

Regular Public Meeting of the Englewood Cliffs Planning Board  
Minutes  
October 9, 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. Kiky Kim, 1<sup>st</sup> Alternate  
Mr. Surace, 3<sup>rd</sup> Alternate  
Mr. Sean Kim, 4<sup>th</sup> Alternate  
Councilman Aversa (arrived 7:50pm)

Absent:

Mayor Parisi  
Mr. Nikow  
Mr. Duffy, 2<sup>nd</sup> Alternate

Also Present:

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

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

Flag Salute led by: Ms. Jill Rosenberg

The minutes of September 11 2014, motioned by Mr. Kilmartin seconded by Mr. Dooly were approved by voice vote.

New Business:

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

Chairman Fehre announced that this application will be carried to the November 13, 2014 meeting and will not have to re-notice.

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

Chairman Fehre announced that this application will be carried to the November 13, 2014 meeting and will not have to re-notice.

**Application #239K -** Fence Variance  
Mohamed Diab  
124 Charlotte Place – Block 312 – Lot 3

Mr. Mohamed Diab represented himself for this application, 124 Charlotte Place, Englewood Cliffs, NJ.

Mr. Diab submitted two photographs which were marked as exhibit A1 & A2. Mr. Diab described both pictures which were of his backyard. The backyard goes into Rose Avenue and he is concerned that with the new daycare opening there will be more traffic and would like to protect his children when in the backyard. Mr. Diab would like to extend the new section into the Borough Right of Way. Mr. Diab stated that he saw the letter from Boswell Engineering and has no issue with it and that it states what he is asking for.

Mr. Mirandi stated that this is a variance application with a plot plan review. As by definition this is a corner lot and the narrow side which is Rose Avenue is the front yard making Charlotte Place the corner side yard even though the address is 124 Charlotte Place and the front entrance is on Charlotte Place. This creates a variance for the fence as per section 30.7.7d which stated in a residential zone no fences shall be constructed in the front yard. Also, stated in this section no hedges, shrubs or evergreens, etc. shall be greater than 3 feet in height within 10 feet of the front property lines, nor shall any hedges, shrubs, evergreens, etc., which exceed 3 feet in height be placed on a corner lot within 10 feet of any property lines which shall abut a street or highway. So this will be the two variances that apply to this application. We also noted that the fence will extend from the corner of the house towards the sidewalk on Rose Avenue, and that the fence extends into the Borough Right of Way. So with that there was a correspondence from the borough attorney requesting a Hold Harmless Agreement for use of that right of way.

Mr. Kates stated that this is not a site plan application that this is strictly variances which triggers the board to act as a zoning board. Mr. Kates questioned Mr. Diab on what the height and type of fence he is planning on installing. Mr. Diab stated it will be a white PVC 6' fence.

Mr. Kilmartin questioned Mr. Diab on if he was going to comply with the request of the borough attorney. Mr. Diab stated yes whatever he and this board requires.

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

There were no comments.

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

Chairman Fehre asked for a motion to approve this application. Motion was made by Ms. Rosenberg, seconded by Mr. Kilmartin. This motion was approved by roll-call vote. 8 Ayes (Mr. Fehre, Ms. Rosenberg, Mr. Chinman, Mr. Kilmartin, Mr. Trovato, Mr. K. Kim, Mr. Surace, Mr. S. Kim), 1 Nay (Mr. Dooly), No Abstentions.

At this time (7:50 pm) Mr. Chinman recused himself for the next application.

At 7:50 pm Councilman Aversa arrived.

### **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.

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

There were no comments.

Chairman Fehre asked for a motion to closed the public portion and adjourn the meeting at 10:45pm. Motion was made by Ms. Rosenberg, seconded by Mr. Kilmartin and carried unanimously by voice vote.

Respectfully submitted

  
Caterina Scancarrella  
Planning Board/ Administrative Secretary

**ENGLEWOOD CLIFFS PLANNING BOARD**  
**REGULAR MEETING – October 9, 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:**        September 11, 2014

**OLD BUSINESS:**

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

**NEW BUSINESS:**

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

Application #239K - Site Plan Approval  
Mohamed Diab  
124 Charlotte Place – Block 312 – Lot 3

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

**COMMITTEE REPORTS**

Master Plan Committee  
Subdivision Committee  
Site Plan Committee

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

**ADJOURNMENT**



**VIA FACSIMILE AND E-MAIL**

October 8, 2014

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

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Plot Plan Review  
**Variance Application**  
124 Charlotte Place  
Block 312, Lot 3  
Our File No. ECES-1353

Dear Ms. Scancarella:

Boswell McClave Engineering is in receipt of copies of the following document:

- a. Planning Board, Borough of Englewood Cliffs, Application Form dated July 15, 2014.
- b. Letter from the Applicant to the Mayor and Council dated July 31, 2014.
- c. Email correspondence from the Borough Attorney dated September 12, 2014.
- d. Survey of Property prepared by Steven J. Collazuol, P.E. & L.S. dated September 9, 2013.

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

**General**

1. The Applicant in this matter is:

Mohamed Diab  
124 Charlotte Place  
Englewood Cliffs, NJ 07632

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

2. Block 312, Lot 3 (the "Site") is a corner lot located on the southwesterly corner of the intersection of Charlotte Place and Rose Avenue. The Applicant seeks to construct a new fence along the southerly driveway side into the borough right-of-way to the Rose Avenue sidewalk. Also, proposed are additional arborvitae shrubs to extend from the proposed fence and connect to the existing arborvitae row.

#### Land Use

3. The property is located, in the R-B Residential Single Family Zoning District. Single Family dwellings are considered a permitted use in this zoning district.
4. Since the Site is a corner lot, it shall have a Front Yard, Rear Yard, Corner Side Yard and Side Yard. According to the Englewood Cliffs Code, the narrower side of the lot abutting a street, regardless of the location of the principal entrance of the building shall be considered the front yard. Therefore, Rose Avenue shall be considered the Front Yard, while the Charlotte Place side of the property shall be considered the Corner Side Yard.

#### Variations and Waivers

5. The following variations are required and the Board should request comments from the Board Attorney regarding the requirements for variations or waivers for the following:
  - a. Fences in Front Yard: Section 30-7.7d states "In residential zones.... no fences shall be constructed or placed in the front yard." As defined by the Borough Code, Rose Avenue is considered the front yard of this corner lot. **A variance is required.**
  - b. Hedges, Shrubs in Front Yard: Section 30-7.7d states "No hedges, shrubs, or evergreens, etc., shall be greater than three (3) feet in height within ten (10) feet of the front property lines; nor shall any hedges, shrubs, evergreens, etc., which exceed three (3) feet in height, be placed on a corner lot within ten (10) feet of any property lines shall abut a street or highway." **A variance is required.**

#### Stormwater Management

6. Stormwater management is not required for this application.

#### Plan Comments

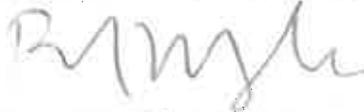
7. No retaining walls are proposed.
8. The Applicant shall provide testimony to the height and type of fence proposed.
9. The Applicant shall provide testimony to the height and type of shrub proposed.
10. The proposed fence and shrubs extend into the Rose Avenue right-of-way. Should the Board look favorably upon this application, the Applicant as a minimum, shall enter into a "Hold Harmless Agreement" acceptable to the Borough Attorney for the Applicant's use of the right-of-way.

11. A survey metes and bounds description identifying the fence and other improvements in the right-of-way will be required for any agreements referenced above.
12. Any other issues the Planning Board deems necessary.

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,

BCSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.E.

BNM/amg

cc: Paul Renaud  
Environmental Commission  
Shade Tree Commission  
Mark Neville  
Ed Fehre, via e-mail  
Michael B. Kates, Esq., via fax & e-mail  
E. Carter Corrison, Sr., Esq.  
Chief Michael Cioffi  
Mohamed Diab  
Steven J. Collazuol, P.E. & L.S., via fax  
John Englese

141008amgL-ECES1353 doc

**Cathy Scancarella**

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**From:** E. Carter Corrison Sr. Esq. [carter.corrison@verizon.net]  
**Sent:** Friday, September 12, 2014 11:04 AM  
**To:** Cathy Scancarella  
**Subject:** Mohammed Diab

Please be advised that the Mayor and Council authorized me to draw up an agreement with Mohammed Diab in regard to the extension of a fence into our right of way into the east end of Rose Avenue. The property is known as Lot3 Block 312. Therefore the council will cooperate and give its permission subject to receiving a variance which he has requested.

Carter Corrison

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TOWNSHIP OF ENGLEWOOD CLIFFS  
PLANNING BOARD

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IN THE MATTER OF: :  
NO. 241K, CONOPCO, d/b/a : TRANSCRIPT  
UNILEVER, 700 SYLVAN : OF  
AVENUE, BLOCK: 806, LOT: : PROCEEDINGS  
7 & BLOCK: 808, LOT 9 :  
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Thursday, October 9, 2014  
Municipal Building  
10 Kahn Terrace  
Englewood Cliffs, New Jersey 07632  
Commencing at 7:50 p.m.

BOARD MEMBERS PRESENT:

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

ALSO PRESENT:

- CATHY SCANCARELLA, Secretary
- EDWARD F. AVERSA, DMD Councilman
- 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 A P P E A R A N C E :

2  
3 MICHAEL B. KATES, Esq.  
4 Counsel for the Board

5 PROFITA & ASSOCIATES, LLC  
6 106 Grand Avenue  
7 Englewood, New Jersey 07031  
8 BY: MICHAEL PROFITA, Esq.  
9 Counsel for the Applicant

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1 MR. PROFITA: Michael Profita, Profita  
2 Associates, LLC, on behalf of the applicant,  
3 Conopco, and we are continuing with the testimony  
4 that was started at the meeting of September 11th.  
5 If I may, Mr. Chairman, hand out some exhibits.

6 CHAIRMAN FEHRE: Yes.

7 MR. KATES: Do we have certifications  
8 from members that weren't present? If we are voting  
9 tonight, who would be available to vote?

10 MS. SCANCARELLA: Everyone.

11 MR. KATES: Mr. Chinman is recused?

12 MR. CHINMAN: Yes.

13 MR. PROFITA: I believe we left off at  
14 A-4 so this is A-5 with today's date. It is the CHP  
15 and solar panel information packet.

16 (Exhibit A-5, solar plan, was marked for  
17 Identification.)

18 MR. PROFITA: This may be a little  
19 different than what was sent out in advance but it's  
20 substantially the same and I have --

21 If it would please the Board, we were  
22 in the middle of testimony from Ken Dykstra, the  
23 site engineer. And tonight, we have two gentlemen  
24 from NRG, one from the Midwest and one from the far  
25 west, and we were at the point in time with the

1 I N D E X

2		
3	<u>WITNESSES</u>	<u>PAGE</u>
4	TIMOTHY JOHNSTON	5
5	NICHOLAS HAYNED	27, 47, 59
6	KENNETH DYKSTRA	67
7	JEFFREY ALLEN	85
8		
9	<u>QUESTIONS BY MEMBERS OF THE PUBLIC:</u>	<u>PAGE</u>
10	JEFF CHINMAN	29, 64, 84, 84
11		
12	<u>COMMENT BY MEMBERS OF THE PUBLIC:</u>	<u>PAGE</u>
13	(NONE)	

16 EXHIBITS MARKED INTO EVIDENCE

17	<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
18	A-5	Solar package	4
19	A-6	Sound level chart	6
20	A-7	Acoustical survey	10
21	A-8	CHP analysis	46
22	A-9	Site layout dated October 3, 2014	70

23  
24  
25

1 testimony with Mr. Dykstra where we were talking  
2 about this CHP unit and going into the solar arrays  
3 and that's what these gentlemen are familiar with.  
4 So if it is okay with the Board, I would like to  
5 present these two witnesses and then pick up with  
6 Mr. Dykstra after that.

7 CHAIRMAN FEHRE: Okay.

8 T I M O T H Y J O H N S T O N, 80 South A Street,  
9 Minneapolis, Minnesota 55402, first having been duly  
10 sworn, testified as follows:

11 DIRECT EXAMINATION BY MR. PROFITA:

12 Q. Where are you employed?

13 A. NRG.

14 Q. What is your title at NRG?

15 A. I am director of engineering.

16 Q. What are your duties in connection with  
17 that position?

18 A. My duties are to provide engineering  
19 oversight for all of our divisions, new developments  
20 or acquisitions, and supporting our existing  
21 operations with any engineering issues.

22 Q. As it relates to the work that you do,  
23 what is the business of NRG?

24 A. The group I work for is distributed  
25 generation, primarily. It has two primary business

6

1 **functions or goals. We develop, own, operate,**  
 2 **require, existing distribution heating and cooling**  
 3 **systems and we design, develop and acquire, new or**  
 4 **existing distributed generation systems and we are**  
 5 **talking about either backup generation systems or**  
 6 **combined heat and power systems.**

7 **Q.** How long have you been familiar with  
 8 the design specification and installation of CHP  
 9 systems similar to the ones proposed for Unilever?

10 **A. 30 years. I started working after**  
 11 **college. I worked in the industry the entire time**  
 12 **either in the operation of CHP systems or the design**  
 13 **and development of them.**

14 **Q.** You prepared some exhibits that we  
 15 distributed tonight that have been marked as A-5,  
 16 correct?

17 **A. Yes.**

18 **Q.** And A-5 also contains some solar panel  
 19 and array information that was not prepared by you,  
 20 correct?

