Regular Public Meeting of the Englewood Cliffs Planning Board
Minutes
December 10, 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:
Mrs. Fehre
Mr. Chinman
Mr. K. Kim, 1st Alternate
Mr. Surace, 3rd Alternate
Mr. S. Kim, 4th Alternate
Councilwoman Oh
Mayor Parisi, Jr.

Absent:
Mrs. Rosenberg
Mr. Daniel Dooly
Mr. Kilmartin
Mr. Trovato
Mr. Nikow
Mr. Duffy, 2nd Alternate

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 Mayor Joseph Parisi, Jr.

The minutes of November 12, 2015 motioned by Mr. Chunman seconded by Mr. Surace, and approved by voice vote.

Old Business:

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

Mr. Kates, Board Attorney, read the resolution which is incorporated herein as though fully stated and made a part hereof. Mr. Surace made a motion to adopt this resolution, seconded by Mr. S. Kim. The Chairman asked for a roll-call vote of the members that were eligible to vote: E. Fehre, Mr. Chinman, Mr. Surace, Mr. S. Kim, and Mayor Parisi they each voted to adopt this Resolution; it was unanimous.

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

Mr. Kates, Board Attorney, read the resolution which is incorporated herein as though fully stated and made a part hereof. Mr. Chinman made a motion to adopt this resolution, seconded by Mr. S. Kim. The Chairman asked for a roll-call vote of the members that were eligible to vote: E. Fehre, Mr. Chinman, Mr. Surace, Mr. S. Kim, and Mayor Parisi they each voted to adopt this Resolution; it was unanimous.

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

See attached transcripts.

Application #256K - Rear Yard Variance for Deck
Mr. Cazim Ljuljanaj – 4 Summit St. – Block 806 – Lot 2

Chairman Fehre announced that this application will be carried to the January 14, 2016 meeting without re-advertising.

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

Chairman Fehre announced that this application will be carried to the January 14, 2016 meeting without re-advertising.

Application #238K - Estate of Josephine Mauro – 361, 365, 369 Mauro
Block 406 Lots 1, 2, 3

Chairman Fehre announced that this application will be carried to the January 14, 2016 meeting without re-advertising.

New Business:

Application #255K - Site Plan Approval for New Commercial Office Building with variances
Lighthouse E.C., LLC – 922 Sylvan Ave. – Block 1202 – Lot 2

Chairman Fehre announced that this application will be carried to the January 14, 2016 meeting without re-advertising.

Chairman Fehre asked for a motion to approve the 2016 Meeting Schedule which will be the second Thursday of the month. A motion was made by Mr. K. Kim seconded by Mr. S. Kim and carried unanimously.

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

No public comments made.

Chairman Fehre asked for a motion to close to public and adjourn the meeting at 11:50 pm. Motion was made by Mr. Surace, seconded by Mr. K. Kim and carried unanimously by voice vote.

Respectfully submitted

Caterina Scancarella
Planning Board Administrative Secretary

ENGLEWOOD CLIFFS PLANNING BOARD

REGULAR MEETING – December 10, 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: November 12, 2015

OLD BUSINESS:

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

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

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

Application #256K - Rear Yard Variance for Deck
Mr. Cazim Ljuljanaj – 4 Summit - Block 100 - Lot 2

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

Application #238K - Estate of Josephine Mauro - 361, 365, 369 Mauro – Block 406 – Lots 1, 2, 3

NEW BUSINESS:

Application #255K - Site Plan Approval for New Commercial Office Building with variances
Lighthouse E.C., LLC – 922 Sylvan Avenue – Block 1202 – Lot 2

Approval of the 2016 Meeting Calendar

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

COMMITTEE COMMENTS:

ADJOURNMENT

BOROUGH OF ENGLEWOOD CLIFFS

482 HUDSON TERRACE, ENGLEWOOD CLIFFS, NJ. 07632

PLANNING/ZONNING COMMISSION

(201) 886-9202

FAX (201) 227-7775

December 11, 2015

Englewood Cliffs Planning Board
Annual Meeting Notice Schedule
Year 2016

Please take notice that the Regular Meeting day for the Englewood Cliffs Planning Board for the year 2016 is the second Thursday of the month at 7:30 PM at the Municipal Building 10 Kahn Terrace, Englewood Cliffs, NJ 07632. The dates are:

January	14 – Thursday
February	11 – Thursday
March	10 – Thursday
April	14 – Thursday
May	12 – Thursday
June	9 – Thursday
July	14 – Thursday
August	11 – Thursday
September	8 – Thursday
October	13 – Thursday
November	10 – Thursday
December	8 – Thursday

Caterina Scancarella
Planning Board Secretary

Pc: Bulletin Board – **December 11, 2015**
The Record – emailed **December 11, 2015**
Star Ledger – emailed **December 11, 2015**

ORIGINAL

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION OF	:	
ENGLEWOOD CLIFFS BOARD OF EDUCATION	:	**MEMORIALIZATION RESOLUTION**
RELATING TO LOT 17 IN BLOCK 409,	:	**APPLICATION NO. 252K**
143 CHARLOTTE PLACE	:	

WHEREAS, ENGLEWOOD CLIFFS BOARD OF EDUCATION applied on or about October 16, 2015 to the Planning Board of the Borough of Englewood Cliffs for a variance to replace an existing monument sign with a light emitting diode (LED) sign; in the R-B "Residential Single-Family Zoning District" and

WHEREAS, a public hearing was conducted on November 12, 2015, upon proper notice certified by applicant's proof of service to property owners within a 200-foot radius of the subject property and proof of publication in an official newspaper of the Borough; and

and

WHEREAS, admitted without exhibit references were three photographs of the proposed and existing signs;

WHEREAS, testimony in support of the application was given by Board of Education Member George Drimones, 71 John Street, and Beatrice Zenizo, President, Englewood Cliffs PTA, 730 Floyd Street; and Gilbert Weissbare, 331 Elisa Drive questioned the witnesses; and

LAW OFFICES
NASHEL, KATES,
NUSSMAN, RAPONE,
& ELLIS, LLP
190 MOORE STREET
SUITE 306
ACKENSACK, N.J. 07601

WHEREAS, the Planning Board did consider the testimony and evidence presented, the following are the findings of fact and conclusions of the Board:

The Development Application

1. Applicant is proposing to replace an existing sign with a new, light emitting diode (LED) monument sign for the Upper School.

2. A local school board is bound only by the use restrictions of the zoning ordinance of the municipality in which the proposed school is to be located. It is not subject to local land use provisions which regulate such matters as height, setbacks, parking and site plan approval. However, in the case of Graber v. Borough of Branchville, not officially reported but published in full at 12 Mun. Law Rev. 39 (June, 1990), Judge Reginald Stanton held that it was desirable and good for the Borough to go before the planning board for a development application involving Borough property that would have otherwise been the subject of dimensional variances or subdivision or site plan approval, because it provided an arena in which there could be meaningful citizen participation and comment. Similarly, and with the consent of the Board of Education, these signage applications are being presented as a vehicle for citizen participation and the Board's nonbinding commentary.[1]

3. It was represented by the school witnesses that the illumination intensity of the sign would be comparable to the monument sign maintained by the Borough on Hudson Terrace. Similarly, the proposed sign would not be flashing.

4. Upon the Board's request, applicant agreed that illumination would occur only between the hours of 7:00 a.m. and 10:00 p.m., unless a school activity continued

LAW OFFICES
NASHEL, KATES,
NUSSMAN, RAPONE,
& ELLIS, LLP
190 MOORE STREET
SUITE 306
HACKENSACK, N.J. 07601

[1] On a larger scale, the State Board of Education has the statutory responsibility to approve plans for the construction of new schools and school additions. Clifton City BOE v. Clifton City Zoning Board of Adjustment, 409 N.J. Super. 389, 437 (App. Div. 2009). The role of the planning board is only advisory. Murnick v. Board of Educ., 235 N.J. Super. 225, 227 (App. Div.), certif. den. 118 N.J. 201 (1989); Clifton City BOE v. Clifton City Zoning Board of Adjustment, Ibid. at 426-427, providing that although State law requires school facilities projects to be submitted for review by a local planning board where required under N.J.S.A. 40:55D-31 (capital projects), the planning board's recommendations are nonbinding.

beyond 10:00 p.m., in which event illumination would be discontinued within one-half hour of the close of the event.

5. The Board also recommended that the sign be made available to the Borough on an emergency basis for informational purposes. Applicant agreed.

6. Because of the proximity of the proposed Upper School sign to homesites, the Board intends to condition its recommendation of approval upon a site visit of the Site Plan Committee after installation, to ascertain whether the intensity of illumination or the hours of illumination should be reduced. Applicant agreed.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Englewood Cliffs, that the within developmental application be, and the same is hereby, granted, subject to the conditions hereinabove referenced.

MOTION BY: **MR. TROVATO**

SECONDED BY: **MR. KILMARTIN**

IN FAVOR: **MR. TROVATO, MR. KILMARTIN, MR. FEHRE, MR. DOOLY, MR. CHINMAN, MR. SURACE, MR. S. KIM and MAYOR PARISI**

OPPOSED: **NONE**

DATE APPLICATION APPROVED: **NOVEMBER 12, 2015**

DATE RESOLUTION APPROVED: **DECEMBER 10, 2015**

Edwin Fehre

EDWIN FEHRE, CHAIRMAN
PLANNING BOARD

ATTEST: Cathy Scancarella

CATHY SCANCARELLA
PLANNING BOARD SECRETARY

LAW OFFICES
NASHEL, KATES,
NUSSMAN, RAPONE,
& ELLIS, LLP
190 MOORE STREET
SUITE 306
HACKENSACK, N.J. 07601

ORIGINAL

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION OF	:	
ENGLEWOOD CLIFFS BOARD OF EDUCATION	:	**MEMORIALIZATION RESOLUTION**
RELATING TO LOT 7 IN BLOCK 908,	:	**APPLICATION NO. 253K**
700 FLOYD STREET	:	

WHEREAS, ENGLEWOOD CLIFFS BOARD OF EDUCATION applied on or about October 16, 2015 to the Planning Board of the Borough of Englewood Cliffs for a variance to replace an existing sign with a light emitting diode (LED) sign; in the R-A "Residential Single-Family Zoning District" and

WHEREAS, a public hearing was conducted on November 12, 2015, upon proper notice certified by applicant's proof of service to property owners within a 200-foot radius of the subject property and proof of publication in an official newspaper of the Borough; and

and

WHEREAS, admitted without exhibit references were two photographs of the proposed and existing signs;

WHEREAS, testimony in support of the application was given by Board of Education Member George Drimones, 71 John Street, and by Beatrice Zenizo, President, Englewood Cliffs PTA, 730 Floyd Street; and Gilbert Weissbare, 331 Elisa Drive questioned the witnesses; and

WHEREAS, the Planning Board did consider the testimony and evidence presented, the following are the findings of fact and conclusions of the Board:

KATES NUSSMAN RAPONE
ELLIS & FARHI, LLP
ATTORNEYS-AT-LAW
190 MOORE STREET
SUITE 306
HACKENSACK, N.J.
07601-7407

The Development Application

1. Applicant is proposing to replace an existing sign with a new, light emitting diode (LED) monument sign for the North Cliff School.

2. A local school board is bound only by the use restrictions of the zoning ordinance of the municipality in which the proposed school is to be located. It is not subject to local land use provisions which regulate such matters as height, setbacks, parking and site plan approval. However, in the case of Graber v. Borough of Branchville, not officially reported but published in full at 12 Mun. Law Rev. 39 (June, 1990), Judge Reginald Stanton held that it was desirable and good for the Borough to go before the planning board for a development application involving Borough property that would have otherwise been the subject of dimensional variances or subdivision or site plan approval, because it provided an arena in which there could be meaningful citizen participation and comment. Similarly, and with the consent of the Board of Education, these signage applications are being presented as a vehicle for citizen participation and the Board's nonbinding commentary.[1]

3. It was represented by the school witnesses that the illumination intensity of the sign would be comparable to the monument sign maintained by the Borough on Hudson Terrace. Similarly, the proposed sign would not be flashing.

4. Upon the Board's request, applicant agreed that illumination would occur only between the hours of 7:00 a.m. and 10:00 p.m., unless a school activity continued beyond 10:00 p.m., in which event illumination would be discontinued within one-half hour of the close of the event.

ATES NUSSMAN RAPONE
ELLIS & FARHI, LLP
ATTORNEYS-AT-LAW
190 MOORE STREET
SUITE 306
HACKENSACK, N.J.
07601-7407

[1] On a larger scale, the State Board of Education has the statutory responsibility to approve plans for the construction of new schools and school additions. Clifton City BOE v. Clifton City Zoning Board of Adjustment, 409 N.J. Super. 389, 437 (App. Div. 2009). The role of the planning board is only advisory. Murnick v. Board of Educ., 235 N.J. Super. 225, 227 (App. Div.), certif. den. 118 N.J. 201 (1989); Clifton City BOE v. Clifton City Zoning Board of Adjustment, Ibid. at 426-427, providing that although State law requires school facilities projects to be submitted for review by a local planning board where required under N.J.S.A. 40:55D-31 (capital projects), the planning board's recommendations are nonbinding.

5. The Board also recommended that the sign be made available to the Borough on an emergency basis for informational purposes. Applicant agreed.

6. Because of the proximity of the proposed North Cliff School sign to homesites, the Board intends to condition its recommendation of approval upon a site visit of the Site Plan Committee after installation, to ascertain whether the intensity of illumination or the hours of illumination should be reduced. Applicant agreed.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Englewood Cliffs, that the within developmental application be, and the same is hereby, granted, subject to the conditions hereinabove referenced.

MOTION BY: **MR. TROVATO**

SECONDED BY: **MR. KILMARTIN**

IN FAVOR: **MR. TROVATO, MR. KILMARTIN, MR. FEHRE, MR. DOOLY, MR. CHINMAN, MR. SURACE, MR. S. KIM and MAYOR PARISI**

OPPOSED: **NONE**

DATE APPLICATION APPROVED: **NOVEMBER 12, 2015**

DATE RESOLUTION APPROVED: **DECEMBER 10, 2015**

EDWIN FEHRE, CHAIRMAN
PLANNING BOARD

ATTEST:

CATERINA SCANCARELLA
PLANNING BOARD SECRETARY

KATES NUSSMAN RAPONE
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ATTORNEYS-AT-LAW
190 MOORE STREET
SUITE 306
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07601-7407

BOSWELL McCLAVE ENGINEERING
ENGINEERS ■ SURVEYORS ■ PLANNERS ■ SCIENTISTS
330 Phillips Avenue • P.O. Box 3152 • South Hackensack, N.J. 07606-1722 • (201) 641-0770 • Fax (201) 641-1831

VIA EMAIL

December 8, 2015

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

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Stormwater Management
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:

As a follow up to item 15 of our November 11, 2015 review letter, our Hydrology Department has reviewed the project application and tax map for Lot 7 and 9 and offers the following comments:

1. Runoff calculations which are based on the TR-55 method, imply hydrologic soil group C. The soil survey map included in the report only indicates the soil name to be Boonton. Information for this soil should be provided to support the calculations.

2. Runoff calculations for the existing conditions are based on 11.85 acres. However, runoff calculations for the proposed conditions are prepared for 12.59 acres comprising of PR1 (direct runoff, 6.97 acres) and PR1A (detained area, 5.62 acres). For a meaningful comparison between the existing and proposed runoff conditions, the calculations should be based on the same overall area.

3. The time of concentration for pervious areas are duplicated for the existing and proposed conditions. It is to be noted that the proposed drainage system shortens the flow path of runoff from pervious areas and convey it faster than the existing conditions. Calculations for the proposed time of concentration for pervious areas should be revised to account for this change.

4. The allowable runoff on the summary table on Sheet 2 does not agree with the required peak flow reductions of the NJDEP Stormwater Management Rules. Specifically, the allowable 2, 10 and 100 year peak runoff should be:

2 Year	14 x 50% = 7.0 cfs
10 Year	24 x 75% = 18. cfs
100 Year	46 x 80% = 36.8 cfs

This table should be corrected (see attached).

5. The water quality calculations which are prepared using the HEC-1 computer software are inconsistent with the plans and are inconclusive. The computations are based on 0.83 acres of impervious area; however, the bioretention basin receives runoff from 2.83 acres of impervious pavement (see attached). To address the water quality requirement, the basin should fully retain the water quality runoff from 2.83 acres of pavement and allow it to infiltrate. Specifically, as shown below, the bioretention basin should provide 12,200± cubic feet of storage below the outlet. The proposed weir should be raised accordingly.

2.83 x 43560 x 0.95 x 1.25"/12 = 12,199 c.f.

Where:

0.95 is the runoff coefficient
1.25" = water quality storm

Note that the pervious areas generate little runoff during water quality storm and can be ignored from the required retention storage calculations. See also the next comment.

6. Bioretention basin calculations account for 4.0"/hr. permeability which omits any support data. The percolation losses should be removed from the water quality calculations.

Also, the water quality summary on Sheet 88 indicates a 1.18 acres increase in impervious pavements. However, the runoff calculations as shown below imply 1.39 acres.

Existing impervious area = 4.53 acres
Proposed 5.92 acres (3.09 acres in PR1 and 2.83 acres in PR1A)

The net increase in impervious cover should be correctly noted. See also the next comment.

7. Calculations for water quality on page 88 are ambiguous and inconclusive (see attached). The required TSS removal for the project should be calculated based on 80% TSS removal for the new pavement and 50% TSS removal for any pavement to be reconstructed.

8. Flow calculations in pipes are based on runoff coefficients of 0.99 for pavement, 0.51 for grass and 0.45 for woods and using on adjustment factor of 0.88. The calculations should be revised using the following suggested runoff coefficient.

   C = 0.95 pavement
   C = 0.35 grass
   C = 0.25 woods

   No adjust factor should be applied.

9. Discharge capacity calculations for outlet pipe from the bioretention basin should be based on the hydraulic grade line (100 year water surface elevation) at the basin, rather than the pipe slope. Note that the discharge from this pipe occurs under pressure. On this basis an 18 inch pipes can adequately convey the 100 year discharge from the basin and may be substituted for the proposed 24" pipe.

10. Calculations for the scour hole are based on a tailwater equal to two-tenths of the pipe diameter. Such calculations are not proper where the downstream tailwater is known. The calculations should be revised based on the impoundment depth at the bioretention basin during the 2 year storm.

11. The Low Impact Development Checklist is prepared using 23.4 acres which is the entire area of properties (Lots 7 and 9). The Checklist should be revised based on the project area which according to the existing runoff calculations is 11.85 acres. Also, the Checklist should indicate 1.39 acres, rather than 1.1 acres, increase in impervious cover.

12. Dimensions of the scour holes should be indicated on the Grading & Utility Plans. Also a table listing the footprint dimensions and the sizes of stone of each scour hole should be added to Sheet 19 of 22. The detail shown on this plan is generic and does not provide any information for the proposed scour holes.

13. A soil log and percolation test must be performed at the location of the bio-retention basin. Test results should be furnished to the Borough. Also this office should ne notified when a test is scheduled. A minimum of two (2) work days is required.

14. The existing 12" CMP, connecting an E Inlet with grate at elevation 349.68' to a B inlet (to be replaced by an E inlet) on the 76" x 48" ERCP should be inspected. This pipe should be replaced if it is found to be deformed or deteriorated (Ref. Sheet 13 of 22).

    Also, the proposed replacement if B inlet by an E inlet within 7 feet from the proposed E inlet #31 is unjustified (see attached). By a slight regrading the proposed E inlet can be eliminated.

15. The location of roof leaders of Building "C" should be shown on Sheet 15 of 22 to support the existing and proposed drainage area maps.

16. An inspection and maintenance manual should be provided for the proposed stormwater management facilities. The manual should name the entity responsible for maintenance, and should include inspection procedures and inspection and maintenance checklists.

17. For brevity, we suggest that sheets 2 of 2 of the composite tabular hydrographs are removed from the report. Note that the existing peak rates of runoff which establish the allowable discharges from the site are shown on Sheets 1 of 2. Likewise, the peak runoff from bypass and detailed areas are shown on the first sheet.

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/jmp
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 email kdykstra@dykstrawalker.com
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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BOSWELL ENGINEERING

In The Matter Of:

In RE: Conopco, Inc.

Transcript of Proceedings

December 10, 2015

Rizman Rappaport Dillon & Rose

66 W. Mt. Pleasant Ave.

Livingston, N.J. 07039

(973) 992-7650

reporters@rizmanrappaport.com

Min-U-Script® with Word Index

1 PLANNING BOARD
COUNTY OF BERGEN
2 TOWNSHIP OF ENGLEWOOD CLIFFS

3
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4 PARKING GARAGE :
NC. - 700 SYLVAN AVENUE :
5 - LOT 7 & BLOCK 808, :
6 ----------X

7 Thursday, December 10, 2015
Council Chambers
8 10 Kahn Terrace
Englewood Cliffs, New Jersey
9
F O R E:
10
RE, CHAIRMAN
11 CHINMAN
1st ALTERNATE
12 G KIM, 4th ALTERNATE
, COUNCILWOMAN
13 URACE, 3rd ALTERNATE

14 . KATES, BOARD ATTORNEY
IRANDI, BOARD ENGINEER
15 NCARELLA, BOARD SECRETARY

16 R A N C E S:

17 FITZPATRICK & COLE
AEL PROFITE, ESQ.
18 W. Burr Boulevard
New Jersey 07666
19 -1100
20
21 ----------
22
23
24
25 ported By: Donna Lynn J. Arnold, C.C.R.

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1 CHAIRMAN FEHRE: Roll call.
2 MS. SCANCARELLA: Chairman Fehre.
3 CHAIRMAN FEHRE: Here.
4 MS. SCANCARELLA: Vice Chairman Rosenberg,
5 absent.
6 Mr. Dooly, absent.
7 Mr. Chinman.
8 MR. CHINMAN: Here.
9 MS. SCANCARELLA: Mr. Kilmartin, absent.
10 Mr. Trovato, absent.
11 Mr. Kiky Kim.
12 MR. K. KIM: Here.
13 MS. SCANCARELLA: Mr. Stephen Duffy,
14 absent.
15 Mr. Vincent Surace.
16 MR. SURACE: Here.
17 MS. SCANCARELLA: Mr. Sean Kim.
18 MR. S. KIM: Present.
19 MS. SCANCARELLA: Mayor Parisi.
20 MAYOR PARISI: Present.
21 MS. SCANCARELLA: Councilwoman Oh.
22 COUNCILWOMAN OH: Here.
23 CHAIRMAN FEHRE: Okay. We have a quorum.
24 (Agenda)
25 CHAIRMAN FEHRE: We can proceed for the

1 only remaining item on the agenda which is the Conopco
2 parking garage.
3 MR. CHINMAN: Can I ask a question first?
4 CHAIRMAN FEHRE: Yes.
5 MR. CHINMAN: There's very few people here
6 who were here previously.
7 How does that effect the application?
8 MR. KATES: We have -- in anticipation of
9 your question --
10 MR. CHINMAN: Yes.
11 MR. KATES: Councilwoman Ho and Mr. Kiky
12 Kim reviewed the transcripts, certified that they had
13 read it and so we have potentially six, five or six
14 tonight.
15 MS. SCANCARELLA: One, two, three, four,
16 five.
17 MR. KATES: Five prepared to vote on it.
18 COUNCILWOMAN OH: Can you vote?
19 MR. CHINMAN: I have to recuse myself. I
20 am behind it.
21 And how many votes are needed?
22 MR. KATES: We'll see. My understanding
23 is, from Mr. Profite, we are not dealing with a use
24 variance any more. So it's a majority of the quorum,
25 three out of the five.

Page 5

1 MR. CHINMAN: I see.
2 MR. KATES: Good evening, Mr. Profite.
3 MR. PROFITE: Good evening, Mr. Kates.
4 MAYOR PARISI: Mr. Chairman, just let the
5 record reflect that Mr. Chinman and myself are
6 recusing ourselves.
7 CHAIRMAN FEHRE: Okay.
8 MR. KATES: Can we proceed, Mr. Chairman?
9 MR. PROFITE: Yes. Thank you, Mr. Kates,
10 Mr. Chairman.
11 As you have noted, Ms. Oh and Mr. Kim have
12 signed the appropriate certifications that they have
13 read the transcripts and they are appropriately
14 eligible to constitute a quorum and a vote.
15 Based upon the report that the board
16 commissioned from Burgis Associates which is dated
17 December 3, 2015, we agree with Mr. Burgis that the
18 proposed parking garage does constitute an accessory
19 structure under the ordinance and, therefore, we would
20 like to amend our application to request a variance
21 from the one story height and 14 foot height
22 limitations applicable to accessory structures.
23 We would also like to request a variance from
24 the limitation in the ordinance that accessory
25 structures, that the coverage of accessory structures

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1 cannot exceed 25 percent of the rear yard if in fact
2 that's necessary because, in this case, the parking
3 garage is not located within the rear yard.
4 So, whether or not that variance is required is
5 a matter of interpretation.
6 If it is required, then we request that that be
7 granted as well.
8 MR. KATES: If I could just put on the
9 record my own interpretation of it, the D-1 use
10 variance and the D-6 height variance both relate to
11 principal structures.
12 MR. PROFITE: Yes.
13 MR. KATES: And what I believe is the case
14 is that in creating the B2 zone as a corporate
15 headquarter site, a two acre site, the intent of the
16 ordinance was to treat whatever parking structures
17 exist on the property, that they be accessory to the
18 corporate headquarters which is the principal
19 structure on the property with the proviso that the
20 structure is truly accessory, being used in your case
21 by the Unilever employees and serving no other purpose
22 in terms of the public at large or other users.
23 MR. PROFITE: Yes, it is not, it is not
24 for operation of a public parking garage.
25 MR. KATES: So it's truly accessory, it's

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1 truly intended by the zoning ordinance to be accessory
2 and on that basis you are relieved from the D-1 height
3 variance and the D-6 height variance and the D-6 use
4 variance.
5 MR. PROFITE: D-1 use and D-6 height, yes,
6 yes.
7 MR. KATES: So on that basis we are
8 proceeding.
9 MR. PROFITE: Yes. Thank you.
10 And, Mr. Chairman, we would also like to further
11 amend the application by presenting plans that
12 eliminate one level of the garage so that the garage
13 in fact will be smaller and will be of less height
14 than the plan originally submitted.
15 MR. KATES: You will be presenting a
16 witness to that effect?
17 MR. PROFITE: We will be presenting a
18 witness and we will have revised elevations use and a
19 revised site plan that will show exactly what the
20 proposal is for the smaller and the reduced height
21 utilized.
22 It will be basically the same footprint as the
23 Phase 1 and Phase 2 garage so that what the
24 application is now is to eliminate phasing, to reduce
25 the garage by one level and build it all as a single

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1 phase up front.
2 There is also a revised landscaping plan that
3 will be presented which shows the addition of more
4 landscaping along the perimeter between the parking
5 garage and the residences on Floyd Street and we'll
6 have testimony about that as well and we'll have
7 testimony about the revised parking calculations
8 because the overall number of spaces has decreased and
9 so there is, as per ordinance with the reduced size of
10 the garage, there is a deficiency of 197 cars in what
11 would otherwise be required under the variance and
12 that is, obviously, much less than the previous
13 variance granted in December of 2014 which was a
14 deficit of 588 cars. And, also, we're eliminating any
15 use of the parking spaces that are located along the
16 southerly property boundary because, with the
17 installation of the breakaway gate in that area, those
18 spaces will not be accessible by Unilever so they will
19 not be used for any parking in connection with the
20 Unilever site.
21 And, I think that, with that, we're ready to --
22 one other comment.
23 I have, if I may, I have a letter prepared by
24 Nick Maynard, who testified last time, as well as
25 revised Greer studies that were conducted because of

1 the reduction in height of the building we wanted to
2 be sure that the reduced height of the building did
3 not produce any grail that will be problematic either
4 from Sylvan Avenue or to the home owners on Floyd
5 Street or to 600 Sylvan Avenue which is the property
6 immediately to the south.
7 So I have taken the liberty, Mr. Kates, of
8 marking Exhibit A-6 which is the transmittal from Mr.
9 Maynard where he explains it and then I have marked as
10 A-7 the Blair study applicable to 600 Sylvan Avenue
11 and I have marked as A-8 the Blair study applicable to
12 the Sylvan Avenue perspective.
13 So, if I could hand those out.
14 (Exhibits are marked A-6, A-7 and A-8 for
15 identification.)
16 I would also like to mention that the prior
17 resolution that was adopted in December of 2014, I
18 assume that will be made part of the record as well as
19 the other prior resolutions mentioned in that
20 resolution and the prior approvals.
21 Is that satisfactory?
22 MR. KATES: Yes.
23 MR. PROFITE: Thank you.
24 MR. KATES: Would you raise your right
25 hand.

