

Regular Public Meeting of the Englewood Cliffs Planning Board
Minutes
November 12, 2015

The Regular Meeting of the Englewood Cliffs Planning Board was called to order by Chairman Fehre at 7:30 PM.

Present at Roll Call:

Mr. Fehre
Mr. Dooly
Mr. Chinman
Mr. Kilmartin
Mr. Trovato
Mr. Sean Kim, 4th Alternate
Mayor Joseph Parisi, Jr.

Absent:

Ms. Rosenberg
Mr. Nikow
Mr. K. Kim, 1st Alternate
Mr. Duffy, 2rd Alternate
Councilwoman Oh

Also Present:

Bernard Mirandi, PE, of Boswell Engineering, the Borough's consulting engineer
Michael Kates, Esq., of Kates Nussman Rapone Ellis & Farhi, the Board's attorneys.

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, The Star Ledger, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace.

Flag Salute led by: Mr. R. Kilmartin

The minutes of October 8, 2015, motioned by Mr. Kilmartin seconded by Mr. Trovato were approved by voice vote.

Old Business:

Application #242K - Conopco, Inc. - 800 Sylvan Avenue - Block 910 - Lot 1
Dismissal without prejudice for failure to proceed

Chairman Fehre asked for a motion to dismiss without prejudice for failure to proceed. Motion was made by Mr. Chinman, seconded by Mr. Surace and carried unanimously by voice vote.

Application #243K - Duke Evans – 33 Sylvan Avenue – Block 205 – Lot 2
Dismissal without prejudice for failure to proceed

Chairman Fehre asked for a motion to dismiss without prejudice for failure to proceed. Motion was made by Mr. Kilmartin, seconded by Mr. Trovato and carried unanimously by voice vote.

Application #238K - Estate of Josephine Mauro – 361, 365, 369 Mauro
Block 406 – Lots 1,2,3
Applicant's request for extension of time

Chairman Fehre asked for a motion to give extension of time. Motion was made by Mr. Trovato, seconded by Mr. Dooly and carried unanimously by voice vote.

New Business:

Application #251K - New Home Site Plan Approval
Mr. & Mrs. Civan – 560 Floyd St. – Block 609 – Lot 10
Request for Reconsideration

Mayor Parisi at 7:34 pm requested to be recused due to him being within 200ft.

Mr. Cereste gave a brief description of the application and the changes that they are planning to bring to the board for the reconsideration.

Mr. Kates stated that as per the boards by laws they do allow this to be done as long as it is within a certain time limit which they are well within.

Chairman Fehre asked for a motion for reconsideration with new notification and publication. Motion was made by Mr. Chinman, seconded by Mr. Surace and carried unanimously by voice vote.

Mayor Parisi re-entered the meeting at 7:48 pm.

Application #252K - Sign Approval
Englewood Cliffs Board of Education
143 Charlotte Place – Block 409 – Lot 17

Application #253K - Sign Approval
Englewood Cliffs Board of Education
700 Floyd Street – Block 908 – Lot 7

These two applications were heard together.

Mr. George Drimones, 71 John Street Englewood Cliffs, Board of Education Member requested that the board approve the two signs which will be lit from 7 am – 11 pm. These signs will be informational for the school and community.

Chairman Fehre asked how bright the signs will be. Mr. Drimones stated he wasn't sure.

Mayor Parisi questioned that the old signs where lit as well but not LED. Mr. Drimones stated yes.

Mr. Drimones stated that there is a brightness sensor that will turn it down during the day, and come up at night with a maximum of 8000 nits. The sign will be like the one on the Borough property.

Mayor Parisi stated he thinks these signs will be no different to the one the Borough has on Hudson Terrace. The Mayor requested to maybe make the turn off for 10pm instead of 11 pm. Mayor Parisi feels that these signs will not be bothersome to the residential properties due to them being set back into the property.

Mr. Mirandi stated that he drove passed both properties and feel that the location of the signs would not be a problem. The present signs have the top band lit which was not that bright.

Mayor Parisi stated if we can make the motion to approve with conditions that our site plan committee go out and see these signs at night to see how bright they are and if they would affect the residential properties. If the site plan committee feels they are not affecting the residential areas then the approval holds.

Beatrice Zenizo, 730 Floyd Street Englewood Cliffs, Englewood Cliffs PTA President stated that the LED lights can be either blue, red or white in color. It will not be flashing and will be used just for announcements which will be in one color.

Mr. Trovato questioned if it will be on for 7 days a week. Mr. Drimones stated yes.

Chairman Fehre asked for a motion to open to public. Motion was made by Mr. Kilmartin, seconded by Mr. Dooly and carried unanimously by voice vote.

Mr. Gilbert Weissbare, 331 Elisa Drive Englewood Cliffs, NJ wanted to know where the light is going to be placed? Mr. Trovato stated in the same location as the old signs. Mr. Weissbare was informed that it is a sign he was under the impression that it was new lighting on the property. Once he was informed of the misunderstanding he had no objection.

Michael Kates stated the conditions to the approval are to be 1- sign to be on from 7 am – 10 pm unless there is an activity at the school, 2- subject to the site plan committee going out in the evening to see if there is a problem with the illumination and then they will have to either lower the lighting or come back for a different approval.

Mayor Parisi requested an additional condition that if there was a Borough emergency i.e. "Sandy Storm" that the Borough would be able to use them for information to the residents.

Michael Kates stated it can be added.

Voting for these two applications will be done separately.

Chairman Fehre asked for a motion to approve application #252K with conditions. Motion was made by Mr. Trovato, seconded by Mr. Kilmartin. This motion was passed by roll-call vote. 8 Ayes (Mr. Fehre, Mr. Dooly, Mr. Chinman, Mr. Kilmartin, Mr. Trovato, Mr. Surace, Mr. S. Kim, Mayor Parisi), No Nays, No Abstentions.

Chairman Fehre asked for a motion to approve application #253K with conditions. Motion was made by Mr. Trovato, seconded by Mr. Kilmartin. This motion was passed by roll-call vote. 8 Ayes (Mr. Fehre, Mr. Dooly, Mr. Chinman, Mr. Kilmartin, Mr. Trovato, Mr. Surace, Mr. S. Kim, Mayor Parisi), No Nays, No Abstentions.

Application #254K - Site Plan Approval – Parking Garage
Conopco, Inc. – 700 Sylvan Avenue
Block 806 – Lot 7 & Block 808 – Lot 9

See attached transcripts.

Chairman Fehre announced the Master Plan Committee report in regards to a resolution to hire another planner to review the height limitations in regards to the LG site and B2 zone.

Michael Kates read over the resolution in regards to hiring Phillips Preiss Grygel, LLC.

Mayor Parisi requested a motion to approve the resolution seconded by Mr. Chinman. This motion was passed by roll-call vote. 8 Ayes (Mr. Fehre, Mr. Dooly, Mr. Chinman, Mr. Kilmartin, Mr. Trovato, Mr. Surace, Mr. S. Kim, Mayor Parisi), No Nays, No Abstentions.

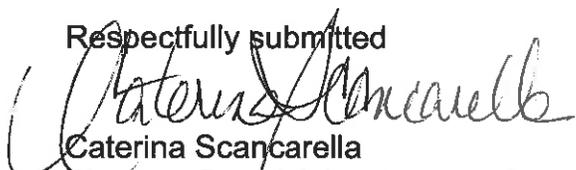
Chairman Fehre opened to public.

Caren Geiger, 270 Alfred Avenue, Englewood Cliffs was representing the Concerned Citizens of Englewood Cliffs, NJ wanted to let the board know that we support the LG project as depicted in the settlement agreement. She was requesting that Phillips Preiss Grygel, LLC report be submitted as soon as possible so that it doesn't hold up the project any longer.

Mary O'Shea, 12 Irving Avenue, Englewood Cliffs, wanted to know which members were on the Master Plan Committee. Chairman Fehre stated himself, Mr. Surace, Mr. S. Kim and Mr. Trovato.

Chairman Fehre asked for a motion to closed the public and adjourn the meeting at 10:42pm. Motion was made by Mr. Chinman, seconded by Mr. Dooly and carried unanimously by voice vote.

Respectfully submitted



Caterina Scancarella

Planning Board Administrative Secretary

ENGLEWOOD CLIFFS PLANNING BOARD

REGULAR MEETING – November 12, 2015 7:30 PM

10 Kahn Terrace, Englewood Cliffs, NJ

CALL TO ORDER

The meeting of the Englewood Cliffs Planning Board will come to order this (date). The time is (time).

"OPEN PUBLIC MEETINGS ACT" STATEMENT

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, Star Ledger, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace, Englewood Cliffs.

ROLL CALL

FLAG SALUTE LED BY:

APPROVAL OF MINUTES: October 8, 2015

OLD BUSINESS:

Application #242K - Conopco, Inc. – 800 Sylvan Ave. – Block 910 – Lot 1
Dismissal without prejudice for failure to proceed

Application #243K - Duke Evans – 32 Sylvan Avenue – Block 205 – Lot 2
Dismissal without prejudice for failure to proceed

Application #238K - Estate of Josephine Mauro - 361, 365, 369 Mauro – Block 406 – Lots 1, 2, 3
Applicant's request for extension of time

NEW BUSINESS:

Application #251K - New Home Site Plan Approval
Mr. & Mrs. Civan – 560 Floyd St. – Block 609 - Lot 10
Request for Reconsideration

Application #252K - Sign Approval
Board of Education – 143 Charlotte Place – Block 409 – Lot 17

Application #253K - Sign Approval
Board of Education – 700 Floyd Street – Block 908 – Lot 7

Application #254K - Site Plan Approval – Parking Garage
Conopco, Inc. – 700 Sylvan Avenue – Block 806 – Lot 7 & Block 808 – Lot 9

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

COMMITTEE COMMENTS:

Master Plan Committee

ADJOURNMENT

In The Matter Of:
Conopco, Inc. Application for Site Plan

Transcript of Proceedings
November 12, 2015

Paone & Associates
36 Tomahawk Trail
Denville, NJ 07834
(973) 586-3272 - Phone
(973)-664-0721 - Fax

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1 BOROUGH OF ENGLEWOOD CLIFFS PLANNING BOARD
 2 REGULAR MEETING - NOVEMBER 12, 2015, 7:30 P.M.
 3 10 KAHN TERRACE
 4 ENGLEWOOD CLIFFS, NEW JERSEY

5 -----
 6 IN THE MATTER OF: }
 7 APPLICATION #245K, } TRANSCRIPT
 8 CONOPCO, INC. - 700 SYLVAN } OF PROCEEDINGS
 9 AVENUE - BLOCK 806, LOT 7 }
 10 AND BLOCK 808, LOT 9, }
 11 -----

12 B E F O R E:

13 ENGLEWOOD CLIFFS PLANNING BOARD
 14 THERE BEING PRESENT:

15 EDWIN FEHRE, CHAIRMAN
 16 DANIEL DOOLY, MEMBER
 17 JEFFERSON CHINMAN, MEMBER
 18 MATTHEW TROVATO, MEMBER
 19 RONALD KILMARTIN, MEMBER
 20 VINCENT SURACE, 3RD ALTERNATE
 21 SEAN SEUNG KIM, 4TH ALTERNATE

22
 23 PAONE & ASSOCIATES
 24 Certified Court Reporters
 25 36 Tomahawk Trail
 Denville, NJ 07834
 (973) 586-3272

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1 ALSO PRESENT:
 2 BERNARD N. MIRANDI, P.E., CME, BOROUGH ENGINEER
 3 CATERINA SCANCARELLA, PLANNING BOARD SECRETARY
 4 MAYOR JOSEPH C. PARISI, JR.

5 A P P E A R A N C E S:

6 KATES, NUSSMAN, RAPONE, ELLIS & FARHI, LLP
 7 190 Moore Street, Suite 306
 8 Hackensack, New Jersey 07601
 9 BY: MICHAEL B. KATES, ESQ.
 10 Counsel for Planning Board

11 DE COTIIS, FITZPATRICK & COLE, LLP
 12 500 Frank W. Burr Boulevard, Glenpointe Center West
 13 Teaneck, New Jersey 07666
 14 BY: MICHAEL PROFITA, ESQ.
 15 Counsel for Applicant

16 ALBERT BUZZETTI & ASSOCIATES, LLC
 17 467 Sylvan Avenue
 18 Englewood Cliffs, New Jersey 07632
 19 BY: ALBERT BUZZETTI, ESQ.
 20 Counsel for 600 Sylvan Avenue, LLC

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 22
 23
 24
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1 **CHAIRMAN FEHRE:** The Meeting of the
 2 Englewood Cliffs Planning Board will come to order
 3 this Thursday, November 12th, 2015, at 7:30 p.m.
 4 Madam Secretary, has the meeting
 5 been properly advertised?
 6 **MS. SCANCARELLA:** Yes. Public
 7 notice of this meeting has been given in compliance
 8 with the Open Public Meeting Law by advertisement
 9 in The Record, The Star Ledger and posting of the
 10 notice on the municipal building bulletin board at
 11 482 Hudson Terrace.
 12 **CHAIRMAN FEHRE:** Role call.
 13 **MS. SCANCARELLA:** Chairman Fehre?
 14 **CHAIRMAN FEHRE:** Here.
 15 **MS. SCANCARELLA:** Vice Chairwoman
 16 Rosenberg? Absent.
 17 Mr. Dooly?
 18 **MR. DOOLY:** Here.
 19 **MS. SCANCARELLA:** Mr. Chinman?
 20 **MR. CHINMAN:** Here.
 21 **MS. SCANCARELLA:** Mr. Kilmartin?
 22 **MR. KILMARTIN:** Here.
 23 **MS. SCANCARELLA:** Mr. Trovato?
 24 **MR. TROVATO:** Here.
 25 **MS. SCANCARELLA:** Mr. Nikow?

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1 Absent.
 2 Mr. Kiky Kim? Absent.
 3 Mr. Sean Duffy? Absent.
 4 Mr. Vincent Surace?
 5 **MR. SURACE:** Here.
 6 **MS. SCANCARELLA:** Mr. Sean Kim?
 7 **MR. SEAN KIM:** Here.
 8 **MS. SCANCARELLA:** Mayor Parisi?
 9 **MAYOR PARISI:** Here.
 10 **MS. SCANCARELLA:** And Councilwoman
 11 Oh is absent. We have a quorum.
 12 **CHAIRMAN FEHRE:** We have a quorum.
 13 The flag salute will be lead by Mr. Kilmartin.
 14 (Whereupon everyone stands for the
 15 recitation of the Pledge of Allegiance.)
 16 **CHAIRMAN FEHRE:** The first item on
 17 the agenda is the approval of the October 8, 2015,
 18 minutes. Do I have a motion to approve?
 19 **MR. KILMARTIN:** Yes. Yes.
 20 **CHAIRMAN FEHRE:** Second?
 21 **MR. TROVATO:** Yes.
 22 **MR. CHAIRMAN FEHRE:** All in favor?
 23 (All Board members respond in the
 24 affirmative.)
 25 **CHAIRMAN FEHRE:** The minutes are

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1 approved.
 2 We have some items of old business,
 3 a little bit of open housecleaning. We have an old
 4 application of Conopco, not at the 700 site, but
 5 the 800 site, which has been out there for a while
 6 and we would like to dismiss that without prejudice
 7 for failure to proceed.
 8 Can I have a motion to do that?
 9 **MR. CHINMAN:** Motion.
 10 **MR. SURACE:** Second.
 11 **CHAIRMAN FEHRE:** All in favor?
 12 (All Board members Respond in the
 13 affirmative.)
 14 **CHAIRMAN FEHRE:** That one has been
 15 dismissed.
 16 We have another application Duke
 17 Evans, which is at 32 Sylvan Avenue, dismissal
 18 without prejudice for failure to proceed.
 19 Can I have a motion to dismiss that?
 20 **MR. KILMARTIN:** So moved.
 21 **CHAIRMAN FEHRE:** Second?
 22 **MR. SEAN KIM:** Second.
 23 **CHAIRMAN FEHRE:** All in favor?
 24 (All Board members Respond in the
 25 affirmative.)

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1 **CHAIRMAN FEHRE:** That has also been
 2 dismissed.
 3 And we have another application,
 4 which has been around for a while, the Estate of
 5 Josephine Mauro, 361, 365, and 369 Mauro Street,
 6 block 406, Lots 1, 2 and 3. The applicant has
 7 requested and extension of time so we're going to
 8 give them an extension of time. However, they will
 9 have to readvertise and renotify.
 10 Can I have a motion to grant that
 11 extension?
 12 **MR. TROVATO:** So moved.
 13 **CHAIRMAN FEHRE:** Second?
 14 **MR. DOOLY:** Second.
 15 **CHAIRMAN FEHRE:** Second?
 16 **MS. SCANCARELLA:** Yes. Dooly. Mr.
 17 Dooly.
 18 **CHAIRMAN FEHRE:** All in favor?
 19 (All Board members Respond in the
 20 affirmative.)
 21 **CHAIRMAN FEHRE:** So that one will be
 22 extended. Like I said, they will renotify.
 23 (Whereupon Application #251, New Home
 24 Site Plan Approval Request for Reconsideration and
 25 Application #251 was heard and voted upon.

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1 Application #252K Sign Approval, Board of
2 Education, 143 Charlotte Place, Block 409 - Lot 17
3 and Application #253 Sign Approval, Board of
4 Education - 700 Floyd Street, Bock 908, Lot 7 was
5 heard and voted upon.)
6 **CHAIRMAN FEHRE:** Next item on the
7 agenda, we have site plan approval for a parking
8 garage at 700 Sylvan Avenue, Conopco, better known
9 as Unilever.
10 **MR. CHINMAN:** Mr. Chairman, I would
11 like to recuse myself because I live within the
12 distance of the garage. I would like to add that
13 this is really an amendment. I feel it should be
14 restarted because this is a substantial change from
15 the original application.
16 **CHAIRMAN FEHRE:** Thank you.
17 **MAYOR PARISI:** Mr. Chairman, this is
18 a D type, D variance.
19 **CHAIRMAN FEHRE:** D variance.
20 **MAYOR PARISI:** So I have to recuse
21 myself because now you've become the Board of
22 Adjustment.
23 **CHAIRMAN FEHRE:** Okay.
24 **MR. PROFITA:** Good evening, Mr.
25 Chairman. I'll hand out a few things to Ms.

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1 Scancarella.
2 **MS. SCANCARELLA:** Thank you.
3 **MR. PROFITA:** Do you need a card?
4 **MS. SCANCARELLA:** No, I don't need
5 the card. That's fine. Thank you so much.
6 **MR. PROFITA:** Mr. Chairman, Michael
7 Profita, De Cotiis, Fitzpatrick and Cole, LLP, on
8 behalf of Conopco, Inc. This is an application
9 for --
10 **AUDIENCE MEMBER:** We can't hear you
11 back here.
12 **MR. PROFITA:** This is an application
13 for 700 Sylvan Avenue, Block 806, Lot 7, Block 808,
14 Lot 9. I believe that the application was deemed
15 complete. The fees have been submitted and I have
16 given the required proofs of publication.
17 The Board had adopted resolution
18 241K, on December 11, 2014, which approved certain
19 building improvements to the site, which included a
20 canopy to cover the four buildings and a new entry
21 pavilion and some new access drives, additional
22 parking spaces and compact car striping, and we are
23 here today seeking an amended site plan approval in
24 order to construct a parking garage and some other
25 changes on the site.

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1 I would like to call my first
2 witness, if that pleases the Board.
3 **CHAIRMAN FEHRE:** Yes.
4 **MR. PROFITA:** Philip Grossberg.
5 **CHAIRMAN FEHRE:** Sir, would you
6 raise your right hand and be sworn.
7 (Whereupon Mr. Grossberg is sworn in
8 by Mr. Kates.)
9 **MR. KATES:** Identify yourself for
10 the record.
11 **MR. GROSSBERG:** My name is Philip
12 Grossberg.
13 **MR. KATES:** And your business
14 address, Mr. Grossberg?
15 **MR. GROSSBERG:** 800 Sylvan Avenue,
16 Englewood Cliffs, New Jersey.
17 **MR. KATES:** Your witness.
18 **MR. PROFITA:** Thank you.
19 BY MR. PROFITA.
20 Q. Mr. Grossberg, is Unilever a trade
21 name for Conopco?
22 A. Yes.
23 Q. And what is your position at Unilever?
24 A. I'm the Director of the Workplace
25 Services for North America.

