

ENGLEWOOD CLIFFS PLANNING BOARD

REGULAR MEETING – September 11, 2014 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: August 14, 2014

OLD BUSINESS:

Application #223K - Site Plan Approval with Variances
Investors Bank – 19 Sylvan Avenue – Block 134 – Lot 2
Denied - Resolution

Application #232K - Height Variance
Bong I. Jung, d/b/a Bridgestone Construction, Inc.
60 Sherwood Avenue – Block 405 – Lot 3
Approved – Resolution

Application #233K - Site Plan Approval with Variances
Bank of New Jersey
744 Palisade Avenue – Block 512 – Lot 4,5,6
Approved – Resolution

NEW BUSINESS:

Application #235K - Site Plan Approval Roof Top Antenna
NY SMSA Limited Partnership, d/b/a Verizon Wireless
580 Sylvan Avenue – Block 806 – Lot 9

Application #240K - Sign Variance
All Pro Motors, LLC – 380 Sylvan Avenue – Block 441 – Lot 18

Application #241K - Site Plan Approval
Conapco, d/b/a Unilever
700 Sylvan Avenue – Block 806 – Lot 7 & Block 808 – Lot 9

COMMITTEE REPORTS

Master Plan Committee
Subdivision Committee
Site Plan Committee

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

ADJOURNMENT

Regular Public Meeting of the Englewood Cliffs Planning Board
Minutes
September 11, 2014

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

Present at Roll Call:

Mr. Fehre
Mr. Dooly
Mr. Chinman
Mr. Kilmartin
Mr. Nikow
Councilman Aversa
Mr. Kiky Kim, 1st Alternate
Mr. Duffy, 2nd Alternate
Mr. Sean Kim, 4th Alternate

Absent:

Ms. Rosenberg
Mr. Trovato
Mayor Parisi
Mr. Surace, 3rd 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: Mr. Stephen Duffy

Chairman Fehre requested a moment of silence in memory of 9/11.

The minutes of August 14, 2014, motioned by Mr. Nikow seconded by Mr. K. Kim were approved by voice vote.

Old Business:

Application #223K - Site Plan Approval w/Variances
Investors Bank - 19 Sylvan Avenue - Block 134 - Lot 2
Denied – Resolution

Mr. Kates, Board Attorney, read the resolution which is incorporated herein as though fully stated and made a part hereof. The Chairman asked for a roll-call vote of the members that were eligible to vote: E. Fehre, D. Dooly, J. Chinman, R. Kilmartin, they each voted to adopt this Resolution; it was unanimous.

Application #232K - Height Variance
Bong I. Jung, d/b/a Bridgestone Construction, Inc.
60 Sherwood Avenue - Block 405 - Lots 3
Approved – Resolution

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

Application #233K - Site Plan Approval with Variances
Bank of New Jersey
744 Palisade Avenue - Block 512 - Lot 4,5,6
Approved – Resolution

Mr. Kates, Board Attorney, read the resolution which is incorporated herein as though fully stated and made a part hereof. The Chairman asked for a roll-call vote of the members that were eligible to vote: E. Fehre, D. Dooly, R. Kilmartin, K. Kim, and A. Nikow, they each voted to adopt this Resolution; it was unanimous.

New Business:

Application #235K - Site Plan Approval Roof Top Antenna
NY SMSA Limited Partnership, d/b/a/Verizon Wireless
580 Sylvan Avenue – Block 806 – Lot 9

See attached transcripts.

Application #240K - Sign Variance
All Pro Motors, LLC
380 Sylvan Avenue - Block 411 - Lot 18

Chairman Fehre announced that this application will be carried to the October 9, 2014 meeting and will not have to re-notice.

Application 241K - Site Plan Approval
Conapco, d/b/a Unilever
700 Sylvan Avenue – Block 806 – Lot 7 & Block 808 – Lot 9

See attached transcripts.

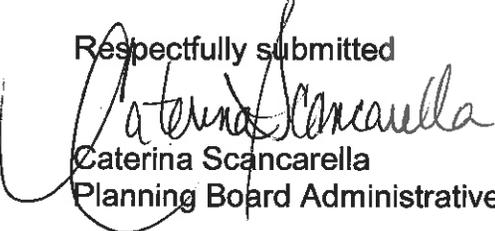
Chairman Fehre asked for a motion to open to public. Motion was made by Mr. Kilmartin, seconded by Mr. Chinman and carried unanimously by voice vote.

There were no comments.

Chairman Fehre asked for a motion to close the public portion. Motion was made by Mr. Chinman, seconded by Mr. Nikow and carried unanimously by voice vote.

Chairman Fehre asked for a motion to adjourn the meeting at 10:51pm. Motion was made by Mr. Nikow, seconded by Mr. Chinman and carried unanimously by voice vote.

Respectfully submitted


Caterina Scancarella
Planning Board Administrative Secretary

ORIGINAL

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION OF :
INVESTORS BANK FOR SITE PLAN APPROVAL : MEMORIALIZATION RESOLUTION
AND A USE VARIANCE RELATING TO LOT 2 : APPLICATION NO. 223K
IN BLOCK 134, 19 SYLVAN AVENUE :

WHEREAS, INVESTORS BANK, of 101 JFK Parkway, Short Hills, NJ 07078, applied on or about November 7, 2013 to the Planning Board of the Borough of Englewood Cliffs for a use variance, ancillary dimensional variances and site plan approval, to construct a new one-story building to be used as a retail bank, with drive-in facilities; in the "B-3 Special Retail" Zoning District; and

WHEREAS, public hearings were conducted on December 12, 2013, January 9, 2014 and April 10, 2014, 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

WHEREAS, applicant was represented by Carmine R. Alampi, Esq., One University Plaza, Suite 404, Hackensack, NJ 07601; and

WHEREAS, interdepartmental communications and advisory reports of municipal departments and agencies were accepted as part of the record, as follows:

- **Letter of Joseph Iannaconi, Jr., Tax Collector/Treasurer dated October 11, 2013, certifying payment of taxes through the 3rd quarter, 2013; and**

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- Engineering review letter from the Board's consulting engineer Bernard N. Mirandi, P.E., of Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, NJ 07606 dated December 10, 2013; and
- Letter of Denial of Paul Renaud, Zoning Officer, with Zoning Review appended thereto, dated December 4, 2013, denying the application for reasons stated therein; and

WHEREAS, the following exhibits were admitted into evidence:

Exhibit A-1 Architectural Plans prepared by Mark A. Haas, Architect, Haas Architects, P.C., 111 Howard Boulevard, Suite 200, Mount Arlington, NJ 07856, dated August 1, 2013, consisting of three sheets, as follows:

- Sheet SK-1 – Proposed Floor Plan;
- Sheet SK-2 – Proposed Elevations; and
- Sheet SK-3 – Proposed Elevations;

Exhibit A-2 Colorized Site Plan prepared by Peter K. Korzen, P.E., P.L.S, P.P., Korzen Engineering, LLC, 26 Berkshire Street, Whippany, NJ 07981, dated October 21, 2013, consisting of nine sheets, as follows:

- Sheet 1 of 9 – Title Sheet;
- Sheet 2 of 9 – Boundary & Topographic Survey;
- Sheet 3 of 9 – Layout & Dimensioning Plan;
- Sheet 4 of 9 – Grading, Drainage & Utility Plan;
- Sheet 5 of 9 – Soil Erosion and Sediment Control Plan;
- Sheet 6 of 9 – Lighting Plan;
- Sheet 7 of 9 – Construction Details - 1;
- Sheet 8 of 9 – Construction Details - 2;
- Sheet 9 of 9 – Construction Details – 3;

Exhibit A-3 – Colorized rendering prepared by Mark A. Haas, Architect;

Exhibit A-4 – Six computer generated pictures and interior shots of branches previously done, prepared by Mark A. Haas, Architect;

Exhibit A-5 – Colorized Landscape Plan prepared by Jeffrey Higinbotham, L.A., 540 Route 202, Far Hills, NJ 07931, dated October 21, 2013;

Exhibit A-6 – Photographic Book prepared by Deborah Cerbone Associates, Inc., 540 Route 202, Far Hills, NJ 07931;

Exhibit A-7 – Photographic of neighboring property;

Exhibit A-8 – Traffic Analysis Report prepared by Joseph J. Stalgar, P.E., P.P. and Craig W. Peregoy, P.E., of 17 Tremont Drive, East Hanover, NJ 07936 and 12 Wickley Avenue, Piscataway, NJ 08854, dated October 21, 2013;

Exhibit A-9 – Colored signage designs prepared by Dennis O'Hara, NW Sign Industries, 360 Crider Avenue, Moorestown, NJ 08057, dated November 8, 2013, consisting of seven pages, as follows:

Page 1 - Site Plan;

Page 2 - Monument;

Page 3 – Exterior Letters;

Page 4 – Exterior Letters;

Page 5 – Drive Up Surround;

Page 6 – Directionals; and

Page 7 – Exterior Door Vinyl;

Exhibit A-10 Template;

Exhibit A-11 Photo Board showing front of subject property;

Exhibit A-12 Photo Board showing north of subject property looking south;

Exhibit A-13 Photo Board showing rear of subject property;

Exhibit A-14 Night photograph of the subject property;

Exhibit A-15 Revised Floor Plan prepared by Peter K. Korzen, P.E., P.L.S, P.P.;

Exhibit A-16 Colorized Layout & Dimensioning Plan prepared by Peter K. Korzen, P.E., P.L.S, P.P., dated October 21, 2013 with latest revision April 7, 2014;

Exhibit A-17 Layout & Dimensioning Plan prepared by Peter K. Korzen, P.E., P.L.S, P.P., dated October 21, 2013 with latest revision March 26, 2014;

Exhibit A-18 Lighting Plan prepared by Peter K. Korzen, P.E., P.L.S, P.P., dated October 21, 2013 with latest revision March 26, 2014;

Exhibit A-19 Survey letter prepared by Peter K. Korzen, P.E., P.L.S, P.P., dated March 26, 2014;

Exhibit A-20 Stormwater Management Maintenance Plan prepared by Peter K. Korzen, P.E., P.L.S, P.P., undated;

Exhibit A-21 Colorized Landscape Plan prepared by Jeffrey Higinbotham, L.A., dated October 21, 2013 with latest revision March 26, 2014; and

Exhibit A-22 Pamphlet of European Hornbeam Plan prepared by Jeffrey Higinbotham, L.A; and

WHEREAS, admitted without exhibit references were the following:

- **Prior resolution of the Zoning Board of Adjustment dated April 12, 2010;**
- **Letter of Peter K. Korzen, P.E., P.L.S, P.P., to Edwin Fehre, Chairman, Planning/Zoning Board, dated January 21, 2014;**
- **Letter of George Drimones, Office of the Fire Chief, Borough of Englewood Cliffs to Cathy Scancarella, dated December 9, 2013;**
- **Letter from Lana Dimidjian, Environmental Commission Chairperson, Borough of Englewood Cliffs, to planning Board Members, dated February 7, 2014;**
- **List of trees prepared by the Borough of Englewood Cliffs Environmental Commission;**
- **Letter of Michael Cioffi, Chief of Police, Borough of Englewood Cliffs, to Edwin Fehre, Chairman, Planning Board, with attachments appended thereto; and**
- **Memorandum of Jason L. Kassler, AICP, PP, Kassler Associates, PA, 34 Little Brook Road, Springfield, NJ 07081 to Englewood Cliffs Planning Board, dated October 13, 2009; and**

WHEREAS, testimony in support of the application was given by Grace M. Paulo, Facilities Manager for Investors Bank; Peter K. Korzen, P.E., P.L.S, P.P.; Jeffrey Higinbotham, L.A.; Dennis O'Hara; Michael J. Tobia, P.P., 4 John Glenn Road, Morristown, NJ 07960; Mark A. Haas, Architect; Nicholas Verderese, Traffic Consultant, 1904 Main Street, Lake Como, NJ 07719; and the following persons questioned the witnesses or gave testimony: Mary O' Shea, 12 Irving Avenue; Mohammed Mahmood, 6 Irving Avenue; Anthony Giustra, 5 Irving Avenue; Denise Angelo, 10 Irving Avenue; Jim O'Shea, 112 Sylvan Avenue; John LaRaia, 2 Leighton Street; Angelica Davis, 13 Irving Avenue; and testimony was also given by the Board's consulting engineer, by Bernard N. Mirandi, P.E.; and

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

1. The Owner of the subject property is 19 Sylvan Avenue, LLC, under contract to Manzo/Doren Organization of Englewood Cliffs, LLC, of 351 West Broadway, Paterson, New Jersey 07522, which intends to develop the property in anticipation of a ground lease to applicant, Investors Bank of 101 JFK Parkway, Short Hills, New Jersey 07078. Upon approval of this application, Investors Bank will operate the site as a branch bank, relocating its existing branch bank in Fort Lee, NJ.
2. Block 134, Lot 2 (the "Site") is 18,007 square feet in area and is located on the westerly side of Sylvan Avenue, at the intersection of Sylvan Avenue and the southerly side of Irving Avenue. The existing site contains a 2½-story commercial structure and a garage situated in the western corner of the lot and is located in the B-3 Zone District. Applicant proposes to demolish the existing 2½ story structure and garage and to construct a new one (1)-story building to be used as a retail bank with drive-in facilities. The amended plan, Exhibits A-15, A-16 and A-17, have reduced the footprint of the building from 3,240 square feet to 2,998 square feet, a reduction of 242 square feet. The redesign eliminates one platform desk and a room for safe deposit boxes and booths.
3. The application also implicates the following dimensional variances:
 - a. Maximum Ground Floor Area. §30-5.6.a.1 allows a maximum ground floor area of 1,600 sf whereas 3,240 sf of ground floor area is proposed.
 - b. Minimum Side Yard on a Corner Lot. §30-6.1- Schedule A requires a 15 foot side yard setback on the corner side yard. It should be noted, based on the Borough Code § 30-2 definition of "*Lot, frontage*", the front yard for this application abuts the Irving Avenue right-of-way line as the narrower side of the lot abutting a street. The building frontage along Sylvan Avenue contains a nonconforming sign projection which extends approximately four (4) feet beyond the building line. The Site Plan indicates a proposed side yard setback of 5.4 feet; however, this setback ignores the building projection. The proposed side yard measured to this projected sign is an approximated 1.4 feet.

- a. **Parking Space Dimensions.** 9 ft x 19 ft required (§30-10.2.a.), 9 feet by 18 feet proposed. The proposed number of off-street parking spaces, 17, conforms, including one accessible parking space conforming to ADA guidelines. In fact, it is two spaces more than the 15 spaces required.¹ Because of the deficiency in landscaped buffers, the Bank was pressed by Chairman Fehre as to why it could not redesign to provide for the mandatory 15 and increase buffer areas. The applicant replied that 17 is what it requires – a directive from “corporate”. So the issue was discussed.
- b. **Aisle Width.** 90 Degree Parking Aisle Width; 25 ft required (§30-10.2.b.), 24 ft proposed.
- c. **Minimum Buffer Adjacent to Residential Property.** §30-7.10.b requires a minimum buffer of 20 feet whereas 8.9 feet is proposed along the northwest property line adjacent to a residential zone. Also, a 12.6 feet buffer is proposed along the western property line adjacent to a residential zone.
- d. **Buffer Area Parking.** No Parking in Buffer allowed (§30-10.2.f.), parking within the northwest required buffer with a proposed setback of 8.9 feet.
- e. **Front Yard Parking.** No Parking in Front Yard allowed (§30-10.2.f.), 4 proposed parking spaces are located within the front yard measured from Irving Avenue.
- f. **Parking Space Setback.** Minimum Parking Setback from Lot Line; 10 ft required on a corner lot measured to the Street Right-of-Way (§30-10.2.g.), 4.2 feet proposed. The Site Plan indicates a required parking setback of 5 feet and should be revised accordingly.
- g. **Maximum Curb Cut.** In a nonresidential district, driveways shall not exceed thirty (30) feet with a sixty (60) foot curb cut maximum for any permitted use (§30-10.2.i.). The applicant proposes a curb cut of 33 feet (Sylvan Avenue) and 40 feet (Irving Avenue) for a total of 73 feet for the one proposed use. The Site Plan indicates the proposed curb cuts to be conforming and should be revised accordingly.
- h. **Maximum Light Intensity.** §9-19.2.e restricts the light intensity from illumination of any kind at any given location along the property line from which the light originates to a maximum of five (5) foot-candles. The lighting plan indicates up to 22.3 foot-candles are proposed in the area of the Bank’s drive-in facilities.

¹ Banks and Office Use: 1 parking space per 200 square feet. Accordingly, 2,998 sf ÷ 200 sf = 15 required parking spaces.

- i. **Sign Illumination.** §19-13.e does not permit illuminated signs whereas three (3) illuminated signs are proposed.
- j. **Maximum Number of Signs.** §19-15.b.2 permits signs attached to a building be a maximum of 32 sf whereas four signs are proposed totaling 42.55 sf of sign area (2 signs @ 15.45 sf each, 1 sign @ 1.5 sf, and a 4th sign @ 10.5 sf).
- k. **Maximum Number of Signs.** §19-15.b.3 permits only one sign per building whereas 4 signs are proposed.
- l. **Ground Sign.** §19-15 does not permit a ground sign within the B-3 Zone whereas a 29 sf, 5 feet high, ground sign is proposed 2.2 feet from Sylvan Avenue Right-of-Way and 11.3 feet from Irving Avenue Right-of-Way. (For reference purposes a 32 sf, 4 feet high, ground sign is permitted within the B-2 Zone. The sign must be setback 30 feet from any street line).
- m. **Projecting Signs.** §19-17 permits signs to project from the walls of buildings provided they are fastened so as to be at right angles to the building line of same. No such sign shall be more than 1 foot in thickness and may not project more than 1 foot from the building line. Total area of advertisement shall not exceed 16 square feet on each face. Applicant proposes 2 signs which project approximately 4 feet from the building line. These signs are 15.45 sf each.

The Use Variance

4. Boutique-type retail establishments not exceeding 1,600 square feet of ground floor total area, (including florists, gift shops, apparel shops, drug stores/pharmacies, jewelry stores, portrait studios, art galleries, specialty sports stores, luggage stores) are considered principal permitted uses in the B-3 Zone (§30-5.6), as well as professional offices. A retail bank is not a permitted use in this zone. A "use" variance pursuant to N.J.S.A. 40:55D-70d(1) is required.

5. On June 27, 2013 (memorialized September 12, 2013), this Board approved the development application of Ronmar Management, LLC for a child care center, "The Learning Experience" (Lot 20.01 in Block 127 and Lot 3 in Block 132). It is also in the "B-3 Special Retail" zoning district. It is comparable to the subject property, as it envisioned new construction of a free-standing building, also at the intersection of Sylvan Avenue and Irving Avenue, only on the northerly side of Irving Avenue. The child care center site is much larger, 38,087 compared to 18,087; otherwise, it is the mirror image of the subject property, on the opposite of Irving

Avenue, the northerly side. Notwithstanding this comparability, the child care center was exempt from the "boutique-type" limitation of the B-3 Zone by N.J.S.A. 40:55D-66.6, which mandates that child care centers be permitted in all nonresidential zones.

6. Thus Investors Bank retains the substantial burdens of proof attributed to use variances under N.J.S.A. 40:55D-70d(1). The affirmative burden can be summarized as the need to show either that the use is "inherently beneficial", which a bank is not; or "undue hardship" because conforming uses of the property are foreclosed, which is not shown here; or the following:

Where the use would serve the general welfare because "the proposed site is particularly suitable for the proposed use. Nuckel v. Borough of Little Ferry Planning Bd., 108 N.J. 95 at 102 (2011) (quoting Saddle Brook Realty, LLC v. Twp. of Saddle Brook Zoning Bd. of Adjustment, 388 N.J. Super. 67, 76 (App. Div. 2006)).

7. It is on the question of "site suitability" that the Board majority voting to deny the application had considerable difficulty. The site was deemed to be too small to accommodate three essential priorities in the zone and the neighborhood. They are (i) a Sylvan Avenue setback consistent with a pedestrian-oriented business zone of small shops; (ii) preservation of a 20-foot buffer adjoining residential lots and residential uses along the westerly boundary; and (iii) eliminating from the plan two-way traffic entering and exiting the site from and to Irving Avenue. These essential priorities are summarized in the following comments at the April 10, 2014 hearing:

MR. KILMARTIN: I, personally, had three concerns, front yard, a Sylvan Avenue setback, a rear yard setback which you improved upon. Front yard setback virtually not addressed and the traffic flow. You are still proposing the two way traffic in and out on Irving. Is that correct?

THE WITNESS: And, also, right turn only exit on Irving.

CHAIRMAN FEHRE: I would like you to take a look at that, the angled parking. If you could reduce, in any way, that parking aisle. I don't think anybody is really crazy about having traffic coming out on Irving Avenue either. I think that's the other issue. What's wrong with just going through one-way.

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MR. S. KIM: Mr. Chairman, if you keep this angled parking here, you could save about several feet. So, you can push the building back toward the graorear yard and maybe you could, maybe a couple foot and some buffer zone and trouble much more favorably.

CHAIRMAN FEHRE: They would lose a certain amount of parking spaces.

MR. S. KIM: I know. But, that's some of the things. But, how many parking are we going to lose here with angled parking?

CHAIRMAN FEHRE: Two problems. One is the buffer zone which we don't like to reduce that at all because, you know, it sort of sets a president (sic "precedent"). And, . . . it's a very important issue for us here, the 20 foot buffer. The other important issue is the front yard setback or the Sylvan Avenue setback. As Mr. Kim has explained, that's another big issue for us.

CHAIRMAN FEHRE: If you did have angled parking, it would cut you down to 14 spaces. Isn't that enough?

THE WITNESS: That would be with the angled parking on the side of the spaces, it would be compromising the safety of our customers crossing through the drive-up which we are not looking for doing that.

MR. KATES: What if that was just employee parking?

THE WITNESS: Yeah. But, it's still leave and there's still shifts.

CHAIRMAN FEHRE: Because, we don't really like the idea of exiting on Irving Avenue. That's the other issue. That's why we think angled parking might be a good idea. You would have just going in on Irving and out on Sylvan.

THE WITNESS: We have angled parking. We have several layouts, three different layouts for angled parking. They did not get approved by executive.

MR. MIRANDI: By reducing the drive aisle from 24 which would be a variance condition down to 18. So, so that is exactly correct. That would create that reduction.

CHAIRMAN FEHRE: If you could pick up 6 feet, the next question would be where to put those. How do you divide the 6 feet up? The front yard setback is a problem. The buffer is a problem. If you had to divide up that 6 feet, let's say you did go to angled, hypothetically, if you did go to

angled parking, you could pick up 6 feet. Where should, how should that 6 feet be divided between the buffer and the Sylvan Avenue setback? That's -- this is a question I think the Board would have to think about.

MR. KILMARTIN: I think a 6 foot setback is not acceptable. So --

CHAIRMAN FEHRE: I would agree with that.

MR. SURACE: I think the only way is to eliminate one of those lanes. That's the only way.

CHAIRMAN FEHRE: Eliminate a lane with that angled parking.

MR. DOOLY: That's still not going to handle the setbacks.

MR. SURACE: If you go out on Irving, you make a mess. They can't exit on Irving.

CHAIRMAN FEHRE: Why would the building have to get wider?

MR. KORZEN: In order to maintain the size that they need.

THE WITNESS: The size.

MR. ALAMPI: Well, Chairman, the size that we say we want, of course we don't need everything we want. But, we have considered that before we filed the application. And, the building came in at 3,200 feet. It was slightly larger than it's (sic) original design. It's 28 and change now. We're not going to make this type of investment, this cost, this thing for say a 2,100 square foot building. It just wouldn't happen. The idea of the parking on the south side is a no go because of safety issues and such. I don't think that the three lanes is really the factor. It's really the east/west dichotomy. And, if, if a 60 degree angled parking creates the opportunity for more room now, I think the Board has a conundrum because, yes, we would like to push the building back but, you can't push it back and get a 20 foot buffer and then those who advocate for the buffer say you compromised us, you should hold for the buffer. I think that, if you are pushing the building back somewhat, it would be because of the angled parking, that you have achieved the most that you can on this site short of us not being able to go forward with the site plan. I don't think the bank use and drive-thru is the issue. I think it's the physical layout, the 18,000 square feet. It's a corner property. It appears to be generous with a 2,800 square foot size building. And yet, here we are having difficulty achieving the goals both as to the buffer and pushing the building back.

