

CITY OF HOBOKEN
PLANNING BOARD

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REGULAR MEETING OF THE HOBOKEN :May 6, 2014
PLANNING BOARD : 7:06 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Stephen Marks
Commissioner Brandy Forbes
Commissioner Ravi Bhalla
Commissioner Gill Mosseri
Commissioner Dan Weaver
Commissioner Sasha Conroy

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

Remington, Vernick & Arango Engineers
BY: Jacqueline Foushee, PE, CME
Melanie Adamson, PE, PP

Patricia Carcone, Board Secretary

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1 CHAIRMAN HOLTZMAN: Okay. We are going
2 to get started here. It is Tuesday, May 6th, 2014.
3 It is 7:06. This is the Hoboken Planning Board
4 Meeting.

5 I would like to advise all of those
6 present that notice has been provided to the public
7 in accordance with the provisions of the Open Public
8 Meetings Act, and that notice was published in The
9 Jersey Journal and on the city's website. Copies
10 were provided to The Star-Ledger, The Record, and
11 also placed on the bulletin board in the lobby of
12 City Hall.

13 Pat, please call the roll.

14 MS. CARCONE: Commissioner Holtzman?

15 CHAIRMAN HOLTZMAN: Here.

16 MS. CARCONE: Commissioner Magaletta?

17 VICE CHAIR MAGALETTA: Here.

18 MS. CARCONE: Commissioner Marks?

19 COMMISSIONER MARKS: Present.

20 MS. CARCONE: Commissioner Forbes?

21 COMMISSIONER FORBES: Here.

22 MS. CARCONE: Commissioner Bhalla is

23 not --

24 COMMISSIONER BHALLA: Here.

25 MS. CARCONE: -- oh, I'm sorry.

1 I didn't see you down there, sorry.

2 (Laughter)

3 MS. CARCONE: Commissioner Graham is
4 absent.

5 Commissioner Mosseri is absent.

6 Commissioner Pinchevsky is absent.

7 Commissioner Weaver is not here.

8 Commissioner Conroy?

9 COMMISSIONER CONROY: Here.

10 MS. CARCONE: That's it. One, two,
11 three, four, five, six.

12 CHAIRMAN HOLTZMAN: Great. Thank you.

13 The first item on our agenda is the
14 memorialization of the resolution for 1400 Hudson,
15 which is the Tea Building, Hudson Tea Building.
16 Dennis had provided us with a copy of the
17 resolution. There were a number of changes, just so
18 that you know, going back and forth to kind of fine
19 tune the language.

20 Did any of the Commissioners have any
21 questions or comments on that resolution?

22 Anybody over here?

23 No.

24 Okay. Is there a motion to accept that
25 resolution?

1 VICE CHAIR MAGALETTA: I make a motion
2 to accept the resolution as proposed.

3 CHAIRMAN HOLTZMAN: Is there a second?

4 COMMISSIONER CONROY: Second.

5 CHAIRMAN HOLTZMAN: Terrific. Thank
6 you.

7 Pat, please call the vote.

8 MS. CARCONE: Commissioner Magaletta?

9 VICE CHAIR MAGALETTA: Yes.

10 MS. CARCONE: Commissioner Marks?

11 COMMISSIONER MARKS: Aye.

12 MS. CARCONE: Commissioner Forbes?

13 COMMISSIONER FORBES: Yes.

14 MS. CARCONE: Commissioner Bhalla?

15 COMMISSIONER BHALLA: Yes.

16 MS. CARCONE: Commissioner Conroy?

17 COMMISSIONER CONROY: Yes.

18 MS. CARCONE: Commissioner Holtzman?

19 CHAIRMAN HOLTZMAN: Yes.

20 The second item on the agenda tonight
21 was going to be 93 Grand Street. We were supposed
22 to have a hearing for that.

23 We did receive communication.

24 Please let the record show that Mr.

25 Gill Mosseri has joined us on the dais.

1 Thank you.

2 This is in regard to 93 Grand Street.

3 The problem here was the applicant failed to meet
4 their legal requirement of ten days legal notice in
5 the papers, and we did receive a communication from
6 them. This is from Jensen Vasil, who is the
7 architect, who is also assuming the duties I guess
8 of the attorney for this applicant. It says:

9 "Dear Members of the Hoboken Planning
10 Board:

11 "On behalf of the applicant, we state
12 that we failed to notice properly for the May 6th,
13 2014 meeting, and that we will notice for the July
14 11th, 2014 meeting. We also hereby waive the time
15 limitations that the Board has to act.

16 "Thank you for understanding.

17 "Jensen."

18 So we will move on from that.

19 (Continue on next page.)
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CITY OF HOBOKEN
PLANNING BOARD

- - - - - X
1622 Clinton Avenue (PSE&G) :May 6, 2014
Block 140, Lots 1-30, Block 141, :
Lots 12-19 : 7:15 p.m.
Noise Mitigation Approval For :
Weekend/Off-Hour Construction :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

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- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
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15 A L S O P R E S E N T:

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17 JENNIFER TAYLOR,
18 Project Construction Specialist (PSE&G)
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20 South Plainfield, New Jersey 07080
21 732-354-5647

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23 OSTERGAARD ACOUSTICAL ASSOCIATES
24 200 Executive Drive
25 West Orange, New Jersey 07052
973-731-7002
BY: BENJAMIN C. MUELLER, PE

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1 CHAIRMAN HOLTZMAN: Coming late to the
2 Board was a packet and a request from our folks over
3 at PSE&G.

4 Before we address that, I want to make
5 the Board aware, I don't know if you noticed it, but
6 between Second and Third Street in Hoboken, the
7 Shade Tree Commission has been out there for the
8 better part of a week, and they are starting their
9 process of installing I think it is 85 trees around
10 Hoboken. That is from the money that we received
11 from PSE&G in their landscaping equivalency that
12 they put into a fund for the Shade Tree Commission.

13 So they are starting their work out in
14 the spring, and it looks great. They are putting
15 these really nice big trees in with these big tree
16 pits and tree grates, so that is certainly a nice
17 benefit for all of us.

18 That is the introduction really for the
19 request also that moves us into from PSE&G. They
20 are starting construction and have already started
21 preparing their site over at 1600 Clinton, and they
22 forwarded to us a report and a request to work
23 beyond the normal hours that we allow in Hoboken.

24 The normal hours that we allow in
25 Hoboken are from eight a.m. to six p.m. Monday

1 through Friday, and they are requesting that we
2 allow them to work later in the evening and on
3 weekends.

4 It is sort of an unusual request that
5 this comes before the Planning Board. Normally
6 these types of things go to the City Council. That
7 is why it is a little late getting to us on our
8 agenda, because it initially went to the City
9 Council, and the City Clerk redirected it over to
10 Pat, our Board Secretary, because we were the Board
11 that approved this application, so the jurisdiction
12 of the request for the after hours falls upon us, so
13 I don't know if anybody has had a chance to review
14 it.

15 It is, as is always the form with our
16 friends at PSE&G, it is a complete full lengthy
17 document. I think it is 27 pages. I know that
18 highlights from me were that they were going to do
19 all of the heavy-duty construction, like the pile
20 driving during the normal regular eight to six
21 Monday through Friday hours, and this will hopefully
22 also expedite the time that there will be
23 construction on the whole job site.

24 MR. GALVIN: Is there anybody here from
25 PSE&G?

1 CHAIRMAN HOLTZMAN: Yes, there is.

2 COMMISSIONER CONROY: Do we know what
3 work is going to be done in those of after hours as
4 far as, if it is not the pile driving work, is it
5 going to be excessively noisy work or --

6 CHAIRMAN HOLTZMAN: They gave us an
7 entire spreadsheet as to what will be done when, and
8 actually amazingly enough, a rating on how many db
9 that that work would require.

10 It doesn't seem to me at first glance
11 that there is anything really noisy going on at
12 night or on the weekends.

13 In addition to that, what they are
14 proposing to do is to put a fencing around the
15 entire site that has some type of a padding or
16 baffling to mitigate the noise coming out of the
17 site.

18 COMMISSIONER CONROY: Did they also say
19 how much it would shrink down the project's time?

20 CHAIRMAN HOLTZMAN: I do not recall
21 that.

22 Mark, or who would be best to sort of
23 field the question on that?

24 MS. TAYLOR: Could you repeat the
25 question?

1 MR. GALVIN: Could you come up?

2 CHAIRMAN HOLTZMAN: We have to figure
3 out who we want.

4 The question is specifically this.
5 This is their construction manager, right?

6 MS. TAYLOR: Yes.

7 CHAIRMAN HOLTZMAN: Why don't you come
8 on up?

9 So the question really is, with the
10 additional hours, the evening hours and the weekend
11 hours, do you have a feel for us as to how --

12 (Mr. Galvin and Chairman Holtzman
13 confer.).

14 CHAIRMAN HOLTZMAN: This isn't a
15 hearing.

16 MR. GALVIN: I know it is not, but we
17 are still making a record, and we should still
18 identify the person.

19 CHAIRMAN HOLTZMAN: Okay. Sure, of
20 course.

21 Can you just identify yourself for the
22 record? Say your first name and spell your last
23 name.

24 MS. TAYLOR: Sure.

25 Jennifer Taylor, T-a-y-l-o-r, and I'm

1 the civil supervisor for the project in Hoboken.

2 THE REPORTER: I'm sorry, but I can't
3 hear you.

4 MR. GALVIN: That means you are polite.
5 (Laughter)

6 CHAIRMAN HOLTZMAN: So we are trying to
7 get an idea as to what kind of reduction in overall
8 time for the project this might reduce it.

9 MS. TAYLOR: Yes. Well, this is
10 specifically for the civil work associated with the
11 foundation for the GIS Building. That's what it
12 would be at this point, which is the property
13 opposite --

14 THE REPORTER: I can't hear you.

15 CHAIRMAN HOLTZMAN: Come right over to
16 her and just take it slow, you know.

17 MS. TAYLOR: I'm sorry. Yes.

18 MR. GALVIN: Thank you.

19 MS. TAYLOR: This is the civil work
20 associated with the GIS Building that we are asking
21 for at this point, and it is going to be a reduction
22 of most likely two to four weeks on that portion of
23 the work.

24 CHAIRMAN HOLTZMAN: Two to four weeks.
25 The time frame normally would have

1 been?

2 MS. TAYLOR: Okay. It is a six-month,
3 so this could reduce it by a month.

4 CHAIRMAN HOLTZMAN: Okay.

5 COMMISSIONER BHALLA: Chairman?

6 Do you mind describing the property
7 location, the scope of work, what exactly you are
8 doing at the site?

9 MS. TAYLOR: Sure.

10 This is on Clinton, which is adjacent
11 to the existing substation. It is actually across
12 the street from the existing substation, and the
13 work that entails for the foundation is clearing of
14 the existing site, and then excavation for the post
15 pile driving. And then once the pile driving is
16 about halfway through, they would be doing the form
17 work and the rebar for the concrete pile cap, and
18 from there we will be building up.

19 The purpose for this work is also to
20 bring everything up to a level above the Sandy flood
21 level, so everything that is being designed is a
22 foot above that, so that is the reason for the
23 elevated slab.

24 COMMISSIONER BHALLA: Forgive my
25 ignorance. I didn't read the letter.

1 What exactly are you constructing?

2 MS. TAYLOR: It's a foundation for a
3 building, and inside of the building is going to be
4 electrical equipment.

5 CHAIRMAN HOLTZMAN: Yes.

6 Just to bring you up to speed,
7 Councilman, this is a very substantial project that
8 we have had a number of hearings on a couple of
9 months back during your interim of not serving on
10 the Planning Board, yes.

11 But yes, this is a project that
12 basically is the full block that is sort of behind
13 the -- between to the west of the Willow Avenue
14 bridge behind the storage place.

15 COMMISSIONER BHALLA: I don't believe
16 there are any residential units in that area.

17 Are there any residential buildings
18 contiguous to that block?

19 CHAIRMAN HOLTZMAN: No. I took a quick
20 look on a Google map just to kind of get a feel for
21 that myself, and it looked like it was probably the
22 better part of three blocks or 300 feet before there
23 was anything residential.

24 COMMISSIONER BHALLA: And why -- so
25 this would extend beyond the normal work hours?

1 CHAIRMAN HOLTZMAN: Correct.

2 COMMISSIONER BHALLA: To how far behind
3 the normal hours?

4 MS. TAYLOR: The hours that we are
5 asking for was in line with the daytime working
6 hours, which is till ten p.m. and that is not
7 expected to be happening every day. It's just
8 dependent on certain tasks, so it is as-needed, not
9 everyday activities.

10 COMMISSIONER BHALLA: So other than to
11 speed up the timeline, which is constructed, which
12 is about you said four to eight weeks or six to
13 eight weeks?

14 MS. TAYLOR: Potentially a month. That
15 is what we are anticipating.

16 COMMISSIONER BHALLA: Is there any
17 benefit that would inure to the city or the
18 residents by the expedited construction?

19 MS. TAYLOR: Yes.

20 Well, the shorter the schedule, the
21 shorter of the duration of noise activities, so
22 that, you know, rather than being a six-month
23 duration for noise-related construction, it would be
24 more of a four or five-month duration for
25 noise-related construction.

1 COMMISSIONER BHALLA: Any other
2 benefit?

3 MS. TAYLOR: Well, it's also a project,
4 which is going to improve the resilience and
5 reliability of the network, and obviously being
6 raised up, it will improve the liability during
7 storm events as well.

8 COMMISSIONER BHALLA: Well, that is for
9 the overall project. But is there any other
10 benefit?

11 MS. TAYLOR: Bringing it on line
12 faster, making sure that we meet the target dates,
13 and making sure that we meet the outage dates, and
14 bringing it on line as designed is going to improve
15 the resilience for Hoboken as well.

16 COMMISSIONER BHALLA: Nothing further.

17 VICE CHAIR MAGALETTA: I have a
18 question.

19 CHAIRMAN HOLTZMAN: Sure, Frank.

20 VICE CHAIR MAGALETTA: I read the
21 reports. I apologize.

22 It is near 1600 Park, which there is a
23 park right there. During the weekends when the work
24 is going on, what kind of work would that be, if you
25 can anticipate?

1 You mean during the day it's the normal
2 loud stuff, and the evening lower decibels?

3 MS. TAYLOR: Yes, it's restricted.

4 VICE CHAIR MAGALETTA: Okay.

5 How much of that would be causing
6 debris to go into the air?

7 MS. TAYLOR: Nothing would be
8 causing -- I mean, anything that is going to be on
9 the site would be contained within the site, so
10 nothing would be coming off the site, and if there
11 were any issues, there would be dust mitigation.

12 VICE CHAIR MAGALETTA: Okay. Because
13 my concern is that there is a field right next to it
14 across the road. You know, there are kids playing.
15 There's adults playing. There's people there,
16 citizens there, and I want to make sure it doesn't
17 affect them.

18 MS. TAYLOR: Yes.

19 VICE CHAIR MAGALETTA: And, you know,
20 it is a weekend. It's a quality of life issue.

21 MS. TAYLOR: Yes, absolutely.

22 There wouldn't be any debris coming off
23 the site.

24 VICE CHAIR MAGALETTA: And as far as
25 the noise, how loud would the noise be?

1 MS. TAYLOR: Well, the decibels are in
2 the report that was provided, so the noisiest
3 activity is pile driving, and that activity would be
4 limited to the eight to six, which is within the
5 requirements of the ordinance. So anything beyond
6 six would be regular general construction, and the
7 noise barrier that was mentioned would shield the
8 field from that noise.

9 VICE CHAIR MAGALETTA: Well, it would
10 reduce the noise -- it would shield --

11 MS. TAYLOR: Yes. It would bring it
12 down within -- I believe it was within range of the
13 requirements.

14 Correct?

15 MR. MUELLER: Yes.

16 VICE CHAIR MAGALETTA: I understand and
17 I appreciate what you are trying to accomplish,
18 speeding up the process. But pile driving during
19 the weekend may be a little rough for people out on
20 the field during the day, so I don't know if that's
21 something you can coordinate.

22 MS. TAYLOR: Definitely, if there was a
23 way to get the schedule for any, you know, planned
24 field activities, and then if we could coordinate
25 around that.

1 The reason for the pile driving is
2 because the soils over there are in quite poor
3 condition, and we have had issues on the existing
4 site, so there are a lot of piles to drive. In the
5 report there is actually a span of quite a bit of
6 time, so that's why we are looking to compact it as
7 well so we can finish it earlier.

8 VICE CHAIR MAGALETTA: All right.
9 Maybe a way to say this is maybe just during the
10 week have the pile driving and not on the weekends,
11 if that is possible.

12 MS. TAYLOR: Yes.

13 Anything that we can do to improve the
14 program, so I mean, as long as we can, you know,
15 still do the general construction on the weekend,
16 that would still be an advantage. You wouldn't save
17 as much time because the pile driving has to start
18 before you can put in the rebar and everything in,
19 so the overall duration of the project would not
20 reduce as much. But being able to do the general
21 construction work would be an advantage.

22 VICE CHAIR MAGALETTA: Thank you.

23 COMMISSIONER MOSSERI: I'm sorry. I
24 just want to be clear.

25 So task five, which is pile driving,

1 which has the highest decibel, will only be done in
2 the normal construction hours? You're asking for --

3 MS. TAYLOR: Yes. That was from eight
4 to six.

5 COMMISSIONER MOSSERI: -- you are
6 asking for everything outside of that to be allowed.
7 Is that correct?

8 MS. TAYLOR: Yes. We would --

9 COMMISSIONER MOSSERI: So tasks one
10 through three, one through four, and seven and eight
11 would be allowed from eight in the morning until ten
12 at night?

13 MS. TAYLOR: That is not an everyday
14 activity that we would expect it to run over. It's
15 just as needed for certain tasks.

16 COMMISSIONER MOSSERI: So it is a
17 schedule compression of what?

18 MS. TAYLOR: Well, ideally we were
19 looking at about a month, and that would include the
20 reduction in schedule with the pile driving,
21 assuming we could have done pile driving on the
22 weekends.

23 COMMISSIONER MOSSERI: So you are only
24 saving three weeks basically or two weeks?

25 MS. TAYLOR: Probably save -- yeah,

1 saving a bit more time, but in order to ensure that
2 we meet the outage requirements, it is definitely an
3 advantage --

4 COMMISSIONER MOSSERI: Sorry --

5 MS. TAYLOR: -- in order to meet the
6 outage requirements, it would be an advantage to be
7 able to do the --

8 COMMISSIONER MOSSERI: -- so if we
9 don't change the pile driving requirements, you are
10 only saving one or two weeks over six months, is
11 that my understanding?

12 MS. TAYLOR: I think we probably would
13 be looking at two to three weeks.

14 COMMISSIONER MOSSERI: Okay.

15 MS. TAYLOR: And that also ensures --
16 sorry --

17 CHAIRMAN HOLTZMAN: Go ahead.

18 MS. TAYLOR: -- and that also ensures
19 that we meet the outage requirements, because this
20 is an outage dependent project in order to bring the
21 project on line, so in the scope of booking outages
22 within the company, it is important to make sure
23 that we have got the work done to meet the outage
24 and bring it on, so that is part of the objective.

25 CHAIRMAN HOLTZMAN: I think that seems

1 like a pretty reasonable request that Frank brought
2 up, which is approving and saying yes to the
3 additional hours and weekend work, but no pile
4 driving on the weekend.

5 Is that sort of what you were thinking,
6 Frank?

7 VICE CHAIR MAGALETTA: Yes, it is. And
8 anything that, you know, excessive noise for the
9 pile driving, and if there is any kind of dust going
10 around, you said you would mitigate that, if
11 appropriate?

12 MS. TAYLOR: If it was an issue, then
13 yes.

14 VICE CHAIR MAGALETTA: And not permit
15 that on the weekend as well. Those are my two
16 caveats to this.

17 CHAIRMAN HOLTZMAN: Director Forbes,
18 did you want to say something?

19 COMMISSIONER FORBES: In that area, you
20 know, certainly I have been familiar with it because
21 of the 1600 Park and Cove projects. I mean, you
22 know, the distance to any nearby residential, it is
23 not going to, you know, be disturbing that.

24 I think you are right that the park
25 usage is amazing, and as long as the pile driving is

1 not happening while that is going on, that's --

2 MS. TAYLOR: Would it be an option to
3 coordinate -- is there a schedule for the park to be
4 able to coordinate when they've got --

5 VICE CHAIR MAGALETTA: Basically during
6 the day, it is being used.

7 MS. TAYLOR: Oh, there's no specific --

8 COMMISSIONER FORBES: There is, and it
9 is usually used in evenings during the week and on
10 the weekends, on Saturdays and Sundays.

11 MS. TAYLOR: Okay.

12 COMMISSIONER FORBES: We can certainly
13 get that to you, but you know, the thing is the
14 general public is allowed to use it as well, even if
15 there is not a game --

16 CHAIRMAN HOLTZMAN: So just to --
17 Frank, would it be then your intention of no pile
18 driving on the weekends?

19 VICE CHAIR MAGALETTA: Correct.

20 COMMISSIONER MOSSERI: And outside the
21 normal times.

22 VICE CHAIR MAGALETTA: Well, they won't
23 be outside normal times.

24 CHAIRMAN HOLTZMAN: There won't be past
25 six o'clock anyway.

1 VICE CHAIR MAGALETTA: Right.

2 CHAIRMAN HOLTZMAN: So it's basically
3 what we are saying is yes to the additional hours
4 and weekends, but the pile driving is Monday through
5 Friday, eight to six.

6 VICE CHAIR MAGALETTA: Normal business
7 time.

8 CHAIRMAN HOLTZMAN: That's sort of the
9 specific callout, right?

10 VICE CHAIR MAGALETTA: Yes.

11 CHAIRMAN HOLTZMAN: Any other questions
12 from any of the other Commissioners here?

13 COMMISSIONER WEAVER: Have they talked
14 to the City of Weehawken?

15 CHAIRMAN HOLTZMAN: They have not.

16 COMMISSIONER WEAVER: Because we are
17 probably about 750 feet from the residential area of
18 Weehawken. That is my only comment.

19 CHAIRMAN HOLTZMAN: Okay.

20 COMMISSIONER MOSSERI: Is that a
21 recommendation then, Commissioner Weaver, that they
22 speak to them, or at least a courtesy?

23 COMMISSIONER WEAVER: Hum, Dennis, are
24 we required?

25 MR. GALVIN: No, and I think it will

1 open up problems. It will make it more complicated.

2 COMMISSIONER CONROY: Yeah. I think as
3 long as we are limiting the pile driving, I think
4 that is also respecting the Weehawken concern,
5 because they won't have a sound issue in Weehawken,
6 if we are not having pile driving after hours, so I
7 think the non-noise construction shouldn't bother
8 the Weehawken residents.

9 MR. GALVIN: I think the other thing,
10 too, to understand is that this is a regional
11 facility. It is going to benefit Weehawken probably
12 just as much as it is going to benefit Hoboken.

13 COMMISSIONER WEAVER: No. As long as
14 we talk about it in an open forum and we're not
15 snubbing our friends in Weehawken, we were
16 considerate of their, you know --

17 CHAIRMAN HOLTZMAN: So is there a
18 motion on the floor to accept the additional
19 construction?

20 VICE CHAIR MAGALETTA: I move that we
21 accept the additional hours with the limitation of
22 no pile driving during the weekend hours as well as
23 mitigation, if not complete reduction of dust during
24 those weekend hours as well.

25 CHAIRMAN HOLTZMAN: All right. Is

1 there a second on Frank's motion?

2 COMMISSIONER CONROY: Second.

3 CHAIRMAN HOLTZMAN: Pat, please call
4 the vote.

5 MS. CARCONE: Commissioner Magaletta?

6 VICE CHAIR MAGALETTA: Yes.

7 MS. CARCONE: Commissioner Marks?

8 COMMISSIONER MARKS: Aye.

9 MS. CARCONE: Commissioner Forbes?

10 COMMISSIONER FORBES: Yes.

11 MS. CARCONE: Commissioner Bhalla?

12 COMMISSIONER BHALLA: Yes.

13 MS. CARCONE: Commissioner Mosseri?

14 COMMISSIONER MOSSERI: Yes.

15 MS. CARCONE: Commissioner Weaver?

16 COMMISSIONER WEAVER: Abstain.

17 MS. CARCONE: Commissioner Conroy?

18 COMMISSIOENR CONROY: Yes.

19 MS. CARCONE: Commissioner Holtzman?

20 CHAIRMAN HOLTZMAN: Yes.

21 Thanks, folks.

22 MS. TAYLOR: Thank you.

23 (The matter concluded.)

24

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

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PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.

Dated: 5/7/14

This transcript was prepared in accordance with NJ ADC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD

- - - - - X
 38-40 First Street, Block 224, Lot 1 : May 6, 2014
 Applicant: New York SMSA Limited :
 Partnership d/b/a Verizon Wireless : 7:30 p.m.
 - - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
 Vice Chair Frank Magaletta
 Commissioner Stephen Marks
 Commissioner Brandy Forbes
 Commissioner Ravi Bhalla
 Commissioner Gill Mosseri
 Commissioner Dan Weaver
 Commissioner Sasha Conroy

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

Remington, Vernick & Arango Engineers
 BY: Jacqueline Foushee, PE, CME
 Melanie Adamson, PE, PP

 Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
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12 Attorneys for the Applicant.

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1 CHAIRMAN HOLTZMAN: All right.

2 Our next item on our agenda is the
3 application for 38-40 First Street. This is the
4 Verizon Wireless application.

5 Hang on a second there, Mr. Stilwell.

6 MR. STILWELL: All right.

7 CHAIRMAN HOLTZMAN: Thank you, sir.

8 (Board members confer)

9 CHAIRMAN HOLTZMAN: So the first thing
10 we have this evening is we have brought in an
11 outside consultant, Dr. Bruce Eisenstein, for the
12 Board's additional consultation. Since we have
13 always had many questions on these wireless
14 applications, hopefully this will be insightful for
15 us in terms of how this area was located.

16 Dennis, we wanted to have a
17 ratification of hiring Dr. Eisenstein.

18 MR. GALVIN: Yes. Since he is a
19 specialty expert and we were under limited time, I
20 think we need to ratify this hire, so that is as
21 simple as it gets.

22 CHAIRMAN HOLTZMAN: So it's as simple
23 as it gets to just taking a vote to say yes, we are
24 hiring Dr. Eisenstein?

25 MR. GALVIN: Correct.

1 VICE CHAIR MAGALETTA: Do you need a
2 motion for that?

3 COMMISSIONER WEAVER: Motion.

4 VICE CHAIR MAGALETTA: Second.

5 COMMISSIONER MOSSERI: Aye.

6 MR. GALVIN: Let me just say it is a
7 good procedure for us to have. Some towns have them
8 lined up for when these come in.

