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TOWNSHIP OF CHATHAM
BOARD OF ADJUSTMENT
Chatham Township Municipal Building
58 Meyersville Road
Chatham, New Jersey 07978
Regular Meeting
December 21, 2017, at 7:30 p.m.

IN RE:

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

P R E S E N T:

TONY VIVONA, CHAIRMAN
JON WESTON
DENNIS NEWMAN
PAIGE LaBADIE
TINA ROMANO

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

STEPHEN H. SHAW, BOARD ATTORNEY
JOHN K. RUSCHKE, P.E., BOARD ENGINEER
ROBERT MICHAELS, BOARD PLANNER
BRUCE A. EISENSTEIN, Ph.D., BOARD RF ENGINEER
MARGARET SMITH, BOARD SECRETARY

Job No. CS2757871

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

PINILIS HALPERN, LLP

By: JUDITH FAIRWEATHER, ESQUIRE

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(Exhibits were not provided to the reporter.)

1 MS. FAIRWEATHER: Good evening.

2 Judith Fairweather on behalf of New Cingular
3 Wireless.

4 You have heard my overview. Normally I
5 would start with my radiofrequency engineer.
6 However, my noise expert is not feeling very
7 well. He was sick all day. So I am going to
8 put him on first so he can go home and go to
9 bed. He is running a temperature.

10 As we know, Matt, you need to stand and
11 raise your right hand.

12 As you know, our noise expert and your
13 noise expert had lots of correspondence back and
14 forth and phone conversations. So let's swear
15 Matt in.

16 (Matthew T. Murello, P.E. was sworn
17 in.)

18 CHAIRMAN VIVONA: State your name for
19 the record and your qualifications, please.

20 MR. MATTHEW MURELLO: Certainly. My
21 name is Matthew Murello, M-U-R-E-L-L-O. I am
22 the president of Lewis S. Goodfriend and
23 Associates, consulting engineers in Chester, New
24 Jersey. I have a license as a professional
25 engineer in New Jersey and six other states.

1 I have testified in front of this board
2 and many other boards for the past 11, 12 years
3 in the field of acoustics and noise control.

4 CHAIRMAN VIVONA: Thank you.

5 Before you start, do we have a site
6 visit for this one? I have it.

7 Our site visit report. Board members
8 present: Mr. Weston, Mr. Williams, Mr. Styple,
9 Mr. Borsinger, Mr. Newman, Ms. Labadie.

10 Professionals present: Steven Shaw,
11 Attorney.

12 Applicant's present: Ms. Fairweather,
13 Jeremy McKeon, engineer.

14 Neighbors present, Ashish Pooja and
15 Michael and Ariana Chiaravalloti.

16 Applicant is seeking the following
17 variances: Maximum fencing heights and walls,
18 30-96.15. Required six foot. Proposed seven
19 foot.

20 Setback from residential district,
21 30-99. Required 100 feet. Existing 83 feet.
22 Proposed, no change.

23 Cell tower height, 30-99.9. Required,
24 150 foot max. Existing 145.5 feet. Proposed,
25 156.5 feet.

1 Panel antenna size. Required, five
2 foot by one foot. Proposed, six foot by one
3 foot.

4 Saturday, November 4, 2017, at nine
5 a.m., the above members of the Township of
6 Chatham Board of Adjustment, visited the
7 proposed site at Lot 62.09, Lot 2, where an
8 existing PSE&G monopole exists and where there
9 is a proposal for installation of twelve
10 telecommunication antennas at top of the
11 existing monopole transmission tower. And
12 installation of the equipment compound at the
13 base of the tower on property located in the R-3
14 Residential Zone District.

15 During the visit, board members
16 observed a staked-out area that Ms. Fairweather
17 indicated was of a similar footprint to the
18 previous equipment compound that had been
19 located at the base of the lattice structure,
20 that the monopole replaced.

21 The staked-out area was approximately
22 10 feet from the base of the monopole and on the
23 southeasterly side of the pole, consistent with
24 applicant drawing Z-1.

25 The proposed equipment compound area

1 sloped towards Fairmount Avenue.

2 It was submitted by Greg Borsinger.

3 MS. FAIRWEATHER: What I am going to
4 ask Matt to do is just kind of give us an
5 overview of the noise, in regards to the
6 compound and I know that your noise expert and
7 he signed off on it, but I would like Matt to
8 put on the record just the overview.

9 MR. MATTHEW MURELLO: We were asked to
10 evaluate the potential noise impact of the
11 adjacent residential property lines from the
12 air-conditioning unit, which is installed on the
13 building on the -- excuse me, on the shed on the
14 site.

15 As everyone knows, on this board, the
16 shed contains two air-conditioning units, but
17 one is redundant. Only one will ever operate at
18 any time.

19 Based upon the review, Mr. Dotti, he
20 prepared an April 1 letter. He had some
21 concerns about the noise data that was used --
22 that was prepared by the manufacturer. So, in
23 order to alleviate Mr. Dotti's concerns, we used
24 only the baseline noise data from the
25 manufacturer in addition to actual measurements

1 of similar units that we have done to determine
2 and calculate what the sound levels would be at
3 the two nearest property lines. That would be
4 to the east and the west. Those property lines
5 are approximately 80 and 98 feet away from the
6 shed.

7 There is no additional acoustical
8 screening at this site. The calculation at the
9 property line was done using the standard
10 acoustical methods and equations. They result
11 to be 44 dBA at the property line and 46 dBA at
12 the west property line.

13 Now, we compared those results to two
14 things. The first of which is the nighttime
15 limit of the state and Chatham noise regulations
16 that state that at any residential receiving
17 property line, the sound level from any piece of
18 mechanical equipment can't exceed 50 dBA, and we
19 are in compliance with that.

20 The other thing we did is we went to
21 the site October 4 to October 5. We set a
22 device out there and performed continuous sound
23 level measurements for 24 hours. During those
24 24 hours, the sound levels every hour -- we
25 summarized them, because it is easier, as

1 opposed to looking at one second for an entire
2 day, they ranged from 48 to 55 dBA, both during
3 the day and the night.

4 So the predicted sound level of 46 dBA
5 at one property line and 44 dBA at the other
6 property line from the air-conditioning unit
7 will both be in compliance with the state and
8 local nighttime noise regulation and also will
9 be lower than what exists out there presently
10 during the sound level measurements performed
11 from four to five October.

12 That is a very brief summary. The only
13 question Mr. Dotti had was about the data that
14 was used. The data from the manufacturer was a
15 little confusing in how they extrapolated their
16 data. So we decided not to use their data in
17 terms of how they calculated the sound level at
18 further property lines.

19 We simply used the data at five feet,
20 which agreed to data that we had measured on
21 additional units, and we calculated those sound
22 levels, using our own equations, alleviating
23 Mr. Dotti's concern. And I believe he prepared
24 a second letter after our 20 October revision,
25 that indicated as such.

1 CHAIRMAN VIVONA: And the ambient
2 noise is airplanes, car traffic, birds?

3 MR. MATTHEW MURELLO: Yes.

4 CHAIRMAN VIVONA: Normal everyday --

5 MR. MATTHEW MURELLO: It was October.
6 So it was a little loud at night. It was still
7 warm, so there were some insects at night that
8 probably aren't around right now. So it might
9 be a little quieter now. It is about typical
10 for Chatham. This isn't the first application
11 we have done in Chatham. For sound levels at
12 night to range between 45 and 55 dBA is very
13 typical.

14 CHAIRMAN VIVONA: And the measurement
15 is to the property line?

16 MR. MATTHEW MURELLO: Yes, sir.

17 CHAIRMAN VIVONA: And not to the home
18 itself. The home itself is probably another 50
19 feet.

20 MR. MATTHEW MURELLO: In both cases,
21 both east and west, the sound level would be
22 even lower at the house because you have an
23 additional right, about 50, 60 feet to the
24 house.

25 The Code is applied at the receiving

1 property line, which is also closer. So that
2 would be the point of potential worst impact.

3 CHAIRMAN VIVONA: Okay. It might not
4 be the question for you, but the
5 air-conditioning unit -- there are four sides to
6 the shed. Which side is it facing, do you know?

7 MR. MATTHEW MURELLO: I believe they
8 are on the north side facing Fairmount Road.

9 CHAIRMAN VIVONA: They are facing
10 Fairmount, so they are facing downhill away --

11 MR. MATTHEW MURELLO: Yes. The
12 property lines are east and west and the two
13 unites are located on the north side of the
14 shed.

15 CHAIRMAN VIVONA: So also there is
16 going to be -- again, it might not be your
17 question. There will be a fence surrounding the
18 shed. I assume it will be some sort of a chain
19 link with a lattice?

20 MS. FAIRWEATHER: Chain link with the
21 lattice, board on board, whatever the board
22 would like, yes.

23 CHAIRMAN VIVONA: So that will also
24 decrease the sound travel.

25 MR. MATTHEW MURELLO: In this

1 particular case, we did not take any attenuation
2 from the fence. So if it is chain link with a
3 privacy screening or it is just a simple
4 board-on-board fence, I did not take it into
5 consideration as an additional acoustical
6 screen.

7 If the board decides that they do want
8 something with more substance to it, as has been
9 used in other applications, then that would
10 result in a further reduction in sound levels,
11 which really isn't necessary in this case, it is
12 not proposed.

13 CHAIRMAN VIVONA: Okay. No generator?

14 MS. FAIRWEATHER: No generator.

15 MR. MATTHEW MURELLO: No.

16 CHAIRMAN VIVONA: In the event of a
17 power outage, what is your backup plan?

18 MS. FAIRWEATHER: The engineer will
19 testify to batteries.

20 CHAIRMAN VIVONA: Okay. I don't have
21 anything else, Mr. Murello.

22 Does any of the other board members
23 have any questions about sound?

24 MR. MICHAELS: I had something, Mr.
25 Chairman.

1 I noted in my letter that -- and I
2 guess it is your November -- that was Russell
3 Acoustic's letter, not yours. There was a sound
4 absorption panel shown in a figure there. A
5 typical wood fence with a sound absorbant panel.

6 MR. MATTHEW MURELLO: That is no longer
7 a part of this application. I think that might
8 have been conceptually what was originally
9 proposed, but because the results of our
10 evaluation indicated the sound levels would be
11 below the standard and below the ambient, any
12 additional noise screening was taken out.

13 MR. MICHAELS: So it is just the chain
14 link with the privacy slats as shown on the
15 plan?

16 MR. MATTHEW MURELLO: Yes.

17 MR. MICHAELS: Thank you.

18 MR. RUSCHKE: Just a quick question.
19 Russell Acoustics, they referenced that they
20 previously characterized the sound as a strange
21 sound?

22 MR. MATTHEW MURELLO: Not the sound.
23 Mr. Dotti's use of the word strange I found
24 strange. And I don't want to take -- our
25 conversations, and Mr. Dotti and I spoke on the

1 phone several times about this. What his
2 concern about the strangeness was how they
3 calculated the reduction in noise over distance.

4 It seemed, using his words, strange.
5 So, in order to alleviate that, we did not use
6 their data over distance. We simply used the
7 data at five feet and corroborated that with
8 tested data that we had at another site of a
9 very similar-sized air-conditioning unit, and
10 calculated upon the standard distance over --
11 excuse me, equation of sound over distance.
12 That is what he was referring to as strange.

13 MR. RUSCHKE: Because the report
14 indicates he reviewed your numbers and you are
15 meeting the state requirements. But is this
16 going to be more of a nuisance noise or just
17 something that you typically would not hear in a
18 neighborhood or is it going to be more
19 characteristic of an A/C unit for residential.
20 I am going down the road.

21 Is it a minor improvement? Just do a
22 little bit more sound attenuation to knock it
23 down a little bit lower, even though it is not
24 required by the state, but just to make it so it
25 is not a noise that you would typically not hear

1 in the neighborhood?

2 MR. MATTHEW MURELLO: I will try to
3 answer that subjectively. The air conditioner
4 will have the same quality of sound. It will
5 have the appearance of a residential-grade
6 compressor that you would have outside your
7 house. Similar in tonnage. Similar in makeup,
8 except instead of being with a
9 vertically-mounted fan on the ground, like you
10 would expect at a house, it is mounted on the
11 side of the shed. But the parts, the guts of it
12 are identical to what a residential-grade air
13 conditioner would sound like.

14 In terms of whether it would be -- with
15 respect to your question on the potential for a
16 nuisance, which is why we do measurements over a
17 24-hour period. When we did our measurements,
18 the lowest sound level every hour ranged from
19 about 48 dBA to about 55 dBA, as I have
20 testified to. We calculated that the new
21 sound -- if you were to turn off the entire
22 municipality of Chatham and just have the sound
23 itself, it would be about 44 to 46 dBA,
24 depending on which property.

25 That sound of just the air conditioner

1 will most likely be drowned out in most
2 circumstances at those two property lines
3 because of the ambient. So it won't sound out
4 of character to what would be considered
5 something similar to a home central
6 air-conditioning system. And the actual
7 quantitative level of sound that you measure on
8 a sound level meter would be very typical to
9 what exists out there presently.