CHAIRMAN FEHRE: I would like to see you get another 6 feet like we talked about with the angled parking, a little bit. I mean, I like the application in general. It's a nice building. You did a fantastic job on the building itself. It looks nice. And, the big feature, in my opinion, is single story. As you know, we could put a two-story building there which would be the worse (sic. "worst") of all possible worlds. But, at the same time, some of the issues that have come up, especially exiting onto Irving Avenue, that would be solved by going to the angled parking. The angled parking would give you an extra 6 feet and what to do with the 6 feet, I suppose you made it a 10 foot setback from Sylvan and got another 2 feet on the buffer, there's your 6 feet. Right? So, what, what I'm going to propose is that we take a vote to approve the application subject to picking up that extra 6 feet.

After a brief recess, applicant's attorney was unable to satisfy the Board majority on all of its concerns, which he summarizes as follows:

MR. ALAMPI: But, we have certain constraints. We had stretched as far as we could coming in here tonight. We were able to get some additional relief. The Board may not be satisfied with it. We're adults here. We understand business. We understand the concerns of the neighbors. We understand the concerns of the civic leaders in protecting the neighbors. We understand it all. We think we're good neighbors. We know this is a good project. We know that this is a beautiful building. And, I think you have said this several times tonight. The concept of a one story building over a two-story building has to carry some water with it. That doesn't mean we get a free ride. We understand all this. But, we cannot -- we don't want to mislead the Board into thinking this adjustment or that and then we can reconcile it all. Maybe it will never be able to be reconciled because it's 18,000 square feet instead of 20,000 square feet. But, it is what it is. There's no other land available to us. We can't deal with the property next door. They have their own issues of development. And, we want to respect our neighbors. We, we believe it's a modest development. I don't mean to go into summation.

CHAIRMAN FEHRE: You wouldn't move the building back off Sylvan?

MR. ALAMPI: Well, I don't think we could. I mean, if you asked us to move the building back 2 feet and keep the buffer 15, we would do that. But, visually, I don't think 2 feet -- I could ask Mr. Kim. He's an architect. I don't know if 2 feet will visually make much of an impact.

8. The foregoing also translates to the Board majority concluding that the negative criteria of the statute could not be satisfied – that applicant's inability to preserve a Sylvan Avenue setback consistent with the neighborhood scheme; inability to offer, at the same time a 20-foot buffer of abutting residential uses; and failure to limit traffic on Irving Avenue to one way, in or out; were substantial adverse consequences negatively effecting the zone plan and the public interest.

9. Further, in rejecting the use variance, the Board did not reach a vote on whether the ancillary dimensional variances should be approved or whether the site plan met all of the site design criteria.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Borough of Englewood Cliffs that the within application be, and the same is hereby, denied.

MOTION BY: MR. KILMARTIN

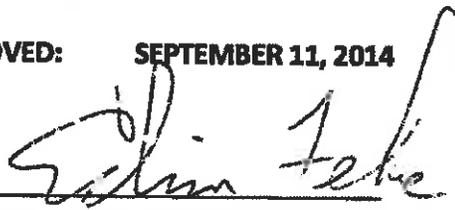
SECONDED BY: MS. DOOLY

IN FAVOR: MR. KILMARTIN, MR. DOOLY, MR. CHINMAN and MR. FEHRE

OPPOSED: MR. DUFFY, MR. SURACE and MR. S. KIM

DATE APPLICATION DENIED: APRIL 10, 2014

DATE RESOLUTION APPROVED: SEPTEMBER 11, 2014



EDWIN FEHRE, CHAIRMAN
PLANNING BOARD

STEFAN NUSSMAN RAPOONE
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ATTORNEYS-AT-LAW
190 MOORE STREET
SUITE 306
HACKENSACK, N.J.
07601-7407

ATTEST:


CATHY SCANCARELLA
PLANNING BOARD SECRETARY

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

ORIGINAL

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION OF BONG :
I. JUNG d/b/a BRIDGESTONE CONSTRUCTION, : MEMORIALIZATION RESOLUTION
INC., FOR SITE PLAN APPROVAL AND VARIANCES : APPLICATION NO. 232K
RELATING TO LOT 3 IN BLOCK 405, :
60 SHERWOOD AVENUE :

WHEREAS, BONG I. JUNG d/b/a BRIDGESTONE CONSTRUCTION, INC., of 61 Oakwood Lane, Englewood Cliffs, NJ 07632, applied on or about April 14, 2014 to the Planning Board of the Borough of Englewood Cliffs for site plan approval and variances to raze the existing building, remove associated improvements as well as a rear yard patio and raised porch, and construct a new single family dwelling. Also proposed are a front yard uncovered porch and walkway at the Sherwood Avenue elevation, a patio at the southerly side yard, an asphalt paver driveway from Mauro Road, a 4 ft. maximum height unit masonry retaining wall and onsite drainage improvements. The second floor master bedroom now extends 5 ft. beyond the below structure over the dinette room on the first floor; in the "R-B" Residential Single Family Zoning District; and

WHEREAS, public hearings were conducted on June 12, 2014 and August 14, 2014, 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

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WHEREAS, applicant was represented by Thomas J. Barrett, Esq., 912 Kinderkamack Road, Suite 1, River Edge, NJ 07661 and Severio V. Cereste, Esq., 1624 Center Avenue, P.O. Box 845, Fort Lee, NJ 07024; and

WHEREAS, interdepartmental communications and advisory reports of municipal departments and agencies were accepted as part of the record, as follows:

- Certification of Taxes Paid dated April 14, 2014 by Severio V. Cereste, Esq., certifying payment of taxes through the 1st quarter, 2014; and
- Engineering review letters from the Board's consulting engineer Bernard N. Mirandi, P.E., of Boswell McClave Engineering, 330 Philips Avenue, South Hackensack, NJ 07606 dated June 9, 2014, July 2, 2014 and July 7, 2014; and
- Letter of Denial of Paul Renaud, Construction/Zoning Official, dated March 31, 2014, for reasons stated therein; and

WHEREAS, admitted into evidence were the following exhibits:

Exhibit A-1 – Colorized Engineering Plans prepared by Thomas W. Skrable, P.E., 65 Ramapo Valley Road, Suite 13, Mahwah, NJ 07430, dated March 20, 2013 with latest revision May 13, 2014, consisting of two sheets, as follows:

- Sheet 1 of 2 - Soil erosion and Sediment Control, & Site Plan; and
- Sheet 2 of 2 - Soil erosion and Sediment Control, Details;

Exhibit A-2 – Flipped Plans prepared by Thomas W. Skrable, P.E., dated

Exhibit A-3 – Sheet A1 of Architectural Plan entitled "Elevations" prepared by Stephanie De Carlo Pantale, R.A., 70-H Chestnut Ridge Road, Montvale, NJ 07645, dated March 13, 2014 with latest revision May 20, 2013;

Exhibit A-4 – Sheet A2 of Architectural Plan entitled "Elevations" prepared by Stephanie De Carlo Pantale, R.A., dated March 13, 2014 with latest revision May 20, 2013;

Exhibit A-5 – Sheet A3 of Architectural Plan entitled "Foundation Plans" prepared by Stephanie De Carlo Pantale, R.A., dated March 13, 2014 with latest revision May 20, 2013;

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Exhibit A-6 -- Sheet A4 of Architectural Plan entitled "First Floor Plan" prepared by Stephanie De Carlo Pantale, R.A., dated March 13, 2014 with latest revision May 20, 2013;

Exhibit A-7 -- Sheet A5 of Architectural Plan entitled "Second Floor Plan" prepared by Stephanie De Carlo Pantale, R.A., dated March 13, 2014 with latest revision May 20, 2013;

Exhibit A- 8 -- Photo board; and

Exhibit A- 9 --Engineering Plans prepared by Thomas W. Skrable, P.E., 65 Ramapo Valley Road, Suite 13, Mahwah, NJ 07430, dated March 20, 2013 with latest revision June 24, 2014, consisting of two sheets, as follows:

Sheet 1 of 2 - Soil erosion and Sediment Control, & Site Plan; and

Sheet 2 of 2 - Soil erosion and Sediment Control, Details;

Exhibit A- 10 -- Architectural Plans prepared by Stephanie De Carlo Pantale, R.A., dated March 13, 2014 with latest revision June 30, 2014, consisting of five sheets, as follows:

Sheet A1 -- Elevations;

Sheet A2 -- Elevations;

Sheet A3 -- Foundation Plans;

Sheet A4 -- First Floor Plan;

Sheet A5 -- Second Floor Plan;

WHEREAS, admitted into evidence without exhibit reference was Impact and Evaluation Statement prepared by Severio V. Cereste, Esq., undated, with Letter of Denial of Paul Renaud, Construction/Zoning Official, dated March 31, 2014 and photographs of the subject property appended thereto as Exhibit A and Exhibit B respectively; and

WHEREAS, testimony in support of the application was given by Thomas W. Skrable, P.E; Stephanie De Carlo Pantale, R.A.; and David Spatz, P.P., 60 Friend Terrace, Harrington Park, NJ 07640; and the following persons questioned the witnesses or gave testimony: Perry Kalajlan,

374 Forest Drive; Mary O' Shea, 12 Irving Avenue; and Carol McMorrow, 7 Ridge Road; and testimony was also given by the Board's consulting engineer, Bernard N. Mirandi, P.E.; and

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

1. Block 405, Lot 3 (the "Site") is a corner lot located on the southeasterly corner of the intersection of Sherwood Avenue and Mauro Drive. Applicant proposes to raze the existing building and remove associated improvements as well as a rear yard patio and raised porch, and construct a new single-family dwelling. Also proposed are a front yard uncovered porch and walkway, a rear yard patio, a paver driveway from Mauro Road, a 7.5 ft. high loose stone retaining wall and onsite drainage improvements.

2. The property is located, in the "R-B Residential" Single-Family Zoning District, wherein the proposed single-family dwelling is the permitted principal use.

3. Since the Site is a corner lot, it shall have a front yard, rear yard, corner side yard and side yard. As per Code Section 30-2 "Definitions":

"Lot, frontage" shall mean the narrower side of the lot abutting a street, regardless of the location of the principal entrance of a building thereof. Where two (2) lot lines abutting streets are of equal width, the owner shall have a choice in designating which shall be the lot frontage.

Accordingly, Mauro Drive is considered the front yard and the Sherwood Avenue side of the property is considered the Corner Side Yard.

4. A June 24, 2014 revision of the applicant's engineering plan (Exhibit A-9) and architectural plan (Exhibit A-10) rotates the dwelling, resulting in the following variances:

Maximum Building Height: In residential zones building height shall be thirty (30) feet (measured by taking the four (4) corner elevations and the four (4) midpoint elevations and dividing them by eight (8) by utilizing the house box) of the existing grade or the finished grade, whichever is greater. In any event the height of the measure from the mean curb level to the highest point of the building shall not be more than thirty-two (32) feet exclusive of

chimneys. The proposed building height requires the following variances, governed by *N.J.S.A. 40:55D-70c*:

- 34.7 feet measured of the mean curb level versus the maximum allowable 32 feet. 2.7 ft. building height variance is required.
- 31.9 ft. measured from the lower of the average existing or finished grade versus the maximum allowable 30 feet. A 1.9 ft. building height variance is required.

Gravity Retaining Walls: Code Section 30-7.15.c states that gravity (stone construction) retaining walls shall not be greater than four (4) feet in height. A 7.5 ft. wall is proposed at the property line along Mauro Road.

Lot Coverage: It appears the rear patio is two (2) feet above the surrounding grade. As per the Code 30-2 definition of "Structure", if a patio is more than six (6) inches above the ground level it is considered a structure. Therefore it should be a component in the lot coverage calculations. This would increase the lot coverage and create an additional variance.

Driveway Width and Cut: Driveway access to any residential lot shall be limited to a driveway width and cut of no more than sixteen (16) feet per single vehicle driveway and no more than twenty-two (22) feet for a two (2) or three (3) car wide driveway. The driveway width approximately scales to 33 ft. at the building, 30 ft. at the property line and 23 ft. at the curb. A variance is required. The Board's consulting engineer also notes that the slope of the driveway is proposed at 12% maximum down gradient from the garage floor to the curb.

Minimum Rear Yard: The required minimum rear yard is 25 ft. The distance to the window well structure is 6.8 ft. and 9.8 ft. to the dwelling wall.

5. The Board takes note of the opposition of Perry Kalajian, whose property on Forest Drive does not immediately abut the subject property but is within close proximity. Mr. Kalajian opposed the application as being oversized and offered his opinion that any hardship was self-created, considering that applicant would be demolishing the existing structure and thus working with vacant property.

6. In reply, applicant's planner David Spatz offered that both the zoning criteria of building coverage and impervious lot coverage were not exceeded, leading to the conclusion that the proposed home is not oversized. It is proposed to be 4,600 square feet, which is not overlarge house compared to the homes in the immediate area. As to the height – which is

now under statutory threshold of 10 feet or 10% - Mr. Spatz commented that, but for the slope of the property, the proposed house would three (3) feet below the maximum heights permitted in the ordinance (as referenced above). He concluded, and the Board majority concurs, that exceptional topographical slopes of 6 to 18 feet constitute "hardship" pursuant to N.J.S.A. 40:55D-70c(1)(b). As conditions of the land and not the result of applicant's choices of architectural design, size or any other structural option, the hardship is not "self-created".

7. Establishment of the negative criteria for a (c) variance requires the applicant to prove that the variance can be granted without substantial detriment to the public good. The requirement that the grant of the variance not "substantially impair the intent and the purpose of the zone plan and zoning ordinance" focuses on whether the grant of the variance can be reconciled with the zoning restriction from which the applicant intends to deviate. Reconciliation of a dimensional variance with the zone plan and zoning ordinance is a relatively uncomplicated issue, and depends on whether the grounds offered to support the variance, adequately justify the Board's action in granting an exception from the ordinance's requirements. In this case, the Board majority views the variances here as common to Englewood Cliffs and not at all a deviation from established patterns. The subject home is typical for the Borough. The first floor elevation is nine feet; the second floor elevation is eight feet – both standard. The basement is three feet higher than the garage, also an Englewood Cliffs configuration. That said, applicant's architect is to be complemented for designing a hip roof pitched or stepped back to minimize the impact of the excessive height.

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 following conditions:

- A. All representations made by applicant or its agents shall be deemed conditions of this approval and any misrepresentations by applicant contrary to the representations made before the Board shall be deemed a violation of this approval.

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B. The action of the Planning Board in approving this application shall not relieve Applicant of responsibility for any damages caused by this project, nor does the Planning Board of the Borough of Englewood Cliffs, or its reviewing professionals and agencies, accept any responsibility for design of the proposed improvement or for any damages that may be caused by this development.

MOTION BY: MR. CHINMAN

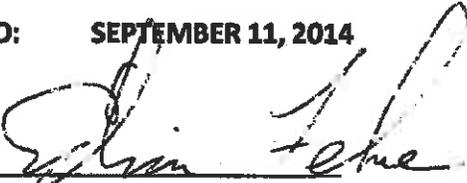
SECONDED BY: MR. NIKOW

IN FAVOR: MR. CHINMAN, MR. NIKOW, MR. FEHRE and MR. SURACE

OPPOSED: MR. KILMARTIN and MR. K. KIM

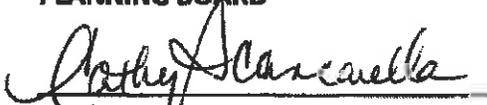
DATE APPLICATION APPROVED: AUGUST 14, 2014

DATE RESOLUTION APPROVED: SEPTEMBER 11, 2014



**EDWIN FEHRE, CHAIRMAN
PLANNING BOARD**

ATTEST:



**CATHY SCANCARELLA
PLANNING BOARD SECRETARY**

ORIGINAL

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION OF BANK:

OF NEW JERSEY FOR AMENDED SITE PLAN : MEMORIALIZATION RESOLUTION

APPROVAL AND ANCILLARY VARIANCES, : APPLICATION NO. 233K

RELATING TO LOTS 4, 5 & 6 IN BLOCK 512, :

744 EAST PALISADE AVENUE :

WHEREAS, BANK OF NEW JERSEY, of 1365 Palisade Avenue, Fort Lee, NJ 07024, applied on or about April 28, 2014 to the Planning Board of the Borough of Englewood Cliffs for amended site plan approval, with ancillary variances for the dimensions of parking stalls and aisle width, in connection with the renovation of an abandoned bank building, to operate its full-service retail banking facility, in the "B-4 Business" zoning district; and

WHEREAS, a public hearing was conducted on August 14, 2014, 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

WHEREAS, applicant was represented Mark J. Sokolich, Esq., 1223 Anderson Avenue, Fort Lee, NJ 07024; and

WHEREAS, interdepartmental communications and advisory reports of municipal departments and agencies were accepted as part of the record, as follows:

- **Letters of Joseph Iannaconi, Jr., Tax Collector/Treasurer dated April 21, 2014, certifying payment of taxes through the 1st quarter, 2014;**

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- Engineering review letters from the Board's consulting engineer Bernard N. Mirandi, P.E., of Boswell McClave Engineering, 330 Philips Avenue, South Hackensack, NJ 07606 dated June 11, 2014 and June 16, 2014; and
- Letter of Denial of Paul Renaud, Zoning Officer, dated April 24, 2014, denying the application for reasons stated therein; and

WHEREAS, the following exhibits were admitted into evidence:

Exhibit A-1 Color rendition of the building and signage prepared by Conrad Roncati, Jr., R.A., Architectura, Suite 600, 2 Executive Drive, Fort Lee, NJ 07024, dated January 3, 2013 with latest revision June 12, 2014;

Exhibit A-2 – Color rendition of the building and landscaping of the property prepared by Calisto J. Bertin, P.E., of Bertin Engineering, 66 Glen Avenue, Glen Rock, NJ 07452, dated April 11, 2014;

Exhibit A-3 - [None];

Exhibit A-4 – Aerial photograph of the subject property;

Exhibit A-5 – Photo board of the subject property consisting of four photographs; and

Exhibit BD-1 – Prior Resolution of the Zoning Board dated April 11, 1994;

WHEREAS, admitted without exhibit references were the following:

- Architectural Plans prepared by Conrad Roncati, Jr., R.A., dated January 3, 2013 with latest revision April 22, 2014, consisting of four sheets, as follows:
 - Sheet A-100 – Ground Floor Plan;
 - Sheet A-101 – Second Floor Plan;
 - Sheet A-200 – Proposed Exterior Elevations; and
 - Sheet A-201 – Proposed Exterior Elevations;
- Site Plan prepared by Calisto J. Bertin, P.E., dated April 11, 2014 unless otherwise noted, consisting of nine sheets, as follows:
 - Sheet C1.0 – Cover Sheet with latest revision April 23, 2014;
 - Sheet C2.1 – Demolition & Soil Erosion Control Plan with latest revision April 23, 2014;
 - Sheet C2.2 – Site Plan with latest revision April 23, 2014;
 - Sheet C2.3 – Grading, Utility, Drainage & Soil Erosion Control Plan with latest revision April 23, 2014;

Sheet C2.4 – Landscape & Lighting Plan with latest revision April 23, 2014;

Sheet C2.5 – Truck Circulation Plan with latest revision April 23, 2014;

Sheet C3.1 – Site Details;

Sheet C3.2 – Drainage & Grading Details; and

Sheet SV-1 – Boundary and Topographic Survey dated November 20, 2012;

- **Prior Resolutions of the Planning Board dated March 8, 1990 and October 10, 1991;**
- **Letter of Paul Renaud, Construction Official to Mark Sokolich, Esq., dated April 24, 2014 with Zoning Review Chart appended thereto;**
- **Stormwater Operation & Maintenance Manual prepared by Calisto J. Bertin, P.E., dated April 23, 2014; and**

WHEREAS, testimony in support of the application was given by Calisto J. Bertin, P.E.; Conrad Roncati, Jr., R.A.; Louis Luglio, P.E., L2 Group, 160 Hillcrest Avenue, Leonia, NJ; and Mia Petrou, P.P. of Kenneth Ochab Associates, 12-16 Fair Lawn Avenue, Fair Lawn, NJ 07410; and Mary O' Shea, 12 Irving Avenue, gave testimony in support of the application; and

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

The Site

1. This is an amended site plan application wherein Bank of New Jersey has acquired adjoining property which it intends to incorporate into its approved location. It will add Lots 5 and 6, which will permit a drive-through facility and other site amenities. The plan is to also add a second story of 6,642.9 square feet, allowing additional office space for expanded bank services.

2. This was the subject of a prior approval on May 9, 2013 (memorialized June 27, 2013). At the time, a drive-through facility was not contemplated. The single Lot 4 could not accommodate it. The revised application restores the site to similar to when Bank of America (formerly United Jersey Bank) operated its branch bank with drive-through lanes. To the extent not inconsistent herewith, the Board incorporates its findings of fact and conclusions as set forth in the memorializing resolution of June 27, 2013.

3. Block 512, Lots 4, 5 & 6 (the "Site") is located on the southwestern corner of the intersection of Palisade Avenue and Hudson Terrace and with lots 5 & 6 extends the full block to the south with frontage on Kahn Terrace. The Site is fully developed with the discontinued and vacant building, parking lot, drive-through lanes and other amenities. Access and egress point to the property are located on Palisade Avenue and Hudson Terrace.

Conditional Use Permit

4. Banks without drive-through facilities are permitted uses with the B-4 Zone. Banks with drive-through facilities are conditional uses. The enumerated conditions as per Code Section 30-8(d) are not violated, and so a conditional use permit would be justified. Applicant's planner, Mia Petrou, P.P. gave testimony enumerating each of these conditions and concluded that none were violated. The Board concurs.

5. It is clear, however, that Bank of America and its drive-through facility preexisted (see Exhibit BD-1), that the structures remain on the site, and, but for the discontinuance of Bank of America's branch, it cannot be concluded that the drive-through facility was abandoned. Thus, the Board further concludes that a new conditional permit is not necessary. It is unclear from the proofs whether the drive-through facility predates the conditional use treatment of Code Section 30-8(d); and may be possible that the drive-through facility is entitled to recognition as a preexisting non-conforming use under N.J.S.A. 40:55D-68.

Variances/Nonconformities

6. The enhanced property contains existing nonconformities and the applicant is requesting variances, all related to parking, summarized as follows:

- a. Front Yard Parking: No Parking in Front Yard allowed (§39-10.1.i.). Parking within the front yard is proposed.
- b. On-Site Parking Spaces: 66 spaces required (see below calculations.), 47 proposed.
- c. Parking Space Setback: Minimum Parking Setback from Lot Line; 10 ft required (§39-10.2.g.), 1.9 feet is proposed.

7. As to the insufficiency in the number of spaces, the Site is constrained by having three front yards and no rear yard, where parking normally occurs. There is practical difficulty

because of the existing building location. Proposed building cannot be moved or relocated to provide added area for parking. These are c(1) "hardships" in each of the three subsections of N.J.S.A. 40:55D-70c(1) - a, b and c. Relief can also be afforded under N.J.S.A. 40:55D-70c(2). The number of parking spaces proposed is sufficient to serve the proposed use. The Ordinance requirement is 1 space/200 SF is for both banks and offices. According to the testimony of Planner Petrou, offices would likely have less parking, ~ 1 space/400 SF, consistent with the ITE parking standard for office use. Therefore, offices would require 16.7 spaces and banks requires 32 spaces. Close to compliance @ 48.7 spaces. Finally, the drive-through capability would further lessen parking demand.

8. As to the parking location, there are practical difficulties in the configuration of parking on a site with existing improvements. Many of these conditions are existing conditions or slightly exceed existing conditions to provide more functional parking space. (e.g. – existing parking @ 8.5 width increased to 9' width). Again, these are c(1) "hardships". As a c(2) analysis, there is additional area between property line and street line help accomplish some of the separation proscribed by ordinance. The slight grade difference on Kahn provides more physical separation. Primarily an existing condition. This is the most suitable location for provision of parking – consistent with centralized parking field on adjoining properties. The side lot line parking intrusion is *de minimus* in southwesterly lot line and as it continues. A portion of The Assembly restaurant parking on is within side lot line as well. Finally, there is sufficient landscaping and buffering exists to adjoining properties and streets.

9. Applying the negative criteria of the statute, there is no substantial impairment to zone plan. It continues to be an appropriate parking scheme at premises. Existing parking areas are within the front yard. Further, this Site is uncommon because of the three front yards and existing building location, which cause much of the deviation from the zoning requirements; there is additional area between property lines and street lines; and there is no alternative location available.

10. There is no substantial detriment to public, as there are no residences in vicinity of property; there is a Common parking scheme (The Assembly also has similar parking location character; and there is adequate landscaping.

11. The purposes of the Municipal Land Use Law are advanced under N.J.S.A. 40:55D-2, as follows:

*g) To provide sufficient space in appropriate locations for a variety of uses
Reuse of existing bank site with drive-through.*

i) To promote a desirable visual environment through creative development techniques and good civic design and arrangement.

a. The Site is in need of improvement.

b. The existing building is in disrepair and appears very low and squat in relation to its neighbors. Benefit of second story is improved visual character of area.

