

**HARDING TOWNSHIP BOARD OF ADJUSTMENT
MINUTES
April 18, 2019
7:30 PM**

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Board of Adjustment Chair Mike Flanagan, called the meeting of the Board of Adjustment to order at 7:30 and announced that adequate notice of the meeting had been made in accordance with the New Jersey State Open Public Meetings Act.

APPOINTMENTS

Mr. Hall announced that on April 15, 2019 the Harding Township Committee made the following appointments:

Aric Rosenbaum	Regular Member	4 year unexpired term, expiring December 31, 2020
Thomas Addonizio	Alternate # 1	2 year term expiring December 31, 2019
Elizabeth Sovolos	Alternate # 2	2 year unexpired term, expiring December 31, 2020

Mr. Hall swore in Ms. Sovolos.

ROLL CALL

Ms. Taglairino called the roll. It went as follows:

Ms. Sovolos	Present	Mr. Newlin	Present
Mr. Flanagan	Present	Mr. Maselli (7:35)	Present
Mr. Rosenbaum	Present	Mr. Addonizio	Present
Mr. Symonds	Present	Mr. Kearns	Excused
Ms. Chipperson	Present		

Board Attorney, Gary Hall, Board Engineer, Paul Fox, Board Planner (late), McKinley Mertz and Board of Adjustment Secretary Lori Taglairino were also present.

REGULAR MEETING

Mr. Flanagan announced that BOA#01-19 Pitney was carried until the May 16, 2019 meeting.

MINUTES

Mr. Flanagan made a motion to approve the March 21, 2019 minutes. The motion was seconded by Mr. Newlin. On a voice vote all eligible members were in favor of approving the minutes.

Mr. Flanagan made a motion to approve the March 16, 2019 Site Inspection minutes for Pitney with an amendment to add Robert Scialla to the attendance list. The motion was seconded by Mr. Symonds. On a voice vote all eligible members were in favor of approving the minutes.

Mr. Flanagan made a motion to approve the March 16, 2019 Site Inspection minutes for Ryan. The motion was seconded by Mr. Newlin. On a voice vote all eligible members were in favor of approving the minutes.

ADMINISTRATIVE

- Ms. Taglairino noted that FDS filing deadline is April 30, 2019.

RESOLUTIONS

Application BOA# 021-19 Brendan and Sharon Ryan
41 Village Road, B16/L7. R-1 Zone

Mr. Flanagan made a motion to adopt Resolution BOA #02-19 Ryan with an amendment to the zoning numbers. It was seconded by Mr. Newlin. A roll call vote went as follows:

For: Mr. Flanagan, Mr. Newlin, Ms. Chipperson, Mr. Rosenbaum and Mr. Addonizio.

Against: None

Application BOA# 18-18 Sandra and David Renzulli
42 Millbrook Rd., B17/L11.03, R-4/R-1 Zone
Applicant requesting variance relief for side and rear setbacks as per
NJSA 40:55D-70(c).

Mr. Flanagan made a motion to adopt Resolution BOA# 18-18 Renzulli. It was seconded by Mr. Rosenbaum. A roll call vote went as follows:

For: Mr. Flanagan, Mr. Newlin, Ms. Chipperson, Mr. Addonizio and Mr. Rosenbaum.

Against: None

NEW BUSINESS

Application BOA# 03-19 Robert Schwester & Valerie Hartwyk
19 Alpine Trail, B44/L15, R-4 Zone
Applicant requesting variance relief for a front setback as per NJSA
40:55D-70(c).

Presenting:

Candice Davis, Engineer

Robert Schwester, Applicant

Mr. Schwester and Ms. Davis were sworn in for testimony.

- Ms. Davis presented proposed plans for a reconstruction of an entryway requiring front setback relief.
- Mr. Hall noted that "existing non-conforming" relief is needed as well.
- There were questions regarding the grade of the existing landing pad. Ms. Davis clarified that the landing pad was flush with the grade.
- Mr. Schwester presented Exhibit A-1, a photograph of the existing entryway.

- After discussion, the Board requested that the applicant submit a revised rendering of the entryway for the file.

Mr. Flanagan made a motion to approve the application with the condition of new sketches being submitted and approved by the Board Attorney. Mr. Rosenbaum seconded the motion. A roll call vote went as follows:

For: Mr. Flanagan, Mr. Newlin, Mr. Maselli, Mr. Rosenbaum, Ms. Chipperson,
Mr. Symonds and Mr. Addonizio
Against: None

OLD BUSINESS

Application BOA# 17-18

New York SMSA Limited Partnership d/b/a Verizon Wireless
8 Millbrook Road, B17/L1, PL Zone
Applicant requesting variance relief for use, per NJSA
40:55D-70(d) for a cell tower.

Presenting:

Richard Schneider, Attorney
Mr. James Murawski, Engineer

The Board Attorney, Mr. Hall is recused from this application. Mr. Ed Purcell is providing counsel.

Dr. Eisenstein is providing testimony on Radio Frequency.

Mr. Rob Simon is an objecting attorney representing several members of the community.

A transcript of the testimony is appended to these minutes.

OTHER BUSINESS

Mr. Flanagan made a motion to extend the deadline for the hearing of the Verizon application until July 2019 in accordance with the MLUL and FCC. It was seconded by Mr. Newlin. On a voice vote, all were in favor of the extension.

ADJOURNMENT

Mr. Flanagan adjourned the meeting at 11.01.

Respectfully submitted by

Lori Taglairino, Board of Adjustment Secretary

HARDING TOWNSHIP
BOARD OF ADJUSTMENT

IN THE MATTER OF: : TRANSCRIPT

CASE: BOA# 17-18 : OF
New York SMSA Limited Partnership:
d/b/a Verizon Wireless : PROCEEDINGS
8 Millbrook Road :
Block 17; Lot 1; PL Zone :

Thursday, April 18, 2019
Municipal Building
21 Blue Mill Road
New Vernon, New Jersey
Commencing at 8:05 p.m.

BOARD MEMBERS PRESENT:

MICHAEL FLANAGAN, Chairman
ARIC ROSENBAUM
RITA CHIPPERSON
DAN MASELLI
ALF NEWLIN
TOM ADDONIZIO
ELIZABETH SOVOLOS
HUGH SYMONDS

ALSO PRESENT:

LORI TAGLAIRINO, Board Administrator
PAUL D. FOX, P.E., CME
M. McKINLEY MERTZ, PP, AICP

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APPEARANCES:

EDWARD PURCELL, ESQUIRE
Attorney for the Board

VOGEL, CHAIT, COLLINS & SCHNEIDER, ESQ.
BY: RICHARD SCHNEIDER, ESQUIRE
Attorneys for the Applicant

HEROLD LAW, PA
BY: ROBERT F. SIMON, ESQUIRE
Attorney for the Objectors: SGSL, LLC; Harsh and
Nina Bansal; Michael and Susan Koenke; David
and Eunice Conine; Brian and Christina
McKittrick; Livio Saganic and Christel Engel;
James M. Carifa and Sarah G. Conine;
Ted Cotton

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EXHIBITS

IN EVD. DESCRIPTION PAGE

No Exhibits were marked

AUDIENCE MEMBERS:

CHAIRMAN FLANAGAN: All right. Next up is
the New York SMSA Verizon Wireless application 17-18.

MR. SCHNEIDER: Good evening, Mr. Chairman.

CHAIRMAN FLANAGAN: Welcome. Remind me where
we left off. As I recall we had your RF engineer, she
was going to come back and I now recall was not
available this month, so she will come back next month,
I guess, with alternative sites. So now we are going
to hear from your –

MR. SCHNEIDER: Site plan engineer. You're
correct, Mr. Chairman. Ms. Boschulte, the applicant's
RF engineer has previously testified. She was out of
town on vacation this month. So as we indicated last
time rather than lose a month we'll go a little bit out
of turn, and we just have one witness this evening, our
site plan engineer.

CHAIRMAN FLANAGAN: This is the night when
I have three hours.

MR. SCHNEIDER: I know. I was waiting for
you to say that.

CHAIRMAN FLANAGAN: As we discuss shot
clocks and timings we're –

MR. SCHNEIDER: Well, sometimes timing
doesn't always work out.

CHAIRMAN FLANAGAN: So understood. We're

1 doing everything we can to get your application done as
2 quickly as possible.

3 MR. SCHNEIDER: And I appreciate that, and
4 if all goes well, famous last words, maybe we'll be
5 thankful for an early night. I don't know that that's
6 a bad thing.

7 So as I indicated we only have one witness,
8 that's the applicant's site plan engineer, Mr. Jim
9 Murawski. That's all I have for this evening, so
10 unless there's any procedural questions or housekeeping
11 matters we can proceed with Mr. Murawski. I do note it
12 looks like we have maybe a new Board member?

13 CHAIRMAN FLANAGAN: We do. So Ms. Sovolos,
14 did I say that correctly?

15 BOARD MEMBER SOVOLOS: Yes.

16 CHAIRMAN FLANAGAN: Has just joined us.
17 She has joined us since Phil retired last month. Aric
18 had been moved up to a voting member from an alternate,
19 so Ms. Sovolos is now the second alternate. Who's the
20 first alternate? Tom, you have moved up, too.

21 MR. SCHNEIDER: I would just note that we
22 have for the new Board members a benefit, we have
23 provided transcripts of all the three prior public
24 hearings.

25 BOARD MEMBER SOVOLOS: I've read them.

1 CHAIRMAN FLANAGAN: Wow. Ambitious. So
2 it's worth mentioning, and thank you for bringing that
3 up, in order for – if you were to vote on this, and I
4 don't know if you may, in order to vote you need to
5 hear all of the testimony, right, and you can do that
6 either through the transcript – I guess simply reading
7 the transcripts with suffice. Typically we don't have
8 transcripts because it's not – they don't bring a
9 stenographer, so you can also listen to recordings,
10 which Lori can provide you with. So if you ever miss a
11 meeting Lori can provide you with the recording or you
12 can read the transcripts.

13 MR. SCHNEIDER: The transcripts are usually
14 faster, quicker and easier and less painful, so we'll
15 continue to provide transcripts. So with that
16 background, Mr. Chairman, I'd like to call Mr. James
17 Murawski.

18 CHAIRMAN FLANAGAN: If I can just say one
19 thing for the members of the public, you will recall
20 that the procedure here is applicants will present
21 witnesses, will present testimony, will ask questions.
22 We will then go to Mr. Simon who will have questions,
23 I'm sure, and then we'll have an opportunity for the
24 public to ask questions. Please, if you can bring your
25 first witness.

1 MR. SCHNEIDER: Mr. Murawski?

2 MR. PURCELL: Please state your name.

3 MR. MURAWSKI: James Murawski,
4 M-u-r-a-w-s-k-i.

5 MR. PURCELL: Do you swear to tell the
6 truth and nothing but the truth so help you God?

7 THE WITNESS: I do.

8 JAMES MURAWSKI, having been duly sworn,
9 testifies as follows:

10 EXAMINATION BY MR. SCHNEIDER:

11 Q. Mr. Murawski, if you can be seated here for
12 a second. Let me just take a couple of brief moments
13 if I may just to qualify you for purposes of tonight's
14 proceedings. What is your profession?

15 A. I am a civil engineer licensed in the state
16 of New Jersey.

17 Q. And by whom are you employed?

18 A. A firm by the name of E2 Project
19 Management.

20 Q. And I'm assuming that E2 Project Management
21 is the firm that is the preparer of the site plan that
22 is before the Board; is that correct?

23 A. That's correct.

24 Q. And hopefully briefly and concisely can you
25 provide the Board with the benefit of your education

1 and experience in the field of civil engineering,
2 including specific experience in the field of wireless
3 communication?

4 CHAIRMAN FLANAGAN: And if we can save a
5 little bit of time, Mr. Murawski, have you appeared
6 before this Board before?

7 A. I have not.

8 MR. SCHNEIDER: His partner was here last
9 month.

10 THE WITNESS: I was at the site visit with
11 the Board.

12 CHAIRMAN FLANAGAN: Maybe that was it.

13 A. That may be it. So I have a Bachelor's and
14 Master's Degree from Manhattan College, graduated in
15 1977. I have over 40 years experience in civil and
16 structural engineering.

17 CHAIRMAN FLANAGAN: We'll accept him as an
18 expert.

19 MR. SCHNEIDER: Thank you. Mr. Simon, I
20 assume you have no issues?

21 MR. SIMON: I have no issues. Well, I have
22 a lot of issues but none with the witness.

23 MR. SCHNEIDER: Hopefully none with me.

24 BY MR. SCHNEIDER:

25 Q. Let's start. You are the preparer or your

<p style="text-align: right;">Page 9</p> <p>1 firm is the preparer of the site plan that is presently 2 before the Board? 3 A. That's correct. 4 Q. And in conjunction with your testimony here 5 this evening are you generally familiar with the site 6 conditions that exist at the subject property, that 7 being the Harding -- commonly referred to as the 8 Harding Township DPW property? 9 A. I am. 10 Q. And I assume that for purposes of preparing 11 the site plan and appearing here this evening that you 12 are generally familiar with the relevant ordinances of 13 Harding Township to the extent they impact this 14 application? 15 A. Correct. 16 Q. And you've had the opportunity to review 17 the respective review reports that have been issued to 18 date by the both the township planner and the township 19 engineer? 20 A. I have. 21 Q. Okay. And in conjunction with your 22 preparation of the site plan you've had the opportunity 23 to previously visit the site; correct? 24 A. I have. 25 Q. And as you just indicated to the Chairman</p>	<p style="text-align: right;">Page 10</p> <p>1 you were the individual who was in attendance when the 2 Board conducted its site visit on January 27th? 3 A. I was. That's correct. 4 Q. Okay. With that background in mind and 5 maybe now would be the appropriate point in time to 6 mount the site plan. Why don't we get that mounted? 7 CHAIRMAN FLANAGAN: Lori, can you put that 8 on the projection -- oh, Lori's not here. 9 Lori, do you have an electronic version of 10 the site plan? 11 SECRETARY TAGLAIRINO: I believe. So let's 12 go through everything and we can figure it out. 13 MR. SCHNEIDER: I'm not being rude. I'm 14 just checking. Lori, I think I had emailed you a final 15 set on April 10th. I had copied Paul on it. It was 16 the final version of the plans. 17 ADMINISTRATOR TAGLAIRINO: This is probably 18 it. Is that it? 19 THE WITNESS: It looks like it. Could you 20 just scroll down to the revision box? Yes, that's it. 21 Thank you. 22 ADMINISTRATOR TAGLAIRINO: Okay. How far 23 do you want us to go? 24 THE WITNESS: You can stay right there for 25 now. Thank you.</p>
<p style="text-align: right;">Page 11</p> <p>1 MR. SCHNEIDER: Okay. Jim, and Counsel, I 2 presume since these plans are on record there's no 3 specific reason to mark these; correct? 4 MR. PURCELL: Correct. 5 BY MR. SCHNEIDER: 6 Q. Jim, let me just ask if you can, the Board 7 certainly is familiar with the Harding DPW property, 8 but for -- 9 MR. SIMON: Excuse me one second. I'm 10 sorry. Rich, could you please have him identify the 11 last revision date? 12 MR. SCHNEIDER: Sure. 13 THE WITNESS: March 4th, 2019. 14 MR. SIMON: Thank you. 15 BY MR. SCHNEIDER: 16 Q. Jim, obviously everyone's familiar, I 17 think, with the property but for purposes of the record 18 if you would be kind enough just to provide the Board 19 with a general description of the subject property in 20 terms of its lot layout and existing uses? 21 A. Sure. As we're probably all aware the 22 entrance to this property is off of Millbrook Road near 23 the intersection of Millbrook and Village Road. As you 24 enter the property off of Millbrook Road you drive 25 through a primarily open parcel about two acres in</p>	<p style="text-align: right;">Page 12</p> <p>1 area. It has some gravel parking as illustrated on our 2 plan, and there are two structures one being a small 3 house museum. The other structure I don't know what it 4 is off the top of my head, I forget. 5 As you continue driving through the 6 property where it necks and opens up again is kind of 7 like the dividing line between the open portion of the 8 property and the DPW yard. It's a DPW yard as well as 9 what appears to be a recycling drop-off point. The DPW 10 yard has several structures, a rather large garage use 11 for vehicle and equipment maintenance, has a salt 12 storage shed, has a recycling or two recycling sheds, 13 it has a re-fueling station, and it has a small fenced 14 in impound yard in the corner. 15 Q. In looking at the plan that's before the 16 Board what jumps out at me Jim, and correct me if I'm 17 wrong, is really to a large extent a segregation of the 18 portion of the property that's devoted to the 19 historical use versus what's clearly the more intensive 20 portion of the property that's being devoted to the DPW 21 yard and related, the DPW uses and related uses; is 22 that a fair statement? 23 A. That is a fair statement. 24 Q. And you didn't mention this, but the 25 subject property is located in the PL Zone; is that</p>

1 correct?
 2 A. That's correct.
 3 Q. Okay. And are there any bulk requirements
 4 that are applicable to the PL Zone?
 5 A. There are none.
 6 Q. Just so we're clear then, the DP -- I'm
 7 sorry, the PL Zone has no setback requirements, has no
 8 height requirements, has no maximum impervious coverage
 9 requirements, no other bulk requirements that would
 10 generally be applicable to other uses, or other types
 11 of uses in other zones; is that correct?
 12 A. That's correct.
 13 Q. Okay. Now, focusing our attention -- and
 14 just so we're clear, the wireless communications
 15 facility that's proposed here is totally devoted or
 16 totally located within the portion of the subject
 17 subject property that's devoted to the DPW use as
 18 compared to the historic structure; is that correct?
 19 A. That's correct.
 20 Q. Okay. Without me hopefully interrupting
 21 you why don't you then for purposes of the record take
 22 us through, at least initially, where the compound is
 23 proposed to be located? And just for purposes of
 24 clarification and edification the location that you're
 25 about to describe was the exact same location that was

1 reviewed with the Board at its site visit on
 2 January 27th?
 3 A. That's correct.
 4 Q. So without me interrupting you both either,
 5 you know, in terms of what's mounted or what's shown on
 6 the screen, if you can just generally take us, show us
 7 where that location is at least initially?
 8 A. Sure. Well, for the record the plans that
 9 were submitted, the one that's up on the screen and the
 10 one that's first on my Board is sheet SP-1. It
 11 illustrates the entire parcel in the PL Zone. The back
 12 portion of the parcel where the DPW yard is is a
 13 recycling drop-off shed, which I am pointing to. I
 14 don't have a clicker, I apologize. I meant to bring
 15 one.
 16 CHAIRMAN FLANAGAN: I think we know
 17 which -- point to it on your -- the printed version you
 18 have. Okay.
 19 A. So it's kind of clear to see the
 20 landscaping that we're proposing, the green tree-like
 21 structures. It's between the proposed landscaping and
 22 the back of the recycling drop-off shed. Right now
 23 that area is currently unused. It has an array of
 24 miscellaneous trees and shrubs, and some debris from I
 25 wouldn't call it debris, miscellaneous equipment that