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1 Q. And how long have you held that
2 position?
3 A. Approximately a year and a half.
4 Q. And what was your profession prior to
5 that?
6 A. I was the Managing Director for a
7 company called CVRE.
8 Q. Can you describe the 700 facility and
9 the use of that facility today?
10 A. The 700 facility currently is five
11 structures. It's approximately 300,000 square feet
12 and it is used for multiples parts of our business
13 operations.
14 We have our some of our executive
15 leadership there. We have a good bit of our North
16 American operation leadership for the different
17 business sectors, and some of our U.S. operation
18 leadership as well, and some of the functioning
19 staff.
20 Q. And you're familiar with the site plan
21 that was approved by the Board on December 10th of
22 2014?
23 A. Yes, I am.
24 Q. And you're familiar with the site plan
25 that has been submitted for approval to the Board

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1 at the current time?
 2 **A. Yes, I am.**
 3 **Q. And the improvements that were shown**
 4 **on the site plan that was approved in December of**
 5 **2014, have not been built; is that correct?**
 6 **A. That's correct.**
 7 **Q. And how come they haven't been built**
 8 **yet?**
 9 **A. Because we have recently received**
 10 **confirmation from the executive leadership to move**
 11 **forward on a program and we have several contracts**
 12 **that have to be executed that allow us to finance**
 13 **funds and construct the operations.**
 14 **Q. Now, what is the improved facility**
 15 **going to be used for there, assuming you know?**
 16 **A. It will be the consolidated**
 17 **headquarters for North American operations of**
 18 **Unilever.**
 19 **Q. And does Unilever plan then to use**
 20 **that as the headquarters for the foreseeable**
 21 **future?**
 22 **A. Yes, it does.**
 23 **Q. And will that involve moving some**
 24 **operations, probably conducted in other buildings,**
 25 **to the 700 buildings?**

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1 **A. Yes, it will.**
 2 **Q. And can you just briefly describe what**
 3 **that would entail?**
 4 **A. Yes. We have operations in our 800**
 5 **Sylvan Avenue building, that include a lot of the**
 6 **staff for facilities, for procurement, and for**
 7 **several other divisions of the business, and we**
 8 **also have two buildings located farther up the**
 9 **street at 920, 940 Sylvan and the majority of that**
 10 **staff will also be located into 700.**
 11 **Q. Can you tell me what you estimate as**
 12 **the average number of employees and visitors on a**
 13 **daily basis at the 700 site today?**
 14 **A. Today, 700 between, 700 and 800 people**
 15 **on a daily basis.**
 16 **Q. And after the relocation of the other**
 17 **operations from the other buildings, what do you**
 18 **estimate the average daily number of employees and**
 19 **visitors on the site at 700 to be?**
 20 **A. Average daily numbers going to be**
 21 **approximately 1,300, and then we also have measured**
 22 **kind of averaged peak on a maybe biweekly basis**
 23 **upwards of 1,500.**
 24 **Q. When you say the 1,200, is that from a**
 25 **parking demand? Is that net of what is normally**

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1 traveled by virtue of the shuttle service?
 2 **A. Population estimation, including the**
 3 **shuttle travelers, is approximately 1,300.**
 4 **Q. And Unilever also uses some van**
 5 **pooling and carpooling; is that correct?**
 6 **A. That's correct.**
 7 **Q. Now, when Unilever granted site plan**
 8 **approval for the prior application that was**
 9 **approved in December of 2014, what was the proposed**
 10 **solution for employee/visitor parking that would be**
 11 **increased as a result of the relocation of the**
 12 **other offices?**
 13 **A. Yeah. We had looked at the**
 14 **possibility of adding additional van service, that**
 15 **would come from the southern part of New Jersey to**
 16 **try and seduce ridership, instead of driving their**
 17 **car to come on the shuttle service. We also looked**
 18 **at the possibilities of doing on-site valet so we**
 19 **could optimize parking and also promote ride share.**
 20 **Q. Now, why is Unilever now seeking**
 21 **approval for a parking garage instead of relying on**
 22 **those alternatives?**
 23 **A. The genesis was when the project did**
 24 **not go forward last year, we had to reevaluate many**
 25 **aspects and one of the primary concerns all along**

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1 **had been the parking and the executive leadership**
 2 **felt pretty confident that the plan that we were**
 3 **proposing was not going to be -- could not be**
 4 **relied upon because we were asking to change**
 5 **behavior patterns of your employees, and even in**
 6 **doing that, we were still going to be very tight on**
 7 **parking so they decided to push us towards finding**
 8 **a new solution.**
 9 **MR. PROFITA: I have no other**
 10 **questions for -- oh, I'm sorry.**
 11 **Q. And the application today, is for a**
 12 **phased parking garage?**
 13 **A. That's correct.**
 14 **Q. In other words, Unilever would like**
 15 **the right to build both phases of the garage, but**
 16 **initially construct Phase I and then if the demand**
 17 **does not require it, then not proceed with Phase**
 18 **II?**
 19 **A. That's correct.**
 20 **Q. And if the demand does, then proceed**
 21 **with construction of Phase II; is that correct?**
 22 **A. Secure the feature by approving the**
 23 **second phase, but not building it.**
 24 **MR. PROFITA: I don't have any**
 25 **further questions for Mr. Grossberg.**

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1 **CHAIRMAN FEHRE:** How many parking
2 spaces do you feel you need right now with this new
3 scheme and renovation that you're going to do? How
4 many parking spaces do you need?
5 **MR. GROSSBERG:** Yeah. I think
6 approximately between 1,200 and 1,300 is going to
7 be the most realistic need. We recognize we may
8 have peak usage when we have events that we can
9 probably accommodate for that.
10 **CHAIRMAN FEHRE:** So on a regular
11 daily basis, you're going to need 1,200 to 1,300
12 parking places, right?
13 **MR. GROSSBERG:** On an average basis
14 to accommodate what we feel is going to be a fairly
15 constant usage of that space, yes, 1,200 or 1,300
16 spaces.
17 **CHAIRMAN FEHRE:** Is that including
18 any of the busing that you were talking about?
19 **MR. GROSSBERG:** Yes. So what we
20 will have, employees will have visitors and the
21 busing will accommodate for enough of the employees
22 that we won't require initially, you know, the
23 1,500 or so that's in Phase II.
24 **CHAIRMAN FEHRE:** What is, you know,
25 based on the square footage on zoning code says you

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1 need how many spaces?
2 **MR. PROFITA:** I believe it's 1,496
3 as approved, as the site plan was approved in
4 December of 2014.
5 **CHAIRMAN FEHRE:** But you don't feel
6 you need 1,496 at this point?
7 **MR. GROSSBERG:** Yes. Our current
8 plan and population suggests we don't need that
9 many at this point.
10 **CHAIRMAN FEHRE:** Without the
11 parking garage, how many spaces do you have right
12 now with the last application that we approved?
13 **MR. PROFITA:** The plan that was
14 approved last time showed 908 parking spaces.
15 **CHAIRMAN FEHRE:** So you are looking
16 to get about an additional, let's say 300 to 500 in
17 addition to the 908 that was approved, right?
18 **MR. PROFITA:** Yes.
19 **CHAIRMAN FEHRE:** And the parking
20 garage will then add how many? Let's say, you said
21 in two phases.
22 **MR. PROFITA:** I believe the total
23 number would be 793 spaces in the garage.
24 **CHAIRMAN FEHRE:** Just in the garage.
25 **MR. PROFITA:** But we are going to

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1 lose spaces on the ground level where the ground
2 level is going to be constructed.
3 **CHAIRMAN FEHRE:** So if you were to
4 construct this garage, how many additional spaces
5 would you get out of it for Phase I and for Phase
6 II?
7 **MR. PROFITA:** With Phase I,
8 including surface parking, less loss of surface
9 parking, it's 1,277 spaces, garage and surface.
10 **MR. GROSSBERG:** So the addition is
11 approximately 300.
12 **CHAIRMAN FEHRE:** Yes. So you are
13 going from 1,200 to -- okay. I see.
14 **MR. PROFITA:** So that's Phase I.
15 **CHAIRMAN FEHRE:** And why would you
16 need Phase II then?
17 **MR. PROFITA:** Phase II would be to
18 accommodate growth factor. As Mr. Grossberg stated
19 today, you know, they are comfortable with the
20 1,277 as accommodating all of their needs; however,
21 this is a long-term plan for Unilever. They want
22 to be here for a long time. It's a major project
23 for them, and so they want to be able to
24 accommodate additional employees if the need
25 arises.

Page 20

1 **MR. GROSSBERG:** As well, there's a
2 significant cost component that has been added to
3 our project so we have been asked to be as lean and
4 as aggressive as possible in trying to get those
5 costs under control, but be prepared for the future
6 so it's a combination.
7 **MR. PROFITA:** If required.
8 **MR. GROSSBERG:** Yes.
9 **MR. TROVATO:** Phase II is going to
10 give you another 200 plus spaces, is that right?
11 **MR. PROFITA:** Yes, sir.
12 **MR. KATES:** So you are divesting
13 yourself of 800?
14 **MR. GROSSBERG:** The majority of 800.
15 So we are retaining say part of 800. There's three
16 buildings, A, B, and C. We'll be in the southern
17 most portion of C which is our research and
18 development.
19 **MR. KATES:** But the parking in 800
20 will be unavailable to you in this scheme?
21 **MR. GROSSBERG:** That's correct. To
22 our 700 occupants, that's correct.
23 **CHAIRMAN FEHRE:** You have a number
24 of employees there still, you have your laboratory?
25 **MR. GROSSBERG:** Yes.

Page 21

1 **CHAIRMAN FEHRE:** You have parking
2 for them.
3 **MR. GROSSBERG:** We will retain
4 percentage parking relative to a market percentage
5 that our employees that occupy 800 will be able to
6 utilize.
7 **MR. KILMARTIN:** What's the parking
8 over there and what's the percentage?
9 **MR. GROSSBERG:** What's the
10 percentage?
11 **MR. KILMARTIN:** That you are
12 retaining and how many spaces are there?
13 **MR. GROSSBERG:** It will be
14 proportionate to the square footage that we
15 ultimately lease back from the building so the
16 current number is approximately -- I don't have the
17 exact numbers, but it's somewhere around 900, I
18 think so we are planning on leasing back about a
19 third of the building, so we'll retain I think it's
20 just under 300 spaces.
21 **MR. KILMARTIN:** Will there be any
22 spaces left over there that you could use for the
23 occupants at 700?
24 **MR. GROSSBERG:** We don't have an
25 exact occupancy count yet for what we plan to do to

Page 22

1 occupy 800, but currently, there probably will be a
2 slight capacity there.
3 **MR. KILMARTIN:** Forgive me, a lot of
4 this testimony is vastly different than what
5 Unilever testified to last year. When you were
6 looking for those solar canopies, which actually
7 took away parking spaces, you were downplaying the
8 need for parking spaces and you were promoting van
9 pools and all those other things to get the solar
10 arrays scenario passed so it's not much -- I'm not
11 really sure what's changed.
12 **MR. PROFITA:** I don't believe the
13 solar arrays eliminated any parking spaces. They
14 were designed to have parking underneath.
15 **MR. KILMARTIN:** I think they did,
16 and then you added some in other locations. That's
17 my recollection.
18 **MR. GROSSBERG:** I don't know the
19 number, but I think there might be some of the
20 posts, but certainly our intent with the solar
21 arrays was to continue maximize the parking because
22 we already knew we had a significant issue.
23 **MR. KATES:** I hear you say lease
24 back for that 800 which you own now will be sold
25 back and you will be leased back.

Page 23

1 **MR. GROSSBERG:** We don't own 800
2 now.
3 **MR. KATES:** You don't.
4 **MR. GROSSBERG:** We are currently
5 leasing all of 800 and our intent is to lease only
6 a portion of 800.
7 **MR. KATES:** And 700 you do own?
8 **MR. GROSSBERG:** We currently own
9 700, yes.
10 **MR. KILMARTIN:** And you also have
11 920 and 940.
12 **MR. GROSSBERG:** We lease spaces in
13 those buildings.
14 **MR. KILMARTIN:** Same question, is
15 there any surplus parking in those locations?
16 **MR. GROSSBERG:** I do not know, but
17 they are not within walking distance to our
18 facility.
19 **MR. KILMARTIN:** But they could be
20 shuttled?
21 **MR. GROSSBERG:** They could be
22 shuttled.
23 **MR. PROFITA:** Well, I think your
24 plan is to vacate those buildings?
25 **MR. GROSSBERG:** Yes. They will be

Page 24

1 vacated.
2 **MR. PROFITA:** Which would terminate
3 the lease.
4 **MR. GROSSBERG:** That's correct.
5 **MR. PROFITA:** So you wouldn't have
6 any right to occupy any spaces on site any way.
7 **MR. GROSSBERG:** We expect to retain
8 a very small, we have a room that we built out of
9 one of those buildings. It's a high-end room and
10 we don't intend to repeat so we will have some
11 people, a handful of people that will be working
12 there, but not significant to gain a parking
13 advantage.
14 **CHAIRMAN FEHRE:** In this garage, how
15 many levels do you foresee?
16 **MR. PROFITA:** The plan calls for a
17 five-level garage. Due to the topography of the
18 site, it's actually I believe five levels on the
19 lower side and four on the other. There's an
20 embankment in that area.
21 **CHAIRMAN FEHRE:** That's starting at
22 ground level, the lower?
23 **MR. PROFITA:** Ground level on the
24 lower end of the garage, it will be five, yes.
25 **MR. SEAN KIM:** Is that including the

Page 25

1 roof or no?
 2 **MR. PROFITA:** Excuse me?
 3 **MR. SEAN KIM:** Is that including the
 4 roof?
 5 **MR. PROFITA:** Yes. Parking on the
 6 roof. Yes. The roof is not covered.
 7 **CHAIRMAN FEHRE:** It's five levels of
 8 parking?
 9 **MR. PROFITA:** Five levels of
 10 parking.
 11 **MR. MIRANDI:** The roof would be
 12 partially covered with a solar canopy?
 13 **MR. PROFITA:** That is correct. The
 14 former canopies that were formerly on the ground
 15 level in the area where the garage would now be the
 16 parking area, would be relocated to the upper level
 17 of the garage.
 18 **MR. SURACE:** How high are those from
 19 the roof?
 20 **MR. PROFITA:** They, I believe the
 21 maximum height at the highest point is 14 feet.
 22 The height of the garage including the solar panels
 23 is within the 35-foot maximum height limitation as
 24 calculated under the ordinance.
 25 The panels, the solar panels, the

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1 arrays so to speak, canopies that are proposed for
 2 the upper level of the deck are a little bit of a
 3 different design in that instead of having the
 4 two-sided, they are going to be one sided and
 5 therefore, they could be angled completely away
 6 from the western exposure of the building, where
 7 you have residents on Floyd Street.
 8 **MR. SURACE:** The residents from
 9 Floyd Street, what would they see?
 10 **MR. PROFITA:** The angling is to
 11 avoid any glare at all so there would not be any
 12 glare.
 13 We have witnesses that will testify
 14 as to the elevation views from the east, west,
 15 north, south, and testify as to solar panels, the
 16 solar arrays that will be placed up there.
 17 **MR. SURACE:** Okay.
 18 **MR. PROFITA:** We'll have testimony
 19 for all of those items.
 20 **MR. KILMARTIN:** When you talk about
 21 35 feet, the height, you know the topography slopes
 22 down substantially from Sylvan Avenue.
 23 **MR. PROFITA:** Yes.
 24 **MR. KILMARTIN:** So at the level
 25 where you are intending to put the parking garage,

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1 you have an adjacent building, right?
 2 **MR. PROFITA:** Yes.
 3 **MR. KILMARTIN:** And what is the
 4 height on that building? That's maybe a 3-story
 5 building.
 6 **MR. PROFITA:** It's either 3 or 4.
 7 **MR. KILMARTIN:** I think it's 3.
 8 **MR. PROFITA:** I'm not sure, and I
 9 believe from the, from the testimony you'll find
 10 the height is compatible, the proposed garage
 11 height is compatible with the building.
 12 **MR. TROVATO:** Meaning it won't be
 13 any higher than the existing?
 14 **MR. PROFITA:** I don't believe it's
 15 any higher. No. I know it's within the 35 foot as
 16 calculated under the ordinance. It's calculated
 17 from the top of the curb on Sylvan Avenue.
 18 **MR. MIRANDI:** And to help
 19 Mr. Kilmartin on that question, as an exhibit by
 20 Perkins and Will, A02-20 that shows elevations that
 21 would help answer that question.
 22 **MR. PROFITA:** We'll have testimony
 23 on all of that.
 24 **CHAIRMAN FEHRE:** Have you looked
 25 into putting this garage a little bit in different

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1 locations than you have? How did you come up with
 2 this particular location?
 3 **MR. PROFITA:** They did look at
 4 different locations, and they were problematic.
 5 The other location that was looked at was in the
 6 northeastern quadrant of the parking lot, and there
 7 are topographic difficulties there and siting
 8 difficulties there.
 9 As you move, if you were to move the
 10 garage more from the westerly property line to the
 11 easterly in the same north-south orientation, then
 12 you get more into that berm or embankment that is a
 13 feature due to the topography of the site.
 14 **CHAIRMAN FEHRE:** Excavation, you
 15 could go down as deep as you want to go?
 16 **MR. PROFITA:** I don't know what the
 17 rock situation is over there, but.
 18 **CHAIRMAN FEHRE:** In my opinion, it's
 19 gone now.
 20 **MR. PROFITA:** We can have testimony
 21 about that as well.
 22 **MR. GROSSBERG:** Those are all cost
 23 components. We have done what we can to avoid
 24 blasting and earth movement because that's one of
 25 the most expensive parts of construction.

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1 **MR. KATES:** Are you finished with
 2 this witness? Do you want to open it up to the
 3 public? Mr. Profita, are you finished?
 4 **MR. PROFITA:** I am finished.
 5 **MR. KATES:** How do you want to
 6 proceed?
 7 **CHAIRMAN FEHRE:** I think we will get
 8 through as many witnesses as we can. Then we will
 9 open it up to the public to ask questions of any of
 10 the witnesses that have spoken or make whatever
 11 comments that you want at the end of the evening.
 12 **MR. PROFITA:** That's fine.
 13 **CHAIRMAN FEHRE:** Everyone is going
 14 to get a chance to be heard so we just have to go
 15 through a few witnesses first.
 16 **MR. PROFITA:** Okay. Thank you.
 17 Kenneth Dykstra.
 18 If it pleases the Board, counsel for
 19 the property owner to the south is present today,
 20 and they had some concerns about people using the
 21 garage and entering and existing through their
 22 property as opposed to the Hollywood Avenue exit
 23 where they were supposed to go, and that's due to
 24 the fact that if you look at the southerly end of
 25 the property on the exhibit you have just been

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1 handed, you will see that there is, in fact, an
 2 opening between the southerly property line of 700
 3 and the northerly property line of 600, and there
 4 has been an exchange of access back and forth and
 5 the occupants of 600 have been parking on some of
 6 spaces that are partially on 700 and partially on
 7 600 so Mr. Buzzetti and I had a discussion and we
 8 think that we resolved their concerns by simply
 9 putting a breakaway gate so that the users of the
 10 Unilever property would no longer be able to enter
 11 and exit.
 12 We had suggested to Mr. Buzzetti a
 13 breakaway gate so that it will still be available
 14 for emergency vehicle access, and we're going to
 15 talk and try to work something out with those
 16 spaces that are kind of in no-man's land and
 17 hopefully, when we come back next time, we'll have
 18 something to present to the Board in that regard.
 19 **MR. KATES:** Could you help us with
 20 time management to understand what you want to
 21 accomplish tonight, what you are reserving for the
 22 next meeting, under the presumption that there is a
 23 next meeting.
 24 **MR. PROFITA:** Yes. I would like to
 25 get through testimony of Mr. Dykstra this evening.

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1 I would also like to then call the solar array
 2 expert from NRG because he traveled quite a
 3 distance to get here, and I would hope that we
 4 would be able to get through those two witnesses,
 5 and if there's more time, then more witnesses but
 6 we are prepared to come back next time with
 7 whatever witnesses we need.
 8 **MR. KATES:** Tell me what you
 9 anticipate with your other witnesses, what their
 10 area of expertise would be.
 11 **MR. PROFITA:** Well, we have a
 12 traffic expert.
 13 **MR. KATES:** So that's deferred for
 14 next time?
 15 **MR. PROFITA:** I'm sorry.
 16 **MR. KATES:** That's deferred for next
 17 time.
 18 **MR. PROFITA:** Yes. We can do that.
 19 We have the architect who designed the garage
 20 structure itself, and we have the architectural
 21 firm that designed the exterior of the garage and
 22 has done some other investigation around the site
 23 that would testify.
 24 **MR. KATES:** And a planner as well or
 25 are you going to do that through an engineer?

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1 **MR. PROFITA:** Probably next time.
 2 **MR. KATES:** Okay.
 3 **MR. MIRANDI:** Will there be a
 4 landscape architect?
 5 **MR. PROFITA:** I'm sorry. A
 6 landscape architect, who's also here tonight and if
 7 we get to the landscape architect, that's fine.
 8 Everyone is prepared to appear again.
 9 **MR. BUZZETTI:** Can you put on the
 10 record the fact that we are going to go bring back
 11 witnesses?
 12 **MR. PROFITA:** Yes. Yes. I agreed
 13 with Mr. Buzzetti that in lieu of his questioning
 14 witnesses this evening since it may be all
 15 unnecessary, I would agree to bring back any
 16 witnesses tonight who testify tonight that
 17 Mr. Buzzetti would like to question, I'll bring
 18 them back.
 19 **MR. KATES:** That's fine. Do you
 20 want to enter your appearance?
 21 **MR. BUZZETTI:** Al Buzzetti. Good
 22 evening, All. Appearing on behalf of 600 Sylvan
 23 Avenue, LLC, the owner of the property immediately
 24 to the south of 700 Sylvan Avenue.
 25 **MR. KATES:** Thank you.

