

Special Public Meeting of the Englewood Cliffs Planning Board  
Minutes  
October 27, 2014

The Regular Meeting of the Englewood Cliffs Planning Board was called to order by Chairman Fehre at 7:35 PM.

Present at Roll Call:

Mr. Fehre  
Ms. Rosenberg  
Mr. Dooly  
Mr. Chinman  
Mr. Kilmartin  
Mr. Trovato  
Mr. Nikow  
Mr. Kiky Kim, 1<sup>st</sup> Alternate  
Mr. Surace, 3<sup>rd</sup> Alternate  
Mr. Sean Kim, 4<sup>th</sup> Alternate

Absent:

Mayor Parisi  
Councilman Aversa  
Mr. Duffy, 2<sup>nd</sup> Alternate  
Mr. Chinman (Recused)

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.

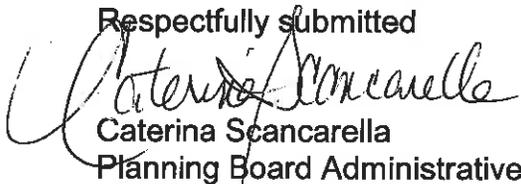
Flag Salute led by: Mr. Mat Trovato

Old Business:

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

See attached transcripts.

Respectfully submitted



Caterina Scancarella  
Planning Board Administrative Secretary

**ENGLEWOOD CLIFFS PLANNING BOARD**  
**SPECIAL MEETING – October 27, 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:**

**OLD BUSINESS:**

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

**NEW BUSINESS:**

**COMMITTEE REPORTS**

Master Plan Committee  
Subdivision Committee  
Site Plan Committee

**PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA**

**ADJOURNMENT**



VIA FACSIMILE & EMAIL

October 22, 2014

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

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Receipt of Supplemental Submissions  
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 supplemental submissions by the Applicant's professionals summarized as follows:

- A. NRG Solar Canopy Exhibits (electronic copy)
- B. Dykstra Walker Adjusted Design (electronic copy)
- C. 700 Sylvan Avenue Color Exhibit Revised dated October 17, 2014 (electronic copy)
- D. 700 Sylvan Unilever Impervious Coverage and Earthwork Summary as prepared by Dykstra Walker dated September 25, 2014
- E. Acoustical Survey Results as prepared by Shen Milsom Wilke dated May 31, 2012

We had previously received and reviewed 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"  |
| 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                      |

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

In addition to our September 11, 2014 letter, we offer the following comments:

1. Our Hydrology Department has reviewed the original stormwater management submission and offers the following comments:
  - a. Runoff calculations which are based on the TR-55 method imply hydrologic group C soil. A soil survey map of the site should be provided in support of the runoff calculations.
  - b. Tabular runoff hydrographs for the existing conditions have no significance and may be removed from the report. Note that only the existing peak rates runoff are needed to establish the allowable discharges from the project area.
  - c. Runoff calculations for the existing conditions are based on 11.85 acres. However, runoff calculations for the proposed conditions are prepared for 12.57 acres comprising of 3 PR1, PR1A and PR1B, which cover 8.83, 2.73 and 1.01 acres, respectively. For a meaningful comparison between the existing and proposed runoff conditions, the calculations should be based on the same overall area.
  - d. The time of concentration for pervious areas are duplicated for the existing and proposed conditions. It is to be noted that the proposed drainage system captures the runoff from pervious areas and convey it much faster than the existing conditions. Flow paths of runoff should be drawn on the existing and proposed drainage area maps. Calculations for the existing and proposed time of concentration for pervious areas should be revised accordingly.

- e. The routing computations for the bioretention basin indicate that the top one (1') foot of the basin remains unused during the 100 year storm. To improve the efficacy of the system. I suggest that the 24" weir is raised from elevation 358.20' to elevation 359.0'. Note that the basin does not require a 1' freeboard and that an open grate placed at elevation 359.7' atop the outlet structure can serve as an emergency measure.
- f. The water quality calculations which are prepared using the HEC-1 computer software are unclear and inconclusive. The computations indicate a 0.83 cfs discharge during the water quality storm which implies that the required TSS removal is not met (see attached).

To address the water quality requirements for the project, the runoff from the 0.78 acres of impervious area which enters the basin should be fully retained and allowed to infiltrate. Specifically, it should simply be shown that the proposed bioretention basin retains a runoff volume equal to:

$$V = 0.78 \times 43560 \times 0.95 \times 1.25"/12 = 3362 \text{ ft}^3$$

Note that the pervious areas generate little runoff during the water quality storm which is a light rain amounting to 1.25 inches in 2 hours.

- g. The outlet structure of the underground detention basin includes a 5" orifice at elevation 341.40' and a 1.33 foot long weir at elevation 342.40'. Since a 5" orifice is venerable to clogging and is hidden underground, it can be left undetected. As such, the detention pipes can be half filled with water when a storm arrives.

Considering functionality and maintenance, we strongly recommend using a 6" orifice as the minimum opening in any underground detention basin. The outlet structure should be modified accordingly. See also the next comment.

- h. Groundwater recharge calculations are inconsistent with the runoff calculations. Specifically, the runoff calculations are based on 11.85 acres which includes 4.53 acres of impervious surfaces. However, the groundwater recharge calculations are performed using 23.4 acres including 13.32 acres of impervious cover. The groundwater calculations should be revised to be consistent with the runoff calculations. Also the parameters ABMP, dBMP and dBMPu are inconsistent with the bioretention information.

It is to be noted, however, that the site is situated within the Metropolitan Planning Area PAL which is exempt from groundwater recharge requirement. As such, groundwater recharge calculations may be removed altogether.

- i. Calculations for storm drains indicate that a proposed 24" pipe connecting inlet #10 to headwall #11 at the bioretention basin is unnecessarily oversized. An 18" HDPE pipe is adequate and may be substituted for the proposed 24" pipe. Likewise, a 15" HDPE pipe may be used in lieu of the proposed 18" HDPE extending from the outlet structure of the underground detention basin to an existing inlet (see attached).. See also the next comment.

- j. Dimensions of the scour hole at the bioretention basin and the stone size are not explicitly specified. It should be clarified if the depth of the scour hole is  $\frac{1}{2} D$  or  $D$  where  $D$  is the pipe size. Also the size of the stone should be specified as 6" which is the minimum Bergen County Soil Conservation District allows.

Note that substituting an 18" pipe in lieu of the proposed 24" pipe as suggested above will reduce the footprint area of the scour hole by one-third.

- k. A non-structural strategies point system (NSPS) should be provided.
- l. Spot elevations on the pavement to be reconstructed over the underground detention basin should be indicated on the Grading & Utility Plan "C", Sheet 11 of 12.
- m. The condition of the existing 12" CMP, between the proposed inlet #18 and an existing inlet on the 36" pipe should be determined. This pipe should be replaced if it is found to be deformed or deteriorated.
- n. The proposed replacement of B inlet by an E inlet within 7 feet from the proposed E inlet #17 is unjustified. The B inlet should be replaced by a manhole (see Sheet 12 of 21).
- o. The location of roof leaders of Building "C" should be shown on Sheet 14 of 21 to support the limits of the existing drainage area.
- p. The depth of scour hole should be specified on its detail n sheet 18 of 21. Specifically, the detail should clarify whether the depth is  $D_o$  or  $\frac{1}{2} D_o$ . Other dimensions also should be labeled.
- q. The length of excavation for the underground detention basin should be verified. The length of excavation which is specified as 216' implies 1963 feet of 24" pipe, rather than 2000. Note that accounting for 1 foot bedding beyond the pipes at each side and two (2) rows of 24" header pipe, the length of pipe in each row would be 210 feet ( $216 - 2 \times 1' - x \times 2'$ ) and the header pipes are 36.7 feet long each.
- r. An inspection and maintenance manual should be provided for the proposed stormwater management facilities. The manual should include the entity responsible for maintenance, inspection procedure and inspection and maintenance checklists.

Should the Board desire, we suggest the above comments and the satisfactory completion thereof become a condition of approval.

2. Pursuant to the September 11, 2014 site meeting with the Landscape Architect and Board meeting that night, it is our understanding that the Applicant has agreed to address the recommendations of Boswell's Landscape Architect and the Borough's Environmental Commission.

3. Prior testimony indicated that retaining walls will be in excess of 4 ft.
4. As noted in our September 11, 2014 letter, 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.
5. Living wall systems shall be subject to review by the Environmental Commission and the Borough Engineer.
6. The Applicant has provided Acoustical Survey results from a May 2012 study.
7. As noted in our September 11, 2014 letter, noise prohibitions and sound levels are part of Code Chapter BH: VI Noise and fall under the purview of the Board of Health.
8. Sound testing shall be provided prior to Certificate of Occupancy and be in conformance to Board of Health requirements.
9. Two (2) of the parking lot areas (Ref. Sheet No. 8 of 21) were proposed to be reconfigured to eliminate a loop circulation. A twelve (12) ft. aisle cut-through is proposed between parked cars. The Applicant has agreed to address our concerns and eliminate the 12 ft. aisle cut-through.
10. The concrete permeable parking lot surfaces exhibit significant scaling. Please provide testimony on this repair.
11. 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.
12. The Applicant provided testimony on the Fire Department comment letter.
13. Item 7 of the September 11, 2014 letter discussed a contribution fee for the Borough's Stormwater Capital Improvement projects based on the additional impervious area. According to the September 25, 2014 calculations by the design engineer this area increase is 43,900 sf (546,500 sf – 502600 sf). The contribution fee shall be adjusted to \$43,900.00.

Borough of Englewood Cliffs

October 22, 2014

Page 7 of 7

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



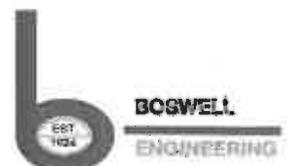
Bernard N. Mirandi, P.E.

BNM/amg

Attachments

cc: Edwin Fehre, via email  
Michael B. Kates, Esq., via email  
William Horgan - Unilever  
Michael Profita, Esq. for Conopco, Inc., via email  
Ken Dykstra, P.E., 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

141022AMGL.doc



**DW**

**Dylstra Walker Design Group**

Professional Engineers, Planners & Surveyors  
 21 Downing Street, Albany, Lake Michigan, New Jersey 07093  
 Phone (973) 669-6540  
 Fax (973) 669-6742

Project No. 14044  
 Project Name: Uniliner  
 Compiled By: MG  
 Checked By: KOD  
 Date: August 8, 2014  
 Location: Boro-Englewood CI

Design Storm Frequency: 25 yr

| STRUCTURE | RUNOFF DATA |                 |                 |               | SEWER DESIGN DATA |                  |               |                |                |                |       |       |       |      |     |
|-----------|-------------|-----------------|-----------------|---------------|-------------------|------------------|---------------|----------------|----------------|----------------|-------|-------|-------|------|-----|
|           | AREA (AC)   | INLET AX G (MG) | TOTAL AX G (MG) | OVERLAND (MG) | PIPE DIA (IN)     | PIPE LENGTH (FT) | USE SLOPE (%) | CAPACITY (CFS) | VELOCITY (FPS) | VELOCITY (FPS) |       |       |       |      |     |
| 1         | 0.08        | 0.72            | 0.06            | 10            | 0.44              | 10.00            | 6.78          | 0.4            | 12             | 0.50           | 2.52  | 3.22  | 2.3   |      |     |
| 2         | 0.49        | 0.67            | 0.33            | 15            | 0.48              | 10.44            | 3.67          | 2.6            | 12             | 0.54           | 2.62  | 3.34  | 3.8   |      |     |
| 3         | 0.21        | 0.73            | 0.15            | 10            | 0.56              | 10.92            | 6.54          | 3.5            | 15             | 0.50           | 4.57  | 3.73  | 4.2   |      |     |
| 4         | 0.18        | 0.82            | 0.11            | 10            | 0.21              | 11.47            | 6.40          | 4.2            | 15             | 0.51           | 4.62  | 3.77  | 4.3   |      |     |
| 5         | 0.19        | 0.84            | 0.12            | 10            | 0.88              | 11.88            | 8.36          | 4.9            | 15             | 0.58           | 4.68  | 4.02  | 4.9   |      |     |
| 7         | 0.84        | 0.88            | 0.48            | 10            | 0.18              | 12.66            | 5.15          | 7.7            | 18             | 0.36           | 7.86  | 4.45  | 5.1   |      |     |
| 9         | 0.02        | 0.99            | 0.02            | 10            | 0.25              | 10.00            | 6.78          | 0.7            | 12             | 0.50           | 2.52  | 3.22  | 1.3   |      |     |
| 8         | 0.02        | 0.98            | 1.29            | 10            | 0.26              | 12.74            | 6.11          | 7.8            | 18             | 0.78           | 9.33  | 5.28  | 6.0   |      |     |
| 10        | 0.05        | 0.99            | 1.34            | 10            | 0.02              | 13.00            | 6.95          | 8.1            | 24             | 8.00           | 86.38 | 17.62 | 11.8  |      |     |
| 11.1      | exist       |                 |                 |               |                   |                  |               | 7.3            | 18             | 11             | 2.27  | 15.82 | 8.95  | 2.7  |     |
| 14        | 0.04        | 0.53            | 0.02            | 10            | 0.37              | 10.00            | 6.78          | 0.1            | 8              | 75             | 1.00  | 0.65  | 4.42  | 3.4  |     |
| 13        | 0.04        | 0.45            | 0.02            | 10            | 0.48              | 10.37            | 6.88          | 0.3            | 8              | 120            | 1.00  | 0.85  | 4.42  | 4.2  |     |
| 16        | 0.04        | 0.99            | 0.04            | 10            | 0.18              | 10.00            | 6.78          | 0.3            | 12             | 32             | 2.00  | 5.05  | 6.43  | 3.0  |     |
| 17        | 0.05        | 0.88            | 0.04            | 10            | 0.03              | 10.18            | 6.73          | 0.5            | 12             | 7              | 2.00  | 5.05  | 6.43  | 3.8  |     |
| 18        | 0.25        | 0.70            | 0.17            | 10            | 0.13              | 10.00            | 6.78          | 1.2            | 12             | 80             | 8.00  | 10.10 | 12.36 | 7.8  |     |
| 24        | exist       |                 |                 |               |                   |                  |               | 4.8            | 18             | 20             | 0.80  | 8.96  | 5.64  | 5.5  |     |
| 25        | exist       | 0.38            | 0.76            | 0.29          | 10                | 0.22             | 10.00         | 6.78           | 2.0            | 12             | 85    | 2.47  | 5.61  | 7.15 | 6.4 |

USE 100-YR OUTFLOW FROM BIDRETENTION BASIN

USE 100-YR OUTFLOW FROM SUBSURFACE RETENTION BASIN

121

SCOUR HOLE CALCULATIONS

14044

Unilever

MG

KDD

Structure: 11

Q = 7.98

C.F.S.