1 the DPW stores there.
 2 It's probably a good idea to turn to sheet
 3 SP-2 now, which is the next sheet in the segment.
 4 Thank you. So that's an enlargement of the plan
 5 illustrated on SP-1. And what we're proposing, what we
 6 were asked to propose was a multi-carrier compound. So
 7 we laid out in rectangular form to conform with the
 8 allotted space. And the location shows it by the
 9 municipal bid, a 30-by-60-fenced-in compound where all
 10 of Verizon's equipment will be located, and we're
 11 illustrating areas by dashed rectangular boxes that are
 12 proposed for future collocation. We're not building
 13 anything for collocators, those are just dashed areas
 14 illustrating an ample amount of space for three
 15 additional carriers.
 16 Q. Okay. So just so we're clear you mentioned
 17 30 by 60. So the compound inclusive of the proposed
 18 tower, the Verizon Wireless equipment, and the
 19 potential accommodation of up to at least three
 20 collocators would all be located within that 30 by 60,
 21 or approximately 1800-square foot compound; is that
 22 correct?
 23 A. That's correct.
 24 Q. Okay. And before we get into some of the
 25 relevant details of what's being specifically proposed

1 by Verizon Wireless, what -- I believe there has been a
 2 change from the date of the original submission in
 3 terms of the type of fencing that was originally
 4 proposed versus what is now proposed, perhaps in part
 5 responding to some at least question that might have
 6 arisen during the site visit?
 7 A. That's correct. We are now proposing an
 8 8-foot tall, wood-board composite, board-on-board,
 9 fence-like structure.
 10 Q. It was originally chain-link; is that
 11 correct?
 12 A. Yes.
 13 Q. Okay. So we changed that to board-on-board.
 14 Okay. How -- is there a gate that accesses the
 15 facility?
 16 A. Sure. There will be two, one on each end
 17 in the 30-foot wide section. It's approximately
 18 located in the center of the 30-foot wide section.
 19 There will be two 6-foot gates.
 20 Q. And can you then take us through in terms
 21 of the how the compound is laid out both in terms of
 22 where the proposed tower is and where the Verizon
 23 Wireless equipment cabinetry would be proposed to be
 24 located?
 25 A. Sure. So for a multi-carrier compound it's

<p style="text-align: right;">Page 17</p> <p>1 efficient to locate the pole structure approximately in 2 the middle to accommodate other carriers accessing the 3 pole from other sides. So Verizon being the first 4 carrier is simply is going to take the northeast 5 quadrant of the compound, and if you look closely at 6 the layer you'll see three rectangular – 7 CHAIRMAN FLANAGAN: Lori, can you zoom in 8 on that? 9 SECRETARY TAGLAIRINO: Yep. 10 A. So you see where the tower's going there's 11 a very short cable bridge going from the tower to 12 Verizon's equipment. Those are three equipment 13 cabinets. Only two would be installed now and there's 14 room or provisions for a third cabinet in the future, 15 if needed. The cabinets sit on a concrete pad at grade 16 under a small steel canopy. 17 Adjacent to the three cabinets is another 18 small structure housing or supporting interface 19 cabinets, one for power, and one for telephone. 20 Adjacent to that in the most northeast corner, thank 21 you, is a 30KW, 30-kilowatt-gas-fired emergency 22 generator also sitting at grade on a concrete pad. 23 Q. And it is – by the way, just if I can 24 interrupt. The intention – anticipating perhaps a 25 question – the intention would be that that would be</p>	<p style="text-align: right;">Page 18</p> <p>1 natural gas as distinct from diesel; is that correct? 2 A. Yes. We'll talk more about the generator 3 after we do an overview. 4 Q. Okay. 5 A. So in the south-east corner the cabinet 6 with a few doors on it is an interface cabinet between 7 the wireless function and the landline function. That 8 interface cabinet is provided by Verizon landline and 9 is made available for Verizon Wireless obviously and 10 for other collocators as well to interface with the 11 landline. 12 We're proposing to access the site from the 13 existing -- if you can just zoom out a bit. We're 14 proposing to construct a walkway from the access road. 15 So in terms of Verizon personnel visiting the site 16 normally that's once every four to six weeks. A single 17 technician in his personal vehicle arrives, parks where 18 he can and enters the site. There's no other really 19 regular scheduled maintenance other than that. So just 20 a single walkway and we don't really need any dedicated 21 parking. There's enough open space there for a car to 22 park somewhere or nearby. 23 So also on this sheet is an elevation view 24 of what we proposed at the time of a standard tree 25 pole. So it was our understanding when we entered into</p>
<p style="text-align: right;">Page 19</p> <p>1 this design that it would be a 140-foot structure, with 2 Verizon being the carrier at the 138-foot level, and we 3 illustrated potential locations for future collocation. 4 Normally those antennas are 10-foot separation. That's 5 just an industry standard, and that's what we 6 illustrated. 7 So this particular tree pole, it's a 8 standard design. There is one other tree pole in 9 existence other than this one, but this is the one we 10 had chosen at the beginning. The branching would start 11 at about elevation 65. Normally you would start the 12 branching in the neighborhood of the height of the 13 trees that are on-site now. 14 The diameter of the branching is 15 approximately 20 feet. They're nominally 10-foot wide 16 branching. So 10-foot on each side, plus the pole 17 diameter. The pole diameter tapers. A tree pole is a 18 rather robust structure. The base of the pole would be 19 approximately 5-foot in diameter. The top of the pole 20 at 140 feet would be approximately 18 inches in 21 diameter. And it's a uniform taper from bottom to top. 22 The branching extends above 140 to create a 23 conical appearance, simply for aesthetics. The 24 structure of the pole is steel. It's painted brown 25 normally. Its design to simulate an evergreen tree so</p>	<p style="text-align: right;">Page 20</p> <p>1 the branching is all green, pine needles, and brown 2 fiberglass branches. 3 Q. Just before you leave the tree profile of 4 whatever tower it is, I see -- I just want to go back 5 to this collocation matter that you raised. The tower 6 is designed to accommodate or at least show us 7 conceptually antennas at 128, 118, 108 and 98. So 8 there's 10-foot separations and probably over doing 9 this, but at least the potential to accommodate up to 10 four other wireless carriers; correct? 11 A. Correct. 12 Q. But in addition to that there's a reference 13 on the plan to an area of -- an area of the tower 14 available to relocate municipal antennas at existing 15 heights. So there is -- am I to understand that 16 there's an additional area that would be made available 17 free of charge to the township of Harding if at a 18 certain point in time it chooses to utilize this tower 19 for emergency service antennas? 20 A. That's correct. 21 Q. Okay. And that area at this point is 22 designated in the area of below the 88-foot above 23 ground level elevation; is that correct? 24 A. That's correct. 25 Q. Okay I'm sorry. Go ahead.</p>

1 A. Okay. So a third sheet I wanted to talk
2 about is labeled L-1. It's the landscaping plan. And
3 the only reason I have it as a third sheet is because
4 it's a sheet that we added, wasn't part of the original
5 submission. And we thought it would be appropriate to
6 dress up the landscaping between the fence line and the
7 property line, which is currently a mixture of
8 overgrown small trees and large trees, and it's not at
9 all maintained. So Verizon is offering to clean that
10 area up to the extent practical, landscape it with a
11 combination of flowering trees, evergreen trees, and
12 flowering shrubs.

13 The only caveat is we did not submit this
14 to the DPW yet or the township. We're only presenting
15 it to this Board. It has not been submitted to the
16 township or the DPW yard yet.

17 Q. Jim, let me -- while you're on the subject
18 of the compound, and before we get into some of the
19 details associated with the Verizon Wireless equipment
20 cabinetry, without getting into the formal legalities
21 of the Harding Township wireless communication
22 ordinance, Harding Township does regulate wireless
23 communication towers in certain zones as a conditional
24 use. We're not in those zones so one certainly can
25 take the position that those ordinance provisions don't

1 apply, but to the extent that they provide some
2 guidance to the Board in terms of some of the site plan
3 details let me ask you this. The maximum compound size
4 under the ordinance is 2,500-square feet. So this
5 compound being designed at 1800-square feet would be in
6 compliance with that provision of the ordinance; is
7 that correct?

8 A. That's correct.

9 Q. Okay. We can defer this for a second, but
10 just for edification purposes, the maximum height of
11 the cabinetry of any particular carrier is a maximum
12 height of 12 feet. Would we, and we can get to this in
13 a little more detail, would we be in compliance with
14 that provision of the ordinance?

15 A. We would be.

16 Q. There is a landscaping requirement,
17 although one would reasonably interpret the landscaping
18 requirement to say that the landscaping is only
19 required when necessary to shield it from a public
20 view. One certainly can argue that its location behind
21 the shed as you described is not one which is really
22 subject to a public view, nevertheless if you can just
23 maybe briefly and concisely just take us through what
24 is proposed in terms of landscaping with the specific
25 understanding that obviously that would -- subject to

1 two things: One, approval of the township and/or the
2 DPW, and certainly any additional recommendations that
3 would be made by either the township engineer or
4 planner if they so choose in terms of any supplemental
5 landscaping?

6 A. Sure. So I just want to caveat this once
7 more. I am not a landscape architect, but we do have a
8 landscape designer in the office that did this design
9 for us. I'm simply presenting it. So, the circles,
10 there's five of them along the south fence line, those
11 are Hollies. They're being purchased at a 6-foot
12 height, and they're evergreen, they're not deciduous.

13 Behind the Hollies is a row of shrubs that
14 are Hydrangeas. To me a Hydrangea was always a broad
15 leaf, very green broadleaf plant with summer flowers
16 that we used to call snowball bushes, except these are
17 the conical-shaped flowers. So it's a slight
18 variation.

19 Behind that is a Serviceberry, which is a
20 springtime flowering tree that has red to orange leaves
21 in the Fall. So it flowers in the Spring, green leaves
22 throughout the Summer, red to orange leaves in the
23 Fall. The entrance walkway to the side are proposed
24 additional shrubs which are low hedge that have a
25 Springtime white flower.

1 CHAIRMAN FLANAGAN: Thank you.

2 THE WITNESS: That's real about it. Wait,
3 I'm missing one. Sorry. There's a Sienna in here
4 somewhere.

5 BOARD MEMBER MASELLI: Off the corner?

6 THE WITNESS: Okay. There's two here and
7 there's two here. Those are cedar trees or Alaskan
8 Cedar Trees. They're being purchased at a 6-foot
9 height, and they can grow up to 20-foot. They're
10 evergreen trees. That's what we're proposing.

11 CHAIRMAN FLANAGAN: Great.
12 BY MR. SCHNEIDER:

13 Q. Let's turn our attention to, you described
14 the tower, the collocation, the relevant dimensions of
15 the proposed tree pole, if it remains a tree pole.
16 Regardless of whether the pole is in that design, the
17 applicant requires certain equipment cabinets at ground
18 level. You took us through that in some detail. Can
19 you just maybe briefly review that in terms of its
20 physical appearance? You've indicated what their
21 purpose is, but maybe just take us through that and now
22 you're referring to Sheet C-1, I see?

23 A. I've opened up our plans to Sheet C-1,
24 which is an enlargement of the proposed equipment and
25 the canopy over the equipment cabinets. So the three

1 cabinets that I was referring to on the overall plan,
 2 one of them is a radio cabinet. One will be a battery
 3 cabinet, and there's space dedicated to a second
 4 battery cabinet in the future, if needed. Adjacent to
 5 that is a rack, this is an elevation view of the rack.
 6 These are, if I may, just fence posts with unistrut,
 7 what we call unistrut, which is just a metal assembly
 8 element which allows cabinets to be bolted to it so
 9 we'll have a power cabinet, we'll have a telecom
 10 interface cabinet, and there's another cabinet that's
 11 simply used for the techs to store paperwork in. That's
 12 all that's supporting on that.

13 Over the three equipment cabinets is a
 14 metal canopy. There's a plan of it in the upper
 15 right-hand corner. It's 10-feet long, 9-foot wide, and
 16 it stands 9-foot tall. Nine-foot tall is a flexible
 17 number. We throw it up just for head room purposes.

18 Over the racks is a much smaller canopy of
 19 the same nature as this canopy, only much narrower. It
 20 keeps the weather off of the equipment. It keeps the
 21 whether off of the technician that might be servicing
 22 the equipment. And it protects the equipment from any
 23 type of falling debris.

24 Q. Just to put the cabinetry in some
 25 perspective, Jim, when Verizon originally was proposing

1 its earlier facilities, and frankly up until relatively
 2 recently, they utilized a much larger footprint. They
 3 historically used an equipment shelter. So now these
 4 cabinets are the new design, and has the use of
 5 cabinetry with these much smaller footprint generally
 6 consisted with the cabinetry that's being utilized by
 7 the other wireless carriers?

8 A. It's very similar.

9 Q. So the Board would have a reasonable degree
 10 of comfort that the cabinetry and footprint of the
 11 other collocators would be consistent with that which
 12 is being proposed by Verizon Wireless; correct?

13 A. That's correct.

14 Q. Okay. Is there any -- aside from a minor
 15 warning sign, when I say warning sign just by
 16 identification of the site for Verizon Wireless, is
 17 there any advertising or other signage proposed by the
 18 applicant?

19 A. No, there is not.

20 Q. Okay. One of the questions that Mr. Fox
 21 referenced in his review report was whether there was
 22 any lighting that was proposed. If so, what kind of --
 23 I don't know whether he asked it, but I'll ask it,
 24 whether there's any timing associated or how is the
 25 light timed in terms of when they're on or off?

1 A. So the lighting that we called out on our
 2 plan is nothing more than directed task lighting. It's
 3 an LED spotlight, two heads that you can direct,
 4 they're flexible. You direct to whatever cabinet you
 5 need to open it up. It's only used in the event that
 6 there's an issue in the night when you have to open up
 7 a cabinet and do some type of maintenance to it,
 8 otherwise it's not on at all. It's controlled by a
 9 timer, and a manual switch. So if you forget to turn
 10 it off the timer will turn it off for you. It's a very
 11 low wattage because it's an LED light, and it's
 12 probably similar to a hundred watt light bulb in terms
 13 of brightness. There's no other lighting proposed.

14 Q. Okay. And by the way, I neglected to ask
 15 you this, but for purposes of the tower there is no
 16 lighting proposed for a tower, nor would there be one
 17 required by FAA regulations; is that correct?

18 A. That's correct.

19 Q. So there's no beacon lighting or any
 20 required striping by virtue of the height and the
 21 location of this tower?

22 A. That's correct.

23 Q. Let me do a couple of cleanup things.
 24 Turning your attention back to the tower there is a
 25 specific structural code provision that is unique to

1 wireless communication which requires compliance with
 2 this code that's specific to Verizon. Can we safely
 3 assume that the tower inclusive of the number of
 4 collocators will be designed to be in conformance with
 5 this updated, I think we're up to Rev G now? Okay. So
 6 the tower would be in compliance with that code
 7 provision, obviously?

8 A. Yes. It's a unique code typical to
 9 transmission towers or any tower supporting a wireless
 10 antenna.

11 PUBLIC VOICE: Just speak up, please.

12 THE WITNESS: Shall I repeat that? So the
 13 design criteria is unique to the wireless industry, and
 14 we're obligated to meet that criteria. It is required
 15 by the building code of the state of New Jersey. It
 16 requires the tower to be designed in accordance with a
 17 certain environmental criteria like wind loading and
 18 seismic loading and naturally this tower will be
 19 designed to conform to that loading criteria.

20 Q. Okay. And --

21 CHAIRMAN FLANAGAN: Can I -- does that
 22 microphone work? Do you want to just take that one
 23 that's on the stand by Mr. Simon? If they can't hear
 24 you in the back they're not going to be able to hear
 25 you on the recording either. You can take the stand as

1 well.

2 BOARD MEMBER MASELLI: It's wireless.
3 (Laughter.)

4 MR. SCHNEIDER: That would confuse us all.

5 CHAIRMAN FLANAGAN: Is that microphone on,
6 can you tell?

7 ADMINISTRATOR TAGLAIRINO: Yes. You can
8 take it out of there, if you would like.

9 BY MR. SCHNEIDER:

10 Q. Jim, just so -- and we may get into this in
11 a little more detail in a minute, but the tower would
12 be originally designed to accommodate right from the
13 get-go the requisite number of collocators that may
14 ultimately be required by the Board; is that correct?

15 A. That's correct.

16 Q. Before we get into some of the perhaps
17 design options let's take a moment, if we can, to
18 discuss some of the operational aspects of the site
19 starting first, if you wouldn't mind, with the
20 generator. You gave some brief description that it's a
21 30KW generator. Can you briefly discuss the
22 operational aspects of the generator in terms of when
23 it would be used, when it's exercised, and the relevant
24 details concerning that?

25 A. Sure. So the generator, the purpose of the

1 generator is to supply power to the site during times
2 of power outage. It goes on automatically if the power
3 goes down. Normally it's not used, however, it is
4 exercised, and by exercise I mean run, once a week
5 either a Monday or a Tuesday for a period of
6 30 minutes. The time of day is flexible since it's a
7 programmed event, and it's run at a hundred percent of
8 its low capacity.

9 Q. And the generator, as I understand it,
10 would not in the rare case be run when there are
11 certain atmospheric conditions?

12 A. So Verizon has a number of generators
13 throughout the state of New Jersey. So before those
14 generators are exercised Verizon ensures or checks that
15 the air quality for the state of New Jersey for that
16 day is good. If it's not good the generators are not
17 exercised. If it's good the generators are exercised.

18 Q. The -- let's talk about the maintenance to
19 the site. You indicated that --

20 BOARD MEMBER NEWLIN: I'm sorry. Can I ask
21 a question about the generators? Is it air cooled or
22 is it water cooled?

23 THE WITNESS: So it's like a car engine, it
24 has a radiator and it has a fan which draws air across
25 it.

1 BOARD MEMBER NEWLIN: So it's liquid
2 cooled?

3 BOARD MEMBER ROSENBAUM: And sound?

4 THE WITNESS: So the generator is enclosed,
5 it's not an open engine, it's enclosed in a sound
6 attenuating enclosure. And I'm not an acoustical
7 engineer but I can present this sound data because it's
8 published by the manufacturer. And the manufacturer
9 takes close -- while the generator's running at a
10 hundred percent of its capacity the manufacturer at a
11 distance of 23 feet from the generator at six points
12 around the perimeter of the generator measures the
13 decibel level and then presents us with an average.

14 So for this model at 23 feet from the
15 generator the decibel level is 58dB. And during
16 daytime the state of New Jersey for a residential
17 property line allows a noise level up to 65dB. So the
18 generator only needs to be 23 feet away from the
19 property line to be in compliance, which it's 64 feet
20 away from the property line.

21 BY MR. SCHNEIDER:

22 Q. So based on the mechanical specifications
23 the NJDEP noise regs and the requisite setbacks to the
24 adjoining residential property line, the generator in
25 terms of when it's exercised would be operated in

1 compliance with NJDEP noise regs; is that correct?

2 A. That's correct.

3 BOARD MEMBER CHIPPERSON: Can I just ask a
4 quick question? You're saying that's an average of six
5 points, and the average is like 70dBs less than the
6 state requirement, are any of the six points over the
7 state requirement?