1 Do you swear the testimony you're about to give
2 this Board shall be the truth so help you God?
3 THE WITNESS: I will.
4 MR. KATES: Would you spell your last name
5 for the record?
6 THE WITNESS: G O O D W I N.
7 MR. KATES: And your business address.
8 THE WITNESS: 215 Park Avenue South, New
9 York, New York, 10003.
10 MR. KATES: And you have been qualified as
11 an architect?
12 THE WITNESS: Yes.
13 MR. PROFITE: Yes, and we'll go through --
14 DIRECT EXAMINATION BY MR. PROFITE:
15 Q. Could you give the Board a basic
16 recitation of your education, licensing and experience
17 as an architect?
18 A. I studied architecture from NUSD. I
19 graduated with a Bachelor of Architecture in 1984 and
20 been licensed as an architect in New York State for 25
21 years. I have applied for and received approval for a
22 reciprocal license in New Jersey although I haven't
23 been active. The hearing was actually today. So,
24 I've been told it's approved but I haven't done the
25 paperwork.

1 MR. PROFITE: I am sorry.
2 CHAIRMAN FEHRE: We'll accept.
3 Q. How long have you been a practicing
4 architect?
5 A. I already said that but 25 years.
6 Q. And what kind of projects have you been
7 involved in as a practicing architect?
8 A. Just about anything, commercial work,
9 educational work, science and technology work.
10 My most recent project might be familiar to the
11 Board, Regeneron headquarters in Tarrytown, New York.
12 I testified in front of the Board for the town of
13 Mount Pleasant for that recently.
14 MR. KATES: I think you can sit.
15 THE WITNESS: Do you want other examples?
16 MR. KATES: No. How are you involved in
17 this particular project?
18 THE WITNESS: I'm the architectural design
19 principal in charge of the project.
20 MR. KATES: You are familiar with the
21 drawings?
22 THE WITNESS: Yes.
23 MR. PROFITE: I would draw from Mr.
24 Goodwin as an expert in the field of architecture.
25 MR. KATES: Accept.

1 CHAIRMAN FEHRE: Accepted.
2 MR. PROFITE: Thank you.
3 Q. So, Mr. Goodwin, you're familiar with the
4 drawings that have been submitted to the Board in
5 connection with this application?
6 A. Um-hum.
7 Q. And you're also familiar with some revised
8 plans that have been prepared.
9 Correct?
10 A. Correct.
11 Q. Okay. So why don't we go to the elevation
12 views, if you could just put that board up and please
13 mark it as A-9 with today's date.
14 MR. PROFITE: And, Mr. Chairman, I do have
15 reduced size copies for the Board.
16 (Elevation views are marked A-9 for
17 identification.)
18 Q. While I'm handing these out, Mr. Goodwin,
19 why don't you explain to the Board basically what the
20 change has been from the garage as shown on the plans
21 previously submitted to the Board and the garage as
22 shown on A-9?
23 A. So if you recall in the previous
24 submission, we -- actually, I might even bring that
25 image up to remind you. We showed only this

1 perspective image and this, at the time, was, was five
2 levels or the equivalent of four stories of a parking
3 garage and we have now removed one of the levels of
4 the garage and lowered it. So what shows in these
5 sections here is an accurate representation of what
6 that would look like with the one story removed.
7 It's actually lower now than the adjacent
8 existing structure. The actual height above the mean
9 curb height is not -- it was 405 and it's now 394.
10 The intention of the design, if you see it on
11 this elevation, this is the longest elevation that
12 faces west, is to relieve the horizontality of the
13 garage with a series of green screen panels that would
14 support vegetation and then create a rhythm along the
15 facade to break down the scale of the garage and help
16 to bring the idea of landscaping to the building and
17 to help integrate it with the site and then, as we
18 showed before, we have a series of voltaic panels
19 mounted on the top floor. Those are actually recessed
20 somewhat from this elevation so you see them here but
21 in fact they're in the middle of the floor of the
22 garage so they're set back far enough so that I don't
23 think they would create a perceived elevation height
24 at the edge of the garage but only farther back.
25 So I think the scale has actually been mitigated

1 in this number of different ways that really help to
2 bring it down the site. If you see the elevation here
3 now from the Sylvan Avenue side here, the grade is
4 higher, the building is actually almost apparently
5 only one story above grade.
6 Q. So, how many stories is the proposed new
7 design?
8 A. It's four levels of parking but that's the
9 equivalent of three stories of building counting the
10 roof where you're parking but that's the number of
11 stories.
12 Q. And do you know what the elevation is at
13 the top of the solar canopies on the garage?
14 A. Yes. That's now 394 above the mean sea
15 level.
16 Q. And did the elevation of the -- you
17 obtained the elevation of the top of the curb at
18 Sylvan Avenue from Mr. Dykstra?
19 A. Um-hum.
20 Q. And do you recall what that was?
21 A. 373.1 feet.
22 Q. So as per the zoning ordinance, what would
23 be the height of the structure including the solar
24 canopies?
25 A. The height of the structure above the --

1 Q. In other words, the difference between the
2 elevation at the top of the curb on Sylvan Avenue and
3 the top of the solar panel.
4 A. So you're subtracting 394 from 373 so that
5 would be, so that's 21 feet, slightly less than 21
6 feet.
7 Q. Okay. Now there are going to be the solar
8 panel arrays on the roof.
9 Correct?
10 A. Um-hum.
11 Q. And you are aware of the orientation of
12 the arrays?
13 A. Yeah.
14 Q. And just describe that to the Board. I
15 believe Nick Maynard had testified to that.
16 A. Right.
17 Q. Since you've designed it, can you tell the
18 Board how you went about designing the solar arrays
19 that are going to be installed on the roof?
20 A. Yeah.
21 Q. Or the top level of the garage. It
22 doesn't have a roof.
23 A. The panels have a slant to them to drain
24 water but also to make them more efficient. And the
25 choices were to orient them in the long direction of

1 the garage or the short direction. And, I think we
2 found that it would be effective to orient them to the
3 east which is the long dimension of the garage.
4 And, I can show you on the plan.
5 Q. Okay. Which one are you going to show us
6 on?
7 A. The first one we had up there.
8 And, do you want me to mark that?
9 Q. If you could mark that as A-10, please,
10 with today's date.
11 (Site plan is marked A-10 for
12 identification.)
13 So looking at what's been marked Exhibit A-10,
14 can you explain to the Board what's shown on this
15 exhibit?
16 A. So the garage is shown in this yellow
17 color not the intended color of the design but just to
18 make it show up on the drawing, the photo, the panels
19 of the darker blue rectangles that you see in the
20 middle of the floor plate and those would incline
21 slightly so that they would face to the, to the east
22 and that's...
23 Q. Okay. So the garage that's shown on A-10
24 is the same footprint of the Phase 1 and Phase 2 of
25 the garage on the plans previously submitted?

1 A. Correct.
2 Q. Is that correct?
3 A. Yeah.
4 MR. KATES: Are there revision dates on
5 these plans? I don't see any dates.
6 THE WITNESS: On this one there's phase
7 parking garage.
8 MR. KATES: On the bottom October 19th,
9 2015, October 30, 2015.
10 THE WITNESS: Right.
11 MR. KATES: So is that the revision date
12 or is that the original date of the plan? Do you
13 know?
14 MR. PROFITE: That has got to be the
15 original date.
16 MR. KATES: So there's no revision date
17 per se?
18 MR. PROFITE: No, there's no revision
19 date.
20 MR. KATES: And on the previous drawing,
21 which is A-9, the elevations, is that also -- I see a
22 date of October 19.
23 MR. PROFITE: Yeah. That would be --
24 THE WITNESS: It doesn't have --
25 MR. KATES: That's the original date as

1 well?
2 MR. PROFITE: Correct.
3 MR. KATES: Okay. So we're going with the
4 exhibit number but there's no revision date.
5 THE WITNESS: No.
6 MR. KATES: Okay.
7 Q. Okay. These plans were prepared yesterday
8 or today at some point?
9 A. Yes.
10 Q. Yes?
11 A. Yes.
12 Q. So the garage is the same footprint.
13 Correct?
14 It's one level lower?
15 A. That's correct.
16 Q. Okay. In your opinion, are there any
17 environmental objectives to be advanced by having a
18 parking garage on-site as opposed to expanding paved
19 parking areas?
20 A. Well, I think what happens when you build
21 a garage is that you reduce the impervious surface of
22 the site and so you're actually allowing more
23 landscape on the site and helping manage storm water
24 and increasing vegetation so I think building a garage
25 actually helps to make the site -- the alternative

1 would be really to expand surface parking and have
2 less landscape and, and more impervious surface so I
3 think a garage actually helps to mitigate those
4 concerns.
5 Q. In your opinion, is there a benefit to
6 having one garage with multiple levels as opposed to
7 three garages?
8 A. For the same reason, you're reducing the
9 footprint of the garage on the site and allowing more
10 landscape as you can see here.
11 Q. Okay. And so you're aware that there have
12 been variances requested in connection with the
13 construction of the garage?
14 A. Yes.
15 Q. Correct?
16 In your opinion, will granting those variances
17 constitute an appropriate use and development of this
18 property as a corporate headquarters facility?
19 A. Yes.
20 Q. In your opinion, will granting those
21 variances result in more efficient use of the
22 property?
23 A. Yes.
24 Q. And, in your opinion, will granting the
25 variances substantially impair the intent and purpose

1 of the zone plan or zoning ordinance?
2 A. I think that the parking is an approved
3 use of the site while the garage isn't. I think the,
4 a parking garage improves the use of the site in
5 regard to parking and allows for the things that I
6 mentioned before in terms of landscape and improves
7 traffic flow, it manages storm water and ideally
8 improves the natural features of the site by not
9 paving over them.
10 Q. So you were involved in the design of this
11 project from the beginning.
12 Correct?
13 A. Correct.
14 Q. And you were involved in the plans that
15 were previously submitted in December or submitted
16 prior and approved in December of 2014?
17 A. That's correct.
18 Q. And are there any environmental
19 considerations that were given in connection with the
20 proposed overall development of this site or the,
21 let's say the changes that were approved in December
22 of 2015?
23 A. You mean just for the garage or for the
24 entire site?
25 Q. No. The garage supports the building

1 that's proposed to be built, correct, the improvements
2 that are proposed to be made?
3 A. Yeah.
4 Q. So can you tell us just a little bit about
5 what went into your thinking as the design architect
6 concerning the environmental aspects of the
7 development?
8 A. Well, I think that there's a number of
9 things. First of all, one of the most important
10 things from an environmental use is reusing the
11 existing building and not tearing them down and
12 building something new. The energy, embodied energy
13 by doing that is, is tremendous. The buildings in
14 terms of the reuse are going to be very energy
15 efficient. So there is intent to incorporate a high
16 level of voltaic panel within both the parking
17 structure and the building itself so there is a, there
18 is a high level of aspiration for sustainability in
19 the development of the project.
20 We've looked and incorporated a number of storm
21 water management features that are both technically
22 successful but also enhance the natural landscaping in
23 the sense of community for the employees of the site.
24 And, and I think, overall, it will be a very
25 pleasant and enjoyable work environment for the people

1 using the building.
2 Q. In your opinion will granting these
3 variances result in any negative impact in the
4 surrounding properties?
5 A. I don't think so. I think the scale of
6 the garage especially now at its reduced height being
7 lower than the adjacent buildings will be not
8 something that will increase any sense of discomfort
9 for the, for the occupants of the adjacent houses.
10 Q. I'm sorry.
11 A. And there are, there are efforts being
12 made within the plan, as you can see here, to
13 introduce additional planting between these houses and
14 the garage to improve the screening of it so I think
15 that will also help mitigate any concerns that the
16 neighbors might have.
17 Q. In your opinion will granting the
18 variances result in any substantial detriment to the
19 public good?
20 A. No.
21 Q. In your opinion will the benefits to be
22 derived from the proposed development outweigh any
23 potential detriment?
24 A. I think so.
25 MR. PROFITE: I have no further questions

1 for Mr. Goodwin.
2 MR. KATES: Could I ask if I may, Mr.
3 Chairman, how many spaces are eliminated with the
4 removal of the story?
5 THE WITNESS: I knew you were going to ask
6 me that question and I can't quite remember the
7 number.
8 MR. PROFITE: We will have -- I believe
9 it's around 190 something but we will have testimony
10 and we'll have an exhibit that goes through the exact
11 parking counts.
12 THE WITNESS: Thank you.
13 MR. KATES: So the question now --
14 MR. PROFITE: I'll look it up.
15 MR. KATES: No. That's all right.
16 So the question I would like answered, if
17 Unilever presented an application with 190 spaces in
18 it, how are they able to concede the 190 now?
19 Is there something that has changed in terms of
20 their expectations?
21 I know you're responding to the Board's interest
22 in reducing the height of the building. But are you
23 sacrificing anything to get to that point?
24 MR. PROFITE: Yes. I mean --
25 MR. KATES: I'll leave it to the witness.

1 If the witness can't answer it then we'll wait for
2 somebody else.
3 THE WITNESS: I think it might be better
4 for other witnesses to answer that question.
5 MR. KATES: Okay.
6 MR. PROFITE: If I could just make a
7 comment.
8 What, what the plan is is to do Phase 1 and
9 Phase 2 at the same time. So if you recall, there was
10 a substantial number of spaces in Phase 2 and so the
11 idea was, if we don't have to build Phase 2 we won't
12 build Phase 2.
13 So what this means is that, you know, Unilever
14 would not have the option of adding additional spaces
15 and they're essentially going to live with what, you
16 know, what's at or near the Phase 1 count and then
17 they'll have to address, you know, if there is a
18 future need.
19 MR. KATES: So when you present it you say
20 Phase 1 might do it --
21 MR. PROFITE: Yes.
22 MR. KATES: -- expectations. Now you're
23 simply getting to that point quicker.
24 MR. PROFITE: Yeah.
25 CHAIRMAN FEHRE: This is the same number

1 of spaces that you had with Phase 1?
2 MR. PROFITE: I believe it's pretty
3 similar. I believe the elimination of the one story
4 is, you know, roughy similar but we can have
5 clarification on it.
6 CHAIRMAN FEHRE: I have a question about
7 the green wall.
8 How are you going to maintain this? How are you
9 going to grow something?
10 Did you do any design work to promote the
11 growing of the vegetation on that wall? How does that
12 work?
13 THE WITNESS: Well, we have our landscape
14 architect with us here tonight who might be better to
15 answer that question. I think it's a system that's a
16 proven, it's not something that we were just imagining
17 but it's a proven system that's been used elsewhere.
18 And, I think he could answer more technically.
19 MR. S. KIM: In addition to the Chairman's
20 comment, the green wall, in architectural you show us
21 the elevation of the building.
22 MR. PROFITE: This one?
23 MR. S. KIM: Yeah. So on the bottom the
24 elevation facing the -- you show the segment of the
25 wall, the green wall, what is in between that?

1 THE WITNESS: What's in between the green
2 wall here?
3 MR. S. KIM: Yeah.
4 THE WITNESS: The spandril of the parking
5 garage?
6 MR. S. KIM: That's correct.
7 And I think specifically some parapet in each
8 floor, what's the height of it?
9 THE WITNESS: The height of the parapet?
10 MR. S. KIM: Yeah, on each floor.
11 THE WITNESS: 3 foot 6.
12 MR. S. KIM: According to the plan and the
13 parking, the car parking facing the actually the floor
14 inside so in the nighttime and the parking cars coming
15 in there and then we'll see the actual headlight from
16 the car directly.
17 THE WITNESS: Well, at 3 foot 6 the
18 precast concrete parapet is well above the height.
19 MR. S. KIM: I understand that. But when
20 you parking right up front of the parapet wall, you're
21 not going to see but all the way back, 10 to 20 feet,
22 you will see.
23 THE WITNESS: Right. I don't understand
24 why you would see the lights when you're --
25 MR. S. KIM: When you're standing on the

1 floor some kind of the light, headlight is some kind
2 of activities, you going to perceive and then so, you
3 know, I'm just curious about some kind of, all the
4 neighbors' perception of this parking garage in the
5 wintertime. I don't know what kind of screen you
6 going to have but maybe evergreens and this parking
7 building or something.
8 But, either way, in nighttime, somebody is
9 parking, parking garage there, you see some kind of a
10 light there. So I think, you know, we are afraid of
11 some kind of uses of the, that kind of a light.
12 MR. KATES: The west elevation you're
13 talking about?
14 MR. S. KIM: Yes.
15 THE WITNESS: You're -- this is a section
16 through the building.
17 MR. S. KIM: That's correct.
18 THE WITNESS: And what you're concerned
19 about is that somehow from here --
20 MR. S. KIM: That is correct.
21 THE WITNESS: -- when you have a parapet
22 here that the car in here is going to be, that light
23 is now going to be visible.
24 MR. S. KIM: Come out of the building, no
25 matter what, but my recommendation is, you know, maybe

1 reconsider the, that green wall whether it's solid
2 panel or I mean maybe you could close up the entire
3 that side of the building or rather, you know,
4 visually close up or -- I know you need some sort of
5 ventilation to the parking garage.
6 THE WITNESS: It needs to be 50 percent
7 enclosed.
8 MR. S. KIM: But this building is, you
9 know, detached building but, you know, once, maybe one
10 side maybe close up, maybe you could close it 75
11 percent. You have ventilation anyway.
12 So, so why don't you reconsider about the design
13 of that whole wall facing the floor, too.
14 MR. KATES: That garage seems to be
15 wrapped in some kind, whether that's a temporary
16 device or term meant twice, do you know anything about
17 that?
18 THE WITNESS: Yeah. That's so that's
19 happening on a number of garages where there's a metal
20 mesh is used as the enclosure and because it's, it
21 allows the ventilation. You can give a continuous
22 surface. You can give a clouding to the garage. When
23 there's light behind it you can see right through it.
24 When there's light from outside, it's more opaque.
25 It's like a theater screen so it wouldn't actually

1 solve that problem if you were, if you could actually
2 see a headlight. Because the light is on the inside,
3 you would see it more or less right through that
4 screen.
5 MR. S. KIM: The building code, even if
6 you close up the one side, the three sides is
7 basically open, it's an open parking garage. So that
8 would have to be all four sides is open.
9 THE WITNESS: Okay. I understand. Yeah.
10 CHAIRMAN FEHRE: How about, suppose you
11 put louvers, vertical louvers and still allow
12 ventilation but it wouldn't allow the light to escape.
13 THE WITNESS: Yeah. There's a number of
14 different solutions that could be considered to
15 correct the screening.
16 COUNCILWOMAN OH: I think Sean Kim has a
17 valid point. At nighttime, when you have cars coming
18 in and out of the garage.
19 I don't know the hours of the building. Do you
20 have that information?
21 The garage, what are the hours that it's going
22 to be open for?
23 THE WITNESS: I'm not sure of the exact
24 hours.
25 MR. PROFITE: I know that the lighting in

1 which you'll hear is designed, is going to be designed
2 to go on and off at the same hours as the surface
3 mounted structures in the parking lot.
4 COUNCILWOMAN OH: Okay. So would that go
5 into like the nighttime.
6 THE WITNESS: Yeah. The -- there's also
7 intended to be sensors on the lights so that they
8 would only go on when the cars need the light and they
9 would go out on a timer so that it wouldn't be light
10 there just to light up the whole thing, you know, in
11 the evening. It would only be when people use it.
12 And, ideally, people are leaving at a conventional
13 time and once they're done, there may be a few
14 stragglers and the light only goes on for them on a
15 short time basis.
16 MR. KATES: A sensor basis?
17 THE WITNESS: Yeah, just like you have in
18 office buildings now, with motion sensors for people.
19 COUNCILWOMAN OH: The other question I
20 have is that you mentioned the detriments, the
21 benefits are going to outweigh the detriments of this
22 project.
23 What are the benefits to the, to the public?
24 THE WITNESS: I think the, from the point
25 of view of Englewood Cliffs as a community have a

1 vibrant and successful business like Unilever in your
2 town is an incredibly positive thing. I would be
3 proud to have Unilever in the town that I live in and
4 creating an environment that allows it to be
5 successful and a parking garage is determined, has
6 been determined by Unilever to be an important part of
7 that.
8 To me doesn't seem to be egregious in terms of
9 its relationship to the neighbors in terms of its
10 lower scale. And the return is a very positive
11 innovative company that supports the community in
12 terms of, in a lot of ways and I imagine in terms of
13 tax base so...
14 MR. S. KIM: Solar panel on the roof, you
15 facing on the east side there so basically on the
16 Floyd side are you going to see the, all the frame of
17 the solar panel?
18 THE WITNESS: You will see the supporting
19 frame not the panel itself, the under side.
20 MR. S. KIM: You see all the framing on it
21 so I just, I want you to reconsider maybe doing some
22 kind of camouflage the framing this. And all the line
23 of the building all, some all sudden some kind of a
24 structure coming out from the new building, I think
25 you can do, you can do something better than that,

1 maybe a neighbor doesn't want to see that kind of
2 some, some structural features on top of the building.
3 So when you do design of the building on that
4 side you have to reconsider something on the roof top.
5 So, instead of showing all the panels structure.
6 THE WITNESS: Well, I mean, these, these
7 are products that are made and sold as a unit. They,
8 they -- I don't know whether there are ways to cloud
9 the bottom of them to obscure the structural element
10 of them, typically they're not.
11 Actually, I think they're designed rather nicely
12 and the exposing of that frame it looks orderly and,
13 and it's not simply just a messy open structure. It
14 actually looks intentionally designed and clean.
15 So my sense is that that that's not necessarily
16 a bad thing that -- as I said before, because they're
17 set so far back from the edge of this garage, you can
18 see it here more clearly. I don't know that it
19 becomes all that apparent when you're looking at it.
20 We can certainly look at all those things.
21 MR. S. KIM: It is my recommendation that
22 you can use that, the green panel maybe, you can make
23 it, bring it up a little bit higher and I don't know,
24 maybe you can do it better than what you showing right
25 over here. It is my recommendation.

1 THE WITNESS: Our intent is to reduce the
2 height of the garage as much as possible. So now
3 you're suggestion is to actually increase the height
4 of it.
5 MR. S. KIM: Maybe you can do some
6 different way to, to camouflage all the, you know,
7 solar panel structure so instead of showing --
8 MR. KATES: Looking at the east elevation
9 -- the west elevation, the bottom drawing, just to
10 bring the green line up to block the under side of the
11 solar panel, I think that's what you're saying, Mr.
12 Kim?
13 MR. S. KIM: Yeah. I think that's sort of
14 -- yes, that's correct. Some sort of -- I mean, there
15 is no -- we not looking for any kind of contextual of
16 the whole building itself. This, this is some sort of
17 structural contrast on that.
18 Why don't you do some same of the building
19 design itself so...
20 THE WITNESS: Actually, that's part of one
21 of the intents is the precast panels here were going
22 to match in terms of color so that there is a sense of
23 not having yet a third language of architectural on
24 site.
25 So just to make sure I understand, the Board is,

1 is okay with the idea that we could increase the
2 height of these elements to help screen the voltaic
3 panels even though that increases the height of the
4 garage?
5 MR. S. KIM: It might be up on the type of
6 building green panels or something so it could be
7 like, you know, the Chairman says, you know, it could
8 be the solid panel with some of the green leaves on
9 top of it or some kind of a --
10 MR. PROFITE: Well, the green panels have
11 live planting. So if, you know, if it's the
12 preference of the Board, those panels can be increased
13 in height to, you know, match the height of the solar
14 panels.
15 MR. S. KIM: You could just manipulate,
16 the bottom part be a little bit fancy and probably up
17 top maybe some little bit loose so making some kind of
18 a --
19 THE WITNESS: I understand your intent.
20 MR. S. KIM: Right.
21 THE WITNESS: I'm not disagreeing. I want
22 to make sure I understand if we come back with another
23 design and we don't get why did you make the building
24 higher.
25 MR. S. KIM: So long as you understand.

