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TOWNSHIP OF CHATHAM  
BOARD OF ADJUSTMENT  
Chatham Township Municipal Building  
58 Meyersville Road  
Chatham, New Jersey 07978  
Regular Meeting  
January 18, 2018, at 7:30 p.m.

IN RE:

NO. 17-62.09-2  
New Cingular Wireless  
Fairmount Avenue  
Block: 62.09 Lot: 2

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P R E S E N T:

TONY VIVONA, CHAIRMAN  
JON WESTON  
DENNIS NEWMAN  
PAIGE LaBADIE  
TINA ROMANO  
DAVID FITT  
WILLIAM STYPLE  
MICHAEL HYLAND

A L S O P R E S E N T:

STEPHEN H. SHAW, BOARD ATTORNEY  
KEVIN NOLLSTADT, P.E., BOARD ENGINEER  
ROBERT MICHAELS, BOARD PLANNER  
MARGARET SMITH, BOARD SECRETARY

Job No. CS2786019

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

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(Exhibits were not provided to the reporter.)

1 MS. FAIRWEATHER: Good evening, Judy  
2 Fairweather on behalf of New Cingular Wireless.

3 We are here because at the last hearing  
4 you had asked us some questions regarding moving the  
5 antennas down, could we move the equipment and sink  
6 it into the ground a little bit, fence height and  
7 what the equipment would look like.

8 So, I am going to turn it over to my  
9 engineer, Alec; remind him that he is under oath  
10 from the last hearing and let him explain what he  
11 has, and he has some things to pass out.

12 Okay, Alec, so start wherever you would  
13 like.

14 (Alec Norris, P.E., was previously  
15 sworn and continued his testimony.)

16 MR. ALEC NORRIS: Good evening. I  
17 guess I will go over the exhibit real quick. I have  
18 some markups on the Z-3 sheet from last time. I  
19 guess I should go through that quickly first before  
20 I pass out some site photos.

21 MS. FAIRWEATHER: I think our next is  
22 A-21.

23 (Sheet Z-3 was marked for  
24 identification as Exhibit A-21.)

25 MS. FAIRWEATHER: So, Alec, explain.

1 You have yellow and red. Can you explain the colors  
2 to me?

3 MR. ALEC NORRIS: One of the things we  
4 talked about was dropping the antenna elevation from  
5 above the top of the tower to below the top of the  
6 tower. So I have discussed this with PSE&G, and  
7 they are fine with it.

8 So, the yellow indicates something to  
9 be erased and the red indicates where the new  
10 location would be. So that addresses the concern  
11 with the height of the antennas.

12 And so the centerline elevation of the  
13 proposing antennas would now be at 140 feet, plus or  
14 minus, that is within like a foot, but it would be  
15 140. And with the six-foot antennas at the top, the  
16 elevation of the antennas would be 143, plus or  
17 minus 18 feet AGL.

18 And then there was discussions about  
19 the compound itself and whether or not we can kind  
20 of, you know, sink it into the ground a little bit  
21 the way the T-Mobile installation is placed up the  
22 hill.

23 I took a look at that and essentially  
24 down here, where the board engineer indicates we  
25 should have a small retaining wall that extends

1 around the fence compound -- and so the compound is  
2 essentially just dropped into the earth a little bit  
3 with a slight pitch on it.

4 At the top here, up near the tower,  
5 there is essentially a zero-foot difference. There  
6 is no retaining wall there, but as you get further  
7 back up here towards the bottom, which is away from  
8 Paramount, it is closer to three, three-and-a-half  
9 feet from where the -- you know, the difference in  
10 grade between the ground and the top of the  
11 retaining wall. So it essentially drops the whole  
12 compound into the ground a little bit, similar to  
13 the way the T-Mobile installation is.

14 This plan has not been -- we didn't  
15 redo the plan and submit them to everybody for  
16 comments or anything like that, but I did discuss  
17 this with PSE&G; and they are fine with the  
18 intention of what we are doing; and they understand  
19 what you are trying to accomplish with your comments  
20 on it.

21 Hopefully that is agreeable to you and  
22 what we are trying to accomplish here with dropping  
23 into the grade a little bit.

24 MS. FAIRWEATHER: Let's move onto what  
25 the -- you are done with that, correct?

1 MR. ALEC NORRIS: Yes. I can leave  
2 it up there in case there are any comments.

3 MS. FAIRWEATHER: Great. Let's go to  
4 the pictures.

5 MR. ALEC NORRIS: I have some pictures  
6 of existing AT&T facilities.

7 MS. FAIRWEATHER: Let's talk about  
8 them one at a time. I will pass them out. We are  
9 up to A-22.

10 (A colored photograph was marked for  
11 identification as Exhibit A-22.)

12 (A colored photograph was marked for  
13 identification as Exhibit A-23.)

14 MS. FAIRWEATHER: And what one will  
15 that be? That is going to show the actual makeup or  
16 what the shelter looks like?

17 MR. ALEC NORRIS: So A-22 and the next  
18 one, A-23, are essentially showing what the exterior  
19 of the shelters look like. I know there was  
20 discussion last time about it.

21 A-23 is similar. It is just another  
22 AT&T facility, and it shows basically what the  
23 shelters look like, just another typical one.

24 CHAIRMAN VIVONA: Mr. Norris, is that  
25 a six-foot fence in front of this one?

1 MR. ALEC NORRIS: These first two, I  
2 didn't really indicate what the height of the fences  
3 are because it is tough to really see from the  
4 angle.

5 So the next three pictures that I have  
6 here indicate the height of the fence better, and a  
7 couple of them have composite fences too. So this  
8 one will be A-24.

9 (A colored photograph was marked for  
10 identification as Exhibit A-24.)

11 MS. FAIRWEATHER: A-24. And what  
12 height is that fence?

13 MR. ALEC NORRIS: So this one -- and it  
14 says on the back too, in case you are not sure, but  
15 this one is a six-foot fence, a typical AT&T-type of  
16 shelter. And this is a six-foot chain link fence.

17 MS. ROMANO: I thought we said we  
18 weren't going to do that, chain link?

19 MR. ALEC NORRIS: It is more to show  
20 you the height.

21 MS. FAIRWEATHER: Right. How much is  
22 sticking above the six foot, the shelter?

23 (A colored photograph was marked for  
24 identification as Exhibit A-25.)

25 (A colored photograph was marked for

1 identification as Exhibit A-26.)

2 (A colored photograph was marked for  
3 identification as Exhibit A-27.)

4 MR. ALEC NORRIS: The next three coming  
5 around are going to give you an idea of the heights  
6 of the fence versus -- right.

