

Regular Public Meeting of the Englewood Cliffs Planning Board
Minutes
November 13, 2014

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

Present at Roll Call:

Mr. Fehre
Ms. Rosenberg
Mr. Dooly
Mr. Kilmartin
Mr. Kiky Kim, 1st Alternate
Mr. Duffy, 2nd Alternate
Mr. Sean Kim, 4th Alternate

Absent:

Mr. Dooly
Mr. Trovato
Mr. Nikow
Mr. Chinman
Mayor Parisi
Councilman Aversa

Also Present:

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

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

Flag Salute led by: Mr. Surace

The minutes of October 9, 2014, and October 27, 2014 motioned by Ms. Rosenberg seconded by Mr. Kilmartin were approved by voice vote.

Old Business:

Application #239K - Dimensional Variances
Mohamed Diab
124 Charlotte Place - Block 312 - Lots 3
Approved – Resolution

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

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

See attached transcripts.

New Business:

Application #243K - Site Plan Approval with Variance
Duke Evan – 32 Sylvan Avenue – Block 205 – Lot 2

Chairman Fehre announced that this application will be carried to the December 11, 2014 meeting and will not have to renote.

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

See attached transcripts.

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

Mr. Gregory Meese of Price, Meese, Shulman & D'Armino, PA, 50 Tice Blvd., Woodcliff Lake, NJ attorney representing Verizon Wireless gave a brief history on this application which was heard on September 11, 2014 with an approved vote, and then the board determined there was an issue with the vote and took a revote which ended with a denial vote. The applicant was surprised of this outcome and decided to amend the application and resubmit. We decided to put the cabinets on the opposite side of the bulk head so that they are out of view and not visible from the ground as well. The one antenna which is 16" in diameter is going to be left as proposed and/or also proposed to be put in a faux chimney as to be hidden as well.

Mr. Meese called Mr. Mario Iannelli who testified on September 11, 2014 as the licensed engineer for this application. Mr. Iannelli described the site and location of the equipment on the building. They mirrored the application as before but just moved it to the other side of the bulk head. All of the equipment remains the same it is just the location that is changing.

Mr. Meese called Mr. William Masters licensed professional planner for the application who also testified on September 11, 2014. Mr. Masters described the photos that were previously submitted and used at the September meeting showing the location and how the antenna and cabinets would look like on the building.

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

There were no comments.

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

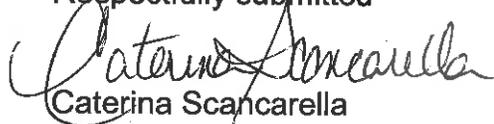
Chairman Fehre requested a motion to approve the application without the chimney. Motion was made by Mr. Duffy, seconded by Mr. K. Kim. This motion was approved by roll-call vote, 6 Ayes, (Mr. Fehre, Mr. Kilmartin, Mr. K. Kim, Mr. Duffy, Mr. Surace, and Mr. S. Kim), No Nays, No Abstentions.

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

There were no comments.

Chairman Fehre asked for a motion to close the public portion, and adjourn the meeting at 10:25 pm. Motion was made by Mr. Duffy, seconded by Mr. Surace and carried unanimously by voice vote.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Caterina Scancarella".

Caterina Scancarella
Planning Board Administrative Secretary

ENGLEWOOD CLIFFS PLANNING BOARD

REGULAR MEETING – November 13, 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: October 9, 2014 & October 27, 2014

OLD BUSINESS:

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

Application #241K - Site Plan Approval
Conopco, 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 #235K - Amended Site Plan Approval Roof Top Antenna
NY SMSA Limited Partnership, d/b/a Verizon Wireless
580 Sylvan Avenue – Block 806 – Lot 9

Application #243K - Site Plan Approval with Variance
Duke Evans – 32 Sylvan Avenue – Block 205 Lot 2

COMMITTEE REPORTS

Master Plan Committee
Subdivision Committee
Site Plan Committee

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

ADJOURNMENT

ORIGINAL

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION OF :
MOHAMED DIAB FOR DIMENSIONAL VARIANCES : MEMORIALIZATION RESOLUTION
RELATING TO BLOCK 312, LOT 3, : APPLICATION NO. 239K
124 CHARLOTTE PLACE :

WHEREAS, MOHAMED DIAB applied on or about July 15, 2014 to the Planning Board of the Borough of Englewood Cliffs for dimensional variances¹ to construct a new fence along the southerly driveway side into the Borough right-of-way to the Rose Avenue sidewalk, and to add additional arborvitae shrubs to extend from the proposed fence and connect to the existing arborvitae row; in the "R-B" Residential Single Family Zoning District; and

WHEREAS, a public hearing was conducted on October 9, 2014, upon proper notice certified by applicant's proof of service to property owners within a 200-foot radius of the subject property and proof of publication in an official newspaper of the Borough; and

WHEREAS, applicant represented himself; and

WHEREAS, the only interdepartmental communications and advisory reports of municipal departments and agencies engineering review letter from the Board's consulting engineer Bernard N. Mirandi, P.E., of Boswell McClave Engineering, 330 Philips Avenue, South Hackensack, NJ 07606 dated October 8, 2014; and

¹ There is no site plan being submitted for approval, as single-family and two-family homes are exempt from site plan approval under N.J.S.A. 40:55D-37a.

WHEREAS, admitted into evidence were the following exhibits:

Exhibit A-1 – Photograph of the subject property; and

Exhibit A-2 – Photograph of the subject property; and

WHEREAS, admitted into evidence without exhibit reference were the following:

- Survey prepared by Steven J. Collazuol, John E. Collazuol & Associates, 1610 Center Avenue, Fort Lee, NJ 07024, dated September 9, 2013;
- Prior Resolution of the Board of Adjustment dated January 8, 1979; and
- Prior Resolution of the Board of Adjustment dated July 14, 1976; and

WHEREAS, testimony in support of the application was given by applicant Mohamed Diab and testimony was also given by the Board's consulting engineer, Bernard N. Mirandi, P.E.; and no one testified in opposition to the application; and

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

1. Block 312, Lot 3 (the "Site") is a corner lot located on the southwesterly corner of the intersection of Charlotte Place and Rose Avenue. 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.

2. The property is located, in the R-B Residential Single-Family Zoning District

3. Since the Site is a corner lot, it shall have a front yard, rear yard, corner side yard and side yard. According to Code Section 30-2 defining "Lot, frontage", "the narrower side of the lot abutting a street, regardless of the location of the principal entrance of a building" is considered to be the front yard. Therefore, Rose Avenue is considered the front yard, and the yard abutting Charlotte Place is considered the corner side yard.

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

4. Accordingly, the following variances are required:

Fences in Front Yard: Section 30-7.7d states "In residential zones.... no fences shall be constructed or placed in the front yard."

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."

5. Rose Avenue is bisected by two zoning districts – the R-B residential zone to the west and the B-2 Limited Business Zoning District to the east. True to these zones, the Site is residential and the lot immediately abutting the property to the east is a two-story office building. This configuration alone justifies the need for enhanced buffering along Rose Avenue. Further, the Rose Avenue "frontage" is a fiction and functions as a side yard, in which greater heights would normally be allowed. Thus, based upon a site specific analysis, the variances are justified under N.J.S.A. 40:55D-70c(1)(b) as they involve "exceptional topographical and physical features uniquely affecting a specific piece of property", and c(1)(c) as they involve "an extraordinary and exceptional situation uniquely affecting a specific piece of property".

6. Because the proposed fence and shrubs extend into the Rose Avenue right-of-way, it is a condition of this approval that the applicant obtain permission of the Borough to encroach into the public right-of-way and to enter into a "Hold Harmless Agreement" acceptable to the Borough Attorney for the applicant's use of the right-of-way.

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

CONDITION SPECIFIC TO THE APPLICATION

A. Applicant obtain permission of the Borough to encroach into the public right-of-way and to enter into a "Hold Harmless Agreement" acceptable to the Borough Attorney for the applicant's use of the right-of-way.

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GENERAL CONDITIONS

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

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

MOTION BY: MS. ROSENBERG

SECONDED BY: MR. KILMARTIN

IN FAVOR: MS. ROSENBERG, MR. KILMARTIN, MR. K. KIM, MR. FEHRE, MR. SURACE and MR. S. KIM

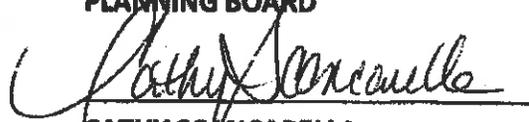
OPPOSED: MR. DOOLEY

DATE APPLICATION APPROVED: OCTOBER 9, 2014

DATE RESOLUTION APPROVED: NOVEMBER 13, 2014


EDWIN FEHRE, CHAIRMAN
PLANNING BOARD

Attest:


CATHY SCANCARELLA
PLANNING BOARD SECRETARY

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TOWNSHIP OF ENGLEWOOD CLIFFS
PLANNING BOARD

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

Thursday, November 13, 2014
Municipal Building
10 Kahn Terrace
Englewood Cliffs, New Jersey 07632
Commencing at 7:35 p.m.

BOARD MEMBERS PRESENT:

EDWIN FEHRE, Chairman
JILL ROSENBERG, Vice Chairwoman
VINCENT SURACE
KIKY KIM
STEPHEN DUFFY
RON KILMARTIN
SEAN SEUNG KIM



ALSO PRESENT:

CATHY SCANCARELLA, Secretary
BERNIE MIRANDI, Engineer

ALISON GULINO
CERTIFIED COURT REPORTER

QUICK COURT REPORTING, LLC
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WEST CALDWELL, NEW JERSEY 07006
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A P P E A R A N C E S:

MICHAEL B. KATES, ESQ.
Counsel for the Board

PROFITA & ASSOCIATES, LLC
106 Grand Avenue
Englewood, New Jersey 07631
BY: MICHAEL PROFITA, ESQ.
Counsel for the Applicant

I N D E XWITNESS:PAGE

KENNETH DYKSTRA

4

BRAD BERLIN

8

AMANDA LANGWELL

25

QUESTIONS BY MEMBERS OF THE PUBLIC:

(None)

COMMENTS BY MEMBERS OF THE PUBLIC:PAGE

JEFFREY CHINMAN

34

NANCY NACHMAN

36

RAHAV BOAZ

44

JOE CIOFFI

50

EXHIBITS MARKED INTO EVIDENCENUMBERDESCRIPTIONPAGE

A-18 Amended site plan

4

A-19 Report

11

A-20 Rendering of interior courtyard

25

1 CHAIRMAN FEHRE: We've had three
2 meetings on this. This is our fourth.

3 MR. PROFITA: Thank you, Mr. Chairman.
4 We are ready to proceed. I would like to recall
5 Kenneth Dykstra. Mr. Dykstra has testified before.
6 He is a civil engineer.

7 Mr. Dykstra, do you understand you are
8 still under oath?

9 MR. DYKSTRA: Yes, I do.

10 MR. PROFITA: We are going to talk
11 about the amended site plan that was submitted to
12 the Board. I assume that everyone has it?

13 MR. KATES: Can we mark it as an
14 exhibit, please?

15 (Exhibit A-18, amended site plan, was
16 marked for Identification.)

17 MR. KATES: What is the revision date?

18 MR. DYKSTRA: November 4, 2014.

19 K E N N E T H D Y K S T R A, having been
20 previously sworn, testified as follows:

21 DIRECT EXAMINATION BY MR. PROFITA:

22 Q. Mr. Dykstra, the exhibit that you
23 marked is a large-sized copy of the plans that were
24 submitted to the Planning Board?

25 A. Yes.

1 Q. Why don't you explain to the Board the
2 changes reflected on this site plan from the last
3 one that we presented?

4 A. There are a few changes. Previously,
5 near Building B, we had an EV kiosk. That has been
6 removed from the plan. The four spaces are still
7 there.

8 Another change, the proposed CHP unit
9 is now located within the screened mechanical area.
10 So that's located just west of Building D on the
11 site within the screened area.

12 A notation about the installation of
13 15 to 20 evergreen trees on the westerly border of
14 the property, that was a landscaping change
15 requested by the Environmental Commission.

16 That's, essentially, the changes.

17 Q. Now, the CHP unit, you said, has been
18 relocated to within an enclosure; is that correct?

19 A. Yes.

20 Q. Can you describe and point out where
21 that is located and what the enclosure is?

22 A. West of Building D, the back end of
23 the site, there's an enclosed area and within that
24 area is the existing mechanical equipment.
25 Previously, we proposed the CHP outside of that

1 enclosure. So now, it is inside this enclosed area
2 which has some sound attenuation capability and
3 height. So it will block the view of the unit and
4 assist in attenuating the sound.

5 MR. PROFITA: We will have testimony
6 from a digital sound expert.

7 Q. Any other changes to the site plan?

8 A. No.

9 MR. PROFITA: I have no further
10 questions of this witness.

11 CHAIRMAN FEHRE: Any questions?

12 MR. MIRANDI: Mr. Dykstra, with the
13 relocation of the CHP unit into the existing
14 enclosed area, the other elements that are within
15 there, the spacing and serviceability of those
16 units, you have enough room for the footprint of
17 that with the existing equipment plus the ability to
18 service all those units in there with that location
19 without expanding that area; is that correct?

20 MR. DYKSTRA: That's my understanding,
21 yes.

22 MR. PROFITA: On the current plan, the
23 total parking spaces remains at...

24 MR. DYKSTRA: 909 proposed spaces.

25 CHAIRMAN FEHRE: The variances that

1 you asked for, it is only a parking variance?

2 MR. PROFITA: We have requested a
3 number of variances. One of them is the number of
4 parking spaces and there are 1,496 required and 909
5 provided. We requested a variance for undersized
6 existing parking spaces and proposed parking spaces,
7 which includes 110 compact parking spaces. There
8 are parking spaces that are located within the front
9 of the building. There are also two or three spaces
10 that are within the 60- foot setback from Sylvan
11 Avenue.

12 MR. DYKSTRA: Yes. Three.

13 MR. PROFITA: We moved those spaces in
14 order to accommodate saving a large tree in the area
15 and realigning the front entrance drive, providing
16 the clearance that the fire department had
17 requested. We had eliminated the EV kiosk. So that
18 is no longer required.

19 The size of the sign on the front
20 entrance of the building does exceed the 4-foot
21 maximum height but not the 32 feet of signage area.
22 It is backlit. The Board might remember, there was
23 testimony from the architect to that effect and a
24 variance is required for that.

25 The existing buildings on the site do

1 exceed the two-story current maximum under the
2 current ordinance. The new additions that are being
3 added are one-story and do not exceed the number of
4 stories and there are no variances with respect to
5 building height.

6 CHAIRMAN FEHRE: If there are no
7 questions of this witness, can we go onto the next
8 witness?

9 (Exhibit A-19, report, was marked for
10 Identification.)

11 MR. PROFITA: I'll call Brad Berlin,
12 please.

13 I'll mark a report as A-19.
14 B R A D B E R L I N, 28 Strawtown Road, West
15 Nyack, New York 10994, first having been duly sworn,
16 testified as follows:

17 VOIR DIRE EXAMINATION BY MR. PROFITA:

18 Q. Mr. Berlin, why don't you tell the
19 Board about your background and experience in the
20 area of digital acoustic measurement?

21 A. I'm one of the early pioneers in it.
22 I've been an instructor and I have been doing
23 digital measurements since they started, about 15
24 years ago. I have taught classes at the university
25 level and for professional companies. I'm an expert

1 in it.

2 Any questions?

3 Q. How long have you been at it?

4 A. I've been at it for 35 years but
5 digital has only been in existence for 15 years.

6 MR. PROFITA: I would proffer Mr.
7 Berlin as an expert in acoustical measurements.

8 MR. KATES: Do you have any advanced
9 degrees?

10 MR. BERLIN: No.

11 MR. KATES: So you acquired this
12 expertise through experience?

13 MR. BERLIN: Correct.

14 MS. ROSENBERG: Where have you ever
15 testified before?

16 MR. BERLIN: In several Boards in New
17 York City; Piermont, New York and that's it. I also
18 have been a principal consultant to the Museum of
19 Natural History for over 18 years and I have
20 testified at the Board at the planetarium.

21 MR. KATES: Does your report relate to
22 specific tests that you do to do ratings? Describe
23 your expertise.

24 MR. BERLIN: When I get a project,
25 there's a problem set and I want to find a

1 meaningful and useful way to make the measurements
2 so they mean something. When I went to the property
3 and saw the partition, I came up with a methodology
4 that I thought would be useful, that is to create a
5 noise within the barrier itself and then see how
6 effective the barrier is. And that noise level, the
7 amount that it reduces the noise, can be applied to
8 whatever the amplitude of noise is in the enclosure.
9 This is a formula sound transmission class, how far
10 noise will travel. So I make a known volume of
11 sound within the enclosure. This is a real
12 measurement, a real-world measurement. So this is
13 the actual measurement of the partition itself,
14 which is the most useful thing because that's really
15 what you have.

16 MR. PROFITA: In other words, you put
17 a speaker in there and set it to a certain decibel
18 level?

19 MR. BERLIN: You need to have a noise
20 that's above the ambient level because, if it's too
21 low, it won't come out. It will just be noise. It
22 will blend into the environment.

23 MR. KATES: Do you take a reading of
24 the ambient noise level?

25 MR. BERLIN: Yes, I do. I use a

1 calibrated microphone and a realtime measurement,
2 which is in that report on the last page, and
3 there's an ambient noise level by the property line
4 and also in the parking lot about four meters from
5 the unit itself.

6 MR. KATES: And then you build onto
7 that whatever machinery would be generating in terms
8 of noise?

9 MR. BERLIN: No. It's a subtraction
10 issue. So I want to understand the sound
11 transmission class of that barrier. So let's say it
12 is an STC of 33. That means it will reduce the
13 sound inside the barrier by 33 decibels. So with
14 the unit that I was told we are using, it produces
15 76 decibels. So we reduce it by 43 and you have 43
16 outside the barrier. So any unit you have, any kind
17 of noise, it will always reduce it by 33 decibels.
18 So that's a known amount of reduction.

19 CHAIRMAN FEHRE: We'll accept him.

20 MR. PROFITA: Thank you.

21 DIRECT EXAMINATION BY MR. PROFITA:

22 Q. Why don't you tell the Board how you
23 went about making the determinations that are set
24 forth in your report? You can go through it page by
25 page if you want.

1 A. I want to define this barrier because
2 that was the most important element in this, to
3 understand the existing condition. So I did that
4 and then we came -- I used a concert-level
5 loudspeaker. It's loud enough to go way above the
6 ambient noise level. So when I'm making the
7 measurements, I can see the ambient noise. So I
8 turned it up to 105 decibels -- which is extremely
9 loud -- and I took the measurements on the other
10 side. The computer calculates the sound
11 transmission class. It averages a bunch of
12 different frequencies and you can see them on the
13 chart in the report.

14 Q. What page in your report is that chart
15 on?

16 A. That is Page 4. So on Page 4, you see
17 some green dashes and that is my loudspeaker with
18 the measurement microphone inside of the barrier
19 where the unit will reside and then the red is the
20 measurement taken on the other side of the barrier
21 and the difference between the two is the sound
22 transmission class number. You can see, there's
23 different frequencies at the bottom and you can see
24 which are reduced but it shows you, specifically,
25 what frequencies are reduced. So having this

1 information at 43 decibels outside of the partition,
2 then we use the Inverse Square Law. That's how
3 energy dissipates per distance and the formula is on
4 Page 5 and you can see --

5 Q. Why don't you explain that law?

6 A. For every doubling of distance, you
7 lose double the energy. So it works like a fan.
8 It's logarithmic. It just keeps expanding. The
9 energy gets less in one place because it keeps
10 expanding in all directions.