21 **A. Yes.**

22 **Q.** So what we want to do is, we have  
 23 another exhibit to hand out.  
 24 (Exhibit A-6, sound level chart, was  
 25 marked for Identification.)

7

1 **MR. PROFITA:** This is a sound level  
 2 chart.

3 **Q.** This is a sound level chart contained  
 4 in A-5?

5 **A. Yes.**

6 **Q.** And A-6 has some added information on  
 7 it; is that correct?

8 **A. Yes.**

9 **Q.** Okay. Why don't you explain for us  
 10 what a CHP unit is?

11 **A. A CHP unit is an acronym for "combined**  
 12 **heat and power" unit. It is a package where we are**  
 13 **taking the generation of electrical energy and the**  
 14 **production of thermal energy and doing both in a**  
 15 **complete package, not two completely separate**  
 16 **systems, but all in one package. We generate**  
 17 **electricity and heat and there's a number of**  
 18 **technologies that are used. Gas turbines and fuel**  
 19 **cells are typical applications.**

20 **Q.** And NRG has recommended that Unilever  
 21 incorporate CHP units into this project?

22 **A. Yes.**

23 **Q.** And what's proposed is two 200-kilowatt  
 24 units?

25 **A. Yes.**

8

1 **Q.** Why has NRG recommended that CHP units  
 2 be installed for the buildings?

3 **A. We are recommending them for primarily**  
 4 **four reasons. First would be energy efficiency.**  
 5 **CHP units provide a much more efficient method of**  
 6 **generating electricity and thermal energy than the**  
 7 **standard, which would be buying power from the grid.**

8 Another reason is, from a reliability  
 9 standpoint, having on-site generation directly  
 10 connected to them gives them reliability in an  
 11 outage like Sandy.

12 Sustainability, it is reduced  
 13 greenhouse emissions overall versus their current  
 14 energy supply means.

15 And lastly, to provide economic  
 16 savings.

17 **Q.** How much more energy-efficient is the  
 18 proposed CHP system as compared to the system used  
 19 for heat and AC today?

20 **A. The proposed system can be 85 percent**  
 21 **efficient. That would be compared to the grid**  
 22 **power; that's about 54 percent on average.**

23 **Q.** How much reduction in carbon emissions  
 24 can be expected from the use of the CHP units?

25 **A. 30 percent in their greenhouse gas or**

9

1 **carbon-based emissions over their current supply**  
 2 **method.**

3 **Q.** Let's go to the noise chart, the sound  
 4 level chart, that we marked as Exhibit A-6. You  
 5 have a copy in front of you, correct?

6 **A. Yes.**

7 **Q.** So can you just tell the Board what's  
 8 depicted on this chart marked A-6?

9 **A. The table has four columns. The first**  
 10 **identifies the source of the noise that we are**  
 11 **measuring. The second column listed as "dBA" is**  
 12 **decibels and that is the intensity of the sound.**  
 13 **The third column is the distance away from the**  
 14 **source that the measurement was taken at or is being**  
 15 **taken at and the fourth column identifies the source**  
 16 **that we use to come up with those values.**

17 **Q.** So let's go through the line items in  
 18 the description column of the chart and explain to  
 19 the Board what the findings are.

20 **A. So the very first row, "Proposed CHP,"**  
 21 **that would be the source of the noise. If we move**  
 22 **over, there is two rows. The first shows a dBA of**  
 23 **65 and that is at a distance of 30 feet away from**  
 24 **the CHP. That value comes from two different**  
 25 **manufacturers that would be the ones that we would**

10

1 **be selecting the system from.**

2 The second column shows a dBa of 49

3 and the distance is 200 feet. The dBa is calculated

4 from that original 65 based upon the sound

5 dissipates 6 dB for every doubling from the distance

6 of the source. So you apply that to the original 65

7 to come up with 49 dBa.

8 **Q.** And the dBa level of 49 at a distance

9 of 200 feet from the unit itself, correct?

10 **A. Correct.**

11 **Q.** And the 200 feet was selected for what

12 reason?

13 **A. 200 feet was our measurement of the**

14 **closest point of any property line of the**

15 **residential houses close to this Unilever site.**

16 **Q.** The houses would be further away?

17 **A. Yes.**

18 MR. MIRANDI: Could you show, on that

19 exhibit that's on the easel, where the location of

20 the CHP unit is and the house that you are referring

21 to?

22 MR. JOHNSTON: The property line would

23 be over here (indicating).

24 MS. ROSENBERG: What street is that?

25 MR. JOHNSTON: Floyd.

11

1 MS. ROSENBERG: That's where?

2 MR. JOHNSTON: Closest to Hollywood.

3 CHAIRMAN FEHRE: What is making the

4 noise, the fans?

5 MR. JOHNSTON: Well, the CHP that we

6 are proposing here is a gas engine. So it's

7 basically that engine but the CHP is in an

8 enclosure. So it's not perfectly soundproof so some

9 is radiating and there are ventilation fans that put

10 air through that enclosure so you are hearing some

11 of that fan noise.

12 **Q.** So let's go down to the second line

13 item. It's a passenger car at 65 miles an hour,

14 Tim?

15 **A. Yes. These are examples of**

16 **comparisons to give you an idea what the sound would**

17 **sound like. So a car going 65 miles would have a**

18 **dBa at 25 feet from the source. A conversation at a**

19 **restaurant or background music would be in the range**

20 **of 60 dBa. An AC unit would be 66 dBa at about 50**

21 **feet from the AC unit.**

22 **Q.** So at 30 feet, that would be higher

23 than 66, correct?

24 **A. Correct.**

25 **Q.** And the next line item?

12

1 **A. That's a quiet suburb or conversation**

2 **at home. That's representative of someone in their**

3 **yard of their residence. They would expect it to be**

4 **around 50 dBa.**

5 **Q.** And the last column?

6 **A. That is a car going at 30 miles per**

7 **hour. The reference sourced was 62 dBa at 50 feet**

8 **and at 30 feet, which might be more typical, and**

9 **that would be 66 dBa.**

10 **Q.** And that's higher than the anticipated

11 dBa from the CHP units?

12 **A. Correct.**

13 **Q.** Is the sound level of the CHP system

14 below the daytime and nighttime maximum specified by

15 the New Jersey State Noise Level Code and the local

16 Englewood Cliffs Ordinance?

17 **A. Yes. At or below, yes.**

18 MR. PROFITA: There was a question

19 raised at the last meeting about the noise levels at

20 800. When the pilot plant was approved, there was

21 an agreement by Unilever to make some modifications

22 to reduce sound levels and we did have an acoustical

23 survey done, May 31, 2012, after that was completed.

24 So I'll mark that A-7.

25 (Exhibit A-7, acoustical survey, was

13

1 marked for Identification.)

2 MR. PROFITA: I have no further

3 questions of this witness.

4 MR. MIRANDI: Outside the matrix,

5 there's a column of numbers, 2512.5. Does that have

6 any meaning for us?

7 MR. JOHNSTON: No. Other than, it's

8 part of the calculation of getting to the 58 dBa of

9 30 feet and that's what the graph below happens to

10 be, that same graph.

11 MR. MIRANDI: Thank you.

12 MR. DOOLY: What's the insulation used

13 in the building?

14 MR. JOHNSTON: Fiberglass.

15 MR. DOOLY: Is it a matting or how is

16 it restricted?

17 MR. JOHNSTON: There's an outside

18 steel enclosure around it.

19 MR. MIRANDI: That's part of the

20 package unit itself?

21 MR. JOHNSTON: Yes. If you went

22 inside, you would see a perforated inside panel.

23 MR. DOOLY: I noticed, over the years,

24 the dB levels tend to increase. I don't know if

25 it's through maintenance or degrading of the

14

1 fiberglass. Do you have any studies on five years  
2 down the road?

3 MR. JOHNSTON: No, we don't.

4 CHAIRMAN FEHRE: Can you describe the  
5 hardware involved here and how it is all tied  
6 together?

7 MR. JOHNSTON: In the installation  
8 proposed, it would be two natural gas engines.

9 CHAIRMAN FEHRE: These are like a  
10 diesel engine?

11 MR. JOHNSTON: Yes, a diesel engine  
12 modified to run on natural gas. They are  
13 approximately six feet long by four feet tall, the  
14 engines themselves, and they would have --

15 CHAIRMAN FEHRE: How much horsepower?

16 MR. JOHNSTON: 200 kilowatts, so,  
17 roughly, 155 horsepower.

18 CHAIRMAN FEHRE: And it would be  
19 running continuously?

20 MR. JOHNSTON: Yes. But the caveat to  
21 that, they have a minimum load, a 50 percent load.  
22 So if Unilever's load dropped below that, which it  
23 potentially could, but if it does, we would shut the  
24 units down to run to minimum load, which is required  
25 for emissions control.

15

1 CHAIRMAN FEHRE: They are generating  
2 electricity?

3 MR. JOHNSTON: Yes. And hot water.  
4 There are heat exchangers on the exhaust and  
5 reciprocating engines that have to run cooling water  
6 to keep it cool. So it would recover the heat from  
7 that cooling water too. So the two of them produce  
8 hot water and that will offset the heating load in  
9 the winter and, in the summer, it will be fed to an  
10 absorption chiller.

11 MR. KATES: What is the closest  
12 distance from that apparatus to the residential  
13 property line?

14 MR. PROFITA: I believe he testified a  
15 little more than 200 feet. Mr. Dykstra can address  
16 that, if you like.

17 MR. JOHNSTON: We took our measurement  
18 off Google Earth.

19 MR. KILMARTIN: No residents within  
20 200 feet?

21 MR. PROFITA: Not within 200 feet of  
22 the unit.

23 MR. KATES: I said the residential  
24 zone line. So the houses are further back, right?

25 MR. JOHNSTON: Correct.

16

1 MS. ROSENBERG: By how much?

2 MR. MIRANDI: About another 30 feet  
3 beyond the 200 foot?

4 MR. PROFITA: Mr. Dykstra will answer  
5 that. He was sworn previously.

6 MR. DYKSTRA: The residential property  
7 line is closer but that's undeveloped and owned by  
8 Englewood Cliffs. (Indicating) The property line is  
9 the residential boundary line also. So the CHP unit  
10 is located right in this vicinity right here by  
11 Building D and the closest residential property line  
12 is here. I could scale that distance if you like.

13 This would be approximate. It's approximately 170  
14 feet from the residential zone line. From the  
15 closest developed residential home, which is Block  
16 808, Lot 1, the distance to the property line is  
17 approximately 240 feet and then the building is  
18 about 270 feet from the unit. So you have about 240  
19 feet from that unit to the residential property line  
20 and then 20 or 30 feet to the dwelling. So it's  
21 more than 200. It's almost 270 feet to the dwelling  
22 itself.

23 MR. KILMARTIN: So the testimony would  
24 be that someone 250 feet away -- what's your opinion  
25 on what they are going to hear?

17

1 MR. JOHNSTON: I'd have to plot out a  
2 curve but at 50 feet, it is not going to drop a lot,  
3 maybe one or two more dBa.

4 MR. KILMARTIN: So it's equivalent to  
5 the 200-foot distance. So what's the neighbor going  
6 to hear?

7 MR. JOHNSTON: He's going to hear 49  
8 dBa or less.

9 MR. KILMARTIN: That, you would equate  
10 to what?

11 MR. JOHNSTON: A conversation. The  
12 level of a conversation of two people in a house  
13 would be about 50 dBa.

14 MR. KILMARTIN: But if they are doing  
15 that 24/7, 365 days a year -- so that's going to be  
16 perceptible noise for the neighbors?

17 MR. JOHNSTON: There will be a noise  
18 for the neighbors.

19 MR. PROFITA: Let me ask you this:  
20 There is existing equipment that is utilized on the  
21 site at the present time, correct?

22 MR. JOHNSTON: Yes.

23 MR. PROFITA: And the equipment that  
24 is being utilized has the potential to exceed that  
25 level of dBa at that property line of the

18

1 residential lot?

2 MR. JOHNSTON: Yes. It does.

3 MR. KATES: Your testimony was that

4 this apparatus is enclosed. Is there any extra

5 enclosure that would baffle the noise more?

6 MR. JOHNSTON: There are means but

7 they come at a significant cost to the installation.

8 MR. KATES: Has that option been given

9 to the applicant and rejected?

10 MR. JOHNSTON: No, it's not been

11 rejected. At this point, the proposed parties felt

12 this was sufficient.

13 CHAIRMAN FEHRE: Suppose you built a

14 building around this, a concrete block building...

15 MR. JOHNSTON: That would reduce the

16 sound.

17 CHAIRMAN FEHRE: What's the size of

18 this building?

19 MR. JOHNSTON: It's 10 foot wide by 50

20 foot long by 10 foot tall. That would be the base

21 building but then there would be some equipment, the

22 exhaust stack off the top and some ducts and

23 emergency bypass and a cooling unit, on top.

24 MR. KILMARTIN: The noise to the

25 neighbors is a major concern to me. If you could do

19

1 something to reduce the noise, I would feel a bit

2 better about that.

3 MR. JOHNSTON: I'll take that up with

4 the customer.

5 MR. MIRANDI: A landscaped, baffling

6 shrub row or something, would that be helpful?

7 MR. JOHNSTON: I'm not an expert on

8 noise. I would think it might help some but I

9 couldn't tell you the extent.

10 MR. SURACE: They usually put a wall,

11 like on the highways, to reduce the noise. Maybe

12 something like that at a certain height would

13 diminish the noise?

14 MR. JOHNSTON: That can be

15 investigated.

