

REGULAR MEETING

Salute to Flag: 8:08pm

OPENING STATEMENT:

This is the Regular Meeting of the Wanaque Board of Adjustment and adequate notice has been given and it has been duly advertised by the placement of a notice in the Herald News and the Suburban Trends on February 14, 2016 and February 17, 2016 respectively, and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk

ROLL CALL: Chairman Jack Dunning, Vice Chairman Bruce Grygus, Members Don Ludwig, Peter Hoffman, Michael Levine, Susan Henderson and David Karp, Attorney Ronald Mondello and Engineer Christopher Nash

ABSENT: Member Frank Covelli

Application #ZBA2016-02 - New Cingular Wireless (AT&T), Applicant
4 Susquehanna Avenue, Haskell, NJ (Block 476/Lot 1.01)

Christopher Quinn, Esq., Attorney for Applicant, presented his case

Attorney Mondello deemed this application complete and deemed the Zoning Board has jurisdiction to hear the application.

See attached transcript of hearing for this application.

Attorney Mondello recommended the Board bifurcate the vote; first take a vote on the Use Variance to see if that passes and, if that passes, you can discuss whether or not the majority of the Board is interested in allowing the Applicant to go higher with respect to the tower.

MOTION TO APPROVE THE USE VARIANCE: made by Vice Chairman Grygus, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Hoffman, Ludwig, Levine, Henderson and Karp. Motion Carried.

MOTION TO APPROVE THE SUBMITTED SITE PLAN WHICH REQUIRES THE FOLLOWING VARIANCES: THE LOT DEPTH REQUIRED IS 150 FEET AND EXISTING IS 133 FEET WITH THE APPROPRIATE VARIANCE OF 17 FEET; REAR YARD SETBACK REQUIRED IS 45 FEET AND EXISTING IS 32 FEET FOR A 13 FOOT VARIANCE; TO APPROVE THE WAIVER OF THE LANDSCAPING BUFFER WHERE REQUIRED IS 4 FEET AND 0 FEET IS PROPOSED FOR A VARIANCE OF 4 FEET; AND NEWLY PROPOSED TOTAL MAXIMUM TOWER HEIGHT NOT TO EXCEED 230 FEET FOR A VARIANCE OF 100 FEET WITH THE CONDITION THAT THE TOWER COMPLY WITH ALL FEDERAL GUIDELINES WITH RESPECT TO LIGHTING OR ANY OTHER ISSUES THAT WOULD PERTAIN TO THE ADDITIONAL HEIGHT

MOTION TO APPROVE THE APPLICATION: made by Vice Chairman Grygus, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Hoffman, Ludwig, Levine, Henderson and Karp. Motion Carried.

PUBLIC DISCUSSION: Let the record show no one came forward.

ENGINEER NASH'S REPORT/DISCUSSION ON 1049 RINGWOOD AVENUE LLC BEFORE VOTING ON RESOLUTION:

I met with Engineer Keenan at my office and we went over the concept of the stormwater management plan. We are currently reviewing it and I expect to have our review done by the middle of next week. I also assume we are going to have comments and it is going to be a little bit back and forth. I see another month of this going on until we are satisfied.

Chairman Dunning commented that the stormwater management on that property is difficult.

Engineer Nash stated, to my disagreement, they still have that basin discharging to the back. The problem is the perception. Even if it doesn't flood out the neighbor, it is a new item, and even if you can prove it engineering wise that it is not, it still is. It is going to be a thorn in their side.

Chairman Dunning stated if you look at the back of the Haskell Towne Center parking area, in front of where Jersey Central has their power boost plant, it always runs water to the parking lot of that property. If you get a good rain or snow melt, it comes out of the ground and over the curb right into the parking lot. Are they going to add to that problem?

Engineer Nash stated they can't. The ordinance requires a reduction of runoff. From the site, it is a net so you can have more runoff coming off one side of the site and a whole lot less from another side and you get the net. The method is the net. I told them I don't want that. There clearly is a division; most of the site drains to the back and the front part of the site drains onto Ringwood Avenue. I told them I don't want to have one outflow adds and

one is more/less. I want them both to provide reductions. I am putting a restriction on them that the ordinance really doesn't address. I think it is a reasonable one.

Attorney Mondello agreed and stated he mentioned at one of the meetings that you don't want to be dragged into this litigation from property owners that are saying you guys approved this and now I get water in my basement all the time. That is why you pretty much have free reign to tell them what to do with respect to runoff.

Vice Chairman Grygus questioned where did we leave off with Attorney Lorber investigating the rear driveways?

Attorney Mondello stated he sent letters out already and we gave him 90 days to get us answers. I don't think you are going to get any of those property owners giving you a thumbs up for an easement. Chairman Dunning stated the town will; the problem will be Hackensack Water Pipe.

Vice Chairman Grygus questioned if everyone understood the e-mail regarding the affordable housing?

Attorney Mondello stated he had reached out to some of the Borough Officials to ask them what the percentage was on affordable housing and they came back with 20%. I don't know where that number came from, but Attorney Lorber always said 10% and he always represented to us that he got that figure from meetings with some of the folks in town and he actually sent me an e-mail that confirmed the 10% so I think it would be patently unfair to make his client do 20% and he probably would run into court anyway and win for something called "detrimental reliance". From this point on, we are always going to be asking applicants for a 20% set aside when they come in with residential projects.

Attorney Fiorello sent me a letter saying that he understood the problems that we had with the 20% versus the 10%. In his letter, and I will send everyone a copy of it tomorrow, he basically said from this point forward, please use 20%.

RESOLUTION: Application #ZBA-2015-03 – 1049 Ringwood Avenue, LLC, Applicant, 1049 Ringwood Avenue, Haskell, NJ, Block 430, Lot 1 to construct 36 residential units consisting of 12 one bedroom units and 24 two bedroom units with 83 parking spaces.

MOTION TO MEMORIALIZE THIS RESOLUTION AS PREPARED BY BOARD ATTORNEY: made by Member Vice Chairman Grygus, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Hoffman, Levine, Henderson and Karp.

Member Ludwig abstained/not qualified.

Motion Carried.

RESOLUTION: Application #ZBA-2016-01 – John E. Crilly, Applicant, 33 Wolfe Drive, Wanaque, NJ, Block 257, Lot 5 to construct an 8' x 12'shed.

MOTION TO MEMORALIZE THIS RESOLUTION AS PREPARED BY BOARD

ATTORNEY: made by Member Ludwig, seconded by Member Vice Chairman Grygus. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Ludwig, Levine, Henderson and Karp.

Member Hoffman abstained/not qualified.

Motion Carried.

Let the record show that Member Ludwig left the meeting at 10:30pm

CORRESPONDENCE: None

VOUCHERS: submitted by Ronald Mondello, Esq. for preparation of the Resolution for 1049 Ringwood Avenue, LLC in the amount of \$3,150; for preparation of the Resolution for John E. Crilly Application in the amount of \$375; and attendance at the May 4, 2016 Meeting in the amount of \$300.

MOTION TO APPROVE: made by Member Vice Chairman Grygus, seconded by Member Levine. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Hoffman, Levine, Henderson and Karp.

MOTION TO APPROVE APRIL 6, 2016 MINUTES: made by Vice Chairman Grygus, seconded by Member Henderson. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Levine, Henderson and Karp. Member Hoffman not qualified/abstained.

DISCUSSION:

Vice Chairman Grygus questioned Attorney Mondello that the letter form Attorney Fiorello will cover the Board, but where are they pulling this 20% number from and would it with stand a developer's challenge?

Chairman Dunning advised that a lot of towns are doing the same thing just protecting themselves. In this case, you go down to something then every other builder that gets "whacked" with the 20% is going to say I want a builder's remedy.

Vice Chairman Grygus stated the 10% we got for this project is more than they got for the Rhinesmith property.

Attorney Mondello stated the 1.5% fee is weak. Just say, if this project cost \$5 million to build, 1.5% of that is not a lot of money. We have 10% but remember there were some discussions about doing 1.5% of the total assessed value.

Vice Chairman Grygus questioned if we can do an e-mail vote on the cell tower resolution since it looks like we will not be having a June meeting?

Attorney Mondello stated I wouldn't mind doing that, but the courts and legislature have not extended this type of meeting to catch up with what we've got going on so it is really not an approval when you do it electronically like that. However, maybe the building department would simply accept that and at least issue them the permits until we can finally meet and do a memorialization. I will discuss the issue with Attorney Quinn since there was no one attending this meeting to challenge the application.

MOTION TO ADJOURN AT 10:40PM: made by Vice Chairman Grygus, seconded by Member Levine. Motion carried by a voice vote.

Jennifer A. Fiorito
Board of Adjustment Secretary

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

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PINILIS HALPERN, LLP

By: CHRISTOPHER J. QUINN, ESQ.

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160 Morris Road

Morristown, New Jersey 07960

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Counsel for the Applicant,

New Cingular Wireless, AT&T

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I N D E X:

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WITNESS:

PAGE:

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Neil Arceo

12

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Tony Gualtieri

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Jim Dowling

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EXHIBIT:

DESCRIPTION:

PAGE:

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Existing Coverage

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Proposed Coverage

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Aerial Photo

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A-4

Photo Sims

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1 CHAIRMAN DUNNING: Moving right
2 along, the first application of the evening,
3 Application ZBA2016-02, New Cingular Wireless.

4 Please enter your appearance for the
5 record.

6 MR. QUINN: My name is Christopher
7 Quinn, Q-u-i-n-n, with the firm Pinilis Halpern here
8 on behalf of the applicant, New Cingular Wireless,
9 PCS, LLC, and known in the marketplace as AT&T.

10 MR. MONDELLO: Mr. Chairman, I have
11 had an opportunity to look at the application. I
12 have got a copy of the notice of public hearing, and
13 the list of residents within 200 feet. I deem the
14 application complete from a legal process or service
15 process. I would say that the Board has
16 jurisdiction to hear the application.

17 CHAIRMAN DUNNING: You may proceed.

18 MR. QUINN: Thank you very much. The
19 property in question, Block 476, Lot 1.01 is located
20 on Susquehanna Avenue. It's the Elks property, but
21 it specifically is near entrance to the Elks
22 property. The primary function is, there's two
23 parking areas on the left side close to Route 287.
24 It's located in the R15 zone. AT&T is seeking to
25 install a 165-foot telecommunication monopole in

1 northwest corner of the parking lot, which would be
2 adjacent to 287. The related equipment shelter and
3 generator are within the compound behind a fence on
4 the property. With lightning rod and antennas, the
5 facility will be a maximum of 170 feet high.

6 Why we're here, to just give you some
7 background, why we're proposing this site here, it's
8 replacing an existing facility that AT&T already has
9 on air, which is actually located on the very large
10 Cablevision tower that's right across 287. I'm sure
11 that you have seen it a hundred times or a thousand.
12 AT&T is located right now at 393 feet in that tower,
13 and Cablevision is taking a position that they want
14 to lease no more space to any of the carriers, so as
15 soon as our lease expires, which technically was
16 February of this year, they require us to remove our
17 antenna from the facility and move out. We've had
18 that site there for over a decade providing
19 coverage, and we're about to lose that site any day.

20 MR. MONDELLO: How is that possible
21 with no resolution to indicate? If they came, if
22 Cablevision came before the Board for a 350-foot
23 tower, I would say in the resolution that one of the
24 conditions would be that you have to collocate.

