

1 CHATHAM TOWNSHIP  
2 ZONING BOARD OF ADJUSTMENT  
3 SPECIAL MEETING  
4 58 Meyerville Road  
5 Chatham Township, New Jersey  
6 Wednesday, May 13, 2015  
7 Commencing at 7:32 p.m.

STENOGRAPHIC  
TRANSCRIPT OF  
PROCEEDINGS

8 - - - - -X  
9 IN RE: :  
10 APPLICATION NO. BOA 15-84-3 :  
11 NEW CINGULAR WIRELESS PCS, :  
12 LLC, (AT&T), :  
13 Applicant. :  
14 :  
15 Use Variance/Site Plan Approval :  
16 Block 84, Lot 3, :  
17 200 Shunpike Road :  
18 - - - - -X

19 B E F O R E:  
20 ANTHONY VIVONA, Chairman  
21 GREGORY BORSINGER  
22 MICHAEL HYLAND  
23 WILLIAM STYPLE  
24 JOHN WESTON

25 Stephen Shaw, Esquire, Board Attorney  
Robert O'Brien, PE, Interim Board Engineer  
Norman Dotti, PC, Board Acoustical Engineer  
Bruce Eisenstein, Board Telecommunications Engineer  
Robert A. Michael, Board Planner  
Kali Tsimboukis, Board Secretary

TRANSCRIBED BY AND BEFORE:  
ToniAnn Acquaro, Professional Court Reporter, and Notary  
Public of the State of New Jersey.

Job No. CS2054390

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

PINILIS HALPERN,LLP

Counsel for Applicant

New Cingular Wireless PCS, LLC, (AT&T)

160 Morris Street

Morristown, New Jersey 07960

BY: JUDITH FAIRWEATHER, ESQ.

(973) 401-1111

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I N D E X:

APPLICANT'S EXPERTS: PAGE

Daniel Penesso, PE 7  
Radiofrequency Engineer

Alec Norris, PE 18  
Project Manager

Ronald Peterson, PE 44  
Wireless Safety Engineer

Matthew Murello, PE 51  
Acoustics Engineer

MEMBERS OF THE PUBLIC:

Janice Wilson 15  
30 Robinhood Lane

Charles Wilson 31  
30 Robinhood Lane

E X H I B I T S:

APPLICANT'S DESCRIPTION PAGE

Exhibit-19 Propagation Map showing coverage gap 8

Exhibit-20 Propagation Map showing proposed coverage 10

Exhibit-21 Overhead photograph 53  
(Exhibits retained.)

1           CHAIRMAN VIVONA: Good evening. This is  
2 board of adjustment special meeting of May 13, 2015.

3           MR. SHAW: Calendar BOA 15-84-3, New Cingular  
4 Wireless PCS, 200 Shunpike Road, Block 84, Lot 3.

5           MS. FAIRWEATHER: Good evening. Judith  
6 Fairweather on behalf of New Cingular Wireless. I'm  
7 here before you on an application that I am hoping, and  
8 I think, will be very easy.

9           If you remember a couple of years ago, we came  
10 before you and got permission to be at a temporary site  
11 across the street at the PSE&G tower because they took  
12 it down and we were going to replace it. So we had to  
13 wait for PSE&G to rebuild their tower, take us back  
14 through a contract there and now we are ready to go back  
15 on the PSE&G tower.

16           So what I am seeking is, and I have my experts  
17 with me and I am going do keep it at a fast pace just  
18 because we are going back to where we have already been,  
19 if I go too fast, tell me to slow down, and I will. But  
20 I have quite a few experts, and I would like to get  
21 through the application this evening.

22           Originally, we were on the AT&T tower. The  
23 tower was different, it's on a lattice-type tower, so  
24 when we go above it, we are at a height of 138 feet, 3  
25 inches. The existing T-tower, that is now there instead

1 of the lattice tower is 131 feet, so our antennas are  
2 going right above there.

3 What I need is a rear-yard setback, whereas 50  
4 feet is required, I am seeking 22.2. The height of the  
5 antennas are supposed to be 5 feet, they are actually 6  
6 feet. And the height of the fence is 7 feet, we were  
7 proposing 8 feet, it was 8 feet before. We can go to 7  
8 feet, we are keeping as it was before. And the length  
9 of the driveway in the R-3 zone, it's existing. So we  
10 were going to go ahead with the gravel, what is there  
11 can be used. But it's longer than the ordinance, the  
12 ordinance allows for 150 feet, and it's 200 feet  
13 existing so.

14 If it's all right with you, I have my  
15 radiofrequency engineer. And I also brought, even  
16 though the board can't consider it, the expert who will  
17 tell you we comply with the FCC and New Jersey  
18 regulations in conjunction with the energy output. I  
19 also have my civil engineer. And then Mr. Shaw  
20 suggested that we do a noise analysis, which is what we  
21 did. I have my expert here for Mr. Dotti. And who am I  
22 forgetting? I am forgetting my planner to testify last.

23 MR. SHAW: Okay, before you get started,  
24 perhaps we can read into the record the site visit  
25 report, which was marked as an exhibit.

1 MR. STYPLE: Township of Chatham Board of  
2 Adjustment, May 2, 2015 site visit, 200 Shunpike Road,  
3 Block 84, Lot 3, BOA 15-84-3. Board members present;  
4 William Styple, Tina Romano, Michael Hyland, Steven  
5 Shaw. Applicant present; Judy Fairweather, attorney  
6 AT&T. Dewberry engineers present; Joann Slayland, David  
7 Rubette. Neighbors present; none.

8 On Saturday, May 2, 2015 at 9 a.m. the above  
9 members of the Township of Chatham Board of Adjustment  
10 visited the site, at 200 Shunpike Road regarding a  
11 request for a height variance for antennas and a fence  
12 along with a rear-yard setback variance, also a variance  
13 for size of the antennas and a site plan approval.

14 AT&T intends to place 12 telecommunication  
15 antennas at a center line height of 138 feet, 3 inches,  
16 on an existing 131 foot, 3 inches transmission tower.  
17 AT&T will also place an equipment shelter and related  
18 equipment at the base of the tower in an approximately  
19 24-foot-by-30-foot compound and shelter with gravel  
20 foundation. Additional space may be needed to expand  
21 the compound for future telecommunication equipment.  
22 Some tall shrubbery will be removed to construct the  
23 shelter compound. Also a 12-foot wide gravel roadway  
24 will extend to the site from Shunpike Road.

25 Respectfully submitted by William Styple.

1 MS. FAIRWEATHER: Now we can start? I'm  
2 going to start with my radio frequency engineer, Dan.

3 DANIEL PENESSO, 650 From Road,  
4 Paramus, New Jersey, after having been duly sworn, was  
5 examined and testified as follows:

6 EXAMINATION BY MS. FAIRWEATHER:

7 Q. Dan, you have testified before this board?

8 A. I can't remember.

9 Q. Okay. Give us your educational and  
10 professional history.

11 A. I have a bachelor of science in engineering.  
12 I have been employed as a radiofrequency engineer for  
13 over, let's say, 14 years or more. And I have testified  
14 throughout the State of New jersey with regard to the  
15 design and implementation of wireless networks. I am  
16 specifically here for the design and implementation of  
17 AT&T's network.

18 Q. And you are responsible for it, correct?

19 A. Correct.

20 Q. And in all the other municipalities that you  
21 have testified before, have you also been accepted as a  
22 expert in the field of radiofrequency engineering?

23 A. Correct. For hundreds of sites like this.

24 MS. FAIRWEATHER: I offer Mr. Penesso as my  
25 expert in radiofrequency engineering.

1 CHAIRMAN VIVONA: All right.

2 Q. Dan, can you please tell us what is proposed?

3 A. Do we have another microphone?

4 MR. SHAW: Yeah. You don't have to hold it,  
5 just leave it there.

6 THE WITNESS: Okay.

7 CHAIRMAN VIVONA: It just going into the  
8 record.

9 THE WITNESS: Shall I move this or leave this  
10 here?

11 CHAIRMAN VIVONA: It's fine right there.

12 MS. FAIRWEATHER: So, Dan, we are going to  
13 mark as A-19, Mr. Shaw?

14 MR. SHAW: A-19.

15 (Applicant's Exhibit-19 marked for  
16 identification.)

17 Q. A-19.

18 A. The exhibit, which I am marking is A-19 with  
19 today's date of 5/13.

20 Q. And those are the propagation maps?

21 A. The propagation map, which I prepared. This  
22 map which you are looking at is a base map which depicts  
23 the proposed site depicted by the yellow star  
24 approximately in the center of the map, and then  
25 neighboring cell sites, which are currently on air

1 within AT&T's network, which is depicted by the green  
2 and the purplish-blue color; that is the coverage that  
3 is being provided by the on-air site. The white area is  
4 the gap in coverage, which we are trying to fulfill with  
5 this site that we are proposing here tonight to fill  
6 coverage gaps along Shunpike Road and the surrounding  
7 neighborhood.

8 Q. And, Dan, just for the record, the purple  
9 depicts what, the stronger?

10 A. Yeah, the purple depicts what would be  
11 reliable in-building and the green depicts what is  
12 reliable in-vehicle coverage.

13 Q. And if the board were to grant this  
14 application, what kind of coverage will we have?

15 A. I have another exhibit.

16 MS. FAIRWEATHER: Now, Mr. Shaw, do you want  
17 just want to call this A-19B, or how do you want to do  
18 it?

19 MR. SHAW: How many sheets are there?

20 THE WITNESS: I have a third one, which just  
21 depicts the coverage alone. This is the composite  
22 coverage, which you are looking at now.

23 MS. FAIRWEATHER: You want to do A-19 and  
24 then A-20 is the composite; A-19 is the coverage gap and  
25 A-20 is the composite with respect to the capacity with

1 today's date.

2 (Applicant's Exhibit-20 marked for  
3 identification.)

4 THE WITNESS: The exhibit, which I marked  
5 A-20 with today's date, 5/13/15, is the composite  
6 coverage if this site were integrated and brought online  
7 into the AT&T network, the composite coverage that would  
8 be provided by the site with the neighboring sites that  
9 are immediately adjacent to that site. So we have  
10 sufficient coverage, so it's seamless and reliable  
11 between the neighboring sites. So if a subscriber is  
12 utilizing the network being served by one cell, they can  
13 transition into this area, which will get coverage  
14 without any issue.

15 Q. And, Dan, just for the record, we were  
16 already pre-approved by a board of the town, I have no  
17 idea which board or who was on it, but they had approved  
18 us, we were originally on the lattice tower with PSE&G.

19 A. Correct.

20 Q. And then can you review our coverage area  
21 now?

22 A. We are on a temporary site right now.

23 Q. So we are across the street on a temporary  
24 pole?

25 A. Right, which we have to get off of.

1 Q. And we are proposing to get back to our PSE&G  
2 tower, that is a new one.

3 A. Right, to the rebuilt PSE&G.

4 Q. In your professional opinion, AT&T needs to  
5 take our site back to this tower to have coverage in  
6 this area?

7 A. Yes, correct.

8 Q. And AT&T is licensed by the FCC?

9 A. Yes.

10 MS. FAIRWEATHER: I don't have any other  
11 questions.

12 CHAIRMAN VIVONA: On that map, where is the  
13 temporary tower?

14 THE WITNESS: Well, this is the location of  
15 the AT&T tower, and the church is just across the  
16 street. So not far away from this location.

17 BY MS. FAIRWEATHER:

18 Q. But you don't have that coverage on the map?

19 A. No, I don't have that coverage on the map.

20 That is just what we are proposing at the place where we  
21 are afforded at this structure.

22 MR. HYLAND: To follow up, if you go to the  
23 previous page, does that assume that the church tower  
24 comes down?

25 THE WITNESS: This is without any site in the

1 area, correct.

2 MR. HYLAND: Right. With nothing. Without  
3 any structure.

4 Q. So no church tower and no T-tower?

5 A. Without our equipment on any structure, that  
6 is what our gap in coverage looks like.

7 MS. FAIRWEATHER: Our approval for the church  
8 tower was just temporary until the application comes  
9 back.

10 MR. BORSINGER: Can I ask a question? Why  
11 are you putting it on the monopole instead of a solid  
12 lattice tower?

13 MS. FAIRWEATHER: Oh, you mean instead of the  
14 old lattice tower, why are we putting it on a brand new  
15 one? Because PSE&G is going to replace that line also  
16 and wants us on the new one. And we were in the pole in  
17 an area, that lot and side, before we went in the other  
18 one.

19 MR. BORSINGER: I don't know if this is a  
20 question for here, but on the drawing, it looks like the  
21 building you are proposing is pretty close to the  
22 property line. Can that building be located by the two  
23 towers?

24 MS. FAIRWEATHER: That will be for the civil  
25 engineer.

1           MR. EISENSTEIN: Go back to your composite  
2 chart. I notice that northeast to the site you still  
3 have a gap area here.