7 A-25, this is a seven-foot composite  
8 board-on-board fence, which hopefully gives you a  
9 better idea.

10 A-26 is an eight-foot board-on-board  
11 fence of a slightly different color. It is a  
12 slightly darker color.

13 MS. FAIRWEATHER: Alec, PSE&G will let  
14 us put any of these fences six, seven or eight?

15 MR. ALEC NORRIS: Yes. They are not  
16 big fans of the eight, just because it tends to be  
17 tough to keep them structurally stable. They are  
18 more of a fan of the six or seven-footers, but if  
19 eight is required, I will get them to approve eight.

20 MR. MICHAELS: These don't appear to  
21 be board-on-board, but solid board because usually  
22 board on board --

23 MR. ALEC NORRIS: Some of those might  
24 be slightly different than board-on-board, but it  
25 kind of gives you an idea of the color options and

1 different variations and the height.

2 MS. FAIRWEATHER: And those are actual  
3 sites we took pictures of and not renderings.

4 CHAIRMAN VIVONA: So you can see our  
5 concerns.

6 MS. FAIRWEATHER: I don't disagree.  
7 You tell us how high.

8 MR. SHAW: These are really solid  
9 fences.

10 MR. MICHAELS: They are solid.  
11 Board-on-board you usually use when you want to have  
12 a -- not a back to any of them so that it is  
13 attractive from both sides and we don't care what it  
14 looks like from the inside.

15 CHAIRMAN VIVONA: By lowering the  
16 antennas, does that eliminate a variance? Are you  
17 still --

18 MS. FAIRWEATHER: No, because your --  
19 the height variance that we originally got was  
20 122.5; and now we are at 143. So we still need the  
21 height variance.

22 CHAIRMAN VIVONA: Mr. Norris, you  
23 said that the higher portion going up the hill will  
24 be submerged approximately three feet?

25 MR. ALEC NORRIS: Yes, at this corner

1 down here. So if you are looking up at the tower  
2 from Fairmount, it would be the back left corner,  
3 where it is kind of steeper. That would be like  
4 three, three and after feet of grade difference.

5 CHAIRMAN VIVONA: Good.

6 What else did we ask you to look into?

7 MS. FAIRWEATHER: We agreed to silver  
8 cabling. Lower the building. Lower the height.  
9 Solid fence, six to seven feet. So you have to  
10 decide between six or seven. I thought eight kind  
11 of looked massive.

12 CHAIRMAN VIVONA: Yes.

13 MS. FAIRWEATHER: We gave you a  
14 picture of the building, limited disturbance. We  
15 did lower the antennas.

16 In those pictures, Alec, where was the  
17 height of the air conditioner?

18 MR. ALEC NORRIS: The one picture, I  
19 think it was the third one, where it shows the  
20 six-foot fence, on the left side of the shelter you  
21 can see the AC units. You see the unit sticking  
22 above the six-foot fence.

23 MS. FAIRWEATHER: That was the chain  
24 link fence?

25 MR. ALEC NORRIS: Yes.

1 MS. FAIRWEATHER: So you are saying  
2 the air conditioning units are here in the front?

3 MR. ALEC NORRIS: Yes, they are on the  
4 left side.

5 MS. FAIRWEATHER: They are on the left  
6 side.

7 MR. ALEC NORRIS: Yes, so you can see  
8 how far they extend above the six-foot fence.

9 MS. FAIRWEATHER: Those, I believe,  
10 were your questions.

11 CHAIRMAN VIVONA: Is the air  
12 conditioner still going to be on the side closest to  
13 the pole?

14 MR. ALEC NORRIS: Yes, that is the way  
15 we have it designed.

16 CHAIRMAN VIVONA: You will be looking  
17 at it from probably at least 30 feet below?  
18 Fairmount Avenue is probably 30 feet below where the  
19 tower is?

20 MR. ALEC NORRIS: Yes, maybe.

21 CHAIRMAN VIVONA: It is quite a big  
22 difference. So the eight-foot fence is horrible.  
23 Chain link is horrible, which we knew when you guys  
24 proposed that. This lighter-colored one is the  
25 seven, correct?

1 MR. ALEC NORRIS: That is.

2 MS. FAIRWEATHER: Yes.

3 CHAIRMAN VIVONA: I think that would  
4 block everything; and even looking up from  
5 Fairmount, you wouldn't see the air conditioner  
6 anyway.

7 MS. FAIRWEATHER: Yes, and you have the  
8 tower there too.

9 MR. ALEC NORRIS: Yes, I would agree.

10 MS. FAIRWEATHER: You like the lighter  
11 colored?

12 CHAIRMAN VIVONA: I like the lighter  
13 colored.

14 MR. ALEC NORRIS: It would be a  
15 board-on-board variety?

16 MR. SHAW: Solid fence.

17 MS. FAIRWEATHER: Do we have a color  
18 for that? What is that called other than the  
19 lighter wood color?

20 MR. ALEC NORRIS: It would be like a  
21 tan, a tannish color or whatever you prefer.

22 CHAIRMAN VIVONA: Similar to the one  
23 over by Colony Pool? That is a tan color. It  
24 blends in nice with the brush that is up there.

25 MS. RAMONA: PSE&G won't let you do

1 any sort of shrubbery or anything there?

2 MS. FAIRWEATHER: No, they won't.

3 Okay. Seven foot, tannish color.

4 CHAIRMAN VIVONA: What about the  
5 retaining wall? What is that going to be?

6 MR. ALEC NORRIS: Kind of like the  
7 block --

8 CHAIRMAN VIVONA: Like a landscape  
9 block?

10 MR. ALEC NORRIS: Yes, landscape block  
11 type of thing.

12 CHAIRMAN VIVONA: Not cinder blocks?

13 MR. ALEC NORRIS: No. It would be  
14 more like the landscape block type of thing.

15 CHAIRMAN VIVONA: As a side note, you  
16 say you meet with PSE&G engineers quite often. Do  
17 you guys bring up the fact that their design doesn't  
18 support collocation?

19 MR. ALEC NORRIS: It does to some  
20 extent, but it is difficult. Some of the carriers  
21 want a lot more -- you know, their needs require a  
22 lot more coaxial cables or antennas. So in some of  
23 those cases, it is a little more challenging.

24 MS. FAIRWEATHER: I can tell you that  
25 when they were designing it, we did try to meet with

1 their legal department when they were designing the  
2 poles to make sure that the poles could hold the  
3 carriers, and because they are a public utility,  
4 they would not let any of the PSE&G funds go to  
5 build a structure that wasn't just used for public  
6 utility.