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 following conditions:

CONDITIONS SPECIFIC TO THIS APPLICATION

A. Applicant shall satisfy all previous conditions imposed by this Board in its Resolution of June 27, 2013.

B. Applicant shall comply with all conditions set forth by the Borough Engineer in his most recent review letters of June 11, 2014 and June 16, 2014 and as site conditions warrant during construction.

MOTION BY: MR. KILMARTIN

SECONDED BY: MR. NIKOW

IN FAVOR: MR. KILMARTIN, MR. NIKOW, MR. FEHRE, MR. DOOLY, MR. K. KIM and MR. SURACE

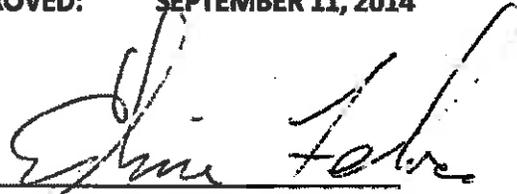
OPPOSED: NONE

MSB NUESMAN KAPORNE

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07601-7407

DATE APPLICATION APPROVED: AUGUST 14, 2014

DATE RESOLUTION APPROVED: SEPTEMBER 11, 2014



EDWIN FEHRE, CHAIRMAN
PLANNING BOARD

ATTEST:



CATHY SCANCARELLA
PLANNING BOARD SECRETARY

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TOWNSHIP OF ENGLEWOOD CLIFFS
PLANNING BOARD

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IN THE MATTER OF : TRANSCRIPT
: OF
NO. 235K, NY SMSA LIMITED: PROCEEDINGS
PARTNERSHIP D/B/A :
VERIZON WIRELESS :
680 SYLVAN AVENUE, :
BLOCK: 806, LOT: 9 :
----- :

Thursday, September 11, 2014
Municipal Building
10 Kahn Terrace
Englewood Cliffs, New Jersey 07632
Commencing at 9:30 p.m.

BOARD MEMBERS PRESENT:

- EDWIN FEHRE, Chairman
- STEPHEN DUFFY
- KIKY KIM
- ANDREW D. NIKOW
- RON KILMARTIN
- JEFF CHINMAN
- DANIEL DOOLY
- SEAN SEUNG KIM

ALSO PRESENT:

- CATHY SCANCARELLA, Board Secretary
- EDWARD F. AVERSA, DMD Councilman
- BERNIE MIRANDI, Board Engineer

ALISON GULINO
CERTIFIED COURT REPORTER

QUICK COURT REPORTING, LLC
47 BRIAN ROAD
WEST CALDWELL, NEW JERSEY 07006
(973) 618-0872
office@quickreporters.com

1 APPEARANCE:

2
3 MICHAEL J. KATES, ESQ.
Counsel for the Board
4
5 PRICE, MEESE, WHULMAN & D'ARMINIO, P.C.
50 Tice Boulevard
Woodcliff Lake, New Jersey 07677
6 BY: GREGORY D. MEESE, ESQ.
7 Counsel for the Applicant
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1 CHAIRMAN FEHRE: The next item is new
2 business, Application 235K, site plan approval,
3 rooftop antenna, New York SMSA Limited Partnership,
4 Verizon Wireless, 680 Sylvan Avenue.

5 MR. MEESE: Good evening, Mr. Chairman
6 and members of the Board. I'm Greg Meese, attorney
7 for the applicant, New York SMSA Limited
8 Partnership, d/b/a Verizon Wireless.

9 I'm sure the Board has heard a number
10 of wireless applications. This is what's known as a
11 "small network node." What that is is a single
12 antenna as opposed to what you are probably used to
13 seeing, which is several arrays of antennas on a
14 rooftop, usually, 12 for each carrier.

15 Here, there's a single antenna
16 proposed. It's a canister-shaped antenna, 24 inches
17 tall by 16 inches in diameter. The antenna is
18 proposed to be attached to the roof bulkhead. The
19 antenna will be about 5 feet above the top of that
20 bulkhead. The top of the existing roof on the
21 building is 34 feet. The bulkhead is about 42 feet.
22 There is an existing chimney on the roof that goes
23 up to about 47 feet and the top of the antenna would
24 be even with that.

25 There is no generator proposed with

1 I N D E X

2
3 WITNESSES: PAGE
4 MARIO IANNELLI 7
5 GLENN PIERSON 12
6 WILLIAM MASTER 40

7 QUESTIONS BY MEMBERS OF THE PUBLIC: PAGE
8 TOM MANOLIO 51
9 MARY O'SHEA 54

10 COMMENTS BY MEMBERS OF THE PUBLIC: PAGE
11 (NONE)

12
13 EXHIBITS MARKED INTO EVIDENCE
14 NUMBER DESCRIPTION PAGE
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16 A-2 Frequency bands licensed to Verizon 14
17 A-3 Five sheets and aerial 15
18 A-4 AWS and PCS coverage 17
19 A-5 LTE 700 capacity chart 19
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21 A-7 NUDET chart 22
22 A-8 Proposed coverage 23
23 A-9 Existing and proposed coverage 29
24 A-10 Report 37
25 A-11 Photo simulations 47

5
1 this installation. There is no power source.
2 There's only two equipment cabinets that are
3 proposed. They are small cabinets. They are
4 proposed to be attached to the bulkhead and they
5 would sit within a six-by-six area on the roof.

6 I think the best way to understand the
7 application is to review the photo simulations.
8 They were submitted with the application but this is
9 an exhibit that Mr. Masters will present this
10 evening. And just looking at the photo simulations,
11 sometimes with these applications, a picture is
12 worth a thousand words. The existing building is on
13 the left-hand side and the photo simulation is on
14 the right hand of what's proposed. (Indicating)
15 From this view, you can see this, the proposed
16 single antenna, on a mast above the bulkhead. In
17 this view here, you see the antenna and you see the
18 tops of the two equipment cabinets and it's not
19 visible at all from this view here.

20 MR. KATES: You said it's a "small
21 network node." One of the submissions talks of
22 "nodes" in the plural. Is there a distinction?
23

24 MR. MEESE: It's just a small network
25 node. Only one is proposed at this installation
and, as will be testified to, the reason for this

6

1 application -- it's different than a macro site,
2 which would be several antennas. This is to handle
3 a high-capacity, high-demand area, which is
4 southeast Sylvan Avenue here in Englewood Cliffs.
5 This is to cover a small area but an area of high
6 demand. It is in the B2 zone and rooftop facilities
7 are a permitted conditional use in the B2 zone. The
8 zone does have a 35-foot height limitation so there
9 is a height variance associated with this
10 application.
11 We have three witnesses tonight. The
12 first is Mario Iannelli, the site engineer. He will
13 review with you the components of the installation
14 that I have just reviewed with you.
15 Then we have Glenn Pierson, who is an
16 RF engineer, and Mr. Pierson will review the need
17 for the site at this location and also confirm that
18 the RF emissions from the antenna are well within
19 the state and federal standards for emissions, even
20 on a rooftop.
21 Mr. Masters is a professional planner
22 and he will review the application and the reasons
23 why we feel the application should be granted by the
24 Board.
25 Unless there's any preliminary

7

1 questions, I would like to call Mr. Iannelli.
2 M A R I O I A N N E L L I, 600 Parsippany Road,
3 Suite 301, Parsippany, New Jersey 07054, first
4 having been duly sworn, testified as follows:
5 MR. IANNELLI: Good evening. Mario
6 Iannelli, I am the manager of land development
7 services for Dewberry located in Parsippany, New
8 Jersey. I am a professional engineer in the State
9 of New Jersey; I have been since 1999. My degree is
10 a bachelor's in civil engineering from NJIT in 1993
11 and my master's was obtained in 2001.
12 MR. MEESE: Have you testified before
13 other Planning Boards and Zoning Boards in the State
14 of New Jersey?
15 MR. IANNELLI: Countlessly.
16 MR. MEESE: And have you been
17 qualified and accepted as an expert before other
18 Boards?
19 MR. IANNELLI: Yes.
20 MR. MEESE: I would offer Mr. Iannelli
21 as an expert in the field of civil engineering.
22 MR. KATES: Is there going to be
23 someone else for the coverage gap?
24 MR. MEESE: Yes. Mr. Pierson will
25 talk about that.

8

1 MR. KATES: Very good. Thank you.
2 CHAIRMAN FEHRE: We will accept him.
3 DIRECT EXAMINATION BY MR. MEESE:
4 Q. If you would just very briefly orient
5 the Board to the location of the site, how the
6 existing property is developed, just so the Board
7 can get a sense of where this facility is proposed?
8 (Exhibit A-1, aerial, was marked for
9 Identification.)
10 A. As you previously heard, the site is
11 zoned B2. What I have marked here as Exhibit A-1 is
12 an aerial obtained from the State website. What I'm
13 highlighting here is Sylvan Avenue. The site in
14 question that I'm highlighting is the rectangular-
15 shaped site that looks like it was recently paved.
16 The site is fully developed. I've been out there a
17 number of times. It looks like it's operating as an
18 office building. This is an existing building
19 located near the frontage of Sylvan Avenue and the
20 existing building has four stories. The existing
21 property is located -- the proposed equipment that
22 is highlighted here on the aerial is a stairwell
23 that enters from the existing building up to the
24 stairs, which we refer to as a bulkhead.
25 Q. That's on the roof of the building?

9

1 A. Correct. I'm going to put up that
2 sheet. That was a part of the submission. I'm
3 referring to Sheet Z-4 and, in this sheet, you can
4 see what I'm highlighting on the upper part of the
5 sheet is the bulkhead that is triangular-shaped to
6 allow someone to walk up the stairs and have access
7 to upstairs. The proposal in front of you is to add
8 a small network node that would be affixed to this
9 bulkhead where equipment will be affixed on the face
10 of the bulkhead.
11 The elevations associated with -- now,
12 referring to elevations, I'm going to be referring
13 to the height from the front of the building
14 because, as per your ordinance, the heights are
15 measured from the front of the building in the B2.
16 The height above the front of the building of the
17 proposed node is 47 feet. This element here that
18 I'm circling is the existing chimney. The height is
19 also 47 feet. The height of the roof area is 34
20 from the front of the building. So the distance
21 from the bulkhead to the top of the proposed antenna
22 is 5 feet and the distance from the roof to the top
23 of the antenna is roughly 13 feet.
24 Q. Approximately, how large are the
25 cabinets and the proposed antenna itself?

14

1 Can you identify how that need was determined and
2 what that need is?

3 **A. Sure. I would like to identify the**
4 **frequency bands that Verizon has and licensed. So I**
5 **have a couple copies to hand out. So this is A-2.**
6 (Exhibit A-2, frequency bands licensed to
7 Verizon, was marked for Identification.)

8 **A. This is just a simple list of the**
9 **frequency bands that most of the cellular carriers**
10 **have. The most common is the cellular band from**
11 **1984, the PCS band. That came out around 1995.**
12 **That's when T-Mobile and Sprint came into the market**
13 **and they operate on those bands. And then an AWS**
14 **band was released by the FCC. That's the PCS**
15 **services band. The FCC is naming these for whatever**
16 **reason that they seem fit at the time. The AWS band**
17 **is, basically, just T-Mobile and Verizon in this**
18 **particular area. And then an LTE band, which is**
19 **down closer to the cellular band at 1700 megahertz,**
20 **that was released for broadband data services.**

21 So the two lower frequencies tend to
22 cover a little bit more, like hills and trees, a
23 little bit better and the two in the middle of the
24 chart are in the higher frequency bands. They do
25 not react as well when seeing trees and hills but

15

1 they do well on buildings. So what Verizon Wireless
2 uses these for, if you make a voice phone call, you
3 are going to be using the cellular frequencies. If
4 you are using an old 3G data, which is on the slower
5 side, that is mostly operating on the PCS band for
6 Verizon Wireless.

7 The AWS band is additional capacity or
8 coverage for their LTE broadband data and the LTE
9 band is their data. That is the main change that
10 they would deploy in order to provide the LTE
11 service. So in understanding the different pieces
12 that Verizon has to use that they were granted from
13 the FCC -- we will go onto the next Exhibit, A-3.

14 (Exhibit A-3, five sheets plus aerial, was
15 marked for Identification.)

16 **A. The handouts -- I have a copy of the**
17 **aerial photo so we are going to skip over that**
18 **because we already introduced where that is and the**
19 **building around it and we will go right to that**
20 **second page. The first page is similar to A-1.**

21 MR. MEESE: For the record, Exhibit
22 A-3 is an exhibit containing five sheets including a
23 first sheet being an aerial.

24 **A. A-3 is the first sheet that you have**
25 **-- actually, forget that. Look at 1700 LTE/Cellular**

16

1 **Coverage, which is the same title as the one I**
2 **marked as A-3, and we'll mark the other ones as we**
3 **get there. So that A-3 is the first map with a**
4 **bunch of dots on it so you can follow along.**

5 A-3 is just really a street map
6 printed out. We have Englewood Cliffs in a tan
7 color. The white to the left side is Englewood and
8 the blue to the right side is the river, the Hudson
9 River. So on this exhibit, we have a couple of
10 light blue dots. That's Englewood Cliffs 4. That
11 is an existing site for Verizon on the CNBC building
12 and then we have a lower center light blue dot.
13 That's on this facility in the parking lot so
14 Verizon has a facility here, a standard 12 antennas,
15 etc.

16 Now, there is a bunch of purple and
17 green dots on A-3, which is actually drive test
18 data. We went out with calibrated equipment and
19 drove these particular roads to see that they --
20 follow the roads, 9W, Sylvan Avenue and the side
21 roads to the west of the subject property, the
22 residential streets. And what this is, we talked
23 about the 700s or equality from the coverage from
24 the cellular frequencies would be similar. And the
25 dark purple dots, as it says in the legend, it says

17

1 that it's reliable in-building coverage. So the 700
2 signal works pretty well, maybe, on the first floor.
3 In the center or in the elevator, you may have
4 trouble. But for general purposes, coverage at this
5 lower frequency will be sufficient.

6 The green, the next coverage level
7 down, would be reliable suburban coverage, which is
8 into a wood-framed structure. So it's a lower
9 signal strength and you can see, underneath the
10 site, you start to get on the edge between the two
11 different signal levels because there's a couple of
12 green dots and the pink dot in the center, the
13 subject property.

14 There's also some green dots off of
15 Hollywood, which is residential which is sufficient.
16 So if you make a phone call in this area, it
17 probably works most of the time without any problem
18 and that's what this is exhibiting. And if you have
19 a data session and you are using the 700 megahertz
20 frequency, then, in most cases, it's going to be
21 relatively fine.

22 Verizon also has the higher
23 frequencies, the PCS and the AWS bands. And if we
24 go to our next page and mark the next one as A-4...
25 (Exhibit A-4, AWS and PCS coverage, was

1 marked for Identification.)
 2 **A. This is the existing wireless AWS and**
 3 **PCS coverage. It's merely identical to A-3 except I**
 4 **plotted the data from the higher frequency band.**
 5 **All the colors mean the same thing as the prior**
 6 **exhibit. The red means below suburban coverage. It**
 7 **may work in the street or in the car but it's going**
 8 **to have a lot of difficulty if you are in a house or**
 9 **a commercial building.**

10 As you can see from Exhibit A-4, we do
 11 have red dots from the drive test data along Sylvan
 12 Avenue in and around the buildings. There's about
 13 four buildings that are directly in this cluster
 14 around 580 near the subject property. There's also
 15 a large building to the north which has red on the
 16 streets on Floyd and Sylvan, which would indicate
 17 you are going to have red in the building as well
 18 because the coverage is coming from the north and
 19 Englewood Cliffs is in the south and we have a
 20 section in the middle that's a little low on signal
 21 for Verizon Wireless' licenses.

22 So what we have is -- what we are
 23 trying to do here is, we want to patch up the higher
 24 frequency licenses for coverage and we also have --
 25 are starting to experience some capacity issues on

1 our 700 megahertz channel. So we use the AWS when
 2 the 700 is getting full to bolster the 700. So what
 3 we are doing is putting a 2100 megahertz channel out
 4 there to help with the capacity but, if we put that
 5 out there, the coverage isn't like for like. So we
 6 want to boost the 2100 megahertz coverage and put
 7 this small cell or macrocell facility here in order
 8 to take some traffic off the 700 megahertz LTE and
 9 make the 2100 more usable in reference to our
 10 license.

11 For the capacity item -- just first, I
 12 have some more handouts.

13 (Exhibit A-5, LTE 700 capacity chart for
 14 Englewood Cliffs, Sector 3, was marked for
 15 Identification.)

16 **A. A-5 is an LTE 700 capacity chart for**
 17 **Englewood Cliffs, Sector 3.**

18 And then A-6...

19 (Exhibit A-6, LTE 700 capacity chart for
 20 Englewood Cliffs 4, Sector 4, was marked for
 21 Identification.)

22 **Q.** Would you summarize, for the record,
 23 what it is that is contained on Exhibits A-5 and -6?

24 **A. I don't think I introduced A-6. It is**
 25 **an LTE 700 capacity chart for Englewood Cliffs 4,**

1 **Sector 2, which is going south down towards Floyd**
 2 **Street. So it's particular sectors that are**
 3 **pointing into the area of concern.**

4 So if we go to A-5, what this
 5 basically means to everybody is we have green --
 6 it's data. It's fluctuating back and forth, up and
 7 down, and that's the busy hour data usage on the
 8 Englewood Cliffs 3 site. There's a red horizontal
 9 line. That's the maximum capacity for this
 10 particular sector. It does vary a little bit
 11 depending on where it is, how close the users are,
 12 etc. There is a yellow line. That's the trend line
 13 and that's trending the data and which way it's
 14 going.

15 As you can see, the trend line is
 16 going from left to right. It's going up to the red
 17 line and hitting the red line and further out, 2018.
 18 But we do have particular days, if you have an
 19 accident on Palisades, just sometimes, you will have
 20 a big load and we are getting peaks that are
 21 crossing over and creating issues. Right now, in
 22 the last few months, there will be green lines that
 23 do cross the maximum. So that means we are starting
 24 to see blockage issues. This one has a little bit
 25 of time but it's a daily problem.

1 MR. CHINMAN: Is this a problem with
 2 voice and data or just the voice right now is not an
 3 issue?

4 MR. PIERSON: Correct, voice is not an
 5 issue until we go over to Voice Over LTE and video
 6 calling, in which case, then it's going to be both.
 7 "FDV" is forward data volume in megabits so the red
 8 line is at 4200 megabits in an hour of data that
 9 that one sector can handle.

10 If we go to A-6, this, we are looking
 11 at Englewood Cliffs 4. That one just has a few
 12 times and it's already crossed over the threshold,
 13 which is at 4,000 megabits in the busy hour. That
 14 trend -- there are two trend lines there. One is,
 15 if everything stays the same at normal growth, it
 16 pushes out to 2016.

17 But if you look at the end there, the
 18 time between January 14th and July 14th, the usage
 19 is definitely jumping up so we are not on a linear
 20 trend. So the yellow line, one, it is more of an
 21 aggressive slope based upon what's been happening in
 22 the last six months and the lower line that goes out
 23 to 2016 is if everything stays constant. So we are
 24 going to run out of capacity and hit the peaks all
 25 the time every day somewhere between now --

22

1 somewhere between August of 2015 and 2016. So in
2 that range. So we are seeing this. We are seeing
3 peaks that are going over now. We are having a
4 coverage issue, as we see on A-4, and we want to
5 place a small facility to offload the traffic from
6 Englewood Cliffs 4 and 3 and improve in- building
7 coverage and along Sylvan Avenue. So that's the
8 basic reason why we are doing this. From a
9 significant standpoint, everyone knows pretty much
10 how busy Sylvan Avenue is but just for the record,
11 this is a printout, A-7.
12 (Exhibit A-7, NJDOT chart, was marked for
13 Identification.)
14 **A. This is from the NJDOT, average cars**
15 **per day on Sylvan Avenue between Hollywood Avenue**
16 **and the office complex. And at the bottom, in the**
17 **bottom row outside the chart, it has the road AADT,**
18 **average -- something -- daily traffic. I forgot**
19 **what the second "A" stands for. It's about 24,000**
20 **cars per day. So that's pretty typical for a**
21 **four-lane road like this. So this is significant**
22 **with 24,000 cars per day on it.**
23 **Q. Will this site solve those problems?**
24 **A. What this site will do, if we go back**
25 **to A-8...**

23

1 (Exhibit A-8, proposed coverage, was
2 marked for Identification.)
3 **A. A-8 is the same street map as A-2 and**
4 **3. The same blue dots for the existing facilities**
5 **and I have the proposed coverage from our facility**
6 **at 580 Sylvan Avenue. This isn't a very large**
7 **coverage because, A, we have one small antenna and**
8 **it actually has a peanut pattern. It points north**
9 **and south. It's a low power. Most of the full cell**
10 **sites is at 40 watts; this is 5. It can handle two**
11 **channels, one for 700 LTE and one for 2100 LTE. The**
12 **full cell site with the whole complement would be**
13 **between 11 and 16 channels in it in an area like**
14 **this.**
15 So this is a lower-power spot fix and
16 this is a technology that has been offered to
17 Verizon Wireless by Lucent in the last year or so
18 and Verizon Wireless is adopting this to try to fill
19 these smaller coverage gaps rather than building a
20 full site and 12 antennas and a tower, etc. So it
21 is going to be smaller. It's not going to cover as
22 much but there's not as much equipment. A full-
23 sized water bottle is almost an equivalent of what
24 the antenna would be.
25 **MR. DOOLY: What is the wattage for**

24

1 the antenna?
2 **MR. PIERSON: This is 40 watts for the**
3 **LTE channel and the voice traffic ones are 20 watts**
4 **and the 3G datas are 16.**
5 **CHAIRMAN FEHRE: How does that compare**
6 **to the antenna that we have up here on the tower?**
7 **MR. PIERSON: Those should be -- there**
8 **are different types of antennas based upon which**
9 **frequency band it is. So it's about 6 feet tall and**
10 **1 foot wide and these are for the 800 and 700**
11 **megahertz. Because it's a lower frequency, the**
12 **actual wave is bigger. If you go to a.m. radio**
13 **waves, it's the size of the whole tower.**
14 **The 1900 megahertz of the AWS antennas**
15 **are usually a little smaller, 50 inches tall and**
16 **somewhere between 8 to 12 inches wide, and there**
17 **would be three sectors of antennas. So there's**
18 **going to be a sector that would be pointing north**
19 **and four antennas, two for 700 and 800, 1900 and**
20 **AWS. And then there would be another sector going**
21 **west with four antennas and four more antennas going**
22 **south. So that's what's on the facility here on the**
23 **municipal complex.**
24 **CHAIRMAN FEHRE: What about the CNBC**
25 **building?**

25

1 **MR. PIERSON: Similar.**
2 **CHAIRMAN FEHRE: This one is quite**
3 **high, right?**
4 **MR. PIERSON: For these, you don't**
5 **want to go too high for the small nodes because you**
6 **have a limited capacity with them. So if you go too**
7 **high, you see too many people, too much traffic and**
8 **it's going to block it. So what's the point? So**
9 **you do want to keep them relatively low.**
10 **We have the municipal site at this**
11 **building. We are looking at -- the total poll is**
12 **about 140 feet and Verizon is at 100. So we are**
13 **about the third or fourth carrier down. CNBC is a**
14 **69-foot building. For the top of the equipment**
15 **walls -- and we are flush mounted to those -- we are**
16 **at about 67 feet.**
17 **So this particular site, proposed site**
18 **at 580, the idea of the antenna location here is we**
19 **want to cover the building to the north of us that**
20 **has T-Mobile on the roof and it's about the same**
21 **height building or just about but we need to cover**
22 **north. If we go back to A-4, we need to cover the**
23 **north and north on Sylvan Avenue. So we do need a**
24 **little height to meet their objectives.**
25 **And going south, there are three more**

1 buildings going south before we get into coverage at
2 Demarest. So that section of Sylvan Avenue is about
3 2300 feet. So we need the antenna here -- we need
4 to clear the building to the north. So that is why
5 the antenna is five feet above the bulkhead because,
6 at that point, we're just looking over the building
7 to the north and we can get coverage up to Unilever
8 and up Sylvan.

9 MR. NIKOW: AWS, that is your new high
10 speed?

11 MR. PIERSON: Yes.

12 MR. NIKOW: The node you are putting
13 in, since AWS is going to be the new high-speed
14 marking thing that Verizon is going to be using, is
15 there a way to modify the distribution pattern so it
16 affects our residents more? You can see, in that
17 area, they are not getting the...

