

1 TOWNSHIP OF CHATHAM
2 BOARD OF ADJUSTMENT

3 ----- :
4 IN THE MATTER OF: :
5 : TRANSCRIPT
6 CALENDAR BOA 16-105-5 : OF
7 T-MOBILE NORTHEAST, LLC : PROCEEDINGS
8 PSE&G TOWER, SPRING STREET:
9 BLOCK: 105, LOT: 5 :
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Wednesday, March 9, 2016
Municipal Building
58 Meyersville Road
Chatham, New Jersey 07928
Commencing at 9:33 p.m.

BOARD MEMBERS PRESENT:

- 11 TONY VIVONA, Chairman
- 12 JON WESTON, Vice Chairman
- 13 TINA ROMANO
- 14 RICK WILLIAMS
- 15 GREGORY BORSINGER
- 16 WILLIAM STYPLE
- 17 DENNIS NEWMAN
- 18 JOHN HURRING, JR., Alternate 1
- 19 MICHAEL HYLAND, Alternate 2

ALSO PRESENT:

- 20 KALI TSIMBOUKIS, Board Secretary
- 21 JOHN K. RUSCHKE, P.E., Board Engineer
- 22 ROBERT A. MICHAELS, P.P., Board Planner
- 23 LEON HREBIEN, Ph.D., Board RF Expert

24 MICHELE QUICK
25 CERTIFIED COURT REPORTER

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

2

2 STEPHEN H. SHAW, ESQ.
 3 Counsel for the Board

4 PRICE, MEESE, SHULMAN & D'ARMINIO, P.C.
 5 Mack-Cali Corporate Center
 6 50 Tice Boulevard
 7 Woodcliff Lake, New Jersey 07677-7644
 8 BY: GREGORY D. MEESE, ESQ.
 9 Counsel for the Applicant

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1 CHAIRMAN VIVONA: Calendar BOA
 2 16-105-5, T-Mobile Northeast, LLC, PSE&G Tower,
 3 Spring Street.

4 MR. MEESE: Good evening, Mr.
 5 Chairman, members of the Board, Greg Meese, attorney
 6 for the applicant, T-Mobile Northeast, LLC.

7 This is a T-Mobile replacement site
 8 from a PSE&G tower that was removed and a new tower
 9 recently constructed and PSE&G currently has a
 10 temporary site on air that they're seeking to take
 11 off air by the end of June. In order to do so, they
 12 need to have a permanent site on air so they're
 13 seeking to have this permanent site on the recently
 14 constructed PSE&G site located at Block 105, Lot 5.
 15 The tower at this location is 131 feet tall, ten
 16 feet shorter than the prior tower. There is a very
 17 similar installation proposed, six antennas at a
 18 centerline of 126 feet, 128.3 feet to the top of the
 19 antennas, and the equipment at the base is proposed
 20 to be cabinets, outdoor cabinets, on a four-by-20-
 21 foot concrete slab within a fenced area.

22 In April of 1999, this Board granted a
 23 use variance to permit the facility. The municipal
 24 code has now been revised to permit facilities as
 25 conditional uses. If you review the conditional use

1 I N D E X

3

<u>WITNESSES</u>	<u>SWORN</u>
FRANK PAZDEN	9
JOSEPH MENIO	38
DANIEL COLLINS	52

<u>EXHIBITS MARKED INTO EVIDENCE</u>		
<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
A-11	Site plan showing the existing network with the proposed coverage of the subject site	39

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1 standards, I would argue that we comply with each of
 2 them but for the following: The antenna width is 13
 3 inches rather than 12 inches. There was a request
 4 early on for a setback variance here, but the
 5 compound will be rotated in order to comply with the
 6 50-foot setback. So that variance would be
 7 eliminated from the application.

8 MR. SHAW: If you might comment on
 9 that, I think what we also talked about when we were
 10 out in the field, you did eliminate that, but I
 11 think what we were talking about in the field was we
 12 wanted to make sure that this facility will still be
 13 capable of being collocated with another facility.
 14 Did moving that 50 foot change your ability to --

15 MR. PAZDEN: No.
 16 MR. SHAW: Okay.
 17 MR. HYLAND: Do we want to read the
 18 site visit?

19 CHAIRMAN VIVONA: Yeah, I was just
 20 going to say, before we go on, we have a Site Visit
 21 Report.

22 MR. HURRING: The two alternates are
 23 not allowed to vote so we gotta do the site reports.
 24 MR. WILLIAMS: You're low on the totem
 25 pole.

6

1 (Laughter)

2 MR. HURRING: Date: March 5, 2016, 11

3 a.m. The address is Spring Street, Lot 5, Block

4 105, PSE&G Tower. Attendees are Mr. Vivona, Board

5 Chair; Mr. Williams, Board Member; Mr. Styple, Board

6 Member -- ooh, Greg, you were not there, correct?

7 (Mr. Borsinger nods.)

8 MR. HURRING: Gotta strike that, you

9 were not there, Greg.

10 Mr. Newman, Board Member, Mr. Hyland,

11 Board Member, myself, Mr. Hurring, Board Member; Mr.

12 Shaw, Board Attorney; Frank Pazden, Contractor for

13 T-Mobile; Greg, is it -- I'm sorry, Greg, is it

14 Meese? Meese?

15 MR. MEESE: Meese.

16 MR. HURRING: Meese. -- Greg Meese,

17 Attorney for T-Mobile.

18 Variance Requests:

19 * Use variance for installation of

20 proposed cellular telecommunications antennae in the

21 R-3 Residence District (pre-existing antennae was

22 approximately 115 feet above grade, top of proposed

23 antennae is approximately 128.3 feet).

24 The -- I guess we can now skip that

25 one, the setback, the front-yard setback, that's

7

1 been addressed.

2 * Maximum Width of Panel Antennas; 12

3 inches is allowed, 13 is proposed.

4 * Minimum Height of Fence (stockade

5 fence around equipment shelter); 6 feet is allowed,

6 7 feet is proposed.

7 The property is located in a PSE&G

8 right-of-way that runs parallel to School Ave. and

9 will be located near the cross section Spring Street

10 and School Ave. The location is an open but distant

11 location from homes nearby.

12 The applicant is seeking permission to

13 relocate its antennae at this site following the

14 replacement of the "old" PSE&G poles. It is

15 expected that the temporary tower located a short

16 distance away in the current high school overflow

17 parking lot will be replaced by this installation.

18 Notable During the Visit:

19 * Because of the distance, it did not

20 appear as though any of the neighboring homes were

21 going to be drastically impacted.

22 * The Board learned that PSE&G does not

23 like the antennae to be placed between the three

24 rows of conductors. Instead, an antenna can be

25 placed either above or below the top ground wire.

8

1 * The cable connection bridge from

2 compound to tower cannot be placed underground due

3 to PSE&G restrictions.

4 * Compound cannot be moved farther away

5 from pole due to specific carrier technology

6 limitations.

7 * Therefore, any second carrier that

8 would collocate at this site would go above the

9 ground wire with a pole extender. Oh, that's

10 referring to the earlier one.

11 * This site will not have a generator.

12 * Slight adjustments for the location

13 of the compound were suggested to ensure proper

14 space for a collocator facility in the future.

15 * And then a 7-foot fence with no shed,

16 and only equipment cabinets inside was recommended

17 to help reduce the size of the overall compound. No

18 air-conditioning would be needed and the cabinets

19 would only require cooling fans.

20 CHAIRMAN VIVONA: Okay. Thank you.

21 MR. MEESE: Thank you. Our first

22 witness is Frank Pazden.

23 Mr. Pazden, would you please raise your

24 right hand and be sworn in.

25 CHAIRMAN VIVONA: I think he's

9

1 already --

2 MR. SHAW: I don't think you need to

3 separately qualify him but it is a separate

4 application so you do need to swear him in.