16 CHAIRMAN FEHRE: Is there any

17 possibility to put this further away from the

18 residential zone, like, up front?

19 MR. JOHNSTON: It's possible. But

20 then again, the existing boiler plant and chiller

21 plant is in Building D in the corner so it makes the

22 installation cost-effective. The further we move it

23 away, we have to run electrical, gas and water

24 lines, and it adds significant costs to the project

25 to move it.

20

1 MS. ROSENBERG: Did you ever consider

2 that in any of your plans?

3 MR. JOHNSTON: No.

4 MS. ROSENBERG: Just because it would

5 be more cost-effective?

6 MR. JOHNSTON: That was more towards

7 the back of the site and the Unilever team had no

8 concern about putting it there.

9 CHAIRMAN FEHRE: What would it take to

10 make that quieter than it is now? The fans and so

11 forth are making noise, right? Could you make it

12 quieter than that?

13 MR. JOHNSTON: Yeah. There are

14 packages from the manufacturer to make them quieter

15 but they come with a significant price premium when

16 you start to reduce the noise level that much but it

17 can be done.

18 MR. PROFITA: Does the fact that you

19 have an upslope to the houses, does that have any

20 effect on the dBa level?

21 MR. JOHNSTON: For this unit, it

22 doesn't have a significant effect but it's not a

23 directed noise. It's more of a radiated noise.

24 MR. PROFITA: What kind of landscaping

25 would have an appreciable effect?

21

1 MR. JOHNSTON: It would have to be a

2 very dense, solid type of shrubbery type system and

3 something that maintained the density in the

4 wintertime but I would have to defer to the

5 landscaping architect.

6 MR. PROFITA: In terms of the sound

7 dissipation, there is a buffer zone in the back

8 there between the residential houses and the

9 project. It's a treed area.

10 MR. JOHNSTON: Yes.

11 MR. PROFITA: Does that have any

12 effect on the dissipation?

13 MR. JOHNSTON: I would say yes. I'm

14 not a sound expert but I believe it would, when the

15 foliage is out, provide additional sound reduction.

16 MR. KATES: Mr. Profita, I think you

17 can't take the sound generated by this device alone

18 and there's a highway and traffic and whatever is in

19 the neighborhood and I don't -- would you have

20 testimony that factors that into evaluating what

21 noise would have an impact on the adjoining

22 properties or not?

23 MR. PROFITA: No. I believe that the

24 way the codes work is that you measure from the

25 equipment and at different distances. And the

22

1 further away you get, the lower the sound level.

2 MR. KATES: Let's assume that it's in

3 place now and operating and then somebody from the

4 State -- or whoever does the measuring -- goes to

5 the site and takes a measurement. That measurement

6 does not isolate just this equipment. It takes all

7 the environment, all the noise.

8 MR. JOHNSTON: Correct.

9 MR. KATES: So I think for the Board

10 to get to that point, they would have to have some

11 baseline that includes whatever is out there now and

12 factor that in in terms of the impact on the

13 neighborhood. I don't know if that's possible or

14 not. I have seen that with other generator

15 applications but I'm thinking about the cars on the

16 highway.

17 CHAIRMAN FEHRE: I'm thinking it might

18 be a deep, rumbling noise from these engines.

19 MR. JOHNSTON: It's more of a hum, I

20 would say.

21 CHAIRMAN FEHRE: Something that would

22 always be there in the background?

23 MR. JOHNSTON: They run continuously

24 and at almost full load. So it will not be

25 something that's cycling up and down. It would

23

1 blend in with whatever background noises there are

2 so...

3 MR. PROFITA: Would you anticipate it

4 to be any noisier than if you replaced it with an

5 AC, in other words, heat from the boilers and AC

6 units to cool?

7 MR. JOHNSTON: No. There are

8 currently cooling towers and enclosures right here

9 but the towers themselves, it would be at a higher

10 noise level than the CHP would be. The towers would

11 be comparable.

12 MR. KATES: This installation is

13 replacing noise-generating equipment now; is that

14 what's happening here?

15 MR. JOHNSTON: No. The boilers don't

16 generate much noise. It's offsetting the heat and

17 absorbing chilling. It still runs but there's

18 probably no noise coming from that because they are

19 completely enclosed from the building.

20 MR. KATES: So we are not removing any

21 equipment to put this in?

22 MR. JOHNSTON: No.

23 CHAIRMAN FEHRE: Any other questions

24 from the Board for this witness?

25 (No response)

24

1 CHAIRMAN FEHRE: If not, I would like

2 to open the meeting to the public for each witness

3 for this application.

4 Can I have a motion to open the

5 meeting to the public?

6 MS. ROSENBERG: So be it.

7 MR. KILMARTIN: Second.

8 CHAIRMAN FEHRE: All in favor?

9 MEMBERS OF THE BOARD: Aye.

10 CHAIRMAN FEHRE: Would anyone like to

11 ask any questions of this witness?

12 MR. CHINMAN: Jeff Chinman, 611 Floyd

13 Street.

14 I'm not affected by this noise because

15 I'm all the way down there (indicating). But I know

16 that, when I walk down Floyd Street and I'm here on

17 the corner of Hollywood and Floyd, I was hearing

18 this buzz and I didn't know what it was. So I

19 started walking down Hollywood and it's the

20 generator that is on the current site right here.

21 And I don't know, if I lived in one of those houses

22 there, I would go bananas. So we don't know what 45

23 or 65 or a car going at 65 miles an hour is like

24 but, if you are right here or here, that would be a

25 base of comparison so that we could understand how

25

1 It's affecting people. To use a number -- you are

2 not living next to it. So we don't know what 49

3 means.

4 MR. PROFITA: That's why we tried to

5 relate it to sounds like a car.

6 MR. CHINMAN: If we knew what the

7 level was at this corner and from this person's

8 house and then each person could go down and listen

9 for themselves and see "Could I live with that,"

10 that's reality. I think the Board has to protect

11 the residents to see if that's, you know, fair

12 enough. We have to live together.

13 MR. PROFITA: I guess there's a

14 certain amount of trade-off for energy efficiency

15 and reduction and carbon output.

16 MR. CHINMAN: Could they put it

17 underground?

18 MR. JOHNSTON: It's rock so it would

19 be very expensive to hammer out rock.

20 MR. DOOLY: I think the Board would be

21 more comfortable if there was a masonry wall to the

22 west of the unit so that we could be more

23 comfortable that we are watching out for our fellow

24 residents.

25 MR. KILMARTIN: Can we explore the

1 underground area? How big would it have to be?  
2 MR. JOHNSTON: I can say, if we had to  
3 go underground, the project would become  
4 uneconomical.

5 MS. ROSENBERG: How far could it be  
6 going down? There's lots of pools in the area.

7 MR. JOHNSTON: If you are going to put  
8 it below grade, you will have to put access and  
9 stairways all around it.

10 MR. PROFITA: We are happy to explore  
11 other alternatives and what I would suggest is that  
12 we can do a little investigation between now and the  
13 next meeting and maybe come back with some  
14 alternatives that would make the Board more  
15 comfortable in what the noise emission will be  
16 compared to what it is today or next door, all that,  
17 and present you with that information.

18 MR. KATES: Good.

19 CHAIRMAN FEHRE: I think that would be  
20 a good idea.

21 MR. KILMARTIN: Given the fact that  
22 the residential area is at a higher topography above  
23 you and also the photos are an underneath shot, what  
24 does the top look like? So when the neighbors are  
25 looking at it, what are they going to see?

1 MR. JOHNSTON: On top of the unit?

2 MR. KILMARTIN: Yeah.

3 MR. JOHNSTON: Something that looks  
4 four times the size of the AC unit you have outside  
5 your house.

6 MR. KILMARTIN: I'm referring to the  
7 parking area where you have the system erected.

8 MR. PROFITA: We will have some  
9 testimony from the architect and some photos and  
10 some testimony.

11 CHAIRMAN FEHRE: You are not talking  
12 about the solar panels with this witness?

13 MR. PROFITA: No, sir. This witness  
14 is strictly with the CHP unit.

15 CHAIRMAN FEHRE: Okay. I think we are  
16 finished.

17 N I C H O L A S M A Y N A R D, 4900 North  
18 Scottsdale Road, Scottsdale, Arizona 85257, first  
19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MR. PROFITA:

21 Q. Mr. Maynard, you're employed by NRG as  
22 well?

23 A. Correct.

24 Q. And what is your position at NRG?

25 A. I'm a project engineer.

1 Q. What do you do as a project engineer  
2 for NRG?

3 A. **My sole role is to do technical due  
4 diligence on any power plant that we produce.**

5 Q. And as concerns the work that you  
6 perform, what does NRG do?

7 A. **NRG is a Fortune 250 company. We are  
8 the largest IPP, independent power provider, so we  
9 are in the business of selling power to residences.**

10 Q. As part of your job, do you work with  
11 solar panel installations?

12 A. **I do.**

13 Q. Would that be rooftop as well as  
14 canopies?

15 A. **Yes.**

16 Q. Canopies with solar panels on top of  
17 the canopies?

18 A. **Correct.**

19 Q. Now the Board has A-5 in front of them  
20 and there are some materials in here that relate to  
21 the solar panel arrays and the solar rooftop panel,  
22 correct?

23 A. **Correct.**

24 Q. So if we turn to the back of the third  
25 page where it says "Solar 360" at the top --

1 A. **Yes.**

2 Q. -- can you describe for the Board  
3 what's shown in that picture?

4 A. **I can. These are photos of a site  
5 built at Rutgers University. That is the concept  
6 that NRG has proposed for this project. As you can  
7 see, it has a two-tilt design. You have one array  
8 at 15 degrees and another at negative 2 degrees and  
9 that's to eliminate snow from falling off onto the  
10 cars below.**

11 Q. This has columns spacing 18 feet to 32  
12 feet?

13 A. **It's actually 59 feet.**

14 Q. And on the page, the next page to the  
15 right, there's more photographs?

16 A. **Yes. More vantage points to give the  
17 Board a better viewpoint.**

18 Q. If we turn to the following page --  
19 this is Page G0.0 -- this is basically a cover  
20 sheet, correct?

21 A. **Correct. This is the overall layout  
22 of the site.**

23 Q. If we go to the next page, which is  
24 Sheet PV1.0, this is a more detailed view?

25 A. **Correct.**

- 1 **Q.** Why don't you just describe to the  
2 Board what is shown on PV1.0?
- 3 **A.** **On PV1.0, identified by A and B, you**  
4 **can see the locations for the two ballasted, non-**  
5 **penetrating rooftop solutions that we are proposing**  
6 **and, just south of that, C1 and C2, you can see the**  
7 **location that is designated for the carport arrays.**
- 8 **Q.** And then, on the next page?
- 9 **A.** **PV2.0. Likewise, E1, E2, H1 and H2**  
10 **and F, all the way through the alphabet, shows the**  
11 **location for the northern position.**
- 12 **Q.** So if you put the two together, you  
13 would see the whole site?
- 14 **A.** **Correct.**
- 15 **Q.** The next page is Sheet E1.0 and what is  
16 on this page?
- 17 **A.** **This is the breakdown electrically,**  
18 **how the panels will go from individual strings to**  
19 **the point of interconnect to the distribution of the**  
20 **facility.**
- 21 **Q.** And how about the next page, E3.0?
- 22 **A.** **This specifies the manufacturer's**  
23 **specification sheets, what equipment will be**  
24 **purchased and installed on the site.**
- 25 **Q.** Can you describe that equipment?

- 1 **A.** **If you look at the top left-hand**  
2 **corner, you will see that we have outlined Canadian**  
3 **Solar 305 polycrystalline panels and all of their**  
4 **specifications can be found on that sheet.**
- 5 **Q.** Are those the same that we use on the  
6 rooftop and the canopies?
- 7 **A.** **They are. Just below that, all of the**  
8 **four tiles that you see below that are the SMA**  
9 **tripower inverters.**
- 10 **Q.** What does that do?
- 11 **A.** **The panels will string together and**  
12 **connect to the inverter and it takes the DC power**  
13 **generated and inverts that into AC power that can be**  
14 **tied into Unilever's switchgear to distribute to**  
15 **their system and/or backup.**
- 16 **Q.** And on the following sheet, S1.0?
- 17 **A.** **We will go into more detail later on**  
18 **but this is the elevation view of what the carports**  
19 **will look like from an engineering standpoint,**  
20 **showing footings, elevation.**
- 21 **Q.** And there's a more detailed drawing?
- 22 **A.** **Yes. On the next sheet.**
- 23 **Q.** What's on the right-hand side?
- 24 **A.** **Adjacent to it is the three ballasted**  
25 **non-penetrating racking solutions that we are**

- 1 **proposing for the rooftop.**
- 2 **Q.** If we go to the next drawing that's  
3 marked S1.1, this is the elevation view of the  
4 typical solar canopy?
- 5 **A.** **Correct. It's the exact same image**  
6 **that you just looked at except we show values for**  
7 **maintaining the 14-foot height requirement within**  
8 **the City.**
- 9 **Q.** So the overall height including the  
10 panels is below 14 feet?
- 11 **A.** **Correct.**
- 12 **Q.** Can you explain what is shown as far as  
13 the structural support for the columns?
- 14 **A.** **If you go to the next page, there's**  
15 **more detail on this; that's S1.2. So that has a**  
16 **breakdown, for your information, on what we are**  
17 **proposing for caissons. Right now, this is our**  
18 **proposed solution and it details your anchor bolts,**  
19 **your rebar, your base plates, and gives you a**  
20 **picture of what we are looking for for the**  
21 **foundations.**
- 22 **Q.** How about the following page?
- 23 **A.** **That is an LED lighting fixture that**  
24 **we will be using beneath the carports. It is**  
25 **downward-facing, which means there is no vertical**