25 MR. QUINN: So, typically, those

1 kinds of towers are old, they're not ones that have
2 been constructed in the last 15 years, that I think
3 the approvals from Boards weren't as sophisticated
4 as they are now, and they weren't thinking about
5 that or contemplating. Cablevision went for its
6 tower back in 1975. They were looking to send the
7 signal out to their Cablevision customers. So they
8 weren't contemplating telecommunication being used
9 as a condition.

10 And we've been doing this unfortunately
11 throughout the state. I've been to Dumont for
12 another similar tower on another site they have, in
13 Monmouth County as well, and we're experiencing that
14 issue across the state and Long Island, anywhere
15 Cablevision has a tower with AT&T, we're being
16 forced to remove them, and you'll probably see other
17 carriers in the same boat when their leases are
18 expired.

19 In any event the reason why we're here, we
20 are proposing a way to recover the coverage and the
21 service that we're losing in that location. So the
22 solution we've come up with is put a 165-foot pole
23 on this property. It won't totally match the
24 coverage that we have on the Cablevision. We're
25 talking about 393 versus 165, but it's the minimum

1 height that we can live with that covers, that we
2 need for our system.

3 MR. NASH: I'm sorry. I know you're
4 talking about pole length. What is the maximum pole
5 height --

6 MR. MONDELLO: The actual, right.

7 MR. NASH: Different elevations, the
8 equivalent elevation?

9 MR. QUINN: I'm not sure. I don't
10 know the elevation of that height. They may have
11 that answer. Our engineer might have that
12 information.

13 MR. NASH: I'm curious as to what the
14 elevation is.

15 MR. QUINN: Sure. We have plots that
16 show what we have currently, and we will do from
17 this location. It's not just height and elevation.
18 It's also what's around, what's blocking, what
19 structure is in the way, and see that it is much
20 lower, but it almost reaches the coverage that is
21 achieved by the Cablevision site.

22 In terms of the use, it's not permitted in
23 the ordinance because your ordinance permits this
24 only on municipal property, and properties that are
25 either leased or owned by the Borough. Now, there

1 is some history to why we're here. You heard why we
2 need a site here. The history of how it came here
3 is first we look at existing structures nearby.
4 There is nothing as high in elevation. The
5 billboards in 287, it's much lower, and it would be
6 blocked by the I guess the ridge where Camp Moore
7 is. There's other structures that are much lower,
8 but we did investigate those as well.

9 We also looked at municipal properties and
10 reached out to the town a number of times and even
11 met actually right smack in the middle of the Camp
12 Moore property, but it was technically owned by the
13 town. There is no access to that property except
14 through the Elks properly.

15 What we actually worked out, we're not a
16 party to this, but we have a lease with the Elks.
17 The Elks and the town have come to an agreement
18 where there is going to be an assignment between the
19 Elks and the town, where the Elks will assign at
20 least a portion of their rights as our landlord over
21 to the town, and Borough would exchange that
22 isolated lot. That is the agreement in terms of
23 terms. Elks will sign their agreement when they
24 have their meeting. That's what I was told today.

25 MR. GRYGUS: So who is going to be

1 the property owner?

2 MR. QUINN: It will still be the
3 Elks. Technically, it will still need variance
4 relief, but the town will be assigned the lease
5 rights over that portion of the land where the
6 telecommunication facility is. The town would
7 ultimately not be the owner of the property, but
8 they would be controlling the property in the area
9 that our lease rights are.

10 MR. MONDELLO: The Elks is
11 transferring the lease to the Borough, so who is
12 going to get the revenue, the Borough?

13 MR. QUINN: I think there's a
14 sharing, but that's something that the Borough and
15 the Elks would work out.

16 MR. GRYGUS: Just for a point of
17 housekeeping because I didn't see a circle with the
18 adjacent property owners, I don't see the pipeline.

19 MR. NASH: It's the water line?

20 MR. GRYGUS: No, the gas line.

21 MR. NASH: It crosses over 287 and up
22 that ridge and I think the quarry.

23 MR. GRYGUS: No, I don't think it is.
24 I think it's between --

25 MR. LUDWIG: It goes behind Wanaque

1 Road.

2 MR. GRYGUS: Yeah, and it crosses
3 over by the tower and goes under 287. I know it's
4 between -- I know it's definitely between the quarry
5 and this property. I don't know where that property
6 is.

7 MR. MONDELLO: Well, I'm sure one of
8 your experts can probably zoom in.

9 MR. GRYGUS: I wanted to make sure
10 from the jurisdiction covering.

11 CHAIRMAN DUNNING: If it's with
12 200 feet, that would show up on the tax search.

13 MR. GRYGUS: Usually they have a map.
14 I didn't see it.

15 MR. QUINN: Page 2.

16 MR. MONDELLO: Which page?

17 MR. QUINN: That's 301, the second
18 page.

19 MR. GRYGUS: I saw the property
20 owners' list. I didn't see the actual circle.

21 MR. QUINN: If you look below, the
22 property is almost shaped like a kidney bean, and
23 the radius is around that.

24 MR. GRYGUS: I'm having a hard time.
25 I just want to be sure with my eyes we're permanent.

1 Okay.

2 MR. QUINN: We should be okay with
3 that. In any event that's the agreement. I have a
4 letter that the Borough attorney sent and copied me
5 back in January when this all came to fruition. I
6 have copy and I'll leave it here with the
7 representations that I just made, and just talking
8 in general about it. But since then, they've agreed
9 to the assignment because I don't think the Elks can
10 transfer physically. I don't know what their deed
11 restrictions were.

12 MR. GRYGUS: Did you look at the
13 water tower that's on east side of Ringwood Avenue
14 adjacent to the 287?

15 MR. QUINN: Is that to the north, the
16 one that's up there?

17 MR. GRYGUS: Yes.

18 MR. QUINN: Yes. That's several
19 miles away. Our engineer will talk about that. I
20 think AT&T may even be there already. The tower is
21 right next to it. This site covers the southern
22 portion of Wanaque as well as Pompton Lakes. That's
23 really covering the more central and northern
24 portion of Wanaque.

25 Regardless of whether or not the town

1 ultimately receives the revenue, they are assigned
2 the lease right, and technically, we still need a
3 use variance. We also need height variance relief.
4 We have bulk variances for the rear setback, where
5 the equipment and poles is located with respect to
6 287. We meet all the other requirements, just have
7 it with respect to 287. We also need a variance or
8 waiver from the landscape requirement. There's a
9 buffer required, which we don't have because there's
10 already existing vegetation that conceals
11 everything. Obviously, we need site plan approval
12 as well.

13 With that being said, maybe you may have
14 seen recently there that there is currently a pole
15 there right now, so that gives you an idea that's I
16 would say 50 to a hundred feet away from where our
17 permanent site will be. That's a temporary facility
18 that the town has administratively approved and
19 issued a permit for AT&T, so when Cablevision says
20 take your antennas off immediately, take them off
21 tomorrow, we have a site that will at least give us
22 a kind of place until we can get a permanent
23 secured, but in terms of location-wise, that might
24 be a good reference point. It's the exact same
25 parking area, that's the parking lot about a hundred

1 feet away from the other one.

2 If there's no other questions, we have
3 three witnesses tonight. We have a radio frequency
4 engineer, Neil Arceo; our civil engineer, Tony
5 Gualtieri; and our planner, John Dowling.

6 MR. GRYGUS: Are you proposing any
7 other carriers on this thing?

8 MR. QUINN: No. Well, we're not.
9 The pole will be designed to accommodate the
10 collocation. At this point we're not -- I'm not
11 representing any carrier or proposing at this time
12 to put antennas on the pole. Typically, what's done
13 is if you have one carrier that's interested, one
14 you will probably see in three years when T Mobile's
15 lease expires, you'll see them shifting over and
16 coming across the highway as well.

17 MR. MONDELLO: First witness. Good
18 evening.

19 (The witness is sworn.)

20 MR. MONDELLO: Please state your name
21 and spell your last name, give us your office
22 address.

23 MR. ARCEO: My name is Neil Arceo,
24 A-r-c-e-o. I live at 146 Watch Hill Drive,
25 Hackettstown, New Jersey 07840.

1 MR. MONDELLO: Thank you.

2 MR. QUINN: Mr. Arceo, by whom are
3 you employed and what capacity?

4 MR. ARCEO: I'm from Pramira. I am a
5 radio frequency engineer, licensed in new Jersey.

6 MR. QUINN: And do you perform radio
7 frequency services as at radio frequency engineer?

8 MR. ARCEO: Yes, that is correct.

9 MR. QUINN: Can you give the Board
10 the benefit if your educational and professional
11 background, please.

12 MR. ARCEO: Yes. I a degree in
13 communication engineering. I have been working in
14 the industry for over nineteen years.

15 MR. QUINN: And you have testified
16 previously in front of other boards as an engineer
17 in the state of New Jersey?

18 MR. ARCEO: Yes, I do.

19 MR. QUINN: I submit Mr. Arceo as a
20 radio frequency engineer.

21 CHAIRMAN DUNNING: Any objections?
22 Hearing none, seeing none, expert.

23 MR. QUINN: And you heard my
24 introduction before and talked about the reason why
25 AT&T is seeking a site in Wanaque; is that correct?

1 MR. ARCEO: Yes.

2 MR. QUINN: Was that accurate that
3 the lease currently expired from Cablevision, and we
4 have to relocate off of that tower on the east side
5 of 287?

6 MR. ARCEO: Yes, that's correct.

7 MR. QUINN: And can you -- do you
8 have maps that you prepared that kind of depict the
9 coverage of the existing facility as well as the
10 coverage on the proposed site? And they were
11 submitted to the Board. This is just a large
12 version of the maps; is that correct?

13 MR. ARCEO: Yes, that correct.

14 MR. QUINN: So we'll mark that as a
15 Exhibit A-1. This is the existing coverage from the
16 current facility owned by Cablevision; is that
17 correct?

18 MR. ARCEO: Yes, that's correct.

19 MR. QUINN: What did you use to
20 generate this map?

21 MR. ARCEO: I used a system that we
22 get some graphs, and it will generate the blocks.

23 MR. QUINN: And you created that,
24 right?

25 MR. ARCEO: Yeah.

1 MR. QUINN: And what does the
2 different points show?

3 MR. ARCEO: Using the legend you can
4 see we have different triangles. The blue is the
5 on-air site. The red triangle is the proposed site.
6 The yellow triangle is the existing Cablevision
7 tower.

8 MR. QUINN: So what are the green
9 splotches versus the blue splotches?

10 MR. ARCEO: So the green is coverage
11 that represent's AT&T's reliable coverage for
12 service, and the blue, that is represented by that
13 coverage from the Cablevision tower.

14 MR. QUINN: What is white for?

15 MR. ARCEO: The white is where the
16 coverage is not reliable.

17 MR. QUINN: So what you're saying is
18 where there's white, you can't receive a phone call
19 consistently and reliably?

20 MR. ARCEO: Yes. That's correct.

21 MR. QUINN: Okay. Now, I'll let you
22 describe -- that pertains to all of your maps,
23 correct?

24 MR. ARCEO: Yes.

25 MR. QUINN: So why don't you describe

1 the current site?

2 MR. ARCEO: So this current site is
3 at 393 feet on the Cablevision tower, and provides
4 approximately 11.44 square miles or roughly 7,300
5 acres of non-overlapping 850 reliable coverage. So
6 this site is actually serving the residential and
7 commercial areas of Ringwood Avenue, also the
8 traffic on I287 from Exit 53 to 57.

9 MR. QUINN: And according to your
10 map, how much area is it covering total?

11 MR. ARCEO: 11.44 square miles.

12 MR. QUINN: Now, do you have another
13 exhibit which depicts what the coverage would be
14 with the proposed site once we lose -- actually, let
15 me step back.