5 CHAIRMAN VIVONA: Okay.

6 F R A N K P A Z D E N, P. E., Maser Consulting,

7 400 Valley Road, Suite 304, Mount Arlington, New

8 Jersey 07856, is sworn by the Board Chairman.

9 MR. SHAW: You've previously been

10 accepted as an expert engineer on the site so...

11 MR. PAZDEN: Yes. Thank you.

12 Okay, so, again, this is a copy of a

13 sheet that was part of the application that was

14 submitted. This is Sheet Z-1 with a revision date

15 of September 18, 2014 issued for zoning. What is

16 proposed here is very similar to the previous

17 application. A little difference in the right-of-

18 way. This right-of-way is running on the sheet here

19 from the southwest to the northeast kind of

20 diagonally across the page. It's a little wider

21 right-of-way, it's a 225-foot-wide PSE&G right-of-

22 way. The reason, in this case, it's slightly

23 different is there's actually two transmission lines

24 that run through this right-of-way here. There's

25 the old lattice-style tower that's still located

10

1 slightly to the west of the new pole location where
2 PSE&G has replaced the pole. Previously, T-Mobile
3 was on the lattice tower on the Roseland-Metuchen
4 line which was replaced. It was almost parallel
5 with that existing lattice tower that's there now,
6 so the new pole has been moved about 35 feet into
7 the property away from Spring Street. Spring
8 Street's running down along the southwest edge of
9 the property line. So what we have proposed is to
10 locate our compound within that grassy area that was
11 between the new PSE&G pole and the intersection of
12 School Ave. and Spring Street. The way that it was
13 originally shown, as it was mentioned on the first
14 application here, is we had our compound parallel
15 with the right-of-way line, so by doing so, it runs
16 so that it is not parallel to School Ave., so that
17 pushed us into the setback area. What we are able
18 to do is now rotate the compound so that we'll now
19 be parallel to School Ave. and maintain the 50-foot
20 setback distance so we won't require that variance.
21 We'll go to the enlarged view here on
22 Z-3, and again, that's showing the compound, very
23 similar to what we had discussed at the last
24 location, with it being rotated, it was just asked
25 about collocators. They again would be located, in

11

1 this case, to the northwest side of the compound,
2 they would typically share the center fence line,
3 and then a collocator would just build their
4 compound off of our proposed fence line, so --
5 CHAIRMAN VIVONA: Just to clarify, the
6 collocator would be further away from the pool side.
7 MR. PAZDEN: Further away from the
8 pool, correct.
9 CHAIRMAN VIVONA: All right.
10 MR. PAZDEN: And the way we are
11 currently positioned, our antenna cable bridge would
12 be running to the eastern side of the pole, which is
13 to the School Ave. side of the pole, and a future
14 collocator would then be able to run to the western
15 side of the pole, so it would be situated -- no one
16 that we're working with right now is proposing that
17 location but it is set up for someone to come in the
18 future. What's proposed is just like we've
19 previously discussed; in this case, it's a 10-foot-
20 by-35-foot compound that would house the utility
21 meter and the telephone pedestal, which would have
22 underground conduits that would run to a utility
23 pole that's located right at the intersection of
24 Spring Street and School Ave. Again, this is an
25 unmanned compound, it's just visited, similar, once

12

1 every four to six weeks. The technician would
2 utilize the access into the property now and
3 basically park adjacent to the pole. Same amount of
4 cables are proposed here, 24 total cables, 12 routed
5 up each face of the pole for T-Mobile. The pole
6 itself is 10 feet shorter than what we just
7 previously discussed, it's 131 feet to the top.
8 Same where there was three lines of conductors where
9 we cannot position our antennas between the
10 conductors, we can go above the second to top arm,
11 which is the last conductor, and below the shield
12 wire, which is where we had proposed at a center
13 line of 126 feet and that, again, would leave space
14 that if ever a future collocator came, they could
15 extend above the top of the pole or, in this case,
16 it would be very low, it would be around a 50-foot
17 centerline that someone could use but that was too
18 low for our particular application.
19 That's -- I don't know if we need to go
20 into the alternate shed discussion or...
21 CHAIRMAN VIVONA: Not just yet. I
22 just want to clarify. You said the compound is 10
23 feet by 35 feet?
24 MR. PAZDEN: Yes.
25 CHAIRMAN VIVONA: Is that bigger than

13

1 the other one?
2 MR. PAZDEN: It is four feet bigger
3 based on how we had it originally proposed, but when
4 we were laying out this -- the other one last week,
5 we could reduce this to be the same, 10 by 31.
6 CHAIRMAN VIVONA: Okay.
7 MR. PAZDEN: The difference is we
8 played with the access when we were laying out the
9 previous site we just discussed, so right now, we
10 have a little bit wider space for the gate, but we
11 can shift that around to take four feet out of it.
12 CHAIRMAN VIVONA: Okay.
13 BY MR. MEESE:
14 **Q.** And you've reviewed the structural
15 analysis of the tower itself and have confirmed that
16 the tower can hold the cabling and the antennas that
17 are proposed?
18 **A. Yes, it has the capacity.**
19 **Q.** With respect to this facility, there
20 are no trees proposed to be removed and also there's
21 a fence proposed around the compound with no
22 landscaping?
23 **A. Correct, no trees to be removed and a**
24 **similar seven-foot-high composite wood, solid fence**
25 **is proposed, and no landscaping.**

14

1 **Q.** And with respect to the landscaping,
 2 that's due to the Board of Public Utilities
 3 regulations as well as PSE&G requirements?
 4 **A. Yes, that's correct.**
 5 MR. MEESE: Any questions of Mr.
 6 Pazden?
 7 CHAIRMAN VIVONA: So we're going to
 8 look into the coloration of the wire and the antenna
 9 --
 10 MR. PAZDEN: Of the coax cables.
 11 CHAIRMAN VIVONA: Right.
 12 MR. PAZDEN: Yes.
 13 CHAIRMAN VIVONA: And I guess
 14 coloration of the antenna but the antenna could be
 15 painted. Right? You don't have to special-order
 16 those.
 17 MR. PAZDEN: Well, the --
 18 CHAIRMAN VIVONA: Or they actually --
 19 you said they come in like an off --
 20 MR. PAZDEN: Right.
 21 CHAIRMAN VIVONA: -- white anyway.
 22 MR. PAZDEN: Right.
 23 CHAIRMAN VIVONA: Galvanized up top.
 24 MR. PAZDEN: Yes. Same six antennas
 25 as previously proposed, and similar that these are a

15

1 13-inch-wide antenna as opposed to the ordinance
 2 only allows 12 inches.
 3 CHAIRMAN VIVONA: Okay. And the
 4 original height of the -- for the lattice tower
 5 antennas, is that -- was there a variance needed for
 6 the original --
 7 MR. MEESE: Yes, to 115 feet.
 8 CHAIRMAN VIVONA: Okay. And these are
 9 going to be a hundred and thirty --
 10 MR. PAZDEN: These are 126 feet, and
 11 again, the reason that 115 cannot be utilized here
 12 is because of the conductor layout; that space is
 13 not allowed by PSE&G.
 14 CHAIRMAN VIVONA: Okay. We have
 15 another applicant that went further up the utility
 16 corridor and we did request landscaping being that
 17 this is in a public parking lot in a public --
 18 MR. HYLAND: Thoroughfare.
 19 CHAIRMAN VIVONA: -- recreation area,
 20 I think the three-foot boxwoods might help in this
 21 application.
 22 MR. PAZDEN: Well, what we can do --
 23 okay, as I had mentioned on the other site, it has
 24 the wood curb outside of the fence line with a
 25 gravel surface. Within this gravel surface is a