4           THE WITNESS: Here and here.

5           MR. EISENSTEIN: What are you planning to do  
6 about that?

7           THE WITNESS: At this time, AT&T is happy  
8 with what we are getting at this site. This is -75 and  
9 -85 with the green, so we will probably get some spotty  
10 coverage in the area. But it's worse than -85 dBm. So  
11 for what we are afforded for the height here, that is  
12 what is covered that that site provides.

13          MR. EISENSTEIN: What I am really asking you  
14 is: You are not going to come back and ask for another  
15 site?

16          THE WITNESS: At this point, no, I can't say  
17 we will never be back, but I don't see us coming back  
18 for this particular area.

19          MR. EISENSTEIN: The same question to the  
20 southwest, that area?

21          THE WITNESS: Well, to the southwest we have  
22 another site which you are familiar with, which is the  
23 water tower site, that is a different area.

24          MR. EISENSTEIN: That is another application.

25          THE WITNESS: But that is way -- that's going

1 to be covered.

2 MR. SHAW: That's the application that was  
3 denied.

4 MS. FAIRWEATHER: That was the water tank  
5 that was denied.

6 MR. DOTTI: I know I was involved in that  
7 one, too.

8 MR. EISENSTEIN: I have no further questions,  
9 Mr. Chairman.

10 MR. BORSINGER: Can I ask one other question?  
11 Is there any new technology that is coming up to replace  
12 this? Verizon is putting in some of these lucent  
13 smaller cells.

14 THE WITNESS: For this application, no. To  
15 cover a large geographic area, such as this, no. It's a  
16 macro cell site that was being proposed, that's the type  
17 of technology, I don't foresee that going away any time.

18 MR. BORSINGER: I don't have any other  
19 questions.

20 CHAIRMAN VIVONA: Just for those of you in  
21 public, the way it will work, I am not ignoring you.  
22 Once the man is done, you can ask questions of his  
23 testimony. And after each other witness comes forward,  
24 you are free to ask questions of that particular  
25 person's testimony.

1           So if none of the board members have anything  
2 else, now we can open it up to the public, but your  
3 questions have to be directed just to his testimony.  
4 And it's not, you have wait until the right person you  
5 need to ask.

6           What we need you to do is stand up and state your  
7 name and address for the record.

8           MRS. WILSON: My name is Janis Wilson. I  
9 live at 30 Robinhood Lane. I am the nice close property  
10 line to this fantastic application.

11           I guess my question is when you had the temporary  
12 site up on top of the church across the street, it  
13 provides the same coverage as this permanent one?

14           THE WITNESS: Similar coverage.

15           MRS. WILSON: Then why do you have to move  
16 it?

17           CHAIRMAN VIVONA: Because it was only granted  
18 as temporary thing. They had their same equipment on  
19 the old towers. So it's just going back to where it was  
20 already approved. And the variance is for different  
21 heights, basically. But it can't stay where it is on  
22 the temporary one because it was only granted for two  
23 years with a one-month extension.

24           MRS. WILSON: Was that this board who granted  
25 that temporary agreement?

1 MS. FAIRWEATHER: Well, I can tell you that  
2 our agreement with PSE&G was to go back and the whole  
3 purpose was to go back on the existing structure because  
4 the municipal ordinance doesn't -- they want the least  
5 number of towers in the town. So to keep that same  
6 number, so we would comply, be in better compliance with  
7 the tower ordinance, we were on their tower, had to go  
8 to a temporary tower, and we are replacing that tower.

9 MRS. WILSON: In terms of the site visit that  
10 happened on the 2nd of May, was that something -- I  
11 mean, there was no notification for that. We got our  
12 registered letter for this meeting, but we didn't get  
13 anything for the site visit.

14 MR. SHAW: Well, you should have got the  
15 notice at the prior meeting.

16 MRS. WILSON: I got one letter that was  
17 identifying an April meeting and I got that in early  
18 May.

19 MR. SHAW: At the April meeting, there was an  
20 announcement made this the application was going to be  
21 carried to tonight. And also an announcement was made  
22 that there was going to be a site inspection. To my  
23 knowledge, that was the meeting that legal notice was  
24 given for.

25 MRS. WILSON: Okay. And I guess we did not

1 receive that then.

2 MR. SHAW: If you come to the meeting, then  
3 we announced the site inspections that we are doing on  
4 the record.

5 MRS. WILSON: So who's responsibility was it  
6 to get us notified of the site visit?

7 MS. FAIRWEATHER: No, it's mine. And when I  
8 appeared at that meeting, it was reviewed that the  
9 certified mailings went out and they were done. So if  
10 you have an issue with that, you can take it up with me.  
11 They were mailed certified mail at the correct time, if  
12 you didn't get them, it may be something with the post  
13 office.

14 MR. SHAW: They were mailed certified mail  
15 ten days prior to the hearing.

16 MRS. WILSON: Got you. All right. Thank  
17 you.

18 CHAIRMAN VIVONA: Okay. Any follow-up from  
19 the radiofrequency engineer? No.

20 Okay. Did you have a question?

21 MRS. WILSON: You are going to have a  
22 separate noise guy?

23 MS. FAIRWEATHER: Yes.

24 A L E C N O R R I S, of 133 Gaither Drive,  
25 Mount Laurel, after having been duly sworn, was examined

1 and testified as follows:

2 EXAMINATION BY MS. FAIRWEATHER:

3 THE WITNESS: Alec, A-l-e-c, Norris,  
4 N-o-r-r-i-s. I work for Dewberry Engineers. Address is  
5 133 Gaither Drive, Suite F, Mount Laurel, New Jersey  
6 08054.

7 I have my Bachelor's of Science in Civil  
8 Engineering. I started working for Dewberry in 1999. I  
9 have designed hundreds of sites. I have probably given  
10 testimony similar to this since 2007. I am a licensed  
11 engineer in the State of New Jersey. I was also the  
12 engineer here a few years ago for the temporary site.

13 Q. Alec, can you explain to the board what we  
14 are proposing?

15 A. Sure. Most people, I think, are familiar  
16 with the old existing lattice tower that was  
17 approximately in the same location as the new pole  
18 today. It was a project that took a little bit of time.  
19 But everything is now okay for us to locate AT&T back to  
20 this area here, Z-1.

21 Q. How is that one shown?

22 MR. SHAW: Is that in the existing plan?

23 THE WITNESS: It's in the plan.

24 MR. SHAW: Just refer to it by number.

25 THE WITNESS: It's the Z-1 sheet that

1 everyone has in front of them. And it shows Shunpike  
2 Road with the existing driveway and kind of a broken up  
3 gravel area heading back to the pole, which we are  
4 looking to approve. And then the pole is back down  
5 here, in the southeast corner of the lot. And then the  
6 rectangular shape below it is where the proposed shelter  
7 is located.

8 CHAIRMAN VIVONA: Can you speak up a little  
9 bit?

10 THE WITNESS: Back up here in the southeast  
11 corner of the lot is where the existing pole is, with  
12 the proposed turnaround and parking area, and the  
13 rectangular shape is the location of the fenced  
14 compound.

15 Q. Approximately how often is the site visited?

16 A. It would be approximately once a month.

17 Q. Okay. Now you can flip over.

18 A. And this is sheet Z-3 of your set. It's the  
19 compound layout and elevation sheet. In the upper  
20 left-hand corner, we have the compound layout, which  
21 depicts the location of the existing pole with the  
22 proposed gravel drive, the parking area, the turnaround  
23 area, and then the compound. The compound is  
24 approximately 24 feet by 30 feet. The pole is  
25 surrounded by a 7-foot composite wood fence and will

1 have a railroad tie border around it for gravel.

2 Q. Question, 7 foot or 8 foot?

3 A. The plans say 7 foot.

4 MS. FAIRWEATHER: Then I don't need a  
5 variance.

6 MR. HYLAND: Where are the railroad ties  
7 going, please?

8 THE WITNESS: The railroad tie border goes  
9 around the fence, just to keep the gravel in it, because  
10 the compound is going to be gravel.

11 A. And the AT&T shelter is going to be  
12 11-foot-5-inch wide by 20-foot long, by 10-feet-3-inches  
13 high. And then also within the compound, is the  
14 electric meter, your telephone, your telephone cabinet  
15 and the 10 foot high cable, which extends to the upper  
16 land portion of the shelter to the pole, and that will  
17 support the 24 coapt cables, which extend from the  
18 shelter to the pole and then up the pole to the  
19 antennas.

20 The antennas are shown on the tower elevation  
21 drawing on the right hand side of the sheet. You have  
22 your compound down on the bottom, you have your 132 tall  
23 pole, and your platform is at the top. Because they are  
24 6 foot tall antennas at the top, the total height will  
25 be 138 foot 3 inches.

1 Q. Alec, can we talk about landscaping? I am  
2 looking at reports we received. What kind of  
3 landscaping are we allowed by PSE&G?

4 A. PSE&G does not like landscaping because it  
5 interferes with the landscape of their sites. I know  
6 previously there were bushes permitted that were on the  
7 site with the previously applications, forsythias; I  
8 think there are still a few sitting there, but typically  
9 they are not going to approve any landscaping.

10 Q. What about there were questions regarding the  
11 wet water wetlands on the application site? I know we  
12 did submit documents with regard to that.

13 A. The 150 buffer just basically touches the  
14 concrete pad which enters this along Shunpike Road. So  
15 the 150 foot buffer doesn't really comingle with any of  
16 our proposed site improvements.

17 Q. And are we going to have improvements over  
18 500 square feet?

19 A. No, we are not, I believe.

20 Q. And what kind of lighting are we going to  
21 have on the door?

22 A. There will be a light on the shelter above  
23 the shelter door. It's typically a motion sensor, but  
24 it can have an automatic turn-off feature, if desired,  
25 in case there are animals that make it go on and off.

1 CHAIRMAN VIVONA: So that would be behind the  
2 fence?

3 THE WITNESS: Yeah, it's right behind the  
4 door.

5 BY MS. FAIRWEATHER:

6 Q. And you can put a shield on it to make it go  
7 down?

8 A. You can have a shield on it.

9 CHAIRMAN VIVONA: So the doors are typically  
10 80 inches and the fence is 7 feet, so the light could  
11 potentially be almost below the fence, right?

12 THE WITNESS: Could be.

13 MS. FAIRWEATHER: How about we have to make  
14 it?

15 CHAIRMAN VIVONA: Depending on the fence  
16 size, I guess.

17 Q. Well, if's 7 feet and we put it above the  
18 door, will it stay within the compound of the fence or  
19 does the fence need to be changed?

20 A. I guess it would be close with the 7-foot  
21 fence.

22 CHAIRMAN VIVONA: Well, I mean, as long as  
23 it's shielded. I don't want an animal to walk by and  
24 turn the light on people's houses. As long as it's  
25 shielded and basically lights up the doorway area.

1           Q.       We can put it -- I don't know how the deer  
2 are in that area -- we can just put it and have a switch  
3 on an automatic timer, if for some reason, somebody just  
4 left, it can automatically go off.

5           CHAIRMAN VIVONA:   That would be better.

6           THE WITNESS:   We can provide a switch.

7           MS. FAIRWEATHER:   An on/off switch with a  
8 timer.

9           CHAIRMAN VIVONA:   Now, one of your variances  
10 is for a setback.   And I guess that was for the compound  
11 area, correct?   Why is the compound area on that side of  
12 the pole; is it not allowed by PSE&G on the other side  
13 where it would be further way and there be less and not  
14 a need for a variance?

15          THE WITNESS:   I believe the logic for the  
16 other side is because that is where the existing road  
17 line is.   And then you have a wider lattice tower, so  
18 the conductors stretch out wider over the right-of-way  
19 and they don't like that.   So rather than putting it on  
20 the west side of the pole here, it could possibly  
21 interfere with any work of the conductors, they expect  
22 it on this side.

23          CHAIRMAN VIVONA:   But they are removing those  
24 towers at some point?

25          THE WITNESS:   They will at some point.   I

1 haven't heard of one or two lines coming up yet, I have  
2 not heard the time frame of those lines, but I imagine  
3 it will be soon.

4 MR. SHAW: Assuming there is an application  
5 for co-location at some point, where would that shelter  
6 be located?

7 THE WITNESS: I guess they would try to do it  
8 immediately adjacent or...

9 MR. HYLAND: I thought that is what somebody  
10 said at the site visit, was that the colocation site was  
11 going to be to the left of that rectangle?

12 THE WITNESS: Yeah, I guess that is what they  
13 would try to do, put it right there.

14 MR. MICHAELS: Is co-location possible on  
15 this type of tower?

16 THE WITNESS: Yeah. Another carrier could  
17 easily go in this area here.

18 BY MS. FAIRWEATHER:

19 Q. And for the record, it's your understanding,  
20 Alec, that the other company on the tower was T-Mobile,  
21 I think?