9 COMMISSIONER WEAVER: This came up
10 during our planning subcommittee meeting.

11 CHAIRMAN HOLTZMAN: Great.

12 So, Pat, just call a vote on that,
13 please?

14 MS. CARCONE: Commissioner Magaletta?

15 VICE CHAIR MAGALETTA: Yes.

16 MS. CARCONE: Commissioner Marks?

17 COMMISSIONER MARKS: Aye.

18 MS. CARCONE: Commissioner Forbes?

19 COMMISSIONER FORBES: Yes.

20 MS. CARCONE: Commissioner Bhalla?

21 COMMISSIONER BHALLA: Yes.

22 MS. CARCONE: Commissioner Mosseri?

23 COMMISSIONER MOSSERI: Yes.

24 MS. CARCONE: Commissioner Weaver?

25 COMMISSIONER WEAVER: Yes.

1 MS. CARCONE: Commissioner Conroy?

2 COMMISSIONER CONROY: Yes.

3 MS. CARCONE: Commissioner Holtzman?

4 CHAIRMAN HOLTZMAN: Yes.

5 Dr. Eisenstein, can you just come up
6 and introduce yourself to the Board, give us a
7 little background on your --

8 MR. GALVIN: I would limit it a little
9 bit, and we'll get them during the hearing.

10 CHAIRMAN HOLTZMAN: Get them during the
11 hearing?

12 MR. GALVIN: Yes, and put his
13 credentials on the record rather than -- a little
14 introduction is okay.

15 CHAIRMAN HOLTZMAN: A little
16 introduction.

17 MR. EISENSTEIN: Would you like to
18 swear me first, so that --

19 MR. GALVIN: No. That's what I'm
20 saying --

21 MR. EISENSTEIN: -- when I do my
22 introduction, to make sure I am telling the truth?

23 MR. GALVIN: -- no. I would rather
24 have you during this application. If you want to
25 just say hello to the Board.

1 MR. EISENSTEIN: Well, let me just say
2 that I have been doing this now, it is amazing to
3 me, but since about 1992.

4 I represent only municipalities, and I
5 will give you more credentials later, if you're
6 interested, but I probably made about 400
7 appearances before various Zoning Boards in probably
8 about 80 different municipalities in New Jersey, and
9 so my role is to advise you, the Board, and answer
10 your questions about the application.

11 CHAIRMAN HOLTZMAN: Right. So we just
12 want to sort of procedurally just kind of take it a
13 little slower than sometimes we do up here.

14 Mr. Stilwell is going to have his team
15 make the presentation, and then if we have
16 questions, we can certainly cross-examine any of Mr.
17 Stilwell's professionals, and we also have the
18 ability to bring Dr. Eisenstein up to sort of cross
19 the cross-examination, so we will figure this out as
20 we go.

21 Mr. Stilwell?

22 MR. STILWELL: Yes.

23 Want me to start?

24 CHAIRMAN HOLTZMAN: Please do.

25 MR. STILWELL: Thank you.

1 Good evening, Mr. Chairman, and Members
2 of the Board.

3 Warren Stilwell from the firm of Cooper
4 Levenson appearing on behalf of the applicant, New
5 York SMSA Limited Partnership doing business as
6 Verizon Wireless.

7 This is an application that was
8 appropriately noticed in the newspaper and by
9 providing notice to property owners within 200
10 feet --

11 MR. GALVIN: Unlike 93 Grand?

12 MR. STILWELL: Yes.

13 (Laughter)

14 MR. GALVIN: Go ahead.

15 MR. STILWELL: So that the Board does
16 have jurisdiction to hear the matter this evening.

17 This is an application by Verizon
18 Wireless to place a wireless telecommunications
19 facility on the rooftop of the building located at
20 30-40 First Street in Hoboken.

21 As the Board may be aware from the
22 application material, Verizon Wireless currently has
23 a site cattycorner across the street, and that site
24 needs to come down, because the antennas that are on
25 that site are partially being blocked by a building

1 that was built -- that was built after our site was
2 originally built, and consequently, that site is
3 coming off the air, so that the service that that
4 site is providing now and did provide is going to go
5 away, thus creating a gap in the service, and we are
6 simply moving cattycorner across the street.

7 This is an application that requires a
8 minor site plan. This Board has decided many
9 similar applications for rooftop antennas in Hoboken
10 and even within the area of this search area. And
11 even in the search area, where we are proposing to
12 locate, this Board has approved applications that
13 required the exact same relief that we are proposing
14 tonight.

15 The relief that we are proposing
16 tonight is that we need one height variance, we
17 don't satisfy, and that is consistent with the
18 planner's report. The variance that we need is a
19 height variance because our antennas are
20 approximately two feet higher than the eight feet
21 above roof slab maximum that is set forth in your
22 ordinance. That is the only variance that we
23 require.

24 I am not going to go through -- track
25 through the ordinance right now because my first

1 witness is going to be a little unusual in that I
2 will bring up Mr. Masters, my planner, and then I am
3 going to go through the ordinance with Mr. Masters
4 testifying, so that hopefully we can all be on the
5 same page in terms of what is required in terms of
6 proof and also what is required in terms of relief,
7 so -- but my witnesses will be Mr. Masters, my
8 professional planner, just for that limited purpose.

9 Then Mr. Edwin Ortega, my radio
10 frequency expert, and then Mr. Colasurdo, Mr. Frank
11 Colasurdo, whose office prepared the plans before
12 you. He is a licensed architect in New Jersey, and
13 then finally Mr. Masters again as my professional
14 planner to sum up.

15 CHAIRMAN HOLTZMAN: Okay.

16 Just hang on one second, Mr. Stilwell.

17 I just want you to know that we have a
18 nice crowd here from the public tonight, which is
19 terrific, and I want to make sure that everybody
20 understands that we will take some comments and
21 questions from the public. We do have a very
22 specific legal requirement in terms of the process
23 that we need to follow here.

24 So what we are going to basically do is
25 Mr. Stilwell is the attorney for Verizon. He will

1 bring up these professionals, and then as these
2 professionals make their testimony, we are going to
3 have our Board professionals and our Commissioners
4 question these folks, and then at the conclusion of
5 that, we will open it up for questions about that
6 specific piece of testimony that we heard on, so we
7 are going to try to work it sort of step by step, so
8 that everybody can kind of follow along.

9 Thank you, Mr. Stilwell.

10 MR. STILWELL: Thank you.

11 Mr. Masters --

12 MR. GALVIN: Raise your right hand.

13 Do you swear to tell the truth, the
14 whole truth, and nothing but the truth, so help you
15 God?

16 MR. MASTERS: Yes, I do.

17 W I L L I A M F. M A S T E R S, J R., PP, 19
18 Ironwood Drive, Morris Plains, New Jersey, having
19 been duly sworn, testified as follows:

20 MR. GALVIN: State your name for the
21 record and spell your last name.

22 THE WITNESS: William F. Masters, Jr.,
23 M-a-s-t-e-r-s.

24 MR. GALVIN: Mr. Chairman, do you
25 accept Mr. Masters' credentials as a planner?

1 CHAIRMAN HOLTZMAN: Did we hear Mr.
2 Masters' credentials?

3 MR. GALVIN: No. He appeared before me
4 previously. I thought he appeared here as well.
5 I'm sorry.

6 THE WITNESS: I have --

7 CHAIRMAN HOLTZMAN: No. Could you just
8 give us a brief recap, sir?

9 MR. GALVIN: Could you just list three
10 Boards that you have appeared before?

11 THE WITNESS: Certainly. Three Boards,
12 Hoboken, Jersey City and Bayonne.

13 MR. GALVIN: Does that work for you?

14 CHAIRMAN HOLTZMAN: That does.

15 Thank you.

16 COMMISSIONER WEAVER: And are you a
17 licensed planner?

18 THE WITNESS: I am for the past 33
19 years.

20 COMMISSIONER WEAVER: Thank you.

21 CHAIRMAN HOLTZMAN: That is a licensed
22 planner in the State of New Jersey?

23 THE WITNESS: Correct.

24 CHAIRMAN HOLTZMAN: Great.

25 MR. STILWELL: Just so they know, Mr.

1 Masters, you were the planner for the Township of
2 Parsippany and Short Hills for a number of years?

3 THE WITNESS: I was the planning
4 director for Parsippany for 13 years, and then for
5 the past 20 years I have been involved in my own
6 private practice.

7 CHAIRMAN HOLTZMAN: Can you provide us
8 with your planner's license number off the top of
9 your head?

10 THE WITNESS: 2363.

11 CHAIRMAN HOLTZMAN: Thank you very
12 much.

13 Please proceed, Mr. Stilwell.

14 MR. STILWELL: Thank you.

15 Mr. Masters, what did you do in
16 preparation for your testimony this evening?

17 THE WITNESS: Reviewed the application
18 and the documents that were submitted as part of the
19 application, including the site plan drawings, the
20 radio frequency materials, reviewed the
21 comprehensive zone plan, the zoning ordinance of the
22 City of Hoboken, reviewed the Hoboken Master Plan,
23 visited the site on several occasions, reviewed the
24 reports of the Board's professionals, prepared a
25 visual analysis, which included photo simulations

1 involving the proposed screening options as well as
2 depicting the antennas unscreened.

3 MR. STILWELL: Based on all of that
4 preparation, do you have an opinion as to the nature
5 of the relief that is required?

6 THE WITNESS: Yes.

7 The applicant is before the Hoboken
8 Planning Board this evening seeking variance relief
9 from the height requirement of the wireless
10 telecommunications provisions of the Hoboken zoning
11 ordinance, specifically Section 196-35 pertaining to
12 the maximum height, which is contained in Paragraph
13 H, Subsection (c), which states: In no event shall
14 any rooftop installation extend more than eight feet
15 above the roof slab.

16 The proposed top of the antenna height
17 here extends ten feet above the height of the roof
18 slab, so the variance request here is for a two-foot
19 height variance above the permitted -- maximum
20 permitted height.

21 MR. STILWELL: With respect to the
22 wireless telecommunications ordinance, obviously you
23 had an opportunity to review it and go through it
24 and digest it, but can you go through it in terms of
25 our particular application and tell me in terms of

1 the overall goals and purposes of the ordinance, as
2 well as specific things, like priorities, what your
3 opinion is as to this particular application?

4 THE WITNESS: Yes.

5 Let's start off by reviewing the goals
6 and objectives of the wireless telecommunications
7 ordinance for the City of Hoboken.

8 Subsection or Paragraph B overall
9 objective sets forth a requirement limiting the
10 number of supporting towers to as few as possible
11 and minimizing the impact of the antennas, accessory
12 equipment, and supporting structures on residences,
13 street scapes and view corridors throughout the
14 municipality, and I would suggest to the Board that
15 the proposed installation on an existing tall
16 building promotes that particular objective of the
17 wireless ordinance in that rather than proposing a
18 freestanding support tower, the applicant here is
19 seeking to attach antennas on a rooftop of an
20 existing building.

21 In addition to that, the application
22 suggests a concealment of the antennas, which would
23 go towards the objective of addressing the impact on
24 view corridors throughout the municipality.

25 The specific goals, Paragraph C, Item

1 1: To encourage the location of antennas upon or
2 within existing structures, including existing
3 buildings, especially those existing structures
4 situated in non residential districts.

5 Again, we are proposing to attach these
6 antennas to an existing building.

7 MR. STILWELL: In what district?

8 THE WITNESS: In the CBD, Central
9 Business District, a non residential district.

10 Subparagraph 2: To encourage the
11 configuration of telecommunications facilities in a
12 manner that minimizes and mitigates any adverse
13 impacts upon effective property street scapes and
14 vistas through careful design, sighting, screening,
15 innovative camouflaging techniques.

16 Again, I brought with me color copies
17 of the various photo simulations in case the Board
18 needs extra copies.

19 Subsection 4 specifically states: To
20 discourage the construction of new towers.

21 Again, this is not an application for a
22 new tower. This is for antennas attached to the
23 rooftop of an existing building.

24 Objective or goal number 6: To
25 discourage adverse impacts on scenic corridors and

1 historic sites and districts.

2 Again, the application proposes as an
3 option concealment of the proposed installation.

4 Moving to the location priorities,
5 which is Paragraph E of the wireless
6 telecommunications ordinance, there are a total of
7 nine priority locations within the city.

8 The first three priority locations,
9 first, second and third priority locations, are on
10 existing towers or buildings within the I-1 or I-2
11 zone districts, and when the applicant's radio
12 frequency expert testifies, he will explain why we
13 are unable to go in any of the city's I-1 or I-2
14 zoning districts.

15 The next three priorities all pertain
16 to the CBD zoned district, which is the zoning
17 district in which we are proposing to locate, and
18 the fourth priority location is an existing non
19 residential building within the CBD zoning district
20 providing that the proposed building shall be no
21 less than 50 feet in height as measured to the top
22 of the roof slab.

23 We are, in fact, proposing to locate on
24 an existing non residential building that is
25 situated within the CBD zoned district. The roof

1 elevation of the building we are proposing to locate
2 on is 68 feet six inches, so it also complies with
3 the minimum height requirement of 50 feet as
4 measured to the top of the roof slab.

5 The remaining priority locations fifth
6 and sixth are also in the CBD district, but are
7 other types of uses.

8 The seventh and eighth are residential
9 zone --

10 MR. STILWELL: With respect to the
11 sixth district --

12 THE WITNESS: The sixth priority
13 location shall be an existing building in the CBD or
14 R zoning districts or northwest redevelopment area
15 owned by the municipality, whether directly or
16 through its agencies, or any other governmental
17 agency provided that the proposed building shall be
18 no less than 50 feet in height as measured to the
19 top of the roof slab in the CBD zoning district and
20 no less than 40 feet in height in the R zoning
21 district or northwest redevelopment area.

22 MR. STILWELL: So it would be your
23 opinion that the municipal garage next door is
24 actually a sixth priority location?

25 THE WITNESS: That would be my opinion.

1 Moving on, the ordinance then draws a
2 distinct difference, differentiation I should say,
3 between towers and antennas.

4 Paragraph F sets forth separation
5 distance requirements for new wireless
6 telecommunications towers.

7 We go to H, maximum height, for a
8 proposed antenna. The maximum height of any
9 proposed antenna extending above the roof slab of
10 any existing building or structure, in no event
11 shall any rooftop installation extend more than
12 eight feet above the roof slab, and that is Sub
13 Paragraph (c), and that is, in fact, the provision
14 of your wireless telecommunications ordinance of
15 which we are seeking the height variance relief.

16 I would also note under Paragraph (I),
17 design criteria, that in sub paragraph (c), the
18 ordinance states that antennas placed on a rooftop
19 shall be set back as far as possible from the edge
20 of the roof and clustered to the greatest extent
21 possible on existing rooftop appurtenances, and to
22 the extent that we are seeking a two-foot height
23 variance, I would note that we have set these
24 antennas back from the edge of the roof, and you
25 will hear testimony again from the applicant's radio

1 frequency expert that as you move further back
2 towards the interior of the rooftop, there must be
3 an increase in the height of the antennas because
4 there is a shadowing effect caused by the building,
5 in other words, in order to -- for the antennas to
6 see over the edge of the building they have to be
7 stepped up in terms of height, which in effect
8 contributes to the need for our antennas to be at a
9 top of the antenna height of ten feet above the roof
10 slab.

11 I think that pretty much covers --

12 MR. STILWELL: Okay.

13 THE WITNESS: -- the provisions that
14 pertain to our application.

15 MR. STILWELL: So it would be your
16 opinion then, that we need minor site plan and a
17 height variance, and that is the nature of the
18 relief that we are requesting?

19 THE WITNESS: Yes. A height variance
20 of the (c) type variety as opposed to a height
21 variance of the (d) type variety.

22 MS. ADAMSON: I have a question.

23 Can you please tell me for the Board's
24 information, what is the height to the GPS unit?
25 The maximum allowed is eight foot above the roof

1 slab.

2 THE WITNESS: 82 feet six inches.

3 MS. ADAMSON: And would that be how
4 many feet above the roof slab? Is it 14, is that
5 correct?

6 I just want to make certain for the
7 testimony that that information --

8 CHAIRMAN HOLTZMAN: I think there was
9 testimony on the record as to what the height slab
10 was.

11 THE WITNESS: That would be measured
12 from -- the roof slab is 80 -- I'm sorry -- 68 feet
13 six inches, so I believe your math is correct, 14
14 feet.

15 MS. ADAMSON: Thank you.

16 CHAIRMAN HOLTZMAN: So the top of the
17 GPS antenna is 14 feet?

18 MS. ADAMSON: From the roof slab.

19 CHAIRMAN HOLTZMAN: That concludes your
20 testimony?

21 THE WITNESS: Ahh, this --

22 CHAIRMAN HOLTZMAN: For the moment?

23 THE WITNESS: Correct.

24 CHAIRMAN HOLTZMAN: Jackie, did you
25 have anything for us?

1 MS. FOUSHEE: Yes.

2 With regard to the ordinances, you read
3 the ordinance. There is a Section 196-35(c)(3),
4 which was not addressed or read out loud.

5 THE WITNESS: To encourage the
6 colocation of as many antennas as possible of as
7 many wireless telecommunications carriers as
8 possible on existing towers and other structures in
9 non residential districts.

10 I believe that we are the only antennas
11 on this structure. However, we are obviously in a
12 non residential district, and again, the very next
13 provision -- I'm sorry -- the very next goal of that
14 section is to discourage the construction of new
15 towers.

16 I believe you will also hear testimony
17 from the applicant's radio frequency expert that
18 there are no existing wireless telecommunications
19 towers within the particular search area for this
20 search ring that they were able to collocate on.

21 MS. FOUSHEE: Okay. So we will get to
22 that later. But I would like to just acknowledge
23 that of the conditions that you addressed that you
24 complied with, that that was one that was not,
25 correct?

1 THE WITNESS: Hum --

2 MR. STILWELL: I don't know that we
3 don't comply.

4 THE WITNESS: -- I don't know that we
5 don't comply with it because I think you will hear
6 testimony again that there simply are no existing
7 towers --

8 MS. FOUSHEE: You will explain in your
9 testimony why, but for now you don't. You'll
10 explain why, correct?

11 MR. STILWELL: I will explain why we
12 satisfy that condition. I am not going to agree
13 that we don't satisfy it, so, yes. That will be one
14 of the --

15 MR. GALVIN: I am troubled. I need
16 help now, okay?

17 You are saying it is a C variance
18 because you are two foot above what is required. We
19 just heard the GPS is at 14 feet. I am sure I am
20 missing something. So are you guys going to clarify
21 that for me? Because at ten feet, ten percent over
22 the height -- is the height of the building ten feet
23 ten percent?

24 MR. STILWELL: I believe that refers to
25 the height of the building and not the height above

1 the roof slab.

2 MR. GALVIN: You are seeking a C
3 variance because you don't comply with this section
4 of the ordinance.

5 MR. STILWELL: I would note that I just
6 talked to my radio frequency expert about the height
7 of the GPS antenna, and we can lower it, so that we
8 aren't only ten foot above the roof.

9 MR. GALVIN: But I don't know, it might
10 still be a C variance, even if it were --

11 MR. STILWELL: I mean --

12 MR. GALVIN: -- because the structure
13 itself is not -- the principal structure, it's an
14 accessory structure --

15 MS. ADAMSON: We have basically the
16 maximum height of the rooftop installation cannot be
17 any greater than eight feet above the roof slab, so
18 the maximum height of his GPS is 14 feet, which is
19 six feet over the allowable.

20 MR. GALVIN: I just want to make sure
21 we have a C variance, not a D variance. If we have
22 a D variance, this Board doesn't have jurisdiction,
23 and it shouldn't be here. Okay?

24 But the law says ten feet or ten
25 percent of the height of the principal building --

1 MR. STILWELL: Of the principal
2 structure.

3 MR. GALVIN: -- principal structure,
4 right.

5 MR. STILWELL: I would argue it is
6 accessory.

7 MR. GALVIN: I understand that.

8 I understand also that we are talking
9 about this being a provision. As a provision, that
10 doesn't comply. Mr. Masters said it was two feet,
11 therefore, it was a C variance. But if it is 14
12 feet, it is still a C variance I think because you
13 are deviating from this requirement. But the
14 question is: What is the maximum height for
15 buildings in this zone, and what's the height --

16 MS. ADAMSON: It's 50.

17 CHAIRMAN HOLTZMAN: I'm sorry. What?

18 MS. ADAMSON: 50. 50 feet, that is the
19 maximum height, the buildings.

20 MR. GALVIN: And this tower attached to
21 it, does it bring it over that height requirement?

22 Did we consider that that way?

23 MR. STILWELL: The maximum height is
24 160 feet.

25 MR. GALVIN: The building height?

1 MR. STILWELL: Yes.

2 MS. ADAMSON: Oh, 68.5.

3 THE WITNESS: Yes. The minimum height
4 is 50 feet.

5 MS. ADAMSON: Once you have 68.5 feet,
6 the height of the building, the existing building is
7 68.5 feet.

8 MR. GALVIN: What is the max it could
9 be in that zone?

10 MS. ADAMSON: 50 feet.

11 MR. GALVIN: No, that is the minimum.

12 CHAIRMAN HOLTZMAN: No, that's the
13 minimum.

14 THE WITNESS: The minimum for the
15 wireless telecommunications --

16 MR. GALVIN: No, no, no. Right now I
17 need to know the building.

18 MR. STILWELL: Building height maximum
19 is 160 feet, yes?

20 THE WITNESS: It is on our plans.

21 MS. FOUSHEE: It is 160 feet, 16
22 stories or 160 feet.

23 MR. STILWELL: Ordinance Section
24 196-19(e).

25 MR. GALVIN: Even if we were to include

1 the tower to the height of the building, we would
2 still be well within that height, so this would not
3 be a D-6 variance. Okay.

4 MS. FOUSHEE: Yes.

5 MR. GALVIN: I am all right with that.

6 It really was triggered by the way you
7 said two feet --

8 MR. STILWELL: That's fine. I
9 appreciate you straightening that out. That's the
10 whole purpose.

11 MR. GALVIN: Okay. I'm comfortable
12 now --

13 MR. STILWELL: I just want us all to be
14 on the same page.

15 MR. GALVIN: -- I just wanted to make
16 sure we had jurisdiction. That's all.

17 CHAIRMAN HOLTZMAN: Great. All right.
18 Now that we got that --

19 MR. GALVIN: Sorry about that.

20 CHAIRMAN HOLTZMAN: -- no problem.

21 MR. STILWELL: That's all I have for
22 Mr. Masters with respect to his particular --

23 CHAIRMAN HOLTZMAN: Jackie, did you
24 have anything else for us?

25 MS. FOUSHEE: No, not for Mr. Masters.

1 Thank you.

2 CHAIRMAN HOLTZMAN: Any Commissioners
3 have any questions for Mr. Masters?

4 Okay. How should we do this with the
5 public?

6 MR. GALVIN: Just open it up, and they
7 can ask questions of this witness as to what he
8 testified to. They can't go into the -- the other
9 thing there is there is going to be a part at the
10 end of the hearing tonight where you are going to
11 get to speak and tell us how you feel about this,
12 for or against. But as we go through, you are like
13 attorneys asking questions of the witness. That's
14 all.

15 CHAIRMAN HOLTZMAN: So I will open it
16 up to the public.

17 Is there anyone from the public that
18 wants to speak specifically with regard to Mr.
19 Masters' testimony?

20 MR. GALVIN: Ask questions of this
21 witness, anybody?

22 Stand up. Come to the front.

23 Give us your full name, spell your last
24 name, and give us your street address, and then you
25 can ask questions.

1 MR. COHEN: Okay. Matt Cohen,
2 C-o-h-e-n.

3 Street address is 41 First Street.
4 That's directly across the street from the proposed
5 location.

6 MR. GALVIN: The only other thing, too,
7 is sometimes people want to ask -- like they want to
8 use questions to say what they think. I am just
9 asking you to please don't do that and wait until
10 the end and just tell us. It is much easier.

11 Go ahead.

12 MR. COHEN: You mentioned that this was
13 a business district.

14 What is the, I guess, requirement for
15 distance that it needs to be away from a residential
16 area?

17 There is residential building across
18 the street.

19 THE WITNESS: The separation distance
20 requirements in the Hoboken wireless ordinance
21 pertain to new wireless telecommunication towers,
22 and we are not a tower. We are an antenna. That
23 requirement by the way is 500 feet.

24 MR. COHEN: I thought you stated
25 earlier that this was a tower, not an antenna?

1 THE WITNESS: No. I never said that
2 this was a tower.

3 MR. COHEN: What is the difference?

4 THE WITNESS: I said that the ordinance
5 draws a clear distinction or differentiation between
6 wireless telecommunications towers and antennas.

7 CHAIRMAN HOLTZMAN: Mr. Masters, can
8 you give our citizen here a quick recap of what the
9 difference is between a tower and a wireless
10 installation on a roof?

11 THE WITNESS: Certainly.

12 A new wire telecommunications tower or
13 for that matter an existing wireless
14 telecommunications tower would be the support
15 structure usually either a monopole or a lattice
16 tower, which various wireless telecommunications
17 carriers can attach their antennas at various
18 heights to those support structures.

19 The other method of deploying a
20 wireless telecommunications facility is to attach
21 antennas to an existing tall structure, a water
22 tank, a tall building, things of that nature.

23 MR. STILWELL: An antenna is a piece of
24 equipment that transmits and receives radio
25 frequency signals.

1 A tower is a benign structure on which
2 the antennas are attached. Is that correct?

3 THE WITNESS: Yes, it is.

4 MR. COHEN: So what is the requirement
5 for a distance from a residential area?

6 MR. GALVIN: I am going to answer that.
7 There isn't any.

8 MR. COHEN: There isn't any?

9 MR. GALVIN: Right. Only if you're --
10 what Mr. Masters is trying to tell you is in Section
11 F, there is separation distance requirements. The
12 following separation distance requirements shall
13 apply to new wireless telecommunication towers.

14 There is nothing in this ordinance that
15 then describes a distance from an adjacent building.
16 That is why we used the priorities. We're trying to
17 use priorities to keep things in better places in
18 the city, because that was the thought process ten
19 years ago.

20 MR. COHEN: To your knowledge, why is
21 it that another tower is needed?

22 THE WITNESS: Why is it that another
23 antenna --

24 MR. GALVIN: Let me stop him here also.
25 He will try to answer that, but he

1 shouldn't answer that yet, because their other
2 experts are going to come up and tell you why there
3 is a gap, how many buildings would be suitable for
4 this, and why it is going to be at the height and
5 location on this building, so we should leave that
6 for the next witness.

7 MR. COHEN: No further questions.

8 CHAIRMAN HOLTZMAN: Thank you.

9 Any other members of the public?

10 MR. SHILOH: I have a question, but I
11 will just throw it out before I stand up --

12 CHAIRMAN HOLTZMAN: No. You need to
13 come on up. Come on up. We have to know who is
14 talking to us.

15 MR. GALVIN: You have to follow the
16 rules.

17 Name and address.

18 MR. SHILOH: E-l-i-o-r, Shiloh,
19 S-h-i-l-o-h.

20 I live at 41 First Street, Apartment
21 2D.

22 CHAIRMAN HOLTZMAN: Okay, E-l-i-o-r.

23 Go ahead.

24 MR. SHILOH: Thank you.

25 The antenna that is being built, will

1 it only be used by Verizon, or will it be utilized
2 by all major carriers?

