

RESOLUTION
PLANNING BOARD
TOWNSHIP OF LIVINGSTON, NEW JERSEY

Decided: February 3, 2015

Re: Application No. 2014-64-PFSPV
Applicant: Saint Barnabas Medical Center
Premises: 94 Old Short Hills Road, Livingston, New Jersey
Block: 7300; Lots: 5 & 6
Zone: HH

SUMMARY OF THE CASE

1. The Applicant is the owner of the subject premises in the HH Hospital Healthcare District on which it operates a hospital with related services providing medical care to the public. The Applicant proposes to make improvements to the existing facility: primarily to add a five-level west wing addition of approximately 244,944 square feet, and a four-level parking garage that would contain 411 parking spaces. The Applicant would also make general improvements to the existing campus facilities, would redesign and re-stripe the existing parking areas, and convert all patient rooms to private rather than shared rooms. The total number of patient beds would not be increased.

2. The Applicant was represented by Peter J. Carton, Esq., of Gibbons P.C. All jurisdictional requirements, including notice and publication, have been met and there are no overdue or unpaid taxes.

3. Testifying on behalf of the Applicant were:

A: Dr. Jack Bonanno, the CEO of the hospital, who oversees day-to-day operations.

B: Kelly Miller, R.A., of Francis Cauffman, who was admitted as an expert in architecture and who submitted the architectural plans presented to the Board under date of September 17, 2014 and which were amended by an undated exhibit, admitted in evidence on January 6, 2015 as Applicant Exhibit No. 26, that reflects changes to the design of the parking garage.

C: Christopher Cirrotti, P.E., of Dewberry Engineers, Inc., admitted as an expert in engineering and who prepared the Site Plans for the Application under date of November 12, 2014 and as partially revised in the course of the hearing.

D: Janet Sharkey, P.E., of Dewberry Engineers Inc., admitted as an expert in traffic engineering.

E: Michael Barber, a lighting consultant for the Applicant, admitted as an expert in lighting design.

4. The Board also received and considered the following:

A: October 3, 2014 report of the Livingston Environmental Commission.

B: Report of the Township Engineer and Township Planner dated October 13, 2014 and amended December 12, 2014.

C: Report of the Board's landscaping expert, Brian Conway, of Brian Conway Designs, LLC, dated October 24, 2014 and revised December 12, 2014.

D: Report of John J. Jahr, of Maser Consultants, P.A., dated January 2, 2014, who was retained as the Board's traffic expert.

E. All reports of experts submitted by the Applicant, and all written responses by such experts..

5. Hearings before the Board were held on December 2, 2014, December 16, 2014 and January 6, 2015.

FINDINGS OF FACT

1. The Applicant operates an existing hospital and medical center on the premises. The original building is approximately fifty (50) years old. Extensive renovations and expansion are necessary for the hospital to continue to meet current standards in quality and effective medical care. The proposed addition would provide private rooms only, and would allow conversion of all present patient rooms into private rooms; eliminating the necessity for shared rooms. Improvements would be made to the neonatal intensive care unit and other elements of the hospital; but there would be no significant increase in personnel. The parking garage would provide an increase in the total number of parking spaces and would allow visitors to park without the necessity to be outdoors in inclement

weather. Reconfigured surface parking would provide for staff parking on the westerly side of the property adjacent to the new wing and the garage. Entry to this staff parking area would be gate-controlled. Additional staff parking with shuttle service would be provided on the northerly side of the property, on adjacent Lot 4.01 in Block 7300 as previously approved by the Board in Application No. 2014-46 PFSPV-#4, and under a parking agreement at a Post Acute Care Facility to be built by Health Resources of New Jersey, L.L.C. on adjacent Lot 5.01 as approved by the Board in Application No. 2014-46-PFSPV-#3.