16 Once we lose the Cablevision, once
17 Cablevision requires us to take the antennas off the
18 tower, all of that blue effectively goes away?

19 MR. ARCEO: Yes.

20 MR. QUINN: And we are stuck with
21 white where there was blue?

22 MR. ARCEO: Yeah, you're not going to
23 have reliable coverage, especially on Ringwood
24 Avenue and that portion of I287.

25 MR. QUINN: And that's significant

1 from your perspective?

2 MR. ARCEO: Yes.

3 MR. QUINN: Now, what would be
4 achieved if we were to replace the current
5 Cablevision tower with a facility on the proposed
6 165-foot pole?

7 MR. MONDELLO: Wouldn't you lose the
8 green as well?

9 MR. QUINN: That is coverage from the
10 existing facilities.

11 MR. MONDELLO: Got it.

12 MR. QUINN: So that's generating all
13 the other sites in town. And the question was
14 before, the water tank more to the north.

15 MR. ARCEO: That's right here, but we
16 would also like to this cover portion of I287.

17 MR. QUINN: Okay. Let's show what
18 the coverage would be from the proposed. This is
19 A-2, and again, just a Pin Mark map; is that
20 correct?

21 MR. ARCEO: Yes.

22 MR. QUINN: And what is it showing
23 for the input?

24 MR. ARCEO: And the coverage in blue,
25 that's the projected coverage from the municipal

1 site at 165 feet. It is projected to cover only
2 4.11 square miles, or roughly 5,600 acres of
3 non-overlapping 850 reliable coverage. Although it
4 is 36 percent of the tower coverage, we are hoping
5 to cover in the populated area, more high-traffic
6 areas. The other 64 percent is mostly low traffic
7 areas which you know, doesn't get covered.

8 MR. QUINN: So this is best solution
9 we have that will achieve necessary coverage all
10 over the area?

11 MR. ARCEO: Yes, that's correct.

12 MR. QUINN: And there's no other
13 taller structures in the area? You mentioned the
14 water tank too far to the north?

15 MR. ARCEO: Yes.

16 MR. QUINN: And there's a billboard
17 located on 287 other here, that's too low as well?

18 MR. ARCEO: Yeah, it's too low. That
19 will not able to cover the norther portion Ringwood
20 Avenue.

21 MR. QUINN: And there's flag pole on
22 the DPW.

23 MR. ARCEO: Yes, over here, and
24 that's also on the DPW property, and this tower is
25 closer to the town over here.

1 MR. QUINN: It's too far north?

2 MR. ARCEO: Yes.

3 CHAIRMAN DUNNING: Basically, you now
4 have white that used to be blue in the area where
5 you cover?

6 MR. ARCEO: That's correct.

7 MR. GRYGUS: When you say "lose,"
8 there's a difference between reliable and lose?

9 MR. ARCEO: It's not reliable. It's
10 not totally no coverage, no reliable coverage.

11 MR. QUINN: In other words you maybe
12 sometimes be able to pick up a call in December when
13 there's no leaves on the trees, it's better coverage
14 than in June when there's leaves on the trees
15 because leaves and water absorbs the signal?

16 MR. ARCEO: That's correct.

17 MR. QUINN: But you're not going to
18 day in, day out, make sure you get a phone call, get
19 a text or send an e-mail. People are downloading
20 music and videos or whatever else they use their
21 phones for work and personal use. That wouldn't be
22 as reliable?

23 MR. ARCEO: That's correct.

24 MR. QUINN: Again, the purpose here
25 is to do a majority of our area and most populated

1 areas to satisfy those things?

2 MR. ARCEO: Yes.

3 MR. QUINN: Now, the question was
4 asked before, I know you had a chance to define that
5 answer, but in terms of the elevation, do you know
6 what the different elevations are?

7 MR. ARCEO: Yes, I have the
8 elevation. Okay. The Cablevision is average
9 elevation 230 feet, plus another 390, to make it an
10 average 650 feet. When we move to the proposed
11 location, the area elevation is 315 feet, plus 165
12 feet, for a total of 480.

13 MR. NASH: That's 140 feet lower.

14 MR. ARCEO: That's correct.

15 MR. NASH: I was asking you again
16 because you're going over from one to other, it's
17 just --

18 MR. ARCEO: That's why that property
19 was selected.

20 MR. NASH: That's why. Now it makes
21 sense.

22 MR. QUINN: So when you do those
23 plots, you take in the topography, you take in the
24 clutter, kind of an urban area versus a more rural
25 or suburban area, all those are taken into

1 consideration?

2 MR. ARCEO: That's correct. We
3 program the information.

4 MR. HOFFMAN: When you take these
5 surveys, is that done on the computer-generated
6 survey, or do you actually go out in the field with
7 a meter and the test of strength of the signal?

8 MR. ARCEO: Actually, the tool I
9 calibrated that.

10 MR. HOFFMAN: So you're actually out
11 in the field.

12 MR. ARCEO: Yes, AT&T has that, we do
13 the regular drives twice a year, the things that you
14 can only go from the roads. You cannot really see
15 that.

16 MR. HOFFMAN: I understand. I wanted
17 to make sure if you had actually gone out with the
18 meter and tested the strength of the different
19 locations.

20 MR. ARCEO: Of course. I tried to
21 match it as close as possible. This is just a
22 software generation of reliable, and I try to match
23 it.

24 MR. GRYGUS: So all things being
25 equal, the heights we have established is about

1 140 feet lower than it exists?

2 MR. ARCEO: Yes.

3 MR. GRYGUS: Why would you want to
4 have that?

5 MR. QUINN: Do you want to answer
6 that? I think another concern that, the first of
7 all coming before a Board it's typically considered
8 you know, in the area. The another concern is also
9 construct-ability. Another concern is what a
10 property owner wants you to do. From your
11 perspective, the carriers are tasked not what you
12 want as much as what you can live with. We know
13 we're asked that question when you go in front of a
14 board that says your relief is what you can live
15 with. It's not the best amount of coverage you can
16 possibly get. You're entitled, you know, what is
17 necessary for your comfort, and that's how the case
18 law is written. That's how boards have determined.

19 MR. MONDELLO: That's an interesting
20 question. In a perfect world, I'm not suggesting
21 that Board granting that, if they were say I don't
22 have problem going up another 75 feet, that might
23 attract other carriers to be able to collocate, so
24 we don't have to see anymore towers in Wanaque. Is
25 it economics, is it construct-ability, is it the

1 property owner?

2 MR. QUINN: Honestly, I think that we
3 have to reevaluate the foundation. If you make
4 something that, you certainly have to go back and
5 reevaluate the foundation wall.

6 MR. NASH: The topography is very
7 rocky.

8 MR. QUINN: That may be something
9 that if the Board were to tell us that, we would ask
10 for something that would give us flexibility.

11 MR. GRYGUS: The reason why I ask is
12 you're not asking for something that isn't there
13 already in the immediate area. So that's why I
14 asked.

15 MR. QUINN: I like the way you think.

16 MR. MONDELLO: And he's probably
17 never heard that before a planning board in New
18 Jersey to go higher, just the opposite we're going
19 to.

20 MR. LUDWIG: The site is somewhat out
21 of line of sight, 165 from looking it on 287.

22 MR. GRYGUS: I wouldn't want to see
23 you come back and say that we've got to put another
24 at 120 feet. I would look from the perspective of
25 other carriers that would like to use some of that

1 space.

2 CHAIRMAN DUNNING: We lease some
3 space out.

4 MR. QUINN: So if the Board were
5 willing to either in the approval to grant us
6 additional height in necessary depending on
7 feasibility, we certainly would welcome that.

8 MR. GRYGUS: And you can come back
9 again according to the increase in height after you
10 get a sense of what is going on. Take a look at the
11 Board. We wouldn't want you to go up 140; 75 feet,
12 I'm sure you'd get a much better coverage area at
13 175 as opposed to 165.

14 MR. QUINN: Neil, do you know that?

15 MR. ARCEO: Sure, you're going to
16 have better coverage. You have more coverage the
17 higher you go.

18 MR. LUDWIG: Does the footprint get
19 wider the higher you go? Just it's a monopole. It
20 may be the size of the pipe.

21 MR. QUINN: You're talking about
22 footprint and foundation. My engineer is nodding.

23 MR. LUDWIG: It's a bigger pipe.

24 MR. QUINN: Or deeper into the ground
25 than that.

1 MR. MONDELLO: Mr. Nash just
2 mentioned if you're going to add some height, you're
3 going to need lights.

4 MR. QUINN: Certainly. At 200 feet,
5 you need lights no matter what. Again, if the Board
6 were will raise it up to it up to 195 feet.

7 MR. LEVINE: At that height, what
8 would the additional be coverage? It could be
9 two-increase. It's not worth.

10 MR. MONDELLO: Economically, whatever
11 we create would have to be to their advantage.

12 MR. QUINN: I wouldn't necessarily do
13 that. I mean that something that we can work if
14 that's what the Board wanted.

15 MR. ARCEO: From the previous
16 experience in other parts of New Jersey, when you
17 talk about height, roughly it's about 10.7 percent
18 per foot increase in height.

19 MR. NASH: I have a question. We're
20 sitting here talking about a phone tower, a cell
21 tower. Has the technology gotten better where
22 coverage is increased at lower heights? Do you
23 understand what I'm trying to say?

24 MR. ARCEO: Yes.

25 MR. NASH: Five years from now, you

1 can have a lower antenna and get better coverage.

2 MR. ARCEO: I don't think that's so.

3 MR. NASH: So you get a bigger bang
4 for your buck?

5 MR. QUINN: What you find out is
6 actually in the ten years what I have seen from a
7 personal perspective, are people are using their
8 devices for more things, it makes the network
9 require to have more facilities, so it requires more
10 of a service. It's not -- the sites do more work.
11 They don't need to cover less. They need to
12 actually work more. Is that safe to say?

13 MR. ARCEO: Yes, that's right,
14 especially if everybody is using data, and in urban
15 areas, it takes a lot more because you're trying to
16 divide the area into different slices actually to
17 increase the capacity. It's covering a smaller
18 area.

19 MR. LUDWIG: The top will be much
20 lower than the existing one from Cablevision?

21 MR. NASH: It's 140 feet lower.

22 MR. ARCEO: Yes. From an RF
23 perspective, the current coverage is about 11.44
24 square miles, and the new one is only 4.11.

25 MR. LUDWIG: When you're trying to

1 get the maximum amount of coverage, it's not like
2 140 may be necessarily what you need, but 50 feet,
3 you might be able to cover more of your customers.

4 MR. GRYGUS: If you know, Counsel,
5 does your lease contain restoration and
6 reconstruction in the event at some point in time
7 the technology advances to where satellites or you
8 find a better location?

9 MR. QUINN: For our lease, typically,
10 let me confirm this, it is typical termination
11 rights if they -- yeah, for our lease there's
12 typical termination right, also typical restoration
13 requirements as well in the lease.

14 MR. GRYGUS: So you don't remove the
15 antennas and leave the pole?

16 MR. QUINN: No, we wouldn't leave the
17 pole. Let me double check. The pole is going to
18 come down.

19 MR. MONDELLO: That would not be an
20 unreasonable condition in the resolution if the
21 Board was inclined to grant such an approval.

22 MR. QUINN: I mean, that's fairly
23 typical, quite frankly. I haven't seen many towers
24 in New Jersey where you drive by and there's nothing
25 there. Also there is a requirement in the ordinance

1 that abandoned tower have to be removed.