18 MR. PIERSON: Floyd and Berkshire?

19 MR. NIKOW: Correct.

20 MR. PIERSON: It's not going to get
21 that far.

22 MR. NIKOW: If we can, throw some more
23 signal towards our residential areas as well since
24 we are putting it up there.

25 MR. PIERSON: It's too far for this

1 facility to cover that but they will be fine at 700.
2 This particular facility will probably help that in
3 700 but not in the XLTE section because it's not
4 going to get there. As soon as you get there, you
5 start hitting trees and the signal drops very
6 quickly. So at higher frequencies, we are not going
7 to be able to help that with this particular thing.

8 We are looking at -- if we take this
9 aerial photo and you count the cars, there's like
10 500 cars in those parking lots. So we do have a
11 significant amount of people that we are trying to
12 accommodate and it will take off some of the traffic
13 from the other sites. In which case, if the traffic
14 comes down, then the people on Floyd and Berkshire
15 will still have good 700 coverage.

16 MR. NIKOW: Do you see a need
17 capacity-wise for this node, at any time, to add
18 onto it if that should become necessary in the
19 future?

20 MR. PIERSON: I mean, it could be five
21 or ten years from now depending on how everything
22 rolls out.

23 MR. NIKOW: But it wouldn't be a year
24 from now that you are saying that you need another
25 node and another node and another node?

1 MR. PIERSON: Not unless something
2 crazy happens and we would probably try to put it in
3 a different location and try to find a commercial
4 building that would be closer to Hollywood that
5 would help that residential neighborhood.

6 MR. NIKOW: So the solution for
7 capacity is not just to add nodes to this building.
8 It's to find another location in town and put a
9 small network node there.

10 MR. PIERSON: Correct.

11 MR. DUFFY: Will this create your
12 competitors to come before us with the same
13 application, if you will? Are we going to be faced
14 with competition sharing your spot here tonight at
15 this location? Like the tower we have out of the
16 Borough Hall, I believe that most people are on it.

17 MR. PIERSON: Yes.

18 MR. DUFFY: With that same
19 competitiveness, is that something that we should
20 welcome on this site if another competitor came and
21 said they want to do that?

22 MR. PIERSON: Right now, T-Mobile has
23 a full site on the next building so Verizon has no
24 objection as long as they are not physically
25 blocking our antennas. Usually, everyone spaces

1 their antennas out well.

2 MR. DUFFY: In your opinion, is this
3 an ideal spot for what you are trying to get done
4 with this?

5 MR. PIERSON: Yes.

6 MR. DUFFY: You are showing us what
7 it's going to do but did you get your perfect spot
8 for what you want to do here?

9 MR. PIERSON: Yes. We do have one
10 more exhibit that just shows you everything together
11 and that's A-9.

12 (Exhibit A-9, existing and proposed
13 coverage, was marked for Identification.)

14 **A. This is entitled "Exhibit D, Existing
15 and Proposed Coverage." Here, I just put the drive
16 data on it and in the same colors between in-
17 building and for the purple and the suburban
18 coverage in the green. We have the proposed and we
19 have the drive test and you can see that we are
20 covering all of the four buildings. We have good
21 purple coverage that's overlapping the drive data.
22 Where it's red, one section of red that's on Sylvan
23 Avenue, we don't need in-building coverage there.
24 It's vehicles only. So the green does cover that
25 site.**

30

1 So we are definitely meeting what we
2 are trying to accomplish and it goes down into this
3 small commercial building area below Demarest and we
4 are improving those. Unfortunately, we do not get
5 the coverage improvements over by Berkshire and by
6 Hollywood Avenue but that's -- we would need a full
7 site there to do that. We think this is a better
8 idea. It's less obtrusive.

9 MR. DOOLY: I have a question. From
10 this antenna line of sight to the proposed antenna,
11 what would you say, a half a mile, basically?

12 MR. PIERSON: We have a scale here.
13 It's a quarter mile on the scale so we have about a
14 half a mile.

15 MR. DOOLY: Is that normal? I know
16 the usage means a lot to a location but do you have
17 an antenna in a lot of locations that have to be
18 repeated within a half a mile? In other words,
19 really what I'm asking you: Can you get away by
20 changing this antenna and the one by CNBC rather
21 than have a third installation?

22 MR. PIERSON: No. Because the two
23 existing sites aren't very tall and, as you go north
24 on Sylvan Avenue, the road curves and you are going
25 around trees that are 75 feet and the terrain is

31

1 changing. And then what happens -- you can see this
2 with the drive data -- as soon as you start going
3 around the bend, you have great coverage and then
4 you complete the bend and it goes to red and that is
5 because of those trees. I can't get over those
6 trees from this particular location. If I was on
7 top, maybe, but we are already hitting capacity
8 issues with LTE because there's only one channel
9 that's available from the FCC at 700. That's it,
10 just one. We have one; T-Mobile has one and AT&T
11 and that's all there is.

12 MR. KATES: Cellular is telephonic and
13 failure means a dropped call. What is it with data?

14 MR. PIERSON: It freezes and you don't
15 get any data through and then it tries to go down to
16 3G data at the same frequency bands and then you
17 drop down from megabits per second to kilobits per
18 second and it would have to lose the LTE coverage
19 and then it would have to re-sync and get on the 3G
20 data service and then go forward. So you are
21 looking at quite a good time.

22 MR. KATES: So the gap technology is a
23 misnomer? It's an inadequacy of coverage.

24 MR. MEESE: From a case law
25 perspective, I can't agree with you because case law

32

1 says "significant gap in coverage."
2 MR. PIERSON: So we do have a
3 significant gap in coverage in our licensed area.
4 Now, how that gap is realized is through not having
5 seamless, ubiquitous coverage, including in-
6 building, and that's going to promulgate itself,
7 whereas your data is losing connection, etc. A lot
8 of the police departments are using the LTE data for
9 all their police cars.

10 MR. KATES: The case law and the
11 statute requirements have evolved now. There's a
12 more sophisticated approach.

13 MR. PIERSON: The whole level of
14 coverage should be in the 2003 revision.

15 MR. CHINMAN: In this one chart about
16 daily volume, A-7, you are talking about peak
17 traffic is between 7:00 and 9:00 and 4:00 and 6:00,
18 rush hour. But that doesn't really affect anything
19 because anyone who is driving there is using voice.
20 They are not searching on the Net when they are
21 driving. I have never lost coverage or had an issue
22 in your particular area with voice.

23 MR. PIERSON: Correct. And we said
24 that when we looked at A-3.

25 MR. CHINMAN: So we are talking about

33

1 data in a couple of buildings, really?
2 MR. PIERSON: Well, at least 500
3 employees.

4 MR. CHINMAN: I'm confused. If you
5 are in your building, you have the option to use
6 your WiFi in your office. So why is this such an
7 issue for 500 employees who are checking their
8 e-mails on their phones in their offices?

9 MR. PIERSON: Sometimes. And what
10 happens if you are a visitor in the building? So
11 that's one of the issues or needs and the other
12 issue we are starting to see is capacity overload.
13 So that's two items.

14 MR. CHINMAN: So it's not for anyone
15 driving?

16 MR. PIERSON: Let me quantify that.
17 A, you have passengers in the car; you are using
18 navigation now. They didn't spend \$3,000 for it in
19 their car and the phones these days do some things
20 which transmit data regardless if you are doing a
21 session on there or not. There's location
22 information and e-mails. There are all kinds of
23 things that are going on when my phone is sitting in
24 my pocket and I'm not doing anything.

25 Blame Apple and Google for that

1 because, as soon as the iPhones and Android systems
2 came out, the data usage went through the roof.
3 When this came out, it was 3G and the wireless
4 carriers couldn't put in enough data cards to keep
5 up with the way these phones just keep talking and
6 sending information to Daddy Apple and Daddy Google.

7 MR. CHINMAN: But your primary
8 objective is 3500 people in a building?

9 MR. PIERSON: There's at least six to
10 eight buildings. It could be e-mail. There could
11 be a lot of different applications that are going
12 on. But we have a few smaller buildings to the
13 south and then a larger building and then a small
14 building and our property and then we have the
15 property where T-Mobile is and then the parking lot
16 and then we have Vreeland.

17 MR. CHINMAN: Do you have a chart of
18 the peak capacity? Is it just during business
19 hours, really, the traffic pattern? Did you also
20 chart the usage for the e-mail? You said that's
21 over capacity.

22 MR. MEESE: It's only a small portion
23 of the day, right?

24 MR. PIERSON: The peaks are the busy
25 hour in the day and that varies every day. It also,

1 depending on what's going on -- and sometimes it
2 could be due to traffic, sometimes it could be due
3 to just a lot of -- Unilever is having a function
4 and all their salespeople are there. All of those
5 people don't have a desk and they are doing
6 everything on their phone.

7 MR. CHINMAN: You are asking us to do
8 something but I'm not helping the residents.

9 MR. PIERSON: Yes. I am. Because I'm
10 relieving the traffic for your residents.

11 MR. MEESE: And I would say that your
12 corporate residents are residents also.

13 MR. KATES: So it doesn't distinguish
14 between actual calls or if it's the fact that all
15 these apps are taking up all the data.

16 MR. PIERSON: It's a whole mix of
17 whatever everyone uses their connection for and our
18 charter is: We have an FCC license. We need to
19 provide these services. And if people do silly
20 things with them, we still have to have enough
21 capacity. If a police officer has it in their car
22 and needs to do something important or if a fireman
23 has to go to a fire and they have to download what's
24 in this building, regardless of what's going on, it
25 has to work then, regardless. We can't shut off of

1 the Angry Birds to make sure that happens so we have
2 to serve whoever hits the system.

3 MR. MEESE: Did you also review the
4 proposed facility to confirm that it would comply
5 with the FCC regulation with respect to the
6 emissions from the facility?

7 MR. PIERSON: Yes, I have. I believe
8 you have a report that is entitled "Analysis of the
9 Predicted Radio Frequency Environment in the
10 Vicinity of a Proposed Verizon Wireless Wireless
11 Communications Facility, Englewood Cliffs, SC."
12 Correct, the Board has copies of those?

13 MR. MEESE: Could you summarize what
14 that report is and what the conclusions were?

15 MR. PIERSON: If we go to Page 5 of
16 the report, Results of Analysis, I did this two
17 different ways. I wanted to show a little bit of
18 distinction so that what we are looking at is a
19 lower-power installation. The first one I
20 calculated -- first of all, I looked at the terrain
21 and distance to the homes and I made calculations to
22 the ground level and I also made calculations to the
23 nearest home, which then goes west and up the hill
24 and it's about 380 feet away. And a person, even if
25 they were on the second floor of a home --

1 MR. KATES: We don't have your report.
2 It wasn't distributed.

3 MR. PIERSON: Well, I have a copy.
4 (Exhibit A-10, report, was marked for
5 Identification.)

6 MR. PIERSON: A-10 is entitled
7 "Analysis of the Predicted Radio Frequency
8 Environment in the Vicinity of a Proposed Verizon
9 Wireless Wireless Communications Facility, Englewood
10 Cliffs, SC." It's a PierCon report and the date is
11 August 11, 2014, signed by me. On Page 5, again, it
12 has the results analysis and I looked at ground
13 level and if the ground is varying and I looked at
14 homes nearby and considered it. So I assumed the
15 maximum signal of the antenna if it was going west
16 or --

17 Just assume it was maximum in all
18 directions. So I did a calculation just on our
19 facility and the worst case was the FCC standard.
20 We'll call that "100 percent." We do not want to
21 see that. If we go there, we are not in compliance
22 with the FCC. When we do the calculations at 125
23 feet away, we are at 0.092 percent of the standard.
24 If we calculate it up to the second floor of the
25 nearest house at 380 feet away, we are looking at

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1 .055 percent. So it's lower because, as a radio
2 wave goes along free space, it gets lower.
3 Then I did a calculation including the
4 T- Mobile site. It's a full site, 20-watt channels,
5 etc. There are two frequency bands that they have
6 and it came out to be the same thing. It was on a
7 street, 6 feet. It's 3.56 percent of the standard
8 if we include our facility and T-Mobile's. So we
9 are .1 and they are 3.4 because ours is much lower
10 power. In any case, still, we will be below the FCC
11 standard and, at the house, it's less than 3 percent
12 with T- Mobile and the proposed Verizon facility.
13 MR. MEESE: Any questions of Mr.
14 Pierson?
15 MR. NIKOW: What's the address for the
16 T-Mobile site?
17 MR. PIERSON: 600.
18 MR. NIKOW: There was no consideration
19 of possibly approaching T-Mobile to put this on
20 their site?
21 MR. PIERSON: It would be approaching
22 the building owner, which I was informed that was
23 done first and the owner said they did not want any
24 more wireless carriers on their roof.
25 To sum up, on A-9, the proposed

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1 facility does cover the buildings that were of
2 concern and it covers Sylvan Avenue between
3 Hollywood Avenue and Demarest and it meets that
4 particular gap and will provide the offload in the
5 700 megahertz and, in the future, 2100 megahertz, if
6 needed, because this will take both frequency bands.
7 MR. KATES: What's the cost of this
8 installation; do you know?
9 MR. PIERSON: I do not.
10 CHAIRMAN FEHRE: Any further
11 questions?
12 (No response)
13 MR. MEESE: Our last witness is
14 William Masters.
15 MR. CHINMAN: Right now, you are
16 investing because there's a huge density in a few
17 buildings but FIOS stops way down on the south side
18 and that would help the residential part. So is it
19 possible that we could get FIOS as part of this in
20 the rest of the town?
21 MR. PIERSON: It is two different
22 companies and there's nothing that I could do that
23 would influence that. That's a different business
24 unit. They operate differently because Verizon is
25 regulated by the FCC.

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1 MR. CHINMAN: Maybe, if we had
2 Internet for the residents, you wouldn't need as
3 much wireless. So would that be possible?
4 MR. PIERSON: You have cable Internet,
5 right?
6 MR. CHINMAN: But it doesn't work
7 everywhere but you are already there.
8 MR. PIERSON: I have gotten asked that
9 question in a couple places and I wish I could.
10 WILLIAM F. MASTERS, JR.,
11 19 Ireland Drive, Morris Plains, New Jersey 07950,
12 first having been duly sworn, testified as follows:
13 VOIR DIRE EXAMINATION BY MR. MEESE:
14 Q. Mr. Masters, will you review your
15 background and experience in the field of land use
16 planning?
17 A. Yes. I'm a professional planner
18 licensed in the State of New Jersey. I have been
19 continuously licensed for the past 33 years. For 13
20 years, I was the planning director for Township of
21 Parsippany/Troy Hills. For the last 20 years, I
22 have been involved in my own private practice
23 specializing in applications involving wireless
24 telecommunications facilities. I have previously
25 testified before numerous Boards throughout the

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1 State of New Jersey as an expert in the field of
2 land use planning, including this Board.
3 MR. MEESE: I would offer Mr. Masters
4 --
5 CHAIRMAN FEHRE: He's acceptable.
6 DIRECT EXAMINATION BY MR. MEESE:
7 Q. Mr. Masters, you are familiar with the
8 Englewood Cliffs Zoning Code?
9 A. Yes. I am.
10 Q. And you are familiar with the
11 application that was presented by Verizon Wireless
12 this evening?
13 A. I am.
14 Q. In this application, Verizon is
15 proposing a small network node on the top of a
16 building in the B2 zone?
17 A. Correct.
18 Q. And that would be a conditional use
19 application?
20 A. Yes.
21 Q. And in connection with this
22 application, the applicant is also seeking a height
23 variance because the height limitation in the zone
24 is 35 feet and the existing building is already
25 above that height?

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1 **A. Yes.**
2 **Q.** And the top of the antenna that's
3 proposed is 47 feet, which is approximately even in
4 height with the existing chimney on the building; is
5 that correct?
6 **A. Yes.**
7 **Q.** Before I ask you to talk about the
8 planning issues, there were two issues raised by the
9 Board engineer that I want to address.
10 MR. MEESE: I did contact the Board
11 attorney several weeks ago on these two issues and
12 that is: There was a reference to Section 30-214C
13 in the code with respect to a variance from the
14 distance to a residential lot line and, similarly, a
15 variance to a property line. My reading of that is
16 that refers to wireless towers as opposed to rooftop
17 antennas. I called Mr. Kates and I think he agrees
18 with that and that no variances are required for
19 those provisions.
20 MR. KATES: Do you agree?
21 MR. MASTERS: I do.
22 MR. KATES: I agree too.
23 **Q.** Now, with respect to this application,
24 have you heard all the testimony tonight and have
25 you heard any testimony that would demonstrate a

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1 need for the facility?
2 **A. Yes. I think the applicant's RF**
3 **engineer adequately addressed the technical need for**
4 **the proposed facility at the subject site, which**
5 **goes to the particular suitability of the site.**
6 **While we are seeking a conditional use approval, we**
7 **do require relief from one of the conditional use**
8 **requirements, I would submit to the Board that this**
9 **site continues to be a particularly suited site,**
10 **notwithstanding the deviation and departure from the**
11 **regulation in terms of the height.**
12 I believe that this site is
13 particularly suited, number one, as I mentioned,
14 going to the fact that the subject location, as
15 testified to by the applicant's RF engineer, he
16 indicated that the site was ideally situated from a
17 technical standpoint to meet the coverage objective
18 for this particular area of Englewood Cliffs. So we
19 have a situation where the property achieves the
20 objective of Verizon Wireless and therefore
21 satisfies the technical requirement.
22 The fact that we have here an existing
23 tall structure, an existing four-story building,
24 which provides an ideal support structure for a
25 wireless telecommunications facility obviating the

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1 need to construct a new freestanding support
2 structure, such as the new tower that we have behind
3 the building here on the municipal complex, it makes
4 good planning sense to exploit existing tall
5 structures for these types of uses, these types of
6 facilities, in order minimize the overall visual
7 impact of the installation such as would be the case
8 with a new freestanding support structure.
9 We are a conditional use in a non-
10 residential zone district, the B2 limited business-
11 owned district. Wireless carriers always attempt
12 to, if they cannot locate in a wholly-permitted
13 zone, they seek out non-residential zone districts
14 before locating in residential zones. So I believe
15 that the fact that this is in a limited business
16 zone district also contributes to its particular
17 suitability. The fact that the subject site is a
18 fully-developed site, one that has an existing
19 building, existing access to that building, existing
20 parking and no vegetation removal is required, owing
21 to the fact that the entire installation will be
22 contained within the building footprint, within the
23 roofscape of the existing building, and the fact
24 that the site is proximate to major traffic
25 corridors, specifically, Sylvan Avenue, Route 9W,

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1 which is certainly a major north-south traffic
2 corridor in Englewood Cliffs.
3 So for all those reasons, I would
4 submit that the site that's the subject of the
5 application is a site that's particularly suited for
6 a telecommunications facility, which goes to the
7 positive criteria or special reasons, which is the
8 applicant's burden in terms of use variance relief
9 to satisfy the positive criteria.
10 In that regard, I would also note that
11 the courts in New Jersey have found that the
12 issuance of an FCC license should suffice for that
13 carrier to establish that the use serves the general
14 welfare. I would submit to the Board, Verizon
15 Wireless has four such licenses that they hold with
16 the FCC. So I would submit that that also
17 contributes to the satisfaction of the positive
18 criteria relative to the requested variance relief.
19 It is also the applicant's burden to
20 satisfy the negative criteria. The variance relief
21 cannot be granted unless there is a showing that
22 there is no substantial detriment to the public good
23 or the zone plan. I think the pictures and the
24 photo simulations speak for themselves and I'm sure
25 this Board has seen numerous wireless applications.

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1 I have certainly done a couple myself in Englewood
2 Cliffs and I have done hundreds of them over the
3 course of the last 20 years.
4 And from an overall impact standpoint,
5 in terms of visual impact, it does not get much
6 better than the small network nodes in terms of the
7 technology that is now being employed. We are
8 dealing with a single-canister antenna, 24 inches in
9 height, 16 inches in diameter, which will extend 5
10 feet above the existing stair bulkhead on the roof
11 of the building. While there is no doubt, whenever
12 something is added above the top of a structure,
13 there is a visual impact; however, I do not believe
14 that the visual impact rises to the level of
15 significant impact.
16 And from that standpoint, I would
17 suggest to the Board that the variance relief
18 requested here relative to the height can, in fact,
19 be granted without substantial detriment to the
20 public good or the detriment of the zone plan.
21 MR. KATES: Is that photo board a
22 collation of the photos that are in these pages?
23 MR. MASTERS: Yes.
24 MR. KATES: It's colorized. Let's
25 mark that.

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1 (Exhibit A-11, photo simulations, was
2 marked for Identification.)
3 MR. MEESE: Can you review the SICA
4 balancing test, the four steps?
5 MR. KATES: Do you have to do that?
6 What is the conditional use that's violated here?
7 MR. MASTERS: The height.
8 MR. KATES: And that specifically
9 is...
10 MR. MASTERS: The proposed top of
11 antenna height is 47 feet. The existing top of
12 chimney is 47 feet. The top bulkhead is 42 feet and
13 the maximum permitted height is 35 feet.
14 Relative to the SICA balancing test,
15 it was an analysis that had previously been reserved
16 for inherently beneficial uses. While the courts
17 have stopped short of declaring wireless
18 telecommunications facilities inherently beneficial,
19 they did embrace the court's process for the
20 negative-criteria analysis that had been previously
21 set forth in the SICA decision. They created a
22 hybrid, if you will, in terms of the analysis for
23 negative criteria compliance for a variance
24 involving a wireless telecommunications facility.
25 The fourth step of the balancing test,

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1 first, the Board should identify the public interest
2 at stake and I would submit to another Board that
3 the public interest at stake here is significant,
4 the provision of reliable, uninterrupted wireless
5 telecommunications is a use that certainly has a
6 public benefit. And again, going to this particular
7 aspect of the test is the court's prior finding in
8 New Jersey that, generally, the issuance of an FCC
9 license should suffice for a carrier to establish
10 that the use serves the general welfare.
11 The detrimental effect that will ensue
12 by the granting of the variance -- again, the
13 primary focus with regard to these types of uses is,
14 no doubt, the potential visual impact. And what we
15 are proposing here is to affix two small cabinets
16 that measure 20 inches by 21.25 inches, stand 4
17 feet, 7 inches, and they will be attached to the
18 side wall of the existing stair bulkhead on the roof
19 of the building and then, in addition to that, the
20 single antenna will extend 5 feet above the top of
21 the bulkhead. Again, I would respectfully submit to
22 the Board that that installation does not rise to
23 the level of a significant or substantial detriment.
24 In some situations, the Board may
25 impose reasonable conditions on the use. Again, I

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1 think that what's being proposed here is of a
2 non-significant effect and that there really is no
3 need for any type of additional treatment in order
4 to reduce detrimental effect.
5 The fourth step is that the Board
6 should weigh the positive and the negative criteria
7 and determine whether, on balance, to grant the
8 variance relief. And I think when you consider the
9 public benefit of wireless telecommunications
10 coupled with the fact that Verizon Wireless is
11 attempting to locate this in as -- least visually
12 intrusive as possible, that the scale tips in favor
13 of the positive and satisfies the SICA balancing
14 test.
15 MR. KATES: Mr. Mirandi, in his
16 report, talked about neutral color. Is that in the
17 specs for this application?
18 MR. MEESE: The antenna itself will be
19 of a neutral color.
20 MR. MASTERS: It's an off-white color.
21 The antenna can be painted but my suggestion to the
22 Board would be not to paint it. I think the generic
23 color of the antenna is probably the least intrusive
24 color. Of course, it varies day to day depending on
25 the sky color. I think, in most situations, the

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1 generic color here is probably the least intrusive
2 color.

3 MR. MEESE: The two cabinets are the
4 same color as the existing HVAC equipment?
5 MR. MASTERS: They are the color of
6 the equipment that's on the roof of the building and
7 they are flush to the side wall of the stair
8 bulkhead so they do not protrude up above the
9 existing stair bulkhead at all.

10 MR. KILMARTIN: Which side are they
11 flush to?
12 MR. MASTERS: They are flush-mounted
13 to the rear of the bulkhead.

14 MR. MEESE: Mr. Kates, one issue that
15 was raised in the engineer's report was the safety
16 interruption of transmission in case someone stands
17 in front of the antenna. I would argue, in this
18 case -- perhaps a bird -- but there's no way for
19 someone to stand in front of the antenna and I think
20 those are for microwave antennas. Where here, you
21 have an antenna that doesn't monitor that.