2. The proposed parking garage would have four levels, but the structure would be designed so that an additional two levels could be added if they were to become necessary. The roof parking would be open air, but is not anticipated to be used by arriving visitors except during daytime hours because visitor patterns at the hospital peak at 1:00 p.m. No trucks would be permitted to park on that level. The lighting for the rooftop level would be set on timers and would operate at 50% power output during nighttime hours from 9:30 p.m. to dawn. Upon suggestions by the Board and requests of neighbors who appeared, the Applicant made design changes during the course of the hearing so as to provide additional screening on the rear façade of the garage that faces the nearest residences. The revised design would provide for fixed louver panels to fully cover those areas of the rear façade that were previously proposed to be completely open. The result would be to block direct view of vehicle headlights from nearby residences but still allow air circulation. The new design is shown on the exhibit produced to the Board as Applicant Exhibit No. A-27. The lighting on the roof level would be by 15 light poles

measuring 20-feet above the floor with down-focused and shielded LEDs. Those lights would be on timer devices so that they would, from 9:30 p.m. to dawn, turn down to 50% of power output. Illumination of lower levels of the garage would also be by LED lights accurately directed to minimize or eliminate direct visibility from the nearest residential properties. The lighting expert presented by the Applicant demonstrated that occupants of the closest residences would not see any direct light or perceive any brightness from the garage lighting, including the roof lights.

3. The testimony of the Applicant's engineer demonstrated that the parking garage once constructed would shield a view of an existing illuminated surface parking area from nearby residential properties. Traffic circulation on Site has been redesigned to reduce the number of decision points for motorists so as to improve traffic and pedestrian safety. The access and exit points for the primary visitor surface parking area is being relocated. .

4. The hospital addition would be five stories and would have a new lobby with centralized registration. There would be 114 additional rooms, all private, located in the addition. It would be connected to the parking garage by an enclosed pedestrian bridge. The new and old wings will be connected. There will be separate curbside entry at the new wing for arrivals and a separate curbside exit at the old wing for patient departures.

5. The Applicant will improve landscaping. In the course of the hearing, the Applicant agreed to the addition of more plantings around the proposed staff parking area behind the new wing and garage, and along the detention basin, and to fill in identified

gaps on the property with new plantings to provide better screening. Shade trees and additional landscape plantings will be added to the redesigned visitors surface parking area and around the building. New way-finding and traffic control signage will improve traffic and pedestrian circulation.

6. Upon completion of the project proposed by the Applicant, the premises would have a total of 2,502 parking spaces. The existing parking provides 2,260 spaces currently at a 97% occupancy rate during peak visiting hours. The addition of 234 new spaces will alleviate parking problems that currently exist. Upon the presentation of the traffic calculations, the Board determined that no parking variance was required as the parking count exceeded the requirement of the Township Code of 2,491 spaces. This total was calculated by applying all Code requirements based on the various uses identified within the hospital operation.

7. The Application as amended in the course of the hearing includes improvements from the originally proposed redesign of the emergency room driveway. A second exit lane would be added to provide a dedicated left turn exit lane with a shared lane for through and right turn traffic. A minor shift in the signal timing of the light at Old Short Hills Road to improve exit time will be recommended to the County by the Applicant. Old Short Hills Road service level at the signal will remain at Level A.

8. The Applicant does not propose any increase in the number of patients since all present rooms will be converted to single-occupancy private rooms. There will be a very slight increase in staff, primarily house-keeping personnel who generally travel by bus.

- 9. The Applicant presented a phasing schedule, admitted into evidence as Applicant Exhibits 23-A and 23-B, that set forth six phases of the proposed construction, and addressed issues as to temporary parking arrangements for both visitors and staff during construction and surface parking redesign.

10 During the course of the hearing members of the public appeared to question witnesses presented by the Applicant. Those members of the public were: Jeff Mandelbaum, Robert Rashkes, Fred Rosenberg, and Samuel Gershwin. At the conclusion of the Applicant's case Robert Rashkes testified as to concerns he had about certain aspects of the Application.

11. During the hearing there were a number of conditions agreed to by the Applicant:

CONCLUSIONS OF THE BOARD

1. The Board concludes and finds that the Application meets the requirements for Preliminary and Final Site Plan approval and is granted subject to the conditions set forth herein. The Board finds that the proposed expansion of a public hospital facility is an inherently beneficial use and is consistent with the zoning for the premises.
2. The Board finds that the parking proposed by the Applicant is adequate and meets Township Code requirements based upon the building utilization shown on the Plans and as otherwise set forth on the record; so that no variance for parking is required. Any future change in utilization within the property will require

submission to the Zoning Officer for determination as to whether the change in utilization will result in a parking inadequacy and whether or not further action by this Board is required.