2 MR. MONDELLO: What section is that?

3 MR. QUINN: 114-105.

4 MR. NASH: Question on the existing
5 tower, I assume it's other carriers on that tower.

6 MR. QUINN: There are other carriers
7 there, and there is also a number of Cablevision's
8 own use. From what I understand, Cable is reserving
9 its base not out of, you know, like take it off, I'm
10 going home. I think they have the ability to use
11 their tower for their own needs, for their own
12 networks.

13 MR. NASH: My question is, there is
14 other carriers, where are you height-wise? Are
15 there other carriers lower than you and higher?

16 MR. QUINN: I've seen other carriers
17 on there. I don't know where there are. I've see
18 other carriers there. I think I've seen other
19 panels. I didn't know which is at what height.

20 MR. GRYGUS: You don't climb up. Is
21 practice for you to allow use on your towers by
22 state and local agencies?

23 MR. QUINN: Yes.

24 MR. GRYGUS: That would be all part
25 of the lease also?

1 MR. QUINN: We would -- I mean that's
2 not part of our lease, but it is a fairly typical
3 requirement. We work with the town.

4 MR. GRYGUS: So if the State wanted
5 to put a meter there?

6 MR. QUINN: They certainly are
7 welcome. It's certainly something that happens
8 quite frequently for the most part. We typically
9 will work to accommodate any public emergency
10 systems.

11 CHAIRMAN DUNNING: Any other
12 questions? You can proceed.

13 MR. QUINN: Next thing is, the site
14 is not manned, correct?

15 MR. ARCEO: It's not.

16 MR. QUINN: It's monitored remotely
17 by switch, by a computer so 24/7?

18 MR. ARCEO: That's correct.

19 MR. QUINN: Maintenance visits are
20 approximately four to six weeks?

21 MR. ARCEO: Yes.

22 MR. QUINN: No nuisance
23 characteristics or adverse impact, no vibration,
24 minimal noise, no heat, no smoke, no glare, no
25 pollution, nothing like that?

1 MR. ARCEO: That's correct.

2 MR. QUINN: You've done a study to
3 confirm that all of the emissions, and the report to
4 the Board and January 20, 2015, had a maximum 1.8
5 percent from what the FCC limit is?

6 MR. ARCEO: That correct.

7 MR. QUINN: So it's more than 50
8 times less than what the FCC permits. I have no
9 further questions for the Mr. Arceo.

10 CHAIRMAN DUNNING: Any Board Members
11 have any questions?

12 MR. LUDWIG: What is the projection
13 for vandalism?

14 MR. QUINN: We'll show you on the
15 site plan. There is a fence surrounding it, and on
16 top of that equipment, if the equipment is tampered
17 with whatsoever, if there's any sign someone touches
18 it, it sends notice to the switch and tells them?

19 MR. ARCEO: That's correct. It has a
20 fiber optic systems that sends an alarm to them and
21 dispatches them to check.

22 MR. QUINN: It's very efficient.

23 MR. GRYGUS: It's a very isolated
24 site.

25 MR. LUDWIG: So no cameras or motion

1 sensors that if kids tried to try climb this thing?

2 MR. QUINN: They're equipped with a
3 no-climbing device, which the engineer will talk
4 about. That by itself is to deter people from
5 accessing to tower. The equipment itself, it's
6 again, if someone touches or tampers or tries to get
7 in, these equipment cabinets are locked, correct?

8 MR. ARCEO: Yes, that's correct.

9 MR. QUINN: And the people at AT&T
10 will know immediately if someone opened the door?

11 MR. ARCEO: Yes, that's correct.

12 MR. MONDELLO: Any questions from
13 Board Members? Residents with 200 feet? Outside of
14 200 feet? Hearing none, seeing none, next witness.

15 MR. QUINN: I'll call the civil
16 engineer.

17 (The witness is sworn.)

18 MR. MONDELLO: Please state your name
19 and spell your last name. Give us your office
20 address.

21 MR. GUALTIERI: Tony Gualtieri,
22 G-u-a-l-i-e-r-i; address, 1279 Route 300, Newburgh,
23 New York.

24 MR. MONDELLO: Your witness,
25 Mr. Quinn.

1 MR. QUINN: Sure. By whom are you
2 employed and what capacity?

3 MR. GUALTIERI: Civil engineer at
4 Techtonic Engineer.

5 MR. MONDELLO: Can you move in front
6 of the mic?

7 MR. QUINN: Can you give the Board
8 the benefit of your professional engineering --
9 professional and educational background?

10 MR. GUALTIERI: I'm a licensed
11 professional engineer, licensed in seven states.
12 New Jersey is one of them. I have testified in
13 front in boards for over 25 years. I have been in
14 practice close to thirty.

15 MR. QUINN: Your firm was retained to
16 design this facility, correct?

17 MR. GUALTIERI: Correct.

18 MR. QUINN: And you prepared the
19 plans, and you've been over to see the property,
20 correct?

21 MR. GUALTIERI: Correct.

22 MR. QUINN: I submit Mr. Gualtieri as
23 professional civil engineer.

24 CHAIRMAN DUNNING: Any objection?
25 You're qualified as a civil engineer.

1 MR. QUINN: I will ask you, you've
2 mounted the copy of the site plans?

3 MR. GUALTIERI: Yes. These are just
4 the same drawings that you have, but I put them on
5 the board so they don't flop over.

6 MR. QUINN: They're not colorized or
7 anything else, so I won't mark these unless it's the
8 Board's prerogative. What I'll ask you to do is
9 describe the property as a whole and where the site
10 is located and what's being proposed.

11 MR. GUALTIERI: I'll start with
12 Drawing Z-01, and go through all the sheets. It's
13 an oddly shaped lot. So last year, in May of last
14 year, we did a survey to figure where the road is.
15 There is a lot of paver streets on this property
16 that are not developer. There roads that are there
17 were not where they were supposed to be, just the
18 nature of the beast here. So that's why you have a
19 very oddly shaped lot. The 200-foot radius that we
20 have here is with respect to that.

21 What we're looking to do is we're looking
22 to take -- install the facility in the northeast
23 corner of an existing parking lot, okay? And I'm
24 going to Drawing Z-02. It's a blow-up of the site
25 plan, to get you a better feel where things are and

1 what the setbacks are to the property. It's very
2 oddly shaped. It's got the highway right here, the
3 slope and you've got the highway on the side here.

4 Going to Z-03, this required a lot of
5 different blowups to give a representative picture
6 of what is really happening. On Z-03, we actually
7 showed the topography, showed the trees and we're
8 laying out the site. What we're doing here, you've
9 got an existing fence, a six-foot-high, chain-link
10 fence that defines the northern and western
11 boundaries of where we're going to be, and we're
12 going to be installing 30-by-42-foot fenced-in area.
13 We're going add two gates, twelve-foot-wide, two
14 six-foot gates for access in and out, six feet high.

15 We're looking to keep with the aesthetics
16 of what is there. We felt that if we started with
17 removing and replacing the fencing, we would be
18 taking a lot vegetation working against the slope.
19 It's not feasible. The fence is in good shape. We
20 want to kind of attach to it. Because it is a
21 collocation, we're looking to put in -- a lot of
22 times we put the equipment outside. Because of the
23 collocation, we're actually putting the equipment
24 outside the building. So we're proposing a 12-by-20
25 equipment shelter. It will have a pebble finish on

1 the outside.

2 The structure is about ten feet high.
3 Once the equipment goes inside, it generates heat.
4 We have to provide an air conditioning unit and an
5 outlet to the structure. We're proposing one door.
6 The door will have a motion sensor light so somebody
7 coming to the door, the light will come on. But we
8 are not proposing any light to shine from a safety
9 perspective. To keep with the aesthetics, we're not
10 proposing razor or barbed wire on top of the fence.
11 We didn't think that was appropriate here.

12 This structure, the pole location is
13 depicted there. It's a 165-foot structure. We are
14 looking to put a 50KW generator. We've got the main
15 highway here, the generator is on this side away
16 from the property line. It is a diesel generator
17 for fueling purposes. We're looking to bring power
18 aerially. New utility poles will be placed on here
19 that will feed an electrical panel, that will feed
20 the structure. There will be automatic transfer
21 switches so if the power goes down, it will
22 automatically kick in the generator. So you will
23 continue to maintain cell coverage during an outage
24 situation.

25 MR. LEVINE: What is the length of

1 time that generator will run?

2 MR. GUALTIERI: A 50KW, it would be a
3 day or two depending how much it gets utilized.

4 AT&T does have contracts with folks to make sure the
5 generators refueled. Everything is tied to an
6 alarm. Once the site loses power, the alarm trips.
7 It says, Okay, if we filled this thing on that date,
8 we have so much life in this thing, and then we need
9 to get fuel. They have contracts in places with
10 fuel.

11 MR. LEVINE: How typical is that to
12 other installations?

13 MR. GUALTIERI: Very typical. The
14 only thing that we're doing differently here is
15 putting a shelter because of the remote location,
16 putting the equipment inside of it. It used to be
17 practice ten years ago. Everything used to be
18 inside the building. Now it's in this location.
19 We're putting it inside.

20 MR. LEVINE: What's the fuel, diesel?

21 MR. GUALTIERI: Diesel. That's in
22 the specs also. The last sheet of the drawing has
23 the full specs. I always feel like here's what
24 we're proposing, here is all the specs. You can
25 take a look at the site, the fuel and everything

1 else.

2 MR. LEVINE: Wouldn't natural gas be
3 better of you have it there?

4 MR. GUALTIERI: If you have it in the
5 area, absolutely.

6 MR. LEVINE: There's no natural gas?

7 MR. GUALTIERI: Not at this. Not
8 here.

9 MR. GRYGUS: How is it contained when
10 you're filling as far as the tanks, spillage, is the
11 tank part of the generator?

12 MR. GUALTIERI: The tank sits
13 underneath the generator. If you go to the last
14 page, that's all we get.

15 MR. GRYGUS: Does that sit inside?

16 MR. GUALTIERI: It's double walled.
17 These tanks are all double walled for that reason.
18 The generator, if you look at Drawing Z-07, the
19 actual generator is pictured here. When you look at
20 the actual picture down below, there's the
21 generator. The rest of it is a tank. That's the
22 tank.

23 MR. NASH: I have a question. Does
24 it have to be exercised, what hours and what time of
25 day do you exercise?

1 MR. GUALTIERI: Usually it's
2 exercised during the day. I think it's tested
3 weekly just to make sure that the thing does run.
4 It goes through a cycle, turns on, goes through
5 startup, kicks everything in, and then goes back to
6 off.

7 MR. NASH: It's going to run, low
8 run. You don't want to run the actual facility from
9 the generator?

10 MR. GUALTIERI: No. It's just a
11 startup. It's tied into the alarming system, and it
12 powers down.

13 MR. NASH: Have you talked to Camp
14 Moore about the time, they're okay with the time?

15 MR. QUINN: It hasn't been discussed
16 with Camp Moore, but typically, the norm is late
17 morning for ten or fifteen minutes.

18 MR. NASH: It's a very short duration
19 and you only have to do it once a week. Even that,
20 when some people are there...

21 MR. QUINN: The generator is in the
22 lease exhibit. The exact time for the testing, if
23 you approve our plan, they have been working with us
24 extensively. It could be later in the day but still
25 during daylight hours.

1 MR. NASH: Definitely during the day.

2 MR. GUALTIERI: All right. Moving
3 onto Drawing Z-04.

4 MR. NASH: The power switches are
5 coming from Jersey Central. Where is it located? I
6 think that it's not showing on the drawings.

7 MR. GUALTIERI: It's coming from the
8 camp property. That's something that is being
9 finalized where the general route and layout is.