3 THE WITNESS: No. This application and
4 the proposed facility is to be used by Verizon
5 Wireless exclusively.

6 MR. SHILOH: So if another carrier --
7 they'd have to put another antenna of their own?

8 THE WITNESS: Correct.

9 MR. SHILOH: So that would be two
10 antennas.

11 Okay. Thank you.

12 MR. GALVIN: Actually the
13 Telecommunications Act encourages colocation because
14 we want to put as many of these things in one place
15 as opposed to multiple places.

16 MR. SHILOH: And this is a single
17 application?

18 MR. GALVIN: This is just for this, so
19 if they needed another one, they would have to come
20 back to add that additional tower because from my
21 experience, they would have to go up -- and our
22 expert can probably hear me out on this -- but they
23 usually have to have at least ten feet of
24 separation, so they probably would have to --
25 another applicant would probably have to come in

1 with a new case to go higher, I guess, if they
2 wanted to go --

3 MR. STILWELL: Probably not higher --

4 CHAIRMAN HOLTZMAN: Let's not get in
5 the weeds here.

6 MR. SHILOH: So, Members of the
7 Planning Board, is it fair to say that if AT&T
8 submitted an application, they would then have their
9 own decided as well?

10 And then if Sprint came and put in
11 their antenna, they would have another antenna in
12 that area, so long as they met the ordinance
13 requirement, so we would have multiple antennas on
14 buildings?

15 MR. GALVIN: Yes. I think the answer
16 is yes.

17 CHAIRMAN HOLTZMAN: I think the answer
18 is yes to what you're asking, which is what we
19 attempt to do is once there is a site where there
20 are antennas that are established, we are able to
21 then force an additional application for a new
22 antenna to the same site.

23 MR. SHILOH: For a single provider?

24 CHAIRMAN HOLTZMAN: Each provider
25 operates by themselves, right.

1 Signal A doesn't go through Signal B's
2 company. You know, each guy has their own antennas
3 up on the roof. So what we try to do, though, is to
4 what is called colocate, which is after, for
5 example, on top of the building where they used to
6 be at the white bank building at the corner of River
7 and First, so on that roof are -- I don't even know
8 how many antennas from all different types of
9 carriers, because at one point before the Wiley
10 Building got built, that was the highest building on
11 the waterfront.

12 So the first antenna got put on there,
13 and then two or three, or four different carriers
14 also put their antennas on the same site, so that is
15 what we attempt to do, and that is what our
16 ordinance allows us to do is to get all of the
17 antennas at least in one location, so they're not
18 he's on one side of the street, he's on the other
19 side of the street, and he is across on the corner.

20 Does that make sense?

21 Does that answer your question?

22 MR. SHILOH: It does, and I think some
23 other experts will address some other questions that
24 I have.

25 Thank you

1 CHAIRMAN HOLTZMAN: Thank you.

2 CHAIRMAN HOLTZMAN: Dr. Eisenstein, is
3 there anything that you wanted to --

4 MR. EISENSTEIN: No. I am just
5 thinking now that this is going on, especially if
6 you're going to ask me questions, you probably ought
7 to swear me in.

8 MR. GALVIN: Yes.

9 Raise your right hand.

10 CHAIRMAN HOLTZMAN: Come forward, sir.

11 MR. GALVIN: Do you swear to tell the
12 truth, the whole truth, and nothing but the truth,
13 so help you God?

14 MR. EISENSTEIN: I do.

15 B R U C E E I S E N S T E I N, having been duly
16 sworn.

17 MR. GALVIN: State your full name for
18 the record and spell your last name.

19 MR. EISENSTEIN: Yes.

20 My name is Bruce Eisenstein. The last
21 name is E-i-s-e-n-s-t-e-i-n.

22 MR. GALVIN: Thank you, Mr. Eisenstein.

23 MR. STILWELL: The record should
24 reflect that I am very much aware of Mr. Eisenstein
25 and his credentials, and we don't have any

1 objection.

2 CHAIRMAN HOLTZMAN: Thank you, Mr.
3 Stilwell. Terrific.

4 CHAIRMAN HOLTZMAN: Your next witness,
5 Mr. Stilwell?

6 MR. STILWELL: Thank you.
7 Mr. Ortega.

8 MR. GALVIN: You weren't a Boy Scout,
9 right?

10 MR. ORTEGA: What's that?

11 MR. GALVIN: You weren't a Boy Scout,
12 right?

13 MR. ORTEGA: No.

14 MR. GALVIN: Be prepared, you know.

15 (Laughter)

16 I'm kidding you. I'm kidding you.

17 Raise your right hand.

18 Do you swear to tell the truth, the
19 whole truth, and nothing but the truth, so help you
20 God?

21 MR. ORTEGA: Yes, I do.

22 E D W I N O R T E G A, having been duly sworn,
23 testified as follows:

24 MR. GALVIN: State your full name for
25 the record and spell your last name.

1 THE WITNESS: Edwin Ortega,
2 O-r-t-e-g-a.

3 MR. GALVIN: Thank you.
4 Your credentials?

5 THE WITNESS: Yes.

6 I am an employee for Verizon Wireless
7 working as a radio frequency engineer. I have been
8 working for them for the past five years, and as a
9 radio frequency engineer, I have been in the field
10 for about 22 years working for different companies,
11 AT&T, Sprint and some consultants doing this design
12 work for telecommunications, wireless companies.

13 I have a bachelor of science in
14 electronics and communications engineering, which I
15 took from the Philippines. It is called Mapua
16 Institute of Technology, M-a-p-u-a, Institute of
17 Technology, one of the leading universities.

18 CHAIRMAN HOLTZMAN: We accept your
19 credentials.

20 THE WITNESS: Thank you.

21 MR. STILWELL: Mr. Ortega, let's just
22 talk about the history --

23 THE WITNESS: Sure.

24 MR. STILWELL: -- of this area in terms
25 of Verizon Wireless.

1 Can you explain what Verizon Wireless
2 currently has across the street and why we need to
3 take it down?

4 THE WITNESS: Sure.

5 Currently we have an existing site on
6 90 -- I believe it is the 95 River Road building,
7 which --

8 CHAIRMAN HOLTZMAN: Mr. Ortega, hang on
9 one second.

10 Do we have some visuals that we are
11 putting into the record here or what do we got?

12 MR. STILWELL: We will.

13 THE WITNESS: Yes.

14 CHAIRMAN HOLTZMAN: We will. Okay.
15 We just want to work them correctly.

16 THE WITNESS: So as I mentioned, we
17 have facilities on 95 River Road, which was the
18 tallest building in the area back in -- I don't
19 know, it's before me for Verizon Wireless.

20 But several years ago, there was
21 another tall building that got built, which is about
22 a block wide, which is about 130 feet tall, and our
23 antennas we just had back to the back, but the water
24 is shooting towards that building, so right now that
25 site is being blocked, so in essence we don't have

1 enough coverage to provide to our customers.

2 MR. STILWELL: Can you give the Board
3 an idea of what kind of area that that site covers
4 or covered before the tall building, the Wiley
5 Building was built?

6 I heard you call it the Wiley Building,
7 correct?

8 CHAIRMAN HOLTZMAN: Yes.

9 THE WITNESS: It covers to -- just from
10 where it is going north, it is going about --

11 CHAIRMAN HOLTZMAN: Mr. Ortega, just
12 speak towards us. We can't hear you.

13 THE WITNESS: -- sure -- it goes about
14 from --

15 MR. STILWELL: Hang on a second. Let's
16 just put this up, so you don't have to hold it.

17 CHAIRMAN HOLTZMAN: Can we mark that?

18 MR. GALVIN: Let's mark that.

19 That is what I was trying to tell you.

20 CHAIRMAN HOLTZMAN: What do we need to
21 mark this, Pat?

22 MR. GALVIN: A-1.

23 MR. STILWELL: This will be A-1.

24 (Exhibit marked A-1.)

25 CHAIRMAN HOLTZMAN: Or you can just

1 write it on the bottom and just put the date on it?

2 MR. STILWELL: Yes, 5/6.

3 For the record, A-1 is entitled
4 Proposed Telecommunications Facility, New York SMSA
5 Limited Partnership, 38-40 First Street, Hoboken,
6 New Jersey.

7 Should I put down -- no, we will just
8 call it this. All right.

9 So A-1 is the underlying map.

10 THE WITNESS: Right.

11 So basically what I have right in front
12 of me just right now on the board is just a normal
13 snapshot of the area, just to depict where our
14 existing sites are and proposed sites.

15 So the green dots represent the
16 existing sites, where the blue dots are it
17 represents our proposed site. And the blue dot
18 right around the left side, right side middle of the
19 map is our existing -- is our Relo site, or Hoboken
20 Relo. Which is our site that we are proposing.

21 But the green one next to it is our
22 existing site, which is the one I mentioned that's
23 being blocked by the tall building.

24 Right now to answer the Board's
25 question --

1 VICE CHAIR MAGALETTA: Excuse me.

2 What is the other blue dot?

3 THE WITNESS: This is the Hoboken
4 downtown site, which is also a proposed site in the
5 area.

6 CHAIRMAN HOLTZMAN: That application is
7 not before us this evening.

8 Is that correct, Mr. Stilwell?

9 MR. STILWELL: That is not before you.
10 An application has not yet been filed.

11 CHAIRMAN HOLTZMAN: I wouldn't have put
12 that blue dot on there, but okay.

13 (Laughter)

14 MR. STILWELL: It is called full
15 disclosure.

16 THE WITNESS: And it's under four two,
17 so -- so the existing site covers from about First
18 Street going north on River Street to just about
19 Third Street and a little bit beyond that without
20 the blockage. But right now because of that
21 building, we have a weak signal around that area and
22 that is --

23 MR. STILWELL: Okay. Before --

24 THE WITNESS: -- that is the main
25 reason why --

1 MR. STILWELL: -- before the Wiley
2 Building was built to cover up --

3 THE WITNESS: From about First Street
4 going north, just to give an idea, River Street to
5 just about Third Street, and a little bit around the
6 W Hotel.

7 MR. STILWELL: And also to the south?

8 THE WITNESS: And to the south, so
9 basically from the site to just Observer Highway to
10 the Path entrance right by the -- I don't know
11 exactly what road it is, but Observer Highway by the
12 Path train, a little bit over beyond towards Jersey
13 City.

14 MR. STILWELL: Since the Wiley Building
15 has been built, that coverage to the north has been
16 blocked. Is that correct?

17 THE WITNESS: That's correct. So the
18 first overlay --

19 MR. STILWELL: Which I will mark as
20 A-2, if you just hang on a second.

21 (Exhibit A-2 marked.)

22 THE WITNESS: I am sorry. I will
23 switch.

24 CHAIRMAN HOLTZMAN: He has a couple of
25 overlays here.

1 MR. GALVIN: This one is existing, and
2 the next one will be the proposed coverage.

3 (Board members confer.)

4 MR. GALVIN: We are experiencing
5 equipment malfunctions.

6 (Laughter)

7 THE WITNESS: Sorry.

8 MR. STILWELL: So, for the record, you
9 have to be an engineer to be able to do this.

10 THE WITNESS: This is just an overlay,
11 a plastic overlay.

12 MR. GALVIN: But you guys don't have
13 the technology to do this digitally, do you?

14 MR. STILWELL: Hang on a second.

15 I marked this as A-2.

16 CHAIRMAN HOLTZMAN: Okay. So we have
17 an overlay on the board now that is marked A-2,
18 correct?

19 MR. STILWELL: With respect to this
20 overlay, who prepared it?

21 THE WITNESS: I did.

22 MR. STILWELL: Did you use a tool to
23 prepare that that's recognized in the industry?

24 THE WITNESS: I did.

25 MR. STILWELL: And what is that tool

1 called?

2 THE WITNESS: It's called a geo plan,
3 and it is a tool that is widely used by Verizon
4 Wireless, and it's similar to whatever all of the
5 tools that AT&T and Sprint are using.

6 It is basically a prediction tool,
7 which uses the terrain, the power settings of the
8 south side locations to predict what coverage that
9 it's going to provide in the area.

10 So basically the first overlay is an
11 output of that tool with all of the surrounding
12 sites turned on.

13 I turned the original Hoboken site, so
14 that -- just to depict what you don't have in the
15 area.

16 MR. STILWELL: So you are saying that
17 when that Hoboken site comes down at 95 River
18 Street, there is going to be a gap?

19 THE WITNESS: Correct.

20 MR. STILWELL: And that area that is
21 not green represents the gap?

22 THE WITNESS: That is correct.

23 MR. STILWELL: Okay.

24 And just for the record, could you just
25 describe the geographical areas and the major

1 features that are covered, that are in the gap area?

2 THE WITNESS: Sure.

3 So basically just to expand, the green
4 area represents the area that we have. We are
5 required by FCC to provide service to our customers.
6 The green area represents that service coverage
7 requirement that we have to provide them with.

8 So the -- and it is self-explanatory.

9 If you are in the area where you are -- where you
10 are clear you don't have that service, that amount
11 of service that you are required to communicate with
12 the sales -- or the sales network --

13 MR. STILWELL: Let me just ask you:

14 With respect to this exhibit, the green area
15 represents a certain signal strength?

16 THE WITNESS: That's correct.

17 MR. STILWELL: And you use a certain
18 frequency signal as well?

19 THE WITNESS: Yes.

20 MR. STILWELL: So what frequency signal
21 does that represent, and what is the strength of the
22 area in the green?

23 THE WITNESS: It represent about 95
24 BBN, but PCS frequency of 1900 megahertz. It is
25 a -- it is similar to an AM or FM band.

1 This -- it goes higher, so we have a
2 PCS, we have the 700, we have the 850 frequency
3 band. Those are the typical bands that are licensed
4 to Verizon Wireless.

5 And the green area represents signal
6 coming from our PCS, which is the 1900 megahertz
7 band.

8 MR. STILWELL: The PCS service is a
9 component of what Verizon Wireless uses to provide
10 service to all of its customers?

11 THE WITNESS: Yes.

12 MR. STILWELL: And the green area then
13 represents a certain signal strength, but it doesn't
14 necessarily tell any kind of story with respect to
15 capacity issues, if there are any?

16 THE WITNESS: Yes, that is correct.

17 MR. STILWELL: So, for instance, this
18 site at the blue dot in the middle of a green area,
19 that is a story for another day?

20 THE WITNESS: Correct.

21 MR. STILWELL: But you are not saying
22 there is no coverage there right now --

23 THE WITNESS: That's correct.

24 MR. STILWELL: -- or there's no signal
25 I should say.

1 THE WITNESS: It's just not quite the
2 service that we are required to provide.

3 CHAIRMAN HOLTZMAN: Mr. Ortega, I want
4 to understand this map clearly, because I have a
5 question here, which I think is -- I will use the
6 word "deceptive."

7 This map with the overlay that is shown
8 in front of us presumes that the 93 River Street
9 site is taken completely off line to it looks like
10 show a disproportionate amount of non coverage area.

11 I would like to see what it looks like
12 actually currently today with the 93 River Street
13 site and it's mildly dysfunctional because there is
14 the Wiley Building in the way, so...

15 THE WITNESS: Unfortunately, as I said,
16 the prediction tool is a prediction to predict
17 whatever is in the area. But there are some cases
18 where it uses a database, and the database that we
19 have --

20 CHAIRMAN HOLTZMAN: So I think the
21 answer is that you don't have that map.

22 THE WITNESS: I don't have that map.

23 COMMISSIONER MOSSERI: I think the
24 answer is he can't produce that map because the
25 building isn't in the program.

1 Is that correct?

2 THE WITNESS: That's correct, yes.

3 CHAIRMAN HOLTZMAN: 93 River should be
4 in their program because it's an existing site that
5 they already operate.

6 COMMISSIONER MOSSERI: No. The new
7 building, right --

8 THE WITNESS: The new building --

9 COMMISSIONER MOSSERI: -- the database
10 doesn't show the height of the new building?

11 THE WITNESS: Right, right.

12 MR. STILWELL: If you ran a propagation
13 model from 95 River Street right now, it would show
14 service even though it is blocked?

15 THE WITNESS: Right. It's basically
16 going to the north, which is if you were --

17 COMMISSIONER MOSSERI: Because the
18 database doesn't have the new building --

19 VICE CHAIR MAGALETTA: Well, I have a
20 more basic question --

21 CHAIRMAN HOLTZMAN: So how old is this
22 database that we are working on, because the Wiley
23 Building was built 12 years ago?

24 THE WITNESS: Hum...

25 CHAIRMAN HOLTZMAN: So I have a

1 question, you know, how reliable this database is
2 that doesn't have a building that was built a decade
3 ago.

4 THE WITNESS: I have to find out
5 exactly what is the database age on that one,
6 but the database that we have doesn't have that. It
7 is probably more than, like what you said, 12 years
8 ago.

9 CHAIRMAN HOLTZMAN: It seems to be
10 conveniently missing.

11 MR. STILWELL: You don't have a
12 database that shows that building, do you?

13 THE WITNESS: I -- not from what I --

14 MR. STILWELL: Okay.

15 THE WITNESS: -- no.

16 MR. STILWELL: Based on what you were
17 working with, you don't have a tool that shows that.
18 It is not that you chose not to show it. You just
19 are not able to show it?

20 THE WITNESS: That is correct.

21 CHAIRMAN HOLTZMAN: Okay.

22 Please continue.

23 THE WITNESS: So the second overlay is
24 the same thing.

25 MR. STILWELL: I will mark it A-3.

1 (Exhibit A-3 marked.)

2 THE WITNESS: With the Hoboken Relo
3 site.

4 MR. STILWELL: Again, with respect to
5 what I marked as A-3, who prepared it?

6 THE WITNESS: And just so you can --

7 MR. STILWELL: Who prepared it?

8 THE WITNESS: I did.

9 MR. STILWELL: Than you used the same
10 tool?

11 THE WITNESS: Yes.

12 You will notice that there is a
13 building in front of it, but their signal is
14 spilling towards the water, and that is exactly the
15 reason why I am telling you the database that we
16 have doesn't have that depiction of the building.

17 Anyway with the site turned on, it
18 fills whatever the original Hoboken site is missing.
19 So we covered the -- going north from First to Third
20 Street, going south towards Observer Highway, plus
21 beyond the Path train station.

22 CHAIRMAN HOLTZMAN: Commissioner
23 Conroy?

24 COMMISSIONER CONROY: I am confused,
25 because the database I thought couldn't account for

1 the big building, so how is it now telling us what
2 it is going to be like?

3 THE WITNESS: Right. It is not,
4 because you can see still it is going toward the
5 east.

6 COMMISSIONER CONROY: Right. But I
7 mean --

8 MR. STILWELL: That signal shouldn't be
9 there. In reality there is no green over there.

10 THE WITNESS: Right.

11 COMMISSIONER CONROY: But couldn't
12 there be affection elsewhere besides just the
13 spillage over?

14 I mean, what is really the difference?

15 How do we know that based on the height
16 of the building, that spillage is actually going to
17 happen, or it is going to go down, or that there
18 will not be blockage some place else?

19 THE WITNESS: It's from experience,
20 from previous experience that in the area, this
21 building will be blocked -- I mean, the signal will
22 be blocked by this building going east. And it's
23 just a tool deficiency that I could not show that
24 area getting blocked because of -- because of the
25 database being not able to consider that tall

1 building.

2 MR. STILWELL: But the area that was
3 shown that would be without service, when 95 River
4 Street comes down is what you showed on Exhibit A-2?

5 THE WITNESS: Could you rephrase the
6 question?

7 MR. STILWELL: Exhibit A-2 shoes the
8 gap in service. 95 River street comes off the air.

9 THE WITNESS: That is correct, yes.

10 CHAIRMAN HOLTZMAN: Ms. Foushee, do you
11 have something for us?

12 MS. FOUSHEE: Yes.

13 Just for clarity, what does your
14 database reflect for the building, the high-rise
15 building?

16 THE WITNESS: It is an empty lot.

17 COMMISSIONER CONROY: I guess, well, my
18 concern is if it doesn't account for the building,
19 if you were to run this exact program with the
20 current system up, would it just look like the
21 overlay we just saw?

22 Do you know what I mean?

23 Is there any difference between the
24 two?

25 So if it were the same, then you are

1 just kind of supposing if you were to run it with
2 the building there, then it would be a blackout
3 area. So has there been any complaints about
4 service?

5 Has there been anything, that you
6 know -- has there been any evidence that the current
7 location is not functioning?

8 MR. STILWELL: I have a witness that is
9 going to explain it besides the fact that the
10 building doesn't work for us in terms of providing
11 service to the north, that contractually from a
12 leasing standpoint our lease expires.

13 COMMISSIONER CONROY: So that is a very
14 different point, though, and I think --

15 MR. STILWELL: No, no -- it is a very
16 different point, so we don't have a -- that site is
17 going to come off the air --

18 COMMISSIONER CONROY: -- the point is
19 that regardless that site is going away, so maybe we
20 shouldn't be concerned with the building and the
21 effect it is going to have, if really we don't have
22 any evidence of that.

23 But ultimately you are going to lose
24 the lease, and without the lease, that bigger area
25 is going to be without service. I think that is

1 really the point.

2 MR. STILWELL: That is the story, yes.

3 COMMISSIONER CONROY: So maybe we
4 should focus in on what is important --

5 MR. GALVIN: The other thing, right now
6 this is a site plan. It is a permitted use. That
7 is where the Planning Board has it.

8 If this were a non permitted use, this
9 would be troubling --

10 COMMISSIONER CONROY: Totally, yes.

11 MR. GALVIN: -- okay, but it is a
12 permitted use, so it is not troubling --

13 COMMISSIONER CONROY: It's really the
14 lease -- they need a place to stick this antenna
15 because they are going to lose their space --

16 MR. GALVIN: And this whole question is
17 going to be how reasonable is that 14 feet in height
18 GPS over the base.

19 COMMISSIONER CONROY: Yeah, I agree. I
20 feel like this -- no offense to you whatsoever --
21 but I feel like this is maybe just not relevant
22 to --

23 MR. GALVIN: I want to chip in.

24 This is the normal protocol. I have
25 done a hundred of these, and they always come in.

1 They have to tell you what the gap is --

2 COMMISSIONER CONROY: Gotcha.

3 MR. GALVIN: -- and how they are
4 filling the gap, and if we can extend ourselves
5 here, if that is okay, or if I could extend myself,
6 you said it perfect, and I don't want to repeat it,
7 but without the existing tower --

8 COMMISSIONER CONROY: It's a big gap.

9 MR. GALVIN: -- they'll have a gap,
10 so --

11 COMMISSIONER CONROY: I get it.

12 So I am not going to concern myself
13 with the building whether it was there or whether it
14 wasn't there because that's really irrelevant. It's
15 really the gap that's going to be because if the
16 antenna comes down, that's relevant here --

17 COMMISSIONER WEAVER: And it's not that
18 this site is better than --

19 COMMISSIONER CONROY: Any other site.
20 It's just a site that --

21 COMMISSIONER WEAVER: They need a
22 site --

23 THE REPORTER: Wait a second. Only one
24 person can speak at once.

25 COMMISSIONER CONROY: -- I am good,

1 Thanks.

2 CHAIRMAN HOLTZMAN: Frank, did you have
3 something?

4 VICE CHAIR MAGALETTA: I guess my
5 question is very fundamental, and it goes back to
6 this gap.

7 Are you sure there will even be a gap
8 because your prediction model is missing all of this
9 information. What else is missing?

10 Are you certain there will be a gap?

11 THE WITNESS: Right. Because the way
12 we do our -- because we typically conduct like five
13 tests of the area, and we driving back and forth.
14 It is just not showing here because it will be like
15 dots on the street.

16 And it compares the prediction with the
17 drive data and the signal level that I am producing
18 with the prediction tool closely matches the drive
19 area that I have. It is just that it will be very
20 cluttered to show the amount of data in there.

21 And then the coverage that we have,
22 unless -- I am not saying we don't have any coverage
23 in there. It is just not to the level that we are
24 required to design to.

25 VICE CHAIR MAGALETTA: Exactly.

1 So another question I have, I
2 understand what Commissioner Conroy is saying, but
3 this is actually somewhat misleading to a certain
4 extent, where it shows there's no coverage, where
5 there is coverage.

6 THE WITNESS: Right, yes, and I
7 understand it. It is not zero coverage. It is just
8 not up to our standard of service.

9 MR. GALVIN: No, no, but wait a minute.
10 If you are going to take the tower down
11 where it exists --

12 COMMISSIONER MOSSERI: That is what
13 it's going to look like basically --

14 THE WITNESS: That's the --

15 MR. STILWELL: That signal frequency,
16 1900 megahertz, will not be at 85 DBM meaning signal
17 strength in that area where is there no --

18 THE WITNESS: Right. It would be like
19 95. That's why you will not see bars on your phone.
20 It's just that instead of getting, let's say, you
21 are used to high speed internet, you will get low
22 speed internet.

23 COMMISSIONER CONROY: Right.
24 Everything is going to be functioning less. It's
25 not going to be a dead zone. It's just going to be

1 a not as efficient zone.

2 THE WITNESS: That is a correct
3 statement, yes.

4 CHAIRMAN HOLTZMAN: Any other
5 Commissioners have any questions for Mr. Ortega?

6 Public, do you have any questions for
7 Mr. Ortega?

8 Dr. Eisenstein, let's go with you
9 first.

10 MR. EISENSTEIN: I just want to be
11 clear on something.

12 CHAIRMAN HOLTZMAN: Sure.

13 Could you just come up, so we can all
14 hear you, sir?

15 MR. EISENSTEIN: Yeah.

16 Maybe what we should do, just so the
17 record is straight, am I correct, I heard you say
18 that the building has been up for 12 years?

19 CHAIRMAN HOLTZMAN: Yes.

20 MR. EISENSTEIN: And were the lease not
21 expiring, I assume you wouldn't be here to change
22 the site. The building has been up for 12 years and
23 shadowing the site for that period of time.

24 THE WITNESS: Well, we started
25 designing in this area five years ago. We started

1 looking at that particular location.

2 MR. EISENSTEIN: Right. But for 12
3 years, it's a long time --

4 THE WITNESS: Right.

5 MR. EISENSTEIN: -- but let me make a
6 couple of comments, just so we are clear on this.

7 These propagation models that he's
8 using really don't work and advance urban settings,
9 so the reason it doesn't have the building in there
10 is because the underlying database is the United
11 States Geological Survey, which has in there things
12 like hills and rivers. And then there is a
13 parameter that you put in, which is suburban, rural,
14 urban, dense urban, you know, just a checklist, but
15 it doesn't have individual buildings in it.

16 That is why they don't have it. It is
17 not that they don't have an updated database.
18 Buildings don't go in there.

19 Imagine what they would do in
20 Manhattan. This thing just couldn't work, the model
21 there. That is one thing.

22 The way they actually test the area is
23 with drive test data, and they drive around have,
24 and they have an antenna in the car, and they know
25 where they are, and they measure the signal strength

1 there, and they can see where it drops off literally
2 about every 25 feet or so, so that is the actual
3 measure, and I assume you have done that.