16

1 ground ring that's needed for the equipment --
 2 CHAIRMAN VIVONA: Um-hum.
 3 MR. PAZDEN: -- so the placement of
 4 boxwoods would have to be outside of that curbed
 5 area, so you'd be talking about, as we said, the
 6 maximum that the BPU allows is a three-foot-high
 7 boxwood, they would be five to six feet off of the
 8 fence line, so I don't know how much screening value
 9 that will give you for the seven-foot fence. We
 10 can't guarantee it without -- I mean, we could
 11 present it to PSE&G and see if they would accept it,
 12 but -- which we could offer to do --
 13 CHAIRMAN VIVONA: Yeah, I would
 14 present it. It's really not so much for screening,
 15 the fence is actually the screening, it's just to
 16 soften it, if it's a two-foot fence -- or two-foot
 17 plant eight feet away from the fence, it probably --
 18 MR. HYLAND: So go back and explain
 19 that again, why can't we get the tree closer -- the
 20 shrubs closer to the fence?
 21 MR. PAZDEN: There's a ground ring
 22 within this -- within our allowable area, so you
 23 can't plant the --
 24 MR. HYLAND: What's a ground ring?
 25 MR. PAZDEN: All the equipment needs

17

1 to be grounded.
 2 MR. HYLAND: Oh, I'm sorry.
 3 MR. SHAW: Oh, grounded.
 4 MR. PAZDEN: Grounded, yes.
 5 MR. HYLAND: I got you.
 6 MR. PAZDEN: So that's what this --
 7 that's what this extra, basically, border is with
 8 the gravel area. Beneath this, you have a full grid
 9 buried below, so you can't plant the vegetation over
 10 the top of that.
 11 MR. NEWMAN: Wait, so there's going to
 12 be gravel, like so you're going to have -- where the
 13 fence stops, then there's going to be gravel so
 14 that's a grass field now; the grass won't come right
 15 up to the fence?
 16 MR. PAZDEN: That's correct. There's
 17 a wood border that has three-and-a-half feet from
 18 the edge of the fence to the back side of the wood
 19 border that has the gravel surface within it.
 20 CHAIRMAN VIVONA: Is this going to be
 21 plain-old, like, three-quarter gray gravel or...
 22 MR. PAZDEN: Yep.
 23 CHAIRMAN VIVONA: Can we use a
 24 different gravel, like the red stone that looks a
 25 little bit more decorative, as opposed to the

18

1 bushes? Gravel's gravel but I mean --

2 MR. PAZDEN: Yeah, I --

3 CHAIRMAN VIVONA: -- it looks better

4 than --

5 MR. PAZDEN: I can get an alternate

6 gravel, I mean, we could -- just like a red stone,

7 if that's --

8 CHAIRMAN VIVONA: Yeah, yeah. It just

9 softens it.

10 MR. PAZDEN: Um-hum.

11 CHAIRMAN VIVONA: It doesn't look so

12 industrial.

13 MR. PAZDEN: Right. Right. It's --

14 the crushed rock is part of the grounding system so

15 it can't be changed down to like a mulch or

16 something like that, it needs --

17 CHAIRMAN VIVONA: No, not a mulch --

18 MR. PAZDEN: -- to be stone.

19 CHAIRMAN VIVONA: -- but a colored

20 stone.

21 MR. PAZDEN: Right.

22 CHAIRMAN VIVONA: The same, like,

23 three-quarter stone --

24 MR. PAZDEN: Um-hum.

25 CHAIRMAN VIVONA: -- just the red

19

1 stone.

2 MR. PAZDEN: Sure.

3 MR. MICHAELS: The plans state

4 "structural analysis to be performed and structural

5 analysis of pole to be completed by others." You

6 just said that's been completed?

7 MR. PAZDEN: It has been completed,

8 it's not by our company, it's by a structural vendor

9 that is assigned by PSE&G and it has -- it passed.

10 MR. MICHAELS: Has that been submitted

11 to the Township?

12 MR. PAZDEN: I -- was that submitted

13 as part of the application?

14 Typically, it's submitted as part of

15 the building permit application.

16 MR. MEESE: We can submit a copy to

17 you.

18 MR. PAZDEN: Yeah.

19 MR. MEESE: I'm not sure if one was

20 submitted earlier or --

21 MR. MICHAELS: Yeah -- okay. I just

22 think it should be in the record.

23 MR. MEESE: Sure.

24 MR. PAZDEN: The same as the others.

25 MR. WILLIAMS: I'm disappointed that

20

1 the grass won't come up to the fence.

2 MR. NEWMAN: I am too.

3 MR. PAZDEN: That's a factor of the

4 grounding design that's needed, that's something

5 that we -- it needs the crushed stone border on the

6 site.

7 MS. ROMANO: Why? Just, like, what's

8 the reason behind it, like, does it support the

9 fence, like, I don't, like --

10 MR. PAZDEN: No, it's not for support

11 of the fence, it's just, with each site, a specific

12 grounding design is done that has to do with the

13 tower, the equipment at the base, it's done by a

14 professional; again, it's a PSE&G-approved vendor

15 for grounding design. In this case and similar, the

16 other site as well had that same border that I

17 talked about, has a ground grid that's buried within

18 the site for the safety of the equipment or people

19 operating in the area.

20 MS. ROMANO: Is there any way to,

21 like, move the fence just outside it if it's not

22 really anything to do with the fence, like, can you

23 move the fence maybe a --

24 MR. PAZDEN: Well, then you get back

25 into making a larger and larger compound.

21

1 MS. ROMANO: How wide is the gravel

2 outside of the fence area again?

3 MR. PAZDEN: Three-and-a-half feet.

4 MS. ROMANO: Oh, okay. All right.

5 MR. HYLAND: So we're not going to

6 have the gravel at the AT&T site, are we? The one

7 that we approved on Shunpike?

8 CHAIRMAN VIVONA: They might have a

9 different system.

10 MR. HYLAND: Oh, I'm sure they do. I

11 like theirs better.

12 MR. WESTON: Can you have the

13 grounding system lowered down and then put soil on

14 top?

15 MR. PAZDEN: No; actually, the depth

16 of the grounding system is part of the design as

17 well. It has to do with creating an equal potential

18 for someone walking up to the site that, they're at

19 an equal potential to any of the equipment that

20 would be at the base of the site, so as you bury the

21 ground ring in the surface, it changes the design.

22 MS. ROMANO: Is that how it was

23 designed in the past before it was -- the site was

24 taken down?

25 MR. PAZDEN: It was a little different

1 scenario, in that there, it was under the footprint
 2 of the tower so it was a different type of system.
 3 MS. ROMANO: Okay.
 4 CHAIRMAN VIVONA: So they can't just
 5 pound in an eight-foot ground rod and tie a piece
 6 of...
 7 MR. PAZDEN: No, it's much more
 8 involved.
 9 MR. MEESE: So the option is either
 10 expanding the fence or changing the color of the
 11 gravel?
 12 MR. PAZDEN: Well, the color of the
 13 gravel, like I said, we can change the color of the
 14 gravel because it's a crushed-stone layer that's
 15 needed, so we can come up with a gravel that will be
 16 more decorative, in a sense, but the location of it
 17 is needed.
 18 MR. WESTON: AstroTurf?
 19 MR. PAZDEN: Um...
 20 MR. WESTON: It's a reach.
 21 MR. NEWMAN: It sounds like the gravel
 22 needs to be exposed?
 23 MR. PAZDEN: I -- I would have -- I
 24 don't know about putting a turf -- an AstroTurf over
 25 the top, but typically, the point is that, yeah,

1 you're stepping on the gravel because that's acting
 2 as, like, an insulator for you, so how the AstroTurf
 3 would impact that, I -- I don't know.
 4 MR. RUSCHKE: You need the insulator
 5 for the fence? Why do you need to give protection
 6 outside a fence? There's no equipment outside the
 7 fence. It just seems --
 8 MR. PAZDEN: Well, yes -- well, the
 9 fence itself, the design of the fence has metal
 10 posts and there's another ground ring within the
 11 fence around the equipment cabinets themselves and
 12 then there would be another grid area that's around
 13 the utilities, so it's just a combination of the
 14 whole system that needs that space.
 15 MR. RUSCHKE: So this is the only
 16 system that's going to work by code.
 17 MR. PAZDEN: As I mentioned, you could
 18 expand the fence all the way out so that you have
 19 the multiple grounding areas, but now you've
 20 increased the size of the compound.
 21 MR. NEWMAN: Is there -- excuse me.
 22 Is there a ground ring around the temporary
 23 facility? I don't remember seeing anything like
 24 that. There's just that temporary fence there.
 25 MR. PAZDEN: I don't know what their