1 MR. PROFITE: If that's the preference of
2 the Board, we can raise the panel. That's not a
3 problem.
4 CHAIRMAN FEHRE: I would say I don't know,
5 I think it should be looking as low as possible, don't
6 you think? I don't want anything there to make it
7 look higher than what it needs to be.
8 MR. K. KIM: The Floyd side is really
9 higher than that normal level, isn't it?
10 The Floyd is higher. Right.
11 THE WITNESS: You mean the height of this?
12 MR. K. KIM: Yeah.
13 THE WITNESS: Because the grade slopes
14 down, then it's actually taller here than it is here.
15 MR. K. KIM: Yeah.
16 THE WITNESS: Because this is a level
17 higher.
18 MR. PROFITE: And how does it match up to
19 the height of the existing buildings?
20 THE WITNESS: Well, now it's lower than
21 the existing building, the actual.
22 MR. PROFITE: Where is that shown?
23 THE WITNESS: It's shown right here. So
24 the top floor of this is lower than the existing
25 buildings but the voltaic panel is actually higher

1 than the roof of the existing building, on the
2 C-Building which is closest to Floyd. The A-Building
3 which is farthest is higher than everything now.
4 MR. S. KIM: Can you indicate where the
5 elevation level of the Floyd that you see all the
6 elevation lines down there which one is the Floyd?
7 THE WITNESS: The height of Floyd.
8 MR. S. KIM: The --
9 MR. PROFITE: The west elevation.
10 THE WITNESS: Yeah. But you're asking
11 what the height of Floyd Street is?
12 MR. S. KIM: Right.
13 THE WITNESS: I'm not sure if we have an
14 accurate survey of that.
15 MR. PROFITE: We have do have an
16 approximation of those elevations.
17 THE WITNESS: 373 so actually it's the
18 same height as this. So if you carried that across,
19 down over here, that's at that height.
20 So the houses that we understand are a little
21 bit lower, they step down a grade because the grade
22 comes down there from there so that, that's the
23 difference.
24 CHAIRMAN FEHRE: Any other questions of
25 the architect?

1 Are you going to have lighting?
2 MR. PROFITE: Yes, yes, sir.
3 CHAIRMAN FEHRE: And landscaping?
4 MR. PROFITE: Yes, sir.
5 CHAIRMAN FEHRE: What else?
6 MR. PROFITE: Traffic.
7 CHAIRMAN FEHRE: Traffic.
8 MR. PROFITE: Briefly, yes. Yes.
9 I mean, I can go to the garage, the designer of
10 the garage itself, Mr. Rom.
11 And he can testify at this point if there are no
12 further questions.
13 CHAIRMAN FEHRE: There is no further
14 questions.
15 MR. PROFITE: Mr. Rom.
16 MR. KATES: Let's have the witness sworn.
17 Mr. Rom, you swear the testimony you're about to
18 give this Board shall be the truth, so help you God.
19 THE WITNESS: I do. John Rom, R O M.
20 MR. KATES: And your business address,
21 please.
22 THE WITNESS: 49 West 37th Street, New
23 York, New York, 10018.
24 DIRECT EXAMINATION BY MR. PROFITE:
25 Q. Mr. Rom, can you tell the Board a little

1 bit about your professional -- about your education
2 and your professional experience and licensing in the
3 field of architecture?
4 A. Yes. I went to a small school in
5 Brooklyn. It was a work design program not an
6 accredited college but after working in an
7 architectural office for 13 years I was able to take
8 the architectural exam. I passed it in New York
9 State. So I've been 32 years a licensed architect in
10 New York State and 20 years licensed in New Jersey.
11 Q. And what type of projects do you
12 specialize in as an architect?
13 A. I've been working with Desman for 39
14 years. We're an architectural and structural engineer
15 firm.
16 MR. KATES: What's the full company name?
17 THE WITNESS: Desman, D E S M A N. And we
18 specialize in design of parking structures.
19 DIRECT EXAMINATION BY MR. PROFITE:
20 Q. How long have you been involved in the
21 design of parking structures yourself?
22 A. 39 years.
23 MR. PROFITE: Okay. I would proffer Mr.
24 Rom as an expert if architectural.
25 CHAIRMAN FEHRE: Accepted.

1 Q. So, Mr. Rom, you have a board you want to
2 be put up there.
3 Correct?
4 A. Yes. This is drawing A.1.
5 Q. Let me do it this way. You have exhibit,
6 drawing A.1 and A.2.
7 Right?
8 A. Yes.
9 Q. So why don't we number it A-11.1 and
10 A-11.2 and I can hand out reduced size copies.
11 (Drawings are marked A-11.1 and A-11.2 for
12 identification.)
13 Q. All right. Why don't you show to the
14 Board what's shown on A-11.1?
15 A. A-11.1 which, by the way, is dated
16 December 10th. This is identical to the Phase 2
17 garage that was submitted to the Planning Board.
18 Except again the intent now is to build it all in one
19 phase so we eliminated the reference to a Phase 1 and
20 a Phase 2.
21 Q. And is that because the garage structure
22 has been lowered?
23 A. Yes. That's because it was reduced one
24 floor in height.
25 Q. So how many spaces were lost as a result

1 of eliminating one of the levels of the garage?
2 A. When we took a typical level out, we lost
3 191 cars.
4 Q. And do you recall what the total car count
5 was in the Phase 2 portion of the garage?
6 A. Yes. Phase 2 was 793 cars.
7 Q. Phase 2 and 2 was. Do you know what Phase
8 1 was alone?
9 A. Yeah. Phase 1 was 536 cars.
10 Q. All right. So then it's roughly a
11 tradeoff to?
12 A. Pretty close but we're at 602 cars now
13 with one less floor. So we're roughly 70 cars more
14 than what we had in Phase 1.
15 Q. Okay. So what are the differences between
16 the plans that you have as, marked as A-11.1 and
17 A-11.2 from the plans that were originally submitted
18 to the Board?
19 A. Again, the plans are really identical.
20 Again, this drawing A-11.1 is identical to what you
21 saw in the original Planning Board submission. And in
22 A-11.2, the only difference is the labeling of the
23 floors because we eliminated one floor so where we
24 have a third and a fourth floor level, we're now just
25 calling it the third level and what was the fifth

1 level is now the fourth level.
2 Otherwise, the plans are identical.
3 Q. Okay. Can you describe for the Board, Mr.
4 Rom, how the circulation works in and out of the
5 garage?
6 A. Sure. Yeah. At the lowest level of the
7 garage cars will enter it from the west side. This is
8 the primary entrance/exit into the garage. They'll
9 basically turn to the right and they'll circulate
10 towards the south end of the garage and there's a ramp
11 system at the south end of the garage which allows you
12 to climb up 5 foot, 5 foot and 1 1/2 or 6 foot in the
13 second ramp and you'll circulate in a counterclockwise
14 motion to get up to the top level.
15 Q. And how does one exit the garage in a
16 vehicle?
17 A. Basically then you would just retract
18 coming back down again with the primary entrance/exit
19 again being at the lowest level.
20 Q. And can you describe the pedestrian
21 movement in and out of the garage?
22 A. Yes.
23 And let me just note, too, that all of the
24 accessible parking is at the lowest level so that's
25 most convenient when they come into the garage and at

1 the same time most of the pedestrians want to exit to
2 the, to the north so that also puts them closest to
3 the office buildings. But, in general, anybody who
4 parks on the deck, they'll want to use -- there will
5 be a single elevator to take them down to grade level
6 as well as a stair and then there's a second stair in
7 the garage which is more fire egress.
8 Q. And there was a question that was asked
9 previously about headlight glare to the residences on
10 Floyd Street and I guess what you can do is have A-10
11 here which is one of the other exhibits that Rob
12 Goodwin had and here is the overall site plan.
13 MR. PROFITE: If we could just mark that
14 as A-10 with today's date?
15 MR. KATES: It's marked already.
16 MR. PROFITE: It is? It was marked
17 already?
18 THE WITNESS: Yeah.
19 MR. PROFITE: Okay. I guess I didn't hand
20 these out.
21 Q. All right. So referring to A-10, it shows
22 to the west of the garage that there are four
23 residences on Floyd Street that are proximate to the
24 proposed garage. You see them up on the top.
25 And, do you know the approximate distance?

1 A. I believe they're about 225 feet away from
2 the garage.
3 Q. So -- and you're also aware of what the
4 testimony was concerning the approximate elevations?
5 A. Yes.
6 Q. So can you just explain to us whether you
7 perceive that there will be a headlight glare
8 disturbance to those houses from movement within the
9 garage?
10 A. I think the only time that it may be an
11 issue is when cars are basically circulating up
12 through the garage as they head down the northern most
13 bay, that's when the direction of the headlights will
14 be directed towards the houses. And, other than that,
15 it would only be when they, you know, pull into the
16 parking spaces.
17 Q. That are on the west side?
18 A. That are on the west side.
19 Q. Okay. And the parapet wall I think is
20 three --
21 A. Yeah. The parapet wall has to be at least
22 3 foot 6 inches high by code. Generally we make it a
23 little bit higher, like 3 foot 8 inches. Headlights
24 on most vehicles are below that. So at least when the
25 car, you know, starts getting in close to it, the

1 headlights will be blocked.
2 Q. And due to the height limitations in this
3 garage, are there going to be large vehicles coming in
4 to park in this garage?
5 A. No. We restrict, on the upper floors we
6 restrict it to a 7 foot high vehicle. So it's, it's,
7 some large SUVs might get in but nothing larger than,
8 than that.
9 Q. Okay. So when, when a vehicle pulls into
10 the western most, the row of spaces on the west,
11 what's going to be the distance between the headlights
12 and, and the outer wall of the garage when they turn
13 into the spaces now?
14 A. It would be approximately 18 feet.
15 Q. And they come right up against the spaces?
16 A. Yes.
17 Q. And turn in?
18 A. Yeah.
19 Q. And so given that and the height of the
20 parapet wall, do you have any opinion on what the
21 headlight glare effect would be?
22 A. Again, it's, it's a little bit hard to
23 judge and it also depends on the elevation of the
24 residence and what that line of sight is towards the
25 garage and really which levels will be effected.

1 The lower levels you may not see it at all from
2 the residential units. The upper levels might be
3 visible.
4 Again, it's just that movement when you are
5 driving down the lane and pulling into the, into the
6 space, you know you start out being about 18 feet away
7 and as you get closer, the headlights will be obscured
8 by the spandril. I think it will be minimal.
9 Q. Is it possible to raise the height of the
10 parapet wall in the upper level?
11 A. We might be able to do that. We're
12 designing this as an open parking structure and by
13 code we need a certain percentage of area open around
14 the perimeter of the garage.
15 And because this is open on four sides, we
16 probably have more open air than what we need. So
17 there might be a possibility of raising a spandril or
18 putting a louver or some type of screen on top of that
19 spandril.
20 Q. And a louver or screen, if you go back to
21 the elevation of the plan, I think it's right behind
22 the site plan of the house, so looking at the western
23 elevation of the garage, if you were to install some
24 type of louver like that, what would that look like?
25 A. Well, we would basically be putting

1 something like this. It's a little hard to see what
2 what's spandril and what's open but on the upper most
3 level, let's take that one, this line would be the
4 spandril, if we introduce something that may be a foot
5 higher, it would be pretty much in line with the green
6 screens where they're shown here.
7 Q. The height of the green screen?
8 A. Yeah.
9 Q. Okay. So let's talk a little bit about
10 the lighting.
11 And do you have a plan that details the proposed
12 lighting?
13 A. Yeah. It may be a little bit hard to see
14 on your drawings but on the site plan there are light
15 poles indicated approximately 36 feet apart on the
16 west side and they're right along the exterior face.
17 MR. PROFITE: Let me -- I guess we're up
18 to 12.
19 (Parking Garage Lighting is marked A-12
20 for identification.)
21 Q. So I'm going to be handing out A-12.
22 So why don't you explain to the Board -- is
23 there going to be any exterior lighting on this?
24 A. There, there will not be any exterior
25 lighting on the west face of the garage, facing

1 outward.
2 In order to eliminate the roof level, let me
3 first say typically what we would do in the garage is
4 place lights in the center of the base, the center of
5 the garage and those light poles generally are about
6 24 feet high and they direct the light out towards the
7 perimeter. What we're doing in this case is we're
8 locating the lights along the exterior facade and
9 we're directing the light in towards the garage and
10 also instead of having the 24 foot pole we're going to
11 reduce the pole height to 14 to 15 feet high. So it
12 would be approximately at the same height as the solar
13 panels.
14 Q. Okay. So there will not be any lighting
15 glare directly towards residences on Floyd Street?
16 A. No. What this handout indicates is --
17 Q. That's A-12 you're talking about?
18 A. Yes, A-12.
19 Q. Yes.
20 A. The designing lights now, they have just
21 become very sophisticated.
22 One, they have what they call a dark sky
23 compliant light. What we're trying to do is direct
24 light directly down and not have any light at all
25 filter upward. And the other thing they can do is

1 they can control the light from the light source, they
2 can control the direction of the light.
3 So the picture on the left hand side that shows
4 you what one of these light fixtures look like. And
5 then if you look at the figure in the middle of the
6 page, that shows how they can direct the light
7 outward, you know, it's down and out with very little
8 if none, no back splay of the light. So there
9 wouldn't be any light at all filtering out or seeping
10 out towards the surface parking lot.
11 MR. KATES: Is that directed at
12 installation or is it changing?
13 THE WITNESS: No. You actually, it's, it
14 shows some configurations here but you actually
15 purchase a light that will give you a certain
16 distribution.
17 MR. KATES: The angle is fixed?
18 THE WITNESS: Yeah.
19 Q. And how about on the solar array panels?
20 A. Then under the solar array panels --
21 Q. On the top?
22 A. -- we would install lights similar to what
23 we have on the levels below. And on the right hand
24 side of that handout is a typical parking garage
25 fixture. And they would be located approximately 7

1 feet to 8 feet off the deck.
2 So, again, with the line of sight from these
3 buildings it would be very difficult to see.
4 MR. KATES: Are they shown on the site
5 plan, the one that you're referring to?
6 THE WITNESS: The interior lights?
7 MR. KATES: Yeah.
8 THE WITNESS: No, they're not shown here.
9 MR. KATES: Just the poles?
10 THE WITNESS: Just the poles, yeah. They
11 would be two rows of them under each one of the solar
12 panels so approximately 15 feet off of the center of
13 the, of the panels.
14 CHAIRMAN FEHRE: Is there any way to put a
15 light down below like without having it come from the
16 top?
17 THE WITNESS: This always is, it's always
18 a sensitive issue on garages. And the problem is, the
19 only other place you can really mount them is on the
20 spandril itself but the problem with that is if you
21 have a light mounted 3 feet, 3 feet 6 above the
22 parking deck then when cars pull into that space
23 they're basically blocking the light and you lose any
24 lighting effect at all on the deck.
25 CHAIRMAN FEHRE: These lights have to be

1 on 24 hours a day?
2 THE WITNESS: Not the roof lights. The
3 roof lights would be controlled by solar. You know,
4 they'll go on at night, shut off during the daytime
5 and then we can even put them on motion detectors so
6 if there's no movement up on the roof level, the
7 lights would be off or very dimmed. It conserves
8 energy and at the same time makes it a little bit
9 more...
10 CHAIRMAN FEHRE: Go off and stay off at
11 night, let's say at 10 o'clock?
12 THE WITNESS: That's more of an
13 operational issue. I don't know if they expect people
14 to be parking up here late at night or not. If
15 they're not, they can be left off.
16 But, in effect, the motion detector would do the
17 same thing. If nobody is parking up there, they would
18 turn off.
19 CHAIRMAN FEHRE: So you could have a timer
20 and a motion detector so that even if there was
21 somebody up there, it wouldn't be going on in the
22 middle of the night?
23 THE WITNESS: Right.
24 CHAIRMAN FEHRE: At 3:00 a.m.?
25 THE WITNESS: Right.

1 MR. KATES: When you refer to roof lights,
2 is that the lights on the poles?
3 THE WITNESS: Yes.
4 MR. KATES: As distinguished from the
5 lights in the corner?
6 THE WITNESS: Well, there would be the
7 lights on the poles but the lights that are under the
8 solar panels, they could be controlled the same way.
9 COUNCILWOMAN OH: Is this facility a 24
10 hour facility?
11 MR. PROFITE: No.
12 COUNCILWOMAN OH: What are the hours of
13 the building?
14 MR. PROFITE: They're normal, you know,
15 work hours. Is somebody going to be in an office
16 building past 6:00 at night? If you came by my office
17 you would probably find me there after 6:00 at night.
18 Maybe I'm the only one there.
19 I'm told that they can set the lights to go out
20 at 10:00 except for activation by motion detector or
21 if somebody is, you know, stays that late.
22 It's a, you know, it's not a 24/7 operation, no.
23 MR. KATES: So they can be programed to go
24 off at 10:00 only to be disturbed by a motion detector
25 they would go back on again.

1 MR. PROFITE: Is that right?
2 THE WITNESS: I want to say they could do
3 almost anything, you know, with the programs today.
4 But, on the other hand, if it's late at night and
5 there's no movement up there, with the motion
6 detector, they would be off anyway, maybe 8:00 at
7 night, a night like tonight, 8:00 at night there's no
8 movement up there, the lights are off.
9 MR. S. KIM: The entire garage?
10 THE WITNESS: Well, that, too, you kind of
11 zone things so you could do it for the roof lights.
12 They have their own separate zoning. And then on the
13 floors below, you can do the same thing.
14 Now in each bay -- we consider a bay, you know,
15 parking, a drive aisle and parking. It would be two
16 rows of lights.
17 What you can do there, you don't want to do it
18 with individual lights. You would kind of zone the
19 whole row so that if somebody comes into the garage,
20 you know, they don't have to keep walking and lights
21 keep going on as they walk. As soon as they hit the
22 first motion detector, it would light up that whole
23 bay, you know, if they walk to one of the other bays
24 it would light up that bay and the same thing for the
25 third bay. And each bay -- and you could zone it for

1 half a bay, two halfs of the garage or the whole row.
2 Again, there's a lot of flexibility on how you
3 can control these lights.
4 MR. S. KIM: The same as the interior
5 level, each level, all three levels.
6 THE WITNESS: It can be done on every
7 level, yeah. And it's a way to conserve energy today,
8 too.
9 MR. S. KIM: Is there any kind of a
10 safety, if somebody parks their car and maybe a few
11 days and leftover and what about all the safety issues
12 on that, I mean lights off all the time?
13 THE WITNESS: Yeah. That is a concern
14 but, again, the motion detector would be located like
15 very close to the stair elevator core so if somebody
16 comes up -- and I would say that lights would probably
17 always be on, they always have to be on in the stairs.
18 MR. PROFITE: Stairwells.
19 THE WITNESS: You know, because of fire
20 codes and you'd have a motion detector right by the
21 elevator lobby so as soon as somebody comes off the
22 lobby, the lobby itself may be lit, as soon as they
23 come off a lobby that would trigger a certain amount
24 of lights in that area.
25 CHAIRMAN FEHRE: How does this compare

1 to -- I'm sorry. Go ahead.
2 MR. S. KIM: I'm sorry. If all the lights
3 are on in the entire building, what's the intensity of
4 the, you know, the illumination?
5 THE WITNESS: Well, first the role of what
6 we do in the, during the daytime, we would have the
7 perimeter lights on a separate circuit from the
8 interior lights. So as long as it's daylight outside
9 you don't need all these exterior -- perimeter lights.
10 Then they would only go on again with either a timer
11 or photo cell, you know, when it starts to get dark,
12 dark out.
13 I'm sorry. What was the rest?
14 MR. S. KIM: I'm concerned with the
15 interior as well.
16 THE WITNESS: Yeah. So as far as the
17 lighting levels go, we light a garage to an average of
18 about 5 foot candles as opposed to a building, you
19 know, which is maybe four times as much, three or four
20 times as much.
21 So it's, it's a lighter lighting level than you
22 would typically see in an environment like this, yeah.
23 CHAIRMAN FEHRE: So how does -- if you
24 just stand back and look at the whole site, you know,
25 from a distance, how does the light coming off the

1 garage compare to if it was just a flat surface
2 parking?
3 THE WITNESS: Yeah. It would be -- the
4 roof level itself we would, we would use the same foot
5 candle criteria that you would use to light a surface
6 parking lot so that would basically be the same. If
7 you look at the roof level, you're looking at a
8 surface lot. It would be about the same.
9 The floor levels, again, because they are
10 enclosed and we light those to a higher level, again
11 not nearly as bright as what you would get in an
12 office environment.
13 So you will see, there's a picture here, too, in
14 the Exhibit A-12 where we talk about interior lighting
15 and just to the, to the left the interior lights
16 themselves are kind of tucked up into the structure.
17 We, we use a precast concrete structure that stems on
18 these Ts so the lights are above the stems so you, you
19 don't see the kind of a hot spot of the light. You'll
20 see the glow but you don't, you know, get this kind of
21 an effect. And then on the perimeter wall, that
22 spandril also comes down about the same height, down
23 to the same, excuse me, to the bottom of those
24 T-stems. So from the outside, too, you shouldn't
25 really be seeing the hot spot of the light.

1 MR. S. KIM: You mentioned the --
2 THE WITNESS: Excuse me.
3 MR. S. KIM: You mentioned from the floor
4 to floor, each floor.
5 THE WITNESS: 11 feet.
6 MR. S. KIM: 11 feet so 2 feet or 3 feet,
7 what do you figure?
8 THE WITNESS: The depth of the structure?
9 MR. S. KIM: Yes. Yes.
10 THE WITNESS: On that outside spandril
11 would be about 3 feet.
12 MR. S. KIM: Clearance for the car is
13 about 8 foot?
14 THE WITNESS: Yeah, it's approximately 8
15 feet but we generally post it, the height, it's
16 something less than that.
17 MR. S. KIM: So it's a possibility that
18 maybe you can squeeze in a little clearance say car
19 clearance in the structure so basically even three
20 levels, it's a possibility to squash down a little bit
21 and lower the whole building then.
22 THE WITNESS: Yeah, you could, you could
23 reduce the floor to floor heights. I wouldn't go less
24 than 10 foot 6 but if you call out for 7 foot
25 clearance, we need a little bit of tolerance.

1 MR. S. KIM: A column maybe dense and
2 probably can squeeze maybe the beam size and maybe,
3 you know, lower the whole entire building.
4 THE WITNESS: Well, that, that becomes a
5 little more difficult to do because the issue with
6 precast concrete structures is it's, it's a
7 manufactured product. There are precasts out there.
8 They have forms set up to, you know, fabricate
9 structural members at a certain depth and it would be
10 very costly to deviate from that.
11 CHAIRMAN FEHRE: What is the elevation of
12 the existing parking and what is the elevation of the
13 first floor of the parking garage?
14 Do we have that?
15 MR. PROFITE: It might be on the elevation
16 plans.
17 THE WITNESS: Are you talking about the
18 elevation, the exterior?
19 CHAIRMAN FEHRE: The lowest level of the
20 parking garage compared to if you had no parking
21 garage, you would have the parking lot there.
22 THE WITNESS: Well, the lowest, where we
23 enter the garage, we're at 346 so that's both the
24 outside grade and the inside grade. That would be --
25 CHAIRMAN FEHRE: So the existing lot would

1 be around 346?
2 THE WITNESS: Right.
3 CHAIRMAN FEHRE: Did you make any attempt
4 to go down below grade level let's say one, one floor
5 below grade?
6 THE WITNESS: Yeah. That becomes I'll say
7 a very costly issue. I don't know if we really know
8 enough about the soil conditions underneath the garage
9 and we start getting into rock. If you are hitting
10 rock then it's very expensive to do. Even if you
11 don't have rock, just because of the way these garages
12 flow, you would almost have to create a deadened
13 basement condition down here and then have a separate
14 ramp system that would take you from the first floor
15 up. So the circulation is not quite as good.
16 You would like to be able to enter the garage
17 and circulate all the way up to the roof and pass all
18 the spaces and then you, you know, pull into the first
19 one. If you have kind of a dead end condition, the
20 cars go down there and there is no space, they have to
21 work their way out and then work their way up the
22 garage.
23 And then the other thing that happens, too, as,
24 once you go down below grade, you have the sprinkler,
25 the lower level is no longer an open parking

1 structure, you have to put in a sprinkler system and
2 exhaust system which, again, adds to the cost.
3 MR. S. KIM: This building is not
4 sprinklered?
5 THE WITNESS: No.
6 MR. S. KIM: It's contrary to the main
7 building itself and, you know, is same property. I
8 think it might need some sprinkler. So in case that
9 we need the sprinkler where you going to put all the
10 mechanicals, all the pump and everything, I don't
11 know, maybe all the services?
12 Do you consider -- I'm just saying that there is
13 the possibility of losing some of the parking spots
14 for all the mechanical services.
15 THE WITNESS: Well, we definitely don't
16 need sprinklers in the upper level because we're,
17 again, as long as we qualify as an open parking
18 structure, we don't have to put a sprinkler system in
19 or an exhaust system.
20 MR. S. KIM: I think you need another
21 means of egress on that instead of the travel distance
22 between the two, two staircases, in case you don't
23 have any sprinklers.
24 THE WITNESS: Well, they're actually very
25 generous in the code. The travel distance, they allow

1 us -- again, if you're an open parking structure, 300
2 feet, you could be almost 600 feet long and just have
3 two stair towers.
4 MR. S. KIM: You have an opportunity to
5 have some soil boring tests because of the, some soil
6 condition to verify the soil condition.
7 Right?
8 THE WITNESS: We'll definitely have to
9 have that done.
10 MR. KATES: But you're not designing for
11 it now. You haven't done it now to say you can't do
12 it any other way.
13 THE WITNESS: Yeah. Well right now again
14 our preference would be to keep it all above-ground
15 because it's just, it makes it more user friendly.
16 People don't like to drive into enclosed spaces, you
17 know, park cars. They just don't feel as secure as
18 being in an open parking structure.
19 So our preference is to keep it all
20 above-ground.
21 MR. KATES: Okay.
22 CHAIRMAN FEHRE: As far as siding of the
23 garage, is there any -- did you take a look to see if
24 it's possible to move it closer to Sylvan Avenue and
25 further away from Floyd Street?

1 THE WITNESS: I think it might be better
2 answered by the design architect.
3 MR. PROFITE: Okay. We can call him back
4 up.
5 CHAIRMAN FEHRE: Okay. Does anybody have
6 any other questions?
7 COUNCILWOMAN OH: No more questions.
8 CHAIRMAN FEHRE: That was your topic of
9 lighting?
10 THE WITNESS: Yeah.
11 REDIRECT EXAMINATION BY MR. PROFITE:
12 Q. Let me just ask you one question.
13 Is there any efficiency in having one garage
14 with multiple levels as opposed to multiple garages
15 with less levels?
16 A. No. It would be probably less efficient
17 if you had multiple garages.
18 Again, you're trying to get people to come to
19 one point, you know, circulate through a structure,
20 find a parking space. If you had multiple parking
21 garages, unless you really start designating who parks
22 where, you know, you don't want somebody driving up
23 into a garage and driving to a garage finding it's
24 full and then having to proceed to another structure.
25 MR. PROFITE: Okay. I don't have any

1 further questions.
2 MR. S. KIM: The last question, the slope
3 of the ramp you designed.
4 THE WITNESS: Yeah. These would be, I'm
5 going to say somewhere between 5 and 6 percent, 6
6 percent would be the maximum. But we have enough,
7 probably more on the 5, 5 1/2 percent.
8 MR. S. KIM: Thank you.
9 THE WITNESS: Thank you.
10 CHAIRMAN FEHRE: Okay. Thank you.
11 MR. PROFITE: I'll just call back Mr.
12 Goodwin to answer questions.
13 REDIRECT EXAMINATION BY MR. PROFITE:
14 Q. Mr. Goodwin, the question was raised about
15 what you did in terms of exploring possibly moving the
16 garage further from the west side of the site towards
17 the east side of the site.
18 A. We did look at that but the challenge is
19 that, as you can see a number of things. First of
20 all, the grade raises here and part of the reason the
21 grade raises here is because there is bedrock quite
22 close to the surface. And so in moving it this way,
23 you would actually raise the height of the garage
24 another story.
25 And so we felt that in this area here, because

1 it sits into an area that can be slightly excavated
2 but at the same time sits at the lowest portion of the
3 site and the impact on the neighbors would be reduced.
4 There's also significantly mature trees in this
5 location that we felt would be important to preserve.
6 And in keeping the garage there those would be
7 undisturbed.
8 So those are the main reasons.
9 MR. PROFITE: Thank you.
10 Any further questions.
11 THE WITNESS: I'm sorry. I guess if you
12 wanted to fit it into this zone, it would actually be
13 too small and not meet the needs of the cars.
14 COUNCILWOMAN OH: Have you considered
15 instead of going horizontally maybe going, you know,
16 long way?
17 THE WITNESS: You mean turning the garage
18 90 degrees like this?
19 COUNCILWOMAN OH: Yes.
20 THE WITNESS: We did look at that and we
21 felt -- what happened was, you start to get the garage
22 so far away from the building that the movement time
23 and the convenience of the garage was, just didn't
24 feel like it was close enough and convenient enough
25 for the, to the users of the building.