7 MR. SHAW: Which is why it doesn't  
8 have any facility to have any internal mounting of  
9 the cables?

10 MR. ALEC NORRIS: Yes. For this  
11 particular project, they didn't implement the  
12 telecommunications within the structures and then  
13 they couldn't take, essentially, the rate payer's  
14 money to be able to get the telecommunication  
15 carriers on the poles. If that makes sense.

16 MS. FAIRWEATHER: Actually, it doesn't  
17 make sense, but it makes sense for PSE&G.

18 CHAIRMAN VIVONA: Because this is  
19 going to be an ongoing thing with every community in  
20 this country with every telecommunication -- you  
21 guys don't want to put up new poles and we don't  
22 want new poles.

23 MR. ALEC NORRIS: Right.

24 CHAIRMAN VIVONA: And it is just a  
25 shame that bureaucracy is not letting them design

1 something that can handle two carriers with the  
2 current needs.

3 MR. ALEC NORRIS: This NCRP project,  
4 PSE&G learned a lot about different aspects of the  
5 project. And so as the next project is rolling out,  
6 they are trying to fix all these type of issues that  
7 have popped up on this one. So at least they are  
8 learning from it.

9 For example, trying to find ways to get  
10 the cables inside the poles, trying to get multiple  
11 carriers on the poles easier, things of that nature.  
12 They have learned from this project to do things  
13 quicker and better on the next one. Unfortunately,  
14 it doesn't help this particular site.

15 CHAIRMAN VIVONA: Bob, do you have  
16 anything for this?

17 MR. MICHAELS: No. It is good to see  
18 that they are lowering the antennas and lowering the  
19 equipment shelter. So it is positive.

20 CHAIRMAN VIVONA: We have the  
21 retaining wall. So they have to do some grading to  
22 make that work. I don't think there is any  
23 variances required for any of that, is there?

24 MR. NOLLSTADT: No. I think we are  
25 okay with what we have here.

1 I am looking at your utility line. You  
2 are only disturbing four-foot wide?

3 MR. ALEC NORRIS: Yes, that is  
4 something that was discussed at the last hearing.  
5 We will make modifications to that. We would have  
6 to revise the plans, if approved tonight, to comply  
7 with the things we have discussed. So that would be  
8 another item to be addressed.

9 MR. NOLLSTADT: Okay.

10 CHAIRMAN VIVONA: I gave my opinion on  
11 the fence height and color.

12 Does anybody else have anything  
13 different or anything they want to add?

14 MR. WESTON: Just a question  
15 concerning the fence material.

16 How does it hold up over time?

17 MR. ALEC NORRIS: If constructed  
18 properly, it holds pretty well, because what PSE&G  
19 requires is a lower rail, a middle rail and an upper  
20 rail; and everything is bolted and secured. So you  
21 have three different sets of inside rails to be able  
22 to mount to all the members.

23 MR. WESTON: Okay. And it weathers  
24 okay?

25 MR. ALEC NORRIS: Uh-huh.

1                   CHAIRMAN VIVONA:   Where is the door  
2 and the gate on the fence going to be?

3                   MR. ALEC NORRIS:   I should have  
4 mentioned that earlier.  The fence currently is on  
5 the left side here, as seen in C-3, but since there  
6 will be modifications to this, we would put the  
7 fence on the north side and then we would just make  
8 a four-foot wide gate instead of a double.  And it  
9 would be this side here.

10                  CHAIRMAN VIVONA:   North side being  
11 the high side?

12                  MR. ALEC NORRIS:   The low side, just  
13 because we would now have a retaining wall going  
14 around the rest of the compound.  It is not a high  
15 retaining wall, but it would block access.

16                  CHAIRMAN VIVONA:   You don't need a  
17 road access, do you?

18                  MR. ALEC NORRIS:   No.  It would be  
19 just temporary for construction.

20                  MR. ALEC NORRIS:   Yes.  I mean, we are  
21 proposing a concrete apron down at the bottom for a  
22 technician to pull into.

23                  CHAIRMAN VIVONA:   On Fairmount?

24                  MR. ALEC NORRIS:   Yes.

25                  CHAIRMAN VIVONA:   I think you have

1 addressed our concerns.

2 MR. FITT: Is the fence material wood  
3 or composite?

4 MR. ALEC NORRIS: It is a composite.

5 MR. FITT: So it should weather much  
6 better than wood?

7 MR. ALEC NORRIS: Right.

8 CHAIRMAN VIVONA: Okay. If no one  
9 else has anything else, we will open up any  
10 questions or comments from the public about this.

11 MS. POOJA GUPTA: Pooja Gupta. Owner  
12 of 665 Fairmount Avenue.

13 I have a question. The earlier shelter  
14 that was approved ten years back, it was in the  
15 center of all the three properties.

16 If you notice, on the proposed site,  
17 there are two lots on east side and one lot on west  
18 side. So if you had the shelter right in the center  
19 of the proposed lot, it would have been between all  
20 the three. Right now it is pulled out in front --  
21 is it for the convenience of the technician?

22 CHAIRMAN VIVONA: The reason it is  
23 centered there is because it has to be underneath  
24 the wires so it doesn't affect any more of a utility  
25 corridor. It is basically where PSE&G tells them

1 they can put the structure.

2           You can't just center it, because now  
3 you have a bridge of wires that go from the shelter  
4 that is 50 feet away, as opposed to a shelter that  
5 is eight feet away. PSE&G requires that it is  
6 directly under the lines, so that there is no way  
7 the shelter would interfere with any PSE&G trucks  
8 going back and forth, maintaining the poles. So it  
9 has to be here.

10           MS. POOJA GUPTA: Also, I saw that the  
11 variance for the minimum distance to the residential  
12 property line. I saw there was no discussion going  
13 on, on that.

14           MS. FAIRWEATHER: The variances are  
15 for the height, panel antennas and the fence. The  
16 other variances were already received. So I am not  
17 sure.

18           MR. MICHAELS: If I can, the ordinance  
19 does not permit telecommunication structures in  
20 residential zones or within 100 feet of a  
21 residential zone. So, since this is located within  
22 a residential zone, automatically a variance is  
23 needed. So they don't meet that 100-foot --

24           MS. FAIRWEATHER: But we received that  
25 variance when we originally received our use

1 variance. So that variance had already been granted  
2 for this site. And the reason I need the height  
3 variance is because I am higher than I was the last  
4 time. So our position is we have already received  
5 those variances.