22 A. I think it's T-Mobile.

23 MR. SHAW: They have a Chatham Borough tower.

24 MS. FAIRWEATHER: That's what I was going to  
25 say, they are not coming on this tower.

1 MR. SHAW: It's only AT&T from the temporary  
2 site.

3 CHAIRMAN VIVONA: And for the record, for the  
4 public, if there was co-location, they would have to go  
5 through the same variance process.

6 MR. BORSINGER: I'm still a little confused  
7 whether you are putting this building where it is or  
8 moving it over.

9 THE WITNESS: I was talking if you were to  
10 move this over to the left side, then and I guess you  
11 typically would start going closer to the roadway.  
12 Basically, on your drawings you are only seeing the  
13 conductor base. The conductor arms stretch way out  
14 beyond the tower base.

15 MR. BORSINGER: Yeah, but the center line of  
16 the monopole, the building is to that side.

17 THE WITNESS: Like southeast.

18 MR. BORSINGER: Like southeast of the  
19 monopole. So you could still move the thing on the  
20 other side and have it still under the same power lines  
21 that are there now.

22 THE WITNESS: I'm talking about the adjacent  
23 tower.

24 MS. FAIRWEATHER: And you are just talking  
25 about flipping it, if this was the center of the pole,

1 instead of being here, it would be here. So it is still  
2 under the pole.

3 MR. BORSINGER: That moves it away from the  
4 property line.

5 THE WITNESS: For example, this is the tower  
6 base, this X'd box, but the conductor lines actually  
7 extend way up past that, not they extend out past.

8 MR. BORSINGER: Show me on there the monopole  
9 where they stick out.

10 THE WITNESS: The pole as it is right now is  
11 here.

12 MR. BORSINGER: Where do the power line stick  
13 out?

14 THE WITNESS: No. No. I am not talking  
15 about our pole conductors.

16 MR. HYLAND: I think the point he is trying  
17 to make is it looks like your rectangle is under the  
18 wires at the bottom pole, so it would be very, very far  
19 away from the lattice.

20 THE WITNESS: Yeah, I was trying to point  
21 that out.

22 MS. FAIRWEATHER: They are not asking us to  
23 go here, they are asking us to go here.

24 THE WITNESS: We can try to move it over a  
25 little bit, if that's what you guys would like.

1 MS. FAIRWEATHER: We will ask PSE&G, Alec,  
2 how far we can move it over and go to the maximum.

3 CHAIRMAN VIVONA: The further away from the  
4 neighbors makes it easier.

5 MR. HYLAND: This is set up so the  
6 co-location rectangle is going to be immediately to the  
7 left of the rectangle that you propose. Could we just  
8 put the whole rectangle over in the co-location spot?

9 THE WITNESS: Yeah, basically, what I will do  
10 is I will reach out to PSE&G and see if they are cool  
11 with me just moving it over a little bit.

12 MS. FAIRWEATHER: And then if a co-locator  
13 came instead of going this way, they will go back that  
14 way.

15 MR. BORSINGER: Or you could go forward right  
16 towards Shunpike.

17 THE WITNESS: I think then it ends up being  
18 closer to the -- I mean, I guess it depends. I can go  
19 back to them with really anything.

20 MR. BORSINGER: I'm talking about the future  
21 co-locator, you can go to Shunpike and keep it away from  
22 the property line.

23 MS. FAIRWEATHER: Right. That's within the  
24 150 wetlands.

25 THE WITNESS: The 150-foot buffer, it kind

1 comes in right at the entrance. So I think everything  
2 on this site is going to be fine as far as that line.

3 MS. FAIRWEATHER: But if there was another  
4 shelter, they can keep it here, but it might be too  
5 close to the neighbor house, I'm not sure. But that can  
6 be for co-locating and dealing with it then. We can  
7 move it now as far away as PSE&G will let you.

8 CHAIRMAN VIVONA: And they are absolutely  
9 dead set against landscaping or they prefer not?

10 THE WITNESS: The only landscaping that they  
11 essentially approve, grows 3 foot tall and it doesn't  
12 block anything.

13 MS. FAIRWEATHER: We were thinking a nice  
14 board-on-board wood fence with composite fencing that is  
15 a nice fence, not a chain-link fence, just a nice fence.

16 MR. SHAW: Something that looks better than a  
17 chain-link fence.

18 MS. FAIRWEATHER: Right. And not a  
19 chain-link fence.

20 THE WITNESS: Composite link.

21 MR. SHAW: Are you going to get into what the  
22 building will look like and materials once it's done?

23 THE WITNESS: The typical AT&T shelter is  
24 made of prefabricated panels with the aggregate on the  
25 side.

1 MR. SHAW: Is it a concrete stone look?

2 THE WITNESS: It's kind of greenish-brownish  
3 color.

4 MR. HYLAND: I'm looking at these pictures,  
5 which are the hypotheticals, I guess.

6 MS. FAIRWEATHER: The photo stim's?

7 MR. HYLAND: Yes.

8 Is there any reason that you couldn't make the  
9 fence taller than the structure so we don't have to see  
10 the structure popping out?

11 THE WITNESS: The AT&T shelters are 10-foot-3  
12 structures. You would have to go with a 10-foot fence.  
13 But 10-foot fences are massive. PSE&G doesn't like them  
14 on their sites.

15 MR. SHAW: There is also a cable bridge above  
16 it that you see?

17 MR. HYLAND: This picture doesn't look very  
18 handsome.

19 MS. FAIRWEATHER: You know what, let's talk  
20 about that with the planner, because he can show you  
21 just how much bulkier it would be, and he took the  
22 pictures.

23 I'm done with Alec unless you guys have  
24 questions.

25 CHAIRMAN VIVONA: Just to sum up, you are

1 going to go back to PSE&G and find out the maximum  
2 distance we can get it from the property lines?

3 THE WITNESS: Yeah, we will try to move it a  
4 little away from the adjacent property.

5 MS. FAIRWEATHER: As much as they let us.  
6 And we will make sure Mr. Shaw is CC'd on all of them.

7 MR. SHAW: And you will make a determination  
8 as to whether it will be an 8-foot fence or a 7-foot  
9 fence?

10 MS. FAIRWEATHER: I think we can talk about  
11 that with the planner. They will let us do eight. I  
12 think it is completely up to the board. For some  
13 reason, I thought it was 8 feet. But we can do that  
14 with the planner.

15 MR. MICHAELS: I also want to point out, a  
16 variance is still needed for a 7-foot fence because the  
17 maximum height needed is 6 feet, so a 7-foot fence still  
18 requires a variance.

19 CHAIRMAN VIVONA: Is there any other  
20 questions from the board?

21 AUDIENCE MEMBER: Yeah, can I make a  
22 statement?

23 CHAIRMAN VIVONA: Just one second.

24 Nothing heard.

25 So we can go to the public. Your question has to

1 be about his testimony.

2 MR. WILSON: My name is Charles Wilson. I  
3 live at 30 Robinhood Lane in Chatham. So this structure  
4 will be directly behind my house.

5 I mean, I have a couple of points to make. One,  
6 I mean, this structure, I assume the rules of PSE&G were  
7 the same. This structure was significantly further away  
8 from our property the last time they did this. I know  
9 the site back there very well in terms of the other  
10 tower back there. I think the assertion is that it is  
11 going to be under those lines. I don't take them at  
12 face value. That is simply an assertion by this man. I  
13 don't think that is necessarily the case.

14 And like I said, this structure is significantly  
15 closer than the last one that was put up. And now they  
16 are talking a co-location. The last time we were left  
17 looking at a very unsightly arm coming out of the  
18 structure. I think from what I have seen -- I know we  
19 are going to get to the noise ordinance, as well -- I  
20 don't think they looked at our property line correctly;  
21 I think they are assuming our property line ends at the  
22 fence. It doesn't end at the fence. I have our  
23 professional drawing right here. All that wooded area  
24 is within our property. So their whole baseline for  
25 where they are doing the noise analysis is flawed

1 because I don't think they are looking at the right  
2 property line.

3 MR. SHAW: That's a question when the noise  
4 expert comes up to address that issue.

5 MR. WILSON: Okay. Fair enough. Well, I  
6 guess the point has been made.

7 MR. SHAW: The other point about moving it,  
8 that's your testimony, you have to ask a question. They  
9 will be following up with PSE&G to find out how much  
10 further they can move it back.

11 MR. WILSON: And I guess my question is, I  
12 mean, it's --obviously there is a transcript for that.  
13 The other point I make, I've heard a statement that  
14 PSE&G, you know, they won't take anything more than 3  
15 feet. That's clearly not the case because if you have  
16 driven along the power line, you clearly see that they  
17 are across from where we are at right now, there are  
18 evergreens by those other towers. They are right there.  
19 I mean, you did a site visit. They are right across.  
20 So I don't take that statement at face value either.

21 And, clearly, at other sites I have seen  
22 evergreens along the whole tower. I think anyone who  
23 has driven along there has seen evergreen-type trees  
24 that are certainly bigger than 3 feet.

25 THE WITNESS: PSE&G used to approve the

1 arborvitaes on all sites; and on this site previously  
2 there were forsythias, but in more recent years things  
3 have changed.

4 CHAIRMAN VIVONA: To help with this matter,  
5 we are asking them to see how far away they can move it.  
6 And I --

7 MRS. WILSON: To the other side of the pole?

8 CHAIRMAN VIVONA: -- would also ask that you  
9 inquire as to planting, even though it's in their  
10 utility corridor, it is next to a neighborhood. So if  
11 we can get something before the board that is  
12 aesthetically pleasing, that would help.

13 And as far as measuring the property lines, they  
14 go by the town tax map.

15 MR. WILSON: Well, I am looking at this  
16 schematic and we can look at the two schematics together  
17 for the noise analysis.

18 The other point I make, as well, is in terms of  
19 the fence line, again, last time I think they said it  
20 was a 8-foot fence. I don't know what it was last time.  
21 I think it was higher a than a 6-foot fence, but to the  
22 extent they can approve the highest fence. And the idea  
23 of a 10-foot fence, I mean, again, everything is like,  
24 well, PSE&G is not going to approve it. Well, that is  
25 them talking to PSE&G. How do we have any independent

1 collaboration on that?

2 MR. HYLAND: Would you like a higher fence?

3 MR. WILSON: Oh, yeah.

4 MRS. WILSON: I mean, the problem is you get  
5 a fence that is lower than the compound.

6 MR. SHAW: Just for the record, we need to  
7 have you identify yourself.

8 MRS. WILSON: Janice Wilson, 30 Robinhood  
9 Lane again.

10 I guess the issue is just like last time was we  
11 got a fence that was lower than the existing guts of the  
12 structure inside. So we get to look over our 6-foot  
13 fence at a fence that is higher, at guts that stick out  
14 even higher. Now, they moved the pole closer, further  
15 to the center of our property, closer to our property  
16 line. And now we are looking at a larger compound that  
17 literally abuts our tree line and our property line. So  
18 everything is getting closer and bigger and higher.

19 And nobody is addressing the concern, which is  
20 PSE&G gets to rent it out, they come to you for  
21 approval. You guys say it's okay, but the moment we say  
22 can you make it look nice, Well, PSE&G doesn't like you  
23 to plant shrubs, they don't really like a big structure,  
24 they don't really want it in the middle. So it sort of  
25 leaves people like us with -- we have no -- we get no

1 input.

2 So I guess part of what we are looking for is I  
3 don't want to look at a 10-foot fence, but I certainly  
4 don't want to look at 3 feet of guts above a 6- or  
5 7-foot fence over the fence that I put it.

6 I mean, I don't want it to be moved a few inches.  
7 I would live it on the far side of the pole. And then  
8 it's very concerning to hear that other colocations are  
9 going to start dropping compounds in the center of the  
10 PSE&G easement and we are going to have an array of  
11 compounds. Like, it's not just going to be one  
12 compound, there are going to be a separate compounds for  
13 separate colocations. I mean, at what point does starts  
14 to become...

15 MR. WILSON: At what point -- I mean,  
16 obviously, you have a temporary solution now. It's  
17 certainly within the board's -- I understand it's an  
18 extra pole, but at some point, I don't know why that  
19 couldn't -- certainly a variance could be passed to make  
20 it permanent, so it's not directly behind somebody's  
21 house.

22 MS. FAIRWEATHER: To address some of your  
23 concerns. You said the word "shed." The equipment shed  
24 that we have, we can make it look like we call them a  
25 little barn or something like that. They are small and

1 they are nice. They are attractive. They look like a  
2 shed in your backyard.