1 Q. Would you also face the same issue with
2 the slope and rock?
3 A. Yeah. You would end up having one portion
4 down one story and one portion up one story so the
5 flow would be interrupted and part of it is just
6 moving people in and out of the garage so they're not
7 sitting in traffic and, and getting people in and out
8 efficiently.
9 MR. S. KIM: What if you take the front
10 portion, extend the lower portion to Sylvan Avenue,
11 make it into maybe instead of four stories three
12 stories.
13 Is it possible?
14 THE WITNESS: Make this front portion
15 here.
16 MR. S. KIM: No. No. Extend it.
17 THE WITNESS: This way?
18 MR. S. KIM: Cover up the entire -- yeah.
19 THE WITNESS: So you're suggesting making
20 an L-shaped garage?
21 MR. S. KIM: Yeah, and making it into
22 three levels instead of four levels.
23 THE WITNESS: As I said part of the way
24 that a garage works, part of the way you circulate
25 through the garage and see the spaces relatively

1 efficiently and get to an open space quickly, once you
2 start to make an L, you are forced into two different
3 paths and you have to take different directions to, to
4 find an empty space and, and the flow that, of that
5 would be I think compromised. And, so we, we didn't
6 feel that that was -- plus you are then increasing
7 again even more the, the size of the garage on the
8 site.
9 We just felt like we wanted to keep this
10 footprint as compact as possible.
11 These things cost a considerable amount of money
12 and an efficient floor plate and a conventional form
13 that helps to keep that cost reasonable.
14 COUNCILWOMAN OH: What is currently there
15 now, the area that's closer to Sylvan Avenue?
16 THE WITNESS: So the existing traffic
17 pattern -- this is parking here and then there's a
18 road that actually connects into, into this, it's like
19 a parking area now and that's getting rerouted over
20 here. But most of the area is parking already and
21 roadway. There's a little bit of green space but not
22 that much.
23 MR. PROFITE: Are there any other
24 questions?
25 MR. S. KIM: When you say bedrock, did you

1 identify the actual location of the bedrock on that
2 property?
3 THE WITNESS: There were borings done not
4 directly here but in areas that were around there by
5 the civil engineer and, and so interpellated between
6 that we get a sense that, you know, that the bedrock
7 is generally pretty close to the surface.
8 There's actually in the existing courtyard,
9 there is bedrock that surfaces, comes to daylight
10 there and the building apparently even back when it
11 was originally built was actually shifted in terms of
12 heights. So that's why this is actually one story
13 higher than this because, to avoid excavating into
14 that bedrock.
15 So what we're saying is generally we're finding
16 that bedrock is almost always fairly close to the
17 surface.
18 MR. S. KIM: So there are no excavation of
19 the soils then?
20 THE WITNESS: There's a little bit because
21 we think that what happened was when they built this
22 road here they actually graded that site and that
23 might be fill. So that's our assumption.
24 So there is an assumption about a certain amount
25 of excavation but it's relatively minor.

1 MR. KATES: With the garage is there a
2 give back on in impervious surface?
3 Are we seeing more green space because of the
4 garage?
5 THE WITNESS: Yeah. Yeah.
6 MR. KATES: Could you point that out?
7 THE WITNESS: Well, for example, if we
8 tried to create this much parking on the rest of the
9 site, we would have to remove all of these trees, all
10 of this area and maybe even other areas around the
11 site.
12 There is -- I think if you're familiar with the
13 site, you know there's a fairly dense zone of, of
14 beautiful mature trees across the front of the site
15 that extends into this area. So we really did our
16 best to preserve that and screen the building and the
17 garage from Sylvan as well.
18 So, you know, spreading out all that parking
19 over the site we would basically pave the whole thing
20 and I don't think anybody -- we don't think anybody
21 would find that acceptable.
22 MR. PROFITE: If there's no further
23 questions, I would like to call Hank White.
24 MR. SURACE: Can I ask something?
25 Our concern over here is about the residents on

1 Floyd Street. The whole thing, the whole base is
2 about the concern of the residents.
3 Is there a possibility if you have to move
4 something and leave some kind of landscape and put
5 some tall, tall trees over there, you know what I
6 mean? They do it a lot of times to block everything
7 off.
8 THE WITNESS: We are actually proposing
9 additional planting here which the landscape
10 architect --
11 MR. PROFITE: Yeah. He's going to talk --
12 MR. SURACE: It's far away from there.
13 It's not going to cover it. You know what I mean?
14 If it's next to the building, this is what I'm
15 saying, if it's next to the building and you put these
16 high trees, you know, all along side of it, I think
17 that would solve some of the problem, wouldn't it?
18 THE WITNESS: Well, I think our intent, if
19 you could imagine a tree being my finger here, whether
20 it's here or here, it's still going to do some
21 screening and here we don't have, because of the
22 layout, we don't have a planting area whereas here we
23 have an existing planting area and then it's closer to
24 the neighbors.
25 So if you put the planting here, they're going

1 to see these cars on the surface. So we figured it
2 was better that we actually put them closer to the
3 neighbors to block as much as possible and they would
4 get to look at trees instead of a parking lot of cars.
5 MR. SURACE: That's the whole idea.
6 THE WITNESS: That's why we did it here in
7 stead of here.
8 THE WITNESS: Does that make sense?
9 MR. PROFITE: Well, we have the landscape
10 architect to testify and he can go into that.
11 Mr. White.
12 MR. KATES: Mr. White, would you raise
13 your right hand.
14 Do you swear the testimony you're about to give
15 this Board shall be the truth, so help you had God.
16 THE WITNESS: I do.
17 MR. KATES: Identify yourself for the
18 record, please.
19 THE WITNESS: My name is Hank White, owner
20 of H. M. White Landscape Architect & Designs, 107
21 Grant Street, New York, New York, 10013.
22 DIRECT EXAMINATION BY MR. PROFITE:
23 Q. So, Mr. White, can you tell the Board a
24 little bit about your educational background and your
25 professional experience and licensing?

1 A. I've been a practicing licensed landscape
2 architect for over 30 years. I have a masters degree
3 in landscape architecture from the Graduate School of
4 Design of Harvard University and I've been practicing
5 in New York City. My firm is about almost 25 years
6 old and I've been a licensed New Jersey landscape
7 architect for 25 years.
8 And I've done a number of projects here in New
9 Jersey and in the metropolitan area.
10 Q. And have you testified on landscape
11 architecture?
12 A. Yes, I have, in a number of municipalities
13 here in New Jersey, Madison, New Jersey, Jersey City,
14 Hoboken, West Windsor, New Jersey, Princeton.
15 MR. PROFITE: I would proffer Mr. White as
16 an expert in landscape architecture.
17 CHAIRMAN FEHRE: Okay. He's accepted.
18 Q. So, Mr. White, did you prepare a
19 landscaping plan for 700 Sylvan Avenue?
20 A. Yes, I have. Working closely with the
21 entire Unilever team of civil engineers, Dykstra as
22 well.
23 Q. And did you recently prepare a revised
24 landscaping plan?
25 A. Yes, we have.

1 Q. Okay. And can you tell us what the
2 difference is between the landscaping plan originally
3 submitted with the application and the revised plan?
4 A. Well, there's some subtle differences as
5 Rob just recently spoke of with additional planting
6 along the eastern edge of the property. There's also
7 been inclusion of a fire lane access here which would
8 be utilizing essentially a reinforced planting egg
9 crate type surface where grasses can grow through so
10 it essentially renders invisible but can support,
11 obviously, emergency, fire truck vehicles essentially
12 the footprint of an earlier driveway accessing the
13 corporate campus.
14 The other adjustments have been really, really
15 minor having to do with the plantings between the
16 existing corporate office buildings and, and the
17 structure itself.
18 Q. The landscape plan that, that you've
19 designed is different from the landscape plan that was
20 approved in December of 2014.
21 Correct?
22 A. Yes, it is.
23 Q. Can you tell the Board why you changed the
24 design and, and what it is now?
25 MR. KATES: Before we do that is there a

1 revised landscape plan or is only what's shown on
2 Exhibit A-10?
3 MR. PROFITE: Well, there was a plan that
4 was submitted with the application.
5 MR. KATES: I know that.
6 MR. PROFITE: Yes.
7 MR. KATES: And the revision is on A-10?
8 MR. PROFITE: Right.
9 MR. KATES: And incorporated into the
10 revised site plan?
11 MR. PROFITE: Yes.
12 MR. KATES: So there's no code as to what
13 the plantings are?
14 Q. Can you describe the plantings?
15 A. They're --
16 MR. PROFITE: We need to mark it so we'll
17 mark it as A-13.
18 MS. SCANCARELLA: Yes.
19 (Landscape plan is marked A-13 for
20 identification.)
21 A. I might have these plans because there's
22 such subtle differences between the plans that were
23 presented at the last hearing. These, these have all
24 of the details again that are consistent with the
25 minor adjustments that we just spoke about.

1 So on the plans that we just provided are
2 detailed enlargements of the areas around the proposed
3 parking structure as well as immediately around the,
4 the office building itself.
5 Do you recall with Mr. Dykstra's testimony at
6 the last hearing just a minor modifications to the
7 entry drive servicing the office building and making
8 an appropriate vehicular and pedestrian connections
9 with the new proposed parking structure.
10 You were asking about some of the benefits of
11 the parking structure and one of the primary benefits
12 is what we are gaining, a considerable amount of new
13 open space, new permeable space and what we have
14 designed is an integrated landscape design that is
15 primarily based on a bio engineering solution for
16 absorbing all the storm water, all the storm water
17 requirements for the storm water management
18 regulations and so we are capturing the necessary
19 water to meet those requirements and then some and
20 using it through topographic manipulations and surface
21 plantings.
22 So what, what occurs here which was briefly
23 described at the last, last hearing by Mr. Dykstra is
24 essentially a high performance landscape that also and
25 currently my, my, the majority of it right now is

1 asphalt as a parking lot so this is a big gain. And,
2 it is an, and also part of the landscape layering
3 process that will benefit the residents on Floyd
4 because of this additional vegetative condition.
5 MR. KATES: The vegetative conditions in
6 the westerly boundary, the additional landscaping,
7 what you handed out as A-13 was the original landscape
8 plan.
9 Correct?
10 THE WITNESS: Yes. Yes. So the, this
11 exhibit here represents the, the updated -- we do have
12 and I propose part of the prints today but that, that
13 we can get you a, the detail call outs of what all of
14 these proposed plants are.
15 MR. KATES: Could you describe them now?
16 Do you know them?
17 THE WITNESS: I absolutely do know them.
18 MR. KATES: The interest is to try and get
19 this resolved tonight.
20 THE WITNESS: Absolutely.
21 There are some existing primarily coniferous
22 trees which you see here as the white and those were
23 existing, a variety of larger and, and a variety of
24 size of primarily evergreens as well as deciduous
25 trees that really are to be an extension of this

1 existing woodland.
2 So what is so tremendous about this particular
3 site is it's old growth oak and maple forest.
4 So we -- this, this design throughout the entire
5 campus is building upon that existing landscape
6 framework.
7 So the strategy by taking what is here and
8 continuing it within what is now primarily an open
9 area with a few coniferous trees, we are adding more
10 coniferous trees to give more evergreen coverage,
11 primarily white pines which are native and then
12 weaving in some additional shade trees, tall canopy
13 trees that will grow 30, 40, 50 feet tall with also a
14 mixture of some understory flowering trees, again
15 native, that are all part of the plan community that
16 currently exists along Floyd Avenue.
17 So it -- this is to look like a, a weave of new
18 meeting the old.
19 It is the antithesis of what, I think you are
20 familiar with foundation planting. So it is, it is
21 just the opposite of that where we are building depth
22 and variety of height, size and girth such that, that
23 the density that currently exists here is extending
24 deeper into the site.
25 MR. MIRANDI: So what is the planting

1 height of the white pines?
2 THE WITNESS: We have a variety of
3 different sizes. I think the tallest is around 12 or
4 14 feet.
5 MR. MIRANDI: And the maturity?
6 THE WITNESS: And the maturity, they will
7 grow 45, 50 feet. And because they are native and
8 this is a very good growing condition for them, they
9 will grow very quickly. Once they get established
10 after a year, year and a half, they will easily grow
11 one, to two feet a year.
12 MR. MIRANDI: And the deciduous you
13 mention maturity of about 45, 50 feet also and the
14 planting height and caliper?
15 THE WITNESS: There's a variety of sizes.
16 The minimum of 3 inch caliper, 4 inch, 4 1/2, 5.
17 MR. MIRANDI: And the planting height of
18 those?
19 THE WITNESS: They will vary minimally
20 from around 22 feet up to 30, 30 plus.
21 MR. MIRANDI: Thank you.
22 THE WITNESS: Upon installation and then,
23 of course, you get to the maturity height, 45, 50
24 feet.
25 MR. KATES: Does this record indicate the

1 elevation of the homes that are on the Floyd Street as
2 related to, as compared to the elevation where these
3 trees are going to be planted?
4 MR. PROFITE: I think it was mentioned
5 earlier the elevation of Floyd Street is 393 and I
6 think you mentioned the elevation of the parking lot.
7 THE WITNESS: 346.
8 MR. PROFITE: 346.
9 MR. MIRANDI: 373. Right?
10 MALE SPEAKER: 376.
11 MR. KATES: 373.
12 MR. PROFITE: Floyd Street?
13 FEMALE SPEAKER: Yes, 373.
14 MR. MIRANDI: And the houses slope back
15 down towards the site, the properties.
16 MR. PROFITE: I believe that was the
17 testimony. Yes.
18 MR. KATES: So the houses are lower?
19 MR. PROFITE: Yes.
20 MR. KATES: What about at the tree line?
21 THE WITNESS: That's just a few feet, a
22 couple feet higher than this elevation of the existing
23 parking on the first level. It's not that much
24 different at all.
25 This is primarily to the property line, a flat

1 condition. The property line merely reflects where
2 the site begins to slope up towards Floyd.
3 MR. KATES: So if the homes are, let's
4 just say, 25 feet higher than the angle that you're
5 doing the planting, in order for that planting to
6 function as a screen, it would have to start rather
7 high, wouldn't it?
8 THE WITNESS: Well, partially, yes. But I
9 think the, what's important, you know, is increased
10 thickness with the additional planting depth.
11 CONTINUED DIRECT EXAMINATION BY MR. PROFITE:
12 Q. Can you describe the green wall, what
13 exactly will be planted on it and how it's intended to
14 grow and be maintained?
15 A. There, there are two primary vine species
16 that --
17 Q. I think you have an elevation view behind
18 that site plan that's up there that shows the green
19 panels.
20 A. So, first of all, the green panels are a
21 tight wire mesh that has an inch and a half so it's
22 going to have a bit of it's own visual filtering.
23 Think of it as a veil in its form and material. It
24 would be a, a dark color so it will reseed.
25 So what will occur over time is the vigorous

1 plants that were two, two vine species. One is a
2 Boston ivy which is a native ivy that has a rather
3 large leave. It's incredibly vigorous. It will also
4 attach itself to concrete and any masonry wall
5 condition. However, they will be trained on these,
6 these vine panels. They will grow 5, 6, 7 feet a
7 year, typically.
8 You would almost classify it as a pest, you
9 know, because of its vigorous plant characteristic,
10 growth characteristic.
11 It will be interplanted with English ivy,
12 another very vigorous but it's an evergreen vine, very
13 familiar to most of you.
14 So we specified rather initial tall growing ivy
15 plants. There are specific nurseries that we work
16 with here in New Jersey that grow these vines to a
17 very, very tall height so upon initial installation,
18 you know, they are 8, 10, 12 feet plus. And, they
19 will be woven on to the mesh material to take, to grab
20 and then continue with their vine growing habit.
21 So realistically in terms of how long is it
22 going to take to get to this height? I would say
23 three years aggressively, 5 years for sure to be fully
24 covered which is pretty remarkable, you know, given
25 the heights we're talking about. But, it, it has been

1 a proven provider in that category.
2 MR. KATES: Does the nursery warranty them
3 to be replaced if they die?
4 THE WITNESS: The part of the contract
5 that we would be putting forth to the landscaping
6 contractor as part of their contractual arrangement,
7 we haven't gone into specifics but we typically put a
8 minimum of a one year guaranty and probably, in this
9 case, because of the sensitivity of the high
10 performance need of these plants, it would be a two
11 year guaranty so it would be up to the planting
12 contractor to ensure the proper care and maintenance
13 is being upheld so after a two year's inspection that
14 you have, again, high quality diverse planting.
15 MR. KATES: And nature takes care of it.
16 It's just rain water.
17 Right?
18 THE WITNESS: Well, these will be
19 irrigated in case there is a dry, dry situation.
20 MR. KATES: In other words, you will
21 supplement it with water?
22 THE WITNESS: Absolutely. Yes.
23 CHAIRMAN FEHRE: So what happens if some
24 of these vines begin to die say after 10 years, what
25 assurances are there that somebody is going to

1 maintain it and put new plantings or whatever has to
2 be done?
3 THE WITNESS: Well, not only are the vines
4 have a capability of growing up, they have a
5 capability of growing out so they continue with their
6 root development to multiply, if you will. So there
7 will be some annual maintenance that will be required.
8 The -- it would be very rare that you will have a
9 complete 100 percent death rate. There's, there's
10 some occasional winter kill and some of the vine
11 branches need to be pruned out which then gives room
12 for, you know, the healthy growth. So that will be
13 something that will be a part of Unilever's
14 maintenance agreement to their campus and to their, to
15 their employees and, and, of course, to the community.
16 There's -- you know, Unilever does not want to
17 see brown plants on their vines.
18 MR. MIRANDI: So understanding the nature
19 of the vines, that they grow out as you have
20 indicated, is it the intent to keep them within the
21 rectangular panels that you have, that they would be
22 pruned in that fashion?
23 THE WITNESS: Correct. Correct.
24 MR. MIRANDI: Just for the clarification
25 of everyone, you mentioned, I guess, initial growth of

1 approximately 8 foot so from ground elevation, upon
2 construction completion planting will go from ground
3 to 8 foot and then above that there won't be any
4 greenery?
5 THE WITNESS: Right. Day 1, right.
6 MR. MIRANDI: And you say it will take
7 three to five years?
8 THE WITNESS: Um-hum. Um-hum.
9 MR. S. KIM: Is that difficult to cover
10 the entire wall in the planting instead of making a
11 section cover, let's say the cover the whole entire
12 wall and the floors?
13 You see the bottom elevation there?
14 THE WITNESS: Well, I mean, realistically
15 you could do that. I don't know whether you can see
16 it where you're sitting but you'll see these double
17 lines represent the rhythm of these, of the vine
18 screens.
19 Between them there is going to be ground cover
20 planting. In those areas, in theory, you could plant
21 more of these vines and they will grab on to the
22 precast concrete because the precast concrete has some
23 moisture and breathing capabilities to it so the
24 actual tendrils of the vines themselves, the roots
25 will actually grab onto that structure, believe it or

1 not.
2 So it, it -- in our discussions with Unilever is
3 that that appearance is not something that, that
4 appears to be desirable. It looks a little unkempt
5 and messy. So, it's, you know, partially a subjective
6 point of view how you would feel about additional
7 vines growing on, you know, the remaining part of it,
8 of the parking structure.
9 But it is certainly possible and something to be
10 considered.
11 CONTINUED DIRECT EXAMINATION BY MR. PROFITE:
12 Q. Well, what was the idea of having separate
13 panels?
14 It was actually an architectural feature rather
15 than covering the entire garage with plantings?
16 A. It's an architectural feature and
17 expression in addition to also introducing a living
18 element as a facade treatment and, and an
19 architectural calming, softening.
20 If, if vines were growing up between it it may
21 appear weedy almost uncontrolled.
22 Q. You mentioned that there were certain
23 environmental benefits to the new plan that you have
24 here, correct, with the additional green areas and the
25 redesign of the storm water management system.

1 In your opinion, do the benefits from that
2 outweigh any potential detriment from granting the
3 variances required in order to construct the garage?
4 A. I think the benefits are we are actually
5 improving the existing condition right now with this
6 site and landscape design proposal.
7 So there's going to be considerable -- I don't
8 have the numbers off the top of my head -- additional
9 permeable surfaces and what we are also doing is
10 minimizing the amount of lawn that currently exists
11 and replacing it with grassland and meadow, native
12 meadow plantings so there is going to be a reduction
13 in carbon emissions with continual lawn mowing and
14 such. And, these also have enormous benefits in terms
15 of bio diversity, increasing the wildlife habitats
16 and, and also vastly improving the soil structure and
17 then most importantly, to all the community is water
18 quality.
19 So water quality will be vastly improved by the
20 nature of these, the performance of these native
21 plantings, density of the native plantings and, and,
22 and what they do in terms of improving soil health as
23 well as water quality.
24 Q. In your opinion does the proposed
25 development present a desirable visual environment?

1 A. Absolutely. Just as from the standpoint
2 of a visitor coming onto the Unilever campus, right
3 now the experience is primarily dominated by, in this
4 area, by the at grade asphalt parking. So this rather
5 robust landscaping, if, if -- I would also bring to
6 your attention entering this lower, this lower level
7 on the eastern side -- excuse me, the western side
8 grade begins to, you know, grow up considerably more,
9 15, 20 feet so you were going to be seeing all of
10 these plants in a pitched plain point of view which,
11 again, almost -- you just picked up the beautiful
12 green and you, you put it in as a picture, you know,
13 as opposed to seeing something that's dead level.
14 So, so --
15 Q. Would that be the same from the houses on
16 Floyd Street?
17 A. Exactly. Exactly.
18 So the intention is not only taking this
19 landscape character and quality and weaving it into
20 this zone and around the building but also doing the
21 same with the woodland along Sylvan Avenue and
22 building upon that existing framework and bringing it
23 deeper into the site to, again, mitigate the presence
24 of whatever hard surfaces that we have to accommodate
25 circulation and movements.

1 MR. PROFITE: I have no further questions
2 of Mr. White.
3 CHAIRMAN FEHRE: Yes, sir.
4 MR. SNIECKUS: Mr. Chairman, Ed Snieckus
5 from Burgis Associates. Good evening.
6 CROSS-EXAMINATION BY MR. SNIECKUS:
7 Q. A quick question regarding the westerly
8 buffer that's proposed.
9 You mentioned a mixture of deciduous trees and
10 evergreen trees in that buffer. Would the evergreen
11 trees be placed in close proximity to the residential
12 homes that are adjacent to that or are they just
13 sporadically proposed.
14 A. They are -- the best way to describe it is
15 that they're woven in, there are continuous twists of
16 the evergreen trees building upon the existing white
17 pines and then within these sinuous drifts of the
18 white pines, the, the planting will be punctuated with
19 the deciduous trees. So it's not shoulders row of
20 trees, looks very artificial. It is when they're very
21 much staggered but they're really all part of a
22 continuum.
23 Q. If they're staggered, could they be a
24 little more concentrated particularly closest to the
25 houses?

1 A. Certainly. Certainly.
2 Q. The least amount of buffer --
3 A. Certainly.
4 Q. If you want a recommendation, offer to the
5 Board, is considering concentration of the trees at
6 that point.
7 One of the other things, too, we often look at
8 in planting designs is whether or not, I know that you
9 tried to focus on native trees, would there be a
10 consideration for also not just white pine but
11 possibly a spruce variety.
12 I'm not sure what the depth of the water table
13 is in that area. I know there is further wetlands
14 further down.
15 Just in consideration of that diversity relative
16 to the use of white pines, white pines, over time, as
17 you probably know, can sometimes loose their lower
18 limbs depending what shading they get.
19 A. Correct.
20 Q. So it might be a little bit more of a
21 performance based buffering?
22 A. We actually specified two different kinds
23 of white pines, standard species but then also a
24 deciduata which is a columnar which enables us to
25 plant them a little bit tighter together but

1 particularly because that cultivar maintains its lower
2 branches at a very old age so it's almost the
3 antithesis of a standard white pine.
4 And then, yes, we can look at other different
5 evergreens. But, again, because we are looking to
6 create as much of a marriage with the existing plant
7 community that's here, there's, there's caution about
8 introducing say something that is somewhat foreign to
9 that particular planting community because then it
10 will potentially appear, they'll forest and visually
11 unwelcome because it just doesn't look right next to,
12 you know, a native plant community that we're trying
13 to build upon.
14 Q. Were you are trying to build upon the
15 columnar versus the non columnar -- so that might be a
16 concentration near the adjacent residences. One thing
17 I would look at, just for the purposes of really
18 enhancing the buffer and I know what you're trying to
19 do from a natural perspective as well, you mentioned
20 there would be irrigation provided for the green wall
21 as well and you mentioned you didn't have the numbers
22 for the amount of impervious coverage, there is going
23 to be a net reduction then in impervious coverage
24 throughout the site as a result of the landscape
25 changes.