22 MR. MASTERS: I agree with that
23 answer. I think, again, it makes sense.

24 MR. MIRANDI: That comment, that
25 referred to Section 30-21-6GD and I believe they've

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1 addressed everything else on the report.
2 CHAIRMAN FEHRE: If there are no
3 further questions...
4 (No response)
5 CHAIRMAN FEHRE: Thank you.
6 Do we have a motion to open this to
7 the public? All in favor?
8 MEMBERS OF THE BOARD: Aye.
9 MR. MANOLIO: Tom Manolio, 603 Floyd
10 Street, Englewood Cliffs, New Jersey.
11 I have a couple of questions. I sat
12 on this Board for many, many years. It seems like
13 they want to place an antenna for data. Previously,
14 all the emergency information was for cellular
15 service. It seems like you just want to help a few
16 office buildings on 9W for your own benefit. Is it
17 possible, if you do approve this -- I have questions
18 -- what's to prevent them in the future from not
19 coming back for a larger antenna and can you limit
20 this there to the one antenna and, if possible, is
21 it possible to move the antenna to the east side of
22 the building instead of the west side of the
23 building so it takes away from the residents from
24 behind the building seeing it?
25 MR. MEESE: First, in terms of the

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1 purpose which was testified to by Mr. Pierson, the
2 FCC does not differentiate between voice or data.
3 The FCC rules cover all and the Public Safety Act
4 covers all. It talks about voice and data the same
5 as telecommunications transmissions and it talks
6 about the need for these facilities, for police,
7 fire and emergency vehicles, such as ambulances
8 which may be communicating via data.

9 Secondly, is there anything preventing
10 us from coming back? No. But we would have to come
11 back here if we needed to and we would. As
12 testified to by Mr. Pierson, there is no intent to
13 come back for the purposes of this facility as a
14 single small network node as opposed to macro site
15 because he thinks that that would suffice to full in
16 the area of the gap and address the capacity issues
17 and the deficiency.

18 MR. MANOLIO: Again, as I mentioned, I
19 sat on this Board for many, many years and many,
20 many times, people came back for more and more and
21 more.

22 MR. MEESE: I have indicated --
23 MR. MANOLIO: Okay. If I just --
24 MR. KATES: I think the testimony was
25 the usage has evolved. I asked those questions. It

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1 used to be gap technology.
2 MR. MANOLIO: But they are here today.
3 What's to prevent something else from coming out and
4 then they have to put up a six-foot antenna?
5 MR. KATES: But they would have to
6 come back and justify it.
7 MR. MANOLIO: I feel like, if you give
8 them the one, it's going to open up a can of worms.
9 MR. KATES: The technology may be such
10 that all of this will become obsolete because, all
11 of the sudden, it's going to come from the Cloud.
12 MR. MANOLIO: I have to look at it.
13 I'm directly behind the building. Okay?
14 MR. KATES: So you are saying you are
15 offended by what you have to see?
16 MR. MANOLIO: Correct. That is where
17 I live. Is there really a need for it? We have
18 gone through this so many times. I don't think
19 there's a real need for it because you want to move
20 your service into a couple of buildings. Okay? And
21 as they testified to, it's not going to enhance the
22 residents' service. It's basically a commercial
23 application for the building on the highway.
24 MR. MEESE: That is not consistent
25 with the testimony.

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1 MR. MANOLIO: I think the question was
 2 asked and the answer was "no."
 3 MR. MEESE: Mr. Pierson indicated
 4 that, yes, if you remove the capacity from the site
 5 to the north and to the south, that frees up
 6 capacity that can be used by the residents as well.
 7 MR. KATES: That was the testimony.
 8 Anything else?
 9 MR. MANOLIO: No.
 10 CHAIRMAN FEHRE: Would anyone else
 11 like to comment?
 12 MS. O'SHEA: Mary O'Shea, 12 Irving
 13 Avenue.
 14 The height of the chimney is really
 15 not relevant to the height of the building and the
 16 applicant keeps referring to the height of the
 17 chimney. Chimneys don't count in the height
 18 measurement, I believe, for a building. Therefore,
 19 if you have a building that is conforming right now
 20 and was originally at 34 feet, it's a conforming
 21 building and now you are creating a height variance
 22 making it non-conforming.
 23 And in view of the fact that the
 24 Council, only within the past month, passed an
 25 ordinance limiting the height of all structures to

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1 close to 35 feet, less than a month later, granting
 2 a variance for 47 feet, I think, is out of line and
 3 I don't think it should be approved.
 4 CHAIRMAN FEHRE: Would anybody else
 5 like to comment?
 6 (No response)
 7 CHAIRMAN FEHRE: Motion to close?
 8 MR. NIKOW: So moved.
 9 CHAIRMAN FEHRE: All in favor?
 10 MEMBERS OF THE BOARD: Aye.
 11 CHAIRMAN FEHRE: Would anyone like to
 12 make a motion?
 13 MR. NIKOW: I'll make a motion for
 14 approval.
 15 MR. KIM: Second.
 16 MS. SCANCARELLA: Mr. Fehre?
 17 CHAIRMAN FEHRE: Yes.
 18 MS. SCANCARELLA: Mr. Dooly?
 19 MR. DOOLY: Yes.
 20 MS. SCANCARELLA: Mr. Chinman?
 21 MR. CHINMAN: No.
 22 MS. SCANCARELLA: Mr. Kilmartin?
 23 MR. KILMARTIN: No.
 24 MS. SCANCARELLA: Mr. Nikow?
 25 MR. NIKOW: Yes.

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1 MS. SCANCARELLA: Mr. Aversa?
 2 MR. AVERSA: No.
 3 MS. SCANCARELLA: Mr. Kim?
 4 MR. KIM: No.
 5 MS. SCANCARELLA: Mr. Duffy?
 6 MR. DUFFY: Yes.
 7 MS. SCANCARELLA: Mr. Seung?
 8 MR. SEUNG: Yes.
 9 MS. SCANCARELLA: We have 5 to 4.
 10 MR. KATES: That's approved.
 11 MR. MEESE: Thank you.
 12 (The hearing concluded at 9:20 p.m.)
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CERTIFICATE

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 4
 5 I, ALISON GULINO, a Certified Court
 6 Reporter, Registered Professional Reporter and
 7 Notary Public of the State of New Jersey, do hereby
 8 state that the foregoing is a true and accurate
 9 verbatim transcript of my stenographic notes of the
 10 within proceedings, to the best of my ability.
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<p style="text-align: center;">W</p> <p>walk [1] - 9:6</p> <p>wall [2] - 48:18, 50:7</p> <p>walls [1] - 25:15</p>	<p>water [1] - 23:23</p> <p>wattage [1] - 23:25</p> <p>watts [3] - 23:10, 24:2, 24:3</p> <p>wave [2] - 24:12, 38:2</p> <p>waves [1] - 24:13</p> <p>ways [1] - 36:17</p> <p>website [1] - 8:12</p> <p>weeks [1] - 42:11</p> <p>weigh [1] - 49:6</p> <p>welcome [1] - 28:20</p> <p>welfare [2] - 45:14, 48:10</p> <p>west [6] - 16:21, 24:21, 36:23, 37:15, 51:22</p> <p>WEST [1] - 1:24</p> <p>whatever [1] - 11:20</p> <p>whereas [1] - 32:7</p> <p>white [2] - 16:7, 49:20</p> <p>whole [4] - 23:12, 24:13, 32:13, 35:16</p> <p>wholly [1] - 44:12</p> <p>wholly-permitted [1] - 44:12</p> <p>wide [2] - 24:10, 24:16</p> <p>WiFi [1] - 33:6</p> <p>William [1] - 39:14</p> <p>WILLIAM [1] - 3:5</p> <p>Wireless [18] - 4:4, 4:8, 13:7, 13:16, 13:21, 15:1, 15:6, 23:17, 23:18, 36:10, 37:9, 41:11, 43:20, 44:11, 45:15, 49:10</p> <p>WIRELESS [1] - 1:5</p> <p>wireless [14] - 4:10, 13:17, 18:2, 34:3, 38:24, 40:3, 40:23, 42:16, 43:25, 45:25, 47:17, 47:24, 48:4, 49:9</p> <p>Wireless' [1] - 18:21</p> <p>wise [1] - 27:17</p> <p>wish [1] - 40:9</p> <p>witness [2] - 13:14, 39:13</p> <p>WITNESS [1] - 3:2</p> <p>witnesses [1] - 6:11</p> <p>wood [1] - 17:8</p> <p>wood-framed [1] - 17:8</p> <p>Woodcliff [1] - 2:5</p> <p>words [2] - 5:12, 30:18</p> <p>works [2] - 17:2, 17:17</p> <p>worms [1] - 53:8</p> <p>worst [1] - 37:19</p> <p>worth [1] - 5:12</p>	<p>year [2] - 23:17, 27:23</p> <p>years [9] - 13:6, 13:8, 27:21, 40:19, 40:20, 40:21, 46:3, 51:12, 52:19</p> <p>yellow [2] - 20:12, 21:20</p> <p>York [2] - 4:3, 4:7</p>
		<p style="text-align: center;">Z</p>
		<p>Z-4 [2] - 9:3, 12:4</p> <p>zone [11] - 6:6, 6:7, 6:8, 41:16, 41:23, 44:10, 44:13, 44:16, 45:23, 46:20</p> <p>zoned [1] - 8:11</p> <p>zones [1] - 44:14</p> <p>Zoning [2] - 7:13, 41:8</p>

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TOWNSHIP OF ENGLEWOOD CLIFFS
PLANNING BOARD

IN THE MATTER OF: :
 : TRANSCRIPT
NO. 235K, NY SMSA LIMITED: OF
PARTNERSHIP D/B/A : PROCEEDINGS
5 VERIZON WIRELESS : (PART 2)
680 SYLVAN AVENUE, :
BLOCK: 806, LOT: 9 :

Thursday, September 11, 2014
Municipal Building
10 Kahn Terrace
Englewood Cliffs, New Jersey 07632
Commencing at 10:50 p.m.

BOARD MEMBERS PRESENT:

- EDWIN FEHRE, Chairman
- STEPHEN DUFFY
- KIKY KIM
- ANDREW D. NIKOW
- RON KILMARTIN
- JEFF CHINMAN
- DANIEL DOOLY
- SEAN SEUNG KIM

ALSO PRESENT:

- CATHY SCANCARELLA, Board Secretary
- EDWARD F. AVERSA, DMD Councilman
- BERNIE MIRANDI, Board Engineer

ALISON GULINO
CERTIFIED COURT REPORTER

QUICK COURT REPORTING, LLC
47 BRIAN ROAD
WEST CALDWELL, NEW JERSEY 07006
(973) 618-0872
office@quickreporters.com

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

MICHAEL B. KATES, ESQ.
Counsel for the Board

1 MR. KATES: The variances that were
2 involved were D variances. The height was a D6
3 variance and the failure to meet a conditional use
4 was a D3 variance. What that meant was -- I should
5 have snagged it beforehand -- that you are sitting
6 as a Zoning Board, not a Planning Board, which means
7 you are seven and not nine. It further means, that
8 Mr. Nikow, as a Class 2 or 3 member of the Planning
9 Board, and Councilman Aversa, it means that they
10 could not vote. So you have to be voting this as
11 seven members, one, two, three, four, five, six,
12 seven, and you will have to revote it again.

13 The other thing that was a little
14 confusing, you seconded the motion to approve and
15 then voted against it, which is not -- you know. So
16 you have to decide what way you are going on this.
17 It's also a weighted vote, which means that a simple
18 majority will mean a denial. You need a fifth vote
19 to approve.

20 So I'm going to ask that you revote it
21 with a motion, a second and a vote, with the seven
22 participants I have indicated and we'll take that
23 vote and record that vote and let Mr. Meese know.
24 It can go either way. You can move to do whatever
25 you choose to do but we need five votes.

1 CHAIRMAN FEHRE: I will ask for a
2 motion to approve this application.

3 MR. DUFFY: I'll make that motion.

4 CHAIRMAN FEHRE: I need a second.

5 MR. CHINMAN: Second.

6 MS. SCANCARELLA: Chairman Fehre?

7 CHAIRMAN FEHRE: Yes.

8 MS. SCANCARELLA: Mr. Dooly?

9 MR. DOOLY: Yes.

10 MS. SCANCARELLA: Mr. Chinman?

11 MR. CHINMAN: No.

12 MS. SCANCARELLA: Mr. Kilmartin?

13 MR. KILMARTIN: No.

14 MS. SCANCARELLA: Mr. Kim?

15 MR. KIM: No.

16 MS. SCANCARELLA: Mr. Duffy?

17 MR. DUFFY: Yes.

18 MS. SCANCARELLA: Mr. Seung?

19 MR. SEUNG: Yes.

20 MS. SCANCARELLA: So now it's four
21 yeses and three nos.

22 MR. KATES: The application is
23 defeated. I'll have to advise Mr. Meese.

24 (The hearing concluded at 11:00 p.m.)

25

C E R T I F I C A T E

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I, ALISON GULINO, a Certified Court Reporter, Registered Professional Reporter and Notary Public of the State of New Jersey, do hereby state that the foregoing is a true and accurate verbatim transcript of my stenographic notes of the within proceedings, to the best of my ability.

ALISON GULINO, CCR, RPR
LICENSE No. 30X100235500
NOTARY LICENSE No. 2415679



ENGLEWOOD CLIFFS FIRE PREVENTION OFFICE

P.O. BOX 981 ENGLEWOOD CLIFFS, NJ 07632

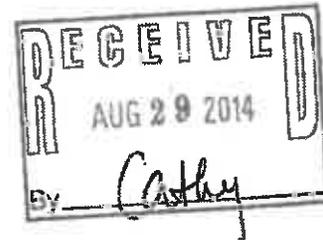
(201) 768-4890

FAX (201) 768-4890

Office of the Fire Official

August 26, 2014

Boswell McClave Engineering
330 Phillips Avenue
R.O. Box 3152
South Hackensack, NJ 07606
Attn: Bernard N. Mirandi, P.E.



Re: Conditional Use Variance
580 Sylvan Avenue
File No. ECES-1344

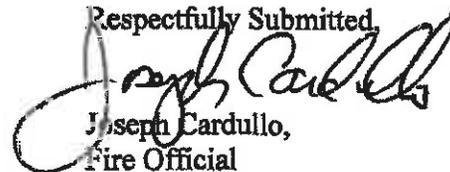
Dear Mr. Mirandi:

The following comments are being made by the undersigned with respect to fire suppression operations within the building, and accesses to the roof for the proposed communication equipment:

- a) This proposed communication equipment would have no affect regarding the operations of the fire suppression system.
- b) Any alarm protection information install on the roof accesses shall be provided to the fire department.

Any fire protection aspects would need to be addressed by the Fire Subcode official.

Respectfully Submitted,


Joseph Cardullo,
Fire Official

cc: Planning Board Secretary



VIA FACSIMILE & EMAIL

August 7, 2014

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

Attention: Ms. Cathy Scancarella, Board Secretary

Re: Conditional Use Variance and Site
Plan Application Review
New York SMSA Limited Partnership
d/b/a/ Verizon Wireless
Block 806, Lot 9
580 Sylvan Avenue
Our File No. ECES-1344
Board Application #235K

Dear Ms. Scancarella:

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

- A. Board of Adjustment Application, 580 Sylvan Avenue, Block 806, Lot 9, July 8, 2014.
- B. Letter of Denial of Application for Building Permit from Paul Renaud, Zoning Officer, Re: 580 Sylvan Avenue, Block 806, Lot 9, Zone B-2, June 3, 2014.
- C. Partnership Disclosure Statement dated March 31, 2014.
- D. Plans entitled, "Verizon Wireless Site Plan Approval for Proposed Small Network Node, Site Name Englewood Cliffs SC, 580 Sylvan Avenue, Englewood Cliffs, Bergen County, New Jersey," prepared by Christopher M. Cirrotti, P.E., consisting of seven (7) sheets, dated June 5, 2014 all revised to July 2, 2014:

T-1	Title Sheet,
Z-1	Site Plan and Notes,
Z-2	Zoning Maps and Zoning Schedule
Z-3	Proposed Roof and Equipment Plans, and

- Z-4 West Elevation,
 - Z-5 Construction Details 1, and
 - Z-6 Construction Details 11.
- E. Affidavit of Consent from Managing Member of Van Nos Associates, LLC, the lessee of property located at 580 Sylvan Avenue.
- F. Title Certification package by Gibraltar Title Agency, Inc. dated March 18, 2014.
- G. Photographic Simulation of the Proposed Verizon Wireless Small Network Node, 580 Sylvan Avenue, prepared by David Karleback, P.P., P.C. dated April 17, 2014.
- H. Affidavit of Mailing Publication dated August 4, 2014 from Price, Meese, Shulman & D'Arminio, P.C.
- I. Structural Analysis Report and Design Calculations as prepared by Jiang Yu, P.E. dated April 29, 2014.
- J. Proof of Tax Payment from Tax Collector dated July 17, 2014.
- K. Trileaf Environmental Consultants letter dated August 4, 2014.

Based on our review of the above information, Boswell McClave Engineering offers the following comments:

General

1. The Applicant in this matter is:

New York SMSA Limited Partnership
d/b/a Verizon Wireless
Price, Meese, Shulman & D'Arminio, P.C.
50 Tice Boulevard
Woodcliff Lake, NJ 07677

The Owner in this matter is:

Fred R. Brunetti Construction Corp.
580 Sylvan Avenue
Englewood Cliffs, NJ 07632

The Applicant should notify the Board of any change in the above information.

2. Block 806, Lot 9 (the "Site") is approximately 1.865 acres in area and is located on the west side of Sylvan Avenue approximately 700 ft. north of Demarest Avenue.
3. The Site contains an existing four-story office building and is located in the B-2 Zone District.
4. The Applicant is proposing to install one (1) telecommunication antenna for use as a Small Network Node (SNN) for high data usage areas atop the existing rooftop bulkhead structure. Two (2) proposed equipment cabinets 55 inches high are to be mounted to the bulkhead wall.

Land Use

5. Wireless communication facilities are not listed as a permitted use in Block 806 in the B-2 Zone District (Section 30-21.4b). They are listed as a Conditional Use upon proper application and hearing (Section 30-8 e.2a).

Variances/Waivers

6. The Board should request comments from the Board Attorney regarding the requirements for variances or waivers for the following:
 - a. Wireless communication facilities are not listed as a permitted use in Block 806 in the B-2 Zoning District (Section 30-21.4). However, as noted in item 5 above, they can be a Conditional Use if so approved by the Board. The Applicant is proposing to construct a wireless communications facility on Block 806 in the B-2 Zoning District on top of the roof of the existing office building and requests Conditional Use approval.
 - b. The maximum permitted building height in the B-2 Zone is 35 feet (Schedule A – Schedule of Regulations). The Applicant indicates on their Zoning Schedule Table on Drawing No. Z-2 a required maximum building height of 38.5 feet and an existing nonconformity of 60 feet for maximum building height. It appears from the Plans that the existing 60 feet dimension is to the top of the chimney stack from the Above Grade Level (AGL). The Applicant shall correct their Zoning table to 35 feet required for the maximum building height.

The Applicant is proposing the top of the antenna to be approximately 13 feet above the roof and approximately 5 feet above the existing bulkhead at 60 feet AGL. The Applicant shall provide the Building Height dimension from the curb level (reference building height definition in the B-2 Zone, pg. 3005 of the Zoning Code Chapter XXX).
 - c. The Applicant is requesting a Minimum Residential Lot Line Wireless Equipment Setback of 259 ft. +/- where 500 ft. is required.
 - d. The Applicant is requesting a Minimum Property Line Wireless Equipment setback of 64 ft. +/- where 73 ft. is required.

Site Plan & Other Comments

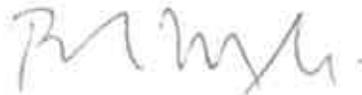
7. The Applicant shall provide testimony regarding the following subjects:
 - a. Antennas shall be installed with a safety interruption device, capable of stopping antenna transmissions if any object comes within the signal path for more than 0.20 seconds (Section 30-21.6g(d)).
 - b. Alarms shall be installed on access hatches and doors or install protective fencing to secure access to all antennas from the general public (Section 30-21.6g(e)).
 - c. The proposed telecommunication antennas will not interfere with municipal fire alarm equipment.
 - d. Clarify the color of proposed antennas and existing building. In accordance with Section 30-21.6i(3), if an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - e. Provide details for any existing and proposed lighting and corresponding details (Section 30-21.6i(4)).
 - f. The Applicant should obtain comments from the Englewood Cliffs Fire Subcode Official on the proposed improvements, and from the Englewood Cliffs Fire Department regarding fire suppression operations in the building, access to the roof, and fire protection aspects of the proposed communications equipment.
8. The Applicant has submitted calculations by a Professional Engineer. Our office received a copy via email. Original signed and sealed copies shall be submitted. Boswell McClave Engineering structural review will follow.
9. The Applicant should submit information to the Board concerning approvals required from the Federal Communications Commission (FCC) (section 30-21.3(d)). The Trileaf letter indicates that the antennas will be licensed by the FCC.
10. The Applicant should submit information to the Board establishing that it has secured the appropriate franchise to provide the proposed communications service (Section 30-21.3(f)).
11. Note 5 on Drawing No. Z-1 references a property survey prepared by Scott M. Blecker, PLS dated July 2, 2014. Please provide signed and sealed copy for record.

12. The Zoning Map on Drawing No. Z-2 identifies the project location in the B-2 Zone between Charlotte Place to the south and Sherwood Avenue to the north. The site (580 Sylvan Avenue) is located approximately 700 ft. north of Demarest Avenue and is not visible on this Zoning Map. Please correct and provide a legible map.
13. As noted in item 6b above, correct the Maximum Building Height required to 35 feet on the Drawing No. Z-2 Zoning Schedule.

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

Very truly yours,

BOSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.E.

BNM/amg

cc: Paul Renaud, Zoning Official, via email
Michael B. Kates, Esq.
Gregory D. Meese, Esq.
Christopher M. Cirrotti, P.E.
Mark Neville, DPW Superintendent
Fire Chief George Drimones
Police Chief Michael Cioffi
Fire Subcode Official
Shade Tree Commission
Environmental Commission
Board of Health

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**BOSWELL McCLAVE ENGINEERING**

ENGINEERS ■ SURVEYORS ■ PLANNERS ■ SCIENTISTS

330 Phillips Avenue • P.O. Box 3182 • South Hackensack, N.J. 07606-1722 • (201) 841-0770 • Fax (201) 841-1831

VIA FACSIMILE & EMAIL

September 9, 2014

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

Attention: Ms. Cathy Scancarella, Board Secretary

Re: Conditional Use Variance and Site
Plan Application Review
(Revised Plan Submission)
New York SMSA Limited Partnership
d/b/a/ Verizon Wireless
Block 806, Lot 9
580 Sylvan Avenue
Our File No. ECES-1344
Board Application #235K

Dear Ms. Scancarella:

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

- A. Board of Adjustment Application, 580 Sylvan Avenue, Block 806, Lot 9, July 8, 2014.
- B. Letter of Denial of Application for Building Permit from Paul Renaud, Zoning Officer, Re: 580 Sylvan Avenue, Block 806, Lot 9, Zone B-2, June 3, 2014.
- C. Partnership Disclosure Statement dated March 31, 2014.
- D. Plans entitled, "Verizon Wireless Site Plan Approval for Proposed Small Network Node, Site Name Englewood Cliffs SC, 580 Sylvan Avenue, Englewood Cliffs, Bergen County, New Jersey," prepared by Christopher M. Cirrotti, P.E., consisting of seven (7) sheets, dated June 5, 2014 all revised to August 25, 2014:

T-1	Title Sheet,
Z-1	Site Plan and Notes,
Z-2	Zoning Maps and Zoning Schedule

**Borough of Englewood Cliffs
September 9, 2014
Page 2 of 5**

- Z-3 Proposed Roof and Equipment Plans, and**
- Z-4 West Elevation,**
- Z-5 Construction Details 1, and**
- Z-6 Construction Details 11.**

- E. Affidavit of Consent from Managing Member of Van Nos Associates, LLC, the lessee of property located at 580 Sylvan Avenue.**

- F. Title Certification package by Gibraltar Title Agency, Inc. dated March 18, 2014.**

- G. Photographic Simulation of the Proposed Verizon Wireless Small Network Node, 580 Sylvan Avenue, prepared by David Karleback, P.P., P.C. dated April 17, 2014.**

- H. Affidavit of Mailing Publication dated August 4, 2014 from Price, Meese, Shulman & D'Arminio, P.C.**

- I. Structural Analysis Report and Design Calculations as prepared by Jiang Yu, P.E. dated April 29, 2014.**

- J. Proof of Tax Payment from Tax Collector dated July 17, 2014.**

- K. Trileaf Environmental Consultants letter dated August 4, 2014.**

- L. Boundary Survey prepared by Dewberry Engineers, Inc. revision 1 dated July 2, 2014, signed and sealed by Scott M. Blecker, PLS on August 22, 2014.**

Based on our review of the above information and recent site inspection, Boswell McClave Engineering offers the following comments:

General

- 1. The Applicant in this matter is:
New York SMSA Limited Partnership
d/b/a Verizon Wireless
Price, Meese, Shulman & D'Arminio, P.C.
50 Tice Boulevard
Woodcliff Lake, NJ 07677**

**The Owner in this matter is:
Fred R. Brunetti Construction Corp.
580 Sylvan Avenue
Englewood Cliffs, NJ 07632**



Borough of Englewood Cliffs
September 9, 2014
Page 3 of 5

The Applicant should notify the Board of any change in the above information.