10 MR. RUSCHKE: So the equipment, my
11 understanding, is to keep the equipment cool
12 that is inside. So would you also be seeing the
13 A/C unit running in the wintertime because of
14 the heat coming off of the equipment inside?

15 MR. MATTHEW MURELLO: I am going to
16 defer any of the technical questions on the
17 operation to the engineer. But when we do these
18 types of calculations, we use them for, really,
19 in this case, there is only two operations, on
20 and off. There are two units, but only will
21 ever operate. The other is redundant, but they
22 are designed, from my understanding, to run any
23 time the load inside the shed exceeds some
24 setpoint. So they could run 24 hours a day,
25 seven days a week, 12 months a year.

1 MR. RUSCHKE: But you don't know what
2 the expectation is?

3 MR. MATTHEW MURELLO: No, I don't.

4 MR. RUSCHKE: So that will be a
5 question for the engineer?

6 MR. MATTHEW MURELLO: Yes.

7 MR. RUSCHKE: Thank you.

8 CHAIRMAN VIVONA: Anybody else?

9 At this time, anybody from the public
10 may ask questions of Mr. Murello's testimony,
11 just about his testimony. No statements. Just
12 questions.

13 None heard? Okay. Thank you.

14 MR. MATTHEW MURELLO: Thank you, Mr.
15 Chairman.

16 MS. FAIRWEATHER: Dan, do you want to
17 come up?

18 (Daniel Penesso was sworn in.)

19 MR. DANIEL PENESSO: Daniel Penesso,
20 P-E-N-E-S-S-O. The address is 650 From Road,
21 Paramus, New Jersey. I have a Bachelor of
22 Science in electronic engineering and I have
23 been practicing as an RF engineer over 19 years.
24 I have testified throughout the State of New
25 Jersey with regard to design and implementation

1 of wireless networks such as this for hundreds
2 of board. I don't know if I have ever been
3 before this board before, but throughout the
4 state.

5 CHAIRMAN VIVONA: Thank you.

6 MS. FAIRWEATHER: Daniel, first of
7 all, just explain -- I realize you have
8 propagation maps. We will talk about those.
9 But can you just explain to the board the number
10 of antennas, where they will be facing, and then
11 we will go over the propagation maps.

12 MR. DANIEL PENESSO: Sure. So the
13 reason for this application, as was stated
14 prior, we had a site which was on air. Because
15 of PSE&G upgrade, we had to go and put on a
16 temporary solution. That temporary solution is
17 now.

18 Since the upgrade has occurred and
19 PSE&G upgraded their structures, we are now
20 proposing to put the equipment back on the
21 permanent solution, back on the PSE&G tower.

22 We currently are proposing to mount our
23 antennas above the catenary lines so as to not
24 interfere with those. That is why the proposal
25 is to go above the actual height of the

1 structure of the pole and mount our antenna on
2 top of that. Then we have our antennas that
3 would be mounted in such a way, so that we can
4 cover the horizon and the geographic area of the
5 town.

6 MS. FAIRWEATHER: Great. Do you have
7 your propagation maps? Why don't you go ahead
8 and set them up. I just want to make sure they
9 are exactly what was submitted with our
10 application, correct?

11 MR. DANIEL PENESSO: Yes, they are just
12 blown-up versions, D-size versions of the
13 exhibits that are dated November 4, 2017.

14 MS. FAIRWEATHER: So we can refer to
15 them -- refer to the sheet, what you have
16 identified at the bottom.

17 Steve, do you want us to mark them if
18 they are already submitted as part of the
19 application?

20 MR. SHAW: They are blowups.

21 (A blowup of Propagation Map No. 1,
22 dated 12/21/17 was marked for identification as
23 Exhibit A-16.)

24 MR. DAN PENESSO: Exhibit A-16, dated
25 12/21/17 is Map No. 1. And this is AT&T

1 neighboring coverage. And this depicts what
2 coverage is currently being provided by the
3 immediate hand-off sites to the proposed site.
4 The green dots on the map represent the sites
5 that are on air. And then the yellow star
6 depicts the proposed location for the
7 application before you all tonight.

8 MS. FAIRWEATHER: That is showing it
9 not on air at all, not the temporary site?

10 MR. DANIEL PENESSO: Not the temporary
11 site, just the neighboring sites, the AT&T
12 coverage only. The purplish-blue represents
13 reliable in building. The green represents
14 reliable in vehicle.

15 I can go through and list the sites --

16 DR. EISENSTEIN: Before you do that,
17 you don't have the frequency band on here.

18 MR. DANIEL PENESSO: This is 700 LTE.

19 Would you like me to go over the
20 neighboring sites?

21 CHAIRMAN VIVONA: Yes. This is
22 without this temporary pole?

23 MR. DAN PENESSO: Correct.

24 DR. EISENSTEIN: It occurs to me that
25 you should probably swear me in too.

1 (Bruce Eisenstein was sworn in.)

2 MR. SHAW: Again, your position with
3 the township --

4 DR. EISENSTEIN: I am the consultant
5 on telecommunication, radio frequency for the
6 township. The name is Bruce Eisenstein, for the
7 record.

8 Just so I can have an overview of what
9 you are doing here, on the site, you are
10 planning on putting all the bands on there, but
11 you are only showing the propagation for the 700
12 megahertz band?

13 MR. DANIEL PENESSO: Correct.

14 DR. EISENSTEIN: So for the benefit of
15 the board, why don't you explain why you are
16 doing that?

17 MR. DANIEL PENESSO: The reason why I
18 did that is because AT&T is licensed in various
19 block bands and has various blocks of spectrum
20 in each of those bands, ranging from 700 up to
21 2300.

22 700 megahertz will propagate --
23 physical propagation will propagate further
24 because it is a lower frequency. The higher the
25 frequency, the lower the wave length and the

1 less propagation you get out of it.

2 So the exhibit that I am showing that
3 are being depicted tonight show the 700
4 megahertz band, which will give us the greater
5 footprint of coverage. The higher bands would
6 give us a smaller footprint of coverage, meaning
7 there would be more gaps shown.

8 So, this is the best-case scenario for
9 AT&T. But because AT&T is licensed in all bands
10 and only small blocks are allocated to us, that
11 are licensed to us, we have to make sure that
12 the spectrum works in all the bands, because
13 they will all be utilized at the site and will
14 be utilized by all the AT&T subscribers, so that
15 we have reliable and ubiquitous coverage
16 throughout the area.

17 MS. FAIRWEATHER: When you say AT&T
18 needs to provide coverage in all the different
19 band widths, we are required under our FCC
20 license, correct?

21 MR. DAN PENESSO: That is correct.

22 MR. SHAW: What are the band widths
23 again?

24 MR. DAN PENESSO: 700 megahertz, 850
25 megahertz, 1900 megahertz. The licenses, I

1 think, were provided to the -- 2100 and then
2 2300 megahertz.

3 DR. EISENSTEIN: Do you have 1700 that
4 goes to the 2100?

5 MR. DANIEL PENESSO: It is possible.
6 The downlink, you mean?

7 DR. EISENSTEIN: Yes, the downlink.

8 MR. DANIEL PENESSO: It is possible.
9 Yes.

10 Now, shall I go over the sites?

11 MS. FAIRWEATHER: The surrounding
12 sites, yes.

13 MR. DANIEL PENESSO: I will start up in
14 the upper left corner. I will give the last
15 three digits of the site ID.

16 This is 530. And this is our site that
17 is located at Village Post Road. It is in New
18 Vernon and it is a building.

19 East of that we have M42, which is at
20 529 Green Village Road; and that is a
21 self-support structure.

22 Just north and east of that, we have
23 Site 580, which is our site which is at 245
24 Green Village Road, a rooftop.

25 Just south of that we have Site 483,

1 which is at 401-405 Southern Boulevard. That is
2 a monopole.

3 Just east of that we have Site 003,
4 which is at 200 Shunpike Road, the Utility
5 Tower.

6 Further east of that site, we have site
7 578, which is at 54 Fairmount Avenue, rooftop.

8 South of that, we have Site 217. 217
9 is at 3 Watchung Avenue in Chatham. It is a
10 utility tower.

11 The W1129 is the water tank off Buxton
12 Road.

13 And then further -- the yellow star
14 depicts the proposed location.

15 Just south of our proposed, we have
16 Site 107, which is at 1801 Springfield Avenue,
17 New Providence.

18 And then just east of that we have Site
19 413. And 413 is at 111 Spring Street. It is a
20 monopole.

21 And then further south of that we have
22 Site 411, which is at 428-434 Springfield
23 Avenue, Berkley Heights, a rooftop.

24 Then south of that we have Site 173,
25 which is at 59 Locust Street in Berkley Heights,

1 a monopole.

2 And then west of those, we have site
3 P05, which is at Hickory Tavern Road in
4 Gillette, a monopole.

5 And then south of that is P09. And P09
6 is at Valley Road; and it is a self-support
7 structure. Further west of that we have Site
8 412, which is Warren Avenue and Sterling. It is
9 a monopole. So those are the immediate hand-off
10 sites to the proposed site that is before the
11 board tonight.

12 MS. FAIRWEATHER: Dan, if the board
13 was to grant the application, what kind of
14 coverage would we have?

15 DR. EISENSTEIN: Before you go on,
16 just so the record is clear, you have some sites
17 that are south of the area that you haven't
18 propagated. And just again, so that the record
19 is clear, these sites, for example, 1081, 0091,
20 3071 and 0357, I assume you are making the
21 argument that they have no influence on the
22 proposed site?

23 MR. DAN PENESSO: That is correct.

24 DR. EISENSTEIN: So you didn't bother
25 propagating them?

1 MR. DANIEL PENESSO: No.

2 DR. EISENSTEIN: But for the purposes
3 of the board looking at this, that white area to
4 the south, southeast on your map is covered?

5 MR. DANIEL PENESSO: That is correct.
6 These sites, which are the green sites that Dr.
7 Eisenstein just mentioned are -- they are like a
8 third-tier site from the proposed site. So this
9 site is covered by the sites that he just
10 mentioned.

11 DR. EISENSTEIN: And the same
12 question, again, just so we are clear on the
13 map, to the north of where you propagated, I
14 assume you have some sites up there?

15 MR. DANIEL PENESSO: That is correct.
16 N34. AT&T have sites all throughout the area.
17 Particularly on this --

18 DR. EISENSTEIN: When the board is
19 looking at this, you don't see this vast white
20 area and thinking they are going to come back
21 with more sites.

22 MR. DANIEL PENESSO: Coverage will be
23 provided by these green dots, which are not
24 propagated on the map site, N34. We have Site
25 771, Site 1021. All this area in white is

1 covered by those sites.

2 DR. EISENSTEIN: Again, so that the
3 record is clear, you seem to have a gap in
4 coverage in the northwestern part of this map
5 between M42 and 530. There is a gap in there.

6 MR. DANIEL PENESSO: Here, yes.

7 DR. EISENSTEIN: What are your plans
8 for that?

9 MR. DANIEL PENESSO: At this time, we
10 don't have any other search rings in this area
11 at this time.

12 DR. EISENSTEIN: Okay.

13 MR. DANIEL PENESSO: The next map that
14 I would flip over -- and I will mark this A-17
15 with today's date.

16 (A blowup of Propagation Map No. 2,
17 dated 12/21/17 was marked for identification as
18 Exhibit A-17.)

19 MR. DAN PENESSO: This is Map No. 2.
20 And this is a map which was depicted if this
21 site were built and brought on air and
22 integrated with the existing on-air sites, a
23 composite of these sites with our proposed site.
24 And as you can see, it fulfills -- we fill the
25 gap that was along Meyersville Road, all the

1 surrounding neighborhood roads so that we
2 provide the seamless coverage that we need to
3 have in the area with this site.

4 MS. FAIRWEATHER: Dan, in your
5 professional opinion, you need this site in
6 order to cover this area of Chatham?

7 MR. DANIEL PENESSO: That is correct,
8 yes.

9 MS. FAIRWEATHER: And the site was
10 originally approved in 2007, and it was put
11 there to fill the gap that exists now once the
12 temporary site is down?

13 MR. DANIEL PENESSO: That is correct,
14 yes.

15 MS. FAIRWEATHER: Dan, isn't it true
16 that we can't stay at the temporary site,
17 because it is in wetlands and it is municipal
18 property and they can't go out to bid on it?

19 MR. DANIEL PENESSO: That is correct,
20 yes.

21 MS. FAIRWEATHER: I have no other
22 questions for Dan.

23 DR. EISENSTEIN: Just a couple things.
24 Just for clarification, I noticed that the scale
25 on this map is a one-mile scale down on the

1 lower right-hand corner. That is a larger
2 distance than I am used to seeing on propagation
3 plots. Usually they are there.

4 So, to give us an idea, do you have a
5 large picture that shows the map? Do you have a
6 large one of this?

7 MR. DANIEL PENESSO: Yes. Map 3, which
8 I will mark as Exhibit A-18.

9 (A blowup of the proposed site, Map No.
10 3, was marked for identification as Exhibit
11 A-18.)