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1 **MR. BUZZETTI:** Thank you.
 2 **MR. KATES:** Okay. Mr. --
 3 **MR. DYKSTRA:** Dykstra.
 4 **MR. KATES:** Dykstra. How can I
 5 forget.
 6 (Whereupon, Mr. Dykstra is sworn in by
 7 Mr. Kates.)
 8 **BY MR. PROFITA:**
 9 Q. Mr. Dykstra, where are your currently
 10 employed?
 11 **A. Dykstra Walker Design Group.**
 12 Q. Can you describe for the Board your
 13 title and job duty?
 14 **A. I'm the principal of the firm and**
 15 **responsible for management and design, project**
 16 **management for many of the projects.**
 17 **MR. KATES:** What's your business
 18 address.
 19 **MR. DYKSTRA:** One Bowling Green
 20 Parkway in Jefferson.
 21 **MR. KATES:** Thank you.
 22 **BY MR. PROFITA:**
 23 Q. How long have you been employed in
 24 that capacity?
 25 **A. At this point, I think it's about**

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1 **17 years.**
 2 Q. Are you licensed as a Professional
 3 Engineer by the State of New Jersey?
 4 **A. Yes.**
 5 Q. And how long have you been licensed?
 6 **A. I have been licensed 27 years.**
 7 Q. Are you also licensed as a planner by
 8 the State of New Jersey?
 9 **A. Yes.**
 10 Q. And how long?
 11 **A. 24 years.**
 12 Q. Are you also licensed as a land
 13 surveyor by the State of New Jersey?
 14 **A. Yes.**
 15 Q. Can you describe your educational
 16 background?
 17 **A. Yeah. I have an engineering degree**
 18 **from Rutgers University 1982.**
 19 Q. And can you tell me whether you have
 20 ever testified as an expert before a board of
 21 adjustment or planning boards, in addition to this
 22 Board, where you testified on a number of
 23 occasions?
 24 **A. Yes. Yes. Many, many times**
 25 **throughout northern New Jersey.**

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1 Q. Now, you have put up on the easel
 2 board an exhibit. Correct?
 3 **A. That's correct.**
 4 **MR. PROFITA:** So I guess we would
 5 like the to mark that as A-1 with today's date
 6 anywhere. Is that satisfactory in this, Mr. Kates?
 7 **MR. KATES:** Yes.
 8 **MR. PROFITA:** We have also handed
 9 out reduced-sized copies.
 10 **MR. DYKSTRA:** We handed out two
 11 versions.
 12 **MR. PROFITA:** Let's mark them both.
 13 **MR. DYKSTRA:** The first one I marked
 14 as A-1 is a site plan the full build-out of the
 15 parking garage and A-2 is the phased parked garage
 16 version.
 17 Q. Now, Mr. Dykstra, you also prepared
 18 the site plan documents that were submitted in
 19 connection with the adoption of resolution 241K in
 20 December of 2014; is that correct?
 21 **A. That's correct.**
 22 Q. And you also testified at the Board at
 23 that time?
 24 **A. During those hearings, yes.**
 25 Q. And you prepared the amended site

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1 plan, correct, that has been submitted --
 2 **A. That's correct.**
 3 Q. -- for today's hearing?
 4 **A. That's correct.**
 5 Q. Can you describe the improvements that
 6 are approved by resolution 241K were never
 7 constructed, right?
 8 **A. That's right.**
 9 Q. So can you just very briefly tell the
 10 Board what is on the site today?
 11 **A. Yes. Today, we have basically a**
 12 **four-building complex office buildings, surrounding**
 13 **an open courtyard area. In addition to that, we**
 14 **have an 858-space parking area and three loading**
 15 **docks. The total square footage of the buildings**
 16 **is 297,000 plus square feet.**
 17 Q. And that does not count the canopy and
 18 the entrance pavilion that were approved in the
 19 last site plan?
 20 **A. That's correct. That does not count**
 21 **those.**
 22 Q. So in addition to the canopy that
 23 enclosed the courtyard between or among the four
 24 buildings and the new entry pavilion, can you just
 25 briefly describe to the Board the other

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1 improvements that were approved by resolution 241K?
 2 **A. Yes. Essentially the canopy was**
 3 **enclosed as part of the structure, that added**
 4 **23,867 square feet to the overall building size,**
 5 **taking the total up to 321,207 square feet.**
 6 **Now, the other major changes around**
 7 **the property was a reconfigured access from**
 8 **Hollywood Avenue and the proposal for a one-way**
 9 **access drive across the entire front of the**
 10 **property.**
 11 **In addition, the bridge between**
 12 **buildings A and B, those are the buildings that**
 13 **face, that are closest to Sylvan Avenue, that was**
 14 **being enhanced and would become the new main**
 15 **entrance for the facility. So that would be the**
 16 **new main entrance facing the east towards Sylvan**
 17 **Avenue and along that access drive across the front**
 18 **of the building, there was also approximately 28**
 19 **parking spaces added in that area.**
 20 **Q. And there were a total of, I believe**
 21 **approximately 51 spaces parking spaces added**
 22 **overall?**
 23 **A. That's right. I think we went from**
 24 **858 to 908 as I recall.**
 25 **Q. And part of that approval included**

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1 solar panels on the roofs of the existing buildings
 2 and the walkway. Correct?
 3 **A. Yeah. There were solar arrays**
 4 **proposed as canopy structures over parking lots and**
 5 **on the building surfaces, on the roofs of some of**
 6 **buildings.**
 7 **Q. And those are the blue rectangles?**
 8 **A. That's right. The blue rectangles and**
 9 **you'll see blue shading canopies over the parking**
 10 **lots.**
 11 **Q. And also as part of that approval, a**
 12 **variance was granted to re-stripe a portion of the**
 13 **parking lot to complete a 110 compact car spaces;**
 14 **is that correct?**
 15 **A. That's correct. We restriped a**
 16 **parking lot east to the north of building B in the**
 17 **area I'm pointing to now, (witness indicating)**
 18 **that's between there and Hollywood Avenue. That**
 19 **was restriped to 8 foot by 18-foot width, 18-foot**
 20 **depth spaces, and also adjacent to building C, we**
 21 **proposed a restriping of a number of spaces in that**
 22 **area. A total of what we call compact spaces**
 23 **equaling 110 total.**
 24 **MR. MIRANDI: Just for my**
 25 **clarification, you said restriped, has it been**

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1 restriped already?
 2 **MR. DYKSTRA: No.**
 3 **MR. MIRANDI: That was part of the**
 4 **approval in December.**
 5 **MR. DYKSTRA: That was and the**
 6 **restriping has not occurred.**
 7 **BY MR. PROFITA:**
 8 **Q. And there are other variances that**
 9 **were granted in connection with preexisting**
 10 **conditions on the site; is that correct?**
 11 **A. That's correct.**
 12 **Q. And also I believe for the aisle**
 13 **width?**
 14 **A. Yeah. The typical aisle width, your**
 15 **ordinance requires 25 feet, and we were proposing**
 16 **24 feet which was consistent with the aisle width**
 17 **throughout the existing facility.**
 18 **Also space depth, your ordinance**
 19 **required 9 by 19, and our spaces are 9 foot by**
 20 **18 feet.**
 21 **Q. Okay. Now, can you just --**
 22 **MR. KATES: Wasn't there also a**
 23 **generator and retaining wall?**
 24 **MR. DYKSTRA: Yes. There's CHP unit**
 25 **proposed in the mechanical area, in that enclosed**

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1 mechanical area behind the building, and there are
 2 some retaining walls adjacent to the front
 3 courtyard area.
 4 **Q. And there are several EV kiosks as**
 5 **well?**
 6 **A. That's right.**
 7 **Q. And so all of those remain; is that**
 8 **correct?**
 9 **A. As I understand it.**
 10 **Q. As proposed?**
 11 **A. As proposed.**
 12 **Q. There are no changes proposed to that?**
 13 **A. No.**
 14 **Q. Except what we will review this**
 15 **evening?**
 16 **A. That's right.**
 17 **Q. Now, can you just tell the Board what**
 18 **is being proposed on the plan, which has been**
 19 **submitted marked as A-1 and another version of it**
 20 **marked as A-2, that are different from the plans**
 21 **that the Board approved in December of 2014?**
 22 **A. All right. The main, the main**
 23 **difference is on the southerly part of the site,**
 24 **south of building C and A, is the proposed parking**
 25 **garage structure, which is a five-level structure.**

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1 Overall dimensions are approximately 326 feet by
 2 183, and about 60,000-square footprint.
 3 That's the colored area you see on the
 4 southerly portion of the site. That has a 287
 5 setback from Sylvan Avenue, and a 127 setback from
 6 the rear lot line, and I believe it's 78 feet from
 7 the southerly property line, but at the 600 site,
 8 all confirming with your ordinance requirements.
 9 Q. And the plan that has been marked as
 10 A-1, that is for the Phase I and Phase II portions
 11 of the garage; is that correct?
 12 A. That's right.
 13 Q. And Phase I is in yellow and the Phase
 14 II is in orange; is that correct?
 15 A. Yeah. That's correct.
 16 Q. And there were, in the plan that was
 17 previously approved in December of 2014, there were
 18 solar array canopies on the parking area that is
 19 now proposed to be the garage location.
 20 A. Yeah. Yeah. The garage location is
 21 effectively being built over the existing parking
 22 lot. There's a lower parking lot and there is
 23 actually a vegetative slope, because there is a
 24 grade difference and so effectively, this parking
 25 garage is being built over existing developed

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1 areas. So there's parking underneath, that's being
 2 replaced and the structure will then be built over
 3 that.
 4 Q. And the solar --
 5 A. And the solar, again there were solar
 6 arrays proposed on the old plan in the vicinity of
 7 where the garage is.
 8 Q. And they are now proposed to go on the
 9 top level of the garage?
 10 A. That's right. Those are being
 11 replaced and you'll see that the dark-shaded areas,
 12 those are the two proposed arrays on the top of the
 13 garage.
 14 Q. What about other -- let's just cover
 15 this. Did you calculate the elevation of the top
 16 of the curb at Sylvan Avenue in front of the
 17 proposed garage?
 18 A. Yes.
 19 Q. And can you just tell the Board how
 20 that calculation was performed.
 21 A. Well, the curb line of Sylvan Avenue
 22 was field surveyed, and the elevation opposite the
 23 midpoint of the garage was calculated to be 373.1.
 24 Q. Above sea level?
 25 A. Above sea level.

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1 Q. Have you reviewed the architecture
 2 plans that have been submitted in the connection
 3 with this application?
 4 A. Yes.
 5 Q. And what is the highest point of the
 6 proposed garage structure, including the top of the
 7 solar canopies?
 8 A. It's 55 feet.
 9 Q. No, above sea level.
 10 A. Oh, above sea level.
 11 Q. The elevation above sea level.
 12 A. The top of the -- the highest point,
 13 that's the very top of the highest solar array, is
 14 elevation 405.
 15 Q. So what is the calculation of the
 16 building height of the proposed garage under the
 17 Englewood Cliffs zoning ordinance?
 18 A. So your building height then is
 19 calculated as elevation 405 minus the 373.1.
 20 31.9 feet.
 21 Q. And is the height of the garage
 22 compatible with the height of the buildings that
 23 were on the site?
 24 A. Yes, it is.
 25 Q. Now, we started talking about changes

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1 that you made to the site plan. Can you tell us
 2 what other changes are proposed in addition to the
 3 garage?
 4 A. Yeah. The other changes really relate
 5 to -- once the garage structure was placed in this
 6 location, then we had to adjust the driveways and
 7 parking around it. So the driveway that you'll see
 8 coming across here was modified to connect to the
 9 garage. (Witness indicating.) We also changed the
 10 driveway connection on the westerly side, and since
 11 we initially submitted, we had made a revision
 12 after a meeting with the fire official and fire
 13 chief. They wanted better access around the garage
 14 and we provided that with a revision that we
 15 already submitted.
 16 Q. And what about emergency access from
 17 Sylvan Avenue, was that something discussed with
 18 the fire chiefs?
 19 A. With the fire chiefs, they were
 20 concerned with fire access and they requested that
 21 we provide an emergency access from Sylvan Avenue.
 22 There was a former curb cut where, if you remember,
 23 this used to be an exit driveway to Sylvan Avenue
 24 southbound. We are proposing a gate there, a
 25 breakaway gate and then grass block pavers between

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1 there and our new driveway that will be constructed
 2 across the front of building A. That would allow
 3 the fire department, they will be coming from the
 4 south and be able to get direct access into this
 5 area of the site that will be the easterly side of
 6 the garage.
 7 I point out they already had access
 8 from Hollywood Avenue around the westerly side of
 9 the building. With our new access drive across the
 10 front, they would also have access across the
 11 easterly side of our building along our new access
 12 drive.
 13 Q. And the applicant is proposing to
 14 install that only if they are able to obtain
 15 approval from NJDOT for an access permit?
 16 A. That's correct. Yes. This is
 17 something subject to DOT approving this, and we
 18 believe that the DOT will allow that, given the
 19 fact it's only an emergency connection.
 20 Q. Can you explain the other changes that
 21 are made on this site?
 22 A. The other changes from the 2014
 23 approval relate to, you know, a minor adjustment in
 24 front of the driveway in front of the building.
 25 Previously, the parking spaces adjacent to Building

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1 A were facing the building, and the driveway was on
 2 the Sylvan Avenue side, so effectively it's been
 3 reversed, that and opposite Building B. So
 4 basically it's just a parking space away from the
 5 building, instead of the towards the building,
 6 that's really the change.
 7 Actually, that resulted in the
 8 reduction of one variance. We previously needed a
 9 variance for parking spaces within the 60-foot
 10 setback. We had four spaces that were encroached
 11 in that. We no longer need that variance with that
 12 redesign.
 13 Q. A variance was granted to have those
 14 same parking spaces in the front yard previously,
 15 for all of those spaces, not just the four that
 16 protruded into the site?
 17 A. Yes. It was a similar number.
 18 There's 27 new spaces proposed in the front now. I
 19 think we actually had 28 approved last year.
 20 Q. And the access drive in front has been
 21 widened as well?
 22 A. That was already a condition of the
 23 previous. 20-foot wide, yes.
 24 Q. And is there a proposed relocation of
 25 the vitality trail as part of the amended site?

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1 A. Yes. The vitality trail has been
 2 relocated to run along the frontage. Previously,
 3 it runs right next to Building A. That's been
 4 split apart from the -- that's going to be a
 5 pedestrian sidewalk for employees and such. So the
 6 vitality will be separated. It will meander
 7 through the wooded area in front and then down
 8 across our emergency access drive for fire and
 9 then. Then it will also be relocated in the
 10 vicinity of the parking garage.
 11 It used to come down and tie in with
 12 the existing pedestrian sidewalks, but now, it's
 13 going to cross over and meander through the site so
 14 it really ties in with the existing pedestrian
 15 paths and reconnects with the vitality trail, runs
 16 along the whole westerly border. It will reconnect
 17 to the point just west of Building C.
 18 Q. And is the vitality trail paved or
 19 something other?
 20 A. No. The vitality trail is a mulched
 21 surface.
 22 Q. The proposed new parking garage, as
 23 shown on A-1 and A-2 is a phase concept. Could you
 24 explain to the Board what the phasing concept
 25 entails?

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1 A. The phasing is effectively, we are
 2 building, I'll call it 2/3 of the garage so there's
 3 1/3 that's being left off. The width of the garage
 4 is still 326 feet as you look at it from the
 5 street, but the depth in the overall plan is 183
 6 feet.
 7 With the phased plan, the depth will
 8 be 123, so extends about 60 feet in depth. The
 9 width is the same, and the parking count, 793
 10 spaces with the full deck and 533 spaces in the
 11 garage with the phased concept.
 12 Q. The initial phase?
 13 A. The initial phase, Phase I.
 14 Q. 533 spaces?
 15 A. That's right.
 16 Q. And obviously, there were spaces on
 17 the ground in that parking area or there are spaces
 18 on the ground and they will be removed. Correct?
 19 A. Yes. The spaces on the ground will
 20 now be integrated into the garage spaces so those
 21 spaces are gone, and when I say 793 spaces, that's
 22 the total space in that area, that we have lost the
 23 grouping of spaces that previously existed in that
 24 area, so the parking counts on the plan are the
 25 total of that would exist after the garage is

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1 **constructed.**
 2 Q. Now, were any of the parking spaces
 3 outside the area of the footprint of the proposed
 4 garage reconfigured?
 5 A. Yes. And we configured where it
 6 needed to accommodate the access points to the
 7 garage. We also, there were some spaces in the
 8 area, I'll call it the very southerly part of the
 9 site where the aisle width was really was too
 10 narrow and the spaces didn't have the proper depth.
 11 We were going to reconfigure that area, so they
 12 will all be at least 9 by 18. That's essentially
 13 the changes to the parking in and around the
 14 parking garage.
 15 Q. Is there any change to the proposed
 16 restriping for the 110 compact cars?
 17 A. No.
 18 Q. That remains the same?
 19 A. That's identical.
 20 Q. What are the dimensions of the
 21 existing parking spaces on site?
 22 A. 9 feet by 18. And handicaps are, of
 23 course, 8 feet with 18 width, with an aisle.
 24 Q. That's a preexisting condition?
 25 A. Preexisting condition.

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1 Q. And the 51 new spaces that were
 2 approved by resolution 241K, they are also 9 by 18?
 3 A. Yes.
 4 Q. And a variance was granted for that.
 5 Correct?
 6 A. That's right.
 7 Q. And so there's not going to be any
 8 change to that?
 9 A. No.
 10 Q. And the existing aisle width and
 11 parking area, was there any change to that other
 12 than what you just described?
 13 A. No. Well, I'll make one point. The
 14 aisle adjacent to the westerly side of the garage
 15 is actually 22 feet. 22 feet does conform to the
 16 ordinance for employee parking. The reason that's
 17 22 is because we left a three-foot strip of land
 18 there for the planting of the vegetative wall on
 19 the westerly side of the garage.
 20 Q. Under the ordinance with respect
 21 visitor parking on a 90-degree angle, the ordinance
 22 requires 25 feet; is that correct?
 23 A. That's right.
 24 Q. Some areas will be eventually be
 25 designated as visitor parking and they have a

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1 24-foot aisle width; is that correct?
 2 A. That's correct.
 3 Q. And that's consistent throughout the
 4 whole site?
 5 A. That's right. That's consistent
 6 through the site and you know, I'll say those
 7 spaces with the 22-foot aisle, those will not be
 8 visitor spaces.
 9 Q. Those will be closer to the building?
 10 A. Right.
 11 Q. So a variance is requested for the one
 12 foot differential in the area that will ultimately
 13 be designated as visitor parking; is that correct?
 14 A. That's correct.
 15 Q. And in your opinion, is it practical
 16 to make the existing parking spaces that are on
 17 site and those spaces that were approved to be
 18 undersized by resolution 241K, conforming to the
 19 depth requirements of the ordinance?
 20 A. No. In my opinion, it's not
 21 practical. This property is built out and it would
 22 be impractical to increase those space sizes and
 23 aisle widths.
 24 Q. In your opinion, would it be an undue
 25 hardship to require the parking spots, the space

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1 sizes and aisle width to be increased?
 2 A. Yes. It would definitely be a
 3 hardship. You would effectively have to
 4 reconstruct and reconfigure all the parking lots on
 5 the entire site, and that would result in
 6 substantial increase in impervious coverage and
 7 more disturbances of the current wooded areas.
 8 Q. And what number of spaces currently
 9 exist on the site?
 10 A. 858.
 11 Q. And what is the required number of
 12 spaces for the building improvements that were
 13 approved in resolution 241K?
 14 A. 1,496.
 15 Q. And the number of spaces that were
 16 proposed on this plan which was approved was 908;
 17 is that correct?
 18 A. 908.
 19 Q. Now, the parking spaces in the
 20 proposed garage, do you know how many spaces are
 21 proposed in the initial phase of the garage?
 22 A. Yes. 533 spaces, initial phase.
 23 Q. And what then would be the total
 24 parking on site if only the initial phase were
 25 constructed?

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1 A. 1,277.
 2 Q. And what's the number of spaces that
 3 would be proposed in the second phase of the
 4 garage?
 5 A. 1,508.
 6 Q. That would be the total?
 7 A. Yes. Oh, yes. I'm sorry. Well, the
 8 initial phase is 533 and the total built is 793 in
 9 the garage.
 10 Q. And size of the spaces proposed for
 11 the garage?
 12 A. They are 9 by 18 spaces. I would put
 13 the caveat at the very corner there were some
 14 structural columns so the corner of the space might
 15 be slightly smaller than that dimension.
 16 Q. Now, as a practical matter, large
 17 vehicles are not going to be able to utilize the
 18 garage in any event because of the height
 19 restriction?
 20 A. That's right.
 21 Q. So a variance is required for the
 22 parking sizes in the garage; is that right?
 23 A. That's right.
 24 Q. A variance is also required because
 25 under the current ordinance, a parking garage is

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1 not a permitted structure; is that right?
 2 A. That's right.
 3 MR. KATES: Getting back to the
 4 count, if you are going to have both phases
 5 operative, you got 1,508 spaces if I heard, which
 6 would not, for the first time not need a variance
 7 for the total count if, in fact, 1,496 --
 8 MR. DYKSTRA: That's correct.
 9 MR. KATES: -- 1,496 is the required
 10 amount, but you really want to stage it so you are
 11 asking for leave to postpone that.
 12 MR. PROFITA: Yes. What the net
 13 effect is that and I'll have another witness that
 14 has prepared an exhibit that would they lay that
 15 out pretty clear, but yes, what happens is with the
 16 construction of the initial phase of the garage,
 17 there's still a deficit in the parking spaces as
 18 per ordinance. With the construction of both
 19 phases of the garage, there is no parking
 20 variance --
 21 MR. KATES: Okay.
 22 MR. PROFITA: -- as concerns the
 23 number of spaces.
 24 MR. DOOLY: I have a question. The
 25 solar panels on the garage, will the rear panel be

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1 installed after the first phase? In other words,
 2 and how is the height of the solar panels above the
 3 top parking level, how high is that?
 4 MR. DYKSTRA: 14 feet.
 5 MR. PROFITA: We can show --
 6 MR. DYKSTRA: If you look at A-2.
 7 MR. PROFITA: Yes. There would be
 8 one row of solar canopies on the first phase and
 9 then there would be two, only if the second phase
 10 were to be constructed.
 11 MR. TROVATO: I have a question, by
 12 adding all this vertical parking, did we add some
 13 green space as well because we took away some and
 14 did we put any green space on the site?
 15 MR. DYKSTRA: Yes. There's this
 16 area between the garage and Building C is
 17 previously primarily a parking area, so that's how
 18 become a green space landscape meadow. It's
 19 actually going to serve a couple purposes. It's
 20 going to take care of storm water management and
 21 collect water. It's going to be a heavily
 22 landscaped meadow and actually, there's going to be
 23 a pedestrian bridge over it so it's going to be an
 24 attractive feature.
 25 MR. KILMARTIN: What's the height of

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1 the proposed parking garage from ground, if you
 2 were to measure from say the northwest corner
 3 there?
 4 MR. DYKSTRA: (Indicating.)
 5 MR. KILMARTIN: There you go.
 6 MR. DYKSTRA: Over here?
 7 MR. KILMARTIN: Yes.
 8 MR. DYKSTRA: Basically, the same
 9 across the back.
 10 MR. KILMARTIN: It's fairly flat.
 11 MR. DYKSTRA: I think it's 44 feet.
 12 MR. KILMARTIN: 44 then plus 14.
 13 MR. DYKSTRA: 14.
 14 MR. KILMARTIN: So you are going to
 15 be 58 feet up.
 16 MR. DYKSTRA: Thereabouts, yes.
 17 MR. KILMARTIN: Compare that to
 18 building directly to the north.
 19 MR. DYKSTRA: Building C, this
 20 building is a three-level building, it's 40 feet.
 21 MR. KILMARTIN: Is it that much?
 22 MR. DYKSTRA: Yeah. We reached at
 23 the roof lines, it's basically right at 40 feet.
 24 MR. KILMARTIN: So you are going
 25 from 40 to 58.

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1 **MR. DYKSTRA:** Yeah. That's right,
 2 but then on the other hand, Building A is whole
 3 level above Building C.
 4 **MR. KILMARTIN:** It's apples to
 5 oranges though because as you know, based on the
 6 site, the topography and then the size of it, the
 7 parking garage to be is most comparable to Building
 8 C, did you call it?
 9 **MR. DYKSTRA:** Yes. This is Building
 10 C. Yes. That's the nearest building.
 11 **MR. KILMARTIN:** That's in the area
 12 and that lower level let's call it, and you are
 13 looking to go considerably higher.
 14 **MR. DYKSTRA:** No. We are really
 15 within -- the parking structure itself is within
 16 four feet, roof line to roof line is essentially
 17 what we are looking at there. The solar on top is
 18 a bit higher.
 19 **MR. SEAN KIM:** It looks like it's
 20 one story higher than Building C. You came up with
 21 some of the elevations, it looks one-story higher.
 22 **MR. DYKSTRA:** One level.
 23 **MR. SEAN KIM:** One level or if you
 24 get rid of the one level of the parking, they are
 25 almost the same level as Building C.