8 THE WITNESS: No, they are not.

9 BOARD MEMBER NEWLIN: Can I ask our
10 engineer, Mr. Fox? That number is pretty much an
11 average of a smaller air cooled one that the residences
12 have, is that in line with --

13 MR. FOX: Most of the ones that the
14 residents have are not air cooled at this point, most
15 of them are in the range of 20KW or larger and those
16 are water cooled. So the air cooled are mostly smaller
17 ones down in the range of 13KW and less, and those
18 aren't utilized anymore for the most part.

19 BOARD MEMBER NEWLIN: They're noisier;
20 correct?

21 THE WITNESS: Correct. It makes more noise
22 just because --

23 BOARD MEMBER NEWLIN: They tend to be at
24 least as quiet as what the residents use; is that
25 correct?

<p style="text-align: right;">Page 33</p> <p>1 MR. FOX: That's correct.</p> <p>2 BY MR. SCHNEIDER:</p> <p>3 Q. Jim, you alluded to some of the operational</p> <p>4 aspects of how the site operates. Let me just confirm</p> <p>5 for those who may not be familiar. The site is not</p> <p>6 habited, there's nobody there 24 hours, seven days a</p> <p>7 week; correct?</p> <p>8 A. Correct.</p> <p>9 Q. The site is, however, remotely monitored?</p> <p>10 A. Correct.</p> <p>11 Q. There's an alarm system that's remotely</p> <p>12 monitored or at the central switching stations at</p> <p>13 Verizon; is that correct?</p> <p>14 A. Correct.</p> <p>15 Q. There's no water or sewer service that's</p> <p>16 required?</p> <p>17 A. Correct.</p> <p>18 Q. And the only required, absent an emergency</p> <p>19 situation which would obviously, hopefully be rare, the</p> <p>20 only required maintenance to the site would be the</p> <p>21 approximate once every four to six weeks maintenance</p> <p>22 visit that would be undertaken by the cell site</p> <p>23 technician just to check on things; is that correct?</p> <p>24 A. That's correct.</p> <p>25 Q. Okay. Let's deal affirmatively</p>	<p style="text-align: right;">Page 34</p> <p>1 anticipating a couple of questions before we conclude</p> <p>2 your testimony. You have presented the tree option at</p> <p>3 the 140-foot elevation based on the bid and the</p> <p>4 original plan. Suffice it to say the Board has asked</p> <p>5 the applicant to consider various other tower design</p> <p>6 alternatives which we'll classify in the category of to</p> <p>7 be determined. Can you maybe briefly summarize -- and</p> <p>8 you've been here for all of the prior public hearings;</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. Can you briefly summarize some of the</p> <p>12 options in some better level of detail than I've</p> <p>13 provided in terms of what other design options are</p> <p>14 realistically available if the Board chose not to go in</p> <p>15 the route of a tree? And to put some context of that</p> <p>16 it seems that there have been what I'll say is at least</p> <p>17 three options that have been somewhat discussed. The</p> <p>18 first would be the strict or straight forward monopole</p> <p>19 without the tree; the second would be the monopole with</p> <p>20 the cluster mount design, in other words, the antennas</p> <p>21 being very close to the pole itself; and the third</p> <p>22 which has elicited some interest was the flagpole in a</p> <p>23 substantially similar design to that which is located</p> <p>24 at the Green Village Fire Department and the King</p> <p>25 Shopping Center.</p>
<p style="text-align: right;">Page 35</p> <p>1 Can you take us through in some very basic</p> <p>2 summary manner the design differences between the three</p> <p>3 and some basic scope in terms of dimensions and things</p> <p>4 along those lines?</p> <p>5 A. Sure. The simplest form of a wireless</p> <p>6 structure is a straight monopole. It's essentially a</p> <p>7 tree pole without the branches, although it's more of a</p> <p>8 slenderer structure. The base of this tree pole would</p> <p>9 be 5-foot in diameter. The base of the monopole would</p> <p>10 probably be more in the lines of 4-foot in diameter,</p> <p>11 tapering to 18 inches at the top.</p> <p>12 The platform -- the antennas would be</p> <p>13 mounted to what we call a low profile platform, or it</p> <p>14 could be mounted to some simple device that we call a</p> <p>15 T-arm. There are various ways to support antennas on</p> <p>16 monopoles. We like to use what we call a low profile</p> <p>17 platform because it has some surface for a climber to</p> <p>18 sit on if he's installing, un-installing, or replacing</p> <p>19 a device that's located at the top of the tower.</p> <p>20 The tower itself would be galvanized,</p> <p>21 making it silvery in color. So would all of the</p> <p>22 attaching hardware. The antennas in this case normally</p> <p>23 are white. And that's relatively true for any other</p> <p>24 carriers that may follow. There's no camouflage on a</p> <p>25 straight monopole.</p>	<p style="text-align: right;">Page 36</p> <p>1 A cluster mount is the very same monopole</p> <p>2 with the antennas and the equipment instead of being</p> <p>3 out from the center of the pole approximately 6 to 8</p> <p>4 feet away from the pole, they're brought in tight to</p> <p>5 the perimeter of the pole, as tight as their physical</p> <p>6 geometry allows. That's called a cluster mount. And</p> <p>7 that dimension bringing it tight to the pole is</p> <p>8 nominally 2 feet away from the pole.</p> <p>9 So with today's technology a cluster mount</p> <p>10 can maybe accommodate six antennas. Verizon obviously</p> <p>11 would like to deploy 12. In addition to Verizon's 12</p> <p>12 antennas they would like to deploy 12 remote</p> <p>13 radioheads, which are small electronic devices that</p> <p>14 they would like to install as close to the antenna as</p> <p>15 possible to reduce line loss. So you would reduce the</p> <p>16 RF configuration from 12 to six antennas, so it's a</p> <p>17 slight detriment, and then you would have the ROHs</p> <p>18 there as well. So you can put the ROHs in the same</p> <p>19 spot that the antennas are. So the ROHs are a little</p> <p>20 bit above or a little bit below. So the cluster mount</p> <p>21 today is a fair amount more crowded than the cluster</p> <p>22 mounts of just a few years ago. And all the cabling</p> <p>23 between the ROH units and the antennas are exposed.</p> <p>24 And that would be true for --</p> <p>25 BOARD MEMBER NEWLIN: What's an ROH unit</p>

1 for?

2 THE WITNESS: It's termed -- it's termed --
3 we call it ROH. It's short for remote radiohead. It's
4 an electronic device that's approximately I'm going to
5 say 2-foot plus tall, approximately 10-inches wide,
6 approximately 10-inches deep. It's -- I can't tell you
7 how it functions.

8 BOARD MEMBER NEWLIN: What does it do?

9 THE WITNESS: I believe it reduces line
10 loss by taking the radio function that's normally or
11 used to be on ground level and bring in the radio
12 function right next to the antenna, so that line loss
13 of a hundred or so feet, 110 feet, 120 feet disappears.

14 CHAIRMAN FLANAGAN: Dr. Eisenstein, what
15 does an ROH do?

16 DR. EISENSTEIN: It's an amplifier. What
17 it does is by putting it close to the antenna you
18 amplify the signal before the signal gets attenuated by
19 going down maybe 150 feet of wire. So even though
20 these cables are quite large and there's still a fairly
21 substantial loss at the frequencies that we're talking
22 about. So when the antenna gets to what amounts to a
23 very weak signal, remember the signal that it's getting
24 is coming from the mobile phone. This little tiny
25 transmitter. It's getting a very weak signal. If you

1 put that weak signal through the cable and then try and
2 process it in the radio then you've lost a lot of the
3 signal going down the cable and that shortens the range
4 of the site. So instead by putting the radioheads up
5 at the top the signal comes in and goes to a very short
6 distance of wire, and then it goes into an amplifier,
7 and the amplified signal is sent down. So now you have
8 much better signal to noise ratio at the processors
9 down below.

10 BOARD MEMBER NEWLIN: Does that mean by any
11 chance that the cables can be thinner?

12 DR. EISENSTEIN: I think they do make them
13 a little bit thinner. The transmit cables they still
14 have to be fatter because there you're sending some
15 power up and they have to be able to accommodate the
16 wattage.

17 These are all -- I should say, this is all
18 sort of like a package. You know, like if you go to
19 not Toys"R"Us but Antennas"R"Us or something like that
20 and they buy these things as a package and the cables
21 and the radioheads and the amplifiers and the equipment
22 are all sold as a package. Everything is designed
23 appropriately.

24 BOARD MEMBER CHIPPERSON: So for the
25 coverage maps that we saw, how do these play into that

1 coverage map? Was that including these are not
2 including?

3 MR. SCHNEIDER: Yes. They were included in
4 the design.

5 BOARD MEMBER CHIPPERSON: So if we had a
6 design that did not have 12 radioheads the coverage map
7 would be less than what we saw?

8 DR. EISENSTEIN: Well, we're talking about
9 two different things. The propagation plots all
10 include radioheads these days. That's the only way
11 they're really building the antennas. If you did not
12 have the radioheads you'd have a much smaller footprint
13 of coverage because of the losses in the wire. So
14 that's one thing.

15 The reason for the 12 antennas is so they
16 can do something called spacial diversity. What that
17 enables the provider to do is if there is interference
18 between the mobile and the mobile user and the antenna
19 site that interference often interference as opposed to
20 noise. Interference is usually man-made. So it could
21 be a piece of equipment that turns on all of a sudden.
22 It could be a passing truck that reflects a signal in a
23 bad way. The idea of getting spacial diversity is that
24 the signals that come in separated by some distance
25 will not have the same interference on them, and as a

1 result the computers down below will be able to resolve
2 the signal better. So it gives them better resolution
3 of the signal. When we're talking about data
4 transmission, that means you don't have to do as much
5 repeat, you know, repeat, repeat, repeat, repeat, and
6 that gives you the effect of faster transmission.

7 So when you bring in on a cluster mount
8 you're giving up that spacial diversity which does not
9 affect propagation but it affects the speed at which
10 you can handle data on your mobile device. Is that
11 okay?

12 BOARD MEMBER CHIPPERSON: Thank you.

13 CHAIRMAN FLANAGAN: You make this
14 engineering fun, Dr. Eisenstein. (Laughter.)

15 DR. EISENSTEIN: Yea, I know. You're all
16 welcome to take my course. I'm teaching it right
17 now -- well, not as we speak, but I had a class this
18 afternoon.

19 BOARD MEMBER NEWLIN: The question is will
20 we get a guaranteed pass?

21 DR. EISENSTEIN: Well, I don't know about a
22 guaranteed pass. We'll charge you full tuition.

23 MR. SCHNEIDER: At how many dollars per
24 credit?

25 DR. EISENSTEIN: It's only \$49,000 a year.

<p style="text-align: right;">Page 41</p> <p>1 (Laughter.)</p> <p>2 BY MR. SCHNEIDER:</p> <p>3 Q. Mr. Murawski, let me just conclude. You</p> <p>4 have gone through --</p> <p>5 A. We didn't talk about the other option.</p> <p>6 Q. That's what I was going to get to. The</p> <p>7 third option that has been discussed, or at least made</p> <p>8 inquiry by the Board is that of the flagpole, whether</p> <p>9 it's a flagless flagpole or a flagpole. So there was</p> <p>10 some previous discussion, I think, in part by the</p> <p>11 Chairman about some details about how the flagpole</p> <p>12 works in terms of some dimensions and things like that.</p> <p>13 I asked you to provide some details in terms of</p> <p>14 up-to-date general specifications of what's involved in</p> <p>15 the flagpole, so why don't you take us through that.</p> <p>16 BOARD MEMBER NEWLIN: Mr. Schneider, just</p> <p>17 for clarification, is it the case that the tower at the</p> <p>18 Green Village Fire Department and the tower at the</p> <p>19 Mendham Kings both are considered flagpoles?</p> <p>20 MR. SCHNEIDER: That's correct.</p> <p>21 BOARD MEMBER NEWLIN: The one at Mendham</p> <p>22 seemed quite wide. It's still a flagpole.</p> <p>23 MR. SCHNEIDER: That's what I'm referring</p> <p>24 to as a flagpole design.</p> <p>25 BOARD MEMBER NEWLIN: Thank you.</p>	<p style="text-align: right;">Page 42</p> <p>1 THE WITNESS: So we also call it a</p> <p>2 uni-pole, uni being uniform instead of a flagpole,</p> <p>3 instead of a flagless-type flagpole we refer to it as a</p> <p>4 uni-pole. So basically a uni-pole is a fiberglass pole</p> <p>5 for the top I'm going to say 50 feet because it depends</p> <p>6 on how we design it and who we design it for. So it's</p> <p>7 a 50-foot fiberglass section sitting on top of a steel</p> <p>8 base. So if it's 150-foot pole the steel base would be</p> <p>9 a hundred-foot tall supporting a 50-foot fiberglass</p> <p>10 section. And the fiberglass section is broken into</p> <p>11 components or slots. The slots or components are</p> <p>12 nominally 10-foot in height, and each 10-foot segment</p> <p>13 is dedicated to a set of antennas.</p> <p>14 A fiberglass section generally reaches its</p> <p>15 limits at about 50 feet, which accommodates five,</p> <p>16 10-foot segments. Verizon would normally in all the</p> <p>17 flagpole designs that I've been involved with, normally</p> <p>18 take up two of those segments, leaving three for</p> <p>19 collocation. Verizon takes up two segments because</p> <p>20 they put three antennas per segment to get the coverage</p> <p>21 that they need.</p> <p>22 The other aspect of a uni-pole is they are</p> <p>23 extendible, yes. I would -- our firm would recommend</p> <p>24 that a uni-pole be constructed to its maximum designed</p> <p>25 height from the beginning, and that the initial carrier</p>
<p style="text-align: right;">Page 43</p> <p>1 be installed at the top. This facilitates collocation</p> <p>2 to a large degree, such that you're not passing a</p> <p>3 collocater's cabling past another carrier's antennas.</p> <p>4 So it has some limitations in terms of collocation.</p> <p>5 The other thing worth noting is since we</p> <p>6 just had an education on what an ROH unit is. The ROH</p> <p>7 unit in this case would have to be installed at grade</p> <p>8 level. There's no room for them inside the cowl at the</p> <p>9 top of the fiberglass section. So depending on the</p> <p>10 height the base of this would be 5 feet in diameter.</p> <p>11 At the top of the steel portion there would be 3 feet</p> <p>12 in diameter. I believe the Mendham pole is 36 inches</p> <p>13 at the top. It's a little robust. And it would stay</p> <p>14 at 36 inches for the entire fiberglass section.</p> <p>15 BY MR. SCHNEIDER:</p> <p>16 Q. Two follow-up questions just for those who</p> <p>17 might not be familiar. Let's not talk about RF</p> <p>18 impacts, but the obvious distinction of a flagpole for</p> <p>19 those not familiar is that all the antennas are</p> <p>20 interior to the flagpole so that there's no exterior</p> <p>21 antennas showing on the outside; is that correct?</p> <p>22 A. That's correct.</p> <p>23 Q. The other thing that you referenced, and</p> <p>24 Dr. Eisenstein spent a fair amount of time at the</p> <p>25 previous hearing, is there are inherent difficulties in</p>	<p style="text-align: right;">Page 44</p> <p>1 effectuating an extension of the flagpole. And not to</p> <p>2 play engineer, that's a function of once the antennas</p> <p>3 of carrier A and B are in there it would be extremely</p> <p>4 difficult and create a lot of logistical issues to try</p> <p>5 to put a third carrier on top and run their cables</p> <p>6 interior to the flagpole through the existing hardware?</p> <p>7 A. That's where the difficulty comes in;</p> <p>8 correct.</p> <p>9 BOARD MEMBER NEWLIN: Can you not pre-wire</p> <p>10 it?</p> <p>11 THE WITNESS: Say that again?</p> <p>12 BOARD MEMBER NEWLIN: Can you pre-wire it?</p> <p>13 Just like you didn't want to extend later and you ran</p> <p>14 all the wire?</p> <p>15 THE WITNESS: Naturally they can be, but --</p> <p>16 BOARD MEMBER NEWLIN: People won't hook up</p> <p>17 to it?</p> <p>18 THE WITNESS: No.</p> <p>19 BOARD MEMBER NEWLIN: Why not?</p> <p>20 THE WITNESS: So pre-wired for whom? What</p> <p>21 size cables and for how many antennas, and at what</p> <p>22 elevation?</p> <p>23 CHAIRMAN FLANAGAN: So do different</p> <p>24 carriers use different types of wires?</p> <p>25 THE WITNESS: They might need different --</p>

1 well, the number is specific to the carrier's radio
2 frequency design and the antennas that they deploy,
3 that's the number. The size is also -- correct me if
4 I'm wrong, but unique to their equipment. So there's a
5 couple of sizes, five-eighths, there's seven --
6 eighths. One of those two.

7 BOARD MEMBER NEWLIN: Dr. Eisenstein, I ask
8 you the question.

9 DR. EISENSTEIN: Well, first of all, I
10 don't know if the carriers do or do not use different
11 cables. I know that these cables, it's not like a
12 wiring that you're thinking of for your home. These
13 cables are about an inch or an inch and a quarter in
14 diameter and they're very heavy. So I've never heard
15 of pre-wiring. It's just putting an enormous amount of
16 weight on the thing. It might be unnecessary. You
17 would really have to wait until the next applicant came
18 and they would have to work around it somehow.

19 BOARD MEMBER NEWLIN: But the argument is
20 that we build at full height the pole as many as you
21 can put in from the get-go versus putting building a
22 smaller height for what is required today, and that
23 other carrier may never come off. Who knows what's
24 going to happen down the road.

25 DR. EISENSTEIN: Well, the idea would be

1 that -- I would agree that the best bet would be to
2 build it at full height, put the first applicant on the
3 top and that way when you have the ones going
4 underneath they don't have to thread their cables past
5 the antennas.

6 BOARD MEMBER NEWLIN: But the downside is
7 going to be the impact on the neighborhood. And this
8 -- what's the size? This tower is what? What's the
9 total height?

10 THE WITNESS: The total what?

11 BOARD MEMBER NEWLIN: Total height?

12 THE WITNESS: It's what we want it to be.

13 DR. EISENSTEIN: I think he's talking about
14 140 feet. I don't think he understood the question. I
15 think he's talking about 140 feet and it will be built
16 at full height. But there is something he said and I
17 think it's important, and I think the Board ought to be
18 cognizant of that, because when you put all the
19 antennas inside the pole the antennas are at a very
20 small diameter, maybe 36 inches, which is the height of
21 the pole, and actually they're set back a little, which
22 means that you have very little circumference. So you
23 can only get three antennas at a particular radiation
24 height, and you have to go down to the next radiation
25 height to get the other three so they get their six.

1 So not only are they not getting their 12 they're using
2 up two segments of vertical real estate to get the six
3 antennas that they need. That means that at the height
4 that we're talking about you're only going to be able
5 to get two collocators on there.