1 A. Well -- and the benefits and efficiencies
2 of the structures.
3 Q. Understood. I just wanted to see what the
4 pre, pre-existing condition was to the proposed
5 condition. I'm not sure if that's going to be
6 testified earlier or not.
7 MR. SNIECKUS: I apologize if that's been
8 covered Mr. Chairman. But, thank you.
9 CHAIRMAN FEHRE: I have a question.
10 This -- there is a lot here which is Borough
11 owned which I think is probably natural --
12 THE WITNESS: Here?
13 CHAIRMAN FEHRE: A little to the left.
14 MR. PROFITE: Near the residences.
15 THE WITNESS: This?
16 MR. MIRANDI: The next one over.
17 CHAIRMAN FEHRE: Well, they're both
18 Borough owned. This one, the smaller Borough owned
19 property is, is there something to be done within that
20 natural forest to enhance the screening ability in
21 that area?
22 THE WITNESS: It's certainly possible. I
23 think that while we have a number of, from of what
24 this is in the summer fully leafed out and it's pretty
25 dense. So, you know, to produce anything new

1 particularly say you're suggesting something that's
2 evergreen to give, again, you know, increase the, say,
3 visual screening 12 months out of the year, most of
4 the majority, there's a couple of evergreens that
5 might survive reasonably well within that density of,
6 of woodland planting because it's all about light.
7 And so the, without taking, you know, a really
8 close look at, at those, those particular planting
9 conditions, you would probably need to edit out some
10 of the say sucker growth that's there in order to make
11 room for something new that may be a little bit more
12 robust than a bunch of seedlings and suckers.
13 CHAIRMAN FEHRE: If it would be possible
14 to improve the screening of the Borough property --
15 THE WITNESS: It's possible.
16 CHAIRMAN FEHRE: -- for those residential
17 areas.
18 Take it one step further, suppose some of the
19 property owners there said that, you know, it would be
20 nice if you could do something on my property to
21 improve the screening. You know, of course it would
22 be an agreement, obviously.
23 Would that be something that could be done?
24 THE WITNESS: I can't speak directly to
25 Unilever but I think that, certainly that it's a

1 possibility and, and Unilever would speak directly to
2 that.
3 REDIRECT EXAMINATION BY MR. PROFITE:
4 Q. Well, let me ask the question. I think
5 what the Chairman is, is asking is whether it's
6 feasible to do plantings up on the houses themselves
7 as opposed to plantings down below?
8 A. Well, I --
9 Q. In other words, you have all the dark
10 trees are new trees.
11 Is that correct?
12 A. Yeah. Yeah.
13 Q. So instead of planting all the trees down
14 there, what about planting trees up higher because of
15 the difference in elevation I assume is why --
16 CHAIRMAN FEHRE: Yeah.
17 Q. -- the question is being asked for some?
18 CHAIRMAN FEHRE: Trees to look through
19 before you look at.
20 Q. Is that a better way to swing?
21 A. It's an embellishment. Certainly because
22 you are going up in, in elevation that will help and
23 certainly add to the depth that we're trying to create
24 with, you know, the different types an sizes of
25 plantings that we propose.

1 CHAIRMAN FEHRE: So you think you could do
2 that or you could offer to do it for the property
3 owners to do something to enhance the screening?
4 MR. PROFITE: Yeah. I think what, I think
5 what might be appropriate is if we met with the
6 Environmental Commission.
7 CHAIRMAN FEHRE: And the owners of the
8 property.
9 MR. PROFITE: And -- sure. It's -- the
10 owners of the property obviously would have to
11 participate.
12 CHAIRMAN FEHRE: And the Borough also. We
13 can't really speak for the Borough.
14 MR. PROFITE: No. No.
15 CHAIRMAN FEHRE: Oh, could --
16 MR. PROFITE: Summit meeting, no pun
17 intended. We could do something like that. Yes.
18 MR. MIRANDI: And, Mr. Chairman, to add, I
19 believe I may have mentioned at the previous hearing,
20 a prior Unilever application, as Mr. Profite
21 indicated, we did meet with the Environmental
22 Commission and we had requested that prior to
23 planting, that the landscape design architect does
24 stake out a lot of the plants, we reviewed it before
25 planting and, and that helped, helped the screening in

1 prior projects. So, I would recommend that to the
2 Board for this case, too.
3 CHAIRMAN FEHRE: Absolutely.
4 THE WITNESS: We provide that service as
5 part of our typical design execution.
6 CHAIRMAN FEHRE: Okay. Any further
7 questions of the landscape architect at this point?
8 Oh, no.
9 Let's have a five minute break so our
10 stenographer can catch her breath.
11 MR. KATES: Just traffic now?
12 MR. PROFITE: Yes, I have a, I have a
13 traffic expert here that will be very brief and I have
14 Mr. Dykstra maybe for one or two questions.
15 MR. KATES: Okay.
16 MR. PROFITE: And that's it. Yes.
17 (A recess is taken.)
18 CHAIRMAN FEHRE: Okay. I think we can
19 continue.
20 MR. PROFITE: I would like to call Louis
21 Luglio.
22 MR. KATES: Do you swear the testimony
23 you're about to give this Board will be the truth so
24 help you God?
25 THE WITNESS: Yes, I do.

1 MR. KATES: Spell your name, Mr. Luglio.
2 THE WITNESS: It's Louis, L O U I S,
3 Luglio, L U G L I O, 365 West Passaic Street, Rochelle
4 Park, New Jersey 07662.
5 DIRECT EXAMINATION BY MR. PROFITE:
6 Q. Mr. Luglio, could you tell the Board a
7 little bit about your education and professional
8 background?
9 A. Sure. I have a Bachelor's Degree in Civil
10 Engineering from New Jersey Institute of Technology,
11 also a Masters in Transportation Planning also from
12 NJIT. I'm a Licensed Professional Engineer in the
13 State of New Jersey, in New York and six other states.
14 I've been practicing traffic, transportation
15 planning and parking for the past 28 years. I've
16 served as an expert witness for NJ DOT, on the county
17 level for various municipalities and also have served
18 for applicants at the municipal level as well.
19 MR. PROFITE: I would proffer Mr. Luglio
20 as an expert in traffic engineering.
21 CHAIRMAN FEHRE: Yes. He's accepted.
22 THE WITNESS: Thank you.
23 Q. You're not done, Mr. Luglio.
24 A. I'm not leaving yet.
25 MR. KATES: He just wants to sit.

1 Q. Are you familiar with the site at 700
2 Sylvan Avenue?
3 A. Yes, I am.
4 Q. And you visited it on a number of
5 occasions?
6 A. Yes.
7 Q. And you're familiar with the proposed
8 development plan as depicted on A-10?
9 A. Yes.
10 Q. And did you review the proposed vehicular
11 circulation on-site?
12 A. Yes.
13 Circulation is actually improved with the
14 southbound travel lane that's closest towards Sylvan
15 on the east side of the property which gives you
16 additional circulation around the site itself towards
17 the actual parking structure, the proposed parking
18 structure.
19 So from an access standpoint there's not many
20 things that actually change. If anything, there's
21 improved access and circulation as a result of the
22 proposed project.
23 Q. And did you examine the pedestrian
24 pathways on the site as well?
25 A. There is definitely ample pedestrian path

1 through the site. It's a campus feeling that will
2 continue with additional circulation for pedestrians
3 and connections and so that, too, is, is more of an
4 addition to what's out there today.
5 Q. And how about vehicular traffic into and
6 exiting from the site?
7 A. So vehicular access to the site is from
8 Hollywood Avenue from Sylvan or from 9W into the site
9 basically and circulating through the site in the
10 southbound direction.
11 So the signalized intersection at Hollywood has,
12 has capacity at the intersection itself, provides for
13 a very long northbound left turn bay that goes into
14 Hollywood Avenue and in the northbound direction
15 there's actually three travel lanes including that
16 turn lane that's going into the site.
17 The additional employees that would be coming to
18 the site today and there's been testimony on how they
19 get there and there's shuttle service that's taking
20 employees there and there's a different work kind of
21 schedule there as well but I would point out that the
22 consolidation of these employees from, from the other
23 properties along Sylvan, those vehicles or those
24 people are basically on Sylvan on the roadway today
25 and many of which would most likely be turning into

1 Hollywood Avenue even if they were going to another
2 facility that's, that's on Sylvan.
3 So, for the most part, vehicular traffic is
4 really not many more vehicles that would be added to
5 the site itself. It would be just directed to the
6 site instead of a site that's already on Sylvan.
7 (Parking table is marked A-14 for
8 identification.)
9 Q. And you prepared what's been marked as
10 A-14 --
11 A. Yes.
12 Q. -- for identification. Okay.
13 And why don't you just explain to the Board
14 what's shown on Exhibit A-14?
15 A. So what we have on A-14 and the first I
16 guess section, call it previous, is the existing
17 office building, existing warehouse and the existing
18 office building is 269,766. The warehouse is a 27,574
19 for a total of 297,340.
20 Breaking it down for what is required, one space
21 for every 200 square feet for the office, we actually
22 have a number of required spaces is at 1,376. And, so
23 that required, and based on what was on the site prior
24 to the December 2014 approval, there were 800 or 858
25 parking spaces on the site with 1,376 that were

1 required and that variance then would be 518 spaces.
2 In the current existing December 2014 approval,
3 the actual increase in building square footage went to
4 321,207 and the requirement then went to 1,496 and
5 with the additional parking spaces that were provided
6 based on that approval we went to 908 for a variance
7 then of 588 parking spaces.
8 The proposed application, the building square
9 footage itself doesn't change, the requirement doesn't
10 change at 1,496. But now we're providing for 1,299
11 parking spaces and that variance then is reduced down
12 to 197.
13 If I just take a minute to go back up to the top
14 under the previous and on the current conditions,
15 what, what we actually have is about three parking
16 spaces per thousand square feet is what it's been
17 operating. The site has been operating at about three
18 parking spaces per thousand square feet.
19 And when we look down at, I guess the next
20 section, parking ratio based upon, based on approval,
21 if we were to assume and what the requirement is one
22 parking space for every -- I'm sorry, five per
23 thousand, five parking spaces per thousand, and the
24 actuality of what's happening on the site is much
25 less, is at three parking spaces per thousand so what

1 we're having here is, if we look at, in that parking
2 ratio basis of approval, if we assume that what has
3 been operating on the site at three parking spaces per
4 thousand and if we were more generous and said it was
5 4.35, then we would be at 1,304 which is very close to
6 what we're providing and that's really what has been
7 happening on the site, what the site has actually been
8 requiring.
9 The last part of this table is a summary of the
10 on-site parking. So in the existing condition, we
11 have 908 parking spaces. In the proposed condition,
12 we have 602 that's in the structure and that 908 gets
13 reduced because some of the surface parking spaces are
14 removed because of the garage structure itself.
15 And so we end up with 1,299 parking spaces and
16 that's very close to the 1,277 that, that we had in
17 our Phase 1, Phase 1 parking scenario when we had it
18 phased into two phases, very close to that. We have
19 actually an additional 23 parking spaces.
20 Q. So the current approval, though meaning
21 the approval granted in December 2014 was a deficiency
22 of 588 cars per ordinance.
23 Correct?
24 A. That's right.
25 Q. And then if this plan were approved that

1 deficiency would decrease to 197 cars?
2 A. That's right.
3 Q. As per ordinance?
4 A. Yes.
5 Q. Do you -- have you been involved in other
6 office park situations where an increase in parking
7 demand has been generated from redesign of the
8 interior spaces?
9 A. Yes. I've been involved in several, and
10 most recently out in Florham Park where the Jets
11 training facility is, is a number of corporate
12 buildings in the corporate park itself and so a lot of
13 the new designs of the buildings themselves and
14 redesigns internally have provided for collaboration
15 space, more space that, that is more active and
16 transient in the building itself.
17 And so from, from a parking standpoint we see
18 about, about the same, maybe a little bit less in
19 terms of the number of parking spaces that are
20 required based on the square footage of the building
21 itself.
22 Q. That was there -- is there -- do you think
23 that there is any tendency to construct parking
24 garages as opposed to expanding surface parking?
25 A. Well, I think it's been testified also,

1 looking at it from just a horizontal surface expansion
2 of parking, would obviously take away green space,
3 would increase the pavement that's on the site itself
4 and, more importantly, would put people further away
5 from the building as opposed to being closer to the
6 building.
7 Having a parking structure provides for that
8 circulation, provides for all the parking to be in
9 close proximity to the building, almost acts as an
10 addition to the campus itself whereas parking is all
11 contained in one safe environment.
12 MR. PROFITE: I have no further questions
13 for Mr. Luglio.
14 CHAIRMAN FEHRE: Our standard of, you
15 know, the zoning code and we have one space for 200
16 square feet. It's my experience, I've been on board
17 for 25 years, that that's much too, too much parking
18 lot --
19 THE WITNESS: Yes.
20 CHAIRMAN FEHRE: -- for this town, the
21 parking down town here I see too much pavement and a
22 lot of time no cars on it. I would rather have the
23 green space.
24 What is typical -- I mean 200 is too stringent?
25 THE WITNESS: I would say you are probably

1 getting closer to 300. So the 200 is five spaces per
2 thousand. That's probably somewhere to three spaces
3 per thousand that really fits the requirement. And
4 then, obviously, depending on the user it might go up
5 and down slightly but not much more than that three
6 per thousand.
7 CHAIRMAN FEHRE: So three per thousand?
8 And that allows you to take that excess space and put
9 grass or landscaping and so forth?
10 THE WITNESS: Yes.
11 CHAIRMAN FEHRE: So you have much more
12 green?
13 THE WITNESS: Right.
14 CHAIRMAN FEHRE: Okay. Thank you.
15 MR. KATES: Lou, on your chart, A-14, you
16 highlight in yellow 230.
17 Do you see that?
18 THE WITNESS: Yes.
19 MR. KATES: Is there additional 30 square
20 feet of office space on this application?
21 THE WITNESS: No. What I was trying to do
22 there is to say that at, instead of it being one space
23 for every 200 square feet, if it was one space for
24 every 230 square feet that translates into just below
25 that the 4.35 spaces per thousand instead of five. So

1 basically I was, I was basically backing into if we're
2 providing roughly 1,300 parking spaces, that
3 translates into one parking space for every 235 square
4 feet instead of the one in 200.
5 And, again, in, in the history of the site, it's
6 been approximately three spaces per thousand and so
7 the Code is five spaces per thousand and what we're
8 providing is 4.35 per thousand.
9 So we're providing something that is certainly
10 closer to your code and, in all likelihood, some of
11 the surface parking may not be utilized in the future
12 as a result of having the parking garage and its close
13 proximity to the buildings themselves but, obviously,
14 we wanted to have something that is close to the five
15 per thousand for the Board's consideration.
16 MR. KATES: Okay.
17 CHAIRMAN FEHRE: Mr. Mirandi.
18 MR. MIRANDI: Yes. Thank you, Mr.
19 Chairman. I have just a couple questions for Louis.
20 The plan, the civil engineering plan had
21 indicated a couple areas of traffic calming or speed
22 humps. Could you please just point those out to the
23 Board? I don't know if they're on that exhibit.
24 MR. PROFITE: I believe they're in the
25 back.

1 THE WITNESS: I think they're on here.
2 MR. MIRANDI: There is a couple in the
3 back and perhaps a couple or one in the front.
4 THE WITNESS: Yeah. I think basically
5 they included areas where you would have pedestrians
6 that are crossing from the trail on the west side
7 towards the buildings themselves, the same thing in
8 the front on the proposed roadway that's in the front
9 parking with handicapped access that you would have
10 areas where pedestrians would be crossing in addition
11 to along Hollywood Avenue in addition to what's out
12 there today.
13 MR. MIRANDI: So my question is, you're
14 comfortable with the location and the quantity.
15 THE WITNESS: Yes. Yes, I am.
16 MR. MIRANDI: Okay. Thank you.
17 And, at the initial meeting, there was testimony
18 regarding the, and we heard a little bit of it earlier
19 with the grass pavers coming in off of Sylvan
20 Avenue --
21 THE WITNESS: Yes.
22 MR. MIRANDI: -- and I believe some of the
23 testimony was that they're going to make an
24 application to NJ DOT for that and we'll see what
25 happens.

1 That area was quite specific that the fire chief
2 and the fire marshal insisted upon this access to get
3 the fire vehicles --
4 THE WITNESS: Yes.
5 MR. MIRANDI: -- down to there.
6 My question is, what's your opinion on
7 submission to NJ DOT and do you think they would
8 approve use of that area?
9 THE WITNESS: I have reached out to NJ DOT
10 and my initial discussion with them, they had no issue
11 with the access point as being an emergency access
12 from Sylvan basically, No. 1, because it was a
13 driveway before and, No. 2, it's just emergency
14 vehicle access. I don't have anything back in writing
15 from them but, but my initial discussion with them,
16 this would not be an issue.
17 MR. MIRANDI: Good. Thank you.
18 And there, there was some discussion, I guess,
19 earlier this year of possibly changing the ADA parking
20 space requirements.
21 Have you heard any updates on that?
22 THE WITNESS: No, not yet.
23 MR. MIRANDI: Okay. Thank you.
24 CHAIRMAN FEHRE: I have another question.
25 There are some parking garages that have, you

1 know, a system of lights to say indicate where the
2 parking spaces are. You just heard us talking about
3 that a minute ago.
4 THE WITNESS: Yes.
5 CHAIRMAN FEHRE: Do you have any thoughts
6 on that?
7 I mean, I'm looking from the point of view of
8 reducing the amount of people looking with their
9 lights on, looking for a parking space because I don't
10 like the idea of this light going out to the
11 residential areas.
12 Do you have any thoughts on that?
13 I want to ask the same question to the garage
14 designer.
15 THE WITNESS: There are certainly systems
16 that can be put in place and they are in place at the
17 Garden State Plaza. That's probably one of the
18 closest ones around I think in all of their garages
19 on-site. It's mainly used for a retail type
20 environment where the parking space turns over quite
21 often. And, there's a high number of parking spaces
22 in the structure so that you know exactly -- and as
23 you come in, if there's five levels to the garage, it
24 tells you how many spaces are available on each level
25 so you can go right to that level if that's possible.

1 For office building, I'm not sure if that
2 parking space turns over that often where you need
3 that but, obviously, if it becomes full all the time
4 and it becomes a problem then certainly that's
5 something that could be looked into but probably not
6 at the start in my opinion.
7 CHAIRMAN FEHRE: Yeah. That makes sense.
8 People going in and out, it would be five minutes
9 would change the whole picture there.
10 THE WITNESS: Right.
11 CHAIRMAN FEHRE: So it probably wouldn't
12 be so practical in this instance.
13 THE WITNESS: Right.
14 MR. KATES: Where on this plan is visitor
15 parking?
16 THE WITNESS: I don't know that. I would
17 imagine that most of the visitor parking would be in
18 the front but I would have to defer back to the
19 architects to, to understand that from an operational
20 standpoint.
21 MR. KATES: The same with the garages for
22 employees.
23 THE WITNESS: Yes, and from an ADA
24 standpoint all the ADA parking for the garage itself
25 is on the lower level.

1 MR. S. KIM: Do you expect any kind of
2 traffic jam in the rush hours, all the employees
3 coming in and the same time and get out the same time?
4 Do you have any --
5 THE WITNESS: No. No, I don't. I don't
6 for a couple reasons. One is there's not, there's not
7 a significant problem today in leaving the facility.
8 And although we may have more vehicles and more people
9 on the actual site itself, coming out into Hollywood,
10 if there was a problem it would be in the p.m. peak
11 hour not in the a.m. getting in.
12 Normally during, during the peak times with a.m.
13 peak hour, everyone that's coming to the site is
14 coming in a very condensed time period because of a
15 start time and the p.m. peak hour people leave at
16 different times and go in different directions because
17 they have other things to do.
18 What's unique about the campus itself and the
19 work and the employees is that they have more of a
20 flexible schedule on, on what they do and even the
21 days of the week that they're there.
22 So it, it would not be a problem of having many
23 people coming and going at the same time and if it
24 were, for the most part that backup would occur on
25 Hollywood Avenue and not on, not on Sylvan, not on

1 Route 9W.
2 I looked at the intersection and the traffic
3 signal just from a qualitative standpoint in looking
4 at what's happening today and what would happen in the
5 future.
6 First of all, with the addition of people in
7 cars on the site and also assuming that there's no
8 access to the south, even if people are doing it now,
9 assuming that there's no access to the, to the south
10 of the site today and for the most part you would have
11 two or three more vehicles queuing during the p.m.
12 peak hour as, in addition to what's happening today.
13 So, in my long story here, from a traffic impact
14 standpoint, there would be no significant impact and
15 no changes to the traffic signal would be required.
16 MR. S. KIM: So approaching to the garage,
17 new garage is all the traffic is going to be evenly
18 distributed -- entrance from the Hollywood and --
19 THE WITNESS: Right, the entrance from
20 Hollywood going to the west side of the site basically
21 you could come around the front if you wanted to and
22 travel down to the south or you could really come in
23 through the west side of the site which is really the
24 main entrance to the garage structure also.
25 MR. S. KIM: So we have three entrances to

1 the garage.
2 Right?
3 THE WITNESS: I believe we have three, we
4 have two entrances to the garage.
5 Is that right?
6 It was three altogether. One is a main
7 entrance. And I could put these back up, if you want,
8 of the garage structure but, yes, we basically have a
9 garage entrance that's to the south on the southern
10 end and then we have additional access points, the one
11 access point along I guess the western side towards,
12 nearest to Floyd Street and then we have a smaller
13 access point that's in the eastern side of the garage
14 structure.
15 All provide access and circulation through the
16 garage.
17 So depending on, you know, obviously depending
18 on where you're coming in, I would imagine that the
19 majority of the traffic that's coming into the garage
20 structure would either enter on the southern end or on
21 the western end of the garage itself.
22 CHAIRMAN FEHRE: Mr. Snieckus.
23 MR. SNIECKUS: Mr. Chairman, just a quick
24 question.
25 CROSS-EXAMINATION BY MR. SNIECKUS:

1 Q. Regarding the overall parking count as my
2 notes indicate, it's approximately 110 spaces are
3 compact in size?
4 A. Yes.
5 Q. And so the overall would be about almost
6 1,300 parking spaces so it's approximately 8
7 percent --
8 A. Yes.
9 Q. -- of the total.
10 What is your opinion as far as that percentage?
11 A. Once we get above 10 to 15 percent, then
12 it would become an issue especially for a site like
13 this where there's not high turnover of the parking
14 spaces. We could even push that number even higher so
15 what we have now is definitely sufficient.
16 MR. SNIECKUS: Thank you.
17 CHAIRMAN FEHRE: Okay. If there are no
18 further questions.
19 MR. PROFITE: Thank you.
20 Mr. Dykstra, please.
21 MR. PROFITE: Thank you. Mr. Luglio.
22 MR. LUGLIO: Thank you.
23 MR. KATES: Mr. Dykstra, you were
24 previously sworn. You remain under oath.
25 Just identify yourself for the record.

1 THE WITNESS: Kenneth Dykstra, D Y K S T R
2 A.
3 MR. PROFITE: I believe Mr. Dykstra was
4 previously qualified.
5 MR. KATES: Yes, he was.
6 MR. PROFITE: As a civil engineer.
7 MR. KATES: Yes, he was.
8 REDIRECT EXAMINATION BY MR. PROFITE:
9 Q. So, Mr. Dykstra, you're familiar with the
10 revised plan for the garage?
11 A. Yes, I am.
12 Q. And that's shown on A-10?
13 A. That's correct.
14 Q. And is it the same footprint and the same
15 location as previously shown as Phases 1 and 2 but now
16 combined as far as the footprint is concerned?
17 A. Yes, the footprint is the identical size
18 and the same location.
19 Q. And you're aware that, under the
20 ordinance, there is a limitation on the permitted
21 amount of coverage of an accessory building?
22 A. That's right.
23 Q. And is that 25, that the accessory
24 building coverage cannot exceed 25 percent of the
25 required rear yard?

1 A. That's right.
2 Q. So, in this case, what is the required
3 rear yard for the, in the B-2 zone?
4 A. For this site, it's a calculation and it's
5 a 127 foot rear yard.
6 Q. And what is the rear yard of the building
7 that's closest to the back?
8 A. The proposed parking structure is proposed
9 at a 127 foot setback with respect to the principal
10 building setback requirement.
11 Q. And is any portion of the parking garage
12 in the rear yard?
13 A. No.
14 Q. So your interpretation of the ordinance,
15 does that 25 percent limitation apply if the building
16 is not located in the rear yard?
17 A. I don't believe it should.
18 Q. What would be the purpose of it?
19 A. I mean normally you could have this,
20 this -- an accessory structure could be, could have a
21 rear yard setback in this case the same setback as the
22 buffer requirement to the residential zone which would
23 be 50 feet. Then I could understand that you've got
24 a, you want to limit the amount of coverage in your
25 rear yard setback. In this case, our garage structure

1 is not even in the rear yard setback.
2 Q. And I suppose that one way to reduce the
3 footprint would be to increase the height of the
4 garage structure?
5 A. That's correct.
6 Q. And in your opinion is, is it better to
7 have the footprint -- well, let me just ask you, did
8 you do the calculations that assuming the 25 percent
9 limitation did apply even though the structure was not
10 in the back, in the rear yard?
11 A. Yes, we did the calculation.
12 Q. What percentage did you arrive at?
13 A. 30 percent coverage. So, effectively,
14 our, this garage structure is about just over 59,000
15 square feet and the entire area of the, in the rear
16 yard setback is just under 200,000 square feet.
17 Q. Does this present a better plan to have it
18 slightly exceed that percentage requirement and be
19 lowered?
20 A. Yes.
21 Q. Now the testimony that took place today
22 and primarily testified last time, in your opinion,
23 will the granting of the variances constitute
24 appropriate use and development of this property as
25 their corporate headquarter facility?

1 A. Yes, it will.
2 Q. And will the granting of the variances
3 result in a more efficient use of the property?
4 A. Yes, absolutely.
5 Q. And will the granting of variances
6 substantially impair the intent and purpose of the
7 zone plan or the zone ordinance?
8 A. No, it will fought.
9 Q. In your opinion, is there any negative
10 impact on surrounding properties by granting the
11 variances to build the garage as an accessory
12 structure?
13 A. No, I don't believe there is negative
14 impact.
15 And as I mentioned last, at the last meeting,
16 the neighbors will see this garage structure and we've
17 actually lowered it by 11 feet from last month. But,
18 the current view is of a, just a parking lot so they
19 already have a view of a parking lot and cars and now
20 you will have an enclosed structure where the cars
21 will actually be contained and less visible.
22 Q. In your opinion will granting the
23 variances result in any substantial detriment to the
24 public good?
25 A. No.