10 MR. NASH: Right now your panel and
11 meter is on your location?

12 MR. QUINN: Yes.

13 MR. NASH: That's where it's going to
14 permanently?

15 MR. QUINN: This is -- the power
16 hasn't bought there yet. That would be the power
17 for the temporary facility and also the permanent
18 facility. So the meter's location is where the
19 permanent facilities would go. JCP will be running
20 pole from the existing facility to that -- into the
21 parking lot to that meter.

22 MR. NASH: They have a meter board
23 on-site now. Is it going to be -- it's not where
24 it's shown on the drawing?

25 MR. GUALTIERI: It's not. What is

1 happening here because of the temporary facility
2 here and the trying to get this site powered,
3 instead of having a meter bank as shown on the plan
4 in the middle of the existing parking lot, they
5 pushed it off to the corner. It's off to the side,
6 and there's an aerial on that. So the intent is to
7 tie into an existing service from wherever the
8 transformer is and tie in with new poles, and tie in
9 aerially to that meter panel. From there, we're
10 going to go to the generator, automatic transfer
11 switch and back in. We're going to go through that
12 system where the generator is plugged into the
13 automatic transfer switch, so whenever there's a
14 faulted power from utility company, the generator
15 feeds it.

16 MR. NASH: The generator is inside
17 the fenced-in area?

18 MR. GUALTIERI: Absolutely.

19 MR. NASH: Your power is inside the
20 area or outside?

21 MR. GUALTIERI: It's outside.

22 MR. NASH: Your proposed AT&T meter?

23 MR. GUALTIERI: The proposed AT&T
24 meter, yes. We would put the meter where the
25 existing meter bank is. This existing meter bank on

1 the plans will not be here. It's already been
2 located here for the temp facility. We're going to
3 when we prepare construction drawings, we're going
4 to revise these to show the actual meter banks.
5 We're already building the meter bank for the future
6 installation. That's going to bring the power.
7 We're going to take that off the top, and we're
8 going to feed.

9 MR. NASH: So it's going to end up
10 inside the fence?

11 MR. GUALTIERI: The meter bank will
12 be inside the fence. The meter bank that's there is
13 in front of the chain-link fence and the guardrail.
14 So the meter bank is in front of that. We're going
15 have equipment.

16 MR. QUINN: The fenced-in is the
17 existing fence for the equipment?

18 MR. GUALTIERI: Correct.

19 MR. NASH: That power supply is going
20 to be inside the fenced-in area?

21 MR. QUINN: Yes.

22 MR. GUALTIERI: So on the permanent
23 drawings that we submitted to go get building
24 permits, it will show all of that information, the
25 transition for filing and what is going on there.

1 So you're correct, but we did not want to build this
2 meter bank in the middle of the parking lot, so it
3 didn't make sense.

4 MR. GRYGUS: Just you testified that
5 you're going to stay with the six-foot, chain-link
6 fence?

7 MR. GUALTIERI: Yes.

8 MR. GRYGUS: It's a little remote.
9 It's in effect not occupied probably ten months of
10 year. That will provide adequate -- he's over six
11 feet.

12 MR. GUALTIERI: If there's a will,
13 there is always a way. People can get out of
14 maximum security prisons.

15 MR. GRYGUS: I understand that. What
16 would you typically do?

17 MR. GUALTIERI: Six feet, we do six
18 feet. The gates have padlocks. I wanted to get to
19 the elevation because I wanted to address a few of
20 the points.

21 MR. LUDWIG: I had another question
22 on diesel. What would you think that the sound
23 level is, like an idling tractor trailer as opposed
24 to an idling diesel engine?

25 MR. GUALTIERI: Probably quieter than

1 the highway traffic attached next to it.

2 MR. GRYGUS: I don't know if this
3 question has been answered before. What is the
4 height of the temporary pole?

5 MR. GUALTIERI: It's 120 feet.
6 That's what the site was permitted for.

7 All right. A couple of questions of
8 concern from the safety perspective, yes, you have a
9 six-foot fence. If you're jumping over the fence,
10 you have a building.

11 MR. MONDELLO: What sheet are you on?

12 MR. GUALTIERI: Z-04; a 165-foot
13 pole, the base probably about this big to put in a
14 visual perspective. The climbing legs to don't
15 start until 20 feet up. Whenever there's
16 maintenance or construction work, the people that
17 are going to be actually doing work bring their own
18 equipment to get on there. Most of the facilities
19 have safety gear that's attached. There's no more
20 ladder. They're working with, you know, cable and
21 they have packs to be able to, you know, do the
22 work.

23 So once you're in the building, the
24 building is alarmed. If you start putting a whole
25 bunch of lights and motion, these things go on and

1 off. Any type of motion sets these things off, and
2 it just I think it creates more nuisance than not.
3 For regular maintenance, the maintenance is done
4 during the day. The light is there if by chance you
5 have to go at night. The worker does have
6 flashlights and so forth, but at least when you get
7 to the door, the motion light does come so it can
8 access the combination on the door to get in. Any
9 access to the facility is reported. There is a
10 sensor if someone is in the facility. I don't see
11 from a safety perspective there is an issue here.

12 MR. GRYGUS: Somebody who wants to
13 jump over the fence can, they will. I don't know
14 how much was in grounding?

15 MR. GUALTIERI: We do have grounding.
16 The equipment will need to have grounding. It will
17 have an interior and exterior ground bar that will
18 be tied in. The normal is to plate these things so
19 doesn't look like a copper base. It's a problem.
20 If the site does become a problem, I know that they
21 will install cameras and they do prosecute. There's
22 only so many times they're going dig into their
23 pocket. At some point cameras makes sense.

24 This sheet also shows the layout here.
25 The northern location, obviously we're trying to

1 cover, you know, not the mountain. You have the
2 mountain behind you here, and you try to go up and
3 down and the mountain. So we have three sectors and
4 four antennas per sector with related equipment,
5 RHs, fiber boxes and so forth, equipment needed to
6 have the antennas communicate with the equipment
7 inside the building. All of the sizes of the
8 antennas. Everything is on here.

9 We do have a five-foot lighting rod, so
10 the maximum height of this thing will be 107 feet.
11 If you do want to go higher, the pole gets bigger or
12 the material strength of the steel has to get
13 better. The bigger the structure, the bigger the
14 foundation. The pole will be designed by a licensed
15 New Jersey professional engineer, so will the
16 foundation. Usually when you buy the pole, they
17 provide the information, and that would be based on
18 the geotechnical investigation done on this site.

19 MR. LUDWIG: I have a question. I
20 see a bare pole here. It's not going to be one of
21 those funny Christmas trees?

22 MR. GUALTIERI: No. I think the
23 sleeker profile, I think it tends to have most
24 people not really notice. It's galvanized. In due
25 time kind of blends in. It gets dull, but it does

1 give a lot of life to the structure, and the cables
2 that are used to communicate between the equipment
3 and in the shelter and the antennas, everything runs
4 into the pole. Everything is running into it.

5 MR. NASH: It does require for you to
6 identify materials.

7 MR. GUALTIERI: Okay. We can
8 definitely add that to this plans.

9 MR. QUINN: So it will be a
10 galvanized steel bar?

11 MR. GUALTIERI: Yeah.

12 MR. NASH: And the material
13 galvanized?

14 MR. QUINN: A grayish, and the
15 antennas are off-whitish.

16 MR. NASH: No preference the
17 ordinance requires?

18 MR. QUINN: True. And there is no
19 tower lighting?

20 MR. GUALTIERI: No. Anything under
21 200 feet doesn't need to be necessarily lit unless
22 it's a flight plan area, which when you register the
23 tower, if it's in, it will get light.

24 MR. QUINN: There is no lights being
25 proposed tonight?

1 MR. GUALTIERI: It's not. There is
2 no landscaping. Let me touch base on that. We do
3 have vegetation on the highway side on the northeast
4 side, on the north side as well, there's vegetation.
5 We chose not to touch this fence for that reason.
6 We don't want to start disrupting any of this
7 vegetation, but the ordinance does say provide
8 vegetation landscaping and so forth. We're in a
9 parking lot. For us to add that vegetation, you
10 need to see where the site is and the visibility
11 that you have from the surrounding areas, which I
12 think are shown in the -- I don't think that the
13 there's any warranted additional vegetation. That
14 is screened by the elevation and the camp right
15 there, kind of all of the existing vegetation.

16 MR. GRYGUS: What would you say is
17 the height of those trees?

18 MR. GUALTIERI: Twenty-some-odd feet
19 from the parking lot.

20 CHAIRMAN DUNNING: Your vegetation is
21 where the upper parking lot is located. The lower
22 parking lot is whatever is there. It is not taking
23 and not adding anything?

24 MR. GUALTIERI: Correct, correct.
25 Noting the material, we do that with the

1 construction department when we file for building
2 permits.

3 MR. QUINN: If you do need to have
4 him add them to the plans --

5 MR. MONDELLO: No.

6 MR. QUINN: His testimony is
7 sufficient.

8 MR. MONDELLO: The testimony is
9 sufficient.

10 MR. QUINN: And again, we're
11 requesting the equipment, and the proposed will get
12 setback to 27, correct?

13 MR. NASH: Correct.

14 MR. QUINN: But we need a setback,
15 but again, this is being proposed to be as much out
16 of the way of the parking area.

17 MR. GUALTIERI: We can pull it away
18 to comply. It doesn't make sense to do that.

19 CHAIRMAN DUNNING: To pull it away
20 you would have all this empty space behind it.

21 MR. QUINN: No water, sewer service
22 here required, correct?

23 MR. GUALTIERI: No, that's correct.
24 That's correct. I also threw on here the rest of
25 the drawings that show for example Drawing Z-05,

1 shows the bollard details, how high the section is,
2 Z-05, how the cables coming out of the equipment
3 building to the pole, how they're going to be
4 supported as well as with all of the details, gate
5 details, fence details, trench details as well.

6 MR. QUINN: I don't know if you know
7 the answer to this or not, was that 165-foot-height
8 proposed can get taller, or is that a function of
9 the foundation or engineering? Was that what you
10 were told?

11 MR. GUALTIERI: We were directed for
12 165. Usually that's provided to us from a need
13 perspective or from a maximum height perspective.

14 CHAIRMAN DUNNING: And penetrating
15 into the ground with the poles, do you have to do
16 any blasting?

17 MR. GUALTIERI: No, we don't believe
18 so. We haven't had a geo tech on that site yet. If
19 we are going to encounter rock, most of the time it
20 will be chip and split, no blasting. It's right
21 next to 287. They probably won't even allow that to
22 happen. If you get rock at a reasonable elevation
23 that is solid, not fractured, we will be tying into
24 that with rock anchors and a whole bunch of
25 different means to be able to attach to that.

1 CHAIRMAN DUNNING: That's a rocky
2 area.

3 MR. GUALTIERI: Oh, yes. You're not
4 going to drill a 85-foot shaft here, not easily.

5 CHAIRMAN DUNNING: How far down do
6 you go?

7 MR. GUALTIERI: Anywhere from 30 to
8 if it was four stalls. We're going to do a map.

9 MR. NASH: It's going to be part of
10 the building application. So the better foundation
11 is going to be in rock.

12 CHAIRMAN DUNNING: I understand that.
13 I just want to make sure when you attached 165 feet
14 on top of a hill, any kind of wind lead on an
15 interstate highway.

16 MR. LUDWIG: That's what engineers
17 are for. We ask the engineer.

18 MR. GUALTIERI: This is foundation
19 rock on this. These structure are tied, they're
20 tied into the building code, but pushed to
21 telecommunication industry standard. That's a lot
22 more conserve -- I'm sorry?