1 full design is but there's a couple -- there's a
 2 difference. The temporary facility's not a
 3 transmission tower either so part of this ties into
 4 the whole design with the transmission tower.
 5 MR. NEWMAN: Understood.
 6 MR. HURRING: All right, but -- so
 7 using gravel's the only type of grounding system
 8 that we're able to...
 9 MR. PAZDEN: No, but the other options
 10 I'm sure aren't going to be favorable. You can pave
 11 asphalt, you can make the whole thing a concrete
 12 pad, so those usually aren't -- aren't the way to
 13 go.
 14 MR. HURRING: Wait, if we made a --
 15 when you say the whole thing's a concrete pad, you
 16 mean just inside the fence or plus this, like, three
 17 feet out?
 18 MR. PAZDEN: No, again, inside the
 19 fence area ends up being a bigger compound but it
 20 would be all concrete and then the reinforcing
 21 that's within the concrete slab is kind of assisting
 22 you with the grounding. But, again, they end up
 23 being a little larger impact than what we have
 24 shown.
 25 MR. HURRING: Oh, including the

1 gravel? So what I'm wondering is, like, all right,
 2 so we increase the compound slightly so that we now
 3 have concrete, yes, the compound's bigger but we've
 4 now lost some of what was going to be part of the
 5 gravel area. I don't know if that makes --
 6 MS. ROMANO: That would be outside the
 7 fence.
 8 MR. HURRING: Yeah, that was all
 9 outside the fence.
 10 MR. HYLAND: If we do all concrete, do
 11 we need any gravel?
 12 MR. PAZDEN: No, if you concrete it to
 13 this curb, you would not need gravel.
 14 MR. HYLAND: Okay, so if we do all
 15 concrete, do we have to go all the way to the wood
 16 curb or could we pull it in a little bit?
 17 MR. RUSCHKE: Pull out the wood curb
 18 because the wood curb is the border for the gravel,
 19 I think.
 20 MR. MEESE: But it would be the same
 21 --
 22 MR. PAZDEN: Right.
 23 MR. MEESE: It would be the same
 24 general size, though.
 25 MR. PAZDEN: Yeah, same -- same

1 footprint.

2 MR. HYLAND: Exact same?

3 MR. PAZDEN: Um, I -- I don't know

4 exact. You might be able to make it slightly

5 smaller than the curb-to-curb dimension right now,

6 but it would be larger than just the fenced-in area

7 that we have shown.

8 MS. ROMANO: Underneath the gravel,

9 though -- right? -- that's dirt. Is that right?

10 MR. PAZDEN: Yes.

11 MS. ROMANO: Okay, so can't -- I mean,

12 I think I've done it before, like, can't I have

13 boxwoods mixed with gravel and stone so even though

14 we're going to have this three-foot barrier of

15 gravel, can we still have, instead of the boxwoods

16 then being three feet out, can they just be on top

17 of the gravel? Like, can you plant stuff within

18 this gravel because it's just gravel on top of the

19 dirt? That was my question.

20 MR. PAZDEN: No. Well, typically, no,

21 because there's -- what you have inside this gravel

22 is right up to the back side of the fence line

23 because you have a buried set of conductor for the

24 ground conductors and you'll have a series of ground

25 rods along the way and then there's a grid within

1 the compound as well and then there is buried lines

2 that are tying both of those rings together, so it's

3 not really set up to be able to have plantings

4 around, you know --

5 MS. ROMANO: Okay.

6 MR. PAZDEN: -- it's a --

7 MS. ROMANO: I just think fence and

8 I'm thinking that's the end, you know, I don't

9 understand why there's still all this additional

10 stuff outside of the fence.

11 MR. PAZDEN: Right. And like I say,

12 it's part of the design for the ground ring, for the

13 step-and-touch potential, basically; as I mentioned,

14 the potential change that you want is to be on the

15 same as you're going in and now touching the fence

16 and going into the equipment. That's part of the

17 design.

18 MR. SHAW: So to put numbers to it,

19 what you were proposing before was a 10-by-31-foot

20 compound that would be surrounded by the fence --

21 MR. PAZDEN: Yes.

22 MR. SHAW: -- with the grounding

23 outside -- grounding ring outside; an alternative

24 would be to have a wider platform, concrete platform

25 with grounding would be built but that would -- that

1 would increase the size of the compound and the

2 fencing area to 13 feet by 34 feet.

3 CHAIRMAN VIVONA: No, it's three feet

4 all the way around.

5 MR. PAZDEN: No, that's either side.

6 MR. HYLAND: No, it's 16 by 37.

7 MR. SHAW: Oh, 16? Okay.

8 CHAIRMAN VIVONA: You might have a

9 whole corral.

10 MR. SHAW: Okay.

11 MR. RUSCHKE: You know what's

12 troubling? That you can walk up to the tower

13 itself, both towers, and you can touch those metal

14 bars but you can't touch a fence without the proper

15 grounding. It just seems like it's over the top

16 with this grounding.

17 MR. PAZDEN: The tower itself has its

18 own grounding system but once it's -- once you're

19 adding in the telecommunication aspect, you have to

20 now ground our equipment with their system so it's a

21 different design. You're changing the way the

22 design acts.

23 MR. RUSCHKE: Is your expertise in

24 civil engineering or electrical; what's your degree?

25 MR. PAZDEN: In civil.

1 MR. RUSCHKE: So you don't have an

2 electrical degree.

3 MR. PAZDEN: No, sir.

4 MR. RUSCHKE: So it may be that we may

5 want to get a second opinion from an electrical

6 engineer to comment on the grounding because, to me,

7 this is a critical location because there's so much

8 activity around there, you know, with the community

9 and with the schools and with the kids and it's just

10 something that the aesthetics with this one are just

11 so critical.

12 MR. HYLAND: Yeah, I agree. The first

13 one up the hill, who cares. This one's right in the

14 middle of town.

15 CHAIRMAN VIVONA: Plus, now you got

16 eight tons of rocks kids can throw.

17 MR. RUSCHKE: That's a good point too.

18 MR. NEWMAN: I was thinking the same

19 thing.

20 MR. HYLAND: Not Chatham kids.

21 CHAIRMAN VIVONA: They could hire

22 someone to throw them, you know.

23 I think we need to rethink this. We

24 went from 10 feet to 30 feet. That also limits --

25 MR. NEWMAN: Yeah, I was also under

1 the assumption the grass would grow right up to the
2 fence.

3 CHAIRMAN VIVONA: Um-hum. It also
4 limits collocating because now the other person --

5 MR. PAZDEN: No, it doesn't. What
6 happens is -- actually, it's set up, collocator
7 wouldn't interfere with it at all because, as I
8 mentioned, the collocator would share the common
9 centerline fence. They've built their slab or their
10 shelter, whatever was proposed, their equipment
11 ground ring that would go around that slab or
12 shelter now would tie into where you have your
13 current compound ground ring and then they would
14 just extend it around, so it doesn't impact
15 collocating that they would build on to.

16 MR. BORSINGER: Do all carriers use
17 the same ground ring or do they use different
18 techniques?

19 MR. PAZDEN: In these particular
20 cases, all the carriers are utilizing the same
21 design company, which is a PSE&G-approved vendor, to
22 do the design, so if someone else came here next,
23 they would have to build off of the same ground
24 system and they would need the same thing.

25 MR. BORSINGER: Yeah, but that --

1 MR. PAZDEN: And the other
2 applications that you referred to went through the
3 same process. Different towers in different
4 locations, the soil properties are tested, it's all
5 utilized in the models. It also depends on the
6 location of the particular pole relative to its
7 closest distance to where the nearest substation is,
8 so a pole that might be closer to the substation
9 will require one type of grounding versus one that's
10 deeper down the line or require something different,
11 so what you've seen in another installation could
12 very well be what -- I'm sure it is -- what that
13 design required, but this particular location
14 likewise needs this design.