4 Is that correct?

5 THE WITNESS: That's correct.

6 They tried to closely match it with the
7 predictions, so that it would be -- it can be seen
8 graphically better than just dots on the map, yes.

9 MR. EISENSTEIN: Right.

10 The other part of this is the green
11 area that he is talking about is a signal strength
12 of negative 85 DBM. Just to tell you what that is,
13 that is five billionths of a milli block of power so
14 the green area is five is billionths of a milliwatt
15 or better or stronger.

16 I'm sorry, I --

17 COMMISSIONER CONROY: No, you are fine.

18 MR. EISENSTEIN: -- the pole blocks
19 somebody.

20 That is, in my opinion, an appropriate
21 design level because what happens is on these
22 propagation plots, they represent the 50th
23 percentile of service, so 50 percent of the time it
24 will be better than this. 50 percent of the time it
25 will be worse than this. So you want to design in

1 such a way that if it happens to be worse, you still
2 have adequate coverage. The phones will work in
3 that white area, just because of the fringe signals
4 that are coming in, so it is not a case of no
5 coverage.

6 The phones will work there, and these
7 are short distances. It is just in a really bad
8 situation, a snowstorm or rainstorm, you have
9 something where the atmosphere is very dense with
10 moisture, the signal goes way down.

11 Under those conditions, the system may
12 not work because now if you are in that white area,
13 you are down too far, and you're outside of the
14 range of the cell phone, and it won't be able to
15 make or receive calls, and that is exactly the time
16 when you may need the cell phone for emergency
17 conditions.

18 So the way I advise Boards is if they
19 are designing a negative 85 DBM, that is an
20 appropriate signal. It's an appropriate design
21 level, and that is where they want to be.

22 If they fall under that, and there is
23 no doubt that they are falling under it, you know,
24 whether this map is accurate or not is irrelevant.

25 It is no doubt that they are going to

1 fall under that in some of the areas in there, and
2 therefore, they need relief in terms of getting a
3 new site, so that is really the way it works.

4 You know, could you swear that every
5 edge of that green area is in the correct place?

6 No, of course not. It is a random
7 signal, and you just don't know where it is going to
8 be. But you know that there is a blob in there,
9 where they are not going to have coverage when they
10 take that site down, so that is really the issue
11 here.

12 CHAIRMAN HOLTZMAN: Great. Thank you.

13 MR. EISENSTEIN: Okay.

14 VICE CHAIR MAGALETTA: Did we have
15 getting to the fact of just comparing -- I know you
16 have an argument as far as priorities, as far as why
17 going north would not be -- I think in your report
18 you said going north would actually be worse because
19 of the parking deck, and it will block north to the
20 site --

21 THE WITNESS: Going south, going south,
22 because if you're asking if you go on the parking
23 deck?

24 VICE CHAIR MAGALETTA: Yes. The
25 parking deck is north of your proposed site.

1 THE WITNESS: Right.

2 VICE CHAIR MAGALETTA: It is also a
3 little higher, but I think in your report, you said
4 it would be worse to go up there, and I am just
5 curious as to why that is.

6 MR. STILWELL: You looked at the
7 parking garage?

8 THE WITNESS: That's correct, yes.

9 MR. STILWELL: You analyzed it?

10 THE WITNESS: We will -- we should be
11 able to. With the design that we have, we should be
12 able to stand on top of it, so it will be clear.

13 In fact, it is an old technique in
14 designing an urban area use reflection from the
15 surrounding buildings to, let's say, come across
16 River Street going north.

17 COMMISSIONER CONROY: I think his
18 question was, though, why did you not decide to try
19 to lease space on the top of the parking garage
20 versus the building that you are putting it on?

21 VICE CHAIR MAGALETTA: Because the
22 parking garage is higher.

23 THE WITNESS: Yeah. If you would look
24 closely at the design, I have a sector or a set of
25 antennas. We want to cover areas 360 degrees as

1 much as we want. But in some cases, you point it
2 where you point it not like, you know, in an oblong
3 area or something of that --

4 CHAIRMAN HOLTZMAN: You point it what?
5 What did you say?

6 THE WITNESS: Oblong.

7 VICE CHAIR MAGALETTA: Oblong.

8 MR. STILWELL: What we are talking
9 about is this is the parking garage.

10 THE WITNESS: Right, and then I am
11 going to that.

12 I have a set of antennas that are
13 pointed this way going south, so it would cover from
14 First Street going down south to Observer Highway to
15 where the Path train is.

16 If I had picked the parking garage, I
17 would have to overcome the potential blocking of our
18 proposed site, and that building, the proposed
19 building, has a metal facade on the top. I would
20 have to overcome that, and to be able to do that, I
21 would have to raise the antenna for about 40 feet
22 just to overshoot it --

23 VICE CHAIR MAGALETTA: I think it would
24 be two questions then.

25 If you go -- you still have to -- if

1 you go to the north, you have to overcome metal on
2 the parking deck --

3 THE WITNESS: That's correct.

4 VICE CHAIR MAGALETTA: -- and if you
5 are on top of the parking deck, and you go south,
6 the proposed site we are at now is below the parking
7 deck, so you really wouldn't have the problem of it
8 blocking your signal, right?

9 THE WITNESS: The north sector is going
10 in this direction, where I am using the existing
11 building, the tall building, to create, like I said,
12 there is a technique they use in Manhattan, too,
13 using the building reflections to go up and
14 slightly -- the signal to go up this way. So in a
15 way, it is kind of our proposed site is avoiding the
16 parking deck structure and --

17 MR. STILWELL: That is to the north?

18 THE WITNESS: -- that is to the north,
19 yes.

20 MR. STILWELL: If you put antennas on
21 the parking garage pointing south, there is --

22 THE WITNESS: Pointing south, the
23 building is directly in front of it and then I have
24 to raise the entire height.

25 MR. STILWELL: You did a measurement,

1 right?

2 THE WITNESS: Right.

3 MR. STILWELL: And you would have to
4 overcome shadowing of how many feet?

5 THE WITNESS: About 40 feet. I have to
6 raise the entire --

7 MR. STILWELL: You'd have to raise the
8 antenna, but the distance is about 190 feet?

9 THE WITNESS: It's about -- yeah, close
10 to 200.

11 MR. STILWELL: I am talking about the
12 distance from the garage across the roof of the
13 building.

14 THE WITNESS: Going south.

15 MR. STILWELL: And you have a ratio
16 when you are trying to overcome --

17 THE WITNESS: Right.

18 You have to -- the antenna emanates a
19 signal that's like a -- I don't know how to describe
20 it -- it is like a vertical pattern, like the main
21 beam of the signal has a certain width, so that it
22 could -- certain vertical width, that if you are --
23 if you are blocking that, the signal will not
24 propagate. It will just be reflected back,
25 especially if you have a rooftop -- if you have a

1 parapet that is made of metal.

2 So to be able to avoid that, that
3 reflection, I have to raise my antenna, if I would
4 have gone to the parking deck by about 40 feet.

5 Like I said, I have to overcome the
6 whole span of our proposed site, which is about from
7 where -- just an estimate from where the antenna is
8 going to be, it is about 200 feet to the south edge
9 of our proposed site.

10 MR. STILWELL: The ratio is about one
11 foot up for every five feet of distance?

12 THE WITNESS: Right, right.

13 VICE CHAIR MAGALETTA: You know, you
14 said that on the proposed site, you would go north
15 by bouncing off a building and angling it, right?

16 THE WITNESS: Right.

17 VICE CHAIR MAGALETTA: But on top of
18 the parking deck, could you also do that, angle it?

19 THE WITNESS: Well, I can't --

20 VICE CHAIR MAGALETTA: Going north
21 right now, let's talk about going north. Could you
22 do that, where you just angle it and bounce off the
23 other buildings to get north coverage?

24 THE WITNESS: Off the parking deck?

25 VICE CHAIR MAGALETTA: Yes.

1 THE WITNESS: I'm not worried about
2 going on the parking deck.

3 VICE CHAIR MAGALETTA: But could you do
4 that, I'm asking.

5 THE WITNESS: Going north, yes.

6 VICE CHAIR MAGALETTA: Thank you.

7 Now, going south --

8 THE WITNESS: Going south, I would have
9 to raise the --

10 VICE CHAIR MAGALETTA: -- hold on.

11 How tall is the parking deck?

12 THE WITNESS: The parking deck?

13 MR. STILWELL: I don't believe we --

14 CHAIRMAN HOLTZMAN: Hang on one second.

15 Director?

16 MR. EISENSTEIN: I don't have the exact
17 measurement.

18 MR. STILWELL: We believe it's five or
19 ten feet taller than our proposed building. That's
20 what the pictures indicate that we have taken --

21 VICE CHAIR MAGALETTA: I appreciate
22 that, and I really do, but I don't really know that
23 your estimate is really sufficient for the record.
24 No offense.

25 MR. STILWELL: I can't testify anyway.

1 VICE CHAIR MAGALETTA: I know that. I
2 know that.

3 So it is taller, and I understand that
4 you are saying that the metal around the top is -- I
5 can't tell what that height is, but it is more than
6 five feet I think.

7 But, in any case, I think that from
8 what I can see, the coverage around the proposed
9 site would not block a signal from the top of the
10 parking deck going south. If it doesn't block it, I
11 think you get better coverage is all I am
12 suggesting.

13 THE WITNESS: Hum, going south from the
14 parking deck?

15 VICE CHAIR MAGALETTA: Yes.

16 THE WITNESS: Like I said, I would have
17 to raise the antenna.

18 I am not saying it is not going to
19 work, but I have to raise the antenna to clear the
20 proposed --

21 VICE CHAIR MAGALETTA: Raise it how
22 much?

23 THE WITNESS: Close to 40 feet, I have
24 to raise it up, so that it will cover.

25 MR. STILWELL: It would be a tower on

1 top of the garage.

2 VICE CHAIR MAGALETTA: I understand
3 that, but how --

4 COMMISSIONER CONROY: I think the
5 reason is because the building is so wide, it is
6 going to shoot down at an angle, and so if it can't
7 clear the width of the building because it is metal,
8 it can't carry through.

9 Is that right?

10 THE WITNESS: That's correct, yes.

11 COMMISSIONER CONROY: Right.

12 So you have to go super high in order
13 to clear the width of the building.

14 VICE CHAIR MAGALETTA: I understand.

15 COMMISSIONER CONROY: If it was a non
16 metal top, you probably could do it.

17 VICE CHAIR MAGALETTA: I understand
18 what Commissioner Conroy is saying, but I don't know
19 that this little piece of metal is sufficient to
20 block all of that. Maybe our consultant could
21 advice us.

22 CHAIRMAN HOLTZMAN: We can circle back
23 on that for sure.

24 Any other questions for Mr. Ortega?

25 Public?

1 Sure, come up, just reintroduce
2 yourself for us.

3 MR. COHEN: Matt Cohen, 41 First
4 Street.

5 I just have a question about the
6 predicative tool here and how it was used.

7 I know it was brought up that you
8 didn't -- you don't have a drawing.

9 Is there something that you can provide
10 before the Board makes a decision of what it looks
11 like currently using the existing tower that's
12 there?

13 THE WITNESS: Well, like I said, we
14 constantly do a drive test, and the prediction tool,
15 although it is not as far as the building there
16 basically is concerned, not having that in there, we
17 constantly adjust or match whatever our drive data
18 shows -- gets. So this depicts whatever --
19 incorporates whatever signal is out there.

20 MR. STILWELL: Do you actually
21 incorporate the drive data into your model?

22 THE WITNESS: Yes. But, yes, that is
23 done.

24 MR. STILWELL: Okay. Was that in done
25 in this instance?

1 THE WITNESS: It has been done before
2 the beginning of the whole design, but it is
3 constantly matched what signal level I collected
4 with the prediction tool.

5 MR. STILWELL: So in terms of showing a
6 snapshot of what the signal strength would look like
7 from our current building, you have drive test data
8 that if had Board wanted to see it or their expert
9 wanted to see it, we would provide it?

10 THE WITNESS: Right.

11 MR. COHEN: So the answer is yes, you
12 could provide it before their decision?

13 MR. STILWELL: There is a distinction
14 between a picture and a drive test, and I just
15 wanted to make that distinction. So the answer to
16 your question was actually no, but there is
17 information that could can be supplied that would
18 show the signal strength.

19 MR. COHEN: So it is not possible to
20 show the same drawing including the tower that's
21 already --

22 THE WITNESS: Including the proposed --

23 MR. COHEN: -- it's not possible -- no,
24 including the one that's there now.

25 Can you do it, yes or no?

1 MR. STILWELL: You can do a propagation
2 model from there.

3 THE WITNESS: The existing data, yes,
4 we have that, yes.

5 MR. COHEN: So you can provide it?

6 THE WITNESS: Yes.

7 MR. COHEN: The second blue dot that
8 you have on that, is that an existing cell site that
9 already exists in town, or is that another new site
10 that you guys were proposing?

11 MR. STILWELL: We are not proposing it
12 yet. We have not filed the application, but it is
13 on the drawing board. So rather than face the "How
14 come you didn't tell us about this when you were
15 here two months ago," we would rather show it than
16 not show it.

17 MR. COHEN: Any there other new sites
18 you guys are considering in Hoboken?

19 MR. STILWELL: Good question.

20 THE WITNESS: That's a very good
21 question.

22 There are several, but we just don't
23 have a location as far as exactly which building.

24 MR. STILWELL: But can you give them an
25 idea of what we are thinking about?

1 THE WITNESS: Yes.

2 We have concerns like the small open --
3 it is mostly for capacity. It is a small cell, just
4 like a hot spot in here. We have some we are
5 considering --

6 CHAIRMAN HOLTZMAN: "Here" being it
7 seems like the train terminal. Is that where you
8 are pointing to?

9 THE WITNESS: Right, like the Path
10 terminal.

11 We are considering a location. I don't
12 exactly know the cross road, but just in between
13 Hoboken community and Hoboken downtown on an
14 existing rooftop, we have existing antennas on it.
15 There is one right up on Washington or Rio Avenue,
16 but all of those will have to go through your Zoning
17 Board or Planning Board.

18 MR. COHEN: So the one from the Path
19 station, how far away would that be from this
20 proposed site?

21 THE WITNESS: That would be -- I don't
22 exactly know. It is right by the pizza place right
23 there. It is a different technology. It will just
24 cover a very small area. It is mostly for capacity
25 to alleviate the capacity that is going to

1 encounter.

2 MR. STILWELL: Currently it is only for
3 data?

4 THE WITNESS: Yes, yes.

5 MR. STILWELL: So a small cell is a
6 different technology, and it's to relieve data
7 capacity issues, which helps the whole system?

8 THE WITNESS: Right.

9 It is mostly for, you know, like
10 internet, and you can make phone calls from that.

11 MR. COHEN: Is there anything stopping
12 you from putting this proposed site -- putting both
13 pieces of those pieces of equipment in the same
14 location down by the Path?

15 THE WITNESS: Hum, you are saying over
16 here?

17 No, because we have to go --

18 MR. STILWELL: There is no existing
19 buildings that are --

20 THE WITNESS: Right.

21 We have to cover this portion here, or
22 we will still going to encounter weak coverage going
23 to the north.

24 MR. COHEN: Where there is no
25 residential buildings in the Path station?

1 THE WITNESS: I am not aware. I don't
2 know.

3 MR. COHEN: Okay.

4 Just another question about you brought
5 up the lease.

6 Is everybody's lease for all of the
7 communication companies expiring on that building?

8 Are they all leaving or just Verizon?

9 MR. STILWELL: I have a witness that
10 can testify to that, and I want to avoid that, if I
11 can, me testifying right now.

12 You don't know the answer to that
13 question?

14 MR. GALVIN: The answer is he didn't
15 testify to that, so we will wait for the next
16 witness.

17 CHAIRMAN HOLTZMAN: Right. We will
18 have testimony on that later.

19 THE WITNESS: Just to answer, we don't
20 know what their lease term is with the existing
21 building.

22 MR. GALVIN: See, we let you off the
23 hook, and we said, give it to the next witness.

24 If you want to answer anyway, sure, go
25 ahead.

1 MR. COHEN: So what is the existing
2 lease terms on the existing site versus the new
3 site?

4 THE WITNESS: That would be the next
5 person.

6 MR. GALVIN: Exactly. He doesn't know.
7 (Laughter)

8 MR. COHEN: I think that is it.
9 Thank you very much.

10 CHAIRMAN HOLTZMAN: Thank you.

11 MS. ADAMSON: Just a quick question --
12 I'm sorry -- are you still with the public?

13 CHAIRMAN HOLTZMAN: Yes, he is.

14 MS. ADAMSON: I will just wait.

15 MR. STILWELL: By the way, I do have
16 some additional questions to ask Mr. Ortega.

17 CHAIRMAN HOLTZMAN: Sure. Let's hear
18 them up.

19 MR. STILWELL: But I have no --

20 CHAIRMAN HOLTZMAN: Just reintroduce
21 yourself, sir.

22 MR. SHILOR: Elior Shilor. 41 First
23 Street, Apartment 2D.

24 CHAIRMAN HOLTZMAN: Great.

25 MR. SHILOR: Mr. Ortega, the blue dot

1 in the middle, the one that we are not speaking
2 about, but the one that's proposed, is it fair to
3 say that coverage from that blue dot will extend out
4 into the Hudson Street area?

5 THE WITNESS: Yes. This is actually
6 where the blue dot is on right now.

7 So, like I said, a signal level, our
8 criteria is that this green is what we are designing
9 for. But in order to do that, it will be -- like
10 white areas with green, so --

11 MR. SHILOR: So the question I am
12 asking, if the blue dot that's right there on the
13 middle of the screen --

14 THE WITNESS: It would not.

15 MR. SHILOR: -- what green is this
16 from?

17 THE WITNESS: This green is from --
18 when I run the prediction tool --

19 MR. STILWELL: Are you --

20 THE WITNESS: -- I included that.

21 MR. STILWELL: You ran the prediction
22 tool and told us that this site is on the air --

23 MR. SHILOR: So in actuality, you are
24 presenting this screen shot that's not accurate?

25 MR. STILWELL: It is actually worse

1 than what we are showing.

2 THE WITNESS: Yes.

3 MR. SHILOR: Now, can you go to the
4 overlay beforehand, once you have that --

5 MR. STILWELL: This is S-3.

6 MR. SHILOR: -- A-3 -- so with the new
7 overlay, is it fair to say that the majority of
8 coverage you will be providing service over the
9 Hudson River?

10 THE WITNESS: Hum, no.

11 MR. SHILOR: So can you explain to me
12 what this portion of the overlay is?

13 THE WITNESS: Like I said, our
14 prediction tool does not have that particular
15 building accounted for. It is a spillage going into
16 the Hudson River.

17 COMMISSIONER CONROY: It's three blocks
18 from the building.

19 MR. SHILOR: But currently if the
20 current location shut down, there would still be
21 service in that area, but it wouldn't be, you know,
22 five bars, is that correct?

23 THE WITNESS: Without both sites?

24 MR. SHILOR: Well, there is only one
25 site there right now.

1 If the current site was shut down, it
2 is still fair to say I could pick up my Verizon
3 phone as I'm walking and receive a phone call?

4 THE WITNESS: Yes. It is fair to say,
5 but it is not --

6 MR. SHILOR: And do you -- as a
7 representative of Verizon, do you have with you any
8 current, you know, complaints from Hoboken residents
9 that they are not receiving service in that area?

10 THE WITNESS: I don't have right now,
11 no.

12 MR. SHILOR: You don't have any. Okay.

13 CHAIRMAN HOLTZMAN: Any other members
14 of the public?

15 COMMISSIONER CONROY: I think it is
16 important to clarify, you are not saying there
17 hasn't been any complaints. You are saying you
18 don't have that information?

19 THE WITNESS: Right.

20 COMMISSIONER CONROY: That is a
21 distinction I think we should make for the record.

22 CHAIRMAN HOLTZMAN: Good point.

23 Are there any members of the public?

24 Sure, come on forward.

25 MS. ENG: My name is Linda Eng. Last

1 name is E-n-g, at 41 First Street.

2 I have several questions.

3 Is there any existing antenna right now
4 on the proposed new site?

5 THE WITNESS: No.

6 A VOICE: Is there any existing antenna
7 on the building that is blocking the one that you're
8 decommissioning?

9 THE WITNESS: The tall one, no --

10 MR. STILWELL: The Wiley Building?

11 THE WITNESS: -- Wiley Building, that's
12 what you call it, no.

13 MS. ENG: So why is that site being
14 chosen --

15 THE REPORTER: I'm sorry. What was
16 that question again?

17 MR. GALVIN: You are going too fast.

18 CHAIRMAN HOLTZMAN: Just take it slow.
19 We need to just get the court reporter to --

20 MS. ENG: Was there any existing
21 antenna on the building that blocks the site that
22 was going to be decommissioned, and you said no?

23 MR. STILWELL: He said no.

24 THE WITNESS: No.

25 MS. ENG: Was there any other

1 alternative sites being considered, like, you know,
2 I heard that beginning -- there was something about
3 leverage existing tower or leveraging existing
4 clustering of antenna, so how is this site being
5 chosen or have any other alternatives been
6 considered?

7 MR. GALVIN: Good question.

8 THE WITNESS: For a site to be able to
9 be considered, basically we are -- it is our
10 responsibility to identify where the gap will be.

11 Let's say once Hoboken goes off the
12 air, and we run a prediction tool surrounding that
13 site and pick which one would be a -- which area is
14 an appropriate location.

15 Within that area that we select, we
16 search, and we send out our satellite acquisition
17 team to determine which sites are buildable, which
18 sites have really land or which sites are feasible,
19 and based on that area we identified about four
20 locations within that area, and three of them -- one
21 of them is the garage, and I have explained the
22 problem, if we go there.

23 The tall building, if we go there, it
24 is going to be very tall, if we are going up above
25 the penthouse, and it will just create problems on

1 the surrounding cell sites.

2 MR. STILWELL: In other words, one of
3 your design criteria is you do not want to be too
4 tall?

5 THE WITNESS: Right, that's correct.

6 If you imagine an FM station from
7 Philly going to New Jersey, and it is in an area
8 where it is the same frequency, you hear in New
9 Jersey, and you are from Philly. It is the same
10 thing with our system.

11 If you are in an area where this side
12 covers that far, the mobile unit will get confused,
13 and it will be just either you drop the call or you
14 create interference.

15 The one that is a little south of that,
16 the Hoboken Relo site, I believe that no space for
17 our equipment.

18 MS. ENG: Can you improve some of the
19 existing antenna to take up that space, or is this
20 something that it's not considered at all?

21 Is there any improvement existing
22 technology that might fill that gap?

23 THE WITNESS: No. It is just basically
24 radio frequency. It is -- it is propagation.
25 It's -- the technology, it is a matter of the phone

1 interpreting the RF signal coming from the south
2 side.

3 MS. ENG: Can you do relaying of the
4 antenna signals among the existing antenna to cover
5 that site?

6 THE WITNESS: In essence, it is the
7 same thing as putting an antenna on the proposed
8 site.

9 MS. ENG: Really?

10 I thought you could do existing, but
11 again, I am not a technologist, so I'm just
12 wondering what kind of considerations or alternative
13 was put into thought before you chose that site.

14 Thank you.

15 No further questions.

16 CHAIRMAN HOLTZMAN: Thank you.

17 MS. ADAMSON: Mr. Ortega, are you going
18 to address the prioritization or is there another
19 professional?

20 MR. GALVIN: No. It has already been
21 addressed by Mr. Masters.

22 MS. ADAMSON: Did he mention why the
23 I-1 or I-2 district was not --

24 MR. STILWELL: No. That is one of the
25 questions I didn't get to yet.

1 MS. ADAMSON: So there is another
2 gentleman that's going to --

3 MR. STILWELL: No. I just didn't get a
4 chance to finish my questions of Mr. Ortega.

5 MS. ADAMSON: Okay, okay. Thank you.

6 MR. SHILOR: I have one more question.
7 I'm Elier Shiloh.

8 This antenna that is being placed, is
9 it stronger than the antenna that's currently
10 located at 95?

11 THE WITNESS: It is the same type of
12 equipment and technology that we have on the
13 existing one. It's just a different location and a
14 different height, so in essence, it is the same
15 tower. It is the same strength, if you will.

16 MR. SHILOH: Are you qualified to
17 testify in terms of any harm to the public with
18 radio waves?

19 MR. GALVIN: Oh, I can stop you there.

20 We can't go into that. It is one of
21 those things that we are preempted from doing, and
22 it is federal.

23 MR. SHILOH: Are we still permitted to
24 address that at the end of the meeting in our own
25 comments to the general Board and place it on the

1 record?

2 MR. GALVIN: No. I'll have to instruct
3 the Board not to consider it.

4 CHAIRMAN HOLTZMAN: Thank you.

5 Mr. Stilwell, I think you had some
6 additional questions?

7 MR. STILWELL: Yes.

8 Mr. Ortega, a couple of questions, just
9 so I don't forget them.

10 One is: I'm asking you why you didn't
11 give the height that you're proposing on the
12 existing roof.

13 And then I'm going to ask you why you
14 didn't locate down in the I zone.

15 Let's start with the height of our
16 proposed antenna. Why are you proposing antennas at
17 two feet higher than the eight feet maximum?

18 THE WITNESS: First of all, it is the
19 same thing where the -- with the parking garage
20 overcoming the building. If we are within the
21 building, and we are set back from the parapet wall,
22 we have to raise up, so that the antenna of the
23 signal should be able to shoot over beyond the
24 parapet wall.

25 Then we go for every five feet setback,

1 we go up a foot from the bottom of the antenna, so
2 that we would clear whatever obstruction is
3 presented in the parapet wall.

4 Second, to answer the second
5 question --

6 MR. STILWELL: Hang on a second.

7 So is that height that we are proposing
8 the lowest height that you can be at and still cover
9 the area you need to cover?

10 THE WITNESS: Yes, that's correct.

11 MR. STILWELL: It is somewhat of a
12 function of the fact that you are required in the
13 ordinance to put them as far back as possible?

14 THE WITNESS: Right, yes.

15 MR. STILWELL: The further back you go,
16 the higher it is?

17 THE WITNESS: Yes. If we can go right
18 at the edge of the apartment, we could be lower.

19 CHAIRMAN HOLTZMAN: Hang on a second.

20 MR. STILWELL: I don't know if you want
21 to take that question now or wait.

22 CHAIRMAN HOLTZMAN: Sure.

23 Director Morgan?

24 MR. MORGAN: Could you explain the
25 panel downtilt?

1 THE WITNESS: Downtilt is the design
2 technique to alleviate any propagation beyond where
3 your antenna is, and -- but there is only a limit or
4 a maximum that you can downtilt without really
5 sacrificing the pattern or the performance of the
6 antenna, so it is -- let's say the antenna's like
7 vertical. To be able to contain signal within your
8 area, you downtilt it, so that it will cover kind of
9 like looking down from -- just down to lower to
10 lower -- to the ground level.