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1 Well, any way, I have a questions do
 2 you know the elevation, the topographic elevation
 3 on Floyd, if you go, if you pick up the other
 4 south.
 5 **MR. PROFITA:** The residences at
 6 Floyd?
 7 **MR. SEAN KIM:** Yes.
 8 **MR. PROFITA:** The area of the
 9 garage.
 10 **MR. SEAN KIM:** Yes. The area near
 11 the garage.
 12 **MR. DYKSTRA:** Up in this area of
 13 Floyd Street? (Witness indicating.)
 14 **MR. SEAN KIM:** Yes. That's correct.
 15 **MR. DYKSTRA:** The elevation at Floyd
 16 Street there is, I don't have the exact elevation,
 17 but it's about 365. Elevation 365 at Floyd Street
 18 and Evan Place I'll call it. Maybe, you know, it's
 19 just a hair higher than that, but somewhere in that
 20 neighborhood.
 21 **MR. TROVATO:** Is that above sea
 22 level?
 23 **MR. DYKSTRA:** That's right.
 24 **MR. TROVATO:** The top of the new
 25 garage is what?

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1 **MR. DYKSTRA:** 405.
 2 **MR. TROVATO:** The top of the new
 3 garage would be higher than the elevation of Floyd
 4 Street, is that what you just said?
 5 **MR. DYKSTRA:** That's correct.
 6 **MR. SEAN KIM:** It's going to be more
 7 than 35 feet. If you're standing at Floyd Street,
 8 it looks like the height of the building is more
 9 than 35 feet then.
 10 **MR. PROFITA:** We'll have some other
 11 testimony and exhibits that will show comparative
 12 elevations.
 13 **CHAIRMAN FEHRE:** When you decide
 14 about the phasing, Phase I and Phase II, I see that
 15 you basically cut off the eastern side of that
 16 five-story building. Have you considered, let's
 17 say taking off instead the top two floors of the
 18 parking garage and leaving it the same area --
 19 **MR. PROFITA:** That would lower.
 20 **CHAIRMAN FEHRE:** -- that would lower
 21 the profile so it would just keep it as wide as you
 22 see it there, right?
 23 **MR. PROFITA:** Yes. We will have
 24 testimony about what was looked into in that
 25 regard.

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1 **CHAIRMAN FEHRE:** And also locating
 2 it in different places?
 3 **MR. PROFITA:** Yes. Yes. Just I
 4 have marked A-3 with today's date.
 5 **MR. MIRANDI:** Mr. Chairman, maybe
 6 just before we leave those two exhibits that were
 7 up there. Just for the record, Exhibit A-1 is
 8 sheet number A02-10; is that correct?
 9 **MR. DYKSTRA:** Yes. A02-10.
 10 **MR. MIRANDI:** So A-2 would be sheet
 11 A02-09?
 12 **MR. DYKSTRA:** That's right.
 13 **MR. MIRANDI:** Okay. Thank you.
 14 **MR. PROFITA:** A-3 is A02-30.
 15 **BY MR. PROFITA:**
 16 Q. Mr. Dykstra, I have just put up
 17 Exhibit A-3, and I would like you to just describe
 18 for the Board what's shown in the rendering at the
 19 top of the exhibit?
 20 A. Well, the rendering, this is a view of
 21 the parking garage, ground level, and shows the
 22 parking lot and the various levels and I guess if
 23 you look to the left side of the Exhibit, you'll
 24 see Building C and then you'll also see the
 25 proposed solar canopies that was approved in 2014,

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1 over the courtyard.
 2 Q. And the green panels?
 3 A. **And these are the vegetative, proposed**
 4 **vegetative panels that will be installed on the**
 5 **westerly wall.**
 6 Q. And we'll have more testimony about
 7 that from the landscape architect.
 8 Okay. So did you also prepare a
 9 drainage study in connection with the site plan.
 10 You can take that down, if you like.
 11 A. Yes.
 12 Q. And can you describe the change in the
 13 drainage improvements from the December 2014
 14 approval plan as approved by the resolution adopted
 15 in December of 2014?
 16 A. **Yeah. The change primarily was we**
 17 **previously had a surface space located in a**
 18 **vegetative area between I'll call it Building A and**
 19 **the southerly parking lot closest to Sylvan. That**
 20 **detention basin has been removed and some of that**
 21 **vegetation has been maintained.**
 22 **Besides that, we had a substantial**
 23 **subsurface piping system as a retention system. We**
 24 **modified it now to do this all with the surface**
 25 **basin based on that new space that we created so we**

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1 now have a new surface basin and that would manage
 2 all the storm water runoff from the increase in
 3 impervious coverage from this project.
 4 Q. Can you tell the Board what you mean
 5 by a surface basis?
 6 A. **Yeah. It will be a surface basin that**
 7 **allows infiltration and treatment of the storm**
 8 **water so it collects, retains and then slowly**
 9 **discharges the water and also infiltrates the water**
 10 **into the subsurface ground.**
 11 Q. And are there environmental benefits
 12 to that change?
 13 A. **Yes. Normally a surface basin is**
 14 **preferably to an underground detention system,**
 15 **which is basically just an underground piping**
 16 **system that needs maintenance and it's difficult to**
 17 **maintain because it's all underground piping.**
 18 Q. And in your opinion, will the drainage
 19 system as designed be adequate to manage the storm
 20 water on the site?
 21 A. Yes.
 22 Q. Can you tell us what the minimum
 23 residential buffer requirement is for the B-2 zone
 24 south of Hollywood Avenue?
 25 A. **50 feet.**

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1 Q. And what is existing on site today?
 2 What's the existing buffer from the nearest
 3 residential area in the area?
 4 A. **Well, it varies, but obviously, on the**
 5 **northerly part of the site, there's a wooded area,**
 6 **but on the southerly part of the site, we really**
 7 **have a very minimal buffer, that primarily has the**
 8 **vitality trail and with the parking spaces within**
 9 **25 feet of the property line in that area.**
 10 Q. And is there any increase or is there
 11 any decrease in that buffer area from the condition
 12 that exists today and what's proposed on the site
 13 plan that we are considering?
 14 A. **No. We were not proposing any further**
 15 **impact to that buffer.**
 16 Q. And the garage is not any closer to
 17 the residential area than the existing paved areas;
 18 is that correct?
 19 A. **That's correct.**
 20 Q. And is there any impact to the
 21 existing buffer from the construction of the
 22 proposed garage?
 23 A. **No.**
 24 Q. So if the variances were granted to
 25 construct the garage and the total number of spaces

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1 that both phases of the garage would accommodate,
 2 that would eliminate any parking variance on the
 3 site?
 4 A. **That's correct.**
 5 Q. And if Phase I were built and the
 6 applicant decided later that its parking needs did
 7 not require Phase II, there would still be a
 8 parking deficit, correct, as per the ordinance?
 9 A. **That's correct.**
 10 Q. And that would be substantially
 11 reduced from what the current parking deficit is?
 12 A. **That's right. We would, in that case,**
 13 **have 1,277 spaces. The current project was**
 14 **approved with 908 spaces.**
 15 Q. In your opinion, will construction of
 16 a garage to accommodate additional spaces as
 17 opposed to paving other green areas to create more
 18 surface parking, promote a desirable visual
 19 environment?
 20 A. **Yes. I think the only other way to**
 21 **get more spaces on this property would be to pave**
 22 **the front along Sylvan Avenue and that would**
 23 **require disturbance of substantial vegetation and**
 24 **greatly increase impervious coverage on the**
 25 **property.**

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1 Q. In any event, would that solve the
2 parking variance? Is there enough space to parking
3 variances?
4 A. **No. There's not enough space left to**
5 **actually get 1,496 spaces, surface spaces on this**
6 **property.**
7 Q. And that would also require variances
8 from the 60-foot setback from Sylvan Avenue; is
9 that correct?
10 A. **We would need variances from the**
11 **60-foot setback and for parking within the front of**
12 **the, set line of the -- setback of the existing**
13 **buildings.**
14 Q. So this plan actually has eliminated
15 any of the parking spaces being within the 60-foot
16 setback area; is that correct?
17 A. **That's right.**
18 Q. In your opinion, are there any
19 environmental objectives that are achieved by
20 constructing the garage as opposed to expanding the
21 surface parking?
22 A. **Yes. It's basically, like I said, we**
23 **would not have to disturb all of those vegetative**
24 **areas, which is keeping the impervious coverage to**
25 **a minimum and is definitely an environmental**

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1 **benefit.**
2 Q. In your opinion, will the granting of
3 the variances that have been requested constitute
4 appropriate use and development of this property as
5 a corporate headquarters facility?
6 A. **Yes. It's corporate headquarters**
7 **already exist on this site and it's zoned for this**
8 **and the parking garage just allows the full**
9 **utilization of the site.**
10 Q. So then in your opinion, it would
11 result in a more efficient use of the property?
12 A. **Yes.**
13 Q. And the corporate campus concept is a
14 concept that is contemplated by The Master Plan?
15 A. **That's right.**
16 Q. And in the your opinion, would
17 granting the variances requested here substantially
18 impair the intent or purpose of the zoned plan or
19 the zoning ordinance?
20 A. **No. I don't believe so. The parking**
21 **garage is necessary on this site to achieve the**
22 **required parking for the property.**
23 Q. In your opinion, will there be any
24 negative impact on the surrounding properties by
25 granting the variances requested?

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1 A. **No. I don't think there's an impact.**
2 **The garage, although it has some height, it will be**
3 **-- all the parking will be enclosed now.**
4 **Currently, this is an open parking lot in full**
5 **view, so the garage actually contains the vehicles,**
6 **which in my view, improves the visual effect from**
7 **surrounding areas.**
8 Q. Is there a parking garage on the
9 southerly property, 600 Sylvan Avenue?
10 A. **Yes. The 600 site has a one-level**
11 **parking deck. So it's got parking under it and a**
12 **one-level deck above.**
13 Q. And in your opinion, will granting the
14 variances result in any substantial detriment to
15 the public good?
16 A. **No.**
17 Q. And in your opinion, will the benefits
18 from this proposed development outweigh any of the
19 potential detriments?
20 A. **Yes. I believe so. Yes.**
21 Q. The construction of the garage are not
22 going to have an impact on the delivery vehicles
23 coming in and out of the site?
24 A. **No. That condition will not change.**
25 **The loading areas are in the -- between Buildings C**

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1 **and D and on the westerly side of the site.**
2 Q. And there was a variance granted in
3 the prior site plan, in connection with the prior
4 site plan, which was approved in resolution 241K to
5 maintain three loading areas; is that correct?
6 A. **It's two loading areas.**
7 Q. Two loading areas?
8 A. **There were actually three existing and**
9 **there will be two.**
10 Q. And will there be any effect on the
11 waste recycling plan for 700 as a result of
12 construction of the garage?
13 A. **No.**
14 Q. You reviewed a copy of the engineering
15 review letter from Mr. Mirandi's office; is that
16 correct?
17 A. **That's right.**
18 Q. You had some discussions with members
19 of the fire department as well.
20 A. **We had a discussion, as I mentioned**
21 **earlier, after the completeness hearing and I just**
22 **met with the fire chief before this meeting and**
23 **discussed the changes and he indicated verbally**
24 **that he was satisfied.**
25 Q. So if you turn to, I believe it's the

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1 last page of Mr. Mirandi's letter, and this is a
 2 letter dated November 11th, 2015, you understand
 3 that the storm water management plan is under
 4 review by Mr. Mirandi's office, and that they may
 5 require or discuss with you changes to that.
 6 Correct?
 7 **A. That's correct.**
 8 **Q.** And the conditions under item 19, I
 9 guess it's 18, 19, and 20, in accordance with the
 10 prior resolution that was adopted, sound testing
 11 has to be performed in connection with the CHP unit
 12 before any CO is issued.
 13 **A. That's right.**
 14 **Q.** And then looking at item number 22,
 15 the applicant previously stipulated to repair or
 16 restoration of the permeable surface of the one
 17 parking area and that the stipulation will be
 18 remain in effect?
 19 **A. Of course, yeah. The scaling will be**
 20 **corrected when the project is reconstructed.**
 21 **Q.** Item number 23, that was the letter
 22 that was received from the fire department, and the
 23 that item has been addressed in the revisions that
 24 you made to the plan?
 25 **A. Yes. That's right. I mentioned -- I**

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1 **already discussed that proposed 15-foot wide access**
 2 **drive for emergency purposes.**
 3 **Q.** And item number 24, again there was a
 4 proposal by the applicant to install the emergency
 5 access drive from Sylvan Avenue, but only if it's
 6 approved by NJDOT?
 7 **A. That's right. And we believe they**
 8 **will approve this emergency access.**
 9 **Q.** And can you look at item 25 for a
 10 moment. Snow removal over the grass pavers that
 11 are proposed for the access drive, emergency access
 12 drive from Sylvan Avenue. Can you just talk a
 13 little bit about how the snow removal would be
 14 accomplished?
 15 **A. Yes. Unilever would be responsible to**
 16 **maintain that as a clear path, even in the winter**
 17 **months. They would have to plow that as they will**
 18 **their other parking lots and driveways.**
 19 **Q.** You have seen other grass paver
 20 parking areas and driveways being maintained --
 21 **A. Yes.**
 22 **Q.** -- in order to be free of snow?
 23 **A. Yes. Absolutely.**
 24 **Q.** And item 26 is speed humps. Are there
 25 speed humps proposed for the site?

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1 **A. Yeah. We actually proposed two speed**
 2 **humps near the main entrance and one at the rear of**
 3 **the site and their sole purpose is just to keep the**
 4 **traffic moving slowly, especially near pedestrian**
 5 **areas.**
 6 **MR. PROFITA:** And then I'll have
 7 testimony from the other witnesses concerning items
 8 27 and 28, and I have no further questions of
 9 Mr. Dykstra at this time.
 10 **CHAIRMAN FEHRE:** Have you calculated
 11 the impervious coverage of the site?
 12 **MR. DYKSTRA:** I knew you were going
 13 to ask that.
 14 **CHAIRMAN FEHRE:** And how much would
 15 it be with and without the garage, assuming we
 16 wanted to get more parking spaces that you needed.
 17 **MR. PROFITA:** The increase, in other
 18 words from the plan that was approved in the
 19 December of 2014?
 20 **CHAIRMAN FEHRE:** No. Let's say you
 21 want your 1,300 or whatever you need the spaces,
 22 how much would that be with and without the garage.
 23 Do you have that number?
 24 **MR. DYKSTRA:** Well, if you were to
 25 try to achieve --

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1 **CHAIRMAN FEHRE:** Achieve the parking
 2 without the garage.
 3 **MR. DYKSTRA:** I already mentioned I
 4 don't think there's any way you could achieve 1,496
 5 spaces, surface spaces on this property given the
 6 extent of the development already on the property.
 7 **MR. TROVATO:** Maybe the question is
 8 currently, what's the green space and then the what
 9 will be the green space?
 10 **MR. DYKSTRA:** Just to point out the
 11 existing coverage is 49.4% on the site.
 12 **CHAIRMAN FEHRE:** That's building
 13 coverage.
 14 **MR. DYKSTRA:** Total impervious
 15 coverage on the property is 49.4%.
 16 **CHAIRMAN FEHRE:** That's existing?
 17 **MR. DYKSTRA:** Existing. And we are
 18 adding, we are taking that up to, we are adding
 19 53,600 square feet of new impervious coverage with
 20 the overall project and much of that was already
 21 approved with the old project I point out in 2014
 22 so that takes your impervious coverage up to 54.6%.
 23 **MR. PROFITA:** That includes the 51
 24 additional spaces that were approved on your
 25 resolution 241K.

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1 **MR. DYKSTRA:** That's right. But as
 2 I mentioned, if we had to pave the entire front of
 3 this property, I'm not sure how many spaces we
 4 would gain, but we couldn't get to 1,496 and your
 5 coverage would probably go up to 70%. The one area
 6 we couldn't pave back here, there's some
 7 environmental issues back here. We had to leave
 8 that green, but you know, if you pave just about
 9 everything else, you'll be 70, 80% coverage.
 10 **MR. PROFITA:** And you are not
 11 allowed to put parking in the buffer area.
 12 **MR. DYKSTRA:** You can't put parking
 13 in the buffer and you're not allowed to put it in
 14 the front either.
 15 **MR. MIRANDI:** Mr. Chairman, I just
 16 want to follow up on the impervious coverage.
 17 49.4% was existing, that was existing prior to the
 18 December approvals?
 19 **MR. DYKSTRA:** That's right.
 20 **MR. MIRANDI:** With the December 2014
 21 approvals, what did that percentage number go up
 22 to, if you have that?
 23 **MR. DYKSTRA:** It went up to, let's
 24 see, so we are about this new plan with the parking
 25 garage adds about another 10,000 square feet so

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1 that was about 44,000 square feet additional.
 2 **MR. PROFITA:** 43,900.
 3 **MR. MIRANDI:** 43,900 is what? With
 4 the addition of the parking garage?
 5 **MR. DYKSTRA:** That was the 2014
 6 resolution.
 7 **MR. MIRANDI:** That was the
 8 additional impervious, 43,900.
 9 **MR. KATES:** You brought it from 49.4
 10 to what?
 11 **MR. DYKSTRA:** The percentage at that
 12 point was --
 13 **MR. KATES:** I thought you said 49.4.
 14 **CHAIRMAN FEHRE:** Right. That was
 15 before --
 16 **MR. MIRANDI:** Which is current.
 17 **MR. DYKSTRA:** 49.4 was existing. We
 18 went to 53.7 with the 2014 approval. Now, we are
 19 going to 54.6.
 20 **MR. MIRANDI:** Okay. Thank you.
 21 **MR. SEAN KIM:** Question: Certain
 22 property line, I think there's some parking spots
 23 right on the property line there, from the Sylvan
 24 Avenue, you're going into that other property. I
 25 think is that on an easement or how do you get into

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1 that? Actually, everything is opened down there in
 2 between the area of that property and that
 3 property. How do you utilize that?
 4 **MR. PROFITA:** Those spaces, at the
 5 westerly end, those spaces at the westerly end of
 6 the southerly corner, right along there.
 7 (Indicating.) Those spaces are actually partially
 8 on Unilever property, partially on 600 Sylvan, LLC,
 9 and they are used by 600 Sylvan, LLC.
 10 **MR. DYKSTRA:** These back spaces
 11 here, they are split between the two sites. Part
 12 of the spaces are on 700 and part of those
 13 spaces are on 600.
 14 **MR. PROFITA:** They straddle the
 15 property.
 16 **MR. DYKSTRA:** Yes.
 17 **MR. PROFITA:** And they are not used
 18 in any of our parking counts as what we provide on
 19 site. The ones on the easterly end, those in that
 20 row there, those are counted as part of the parking
 21 spaces utilized on the Unilever site. They enter
 22 into the parking count.
 23 **MR. DYKSTRA:** With the exception of
 24 the handicapped spaces. There's three handicapped
 25 spaces there. We did not count those because

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1 there's no accessible route to our buildings from
 2 there so.
 3 **MR. KILMARTIN:** Where is your
 4 breakaway gate going?
 5 **MR. DYKSTRA:** The breakaway gate,
 6 this breakaway gate between 600 and the 700 site.
 7 **MR. MIRANDI:** There's an existing
 8 gate there that's not a breakaway and so you are
 9 proposing to add a breakaway gate.
 10 **MR. KILMARTIN:** How are you going to
 11 use those parking spaces?
 12 **MR. PROFITA:** That's part of our
 13 discussions with 600 Sylvan Avenue, LLC because
 14 effectively they're cut off.
 15 **CHAIRMAN FEHRE:** Is there any chance
 16 to share any of the parking between the two?
 17 **MR. PROFITA:** That's what the
 18 discussions will partially entail.
 19 **CHAIRMAN FEHRE:** Will that benefit
 20 Unilever more or 600 more?
 21 **MR. PROFITA:** I guess that depends
 22 on how good a negotiator I am versus Mr. Buzzetti.
 23 **CHAIRMAN FEHRE:** Are they full? Do
 24 you know if they are full?
 25 **MR. PROFITA:** They are kind of used

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1 by both. I think the ones on the westerly end are
 2 not used by Unilever people at all. I think on the
 3 easterly end, some of them are. But as a practical
 4 matter today, there is available parking areas at
 5 700, you know, because of the building has not been
 6 repopulated, so if you went out there today, during
 7 any workday, you would see empty spaces based on,
 8 you know, the limited population that exists, but
 9 if they make this the North American headquarters,
 10 then that will change. It requires the vacation of
 11 2/3 of 800 Sylvan Avenue, and 920 and 940 Sylvan
 12 Avenue.

13 **MR. SEAN KIM:** Are you going to --
 14 do you allow that access to the other parking
 15 garage through that gate and through that adjacent
 16 easement or something, it's not a major traffic
 17 access to the garage.

18 **MR. PROFITA:** No. It would be for
 19 emergency vehicle access only.

20 **MR. SEAN KIM:** Okay. Thank you.

21 **MR. KATES:** I'm going to ask an
 22 unfair question. Put on your planner's hat for a
 23 minute. Maybe there is no answer yet. The
 24 prohibition of structured parking in a B2 zone, is
 25 there a rationale for it? Is it because it's a

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1 campus setting? I'm trying to understand why the
 2 prohibition came into our zoning ordinance.

3 **MR. DYKSTRA:** I don't know the
 4 reason for it. I'm not sure why it would be
 5 prohibited because maybe it's the view of a parking
 6 garage or the thought, but I mean my view is a
 7 parking garage can be a very attractive structure
 8 if built correctly and it contains the cars. It's
 9 actually probably better than seeing an open
 10 parking lot.

11 **MR. KATES:** In this kind of setting,
 12 a large corporate headquarters, they exist as a
 13 matter or normality, don't they? This is not the
 14 exception to put structured parking into this kind
 15 of facility?

16 **MR. DYKSTRA:** I think in the more
 17 urban areas, yes. I think the more rural you get,
 18 where you have space and land, then you don't need
 19 parking garages, but obviously, you know, when you
 20 get near the City, there's demand for parking
 21 garages everywhere.

22 **MR. KATES:** Okay.

23 **MR. PROFITA:** I think that's
 24 probably the case, the closer you get to the bridge
 25 the more you are going see a parking garage. I

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1 assume that the land cost has something to do with
 2 it. In rural areas, it's less expensive to simply
 3 acquire more land and pave more areas than to
 4 construct a garage.

5 **CHAIRMAN FEHRE:** So 600 Sylvan, that
 6 has a parking garage, next door is a parking
 7 garage.