6 CHAIRMAN FLANAGAN: Two total.

7 DR. EISENSTEIN: Two total.

8 CHAIRMAN FLANAGAN: The original plus.

9 DR. EISENSTEIN: So you're looking at
10 essentially two collocators, two total would occupy
11 four radiation heights.

12 MR. SCHNEIDER: So to play out that
13 scenario, Dr. Eisenstein and myself and Mr. Simon dealt
14 with this in Mendham. Essentially the way that would
15 work is in rough numbers Verizon would take -- give me
16 some leeway here -- 120 to 140; the next carrier would
17 be 100 to 120; and a third carrier, and we can design
18 it structurally for a third, would be -- because
19 they're the last guy in town, would be at the 90-foot
20 elevation. They may have to make some compromise on
21 height but that's part and parcel of them being the
22 third.

23 So we each take two, we take 120 to 140,
24 the next carrier -- there may be some flexibility a
25 foot or two, but essentially a hundred, to 120 for

1 carrier two, third carrier at a lower elevation.

2 CHAIRMAN FLANAGAN: Well, it's the third
3 carrier that can only fit three antenna. So why not
4 just say instead of there being 50 feet with fiberglass
5 if three antennae suffice for the third carrier let's
6 say each of the three carriers only gets three
7 antennas.

8 DR. EISENSTEIN: They can't do three. The
9 way the antennas are laid out it's directional. So
10 they're putting it around the surface. You need both
11 transmit and receive antennas. So what you would have
12 is just hypothetically going around the pole you'd have
13 the transmitting antennas at one height, or you put the
14 receiving antennas at the higher height, and the
15 transmit antennas at the lower height. So you need
16 three in order to cover the 360 degrees.

17 CHAIRMAN FLANAGAN: So you need six.

18 DR. EISENSTEIN: Need six, which at two
19 different heights.

20 CHAIRMAN FLANAGAN: So having five slots is
21 a waste because you can only possibly use two.

22 DR. EISENSTEIN: Well, I was going to say
23 you might be able to get by with municipal services,
24 but generally speaking I think you would probably agree
25 with me in your experience, municipal antennas go

1 outside even on a flagpole. Municipal antennas don't
2 go inside. They're a totally different design. It's
3 not something I'm very familiar with, but what I've
4 seen is always the emergency services and municipal
5 antennas stick out and up like that.

6 CHAIRMAN FLANAGAN: I guess my question
7 stands or the statement, I guess, to have five slots is
8 a waste because you can only possibly get two carriers
9 on each of them. So you may as well knock 10 feet off
10 and make it 40 feet.

11 DR. EISENSTEIN: The problem is there are
12 in this area arguably four -- there may only be
13 three -- providers, each one of which is entitled by
14 this Board to equal treatment. So if you build design
15 a pole that only will accommodate two, the third one if
16 they choose to come in I would think would demand a
17 pole.

18 CHAIRMAN FLANAGAN: But I think if we
19 design it with five slots with fiberglass we are
20 designing for all, because I think you just said that
21 you can't get by with having just three antennas.

22 DR. EISENSTEIN: Well, so here's the way
23 I've advised Boards in the past. If you're going to go
24 to the flagpole design then what I would do would be to
25 recommend that you put another 10 feet of height on the

1 thing, which first of all is compensated for because
2 the viewshed is vastly diminished by not having
3 antennas protruding. And to be honest about it, I
4 mean, I don't know how many times you as Board members,
5 or for that matter people in the audience, have gone
6 out and stood in front of these antennas, but I've done
7 this hundreds of times. I can't tell the difference
8 between 120 and 160 or 170. I mean, it's only when it
9 gets way out there. We have nothing to reference it
10 to.

11 So my recommendation to Boards has always
12 been if you want to go to a flagpole design give them
13 an extra 10 feet and that way you can accommodate more
14 collocators and visually it will not make that much of
15 a difference.

16 CHAIRMAN FLANAGAN: That I misunderstood,
17 because the testimony was the fiberglass can only be 50
18 feet, and each segment needs 10 feet, therefore you
19 will have five segments.

20 DR. EISENSTEIN: I have to tell you tonight
21 was the first I've heard of this fiberglass limitation
22 on that. Maybe I can ask Mr. Murawski, do they make
23 the fiberglass section at 60 feet?

24 THE WITNESS: I've never seen a 60 footer.

25 CHAIRMAN FLANAGAN: So then you're back to

1 a case.

2 DR. EISENSTEIN: So you're back to 40 feet.
3 He's right. There's no reason to do 50 feet.

4 BOARD MEMBER CHIPPERSON: Unless you can
5 feet fit 10 feet inside the steel pole.

6 CHAIRMAN FLANAGAN: Can you put antennas --

7 DR. EISENSTEIN: Not inside. (Laughter) it
8 can't radiate out. You'd have to put it outside the
9 pole.

10 THE WITNESS: Just FYI in Mendham it's 130
11 with four slots on the top.

12 CHAIRMAN FLANAGAN: Yea. I mean, I can see
13 why they did that.

14 DR. EISENSTEIN: So how many carriers do
15 they have on there? Two? Yea.

16 THE WITNESS: But it's worth asking the
17 question. So these are specialty structures that we
18 can go back to one of the vendors, like EEI for example
19 that does these designs and ask them if they can go to
20 60.

21 DR. EISENSTEIN: Just to understand, if
22 you're putting the antennas inside the pole then the
23 material of the pole has to be radial transparent. So
24 that's why you can't put it inside a -- if you're
25 building a steel pole the antennas must go on the

1 outside. If you build one of these modified fiberglass
2 poles the antennas can go on the inside because they're
3 transparent to the radio waves.

4 CHAIRMAN FLANAGAN: So unless you have six
5 slots it only makes sense to have an even number of
6 slots on that pole.

7 DR. EISENSTEIN: If you're going to do a
8 flagpole.

9 CHAIRMAN FLANAGAN: Yes.

10 DR. EISENSTEIN: So I'll just repeat what I
11 said. This is the first I've heard of the --

12 CHAIRMAN FLANAGAN: I'm sorry. Five is not
13 an even number, right? I'm talking about slots, you're
14 talking feet.

15 DR. EISENSTEIN: Five is not an even
16 number.

17 CHAIRMAN FLANAGAN: Can we confirm that?

18 DR. EISENSTEIN: That is my professional
19 opinion.

20 BOARD MEMBER CHIPPERSON: I have another
21 question that goes back to the wiring. I understand
22 that you don't want to wire it ahead of time, but in my
23 mind I'll call it a conduit, but I don't know what it
24 will be called in this context, but couldn't you have a
25 chase or a conduit for each of the three carriers and

1 start at the top but have an area for each antenna and
2 wiring set aside to facilitate installation?

3 THE WITNESS: Right. So the wiring inside
4 these is not in a chase. A chase is round, and takes
5 up probably more space than you would use. It would
6 have a certain amount of voice in it. So it's a
7 dedicated space. I understand the point you're making.
8 You're dedicating space to run coax cables in, but it's
9 not the most efficient way to do it. It's a wide-open,
10 36-inch diameter area that the best thing to do is to
11 snake your cables as best you can past existing
12 antennas. Sometimes that's not in a straight line.
13 Sometimes you bend a little left you go straight, you
14 bend a little right you go straight. It's the way
15 they're done.

16 CHAIRMAN FLANAGAN: Okay. So maybe this is
17 a legal question, but I hear you. It's more difficult.
18 So for the next guy to come in it's tougher if we go
19 and make him do -- put his antennas on top. Is it this
20 Board's obligation to make it as easy as possible for
21 that guy? Yes. So that if he comes back and he says,
22 boy, I'd like to do this but it's really difficult, do
23 we have an obligation to provide him with the simplest
24 possible way to do this?

25 MR. PURCELL: No. I think --

1 needs with the extendible pole.

2 CHAIRMAN FLANAGAN: Right.

3 DR. EISENSTEIN: Next one comes in and says
4 I want to go there. Here's what you do. You take the
5 segment out where Verizon is, up it 10 feet, Verizon
6 goes to top and the next one goes under them. That's
7 the way they would continue to do it. The first one on
8 would have the right to raise themselves up and stay on
9 top.

10 CHAIRMAN FLANAGAN: So it gets to the
11 discussion of we ought to make this antenna so we can
12 accommodate every possible carrier. Why, if another
13 carrier came in and said there's an antenna right over
14 there, go ahead, and they said but it's really tough to
15 do it. I really with you had extra slots. Is it our
16 obligation to say, well, yeah, we've got to make it as
17 easy as possible. I don't want to make it
18 difficult.

19 MR. PURCELL: No. So the way this would
20 work is ultimately if they were to say that's too
21 difficult for us, we don't want to put up a pole and
22 certainly if they try to put up a pole where the poles
23 are initially permitted and that met the requirement,
24 but if they tried to put up a pole, let's say,
25 somewhere elsewhere a pole is not permitted.

1 CHAIRMAN FLANAGAN: So then tough luck,
2 right?

3 MR. PURCELL: -- from a legal perspective
4 it benefits to have a structure that you can collocate
5 on relatively easily so it reduces the need to have
6 more towers.

7 CHAIRMAN FLANAGAN: But no, that's my
8 question. So if someone comes in -- so if the next
9 carrier comes in and says, gee, I'd really like to put
10 antennas up, and we said perfect. There's two spot
11 right on top of where Verizon's currently is, or I'm
12 sorry they want to be below you, whatever it is. We
13 already have two more slots for you waiting right on
14 that tower. And he says, yeah, but that's really tough
15 because I've got to maneuver cables through. Would any
16 court in this State say we're not giving him a fair
17 opportunity to locate his antenna because he didn't
18 have an easiest possible way to snake the cables
19 together?

20 DR. EISENSTEIN: Mr. Chairman, if I could,
21 what you just said is you're assuming that they're
22 building the full height Verizon on top and the next
23 one comes in underneath. That's okay. So let's take
24 the other scenario, the one I think you meant.

25 You build only to the height that Verizon

1 CHAIRMAN FLANAGAN: The exact same.

2 MR. PURCELL: Well, that would be very
3 difficult because you talked about them having to
4 demonstrate why this site is particularly suitable, and
5 then the fact of the matter is that there's a pole
6 that's already but that they could collocate onto
7 although with some difficulty but they could do it,
8 that would be very difficult for that type of an
9 applicant to make that argument.

10 CHAIRMAN FLANAGAN: So going back to the
11 question, why are we sitting here trying to bend over
12 backwards to accommodate the next guy that's going to
13 come in, when if he does we're going to say there's a
14 pole right there. It's really tough. And I would
15 imagine the Courts have looked at that and said no,
16 we're not going to build another pole. There's an
17 existing pole. So then it all comes back to, why would
18 we allow this to be any higher if it would allow for
19 two slots if we are doing the flagpole thing? I'm not
20 saying we are or we're not, but if we were allowed
21 don't give them anymore than two slots.

22 BOARD MEMBER CHIPPERSON: Well, I would
23 agree, and Verizon you're saying that's not an issue,
24 that you would just raise the fiberglass section if
25 this were to occur?

1 MR. SCHNEIDER: From experience here's what
2 we would do. Whatever the height is to be determined,
3 we take the top two slots, the next carrier takes the
4 next two slots. The third carrier comes in they'll
5 either, and we build it to be extendable, they either
6 push us up or frankly that's their problem. They can
7 do what's called a drop and swap. They can come before
8 the Board and ask to replace the complete tower and
9 rebuild it if they want subject to your approval.

10 To be honest with you, they're the third
11 carrier. They're late to the party. They are on my
12 piggyback, my effort, my expense, so we can try to plan
13 it to be built and extendable, but if it's "More and
14 they have to do a replacement tower, I've been in that
15 position when you're the third guy. It's kind of
16 that's your issue, not my issue.

17 CHAIRMAN FLANAGAN: What I would be
18 interested to hear is what the Court -- certainly this
19 has come before the courts before, right? Where
20 there's an existing tower which was suboptimal for the
21 second or the third guy. They complained that we want
22 a new tower. The courts must have addressed this
23 issue, right? And I would imagine the answer that the
24 courts came back with, and I don't know but I'd like to
25 confirm it, I imagine they came back and said, too bad,

1 okay. You have a tower.

2 MR. SCHNEIDER: I don't think there's any
3 disagreement between the Board, myself, and Dr.
4 Eisenstein, build it to the -- if you build it to the
5 minimum height that you determine is required and
6 appropriate for Verizon make it available. There will
7 be at least four slots. If you want.

8 CHAIRMAN FLANAGAN: Well, I would argue you
9 only need two.

10 MR. SCHNEIDER: Well, two for each carrier.

11 CHAIRMAN FLANAGAN: Well, why am I
12 providing for the second carrier?

13 MR. SCHNEIDER: One in addition to Verizon.

14 CHAIRMAN FLANAGAN: Well, why? Because
15 same logic with the third guy. So if the tower is
16 there, again no idea whether we prove this or not, but
17 let's say there's a tower there and you have your two
18 slots. We just said if the third guy comes in and
19 there's only one slot tough on you, tough for him. Why
20 is the logic any different for the second guy? I think
21 he will come in and say I'd really like to put an
22 antenna in and we would say, well you've got an antenna
23 over there and it's certainly extendable, or even if it
24 weren't so extendable, because I would imagine it would
25 be on Verizon's dime.

1 MR. SCHNEIDER: Actually, it's on the next
2 guy's dime.

3 CHAIRMAN FLANAGAN: So either way, you'd
4 say, well, second guy, there's one right there. Go do
5 whatever you want to do to it, which would be no
6 different than the answer you would give the third guy.

7 DR. EISENSTEIN: Mr. Chairman, I think we
8 have a little conflict here and let me explain what the
9 conflict is. Mr. Schneider wants to get his antenna
10 built. And he is in some sense with you, he doesn't
11 give a damn about the next provider. But my obligation
12 is to the Board. And what you don't want to do is have
13 this Board in a position of creating an effective
14 prohibition because that violates Federal law. So if
15 what you're saying is as a practical matter there's no
16 way of going on this existing tower we build because
17 it's not designed to handle the second provider, and
18 further we're not going to let you go anywhere else in
19 the town, what you've done is you prohibited the next
20 one and that violates the Telecommunications Act.
21 That's why you always provide for collocators because
22 the Telecommunications Act and New Jersey case law says
23 that collocation's always preferred and has to be
24 allowed.

25 BOARD MEMBER NEWLIN: So now we're saying

1 it is extendable, we're just not extending it, so it's
2 really a question not feasibility but cost. So what's
3 wrong with that?

4 DR. EISENSTEIN: No problem at all. You
5 build it to the height that they need an build it so
6 it's extendable, which means the foundation and the
7 steel portion at the bottom is able to handle the
8 weight. And then if the next one comes in or the third
9 one comes in you just add sections to it and extend it.

10 BOARD MEMBER NEWLIN: Just to be clear, my
11 scenario is two segments from the beginning and an
12 extendable design.

13 DR. EISENSTEIN: Well, the Chairman is
14 saying the two segments for Verizon.

15 CHAIRMAN FLANAGAN: So let me say it, so
16 it's the base and whatever the footings are and all of
17 the -- is designed so it can handle four segment,
18 because the fifth, and tell me if I'm wrong but I don't
19 know why people would even propose putting five
20 segments if the fifth is useless, but I would build it
21 so you can go and have, foundation could carry four,
22 but today so it's extendable, but today you put only
23 what is needed for the current applicant. So you don't
24 have, I would think, and this is a legal question that
25 affects the prohibition, because when the second

<p style="text-align: right;">Page 61</p> <p>1 carrier comes in you say there's the tower right there, 2 go extend it. 3 MR. PURCELL: As far as the prohibition 4 goes by having you go to collocate on the tower cancels 5 any prohibition action. 6 DR. EISENSTEIN: I agree with that. 7 MR. PURCELL: It doesn't -- even a 8 situation where you if you did limit the amount -- the 9 ability to collocate you're just going to have to 10 have more of the carriers -- it's four carriers now, 11 right, Rich? 12 MR. SCHNEIDER: Four carriers now depending 13 on what happens with the Sprint and T-Mobile merger. 14 But you have to understand that the lot -- right near 15 my house, I live in Randolph, there's the Ironia Fire 16 Department if you're familiar, the flagpole, right -- 17 PUBLIC UNIDENTIFIED VOICE: If you're 18 talking to the audience please speak up. If it's a 19 conversation between the two of you, that's fine. 20 CHAIRMAN FLANAGAN: All right. So there's 21 microphones in front of everyone. If you can just get 22 the microphone closer to you. 23 MR. SCHNEIDER: I apologize. So when I 24 first started there were five carriers. You had 25 Sprint, Nextel, T-Mobile, AT&T and Verizon. The</p>	<p style="text-align: right;">Page 62</p> <p>1 reality is now there's four and there's a pending 2 merger between Sprint and T-Mobile. I don't know how 3 that's going to work out technology, but the number of 4 carriers is significantly limited versus "X" number of 5 years ago. And one should not necessarily make an 6 assumption that they're -- that a third carrier always 7 comes. 8 Case in point the Green Village Fire 9 Department flagpole has had two carriers for an 10 extended number of years and there's been no third 11 carrier who has sought to collocate at that facility. 12 So I don't think there's any disagreement. We take the 13 top two. There's no detriment to the Board to create 14 two -- three, and four segments below that because it's 15 not increasing the height, and then so be it. If you 16 want to build it to be extendible and it's an 17 additional expense and hassle for the third carrier 18 so be it, or if they think it's worth it to try to come 19 in and do a drop and swap on a new tower and come 20 before your Board let them do it, but I think if you're 21 going to -- and I'm not making any assumptions here in 22 terms of either an approval or a design, but if it's 23 going to be a flagpole the obvious way to do it, and I 24 don't think there's any disagreement between the 25 applicant and what I'm hearing from the Board, Dr.</p>
<p style="text-align: right;">Page 63</p> <p>1 Eisenstein, let's assume 120 is -- or 130 is, whatever 2 the height is, 130, Verizon takes 110 to 130. The 3 additional two segments are 90 to 110 and we go all on 4 our merry way. 5 CHAIRMAN FLANAGAN: I got you. So that's 6 actually a different way, because the starting point is 7 the top elevation you're talking about. And I would go 8 just for 120 just for argument sake. So if there's 9 no -- what I think the answer is, you pick your top 10 elevation. You may as well then make the next 40 feet 11 below that be fiberglass. 12 MR. SCHNEIDER: There's no detriment to 13 anybody by accommodating the second collocater because 14 you're not increasing the height of the tower. That's 15 exactly -- 16 BOARD MEMBER NEWLIN: I understand that, 17 and I'm not saying -- this is hypothetical, but you can 18 also take this logic is you don't need 120. You need 19 whatever the second guy was. We build that and you 20 say, number two comes along it has to extend and either 21 they replace -- obviously that's not to Verizon's 22 benefit, but that was the -- 23 CHAIRMAN FLANAGAN: Yeah, and I think part 24 of the logic here is if 110 to 120 was going to be -- 25 no, I'm sorry, 100 to 120 would have been Verizon's</p>	<p style="text-align: right;">Page 64</p> <p>1 spot, and the next guy down would have been 80 to 100, 2 well, then the argument is that 80 to 100 is 3 sufficient, so why not put Verizon at -- 4 DR. EISENSTEIN: Mr. Chairman, I think 5 you're jumping 20 feet rather than 10 feet. 6 CHAIRMAN FLANAGAN: I'm going to go 50 feet 7 next time. You know what I'm saying. 8 DR. EISENSTEIN: The Verizon, if I recall 9 correctly, would be -- 10 CHAIRMAN FLANAGAN: Well, I'm jumping 11 20 feet because we're saying we need two segments of 10 12 feet. 13 DR. EISENSTEIN: But let's go back to what 14 I think we agreed to. I think Mr. Schneider stipulated 15 that with the traditional design 120 feet was okay and 16 that worked for them, right? So if you're going to a 17 flagpole and you need two radiation levels, two-rad 18 levels, then I think the flagpole has to be at 130 and 19 120 for Verizon. 130 they put their receiving 20 antennas, 120 they put their transmitting antennas. 21 Then you have the next one at 110 and 100. So there's 22 your pole, one 130 in height instead of 120 in height, 23 and the extra 10 feet is what I would always recommend 24 anyway when you're going from a traditional monopole to 25 a flagpole design.</p>

