

**HARDING TOWNSHIP BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
MAY 18, 2023
7:30 PM**

CALL TO ORDER AND STATEMENT OF COMPLIANCE

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

PLEDGE OF ALLEGIANCE

REGULAR MEETING

ROLL

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

Mr. Cammarata	Present	Mr. Newlin	Present	Mr. Maselli	Present
Mr. Addonizio	Present	Ms. Sovolos	Present	Mr. Boyan	Excused
Mr. Rosenbaum	Present	Mr. Symonds	Present	Mr. Flanagan	Present

The Board Attorney, Mr. Mlenak was present.

ADMINISTRATIVE

Mr. Flanagan announced that the following applications are carried until a May 30th Special Meeting:

Application BOA# 06-23	Hunter 34, LLC, 34 Hunter Dr. B48/L8.01
Application BOA #05-23	Jason Doctor, 546 Van Beuren Rd. B6/L11

RESOLUTIONS:

BOA# 01-23 Paul Coates, 50 Kitchell Road, B1/L8

Mr. Flanagan made a motion to adopt Resolution BOA #01-23 Coates. Mr. Rosenbaum seconded the motion. A roll vote went as follows:

For: Addonizio, Flanagan, Newlin, Rosenbaum, Sovolos & Symonds.

BOA# 03-23 Christopher & Lucy DeStefano, Deer Ridge Dr. B33/L11.01

Mr. Flanagan made a motion to adopt Resolution BOA #03-23 DeStefano. Mr. Rosenbaum seconded the motion. A roll vote went as follows:

For: Addonizio, Flanagan, Newlin, Rosenbaum, Sovolos Maselli & Symonds.

OLD BUSINESS

PUBLIC HEARING ON PROPOSED STIPULATION OF SETTLEMENT

Presenting:

Richard Schneider, Attorney

William Masters, Planner

Jeffrey Reynolds, Landscape Architect

James Murkowski, Engineer

Robert Simon, Objecting Attorney for the following:

Ms. Conine & Mr. Carifa of Lees Hill Road

Ms. Engel & Mr. Saganic of Millbrook Road

Mr. & Mrs. Bansal of Coppertree Lane

Mr. O' Donnell of Millbrook Road

Mr. Mlenak outlined the process that led up to tonight's meeting.

Mr. Schneider noted that the Board of Adjustment and the Town came to a settlement agreement.

Exhibits Presented:

Exhibit A-35, the Consent Order

Exhibit A-36, the Revised Site Plan set

Exhibit A-37, Landscape plans, L-1, L-2, L-3

The following residents had questions:

Ms. Engel had a question regarding stormwater runoff.

Mr. Weeks of Lees Hill Road questioned the appearance of the landscaping.

Mr. McKittrick asked to see the SIMs of the proposed tree.

The matter is carried to a May 30, 2023 Special Meeting starting at 6:00 p.m.

A copy of the transcripts is appended to the minutes.

The meeting adjourned at 11:02.

Lori Taglairino

Respectfully submitted by Lori Taglairino, Board of Adjustment Secretary

<div> <div>Page 1</div> <div> <div>HARDING TOWNSHIP BOARD OF ADJUSTMENT</div> <div> <div>IN THE MATTER OF: : TRANSCRIPT</div> <div>: CASE: BOA# 17-18 : OF New York SMSA Limited Partnership: D/b/a Verizon Wireless : SPECIAL MEETING Millbrook Road : Block 17; Lot 1; PL Zone : X</div> <div> <div>Tuesday, May 18, 2023 Municipal Building 21 Blue Mill Road New Vernon, NJ 07976 Commencing at 7:35 p.m.</div> <div>BOARD MEMBERS PRESENT:</div> <div> <div>MIKE FLANAGAN, Chairman</div> <div>ALF NEWLIN</div> <div>DAN MASELLI</div> <div>THOMAS ADDONIZIO</div> <div>ARIC ROSENBAUM</div> <div>MICHAEL CAMMARATA</div> <div>HUGH SYMONDS</div> <div>ELIZABETH SOVOLOS</div> </div> <div>ALSO PRESENT:</div> <div> <div>LORI TAGLAIRINO, Board Administrator</div> <div>PAUL D. FOX, P.E., CME</div> <div>McKINLEY MERTZ, PP, AICP</div> </div> <div> <div>IRIS LaROSA, Certified Shorthand Reporter</div> <div>PRECISION REPORTING SERVICE Certified Shorthand Reporters (908) 642-4299</div> </div> </div> </div> </div></div>	<div> <div>Page 2</div> <div> <div>1 APPEARANCES:</div> <div>2</div> <div>3 GREENBAUM, ROWE, SMITH & DAVIS, LLP</div> <div>BY: STEVEN G. MLENAK, ESQUIRE</div> <div>Attorneys for the Board</div> <div>4</div> <div>5 VOGEL, CHAIT, COLLINS & SCHNEIDER, ESQUIRES</div> <div>BY: RICHARD SCHNEIDER, ESQUIRE</div> <div>Attorneys for the Applicant</div> <div>6</div> <div>7</div> <div>8 HEROLD LAW, PA</div> <div>BY: ROBERT F. SIMON, ESQUIRE</div> <div>Attorneys for the Objectors:</div> <div>9 James M. Carifa and Sarah G. Conine; Neil</div> <div>O'Donnell; Livio Saganic; and Harsh and</div> <div>Nina Bansal</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> </div> </div>
<div> <div>Page 3</div> <div> <div>1 INDEX</div> <div>2</div> <div>3 Witness Page</div> <div>4 JAMES MURAWSKI</div> <div>By Mr. Schneider..... 10</div> <div>By Mr. Simon..... 31</div> <div>5</div> <div>6 JEFFREY REYNOLDS</div> <div>By Mr. Schneider..... 83</div> <div>By Mr. Simon..... 99</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11 EXHIBITS</div> <div>12 EXHIBIT DESCRIPTION PAGE</div> <div>13 A-35 Consent Order 9</div> <div>14 A-36 Plans 9</div> <div>15</div> <div>16</div> <div>17 PUBLIC MEMBER COMMENTS:</div> <div>18 Christel Engel.....page 81</div> <div>Richard Weeks.....page 97</div> <div>Brian McKittrick.....page 149</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> </div> </div>	<div> <div>Page 4</div> <div> <div>1 CHAIRMAN FLANAGAN: So tonight we are back</div> <div>2 to Board of Adjustment 17-18. This is the Verizon</div> <div>3 application. Welcome back everyone.</div> <div>4 Steve, Mr. Schneider, Mr. Simon, welcome</div> <div>5 back.</div> <div>6 Steve, do you want to just give us two</div> <div>7 minutes on why we're here? Sort of a history on what</div> <div>8 we're doing tonight.</div> <div>9 MR. MLENAK: I'll do my best to keep it to</div> <div>10 two minutes.</div> <div>11 So yes, this is a public hearing on</div> <div>12 Application number BOA 17-18, which is an application</div> <div>13 that was filed by New York SMSA Limited Partnership</div> <div>14 doing business as Verizon Wireless back in 2018 seeking</div> <div>15 Preliminary and Final Site Plan approval with Use</div> <div>16 Variance relief to permit the construction of a</div> <div>17 wireless telecommunications tower on property located 8</div> <div>18 Millbrook Road as shown on the official tax maps of the</div> <div>19 Township as Block 17, Lot 1. The property's owned by</div> <div>20 the Township which is currently used as the Township's</div> <div>21 Public Works Department facility in the Township's PL</div> <div>22 Zone.</div> <div>23 On May 10, 2022, the Board of Adjustment</div> <div>24 voted to deny the application, and on June 16, 2022,</div> <div>25 the Board voted to adopt a Resolution memorializing</div> </div> </div>

<p style="text-align: right;">Page 5</p> <p>1 such denial.</p> <p>2 Verizon subsequently filed a Federal</p> <p>3 lawsuit against the Board and the Township challenging</p> <p>4 the Board's denial of the application in the district</p> <p>5 of New Jersey, Docketed as Civil Action number</p> <p>6 2:22-CV-04531. On December 15, 2022, the Board of</p> <p>7 Adjustment adopted Resolution BOA number 14-2022, which</p> <p>8 authorized the preparation, execution, and filing of a</p> <p>9 consent order for the purpose of scheduling a public</p> <p>10 hearing to consider a stipulation of settlement between</p> <p>11 the parties to the litigation.</p> <p>12 On March 21, 2023, a Stipulation of</p> <p>13 Settlement and Consent Order was filed with the</p> <p>14 District Court containing the proposed terms of the</p> <p>15 settlement of litigation subject only to this public</p> <p>16 hearing. Tonight's public hearing is sometimes</p> <p>17 referred to as a Whispering Woods Hearing, named so</p> <p>18 after the case known as Whispering Woods versus</p> <p>19 Middletown Planning Board 220 N.J. Super.161.</p> <p>20 As stated by the Court in that case the</p> <p>21 settlement of a lawsuit between an applicant and the</p> <p>22 Board "must necessarily be conditioned upon a public</p> <p>23 hearing on the agreed plan just as if the new</p> <p>24 application were being presented to the Board and must</p> <p>25 be subject to all statutory conditions necessary to</p>	<p style="text-align: right;">Page 6</p> <p>1 vindicate the public interest. This includes notice,</p> <p>2 public hearing, public vote, and a written Resolution."</p> <p>3 Notice of proposed stipulation settlement</p> <p>4 tonight has been made by the Applicant in accordance</p> <p>5 with Municipal Land Use Law and tonight the Applicant</p> <p>6 will be expected to present its case in support of the</p> <p>7 plan it hatched to the consent order. Just as with any</p> <p>8 public hearing the Board and the public will be</p> <p>9 permitted to ask questions of any witnesses at the</p> <p>10 appropriate time at the conclusion of the Applicant's</p> <p>11 case. The public will be permitted to make public</p> <p>12 comment. At the conclusion the Board will be asked to</p> <p>13 vote on whether or not to approve the application under</p> <p>14 the term of the consent order.</p> <p>15 For the record, this is not a new</p> <p>16 application starting anew. Tonight's hearing will be</p> <p>17 expressly incorporated into the record contained in the</p> <p>18 prior 27 public hearings on the application. If there</p> <p>19 are no other questions, Mr. Chairman, I can turn it</p> <p>20 over to the Applicant.</p> <p>21 CHAIRMAN FLANAGAN: Okay. I will note that</p> <p>22 the five-minute rule for public comment is in effect</p> <p>23 tonight, as it is every night. So when it's time for</p> <p>24 public comment please keep that in mind, the same as it</p> <p>25 was the last time. Likewise, when there are witnesses</p>
<p style="text-align: right;">Page 7</p> <p>1 you can ask questions of the witnesses after the</p> <p>2 witness has been presented, and then -- but there will</p> <p>3 be a time again, public comment time, where you can</p> <p>4 just tell us your thoughts. It doesn't have to be</p> <p>5 related to any testimony. With that said, Mr.</p> <p>6 Schneider, welcome back.</p> <p>7 MR. SCHNEIDER: Thank you, Mr. Chairman.</p> <p>8 Nice to see everybody again. For the record, Richard</p> <p>9 Schneider of the law firm of Vogel, Chait, Collins and</p> <p>10 Schneider on behalf of the Applicant Verizon Wireless.</p> <p>11 I thank Steve for his comprehensive,</p> <p>12 concise, and accurate review of the processes which has</p> <p>13 led us to tonight's hearing. I take no issue with his</p> <p>14 recitation of that procedural history. I would just</p> <p>15 like to -- and I'll highlight it, do it briefly,</p> <p>16 highlight two aspects to further supplement what Mr.</p> <p>17 Mlenak has noted.</p> <p>18 To reaffirm what Steve said, under</p> <p>19 paragraph four of the consent order to which Steve</p> <p>20 referred to it should be, again, noted that the</p> <p>21 underlying record, the 27 or so public hearings, are</p> <p>22 incorporated into this procedure.</p> <p>23 Point two: Under the Consent Order,</p> <p>24 Verizon Wireless and the Consent Order contains a</p> <p>25 number of stipulations made by the respective parties.</p>	<p style="text-align: right;">Page 8</p> <p>1 Under paragraph three of the Consent Order Verizon</p> <p>2 Wireless was required to indicate its consent to those</p> <p>3 conditions. I did so when I refiled the plans for this</p> <p>4 matter. So let the record reflect that Verizon</p> <p>5 Wireless does consent to those conditions as set forth</p> <p>6 in paragraph three of the consent order.</p> <p>7 I have three witnesses. My hope is that</p> <p>8 they are brief but famous last words. The three</p> <p>9 witnesses are as follows: James Murawski, who</p> <p>10 previously testified in this matter, is the Applicant's</p> <p>11 site plan Engineer. In summary, Mr. Murawski will be</p> <p>12 reviewing the revisions to the site plans that are</p> <p>13 reflected on the "plans" as referenced in the Consent</p> <p>14 Order.</p> <p>15 The second individual is Jeffrey Reynolds</p> <p>16 from the Reynolds Group. Mr. Reynolds is a certified</p> <p>17 landscape architect and the primary focus of his</p> <p>18 testimony will be testifying as to the landscaping plan</p> <p>19 as reflected on Sheets L-1, L-2, and L-3 of the</p> <p>20 aforesaid plans.</p> <p>21 The third intended witness will be Mr.</p> <p>22 William Masters, the Applicant's Professional Planner.</p> <p>23 There were a couple of documentary</p> <p>24 submissions that were made in the course of the</p> <p>25 presentation. Just for purposes of the record I'd like</p>