8 **MR. PROFITA:** 600 Sylvan, yes.

9 **CHAIRMAN FEHRE:** It's one level or
 10 two levels?

11 **MR. PROFITA:** I think it's two
 12 levels.

13 **MR. DYKSTRA:** Two levels.

14 **MR. PROFITA:** One and one.

15 **MR. DYKSTRA:** You have to call it
 16 two levels.

17 **MR. PROFITA:** One enclosed and one
 18 on top. That's right.

19 **MR. KILMARTIN:** I wouldn't call it a
 20 parking garage, but it's two levels.

21 **MR. PROFITA:** Two level deck.

22 **MR. DYKSTRA:** Certainly a park
 23 structure.

24 **CHAIRMAN FEHRE:** Do you know how big
 25 the LG parking garage that was approved at that

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1 time?

2 **MR. PROFITA:** You know, I don't have
 3 it at my fingertips, but that was substantial
 4 garage to my recollection.

5 **MR. SURACE:** It was three stories.

6 **CHAIRMAN FEHRE:** That was three
 7 stories, the LG parking lot.

8 **MR. SURACE:** Three stories.

9 **MR. SEAN KIM:** Could you tell us the
 10 grade elevation difference between 600 and 700
 11 right on the back property line?

12 **MR. DYKSTRA:** Well, the sites at the
 13 back are effectively the same elevation. As you go
 14 south, the elevation is dropping a bit.

15 **MR. SEAN KIM:** I think it's almost
 16 like 5 to 6 feet difference level, difference
 17 visually down there because the parking level on
 18 the 600 commercial to get to 700, and they have to
 19 go up the hill and then I think it's a big
 20 difference and that's why I'm asking. Would you
 21 identify the level differences between that lower
 22 level parking and then the new upper level parking?

23 **MR. DYKSTRA:** I'm not sure I follow.

24 **MR. SEAN KIM:** Right there, right
 25 there, where the gate is. (Indicating.)

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1 **MR. DYKSTRA:** Where the gate is?
 2 **MR. SEAN KIM:** The level difference
 3 there.
 4 **MR. MIRANDI:** From 600 to 700, you
 5 could drive right through.
 6 **MR. DYKSTRA:** That grade is fairly
 7 even.
 8 **MR. SEAN KIM:** I think it's a
 9 difference there.
 10 **MR. MIRANDI:** No. I drove right
 11 through.
 12 **MR. DYKSTRA:** Yes. This, you drive
 13 right through. (Witness indicating.)
 14 **MR. PROFITA:** Yes, it is.
 15 **MR. DYKSTRA:** That's the same grade,
 16 and these grades are kind of, this grade is
 17 actually lower than the 700 site. The 600 site,
 18 the front parking is probably down about four or
 19 five feet compared to the Unilever parking lot.
 20 **MR. SEAN KIM:** Okay. Thank you.
 21 **CHAIRMAN FEHRE:** Any other questions
 22 of this witness?
 23 (NO RESPONSE.)
 24 **CHAIRMAN FEHRE:** He will remain here
 25 if we do have something come up.

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1 **MR. PROFITA:** Yes. That would
 2 conclude him. Yes, Mr. Dykstra will remain.
 3 **CHAIRMAN FEHRE:** Mr. Mirandi has
 4 some questions.
 5 **MR. MIRANDI:** Just a couple items,
 6 Mr. Chairman. Thank you. While Mr. Dykstra is
 7 still here. Mr. Dykstra went through some of the
 8 comments on my letter. Just on the speed tables or
 9 speed humps as they are called, he identified where
 10 they are. I would just like, if the Board looks
 11 favorably upon the application, that we identify a
 12 little bit more either signage or traffic markings
 13 the additional chevrons as you lead up to that
 14 speed table.
 15 There's some testimony,
 16 Mr. Chairman, Board members, on the elimination of
 17 a variance regarding the parking in the front yard,
 18 and that testimony relied on a 60-foot front
 19 required front yard setback and that is correct,
 20 that there is a 60-foot required front yard
 21 setback; however, I still believe it's a variance
 22 condition with the definition, front yard is
 23 defined as from the property line to the nearest
 24 point of the building. So even though we have a
 25 60-foot front yard setback, the nearest point of

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1 the building is about 130, 140 feet back, so any
 2 parking within that area, should also include that
 3 variance for the front yard setback.
 4 **MR. PROFITA:** Yes. We have
 5 requested that variance.
 6 **MR. MIRANDI:** Okay.
 7 **MR. PROFITA:** Just to clarify, the
 8 variance that was eliminated was construction of
 9 parking within the 60-foot setback. There's two.
 10 There's two requirements. One, you can't --
 11 **MR. MIRANDI:** Within the front yard.
 12 **MR. PROFITA:** -- go in the front
 13 yard. You can't go into the 60 feet.
 14 **MR. MIRANDI:** That's still standing
 15 as the requested variance?
 16 **MR. PROFITA:** Yes.
 17 **MR. MIRANDI:** Very good.
 18 **MR. PROFITA:** I believe that
 19 concludes the engineering and planning testimony
 20 from Mr. Dykstra, and I would be ready to call my
 21 next witness.
 22 **MR. KATES:** Do you need a break?
 23 **THE COURT REPORTER:** No.
 24 **MR. KATES:** She's good.
 25 **CHAIRMAN FEHRE:** She's good.

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1 **MR. PROFITA:** The next witness is
 2 Nick Maynard of NRG.
 3 (Whereupon, Mr. Maynard is sworn in by
 4 Mr. Kates.)
 5 **MR. KATES:** Identify yourself
 6 please.
 7 **MR. MAYNARD:** Nick Maynard.
 8 **MR. KATES:** Can you spell the last
 9 name.
 10 **MR. MAYNARD:** M-A-Y-N-A-R-D.
 11 **MR. KATES:** And your business
 12 address, please.
 13 **MR. MAYNARD:** 4900 North Scottsdale
 14 Road, Scottsdale, Arizona 85250.
 15 **MR. KATES:** Your witness.
 16 **MR. PROFITA:** Thank you.
 17 **BY MR. PROFITA:**
 18 Q. Mr. Maynard, where are you employed?
 19 A. NRG Energy.
 20 Q. And can you describe the business
 21 conducted by NRG as it relates to your job at the
 22 company?
 23 A. Absolutely. So my title is Project
 24 Engineering Manager. I manage a portfolio of solar
 25 projects and NRG, by in large is an independent

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1 **power provider that I guess sells energy back to**
 2 **the public.**
 3 Q. Can you describe for the Board your
 4 experience with solar panels?
 5 A. **Absolutely. I worked at NRG for three**
 6 **years, doing exactly what I'm doing here today, and**
 7 **I've had another two years of construction**
 8 **experience, physically building plants.**
 9 Q. And what kind of solar -- what kind of
 10 work have you done with solar panels?
 11 A. **Design, install, commission, testing.**
 12 **Basically anything you can think of, I've done.**
 13 Q. Maintenance as well?
 14 A. **Operational maintenance as well, yes.**
 15 Q. And how many projects have you been
 16 involved with concerning solar panels?
 17 A. **A lot. Hundreds.**
 18 Q. I'm sorry?
 19 A. **Hundreds.**
 20 Q. Hundreds?
 21 A. **Lots.**
 22 Q. And as far as a scale goes, have you
 23 been involved with other projects that involve the
 24 number of panels that are being proposed on the
 25 Unilever site?

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1 A. **Yes.**
 2 Q. And what type of other projects have
 3 you been involved with concerning solar panels? Do
 4 you only do office campuses? Do you do others?
 5 A. **Full spectrum. We do residential,**
 6 **commercial and utility scale.**
 7 Q. And what parts of the country have you
 8 been involved with the design and installation and
 9 maintenance of solar panels?
 10 A. **Many states within the lower 48, and**
 11 **some other territories including Guam.**
 12 Q. And does your work with solar panels
 13 include roof top panels as well as solar arrays?
 14 A. **Yes.**
 15 Q. And now, you testified before this
 16 Board in connection with the approval granted by
 17 resolution number 241 that was adopted in December
 18 of 2014; is that correct?
 19 A. **Yes. That's correct.**
 20 Q. And you conducted two glare studies in
 21 connection with that application and presented the
 22 results to the Board; is that correct?
 23 A. **Yes.**
 24 Q. Now, there were solar array canopies
 25 proposed for the parking area, which is now within

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1 the footprint of the proposed garage --
 2 A. **Yes.**
 3 Q. -- on the other plan?
 4 A. **That's correct.**
 5 Q. So the glare studies that you did
 6 included those panels as well. Correct?
 7 A. **Correct.**
 8 Q. And I believe your testimony was that
 9 it was a minimal impact on both Sylvan Avenue and
 10 on Floyd Street?
 11 A. **And that is also correct. Yes.**
 12 Q. And what do you mean by minimal?
 13 A. **So by minimal, I suppose I can pass**
 14 **these out, but in general, solar panels are**
 15 **designed not to reflect light. In fact, their**
 16 **entire purpose and efficiency and function revolves**
 17 **around being able to absorb light. A lot of PV**
 18 **manufacturers basically add all sorts of things.**
 19 **One of which will be antireflective coatings so**
 20 **when light does hit it, it does not reflect back**
 21 **out.**
 22 **Another manufacturing process is that**
 23 **there will put small microfractures within the PV**
 24 **panel itself in the materials so that when**
 25 **transverse light comes in, it does not bounce right**

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1 **out. It will be a diffuse light so when it hits,**
 2 **it spreads out and scatters in many different**
 3 **vectors so it has far less intensity than, for**
 4 **example, the sun as it came in. That percentage**
 5 **drops it to about 2% of what came in as transverse**
 6 **light. So on a scale, if you had a flashlight and**
 7 **you were looking at it and you assume that that was**
 8 **a 100%, you would physically only be seeing 2%**
 9 **of that light. If, in fact, you were seeing a**
 10 **glare event from a solar panel.**
 11 Q. So how would that compare to lights in
 12 this room, for example?
 13 A. **So the best way to explain it, and I**
 14 **actually I was looking at this security camera last**
 15 **time recording us all. It is a black, dark**
 16 **material that is absorbing light. You can see that**
 17 **there are lights from the building that are**
 18 **reflecting off of it. The purpose of the study has**
 19 **identified that any glare or light output from**
 20 **solar panels would follow up in that low category,**
 21 **which means if you look at it, it does not burn an**
 22 **image of light into your eye. It does not distract**
 23 **you from what you're currently doing. It will not**
 24 **effect you if you look at it. If you stop looking**
 25 **at it, you don't have an image burnt into your eye.**

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1 It is very minimal and there's no lasting effects.
 2 Q. Would it cause you to blink if you
 3 looked at it?
 4 A. I have never blinked after looking at
 5 it. No.
 6 Q. So you mentioned the term PV
 7 manufacturers. What is that? Did you use the term
 8 PV?
 9 A. Venders, photovoltaic I guess is it.
 10 PV is the acronym.
 11 Q. And the panels that were proposed for
 12 the roof top or upper top level of the garage, they
 13 have the same coating and characteristics as the
 14 other panels that were approved for installation on
 15 the roof tops and in the area parking areas?
 16 A. Correct. They will be the same vender
 17 and same model.
 18 Q. Did you conduct a glare study in
 19 connection with the proposed panels on the top
 20 level of the garage?
 21 A. Yes, I did.
 22 Q. And this is what we can hand out to
 23 the Board?
 24 A. Yes.
 25 MR. PROFITA: I guess we could mark

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1 this as A-4, please.
 2 MR. KATES: Yes. Is this to be
 3 called glare study. I see on the next page, Solar
 4 Glare Hazardous Analysis Report.
 5 BY MR. PROFITA:
 6 Q. Mr. Maynard, can you please explain to
 7 the Board page by page, what is contained in
 8 Exhibit A-4.
 9 A. Absolutely. So the cover page is a
 10 summary of the overall results herein, and points,
 11 if you look at the Google earth map, points 1, 2,
 12 3, 4 and 5 are all observation and perspective.
 13 For example, if a person or vehicle were to be
 14 standing along the road, what the impact of the
 15 glare would be. The results are, if you move over
 16 to the observation, points 1 and 2, you would
 17 receive no glare at any point in the year at any
 18 time.
 19 Points 3, 4 and 5 all classify as
 20 green glare, or if you flip through and go to the
 21 graph on Page 3 of 4, I guess the fourth page
 22 regardless, green is defined as low potential for
 23 temporary after-images, which is what I explained
 24 before. You can look at it and it will not deter
 25 you or affect your vision after looking at it at

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1 any point in time.
 2 So from there, I guess the first study
 3 back there, I did not put anything in there for 1
 4 and 2, but the first perspective on the next page
 5 here is I guess perspective 3, how it would -- the
 6 perimeters that went into the design and then
 7 probably the meet of this proposal or what you are
 8 going to view out here is this graph, and this
 9 graph proves --
 10 Q. What page is that on?
 11 A. That is the fourth page in the
 12 document.
 13 Q. It's 3/4 marked at the bottom?
 14 A. Correct. There is a graph for each
 15 one of those perspectives for 3, 4 and 5, detailing
 16 at what time of year and what time of day that
 17 glare could be seen from Sylvan Avenue.
 18 And as you can see, for this case, it
 19 would be 1600 or 4 o'clock, it probably has a, I
 20 guess distribution of 30 minutes at that time
 21 period, of and again, it has a low intensity,
 22 non-impacting. For example, if I were to go to the
 23 FAA and give this to them and they were concerned
 24 that a pilot flying a Boeing 737 overhead were to
 25 catch a glimpse of this from the aircraft, they

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1 would say that's okay because it's not going to
 2 affect them at all.
 3 Q. Okay.
 4 A. And then in conjunction with that, the
 5 next page shows observation .3 and observation .4
 6 and so on and so forth, again with the same graph
 7 dictating as you move closer and closer in front of
 8 the -- as you move from here to here to here, so
 9 observation point 3, 4 and 5 along, as you are
 10 directly perpendicular, you are going to have more
 11 time during the year where you will be able to see
 12 potential glare, depending on the angle of the sun.
 13 Again, it's low for all days. And each graph will
 14 tell you the duration for any proposed exposure and
 15 time of year.
 16 MR. MIRANDI: On that chart that you
 17 are holding up, sheet 3 of 4, and I understand the
 18 green is the low potential for afterimage, you
 19 mentioned low intensity. Can you explain a little
 20 bit about the width of the band? Is that a measure
 21 of intensity?
 22 MR. MAYNARD: That's a measure of
 23 duration.
 24 MR. MIRANDI: Duration. Okay.
 25 MR. MAYNARD: If you look at the

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1 wide access scale on that page, it starts out 1600
 2 hours in January and goes to about maybe 1630.
 3 **MR. MIRANDI:** Okay.
 4 **MR. MAYNARD:** So about a 30-minute
 5 gap and then each line is an hour transition and at
 6 that point in time in January, you will have that.
 7 The biggest of which being July, where you'll have
 8 just over an hour between 4 to 5:00 p.m. when you
 9 would see something directly in front.
 10 **MR. MIRANDI:** Thank you.
 11 **MR. MAYNARD:** However, what was
 12 pointed out by Ken was that the elevation of the
 13 carport will be 405 feet. Whereas, the elevation
 14 of the curb is 373 feet. So, in effect, you're
 15 already below the panels, which means you are not
 16 likely to see any glare any ways because you are
 17 beneath them.
 18 **MR. SEAN KIM:** As a layman
 19 understanding about the solar panels and in order
 20 to maximize the southern exposure, usually the
 21 solar panels face the north -- I'm sorry, the
 22 south. In this case here, you have them located
 23 facing the east. Is there any reason for it?
 24 **MR. MAYNARD:** Yes, there is. And
 25 it's a constraint of the project. So you are

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1 absolutely right. If we are designing this for KWH
 2 and production alone, you would want your tilt to
 3 be due south, to be as perpendicular to the sun as
 4 possible. However, because the parking spaces do
 5 not run or face south, we have a design constraint
 6 where we have to build the carports in a manner
 7 that follow that parking structure or the parking
 8 lot structure. Without orienting to the south, we
 9 can't do it so there a hit to production. However,
 10 the carports serve both a dual purpose of shade and
 11 security and coverage in rainstorms, snowstorms,
 12 etc. so they have dual purposes.
 13 **MR. SEAN KIM:** So by doing that, is
 14 there any kind of disadvantage in generating the
 15 energy since it's facing east?
 16 **MR. MAYNARD:** Yes. Absolutely. By
 17 not facing south, you have a hit to generation,
 18 however, in this layout, you can't face south
 19 without effecting the design and actual intent for
 20 the layout.
 21 **MR. SEAN KIM:** Okay. Thank you.
 22 **BY MR. PROFITA:**
 23 Q. Now, the design, you have a handout
 24 that shows what the panels that are proposed for
 25 the top level of the garage look like.

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1 **A. Yes, I do. Actually, this was handed**
 2 **out in the first testimony.**
 3 **MR. PROFITA:** So we'll mark that as
 4 A-5.
 5 **MR. KATES:** Yes. What will we call
 6 that?
 7 **MR. PROFITA:** I'll call it solar
 8 array design.
 9 **MR. MAYNARD:** Elevations, let's call
 10 it solar array elevations.
 11 **MR. KILMARTIN:** Regarding the
 12 handout you just gave in your testimony, does PV1,
 13 PV2, PV3, PV4, those are locations, those locations
 14 are not where you are putting the garage.
 15 **MR. MAYNARD:** So these are
 16 perspectives in the last testimony we gave. The
 17 Board's primarily concerns were glare towards homes
 18 and two, glare towards Sylvan Avenue so this, I
 19 guess glare study mimics what had passed in that
 20 last duration and following that one, no glare will
 21 go towards the homes because those solar panels do
 22 not point in that direction and two, what the glare
 23 will be towards the road on Sylvan Avenue.
 24 Q. So in other words, the reference
 25 points on the first page of A-4 are positions along

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1 Sylvan Avenue where one might be traveling in a
 2 car?
 3 **A. Correct.**
 4 Q. And that's the point at which the
 5 glare which might be observed by the driver of that
 6 car is measured?
 7 **A. Correct.**
 8 **MR. KILMARTIN:** But we are not
 9 talking about glare from the proposed solar panels.
 10 We are talking about glare from different
 11 locations, no?
 12 **MR. MAYNARD:** So think of the point
 13 as if you were standing at points one, this is the
 14 perspective you would be, and then the point of
 15 reference is from the solar panels, and if you were
 16 here, (witness indicating) would you see any glare.
 17 **MR. KILMARTIN:** PV 1, 2, 3 and 4 are
 18 not in the same location as the proposed solar
 19 panels.
 20 **MR. MAYNARD:** So is this not the --
 21 **MR. KILMARTIN:** You are the expert.
 22 **MR. MAYNARD:** Right. Right.
 23 **MR. PROFITA:** I can have him do it.
 24 **MR. MAYNARD:** This is the building
 25 and then this is where the carport is proposed.

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1 **MR. PROFITA:** Yes. Oh, I'm sorry.
 2 **MR. KILMARTIN:** You got them in it
 3 wrong location. You have them farther to the east.
 4 You have them in the upper parking lot, instead of
 5 the lower parking lot, unless I'm mistaken.
 6 **MR. PROFITA:** No.
 7 **MS. SCANCARELLA:** Yes.
 8 **MR. PROFITA:** I believe, yes. It's
 9 shifted. The actual location shown on there is
 10 more aligned with the building.
 11 **MR. MAYNARD:** I hear what you are
 12 saying. If you'd like, I could widen the birth,
 13 but the results won't change, but I can do that.
 14 **Q.** Would that change the results if it
 15 were moved further to the west?
 16 **A.** It will not, but I can.
 17 **Q.** You can run that study?
 18 **A.** Um-hmm.
 19 **MR. KILMARTIN:** Your testimony is
 20 the same?
 21 **MR. MAYNARD:** It will not change.
 22 **MR. KILMARTIN:** I recall your
 23 testimony from last year was that it doesn't.
 24 **MR. MAYNARD:** Yes. Absolutely. But
 25 I'll do that to satisfy the Board.

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1 **MR. KILMARTIN:** If you put it in the
 2 right location, that would be helpful.
 3 **BY MR. PROFITA:**
 4 **Q.** So referring to A-5, this has three
 5 photographs of an actual solar array installation;
 6 is that correct?
 7 **A.** That's correct.
 8 **Q.** Now, the parking, the solar canopies
 9 that were approved in the site plan that was
 10 adopted in December of 2014, has different
 11 configured panels; is that correct?
 12 **A.** That is correct.
 13 **Q.** And can you tell the Board why you're
 14 going to be going on the top of the garage with the
 15 panels that just have the one level?
 16 **A.** Absolutely. So for the garage, we are
 17 just adopting a standard double cantilever
 18 approach. It is the most standard carport built in
 19 the U.S. or anywhere, and it's just standard,
 20 reduces the cost, increases the generation, and
 21 because it would be, I guess elevated higher, we
 22 are just using a more efficient design.
 23 **MR. KILMARTIN:** Which way will it be
 24 angled?
 25 **MR. MAYNARD:** The exact same tilt.

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1 **MR. KILMARTIN:** Towards Sylvan
 2 Avenue or away?
 3 **MR. MAYNARD:** Towards.
 4 **MR. PROFITA:** Towards Sylvan.
 5 **MR. KATES:** Is that a fixed angle?
 6 **MR. MAYNARD:** Fixed.
 7 **MR. KATES:** It does not move?
 8 **MR. MAYNARD:** It does not tilt or
 9 retract.
 10 **BY MR. PROFITA:**
 11 **Q.** And what does that mean in terms of
 12 any potential glare to the residents on Floyd
 13 Street, the fact that the panels are angled towards
 14 Sylvan Avenue?
 15 **A.** There will be no glare towards the
 16 residences.
 17 **Q.** Is that why it wasn't necessary to do
 18 a glare study from Floyd Street, there will be no
 19 glare period?
 20 **A.** Correct. The panels will not be
 21 facing that direction.
 22 **MR. DOOLY:** Well, it looks to me
 23 that the panels you say are going to be 405 above
 24 sea level. Floyd Street is 365, 40 feet
 25 difference, so the panels are 14 feet high, that

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1 brings it down 26 to the bottom, and houses along
 2 Floyd Street will be looking basically at the back
 3 of the solar panels, as I roughly see that then.
 4 **MR. MAYNARD:** Correct.
 5 **MR. DOOLY:** Which really wouldn't be
 6 that pretty of a picture.
 7 **MR. PROFITA:** We'll have testimony
 8 about the elevation. We have some exhibits and
 9 we'll address that.
 10 **MR. DOOLY:** Okay.
 11 **MR. KATES:** The panels I've seen are
 12 always illuminating the surface below it. Is that
 13 part of the design or can those lights be turned
 14 off?
 15 **MR. MAYNARD:** So I do not have any
 16 lighting on the carport design. I believe that was
 17 is taking being care of --
 18 **MR. PROFITA:** We'll have testimony
 19 about the light on the carport.
 20 **MR. SEAN KIM:** If the proposed solar
 21 panels, if you lower panel maybe a level below or
 22 10 feet below, will you have the same results like
 23 this?
 24 **MR. MAYNARD:** Are you talking about
 25 the low potential?