6 CHAIRMAN VIVONA: Right. So their old  
7 tower was on the lattice tower that they replaced.  
8 So they already had a variance for a structure being  
9 in the corridor in a residential zone. The variance  
10 stays with the property forever. So they don't need  
11 to reapply for that one.

12 They are applying for variances that  
13 they did not need the last time, and that is the  
14 fence and the height of the structure and the size  
15 of the panels.

16 So the variance stays with the  
17 property, even though it is not the exact same  
18 place, because their tower moved, their allowable  
19 building envelope moved as well.

20 Anything else?

21 MS. POOJA GUPTA: No.

22 CHAIRMAN VIVONA: Yes, ma'am.

23 MS. SALLY GREGORY MERRELL: Sally  
24 Gregory Merrell. I live at 656 Fairmount Avenue. I  
25 am just a little unclear how the DEP said this was

1 not -- I didn't understand what the report was.

2 MR. SHAW: Basically, if we just stop  
3 here for a minute. We had the final testimony from  
4 Mr. Norris as to engineering, if you have questions  
5 about that. If you ask -- if not, what we need to  
6 do is close --

7 MS. SALLY GREGORY MERRELL: I wasn't  
8 quite finished with my statement. I just wanted to  
9 know why this tower couldn't stay here. The reason  
10 that I asked that and the reason that was given was  
11 the DEP said that it was too close to the swamp.

12 MS. SALLY GREGORY MERRELL: Right.  
13 That doesn't seem to be close to any residential  
14 area.

15 MR. SHAW: DEP will not permit the  
16 current tower to be permanently located at this  
17 location. They will not issue the permit, period.

18 MS. SALLY GREGORY MERRELL: Why?

19 MR. SHAW: Because it is within -- it  
20 is extremely close to the wetlands.

21 MS. SALLY GREGORY MERRELL: And the  
22 problem with that is?

23 MR. SHAW: It is prohibited by DEP  
24 regulations.

25 MS. FAIRWEATHER: That is a good

1 question.

2 MS. SALLY GREGORY MERRELL: This  
3 structure is just as close.

4 MR. SHAW: The regulations -- they  
5 felt that those standards were necessary to protect  
6 the wetlands area, and so there are regulations and  
7 the regulations are adopted.

8 MS. SALLY GREGORY MERRELL: But the  
9 building is just as close to the wetlands.

10 CHAIRMAN VIVONA: That tower is 20  
11 feet further away. All it takes is an inch.

12 MR. SHAW: I suspect that this  
13 building couldn't have been built today with current  
14 wetland regulations.

15 MS. SALLY GREGORY MERRELL: So it is  
16 okay for the tower to be next to residential areas,  
17 but not okay to be next to the swamp?

18 CHAIRMAN VIVONA: We have no authority  
19 over DEP.

20 MS. SALLY GREGORY MERRELL: But you see  
21 where my logic is?

22 CHAIRMAN VIVONA: Yes.

23 MS. SALLY GREGORY MERRELL: I am just  
24 having a little bit of trouble with it being close  
25 to the swamp, but -- not being able to be close to

1 the swamp but being able to be within 100 feet of  
2 residential areas where it does depreciate the value  
3 of those homes, all of those homes that are more  
4 than 100 feet.

5 You are depreciating the value of the  
6 homes, and if that is okay with you, then expect for  
7 everybody to come in and want their taxes lowered,  
8 because you have now depreciated all our property  
9 values by allowing that, where here it doesn't do  
10 that.

11 CHAIRMAN VIVONA: We tried to keep it  
12 here. They wouldn't allow it.

13 MS. SALLY GREGORY MERRELL: Right.  
14 Okay.

15 CHAIRMAN VIVONA: The AT&T people  
16 tried their best.

17 MS. SALLY GREGORY MERRELL: Then let's  
18 move it closer and move it more forward, here.  
19 Otherwise, my property values, her property values,  
20 everybody on Sunset, going up the hill, all those  
21 property values have been decreased.

22 I have been selling real estate in  
23 Chatham -- in this whole area for 14 years, 15  
24 years. I live on the power lines. I knew when I  
25 bought on the power lines, but I am not -- I didn't

1 buy on the power lines with an antenna. I didn't  
2 buy on the power lines with the option of maybe a  
3 pipeline coming through. These things I did not  
4 buy. So if you are going to approve these, then you  
5 better lower my taxes.

6 CHAIRMAN VIVONA: We have nothing to  
7 do with the taxes, but I understand what you are  
8 saying and I hope you do apply for that.

9 MS. SALLY GREGORY MERRELL: It is just  
10 illogical from where I stand.

11 CHAIRMAN VIVONA: I understand. AT&T  
12 already had approval. They already had a tower on  
13 that site. Their antennas were on the towers they  
14 removed.

15 MS. SALLY GREGORY MERRELL: The towers  
16 were much lower.

17 CHAIRMAN VIVONA: It is the same  
18 equipment. Actually, if you are worried about  
19 safety, the antennas are 40 feet higher up, 40 feet  
20 further away than they were before.

21 MS. SALLY GREGORY MERRELL:  
22 Aesthetically, that doesn't help.

23 CHAIRMAN VIVONA: It is that or put up  
24 another pole near it, because they need the  
25 coverage. We are not allowed to stop them from

1 putting it up. We cannot stop them.

2 MS. SALLY GREGORY MERRELL: I would  
3 just like the committee to take into consideration  
4 for the future property values.

5 CHAIRMAN VIVONA: We do, and we are  
6 very concerned about it.

7 MS. SALLY GREGORY MERRELL: Obviously  
8 it wasn't when it was approved last time, because it  
9 is really close to the people on Sunset. Very  
10 close.

11 MR. HYLAND: What was the study done  
12 about property values?

13 MR. SHAW: The only property studies  
14 that were done that were submitted to us, which the  
15 board didn't find credible since there was  
16 absolutely no impact whatsoever on the --

17 MS. SALLY GREGORY MERRELL: I can  
18 submit plenty of reports. Jeffery Otto does a study  
19 on it. Your property values on power lines decrease  
20 10 to 20 percent when you go to market your house.  
21 In this area. If you move out of this area, people  
22 don't care about the power lines. Living in Chatham  
23 Township, Madison, Providence, Berkley Heights,  
24 these areas, Summit, nobody wants to live by them.

25 MR. HYLAND: I agree with Tony. I feel

1 for you.

2 MS. SALLY GREGORY MERRELL: I knew what  
3 I bought into and I am fine with that. Because I  
4 knew it when I went into them. I researched them.  
5 I knew what the effects were.