11 Q. The less energy, the less sound?

12 A. Yes. Sound energy, it's an energy
13 pulse in the air. So my calculations were at the
14 property line. At the fence, I estimated that we
15 would have 17 decibels. That's 240 feet away and
16 the formula I used for it is at the bottom of this
17 page.

18 MS. ROSENBERG: Are these recognized
19 formulas?

20 MR. BERLIN: Yes. It's very standard.

21 MS. ROSENBERG: By who?

22 MR. BERLIN: By the laws of physics.
23 This is the American Architects Association, the
24 Acoustic Association. It's a standard procedure,
25 standard formula.

1 MR. KATES: When were the measurements
2 taken?

3 MR. BERLIN: About two days ago.

4 MR. KATES: What time of day?

5 MR. BERLIN: 3:00 in the afternoon.

6 MR. KATES: During the week. So you
7 are measuring ambient noise as well?

8 MR. BERLIN: Yes. But the ambient
9 noise is not in the partition measurement. It's
10 just nice to know what exists in the environment.

11 MR. PROFITA: So in other words, the
12 reason for your doing these measurements was to
13 determine the amount by which the noise level would
14 be reduced at the nearest residential property line,
15 by virtue of placing the CHP unit inside the sound
16 attenuation screening?

17 MR. DUFFY: Given this time of year,
18 leaves are on the trees and they are going to fall.
19 Do you have any way of calculating the impact of the
20 leaves falling and those trees are bare and how does
21 the sound react given that situation?

22 MR. BERLIN: The Inverse Square Law,
23 the leaves were not applied so it was the worst case
24 situation. This is as if there were no leaves.

25 MR. PROFITA: So if it were purely

1 open space, this is what it would be and your
2 estimate is 17 dBa at the nearest residential
3 property?

4 MR. BERLIN: That's correct. 76
5 inside the partition, dBa at 1 meter, that's on the
6 chart on the last page.

7 CHAIRMAN FEHRE: So 76 after going
8 through the barrier and 250 feet away?

9 MR. BERLIN: Through the barrier is
10 43, right in the parking lot, right in front of the
11 unit, and then it drops to 17.

12 MR. SEUNG KIM: That's the
13 calculation, not the measurement.

14 CHAIRMAN FEHRE: So this 17 will add
15 to the ambient noise level, somewhat, right?

16 MR. BERLIN: No. Because it's below
17 your hearing. If there was -- it really wouldn't.
18 It will just go away. You don't hear all the trees.
19 You may hear them if the wind blows but you wouldn't
20 be able to understand it. Your brain wouldn't
21 decipher it. It's too low.

22 MR. PROFITA: What is the decibel
23 level of the human ear?

24 MR. BERLIN: 26 is typically the
25 accepted standard.

1 MR. PROFITA: This is way below?

2 MR. BERLIN: Correct.

3 Just to note, engineering-wise,
4 doubling of energy or half energy is 3 decibels but
5 we do not hear evenly. We hear logarithmically. So
6 every 10 decibels appears to be double the sound or
7 half the sound. So from 50 to 40, would seem it was
8 half the volume. We do not hear evenly. That's why
9 you have sound contour on your stereo because, when
10 you put the sound down, you do not hear evenly.

11 CHAIRMAN FEHRE: So what is the
12 ambient level at this property line?

13 MR. BERLIN: I got about 70 decibels.

14 CHAIRMAN FEHRE: Where is that coming
15 from?

16 MR. BERLIN: I had to wait about an
17 hour because someone was mowing their lawn and
18 there's airplanes and trucks going up and down 9W.
19 So I waited for a hole at about 3:00 and 4:00 in the
20 afternoon.

21 MR. KATES: Where were you measuring
22 it?

23 MR. BERLIN: There's two different
24 measurements. I did one about --

25 CHAIRMAN FEHRE: Could you point the

1 locations out on the map there?

2 MS. ROSENBERG: And which way you were
3 facing?

4 MR. BERLIN: (Indicating) One was
5 four meters from the barrier and the second was in
6 the woods by the fence.

7 CHAIRMAN FEHRE: Did you measure it at
8 the property line also?

9 MR. BERLIN: Yes. The fence is on the
10 property line.

11 MS. ROSENBERG: You were facing 9W?

12 MR. BERLIN: Yes. But the
13 measurements I take are with an omnidirectional mic
14 so it hears everything.

15 CHAIRMAN FEHRE: How does wind affect
16 these measurements?

17 MR. BERLIN: Well, you don't want to
18 take it when you are in a high-wind condition
19 because it will blow into the mic. So I wait for a
20 lull and that's the most accurate way to get the
21 measurement. The other way to take the wind out is
22 to measure it over extended periods of time.
23 Generally, it ends up to be the same thing. If you
24 have common sense, you wait for it to get quiet and
25 take the measurement then. That always works.

1 MR. SEUNG KIM: Were you involved in
2 designing the sound barrier?

3 MR. BERLIN: I was not. It's
4 existing.

5 MR. SEUNG KIM: The materials and the
6 height and design itself might affect the sound
7 itself. Did you consider that kind of condition
8 when you calculate all these decibels?

9 MR. BERLIN: It was from the other
10 side of the sound barrier, just going through the
11 air to the property line. The measurement I did on
12 the sound barrier, that's not a prediction; that's a
13 hard measurement and it's a scientific measurement,
14 which means that it can be replicated. And I always
15 take two or three measurements because I want to
16 make sure they are valid.

17 MR. SEUNG KIM: So that might change
18 the physical condition of the sound if the barrier
19 changes it?

20 MR. BERLIN: If there was some damage
21 to the barrier or it had a hole, that would make a
22 difference.

23 MR. SURACE: How high is the barrier?

24 MR. BERLIN: 15 or 18 feet, made from
25 steel with I-beams and put into concrete. It's very

1 strong.

2 MR. MIRANDI: Page 3 shows a photo
3 from inside the barrier and you can get a sense of
4 the barrier.

5 MR. BERLIN: This is the measurement
6 that I made and the tools that I used and that's
7 where I placed the speaker. In the lower right
8 hand, the picture shows the speaker facing into the
9 wall. So I want to know how much is that wall
10 stopping. This location that's empty, that's
11 exactly where the machine would be placed. That's
12 the opening that's available.

13 MR. KILMARTIN: Is there anything else
14 you would consider adding to the barrier to raise
15 the STC level to make it more insulated?

16 MR. BERLIN: It could be brought to a
17 higher STC if it's necessary but, from what I'm
18 seeing, with the noise levels we are dealing with
19 and the predictions I'm making, it's not necessary
20 but it could be enhanced.

21 MR. KILMARTIN: See, at the top of the
22 board there, the houses, the neighbors? The closest
23 one there, do you see it?

24 MR. BERLIN: Yes.

25 MR. KILMARTIN: Are you saying that

1 this noise is inaudible from that person's house?

2 MR. BERLIN: Correct. Below where you
3 can hear. Over here, it's 43 decibels, which is
4 pretty low. For example, my talking now is about 60
5 decibels.

6 MR. KILMARTIN: Are you familiar with
7 any of the testimony that was given at the last
8 meeting? There was testimony as to a predicted
9 decibel level at that home or that yard and I don't
10 recall the exact number. I thought it was something
11 in the 20s.
12 Forgive me.

13 MR. PROFITA: I thought it was around
14 36.

15 CHAIRMAN FEHRE: Outside the
16 enclosure. Now, you put it in and he's predicting
17 17.

18 MR. KILMARTIN: So it's dropped from
19 46 to 17 and 17, you believe, will be inaudible to
20 the neighbors?

21 MR. BERLIN: Correct. That's not
22 audible. 26 is the human threshold of hearing.

23 MR. KATES: You said that the ambient
24 noise at the property line was 70 decibels?

25 MR. BERLIN: Correct. During the

1 midday.

2 MR. KATES: If you add this unit to
3 it...

4 MR. BERLIN: They do not add. It
5 masks it.

6 MR. KATES: So in terms of policing
7 decibel levels at a residential property line, it's
8 impossible when you have an ambient noise factor of
9 70 and you have a standard of 50 decibels at the
10 property line.

11 MR. BERLIN: You can discern a sound
12 that is lower than the noise level. For example,
13 when you are at a stadium and it's 105 decibels and
14 you talk to someone next to you, you are talking at
15 70 and you can discern it but you can hear it
16 because you are right next to them. But in an
17 ambient environment, you wouldn't because it's white
18 noise. It's a random noise and it blends into the
19 whole environment.

20 MR. KILMARTIN: The ambient noise
21 level is not an accumulation of various noises.
22 It's the loudest noise at any given time?

23 MR. BERLIN: No, it's an accumulation
24 of all the noise.

25 MR. KILMARTIN: Why didn't this add to

1 it?

2 MR. BERLIN: You would have to have
3 the same exact noise and phase and amplitude to add
4 together. These are different types of noise that
5 won't add. So in other words, if they are opposite
6 in phase, they will cancel each other. If they were
7 the same phase, they will add to each other but it
8 has to be the same noise. If they were different,
9 they are not going to add up because they don't
10 connect but, when the waves are in phase, they pile
11 on top of each other and go louder but you are
12 looking at different types of noise so it wouldn't
13 accumulate.

14 MS. ROSENBERG: Do you have a
15 recording of the noise?

16 MR. BERLIN: No, I don't.

17 MR. KATES: For all your tests that
18 you did on Tuesday?

19 MR. BERLIN: No. I make measurements
20 that have data so you can look at a chart and
21 understand the level. If I just had noise, you
22 wouldn't be able to discern what was what. By
23 having a chart or a graph, you can look and
24 understand if there is a problem, where it is and
25 how much it is. It's a much more lucid approach to

1 it. If there was a problem in high frequency, you
2 can see it and you can reduce it and everything is
3 fine.

4 MR. SEUNG KIM: How high is it?

5 MR. BERLIN: That, I don't know.

6 MR. PROFITA: I think Tim can answer
7 that.

8 MR. JOHNSTON: The main container is
9 10 feet tall and there's some equipment in there
10 that's set up on top. It's 16 feet to the tallest
11 of those. The only thing taller is the stack which
12 has to go up 85 feet, which is the New Jersey
13 standard.

14 MR. SEUNG KIM: How high is the
15 barrier?

16 MR. JOHNSTON: I don't have that but I
17 do know that everything but the stack will be below
18 the barrier.

19 MR. SEUNG KIM: How much? A couple of
20 feet or what? That barrier doesn't work. It has to
21 be much higher than the unit itself. It's going to
22 work as a barrier but it's the same level.

23 MR. JOHNSTON: The barrier is about 30
24 feet high so almost twice as high as the equipment.

25 MR. KILMARTIN: Mr. Mirandi, based

1 upon your experience, would you be in a position to
2 concur with the testimony here today?

3 MR. MIRANDI: From looking at the
4 report and hearing the testimony, I take no
5 exception to what's stated in here. I do have one
6 question of Mr. Berlin.

7 I'm looking at the charts. You have
8 it on Page 4 and 6. The Y axis lists "SPL." What
9 is that?

10 MR. BERLIN: Sound pressure level.

11 MR. MIRANDI: I have no exception.

12 MR. KATES: Does the stack create
13 noise too?

14 MR. BERLIN: I don't have knowledge of
15 the stack.

16 MR. KATES: The stack, does that
17 generate any noise or not?

18 MR. JOHNSTON: The rating that Mr.
19 Berlin talked about from the manufacturer of 76 dBa
20 at 1 meter is based on the short stack. So the true
21 effect of a 90-foot stack would be to reduce the
22 sound, more of a muffler.

23 MR. BERLIN: If it's further away, the
24 less intensity you get.

25 MR. KILMARTIN: What was 90 feet?

1 MR. PROFITA: 83 feet was the size of
2 the stack which is a New Jersey standard. I believe
3 it relates to the size of the building.

4 MR. JOHNSTON: I don't have my
5 previous testimony but I am being told the ordinance
6 is 35 feet. The State ordinance requires a minimum
7 of 35 feet, correct.

8 MR. KATES: And the manufacturer has
9 the spec at what?

10 MR. JOHNSTON: 30 feet. We will have
11 to put a taller stack on it to meet the requirements
12 but the sound measurements are not taken with the
13 stack, just, no stack, right at the outlet of the
14 muffler that comes on the unit.

15 CHAIRMAN FEHRE: Any other questions?

16 (No response)

17 CHAIRMAN FEHRE: Thank you.

18 MR. PROFITA: I have one more witness.
19 The only testimony that I would like to elicit is to
20 talk about the rendering of the courtyard space.
21 There was some questions about what it would look
22 like, what was going on in there. So I would like
23 to have Ms. Langwell to point that out.

24 A M A N D A L A N G W E L L, 215 Park Avenue
25 South, New York, New York 10003, first having been

1 duly sworn, testified as follows:

2 MR. PROFITA: We will mark this as
3 A-20.

4 (Exhibit A-20, rendering of interior
5 courtyard, was marked for Identification.)

6 MS. LANGWELL: This is the courtyard
7 space that's going to be enclosed.

8 DIRECT EXAMINATION BY MR. PROFITA:

9 Q. Ms. Langwell, while I'm handing out a
10 copy of the exhibit, do you want to explain to the
11 members of the Board what is depicted in the
12 exhibit?

13 A. So the image is inside the courtyard
14 space. Right now, it's open-air space. The four
15 buildings surround this space and we are proposing
16 this. This was something that was in the testimony
17 last time we were here. There is a roof with a
18 fabric canopy stretched and there was some questions
19 about the use of this space and we thought that the
20 rendering is a good way to see the activities
21 occurring in the space.

22 One of the questions was something
23 about fixed seating. That area was code language
24 and there's an area along the stairs that lead from
25 the lobby space down to the ground level of the

1 courtyard. You can see it in the image and there
2 are platform seating levels. That's the area that
3 was identified as "fixed seating." So that was
4 pulling it from code, in other words, to determine
5 the occupancy from that space, which would then lead
6 to the egress requirements in that section that was
7 documented on the drawings that were submitted. The
8 idea is this bleacher-style seating. People could
9 come into the space and have a chat, have lunch.

10 Throughout the rest of the space, it's
11 a mix of loose furniture, tables, chairs, for
12 similar functionality. It's all furniture within
13 that open air and then, along the back side on the
14 right side of the board closest to Building C,
15 there's some flexible spaces for tabletop displays
16 allowing for Unilever to have events internally,
17 testing or tastings. It gives them that
18 flexibility. It is not a retail store. There's no
19 retail in the courtyard space.

20 Q. This basically, other than the stairs
21 and they can serve as seats, the furniture is
22 representative as to what may take place?

23 A. Yes.

24 Q. Is this going to be work space or
25 offices of any kind?

1 A. No, it is not.

2 MR. PROFITA: I have no further
3 questions of this witness.

4 CHAIRMAN FEHRE: This is to promote
5 interactive relations through the employees?

6 MS. LANGWELL: Right now, if you are
7 located in one building, you may never see the
8 employees in the other buildings and this centrally
9 located space is a way to pass by and see them.

10 CHAIRMAN FEHRE: Is this a trend in
11 modern office design?

12 MS. LANGWELL: Yes, this is on trend
13 and allows for a multifunctional use depending on
14 the needs of the business.

15 MR. SEUNG KIM: Any food or coffee in
16 the space here or no?

17 MS. LANGWELL: There's no plans right
18 now. The cafeteria is adjacent to it and we are
19 going to have some grab-and-go spaces inside the
20 building.
21 So it opens out to the courtyard but not in the
22 courtyard.

23 MR. SEUNG KIM: So there's no other
24 function or kitchen or anything?

25 MS. LANGWELL: No. Just electrical

1 power, if someone wanted to charge their phone, but
2 nothing beyond that.

3 MR. PROFITA: There is a full-service
4 cafeteria?

5 MS. LANGWELL: It's off the board to
6 the left.

7 MR. KILMARTIN: You have an opaque
8 dome. Is there any lighting?

9 MS. LANGWELL: This is the ETFE canopy
10 that was testified to. It has very low light
11 transmittance but it still lets in a lot of
12 daylight. So during the daytime when it's light
13 out, we wouldn't need artificial light and we want
14 to save the energy and then, at nighttime when it
15 gets dark, there will be artificial lighting. But
16 since this is not a work space, just a
17 collaboration, meet-and-greet space, the level of
18 lighting wouldn't be high because we are conscious
19 of energy efficiency.

20 MR. KILMARTIN: So you are not shining
21 any lights on that canopy?

22 MS. LANGWELL: No. There might be
23 some light to light the solid element of the roof
24 but nothing aimed at the canopy.

25 MS. ROSENBERG: Is there an occupancy

1 level rate for that space?

2 MS. LANGWELL: We have to define the
3 occupancy for the space to make sure we have the
4 proper number of exits but all of the people that
5 you see here are occupants of the other buildings.
6 We are not adding population. So this building, the
7 people are already in those adjacent buildings.

8 MS. ROSENBERG: But will there be a
9 limit in that space?

10 MS. LANGWELL: Yes. That will define
11 the number of egresses and paths of egress that we
12 have.

13 MS. ROSENBERG: Did you do a study to
14 see what it would look like on Hollywood or Floyd
15 Street? Could you see any light in the evening if
16 you had a holiday party in the area?

17 MS. LANGWELL: We did have elevations
18 from the different streets and we had the
19 photographs from Floyd Street looking at different
20 times of the year and, in the summertime, with the
21 trees, it is very difficult to see the existing
22 building as is and the structure sticks up, like,
23 ten feet above that. I think it would be very
24 difficult to see it. If there is light on in the
25 space, there would be a glow but not a glaring, "I'm

1 here," kind of light tower. In the wintertime, when
2 the leaves are down, you have slightly more
3 visibility of the building but you need to be
4 searching and looking for it. It's somewhat of a
5 lower building, in general, and that tree area is
6 fairly dense. It's a limited view.

7 MS. ROSENBERG: Is there an intention
8 to keep it lit at night?

9 MS. LANGWELL: No.

10 MS. ROSENBERG: So will there be
11 assurance to taxpayers on Floyd that the lights will
12 be going out at 11:00 or 12:00?

13 MS. LANGWELL: We do not know at this
14 point.

15 MR. PROFITA: Bill Horgan can answer
16 that.

17 You understand that you are still
18 under oath, Mr. Horgan?

19 MR. HORGAN: Yes.

20 MR. PROFITA: So this is part of the
21 building, if it gets built. Is there any reason to
22 light it late at night?

23 MR. HORGAN: No. The only reason is
24 for the cleaning crew to work safely in the building
25 and they are usually done by 10:00 or so. The only

1 light that would be in the area is the emergency
2 lighting required by law. So it's five or six
3 foot-candles in the building so people can walk
4 through safely. We will have automatic lighting
5 controls in the area so it will shut off at 10:00 to
6 10:15 every night.

7 MR. SEUNG KIM: How are you going to
8 put the light fixtures in the interior?

9 MS. LANGWELL: I think the priorities
10 of the design are energy efficiency, to take
11 advantage of the fact that we have an abundance of
12 daylight coming in and, at nighttime, I think the
13 lights would be more focused towards a lower ambient
14 level at the ground level so that people that are in
15 the space can see where they are going and then some
16 lighting of the solid ceiling, more of a design
17 quality.

18 MR. SEUNG KIM: So there's some
19 upward?

20 MS. LANGWELL: It would be toward the
21 solid ceiling, for example, being able to light the
22 different columns but that has not been designed
23 yet.