11 MR. STILWELL: Instead of the signal
12 being projected towards the horizon, it is directed
13 to the ground at some point?

14 THE WITNESS: That's correct.

15 The main signal or strongest signal in
16 an antenna in the horizon, or sometimes it will be,
17 like depending on the electrical downtilt of the
18 antenna, maybe zero degrees down to maybe ten
19 degrees, and you add downtilt to that, and you add
20 more, and then you can maximize your signal within
21 your desired area, plus without overshooting beyond
22 where you are supposed to cover.

23 MR. STILWELL: Without going into it
24 too much, are there any downtilt issues with respect
25 to the antennas that we are proposing on our site?

1 You are at the height that you need in
2 order to clear the roof?

3 THE WITNESS: Right.

4 MR. STILWELL: You couldn't downtilt
5 and clear the roof?

6 THE WITNESS: The design that I have
7 already incorporates some downtilts on it, as it
8 will not overshoot or not go beyond the antenna area
9 to create interference.

10 MR. MORGAN: How far back from the edge
11 of the building is the antenna?

12 THE WITNESS: How far back from the
13 edge? About ten feet.

14 MR. MORGAN: Isn't that edge metal?

15 THE WITNESS: Yes.

16 MR. MORGAN: Isn't that the same metal
17 you were worrying about the signal being reflected
18 off from the garage?

19 THE WITNESS: Yes. That is why I raise
20 it up.

21 MR. MORGAN: So to get the signal to
22 the ground, you do have downtilt on those antennas?

23 THE WITNESS: Yes, but not great
24 enough. It will distort the -- the pattern, the
25 antenna pattern.

1 CHAIRMAN HOLTZMAN: Commissioner?

2 VICE CHAIR MAGALETTA: That was kind of
3 where I was going because now it is almost like you
4 are a goalie in soccer, and you're guarding the
5 goal.

6 You get up higher because you have to
7 reduce the angle, but now you are surrounded by this
8 metal parapet that you are saying is blocking the
9 signal, so I am confused why being on that property
10 is better than being a little higher up, and maybe
11 you are going above the angle, and your downtilt is
12 the same, but you also -- I guess you call it a
13 penumbra, something like a shadow, is being reduced
14 if you are higher up. So that's why I keep thinking
15 that the parking deck is better, and it makes more
16 sense, and you get more coverage because no matter
17 what building you are on, you still have to deal
18 with the metal parapet. I think if you're higher up
19 and away from it, you would get better coverage.
20 That's all I'm trying to figure out.

21 I am not a technical person. I'm just
22 trying to figure this out.

23 THE WITNESS: And like I said, to be
24 able to -- my statement before, for a site to work
25 for us, it has to be buildable. It has to be

1 visible. It has to have a building ladder in case
2 of -- and at our proposed site, we have all of
3 those. That is why we selected that.

4 VICE CHAIR MAGALETTA: Okay.

5 THE WITNESS: And to the parking
6 garage, it is not -- I am not saying it is not going
7 to work, but you have to raise the antenna high up,
8 and being if you -- if you are in my place, and you
9 are designing a system, where you think or you know
10 that this particular building will work without
11 building like 40 feet in Hoboken, an additional 40
12 feet on the rooftop, I selected the site where it
13 would give me the performance I want from a cell
14 site without encountering those problems.

15 VICE CHAIR MAGALETTA: Thank you.

16 CHAIRMAN HOLTZMAN: Gill?

17 COMMISSIONER MOSSERI: Can we just hear
18 from our expert?

19 Is this a reasonable and optimal
20 analysis, because we could discuss this all day
21 long.

22 In your professional opinion --

23 MR. EISENSTEIN: First of all, the use
24 of the word "blocking" from the metal of the parapet
25 is not there. It is a very minor distortion.

1 The second thing is, as I was sitting
2 here looking at it, I noticed something.

3 This table over here is higher than
4 this table here, so if you just imagine right from
5 the edge of that table drawing a straight line that
6 would go down and cover the edge of this table, you
7 will see that this whole area down here is shadowed.

8 In order to reduce that shadow, you
9 would have to go up higher, so that you are going
10 down, and that is essentially what he is saying.

11 The metal parapet is irrelevant, I mean, that's --

12 COMMISSIONER MOSSERI: You just need to
13 get over the metal parapet?

14 MR. EISENSTEIN: Whether it was metal
15 or whether it was wood or anything, you just have to
16 clear it --

17 COMMISSIONER MOSSERI: Just get above
18 it so --

19 MR. EISENSTEIN: -- otherwise -- that's
20 right.

21 It's exactly, if you just look at it,
22 as I was sitting there, I just saw exactly this. It
23 is higher, but it's not high enough to get rid of
24 the shadowing effect that you have right in front of
25 the table, so that is really what we are talking

1 about here.

2 Can you get around this, and I know you
3 had a question on downtilt, the downtilt is
4 typically two degrees, and again, just to put this
5 in perspective.

6 The antenna pattern coming out looks
7 like one of those fans. You know, the ladies' fans
8 that expand, and, you know, you fan yourself with.
9 It is a fan pattern, so it is very thin in the
10 vertical direction, and then it is wide in the --
11 what is called the azimuthal direction to give you
12 the coverage out there.

13 So what -- and it has a little bit of a
14 beam width it is called. It's not thin like paper,
15 but it has a little bit of beam width.

16 What you don't want is you don't want
17 your antenna pointing out at the horizon because the
18 upper part of the beam is just being wasted, going
19 off into space somewhere. It's not doing any good.

20 So you downtilt, so that the upper part
21 of the beam is aimed towards the population area.
22 You don't want to downtilt somewhat, so that the
23 middle of the beam in the lower part is being
24 blocked by buildings.

25 So usually typically they use a

1 two-degree downtilt. It's not very much, but it's
2 just a little bit to get the antenna down and not
3 waste power aiming it at the horizon. That is the
4 other issue that is here.

5 The questions about the coverage over
6 the Hudson River, the coverage over water is
7 propagated -- I told you propagation tools don't
8 work well in an urban setting, but they work even
9 worse over water. The reason is that it depends
10 completely on the salinity of the water. Ocean
11 water is highly saline. It is a good conductor, and
12 you get a lot of propagation along there. It acts
13 like a mirror. You know, the signal just sort of
14 runs along the thing. Fresh water, less so.

15 The salinity of the Hudson at this
16 point, I will bet varies enormously depending on the
17 tides, and so you will get sometimes when it is
18 going to be highly saline, and you are going to get
19 a lot of propagation and other times less so.

20 Their worse nightmare in terms of
21 designing the cell system in Hoboken, their worse
22 nightmare is Manhattan, because you have lots of
23 cell sites in Manhattan, and what you don't want to
24 have happen is a cell site in Hoboken is being
25 picked up by a user in Manhattan or vice versa. A

1 user in Hoboken locks onto a Manhattan site, and you
2 are going to drop the call, and it's going to get
3 the whole network messed up.

4 So what they try and do is they try and
5 keep the power as low as possible. The downtilt as
6 much as possible, and try not to propagate over the
7 Hudson River.

8 So what you are seeing there on this
9 propagation plot is purely an artifact. It's that
10 the propagation system doesn't work well in this
11 kind of area because you are not getting that kind
12 of coverage over the river, or you are getting more
13 than that, depending again, on the salinity of the
14 river at any given time.

15 COMMISSIONER MOSSERI: Back to my
16 question.

17 Is that an optimal site because we have
18 been discussing this for the last hour.

19 MR. EISENSTEIN: There is absolutely no
20 such thing as an optimal site.

21 Could it be on the next building, the
22 parking garage, yes, but then they have that problem
23 I was talking about, the shadowing problem. You
24 have to go up higher.

25 COMMISSIONER CONROY: So it's a good

1 thing.

2 MR. EISENSTEIN: Could it be on a
3 building, and I don't know the area that well, could
4 it be on another building next to it, yeah, but you
5 have to look at what the issues were.

6 So what I am able to see so far and
7 what I have heard, I have to say I was talking to
8 them outside of the meeting room, so I got a little
9 bit of insight into it. It is a good site, but, you
10 know, I can't tell you that it is optimal.

11 COMMISSIONER MOSSERI: Thank you.

12 CHAIRMAN HOLTZMAN: Thanks, Gill.

13 Mr. Stilwell, are there additional
14 questions for Mr. Ortega?

15 MR. STILWELL: The reason that we
16 locate down in the I-zone was the question you were
17 asked --

18 THE WITNESS: I believe there's
19 no --right by the parking --

20 MR. STILWELL: Down in here.

21 THE WITNESS: -- we will have to build
22 a monopole for that. I don't believe there's an
23 existing building right around this area, plus the
24 projective for the existing site is pretty much
25 contained in the area that I described and going in

1 here, it would be -- it will be --

2 CHAIRMAN HOLTZMAN: It is not Hoboken,
3 so let's not talk about it.

4 THE WITNESS: -- the signal will have
5 extreme difficulty reaching the area where I want it
6 to without building another site right there.

7 CHAIRMAN HOLTZMAN: Okay.

8 COMMISSIONER MOSSERI: I think there is
9 one more member of the public.

10 MR. STILWELL: That's all I have.

11 CHAIRMAN HOLTZMAN: Oh, is there
12 somebody else in the public?

13 MR. LARKIN: I just had a quick
14 question.

15 CHAIRMAN HOLTZMAN: Sure. Just come up
16 and introduce yourself.

17 MR. LARKIN: Dan Larkin. Last name
18 L-a-r-k-i-n.

19 I'm also at 41 First Street.

20 Again, I may have misheard earlier, but
21 you mentioned I think that it was possible going
22 north that you can bounce the signal off other
23 buildings?

24 VICE CHAIR MAGALETTA: Well, I asked
25 the question and he said yes.

1 MR. LARKIN: So I guess my question is:
2 From the parking garage, I understand your
3 explanation that the -- whether it be the metal
4 parapet or just the distance of the roof, you have
5 to cover.

6 Facing south, is it possible to angle
7 it into the street and bounce it all of a building,
8 thus making the requirement of the height of the
9 tower much, much shorter and also locating it away
10 from residential buildings?

11 THE WITNESS: Hum, that is possible.
12 The only exception is that we are higher. We are
13 higher on most of the buildings there going -- going
14 southwest. Going --

15 MR. STILWELL: In other words, there is
16 nothing to pass it off when you go to the
17 southwest --

18 THE WITNESS: Right.

19 MR. LARKIN: But we don't need to
20 bounce southwest. We need to bounce southeast.

21 THE WITNESS: Right.

22 The area I want to cover is almost
23 south of the -- directly south.

24 MR. LARKIN: But your tall building are
25 southeast from the garage, so your tall buildings

1 are here.

2 THE WITNESS: Right. And I have a set
3 of antennas shooting that way, so I go --

4 MR. LARKIN: Well, we already
5 established that going north is okay.

6 THE WITNESS: Right.

7 MR. STILWELL: Is there any building
8 you could bounce it off going this way, so it would
9 come down here I guess is the question?

10 THE WITNESS: No. Because, like I
11 said, the building that we are on is taller.

12 If you go this way, it will overshoot
13 beyond the building. Plus the area we have here is
14 unlike where here, we have like a direct, like clean
15 shot, if you will. But here I have to overcome
16 several blocks of buildings, and there is just not
17 enough buildings to have it -- bouncing techniques.

18 MR. LARKIN: And part of that is due to
19 the restriction how far from the edge of the
20 building you have to be?

21 THE WITNESS: No, because the building
22 that we are on is on average taller than what were
23 these buildings are on the south.

24 CHAIRMAN HOLTZMAN: Thank you.

25 MR. SHILOR: One last question.

1 Elijior Shilor.

2 The parking lot adjacent to the
3 proposed building, has Verizon approached the City
4 of Hoboken, I'm assuming it's under their ownership
5 for possibly renting the roof space from them versus
6 the private owner of the proposed site?

7 MR. STILWELL: Are you talking about
8 the parking garage?

9 MR. SHILOH: Yes.

10 MR. STILWELL: No. We did examine it,
11 as he testified to, and he actually went up on the
12 roof, and he actually calculated what it would take
13 to build something there, and because of his
14 testimony, because this site works without going
15 higher and without all of the other issues, he chose
16 this.

17 MR. SHILOH: But both sides would
18 require seeking permission in order to build, like
19 we are here for right now?

20 MR. STILWELL: Yes.

21 MR. SHILOH: Okay.

22 CHAIRMAN HOLTZMAN: Anything else for
23 Mr. Ortega?

24 MR. STILWELL: That was a legal
25 question. That is why I asked it.

1 MR. EISENSTEIN: Mr. Chairman.

2 I will get up.

3 It is on a different topic, and,
4 Warren, maybe you can answer it.

5 Who is going to testify as to
6 compliance with the FCC and state requirements?

7 MR. STILWELL: I can ask Edwin.

8 Edwin, will we operate this facility
9 pursuant to all FCC requirements for transmission
10 and radio frequency?

11 THE WITNESS: Yes.

12 MR. EISENSTEIN: And will it satisfy
13 the federal emission standards and the New Jersey
14 state emission standards?

15 THE WITNESS: Correct.

16 MR. EISENSTEIN: So you are correct,
17 that they don't have to address health effects, but
18 they do have to address their compliance with the
19 FCC regulations.

20 CHAIRMAN HOLTZMAN: Could you kind of
21 give us a little bit of a feel of what that means in
22 laymen's terms for the Commissioners and certainly
23 the public that has sort of has eaten around the
24 edges of that question?

25 MR. EISENSTEIN: Sure.

1 I know this is a concern, too, to the
2 public, at every one of the hearings I have been at.
3 These sites, you think of them because of the way
4 the application is being presented, as an antenna,
5 which is being put up, which is beaming out the
6 radio frequency signal.

7 In fact, most of it or more than half
8 of what it does is listen. It's passing. And what
9 it's listening to is your handheld device.

10 So although they are designing the site
11 and showing you propagation from the tower, what
12 they are really trying to do is design the site so
13 that your handheld device can reach the tower, and
14 that is really where the whole design -- the weak
15 link in the system is the handheld. It's called the
16 uplink. That is the weak link because the -- these
17 phones, these smart phones that we all have, put out
18 two-tenths of a watt of power. That is the -- that
19 is really the maximum power they are capable of, and
20 that very small amount of power has to go whatever
21 distance it is to reach the antenna site, the main
22 antenna site.

23 Why do they put out so little?

24 Because all of us, myself in
25 particular, value battery life. And if the handheld

1 puts out too much signal, your battery goes way
2 down.

3 Those of you that remember the early
4 days of cell phones, you remember the bag phones.
5 The bag phones used to be five watt phones, but you
6 got almost no life out of them as the ones I had at
7 twenty minutes of standby time, and you had to plug
8 them in and use them again.

9 Nobody is willing to tolerate that, so
10 they are required to provide a system that worked
11 for all FCC approved devices, and these very small
12 smart phones, very little power, are FCC devices, so
13 power is very little.

14 The second thing is the power that they
15 are transmitting, which is the power necessary to
16 reach the phone on the street or in your house or
17 wherever you are trying to reach the phone, it has
18 to be kept really low for the reasons I said.

19 This is not a broadcast site. This is
20 not like an FM station or a television station where
21 they are just blasting it out and trying to get as
22 much coverage as they can. It's exactly the
23 opposite.

24 They want to confine their coverage to
25 a small cell, which is why it is called a cell phone

1 system. If they blast it out, and it goes to the
2 other cells, the adjacent cells, it ruins the
3 communication in those cells, so the power they are
4 putting out is typically 20 watts at the antenna.
5 And if you do the calculation I told you, that green
6 area represents negative 85 DBM, that is five
7 billionths, not millionths, billionths of a
8 milliwatt of power. That is what it is.

9 It is such an infinitesimal amount of
10 power, that 20 years ago I was teaching my students
11 that you could not communicate, you could not use
12 that power. It was useless for communication power,
13 and I teach the courses in this area and have been
14 for years now.

15 So it is an extremely small amount of
16 power. How could they get by with so little power?

17 Because your cell phone is really a
18 small computer, and it's doing a very sophisticated
19 amount of signal processing, and it allows it to
20 process that signal.

21 You could not distinguish that signal
22 from background noise. You are getting more
23 radiation from the satellite television stations,
24 from the fluorescent lights in this room, from your
25 refrigerator, and from standing close to one other.

1 You get more radiation than is coming out of these
2 towers. I mean, it's just really, really small.

3 To put it in perspective, all they have
4 to do is satisfy the FCC compliance, and they are
5 well, well under that, you know.

6 They would be typically for a site like
7 this more than a hundred times on the FCC
8 requirements, so...

9 CHAIRMAN HOLTZMAN: Thank you, Doctor
10 Was there anything else?

11 We are going to take a five or
12 ten-minute little break here, so we will see you all
13 back here in ten minutes.

14 (Recess taken)

15 CHAIRMAN HOLTZMAN: All right,
16 everybody, we are going to resume our meeting here.

17 Thank you.

18 Mr. Stilwell, please proceed.

19 MR. STILWELL: My next witness, Mr.
20 Chairman, is Mr. Robert Riffel.

21 MR. GALVIN: Raise your right hand.

22 Do you swear to tell the truth, the
23 whole truth, and nothing but the truth, so help you
24 God?

25 MR. RIFFEL: I do.

1 R O B E R T W. R I F F E L, J R., having been
2 duly sworn, testified as follows:

3 MR. GALVIN: State your full name for
4 the record and spell your last name.

5 THE WITNESS: Robert W, Riffel, Jr.,
6 R-i-f-f-e-l.

7 MR. GALVIN: Thank you.

8 Your witness.

9 MR. STILWELL: Thank you.

10 Mr. Riffel, by whom are you employed
11 and in what capacity?

12 THE WITNESS: I am a contractor
13 performing real estate project management for
14 Verizon Wireless.

15 I have been in the wireless field since
16 2004 in various roles, with several different cell
17 communications companies.

18 MR. STILWELL: In connection with this
19 particular application, can you describe what it is
20 that you know about the existing site and our
21 ability to continue to stay at the existing site,
22 and how it is that you know what you know?

23 THE WITNESS: There was a member on a
24 current real estate team that works with expiring
25 leases. The lease on our current site is expiring

1 approximately in the June time frame. We are
2 currently engaged with our current landlord trying
3 to extend on a month-to-month basis while we obtain
4 another site.

5 MR. STILWELL: Your understanding is
6 that it will only be on a month-to-month basis?

7 THE WITNESS: That is correct. It will
8 not be for a long-term basis.

9 MR. STILWELL: That's all I have.

10 CHAIRMAN HOLTZMAN: Is Mr. Riffel able
11 to answer questions as opposed to with regard to the
12 new site that you are speaking about and how long it
13 might take to get that up and running, since this is
14 the first that we are hearing that you on a
15 month-to-month basis based on in the next month?

16 MR. STILWELL: Yes.

17 He is not the person to talk about it
18 how quickly we could be up and operating, but my
19 next witness is.

20 CHAIRMAN HOLTZMAN: Terrific.

21 Any Commissioners have any questions
22 for Mr. Riffel?

23 Jackie?

24 MS. FOUSHEE: Can you tell us about
25 this particular site or any other sites that you

1 approached property owners to locate their
2 equipment?

3 THE WITNESS: I can't speak to that. I
4 was not involved in the site locations.

5 MS. FOUSHEE: Okay.

6 CHAIRMAN HOLTZMAN: I'm sorry, Jackie.
7 What was your question?

8 MS. FOUSHEE: I was asking -- well, he
9 is not familiar -- my question was if he could tell
10 me any information about the proposed site or any
11 other property owners that were approached for
12 locations.

13 THE WITNESS: Well, in regards to the
14 proposed site, what was your question?

15 MS. FOUSHEE: Were there any other --
16 it's really were there any other property owners
17 approached, or is it just this site?

18 THE WITNESS: I do not believe that any
19 other property owners were approached once this site
20 was identified.

21 MR. GALVIN: Why is that?

22 THE WITNESS: Because this site
23 satisfied both RF need and an adherence to the
24 ordinance.

25 MR. GALVIN: Aren't there several

1 buildings within the search range that would have
2 qualified for that?

3 THE WITNESS: I would defer to our RF
4 expert.

5 MR. GALVIN: Well, we have been
6 provided an exhibit. Why don't you help me out with
7 this answer?

8 MR. STILWELL: Right.

9 MR. GALVIN: I mean, I don't think this
10 is causing you a problem, so don't be afraid of what
11 I am asking.

12 I want the Board to know that this is
13 probably the most important testimony because it
14 goes to the issue of why are we on this building,
15 did we look at other buildings in the search ring.

16 We were provided a search ring that
17 showed four or five buildings that would be in the
18 area where you might put something, right?

19 MS. FOUSHEE: Eight or nine.

20 MR. GALVIN: Eight or nine, including
21 the parking garage, and we have an answer for why
22 you can't go to the parking garage because of the
23 height of the antenna.

24 I think it is a fair question to say:
25 You know, what was the process, how did you select,

1 from a real estate standpoint, how did you select
2 this property?

3 THE WITNESS: From a real estate
4 perspective, we take our lead from our RF expert as
5 they identify any buildings that would be suitable
6 for their use, we pursue the lease.

7 In this case, this was the candidate
8 that RF identified, and we pursued a lease for it.

9 MR. GALVIN: So if he said no -- you
10 guys thought that this was the optimal building,
11 is that what is going on here, or your experts
12 thought that this was the optimal building?

13 THE WITNESS: From an RF perspective,
14 if they told us that this site, then from an RF
15 perspective, we would not have pursued the lease --

16 MR. GALVIN: RF meaning radio
17 frequency?

18 THE WITNESS: Yes.

19 MR. GALVIN: So if this one didn't
20 work, then you would have contacted those other
21 eight properties owners to see if they were
22 available?

23 THE WITNESS: Based on the --

24 MR. GALVIN: Well, say the owner
25 rejected and said no, I don't want to have a radio

1 antenna on my building.

2 THE WITNESS: Then we would have
3 pursued the next optimal site, which would have at
4 least met all of the radio frequency.

5 MR. GALVIN: I don't want to waste any
6 time, but I thought you should at least think about
7 that for the next case. That is what we want to
8 probe. Why did you pick this building over the
9 other buildings and from a real estate standpoint.

10 You know, like I have had other cases
11 where they said they just drove around and they just
12 picked this one spot, and you didn't say that, but
13 okay.

14 MR. STILWELL: Just so you know, we are
15 aware of Jackie's last report, and she did ask us
16 about several buildings, and we did analyze it as a
17 group.

18 Is that correct?

19 THE WITNESS: That is correct.

20 MR. STILWELL: With respect to the
21 buildings she asked about, do you want to just run
22 through what our analysis indicated?

23 THE WITNESS: Okay.

24 In relationship to the -- to the email
25 or the request?

1 MS. FOUSHEE: I'm sorry. If you could
2 just refer the Board to what -- what that letter
3 refers to your drawing and --

4 MR. STILWELL: Right.

5 MS. FOUSHEE: -- and the sites are
6 numbered.

7 MR. STILWELL: -- that drawing was
8 included in a comprehensive plan. So this is part
9 of the comprehensive plan. This is the map from the
10 comprehensive plan and the key.

11 MS. FOUSHEE: If you could --

12 MR. STILWELL: You asked about
13 buildings one, three, five, and ten. So what was it
14 that you decided, and this is, by the way, if you
15 want to use the larger exhibit.

16 THE WITNESS: Okay.

17 MR. STILWELL: I will just make a
18 proffer, Mr. Colasurdo will enter it into evidence,
19 but the proffer is that's the same map.

20 MR. GALVIN: No problem, fine.

21 THE WITNESS: Building one or item
22 number one, which is 111 River Street, it is a 12 to
23 13 floor building. It is at least 130 feet tall. I
24 believe that that is one of the buildings that our
25 RF engineer had designated as too tall.

1 MR. STILWELL: That was the Wiley
2 Building?

3 THE WITNESS: Right.

4 Number three is the municipal parking
5 garage, which is located -- well, it is a parking
6 garage. It's adjacent north of our proposed
7 building.

8 Again, RF has testified that in order
9 to make this structure work, he would need to erect
10 approximately a 140 foot-structure on that rooftop.

11 Number five, which is actually located
12 at 95 River Street, that is the building that we are
13 currently on, and that the lease is expiring as well
14 as the RF issues with blocking.

15 And number ten, which is at 36-42
16 Newark Street located right here, it appears to be a
17 residential building. It has an odd roof line,
18 which may be problematic.

19 There is a bar on the first floor. The
20 upper floors overlook residential areas. Again, it
21 just wasn't as ideal of a structure to place
22 antennas on as the current proposed building.

23 MR. GALVIN: That is good.

24 MR. STILWELL: Thank you.

25 CHAIRMAN HOLTZMAN: Thank you.

1 Any questions from the Commissioners?

2 COMMISSIONER BHALLA: How about 33-41
3 Newark Street, did you look there?

4 It is right across the street from
5 36-42.

6 MS. FOUSHEE: Number nine.

7 COMMISSIONER BHALLA: Number nine.

8 MS. FOUSHEE: It is your number nine.

9 THE WITNESS: It is number nine here.

10 Again, we did not -- that is not
11 something that we pursued for leasing. It is
12 actually southwest of our proposed site.

13 COMMISSIONER BHALLA: I am sorry. I
14 didn't hear the answer.

15 THE WITNESS: We were checking to see
16 if that was in the historic zone.

17 MR. STILWELL: But it is safe to say we
18 did not pursue locating number ten --

19 THE WITNESS: Actually nine.

20 MR. STILWELL: -- nine I mean. Sorry.

21 (Board members confer)

22 CHAIRMAN HOLTZMAN: Any questions for
23 the locations from the public?

24 MR. COHEN: Matt Cohen. 41 First
25 Street.

1 Hum, you know, you mentioned the
2 current lease is month-to-month.

3 THE WITNESS: The current lease we are
4 negotiating to be month-to-month. It currently is
5 not. Our current lease is still in effect.

6 MR. COHEN: The current lease is still
7 in effect.

8 Is there any attempt made to extend
9 that lease on a longer term basis?

10 THE WITNESS: It is not something that
11 I am engaged in. But the landlord right now, we are
12 just trying to engage for a month-to-month.

13 MR. COHEN: So there was no attempt
14 made to extend the existing lease?

15 THE WITNESS: I won't say that. There
16 is a different department in our company that
17 handles extension of leases. It is my understanding
18 that the only available option right now is a
19 month-to-month basis.

20 MR. COHEN: Okay.

21 So that the only option that the
22 landlord is offering, or is that the only option on
23 Verizon's part?

24 THE WITNESS: Only as I am aware of --

25 MR. GALVIN: Time out.

1 CHAIRMAN HOLTZMAN: Time out.

2 MR. GALVIN: I think what they are not
3 telling you is they want to come off this building
4 because it is not giving them the best coverage that
5 they need. That's part of it. You had a lease.
6 They are not losing the lease. Nobody wants to lose
7 the lease.