<p style="text-align: right;">Page 9</p> <p>1 to at least pre-mark two of them now and then we'll get</p> <p>2 to the third one when Mr. Masters testifies.</p> <p>3 Based on my communications with Lori and</p> <p>4 Steve today I believe we're up to Exhibit A-35, is that</p> <p>5 correct, Lori?</p> <p>6 SECRETARY TAGLAIRINO: Yes. It will be</p> <p>7 A-35.</p> <p>8 MR. SCHNEIDER: So what I would like to do,</p> <p>9 and I have extra copies if any members of the public or</p> <p>10 Board so requires. I'd like to mark the entirety of</p> <p>11 the Consent Order as Exhibit A-35. And just for ease</p> <p>12 of reference I want to mark the plans, even though</p> <p>13 they're contained within the Consent Order, I'll mark</p> <p>14 them or have them so indicated as being Exhibit A-36.</p> <p>15 Unless Steve or any member of the Board has an</p> <p>16 objection, that would be my request.</p> <p>17 MR. MLENAK: That's appropriate.</p> <p>18 (Exhibits A-35 and A-36 are received and</p> <p>19 marked.)</p> <p>20 MR. SCHNEIDER: And I will be marking, and</p> <p>21 I did submit, just so there's no misunderstanding, we</p> <p>22 did submit a supplemental visual analysis that Mr.</p> <p>23 Masters will be testifying to. My intention ultimately</p> <p>24 will be to mark that as A-37, but we can hold off until</p> <p>25 he testifies. So unless there's any specific questions</p>	<p style="text-align: right;">Page 10</p> <p>1 I'm prepared to proceed with Mr. Murawski.</p> <p>2 Jim, if you can come up.</p> <p>3 SECRETARY TAGLAIRINO: Mr. Schneider, can</p> <p>4 you put his microphone on, please? Thank you. And</p> <p>5 where do you want to start? Do you want to start with</p> <p>6 the settlement, or do you want to start with drawings,</p> <p>7 or we're not anywhere near there yet?</p> <p>8 MR. SCHNEIDER: In terms of producing on</p> <p>9 the screen, probably the drawings, okay.</p> <p>10 MR. MLENAK: So Mr. Murawski, you've</p> <p>11 testified on this matter before. I know you're under</p> <p>12 oath, but it has been some time so I'll swear you in</p> <p>13 just for precaution, if you don't mind.</p> <p>14 Raise your right hand, please?</p> <p>15 State your full name and spell your last</p> <p>16 name, please.</p> <p>17 THE WITNESS: James Murawski,</p> <p>18 M-u-r-a-w-s-k-i.</p> <p>19 MR. MLENAK: And you swear to tell the</p> <p>20 truth, the whole truth, and nothing but the truth</p> <p>21 tonight?</p> <p>22 THE WITNESS: I do.</p> <p>23 J A M E S M U R A W S K I, having been</p> <p>24 duly sworn, testifies as follows:</p> <p>25 MR. SCHNEIDER: Thank you, Counsel.</p>
<p style="text-align: right;">Page 11</p> <p>1 EXAMINATION BY MR. SCHNEIDER:</p> <p>2 Q. Mr. Murawski, you have previously presented</p> <p>3 testimony on, I believe, three separate public hearings</p> <p>4 before this Board. Your testimony was accepted as an</p> <p>5 expert witness in the field of civil engineering.</p> <p>6 Let me ask you, you were previously</p> <p>7 licensed as a professional engineer in the state of New</p> <p>8 Jersey. Are you still so licensed; correct?</p> <p>9 A. Correct.</p> <p>10 Q. And you remain a principal of the firm of</p> <p>11 E2PM; correct?</p> <p>12 A. Yes.</p> <p>13 CHAIRMAN FLANAGAN: We still accept him as</p> <p>14 expert.</p> <p>15 MR. SCHNEIDER: Thank you.</p> <p>16 BY MR. SCHNEIDER:</p> <p>17 Q. Mr. Murawski, I'm going to refer you where</p> <p>18 appropriate, and Lori is going to be kind enough to</p> <p>19 post those. And on the screen, I'm going to refer you</p> <p>20 to Exhibit A-36 where appropriate. So if there's any</p> <p>21 specific sheets of the site plan please feel free to</p> <p>22 refer to them in the course of your testimony.</p> <p>23 And just for purposes of the record those</p> <p>24 plans are sealed under your name dated March 2nd, 2023,</p> <p>25 although in the lower left-hand corner they're so noted</p>	<p style="text-align: right;">Page 12</p> <p>1 as 3/6/23; is that correct?</p> <p>2 A. That's correct. However, the landscape</p> <p>3 plans were not prepared under my license.</p> <p>4 Q. We will get to that in a second. And you</p> <p>5 are the preparer of those plans with the exception of</p> <p>6 the landscaping plans which were under the seal of Mr.</p> <p>7 Reynolds who will subsequently follow you; is that</p> <p>8 correct?</p> <p>9 A. That's correct.</p> <p>10 Q. And in the interest of time, and without me</p> <p>11 performing my usual comprehensive question and</p> <p>12 answering process, let me ask you just from an overall</p> <p>13 perspective if you can review for the Board what are</p> <p>14 the specific revisions to the plans that had been made</p> <p>15 in conjunction with the settlement -- what I'll refer</p> <p>16 to them as the Consent Order. They're technically the</p> <p>17 Stipulation of Settlement and the Consent Order.</p> <p>18 And in doing so I want, if necessary, you</p> <p>19 to address those in the context you previously</p> <p>20 testified at the March 31st, 2022, hearing with</p> <p>21 reference to Exhibit A-34. We don't need to refer to</p> <p>22 that, but in the context of the differences between</p> <p>23 that which is reflected on Exhibit A-34, which was</p> <p>24 presented at the March 31st, 2022, hearing, and that</p> <p>25 which has now been marked as Exhibit A-36, can you</p>

<p style="text-align: right;">Page 13</p> <p>1 review for the Board what are the changes to the plans?</p> <p>2 A. Sure. Perhaps it's best if we can zoom in</p> <p>3 on the compound on SP-1. So generally speaking --</p> <p>4 CHAIRMAN FLANAGAN: You had the page, Lori.</p> <p>5 SECRETARY TAGLAIRINO: Oh, this is the</p> <p>6 page?</p> <p>7 THE WITNESS: Yes. Just where the compound</p> <p>8 is, if we can enlarge.</p> <p>9 SECRETARY TAGLAIRINO: You want me just to</p> <p>10 get it --</p> <p>11 CHAIRMAN FLANAGAN: Left of the bow-tie.</p> <p>12 THE WITNESS: Closer in to where the</p> <p>13 recycling shed is.</p> <p>14 So generally speaking the compound is still</p> <p>15 proposed to be located to the rear of that one</p> <p>16 recycling shed. This drawing has the setback</p> <p>17 dimensions on it. Maybe if we can get a little closer</p> <p>18 we can see some of those numbers.</p> <p>19 SECRETARY TAGLAIRINO: You just want me to</p> <p>20 focus on this bottom part?</p> <p>21 THE WITNESS: Yes. Thank you.</p> <p>22 SECRETARY TAGLAIRINO: By the way, there is</p> <p>23 a pointer. The yellow button. If you push the yellow</p> <p>24 button. So let me get you squared away and I'll go in</p> <p>25 -- so we're just focusing on --</p>	<p style="text-align: right;">Page 14</p> <p>1 THE WITNESS: On the shed and the part</p> <p>2 behind it.</p> <p>3 SECRETARY TAGLAIRINO: That's as far as it</p> <p>4 goes.</p> <p>5 THE WITNESS: Thank you for that. This</p> <p>6 pointer is not reaching.</p> <p>7 MR. MLENAK: It was.</p> <p>8 THE WITNESS: There you go. So we are</p> <p>9 continuing to propose that the compound be located to</p> <p>10 the rear of the recycling shed as before. The</p> <p>11 dimensions of the compound have been reduced somewhat.</p> <p>12 We're now proposing a compound that's 17.5-feet wide by</p> <p>13 16 feet in overall length. It will be bordered on the</p> <p>14 open side by an 8-foot tall, wood, board-on-board</p> <p>15 fence. The equipment elements within the compound</p> <p>16 remain the same as before; however, they've been</p> <p>17 relocated as shown. And the next sheet that we're</p> <p>18 going to go to show that better.</p> <p>19 The pole -- we were able to relocate the</p> <p>20 pole such that it's tucked closer to the recycling shed</p> <p>21 than before, such that the center of the pole is now</p> <p>22 72.3 feet off of the property line as illustrated here.</p> <p>23 The dimension in this direction, the 120. 8-foot</p> <p>24 setback is essentially the same, plus or minus a foot</p> <p>25 as before.</p>
<p style="text-align: right;">Page 15</p> <p>1 So in the meantime between the last hearing</p> <p>2 and today a few technical programs was executed. Two</p> <p>3 soil borings were conducted by a geotechnical engineer</p> <p>4 and a drilling crew, and the soils that were accounted</p> <p>5 were evaluated for a foundation for a proposed pole.</p> <p>6 It was our understanding prior to that</p> <p>7 report that we would or probably would encounter a</p> <p>8 layer of shale, thereby, making a caisson-type</p> <p>9 foundation not feasible. So we were initially thinking</p> <p>10 that a mat foundation would be required. Now we know</p> <p>11 that there is shale there. It's highly friable. Up to</p> <p>12 a depth of 18 feet below grade where it's a little bit</p> <p>13 more compact but still friable such that an auger can</p> <p>14 drill into it.</p> <p>15 So the recommendation of the geotechnical</p> <p>16 engineer in his report was that this proposed pole can</p> <p>17 be supported by a caisson-type foundation. That report</p> <p>18 was then given to a pole manufacturer. The pole</p> <p>19 manufacturer, his analysis was submitted within the</p> <p>20 consent agreement. The pole was designed and the</p> <p>21 foundation for it was designed based on the</p> <p>22 geotechnical report provided, and a caisson foundation</p> <p>23 was submitted as part of the consent agreement. That</p> <p>24 enabled us to tuck the pole such that we now have a</p> <p>25 72.3-foot offset. The earlier offset I believe was</p>	<p style="text-align: right;">Page 16</p> <p>1 66.3 feet, if I'm not mistaken. That's about as far</p> <p>2 away as we can get or about as close to the shed as we</p> <p>3 dare push the foundation.</p> <p>4 If we can go to the next drawing, please.</p> <p>5 SECRETARY TAGLAIRINO: Is this where you</p> <p>6 want to be?</p> <p>7 THE WITNESS: Yes, thank you.</p> <p>8 SECRETARY TAGLAIRINO: Let me just take it</p> <p>9 out a little bit so -- is that everything that you need</p> <p>10 to see or do we need more?</p> <p>11 THE WITNESS: That's perfect. Thank you.</p> <p>12 So this is a little bit more legible,</p> <p>13 easier to follow. That's the proposed location for the</p> <p>14 pole that has been submitted within the Consent</p> <p>15 Agreement.</p> <p>16 The inner circle is the pole itself which</p> <p>17 at this point in time is approximately 40 inches in</p> <p>18 diameter at the base. The outer circle is the concrete</p> <p>19 caisson foundation which is approximately 6 feet in</p> <p>20 diameter, if I'm not mistaken. We're showing it to be</p> <p>21 3.5 feet off the corner of the shed to the edge of the</p> <p>22 caisson and you really don't want to go any closer than</p> <p>23 that.</p> <p>24 MR. SCHNEIDER: Just to interrupt you while</p> <p>25 on that one point. At the March 31st, 2022, public</p>

<p style="text-align: right;">Page 17</p> <p>1 hearing Mr. Fox indicated that in his professional 2 opinion it should be approximately 2 to 3 feet from a 3 safety perspective to the recycling center. So we're 4 maintaining at least that recommendation from Mr. Fox; 5 correct?</p> <p>6 THE WITNESS: Correct. We're showing it at 7 3.5 feet.</p> <p>8 MR. SCHNEIDER: Thank you.</p> <p>9 THE WITNESS: What else is a little bit 10 more clearly legible is the location of the equipment, 11 the 17.5-foot-by-60-foot dimensions of the proposed 12 compound. The compound is sized primarily only for 13 Verizon, although there is space available for other 14 collocators' equipment, but I can't comment exactly on 15 whether there's enough space or not, not knowing what 16 their requirements are, but having worked for other 17 carriers they would probably need to bump the fence out 18 on one of these sides by, let's say, 3 feet to 19 accommodate their equipment layout.</p> <p>20 The other item of significance is Verizon 21 is still proposing a 30kW gas emergency generator. The 22 generator does meet the noise criteria as stipulated by 23 the Township's Ordinance, as well as the state of New 24 Jersey given this location. I'm pretty sure that's the 25 summary of the latest changes.</p>	<p style="text-align: right;">Page 18</p> <p>1 BY MR. SCHNEIDER:</p> <p>2 Q. Let me follow up with a couple of questions 3 before we get into a different area. The compound, the 4 original compound, as reflected in the original 5 application submission was, if my memory serves me 6 correct, 30-by-60 comprising 1800-square feet; is that 7 consistent with your recollection?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And to be clear it was the Board who 10 made the inquiry as to whether that compound in terms 11 of its initial construction can be reduced in terms of 12 the physical infrastructure. And the Applicant back in 13 March of 2022 in accordance with Exhibit A-34 made that 14 change. Nothing has changed or been revised as to the, 15 essentially, the parameters or dimensions of the 16 compound layout; is that correct?</p> <p>17 A. That's correct.</p> <p>18 Q. The fencing remains the same, et cetera?</p> <p>19 A. Correct.</p> <p>20 Q. No change in the generator; correct?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. The consent order, which we'll get 23 to in a moment, the consent order -- bear with me. I 24 want to quote accurately the provisions of the consent 25 order. The consent order does require that the</p>
<p style="text-align: right;">Page 19</p> <p>1 generator when routinely exercised is to be undertaken 2 Monday through Friday between the hours of 10:00 a.m. 3 and 4:00 p.m. for a duration not to exceed 30 minutes.</p> <p>4 Can the Applicant comply with those 5 provisions as to its regular maintenance?</p> <p>6 A. Yes. The Applicant can comply with that.</p> <p>7 Q. And generally weather permitting the 8 generators are exercised only once a week not to exceed 9 30 minutes, and I understand generally on Tuesdays, but 10 is that correct?</p> <p>11 A. Correct. Based on the air quality of the 12 state of New Jersey.</p> <p>13 Q. Understood. Now, if there's nothing 14 further relative to the compound and the revisions to 15 the actual communications tower I want to turn your 16 attention -- Lori, can you go back to -- can you go to 17 Exhibit A-35, the Consent Order?</p> <p>18 SECRETARY TAGLAIRINO: Where do you want to 19 be in this? Wait a minute, the Consent Order? Wait a 20 minute. That's the stipulation, isn't it?</p> <p>21 MR. SCHNEIDER: Yes. Take your time. If 22 you can go to --</p> <p>23 SECRETARY TAGLAIRINO: Is this it here?</p> <p>24 MR. SCHNEIDER: Yes. And about half to 25 three-quarters of the way through is Exhibit-2 to the</p>	<p style="text-align: right;">Page 20</p> <p>1 Consent Order.</p> <p>2 MR. MLENAK: Go down, not up. Keep going.</p> <p>3 MR. SCHNEIDER: Keep going. Skip the 4 plans.</p> <p>5 MR. MLENAK: Yes. Skip through all the 6 plans, yes.</p> <p>7 SECRETARY TAGLAIRINO: I'm not as well 8 versed in this as you are. Wait, so these are --</p> <p>9 MR. SCHNEIDER: There you go. Okay. Stop 10 right there.</p> <p>11 SECRETARY TAGLAIRINO: Let me just make 12 this so you can see.</p> <p>13 BY MR. SCHNEIDER:</p> <p>14 Q. Jim, references now made to Exhibit-2 of 15 Exhibit A-35, do you recognize what that is?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And can you explain for the Board 18 what that is intended to be?</p> <p>19 A. Sure. This is a photograph of an actual 20 tree pole installation provided to us by the 21 manufacturer, in this case it's TAPP. This is the tree 22 pole design that is included in the Consent Agreement. 23 The design is part of the agreement for this type tree. 24 This tree is approximately, I can't remember, 60 or 70 25 feet in overall height, and we simply asked the</p>

<p style="text-align: right;">Page 21</p> <p>1 question, will it look exactly like this if the tree 2 was 80-foot high with 86 to the top of the branches, 3 and the reply was yes. 4 So the proposal is to provide this design 5 for the tree pole for this application. 6 MR. SCHNEIDER: Lori, can you now go to 7 Exhibit-3 which is the next page? 8 BY MR. SCHNEIDER: 9 Q. Jim, I'm referring you now to Exhibit-3 of 10 the Consent Order. And it's marked on the first page 11 with TAPP and that is to whom you just referred to. 12 Can you, without getting into the nitty-gritty details 13 of each page of that can you generally provide an 14 overview to the Board and members of the public as to 15 that which is reflected on Exhibit-3 to the Consent 16 Order? 17 A. The sheet that's on the screen, as well as 18 the majority of the following sheets, are pages of the 19 actual design of the tree pole. The pole itself, and 20 the caisson foundation follows. The first sheet in the 21 upper right you'll notice tables, and one of the tables 22 is titled with the word "design." And that is the 23 design criteria for this location as stipulated by 24 building code criteria, which is the 2018 IBC, which 25 refers to TIA-222 Rev H, and ASCE 7-16 for windloading</p>	<p style="text-align: right;">Page 22</p> <p>1 conditions. So this tree was physically -- I'm sorry, 2 conceptually designed by the manufacturer for this 3 application. 4 Q. And in the upper right-hand corner I note 5 it reflects the tree height of 80 feet; correct? 6 A. Correct. 7 Q. And also contains the various wind speeds 8 applicable to that standard that you just articulated; 9 correct? 10 A. Correct. 11 Q. And I note for informational purposes can 12 you indicate where the branching on the tree would 13 begin since that was the subject of some significant 14 prior testimony during the course of the many hearings? 15 A. So per the design the branching will begin 16 at 40 feet above grade. 17 Q. And referring to the second sheet, that 18 references -- if you can just switch and go to the next 19 sheet, Lori. A little bit lower. There you go. 20 Mr. Murawski, I see that there's a 21 reference to a caisson foundation on the bottom of that 22 page. So the caisson foundation, based on the 23 testimony that you presented previously here, has been 24 factored into this very specific design; correct? 25 A. That is correct.</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Okay. And is there anything else that you 2 wish to bring to the Board's attention relative to the 3 remaining pages of the specifications? 4 A. It's simply their analysis of this design. 5 Q. And that analysis is based on the variety 6 of factors, the geotech, the height of the tower, the 7 windload and all of those current -- 8 A. Yes. The required design criteria. 9 MR. SCHNEIDER: Mr. Chairman, I have 10 nothing further for Mr. Murawski. 11 CHAIRMAN FLANAGAN: Thank you. Does the 12 Board have any questions? 13 BOARD MEMBER NEWLIN: I do. 14 BOARD MEMBER MASELLI: I do. Alf, you can 15 go first. 16 CHAIRMAN FLANAGAN: Alf, go first. 17 BOARD MEMBER NEWLIN: My questions are, I 18 guess, on page 18. 19 MR. MLENAK: On the blue on the Consent 20 Order, page 18 on the blue, which would be Drawing C-3. 21 CHAIRMAN FLANAGAN: Lori, do you hear that 22 feedback? 23 SECRETARY TAGLAIRINO: I'll get that first. 24 It might be too close so I'll move it. 25 CHAIRMAN FLANAGAN: Thank you. All right,</p>	<p style="text-align: right;">Page 24</p> <p>1 Alf. Thanks. 2 BOARD MEMBER NEWLIN: Mr. Murawski, so my 3 question actually is on the antenna aspects regarding 4 transmissions. Can you tell us what transmissions 5 standards will be supported by the tower 3G, 4G, 5G? 6 THE WITNESS: I cannot. 7 BOARD MEMBER NEWLIN: Is there any other 8 engineer you can have that can answer that question? 9 MR. SCHNEIDER: If you're asking for the 10 frequencies, Mr. Newlin, I can indicate that to you. 11 BOARD MEMBER NEWLIN: Both actually. 12 MR. SCHNEIDER: It would be 5G will be 13 deployed as the phrases generally known as Nationwide 14 5G. The frequencies to be utilized are as follows: 15 700; 850, which is commonly or previously referred to 16 as the cellular frequency band; 1900 which is the PCS 17 frequency band; 2100 which is AWS; and frequency bands 18 in the 3.5 gigahertz. 19 BOARD MEMBER NEWLIN: So 5G will be 20 available -- will residents -- because I believe the 21 testimony was saying it was approximately 1,500 feet or 22 something like that. But will residents actually -- 23 neighbors get the benefit of that 5G? Sounds like yes. 24 MR. SCHNEIDER: Yes. As 5G has different 25 connotations in terms of what one considers to be 5G.</p>