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1 **MR. SEAN KIM:** Yes.
 2 **MR. MAYNARD:** Absolutely.
 3 **MR. SEAN KIM:** Doesn't matter where
 4 you are located?
 5 **MR. PROFITA:** The height you mean?
 6 **MR. SEAN KIM:** Yes. The height
 7 elevation.
 8 **MR. MAYNARD:** So the height as I put
 9 on the cover, it does affect it because, for
 10 example, if you're beneath the panels you are not
 11 going to get a glare from it either; however, I
 12 still ran the reports so you could see what points
 13 of time the glare will be, but yes.
 14 **MR. SEAN KIM:** So I think you
 15 proposed, actually you are going to have one of the
 16 solar panels on Building C and this new garage is a
 17 little bit higher so all different effects of glare
 18 as you can expect them. We are not going to
 19 actually feel any kind of glare, but I think the
 20 effect will be different on the Building C and the
 21 garage. When you started on this one here, and
 22 then that effect of the glare is going to be the
 23 same situation as Building C.
 24 **MR. MAYNARD:** So Building C was
 25 covered in the last glare study.

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1 **MR. SEAN KIM:** Right.
 2 **MR. MAYNARD:** But you can look at
 3 that one. It is a little bit different because
 4 those panels are a little different tilt and the
 5 elevation because they are a ballasted roof
 6 mounting system, they are not elevated that far and
 7 there are parapet walls around this that are
 8 blocking any reflection as well.
 9 **MR. SEAN KIM:** So either way, even
 10 if it's lower and higher, then you are not going
 11 have, you are not going to feel any kind of glare
 12 from it?
 13 **MR. MAYNARD:** If you had clear sight
 14 lines, you would still have a low potential for
 15 temporary after-imagine. Yes, the results do not
 16 change.
 17 **MR. SEAN KIM:** Thank you.
 18 **CHAIRMAN FEHRE:** Okay. If there are
 19 no further questions of this witness.
 20 (NO RESPONSE)
 21 How many more witnesses do you have,
 22 Mr. Profita?
 23 **MR. KATES:** Planned for tonight.
 24 **MR. PROFITA:** Pardon me.
 25 **MR. KATES:** Planned for tonight.

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1 **MR. PROFITA:** For tonight, I would
 2 like to present the landscape architect testimony
 3 tonight, and I can present the traffic expert
 4 testimony as well. That depends on what's the
 5 Board's appetite for time.
 6 **CHAIRMAN FEHRE:** I'm kind of
 7 thinking we should open it to the public.
 8 **MR. PROFITA:** We have no problem
 9 bringing all of those witnesses back.
 10 **CHAIRMAN FEHRE:** Even this witness?
 11 **MR. PROFITA:** This witness, if we
 12 don't have to, we prefer not to because of the
 13 travel. It's far away but if the public could
 14 question him to today, that would be good.
 15 **CHAIRMAN FEHRE:** I think that would
 16 be good. I would then call for a motion to open
 17 the meeting to the public.
 18 **MR. KILMARTIN:** Yes.
 19 **CHAIRMAN FEHRE:** Second?
 20 **MR. TROVATO:** Second.
 21 **CHAIRMAN FEHRE:** All in favor.
 22 (All Board members respond in the
 23 affirmative.)
 24 **CHAIRMAN FEHRE:** Is there anybody
 25 that would like to be heard on this application?

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1 **MR. KATES:** Questioning this
 2 witness.
 3 **MS. SCANCARELLA:** Questioning of
 4 this witness.
 5 **MR. PROFITA:** If we could,
 6 Mr. Chairman, if we could start with the
 7 questioning of Mr. Maynard.
 8 **CHAIRMAN FEHRE:** Start with him
 9 first and then continue to go right into the
 10 general questions.
 11 Do we have anybody that would like
 12 to --
 13 **MR. BUZZETTI:** Michael, Al Buzzetti
 14 here. I have a couple questions. I don't know if
 15 you want to drag the witness back. I do have
 16 questions and it may be helpful. I need to see the
 17 plan or the exhibit that was handed out because I
 18 could not follow you a 100%.
 19 Basically I want to understand it
 20 more than anything. So it looks like there are
 21 solar panels in the front of the -- in between the
 22 proposed garage structure and Sylvan Avenue; is
 23 that correct?
 24 **MR. MAYNARD:** That is correct.
 25 **MR. BUZZETTI:** And that was part of

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1 the December 2014 approval?
 2 **MR. MAYNARD:** That is correct.
 3 **MR. BUZZETTI:** In what direction are
 4 those panels facing Sylvan Avenue?
 5 **MR. MAYNARD:** So the ground mounted
 6 carport design, and I don't have the drawings, but
 7 they effectively have two tilts. They have one
 8 tilt that is about 15 degrees in one direction and
 9 a negative tilt at a negative, between 1 to
 10 5-degree tilt. So effectively, one side is facing
 11 toward Sylvan Avenue and one is mildly tilted
 12 inverse towards the homes.
 13 **MR. BUZZETTI:** Back towards Floyd?
 14 **MR. MAYNARD:** Back towards Floyd.
 15 **MR. BUZZETTI:** Are any of those
 16 solar panels directly in front of the garage facing
 17 or tilting any way towards 600 Sylvan Avenue?
 18 **MR. MAYNARD:** No.
 19 **MR. BUZZETTI:** Has a glare study
 20 been done with respect to the impact of the solar
 21 panels in between the garage and Sylvan Avenue on
 22 600 Sylvan Avenue?
 23 **MR. MAYNARD:** No.
 24 **MR. BUZZETTI:** Has a glare study
 25 been done with respect to the solar panels proposed

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1 to be put on top of the proposed garage with
 2 respect to Sylvan Avenue, 600 Sylvan Avenue?
 3 **MR. MAYNARD:** No.
 4 **MR. BUZZETTI:** And how about the
 5 solar panels that are shown on the attached, or the
 6 exhibit that you are looking at there, is that
 7 Exhibit 4 by the way?
 8 **CHAIRMAN FEHRE:** 1.
 9 **MR. BUZZETTI:** Exhibit 1, has any
 10 glare study been done with respect to the solar
 11 panels in between the proposed garage and Floyd and
 12 any impact on 600 Sylvan Avenue?
 13 **MR. MAYNARD:** No.
 14 **MR. BUZZETTI:** And what direction
 15 are the panels in between Floyd and the parking
 16 garage tilted in?
 17 **MR. MAYNARD:** The same direction.
 18 They are east.
 19 **MR. BUZZETTI:** Will there be any
 20 impact on 600 Sylvan Avenue by the panels shown in
 21 between Floyd and the proposed garage?
 22 **MR. MAYNARD:** I haven't run the
 23 study. My professional opinion, only during -- if
 24 this is north, sun rises in the south, sets in the
 25 I guess east, west, so you may have -- if so, it's

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1 very limited. Like I, without running the study, I
 2 can't tell you for sure, but it looks limited.
 3 **MR. BUZZETTI:** You will need a study
 4 to understand the impact. And would that be the
 5 same for panels on top of the proposed garage
 6 structure, you need to do a study to be able to
 7 carefully understand the impact?
 8 **MR. MAYNARD:** To tell you for sure,
 9 yes.
 10 **MR. BUZZETTI:** All right. We're
 11 going to talk in between this meeting and the next
 12 meeting. I don't want to belabor it, but Michael,
 13 we really --
 14 **MR. PROFITA:** We can have him run
 15 the study. We can do that.
 16 **MR. BUZZETTI:** And then we can work
 17 together on that. I don't have any further
 18 questions for the moment.
 19 **MR. MAYNARD:** I was going to say the
 20 results won't change. It will still be that low
 21 impact glare regardless of your vantage point.
 22 **MR. BUZZETTI:** Mike, fair to say,
 23 we'll be able to understand exactly and if we need
 24 this witness, we'll bring him back.
 25 **MR. PROFITA:** Yes.

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1 **MR. BUZZETTI:** Thank you.
 2 **MR. NACHMAN:** Ralph Nachman, 657
 3 Floyd.
 4 Can you clarify specifically with
 5 respect to the solar panel if Phase II goes and is
 6 completed, what's the total number of solar panels
 7 that will be installed relative to the previous
 8 plan approved in December, and how will that number
 9 effect the CHP power generator? Now you may be
 10 addressing that in the future, but from your point
 11 of view, how many solar panels are you proposing
 12 relative to the December proposal?
 13 **MR. MAYNARD:** Absolutely. So the
 14 final design is not set; however, it would be less
 15 than what was proposed in December. So the number
 16 of modules will decrease.
 17 **MR. NACHMAN:** And I presume that the
 18 power generator for these will be discussed at a
 19 later time; is that correct, Counsel?
 20 **MR. PROFITA:** I don't believe the,
 21 CHP unit -- the CHP unit you are talking about?
 22 **MR. NACHMAN:** Right. There was a
 23 lot of discussion in December about that and the
 24 noise, etc., and the baffling of it.
 25 **MR. PROFITA:** Yes. Correct.

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1 **MR. NACHMAN:** Do you plan to bring
2 that up again?
3 **MR. PROFITA:** No. There's no change
4 to that. The panels aren't going to affect the CHP
5 unit. There's no relationship between the solar
6 panels and the CHP unit.
7 **MR. MAYNARD:** No. Two different.
8 **MR. NACHMAN:** So the CHP unit stays
9 as it was discussed and as it was approved last
10 December?
11 **MR. PROFITA:** Yes. There's no
12 proposed change to that.
13 **MR. NACHMAN:** And its place will be
14 in the same place?
15 **MR. PROFITA:** No proposed change to
16 that, yes.
17 **MR. MIRANDI:** Just, Mr. Chairman,
18 just to add, Mr. Dykstra commented on my letter
19 with the noise review and we talked about that that
20 would be a requirement prior to any certificate of
21 occupancy.
22 **MR. CHINMAN:** Jeff Chinman, 611
23 Floyd Street. My question is these solar towers
24 that you are creating, are you saying there will be
25 no lighting on any of the towers?

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1 **MR. PROFITA:** We'll have somebody --
2 **MR. CHINMAN:** I'm asking the
3 question. This is 15 feet high and the lights can
4 be attached to that.
5 **MR. MAYNARD:** So you can attach
6 anything to anything. However, for the carport on
7 the garage only, I am not designing lights for
8 because that is being taken care of by the garage
9 structure itself.
10 **MR. CHINMAN:** So the entire top
11 floor of the garage will have a solar panel over
12 it?
13 **MR. MAYNARD:** Yes.
14 **MR. CHINMAN:** And there will be no
15 lights attached to your solar panels on the other
16 side of it?
17 **MR. MAYNARD:** Correct.
18 **MR. CHINMAN:** But the one on the
19 ground, there may be lights put in the bottom of
20 the towers?
21 **MR. MAYNARD:** There will be lights,
22 downward facing LED lights is what was permitted,
23 therefore, no light pollution.
24 **MR. PROFITA:** We will have testimony
25 on that.

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1 **MR. MIRANDI:** Mr. Chairman, just to
2 clarify Mr. Chinman's comment there, the question
3 was will it be the entire top of the roof area and
4 it's just that blue area.
5 **MR. PROFITA:** The magenta, the dark
6 purple.
7 **MR. MIRANDI:** Purple, whatever.
8 **MR. PROFITA:** That's Phrase I and
9 II.
10 **MR. MIRANDI:** No. I'm talking about
11 the blue, if it's blue, for the solar canopy. I
12 think it was understood that it was the entire roof
13 area, but it's, as you can see from there, it's
14 not.
15 **MR. PROFITA:** Can you point to where
16 the solar canopies will be on the top of the
17 garage, Mr. Maynard.
18 **MR. MAYNARD:** (Witness indicating.)
19 Yes.
20 **MR. PROFITA:** That's if both phases
21 are constructed and then on the exhibit below,
22 behind exhibit A-3. No. Below, on the ground, the
23 one behind it, has the Phase I garage and that has
24 the one row of the solar panels.
25 **MR. MAYNARD:** Correct.

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1 **MR. PROFITA:** And you have not been
2 involved in designing any lighting whatsoever in
3 connection with solar arrays or the garage, that's
4 being done by the architects who designed the
5 garage?
6 **MR. MAYNARD:** Correct. I have not
7 been.
8 **MR. PROFITA:** So we'll have
9 testimony about that.
10 **MS. GEIGER:** Carin Geiger, 270
11 Alfred Street, Englewood Cliffs.
12 I just have a question and it's my
13 newness to the project, it's not to you. You
14 mentioned in your plan that the current capacity is
15 908 and in Phase I with this parking garage, it's
16 going to 1,277 spaces; is that correct?
17 **MR. PROFITA:** Phase I.
18 **MS. GEIGER:** Phase I.
19 **MR. PROFITA:** Yes.
20 **MS. GEIGER:** And then in Phase II,
21 you plan to go up another 300 to get to 1,504.
22 **MR. PROFITA:** 1,508.
23 **MS. GEIGER:** 1,508. And that our
24 zoning requires 1,496 so you wouldn't need a
25 variance because you already have a variance, don't

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1 you? Because that was given in order for you to be
 2 where you are now.
 3 **MR. PROFITA:** Yes.
 4 **MS. GEIGER:** What I don't understand
 5 is in the way you constructed the parking lot is
 6 why or what would be the impact of taking one level
 7 off the garage and building both Phase I and II at
 8 the same time? In other words, lowering the height
 9 of everything by one level, how many spots would
 10 you be eliminating and what variance would you
 11 need?
 12 **MR. PROFITA:** We will have testimony
 13 about that from the garage architect, but
 14 approximately --
 15 **MS. GEIGER:** How many spaces are on
 16 each floor?
 17 **MR. PROFITA:** I have to calculate
 18 it.
 19 **MS. GEIGER:** How high is it?
 20 **MR. DOOLY:** I think I did quick
 21 numbers on that. It looked like on the first
 22 phase, around 160 parking a floor, and on the
 23 second phase, it looks 255.
 24 **MS. GEIGER:** A floor?
 25 **MR. DOOLY:** A floor. That's what I

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1 came up with.
 2 **MR. PROFITA:** It's 255 total for
 3 Phase II. I think it's roughly somewhere around
 4 maybe a 160 a floor. Do you have that, John? So
 5 Phase I and II combined is 190 per floor. The
 6 first -- the lowest elevation is not a full floor
 7 because of the slope. So it's approximately a 123
 8 per floor, Phase I only. 190 per floor, Phase I
 9 and II. The lowest level is less, but the upper
 10 floors are pretty much about the same.
 11 **MS. GEIGER:** So you would lose about
 12 200 parking spots if you eliminated a floor and
 13 basically dropped the building, is that correct,
 14 but built I and II at the same time?
 15 **MR. PROFITA:** Correct.
 16 **MS. GEIGER:** So, therefore, you
 17 would need a parking variance under that
 18 scenario --
 19 **MR. PROFITA:** Yes.
 20 **MS. GEIGER:** -- but you would
 21 certainly be able to accommodate your anticipated
 22 load of people?
 23 **MR. PROFITA:** Yes. You would need
 24 a variance.
 25 **MS. GEIGER:** So you wouldn't have

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1 the overflow parking that you talked about, going
 2 to 1,500 --
 3 **MR. PROFITA:** Right.
 4 **MS. GEIGER:** -- which would be your
 5 peak load so I just wanted to raise that as a
 6 question. Thank you.
 7 **MR. PROFITA:** Thank you.
 8 **MR. MANOLIO:** These are pretty much
 9 not to do with the solar. I'm Thomas Manolio,
 10 M-A-N-O-L-I-O, 603 Floyd Street.
 11 This is more general questions for
 12 the gentleman from Unilever and the garage
 13 architect.
 14 **CHAIRMAN FEHRE:** That's fine.
 15 **MR. MANOLIO:** And maybe towards
 16 Mike. How many people work in the building
 17 currently?
 18 **MR. PROFITA:** The 700 population,
 19 the daily average was testified to be 700 to 800.
 20 **MR. MANOLIO:** And I apologize, I
 21 wasn't at the last meeting, I don't have that
 22 information and if it's repetitive, I apologize.
 23 So you are saying basically you
 24 might need almost two spaces per person.
 25 **MR. PROFITA:** No, because that's the

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1 current operation there. They have a proposal to
 2 make this site the North American headquarters for
 3 Unilever.
 4 **MR. MANOLIO:** How many people are
 5 they adding?
 6 **MR. PROFITA:** I believe the
 7 testimony was that the population may increase to
 8 1,500 but then there's approximately, I believe 225
 9 a day that are in the shuttle program so parking --
 10 **MR. KATES:** I think your witness has
 11 to answer; not you, Mike.
 12 **MR. PROFITA:** Okay.
 13 **MR. KATES:** If he could come forward
 14 and answer these questions.
 15 **MR. MANOLIO:** I apologize. I'm just
 16 trying to understand why you all of a sudden need a
 17 60,000 square foot parking deck and garage
 18 basically in our backyard. I'm just trying to
 19 understand that, and also, if you are going to
 20 expand the building. I mean it seems like if
 21 that's what you are planning to do with in future,
 22 I mean you want to build, and also, why do you need
 23 to do it in two phases.
 24 **MR. GROSSBERG:** There's a couple
 25 questions there and I'll just try to remember them

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1 all.

2 **MR. MANOLIO:** I can repeat them.

3 **MR. GROSSBERG:** I think I'll

4 probably remember them. So the plan is to do some

5 improvements to this building. The exterior as

6 well as the interior so that it can accommodate

7 many more people than it currently can now because

8 we currently have an inefficient population in this

9 building and in the 800 building, an inefficient

10 population and we have two other buildings that we

11 lease and so the intent of the project is to bring

12 all of that staff together and convert this into an

13 actual headquarters building for the entire

14 company, so we'll get out of the --

15 **MR. MANOLIO:** Will the facility

16 handle that now?

17 **MR. GROSSBERG:** No. So it can't do

18 it now. The plan that was approved has the

19 structure on what's been approved, and then there

20 will be an internal redesign of the building to

21 maximize it.

22 **MR. MANOLIO:** So what you got

23 approved last December is what you are going to do?

24 **MR. GROSSBERG:** Bar the parking

25 garage.

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1 **MR. MANOLIO:** As far as what your

2 capacity needs will be?

3 **MR. GROSSBERG:** That's correct.

4 **MR. MANOLIO:** Okay. That's fine.

5 **MR. GROSSBERG:** So the other

6 questions were about --

7 **MR. MANOLIO:** I don't understand why

8 we need a 60,000-square foot parking garage there.

9 Just a couple thoughts while we were thinking, I

10 understand you want to keep the front of the

11 building nice, off of the highway, but I think a

12 little more concern should be given to the people

13 that live behind the building. If you want to be

14 really good neighbors, which you have been. I have

15 been in this town for 50 years and you guys have

16 been great, I think you can really push it up to

17 the front or another alternative is if you are

18 going to do it in phases, shrink the one in the

19 back and possibly put another smaller one in the

20 front.

21 **MR. GROSSBERG:** I can answer several

22 of those, so the original plan was to try to do

23 some external solutions that we could accommodate

24 so the population that we calculated to be an

25 average population once we move everybody on site,

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1 it's going to be approximately on average about

2 1,300 people per day. On a peak average about

3 1,550, maybe once a week or once every other week.

4 The current approved plan has 908 spaces I believe,

5 and so there's not enough parking for the expected

6 population.

7 We had attempted to do some adding

8 -- we currently have shuttle service that brings

9 folks from New York to here. And so we were

10 thinking about amplifying that program to try to

11 bring people, most of our population comes from New

12 Jersey, and a lot comes from the Southern part of

13 New Jersey, which some of the younger people who

14 may think about shuttle service or something like

15 that, but the reality is that we were going to add

16 significant cost to try to shuttle additional

17 people to the site because we knew we didn't have

18 enough parking on the site because the parking deck

19 is very expensive, and we wanted to try to avoid

20 doing that, but that's changed behavior of your

21 employees and we couldn't be assured that we could

22 do that.

23 There's other behavioral things that

24 we were trying to do or suggesting to our

25 management, that we would increase a car share. We

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1 try and promote car share, carpooling. We have,

2 you know, very few people that do that now. Again,

3 behavioral changes and then we would try to do some

4 kind of service where we would do valet so they

5 could double stack parking on the lot. Not really

6 the best and certainly not confirmed that we could

7 do it, so when we revamped the project, it became

8 very clear to the executive leadership they did not

9 want to put this huge investment into the

10 headquarters and then have problems day one with

11 people being able to get on site.

12 The idea was to make it a very

13 attractive location for the population and maybe

14 bring more of our folks that currently work remote

15 to the site.

16 **MR. MANOLIO:** Your normal hours are

17 what?

18 **MR. GROSSBERG:** Probably 8, 8:30 to

19 5, 5:30, something like that.

20 **MR. MANOLIO:** Basically everybody

21 comes and goes at the same time. Because another

22 concern is if you're adding 400 or 500, 600 cars

23 there, they are all starting up and running at the

24 same time or coming in at the same time. Are there

25 any vents, any circulation for the exhaust fumes or

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1 anything like that? I'm sure it might be a problem
2 in the back.
3 **MR. GROSSBERG:** I couldn't testify
4 to the technical parts of that.
5 **MR. MANOLIO:** It's just a concern
6 that these residents have, and again, it's just a
7 huge structure that you are putting in. The
8 parking lot, it really isn't terrible looking at
9 the cars. This is going to be a little bit of a
10 detriment and I understand you want to clean it and
11 make it really nice, but it would be really, really
12 good if you could find a way to put it up in the
13 front behind the trees.
14 **MR. GROSSBERG:** Some of those, just
15 so you know, we have really tried to find the best
16 spot for it to be the least impactful to anyone who
17 is looking at the site and part of the reason we
18 selected that is so we testified that, you know,
19 there are certain things we can't get things over
20 here. Plus, there's actually more residents so
21 here and so here, there's really 2 to 3 residents
22 that can physically see it.
23 **MR. MANOLIO:** I know. I'm one of
24 them. I see it.
25 **MR. GROSSBERG:** Okay. So yeah, so

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1 we are doing the green thing to make it more --
2 **MR. MANOLIO:** I hear what you are
3 saying but still, we are going to look at a 55,
4 60,000-square foot structure and it's not nice in a
5 residential area. Thank you, Mr. Chairman.
6 **MR. CHINMAN:** A couple questions of
7 this witness. Approximately what are the projected
8 costs of Phase I and Phase II?
9 **MR. GROSSBERG:** Of the parking deck?
10 **MR. CHINMAN:** Yes.
11 **MR. GROSSBERG:** Well the projected
12 costs are, I don't remember the number. I think
13 it's 12 for Phase I and we don't actually have the
14 full breakdown. I think it's 12 for Phase I and 16
15 for Phase II.
16 **MR. CHINMAN:** It seems like, you
17 don't want to -- you mentioned you don't want to do
18 Phase II right away because of the extra cost. You
19 must have figured out the cost.
20 **MR. GROSSBERG:** Yes. I don't have
21 them off the top of my head.
22 **MR. CHINMAN:** You think 12 and
23 another 4 million?
24 **MR. GROSSBERG:** Something to that
25 effect.