<p style="text-align: right;">Page 65</p> <p>1 So you're setting the height at 130 to</p> <p>2 begin with, build a foundation and the steel part so</p> <p>3 they could be extended, if necessary, but as Mr.</p> <p>4 Schneider pointed out that may be a moot point.</p> <p>5 CHAIRMAN FLANAGAN: Yea, and I think we</p> <p>6 have talked about this enough and gone in full circle</p> <p>7 here. Why would you extend it? Wouldn't we pick our</p> <p>8 max height and say this is going to be at 120 feet max?</p> <p>9 There will be four slots. Second guy comes in, hey,</p> <p>10 your slots are at 80 to a hundred.</p> <p>11 BOARD MEMBER CHIPPERSON: But isn't there</p> <p>12 going to be an argument going to be made by the second</p> <p>13 guy that it's too low. I mean, you're telling us it's</p> <p>14 too low, so are they going to come in and say it's too</p> <p>15 low? And then we need to address another tower.</p> <p>16 DR. EISENSTEIN: Since everyone right now,</p> <p>17 all the providers are all working at the same frequency</p> <p>18 bands they're all going to have pretty much the same</p> <p>19 propagation plots. They're not going to change very</p> <p>20 much. The only difference would be if one of the</p> <p>21 providers just needed a fill-in slot, like a little bit</p> <p>22 of fill in, or they wanted to increase capacity or</p> <p>23 something or something. I mean, there might be a</p> <p>24 reason for it.</p> <p>25 CHAIRMAN FLANAGAN: The answer may not be</p>	<p style="text-align: right;">Page 66</p> <p>1 to build it so it's extendible, you do it up to 120,</p> <p>2 Verizon goes 100 to 120. Next guy comes in and says</p> <p>3 there's your slot, 80 to a hundred.</p> <p>4 DR. EISENSTEIN: Why are you going a</p> <p>5 hundred to 120? That's 20 feet. They go 110 to 120.</p> <p>6 But I suggest 120 to 130 because with the traditional</p> <p>7 design they said they needed 120. They came down from</p> <p>8 140, and that was as low as they could go based on the</p> <p>9 traditional design. So if you're going to the fact</p> <p>10 that they need two-rad levels you can't go put them at</p> <p>11 120 and 110, you're dropping them down below what they</p> <p>12 testified to as acceptable. So you've got to put the</p> <p>13 height of 130 and then they go at 120.</p> <p>14 CHAIRMAN FLANAGAN: Let's just use -- let's</p> <p>15 call the top "X", the mid-section "Y," and the lower</p> <p>16 section "Z." I have no idea what the correct numbers</p> <p>17 are. All I'm saying though is the difference between</p> <p>18 "Z" and "X" is 20 feet, because each section is 10</p> <p>19 feet, or do I have that wrong?</p> <p>20 BOARD MEMBER CHIPPERSON: I think -- If I</p> <p>21 can just jump in. I think what's going on is the first</p> <p>22 design had the transmitters and receivers at the same</p> <p>23 level, and Verizon said at 120 was okay. But at the</p> <p>24 uni-pole the transmitters and receivers were separated</p> <p>25 by 10 feet, so they already brought it to 120 as the</p>
<p style="text-align: right;">Page 67</p> <p>1 minimum. So now that you're pulling the equipment it</p> <p>2 has to go one slot down, or else half of the equipment</p> <p>3 is below their --</p> <p>4 CHAIRMAN FLANAGAN: So just very simply,</p> <p>5 let's -- each section of the fiberglass, each rad level</p> <p>6 is 10 feet. That's why I'm using 20 feet, because they</p> <p>7 need two of them.</p> <p>8 MR. SCHNEIDER: Just to wrap up the</p> <p>9 discussion. Essentially, based on what Dr. Eisenstein</p> <p>10 said, what we just heard, essentially we're looking at</p> <p>11 130-foot flagpole, if that's the direction we go to.</p> <p>12 Verizon from 110 to 130; the second carrier 90 to 110.</p> <p>13 CHAIRMAN FLANAGAN: And then when the</p> <p>14 second guy comes in and says, hey, 90 to 110 is</p> <p>15 insufficient, doesn't give you the coverage. If we go</p> <p>16 in and require that you build this extendible, this</p> <p>17 first ask is, I want it. We say there you go, 90 to</p> <p>18 110. He says that doesn't work for me. Then we can</p> <p>19 debate whether or not -- then all we have to give up is</p> <p>20 another 10 feet or 30 feet.</p> <p>21 MR. SCHNEIDER: That's a big hypothetical</p> <p>22 if that ever happens.</p> <p>23 BOARD MEMBER CHIPPERSON: And you're saying</p> <p>24 to make it extendible you just have to build the base</p> <p>25 to accommodate the base for the future?</p>	<p style="text-align: right;">Page 68</p> <p>1 DR. EISENSTEIN: And the foundation.</p> <p>2 BOARD MEMBER CHIPPERSON: I think it makes</p> <p>3 sense to do that now, because I think as a town we may</p> <p>4 want to leave the option. And we don't know how case</p> <p>5 law is going to change, so right now it may say one</p> <p>6 thing, but I may want to get in to a situation where</p> <p>7 that second carrier has the option to get another pole</p> <p>8 but we didn't build the foundation to accommodate it.</p> <p>9 CHAIRMAN FLANAGAN: And when they extend it</p> <p>10 what do they do, put another 10 or 20 feet of steel, I</p> <p>11 guess?</p> <p>12 BOARD MEMBER CHIPPERSON: He's going to</p> <p>13 check.</p> <p>14 DR. EISENSTEIN: We need to check.</p> <p>15 BOARD MEMBER CHIPPERSON: He says he's</p> <p>16 never seen it, but --</p> <p>17 MR. SCHNEIDER: Jim, I think the one</p> <p>18 question was what from a structural perspective do you</p> <p>19 need to do to build it to be extendible, is there</p> <p>20 anything specific?</p> <p>21 THE WITNESS: So we need to know what the</p> <p>22 maximum height will be.</p> <p>23 CHAIRMAN FLANAGAN: Okay.</p> <p>24 MR. SCHNEIDER: That's not something that</p> <p>25 has to be determined now.</p>

1 THE WITNESS: That's all we need to know.
 2 CHAIRMAN FLANAGAN: And what will you do on
 3 it? So if you did come back to extend it what will you
 4 do, you slot in another section of steel?
 5 THE WITNESS: On top.
 6 CHAIRMAN FLANAGAN: So you take the
 7 fiberglass off the top and put it next to the section
 8 --
 9 THE WITNESS: Only on the very top. There
 10 would be a 10 foot -- let's say the extension's 10
 11 foot, the fiberglass can. At the top of the 100 --
 12 let's call it 130, extendible to 140, so at the top of
 13 the 130 is a flange.
 14 CHAIRMAN FLANAGAN: And you plop another
 15 section of fiberglass on there?
 16 THE WITNESS: The fiberglass is the
 17 cowling. It's removable. You take the fiberglass
 18 cowling off there's a thin pipe section that's the
 19 structure. That would have a mating flange at the
 20 bottom of it. You bolt it to the top of the 130-foot
 21 pole.
 22 CHAIRMAN FLANAGAN: So you have a fat pipe
 23 that goes from the ground up to some level. And then
 24 you have a skinny pipe up the middle that's extendible
 25 up to whatever, then you just wrap it up in fiberglass.

1 wires.
 2 DR. EISENSTEIN: You run new wires.
 3 BOARD MEMBER CHIPPERSON: They don't leave
 4 like extra --
 5 DR. EISENSTEIN: No. So these wires use
 6 power. If you use extra means you're running a longer
 7 length of wire and that's dissipating power which is
 8 diminishing your signal. So they try and tailor it.
 9 If they're going to extend it another ten feet. I
 10 mean, it's possible to displace coax under certain
 11 conditions, but there's an attenuation from the splice.
 12 So they don't want to have that, it would just be
 13 easier to just run a new wire.
 14 BOARD MEMBER CHIPPERSON: And the second
 15 carrier coming in would pay for your cable?
 16 DR. EISENSTEIN: They work that out.
 17 MR. SCHNEIDER: Those issues all get worked
 18 out.
 19 CHAIRMAN FLANAGAN: Everybody uses
 20 different wires.
 21 MR. FOX: Mr. Murawski, can I ask you a
 22 question? Most of the testimony tonight is focused on
 23 a 10-foot spacing between antennas. Just north of the
 24 township on James Street is an existing tower with all
 25 the antennas mounted, surface mounted to the existing

1 Why can't we just do 60 feet in height?
 2 THE WITNESS: I will ask.
 3 DR. EISENSTEIN: It would be better
 4 fiberglass.
 5 BOARD MEMBER ROSENBAUM: This may be a
 6 strange question, does the current tenants of the pole
 7 then have the option -- because service, I can't use
 8 that pole while this construction is going on. That
 9 may impact their service levels.
 10 THE WITNESS: It's a legal question.
 11 MR. SCHNEIDER: Those get worked out. I
 12 mean, we collocate and do extensions. We may have to
 13 bring a temporary facility in on a very temporary basis
 14 during construction not to lose service. But it's
 15 nothing that we can't -- that hasn't been accommodated
 16 numerous times.
 17 BOARD MEMBER CHIPPERSON: Do you build in
 18 more wire? Because I know you want to stay on top to
 19 be able to just pull that up, or do you splice into
 20 your wire?
 21 CHAIRMAN FLANAGAN: You run new wires or do
 22 you extend the --
 23 THE WITNESS: As far as I know coax cannot
 24 be spliced.
 25 CHAIRMAN FLANAGAN: So you have to run new

1 monopole. And when you view that from James Street
 2 it's clear that the antenna spacing is definitely
 3 closer than 10 feet. How do you correspond those
 4 observations with --
 5 THE WITNESS: I'm fairly certain it's 10
 6 feet.
 7 CHAIRMAN FLANAGAN: But your testimony was
 8 though that it's industry practice to use 10 feet.
 9 It's not your testimony that it's an absolute.
 10 THE WITNESS: It's not criteria that we put
 11 forth, it's criteria that's imposed on us.
 12 CHAIRMAN FLANAGAN: It's got to be an
 13 engineering thing.
 14 DR. EISENSTEIN: There's a reason for the
 15 10 feet.
 16 CHAIRMAN FLANAGAN: The question is, is it
 17 10 feet or could you put them 5 feet?
 18 DR. EISENSTEIN: No. It cannot be 5 feet.
 19 The antennas are 6 feet in length. So if you're
 20 talking about a 6-foot slot and another antenna under
 21 there which is also 6 feet you can't have them too
 22 close together because of the edge effects of the
 23 antennas.
 24 CHAIRMAN FLANAGAN: Okay. So you need a
 25 minimum of 12, because you need six.

1 DR. EISENSTEIN: No, 10 feet.
 2 CHAIRMAN FLANAGAN: Well, if you have 110
 3 that's 6 feet long.
 4 DR. EISENSTEIN: Oh, you're talking
 5 about -- well, you couldn't put the antennas touching
 6 one another physically.
 7 CHAIRMAN FLANAGAN: Right. So the absolute
 8 minimum is 12 feet. So could you put two antennae in
 9 13 feet or 14 feet? How big does that space need to
 10 be?
 11 DR. EISENSTEIN: I wouldn't do that. The
 12 edge effects off the antenna would screw everything up.
 13 You've got to get them far enough apart. You really
 14 need to take my course. Something -- there's something
 15 called the Fraunhofer distance -- you don't really have
 16 to take all this down. When you're very close to an
 17 antenna, I can give you an analogy from a water hose,
 18 when you turn on a water hose when you're very close to
 19 the nozzle you notice it's all turbulent. And then as
 20 it goes out from the hose it becomes what's called
 21 laminar flow. It looks nice and clean and flows out of
 22 there.
 23 The same thing is true of electromagnetic
 24 radiation. When you're close to the antenna it's very
 25 turbulent and really a non-usable signal. It's what's

1 shining out and you put a mirror over it that's a new
 2 light source. It looks different than the one looked
 3 before.
 4 CHAIRMAN FLANAGAN: I should have taken
 5 classes rather than business classes.
 6 DR. EISENSTEIN: Tuesday and Thursdays at
 7 two o'clock.
 8 BOARD MEMBER SYMONDS: Or I was going to
 9 say every third Thursday at 7:30.
 10 MR. SCHNEIDER: Mr. Chairman, I have
 11 nothing further for Mr. Murawski, just one point of
 12 clarification. The discussion which I think has been
 13 helpful is all assuming no flag on the flag.
 14 CHAIRMAN FLANAGAN: Fair enough.
 15 MR. SCHNEIDER: There are. If there is a
 16 flag that invokes one or two other issues which --
 17 CHAIRMAN FLANAGAN: I understand. Does
 18 everybody understand there will be no --
 19 BOARD MEMBER CHIPPERSON: It would be nice
 20 to have a flag, but it's complicated.
 21 MR. SCHNEIDER: The only point I would
 22 make, and I don't want to debate and take more time,
 23 it's not a debate, if there is an American Flag there
 24 is a required lighting under the code of Federal
 25 regulations for the flag to be lit.

1 called a near field. And then when you get further
 2 away how far so to what's called the Fraunhofer
 3 distance, when you get that distance away then it
 4 becomes a nice plane wave and it propagates really
 5 nicely. It's really a beautiful thing if we can only
 6 see it, but we can't.
 7 If you're too close together that
 8 turbulence in there, the near field turbulence
 9 interferes with the antenna horribly. So you have to
 10 get outside the Fraunhofer zone.
 11 Now, if you're asking does it have to be 10
 12 feet or could it be 9 feet or nine and a quarter feet
 13 or something, probably, but since they make these
 14 segments, these 10-foot segments, there's no reason to
 15 try to get a customized thing and do a calculation and
 16 take a chance on putting them any closer. I think
 17 there's a little bit of a factor for safety in the 10
 18 feet as well.
 19 CHAIRMAN FLANAGAN: And you couldn't put
 20 some sort of shield between the two antennae?
 21 DR. EISENSTEIN: No. Then you're
 22 essentially creating a new antenna.
 23 CHAIRMAN FLANAGAN: Really?
 24 DR. EISENSTEIN: Sure. It's like putting a
 25 mirror in front of a light source. The light source is

1 CHAIRMAN FLANAGAN: I would guess. And if
 2 you would put a flag on that pole it would have to be
 3 so big.
 4 MR. SCHNEIDER: And the size is a function
 5 of the height of the flag. You're talking about a
 6 38-by-20 flag.
 7 CHAIRMAN FLANAGAN: To make it proportional
 8 to the --
 9 MR. SCHNEIDER: It's determined by -- it's
 10 not a wireless thing, it's determined by the code of
 11 Federal regulations.
 12 CHAIRMAN FLANAGAN: Oh, they dictate the
 13 size of the flag. So you couldn't even go and say,
 14 hey, I want a bigger or smaller one?
 15 All right. Does the Board have any more
 16 questions?
 17 BOARD MEMBER CHIPPERSON: I have one last
 18 question. The dimensions of the 36-inch diameter for
 19 the steel base would that accommodate the 40 to 60 feet
 20 of fiberglass, or is that less than that?
 21 THE WITNESS: So the steel base is 36
 22 inches at the top, but it's more like 48 inches at the
 23 base, it's tapered. It will be designed to accommodate
 24 a 50 foot or a 60 foot fiberglass section, however this
 25 is determined to play out.

1 BOARD MEMBER CHIPPERSON: Okay. So it
 2 doesn't get bigger than what you described?
 3 THE WITNESS: No. It would still be the
 4 same. It might get a little heavier, that's all.
 5 Foundation might get a little bigger in diameter, or if
 6 it's a little bit bigger in area, that's all.
 7 PUBLIC UNIDENTIFIED VOICE: You said 5 feet
 8 before.
 9 BOARD MEMBER MASELLI: That was a different
 10 design.
 11 BOARD MEMBER CHIPPERSON: No, I have it in
 12 my notes, it was 5 feet.
 13 BOARD MEMBER MASELLI: Yea, but that was a
 14 different design.
 15 BOARD MEMBER CHIPPERSON: Because I drew a
 16 picture with the fiberglass.
 17 CHAIRMAN FLANAGAN: All right. Does anyone
 18 else on the Board have any questions?
 19 BOARD MEMBER SYMONDS: I have a question,
 20 and luckily it has nothing to do with radio wave
 21 propagation. It has to do with all the stuff on the
 22 ground. As I look at the, you know, your equipment
 23 layout plan, I see we've got a fence at 8 feet and
 24 we've got a proposed tech space cover, I guess, at 9
 25 feet. And then we have I guess it's called a cable

1 bridge at 10 feet. And as far as I can tell from the
 2 drawing it goes -- there's the pole, then the 9 foot
 3 tech space, and then the 10 foot, you know, over the
 4 unistrut, the cable bridge. I'm confused by all that
 5 and wonder if there's something we can do to sort of
 6 make that a little more linear?
 7 THE WITNESS: I agree. I agree. So the
 8 10-foot for the cable bridge and for the rack that's
 9 supporting three equipment cabinets is a standard
 10 industry number because coax cables are hung from
 11 underneath it and you want to avoid a headknocker. But
 12 in our case I agree it could be lowered, so it's all
 13 the same elevation. Nine foot would be fine for the
 14 cable bridge and the rack height. So it's all at nine.
 15 BOARD MEMBER SYMONDS: Again, I think that
 16 it would be, like I say, it would make a more linear
 17 appearance. It would be less ugly, to use a
 18 non-technical term, in my opinion. And then as far as
 19 the fence goes that's more of a question, because I
 20 think the township fence ordinance says the highest the
 21 fence can be is 8 feet. But then we started out this
 22 discussion with on PL land a lot of the bulk
 23 requirements don't apply. So I don't know if the
 24 8-foot is good or bad. But I would just sort of try to
 25 flatten things out to make a straighter, more even