<p style="text-align: right;">Page 25</p> <p>1 BOARD MEMBER NEWLIN: I'm sorry, but the</p> <p>2 fact that there's going to be higher frequencies so you</p> <p>3 get the higher transmission benefits of 5G. So we get</p> <p>4 5G service --</p> <p>5 MR. SCHNEIDER: As one defines 5G service,</p> <p>6 yes.</p> <p>7 BOARD MEMBER NEWLIN: But they also get the</p> <p>8 higher frequency if they live close enough. So you get</p> <p>9 the post office --</p> <p>10 MR. SCHNEIDER: I'm sorry. I didn't want</p> <p>11 to interrupt you. They will be receiving the benefit</p> <p>12 of the frequency at the 1900 and the 2100 frequency</p> <p>13 bands.</p> <p>14 BOARD MEMBER NEWLIN: But not the higher?</p> <p>15 MR. SCHNEIDER: I'm sorry?</p> <p>16 BOARD MEMBER NEWLIN: Didn't you say there</p> <p>17 was going to be higher frequencies?</p> <p>18 MR. SCHNEIDER: 3.5 G gigahertz.</p> <p>19 BOARD MEMBER NEWLIN: Those are my</p> <p>20 questions. Thank you.</p> <p>21 MR. SCHNEIDER: Could I just -- I forgot to</p> <p>22 ask Mr. Murawski one engineering question.</p> <p>23 Mr. Murawski, one of the provisions of the</p> <p>24 Consent Order required, and I think it was Mr. Simon's,</p> <p>25 during the course of the hearing, I think at the second</p>	<p style="text-align: right;">Page 26</p> <p>1 hearing, asked us to lower the cable bridge to seven</p> <p>2 feet. That's contained in the Consent Order. Is that</p> <p>3 now reflected on the revised zoning drawings?</p> <p>4 THE WITNESS: So all the dimensions to</p> <p>5 appurtenances like the cable bridge remain unchanged;</p> <p>6 however, we will reduce the overall height to 7 feet as</p> <p>7 required by the Consent Order.</p> <p>8 MR. SCHNEIDER: And for purposes of the</p> <p>9 record, Sheet SP-2 shows in accordance with the Consent</p> <p>10 order, the proposed 7-foot high cable bridge.</p> <p>11 BOARD MEMBER SYMONDS: The point being that</p> <p>12 the majority of the equipment, the tower itself will be</p> <p>13 above the fence, but everything else will essentially</p> <p>14 be below the board-on-board fence?</p> <p>15 THE WITNESS: Yes.</p> <p>16 BOARD MEMBER SYMONDS: Very good. Thank</p> <p>17 you.</p> <p>18 MR. SCHNEIDER: The fence being 8-feet</p> <p>19 high.</p> <p>20 CHAIRMAN FLANAGAN: Donato, do you have any</p> <p>21 questions?</p> <p>22 BOARD MEMBER MASELLI: Yes. Can we go back</p> <p>23 to the tree design, the actual photograph?</p> <p>24 THE WITNESS: The photograph.</p> <p>25 CHAIRMAN FLANAGAN: What page is that in</p>
<p style="text-align: right;">Page 27</p> <p>1 the blue?</p> <p>2 BOARD MEMBER MASELLI: It should be page</p> <p>3 24, 34.</p> <p>4 So mine's not a technical question, it's</p> <p>5 more of an aesthetic question, which is important for</p> <p>6 me and I think to a lot of folks. But when we look at</p> <p>7 this photograph just by scale the foliage is two-thirds</p> <p>8 and the exposed base is one-third. You can just scale</p> <p>9 it if you want on that photograph. And at 48 feet on</p> <p>10 page SP-2 of the 11 by 17 is inconsistent to the TAPP.</p> <p>11 So are we looking at the TAPP ones, that overrides?</p> <p>12 THE WITNESS: Yes. It will start at</p> <p>13 elevation 40 which is about half way.</p> <p>14 BOARD MEMBER MASELLI: It's still to me</p> <p>15 still not two-thirds, one-third and that's what that</p> <p>16 tree is. Can that foliage be lower?</p> <p>17 THE WITNESS: Yes, it can.</p> <p>18 BOARD MEMBER MASELLI: Because I think that</p> <p>19 would help. And I think that's what we're so used to</p> <p>20 seeing than when you look at the TAPP one it doesn't</p> <p>21 really feel like that.</p> <p>22 THE WITNESS: I understand what you're</p> <p>23 saying.</p> <p>24 BOARD MEMBER MASELLI: And furthermore,</p> <p>25 like the renderings that were provided which are very</p>	<p style="text-align: right;">Page 28</p> <p>1 helpful because it shows the foreground and background</p> <p>2 and trees without foliage on it doesn't really compare</p> <p>3 to what the TAPP one is. So we can look at those, I</p> <p>4 don't know what you call them, photo simulations, I</p> <p>5 guess you would call them? I just think the understory</p> <p>6 of the adjacent surrounding trees, you know, fill that</p> <p>7 spot a little better. I think at 48 or 40 it just</p> <p>8 doesn't wind down.</p> <p>9 THE WITNESS: We could certainly lower</p> <p>10 where the branching starts.</p> <p>11 MR. MLENAK: Do you have any idea to what</p> <p>12 level?</p> <p>13 BOARD MEMBER MASELLI: If we used</p> <p>14 two-thirds to one-third and it's 86 it would be roughly</p> <p>15 30 and 60?</p> <p>16 THE WITNESS: Yes. Say 35 feet.</p> <p>17 BOARD MEMBER MASELLI: Say 30?</p> <p>18 THE WITNESS: Let me check with TAPP. Can</p> <p>19 we get back to you on that?</p> <p>20 BOARD MEMBER MASELLI: A hundred percent.</p> <p>21 THE WITNESS: Because we're at kind of --</p> <p>22 they need to dictate what we -- but I don't see any</p> <p>23 reason from my perspective why that can't be</p> <p>24 accomplished.</p> <p>25 MR. MLENAK: So for the purpose of tonight,</p>

<p style="text-align: right;">Page 29</p> <p>1 Rich, why don't you let us know what you're thinking in</p> <p>2 terms of if you're able to go to 30 or 35 and if</p> <p>3 Verizon is amenable to that as a condition if the Board</p> <p>4 were to approve this?</p> <p>5 MR. SCHNEIDER: When we're able to take a</p> <p>6 break I'll get back to you.</p> <p>7 BOARD MEMBER MASELLI: Steve, I'm thinking</p> <p>8 more of two-thirds, one-third.</p> <p>9 MR. MLENAK: Okay. Perfect. And you'll</p> <p>10 report back?</p> <p>11 MR. SCHNEIDER: I don't want to take a</p> <p>12 break in the proceedings.</p> <p>13 MR. MLENAK: That's okay.</p> <p>14 BOARD MEMBER MASELLI: That's it for me --</p> <p>15 CHAIRMAN FLANAGAN: Yes.</p> <p>16 BOARD MEMBER MASELLI: -- for this portion.</p> <p>17 CHAIRMAN FLANAGAN: Understood.</p> <p>18 Now, members of the public and Mr. Simon,</p> <p>19 you're here tonight and I understand you have clients</p> <p>20 here you represent. I'm sure you have questions. Does</p> <p>21 it make sense to hear your non-clients first or would</p> <p>22 you like to go first?</p> <p>23 MR. SIMON: I'd like to go first.</p> <p>24 CHAIRMAN FLANAGAN: Okay. Why don't you</p> <p>25 have a seat wherever you're more comfortable.</p>	<p style="text-align: right;">Page 30</p> <p>1 SECRETARY TAGLAIRINO: Rob, the microphone</p> <p>2 is on. You just have to push the button to speak.</p> <p>3 MR. SCHNEIDER: Just before Mr. Simon</p> <p>4 starts, in response to Mr. Maselli's question, maybe if</p> <p>5 we get a break one of the things I want to talk about</p> <p>6 is lowering the tree. I want to make sure that if we</p> <p>7 do lower the tree branches that we don't run afoul of</p> <p>8 the height of the recycling shed.</p> <p>9 BOARD MEMBER MASELLI: I don't think you</p> <p>10 will. I can actually answer that. I mean, you can go</p> <p>11 down 15 feet. That shed's no taller than 15 feet, if</p> <p>12 that. I'll take a little break and go measure it, if</p> <p>13 you'd like.</p> <p>14 MR. SCHNEIDER: You just want an excuse to</p> <p>15 leave.</p> <p>16 BOARD MEMBER MASELLI: I'll beg for 20 feet</p> <p>17 at that point.</p> <p>18 MR. SIMON: Ready to roll. So ladies and</p> <p>19 gentlemen of the Board, good evening. Good to be back,</p> <p>20 maybe, maybe not, depending on whose perspective you're</p> <p>21 saying that from. Rob Simon. I'm here from Herald</p> <p>22 Law.</p> <p>23 CHAIRMAN FLANAGAN: Mr. Simon, you're here</p> <p>24 on behalf of your clients; is that correct?</p> <p>25 MR. SIMON: Yes. I'm about to explain</p>
<p style="text-align: right;">Page 31</p> <p>1 that.</p> <p>2 CHAIRMAN FLANAGAN: I wanted to see --</p> <p>3 MR. SIMON: Rob Simon from Herald Law. I'm</p> <p>4 here this evening on behalf of certain clients and I'm</p> <p>5 going to identify who they are for the record. So</p> <p>6 first is James Carifa and Sarah Conine, 7 Lees Hill</p> <p>7 Road Block 17, Lot 55. Neil O'Donnell, 28 Millbrook</p> <p>8 road Block 17, Lot 9.04. So those are the two lots</p> <p>9 that are adjacent, residential lots that are adjacent</p> <p>10 to this property, as you may recall. Also Livio</p> <p>11 Saganic, 32 Millbrook Road, Block 17, lot 9.03. And</p> <p>12 then finally Harsh and Nina Bansal, 6 Coppertree Lane,</p> <p>13 Block 17, Lot 55.04.</p> <p>14 So that's who I'm here representing</p> <p>15 tonight, and I have instructed my clients who I am</p> <p>16 representing that I will be asking questions of the</p> <p>17 various witnesses on their behalf at the appropriate</p> <p>18 time as Mr. Flanagan stated. They may chose to make</p> <p>19 statements as part of the public portion of the</p> <p>20 application if we get there.</p> <p>21 CHAIRMAN FLANAGAN: Thank you. Mr. Simon.</p> <p>22 His microphone is blinking, Lori. Does that mean it's</p> <p>23 done? No, never mind.</p> <p>24 MR. SIMON: Am I good? It's red.</p> <p>25 SECRETARY TAGLAIRINO: It's good. You can</p>	<p style="text-align: right;">Page 32</p> <p>1 actually pull it closer.</p> <p>2 EXAMINATION BY MR. SIMON:</p> <p>3 Q. Mr. Murawski, good evening again to you.</p> <p>4 So I'm going to start off by going right to some of</p> <p>5 your testimony this evening. So you talked about the</p> <p>6 dimensions of an equipment shed and you said the</p> <p>7 equipment shed has been -- I think you said reduced in</p> <p>8 size, but in referring to A-34 which was your plan from</p> <p>9 March 18, 2022, and A-36 marked this evening it appears</p> <p>10 that both the facility lease area and the proposed</p> <p>11 equipment area are identified on SP-1 of each of those</p> <p>12 plan sets as having the same dimensions; is that</p> <p>13 accurate?</p> <p>14 A. Yes.</p> <p>15 Q. And with regard to the setback dimensions</p> <p>16 that you testified to --</p> <p>17 MR. SCHNEIDER: Rob, I'm sorry to</p> <p>18 interrupt. You refer to equipment shed. Equipment</p> <p>19 shed or equipment compound?</p> <p>20 MR. SIMON: I'm sorry. Well, equipment</p> <p>21 area.</p> <p>22 MR. SCHNEIDER: Okay. But not the</p> <p>23 cabinetry? Because you used the phrase "shed," that's</p> <p>24 why I wanted to --</p> <p>25 MR. SIMON: Equipment area.</p>