6 I didn't buy into having antennas  
7 because PSE&G said it is okay to do this on their  
8 property.

9 MR. HYLAND: I do think that as a  
10 board we have yet to see, and we don't think the  
11 neighboring communities have seen either, factual  
12 reports --

13 MS. SALLY GREGORY MERRELL: I will  
14 bring in reports.

15 MR. HYLAND: Let me finish -- Factual  
16 reports that show the value of homes selling before  
17 and after the antennas were put in.

18 MS. SALLY GREGORY MERRELL: I will show  
19 you that, and you can contact Jeffrey Otto from  
20 Otto.com. He has been -- his business is just  
21 studying real estate and investment properties in  
22 the whole Tristate area.

23 MR. SHAW: Before we get too far down  
24 the road, we are at a public hearing. So if you  
25 have evidence -- just wait.

1 I am trying to get this back to where  
2 it was. You were asking questions of this witness.  
3 If you don't have any questions of this witness  
4 anymore and you want to present testimony or  
5 evidence or anything else that you want to make as  
6 public comment, then we should dismiss this witness  
7 and then you can come forward instead of from the  
8 rear of the building and make your presentation from  
9 where we can speak with you.

10 So, were there any other questions for  
11 Mr. Norris? No?

12 CHAIRMAN VIVONA: Thank you, Mr.  
13 Norris.

14 MR. SHAW: So if you want to come  
15 forward and make a comment --

16 MS. SALLY GREGORY MERRELL: That is  
17 what I thought I was doing.

18 CHAIRMAN VIVONA: There is a  
19 procedure. It wasn't public comment time.

20 MS. POOJA GUPTA: I have a folder, a  
21 file with approximately ten documents. I have the  
22 RE/MAX letter from the local Chatham who says the  
23 property values decrease once you allow the  
24 shelter --

25 MS. FAIRWEATHER: I am obviously going

1 to object to this since I don't have a witness to  
2 cross-examine on any of this. I am going to object  
3 to any letters that give opinions with no one to  
4 cross examine.

5 MR. SHAW: What you need to do, if you  
6 are going to present documents to the board for  
7 evidence -- you have your copy there. If you want  
8 something introduced, you are supposed to give a  
9 copy to counsel for her to look at, see if she has  
10 any objection to it; and make a presentation for us  
11 to review.

12 MS. POOJA GUPTA: See, the thing is,  
13 last time that I came, it was just made clear that  
14 whatever you do, this thing is going to come up.  
15 So, you know I did not do for that anything. But I  
16 can leave the report over here, but I can provide  
17 you the soft copy to everybody in the e-mail.

18 MR. SHAW: The process is for you to  
19 make a presentation as an objector. If you have  
20 evidence that you wish to introduce for the board to  
21 consider, that just doesn't get distributed to the  
22 board. You first have to provide copy to counsel  
23 sitting next to you and let her review it to see if  
24 she has any objection to it being considered by the  
25 board.

1 I hate to say it, in terms of timing,  
2 but if you have a book full of information that you  
3 want to have the board to consider, you need to go  
4 through -- we need to have you go through those  
5 documents.

6 MS. POOJA GUPTA: If you have time, I  
7 can go through it, but I have --

8 MR. SHAW: It is not a question if we  
9 have time. That is what we have to do. That is the  
10 process. And then if there is a document that you  
11 want to admit and it is written by someone else and  
12 that person is not here to testify, then counsel is  
13 likely to object to the board even considering that  
14 document because the person who authored that  
15 document is not available to be cross-examined.

16 MS. POOJA GUPTA: I tried to bring the  
17 realtor over here, but she didn't want to get  
18 involved. That was the statement, but she gave me  
19 the letter.

20 MR. SHAW: That is why I was trying to  
21 get us back to being on the record. This is your  
22 opportunity, as a resident, to participate as an  
23 objector. You can represent yourself or you can  
24 have an attorney represent you, but this is a  
25 quasi-judicial proceeding, and you have to go

1 through the process to get all the documents brought  
2 forward, which is why when you e-mailed everything  
3 to the board, it couldn't be distributed in e-mail  
4 to the board. We have what you sent on file, but  
5 the board can't consider it unless it is presented  
6 through this quasi-judicial process.

7 MS. POOJA GUPTA: I understand what you  
8 are saying.

9 Before that, can I have the letter from  
10 the DEP that this antenna has to be moved? Did  
11 anybody actually provide a letter saying that this  
12 antenna has to be moved, this is temporary and we  
13 can't, you know? Did they provide anything? They  
14 are just saying verbally.

15 MR. SHAW: My familiarity, from what  
16 Mr. Rushke stated, was when there was an application  
17 made to seek approval for it, it was denied because  
18 of the proximity to the wetlands.

19 MS. POOJA GUPTA: I understand. But  
20 tonight over here, did the township ask DEP if they  
21 can be considering this antenna to be here?

22 MR. SHAW: Ms. Fairweather?

23 MS. FAIRWEATHER: The DEP gave formal  
24 notice to that township and to AT&T that we were in  
25 violation of the regulations and that we had to move

1 it. This board doesn't have a copy of it, because  
2 it is your zoning board, but your town attorney and  
3 governing body does.

4 MS. POOJA GUPTA: Okay. I guess, so  
5 if -- I understand if DEP doesn't agree. So I guess  
6 you have to continue with the approval of their  
7 application because -- everything is over there, you  
8 know. It is going to lower the properties, it is  
9 going to impact -- the immediate next neighbor, you  
10 know, she is trying to sell her house for the last  
11 six months. It is not selling because of the PSE&G  
12 tower.

13 Once they have the shelter right there  
14 next to it, she will never be able to sell her  
15 property. I am just saying, these are the facts  
16 which are there, but all of you are just ignoring  
17 it.

18 People did mistake ten years back to  
19 give approval to them, to have the antenna over  
20 there. I understand that they have to do it. They  
21 have to install it on the PSE&G towers and they  
22 don't want to erect another structure, but you have  
23 to understand, these are commercial properties,  
24 those small shelters, what they call -- you have  
25 maintenance crew coming in. It is invasion of

1 property -- invasion of my privacy, which is just  
2 100 feet, 150 feet next to my home. And now you are  
3 just putting it right, immediately next to my home.

4 Earlier, it was between three houses.  
5 Now it is just right next to my home. I will never  
6 be able to rest in peace over there. I understand  
7 it is nothing to do with your -- because it is not  
8 next to your house, but I just bought a house one  
9 year back and I did not buy a house next to an AT&T  
10 tower.