1 appearance.
 2 THE WITNESS: I agree. The potential
 3 exists. I have to give it some thought. Maybe we can
 4 lower everything to eight so it's flush with the top of
 5 the fence. I think that makes sense.
 6 BOARD MEMBER SYMONDS: I think from
 7 appearance on the ground I think, I know if I was near
 8 it, anywhere near it in the neighborhood I think that
 9 would be a huge improvement to lower everything down.
 10 THE WITNESS: Sure. I do agree.
 11 BOARD MEMBER NEWLIN: Just to confirm, the
 12 height distance that we're talking about for this
 13 particular site is very much for the site
 14 characteristics. So clearly for the Green Village Fire
 15 Department there is nothing like Mendham. It's 90
 16 feet. It's got two carriers you said. It's certainly
 17 not a 5-foot base with a 3-foot top. I mean that's a
 18 slender -- I don't know what it is, but it's much more
 19 slender and much less imposing. So I assume when --
 20 and there will be testimony about the alternate sites.
 21 That's part of your requirement is to show what you
 22 considered. And it's -- I just want to confirm, all
 23 these sites really drive the required height.
 24 MR. SCHNEIDER: The height is a function of
 25 the location of the tower based on ground elevation, et

1 cetera.
 2 CHAIRMAN FLANAGAN: Anyone else on the
 3 Board? Anyone else on the Board? All right. Are
 4 there any members of the public here not represented by
 5 Mr. Simon who have a question?
 6 All right. Mr. Simon, do ave any
 7 questions?
 8 Why don't we take a five minute break.
 9 We'll come back in five minutes.
 10 (A recess is taken at 9:50 p.m.)
 11 (Back on the record at 9:56 p.m.)
 12 CHAIRMAN FLANAGAN: All right. Ladies and
 13 gentlemen, we are back. We left off at the point where
 14 Mr. Simon was going to ask questions. So Mr. Simon the
 15 floor is yours. And ladies and gentlemen, if we can
 16 just take our seats again so we can get going again.
 17 CROSS-EXAMINATION BY MR. SIMON:
 18 Q. Mr. Murawski, good evening. When were you
 19 first retained by the Applicant in connection with
 20 their project?
 21 A. December of 2017.
 22 Q. December of 2017. So the fact that the
 23 survey that was done by your company E2 Project
 24 Management is dated July 22nd, 2017, does that refresh
 25 your recollection as to whether your prior answer's

<p style="text-align: right;">Page 81</p> <p>1 accurate?</p> <p>2 A. No -- yes -- no. One minute. Yes, you're</p> <p>3 right. It was 2016.</p> <p>4 Q. So let's --</p> <p>5 A. It was December of 2016.</p> <p>6 Q. So you were retained in December of 2016?</p> <p>7 A. Yes.</p> <p>8 Q. And who retained you in December of 2016?</p> <p>9 A. Verizon Wireless.</p> <p>10 Q. And what was the purpose in retaining you</p> <p>11 in December of 2016?</p> <p>12 A. Was to prepare what we call lease exhibits</p> <p>13 to accompany a lease agreement with the township.</p> <p>14 Q. In December of 2016? Yes?</p> <p>15 A. Yes.</p> <p>16 Q. And when did you initially prepare lease</p> <p>17 exhibits, when was the first draft of those lease</p> <p>18 exhibits?</p> <p>19 A. I don't know. I don't have that date.</p> <p>20 Q. And prior to December of 2016 did you have</p> <p>21 any involvement with regard to this project?</p> <p>22 A. I personally did not.</p> <p>23 Q. Did anyone at your firm E2 Project</p> <p>24 Management, LLC have any involvement?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 82</p> <p>1 Q. And with regard to -- and I'm going to jump</p> <p>2 around a little bit. Have you done any work for AT&T,</p> <p>3 Sprint, or T-Mobile in the last five years?</p> <p>4 A. Yes.</p> <p>5 Q. Which carriers?</p> <p>6 A. Sprint.</p> <p>7 Q. And where did you work for Sprint?</p> <p>8 A. Throughout the five boroughs of Manhattan.</p> <p>9 Q. Did you do any work for Sprint in New</p> <p>10 Jersey in the last five years?</p> <p>11 A. I don't remember.</p> <p>12 Q. Did you assist with any monopolies on behalf</p> <p>13 of Sprint in the last five years?</p> <p>14 A. No.</p> <p>15 Q. And in the last five years you have not</p> <p>16 done any monopoly work for AT&T, Sprint, or T-Mobile in</p> <p>17 the state of New Jersey; correct?</p> <p>18 A. Correct.</p> <p>19 Q. What about in the last ten years? Same</p> <p>20 question.</p> <p>21 A. We did work -- I personally was involved in</p> <p>22 several MetroPCS sites.</p> <p>23 Q. MetroPCS?</p> <p>24 A. Yes.</p> <p>25 Q. What about for AT&T, Sprint or T-Mobile,</p>
<p style="text-align: right;">Page 83</p> <p>1 anything?</p> <p>2 A. I'm going to say yes to T-Mobile because</p> <p>3 T-Mobile was a co-applicant on some of the sites that</p> <p>4 we were the engineer right before.</p> <p>5 Q. What about AT&T?</p> <p>6 A. No.</p> <p>7 Q. And you have not had any contact with any</p> <p>8 other carrier, be it AT&T, Sprint, or T-Mobile in</p> <p>9 connection with this site; correct?</p> <p>10 A. That's correct.</p> <p>11 Q. And notwithstanding the back and forth</p> <p>12 with the Board in connection with your direct</p> <p>13 examination this evening, you're aware of Federal and</p> <p>14 state requirements that mandate that a, I'll call it a</p> <p>15 collocator, can come on to a monopole and may by right</p> <p>16 increase the height, the overall height of the monopole</p> <p>17 without getting any separate approvals of any Land Use</p> <p>18 Board; correct?</p> <p>19 A. Correct.</p> <p>20 Q. And what specifically with regard to the --</p> <p>21 that state and Federal law are you aware of in terms of</p> <p>22 the right of a collocator to come before a Land Use</p> <p>23 Board and seek an increase as of right of the height of</p> <p>24 a particular tower?</p> <p>25 MR. SCHNEIDER: If you're familiar?</p>	<p style="text-align: right;">Page 84</p> <p>1 THE WITNESS: I can only tell you my</p> <p>2 understanding is that if they're exacerbating a</p> <p>3 pre-existing variance condition and they have to come</p> <p>4 before the Board, if they're not then they don't have</p> <p>5 to come before the Board. Other than that I can't</p> <p>6 delve into any more details.</p> <p>7 Q. And when you say you can't delve into any</p> <p>8 more detail are you familiar at all with the Federal or</p> <p>9 state level with the allowable height that a pole may</p> <p>10 be increased in height as of right if those approvals</p> <p>11 are not necessary that you just described?</p> <p>12 A. No.</p> <p>13 Q. Now, have you done any work for Verizon or</p> <p>14 any other carrier in Harding Township regarding the</p> <p>15 deployment of ODAS or Outdoor Distributing Antenna</p> <p>16 Systems?</p> <p>17 A. No.</p> <p>18 Q. Have you ever designed an ODAS system?</p> <p>19 A. No.</p> <p>20 Q. Or assisted from an engineering</p> <p>21 perspective?</p> <p>22 A. I personally have not.</p> <p>23 Q. And this application is for a use variance</p> <p>24 and for preliminary and final major site plan approval;</p> <p>25 correct?</p>

1 A. Yes.
 2 Q. And what constitutes the area being leased
 3 by Verizon, if you know? If you can refer to the site
 4 plan and just identify for the Board and for the public
 5 what precisely is being leased by Verizon?
 6 A. I need to refer to the lease exhibits that
 7 we prepared. Do you have them, Rich?
 8 Q. Okay.
 9 MR. SCHNEIDER: If you give me a minute I
 10 can pull them out, but I can tell you what the answer
 11 is, it's approximately 1800-square feet.
 12 CHAIRMAN FLANAGAN: Well, how much
 13 specificity are you looking for? Are you asking the
 14 question is it the area behind the recycling shed?
 15 MR. SIMON: I want to know what portion of
 16 this lot is being leased by Verizon? This application
 17 concerns this lot and they have applied as a lessee,
 18 and I would like to know on behalf of my clients how
 19 much of this lot is being leased by Verizon.
 20 MR. SCHNEIDER: To cut to the chase it's
 21 approximately 1800-square feet in accordance with
 22 paragraph one of the fully executed lease agreement
 23 with the township.
 24 BY MR. SIMON:
 25 Q. Okay. And so Mr. Murawski, can you

1 A. I don't know what the agreement is.
 2 Q. And you testified earlier that for this --
 3 for the PL or public land zone that there are no bulk
 4 requirements, I believe that's what you stated;
 5 correct?
 6 A. Correct.
 7 Q. Now, when you're talking about bulk
 8 requirements you're talking about setbacks, and height,
 9 right, lot width; correct?
 10 A. Correct.
 11 Q. Things like that. Right. But other than
 12 those bulk requirements that may not be identified or
 13 called out in the ordinance, the applicant is still
 14 subject to the balance of the land development
 15 ordinance for Harding Township; correct?
 16 A. Correct.
 17 Q. And have you identified in connection --
 18 and by the way, I believe Mr. Schneider asked you and
 19 you said you weren't familiar with the subject
 20 ordinance; correct?
 21 A. Yes.
 22 Q. You reviewed it?
 23 A. Yes.
 24 Q. And where -- have you identified the front
 25 side and rear yards for this lot?

1 identify where this 1800-square feet that's being
 2 leased is located?
 3 A. Yes. It's the area bounded by the fence of
 4 the proposed equipment compound.
 5 Q. So is Verizon leasing any of the driveway
 6 that leads from the road to this compound?
 7 A. I don't know.
 8 Q. Is Verizon leasing any of the walkways that
 9 are being proposed that you testified to during your
 10 direct examination?
 11 A. I don't know.
 12 Q. Do you know whether Verizon is leasing any
 13 portion of this site that you claimed in your direct
 14 examination that Verizon's technical staff will be
 15 utilizing to park their vehicle when visiting the site?
 16 A. I don't know.
 17 Q. With regard to -- well, let me back up. Is
 18 -- other than a collocater, is any of that 1800-square
 19 feet leasable area able to be accessed by anyone,
 20 whether it's a township employee, a member of the
 21 public, anyone other than a Verizon representative?
 22 MR. SCHNEIDER: If you know.
 23 A. My -- I can only -- I can answer that based
 24 on past experience.
 25 Q. I'm asking you for this particular site?

1 A. No.
 2 Q. As we sit here this evening, can you opine
 3 as to where the front side and rear yards are for this
 4 lot that you would admit is irregularly shaped; right?
 5 A. Right. No, the answer is no.
 6 Q. The answer's no in terms of what?
 7 A. It would be difficult to establish since
 8 there is no clear front of this parcel.
 9 Q. So your testimony is that you were unable
 10 to identify what constitutes the front yard for
 11 purposes of this application?
 12 A. I made no attempt to identify the front
 13 side and rear yard side.
 14 Q. Are you able to make an attempt tonight or
 15 no?
 16 A. No.
 17 Q. And there was a comment, I believe, by a
 18 member of the Board, I don't remember who in passing,
 19 about alternate sites. Have you done any type of
 20 investigation from an engineering perspective for any
 21 of the alternate sites that may have been mentioned in
 22 connection with this application, whether it's the New
 23 Vernon Fire Department, New Vernon Presbyterian Church,
 24 the Municipal building, Church of Christ the King,
 25 Harding Township Elementary School?

- 1 A. I have not.
- 2 Q. And with regard to this particular site,
- 3 what is the elevation where the proposed compound's
- 4 going to be located?
- 5 A. I believe it's 360 foot above mean sea
- 6 level.
- 7 Q. Three sixty?
- 8 A. Yes.
- 9 Q. And what is the range of elevation for this
- 10 particular site?
- 11 A. I don't know.
- 12 Q. And do you know what the elevations are for
- 13 any of those alternate sites that I identified in a
- 14 couple of questions?
- 15 A. I do not.
- 16 Q. And you're not aware, I assume, and you
- 17 were present during the testimony of Verizon's radio
- 18 frequency expert; correct?
- 19 A. I was, yes.
- 20 Q. And you were then present when she
- 21 described the roadways that were intended or are
- 22 intended to be covered in connection with this
- 23 application; correct?
- 24 A. Correct.
- 25 Q. And are you aware of the elevations of

- 1 those roadways?
- 2 A. I am not.
- 3 Q. And how did you arrive at this particular
- 4 location of the equipment compound and monopole on this
- 5 site as opposed to any other area of this particular
- 6 site? Site being the lot, I'm sorry.
- 7 A. I did not arrive at this location.
- 8 Q. Did you arrive at an alternate location?
- 9 A. No.
- 10 Q. So you were told by someone presumably to
- 11 create an engineering plan and compound design at a
- 12 particular location on this site?
- 13 A. Correct.
- 14 Q. And do you know -- do you have any
- 15 knowledge as to why this particular area of the site
- 16 was chosen as opposed to other areas of the site?
- 17 A. I do not.
- 18 Q. And I couldn't help but noticing that on
- 19 your plan you identify that this property is within the
- 20 township's historic district; correct?
- 21 A. That's correct.
- 22 Q. And is this property within the state or
- 23 Federal Historic District, if you know?
- 24 A. Not my area of specialty, but it's my
- 25 understanding that it is not.

- 1 Q. Well, on your bulk table there's an item,
- 2 distance requirements to national or historic district,
- 3 and ordinance says, I guess this is for the wireless
- 4 telecommunications equipment ordinance, 1,000 feet.
- 5 And you say proposed, I guess is that greater than
- 6 1,000 feet? I'm looking at your plan at SP-1.
- 7 A. Yes.
- 8 Q. In the bulk table?
- 9 A. I can't see anything on this. Less than
- 10 1,000 feet.
- 11 Q. Less than one though feet?
- 12 A. Yes.
- 13 Q. Okay. So how far is this compound where
- 14 the monopole is to the national historic district?
- 15 A. I don't know.
- 16 Q. Do you know how far this monopole will be
- 17 from the state historic district?
- 18 A. I do not.
- 19 Q. You identified some structures that are
- 20 located on this property during your direct
- 21 examination. And you started with the, I guess as you
- 22 enter, the small house and museum, is that what you
- 23 stated?
- 24 A. I believe I said small house museum.
- 25 Q. Small house museum. And do you know what

- 1 is the purpose of that small house museum?
- 2 A. I do not.
- 3 Q. Do you have any information at all as to
- 4 the frequency of visitors to that small house museum?
- 5 A. No.
- 6 Q. Do you know how many people frequent the
- 7 small house museum on a daily basis?
- 8 A. No.
- 9 Q. Did you ask anyone associated with Verizon
- 10 or the township as to the frequency of visitors to this
- 11 property generally?
- 12 A. No.
- 13 Q. Do you have any idea whatsoever as to how
- 14 often members of the public frequent this site for
- 15 recycling and related activities?
- 16 A. No.
- 17 Q. Do you ask anyone for that information?
- 18 A. No.
- 19 Q. Are you aware of how many employees are on
- 20 this site on a daily basis?
- 21 A. No.
- 22 Q. Are you aware of any of the activities
- 23 whatsoever that take place on this property?
- 24 A. No.
- 25 Q. Are you aware of the history of development

1 on this site, including approximately when each of the
 2 buildings was constructed?
 3 A. No.
 4 Q. Are you aware of the purpose for having a
 5 gas station as you identify on the plan on this
 6 property?
 7 A. No.
 8 Q. Are you aware of the purpose of the
 9 monitoring wells that you've identified on your plan
 10 for this property?
 11 A. No.
 12 Q. As a licensed engineer did you do any
 13 investigation whatsoever as to why there are monitoring
 14 wells on this property?
 15 A. No.
 16 Q. Have you done any investigation whatsoever
 17 as to the current or historic environmental condition
 18 on this property?
 19 A. I did not.
 20 Q. Are you aware if anyone did?
 21 A. Historically we do -- we did.
 22 Q. Wait. When you say historically we did,
 23 what do you mean?
 24 A. It's my understanding that we made a
 25 submission to the State Historical Preservation Office.

1 of let's start with number of vehicles. Do you know
 2 how many number of vehicles access this property on a
 3 daily basis?
 4 A. No.
 5 Q. Do you know the extent to which there's
 6 truck traffic on this property?
 7 A. No.
 8 Q. Are you aware of whether emergency vehicles
 9 can access -- do or can access this property?
 10 A. They can.
 11 Q. Based on what do you make that conclusion?
 12 A. Based on the access road.
 13 Q. Have you done an evaluation of turning
 14 radiuses to determine whether an emergency vehicle can
 15 access this property?
 16 A. No.
 17 Q. How wide -- when you say the access road,
 18 are you talking about the driveway that comes from the
 19 public right-of-way to the compound, correct?
 20 A. Correct.
 21 Q. And how wide is that?
 22 A. I don't know.
 23 Q. So you didn't do any investigation
 24 pertaining to the ordinance that you reviewed to
 25 determine whether that existing access road as you call

1 Q. Did you make that submission to the State
 2 Historic Preservation Office?
 3 A. No.
 4 Q. Do you typically make a submission to a
 5 State Historic Preservation Office and determine the
 6 environmental condition of a property?
 7 A. No.
 8 Q. Did you contact anyone regarding the
 9 historic environmental condition circumstances
 10 surrounding this property?
 11 A. No.
 12 Q. Do you know as we sit here this evening
 13 what the purpose of having monitoring wells are on this
 14 property?
 15 A. Do you want me to speculate?
 16 Q. No, I want you to answer. Are you aware?
 17 A. I --
 18 Q. Yes or no?
 19 A. I did not ask, I can only assume. I did
 20 not --
 21 Q. But -- right. And you did not inquire;
 22 correct?
 23 A. No.
 24 Q. And can you -- do you know what kind of
 25 vehicles access this property on a daily basis in terms

1 it is compliant with existing municipal standards;
 2 correct?
 3 A. Correct.
 4 MR. SCHNEIDER: Just so we're clear, we're
 5 referring to the existing access road; correct.
 6 MR. SIMON: I'm talking about the existing
 7 access road that they're now utilizing for a new use
 8 that they require a use variance for, yes, Mr.
 9 Schneider.
 10 BY MR. SIMON:
 11 Q. Mr. Murawski, did you contact the fire
 12 department to ascertain whether there is sufficient
 13 fire fighting equipment in the township to access a
 14 monopole of the proposed height for purposes of fire
 15 fighting?
 16 A. A submission was made to the fire
 17 department. A response was that they had no comment on
 18 the application.
 19 Q. I didn't ask whether they had comments.
 20 Are you aware whether there's sufficient fire fighting
 21 apparatus to access the height of the tower in the case
 22 of an emergency?
 23 A. No.
 24 Q. And do you know what is the -- what's the
 25 current principal use of this lot?

1 A. There's two.
 2 Q. What are they?
 3 A. The lot off of Millbrook is to be more
 4 park-like setting. And then there's the DPW use.
 5 Q. So there's one lot, correct?
 6 A. Yes.
 7 Q. These aren't two lots, it's one lot, right?
 8 A. Yes.
 9 Q. And so is your testimony that the current
 10 principal use of this lot is DPW or Department of
 11 Public Works use, and what, an open space?
 12 A. It's an open space, like a park-like
 13 setting, yes.
 14 Q. So is open space, like a park-like setting,
 15 is that a permitted principal use in any zone in
 16 Harding Township?
 17 A. I don't know.
 18 Q. And did you review any zoning map or master
 19 plan of Harding Township to determine whether this open
 20 space, park-like use is identified for this particular
 21 lot?
 22 A. I did not.
 23 Q. And are you aware of how frequent the
 24 citizens of Harding Township frequent this property to
 25 drop off recycling?