<p style="text-align: right;">Page 33</p> <p>1 Q. So the proposed equipment area has the same</p> <p>2 size dimensions; correct?</p> <p>3 A. Correct.</p> <p>4 Q. And in terms of your setback dimensions, I</p> <p>5 just want to see if I'm clear on this. So with regard</p> <p>6 to the property to the south, the distance from that</p> <p>7 residential property, I believe that to be the</p> <p>8 O'Donnell property, to the equipment area is 62 feet;</p> <p>9 is that accurate?</p> <p>10 A. I believe so, yes.</p> <p>11 Q. And then you have a dimension next to that</p> <p>12 of 72.3 feet. What does that dimension represent?</p> <p>13 A. That's dimension from the property line to</p> <p>14 the centerline of the proposed pole.</p> <p>15 Q. And when you say "centerline of the</p> <p>16 proposed pole" you also referred in your testimony that</p> <p>17 there's an inner circle which represents the pole and</p> <p>18 then an outer circle which is the concrete caisson</p> <p>19 foundation that's approximately 6 feet in diameter;</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. So what is the -- and you would agree with</p> <p>23 me and I'll ask you more questions about this later,</p> <p>24 that with regard to Exhibit A-2 of A-35, right, the</p> <p>25 picture of the proposed tree --</p>	<p style="text-align: right;">Page 34</p> <p>1 A. Okay.</p> <p>2 Q. -- right, that's up on the screen?</p> <p>3 MR. MLENAK: Rob, you said A-2. You mean</p> <p>4 Exhibit-2?</p> <p>5 MR. SIMON: Is it Exhibit-2, is that what</p> <p>6 it's called?</p> <p>7 Q. Okay. Exhibit-2 of A-35, does that make</p> <p>8 sense? It's up on the screen right there. So whether</p> <p>9 it's at 40 feet or as Mr. Maselli suggested down to</p> <p>10 30 feet, what's the diameter of those tree branches?</p> <p>11 A. Well, the tree branchings at the longest</p> <p>12 branch length is 10 feet.</p> <p>13 Q. So given the longest branch length what's</p> <p>14 the distance from the longest branch length to the</p> <p>15 southerly property line?</p> <p>16 A. Sure. It will be 10 foot less or</p> <p>17 62.3 feet.</p> <p>18 Q. Well, you have -- so 62.3 feet would be the</p> <p>19 distance from the property, the residential property</p> <p>20 line, to the outer antenna, or --</p> <p>21 A. Outer edge of the tree branch.</p> <p>22 Q. Of the tree branch?</p> <p>23 A. Elevation which right now is 40 feet.</p> <p>24 Q. And what about with regard to the other</p> <p>25 property, the Conine property, what's the distance</p>
<p style="text-align: right;">Page 35</p> <p>1 based on SP-1 of A-36 between the residential property</p> <p>2 line and the center of the monopole?</p> <p>3 A. 120.8 feet.</p> <p>4 Q. And is fair to say that given the length of</p> <p>5 the proposed tree branching that the distance from that</p> <p>6 property line to that tree branching will be more like</p> <p>7 a hundred 110.8 feet?</p> <p>8 A. Yes.</p> <p>9 Q. And you talked about relocating the pole to</p> <p>10 be closer to the recycling shed. And that you</p> <p>11 conducted a geotechnical review to ascertain whether</p> <p>12 you could move it from the location proposed in 2022 to</p> <p>13 a different location; correct?</p> <p>14 A. Correct.</p> <p>15 Q. So with regard to the two soil borings that</p> <p>16 you say you conducted, or that you had done where were</p> <p>17 those done?</p> <p>18 A. One was very close to the pole itself. The</p> <p>19 other one was closer to the middle of the compound.</p> <p>20 Q. So when you say "closer to the pole</p> <p>21 itself," the pole in its currently proposed location?</p> <p>22 A. Yes.</p> <p>23 Q. And the other one you say in the middle of</p> <p>24 the compound?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Is it the equipment area that you're</p> <p>2 referring to?</p> <p>3 A. Yes.</p> <p>4 Q. And are you aware whether the Applicant</p> <p>5 provided that soil boring data to the Board?</p> <p>6 A. I don't believe that report was submitted</p> <p>7 yet.</p> <p>8 Q. And did your firm E2PM conduct those soil</p> <p>9 borings?</p> <p>10 A. No.</p> <p>11 Q. Who conducted that soil boring analysis?</p> <p>12 A. A firm by the name of Pete Longo and</p> <p>13 Associates.</p> <p>14 Q. And were they -- did they perform those</p> <p>15 soil borings and other review of this matter under your</p> <p>16 supervision or did they do it independently?</p> <p>17 A. Independently.</p> <p>18 Q. And do you know why they only conducted two</p> <p>19 soil borings?</p> <p>20 A. No.</p> <p>21 Q. Do you know who told them, I should say,</p> <p>22 where to conduct the soil borings?</p> <p>23 A. Do I know who?</p> <p>24 Q. Yes.</p> <p>25 A. I do not.</p>

<p style="text-align: right;">Page 37</p> <p>1 Q. And do you know why additional soil borings</p> <p>2 were not performed in different areas of the subject</p> <p>3 property?</p> <p>4 A. So generally speaking with these sites we</p> <p>5 normally only do one soil boring at the location of</p> <p>6 the pole for the purposes of designing its foundation.</p> <p>7 The other foundation within the equipment compound are</p> <p>8 shallow foundations and don't really require the exact</p> <p>9 definition of soil properties to design those.</p> <p>10 Q. So to your knowledge did Pete Longo and</p> <p>11 Associates or any other geotechnical firm conduct any</p> <p>12 type of soil analysis at any other portion of this</p> <p>13 property other than the areas that you described?</p> <p>14 A. They did not.</p> <p>15 Q. And do you know why -- well, are you aware</p> <p>16 of any request by your client of them to perform any</p> <p>17 other geotechnical activities with regard to this</p> <p>18 property?</p> <p>19 A. I am not aware.</p> <p>20 Q. And when you said in your direct testimony</p> <p>21 that this was as close to the shed as we can get the</p> <p>22 foundation to, is that statement based on instructions</p> <p>23 to you that the pole -- the tower can only be sited</p> <p>24 within the proposed equipment area as you identified on</p> <p>25 both A-34 and A-36?</p>	<p style="text-align: right;">Page 38</p> <p>1 A. I'm not sure -- I don't understand the</p> <p>2 question.</p> <p>3 Q. When you said -- you said we got as close</p> <p>4 to the shed as we can get the foundation to. What do</p> <p>5 you mean by that?</p> <p>6 A. Well, the shed itself has a column, the</p> <p>7 column has a footing, the footing goes below grade, as</p> <p>8 does the caisson. So the closer you get to the column</p> <p>9 footing for the shed, the greater chance you have of</p> <p>10 disturbing it, undermining it, causing it to deflect.</p> <p>11 We want to preclude that by staying far enough away</p> <p>12 from it.</p> <p>13 Q. Did your firm E2PM attempt to locate the</p> <p>14 proposed monopole at any other location on this</p> <p>15 property other than as close to the shed as you can get</p> <p>16 the foundation?</p> <p>17 A. We did not.</p> <p>18 Q. So the -- is it fair to say that the</p> <p>19 recycling shed is preventing you from moving the tower</p> <p>20 in relation to the O'Donnell property further to the</p> <p>21 north, further away from the O'Donnell property?</p> <p>22 A. So we're staying within our lease area</p> <p>23 based on the lease agreement.</p> <p>24 Q. And when you say the "lease agreement"</p> <p>25 you're saying the lease agreement with whom?</p>
<p style="text-align: right;">Page 39</p> <p>1 A. The Township.</p> <p>2 Q. And so when you say the "lease area" are</p> <p>3 you talking about this 30 by 60 1,800-square feet that</p> <p>4 you've identified on both A-34 and A-36?</p> <p>5 A. That was the original lease.</p> <p>6 Q. And that's the lease area as of 2017. So</p> <p>7 almost six years now; correct?</p> <p>8 A. Yes.</p> <p>9 Q. Are you aware within -- from the time that</p> <p>10 that lease was entered into to today, approximately six</p> <p>11 years, was there ever an attempt to ascertain whether</p> <p>12 the lease area could be expanded or moved within the</p> <p>13 DPW site so to move the proposed cell tower further</p> <p>14 away from residences?</p> <p>15 MR. SCHNEIDER: I'll object to that</p> <p>16 question. I'm not clear the relevance. We have an</p> <p>17 1,800-square foot lease area that's dictated where we</p> <p>18 can go.</p> <p>19 MR. MLENAK: Rob, explain. Because it's</p> <p>20 almost like you're asking the Applicant why they didn't</p> <p>21 look at the neighbor's property.</p> <p>22 MR. SIMON: It's within the property.</p> <p>23 BY MR. SIMON:</p> <p>24 Q. Did you ask the Township within this</p> <p>25 property whether the proposed lease area could be</p>	<p style="text-align: right;">Page 40</p> <p>1 expanded or moved so to -- it's a simple question -- to</p> <p>2 bring the cell tower further away from residences?</p> <p>3 MR. SCHNEIDER: My objection remains noted.</p> <p>4 MR. MLENAK: You can answer the question</p> <p>5 quickly.</p> <p>6 A. The answer is no.</p> <p>7 Q. You talked about, and I apologize, I may</p> <p>8 have misheard you, that the compound is sized for</p> <p>9 Verizon and other collocators?</p> <p>10 A. It's sized primarily for Verizon only.</p> <p>11 There is room for other collocators, but I can't</p> <p>12 accurately state that they can locate within the fence</p> <p>13 line as it is laid out now or not. But based on what I</p> <p>14 know from past experience that would probably have to</p> <p>15 expand the fence line to some degree.</p> <p>16 Q. Couple of questions from that. Number one,</p> <p>17 when you say "other carriers," are we talking about one</p> <p>18 other carrier, two other carriers based on your</p> <p>19 experience in the wireless telecommunications field?</p> <p>20 If you know.</p> <p>21 A. There's at least two other carriers that</p> <p>22 could potentially collocate here.</p> <p>23 Q. So when you say -- is it more than two</p> <p>24 others or just two others?</p> <p>25 A. I don't know if there's more than two.</p>

<p style="text-align: right;">Page 41</p> <p>1 Q. But at least two?</p> <p>2 A. Potentially, yes.</p> <p>3 Q. And in your experience will those two other</p> <p>4 carriers be able to put all of their equipment,</p> <p>5 including their generators within the compound as</p> <p>6 currently drawn?</p> <p>7 A. Right. I can't say for sure.</p> <p>8 Q. What about one other carrier?</p> <p>9 A. I still can't say for sure.</p> <p>10 Q. You talked about the generator, 10:00 a.m.</p> <p>11 to 4:00 p.m., Monday through Friday, 30 minutes once a</p> <p>12 week; correct?</p> <p>13 A. Yes.</p> <p>14 Q. Why does the carrier need that much of a</p> <p>15 window during the day? Could it be truncated a bit so</p> <p>16 that the generator isn't being tested, let's say, at</p> <p>17 times when young children are out of school or in their</p> <p>18 home and they're playing in their backyard, et cetera?</p> <p>19 In other words, limiting the time for testing between,</p> <p>20 let's say, 10:00 a.m. and 2:00 p.m., as opposed to</p> <p>21 10:00 a.m. and 4:00 p.m.?</p> <p>22 A. I don't see any reason why they can't</p> <p>23 comply with it if that was the request.</p> <p>24 Q. With regard to, as Mr. Mlenak corrected me,</p> <p>25 Exhibit-2 on A-35, the photo of the tree. Have you</p>	<p style="text-align: right;">Page 42</p> <p>1 seen that tree live?</p> <p>2 A. No.</p> <p>3 Q. Do you know what the source of that photo</p> <p>4 is?</p> <p>5 A. It came from TAPP, the manufacturer.</p> <p>6 Q. Do you know what it's a photo of?</p> <p>7 A. Is that a trick question?</p> <p>8 Q. No. Not a trick question. What is it a</p> <p>9 photo of?</p> <p>10 A. A tree pole.</p> <p>11 Q. And is it a tree pole in operation?</p> <p>12 A. That I don't know.</p> <p>13 Q. Do you know where the tree pole is located?</p> <p>14 A. I do not.</p> <p>15 Q. Did you ask anything about Exhibit-2 on</p> <p>16 A-35?</p> <p>17 A. No.</p> <p>18 Q. And with regard to the design that's on</p> <p>19 A-35 from TAPP, that's from the manufacturer; correct?</p> <p>20 A. Yes.</p> <p>21 Q. And they're not an engineer, per se;</p> <p>22 correct?</p> <p>23 A. TAPP is a company --</p> <p>24 Q. Right.</p> <p>25 A. -- that employs engineer that are licensed</p>
<p style="text-align: right;">Page 43</p> <p>1 in various states producing the designs.</p> <p>2 Q. Do you know who from TAPP provided the</p> <p>3 information that was in the Consent Order?</p> <p>4 A. The information being the design?</p> <p>5 Q. Yes.</p> <p>6 A. The engineer's signature is on the design,</p> <p>7 if I recall.</p> <p>8 Q. You mean the sketch here on page one, page</p> <p>9 26 of 34?</p> <p>10 A. Hang on.</p> <p>11 MS. CONINE: Can you show this on the</p> <p>12 screen?</p> <p>13 A. Page 26 of 34?</p> <p>14 Q. Yeah.</p> <p>15 A. Yeah.</p> <p>16 Q. See that? Right.</p> <p>17 A. Not yet.</p> <p>18 Q. You got it?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So on page 26 of 34 for what is it,</p> <p>21 A-35, this design -- was this based on plans that you</p> <p>22 provided to this engineer, Mr. LaHobsack (ph.)?</p> <p>23 A. I didn't provide TAPP with anything.</p> <p>24 Q. So this is just their 80-foot tree?</p> <p>25 A. Well, it is an 80-foot tree pole, but the</p>	<p style="text-align: right;">Page 44</p> <p>1 plans were provided to them by somebody else presumably</p> <p>2 from Verizon, an individual from Verizon would have</p> <p>3 ordered from him.</p> <p>4 Q. But you don't know if they were your site</p> <p>5 plan that they work on?</p> <p>6 A. I don't know what they received.</p> <p>7 Q. And when -- did you ask them whether they</p> <p>8 had a photo similar to Exhibit-2 of A-35 that showed</p> <p>9 the tree, a tree at an 80-foot height?</p> <p>10 A. I did not ask them.</p> <p>11 Q. And how do you know that the tree that was</p> <p>12 depicted in that photo, Exhibit-2 on A-35 was of a</p> <p>13 lower height?</p> <p>14 A. So that information was told to me through</p> <p>15 Verizon.</p> <p>16 Q. But there's no dimensions certainly on the</p> <p>17 photograph; correct?</p> <p>18 A. Right.</p> <p>19 Q. With regard to the what I'll call the green</p> <p>20 covering, right, for the branches, right, what is that</p> <p>21 made out of?</p> <p>22 A. The branching is fiberglass, and I don't</p> <p>23 know what the individual pine needles appeared behind</p> <p>24 it are made out of.</p> <p>25 Q. And do you know in terms of number based on</p>

<p style="text-align: right;">Page 45</p> <p>1 specifications, like how many branches are we talking 2 about, how many pine needles are we talking about? 3 A. We do have that information. It may not be 4 in the Consent Order, but that information is routinely 5 provided by a manufacturer. 6 Q. And you can get that? 7 A. Yes. 8 Q. And in terms of the color that we're seeing 9 on Exhibit-2, it's a green color; correct? 10 A. Yes. 11 Q. The certain type of green. I don't know if 12 it's Hunter green or some other type of green? 13 A. Yes. 14 Q. Do you know if there are various shades of 15 coloring that are options? 16 A. I do not know. 17 Q. And do you know what, if anything, is done 18 by Verizon once a tree pole such as that one is 19 installed to maintain that color so that it doesn't 20 fade or discolor as we see in so many around the state? 21 A. I do not know. 22 Q. And do you know how the branches and the 23 pine needles are attached to the pole? 24 A. That information can be provided. 25 Q. And are you aware of circumstances where</p>	<p style="text-align: right;">Page 46</p> <p>1 either some of the fiberglass branching or some of the 2 pine needles due to whether or other related events 3 will end up peeling off and ending up in people's yards 4 or on that subject property, are you aware of those 5 circumstances? 6 A. Yes. 7 Q. And so as the engineer on the project what 8 do you do to prevent that from happening, if anything? 9 A. I'm not aware of any remedies. 10 Q. And when you talked about the dimensions, I 11 just want to make sure I understand your testimony, the 12 dimensions, I guess, of the equipment area remain 13 unchanged but you're lowering the cable bridge and the 14 other, I guess, equipment. Describe what you're 15 actually doing? 16 A. So the equipment itself is already below 17 the 7-foot stipulated height requirement and agreement. 18 The cable bridge height is -- it's an item that we 19 build to support cables that go from the equipment to 20 the tower. And generally they're high enough so that 21 you can catch your head on them when you're in the 22 compound. So those elements will be lower so that 23 nothing is greater than 7 foot. 24 Q. So there's nothing that prevented you prior 25 to this evening or prior to the most recent Consent</p>
<p style="text-align: right;">Page 47</p> <p>1 Order submission from lowering the height from whatever 2 it was down to 7 feet; correct? 3 A. Yes. 4 Q. Nothing to prevent you. And prior to the 5 Consent Order my recollection in your testimony over, I 6 guess, three separate hearings was that the existing 7 vegetation and the proposed landscaping were going to 8 be able to screen that cable bridge. Now that you've 9 reduced it to 7 feet will that screening still take 10 place with regard to the fencing? 11 A. Yes. 12 Q. So is someone going to be able to see the 13 fencing with the vegetation and the proposed 14 landscaping? 15 A. We have a revised landscape plan. We have 16 a landscape architect licensed. 17 Q. Right. Mr. Schneider said he was going to 18 provide testimony, and I'm not going to trick you. 19 We'll wait for him. 20 A. He will testify. 21 Q. But let me ask you a question about that. 22 In your March 2nd, 2023, plan you include, starting on 23 L-1, so E2PM has submitted L-1, L-2, and L-3; right? 24 A. Correct. 25 Q. Correct. And it's signed by Jeffrey</p>	<p style="text-align: right;">Page 48</p> <p>1 Reynolds. So is Mr. Reynolds associated with E2? 2 A. No. 3 Q. Okay. So and I see here for L-1, L-2, and 4 L-3 that it says that these plans were drawn by PVW. 5 Who's PVW? 6 A. Yours? (Mr. Murawski asks Mr. Schneider a 7 question.) 8 Q. No. If you don't know you don't know. So 9 all of these plans both on A-34, as well as A-36, they 10 were all drawn by someone with the initials PVW. Who's 11 that? 12 MR. MLENAK: Just to be clear, are you 13 saying "P"? Because I'm reading "B." 14 MR. SIMON: Sorry. I have to get new 15 glasses. "B" as in boy, "V" as in Victor, "W" as in 16 water. 17 THE WITNESS: Okay. Different story. The 18 name of that individual who prepared these plans 19 originally was Bill VanWhy. He's a designer with our 20 office, no longer with us. So his initials are still 21 on the drawings from 2015. 22 BY MR. SIMON: 23 Q. So when did he cease working for your firm? 24 A. During COVID. He left during COVID, so 25 2020, 2021.</p>