15 MR. MEESE: Now, Mr. Pazden, this is a
16 design that your office didn't prepare, this is the
17 design that PSE&G's expert in this field has told
18 you this is what is required for this facility?

19 MR. PAZDEN: Yes. And like I said, we
20 would certainly go to them with the option of could
21 we make this a concrete pad and, you know, with the
22 parameters of, even working with your engineer, just
23 say, you know, is this as small as it can be and he
24 can review the reports that are generated, but --

25 MR. RUSCHKE: Yeah, if you can provide

1 that report, I can get the expert -- we have the
2 expertise that can review that to see if there's --
3 you know, I'm sure they're familiar with the high-
4 tension requirements and just --

5 MR. SHAW: I think that's something
6 that the Board is going to want to have brought as
7 testimony, though, and not something just reviewed
8 for you to --

9 MR. RUSCHKE: All right.

10 MR. WESTON: No, I think it's
11 important to phrase the request not so much in terms
12 of is this the way it has to be rather than I think
13 it should be phrased in terms of a design
14 requirement that failed or does not fail, and by
15 that I mean, this is a location that is heavily
16 used, I would say about 10 to 11 months of the year,
17 and it's very visible, it's got a lot of people, a
18 lot of children running through there all the time
19 and I think it should -- I think the designer should
20 be charged with giving me a solution that will
21 accommodate grass up to the edge or an aesthetic
22 solution and let him come back and say "It violates
23 the laws of physics, can't be done," because, you
24 know -- I would assume that there are cost factors
25 involved in the design that's been presented or

1 something that works to the convenience of the
2 provider rather than to the concerns of the locals.
3 That would be my assumption on this. And I would
4 also express my own concern based on how poorly
5 maintained the adjacent temporary site had been
6 maintained, I would want to know that, you know,
7 everyone's done a permanent solution that does not
8 require routine maintenance because I haven't seen a
9 whole lot of that on the temporary site either,
10 so...

11 So I think it should be phrased in
12 terms of give me a solution that makes people happy
13 and let him fail if he -- let him say it just can't
14 be done, that wouldn't work from there?

15 MR. HYLAND: Yeah, to your point, the
16 temporary site, when I went over to look at it, was
17 pretty beaten up.

18 MR. WESTON: It has been for some
19 time.

20 MR. HYLAND: Yeah.

21 CHAIRMAN VIVONA: Okay? So it looks
22 like grass to the fence. Make it happen, that's --
23 I'm pretty sure that we can -- you still have your
24 ground system, you have your rock system, you have
25 three inches of topsoil, you can put sod on it. The

1 Township maintains it, they mow it, you don't have
 2 to worry about that, but --
 3 MR. NEWMAN: Right. As small as
 4 possible with grass up to the fence.
 5 CHAIRMAN VIVONA: Right. I want 10 by
 6 31 to be 10 by 31, not 16 by 37.
 7 MR. MEESE: Mr. Pazden, have you ever
 8 seen grass right up to the fence on these?
 9 MR. PAZDEN: Well, I mean, PSE&G
 10 requires at a minimum a one-foot barrier but --
 11 CHAIRMAN VIVONA: Well, one foot's a
 12 lot better than three-and-a-half.
 13 MR. HYLAND: That's one foot of this
 14 gravel?
 15 MR. PAZDEN: Yeah, I mean, it ends up
 16 being six inches because you have six inches plus
 17 the --
 18 MR. HYLAND: Railroad tie.
 19 MR. PAZDEN: -- wood border.
 20 MR. HYLAND: Yeah.
 21 MR. PAZDEN: But that's on a typical
 22 -- that's what we try for, you know, because we
 23 understand that this isn't necessarily what you're
 24 looking for and it's not cheap, trust me, it's not
 25 the cheap alternative, it's -- we can go back and

1 try and do -- it'll be more of a concrete pad and
 2 see what we can come up with for that design with,
 3 you know, some flexibility in the size. Obviously,
 4 I understand you don't want to see here's a concrete
 5 pad but now it's 30 feet --
 6 CHAIRMAN VIVONA: Um-hum.
 7 MR. PAZDEN: -- I understand that.
 8 CHAIRMAN VIVONA: No, all I want to
 9 see is the same-size fence, there's got to be a way
 10 to put grass on top of the rock. I mean, it's not
 11 your design, right?
 12 MR. PAZDEN: No.
 13 CHAIRMAN VIVONA: It's their design.
 14 They want the rent money. That's what we want.
 15 MR. MEESE: Well, we'll make the
 16 request. Can't promise because PSE&G, as you've
 17 seen from these facilities, their number-one thing
 18 is safety.
 19 CHAIRMAN VIVONA: Well, that's part --
 20 part of our issue is the safety of the rock throwing
 21 because they're going to throw rocks, there's a
 22 hundred kids out there, all the cars parked in the
 23 high school.
 24 MR. MEESE: There's plenty of rocks on
 25 the existing parking lot too.

1 CHAIRMAN VIVONA: Um-hum.
 2 MR. MEESE: So I don't know that --
 3 CHAIRMAN VIVONA: But they're already
 4 there, we're not putting them there.
 5 MR. MEESE: All right, but I don't
 6 know if adding some gravel around this is going to
 7 create any more hazard there.
 8 We'll make the request of PSE&G, we'll
 9 see what can be done --
 10 MR. HYLAND: Well, when the gravel
 11 gets thrown, it's going to have to be replaced
 12 somehow and that's going to be a maintenance issue
 13 that we've already said T-Mobile's having trouble
 14 with to begin with.
 15 MR. MEESE: Well, let's move on to the
 16 next issue. We can't give you an answer on that
 17 tonight.
 18 CHAIRMAN VIVONA: Right. Okay.
 19 MR. MEESE: We will do our best with
 20 PSE&G to see if we can narrow that gap between the
 21 grass and the fence.
 22 MR. HYLAND: And I think we all agree
 23 we want boxwoods too, right? To soften it?
 24 CHAIRMAN VIVONA: Not necessarily. I
 25 would put our efforts into the grass first, because

1 the boxwood actually makes the thing look bigger
 2 again. I would keep it open as an option, even if
 3 we could plant within the gravel. That's an, you
 4 know, option too --
 5 MR. PAZDEN: We can find that out.
 6 CHAIRMAN VIVONA: -- to have little --
 7 just something to soften it and then not -- just not
 8 make it look huge.
 9 MR. SHAW: But whatever information
 10 you're getting also before the next meeting, if you
 11 can get it to Mr. Ruschke also so we can have the
 12 benefit of --
 13 MR. PAZDEN: Yes.
 14 MR. SHAW: -- Hatch MacDonald's in-
 15 house folks take a look at it as well so we can have
 16 his input.
 17 MR. NEWMAN: Is the six-by-six
 18 proposed wood border flush with the ground or
 19 raised?
 20 MR. PAZDEN: Yeah, it's flush with the
 21 ground.
 22 MR. NEWMAN: So it's flush with the
 23 ground and then the gravel would also be flush, so
 24 essentially, as it is designed now, you'd have
 25 grass, a six-inch-wide piece of wood and gravel all

1 on the same plane.
 2 MR. PAZDEN: Correct.
 3 MR. NEWMAN: Okay.
 4 MR. PAZDEN: And there's a weed
 5 barrier between the grass and the ground so that you
 6 don't get weeds growing through the ground. Or the
 7 gravel and the ground.
 8 CHAIRMAN VIVONA: Okay. Next.
 9 MR. MEESE: I suggest we move on to
 10 Mr. Menio because maybe we can get Mr. Menio done
 11 tonight and your RF expert done so we can then -- I
 12 know Mr. Pazden will have to come back to deal with
 13 this issue.
 14 CHAIRMAN VIVONA: Okay.
 15 MR. MEESE: Mr. Menio.
 16 CHAIRMAN VIVONA: Okay, we have to
 17 swear you in again because it's a separate
 18 application.
 19 J O S E P H M E N I O, Senior RF Engineer, PierCon
 20 Solutions, 63 Beaver Brook Road, Suite 201, Lincoln
 21 Park, New Jersey 07035, is sworn by Board Chairman.
 22 CHAIRMAN VIVONA: State your name for
 23 the record and carry on.
 24 MR. MENIO: Joseph Menio, M-E-N-I-O.
 25 DIRECT EXAMINATION BY MR. MEESE:

1 Q. Mr. Menio, you are a radio frequency
 2 expert and you've been qualified as an expert before
 3 this Board in radio frequency engineering.
 4 A. That is correct.
 5 Q. And you're familiar with the T-Mobile
 6 network?
 7 A. That is correct.
 8 Q. And in this application, T-Mobile is
 9 seeking to return to a PSE&G tower that was recently
 10 replaced?
 11 A. Correct.
 12 Q. To provide service where T-Mobile had
 13 previously provided service.
 14 A. Correct.
 15 Q. And you have an exhibit that you have
 16 in front of us. Why don't we mark that exhibit.
 17 MR. SHAW: It will be A-10.
 18 Q. And could you explain what that exhibit
 19 is?
 20 A. In front of me, I have the exhibit,
 21 which shows two shades of color, one being yellow,
 22 one being white. The yellow represents in-vehicle
 23 reliable coverage, the white represents unreliable
 24 coverage. There's a centralized circle dot that's
 25 the proposed site labeled as NJ06668A and then

1 moving in a clockwise direction, there's green dots
 2 which are labeled which are T-Mobile's existing
 3 sites.
 4 The gap can be defined, but it's not
 5 really limited to, to about 1.45 miles along
 6 Shunpike. It also can be described as from here all
 7 the way here, 2.3 miles along Fairmont (indicating).
 8 And Southern Boulevard, which is about .896 miles
 9 (indicating). Now, let me move on to my next
 10 exhibit which shows the proposed coverage from our
 11 site.
 12 MR. SHAW: That will be A-11.
 13 (Site plan showing the existing network with
 14 the proposed coverage of the subject site is marked
 15 as Exhibit A-11.)
 16 MR. MENIO: Now, this is just showing
 17 the existing network with the proposed coverage of
 18 just this site, not the earlier application, so in
 19 essence, you can kind of imagine how I'm drawing
 20 that this portion (marking document), basically
 21 starting from around Beech Court and kind of going
 22 straight down south to Passaic Street and then off
 23 where the exhibit is, is already being fulfilled by
 24 6996, which we just talked about. So the objective
 25 of this area is to provide as much coverage along

1 Fairmont Road as possible, to try to hit Shunpike,
 2 and most importantly is this is a very dense
 3 residential area, it's about 1.6 square miles of
 4 uncovered residential neighborhood and
 5 approximately, based off of the 20 Census 14 [sic],
 6 that would come to around 1164 people per square
 7 mile within Chatham Township. So, potentially,
 8 there is around 1200 residents that would be without
 9 an in- vehicle level of coverage, not even an
 10 in-building level of coverage. And as you can see,
 11 if we go back to A-11, the site basically is in the
 12 same location as the old site and we're just
 13 replicating what was taken away when the PSE&G
 14 project started.
 15 MS. ROMANO: What are the other
 16 existing towers, are those the same ones that you
 17 mentioned before, 401 Southern Boulevard?
 18 MR. MENIO: Yeah, I can go through
 19 them if you would like, I was just trying to --
 20 MS. ROMANO: I mean, are they the same
 21 ones that were previously discussed or are these in
 22 addition to?
 23 MR. MENIO: There's two sites that are
 24 the same, 6301, which is this guy right here circled
 25 (indicating). That is the 401 Southern Boulevard,

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1 Chatham Township, it's a tower, they're located at
 2 96 feet. If you continue in a clockwise direction,
 3 we come up to NJ06284C, which is located on Kings
 4 Road in Madison, New Jersey, and T-Mobile is located
 5 about 148 feet, approximately. Continuing in a
 6 clockwise direction --
 7 MS. ROMANO: So that's 148 feet on a
 8 pole?
 9 MR. MENIO: Yes, on an existing
 10 monopole.
 11 MS. ROMANO: Okay.
 12 MR. MENIO: The site labeled as
 13 NJ6260, T-Mobile is currently on the new tower or
 14 zoning approved to be on the new tower that was just
 15 built and we're going on at 127 feet, I believe.
 16 CHAIRMAN VIVONA: So that one's not up
 17 yet.
 18 MR. MENIO: It's zoning approved but
 19 it's not particularly on air.
 20 CHAIRMAN VIVONA: Okay.
 21 MR. MENIO: But since it's zoning
 22 approved, we showed it as on-air coverage because
 23 it's -- it's just coming down the pipeline.
 24 CHAIRMAN VIVONA: Um-hum.
 25 MS. ROMANO: Well, what's that --

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1 what's that address, the one that's zoning approved?
 2 MR. MENIO: I think I had Brook --
 3 MR. WILLIAMS: Brooklake.
 4 MR. MENIO: Brooklake.
 5 MS. ROMANO: Brooklake.
 6 MR. MENIO: Yeah.
 7 CHAIRMAN VIVONA: That's over by
 8 Division Street.
 9 MR. WILLIAMS: Golf course.
 10 MS. ROMANO: Okay.
 11 MR. MENIO: And then continuing in a
 12 clockwise direction just brings us to the other
 13 proposed site that we heard about.
 14 MS. ROMANO: Okay. Thank you.
 15 CHAIRMAN VIVONA: Now, the Brooklake
 16 one, when that's up, will that eliminate that poor
 17 coverage zone that's in the...
 18 MR. MENIO: Well, this is actually
 19 showing the coverage from --
 20 MS. ROMANO: Showing the coverage.
 21 MR. MENIO: -- that one already.
 22 MR. HYLAND: So what are you going to
 23 do to get rid of the white spot right below your
 24 hand?
 25 MR. MENIO: In this area (indicating)?

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1 MR. HYLAND: Yeah.
 2 MR. MENIO: I believe, currently, I am
 3 not sure of the status of it, if it was submitted or
 4 not submitted to the town, but T-Mobile is going on
 5 an application which may be in the Borough or the
 6 Chatham Township on another existing structure, I
 7 believe, over there. So I really can't speak to how
 8 far along that process is within T-Mobile, but I do
 9 know they have another search ring over here
 10 (indicating) to fill in that area.
 11 MR. HYLAND: Do we know of any of that
 12 stuff yet? No? Is there any chance we can push it
 13 to the Borough?
 14 MS. ROMANO: That's what I was just
 15 thinking.
 16 MR. MENIO: The way the property is
 17 situated, it's hard to tell if it's -- who owns it.
 18 MR. HYLAND: I'm kidding.
 19 MS. ROMANO: I'm not.
 20 MR. MEESE: Any questions of Mr.
 21 Menio?
 22 MR. HREBIEN: Do you have the other
 23 site that you did earlier also propagated along with
 24 this one?
 25 MR. MENIO: On the same map? No, I

45

1 don't.
 2 MR. HREBIEN: Because that would
 3 probably fill in some stuff up there because it's
 4 pretty much --
 5 MR. MENIO: Actually, no, if you bring
 6 back the old exhibit --
 7 MR. HREBIEN: It'll fill in down at
 8 the bottom, right?
 9 MR. MENIO: Oh, that's what I
 10 mentioned --
 11 MR. HREBIEN: Yeah.
 12 MR. MENIO: -- that this site,
 13 NJ6696A, if you see the scribble mark I'm making
 14 (marking document), you can consider that all yellow
 15 already from the previous application which we just
 16 did.
 17 MR. HREBIEN: Okay. So you need to
 18 fill in the southeast and --
 19 MR. MENIO: Yeah. This is a whole
 20 other --
 21 MR. HREBIEN: -- slightly northwest of
 22 the site.
 23 MR. MENIO: -- area and then here,
 24 they have another application, I'm not sure if it's
 25 submitted, but I know there is a future site for

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1 that area.