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1 **MR. CHINMAN:** My next question do
2 you actually have leases at 800?
3 **MR. GROSSBERG:** Yes. We lease 800.
4 **MR. CHINMAN:** And how long? I
5 understand is it a very long-term lease? How long
6 is that?
7 **MR. GROSSBERG:** We are currently on
8 a three-year renewal.
9 **MR. CHINMAN:** Only three years left?
10 **MR. GROSSBERG:** Yes.
11 **MR. CHINMAN:** No renewals after
12 that?
13 **MR. GROSSBERG:** We have options to
14 renew.
15 **MR. CHINMAN:** How far out does it
16 go?
17 **MR. GROSSBERG:** I think 12 more
18 years after that. We have a couple five-year
19 renewals.
20 **MR. CHINMAN:** And in the 900
21 building, what do you have?
22 **MR. GROSSBERG:** It expires within
23 the next two years. 2, 2 and a half years, and I
24 don't know. I don't recall the renewal right now.
25 **MR. CHINMAN:** It just seems to me,

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1 that we went through this whole testify, testimony,
2 with these expert witnesses, and you guys
3 maneuvered all these numbers with the, you know,
4 ride share, and carpooling from New York. Then I
5 found out, I was surprised that you actually charge
6 your employees for the carpooling so maybe if it
7 was a free service, which I assumed it was, it
8 would attract maybe a lot more people, especially
9 coming from New York back and forth and from south
10 Jersey, not to have to spend the extra gas and so,
11 you know, so I don't know if that was really -- how
12 well that was explored because there are other
13 options.
14 **MR. GROSSBERG:** Yes. So I mean we
15 currently subsidize the shuttle service. We pay
16 about a little over 50 or 60% of the shuttle
17 service and the employees pay a portion of it. The
18 shuttle service is only currently for New York City
19 and we have the majority of employees that work in
20 New York City do participate in the shuttle
21 service, so yes, reducing the cost for employees
22 might gain a few more employees, but most of them
23 are already using it and then, of course, the
24 operating costs of that go up significantly.
25 **MR. CHINMAN:** Well, you have

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1 \$16 million that you don't have to spend, that goes
 2 a long way for maybe leasing the property at 800
 3 and buying a shuttle going back and forth. That's
 4 a lot closer than bringing them from New York City.
 5 They could park there, valet them if you want,
 6 bring them down if you want, but I guess you don't
 7 understand the significance of when you are driving
 8 down Floyd Street, and you can see two levels of
 9 your office now, it's all in the green space. When
 10 you go down further, the parking garage lights are
 11 going to be the same things 55 feet high in front
 12 of our properties so you are going to have
 13 continuous lights all the way down Floyd Street.
 14 I know it inconveniences just a few
 15 people, but, you know, and you're a big company,
 16 and maybe I have been told we should just move, but
 17 I don't think that's really a realistic
 18 expectation. We need to share.
 19 **MR. GROSSBERG:** I think we'll have
 20 testimony about the lighting too. That may help.
 21 **MR. CHINMAN:** As long as I'm here, I
 22 have a couple questions for Mr. Dykstra. First I
 23 wanted to find out, the current Unilever buildings,
 24 what is the square footage of just the footprint
 25 currently as it exists? Not the whole building,

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1 just the footprint.
 2 **MR. DYKSTRA:** The footprint, I would
 3 have to calculate it, but the total square footage
 4 is about 297,000, divide it by about 3, probably
 5 90,000-square foot.
 6 **MR. CHINMAN:** Because when I look at
 7 the new building, it seems to be almost as big as
 8 the footprint as the buildings you have right now.
 9 Maybe it's 2/3 of it. It looks pretty close.
 10 **MR. DYKSTRA:** This is, as I
 11 mentioned earlier, it about 60,000 square foot
 12 footprint.
 13 **MR. CHINMAN:** Right.
 14 **MR. DYKSTRA:** These buildings are, I
 15 mean I guess if you -- relatively speaking it looks
 16 like Building C is a similar footprint, probably in
 17 same neighborhood.
 18 **MR. CHINMAN:** So you are adding 50%
 19 building to the property basically.
 20 **MR. DYKSTRA:** Well, you have to
 21 remember, this space is already covered with a
 22 parking lot.
 23 **MR. CHINMAN:** I understand your
 24 expert planning opinion you think a parking lot is
 25 less desirable than a 55-foot building with lights

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1 in it, that's what you testified.
 2 **MR. DYKSTRA:** I testified that I
 3 thought enclosed parking spaces were more desirable
 4 than surface spaces.
 5 **MR. CHINMAN:** So that's not
 6 enclosed, there are openings in between, right?
 7 **MR. DYKSTRA:** There are some
 8 openings, yes. You need that for ventilation.
 9 **MR. CHINMAN:** Between each floor,
 10 there are openings.
 11 **MR. DYKSTRA:** Yes. Exactly.
 12 **MR. CHINMAN:** I'm just curios
 13 because right now the current building that has
 14 lights on it is how far from the nearest
 15 residential property?
 16 **MR. DYKSTRA:** Building C that we are
 17 talking about?
 18 **MR. CHINMAN:** Right.
 19 **MR. DYKSTRA:** Well, the residential
 20 property line behind that is about a 130 feet.
 21 **MR. CHINMAN:** To the house itself
 22 really.
 23 **MR. DYKSTRA:** To the nearest house,
 24 it's probably about 250 feet.
 25 **MR. CHINMAN:** And how about the

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1 proposed building, how close is that?
 2 **MR. DYKSTRA:** That's a similar
 3 distance. You see the parking garage is actually a
 4 step forward from --
 5 **MR. CHINMAN:** On the other side.
 6 **MR. DYKSTRA:** On the other side.
 7 Yes, this is a 127 feet to the property line and
 8 that house is about 110 feet back so about 230.
 9 **MR. CHINMAN:** Okay. So you
 10 testified -- I mean you did testify in last set of
 11 hearings, right?
 12 **MR. DYKSTRA:** Yes.
 13 **MR. CHINMAN:** You testified that 908
 14 spaces was adequate, right?
 15 **MR. DYKSTRA:** I testified for the
 16 variance, yes.
 17 **MR. CHINMAN:** So everything was
 18 peachy-keen, and all of a sudden, and you are the
 19 expert, all of a sudden their executives decided
 20 it's not, so which is correct? I'm not -- I just
 21 want to understand, why the executives have more
 22 knowledge than the expert?
 23 **MR. DYKSTRA:** Well, I think there's
 24 generally a concern that there could be, there's
 25 going to be a very significant investment in

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1 revitalizing these buildings and building a
 2 courtyard and the population of the site would
 3 increase substantial. Shutting and valeting may
 4 not solve the problem, and as Mr. Grossberg stated,
 5 this site has to be desirable for the employees, if
 6 this is going to be the North American
 7 headquarters.

8 **MR. CHINMAN:** Do you know what?
 9 Whether it's the North American headquarters or the
 10 South American headquarters, that doesn't really
 11 matter to me. Really the question is you are an
 12 expert planner and you testified about the adequacy
 13 of the amount of people there last time. It just
 14 seems that 1,300 feet, is that a usual amount for
 15 that size property? It seems like you are
 16 stuffing, you know, 20 pounds in a 5-pound bag
 17 here.

18 **MR. KATES:** But his answer was there
 19 are other factors that were taken over and relate
 20 to their executives deciding that the transports
 21 were inadequate, the costs were high. They changed
 22 their mind. He's not being inconsistent with his
 23 testimony.

24 **MR. CHINMAN:** No? He's the expert
 25 that testified before, it was fine. Now, he's

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1 saying it's not fine. I'm just trying to find out
 2 why it's not fine.

3 **MR. PROFITA:** It was based on the
 4 plan that Unilever had to satisfy parking, which
 5 the senior management does not believe is workable.
 6 His opinion was based on having that plan work.

7 **MR. CHINMAN:** I guess I understand
 8 what you are saying. This gets back to when you're
 9 creating the courtyard, it was my understanding
 10 that the courtyard was an extra space that was
 11 going to be used sometimes. Now, I heard it's
 12 actually going to be intense office and meeting
 13 space.

14 **MR. TROVATO:** Who said that?
 15 **MR. CHINMAN:** Who said that? That's
 16 what I have been told, that they are going to be
 17 sitting with their laptops on the steps and being
 18 able to work there.

19 **MR. GROSSBERG:** The space is
 20 designed to be workable space. There will be no
 21 offices in the space. There will be park benches.
 22 They'll be what we call kind of like stadium-type
 23 of seating where people can sit down and meet with
 24 their colleagues and put a laptop on their lap so
 25 people can use the space for interaction.

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1 **MR. CHINMAN:** So basically, it's
 2 like an open pool, instead of the having fixed
 3 walls, some offices are set up where it's all open
 4 space and it's the same, it's still office space.

5 **MR. KATES:** What's your point?
 6 **MR. CHINMAN:** My point is I thought
 7 it wasn't going to be used a regular office space.
 8 It's not -- do you not -- am I hearing that wrong?
 9 **MR. KATES:** The previous testimony
 10 was it was like Google, free flowing, people with
 11 ideas, you want to meet people, you sit down and
 12 talk. That's not --
 13 **MR. CHINMAN:** No. It's going to be
 14 this open thing, they are going to have parties
 15 there. I don't remember it's going to be used as
 16 intensive office space.

17 **MR. KATES:** That testimony hasn't
 18 happened here.

19 **MR. CHINMAN:** But that's how it was
 20 approved, so I'm assuming that we all thought that
 21 as the planner did, that they were going to need
 22 less parking because this was just an extra space
 23 because we talked about the light of the dome, is
 24 it going to be on at night, is that where they are
 25 going to have their parties.

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1 **MR. GROSSBERG:** Just so you know
 2 from a planning perspective, all the seating that's
 3 allocated to our population, it will be allocated
 4 to these buildings. There's no allocation for
 5 seating that says if we have a population of 1,300
 6 or 1,500 that the seating counts will all be
 7 accommodated here. This again, is a social meeting
 8 area that is supposed to be kind of the central
 9 heartbeat.

10 **MR. CHINMAN:** I guess my question is
 11 do you have 1,300 offices there?
 12 **MR. GROSSBERG:** No.
 13 **MR. CHINMAN:** So people share and go
 14 wherever they want?
 15 **MR. GROSSBERG:** There will be desk
 16 sharing. There will be community huddle rooms
 17 where people can meet. We call it an agile work
 18 environment.

19 **MR. CHINMAN:** Exactly. I understand
 20 that. But I don't think that we thought when we
 21 approved it for 908 spaces, which everyone thought
 22 it was fine, that now you have brought the
 23 intensity level from, I don't remember what you
 24 told us -- someone told us what the population was
 25 going to be last time and now, it may go up to

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1 1,500 and that's a lot more impact.
 2 **MR. GROSSBERG:** Right. So the
 3 population, none of the population numbers have
 4 changed. What Mr. Dykstra was testifying was and
 5 what Mr. Profita had said, the plan that we had
 6 designed for how to accommodate for our employees
 7 on site, if we were successful in implementing that
 8 plan, the remaining spaces would have been
 9 adequate. That's what he testified.
 10 What our management has decided,
 11 they don't feel confident that that plan can be
 12 executed, and therefore, there wouldn't be enough
 13 parking so, now Mr. Dykstra is aware, we are not
 14 going to do that plan. We are not going to add
 15 additional shuttling. We are not going to do
 16 valet. We are still trying to push some car share,
 17 of course, but now, it's a different circumstance
 18 because we are not committing to that plan.
 19 **MR. CHINMAN:** Okay. So you would
 20 rather spend \$16 million and affect your neighbor
 21 instead of trying to do that solution?
 22 **MR. GROSSBERG:** So there is, we have
 23 done an economic analysis that connects the cost of
 24 implementing additional services against the
 25 payback of the parking garage so the term of our

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1 occupancy will, in our opinion, well pay back in
 2 the investment of the parking garage, but that is
 3 alongside the whole impact on the operations where
 4 we did not want to create a negative situation
 5 where our people had to struggle to get to work.
 6 We wanted to create a good capacity for them to be
 7 at work and create more energy there. And we do
 8 recognize that there is an impact to the community,
 9 that's why we are here really trying to create the
 10 image of the facility and respond to the concerns
 11 relative to that facility.
 12 **MR. CHINMAN:** Honestly, you can't
 13 imagine putting a 60,000 foot arena in your
 14 backyard, I mean that that would not be a negative
 15 impact to your neighbor, I mean come on, that's
 16 not, you know, possible. So how about the
 17 alternative of renting the space at the 800 Sylvan
 18 Avenue, and then providing valet service.
 19 **MR. GROSSBERG:** So the current
 20 parking count at 800 is also below market, and so
 21 we are divesting ourselves of most of the building
 22 and that's part of our cost savings mechanism to be
 23 able to afford this project and then we are also
 24 trying to combine the people there and here.
 25 The developer will take on the rest

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1 of the building. We are only leasing back a
 2 portion of it, and the developer will need all of
 3 those parking spaces to attract additional tenants
 4 in that building.
 5 **MR. CHINMAN:** I understand the real
 6 estate, what you are doing here, it's a fantastic
 7 real estate deal for you, you're bringing everyone
 8 here and building this one garage and a few people
 9 in the back, they have to bite the dust, but, you
 10 know, I mean it's, you are going to save a lot of
 11 money, but it's not just about saving money, it's
 12 about your neighbors too.
 13 **MR. NACHMAN:** I have one additional
 14 comment.
 15 **CHAIRMAN FEHRE:** Again, you have to
 16 identify yourself.
 17 **MR. NACHMAN:** Ralph Nachman, 657
 18 Floyd.
 19 Mr. Dykstra, as I hear it and I'm
 20 not questioning the philosophy or the wisdom of the
 21 leadership, but speaking for at least my part of
 22 the community, it seems to me that the height of
 23 the garage will be particularly noticeable and this
 24 community has lived with the trauma of height, as
 25 we all know, for a long period of time.

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1 Have you considered, considered the
 2 fact as I hear it, there's about \$30 million
 3 somewhere going into this building and the facility
 4 or at least the whole plan. What's the economic
 5 feasibility of not going up as high and going down
 6 one floor? Have you considered it?
 7 **MR. DYKSTRA:** Well, this site is
 8 I'll call it the Palisades bedrock and it's at very
 9 shallow depths below the surface so there's no
 10 reasonable alternative to go straight into that
 11 rock would be totally cost prohibitive, and you
 12 know, I want to point out there's a low area
 13 through the site, too so you probably, you may even
 14 enter to a high water table if you go down.
 15 **MR. NACHMAN:** Have you looked and
 16 tested it?
 17 **MR. DYKSTRA:** We haven't done
 18 borings there, but you can just see wherever
 19 the parking lots are cut, you have the rock
 20 excavations and in the vegetative areas in the
 21 front that I've actually walked in, there's
 22 actually, you can see rock right at the surface,
 23 bedrock right at the surface.
 24 You have a rock condition and in the
 25 lower part of the site, you also have potentially a

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1 water table condition.
 2 **CHAIRMAN FEHRE:** Any other questions
 3 from the public?
 4 **MS. GESELL:** My name is Gesell.
 5 **THE COURT REPORTER:** What's your
 6 last name?
 7 **MS. GESELL:** I live at 666 Floyd
 8 Street. G-E-S, as in Sam, E-L-L.
 9 **THE COURT REPORTER:** And the first
 10 name?
 11 **MS. GESELL:** Gloria. I have some
 12 serious objections to what you have been
 13 discussing, and I wasn't at the first meeting
 14 unfortunately.
 15 I think it's almost abusive to the
 16 Floyd Street population to come in and decide that
 17 you are going to do all kinds of variances and
 18 changes that are detrimental to us. I don't think
 19 they are helpful. The cross street near me is
 20 Hollywood, and it sounds as you are saying that
 21 instead of leaving Hollywood closed as it is to the
 22 businesses of 9W, you are going to open it up and
 23 let traffic go through there. That would really be
 24 unconscionable.
 25 **MR. PROFITA:** I don't believe --

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1 **MS. SCANCARELLA:** No.
 2 **MR. PROFITA:** No. We are not
 3 opening up Hollywood Avenue. We are not proposing
 4 that.
 5 **MR. GROSSBERG:** This is the area
 6 that you are referring to, that's closest to the
 7 neighborhood. This is the movement in Hollywood
 8 Avenue that already exists. There is no intent to
 9 connect to the back of this. Absolutely not.
 10 **MS. GESELL:** It sounds like that.
 11 **MR. DYKSTRA:** No.
 12 **MR. GROSSBERG:** No.
 13 **MS. GESELL:** That's fine. I think
 14 in fairness to those of us that are interested, you
 15 really should have another meeting where you can
 16 raise the issues and resolve them rather than just
 17 dump them on us.
 18 **CHAIRMAN FEHRE:** We are not going to
 19 finish this tonight. We are going to have another
 20 meeting for sure.
 21 **MS. GESELL:** That's good. I think
 22 you need that at least.
 23 **CHAIRMAN FEHRE:** We are not even
 24 done with the witnesses.
 25 **MS. GESELL:** And less dumping on

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1 Englewood Cliffs.
 2 **CHAIRMAN FEHRE:** We want to
 3 thoroughly analyze this as much as possible.
 4 **MS. GESELL:** Okay. Fine. That's
 5 all I needed.
 6 **CHAIRMAN FEHRE:** Anybody else from
 7 the public would like to be heard tonight?
 8 You will have another opportunity at
 9 the next meeting.
 10 (NO RESPONSE.)
 11 **CHAIRMAN FEHRE:** Okay. Then if I
 12 could have a motion to close the public portion of
 13 the meeting?
 14 **MR. KILMARTIN:** I make that motion.
 15 **CHAIRMAN FEHRE:** Second?
 16 **MR. SEAN KIM:** Second.
 17 **CHAIRMAN FEHRE:** All in favor.
 18 (All Board members respond in the
 19 affirmative.)
 20 **CHAIRMAN FEHRE:** At this time, I am
 21 thinking, I don't know I'll pass it around here
 22 amongst the Board members, I think I would like
 23 another expert opinion from our own planner
 24 concerning the relative merits and demerits of a
 25 parking garage, you know, the tradeoff with

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1 impervious coverage, things like that.
 2 I would like someone else to take a
 3 different look at that.
 4 All in favor?
 5 (All Board members answer in the
 6 affirmative.)
 7 **CHAIRMAN FEHRE:** Any opposed?
 8 (NO RESPONSE.)
 9 **CHAIRMAN FEHRE:** Then I will be in
 10 contact for Mr. Burgess' point of view from our
 11 side to take a look at the issue of the parking
 12 garage in general.
 13 **MR. KATES:** I suggest that you may
 14 need more than the next evening to reschedule.
 15 did you have a date in mind? When is our next
 16 meeting?
 17 **CHAIRMAN FEHRE:** Our next meeting is
 18 in December.
 19 **MR. KATES:** I think you may need
 20 January for Mr. Burgess.
 21 **CHAIRMAN FEHRE:** It's possible.
 22 **MS. SCANCARELLA:** Well, we do have
 23 another large application before the Board on
 24 December 10th.
 25 **MR. KATES:** We'll have it evaluated

1 and if Burgess is not ready, then we will reconvene
 2 in January.
 3 **MR. PROFITA:** My suggestion is that
 4 we would like to complete our testimony and get all
 5 that in rather than get behind another application
 6 coming down and then we'll await word from
 7 Mr. Burgess if he cannot complete the task prior to
 8 the next date.
 9 **MR. KATES:** So the next date is?
 10 **MS. SCANCARELLA:** December 10th.
 11 **CHAIRMAN FEHRE:** Thursday,
 12 December 10th is the next meeting.
 13 **MR. PROFITA:** So there is no need to
 14 advertise again?
 15 **CHAIRMAN FEHRE:** Correct. No need
 16 to.
 17 **MR. PROFITA:** Okay. Do you want me
 18 to send Mr. Burgess plans or are you going to
 19 transmit them electronically?
 20 **MS. SCANCARELLA:** I can transmit
 21 them.
 22 **MR. PROFITA:** If he needs hard
 23 copies, I would be glad to deliver them up to his
 24 office.
 25 **MS. SCANCARELLA:** If he requests

1 hard copies, I'll let you know.
 2 **MR. PROFITA:** Very good. Thank you,
 3 All.
 4 (Whereupon, this matter will be
 5 continuing at a future date. Time noted 10:28
 6 p.m.)
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C E R T I F I C A T E

1
 2
 3 I, LAUREN DI GENNARO, a Certified
 4 Court Reporter of the State of New Jersey, do
 5 hereby certify that the foregoing is a true and
 6 accurate transcript of the testimony that was taken
 7 stenographically by and before me at the time,
 8 place and on the date herein before set forth.
 9 I DO FURTHER CERTIFY that I am
 10 neither a relative, nor employee, nor attorney, nor
 11 counsel of any of the parties to this action, and
 12 that I am not financially interested in the action.