12 MS. FAIRWEATHER: What is the title
13 of Map 3?

14 MR. DANIEL PENESSO: Map 3 is the
15 proposed site coverage, just the proposed site
16 alone.

17 DR. EISENSTEIN: If you would, explain
18 the distances that are going to be covered by
19 that site.

20 MS. FAIRWEATHER: As Dr. Eisenstein
21 stated, on the lower right-hand side of the map
22 I have a scale bar, which is one mile. And what
23 he is asking is what is the distance that is
24 covered, and it is -- I can just do it quickly
25 like this, I guess.

1 So from the center of our site, it is
2 about a mile and a half going north. And east
3 and then to the south of the site, it will be a
4 little more than about a mile and a quarter
5 along Meyersville Road.

6 MS. FAIRWEATHER: And furthermore,
7 looking at A-16 for a minute, I just want to
8 make sure that the record is there.

9 Looking northwest from 1107, which is
10 in the middle of your map, the site -- that one.
11 Looking north from there, it looks like you are
12 hitting a ridge line. Is that why you don't get
13 any propagation beyond that?

14 MR. DANIEL PENESSO: That is correct,
15 yes. That is why this site is needed in this
16 area. And just west of it is another ridge.
17 Just west of Meyersville Road there is another
18 ridge.

19 DR. EISENSTEIN: So it would be
20 correct to say that you can't get any additional
21 propagation from those sites that are southeast.

22 MR. DANIEL PENESSO: The existing
23 on-air site, no. That is correct.

24 DR. EISENSTEIN: I have nothing else,
25 Mr. Chairman.

1 CHAIRMAN VIVONA: This new setup is
2 relatively close to where your old setup was,
3 correct?

4 MR. DANIEL PENESEO: Correct.

5 MS. FAIRWEATHER: Dan, it is the same
6 lot and block?

7 MR. DANIEL PENESEO: Yes. The other
8 structure was a lattice tower, and this is a new
9 structure that PSE&G put up that is like a
10 monopole.

11 CHAIRMAN VIVONA: Right. It is
12 probably less than 50 feet from the original
13 lattice?

14 MR. DANIEL PENESEO: As far as where
15 it is built, yes. As far as where they placed
16 the new one, yes.

17 MS. ROMANO: Will the same housing
18 equipment still stay in the same spot as it was
19 before with air-conditioning units or is it
20 placed closer to a property line? Like how was
21 it before in terms of noise and structure?

22 MS. FAIRWEATHER: I think that is for
23 the civil engineer. The radio frequency is just
24 coverage.

25 MS. ROMANO: Is the green considered

1 like adequate or is like the goal to try to get
2 purple everywhere?

3 MR. DANIEL PENESEO: The purple would
4 be desirable for in-building coverage, as far as
5 an RF engineer is concerned, but we are -- it is
6 a mobile network. The minimum requirement is to
7 provide reliable mobile coverage, which would be
8 the green, reliable in-vehicle.

9 MS. ROMANO: Okay. It sounded like
10 there was a bunch of rooftop locations in a lot
11 of areas. Why can't we go the route of rooftop
12 locations as opposed to building on top of --

13 MR. DANIEL PENESEO: We have to have a
14 structure or a rooftop that is tall enough to
15 place the antennas because we have to be able --
16 the way that the signal -- once the signal
17 leaves the antenna and has to propagate outward,
18 it can't hit obstructions below the treeline or
19 other structures to hit it because it would
20 attenuate the signal and it wouldn't go
21 anywhere. That is why we needed to have the
22 height.

23 MS. ROMANO: Because of the location
24 and --

25 MR. DANIEL PENESEO: And because what

1 is actually existing in the area.

2 CHAIRMAN VIVONA: The rooftops are on
3 commercial buildings and firehouses.

4 MR. DANIEL PENESSO: In this area,
5 there aren't any tall structures, other than
6 creating something. Instead of creating a
7 monopole, we are trying to utilize the utility
8 tower so that we don't have to create another
9 structure, another monopole or some other --

10 MS. ROMANO: You are trying to use an
11 existing structure?

12 MR. DANIEL PENESSO: An existing
13 structure, correct.

14 MR. MICHAELS: What is the height of
15 this antenna compared to what it was when it was
16 on the lattice tower before the PSE&G towers
17 were replaced?

18 MR. DANIEL PENESSO: I think the PSE&G
19 tower, the new monopole was taller than the
20 older one, than the lattice tower.

21 MR. MICHAELS: Therefore, the height
22 of your antenna is higher than it was --

23 MR. DANIEL PENESSO: The reason why we
24 are going above or we propose to go above is
25 because they have catenary lines, the power

1 lines. So to be outside the blowout zone, the
2 safety hazard or so that you are not in that
3 zone, to go above that. That is why the
4 application is to go above that, so we are not
5 in that blowout zone.

6 MR. MICHAELS: Are you increasing your
7 area coverage by having it at this new height?

8 MR. DANIEL PENESEO: Yes, it will be
9 increased. From the prior?

10 MR. MICHAELS: Yes, from the prior.

11 MR. DAN PENESEO: Yes. The higher we
12 are, we will get more coverage out of that for
13 the higher height.

14 MS. FAIRWEATHER: And the civil
15 engineer can talk about where we are allowed to
16 go on the pole.

17 DR. EISENSTEIN: I noticed that there
18 is a compliance report. Are you going to
19 testify to that?

20 MR. DANIEL PENESEO: I think Mr.
21 Petersen will.

22 MS. FAIRWEATHER: We have Ron Peterson
23 here for that.

24 CHAIRMAN VIVONA: I don't have
25 anything else. Anybody else from the board have

1 a question?

2 At this time, anybody who has a
3 question for Mr. Penesso's testimony, just a
4 question about his testimony?

5 Just state your name and address for
6 the record, please.

7 MR. MICHAEL CHIARAVALLOTI: Michael
8 Chiaravalloti, 39 Stonewyck Drive.

9 I am not an expert, obviously, but I
10 just want to be sure I heard you right. It is
11 better to be higher? That the higher you are,
12 the better it is for coverage?

13 MR. DANIEL PENESSO: It is not always
14 the best, you know, not to go too high.
15 Basically you have to look at the existing
16 network and what area you are placing the pole,
17 what the ground elevation is and the whole --
18 there are many factors that have to be looked
19 at. It is not necessary to go high to get the
20 coverage. To clear the obstruction, yes.

21 MR. MICHAEL CHIARAVALLOTI: Did you
22 look at any other monopoles that are within 50
23 yards of this pole?

24 MR. DANIEL PENESSO: There is an
25 existing -- this is a transmission line, so

1 there are poles up and down at various
2 distances. Yes, we did.

3 MR. MICHAEL CHIARAVALLOTI: Did you
4 look at those other locations?

5 MR. DANIEL PENESSO: Yes, and I will
6 just refer back to Exhibit A-16. We have an
7 existing network which we are trying to fulfill
8 this gap in coverage. I know for a fact that
9 T-Mobile is on a pole -- I believe it is just
10 north of this -- south of this one. So it is
11 just south of this. So they are already on that
12 structure, so we couldn't go on that one.

13 MR. MICHAEL CHIARAVALLOTI: You could
14 locate -- we were here last month and there was
15 another vendor that collocated on towers. So
16 you can collocate these towers. That is my
17 understanding.

18 MS. FAIRWEATHER: That is actually for
19 the civil engineer.

20 MR. MICHAEL CHIARAVALLOTI: He said
21 you couldn't --

22 MR. DAN PENESSO: I didn't say you
23 couldn't.

24 MS. FAIRWEATHER: The question is not
25 can you collocate on towers, because obviously

1 you can, but whether or not this tower can be
2 collocated on because PSE&G has rules and that
3 is for the civil engineer.

4 MR. MICHAEL CHIARAVALLOTI: Was that
5 analysis done?

6 MS. FAIRWEATHER: The civil engineer
7 will tell you all about it. Just the wrong
8 witness, that is all. Wait a little bit.

9 CHAIRMAN VIVONA: Anybody else have
10 any questions?

11 Yes, ma'am?

12 MS. POOJA GUPTA: My name is Pooja
13 Gupta. I am the neighboring property owner. I
14 have a question.

15 You have a temporary antenna right now
16 at Meyersville, correct? That is almost a mile
17 away from the proposed site, right?

18 MR. DANIEL PENESSO: That is correct,
19 yes.

20 MS. POOJA GUPTA: So, you didn't have
21 any problems?

22 MR. DAN PENESSO: We have, yes.

23 MS. POOJA GUPTA: So that means you
24 have a mile area that you can look for another
25 pole location, if it is available, right?

1 Possible?

2 MR. DANIEL PENESSO: What is the
3 question?

4 MS. FAIRWEATHER: Come up.

5 Let's mark that as O-1 with today's
6 date.

7 (A map was marked for identification as
8 Exhibit O-1.)

9 MS. POOJA GUPTA: I just want to show
10 this to the board. This is where they are
11 proposing right now, the red dot. This is the
12 Fairmount Avenue. This is the PSE&G line. You
13 have all these poles, which have recently
14 upgraded. Everybody knows that.

15 This is where the -- the location where
16 it was collocated -- I am sorry, not collocated.
17 Very close located in 2011 when there was -- the
18 PSE&G was updating the whole line.

19 This is proposed -- is one mile away.
20 They have been working out, you know, everything
21 is going out. I visited on AT&T website. They
22 have excellent coverage in this whole area.

23 MR. SHAW: This is really not a time
24 for you to be putting in testimony. This is a
25 time for you to ask questions of the applicant.

1 MS. POOJA GUPTA: I just want to ask
2 from, his opinion, if they are here from last
3 ten years, means they have at least this area to
4 look for another site, because I am going to
5 speak afterward when we have the civil engineer
6 testimony that there is another T-Mobile antenna
7 right here, where they can actually collocate
8 instead of creating another site, another piece
9 of equipment, generator and disturbing everybody
10 in the neighboring property.

11 MS. FAIRWEATHER: Let's ask him
12 questions and --

13 MR. DANIEL PENESSO: So the question
14 was, can we have another site?

15 MS. POOJA GUPTA: Yes.

16 MR. DAN PENESSO: But as I stated in
17 my testimony. There are no other existing tall
18 structure to build, other than going and
19 building a brand-new monopole in this immediate
20 vicinity.

21 So, in order to not build a brand-new
22 site, we are going to go collocate on this
23 existing pole that PSE&G has erected already.
24 That is the purpose of that.

25 MS. POOJA GUPTA: So you want to -- is

1 it possible that you can collocate with
2 T-mobile, which is just right above?

3 MR. DAN PENESEO: The engineer will be
4 able to answer that.

5 MS. FAIRWEATHER: The engineer will
6 answer that. Wrong person.

7 MS. POOJA GUPTA: Sure. No problem.
8 We will be here.

9 CHAIRMAN VIVONA: Anybody else?
10 Okay, Mr. Penesso, I don't have
11 anything else for you. Thank you.

12 MR. DAN PENESEO: Thank you.

13 (Ronald Petersen, P.E., was sworn in.)

14 MR. RONALD PETERSEN: Ronald Petersen,
15 170 Fairview Drive, Bedminster, New Jersey.

16 MS. FAIRWEATHER: Ron, can you give us
17 your professional and educational background,
18 please?

19 MR. RONALD PETERSEN: I have a
20 background in electrical engineering and
21 electrophysics. I have a Bachelor's of Science
22 and a Master's of Science from -- it was
23 Brooklyn Tech. Now it is New York University
24 Polytech.

25 I worked for Bell Labs in Murray Hill

1 for 41 years. I retired about 16 years ago.
2 The last 30 years at Bell Labs, I managed the
3 wireless and optical technology safety
4 department, which has corporate responsibility
5 for all products and customers and employees
6 with respect to exposure to various sources of
7 radiofrequency and optical radiation.

8 We also chaired the committee that
9 developed the 2005 American National Standard at
10 the time it was developed and I am now secretary
11 of that committee.

12 We also chaired an International
13 Electro Technical Commission committee for 15
14 years that develop standards for assessing
15 exposure to various devices for assessing
16 compliance with the existing standards.

17 MS. FAIRWEATHER: Ron, have you
18 testified before this board before?

19 MR. RONALD PETERSEN: Yes, I did.

20 MS. FAIRWEATHER: I am offering Mr.
21 Petersen as an expert in the field of energy
22 created from these antennas and this equipment
23 and how it relates to the standards, both set by
24 the FCC and the New Jersey Radiation Protection
25 Act.

1 CHAIRMAN VIVONA: Okay. Thank you.

2 MS. FAIRWEATHER: Ron, did you do a
3 study on what the proposed antennas and the
4 equipment and the amount of energy that it would
5 give off?

6 MR. RONALD PETERSEN: Yes, I did.

7 I was provided the information for the
8 various services, including the power of the
9 antenna, make, model and antenna gain, height of
10 the antenna; all the information you would need
11 to actually calculate, very conservatively, what
12 the maximum exposure would be in an area
13 surrounding the site.