- 1 **light pollution associated with this fixture.**
- 2 **Q.** You said it's downward-facing. Does  
3 the light defuse beyond the outer edge of the  
4 canopies?
- 5 **A.** **It will. But basically, beneath the**  
6 **canopy, you have foot-candles within the ordinance.**  
7 **I think it's .5 and, right now, we are at 2.7**  
8 **beneath the canopies. So they will be well lit. As**  
9 **you go four spaces outside of the fixture itself,**  
10 **that light decreases by 85 percent. So you have no**  
11 **vertical pollution and, as you space out, it drops**  
12 **significantly when you are no longer beneath the**  
13 **carports.**
- 14 Now, this is -- with this light  
15 fixture, it indicates how we would design that  
16 system. So if you look beneath one of the S2  
17 panels, you will note that "2.6 foot-candles" is  
18 directly beneath it. If you go out to the corner  
19 and count the parking spaces, by the fourth one, you  
20 are at .4, which is that 85 percent decrease that I  
21 was talking about.
- 22 **Q.** So will this proposed under-canopy  
23 lighting be any more visible off site than the  
24 existing lighting?
- 25 **A.** **It will not.**

1 Q. The next page is the helioscope?  
 2 A. Yes. **One of the solutions we are**  
 3 **proposing is a covered-bridge walkway between the**  
 4 **two buildings shown on the overhead plan. In**  
 5 **general, this will function as a safe haven in**  
 6 **inclement weather and this is a generation and**  
 7 **proposal for what that system would look like if we**  
 8 **actually constructed it. So it's a quick design of**  
 9 **that building.**

10 MR. MIRANDI: Can you indicate that on  
 11 the exhibit there?

12 MR. MAYNARD: It's not shown on here  
 13 so I believe -- it looks like it is here  
 14 (indicating), between Building C and A, where the  
 15 overhead canopy is going to be. I believe it is  
 16 this distance and I don't think it's on this plan.

17 Ken, can you verify? It's just west,  
 18 right?

19 MR. DYKSTRA: This is going to be  
 20 south of the proposed canopy in the area. It's not  
 21 on this exhibit, no.

22 MR. MAYNARD: This is an existing  
 23 walkway and we are proposing a canopy over the top  
 24 of it.

25 Q. That connects the buildings?

1 A. Correct.

2 Q. So on the rooftop on those buildings,  
 3 you would have a canopy on the walkway itself?

4 A. Yes.

5 Q. What's the benefit to be derived from  
 6 putting solar panels on this site?

7 A. **Again, it's what NRG does. It's**  
 8 **generation. So instead of purchasing generation**  
 9 **from miles and miles away, you are generating at the**  
 10 **source so there's less loss and it's free to**  
 11 **generate. It will last for 25, 30 years without any**  
 12 **shortcomings.**

13 Q. How is the electricity that is  
 14 generated going to be utilized?

15 A. **It will be tied into Unilever's**  
 16 **existing switchgear so their network will support**  
 17 **the solar that we are proposing.**

18 Q. Is this a major energy conservation  
 19 solution with the number of panels you are  
 20 proposing?

21 A. **Certainly, it is. The solar itself**  
 22 **will generate about half what the building consumes**  
 23 **annually.**

24 MR. KILMARTIN: When you say "the  
 25 building," you mean the whole site?

1 MR. MAYNARD: Correct. So the 800  
 2 Building and the 700 Building. So their load is  
 3 expected to increase and, based upon that profile,  
 4 that's where the half generation figure comes in.

5 MR. DOOLY: I'm curious. The four  
 6 units for the EV kiosk, you are not very optimistic  
 7 for the future. I mean, since you have solar panels  
 8 over your whole parking lot, wouldn't it be better  
 9 to see more electric vehicles? I'm curious what  
 10 your business looks at.

11 MR. MAYNARD: I think the result will  
 12 have to come from an analysis of how many electric  
 13 cars are in the vicinity. Right now, that analysis  
 14 has not been done but, right now, that's what we are  
 15 designing for.

16 MS. ROSENBERG: The solar lights will  
 17 be on all night until it gets brighter in the  
 18 morning in the parking lot?

19 MR. MAYNARD: The under-canopy  
 20 lighting will be from dusk until about 4:00 a.m.

21 MR. PROFITA: The same as the site  
 22 lights?

23 MR. MAYNARD: Yes.

24 CHAIRMAN FEHRE: Is this going to take  
 25 the place of the existing lighting?

1 MR. MAYNARD: Yes.

2 CHAIRMAN FEHRE: Instead of what you  
 3 have now?

4 MR. MAYNARD: Correct. Because the  
 5 existing lighting will have to be taken down or it  
 6 will be above the height of the carpports and shade  
 7 our panels.

8 MR. MIRANDI: That would be in the  
 9 area of where you are proposing a canopy with solar  
 10 on it; you are not looking to move the perimeter  
 11 lighting?

12 MR. MAYNARD: Correct.

13 MR. KATES: Is it automatic, dusk to  
 14 dawn, or on a timer?

15 MR. MAYNARD: A timer.

16 CHAIRMAN FEHRE: The light coming from  
 17 the overall site --

18 MR. PROFITA: Mr. Chairman, if I may,  
 19 Mr. Horgan testified and can answer the questions  
 20 about the lighting and the times. If you like, I  
 21 can have him step up and answer the question.

22 CHAIRMAN FEHRE: Okay.

23 MR. HORGAN: The existing parking lot  
 24 lighting is on a photocell. It goes on at dusk and  
 25 off at 10:00 p.m. and it comes back on at 4:00 a.m.

38

1 And also, on the photocell, it goes off at dawn and  
2 that's what the existing parking lot lighting does.  
3 The 800, just to clarify, is different than that but  
4 that's what's currently in process for the 700 site.  
5 MR. PROFITA: So then you would have  
6 the under-canopy lighting on the same schedule?  
7 MR. HORGAN: Yes, it would.  
8 CHAIRMAN FEHRE: If you look at the  
9 overall site and you are living on Floyd Street,  
10 what is the difference going to be from what it is  
11 now to what you are proposing here? Is it going to  
12 be brighter looking or less bright?  
13 MR. PROFITA: We have some testimony  
14 coming up on that. We have testimony about what the  
15 potential glare effect is of the solar panels that  
16 are proposed. The under-canopy lighting, as Mr.  
17 Maynard stated, it goes directly down and doesn't  
18 defuse and this will be no brighter than what the  
19 existing lighting is on the site.  
20 CHAIRMAN FEHRE: I wouldn't want it to  
21 be any brighter. But now, you have pole lighting;  
22 are those going to be removed?  
23 MR. PROFITA: In the area of the  
24 canopies.  
25 MR. MAYNARD: Correct. Because they

39

1 are taller than the canopies.  
2 CHAIRMAN FEHRE: Do you think it's  
3 going to be less bright or more bright?  
4 MR. MAYNARD: It will be -- I have not  
5 run a photometric study on it but I know the results  
6 beneath the canopy will be brighter. But as far as  
7 light pollution out into the populace, it will be  
8 less for sure.  
9 MR. KILMARTIN: Common sense to me, if  
10 I'm a neighbor above and behind you and the light is  
11 under, I may be having a better situation; is that a  
12 fair statement?  
13 MR. MAYNARD: Yes.  
14 MR. MIRANDI: Mr. Chair, just to add  
15 to the concerns that are being expressed, right now,  
16 the Board can make it a condition of approval and  
17 acceptance as well that that photometric data be  
18 extended. That foot-candle has to be specific. So  
19 should the Board look favorably on this application,  
20 that could be presented for review prior to the  
21 building permit and checked prior to certification  
22 of approval so we know it meets the local ordinance  
23 on the light spillage at the property lines.  
24 MR. PROFITA: That would be fine.  
25 CHAIRMAN FEHRE: Will it be LED

40

1 lighting?  
2 MR. MAYNARD: Yes.  
3 CHAIRMAN FEHRE: Is that adjustable?  
4 MR. MAYNARD: The intensity is not  
5 adjustable but it will be designed so it will be  
6 optimized to meet your requirement without any more  
7 light.  
8 CHAIRMAN FEHRE: Could it be modified?  
9 Let's say that you put it in and it's too bright.  
10 Could you lower the intensity at that point?  
11 MR. MAYNARD: Then we would be outside  
12 of the City ordinance requirement. So you can  
13 always drop it, really, design it, to be at the  
14 minimum at the perimeter but, if we start dropping  
15 it, then we are outside of your code compliance. We  
16 are designing to the minimum level.  
17 CHAIRMAN FEHRE: And the maximum?  
18 MR. MAYNARD: Correct.  
19 MS. ROSENBERG: Has there been any  
20 safety studies as far as the long-term effects of  
21 solar panels?  
22 MR. MAYNARD: Are you talking about  
23 EMF, anything that could just -- proximity harm?  
24 There's no supporting documents stating that.  
25 MS. ROSENBERG: Would there be a study

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1 for that?  
2 MR. MAYNARD: I think solar has been  
3 around for 50 years and nobody has produced any  
4 documentation for hazardous conditions for any  
5 installation. Short of electricity, you have  
6 electrons moving. So as long as it's installed per  
7 NECUL, NAFTA 7E, it's the same code requirements on  
8 your building as far as any hazardous condition.  
9 MS. ROSENBERG: They are exactly the  
10 same? It is not higher intensity?  
11 MR. MAYNARD: Correct. It's -- it's  
12 all variable. You would have to design it to a  
13 certain standard but the power generated from the  
14 panel is no different from the power lighting the  
15 receptacles here right now.  
16 MR. KATES: Is it designed to minimize  
17 the accumulation of heavy snow? I heard you say  
18 just the opposite. It was designed to keep the snow  
19 away from the cars.  
20 MR. MAYNARD: It's designed to keep  
21 snow and ice from sliding off onto the cars and  
22 people below.  
23 MR. KATES: What about the issue of  
24 collapse? In a community near here, in the school  
25 parking lot, because of the accumulated snow, the

1 array collapsed onto the cars. I don't know whether  
2 that was design or the grade of the steel supports.  
3 Do you take that into consideration when designing  
4 it?

5 MR. MAYNARD: We do. There's a full  
6 report of engineering that can be submitted. I  
7 don't know why the other system failed but I can  
8 only presume that they didn't run their structural  
9 calculations correctly.

10 MS. ROSENBERG: How much weight can it  
11 hold?

12 MR. MAYNARD: It all depends on the  
13 steel size. It's determined in the engineering  
14 process. So once we go through it, I can testify  
15 specifically but it will be designed to meet the  
16 snow requirements of New Jersey.

17 MR. SURACE: You have 20 feet on each  
18 side with 1 percent on one side and 15 percent on  
19 the other. If you spend all this amount of money,  
20 couldn't you put anything radiant so the snow  
21 doesn't -- it melts before it accumulates?

22 MR. MAYNARD: The solar panels  
23 themselves are collecting energy from the sun. So  
24 radiant heat, they will heat up even if they are  
25 covered in snow. When they do that, the panels will

1 heat up and the snow will melt. So it's inherent in  
2 the panels but, if you get 3 feet of snow, the  
3 radiance will be so small that it will stay there  
4 for a significant amount of time.

5 MR. MIRANDI: Just to get back to Mr.  
6 Kates' comment regarding a nearby community, there  
7 had been an issue in February in Teaneck with a  
8 couple of the schools there and it was in the  
9 newspaper articles. I researched that a little bit  
10 and talked to the head of our structural department  
11 and that failure was more related to an anchorage  
12 problem. The anchor bolts were pulled out of the  
13 concrete piers. The structure was intact. It  
14 tilted over as the anchor bolts had pulled out.

15 I was at a meeting at the Meadowlands  
16 and they had a similar system and I did walk by that  
17 area and spoke to some people that parked there  
18 through the winter and they indicated that they did  
19 not have any snow issues with that but there would  
20 have to be structural calculations that are prepared  
21 and submitted to the building department for the  
22 building department's review. And I assume they  
23 would want us to take a look at that and then the  
24 construction inspection process would have to make  
25 sure it is acceptable. And as part of the A-5

1 exhibit, there's some specific details with the  
2 bases of that and the rebar. So that would have to  
3 be followed up. So that's more of a construction  
4 and engineering-design matter.

5 CHAIRMAN FEHRE: Do you have something  
6 similar to this around here that we could look at?

7 MR. MAYNARD: NRG, off the top of my  
8 head, in New Jersey, I don't. I know we are  
9 permitting.

10 MR. MIRANDI: I think William Paterson  
11 has something like that and I think Rutgers does as  
12 well.

13 MR. MAYNARD: NRG has carport/highway  
14 installations at the Philadelphia Eagles' stadium.

15 MR. PROFITA: How many of these  
16 installations has NRG done?

17 MR. MAYNARD: NRG has -- we are the  
18 largest in the US. We have over 2 gigawatts ranging  
19 from carports to rooftops and fixed ground mounts.

20 MR. PROFITA: How does that equate to  
21 electricity by a single-family house?

22 MR. MAYNARD: An average home is five  
23 kilowatts. So almost 2.5 million homes could be  
24 powered by the solar generation that NRG produces.

25 MR. PROFITA: Have you had any

1 structural collapses?