2. Block 806, Lot 9 (the "Site") is approximately 1.865 acres in area and is located on the west side of Sylvan Avenue approximately 700 ft. north of Demarest Avenue.
3. The Site contains an existing four-story office building and is located in the B-2 Zone District.
4. The Applicant is proposing to install one (1) telecommunication antenna for use as a Small Network Node (SNN) for high data usage areas atop the existing rooftop bulkhead structure. Two (2) proposed equipment cabinets 55 inches high are to be mounted to the bulkhead wall.

Land Use

5. Wireless communication facilities are not listed as a permitted use in Block 806 in the B-2 Zone District (Section 30-21.4b). They are listed as a Conditional Use upon proper application and hearing (Section 30-8.a.2a).

Variations/Waivers

6. The Board should request comments from the Board Attorney regarding the requirements for variations or waivers for the following:
 - a. Wireless communication facilities are not listed as a permitted use in Block 806 in the B-2 Zoning District (Section 30-21.4). However, as noted in item 5 above, they can be a Conditional Use if so approved by the Board. The Applicant is proposing to construct a wireless communications facility on Block 806 in the B-2 Zoning District on top of the roof of the existing office building and requests Conditional Use approval.
 - b. The maximum permitted building height in the B-2 Zone is 35 feet (Schedule A – Schedule of Regulations). The Applicant is requesting a variance and proposing a height to 47 feet Above Curb Level (ACL).

The Applicant is proposing the top of the antenna to be approximately 13 feet above the roof and approximately 5 feet above the existing bulkhead at 47 feet ACL.
 - c. The Applicant is requesting a Minimum Residential Lot Line Wireless Equipment Setback of 259 ft. +/- where 500 ft. is required.
 - d. The Applicant is requesting a Minimum Property Line Wireless Equipment setback of 64 ft. +/- where 73 ft. is required.



Borough of Englewood Cliffs
September 9, 2014
Page 4 of 5

Site Plan & Other Comments

7. The Applicant shall provide testimony regarding the following subjects:
 - a. Antennas shall be installed with a safety interruption device, capable of stopping antenna transmissions if any object comes within the signal path for more than 0.20 seconds (Section 30-21.6g(d)).
 - b. Alarms shall be installed on access hatches and doors or install protective fencing to secure access to all antennas from the general public (Section 30-21.6g(e)).
 - c. The proposed telecommunication antennas will not interfere with municipal fire alarm equipment.
 - d. Clarify the color of proposed antennas and existing building. In accordance with Section 30-21.6i(3), if an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - e. Provide details for any existing and proposed lighting and corresponding details (Section 30-21.6i(4)).
 - f. The Applicant should obtain comments from the Englewood Cliffs Fire Subcode Official on the proposed improvements, and from the Englewood Cliffs Fire Department regarding fire suppression operations in the building, access to the roof, and fire protection aspects of the proposed communications equipment.
8. The Applicant has submitted calculations by a Professional Engineer. Our office received a copy via email. Original signed and sealed copies shall be submitted. Boswell McClave Engineering structural department review follows:
 - a. Verify the use of adhesive anchor in detail #3 on sheet Z-6 of the plans. This anchor appears to be embedded into the brick only of the penthouse wall. (shown as brick/CMU wall) We recommend using through bolts similar to detail #6.
 - b. Record copy of design calculations must be submitted under engineers seal.
9. The Applicant should submit information to the Board concerning approvals required from the Federal Communications Commission (FCC) (section 30-21.3(d)). The Trileaf letter indicates that the antennas will be licensed by the FCC.
10. The Applicant should submit information to the Board establishing that it has secured the appropriate franchise to provide the proposed communications service (Section 30-21.3(f)).



**Borough of Englewood Cliffs
September 9, 2014
Page 5 of 5**

11. A signed and sealed copy of the Boundary Survey has now been submitted.

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

Very truly yours,

BOSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.E.

BNM/amg

**cc: Paul Renaud, Zoning Official, via email
Michael B. Kates, Esq., via fax and email
Gregory D. Meese, Esq., via fax and mail
Christopher M. Cirrotti, P.E., via fax and mail
Mark Neville, DPW Superintendent
Fire Chief George Drimones
Police Chief Michael Cioffi
Fire Subcode Official
Shade Tree Commission
Environmental Commission
Board of Health**

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Borough of Englewood Cliffs

475 SYLVAN AVE., P.O. BOX 1021, ENGLEWOOD CLIFFS, NEW JERSEY 07632 • 201-569-1234



Office of The Fire Chief

August 25, 2014

Englewood Cliffs Planning Board
482 Hudson Terrace
Englewood Cliffs NJ, 07632
Cathy Scancarella, Board Secretary

RECEIVED

AUG 25 2014

BUILDING DEPARTMENT
Borough of Englewood Cliffs

RE: Unilever
700 Sylvan Ave Application Number 241 K
800 Sylvan Ave Application Number 242 K

Dear Ms. Scancarella:

I have reviewed the reduced down site plan for Unilever, proposal for both 700 Sylvan and 800 Sylvan.

I recommend that the Fire Official be requested to review the designation for the fire lanes according to DCA to the UCC Bulletin 97-1, the New Jersey Uniform Fire Code which authorizes the Fire Official to designate fire lanes for existing installations.

I also recommend that you request the Fire Official for his input as far as the construction of the pop-up store.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Anthony Dominick", written over a faint circular stamp.

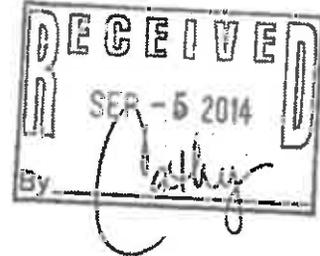
Borough of Englewood Cliffs

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



Office of The Fire Chief

September 3, 2014



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

Re: Site Plan Approval
700 Sylvan Avenue
Application No. 241K

Dear Ms. Scancarella:

I have reviewed the site plan with Fire Official Joseph Cardullo, and submitting the following comments with respect to the fire department concerns:

- 1) The locations of the existing hydrants could not be located on the submitted site plans for any possible commenting. Proposed walkway/roadways may affect access to these hydrants for possible relocating or for any additional hydrants;
- 2) The locations of the existing post indicator valves (PIV) could not be located on the submitted site plans for commenting. Proposed walkway/roadways may affect access to these valves and can cause for a need of relocation;
- 3) Consideration needs to be addressed at this site for having only one fire department siamese connection (FDC) located on Hollywood Avenue. This is the only fire department connection to backup the water supply for buildings having sprinklers and standpipes systems. Should anything happen to this free standing siamese connection the fire department has no ability to supply the sprinkler systems.
- 4) A review of the fire protection water supply demands should be made by a professional engineer for both sprinklers and standpipes given the increases of water supply demands for the site now having two new buildings from when the campus was first built (Bldg "E" & now the Proposed Market Place/Pavilion).
 - a) Past hydrant tests show residual pressures are below 50 psi with a flows of approximately 1,150 GPM or less (Fire pumps may be required due to having low water pressures for fire fighting).

- 5) No sizes shown for the fire service water lines on property;
- 6) The proposed roadway in front of buildings "A" & "B" is showed as 18 feet wide. It should be 20 feet wide as required by the fire code;
- 7) No fire lanes shown on site plans for review. NOTE: Parking needs to be only in designated parking spaces;

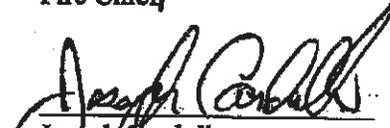
8.) Comments can not be made at this time with respect to the roof mounted solar panels and the proposed canopy-mounted solar array panels over the parking spaces due to the lack of information not being provided. However, there are fire safety concerns for these solar power units such as they can't be shut off, they can cause shock and burns, and also, block routes that fire firefighters need for certain types of ventilations. New Jersey at this time is looking into these issues so that information can be provided to local fire officials.

Trusting, the above comments can help in your determinations for the site plan approvals. If you have any questions please feel free to contact either one of us.

With Anticipation,



George Drimones,
Fire Chief



Joseph Cardullo,
Fire Official



BOSWELL McCLAVE ENGINEERING

ENGINEERS ■ SURVEYORS ■ PLANNERS ■ SCIENTISTS

330 Phillips Avenue - P.O. Box 3182 • South Hackensack, N.J. 07606-1722 • (201) 841-0770 • Fax (201) 841-1831

VIA FACSIMILE & EMAIL

September 11, 2014

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

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Site Plan and Variance Review
Unilever – (a division of Conopco, Inc.)
Project Unity
Canopy Enclosing Courtyard, New Pavilion, etc.
700 Sylvan Avenue
Block 806, Lot 7, Block 808, Lot 9
Borough of Englewood Cliffs
Our File No. ECES-1348
Board Application #241K

Dear Ms. Scancarella:

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

- a. Planning Board, Borough of Englewood Cliffs Application Form dated August 20, 2014.
- b. Plans (21 sheets) entitled, "Preliminary & Final Site Plan, Unilever – 700 Sylvan Avenue (U.S. Route 9w), Block 806 Lot 7, Block 808 Lot 9, Borough of Englewood Cliffs, Bergen County, New Jersey" as prepared by Kenneth D. Dykstra, P.E. & L.S. of Dykstra Walker Design Group, dated August 15, 2014 (unless otherwise noted) as follows:

<u>Sheet No.</u>	<u>Description</u>
1 of 21	Title Sheet
2 of 21	Topographic Survey, dated May 7, 2014, last revised August 15, 2014
3 of 21	Site Layout Plan Overall Site
4 of 21	Solar Array Layout
5 of 21	Site Layout Plan "A"
6 of 21	Site Layout Plan "B"
7 of 21	Site Layout Plan "C"

Borough of Englewood Cliffs

September 11, 2014

Page 2 of 8

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

- c. **Landscape Plans (6 Sheets) as prepared by Jeffrey P. Allen, Licensed Landscape Architect of Maser Consulting, all dated August 20, 2014 consisting of:**

<u>Sheet No.</u>	<u>Description</u>
1 of 6	Overall Landscape Plan
2 of 6	Landscape Plan "A"
3 of 6	Landscape Plan "B"
4 of 6	Landscape Plan "D"
5 of 6	Landscape Details
6 of 6	Landscape Details

- d. **Architectural Plan (11 Sheets) as prepared by Perkins & Will, all dated August 20, 2014 consisting of:**

<u>Sheet No.</u>	<u>Description</u>
Z-001	Enlarged Courtyard & Pavilion Plan Level 01
Z-002	Enlarged Courtyard & Pavilion Plan Level 02
Z-003	Enlarged Courtyard & Pavilion Plan Level 03
Z-004	Enlarged Courtyard & Pavilion Plan Level 04
Z-005	Campus Roof Plan
Z-006	Proposed Campus Elevations
Z-007	Signage Details
Z-008	First Floor Area Plan
Z-009	Second Floor Area Plan
Z-010	Third Floor Area Plan
Z-011	Fourth Floor Area Plan

Borough of Englewood Cliffs

September 11, 2014

Page 3 of 8

- e. Site Plan Checklist.
- f. Letter from the Borough of Englewood Cliffs Fire Chief and Fire Official dated September 3, 2014.

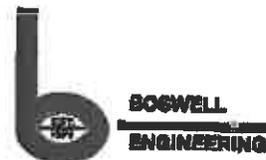
Based on our review of the above information and recent site inspections, we offer the following comments:

General

1. The Applicant/Owner in this matter is:
Conopco, Inc.
c/o William Horgan
700 Sylvan Avenue
Englewood Cliffs, NJ 07632
2. Block 806, Lot 7 and Block 808, Lot 9 (the "Site") are bordered by Sylvan Avenue (Route US 9W) to the east and by Floyd Street to the west. The Site is currently located in the B-2 Limited Business Zone and is utilized for general office purposes. The Site borders the R-A Residential Single Family Zone to the west.
3. Block 806, Lot 7 is used for parking whereas Block 808, Lot 9 contains an existing 2-story office building consisting of four wings that are interconnected by bridged walkways, and Block 910, Lot 1 contains a 2-story administrative building complex.
4. The Applicant proposes in their Application Description:
"The site is currently occupied by Unilever, which is a division of Conopco, Inc. and is utilized for general corporate office purposes. Lot 7, Block 806 is occupied under a long term lease to Conopco, Inc. and is used only for parking purposes. The existing office building is on Lot 9, Block 808 and consists of four wings which are interconnected by bridged walkways, and the total floor area of the existing buildings is 297,340 square feet. The purpose of this application is to obtain site plan approval for the construction of a canopy enclosing the courtyard, a new entry pavilion, a pop-up store as an accessory building, a CHP unit, solar canopies in the parking area, roof-top solar panels and EV charging stations; and 50 additional parking spaces and driveways as shown on the site."

Submission Status

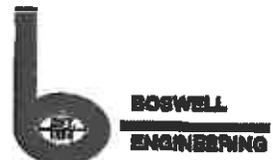
5. This Application submittal is deemed *complete* with respect to engineering matters for a site plan submission, as outlined in Chapter 30-9.4 of the Zoning Code of the Borough of Englewood Cliffs and the Administrative Site Plan Checklist.



Borough of Englewood Cliffs
September 11, 2014
Page 4 of 8

Variances/Waivers

6. The Applicant is requesting the following variances/ waivers:
- a. The minimum number of required parking spaces is 1,496 (for the existing building, and proposed addition as required by the Zoning Ordinance, Schedule B, (Section 30-10.1) for "Business and Professional Office" (one space per 200 s.f. of floor area plus 1 space per 1000 s.f. for Warehouse & Distribution plus 1 space per 200s.f. for Office). Proposed spaces are 908 including 22 handicap accessible spaces and 12 electric charge station spaces. A variance is required.
 - b. The existing parking spaces are undersized. According to Section 30-10.2.a, the required minimum parking stall dimension is 9 ft. by 19 ft. The dimensions of the 50 proposed new parking spaces are 9 ft. by 18 ft. and therefore undersized. The Applicant also proposes to restripe a portion of the existing parking lot to create 110 compact car spaces which are proposed at 8 ft. by 18 ft. A variance is required.
 - c. The existing aisle width in the parking areas is 24 feet. According to Section 30-10.2.b, the required minimum width is 25 feet. The Applicant indicates this is an existing non conformity. However, two (2) new aisles are proposed through the parking modules at the northwest section of the site. Drawing No. 8 of 21 dimensions these "cut-through" aisles as 12 ft. wide. A variance is required.
 - d. The Applicant received parking variances from the required number of spaces by Resolution No. 209K adopted on July 10, 2008 and Resolution No. 214K adopted on June 10, 2010.
 - e. Section 30-10.1(i) of the Code prohibits parking within the required front yard. This is an existing non-conformity as both the northeasterly and southeasterly lots contain parking spaces in the front yard between the front line of the lot and the nearest point of the building. Also new angled parking spaces are proposed in the front yard near Buildings "A" and "B". A variance is required.
 - f. Schedule B of Section 30-10.1 of the Code requires three (3) loading dock spaces for floor space up to 100,000 s.f. plus one (1) space for each additional 60,000 s.f. The Applicant indicates seven (7) loading dock spaces are required and two (2) spaces exist. A variance is required.
 - g. Section 30-7.2.a.4 of the Code states "No Accessory Building shall be located in the front yard. The pop-up stove is located in the front yard. A variance is required.
 - h. The Applicant is requesting a variance from Sections 19-15(b) (2) which states "Signs attached to and parallel to buildings shall not exceed 32 s.f. of total sign area and in no event shall exceed four (4) feet in height or 16 feet in length" and 19-13(e) which prohibits the erection of any illuminated sign.



Borough of Englewood Cliffs
September 11, 2014
Page 5 of 8

- i. The Applicant also requests any other variances, waivers or exceptions as may be required for the approval of this application.
7. The Applicant provides for an increase in total impervious area of 23,867 s.f. The Applicant provided a contribution fee of \$1 per square foot of additional impervious area, i.e. \$23,867.00 for the Borough's Stormwater Capital Improvement.

Off-Street Parking

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

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

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

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

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

Total parking spaces required = 1,496

Total parking spaces provided = 908 spaces including 22 Handicap Accessible spaces and 12 electric vehicle charging spaces

9. The Applicant is proposing 50 additional undersized spaces of 9 ft. by 18 ft.
10. Handicap accessible parking spaces are proposed to increase by 2 from 20 to 22 spaces.
11. Please provide testimony if the parking calculations include 1 space per employee for cafeteria/restaurant employees.

Landscape Review

12. Eight (8) additional shade trees are recommended along vitality trail and the modified parking areas. This will provide some shade to the trail walkway, the bench seating and the parked vehicles within the parking lots. We have attached a markup clarifying the locations recommended. The mark up indicates ten (10) additional shade trees, however, two (2) of those located conflict with the solar array canopy accessory structure.
13. All shade trees are recommended to be upgraded in size upon initial planting from 2.5 inch caliper to 3 inch caliper.
14. Dark brown hardwood mulch is recommended.
15. The proposed plantbed lines shall be defined.
16. Measures to suppress weed growth shall be addressed.



Borough of Englewood Cliffs
September 11, 2014
Page 6 of 8

17. A maintenance schedule and party responsible for same is recommended to be outlined.
18. Plant replacement for any dead plantings and a 2 year warranty is recommended.
19. A comprehensive sprinkler system is strongly recommended in the areas of significant plantings.
20. A landscape performance bond is recommended.
21. The planting selections proposed are commendable. The plantings provide color, structure and texture diversity for enhanced visual year round interest.
22. The plans do not indicate the trees that will be demolished in the areas of proposed parking. Please provide information and testimony.
23. We request that any final landscape review and approvals be conducted with the Shade Tree and Environmental Commissions input.

Stormwater Management

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

Retaining Walls

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

Noise Review

27. Two (2) 500 kW gas backup generators are proposed at the rear of Building "D".
28. A 200 kW gas engine CHP unit is proposed at the northwest corner of Building "D". The construction details show a plan view without a roof with a note designed according to a sound pressure level of 65 db(A). Please provide testimony.
29. Noise prohibitions and sound levels are part of Code Chapter BH: VI Noise and fall under the purview of the Board of Health.



Borough of Englewood Cliffs

September 11, 2014

Page 7 of 8

30. Sound testing shall be provided prior to Certificate of Occupancy and be in conformance to Board of Health requirements.

Site Plan Review

31. The compact car spaces are proposed to be restriped to create a total of 110 spaces. The dimension of the compact car space is proposed to be 8 ft. wide by 18ft. deep. The existing compact spaces were 8' - 8" wide. Please provide testimony on what type of cars can fit the 8' wide space.
32. Two (2) of the parking lot areas (Ref. Sheet No. 8 of 21) are proposed to be reconfigured to eliminate a loop circulation. A twelve (12) ft. aisle cut-through is proposed between parked cars. This is unacceptable. Please revisit.
33. The concrete permeable parking lot surfaces exhibit significant scaling. Please provide testimony on this repair.
34. Facility and Maintenance parking spaces are currently designated by signage. Please provide testimony if they are to remain.
35. Please confirm the fire hydrant location vis-à-vis the four (4) new compact car spaces located north of Building "B".
36. Also regarding the new compact car spaces near Building "B" and at the north end of the site, please provide testimony on a 4% grade and its impact on car door swing in an 8 ft. wide parking space.
37. The solar array detail section is illegible. Please provide clear copy.
38. The accessory structure solar array canopies appear to meet the maximum height. Please confirm.
39. Please provide layout of the solar array canopy structure columns and base on the site layout plans. How do the structural and foundation elements impact the parking space and module size. Please provide testimony.
40. Please provide testimony on the electric charging spaces as to frequency of use projections. Can these spaces accommodate parking when not in use?
41. As condition of a prior Unilever approval the Applicant was to submit pump data on the operating sanitary pump station. This was a result of the BCUA inspection and study of the sanitary sewer system infiltration and inflow (I/I) concerns. Based upon preliminary field tests conducted in the fall of 2012, it appears the Unilever campus sanitary lines are appropriately connected. However, we await submission of the maintenance vendors pump data. We require this information and recommend the issuance of any building permit to be contingent upon review and acceptance by this office.
42. Please provide testimony on the Fire Department comment letter.

Borough of Englewood Cliffs

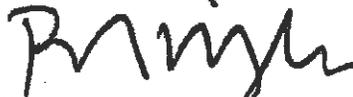
September 11, 2014

Page 8 of 8

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

Very truly yours,

BOSWELL McCLAVE ENGINEERING

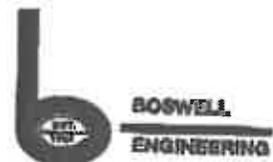


Bernard N. Mirandi, P.E.

BNM/amg

- cc: Edwin Fahre (via email)**
- Michael B. Kates, Esq. (via email)**
- William Horgan - Unilever**
- Michael Profita, Esq. for Conopco, Inc., via email**
- Perkins & Will**
- Jeffrey P. Allen, LLA - Maser**
- 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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TOWNSHIP OF ENGLEWOOD CLIFFS
PLANNING BOARD

IN THE MATTER OF: :
 : TRANSCRIPT
NO. 241K, CONOPCO, d/b/a : OF
UNILEVER, 700 SYLVAN : PROCEEDINGS
AVENUE, BLOCK: 806, LOT: :
7 & BLOCK: 808, LOT 9 :

Thursday, September 11, 2014
Municipal Building
10 Kahn Terrace
Englewood Cliffs, New Jersey 07632
Commencing at 9:30 p.m.

BOARD MEMBERS PRESENT:

- EDWIN FEHRE, Chairman
- STEPHEN DUFFY, Member
- KIKY KIM, Member
- ANDREW D. NIKOW, Member
- RON KILMARTIN, Member
- JEFF CHINMAN, Member
- DANIEL DOOLY, Member
- SEAN SEUNG KIM, Member

ALSO PRESENT:

- CATHY SCANCARELLA, Board Secretary
- EDWARD F. AVERSA, DMD Councilman
- BERNIE MIRANDI, Board Engineer

ALISON GULINO
CERTIFIED COURT REPORTER

QUICK COURT REPORTING, LLC
47 BRIAN ROAD
WEST CALDWELL, NEW JERSEY 07006
(973) 618-0872
office@quickreporters.com

1 APPEARANCES:

2
3 MICHAEL B. KATES, ESQ.
Counsel for the Board
4
5 PROFITA & ASSOCIATES, LLC
106 Grand Avenue
Englewood, New Jersey 07631
6 BY: MICHAEL PROFITA, ESQ.
Counsel for the Applicant
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1 CHAIRMAN FEHRE: Application Number
2 241K, Conopco, d/b/a Unilever, 700 Sylvan Avenue.
3 How many witnesses do you have?

4 MR. PROFITA: We have two witnesses.
5 We do have an additional witness that was not able
6 to appear tonight so we will be carrying over to the
7 October agenda.

8 CHAIRMAN FEHRE: We are going to 10:30
9 tonight and then you will be number one on the
10 October meeting.

11 MR. PROFITA: That would be great.
12 Thank you.

13 This is a Unilever application. You
14 have heard a number of them before and we are
15 seeking site plan approval with associated variances
16 and approval of a sign on a new entry pavilion and
17 associated variances in connection with the sign.
18 The changes to the building itself, you will see in
19 blue, and in the center of the four buildings is the
20 new construction and what is taking place is an
21 enclosure of an existing courtyard and the
22 construction of a new entry pavilion. There are a
23 number of other improvements to the site that will
24 be reviewed in detail with the witnesses.

25 There is an addition of about 50

1 I N D E X

2	<u>WITNESSES:</u>	<u>PAGE</u>
3	WILLIAM HORGAN	5
4	KENNETH DYKSTRA	18
5		
6	<u>QUESTIONS BY MEMBERS OF THE PUBLIC:</u>	<u>PAGE</u>
7	(NONE)	
8		
9	<u>COMMENTS BY MEMBERS OF THE PUBLIC:</u>	<u>PAGE</u>
10	(NONE)	
11		
12		
13	<u>EXHIBITS MARKED INTO EVIDENCE</u>	
14	<u>NUMBER</u> <u>DESCRIPTION</u>	<u>PAGE</u>
15	A-1 Site plan	7
16	A-2 Tabular figures	9
17	A-3 Parking analysis	9
18	A-4 Floor plan and elevations	27
19		
20		
21		
22		
23		
24		
25		

3

5

1 parking spaces. The applicant is proposing that a
2 portion of the parking areas be re-striped for
3 compact car spaces. You can see, in the light blue
4 areas in the parking lots, those are solar array
5 canopies and Unilever is hoping to rely on the
6 generation of solar power as part of its
7 sustainability plan.