8 MR. COHEN: I think that is
9 speculation.

10 What I am trying to get at, to me, it
11 appears like this is the cheaper option for them in
12 the long run, and this is a financial decision, not
13 a coverage decision.

14 MR. GALVIN: That is a fair question,
15 but he may not be skilled to answer.

16 MR. COHEN: I think we should have that
17 person here that is skilled to answer because what
18 they are doing is they are moving to another
19 building, so it could be competition among the two
20 real estate properties that would then be able to
21 place towers, and they could -- and Verizon or other
22 companies would be able to pit them against each
23 other as to who would have the cheaper option. I
24 think that is the case here, and I don't think
25 there's anything to do with coverage.

1 MR. STILWELL: I think that the
2 testimony from our RF expert is that we are blocked
3 going to the north as a result of the Wiley Building
4 being built, and the best way to provide service in
5 this area is to move, and we also indicated we have
6 a lease issue, which he just testified to.

7 MR. COHEN: It took 12 years to --

8 THE WITNESS: Frankly, though, from a
9 financial basis, it will end up costing us more in
10 the long run rather than keeping our current
11 installation there and the cost associated with that
12 construction. We are now moving to a different
13 building, where we are going to incur additional
14 costs for building that new installation, so it is
15 not a financial savings.

16 MR. COHEN: I mean, show us those
17 numbers, because you're just --

18 MR. STILWELL: We wouldn't show them to
19 you, even if we had them, because they are
20 propriety.

21 CHAIRMAN HOLTZMAN: What is the heart
22 of your question?

23 We are happy to try to help you.

24 MR. COHEN: I was trying to get the
25 difference between the terms that they have now

1 versus the ones they are looking for in this new
2 building.

3 MR. STILWELL: I am telling you right
4 now that we do not make our financial terms
5 available to the public, period.

6 MR. COHEN: Okay. I'll move on to my
7 next question then. Fair enough.

8 CHAIRMAN HOLTZMAN: Hang on one second.
9 Councilman, did you have something you
10 wanted to put in there?

11 COMMISSIONER BHALLA: No, I don't.

12 CHAIRMAN HOLTZMAN: Thank you.

13 MR. COHEN: So were there any other
14 buildings that were approached to place a tower on
15 their building?

16 THE WITNESS: There were none other
17 than the site that we currently are pursuing,
18 because, again, it was identified as the site that
19 would work from our perspective.

20 MR. COHEN: So Verizon did not reach
21 out to any other buildings in the area about placing
22 a tower on their site?

23 THE WITNESS: That is correct.

24 MR. STILWELL: There is a distinction
25 between reaching out and examining. We did look at

1 other buildings.

2 MR. COHEN: Okay. But there was no
3 communication --

4 MR. STILWELL: Correct.

5 MR. COHEN: -- with other property
6 owners?

7 MR. STILWELL: That is correct.

8 That is correct, right.

9 THE WITNESS: That is correct.

10 MR. COHEN: That's it.

11 Thank you.

12 MR. SHILOH: Elicor Shiloh, 41 First
13 Street.

14 With the direction of this antenna on
15 the new building, is Verizon going to be -- have
16 exclusive rights to that roof and no other cell
17 phone provider would be able to put up their
18 antennas on that roof?

19 THE WITNESS: It will not be an
20 exclusive lease for that rooftop. Other providers
21 would be able to locate on that district.

22 MR. SHILOH: And you have knowledge of
23 the contract -- you are the individual at Verizon
24 who has specific knowledge as to that contract?

25 THE WITNESS: This particular lease

1 with this landlord, yes. It is not an exclusive
2 agreement.

3 CHAIRMAN HOLTZMAN: Sure, come forward.

4 MR. ROTH: Martin Roth, R-o-t-h, also
5 at 41 First Street.

6 The current lease that is expiring,
7 when did that actually begin, the current lease
8 term?

9 THE WITNESS: I do not know that
10 offhand.

11 MR. ROTH: Do you know whether it was
12 renewed before or after the Wiley Building went up
13 12 years ago?

14 THE WITNESS: I would have to check on
15 it. I do not know it for certain.

16 CHAIRMAN HOLTZMAN: Is there a general
17 standard lease term that you guys write, Mr.
18 Stilwell? Is it ten years, 20 years?

19 THE WITNESS: Typically 25 years.

20 CHAIRMAN HOLTZMAN: 25 years.

21 THE WITNESS: A standard lease is a
22 five-year initial term with four five-year
23 additional terms.

24 CHAIRMAN HOLTZMAN: Okay.

25 THE WITNESS: That is our standard.

1 CHAIRMAN HOLTZMAN: So if we were just
2 taking a guess here, maybe to answer Mr. Roth's
3 question, that lease might have been written about
4 25 years ago?

5 THE WITNESS: It is possible.

6 Now, there are exceptions in terms,
7 again, depending on negotiations with certain
8 landlords. It could be shorter terms.

9 MR. ROTH: Might it be just be renewed
10 or extended five years ago long after the initial
11 writing for the lease --

12 THE WITNESS: It would be conjecture on
13 my part, but again, being as we typically deal in
14 five-year terms, then the latest extension was
15 probably approximately five years ago.

16 MR. ROTH: Okay.

17 Thank you.

18 CHAIRMAN HOLTZMAN: Thanks.

19 Anybody else from the public?

20 Okay. Mr. Stilwell, anything else, any
21 other witnesses?

22 MR. STILWELL: Yes, my next witness.

23 CHAIRMAN HOLTZMAN: Who is next on the
24 list?

25 MR. STILWELL: Mr. Colasurdo, my

1 architect.

2 MR. GALVIN: Raise your right hand.

3 Do you swear to tell the truth, the
4 whole truth, and nothing but the truth, so help you
5 God?

6 MR. COLASURDO: I do.

7 F R A N K C O L A S U R D O, RA, FC Architects,
8 Inc., 33 Woodport Road, Sparta, New Jersey, having
9 been duly sworn, testified as follows:

10 MR. GALVIN: State your full name for
11 the record and spell your last name.

12 THE WITNESS: Frank Colasurdo,
13 C-o-l-a-s-u-r-d-o.

14 MR. GALVIN: Thank you.

15 MR. STILWELL: Mr. Colasurdo, would you
16 advise the Board as to your background and your
17 professional qualifications?

18 THE WITNESS: I graduated from New York
19 Institute of Technology with a bachelor's of
20 architecture degree.

21 I was licensed in 1996 to practice
22 architecture in the State of New Jersey. I
23 currently hold that license as well as a license in
24 New York and Pennsylvania.

25 For just about 20 years now, I have

1 been designing wireless telecommunication facilities
2 for all of the carriers in our area. I testified in
3 front of Hoboken, Bayonne, Jersey City, even
4 accepted as a qualified witness.

5 CHAIRMAN HOLTZMAN: Thank you, Mr.
6 Stilwell.

7 MR. STILWELL: Thank you.

8 Mr. Colasurdo, would you describe the
9 existing conditions and the proposed improvements,
10 and when you refer to a plan, would you refer to the
11 page number and title as well as the last revision
12 date, so that everybody will know we are looking at
13 the same thing?

14 THE WITNESS: We all know that the
15 property in question is 38-40 First Street.

16 The site plan I have up on the easel,
17 the last date in the lower left-hand corner, March
18 5th, 2014, issue number four. It is titled REF 3
19 per TRC. There were some revisions made from the
20 last ARC meeting we had here.

21 The facility has frontage, or I should
22 say the existing property has frontage on Hudson
23 Street, First Street, as well as River Street, and
24 to the north is flanked by the public garage that we
25 have been talking about.

1 As currently developed with a
2 six-story -- there's this building that's shown on
3 Sheet Z-5, and tonight my client is proposing to
4 construct a wireless communication facility at this
5 building.

6 The improvements include an interior
7 fit-up, so all of the data processing equipment,
8 cabinets will be located inside of the building.

9 Three sets of four antennas are being
10 located on the rooftop of the building behind what
11 we call concealment panels. A concealment system
12 panel is an RF friendly material that lets the
13 antenna signal broadcast through, so you can't
14 physically see the antennas.

15 The last device that we are proposing
16 is a standby generator. There is currently a 150 kw
17 generator installed on this property that is no
18 longer being used. We are proposing to remove that
19 and replace it with a 50 kw generator, so a unit
20 that is a hundred kw smaller.

21 Let's start on Sheet Z-7. In the --

22 MR. GALVIN: Can I stop you a second?

23 On the generator issue, is that going
24 to have the maximum baffling available?

25 THE WITNESS: Yes. I will go through

1 all of that with the noise and stuff.

2 MR. GALVIN: I'm sorry. Please
3 proceed.

4 On Sheet Z-7 --

5 MR. EISENSTEIN: Can I ask a question?

6 CHAIRMAN HOLTZMAN: Yes.

7 MR. EISENSTEIN: Is this a diesel
8 generator or gas?

9 THE WITNESS: It's diesel. I will do a
10 whole thing on the generator in a little bit.

11 In the upper left-hand corner of Sheet
12 Z-7, this is the equipment plan. It's a 12 foot by
13 24 foot area. We plan to partition off an existing
14 room on the ground floor of the building.

15 All of the radio cabinets, data
16 processing equipment will be located internally.

17 From that room, we will be extending
18 what we call a coaxial cable through the interior of
19 the building, through the rooftop, and then we will
20 be attaching those to the back of the antennas. A
21 coaxial cable is the umbilical cord that connects
22 antennas with our processing equipment, and it has a
23 signal that travels back and forth. So all of that
24 will be run internally until we get to the roof.

25 Then it's secured to the top of the

1 roof right over to the antenna locations and plugged
2 in. This stuff is about an inch -- well, it is an
3 inch and five-eighths in diameter. It is a piece of
4 copper surrounded by styrofoam and a heavy thick
5 black shield.

6 If I gave you a two-piece section of
7 this, you wouldn't be able to bend it. You would
8 have a hard time bending it over your knee, so it is
9 not like a cord you would get on the back of a lamp.
10 It is heavy duty cable.

11 Let me go back to the roof plan on
12 Sheet Z-4. We were talking about the antenna
13 locations.

14 Verizon is proposing three sets of four
15 antennas. I want to start in the upper northeast
16 corner of the building, where I have labeled alpha
17 sector. Four antennas are facing pretty much north,
18 and they are located in that corner. We have the
19 concealment panel system set back ten feet from the
20 edge of the roof, and the antennas are just behind
21 the consumer panel system.

22 Let's move to the lower left-hand
23 corner of the building, where it is the southwest
24 corner. That is where we are proposing to locate
25 our -- what we call our beta sector, again, four

1 more antennas, as well as our gamma sector, another
2 four antennas. They are as well located behind the
3 concealment panel system.

4 I am also proposing our two GPS units.
5 There was some talk earlier about the GPS units.
6 These are not antennas. These are units. They
7 receive only. They don't receive and send like an
8 antenna, so they are a receive-only unit.

9 Let's go to Sheet Z-5, which is
10 building elevation, as if you were standing on First
11 Street looking towards the building. You will see
12 the top of the building parapet above what we are
13 calling the average grade. The grade around this
14 building is different grades, so we have an average
15 grade that we are doing our elevation takes off.

16 The physical dimension about the
17 average grade line is 71 feet three inches. That is
18 to the top of the roof parapet. To the top of the
19 roof deck, which your ordinance measures the antenna
20 heights, that is 68 feet six inches above the
21 average grade around the building.

22 Our antennas are 11 feet above the roof
23 deck. Earlier testimony, I heard that they were ten
24 feet, but I would like to correct it. They are 11
25 feet. To the top of the concealment panel system is

1 12 feet. To the top of the GPS units that are
2 located with the beta and gamma sector, that is 14
3 feet above the roof deck.

4 As far as the concealment panels
5 themselves, we have presented a couple of designs.

6 On Sheet Z-5, the fascia of the
7 concealment panel system, we are trying to mimic
8 that steel top fascia of the building is a straight
9 flat fascia. We were asked to present a design with
10 a curved fascia to try to mimic the arch windows on
11 the top floor. That was presented, I believe, at
12 the last TRC as Sheet Z-10.

13 As far as Verizon is concerned, either
14 design will work for them. It is up to the Board
15 whichever design they prefer, if they approve this
16 application.

17 The material is fiberglass. It is
18 about an inch and a half thick, fiberglass,
19 styrofoam and fiberglass. It's about an inch and a
20 half thick. This material lets the signal of the
21 antenna broadcast pass through it.

22 The members that support these panels
23 are fiberglass tubes, so this here is a fiberglass
24 tubes and angles and nuts and bolts that make that
25 whole structure, that form the whole structure.

1 I want to get to the generator
2 itself --

3 CHAIRMAN HOLTZMAN: Actually do you
4 have some of the images of the antennas and the roof
5 line in large size for the team?

6 THE WITNESS: We do have some photo
7 simulations of both styles.

8 MR. STILWELL: These were the ones that
9 we submitted to the Board on the technical review
10 that shows -- and Mr. Masters will testify to these
11 in particular.

12 CHAIRMAN HOLTZMAN: So let's continue
13 with the generator then, sure.

14 THE WITNESS: So just to orientate the
15 Board of where that existing generator is currently.
16 I am on Sheet Z-4 of the site plans.

17 It is, I guess, in the northeast corner
18 of the building, which I have labeled lessee's
19 proposed backup power. It is a 50 kw diesel
20 generator replacing an existing 150 kw generator

21 Sheet Z-8, there are some details of
22 that generator. That generator is 40 inches wide,
23 and the top of the generator is 92 inches above
24 grade, 32 inches of that being the sub base, the
25 tank that holds the diesel fuel. This generator has

1 210 gallons of diesel fuel stored underneath it.

2 We do that because the manufacturer
3 tells us when you exercise on a full load, it will
4 burn about seven and a half gallons of diesel per
5 hour, so we want to keep at least a 48-hour one time
6 before we have to fill it up again.

7 This generator comes with what we call
8 a crystal quiet enclosure, so you don't see the
9 generator at all. You see a metal housing. It also
10 comes with a critical grade muffler inside.

11 Essentially, the sound level produced
12 by this generator is 53 point -- 57.3 decibels at 23
13 feet.

14 What I did was I had an acoustical
15 engineer go out to the site, and he did some ambient
16 sound measurements, and then he took the
17 manufacturing specifications of this generator and
18 crunched some numbers and reduced the report that
19 basically concludes that this generator will meet
20 the New Jersey Department of Noise Standards, as
21 well as the current Hoboken generator noise
22 standards.

23 So I have a letter that I can present
24 to the Board. I don't have a signed sealed copy,
25 but I can get you one, prepared by a New Jersey

1 licensed acoustical engineer, basically saying that
2 the generator that we are proposing meets all state
3 and local regulations with respect to generators.

4 MR. STILWELL: We would expect as a
5 condition of approval that the Board would require
6 that we would submit a signed and sealed version of
7 this to be reviewed by our professionals.

8 CHAIRMAN HOLTZMAN: We also have
9 recently installed in Hoboken almost a dozen. We
10 are in the process of installing almost a dozen
11 emergency backup generators in critical points all
12 over town, and we are taking into consideration a
13 very high level of baffling because obviously each
14 one of these things will operate -- it doesn't
15 operate independently, because God knows when the
16 power goes down, we are going to all of a sudden
17 have a couple of thousand generators going here in
18 Hoboken all at the same time real quickly.

19 The administration had put forward a
20 presentation to this Board about a very specific
21 callout with regard to this baffling system that
22 goes over the generator. And I would like to just
23 make it potentially conditional as well that the
24 standard that the City of Hoboken has set for
25 itself, that this application meet or exceed that

1 standard that we are holding ourselves to.

2 THE WITNESS: I can't refer to it. I
3 don't know what it is.

4 CHAIRMAN HOLTZMAN: Unfortunately, I
5 wanted to have the information with regard to that
6 baffle setup here for this evening, but I did not
7 get that information, but it is something that we
8 can readily put our hands on.

9 MR. GALVIN: Can I tell you my
10 condition now? Maybe it won't be as bad as you
11 think it is.

12 I have: The applicant is to submit
13 proof that the backup generator provides the maximum
14 sound attenuation available, and that it complies
15 with all state and local regulations.

16 MR. STILWELL: We can do that.

17 THE WITNESS: It complies with the
18 state regulations.

19 MR. GALVIN: You know what?

20 There is a minimum, and there is better
21 than a minimum.

22 CHAIRMAN HOLTZMAN: Right.

23 The state requirements -- we have
24 usually required a higher level than the state
25 requires.

1 THE WITNESS: I have no problem
2 complying.

3 MR. GALVIN: I know what the problem
4 is.

5 THE WITNESS: My understanding is that
6 the city can come up with its own regulations, but
7 it needs to be approved by the state. The state has
8 a noise standard, and if your regulations are not
9 approved by the state, I cannot comply with them.
10 How can I comply with them?

11 CHAIRMAN HOLTZMAN: Yes, but they are.
12 We recently did update them and actually the state
13 allows us to have a higher level --

14 MR. STILWELL: Yes, they do

15 CHAIRMAN HOLTZMAN: -- on the local
16 level, than the state does for itself.

17 THE WITNESS: Have they been adopted?

18 MR. GALVIN: What kind of generator are
19 you using?

20 Are you using like a Generac?

21 THE WITNESS: No. It is a Kohler. It
22 is actually an MTU generator, which is more of a
23 commercial Kohler generator.

24 MR. GALVIN: In my experience, I have
25 seen a lot of these backup generators in the last

1 couple years, and they do have a system that's --
2 they have the least -- you can help me, if you have
3 it, anybody can help me -- you have the least system
4 and then you have the most system.

5 You know, I am not telling you to do
6 something, to construct a facility like the cone of
7 silence that you're going to put over it. I'm just
8 saying --

9 (Laughter)

10 THE WITNESS: See, the problem is I
11 have done that. I've had to do that, and I come
12 across enclosures that can cost \$5,000, and I've
13 come across enclosures that cost \$80,000.

14 MR. GALVIN: I'm talking about the
15 equipment itself having a system, and I have seen --
16 in other words, if you were installing a Generac
17 system in a residential area, they usually answer to
18 me, that there is a higher level of baffling and
19 they get it. You know, I am surprised you don't
20 know what I am talking about.

21 THE WITNESS: No. I do know what
22 you're talking about.

23 There are different classifications of
24 mufflers and enclosures, but those are based on the
25 amount of decibels that you are anticipating or

1 designing for at a certain distance.

2 So what I can tell the Board and what I
3 agree to is that I know that the state requires me
4 to produce no more than 65 decibels from the source
5 to the receiver during the daytime limits, and
6 that's when we test. When this thing is kicking off
7 during an emergency, that all goes away, so it is
8 really during my testing, which is once a week for
9 45 minutes.

10 MR. GALVIN: That's the other thing.
11 We can control when you are going to test, right?

12 MR. STILWELL: Yes.

13 MR. GALVIN: So I think what we have
14 been asking other people is for generators to be
15 tested during weekday hours -- during weekdays
16 between the hours of like say 12 and three.

17 MR. STILWELL: Okay.

18 THE WITNESS: That is fine. That's
19 perfect.

20 MR. GALVIN: Okay.

21 CHAIRMAN HOLTZMAN: Yes, Doctor?

22 MR. EISENSTEIN: Would the generator be
23 quieter, if you used natural gas instead of diesel?

24 THE WITNESS: No.

25 MR. EISENSTEIN: But with natural gas,

1 you would be able to have a smaller enclosure, which
2 would be the --

3 THE WITNESS: That is not true at all.
4 It wouldn't have a smaller enclosure. It would
5 actually be at a disadvantage with natural gas. We
6 learned an important lesson from Sandy especially
7 with our shore towns.

8 Verizon has dozens of sites in our
9 shore towns. When Sandy hit, it flooded the gas
10 lines, and the gas company shut off the gas lines,
11 and all of our generators were rendered useless, so
12 our call for directive is to put in diesel first, if
13 we can, because we can control the fuel source.

14 CHAIRMAN HOLTZMAN: What is your
15 thought on that, Stephen?

16 All the generators that I believe we
17 are putting in town are natural gas. Is that
18 correct?

19 COMMISSIONER MARKS: So we are putting
20 in seven natural gas -- well, yeah, natural gas
21 powered emergency backup generators at critical
22 community facilities.

23 What does your diesel need?

24 How many gallons is it?

25 THE WITNESS: 210, so we are burning

1 about seven and a half gallons per hour, and that is
2 a full load, a hundred percent load.

3 Let me see. But it is 28 hours of run
4 time before I have to fill up, so we usually let it
5 go about halfway, and we will send out a truck to
6 fill it up, and it is monitored 24 hours a day.

7 The fuel tank is DOT rated. It's
8 double hull. It has leak detention in between the
9 two, and spill prevention at the nozzle, all of the
10 works.

11 MR. STILWELL: It has a container, so
12 if there was a spill, it would be --

13 THE WITNESS: Well, yeah.

14 When you open up the doors to the
15 enclosure to get to that fill, that basin is a
16 container itself, but the big issue for --

17 CHAIRMAN HOLTZMAN: Hang on a second.
18 Give us a second.

19 Director Forbes?

20 COMMISSIONER FORBES: Just, you know, I
21 understand you are talking about a 28 to 30-hour
22 time before you need to fill, and you could have a
23 truck come in.

24 Just recognize that in an emergency
25 situation, nobody could get in or out of Hoboken

1 for, you know --

2 CHAIRMAN HOLTZMAN: Three days.

3 COMMISSIONER FORBES: -- because of
4 Sandy for three or four days, and that is why we are
5 looking at just as a city going with that gas power.
6 We worked with PSE&G, and just bear that in mind
7 when you are talking about this urban environment
8 versus other locations, that the access, I mean we
9 had to call and beg and plead to our municipalities
10 to bring diesel fuel just to handle our emergency
11 vehicles four days, five days, six days later.

12 So just something that you should be
13 considering when you are making your choice of what
14 your fuel source is that sounds all well and good,
15 that you can come in, and you are going to fill that
16 up, but just know that even access to the city was
17 not --

18 THE WITNESS: Verizon has their own
19 vendors --

20 CHAIRMAN HOLTZMAN: Hang on one second.
21 Hang on one second.

22 We are also concerned with the part of
23 that conversation, which was also the fact that we
24 got then fuel sources and tanks in multiple
25 locations that have the potential to be flooded,

1 just can't agree to anything because I see --

2 MR. GALVIN: I understand --

3 MS. ADAMSON: And also the approval
4 will be conditioned on our review of the sound
5 report. We haven't even seen that. The
6 professional hasn't seen it or --

7 MR. STILWELL: I will give it to you
8 now, but why don't I mark this as A -- what are we
9 up to?

10 (Laughter)

11 CHAIRMAN HOLTZMAN: What are you giving
12 us, Mr. Stilwell?

13 MR. STILWELL: A sound report that I am
14 going to then end up getting signed and sealed by
15 the engineer who prepared it.

16 CHAIRMAN HOLTZMAN: I don't think it is
17 necessary that you give it to us --

18 MR. STILWELL: Pardon me?

19 CHAIRMAN HOLTZMAN: I don't think it's
20 necessary that you give it to us.

21 MR. STILWELL: Okay.

22 CHAIRMAN HOLTZMAN: No, because I am
23 fairly certain, if I am reading the Commissioners
24 correct here, that we are going to give you a
25 standard that we are going to want you to meet, too,

1 and we will make it simple for you.

2 MR. STILWELL: Okay.

3 You know as well as I do, you can
4 impose conditions, and I don't have to agree to
5 them.

6 MR. GALVIN: Nope.

7 MR. STILWELL: You can propose -- it is
8 fine, so yes, I expect you will do that.

9 MR. GALVIN: I think the Board is
10 reasonably concerned about this, and I think that a
11 reviewing court would understand that we are being
12 reasonable.

13 MR. STILWELL: I would not recommend
14 appealing that issue.

15 Thank you.

16 MR. GALVIN: Thank you.

17 CHAIRMAN HOLTZMAN: Any other
18 Commissioners have any questions at this time?

19 Is there any other additional
20 testimony?

21 THE WITNESS: Yes, I do.

22 CHAIRMAN HOLTZMAN: With regard to the
23 generators?

24 COMMISSIONER WEAVER: What is the
25 elevation of the generator?

1 CHAIRMAN HOLTZMAN: What's the
2 elevation of the generator?

3 THE WITNESS: I'm sorry?

4 CHAIRMAN HOLTZMAN: The elevation of
5 the generator.

6 THE WITNESS: How high it is?

7 COMMISSIONER WEAVER: In relation to
8 the base flood elevation.

9 THE WITNESS: I'm sorry?

10 COMMISSIONER WEAVER: Is it on the
11 roof?

12 THE WITNESS: No. It is on the ground.

13 COMMISSIONER WEAVER: You can't put a
14 storage tank above the lowest level --

15 MR. STILWELL: I took the advantage of
16 having somebody from Verizon Wireless here, so I get
17 to ask him questions and see if the proposed
18 conditions would be acceptable. And the notion of
19 switching to gas, natural gas, is acceptable
20 provided that it is available, so it is in the
21 street reasonable -- reasonably close to the
22 buildings, so they don't have to bring it in any
23 great distance, so we would agree to switch to
24 natural gas, if the natural gas -- if we have the
25 pressure available to us.

1 CHAIRMAN HOLTZMAN: I don't think that
2 we've encountered any problems previously.

3 COMMISSIOENR MOSSERI: Would you move
4 the generator to the roof, if it was natural gas?

5 MR. GALVIN: No. The generator is not
6 on the roof, though, right, Dan?

7 Dan didn't get his question answered.

8 COMMISSIONER MOSSERI: No. If you get
9 natural gas, can you go to the roof?

10 COMMISSIONER WEAVER: It can.

11 COMMISSIONER MOSSERI: If it can, then
12 it is not a nuisance at all.

13 COMMISSIONER WEAVER: Well, it's less
14 of a nuisance.

15 CHAIRMAN HOLTZMAN: When we are doing
16 the roof installs for the other emergency
17 generators, we are still having the sound
18 attenuation even on the roof for sure.

19 COMMISSIONER MOSSERI: No, I know. You
20 are saying it's now on the roof. There's no issues
21 with the flooding.

22 CHAIRMAN HOLTZMAN: That's right.

23 THE WITNESS: There is no generator on
24 the roof.

25 COMMISSIONER MOSSERI: If you put

1 natural gas, could you put it on the roof?

2 CHAIRMAN HOLTZMAN: The answer is yes,
3 he could.

4 MS. ADAMSON: Wait, wait.
5 Structurally --

6 COMMISSIONER MOSSERI: I am asking him,
7 not you.

8 MR. STILWELL: I don't know lease space
9 up there for a --

10 THE WITNESS: I don't know if the
11 landlord is going to agree to a generator on this
12 roof.

13 COMMISSIONER MOSSERI: Just asking.

14 THE WITNESS: Right now there is a 150
15 kw on a slab on the ground that is going away, and
16 we are proposing to put up a 50 kw.