Do = 2.00

FT.

Tw = 2xDo = 0.4

FT.

d50 Stone size formula

Where Y = 1/2 Do

$\frac{d50}{Tw} = 0.0125 * \frac{Q^{4/3}}{Do} = 0.20$

F.T.

4" STONE USED  
1.000 FL Y

d50 Stone size formula

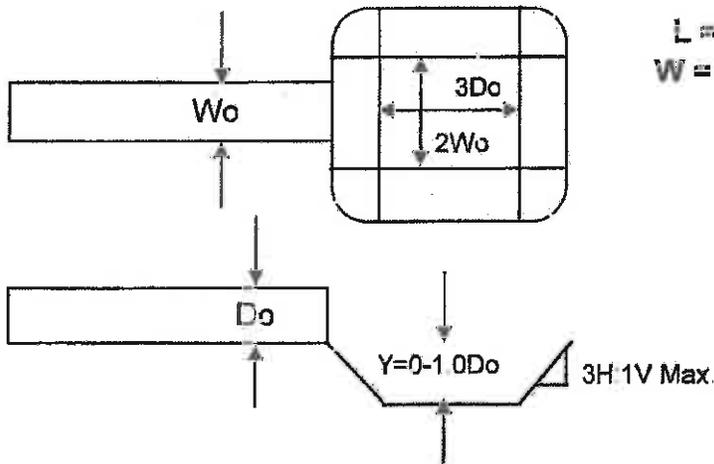
Where Y = Do

$\frac{d50}{Tw} = 0.0082 * \frac{Q^{4/3}}{Do} = 0.13$

F.T.

2" STONE USED  
2.00 FL Y

Y = Depth of scour hole below culvert invert



L = 3 Do = 6 Ft  
W = 2 Wo = 4 Ft

PEAK FLOW AND STAGE (END-OF-PERIOD) SUMMARY FOR MULTIPLE PLAN-RATIO ECONOMIC COMPUTATIONS  
 FLOWS IN CUBIC FEET PER SECOND, AREA IN SQUARE MILES  
 TIME TO PEAK IN HOURS

RATIOS APPLIED TO PRECIPITATION

RATIO 1  
 1.00

OPERATION STATION AREA PLAN

HYDROGRAPH AT WREMP 9.00 1 FLOW 2  
 TIME 1.17

HYDROGRAPH AT PAPER 0.00 1 FLOW 0  
 TIME 1.33

2 COMBINED AT PRFOT 0.00 1 FLOW 2  
 TIME 1.17

ROUTED TO BASIN 0.00 1 FLOW 0  
 TIME 0.83

\*\* PEAK STAGES IN FEET \*\*

1 STAGE 354.76  
 TIME 2.08

\*\*\* NORMAL END OF HEC-1 \*\*\*

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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 :  
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Monday, October 27, 2014  
Municipal Building  
10 Kahn Terrace  
Englewood Cliffs, New Jersey 07632  
Commencing at 7:35 p.m.

BOARD MEMBERS PRESENT:

- EDWIN FEHRE, Chairman
- JILL ROSENBERG
- ANDREW NIKOW
- VINCENT SURACE
- KIKY KIM
- MATTHEW TROVATO
- RON KILMARTIN
- DANIEL DOOLY
- SEAN SEUNG KIM

ALSO PRESENT:

BERNIE MIRANDI, 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 MICHAEL B. KATES, ESQ.  
3 Counsel for the Board

4 PROFITA & ASSOCIATES, LLC  
5 100 Grand Avenue  
6 Englewood, New Jersey 07621  
7 BY: MICHAEL PROFITA, ESQ.  
8 Counsel for the Applicant

1 CHAIRMAN FEHRE: This is a special  
2 meeting only for the Unilever application that we've  
3 heard on two prior occasions. This is our third  
4 meeting.

5 MR. PROFITA: Thank you, Mr. Chairman.  
6 Michael Profita of Profita & Associates, LLC,  
7 Oakwood, New Jersey, on behalf of the applicant,  
8 Conopco, that does business as Unilever.

9 Mr. Chair, I would like to recall  
10 several of the witnesses that have previously  
11 testified and have identified additional information  
12 that we would like to present.

13 In that regard, I would call Tim  
14 Johnston and we have an exhibit to hand out, I  
15 believe.

16 (Exhibit A-10, NRG packet, was marked for  
17 identification.)

18 MR. PROFITA: I'll hand these out.

19 MR. KATES: Mr. Johnston remains under  
20 oath.

21 Do you acknowledge that, Mr. Johnston?

22 MR. JOHNSTON: I do.

23 TIMOTHY JOHNSTON, having been  
24 previously sworn, testified as follows:

25 DIRECT EXAMINATION BY MR. PROFITA:

1 I N D E X

|    |  |             |
|----|--|-------------|
| 2  | <u>WITNESS:</u>                            | <u>PAGE</u> |
| 3  | TIMOTHY JOHNSTON                           | 4           |
| 4  | NICHOLAS HAYNARD                           | 12          |
| 5  | MARI CIMIGLIANO                            | 25          |
| 6  | JEFFREY ALLEN                              | 28          |
| 7  | JOAN BLUMENFELD                            | 40          |
| 9  | <u>QUESTIONS BY MEMBERS OF THE PUBLIC:</u> | <u>PAGE</u> |
| 10 | RAHAF FOAZ                                 | 69          |
| 11 | <u>COMMENTS BY MEMBERS OF THE PUBLIC:</u>  | <u>PAGE</u> |
| 12 | RALPH NACHMAN                              | 80          |
| 13 | NANCY NACHMAN                              | 81          |
| 14 | JEFFREY CHINMAN                            | 82          |

15 EXHIBITS MARKED INTO EVIDENCE

|    |                |                                      |             |
|----|----------------|--------------------------------------|-------------|
| 17 | <u>NUMBER:</u> | <u>DESCRIPTION</u>                   | <u>PAGE</u> |
| 18 | A-10           | NRG packet                           | 4           |
| 19 | A-11           | Revised plan dated December 27, 2014 | 28          |
| 20 | A-12           | Aerial photograph                    | 42          |
| 21 | A-13           | Aerial photograph                    | 42          |
| 22 | A-14           | Aerial photograph                    | 42          |
| 23 | A-15           | Aerial photograph                    | 42          |
| 24 | A-16           | Rendering of sign                    | 58          |
| 25 | A-17           | Marketplace rendering                | 65          |

1 Q. Mr. Johnston, I have handed out to the  
2 members of the Board a document prepared by NRG  
3 dated October 24, 2014. Are you familiar with that  
4 document?

5 A. Yes, I am.

6 Q. At the last meeting where you  
7 testified, the Board had inquired as to whether  
8 there was anything that could be done to reduce the  
9 noise level of the CHP units. Do you remember that?

10 A. Yes, I do.

11 Q. Did you do some investigation into  
12 that?

13 A. Yes, I did.

14 Q. Can you tell the Board what the outcome  
15 of that investigation was?

16 A. The outcome of that investigation was  
17 that we looked at a number of options and the one  
18 that made the most sense to us is that we found,  
19 within the manufacturers of the CHP, they do have  
20 options for a lower sound package and we have  
21 located that and we are proposing that we would go  
22 with a lower sound package that would reduce the dBa  
23 to ten dBa over the previous level.

24 Q. What does that mean in practical terms?  
25 In decibel levels, what would be heard at the

6

1 property line?

2 **A. In practical terms, if you remember,**

3 **it was at 49 dBA at the nearest property line. So**

4 **this would be 39 dBA or less at the nearest property**

5 **line. To put it in perspective, sound, being**

6 **logarithmic, a drop in ten dBAs of decibels, that's**

7 **basically like the sound being half as loud. So**

8 **that sound would sound half as loud as it had**

9 **previously.**

10 **Q. Is that dBA level below the ordinance**

11 **noise requirements?**

12 **A. Yes.**

13 **Q. Did you prepare a revised noise curve?**

14 **A. Yes, I did.**

15 **Q. Is that on Page 4 of the packet that**

16 **was handed out?**

17 **A. Yes, sir.**

18 **Q. Can you explain to the Board what is**

19 **seen on the chart contained on Page 4?**

20 **A. So again, there's four columns. The**

21 **first is the description of the noise source. The**

22 **next is the noise intensity level and dBA. The next**

23 **is the distance away from the noise source. The**

24 **measurement would be that equivalent, that value**

25 **that would be experienced, and the last column is**

7

1 **the source of that information.**

2 So the only two things that have

3 changed from the last presentation are the proposed

4 CHP, the first row, and what you see there is, at

5 the baseline, dBA from the manufacturers with a

6 lower sound enclosure, it would be 54 dBA at 10

7 meters. That should be 10 meters. So that's 30

8 feet. Before, it was 65 dBA. So using the next row

9 down under the proposed CHP, there's a dBA value of

10 36 at 240 feet and that is using that known

11 logarithmic relationship of how sound dissipates.

12 So that 65 dBA would be what is experienced at that

13 property.

14 **MR. MIRANDI: You said 240 feet and**

15 **10 meters; is that correct?**

16 **MR. JOHNSTON: Yes. That "10" should**

17 **be 30 feet.**

18 **MR. MIRANDI: Okay.**

19 **Q. That is about half of the sound level**

20 **as the prior CHP units that were proposed, correct?**

21 **A. Slightly less than half.**

22 **Q. If you want to turn to Page 5 of the**

23 **submission, can you just tell the Board what is on**

24 **Page 5?**

25 **A. Sure. On Page 5, at the request of**

8

1 **the Board as to what potential CHP units might look**

2 **like, we provided three pictures from typical**

3 **manufacturers that we would be selecting from. So**

4 **you can see, inside the base container is the actual**

5 **CHP unit, the engine and the auxiliaries, and then**

6 **you can see, on top of the container, air intake,**

7 **exhaust hood and emergency bypass radiators.**

8 **MR. PROFITA: Those are all the**

9 **questions I have.**

10 **MS. ROSENBERG: You did some**

11 **investigation regarding altering your plan for the**

12 **sound. Are there other packages that might be lower**

13 **in sound?**

14 **MR. JOHNSTON: A couple of the**

15 **manufacturers do have one lower.**

16 **MS. ROSENBERG: What would that be at?**

17 **MR. JOHNSTON: I don't recall what**

18 **that would be so I would have to go back and look at**

19 **my notes.**

20 **MS. ROSENBERG: But it would be lower?**

21 **MR. JOHNSTON: Yes.**

22 **MR. DOOLY: For my education, how is**

23 **this achieved over the last unit?**

24 **MR. JOHNSTON: More insulation at a**

25 **higher cost with a higher quality muffler. On the**

9

1 base CHP package, it adds about a 70-percent

2 increase to the cost of the unit.

3 **MR. KILMARTIN: So I think, when we**

4 **started this discussion, we were talking about the**

5 **normal level as being consistent to a conversation**

6 **like we might be having right now and you have now**

7 **reduced that and I think that's excellent. But**

8 **still, if you are sitting in your back yard and the**

9 **neighbor is having a conversation that's 24 hours a**

10 **day, 7 days a week, I think we want to try to make**

11 **every effort to try to eliminate or mitigate as much**

12 **as possible, the noise, because it may be lower but**

13 **you are still here asking us for a variance and you**

14 **are still doing something that's going to be**

15 **inconveniencing some people.**

16 **So is there anything else that you can**

17 **do -- and now we know there is -- and, in addition**

18 **to that, is there anything else? Somebody was**

19 **talking about putting it underground or screening it**

20 **in a certain way. Is there anything else that**

21 **Unilever could do?**

22 **MR. JOHNSTON: We could go with a**

23 **lower sound package and screening but they all come**

24 **at an increased cost further than what we committed**

25 **to doing.**

10

1 MR. KILMARTIN: From your perspective,  
2 you decided that you want to take this project and  
3 there must be benefits for doing it and having this  
4 system. Right now, there's no generator in the  
5 parking lot. So if you want to do this and have a  
6 generator in the parking lot, from my perspective, I  
7 think you need to notch this up again to get rid of  
8 this noise. Okay?

9 MR. NIKOW: In the comparison list of  
10 equipment that produces similar sound, you put down  
11 "AC unit." What type of unit, a residential, a  
12 five-ton unit that everyone has on their property?

13 MR. JOHNSTON: Correct. A condensing  
14 unit that you see outside a house.

15 MR. NIKOW: Most of the people have  
16 central air units and we do not complain about the  
17 neighbors' units running. I just wanted to  
18 understand that and get clarification on that.