3. The Board finds and concludes that the changes in traffic circulation, way-finding signs, traffic signs and signal control will improve present conditions and adequately mitigate any changes in traffic volume or flow created by the Application.
4. The Application is approved subject to the following conditions agreed to by the Applicant:
 - 1.. Prior to the issuance of any permits other than a Tree Removal Permit:
 - A. Documentation of water quality improvement due to reduction of non-roof impervious runoff shall be submitted to the Township Engineer for approval.
 - B. Applicant's revised proposed stormwater management plan, sanitary sewer system details, water demand and hydraulic analysis, all in form and content acceptable to the Township Engineer shall have been submitted to that official for approval.
 - C. The Site Plans and architectural renderings shall be revised and supplemented to accurately show all changes agreed to in the course of the hearing in writing or on the oral record.

2. Lighting for the garage roof shall be on timers that shall reduce the lights to 50% power out-put from 9:30 P.M. to dawn.
3. At the ramp to the garage roof, signage that prohibits truck parking on the roof shall be provided.
4. Prior to the issuance of any CO, the Applicant shall submit to the Township Engineer a report, from an expert acceptable to the Township Engineer, certifying that State standards for suppression or attenuation of sound from mechanical equipment and emergency generators actually installed have been met.
5. The Board retains jurisdiction over all building wall and building entrance signs, and also over way-finding/directional signs not approved by the Township Engineer.
6. Any future proposed changes in uses on the property shall be submitted to the Zoning Officer for that official's determination of whether additional parking is required and, if so, whether action by the Planning Board will be required.
7. The Board's Model Conditions of Approval attached hereto are incorporated herein.

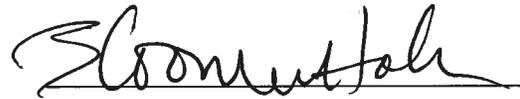
NOW THEREFORE, for the reasons set forth herein and as stated on the record by the Members of the Planning Board of the Township of Livingston it is resolved that

Preliminary and Final Site Plan approval be and is hereby granted and approved subject to the terms and conditions set forth herein.



Peter M. Klein, Chairperson

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Planning Board of the Township of Livingston on February 3, 2015, wherein Board Members Anthony, Kalishman, Kimmel, Leopold, Meade, Santola, Alternate No. 2 Wishnew (in place and stead of Member Ratner) and Chairman Klein all voted in favor of the Application; they being all of the Members present and eligible to vote.



Jackie Coombs Hollis, Secretary

Model Conditions of
Approval
(As Amended through
February 12, 2013)

Every application turns on its own facts and is judged on its own merits. Listed below are models of conditions which may be considered “standard”. A standard can be tailored to specific circumstances, and may not always apply. Other or additional conditions may be tailored for any application.

1. Architecture

- a. Rooftop ancillary structures and equipment (other than alternative small energy systems and communications equipment) shall be screened by material compatible with the exterior finish of the building and matching the exterior color of the building as closely as possible.

- b. Enclosures of trash bins, recycling bins or dumpsters shall be of the same type of materials and the same color as the exterior finish of the building.

2. Blasting

In the event that blasting be necessary on the Site, the following conditions shall apply in addition to all requirements of federal law or regulations:

- a. All blasting operations shall be performed in strict compliance with N.J.S.A. 21:1A-128 *et seq.* and N.J.A.C. 12:190-1.1 *et seq.*, or superseding requirements.
- b. A pre-blast inspection of all structures on all properties adjacent to the Site or within 200 feet of the intended blasting location (whichever is the greater distance) shall be conducted at Applicant's expense. It shall be conducted no more than 60, nor less than 30, days before blasting commences. A written report of the inspection results shall be provided to the owner of each structure inspected within 10 days after completion of the inspection.
- c. Blasting shall occur only between 10:00 a.m. and 3:00 p.m. on Monday through Friday. Blasting during other hours may be permitted, temporarily, by the Township Engineer upon his finding that a condition constituting an emergency exists and necessitates such permission.
- d. Applicant shall coordinate all blasting with the Livingston Police and Fire Departments. If traffic control is required, it shall be provided at Applicant's expense.
- e. Applicant shall give the Township Engineer, the Chief of Police, the Fire Chief, and all owners of structures required to be inspected under "b" above, written notice of scheduled blasting operations to be received not less than 20 days, nor more than 40 days, prior to their commencement. If scheduled blasting operations are delayed or suspended they shall not be resumed until new notice has been given and received. All notices shall include the name and telephone number of Applicant's representative for purposes of receiving and responding to questions and comments.
- f. These conditions do not supersede any requirements of law or regulation that are more strict or restrictive.