14 I have done that, and what I find is
15 that at elevations of 6 and 16 feet above grade
16 in the vicinity of the site, which would
17 represent first and second-floor windows of
18 nearby homes, the maximum exposure would be less
19 than one percent of the FCC safety guidelines.

20 I would also like to point out that the
21 technique we use is very conservative. It
22 assumes that there is no loss between the radio
23 transmitter and the antenna, that each and every
24 channel operates at maximum power continuously
25 and that any reflective energy would add up in a

1 certain way that it would quadruple the actual
2 power density.

3 This is a bit of overkill, and we know
4 that, because for years we had made measurements
5 around typical sites that we have identified as
6 being representative of towers, antennas and
7 water tanks and rooftops and outside of windows
8 of buildings and so forth. We always find that
9 the calculated values are anywhere from three to
10 ten times higher than what we actually measured.

11 MS. FAIRWEATHER: And so, bottom line
12 here, how does the energy output from this site
13 compare to the requirements of FCC and the New
14 Jersey --

15 MR. RONALD PETERSEN: It is less than
16 one percent of the FCC. And it is less than
17 two-tenths of a percent for the New Jersey
18 limits.

19 MS. FAIRWEATHER: I do not have any
20 other questions.

21 DR. EISENSTEIN: Just a couple things,
22 just so our record is clear. Ron, the report
23 that was submitted with the application was
24 signed by Dan Collins.

25 Were you involved in that report or did

1 you do your calculations separately?

2 MR. RONALD PETERSEN: No, I did them
3 separately, because there were two additional
4 services added since that report was prepared.
5 There was the 2100 and 2300 megahertz bands.
6 That is not included in that report.

7 DR. EISENSTEIN: I see. I have
8 included all five services.

9 DR. EISENSTEIN: So then that would
10 explain why your numbers are higher than his?

11 MR. RONALD PETERSEN: Yes.

12 DR. EISENSTEIN: Because of the extra
13 bands?

14 MR. RONALD PETERSEN: Yes.

15 DR. EISENSTEIN: At what distance from
16 the tower did you find the maximum occurred?

17 MR. RONALD PETERSEN: It depends on
18 whether you were at the six-foot plane or
19 16-foot plane. I think at a six-foot plane, it
20 was about 83 feet, and it was a little higher --
21 a little further at 16 feet.

22 DR. EISENSTEIN: And the other thing,
23 again, just so our records are clear, all the
24 equipment that they will be using is
25 FCC-approved equipment?

1 MR. RONALD PETERSEN: Yes, I believe it
2 is.

3 DR. EISENSTEIN: And I guess the
4 summary opinion would be that you consider this
5 well below any harmful limits in terms of
6 exposure?

7 MR. RONALD PETERSEN: Yes, I do.

8 DR. EISENSTEIN: And your calculation
9 was based on 24/7 exposure?

10 MR. RONALD PETERSEN: Yes.

11 DR. EISENSTEIN: 365 days a year?

12 MR. RONALD PETERSEN: Yes. We just
13 find the maximum and assume that is what it is
14 24 hours a day.

15 DR. EISENSTEIN: Excuse me for asking
16 the question, but I heard these questions at
17 other hearings and I am just anticipating --
18 does the emissions from the power line have any
19 bearing on your calculations?

20 MR. RONALD PETERSEN: No, it doesn't.

21 DR. EISENSTEIN: And the reason --
22 what is the reason that it has no bearing on
23 your calculations? Why do the power lines not
24 have any influence?

25 MR. RONALD PETERSEN: The interaction

1 mechanism is completely different for both
2 frequencies, the power lines and the magnetic
3 fields and the electric fields. It is
4 electrostimulation in a body that --
5 radiofrequency, the mechanism is associated with
6 heating. So the two are independent of one
7 another and they don't add together. So I just
8 looked at the radiofrequency part of the
9 spectrum.

10 DR. EISENSTEIN: My last question, the
11 emissions from this site, do they have any
12 effect on -- I will go through a whole list of
13 things.

14 Pacemakers?

15 MR. RONALD PETERSEN: No.

16 DR. EISENSTEIN: Home wifi?

17 MR. RONALD PETERSEN: No.

18 DR. EISENSTEIN: Appliances in the
19 home?

20 MR. RONALD PETERSEN: No.

21 DR. EISENSTEIN: Is there anything --
22 police radio?

23 MR. RONALD PETERSEN: I am not aware of
24 anything, other than other similar services
25 operating at the same frequency band, but even

1 there, you know, the bands are allocated by the
2 FCC and they are set up so they don't interfere
3 with one another or with anything else.

4 DR. EISENSTEIN: Okay. I have no
5 further questions.

6 CHAIRMAN VIVONA: So to simplify, the
7 Federal government has a set limit that they
8 consider safe?

9 MR. RONALD PETERSEN: Yes.

10 CHAIRMAN VIVONA: And you guys are
11 operating at less than one percent of what they
12 say is safe?

13 MR. RONALD PETERSEN: Yes.

14 CHAIRMAN VIVONA: And you are
15 operating at two-tenths of one percent of what
16 the State says is safe?

17 MR. RONALD PETERSEN: Yes. Again,
18 those are very conservative numbers. The actual
19 value would be far lower than that.

20 CHAIRMAN VIVONA: Okay. I have
21 nothing else. Anybody else for Mr. Petersen?

22 Does anybody from the public have any
23 questions they would like to ask Mr. Petersen
24 about his testimony?

25 No?

1 Thank you, Mr. Petersen.

2 (Alec Norris, P.E., was sworn in.)

3 MR. ALEC NORRIS: Alec, A-L-E-C;

4 Norris, N-O-R-R-I-S. I received my

5 bachelor's --

6 MS. FAIRWEATHER: Address?

7 MR. ALEC NORRIS: I am sorry. Maser

8 Consulting, 2000 Midlantic Drive in Mount

9 Laurel, New Jersey.

10 I received my Bachelor's of Science in
11 Civil Engineering from Rutgers University in
12 1993. I have been doing engineering
13 telecommunication sites since 1999. I am a
14 licensed professional engineer in the State of
15 New Jersey, and I have appeared in front of this
16 board a couple of time previously.

17 MS. FAIRWEATHER: You are responsible
18 for the plans before the board this evening?

19 MR. ALEC NORRIS: I am.

20 MS. FAIRWEATHER: I offer him as my
21 licensed civil engineer.

22 CHAIRMAN VIVONA: Very good.

23 MS. FAIRWEATHER: Alec, you have heard
24 the questions. I am going to hand it over to
25 you.

1 Can you explain what we have proposed?

2 MR. ALEC NORRIS: So everybody is
3 familiar with the practice. There used to be an
4 existing tower on the site with AT&T; and now,
5 you know, PSE&G has gone through and finished up
6 their NCRP project and there is a new pole.
7 Here we are back.

8 I do have some information that I can
9 convey afterwards about the comparison of what
10 was there previously and what we are proposing
11 now and I can answer the other questions.

12 I will briefly run through the plans,
13 as we have currently proposed, and then I can
14 get into the comparison stuff.

15 MS. FAIRWEATHER: For the record,
16 Alec, those plans were the plans that were
17 submitted to the board, no changes?

18 MR. ALEC NORRIS: Correct. They are
19 dated October 2, 2017. It should be Revision
20 No. 3. I have Sheet Z-1 and Sheet Z-3.

21 From an engineering perspective, this
22 is a pretty straight-forward design. There was
23 an existing installation and existing tower that
24 was all removed. And now we are back with an
25 existing pole and proposed compound.

1 Fairmount Avenue is diagonal across the
2 top of the sheet with the north arrow pointed
3 up. It is centered within the right-of-way. It
4 is a circle basically, which is the foundation
5 for the existing pole. And the elevation will
6 be show in a minute on the reverse side of this
7 on Sheet Z-3.

8 Then just south of the existing pole is
9 our proposed equipment compound. Access for the
10 technician is simply a concrete pad,
11 approximately 25 feet long by approximately 12
12 feet wide. The technician would walk to the
13 compound. That is something that was similar in
14 the previous design as well. That is why we are
15 not showing a proposed access drive.

16 Then I will switch over to Z-3, which
17 is also in your packet. I will focus on the
18 center of Sheet Z-3, which is the compound plan,
19 and then on the right side of the sheet, the
20 elevation view. So in the middle of the sheet
21 is, again, the pole with the foundation
22 surrounding it. And then ten feet from the
23 foundation is the proposed fence for the AT&T
24 compound, which measures 20 feet by 30 feet. It
25 is surrounded -- or it is proposed to be

1 surrounded by seven-foot high chain link fence
2 with privacy slats. But as previously
3 discussed, we can modify that, as previously
4 discussed.

5 MS. FAIRWEATHER: Alec, since the
6 ordinance calls for a six-foot fence, can we
7 reduce it to six foot and get rid of the
8 variance?

9 MR. ALEC NORRIS: We can go with a
10 six-foot fence.

11 MS. FAIRWEATHER: Great.

12 MR. ALEC NORRIS: Within the compound
13 is the proposed 12 foot by 12 foot AT&T shelter.
14 There is some telephone and electrical equipment
15 within the compound as well, and then some
16 ancillary pieces of equipment that AT&T needs
17 for their antennas.

18 The compound would be gravel within it
19 and surrounded by a wood border so that the
20 gravel doesn't go everywhere.

21 Then extending from the shelter to the
22 pole is a cable bridge that the cables could
23 extend from the shelter up to the antennas. And
24 then I will direct you to the right side of the
25 sheet for the elevation view.

1 This is as if you are towards the south
2 end of the site looking to the north. So at the
3 base of the pole would be the proposed shelter,
4 and then the tower height is approximately 146.5
5 feet above grade. So your coaxial cables would
6 extend up the outside of the pole, the antennas.
7 And we currently have 12 antennas on a platform
8 above the top the tower with the centerline of
9 the AT&T antennas at 153.5 feet and the top of
10 the antenna at 156.5 feet. That is the basics
11 of the design.

12 There is no proposed sanitary sewer or
13 water service. A technician will visit the site
14 once every four or five weeks.

15 MS. FAIRWEATHER: No odor, no glare?

16 MR. ALEC NORRIS: No.

17 MS. FAIRWEATHER: Talk about the
18 tower. PSE&G won't allow us to put antennas in
19 certain areas of the tower because of
20 electrical?

21 MR. ALEC NORRIS: Yes. There is
22 essentially safety or blowout zones that
23 surround the conductors. So essentially, from
24 your upper conductor arm, which is not the very
25 top arm. The very top arm is more for

1 grounding, but your upper conductor arm to
2 probably about 40 feet or so below the bottom
3 conductor arm, you would not be able to have any
4 antennas, which basically leaves three spots;
5 where we are proposing above the top of the
6 tower with a pole top extension; just below
7 those upper arms, which is where T-Mobile has a
8 tower antenna, No. 4-1, right up the hill from
9 this site; or all the way down at, say, 50, 60,
10 70 feet, which would be very difficult with the
11 treeline. That is why most carriers tend to go
12 above the top or just below the upper ground
13 line arms.

14 MS. FAIRWEATHER: Great. I don't have
15 any other questions.

16 CHAIRMAN VIVONA: The platform is a
17 triangle or a square?

18 MR. ALEC NORRIS: In this case, I
19 believe it is a triangle. Yes, it is triangle.

20 CHAIRMAN VIVONA: Lowering the fence is
21 nice. You lose a variance. Where on the shed
22 is the air-conditioner? If the air-conditioner
23 is on the top and you lower the fence, then the
24 fence does absolutely no good for the shielding,
25 what little it can, for noise.

1 MR. ALEC NORRIS: I mean, it is up to
2 the board. Seven foot is good because it
3 shields more of the things inside the compound.

4 CHAIRMAN VIVONA: So the
5 air-conditioner is, like, above the door or
6 above door height?

7 MR. ALEC NORRIS: I am not sure if I
8 have the exact height.

9 MR. ALEC NORRIS: I would say that the
10 top of the air-conditioner units are probably
11 around nine feet above grade.

12 CHAIRMAN VIVONA: So it is going to
13 be above the fence anyway?

14 MR. ALEC NORRIS: Right.

15 CHAIRMAN VIVONA: How tall is the
16 building itself?

17 MR. ALEC NORRIS: The building itself
18 is approximately ten foot, two inches.

19 MR. SHAW: Square?

20 MR. ALEC NORRIS: Yes, it is 12-foot by
21 12-foot.

22 MR. SHAW: What was the composite
23 material for the appearance, the material that
24 -- how is it constructed?

25 MR. ALEC NORRIS: It is that stone type

1 of composite.