19 MR. KATES: On what is marked as  
20 Exhibit A-10, there is other information. Will that  
21 be through other witnesses?

22 MR. PROFITA: Correct.  
23 Just a point of clarification, is the  
24 CHP unit the same as a generator?

25 MR. JOHNSTON: It has a generator as

11

1 part of it, yes.

2 MR. PROFITA: The point of it is to  
3 generate power so the development is more self-  
4 sufficient?

5 MR. JOHNSTON: Part of the reason.

6 MR. TROVATO: Your drawing, Number 5,  
7 you are giving us a detail of what this unit looks  
8 like. It looks like it might be 20 feet long by 5  
9 foot wide by 4 foot high and then the ductwork above  
10 that. So would that be another 3 feet or so?

11 MR. JOHNSTON: Yes. In the enclosure,  
12 10 by 10 by 40 is what we are proposing.

13 MR. TROVATO: So it doesn't really  
14 look like this?

15 MR. JOHNSTON: The middle picture is  
16 representative of it.

17 CHAIRMAN FEHRE: Any questions of this  
18 witness?  
19 (No response)

20 CHAIRMAN FEHRE: Do you have another  
21 witness?

22 MR. PROFITA: Yes, I do.  
23 Nick Maynard, please.

24 MR. KATES: Mr. Maynard, you remain  
25 under oath.

12

1 MR. MAYNARD: Yes, I do.  
2 NICHOLAS MAYNARD, having been  
3 previously sworn, testified as follows:  
4 DIRECT EXAMINATION BY MR. PROFITA:  
5 Q. Mr. Maynard, you testified at the last  
6 hearing, correct?  
7 A. Correct.  
8 Q. And there was a question about other  
9 projects that were located in residential areas  
10 where solar array panels, similar to those proposed  
11 here, had been erected. Do you remember that  
12 question?  
13 A. I do.  
14 Q. And if we look at Page 7 of Exhibit  
15 A-10 that was submitted, can you tell the Board what  
16 is seen in the photographs on Page 7 and 8 as well?  
17 A. Yes. As you review, what you see are  
18 a couple of examples, as requested, of what NRG has  
19 installed in the past. You can see homes and  
20 residences and schools are in all the surrounding  
21 areas of the photographs showing that NRG has done  
22 this multiple times.  
23 Q. And the photos on the next page are  
24 similar as well?  
25 A. Correct.

13

1 Q. Now, there was a question at the last  
2 hearing as to the location of the columns that are  
3 used to support the solar arrays in relation to the  
4 striping of the parking spaces. Do you remember  
5 that?  
6 A. I do.  
7 Q. Are the columns' spacing and locations  
8 determined by engineering requirements?  
9 A. Correct.  
10 Q. They have to be so many feet to provide  
11 the structural integrity required?  
12 A. Correct.  
13 Q. Do they always fall at the cross  
14 section of two parking spaces?  
15 A. They do not.  
16 Q. Do they always fall in the middle of  
17 the two parking spaces?  
18 A. They do.  
19 Q. Whether they are at either end but they  
20 are always in the middle?  
21 A. Correct.  
22 Q. Does that inhibit the ability to park  
23 cars in those spaces?  
24 A. It will inhibit large vehicles from  
25 parking in the spaces where the columns are used but

1 **you could still fit a standard, mid-sided sedan in**  
 2 **that space but not a large truck without it sticking**  
 3 **a couple of feet out into the main parking area.**

4 **Q.** These arrays, if someone can currently  
 5 see the parking lot, then they would be able to see  
 6 the parking array as well?

7 **A. Correct. If you can view the parking**  
 8 **lot, you will see the arrays.**

9 **Q.** Would the same be true with the roof-  
 10 mounted panels, that they could see the panels if  
 11 they can see the roof?

12 **A. Correct.**

13 **Q.** Can you tell the Board -- there was a  
 14 question raised as to the operation and maintenance  
 15 of the solar panels after installation. Can you go  
 16 into a little more detail about that?

17 **A. Absolutely. On Page 10 of the**  
 18 **document, it goes into it. In summary, NRG will own**  
 19 **and operate the plant for the term of the PA, 20-**  
 20 **plus years. That includes washings once or twice a**  
 21 **year as needed. The same for snow removal, whatever**  
 22 **the designed weight limits are, the monitors will**  
 23 **tell us how much snow is there and, if there's too**  
 24 **much, we will come out and remove the snow.**

25 **Q.** How is the washing accomplished?

1 **A. A truck comes out and sprays it and**  
 2 **squeegees it and they are clean.**

3 **Q.** What about the monitoring of the  
 4 equipment?

5 **A. All the panels, we employ a**  
 6 **sophisticated monitoring system that monitors**  
 7 **everything from voltage to current to snowfall to**  
 8 **wind. Whatever you find on the site, we monitor it**  
 9 **to maintain the site.**

10 **Q.** Is that done remotely?

11 **A. Yes.**

12 **Q.** Now, there was also a question about  
 13 whether there would be a glow that was emitted  
 14 through the top of the panels as a result of the  
 15 lighting underneath the panels that is used to  
 16 illuminate the parking surface.

17 **A. Correct.**

18 **Q.** Did you look into that a little more?

19 **A. I did. As previously stated, the**  
 20 **panels are opaque; light does not pass through from**  
 21 **above or below. All of our light fixtures will be**  
 22 **downward-facing and the back of the panels will not**  
 23 **illuminate at night.**

24 **Q.** In parts of the parking areas, it will  
 25 still be lighted with the lighting that exists there

1 today. In other words, there would still be some  
 2 pole-mounted fixtures?

3 **A. In the perimeter and as needed, yes.**

4 **Q.** That would be the same as it exists  
 5 today?

6 **A. Correct.**

7 **Q.** Now, did you look into the issue that  
 8 the Board raised about the snow load and there was  
 9 mention of one of these array facilities that had  
 10 experienced some structural problem?

11 **A. I did. If you go to Page 12 of the**  
 12 **report provided, you will see a quick cutout from**  
 13 **the National Weather Foundation of prospective**  
 14 **snowfall in New Jersey. What this accounts to is**  
 15 **that 14 inches of snowfall will hit IBC standards**  
 16 **for the State of New Jersey. So if our sensors**  
 17 **measure that we reach some point close to that, then**  
 18 **we will deploy a team to come out and clean off the**  
 19 **panels.**

20 **Q.** Getting back to the lighting, did you  
 21 do a photometric study in connection with the under-  
 22 canopy lights?

23 **A. Yes. We did, yes.**

24 **Q.** What did it reveal?

25 **A. We located the panels on the layout.**

1 **For the light fixtures that we have currently**  
 2 **located, they are within .5 foot-candles.**

3 **Q.** In addition to looking at the snow load  
 4 capacity of the canopies, did you do any kind of  
 5 investigation concerning snow removal?

6 **A. For on top or below the canopies?**

7 **Q.** I believe you said on top of the  
 8 canopies, generally, it melts?

9 **A. Yes. It will. As I mentioned, if it**  
 10 **gets to a point where there's 14 inches of snow on**  
 11 **top of the canopies, we will come out and remove the**  
 12 **snow because IBC tells us that would be a critical**  
 13 **point. So we need to remove the snow.**

14 **Q.** What about snow removal underneath the  
 15 canopy versus other installations such as this, any  
 16 problems with removing the snow from underneath the  
 17 canopies?

18 **A. We have not. On previous**  
 19 **installations, we employ Bobcats and they go beneath**  
 20 **the panels to clear out any snow that falls beneath**  
 21 **the cracks.**

22 **Q.** Did you prepare, in addition, a glare  
 23 study? The Board had requested a glare study from  
 24 the standpoint of Sylvan Avenue. Do you remember  
 25 that?

18

1       **A. I did.**

2       **Q. That would be at the very end of the**

3 exhibit, I believe; is that correct?

4       **A. Yes.**

5       **Q. Can you identify what is shown in the**

6 title block of the glare study?

7       **A. Yes. If you go to the very back, one**

8 **side basically shows the summer and there is one for**

9 **winter and, basically, what times of the day glare**

10 **could potentially affect Sylvan Avenue. It's on the**

11 **north. If you are driving north, there is 3:05 p.m.**

12 **to 3:10 p.m. when that 2 percent from the sun could**

13 **potentially provide glare.**

14       **Q. Are you talking about in the summer**

15 **season at this point?**

16       **A. This is the spring and fall equinox.**

17       **Q. How much glare would be emitted that**

18 **would be observable from Sylvan Avenue?**

19       **A. 2 percent of whatever the current**

20 **illumination of the sun is.**

21       **Q. How does that compare to just driving**

22 **into the sun when the sun is at a lower elevation?**

23       **A. It's very, very dull. It probably**

24 **wouldn't even grab their attention.**

25       **Q. What about the other seasons?**

19

1       **A. If you flip to the other page, the**

2 **summer solstice, it will be from 4:40 p.m. to 4:55**

3 **p.m. and 4:40 to 5:00 p.m. on the south. So during**

4 **the summer, it's a little longer.**

5       **Q. Is that also a 2-percent glare factor?**

6       **A. Yes. Any spectral would be 2 percent.**

7       MR. PROFITA: I have no further

8 questions of Mr. Maynard.

9       MR. KILMARTIN: I have a question on

10 the snow removal. If there's 14 inches of snow and

11 you have to remove it, do you have any idea how long

12 it would take to do a project of this size?

13       MR. MAYNARD: I don't.

14       MR. KILMARTIN: How would it be done?

15       MR. MAYNARD: We would deploy an O&M

16 team and they have a lift and they pull it off and

17 scrape it off to the edge. They will just push it

18 off and a Bobcat will scrub it off to the side.

19 They would just push it off.

20       MR. KILMARTIN: This is not the same

21 crew that would be doing the snow removal for the

22 parking lot?

23       MR. MAYNARD: No.

24       MR. KILMARTIN: So your team would be

25 doing that and then another team would be doing the

20

1 snow removal?

2       MR. MAYNARD: Correct.

3       MR. DOOLY: On Page 11, the night

4 viewing of the carports, is the candle power similar

5 to what's proposed here? There's no indication of

6 how well that's lit.

7       MR. MAYNARD: I don't have any

8 photometric study for what is currently installed

9 but I do know that the county ordinance is .5 foot-

10 candles minimum and we designed to that minimum.

11 There is a provided photometric study for the site

12 here.

13       MR. PROFITA: I think it was part of

14 the package.

15       MR. MAYNARD: I can go into summary on

16 what I have here.

17       MR. PROFITA: It is part of the

18 package. It appears like this (indicating).

19       MR. MAYNARD: I know the text here is

20 small but, on average, we are at .67 foot-candles.

21 So we are as close as possible.

22       MR. NIKOW: I know that the fire chief

23 and fire prevention officer were consulted regarding

24 this but I have some additional questions on it.

25 Solar panels, there have been recent situations

21

1 where entire buildings have been burned down because

2 of the danger that solar panels have. Fire chiefs

3 do not want to put people on the roof for fear of

4 electrocution with these free-standing units. You

5 have two challenges, fire on top of the panels or

6 cars on fire below the panel. Is there any sort of

7 centralized shutoff or disconnect that can

8 automatically cut the power to those systems?

9       MR. MAYNARD: Yes, there is. Per

10 NAFTA 70E, we have to put in an externally-located

11 disconnect. So for example, when the fire

12 department shows up on site, there is one spot where

13 they can kill power to the whole site and we will

14 have it in our drawings. So that will be in the

15 drawings upon completion of the project and they

16 will have them on record. So if there is an event,

17 they will look up those drawings and find that

18 point.

19       MR. NIKOW: My major concern -- there

20 have been some very famous cases. The Dietz &

21 Watson factory, a 300,000-square-foot warehouse

22 burned down because the fire chief did not want to

23 put men on the roof. Is there any kind of

24 suppression system under these carports that would

25 be activated automatically?

22

1 MR. MAYNARD: The technology has  
2 improved since that point so the fault rate in the  
3 inverters act within a millisecond.  
4 MR. NIKOW: But the panels will  
5 continue to generate power.  
6 MR. MAYNARD: Not if they are in an  
7 open circuit.  
8 MR. NIKOW: So it's completely fail-  
9 safe then?  
10 MR. MAYNARD: If they lose the signal  
11 current in that string, that entire inverter, by  
12 itself, will shut down. In essence, it happens  
13 before you can start a fire.  
14 MR. NIKOW: One per panel or...  
15 MR. MAYNARD: Per set of strings. So  
16 one panel will have up to five inputs of strings  
17 and, if that inverter sees any ground interruption  
18 or any new path to ground, within a few hertz, it  
19 will shut down to eliminate the risk. And those are  
20 now all UL approved, NAFTA 70E certified.  
21 MR. NIKOW: Maybe I'm getting a little  
22 ahead of myself. You offered testimony on the main  
23 building but the arrangement of the solar panels, do  
24 they provide maintenance an access way or is the  
25 entire roof full of solar panels that leaves no path

23

1 for foot traffic?  
2 MR. MAYNARD: There are paths on the  
3 roof for maintenance and fire.  
4 MR. MIRANDI: I just want to go back  
5 to Page 11 of the exhibit. I'm looking at the photo  
6 on the bottom right. The structure for the  
7 underside of the canopy, is it going to be similar  
8 to what we see here for the structure? Is it a  
9 corrugated material?  
10 MR. MAYNARD: No, it is not.  
11 MR. MIRANDI: Just tell me what we  
12 would be seeing then.  
13 MR. MAYNARD: You would see the back  
14 of the panel, of the solar panel.  
15 MR. MIRANDI: The color of that, this  
16 appears to be a white or a metallic color and this  
17 would be something similar?  
18 MR. MAYNARD: It would be white.  
19 MR. SEUNG KIM: The study of the glare  
20 by this solar panel to the road, to Sylvan Avenue,  
21 there is some glare. Even if it's a short time in  
22 summer, how is it going to affect the driver on  
23 Sylvan Avenue?  
24 MR. MAYNARD: As I mentioned before,  
25 yes, there will be a glare potential. It will be 2

24

1 percent as bright as the sun. For example, it's  
2 approved for use on airports. It does not blind  
3 pilots when they fly. We put installations in many  
4 residential areas with roads adjacent to them. It's  
5 not a flash-bang type of blinding glare. It's a  
6 very, very dull, mitigated reflection that will  
7 likely not pull your attention. All of our panels  
8 are coated with anti- reflective glare material.  
9 MR. SEUNG KIM: So it doesn't bother  
10 the drivers?  
11 MR. MAYNARD: Correct.  
12 MR. SEUNG KIM: So all the solar  
13 panels are shown. While you are driving -- so you  
14 can see them when you are driving?  
15 MR. MAYNARD: Correct.  
16 MR. SEUNG KIM: Is there any way to  
17 just do screening with some trees or any landscaping  
18 along these solar panels?  
19 MR. MAYNARD: If you go down Sylvan  
20 Avenue today and you look down from Sylvan down from  
21 Unilever's parking lots, you will have a very, very  
22 hard time seeing the parking lot through the trees  
23 and landscaping that they have in place.  
24 CHAIRMAN FEHRE: Any further  
25 questions?