3 MRS. WILSON: Is there a roof on it?

4 MS. FAIRWEATHER: Yes. It's completely  
5 self-contained.

6 MRS. WILSON: The last one was open.

7 MS. FAIRWEATHER: Yeah, you had open  
8 cabinets. But right now we are not proposing the open  
9 cabinets, we are actually proposing an equipment  
10 shelter, but we can make the shelter -- actually, we  
11 went, all of us went and looked at there was a shelter  
12 in Chatham at another place, but it was too big and it's  
13 blue. I thought it was ugly, but we can make it look  
14 like a barn.

15 MRS. WILSON: It's going to look odd to have  
16 something sitting in the middle of a wide open field  
17 where the deer roam and people walk their dogs, but it's  
18 certainly going to more appealing when I am sitting in  
19 my backyard not looking over my 6-foot fence at  
20 something that has arms and wiring and a diving platform  
21 at the top of 138 feet.

22 MR. WILSON: It's hard without having  
23 something in front of us to say, okay, is this better.  
24 It's difficult to make that kind of judgment. But,  
25 again, I'll emphasize the point, it was significantly

1 further away last time and nothing has changed from last  
2 time. And it's a much bigger site.

3 MRS. WILSON: The whole footprint of the  
4 platform seems much bigger than it was before. Last  
5 time I think it was 12-by-12. I don't know if you have  
6 information.

7 MS. FAIRWEATHER: It's a lattice tower  
8 before. So it looked different because the tower itself  
9 last time was much more massive, so whatever it was, it  
10 wouldn't look as big, but I don't know.

11 MRS. WILSON: No, we are talking about the  
12 structure at the bottom is a much bigger area and much  
13 taller. It wasn't 10 feet high before. You are saying  
14 it's a 24-by-30 foot compound.

15 MS. FAIRWEATHER: Right. When you talk about  
16 guts with an equipment cabinet, they are not as tall as  
17 that, but you have many of them in there, you are going  
18 to outgrow the cabinet area versus one building that we  
19 try to make look nice for the public around there.

20 MRS. WILSON: I thought he said it was a  
21 10-foot high structure.

22 THE WITNESS: The structure is  
23 10-foot-3-inches.

24 MS. FAIRWEATHER: It has a roof on it --

25 MRS. WILSON: I guess that would have been

1 the Photoshop'd version of what you are looking for, the  
2 picture where you see the pole and then you see the  
3 Photoshop'd pole and it's 200 feet from the street, so  
4 that really doesn't give you a visual at all other than  
5 just something tan in the distance.

6 MR. WILSON: And the last point I guess I  
7 make is the fact that you are taking down the forsythias  
8 to put this compound where it is located now. They were  
9 the block for the compound that was behind them. So  
10 clearly, again, this is significantly closer to our  
11 house.

12 MS. FAIRWEATHER: I understand what you are  
13 saying, but PSE&G, one of the reasons they don't want  
14 that stuff there is because when they are working on the  
15 tower, they just cut everything down. And they can  
16 because it's PSE&G.

17 MRS. WILSON: That has already happened.

18 MR. WILSON: Again, we planted the trees that  
19 are on our property line, they acknowledged that and,  
20 again, that's outside the fence area.

21 MR. SHAW: Just for the record, the size  
22 dimension of the previous compound for the property in  
23 2006 was a compound area which was 9-feet-by-18.5-feet.

24 MRS. WILSON: Thanks.

25 CHAIRMAN VIVONA: Anybody else have follow up

1 for Mr. Norris?

2 MS. FAIRWEATHER: Thank you.

3 CHAIRMAN VIVONA: I don't know if you are the  
4 right person, but for the next meeting can you have a  
5 couple of pictures of what buildings you can put up?

6 MS. FAIRWEATHER: Sure if that's what you  
7 would like.

8 CHAIRMAN VIVONA: Choices so we can see them.

9 MS. FAIRWEATHER: Yes. And he is the right  
10 guy to ask.

11 MR. BORSINGER: Do you get something in  
12 writing from PSE&G with their policies or is that just  
13 you on the phone with them?

14 MS. FAIRWEATHER: I can get something in  
15 writing from PSE&G.

16 MR. SHAW: I think there was a fairly recent  
17 BPU ruling or decision dealing with municipalities not  
18 being allowed to require.

19 MR. BORSINGER: Just on the movement of the  
20 shed.

21 BY MS. FAIRWEATHER:

22 Q. Mr. Norris, how frequently do you meet with  
23 PSE&G on all these temporary-to-permanent sites?

24 A. We meet monthly, the second Tuesday of every  
25 month we meet to talk about these things.

1 Q. And you have been doing this for two and a  
2 half years on this site, right?

3 A. Yes.

4 MS. FAIRWEATHER: So when he talks about  
5 PSE&G, it's because he meets with them continuously.  
6 But, yes, we will get something in writing from  
7 Mr. Cuppa who is responsible for what we do. We will  
8 get something in writing.

9 MR. HYLAND: There was a ruling.

10 MR. SHAW: My recollection is there was  
11 recently something that the BPU was dealing with cell  
12 towers and the requirement to have plants to protect  
13 them and PSE&G was saying that they shouldn't be  
14 required to.

15 CHAIRMAN VIVONA: We are not asking PSE&G to  
16 plant them, we are asking them, AT&T, to hide their  
17 structure.

18 MS. FAIRWEATHER: It was an argument over the  
19 town wants us to do it and the carrier will gladly do  
20 it, they will do anything, we are pretty easy, but PSE&G  
21 said no. And the Board of Public Utilities said no.  
22 And they had new regulations that came out and that was  
23 why Alec was talking about 3 feet and they don't grow  
24 very large.

25 THE WITNESS: The plants have to be so low,

1 if you plant them, basically, it doesn't do anything to  
2 really shield the fence or the compound the way the old  
3 ones used to. Back in the day, they used to allow --  
4 most types were allowed to have arborvitaes kind of like  
5 the compound that is there.

6 CHAIRMAN VIVONA: By putting up a compound  
7 fence that looks neat and tidy, I mean, you are not  
8 going to hide an 8-foot fence with a 3-foot bush, but  
9 you don't hide the front of a house either, you just  
10 sort of highlight it. Even if it looks finished and  
11 neat with a nice look fence with the chain link with  
12 slats in it, so it looks somewhat appealing.

13 MR. HYLAND: How much, ballpark or specific,  
14 how much does it cost to rent a tower?

15 MS. FAIRWEATHER: That's proprietary  
16 information. I can't discuss the terms of the lease,  
17 just the length. It's proprietary, but I can tell you  
18 it's no different than a municipal bid.

19 MR. HYLAND: That's fine, but does anybody  
20 ever think of renting from the neighboring land owners?

21 MS. FAIRWEATHER: I have always taken the  
22 position as a zoning attorney that I would get an  
23 approval on a PSE&G tower over a new building of a  
24 monopole literally in their backyard. Down in Hunterdon  
25 County where there are farms and stuff, sure we will go

1 on a huge farm.

2 MR. HYLAND: Oh, no, I meant would you ever  
3 consider paying someone on Robinhood Lane to ease the  
4 discomfort they have from the tower?

5 MS. FAIRWEATHER: If there was landscaping  
6 that they could put on their property to help shield it,  
7 AT&T won't do the landscaping, but they would give them  
8 money for a couple of trees. Sure. If there was  
9 something like that, of course, we would do it.

10 MR. HYLAND: And do you proactively talk to  
11 all the neighbors?

12 MS. FAIRWEATHER: No. They are given notice.  
13 It's on an existing structure that is already there. In  
14 a case like this, we just wouldn't do it, because we  
15 were there temporarily, we are only allowed to be off  
16 and we have to go back so it's not like if we were  
17 building a monopole; if we were building a monopole,  
18 sure. But not going on existing structures.

19 MR. O'BRIEN: The address that you have on  
20 the plan, can you verify that?

21 THE WITNESS: Were you the one I talked to  
22 that one day?

23 MR. O'BRIEN: No, I think that was probably  
24 Dan.

25 THE WITNESS: We talked about the issue of

1 the wetlands and also about the address. I tried to  
2 corroborate that information through a couple of sources  
3 and I couldn't come up with whether or not it has the  
4 right address.

5 MR. O'BRIEN: On the tax maps, I think it  
6 says the entire address.

7 THE WITNESS: Even the survey I got has just  
8 Shunpike Road on it, it doesn't have an address.

9 CHAIRMAN VIVONA: I guess because that's in  
10 the corridor.

11 MR. SHAW: It's a lot and block, separately  
12 known.

13  
14 MR. O'BRIEN: You think it would have an  
15 address.

16 THE WITNESS: The approved plans from back in  
17 2006 or '07, they had 200 on it them.

18 MS. FAIRWEATHER: I don't know this, but does  
19 PSE&G pay property tax? That may be the reason. I  
20 would assume they don't because they are a public  
21 utility.

22 MR. O'BRIEN: A lot is a lot.

23 MR. HYLAND: There was something in the  
24 packet that says the property taxes is paid up, but I  
25 guess zero could be zero.

1           CHAIRMAN VIVONA: Okay, if no one else has  
2 anything for Mr. Norris, then you can move to your next  
3 witness.

4           R O N A L D   P E T E R S O N, 170 Fairview Drive  
5 Bedminster, New Jersey, after having been duly sworn,  
6 was examined and testified as follows:

7           THE WITNESS: My name is Ronald Peterson, my  
8 address is 170 Fairview Drive, Bedminster, New Jersey.  
9 My background is in electrical engineering and  
10 electro-physics. I worked for Bell Labs in Murray Hill  
11 for a little over 40 years. I retired 14 years ago.  
12 For the last thirty years, I worked in the environmental  
13 health center where I managed the wireless and optical  
14 safety department that had corporate responsibility for  
15 all matters relating to safety of wireless and optical  
16 devices.

17           I also chaired the committee that developed the  
18 standard on which the FCC safety guidelines are based,  
19 and I currently chair an international committee that  
20 provides standards or develops standards for the  
21 assessment of human exposure to radiofrequency energy  
22 from a variety of sources and I have testified before  
23 this board.

24           MS. FAIRWEATHER: So I offer Ron as my expert  
25 in the field of the energy output of the antennas in a

1 stealth site and as it relates to human exposure. And  
2 he is going to testify on our compliance with the FCC  
3 regulations and the New Jersey Radiation Protection Act.

4 THE WITNESS: Yes. I was asked to provide an  
5 assessment of the exposure in the local area associated  
6 with the antennas on this tower and compare those values  
7 with the requirements of the FCC safety guidelines or  
8 the Telecommunications Act. I was provided the  
9 information for the antennas and the transmission  
10 equipment from AT&T, and used a conservative analysis to  
11 calculate what the values are.

12 We find that the worse case where anyone would  
13 have normal access, the maximum levels would be less  
14 than 1 percent of the FCC safety guidelines. And that  
15 would be at an elevation approximately equal to the  
16 second floor windows at the nearby homes. At lower  
17 levels, it's even lower.

18 I have been making measurements on sites like  
19 this over the last, jeez, 30-something years and find  
20 that the analysis that we use, because it is a safety  
21 analysis, is very conservative. We actually go out and  
22 make measurements to find out that the actual values are  
23 anywhere from 3 to 10 times lower than what you predict.

24 So based on this analysis, which includes a lot  
25 of factors that tend to overestimate the exposure

1 levels, we find that it certainly does comply with FCC  
2 and with the State of New Jersey.

3 CHAIRMAN VIVONA: So when you say the levels  
4 are measured at the second story, that is coming from  
5 the antennas down in our thing or is that at ground  
6 level it goes up?

7 THE WITNESS: Most of the energy is directly  
8 into a fairly narrow beam, directly slightly down from  
9 the horizon, a little bit of down tilt. Most of the  
10 energy is in that part of the beam, but some of it does  
11 propagate downward. And that would be from what are  
12 called lobes from the antenna. And we always use the  
13 second floor because that seems to make sense because  
14 most houses here are two-family or two-story and people  
15 could be outside on a deck or so. So, yeah, that's the  
16 actual energy being propagated from the antennas in a  
17 straight line. And that would be the levels outside the  
18 house not inside it.

19 CHAIRMAN VIVONA: And you said it is less  
20 than 1 percent of what is allowable?

21 THE WITNESS: Yes.

22 CHAIRMAN VIVONA: So 100 percent being the  
23 worse, you are less than 1 percent?

24 MR. SHAW: And all this testimony is  
25 consistent with the expert report that you previously

1 submitted as one of the exhibits in this document?

2 THE WITNESS: Yes.

3 MR. BORSINGER: Does your analysis count for  
4 the 230 kilowatts, the new power line?

5 THE WITNESS: No, that is separate.

6 MR. BORSINGER: Is it cumulative with the  
7 power line?

8 THE WITNESS: They have no affect on the  
9 levels emitted that are associated with the antennas.

10 MS. FAIRWEATHER: It's two different types of  
11 energies.

12 MR. BORSINGER: And the radiation doesn't  
13 cumulate?

14 THE WITNESS: No, it doesn't. New Jersey,  
15 the only thing they have is a recommendation for the  
16 maximum electric field strength along the edges of the  
17 right-of-way, but that has nothing to do with AT&T.  
18 That's a whole separate issue. The FCC only regulates  
19 frequencies that are used for transmission.