24 MR. SEUNG KIM: The arch, that pipe is
25 going to be structural. You did not define the size

1 of it, though. When you do the lighting, it might
2 affect the ambient light that you get on the roof
3 area. So it depends on the material of the old roof
4 but, probably, I think some kind of light might be
5 affected at night.

6 MS. LANGWELL: There will be a subtle
7 glow but the material has only 10 percent light
8 transmittance. So only 10 percent of the light
9 comes through the space coming out. So it would be
10 a subtle glow.

11 MR. MIRANDI: On the interior
12 lighting, I understand you are still in the design
13 process of that. For that drywall or sheetrock,
14 would you be looking at recessed high hats up in the
15 area or just showing the light that would glow up on
16 that?

17 MS. LANGWELL: In the solid roof area?

18 MR. MIRANDI: Right.

19 MS. LANGWELL: I'm not really 100
20 percent sure. We have not gotten to that level of
21 designing and I'm not a lighting designer. So they
22 would have to design the proper light fixtures that
23 make sense and are not wasted.

24 CHAIRMAN FEHRE: Any other questions
25 from the Board?

1 (No response)

2 MR. PROFITA: I have no further
3 witnesses, Mr. Chair.

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

6 MS. ROSENBERG: So be it.

7 MR. DUFFY: Second.

8 CHAIRMAN FEHRE: All in favor?

9 MEMBERS OF THE BOARD: Aye.

10 CHAIRMAN FEHRE: Is there anybody that
11 would like to be heard?

12 MR. CHINMAN: Jeff Chinman, 611 Floyd
13 Street.

14 To start with, Unilever is asking for
15 many, many variances. Parking, 1450 required; 950
16 being allocated. And I understand, from the people
17 from Unilever, if you get there after 9:15, you
18 cannot get a parking space. As a variance, you
19 didn't mention the 50-foot buffer that is supposed
20 to be maintained and it's not in all places. I
21 understand that everyone wants to cooperate and I
22 appreciate the efforts by the applicant and the
23 Board but, at the end of the day, we need to be able
24 to come to an agreement and police what is agreed
25 upon today. So I thought the noise expert was

1 pretty clear that no one is going to hear this noise
2 and I would assume that Unilever agrees that the
3 noise wouldn't exceed the specified decibel level at
4 the property line.

5 The biggest issue is with the
6 carports. When you drive down 9W and you look to
7 your right, the only place that I saw them is when I
8 drive to the Jets game and I think it's really
9 inadequate. That, they should be able to buffer.
10 When you come down 9W, you do not want to see a
11 bunch of carports. That is the gateway to our
12 community. I think they could spend a few bucks and
13 put some berms in and trees. CNBC did a nice job of
14 that.

15 I think they could do a little more
16 landscaping. The landscaping in the back that you
17 mentioned, it's going to cover the carports in one
18 area but, if you look down on the southern portion,
19 it's all going to be open to that and you don't have
20 a proper buffer zone. So I think you need to spend
21 more time figuring out how you can accommodate your
22 neighbors.

23 Finally, we are looking at this new
24 canopy and, again, they are saying that it's going
25 to be turned off at 10:30. Well, it should be

1 turned off at 10:30 and it shouldn't be an issue
2 anymore.

3 I understand that Unilever has very
4 few offices there. My understanding is this is
5 going to be more of a "I have my laptop and work in
6 this little space." Whatever you do within your
7 business, how you calculate your parking and whether
8 or not you charge \$300 to bring people in from New
9 York, that doesn't affect me. But the part that
10 does affect our community needs to be addressed. So
11 I think it's down to setting the record for what
12 they are going to do and when they are going to do
13 it.

14 The snow removal. So we heard, from
15 the testimony, they don't need front loaders because
16 they say they can't use them with the carports. So
17 I think it should be understood that there will be
18 no more front loader machines that are noisy and I
19 don't think they should be using certain machines
20 with backup noises at nighttime.

21 So I think, if we covered all those
22 bases, we can all live together.

23 MS. NACHMAN: Nancy Nachman, 657 Floyd
24 Street.

25 I wish Mr. Berlin was still here

1 because I was concerned of his use of the word
2 "predict" and that we will not be able to hear any
3 kind of a sound from this structure and I was
4 wondering, if we do, are there further steps that
5 can be taken to further reduce whatever noise there
6 is?

7 MR. PROFITA: He is here.

8 MS. NACHMAN: I want to ask you, I was
9 concerned about your use of the word that you
10 "predict" that none of us who live by the fence on
11 Floyd Street will be able to hear the noise from
12 this structure and I would have preferred the word
13 "guaranteed." But if we do hear some noise, are
14 there further steps that Unilever could take to
15 reduce it?

16 MR. BERLIN: Yes. We talked about
17 this earlier. They could beef up the partition.

18 MS. NACHMAN: In your view, would that
19 be necessary to do now so we don't have to come back
20 and ask again?

21 MR. BERLIN: You will not be able to
22 hear it, in my view, at the property line. So doing
23 it would be moot at this point but my recommendation
24 would be to not predict. If there is a problem,
25 measure it, know how much you have to reduce it and

1 then apply the solution at that time. We can only
2 predict, at this point. Without it being there,
3 there's no other method to figure it out.

4 MR. KATES: How is it capable of
5 measurement at the property line? If it's not
6 adding to the ambient noise factor, you don't know
7 what kind of noise is being generated, do you?

8 MR. BERLIN: Yes. Because the
9 manufacturer provides those statistics.

10 MR. KATES: But the neighbors believe
11 it is creating more noise. How do you prove it?
12 How do you measure it?

13 MR. BERLIN: We can only make
14 predictions based upon the available data.

15 MR. KATES: I'm saying, as an
16 enforcement factor, what triggers the Borough coming
17 back to you and saying that you have to add an
18 enclosure or some other factor. There's no way to
19 measure it, as I understand it.

20 MR. BERLIN: If it's below the ambient
21 noise level, you won't be able to hear it.

22 MR. KATES: So we are not hearing it?

23 MR. PROFITA: Well, they have
24 ordinances for nighttime and daytime. If you exceed
25 them, then the Borough takes action.

1 MR. KILMARTIN: So when the thing is
2 in place and we hear this thing, then that's when we
3 would want Unilever to agree to take additional
4 steps to abate the noise?

5 MR. BERLIN: You would have a hard
6 analysis. You could measure it.

7 CHAIRMAN FEHRE: If this unit raises
8 the noise level and this could be determined by
9 shutting it off and taking measurements and, if it
10 does exceed some very low amount, let's say five
11 decibels, for example, if there's a difference of
12 five dB from this machine being off and on, then
13 that could be measured and then you would go and
14 beef up this barrier a little more?

15 MR. PROFITA: Five dB is inaudible.

16 CHAIRMAN FEHRE: Is it really
17 inaudible? Give me a number or...

18 MR. PROFITA: If 26 is the audible
19 level --

20 CHAIRMAN FEHRE: How much will it
21 change the ambient noise? There's questions that it
22 might change it. No one is 100 percent convinced of
23 that. If we say that it does change, you will beef
24 up the barrier a little bit?

25 MR. BERLIN: I can tell you, with

1 reasonable certainty, that the physics equations
2 that we used are real. This is science. It's not
3 that debatable. It works. But if something
4 extraordinary happened or something broke, you have
5 to be able to measure it, of course, and then you
6 would apply a solution for the difference.

7 MR. MIRANDI: This Board should recall
8 that in Unilever's prior application, we had a
9 similar situation with some equipment that was
10 installed and prior to the applicant getting the CO,
11 they provided sound-testing data after the unit was
12 up and operational to show it's in conformance to
13 the Board of Health ordinances that we had and is
14 part of the resolution and I believe that was
15 presented by Mr. Profita and his team to the Board
16 and I think they also stipulated that they would
17 agree to a similar situation with testing prior to
18 the CO.

19 MR. PROFITA: That is correct.

20 MR. KILMARTIN: That is not the
21 standard we are looking for. When I go to the back
22 of the building, I hear that noise. I don't care
23 what the standard is. I hear that noise on that
24 building. That's what we don't want. If we hear
25 that noise from this proposed unit in one of the

1 backyards on Floyd, we want it taken care of.
2 That's what we are looking for. I don't care about
3 standards. That doesn't work. There's an existing
4 noise at your building and, if that's the end result
5 of this building, I would vote no. We want no
6 audible noise on Floyd.

7 MR. KATES: Isn't the standard of 50
8 decibels at the property line the standard?

9 MR. MIRANDI: It's the code.

10 MR. KATES: What else can it be we are
11 hearing? It's not going to be -- I don't know.

12 CHAIRMAN FEHRE: The code is 50.

13 MR. MIRANDI: That's my recollection.

14 MR. PROFITA: I believe that's
15 daytime.

16 MR. CHINMAN: We are talking about
17 different types of noise. We are used to that noise
18 that we have but, on Hollywood, it's a motor noise,
19 a different noise. That's the one that's different
20 that cuts through everything.

21 MR. BERLIN: If the noises are
22 dissimilar, they won't add up. But if they are
23 similar, they could probable add.

24 MR. KATES: So a simple decibel
25 reading isn't going to do it because it's at 70 now.

1 MR. BERLIN: You can measure it over
2 an extended period of time to filter out the noise.

3 MR. KATES: What if you take the test,
4 the manufacturer's specification and, in operation,
5 measure it at the machine and see whether it's
6 exceeding then?

7 MR. BERLIN: That's what I did with
8 the loudspeaker. I did it louder, at 105 decibels
9 to understand how far I could hear it to the
10 property.

11 MR. KATES: If it's measured at 105,
12 then the condition would say insulate it. It's too
13 high.

14 MR. BERLIN: I did 105 so it would be
15 above the noise.

16 MR. KATES: If it's exceeding the
17 manufacturer's specification, you have to insulate
18 it so it stays at that at the machine and that seems
19 to be the only measurement you can do and that's
20 what Bernie is saying. At the CO, before the CO is
21 issued, you run it and determine whether it's
22 meeting that spec. That's the only way. If it is
23 exceeding it, you require more solution.

24 MR. KILMARTIN: This gentleman's
25 testimony would be that it would be 43 at the other

1 side of that barrier, correct?

2 MR. BERLIN: That is correct.

3 MR. KILMARTIN: We don't know, if, at
4 43, at the other side of the barrier, it can be
5 heard in a backyard on Floyd Street. That's the
6 problem.

7 MR. PROFITA: I think, certainly, that
8 Unilever would be willing to agree to that, if the
9 actual sound from the CHP is above what the
10 manufacturer's rating is telling us -- that's the
11 only way they have to know. You have to put it in
12 there and run it. So if, in fact, the
13 manufacturer's rating is low and the actual noise
14 generated by the unit itself is above the
15 manufacturer's rating, then they will enclose it and
16 put additional attenuation to reduce it.

17 MR. JONES: Would you agree to a
18 second -- meaning, outside of the barrier with 43
19 being the standard?

20 MR. PROFITA: Yes.

21 MR. BERLIN: I would recommend, inside
22 the barrier, could possibly be louder because the
23 barrier would contain the sound in and will bring up
24 the sound inside the barrier. The point is what
25 happens outside the barrier. That sound pressure

1 goes into the walls and dissipates as it leaves.

2 MR. KATES: 43 is the measurement?

3 MR. BERLIN: Correct.

4 MR. KILMARTIN: Are there relatively
5 inexpensive steps that could knock that 43 down?

6 MR. PROFITA: There are not, as I
7 understand. We are moving it into the barrier and
8 their predicted is well below what the ordinance
9 permits and we are agreeing to pull that 43 outside
10 the barrier, which we know, by virtue of the
11 formula, dissipates.

12 CHAIRMAN FEHRE: If it does exceed the
13 43 dB, you will take more measurements and then, if
14 it does exceed, you will do something to enhance the
15 sound barrier?

16 MR. PROFITA: Yes.

17 MR. BOAZ: Rahav Boaz, 653 Floyd
18 Street.

19 I appreciate you taking the effort to
20 put the barrier on and everyone's time and concern
21 taking care of Floyd Street.

22 The measurement done at 3:00 to 4:00,
23 it's typically noisy. How would that be effective
24 to take a measurement of the ambient noise and the
25 way you would be able to hear a motor running?

1 MR. BERLIN: The ambient noise will go
2 down but the performance of the barrier will remain
3 the same.

4 MR. BOAZ: I think there are two
5 elements that everyone needs to consider.

6 The noise level, I would encourage the
7 Board to consider an independent evaluation by the
8 Board that would be taken by a sound expert as the
9 unit is being installed. We can agree on what is
10 reasonable for noise and everyone can come and
11 figure out and put our hearing caps on. And it's
12 365 days a year, a humming noise, and that's why we
13 are so concerned. So to figure that out
14 independently -- and I'm sure Unilever would figure
15 that out because, at the end of the day, it's all
16 about calculation and math and it's all great until
17 it doesn't work.

18 So we need to figure out the reading
19 from the property line at 10:00 at night, three
20 times a week, by an independent team. If it meets
21 the standard, then fine; no one should have any
22 concerns. If you can't hear it, you can't hear it.
23 If you can hear it, then Unilever should take the
24 right measurement. I don't think you did a
25 tremendous effort to try to isolate it.

1 The visual aspect, having 1500
2 canopies or a shielded parking lot, that's going to
3 be pretty disgusting. I would expect Unilever to
4 take -- we are talking about collaboration. Why
5 don't you collaborate with your neighbors for a
6 change and take the right effort and the right
7 measure to put evergreen landscaping all around it
8 so it's going to look nice? And it's not difficult
9 to do.

10 And from Floyd Street, when you are at
11 the property and you are looking east, you are not
12 going to look at an industrial zone. It's going to
13 look like NASA experiments. So how difficult is it
14 to isolate Floyd Street from the parking lot? It's
15 not crazy. Last time, they said 12 trees or 14
16 trees. It's kind of funny when you think about it.
17 I thought about it and started laughing. You put
18 six hundred and make it nice.

19 So definitely, when you put evergreen
20 to block the noise, this looks natural and it's
21 going to look like a park and why not? So this is
22 going to be the right collaboration, the visual
23 aspect and the noise. In terms of the visuals, it's
24 pretty easy, just have nice landscaping from front
25 and back. That's not that difficult to achieve.

1 CHAIRMAN FEHRE: I think that part of
2 any approval that they might get is that they would
3 have to agree to satisfy our Environmental
4 Commission and I don't know if you know but they are
5 very tough on all of our applications and they are
6 going to have to satisfy that group.

7 MR. CHINMAN: I don't think they are
8 going to be thinking about coming down 9W and I
9 think for you not to address that, it is going to be
10 on you when people go down there and they see it.
11 That's just my opinion.

12 MS. O'SHEA: Mary O'Shea, 12 Irving
13 Avenue.

14 The speaker that you put there, how
15 high was that from the ground?

16 MR. BERLIN: One foot. There's a
17 photograph of it.

18 MS. O'SHEA: One foot from the ground
19 would make the sound have to climb up over the top
20 of the barrier. If you had it at the height of the
21 machine, which is like 16 feet, would that change
22 the projection of the sound out?

23 MR. BERLIN: It would reduce the sound
24 because the speaker radiates in all directions.
25 When it's next to the ground plain, it bounces off

1 the ground so it goes up. Whereas, if it's
2 suspended in the air, it's louder. If you notice,
3 if you put your speaker against the wall, they have
4 more bass. The barrier re-enforces the sound.

5 MS. O'SHEA: The car canopies, I just
6 had seen the photograph of them outside. They are
7 very ugly. They look like airport things that you
8 see in the airport. They are large. When I first
9 heard them being discussed at the first meeting, I
10 thought they were similar things that I have seen at
11 the high school where they had the solar panels over
12 the parking spaces. These are much, much bigger
13 with wings. I think they are, really, very ugly.
14 We don't allow service stations to have canopies.
15 We have had many applications for canopies in
16 service stations and we rejected them every time.
17 These are very similar to that and I really think
18 that should not be allowed.

19 The parking spaces, with providing 909
20 parking spaces when almost 1500 are required, you
21 are 600 short. That's a lot of spaces. That's a
22 lot of spaces, especially when they are expanding
23 their interior space. I hadn't seen the courtyard
24 configuration previously. I had questions about it
25 in the first meeting. When I look at that, I see

1 three floors inside and then this space here
2 (indicating). Is this a hard ceiling?

3 MR. PROFITA: Yes, it is.

4 MS. O'SHEA: Nothing can be put above
5 that?

6 MR. PROFITA: No.

7 MS. O'SHEA: When you talked about a
8 cloth canopy -- this is not considered an interior
9 space?

10 MR. PROFITA: It's year round.

11 MS. O'SHEA: It's not cloth?

12 MS. LANGWELL: It's a fabric canopy.

13 The Denver Airport uses the same exact structure.

14 MS. O'SHEA: You have three floors
15 here, right? So what is --

16 MR. PROFITA: Those are the existing
17 buildings around the perimeter of the courtyard.

18 MS. O'SHEA: How high is the interior
19 of the space?

20 MS. LANGWELL: The top is under the
21 35-foot zoning ordinance.

22 MS. O'SHEA: I take exception to the
23 parking spaces being less than it should be and I
24 feel for the residents on Floyd Street for the noise
25 because noise is noise. I don't know how you can't

1 hear it.

2 MR. CIOFFI: Joe Cioffi, 30 Sylvan
3 Avenue.

4 Where on the building will the sign be
5 mounted?

6 MR. PROFITA: It's on the front of the
7 entry pavilion on the Sylvan Avenue side.

8 MR. CIOFFI: What will it say?

9 MR. PROFITA: Nothing. It's just a
10 "U."

11 MR. CIOFFI: You people are not
12 retail. It's strictly an office?

13 MR. PROFITA: Yes.

14 MR. CIOFFI: What will be the lighting
15 factor on it, how much light?

16 MR. PROFITA: There was testimony on
17 that at the last hearing. It's a backlit sign and I
18 believe the testimony was that it would emit perhaps
19 15 percent of the lumens that would normally be
20 emitted from a sign that was lighted but not
21 backlit.

22 CHAIRMAN FEHRE: Anybody else?

23 (No response)

24 CHAIRMAN FEHRE: Can I have a motion
25 to close the meeting?

1 MR. KILMARTIN: Yes.

2 MS. ROSENBERG: Second.

3 CHAIRMAN FEHRE: All in favor?

4 MEMBERS OF THE BOARD: Aye.

5 CHAIRMAN FEHRE: I think we have gone
6 for four meetings now. I think it's time to take a
7 vote on this. I believe most of the questions have
8 been answered.

9 Mr. Mirandi, do you have everything
10 that you need, all your questions have been
11 satisfied?

12 MR. MIRANDI: Everything in our
13 letters have either been satisfied or the applicant
14 has agreed to stipulate to those items, is my
15 recollection of the prior meetings.

16 And I want to also remind the
17 applicant, he does owe us some data on the pump
18 station that's out there that we had required
19 previously and he did indicate that he would supply
20 that to us.

21 MR. PROFITA: Yes. That's no problem.

22 CHAIRMAN FEHRE: Did the applicant
23 agree to make a voluntary contribution to our
24 Stormwater Management Fund?

25 MR. PROFITA: Yes, we previously

1 agreed to that.

2 MR. KATES: It's based on the function
3 of adding impervious coverage.

4 I have a list of conditions. Maybe it
5 would be a good idea to recite them so that you
6 understand. I want the applicant to hear them as
7 well.

