

Ridgewood residents' suit attacks decision to allow Valley Hospital expansion

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RIDGEWOOD — A Planning Board decision that would allow a major expansion of The Valley Hospital will upend the village's "way of life" and should be overturned, a group of residents argued in a lawsuit filed this week.

The suit, filed late Monday in state Superior Court in Hackensack by the Concerned Residents of Ridgewood, asks the court to void a June 21 decision to amend the village's master plan. The court should declare the decision "arbitrary, capricious and unreasonable," the suit says.

The decision "is simply wrong for Ridgewood, and the residents are asking the court to reverse the decision," said Paul Gould, a spokesman for the citizens' group.

The hospital's expansion on an already overdeveloped 15½-acre parcel, surrounded by houses on three sides, would be detrimental to nearby homes, the neighborhood, the adjacent Benjamin Franklin Middle School and the entire village's "way of life," the suit says. It names the Planning Board and the hospital, which applied for the master plan amendment, as defendants.

"We're looking into how the village will proceed from this point,' Mayor Keith Killion said Tuesday. The master plan amendment must still be approved by the Village Council, which was waiting for the election of a new council member in November to replace the late Anne Zusy. After that, the proposed \$750 million project would still require site plan review by the Planning Board.

The lawsuit is the latest round in a controversy that has divided the village for nearly four years and pitted neighbor against neighbor.

The contentious meeting at which the Planning Board decided to amend the master plan drew more than 700 people — and is cited in the lawsuit for alleged violations of the Open Public Meetings Act.

An angry crowd of 300 was locked out of the meeting once the 430-seat auditorium reached capacity, and Ridgewood police asked for assistance from three other towns, the Sheriff's Department, county police and a K-9 unit. They placed barriers to separate the Valley supporters from the opponents.

The meeting is cited in two of the lawsuit's 17 counts against the board. "Doors were

closed to the hearing, and a substantial number of people were not allowed entrance,” the suit notes. It also alleges that village officials made a “concerted effort to restrict and limit parking” to avoid public participation.

The hospital first presented its proposal for what it calls “The Valley Renewal” in 2006. It calls for tearing down two 1960s-era structures and constructing three buildings as well as a six-story parking garage. Hospital officials have said the plan only adds three beds, but allows the hospital to convert double patient rooms into private rooms and create larger treatment areas to handle state-of-the-art technology to preserve the level of care it’s known for.

“It is disappointing that a small group of people, largely those who live in the hospital’s neighborhood, are attacking the village and its Planning Board to delay a project that will serve so many people of our region for years to come,” said Megan Fraser, the hospital’s spokeswoman. “After almost four years and 35 meetings that included exhaustive testimony, investigation and disclosure, the suit is an unfortunate step in the wrong direction.”

Citing support cards received over the last few years from more than 6,000 people, she said that thousands of residents of Ridgewood and beyond support the hospital’s proposal.

Concerned Residents of Ridgewood has raised “enough [funds] to cover all our costs and begin to build a war chest” to pursue legal action, said Gould. The group has retained attorney John L. Lamb of the Beattie Padovano law firm in Montvale.

The suit cites several procedural flaws in the Planning Board’s deliberations, including problems with insufficient public notice. It says that both former Mayor David Pfund, who sat on the board, and Richard Fricke, a former board vice chairman, had conflicts that should have prevented them from participating in the deliberations. Both disclosed their relationships with the hospital, the suit said, but that was not enough.

The mayor’s father was a hospital trustee until 2002 and both his parents “are listed as member of Vista, part of the Valley Hospital Foundation,” it said. The vice chairman’s daughter received a nursing scholarship from the hospital and he was involved in fund-raising activities for which Valley was the recipient, the suit said.

The suit charges that Valley used the amendment process to make an end run around the usual requirements for variances and land-use approval and that the Planning Board’s decision constituted “spot zoning.”

“Valley Hospital may have started as a local hospital,” it said, but “it now has its sights on becoming the major regional hospital, even though this particular location ... simply does not lend itself to any substantial expansion.”

The village had not yet been served with the suit, said Village Manager Ken Gabbert,

who said he could not respond to its specifics. The suit's filing is "unfortunate because the Planning Board went through a very thorough process," he said.

The council isn't expected to begin talking about the master plan amendment until after the first of the year, once the new council member is elected and has the chance to "read up on it," Gabbert said.

Councilman Paul Aronsohn also said he couldn't speak on the details, but added, "This is an extremely important issue and we need to get it right rather than get it fast."

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