1 that there's no parking space -- and by the way, under
 2 Harding Township's ordinance for a new commercial use
 3 there is a parking requirement; correct?
 4 A. Correct.
 5 Q. And based on the ordinance that you have
 6 reviewed what is the parking requirement for this
 7 particular use?
 8 A. I don't know.
 9 Q. So you don't know what the requirement is,
 10 but there is a requirement for a certain number of
 11 parking spaces; correct?
 12 A. For a telecom site? I don't know.
 13 Q. And do you know whether the area where your
 14 Verizon employee's going to park in the unsegregated
 15 site or parking space, whether that's going to conflict
 16 with circulation by any number of people, whether it's
 17 members of the public dropping off recycling, DPW
 18 workers, employees or other visitors to the site?
 19 A. I have visited the site several times and I
 20 have parked out of the way of the circulation route.
 21 So there is gravel, undesignated gravel areas that you
 22 can pull into safely and be out of the way.
 23 Q. Do you know whether those undesignated
 24 gravel areas are utilized by others visiting the site
 25 including employees of the DPW?

1 A. I do not.
 2 Q. Do you know the hours of operation for
 3 this --
 4 A. No.
 5 Q. -- property? By members of the public, you
 6 don't know?
 7 A. No.
 8 Q. And I think I asked you, you don't know the
 9 history as to when these various buildings were built?
 10 A. Yes, you did.
 11 Q. And you don't know whether the uses that
 12 you've testified to have commenced?
 13 A. Correct.
 14 Q. And are you aware of whether -- of the
 15 condition of any of these buildings on this lot?
 16 A. No.
 17 Q. And you're not -- and you didn't do any
 18 type of Open Public Record's Act request or other
 19 requests to determine the construction history on this
 20 property; correct?
 21 A. Right.
 22 Q. And do you know how many different uses
 23 operate on this site simultaneously?
 24 A. No.
 25 Q. And do you know in line with your comment

1 A. They are.
 2 Q. So you don't know whether that area that
 3 you park in is going to be available when the Verizon
 4 technician's going to be there?
 5 A. That's correct, we do not.
 6 Q. And do you know whether the site is open
 7 for a Verizon employee to actually drive all the way in
 8 to access your compound at any hour of the day?
 9 A. I don't understand that question.
 10 Q. So let's -- and I'm not trying to trick
 11 you.
 12 A. I honestly did not understand the question.
 13 Q. So let's say hypothetically, and maybe it's
 14 not so hypothetical, that if I'm a member of the public
 15 and I want to drop off my recycling that there's
 16 certain times of the day or night, more importantly,
 17 where I can't get access to the recycling shed because
 18 the area's closed and it's fenced off and it's locked,
 19 okay. How is the Verizon employee who in the case of
 20 an emergency needs to access their compound going to
 21 get to the compound if hypothetically there's a locked
 22 fence that would prevent anyone like a member of the
 23 public from accessing that area of the site?
 24 A. It would be double locked. Verizon would
 25 have their own lock on that gate.

1 Q. But you're not aware of when the gate is
 2 closed and open to the public, right?
 3 A. No.
 4 Q. Or to employees, right?
 5 A. Correct.
 6 Q. So you state in your zoning table that, and
 7 I believe this is correct, and I might be off on this,
 8 that there's approximately 643-square feet of new
 9 impervious coverage, or is that incorrect.
 10 Let me ask it this way. I'm sorry, Jim.
 11 How much additional impervious coverage is being
 12 proposed in connection with this application?
 13 A. 1800-square feet.
 14 Q. 1800 new square feet. Does that include
 15 the walkway?
 16 A. No.
 17 Q. So what's the surface of the walkway that
 18 you described earlier?
 19 A. So it's 6-foot wide by about 30-feet long,
 20 but I would certainly say that that area's gravel now.
 21 Q. So it's no new impervious coverage?
 22 A. No.
 23 Q. So are the -- in terms of your -- I think
 24 you said on your chart that the total impervious
 25 coverage on the site is 43 percent; correct?

1 with stormwater management?
 2 A. No.
 3 Q. And there's no stormwater management
 4 techniques that are being proposed in connection with
 5 this application; correct?
 6 A. Correct.
 7 Q. No stormwater management facility is being
 8 proposed; right?
 9 A. Correct.
 10 Q. No calculations were performed; correct?
 11 A. Correct.
 12 Q. What's the length of the driveway between
 13 the public right-of-way and your compound?
 14 A. I don't know.
 15 Q. You don't know?
 16 A. No.
 17 Q. Can you estimate, or no? If you can't
 18 estimate I'll move on.
 19 A. 600 feet.
 20 Q. Six hundred feet. And are you aware, or
 21 I'm sure you are because you reviewed the ordinance, as
 22 to what requirements there are in connection with
 23 driveways that exceed 500 linear feet?
 24 A. No.
 25 Q. With regard to the trees that you say that

1 A. Yes.
 2 Q. Is that 43 percent does that include all
 3 the gravel areas that you depict on your site plan?
 4 A. Yes.
 5 Q. And with regard to the 43 percent, almost
 6 half of that site is impervious coverage. What
 7 stormwater management is there currently for this site,
 8 whether we're talking about roof runoff, gravel area
 9 runoff, sheet flow, is there dry wells? What kind of
 10 stormwater management currently occurs on this site to
 11 mitigate impact?
 12 A. Right. I'm not aware of any.
 13 Q. Did you do any investigation to determine
 14 whether there's any current stormwater management
 15 controls on this site as required by Harding Township's
 16 ordinance?
 17 A. Right. No.
 18 Q. And in connection with this application --
 19 but you will concede certainly that there's many
 20 sections of the ordinance, I know I've read them, that
 21 talk about stormwater management for sites in
 22 connection with site plan approvals; correct?
 23 A. Correct.
 24 Q. And did you make any inquiries in terms of
 25 current conditions or proposed conditions in connection

1 you're removing in connection with this application,
 2 have you submitted a tree removal plan to this Board?
 3 A. No.
 4 Q. How many trees are being removed, do you
 5 know?
 6 A. Ten.
 7 Q. And where on the site plan, and I apologize
 8 to you sincerely because I didn't see that, where are
 9 you referring to on your plan?
 10 A. So our Sheet SP-2.
 11 Q. S-3 --
 12 A. No. SP-2, sheet four of nine. The
 13 enlarged plan to the left indicates trees to be
 14 removed.
 15 Q. The enlarged plan to the left. Oh, okay.
 16 So now I see you have Xs. So those Xs represent trees
 17 to be removed?
 18 A. Yes.
 19 Q. Now, there are certain Xs that are through
 20 dots, and certain Xs that are not through dots. What's
 21 the distinction, if any?
 22 A. There is no distinction.
 23 Q. And in terms of those trees to be removed,
 24 so for example in the cabinet that you're proposing on
 25 the southwest corner it looks like that there is a dot

1 without an "X" in it, and it looks like there's a tree
 2 canopy that surrounds that. Is that accurate?
 3 A. So on the southwest corner there is a
 4 circle.
 5 Q. Right.
 6 A. That circle is a sanitary cleanout for the
 7 septic system.
 8 Q. So the delineated circle around it, the
 9 wider wavy circle that's not a tree canopy?
 10 A. What you're describing definitely is a tree
 11 canopy, but I don't see --
 12 Q. So how is that tree canopy possibly
 13 remaining?
 14 A. So you said south?
 15 Q. Yes. Southwest?
 16 A. Right next to the pole?
 17 Q. Yea.
 18 A. That tree needs an "X."
 19 Q. Right. That tree needs an "X"?
 20 A. Right.
 21 Q. Now that tree looks like it has a pretty
 22 big canopy, so do you know what the diameter at breast
 23 height is of that tree that you're proposing to remove?
 24 A. No.
 25 Q. Did you do any of the fieldwork here to

1 determine the diameter breast height of any of these
 2 trees?
 3 A. No.
 4 Q. Did you do any of the fieldwork to
 5 determine the tree canopy of any of these trees?
 6 A. No.
 7 Q. Do you know the height of any of these
 8 trees that are intended to be taken down?
 9 A. We didn't measure.
 10 Q. Do you know what type of trees they are?
 11 A. No.
 12 Q. Do you -- well, I'm going to ask this. So
 13 there's a trailer and it says relocate trailer, right?
 14 Do you see that?
 15 A. Yes.
 16 Q. Where are you relocating the trailer to?
 17 A. The DPW yard's going to relocate the
 18 trailer.
 19 Q. You don't know where on the site, correct?
 20 A. Correct.
 21 Q. And with regard to these new trees that
 22 you're planting, what is their maximum height? I think
 23 you said for one of the species I think you said
 24 20 feet, but I don't think you testified as to all of
 25 them?

1 A. I did not. So I don't know the maximum
 2 height of the proposed cedar trees.
 3 Q. And do you know on average how quickly
 4 these trees grow, how many feet per year?
 5 A. I do not.
 6 Q. And do you know why the proposed
 7 landscaping was only on the southern side and not also
 8 on the western side of the compound?
 9 A. The western side of the compound is
 10 currently a fenced-in area and to be used as an impound
 11 lot, I believe.
 12 Q. Is that your answer as to why there's no
 13 landscaping in the area being proposed?
 14 A. Yes.
 15 Q. And with regard to the landscaping that
 16 you're proposing is there any type of irrigation system
 17 being proposed?
 18 A. No.
 19 Q. Is there any type of maintenance program
 20 being proposed in connection with those trees?
 21 A. For one year the contract is obligated to
 22 maintain.
 23 Q. What about after the first year?
 24 A. Nothing.
 25 Q. You show in your site plan, or on the site

1 plan on your chart, it looks like there's one row of --
 2 it looks like pine trees that border certain portions
 3 of the property that you depicted on your site plan.
 4 Do you recall that? Do you see that?
 5 A. Yes.
 6 Q. What are the condition of those trees
 7 currently?
 8 A. I don't remember.
 9 Q. Do you know if they're currently being
 10 maintained by anyone?
 11 A. I do not know.
 12 Q. On your plan, to your credit, there's an
 13 area -- I'm sorry, I keep having to take my glasses
 14 off -- post and rail fence in ruins along the property
 15 line, right? That's what it says?
 16 A. Yeah.
 17 Q. Okay. Is there any effort going to be made
 18 by the applicant to do something about the fact that
 19 that fence is in ruins? Your word.
 20 A. No.
 21 Q. Are you familiar with for the trees that,
 22 or the tree areas on your site plan that you showed are
 23 to remain, are you aware of the diameter breast height
 24 of any of those trees?
 25 A. No.

1 Q. Did you do a tree inventory? And you
 2 didn't. Okay. And are you aware of the tree canopy
 3 size of any of those trees that are to remain to
 4 determine what the root system extent is?
 5 A. We did not.
 6 CHAIRMAN FLANAGAN: Mr. Simon, sorry to
 7 interrupt you, but we have some other housekeeping
 8 issues that we need to take care of this evening. I
 9 just want to give you -- I want to leave a little bit
 10 of time so we can take care of those. I don't know how
 11 much time that will take, so what I would like to to is
 12 give you another -- well, continue for another five
 13 minutes. If you can finish up in that time.
 14 MR. SIMON: I probably will not finish up.
 15 CHAIRMAN FLANAGAN: If not then we'll
 16 continue it next month, but another five minutes and
 17 I'd like to get to the other issues we discussed.
 18 MR. SIMON: Off course.
 19 BY MR. SIMON:
 20 Q. With regard to the existing trees that are
 21 to remain surrounding this compound area did you or
 22 anyone in your firm do any investigation as to the
 23 extent of those trees being dead, deceased or dying?
 24 A. No.
 25 Q. Is there any intent of the applicant in

1 A. I don't know.
 2 MR. SCHNEIDER: But you can provide that
 3 answer; correct?
 4 THE WITNESS: Sure.
 5 BY MR. SIMON:
 6 Q. And with regard to the light I believe you
 7 testified that it's sort of like a flood light or
 8 something like that?
 9 A. Correct.
 10 Q. And where is it going to be located, and
 11 the question, Jim, I'm asking is the extent to which a
 12 surrounding property owner, you know, may see it?
 13 A. Sure.
 14 Q. So where is it going to be located?
 15 A. It will be on the far side, the front side
 16 of the equipment cabinets pointing at down at the
 17 equipment cabinet doors so to speak so that when you
 18 open the door you have some light pointing in into the
 19 cabinet.
 20 Q. So will any neighbor be able to see the
 21 light source from that light?
 22 A. I don't know.
 23 Q. And you -- oh, you also talked about that
 24 there's miscellaneous equipment in the area that you
 25 are utilizing for the compound. You said that there's

1 connection with this application to propose any type of
 2 conservation easement so those existing trees that are
 3 remaining are going to be protected and preserved?
 4 A. No.
 5 MR. SCHNEIDER: You're referring to the
 6 trees of the applicant I have no problem with that but
 7 I can't control the township trees, subject to township
 8 trees to a conservation easement.
 9 MR. SIMON: With a hundred 140-foot tower,
 10 okay.
 11 BY MR. SIMON:
 12 Q. The trees that are to remain did you or
 13 anyone in your firm do any type of analysis as to the
 14 existing heights of those trees?
 15 A. No.
 16 Q. And with regard to the lighting that's
 17 proposed that's going to be on a timer, and I guess
 18 it's going to be -- I apologize, I might be forgetting,
 19 was it like sensor activated?
 20 A. No. It's manual on.
 21 Q. So when I come to the site in the middle of
 22 the night I actually have to turn it on?
 23 A. Yes.
 24 Q. And how long, when you say it's on a timer,
 25 how long if I forget to turn it off will it turn off?

1 miscellaneous trees and shrubs and miscellaneous
 2 equipment?
 3 A. Miscellaneous equipment that's there now is
 4 owned by the DPW.
 5 Q. Right. And so is that part of the trailer
 6 that I asked you about earlier that's going to be
 7 removed, or is there other miscellaneous --
 8 A. There are other items.
 9 Q. But you don't know where that's going,
 10 right, that other miscellaneous equipment?
 11 A. No.
 12 Q. And I'm curious as to why you talked about
 13 this third battery cabinet that's there and you showed
 14 it on your plans. But it's not being used right now.
 15 I'm curious as to why we need the space for the third
 16 battery cabinet if it's not being used currently?
 17 A. So it's a standard protocol for the Verizon
 18 site to design for three cabinets at this time.
 19 Q. I have to ask. Why is it a standard
 20 protocol?
 21 A. Possible. Well, I can't answer that.
 22 Q. Do you know the answer? Do you know why
 23 it's standard protocol?
 24 A. Correct. I do not.
 25 CHAIRMAN FLANAGAN: Okay. Are we still

1 talking about cabinets or are you still --
 2 MR. SIMON: I asked one question about
 3 cabinets or actually I two questions about cabinets and
 4 I got my answer.

5 CHAIRMAN FLANAGAN: It's a sincere
 6 question. So what I'd like to do then is move on to
 7 our housekeeping items. Mr. Simon -- well, actually
 8 let me ask. Will we have the same witness back next
 9 month? What is your plan? Or let me ask, are you
 10 planning on coming back next month? I'm not going to
 11 presume anything.

12 MR. SCHNEIDER: Unless I decide to stay
 13 overseas, yes. Yes, I'll certainly come back next
 14 month. I will bring Mr. Murawski back. I don't know
 15 whether it's more productive to proceed with Mr.
 16 Murawski or return to Ms. Boschulte, but I'll bring
 17 both of them back.

18 CHAIRMAN FLANAGAN: I would suggest that we
 19 continue with Mr. Simon's questions of Mr. Murawski.

20 MR. SIMON: I was just asking what the date
 21 was.

22 ADMINISTRATOR TAGLAIRINO: The 16th I think
 23 it is. We have a lot of residential.

24 CHAIRMAN FLANAGAN: So what I would like to
 25 to then just to keep it flowing, I think in a linear

1 fashion continue the question of Mr. Murawski -- Mr.
 2 Simon's questions of Mr. Murawski and continue with, I
 3 forget her name, but we'll go back to the testimony
 4 with your RF engineer.

5 MR. SIMON: In fairness to the Board, I
 6 don't have many more questions for Mr. Murawski so I
 7 think that's appropriate.

8 MR. SCHNEIDER: So what I was going to ask
 9 was if there are a number of residential applications I
 10 was just trying to figure out whether it was worthy to
 11 bring Ms. Boschulte back, but it sounds like there's
 12 that opportunity.

13 CHAIRMAN FLANAGAN: Yeah. I mean, it's a
 14 month down the road. I have not seen the applications
 15 we have for next month. Lori, do you think we have
 16 several?

17 ADMINISTRATOR TAGLAIRINO: Well, we have
 18 Pitney coming back, and we have three new ones.

19 CHAIRMAN FLANAGAN: And without knowing
 20 what those applications are I can't tell you how long
 21 it will take. Okay. I think we had a good night
 22 tonight whereas we only had one. If we only had one on
 23 the agenda we can get a lot done on this one.

24 MR. SCHNEIDER: Mr. Chairman, can I just
 25 make one question, comment? And I think myself and Mr.

1 Purcell, Mr. Simon are all on the same page, that may
 2 not matter. I think we did get a lot accomplished
 3 tonight. So one thought going forward is I think
 4 frankly from a cost perspective and efficiency
 5 perspective, I don't know that we need to do it next
 6 month, but would it be possible to maybe do it every
 7 other month and get a full night ahead rather than an
 8 hour at a time and try to squeeze the witnesses, have
 9 Dr. Eisenstein drive up for just an hour and Mr.
 10 Purcell sit there. And I'm just trying to think ahead
 11 in some way that we might get more come accomplished
 12 rather than 45 minutes at a time.

13 CHAIRMAN FLANAGAN: Yeah. I mean tonight
 14 is a perfect example of where we got much more than 45
 15 minutes. And this is actually the topic I wanted to
 16 discuss. So it's -- you know I have an obligation to
 17 hear these residential applications, right. I have to
 18 hear them within a certain time frame, and obviously
 19 yours needs to be heard within a certain time frame as
 20 well. If I look at the time we have spent on this,
 21 alright, it's rightfully been a lot of questions from
 22 Mr. Simon, which he has every right to ask. If it's
 23 your view that Mr. Simon is -- should curtail his
 24 questions I guess we can take that into consideration.
 25 I don't know how that would work, right, but we're

1 working through your application as quickly as we
 2 possibly can but there's a lot of questions that people
 3 are asking.

4 In terms of having additional sessions I
 5 know that was brought up last month, or special
 6 meetings for the purpose of, you know, getting through
 7 bulk, it's a challenge. I'll be honest with you.
 8 Members of this Board have other obligations, but
 9 it's -- to have it, you know, this Board here for two
 10 nights in a particular month in addition to site visits
 11 it's a strain on the Board.

12 So the question is I guess for you is do
 13 you feel that this Board is moving too slowly, that
 14 this hearing or this application? And if you do,
 15 advise us of it.