8 To extend the photometric data to the
9 border for engineering analysis at the property
10 line.

11 Has that been done?

12 MR. MIRANDI: Still has to be done.

13 MR. KATES: Structural calculation as
14 verified by Mr. Mirandi. That was related to the
15 canopies.

16 MR. MIRANDI: We will be furnished
17 with structural data.

18 MR. KATES: The panels will be anti-
19 reflective.

20 MR. PROFITA: Yes.

21 MR. KATES: There will be a
22 maintenance protocol with respect to the
23 installation.

24 MR. MIRANDI: For the solar canopies.
25 That was heard previously.

1 MR. KATES: Stormwater management, is
2 this the revised plan or is there...

3 MR. PROFITA: No. This would be the
4 final. It was presented today and marked as A-18.

5 MR. KATES: Submit landscaping plan
6 and for the Environmental Commission to approve it.

7 MR. MIRANDI: That's a work in
8 progress and they moved along with satisfying our
9 landscaping architect. So my letter included that
10 the Environmental Commission would be part of that
11 review.

12 MR. KATES: As part of that, there is
13 a part about adding 15 to 20 evergreens but that
14 doesn't preclude what the Environmental Commission
15 requires.

16 MR. MIRANDI: Correct.

17 MR. KATES: The parking lot lighting
18 will be dawn to dusk, automated.

19 MR. PROFITA: I believe that's
20 correct.

21 MR. KATES: Is there a need for a
22 revised floor plan?

23 MS. ROSENBERG: No.

24 MR. KATES: Guidelines for snow
25 removal and timings, is that something that was

1 represented would be?

2 MR. PROFITA: I believe there's
3 ordinance requirements about it and Unilever has
4 agreed to talk to its subcontractor but, when it
5 snows, it snows.

6 MR. KATES: This installation abates
7 that to a certain extent?

8 MR. PROFITA: Yes. It melts on the
9 solar panels so...

10 MR. KATES: There's no need to put any
11 kind of protocol in there?

12 MR. PROFITA: No. They have to use
13 smaller equipment.

14 MR. KATES: There will be sound-
15 testing data, before the CO issues, measured outside
16 of the wall with a 43 decibel level and, failing
17 that test, there will be additional insulation. So
18 limit it to that.

19 MR. MIRANDI: Just to add one item to
20 that, we did have a subsequent meeting with the fire
21 chief as well as the fire subcode official. The
22 applicant agreed to address a couple of those items,
23 fire hydrant relocation and an additional fire
24 hydrant and the other item that will be worked out
25 is fire-lane and fire-zone striping.

1 MR. KATES: Is that in the report?

2 MR. MIRANDI: Initially, there was a
3 comment on it in the letter. We had a meeting after
4 that and the applicant stipulated to that. So it
5 should be noted in the resolution.

6 MR. KILMARTIN: I meant to ask a
7 question on the canopies. Focusing on the northeast
8 section of the property, the canopies that are the
9 closest, there are two small sections of canopies
10 that seem to be the closest to 9W and, on
11 topography, that would be the most visible. I was
12 wondering if those are integral to this plan. Would
13 you be able to live without those?

14 MR. PROFITA: I would have to consult
15 with NRG.

16 (Recess taken)

17 CHAIRMAN FEHRE: We'll resume the
18 meeting.

19 MR. PROFITA: With respect to the
20 question from Mr. Kilmartin to the applicant, we
21 were referring to two canopy-mounted solar arrays.
22 One of them is covering eight spaces in the
23 northeast corner of the parking lot and the other
24 one is immediately to the west of that, which
25 covers ten spaces. Although the applicant

1 believes that there's adequate screening from the
2 landscaping plan, that should not be problematic
3 from a visual standpoint. If it pleases the Board,
4 they are willing to eliminate the canopy to the east
5 of the site. The other canopy is about six or seven
6 feet lower in evaluation. There is no need, from a
7 visual standpoint, to eliminate that array.

8 CHAIRMAN FEHRE: Okay.

9 MR. KILMARTIN: When you say that the
10 landscaping is such that it wouldn't be problematic,
11 what are you saying? We are not going to see them?

12 MR. PROFITA: They believe they would
13 be adequately screened.

14 MR. KILMARTIN: So it's not going to
15 be visible?

16 MR. ALLEN: The trees would screen it
17 and the trees we are supplementing in there would
18 add to the screening in the area.

19 MS. ROSENBERG: How many trees are
20 there?

21 MR. ALLEN: Within that vicinity,
22 there are 15 in the vicinity and that's mainly in
23 the northeast corner and that's the trees that we
24 are adding along the northeast corner as well and
25 there's another six or seven in the area.

1 MS. ROSENBERG: Will they cover those
2 -- those additions will not cover all the carports
3 visually from 9W coming through, correct? What I'm
4 trying to suggest is some sort of a condition for a
5 landscaping agreement that people cannot, on 9W, see
6 all the carports. And what would that take to
7 accomplish that?

8 MR. ALLEN: I think to accomplish
9 that, I think, it would be some additional
10 evergreens. That, I will work with the
11 Environmental Commission on.

12 MS. ROSENBERG: I would want it
13 satisfactory to the Planning Board as well as a
14 condition.

15 CHAIRMAN FEHRE: The condition should
16 be that you would have to fill it in.

17 MR. ALLEN: I think we need to clarify
18 the visibility from 9W regarding to the southbound
19 view in. I think the topography has these at a
20 lower elevation. So I don't think these solar
21 arrays are incredibly visible at this time.

22 CHAIRMAN FEHRE: Let's say the project
23 was completed and there was a new empty spot that it
24 would help to put a few more trees in; you would
25 agree to that after the completion of the project?

1 MS. ROSENBERG: We want to keep the
2 integrity of the neighborhood for the people in the
3 community as well as the commercial.

4 MR. KILMARTIN: So the landscaping
5 plan needs to be such that the carports are not
6 visible from 9W.

7 MS. ROSENBERG: And on Floyd. There
8 was testimony on that.

9 MR. ALLEN: Yes.

10 MS. ROSENBERG: I would like to keep
11 the integrity of our commercial block; is that
12 agreeable?

13 MR. ALLEN: We will work with the
14 Environmental Commission to supplement that area.

15 MS. ROSENBERG: I want it to be
16 satisfactory to the Planning Board as well.

17 MR. KATES: Maybe we can treat this as
18 a two-step site plan approval. They have to come
19 back for the final before the CO and, at that time,
20 you will have a landscaping review and a second look
21 at the application.

22 CHAIRMAN FEHRE: Would you agree, Mr.
23 Profita?

24 MR. KATES: A two-step process,
25 preliminary site plan approval. That's the get-go.

1 You can do your construction and building and then a
2 final for purposes of reviewing the landscaping plan
3 before the issuance of the CO. Would you come back
4 for a final on notice just to check?

5 MR. PROFITA: I don't think that -- I
6 think it's impossible to totally make them
7 invisible.

8 If that's what the Board is asking, I don't think
9 you can do that. I would ask Mr. Allen.

10 MR. ALLEN: I think the reason why I
11 was asking where we are viewing it from 9W was
12 because I would not commit to screening them fully
13 from any point along the entire frontage of the
14 property. I think you may be able to peek through
15 and see something. So I think it would be unfair to
16 require that of this application.

17 MR. MIRANDI: If I may add, we have
18 done, in some prior applications -- the applicant
19 has addressed a lot of your landscaping architect
20 items on this. We met on September 11th of this
21 year with the Environmental Commission and myself
22 and the landscaping architect did agree to certain
23 areas. May I suggest, if the Board looks favorably
24 upon this application, that, during the process
25 before planting occurs, those planned areas are

1 staked and then perhaps maybe along with the
2 Environmental Commission, maybe a subcommittee of
3 the Board could take a look and perhaps look at
4 filling in, as we did with evergreens, here or
5 there.

6 MS. ROSENBERG: To make it a little
7 more palatable.

8 CHAIRMAN FEHRE: How would we do this
9 final approval? You build everything; you put in
10 all your landscaping and then you come back to the
11 Board?

12 MR. KATES: That we stake the
13 landscaping before it gets planted and have the site
14 plan subcommittee review it and come back to the
15 Board.

16 MR. PROFITA: I think that, rather
17 than have to come back for another approval, we
18 would prefer that we complete the landscaping to the
19 satisfaction of Mr. Mirandi's landscaping architect
20 on staff. They seem to be happy with the previous
21 six that I have been involved in. So I think that
22 we would prefer if you are willing to rely on Mr.
23 Mirandi's office --

24 MR. MIRANDI: And the Environmental
25 Commission and a subcommittee from the Planning

1 Board.

2 MR. PROFITA: Yes.

3 MR. KILMARTIN: What's the standard we
4 are looking to achieve?

5 MR. PROFITA: We can't make it
6 invisible. So if you were in a car driving down,
7 what do you see?

8 I don't know.

9 MS. ROSENBERG: Are we going to see a
10 stack of them?

11 MR. ALLEN: You will not see a stack.
12 The only canopies that are close to the road are the
13 ones that are over in the vicinity of the ten spaces
14 in the northeast corner, which are below grade, and
15 it staggers down after that. So you will not see
16 anything beyond a line that appears to be eight
17 parking spaces.

18 MR. KILMARTIN: If you removed the row
19 of the eight from the front there, would that green
20 area then be an opportunity to plant additional
21 evergreens to further mask?

22 MR. PROFITA: I think it's over the
23 parking lot.

24 MR. ALLEN: A green area between the
25 two arrays? I would defer to our energy consultant

1 on that. With any vegetation, that may compromise
2 that if we put it that close to the array.

3 MR. KILMARTIN: Okay.

4 CHAIRMAN FEHRE: Then we will agree to
5 coordinate between Mr. Mirandi's landscaping
6 architect, the committee of the Board and the
7 Environmental Commission?

8 MR. PROFITA: Yes.

9 CHAIRMAN FEHRE: I think we've gone
10 through this in great detail in the last four
11 meetings. So can I have a motion to approve this
12 application?

13 MR. PROFITA: I want to clarify that
14 the voluntary contribution is done at the time of
15 the building permit and I want to make sure that's
16 the case with the voluntary contribution.

17 CHAIRMAN FEHRE: Yes.

18 So can I have a motion, then, to
19 approve this application?

20 MR. SEUNG KIM: I'll make a motion.

21 MR. KIM: Second.

22 MS. SCANCARELLA: Chairman Fehre?

23 CHAIRMAN FEHRE: Yes.

24 MS. SCANCARELLA: Vice Chairwoman

25 Rosenberg?

1 MS. ROSENBERG: Yes. With all the
2 conditions.

3 MS. SCANCARELLA: Mr. Kilmartin?

4 MR. KILMARTIN: Yes.

5 MS. SCANCARELLA: Mr. Kim?

6 MR. KIM: Yes. With the conditions.

7 MS. SCANCARELLA: Mr. Duffy?

8 MR. DUFFY: No.

9 MS. SCANCARELLA: Mr. Surace?

10 MR. SURACE: Yes.

11 MS. SCANCARELLA: Mr. Seung Kim?

12 MR. SEUNG KIM: Yes, With the
13 conditions.

14 MS. SCANCARELLA: Passes.

15 MR. PROFITA: Thank you.

16 (The hearing concluded at 9:30 p.m.)

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C E R T I F I C A T E

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

ALISON GULINO, CCR, RPR
LICENSE No. 30X100235500
NOTARY LICENSE No. 241567



VIA FACSIMILE AND EMAIL

August 11, 2014

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

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Sign Review
Variance Application
380 Sylvan Avenue
Block 411, Lot 18
Board Application No. 240K
Our File No. ECES-1330

Dear Ms. Scancarella:

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

- A. Planning Board, Borough of Englewood Cliffs Application Form, dated July 24, 2014.
- B. Borough of Englewood Cliffs Denial of Application Letter, dated July 21, 2014, from the Zoning Officer.
- C. Architectural Plan (one sheet) entitled "Exterior Elevations, A3" as prepared by Dennis R. Connell Architect, dated July 12, 2013.
- D. Illuminated Cadillac Signs (day night pictures), undated.
- E. LED Foot-Candle Calculation Sheets (file titled lumen.info.pdf) as prepared by Pattison Sign Group, Inc., undated.
- F. Sign Drawings as prepared by Pattison Sign Group, Inc., dated May 31, 2013, (file titled Pattison_Sign_Drawing.pdf – 3 sheets).
- G. Rendering (file titled Rendering.pdf), undated.

Based on our review of the above information, we offer the following comments:

General

1. The Owner in this matter is:

Argonaut Holdings, Inc.
8675 Hidden River Parkway, Suite 100
Tampa, Florida 33617

The Applicant in this matter is:

All-Pro Motors, LLC – Michael Saporito
655 US Highway 130
Hamilton, New Jersey 08691

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

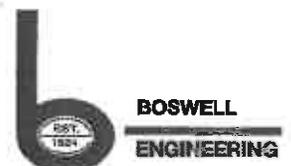
2. Block 411, Lot 18 (the "Site") is 121,996 square feet (sf) in area and is located on the westerly side of Sylvan Avenue, approximately mid-block between Charlotte Place and Sherwood Avenue.
3. The existing site contains a 1-story commercial structure and is an active car dealership. The rear yard consists of asphalt pavement and contains unmarked vehicle inventory parking. The lot is located in the B-2 Limited Business Zone District.
4. The Applicant received Planning Board approval for a building addition and alterations including canopy, vestibule and reception areas, showroom, new vehicle delivery, vehicle reception and service department, and new signage. Also approved were site improvements including drainage improvements, retaining wall, guide rails, enclosure for used tire storage and trash, pavement repair, striping and fencing as per Board Resolution, dated May 8, 2014. The Applicant now requests variance for signage.

Variances

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

The Applicant is requesting variances summarized as follows:

- a. Sign Illumination: §19-13.e does not permit illuminated signs. Illuminated signs are proposed.



- b. Maximum Size of Signs: §19-16 permits signs attached to a building be a maximum of 32 sf whereas three (3) signs are proposed totaling 179.59 sf of sign area (1 "Cadillac" sign @ 81.23 sf, 1 "Certified Service" sign @ 33.8 sf, and another "Cadillac" sign @ 55.56 sf).
- c. Maximum Number of Signs: §19-16 permits only one sign per building whereas three (3) signs are proposed.

Two (2) ground signs were previously approved by the Board (reference Board Application #C-007), dated October 18, 2012.

Sign Review

6. As noted within the variance section above, there are variances required for the proposed building signage.
7. Toyota sign details are included the Pattison submission. Please clarify.
8. Any other issues the Planning Board deems necessary.

Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

BOSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.E.

BNM/amg

cc: Paul Renaud, Construction Code Official
Environmental Commission
Shade Tree Commission
Mark Neville, DPW Superintendent
Edwin Fehre, via e-mail
Michael B. Kates, Esq., via fax and e-mail
Chief Cioffi, ECPD
Chief Drimones, ECFD
All-Pro Motors, LLC – Michael Saporito
Argonaut Holding, Inc.
Nicholas G. Sekas, Esq., via email
John Englese, Boswell McClave Engineering

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TOWNSHIP OF ENGLEWOOD CLIFFS
PLANNING BOARD

IN THE MATTER OF: :
: TRANSCRIPT
NO. 240K, ALL PRO MOTORS, : OF
LLC, 380 SYLVAN AVENUE, : PROCEEDINGS
BLOCK: 441, LOT: 18 :

Thursday, November 13, 2014
Municipal Building
10 Kahn Terrace
Englewood Cliffs, New Jersey 07632
Commencing at 9:30 p.m.

BOARD MEMBERS PRESENT:

EDWIN FEHRE, Chairman
VINCENT SURACE
KIKY KIM
STEPHEN DUFFY
RON KILMARTIN
SEAN SEUNG KIM

ALSO PRESENT:

CATHY SCANCARELLA, Secretary
BERNIE MIRANDI, Engineer

ALISON GULINO
CERTIFIED COURT REPORTER

QUICK COURT REPORTING, LLC
47 BRIAN ROAD
WEST CALDWELL, NEW JERSEY 07006
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1 A P P E A R A N C E S:

2

3 MICHAEL B. WATERS, ESQ.
4 Counsel for the Board

5 SEKAS LHM GROUP
6 550 Sylvan Avenue
7 Englewood Cliffs, NJ 07632
8 BY: NICHOLAS G. SEKAS, ESQ.
9 Counsel for the Applicant
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1 CHAIRMAN FEHRE: Next is All Pro
2 Motors.
3 MR. SEKAS: I would like to refresh
4 the Board's recollection. I'm Nicholas Sekas and I
5 represent All Pro Motors and also the Englewood
6 Cliffs Cadillac dealership on Sylvan Avenue, Block
7 441, Lot 18.

8 As the Board will note, this Board
9 approved a prior application for the construction
10 and renovation of the Cadillac dealership. At the
11 time that we were doing this application, there were
12 issues that arose with respect to the signs and it
13 was the recommendation of the Board to give the
14 applicant the start for early construction and,
15 rather than come back to other meetings, there was
16 an application pending before the Board that we
17 approve the construction phase of the project and
18 come back for the sign. I'm proud to tell the Board
19 that construction has begun and we hope that the
20 construction will be complete in six months.

21 Now, we have an application this
22 evening for All Pro to install three signs. The
23 signs exceed the applicable ordinances and also to
24 permit sign capacity and also lit signs. We did
25 have some testimony before about this. We are going

1 I N D E X

2	<u>WITNESSES:</u>	<u>PAGE</u>
3	WILLIAM R. VOGT	5
4		
5	<u>QUESTIONS BY MEMBERS OF THE PUBLIC:</u>	<u>PAGE</u>
6	WALT O'NEA	24
7		
8	<u>COMMENT BY MEMBERS OF THE PUBLIC:</u>	<u>PAGE</u>
9	JOE CIRFFI	25
10		
11		
12	<u>EXHIBITS MARKED INTO EVIDENCE</u>	
13		
14	<u>NUMBER</u> <u>DESCRIPTION</u>	<u>PAGE</u>
15	A-2 Mahwah Cadillac sign	12
16	A-4 Handout of sign examples	18
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 to have testimony of Mr. William Vogt, the engineer
2 and the architect of record for the prior
3 application. We will not have anyone for the sign
4 but these gentlemen are fully versed on this
5 application.

6 I will have my first witness, Mr.
7 Vogt, who was previously sworn, sworn in again.
8 WILLIAM R. VOGT, first having been duly
9 sworn, testified as follows:

10 MR. VOGT: Good evening. William R.
11 Vogt, V-O-G-T.

12 MR. SEKAS: For the record,
13 appropriate notice has been handed to the Board.
14 DIRECT EXAMINATION BY MR. SEKAS:

15 Q. Would you tell the Board about the
16 signs that we are issuing and repeat the capacity,
17 the size and the variances, that will be required?

18 A. Sure. The plans that were previously
19 submitted when we came before you earlier this year
20 was for the addition to the Cadillac dealership,
21 Block 411 and Lot 18, on Route 9W. This exhibit was
22 A-2, dated 3/25/14, which was a full copy of our
23 site plan, CO-1 through CO-9, dated 11/12/2013.

24 Just to give the Board a little
25 familiarity with the site, I have an aerial that we

6

1 presented earlier. This is Exhibit A-3. At the
2 bottom of the page (indicating), this is Sylvan
3 Avenue, Route 9W. The existing site has frontage
4 along Sylvan Avenue. It's a rectangular-shaped
5 property that extends to the west rear. It has a
6 single access point, Sylvan Avenue. And under our
7 prior approval, we got approved for an L-shaped
8 addition, which was in this area here (indicating),
9 and we rounded out the front with a canopy along
10 Sylvan Avenue. We took out the building-mounted
11 signage so that we could obtain approvals for the
12 addition, which we are proceeding with -- started
13 last month.