23 CHAIRMAN DUNNING: There's no lines
24 on this?

25 MR. GUALTIERI: This is going to be a

1 single monopole. Drawing Z-06, kind of gives you
2 the different elevation. It shows you a plan view
3 of the equipment facility shelter, and it kind of
4 depicts the elevations on four sides. It kind of
5 represents what is going on at all those locations.
6 By the door there is an exterior lights that shows
7 the height, no more than ten feet, and the only
8 small GPS antenna connects to the rest of this grid
9 will be attached to the shelter.

10 MR. NASH: And the foundation will be
11 there?

12 MR. GUALTIERI: That will be on the
13 construction during drawings.

14 MR. QUINN: I have no further
15 questions.

16 CHAIRMAN DUNNING: Any further
17 questions from the Board Members? Seeing none.

18 MR. NASH: Can I take five minutes to
19 detail this? The property is very oddly shaped. So
20 it's very difficult to apply side yard measurements
21 and front yard. I just went through this
22 informally, and this is what I came up with. It
23 does identify an additional variance that was not
24 put down in their application, and it has to do with
25 lot depth. Lot depth is an existing situation, the

1 way the lot depth is measured in your ordinance as
2 written, we're okay with your numbers. It's an
3 existing lot so you didn't create the variance. The
4 variance preexisted the application.

5 So that's one variance. There's three
6 other variances that I identified, which are in
7 essence this application creates a variance for rear
8 yard. Where they are located, their facility, their
9 property is within the rear yard. So the rear yard
10 requires 45, they're proposing 32 plus or minus.
11 That's not a -- it's an existing variance that they
12 do identify. There is a variance needed. I have a
13 different number, but again, that's fine.

14 MR. GUALTIERI: Yeah, it doesn't make
15 sense for us to push this into the parking lot.
16 We're here for a couple of things that just makes
17 sense.

18 MR. NASH: I'm just trying point out
19 the difference. You have a different number than I
20 do.

21 MR. GUALTIERI: I'm okay with what
22 you've got.

23 MR. NASH: And that's the second.
24 And the third is the landscape buffer, which you
25 gave testimony about. You gave testimony on your

1 keep with the existing, and it requires to have a
2 four-foot buffer; and then the height variance of
3 165 to 170 with the antennas. Those are variances
4 requested that the Board needs to consider.

5 MR. MONDELLO: I'm sorry. Any
6 questions for the residents within 200 feet?
7 Outside 200 feet? Seeing none, hearing none, next
8 witness.

9 MR. QUINN: We have our planner.

10 MR. MONDELLO: Good evening. Raise
11 your right hand.

12 (The witness is sworn.)

13 MR. MONDELLO: Please state your
14 name, and spell your last name. Give us your office
15 address.

16 MR. DOWLING: Sure. My name is Jim
17 Dowling, D-o-w-l-i-n-g. I am employed by Jacobs
18 Engineers, located at 299 Madison Avenue,
19 Morristown, New Jersey.

20 MR. MONDELLO: Your witness.

21 MR. QUINN: Sure. Mr. Dowling, would
22 you provide the Board with the benefit of your
23 educational and professional background.

24 MR. DOWLING: Sure. I have a
25 bachelor's degree in environmental science and

1 master of landscape architecture and master's degree
2 in urban planning. I have been employed as a
3 planner for nearly 30 years now. I'm the director
4 of planning for Jacobs Engineers. I've been
5 involved in all types of planning applications
6 before zoning boards in New Jersey, New York and
7 Pennsylvania, and on many of those occasions it's
8 been related to wireless communication facilities,
9 and I've been accepted as an expert on every
10 occasion.

11 CHAIRMAN DUNNING: He's accepted as
12 an expert in planning. Your witness.

13 MR. QUINN: Can you describe what
14 you've done in preparation for this meeting, and
15 also give the Board your opinions with respect to
16 the variances we requested.

17 MR. DOWLING: Sure. In preparation
18 for this meeting, I go through the plans in detail
19 so I was well aware of the proposal before. I have
20 been out to the site a number of times, and reviewed
21 the other documents that have been submitted to you
22 as evidence, as well as the ordinance details as
23 well.

24 What I would like to do is have you look
25 at an aerial photograph which I marked A-3?

1 MR. QUINN: Yes.

2 MR. DOWLING: Today is the 4th,
3 right? So what we have is an aerial photograph
4 which is from most the current database State
5 provided aerial photographs. It's very new, within
6 the last year or two. If you look towards the
7 center of it, you'll see the yellow star. That's
8 approximate location of the proposed facility that
9 we have been speaking about tonight.

10 And just to provide you some context,
11 directly adjacent to that is the Camp Moore
12 property, which you may or may not know has a number
13 of buildings and structures on it related to the
14 camp facilities. Over the summer there is parking,
15 there is a pool, there is an outdoor activity area,
16 and there is a number of buildings that they use for
17 program events. That looks like as if there might
18 be buildings where counselors and campers might stay
19 as well.

20 The most obvious feature in your aerial
21 photograph is your 287 going approximately north-
22 south. Access to the site itself is on Susquehanna
23 Drive, which comes from Union Avenue. Near
24 Susquehanna where it meets Bergen, there's the
25 Burger King that you know, there's a hotel and the

1 Stop & Shop supermarket in close proximity to that,
2 and the location we're in tonight would be off the
3 aerial photographs up in the location of Ridgewood
4 Avenue. So effectively, that's the lay of the land
5 in this area. Obviously, there is a lot of open
6 space, and there is the telecom facility as well,
7 some significant portions of property there that is
8 undeveloped.

9 The proposal as we heard is this pole
10 which with all its purposes is approximately 170
11 feet. There's the equipment shelter at the base of
12 it that will hold the equipment. There is the fence
13 around it, and then the electrical hookup equipment
14 related to that. Closest home to the facility, it
15 is on the order is four hundred feet, which is down
16 Susquehanna. It's approximately in this location,
17 and in fact, it may very well be related to the camp
18 if it's not on the same lot. I did see a Camp
19 Moore, Elks Camp Moore truck parked in the driveway
20 of that building this evening. So that would be the
21 closest residence on this side of 287. Then when
22 you cross 287, there's some condominiums, and they
23 would be on the order of six to seven hundred feet
24 away. Those would be the closest residents in
25 proximity to this facility.

1 I should mention that there is the
2 existing temporary tower on the site today. And as
3 our attorney indicated earlier, we're within the R15
4 residential zone, a single-family residential
5 district. It allows single-family homes on lots of
6 approximately a third of an acre. It would also
7 permit in that zone churches and public schools as
8 well. Wireless communication use is not permitted
9 on this site. You have an ordinance that regulates
10 wireless communication, and effectively what that
11 ordinance says is these facilities need to be
12 located on Borough, only Borough-controlled property
13 or school-controlled property within the Borough.

14 Obviously, this site is not Borough-owned,
15 but based on the considerations and the negotiations
16 that our attorney indicated earlier, there is an
17 arrangement in place of revenue between the Elks and
18 the Borough which might count as the Borough
19 controlling the site. We prefer to be safe about it
20 and come before you anyway and ask for the use
21 variance just to make sure that we're square in that
22 regard.

23 MR. QUINN: At the very least, it
24 furthers the intent of the lease.

25 MR. DOWLING: Certainly. We're doing

1 our best to meet that intent and work with the
2 Borough. So we do need this use variance as I
3 mentioned. We need the height variance which the
4 D-6 variance. The Board Engineer indicated earlier
5 that there is an existing variance related to the
6 depth which we haven't indicated, so we'll put that
7 on the record. Also, the rear yard variance and the
8 landscape buffer variance covered there as well.

9 So those are variances we're here for this
10 evening. What I would like to try to do is speak
11 briefly about the proofs to meet those variances.
12 I'll try go through them relatively quickly. With
13 regard to the D variance --

14 MR. NASH: Can I interrupt? Those
15 are the bulk requirements. There is a building
16 height maximum in the zone, and the maximum is
17 35 feet and shorter. You're saying 170. That is
18 the building height really should be only regarding
19 the building, so you're not getting a building at
20 170 feet.

21 MR. QUINN: There is still a height
22 variance for the tower. The ordinance permits 130
23 feet for a tower height.

24 MR. NASH: I just want to make that
25 distinction between building height and tower

1 height.

2 MR. DOWLING: That should be a change
3 on the plans.

4 MR. NASH: I think I have it in my
5 book.

6 MR. DOWLING: Sure. Thank you for
7 pointing that out. In regard to the positive
8 criteria, the first question related to that is the
9 question, Do special reasons to exist for granting
10 of the variance? There's been a lot of case law in
11 New Jersey regarding wireless communication sites
12 that's developed over the last 20 years, and one
13 thing that's taught us is that by virtue of having
14 an FCC license that the use itself, the wireless
15 communication facility, does serve the general
16 welfare and serves the community, and that goes to
17 meeting special reasons.

18 MR. MONDELLO: It's inherently
19 beneficial.

20 MR. DOWLING: No, not necessarily
21 inherently beneficial. I wish I could say that
22 today. I used to say that 15 years ago, but not
23 anymore. The second test was related to special
24 reasons is, is it particularly suited for that site,
25 or is the site particularly suited to that use, and

1 I would argue here that it is because there's an RF
2 gap in service here, and this site certainly fills
3 that very well based on the parts you saw earlier,
4 the elevation of the site, the 350-foot elevation,
5 which is advantageous towards providing that
6 coverage, so that makes it particularly suited.
7 It's a very large lot which allows us some
8 flexibility to locate on that lot, not interrupting
9 with the use on that site already. That makes it
10 particularly suited.

11 The site is isolated to a certain degree.
12 We have 287, which isolates. We have a very large
13 undeveloped property, with have telecom property,
14 and we have the large camp property. That isolates
15 it from the rest of the communities from Haskell and
16 Wanaque. I think that makes it particularly suited.
17 It's a heavily treed site. I mentioned Route 287.
18 which will be a major user of this facility. We
19 will serve the community, residents and businesses
20 and the people passing through on Route 287, so that
21 makes it particularly suited. So for all those
22 reasons, I believe that this site is particularly
23 suited to this wireless communication site as we
24 proposed to the Board tonight. So we do meet the
25 positive criteria.

1 The next question is negative criteria,
2 and the first part of that is, do we create a
3 substantial detriment to the public good by the
4 development of this facility by the Board granting
5 the variance, and I would suggest again that we do
6 not. Again, this is a very large lot, I mentioned
7 before, ameliorates any potential effects that might
8 occur from this. Really, our nearest neighborhood
9 here is 287. It's pretty difficult to create a
10 substantial detriment to 287 by the establishment of
11 this facility since 287 is major highway, a lot of
12 noise, a lot of activities. They won't be competing
13 with that.

14 We are in a residential zone, an R15 zone.
15 What I would point out is that really the
16 predominant use in that zone is the camp itself,
17 which really isn't a residential use. We're located
18 on that camp. Also as I said, the nearest home is
19 400 feet away. It's actually a hundred feet lower
20 in elevation, so when you're down there and you try
21 to look up, it's actually harder to see these thing
22 when you're up close to them. There's a lot of
23 trees and that's when you get some distance. So I
24 don't believe it will create a substantial detriment
25 in that regard.

1 We also heard that we will meet all the
2 FCC, Federal and State regulations in regard to
3 energy emissions by these facilities. We're 50
4 times below those standards. There will be minimum
5 traffic and activity associated with this facility,
6 so it's not going be like a McDonald's, where people
7 come and go all the time. Really, the only way one
8 will know that this facility is there, it's going to
9 be the visual change that occurs.