2 MR. HREBIEN: And that was not covered

3 in 1998 or whenever this -- the old --

4 MR. MENIO: No.

5 MR. HREBIEN: -- locations.

6 MR. MENIO: No, it's not --

7 MR. HREBIEN: Okay, that also wasn't

8 covered.

9 MR. MENIO: -- a replacement of an

10 existing PSE&G site.

11 MR. HREBIEN: Okay.

12 MR. MENIO: I believe they're just

13 going on one of the newer structures because it's

14 right where they have a need.

15 MR. HREBIEN: Okay.

16 CHAIRMAN VIVONA: Okay, anybody else?

17 (No response)

18 CHAIRMAN VIVONA: Anybody from the

19 public have any questions for Mr. Menio's testimony?

20 Yes, ma'am.

21 MS. HERR: Yes. Mary Herr, 53 Pine

22 Street.

23 So my question before was about how

24 many towers are you servicing, so you just answered

25 that question, am I correct, in saying Southern

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1 Boulevard, Spring Street, Kings Road, Brooklake,

2 Sunset and your future site, so you're having one,

3 two, three, four, five, six potential cell towers

4 servicing Chatham Township, right?

5 MR. MENIO: That I spoke of, yes. I

6 believe there's more than that; because if I'm not

7 mistaken, I believe Chatham Township also comes --

8 MS. HERR: But servicing this yellow

9 area.

10 MR. MENIO: No, servicing this yellow

11 area, we have one, two, three existing sites, and a

12 fourth one that just got approved tonight.

13 MS. HERR: So do you have some down on

14 River? River Road? I guess I'm trying to figure

15 out, like, you know, basically, how many towers does

16 everybody need to service this area well, because,

17 you know, you're up to six --

18 MR. MENIO: Well, these --

19 MS. HERR: -- there's four major

20 carriers --

21 MR. MENIO: These two applications are

22 --

23 MS. HERR: Now, they're not looking to

24 collocate --

25 MR. MENIO: -- just to let T-Mobile

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1 get back to where they were.

2 MS. HERR: Right.

3 MR. MENIO: So we're not even trying

4 to expand or increase. This was PSE&G's, so they're

5 taking down the structures so we had to find

6 temporary structures and then we're going back to

7 where we were. So these two applications are not

8 increasing the number of towers within Chatham

9 Township.

10 CHAIRMAN VIVONA: It's actually

11 decreasing it by two.

12 MR. MENIO: Yes, because -- yeah.

13 MS. HERR: But the future site -- I

14 just, you know, I just see there's so many carriers

15 and if they're not starting to force to collocate,

16 you're going to have, you know, 28, 35 towers in the

17 area. Just -- just what my -- just trying to get a

18 sense of how many each carrier needs.

19 MR. MENIO: Well, from like an RF

20 perspective, we don't want to come in here and have

21 to build a brand new tower. We look for

22 collocations, that's the first thing we look for.

23 If there's antennas somewhere, let's see if we can

24 make it work with our network or if there's another

25 solution. So building brand new towers, that's the

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1 least, on the bottom of the --

2 MS. HERR: Or even on existing towers.

3 You know, like, you know, every tower that you have,

4 you're a structure next to it, so, you know, you're

5 going to have 28 structures next to towers, and -- I

6 don't want to talk out of my turn, I'm sorry. I'm

7 done, I just wanted to confirm that.

8 MR. HYLAND: Well, no, let's pursue

9 that for a second. Your tower -- the proposed tower

10 is near Colony Pool, there's an opportunity to

11 collocate three poles down the road, closer to

12 Shunpike.

13 CHAIRMAN VIVONA: That's Pine Street.

14 MR. WILLIAMS: Pine Street.

15 MR. HYLAND: Yeah.

16 MR. MENIO: Yeah, I believe there's a

17 large area that is declared as wetlands that we

18 weren't allowed to pick these towers.

19 MR. HYLAND: Well, no, somebody else

20 is picking one of those towers so I don't know why

21 you couldn't pick it if they could. So I guess the

22 question --

23 MR. MENIO: Well, if someone else --

24 do you know where they are going on that specific

25 tower? Are they going on the top or the middle

50

1 or...

2 MR. SHAW: They're going on the top.

3 MR. HYLAND: They're going on the top

4 and you guys can build a pole extender to go above

5 them.

6 MR. SHAW: No, they'd go where they

7 are. They'd stay in the middle and the other people

8 are proposed to be on top.

9 MR. HYLAND: No, I mean these guys

10 could go above them.

11 MR. SHAW: The other people are

12 proposing to be on top.

13 MR. HYLAND: Oh, I'm sorry. And you

14 could be -- yes, exactly.

15 MR. MENIO: But regardless, I believe

16 that what you're talking about is the tower off of

17 Shunpike and it's really not too far off, it's

18 somewhere --

19 MR. HYLAND: Nope, not that one,

20 there's one on Pine Street.

21 MR. MENIO: Pine Street, which is

22 right here (indicating).

23 MR. HYLAND: Right, and now go towards

24 your tower off of Pine Street, probably half a

25 block.

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1 MR. MENIO: About here (indicating).

2 MR. HYLAND: Yes, there.

3 MR. MENIO: So, in all honesty, that

4 could be a potential candidate in the future ring to

5 jump on that one, but for now -- you only get like

6 about a mile of circle of coverage. They're line-

7 of-sight driven and the more and more demand from

8 all the technologies and data and streaming and --

9 the footprints are actually getting smaller and

10 smaller of the site.

11 MR. HYLAND: So that's actually -- so

12 how many square miles is Chatham? I don't know but

13 if --

14 MR. MENIO: I believe it's like nine-

15 point-something, if I recall from my notes.

16 MR. HYLAND: So let's just round it

17 off and call it ten. So you're saying that roughly,

18 we should expect ten towers per cell phone company,

19 ballpark?

20 MR. MENIO: If you -- I would say yes

21 if you would, in theory, be on a perfectly level

22 ground.

23 MR. HYLAND: Right. And so since it's

24 hilly and we've got line-of-sight difficulties,

25 we're going to have more.

52

1 MR. MENIO: Hence, you need more

2 towers, correct.

3 MR. BORSINGER: That's swamp.

4 MR. HYLAND: Yes, part of it's swamp,

5 that's a good point, but we're looking at a bunch of

6 towers. Okay.

7 MR. MEESE: Any other questions of Mr.

8 Menio?

9 CHAIRMAN VIVONA: I don't have

10 anything else. We already spoke to the public.

11 Anything else you want to add? You're good? Okay.

12 MR. MENIO: I'm fine.

13 MR. MEESE: All right, I'd like to

14 call --

15 MR. MENIO: Thank you.

16 MR. MEESE: Thank you, Mr. Menio. I'd

17 like to call Dan Collins.

18 D A N I E L C O L L I N S, Pinnacle Telecom Group,

19 14 Ridgedale Avenue, Cedar Knolls 07927, New Jersey,

20 is sworn by the Board Chairman.

21 DIRECT EXAMINATION BY MR. MEESE:

22 **Q.** Now, Mr. Collins, you've been accepted

23 by this Board as an expert in the field of radio

24 frequency exposure compliance?

25 **A. Yes.**

53

1 **Q.** And you're familiar with the FCC

2 standards as well as the facility proposed by

3 T-Mobile?

4 **A. Yes.**

5 **Q.** And you've analyzed to determine

6 whether or not this facility will comply with those

7 standards?

8 **A. Yes.**

9 **Q.** And what have you determined?