2 MR. MAYNARD: No.

3 MR. PROFITA: It would be hundreds of  
4 those installations that you have done, at least?

5 MR. MAYNARD: Yes.

6 MR. KILMARTIN: How similar is what  
7 you are proposing on this site to the photographs  
8 that you have shown us?

9 MR. MAYNARD: The design is  
10 representative.

11 MR. KILMARTIN: I want to ask you a  
12 question about what it looks like on top.

13 MR. MAYNARD: I noticed, as you fly  
14 into Newark Airport, if you look out the window, you  
15 see all sorts of carports and rooftop installations  
16 on the approach. And what you see is the dark  
17 polycrystalline material and then some of the  
18 racking. But on the top, you see just panels.

19 MR. SEUNG KIM: I think the  
20 specifications show antiglare on all the surfaces.  
21 Can you explain to the Board the antiglare? The  
22 panels on 15 degrees, I think they should have some  
23 kind of a reason for why it's set up at that angle.

24 MR. MAYNARD: It's at the negative 2  
25 and the 15 to keep hazardous material and snow from

1 falling off the edges but also for the glare,  
 2 mostly. The glare that you will get from a solar  
 3 panel will be from the sun. It will hit the panels  
 4 and without, I guess, antireflective coating, 95  
 5 percent of that solar sunlight will pass through and  
 6 5 percent of it may translate as spectral  
 7 reflective. With antireflective coatings on it,  
 8 that is dropped to below 2 percent.

9 MR. SEUNG KIM: But the setting of the  
 10 panel is below all the driving on the roadway in the  
 11 residential area. So I think, probably, some kind  
 12 of reflection through that panel to the other  
 13 neighbors, it can happen, I think.

14 MR. MAYNARD: If you -- we ran a  
 15 similar analysis.

16 MR. PROFITA: I can hand that out.  
 17 (Exhibit A-8, glare analysis, was marked  
 18 for identification.)

19 MR. PROFITA: The LED, is that  
 20 continuous or every so many feet?

21 MR. MAYNARD: If you go back to the  
 22 under-canopy photometric drawing, it's just before  
 23 the helioscope. Each one of those blue rectangles  
 24 is an LED light. So on this site, in particular,  
 25 there are 78 in total and we would have to run the

1 study to tell you the quantity but they will be  
 2 spaced approximately as such.

3 MR. KILMARTIN: On the photos of  
 4 Rutgers, are there LED lights there?

5 MR. MAYNARD: No. Rutgers, they do  
 6 not have our proposed solution.

7 MR. PROFITA: Are there any questions?  
 8 (No response)

9 FURTHER DIRECT EXAMINATION BY MR. PROFITA:

10 Q. Mr. Maynard, you have in front of you  
 11 A- 8?

12 A. Yes.

13 Q. This is a glare analysis that you  
 14 performed?

15 A. Yes.

16 Q. On the front, there's an elevation view  
 17 of the solar canopy construction, correct?

18 A. Correct.

19 Q. Can you tell me why there are certain  
 20 -- why one side is at a lower angle than the other  
 21 side in relation to east-west?

22 A. Again, it's just primarily to keep  
 23 hazardous material from falling off.

24 Q. And the determination as to how you  
 25 orient the higher and the lower, has that been done

1 in order to minimize glare to the residential area?  
 2 In other words, what bearing does it have on the  
 3 angle of the canopies as to the direction of where  
 4 the residents are to the west?

5 A. So the sun is in the south so all of  
 6 our 15-degree tilts will be as close as possible to  
 7 that and then to the northeast will be the  
 8 negative-2-degree tilt. That's beneficial because  
 9 the 15-degree tilt is not going to be reflecting  
 10 towards any residence.

11 Q. Then we go to the second page. This is  
 12 as a result of the analysis that you did. There are  
 13 some residents that will be affected with some  
 14 glare, correct?

15 A. Yes.

16 Q. What's the total number?

17 A. Throughout the year, the total number  
 18 of residents will be about 10. There will always be  
 19 between 10 and 15 minutes when there could be  
 20 potential for glare.

21 Q. That's 10 or 15 minutes out of any day?

22 A. Only in the morning hours and it  
 23 depends on what season you are in and what angle the  
 24 sun is in the sky. So if you are in the summer and  
 25 you get hit, you are not going to get hit in the

1 fall, winter or spring, and the max for that will be  
 2 10 to 15 minutes during any one of those seasons and  
 3 only when the sun is between 1 and 3 degrees in the  
 4 sky. Meaning that, any reflective or any glare  
 5 mitigation that anybody has done has already been in  
 6 place because they are trying to mitigate the sun,  
 7 which is brighter than any glare that is going to  
 8 come off the panels. So it's overshadowed by the  
 9 sun.

10 Q. So the glare does not deflect in a  
 11 different direction. It's -- you would have the sun  
 12 coming up, it would hit the panel to the north and  
 13 then it would go to the resident; is that what you  
 14 are saying?

15 A. Correct. There's no defuse  
 16 reflection. It's all spectrum so it's all straight  
 17 in and out.

18 Q. So, in other words, you are seeing the  
 19 sun anyway?

20 A. Yes.

21 Q. So is it any brighter having that for  
 22 that 10 or 15 minutes or having the sun shining in  
 23 your window at 5:45 a.m.?

24 A. No, it's 98 percent less bright from  
 25 the panels but the sun is still there so no change.

1 Q. Is that because of the coating that's  
2 on the panels?

3 A. Correct.

4 Q. The table that you have here, let's go  
5 through it. It's on the second, third and fourth  
6 pages. What was your analysis?

7 A. **Sheet PV1.0, you'll note Houses K, L  
8 and M, on the site plan, they have potential between  
9 5:40 and 5:50 a.m. to receive some sort of glare but  
10 only during the summer months. And on the next  
11 page, again, the same template but different homes.  
12 Houses C, D, H and I, as identified on the layout,  
13 would receive -- between 6:44 a.m. and 6:54 a.m.,  
14 they would receive glare and it looks like House I  
15 actually has 5 extra minutes added to that,  
16 potentially. And in spring and fall, Houses F, I  
17 and J, also have a 10- to 13-minute period during  
18 the spring and fall equinox when they will  
19 potentially have a glare.**

20 Q. So it's not every day of the year?

21 A. **It's not every day of the year and the  
22 sun is at the same angle, essentially, as the glare  
23 so the trees will most likely block it out. And if  
24 that does not take place, then whatever you have  
25 been doing to stop the sun for the last millennium,**

1 **it will do the same thing.**

2 Q. So the fact that these panels are  
3 installed is not going to increase the amount of  
4 glare that you have from the sun to begin with; is  
5 that correct?

6 A. Correct.

7 MR. SEUNG KIM: Are we using your  
8 antiglare panel?

9 MR. MAYNARD: Yes. NRG only uses tier  
10 one module manufacturers and, in this case, it's  
11 Canadian Solar.

12 MR. SEUNG KIM: Even if you use the  
13 antiglare, we have to expect some glare anyway?

14 MR. MAYNARD: If you do not use  
15 antireflective panels, it would be -- 4 and a half  
16 percent of the sunlight would be reflected. So in  
17 general, just glass, 95 percent of the sunlight goes  
18 through; only 5 percent is reflected.

19 MR. SEUNG KIM: So we cannot have  
20 both; is that what you are saying?

21 MR. MAYNARD: The antireflective, it  
22 keeps more. You want -- antireflective increases  
23 your production and reduces reflection so your  
24 efficiency is increased. So it's a good thing.

25 MR. KATES: So the application is

1 being presented with antiglare panels?

2 MR. PROFITA: Yes, sir.

3 MR. KILMARTIN: But the only time  
4 there would be any glare is the time that the sun  
5 would be shining on them anyway. So it's not like  
6 when the sun is behind my residence and I'm sitting  
7 on my back porch, I'm going to be seeing a  
8 reflection from the canopies. So it's only when I  
9 wake up and I see the sun and I'm getting a little  
10 extra reflection that I would not notice?

11 MR. MAYNARD: Yes.

12 MR. KILMARTIN: For a few minutes in  
13 certain seasons but only when the sun is very  
14 obviously shining in my face anyway?

15 MR. MAYNARD: Yes.

16 MR. BRADY: Do you have a  
17 recommendation or a requirement in your  
18 specification of any kind of maintenance protocol  
19 once the unit has been installed as supervision,  
20 repair?

21 MR. MAYNARD: Yes. That's what NRG  
22 does. As a business, we own and operate our  
23 facility. So you, basically, sign up for 20 to 25  
24 years' worth of operation maintenance of these sites  
25 and we have a team that does just that.

1 MR. MIRANDI: What's the frequency of  
2 that maintenance?

3 MR. MAYNARD: It depends on the site  
4 where you are at. Out here, we would probably be  
5 more frequent because of snow but I would have to  
6 ask that department.

7 CHAIRMAN FEHRE: The glare-resistant  
8 coating, does that have to be replaced?

9 MR. MAYNARD: They guarantee them for  
10 20 years. If anything goes wrong, they replace  
11 them.

12 MS. ROSENBERG: What happens after the  
13 25 years? Do they have to be replaced?

14 MR. MAYNARD: They will maintain 80  
15 percent of their year-one generation value. So you  
16 can replace them or whatever but they will still  
17 produce, just at 80 percent of what they were.

18 MS. ROSENBERG: What kind of  
19 maintenance is it?

20 MR. MAYNARD: Just, if you have a fuse  
21 go out, sometimes the J-boxes on the back of the  
22 panels will go bad and you have to replace the  
23 panel. But in theory, solar has no moving parts so  
24 all your costs are upfront and then you pay that  
25 back over the life of the system for 25 years.

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1 MS. ROSENBERG: But is there going to  
2 be any machinery or people for the actual  
3 maintenance when it would occur?  
4 MR. MAYNARD: There will be probably  
5 -- I think our availability is two visits standard a  
6 year. Somebody comes out and does a test of the  
7 site to make sure all your panels are working.  
8 There's a monitoring system so we do not have to  
9 dispatch people. We know remotely what's working or  
10 not and we can operate our plant, typically,  
11 remotely.  
12 MS. ROSENBERG: Would it be during  
13 9:00 to 5:00 hours?  
14 MR. MAYNARD: Yes, it would be Monday-  
15 to-Friday dispatch.  
16 CHAIRMAN FEHRE: How about cleaning of  
17 the panels?  
18 MR. MAYNARD: Twice a year.  
19 CHAIRMAN FEHRE: That's, you wash them  
20 down?  
21 MR. MAYNARD: Yes. We will come in  
22 with a water truck with a specialized mixture and it  
23 just washes the panels. We just spray them. It's  
24 just to get the particulate dust off the panels.  
25 CHAIRMAN FEHRE: Any other questions

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1 of this witness?  
2 MR. KILMARTIN: Those maintenance  
3 issues have to do with the efficiency of the panels?  
4 MR. MAYNARD: Yes. We want to get all  
5 the generation out of the panels.  
6 MR. KILMARTIN: So you are minimizing  
7 the glare?  
8 MR. MAYNARD: Yes.  
9 CHAIRMAN FEHRE: Have you seen these  
10 panels that are throughout the neighborhood on  
11 telephone poles?  
12 MR. MAYNARD: I have seen those.  
13 CHAIRMAN FEHRE: Are they similar?  
14 MR. MAYNARD: They are. I don't know  
15 for sure but those look to be 60-cell model panels  
16 and they have microinverters in the back of them.  
17 They tie into the grid itself. So our system, if  
18 you look at the sheet, we have tripower. So we are  
19 condensing them into a larger inverter and  
20 distributing it out. Those take the power from the  
21 DC cell and tie it into the grid. So those are just  
22 right there on the grid.  
23 MR. KIM: So over the 25 years, what  
24 is the efficiency compared with the supply?  
25 MR. MAYNARD: The panels will operate

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1 at 80 percent at year 25 of what they did at year 1.  
2 CHAIRMAN FEHRE: Can you get your  
3 money back?  
4 MR. MAYNARD: They will replace the  
5 panels but not the racking.  
6 CHAIRMAN FEHRE: It's a lot of money  
7 upfront; are we going to get the payback?  
8 MR. MAYNARD: We wouldn't be here if  
9 we didn't.  
10 MR. TROVATO: Where are they made?  
11 MR. MAYNARD: There are manufacturing  
12 plants in the US.  
13 MR. MIRANDI: You testified and I see  
14 on the plan that you are keeping the height of the  
15 highest point, the 15 percent slope to the panel, to  
16 meet our accessory height requirements. What is  
17 your ideal height that you would like to go to?  
18 MR. MAYNARD: There's no ideal  
19 elevation.  
20 MR. MIRANDI: You had mentioned the  
21 column spaces at 59 feet. At the last meeting, we  
22 had some discussion about the location of the  
23 columns, that they would coincide with the  
24 intersection of four parking spaces. Is that  
25 something that you still plan? I know some of those

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1 solar canopies are going to be sitting over compact  
2 car spaces. Is that part of the program, that they  
3 will be at an intersection so that the cars could  
4 park there?  
5 I'm looking at Sheet 2. The top-left  
6 photo there, it shows them somewhat in different  
7 areas within the striping. What's the size that you  
8 are looking at for the diameter of those concrete  
9 piers and how much would that impact the parking  
10 spaces?  
11 MR. MAYNARD: Right now, once we go  
12 into the permanent set, we will have the actual  
13 diameters. In New Jersey, we designed for 36-inch  
14 diameter for the smaller sections and, I believe,  
15 48-inch diameter for the large structural supports.  
16 They will vary, as I mentioned, between the lines.  
17 They would not design the post to match the striping  
18 of the site. The posts will go where the engineer  
19 says they need to go for the wind and the snow.  
20 That being said, in general, you can  
21 still park vehicles in front of those posts. I just  
22 wouldn't park a large truck because they would stick  
23 out because you will lose up to a foot and a half to  
24 two feet at the large structural portions of that  
25 parking lot. But you can still park your car. It

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1 just can't be a massive car.