25

1 (No response)  
2 CHAIRMAN FEHRE: Next witness?  
3 MR. PROFITA: I'd like to call Mark  
4 Gimigliano.  
5 MR. KATES: You remain under oath.  
6 MR. PROFITA: No. He is standing in  
7 for Kenneth Dykstra who previously testified and had  
8 a trip away and could not be here today.  
9 MARK GIMIGLIANO, first having been  
10 duly sworn, testified as follows:  
11 VOIR DIRE EXAMINATION BY MR. PROFITA:  
12 Q. Mr. Gimigliano, where are you currently  
13 employed?  
14 A. **With Dykstra Walker Design Group.**  
15 Q. What are your duties there?  
16 A. **I'm a project manager. I worked with**  
17 **Mr. Dykstra on this project.**  
18 Q. For how long have you been a project  
19 manager there?  
20 A. **More than ten years.**  
21 Q. Are you licensed as a professional  
22 engineer?  
23 A. **Yes. I am.**  
24 Q. By the State of New Jersey?  
25 A. **Yes.**

26

1 Q. For how long?  
2 A. **Six years.**  
3 Q. Have you done other projects similar to  
4 the project at Unilever?  
5 A. **Yes, I have. We've done projects of**  
6 **all different sizes.**  
7 Q. Have you testified before any planning  
8 or zoning boards in the State of New Jersey?  
9 A. **Yes, I have testified in front of**  
10 **numerous boards in Bergen, Morris and Sussex County.**  
11 Q. Where did you go to school?  
12 A. **New Jersey Institute of Technology.**  
13 Q. What degree do you have?  
14 A. **A Bachelor's of Science in civil**  
15 **engineering.**  
16 MR. PROFITA: I would proffer Mr.  
17 Gimigliano as a professional engineer.  
18 CHAIRMAN FEHRE: We'll accept him.  
19 DIRECT EXAMINATION BY MR. PROFITA:  
20 Q. Are you familiar with the plans that  
21 have been submitted to the Board for the project at  
22 700 Sylvan Avenue?  
23 A. **Yes. I am.**  
24 Q. Mr. Dykstra has testified at length  
25 concerning the site plan and I just want to go over

27

1 with you a couple of changes that have been made.  
2 MR. PROFITA: And if I could just  
3 point out for the Board, Unilever has decided that  
4 they are going to eliminate the EV kiosk from the  
5 application and they are not going to proceed with  
6 that at this time. They are rethinking it and, if  
7 they subsequently come to a conclusion that it's a  
8 desirable feature, it would be the subject of a  
9 separate application that would be made at some  
10 point.  
11 CHAIRMAN FEHRE: No charging stations?  
12 MR. PROFITA: No. The charging  
13 stations that are in the parking areas will still  
14 remain. The kiosk will not be built. The four  
15 spaces that were in the kiosk that were reserved for  
16 charging spaces will be used as parking spaces but  
17 the other EV spots are as they are now. We can --  
18 as a condition of approval, we will submit a plan  
19 that shows it has been removed.  
20 MR. KATES: Okay.  
21 Q. While we are on that subject, can you  
22 please tell the Board what changes would be required  
23 to the site plan as a result of eliminating the EV  
24 kiosk?  
25 A. **They would be minimal.**

28

1 MR. GIMIGLIANO: We have plans to hand  
2 out.  
3 (Exhibit A-11, revised plan dated December  
4 27, 2014, was marked for Identification.)  
5 MR. PROFITA: There are a couple of  
6 changes that are shown on here.  
7 MR. KATES: The kiosk is on it but it  
8 is being removed?  
9 MR. PROFITA: Yes. The plan that was  
10 submitted, this is revised October 27, 2014.  
11 Q. Can you point out to the Board the  
12 location of the EV kiosk -- or the former location  
13 -- and explain what elimination of that kiosk will  
14 result in as far as the site plan is concerned?  
15 A. **It was previously proposed to be**  
16 **northwest of Building B, adjacent to the new parking**  
17 **near the front of the building. Basically, the**  
18 **changes that would result in moving the kiosk, other**  
19 **than the accessory building grading in the area,**  
20 **would not need to change too much. There's an**  
21 **existing slope there and it could tie into the**  
22 **existing slope. There may have been a retaining**  
23 **wall in excess of six feet in height that will not**  
24 **be required. If there's any retaining walls that**  
25 **are required for this grading, they will be lower**

29

1 **than four feet in height.**  
2 Q. You understand, if there are any  
3 retaining walls that are over four feet in height,  
4 that would be subject to the review of Mr. Mirandi's  
5 office?  
6 A. **Yes.**  
7 Q. Other than that, can you show the Board  
8 what the additional changes have been to the site  
9 plan?  
10 A. **Yes. The first thing I want to say is**  
11 **that the plan that you have just been given is**  
12 **similar to the October 17th plan. The only change**  
13 **is that we added some landscaping around the four**  
14 **parking spaces in front of Building B. The main**  
15 **purpose was to show the new landscaping design. We**  
16 **felt it was important to include that on the**  
17 **landscaping as well.**  
18 Overall, the plan differs from the  
19 previous plan. We added the roof-mounted solar  
20 array between Building A and C consistent with the  
21 solar design. We showed the existing trees. The  
22 landscaping plan is the new design from Maser  
23 Consulting and, as part of the landscaping design,  
24 there are a couple of trees on the site that we  
25 needed to save and, as a result of that, we

1 eliminated three proposed parking spaces, two at the  
2 northern corner of the property -- previously, there  
3 were nine; now, there are seven to save two trees --  
4 and, in the northwestern corner of the property, we  
5 had four proposed parking spaces and now, we are  
6 proposing three.

7 That's compensated for by additional  
8 parking that was gained from the reconfiguration of  
9 this parking lot at the northern corner of the  
10 property. There are a couple of drive aisles that  
11 were eliminated and gained for parking spaces in  
12 that area. So the net result is an increase of one  
13 parking space. Now, there's 909 spaces.

14 Q. Are there any other changes? When I  
15 say "changes," I mean from the plans that were  
16 presented on October 14th.

17 A. No. That's the extent of the changes.

18 Q. Now, there was a question raised by Mr.  
19 Mirandi concerning the semipermeable parking area on  
20 the site. Are you familiar with that?

21 A. Yes. I am.

22 Q. Did you do any investigation into that  
23 maintenance of that parking area?

24 A. Yes, we did. There's some cracking  
25 and settling of some of the permeable pavement that

1 was installed in 2010 from a previous application.  
2 We got a report from the paving expert that oversaw  
3 the installation of that parking lot. Basically,  
4 his opinion was that, while the cracking could be  
5 caused by many things, it was likely caused by  
6 freeze and thaw from the winters. What we recommend  
7 is to clean that area and apply a stabilizer to  
8 stabilize it during the winter and limited salt  
9 during the winter and then reconstruction after the  
10 winter when this project is constructed.

11 Q. Okay.

12 MR. PROFITA: I don't have any further  
13 questions of Mr. Glimigliano.

14 MR. KATES: Does the Maser landscaping  
15 plan key the new plantings to correspond to the new  
16 exhibit?

17 MR. ALLEN: Yes.

18 MR. KATES: The one I see, there are  
19 landscaping details that you show with a revision --  
20 no revision date. Will there be an amendment?

21 MR. PROFITA: Yes. I believe a draft  
22 plan was submitted to the Environmental Commission  
23 and we will submit a formal revised plan when the  
24 issues have been settled.

25 MR. MIRANDI: That is correct, Mr.

1 Chairman. There was a plan submitted. I received a  
2 copy of it and forwarded it to the Board secretary  
3 who, I believe, distributed it to the Board.

4 CHAIRMAN FEHRE: Any questions?

5 MR. MIRANDI: I heard the comments on  
6 the retaining wall. When you said the landscape-  
7 style retaining wall, you are talking about a  
8 modular retaining wall and not the living wall that  
9 we were previously presented with?

10 MR. GIMIGLIANO: That is correct.

11 MR. MIRANDI: Previously, by the EV  
12 kiosk area where you are going to maintain some new  
13 parking as well, that elevation was at 371 and I  
14 heard your testimony and I'm not sure how that's  
15 going to be impacted. You say there may be some  
16 minor changes. Can you elaborate on that?

17 MR. GIMIGLIANO: That area slopes  
18 naturally down to the area below it and we will tie  
19 that into the existing slopes and, to make that  
20 happen, the ground will be disturbed but the grade  
21 will remain.

22 MR. MIRANDI: Regarding the porous  
23 concrete parking areas at the northwestern portion  
24 of the site, as you indicated, 2010 is when they  
25 were installed and they were well maintained up

1 until this recent past winter. I noticed more  
2 sprawling than any cracking or so and part of the  
3 remediation plan that you identified would be to  
4 address that?

5 MR. GIMIGLIANO: Yes. The expert  
6 believes that the stabilizer would hold it in place  
7 through the winter provided that it was cleaned.

8 MR. MIRANDI: Did he recommend a  
9 frequency to use the stabilizer moving forward? Is  
10 it annual or is it every five years?

11 MR. GIMIGLIANO: That is just an  
12 interim measure to get us through this winter and  
13 then repair work and maintenance will be done after  
14 the winter.

15 CHAIRMAN FEHRE: Do you have another  
16 witness?

17 MR. PROFITA: Yes. Jeff Allen.

18 MR. KATES: You remain sworn.

19 MR. ALLEN: Yes, sir.

20 J E F F R E Y A L L E N, having been previously  
21 sworn, testified as follows:

22 DIRECT EXAMINATION BY MR. PROFITA:

23 Q. Mr. Allen, did you have occasion to  
24 meet with anyone to discuss the landscaping on site  
25 since you testified at the last hearing?

34

1           **A. Yes. I have spoken with the**  
2 **Environmental Commission and Mr. Aversa about the**  
3 **landscaping design as well as other components of**  
4 **the landscaping on the site.**  
5           **Q.** Was one of those components an  
6 examination of the buffer area too?  
7           **A. Yes. We both independently reviewed**  
8 **the buffer at the northwestern property line. So**  
9 **it's the residential buffer on that property line.**  
10 **We took a look at that buffer and, upon examining**  
11 **it, it's actually a pretty good density in the area.**  
12 **So taking a look, it's also in good health as well**  
13 **and I know, previously, the Board had a comment in**  
14 **regard to cleaning it up or removing trees that are**  
15 **dead. We feel that any sort of removal of any dead**  
16 **tree would be detrimental to the screening impact at**  
17 **this time. So I believe that's not what we want to**  
18 **accomplish with that standard.**  
19           **Q.** Was there a discussion about perhaps  
20 putting some more trees in the buffer area?  
21           **A. Yes. New plantings. Mr. Aversa and I**  
22 **discussed the possibility, if the Environmental**  
23 **Commission deemed it so, to place additional**  
24 **evergreen trees along the westerly property line in**  
25 **the vicinity of the buffer where we found open areas**

35

1 **that would be accepting of a new species.**  
2           **Q.** Are you going to have an agreed upon  
3 location with the Environmental Commission as to  
4 where they would like the new trees planted?  
5           **A. Yes. We will work with the**  
6 **Environmental Commission, as needed. We can**  
7 **identify that by having set locations on the plan or**  
8 **have a set quantity on the plan in which the**  
9 **Environmental Commission and myself can review.**  
10           **Q.** The agreement was 15 to 20 evergreens?  
11           **A. Yes.**  
12           **Q.** Did you add any landscaping to the plan  
13 in the area of the four parking spaces, the new  
14 parking spaces, as a result of the reconfiguration  
15 aligning of the driveway in order to save the trees  
16 in the area?  
17           **A. Yes. The area that we are speaking**  
18 **about is located along the northeast of the property**  
19 **in this vicinity here (indicating), across the drive**  
20 **aisle from Building B. The landscaping that we**  
21 **specified for the area is an evergreen hedge around**  
22 **the new spaces with a deciduous flowering shrub up**  
23 **in front of them for a staggered effect.**  
24           MR. PROFITA: I have no further  
25 questions.