20 MR. BORSINGER: Another question: The old  
21 tower that is there, is this basically a similar in kind  
22 replacement or is it a higher power?

23 THE WITNESS: I'm not familiar with the old  
24 tower, but I do a lot of these for AT&T and other  
25 companies. And they are pretty much the same as far as

1 maximum power and the different services that are used.  
2 As the system grows, because of the fact that there are  
3 gaps in coverage areas, the cells get smaller and the  
4 power goes down. It's not something that -- I mean  
5 initially when they started out with monopoles every  
6 five miles apart, they opened at far higher power than  
7 they do now. So as you keep filling in spaces, you use  
8 lower power.

9           There is nothing that I have been involved with  
10 that stands out significantly different than anything  
11 else that I have been involved with and I have probably  
12 done over a thousand of these things since the middle of  
13 the 1980s.

14           MR. BORSINGER: But the 230 kilowatts is kind  
15 of novel.

16           THE WITNESS: Yeah, but it's this whole  
17 separate issue.

18           MR. BORSINGER: But it's cumulative it's  
19 still exposure.

20           THE WITNESS: No, they are separate. The  
21 effects of low frequencies are completely different from  
22 the effects of radiofrequencies. I mean, the mechanisms  
23 are different, everything is different about them.

24           MR. HYLAND: You said that it was 1 percent  
25 above the safety level?

1                   THE WITNESS: Yeah, it's below 1 percent of  
2 the safety guidelines.

3                   MR. HYLAND: What about the quality of life  
4 levels?

5                   THE WITNESS: The quality of?

6                   MR. HYLAND: What does it sound like from a  
7 quality of life perspective if I am grilling in the  
8 backyard on this piece of property that is right next to  
9 it?

10                  THE WITNESS: The effects associated with  
11 radiofrequency are threshold effects. So unless you are  
12 above some nominal threshold, which is 55,000 times  
13 higher than what this is, there is no evidence of any  
14 effects whatsoever regardless of the time. You may look  
15 at it and not like it to be there, but as far as the  
16 effects of the radiofrequency energy on a body at these  
17 levels, nothing has been established that confirms that  
18 there is an effect at these levels.

19                  And there are a lot of studies that have been  
20 done in the last thirty, forty years. There are effects  
21 reported now and again, but when the studies are  
22 repeated and replicated, they find an artifact that sort  
23 of goes away. The committees that develop the standards  
24 keep track of all the latest literature, they review it,  
25 they analyze it, they evaluate it, and they base their

1 standards of that. The levels that the FCC use are  
2 solid. They are not going to change for a while.

3 It's not only the FCC, but if you look around the  
4 world, there are fifty or sixty or seventy reports in  
5 the last five or six years from major scientific  
6 committees? Health Canada, Health Council of the  
7 Netherlands, the Health Protection Association of the  
8 UK. There are countless ones that get scientific  
9 committees together and evaluate the literature and try  
10 to decide whether or not there should be any change in  
11 the exposure levels.

12 And every single one of them come out with the  
13 bottom line that although there have been effects  
14 reported here or there, there is no evidence to conclude  
15 that there untoward effects at exposure levels below the  
16 current guidelines. And there are two, the ones that  
17 are developed by the Institute of Electrical and  
18 Electronic Engineers in the United States and the  
19 International Commission of Nonionizing Radiation  
20 Protection throughout the world. And they are both in  
21 agreement. And they are always reviewing the data. And  
22 there is just nothing there.

23 You may read about it or hear about it, that  
24 somebody just found something new, but as time goes by  
25 and you look at these things and you look at it very

1 carefully, the standards and the exposure levels are  
2 very solid.

3 CHAIRMAN VIVONA: Anybody else have any more  
4 questions?

5 No.

6 Anybody from the public have any questions for  
7 this witness?

8 Okay.

9 Next witness?

10 MS. FAIRWEATHER: Matt.

11 M A T T H E W M U R E L L O, of 760 Route 10,  
12 Whippany, New Jersey, after having been duly sworn, was  
13 examined and testified as follows:

14 THE WITNESS: My name is Matthew Murello,  
15 spelled M-u-r-e-l-l-o. I'm with Louis Goodfriend and  
16 Associates, address 760 Route 10, Whippany, New Jersey.  
17 I have a professional engineers license in New Jersey.  
18 I have testified in front of this board on numerous  
19 occasions for acoustics and noise control. I am happy  
20 to provide you with my qualifications, if you would like  
21 them again.

22 MR. SHAW: He has been received.

23 CHAIRMAN VIVONA: We have previously accepted  
24 you as an expert.

25 THE WITNESS: Yes.

1 BY MS. FAIRWEATHER:

2 Q. Matt, you did a study, we asked you to take a  
3 look at the noise that the site would produce and you  
4 did a noise study. Can you please explain it to us?

5 A. Certainly. And this is summarized, I'm going  
6 from my March 18, 2015 letter, which I believe was  
7 provided as far as your packet. So I am basically  
8 summarizing that letter.

9 We've already had testimony in terms of what is  
10 proposed in terms of mechanical equipment. We have a  
11 shed, inside the shed is all the telecommunication  
12 equipment. The only noise-producing equipment proposed  
13 is the air-conditioning units that are located on the  
14 outside; that is to keep the equipment on the inside  
15 from overheating. There were two units proposed, two  
16 air-conditioning units. Only one unit will run, the  
17 second is redundant in case one fails. They do not run  
18 continuously, they only run based on how hot does it get  
19 inside the shed.

20 But for the purpose of a noise evaluation, what  
21 we did is we took data we have from the manufacturer for  
22 one air-conditioning unit and also we have measured  
23 numerous of these units in the field before. So we  
24 combined that data to calculate what the sound pressure  
25 levels would be basically at the two nearest property

1 lines, to the east and to the west.

2 MR. SHAW: Is that an exhibit?

3 THE WITNESS: I'm sorry, I just picked this  
4 up. Has this been entered? This is just an overhead  
5 photograph.

6 MS. FAIRWEATHER: It has not been entered.

7 MR. SHAW: It's going to be A-21 an overhead  
8 photograph.

9 (Applicant's Exhibit-21 marked for  
10 identification.)

11 MS. FAIRWEATHER: We will lay the foundation  
12 when the planner comes up.

13 THE WITNESS: A-21, overhead photograph  
14 prepared by Jacobs. Our acoustical evaluation was  
15 evaluated at the two nearest property lines, to the east  
16 and to the west. The nearest property line -- the  
17 Williams?

18 MRS. WILSON: Wilson.

19 THE WITNESS: Wilson -- I'm sorry, I didn't  
20 write it down. The Wilson's property to the east is  
21 approximately 32 feet from the shed. The other property  
22 line to the west is approximately 166 feet. We got  
23 those distances from the tax maps, which are also part  
24 of your plan. Using the data that we have for an  
25 air-conditioning unit operating in conjunction with how

1 the site is laid out, the distance to those property  
2 lines, we calculated the sound level to be 44 dBa at the  
3 nearest property line to the east and 30 dBa to the  
4 west.

5 Now I'm going to talk about codes and standards.  
6 As this board is well aware the State of New Jersey  
7 Department of Environmental Protection as well as the  
8 Township of Chatham both have noise regulations, those  
9 noise regulations are dependent on two things. One is:  
10 What is the use of the receiving property? In this case  
11 both receiving properties are residential in use.

12 The second component of the code is the time of  
13 day. If it is a residential use, which both of these  
14 are, the nighttime noise code is more stringent, which  
15 is 50 decibels on a weighted scale or dBa. During the  
16 daytime it's less restrictive, it's 65 dBa. So to  
17 calculate the worse-case scenario, we evaluated what  
18 would be the noise impact of an air-conditioning unit  
19 running at night compared to the nighttime noise  
20 standard of 50 dBa.

21 Now, there has already been some back-and-forth  
22 about the barrier height, the fence height. We did our  
23 model at an 8-foot high fence. I know the drawings show  
24 7, we need a variance one way or the other. We had an  
25 8-foot high fence to complete our report. If it does

1 come down a foot, we can revise our calculations, but  
2 they are got going to change by anymore than a decimal  
3 or possibly two. Once we presented that data in our  
4 report, summarized in the 18 March report, where the  
5 sound levels are expected to be below 50 dBa.

6 We also, in the attempt to answer the question,  
7 am I going to hear this, we had placed a measurement  
8 device approximately on the eastern property of  
9 basically the easement and we measured the sound levels  
10 over a 24-hour period, starting on Thursday, March 12,  
11 2015 at about 1:00 in the afternoon all the way to  
12 Friday, March 13.

13 What we presented in our report was the hourly  
14 statistical sound levels, from the lowest to the average  
15 and possibly some of the highest. Now, the higher  
16 sounds levels in this area are due to mostly  
17 transportation noise sources, more transient. But what  
18 we compared it to are the steady-state noise. So we  
19 have a period of time when there is no cars and not  
20 planes going by, albeit, that may be short, but those  
21 sound levels, the lowest sound levels we had were from  
22 about 11 p.m. to about 3 a.m. on the 12th to the 13th.  
23 And those lowest sound levels were about 32 dBa. That  
24 was the lowest sounds that we measured that exists out  
25 there right now.

1           During the rest of day, the sound levels averaged  
2 anywhere from 45 to about 60 dBa depending on whether  
3 cars are going by, airplanes and so forth.

4           So, as I stated before, we calculated that the  
5 sound levels will be 44 dBa at the closest property  
6 line. The existing sound levels range from 32 dBa in  
7 the middle of the night to 47 dBa, the lowest sound that  
8 we measured at the p.m. rush, so that is at about 5:00  
9 or 6:00 in the evening.

10           Mr. Dotti, who for the record is sitting over  
11 here, the board's expert, reviewed our report and  
12 requested that we prepare one more evaluation. And that  
13 would be at the second story window of the nearest  
14 house. So we used Google Earth to calculate the  
15 distance of about 117 feet from the shed to the width of  
16 the closest facade of that house. And we calculated  
17 what that sound level would be and we expect that to be  
18 31 dBa.

19           Now, why that is important is that the lowest  
20 sound level we measured at 1:00 in the morning was 32  
21 dBa. We calculated a sound level lower than that at the  
22 outside of the closest house. So inside the house with  
23 the windows opened or closed, you are still not going to  
24 hear any noise from this air-conditioning unit.

25           That's a brief summary of what we have in our

1 report. I did go through in terms of just overall sound  
2 levels dBa. What we did on our study, we evaluated all  
3 the frequency bands so when you look at our report, you  
4 see the charts in there that have octave band  
5 frequencies in there, but just not to overcomplicate  
6 things and not talk about in terms of nine, ten numbers  
7 at a time, I just presented by testimony tonight in  
8 terms overall sound level. But my results are  
9 consistent throughout all the audible frequency bands.

10 CHAIRMAN VIVONA: Okay. The air-conditioning  
11 units would be placed to the side where the closest  
12 neighboring house is furthest away, correct?

13 THE WITNESS: It is on the north side of the  
14 shed, so it faces the road, Shunpike. Not on the east,  
15 so it's facing the road.

16 CHAIRMAN VIVONA: And that's located behind  
17 the fence?

18 THE WITNESS: Correct. And actually lower  
19 than the fence. So we talked about the shed height  
20 being approximately 10, 10-and-a-half feet tall, but the  
21 air-conditioning unit starts at about 9 feet, but the  
22 actual intake, the ventilation opening is about 4 feet  
23 off of grade, which is why an 8-foot high fence would  
24 shield that from either a 6-foot high person on the  
25 property or a window 117 feet away.

1           CHAIRMAN VIVONA: Is the unit like a  
2 residential type unit or it's a self-contained  
3 bolted-to-the-building kind of thing.

4           THE WITNESS: It's a self-contained, bolted  
5 to the side of the building thing. It's designed  
6 specifically for sheds. So it's not like you would see  
7 a window air-conditioner, although the tonnage, I  
8 believe, is 5 tons in terms of the capacity not the  
9 actual physical weight of the unit. But, no, it's  
10 designed specifically for something of this type.

11          CHAIRMAN VIVONA: And the fan part is on the  
12 lower side of it?

13          THE WITNESS: Correct. The fan and the  
14 compressor are both at the lower end. I have that not  
15 only from the drawing but also from field measurements  
16 from numerous other sheds that we've worked on, about 4,  
17 4-and-a-half-feet off of the ground is what the distance  
18 of that one is.