17 MS. ADAMSON: But you said that wasn't
18 operable right now, is that correct, the 159 is not
19 in use?

20 THE WITNESS: No, it's not in use.
21 Nobody is using it.

22 MS. ADAMSON: So it hasn't been used
23 for --

24 COMMISSIONER WEAVER: Who was using it?
25 What was the purpose of it?

1 THE WITNESS: There was a tenant in
2 there that needed standby power, and he is no longer
3 there, and he went away, so the generator is not
4 being used any more. We don't need anything that
5 big.

6 COMMISSIONER WEAVER: What is the
7 elevation?

8 THE WITNESS: The height of the
9 generator is eight feet four inches from the ground
10 to the top of the generator, and that is the sub
11 base.

12 MR. STILWELL: With the enclosure?

13 THE WITNESS: With the enclosure.

14 COMMISSIONER WEAVER: What is the slab
15 that it is sitting on?

16 THE WITNESS: Concrete.

17 COMMISSIONER WEAVER: What is the
18 elevation of that slab?

19 MR. STILWELL: AMSL, Above Mean Sea
20 Level. Is that how you do it?

21 COMMISSIONER WEAVER: Sure, we do that,
22 in relation to the BFE, the base flood elevation.

23 THE WITNESS: Base flood elevation,
24 this is in Zone X, so I don't have a base flood
25 elevation to work with. The AMSL in that corner of

1 the building is 9.3 feet, so the slab will be maybe
2 nine and a half feet above sea level which is about
3 six inches above the asphalt that's there.

4 COMMISSIONER MOSSERI: So what did we
5 agree on?

6 CHAIRMAN HOLTZMAN: We didn't agree to
7 anything. We have conditions on our list. We are
8 growing.

9 COMMISSIONER MOSSERI: Is the condition
10 that it becomes natural gas?

11 CHAIRMAN HOLTZMAN: Yes. We certainly
12 have that on our list, that's correct, and also that
13 they meet or exceed that the city has set for itself
14 for its emergency generators.

15 COMMISSIONER MOSSERI: Okay.

16 CHAIRMAN HOLTZMAN: Please continue,
17 Mr. Stilwell.

18 THE WITNESS: I just wanted to finish
19 up with some facility characteristics.

20 This is a facility that is designed to
21 be unmanned, no permanent employees. Not having
22 permanent employees, it doesn't produce any traffic
23 with the exception of a routine maintenance visit
24 once every four to six weeks by a technician. He
25 will come in a Ford Explorer type of SUV, really

1 just go to the equipment room. He doesn't even go
2 to the antennas, just do some testing, housekeeping,
3 and make sure everything is functioning correctly.

4 Not having permanent employees, we
5 don't require any potable water, and it doesn't
6 produce any sewerage. But not having employees
7 there, I don't want you to think we are not watching
8 this facility. It is monitored 24 hours a day seven
9 days a week through a series of silent alarms. If
10 the temperature in our room rises, we know about it.
11 If any equipment malfunctions, we know about it. If
12 somebody enters our room unauthorized, we know about
13 it. So not having permanent employees does not mean
14 we are not monitoring. We even monitor the
15 generator.

16 If the State of New Jersey issues an
17 ozone alert, we tell the generator -- I should say
18 if the state of New Jersey issues an ozone alert on
19 the day of testing, our switch sends a signal to
20 this facility and says, don't test that generator
21 that day. So we are monitoring more than just our
22 facility, we're monitoring alerts from the state
23 itself.

24 I need a 200 amp electric service and a
25 telephone line, which we are getting from inside of

1 the building. It's already existing.

2 The facility doesn't produce any smoke,
3 glare, vibration, noise that would exceed the New
4 Jersey Department of Environmental Protection Noise
5 Standards or any odors.

6 It's a very benign site. The antennas
7 are hidden behind concealment panel systems, and all
8 of the equipment is located inside of the building,
9 and that is it.

10 CHAIRMAN HOLTZMAN: Commissioner
11 Weaver, could you take the lead on the conversation
12 regarding the shielding?

13 COMMISSIONER WEAVER: Hum, yeah.

14 CHAIRMAN HOLTZMAN: Thank you.

15 COMMISSIONER WEAVER: But I will
16 probably err on the side of that, which I don't
17 normally, which is that I actually prefer the
18 shielding in this case. And in several of the
19 views, I actually find the overhead wires more
20 distracting than they are --

21 CHAIRMAN HOLTZMAN: Do you want to walk
22 through what the options were and what we think,
23 because I know that they did give us a couple of
24 options here through the --

25 MR. STILWELL: When you say "the

1 shielding," are you talking about the shielding, the
2 stealthing around the antennas?

3 CHAIRMAN HOLTZMAN: Yes.

4 What are you calling it? Stealthing,
5 is that what you're calling it?

6 THE WITNESS: That's a brand. It's a
7 concealment panel.

8 CHAIRMAN HOLTZMAN: Concealment panel,
9 there you go. That is a generic term.

10 MR. STILWELL: But we have copies of
11 the photo sims --

12 CHAIRMAN HOLTZMAN: Okay.

13 Do the Commissioners need photos or do
14 you have them in your packets?

15 COMMISSIONER CONROY: We have them.

16 COMMISSIONER MOSSERI: Are they
17 different than what was submitted in the package?

18 MR. STILWELL: They're different,
19 right?

20 THE WITNESS: No.

21 CHAIRMAN HOLTZMAN: Was that no, or I
22 don't know?

23 MR. STILWELL: That was no, they are
24 not different.

25 Pay no attention to that man.

1 (Laughter)

2 COMMISSIONER WEAVER: I mean, frankly,
3 I will get on my soap box --

4 CHAIRMAN HOLTZMAN: Let's just back it
5 up one second.

6 Doctor, did you have anything with
7 regard to the generator to add to our conversation?
8 We are fairly aggressive, and I think we know we
9 were on good footing in the direction that we want
10 to go.

11 Was there anything else that you
12 wanted --

13 MR. EISENSTEIN: No, that was all.

14 I prefer the gas primarily because it
15 also cuts down one extra delivery truck that comes
16 in and --

17 MR. GALVIN: We want to make sure the
18 Board gets them, right?

19 Yes, we need to see them.

20 MR. EISENSTEIN: My experience --

21 MR. GALVIN: They have them. They're
22 good.

23 CHAIRMAN HOLTZMAN: Hey --

24 MR. GALVIN: Sorry.

25 CHAIRMAN HOLTZMAN: -- shush.

1 MR. EISENSTEIN: -- my experience has
2 been that with storms, the gas is much more reliable
3 because of the delivery issue of trying to get the
4 fuel out there, so I generally recommend natural gas
5 wherever it's possible. I also understand that it
6 is available here in Hoboken.

7 CHAIRMAN HOLTZMAN: Natural gas for
8 sure.

9 MR. EISENSTEIN: Yes.

10 CHAIRMAN HOLTZMAN: So we each have a
11 set here of photo renderings of no antenna
12 installation, the straight line horizontal, the
13 scalloped or curved, and then the no -- no baffling
14 at all.

15 So what was your thought, Dan?

16 I know you are normally an opinionated
17 one on this one.

18 COMMISSIONER WEAVER: Thank you. I
19 think that is a compliment.

20 CHAIRMAN HOLTZMAN: It is.

21 COMMISSIONER WEAVER: In my opinion,
22 the building is of little or no architectural
23 merit --

24 (Laughter)

25 COMMISSIONER WEAVER: Sorry, sorry.

1 CHAIRMAN HOLTZMAN: And you didn't let
2 us down again, Dan.

3 Thank you.

4 (Laughter)

5 COMMISSIONER WEAVER: Thank you.

6 MR. GALVIN: At least it is not an
7 airplane hangar.

8 COMMISSIONER WEAVER: Yes, it has that.

9 Although, you know, the curved Mansard
10 enclosure, this is a Mansard roof. The metal roof
11 you keep talking about would be the volts that go
12 along the perimeter. I find the one that is volted,
13 the curved one, more in keeping with the
14 architecture that is here.

15 The one thing that I would recommend
16 would be that there is one shot in particular, which
17 shows the smaller -- the smaller array. These are
18 not labeled, so it is difficult for me to tell
19 exactly --

20 MR. STILWELL: We have them numbered
21 with a key map.

22 CHAIRMAN HOLTZMAN: Could you hold it
23 up for us, Dan, so we know we are all on the same
24 page here?

25 COMMISSIONER WEAVER: Well, this one or

1 his.

2 THE WITNESS: Looks like 4.

3 MR. GALVIN: There you go.

4 COMMISSIONER WEAVER: Excuse me. It
5 would be 4B. The only comment with 4B is that --

6 MR. STILWELL: And 4B, just for the
7 record, relates to the number on the key map. 4 is
8 the location it was taken from, and B means it was
9 the one with the Mansard treatment, the arch
10 treatment --

11 COMMISSIONER WEAVER: The Mansard roof.

12 MR. STILWELL: -- right.

13 COMMISSIONER WEAVER: So what I am
14 looking at, that looks like it could help is that
15 the enclosure actually returns from the back side,
16 so it doesn't look so much like a stage set --

17 COMMISSIONER CONROY: Yeah, I know.
18 Like a full enclosure.

19 COMMISSIONER WEAVER: -- full
20 enclosure.

21 CHAIRMAN HOLTZMAN: Can we get the
22 architect?

23 MR. STILWELL: We can do that.

24 THE WITNESS: Yes.

25 CHAIRMAN HOLTZMAN: Do you see what Dan

1 is pointing out on there?

2 I think that's a good callout, would
3 you agree?

4 THE WITNESS: Yes.

5 COMMISSIONER WEAVER: The fixed views
6 that have been selected, so we, you know, would
7 expect that you would, you know, do a little bit
8 more of a photo survey to make sure that this one
9 happened to pop up --

10 MR. STILWELL: Okay. Normally the best
11 way to do that is to delegate to your engineer the
12 ability to tell us that we need an extra side or --

13 COMMISSIONER WEAVER: Well, this is
14 something that you guys could do after the fact
15 or --

16 MR. STILWELL: Yes.

17 CHAIRMAN HOLTZMAN: No.

18 COMMISSIONER WEAVER: -- so we come
19 out, and we survey the installation --

20 THE WITNESS: I am actually thinking
21 that from the alpha and beta sector, I do have
22 returns -- well, they all have returns. I think I
23 just have to make -- I'm sorry -- on the alpha
24 sector, I don't have the same corner design that I
25 had with the beta and gamma.

1 I am thinking if I turn my consumer
2 panel system in towards the roof, once it passes the
3 frame, that will solve your problem.

4 So what I can do is I can redo the
5 plans and redo some of the details and just submit
6 it as a revised set of drawings and conditional
7 approval and have your engineer review it and take a
8 look at it, and if she feels we need a photo
9 simulation study with a new design, I will do it.

10 CHAIRMAN HOLTZMAN: Right. You get the
11 gist, which is I think the callout is from a
12 laymen's term, it's basically when you can see the
13 edge of it, now you know it is a faux situation as
14 opposed to it doesn't look like an actual structure.

15 COMMISSIONER WEAVER: From a public
16 sidewalk.

17 CHAIRMAN HOLTZMAN: So is it your
18 testimony then updated from that you had the return,
19 corner return, on some of the locations, but not on
20 others?

21 THE WITNESS: Well, on the beta and
22 gamma sector because of how the two sectors are
23 oriented, I was able to do a corner design, where as
24 on the alpha sector, it is really just like a single
25 wall with a short return.

1 What I have to do is bring the consumer
2 system south along River Street. That will probably
3 turn it 90 degrees towards Hudson Street, so I can
4 cover the back of those antennas from the view as
5 you saw in the photograph.

6 COMMISSIONER WEAVER: Meaning this one?

7 MR. STILWELL: These are the --

8 THE REPORTER: Is this on the record,
9 because I can't hear you.

10 MR. STILWELL: I'm sorry. You can just
11 go off the record. Just put discussion off the for
12 a minute. I am trying to find something.

13 (Counsel confers.)

14 CHAIRMAN HOLTZMAN: So where are we,
15 Mr. Stilwell?

16 We are kind of just making a call here.
17 Dan Weaver kind of came up, and we put some lines on
18 the page here to show where some returns would be.

19 MR. STILWELL: Yes.

20 THE WITNESS: Yes.

21 CHAIRMAN HOLTZMAN: Dan, is it that we
22 don't think it will occur on the other ones that are
23 on the 90-degree corner?

24 COMMISSIONER WEAVER: Those are
25 interior to the roof really, and the odds of seeing

1 those are minimal, in our opinion, and you still
2 need to have an access point into the work area to
3 work on the antennas themselves. So in looking, you
4 know, creating some sort of door, which invariably
5 in my mind would be a maintenance nightmare and
6 would break and just cause more problems than if we
7 just leave this opening.

8 THE WITNESS: Photo set 1B is looking
9 at the gamma beta sector extending north of the
10 building. You can see in that photo simulation how
11 the return is working, where you don't see the back
12 of the antennas, like you saw on 4B.

13 COMMISSIONER WEAVER: Yeah. We are
14 also concerned about -- like New York, we are
15 concerned about people who are above street level as
16 well, so to the greatest extent possible that we can
17 minimize, to the extent that we can given the
18 architecture that we are dealing with, the impact of
19 these things to create a pleasing visual
20 environment, we would like to do that.

21 THE WITNESS: Okay.

22 CHAIRMAN HOLTZMAN: Thank you.

23 Any other questions from the Board for
24 the architect?

25 I will open it up to the public.

1 Are there questions for the architect?

2 Okay. Great.

3 MR. STILWELL: Mr. Masters is my last
4 witness.

5 MR. STILWELL: Mr. Masters, you were
6 already sworn in, and you are still under oath.

7 MR. MASTERS: I am.

8 W I L L I A M F. M A S T E R S, JR., PP, having
9 been previously sworn, testified further as follows:

10 MR. STILWELL: You already talked about
11 the nature of the relief that has been required, and
12 you heard the testimony that has been given this
13 evening.

14 THE WITNESS: I have.

15 MR. STILWELL: Okay. And can you offer
16 us your opinion as to whether or not you believe we
17 meet the requirements for the granting of the one
18 variance that we need, which is the height above for
19 the roof of the antennas?

20 THE WITNESS: Yes. I believe that the
21 applicant has made a compelling case to support the
22 grant of the variance relief.

23 I believe that the request for the
24 variance relief relative to the height, the top
25 height of the antennas, satisfies the statutory

1 criteria required for the grant of C type variance
2 relief.

3 I believe both from a C-1 or a hardship
4 standpoint, as well as a C-2 standard, that the
5 application meets the positive and negative
6 criteria,

7 The testimony from the radio frequency
8 engineer relative to the need for the height of the
9 antennas as a function of the setback from the edge
10 of the roof and which the ordinance specifically
11 suggests, that attempts should be made to move the
12 antennas as far back from the edge of the roof as
13 possible, relative to the detrimental impact.

14 Clearly the primary focus here is the potential
15 visual impact of the three-foot variation in the
16 height.

17 There has already been considerable
18 discussion relative to the various options in terms
19 of the concealment. I would agree that the option,
20 which has been labeled as Option B on the
21 photographs with the curved lower portion of the
22 faux Mansard to mimic the configuration of the
23 existing Mansard roof is, in my opinion, the best
24 option from a visual perspective.

25 And certainly, that particular

1 requirement is a reasonable condition that the Board
2 may impose upon the application in order to mitigate
3 the potential detrimental impact.

4 And in addition to that, the
5 modifications to that concealment to further
6 mitigate the visual impact in terms of the
7 modifications to the return of the concealment, and
8 in summary, would simply state that, in my opinion,
9 the variance relief here could be granted without
10 substantial detriment to the public good, and
11 without substantial impairment to the comprehensive
12 zone plan and zoning ordinance of the City of
13 Hoboken.

14 MR. STILWELL: Is it also your opinion
15 then that we meet all of the other criteria of the
16 ordinance for this proposed site being approved as
17 an accessory use pursuant to the ordinance?

18 THE WITNESS: Yes, it does.

19 CHAIRMAN HOLTZMAN: Do any
20 Commissioners have any questions for Mr. Masters on
21 the planning?

22 Any questions from Mr. Masters with
23 regard to his planning recap?

24 Thank you.

25 MS. ADAMSON: A quick question.

1 I just wanted to confirm the
2 concealment does cover. It is higher than the GPS
3 unit, correct?

4 It will conceal the GPS unit?

5 THE WITNESS: Not as shown on the
6 drawings that you currently have, and you will see
7 in the photo simulations that the GPS antenna -- the
8 two GPS antennas, in fact, are visible on the photo
9 simulations --

10 CHAIRMAN HOLTZMAN: Right.

11 MS. ADAMSON: So they will be two feet
12 higher than concealment?

13 THE WITNESS: -- however -- however, I
14 have been told by our architect that the GPS
15 antennas could be relocated such that they are
16 lowered from what they are currently shown on the
17 drawings.

18 MS. ADAMSON: And is that -- so you are
19 saying you will lower the GPS unit, so you can't see
20 it from the grade, is that what you are saying,
21 because you mentioned before that you could lower
22 it?

23 (Board members conferring.)

24 CHAIRMAN HOLTZMAN: Are we double
25 checking on that, Mr. Stilwell? Is that where we

1 are?

2 MR. STILWELL: Yes. It is a question
3 of answering the specific question.

4 CHAIRMAN HOLTZMAN: The height for the
5 GPS?

6 MR. STILWELL: Right.

7 THE WITNESS: Yes.

8 The answer is that the concealment can
9 be lowered to what would be two feet, because it is
10 currently extending 14 feet above the roof slab.
11 The top of the concealment is 12 feet, and it could
12 be lowered two feet, so that the top of the GPS
13 antennas are not higher than the top of the
14 concealment.

15 COMMISSIONER WEAVER: The GPS antennas
16 are --

17 CHAIRMAN HOLTZMAN: Minimal.

18 COMMISSIONER WEAVER: -- minimal,
19 right?

20 THE WITNESS: They are about the size
21 of a coffee cup.

22 MR. COLASURDO: About the size of a
23 smoke detector.

24 MS. FOUSHEE: I'm sorry, because there
25 have been some changes.

1 Can we specifically speak to the
2 elevations that you have proposed for the antennas,
3 the top of the GPS and the top panel because it has
4 changed a little bit along --

5 CHAIRMAN HOLTZMAN: Right.

6 Thank you.

7 THE WITNESS: The top of the panel
8 antennas with the --

9 MS. FOUSHEE: The top of the antennas
10 or the panel you're saying?

11 THE WITNESS: Well, the panel antennas.
12 The 12 panel antennas would be eleven feet above the
13 roof. The top of the concealment would be 12 feet
14 above the roof, and the top of the two GPS antennas
15 would be 12 feet above the roof.

16 MS. FOUSHEE: Okay.

17 CHAIRMAN HOLTZMAN: So is everybody on
18 the team on the same page there, because I know
19 there was some going back and forth?

20 MR. STILWELL: Yes. That is okay.
21 Those representations are accurate.

22 CHAIRMAN HOLTZMAN: So the concealment
23 panel will be one foot above the top of the antenna?

24 THE WITNESS: Of the panel antennas,
25 that is correct.

1 COMMISSIONER WEAVER: Can you make the
2 concealment equal to the panel antenna?

3 THE WITNESS: Pardon me?

4 CHAIRMAN HOLTZMAN: Can we get
5 testimony from the architect with regard to the
6 panel antenna?

7 Obviously, we would all like to keep it
8 as small as possible, right?

9 So if the top of the antenna is eleven
10 feet, is there a reason for the panel, the
11 concealment panel, to be at twelve feet versus
12 eleven feet?

13 MR. COLASURDO: Yes, just to make sure
14 I have it covered.

15 From a construction point of view, I am
16 giving myself about a foot to make sure the whole
17 antenna is covered, and somebody said earlier, it is
18 not just from grade, you might be seeing these
19 things from an elevation.

20 CHAIRMAN HOLTZMAN: Neighboring
21 buildings.

22 MR. COLASURDO: Right.

23 So I have a foot safety net to make
24 sure that that antenna is covered from the ground or
25 somewhere from a window.

1 CHAIRMAN HOLTZMAN: Seems reasonable.

2 COMMISSIONER WEAVER: Right.

3 CHAIRMAN HOLTZMAN: Great.

4 Jackie, are you good with your
5 questions?

6 I know you had a couple --

7 MS. FOUSHEE: Yes. I have a couple
8 other questions.

9 CHAIRMAN HOLTZMAN: You got your
10 answers?

11 MR. GALVIN: She has more.

12 MS. FOUSHEE: I have a couple of other
13 questions.

14 CHAIRMAN HOLTZMAN: Yes, I know that.
15 I just wanted to make sure that one was done.

16 MS. FOUSHEE: Okay. Thank you.

17 Should I continue?

18 CHAIRMAN HOLTZMAN: Please.

19 MS. FOUSHEE: You already indicated
20 that you will be visiting the site monthly for
21 service?

22 THE WITNESS: Every four to six weeks.

23 MS. FOUSHEE: Every four to six weeks.

24 Is there any lighting proposed or any
25 necessity to provide lighting on the rooftop?

1 MR. COLASURDO: No. No lighting is
2 proposed.

3 MS. FOUSHEE: Are there any proposed
4 upgrades to utility services that would have to be
5 reflected on the building exterior at all?

6 MR. COLASURDO: No, not at this time.
7 We have electric on the side. There's telephone
8 already on the inside of the building.

9 Whether we go with diesel or natural
10 gas, we're going natural gas, so I have to meet the
11 gas company out there to see if we have enough
12 pressure. If we have enough pressure at the site,
13 there will be no upgrades on the outside of the
14 building.

15 MS. FOUSHEE: Okay. And if you should
16 change to gas service, I would like to see the gas
17 routings on the drawings, any anticipated routings.

18 MR. COLASURDO: Okay.

19 MR. STILWELL: Don't go anywhere,
20 Frank.

21 MR. COLASURDO: I just wanted to write
22 it down.

23 MS. FOUSHEE: That is all I have.

24 CHAIRMAN HOLTZMAN: Okay.

25 MR. STILWELL: Thank you.

1 CHAIRMAN HOLTZMAN: Anything else from
2 any of the other Commissioners?

3 Gill, I think you brought up a good
4 point with regard to the location of the generator,
5 if it is going to be natural gas and the roof,
6 right?

7 I don't know that we really played that
8 one out very much, but I think you opened that
9 question.

10 We seem to take that as a lead here in
11 Hoboken in terms of our generators. We are putting
12 emergency generators on roofs when available for two
13 reasons. One is to kind of get them off the ground
14 and out of the flood plain and also to get them the
15 heck out of sight, because they are pretty big and
16 ugly. Nobody wants to see the darn thing.

17 So do we know from the architect's
18 standpoint or the consultation going on in the back
19 of the room whether that is feasible?

20 COMMISSIONER WEAVER: I don't want to
21 be out of turn, but --

22 CHAIRMAN HOLTZMAN: Go ahead, Dan.

23 COMMISSIONER WEAVER: -- given that all
24 of the equipment will be located on the ground floor
25 and probably all of the paneling servicing from the

1 service, and the electronic transfer switch, all of
2 that stuff is going to be downstairs, so to move the
3 generator up there, you either want to move all of
4 the equipment up there to the roof as well creating,
5 you know, more appurtenances on the roof --

6 COMMISSIONER CONROY: Right.

7 COMMISSIONER WEAVER: -- we got the
8 pad, if we could get the natural gas to it, I think
9 we should probably leave it where it is.

10 CHAIRMAN HOLTZMAN: It's also in a
11 pretty innocuous place between -- it's not like some
12 of the other locations, which were completely in
13 residential zones.

14 COMMISSIONER WEAVER: Side yards --

15 COMMISSIONER CONROY: Also we're
16 talking about, you know, they have to get permission
17 from the landlord, the owner of the building, if
18 they want to make any changes on the roof, so --

19 CHAIRMAN HOLTZMAN: Okay. So I just
20 wanted to throw that out for comment.

21 Jackie, did you want to throw something
22 in there?

23 MS. FOUSHEE: Yes.

24 I would like to confirm that there is
25 no service or anything being routed on the exterior

1 of the building to accommodate the site.

2 MR. COLASURDO: No.

3 CHAIRMAN HOLTZMAN: I'm good. I just
4 wanted to throw that out for the generator thing. I
5 wanted to see what people's thoughts were on that.

6 MS. ADAMSON: Just one more question to
7 complete my table.

8 The maximum allowable rooftop
9 appurtenance, all equipment, is that less than 30
10 percent? I assume it is, but I just need
11 confirmation.

12 THE WITNESS: It is.

13 MS. ADAMSON: Thank you.

14 CHAIRMAN HOLTZMAN: All right.

15 So that concludes the testimony, Mr.
16 Stilwell?

17 MR. STILWELL: Yes, it does.

18 CHAIRMAN HOLTZMAN: Thank you.

19 Are there any other questions from the
20 Commissioners?

21 Are there any questions from the
22 public?

23 Oh, I'm sorry. Commissioner Marks?

24 COMMISSIONER MARKS: I walked the site
25 this afternoon, and I did notice that the site is in

1 reasonably decent shape. However, the curbing,
2 especially at the intersection of Hudson and First,
3 is broken, and the handicapped accessible ramps are
4 non compliant right immediately in front of the
5 site.

6 There is also a set of stairs that are
7 towards River Street towards the intersection of
8 River and First Street. The stairs are broken and
9 in need -- I mean, it is a public hazard immediately
10 in front of the site. Not the main set of stairs
11 towards the front door, there are stores on River
12 Street, and it is just a public hazard.

13 Would the applicant be willing to
14 correct or fix the curbing?

15 There is also the pavers in front on
16 First Street, many of the pavers are heaving, and
17 there are gaps creating tripping hazards immediately
18 in front of this site.

19 Would the applicant be willing to fix
20 those, so it is not a public hazard?

21 MR. STILWELL: One more consultation.

22 CHAIRMAN HOLTZMAN: Sure. Take your
23 time.

24 (Counsel confers.)

25 CHAIRMAN HOLTZMAN: Mr. Stilwell?

1 Mr. Galvin?

2 (Counsel confer)

3 CHAIRMAN HOLTZMAN: Okay. I will open
4 it up to the folks from the public.

5 Does anybody have any additional
6 comments they want to make?

7 Sure, come forward.

8 MR. COHEN: I actually have a couple of
9 questions.

10 MR. GALVIN: Sure.

11 CHAIRMAN HOLTZMAN: Let's see where we
12 are.

13 THE REPORTER: State your name for the
14 record again.

15 MR. COHEN: Matt Cohen.

16 When we very first started, they talked
17 about the height of the actual building itself. I
18 don't know if you are actually familiar with the
19 building, but one side of the building has one more
20 story than the other side of the building.

21 CHAIRMAN HOLTZMAN: Yes.

22 MR. COHEN: I actually wasn't aware
23 when we started, that the towers would be on -- what
24 side is that -- it's the southwest side of the
25 building. Was the measurement done to the height of

1 the building?