2 MS. FAIRWEATHER: It is a stone
3 composite. It looks like a little stone
4 building.

5 MR. SHAW: That is what I was trying
6 to get across, what it looks like.

7 MR. ALEC NORRIS: It is like a stone
8 on the side.

9 MS. FAIRWEATHER: A tannish, light
10 brown?

11 MR. ALEC NORRIS: Tannish-brownish
12 color.

13 MS. FAIRWEATHER: And the roof?

14 MR. ALEC NORRIS: I believe it is
15 concrete.

16 MS. FAIRWEATHER: Flat?

17 MR. ALEC NORRIS: No. There is a
18 slight pitch on the roof for drainage.

19 CHAIRMAN VIVONA: What about outside
20 lights?

21 MR. ALEC NORRIS: We just have the one
22 by the door.

23 MS. FAIRWEATHER: And that would be on
24 a timer?

25 MR. ALEC NORRIS: Yes, motion timer,

1 sensor.

2 CHAIRMAN VIVONA: It would only go on
3 if the technician needs to go there at night?

4 MR. ALEC NORRIS: Right.

5 MS. FAIRWEATHER: And it would not be
6 a motion detector because there would be deer
7 and --

8 MR. ALEC NORRIS: That is correct.
9 Yes, it would not be a motion timer.

10 MS. FAIRWEATHER: The batteries. Talk
11 about the batteries.

12 MR. ALEC NORRIS: The batteries are
13 internal within the shelter. They are
14 self-contained battery units. So if there is an
15 issue, they will sustain the facility for a
16 certain amount of time. You know, if there is a
17 shutoff of power for whatever reason. So those
18 are all contained within the shelter.

19 MS. ROMANO: So no generator?

20 MR. ALEC NORRIS: We did not put a
21 generator.

22 CHAIRMAN VIVONA: And if we have a
23 hurricane or something and without power for ten
24 days like we were twice before, the batteries go
25 dead, you just swap out the batteries, correct?

1 MR. ALEC NORRIS: Yes. PSE&G recently
2 -- I understand they recently have indicated
3 that they are going to start allowing generator
4 plugs. Up until now, I haven't been showing the
5 plugs on drawings, because that is not what they
6 want. They do not want to have generators on
7 site.

8 But my discussions with them recently,
9 I understand they are now allowing the plugs
10 because of things like Superstorm Sandy, so when
11 you have sites that go down, you can wheel the
12 generator on a very temporary basis.

13 These plans don't have a proposed
14 generator plug, and there is certainly no
15 generator itself on site.

16 DR. EISENSTEIN: The batteries could
17 not power the air conditioners, I assume.

18 MR. ALEC NORRIS: Just the equipment
19 perhaps. I am not sure exactly --

20 DR. EISENSTEIN: I am just wondering
21 if you had a power failure in the summertime
22 that --

23 MR. ALEC NORRIS: That would be a
24 problem. The site essentially goes down.

25 MS. ROMANO: What does the batteries

1 do?

2 MR. ALEC NORRIS: It is for the
3 equipment. If there is a tremendous amount of
4 heat, then the equipment shut off. But they
5 will keep the equipment going.

6 MS. ROMANO: The batteries will?

7 MR. ALEC NORRIS: Yes.

8 MS. ROMANO: The air-conditioner, I
9 assume, is always running?

10 MR. ALEC NORRIS: The HVAC system is
11 designed to cool things down in the summertime
12 and obviously warm things up, as need be, in the
13 wintertime. But if your system goes down, then
14 there is only a certain amount of time that the
15 batteries will keep the site going.

16 MR. WESTON: If I heard correctly, did
17 you indicate that there were 12 coaxial cables
18 going up?

19 MR. ALEC NORRIS: There is 24 1 and
20 5/8 inch coax and six red cables, which are much
21 smaller. So 30 total, actually.

22 MR. WESTON: So 30 coaxial. Possibly
23 anticipating other questions or at least my own,
24 is there a reason we are limited on collocation
25 because of PSE&G requirements limiting the

1 number of coax cable to the tower.

2 MR. ALEC NORRIS: Yes. So in this
3 case, for example, you could have -- or in
4 T-Mobile's case, you could have two carriers,
5 one here and one here, as I kind of mentioned
6 before.

7 The problem on a lot of these is that
8 you can't have the amount of coaxial cables.
9 So, for example, T-mobile up the hill has 24
10 coaxial cables. We are proposing 30 more.
11 PSE&G's limit is 42. So AT&T would not be able
12 to get their full build based on how their
13 design is. And that 42 is -- you know, these
14 towers are designed for power. And so they have
15 safety considerations. Climbers need to climb
16 up and down. So they had to limit the number of
17 coaxial at a certain amount so that they could
18 still safely navigate up and down the tower. So
19 that number is 42.

20 MR. WESTON: In previous lives, I have
21 dealt with utility in New Jersey and New York
22 and have frequently found their requirements to
23 be arbitrary. Let me correct that, safety
24 driven.

25 Has anyone had a serious discussion

1 with them. Are there laws of physics or
2 structural engineering that are triggered at 42
3 cables? Is that something?

4 MR. ALEC NORRIS: My understanding is
5 safety related on the amount -- the cables on
6 these towers are all mounted on the outside. So
7 you have to consider where they would be mounted
8 and permit climbers to safely extend up and down
9 this tower.

10 MR. WESTON: If you had to -- wouldn't
11 it be possible -- and I know it is not your
12 call, but just for my own interest -- would it
13 be possible, if you were tasked with designing a
14 cable run, a coax run, and you had to combine
15 them on only one side of the tower, would you be
16 able to do that?

17 MR. ALEC NORRIS: Combine them all on
18 one side of the tower?

19 MR. WESTON: Yes.

20 MR. ALEC NORRIS: I think each of the
21 individual mounts that get welded to the side of
22 the tower can only handle 18. I don't think you
23 would be able to get -- because of the face of
24 the tower, I don't know if you would be able to
25 get four. I would have to go back and look, but

1 I don't know that that is feasible, just
2 because, you know, there are clips on the side
3 of the tower, and then you have, you know, the
4 different faces and you need to have a certain
5 amount of room for the coaxial cables. So I
6 don't know the exact amount that you could fit
7 on, you know, one half of the tower or --

8 MR. WESTON: I am just trying to
9 discern where the line falls between arbitrary
10 and it can be done.

11 MR. ALEC NORRIS: You are questioning
12 the 42?

13 MR. WESTON: I am not challenging it.
14 I am looking to understand it, whether it is
15 arbitrary or whether it is --

16 MR. ALEC NORRIS: I haven't seen the
17 exact documentation as to how they came up with
18 the 42.

19 MR. WESTON: Okay.

20 CHAIRMAN VIVONA: The towers are not
21 round. They are some sort of octagonal --

22 MR. ALEC NORRIS: There are a number of
23 sides.

24 CHAIRMAN VIVONA: I don't what it is,
25 sextuplets or one of those big words. It is

1 another reason why it is harder to mount them
2 and still keep the ladders clear for the
3 climbers, because there are certain phases.

4 Also, judging by what I have seen on
5 Spring Street -- Spring Street and Sunset, when
6 they mount the cables, the clips you are talking
7 are probably two feet long.

8 MR. ALEC NORRIS: Yes, they are pretty
9 long.

10 CHAIRMAN VIVONA: And then you have
11 your cables going up, and if were you to make
12 that longer, it actually looks like a sail on
13 the side.

14 I am really not happy with the way they
15 look. I thought they would be strapped to the
16 tower and not make the tower look like a key,
17 but that is what they look like.

18 And if you were to add another -- if
19 you were able to collocate, you would have these
20 big sails of wire going, and I think that would
21 look much, much worse, even though we have fewer
22 cell towers available, because you have, you
23 know, two collocaters.

24 Even if you were to collocate, I just
25 think it would be way more obvious than having

1 just the one set of wires.

2 Another thing, so the structure is
3 behind the tower on the high side facing --

4 MR. ALEC NORRIS: It is on the south
5 side of the pole away from --

6 CHAIRMAN VIVONA: The south side is
7 the high side?

8 MR. ALEC NORRIS: That is correct.

9 CHAIRMAN VIVONA: So the structure is
10 there and then the wires will also be on the
11 south side. So when you are driving down
12 Fairmount, you don't see the flag of wires?

13 MR. ALEC NORRIS: I am sure you will
14 still see some. They are shown in Plan B here
15 on Sheet Z-3. So I am sure, as you are driving,
16 you know there are some trees along both sides
17 of the right of way, but I am sure at some point
18 you will see some of them.

19 CHAIRMAN VIVONA: Yes, you will see
20 some, but are there two sets of wires on each
21 side of the pole?

22 MR. ALEC NORRIS: Yes, that is correct.

23 MR. MICHAELS: Can the color of the
24 cables match the color of the tower?

25 MR. ALEC NORRIS: Yes, a silver color.

1 Yes, that has been done.

2 MR. MICHAELS: So that would not be a
3 problem if that would be a condition?

4 MS. FAIRWEATHER: Yes, that is fine.

5 MR. MICHAELS: Also, are the clips
6 that hold them, will they also match?

7 MR. ALEC NORRIS: They are stainless
8 steel.

9 MR. NEWMAN: To elaborate on Jon's
10 statement or question that he made, where you
11 come to us asking for us to go outside of our
12 rules in fence height and antenna height, have
13 you ever gone to PSE&G and asked to go outside
14 of their rules and say can we go with more than
15 42?

16 MS. FAIRWEATHER: Yes, we have.

17 As a matter of fact, don't you have
18 monthly meetings or weekly meetings with PSE&G?

19 MR. ALEC NORRIS: Monthly.

20 MS. FAIRWEATHER: And you have -- we
21 did make a formal request to go on the
22 T-Mobile's site, the site that has T-Mobile on
23 it, correct?

24 MR. ALEC NORRIS: Yes.

25 MS. FAIRWEATHER: And PSE&G told us no

1 with the number of cables that we need.

2 MR. ALEC NORRIS: Yes. I separately
3 had a discussion with PSE&G and I asked them
4 about that again. And they were pretty firm in
5 that. I can always go back to them.

6 MR. NEWMAN: I am not asking you to
7 go back to them. I am just saying, have you
8 asked them? You come to us for a variance. Did
9 you ask them for a variance?

10 MS. FAIRWEATHER: Yes.

11 MR. NEWMAN: So the answer is no?

12 MS. FAIRWEATHER: Yes. We have gone
13 asking for exceptions to their rules and they
14 told us no. Same thing with the plantings.

15 CHAIRMAN VIVONA: Just one question
16 about the building. Other carriers -- you guys
17 aren't on Spring Street, correct?

18 MR. ALEC NORRIS: No, we are not.

19 CHAIRMAN VIVONA: Their building is
20 not ten foot tall. Their building is eight foot
21 tall with a six-foot fence and it is a lot less
22 obtrusive. Does your building have to be ten
23 foot tall on the high side of the pole?

24 MR. ALEC NORRIS: I believe the -- that
25 is T-Mobile. I think that is just open-air

1 cabinets. That is just the ice bridge that you
2 are looking at, not a shelter.

3 CHAIRMAN VIVONA: You guys are the
4 only ones that use the shelter, right, AT&T?

5 MS. FAIRWEATHER: Yes, and Verizon.

6 MR. ALEC NORRIS: Verizon sometimes.

7 MR. SHAW: T-Mobile was able to --
8 when they placed their footings up on Sunset,
9 because it is on a hill, they cut in, which
10 actually lowered the height. Elevation-wise,
11 are you building up a foundation higher?

12 Is there a possibility of digging it in
13 on one side so you have a lower height?

14 MR. ALEC NORRIS: We can do that a
15 little bit. We can regrade a little bit so that
16 instead of being kind of centered with the grade
17 in the middle of the compound, we can kind of do
18 it a little bit so it drops it down a little
19 bit, so that the southeast side of the compound
20 was dropped down just a little bit. We can
21 regrade all of it.

22 CHAIRMAN VIVONA: I would like to see
23 that, because -- four foot above the building is
24 sticking out. If we can lower the building, you
25 know, so the building is like -- where the top

1 of the building from the high point of the grade
2 is only eight foot out, maybe that won't look as
3 bad.

4 MR. ALEC NORRIS: Yes, we can do a
5 little bit. The tower itself is at elevation
6 359. I mean, we can do a little bit, but we are
7 not going to be able to go down and create a
8 pond. There is only so much we can do with it.

9 MS. FAIRWEATHER: Alec, can we get --
10 we are obviously not going to get done tonight
11 or go for a vote tonight. Can we look at it for
12 next month?

13 MR. ALEC NORRIS: Yes, we can
14 definitely tweak it and try and improve it a
15 little bit, so it is down a little bit more.

16 CHAIRMAN VIVONA: Any way we can get
17 the building height down, even if we can come
18 down even six inches, just so you are not seeing
19 this big gigantic -- not gigantic, but this
20 stuccoy-looking brown thing behind a six-foot
21 brown fence. I know it is a utility corridor,
22 but it is still -- if we can make it as
23 aesthetically pleasing, if you will.

24 MS. FAIRWEATHER: We will do that.

25 CHAIRMAN VIVONA: I know you can't do

1 plantings, but just to lower the mass.