11 I can get all the facts, but it is --  
12 actually, I can't get all those scientists to come  
13 here and, you know, stand here in the hearing, but  
14 the things are there.

15 You allow now, you are going to, again,  
16 create all these problems for next 20 years, 30  
17 years. You just said that ten years back they got  
18 the variance, and you can't do anything right now.  
19 I just want you guys to think that what you say now,  
20 today to them, is going to be continuing again for  
21 next 20 years.

22 Just think about it, what you had  
23 cellphone 10 years, 20 years back. Now you have 5G  
24 coming in next three years. Where the technology is  
25 going you can't understand what the impact is going,

1 you just can't understand. What the impact is going  
2 to be afterwards, nobody knows that. Once those  
3 antennas are up, nobody can do anything. It is just  
4 going to increase day by day.

5 I think you should tell them to, you  
6 know, start with the DEP, when the things can  
7 actually be done. They can stay here. The tower  
8 can stay here. We are not against technology. We  
9 are just against to place them next to the houses,  
10 very close to the houses. Just think of it. I  
11 don't have anybody, any witness, but I am just -- I  
12 am an architect, but I am just telling, we have to  
13 create those social spaces. You have to think about  
14 the people first. Technology is always there, but  
15 you have to try to work with them.

16 That is it.

17 CHAIRMAN VIVONA: Anybody else for  
18 public comment?

19 MS. SALLY GREGORY MERRELL: Sally  
20 Gregory Merrell, 656 Fairmount Avenue.

21 I am a realtor and I lived at my  
22 property before I became a realtor. I researched  
23 it. I have been on Fairmount for -- at this  
24 location for 25 years, 26 years. So I knew the  
25 power lines were behind me. I saw the antenna go

1 up. I saw the antenna come down. I didn't realize  
2 it was going back up. Never really thought about  
3 it.

4 The size of the building I find  
5 offensive. And then when I walked out here and saw  
6 what was actually underneath this one, I went, holy  
7 crap, I don't remember it being -- holy cow, I don't  
8 remember it being that big or that loud.

9 Being a real estate agent, I can tell  
10 you for a fact, your property values decrease 10 to  
11 20 percent. So if my house were anywhere else in  
12 Chatham, even on a busy road, which I am on --  
13 Fairmount is a busy road or some consider it busy --  
14 that I would be able to market my house today, as  
15 is, for 750,000. But because it is on the power  
16 lines, I have to reduce it by 10 to 20 percent and  
17 to see what the market will bear.

18 Fortunately for me, although it looks  
19 like the tower is right behind my house, I am a good  
20 150 yards from it at least, but it is overbearing.  
21 So I know that when I go to market my house, 599  
22 will be the price I set it at, and hopefully someone  
23 will purchase it soon.

24 That being said, if I had that behind  
25 my house on Sunset, I would be furious. I would be

1 furious. I am sorry.

2 You wouldn't buy it. Would you buy a  
3 house on Sunset with this behind you?

4 MS. FAIRWEATHER: You are asking the  
5 wrong person. I live on a mountain with a tower by  
6 my house. You are just asking the wrong person.  
7 You are asking the wrong person. Sorry.

8 MS. SALLY GREGORY MERRELL: Any of you?  
9 Would you buy that if that were behind your house?  
10 Probably not if you had other options in Chatham.  
11 No, you are not going to.

12 So that would be. I -- when I walked  
13 out and saw it after, I am like what? The DEP -- it  
14 is not okay, but it is okay to be behind that  
15 woman's house on Sunset and then the noise? My  
16 gosh, that is not why we live in the township.

17 The wires are great neighbors. I get  
18 wonderful wildlife. Nobody bothers me. There is a  
19 lot of privacy. If that came up behind my house, I  
20 would be furious. I would be furious.

21 As a real estate agent -- and I will  
22 bring you -- if you want to see, I will bring you  
23 evidence of how property values on power lines are  
24 10 to 20 percent from houses that are across the  
25 street. Down in Wickham Woods, it takes a lot

1 longer to sell unless you price it right; and it is  
2 usually 100 to 150 less than what is across the  
3 street.

4 MS. ROMANO: But you are saying power  
5 lines.

6 MS. SALLY GREGORY MERRELL: Not on the  
7 power lines.

8 MR. HYLAND: That is not the issue.

9 MS. SALLY GREGORY MERRELL: I know, but  
10 what I am saying is that if you are on the power  
11 lines, and then you have something like this, the  
12 power lines are already --

13 MR. HYLAND: That is what people have  
14 to demonstrate.

15 MS. SALLY GREGORY MERRELL: I can  
16 demonstrate that for you. I would love to  
17 demonstrate that for you. I am telling you, go on  
18 Otto.com --

19 MR. HYLAND: What would your rationale  
20 be for demonstrating it?

21 MS. SALLY GREGORY MERRELL: My  
22 rationale? I could show you what homes on the same  
23 street sell for like on West Minster, on the power  
24 lines or on --

25 MR. SHAW: We are not concerned about

1 the power lines.

2 MS. SALLY GREGORY MERRELL: I know you  
3 are not concerned, but what I am saying is it does  
4 decrease your property values.

5 MR. SHAW: We have had testimony in  
6 other proceedings that power lines can have the  
7 effect of decreasing property value --

8 MS. SALLY GREGORY MERRELL: So you put  
9 something like that on top of power lines --

10 MR. SHAW: That is one of the reasons  
11 why when the board approved the resolution in 2007,  
12 one of the things the board concluded, the  
13 applicant's demonstration of suitability of the site  
14 outweighed the negative issue of impact,  
15 particularly since the neighborhood is already  
16 impacted by --

17 MS. SALLY GREGORY MERRELL: Yes, so  
18 they are already impacted, so let's just like throw  
19 something else in there.

20 MR. HYLAND: Getting back to the  
21 question, I think what you need to do to demonstrate  
22 -- you have to look at what a house was worth before  
23 you put the antennas in and then you have to look at  
24 what the house traded for after the antennas went  
25 in.

1 MS. SALLY GREGORY MERRELL: You can't  
2 do that because --

3 MR. HYLAND: That is why it is so hard  
4 to demonstrate --

5 MS. SALLY GREGORY MERRELL: It is  
6 really not, though, because if you look at what a  
7 house can sell for, literally with the power lines  
8 behind it --

9 MR. HYLAND: Not the power lines. The  
10 antennas. It is a very specific discussion.

11 MS. SALLY GREGORY MERRELL: Okay. The  
12 antennas. Okay. Well, it is kind of hard because  
13 they are on the power lines.