1 Q. In your opinion will the benefits from
2 this proposed development outweigh any potential
3 detriment?
4 A. Yes, yes, they will.
5 MR. PROFITE: I have no further questions
6 for Mr. Dykstra.
7 CHAIRMAN FEHRE: Okay. Any, anybody have
8 a question?
9 Mr. Mirandi.
10 MR. MIRANDI: Thank you, Mr. Chairman.
11 MR. MIRANDI: I just wanted to follow-up
12 on the accessory structure and the percent complete.
13 You said it was 127 feet from the rear yard to
14 the parking structure which --
15 Is that correct.
16 THE WITNESS: The setback of the parking
17 structure to the rest the property line, the rear yard
18 is 127 feet.
19 MR. MIRANDI: And what's the closest
20 existing building to the rear property line, what's
21 that dimention?
22 THE WITNESS: Let me double check.
23 MR. MIRANDI: Yeah.
24 THE WITNESS: You know, it's a, it's
25 close. It's probably about 130 feet, Building C to

1 the rear property line.
2 MR. MIRANDI: So, so if you just take your
3 pointer and go north and south along it, it's closer
4 to the, physically closer to, to the west than the
5 parking structure itself?
6 THE WITNESS: Yeah. What happens is
7 because --
8 MR. MIRANDI: The property line staggers.
9 THE WITNESS: The property line, it starts
10 to diverge to and in kind of an easterly direction
11 and, therefore, the setback line follows, is parallel
12 to that property line.
13 So Building C is actually, will have the
14 appearance of being closer to Floyd Street than the
15 parking garage.
16 MR. MIRANDI: So my definition or my
17 opinion on the rear yard is that the, a parking
18 structure building itself wouldn't impact that 25
19 percent so I would agree with that.
20 MR. KATES: And that's because the rear
21 yard line is defined by the principal building?
22 MR. MIRANDI: Yes.
23 CHAIRMAN FEHRE: Okay. If there are no
24 further questions --
25 MR. PROFITE: I have just one quick one

1 for Mr. Dykstra, I forgot to ask Mr. Dykstra.
2 RE-REDIRECT EXAMINATION BY MR. PROFITE:
3 Q. Did you have an opportunity to go over the
4 engineering review letter from Mr. Mirandi's office as
5 concerns the hydrology?
6 A. Yes. We reviewed the report. There are a
7 number of comments. But, we're certain we can work
8 those issues out directly with his office.
9 We would probably like to have a meeting with
10 your office to go over the comments.
11 MR. MIRANDI: That certainly makes sense.
12 And just to remind the Board that on prior
13 applications like this with large matters of storm
14 water management that that's something that the
15 applicant stipulates to and you can make it part of a
16 resolution. So I have no issue with them conforming
17 to a meeting and resolving any of those little
18 technical items.
19 MR. PROFITE: Yes, that's satisfactory. I
20 have nothing further.
21 CHAIRMAN FEHRE: If there are no further
22 questions, do you have any more witnesses?
23 MR. PROFITE: I have no further witnesses.
24 CHAIRMAN FEHRE: Yes. Mr. Snieckus, could
25 you give us your opinion on -- Mr. Snieckus, by the

1 way, is our planner. We have asked him to take a look
2 at this.
3 Can you give us your opinion as to the setbacks
4 and --
5 MR. KATES: We have to put you under oath,
6 Mr. Snieckus.
7 MR. SNIECKUS: Certainly.
8 MR. KATES: Do you swear the testimony you
9 are about to give this Board shall be the truth so
10 help you God.
11 MR. SNIECKUS: I do.
12 MR. KATES: Identify yourself for the
13 record.
14 MR. SNIECKUS: Certainly. Edward Snieckus
15 with the firm of Burgis Associates. It's 25 Westwood
16 Avenue in Westwood, New Jersey.
17 Yes, Mr. Chairman, what I would offer for the
18 Board, in all due respect to the Board Engineer, one
19 of the things we did look at with regard to the rear
20 yard setback issue is that the actual ordinance, and
21 I'll quote it specifically, says that, in the business
22 or institutional zone, the aggregate area covered by
23 an accessory building shall not exceed 25 percent of
24 the required rear yard. It talks about the required
25 rear yard.

1 So, therefore, it's almost at 127 foot distance
2 that was computed by the engineer due to the lot
3 depth. It's measured by the lot depth. And so,
4 therefore, in our opinion, I wouldn't see any need for
5 any calculation of the coverage of the rear yard
6 because it's out of that 127 feet and that distance.
7 As far as the other variances are concerned, Mr.
8 Chairman, as I see them regarding -- hold on a second.
9 The parking garage, as was indicated by the
10 counsel for the Board this evening, is that it's being
11 treated as an accessory structure because it's not
12 technically, in my opinion, serving any other use but
13 being accessory and ancillary to the principal
14 structure.
15 If, for instance, they were renting spaces for
16 other use, I would see then if it rises to a principal
17 permitted use. The maximum permitted height of the
18 accessory structure, as we've heard tonight, they have
19 reduced the height of that structure an additional
20 story. I know that they have provided certain
21 improvements or mitigating factors such as the green
22 wall features as well as the proposed landscaping to
23 help ameliorate that condition and address the and
24 mitigate that condition.
25 In addition to that, some of the other benefits

1 that were being offered with regard to the overall
2 amount of impervious coverage, I know there's not a
3 maximum in the zone currently but yet it's a concern
4 overall from the Master Plan standpoint and as, Mr.
5 Chairman, I think you had mentioned, they need to
6 maintain green spaces on properties.
7 And the benefit that was identified was that
8 they were reducing it plus, at the same time, if they
9 were to try to come closer to the required number of
10 parking spaces, it would require additional coverage
11 throughout the property.
12 And I know one of the specific features that the
13 ordinance talks about is setback of front yard setback
14 from Sylvan and that you would not want to encourage
15 any additional coverage in that front yard setback as
16 another critical feature so there is various elements
17 to be balanced here.
18 And some of the impacts, though, are the
19 structured mass. I know that some Board Members were
20 talking about that this evening the mass itself is a
21 consideration because you do not permit a garage
22 technically according to your ordinance. So,
23 therefore, it's something to take a look at.
24 But what I would also keep in mind is the fact
25 that the overall zone does require a maximum building

1 coverage and in relationship of this garage to the
2 overall maximum building coverage, imagine this
3 building as if it was an actual office space itself.
4 That would be one thing to keep in mind as to the
5 relationship of the building mass to the impact to the
6 surroundings.
7 CHAIRMAN FEHRE: So we're not exceeding
8 the lot coverage as per our ordinance?
9 MR. SNIECKUS: Correct.
10 CHAIRMAN FEHRE: So it's well within that.
11 MR. SNIECKUS: Right. As I see it,
12 according to the calculations that have been provided.
13 In addition to that, I know headlights were a
14 concern. The possible provision of additional
15 screening on the building, possible baffles as was
16 mentioned I think is a good idea to mitigate the
17 potential for headlights being projected and off the
18 property.
19 In addition to that, the lighting of the
20 controls that are being offered such that there are
21 motion sensors associated with the fixtures help to
22 mitigate the off track impacts of the evening
23 activities on the property.
24 In addition to that there are LED sharp cutoff
25 fixtures that are being used. I think that's another

1 thing to consider in the mitigating features of the
2 proposed structure.
3 Noise sometimes is an issue. I know that they
4 are complying with the required setback and typically
5 the setback is there so that it helps avoid those sort
6 of impacts.
7 And, again, not being here for all the testimony
8 and I heard there was a 2014 approval, I know that
9 there is a generator that is proposed as far as the
10 plan, I know it's indicated on the plans, I think that
11 was previously approved in the earlier plans but it's
12 within an actual enclosure area to the back of the
13 building and it's a natural gas generator by my
14 understanding and seeing the plans which reduced the
15 impacts to the neighboring and surrounding property
16 owners.
17 One thing that was mentioned is the actual
18 increase in perviousness on the property. It also is
19 noted that parking garages also have the benefit of
20 reducing the urban heat island effect by having less
21 exposed surface to solar gain by direct access to the
22 sun being the they're underneath several levels. It's
23 something else the for Board to consider in the
24 overall balancing test.
25 It seems that they have been proffering the C-2

1 test requirements which is the detriments outweighing
2 the benefit -- excuse me, the impacts, the benefits
3 outweighing the detriments -- excuse me. That public
4 benefits test not the physical features where in fact
5 there would be a complete iteration of the existing
6 property or existing topographical features that would
7 require the variance relief. So I would agree with
8 that.
9 But in fact the C-2 variance proofs are
10 applicable in this instance.
11 So with that, I'm open for any questions.
12 CHAIRMAN FEHRE: Okay. Thank you.
13 Any questions from the Board for our planner?
14 MR. KATES: Just for clarification,
15 Mr.Snieckus's report indicated that there was or could
16 be an issue of notice. I have addressed that with the
17 attorney for the applicant. And the answer to it is
18 that Block 910, Lot 1 is not an access point. The
19 plan doesn't show it correctly or specifically. There
20 is a gate. It will be locked. It is now an access
21 point so the adjoining lot doesn't come in to play.
22 And on the north end, Hollywood Avenue is the
23 entrance point and everything that relates to the
24 entrance is on the applicant's property.
25 MR. SNIECKUS: I would agree with you.

1 CHAIRMAN FEHRE: Okay. If there are no
2 further questions then I would like to ask for a
3 motion to open the meeting to the public.
4 COUNCILWOMAN OH: So move.
5 CHAIRMAN FEHRE: Second.
6 MR. K. KIM: Second.
7 CHAIRMAN FEHRE: All in favor.
8 (Aye)
9 CHAIRMAN FEHRE: Okay. Is there anybody
10 from the public that would like to be heard.
11 CHAIRMAN FEHRE: I think I pointed to the
12 young lady first.
13 MS. REITER: Linda Reiter, R E I T E R,
14 611 Floyd Street.
15 CHAIRMAN FEHRE: Which one is that.
16 MS. REITER: 611.
17 CHAIRMAN FEHRE: Is that one of the
18 buildings on this?
19 MS. REITER: It is. It is.
20 CHAIRMAN FEHRE: Which one is that?
21 MS. REITER: It's probably the most
22 prominent one -- that's it.
23 MR. DYKSTRA: Across from Egan.
24 MS. REITER: Across from Egan, yes.
25 CHAIRMAN FEHRE: Okay.

1 MS. REITER: I have a comment and then a
2 question. The comment is, I was at the last meeting
3 where there was considerable conversation and concern
4 about the signs at North Cliff and Upper School and
5 the very limited amount of lighting that was being
6 added to it, you know, effecting the neighbors and
7 everybody was concerned about it and, all of a sudden,
8 the idea of 600 sets of headlights coming into our
9 kitchens seems of less concern.
10 And, I know it's because it's Unilever lever and
11 not our school system that we're up against. But I, I
12 do think that it's pretty obviously odd that, that,
13 that this is even under consideration.
14 My question is, if we do approve this, is there
15 any way that Floyd Street entrance could be closed so
16 at least we would not have the people -- at 4:30, it's
17 dark, headlights are on. Every headlight, 600 sets of
18 headlights are coming at us, facing our kitchens so...
19 CHAIRMAN FEHRE: Floyd Street.
20 MR. KATES: The garage entrance.
21 MS. REITER: The garage entrance.
22 MR. PROFITE: If I could question the
23 witness?
24 MR. KATES: Yeah.
25 MR. PROFITE: Excuse me , Mrs. Reiter.

1 MS. REITER: Yes.
2 MR. PROFITE: Is your -- when cars come
3 out, they're coming out at ground level.
4 Right?
5 MS. REITER: Um-hum but they're coming
6 down, but they are coming down.
7 MR. PROFITE: No. I understand.
8 MS. REITER: They are coming down, yes.
9 But we can see, we can see when they're ground level
10 now so if you're going to have that many more cars and
11 they're going to be coming out, their headlights are
12 going to be facing -- now they don't face our houses
13 now.
14 MR. PROFITE: How much higher is your
15 house?
16 MRS. REITER: Substantially higher.
17 MR. PROFITE: AT the ground level?
18 MRS. REITER: Um-hum um-hum.
19 MR. PROFITE: Okay. Thanks.
20 CHAIRMAN FEHRE: Let me ask a question. I
21 don't know what your backyard looks like, what kind of
22 vegetation.
23 Do you have any screening of your own?
24 MS. REITER: No, and with can't. We have
25 a retaining wall because it's all like this there's

1 no, tears really no property to do that.
2 CHAIRMAN FEHRE: You don't have an
3 opportunity --
4 MS. REITER: Not unless somebody wants to
5 extend our retaining wall and build up for us,
6 something you can ask your client about. I would be
7 happy to have more property.
8 I own it. I own it. I just haven't built up on
9 it.
10 MR. KATES: So you would be satisfied with
11 the portal that's facing Floyd to be an entrance only
12 and not an exit?
13 MS. REITER: No, I would like it to be
14 neither preferable because it's ugly but, yes, I would
15 prefer it.
16 MR. KATES: The headlight function would
17 be going if the other direction.
18 MS. REITER: Um-hum. If that was, you
19 know, my only option, yeah.
20 COUNCILWOMAN OH: Or it could be blocked
21 if they enclose the parking garage on the Floyd side,
22 right, then you're not going to see headlights either
23 way.
24 MS. REITER: Right. Right.
25 CHAIRMAN FEHRE: Yes.

1 MR. NACHMAN: Ralph Nachman, 677 Floyd, N
2 A C H M A N.
3 CHAIRMAN FEHRE: Which one is that now?
4 MR. NACHMAN: And we're further up on
5 Hollywood so we don't see --
6 MR. PROFITE: I'm sorry. Which one is it?
7 MR. NACHMAN: It seems to me that the
8 essence of the entire discussion for these last three
9 hours as well as the last session, what's the impact
10 of this building, this parking lot, this parking
11 building on the quality of the environment and the
12 esthetic impact on, Floyd Street? And, I think it's
13 significant.
14 We've heard all the reasons why. So much so
15 that only in a few weeks Unilever has dropped it one
16 full floor.
17 Now it seems to me that the argument is strong
18 that the presence of this building is offensive to the
19 environment. Dropping it one floor helps.
20 I strongly suggest that the Unilever team, Mr.
21 Goodwin, the architect, as well as Mr. Dykstra,
22 seriously consider drilling down and finding out if in
23 fact there's bedrock. I was shocked by the
24 architect's comments that they think there may be
25 bedrock. I didn't hear anybody state unequivocally

1 that they proved beyond any doubt that they're going
2 to hit significant amounts of bedrock and let me
3 remind everybody in this room that only a few blocks
4 away from where these people are hitting bedrock all
5 the time as they're building new buildings.
6 So, I, I strongly suggest that the proper
7 approach to this building is to minimize the impact on
8 the environment. Dropping one floor is great. I
9 suggest dropping another floor by going down one, by
10 finding out if we can lower it into the ground or at
11 least define it in much more clearer terms. I heard
12 nobody expressly state that they could not go down.
13 CHAIRMAN FEHRE: Yes.
14 FEMALE SPEAKER: I wasn't prepared to
15 speak.
16 MR. KATES: You have to identify yourself.
17 MS. ANDREN-AVITAL: My name is Pernilla
18 Andren-Avital. I'm the property owner of 625 Floyd
19 Street which is the one that I think they pointed out
20 that's the one in the center -- no, right there -- no,
21 that one.
22 MR. DYKSTRA: That's yours?
23 CHAIRMAN FEHRE: I thought that was the
24 other one.
25 MS. ADREN-AVITAL: I made a mistake.

1 We're on the other one.
2 MR. DYKSTRA: This is your house here?
3 MS. ADREN-AVITAL: Yes.
4 CHAIRMAN FEHRE: That's the one with the
5 retaining wall. Okay.
6 MS. ADREN-AVITAL: Ironically, I own and
7 operate parking garages in Manhattan for the past 20
8 years. And, I think that they should definitely look
9 into going underground.
10 To build a parking garage is probably the least
11 expensive thing to build if you're building any
12 structure so they should probably look into going
13 down.
14 Even if you hit rock or water, there are
15 solutions for that and we still building underground.
16 I am concerned also that the motion -- I'm
17 conflicted actually with the motion detectors of the
18 light because I'm not sure that even if the lights
19 goes on and off all the time that that might be
20 interfering or especially at 4:30 in the winter months
21 or after in the evening, if they're going to go on and
22 off.
23 I also feel that if in case that your building
24 or approving this and they're going to build this
25 garage to put evergreens even perhaps on the roof to

1 block the solar and the light features perhaps that
2 could help out with the vision of the -- I haven't
3 thought it out. I am just coming up with it but I'm
4 trying to find a solution because it's not going to be
5 attractive looking at a parking structure from the
6 windows of the residences.
7 I, I also had a question about the three spaces
8 per thousand. Is that also in the parking garage
9 structure or is that only for the lot itself?
10 MR. PROFITE: I believe, I believe that's
11 just a calculation of how many spaces on-site in terms
12 of building area.
13 MS. ANDREN-AVITAL: No. But, again, I
14 want to understand inside the parking facility are you
15 planning on to park three vehicles per thousand square
16 feet?
17 MR. PROFITE: No. No. No. That's just,
18 that includes everything on the site, the surface
19 parking, the garage parking. That's just an
20 overall -- it's a fraction.
21 MS. ANDREN-AVITAL: So you're planning on
22 to, in the parking garage, to park five vehicles per
23 thousand square feet?
24 MR. PROFITE: It doesn't work that way.
25 The per thousand square feet of what, of garage

1 building?
2 MS. ADREN-AVITAL: Um-hum.
3 MR. PROFITE: No. That's not the
4 calculation. The calculation relates to area of the
5 office building not the garage. It's just a number of
6 spaces you provide per square footage of an office
7 building.
8 MR. MIRANDI: That relates to the code and
9 what's required to have parking on for on-site
10 parking.
11 MS. ADREN-AVITAL: Well, for instance, in
12 New York we have also that we have to, if you going in
13 and apply for a permit for parking spaces, it's 200
14 square feet per space as, you know, with opening wide
15 doors and so forth. So what I'm trying to ask is
16 because you building a big building and you putting a
17 lot of cars in there and if you saying to me you're
18 going to put five vehicles per every thousand square
19 feet.
20 MR. PROFITE: No, that's not it at all.
21 MS. ANDREN-AVITAL: You think you're going
22 to put less?
23 MR. PROFITE: One has nothing to do with
24 that.
25 MS. ANDREN-AVITAL: Well, to me it does

1 because if you not putting the amount of cars in there
2 as you can, why are you building such a big structure
3 because you could actually then reduce the structure?
4 MR. PROFITE: It's built to accommodate a,
5 a certain number of vehicles. It's not built based
6 on --
7 MS. ADREN-AVITAL: But how much is it per
8 vehicle, how many square feet are you planning on?
9 MR. PROFITE: They're 9 by 18, the spots
10 are 9 by 18.
11 MR. DYKSTRA: 9 by 18.
12 MR. PROFITE: 9 by 18 feet.
13 MS. ANDREN-AVITAL: So you're filling out
14 every space.
15 MR. PROFITE: Yes. Yes.
16 MS. ANDREN-AVITAL: Because you're telling
17 me it's going to be three spaces per every thousand?
18 MR. PROFITE: No. No.
19 MS. ADREN-AVITAL: Then we are wasting a
20 lot of space.
21 MR. PROFITE: Sure. Sure. They get a lot
22 of no wasting space. No. It's -- each space is 9 by
23 18 feet.
24 MS. ADREN-AVITAL: Because of the greenery
25 that was going to be filling out the leftover,

1 obviously that's not going to be inside the garage.
2 MR. PROFITE: No, there's no --
3 MS. ADREN-AVITAL: Obviously, we would
4 like, as property owners, we would love to not have a
5 parking garage in front of our property. I, I
6 certainly do not agree with having parking garage
7 there.
8 If we could have perhaps gone underground, you
9 have so much other things to do with above-ground.
10 You could make a beautiful park for your employees to
11 go around. There could be waterfalls. You could make
12 even a public thing or ice skating rink or, or
13 anything that, you know, that beautifies the area.
14 So -- and then the last thing was I wanted to
15 ask again where is the exit of the garage when the
16 cars coming?
17 MR. PROFITE: I believe there's three.
18 MR. DYKSTRA: Three points of egress and
19 ingress.
20 MS. ANDREN-AVITAL: The same, they
21 entering and exit so the main point would pretty much
22 be on Floyd Street facing straight into my property.
23 MR. DYKSTRA: Well, that's the westerly
24 entrance. There's also one on the south end and the
25 east.

1 MS. ANDREN-AVITAL: Right. But the
2 westerly entrance is the closest one coming in off of
3 Hollywood and it will be facing straight into my
4 property.
5 MR. DYKSTRA: Yes. That is the direction
6 it faces. That is the first one you come to as you
7 come into the westerly side.
8 MS. ADREN-AVITAL: Right. So not only we
9 going to have all the circulation of lights which I
10 know because I'm in the business, that there's
11 headlights that is going to be interfering and going
12 around in the facility and as they approaching a
13 parking space, it's going to shine right into our
14 properties.
15 But also it, it will be flashing lights from
16 motion detectors as well which, again, I am conflicted
17 with if, if I should agree with it or not because I
18 have to see it in reality.
19 CHAIRMAN FEHRE: You know your property.
20 Is there something that could be done on your property
21 to, with vegetation, trees and so forth, that would
22 help to screen this view?
23 MS. ADREN-AVITAL: I, I have -- we have
24 personally tried and we put evergreens along the fence
25 line but they are smaller and they don't block much

1 off and, and now it was only a parking lot over there.
2 So in the summertime it's okay, winter time it's not
3 okay.
4 So for to block a parking garage, it will
5 certainly not do the job and it will just be a big
6 structure facing me.
7 MR. KATES: Which is your house on the
8 plan?
9 MS. ADREN-AVITAL: This one.
10 MR. DYKSTRA: The one opposite Egan, the
11 Egan intersection with Floyd Street.
12 CHAIRMAN FEHRE: Your property is on the
13 hill.
14 Right?
15 MS. ADREN-AVITAL: Right.
16 CHAIRMAN FEHRE: You have a retaining
17 wall?
18 MS. ADREN-AVITAL: There is a retaining
19 wall and then it slopes down and then on the bottom we
20 have the evergreens which doesn't even reach the
21 property, the base. So, I, I --
22 CHAIRMAN FEHRE: I'm just wondering if you
23 got together with a professional landscape architect
24 like we have here, a little while ago, plant that, who
25 knows how to plant large trees, maybe it would be a

1 benefit to your property.
2 MS. ANDREN-AVITAL: Right. We are looking
3 to find a solution.
4 CHAIRMAN FEHRE: Do you have enough room
5 there to screen it without going actually onto
6 somebody else's property?
7 MS. ADREN-AVITAL: You see the concern is
8 the winter months because even as many trees as we
9 will put, there still will be left without leaves in
10 large portion of the year so it's still going to be
11 difficult. But I am absolutely open to listen if they
12 have any plans to help us out, to screen these things
13 especially from any point of view not only to, to not
14 to see the structure but also from all the lights.
15 MR. PROFITE: Yes, Mr. Chairman.
16 MR. MIRANDI: Excuse me. I'm sorry.
17 Would there be a vine panel above the entry door at
18 that elevation?
19 MR. MIRANDI: Just point out to where the
20 entry door is. That's the bottom elevation.
21 MR. DYKSTRA: The last elevation here,
22 this is the entrance door.
23 MR. PROFITE: No, there is no panel.
24 MR. DYKSTRA: But the panel is not at the
25 entrance.

1 MR. PROFITE: One thing we could consider
2 doing is to, Ken, if we could have the prior exhibit,
3 if the concern is the exiting from the garage at the
4 ground level, we can plant more evergreens directly
5 opposite the garage right there and we could make them
6 year round evergreens.
7 MR. DYKSTRA: And these headlights are
8 coming out at a much lower elevation than her
9 background. She's got a walk out basement that's
10 about 24 feet higher than our grade down here.
11 MR. PROFITE: Put more evergreens and that
12 would seem to me to solve the problem.
13 CHAIRMAN FEHRE: Let's say there was some
14 advantage to doing something on her property that you
15 could agree on, would you be able to do that?
16 MR. PROFITE: Well, we certainly will.
17 CHAIRMAN FEHRE: I don't know if there
18 is --
19 MR. PROFITE: Yeah. We certainly will.
20 CHAIRMAN FEHRE: Let's say you --
21 MR. PROFITE: Looking at it, yes.
22 CHAIRMAN FEHRE: The landscape architect
23 took a look at --
24 MR. PROFITE: Yes.
25 CHAIRMAN FEHRE: -- being able to do that.

1 You wouldn't have any objection?
2 MR. PROFITE: No, I would not.
3 CHAIRMAN FEHRE: So maybe that would help.
4 I don't know. We would have to take a look with the
5 professional.
6 MS. ADREN-AVITAL: Thank you.
7 MR. PROFITE: Thank you.
8 MR. CHINMAN: Jeff Chinman, 611 Floyd
9 Street, Englewood Cliffs.
10 CHAIRMAN FEHRE: Now which one is yours,
11 Jeff.
12 MR. CHINMAN: You had it before. Make it
13 right there.
14 MR. DYKSTRA: That's yours. Okay.
15 CHAIRMAN FEHRE: I thought that was the
16 other one.
17 MR. DYKSTRA: Yeah.
18 MR. CHINMAN: Sorry.
19 MR. MIRANDI: You live in the same house?
20 MR. CHINMAN: Actually, I have a couple
21 questions for the traffic person.
22 So, I was trying to follow your math here. So
23 this is a first hearing I've ever been to where, as
24 the Chairman pointed out, our ordinance provides for
25 two for every 1,000 square feet, five spaces.