2 MR. ALEC NORRIS: Okay.

3 MS. FAIRWEATHER: He will work on it
4 for next month.

5 MS. ROMANO: So chances are that
6 because of the amount of wires, there can't be a
7 collocation, have we looked at then maybe
8 putting the antennas like where T-Mobile has
9 theirs, like underneath? Do we lose a lot of
10 coverage by going down a little bit more?
11 Because I know we are saying this is higher than
12 the old location.

13 MS. FAIRWEATHER: When we were asked
14 at the site visit whether or not the antennas
15 could come down, we went to Mr. Penesso, who
16 makes those decisions.

17 Mr. Penesso, you said?

18 MR. DAN PENESSO: Yes.

19 MS. FAIRWEATHER: Yes, they can come
20 down below so they don't stick out.

21 MS. ROMANO: So we can go in between --

22 MS. FAIRWEATHER: Yes.

23 MR. ALEC NORRIS: What we will do is
24 put them in here like T-Mobile has.

25 MR. SHAW: What does that make the

1 height elevation?

2 MR. ALEC NORRIS: So the new height on
3 that would make it --

4 MR. SHAW: Again, it is approximate.

5 MR. ALEC NORRIS: So the top of the
6 pole is at 146.5 feet AGL. We would have our
7 centerline at 141.5 AGL, with the top of the
8 antennas approximately 144.5. So it would be
9 about two feet below the top of the tower.

10 CHAIRMAN VIVONA: So that eliminates a
11 second variance?

12 MS. FAIRWEATHER: Well, I am not sure
13 it does, because our original approval was a
14 height of 122.5, and now we are going to be at
15 141. So we are higher than what we were
16 previously approved --

17 MR. SHAW: You still have a variance,
18 because as was approved, you are now lower than
19 the tower.

20 MS. FAIRWEATHER: That is right, now
21 we are lower than the tower.

22 MR. SHAW: But the original variance
23 is --

24 MS. FAIRWEATHER: Higher than our
25 original approval.

1 MS. ROMANO: At least it doesn't go
2 higher than the existing tower.

3 MS. FAIRWEATHER: Right.

4 MS. ROMANO: Does the fence have to be
5 like a chain link?

6 MS. FAIRWEATHER: No. It can be
7 whatever you want.

8 MS. ROMANO: I just feel like
9 weeds grow in that.

10 MS. FAIRWEATHER: Does PSE&G allow
11 board on board?

12 MR. ALEC NORRIS: Yes. They allow
13 composite wood board on board.

14 MS. FAIRWEATHER: I think it would
15 look more natural with all the shrubs --

16 MS. ROMANO: Yes. I just feel like
17 chain link --

18 MR. ALEC NORRIS: We were proposing
19 chain link with the privacy slats, but we can
20 change it.

21 MR. WESTON: How big are the antennas?

22 MR. ALEC NORRIS: Approximately six
23 feet tall.

24 MR. WESTON: It doesn't give a lot of
25 space between the arms.

1 MR. ALEC NORRIS: Yes, they will fit
2 them in there. T-Mobile and some of the other
3 carriers have done that.

4 CHAIRMAN VIVONA: Your variance for
5 the size of the antenna is because Chatham's
6 regulations require a five-foot maximum. And
7 the new technology, they don't make the five
8 foot, they are all six foot now.

9 So this is a variance that comes up
10 with every application because everybody has the
11 six-foot antennas, just so the public knows,
12 they are not trying to cram something else down
13 our throat. That is the new technology, and our
14 regulations were designed around the old
15 technology. So we can get rid of that, one of
16 the heights.

17 We can get rid of the fence. The
18 fence, I don't really have a problem with the
19 seven-foot fence if it hides more of the
20 building.

21 MS. FAIRWEATHER: That is what we
22 thought. And then you are going to look into
23 whatever we can do to lower the mass of the
24 building -- the height, not the mass.

25 MR. SHAW: The grading.

1 MR. ALEC NORRIS: Yes, we will see if
2 we can tweak the grading a little bit to try to
3 drop it a little bit.

4 CHAIRMAN VIVONA: Do we need anything
5 else to look at?

6 MR. RUSCHKE: A couple questions. Is
7 it possible to have a small portion of the
8 structure below grade so that the floor is
9 actually slightly below the surrounding grade,
10 but you have one or two steps into it so that
11 you are actually --

12 MR. ALEC NORRIS: Yes. We have had
13 these discussions before with PSE&G and stuff;
14 and no, that is not a design that we have been
15 able to --

16 MR. RUSCHKE: Do they require you --
17 is there a specified height above grade that
18 they specify?

19 MR. ALEC NORRIS: We have concrete
20 piers and then the shelter right on the piers.
21 So your finished floor is essentially a foot
22 whatever above grade. We are right on the
23 ground level. But no, we haven't been able to
24 come up with a design where they are fine with
25 where you would basically depress it in the

1 ground.

2 MR. RUSCHKE: It would be nice if they
3 came up with that design, just three feet and
4 then, you know.

5 I raised a question before with the
6 noise, regarding how often the units will run.

7 MR. ALEC NORRIS: Yes. So my
8 understanding of the units -- so you have the
9 equipment cabinets within the shelter, and you
10 have a certain temperature range that they like
11 to operate at.

12 So in the summertime, the cabinets are
13 running all the time. So it is warm in there,
14 and then you have the outside ambient
15 temperature, which is high, so your AC units are
16 running pretty constantly back and forth.

17 In the wintertime, you have the heat of
18 your cabinets, so your heat doesn't have to come
19 on as frequently, but I mean -- I have been to
20 compounds where the shelters are running pretty
21 frequently and sometimes you go there and they
22 are not running at all. It all depends on the
23 outside temperature and what the temperature is
24 inside with the cabinets creating all that heat.

25 I don't know. I have never done any

1 kind of study or anything.

2 MR. RUSCHKE: It is not running 24/7?

3 MR. ALEC NORRIS: No. One will come
4 on, and then after a while, the other one will
5 come on. But if it is a really hot day, for
6 example, they are going to be running a lot.

7 MR. RUSCHKE: How are you basically
8 going to construct this building, because you
9 are not showing an access road. How are you
10 getting the material up there?

11 MR. ALEC NORRIS: There will have to be
12 a staging area for a crane, and they will have
13 to drop the shelter using a crane. PSE&G
14 personnel will be present to oversee the
15 construction of it.

16 I would have to get more information
17 from PSE&G in order to figure out exactly where
18 the construction area would be.

19 MR. RUSCHKE: Because there is a steep
20 slope area and you not proposing any cutting,
21 any driveway, everything is going to be craned
22 in?

23 MR. ALEC NORRIS: Yes, that is correct.

24 MR. RUSCHKE: And then the utility
25 trench, basically, it appears that it is

1 approximately 30-inches wide by almost four feet
2 when you add the conduit and it appears to be
3 six inches below that. So it is a pretty large
4 utility trench that you are doing, yet, you are
5 only showing a 48-inch disturbance.

6 How are you proposing to install that?

7 MR. ALEC NORRIS: I mean, they have
8 equipment to basically dig a narrow trench. We
9 can always show it slightly wider, if you are
10 assuming we have to have cut sides.

11 MR. RUSCHKE: I don't want to set you
12 up to fail, that you exceed your limits or that
13 there is an issue. It just seems that is a very
14 impractical limited disturbance for those
15 conduits.

16 It probably -- a trench that wide and
17 that deep will likely be done with a small
18 excavator, which is at least going to be seven,
19 eight feet, but you need that minimal amount.
20 That is assuming that you are working the
21 material that you are excavating, either you are
22 loading it into a truck or you are putting it on
23 the side. If you are putting it on the side,
24 that is increasing your width even more. So I
25 think just the practicality of that limited

1 disturbance needs to be looked at.

2 MR. ALEC NORRIS: Okay. I will.

3 MR. SHAW: Where was the location of
4 previous equipment shelter?

5 MR. ALEC NORRIS: I have some numbers
6 here that will -- so the previous installation,
7 I am going to go back to Sheet Z-1. It is not
8 shown on here, the previous tower is not shown
9 here, but it was approximately 50 feet further
10 back.

11 MS. FAIRWEATHER: Further back in
12 which direction? South?

13 MR. ALEC NORRIS: South. So the
14 previous tower that was removed was
15 approximately 50 feet further back from where
16 the new pole was installed.

17 CHAIRMAN VIVONA: Up the hill?

18 MR. ALEC NORRIS: Up the hill. And
19 then the AT&T shelter at that time was behind it
20 or up the hill beyond that. And then this also,
21 for comparison sake, the previous compound was
22 at 966 total square feet, where ours now is
23 proposed at 600. So we are definitely reduced
24 also from what we were previously.

25 CHAIRMAN VIVONA: Do you happen to

1 know, by going up the hill, where the old tower
2 was, was that closer to the two homes.

3 MR. ALEC NORRIS: I believe it was also
4 centered. So depending on where the homes are.
5 The pole that was just installed is centered
6 right in the middle, 87 and a half feet, give or
7 take, on both sides. I think the previous tower
8 was also centered within the right-of-way. So
9 it is just a matter of where the homes are
10 exactly in relation to where that spot would
11 have been.

12 CHAIRMAN VIVONA: Personally, I wasn't
13 at the site visit, but I went to the site. I
14 think the new pole is actually further away from
15 the homes, because it is further -- I think the
16 two homes on either side are up higher.

17 MR. ALEC NORRIS: I see what you are
18 saying. It is possible. I think it is actually
19 further away.

20 MR. ALEC NORRIS: Okay. Yes, I believe
21 this home here is further back, right?

22 CHAIRMAN VIVONA: Yes.

23 I don't have any other questions for
24 Mr. Norris. Does anybody else?

25 At this time, we will open it up to the

1 public for questions about Mr. Norris's
2 testimony. This is not statements. It is just
3 questions, anything he can clarify for you.

4 Just state your name and your address,
5 please.

6 MS. HOLLY GLUNK: Holly Glunk, 7 Sunset
7 Terrace. So my question is, with this shed and
8 all the equipment that is inside of it and the
9 air conditioners of these units that run to keep
10 it cool, you said if there is a power failure,
11 the batteries only run for so long, correct?

12 MR. ALEC NORRIS: Correct.

13 MS. HOLLY GLUNK: What happens if the
14 batteries don't, for whatever reason, don't kick
15 in? Can these catch on fire? There is a gas
16 line running in the back there and my home is
17 right next to it.

18 MR. ALEC NORRIS: These batteries that
19 they use are contained units and they are used
20 on thousands of sites across the country. I
21 don't think I have ever heard of one of them
22 spontaneously igniting or igniting a fire. And
23 also too, the gas pipelines, they run up and
24 down every PSE&G right of way as well.

25 MS. HOLLY GLUNK: I know that.

1 CHAIRMAN VIVONA: Anybody else?

2 MR. MICHAEL CHIARAVALLOTI: I just
3 wanted a better understanding. You said you
4 speak with PSE&G monthly. What is, sort of, the
5 tenure of those meetings? I hope it is not a
6 rubber stamp. I appreciate Jon asking those
7 questions, because I am thinking the same thing.
8 It is hard for me to appreciate the, sort of --
9 what is it 54 cable limit or --

10 MR. ALEC NORRIS: 42.

11 MR. MICHAEL CHIARAVALLOTI: Sorry. 42
12 cable limit seems to be somewhat arbitrary. Is
13 there an ability to have influence, because
14 otherwise I would assume over time, as Verizon
15 shows up and says they need more band width and
16 all these different companies, if they can't
17 share structures that are in place, this is just
18 going to promulgate through the town, unless I
19 am misunderstanding what I am hearing.

20 Again, the question, though, what is
21 the sort of relationship with PSE&G and do we
22 have any influence on some of the these rules?

23 MR. ALEC NORRIS: So I meet with them
24 every month, and it is not just me, it is the
25 carriers and other engineers and stuff, and it

1 is with the telecommunications group within
2 PSE&G, and we discuss all the NCRP projects.

3 This is something that started probably
4 about five years ago when this project started,
5 because they wanted to make sure that projects
6 were moving at a certain pace, and here we are
7 years later and a lot of these sites aren't
8 filled. It has helped to keep things moving
9 along and helped to identify issues.

10 Hopefully, with the next round of
11 towers that are being replaced, we have all
12 learned a lot of lessons and it can move a lot
13 quicker and things -- you know, be better
14 designed and things of that nature.

15 MR. MICHAEL CHIARAVALLOTI: Has this
16 issue been explored, because I think this is not
17 the first time that someone has said, do you
18 want to collocate and this potential wire issue
19 has stopped that as an option.

20 MR. ALEC NORRIS: Usually -- there are
21 other towers where there has been collocation.
22 And a lot of other times it is simply a matter
23 of a tower was occupied by a carrier and now
24 they are going right back on, like we are here.

25 So a tower further up the line with

1 another carrier was not exactly forged because
2 we already had a use variance at this site and
3 RF is already happy with this site. So the
4 focus was this site.

5 MR. MICHAEL CHIARAVALLLOTI: I thought
6 earlier I asked the question of the RF expert
7 whether it was explored to do a collocation. Is
8 the answer to that question yes or no?