14 MR. HYLAND: That is the whole point.

15 MS. SALLY GREGORY MERRELL: I know, but  
16 -- so, you think they are not going to sell for less  
17 with a building like this behind you?

18 MS. POOJA GUPTA: The difference --

19 MS. SALLY GREGORY MERRELL: How could  
20 this be?

21 MS. FAIRWEATHER: Can I step in here  
22 and comment?

23 This has actually been litigated and it  
24 has actually been litigated here in Chatham, where  
25 we put antennas on an existing structure much closer

1 than the houses that are near here, and both the  
2 Superior Court and the Appellate Division in New  
3 Jersey upheld that adding antennas to an existing  
4 structure does not decrease the property value --

5 MS. SALLY GREGORY MERRELL: I am not  
6 sure I have a problem with the antenna.

7 MS. FAIRWEATHER: Right.

8 MS. SALLY GREGORY MERRELL: But the  
9 building and the noise.

10 MS. FAIRWEATHER: The noise complies  
11 with DEP, so there is nothing that can be done about  
12 that. The building will have a fence around it and  
13 has been ameliorated, but the building goes to the  
14 antennas. It needs it to exist. And the compound  
15 that is proposed here is less than what was proposed  
16 ten years ago. So it is actually smaller.

17 MS. SALLY GREGORY MERRELL: Okay.

18 MS. FAIRWEATHER: I know you don't  
19 believe me and we can agree to disagree, but that is  
20 what it is.

21 MS. SALLY GREGORY MERRELL: It is still  
22 not pretty. It still makes noise. It is still  
23 behind somebody's house. It is still not a house  
24 behind somebody's house.

25 MS. FAIRWEATHER: Actually, it is in a

1 right-of-way, a public right-of-way.

2 MR. SHAW: In any event, we are not  
3 supposed to be having --

4 MS. SALLY GREGORY MERRELL: You  
5 wouldn't pay more for a house with this behind it.  
6 You are going to pay less.

7 I know you want me to prove it, but the  
8 woman who is trying to sell her house on Sunset  
9 can't do it. And with this coming up, good luck is  
10 what I would say to her.

11 If I had buyers, I would advise against  
12 it. I would say wait for something else because you  
13 are going to have the same problem down the road.  
14 What I tell my buyers is it is fine if you want to  
15 buy it, but you always have to consider resale.

16 MR. HYLAND: Which is what you  
17 initially started with, right? There is a price  
18 that the market will bear for this structure.

19 MS. SALLY GREGORY MERRELL: Right,  
20 which is 10 to 20 percent off the market value.

21 MR. HYLAND: We all agree it is 10 to  
22 20 percent off the market value.

23 MR. HYLAND: The power lines are  
24 already there.

25 MS. SALLY GREGORY MERRELL: The

1 antenna, same thing. You keep thinking that the  
2 antennas are on top of the power lines.

3 MS. SALLY GREGORY MERRELL: I am saying  
4 antennas, but I am really saying the structure that  
5 is for the housing is what irritates me more. It is  
6 not the antenna. It is what is below the antenna.

7 CHAIRMAN VIVONA: That is about the  
8 only thing that we have any say in whatsoever. We  
9 can't stop the Federal regulation that they --

10 MS. SALLY GREGORY MERRELL: Excuse me  
11 for the terminology. It is not the antenna. It is  
12 the structure beneath and the noise, the structure  
13 and the noise that irritates me more than the actual  
14 antenna.

15 MR. HYLAND: We had a noise engineer  
16 show up, right?

17 MR. SHAW: Yes.

18 MR. HYLAND: The noise engineer  
19 demonstrated that there was virtually no noise.

20 CHAIRMAN VIVONA: This one is very  
21 loud.

22 MS. SALLY GREGORY MERRELL: It is loud.

23 CHAIRMAN VIVONA: The new ones are --

24 MR. SHAW: This doesn't have the same  
25 protective --

1 MS. FAIRWEATHER: This is a temporary  
2 site. It is not a well-built site that will be  
3 this, because it is a temporary site. It is called  
4 a cell on wheels. So the noise levels, they are not  
5 the same.

6 CHAIRMAN VIVONA: So the stuff we can  
7 do is make it as aesthetically pleasing, if you  
8 will, as possible. That is about the only thing we  
9 can do, is to make it more -- less unpleasing. That  
10 is only thing we can do.

11 MS. SALLY GREGORY MERRELL: Okay. And  
12 that is appreciated.

13 CHAIRMAN VIVONA: We try. The power  
14 companies know there is a problem. The cellphone  
15 companies know there is a problem. And they are all  
16 trying to work around it.

17 They are making quieter units. They  
18 are making no generators. They are letting us  
19 choose what type of fencing we want. We make them  
20 change the colors of the wires so you don't have  
21 five different colors in the air. We make them  
22 paint the antennas the same color as the tower, so  
23 there is no like big red thing that will make you  
24 look up. So we try to make it innocuous. And that  
25 is the only power that this board has.

1           We would love to have more power, but  
2 because every town in America would like that same  
3 power, nothing would get done.

4           So the Federal government says you  
5 cannot, as a community, stop this stuff from going  
6 up. What we can do is mask it as best we can.  
7 PSE&G will not let them put up plants or flowers or  
8 anything.

9           MS. SALLY GREGORY MERRELL: I know,  
10 because they come in and cut it all down.

11           CHAIRMAN VIVONA: They will do  
12 anything we ask them to do, as long as PSE&G says it  
13 is okay. We are putting up a solid fence. You  
14 can't see through it. It is not chain link. You  
15 will barely see the building. It is not this nasty  
16 tower with five different colors on it. It is all  
17 -- the best that we can do.

18           So hopefully the only reduction in  
19 value is the reduction that is built in because you  
20 have a power line behind you. You are not going to  
21 lose 20 percent more because you see a brown fence.

22           MS. SALLY GREGORY MERRELL: It is all  
23 encompassed.

24           CHAIRMAN VIVONA: We would love to  
25 say no. I would love to get on my cell phone and

1 say no towers, please, but no one would hear me  
2 because we don't have a tower.

3 This one here I can see from my house.  
4 I walk back there. It is extremely loud and ugly,  
5 but it is a temporary structure.

6 If it were to become permanent, they  
7 would have to rebuild it. It would have to comply  
8 with the noise regulations. The regulations state  
9 it can't be beyond 50 decibels, which is ambient  
10 sound, like when you walk outside and you hear a  
11 squirrel eating a nut. That is ambient. And that  
12 is 45 decibels.