<p style="text-align: right;">Page 49</p> <p>1 Q. So if he left in 2021, so now I'm going to</p> <p>2 go back and I'm going to refer to A-34 which is dated</p> <p>3 March 18, 2022, and that consists of, you know, drawing</p> <p>4 SP-1, Sheet three of nine, SP-2 four of nine. It says</p> <p>5 there that they were also drawn by "B" as in boy, "V"</p> <p>6 as in Victor, "W" as in water. So that individual was</p> <p>7 no longer with your firm at that time in 2022?</p> <p>8 MR. SCHNEIDER: Hold on. I'm confused.</p> <p>9 Exhibit A-34 looks like it's drawn by JS.</p> <p>10 MR. SIMON: I can tell you that I'm looking</p> <p>11 at the title block on the bottom. It says "Drawn by</p> <p>12 BVW. Checked by JM." The print date was 3/18/22.</p> <p>13 MR. SCHNEIDER: But if you look at the</p> <p>14 lower left-hand corner it says "Drawn by JS."</p> <p>15 MR. SIMON: Okay. I see that but that's</p> <p>16 inconsistent with what's on the right side. But okay.</p> <p>17 So who's JS?</p> <p>18 THE WITNESS: He's a principal with our</p> <p>19 firm.</p> <p>20 BY MR SIMON:</p> <p>21 Q. So that's for A-34. So with regard to A --</p> <p>22 I'm sorry. With regard to A-36 based on what Mr.</p> <p>23 Schneider said, so L-1, L-2 and L-3 are drawn by JS,</p> <p>24 that's the principal of your firm?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 50</p> <p>1 Q. So a principal of your firm drew what is</p> <p>2 L-1, L-2 and L-3?</p> <p>3 A. Yes.</p> <p>4 Q. Right. And then you, JM, that's you, JCM,</p> <p>5 you checked it. So how is Mr. Reynolds getting on --</p> <p>6 who's not associated with your firm, getting on these</p> <p>7 plans?</p> <p>8 A. He was hired by Verizon to prepare the</p> <p>9 architectural design for these plans which were drawn</p> <p>10 by us.</p> <p>11 Q. When you say architectural --</p> <p>12 A. I'm sorry. I misspoke. Landscape design.</p> <p>13 He was hired by Verizon to prepare the landscape design</p> <p>14 that we already have on our plans.</p> <p>15 Q. So signed these plans that are yours,</p> <p>16 right? So what on L-1, L-2 and L-3 is your work, and</p> <p>17 what on L-1, L-2 and L-3 is Mr. Reynolds' work?</p> <p>18 A. So the background of the site plan is our</p> <p>19 site plan that was designed with the application,</p> <p>20 submitted with the application. The landscaping, and</p> <p>21 only the landscaping is Mr. Reynolds'.</p> <p>22 Q. What about the notes. Are the notes yours?</p> <p>23 A. They're Mr. Reynolds'.</p> <p>24 Q. They're Mr. Reynolds'. The legends, are</p> <p>25 those Mr. Reynolds'?</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yes.</p> <p>2 Q. The existing tree removal chart, is that</p> <p>3 Mr. Reynolds'?</p> <p>4 A. So a lot of this information was prepared</p> <p>5 by us originally, because as you remember we did the</p> <p>6 landscaping plans originally. However, the landscaping</p> <p>7 became a really important issue. So the legend is a</p> <p>8 carryover. Probably most of the notes are a carryover.</p> <p>9 So the entire sheet was checked by Mr. Reynolds.</p> <p>10 Exactly what was designed by Mr. Reynolds would be the</p> <p>11 landscaping itself.</p> <p>12 Q. So one second. On A-34, which is E2's plan</p> <p>13 from March 18, 2022, there is landscaping legends and</p> <p>14 notes on that plan; right?</p> <p>15 A. Yes.</p> <p>16 Q. Is that all work from E2?</p> <p>17 A. Some of it is.</p> <p>18 Q. What that's on A-34 is E2's?</p> <p>19 A. Well, the entire background and the outline</p> <p>20 of the proposed landscaping elements.</p> <p>21 Q. I apologize. What do you mean by that?</p> <p>22 A. So let me back you. The background is</p> <p>23 ours. The compound is ours. The landscaping elements</p> <p>24 were provided to us by Mr. Reynolds.</p> <p>25 MR. SCHNEIDER: No, no. You're referring</p>	<p style="text-align: right;">Page 52</p> <p>1 to A-34 or A-36.</p> <p>2 MR. SIMON: I'm starting at A-34, which is</p> <p>3 the plan from March 18, 2022. Thank you, Mr.</p> <p>4 Schneider?</p> <p>5 A. Oh, that's SP-2.</p> <p>6 MR. SCHNEIDER: You're referring to SP-2 on</p> <p>7 A-34, just so we're clear?</p> <p>8 MR. SIMON: Well, I'm starting with SP-1 on</p> <p>9 A-34.</p> <p>10 THE WITNESS: Okay.</p> <p>11 Q. Okay. So are you with me? So SP-1 on</p> <p>12 A-34, what of A-34 SP-1 is not yours?</p> <p>13 A. If you focus on the area of the compound</p> <p>14 and you note the geometric shapes of the proposed</p> <p>15 landscaping elements --</p> <p>16 Q. That are in green? At least on my plan.</p> <p>17 A. I think they're green on mine, too, but</p> <p>18 yes, those would have been extracted from the landscape</p> <p>19 plan that was prepared by Mr. Reynolds.</p> <p>20 Q. But Mr. Reynolds has not signed SP-1 or</p> <p>21 SP-2; correct?</p> <p>22 A. Correct.</p> <p>23 Q. And with regard to on SP-2 of A-34 there is</p> <p>24 tree species to remain; tree species to remove;</p> <p>25 correct?</p>

<p style="text-align: right;">Page 53</p> <p>1 A. Correct.</p> <p>2 Q. And there's also a depiction on -- I'm</p> <p>3 sorry James -- SP-2 of A-34 showing some Xs within the</p> <p>4 equipment area identifying presumably trees that were</p> <p>5 to be removed; correct?</p> <p>6 A. Correct.</p> <p>7 Q. So those notations of trees to be removed</p> <p>8 was that done by E2 Project Management or was that done</p> <p>9 by Mr. Reynolds?</p> <p>10 A. E2 Project Management.</p> <p>11 Q. So your firm in 2022 did a tree inventory</p> <p>12 and identified which trees were going to be -- needed</p> <p>13 to be removed; correct?</p> <p>14 A. Yes. Correct.</p> <p>15 Q. You said -- and we also what --</p> <p>16 A. Identified the species.</p> <p>17 Q. And you identified the species. So on SP-2</p> <p>18 of A-34 it states tree species to remain; tree species</p> <p>19 to be removed. That's by your firm?</p> <p>20 A. Correct.</p> <p>21 Q. And who from your firm performed that</p> <p>22 exercise to determine what tree species were going to</p> <p>23 be remaining and which ones were going to be removed?</p> <p>24 A. So I did simply based on interference.</p> <p>25 Q. I don't know what that means. I'm sorry.</p>	<p style="text-align: right;">Page 54</p> <p>1 A. So if the trees within the fence line and</p> <p>2 close to the fence line it was deemed needed to be</p> <p>3 removed by design.</p> <p>4 Q. And you did no independent evaluation to</p> <p>5 determine whether given the drip line and associated</p> <p>6 root system of the trees whether certain trees needed</p> <p>7 to be saved and certain trees needed to be removed?</p> <p>8 A. I did not do any evaluation of that.</p> <p>9 Q. And with regard to the landscaping that's</p> <p>10 in green on A-34 that Mr. Reynolds did, okay, my</p> <p>11 recollection is that on neither SP-1 nor SP-2 of A-34</p> <p>12 was there a legend identifying those particular</p> <p>13 species. And, in fact, if you look at SP-2 of A-34</p> <p>14 there's some arrows on that page toward that</p> <p>15 landscaping and it says "Proposed landscaping see L-1";</p> <p>16 do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Right. And so my recollection is that L-1</p> <p>19 refers to a prior plan that E2 Project Management had</p> <p>20 filed with the Board dated March 4th of 2019; isn't</p> <p>21 that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And if we go to L-1 on that March 4, 2019,</p> <p>24 plan that you signed there are -- there's that</p> <p>25 landscaping, do you see that? And it's the same</p>
<p style="text-align: right;">Page 55</p> <p>1 landscaping practically; correct? Take your time.</p> <p>2 A. L-1 has been completely revised since our</p> <p>3 prior submittal.</p> <p>4 Q. So L-1 on March 4, 2019, if you compare</p> <p>5 that to SP-2 on A-34 --</p> <p>6 A. Is this our SP-2 now?</p> <p>7 MR. SCHNEIDER: Rob, why don't you show him</p> <p>8 what you're referring to, the one on 2019?</p> <p>9 MR. SIMON: Yes. I'm not trying to trick</p> <p>10 anybody.</p> <p>11 THE WITNESS: I'm looking at the wrong one.</p> <p>12 MR. SIMON: That's fine. I don't want you</p> <p>13 to look at the wrong thing. Okay.</p> <p>14 MR. MLENAK: You're on A-34, Rob?</p> <p>15 MR. SCHNEIDER: No, he's not.</p> <p>16 MR. SIMON: We'll find out in a second.</p> <p>17 BY MR SIMON:</p> <p>18 Q. So I'm going to first show you SP-2 of</p> <p>19 A-34; you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And that depicts in green certain</p> <p>22 landscaping, and in fact there's an arrow and it says</p> <p>23 "Proposed landscaping see L-1"; correct?</p> <p>24 A. Correct.</p> <p>25 Q. So if we go to L-1 which is part of your</p>	<p style="text-align: right;">Page 56</p> <p>1 March 4th 2019 plan, it shows landscaping; do you see</p> <p>2 that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Let me make sure. What are you</p> <p>5 referring to? Oh, that's 22. I see. Okay.</p> <p>6 So the landscaping that's on L-1 from 2019,</p> <p>7 and SP-2 from 2022, A-34, is almost identical; isn't</p> <p>8 that correct, or no?</p> <p>9 A. That's correct. It is identical.</p> <p>10 Q. Right. And if you look at the right side</p> <p>11 of L-1 of that March 4, 2019, plan it has tree planting</p> <p>12 details, and it identifies the plantings by type of</p> <p>13 planting, right, species?</p> <p>14 A. Yes.</p> <p>15 Q. Right?</p> <p>16 A. Yes.</p> <p>17 Q. And also size, right, at the time of</p> <p>18 planting?</p> <p>19 A. Yes.</p> <p>20 Q. So just so we're clear for the record, on</p> <p>21 L-1 of your 2019 plan the landscaping that is in green,</p> <p>22 as well as the tree planting detail, was not your work</p> <p>23 but rather another landscape architect; correct?</p> <p>24 A. It was a landscape engineer that works for</p> <p>25 E2PM that did this design.</p>

<p style="text-align: right;">Page 57</p> <p>1 Q. So was a landscape engineer who worked for</p> <p>2 E2PM, did he do, or she, do the design that is the</p> <p>3 landscaping design on SP-2 of A-34?</p> <p>4 A. Well, it's shown as the same.</p> <p>5 Q. So Mr. Reynolds wasn't involved, or was he,</p> <p>6 with regard to SP-2 of A-34? Because that's what you</p> <p>7 said originally, and I just want to make sure that your</p> <p>8 testimony is accurate.</p> <p>9 A. Well, SP-2 of A-34 is that the Consent</p> <p>10 Order?</p> <p>11 MR. SIMON: No.</p> <p>12 MR. SCHNEIDER: No. That's where you're</p> <p>13 confused, Jim.</p> <p>14 THE WITNESS: That's where I'm confused?</p> <p>15 MR. SCHNEIDER: Mr. Simon's referring to</p> <p>16 the original plans and then the plans you presented at</p> <p>17 the prior public hearing in March of 2022. My clear</p> <p>18 recollection, you can answer, is that those landscaping</p> <p>19 details were provided by E2PM and not Mr. Reynolds. BY</p> <p>20 MR. SIMON:</p> <p>21 Q. Is that accurate?</p> <p>22 A. Yes.</p> <p>23 Q. Because that's helpful. So with regard</p> <p>24 to -- until the Consent Order the Applicant through, I</p> <p>25 believe, your office identified certain trees that were</p>	<p style="text-align: right;">Page 58</p> <p>1 dead or dying; do you recall that?</p> <p>2 A. Yes.</p> <p>3 Q. And that tree inventory was done by a</p> <p>4 landscape -- you said a landscape engineer associated</p> <p>5 with your firm?</p> <p>6 A. The tree inventory was not done by him, it</p> <p>7 was done by another individual.</p> <p>8 Q. Was that other individual associated with</p> <p>9 your engineering firm?</p> <p>10 A. Yes.</p> <p>11 Q. So getting back now to A-36 from 2023, so</p> <p>12 on L-1, L-2, and L-3, that all of the landscaping</p> <p>13 information here including tree removal, whether a</p> <p>14 particular tree is alive or dead or dying or native or</p> <p>15 invasive, none of that, even though it's on your plan,</p> <p>16 was done by you or your firm?</p> <p>17 A. That was all done by our firm. The</p> <p>18 existing tree inventory, the determination whether it</p> <p>19 was dead or alive, and the species was done by us.</p> <p>20 Q. Okay. And not by Mr. Reynolds?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. So looking at, without jumping</p> <p>23 around too much, let's start with L-1. First of all,</p> <p>24 did you yourself create this existing tree removal</p> <p>25 chart?</p>
<p style="text-align: right;">Page 59</p> <p>1 MR. MLENAK: Rob, you've referred to two</p> <p>2 different L-1s. One in the original plan --</p> <p>3 MR. SIMON: This is A-36.</p> <p>4 MR. MLENAK: Thank you.</p> <p>5 BY MR. SIMON:</p> <p>6 Q. Dated March 6, 2023?</p> <p>7 A. The existing tree removal chart was done by</p> <p>8 Mr. Reynolds.</p> <p>9 Q. Was there anything in the existing tree</p> <p>10 removal chart that was done by E2 Project Management,</p> <p>11 LLC?</p> <p>12 A. Originally, yes.</p> <p>13 Q. Okay.</p> <p>14 A. But not on this sheet submitted in 2023.</p> <p>15 Q. When you say "originally, yes" --</p> <p>16 A. Prior to this submittal.</p> <p>17 Q. So prior to this submittal, this submittal</p> <p>18 being March 6th, 2023, what did E2 Project Management,</p> <p>19 LLC do in terms of existing tree removal chart</p> <p>20 information?</p> <p>21 A. We had a -- we created a tree removal, I'll</p> <p>22 call it a chart or a legend, based on the tree</p> <p>23 inventory that we had prepared where we indicated the</p> <p>24 species and whether it was dead or alive.</p> <p>25 Q. Did you do that yourself?</p>	<p style="text-align: right;">Page 60</p> <p>1 A. No.</p> <p>2 Q. So if I asked you questions about that</p> <p>3 exercise that you're describing -- you just testified</p> <p>4 to you wouldn't be able to answer any questions for me</p> <p>5 in terms of how you went about determining the species</p> <p>6 and whether something was dead, alive, or dying;</p> <p>7 correct?</p> <p>8 A. I can only testify that I was there with</p> <p>9 the individual during that process.</p> <p>10 Q. But you didn't do that evaluation?</p> <p>11 A. Correct.</p> <p>12 Q. And James, when you talk about that, that</p> <p>13 you prepared that chart or some sort of compilation,</p> <p>14 when was that done?</p> <p>15 A. In preparation for my second testimony.</p> <p>16 Q. And in preparation for your second</p> <p>17 testimony, when approximately?</p> <p>18 A. You have it somewhere.</p> <p>19 Q. Well, I mean, we can look it up, but I mean</p> <p>20 I think that --</p> <p>21 MR. SCHNEIDER: You testified -- in the</p> <p>22 interest of time, you testified --your second</p> <p>23 appearance, meaning not your consecutive appearances in</p> <p>24 2020, your second appearance was on March 31st, 2022.</p> <p>25 BY MR. SIMON:</p>