14 Q. How many signs were there on the
15 building?

16 A. Three.

17 Q. There were three and we took them off
18 and we are proposing three?

19 A. Yes. They are the same that were
20 submitted under the prior application.

21 CHAIRMAN FEHRE: What was there
22 originally? What kind of signage was on the
23 building before any of this started?

24 MR. VOGT: On the building, there was
25 an existing monument sign. This is Exhibit A-1,

7

1 dated 1/10/2013, when we did Phase 1 of getting the
2 pylon sign approved as well as the ground-mounted
3 sign at the entrance driveway.

4 CHAIRMAN FEHRE: You didn't put the
5 monument sign in?

6 MR. VOGT: Not yet. It will come
7 along. When we build out that driveway, it will go
8 in that phase. That was to identify where the
9 driveway was because the pylon sign is much farther
10 south at the tip of the property where the driveway
11 is, the opposite northern end of the property. So
12 it was from a safety point of view as well as
13 identifying purposes of that driveway. We were
14 approved for a second monument sign, which was
15 suggested by members of the Council. The building-
16 mounted sign on the old dealership.

17 Q. There was a building sign on the front
18 of the building and a service sign at the back of
19 the building that indicates where you would go for
20 types of service. So the signs are identification
21 signs; is that correct?

22 A. Yes.

23 Q. For entries into the doorway and one
24 for the dealership itself to identify the Cadillac
25 dealership?

8

1 A. That is correct.

2 MR. SEKAS: I think the question was:
3 There were two and now we are going to three.

4 MR. KATES: So there were two signs
5 including the monument sign originally and, now,
6 there are three plus the monument sign?

7 MR. SEKAS: The tall sign on the front
8 of the property was replaced. The monument sign,
9 there was a sign in front of the property to show
10 the address.

11 MR. VOGT: This is the new sign.

12 MR. SEKAS: That was the replacement
13 and then there was a pier with an address but it
14 didn't have the Cadillac sign. So there was two
15 existing and two replaced that was approved by this
16 Board.

17 As to what we are talking about, the
18 building had two signs, one to show the service
19 entrance and one on top of the building. That was
20 the big sign that went along the whole facade of the
21 building that said "Cadillac" from one end to the
22 other. These signs are not as big.

23 This is what it looked like when it
24 was Martin Cadillac. There was a large sign along
25 the front showroom and there was a sign for the

9

1 service entrance in the back there. There was also
2 a sign by the entrance door. So there were three
3 signs on the building itself. We are looking to
4 replace three signs. He had "Martin Cadillac" not
5 just "Cadillac."

6 CHAIRMAN FEHRE: The service sign,
7 where was that?

8 MR. SEKAS: The service sign was all
9 the way in the back.

10 MR. VOGT: I probably have site
11 photographs. I worked on this site a while back.

12 MR. SEKAS: There was definitely a
13 service sign.

14 MR. VOGT: I could probably dig up
15 some old photographs. I worked on this for another
16 applicant before All Pro applied for this.

17 MR. SEKAS: So there were three signs
18 and we are looking to put three but not with only
19 "Cadillac" on them.

20 FURTHER DIRECT EXAMINATION BY MR. SEKAS:

21 Q. So the signs are smaller in length and
22 size than the prior application?

23 A. What we are asking for is two
24 building-mounted signs on the northern side of the
25 building, one above the entrance identifying the

10

1 customer service entry.

2 Q. Is that a requirement from Cadillac?

3 A. Yes. Of GM, of that style sign, that

4 size and dimension, to be above the entry to the

5 service entry. The second sign, on the northern

6 side, is the Cadillac emblem. That is also a GM

7 requirement, of this specific size and length and

8 area, to be mounted above the main entry for

9 identification purposes to the customers as well as

10 the public and the third sign is the eastern-facing

11 sign on the new canopy. That is also a scripted

12 Cadillac sign. It is smaller in dimension, height

13 and length.

14 Q. Than the original sign?

15 A. That is correct.

16 Q. The signs are all part of the Cadillac

17 brand and requirements?

18 A. Yes.

19 Q. And other dealerships have similar

20 signs and requirements as well?

21 A. Yes. Before I show you what the sign

22 looks like, per your ordinance, we are asking for

23 variances for dimensional as well as the area of the

24 sign and the number of signs. So per your

25 ordinance, your maximum sign height is 4 foot and

11

1 your maximum sign length is 16 feet and your maximum

2 sign area is 32 square feet. In a case where you

3 have more than 200 feet of frontage, you are allowed

4 an additional sign per 100 feet. So we are

5 permitted a second sign. That would up the area to

6 64 square feet. So two 32s, if you may.

7 Q. Is that what we are proposing?

8 A. We are proposing -- the certified

9 service sign is 1-foot-10 in height and 18 foot 5

10 and a quarter inches in length and that sign is 3.8

11 square feet. So we are asking for a variance on the

12 area, not on the height, but also on the length.

13 The other required sign above the main

14 entry, that has a height of 4-foot-2 and a half

15 inches by 19 foot and a quarter inch, which yields

16 81.23 square foot. We are asking for three

17 variances for that particular sign.

18 And then, the third sign facing east

19 is 3-foot-6 in height by 15-foot-10-and-a-half in

20 length, which yields a 55.56 square-foot area. So

21 we are asking for only one variance on that

22 particular sign.

23 Q. What is the purpose of the sign? Can

24 you go through that?

25 A. The main purpose of the sign is for

12

1 customer identification, to tell the customer that,

2 when they come into the facility, this is the area

3 that they go to for their customer service, where

4 they pull into the building, and the signs above the

5 entryway is to show where the customer parking is

6 right in the front. That designates that that is

7 the main entrance to the building.

8 Q. So it's for traffic and safety?

9 A. Yes. There are other doors along the

10 side of the building which have no signage to them.

11 They are not meant to attract any customers or

12 patrons and the sign on the front of them is for

13 identification for customers that are driving north

14 on 9W to identify with that building in relation to

15 the entry, which is at the opposite side of the

16 site.

17 What I did, there's an existing

18 Cadillac dealership in Mahwah.

19 (Exhibit A-3, Mahwah Cadillac sign, was

20 marked for identification.)

21 A. This is the actual sign that we are

22 applying for, the scripted "Cadillac" above the main

23 entry, as well as the "Certified Service" in front

24 of the customer service entry.

25 Q. Did you take them yourself?

13

1 A. Yes, I did.

2 Q. Are they lit up?

3 A. Yes. This is in the evening. The way

4 the sign works is that the sign itself, it has an

5 acrylic panel in the back and in the front. It is a

6 vinyl matrix, which, during the day, when it's not

7 illuminated, it appears to be black. So all you see

8 is the black lettering and, in the evening, when the

9 light shines through these holes that are in here,

10 you get this effect and it actually appears to not

11 be illuminated, if you may. I can explain that.

12 When I was physically out there at the

13 site, I had to stand underneath the sign to tell

14 that it was illuminated. It looks as if it's

15 painted white and you can only see it because it is

16 illuminated by the ambient light by the parking lot.

17 Q. So none of the light escapes beyond the

18 letters.

19 MR. DUFFY: The physical size of that

20 building in relation to the size of the building

21 here in town, are they similar?

22 MR. VOGT: They are different

23 dimensions. I don't have a measurement. This is

24 the full face. You see that whole side of that

25 building on Route 17. Our building is about 120

14

1 feet in width at its narrowest part. I would have
2 to figure out how wide it is.

3 MR. DUFFY: I see two signs on that
4 building and I have to assume that they have a sign
5 on Route 17 as well.

6 MR. VOGT: Yes, they have a sign.
7 That is right here.

8 MR. DUFFY: So they have a pylon and
9 two?

10 MR. VOGT: Yes.

11 MR. DUFFY: The buildings may be
12 similar in size because the third sign that you are
13 looking at on the canopy that you are building, you
14 got approval for the canopy, true?

15 MR. VOGT: Correct.

16 MR. DUFFY: When I drove by, it seems
17 that it's a little overkill with that third one with
18 the canopy that you are proposing but it's going to
19 sit behind the pylon sign. Can you point to where
20 the pylon sign is?

21 MR. VOGT: Right here (indicating).
22 It's a little off center over the existing midpoint
23 of the circle of the building.

24 MR. DUFFY: I know signs are to get
25 people to come into your space. It seems to me that

15

1 canopy sign and pylon sign are overkill in getting
2 people to realize that this is where Cadillac of
3 Englewood Cliffs is because we are talking about the
4 size of the sign itself and I don't think there's
5 going to be a chance that anyone is going to drive
6 past this property and not realize that's Cadillac.
7 I think those two work together. And so I'm clear,
8 you are going to have another monument sign down
9 near the entrance of the property?

10 MR. VOGT: Yes.

11 MR. DUFFY: So it's really five signs
12 that we are talking about?

13 MR. VOGT: Yes. The monument sign is
14 six foot in height. The topography on Sylvan Avenue
15 is tough. You are coming upgrade as you go south
16 and then, as you get to our driveway, you are
17 dipping back down again.

18 MR. DUFFY: And then the driveway goes
19 up.

20 MR. VOGT: Correct. So we were trying
21 to tackle multiple views with this sign, the
22 monument sign and the eastern-facing sign and the
23 two that are required by Cadillac.

24 MR. SEKAS: Relative to this side of
25 the building, they are not large signs. This is one

16

1 of the original exhibits, correct?

2 MR. VOGT: That's correct.

3 MR. SEKAS: I want the Board to see
4 that, relevant to when you come in, if you are
5 familiar with the site, you know where to go. If
6 you answered an ad, what does the first sign tell
7 you to do? That tells you it is the main entrance
8 to the dealership.

9 And the other sign that would be on
10 this building would be the service sign and you want
11 cars to go to these specific locations based upon
12 their specific needs and that would help you in
13 guiding traffic and directing people so they do not
14 walk around the parking lot and get hit by cars?

15 MR. VOGT: That is correct.

16 MR. DUFFY: I'm referencing -- if you
17 were traveling north on 9W, the canopy, "Cadillac,"
18 that you are asking for doesn't do you any good
19 because you aren't going to see it traveling north.
20 Isn't the sign going to be out facing the northeast?

21 MR. VOGT: You will be parallel with
22 Sylvan Avenue. You are not going to see it from the
23 southbound side. You are too tight to the project
24 side curb line.

25 MR. DUFFY: Doesn't the pylon sign

17

1 take care of both directions and are you meeting GM
2 standards without that third canopy, "Cadillac,"
3 sign?

4 MR. VOGT: That would suffice. With
5 the GM requirements, it would. If there is one sign
6 that I would need that I could do away with, it
7 would be that.

8 MR. DUFFY: It really looks nice, by
9 the way.

10 MR. VOGT: If there was one sign, it
11 would be that eastern-facing sign.

12 MR. SEKAS: We want to work with the
13 Board. Which sign can we not be without? We will
14 tell you right up front.

15 MR. DUFFY: We live here. It's the
16 other people that are traveling from out of town.

17 MR. VOGT: This was part of the
18 original exhibit.

19 MR. SEKAS: The sign that we are
20 talking about is this sign that was discretionary.
21 The Board's question last time was: "Can you go
22 back and eliminate a sign?" It would be this one
23 and the owner said "Yes." Of course, we would like
24 it but, if the Town -- they are trying to keep the
25 character of the building. It's retail and there

18

1 were three existing signs with the old dealership
 2 and there were five signs. If you want to make it
 3 classier, we want to too.

4 Let's cut right down to it. If the
 5 Board would be inclined to hear from the architect
 6 -- but let me ask the engineer.

7 Are there practical difficulties that
 8 require the number of signs that we are requesting?

9 MR. VOGT: Sure. It's a challenging
 10 site. It's narrow. It has a very large depth to
 11 the property. The building isn't the full width of
 12 the property. It's less than half of the width of
 13 the property. There's obstructions from the street
 14 trees to the north of the site. There's a deep
 15 grade change to the south of the site. So this site
 16 is in a spot which causes some challenges to it.

17 MR. SEKAS: That affects safety and
 18 traffic on 9W. You don't want cars missing the
 19 place and stopping short.

20 MR. VOGT: I think that was the intent
 21 of Phase 1 and the monument sign.

22 MR. DUFFY: I think it's key to let
 23 customers know where the service area is.

24 CHAIRMAN FEHRE: How bright are the
 25 signs?

19

1 (Exhibit A-4, handout of sign examples,
 2 was marked for Identification.)

3 MR. SEKAS: It wouldn't make sense if
 4 you had a sign that shows you light. That's one
 5 issue.

6 But the sign that they have with the look that they
 7 want, it would not be of any consequence.

8 CHAIRMAN FEHRE: Has anybody seen this
 9 sign lit at night in Mahwah?

10 MR. SEKAS: There's not a glow to it.

11 MR. VOGT: That is a blown-up photo
 12 from my camera.

13 CHAIRMAN FEHRE: What's generating the
 14 light?

15 MR. VOGT: There's an LED behind the
 16 panel that you see. Because of those pinholes, it
 17 forces the light there and doesn't go behind the
 18 sign. Of all the testimony I have ever given on
 19 signs, I wish they were all like this.

20 CHAIRMAN FEHRE: Have you ever come
 21 across the need to produce a number or measure the
 22 light intensity of this sign?

23 MR. VOGT: Not for this one but I have
 24 done it for Board applications because that is a
 25 light that's not controllable. Now, with the LEDs,

20

1 they all have a dimmer with them. If this lighting
 2 that is produced from this sign, for some reason --
 3 which I don't believe would happen -- is too bright,
 4 it can be dimmed down. It's the same as the LED
 5 billboards that you see along the Throughway. They
 6 test them out. If they are too bright, you can dim
 7 down the brightness at different levels. So this is
 8 the Cadillac of signs; no pun intended.

9 CHAIRMAN FEHRE: What if your sales
 10 manager cranks it all the way up?

11 MR. VOGT: The room that controls this
 12 light, that's locked and there's only one guy that
 13 has that key. And we went in so I could see when
 14 this pylon sign light goes on. It's on a timer. So
 15 they adjust that timer during daylight savings time
 16 and there's a dimmer switch in there as well.

17 MR. SEKAS: That's the same light that
 18 exists there?

19 MR. VOGT: It's not the same material.

20 MR. SEKAS: Is it the same intensity?

21 MR. VOGT: This is a different type of
 22 sign. These are just white lettering. When the
 23 light comes on in the back, they illuminate. It's a
 24 very low lighting on this sign.

25 CHAIRMAN FEHRE: How do we know where

21

1 it's going to be adjusted at?

2 MR. VOGT: It would not be any
 3 brighter than the existing pylon that we have today.

4 CHAIRMAN FEHRE: That's one way to do
 5 it, comparing it to just another sign down the road
 6 that we do not have a problem with. So you would be
 7 able to say that the new signs are not going to be
 8 any brighter than this sign here?

9 MR. VOGT: That is correct. There's
 10 no point in making the signs brighter. All you want
 11 to see is that scripted lettering.

12 CHAIRMAN FEHRE: We have some
 13 offensive signs in town. The Toyota building, for
 14 example, everyone complains about that.

15 MR. VOGT: That's a different type of
 16 sign altogether.

17 CHAIRMAN FEHRE: That one, to me, is
 18 not acceptable. It lights the whole place up at
 19 night and they do not shut it off.

20 MR. VOGT: Our signage goes on
 21 somewhere around 4:30 and the timer was a little
 22 after 11:00. It's never on later than that.

23 MR. SEKAS: Are there any residential
 24 buildings nearby that would see the signs lit?

25 MR. VOGT: That was brought up when we

22

1 got the pylon and the monument sign moved. You have
2 a grade change and all this vegetation is mature
3 trees in the back. You can barely make out the
4 dealership, let alone the front of the property.
5 MR. SEKAS: You wouldn't see the
6 signs?
7 MR. VOGT: No. The only tenant that
8 would see the sign would be the adjacent tenant, who
9 they lease parking from them for their storage of
10 cars for the certified service. And the sign over
11 the main entryway would be seen from southbound
12 traffic on Sylvan Avenue across the street. It is
13 all commercial development.
14 MR. SEKAS: So your testimony is that
15 the signs could be constructed without substantial
16 detriment to the neighborhood and the sounding area?
17 MR. VOGT: Yes. You wouldn't know it
18 was there from your home.
19 MR. SEKAS: I have no further
20 questions.
21 I have another witness. If you like,
22 if the Board is so inclined to eliminate the sign
23 that Mr. Duffy suggested, my client has acquiesced
24 to that. They would agree to that. If you want
25 further testimony...

23

1 MR. KILMARTIN: Which size is the one
2 over the entrance? Is it the 19-and-a-quarter-foot
3 one or the 15-10?
4 MR. VOGT: There are the two north
5 facade signs. So the 19-foot-by-4-foot, two over
6 the doorway -- and that is a GM requirement -- as
7 well as the "Certified Service," which is 1-foot-10
8 by 18.
9 MR. SEKAS: A-4 is to show how the
10 signs look. We are giving you an example because
11 it's the same company that will make this sign.
12 There's only certain companies that are permitted to
13 do it because they want uniformity; it's branding.
14 CHAIRMAN FEHRE: Any other questions
15 of this witness?
16 (No response)
17 CHAIRMAN FEHRE: Motion to open the
18 meeting to the public?
19 MR. KILMARTIN: So moved.
20 MR. DUFFY: Second.
21 CHAIRMAN FEHRE: All in favor?
22 MEMBERS OF THE BOARD: Aye.
23 CHAIRMAN FEHRE: Is there anybody in
24 the public that would like to be heard on this
25 application?

24

1 MS. O'SHEA: Mary O'Shea.
2 What is the square footage of the
3 pylon sign that you have now?
4 MR. VOGT: 75.47 square feet and the
5 monument sign is 19.19 square feet.
6 MS. O'SHEA: You already have those
7 two and then you are adding another 33.8 and I don't
8 know what the square footage of the 4-by-19 sign is.
9 MR. VOGT: That would be 81.23 feet
10 and the service sign is 33.8. So roughly 110
11 combined square feet.
12 MS. O'SHEA: You know, I have driven
13 up Route 17. I don't know where the Cadillac
14 dealership is. Excessive signage with a car
15 dealership is something that the Town tries to stay
16 away from because we do not want it to look like
17 Route 46. The monument sign is quite big and,
18 physically, the speed on the highway is not that
19 fast that you would require so much square footage
20 of signs when you are allowed 25 percent of what you
21 are asking for and I think it's really excessive
22 even with the one over the front of the building.
23 Some of those signs that just say "this is customer
24 service" could be much smaller and less forceful. I
25 think it's too much; it's excessive.

25

1 MR. SEKAS: These signs are smaller
2 than the signs of the previous dealer; are they not?
3 MR. VOGT: Yes.
4 CHAIRMAN FEHRE: Anybody else that
5 would like to be heard?
6 MR. CIOFFI: Joe Cioffi, 30 Sylvan
7 Avenue.
8 Toyota signs are bright, heavy red.
9 As you know, this is going to be a classy-looking
10 sign. If it does not emit as much as Toyota, I have
11 no objection to it. I think it's good.
12 CHAIRMAN FEHRE: Thank you.
13 Can I have a motion to close?
14 MR. KIM: Yes.
15 MR. DUFFY: Second.
16 CHAIRMAN FEHRE: All in favor?
17 MEMBERS OF THE BOARD: Aye.
18 MR. DUFFY: I'll make a motion to
19 approve with the condition of the removal of the
20 canopy, "Cadillac."
21 MR. KILMARTIN: I'll second.
22 MS. SCANCARELLA: Chairman Fehre?
23 CHAIRMAN FEHRE: Yes.
24 MS. SCANCARELLA: Mr. Kilmartin?
25 MR. KILMARTIN: Yes.