3. Cleanliness During Demolition or Construction

- a. At the close of each work day the Site shall be thoroughly cleaned and all trash and construction debris, including that within buildings under construction, shall be placed in covered dumpsters. Dumpsters shall be removed from the Site, and replaced, before they overflow.
- b. Not less often than weekly, and whenever else required by the Construction Official or the Township Engineer, the public streets adjacent to the Site shall be manually or mechanically broom swept to remove dirt, mud or debris originating from the Site and located within 500 feet of the Site.
- c. Dust suppression methods acceptable to the Construction Official and the Township Engineer shall be utilized on the Site.

4. Deeds & Easements

- a. All conditions of approval that are continuing conditions shall be set forth within all deeds executed with regard to the Site.
- b. All deeds, easements, dedications or restrictions required by this approval shall be subject to review and approval by the Board Attorney prior to signing and shall be filed for recordation after such approval. The Applicant shall submit proof of such recordation to the Board Secretary, the Township Engineer and the Construction Official prior to the issuance of any permits.

5. Detention Basins

- a. Stormwater management basins shall be established on lots created for that purpose only. No structures that are not an approved part of the stormwater management system shall be erected on any such lot. Such basins, together with their required landscaping and fencing, shall be completed, and shall have been inspected and approved by the Township Engineer, prior to issuance of the first Certificate of Occupancy.
- b. If the approval of the Application calls for title to such a lot to be transferred to the Township; at such time as the Township accepts any new streets or roads on the Site, title to the lot shall be conveyed to the Township provided that the Township Engineer is then satisfied that the basin has been constructed in full compliance with all applicable requirements. The deed conveying such title shall be subject to prior approval by both the Board Attorney and the Township Attorney.

- c. A maintenance plan meeting the requirements of the Residential Site Improvement Standards or the Township's Stormwater Control Ordinance, or both, as applicable, shall be prepared by Applicant and shall have received the approval of the Township Engineer prior to issuance of any construction permit. Any future revisions to the maintenance plan shall not become effective until the Township Engineer's approval shall have been obtained.
- d. Unless maintenance of the basin is assumed by the Township or a public agency as its direct responsibility, (1) the maintenance plan and any future revisions of it shall be recorded upon the deed of record for the property in terms approved in advance by both the Board Attorney and the Township Attorney; and, (2) the Applicant shall provide a performance bond for such maintenance, including landscaping and cleanliness.

6. Final Plans

Prior to the issuance of any Township permit for demolition of any structure, preparation of the Site, or construction of any improvement:

- a. The full text of all of the conditions of this approval, and all plan changes agreed to in the course of the hearing, shall be set out on final plans submitted to the Construction Official, the Township Engineer and the Board Secretary; and
- b. Such final plans shall have been reviewed by the Board Secretary or the Board's Planning Consultant for determination of whether the plans conform to the Board's approvals and shall then have been signed by the Board Chairman, the Board Secretary and the Township Engineer.
- c. Such final plans shall comply with the Uniform Construction Code and the Barrier Free Subcode as then in force in the State of New Jersey. If, during performance of work pursuant to the Board's resolution and permits that have been issued, field conditions indicate need for change(s), such need shall be called to the attention of both the Construction Official and the Township Engineer for approval of any such change before it is implemented. If any such change is significant, permission to amend the Site Plan may have to be sought from the Planning Board. Until all requirements under approved plans and the Uniform Construction Code, including accessibility requirements, have been completed or bonded, any certificates of occupancy issued shall be temporary certificates only.