2 CHAIRMAN HOLTZMAN: It was an average
3 height.

4 MR. COHEN: Is that the standard way to
5 make the measurement?

6 CHAIRMAN HOLTZMAN: Yes. There was a
7 high point over on Hudson Street, and there's a low
8 point obviously over on River, and the architect's
9 testimony is that it was an average height that they
10 provided to us.

11 MR. COHEN: Okay. And that's the
12 standard way of calculating -- okay.

13 Is this the point to make general
14 comments?

15 CHAIRMAN HOLTZMAN: Yes.

16 MR. GALVIN: Raise your right hand.

17 Do you swear to tell the truth, the
18 whole truth, and nothing but the truth, so help you
19 God?

20 MR. COHEN: I do.

21 MR. GALVIN: Proceed.

22 MR. COHEN: Thank you.

23 So I think the basis of what Verizon is
24 trying to do here, you know, they are predicated on
25 the fact that coverage is not there.

1 I don't think that in this case they
2 have proven that this is a coverage issue. I think
3 this is a monetary issue for Verizon, and I don't
4 think that, you know, the town should be opening up
5 additional sites all over town, so Verizon can save
6 money on their lease, and I think that is what this
7 boils down to is there is an existing site.

8 They very well could be using, you
9 know, Verizon isn't going to jump through all of
10 these hoops unless they are going to make money on
11 it some way, and I think that's the bottom line
12 here. They're trying -- whatever that is. I don't
13 understand the cell phone business well enough to
14 understand it. But I do understand that they
15 wouldn't be doing this unless there is a financial
16 incentive in it for them to do it.

17 I don't think that they have proven
18 that there is a need or benefit for the city, you
19 know, to have this additional site. I don't think
20 they have proven that in this case.

21 I think that the evidence that they
22 have brought to the table here was, you know,
23 misleading. It was incomplete, and I don't think
24 that they have provided enough evidence that there
25 is a benefit to the city to go through with this.

1 I think they have clearly shown that
2 there is a benefit for them to do it, but I don't
3 think that there is anything that the city would
4 benefit by having this additional site.

5 Thank you.

6 CHAIRMAN HOLTZMAN: Thank you.

7 Anybody else?

8 MR. GALVIN: Raise your right hand.

9 Do you swear to tell the truth, the
10 whole truth, and nothing but the truth, so help you
11 God?

12 MR. SHILOH: I do.

13 MR. GALVIN: State your name for the
14 record.

15 Please proceed.

16 MR. SHILOH: Elijah Shiloh, 41 First
17 Street.

18 I had the benefit just like you to sit
19 through this, and I think many of you have really
20 hit the nail on the head in terms of your pointed
21 questions.

22 I think there was a lot that was
23 missing. A lot of information was not provided to
24 the Planning Board.

25 This is the first time I have been to

1 one of these meetings, and I am very happy to see
2 how engaged the Board members here are in terms of
3 asking the right questions. I am astonished to see,
4 you know, the fact that a lot of information wasn't
5 provided to the residents of Hoboken beforehand in
6 terms of the real reason why they needed to move.

7 I am happy to see that the Board also
8 found out this information for the first time as
9 well.

10 I think the experts that were provided
11 to us did not provide diagrams on questions that we
12 were asking for, and oftentimes when the Planning
13 Board would ask questions, they weren't getting the
14 answers to the questions that were asked and would
15 have to follow up.

16 As a resident of Hoboken, I really
17 don't feel comfortable with the requests that was
18 made. Again, no proof has been provided as to the
19 real need, other than them saying that there is a
20 need.

21 I really don't believe that is enough,
22 because once you go down that path, you are going to
23 have every single applicant coming in and saying
24 that is the reason why we have a need. And every
25 single building that has a flat plain on the top is

1 going to have an antenna, and I really believe that
2 the City of Hoboken, because I grew up in this town,
3 I live here, and I really believe that the city
4 really makes an effort to make decisions that will
5 impact future generations, and I think this decision
6 is incredibly critical and should not be made
7 quickly. I am not comfortable with what was
8 presented here.

9 That is pretty much it.

10 Thank you very much.

11 CHAIRMAN HOLTZMAN: Thank you.

12 Anybody else from the public?

13 Sure, come on up.

14 MR. GALVIN: Raise your right hand.

15 Do you swear to tell the truth, the
16 whole truth, and nothing but the truth, so help you
17 God?

18 MR. ROTH: I do.

19 MR. GALVIN: State your full name for
20 the record and spell your last name.

21 MR. ROTH: It's Martin Roth, R-o-t-h.
22 41 First Street.

23 I think what my neighbors have not
24 actually mentioned when they were just speaking,
25 which is the reason that we are all here --

1 CHAIRMAN HOLTZMAN: Hey, Martin, just
2 face us so we can all hear you.

3 MR. ROTH: Yes, sorry.

4 We are concerned about what this does
5 to our neighborhood.

6 We live right across the street from
7 this building. Some of us look out of our windows,
8 and we are going to see whatever is there.

9 When the generator goes, when anything
10 goes on there, we will hear it in our homes, in our
11 bedrooms, and that is the reason we are here. That
12 is the reason we are concerned, and we just want to
13 make sure that our lives are not going to be
14 detrimentally affected for no good reason, and we
15 are just hoping that everybody takes that into
16 account even though it is a central business
17 district, we live there.

18 CHAIRMAN HOLTZMAN: Thank you.

19 Anybody else from the public?

20 CHAIRMAN HOLTZMAN: Okay. Seeing
21 there's no other people from the public, we will
22 close the public portion.

23 Dennis, you had generated a couple of
24 different conditions here. Could you just give us a
25 read on what you have done?

1 MR. GALVIN: I just have one last
2 question for the applicant.

3 What happened with the sidewalk and
4 curbing, did you --

5 CHAIRMAN HOLTZMAN: Oh, that's right.

6 COMMISSIONER MARKS: And stairs?

7 MR. STILWELL: Right.

8 I discussed it with Mr. Riffel.

9 We can take care of what is on the
10 property, but not in the public right-of-way, so to
11 the extent that there are issues with the property
12 itself, we will agree to address those with the
13 landlord and to be reasonably responsible for them.

14 If something turns out to be just
15 incredibly amazingly expensive for some reason, I
16 reserve the right to come back to the Board and ask
17 that the condition be waived.

18 CHAIRMAN HOLTZMAN: So is that -- I
19 will take that as a yes.

20 MR. STILWELL: It is a partial yes.
21 It is a yes for the conditions that exist on the
22 property, but not say the curbing that is part of
23 the street.

24 CHAIRMAN HOLTZMAN: I know that the
25 sidewalk, even though it might not be within a

1 private property owner's property line is still the
2 responsibility of the property owner to maintain.
3 Is that correct?

4 MR. STILWELL: Are you talking about
5 the pavers?

6 COMMISSIONER MARKS: That is my
7 understanding. You have a lot of heaving pavers.
8 You have gaps in between --

9 MR. STILWELL: Right. If it is --

10 CHAIRMAN HOLTZMAN: -- I'm not sure
11 with regard to the curbing.

12 Dennis, can you give us any insight on
13 that? In terms of I know the sidewalk is certainly
14 the responsibility of the property owner.

15 MR. GALVIN: The answer is it depends.

16 If this were a new building going in,
17 we would ask them to repair the curbs and sidewalks
18 all of the time, but there is a nexus -- and you
19 used the word "nexus" earlier, and that is what is
20 in my head -- but there is a nexus when we do a new
21 building to ask for reasonable off site improvement,
22 which is the curb and the sidewalk.

23 And when you have a tenant like this,
24 it is not like it's a restaurant or something, where
25 they are using the facility. What they are doing

1 here has really got no impact on the sidewalk and
2 the steps, but the property is in front of us, and
3 the Board shouldn't ignore existing problems, and I
4 think to the extent that there are offering to make
5 any repairs that get made out there will be a big
6 advantage, so --

7 CHAIRMAN HOLTZMAN: Commissioner Marks,
8 go ahead.

9 COMMISSIONER MARKS: So the steps, just
10 so you are aware, I mean, it is an imminent tripping
11 hazard. So just from a risk management point of
12 view, whether you are the owner or a lessee, and
13 being an attorney, you want to mitigate whatever
14 risks there are to your property. So even if you
15 are not empowered to fix it yourself, I would
16 definitely notify the property owner ASAP so
17 somebody doesn't fall down those steps and, you
18 know, end up suing.

19 MR. STILWELL: That is fine --

20 CHAIRMAN HOLTZMAN: Mr. Stilwell, would
21 it be reasonable to assume that the issues
22 concerning the paver sidewalk, the steps, which are
23 pavers, the heaving pavers that Commissioner Marks
24 is pointing out, would be within the scope of what
25 you would undertake, but that the curbing might be a

1 would be the most appropriate person with that
2 expertise.

3 MR. STILWELL: That would be fine.

4 CHAIRMAN HOLTZMAN: Great. I will be
5 happy to join you for that meeting.

6 MR. STILWELL: I will have Mr.
7 Colasurdo and Ms. Foushee communicate and meet.

8 CHAIRMAN HOLTZMAN: Great.

9 Thank you.

10 Dennis, are you still working out some
11 language on that?

12 MR. GALVIN: Yes, but I will be okay.

13 CHAIRMAN HOLTZMAN: So can you read
14 your conditions from the top, please?

15 MR. GALVIN: Got it. Okay.

16 CHAIRMAN HOLTZMAN: Go ahead.

17 MR. GALVIN: Let's talk about natural
18 gas -- I don't know if we want this first condition.
19 Tell me if you don't want it, okay?

20 The Board's RF expert is to confirm
21 that the intent of what's operational complies with
22 federal regulations.

23 Is that something that you do, or is
24 that a good idea?

25 MR. EISENSTEIN: Their compliance with

1 FCC and New Jersey state regulations with regard to
2 electromagnetic emissions.

3 CHAIRMAN HOLTZMAN: Let's go through
4 the language again. FCC?

5 MR. EISENSTEIN: FCC and New Jersey
6 state regulations with regard to electromagnetic
7 emissions.

8 MR. STILWELL: But you know that we are
9 in compliance. You don't need to go out there and
10 confirm that, do you?

11 MR. EISENSTEIN: No, no, no. Are you
12 saying --

13 MR. GALVIN: I thought there used to be
14 a way to take a meter out there and test it.

15 MR. EISENSTEIN: No, no. We don't do
16 that.

17 MR. GALVIN: So just say that --

18 MR. EISENSTEIN: They testified they
19 are only using FCC approved equipment. It's not
20 necessary to meter it.

21 CHAIRMAN HOLTZMAN: So we don't need
22 the condition.

23 COMMISSIONER CONROY: Strike the
24 condition.

25 MR. GALVIN: I said it was potentially

1 strikable.

2 (Laughter)

3 COMMISSIONER MOSSERI: Strike it.

4 MR. GALVIN: Fewer is better.

5 One: The applicant is to submit proof
6 that the backup generator provides the maximum sound
7 attenuation available and will provide the same
8 level as the city will be providing on its new
9 standby generators, so we're not asking to meet any
10 greater standard.

11 If this is a problem, you tell me
12 between now and the time of memorialization.

13 MR. STILWELL: And you will provide me
14 with those standards.

15 MR. GALVIN: You guys are going to talk
16 to Mr. Marks after the meeting.

17 MR. STILWELL: Yes.

18 MR. GALVIN: Two: The generator is to
19 comply with all state and municipal noise
20 regulations.

21 Three: The generator is to be tested
22 during weekdays between the hours of noon and three
23 p.m.

24 Four: The generators are to be powered
25 by natural gas, instead of diesel.

1 Five: The plan is to be revised to
2 show the new design of the antenna structure turns,
3 so that the public will not observe their faux
4 nature and will not --

5 CHAIRMAN HOLTZMAN: Hold on. Slow
6 down.

7 To show the design of the antenna --
8 what are we calling the shields --

9 MR. STILWELL: Concealment panels.

10 CHAIRMAN HOLTZMAN: -- concealment
11 panels.

12 MS. ADAMSON: Yes, and that is in
13 reference to the corner return?

14 CHAIRMAN HOLTZMAN: Yes.

15 So let's just reread that so it makes
16 sense.

17 MR. GALVIN: The plan is to be revised
18 to show the new design of the antenna concealment
19 panels, so that the public will not observe their
20 faux nature and will not observe the antenna.

21 Is that right?

22 CHAIRMAN HOLTZMAN: Not observe the
23 edge of the concealment panel, right?

24 MR. COLASURDO: We are going to
25 redesign the concealment panels to increase the

1 returns, so the antennas and the support structure
2 will not be seen subject to your consultant's review
3 and approval.

4 MR. GALVIN: Yes. I didn't type all of
5 that. I am going to leave it at faux nature, and
6 then I have: These revisions are to be reviewed and
7 approved by the Board's engineer.

8 Sometimes less is more.

9 Sixth: The applicant agreed to repair
10 any broken steps or sidewalk areas which exist
11 within the property boundary.

12 The applicant is to meet with the
13 Board's engineer to confirm the exact work to be
14 performed between now and the time of
15 memorialization.

16 CHAIRMAN HOLTZMAN: But it's not just
17 within the property boundary --

18 COMMISSIONER MARKS: Within and
19 adjacent to?

20 MS. ADAMSON: The sidewalk --

21 COMMISSIONER WEAVER: Didn't you say
22 the curb?

23 MR. GALVIN: Exists where?

24 CHAIRMAN HOLTZMAN: Well, they are
25 outside technically the property line, so using the

1 property boundary I think gets us --

2 COMMISSIONER MARKS: Within or adjacent
3 to.

4 MR. STILWELL: Within -- I would say
5 within the area of the landlord's responsibility,
6 property owner's responsibility.

7 (Board members confer)

8 MR. GALVIN: So we will change that up
9 to be: The applicant agreed to repair any broken
10 steps or sidewalk areas, which are the
11 responsibility of the landlord.

12 The applicant is to meet with the
13 Board's engineer to confirm the exact work to be
14 performed between now and the time of
15 memorialization.

16 That is all I have.

17 CHAIRMAN HOLTZMAN: Great.

18 Any of the Commissioners have any
19 questions or comments on the six conditions that
20 Dennis just read?

21 MS. FOUSHEE: I have.

22 CHAIRMAN HOLTZMAN: Jackie?

23 MS. FOUSHEE: You asked for testing to
24 be performed regarding the attenuation of the
25 generator.

1 Do you want to clarify that you would
2 like to have the results sent to you or me, or do
3 you just want the testing to be done?

4 CHAIRMAN HOLTZMAN: I'm not sure I
5 understand your question.

6 MS. FOUSHEE: You are going to test it
7 to confirm the levels of noise for the generator,
8 correct?

9 CHAIRMAN HOLTZMAN: I think what we
10 said was we were now going to send them a standard.

11 Stephen is going to make sure that we
12 get them a standard that we are using here in
13 Hoboken.

14 MR. GALVIN: To be fair, you don't know
15 what we just did recently, which is we just had six
16 generators that we approved all throughout the town
17 and we went them to comply with the same standards.

18 MS. FOUSHEE: No. I understand. But
19 you mentioned that in your conditions, that you want
20 them to test.

21 VICE CHAIR MAGALETTA: You want an
22 affirmative representation from them that they have
23 met the standard. Is that what you are saying?

24 CHAIRMAN HOLTZMAN: I think the testing
25 that is referred to, though -- two issues. There is

1 a noise testing that I think you are focused on
2 right now, but the testing that he was -- was the
3 testing of the actual generator itself to make sure
4 that it's working --

5 MS. FOUSHEE: Got it. I thought it was
6 for noise from the generator.

7 Thank you.

8 CHAIRMAN HOLTZMAN: Did I get that
9 right?

10 COMMISSIONER MOSSERI: Dennis, it's not
11 testing. It's maintenance. It's basically to make
12 sure it is operational.

13 MR. GALVIN: But I do this in every
14 town. We call it testing everywhere, which is it's
15 going to turn on for a half hour just to run through
16 its cycle.

17 MS. FOUSHEE: Right. But it's not for
18 noise.

19 MR. GALVIN: This is not for noise.

20 CHAIRMAN HOLTZMAN: If it just said
21 maintenance testing there, then it's more specific,
22 right?

23 MS. FOUSHEE: Thank you.

24 COMMISSIONER WEAVER: Let's just be
25 careful when we send that information over to them

1 to convey about the sound isolation, that we are
2 clear about, you know, because the maximum DB, is
3 that during idling or is that during -- you know, at
4 what power generation --

5 MR. GALVIN: Can I tell you the change?
6 No, seriously, I have given up on that.

7 What we are really doing is we are
8 telling them these are the generators that we are
9 using, and we want them to meet the standard that we
10 are using ourselves, so we don't have to worry about
11 them complying with the noise -- well, I have that
12 also.

13 The generator is to comply with all
14 state and municipal noise regulations. I am just
15 not asking for any proof of it. They are just going
16 to comply.

17 MS. FOUSHEE: But you are referring to
18 the language of the approval. He is referring to
19 what I am going to provide for them as far as their
20 specifications being specific, correct?

21 COMMISSIONER WEAVER: I think she knows
22 what I am talking about.

23 MS. FOUSHEE: Yes.

24 COMMISSIONER MOSSERI: It is what you
25 are going to provide them as the standard. That is

1 it.

2 COMMISSIONER CONROY: Okay.

3 CHAIRMAN HOLTZMAN: Okay.

4 COMMISSIONER WEAVER: What about the
5 removal of their equipment from the existing
6 location?

7 CHAIRMAN HOLTZMAN: Mr. Stilwell?

8 MR. STILWELL: Yes. We will agree to
9 remove the equipment from our existing location when
10 the new site becomes operational.

11 COMMISSIONER WEAVER: Including all
12 supports and --

13 MR. STILWELL: We have contractual
14 obligations to remove that stuff.

15 COMMISSIONER WEAVER: I just wanted to
16 make sure it is going to happen.

17 MR. STILWELL: Yes.

18 COMMISSIONER WEAVER: I don't want that
19 site being turned around and --

20 CHAIRMAN HOLTZMAN: Walked away from.

21 COMMISSIONER WEAVER: -- walked away
22 from or being rented to -- you know, it is a
23 licensed site. It could be turned around and rented
24 to somebody else, couldn't it?

25 CHAIRMAN HOLTZMAN: It could, and we

1 should receive an application for that then.

2 COMMISSIONER WEAVER: Why? It is
3 already licensed to be a wireless site.

4 MR. GALVIN: It's an interesting point.

5 MR. STILWELL: It would be a different
6 applicant. It would be a different licensee.

7 MR. GALVIN: Maybe, maybe not.

8 Are you okay with removing the
9 equipment from the existing location?

10 MR. STILWELL: Yes. I have no problem
11 with that.

12 MR. GALVIN: So let's just do that.

13 (Commissioner Weaver and Mr. Stilwell
14 talking at the same time.)

15 THE REPORTER: Wait a second. You
16 can't all talk at the same time.

17 CHAIRMAN HOLTZMAN: Is it 93 or 95
18 River?

19 MR. STILWELL: 95 River, and we will do
20 it within a reasonable time after as our site
21 becomes operational.

22 VICE CHAIR MAGALETTA: 30 days?

23 MR. STILWELL: 30 days? Maybe a little
24 longer.

25 VICE CHAIR MAGALETTA: We will say 45

1 days, but let's put a number.

2 MR. GALVIN: 60 days is okay.

3 VICE CHAIR MAGALETTA: That's fine.

4 CHAIRMAN HOLTZMAN: 60 days. Just put
5 a number on it, so it is enforceable.

6 MR. STILWELL: Put the 60 days on
7 there.

8 MR. GALVIN: Of the activation of this
9 site.

10 COMMISSIONER WEAVER: Antennas and
11 support structures.

12 MR. STILWELL: It would be all of our
13 equipment. I don't know where it all is. I don't
14 know if it's all on the roof or --

15 COMMISSIONER MOSSERI: We're just
16 saying we don't want to see anything.

17 COMMISSIONER WEAVER: A lot of times
18 there is a pipe stanchion that has been there for 25
19 years perhaps that is old, ugly and rusted, and all
20 of your equipment might come off of it, but then
21 you're still left with --

22 MR. STILWELL: We will remove all of
23 ours.

24 COMMISSIONER MOSSERI: We will just
25 write the word "support."

1 MR. GALVIN: I got that.

2 CHAIRMAN HOLTZMAN: Is there any
3 condition that needs to be put in this approval for
4 the potential down the road of removing this
5 equipment at a later date?

6 I know that we have seen that language
7 in other --

8 MR. STILWELL: The typical language is
9 if we cease to use the facility for that, it's
10 usually six months to a year, we will remove the
11 equipment.

12 VICE CHAIR MAGALETTA: What did the
13 lease say when the equipment was up?

14 My point is this may be superfluous.

15 MR. STILWELL: We do have lease
16 provisions regarding the move.

17 MR. GALVIN: Any landlord is going to
18 want this equipment removed at the end of the lease
19 term.

20 (Board members confer.)

21 MR. STILWELL: There is a whole section
22 on removal and restoration.

23 CHAIRMAN HOLTZMAN: That is in the
24 lease agreement?

25 MR. STILWELL: Yes.

1 CHAIRMAN HOLTZMAN: Okay.

2 CHAIRMAN HOLTZMAN: So is that good
3 enough to leave it alone?

4 Okay. So let's leave it alone. We
5 don't need that.

6 MR. GALVIN: Got it.

7 CHAIRMAN HOLTZMAN: Do we need to
8 reread any of these, or is there a motion to accept
9 these seven conditions as just read by Dennis?

10 COMMISSIONER WEAVER: Motion.

11 COMMISSIONER FORBES: Second.

12 CHAIRMAN HOLTZMAN: Second from
13 Director Forbes.

14 Pat, please call the roll.

15 MS. CARCONE: Commissioner Magaletta?

16 VICE CHAIR MAGALETTA: Yes.

17 MS. CARCONE: Commissioner Marks?

18 COMMISSIONER MARKS: Aye.

19 MS. CARCONE: Commissioner Forbes?

20 COMMISSIONER FORBES: Yes.

21 MS. CARCONE: Commissioner Bhalla?

22 COMMISSIONER BHALLA: Yes.

23 MS. CARCONE: Commissioner Mosseri?

24 COMMISSIONER MOSSERI: Yes.

25 MS. CARCONE: Commissioner Weaver?

1 COMMISSIONER WEAVER: Yes.

2 MS. CARCONE: Commissioner Conroy?

3 COMMISSIONER CONROY: Yes.

4 MS. CARCONE: Commissioner Holtzman?

5 CHAIRMAN HOLTZMAN: Yes.

6 Thank you.

7 MR. STILWELL: Thank you.

8 CHAIRMAN HOLTZMAN: Thank you, Mr.

9 Stilwell.

10 MR. STILWELL: Was that a motion to
11 approve the application?

12 CHAIRMAN HOLTZMAN: That was a motion
13 to approve the application, yes.

14 MR. STILWELL: Okay.

15 CHAIRMAN HOLTZMAN: Yes, with the seven
16 conditions. With the seven conditions that I am
17 sure Dennis will send to you in the next day or so.

18 MR. STILWELL: Thank you very much.

19 (The matter concluded at 11:05 p.m.).

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

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PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 5/13/14

This transcript was prepared in accordance with NJ ADC 13:43-5.9.

PLANNING BOARD

----- X
 REGULAR MEETING OF THE HOBOKEN :May 6, 2014
 PLANNING BOARD : 11:15 p.m.
 (EXECUTIVE SESSION) :
 ----- X

Held At: 94 Washington Street
 Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
 Vice Chair Frank Magaletta
 Commissioner Stephen Marks
 Commissioner Brandy Forbes
 Commissioner Ravi Bhalla
 Commissioner Gill Mosseri
 Commissioner Dan Weaver
 Commissioner Sasha Conroy

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

Remington, Vernick & Arango Engineers
 BY: Jacqueline Foushee, PE, CME
 Melanie Adamson, PE, PP

 Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
 CERTIFIED SHORTHAND REPORTER
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3 730 Brewers Bridge Road
4 Jackson, New Jersey 08527
5 (732) 364-3011
6 Attorney for the Board.

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1 MR. GALVIN: WHEREAS, NJSA 10:4-12 of
2 the Open Public Meetings Act permits the exclusion
3 of the public from a meeting in certain
4 circumstances set forth in paragraph (b) and

5 WHEREAS, this public body is of the
6 opinion that such circumstances presently exist.

7 NOW, THEREFORE BE IT RESOLVED, by the
8 Planning Board of City of Hoboken, County of Hudson,
9 State of New Jersey, as follows:

10 1. The public shall be excluded from
11 the Board's discussions of the hereinafter specified
12 matters.

13 2. The general nature of the subject
14 matter to be discussed is matters concerning pending
15 or anticipated litigation with regard to Shipyards
16 Pier 13 matter, wherein the Board is or may become a
17 party pursuant to NJSA 10:4-12(b)(7).

18 It is anticipated at this time that the
19 above matter will be made public once this
20 litigation and any appeal concluded.

21 This resolution takes effect
22 immediately.

23 Chairman Holtzman will sign it, and we
24 are going off the record.

25 (Executive Session held off the record)

1 CHAIRMAN HOLTZMAN: So signed.

2 We are back on the record, and we now
3 out of executive session. We are back on the
4 record.

5 Dennis, you have the floor.

6 COMMISSIONER MOSSERI: I am tired now.

7 You are going to go see the mayor on
8 Thursday. Could you please share the list of
9 priority items with the Board, so we can make a
10 comment on them, whatever you are going to speak to
11 her on?

12 MR. GALVIN: Yes. Now, we are in the
13 public, and we are talking about it.

14 COMMISSIONER MOSSERI: So we can all
15 see it.

16 COMMISSIONER WEAVER: You can't do a
17 reply to all, but you can reply to Gary.

18 CHAIRMAN HOLTZMAN: Right. Don't reply
19 all. That's all.

20 MR. GALVIN: Right. That's awesome.

21 COMMISSIONER MOSSERI: So if you want
22 to add an agenda item, you --

23 COMMISSIONER WEAVER: And five people
24 may say, we are talking about turkey feathers, but
25 you will edit.

1 COMMISSIONER CONROY: He will only ask
2 once about turkey feathers.

3 COMMISSIONER WEAVER: Yes.

4 COMMISSIONER MOSSERI: I would like to
5 know about Washington Street because they are going
6 through the planning process.

7 CHAIRMAN HOLTZMAN: You should have
8 been there at the meeting last night.

9 COMMISSIONER MOSSERI: I did -- I was.

10 CHAIRMAN HOLTZMAN: Okay.

11 COMMISSIONER MOSSERI: And you have the
12 consultants in the room.

13 COMMISSIONER CONROY: So are we
14 finished here?

15 CHAIRMAN HOLTZMAN: Are we finished
16 here?

17 Do we have a motion to close this
18 meeting?

19 COMMISSIONER CONROY: I will make a
20 motion to close.

21 COMMISSIONER MOSSERI: Second.

22 CHAIRMAN HOLTZMAN: All in favor?

23 (All Board members answered in the
24 affirmative.)

25 (The meeting concluded at 11:40 p.m.)

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

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PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300
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