10 **A. Okay, using the same technology and**

11 **antennas, these antennas -- the only difference**

12 **between this analysis and the one you heard in the**

13 **previous application is that these antennas are a**

14 **little bit lower, which means the radio frequency**

15 **level at street level around them is just a little**

16 **bit higher. In this case, the percentage it worked**

17 **out to is 0.06 percent, which is still less than a**

18 **human being, by the way, 16 times below the FCC**

19 **standard and 8,000 times below the state's limit and**

20 **comfortably in compliance.**

21 MR. MEESE: Any questions of Mr.

22 Collins?

23 CHAIRMAN VIVONA: Just one for

24 personal information. If it's 1600 times below the

25 limit --

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1 MR. COLLINS: Below the FCC's limit,
 2 that's considered safe for continuous exposure.
 3 CHAIRMAN VIVONA: Okay.
 4 MR. WESTON: I have a question.
 5 MR. COLLINS: Yes, sir.
 6 MR. WESTON: It's more of a general
 7 one.
 8 The transmitters are, what, 40 watts or
 9 so?
 10 MR. COLLINS: Actually, it works out
 11 to a hundred watts per band, basically.
 12 MR. WESTON: You're not the first
 13 expert on this topic who's come in with, you know,
 14 tiny, tiny fractions of it. Has there ever been one
 15 where you've exceeded the federal requirements?
 16 MR. COLLINS: Not at street level
 17 around where the facility where the antennas are
 18 mounted, you know, any decent height in the air.
 19 The FCC actually has a rule that says that if all
 20 the carriers we've ever heard of were on a tower and
 21 their antennas were all at least 10 meters in the
 22 air, which is 32.8 feet, that technically, the FCC
 23 would say "You don't even have to do the math,
 24 you're going to be in compliance." I can tell you
 25 that that rule is perhaps old at this point and that

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1 some of the carriers are using more power than they
 2 did when the FCC originally made that rule and you
 3 still are not going to have any trouble with
 4 antennas mounted a hundred feet in the air, but if
 5 they mounted at 32 feet, you might get close to the
 6 limit, it's true. I have never seen all of the
 7 carriers operate at that low height, so --
 8 MR. WESTON: Because I've never heard
 9 testimony where anyone's even come close to the
 10 limit.
 11 MR. COLLINS: I can tell you by
 12 measurements, in West Orange, New Jersey, there's a
 13 street called Marcela Avenue that's in the middle of
 14 about seven lattice towers, at least two of which
 15 are supporting FM broadcast radio, which is where
 16 the trouble is usually --
 17 MR. WESTON: Okay.
 18 MR. COLLINS: -- and there are tons of
 19 antennas otherwise and most of the antennas don't
 20 cause any difficulties at all, but the combination
 21 of two relatively high-power FM broadcast stations,
 22 that site, which borders on a residential area,
 23 we've measured at 64 percent of the FCC's limit.
 24 Measured. That's a -- so it's a real number.
 25 Right? Now, the good news: Well, it's still, you

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1 know, 40 percent or so below the FCC's limit and the
 2 FCC's limit has a safety margin of 50. But that's
 3 as close as I've ever seen to the limit.
 4 MR. WESTON: Okay.
 5 MR. COLLINS: And it's also not a
 6 cellular issue, it's a broadcast issue.
 7 CHAIRMAN VIVONA: And what did you
 8 say, if it reaches the limit, it causes your body
 9 temperature to rise one degree?
 10 MR. COLLINS: If a radio frequency
 11 exposure causes an increase in localized body
 12 temperature of 1 degree Celsius, that's what the
 13 limit is based on, but to do that, you'd actually,
 14 in percentage form, have to be 5,000 percent of the
 15 limit. 5,000 percent, and here, we're talking .06
 16 and numbers like that. And even the 68 pales in
 17 comparison to 5,000 percent.
 18 CHAIRMAN VIVONA: Okay. I'm done.
 19 Anybody else have any questions?
 20 MS. ROMANO: Nope.
 21 CHAIRMAN VIVONA: Nothing?
 22 MR. SHAW: We're back again, the same
 23 wrap comment that you had --
 24 MR. HREBIEN: Yeah.
 25 MR. SHAW: -- in terms of reviewing

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1 the...
 2 MR. HREBIEN: Yeah, I wanted to do
 3 that. Here it is, okay. No, I read this over also
 4 looking at the FCC Office of Engineering and
 5 Technology OET, is the acronym, Bulletin 65, and on
 6 Page 16 are the formulas that are from that document
 7 because I've used that, and based on that, I trust
 8 that the 0.06 percent is the correct --
 9 MR. SHAW: All right.
 10 MR. HREBIEN: -- correct number.
 11 CHAIRMAN VIVONA: Okay. If no one on
 12 the Board has any other questions, public?
 13 (No response)
 14 CHAIRMAN VIVONA: Okay.
 15 MR. COLLINS: Okay. Thank you very
 16 much.
 17 CHAIRMAN VIVONA: Thank you.
 18 MR. MEESE: Mr. Chairman, we're down
 19 to Mr. Pazden having to come back for the ground
 20 ring --
 21 CHAIRMAN VIVONA: Um-hum.
 22 MR. MEESE: -- and I'm not sure, with
 23 that, whether we should proceed now to Mr. Nevill or
 24 have Mr. Nevill and Mr. Pazden come back to deal
 25 with those issues together.

58

1 CHAIRMAN VIVONA: Well, I think we're
2 dealing with a negative impact so I think he would
3 have to come back. So we could either call it an
4 evening but the -- we have decided that the stone is
5 a negative impact and that's what Mr. Nevill will
6 have to deal with.

7 MR. SHAW: In which case, I think we
8 ought to have that issue resolved before Mr. Nevill
9 testifies.

10 MR. MEESE: That's what I thought.

11 MR. SHAW: Yes.

12 MR. MEESE: We're to the point we're
13 probably --

14 MR. SHAW: Right.

15 MR. MEESE: Best to take a break and
16 come back and deal with them both then.

17 CHAIRMAN VIVONA: Okay.

18 MR. SHAW: And I'm waiting for Kali to
19 return to a copy of our agenda for the next...

20 CHAIRMAN VIVONA: There she is.

21 MR. SHAW: So we currently have this
22 listed for a continued hearing, if it would be
23 appropriate, for a hearing on March 17, our next
24 regular meeting.

25 MR. MEESE: I'll wear green.

59

1 MR. SHAW: Assuming you can get that
2 packet of information together.

3 MR. MEESE: Frank, do you think you
4 can resolve that by the 17th?

5 MR. PAZDEN: It's just getting PSE&G's
6 buy-in on it too.

7 MR. MEESE: Why don't we --

8 MR. PAZDEN: Why don't we go for it
9 and I'll know tomorrow --

10 MR. MEESE: Yeah, why don't we go for
11 it, and if necessary, we'll carry it to another date
12 but --

13 MR. SHAW: We'll carry it to another
14 date then.

15 Okay, so for purposes of anyone in the
16 public, this application's going to be carried to
17 the Board's next regular meeting, which is March 17,
18 without any further additional legal notice. Also,
19 I will have a resolution on the Sunset Drive also on
20 for memorialization that night.

21 MR. MEESE: Very good. Thank you.

22 MR. HREBIEN: So I have a question.

23 There's no more radio frequency --

24 MR. SHAW: And I don't think -- you
25 would not have to be present.

60

1 MR. HREBIEN: I'll let Dr. Eisenstein
2 know too. Okay.

3 (Off-the-record discussion)

4 MR. MEESE: You might find another
5 planner on the 17th. We'll see you then. Thank
6 you.

7 CHAIRMAN VIVONA: Okay, thank you.
8 (Hearing adjourned at 10:34 p.m.)
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2 C E R T I F I C A T E
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6
7 I, MICHELE QUICK, a Certified Court
8 Reporter, Registered Merit Reporter, Certified
9 Realtime Reporter of the State of New Jersey,
10 authorized to administer oaths pursuant to R.S.
11 41:2-1, do hereby state that the foregoing is a true
12 and accurate verbatim transcript of my stenographic
13 notes of the within proceedings, to the best of my
14 ability.
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MICHELE QUICK, CCR, RMR, CRR
CCR License No. XIO1731

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