



VIA EMAIL ONLY epettas@nutleynj.org

31 July 2026

Mr. Marc Arcuti, Chairperson
c/o Ms. Eleni Pettas, Municipal Clerk
Township of Nutley Planning Board
Town Hall, 1st Floor
1 Kennedy Drive
Nutley, NJ 07110

cc: Mr. David Berry, dberry@nutleynj.org
Ms. Jessica Liebold, jlleibold@nutleynj.org

Re: Acoustical Review of Application
Proposed Warehouse and Office - 536-544 Washington Avenue
Application No. PB-26-00002
OAA File 5085A

Dear Board Members:

As requested, Ostergaard Acoustical Associates (OAA) has reviewed acoustical aspects of the above referenced application. The application package was received via email from Ms. Liebold. An initial 123-page packet with a cover page dated 6 May 2026 and a 23-page packet for a revised submission with a cover page dated 24 July 2026 were reviewed. Please forward our acoustical review report to any other interested parties.

As the Board is aware, the revised application involves the demolition of a pair of commercial office buildings, and construction of a single story 26,833 square foot warehouse and office space. The building will be approximately 30 feet tall. Personnel parking is provided in the rear of the building, along the eastern property line. Also on the east side of the building are four loading docks. Access to the site is provided via a one-way circulation road that utilizes the existing two curb cuts on Washington Avenue. Projects of this type can contribute steady sound from HVAC equipment and intermittent truck activity sound, such as loading/unloading, backup alarm, and movements, to the surrounding residential neighborhood.

The site is in the M-O, Industry and Office, district. Immediately north of the site is a mixed-use office and residential rental in the M-O district. Beyond this small M-O district to the north and east is an expansive condominium complex called Cambridge Heights at Nutley. Boarding the site to the south are single-family residences fronting on Wilmington Drive. The condominium complex and these residences are in the PRD, Proposed Residential Development, district. Lastly, to the west, across Washington Avenue, are other single-family residences in the R-1, Residential 1 Family, district.

As you are aware, State and local noise code limits apply. Nutley Code Chapter 460: Noise regulates noise only qualitatively. The New State Noise Regulation, found at N.J.A.C. 7:29, limits sound emissions to a maximum of 65 dB(A) at commercial and residential receptors during daytime hours (0700 to 2200 hours). During the complementary nighttime period (2200 to 0700 hours), sound emissions must meet a more stringent limit of 50 dB(A) at residential receptors only. These limits apply to steady sound produced by the site, such as condensing unit and emergency generator noise. The New Jersey Regulation also provides limits in octave frequency bands that correspond to these overall sound limits.

In summary, sound emissions from a commercial or industrial use must meet 65 dB(A) at all receptors during the daytime hours. During the complementary night hours, sound emissions must meet 50 dB(A) at residential receptors. These limits apply to the two main noise sources associated with this project, HVAC equipment and truck operations. Employee vehicle activity is generally not subject to the noise code.

It is helpful to note that the noise code was created to be a tool to respond to noise complaints, and not to determine prospective compliance. Despite this, there is merit to conducting scientific analyses to successfully predict and control noise issues before they occur. There is no doubt that the project intends to abide by applicable laws; however, an enhanced degree of certainty could be provided by the applicant to increase confidence in this commitment.

Based on OAA's review of the information provided by the applicant, we have the following comments and findings (recommendations for the Board to consider are **bold**):

- ❑ There is no noise study submitted as part of the application. Non-specialized HVAC equipment is likely to be similar in nature to the previous office space and should not be an issue if designed appropriately. However, there is significant concern over truck court activity, which is less than 100 feet from the nearest residence. **OAA recommends that the applicant submit an analysis showing that the site will comply with applicable noise code limits.**
- ❑ **Testimony should be provided to discuss hours of operation, as well as the schedule and volume of truck activity expected.** Note that after 10:00 P.M. and before 7:00 A.M. the noise code becomes considerably more stringent than the daytime code.
- ❑ A proposed concrete barrier wall will surround the site on three sides. **Information should be provided as to the height of this wall.**

As highlighted above, it would be prudent for the applicant to submit a sound study to outline the project's ability to comply with noise code limits and to confirm compatibility with the surrounding area. Barring large specialized HVAC equipment, OAA expects that it should be straightforward to show that HVAC sound complies with nighttime noise limits. Based on professional experience with warehouse uses, OAA expects that some form of a sound barrier is likely needed for truck operations to comply with daytime noise code limits at nearby residential receptors. Given the distance here, it may not be feasible for trucks to meet the nighttime noise code limits, even with a sound barrier.

I trust that the above is useful and look forward to answering any questions you may have.

Sincerely,

OSTERGAARD ACOUSTICAL ASSOCIATES



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BCM:bcm