2 MR. MIRANDI: Is there a height that

3 you would have that a driver could see that and not

4 back into that; is that part of the design?

5 MR. MAYNARD: Yes.

6 MR. MIRANDI: Do you have a height on

7 that that would be minimum?

8 MR. MAYNARD: We would have to look it

9 up and make it per -- I think the regulating

10 authority is the fire, so that a fire truck could

11 drive onto the site.

12 MR. MIRANDI: We did have a meeting

13 with the fire chief and the fire trucks are not

14 coming under the canopies to fight anything so...

15 MR. MAYNARD: Okay.

16 MR. TROVATO: Your drawing gives us an

17 idea. It says that the minimum above the pavement

18 is two feet of your concrete.

19 MR. MAYNARD: For the top of the pier,

20 yes.

21 MR. SEUNG KIM: Going back to the

22 glare, is there any study of reflection from this

23 panel to Sylvan Avenue in wintertime from the sun

24 from the west? I think it's almost like it's

25 reflecting through this panel and it's going into

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1 Sylvan Avenue, partially. But do you have any study

2 on that?

3 MR. MAYNARD: I have not constructed a

4 study because, at the 15-degree tilt, if the sun

5 were coming across, you would have to be 200 feet in

6 the air to have it hit you. So nobody on the ground

7 will be affected by it.

8 MR. SEUNG KIM: But Sylvan Avenue is a

9 little higher than the parking lot. Even if it's a

10 tall structure, I think it's kind of affected by

11 that. Do you have any study on that?

12 MR. MAYNARD: I don't but I can do one

13 and provide that.

14 FURTHER DIRECT EXAMINATION BY MR. PROFITA:

15 Q. Mr. Maynard, in the package that has

16 been marked as A-5 and distributed to the Board, we

17 also have some details on the EV kiosk, correct?

18 A. Correct.

19 Q. And that is the last three sheets in

20 the package. The next page shows the location of

21 the EV kiosk on the site plan; is that correct?

22 A. Correct.

23 Q. And that kiosk is marked in yellow?

24 A. Yes.

25 Q. And to clarify this, there's an

60

1 elevation view down at the bottom, correct?

2 A. Correct.

3 Q. Sylvan Avenue is to the left and then

4 there's a slope down to where the EV kiosk is

5 located?

6 A. Yes.

7 Q. If we skip ahead to the last page,

8 there's a photograph of the site?

9 A. **This is a photograph of the site with**

10 **a rendering of it.**

11 Q. So where you see the four cars that are

12 parked facing in toward the building, just to the

13 right side of the monument sign, that is a rendered-

14 in depiction of the EV kiosk?

15 A. Correct.

16 Q. Just so the Board understands, this is

17 not a building?

18 A. **No, this is, essentially, a canopy.**

19 Q. If we go to the next page, that has the

20 site plan in larger scale and a roof plan?

21 A. Correct.

22 Q. So the roof plan, it has squares drawn

23 on it; do they represent solar panels?

24 A. **They do.**

25 Q. And on the left of the site plan, why

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1 don't you explain what is on there?

2 A. **On the site plan, I think it's pretty**

3 **clear but there are four EV charging stations and**

4 **then the "U" is used to transpose over for a sitting**

5 **area while people charge.**

6 Q. So the purpose of this is to have some

7 covered spots with EV charging stations in case the

8 weather is bad and to provide some area while people

9 wait and charge their cars?

10 A. Correct.

11 Q. If we go to the next page, this shows

12 all four elevation views. There are really no

13 exterior walls around the kiosk, right?

14 A. Correct.

15 Q. So the height is shown on each of the

16 elevations?

17 A. Yes.

18 Q. So it's a maximum of 14 feet and that

19 would improve the height of the panels as well?

20 A. Yes.

21 MR. PROFITA: The following page, this

22 is the living wall system. And just so the Board

23 knows, we are not proposing any signage on the

24 kiosk, at this point, or the retaining wall. If, in

25 the future, they would like some kind of signage on

1 there, they would come back to the Board and make a  
2 separate application.

3 **A. As part of the design, if you look at**  
4 **the south and west elevations, these are just the**  
5 **concepts that NRG has proposed to make a block-wall**  
6 **look more appealing than block.**

7 **Q.** So they put live ground cover on walls?

8 **A. Yes. The tiles are grown and**  
9 **installed.**

10 MR. KILMARTIN: Which way is that  
11 facing?

12 MR. MAYNARD: That is the west, I  
13 believe.

14 MR. MIRANDI: And south, it looks  
15 like.

16 CHAIRMAN FEHRE: It looks like a lot  
17 of maintenance; doesn't it?

18 MR. DYKSTRA: The wall would be on the  
19 west side opposite Sylvan Avenue. So the kiosk and  
20 the wall is on that side. So there would be a wall  
21 facing the parking lot. That's an internal wall.

22 MR. KILMARTIN: What's on top of the  
23 "U"?

24 MR. MAYNARD: Solar panels.

25 MR. DOOLY: How long for a full

1 charge?

2 MR. MAYNARD: You are looking at an  
3 hour and a half, two hours.

4 MR. MIRANDI: So no supercharger  
5 stations, just the 240?

6 MR. MAYNARD: To my knowledge, we are  
7 not.

8 MR. SEUNG KIM: The EV kiosk is only  
9 for the employees or for the public?

10 MR. PROFITA: I'm informed that  
11 Unilever is going to prefer to have the  
12 supercharger. So it's, like, 20 minutes.

13 MR. KATES: But it's for their own  
14 people. It's not a public station, right?

15 MR. PROFITA: Yes, as far as I  
16 understand, it's on their property and it is for the  
17 site visitors as well. They are not retailing the  
18 charging.

19 MR. KILMARTIN: Is there anything at  
20 that location that's generating noise under the "U"?

21 MR. MAYNARD: The inverters will have  
22 a slight hum and it will be so far away, no one will  
23 ever hear it.

24 MR. PROFITA: If the spaces are not  
25 being used, can you park a regular vehicle there?

1 MR. MAYNARD: Yes.

2 MR. PROFITA: This is it for the  
3 testimony of this witness.

4 CHAIRMAN FEHRE: Can I have a motion  
5 to open the meeting to the public?

6 MS. ROSENBERG: Motion.

7 MR. DOOLY: Second.

8 CHAIRMAN FEHRE: All in favor?

9 MEMBERS OF THE BOARD: Aye.

10 MR. CHINMAN: You are one of the  
11 largest suppliers of solar in the US?

12 MR. MAYNARD: Yes.

13 MR. CHINMAN: How many of those jobs  
14 have you done? You mentioned the Meadowland and  
15 Philadelphia and New York. How many have you done  
16 next to residences?

17 MR. MAYNARD: I can get some photos  
18 but I would say 90 percent of our systems that are  
19 commercial are within cityscapes just like here.

20 MR. CHINMAN: So you're putting them  
21 right next door? We've had -- on this particular  
22 site, it's a very small site and the snow removal  
23 has been an issue. I don't see a place that a plow  
24 -- there are mounds of snow. Where are they going  
25 to place all that snow?

1 MR. MAYNARD: Well, it's probably a  
2 design characteristic we have to look into when we  
3 finalize the drawing.

4 MR. CHINMAN: Well, we would like to  
5 know that before. And we called LG many times.  
6 They have the large loaders that pick up the snow  
7 and deliver it and I sleep from only 12:00 to 5:00  
8 and those hours are when they seem to do it so it's  
9 important for people next door to have an idea of  
10 it.

11 MR. MAYNARD: So where is Unilever  
12 piling their snow currently?

13 MR. CHINMAN: There's one here and  
14 here (indicating). They are not planning to --  
15 maybe they can put it -- well, is it possible?

16 MR. PROFITA: This witness does not  
17 have anything to do with maintenance or snow removal  
18 on the site. That's a question for a different  
19 witness. And how it gets removed? It's the same as  
20 any other corporate campus. The witness is not able  
21 to testify on those areas.

22 CHAIRMAN FEHRE: Yes. Just solar  
23 panels right now.

24 MR. KATES: Aren't these panels  
25 catchment areas for snow as well? So instead of

1 falling to the surface, they are staying up there on  
2 the canopies?  
3 MR. MAYNARD: If there are heavy snows  
4 but it seems to be abating to a certain extent.  
5 MS. ROSENBERG: Does it melt?  
6 MR. MAYNARD: Yes. The panels will  
7 heat up and they will melt. Radiance does get  
8 through and heat them up. If you have a significant  
9 snowfall, then not enough will get through and you  
10 will have to wait for ambient or have someone clear  
11 them off and, once they are at a low enough level,  
12 they heat up again.  
13 MS. ROSENBERG: What would be a  
14 significant snowfall?  
15 MR. MAYNARD: Two feet plus. A foot  
16 of snow will probably still get through.  
17 CHAIRMAN FEHRE: Any other questions  
18 from the public for this witness? If not, motion to  
19 close the public portion?  
20 MS. ROSENBERG: Motion.  
21 MR. KILMARTIN: Second.  
22 CHAIRMAN FEHRE: All in favor?  
23 MEMBERS OF THE BOARD: Aye.  
24 MR. PROFITA: I would like to continue  
25 with the testimony of Ken Dykstra.

1 MR. KATES: You remain under oath.  
2 MR. DYKSTRA: Yes.  
3 K E N N E T H D Y K S T R A, having been  
4 previously sworn, testified as follows:  
5 DIRECT EXAMINATION BY MR. PROFITA:  
6 Q. Let's address the lighting plan. Did  
7 you prepare a lighting plan as part of this  
8 application?  
9 A. Yes, we did. The lighting plan is  
10 Sheet 13 in the set of plans that was submitted.  
11 The lighting is not shown on the exhibit but I can  
12 describe it for you if you like.  
13 Effectively, what we did is construct  
14 a new building and some parking spaces. So what  
15 we've done is continued the theme from the existing  
16 project. Basically, there's 20-foot pole-mounted  
17 lights along the driveways and the parking areas.  
18 For the most recent project, those are cutoff  
19 fixtures and they are 100-watt high-pressure sodium  
20 fixtures. Those are spaced along this proposed  
21 driveway at 60-foot intervals to give us adequate  
22 lighting for the driveway.  
23 And along the walkways, we followed a  
24 theme on this campus with 10-foot-high fixtures and  
25 those run along at 30-foot intervals along the

1 proposed walkways. So the new lighting is primarily  
2 along the driveway across the front of the building  
3 and along the new walkways.  
4 Q. Will the proposed additional lighting  
5 be of any brighter intensity than that of the  
6 existing light?  
7 A. No. The lighting and spacing is  
8 similar to the existing lighting on the site and  
9 will be the same.  
10 Q. Will that additional lighting be more  
11 visible to the houses on Floyd Street?  
12 A. No. Because the majority of this  
13 lighting is on the Sylvan Avenue side of the  
14 property, not the Floyd Street side.  
15 Q. While we are speaking about the front  
16 of the building, you had a meeting with the fire  
17 department concerning the letter that they had sent?  
18 A. Yes. What we did was arranged a  
19 meeting and we had that last Tuesday with the fire  
20 chief and official and Bernie was at the meeting.  
21 We met and discussed the report, reviewed the plans  
22 for the project and, basically, came up with one  
23 requirement. They wanted us to move one hydrant to  
24 the driveway and they also requested that we add  
25 another sixth hydrant to the property and we agreed

1 to do that.  
2 And the other comment was that they  
3 want this driveway -- in the fire code, it does have  
4 requirements for that to be a minimum of 20 feet  
5 wide. We proposed 18 feet so we agreed to widen  
6 that to 20 feet. So that's by the new front entry.  
7 Q. Has there been -- have you done any  
8 work redesigning any portion of the front?  
9 A. Yes. We had a subsequent meeting --  
10 not involving the fire officials, but an internal  
11 meeting with Unilever -- and we walked the front of  
12 the property with our landscaping architect and  
13 looked at all the trees that were being removed and,  
14 in an effort to try to preserve a number of trees,  
15 we decided to come up with a modified design. There  
16 was one tree in particular, a 30-inch oak, in good  
17 condition that would have been taken out with the  
18 previous design. So we were asked to try to save  
19 that tree, in particular. So we redesigned in the  
20 vicinity of the area between Building B and Sylvan  
21 Avenue. We shifted the driveway in the area closer  
22 to Building B and we took four spaces that were on  
23 the building side and shifted them to the east  
24 towards Sylvan Avenue. So the same number of  
25 parking spaces, just four shifted from the west side

1 to the right side.

2 Q. Do you have a copy of that plan?

3 A. **That is this exhibit and I also have a**  
4 **smaller version that I can pass out.**

5 MR. KATES: Let's mark it.

6 (Exhibit A-9, site layout dated October 9,  
7 2014, was marked for Identification.)