1 And I sat on the Board for many years and
2 everyone comes in and asks, can we have 250. It's a
3 standard. It's a standard. Right.
4 And you're saying you could actually get really
5 maybe 300. So, based on those calculations, you only
6 needed 1,076 parking spaces.
7 So, you know, now you're 300 more, you're
8 getting almost half the garage is more than what you
9 actually need. I mean so that's --
10 MR. LUGLIO: I think the question was what
11 was normal, what did I see as being normal as far as
12 office space.
13 MR. CHINMAN: Have you ever testified that
14 250 is more than adequate?
15 MR. LUGLIO: No.
16 MR. CHINMAN: You never have?
17 MR. LUGLIO: No.
18 MR. CHINMAN: Okay.
19 MR. LUGLIO: Really.
20 MR. CHINMAN: Well, we have head it many
21 times on this Board so you must be unusual. I'm sure
22 Mr. Profite has represented people here and has
23 requested at least 250 per space.
24 The second question I had is about traffic
25 patterns but I'm concerned about did you check the

1 traffic patterns at 5:00, 4:00, 5:00 when you're going
2 southbound on Sylvan Avenue?
3 MR. LUGLIO: We didn't do traffic counts
4 on Sylvan. We didn't do traffic counts as part of the
5 project itself.
6 MR. CHINMAN: Okay. Because as the Board
7 should be aware that for some reason -- well, the
8 traffic that's being backed up way on Sylvan all the
9 way and people are now cutting through Demarest and
10 racing across through Englewood Cliffs to, because the
11 traffic is so backed up.
12 And you testified that all of the people are
13 going from one site to the other site but that's not
14 going to be a vacant site so that eventually will be
15 filled up.
16 MR. LUGLIO: Yes.
17 MR. CHINMAN: So there will be much more
18 traffic on Hollywood with the density put on your site
19 and a new tenant going on the other site, the density,
20 there will be much more density flowing from Hollywood
21 flowing south or north. Right?
22 MR. LUGLIO: I don't think it's a
23 significant amount, no.
24 MR. CHINMAN: You haven't done a traffic
25 count so you haven't really been stuck on Sylvan

1 Avenue trying to make the left-hand turn to Hudson
2 Terrace.
3 I, I have traveled Sylvan Avenue many, many
4 times.
5 MR. CHINMAN: But not at 4:00 during rush
6 hour?
7 MR. LUGLIO: Sure I have.
8 MR. CHINMAN: How far back?
9 MR. LUGLIO: I didn't see what you're
10 talking about. No. No.
11 MR. CHINMAN: That's my only question. I
12 was just surprised about -- this is the very first
13 time I have ever seen a person come in and say we need
14 more spaces than anyone else has ever asked for. It's
15 just unusual.
16 I have a question for, about the parking lot
17 expert, please.
18 MR. PROFITE: The parking garage.
19 CHAIRMAN FEHRE: Yeah.
20 MR. CHINMAN: You testified that lights,
21 when they go up and down ramps will be going into our
22 house.
23 Right?
24 Didn't you testify to that?
25 MR. ROM: No. No. Not exactly. I said

1 when cars make the turn, if they're circulating
2 through the garage, they're working their way down,
3 when they make the turn and head down this one
4 particular bay --
5 MR. CHINMAN: Right.
6 MR. ROM: -- there would be more lights in
7 that one instance going towards the house.
8 MR. CHINMAN: Uh-huh. And have you built
9 the garages that are enclosed that don't have openings
10 before?
11 MR. ROM: We generally try not to
12 because --
13 MR. CHINMAN: But it's possible.
14 MR. ROM: You could build an enclosed
15 garage, yes.
16 MR. CHINMAN: So closing the, I guess
17 that's the west side is probably not that difficult.
18 Right?
19 MR. ROM: Well, again, it depends whether
20 you want to qualify as an open parking garage or
21 enclosed parking garage. An enclosed parking garage
22 impacts --
23 MR. CHINMAN: It might cost you more
24 money, right, to put ventilation in, or other
25 requirements, that's correct, but you're paying a

1 little more money and cooperating with your neighbors.
2 MR. ROM: We said there may be ways to
3 mitigate the lights shining towards these residential
4 units. The spandrils themselves, we may be able to
5 build up a little higher.
6 MR. CHINMAN: Two inches. To me it's like
7 a no-brainer, close that side. I see buses where you
8 can't see, you can't see in or out. There must be
9 something you could put there so there's no lights
10 there. You're an engineer.
11 MR. ROM: The one thing we can do to
12 mitigate the problem that would cause the circulation
13 heading down this lane facing the residential, we do
14 have green screens on either side of that lane.
15 MR. CHINMAN: Right.
16 MR. ROM: The openings between the
17 spandrils at that location, you could possibly put
18 louvers to block any headlights coming down in that
19 direction.
20 CHAIRMAN FEHRE: Wouldn't that be an
21 advantage to do that?
22 MR. ROM: That would be, might be helpful,
23 that would be something I think would be doable. And
24 then, at the same time, the only other lights you're
25 going to see is when cars are pulling into these

1 parking spaces.
2 And I have to say, you know, the lights on new
3 cars today will be designed, those lights, too,
4 they're kind of directional also. They don't shine up
5 at the trees. They're pretty horizontal. So, so if
6 we just build up something on top of these spandrils,
7 maybe even a foot, it would be enough to block the
8 lights as a car pulls into that space you don't shine
9 toward the residential.
10 MR. CHINMAN: We agree that something is
11 going to be put there so it's going to be closed off
12 to Floyd Street.
13 MR. ROM: We don't have close the whole
14 facade.
15 MR. CHINMAN: I don't see why it's a big
16 deal. Is that a cost, cost factor? Is that a
17 problem?
18 MR. ROM: No. It's also a ventilation
19 issue. We try to, we try to keep as much open as you
20 can around the perimeter of the garage so you get --
21 MR. CHINMAN: Do you have interior
22 ventilation there now?
23 MR. ROM: No.
24 MR. CHINMAN: So that's the problem, you
25 would have to put in ventilation.

1 MR. ROM: You are relying on natural
2 ventilation.
3 MR. CHINMAN: So it is a cost. If you put
4 in a ventilator --
5 MR. ROM: Yeah it's a cost but it's energy
6 you should have to use.
7 MR. CHINMAN: You're putting lights on and
8 it's going to be -- listen, I have heard Unilever is
9 so green. I drive down Floyd Street and that office
10 building facing Floyd Street is lit 24/7. Every
11 single light is on there. So, you know, I can't --
12 it's not that green. I keep hearing -- you know, so
13 I'm sure a ventilation system for no cars is really
14 not using much and plus you have that beautiful gas
15 generator, it will be cheap.
16 Anyway, I think that is a very important factor.
17 CHAIRMAN FEHRE: Just a minute.
18 MR. KATES: If you --
19 MR. CHINMAN: Yeah.
20 MR. KATES: If you're just blocking one of
21 four exterior walls, do you have a ventilation
22 problem?
23 MR. ROM: We may. We have to look at the
24 calculations.
25 MR. KATES: Possible. You might not.

1 MR. S. KIM: The garage, only some certain
2 percent if 25 percent close, no, it's still open
3 parking.
4 MR. KATES: It's still open parking and
5 the other question is if you were to have the Floyd
6 side to be exit only, does that interfere with the
7 flow of traffic in that garage to do that exit only at
8 night when it's dark?
9 MR. ROM: On the south end?
10 MR. KATES: On the west end.
11 MR. MIRANDI: Exit only you would still
12 see the headlights.
13 MR. KATES: I'm sorry, entrance only.
14 MR. ROM: The only thing that it really
15 effects is this lowest bay when you enter the garage
16 and come up the first ramp, if this is an entrance
17 only -- I shouldn't say that. If this is an entrance
18 only the cars, expecting cars to exit out of the south
19 end --
20 MR. KATES: Yeah.
21 MR. ROM: -- that would not be that much
22 of a hardship. They will actually hit this point
23 before they hit the lower point so they could exit.
24 MR. KATES: So it would work?
25 MR. ROM: And work your way back around.

1 MR. CHINMAN: I have a feeling that most
2 people don't want to park on the roof.
3 Right?
4 MR. ROM: It's not the most desirable.
5 MR. CHINMAN: They want to park on the
6 first two floors.
7 MR. ROM: Right.
8 MR. CHINMAN: What kind of system could be
9 made where honestly that roof and those lights, that's
10 ridiculous also. I mean that's actually higher than
11 my house. That's actually -- you are up to my second
12 floor already with those lights. It's like putting
13 Kennedy Airport behind my house.
14 So what could be done to actually -- do we not
15 have lights on that top floor and not use it after
16 sunset?
17 MR. ROM: It becomes an operational issue
18 with the owner.
19 MR. CHINMAN: I don't think that's -- I
20 see that parking lot, by 7:00 there's like three cars
21 in the whole parking lot, you know, so I think
22 that's --
23 CHAIRMAN FEHRE: The problem is some
24 people work late at night and they come in 6:00 in the
25 morning.

1 MR. CHINMAN: Right so reserve them for
2 the hard workers, they probably get in early and leave
3 late. Right? They get the good spots.
4 But, I think that that's not unreasonable.
5 CHAIRMAN FEHRE: But you could design this
6 so that that whole wall is completely blocked off so
7 there would be no light coming out from within that
8 garage as these cars drove around.
9 MR. ROM: Again, we would have to test it
10 against code to see if it would be permitted to do
11 that.
12 CHAIRMAN FEHRE: But it could still be
13 done with baffles or louvers or something like a big
14 venetian blind.
15 MR. ROM: If you use louvers, you lose
16 some of the air circulation, you lose another 50
17 percent of the opening if we provide louvers.
18 MR. CHINMAN: I think that the roof
19 lighting is, that's got to be addressed. I can't --
20 that can't stay so that's very important to us.
21 Okay. I could talk to him about the landscape
22 architect.
23 MR. PROFITE: Thank you, John.
24 MR. CHINMAN: I know it's late. We could
25 adjourn to next month.

1 I guess my question is, we really didn't get
2 plans so are we just going to approve this subject to
3 somebody who may or may not be here approving it and,
4 and maybe they'll work with the residents? How does
5 this work?
6 CHAIRMAN FEHRE: Mr. Kates will write a
7 spectacular resolution like he always does.
8 MR. CHINMAN: We're going to blend --
9 CHAIRMAN FEHRE: Cover all the bases.
10 MR. CHINMAN: I think we should --
11 CHAIRMAN FEHRE: It has to be approved by
12 the people who heard, who voted on the application.
13 Right?
14 MR. CHINMAN: Okay.
15 MR. KATES: On the resolution, yes. But
16 your question is, do we delegate it to the
17 Environmental Commission who works with landscape plan
18 yet to be prepared and consults with the neighbors and
19 I guess the Board has done that in the past. It's
20 certainly within the realm of possibility that they do
21 it here.
22 MR. CHINMAN: Right because honestly I
23 mean the stuff that they, the architect offered, I
24 mean a 12 to 14 foot tree that's going to grow a foot
25 and a half to two foot a year so to be 50 feet, 35

1 years from now I'm not -- hey, I don't know if I'll --
2 You know, come on. I mean you got to pick up
3 the game plan here a little bit, you know.
4 I mean it's just -- right now as you, as the
5 Chairman had suggested, you see that horrible building
6 on Floyd Street, if they planted all along the back of
7 the town's property you wouldn't see that. I mean
8 it's ridiculous. It's on 24/7, you know.
9 So, you know, to approve this without, you know,
10 on, you know, a plan that's old is, is really not
11 fair, not fair to the residents, not fair to the
12 adjacent property owners.
13 I mean, I mean, I know you're in a rush to try
14 and push it through but it's not, the whole process
15 has not been thoroughly investigated. I mean, I mean
16 dropping of the structure one or two stories with a
17 beautiful thing on top of the roof, a nice landscape
18 thing.
19 I mean, I know how's this going to happen
20 because on December 1st in the parking lot there were
21 these big lights shining all over the -- I don't know
22 what was there, maybe their lights were there but
23 there were flood lights shining on our houses with
24 generators. That's how -- the operation is there.
25 They just do what they want. So I think it has to be

1 in writing.
2 So I mean -- how are you going to show us what
3 you're really going to do? I mean you put your finger
4 up about the size of the tree but those are -- the
5 building is 55 feet and you put up a 12 foot tree.
6 MR. WHITE: This is a graphic extraction
7 of the detailed landscape plans to be prepared to date
8 to show the Board.
9 MR. CHINMAN: You say you don't have the
10 one that's actually prepared for today with you.
11 Right?
12 MR. WHITE: No. No. We do. And --
13 MR. MIRANDI: Is that the October 19th
14 plan set?
15 MR. WHITE: Yes. Yes.
16 MR. MIRANDI: And your seven sheets of
17 landscape plans.
18 MR. WHITE: Correct.
19 MR. KATES: But they don't include the
20 enhanced plan.
21 MR. CHINMAN: Does it mention the size and
22 caliper of all the trees?
23 MR. WHITE: Yes.
24 MR. CHINMAN: You're going with a 12 foot
25 tree?

1 MR. WHITE: No, we didn't say --
2 MR. CHINMAN: You mention 12 to 14 foot
3 for some?
4 MR. WHITE: For some of the evergreens,
5 yes.
6 MR. CHINMAN: And 22 for others.
7 So I mean I think that's kind of important. I
8 mean it's down to brass tacks here. They want to try
9 and approve it here.
10 We want to know what we're going to be seeing.
11 CHAIRMAN FEHRE: Mr. Snieckus, do you
12 have --
13 You are the landscape architect.
14 MR. SNIECKUS: Yes, in fact, I am.
15 CHAIRMAN FEHRE: You are --
16 MR. SNIECKUS: Yes.
17 CHAIRMAN FEHRE: So you could, you know,
18 get-together with everybody and approve a final
19 solution that would keep the residents, you know --
20 maybe they're not going to be completely happy but as
21 much as possible?
22 MR. SNIECKUS: Yeah. If the Board wishes.
23 CHAIRMAN FEHRE: Participate -- I know we
24 have an Environmental Commission but I don't think
25 they're licensed architects.

1 MR. SNIECKUS: Yes, Mr. Chairman.
2 CHAIRMAN FEHRE: We don't really have --
3 so we would need some expertise representing the town
4 so the residents' side -- so could you provide such
5 service?
6 MR. SNIECKUS: Yes, I could. And I have
7 done that in the past.
8 CHAIRMAN FEHRE: You have done that?
9 MR. KATES: And if there's a disagreement,
10 it comes back to the board.
11 MR. SNIECKUS: It would be a condition of
12 the approval that it would be satisfaction.
13 CHAIRMAN FEHRE: That would also mean
14 negotiating with the property owners. I'm talking
15 about one, two, three, four property owners that will
16 be effected.
17 MR. CHINMAN: I mean honestly I'm
18 surprised that Unilever wouldn't have said, hey, let's
19 meet with you ahead of time to discuss this, let's see
20 what we could do, you know, but I mean...
21 CHAIRMAN FEHRE: Well, let's, hopefully if
22 we have representation with the Board's planner --
23 MR. CHINMAN: I have to ask the engineer,
24 I mean the planner -- oh, I got to ask him a question
25 here.

1 You said something -- I have to ask. You were
2 talking about there are no negative impacts. Right.
3 You're saying a parking lot, you're deciding for us a
4 parking lot with very few lights is worse than a six,
5 five, four story building with lights shining out,
6 could you explain how that's better?
7 MR. DYKSTRA: Yes. In my opinion all your
8 cars are now enclosed and you, actually the view of
9 this upper parking lot is now completely blocked.
10 You're seeing a structure but you're not seeing that
11 vast parking lot.
12 MR. CHINMAN: I see lights and solar
13 panels.
14 MR. DYKSTRA: I was out there tonight.
15 The lights are fairly bright for the existing --
16 you're actually going to have less light in my view
17 with this parking garage because it's an enclosed
18 structure --
19 MR. CHINMAN: The lights on the roof are
20 not going to be enclosed, are they?
21 MR. DYKSTRA: Not the lights on the roof.
22 But you won't see the lights in the lot that's closer
23 to Sylvan Avenue, the existing parking lot.
24 MR. CHINMAN: I never saw those.
25 MR. DYKSTRA: Right across -- I mean it's

1 a straight shot from your house.
2 MR. CHINMAN: Never. I'm not there. I
3 never see them.
4 So that's not a negative impact. That's a
5 positive impact for us to have lights shining on our
6 house.
7 MR. DYKSTSRA: That is not what I said.
8 MR. CHINMAN: The attorney said no
9 negative impacts, there are none to the residents?
10 MR. DYKSTRA: None in my opinion.
11 MR. CHINMAN: Okay. So, in summary, I
12 think that for you to grant permission tonight is not
13 fair because it hasn't been thought out and if you
14 just say it's subject to this subject, it's subject to
15 that, that really means the public is now done and you
16 are --
17 CHAIRMAN FEHRE: They would negotiate with
18 you directly.
19 MR. CHINMAN: You are deciding for us --
20 well, the roof lights and the lights on in general are
21 a big issue. I mean we haven't heard, right, and, and
22 the fact that we had, we have a parking expert here
23 testify and actually probably, you know, people here
24 dug down in the rock here, it's not that big a deal,
25 one or two stories. It's really not that big a deal.

1 It's a few more dollars. You're spending 16 million
2 dollars. They can throw in another half a million and
3 make the residents happy.
4 Thank you.
5 CHAIRMAN FEHRE: Yes. You can get up
6 again later, after this.
7 MS. NACHMAN: Nancy Nachman, 657 Floyd
8 Street.
9 A question I guess for Mr. Kates. Am I allowed
10 to ask a question about -- it has to do with Unilever
11 but it was not discussed tonight. It had to do with
12 an approval from last December.
13 MR. KATES: We're not up to that point in
14 the meeting. We're on the development application.
15 First there will be a portion in the meeting
16 where you can ask questions.
17 MS. NACHMAN: I was thinking about was it
18 the CHP generator. I had a question about that.
19 May I ask it?
20 CHAIRMAN FEHRE: Technically you should
21 wait because it's not part of this application but, in
22 this case, if it's a simple question...
23 MS. NACHMAN: I think, I think it is.
24 The generator, as I understand it, is going to
25 be functioning 24/7. The sound engineer last year

1 testified, could not guaranty that there would be not
2 noise for Floyd Street home owners. And I believe
3 that the Board said that if there was noise, that some
4 kind of an enclosure around this generator would be,
5 would be required.
6 And I'm just wondering, since it hasn't been
7 built yet, could that enclosure be included as it's
8 being built so that there's more of a guaranty that we
9 will not hear noise from this generator which will be
10 going 24/7.
11 MR. KATES: First of all, I thought it's
12 an emergency generator. It doesn't go 24/7.
13 MS. NACHMAN: There is a generator, isn't
14 there, Mr. Profite?
15 MR. PROFITE: There's a CHP unit for the
16 solar panels.
17 MS. NACHMAN: Yeah. That's the one that
18 I'm talking about.
19 CHAIRMAN FEHRE: We were assured that
20 you're not going to be able to hear that thing whether
21 it's running or not running and it's going to make
22 some noise but there's so much background noise that
23 you will not be able to say whether the generator is
24 running or not.
25 MS. NACHMAN: The sound engineer, as I

1 recall, could not guaranty that, and said that if we
2 did hear noise that something could be built, a
3 structure could be built around it.
4 MR. PROFITE: Yes. The approval has an
5 enclosure for the CHP unit.
6 CHAIRMAN FEHRE: I thought it was
7 enclosed.
8 MR. PROFITE: It is and we have to comply
9 with the noise standard of the ordinance and --
10 MR. MIRANDI: That's correct, that was
11 part of the stipulation.
12 MR. PROFITE: Yes.
13 MR. KATES: Notwithstanding acoustical
14 testimony, the completed and installed system shall be
15 tested by an acoustical consultant to confirm that
16 noise generated at the residential property boundaries
17 shall not exceed permitted decibel standards, 65 dba
18 daytime and 50 dba nighttime and if exceeded applicant
19 shall install sound attenuation to make the decibel
20 levels comply.
21 MS. NACHMAN: So that's if there is --
22 MR. KATES: It's going to be tested after
23 installation.
24 MS. NACHMAN: Okay. So that would take
25 place then right there. In other words, no one is

1 going to wait for residents to begin to complain.
2 MR. MIRANDI: That's a condition of the CO
3 so before they get the Certificate of Occupancy, tests
4 have to be done. There was a prior project where we
5 have had a similar situation, tests were provided and
6 the Borough has a noise ordinance so if there is an
7 issue there is a mechanism within the Borough of the
8 Building Department to have that addressed.
9 MS. NACHMAN: Thank you. I appreciate
10 you're allowing me to ask this. Thanks again.
11 CHAIRMAN FEHRE: Get a copy of the
12 resolution. It may make you feel better.
13 MS. NACHMAN: Thank you.
14 MR. KATES: You have to identify yourself.
15 MS. ANDREN-AVITAL: Pernilla
16 Andren-Avital.
17 So it's not as of right to have a parking garage
18 there.
19 Is that correct?
20 This is why we're here for to get approval for
21 this?
22 So what I am saying is that if we building a
23 parking garage there it actually lowers our value of
24 our properties that are facing with this because I
25 feel for a house to be facing a parking garage, it

1 just lowers the value and I want you to have that in
2 consideration.
3 CHAIRMAN FEHRE: How about the fact that
4 you're getting a world class North American
5 headquarters of a major international corporation?
6 I mean, this is the thing that's going through
7 my mind is, you know, we need these corporations here
8 in town and to have somebody like Unilever come in,
9 this is one of the worlds maybe the largest food
10 company or second largest in the entire world and they
11 want to put their North American headquarters here and
12 they want to bring people in, smart people, the best
13 people they can get.
14 Wouldn't that raise the property values?
15 MS. ANDREN-AVITAL: Not for us, not for
16 us.
17 MR. PROFITE: It would lower your taxes?
18 MS. ANDREN-AVITAL: Oh, do we have a plan?
19 Would we actually get lower taxes?
20 CHAIRMAN FEHRE: -- they are going to need
21 places to live but do we --
22 The property values go down. If the taxes go
23 down your property values will go up.
24 Right?
25 MS. ANDREN-AVITAL: Right. So -- well

1 that would be great if that's going to be the case.
2 Is that the plan that the taxes will be -- I
3 mean I can follow my tax bill and see if that's going
4 to happen.
5 CHAIRMAN FEHRE: I can tell you if that
6 property ever becomes vacant, then we're in real
7 trouble and you think you're in trouble with Unilever
8 behind you. If that became a vacant piece of
9 property, that's what's going on in my mind.
10 MS. ANDREN-AVITAL: No. No. I understand
11 that. I realize that. But then we had that other
12 option of going down, of going underground and not to
13 building a structure up.
14 I mean we, we really -- it's, it's not so
15 complex to build a parking structure underground
16 today. So I think that that really should be an
17 option for them to look into in order to -- not only
18 for us as the residents around it but also for
19 Englewood Cliffs, for a parking garage, you could
20 definitely go, be at least explored to go underground.
21 Thank you.
22 CHAIRMAN FEHRE: Okay. Thank you.
23 MS. REITER: Linda Reiter.
24 You know, I grew up in Englewood Cliffs and I
25 appreciate the corporations here as much as anyone but

1 we can't be held hostage by them.
2 You're saying if they left. Well, everything
3 they want just in order to keep them here we can't
4 agree to just because they're wonderful and I want to
5 keep them here as much as anyone. But, we can't just
6 be held hostage by them. And we will lower our
7 property value.
8 MR. CHINMAN: And I just want to say one
9 last thing.
10 Because if you allow this for Unilever then it's
11 just going to happen all the way -- you're setting a
12 precedent.
13 There's the old Toyota building, all the way up
14 9W. I mean none of us -- eventually, it's going to be
15 one your houses. You know, the people I know behind
16 Jack LaLane -- it's not even Jack LaLane anymore.
17 They're always complaining about the lights there, you
18 know.
19 As Board Members you are the judges to decide
20 protection of residents welcoming businesses.
21 Well, you know, Unilever has a choice. We don't
22 have a choice. We live there. They have a choice.
23 They could go down. And, and, yes, there maybe rock,
24 maybe there's not rock. They haven't even
25 investigated. So for you to just, to approve it to

1 now, without them doing their, their due diligence is
2 really against residents.
3 CHAIRMAN FEHRE: Okay. Anybody else?
4 Okay. Motion to close.
5 COUNCILWOMAN OH: So move.
6 MR. S. KIM: Second.
7 CHAIRMAN FEHRE: All in favor.
8 (Aye)
9 CHAIRMAN FEHRE: Okay. I think it's time
10 that we should take a vote on this.
11 COUNCILWOMAN OH: Actually, I would like
12 to make a recommendation, Mr. Chairman.
13 In light of what I heard today and in the
14 interest of the residents in town, specifically the
15 ones that live on Floyd, I'm not ready to make a vote
16 tonight.
17 I would like to recommend that the Site Plan
18 Review Committee meet with the representatives from
19 Unilever and come up with some sort of a compromise in
20 terms of screening the west side of the parking garage
21 and other issues that came up tonight. You know, in
22 terms of perhaps making the entrance on the west side
23 of the garage one-way versus, you know, two ways.
24 There was another concern about certain trees being
25 planted in the buffer zone.

1 All these things I feel like they have to be
2 discussed in more detail.
3 So I would like to make that recommendation,
4 that would be my motion to, to have the site plan
5 committee meet with Unilever and, you know, perhaps
6 come up with some sort of compromise that would make
7 the residents on Floyd, especially the ones that are
8 facing the parking lot more comfortable with what's
9 going on there.
10 MR. KATES: Let me just say that it
11 requires applicant's consent because they control the
12 clock and if we don't vote tonight we don't want to
13 risk an automatic approval. I don't know where we are
14 on the time with this but I assume we're going
15 month-to-month on this.
16 MR. PROFITE: Yeah. I think that the
17 screening issue can be worked out with the planner
18 who's here today for the Borough of Englewood Cliffs,
19 the landscaping can be worked out.
20 COUNCILWOMAN OH: The other issue that
21 came up tonight is, I understand that it's going to
22 cost Unilever more money to investigate going down one
23 floor but it's definitely something that you have to
24 take into consideration. Either just because you
25 could save money, you know, to me it has to be the

1 benefits of the public that outweigh the detriment not
2 just Unilever. So, that's something that I would
3 strongly have the company investigate to see if you
4 could go down one level and, if you can't, in that
5 particular location, you should also investigate
6 moving the garage perhaps closer to Sylvan Avenue.
7 MR. PROFITE: You run into the same issue
8 because that's where the bedrock, there's a
9 topographical.
10 COUNCILWOMAN OH: You haven't really
11 investigated --
12 MR. PROFITE: Yes, there was testimony to
13 that. They looked at --
14 COUNCILWOMAN OH: I think the testimony
15 was that they -- it wasn't unequivocal that you
16 couldn't go down.
17 MR. S. KIM: So do you have definitely you
18 cannot go down the one level?
19 Do you have any certificate you show us that you
20 cannot go down one level, underneath the ground?
21 Every single home owner in our town, they
22 digging that in order to put their homes, single
23 homes.
24 MR. PROFITE: Let me ask the garage
25 architect then.