7. Flood Hazards

- a. Insert on the final site plan and/or subdivision map a metes and bounds description of all flood hazard areas located on the Site.
- b. Insert in all deeds for individual lots that contain or are adjacent to flood hazard areas, and on the preliminary and final subdivision maps or plats, the following covenant: “The lands designated herein contain flood hazard areas. There shall be no disturbance of any kind as to any flood hazard area unless permitted by N.J.D.E.P. pursuant to the Flood Hazard Control Act, N.J.S.A. 58:16A-50 *et. seq.* or superseding requirements.”

8. Guarantees and Bonds

- a. The approval of this Application is subject to the posting, with terms acceptable to the Township Engineer, of any and all required performance guarantees, bonds, soil erosion and sediment control approvals, and any other requirements of Township ordinances prior to the issuance of any permits for commencement of site preparation or construction.
- b. This approval is also conditioned upon the Applicant’s providing, prior to issuance of the first Certificate of Occupancy, a performance guarantee acceptable to the Township Engineer for any aspects of the approved landscaping or fencing that has not been completed by the time of issuance of such certificate.

9. Landscaping & Environmental Protection

- a. All deciduous trees planted shall have a caliper of not less than 2.5 inches measured at a height of 4.5 feet above ground level. All evergreen trees planted shall have a height of 6.0 to 8.0 feet.
- b. Street shade trees shall be planted as required by Township Code § 170-72 and shall not be included in the calculation of Replacement Trees required by the Trees Ordinance.
- c. Any tree or other planting installed in accordance with the plans which dies shall be replaced, within the current or next planting season, in kind and at the same size as it had reached at the time of death; except that if it died more than three years after planting its replacement need not be larger than the size it had reached three years after planting. The same replacement requirements shall apply to any tree or other planting

installed in accordance with the plans if subsequently removed because of damage or disease.

- d. No tree existing on the Site at the time of filing of the application shall be removed unless removal is approved under the Trees Ordinance or by this Board. Every existing tree to be preserved shall be tagged and shall be shown on the Site Plan or Subdivision Plan. During site preparation and during construction, each such tree shall be protected by snow fencing or a more substantial means approved by the Construction Official. No soils, excavated materials, or any construction equipment or building materials, shall be stored or operated within a root protection zone that shall be the greater distance of (i) the crown drip line, or (ii) a distance equal to caliper multiplied by one (1) foot, (but never less than eight (8) feet from the trunk of a tree to be preserved), or anywhere else where such soil or materials can adversely affect the health of trees to be preserved. All work done within the root protection zone shall be accomplished with hand tools.
- e. The grade of land located within the root protection zone shall not be raised or lowered more than three (3) inches unless compensated for by welling or retaining wall methods; but in no event shall welling or retaining walls be installed less than eight (8) feet from the trunk of a tree.
- f. During site preparation or construction, no fuel storage, and no refueling, maintenance, repair or washdown of construction vehicles or equipment, shall occur within fifty (50) feet of any tree to be preserved.
- g. Any provision of the Trees Ordinance, Chapter 306 of the Code of the Township of Livingston, that establishes a conflicting standard or requirement shall control.
- h. No mulch shall be placed, or allowed to accumulate, within six inches of the trunk of any tree or shrub planted on the Site in compliance with this resolution. Mulch shall not be applied, or allowed to accumulate, elsewhere within the drip line of the tree or shrub to a depth in excess of four inches.

10. Noise

- a. No site preparation, demolition or construction activity shall be performed on the Site on Sundays, or before 7:30 a.m. or after 5:00 p.m. on weekdays, or before 9:00 a.m. or after 5:00 p.m. on Saturdays or federal holidays.
- b. All vehicles and motorized machinery operated on the Site shall be equipped with properly operating mufflers.

- c. No site preparation, demolition or construction activity (other than authorized blasting) shall produce, at the property line, (i) continuous airborne sound at a sound level in excess of 65 dBa, or which has an octave band sound pressure level in decibels which exceeds the standards provided in 32 N.J.R. 2230 et. seq., or (ii) impulsive sound in air which has a peak sound pressure level in excess of 80 decibels, or (iii) impulsive sound in air which repeats more than four times in any hour and has a peak sound pressure level in excess of 50 decibels.
- d. Relief from these noise conditions may be permitted, temporarily, by the Township Engineer upon his finding that a circumstance constituting an emergency exists and necessitates such permission.