16 MR. SCHNEIDER: No. I didn't suggest that.
 17 I don't think I said anything to the contrary.

18 CHAIRMAN FLANAGAN: No, you didn't.

19 MR. SCHNEIDER: I think my comment was more
 20 addressed at going forward a way to more efficiently
 21 proceed in terms of scheduling in coordination with the
 22 residential. That really was the focus of my comment.

23 CHAIRMAN FLANAGAN: Yeah. Sure. Fair
 24 enough. What was the thought?

25 MR. SCHNEIDER: Well, I don't know that

1 it's something -- I think maybe it works out all well
2 next month that we complete -- it sounds like you have
3 a lot of residential. You have the Pitney matter. It
4 doesn't sound like we have a lot of time. Maybe it
5 just works in well we finish up Mr. Murawski.

6 I guess my point is rather than bring Ms.
7 Boschulte back the following meeting for a half hour
8 and then 45 minutes the next meeting, I don't know that
9 that's an efficient way to proceed, but it's basically
10 suggesting maybe going forward, maybe if there are
11 nights where we're not going to get a significant
12 amount of time maybe you get -- make some progress on
13 the residential and then we be given a substantial
14 portion the following month. That's a thought.

15 CHAIRMAN FLANAGAN: So you would carry your
16 application from a particular month --

17 MR. SCHNEIDER: If I knew that I was
18 getting a sufficient time, and I don't know -- I'm just
19 throwing that out there. Because frankly Dr.
20 Eisenstein has to come up, and it's, you know, the next
21 month Dr. Eisenstein it's a half hour for Mr. Murawski.
22 If that's all we get I don't know if that's an
23 efficient use of his time.

24 CHAIRMAN FLANAGAN: Yeah. It's about the
25 chunk of time, I guess you're asking.

1 MR. SCHNEIDER: Right.

2 CHAIRMAN FLANAGAN: And just to be sure I'm
3 certain, you're not talking about the order of events,
4 correct? Because I think we have talked about that
5 before. Dr. Eisenstein you come from Philadelphia, so
6 I think your preference is to come or to start this
7 hearing later in the evening, I guess, right?

8 DR. EISENSTEIN: We're on a schedule now
9 where we can make the earlier time.

10 CHAIRMAN FLANAGAN: All right. Okay. So
11 that's a change.

12 DR. EISENSTEIN: Schedule has changed.

13 CHAIRMAN FLANAGAN: All right. So one
14 thing we can do, if it helps is, I'm happy to have
15 your -- the only reason I've always scheduled your
16 application last is because Dr. Eisenstein had to come
17 from Philadelphia.

18 DR. EISENSTEIN: That was correct in the
19 previous months, but we're in a new quarter now and our
20 timing works out better. We'll be up Thursday
21 afternoon.

22 CHAIRMAN FLANAGAN: So if it helps you, and
23 I know that's not what you're asking for, but the one
24 thing we can do is have you go first. I think you
25 deserve that. You've been on the calendar the longest.

1 So certainly I'm willing to do that.

2 And regarding the how much time, what we
3 can do, I guess, is try to give you a better sense of
4 how much time will be available. So in terms of, you
5 know, so next month we're going to have several
6 applications. I imagine we can bump one of those or we
7 don't have to hear all the those next month. And I
8 don't know, it's a question I'm asking. Are there any
9 of those applications that don't have to be heard next
10 month? And let us come back, because I have an
11 obligation to hear these.

12 ADMINISTRATOR TAGLAIRINO: Well, they're in
13 for review. As I said, there's two today, two that
14 exist, one's coming back, one is I think is ready, two
15 will be getting there. I'm just saying that we have
16 four in, and so Gary will review. I don't know if any
17 of them would trigger a site inspection. There's all
18 kinds of things. So it will be something I guess you
19 really have to monitor closely and make a decision on.

20 CHAIRMAN FLANAGAN: And it's a question
21 with are they ready to go forward, and I simply don't
22 know the answer. How quickly after an application is
23 submitted do we need to hear it? I'll talk to Gary
24 about that and we can talk about it. If there are
25 applications that I can push because I have no time I'm

1 happy to do that, but listen, I don't want to put any
2 of the residents -- I don't want to push off any
3 residents. With that said this application has a right
4 to be heard as well.

5 MR. SCHNEIDER: I haven't suggested at all
6 that the Board hasn't been very fair to me.

7 CHAIRMAN FLANAGAN: Fair enough. Yea, and
8 I just think that because we had to have some
9 discussion which was the initial reason.

10 MR. SCHNEIDER: Let me just make one --
11 I'll throw out one suggestion for next month. If you
12 do have a number of residentials and the Pitney matter
13 it's almost taking Mr. Simon at his word that he
14 doesn't have that much left for Mr. Murawski, maybe
15 what we can do is clean out a lot of the residentials.
16 Move the residentials, finish up Murawski -- Mr.
17 Murawski, and then maybe clear, so to speak, the agenda
18 so that in June you've made significant progress on
19 your residential and then we can get a bulk of time to
20 bring back Ms. Boschulte. That's just a thought.

21 CHAIRMAN FLANAGAN: Sure. And just to
22 understand, I don't know what is coming down the pike
23 for residential. So for example, the one's coming back
24 next month only one of them apparently is a
25 pre-existing application. So I just -- Lori gets some

<p style="text-align: right;">Page 121</p> <p>1 visibility, I guess, a month in advance of what we 2 have, but three months from now -- 3 ADMINISTRATOR TAGLAIRINO: Sometimes I get 4 surprised like today and they just show up. 5 CHAIRMAN FLANAGAN: So I hear your point. 6 We'll try to get through as many as we can. So even if 7 we got through every application next month there's no 8 guarantee that the next month I won't have another five 9 in front of me. 10 MR. SCHNEIDER: Okay. I just wanted to 11 plant that seed. 12 CHAIRMAN FLANAGAN: Sure. My goal is to 13 get -- with all of these applications, right, I 14 understand the expense associated with it, right. And 15 it's something that the Board discusses regularly. 16 We're cognizant of the fact that the applicant has 17 expenses to pay for, and attorneys, et cetera. It is 18 always the goal to do these things as efficiently as 19 possible. 20 MR. SCHNEIDER: And I appreciate the 21 sensitivity. We have a unique situation. We have a 22 conflict Board attorney, and we have Dr. Eisenstein. 23 You know, so all of those are coming out of my escrow. 24 CHAIRMAN FLANAGAN: I understand. And this 25 is a conservation we have to have frequency, right,</p>	<p style="text-align: right;">Page 122</p> <p>1 about the cost associated to generally spoken in terms 2 of residents, but you have a right be here as an 3 applicant, so the cost -- 4 MR. SCHNEIDER: Okay. I think -- 5 MR. SIMON: So Mr. Chairman, just to 6 support Rich for a second. So if next month we do, you 7 know, whatever the residential's are, whatever they may 8 be, plus finishing up just the engineer I think that 9 obviates the need for probably Dr. Eisenstein to be 10 here or Ms. Boschulte to be here. That's up to the 11 applicants of course, but I'm just suggesting that that 12 may be a way to reduce cost. 13 CHAIRMAN FLANAGAN: I understand. And I 14 will say Dr. Eisenstein is here for the Board. He's 15 our expert. I understand. It's a good suggestion. 16 And you'll understand I would not necessarily -- I 17 would definitely not have a meeting without an 18 attorney, but understand. 19 MR. SIMON: Just being courteous. 20 CHAIRMAN FLANAGAN: Alf, you had a 21 question? 22 BOARD MEMBER NEWLIN: Mr. Schneider, 23 perhaps unfair or not, but one thing that would be 24 helpful some of the testimony that's coming up, 25 particularly alternate sites, having more prep. Last</p>
<p style="text-align: right;">Page 123</p> <p>1 time we went into this I didn't think you guys were 2 prepared to discuss alternate sites at all. So since 3 we're going to be looking at alternate sites the more 4 prep you have for us that we can look at ahead of time, 5 at least for me, it helps as a Board member to be much 6 more efficient. So organization. And the second -- 7 MR. SCHNEIDER: I thought we were, I just 8 didn't think we got to it. 9 CHAIRMAN FLANAGAN: Well, I don't think 10 your witness -- 11 BOARD MEMBER NEWLIN: There were no 12 coverage maps. There didn't seem to be any 13 consideration. Maybe there was, but -- so it seemed 14 like it was a waste of time. 15 And secondly, just let us know what the 16 game plan is. You do this for a living, so overall 17 structure, how you expect to go from here to the end 18 it's always helpful to me if you can summarize your 19 main -- the road map of how you're going go about this, 20 because -- 21 MR. SCHNEIDER: Sure. We did have the 22 props but we didn't get to them. But let's not belabor 23 that. So the game plan will be presumably to finish up 24 with Mr. Murawski. 25 BOARD MEMBER NEWLIN: I'm sorry. Let's say</p>	<p style="text-align: right;">Page 124</p> <p>1 this goes ahead and this site develops will we have 2 another chance to ask additional questions? Because 3 Mr. Simon asks a lot of typical site plan questions 4 that we didn't get to. At some point we will be able 5 to ask those questions. 6 MR. SCHNEIDER: I have no issue bringing 7 back Mr. Murawski if that's the Board's -- if there's 8 anything that's substantively that he needs to address. 9 So finish up, Mr. Murawski. Obviously address to the 10 extent we're required to address the alternate site 11 inquiry, predicated on an assumption that the alternate 12 site is available. If the alternate site is not 13 available then its analysis as to whether it's suitable 14 or not suitable from an RF or a planning perspective 15 becomes an irrelevant consideration. 16 CHAIRMAN FLANAGAN: It's your case to make. 17 MR. SCHNEIDER: That's fine. So to answer 18 your question, in a certain particular order we'll 19 bring back Mr. Murawski, we'll address the alternate 20 site. We will then re-call Ms. Boschulte to (A) remain 21 subject to Mr. Simon's questions and any redirect, and 22 then proceed with our professional planner. And you 23 have my commitment as I indicated that we would provide 24 alternate photo sims of the visual analysis of the 25 different options as you had asked.</p>

1 CHAIRMAN FLANAGAN: Okay.
 2 MR. SCHNEIDER: Does that answer your --
 3 BOARD MEMBER NEWLIN: It does. We usually
 4 for site plans, Paul usually prepares a report.
 5 CHAIRMAN FLANAGAN: Paul, will you prepare
 6 a report for us?
 7 MR. FOX: Sure. I prepared an initial
 8 report for this application. The applicant did submit
 9 some revised plans, so I can update that.
 10 BOARD MEMBER NEWLIN: A lot of questions
 11 Mr. Simon asks, at least in my experience anyway, show
 12 up in your report and you get down to the level that he
 13 did. I don't know what the timing would be for your
 14 report, so that's why I asked how this is going to
 15 work, but I've always found it very valuable.
 16 MR. FOX: That's no problem.
 17 CHAIRMAN FLANAGAN: So just, Mr. Schneider
 18 just so I'm clear so someone can remind me, would you
 19 like to go first next month? Does that work for
 20 everyone present?
 21 MR. SIMON: It's fine. It's Rich's
 22 application. I just want to be prepared so I can be as
 23 efficient as possible. Just to find out then if -- is
 24 the applicant going to get a certain time period?
 25 Because I'd like to -- I try to work and be

1 CHAIRMAN FLANAGAN: Fair enough. So we'll
 2 talk to Lori. We'll get more discussion as to those
 3 applications.
 4 MR. SCHNEIDER: Then we'll work backwards
 5 as to who that is. So to answer Mr. Newlin's question.
 6 So ultimately it will be alternate sites. Re-call Mr.
 7 -- continue testimony of Murawski including responses
 8 to any supplemental reports from Mr. Fox, re-call Ms.
 9 Boschulte and the professional planner with the initial
 10 visual analysis.
 11 MR. SIMON: One other thing from the Board,
 12 and I haven't thought of this myself, but if Ms.
 13 Boschulte is going to be presenting alternate sites,
 14 what have you, the question is in my mind whether to,
 15 because I'm in the middle of cross-examining her,
 16 right? So the question is whether I should be
 17 continuing to cross-exam her, or I should wait, have
 18 her do the alternate sites and then -- I just want to
 19 know.
 20 CHAIRMAN FLANAGAN: Well, would you object
 21 to allowing her to go present the alternate sites and
 22 then continue your cross-examination?
 23 MR. SIMON: I just want to thing about it,
 24 but I think not. I mean, normally it's their
 25 application, and I think that in fairness to the

1 cooperative.
 2 CHAIRMAN FLANAGAN: Well, how much longer
 3 do you think you need?
 4 MR. SIMON: Probably 20 minutes. I don't
 5 want to hold to that.
 6 CHAIRMAN FLANAGAN: I won't hold you to it,
 7 but I would be happy to carve out the first hour of the
 8 meeting for you and if you're done quicker you're done
 9 quicker; if it takes the hour it takes the hour. The
 10 risk, of course, of that is that once the hour's up
 11 we're going to move to the next one, as opposed to
 12 getting the benefit of having any extra time.
 13 MR. SCHNEIDER: Why don't we do this.
 14 CHAIRMAN FLANAGAN: You don't have to
 15 decide now.
 16 MR. SCHNEIDER: No, and I think so there's
 17 an open line of communication, there's no disagreement,
 18 we'll touch base in advance of the next month. If
 19 between now and the next month you can just give me a
 20 general sense based on the status of your residential
 21 application how much time you contemplate giving us
 22 then I'll make a cooperative decision about, if we're
 23 only going to get 45 minutes and Mr. Murawski is going
 24 to take 30 minutes then I don't know if it's worth
 25 bringing in another witness.

1 applicant and the Board certainly the more they can get
 2 done on direct, including supplemental direct, I think
 3 would limit my cost.
 4 CHAIRMAN FLANAGAN: That makes sense to me.
 5 I want to make sure that you don't have any --
 6 MR. SIMON: I don't think it prejudices my
 7 client, so --
 8 CHAIRMAN FLANAGAN: Okay.
 9 MR. PURCELL: So we have one more
 10 housekeeping issue.
 11 CHAIRMAN FLANAGAN: "The" housekeeping
 12 issue is.
 13 MR. PURCELL: The MLUL requires that the
 14 Board act on the variance application on 120-day
 15 period. We're just about there. There's also an FCC
 16 shot clock we need to discuss. But Mr. Schneider, I
 17 know we're discussing dates, but would the applicant
 18 consent for purposes of the MLUL adding a requirement
 19 to extend the date to July 18, 2019.
 20 MR. SCHNEIDER: Yes. Yes as to the
 21 municipal land use law. Yes, as to the FCC shot clock
 22 with the understanding that under the FCC shot clock
 23 order the Board also has to technically consent that I
 24 have no issue with that.
 25 MR. PURCELL: Right. So that's the next

<p style="text-align: right;">Page 129</p> <p>1 part of this. There's the MLUL and then because</p> <p>2 there's a Federal Telecommunications Act. The Federal</p> <p>3 Telecommunications Act says municipalities have to act</p> <p>4 within a reasonable period of time with the</p> <p>5 application, which the FCC has said it's presumptively</p> <p>6 150 days. Next month will be 150 days.</p> <p>7 So essentially we would be just – the FCC</p> <p>8 says it has to be by mutual consent. So someone would</p> <p>9 have to make a motion with a second and then we do a</p> <p>10 voice vote that would allow us to extend the shot clock</p> <p>11 from May to also July 18, 2019.</p> <p>12 BOARD MEMBER NEWLIN: Is there any reason</p> <p>13 why he wouldn't want to do that?</p> <p>14 MR. PURCELL: No. What it does is</p> <p>15 preserves the township's rights otherwise we – if you</p> <p>16 blew by the shot clock Verizon would have the ability</p> <p>17 to go to Federal Court to say that we had not acted on</p> <p>18 their application within a reasonable time.</p> <p>19 CHAIRMAN FLANAGAN: It makes absolutely</p> <p>20 zero sense to me, and it's late and I don't want to get</p> <p>21 into it. It makes zero sense to me, because what we're</p> <p>22 talking about is the applicant telling us, and tell me</p> <p>23 if I'm mistaking this, but the applicant is consenting</p> <p>24 that – listen, the Board has done what we need to do</p> <p>25 to hear this case, and they promise or they agree to</p>	<p style="text-align: right;">Page 130</p> <p>1 extend the time. And what they're agreeing to do is</p> <p>2 not go complain to the court, right? So the applicant</p> <p>3 consents to that. Why do we need to consent to the</p> <p>4 applicant consenting not to go take us to court?</p> <p>5 MR. PURCELL: That's how the MLUL works and</p> <p>6 that makes a lot more sense. The FCC operates under a</p> <p>7 different set of orders. It says by mutual consent</p> <p>8 just to cross every "T" and dot every "I."</p> <p>9 CHAIRMAN FLANAGAN: So someone wrote that</p> <p>10 they read mutual instead of the applicant consents, and</p> <p>11 now we have to sit here and vote whether we agree that</p> <p>12 the applicant agrees he's not going to go sue us</p> <p>13 because it's taking too long. Who wants to make a</p> <p>14 motion? I have no idea what the motion would be,</p> <p>15 honestly.</p> <p>16 MR. PURCELL: Well, it's a motion by mutual</p> <p>17 consent to agree that the shot clock is extended to</p> <p>18 July 18, 2019, for purposes of the FCC order 19-99.</p> <p>19 BOARD MEMBER NEWLIN: Motion.</p> <p>20 CHAIRMAN FLANAGAN: Second. Alrighty. All</p> <p>21 in favor?</p> <p>22 (Voice vote is taken; unanimous vote "aye")</p> <p>23 MR. SCHNEIDER: So for purposes of the</p> <p>24 record, for notice purposes we're carrying it to the</p> <p>25 Board's May –</p>
<p style="text-align: right;">Page 131</p> <p>1 ADMINISTRATOR TAGLAIRINO: 16.</p> <p>2 MR. SCHNEIDER: 18th at 7:30 p.m.</p> <p>3 ADMINISTRATOR TAGLAIRINO: 16th. 18th is a</p> <p>4 Saturday.</p> <p>5 MR. SCHNEIDER: I'm sorry. May 16th, 7:30,</p> <p>6 no further notice.</p> <p>7 CHAIRMAN FLANAGAN: All right. Ladies and</p> <p>8 gentlemen, we are adjourned. Thank you.</p> <p>9 (Whereupon, the hearing on this application</p> <p>10 concludes at 11:08 p.m.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 132</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 I, IRIS LA ROSA, a Notary Public and Certified</p> <p>4 Shorthand Reporter of the State of New Jersey, do</p> <p>5 hereby certify that the foregoing is a true and</p> <p>6 accurate transcript of the testimony as taken</p> <p>7 stenographically by and before me at the time, place,</p> <p>8 and on the date hereinbefore set forth.</p> <p>9 I DO FURTHER CERTIFY that I am neither a</p> <p>10 relative nor employee nor attorney nor counsel of any</p> <p>11 of the parties to this action, and that I am neither a</p> <p>12 relative nor employee of such attorney or counsel, and</p> <p>13 that I am not financially interested in the action.</p> <p>14</p> <p>15</p> <p>16 IRIS LA ROSA, CSR, RPR</p> <p>17 Certificate No. 30XI 00162800</p> <p>18 Dated:</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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