19          CHAIRMAN VIVONA: It's not set to run at like  
20 60 degree, it's set at a higher temperature. Obviously,  
21 it would be intermittent. If you set it for 60 degrees  
22 in the shed, it would obviously run longer.

23          THE WITNESS: I don't know what the set point  
24 is, but I do know from being in the field for many of  
25 these applications in the past, it's not going to run

1 continuously. Even at 90-degree average temperature, it  
2 will still cycle on and off, or one will cycle on and  
3 off at some point. It won't run continuously, unless we  
4 have a very hot spell with 100 degree days and 75,  
5 80-degree nights, it might run more continuous, but it  
6 is not designed to run all the time.

7 CHAIRMAN VIVONA: And it doesn't make any  
8 more noise than the typical one that is on a house?

9 THE WITNESS: Yeah, I would say it's about  
10 right. I mean the data I have for this is about 68  
11 decibels on an A-weighted scale at about 10 to 15 feet  
12 away from a unit. That's about comparable to a  
13 residential central air-conditioning unit that you have  
14 outside your house.

15 MR. BORSINGER: Question.

16 THE WITNESS: Yes, sir.

17 MR. BORSINGER: Do you know what the -- you  
18 said this would be about 45 to 60 decibels; do you know  
19 what the previous shed ran at, the previous shed  
20 air-conditioner?

21 THE WITNESS: I don't know. And what we  
22 predicted is 44 decibels not 60.

23 CHAIRMAN VIVONA: The previous was not an  
24 enclosure.

25 THE WITNESS: It was not a shed. It was just

1 a cabinet with little mod cells.

2 MR. BORSINGER: I assume this is on the outer  
3 wall.

4 THE WITNESS: Yes.

5 MR. BORSINGER: What side of the shed are you  
6 planning on putting in the air-conditioning unit?

7 THE WITNESS: The air-conditioners are  
8 proposed from the north side of the shed, basically  
9 facing -- is it Shunpike?

10 CHAIRMAN VIVONA: Yes.

11 THE WITNESS: Facing Shunpike Road.

12 MR. BORSINGER: Wouldn't it be from a  
13 neighbor's standpoint, would it be better to be on the  
14 northwest side?

15 THE WITNESS: That's the way we have it  
16 oriented right now based on the size of the site. One  
17 of the things we can consider in addition to possibly  
18 moving it, we are going to discuss possibly reorienting  
19 it so it faces the other direction. We can look at  
20 that.

21 BY MS. FAIRWEATHER:

22 Q. Does it matter the other direction has a  
23 house, does it matter to them?

24 A. It's significantly further away. Yes, if we  
25 move this entire shed a hundred feet west, I am just

1 saying, any way you move it, however, if we turn it, we  
2 can look into that and see if it's at all possible and  
3 revise our calculation and report, if necessary.

4 CHAIRMAN VIVONA: If it faces Shunpike, you  
5 have 200 feet from there to the street so you have no  
6 echo, no obstructions? If it aims at a house or  
7 something else where it can echo back even though the  
8 sound would be minimal because it's inside the fence  
9 that would be worse.

10 MS. FAIRWEATHER: And across the street from  
11 Shunpike, that's all open, too, so.

12 MR. BORSINGER: I think the sound travels  
13 like that.

14 CHAIRMAN VIVONA: Well, it's behind the  
15 fence, so it sort of bounces around inside the  
16 enclosure, most of the noise, unless you go up.

17 MS. FAIRWEATHER: The best analogy I can give  
18 to that could be if we had a single light bulb on the  
19 roof and turn all the other lights off and then we put a  
20 box around the light bulb, you will still see light come  
21 out of the enclosure, but it wouldn't have this direct  
22 light, so it wouldn't be as bright. So that's  
23 essentially what you have here.

24 MR. BORSINGER: If you are on the side of the  
25 house and you walk down the road, you will hear it.

1           THE WITNESS: We also have, the condensing  
2 unit is below the height of the noise barrier or the  
3 fence on the outside. So that's the primary way we are  
4 knocking the sound level down along the property. So if  
5 we rotate it, I am not saying there isn't going to be  
6 some benefit to that acoustically, I don't know what it  
7 is and whether it's going to be, oh, my gosh, it's 10  
8 decimals quieter, I can't imagine it's going to be, but  
9 we can sort of look into it. And if it proves to be a  
10 feasible alternative, then we can revise our numbers and  
11 provide them to the board and Mr. Dotti to review.

12           MR. BORSINGER: The other question is: If  
13 the shed is moved 20 feet northwest, is there a  
14 relationship between decibels and feet moved?

15           MS. FAIRWEATHER: Yes. A rule of thumb,  
16 although, we do have some calculations, would be every  
17 time we double the distance from source to receiver, the  
18 sound levels will go down by about 60 feet. So if we  
19 were to go down from 32 feet to about 65 feet, the sound  
20 levels, the predicted sound levels will go down. Now,  
21 we are already at, more or less, the background. So if  
22 we were to -- if this was approved and we turn it on,  
23 and we go to the property line, we may not measure 44  
24 dBa because the existing sound levels, as I said, range  
25 from 32 to 46, but if we then were going in the middle

1 of the night and get a measurement of it and then move  
2 it another 32, 35 feet, so now it's 65 feet from the  
3 easterly property line, than that sound level would come  
4 down by 5 or 6 decibels.

5 Q. Matt, let's be clear, we are below the  
6 maximum amount allowed, we are basically within the  
7 background level. And let's say there is a bedroom  
8 window on that side, I have no idea if there is or not,  
9 and the window is open, they are not going to be able to  
10 hear it. So the way you have it designed now with the  
11 fence coming up, and it facing Shunpike, it's basically  
12 a nonevent, correct, a non-noise event?

13 A. The only possibly way that I would expect  
14 that you would be able to hear this would be in the  
15 middle of the night along the property line.

16 MR. BORSINGER: I'm just pointing out is it  
17 the best design regardless of if you were on the  
18 property line.

19 THE WITNESS: I have done a lot of these  
20 where we have a lot less distance to the property line  
21 than 32 feet.

22 MR. BORSINGER: In terms of the location of  
23 the condenser.

24 THE WITNESS: We can look at alteratives to  
25 see if there is way to turn it. Maybe we can face it

1 northwest; I don't know. But typically the sheds are  
2 lined up parallel to the long axis of the site. You  
3 have a rectangle site, you put a rectangle within the  
4 rectangle, but we can discuss that and if there is an  
5 alternative we can look at it.

6 CHAIRMAN VIVONA: I think that would tie in  
7 especially if we were able to get PSE&G to allow you to  
8 move the whole unit some, definitely we would like to  
9 have those calculations. If we can move it 30 feet, if  
10 you don't need the variance.

11 MS. FAIRWEATHER: I know PSE&G. I think 30  
12 feet, they are not going to give us. They will probably  
13 let us move it over as far as we can, but please let's  
14 not get in our head 30 feet. I know them, you know  
15 them.

16 CHAIRMAN VIVONA: But still if we were able  
17 to move it to 30 feet from the property line, which is  
18 only a 10 foot distance, even at 10 feet would make some  
19 sort of distance. And at that point, you can revise  
20 your calculations as to the actual position of the units  
21 to minimize any echo noise.

22 THE WITNESS: We can revise that if it looks  
23 like it's feasible, if they will let us do it.

24 MR. HYLAND: Can I just ask, so just so I  
25 understand, if the background noise is 35 and we turn

1 something on that is 31, we don't hear that thing  
2 because the 35 supercedes it?

3 THE WITNESS: I don't know if it supercedes  
4 it. In many cases you are going to get a lot of masking  
5 noise. What is out there now is a lot of low frequency  
6 noise, and mostly that's due to transportation noise  
7 sources that you have. You have a lot of transportation  
8 noise out there even at 2:00 or 3:00 in the morning. We  
9 measured a lot of low frequency noise, mostly due to  
10 transportation. This was in the middle of snow. So  
11 there wasn't air-conditioners on, there wasn't  
12 residential HVAC units on. This was as quiet as you  
13 were going to get it in this township in this area.

14 And most of our frequencies were also below. So  
15 are you going to hear it? Like I said, the only  
16 possibility that you are going to hear it would be late  
17 at night along the property line when you are certainly  
18 not in the house.

19 BY MS. FAIRWEATHER:

20 Q. I think his question was more general, if  
21 something is at 38 and the average noise is 40, would  
22 you ever hear the 38 or you just hear the 40?

23 A. It is cumulative, but it's a logarithmic  
24 basis. If you have two sources and they are greater  
25 that 10 dBa apart, no. As those two sources creep

1 closer and closer together, they do add numerically.  
2 Once they get within about 3 decibels of each other, so  
3 31 and 34 then they will actually start to add and they  
4 creep up to 35 and 36. But it is logarithmic, so I  
5 would have to bust out the slide rule and put everybody  
6 to sleep.

7 MR. SHAW: Is that an acoustic conclusion?

8 THE WITNESS: We presented that in our report  
9 and the conclusions are similar to what I have talked  
10 about already in my testimony that only with the  
11 exception of the middle of the night where we had the  
12 lowest ambience, would any of the octave band levels be  
13 above. But all the octave band levels are below the  
14 nighttime limits for the code on all property lines.

15 MR. HYLAND: None of the other equipment  
16 makes any noise?

17 THE WITNESS: It's in the shed.

18 MR. HYLAND: You stand under the tower lines  
19 and you hear a noise from them?

20 THE WITNESS: If you stand under a  
21 streetlight, it's going to produce 120 hertz because  
22 electrical is 60 hertz and because it reflects off, it  
23 actually doubles, so that hum of the streetlight that  
24 you hear is 120 hertz, but that is not a mechanical  
25 noise, that is an electrical noise.

1 MR. HYLAND: So do the panels up on the top  
2 make a hum or anything?

3 THE WITNESS: No.

4 MR. MICHAELS: So your figure here shows that  
5 the two air-conditioning units that had you mentioned  
6 are on the same facade as the shelter?

7 THE WITNESS: Yes, both on the north side.

8 MR. MICHAELS: And one only works as a backup  
9 to the other one, so only one is on at any time; do they  
10 alternate between them, or when does the other one kick  
11 in?

12 THE WITNESS: I am not entirely sure how the  
13 control system works, but they do alternate back and  
14 forth, otherwise one would run continuously and then  
15 ultimately fail, and the other one has never been run.  
16 So they do switch them on back and forth. I'm not sure  
17 what the control system is, whether it's month by month,  
18 but they are specifically set so only one is providing  
19 enough cooling to the shed to be able to get what they  
20 need.

21 MR. MICHAELS: Okay.

22 CHAIRMAN VIVONA: Mr. Dotti?

23 MR. DOTTI: What Mr. Murello said is a brief  
24 but accurate description of what his report contained.  
25 Yes, and when I looked at the report, I was concerned

1 about what the people were going to hear. Usually at 2  
2 a.m. people are not standing out on their property line  
3 32 feet from the shelter. If they were, it would still  
4 be under the limits. So what I have looked at and Mr.  
5 Murello and I have interacted over a number of projects  
6 over the years, I have always asked him to calculate  
7 from a second-floor window, because that's where people  
8 tend to be, that's where that additional calculation is  
9 going. It's further away, hence it's quieter.

10 I assumed I was told it's an 8-foot fence, not a  
11 7-foot fence, that would make a slight difference, 1 or  
12 2 decibels in the calculations. The fence is described,  
13 and as I picture it as a series of boards abutting each  
14 other. And I always get concerned about what I call  
15 "gaposis" in there, because a very small opening  
16 eliminates the effectiveness of the fence.

17 I don't know if you said, you sort of implied it,  
18 but the fence dimensions were taken into account when  
19 you did your calculations, you assumed the barrier of  
20 attenuation, correct?

21 THE WITNESS: I did.

22 MR. DOTTI: Okay. So again, it's not going  
23 to make a huge difference, but you were counting on the  
24 acoustical effectiveness, the fact that the fence is a  
25 barrier, so, yes, it's Trex material, something like

1 that. So I believe it's more dimensionally stable than  
2 just wood abutting each other. If it was wooden planks  
3 abutting each other, I would want to see a backer behind  
4 it, to make it solid, or tongue-and-groove, shiplap or  
5 something like that that is normally done.

6 THE WITNESS: We had some conversations about  
7 that. We haven't finalized the detail yet. But it will  
8 certainly be a solid design. So whether it is post and  
9 panel, tongue-and-groove, shiplap something where -- I  
10 don't know, what word did you just make up?

11 MR. DOTTI: Gaposis.

12 THE WITNESS: We are going to try to  
13 eliminate gaposis.

14 MR. DOTTI: I would expect that.

15 MR. SHAW: So as part of the conditions, you  
16 will be would be submitting plans, and the fence design  
17 will be subject to approval and it will be a solid  
18 fence?