1 MS. SCANCARELLA: Mr. Kim?
 2 MR. KIM: Yes.
 3 MS. SCANCARELLA: Mr. Duffy?
 4 MR. DUFFY: Yes.
 5 MS. SCANCARELLA: Mr. Surace?
 6 MR. SURACE: Yes.
 7 MS. SCANCARELLA: Mr. Seung Kim?
 8 MR. SEUNG KIM: Yes.
 9 MS. SCANCARELLA: Motion passes.
 10 MR. SEKAS: Thank you very much.
 11 (The hearing concluded at 10:10 p.m.)
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CERTIFICATE

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 5 I, ALISON GULINO, a Certified Court
 6 Reporter, Registered Professional Reporter and
 7 Notary Public of the State of New Jersey, do hereby
 8 state that the foregoing is a true and accurate
 9 verbatim transcript of my stenographic notes of the
 10 within proceedings, to the best of my ability.
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<p>07006 [1] - 1:23 07632 [2] - 1:9, 2:5</p>	<p>4 [1] - 10:25 4-by-19 [1] - 24:8 4-foot-2 [1] - 11:14</p>	<p>adding [1] - 24:7 addition [3] - 5:20, 6:8, 6:12 additional [1] - 11:4 address [2] - 8:10, 8:13</p>	<p>barely [1] - 22:3 based [1] - 16:11 begun [1] - 4:19</p>	<p>Cadillac [26] - 3:14, 4:6, 4:10, 5:20, 7:24, 8:14, 8:21, 8:24, 9:4, 9:5, 9:19, 10:2, 10:6, 10:12, 10:16, 12:18, 12:19, 12:22, 15:2, 15:6, 15:23, 16:17, 17:2, 20:8, 24:13, 25:20</p>
<p>1</p>	<p>411 [1] - 5:21 441 [2] - 1:6, 4:7 46 [1] - 24:17 47 [1] - 1:23 4:30 [1] - 21:21</p>	<p>adjacent [1] - 22:8 adjust [1] - 20:15 adjusted [1] - 21:1 aerial [1] - 5:25 affects [1] - 18:17 agree [1] - 22:24 ALISON [3] - 1:20, 27:5, 27:23 ALL [1] - 1:5 allowed [2] - 11:3, 24:20 alone [1] - 22:4 ALSO [1] - 1:16 altogether [1] - 21:16 ambient [1] - 13:16 answered [1] - 16:6 applicable [1] - 4:23 Applicant [1] - 2:6 applicant [2] - 4:14, 9:16 application [9] - 4:9, 4:11, 4:16, 4:21, 5:3, 5:5, 6:20, 9:22, 23:25 applications [1] - 19:24 applied [1] - 9:16 applying [1] - 12:22 appropriate [1] - 5:13 approval [2] - 6:7, 14:14 approvals [1] - 6:11 approve [2] - 4:17, 25:19 approved [5] - 4:9, 6:7, 7:2, 7:14, 8:15 architect [2] - 5:2, 18:5 area [10] - 6:8, 10:8, 10:23, 11:2, 11:5, 11:12, 11:20, 12:2, 18:23, 22:16 arose [1] - 4:12 assume [1] - 14:4 attract [1] - 12:11 AVENUE [1] - 1:5 Avenue [10] - 2:5, 4:6, 6:3, 6:4, 6:6, 6:10, 15:14, 16:22, 22:12, 25:7 Aye [2] - 23:22, 25:17</p>	<p>behind [3] - 14:19, 19:15, 19:17 BERNIE [1] - 1:17 best [1] - 27:10 beyond [1] - 13:17 big [3] - 8:20, 8:22, 24:17 billboards [1] - 20:5 black [2] - 13:7, 13:8 Block [2] - 4:6, 5:21 BLOCK [1] - 1:6 blown [1] - 19:11 blown-up [1] - 19:11 BOARD [4] - 1:1, 1:11, 23:22, 25:17 Board [15] - 2:3, 4:8, 4:13, 4:16, 4:18, 5:13, 5:15, 5:24, 8:16, 16:3, 17:13, 18:5, 19:24, 22:22 Board's [2] - 4:4, 17:21 bottom [1] - 6:2 brand [1] - 10:17 branding [1] - 23:13 BRIAN [1] - 1:23 bright [4] - 18:24, 20:3, 20:6, 25:8 brighter [3] - 21:3, 21:8, 21:10 brightness [1] - 20:7 brought [1] - 21:25 build [1] - 7:7 Building [1] - 1:8 building [3] - 6:10, 6:15, 6:23, 6:24, 7:15, 7:17, 7:18, 7:19, 8:18, 8:19, 8:21, 9:3, 9:24, 9:25, 12:4, 12:7, 12:10, 12:14, 13:20, 13:25, 14:4, 14:13, 14:23, 15:25, 16:10, 17:25, 18:11, 21:13, 24:22 building-mounted [2] - 6:10, 9:24 buildings [2] - 14:11, 21:24 BY [5] - 2:6, 3:5, 3:8, 5:14, 9:20</p>	<p>CALDWELL [1] - 1:23 camera [1] - 19:12 canopy [9] - 6:9, 10:11, 14:13, 14:14, 14:18, 15:1, 16:17, 17:2, 25:20 capacity [2] - 4:24, 5:16 car [1] - 24:14 care [1] - 17:1 cars [4] - 16:11, 16:14, 18:18, 22:10 case [1] - 11:2 CATHY [1] - 1:17 causes [1] - 18:16 CCR [1] - 27:23 center [1] - 14:22 certain [1] - 23:12 Certified [3] - 12:23, 23:7, 27:5 CERTIFIED [1] - 1:20 certified [2] - 11:8, 22:10 Chairman [2] - 1:12, 25:22 CHAIRMAN [21] - 4:1, 6:21, 7:4, 9:6, 18:24, 19:8, 19:13, 19:20, 20:9, 20:25, 21:4, 21:12, 21:17, 23:14, 23:17, 23:21, 23:23, 25:4, 25:12, 25:16, 25:23 challenges [1] - 18:16 challenging [1] - 18:9 chance [1] - 15:5 change [2] - 18:15, 22:2 character [1] - 17:25 Cioffi [1] - 25:6 CIOFFI [2] - 3:9, 25:6 circle [1] - 14:23 classier [1] - 18:3 classy [1] - 25:9 classy-looking [1] - 25:9 clear [1] - 15:7 client [1] - 22:23</p>
<p>1</p>	<p>5</p>	<p>5 [2] - 3:3, 11:9 530 [1] - 2:5 55.56 [1] - 11:20</p>	<p>blow [1] - 19:11 blow-up [1] - 19:11 BOARD [4] - 1:1, 1:11, 23:22, 25:17 Board [15] - 2:3, 4:8, 4:13, 4:16, 4:18, 5:13, 5:15, 5:24, 8:16, 16:3, 17:13, 18:5, 19:24, 22:22 Board's [2] - 4:4, 17:21 bottom [1] - 6:2 brand [1] - 10:17 branding [1] - 23:13 BRIAN [1] - 1:23 bright [4] - 18:24, 20:3, 20:6, 25:8 brighter [3] - 21:3, 21:8, 21:10 brightness [1] - 20:7 brought [1] - 21:25 build [1] - 7:7 Building [1] - 1:8 building [3] - 6:10, 6:15, 6:23, 6:24, 7:15, 7:17, 7:18, 7:19, 8:18, 8:19, 8:21, 9:3, 9:24, 9:25, 12:4, 12:7, 12:10, 12:14, 13:20, 13:25, 14:4, 14:13, 14:23, 15:25, 16:10, 17:25, 18:11, 21:13, 24:22 building-mounted [2] - 6:10, 9:24 buildings [2] - 14:11, 21:24 BY [5] - 2:6, 3:5, 3:8, 5:14, 9:20</p>	<p>capacity [2] - 4:24, 5:16 car [1] - 24:14 care [1] - 17:1 cars [4] - 16:11, 16:14, 18:18, 22:10 case [1] - 11:2 CATHY [1] - 1:17 causes [1] - 18:16 CCR [1] - 27:23 center [1] - 14:22 certain [1] - 23:12 Certified [3] - 12:23, 23:7, 27:5 CERTIFIED [1] - 1:20 certified [2] - 11:8, 22:10 Chairman [2] - 1:12, 25:22 CHAIRMAN [21] - 4:1, 6:21, 7:4, 9:6, 18:24, 19:8, 19:13, 19:20, 20:9, 20:25, 21:4, 21:12, 21:17, 23:14, 23:17, 23:21, 23:23, 25:4, 25:12, 25:16, 25:23 challenges [1] - 18:16 challenging [1] - 18:9 chance [1] - 15:5 change [2] - 18:15, 22:2 character [1] - 17:25 Cioffi [1] - 25:6 CIOFFI [2] - 3:9, 25:6 circle [1] - 14:23 classier [1] - 18:3 classy [1] - 25:9 classy-looking [1] - 25:9 clear [1] - 15:7 client [1] - 22:23</p>
<p>1</p>	<p>6</p>	<p>618-0872 [1] - 1:24 64 [1] - 11:6</p>	<p>blow [1] - 19:11 blow-up [1] - 19:11 BOARD [4] - 1:1, 1:11, 23:22, 25:17 Board [15] - 2:3, 4:8, 4:13, 4:16, 4:18, 5:13, 5:15, 5:24, 8:16, 16:3, 17:13, 18:5, 19:24, 22:22 Board's [2] - 4:4, 17:21 bottom [1] - 6:2 brand [1] - 10:17 branding [1] - 23:13 BRIAN [1] - 1:23 bright [4] - 18:24, 20:3, 20:6, 25:8 brighter [3] - 21:3, 21:8, 21:10 brightness [1] - 20:7 brought [1] - 21:25 build [1] - 7:7 Building [1] - 1:8 building [3] - 6:10, 6:15, 6:23, 6:24, 7:15, 7:17, 7:18, 7:19, 8:18, 8:19, 8:21, 9:3, 9:24, 9:25, 12:4, 12:7, 12:10, 12:14, 13:20, 13:25, 14:4, 14:13, 14:23, 15:25, 16:10, 17:25, 18:11, 21:13, 24:22 building-mounted [2] - 6:10, 9:24 buildings [2] - 14:11, 21:24 BY [5] - 2:6, 3:5, 3:8, 5:14, 9:20</p>	<p>capacity [2] - 4:24, 5:16 car [1] - 24:14 care [1] - 17:1 cars [4] - 16:11, 16:14, 18:18, 22:10 case [1] - 11:2 CATHY [1] - 1:17 causes [1] - 18:16 CCR [1] - 27:23 center [1] - 14:22 certain [1] - 23:12 Certified [3] - 12:23, 23:7, 27:5 CERTIFIED [1] - 1:20 certified [2] - 11:8, 22:10 Chairman [2] - 1:12, 25:22 CHAIRMAN [21] - 4:1, 6:21, 7:4, 9:6, 18:24, 19:8, 19:13, 19:20, 20:9, 20:25, 21:4, 21:12, 21:17, 23:14, 23:17, 23:21, 23:23, 25:4, 25:12, 25:16, 25:23 challenges [1] - 18:16 challenging [1] - 18:9 chance [1] - 15:5 change [2] - 18:15, 22:2 character [1] - 17:25 Cioffi [1] - 25:6 CIOFFI [2] - 3:9, 25:6 circle [1] - 14:23 classier [1] - 18:3 classy [1] - 25:9 classy-looking [1] - 25:9 clear [1] - 15:7 client [1] - 22:23</p>
<p>1</p>	<p>7</p>	<p>75.47 [1] - 24:4</p>	<p>blow [1] - 19:11 blow-up [1] - 19:11 BOARD [4] - 1:1, 1:11, 23:22, 25:17 Board [15] - 2:3, 4:8, 4:13, 4:16, 4:18, 5:13, 5:15, 5:24, 8:16, 16:3, 17:13, 18:5, 19:24, 22:22 Board's [2] - 4:4, 17:21 bottom [1] - 6:2 brand [1] - 10:17 branding [1] - 23:13 BRIAN [1] - 1:23 bright [4] - 18:24, 20:3, 20:6, 25:8 brighter [3] - 21:3, 21:8, 21:10 brightness [1] - 20:7 brought [1] - 21:25 build [1] - 7:7 Building [1] - 1:8 building [3] - 6:10, 6:15, 6:23, 6:24, 7:15, 7:17, 7:18, 7:19, 8:18, 8:19, 8:21, 9:3, 9:24, 9:25, 12:4, 12:7, 12:10, 12:14, 13:20, 13:25, 14:4, 14:13, 14:23, 15:25, 16:10, 17:25, 18:11, 21:13, 24:22 building-mounted [2] - 6:10, 9:24 buildings [2] - 14:11, 21:24 BY [5] - 2:6, 3:5, 3:8, 5:14, 9:20</p>	<p>capacity [2] - 4:24, 5:16 car [1] - 24:14 care [1] - 17:1 cars [4] - 16:11, 16:14, 18:18, 22:10 case [1] - 11:2 CATHY [1] - 1:17 causes [1] - 18:16 CCR [1] - 27:23 center [1] - 14:22 certain [1] - 23:12 Certified [3] - 12:23, 23:7, 27:5 CERTIFIED [1] - 1:20 certified [2] - 11:8, 22:10 Chairman [2] - 1:12, 25:22 CHAIRMAN [21] - 4:1, 6:21, 7:4, 9:6, 18:24, 19:8, 19:13, 19:20, 20:9, 20:25, 21:4, 21:12, 21:17, 23:14, 23:17, 23:21, 23:23, 25:4, 25:12, 25:16, 25:23 challenges [1] - 18:16 challenging [1] - 18:9 chance [1] - 15:5 change [2] - 18:15, 22:2 character [1] - 17:25 Cioffi [1] - 25:6 CIOFFI [2] - 3:9, 25:6 circle [1] - 14:23 classier [1] - 18:3 classy [1] - 25:9 classy-looking [1] - 25:9 clear [1] - 15:7 client [1] - 22:23</p>
<p>1</p>	<p>8</p>	<p>81.23 [2] - 11:16, 24:9</p>	<p>blow [1] - 19:11 blow-up [1] - 19:11 BOARD [4] - 1:1, 1:11, 23:22, 25:17 Board [15] - 2:3, 4:8, 4:13, 4:16, 4:18, 5:13, 5:15, 5:24, 8:16, 16:3, 17:13, 18:5, 19:24, 22:22 Board's [2] - 4:4, 17:21 bottom [1] - 6:2 brand [1] - 10:17 branding [1] - 23:13 BRIAN [1] - 1:23 bright [4] - 18:24, 20:3, 20:6, 25:8 brighter [3] - 21:3, 21:8, 21:10 brightness [1] - 20:7 brought [1] - 21:25 build [1] - 7:7 Building [1] - 1:8 building [3] - 6:10, 6:15, 6:23, 6:24, 7:15, 7:17, 7:18, 7:19, 8:18, 8:19, 8:21, 9:3, 9:24, 9:25, 12:4, 12:7, 12:10, 12:14, 13:20, 13:25, 14:4, 14:13, 14:23, 15:25, 16:10, 17:25, 18:11, 21:13, 24:22 building-mounted [2] - 6:10, 9:24 buildings [2] - 14:11, 21:24 BY [5] - 2:6, 3:5, 3:8, 5:14, 9:20</p>	<p>capacity [2] - 4:24, 5:16 car [1] - 24:14 care [1] - 17:1 cars [4] - 16:11, 16:14, 18:18, 22:10 case [1] - 11:2 CATHY [1] - 1:17 causes [1] - 18:16 CCR [1] - 27:23 center [1] - 14:22 certain [1] - 23:12 Certified [3] - 12:23, 23:7, 27:5 CERTIFIED [1] - 1:20 certified [2] - 11:8, 22:10 Chairman [2] - 1:12, 25:22 CHAIRMAN [21] - 4:1, 6:21, 7:4, 9:6, 18:24, 19:8, 19:13, 19:20, 20:9, 20:25, 21:4, 21:12, 21:17, 23:14, 23:17, 23:21, 23:23, 25:4, 25:12, 25:16, 25:23 challenges [1] - 18:16 challenging [1] - 18:9 chance [1] - 15:5 change [2] - 18:15, 22:2 character [1] - 17:25 Cioffi [1] - 25:6 CIOFFI [2] - 3:9, 25:6 circle [1] - 14:23 classier [1] - 18:3 classy [1] - 25:9 classy-looking [1] - 25:9 clear [1] - 15:7 client [1] - 22:23</p>
<p>1</p>	<p>9</p>	<p>973 [1] - 1:24 9:30 [1] - 1:10 9W [5] - 5:21, 6:3, 12:14, 16:17, 18:18</p>	<p>blow [1] - 19:11 blow-up [1] - 19:11 BOARD [4] - 1:1, 1:11, 23:22, 25:17 Board [15] - 2:3, 4:8, 4:13, 4:16, 4:18, 5:13, 5:15, 5:24, 8:16, 16:3, 17:13, 18:5, 19:24, 22:22 Board's [2] - 4:4, 17:21 bottom [1] - 6:2 brand [1] - 10:17 branding [1] - 23:13 BRIAN [1] - 1:23 bright [4] - 18:24, 20:3, 20:6, 25:8 brighter [3] - 21:3, 21:8, 21:10 brightness [1] - 20:7 brought [1] - 21:25 build [1] - 7:7 Building [1] - 1:8 building [3] - 6:10, 6:15, 6:23, 6:24, 7:15, 7:17, 7:18, 7:19, 8:18, 8:19, 8:21, 9:3, 9:24, 9:25, 12:4, 12:7, 12:10, 12:14, 13:20, 13:25, 14:4, 14:13, 14:23, 15:25, 16:10, 17:25, 18:11, 21:13, 24:22 building-mounted [2] - 6:10, 9:24 buildings [2] - 14:11, 21:24 BY [5] - 2:6, 3:5, 3:8, 5:14, 9:20</p>	<p>capacity [2] - 4:24, 5:16 car [1] - 24:14 care [1] - 17:1 cars [4] - 16:11, 16:14, 18:18, 22:10 case [1] - 11:2 CATHY [1] - 1:17 causes [1] - 18:16 CCR [1] - 27:23 center [1] - 14:22 certain [1] - 23:12 Certified [3] - 12:23, 23:7, 27:5 CERTIFIED [1] - 1:20 certified [2] - 11:8, 22:10 Chairman [2] - 1:12, 25:22 CHAIRMAN [21] - 4:1, 6:21, 7:4, 9:6, 18:24, 19:8, 19:13, 19:20, 20:9, 20:25, 21:4, 21:12, 21:17, 23:14, 23:17, 23:21, 23:23, 25:4, 25:12, 25:16, 25:23 challenges [1] - 18:16 challenging [1] - 18:9 chance [1] - 15:5 change [2] - 18:15, 22:2 character [1] - 17:25 Cioffi [1] - 25:6 CIOFFI [2] - 3:9, 25:6 circle [1] - 14:23 classier [1] - 18:3 classy [1] - 25:9 classy-looking [1] - 25:9 clear [1] - 15:7 client [1] - 22:23</p>
<p>1</p>	<p>A</p>	<p>A-1 [1] - 6:25 A-2 [1] - 5:22 A-3 [3] - 3:14, 6:1, 12:19 A-4 [3] - 3:15, 19:1, 23:9 ability [1] - 27:10 able [1] - 21:7 acceptable [1] - 21:18 access [1] - 6:6 accurate [1] - 27:8 acquiesced [1] - 22:23 acrylic [1] - 13:5 actual [1] - 12:21 ad [1] - 16:6</p>	<p>blow [1] - 19:11 blow-up [1] - 19:11 BOARD [4] - 1:1, 1:11, 23:22, 25:17 Board [15] - 2:3, 4:8, 4:13, 4:16, 4:18, 5:13, 5:15, 5:24, 8:16, 16:3, 17:13, 18:5, 19:24, 22:22 Board's [2] - 4:4, 17:21 bottom [1] - 6:2 brand [1] - 10:17 branding [1] - 23:13 BRIAN [1] - 1:23 bright [4] - 18:24, 20:3, 20:6, 25:8 brighter [3] - 21:3, 21:8, 21:10 brightness [1] - 20:7 brought [1] - 21:25 build [1] - 7:7 Building [1] - 1:8 building [3] - 6:10, 6:15, 6:23, 6:24, 7:15, 7:17, 7:18, 7:19, 8:18, 8:19, 8:21, 9:3, 9:24, 9:25, 12:4, 12:7, 12:10, 12:14, 13:20, 13:25, 14:4, 14:13, 14:23, 15:25, 16:10, 17:25, 18:11, 21:13, 24:22 building-mounted [2] - 6:10, 9:24 buildings [2] - 14:11, 21:24 BY [5] - 2:6, 3:5, 3:8, 5:14, 9:20</p>	<p>capacity [2] - 4:24, 5:16 car [1] - 24:14 care [1] - 17:1 cars [4] - 16:11, 16:14, 18:18, 22:10 case [1] - 11:2 CATHY [1] - 1:17 causes [1] - 18:16 CCR [1] - 27:23 center [1] - 14:22 certain [1] - 23:12 Certified [3] - 12:23, 23:7, 27:5 CERTIFIED [1] - 1:20 certified [2] - 11:8, 22:10 Chairman [2] - 1:12, 25:22 CHAIRMAN [21] - 4:1, 6:21, 7:4, 9:6, 18:24, 19:8, 19:13, 19:20, 20:9, 20:25, 21:4, 21:12, 21:17, 23:14, 23:17, 23:21, 23:23, 25:4, 25:12, 25:16, 25:23 challenges [1] - 18:16 challenging [1] - 18:9 chance [1] - 15:5 change [2] - 18:15, 22:2 character [1] - 17:25 Cioffi [1] - 25:6 CIOFFI [2] - 3:9, 25:6 circle [1] - 14:23 classier [1] - 18:3 classy [1] - 25:9 classy-looking [1] - 25:9 clear [1] - 15:7 client [1] - 22:23</p>
<p>1</p>	<p>A</p>	<p>A-1 [1] - 6:25 A-2 [1] - 5:22 A-3 [3] - 3:14, 6:1, 12:19 A-4 [3] - 3:15, 19:1, 23:9 ability [1] - 27:10 able [1] - 21:7 acceptable [1] - 21:18 access [1] - 6:6 accurate [1] - 27:8 acquiesced [1] - 22:23 acrylic [1] - 13:5 actual [1] - 12:21 ad [1] - 16:6</p>	<p>blow [1] - 19:11 blow-up [1] - 19:11 BOARD [4] - 1:1, 1:11, 23:22, 25:17 Board [15] - 2:3, 4:8, 4:13, 4:16, 4:18, 5:13, 5:15, 5:24, 8:16, 16:3, 17:13, 18:5, 19:24, 22:22 Board's [2] - 4:4, 17:21 bottom [1] - 6:2 brand [1] - 10:17 branding [1] - 23:13 BRIAN [1] - 1:23 bright [4] - 18:24, 20:3, 20:6, 25:8 brighter [3] - 21:3, 21:8, 21:10 brightness [1] - 20:7 brought [1] - 21:25 build [1] - 7:7 Building [1] - 1:8 building [3] - 6:10, 6:15, 6:23, 6:24, 7:15, 7:17, 7:18, 7:19, 8:18, 8:19, 8:21, 9:3, 9:24, 9:25, 12:4, 12:7, 12:10, 12:14, 13:20, 13:25, 14:4, 14:13, 14:23, 15:25, 16:10, 17:25, 18:11, 21:13, 24:22 building-mounted [2] - 6:10, 9:24 buildings [2] - 14:11, 21:24 BY [5] - 2:6, 3:5, 3:8, 5:14, 9:20</p>	<p>capacity [2] - 4:24, 5:16 car [1] - 24:14 care [1] - 17:1 cars [4] - 16:11, 16:14, 18:18, 22:10 case [1] - 11:2 CATHY [1] - 1:17 causes [1] - 18:16 CCR [1] - 27:2</p>