1 MR. K. KIM: Sure. And also you have a
2 choice either that or you got to have air circulation
3 without the one side, have air circulation so you
4 don't bother anybody.
5 But you can't always say doubt, doubt you got to
6 see the possibility not just negative to say no. And
7 at least you got to answer the, answer us and say you
8 going to look for it.
9 MR. PROFITE: I'll ask him, I'll ask him
10 the question.
11 MR. K. KIM: Ask him.
12 MR. KATES: Do you want the hear comments
13 from everybody before you do that, Mr. Profite?
14 MR. PROFITE: Sure.
15 MR. KATES: I think the whole Board should
16 be commenting first.
17 MR. PROFITE: That's fine.
18 CHAIRMAN FEHRE: Anybody have comments?
19 MR. KATES: No?
20 MR. S. KIM: I have some comments.
21 I think we need more research and study on the
22 Floyd side. I think you talking about a lot of
23 impacts to all the neighbors and you see the document
24 and drawing. I think they don't have any research
25 onto, any study on to the Floyd side. For example,

1 any site section through, we don't have any specific
2 permission about the section through the Floyd to
3 that, interpose garage on that.
4 We just keep talking about this, what's going to
5 happen, you know, what will happen but actually
6 visually, not documented, you didn't show any, any
7 impact through some kind of architectural drawing or
8 engineering drawing on it. So you just saying that
9 what is the elevation on Floyd and what kind of
10 relationship between the top of the proposed garage
11 and the Floyd. And we just talking. But it just only
12 the perception.
13 Why don't you come up with a clear document
14 showing the clear section through that site so that
15 you give us some clear justification to the Board and
16 all the people.
17 For example, you put in some kind of example
18 with all the trees. You know, say, yeah, trees could
19 be screen the whole thing but what about the caliber?
20 It depends on the location and the topographic
21 situation.
22 So if you see, put in some trees up in there, it
23 depends all the, you know, houses and some houses
24 lower, some houses higher, yeah, some houses yeah,
25 there's a screen but some houses there's no screen to

1 it because you can see the, through the bottom and all
2 the calipers and it could happen. So why don't you do
3 some more study on to it and give us some clear
4 section through all the Floyd and the building and the
5 property so that we could figure out some
6 topographical solution.
7 CHAIRMAN FEHRE: I think we could deal
8 with the landscaping issue the way we discussed having
9 our own landscaper get-together with the property
10 owner but the landscaping is not the issue. But if,
11 if we're talking about putting an underground, that's
12 another question.
13 MR. S. KIM: That's another thing, too.
14 Well, it doesn't help, it doesn't cost anything and
15 then you just have some kind of soil boring test and
16 we can figure out the soil condition underground and
17 on top of it, they have some storm water management
18 system into that location down there is any relation
19 between that, the storm water and the rock situation
20 at that location down there. It's probably some sort
21 of some, you know, I think we just have only
22 imagination.
23 I recommend we have some sort of verification of
24 all the soil, you know.
25 MR. PROFITE: I just didn't understand the

1 last part of your sentence.
2 MR. S. KIM: Which one?
3 MR. PROFITE: The some verification of.
4 MR. S. KIM: Well, the storm water, I
5 think that there's some vegetation down in front the
6 garage right there, what is it?
7 MR. PROFITE: Yes.
8 MR. S. KIM: The last time you showed me
9 detention system there or what is it?
10 MR. PROFITE: Well, I think it's recharge
11 through the landscape area.
12 MR. S. KIM: Well, the last application
13 you showing that it's storm water detention area or
14 what is that?
15 MR. PROFITE: Yeah but I could ask the
16 landscape architect and explain it, yes.
17 MR. S. KIM: This whole application show
18 storm water. I don't know.
19 MR. WHITE: That's, that's the earlier
20 design proposal done by a different professional
21 the -- this is technical, a bio infiltration based and
22 what it does is, is filled with a mixture of, of
23 perennial and grasses and shrubs that have the
24 capability of surviving and thriving through in a
25 moist environment but also drying out when, during dry

1 periods and different weather patterns. So it
2 functions really as a constructed wetland, if you
3 will.
4 MR. S. KIM: Well, how did you determine
5 without any soil verification underground.
6 MR. WHITE: The -- well, it is -- we,
7 right now the excavation that is required for this is
8 rather modest because we, we are not going down very
9 deep in the existing condition, the exiting grade
10 rather so it's -- if you recall, this is very high.
11 This is a, a modest depression of the existing
12 condition, an existing grade.
13 MR. S. KIM: So you just utilizing the
14 existing condition of it, that's what you're telling
15 us.
16 Right?
17 MR. WHITE: We are modestly excavating
18 what, what the existing grade and, and to allow volume
19 capacity for large storm events.
20 MR. S. KIM: The same thing so what do you
21 find out some of the rock maybe 2 feet or 3 feet below
22 down there.
23 MR. MIRANDI: Well, Mr. Chairman, if I
24 could interject, I had sent out a letter earlier this
25 week that -- my first letter that went out which went

1 out November 11th prior to last month's meeting
2 indicated that our hydrology department was reviewing
3 the storm water management elements of the project
4 and, and I did get the report from my department.
5 And, I issued that earlier this week.
6 And part of the testimony tonight and we've had,
7 I believe it was like a four page letter
8 approximately, we did have several comments on it and
9 Mr. Dykstra had indicated earlier that he would, you
10 know, as a condition of approval would meet with our
11 offices and we would review the technicalities of all
12 those items. So part of testing is, you know, soil
13 analysis, perk tests and the like are there.
14 But -- so just that was something the applicant
15 stipulated to.
16 MR. PROFITE: I have Mr. Grossberg who
17 testified earlier.
18 CHAIRMAN FEHRE: Yeah.
19 MR. PROFITE: And he does have some
20 perspective on the investigation that was undertaken
21 concerning putting the garage underground.
22 MR. GROSSBERG: Philip Grossberg.
23 So, you know, we've been, obviously, working on
24 this project for many years and I've been involved
25 since we've been doing the design. We've had project

1 managers, professional construction people advising us
2 and you see we bring in the highest level of experts
3 that have been working on the project. So there's
4 been a tremendous amount of effort trying to figure
5 out how to do this right, how to really respect the
6 entire site.
7 You know, I understand the concerns of the
8 residents and, and Unilever is extremely concerned
9 about this and we have made a tremendous amount of
10 efforts to make this blend in. We're specifically
11 talking about the location and the bedrock.
12 From the beginning of the project, the project
13 manager that was working on it as we were developing
14 the entire site and the whole program has a tremendous
15 amount of experience and we were constantly talking
16 about, when the parking garage came up and we started
17 to look at that investigation, he has great knowledge
18 of working in the area, we have done work on the site
19 before and, and pushed us directly away from digging
20 into the bedrock.
21 Yes, we don't have any tests to know to what
22 extent the bedrock is but even if there's mild
23 bedrock, the excavation costs to put it down is
24 extremely expensive. I can't tell you exact numbers
25 but we are already on an excessive budget on this.

1 Yes, we came in and we reduced a floor directly.
2 We heard you directly. We knew that was going
3 to be an issue.
4 We, as was testified, we were going to have
5 1,277 spaces with the Phase 1. We're at 1,300. We
6 are taking the risk that we're not going to, you know,
7 if we do some growth we're going to have to deal with
8 parking a different way. And, that's the risk we're
9 willing to take in order to deal with the concern.
10 Going in-ground, we don't have the budget for
11 that. We know it's excessive and plus this isn't the
12 reason but, in addition, the functionality of the
13 parking lot gets effected tremendously by going down
14 and having two levels, having the split and dead ends.
15 That wasn't the reason we didn't do it. It was far
16 long ago when we were analyzing the entire site and
17 understanding even the cut of the road where it was
18 going to go and positioning of the garage, why it's
19 here, why it's not here and why we're taking into
20 account this curvature and the actual terrain, all
21 trying to make sure we can afford to do the project
22 and that we're respective of the, of the ground.
23 So I recognize that there's not, you know, the
24 borings but trust me, that experts we've been using
25 for the years that we've been working on the whole

1 project and when the parking garage came up,
2 absolutely pushed us away from that type of expense.
3 And, of course, we added the trees and we're
4 willing to work with this and we really want to make
5 it not impactful to the residents that are here and
6 the fact that the sloping up and the greenery that
7 we're adding here, it's not that we're ignorant of the
8 concerns. This is exactly why we're doing this and
9 why we're adding all these elements. So,
10 respectfully, we really are investing a tremendous
11 amount already in just trying to make it so it's not
12 as impactful.
13 And there are different views and opinions about
14 whether looking at a sea of concrete and cars driving
15 around versus an integrated structure is better or
16 worse and you can have opinions all day long. And, I
17 respect that. But we really have taken all of our
18 professionals and knowing that we were going to have
19 some concerns about it, great concerns about this,
20 doing everything we could to make this, integrate this
21 as well as we possible could and still being able to
22 maintain our headquarters here.
23 MR. K. KIM: As you say, Unilever never
24 came up with a small budget. Impossible. That's what
25 you're saying? Unilever cannot raise the budget to

1 dig the ground, excavate?
2 MR. GROSSBERG: Well, I haven't said it
3 but what I can tell you is -- but to have achieved
4 this project and investment that's required for this
5 project was a major, major undertaking and the
6 executive leadership committee is already asking us to
7 resubmit the cost of the project. So although they
8 have approved a budget that we can now currently build
9 this they're currently asking us to look for ways to
10 reduce the cost.
11 So just in full transparency, the fact that we
12 have to take off a floor on a garage, the executive
13 leadership recognizes the risk and they're willing to
14 take that risk because it's a cost reduction. To go
15 in the other direction, we would not get approved.
16 MR. K. KIM: So you have a second choice,
17 I suggest for block the one side of, west side of the
18 whole block, try to get area floor that, that's
19 simple.
20 MR. GROSSBERG: So I have no problem with
21 working in all fashions. I do think that there are
22 suggestions here that will actually make it look
23 worse, make the garage look worse but we're willing to
24 look at how to louver that, how to cover that, how to
25 reduce the impact and there's, you know, there's

1 opinions about whether the light will float out from
2 the cars, there's opinions about whether the cars
3 coming out at this street level are going to shine
4 into the kitchen. I get that and there's emotional
5 concerns and we'll look at everything to really
6 mitigate that but truly I believe that the way the
7 architects and we've really considered this, the way
8 the architects have designed the building to flow into
9 the structure into the, into the area to look as good
10 as possible adding some of these features trying to
11 put some parapet in front of the, the photo voltaic, I
12 get your point about, hey, we don't have -- we have
13 driven here, we stood here, I walked down into the
14 woods on public property. I have stood there. We
15 have looked, taken pictures. We have tried to
16 figure -- we have done everything we really could to
17 try to address that because we know that's an issue.
18 And I'm absolutely willing to commit to looking
19 at what a louver system that might work. I, I can't
20 make it an enclosed garage. I can't make that kind of
21 expense. But certainly we can do some things, move
22 the screen in or near this row. We have the screening
23 down to the, to the exit point.
24 Making this a one-way I, quite frankly, don't
25 think that's a good idea from a utility standpoint

1 with flowing, I think it's going to be very disruptive
2 to the employees.
3 And to the point the Chairman made the other
4 day, we're really trying to create an environment that
5 competes with the New York town. And, we want to
6 create an environment that people can access that's
7 ease of access to the facility that's comfortable,
8 that they're not hunting for parking and can't get on
9 to the site. That was the risk we ran into when we
10 were trying to do it without the lot. The executive
11 leadership wasn't going to accept that kind of risk.
12 So everything we're trying to do is trying to
13 make it work for the community but work to attract and
14 retain the employees. And, we're, I think we're
15 really doing that.
16 MR. S. KIM: Can you explain one more time
17 why you needed 600 parking, what about 400 parking,
18 300 parking?
19 MR. GROSSBERG: Exactly. It was testified
20 earlier but we did all the counts to the population
21 that we are going to be putting into this building.
22 We did the actual number of employees that's going to
23 be assigned to the building. We also did counts about
24 how many people show up at the building that we are
25 currently occupying and we did, we presented the

1 testimony about the average population on the, on the
2 site.
3 I may get the numbers slightly off but it was
4 about 1,300 vehicles, 1,300 employees on average on
5 the site peak times plus 1,500 employees. We do some
6 shuttling so between 1,200 and 1,300 cars at that
7 time. So we did all of that.
8 So we're at the point now where we're reducing
9 the parking deck by, by four. We only have 1,300
10 parking spots. That will max us out on our peak days
11 for utilization. So we should have fairly maximum
12 usage of the parking lot.
13 We had discussion about -- we do have a very
14 flex schedule. That's part of the design of the
15 facility where people work from any time, any place.
16 Okay. So we, we, you know, we, we have talked about
17 if we get overpopulated on the site, we have a whole
18 committee in the company that's looking at alternative
19 ways of working how we can have certain departments
20 have certain days offsite if, if we get to the
21 situation where we, we don't, we can't support the
22 parking.
23 We feel fairly comfortable at this point because
24 we don't want an empty, any empty part of here because
25 it's a huge investment for every spot that we're

1 building in here. And we have done all the studies.
2 We have gone up and explained to the executive
3 leadership. We have gotten the by-off that we reduced
4 the floor, we have gotten by-off that we have closed
5 off the access and all of those things and we really
6 are responding. You know, we will put in these,
7 hopefully pretty much everything we can do to the site
8 to appease the concerns we're doing.
9 But it does still have to be operational. It
10 does still have to be attractive to the employees and
11 useful to the employees and that's what we're trying
12 to balance.
13 MR. PROFITE: I think you also have to
14 take into account that by building the garage and
15 installing that green area in between the garage, you
16 lose spaces in the process.
17 MR. S. KIM: I understand.
18 MR. GROSSBERG: We have lost spaces here.
19 MR. PROFITE: To lose all that --
20 MR. GROSSBERG: And that does several
21 things for us so we're very, very budget conscious,
22 extremely budget conscious.
23 Part of the issue of even moving the garage here
24 is, you know, the retention area that we have had to
25 create, we're able to do that now so this helps in

1 several ways. It hurts us in the parking count. But
2 it certainly helps, is less expensive because we're
3 going to do shallow excavation. This is a really
4 environmental area for our employees, a walk through a
5 rain garden, a seating area here.
6 We're trying to create again, like I said, a
7 very attractive place for -- you know, our employees
8 are going to have to walk through.
9 Currently we have 28 doors on this building.
10 It's a very unsafe environment and it's very
11 inefficient and we really engage with collaboration
12 because people are coming this door, coming in this
13 door, this door and from security, we just did a
14 penetration test and we didn't do so well.
15 So the whole idea was to create three primary
16 entrances, secured entrances so our employees are
17 going to have to walk a little further to get to here.
18 So we're trying to create that environment for them,
19 this being close enough to this.
20 But, but the location was very specific because
21 of the topography to reduce costs. So there was a
22 little bit of path. We didn't bring it this close
23 because we wanted to integrate that. So all of that
24 stuff we really did spend a tremendous, tremendous
25 amount of time and a huge team to really come up with

1 this. So there's no thoughts that we -- I mean we
2 really investigated this to the nth degree.
3 MR. S. KIM: So we have to expect on the
4 application to put in the canopy over the walkway from
5 the garage to the main building but in the future, I
6 think -- well, you just right now it is open so in the
7 winter time, in heavy snow people coming in and out,
8 how they going to come in?
9 MR. PROFITE: Parking away from the
10 building now you got to walk to the building anyway.
11 MR. GROSSBERG: I think we talked about
12 that. It's currently a budgetary issue as well.
13 MR. S. KIM: Compared to the building
14 itself --
15 MR. GROSSBERG: No. No. You're right.
16 It seems like we're doing all this, how come we can't
17 just do that. I understand that. But really it is,
18 it's a very difficult budget issue. We're very, very
19 tight and under high scrutiny.
20 I think we have a phenomenal plan for what's
21 been approved and I think we've really done a
22 tremendous effort with the team to integrate and
23 really take, take the advice and counsel from the
24 Board and residents as best we can and make something
25 work so that we can stay here and the function will be

1 here and there will be an energy here that's
2 completely different than what's here now.
3 MR. S. KIM: Because of the budget, I
4 forgot to ask you, the architect over there but will
5 you probably use another PC structure up there and
6 what's the finish to the surface of it, the garage
7 itself? We see all concrete finishes to it or match
8 the main building?
9 MR. GROSSBERG: I wouldn't testify exactly
10 the finish but the architectural intent is to have it
11 fully integrated so it looks like it's all part of the
12 thing. So that's why the kind of the design, if you
13 look at the vision of the garage, it really matches
14 the way the window structure and partitions are on
15 these buildings here. So it really feels like it's an
16 integrated part of the campus.
17 MR. S. KIM: I don't know how they're
18 going to match it, using the same material as the main
19 building?
20 MR. GROSSBERG: This is concrete right
21 now. There's a vertical --
22 MR. S. KIM: Great. Great.
23 MR. GROSSBERG: -- design rib to it.
24 MR. S. KIM: Great.
25 MR. GROSSBERG: I don't know, pretty close

1 but that's not my part of the profession.
2 MR. S. KIM: Thank you.
3 MR. GROSSBERG: Thank you.
4 CHAIRMAN FEHRE: Okay. Okay. I think
5 we're ready to take a vote. We have heard just about,
6 we have heard in-depth everything that we could
7 possibly hear about this application.
8 I would like to make a motion to approve the
9 application.
10 Could I have a second?
11 MR. SURACE: Second.
12 CHAIRMAN FEHRE: Okay. Roll call.
13 MR. KATES: Do you want me to review the
14 conditions?
15 CHAIRMAN FEHRE: Well --
16 MR. KATES: I'm pretty much --
17 CHAIRMAN FEHRE: Why don't you read the
18 conditions?
19 MR. KATES: So people are comfortable.
20 CHAIRMAN FEHRE: Okay. Let's do that.
21 MR. KATES: I'll ask you at the same time
22 I read them to confirm them because some of these were
23 thoughts and some of these --
24 CHAIRMAN FEHRE: Okay.
25 MR. KATES: The first is, and this came

1 from Mr. Sean Kim, that the green, the green screen be
2 elevated higher so that it covers the potential car
3 level. And that was just a matter of extending it on
4 the westerly side. That was the first I had noted it
5 as a condition. I don't know whether that is
6 something you want to pursue.
7 The alternative, of course, is to take the
8 entire westerly side and to find either through a
9 louver system or some other system satisfactory to
10 both the applicant and to our own design consultant,
11 the Burgis office, something that will be a total
12 screen.
13 MR. PROFITE: That's fine.
14 MR. KATES: That would be part of it.
15 MR. PROFITE: That's fine.
16 MR. KATES: Establish or set the lights
17 that they will go off at 10:00 p.m. subject to motion
18 detectors meaning that if there's activity they will
19 be going on but otherwise have the lighting out at
20 10:00.
21 There will be an amended landscape plan provided
22 to actually detailed by, by species and size on
23 planting and caliper to be reviewed by Mr. Snieckus
24 who is a landscape planner and then a process by which
25 there is a consultation after the landscape planners

1 understand what's involved to actually reach out to
2 the Borough as the property owner and to the adjoining
3 homes to work out a plan and if it doesn't work out,
4 if a planting plan, screening plan does not work out
5 then return to this Board to have it resolved because
6 it can't be ultimately delegated by the neighbors
7 earlier.
8 The green panels, if they are, will be, contain
9 a warranty from the, warranty from the supplier of the
10 plants and there will be an overlay maintenance
11 guaranty to the extent of the statute which I think is
12 three years.
13 The green wall will be irrigated as well. It
14 was represented that it would be part of the approval.
15 I have noted closing the garage as an exit and
16 let it be on the Floyd Street or westerly facade that
17 that portal, if it's used, will be entrance only to
18 further minimize the impact of traffic vehicles and I,
19 I heard what you said but I understand from your
20 expert, your parking garage expert that it would work
21 so I'm taking that testimony.
22 And I think that about covers it plus our own
23 engineer's report, the storm water management and
24 everything else that, how you come up in that plan.
25 And I think that's it.

1 MR. S. KIM: May I add another comment?
2 Is it possible I could add it right now?
3 MR. KATES: Sure.
4 MR. S. KIM: Upon their testimony, the
5 building height actually they feel that 11 feet of
6 each floors, we found that so maybe you can squeeze up
7 maybe 6 inches on each floor which means you can drop
8 up to 2 feet. They propose 33 feet, make it into 31
9 feet.
10 So, in other words, if a car clears about 8 foot
11 clearance, drive into the parking garage so maybe you
12 can squeeze up maybe 6 inches on every floor, the
13 whole structure and we can lower down about 2 feet.
14 MR. MIRANDI: Is it a tension, post
15 tension?
16 MR. PROFITE: It's precast panels.
17 MR. ROM: In order to do that, you have to
18 make custom panels which would make the garage cost, I
19 don't know, twice as much, a significant increase
20 because to bring it down 2 feet, at the cost of making
21 custom precast panels for the entire thing wouldn't be
22 cost effective.
23 First the lower level, we can't really drop
24 because we have to make provisions for handicapped
25 vans that access into the garage so we need 8 foot 2

1 clearance on the lowest level so between the first and
2 second floor that can't be dropped at all.
3 MR. S. KIM: It's not true. Actually you
4 can avoid that beam. You have more than enough for
5 access. I'm talking about 8 foot -- well, maybe the
6 beam could be 2 feet -- whatever. What I'm saying
7 clearance of the car itself below that beam is 7 foot
8 6 meaning --
9 MR. ROM: No. No. To meet the Code, you
10 have to be 8 foot 2 clear.
11 MR. S. KIM: No. No. No. That's for
12 handicapped but when you measure the handicapped
13 clearance, not the bottom of the beam, it has to be --
14 so it should be more than 8 foot more.
15 MR. ROM: It's 8 foot 6 to the bottom of
16 the beam.
17 MR. S. KIM: The structure itself, that I
18 understood it was like 8 foot clearance for it.
19 That's what I'm saying.
20 MR. ROM: The lowest level to get the vans
21 into the garage, you have to be at least 11 feet floor
22 to floor on the first and second level and then when
23 you get up the garage, you have to use standard pre
24 cast, what's the standard in the industry and you
25 could possibly take 6 inches out of the fourth floor

1 height, so now you're have two more floors. So you
2 basically talking about dropping the structure one
3 foot.
4 MALE SPEAKER: You can do anything but I
5 think it's a bad idea.
6 MR. ROM: To some degree, too, I know we
7 talked about the west being an entrance only and the
8 south being an exit. And if that is what you're doing
9 then, if we're concerned about headlights coming out
10 of the garage at this location, all we're doing now is
11 we're chasing everybody down to the south and all the
12 headlights are down to the south end of the site.
13 MR. KATES: It's the same difference,
14 isn't it?
15 MR. ROM: And, in effect, it's better at
16 this location because this is down lower. This is
17 about 5 feet, 6 feet lower than this elevation so it
18 would have less of an impact on the residential here
19 than it would up at this elevation.
20 MR. KATES: Okay.
21 MR. S. KIM: It could be adjusted, the
22 ramp, the pitch itself.
23 MR. GROSSBERG: A couple things, first of
24 all, the testimony actually of this, the idea of
25 making this an entrance only came in when the

1 questions were asked from these residents and that's
2 not really -- it would be this resident would be the
3 only one effected by that so, as we said, this is the
4 lowest level. This house is much higher. So the beam
5 of the cars are coming out here.
6 We, we have agreed to look at and increasing
7 this buffer and helping more to really do that and
8 making some other screening that we can do and we're
9 more than happy to look at that, making it -- even if,
10 you know, you wanted to do something like, what is it
11 called, closed fence, there's a term I can't think,
12 privacy, privacy fence, we're happy to look at that.
13 But I really think that to impede the flow of traffic
14 for that effect, I think to better serve the --
15 MR. KATES: He's answered.
16 MR. PROFITE: We prefer to leave it up to
17 the whole landscaping situation and it may be a
18 combination of landscaping on that lot itself but a
19 privy fence, more landscaping below, putting the green
20 panel, you know, over that whole section of the garage
21 instead of moving it over where it is, move the green
22 screen directly over that so that would --
23 CHAIRMAN FEHRE: -- the landscaping
24 discussion.
25 Correct?

1 MR. PROFITE: Yes because then the only
2 point you would see the lights pointed that way is
3 when they come out at the bottom the lowest level.
4 CHAIRMAN FEHRE: Okay.
5 MR. CHINMAN: Mr. Kates, open to the
6 public again?
7 CHAIRMAN FEHRE: No, we can't open it
8 again.
9 MR. CHINMAN: You're having testimony
10 here. Okay.
11 CHAIRMAN FEHRE: Specific to this
12 testimony? Okay.
13 MR. CHINMAN: Yes, it is.
14 CHAIRMAN FEHRE: Come on up.
15 MR. CHINMAN: Well now you guys are
16 negotiating the deal here with Mr. Grossman who is, I
17 guess, not a soil engineer.
18 Right?
19 MR. GROSSBERG: That's correct.
20 MR. CHINMAN: Okay. So this is all
21 hearsay about what you heard about what could be done
22 lowering an upper and you're testifying that Unilever
23 really can't afford to build this building. So I'm a
24 little concerned about how you're going to eventually
25 try and if you ever do any landscaping what's going to

1 happen exactly.
2 So I guess my question is about the lights, not
3 been addressed, the lights in the building at night.
4 10:00 that roof light is going to be dramatically
5 effecting us.
6 How are you going to handle that?
7 MR. KATES: The condition is that the roof
8 lights are off at 10:00.
9 MR. CHINMAN: That's the regular lights.
10 No one is there at 10:00. They can do that earlier,
11 can't they?
12 CHAIRMAN FEHRE: We're also a certain type
13 of lights that are shone away.
14 MR. KATES: The lights that work on the
15 motion activator so if there's no activity up there,
16 they're going to be off. This is just added
17 protection that if they're not off, they got to be
18 shut down by 10:00.
19 MR. CHINMAN: You haven't gotten prices
20 for going down below.
21 MR. GROSSBERG: We have gotten a reference
22 presented to us that it was extremely egregious to --
23 MR. CHINMAN: Yeah, one bid from one
24 person.
25 MR. GROSSBERG: No. No. We studied it.

1 We had professionals on our staff that have
2 advised us that it's an excessive cost.
3 MR. CHINMAN: What does that mean?
4 MR. GROSSBERG: That it cost too much.
5 MR. CHINMAN: It cost a hundred dollars
6 more? What does that mean?
7 MR. KATES: No arguments.
8 MR. CHINMAN: He's -- you're accepting his
9 testimony. Can you --
10 MR. KATES: You're here to make comments.
11 MR. CHINMAN: I'm making my comment. My
12 comment is that it has not been investigated how much
13 exactly it cost to go down and until that is, I think
14 that the Board needs to investigate that. It's only
15 fair to us. That's all.
16 He testified to that.
17 CHAIRMAN FEHRE: Okay.
18 MS. SCANCARELLA: Roll call?
19 CHAIRMAN FEHRE: Roll call on that motion
20 subject to the conditions that Mr. Kates had outlined.
21 MS. SCANCARELLA: Chairman Fehre.
22 CHAIRMAN FEHRE: Yes.
23 MS. SCANCARELLA: Mr. Kiky Kim.
24 MR. K. KIM: Yes.
25 MS. SCANCARELLA: Mr. Vincent Surace.

1 MR. SURACE: Yes.
2 MS. SCANCARELLA: Mr. Sean Kim.
3 MR. S. KIM: Yes.
4 MS. SCANCARELLA: Councilwoman Gloria Oh.
5 COUNCILWOMAN OH: I'm abstaining.
6 MS. SCANCARELLA: It's one, two, three,
7 four, four yes, one abstention.
8 CHAIRMAN FEHRE: The application is
9 approved.
10 MR. PROFITE: Thank you, Mr. Chairman:
11 MR. A. BUZZETTI: Just one clarity about
12 that one exit coming towards Floyd, is it both ways?
13 Is that what the Board eliminated, that
14 condition?
15 MR. KATES: No, we didn't eliminate it.
16 MR. PROFITE: No, there wasn't any.
17 MR. A. BUZZETTI: So it's not a condition?
18 MR. KATES: It's not a condition.
19 (The hearing adjourns at 11:50 p.m.)
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