<p style="text-align: right;">Page 61</p> <p>1 Q. Does that sound correct?</p> <p>2 A. I think that was the third appearance, too.</p> <p>3 MR. SCHNEIDER: Your third appearance, but</p> <p>4 -- you testified twice previously in 2020, and then you</p> <p>5 returned in 2022.</p> <p>6 BY MR. SIMON:</p> <p>7 Q. And my recollection now is that you</p> <p>8 probably prepared that tree inventory prior to your</p> <p>9 second appearance in 2020?</p> <p>10 A. Yes.</p> <p>11 Q. Right?</p> <p>12 A. Correct.</p> <p>13 Q. And so when you prepared your tree</p> <p>14 inventory in 2020 do you recall whether that was ever</p> <p>15 submitted to the Board?</p> <p>16 A. It was submitted to the Board via a revised</p> <p>17 drawing that we presented as an exhibit.</p> <p>18 Q. And do you recall what exhibit that was</p> <p>19 that constituted that revised drawing?</p> <p>20 A. I couldn't tell you. We'd have to look it</p> <p>21 up.</p> <p>22 MR. SCHNEIDER: Can I just interrupt just</p> <p>23 in the interest of time? Mr. Murawski testified on</p> <p>24 April 18, 2019, May 16, 2019, and March 31st, 2022.</p> <p>25 BY MR. SIMON:</p>	<p style="text-align: right;">Page 62</p> <p>1 Q. So Mr. Murawski, it's probably prior to the</p> <p>2 May 16, 2019, testimony that you prepared that tree</p> <p>3 inventory, correct, or through your office?</p> <p>4 A. Correct.</p> <p>5 Q. And in -- did anyone other than your firm,</p> <p>6 to your knowledge, prior to today do an assessment of</p> <p>7 what trees were dead, diseased, or dying on or adjacent</p> <p>8 to the property?</p> <p>9 A. Prior to today?</p> <p>10 Q. Yes.</p> <p>11 A. We did it back in 2019.</p> <p>12 Q. I'm saying other than in 2019.</p> <p>13 A. No.</p> <p>14 Q. And Mr. Reynolds didn't do that, right?</p> <p>15 A. Mr. Reynolds did do his own site survey.</p> <p>16 Q. Did Mr. Reynolds to your knowledge do an</p> <p>17 assessment as to whether trees were dead, diseased, or</p> <p>18 dying?</p> <p>19 A. You'd have to ask him.</p> <p>20 Q. But my question is regarding A-36 --</p> <p>21 BOARD MEMBER NEWLIN: Can I ask a question?</p> <p>22 Because we're trying to follow. Why is this -- what</p> <p>23 should we be following here listening to these</p> <p>24 questions?</p> <p>25 MR. SIMON: Well, because Mr. Newlin,</p>
<p style="text-align: right;">Page 63</p> <p>1 there's a lot of information that has shown up for the</p> <p>2 first time on A-36 that is -- in terms of that I will</p> <p>3 submit to the Board is nowhere to be found prior to</p> <p>4 this, A-36. And so I am trying to understand from the</p> <p>5 witness why it is that according to my recollection</p> <p>6 that the number of trees prior to this A-36 that were</p> <p>7 identified as dead, diseased, or dying was like six or</p> <p>8 five. And now we're suddenly up to I think it's 22.</p> <p>9 And you know, it's big differences. And so I am trying</p> <p>10 and I apologize but this is important stuff, to</p> <p>11 understand where the discrepancies lie and why we have</p> <p>12 those discrepancies.</p> <p>13 BOARD MEMBER NEWLIN: Between the prior</p> <p>14 testimony and the new landscape plan?</p> <p>15 MR. SIMON: Not just the new landscape</p> <p>16 plan, that's why I'm asking Mr. Murawski about this</p> <p>17 tree removal chart which is so important, because it's</p> <p>18 containing a lot of information that this Board and the</p> <p>19 public is seeing respectfully for the first time.</p> <p>20 BOARD MEMBER NEWLIN: Thank you.</p> <p>21 CHAIRMAN FLANAGAN: Mr. Simon, why don't we</p> <p>22 take a five-minute break?</p> <p>23 MR. SIMON: Okay. Thank you. That's</p> <p>24 helpful.</p> <p>25 CHAIRMAN FLANAGAN: All right. 9:11 we</p>	<p style="text-align: right;">Page 64</p> <p>1 start again.</p> <p>2 (Whereupon, a break is taken at 9:06 p.m.)</p> <p>3 (Back on the record at 9:11 p.m.)</p> <p>4 CHAIRMAN FLANAGAN: Roll call, please.</p> <p>5 SECRETARY TAGLAIRINO: Ms. Sovolos?</p> <p>6 BOARD MEMBER SOVOLOS: Here.</p> <p>7 SECRETARY TAGLAIRINO: Mr. Maselli?</p> <p>8 BOARD MEMBER MASELLI: Here.</p> <p>9 SECRETARY TAGLAIRINO: Mr. Symonds?</p> <p>10 BOARD MEMBER SYMONDS: Here.</p> <p>11 SECRETARY TAGLAIRINO: Mr. Rosenbaum?</p> <p>12 BOARD MEMBER ROSENBAUM: Here.</p> <p>13 SECRETARY TAGLAIRINO: Mr. Newlin?</p> <p>14 BOARD MEMBER NEWLIN: Here.</p> <p>15 SECRETARY TAGLAIRINO: Mr. Addonizio?</p> <p>16 BOARD MEMBER ADDONIZIO: Here.</p> <p>17 SECRETARY TAGLAIRINO: Chairman Flanagan?</p> <p>18 CHAIRMAN FLANAGAN: Here.</p> <p>19 SECRETARY TAGLAIRINO: Mr. Cammarata?</p> <p>20 BOARD MEMBER CAMMARATA: Here.</p> <p>21 SECRETARY TAGLAIRINO: Mr. Boyan is</p> <p>22 excused.</p> <p>23 CHAIRMAN FLANAGAN: Mr. Simon, how much</p> <p>24 longer do you think you have?</p> <p>25 MR. SIMON: I probably have a long time.</p>

<p style="text-align: right;">Page 65</p> <p>1 CHAIRMAN FLANAGAN: So in terms of minutes</p> <p>2 or hours.</p> <p>3 MR. SIMON: More than 30 minutes.</p> <p>4 CHAIRMAN FLANAGAN: Okay. And you have two</p> <p>5 more witnesses?</p> <p>6 MR. SCHNEIDER: Yes.</p> <p>7 CHAIRMAN FLANAGAN: All right. Then for</p> <p>8 those other two witnesses, I know you haven't heard</p> <p>9 them yet but how long do you expect to be?</p> <p>10 MR. SIMON: I'm probably going to have -- I</p> <p>11 don't know what they're going to say so -- but it's</p> <p>12 going to be more than 15 minutes each, I promise you</p> <p>13 that.</p> <p>14 CHAIRMAN FLANAGAN: So as you know, there's</p> <p>15 a deadline on getting this done, right, and having a</p> <p>16 vote on this consent. Just keeping in mind as you're</p> <p>17 asking questions, ask whatever you'd like but there's</p> <p>18 going to come a point where we're just going to have to</p> <p>19 go and take a vote.</p> <p>20 MR. SIMON: I do not agree that under the</p> <p>21 Consent Order that you have to do that. There's</p> <p>22 language in there that contemplates that the parties</p> <p>23 can extend the time, certainly, to render a decision.</p> <p>24 And certainly under the applicable law with regards to</p> <p>25 Whispering Woods and its progeny with regards to</p>	<p style="text-align: right;">Page 66</p> <p>1 settlement that it is critical for the Board to afford</p> <p>2 the public an opportunity to participate meaningfully</p> <p>3 in the process. And I believe, and respectfully</p> <p>4 contend, that if the public, I represent a bunch of</p> <p>5 people plus others here, are going to be cut off</p> <p>6 because the clock has run out that that is not legally</p> <p>7 sustainable. And it's not substantively, procedurally,</p> <p>8 appropriate. And all the questions I'm asking are</p> <p>9 incredibly relevant. It is not my client's doing that</p> <p>10 the tree removal plan is wholly different.</p> <p>11 CHAIRMAN FLANAGAN: All right. So to not</p> <p>12 waste more time, I agree the public needs to have time</p> <p>13 to ask their questions, but I don't know if I agree all</p> <p>14 the questions -- all the lines are going down with</p> <p>15 whose initials are these and whose initials are those</p> <p>16 are relevant.</p> <p>17 Regarding time for this, Steve, I mean, do</p> <p>18 you agree with what Mr. Simon said?</p> <p>19 MR. MLENAK: The parties have to agree to</p> <p>20 extend the deadline under the Consent Order.</p> <p>21 MR. SCHNEIDER: Correct. I don't want to</p> <p>22 take more time because I don't want to get suckered in</p> <p>23 to arguing for ten minutes. The point is that the</p> <p>24 Exhibit A-36 is the relevant landscape exhibit before</p> <p>25 the Board and I would respectfully suggest we should</p>
<p style="text-align: right;">Page 67</p> <p>1 focus our attention on the current plan before the</p> <p>2 Board versus what was done in 2019.</p> <p>3 CHAIRMAN FLANAGAN: Fine. All right. Mr.</p> <p>4 Simon, go ahead.</p> <p>5 BY MR. SIMON:</p> <p>6 Q. Sir, when is the last time you were at the</p> <p>7 property?</p> <p>8 A. I visited the property last month.</p> <p>9 Q. And with regard to the existing tree</p> <p>10 removal chart on L-1 of A-36 are all of the 67 trees</p> <p>11 that are identified on your plan under existing tree</p> <p>12 removal chart, are they all at the property?</p> <p>13 A. I don't know.</p> <p>14 Q. Do you have any information as to -- of</p> <p>15 these 67 trees whether any of these trees have already</p> <p>16 been removed?</p> <p>17 A. I don't know.</p> <p>18 Q. With regard to the condition of these trees</p> <p>19 as identified on this chart from your plan what</p> <p>20 information of that is yours and what information of</p> <p>21 that is Mr. Reynolds?</p> <p>22 A. It's a combination.</p> <p>23 Q. Can you identify for me in terms of the</p> <p>24 combination which is yours and which is Mr. Reynolds?</p> <p>25 A. The original tree species identification,</p>	<p style="text-align: right;">Page 68</p> <p>1 whether it's dead or alive, was all performed by E2PM.</p> <p>2 Mr. Reynolds did his own survey and confirmed the</p> <p>3 information that's on these charts that's on A-36 is</p> <p>4 there.</p> <p>5 Q. Did he make changes to some of this?</p> <p>6 A. I don't know.</p> <p>7 Q. You don't know. So you don't know</p> <p>8 basically in terms of the existing tree removal chart</p> <p>9 which of this information is your firms' and which of</p> <p>10 this information is Mr. Reynolds'; correct?</p> <p>11 A. That's right.</p> <p>12 Q. And what do the red cross-outs represent?</p> <p>13 MR. SCHNEIDER: Objection. Mr. Reynolds is</p> <p>14 the sealer of that plan. Why don't we ask Mr. Reynolds</p> <p>15 that?</p> <p>16 MR. MLENAK: I agree.</p> <p>17 MR. SCHNEIDER: He's the sealer of that</p> <p>18 plan. It's his plan.</p> <p>19 MR. SIMON: I don't have a seal on my plan,</p> <p>20 number one. Number two, I mean, this is not my doing.</p> <p>21 This is on an E2 Project Management site plan. The</p> <p>22 witness just said that he assisted or was part of the</p> <p>23 existing tree removal chart. He can't identify which</p> <p>24 part's his, which part's is Mr. Reynolds', but he said</p> <p>25 that some of it is his. I'm now asking simply, I see a</p>

<p style="text-align: right;">Page 69</p> <p>1 lot of red lines that are going through some of these</p> <p>2 trees, and I just want to know what that means, if you</p> <p>3 know?</p> <p>4 THE WITNESS: I don't know.</p> <p>5 MR. SIMON: You don't know.</p> <p>6 BY MR SIMON:</p> <p>7 Q. Just give me one second. So in terms of</p> <p>8 the distances from the various residential properties,</p> <p>9 so basically now in 2023 we are proposing 72.3 feet</p> <p>10 from the centerline of lot 9.04 for a difference of 6</p> <p>11 feet compared to 2022?</p> <p>12 A. From the centerline to the lot line.</p> <p>13 Q. From the centerline to the lot line, right,</p> <p>14 it's 72.3 feet, right?</p> <p>15 A. Right.</p> <p>16 Q. And that's a difference of 6 feet from</p> <p>17 2022. So you've increased the distance by 6 feet;</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. And that's for Lot 9.04. That's the</p> <p>21 O'Donnell Lot, right? Regarding the Conine Lot you're</p> <p>22 at 120 feet from that lot line to the centerline of the</p> <p>23 tower; correct?</p> <p>24 MR. SCHNEIDER: Mr. Chairman, we went</p> <p>25 through this a half hour ago.</p>	<p style="text-align: right;">Page 70</p> <p>1 CHAIRMAN FLANAGAN: I agree. Can we move</p> <p>2 on, Mr. Simon?</p> <p>3 MR. SIMON: I'd like to make the point that</p> <p>4 the difference for the Conine property is 1.3 feet.</p> <p>5 CHAIRMAN FLANAGAN: Point taken.</p> <p>6 BY MR. SIMON:</p> <p>7 Q. And it's actually also closer to the Conine</p> <p>8 property than what was originally proposed in 2017;</p> <p>9 correct?</p> <p>10 A. I'd have to check.</p> <p>11 Q. And other than the shale evaluation you're</p> <p>12 not aware of any shale evaluation at any other part of</p> <p>13 the property; correct?</p> <p>14 A. I am not aware.</p> <p>15 Q. With regard to the proposed pole that TAPP</p> <p>16 apparently designed, do you know if that contemplates a</p> <p>17 non-extendable or extendible monopole?</p> <p>18 A. It's extendible.</p> <p>19 Q. And what does it mean to be extendible?</p> <p>20 A. So it's a function of the capacity of the</p> <p>21 pole to be extended by a certain amount, and that goes</p> <p>22 for the pole and the foundation. So you could order a</p> <p>23 pole that's extendable to 150 feet so that the</p> <p>24 foundation is designed for a pole that's theoretically</p> <p>25 150 feet, because you can't go back and it's very</p>
<p style="text-align: right;">Page 71</p> <p>1 difficult to modify a foundation. So we confirmed with</p> <p>2 TAPP that this particular design, this particular pole</p> <p>3 is extendible to a hundred feet.</p> <p>4 Q. To a hundred feet. And was that requested</p> <p>5 of TAPP to design --</p> <p>6 A. Not by me.</p> <p>7 Q. But by somebody on your team, so to speak?</p> <p>8 A. I would think so.</p> <p>9 Q. And the diameter of the tree as proposed</p> <p>10 now is the same as what was proposed in 2022; correct?</p> <p>11 A. The diameter of what?</p> <p>12 Q. Of the branches?</p> <p>13 A. I don't remember what was proposed in 2022,</p> <p>14 but it would make sense. 10 feet is pretty standard</p> <p>15 for the range.</p> <p>16 Q. You said you went to the property a couple</p> <p>17 of months ago?</p> <p>18 MR. SCHNEIDER: He said last month.</p> <p>19 THE WITNESS: Last month.</p> <p>20 BY MR SIMON:</p> <p>21 Q. I neglected to ask you. Does SP-1, A-36,</p> <p>22 accurately depict the current location of all buildings</p> <p>23 and structures?</p> <p>24 A. There's been -- it does not. There's been</p> <p>25 new construction since then.</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. So when you say "there's been new</p> <p>2 construction since then," so explain to me referring to</p> <p>3 SP-1, A-36, dated March 2nd, 2023, what new</p> <p>4 construction are you referring to?</p> <p>5 A. So opposite -- where is the right plan?</p> <p>6 SECRETARY TAGLAIRINO: Do you want me to</p> <p>7 put it back up?</p> <p>8 MR. MLENAK: Page 23.</p> <p>9 A. North of -- in a northerly direction from</p> <p>10 the recycling shed that we are proposing to locate</p> <p>11 behind along the northern property line is a new salt</p> <p>12 storage shed.</p> <p>13 Q. A new what? I'm sorry.</p> <p>14 A. Salt storage shed.</p> <p>15 Q. And where is that salt storage shed?</p> <p>16 A. I believe on our SP-1 we're located --</p> <p>17 we're showing it. And it's, I believe --</p> <p>18 Q. Right. I see it there. What I asked you</p> <p>19 is that other than -- does SP-1 on A-36 accurately</p> <p>20 depict location of all buildings and structures as of</p> <p>21 when you were there approximately a month ago?</p> <p>22 A. I don't remember that salt storage shed</p> <p>23 being there originally.</p> <p>24 Q. When you say "originally," what do you</p> <p>25 mean?</p>