9 MR. ALEC NORRIS: There was
10 discussion. Hey, the T-Mobile tower, would that
11 work for AT&T, based on their RF needs? And
12 basically, you know, by them reviewing their RF
13 requirements, they were like, well, no, it is
14 not.

15 And because of the 42 coaxial cables --
16 I can't speak for the actual RF plots. You
17 know, there are gaps in coverage and things of
18 that nature.

19 In this case, I mean, you have 24. You
20 have 24 T-Mobile coaxial cables and 30. We are
21 talking 54 cables. So even if they were to
22 accept 48, you are still short. I mean, I can
23 talk to them about -- as I said before, I can
24 talk to them about the 42, you know, is that an
25 arbitrary number, but we are pretty far above

1 it.

2 MR. MICHAEL CHIARAVALLOTI: Was there
3 a formal analysis done or was there no analysis
4 because thought was because of this cable issue
5 we just can't even get that?

6 MS. FAIRWEATHER: I think the question
7 -- forget "analysis".

8 Did we ask PSE&G if we could put our
9 cables on there and collocate with T-Mobile?
10 Was that discussion had?

11 MR. ALEC NORRIS: I specifically asked
12 them, can we go on the T-Mobile tower? I didn't
13 do any other type of analysis of it in terms of
14 RF or --

15 MS. FAIRWEATHER: Right, and they told
16 you no because of the cables?

17 MR. ALEC NORRIS: That is correct.

18 MR. MICHAEL CHIARAVALLOTI: Okay.

19 MS. SALLY GREGORY MERRELL: Sally
20 Gregory Merrell. My address is 656 Fairmount
21 Avenue. I am across.

22 I don't recall a shed the last time, if
23 there was.

24 MR. ALEC NORRIS: It was actually
25 bigger than the one we are proposing now. It

1 was a 12 by 25.

2 MS. SALLY GREGORY MERRELL: What is the
3 purpose of this shed?

4 MR. ALEC NORRIS: It is all the
5 equipment that is contained in the shelter, all
6 the equipment that they need in order to operate
7 the site.

8 MS. HOLLY GLUNK: I do have one more
9 question and you may not be able to answer it.

10 The gentleman at the end showed us a
11 map, and he was saying the different towns that
12 had these towers. Why is it that Berkeley
13 Heights and New Providence has two and Chatham
14 seems to be overpopulated with all these cell
15 towers.

16 MR. ALEC NORRIS: This is the
17 Roseland-Metuchen line. It just happens to go
18 right through Chatham Township, unfortunately.

19 CHAIRMAN VIVONA: There is also the
20 problem in Chatham of the mountains. The
21 mountains stop the radio waves from going. So
22 even though it seems to be more on the Chatham
23 side, the mountains stop all the frequency. So
24 that is why they have to have almost redundant
25 towers, because you have two sides of a

1 mountain.

2 MS. HOLLY GLUNK: I understand that.
3 What I am trying to get my head around is that
4 this is a residential area and this power line
5 specifically is behind residential homes where
6 my kids play and other kids, where there is a
7 bunch of others towers around it. You know,
8 these are multimillion-dollar homes in this
9 town. It just seems like it is taking away from
10 the value.

11 MS. FAIRWEATHER: That is my next
12 witness.

13 MS. HOLLY GLUNK: My house is on the
14 market.

15 CHAIRMAN VIVONA: Any other
16 questions?

17 MS. POOJA GUPTA: Pooja Gupta, 665
18 Fairmount. I have a question.

19 I understand you are running 30 cables
20 going up on top of the antenna monopole. Is it
21 possible, can you split your antennas, you know,
22 between locations where you can possibly put
23 those antenna up? Is it possible? Can you
24 locate some of the antenna below and you can run
25 your cables -- this over there, and you can ask

1 PSE&G for the variance. You can still have 42
2 going above and have the remaining below.

3 You know, we are trying to work out for
4 the people for the community. We don't want
5 these units, you know, these maintenance crew
6 coming into central area. I have my daughter
7 playing just 50 yards, 50 feet way from that.
8 It is just 50 feet away from that pole from my
9 boundary.

10 See, the thing is, if you take all
11 those poles, you know -- eventually it looks
12 like, you know, because I am sure after ten
13 years we will be having more antennas, you know,
14 each and every pole.

15 So you are just trying to make an area
16 where you have people living peacefully, and I
17 am just trying to have better home values
18 instead of just degrading them.

19 Isn't it possible? Can you just try to
20 talk to PSE&G to --

21 MR. ALEC NORRIS: This isn't a PSE&G
22 issue. If you were to ask the question to Dan
23 Penesso, you are going to find out that putting
24 the antennas down here for one site and putting
25 them up here for another site and putting them

1 up at the top, it is not going to work. It is
2 not a PSE&G issue.

3 MS. POOJA GUPTA: You said you can have
4 three different locations.

5 MR. ALEC NORRIS: Yes. Usually what
6 you have is one carrier -- in this case, you
7 have AT&T -- putting all their antennas at this
8 elevation or, in the case that we previously
9 discussed moving the antennas, now they are
10 going to put all their antennas at this
11 location.

12 If you had no trees around, a carrier
13 might come in and be like, oh, this elevation
14 down here is fine. The problem is that most
15 areas it doesn't work because of the terrain and
16 trees. It is not a matter of splitting it up.
17 It is really each carrier desires one elevation
18 for their entire array.

19 MS. POOJA GUPTA: Actually, I have
20 read many city ordinances. I think ours is a
21 little bit lax. If you are proposing any
22 antennas within 200 feet or 500 feet --
23 actually, for the Glendale, California, within
24 1,000 feet --

25 MR. SHAW: Excuse me.

1 MS. POOJA GUPTA: -- you have to have
2 intrusive site --

3 MR. SHAW: Excuse me. Number one,
4 that question -- at this point, you are supposed
5 to be asking a question based upon what his
6 testimony is. The second point is, later on,
7 when you are making your presentation, I can
8 discuss with you how caselaw in California is
9 completely irrelevant to New Jersey.

10 This isn't the point for that
11 conversation. This is the time for you to be
12 asking him questions.

13 MS. POOJA GUPTA: I am asking, did you
14 do any of the alternative site analysis? I
15 understand the original application was five to
16 ten years back. From ten years, you know, this
17 is literally a new application. You have new
18 shed, new equipment and I am sure you have a new
19 cellphone and new 4G. It is not ten years back.

20 Did you try to find another less
21 intrusive location?

22 MS. FAIRWEATHER: This isn't the right
23 witness. The is the civil engineer that talks
24 about what the site is going to look like. This
25 isn't the site acquisition person.

1 You can ask him questions on what he
2 has testified to. He didn't testify to
3 alternative locations. He is not a real estate
4 person.

5 MS. POOJA GUPTA: Do you have a person
6 that will --

7 MS. FAIRWEATHER: No. We are coming
8 back to the original site where I have my use
9 variance and I have got my previous approval.
10 When we moved off that site four and a half
11 years ago or so, we moved off and made a
12 representation to the board that we were moving
13 to a temporary site until they replace the
14 tower, and now we are coming back.

15 So, no, we did not look at any other
16 towers. There is no -- as Mr. Penesso said,
17 there is no existing structures. There is no
18 existing rooftops. There aren't big commercial
19 buildings here.

20 MS. POOJA GUPTA: There are other
21 PSE&G towers.

22 CHAIRMAN VIVONA: All right.

23 MS. POOJA GUPTA: See the thing is the
24 board is represented for us. You know, we have
25 only -- because of the PSE&G line, the

1 devaluation of homes. I am just trying to, you
2 know, whatever area you choose now, ten years,
3 twenty years, it is going to be there. It is
4 not kindergarten and I deserve it because I am
5 coming back over there.

6 This is for the welfare of the
7 community. You can just say, okay, I was here.
8 This is convenient, so we are going to just have
9 it here. They are just closer towards the road
10 and --

11 CHAIRMAN VIVONA: Okay. Let me just
12 stop you. You are going to have a chance at the
13 end of all this to make all your statements.
14 Right now, all we are asking is if you have any
15 questions about what Mr. Norris testified to.

16 If you don't have a question, believe
17 me, you will have your opportunity to speak your
18 mind. But to keep it moving, if you don't have
19 a question, we are going to just have to stop
20 you.

21 What I would like to say in the
22 meantime, AT&T has already been granted
23 approvals for that site. The site was torn
24 down, so they had to move. That doesn't mean
25 they lose their permission to be there. They

1 are just trying to -- they have to go through
2 the process in order to do it.

3 AT&T put up this temporary tower here
4 to cover the gap that was lost that was created
5 when that other location was dismantled.

6 AT&T has tried to make this a permanent
7 tower, but the DEP, because it is wetlands,
8 would not allow them to do that. So that was
9 their second choice. Actually, they did not
10 want to go back there. They want to stay here
11 because the tower is here, it is more out of the
12 way, it is further away from homes. Not from
13 us, but Department of Environmental Protection
14 said that tower cannot stay here. So they have
15 to move.

16 MS. HOLLY GLUNK: What is the reason
17 it couldn't stay there?

18 CHAIRMAN VIVONA: Wetlands. You are
19 not allowed to have a structure within a certain
20 amount of feet of wetlands. All back in here is
21 classified wetlands.

22 MS. HOLLY GLUNK: Is there a reason
23 for it?

24 MR. SHAW: They are not allowed. The
25 DEP rules prohibit disturbing areas within 150

1 of the wetlands, and they give permits to do a
2 certain amount, but if you are less than a
3 certain amount -- and here we are within 50 feet
4 of the wetlands, the DEP is not going to give an
5 individual permit to allow that tower to remain.

6 Unfortunately people -- I don't think
7 we were aware of the location of the wetlands
8 when the original temporary tower was put there.

9 MS. HOLLY GLUNK: Is it for safety
10 purposes?

11 MR. SHAW: No. It is environmental
12 protection purposes, to protect what lives in
13 the wetlands.

14 MS. HOLLY GLUNK: So you are saying
15 they will protect the animals, but they won't
16 protect the people?

17 MS. FAIRWEATHER: Yes.

18 MR. SHAW: That is DEP.

19 MS. POOJA GUPTA: That is really
20 amazing.

21 CHAIRMAN VIVONA: But that has
22 nothing to do with us or them. That is the
23 State. So they're fighting in between it as
24 well.

25 It would settle a lot of problems if

1 this were allowed to be permanent, but it can't
2 be, so they have to move back to the location
3 they already had a communication tower on. They
4 are just going back to where they were, and they
5 are going with better technology, smaller
6 building, smaller compound and we have the
7 opportunity to, sort of, make it as unobtrusive
8 as possible, but we are not allowed to stop them
9 from building.

10 MS. HOLLY GLUNK: So it will definitely
11 go there?

12 CHAIRMAN VIVONA: It will definitely
13 go there.

14 MS. POOJA GUPTA: We are not trying to
15 stop it.

16 CHAIRMAN VIVONA: We are legally not
17 allowed to stop it.

18 MS. POOJA GUPTA: I understand. I am
19 just saying that we have another PSE&G pole, not
20 T-Mobile. I understand. There is another three
21 down the line. There is one which you can
22 really consider. There is less houses over
23 there.

24 CHAIRMAN VIVONA: That is because it
25 is wetlands.

1 MS. POOJA GUPTA: But they don't want
2 to do it, because they don't have anything for
3 the community. They just want to go there
4 because they were there ten years back. Come
5 on.

6 MR. SHAW: It is the property itself
7 is subject to a use variance. The use variance
8 runs with the land. So the fact that they went
9 off it temporarily, they have given no intention
10 of abandoning the use. They very explicitly
11 were doing it on a temporary basis. And
12 certainly, in terms of the basic location of
13 telecommunications they are putting on that
14 site, they have a use variance. There may be
15 some issues about height and other things that
16 can be within this board's discretion, but they
17 already had a use variance for this property for
18 a telecommunications facility.

19 MS. POOJA GUPTA: You know, it is all
20 in your hands. You know, if there is a
21 sensitive property, you know, there is bus stop
22 right in front of it. I am not saying anything
23 about the health, because I know it is one
24 percent of FCC recommendation. But it is in
25 your hands. You have to ask them. They have to

1 give the least intrusive location. It is not
2 like they had the variance, because they were
3 here ten years back. The conditions were
4 different at that time.

5 MR. SHAW: The telecommunications
6 variance was granted. And a use variance, once
7 it has been granted is permanent. It runs with
8 the land. It is possible it could be abandoned,
9 but if it was not abandoned, they were
10 explicitly temporarily vacating that property.

11 So we, as a board, are confronted with
12 the reality that this property has previously
13 received a use variance for telecommunications
14 equipment.

15 MS. POOJA GUPTA: Okay.

16 CHAIRMAN VIVONA: Yes, ma'am. Again,
17 this is questions for Mr. Norris's testimony.

18 MS. SALLY GREGORY MERRELL: Yes. Sally
19 Gregory Merrell, 656 Fairmount Avenue, Chatham.

20 I was just wondering what the fence
21 structure was around the structure before. I
22 know the gazebo had to be taken down because of
23 the wires, so I can't imagine that they would
24 approve any kind of a wood fence.