8 Q. Why don't you continue with your  
9 testimony about what this change entails?

10 A. **Really, the change involved one main**  
11 **thing, those parking spaces are now -- they were in**  
12 **the front yard before. They are still in the front**  
13 **yard but closer to Sylvan Avenue. 55 feet is the**  
14 **closest space. The existing parking area is 64**  
15 **feet. That's near the Exxon station. Those four**  
16 **spaces or two of them, will be 55 feet from Sylvan**  
17 **Avenue.**

18 CHAIRMAN FEHRE: That's as a result of  
19 trying to keep the tree?

20 MR. DYKSTRA: Yes. That was an  
21 internal decision by Unilever.

22 Q. In order to pursue the alternate design  
23 shown on A-9 and maintain the same number of parking  
24 spaces, moving -- flipping those four spaces from  
25 the building side of the driveway to the Sylvan

1 Avenue side of the driveway results in two of them  
2 projecting into the 60-foot minimum setback from  
3 Sylvan Avenue; is that correct?

4 A. **Yes. The closest point is 55 feet, as**  
5 **I mentioned.**

6 Q. So the one alternative is to simply  
7 leave it as it is and remove more trees?

8 A. **Yes.**

9 Q. Or to flip it the way you have shown it  
10 and that would require another variance but it's  
11 within the 60 feet. The third alternative would be  
12 to go with this plan which eliminates the three  
13 spaces that -- well, one space is not even a foot,  
14 the one space, right?

15 A. **Well, it's 57 feet in. So three**  
16 **spaces are inside the 60-foot front yard setback.**  
17 **That area does have trees and our landscaping**  
18 **architect can talk about that and we can deliver**  
19 **that easily.**

20 Q. So Unilever's preference would be to  
21 save those trees and we would look for some  
22 direction as to whether to leave the four spaces and  
23 preserve the number of parking spaces but it would  
24 necessitate another variance because of the 60-foot  
25 setback requirement. They are in the front yard to

1 begin with anyway but I think it is another  
2 variance. Or just eliminate the four spaces. So we  
3 would take that as a condition of approval, any of  
4 those three ways.

5 Mr. Dykstra, you prepared a drainage  
6 study and improvements in connection with this site  
7 plan?

8 A. **Yes.**

9 Q. Can you describe those?

10 A. **The drainage plan, essentially, is**  
11 **designed to collect the drainage from the new**  
12 **impervious surfaces -- that's the driveway across**  
13 **the front of the building -- direct that water to a**  
14 **bio- retention stormwater basin and then it gets**  
15 **pipd to an underground storage system. It's a**  
16 **retainage system so that there's no increased runoff**  
17 **from the site. It's designed to meet the parameters**  
18 **of the stormwater management rules and that's the**  
19 **method that was used.**

20 Q. At the last hearing, there was a  
21 request from the Board to do a calculation of the  
22 impervious surface.

23 A. **Yes. There was a letter that we did**  
24 **submit -- that probably was distributed -- dated**  
25 **September 25, 2014 and that described the impervious**

1 **and it was submitted to the Board and it related to**  
2 **our work analysis. Mr. Mirandi asked us to**  
3 **calculate that.**

4 So what happens, currently, there's 11  
5 and a half acres on the site that's covered with  
6 impervious surfaces. The new development will add  
7 to that so 12.5 acres will be covered. After the  
8 development and with this development, we are still  
9 going to have 10.3 acres that is pervious and  
10 landscaped. So percentage-wise, we increased  
11 coverage to 53.7 percent and it was 49.4.

12 Q. Did you supply a copy of that to Mr.  
13 Mirandi's office?

14 MR. MIRANDI: I received it.

15 Q. Let's talk about building height for a  
16 moment. Did you calculate the elevation of the curb  
17 adjacent to the proposed courtyard canopy?

18 A. **Yes, we did.**

19 Q. And the courtyard canopy is the highest  
20 proposed point of the building; is that correct?

21 A. **Correct.**

22 Q. How did you go about calculating the  
23 elevation of the curb adjacent to the front of the  
24 property at that point?

25 A. **Well, the elevation was determined by**

- 1 **field survey and the point directly opposite this**  
 2 **proposed courtyard is an elevation of 377.3.**  
 3 **Q.** And have you reviewed the architectural  
 4 plans that were submitted as part of this  
 5 application?  
 6 **A. Yes.**  
 7 **Q.** What is the highest point of the top of  
 8 the canopy?  
 9 **A. 412.**  
 10 **Q.** And so as per the methodology in the  
 11 ordinance, your calculation of building height, what  
 12 is the calculation of building height as proposed?  
 13 **A. The top of the canopy, 412, minus the**  
 14 **curb elevation, which results in a building height**  
 15 **of 34.7 feet.**  
 16 **Q.** And that's below the 35-foot maximum?  
 17 **A. Yes.**  
 18 **Q.** Now, what is the minimum residential  
 19 buffer requirement for the B2 zone?  
 20 **A. It's 50 feet along this westerly**  
 21 **property line.**  
 22 **Q.** Where is the existing buffer from the  
 23 nearest residential area? Can you point that out?  
 24 **A. We have the dark line on the exhibit.**  
 25 That is the property line with the residential zone

- 1 -- the zone line and then the buffer is --  
 2 essentially, the buffer requirement would be 50 feet  
 3 from that line. So we have a variable buffer. On  
 4 our most southerly corner, the buffer is the  
 5 minimum. We have 25 feet from the pavement to the  
 6 property line in the area. When you go to the north  
 7 side of the site, it's over 200 feet of buffer,  
 8 heavily vegetated.  
 9 **Q.** So there is a paved area that is within  
 10 25 feet of a residential zone as the site currently  
 11 exists?  
 12 **A. Correct.**  
 13 **Q.** Are any of the proposed improvements to  
 14 the site within the 50-foot buffer requirement from  
 15 any residential area?  
 16 **A. No.**  
 17 **Q.** Is there any impact to the existing  
 18 buffer area by the proposed development?  
 19 **A. No, there's not.**  
 20 **Q.** You're not creating more of an  
 21 intrusion into the buffer area by the development  
 22 that is being proposed here?  
 23 **A. No.**  
 24 **Q.** You have testified to a number of the  
 25 variances required here with the parking, the number

- 1 of spaces, the aisle widths, the size of the parking  
 2 spaces and the compact car spaces, and the other  
 3 bulk variances that are being requested, including  
 4 parking in the front yard in front of the building  
 5 and then, if the alternate plan is a condition of  
 6 approval, then the additional variance of having  
 7 those spaces being less than 60 feet from the Sylvan  
 8 Avenue setback, correct?  
 9 **A. Yes.**  
 10 **Q.** And the proposed EV kiosk is also  
 11 partially in the front yard?  
 12 **A. Yes.**  
 13 **Q.** So, in your opinion -- and also, we  
 14 have a variance requested for the required number of  
 15 loading docks?  
 16 **A. Yes.**  
 17 **Q.** So, in your opinion, will granting  
 18 these requested variances promote appropriate use  
 19 and development of this property as an office  
 20 headquarters campus?  
 21 **A. Yes.**  
 22 **Q.** Will the granting of the variance  
 23 requested result in a more efficient use of the  
 24 property?  
 25 **A. Yes. With the new courtyard, that's**

- 1 **going to greatly enhance this office space. It's**  
 2 **going to be and is going to be a benefit to the**  
 3 **municipality. We have a new entrance to this**  
 4 **facility where, currently, the site doesn't have any.**  
 5 **front entry. We now have that face.**  
 6 **Q.** Do you think that the plan promotes a  
 7 more desirable visual environment?  
 8 **A. Yes, I do. I think, with the enhanced**  
 9 **design and the landscaping, the visual environment**  
 10 **is maintained and enhanced.**  
 11 **Q.** In your opinion, will the granting of  
 12 those variances substantially impair the intent or  
 13 purpose of the zone-plan ordinance?  
 14 **A. No. We are in the zone for this type**  
 15 **of an office use and this project is in keeping with**  
 16 **the ordinances and Master Plan.**  
 17 **Q.** In your opinion, will there be any  
 18 negative impact on the surrounding properties by  
 19 virtue of this application being approved?  
 20 **A. No. I don't think there's any impact**  
 21 **to the neighborhood.**  
 22 **Q.** Will the granting of the variances  
 23 result in any substantial detriment to the public  
 24 good, in general?  
 25 **A. No.**

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1 **Q.** If there is any potential detriment, do  
 2 you feel that that is outweighed by the benefits  
 3 that will come with the evolvement of this property?  
 4 **A. Yes. I think so. It's a stable**  
 5 **project. I think there's many benefits to a project**  
 6 **of this nature.**  
 7 **Q.** Are you familiar with the review letter  
 8 that was issued by Mr. Mirandi's office?  
 9 **A. Yes.**  
 10 **Q.** I just want to run through a couple of  
 11 those items with you. I guess we'll start with Item  
 12 Number 32. Did you have any discussion with Mr.  
 13 Mirandi about that item?  
 14 **A. Yes. We did come to an agreement**  
 15 **regarding that and we've adjusted the design on this**  
 16 **exhibit so that those aisles remain open to the main**  
 17 **access driveway. So that is integrated into this**  
 18 **exhibit and we are in agreement.**  
 19 **Q.** How about Item Number 35 which deals  
 20 with the fire hydrant?  
 21 **A. That deals with the concern about four**  
 22 **compact spaces we are proposing and whether they**  
 23 **impact the hydrant. They do not; they are away from**  
 24 **that hydrant.**  
 25 **Q.** What about Item Number 36 concerning

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1 the 4 percent grade and the impact?  
 2 **A. Well, I was not concerned with a 4**  
 3 **percent grade in a parking lot. I think, normally,**  
 4 **if you get over 6 percent, you have to be concerned**  
 5 **with the door swinging.**  
 6 **Q.** Which way does it affect the door  
 7 swing?  
 8 **A. Those spaces are perpendicular to the**  
 9 **grade so you are parking perpendicular to the 4**  
 10 **percent slope. So if you open your door, you have a**  
 11 **potential for it to open easier but it is only 4**  
 12 **percent, which is not, in my view, a typical grade**  
 13 **for a parking lot.**  
 14 **Q.** Item Number 37, that was covered in the  
 15 new exhibits with the solar array panel details?  
 16 **A. Yes.**  
 17 **Q.** Item Number 38, the solar array  
 18 canopies are within the 14-foot requirement,  
 19 correct?  
 20 **A. Yes.**  
 21 **Q.** Item Number 39, the structural and  
 22 foundation elements were presented during the course  
 23 of the testimony?  
 24 **A. Yes.**  
 25 **Q.** Item Number 40, about use of the

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1 parking spaces, has already been discussed?  
 2 **A. Yes. There's 12 shown on the plan; 4**  
 3 **are covered under the kiosk.**  
 4 **Q.** And Item Number 42, the fire department  
 5 letter, we discussed?  
 6 **A. Yes.**  
 7 **MR. PROFITA:** I have no further  
 8 questions.  
 9 **CHAIRMAN FEHRE:** Question from the  
 10 Board?  
 11 **MR. MIRANDI:** I have not provided our  
 12 hydrology department's comments yet. There are some  
 13 general comments and the Board typically asks the  
 14 applicant if they would stipulate to those. There's  
 15 nothing major from what I have seen on it. So I  
 16 just want to ask if that would be okay with the  
 17 Board and the applicant?  
 18 **MR. PROFITA:** That's acceptable to the  
 19 applicant.  
 20 **MR. KILMARTIN:** A question was asked  
 21 about the snow removal issues. Would this be an  
 22 appropriate witness to address that? I think the  
 23 question was: Given the proposed solar panels and  
 24 all the stanchions, what effect do you think that  
 25 would have on the snow removal efforts on the site?

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1 **MR. PROFITA:** If the question is  
 2 circulation on the site, then I think Mr. Dykstra  
 3 can address that. If the question has to do with  
 4 snow removal, in general, Mr. Horgan is here and  
 5 knows about that.  
 6 **MR. KILMARTIN:** I think the question  
 7 is: Are you putting some more obstacles in the way?  
 8 So if someone could address that issue...  
 9 **MR. DYKSTRA:** Because of the way the  
 10 angles of the canopies are, they are going to retain  
 11 the snow and that's less on the ground to be moved.  
 12 So the piles should be smaller. The piles get  
 13 smaller because of the canopies and I think the snow  
 14 is not piled in the middle of the parking area. So  
 15 the piling -- if there's a -- it's not going to be  
 16 --  
 17 **Obviously,** you want to maintain as  
 18 many parking spaces as you can. If you get snow --  
 19 every parking lot in New Jersey has to put the snow  
 20 somewhere. So I don't know where the piles would go  
 21 if you got that kind of event. But in general, this  
 22 is not going to expand the snow removal problems.  
 23 The driveway across the front -- because you do have  
 24 an area on the side of the driveway -- you will be  
 25 able to plow that snow into the adjacent vegetative

1 area. So I don't think that's going to exacerbate  
2 the problems.

3 Normally, the big problems in the  
4 parking areas, by the time you push it to the side,  
5 you have so much that you can't get it off the  
6 pavement. So the answer is: I don't think this is  
7 going to make or change the situation of the snow  
8 removal.

9 MR. PROFITA: Maybe you have to use  
10 small equipment.

11 MR. KILMARTIN: Will it be more time-  
12 consuming as opposed to just a wide-open parking lot  
13 that you can plow everything in the corner? Now,  
14 you have all those obstacles that you need to work  
15 around.

16 MR. DYKSTRA: Well, they are in the  
17 middle -- the foundations are in the middle of the  
18 parking spaces where the snow is not going to  
19 accumulate.

20 MR. KILMARTIN: Have you heard of  
21 wind?

22 MR. DYKSTRA: If you have a light  
23 snow, you could have a wind effect and it will blow  
24 in there. They will have to accommodate it.