36

1           MR. DOOLY: Did you look at the upper  
2 part of the exposure to Floyd Street at all, Block  
3 8.06, Lots 3 and 5, the two closest to the property?  
4           MR. ALLEN: Yes, we did. I located  
5 that area and the vegetation under our control  
6 within our property adjacent to that is dense in  
7 manner. I do believe that once Mr. Aversa and I vet  
8 out the location, I would envision that area is  
9 where we would see the evergreen trees going back.  
10           CHAIRMAN FEHRE: Like a white pine or  
11 something?  
12           MR. ALLEN: It would be along the  
13 lines of a white pine or a spruce or a hemlock.  
14           MR. KATES: Will you be specifying how  
15 high on planting?  
16           MR. ALLEN: Yes.  
17           MR. KATES: Do you have an estimate of  
18 how high they will be?  
19           MR. ALLEN: At this point, we are  
20 looking in the six- to eight-foot range.  
21           MR. PROFITA: What caliper would a  
22 tree have, approximately?  
23           MR. ALLEN: Basically, two and a half  
24 inches measured at six inches above the root ball.  
25           MR. KATES: The Board confirms that

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1 Mr. Aversa did communicate with the Chairman and  
2 there's a letter.  
3           CHAIRMAN FEHRE: I'll read it into the  
4 record.  
5           "After meeting with Mr. Allen and  
6 walking the buffer zone, it was determined that  
7 cleaning up the buffer zone may have a negative  
8 effect by creating a more manicured, open appearance  
9 which would not be conducive in screening. It is  
10 recommended that the applicant continue to work with  
11 the Environmental Commission to plant 15 to 20  
12 evergreens in the buffer zone to alleviate the  
13 residents' concern."  
14           Do you concur with that statement?  
15           MR. ALLEN: Yes, sir.  
16           CHAIRMAN FEHRE: You are definitely  
17 going to plant 15 to 20 trees?  
18           MR. ALLEN: Yes.  
19           MR. KIM: Is that enough to cover that  
20 large area?  
21           MR. ALLEN: I believe that was the  
22 proper number to cover the property that exists  
23 within the vegetation.  
24           MR. MIRANDI: Just a couple of  
25 questions and comments. On the plantings in that

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1 area, I heard the mention of hemlocks and I believe,  
 2 during Sandy and Irene, the Borough lost a lot of  
 3 hemlocks so I want your view on that.  
 4 Also, Mr. Chairman, we did review the  
 5 draft plan and we did have our landscaping comments  
 6 in our September 11, 2014 letter and our comments  
 7 have been addressed in the latest draft.  
 8 Also, I just want confirmation, for  
 9 the areas of significant plantings, is there a  
 10 planned irrigation system proposed?  
 11 MR. ALLEN: Yes. We added that to the  
 12 plan. The areas adjacent to the building will have  
 13 plantings that will have a water-efficient  
 14 irrigation system.  
 15 MR. KILMARTIN: The buffer that you  
 16 have along Sylvan Avenue on the southerly side is  
 17 very dense and really obstructs the view of those  
 18 parking lots. On the north side of the building,  
 19 those trees in there where you are reconfiguring,  
 20 just discuss that area for me from the perspective  
 21 of how big are the trees, how many are you going to  
 22 have above the height of the solar canopies?  
 23 MR. ALLEN: You are speaking in regard  
 24 to the northeast area between Sylvan Avenue and the  
 25 parking spaces that are north of where the previous

39

1 location would be?  
 2 MR. KILMARTIN: Yes.  
 3 MR. ALLEN: The vegetation in that  
 4 area is dogwoods, some spruces. We are adding  
 5 additional shade trees in the area and I believe, to  
 6 speak in association with the previous testimony,  
 7 that the additional shade trees will block the  
 8 visibility down to the lower parking area.  
 9 MR. KILMARTIN: What is the caliper of  
 10 the height of the trees that you are planting?  
 11 MR. ALLEN: The caliper, we have  
 12 revised the caliper to 3 inches at this time. So  
 13 depending on the species that are selected for the  
 14 trees there, it could be anywhere from 13 feet to 15  
 15 foot at installation.  
 16 MR. KILMARTIN: Are there evergreens  
 17 in that area as well?  
 18 MR. ALLEN: Yes. We have added  
 19 additional shade trees.  
 20 CHAIRMAN FEHRE: If there are no  
 21 further questions, do you have any more witnesses?  
 22 MR. PROFITA: Yes. We have the  
 23 architect to testify. However, we do have someone  
 24 present who has technical expertise concerning the  
 25 use of EV charging stations and, if the Board would

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1 like any technical information or has any questions  
 2 on that, I will have the witness testify; otherwise,  
 3 I was not going to present any testimony about it.  
 4 There have not been any questions that need to be  
 5 answered, in my mind.  
 6 CHAIRMAN FEHRE: It's not necessary.  
 7 MR. PROFITA: I would call Joan  
 8 Blumenfeld.  
 9 MR. MIRANDI: Previously, at the last  
 10 meeting -- initially, the applicant had stipulated  
 11 that their engineering design firm would address our  
 12 comments here and I'm sure they would still  
 13 continue.  
 14 MR. PROFITA: We've reviewed the  
 15 technical comments from the hydrology department and  
 16 the applicant will satisfy those conditions to the  
 17 approval of Mr. Mirandi's office.  
 18 J O A N B L U M E N F E L D, 215 Park Avenue  
 19 South, New York, New York 10003, first having been  
 20 duly sworn, testified as follows:  
 21 VOIR DIRE EXAMINATION BY MR. PROFITA:  
 22 Q. Can you tell us whether or not you're  
 23 licensed as an architect by the State of New Jersey?  
 24 A. I am.  
 25 Q. How long have you been so licensed?

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1 A. 12 years.  
 2 Q. Are you a practicing architect?  
 3 A. I am.  
 4 Q. How long have you been practicing?  
 5 A. 35 years.  
 6 Q. Where did you go to school?  
 7 A. I have an undergraduate degree from  
 8 the University of Chicago and a graduate degree from  
 9 Harvard.  
 10 Q. Can you describe briefly, for the  
 11 Board, the nature of your practice and type of  
 12 projects you have been involved in?  
 13 A. I'm a principal of Perkins & Will.  
 14 There's 66 offices worldwide. I am the director for  
 15 interior design for that office as well as for the  
 16 company as a whole. So I head up the design efforts  
 17 for the firm and my projects range in size from a  
 18 few thousand square feet to 1.5 million square feet  
 19 and I have worked on many corporate headquarters.  
 20 MR. PROFITA: I would proffer her as  
 21 an expert in the field of architecture.  
 22 CHAIRMAN FEHRE: Yes. We accept her.  
 23 DIRECT EXAMINATION BY MR. PROFITA:  
 24 Q. Now, you are familiar with the plans  
 25 that have been submitted to the Board?

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1           **A. Yes. I am.**

2           **Q. Can you describe for the Board the**

3 **existing buildings on the site?**

4           **A. Yes.**

5           (Exhibits A-12 through A-15, aerial

6 photographs, were marked for Identification.)

7           **Q. Can you tell the Board a little bit**

8 **about the buildings that currently exist on site?**

9           **A. Yes. They are mainly three-story**

10 **buildings. Because of the grade change of some of**

11 **them, they become a four-story; that's usually a**

12 **service area or storage area. And there are four**

13 **buildings that are connected by bridges currently**

14 **and parking that you can see surrounding the**

15 **buildings up on the Sylvan Avenue side.**

16           **Q. Can you describe for the Board what the**

17 **proposed building additions are?**

18           **A. Yes. To fill in the courtyard here**

19 **(indicating) and then also to build an entrance**

20 **pavilion behind the existing bridge so that would**

21 **become part of the entrance of the building.**

22           **Q. Why did Unilever want to make these**

23 **changes to the building?**

24           **A. Because Unilever is planning on using**

25 **this building as a headquarters building for North**

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1 **America and they felt it would work much more**

2 **efficiently in a central space to link all the**

3 **buildings more directly and have an entrance, as a**

4 **headquarters building, that was marketed and branded**

5 **for visitors to see where they are going clearly.**

6           **Q. Are you familiar with what Unilever**

7 **refers to as an "agile space concept"?**

8           **A. Yes. Unilever has been instituting it**

9 **worldwide. It is a way of working that allows**

10 **employees more choices. They can work from home or**

11 **anywhere as well as an office space. When they are**

12 **at the office, they have their workstation or office**

13 **or also other kinds of spaces that are corroborative**

14 **spaces where they can get together and meet and**

15 **there are amenity spaces that are available to them.**

16 **So it's a flexible way of working.**

17           **Q. In your experience, are other companies**

18 **using similar concepts?**

19           **A. This is very common with large**

20 **corporations. There's been a lot of stuff in the**

21 **press about innovation and the value of**

22 **collaboration. So a lot of those companies are**

23 **creating more open work spaces and allowing people**

24 **to work from other locations and being flexible**

25 **where they work.**

44

1           **Q. Has Unilever been using this concept at**

2 **the 800 building for some time?**

3           **A. Over the last five years, they've done**

4 **a couple of small pilots to test it out and they**

5 **have been very successful. The employees have**

6 **preferred working that way.**

7           **Q. Now, the two building improvements that**

8 **are being added, that building closing in the**

9 **courtyard and the new entry pavilion, are those**

10 **spaces designed to create more office space for**

11 **occupancy or are they more for a corroborative**

12 **nature?**

13           **A. They are more for both efficiency and**

14 **collaboration. They are not for office space.**

15           **Q. Have the proposed building improvements**

16 **to this site been designed to foster any**

17 **environmental objects?**

18           **A. Well, the courtyard itself is being**

19 **designed at net zero, meaning it would create as**

20 **much energy as it uses. The entire build-out is**

21 **being designed to standards in leadership and energy**

22 **and environmental design. It's a national rating**

23 **system that gives you points for the energy savings**

24 **that you do to create a more healthy environment for**

25 **the inhabitants of the space for saving water and**

45

1 **recycling. So it's a do-gooder kind of rating and**

2 **the building will be designed to those standards.**

3           **Q. So other than the energy efficiency**

4 **from the solar panels, are there other aspects of**

5 **the improvement that would foster environmentally?**

6           **A. Yes. In terms of energy savings, the**

7 **HVAC systems are going to be more efficient and use**

8 **less energy, water-saving designs will be used,**

9 **energy-efficient appliances and equipment, and also,**

10 **this will be a healthier environment. The materials**

11 **that we specify for the furniture and fabrics will**

12 **not have toxic materials in them. We've specified**

13 **materials that don't have them and the building**

14 **material themselves will be -- a large percentage of**

15 **them will include recycled materials and will be**

16 **recyclable themselves.**

17           **Q. So do you have, as part of the exhibit,**

18 **elevation views of the building?**

19           **A. Here (indicating), you can see this**

20 **shows the filling in between the bridges, the new**

21 **entry, a pavilion right here and the new courtyard**

22 **right here. Now, these elevations are flattened.**

23           **Q. That's A-14, correct?**

24           **A. Correct.**

25           **Q. These are the exterior elevation views?**

46

1       **A. Yes.**

2       **Q.** Let's start with the one at the top.

3       **A. That's the north elevation and you can**

4 **see the existing bridge and you can see, beyond it,**

5 **the enclosure for the courtyard and you can see**

6 **there's a canopy above that enclosure. You can see,**

7 **on A-13, we are proposing a translucent canopy in**

8 **the middle of the courtyard to bring in natural**

9 **light.**

10       If we go to the east elevation, this

11 shows the new entrance that is right in the same

12 location that the existing bridge is in with a sign

13 on the front of it. You can see the size of the

14 sign in relationship to the entrance and you can see

15 the canopy beyond and, as I mentioned, these are

16 flattened out. They have to show the perspective

17 that you see as you see the building with things

18 receding as they get further away.

19       Then, the next elevation, which is the

20 west elevation here, shows that. Beyond the

21 existing building, you can see the new courtyard and

22 the canopy.

23       **Q.** So that would be the view from Floyd

24 Street?

25       **A. Correct.**

47

1       **Q.** Will you see the new entry pavilion

2 from Floyd Street?

3       **A. No. You cannot.**

4       The last elevation is the south and

5 you can see the bridge filled in beyond the existing

6 bridge.

7       **Q.** What's the purpose of enclosing the

8 courtyard?

9       **A. The enclosed courtyard serves a number**

10 **of purposes. Number one, you will move from**

11 **building to building more efficiently. It provides**

12 **a separate place where many of the employees can get**

13 **together and have informal meeting areas and people**

14 **can gather and it will have a number of different**

15 **things like that to make that attractive to people**

16 **in the building.**

17       **Q.** Recreational as well?

18       **A. No. It's really more seen as an open**

19 **area that's meant for informal meetings. It's not**

20 **like a formal event space or anything like that.**

21       **Q.** Why do you propose having a canopy on

22 top of the courtyard as part of the roof structure?

23       **A. The canopy is over part of the roof**

24 **structure to introduce natural light. Without that,**

25 **the space would be extremely dark. It would get no**

48

1 **natural light because it's very wide. So this will**

2 **save energy by bringing in the natural daylight. So**

3 **you will save a lot of energy by not using as much**

4 **lighting.**

5       **Q.** And the courtyard is a single story; is

6 that correct?

7       **A. Yes, it is.**

8       **Q.** What is the elevation of the top of the

9 proposed canopy?

10       **A. The top of the proposed canopy is at**

11 **an elevation of 412 above the mean curve elevation**

12 **-- no. Sea level.**

13       **Q.** What is the mean curve elevation that

14 was determined by Mr. Dykstra in front of the

15 building?

16       **A. 377.3 feet.**

17       **Q.** So did you calculate what the building

18 height would be of the building including the canopy

19 as per the Englewood Cliffs Zoning Ordinance?