11. Other Governmental Approvals

- a. Applicant shall comply with all applicable Federal, State and local laws and regulations and obtain any other governmental approvals required for implementation of this application as approved. If any other governmental agency or authority grants a waiver of or variance from any law, rule or regulation, or imposes any condition or requirement, which affects this approval or any of the conditions contained herein, then this Board shall have the right to review such action as it relates to this Board's approval or conditions and to modify, amend or revoke its approval and/or conditions.
- b. No Township permit for demolition of any structure, or preparation of the Site or construction of any improvement shall be issued until proof of request for such required approvals and any action thereupon, shall have been presented to the Construction Official and the Board Secretary by the Applicant.

12. Paving and Sidewalks

- a. Applicant shall install the top course of street paving:
 - (1) For residential development not later than the earlier of three (3) years after the issuance of the first Certificate of Occupancy or three (3) months after fifty percent (50%) of residential units have received Certificates of Occupancy.
 - (2) For non-residential or mixed-use development, prior to issuance of the first Certificate of Occupancy.

b. All manholes, catch basins, and driveway curbs shall be ramped until the top course of street paving has been installed.

c. All sidewalks shall be constructed of concrete or of non-asphalt pavers and shall be not less than four feet wide in a residence district or five feet wide in the Business Improvement District. Existing sidewalks that do not meet prior Township Code requirements shall be replaced to the standard for the new sidewalks.

13. Signs

The Board retains jurisdiction over any and all signs until the final Certificate of Occupancy has been issued.

14. Traffic and Parking Safety and Enforcement

- a. At the time of applying for a building permit the Applicant shall submit proof of having filed a written request pursuant to, and in accordance with, N.J.S.A. 39:5A-1, requesting that N.J.S.A. 39:1-1 *et seq.* be made applicable to the roads, streets, driveways, parking areas, etc. within the Site. The Applicant shall provide proof of the governmental action on such request to the Construction Official prior to issuance of the final Certificate of Occupancy.
- b. Lines of sight established for entrance and exit driveways of the Site shall be shown on the as-built site plans, and no structures, trees or plants that would interfere with such lines of sight shall be permitted at any time.
- c. All traffic and parking provisions in the approved site plans or otherwise required by the Board's resolution shall be accomplished prior to issuance of the first Certificate of Occupancy.
- d. The Applicant shall comply with State law and applicable Township ordinances regarding handicapped parking and shall maintain such spaces and all the traffic and parking signage and markings on the Site in good order and repair.

15. Utilities for Site Plans and Major Subdivisions

Applicant shall construct all utilities underground as required by law, and shall submit to the Engineering Department a written instrument from each serving utility

evidencing full compliance with this condition and with Township Code §170-73.A.(17) before issuance of any Certificate of Occupancy.

16. Wetlands

- a. Applicant shall insert on the final subdivision map and/or site plan a metes and bounds description of all wetlands, wetlands transition areas, and buffers on the Site.
- b. Where applicable, each deed for a lot, and the subdivision plat, shall contain the following language: “The lands designated herein contain wetlands and wetlands transition areas. There shall be no disturbance of any kind as to any wetlands or wetlands transition areas unless permitted by N.J.D.E.P. pursuant to law, and Best Management Practices (as defined in N.J.A.C. 7:7A-1.4 or superseding requirements) for prevention or reduction of adverse impacts upon or pollution of wetlands, wetlands transition areas and buffers shall be followed at all times. This restrictive covenant shall run with the land and be binding upon the grantees, their heirs and successors and assigns.

17. Developer’s Agreement

Prior to issuance of any permit for site preparation, or construction, the Applicant shall have entered into a Developer’s Agreement negotiated with the Township Attorney in conjunction with the Township Engineer.

18. Written Response to Memoranda

Prior to issuance of any permit for site preparation, demolition or construction, the Applicant shall have provided written responses to all issues raised in all memoranda from the Township Engineer, or any consultant to the Township, that were considered by the Board in the hearings.

19. As-built Plans

A final Certificate of Occupancy shall not be issued until the Applicant shall have submitted to the Construction Official four (4) properly signed and sealed copies each of as-built site plans, surveys and building elevations.