19 THE WITNESS: Yes, it will be a solid fence.

20 MR. DOTTI: It needs to be a solid fence.  
21 How it looks on the outside, whether it's a  
22 board-on-board look, staggered, there are a whole bunch  
23 of ways to do it for a visual effect, as long as it's a  
24 solid fence. Making it out of 6 inches of concrete  
25 doesn't make it any better acoustically. More is not

1 certainly better. Putting the fence completely around  
2 the unit, the compound, I will tell you, as you  
3 described, Mr. Chairman, that tends to contain the  
4 sound.

5 So, in my opinion, whether the air-conditioners  
6 go on the north end or the south end really is not going  
7 to make, in my mind, any particular difference. You  
8 already have the barrier effect in there. It might add  
9 a slight amount. But to me, the important thing is over  
10 by the homes the sound level will be so low, that it is  
11 down to the compliance standard and I really don't think  
12 it will be noticeable to neighbors at the quietest time.

13 CHAIRMAN VIVONA: Also, your calculations  
14 were at the property line.

15 THE WITNESS: In addition to one that  
16 Mr. Dotti referred to, I also did a second calculation,  
17 which is not in this report, but a supplemental chart  
18 was provided to Mr. Dotti's office at the house.

19 MR. DOTTI: I attached that in my letter  
20 report.

21 THE WITNESS: Which is why I didn't submit a  
22 second letter. I did testify to that being 31 dBa at  
23 the second-story window of the closest house.

24 CHAIRMAN VIVONA: Where 44 is allowed?

25 THE WITNESS: 50 dBa is the requirement. The

1 lowest ambient we measured at 1:00 or something like  
2 that in the morning --

3 MR. DOTTI: Two o'clock.

4 THE WITNESS: -- 2:00, okay -- was 32 dBa, so  
5 even the lowest of the low ambience that we measured,  
6 even that was 1 decibel above what we predicted.

7 MR. DOTTI: Actually, that was an L10.

8 THE WITNESS: No, it was an L9.

9 MR. DOTTI: But it wasn't the lowest. Using  
10 the statistical measures is the proper way to do it,  
11 L10.

12 CHAIRMAN VIVONA: Bob, you have anything  
13 else?

14 MR. MICHAELS: I have nothing else for this  
15 witness.

16 CHAIRMAN VIVONA: Anybody else on the board  
17 have any questions?

18 Anyone from the public?

19 You have to state your name.

20 MR. WILSON: Sure. Chuck Wilson, 30  
21 Robinhood Lane in Chatham.

22 Yeah, a couple of questions. So you are saying  
23 right now you had measured it at 44 versus the 50 limit,  
24 right?

25 THE WITNESS: Yeah, the code is 50 dBa at the

1 property line.

2 MR. WILSON: So you are six below that,  
3 right?

4 THE WITNESS: That's what we predict at the  
5 property line, yeah.

6 MR. WILSON: Did you run an air-conditioner?  
7 I mean, how did you get that?

8 THE WITNESS: We did two things. The first  
9 is we used manufacturer's supplied data, they give us  
10 that. And then verified that based upon actual  
11 measurements that we've done at other air-conditioning  
12 units at other AT&T sites.

13 MR. WILSON: So you didn't do an actual, you  
14 went on manufacturer specs?

15 THE WITNESS: No, we went on my data that  
16 verified the manufacturer's data, I said that already.  
17 So we took the manufacturer's data, whatever they gave  
18 us, which I have forgotten, and then we also went out  
19 and made our own measurements on other AT&T cell sites  
20 of the air-conditioning unit to verify that their data  
21 was right, and also got the octave data.

22 MR. WILSON: So it wasn't at our particular  
23 property, it was using somebody else's?

24 THE WITNESS: My data.

25 MR. WILSON: At another site.

1 THE WITNESS: But we can't put the unit here  
2 and measure it, unless we have --

3 MR. WILSON: No, I understand.

4 THE WITNESS: So this is how we typically do  
5 a project of any type if it's not -- there are only two  
6 ways to figure it out; one is to put it there and turn  
7 it on, the other is make a measurement of what we are  
8 trying to figure out and calculate what the distance is.

9 In this case we did not take any additional  
10 attenuation for ground effects or trees or topography,  
11 we figured flat grass, and that calculation is  
12 relatively simple. And that is what we did.

13 MR. WILSON: And so that's how you did it, I  
14 guess, for the second-story bedroom because, obviously,  
15 you weren't there measuring it from the second story.

16 THE WITNESS: No, I think you would have  
17 noticed.

18 MR. WILSON: No, I don't remember seeing you  
19 guys.

20 And, again, this noise, this 44 decibel noise,  
21 you are saying there can be an add-on effect to other  
22 street noise at some point that could possibly bring it  
23 over 50, or no?

24 THE WITNESS: No. The existing sound levels  
25 out there now, the lowest sound levels out there now are

1 below 50, 24 hours a day. Now, if we were to look at  
2 the sound levels when cars and trucks drive by and  
3 airplanes drive by, those numbers go well above 60, at  
4 the same location. But when I'm talking about what  
5 exists presently, I'm looking at the lowest -- you know,  
6 it's kind of hard to do this for the record -- but if  
7 you can imagine how the sound levels go up and down as a  
8 noise sort of passes you, I am looking at the lowest of  
9 those, I am basically taking out the loud  
10 transportation --

11 MR. WILSON: No cars.

12 THE WITNESS: No cars, no airplanes, no  
13 trucks, no motorcycles, that kind of thing.

14 MR. WILSON: Fair enough. So that's your  
15 best approximation.

16 THE WITNESS: You got it. We also did the  
17 measurements in March. And there was a lot of snow on  
18 the ground. Why that was important is that the  
19 temperatures were relatively cold, so no  
20 air-conditioners from any of your neighbors were on. So  
21 that also is as low as you are going to get. When you  
22 start adding other things; in the summer weather, the  
23 air-conditioners and things like that; the ambient  
24 starts to creep up and get a little louder. We didn't  
25 factor any of that in.

1           MR. WILSON: Again, it's below, but what I  
2 hear about radio waves, it's 1 percent of the FCC  
3 guidelines and here you are talking it's an  
4 approximation based on your calculations based on  
5 obviously calculations that you've done manufacturing  
6 data. I guess, it doesn't seem like a significant gap  
7 between the two. So I make that observation.

8           I have one other question. I looked at the, you  
9 know, the, I guess, your noise evaluation. And I looked  
10 at Figure 1, the Partial Plan Site, that's Page 7.

11           THE WITNESS: Got it.

12           MR. WILSON: I'm just curious, and I make the  
13 other point, obviously, I know this measurement is from  
14 our house, clearly, we use our backyard quite a lot  
15 especially during the summer, what are you using as our  
16 property line?

17           THE WITNESS: If you are looking at Figure 1,  
18 you'll see there is a delineated line just to the left  
19 of where it says residential property line. It says:  
20 South 39-degrees, 51-minutes dah, dah, dah, dah, that's  
21 the property line. And that distance, according to the  
22 drawings we have been provided, was 32 feet from the  
23 shelter.

24           MR. WILSON: So that is more or less, the way  
25 I am looking at this, because then there is the tree

1 line behind it.

2 THE WITNESS: Correct. Essentially, it's in  
3 front of the tree line, or east.

4 MR. WILSON: It's more or less around where  
5 our fence is.

6 THE WITNESS: You have a 6-foot high fence,  
7 right?

8 MR. WILSON: Yeah.

9 THE WITNESS: It's on the easement side of  
10 the fence according to where this line is.

11 MR. WILSON: So it's on the other side, it's  
12 not inside of the fence, it's on the other side on the  
13 fence?

14 THE WITNESS: I believe so. What is shown as  
15 the tree line, your fence is on your side of the tree,  
16 right?

17 MR. WILSON: Yeah.

18 THE WITNESS: So it would be right about  
19 there.

20 MRS. WILSON: And our fence.

21 MR. WILSON: I have -- so you're saying it's  
22 39, 51, 24, right? Am I reading that right?

23 THE WITNESS: That's what is shown on there.

24 MR. WILSON: This is my survey of my property  
25 that I recently refinanced. My fence line is not my

1 property line, and there are different measurements  
2 here. And we have had conversations with PSE&G that our  
3 property line extends beyond that fence. I mean, people  
4 are free to look at it -- here's my -- here it is.

5 CHAIRMAN VIVONA: How much further do you  
6 think it extends beyond the fence?

7 MR. WILSON: Fairly significantly. I have  
8 the schematic right here.

9 MS. FAIRWEATHER: How many feet are you  
10 talking about?

11 MRS. WILSON: It's not a straight line.

12 MR. WILSON: It's not a straight line, I  
13 mean, some of it goes out ten or fifteen feet on the  
14 right-hand side of the property.

15 MR. DOTTI: Is that the survey?

16 MR. WILSON: It's right here. This is my  
17 fence line, right here. It has not changed, it hasn't  
18 moved. And this is where our shed is. I mean, maybe I  
19 am reading it wrong.

20 MR. DOTTI: Are you comparing this 39, 51, 24  
21 to this 49 --

22 MR. WILSON: Yeah, I am.

23 MR. DOTTI: That's, I believe, a heading.  
24 It's not a position.

25 CHAIRMAN VIVONA: My understanding is that

1 our property line does not end at the fence.

2 MR. DOTTI: That's a heading.

3 MR. WILSON: My understanding is our property  
4 line does not end at the fence. But, I mean, this  
5 doesn't say -- our understanding is our property line  
6 does not end at the fence, I mean, it doesn't.

7 MR. DOTTI: I'm looking for a scale on here.  
8 Is it right in my face? Does he not have a scale?  
9 Jeez, that's unusual.

10 CHAIRMAN VIVONA: Let's go off the record.

11 (Off the record.)

12 CHAIRMAN VIVONA: How long ago did you  
13 refinance?

14 MR. WILSON: A year ago.

15 CHAIRMAN VIVONA: So you had it resurveyed so  
16 there should be survey markers there.

17 MR. WILSON: Yeah, I don't know. We have  
18 refinanced a couple of times, but that is what we have  
19 gotten. We have a couple of these floating around.

20 MR. O'BRIEN: The property line looks right.  
21 The fence is way inside it, that's why it's not shown.  
22 It's not a foot off the property line. This looks like  
23 it lines up.

24 MR. SHAW: So what you are looking at is the  
25 site plan, and the site plan, which is the basis for the

1 calculations, is consistent with what that survey is.

2 MR. O'BRIEN: It appears so, I am laying on  
3 this plan and seems compatible.

4 MR. DOTTI: We lined up the north areas to  
5 see and all of a sudden the property line and the  
6 diagonal coming down, the lot line, all line up. They  
7 line up very well.

8 MR. SHAW: So the only difference is the  
9 bearing of that line is different than this map, the  
10 site plan.

11 And I think we requested a copy of this survey  
12 from you, Bob.

13 MR. O'BRIEN: I don't know if it's there or  
14 not.

15 CHAIRMAN VIVONA: Can you do me a favor, and  
16 point that out to Mr. Wilson just for clarification?

17 MR. WILSON: Okay.

18 MR. O'BRIEN: I will show you.

19 MR. WILSON: All right. Show me.

20 MR. SHAW: I think what threw me off is they  
21 are saying that the --

22 MR. O'BRIEN: So this is the corner, so if  
23 you lay this over, you can see this line there and this  
24 line here is pretty well located. Your fence is way  
25 back in here.

1           MR. WILSON: I see what is confusing here is  
2 they have -- so there is significant -- so this is not  
3 accurate then. In theory this tree row is further back  
4 then what you are telling me.

5           MR. DOTTI: It doesn't matter where the trees  
6 are, it's the right property line.

7           MR. O'BRIEN: The line lines up, I don't know  
8 if this tree line is back a little further.

9           MR. WILSON: Clearly there is a tree, right,  
10 this contemplates the tree line within here.

11           MR. O'BRIEN: They are saying there are trees  
12 all the way back, they are just showing that as a  
13 diagram, but the trees are there.

14           MR. WILSON: But it seems like the trees are  
15 outside of the -- well, they are on the property.

16           MR. O'BRIEN: They are basically on this  
17 property.

18           MR. WILSON: That is not accurate though,  
19 clearly from this.

20           MR. O'BRIEN: Well, it just doesn't show the  
21 trees right. That is something that we can clarify  
22 pretty easily.

23           THE WITNESS: I guess when we have the  
24 planner testify, if the trees are not depicted  
25 accurately, I'm not sure how that really has a bearing

1 on the application.

2 MR. WILSON: It's misleading because it looks  
3 like the way you drew it with the trees in front of it,  
4 the property line, the fence line, which clearly it  
5 isn't. So I think that was my question.

6 THE WITNESS: But the distance to the  
7 property line is what we did in our evaluation and I  
8 guess we are all in agreement that that is about right.