20       **A. Yes.**

21       **Q.** That's less than the 35-foot maximum?

22       **A. Correct.**

23       **Q.** What's the floor area of the courtyard?

24       **A. It's 17,415 square feet.**

25       **Q.** Now, the entry pavilion, which is on

49

1 the other side, that's the east elevation, correct?

2       **A. Correct.**

3       **Q.** What is the purpose of the new entry

4 for the building?

5       **A. That is so, when visitors are coming,**

6 **they know where to go. There's a central location**

7 **they go to enter the building. It is also for**

8 **employees so they have one location that will have a**

9 **reception area and security turnstiles and it will**

10 **be branded so that people know that this is**

11 **Unilever. It's a way of giving the space identity.**

12       **Q.** How many stories are in the pavilion

13 building?

14       **A. It's only one level. However, in**

15 **order to bring it up to the level of approximately**

16 **Sylvan Avenue -- you can see it's higher than the**

17 **building -- we will have to fill in underneath it**

18 **with a storage space.**

19       **Q.** What is the height of the proposed new

20 entry pavilion at the top?

21       **A. I believe it's 25 feet.**

22       **Q.** Does that match the height of the

23 adjacent building?

24       **A. Yes, it does.**

25       **Q.** Basically, what's the floor area of the

50

1 proposed new entry pavilion?

2 **A. The entire structure, not counting the**

3 **existing bridges and the storage space that we are**

4 **filling in with underneath, is 5,400 square feet.**

5 **Q.** You have one more exhibit, correct?

6 **A. Yes.**

7 **Q.** This is A-15?

8 **A. Yes.**

9 **Q.** Could you describe, for the Board, the

10 photographs that are part of A-15?

11 **A. These two photographs are taken from**

12 **Floyd Avenue of the existing conditions. One is**

13 **during the winter, of the building and, this little**

14 **tiny line, that is what you can see because you are**

15 **490 feet from the building at Floyd Avenue. So you**

16 **are quite far from the building.**

17 In the summertime, you cannot see the

18 building in this photograph. The photograph here is

19 showing, on the upper right-hand corner, what that

20 new entrance would look like and it's showing the

21 sign here and you can see the scale of the sign from

22 Sylvan Avenue and it's this small, white "U."

23 **Q.** So the sign has been brushed in?

24 **A. Correct. Below it, on the right-hand**

25 **side middle, is showing the existing condition and**

51

1 **then the two bottom photographs are showing the site**

2 **plan, an aerial view of the buildings.**

3 **Q.** The materials that are used to

4 construct the canopy, can you describe those

5 materials?

6 **A. The canopy is made of a non-**

7 **combustible fabric membrane stretched over a steel**

8 **structure.**

9 **Q.** Is that the type of material that will

10 cause any glare?

11 **A. No, it's not reflective.**

12 **Q.** In your opinion, would there be any

13 adverse visual impact to the neighbors on Floyd

14 Street from the existence of that canopy?

15 **A. I don't think so. I think it would be**

16 **hard to see it and, even if you did, it would be**

17 **very minimal, what you would see.**

18 **Q.** Now, the plan contemplates installation

19 of solar panels on a portion of the roof of the

20 existing building, correct?

21 **A. Correct.**

22 **Q.** That would be Buildings A and C and the

23 walkway between Buildings A and C?

24 **A. Correct.**

25 **Q.** How much above the existing roofline

52

1 will the solar panels extend?

2 **A. 18 inches above the existing roofline.**

3 **Q.** Will the installation of the solar

4 panels and that additional 18 inches increase any

5 building height to more than 35 feet?

6 **A. No, it will not.**

7 **Q.** Let's talk about the proposed signage

8 and we have something that's been submitted to the

9 Board.

10 **A. No. I don't think so. It was not.**

11 **Q.** What have you designed by way of

12 signage for the new headquarters?

13 **A. The sign is a "U"; that is the logo of**

14 **Unilever and it's a backlit sign with a solid "U."**

15 **So it's a halo effect. The sign is 6-foot-2 wide**

16 **and 6-foot-6 high. It's designed to be in**

17 **proportion with the facade of the building and so**

18 **that it is sufficiently large enough to be visible**

19 **from the street 200 feet away.**

20 **Q.** This is part of the plans that were

21 submitted. It's Drawing Number Z-007 in the

22 original plans submission.

23 **A. Correct.**

24 **Q.** What are the dimensions of the sign?

25 **A. 6-foot-6 high and 6-foot-2 inches**

53

1 **wide.**

2 **Q.** What is the total surface area of the

3 sign?

4 **A. If you subtract the void in the middle**

5 **of the "U," it's 32 square feet. If you don't, it's**

6 **slightly larger than 40 square feet.**

7 **Q.** Are you aware that, under the Englewood

8 Cliffs Signage Ordinance, the maximum dimensions of

9 a sign is 4 feet in height and 16 feet in length?

10 **A. Yes. I am.**

11 **Q.** So this sign complies with the maximum

12 area of a sign, correct?

13 **A. Correct.**

14 **Q.** And it complies with the maximum length

15 but it is more than 4 feet in height?

16 **A. Correct.**

17 **Q.** Is it practical, in your opinion, to

18 design the sign where it would only be 4 feet in

19 height?

20 **A. No. If we did that, it would only be**

21 **3-feet-9 wide and it would be too small to be**

22 **clearly visible from the street and it would be out**

23 **of proportion with the size of the building and the**

24 **size of the facade.**

25 **Q.** Is part of the difficulty, in not

1 complying with the 4-foot height maximum but being  
2 well within the length requirement, because it's a  
3 "U"?

4 **A. Yes.**

5 **Q.** So this is proposed to be lit in some  
6 fashion, correct?

7 **A. Yes. The sign is a solid "U" with  
8 backlighting so it's a halo effect. With that kind  
9 of lighting, you get about 10 to 15 percent of the  
10 lumens escaping that you would from the total lumens  
11 that the lighting provides, unlike a regular lit  
12 sign where you get 95 percent of the lumens coming  
13 out of the sign. So it's dimmer than the usual  
14 sign.**

15 **Q.** How does that intensity compare to  
16 other signage that you observed along Sylvan Avenue  
17 on that part of Sylvan Avenue?

18 **A. It's the same or much less.**

19 **Q.** In your opinion, does the proposed sign  
20 present a desirable visual environment?

21 **A. I believe so. I think it is in  
22 keeping in the design of the building and in keeping  
23 with the neighborhood.**

24 **Q.** Now, you mentioned before these are  
25 predominantly three-story and one is four-story.

1 When were those buildings originally built?

2 **A. The drawings were filed in 1966 and  
3 the buildings were built the next few years after  
4 that.**

5 **Q.** Do any of the proposed building  
6 improvements that are included in this plan, do they  
7 increase the number of stories of any of those  
8 buildings?

9 **A. No, they do not.**

10 **Q.** And both of the proposed new additions  
11 are one story except at the entry pavilion, which  
12 does have a storage area under it?

13 **A. Correct.**

14 **Q.** In your opinion, will the granting of  
15 the variances that have been requested in connection  
16 with this application institute proper use and  
17 development of the property as a corporate  
18 headquarters?

19 **A. Yes. I think so. I think this will  
20 create a much more efficient and better place to  
21 work for the people who work there.**

22 **Q.** And will the requested variances result  
23 in more efficient use of the property?

24 **A. Yes, I believe it will.**

25 **Q.** In your opinion, will the granting of

1 the variances substantially impair the intent and  
2 purpose of the existing zone plan or zone ordinance?

3 **A. Not in my opinion, no.**

4 **Q.** In your opinion, will there be any  
5 negative impact on the surrounding property by granting  
6 the variances?

7 **A. No. I think there are some positive  
8 things about it -- the things that I mentioned  
9 before -- in terms of creating a more healthy  
10 environment for the people that work there and a  
11 better working environment.**

12 **Q.** Do you think the proposed benefits  
13 would outweigh any potential detriment?

14 **A. Yes, I do.**

15 **Q.** In your opinion, would there be any  
16 substantial detriment to the public good by  
17 permitting the proposed development and granting of  
18 those variances?

19 **A. Not in my opinion.**

20 MR. PROFITA: I have no further  
21 questions for this witness.

22 MS. ROSENBERG: When is it going to be  
23 lit, the U, all night long?

24 MS. BLUMENFELD: That, I can't answer.

25 That's an operational question. I would have to ask

1 Unilever. I would imagine it would be lit during  
2 working hours and probably until maybe 8:00 but,  
3 after that, I have no idea. I'm just guessing.

4 MS. ROSENBERG: Does anybody have that  
5 answer?

6 MR. PROFITA: I assume it would be lit  
7 during the same hours as the monument signs that are  
8 up by the road.

9 CHAIRMAN FEHRE: You say this is  
10 backlit. What do you mean by "backlit"? Are you  
11 familiar with the CNBC sign? You can see that one.  
12 It's not that type of a sign, is it?

13 MS. BLUMENFELD: No, it's a solid "U"  
14 with a light behind it.

15 CHAIRMAN FEHRE: So the light is  
16 shining on the building or the letters and the "U"  
17 is standing out somewhat from the building?

18 MS. BLUMENFELD: Exactly.

19 CHAIRMAN FEHRE: Did you say how many  
20 lumens?

21 MS. BLUMENFELD: 10 to 15 percent of  
22 the lumens it would be if it was a typical sign.

23 CHAIRMAN FEHRE: For example, the CNBC  
24 sign is brighter?

25 MS. BLUMENFELD: Yes.

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1 CHAIRMAN FEHRE: This sign will not be  
 2 visible from any residential area?  
 3 MS. BLUMENFELD: No.  
 4 MR. KIM: Explain to us, one more  
 5 time, about the height of six feet. Can they do any  
 6 four-foot, our ordinance?  
 7 MS. BLUMENFELD: We do have a drawing  
 8 that shows you.  
 9 CHAIRMAN FEHRE: How far is this sign  
 10 from Sylvan Avenue?  
 11 MS. BLUMENFELD: 200 feet. It's quite  
 12 a ways back.  
 13 (Exhibit A-16, rendering of sign, was  
 14 marked for Identification.)  
 15 MR. PROFITA: We'll mark this as A-16.  
 16 MR. KILMARTIN: The sign is going to  
 17 look like this and be solid, correct?  
 18 MS. BLUMENFELD: Right.  
 19 MR. PROFITA: Making reference to  
 20 what's been marked as A-16, could you explain to the  
 21 Board what the colored areas are?  
 22 MS. BLUMENFELD: The orange color is  
 23 the sign as we are proposing it. The blue color is  
 24 the sign as it would be if it was 4 feet high and  
 25 you can see that the blue sign is very small

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1 compared to the scale of the building and it's even  
 2 smaller if you think about it being 200 feet from  
 3 the road.  
 4 MR. KIM: So your sign is only for  
 5 logo?  
 6 MS. BLUMENFELD: Yes.  
 7 MR. PROFITA: There's no lettering.  
 8 It's their "U."  
 9 MR. SEUNG KIM: I have a question  
 10 about that atrium. Could you just clarify, to the  
 11 Board, the function of this extension? I think you  
 12 are showing the first page. The floor plan is  
 13 showing an assembly with three different levels.  
 14 Can you clarify the function of each floor and  
 15 what's going to happen in that new space?  
 16 MS. BLUMENFELD: There really is only  
 17 one level inside here. So, you know, it goes up.  
 18 It's a big space. There will be places for people  
 19 to meet. It will also allow people to go from one  
 20 building to the other without having to go around  
 21 the bridges in a circle. It can be used for -- it's  
 22 a multipurpose space. It's not intended for  
 23 anything in particular. There will be some exhibits  
 24 or branding in there of Unilever products. It is a  
 25 place for visitors to come and learn about Unilever.

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1 It's a multipurpose space. There's no specific use  
 2 for it.  
 3 MR. SEUNG KIM: So it could be  
 4 assembly, though?  
 5 MS. BLUMENFELD: It's not intended for  
 6 that except on maybe a very occasional time.  
 7 MR. DOOLY: The luminosity of the  
 8 letting of light through, will that be like a circus  
 9 tent at night that's lit up inside?  
 10 MS. BLUMENFELD: This will glow but  
 11 only over a small portion of the space. So at  
 12 night, it will glow a little bit but it's not -- you  
 13 can see, from the elevations here, what you see.  
 14 It's the curved form. And as I said, these are  
 15 flattened out so they don't account for the receding  
 16 that happens with the perspective.  
 17 MR. DOOLY: Is that a fabric?  
 18 MS. BLUMENFELD: Yes. Non-  
 19 combustible. If you have been to Denver Airport,  
 20 that has a fabric roof on it.  
 21 MR. TROVATO: How does that deal with  
 22 the snow load?  
 23 MS. BLUMENFELD: It's curved so it  
 24 will slide off.  
 25 MR. MIRANDI: How about any impact

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1 resistance to the fabric?  
 2 MS. BLUMENFELD: It's quite sturdy.  
 3 There are airports that have this kind of a roof and  
 4 it's been used on bigger buildings than this. The  
 5 structure is a steel structure and we are working  
 6 with a structural engineer. It's like a ribcage on  
 7 the inside.  
 8 MR. MIRANDI: There was prior  
 9 testimony that there's fire sprinklers?  
 10 MS. BLUMENFELD: Yes. And the fabric  
 11 is non-combustible.  
 12 MR. MIRANDI: Exhibit A-14, the top  
 13 and the bottom elevations to the right and to the  
 14 left of that translucent canopy, I see some  
 15 projections and I think, on the prior exhibit, there  
 16 were ten of them. Can you tell us what that is?  
 17 MS. BLUMENFELD: I would assume those  
 18 are mechanical exhausts.  
 19 MR. MIRANDI: At the entry elevation,  
 20 I believe there was testimony that indicated  
 21 employees will be coming in through this entrance.  
 22 Is that exclusive or will they still use the other  
 23 entrances?  
 24 MS. BLUMENFELD: I can't definitively  
 25 answer that but I believe they will be.