<p style="text-align: right;">Page 73</p> <p>1 A. In my original site visit in 2019, for 2 example.</p> <p>3 Q. Other than the salt storage shed is there 4 any other building or structure?</p> <p>5 A. I'm not aware.</p> <p>6 Q. And you heard me answer the question from 7 the chair. You recall that over the course of your 8 testimony originally 12 trees were going to be removed, 9 and then seven trees were going to be removed, and now 10 33 trees are supposed to be removed; correct?</p> <p>11 A. I don't know if that's accurate.</p> <p>12 Q. What would you need to look at to determine 13 whether that statement is accurate?</p> <p>14 MR. SCHNEIDER: Objection. He said that 15 Mr. Reynolds would testify.</p> <p>16 CHAIRMAN FLANAGAN: I agree. Let's move 17 on.</p> <p>18 MR. SIMON: Well, Mr. Reynolds is the 19 landscape architect. The reason why I'm frustrated is 20 that this witness testified that regarding the tree 21 removal plan that's on his plan he said he prepared 22 some of it and Mr. Reynolds prepared some of it. Mr. 23 Reynolds wasn't --</p> <p>24 MR. SCHNEIDER: I've indicated that Mr. 25 Reynolds will be the person who will testify as to the</p>	<p style="text-align: right;">Page 74</p> <p>1 current site conditions, which trees are dead, and 2 which trees are being proposed.</p> <p>3 CHAIRMAN FLANAGAN: Will you bring back 4 this witness if it becomes necessary during the 5 testimony?</p> <p>6 MR. SCHNEIDER: Correct.</p> <p>7 CHAIRMAN FLANAGAN: Great.</p> <p>8 MR. SIMON: So all my tree questions I'll 9 ask Mr. Reynolds; is that what the Board is suggesting?</p> <p>10 CHAIRMAN FLANAGAN: Will Mr. Reynolds be 11 able to answer his tree questions, Mr. Schneider?</p> <p>12 MR. SCHNEIDER: I would hope so, but I 13 don't know what the questions are going to be. But 14 yeah, let me get to the point here, if I may. We have 15 a plan A-36, Sheets L-1 and two, three under the 16 signage of Mr. Reynolds. He's the certified landscape 17 architect. We specifically brought him in because he 18 is a certified landscape architect, and the landscaping 19 should be deferred to Mr. Reynolds.</p> <p>20 CHAIRMAN FLANAGAN: I agree. And you'll 21 bring back this witness --</p> <p>22 MR. SCHNEIDER: If there's an issue I agree 23 to bring back Mr. Murawski.</p> <p>24 MR. SIMON: And is Mr. Reynolds able to 25 testify in terms of trees being removed, trees being</p>
<p style="text-align: right;">Page 75</p> <p>1 dead, trees being safe?</p> <p>2 CHAIRMAN FLANAGAN: If he's not he just 3 said he'd bring back Mr. Murawski.</p> <p>4 MR. SCHNEIDER: In the interest of time I 5 would also refer to the Board to Mr. Fox's 6 memorandum --</p> <p>7 MR. MLENAK: Use your microphone.</p> <p>8 MR. SCHNEIDER: I'm sorry. I would refer 9 to the Board, In the interest of time, to Mr. Fox's 10 memorandum in which he indicates an accurate inventory 11 of existing trees has been provided of which existing 12 trees will be removed. He indicates obviously that 13 he's reviewed that and that it reflects current 14 conditions.</p> <p>15 MR. SIMON: Mr. Schneider, first of all, 16 can you please identify what you're referring to?</p> <p>17 MR. SCHNEIDER: I'm referring to a 18 memorandum of Mr. Fox dated April 21st, 2023, second 19 bullet point. "An accurate inventory of the existing 20 trees has been provided along with identification of 21 which existing trees will be removed." And he's 22 referring to the sheet plan which has been marked as 23 Exhibit A-36.</p> <p>24 MR. SIMON: Number one, I don't believe 25 that that review memo was part of what was available to</p>	<p style="text-align: right;">Page 76</p> <p>1 the public, because I went on the website and I didn't 2 see that, and I would ask that that be provided to me, 3 number one.</p> <p>4 Number two, with regard to what you just 5 stated, Mr. Schneider, I'm fairly confident, I guess we 6 can ask Mr. Fox whether he individually did that 7 evaluation himself.</p> <p>8 MR. SCHNEIDER: I'd be glad to provide you 9 with a copy.</p> <p>10 MR. SIMON: All right. Great.</p> <p>11 BY MR. SIMON:</p> <p>12 Q. Did you do, with regard to -- I think this 13 is for this witness, in fairness.</p> <p>14 Mr. Murawski, with regard to the removal of 15 the 33 trees that I'm going to ask Mr. Reynolds about, 16 did you do any analysis as to how that will impact 17 stormwater management on the site?</p> <p>18 A. No.</p> <p>19 Q. Did you do any stormwater management 20 analysis with regard to this application?</p> <p>21 A. So we were asked to by Mr. Fox to provide 22 infiltration to compensate for the gravel that we're 23 placing within the compound. So we installed a 24 stormwater management design called an infiltration 25 chamber which collects the water from the recycling</p>

<p style="text-align: right;">Page 77</p> <p>1 shed and allows it to infiltrate back into the ground.</p> <p>2 Q. And that's from the recycling shed?</p> <p>3 A. Yes.</p> <p>4 Q. So are you collecting water in this</p> <p>5 infiltration chamber from anywhere else besides the</p> <p>6 recycling shed?</p> <p>7 A. No.</p> <p>8 Q. And so the removal of the 33 trees and the</p> <p>9 root systems, do you expect that to have any impact on</p> <p>10 stormwater management surface water flow?</p> <p>11 A. I do not.</p> <p>12 Q. And why is that?</p> <p>13 A. So we're replacing a lot of these trees</p> <p>14 with new landscaping and I think the net effect in</p> <p>15 terms of infiltration --</p> <p>16 MR. SCHNEIDER: Keep your voice up, Jim.</p> <p>17 A. I believe the net effect of the new</p> <p>18 landscaping versus the trees to be removed is going to</p> <p>19 be very close in mimicking the existing stormwater</p> <p>20 runoff versus the new stormwater runoff.</p> <p>21 Q. Okay. I'll bite. So you're removing 33</p> <p>22 trees; correct? That's what the plan says.</p> <p>23 A. I'm not sure that's accurate.</p> <p>24 Q. Okay. Do you know how many trees -- based</p> <p>25 on your sworn testimony statement, do you know how many</p>	<p style="text-align: right;">Page 78</p> <p>1 new trees you're placing?</p> <p>2 A. No.</p> <p>3 Q. So if you don't know how many you're</p> <p>4 removing and you don't know how many you're replacing</p> <p>5 them with how can you possibly make that statement that</p> <p>6 you believe that the new trees will adequately</p> <p>7 compensate for the old mature trees mind you that are</p> <p>8 being removed?</p> <p>9 A. So I've seen the site and I've seen the</p> <p>10 proposed landscaping design.</p> <p>11 Q. Based on your review of that proposed</p> <p>12 landscaping design how many trees are being installed?</p> <p>13 A. I didn't count them.</p> <p>14 Q. Do you know at the time of planting what</p> <p>15 the diameter breast height will be?</p> <p>16 MR. SCHNEIDER: Mr. Reynolds will address</p> <p>17 that.</p> <p>18 BY MR. SIMON:</p> <p>19 Q. So is it fair to say that without knowing</p> <p>20 any of that information and just looking at a plan and</p> <p>21 circles without even knowing how many trees we're</p> <p>22 talking about that you can't fairly -- at least at this</p> <p>23 time maybe you can look at it -- at this point you</p> <p>24 can't opine as a professional as to impacts, if any, on</p> <p>25 stormwater management by the tree removal?</p>
<p style="text-align: right;">Page 79</p> <p>1 A. But I can. So stormwater runoff is not an</p> <p>2 exact science. It's based on coefficients, runoff</p> <p>3 coefficients, and you have a runoff coefficient for a</p> <p>4 grassy field, you have runoff coefficient for a</p> <p>5 graveled surface or paved surface, and you have runoff</p> <p>6 coefficient for a wooded area. It's still going to be</p> <p>7 a wooded area.</p> <p>8 Q. The root systems are going to be a lot</p> <p>9 shallower with new trees; right?</p> <p>10 A. It doesn't affect runoff. That won't</p> <p>11 affect runoff.</p> <p>12 Q. The gravel area, will that affect runoff?</p> <p>13 A. Yes.</p> <p>14 Q. Is the gravel area being replaced with</p> <p>15 trees?</p> <p>16 A. The gravel area is being compensated for by</p> <p>17 the infiltration basin.</p> <p>18 Q. It's not being replaced by trees; correct?</p> <p>19 A. Correct.</p> <p>20 MR. SIMON: All right. I'm going to</p> <p>21 reserve depending on what Mr. Reynolds says, but at</p> <p>22 this point with regard to this witness based on his</p> <p>23 testimony, but I have no further questions at this</p> <p>24 point, at this time for this particular witness.</p> <p>25 CHAIRMAN FLANAGAN: All right. Do any</p>	<p style="text-align: right;">Page 80</p> <p>1 other members of the public not represented by Mr.</p> <p>2 Simon have any questions of this witness? And this is</p> <p>3 the time for questions directly related to the</p> <p>4 testimony the witness gave. There will be</p> <p>5 opportunities later to state your views, give your</p> <p>6 opinion, but any questions for the witness?</p> <p>7 MS. CHRISTEL ENGEL: I have questions.</p> <p>8 CHAIRMAN FLANAGAN: Sure, come on down.</p> <p>9 MS. CHRISTEL ENGEL: No. I was not</p> <p>10 mentioned. I'm Livio's wife. I just have a general</p> <p>11 question.</p> <p>12 CHAIRMAN FLANAGAN: Hold on a second. So</p> <p>13 you are represented by Mr. Simon?</p> <p>14 MS. CHRISTEL ENGEL: Yes, but it's a</p> <p>15 question regarding stormwater runoff, because I live</p> <p>16 next to it and I want to ask a question.</p> <p>17 MR. SIMON: No, no. That's not appropriate.</p> <p>18 What I will do is can I ask my client the question,</p> <p>19 what the question is so I can ask the question of the</p> <p>20 witness? Is that appropriate?</p> <p>21 CHAIRMAN FLANAGAN: Okay.</p> <p>22 MR. SIMON: Unless you just want her to ask</p> <p>23 directly. That's up to you.</p> <p>24 CHAIRMAN FLANAGAN: Come on down. Grab the</p> <p>25 mic. Is that on, Lori?</p>

<p style="text-align: right;">Page 81</p> <p>1 SECRETARY TAGLAIRINO: No.</p> <p>2 CHAIRMAN FLANAGAN: Mr. Simon, would you</p> <p>3 rather have -- Mr. Schneider --</p> <p>4 MR. SCHNEIDER: Listen, I don't want to</p> <p>5 argue about it for three minutes, because it's quicker</p> <p>6 to answer the question. I agree.</p> <p>7 CHAIRMAN FLANAGAN: Tell us your name for</p> <p>8 the record.</p> <p>9 MS. CHRISTEL ENGEL: It's Christel Engel.</p> <p>10 I'm Livio's wife, and live at 32 Millbrook Road. And I</p> <p>11 notice very recently that the entire recycling center</p> <p>12 has been paved. And this is regarding the stormwater</p> <p>13 runoff, because we have increased or we're seeing a</p> <p>14 tremendous amount of water coming back to us,</p> <p>15 especially now that it is paved. And I just wanted to</p> <p>16 know whether that has an impact on the questions that</p> <p>17 you've been asking?</p> <p>18 CHAIRMAN FLANAGAN: Thank you. Does that</p> <p>19 question make sense?</p> <p>20 THE WITNESS: Yes, it does. I've noticed</p> <p>21 the paving myself. And that's municipal property.</p> <p>22 That was all municipal work, so I would have to defer</p> <p>23 the question, because I don't know what other</p> <p>24 stormwater management measures the municipality has on</p> <p>25 this site.</p>	<p style="text-align: right;">Page 82</p> <p>1 MS. CHRISTEL ENGEL: I'm simply suggesting</p> <p>2 that this would add much more if Mr. Simon is correct.</p> <p>3 MR. SIMON: So, can I ask? I'll ask the</p> <p>4 appropriate followup.</p> <p>5 BY MR. SIMON:</p> <p>6 Q. So Mr. Murawski, other than capturing the</p> <p>7 runoff from the recycling shed, are you capturing any</p> <p>8 runoff from the -- I'm going to call it from the</p> <p>9 equipment area, including the tower?</p> <p>10 A. No.</p> <p>11 MR. SIMON: Okay.</p> <p>12 CHAIRMAN FLANAGAN: All right. Any other</p> <p>13 members of the public not represented by Mr. Simon have</p> <p>14 a question? Is there anyone here not represented by</p> <p>15 Mr. Simon? Put your hand up if you're not represented</p> <p>16 by Mr. Simon. (Four public members raise their hands.)</p> <p>17 All right. Moving on.</p> <p>18 MR. SCHNEIDER: Mr. Reynolds.</p> <p>19 MR. SIMON: Can I stay here?</p> <p>20 CHAIRMAN FLANAGAN: Mr. Reynolds, come on</p> <p>21 down.</p> <p>22 MR. SCHNEIDER: Could I have him sworn,</p> <p>23 Steve?</p> <p>24 MR. MLENAK: Raise your right hand. Do you</p> <p>25 swear to tell the truth, the whole truth, and nothing</p>
<p style="text-align: right;">Page 83</p> <p>1 but the truth?</p> <p>2 MR. REYNOLDS: Yes, I do.</p> <p>3 JEFFREY REYNOLDS, having</p> <p>4 been duly sworn testified as follows:</p> <p>5 MR. MLENAK: Please state your full name</p> <p>6 and spell your last name.</p> <p>7 MR. REYNOLDS: Jeffrey D. Reynolds,</p> <p>8 R-e-y-n-o-l-d-s.</p> <p>9 MR. MLENAK: And can you give the Board the</p> <p>10 benefit of your qualifications?</p> <p>11 MR. SCHNEIDER: I'll qualify him.</p> <p>12 EXAMINATION BY MR. SCHNEIDER:</p> <p>13 Q. What is your profession?</p> <p>14 A. I'm a landscape architect.</p> <p>15 Q. And you are so licensed by the state of New</p> <p>16 Jersey?</p> <p>17 A. Yes, I am.</p> <p>18 Q. And can you concisely provide the Board</p> <p>19 with the benefit of your education and experience?</p> <p>20 A. 1987 I graduated from Paul Smith College of</p> <p>21 forestry with an Associates Degree in Forestry. I</p> <p>22 transferred to SUNY Syracuse, College of Environmental</p> <p>23 Science and Forestry --</p> <p>24 CHAIRMAN FLANAGAN: Fantastic. And your</p> <p>25 license is current?</p>	<p style="text-align: right;">Page 84</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MR. SCHNEIDER:</p> <p>3 Q. Have you previously testified in your</p> <p>4 capacity as a certified landscape architect?</p> <p>5 A. Yes, I have.</p> <p>6 Q. Before other Planning Boards and Boards of</p> <p>7 Adjustment?</p> <p>8 A. Yes, I have.</p> <p>9 Q. And has your testimony been accepted as</p> <p>10 that of an expert witness in the field of landscape</p> <p>11 architect?</p> <p>12 A. Yes, it has.</p> <p>13 CHAIRMAN FLANAGAN: And your license is</p> <p>14 current.</p> <p>15 THE WITNESS: Yes, my license is current.</p> <p>16 CHAIRMAN FLANAGAN: You're an expert.</p> <p>17 Thank you.</p> <p>18 BY MR. SCHNEIDER:</p> <p>19 Q. Mr. Reynolds, I'm going to refer you --</p> <p>20 first of all, have you visited the site?</p> <p>21 A. Yes, I have. I was there about two weeks</p> <p>22 ago.</p> <p>23 Q. And have you also had the opportunity to</p> <p>24 review Mr. Fox's memorandum dated April 21st, 2023?</p> <p>25 A. Yes. I did review that memo.</p>