8 The combined floor area of the
9 courtyard and the new entry pavilion is
10 approximately 24,000 square feet. And as I said,
11 there are a number of other improvements going on in
12 the site, which the witnesses will cover in detail.

13 So with that, I would like to call my
14 first witness.

15 CHAIRMAN FEHRE: Please do.
16 W I L L I A M H O R G A N, 800 Sylvan Avenue,
17 Englewood Cliffs, New Jersey 07632, first having
18 been duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. PROFITA:

20 Q. Mr. Horgan, "Unilever" is a doing-
21 business name for the applicant, Conopco, Inc.?

22 A. Yes.

23 Q. And how long have you worked at the 700
24 -- and you also worked at the 800 site as well,
25 correct?

6

1 **A. Yes. 29 years.**
2 **Q.** Could you tell the Board what your
3 duties entailed over the 29 years that you have
4 worked there?
5 **A. The first 9 years, I worked in**
6 **corporate engineering for the manufacturing sites.**
7 **For the last 20 years, I have been associated with**
8 **the facilities department, most recently facilities**
9 **manager and environmental manager for Englewood**
10 **Cliffs and for Connecticut.**
11 **Q.** What is the 800 facility currently used
12 for?
13 **A. The 800 building is currently an**
14 **office building and research and development for the**
15 **foods business of Unilever.**
16 **Q.** What is the 700 facility used for?
17 **A. It is all office right now. There's**
18 **no technical support there and it's basically sales,**
19 **marketing, customer development and brand building.**
20 **Q.** When was the 700 building originally
21 constructed?
22 **A. I believe 1969.**
23 **Q.** And you're familiar with the site plan
24 and the architectural plans that have been submitted
25 to the Board in connection with the application?

7

1 **A. Yes. I am.**
2 **Q.** Can you identify the colored site plan
3 on the Board as the site plan that has been
4 submitted?
5 **A. Yes. It's shown on the tripod.**
6 (Exhibit A-1, site plan, was marked for
7 identification.)
8 **Q.** Referring to the site plan that's been
9 marked as A-1, would you briefly describe for the
10 Board the proposed improvements?
11 **A. The date of it is 9/11 and the date of**
12 **the plan is September 10, 2014.**
13 MR. MIRANDI: What sheet number is
14 that?
15 MR. PROFITA: 1 of 1.
16 **Q.** Please describe the proposed additions
17 to the building.
18 **A. The proposed additions to the building**
19 **are a canopy over the existing courtyard and a new**
20 **entrance pavilion between Buildings A and B on the**
21 **east side of the property.**
22 **Q.** Why is Unilever proposing -- if this
23 plan is approved -- to enclose the courtyard?
24 **A. We are trying to enclose the courtyard**
25 **to bring people together. The title of this project**

8

1 is "Project Unify," which is trying to bring all the
2 different areas of Unilever together, the various
3 buildings. This will give people an opportunity to
4 interact with each other and communicate with each
5 other instead of being all in separate buildings.
6 There will be a marketplace and a courtyard for
7 presentations and the ability to come together and
8 to interact with each other and the brands.
9 **Q.** Why is Unilever proposing a new entry
10 pavilion on the east side of the Buildings A and B?
11 **A. As some of the Planning Board members**
12 **know, a number of years ago, we eliminated the**
13 **formal entranceway into the building with some**
14 **modifications. Now, we are making this the North**
15 **American headquarters and we want to have a strong**
16 **presence and that will allow us to have a**
17 **significant presence to our visitors and customers**
18 **as they come to visit the site.**
19 **Q.** And if the plan takes place, what types
20 of operations will be conducted in the four
21 buildings at 700?
22 **A. Well, all regular business operations**
23 **will be brought together and unified into this one**
24 **building, sales, marketing, supply chain, HR,**
25 **finance, all under one roof.**

9

1 **Q.** Is there any work space planned for the
2 new building additions that are shown in blue?
3 **A. No, there is not.**
4 **Q.** I would like to review some parking
5 calculations and analysis that you had performed?
6 MR. PROFITA: And, Mr. Chairman, I
7 have two exhibits in that regard. I'll mark them
8 A-2 and -3.
9 (Exhibits A-2 and A-3 were marked for
10 identification.)
11 MR. PROFITA: I have marked the
12 exhibit that has the tabular figures as A-2 and the
13 exhibit entitled "Parking Analysis" as A-3.
14 **Q.** Mr. Horgan, making reference to what
15 has been marked as A-2, can you describe what is
16 shown on this exhibit?
17 **A. Certainly. What we have done is,**
18 **starting January 28th of 2013, we conducted various**
19 **employee head counts for the 700 and 800 and 940**
20 **Sylvan Avenue locations. We kept a running total**
21 **each day of the number of employees that came to the**
22 **site as well as the number of visitors.**
23 **Q.** And how did you go about counting the
24 number of employees and visitors that came on site?
25 **A. It was conducted in two different**

10

1 **ways. Visitors coming to either one of the sites**
2 **must log in to a sign-in sheet. So those visitors**
3 **were counted through a sign-in tabulation. The**
4 **others, in order to get an accurate head count, we**
5 **put a security officer at each doorway and counted**
6 **the employees as they came through the door so none**
7 **were piggybacked and we did not lose count of**
8 **anybody.**
9 **Q.** And after reviewing the results of the
10 data, did you then prepare the parking analysis?
11 **A. Yes, I did.**
12 **Q.** Let me ask you: At the present time,
13 are the number of existing parking spaces sufficient
14 for the current occupancy requirements of 700 Sylvan
15 Avenue?
16 **A. Yes, they are.**
17 **Q.** Have you had occasion to observe
18 whether there are any vacant parking spaces at the
19 present time at 700 Sylvan Avenue?
20 **A. Yes, I have.**
21 **Q.** What have your observations been in
22 that regard?
23 **A. Over a two-month period, May and June**
24 **of this year, we did an empty-parking-space count**
25 **after 10:30 a.m. every morning. We used this time**

11

1 **frame because we knew the majority of people would**
2 **be on the site and the calculations that came out**
3 **was approximately 129 open spaces on the site each**
4 **morning at 10:30 a.m.**
5 **Q.** And from your personal observation, has
6 that number of empty spaces been relatively
7 consistent?
8 **A. Yes, it has.**
9 **Q.** And does Unilever currently use shuttle
10 buses to bring employees to the 700 building?
11 **A. Yes. We do.**
12 **Q.** Why do they use shuttle buses when
13 there are empty spaces?
14 **A. Well, there's a sustainable living**
15 **plan which tries to reduce our carbon footprint and**
16 **using a shuttle bus allows us to bring in over 250**
17 **employees per day with only the use of shuttle buses**
18 **rather than cars driving to work. These shuttles**
19 **come from lower Manhattan up the east and the west**
20 **side, similar to what CNBC does right next to us.**
21 **This is done to bring people to the campus. Most**
22 **people do not have cars who live in the City and**
23 **Unilever would not have the opportunity to hire**
24 **these people if we did not give them this type of an**
25 **opportunity. So it draws in the talent from**

12

1 **Manhattan that we may not have had the opportunity**
2 **to bring in if we didn't have a shuttle bus.**
3 **Q.** Do any of the employees currently
4 carpool?
5 **A. Yes. There are 37.**
6 **Q.** Is there a vanpool program?
7 **A. Yes. 20 people participate in that**
8 **program.**
9 **Q.** Unilever anticipates that the number of
10 employees and visitors at 700 is going to increase
11 after employees are moved from 800 and 920 and 940
12 Sylvan Avenue, right?
13 **A. Yes.**
14 **Q.** As far as 800 is concerned, what's the
15 anticipated breakdown of Unilever employees that
16 will stay at that site and the employees that will
17 move?
18 **A. We anticipate that 140 employees will**
19 **continue to work at the 800, the C building and the**
20 **remainder will be in the 700 Sylvan Avenue building.**
21 **Q.** Does Unilever plan to increase the
22 shuttle bus program?
23 **A. Yes, it does.**
24 **Q.** How do they plan to increase that?
25 **A. We've done a number of research by**

13

1 **using our HR department and we found that there's a**
2 **very high concentration of people that live along**
3 **what we call "the Gold Coast," the Hudson River,**
4 **Weehawken, Edgewater and Hoboken. There's**
5 **approximately 140 employees that work in that area.**
6 **So very conservatively, we are figuring that we can**
7 **at least bring 70 people to the site by using a**
8 **shuttle bus going up and down River Road.**
9 **Q.** And what type of buses are used for the
10 shuttle program?
11 **A. We use a Pegasus shuttle system. They**
12 **are very high-end, 15-seat Mercedes-Benz Sprinter**
13 **type shuttle buses.**
14 **Q.** Let's take a look at what's been marked
15 as A-3, the parking analysis.
16 **A. Yes.**
17 **Q.** And can you just tell the Board,
18 please, what your role was in preparing this
19 exhibit?
20 **A. My roll was -- in order to put this**
21 **together, we ran the daily employee and visitor head**
22 **counts. That was done over 112 days, over the**
23 **course of 17 months, because we wanted to get a good**
24 **distribution and what we found out is, between the**
25 **700 and the 800 buildings, there's approximately 790**

1 **daily occupants at 700 and 537 at 800.**

2 **Q.** What is the anticipated -- or let's go
3 through Page 1.

4 **A. Okay. The next breakdown is 187**
5 **average daily population for 700 and 800 campuses**
6 **and that is coming up with a 1,327 total daily**
7 **average and subtracting 140 employees that would**
8 **stay at our C Building.**

9 **Q.** Now, that's if the project plan is
10 approved. That would be the anticipated number,
11 correct?

12 **A. That is the plan, yes.**

13 **Q.** Then just continue on on the first
14 page.

15 **A. Then, when we add the additional**
16 **employees currently working at 920 and 940 Sylvan**
17 **Avenue, we come up with an expected daily population**
18 **of 1,381 employees.**

19 **Q.** Can we turn to the third page?

20 **A. Yes.**

21 **Q.** Describe what's calculated on the third
22 page.

23 **A. The calculations here show the**
24 **existing conditions. So we just determined that**
25 **1,381 are the spaces that we require for future**

1 **occupancy. Currently, there are 858 available**
2 **spaces currently on the 700 campus. We have 250**
3 **employees that currently utilize the Pegasus system**
4 **on a daily basis and, between the registered carpool**
5 **and vanpool, we have another 22. So right now, if**
6 **we were to collapse everyone into the 700 campus, we**
7 **would have a 251-space deficit.**

8 **Q.** So is Unilever's solution set forth on
9 the next page?

10 **A. Yes, it is. The future solution that**
11 **we put together are 34 new parking spaces will be**
12 **constructed as part of Project Unify. As we just**
13 **mentioned before, going up and down the Gold Coast,**
14 **we feel that 140 possible riders, 70 additional**
15 **employees, would take the shuttle system.**

16 **Q.** Is that a conservative estimate?

17 **A. Yes. Just to give you an example, out**
18 **of the 300 possible shuttle riders coming from**
19 **Manhattan, we have 150 currently using the system.**
20 **So having 70 out of 140 is very conservative. Then**
21 **we did an HR analysis and found there's a high**
22 **concentration around the Hoboken area and there are**
23 **300 possible riders and we could easily get an**
24 **additional 200 riders to sign up to the shuttle**
25 **system. And then finally, we have 16 parking spaces**

1 **gained by re-stripping for compact cars.**

2 **Q.** What is the bottom line here in terms
3 of the 251 anticipated parking-space deficit and the
4 solution that you have contemplated?

5 **A. Well, the solution gives us 220**
6 **additional spaces. And if you subtract the 251**
7 **deficit that we had originally anticipated, we would**
8 **have 69 excess spaces anticipated based upon the**
9 **parking analysis.**

10 **Q.** In your opinion, will the solutions
11 that you have indicated on Exhibit A-3 be sufficient
12 to accommodate the projected employee and visitor
13 population at the 700 building?

14 **A. Yes.**

15 **MR. PROFITA:** I have no further
16 questions. I do have questions to ask him after the
17 civil engineer testifies to the site plan.

18 **MR. KILMARTIN:** What would you do if
19 it turned out that your numbers were dramatically
20 wrong? How would you solve it?

21 **MR. HORGAN:** Well, we still have a
22 number of opportunities. We could use the 800
23 building and the plan is to stay in the research
24 building and to possibly rent back additional space
25 from the 800 site from the landlord.

1 **CHAIRMAN FEHRE:** Any other questions?

2 **MR. MIRANDI:** I'm referring to Exhibit
3 A- 2. I was just looking for some clarification on
4 the dates. We have three sheets here and I believe
5 the testimony was that the January 28th date started
6 in the year 2013. As I'm looking through the dates,
7 they seem to jump around a little bit.

8 **MR. HORGAN:** We took snapshots over
9 the last 17 months. So we started in January 2013,
10 did a few weeks into February into the beginning of
11 March and then we took some months off, ran August
12 and September towards the end of 2013. Then at the
13 very bottom of the page, we started up with December
14 at the end of 2013, which is the blue column, and
15 then we started again up in March and April of this
16 year.

17 **MR. MIRANDI:** So March 17th is 2014.
18 So the first sheet and a half is 2014?

19 **MR. HORGAN:** Yes.

20 **MR. MIRANDI:** Thank you.

21 **CHAIRMAN FEHRE:** Any other questions?

22 **MR. KILMARTIN:** Are you planning on
23 giving up the locations at 920 and 940?

24 **MR. HORGAN:** Giving them up as far as,
25 we have a possibility of subletting them. There is

18

1 one location, which is our CIC center, Creative
 2 Innovation Center, that we will be keeping at the
 3 940 location.

4 CHAIRMAN FEHRE: If there are no
 5 further questions, we'll go to the next witness.
 6 (No response)

7 KENNETH DYKSTRA, 21 Bowling Green
 8 Parkway, Jefferson, New Jersey 07849, first having
 9 been duly sworn, testified as follows:

10 VOIR DIRE EXAMINATION BY MR. PROFITA:

11 Q. Where are you currently employed?
 12 A. **Dykstra Walker Design Group.**

13 Q. Can you describe your title and job
 14 duties?
 15 A. **I'm the managing principal and
 16 principal design engineer.**

17 Q. And how long have you been employed in
 18 that capacity?
 19 A. **With Dykstra Walker for 16 years and,
 20 overall, 30 years in site development engineering.**

21 Q. Are you licensed as a professional
 22 engineer by the State of New Jersey?
 23 A. **Yes. I am.**

24 Q. For how long?
 25 A. **26 years.**

19

1 Q. Are you licensed as a planner by the
 2 State of New Jersey as well?
 3 A. **Yes.**

4 Q. How long?
 5 A. **24 years.**

6 Q. Are you licensed as a land surveyor in
 7 the State of New Jersey?
 8 A. **Yes.**

9 Q. How long?
 10 A. **20 years.**

11 Q. Can you give the Board a brief
 12 description of your educational background?
 13 A. **Yes. I have a BS degree in civil
 14 engineering and an MBA from Rutgers back in 1982 and
 15 '83, respectively.**

16 Q. Have you testified as an expert witness
 17 before Planning Boards before?
 18 A. **Yes. Throughout my career.**

19 MR. PROFITA: I would proffer Mr.
 20 Dykstra as an expert --

21 CHAIRMAN FEHRE: We will accept him.
 22 DIRECT EXAMINATION BY MR. PROFITA:

23 Q. Did you prepare the site plans that
 24 have been submitted to the Board as part of this
 25 application?

20

1 A. **Yes, I did.**

2 Q. That includes the sheet marked as A-1
 3 tonight?
 4 A. **Yes. This is a colored exhibit of the
 5 plan that was submitted and this is a colored
 6 version of that site plan and it also includes the
 7 landscaping design that was also submitted with the
 8 application.**

9 Q. And can you describe for the Board the
 10 improvements which currently exist at the 700 site?
 11 MR. KATES: That plan doesn't have the
 12 original site plan date on it. That's a new plan?
 13 MR. DYKSTRA: That is a site plan
 14 exhibit for presentation purposes and I have a small
 15 version I could hand out.

16 Q. Why don't you go ahead and describe the
 17 improvements that exist at the 700 site?
 18 A. **The 700 site is a 23.4-acre parcel in
 19 the B-2 business zone with substantial frontage on
 20 Sylvan Avenue with an office complex with five
 21 buildings surrounding an open courtyard area. The
 22 total building size is 297,340 square feet under the
 23 existing conditions. In addition to the buildings,
 24 of course, we have driveways, parking, loading
 25 areas, and there's a total of 858 parking spaces.**

21

1 Q. Can you describe the proposed building
 2 improvements to the site?
 3 A. **Yes. The primary component in this
 4 improvement is to build a new main entrance. So
 5 it's the facility on Sylvan Avenue. Currently, this
 6 site, there is no obvious front entry to this
 7 building so the architects came up with a nice
 8 design. This has an easterly-facing front entrance
 9 directly facing Sylvan Avenue. In addition, there's
 10 a courtyard. The area will be covered with a canopy
 11 so that will make this courtyard area a four-season
 12 area that can be used for gatherings and conferences
 13 for the employees at the site.**

14 Q. Can you tell me where the proposed new
 15 parking spaces are located?
 16 A. **Yes. So with this new entrance being
 17 at the east, currently, the front of the building,
 18 there's no driveways or roadways. Although, in the
 19 past, there were in that area but they were removed.
 20 In order to get access to this new main entrance, we
 21 needed a driveway.**

22 So, basically, what we have in gray
 23 shading, you see there's, basically, a driveway
 24 route from Hollywood Avenue creating -- we are
 25 improving the existing driveway and bringing

1 employees and guests to this main new entrance at
2 the front of the building. So there's a new
3 driveway that will go across the front of the
4 building and, along that driveway on the building
5 side only, we are also proposing some additional
6 parking spaces. So these will be -- primarily,
7 there is a number of handicapped spaces, five of
8 them, and I expect that a lot of these will be used
9 for visitor spaces.

10 **Q.** What is the net gain in the number of
11 parking spaces as shown on the plan?

12 **A.** **As an overall summary, we have 858**
13 **spaces and we are proposing 908 spaces with the**
14 **additional space across the front and the**
15 **reconfiguration for compact spaces and some other**
16 **modifications that we are making to pick up parking.**

17 **Q.** So that would be 34 additional new
18 spaces and a gain of 16 spaces with the re-stripping
19 for compact cars?

20 **A.** **Yes.**

21 **Q.** And where is the area that's proposed
22 for compact car parking?

23 **A.** **Well, for the compact car parking, we**
24 **selected two areas. For incentive reasons, we**
25 **picked those areas close to the building so you have**

1 **an incentive to drive a smaller car. You get to**
2 **park a little closer. So we picked the area north**
3 **of Building E -- this area that I'm circling -- and**
4 **the other building adjacent to C was re-stripped for**
5 **compact car spaces.**

6 **Q.** Now, there is not a compact car
7 provision in the Englewood Cliffs' ordinance, is
8 there?

9 **A.** **No.**

10 **Q.** What, in your opinion, is a typical
11 maximum formula for maximum car spaces?

12 **A.** **We chose eight feet, which is two**
13 **compact cars with all-day parking. You can go down**
14 **to seven feet but an eight-foot space is adequate**
15 **for a standard mid-sized car. It's an all-day**
16 **parking scenario so you don't have a high turnover**
17 **ratio. It's not as how you are in a shopping center**
18 **with cars coming and going. These are, basically,**
19 **two persons per car and they are parked for the**
20 **whole day.**

21 **Q.** So they are 8 foot by 18 feet?

22 **A.** **Yes.**

23 **Q.** Are you aware of any standards that
24 have been promulgated concerning the size of compact
25 spaces?

1 **A.** **There is the National Transportation**
2 **Standards that have recommendations about parking**
3 **space sizes.**

4 **Q.** What are they in terms of compact cars?

5 **A.** **For an all-day parking scenario, you**
6 **could have -- for compact cars, you can go down to a**
7 **7-foot size for full-day parking. We chose not to**
8 **go that small. You can park a mid-sized car in**
9 **these spaces.**

10 **Q.** And these are currently 9 feet wide; is
11 that correct?

12 **A.** **Yes.**

13 **Q.** So you are reducing them by 1 foot?

14 **A.** **Yes.**

15 **Q.** And in terms of the number of spaces
16 that will be re-stripped, is there a typical formula
17 as to the percentage of the parking which could be
18 devoted to compact parking?

19 **A.** **Well, a maximum would be 20 percent.**
20 **In this case, our ratio is 12 percent because we re-**
21 **striped 120 spaces.**

22 **Q.** And you gain 16 additional spaces by
23 doing that?

24 **A.** **Yes.**

25 **Q.** And what are the dimensions of the

1 existing parking spaces in the existing parking
2 areas?

3 **A.** **The spaces are 9 foot by 18 through**
4 **the site.**

5 **Q.** Is there any change proposed to the
6 size of the existing parking spaces?

7 **A.** **No.**

8 **Q.** Why is the applicant requesting a
9 variance from the required size of parking spaces?

10 **A.** **Well, these parking spaces have**
11 **existed in this size and this configuration on this**
12 **site for many years. There have been no problems**
13 **with this size so there's no need to expand it.**

14 **Q.** What is the size of the new parking
15 spaces?

16 **A.** **They are proposed at 9 by 18 also.**

17 **Q.** Does that match the existing?

18 **A.** **Yes.**

19 **Q.** What about the existing aisle width in
20 the parking areas on the site?

21 **A.** **Existing aisle widths are 24 feet.**

22 **Q.** The ordinance requires 25 feet; is that
23 correct?

24 **A.** **Yes.**

25 **Q.** Are you proposing to change all of the

1 existing aisle widths to conform?

2 **A. No.**

3 **Q.** Why is that?

4 **A. Well, you would have to -- in order to**
 5 **change all of the aisle widths, you would have to**
 6 **expand all these parking areas. That would mean**
 7 **expanding them towards the buffer in the back and**
 8 **the vegetated area in the front of the site.**

9 **Q.** That would be a hardship, in your
 10 opinion?

11 **A. Right.**

12 **Q.** What's the proposed aisle width in the
 13 area of the new parking spaces, the ones in the
 14 front of the building?

15 **A. Yes. We are proposing this as a**
 16 **one-way driveway with 60-degree-angle parking. So**
 17 **that is proposed as an 18-foot-wide driveway,**
 18 **one-way.**

19 **Q.** Are there any areas that are 90-degree
 20 parking?

21 **A. Yes. We added 4 spaces on the north**
 22 **side. They are 90-degree spaces with a 24-foot**
 23 **aisle. We also added 9 spaces on the very north of**
 24 **the site in the section where we have permeable**
 25 **pavement. That was put in three or four years ago**

1 **so we are going to adjust the design there and pick**
 2 **up 9 spaces.**

3 **Q.** Now, there was a comment letter from
 4 the fire department which you reviewed?

5 **A. Yes.**

6 **Q.** If the fire department requires a
 7 20-foot aisle width on that one-way drive in the
 8 front of the building, is it possible to comply with
 9 that requirement?

10 **A. Correct.**

11 **Q.** What's the existing number of parking
 12 spaces currently?

13 **A. 858.**

14 **Q.** The total number of spaces, if this
 15 plan was approved, would be how many?

16 **A. 908 spaces.**

17 **Q.** And what is the required number of
 18 spaces for the 700 facility as per the zoning
 19 ordinance?

20 **A. 1,496.**

21 **Q.** In your opinion, does the proposed use
 22 of the facility, as described by Mr. Horgan, require
 23 1,496 spaces?

24 **A. No, it doesn't because we have a**
 25 **unique situation. With this new calculation, this**

1 **enclosed courtyard is not creating any office space.**
 2 **It's just common area but no new employees. Also,**
 3 **with the -- as Mr. Horgan testified to -- we have**
 4 **solutions such as the carpooling and the vans, which**
 5 **are ideal. That's what you want. There is a very**
 6 **busy Sylvan Avenue in the area. The more vans we**
 7 **can use to service a location like this, that's less**
 8 **cars and less smog in the area.**

9 **Q.** And that would include the shuttle
 10 service as well?

11 **A. Yes.**

12 **Q.** In your opinion, are any objectives met
 13 by satisfying parking demand with the increased
 14 shuttle and vanpooling and carpooling as opposed to
 15 building more parking spaces on the site?

16 **A. Yes. As I mentioned, with the carpool**
 17 **situation, you have less cars on the road, less**
 18 **emissions. And if we were going to try to park**
 19 **1,496 spaces on this lot, you would have to remove**
 20 **vegetation and build more parking lots or decks. So**
 21 **that would be detrimental to the environment.**

22 **Q.** Are parking decks permitted under the
 23 ordinance?