1 MR. MIRANDI: That last exhibit that  
2 you had with the signage, I believe, on the rendered  
3 exhibit, A-15, where you showed the sign, it looks  
4 like you are trying to match the stone or that white  
5 panel coming across but -- as I'm looking at the  
6 Z-007 exhibit -- can you tell us what those  
7 staggered lines are? Is that some sort of  
8 architectural framing?

9 MS. BLUMENFELD: Those are decorative  
10 and I think they are still under discussion.

11 MR. MIRANDI: So there's no thought on  
12 the material size or type?

13 MS. BLUMENFELD: Well, it will be  
14 similar and in keeping with the existing buildings.

15 MR. MIRANDI: So that should match?

16 MS. BLUMENFELD: Yes. Correct.

17 MR. MIRANDI: I thought I believed  
18 from your partner who was at the first hearing that  
19 we did have some of the architectural plans that  
20 were labeled Z -- whatever the number is -- for that  
21 canopy. That, I believe I recall seeing a first  
22 floor, a second floor and a third floor on that and  
23 I think that was inconsistent with your testimony.  
24 Can you take a look at that and elaborate for the  
25 Board?

1 MS. BLUMENFELD: I think the height of  
2 the space inside there -- the existing buildings are  
3 around it and we are matching the height. So the  
4 height is like three stories but it's a single  
5 space. It's not -- there's no floors. It's a big  
6 space.

7 MR. SEUNG KIM: We understand that but  
8 you have three different levels because you have to  
9 have some kind of access from each level. So I  
10 think it's showing it on the plans.

11 MS. BLUMENFELD: There's a stair  
12 coming into it. (Indicating) You come into this  
13 right at this level and then there's a stair going  
14 down. You come in at the Sylvan Avenue level. The  
15 actual floor is down one level so there's a stair  
16 going down into it but it's still one space.

17 MR. SEUNG KIM: I understand that but,  
18 on the plan, it's showing tables and seats and the  
19 second floor shows affixed seating on the second  
20 floor. I don't know what it is.

21 MS. BLUMENFELD: I'm sorry. So what  
22 you are seeing is the stair going down and then just  
23 -- it's like a platform there but it's not -- it's a  
24 platform where the stair lands and then you keep  
25 going down. That's what it is. It's Z-009.

1 MR. PROFITA: This is part of the  
2 original plan submission?

3 MR. SEUNG KIM: Yeah.

4 MS. BLUMENFELD: What I'll say to you,  
5 there's nothing underneath that. It's not like  
6 there's many levels. It's just a platform but  
7 nothing underneath it. It's all one level just  
8 terracing down with the stair. There are platforms  
9 that come down with the stair as it comes down but  
10 there's nothing underneath there. It's not like we  
11 are building different levels in there. It's almost  
12 like terracing down a hillside because of the  
13 difference in grade on the site. This follows the  
14 grade on the site.

15 MR. MIRANDI: While you are on that  
16 drawing, those two darker areas, what's the wording  
17 in there? I can't read it.

18 MS. BLUMENFELD: "Business."

19 MR. MIRANDI: It looks like "Assembly,  
20 Fixed Seating."

21 MS. BLUMENFELD: There's no fixed  
22 seating and they are not doing that.

23 MR. MIRANDI: I think there was  
24 testimony, at the first meeting, that that was  
25 there.

1 MS. BLUMENFELD: That was not correct.  
2 There is no fixed seating in there. There is no  
3 fixed seating.

4 MR. SEUNG KIM: So we are expecting  
5 some revised plans?

6 MR. PROFITA: Sure. We can do that.

7 MR. SEUNG KIM: When you do that,  
8 could you show us some of the cross sections of the  
9 whole atrium on the different levels? Can you do  
10 that?

11 MS. BLUMENFELD: Yes. We have one  
12 with us if you want to see it.

13 (Exhibit A-17, cross section of courtyard,  
14 was marked for Identification.)

15 MS. BLUMENFELD: This is a section  
16 through the courtyard and you can see the terracing  
17 down with the stairs coming down, how it's following  
18 the grade from the outside, because of what's  
19 happening on the site. You can see how the height  
20 is sloping down and how it's just one space in here.  
21 There's only one space.

22 MR. SEUNG KIM: Do we expect  
23 excavation to create the courtyard?

24 MS. BLUMENFELD: No. It's existing.

25 MR. MIRANDI: I believe that, at one

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1 of the prior meetings, there was some discussion  
 2 about a covered canopy or walkway. Can you just  
 3 show us where that is?  
 4 MS. BLUMENFELD: (Indicating) The  
 5 solar?  
 6 MR. MIRANDI: Oh. Okay. Thank you.  
 7 CHAIRMAN FEHRE: Any further questions  
 8 of this witness?  
 9 MR. SEUNG KIM: Do you have some areas  
 10 increased because of the fill-in of the old  
 11 courtyard? I think there's some space you created  
 12 over the entranceway; am I correct?  
 13 MS. BLUMENFELD: What's happening is  
 14 that you are seeing the existing bridge and a  
 15 double-height space over the entry. It's only a  
 16 single level but it's double-height. So the  
 17 existing bridge, in front of it, they're still  
 18 keeping it there. So you are seeing the existing  
 19 bridge and looking down into the space of the entry  
 20 pavilion.  
 21 MR. SEUNG KIM: So it's not increasing  
 22 the business floor area?  
 23 MS. BLUMENFELD: No.  
 24 MR. SEUNG KIM: So we can expect some  
 25 revised plans?

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1 MS. BLUMENFELD: Correct. The entry  
 2 level is the third floor. So that is the entry  
 3 level because, if you look at the fourth floor, you  
 4 are looking down into it; you see the bridge.  
 5 Because, if you look at the elevation, if we go back  
 6 to this, this is the level that is the third floor  
 7 -- which is called the third floor, and then there's  
 8 the fourth floor above it. So the bridge extends  
 9 up, up to it. And so I misspoke. I'm sorry.  
 10 The drawing is correct. We added  
 11 only, at the third floor, that 3,900 square feet of  
 12 new space in that entry pavilion that I talked about  
 13 and then, underneath it, there's a storage space  
 14 that we had to put in to fill it up to that level.  
 15 MR. SEUNG KIM: Are you proposing  
 16 increasing the number of occupants in the building  
 17 because of this atrium?  
 18 MS. BLUMENFELD: No. There will be no  
 19 offices or workstations or programmed areas like  
 20 that in what we are creating. We are creating an  
 21 entry lobby with a reception area and security  
 22 turnstiles. There may be a small store that's  
 23 internal in that lobby and then the storage space  
 24 and then the big open space, the enclosed courtyard.  
 25 MR. SEUNG KIM: So the only

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1 expectation would be more visitors but the number of  
 2 employees will not be increased?  
 3 MS. BLUMENFELD: Not because of this,  
 4 no.  
 5 MR. PROFITA: I want to note that the  
 6 signage hours of operation are proposed to be from  
 7 dawn to dusk. So it will not be on at night.  
 8 MR. KILMARTIN: Would you have  
 9 anything else that you might be using that space  
 10 for, coffee machines or selling snacks?  
 11 MS. BLUMENFELD: There might be. I am  
 12 quite certain that, somewhere in that whole thing,  
 13 there will be a coffee bar. It's typical in a  
 14 corporate environment like that to have someplace  
 15 for that in a central location but it would not be  
 16 to sell coffee like a Starbucks, not a commercial  
 17 operation.  
 18 CHAIRMAN FEHRE: Does that complete  
 19 your witnesses?  
 20 MR. PROFITA: Yes, it does.  
 21 CHAIRMAN FEHRE: Let's have a five-  
 22 minute break and then we'll open it up to the  
 23 public.  
 24 (Recess taken)  
 25 CHAIRMAN FEHRE: Can I have a motion

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1 to open the meeting to the public?  
 2 MS. ROSENBERG: So be it.  
 3 MR. DOOLY: Second.  
 4 CHAIRMAN FEHRE: All in favor?  
 5 MEMBERS OF THE BOARD: Aye.  
 6 CHAIRMAN FEHRE: Is there anybody that  
 7 would like to ask any question from the public?  
 8 MR. BOAZ: My name is Rahav Boaz,  
 9 R-A-H-A-V. I live at 653 Floyd Street, identified  
 10 here as Block 808, Lot 2. So we are first in the  
 11 line of fire, in a way.  
 12 First of all, I want to express my  
 13 appreciation to the Panel and it's a first time for  
 14 me, being part of a discussion, and I hear the  
 15 details and the concerns and I appreciate that. I  
 16 have a couple of questions.  
 17 Floyd Street is elevated to the  
 18 parking lot. I don't know exactly the elevation. I  
 19 would say probably 20 or 30 foot. When you did  
 20 testing of glaring to Sylvan Avenue, did anyone do  
 21 testing of the glaring on the opposite side towards  
 22 Floyd and other properties? Because we are going to  
 23 be overlooking that sea of mirrors from above and I  
 24 will guess that, in quite a lot of angles or  
 25 conditions, we are going to have sun just reflected

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1 directly into our house.  
2 MR. PROFITA: I can address that.  
3 There was the glare study that was done from Floyd  
4 Street and the Board had requested a similar one  
5 from Sylvan Avenue, which was presented today.  
6 MR. BOAZ: Do you recall the findings?  
7 MR. PROFITA: Yes. It would be --  
8 might be small and no worse than if you look at the  
9 sun coming through your window. It wouldn't be any  
10 -- and it was a few minutes a day at certain times.  
11 CHAIRMAN FEHRE: It's not a mirror.  
12 The idea is to absorb the light in, not reflect it.  
13 So it's not reflective.  
14 MR. BOAZ: The second question I have  
15 is about noise levels. We were talking about the  
16 generator. If I understand correctly, the location  
17 of the generator --  
18 CHAIRMAN FEHRE: We will make a note  
19 that the recording was off for a while but we do  
20 have a court stenographer present.  
21 MR. BOAZ: Talking about noise levels,  
22 it is my understanding that the generator will be  
23 located right here (indicating); is that correct?  
24 CHAIRMAN FEHRE: No. I think it's  
25 behind Building D.

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1 MR. BOAZ: The question I have is:  
2 Why are we locating generators so close to eight  
3 lots when you have all the wide open area close to  
4 Sylvan Avenue where you have traffic going on  
5 anyway? So why are we concerning ourselves with  
6 noise levels and insisting on putting a generator on  
7 the fences of the properties that are on Floyd  
8 Street and not pushing it to the east side of the  
9 property and eliminate an hour and a half of  
10 discussion that we just had? Can anyone answer  
11 that?  
12 MR. JOHNSTON: The main reason we  
13 picked the proposed location for the CHP is the  
14 existing electrical room is there, the existing  
15 boilers. So everything that the generator or CHP  
16 needs to interface with is all located in this  
17 corner of the building so it makes the installation  
18 cost simple. If we relocated the stuff elsewhere,  
19 the project would no longer justify the cost to  
20 Unilever.  
21 MR. BOAZ: I installed a generator at  
22 home and I ran lines 20, 30 feet just to keep it  
23 away but it didn't reverse my decision to have a  
24 generator. So can you quantify that?  
25 MR. JOHNSTON: We are talking 400 feet

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1 of much larger conduit and piping, much more than a  
2 small home so...  
3 MR. BOAZ: How much?  
4 MR. JOHNSTON: Probably hundreds of  
5 thousands of dollars, 15 to 20 percent more project  
6 cost.  
7 MR. BOAZ: For maybe avoiding 24/7,  
8 365-days-a-year noise, that's something to consider,  
9 right?  
10 Can we ask for a proposal or an  
11 evaluation?  
12 MR. KATES: No, we can't. Can you ask  
13 them to give you a cost factor; is that what you are  
14 saying?  
15 MR. BOAZ: No. Is there a way to  
16 quantify the difference if you move it? Now, we  
17 hear hundreds of thousands of dollars.  
18 MR. KATES: They can offer it or they  
19 can say "We are submitting the plan as is." We  
20 cannot make them do anything.  
21 MR. NIKOW: You brought up something,  
22 indirectly. The sound output of the generator, I  
23 believe you said was 34?  
24 MR. JOHNSTON: At the property line,  
25 240 feet away, it would be 34 decibels, yes.

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1 MR. NIKOW: What would be the  
2 calculation of the traffic of 9W at a similar area?  
3 Because I notice, in that area where the CHP is,  
4 there's no buildings or anything blocking the noise  
5 of the highway from the residents in that area. Do  
6 you know that dB level?  
7 MR. JOHNSTON: No. We have no idea  
8 what that would be.  
9 MR. BOAZ: We talk about the glaring  
10 and I think we got a satisfactory answer.  
11 Noise levels, I think we are going to  
12 have a real problem on our end so I would ask the  
13 Panel to look into that issue and alternatives and  
14 whether requiring it is part of the authorization  
15 process. That should be one of the main issues to  
16 consider because, think about that; unlike a sign  
17 that would turn off, I believe, at 8:00 or 7:00,  
18 this would be a 365-day, 24/7 kind of situation.  
19 It's going to be a real, real problem. So that's  
20 something to consider.  
21 Is there a way to build a glass or  
22 plastic wall like what you see by the highways? Is  
23 that going to make your cost cheaper compared to  
24 running down your lines and moving the generator if  
25 you were to build a wall to block the noise? Is

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1 that something that's doable?  
2 MR. JOHNSTON: It's doable and it's  
3 more expensive than putting a lower sound package.  
4 MR. BOAZ: Everything costs money.  
5 MR. JOHNSTON: We are trying to  
6 provide a package that is at an economic cost  
7 savings.  
8 MR. BOAZ: For Unilever, yes. And I'm  
9 living on the other side of the fence.  
10 MR. JOHNSTON: I believe the noise  
11 ordinance was put there for a reason at 50 dBa at  
12 night. If you will refer back to the exhibit with  
13 the comparisons, the typical residential  
14 neighborhood was 50 dBa. So we are proposing a  
15 solution that is half as loud than what people would  
16 say a typical residential, quiet neighborhood is if  
17 you are just standing out there listening.  
18 MR. PROFITA: How does it compare to a  
19 neighbor's air-conditioning unit?  
20 MR. JOHNSTON: That's about 66 dBa so  
21 we are three times quieter.  
22 MR. BOAZ: That's all the time?  
23 Because I know a generator is quiet until it starts  
24 working and then it's not quiet. So that's when  
25 that's fully operational?