<p>CLIFFS [1] - 1:1 Cliffs [4] - 1:9, 2:5, 4:6, 15:3 close [1] - 25:13 CO-1 [1] - 5:23 CO-9 [1] - 5:23 combined [1] - 24:11 coming [1] - 15:15 Commencing [1] - 1:10 COMMENTS [1] - 3:8 commercial [1] - 22:13 companies [1] - 23:12 company [1] - 23:11 comparing [1] - 21:5 complains [1] - 21:14 complete [1] - 4:20 concluded [1] - 26:11 condition [1] - 25:19 consequence [1] - 19:7 constructed [1] - 22:15 construction [5] - 4:9, 4:14, 4:17, 4:19, 4:20 controllable [1] - 19:25 controls [1] - 20:11 copy [1] - 5:22 correct [7] - 7:21, 8:1, 10:15, 16:1, 16:2, 16:15, 21:9 Correct [2] - 14:15, 15:20 Council [1] - 7:15 Counsel [2] - 2:3, 2:6 course [1] - 17:23 Court [1] - 27:5 COURT [2] - 1:20, 1:22 cranks [1] - 20:10 curb [1] - 16:24 customer [7] - 10:1, 12:1, 12:3, 12:5, 12:24, 24:23 customers [4] - 10:9, 12:11, 12:13, 18:23 cut [1] - 18:4</p>	<p>7:24, 7:25, 12:18, 16:8, 18:1, 22:4, 24:14, 24:15 dealerships [1] - 10:19 deep [1] - 18:14 definitely [1] - 9:12 depth [3] - 18:10 DESCRIPTION [1] - 3:13 designates [1] - 12:6 detriment [1] - 22:16 development [1] - 22:13 different [4] - 13:22, 20:7, 20:21, 21:15 difficulties [1] - 18:7 dig [1] - 9:14 dim [1] - 20:6 dimension [2] - 10:4, 10:12 dimensional [1] - 10:23 dimensions [1] - 13:23 dimmed [1] - 20:4 dimmer [2] - 20:1, 20:16 dipping [1] - 15:17 DIRECT [2] - 5:14, 9:20 directing [1] - 16:13 directions [1] - 17:1 discretionary [1] - 17:20 done [1] - 19:24 door [1] - 9:2 doors [1] - 12:9 doorway [2] - 7:23, 23:6 down [6] - 15:8, 15:17, 18:4, 20:4, 20:7, 21:5 drive [1] - 15:5 driven [1] - 24:12 driveway [7] - 7:3, 7:7, 7:9, 7:10, 7:13, 15:16, 15:18 driving [1] - 12:13 drove [1] - 14:16 DUFFY [18] - 1:14, 13:19, 14:3, 14:8, 14:11, 14:16, 14:24, 15:11, 15:18, 16:16, 16:25, 17:8, 17:15, 18:22, 23:20, 25:15, 25:18, 26:4 Duffy [2] - 22:23, 26:3 duly [1] - 5:8 during [2] - 13:6,</p>	<p>20:15 E early [1] - 4:14 east [1] - 11:18 eastern [3] - 10:10, 15:22, 17:11 eastern-facing [3] - 10:10, 15:22, 17:11 EDWIN [1] - 1:12 effect [1] - 13:10 eliminate [2] - 17:22, 22:22 emblem [1] - 10:6 emit [1] - 25:10 end [2] - 7:11, 8:21 engineer [2] - 5:1, 18:6 Engineer [1] - 1:17 ENGLEWOOD [1] - 1:1 Englewood [4] - 1:9, 2:5, 4:5, 15:3 entrance [9] - 7:3, 8:19, 9:1, 9:2, 9:25, 12:7, 15:9, 16:7, 23:2 entries [1] - 7:23 entry [8] - 10:1, 10:4, 10:5, 10:8, 11:14, 12:15, 12:23, 12:24 entryway [2] - 12:5, 22:11 escapes [1] - 13:17 ESQ [2] - 2:2, 2:6 evening [4] - 4:22, 5:10, 13:3, 13:8 EVIDENCE [1] - 3:12 EXAMINATION [2] - 5:14, 9:20 example [2] - 21:14, 23:10 examples [2] - 3:15, 19:1 exceed [1] - 4:23 Excessive [1] - 24:14 excessive [2] - 24:21, 24:25 exhibit [2] - 5:21, 17:18 Exhibit [4] - 6:1, 6:25, 12:19, 19:1 EXHIBITS [1] - 3:12 exhibits [1] - 16:1 existing [7] - 6:3, 6:25, 8:15, 12:17, 14:22, 18:1, 21:3 exists [1] - 20:18</p>	<p>explain [1] - 13:11 extends [1] - 6:5 F facade [2] - 8:20, 23:5 face [1] - 13:24 facility [1] - 12:2 facing [5] - 10:10, 11:18, 15:22, 16:20, 17:11 familiar [1] - 16:5 familiarity [1] - 5:25 fast [1] - 24:19 favor [2] - 23:21, 25:16 feet [11] - 11:1, 11:2, 11:3, 11:4, 11:6, 11:11, 14:1, 24:4, 24:5, 24:9, 24:11 FEHRE [22] - 1:12, 4:1, 6:21, 7:4, 9:6, 18:24, 19:8, 19:13, 19:20, 20:9, 20:25, 21:4, 21:12, 21:17, 23:14, 23:17, 23:21, 23:23, 25:4, 25:12, 25:16, 25:23 Fehre [1] - 25:22 figure [1] - 14:2 first [3] - 5:6, 5:8, 16:6 five [2] - 15:11, 18:2 follows [1] - 5:9 foot [8] - 10:25, 11:9, 11:15, 11:16, 11:20, 15:14 footage [3] - 24:2, 24:8, 24:19 forceful [1] - 24:24 forces [1] - 19:17 foregoing [1] - 27:8 front [12] - 6:9, 7:17, 8:7, 8:9, 8:25, 12:6, 12:12, 12:23, 13:5, 17:14, 22:4, 24:22 frontage [2] - 6:3, 11:3 full [3] - 5:22, 13:24, 18:11 fully [1] - 5:4 FURTHER [1] - 9:20 G generating [1] - 19:13 gentlemen [1] - 5:4 given [1] - 19:18 glow [1] - 19:10 GM [5] - 10:3, 10:6,</p>	<p>17:1, 17:5, 23:6 grade [2] - 18:15, 22:2 ground [1] - 7:2 ground-mounted [1] - 7:2 GROUP [1] - 2:4 guiding [1] - 16:13 GULINO [3] - 1:20, 27:5, 27:23 guy [1] - 20:12 H half [2] - 11:14, 18:12 handed [1] - 5:13 handout [1] - 19:1 Handout [1] - 3:15 hear [1] - 18:5 heard [2] - 23:24, 25:5 hearing [1] - 26:11 heavy [1] - 25:8 height [7] - 10:12, 10:25, 11:9, 11:12, 11:14, 11:19, 15:14 help [1] - 16:12 hereby [1] - 27:7 highway [1] - 24:18 hit [1] - 16:14 holes [1] - 13:9 home [1] - 22:18 hope [1] - 4:19 I identification [4] - 7:20, 10:9, 12:1, 12:13 Identification [2] - 12:20, 19:2 identify [3] - 7:8, 7:24, 12:14 identifying [2] - 7:13, 9:25 illuminate [1] - 20:23 illuminated [4] - 13:7, 13:11, 13:14, 13:16 IN [1] - 1:4 inch [1] - 11:15 inches [2] - 11:10, 11:15 inclined [2] - 18:5, 22:22 including [1] - 8:5 indicates [1] - 7:19 indicating [2] - 6:2, 6:8 indicating [1] - 14:21 install [1] - 4:22</p>
<p>D dated [3] - 5:22, 5:23, 7:1 daylight [1] - 20:15 dealer [1] - 25:2 dealership [12] - 4:6, 4:10, 5:20, 7:16,</p>	<p>13:19, 14:3, 14:8, 14:11, 14:16, 14:24, 15:11, 15:18, 16:16, 16:25, 17:8, 17:15, 18:22, 23:20, 25:15, 25:18, 26:4 Duffy [2] - 22:23, 26:3 duly [1] - 5:8 during [2] - 13:6,</p>	<p>17:18 Exhibit [4] - 6:1, 6:25, 12:19, 19:1 EXHIBITS [1] - 3:12 exhibits [1] - 16:1 existing [7] - 6:3, 6:25, 8:15, 12:17, 14:22, 18:1, 21:3 exists [1] - 20:18</p>	<p>G generating [1] - 19:13 gentlemen [1] - 5:4 given [1] - 19:18 glow [1] - 19:10 GM [5] - 10:3, 10:6,</p>	<p>I identification [4] - 7:20, 10:9, 12:1, 12:13 Identification [2] - 12:20, 19:2 identify [3] - 7:8, 7:24, 12:14 identifying [2] - 7:13, 9:25 illuminate [1] - 20:23 illuminated [4] - 13:7, 13:11, 13:14, 13:16 IN [1] - 1:4 inch [1] - 11:15 inches [2] - 11:10, 11:15 inclined [2] - 18:5, 22:22 including [1] - 8:5 indicates [1] - 7:19 indicating [2] - 6:2, 6:8 indicating [1] - 14:21 install [1] - 4:22</p>

<p>intended [1] - 20:8 intensity [2] - 19:22, 20:20 intent [1] - 18:20 INTO [1] - 3:12 issue [1] - 19:5 issues [1] - 4:12 issuing [1] - 5:16 itself [4] - 7:24, 9:3, 13:4, 15:4</p>	<p>20:23 lighting [2] - 20:1, 20:24 lights [1] - 21:18 line [1] - 16:24 lit [4] - 4:24, 13:2, 19:9, 21:24 live [1] - 17:15 LLC [2] - 1:5, 1:22 locations [1] - 16:11 locked [1] - 20:12 look [3] - 19:6, 23:10, 24:16 looked [1] - 8:23 looking [4] - 9:3, 9:18, 14:13, 25:9 looks [3] - 10:22, 13:14, 17:8 LOT [1] - 1:6 low [1] - 20:24</p>	<p>7:5, 7:14, 8:5, 8:6, 8:8, 15:8, 15:13, 15:22, 18:21, 22:1, 24:5, 24:17 Motion [2] - 23:17, 26:9 motion [2] - 25:13, 25:18 MOTORS [1] - 1:5 Motors [2] - 4:2, 4:5 mounted [5] - 6:10, 7:2, 7:16, 9:24, 10:8 moved [2] - 22:1, 23:19 MR [92] - 4:3, 5:10, 5:12, 5:14, 6:24, 7:6, 8:2, 8:4, 8:7, 8:11, 8:12, 9:8, 9:10, 9:12, 9:14, 9:17, 9:20, 13:19, 13:22, 14:3, 14:6, 14:8, 14:10, 14:11, 14:15, 14:16, 14:21, 14:24, 15:10, 15:11, 15:13, 15:18, 15:20, 15:24, 16:2, 16:3, 16:15, 16:16, 16:21, 16:25, 17:4, 17:8, 17:10, 17:12, 17:15, 17:17, 17:19, 18:9, 18:17, 18:20, 18:22, 19:3, 19:10, 19:11, 19:15, 19:23, 20:11, 20:17, 20:19, 20:20, 20:21, 21:2, 21:9, 21:15, 21:20, 21:23, 21:25, 22:5, 22:7, 22:14, 22:17, 22:19, 23:1, 23:4, 23:9, 23:19, 23:20, 24:4, 24:9, 25:1, 25:3, 25:6, 25:14, 25:15, 25:18, 25:21, 25:25, 26:2, 26:4, 26:6, 26:8, 26:10 MS [10] - 24:1, 24:6, 24:12, 25:22, 25:24, 26:1, 26:3, 26:5, 26:7, 26:9 multiple [1] - 15:21 Municipal [1] - 1:8</p>	<p>neighborhood [1] - 22:16 never [1] - 21:22 NEW [1] - 1:23 new [3] - 8:11, 10:11, 21:7 New [2] - 1:9, 27:7 Next [1] - 4:1 nice [1] - 17:8 Nicholas [1] - 4:4 NICHOLAS [1] - 2:6 night [2] - 19:9, 21:19 NJ [1] - 2:5 NO [1] - 1:5 none [1] - 13:17 north [5] - 12:13, 16:17, 16:19, 18:14, 23:4 northeast [1] - 16:20 northern [3] - 7:11, 9:24, 10:5 Notary [1] - 27:7 NOTARY [1] - 27:24 note [1] - 4:8 notes [1] - 27:9 notice [1] - 5:13 November [1] - 1:8 NUMBER [1] - 3:13 number [3] - 10:24, 18:8, 19:21</p>	<p>ordinance [2] - 10:22, 10:25 ordinances [1] - 4:23 original [3] - 10:14, 16:1, 17:18 originally [2] - 6:22, 8:5 overkill [2] - 14:17, 15:1 owner [1] - 17:23</p>
J				P
<p>Jersey [2] - 1:9, 27:7 JERSEY [1] - 1:23 Joe [1] - 25:6 JOE [1] - 3:9</p>				<p>p.m [2] - 1:10, 26:11 page [1] - 6:2 PAGE [4] - 3:2, 3:5, 3:8, 3:13 painted [1] - 13:15 panel [2] - 13:5, 19:16 parallel [1] - 16:21 parking [4] - 12:5, 13:16, 16:14, 22:9 part [3] - 10:16, 14:1, 17:17 particular [2] - 11:17, 11:22 passes [1] - 26:9 past [1] - 15:6 patrons [1] - 12:12 pending [1] - 4:16 people [4] - 14:25, 15:2, 16:13, 17:16 per [3] - 10:22, 10:24, 11:4 percent [1] - 24:20 permit [1] - 4:24 permitted [2] - 11:5, 23:12 Phase [2] - 7:1, 18:21 phase [2] - 4:17, 7:8 photo [1] - 19:11 photographs [2] - 9:11, 9:15 physical [1] - 13:19 physically [2] - 13:12, 24:18 pier [1] - 8:13 pinholes [1] - 19:16 place [2] - 18:19, 21:18 plan [1] - 5:23 PLANNING [1] - 1:1 plans [1] - 5:18 plus [1] - 8:6 point [4] - 6:6, 7:12, 14:19, 21:10 practical [1] - 18:7 PRESENT [2] - 1:11, 1:16</p>
K	M			
<p>Kahn [1] - 1:9 KATES [2] - 2:2, 8:4 keep [1] - 17:24 key [2] - 18:22, 20:13 KIKY [1] - 1:13 Kilmartin [1] - 25:24 KILMARTIN [5] - 1:14, 23:1, 23:19, 25:21, 25:25 Kim [2] - 26:1, 26:7 KIM [5] - 1:13, 1:15, 25:14, 26:2, 26:8 kind [1] - 6:22</p>	<p>Mahwah [4] - 3:14, 12:18, 12:19, 19:9 main [7] - 10:8, 11:13, 11:25, 12:7, 12:22, 16:7, 22:11 manager [1] - 20:10 MARKED [1] - 3:12 marked [2] - 12:20, 19:2 Martin [2] - 8:24, 9:4 MARY [1] - 3:6 Mary [1] - 24:1 material [1] - 20:19 matrix [1] - 13:6 MATTER [1] - 1:4 mature [1] - 22:2 maximum [3] - 10:25, 11:1 meant [1] - 12:11 measure [1] - 19:21 measurement [1] - 13:23 meeting [2] - 17:1, 23:18 meetings [1] - 4:15 MEMBERS [5] - 1:11, 3:5, 3:8, 23:22, 25:17 members [1] - 7:15 MICHAEL [1] - 2:2 midpoint [1] - 14:22 MIRANDI [1] - 1:17 missing [1] - 18:18 month [1] - 6:13 months [1] - 4:20 monument [13] - 6:25,</p>			
L			O	
<p>L-shaped [1] - 6:7 large [3] - 8:24, 15:25, 18:10 last [2] - 6:13, 17:21 LAW [1] - 2:4 lease [1] - 22:9 LED [2] - 19:15, 20:4 LEDs [1] - 19:25 length [7] - 9:21, 10:7, 10:13, 11:1, 11:10, 11:12, 11:20 less [2] - 18:12, 24:24 lettering [3] - 13:8, 20:22, 21:11 letters [1] - 13:18 levels [1] - 20:7 LICENSE [2] - 27:24, 27:24 light [12] - 13:9, 13:16, 13:17, 19:4, 19:14, 19:17, 19:22, 19:25, 20:12, 20:14, 20:17,</p>		<p>narrow [1] - 18:10 narrowest [1] - 14:1 near [1] - 15:9 nearby [1] - 21:24 need [2] - 17:6, 19:21 needs [1] - 16:12</p>	<p>O'Shea [1] - 24:1 O'SHEA [4] - 3:6, 24:1, 24:6, 24:12 objection [1] - 25:11 obstructions [1] - 18:13 obtain [1] - 6:11 OF [7] - 1:1, 1:4, 1:5, 3:5, 3:8, 23:22, 25:17 offensive [1] - 21:13 office@ quickreporters.com [1] - 1:24 old [3] - 7:16, 9:15, 18:1 one [19] - 7:23, 8:18, 8:19, 8:21, 9:25, 11:21, 14:17, 15:25, 17:5, 17:10, 17:22, 19:4, 19:23, 20:12, 21:4, 21:17, 23:1, 23:3, 24:22 open [1] - 23:17 opposite [2] - 7:11, 12:15</p>	