Lauren DiGennaro

LAUREN DI GENNARO, C.S.R.
No. 30X100194900

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VIA EMAIL

November 11, 2015

Borough of Englewood Cliffs
482 Hudson Terrace
Englewood Cliffs, New Jersey 07632

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Site Plan and Variance Review
Unilever – (a division of Conopco, Inc.)
Project Unity
Canopy Enclosing Courtyard, New Pavilion, etc.
700 Sylvan Avenue
Block 806, Lot 7, Block 808, Lot 9
Borough of Englewood Cliffs
Our File No. ECES-1348
Board Application #254K

Dear Ms. Scancarella:

Boswell McClave Engineering is in receipt of copies of the following documents relative to the above referenced application:

- a. Planning Board, Borough of Englewood Cliffs Application Form dated October 20, 2015 and Addendum to the Application dated October 30, 2015.
- b. Plans (22 sheets) entitled, "Preliminary & Final Site Plan, Unilever, Block 806 Lot 7 & Block 808 Lot 9, 700 Sylvan Avenue (U.S. Route 9W), Borough of Englewood Cliffs, Bergen County, New Jersey" as prepared by Kenneth D. Dykstra, P.E. & L.S. of Dykstra Walker Design Group, dated August 15, 2014, and last revised October 28, 2015 (unless otherwise noted) as follows:

<u>Sheet No.</u>	<u>Description</u>
1 of 22	Title Sheet
2 of 22	Topographic Survey, dated May 7, 2014, last revised August 15, 2014
3 of 22	Site Layout Plan Overall Site
4 of 22	Phased Parking Garage Option, dated October 28, 2015
5 of 22	Solar Array Layout
6 of 22	Site Layout Plan "A"

7 of 22	Site Layout Plan "B"
8 of 22	Site Layout Plan "C"
9 of 22	Site Layout Plan "D"
10 of 22	Grading & Utility Plan "A"
11 of 22	Grading & Utility Plan "B"
12 of 22	Grading & Utility Plan "C"
13 of 22	Grading & Utility Plan "D"
14 of 22	Lighting Plan
15 of 22	Existing Drainage Area Map
16 of 22	Proposed Drainage Area Map
17 of 22	Proposed Inlet Drainage Area Map
18 of 22	Soil Erosion and Sediment Control Plan
19 of 22	Construction Notes and Details
20 of 22	Construction Notes and Details
21 of 22	Construction Notes and Details
22 of 22	Construction Notes and Details

- c. Landscape Plans (7 Sheets) as prepared by Henry M. White, Licensed Landscape Architect, all dated October 19, 2015 consisting of:

<u>Sheet No.</u>	<u>Description</u>
1 of 7	Landscape Key Plan
2 of 7	Landscape Plan Enlargement – Sheet A
3 of 7	Landscape Plan Enlargement – Sheet B
4 of 7	Landscape Plan Enlargement – Sheet C
5 of 7	Landscape Plan Enlargement – Sheet D
6 of 7	Planting Details
7 of 7	Planting Details, Soil Profiles, Plant Schedule & Notes

- d. Architectural Plan Renderings (4 Sheets) as prepared by Perkins & Will, all dated October 30, 2015 consisting of:

<u>Sheet No.</u>	<u>Description</u>
A02-01	Zoning – Aerial View
A02-09	Zoning – Site Plan Phase 1
A02-10	Zoning – Site Plan Phase 2
A02-19	Zoning – Site Section & Elevations Phase 1

- e. Architectural Parking Garage Plans (2 Sheets) as prepared by Desman Design Management dated November 2, 2015 consisting of:

<u>Sheet No.</u>	<u>Description</u>
A-1	Grade Level & Second Level Plans
A-2	Third/Fourth and Fifth Level Plans

- f. Stormwater Management Calculations Report as prepared by Mark Gimigliano, P.E. of Dykstra Walker Design Group dated August 15, 2015, revised October 16, 2015.
- g. Two letters from the Borough of Englewood Cliffs Fire Chief and Fire Official dated October 26, 2015 and October 27, 2015.

Based on our review of the above information and recent site inspections, we offer the following comments:

General

1. The Applicant/Owner in this matter is:
Conopco, Inc.
c/o William Horgan
700 Sylvan Avenue
Englewood Cliffs, NJ 07632
2. Block 806, Lot 7 and Block 808, Lot 9 (the "Site") are bordered by Sylvan Avenue (Route US 9W) to the east and by Floyd Street to the west. The Site is currently located in the B-2 Limited Business Zone and is utilized for general office purposes. The Site borders the R-A Residential Single Family Zone to the west.
3. Block 806, Lot 7 is used for parking whereas Block 808, Lot 9 contains an existing 2-story office building consisting of four wings that are interconnected by bridged walkways, and Block 910, Lot 1 contains a 2-story administrative building complex.
4. The Applicant proposes in their Application Description:
"The site is currently occupied by Unilever, which is a division of Conopco, Inc. and is utilized for general corporate office purposes. Lot 7, Block 806 is occupied under a long term lease to Conopco, Inc. and is currently used only for parking purposes. The existing office building is on Lot 9, Block 808 and consists of four wings which are interconnected by bridged walkways, and the total floor area of the existing buildings is 297,340 square feet. The Planning Board previously adopted a Resolution approving Application No. 24LK on December 11, 2014 which granted preliminary and final site plan approval and variances in order to permit the construction of a canopy enclosing the courtyard between the existing buildings wings; a new entry pavilion; installation of a combined heating and power-generating ("CHP") unit; solar canopies in the parking area; rooftop solar panels; installation of electric vehicle ("EV") charging stations; construction of 51 additional parking spaces and driveway improvements; installation of related storm water drainage improvements; and landscaping. The variances granted in connection with the approval of Application No. 24LK included variances from Sections 19-13 (e) and 19-15 (b) (2) of the Zoning Ordinance for the installation of an

illuminated sign which exceeded the size and height limitations; a variance from Section 30-10.1, Schedule B of the Zoning Ordinance for two proposed loading spaces where seven were required; a variance from Section 30-10.1, Schedule B of the Zoning Ordinance to provide 909 parking spaces where 1,496 parking spaces were required; a variance from Section 30-10.2 (a) for the installation of 51 proposed new parking spaces which are 9' by 18' and therefore undersized; restriping of a portion of the existing parking lot to create 110 compact car spaces which are 8' by 18' and therefore undersized; a variance from Section 30-10.2 (b) to allow existing aisle widths and proposed new aisle widths in the new parking area and access drive to be 24' and 20' where a minimum width of 25' is required; a variance from Section 30-10.1 (i) of the Zoning Ordinance to permit the installation of parking spaces in the front yard and within the 60' required setback from Sylvan Avenue. The improvements contemplated by the approval of Application No. 241K have not been constructed. The purpose of this application is to obtain amended site plan approval for the construction of a five level parking garage; to adjust the parking around the proposed new garage; to redesign the driveway and parking at the front entrance and in the front yard; to modify the design of the storm water management improvements; to relocate the existing Vitality Trail and locate a new crosswalk in the parking areas; and to add additional landscaping and lighting. The solar array layout has been adjusted to provide for the installation of solar array canopies on the parking garage. The other improvements as shown on the site plan which was approved by the Resolution adopted for Application No. 241K are still proposed including the canopy covering the courtyard between the existing building wings, the installation of the CHP Unit and EV charging stations; installation of the solar canopies and solar arrays on the rooftops of the buildings, covered walkways and parking areas; construction of the entry pavilion access drives and parking in the front of the building; construction of the additional parking spaces and restriping of the compact car spaces; and installation of the illuminated sign.

The Applicant requests the following variances in addition to those variances which were previously granted in connection with the approval of Application No. 241K:

- (a) The aisle width in the 90° visitor parking areas is twenty-four feet, and twenty-five feet is required. Therefore, a variance is requested from Section 30-10.2 (b) of the Zoning Ordinance.*
- (b) A variance is required from Sections 30-5.5 and/or 30-10.1 of the Zoning ordinance for the construction of the parking garage as the project is located in a B-2 zone where a parking garage is not a permitted use and/or structure.*
- (c) A variance is required from Section 30-6.1 of the Zoning Ordinance for the construction of a five level parking garage where the maximum number of stories permitted is two stories.*
- (d) As shown on the site plan, a portion of the proposed new parking spaces which are located between the front of the building and the street, and not within the sixty foot front yard setback required under the Zoning Ordinance have been redesigned. Therefore, the Applicant requests a variance from the prohibition on locating parking within a required front yard set forth in Section 30-10.1 (i) of the Zoning Ordinance.*
- (e) The parking spaces in the proposed parking garage are 9' by 18' and therefore undersized, so a variance is required from Section 30-10.2 (a) of the Zoning Ordinance.*

(f) The Applicant also requests granting of any other variances, waivers, or exceptions as may be required for approval of the plans submitted."

Submission Status

5. This Application submittal is deemed **complete** with respect to engineering matters for a site plan submission, as outlined in Chapter 30-9.4 of the Zoning Code of the Borough of Englewood Cliffs and the Administrative Site Plan Checklist.

Variances/Waivers

6. The Applicant received the following prior variances/waivers:
- a. The minimum number of required parking spaces is 1,496 (for the existing building, and proposed addition as required by the Zoning Ordinance, Schedule B, (Section 30-10.1) for "Business and Professional Office" (one space per 200 s.f. of floor area plus 1 space per 1000 s.f. for Warehouse & Distribution plus 1 space per 200s.f. for Office). Proposed spaces are 908 including 22 handicap accessible spaces and 12 electric charge station spaces. A variance was approved in the Board's December 11, 2014 Resolution.
 - b. The existing parking spaces are undersized. According to Section 30-10.2.a, the required minimum parking stall dimension is 9 ft. by 19 ft. The dimensions of the 50 proposed new parking spaces are 9 ft. by 18 ft. and therefore undersized. The Applicant also proposes to restripe a portion of the existing parking lot to create 110 compact car spaces which are proposed at 8 ft. by 18 ft. A variance was approved in the Board's December 11, 2014 Resolution.
 - c. The existing aisle width in the parking areas is 24 feet. According to Section 30-10.2.b, the required minimum width is 25 feet. The Applicant indicates this is an existing non conformity. However, two (2) new aisles are proposed through the parking modules at the northwest section of the site. Drawing No. 8 of 22 dimensions these "cut-through" aisles as 12 ft. wide. A variance was approved in the Board's December 11, 2014 Resolution.
 - d. The Applicant received parking variances from the required number of spaces by Resolution No. 209K adopted on July 10, 2008 and Resolution No. 214K adopted on June 10, 2010.
 - e. Section 30-10.1(i) of the Code prohibits parking within the required front yard. This is an existing non-conformity as both the northeasterly and southeasterly lots contain parking spaces in the front yard between the front line of the lot and the nearest point of the building. Also new angled parking spaces are proposed in the front yard near Buildings "A" and "B". A variance was approved in the Board's December 11, 2014 Resolution.
 - f. Schedule B of Section 30-10.1 of the Code requires three (3) loading dock spaces for floor space up to 100,000 s.f. plus one (1) space for each additional 60,000 s.f. The

Applicant indicates seven (7) loading dock spaces are required and two (2) spaces exist. A variance was approved in the Board's December 11, 2014 Resolution.

- g. The Applicant requested a variance from Sections 19-15(b) (2) which states "Signs attached to and parallel to buildings shall not exceed 32 s.f. of total sign area and in no event shall exceed four (4) feet in height or 16 feet in length" and 19-13(e) which prohibits the erection of any illuminated sign. A variance was approved in the Board's December 11, 2014 Resolution.
7. In addition to the above prior variances previously granted, the Applicant request the following variances:
- a. Section 30-10.2 (b) of the Code requires a minimum parking area aisle width of 25 feet. The proposed visitor 90° parking area aisle width is 24 feet. A variance is required.
 - b. Section 30-10.1 (e) of the states that all parking of motor vehicles shall be at grade level. Structural parking garages, platforms and deck parking are prohibited. A parking garage structure is proposed. A variance is required.
 - c. Section 30-6.1 of the Code permits a maximum number of two (2) stories. A five (5) level parking garage is proposed. A variance is required
 - d. Section 30-10.1 (i) of the Code prohibits parking within the required front yard. A portion of the proposed new parking spaces are located between the front of the building and the Borough right-of-way. A variance is required.
 - e. Section 30-10.2 (a) of the Code requires a minimum parking stall dimension of 9 ft. by 19 ft. The parking spaces in the proposed garage are 9 ft. by 18 ft. A variance is required
8. The Applicant also requests any other variances, waivers or exceptions as may be required for the approval of this application
9. The Applicant provides for an increase in total impervious area of 23,867 s.f. The Applicant provided a contribution fee of \$1 per square foot of additional impervious area, i.e. \$23,867.00 for the Borough's Stormwater Capital Improvement.

Off-Street Parking

10. The number of off-street parking spaces required by ordinance is as follows:

Proposed Office Space: 1 space for every 200 s.f. of floor area.

$(293,633 \text{ s.f.}) \times (1 \text{ space}/200 \text{ s.f.}) = 1,468.2 \text{ parking spaces required}$

Warehouse & Distribution: 1 space per 1,000 s.f. of floor area.

$(27,574 \text{ s.f.}) \times (1 \text{ space}/1,000 \text{ s.f.}) = 27.6 \text{ parking spaces required}$

Total parking spaces required = 1,496

Total existing parking spaces = 858 spaces including 20 Handicap Accessible spaces

11. The Applicant is proposing 1,508 spaces for the overall plan including 25 Handicap Accessible spaces and 1277 spaces for the phased garage option.
12. Handicap accessible parking spaces are proposed to increase by 5 from 20 to 25 spaces.
13. In either option, 110 parking spaces are proposed at 8 ft. x 18 ft. for compact cars with the balance being 9 ft. x 18 ft.

Landscape Review

14. Our Landscape Specialist is currently reviewing the landscape plan. Comments relative to this work will be submitted under separate cover.

The Board shall also seek comment from the Environmental and Shade Tree Commissions. Prior Unilever projects utilized input from the Commissions on addressing buffer review and layout. We again suggest this collaboration.

Stormwater Management

15. Our Hydrology Department is currently reviewing the stormwater management plan and calculations. Comments relative to this work will be submitted under separate cover. Conversation with the Applicant's attorney indicates that this review and acceptance can be stipulated as to be addressed prior to issuance of any building permit should the Board look favorably upon this application.

Retaining Walls

16. The site plans and construction details indicate both unit masonry and/or "blasted rock face" and gravity (natural stone) retaining walls.
17. The retaining wall heights are proposed at 3 ft. and 4 ft. maximum height walls. The Applicant should be made aware that any retaining wall in excess of 4 ft. of exposed height shall require submission of stability calculations for review. Also, any retaining wall in excess of 4 ft. will require certification by a licensed Professional Engineer in the State of New Jersey.

Noise Review

18. A proposed screened 200 kW gas engine CHP unit was proposed and approved at the northwest corner of Building "D".
19. Noise prohibitions and sound levels are part of Code Chapter BH: VI Noise and fall under the purview of the Board of Health.
20. The Applicant previously stipulated to sound testing during the 241K Application. Sound testing shall be provided prior to Certificate of Occupancy and be in conformance to Board of Health requirements.

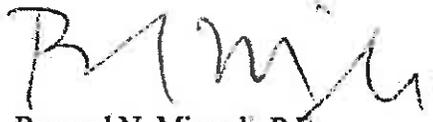
Site Plan Review

22. The concrete permeable parking lot surfaces exhibit significant scaling. The Applicant previously stipulated to this repair/restoration during the 241K Application.
23. Please provide testimony on the Fire Department comment letter and the now proposed 15 ft. wide access drive for emergency purposes only from Sylvan Avenue.
24. The Board should be aware that Note 18 on Site Plan Sheet 1 of 22 states "The proposed fifteen (15) foot wide access drive for emergency purposes from Sylvan Avenue has been shown based on the request of the Englewood Cliffs Fire Chief and Fire Official. The Applicant shall not be required to construct this access drive if NJDOT objects to this direct access from Sylvan Avenue (Route 9W)." The Board may wish to seek input from the Fire Chief and Fire Official.
25. The Applicant shall provide testimony on maintaining clear access i.e. snow removal for the proposed grass paver emergency access drive.
26. The Applicant shall provide testimony on the proposed parking lot speed humps.
27. The Applicant shall provide testimony on the operation and maintenance of the proposed parking garage structure.
28. The Applicant shall provide testimony on the landscape planting wall along the parking garage elevation.

Thank you for your kind attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

BOSWELL McCLAVE ENGINEERING

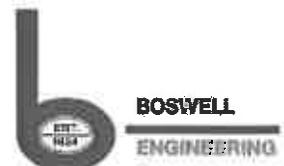


Bernard N. Mirandi, P.E.

BNM/amg

cc: Edwin Fehre (via email)
Michael B. Kates, Esq. (via email)
William Horgan - Unilever
Michael Profita, Esq. for Conopco, Inc., via email
Kenneth D. Dykstra, P.E., P.L.S., via fax & mail
Perkins & Will
Henry M. White, LLA
Mark Neville, via email
Paul Renaud, via email
Shade Tree Commission
Environmental Commission
Police Chief Michael Cioffi
Fire Department Chief George Drimones

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Borough of Englewood Cliffs

475 SYLVAN AVE., P.O. BOX 1021, ENGLEWOOD CLIFFS, NEW JERSEY 07632 • 201-589-1234

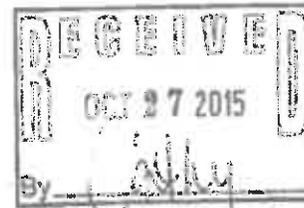


Office of The Fire Chief

October 27, 2015

Englewood Cliffs Planning Board
482 Hudson Terrace
Englewood Cliffs, New Jersey 07632
Attn: Cathy Scancarella, Board Secretary

Re: Site Plan Application
700 Sylvan Avenue
Application No. 254K



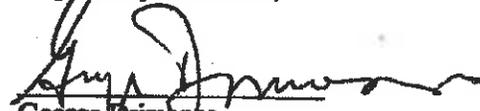
Dear Mrs. Scancarella:

The fire department is objecting to the proposed parking garage based upon not having any direct access roadways for the fire department apparatus to the east and west sides of the proposed parking garage roadways. In addition to this objection are other areas of concern as follow:

- a) An access road off of Sylvan Avenue to the southerly end of the proposed parking garage.
- b) At the northeast side of the project site is a fire hydrant located on the lawn that would need to be relocated;
- c) Turning angles for the fire apparatus need to be addressed to the proposed parking garage in the areas of existing parking spaces as well as any new landscaping areas;
- d) The roadways along the garage would need to be increase from 22 feet to 26 feet;
- e) A new fire hydrant would need to install at the southeast area of the garage;
- f) Pass hydrant flows indicated low residual pressures for the possible need of a fire pump;
- g) Location of fire pump would to be approved by fire department;
- h) Two Fire Department Connections would be required for the garage;
- i) Fire zones and fire lanes may need to be designated.

Trusting, the above comment can help with the determination for site plan approval.

Respectfully Submitted,


George Orimbato,
Fire Chief


Joseph Cardullo,
Fire Official

**Planning Board of the Borough of Englewood Cliffs
Resolution Appointing Planner for Reconsideration of Zoning of 111 Sylvan
Avenue (Block 207, Lots 5, 6 and 7) after *Jacoby v. Zoning Bd. of Adjustment
of Borough of Englewood Cliffs*, decided October 21, 2015**

WHEREAS, Jacoby v. Zoning Bd. of Adjustment of Borough of Englewood Cliffs approved for publication October 21, 2015 (2015 WL 6160248), remanded the development application of LG Electronics USA to the Planning Board "for further proceedings on the height variance, consistent with this opinion and applicable law"; and

WHEREAS; the Planning Board requires professional planning services to determine whether the Court's decision should be reflected in revised zoning criteria for the subject property, Block 207, Lots 5, 6 and 7, commonly described as 111 Sylvan Avenue; and

WHEREAS, Phillips Preiss Grygiel, LLC, Planning & Real Estate Consultants, 33-41 Newark Street, Hoboken, NJ 07030 is familiar with the subject property, having conducted a preliminary study in 2014; and

WHEREAS, Phillips Preiss Grygiel, LLC, has agreed to provide the aforesaid planning services at a cost not to exceed \$10,000 and in accordance with the rate schedule appended hereto, all as a non-fair open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS; Phillips Preiss Grygiel, LLC, will complete and submit a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough of Englewood Cliffs in the previous year, and that the contract will prohibit Phillips Preiss Grygiel, LLC, from making any reportable contributions through the term of the contract; and

WHEREAS, this contract is for professional services which may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Englewood Cliffs, County of Bergen, and State of New Jersey, as follows:

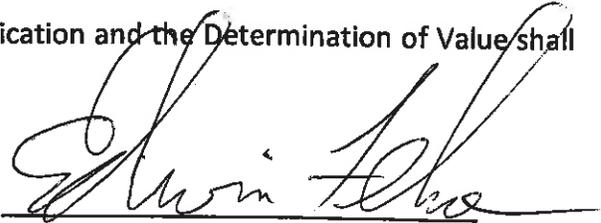
1. A professional services contract with Phillips Preiss Grygiel, LLC of 33-41 Newark Street, Hoboken, NJ 07030 is hereby authorized.
2. The Board Chairman is authorized to sign a professional service contract with Phillips Preiss Grygiel, LLC, in accordance with the following terms and conditions:

- A. Term: A period not to exceed 6 months.
- B. Rate: Not to exceed \$10,000 and in accordance with the rate schedule included in the proposal;
- C. Services: Planning Study of 111 Sylvan Avenue in light of Jacoby v. Zoning Bd. of Adjustment of Borough of Englewood Cliffs.

3. The Planning Board Secretary, in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(i), is directed to publish a notice once in The Record stating the nature, duration, service and amount of this contract.

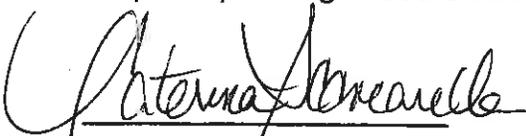
4. The Planning Board Secretary shall make copies of this Resolution available for public inspection at Borough Hall, 482 Hudson Terrace, Englewood Cliffs, New Jersey, during regular business hours.

5. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.



Edwin Fehre, Chairman
Planning Board

I hereby certify that this is a true copy of the Resolution appointing Phillips Preiss Grygiel, LLC, adopted by the Englewood Cliffs Planning Board, Bergen County, on November 12, 2015.



Caterina Scancarella
Planning Board Secretary

**PHILLIPS PREISS GRYGIEL LLC HOURLY BILLING RATES
FOR NEW JERSEY MUNICIPALITIES
AS OF JANUARY 1, 2015**

Paul Phillips, Managing Principal	\$160
Richard Preiss, Principal	\$160
Paul Grygiel, Principal	\$145
Elizabeth Leheny, Principal	\$135
Keenan Hughes, Principal	\$135
Senior Associate	\$130
Senior Urban Designer	\$125
Senior Planner	\$110
Planner	\$100
Director of Graphics	\$100
Support	\$50