25 MR. ALEC NORRIS: It was a proposed

1 six-foot-high wood composite fence.

2 MS. SALLY GREGORY MERRELL: That is
3 before they changed the wires and the towers.

4 MS. FAIRWEATHER: Alec, they are
5 allowing a wood fences now? PSE&G allows us to
6 do the wood composite, correct?

7 MR. ALEC NORRIS: Yes.

8 CHAIRMAN VIVONA: So as I was saying
9 before, due to the State and Federal
10 regulations, we can't stop things from
11 happening. AT&T already had the variances
12 approved.

13 The only power we really have is to
14 make it look a certain way. We can't stop it.
15 We can just try and mitigate it. AT&T will do
16 whatever we ask within reason that PSE&G will
17 allow them to do.

18 We have come up with some designs for
19 other poles where hopefully it just fades away
20 and you really don't notice it after a while.
21 They are not a health hazard. They really don't
22 affect your real estate values from experts we
23 have heard in previous cases because you already
24 have the monopoles there.

25 So, basically what we can do is just

1 make whatever changes we can make to make the
2 residents less unhappy. That is basically what
3 we can do. AT&T will do whatever we ask them to
4 do, as long as PSE&G permits it.

5 They no longer permit plantings around
6 the structures. So we try to get some sort of a
7 decent-looking fence. That is why we were
8 asking them to try to lower the height of the
9 building, so you don't see the building.

10 We try to color the wires so you don't
11 see black wires against a civil pole. We make
12 them paint the antennas the same color as the
13 poles so you don't have three or four different
14 colors.

15 Those are the things that we can do and
16 then the communication companies will
17 accommodate us in that way. Unfortunately, that
18 is as far as we can go with it.

19 Any other questions? Anybody else?

20 I think we are done with Mr. Norris.

21 MR. SHAW: You are likely to finish all
22 of your witnesses at this point?

23 MS. FAIRWEATHER: Yes, but I would
24 have to bring Mr. Norris back to talk about how
25 we could lower the shelter.

1 MR. SHAW: And we don't have a full
2 board to make a decision tonight anyway. So, is
3 there some point -- we have one other
4 application on this evening. I don't know
5 whether there is any point in trying to reach it
6 or let them go home.

7 MS. FAIRWEATHER: My planner should
8 take -- once she gets done, I am done with my
9 witnesses and I can't imagine she would take 10,
10 15 minutes. I don't know how late the board
11 usually stays.

12 CHAIRMAN VIVONA: We basically want to
13 have enough time to do our application.

14 (Susan Gruel was sworn in.)

15 MS. SUSAN GRUEL: My name is Susan
16 Gruel. I am a licensed professional planner in
17 the State of New Jersey. I am a principal in
18 the planning firm of Heyer, Gruel and
19 Associates. We represent a number of
20 municipalities, as well as private clients.

21 I have a Master's Degree in Planning
22 from Rutgers, and I teach there as well.

23 MS. FAIRWEATHER: I am offering Ms.
24 Gruel as my licensed professional planner.

25 CHAIRMAN VIVONA: Thank you.

1 MS. SUSAN GRUEL: I have done a number
2 of these applications and have been qualified in
3 planning.

4 MS. FAIRWEATHER: I am going to hand
5 it over to you. Do you want to talk about the
6 variances first or go right to the photos.

7 MS. SUSAN GRUEL: In the course of my
8 testimony, I will go to the photo sims. How
9 about that? I am not going to go through all
10 the background information because I think that
11 has been sufficiently addressed, other than we
12 are asking for a D height variance and a number
13 of other variances that have been -- that have
14 been put on the record and discussed. I won't
15 go through that.

16 My testimony will be focused on the D
17 variance and the statutory criteria for that to
18 be granted. In terms of that, as this board
19 knows full well, the basic statutory criteria,
20 even though is not an inherently beneficial use,
21 the Sica criteria in terms of the balancing test
22 is used.

23 There is a four-prong criteria, the
24 first of which is the public interest. As we
25 know, this is an FCC licensed carrier, and that

1 in itself provides the public benefit.

2 Again, there has been sufficient
3 testimony on the fact that there is a gap in
4 this area. There were previous approvals for a
5 use variance for this site specifically, and
6 that it does serve the public interest.

7 The second prong is identify any
8 detrimental effects. That essentially goes to
9 the visual, as well as the noise. The noise has
10 been addressed through previous testimony,
11 expert witness testimony.

12 In terms of the visual, I believe that
13 all the board have the photo simulations that we
14 had prepared. These are a board that shows the
15 photos that I believe that the board has.

16 What we have done -- and these were
17 actually -- these are a year old or over a year
18 old, the aerial.

19 Do you want to mark these or not?

20 MS. FAIRWEATHER: They are in the
21 packet.

22 MR. SHAW: Are they the same?

23 MS. SUSAN GRUEL: Just blown up.

24 MS. FAIRWEATHER: Yes.

25 MR. SHAW: They are not even blown up.

1 They are put together on a --

2 MS. SUSAN GRUEL: The photos are. The
3 aerial is blown up.

4 MR. SHAW: The aerial we should.

5 (An aerial photo board was marked for
6 identification as Exhibit A-19.)

7 MS. SUSAN GRUEL: What we did was we
8 went around and took representative photos from
9 various areas and residential areas around.
10 Those areas where we took the photos are shown
11 on this A-19.

12 Our photos, what we have done is we
13 have taken an existing before photo and then
14 proposed. As is shown, and I am not going to go
15 through all these, again, these are from various
16 locations within the neighborhood, Nicholson
17 Drive, Sunset Drive, several through Sunset
18 Drive, Fairmount Avenue, several from Fairmount,
19 a number from Fairmount, Karlin Drive and
20 Pembroke Road, Long Hill Road and Pembroke as
21 well.

22 So what we have done on this exhibit
23 and in our photos are showing the before photo
24 and then photo simming the proposed antennas and
25 the equipment shelter into the photos; and these

1 were prior to this evening when the antennas
2 were going to be above the top of the
3 transmission line. So obviously, as a result of
4 lowering that, the visual impact would be
5 minimized even more.

6 We will put these down and go back to
7 the detrimental effects, the second prong. As
8 shown from our exhibits, it is my opinion that
9 the visual impact is minimal. The noise has
10 been addressed.

11 And that based upon number three, in
12 terms of the prong, to set reasonable
13 conditions, we have brought the height down and
14 the antennas are now below the top of the
15 transmission tower and the noise has been
16 addressed through the testimony in terms of
17 that.

18 MS. FAIRWEATHER: And minimize also
19 because we will paint the cables.

20 MS. SUSAN GRUEL: Painting the cables,
21 exactly. Those, in itself, will mitigate any
22 impact that is minimal to begin with.

23 In terms of your detriment in terms of
24 some of the positive, looking at your master
25 plan, we did look at that. One of the key

1 aspects of your 2011 master plan was the strong
2 focus on conservation, disturbance. And to the
3 extent that we have been able to utilize an
4 existing transmission line instead of disturbing
5 another area for a separate structure is
6 certainly consistent with your master plan
7 focus.

8 So, in terms of the bottom line, it is
9 my opinion that in terms of both the height
10 variance -- and I will just talk briefly about a
11 couple of the other ones -- but in terms of the
12 height variance and looking at the balancing
13 test and the Sica standard, that this meets the
14 requirements of that, the criteria and certainly
15 can be granted under those considerations.

16 In terms of the other variances as
17 noted, the size and the height of the panel
18 antennas, six feet are proposed. Five feet are
19 permitted in your ordinance. The new technology
20 requires six feet. And as the chairman stated,
21 your regulations were initially adopted when the
22 old technology was five feet.

23 And also, in terms of the maximum fence
24 height, it was determined that the impact and
25 the use of the fence to mitigate any visual

1 would be better served if it were seven feet
2 instead of six feet, because it would buffer the
3 equipment shelter a little better.

4 And that, I believe, are the variances
5 that are necessary and the planning basis for
6 granting the variances.

7 MS. FAIRWEATHER: I have no other
8 questions for Susan.

9 CHAIRMAN VIVONA: Bob, do you have
10 anything?

11 MR. MICHAELS: I take it your position
12 is that you don't need the D(1) variances
13 because it was already granted for the other
14 location on the site?

15 MS. SUSAN GRUEL: That is correct.
16 And basically I have testified to the criteria
17 that would be utilized for a use variance anyway
18 for the height, because they are both D
19 variances.

20 MR. MICHAELS: On your photo
21 simulation, it seems to show that the enclosure
22 -- I think photo simulation doesn't show that
23 the enclosure has privacy slats. But as I guess
24 it was agreed to before, it was going to have a
25 board-on-board or some kind of composite. So is

1 it your testimony that would be an even greater
2 mitigation factor?

3 MS. SUSAN GRUEL: That is correct, and
4 thank you for raising that. It would be. It
5 would mitigate any impact even more.

6 MR. MICHAELS: There were a couple of
7 other variances dealing with steep slopes that
8 were noted by the engineer.

9 MS. SUSAN GRUEL: I believe that that
10 was changed and addressed. There is no variance
11 from the steep slopes from what I understand.

12 Am I correct?

13 MS. FAIRWEATHER: That is correct,
14 because to access it, we are gong to use the
15 existing access.

16 MR. MICHAELS: Okay. I guess I missed
17 that last change.

18 I don't have any other questions.

19 CHAIRMAN VIVONA: Anybody from the
20 board have anything for Ms. Gruel?

21 Anybody from the public have any
22 questions about Ms. Gruel's testimony?

23 MR. MICHAEL CHIARAVALLOTI: The
24 four-prong test? Public interest?

25 MS. SUSAN GRUEL: Public interest.

1 MR. MICHAEL CHIARAVALLOTI: Detrimental
2 affects?

3 MS. SUSAN GRUEL: Detrimental
4 mitigation. And then finally a balance of those
5 in terms of detriment and mitigation and
6 balance, it can be granted.

7 MR. MICHAEL CHIARAVALLOTI: Thank you
8 so much.

9 MS. SUSAN GRUEL: Sure.

10 CHAIRMAN VIVONA: Anybody else have
11 any other questions for Ms. Gruel?

12 MS. FAIRWEATHER: Mr. Chair, we have
13 finished our presentation this evening. We will
14 come back in January with any information on
15 what we can do with the compound.

16 CHAIRMAN VIVONA: Right. We are going
17 to work on height, lowering it; fence options,
18 six or seven, plus designs.

19 MS. FAIRWEATHER: We will come back
20 with a sheet showing the antennas below the top
21 of the tower. And then we will also have a
22 sheet showing what we can do with the equipment,
23 to lower it, what we can do with that; and then
24 a board-on-board fence.

25 CHAIRMAN VIVONA: Yes.

1 MS. ROMANO: And maybe like a photo to
2 see, kind of, what the building will look like.

3 MS. FAIRWEATHER: Sure. We can bring
4 a picture of the building.

5 CHAIRMAN VIVONA: On the six and the
6 seven, just so we can have options. And we
7 really want to see where the air conditioner is
8 going to be according to the fence height.

9 CHAIRMAN VIVONA: John, the grading?

10 DR. EISENSTEIN: Are you going to have
11 revised propagation plots because you are now 20
12 feet lower?

13 MS. FAIRWEATHER: If you would like us
14 to, absolutely.

15 DR. EISENSTEIN: The issue is going to
16 be whether or not your propagation satisfies the
17 radiofrequency.

18 MR. DAN PENESSO: I can testify that
19 we are okay. I already testified to the fact
20 that coverage will be met.

21 MS. FAIRWEATHER: You ran the
22 propagation --

23 MR. DAN PENESSO: Exactly.

24 MS. FAIRWEATHER: We can submit them
25 to Dr. Eisenstein so he can see.

1 DR. EISENSTEIN: Why don't you do
2 that? Just send me the revised propagation.
3 You don't have to present it to the board. I
4 can testify that you are okay.

5 MS. FAIRWEATHER: Do you need Dan
6 Penesso for the next hearing or can we submit
7 the plans or you can let's us know if you want
8 him here? Does that sound okay?

9 DR. EISENSTEIN: I think it is the
10 board's decision.

11 CHAIRMAN VIVONA: As long as you can
12 verify what he is stating, I don't think he
13 needs to come back.

14 DR. EISENSTEIN: I will just send a
15 report. That is what I will do.

16 MS. FAIRWEATHER: That would be great.
17 We will get that information to you.

18 And the next meeting is?

19 MS. SMITH: January 18.

20 MR. SHAW: So, for the members of the
21 public, this matter is going to be adjourned at
22 this point to our meeting of January 18. There
23 will be no further legal notice required. The
24 notice will be discussed on the record.

25 (Proceedings adjourned at 9:39 p.m.)

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CERTIFICATE

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

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



Notary Public of the State of New Jersey

Dated: January 2, 2018

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