25 MR. PROFITA: The column runs down the

1 parking so you have spaces on one side and the other  
2 and the column line is right down the middle. I  
3 think there's tradeoffs in everything. You know, if  
4 you want to go with solar power and give some  
5 credence to the environmental, in that, maybe it's  
6 going to cost some more to remove their snow.

7 CHAIRMAN FEHRE: Any other questions  
8 for this witness?

9 MR. KIM: We had some applications  
10 last year. It's been an issue, all that snow  
11 removal and the noise. So I wish you guys would  
12 have some review on the snow removal that you have  
13 within the nighttime if there was an emergency for  
14 snow. But still, you will have some review on that  
15 matter for the snow removal, right, okay, for the  
16 next meeting? We've been having problems a few  
17 times last year but we never got a response yet.

18 MR. PROFITA: I don't understand what  
19 the question is.

20 CHAIRMAN FEHRE: I think this issue  
21 came up in the last application and it was not  
22 properly answered.

23 MR. PROFITA: The snow removal  
24 procedure?

25 CHAIRMAN FEHRE: I think it was the

1 noise.

2 Let's open it up to the public and get  
3 his point of view.

4 Motion to open to the public?

5 MS. ROSENBERG: So moved.

6 MR. DOOLY: Second.

7 CHAIRMAN FEHRE: All in favor?

8 MEMBERS OF THE BOARD: Aye.

9 MR. CHINMAN: The issue was that they  
10 changed their subcontractor to a person who decided  
11 to use front loaders and he comes and goes as he  
12 pleases. He comes on a Sunday morning or in the  
13 middle of the night and we tried to get in touch  
14 with LG several times. Once they get passed, the  
15 application, nobody responds.

16 I bought the house. We understand  
17 there's a parking lot behind us. It's fine. It's  
18 quiet a lot of times. There's trees that cover but,  
19 you know, you testified that there would be no  
20 detriment to the surrounding areas and you are  
21 asking for so many things that do affect the public,  
22 like, for instance, these solar panels being  
23 created. Have you done a study to see if that's  
24 going to affect the pricing of the houses behind it?  
25 You are saying there's no detriment to the public?

1 MR. DYKSTRA: There's not been a study  
2 but you already have a parking lot there. So my  
3 opinion would be that there would be no detriment.

4 MR. CHINMAN: So I think that's  
5 important to look at. We are creating glare and  
6 noise and now we have this snow issue. There's a  
7 lot of questions that need to be answered and you  
8 are saying "We will take care of that during this  
9 process" or "that process." But once this gets  
10 passed, this process, it's never going to be looked  
11 at ever again.

12 CHAIRMAN FEHRE: Anybody else?

13 (No response)

14 CHAIRMAN FEHRE: Motion to close it?

15 MS. ROSENBERG: So be it.

16 MR. KILMARTIN: Second.

17 CHAIRMAN FEHRE: All in favor?

18 MEMBERS OF THE BOARD: Aye.

19 JEFFREY ALLEN, 77 Chestnut Ridge Road,  
20 Chestnut Ridge, New York 10977, first having been  
21 duly sworn, testified as follows:

22 VOIR DIRE EXAMINATION BY MR. PROFITA:

23 Q. Mr. Allen, where are you employed?

24 A. Maser Consulting.

25 Q. What do they do?

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1           **A. They are a multidisciplinary**  
2 **consulting firm.**  
3           **Q. What is your title and job duties?**  
4           **A. I'm a project manager and a licensed**  
5 **architect in landscaping. I oversee all of the**  
6 **landscape architecture aspects of retail, commercial**  
7 **and corporate campus plans, similar to this**  
8 **application you see here tonight.**  
9           **Q. How long have you been licensed by the**  
10 **State of New Jersey?**  
11           **A. Since 2009.**  
12           **Q. What about your educational background?**  
13           **A. I have a Bachelor's of Science from**  
14 **the accredited landscaping architecture program at**  
15 **the University of Connecticut.**  
16           MR. PROFITA: I would proffer Mr.  
17 Allen as an expert.  
18           CHAIRMAN FEHRE: We'll accept him.  
19 DIRECT EXAMINATION BY MR. PROFITA:  
20           **Q. Now, did you prepare the landscaping**  
21 **plan for the 700 Sylvan Avenue application?**  
22           **A. Yes. With the assistance of my**  
23 **professional team.**  
24           **Q. And can you describe for the Board the**  
25 **proposed landscaping improvements?**

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1           **A. Yes. So in the interest of time, I'll**  
2 **try to keep everything in standard terms.**  
3           So I wanted to touch on the  
4 landscaping design and principles that went into the  
5 design. We wanted to look at using native and  
6 naturalized species that would help keep the water  
7 use down and it would be a greener, in an  
8 equalizable sense, landscaping. The other item that  
9 we wanted to do was to add color in the summer and  
10 in the winter. And the last thing that we took a  
11 look at was creating a unified aesthetic, whether it  
12 be for a visitor or an employee.  
13           So what I would like to do is, first,  
14 just give some of the stats on the project. We have  
15 about over 6,000 pieces of plant material going into  
16 the property. We have 11 shade trees; 27 ornamental  
17 trees; about 300 evergreen and deciduous shrubs; as  
18 well as 2,000 ornamental grasses; 2,500 perennials  
19 and 1,000 ground coverings. So it is a diverse  
20 pallet that we selected.  
21           I want to walk you, quickly, through  
22 the different elements of the design. As the  
23 visitors and employees enter this site, they come in  
24 on Hollywood Avenue. The first area was the  
25 entrance drive from Hollywood Avenue toward the

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1 front of the site. We utilized a unifying shade  
2 tree to guide the patron through the site.  
3           The next area is the vitality walk.  
4 That goes around the property. What we have done is  
5 added a native, showy wildflower mix and this  
6 provides a little bit of a buffer of 24 inches in  
7 front of the spaces that Mr. Dykstra addressed in  
8 that area. This path weaves in and out of the  
9 existing vegetation including that 30-inch oak that  
10 we were able to save.  
11           MR. KATES: You are referring to  
12 Exhibit A-9 but that's not a landscaping plan.  
13           MR. ALLEN: Correct.  
14           MR. KATES: Is there a landscaping  
15 plan independent of this?  
16           MR. ALLEN: It was submitted to the  
17 Board as part of the site plan application so...  
18           MR. KATES: So it's part of the  
19 submission?  
20           MR. JEFFERSON: No. It's under Maser  
21 Consulting and it's six sheets. It was submitted as  
22 part of the application.  
23           MR. MIRANDI: It's on Item C of our  
24 review letter.  
25           **A. We just spoke about the vitality path**

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1 **and I want to draw your attention to the building**  
2 **entrance, which has a serpentine paver walk to the**  
3 **main building entrance, and we landscaped in a**  
4 **tiered formation so the lower material is closer to**  
5 **the walkway and then medium and then taller and that**  
6 **was using both evergreen and deciduous species in**  
7 **the area.**  
8           Towards the south part of the site, we  
9 continue to the wildflower mix. Next, we have the  
10 grove of trees that is to remain along Sylvan  
11 Avenue.  
12 We have the wildflower mix. And then beyond that,  
13 we have the basin, which Mr. Dykstra previously  
14 spoke to, and, utilizing the fact it has two feet of  
15 planting medium in the bottom of it, we are able to  
16 vegetate that in accordance with the DEP.  
17           The last two items that I want to  
18 bring to your attention are on either side of the  
19 central portion of the building. We have some  
20 additional landscaping just to further enhance the  
21 courtyard and, on the north side, we reclaimed what  
22 was previously a loading dock and added some  
23 additional evergreens in that area.  
24           The overall size of the plant material  
25 varies depending on where they are planted and what

1 the intended use is. We have gone in with a two-  
2 and-a-half-inch caliper but your engineer asked that  
3 we upsized those and we take no exception to that  
4 and agree to that term. The original ornamental  
5 trees will be going in anywhere between 8 foot or 10  
6 foot in height and the shrubs are 18 inches up to 40  
7 inches, depending where they were utilized.

8 That covers my direct testimony about  
9 the proposed landscaping.

10 One of the comments in the engineer's  
11 letter was the request for testimony regarding tree  
12 removal. I walked the site with Mr. Mirandi and  
13 Aversa to take a look at what trees are to be  
14 removed where the proposed developments are in  
15 relation to the existing features. So the numbers  
16 on that is, on the entire site, we are looking at 68  
17 trees that are going to be removed that are 3 inches  
18 and up. So those are the healthy trees that are  
19 going to be coming down. That excludes the trees  
20 that are dead, rotted or dying. Those trees were  
21 discussed with Mr. Aversa and we are continuing  
22 discussions with him on those. The typical species  
23 that we are removing on this plan are the pines,  
24 beech, maples. We did not see any invasive species.  
25 The maintenance of Mr. Horgan and Unilever keeps on

1 top of those aspects.

2 The front buffer area was a concern  
3 with regard to the tree removal. So in this front  
4 area, the front buffer -- I'm talking about the area  
5 located here (indicating) to approximately in this  
6 area here -- that's what I have taken a look at and  
7 the numbers are pertaining to that specific area.  
8 Within that area, we are retaining approximately 70  
9 percent of the trees that are in that area. So we  
10 are taking out about 40 of the trees in the area and  
11 the trees are located directly within the line of  
12 the proposed drive aisle.

13 We worked with Unilever and walked the  
14 site to ensure we are only removing trees that are a  
15 disturbance, not to increase visibility of any  
16 building or sign or entrance. We are only removing  
17 trees that are part of areas where the grading will  
18 be impacted. Beyond that, I really would not prefer  
19 to have a tree there for liability purposes and the  
20 mortality of that tree.

21 MS. ROSENBERG: When you walked the  
22 property, you walked where the right-hand side of  
23 Floyd is, the back part of the property?

24 MR. ALLEN: This area back here  
25 (indicating)?

1 MS. ROSENBERG: Uh-huh.

2 MR. ALLEN: No. We focused on the  
3 landscaped area proposed along the driveway  
4 improvement and physical disturbance of the grades.

5 Just to wrap up the overall comments  
6 on this, we received the engineer's letter. We take  
7 no exception to any of the comments that are in the  
8 letter in regards to the landscaping design,  
9 specifically speaking. Once again, we appreciate  
10 the opportunity to meet with your engineer and Mr.  
11 Aversa prior to this hearing tonight. That helped  
12 us take a look at the property and analyze it as  
13 well to be prepared for this meeting tonight.

14 MR. PROFITA: Mr. Allen, you are going  
15 to submit a new plan?

16 MR. ALLEN: Yes.

17 MR. PROFITA: I assume we would submit  
18 that to Mr. Mirandi and Mr. Aversa?

19 MR. KATES: Yes.

20 MS. SCANCARELLA: It comes to me and  
21 then it goes to them.

22 MR. PROFITA: Okay.

23 MR. KATES: Then your revised plan  
24 will take into account the trees being saved and a  
25 total number that you will give?

1 MR. PROFITA: Correct.

2 CHAIRMAN FEHRE: You say that you  
3 haven't done anything by the buffer zone in the  
4 back. Have you taken a look at that?

5 MR. ALLEN: I have but we have not  
6 proposed anything in that area.

7 CHAIRMAN FEHRE: Can you take a closer  
8 look to see what can be done to enhance the buffer  
9 zone so those houses might have a little bit more  
10 screening than they do now?

11 MR. ALLEN: Okay.

12 CHAIRMAN FEHRE: Maybe we would like  
13 to have another really good, close look at that and  
14 see what can be done to make it denser or to clean  
15 it up. I don't know.

16 MR. MIRANDI: Just to remind the  
17 Board, at a prior application a couple years ago,  
18 the applicant did meet with the Environmental  
19 Commission and they did perform a cleanup and  
20 enhancement to that buffer area in the back that  
21 went up to the Floyd Street area. That was this  
22 building.

23 MR. KILMARTIN: For next time, address  
24 the landscaping, in particular, in that entrance  
25 area in the front by Sylvan, in the area where those

1 four spaces are that we are talking about, whether  
2 they should stay or go. Is the landscaping there  
3 going to be sort of heavy enough that we are not  
4 going to be seeing those spaces?

5 MR. PROFITA: We are going to address  
6 that in the revised plan.

7 MR. ALLEN: We can provide an  
8 evergreen hedge there, absolutely.

9 CHAIRMAN FEHRE: Motion to open this  
10 to the public?

11 MS. ROSENBERG: So be it.

12 MR. KILMARTIN: Second.

13 CHAIRMAN FEHRE: All in favor?

14 MEMBERS OF THE BOARD: Aye.

15 MR. CHINMAN: I want to say, what's  
16 been said about the screening and the buffer zones,  
17 that would be nice. That is it.

18 CHAIRMAN FEHRE: Motion to close?

19 MS. ROSENBERG: So be it.

20 MR. KILMARTIN: Second.

21 CHAIRMAN FEHRE: All in favor?

22 MEMBERS OF THE BOARD: Aye.

23 CHAIRMAN FEHRE: I think that's it for  
24 this evening. Do we want to come back on the 27th  
25 of October?

1 MR. PROFITA: Yes.

2 CHAIRMAN FEHRE: This will be carried  
3 to Monday, the 27th. The only thing that's going to  
4 happen is Unilever on that date and you will come  
5 back with your witnesses and, at that time, we will  
6 open it up again to the public.

7 MR. PROFITA: We will have Mr. Dykstra  
8 here as well and the facilities people too.

9 CHAIRMAN FEHRE: Okay. That will be  
10 it.

11 MR. PROFITA: We appreciate that and  
12 the special meeting.

13 (The hearing adjourned at 10:45 p.m.)  
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