9 MR. O'BRIEN: From the line to the shed.

10 THE WITNESS: From the line to the shed,  
11 which is about 32 feet, which is what we have.

12 MR. MICHAELS: The tree lines may be  
13 depicting the crowns of the trees.

14 MS. FAIRWEATHER: Right. They may all be  
15 there.

16 MR. WILSON: I guess my other point would be  
17 in terms of the placement for the air-conditioners, I  
18 mean, clearly this structure is far closer, I know it's  
19 contemplated being moved further out, but it's clearly  
20 far closer to our structure, our residency, than the one  
21 across the way. So whatever alignment in terms of  
22 northwester -- the furthest away from my property line,  
23 clearly would not have an impact on the other residents.  
24 You are not moving it that far over there. It's clearly  
25 going to be closer to our house.

1 MS. FAIRWEATHER: Tomorrow I will get an  
2 e-mail to PSE&G and we will move it as far as they let  
3 us.

4 CHAIRMAN VIVONA: And as far as the variances  
5 go, if this is granted, we can put conditions to the  
6 variance which state that the air-conditioners must be  
7 placed at least...

8 MR. SHAW: They will have a plan that they  
9 will present to us.

10 MR. WILSON: Because we did hear at the last  
11 one, because, I mean, I would expect if this was  
12 similarly placed, I guess as long as it's underneath the  
13 50.

14 MR. SHAW: The other one was an open cabinet.  
15 So what you were hearing there was the sound of the  
16 cabinets, with the internal fans that they have and the  
17 humming of the fans. And here this is all going to be  
18 inside.

19 MRS. WILSON: So the noise that you did, is  
20 just the air-conditioning unit sound?

21 MS. FAIRWEATHER: That's the only sound that  
22 it makes.

23 MRS. WILSON: You are not going to hear  
24 anything from inside the shed?

25 MR. DOTTI: If I may, a final comment. At 5

1 tons for a 3500-square-foot house or so, that is a  
2 reasonable air-conditioner. I have a 3 ton and a 2 ton  
3 unit at my house, 5 tons, if you are comparing it to a  
4 residential unit, it's a reasonable unit.

5 CHAIRMAN VIVONA: Plus that was cooling a  
6 3000-square-foot house where this is cooling an  
7 800-square-foot building.

8 MR. DOTTI: Yeah, but it's still electronics.

9 THE WITNESS: It generates a lot more heat  
10 than your normal house, even with all the iPads sitting  
11 around the living room I have.

12 MR. DOTTI: Even my big screen TV doesn't  
13 throw that much heat.

14 CHAIRMAN VIVONA: Anybody else have any  
15 questions or comments for Mr. Murello?

16 You guys?

17 Nothing else from the public?

18 MRS. WILSON: You want to buy a house?

19 THE WITNESS: Thank you, Mr. Chairman.

20 MS. FAIRWEATHER: The only person left is my  
21 planner. And I would like him to testify last so we  
22 have to come back with additional information. So I'm  
23 done, but let's go over what I need to come back with.

24 We said the shield and the switch, that's a  
25 given.

1 I will send an e-mail to Mr. Cuppa asking him how  
2 far we can move -- actually, Alec and I would talk about  
3 it because I have to get my directions correct.

4 And any plantings that they will allow, letting  
5 him know at the hearing we had some objectors and that  
6 the board had some concerns. And what will he allow us  
7 to do to the maximum extent. So those two.

8 And then Alec will take a look at it to see when,  
9 if when it's moved, if we can shift the air-conditioning  
10 unit to the opposite side, and get that information to  
11 Matt, if we can, and Matt will do his calculations and  
12 get them to Mr. Dotti.

13 And I believe that is all we need to do.

14 CHAIRMAN VIVONA: And we would like to see  
15 pictures of the shed.

16 MS. FAIRWEATHER: Pictures of the shed.

17 CHAIRMAN VIVONA: And, again, as far as the  
18 landscape, we know we are not going to hide the 8-foot  
19 fence, but let's see what we can do to soften it.

20 MS. FAIRWEATHER: Soften it. And pictures of  
21 the shed and the fence?

22 CHAIRMAN VIVONA: Yes.

23 MR. SHAW: And it sounds like it should be a  
24 variance for an 8-foot fence.

25 MS. FAIRWEATHER: That's scares me a little

1 bit that the plans say 7 and I thought 8.

2 And when would we be able to go over the date so  
3 I can make sure my -- oh, let's talk about my witnesses.  
4 I was not planning on bring back Mr. Peterson.

5 You may have to come back, if it matters with  
6 sound, you have to come back and you have to come back.

7 My RF engineer, there isn't any more testimony  
8 from him; are you okay with that?

9 MR. EISENSTEIN: Mr. Chairman, I would not  
10 have to come back for this application if I can give a  
11 summary.

12 MS. FAIRWEATHER: I was not going to bring  
13 back Dan, if you are okay with that.

14 MR. SHAW: Why don't we have Dr. Eisenstein  
15 address the board?

16 MR. EISENSTEIN: I will give a very brief  
17 summary. I studied their plans, I studied the  
18 propagation plots. They have a gap in coverage. The  
19 gap is at a reasonable level of powers, the -85 dBm is  
20 exactly the standard that I like to see for this green  
21 area on this propagation plot. So there is the gap in  
22 coverage.

23 The proposed site ameliorates the gap, as I  
24 indicated when I was questioning him. There are still  
25 some little areas that are left over. Some parts will

1 be addressed apparently by another application and the  
2 other part they are just going to ignore.

3 So as far as the site is concerned, they have  
4 shown a need for the site and their proposed solution  
5 does ameliorate that need.

6 As far as the compliance is concerned, I have  
7 checked Mr. Peterson's report -- by the way, he is a  
8 very distinguished person in this field of  
9 electromagnetic radiation; I am familiar with his work.  
10 And the report is done exactly in compliance with FCC  
11 regulations, and I agree with his conclusion that it is  
12 less than 1 percent of the FCC approved maximum, which  
13 would also put it 5 times below the New Jersey maximum.  
14 I don't think you stated that, but New Jersey for some  
15 reason has five times as much allowance as the FCC  
16 allows.

17 CHAIRMAN VIVONA: They must tax that.

18 MR. EINSTEIN: That concludes my report.

19 CHAIRMAN VIVONA: What does our agenda look  
20 like.

21 MS. TSIMBOUKIS: For June?

22 MR. SHAW: I would assume you would not like  
23 to come back for the next regular meeting in May.

24 MS. FAIRWEATHER: That's like a week, a week  
25 and a half, right?

1 MR. SHAW: So June 18 would be our next date.

2 MS. FAIRWEATHER: That's the date my daughter  
3 graduates from high school. I could skip it and then I  
4 would be the worse mother in the world.

5 MR. BORSINGER: Your daughter would not mind.

6 MS. FAIRWEATHER: I am sure.

7 MR. SHAW: I don't know if the board wants to  
8 entertain another special meeting or not.

9 MS. FAIRWEATHER: Is that possible?

10 CHAIRMAN VIVONA: It is possible and I think  
11 we covered most of the things today.

12 MS. FAIRWEATHER: It doesn't go long. All I  
13 will do is the engineer will show you pictures and we  
14 will get to look at them, and my planner can easily be  
15 fifteen minutes or less.

16 MR. O'BRIEN: I just have a couple quick  
17 questions, just for Alex, a comment that he had in his  
18 report. If you looked at that report, is there any  
19 issues that you have providing that information?

20 MR. NORRIS: I don't think so.

21 MR. O'BRIEN: You are not encroaching into  
22 that easement?

23 MR. NORRIS: The easement was not shown on  
24 the title report, nor was it shown on the PSE&G  
25 right-of-way drawings, nor was it shown in the survey.

1 MR. O'BRIEN: You have no idea what it is?

2 MR. NORRIS: I know there is a gas pipeline  
3 there, but as far as an easement goes for it, I have no  
4 documentation on it.

5 MS. FAIRWEATHER: Hold on.

6 MR. O'BRIEN: There is nothing in the deed?

7 MR. NORRIS: I don't have a width of an  
8 easement. It's not on the deed, it's not in the PSE&G's  
9 right-of-way drawings.

10 CHAIRMAN VIVONA: That could impact the  
11 moving of the structure.

12 MR. O'BRIEN: It might help if they move it  
13 away. If he has done other jobs with specs and it's  
14 usually 30 feet wide. If they were to move it, that  
15 would alleviate that possibility.

16 CHAIRMAN VIVONA: On the survey the gas line  
17 is on the side of the building.

18 MS. FAIRWEATHER: Absolutely, it's right in  
19 front of you.

20 MR. O'BRIEN: Is there no other avenue to  
21 find an easement on there?

22 MR. NORRIS: No, I don't know what other  
23 source, I'm not sure what other source to review. Are  
24 there adjacent right-of-way properties that you have  
25 seen this easement on?

1 MR. O'BRIEN: Further down the line, there is  
2 an easement on the spectra. Have you tried contacting  
3 them.

4 MR. NORRIS: No, I haven't tried contacting  
5 them.

6 MR. O'BRIEN: Maybe they have some  
7 information on the line. PSE&G doesn't?

8 MR. NORRIS: No. We get right-of-way  
9 drawings from them. There is nothing on there about it,  
10 and the deed doesn't specify any width.

11 MR. O'BRIEN: Maybe contact them, just reach  
12 out and see if we can get something from them.

13 MR. NORRIS: I will try.

14 MR. O'BRIEN: And the copy of the existing  
15 surveys is the only other thing we need. And the other  
16 comments in this letter shouldn't be a big issue.

17 MR. NORRIS: Okay.

18 MS. FAIRWEATHER: We can get you that.

19 MR. EISENSTEIN: Can I raise another point of  
20 order or question really? When is the Verizon  
21 application going to be heard?

22 MR. SHAW: That's recently found to be  
23 incomplete due to additional information that wasn't on  
24 Southern Boulevard.

25 MR. EISENSTEIN: Along Southern Boulevard,

1       yeah.  So it will not be at the June meeting?

2                   MR. SHAW:  I would say not at the June  
3       meeting.

4                   MR. BORSINGER:  I have another question.  On  
5       the 2006 zoning ordinance, there was a bunch of  
6       questions including the shield on the line, if the unit  
7       becomes obsolete and is not used for six months.

8                   MR. SHAW:  That's the standard obligation  
9       that goes with every cell tower, if it's not used, they  
10      have an obligation to remove it.

11                   MR. BORSINGER:  That will be a condition?

12                   MR. SHAW:  That will be in this resolution as  
13      well as a standard requirement.

14                   We might find out from board members present if  
15      they are in available or able to come to a special  
16      meeting on June 10.

17                   MR. STYPLE:  June 10 is good for me.

18                   CHAIRMAN VIVONA:  We can just send an e-mail  
19      out to everybody.

20                   MR. SHAW:  I'm saying from the group here, we  
21      have four people or five people to hear the application.

22                   MR. WESTON:  I'm fine with it.

23                   CHAIRMAN VIVONA:  So my anniversary is the  
24      7th, so I should be out of the trouble by the 9th.

25                   MR. SHAW:  So what we can indicate is that

1 there will be another special meeting held on June 10,  
2 that they do not have to advertise. There will be no  
3 further need for any legal notices. Everybody who is  
4 here knows. We will be carrying this to the 10th  
5 without any further legal notice.

6 So you will grant us a quick note granting us an  
7 extension?

8 MS. FAIRWEATHER: And I will submit, as I get  
9 the information on pictures and things like that, submit  
10 it ahead of time for people to look at.

11 MS. TSIMBOUKIS: Are you going to be coming  
12 June 10?

13 MR. BORSINGER: I should be.

14 MS. TSIMBOUKIS: Mr. Hyland?

15 MR. HYLAND: I would like to. I just have to  
16 speak with my wife.

17 (Hearing adjourned 9:30 p.m.)

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C E R T I F I C A T I O N

1  
2  
3 STATE OF NEW JERSEY )  
: ss:  
4 COUNTY OF MORRIS )  
5

6 I, TONIANN ACQUARO, a Notary Public for  
7 and within the State of New Jersey, do hereby certify:

8 That the witnesses whose examination is  
9 hereinbefore set forth were duly sworn and that all  
10 testimony is a accurate record of the testimony given by  
11 each speaker.

12 I further certify that I am not related  
13 to any of the parties to this action by blood or by  
14 marriage and that I am in no way interested in the  
15 outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto set  
17 my hand this 13th day of May, 2015.

18 

19 \_\_\_\_\_  
20 ToniAnn Acquaro,  
21 Professional Court Reporter  
22 and New Jersey State Notary, 01AC6200255  
23 My Commission Expires January 26, 2017

24 (The foregoing certification of this transcript does not  
25 apply to any reproduction of the same by any means,  
unless under the direct control and/or supervision of  
the certifying reporter.)

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