<p>presented [1] - 6:1 previous [1] - 25:2 previously [2] - 5:7, 5:18 Pro [4] - 4:1, 4:5, 4:22, 9:16 PRO [1] - 1:5 problem [1] - 21:6 proceeding [1] - 6:12 proceedings [1] - 27:10 PROCEEDINGS [1] - 1:5 produce [1] - 19:21 produced [1] - 20:2 Professional [1] - 27:6 project [2] - 4:17, 16:23 property [11] - 6:5, 7:10, 7:11, 8:8, 8:9, 15:6, 15:9, 18:11, 18:12, 18:13, 22:4 proposing [4] - 6:18, 11:7, 11:8, 14:18 proud [1] - 4:18 public [3] - 10:10, 23:18, 23:24 PUBLIC [2] - 3:5, 3:8 Public [1] - 27:7 pull [1] - 12:4 pun [1] - 20:8 purpose [2] - 11:23, 11:25 purposes [2] - 7:13, 10:9 put [2] - 7:4, 9:18 pylon [11] - 7:2, 7:9, 14:8, 14:19, 14:20, 15:1, 16:25, 20:14, 21:3, 22:1, 24:3</p>	<p>rear [1] - 6:5 reason [1] - 20:2 recollection [1] - 4:4 recommendation [1] - 4:13 record [2] - 5:2, 5:12 rectangular [1] - 6:4 rectangular-shaped [1] - 6:4 red [1] - 25:8 referencing [1] - 16:16 refresh [1] - 4:3 Registered [1] - 27:6 relation [2] - 12:14, 13:20 Relative [1] - 15:24 relévant [1] - 16:4 removal [1] - 25:19 renovation [1] - 4:10 repeat [1] - 5:16 replace [1] - 9:4 replaced [2] - 8:8, 8:15 replacement [1] - 8:12 REPORTER [1] - 1:20 Reporter [2] - 27:6 REPORTING [1] - 1:22 represent [1] - 4:5 requesting [1] - 18:8 require [2] - 18:8, 24:19 required [3] - 5:17, 11:13, 15:23 requirement [3] - 10:2, 10:7, 23:6 requirements [3] - 10:17, 10:20, 17:5 residential [1] - 21:23 respect [1] - 4:12 response [1] - 23:16 retail [1] - 17:25 ROAD [1] - 1:23 road [1] - 21:5 RON [1] - 1:14 room [1] - 20:11 roughly [1] - 24:10 rounded [1] - 6:9 Route [6] - 5:21, 6:3, 13:25, 14:5, 24:13, 24:17 RPR [1] - 27:23</p>	<p>1:17, 25:22, 25:24, 26:1, 26:3, 26:5, 26:7, 26:9 scripted [3] - 10:11, 12:22, 21:11 SEAN [1] - 1:15 Second [2] - 23:20, 25:15 second [4] - 7:14, 10:5, 11:5, 25:21 Secretary [1] - 1:17 see [14] - 13:7, 13:15, 13:24, 14:3, 16:3, 16:19, 16:22, 19:16, 20:5, 20:13, 21:11, 21:24, 22:5, 22:8 Sekas [1] - 4:4 SEKAS [28] - 2:4, 2:6, 4:3, 5:12, 5:14, 8:2, 8:7, 8:12, 9:8, 9:12, 9:17, 9:20, 15:24, 16:3, 17:12, 17:19, 18:17, 19:3, 19:10, 20:17, 20:20, 21:23, 22:5, 22:14, 22:19, 23:9, 25:1, 26:10 sense [1] - 19:3 service [17] - 7:18, 7:20, 8:18, 9:1, 9:6, 9:8, 9:13, 10:1, 10:5, 11:9, 12:3, 12:24, 16:10, 18:23, 22:10, 24:10, 24:24 Service [2] - 12:23, 23:7 SEUNG [2] - 1:15, 26:8 Seung [1] - 26:7 shaped [2] - 6:4, 6:7 shines [1] - 13:9 short [1] - 18:19 show [5] - 8:9, 8:18, 10:21, 12:5, 23:9 showroom [1] - 8:25 shows [1] - 19:4 shut [1] - 21:19 side [8] - 9:24, 10:6, 12:10, 12:15, 13:24, 15:24, 16:23, 16:24 sign [108] - 3:14, 3:15, 4:18, 4:24, 5:3, 6:25, 7:2, 7:3, 7:5, 7:9, 7:14, 7:16, 7:17, 7:18, 8:5, 8:6, 8:7, 8:8, 8:9, 8:11, 8:14, 8:20, 8:24, 8:25, 9:2, 9:6, 9:8, 9:13, 10:3, 10:5, 10:10, 10:11, 10:12, 10:14, 10:21, 10:24, 10:25, 11:1,</p>	<p>11:2, 11:4, 11:5, 11:9, 11:10, 11:13, 11:17, 11:18, 11:22, 11:23, 11:25, 12:12, 12:19, 12:21, 13:4, 13:13, 14:4, 14:6, 14:12, 14:19, 14:20, 15:1, 15:4, 15:8, 15:13, 15:21, 15:22, 16:6, 16:9, 16:10, 16:20, 16:25, 17:3, 17:5, 17:10, 17:11, 17:13, 17:19, 17:20, 17:22, 18:21, 19:1, 19:4, 19:6, 19:9, 19:18, 19:22, 20:2, 20:14, 20:22, 20:24, 21:5, 21:8, 21:16, 22:1, 22:8, 22:10, 22:22, 23:11, 24:3, 24:5, 24:8, 24:10, 24:17, 25:10 signage [5] - 6:11, 6:22, 12:10, 21:20, 24:14 signs [43] - 4:12, 4:22, 4:23, 4:24, 5:16, 6:14, 7:20, 7:21, 8:4, 8:18, 8:22, 9:3, 9:4, 9:17, 9:21, 9:24, 10:16, 10:20, 10:24, 12:4, 14:3, 14:24, 15:11, 15:25, 18:1, 18:2, 18:8, 18:25, 19:19, 20:8, 21:7, 21:10, 21:13, 21:24, 22:6, 22:15, 23:5, 23:10, 24:20, 24:23, 25:1, 25:2, 25:8 similar [3] - 10:19, 13:21, 14:12 single [1] - 6:6 sit [1] - 14:19 site [12] - 5:23, 5:25, 6:3, 9:10, 9:11, 12:16, 13:13, 16:5, 18:10, 18:14, 18:15 six [2] - 4:20, 15:14 size [9] - 5:17, 9:22, 10:4, 10:7, 13:19, 13:20, 14:12, 15:4, 23:1 smaller [4] - 9:21, 10:12, 24:24, 25:1 somewhere [1] - 21:21 sounding [1] - 22:16 south [3] - 7:10, 15:15, 18:15 southbound [2] -</p>	<p>16:23, 22:11 space [1] - 14:25 specific [3] - 10:7, 16:11, 16:12 speed [1] - 24:18 spot [1] - 18:16 square [11] - 11:2, 11:6, 11:11, 11:16, 11:20, 24:2, 24:4, 24:5, 24:8, 24:11, 24:19 square-foot [1] - 11:20 stand [1] - 13:13 standards [1] - 17:2 start [1] - 4:14 started [2] - 6:12, 6:23 State [1] - 27:7 state [1] - 27:8 stay [1] - 24:15 stenographic [1] - 27:9 STEPHEN [1] - 1:14 stopping [1] - 18:19 storage [1] - 22:9 street [2] - 18:13, 22:12 style [1] - 10:3 submitted [2] - 5:19, 6:20 substantial [1] - 22:15 suffice [1] - 17:4 suggested [2] - 7:15, 22:23 Surace [1] - 26:5 SURACE [2] - 1:13, 26:6 switch [1] - 20:16 sworn [3] - 5:7, 5:9 Sylvan [10] - 2:5, 4:6, 6:2, 6:4, 6:6, 6:10, 15:14, 16:22, 22:12, 25:6 SYLVAN [1] - 1:5</p>
<p style="text-align: center;">Q</p> <p>quarter [2] - 11:10, 11:15 questions [2] - 22:20, 23:14 QUESTIONS [1] - 3:5 QUICK [1] - 1:22 quite [1] - 24:17</p>	<p style="text-align: center;">S</p> <p>safety [3] - 7:12, 12:8, 18:17 sales [1] - 20:9 savings [1] - 20:15 SCANCARELLA [8] -</p>			
<p style="text-align: center;">R</p> <p>rather [1] - 4:15 realize [2] - 15:2, 15:6 really [3] - 15:11, 17:8, 24:21</p>				<p style="text-align: center;">T</p> <p>tackle [1] - 15:21 tall [1] - 8:7 tenant [2] - 22:7, 22:8 Terrace [1] - 1:9 test [1] - 20:6 testified [1] - 5:9 testimony [4] - 4:25, 5:1, 19:18, 22:14 testimony.. [1] - 22:25 THE [5] - 1:4, 3:5, 3:8, 23:22, 25:17 third [5] - 10:10,</p>

<p>11:18, 14:12, 14:17, 17:2</p> <p>three [1] - 4:22, 6:17, 6:18, 8:3, 8:6, 9:2, 9:4, 9:17, 9:18, 11:16, 18:1</p> <p>Three [1] - 6:16</p> <p>Throughway [1] - 20:5</p> <p>Thursday [1] - 1:8</p> <p>tight [1] - 16:23</p> <p>timer [3] - 20:14, 20:15, 21:21</p> <p>tip [1] - 7:10</p> <p>today [1] - 21:3</p> <p>together [1] - 15:7</p> <p>took [2] - 6:10, 6:17</p> <p>top [1] - 8:19</p> <p>topography [1] - 15:14</p> <p>tough [1] - 15:15</p> <p>town [3] - 13:21, 17:16, 21:13</p> <p>Town [2] - 17:24, 24:15</p> <p>TOWNSHIP [1] - 1:1</p> <p>Toyota [3] - 21:13, 25:8, 25:10</p> <p>traffic [4] - 12:8, 16:13, 18:18, 22:12</p> <p>TRANSCRIPT [1] - 1:4</p> <p>transcript [1] - 27:9</p> <p>traveling [3] - 16:17, 16:19, 17:16</p> <p>trees [2] - 18:14, 22:3</p> <p>tries [1] - 24:15</p> <p>true [2] - 14:14, 27:8</p> <p>trying [2] - 15:20, 17:24</p> <p>two [14] - 8:3, 8:4, 8:14, 8:15, 8:18, 9:23, 11:6, 14:3, 14:9, 15:7, 15:23, 23:4, 23:5, 24:7</p> <p>type [2] - 20:21, 21:15</p> <p>types [1] - 7:20</p>	<p style="text-align: center;">V</p> <p>V-O-G-T [1] - 5:11</p> <p>variance [2] - 11:11, 11:21</p> <p>variances [3] - 5:17, 10:23, 11:17</p> <p>vegetation [1] - 22:2</p> <p>verbatim [1] - 27:9</p> <p>versed [1] - 5:4</p> <p>view [1] - 7:12</p> <p>views [1] - 15:21</p> <p>VINCENT [1] - 1:13</p> <p>vinyl [1] - 13:6</p> <p>VOGT [40] - 3:3, 5:10, 6:24, 7:6, 8:11, 9:10, 9:14, 13:22, 14:6, 14:10, 14:15, 14:21, 15:10, 15:13, 15:20, 16:2, 16:15, 16:21, 17:4, 17:10, 17:17, 18:9, 18:20, 19:11, 19:15, 19:23, 20:11, 20:19, 20:21, 21:2, 21:9, 21:15, 21:20, 21:25, 22:7, 22:17, 23:4, 24:4, 24:9, 25:3</p> <p>Vogt [3] - 5:1, 5:7, 5:11</p>
<p style="text-align: center;">U</p> <p>under [2] - 6:6, 6:20</p> <p>underneath [1] - 13:13</p> <p>uniformity [1] - 23:13</p> <p>up [10] - 9:14, 11:5, 13:2, 15:19, 17:14, 19:11, 20:10, 21:18, 21:25, 24:13</p> <p>upgrade [1] - 15:15</p>	<p style="text-align: center;">W</p> <p>walk [1] - 16:14</p> <p>WEST [1] - 1:23</p> <p>west [1] - 6:5</p> <p>white [2] - 13:15, 20:22</p> <p>whole [3] - 8:20, 13:24, 21:18</p> <p>wide [1] - 14:2</p> <p>width [3] - 14:1, 18:11, 18:12</p> <p>William [2] - 5:1, 5:10</p> <p>WILLIAM [1] - 3:3</p> <p>wish [1] - 19:19</p> <p>WITNESS [1] - 3:2</p> <p>witness [3] - 5:6, 22:21, 23:15</p> <p>works [1] - 13:4</p>
	<p style="text-align: center;">Y</p> <p>year [1] - 5:19</p> <p>yields [2] - 11:15, 11:20</p> <p>yourself [1] - 12:25</p>



VIA FACSIMILE & EMAIL

October 8, 2014

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

Attention: Ms. Cathy Scancarella, Board Secretary

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

Dear Ms. Scancarella:

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

- A. Board of Adjustment Application, 580 Sylvan Avenue, Block 806, Lot 9, July 8, 2014.
- B. Letter of Denial of Application for Building Permit from Paul Renaud, Zoning Officer, Re: 580 Sylvan Avenue, Block 806, Lot 9, Zone B-2, June 3, 2014.
- C. Partnership Disclosure Statement dated March 31, 2014.
- D. Plans entitled, "Verizon Wireless Site Plan Approval for Proposed Small Network Node, Site Name Englewood Cliffs SC, 580 Sylvan Avenue, Englewood Cliffs, Bergen County, New Jersey," prepared by Christopher M. Cirrotti, P.E., consisting of seven (7) sheets, dated June 5, 2014 all revised to September 29, 2014:
 - T-1 Title Sheet,
 - Z-1 Site Plan and Notes,
 - Z-2 Zoning Maps and Zoning Schedule
 - Z-3 Proposed Roof and Equipment Plans, and
 - Z-4 West Elevation,

- Z-5 Construction Details 1, and
- Z-6 Construction Details 11.

- E. Affidavit of Consent from Managing Member of Van Nos Associates, LLC, the lessee of property located at 580 Sylvan Avenue.
- F. Title Certification package by Gibraltar Title Agency, Inc. dated March 18, 2014.
- G. Photographic Simulation of the Proposed Verizon Wireless Small Network Node, 580 Sylvan Avenue, prepared by David Karleback, P.P., P.C. dated April 17, 2014.
- H. Affidavit of Mailing Publication dated August 4, 2014 from Price, Meese, Shulman & D'Arminio, P.C.
- I. Structural Analysis Report and Design Calculations as prepared by Jiang Yu, P.E. dated April 29, 2014.
- J. Proof of Tax Payment from Tax Collector dated July 17, 2014.
- K. Trileaf Environmental Consultants letter dated August 4, 2014.
- L. Boundary Survey prepared by Dewberry Engineers, Inc. revision 1 dated July 2, 2014, signed and sealed by Scott M. Bleeker, FLS on August 22, 2014.
- M. Letter from Gregory D. Meese, Esq. to the Planning Board dated September 29, 2014.
- N. Plans (3 Sheets) entitled "Englewood Cliffs SC, 580 Sylvan Avenue, Englewood Cliffs, NJ 07632, Bergen County numbered LE-1, LE-2, and LE-3", prepared by Dewberry Engineers, Inc., last revised September 18, 2014. (Electronic copy received).

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

General

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

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



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

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

Land Use

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

Variations/Waivers

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

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

Site Plan & Other Comments

7. The Applicant had provided testimony at the September 11, 2014 hearing regarding the following subjects:
 - a. Antennas shall be installed with a safety interruption device, capable of stopping antenna transmissions if any object comes within the signal path for more than 0.20 seconds (Section 30-21.6g(d)).
 - b. Alarms shall be installed on access hatches and doors or install protective fencing to secure access to all antennas from the general public (Section 30-21.6g(e)).
 - c. The proposed telecommunication antennas will not interfere with municipal fire alarm equipment.
 - d. Clarify the color of proposed antennas and existing building. In accordance with Section 30-21.6i(3), if an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - e. Provide details for any existing and proposed lighting and corresponding details (Section 30-21.6i(4)).
 - f. The Applicant should obtain comments from the Englewood Cliffs Fire Subcode Official on the proposed improvements, and from the Englewood Cliffs Fire Department regarding fire suppression operations in the building, access to the roof, and fire protection aspects of the proposed communications equipment.
8. The Applicant has submitted calculations by a Professional Engineer. Our office received a copy via email. Original signed and sealed copies shall be submitted. Boswell McClave Engineering structural department review follows:
 - a. Verify the use of adhesive anchor in detail #3 on sheet Z-6 of the plans. This anchor appears to be embedded into the brick only of the penthouse wall. (shown as brick/CMU wall) The Applicant stipulated to using through bolts similar to detail #6 at the September 11, 2014 hearing.
 - b. Record copy of design calculations must be submitted under engineers seal.
9. The Applicant provided prior testimony confirming approvals will be required from the Federal Communications Commission (FCC) (section 30-21.3(d)). The Trileaf letter indicates that the antennas will be licensed by the FCC.
10. The Applicant has provided prior testimony to the Board establishing that it has secured the appropriate franchise to provide the proposed communications service (Section 30-21.3(f)).

11. A signed and sealed copy of the Boundary Survey has now been submitted.
12. Drawing No. Z-4 titled "West Elevation" notes the equipment cabinets, panel board and telco box mounted on opposite side of bulkhead wall. The Applicant shall provide testimony confirming that these items are now proposed on the east elevation of the bulkhead wall.

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

Very truly yours,

BOSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.E.

BNM/amg

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

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