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1 MR. JOHNSTON: Full load, fully  
2 operational.  
3 CHAIRMAN FEHRE: Why would it be so  
4 hard to put a wall in front of this thing?  
5 MR. JOHNSTON: We looked at options.  
6 A sound wall was more expensive than the low-sound  
7 enclosure. It's got to be 15 feet tall to block the  
8 noise and it would have to be, at least, between 15  
9 feet long and you would want to have a small  
10 turnaround in the corner. I'm also not a sound  
11 expert so we would not do a study to determine what  
12 the radiating effect is.  
13 When we talk about a noise level, it's  
14 really like drawing a sphere around the unit. So  
15 it's not just direct. It's, basically, anywhere you  
16 would hear that noise. So there would be some  
17 echoing effect off of the block wall and you would  
18 have to have a sound engineer to make sure that did  
19 a good enough job that guarantees that, anywhere you  
20 stand, you wouldn't hear that noise.  
21 MR. BOAZ: Is there a way to provide  
22 the permit on the condition that the noise is  
23 acceptable? Is there a way to say -- you are saying  
24 it's not noisy; it's very acceptable; my neighbor's  
25 air-conditioner is much noisier. If you turn on

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1 this huge machine and that's not the case, for  
2 whatever reason, is there a way for the Panel to say  
3 "Okay. Let's have a sound testing a week, three  
4 months, six months, into the process and, if it does  
5 not meet what was promised, we are going to shut  
6 down" to avoid the situation when I need to call the  
7 police every night and asking for the Town to take  
8 action?  
9 MR. MIRANDI: To the resident's  
10 question, I do refer the Board to Item 8 of my  
11 October 22, 2014 letter. "Sound testing shall be  
12 provided prior to Certificate of Occupancy and be in  
13 conformance to the Board of Health requirements."  
14 And just so the Board recalls, at a prior Unilever  
15 application, I believe, back in 2010, the applicant  
16 had stipulated to that and they provided a copy of  
17 the testing that was done by their sound expert. I  
18 believe it was a May 2012 study. So I believe the  
19 applicant stipulated to that point at a prior  
20 meeting on this application, if I'm correct.  
21 MR. PROFITA: Yes. And we stipulate  
22 to that point as well in this application.  
23 MR. KILMARTIN: Would we be able to  
24 have them stipulate to a lower decibel level than  
25 what --

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1 MR. MIRANDI: I believe they did offer  
2 one lower than the City Ordinance's and, their  
3 testimony tonight -- I think you heard Mr. Johnston  
4 indicate -- they cut it in half.  
5 MS. ROSENBERG: But there was  
6 testimony that Mr. Johnston said there is even a  
7 lower amount but he didn't investigate it.  
8 MR. KIM: Are you willing to  
9 investigate it for the future?  
10 MR. JOHNSTON: I would say no because  
11 then it's not a viable project anymore.  
12 MR. KIM: You always say on your side.  
13 How about our residents? You are just asking for  
14 the world and then...  
15 MR. PROFITA: I think the point is  
16 that there is a noise ordinance and they have spent  
17 additional money to bring the noise level down below  
18 what the noise ordinance permits. Are you going to  
19 go to every resident and make them lower their air-  
20 conditioners below what the ordinances permit simply  
21 because someone that lives in the neighborhood would  
22 rather have something quieter? Unilever is offering  
23 to do more than what the ordinance requires.  
24 Unilever is also a resident of this town along with  
25 everyone that lives here. They have been here a

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1 long time.

2 MR. KATES: How do you test their

3 lower standard and isolate the ambient noise that

4 surrounds the property? We know Sylvan Avenue is

5 going to generate a noise factor if we are measuring

6 it from the property line. Is it going to take that

7 into consideration?

8 MR. MIRANDI: You could do a before-

9 and-after test.

10 MR. JOHNSTON: What they did in the

11 previous study, they would come in in the evening

12 with their equipment. Over a period of time, they

13 would wait until there are lulls in traffic and they

14 would take sound readings and, if they get traffic

15 coming, they would stop. Then, once we get a

16 baseline reading with everything shut down, we fire

17 it up and take the readings again when there is no

18 traffic on the highway. So you would get as

19 representative as you could of purely impact of the

20 CHP on the baseline without other sources of noise.

21 They have to do it on a day there's no rain and low

22 wind too.

23 MR. BOAZ: Traffic really is not a

24 problem but it will get really annoying at 1:00 at

25 night when there is no traffic. So 6:00 in the

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1 afternoon is less of a problem. 2:00 at night, no

2 traffic, everything is very quiet, then 40 decibels

3 can be really noisy. And we are talking about city

4 limits. I don't know if we are talking about a

5 constant, 24/7 level? There is a difference if I

6 have my radio on for five minutes or your car on

7 24/7. And I believe, at 40 decibels, you are

8 talking about the standard. What we need to think

9 about is the standard for 24/7 noise. What we are

10 talking about is a constant noise. It should have a

11 different treatment, in my opinion.

12 MR. NIKOW: I know that we are all

13 trying to quantify decibels and I don't think

14 anybody here has an idea of how loud it is. The way

15 the residents make it sound, it sounds like it's the

16 loudest thing around and you make it sound like it's

17 whisper quiet. I think what would help in making

18 this decision is an audio recording of a tone at 34

19 decibels versus 50 decibels versus the 66 decibels.

20 I personally do not think 34 decibels is excessive

21 but I can't quantify that -- and I know that would

22 be going above and beyond for Unilever when they

23 don't have to because they are below the noise

24 ordinance -- but I think, if we all heard what it

25 sounds like at 250 feet, which the houses along

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1 Unilever would hear, I think that would eliminate

2 any sort of confusion or fears the residents would

3 have.

4 MR. BOAZ: You are mentioning 250

5 feet. I'm not sure. I think my house is closer so

6 I don't know where the 250 is coming. If you are at

7 150, then it's higher?

8 MR. JOHNSTON: Correct. It's 250

9 feet, your back property line. During all but the

10 winter, you have a good amount of vegetation that is

11 going to help deaden that sound.

12 MR. NACHMAN: Ralph Nachman, 657

13 Floyd, a couple of houses down.

14 I endorse what we just heard from my

15 fellow neighbor. I have been on Floyd Street for

16 many years. I commend this Board for its careful

17 consideration and thorough evaluation of the

18 problem. I think that the issue of noise pollution

19 is fairly important. Those of us who live close to

20 Unilever have endured some level of significant

21 noise pollution, particularly in the winter with the

22 snow clearing, and we understand that. There's not

23 much you can do about that.

24 However, this is an additional

25 phenomenon of great importance to the community.

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1 250 feet at 40 decibels, I think, is a significant

2 imposition and I endorse the comments made by Mr.

3 Nikow. I think it's mandatory that this Panel and

4 this Board have objective evidence of what the sound

5 pollution will be like and I think that there's

6 enough expertise available to you to record this and

7 present it here. Because I think that the level of

8 39 or 40 or lower or whatever the final number is, I

9 think it is excessive and I think it is incumbent on

10 you to prove to us clearly that this sound is

11 tolerable for the community.

12 I also endorse the possibility of some

13 sort of barrier effect, if it's possible. I also

14 ask Mr. Johnston and the people in charge of this to

15 consider moving it further away if the sound tests

16 prove to be excessive. I believe that 34 decibels

17 at 250 feet 24/7 is an imposition on the quality of

18 life and character of what goes on in our community.

19 I think it's important for this Board to get

20 objective evidence as to the nature of the sound

21 pollution.

22 CHAIRMAN FEHRE: Thank you.

23 MS. NACHMAN: Nancy Nachman.

24 I know it's easy to spend someone

25 else's money but, somehow, the expenditure of

1 several hundred thousand dollars to have a line that  
 2 could cause this to be moved farther away just  
 3 doesn't seem to be excessive for a company like  
 4 Unilever which has billions and billions of dollars.  
 5 I guess you may have a different point of view but,  
 6 to me, it does not sound like a lot of money in the  
 7 long run. So that's one comment.

8 The other is that I thought a variance  
 9 is supposed to benefit the surrounding community and  
 10 I'd love to know how this, if granted, would benefit  
 11 Floyd Street and Englewood Cliffs.

12 CHAIRMAN FEHRE: They are not asking  
 13 for a variance for the sound problem. They are  
 14 claiming that it is underneath the Town's ordinance.

15 MS. NACHMAN: Okay. My mistake.

16 CHAIRMAN FEHRE: They could do a  
 17 little more but they are still investigating that.

18 MS. NACHMAN: As I said, I don't see  
 19 that the expenditure of the money would be excessive  
 20 to a company like Unilever.

21 MR. CHINMAN: Jeffrey Chinman, 611  
 22 Floyd Street, Englewood Cliffs.

23 I want to note that with Unilever  
 24 closing the 800 building and moving most of its  
 25 tenancy to the 700 building, they are having a lot

1 of economic benefits. So to say there's no benefit  
 2 is not correct. They are asking for many variances,  
 3 parking and buffer variances, the parking size of  
 4 the spaces, the backup is too small, and we are  
 5 willing to work with Unilever because we like to  
 6 have them as part of our community but they have  
 7 shown that they are not necessarily good neighbors,  
 8 especially when it comes to noise.

9 So considering they're a 46-billion-  
 10 dollar company, I would think they would have come  
 11 in here and addressed the concerns of the neighbors.  
 12 The noise on Hollywood Avenue, they have a  
 13 generator. If you go to Hollywood Avenue -- if I  
 14 lived in one of those houses, I would go bananas. I  
 15 don't know if that's considered acceptable. That's  
 16 just -- Unilever people wouldn't want to live there.

17 These carports. I see that they want  
 18 to be solar and help green the area. So to add 13  
 19 to 15 trees that are 6 to 8-foot high, I mean, I  
 20 would think you have an expert landscaping architect  
 21 here to figure out a way that the people on Floyd  
 22 Street -- we shouldn't see those.

23 I don't think it's that complicated.  
 24 I believe it's just the cost; you do not want to  
 25 spend the money. If you are willing to spend this

1 money to move Unilever to one place, asking for  
 2 variances and bringing the campus together, and we  
 3 are willing to accept that, I think it's only fair  
 4 that you help your neighbors and address our issues.

5 CHAIRMAN FEHRE: Thank you.

6 MR. CHINMAN: Snow removal. That's a  
 7 big issue. I'm sure the neighbors will tell you  
 8 there has to be some sort of guideline that is  
 9 specified that the police could actually understand.  
 10 Because Sunday afternoon or morning, just because  
 11 it's more convenient for the subcontractor, is just  
 12 another inconvenience to the neighbors.

13 CHAIRMAN FEHRE: Thank you.

14 MS. STRAUSS: Barbara Strauss, 603  
 15 Floyd Street.

16 I think having Unilever as a neighbor  
 17 is a wonderful thing for the community but, I have  
 18 to say, what everybody is speaking about this  
 19 evening, one of you should come to our houses and  
 20 look at it for a while and see the carports and hear  
 21 the noise level. Why don't you do that and say "I'm  
 22 not ready to move it away." We have to live here.  
 23 We pay good money for our homes. I think it would  
 24 be nice for our neighbors to do something before you  
 25 get this project moving along.

1 CHAIRMAN FEHRE: Anybody else that  
 2 would like to be heard?

3 (No response)

4 CHAIRMAN FEHRE: Can I have a motion  
 5 to close?

6 MR. NIKOW: So moved.

7 MR. KIM: Second.

8 CHAIRMAN FEHRE: All in favor?

9 MEMBERS OF THE BOARD: Aye.

10 CHAIRMAN FEHRE: I'm going to refer  
 11 this matter for further study to our Site Planning  
 12 Committee which will take place this week. We'll  
 13 take another look at the issue with the noise  
 14 problem. At the same time, I would ask that  
 15 Unilever take another look at the noise situation.  
 16 There was some testimony that, yes; it could be  
 17 reduced even more. We want to get every last  
 18 decibel out of you that we can because it is a  
 19 problem if you are living up there to have this  
 20 generator going 24 hours a day. It's not your  
 21 typical noise. It's continuous. I think that's  
 22 what they are getting at.

23 MR. KATES: We need the applicant's  
 24 consent to extend the time.

25 MR. PROFITA: Yes. That's not a

1 problem. We agree to extend the time.  
 2 CHAIRMAN FEHRE: We'll carry it to the  
 3 next regular meeting, November 13th, and we'll  
 4 review this with our committee and Unilever will  
 5 take another look at this and there will be no  
 6 further advertisement for another meeting and,  
 7 hopefully, we can conclude this application at that  
 8 time.

9 (The hearing concluded at 10:12 p.m.)  
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1 CERTIFICATE  
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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  
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