10 What I've done is I've prepared an
11 analysis, and it's been submitted I believe to the
12 Board in an 8 1/2 by 11 size, and effectively what I
13 did in this instance, I went out with a large helium
14 balloon, filled it and put in the air to the level
15 of the top of this facility. In this case, I put it
16 up to 170, which is the top of the lightning rod,
17 and you know, I do this on a day where there is very
18 little wind. It's actually complicated to find a
19 good day at this location. It's especially
20 difficult on the ridge there, and it just happened
21 to be a perfect day. The wind was maybe two miles,
22 and it worked very well.

23 What I do then is I drive around to I take
24 photograph, and what that tells me is where I'm
25 going to see this from. That's really what it's a

1 test of, where I could see this from, what will it
2 look like, and I bring it back to the office and go
3 through select photographs and work with my artist
4 and then we superimpose to the scale of the proposed
5 facility. So that's the process we go through, and
6 what I'm going to do is walk through these. We will
7 mark this also as A-4.

8 MR. QUINN: And that is exactly what
9 was submitted to the Board, just a larger version of
10 it, correct?

11 MR. DOWLING: Yes, it is. Yes, this
12 is blown up. So A-4, photo simulations. I prepared
13 the first one is on the top is the existing
14 conditions, and the bottom is proposed conditions.

15 MR. QUINN: This is existing prior to
16 the temporary facility being installed.

17 MR. DOWLING: That's correct. This
18 was done several months ago, so the temporary
19 facility was not there yet. So the first one, No.
20 1, is an existing view from Union Avenue. So I'm
21 down near the Burger King looking up, and what you
22 can see is the existing tower in the distance.
23 That's a little bit further down 287. If you look
24 at the bottom photograph, and actually if you look
25 at the top, you'll see a black arrow and a tiny dot.

1 That's the balloon. We put that black arrow there
2 so it's not as difficult to see, and if you look at
3 the very bottom one, you'll see that we superimposed
4 to scale the addition of this proposed 170 feet
5 included lightning rod tower. That's what it would
6 look like from Union Avenue looking back up towards
7 it.

8 So I'm going to go to No. 2 now. I've
9 gone down Greenwood Avenue and moved further back
10 from Union Avenue. If you look at the top where the
11 arrow is you will see the balloon, and then you'll
12 see the addition of the tower in that location as
13 well. The other interesting thing is you'll see the
14 other street, and also the structure is holding
15 electrical wires and such in this photograph as
16 well. This was done very early in the morning so
17 that the wind conditions would be good.

18 No. 3, we're from Ringwood Road, 511, so
19 we're looking west, back towards the site. You'll
20 see the balloon, and then on the bottom one, you'll
21 see the addition of the 170-foot tower in that
22 location behind this four-story structure, which is
23 in the foreground.

24 We'll go to No. 4. I'm at the
25 intersection of Short Street and Midland Avenue and

1 looking northwest back over the residences. This
2 might be right on the town Borough boundary with
3 Pompton adjacent to it. I'm not sure which
4 community it falls into. It's just about the
5 borderline of the community, and if you look at that
6 bottom over the peak of the house, you'll see the
7 addition of this tower in this location.

8 No. 5, now I'm looking from the
9 intersection of First Avenue and Ringwood Road. I
10 moved further up into town looking back at it.
11 Effectively, in this series of photographs, the
12 balloon is not visible. You cannot see it looking
13 back at it. It was earlier so there was no traffic.
14 I get there early before the sun comes up.

15 So in that view, you would not see it.
16 Now, we've moved back onto 287, which is probably
17 the most common view because people will be
18 traveling up and down 287. This is right from the
19 on-ramp going south on 287, and you can see the
20 balloon in that location, and then this is a
21 closer-in photograph about 500 feet away from the
22 site, you'll see the additional of the tower with
23 the 12 antennas, topping out at 170 feet.

24 Finally, moved over to the other side so
25 this is effectively the offramp from the 287.

1 Looking back at the site you can see the largest
2 building on the site in this location, and then the
3 lower photograph, you'll see superimposed on there
4 the new proposed facility. So effectively, that's
5 the exercise I go through so I can understand what
6 is going to look like, and you guys have an
7 understanding as well. Obviously, I'm not going to
8 suggest this is going to be invisible, you're not
9 going to see it.

10 But the bottom line is that it's going to
11 visible to some degree, depending on the location
12 where you, and it's going to be gray in color. It's
13 on some level it will blend into the background.
14 The base of the facility effectively will not be
15 seen from any somewhere around it. It's really, you
16 know, from 20 feet above the ground and above that
17 will be visible. The trees on the site will block
18 the lower portion. So the real question for me is
19 does being able to see this create a substantial
20 detriment, because that's the question. It's not
21 just you can see it or can you not see it, because
22 you can see a lot of things. You can see 287. You
23 can see all kinds of other things.

24 It's my opinion that the addition of this
25 to the landscape, especially within the context of

1 Route 287, which is the most obvious view which is a
2 busy, active roadway with large billboards on it.
3 In fact, I noticed a digital billboard now. I don't
4 know if that's a new addition, and the telecom
5 facility, it's an active and busy corridor, and this
6 change is not a significant change in terms of
7 creating a substantial detriment. That would be my
8 opinion in that regard. I believe we do meet the
9 positive criteria. We meet the negative criteria.
10 That's where we are.

11 With regard to the C variances, I'll just
12 quickly say that it's my belief again that there's
13 really no substantial detriment related to that.
14 We're not affecting any neighbors that might cause a
15 detriment, any residential neighbors who might be
16 the most sensitive in that regard. We certainly do
17 advance the purposes of Municipal Land Use Law in
18 terms of potential emergency use of this facility.
19 So I believe that's positive as well.

20 I believe that it benefits, our granting
21 the variances, the C variances, do outweigh the
22 detriments with regard to having access to this
23 telecommunication facility. The fact that you know
24 that AT&T and Verizon and other carriers, which
25 hopefully keep the price of these facilities the

1 ability to have phone service for everybody at a
2 competitive level, so there benefits associated with
3 it, and it certainly doesn't impair the intent and
4 purposes of the zoning plan. As I said before, for
5 all of the reasons that we're not on a residential
6 site, there's very little activity associated with
7 it, and the site is exceptionally large, and it
8 certainly absorbs this facility on top of it.

9 So it's my belief that the D variances and
10 the C variances certainly do meet the burden of
11 proof for the Board to conclude in a positive manner
12 those variance.

13 MR. MONDELLO: C1 hardship with
14 respect to the size of the property; the C1 hardship
15 with respect to the size, you would say that the
16 property is very odd-shaped?

17 MR. DOWLING: That is true, yes.
18 That certainly speaks to the granting of the
19 variances as well, the fact that, you know, there
20 was an ability to locate further back into the
21 mountain where it might be less visible, but we're
22 not able to do that. Thank you.

23 MR. LUDWIG: You're saying that the
24 town will get some sort of stipend from the lease?

25 MR. DOWLING: That's my

1 understanding.

2 MR. LUDWIG: And you said that if the
3 tower was taller, it would facilitate adding others
4 that could be added on?

5 MR. DOWLING: We don't know. It may
6 very well be capable of having more carriers on it.

7 MR. QUINN: What we're saying is that
8 no matter what, the site is being designed to
9 accommodate collocations.

10 MR. LUDWIG: By having extra people
11 on there, does that increase the stipend that the
12 town shares that revenue as well?

13 MR. MONDELLO: That wouldn't be
14 relevant to your decision, but it's an interesting
15 point.

16 MR. LUDWIG: If you want to answer.

17 MR. MONDELLO: And I'm guessing the
18 answer is no, that AT&T would keep the additional
19 revenue. We're happy to collocate because we don't
20 want another tower.

21 MR. QUINN: Typically, there is a
22 percentage of the collocation rent that goes to the
23 underlying landlord. I have a redacted copy of the
24 lease.

25 MR. LUDWIG: It is a small stipend.

1 MR. QUINN: Typically, that's the
2 case. I can't say for a fact because I have only a
3 redacted copy of the lease. That's been taken out.
4 With that being said, the unredacted version of the
5 lease has been provided to the Borough attorney, so
6 he's reviewed this. So if that's the case, anything
7 that's there it's obviously an agreement we're not a
8 party to. What was discussed was the property owner
9 and the Borough, which both parties told me that
10 they have agreed in principle and agreed to
11 formally, the agreements need its final approval and
12 signed, that whatever they tell us as landlord, we
13 would have to abide by in terms of our lease.

14 MR. GRYGUS: I don't know if you can
15 answer this question. Do you have any equipment on
16 either this tower here or the one across Golden Age,
17 one block over this way?

18 MR. QUINN: Do you happen to know
19 that in the existing sites we have?

20 MR. GRYGUS: I'm just curious if you
21 do, if you know where all the AT&T exists?

22 MR. QUINN: It wouldn't necessarily
23 be AT&T. Typically, what you have are low, which
24 isn't necessarily the top of the pole. I know the
25 flagpole outside looks about a hundred feet.

1 Typically, not more than that. They don't really
2 detail that point.

3 CHAIRMAN DUNNING: Any other
4 questions from Board Members? Residents within
5 200 feet? Residents period?

6 MS. SIMEONE: You cut me off before.
7 I don't think this is the right spot to ask the
8 question.

9 CHAIRMAN DUNNING: Come up. Please
10 state your name for the record and your address.

11 MS. SIMEONE: Gerta Simeone, 26
12 Warrens Avenue, Wanaque. I was interested in
13 knowing if the children here at the camp, are there
14 any residents that are there full-time at one time.
15 My concern was the proximity of this diesel and its
16 pollution, would that affect the children that were
17 there, even if they're there during the summertime?
18 There were at one time permanent residents, and the
19 Elks, we were thinking about that. What -- would
20 that affect, you know, diesel fuel rising, blowing
21 dirt. That was my concern.

22 MR. MONDELLO: This is the Board's
23 understanding of the testimony, that's only for the
24 generator, which will go on once a week.

25 MS. SIMEONE: So that shouldn't be

1 detrimental.

2 MR. QUINN: We're in the parking
3 area. We're not right in the middle of the camp.
4 The Elks were very concerned. They chose this
5 location because they didn't want the interference
6 with actual functionality of the use of the camp.

7 MS. SIMEONE: Okay, good. Thank you.

8 MR. MONDELLO: Perhaps since we're on
9 subject, you might be able to work out a time with
10 the camp so that the generator is exercised when
11 they're not there, when the kids are not there.

12 MR. QUINN: We can certainly make a
13 reasonable accommodation with the Elks.

14 CHAIRMAN DUNNING: They stay over.
15 That's why. They sleep over, only for a few months.
16 That's a few months of a year. If we had a power
17 failure, the camp would probably pull the kids out
18 of there.

19 MR. MONDELLO: Sure. Most of the
20 problems are in the winter problems.

21 CHAIRMAN DUNNING: Any other
22 questions from the public? Hearing none, seeing
23 none, move to close the public portion.

24 MR. GRYGUS: Can we take five?

25 CHAIRMAN DUNNING: Do you have any

1 other witnesses?

2 MR. QUINN: No.

3 CHAIRMAN DUNNING: Let's sum up when
4 we return.

5 (At this point in the proceeding, a
6 brief recess is taken.)

