not one Planning Board has ever had six Master Plan Amendment applications in total in one year. Master Plans are reviewed generally, as a rule, on an entire zoning scheme, or various zones, or various issues, but not individual properties. Respectfully, we believe that the Ridgewood Planning Board is unique in considering these applications. Therefore, by copy of this letter, we are advising the Mayor and Council of our position with respect to this process and are also requesting the Mayor and Council to consider an immediate repeal of the Ordinance.

We believe that considering each of these Master Plan Amendment applications individually only becomes divisive, time-consuming and costly, and is not in the best of interest of the Village of Ridgewood. We are troubled that many concerned Ridgewood residents now have a new part-time job monitoring these numerous applications before the Planning Board instead of allowing the Board of Adjustment to deal with them when a developer seeks a use variance.

If the Village of Ridgewood were to repeal the Ordinance, this eliminates any obligation by the Planning Board to the applicants arguably created by the Ordinance. The Planning Board can therefore just say no. While the Ordinance allowing "Master Plan amendment" applications may subject the Planning Board to further legal challenges by unsuccessful applicants, and therefore additional expense, at the cost of the taxpayers, that possibility will be eliminated by a repeal of the Ordinance, as the Planning Board will have no obligation to consider a Master Plan amendment and can simply wait every 10 years to review its Master Plan.

The Planning Board already has had one challenge with respect to "Master Plan Spot Zoning" in connection with the CRR litigation. Although that lawsuit was settled and dismissed without prejudice, suffice it to say that when my firm represented CRR, we thought the Master Plan Spot Zoning was a significant legal issue and chose to include it in the Complaint. (A copy of that cause of action in the Complaint is attached hereto as **Exhibit "A"** for ease of reference.) Respectfully, the spot zoning argument is equally applicable to these five mixed-use applications.

We wish to clarify that we are not threatening to file a lawsuit as a result of this letter. It would be premature to make any decision because we have not seen a proposed Master Plan Amendment and we have not received the Planning Board's decision with regard to the five mixed-use applications. However, we want to emphasize that, in our opinion, there is a serious legal issue as to the propriety of the entire process. The simple fact that the Planning Board has been challenged with respect to the Master Plan Amendment process once before is yet another reason why we advocate a repeal of the Ordinance. Most likely, counsel for the Planning Board and counsel for the Village of Ridgewood have not been asked to review this specific legal issue. With all due respect, counsel probably just assumed that the generic Ordinance is appropriate. However, in light of the fact that there has been a challenge, irrespective of whether there is going to be a repeal or whether or not the Ordinance itself is valid, the Village attorney and/or Village Planning Board counsel should review the claims that the Ordinance is inappropriate as applied to these current projects. Even if the Ordinance is "legal," a repeal will eliminate the problems discussed in this letter.

* * *

The CBR wants to protect the Village of Ridgewood and is very wary of changing the zoning such that the floodgates are open for one enormous high-density new development after another. If housing development is left unrestrained, Ridgewood will be left with a housing density similar to some of the more urban cities in Bergen County, like Fort Lee, Hackensack and Englewood, and with it will come the accompanying problems of overcrowding and congestion.

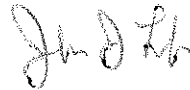
Again, we know of no other *surrounding* town that allows the excessive density per acre that is currently being proposed in Ridgewood in all or in part of its central business district. Therefore, we reiterate that the density of each project should be studied on a case-by-case basis—before the Board of Adjustment. It is imprudent and potentially harmful for the Planning Board to amend the Master Plan and to give approval to all five mixed-use projects at one time, also making it possible for other high-density housing developments to follow suit. The Planning Board and Mayor and Council owe it to the residents of Ridgewood to find a solution that preserves the quality of life, character and appeal of Ridgewood. They owe it to the residents not to make decisions that are simply too risky and only benefit four property owners.

Chairman Charles Nalbantian and All Board Members
Village of Ridgewood Planning Board
October 14, 2013
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We trust this adequately sets forth some of the global and general issues facing the Village. Please do not hesitate to contact me if you have any questions with regard to the above.