13 So the noise has been corrected, as  
14 best as possible. It is within limits. It is  
15 actually below limits set by the State.

16 The radiowaves themselves are  
17 one-billionth or some God-awful tiny number of what  
18 is allowed by the Federal government. So there is  
19 no health risk. There is a lot of myth.

20 MS. SALLY GREGORY MERRELL: I know. I  
21 have researched that myself. So I am not worried  
22 about that.

23 CHAIRMAN VIVONA: There is more health  
24 risk doing this than that.

25 MS. SALLY GREGORY MERRELL: Exactly.

1                   CHAIRMAN VIVONA:    Our hands are  
2                   basically tied and all we can do is make it --

3                   MS. SALLY GREGORY MERRELL:   As  
4                   aesthetically cleaning as you can.

5                   CHAIRMAN VIVONA:    And since that area  
6                   was already granted a variance, the variance stays  
7                   with the property for eternity.  So they can go  
8                   there.  PSE&G says you can only put it behind the  
9                   tower.  It can't be beside it.  It can't be over  
10                  here.  It can't be hidden.  It can't be buried.

11                  That is another option.  We have had  
12                  people look into whether the whole structure can be  
13                  underground.  And that is something that the  
14                  engineers are actually looking at.

15                  MR. SHAW:     PSE&G prohibits it.

16                  CHAIRMAN VIVONA:    Right.

17                  MS. SALLY GREGORY MERRELL:  There is  
18                  also a gas line underneath.  So how far can you go?

19                  CHAIRMAN VIVONA:    Right.  We feel your  
20                  pain.  We all live in the same town.  We know what  
21                  it is; and we are doing everything that we can  
22                  legally do.  It stinks, but that is what it is.

23                  MS. SALLY GREGORY MERRELL:  Okay.  I  
24                  just wanted to comment.

25                  CHAIRMAN VIVONA:    I appreciate your

1 comments. I do hope you put together your evidence  
2 and give it to other boards or other --

3 MR. HYLAND: Neighborhoods. We will  
4 back here next month.

5 MS. SALLY GREGORY MERRELL: Why? Is  
6 there here one going up?

7 CHAIRMAN VIVONA: Every month.

8 MR. HYLAND: Yes. There are other  
9 antennas. If there is evidence, that would be great  
10 to see. Make sure that we get it in time to present  
11 to counsel and to everybody else so that it can be  
12 accepted.

13 MS. SALLY GREGORY MERRELL: Okay.  
14 Great. Thank you. I thank you for your time. I  
15 appreciate it. I really do.

16 MS. POOJA GUPTA: I have one last  
17 request. What can be done to push the structure  
18 into the center of the lot?

19 CHAIRMAN VIVONA: You can't do it.

20 MS. POOJA GUPTA: Because you just  
21 said --

22 CHAIRMAN VIVONA: It has to be under  
23 the pole.

24 MS. POOJA GUPTA: The pole is over  
25 here. The pole is over here. This is the two

1 properties. Earlier the structure was right over  
2 here. Why can't you move the structure over here?

3 CHAIRMAN VIVONA: It is still going to  
4 be a structure and you are going to have aboveground  
5 wires that is going to be aboveground and visible  
6 for 50 feet, as opposed to a little -- you will have  
7 wires like this stretching 50 feet from the building  
8 to the pole, aboveground, ten-foot high.

9 This way, with the building being next  
10 to the pole, you only have that little six-foot area  
11 of wire that is exposed, as opposed to having  
12 another set of wires, 24 wires that are two-inches  
13 round, stretched for 50 feet, it would look a lot  
14 worse than having it that close to the building.

15 We have actually tried to have them put  
16 it underground, and sometimes they do. But it still  
17 has got to come up to attach to the pole. So it is  
18 easier to have that little short section.

19 MS. POOJA GUPTA: I guess it would look  
20 better than the structure.

21 CHAIRMAN VIVONA: The structure will be  
22 90 percent hidden. And that area, the right-of-way  
23 there doesn't get mowed. So you have tall grass and  
24 eventually will be halfway hidden by the natural  
25 grass.

1 MS. POOJA GUPTA: Okay. Thank you.

2 MR. SHAW: Do you have any closing  
3 statements?

4 MS. FAIRWEATHER: No, I am just asking  
5 to please grant the application. As you stated, we  
6 already received the use variance to go there on the  
7 property. I know it is very hard for you to stand  
8 up against neighbors that are against it, but we  
9 have done everything you have asked. We have  
10 lowered the antennas. We have made the compound  
11 smaller and as aesthetically pleasing as we could  
12 and I hope you grant our application.

13 CHAIRMAN VIVONA: Everybody good?

14 All right. Someone make a motion?

15 SECRETARY SMITH: Mr. Fitt, as a new  
16 member, did you listen to the tapes for October,  
17 November and December?

18 MR. FITT: I did.

19 SECRETARY SMITH: I need you to sign  
20 and then you will be eligible to vote.

21 CHAIRMAN VIVONA: At this time, we can  
22 make a motion.

23 MR. HYLAND: I move that we move the  
24 process forward.

25 MR. SHAW: Approve the application?

1 MR. HYLAND: Approve the application.

2 MR. SHAW: With the modifications  
3 agreed to?

4 MR. HYLAND: With the modifications.

5 CHAIRMAN VIVONA: Okay. Do we have a  
6 second?

7 MR. STYPLE: Second.

8 SECRETARY SMITH: Mr. Vivona?

9 CHAIRMAN VIVONA: I am going to say  
10 yes, but I do want to say that I know AT&T did their  
11 very best to comply with everything we have asked.  
12 I think I have explained myself enough to the  
13 neighbors. I understand what our position is and I  
14 am sorry that these things go up, but we have very,  
15 very little control over it. I have to say yes.

16 SECRETARY SMITH: Mr. Weston?

17 MR. WESTON: Yes.

18 SECRETARY SMITH: Mr. Styple?

19 MR. STYPLE: Yes.

20 SECRETARY SMITH: Mr. Hyland?

21 MR. HYLAND: Yes.

22 SECRETARY SMITH: Ms. LaBadie?

23 MS. LaBADIE: Yes.

24 SECRETARY SMITH: Mr. Fitt?

25 MR. FITT: Yes.

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MS. FAIRWEATHER: Thank you.  
(Hearing concluded at 9:30 p.m.)

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CERTIFICATE

I, RITA GARDNER, Notary Public of the State of New Jersey and a Certified Court Reporter, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative or employee of such attorney or counsel, and that I am not financially interested in the action.



Notary Public of the State of New Jersey

Dated: January 29, 2018

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