24 **A. No, they are not.**

25 **Q.** In your opinion, would it be a hardship

1 for the applicant to provide 1,496 parking spaces?

2 **A. Yes, it would.**

3 **Q.** Will elimination of construction of
 4 additional spaces beyond what you are proposing
 5 promote a desirable visual environment for that
 6 site?

7 **A. Yes, it will.**

8 **Q.** Would the elimination of building more
 9 spaces other than the new spaces proposed promote
 10 desirable open space?

11 **A. Yes. We minimized the amount of**
 12 **spaces proposed, especially across the front**
 13 **driveway. I proposed both sides and Unilever did**
 14 **not want that. So we eliminated one side to**
 15 **maintain as many trees as possible.**

16 **MR. PROFITA:** And we will have a
 17 landscaping architect who will speak to the
 18 landscaping and tree removal.

19 **Q.** Now, Mr. Dykstra, let's talk a minute
 20 about the calculation of the 1,496 spaces. There's
 21 a cafeteria on site at 700, correct?

22 **A. Yes.**

23 **Q.** That's not a restaurant for third
 24 parties; it's just for employees and visitors?

25 **A. Yes.**

30

1 **Q.** So how did you get the required parking
2 calculation under the ordinance as it concerns the
3 cafeteria space?
4 **A.** **Well, we did it very conservatively.**
5 **We took the, approximately, 12,000 square foot that**
6 **is the cafeteria and used a ratio of 1 space per**
7 **200. Even though there isn't any offices in that**
8 **area. So that really triggered about 60 spaces in**
9 **the requirement.**
10 But there's no new staff or offices or desks for
11 employees.
12 **Q.** So the people that will be utilizing
13 the cafeteria are in the other parts of the building
14 which you included in your calculating of the
15 parking?
16 **A.** **Yes.**
17 **Q.** Did you add anything to that for the
18 cafeteria employees?
19 **A.** **We did not.**
20 **Q.** Why didn't you give any additional
21 parking requirement for the number of employees in
22 the cafeteria?
23 **A.** **We thought we were already very**
24 **conservative. And if you did it the other way, you**
25 **took the 12,000 out and added the employees, we**

31

1 **would be required to have less spaces because**
2 **there's only about 15 employees that operate the**
3 **cafeteria.**
4 **Q.** As Mr. Horgan indicated, the head-count
5 study that was done included every visitor and
6 employee that comes to the site. So the cafeteria
7 employees would have been counted in that study?
8 **A.** **Yes.**
9 **Q.** Now, the new parking spaces, how many
10 are located in the front yard of the building?
11 **A.** **32 are in the front yard of the**
12 **building area.**
13 **Q.** What is the minimum front yard setback
14 required by the ordinance?
15 **A.** **The minimum front yard setback is 60**
16 **feet, by ordinance.**
17 **Q.** Are any of the new parking spaces
18 located within the required 60-foot setback?
19 **A.** **No.**
20 **Q.** Now, are you familiar with other
21 developments along Sylvan Avenue in the area?
22 **A.** **Yes.**
23 **Q.** Did you have an opportunity to observe
24 the different sites?
25 **A.** **Yes.**

32

1 **Q.** Was there parking in the front yard of
2 the buildings on any of the other sites that you
3 observed?
4 **A.** **Yes. Starting with the sites not too**
5 **distant, just off the sheet, the 570 site, that has**
6 **parking in the front. I think 600 does not. 580**
7 **does have some in the front. Our site has -- on the**
8 **north side and these spaces on the south side, they**
9 **are located in the front of our building. We have**
10 **64 existing spaces that are technically in front of**
11 **the building.**
12 **Q.** But they are not in the required
13 setback?
14 **A.** **No, they are not.**
15 **Q.** And you are familiar with the CNBC
16 building?
17 **A.** **Yes. They have parking across the**
18 **front of the building and the 800 site does as well.**
19 **Q.** How about the 929 and 40 sites?
20 **A.** **I understand it does but I hadn't made**
21 **direct observation of those sites.**
22 **Q.** In your opinion, will the proposed
23 location of these additional parking spaces in front
24 of the building be out of character with the
25 neighboring development?

33

1 **A.** **No, they will not.**
2 **Q.** Did you review the parking analysis
3 that was presented by Mr. Horgan?
4 **A.** **Yes.**
5 **Q.** In your opinion, is that a reasonable
6 plan to satisfy the parking demand anticipated by
7 the relocation of employees if Project Unify goes
8 forward?
9 **A.** **Yes, in my opinion, it's a solution**
10 **that's in Unilever's interest to solve their own**
11 **parking needs. We have to have available parking**
12 **spaces for all the employees that are going to**
13 **occupy this building. So they will do that through**
14 **the shuttling or whatever other means are necessary.**
15 **Q.** Would employees be able to park along
16 Sylvan Avenue?
17 **A.** **No. This site is kind of separately**
18 **contained. It's impossible to park on Sylvan**
19 **Avenue. There's two lanes of traffic each way with**
20 **no shoulders. You couldn't park on Hollywood**
21 **Avenue. That's an intersection. The 600 site to**
22 **your west is already full and the residential areas**
23 **to the west of the property, you couldn't reach from**
24 **this site. It's fenced off.**
25 **Q.** Now, there's a new patio proposed in an

1 existing loading dock at the rear of the building,
 2 correct?
 3 **A. Yes. One of our loading docks that's**
 4 **not utilized now. It's on the west side of the B**
 5 **building, which is here (indicating). And that**
 6 **loading dock -- although the door may remain -- we**
 7 **are proposing an outdoor patio area.**
 8 **Q.** Is that loading dock necessary for the
 9 continued operation of the facility?
 10 **A. No.**
 11 **Q.** Are there other loading docks at this
 12 facility?
 13 **A. Yes. On the west side of Building E.**
 14 **In the middle of this exhibit, we have two main**
 15 **loading docks. They are full-sized for tractor-**
 16 **trailers.**
 17 **Q.** Under the ordinance, there would be a
 18 requirement of seven loading docks on this site,
 19 correct?
 20 **A. Yes.**
 21 **Q.** In your opinion, would it be a hardship
 22 for the applicant to provide seven loading docks on
 23 this site?
 24 **A. Yes. Because the area is fully**
 25 **developed, you would have to take out parking and**

1 **build loading areas.**
 2 **Q.** Is that a desirable endeavor?
 3 **A. No, it's not. Especially, considering**
 4 **that Unilever only needs two loading docks.**
 5 **Q.** Let's talk for a few minutes about the
 6 EV charging stations. Can you just tell the Board
 7 what we mean when we say that?
 8 **A. Yes. Well, this goes to the**
 9 **sustainable efforts of Unilever. They want to**
 10 **encourage the use of electric vehicles. So 12**
 11 **electric vehicle charging stations are proposed. So**
 12 **if you happen to have one, you can park in a stall**
 13 **and charge.**
 14 **Q.** Can those spaces also be used for
 15 parking if they are not being used for charging?
 16 **A. Yes. They are full-sized parking**
 17 **spaces. There's 12 of them under what we call the**
 18 **"EV kiosks."**
 19 **Q.** The plan as submitted did show the
 20 installation of two generators; is that correct?
 21 **A. Yes.**
 22 **Q.** Your understanding is that Unilever has
 23 removed those from their plans and, therefore, those
 24 generators will not be installed, correct?
 25 **A. Correct. The two generators were**

1 **proposed in a loading dock area and they are not in**
 2 **the project any longer.**
 3 **Q.** What is a "CHP unit"?
 4 **A. Well, "CHP" stands for "combined heat-**
 5 **and power-generating unit" and it provides**
 6 **efficient, reliable heat and air generation. So**
 7 **it's basically a power unit and it's very efficient**
 8 **and it really is a benefit because Unilever will use**
 9 **less power from boilers and from the electric power**
 10 **grid.**
 11 **Q.** Is that part of the sustainability
 12 plan?
 13 **A. Yes.**
 14 **Q.** Now, there's proposed two CHP units,
 15 correct?
 16 **A. Yes. Two 200-kilowatt engines in one**
 17 **contained container.**
 18 **Q.** Where is that proposed?
 19 **A. That's located just north and west of**
 20 **Building B, adjacent to the parking area and the**
 21 **other mechanical equipment area.**
 22 **Q.** What are the dimensions of the
 23 contained units?
 24 **A. It's 10 feet wide, 10 feet high and 50**
 25 **feet long in an insulated, weather-resistant unit,**

1 **but you have to have some fence and some equipment**
 2 **on top. So you have the one vent that will rise up**
 3 **35 feet from the ground surface.**
 4 **Q.** And that's not above the existing
 5 building?
 6 **A. No.**
 7 **Q.** Are you familiar with the noise level
 8 of these CHP units?
 9 **A. Yes. At 30 feet, it's 65 decibels,**
 10 **which is basically a little louder than your normal**
 11 **conversational speech.**
 12 **Q.** Now, there's also an EV kiosk proposed
 13 for the site, correct?
 14 **A. Yes. On this exhibit now, this used**
 15 **to be shown as a square but now it's a "U" for**
 16 **Unilever and this is a 14-foot-high structure, which**
 17 **will be covered with a roof with solar modules.**
 18 **Q.** Do you have a drawing of the floor plan
 19 and the elevation?
 20 **A. Yes, we have a floor plan and**
 21 **elevation views and I have reduced copies of this.**
 22 **This is an exhibit prepared by NRG, the designer of**
 23 **the CHP unit, the solar and this EV kiosk.**
 24 (Exhibit A-4, floor plan and elevation
 25 views, was marked for Identification.)

1 **Q.** Can you briefly describe to the Board
2 what's shown on Exhibit 4?

3 **A.** **It's two pages.**

4 **Q.** So what we are looking at is the first
5 page or the second?

6 **A.** **Well, the first page is the plan view.**

7 The second page is the elevation views. And just to
8 orient you, this lines up with the site EV kiosk on
9 the site plan. So basically, the overall dimensions
10 are 52 feet by 52 feet and it's a structure that
11 covers four of the EV charging stations and the roof
12 will be, basically, covered with solar modules.

13 **Q.** Is that shown on the right side of the
14 exhibit?

15 **A.** **Yes, it's on the right side. That
16 shows the solar modules on the roof.**

17 **Q.** And what is the balance of the floor
18 area to be used for in the kiosk?

19 **A.** **Well, there will be seating in there.
20 So if your car is charging, you can sit in the area.**

21 There may be some vending machines so you can buy
22 snacks and that's the extent of it.

23 **Q.** And then the other page is elevation
24 views?

25 **A.** **Yes.**

1 **Q.** Can you review what is shown by the
2 elevation views?

3 **A.** **They basically -- you have the east,
4 north, south and west, elevation views shown on the
5 exhibit and they identify the height at 14 feet and
6 one of the exhibits shows how the vehicles would
7 park under it. They did show some signage here. I
8 don't think it's necessarily going to show up. That
9 would face into the site.**

10 **MR. MIRANDI:** You are talking about
11 the west elevation? And you have a script
12 "Unilever," is that plantings or...

13 **MR. DYKSTRA:** I don't know. They put
14 it on here. I don't know if the sign would be
15 integrated into a wall. There has to be a wall
16 built with this design. That wall will be almost 10
17 feet high.

18 **MR. MIRANDI:** We are having a
19 retaining wall that is 10 feet high?

20 **MR. DYKSTRA:** Yes.

21 **Q.** You are aware that it has to be fully
22 engineered and certified and approved?

23 **A.** **Yes.**

24 **MR. DOOLY:** This is only for those
25 four spots, correct?

1 **MR. DYKSTRA:** Yes. The four spots
2 don't need the retaining wall but the grade drops so
3 we made it up with a retaining wall.

4 **MR. KATES:** Show that again.

5 **MR. DYKSTRA:** It's located right here
6 (indicating). So what you have is the four parking
7 spaces are here but, as you see, the U goes to the
8 west by the 52-foot dimension. And between this
9 parking lot and the next parking lot, we have a
10 grade drop of almost 10 feet. So to make up the
11 grade, there's a retaining wall or they would have
12 to have two levels to this.

13 **MR. MIRANDI:** So the site details show
14 a maximum height of retaining walls of 3 and 4 feet.
15 So now, you are proposing a 10-foot retaining wall
16 and Mr. Profita had indicated there would be
17 requirements for calculations and what have you.

18 **MR. DYKSTRA:** Yes. Absolutely.

19 **CHAIRMAN FEHRE:** Is there going to be
20 a sign on the wall?

21 **MR. DYKSTRA:** I don't think it's
22 necessary.

23 **MR. CHINMAN:** On a 14-foot height, are
24 you going to see that from 9W?

25 **MR. DYKSTRA:** You would see the roof

1 from 9W. It's set back 120 feet from 9W so it's in
2 the front yard. It is a variance.

3 **Q.** Is it in the 60-foot-required setback?

4 **A.** **No.**

5 **Q.** The location where it's proposed, why
6 was that location selected?

7 **A.** **As I understand it, Unilever wanted
8 this location to be near the front entrance of the
9 building. This is the nearest logical location.**

10 **MR. CHINMAN:** Are you going to be able
11 to provide us with a rendering so we can see what
12 it's going to look like when you are coming down 9W?
13 It's hard for us to imagine what people are going to
14 see as they are going down 9W.

15 **MR. PROFITA:** 9W is a pretty high
16 elevation where this is located. So this is going
17 to be down lower, I guess.

18 **MR. DYKSTRA:** It sits down a bit and
19 the building is much higher than the accessory
20 structure.

21 **MR. PROFITA:** We can do a perspective.

22 **Q.** Now, there's an existing vitality walk
23 on the 700 campus, correct?

24 **A.** **Yes, there is.**

25 **Q.** Can you show the Board where that's

1 located?
2 **A. It runs across the front of the**
3 **property and then right through this area where I'm**
4 **highlighting and we are going to -- because of the**
5 **new driveway, we have to adjust the location to some**
6 **extent.**

7 **Q.** Part of the reason for placing or
8 choosing the location for the EV charging station
9 was proximity to the front entrance of the building,
10 correct?

11 **A. Yes.**

12 **Q.** So that an employee or visitor would be
13 able to park their car and go into the building
14 while it's charging?

15 **A. Yes.**

16 **Q.** And would it be practical to locate it
17 in proximity to that without having a portion of it
18 be in front of the building?

19 **A. No. Because I think, any further**
20 **down, you are at the lower level, not near the front**
21 **of this property.**

22 **Q.** So only a portion of it is located in
23 the front of the building?

24 **A. Yes. The buildings are set back 132**
25 **feet and the front of this is 120 feet. So it's 12**

1 **feet in front of the building.**

2 **Q.** It's no closer than the existing
3 parking area, correct?

4 **A. No. The existing parking lots are**
5 **closer to Sylvan than this structure.**

6 **Q.** So there's a couple of spots that have
7 to be relocated by the vitality walk?

8 **A. Yes.**

9 **Q.** And we had heard from Mr. Horgan about
10 the solar array canopies proposed for the parking
11 areas and they are shown in blue within the gray
12 parking area; is that correct?

13 **A. Yes, various solar canopies are**
14 **proposed throughout the site and this is designed by**
15 **NRG.**

16 **Q.** And why does Unieever want to install
17 solar canopies in the parking area?

18 **A. Well, it will provide electricity and**
19 **that reduces the need to draw power from the grid.**

20 **Q.** What are the dimensions of these
21 proposed solar array canopies?

22 **A. The dimensions of the canopies vary in**
23 **size but, effectively, they are just under 40 feet**
24 **in width, maximum. They will be 14 feet high,**
25 **maximum, and the length varies on the size of the**

1 **area they are covering.**

2 **Q.** And that includes the height of the
3 panels themselves?

4 **A. Yes.**

5 **Q.** So this is not an enclosed structure
6 with a roof?

7 **A. It has a roof but it is not an**
8 **enclosed structure.**

9 **Q.** What's the size of each of those panels
10 that form the roof of the structure?

11 **A. They are approximately three and a**
12 **half feet by six and a half feet.**

13 **Q.** Are there going to remain parking
14 spaces underneath the solar panels?

15 **A. Yes.**

16 **Q.** So the solar canopies have to have some
17 structural support, correct?

18 **A. Yes.**

19 **Q.** And what is the proposed method of
20 improving the structural support?

21 **A. Well, the method is proposed to be a**
22 **concrete foundation that will extend above grade two**
23 **and a half feet to protect the steel column for the**
24 **canopy itself.**

25 **Q.** Will that interrupt the ability of cars

1 to utilize those, for cars to use those spots?

2 **A. Well, the intent is to put those**
3 **foundations at the corner of the parking spaces. So**
4 **you will lose a little dimension where the supports**
5 **are.**

6 **Q.** That's where the front of the car will
7 be?

8 **A. Yes.**

9 **Q.** Will that interfere with the ability to
10 open the door and get in and out?

11 **A. No.**

12 **MR. MIRANDI:** They are not mapped on
13 any of the plans at this point?

14 **MR. DYKSTRA:** No.

15 **MR. MIRANDI:** We have compact car
16 spaces under some of the canopies. Can you
17 highlight which ones those are?

18 **MR. DYKSTRA:** Right in this area, you
19 have some but those are supported from the outside,
20 not the inside.

21 **MR. MIRANDI:** So it wouldn't be within
22 the parking space for that location and that's for
23 that one?

24 **MR. DYKSTRA:** Yes. Just outside the
25 parking area.

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1 MR. MIRANDI: On Mr. Chinman's
2 question on the U area with the grades, I took a
3 look at the Grading and Utility Plan B, Sheet 10 of
4 21 of the submission, and at that pop-up store,
5 which is indicated on there. You have a grade
6 elevation on it. There's parking of 367 and the
7 area in front of the new entrance, the curb, at that
8 point, is 377. So you have about a 10-foot drop
9 from the street to the grade level of where that
10 pop-up store is to the pavement of it.
11 MR. DOOLY: These solar arrays, are
12 they going to be at a degree to the horizon or flat?
13 MR. DYKSTRA: They are going to be
14 horizontal with this configuration because they have
15 to lay flat.
16 MR. DOOLY: I'll have to check that.
17 There may be a glare from Floyd Street drawing more
18 attention to your facility. And are these non-glare
19 panels? The framing, is it going to be a matte
20 finish?
21 MR. PROFITA: We will have some
22 testimony from our architect about what the glare or
23 any distracting effect will be from the solar panels
24 because they are proposing to have rooftop solar
25 panels as well.

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1 MR. DOOLY: And 14 feet over ground
2 level?
3 MR. PROFITA: I think they are angled
4 a little bit from the center.
5 MR. CHINMAN: So you are going to have
6 structures throughout the whole parking lot?
7 MR. DYKSTRA: Well, not everywhere but
8 there's a lot of them and we do have a lot of solar
9 modules proposed.
10 MR. CHINMAN: Why don't you just put
11 them on the roof?
12 MR. DYKSTRA: They are proposed there
13 too.
14 MR. NIKOW: How will it affect the
15 parking lot lighting?
16 MR. DYKSTRA: They integrate the
17 lighting underneath so they will still be there but
18 you will have supplemental lighting underneath.
19 MR. PROFITA: We will be submitting
20 complete details of the proposed canopy structures
21 and it will include the methodology for the support
22 columns.
23 MR. MIRANDI: To further that point, I
24 believe that Mr. Profita was correct. On the detail
25 of the canopy, there is an angle, a V angle, of the

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1 canopy structure towards the center and the height
2 on that detail does indicate 14-foot to the highest
3 point of that.
4 I did have a follow-up question
5 regarding the roof solar panels. I believe there's
6 some green roofing for the 700 campus. Will the
7 solar panels that are proposed for the building
8 roofs -- you were talking about the building roofs,
9 A, B or C?
10 MR. DYKSTRA: I think the only green
11 area is on Building B. The solar is on B and C.
12 They are on the architectural, the dashed areas,
13 and I think it's on the site plans too.
14 MR. AVERSA: Mr. Dykstra mentioned the
15 sign in the front that you are going to put there.
16 The Environmental Commission's concerns would be,
17 there's a huge swath of trees exactly where that
18 location would be. Would it be the intention to
19 remove those trees?
20 MR. PROFITA: No. We will have
21 testimony from a landscaping architect and he will
22 review the tree removal plan and the areas where
23 trees will be removed.
24 MR. AVERSA: Because there's a
25 significant amount of trees to remove and Unilever

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1 has worked very well with us in the past.
2 CHAIRMAN FEHRE: Is the sign
3 illuminated?
4 MR. PROFITA: I believe it's LED
5 backlighting.
6 CHAIRMAN FEHRE: Will somebody be able
7 to give us a number to how bright that sign is?
8 MR. PROFITA: Yes.
9 CHAIRMAN FEHRE: And how does it
10 compare to some of the other illuminated signs we
11 have in the town? We don't have any way to judge
12 how bright that sign is going to be and it has
13 happened in the past that people install a sign and
14 later, you find that it's way too bright.
15 MR. PROFITA: I will have our
16 architect work that up.
17 MR. DUFFY: I have a question about
18 the driveway coming in and then going through the
19 property. What kind of illumination lighting is
20 planned for that?
21 MR. PROFITA: That's our next topic.
22 Mr. Dykstra, did you prepare a
23 lighting plan as part of the application?
24 CHAIRMAN FEHRE: Maybe we should
25 continue this at the next meeting.

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1 MR. PROFITA: At your pleasure, Mr.
2 Chairman. I would plan to have Mr. Dykstra attend
3 the next meeting.
4 CHAIRMAN FEHRE: Do you have any
5 questions as to what he has testified to so far?
6 MR. CHINMAN: I have one question.
7 When I walked down Floyd Street, that is the 800
8 building, right?
9 MR. DYKSTRA: Yes.
10 MR. CHINMAN: There's a generator in
11 the corner there and it's so loud, you hear it all
12 the way from Floyd Street.
13 MR. MIRANDI: Mr. Chairman, just to
14 help indicate, that was part of a prior project. I
15 don't know if it was the Evergreen project. There
16 was a sound test study that was conducted before the
17 Certificate of Occupancy was issued on that that
18 they had to show us the sound data, that it complied
19 with the BH ordinance on noise. And there is a
20 comment in my review letter regarding the CHP item
21 and they indicate they will design it to the
22 appropriate level but we recommend that that should
23 be, again, tested before any Certificate of
24 Occupancy is issued by the applicant that will be
25 presented to us.

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1 MR. CHINMAN: Are the ones when I walk
2 down Floyd Street acceptable?
3 MR. MIRANDI: It was acceptable at the
4 time of testing. I don't know if it's been tested
5 since. Perhaps that could be answered at the next
6 meeting.
7 Mr. Chairman, just to answer your
8 question, I have several questions of the witness
9 that could carry to the next meeting as well.
10 But just one item, are you proposing
11 any new lighting at the back of the property? If
12 not, just take a look at those light poles because
13 they are rusted through.
14 MR. DYKSTRA: We proposed to adjust
15 some lighting with your approval.
16 MR. MIRANDI: Everything along the
17 back aisle that would face Floyd Street is rusted
18 through so it's a maintenance item and maybe a
19 structural item. It's something that you would have
20 to evaluate.
21 CHAIRMAN FEHRE: Have you calculated
22 impervious coverage to this site?
23 MR. DYKSTRA: No.
24 CHAIRMAN FEHRE: Is that difficult to
25 do?

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1 MR. DYKSTRA: If you want us to do it,
2 we could do it. It's not an ordinance requirement.
3 CHAIRMAN FEHRE: What would it be if
4 you increase the parking? What's the impervious
5 coverage on this site plan if you have to?
6 MR. DYKSTRA: We calculated the change
7 for the drainage design.
8 CHAIRMAN FEHRE: I'd like to see where
9 that number is.
10 MR. NIKOW: Bernie may know the answer
11 to this question. I see that there's several cuts
12 on 9W. Are those still active with the state?
13 MR. MIRANDI: I don't believe so. I'm
14 not sure of the state's exact status but they have
15 been closed off. They are not usable.
16 MR. NIKOW: They could be reopened at
17 some point?
18 MR. MIRANDI: Well, you have to apply
19 for a State Highway Access Permit for that.
20 MR. NIKOW: So there's no reason why
21 they can't be removed? It takes away from the front
22 of the property when you are driving down.
23 MR. MIRANDI: I think the existing
24 condition plans will show you where they are and the
25 sweeps that come into where those roads were at one

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1 time.
2 CHAIRMAN FEHRE: If there are no
3 further questions, can I have a motion to close the
4 meeting?
5 MR. KILMARTIN: So moved.
6 MR. KATES: We are carried to October.
7 MR. PROFITA: Thank you.
8 (The hearing concluded at 10:50 p.m.)
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