Very truly yours,



John J. Lamb

JJL:leb

Enclosure

cc: Village of Ridgewood Mayor and Council
Matthew S. Rogers, Esq. (Attorney for Village of Ridgewood)
Gail L. Price, Esq. (Attorney for Ridgewood Planning Board)
Citizens for a Better Ridgewood, Inc.
Attn: All Trustees

EXHIBIT “A”

BEATTIE PADOVANO, LLC
50 Chestnut Ridge Road
P.O. Box 244
Montvale, New Jersey 07645-0244
(201) 573-1810
Attorneys for Plaintiff, The Concerned Residents
of Ridgewood A NJ Non Profit Corporation

THE CONCERNED RESIDENTS OF
RIDGEWOOD A NJ NON PROFIT
CORPORATION,

Plaintiff,

-VS-

RIDGEWOOD PLANNING BOARD; VALLEY
HOSPITAL, INC., AND ITS AFFILIATES
AND/OR RELATED ENTITIES; JOHN DOES
1 - 5; and XYZ CORPORATIONS AND/OR
LIMITED LIABILITY COMPANIES A - E,

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BERGEN COUNTY

DOCKET NO.

8402-10

Civil Action

COMPLAINT IN LIEU OF
PREROGATIVE WRITS

RECEIVED

AUG 30 2010

SUPERIOR COURT OF NEW JERSEY
COUNTY OF BERGEN
FINANCE DIVISION

Plaintiff, **The Concerned Residents of Ridgewood A NJ Non Profit Corporation**, with offices c/o Beattie Padovano, LLC, 50 Chestnut Ridge Road, Montvale, New Jersey, 07645 (hereinafter "Plaintiff" or "CRR"), by way of Complaint In Lieu of Prerogative Writs against, Defendant, **Planning Board of the Village of Ridgewood**, with offices located at Ridgewood Village Hall, 131 North Maple Avenue, Ridgewood, New Jersey, 07451 (hereinafter the "Board" or "Planning Board"); and Defendant, **Valley Hospital, Inc.**, and its affiliates and/or related entities, located at 223 North Van Dien Avenue, Ridgewood, New Jersey, 07450 (hereinafter collectively referred to as "Valley," "Valley Hospital," or "Hospital"); and Defendants, **John**

II. SUBSTANTIVE CLAIMS



ELEVENTH COUNT

(Actions of the Board Constitute Unlawful
"Spot Zoning" and "Spot Planning")

127. Plaintiff repeats and makes a part hereof the allegations of the Preamble and the First through Tenth Counts of the Complaint as if fully set forth at length herein.

128. The MLUL contains provisions requiring "periodic" re-examinations of the Master Plan. These periodic reviews provide general guidelines and parameters for land use and zoning in a municipality.

129. The Application of Valley and the effort to obtain an amendment to the Master Plan involves a specific property, with specific plans, based upon specific expert testimony, that more properly should have been the subject of a use variance (or an amended use variance) application and/or site plan approval, especially because of the history of prior zoning approvals and the need to treat each expansion request as has been historically done over the course of the last 30+ years in the Village, for each Valley expansion.

130. The attempt to have a Master Plan Amendment geared to a specific plan(s) involving multiple concept plans on a specific piece of property based upon a specific range of proposals, and specific expert testimony concerning same, including even geotechnical review of the subject Property, where Valley in particular proposed numerous concept plans, is not the proper function of a Master Plan Amendment or Master Plan review procedure. It is more properly the subject of a specific application for approval of a use variance and/or site plan approval, or such other relief as is needed under the MLUL, as has historically been accomplished.

131. The application of Valley exceeded the scope of a Master Plan Amendment process and was contrary to the past handling of expansions and violates the MLUL.

132. The decision of the Board is null and void and invalid.

WHEREFORE, Plaintiff, The Concerned Residents of Ridgewood A NJ Non Profit Corporation, demands judgment against the Defendants, Ridgewood Planning Board; Valley Hospital Inc., and its Affiliates and/or Related Entities; John Does 1-5; and XYZ Corporations and/or Limited Liability Companies A-E, as follows:

- A. An Order reversing the decision of the Planning Board of the Village of Ridgewood approving the Master Plan Amendment and declaring the Master Plan Amendment void and of no effect;
- B. Declaring that the decision of Defendant Board is arbitrary, capricious, and unreasonable;
- C. Interest, costs of certain attorneys fees; and
- D. Such other relief as the Court deems just and equitable.

TWELFTH COUNT

(Master Plan Amendment that Encompasses Multiple Long-Term Phases, Extending Over a Long Period, and Includes a Proposed Expansion Over a 20+ Year Period, is Invalid)

133. Plaintiff repeats and makes a part hereof the allegations of the Preamble and the First through Eleventh Counts of the Complaint as if fully set forth at length herein.

134. The Master Plan Amendment adopted would permit Valley to undertake several long-term phases of the project and over a substantial period of time.

135. These phases would include a time period exceeding 20 years, as set forth in the Board's Resolution as a specific finding.

136. The MLUL specifically requires periodic reviews of the Master Plan at least once every six years. While reasonable phasing is permitted, it does not contemplate a Master Plan Amendment that would encompass multiple long-term phases of a project, and involving a