7 CHAIRMAN DUNNING: Board Members are
8 all present.

9 MR. QUINN: So I appreciate your time
10 tonight. Again, this was a project that took a long
11 time, that we have been working well over a year to
12 resolve this just in terms of location and coming
13 here for a solution on this. We had a site for over
14 a decade functioning and operating, and our hands
15 were tied, so we came with up with the best solution
16 we possibly could. We've got the -- we found a
17 location that's relatively isolated. The facility
18 is quite far from the main street in town. It's far
19 away from the more densely residential areas, even
20 homes. It's surrounded by a camp that's only used a
21 portion of the rear.

22 So in terms of a physical location, I
23 think it's a pretty fair and objective site for this
24 use. In terms of the intensity, we have done what
25 we could. We actually reached out to the town

1 before we came to you a number of times to make sure
2 that no other municipalities worked, and we were
3 able to get the different parties to come to the
4 table and come to an agreement. So least we
5 satisfied the intent of the ordinance in terms of
6 the purpose and the location. So while we're not on
7 municipality effectively, certainly from a planning
8 perspective and from a control perspective, the town
9 has certainly gotten control of it.

10 In terms of the height, the Board is
11 willing to allow us the flexible to go with a
12 taller, given the location and isolation of this
13 facility. We certainly appreciate that. Obviously,
14 we would have to do our due diligence to make sure
15 it would work from a perspective of foundation and
16 all of those other additional regulatory issues, but
17 certainly having the flexibility, and we appreciate
18 it. But I hoped we answered all your questions.

19 MR. MONDELLO: So based on
20 Mr. Quinn's summation, and we would like to see if
21 the Board would be amenable to some flexibility with
22 respect to the height. What I suggest the Board do
23 is bifurcate the vote. First, take a vote on the
24 use variance to see if that passes, and if it that
25 passes, you can discuss whether or not the Board, a

1 majority of the Board is interested allowing the
2 applicant to go higher with respect to the tower.
3 With that, we need a motion.

4 MR. GRYGUS: Before you do that, do
5 you need to public for comment? I know you opened
6 it up for questions, but I don't believe we opened
7 for comments.

8 MR. MONDELLO: Any comments from the
9 residents within 200 feet? Outside of 200 feet?
10 Hearing none, seeing none, close that portion.

11 MR. GRYGUS: I'll make a motion to
12 approve the use variance pending the site plan
13 revisions.

14 MR. LUDWIG: I'll second that.

15 CHAIRMAN DUNNING: Roll call.

16 MS. FIORITO: Chairman Dunning.

17 CHAIRMAN DUNNING: Yes.

18 MS. FIORITO: Vice Chairman Grygus.

19 MR. GRYGUS: Yes.

20 MS. FIORITO: Member Hoffman.

21 MR. HOFFMAN: Yes.

22 MS. FIORITO: Member Ludwig.

23 MR. LUDWIG: Yes.

24 MS. FIORITO: Member Levine.

25 MR. LEVINE: Yes.

1 MS. FIORITO: Member Henderson.

2 MS. HENDERSON: Yes.

3 MS. FIORITO: Member Karp.

4 MR. KARP: Yes.

5 MR. GRYGUS: So subsequent to that,
6 Mr. Chairman, I would like to make a motion to
7 approve the submitted site plan which required the
8 following variances: On the lot depth, we required
9 150 feet, where existing is 133 feet, with a
10 variance of 17 feet; rear yard setback, required is
11 45 feet, existing is 32 for a 13-foot variance. On
12 the landscape buffer, to approve the waiver of the
13 landscape buffer, requirement is four feet,
14 proposing zero, so it would be a four-foot variance.

15 Maximum tower height I am going to propose
16 a tower height not exceed 230 feet for variance of
17 100 feet, with the condition that the tower comply
18 with all federal guidelines with respect to lighting
19 or any other issues that would pertain to the
20 additional height.

21 MR. LUDWIG: I'll second that.

22 CHAIRMAN DUNNING: Discussion.

23 MR. NASH: Does the height require
24 additional -- more periodic site visits?

25 MR. QUINN: No.

1 MR. GRYGUS: I would like the record
2 to reflect that's still lower than the existing
3 tower that sits on the opposite side of the highway
4 at this time by 40 feet.

5 MR. NASH: Let's not confuse that.
6 What do you mean by "tower height"?

7 MR. GRYGUS: The height of the
8 antennas.

9 MR. NASH: The height of the
10 antennas. It's not height of its elevation,
11 correct? Did you want to clarify?

12 MR. GRYGUS: The total, total maximum
13 to 230 feet.

14 MR. HOFFMAN: Can we request a ballon
15 test so we can see how it's going to look?

16 MR. MONDELLO: Well, I'm guessing the
17 applicant doesn't want to come back with their
18 professionals.

19 MR. GRYGUS: I mean, you can get an
20 idea. The most telling photo on here is that 1 and
21 1A. You can see the existing tower. Even
22 additional height isn't going to be as high.

23 MS. HENDERSON: It's higher on a
24 hill.

25 MR. GRYGUS: It doesn't matter. It's

1 still the look of it. Look at 1 and 1A.

2 MR. LUDWIG: You can see it's not
3 going to be as high as the other one.

4 MS. HENDERSON: Is it the whole one?

5 MR. NASH: It's a crown on the top
6 with the antennas.

7 MR. LEVINE: What was the basis for
8 that?

9 MR. GRYGUS: Because to give them
10 additional coverage to --

11 MR. LEVINE: Why that? Why not
12 twenty feet lower or ten feet lower?

13 MR. GRYGUS: Well, given the fact he
14 said it's about ten percent for every ten feet, we
15 will get pretty close to the coverage that they have
16 now, number one; hopefully, will not have to come
17 back for a second antenna someplace else, and
18 possibly would generate additional revenue for
19 subleasing other carriers on the pole.

20 CHAIRMAN DUNNING: Basically to get
21 back a percentage of what you're losing, and the
22 elevation would still be elevated lower than what is
23 existing.

24 MR. MONDELLO: You understand, we are
25 giving the application that option, isn't based

1 on -- if he doesn't to do it, they don't want to do
2 it, doesn't make sense to do it, there's a maximum.
3 It's up to them to design something to give us a
4 height that works.

5 CHAIRMAN DUNNING: So you're saying
6 this 230, they may come in at 210, or not even
7 change it all?

8 MR. LUDWIG: There are some blank
9 areas on that coverage, you know.

10 MR. GRYGUS: I'm more concerned with
11 the need for an addition antennas and the ability by
12 this applicant or another applicant. It's one of
13 the things that the Board can always opt if another
14 applicant comes in and say, Well, have you contacted
15 AT&T to see if they're leasing space on their tower?

16 MR. MONDELLO: I understand you can
17 collocated now with the one at the 165. That might
18 more attract to additional carriers.

19 CHAIRMAN DUNNING: We have a motion
20 and a second. Anymore discussions? All right.

21 MR. MONDELLO: Before we vote on it,
22 Chris, any other conditions to add to that, other
23 than changing the plans to reflect the changing?

24 MR. NASH: No. I did have a
25 structural engineer just take a look at it, you

1 know, one of these and he said that quarry, my
2 answer was there was quarry nearby, you know, pretty
3 much you can bet it's going to be anchored into the
4 rocks, and that's its foundation, he had no problems
5 with the distance. The quarry probably could be in
6 the future even closer, not a problem. I don't see
7 a problem.

8 MR. LUDWIG: If they start blasting,
9 AT&T will have fun with that.

10 MR. NASH: You have to be really
11 close. The blasting, with blasting involved, these
12 days that's pretty accurate. Aside from that, with
13 287, 20 years ago, they were blasting all over. Do
14 you remember that? That's better now.

15 MR. MONDELLO: If your client does,
16 if the Board does vote to give your client
17 flexibility, and if your client chooses to do so,
18 Mr. Nash is going to have to be satisfied with
19 respect to the plans. If there are any issues, I
20 would expect your engineer and Mr. Nash to hash them
21 out, and if you can't, then you would have to come
22 back to this Board to resolve any outstanding on
23 that.

24 MR. QUINN: Certainly.

25 MR. NASH: Any chance with the

1 increase of the height, you're going to increase the
2 size of the whole facility?

3 MR. QUINN: I don't think it would,
4 not by enough, just the foundation. What would
5 increase the size of the facility is when the
6 collocators come, and their equipment would take up
7 additional space.

8 MR. GRYGUS: Would you have to
9 expand?

10 MR. QUINN: There is space there to
11 accommodate additional carriers. If there was more
12 then they would have to expand; Verizon has
13 equipment and T Mobile or Sprint.

14 MR. GRYGUS: I think they would go
15 the Planning Board because it's not a use variance.
16 That wouldn't come here. I'm not exactly sure.

17 MR. MONDELLO: If it is an expansion
18 of a nonconforming use, it would have to come back
19 here.

20 MR. QUINN: So there is also a
21 different process with the federal government. A
22 couple years now, can go up to the building
23 department for conditional approval. It can be one
24 where it might be in front of this Board, like a
25 site plan waiver type application. Every town is a

1 little bit different. I think that they have been
2 existing for so long, many carriers are still
3 located on existing structures.

4 MR. MONDELLO: My guess is there are
5 fairly recent federal regulations that permit a
6 collocator to bypass this process, the planning
7 board, just go right to the building department and
8 show exactly what is going to be done.

9 MR. QUINN: What they have to do is
10 they have to show the project that they're doing
11 doesn't substantially impact the appearance of an
12 existing structure. If you have to widen by a
13 certain amount of feet, depending what the
14 limitations.

15 MR. NASH: If they violate the rules,
16 then they have to come here with it.

17 MR. QUINN: Exactly. It also helps
18 if AT&T has to swap, where in the past sometimes
19 they need to replace their antennas, they have to
20 come back in front of the Board and say, you know,
21 almost irritating the Board with that kind of thing.
22 Certain towns get four or five of these a month
23 where carriers are always changing. Now they are
24 streamlining the process.

25 CHAIRMAN DUNNING: Let's call the

1 Board.

2 MS. FIORITO: Chairman Dunning.

3 CHAIRMAN DUNNING: Yes.

4 MS. FIORITO: Vice Chairman Grygus.

5 MR. GRYGUS: Yes.

6 MS. FIORITO: Member Hoffman.

7 MR. HOFFMAN: Yes.

8 MS. FIORITO: Member Ludwig.

9 MR. LUDWIG: Yes.

10 MS. FIORITO: Member Levine.

11 MR. LEVINE: Yes.

12 MS. FIORITO: Member Henderson.

13 MS. HENDERSON: Yes.

14 MS. FIORITO: Member Karp.

15 MR. KARP: Yes.

16 MR. QUINN: Thank you very much. And
17 the resolution should be adopted at next month's
18 meeting?

19 MR. MONDELLO: Well, if the Board has
20 no applications, the answer is no. It's a volunteer
21 Board, and they're not coming here to memorialize a
22 resolution.

23 MR. QUINN: If that's the case, there
24 is no extending conditions, we have to submit to Mr.
25 Nash for discussing everything from design or

1 otherwise?

2 MR. MONDELLO: You can go to the
3 building department. Would you be so kind to send
4 an electronic version of the transcript. It will be
5 lot easier for you, and a lot easier for me.

6 MR. QUINN: Sure. Thank you.

7 (Whereupon the proceeding is then
8 concluded at 10:11 p.m.)

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

I, SHARI CATHEY, CCR, RPR, License No.
30XI00234700, and Notary Public of the State of New
Jersey, hereby certify that the proceedings herein
are from the notes taken by me of a Regular Meeting
of the Wanaque Zoning Board, held on Wednesday,
May 4, 2016; and that this is a correct transcript
of the same.



SHARI CATHEY, CCR, RPR
A NOTARY PUBLIC of the
State of New Jersey
I.D. No. 2283786
Commission Expires 2/4/17

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