<p style="text-align: right;">Page 85</p> <p>1 Q. And I want to refer you to -- I want to try 2 to deal with this in the interest of time. I want to 3 refer you to Sheets L-1, L-2, and L-3 of Sheet A-36 -- 4 I'm sorry. Exhibit A-36; correct? 5 A. Correct. 6 Q. And I want to get right to the chase. In 7 referring to Sheet L-1 that plan is entitled "Tree 8 survey and removal plan"; correct? 9 A. That is correct. 10 Q. Okay. And in the -- thank you Lori. And 11 in the lower left-hand -- well, lower corner toward the 12 left-hand side there is columns referred to as existing 13 tree removal chart; correct? 14 A. That is correct. 15 Q. And are you familiar with the information 16 that is contained within that existing tree removal 17 chart? 18 A. Yes, I am. 19 Q. Okay. And are you able to independently 20 verify that you're familiar with the information that's 21 contained there based on your review of the site? 22 A. Yes. 23 Q. Okay. And that, if I understand it from a 24 lay perspective, that would reflect existing trees and 25 then there's a certain notation as to its current</p>	<p style="text-align: right;">Page 86</p> <p>1 status and those which are intended to be removed; is 2 that correct? 3 A. That is correct. 4 Q. Cutting right to the choice -- cutting 5 right to the issue, there are trees which have specific 6 tree numbers and are then denoted with a red line 7 through them; do you see that? 8 A. Yes, I see that. 9 Q. Okay. And what is that intended to 10 represent? 11 A. That is a tree that will be removed with 12 this project. 13 Q. Okay. And Mr. Simon was about to engage in 14 lengthy cross-examination of Mr. Murawski as to the 15 total number of trees that are intended to be removed. 16 You were present and you understood that question; 17 correct? 18 A. Yes. 19 Q. And can you confirm the total number of 20 trees that are being removed? 21 A. There are 32 trees to be removed. 22 Q. Okay. Let's put that in some perspective. 23 Of the 32 trees, did you do an analysis as to which of 24 the 32 trees being removed have been denoted as dead or 25 dying?</p>
<p style="text-align: right;">Page 87</p> <p>1 A. Yes. There are only nine trees that are 2 still alive of the 32 trees that are going to be 3 removed. 4 Q. Of the -- let me put that in some 5 perspective. There are -- so nine are not dead or 6 dying. The balance, which I guess under my math would 7 be 23, are dead or dying; is that correct? 8 A. That is correct. 9 Q. Okay. Can you characterize and in some 10 level of detail the nature of some of those trees that 11 are reflected as being removed? 12 For example, I see in a number of cases 13 Sassafras as being the tree species that's intended to 14 be removed. Can you, for those like me who are -- I'll 15 be blunt -- ignorant of tree species, what is a 16 Sassafras and what's the significance of something like 17 that being removed? 18 A. A Sassafras tree basically doesn't have 19 much significance. It's a weed tree that grows on the 20 side of highways. It's a pioneer species. It will be 21 one of the first species to come in and grow roots but 22 it will not last for long. It's basically a weed tree. 23 Q. You also made the comment when we were 24 discussing this matter this afternoon that some of 25 these, I guess, are -- some of the trees that are</p>	<p style="text-align: right;">Page 88</p> <p>1 denoted as being dead or dying is that by virtue of 2 this Ash Disease that I'm familiar with? 3 A. Yes. The Emerald Ash Borer has been 4 killing the Ash Trees and that's why there are more 5 dead trees now than there were a couple of years ago, 6 because the Emerald Ash Borer is killing the trees. 7 Q. So that when Mr. Simon engaged in his 8 extensive cross-examination of Mr. Murawski relative to 9 the evolution of the tree removal from going back to 10 when the original site plan was prepared and then again 11 in 2022 and now, does that in part account for the 12 nature or the difference in the number of trees that 13 are being removed in those designated as dead or dying? 14 A. Yes. I believe it does. 15 Q. Okay. Thank you. Now, turning your 16 attention to Sheet L-2. Okay. Can you indicate what's 17 reflected on Sheet L-2? 18 A. Yes. This is the planting plan that is 19 going to shield or buffer the visuals from the adjacent 20 properties. And basically we've got four different 21 plant species or tree species. They're all evergreen 22 and we're going to start with the lowest evergreens. 23 The Nellie Stevens Hollies are going to be closest to 24 the compound. And then we're going to have the 25 American Hollies a little bit further away from the</p>

<p style="text-align: right;">Page 89</p> <p>1 compound mixed in with some Dark Arborvitae. And then 2 along the property line that's where we're going to 3 have the biggest of all the pine trees. Those are 4 going to the Norway Spruce Trees and they will be 5 staggered along the property line planted in the field 6 to make sure that we don't disturb any existing trees 7 that are already out there. So we would field that and 8 put them in the right spot.</p> <p>9 Q. And by my calculation, and if you bear with 10 me a second. I'm now referring to Sheet L-3. That 11 denotes -- let me deal with this in some order. That 12 denotes the total number of trees that are being 13 proposed. And if I could count 33 replacement trees; 14 is that correct?</p> <p>15 A. That is correct, 33.</p> <p>16 Q. Okay. So 33 replacement trees are being 17 proposed. Five of which are the Nellie Holly, seven 18 the American Holly, 15 Norway Spruce, and six Dark 19 American Arborvitae; is that correct?</p> <p>20 A. That is correct.</p> <p>21 Q. Again referring to you Sheet L-3. Can you 22 provide the Board, without me interrupting you, with an 23 understanding of a little more detail about those type 24 of species, specifically as to what their height is at 25 time of planting, how tall they will grow to be, and</p>	<p style="text-align: right;">Page 90</p> <p>1 what is the expected time period relative to their 2 maximum height?</p> <p>3 A. The Nellie Stevens Hollies they're going to 4 be -- actually, everything is going to be planted at 5 5 to 6 foot except for the Norway Spruce. The Norway 6 Spruce will be bigger. Those are the ones along the 7 property line. They will be 8 to 10 feet. These 8 species will grow between 2 and 3 feet a year. And 9 basically within 10 to 15 years there should be a very, 10 very good buffer screen there.</p> <p>11 Q. What can the Board and the public 12 reasonably expect in terms of the maximum growth or 13 height of these trees when they reach their full mature 14 height?</p> <p>15 A. The Nellie Stevens Hollies can get to be 16 20, 25 feet. The American Hollies get to be bigger, 17 30, 35 feet. The Norway Spruces are the really big 18 ones. Those are the ones that can get to be a hundred 19 feet at some point. But they will probably only really 20 get to be about 60 feet in this situation. If they had 21 perfect growing conditions they could reach that height 22 but very doubtful. They'll probably get maxed out at 23 about 60 feet.</p> <p>24 BOARD MEMBER NEWLIN: How long will that 25 take?</p>
<p style="text-align: right;">Page 91</p> <p>1 THE WITNESS: To get to 60 feet?</p> <p>2 BOARD MEMBER NEWLIN: Sixty years?</p> <p>3 THE WITNESS: No. I'd say 30 years.</p> <p>4 MR. SCHNEIDER: Mr. Chairman, nothing 5 further for Mr. Reynolds.</p> <p>6 CHAIRMAN FLANAGAN: Excellent. Does anyone 7 have any questions -- oh, I'm sorry. Does the Board 8 have any questions? Any members of the public have 9 questions?</p> <p>10 BOARD MEMBER SYMONDS: I do.</p> <p>11 CHAIRMAN FLANAGAN: Sorry, Hugh.</p> <p>12 BOARD MEMBER SYMONDS: Mr. Reynolds, of the 13 four species that you've selected can you tell me which 14 ones are native species and the selection criteria?</p> <p>15 THE WITNESS: Yes, American Holly is a 16 native species. The Nellie Stevens Holly is a hybrid 17 species, but it's still kind of native and it serves a 18 good purpose because it is a very good species. It's 19 hard to kill. It grows -- they all grow very well in 20 just about any conditions. The -- I'm sorry. What was 21 the question exactly again?</p> <p>22 MR. SCHNEIDER: Which are native?</p> <p>23 THE WITNESS: The Norway Spruce is a native 24 species. The Dark American Arborvitae that is a 25 western species. And the reason we use that one here</p>	<p style="text-align: right;">Page 92</p> <p>1 on the east coast is because the deer don't eat it here 2 on the east coast. So basically there's two that are 3 native. One that's semi-native because it's a hybrid. 4 And then the other one which we only have six of them 5 are normally grown on the west coast, but we use them a 6 lot in the east now because of the deer problems that 7 we have.</p> <p>8 BOARD MEMBER SYMONDS: Okay. Thank you.</p> <p>9 CHAIRMAN FLANAGAN: Anyone else?</p> <p>10 BOARD MEMBER NEWLIN: So the Norway Spruce 11 is not native. Are you an Arborist?</p> <p>12 THE WITNESS: No. I'm not an Arborist.</p> <p>13 BOARD MEMBER NEWLIN: You're not an 14 Arborist. Norway Spruce is not native. Secondly, I 15 never heard of Sassafras being a weed tree. That is a 16 native tree. That's a fairly desirable tree. I wonder 17 if you know anything about trees based on --</p> <p>18 THE WITNESS: I know more about trees than 19 the average person.</p> <p>20 BOARD MEMBER NEWLIN: We're average people. 21 You're supposed to be an expert. Norway Spruce is not 22 native.</p> <p>23 THE WITNESS: If you look at any of the New 24 Jersey recommended species for plantings --</p> <p>25 BOARD MEMBER NEWLIN: The question was,</p>

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1 what were native; what weren't. You listed three
 2 trees. One is a variety, that's not native. Nothing
 3 else.
 4 THE WITNESS: I still feel that the Norway
 5 Spruce --
 6 BOARD MEMBER NEWLIN: You feel?
 7 THE WITNESS: -- is or is considered a
 8 native tree in New Jersey.
 9 BOARD MEMBER NEWLIN: That's nonsense.
 10 CHAIRMAN FLANAGAN: Anybody else?
 11 BOARD MEMBER MASELLI: Different parts in
 12 New Jersey, right? Because this specific area I would
 13 free with Alf that it's not.
 14 BOARD MEMBER NEWLIN: It's not to the
 15 United States, period.
 16 BOARD MEMBER MASELLI: I'm wondering also
 17 as a follow-up question, why aren't we more indigenous
 18 with our tree selection? Why isn't there any deciduous
 19 trees with color like we see around this town?
 20 THE WITNESS: Well, we're really trying to
 21 buffer them it with evergreen --
 22 BOARD MEMBER MASELLI: You're not buffering
 23 with 5-, 6-foot high. And I'm hearing 30 years,
 24 20 years.
 25 THE WITNESS: The trees will grow over

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1 that.
 2 BOARD MEMBER NEWLIN: I believe that's
 3 accurate. But it is important that the testimony is
 4 accurate, and this testimony is not --
 5 MR. SCHNEIDER: I'm sorry, I can't hear
 6 you.
 7 BOARD MEMBER NEWLIN: But it's important
 8 that the testimony is accurate, and this gentleman is
 9 not accurate. I agree with Mr. Fox that there's
 10 reasons that Norway Spruce is because they are good
 11 screeners, they are pretty hardy, et cetera, but it's
 12 also important to have accurate testimony.
 13 CHAIRMAN FLANAGAN: I agree. I just
 14 denote, though, that this landscape plan was the
 15 product of Paul working with, I guess, either Verizon
 16 or you, right? But certainly somebody on the Verizon
 17 side.
 18 MR. FOX: Correct.
 19 CHAIRMAN FLANAGAN: Anybody else?
 20 BOARD MEMBER MASELLI: Just one question
 21 for Paul. Survivability, that whole subject of new
 22 species, new trees, young trees, what needs to be done
 23 to maintain those trees, especially in the initial
 24 years. Who does that?
 25 MR. FOX: Well, first of all, the trees all

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1 time. In five to 10 years you're going to see a much
 2 better buffer than is originally planted. In ten to
 3 20 years it will be beautiful.
 4 CHAIRMAN FLANAGAN: Anybody else on the
 5 Board?
 6 Paul, do you have any thoughts on this?
 7 MR. FOX: No. I'm not going to get into
 8 the debate about the Norway Spruce, but it is a good
 9 selection for this site because it's very hardy and
 10 it's good survivability. So even in times where we're
 11 trying to select native material, that is often
 12 selected because of its durability, and its good growth
 13 rate.
 14 CHAIRMAN FLANAGAN: Okay.
 15 MR. SCHNEIDER: I should note for the
 16 record that the landscaping plan that's reflected on
 17 L-1, L-2 and L-3 was the subject of significant comment
 18 on behalf of the Township. This was not developed
 19 unilaterally by Verizon Wireless. So it should be
 20 noted that Verizon Wireless worked cooperatively with
 21 the Township for the purposes of preparing the
 22 landscaping.
 23 CHAIRMAN FLANAGAN: I think that's right.
 24 Paul, were you involved with that?
 25 MR. FOX: Yes, we had back and forth on

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1 have to be fenced in until they become established to
 2 prevent browsing by deer and damage by deer. Normally,
 3 that will be a two-year period. But also all the trees
 4 that have to come with a two-year nursery guarantee, so
 5 if they didn't survive for two years they would have to
 6 be replaced by the Applicant.
 7 BOARD MEMBER MASELLI: Who's maintaining
 8 that? Whose program is it? Are there gator bags on
 9 these trees? Do they have irrigation?
 10 MR. FOX: The Applicant's responsible.
 11 BOARD MEMBER MASELLI: But is there a plan
 12 in place for irrigation?
 13 MR. FOX: Trees this size I wouldn't expect
 14 that they'll need irrigation, but if they do it's going
 15 to be the Applicant's responsibility. They're
 16 responsible for establishing this landscape plan and
 17 making sure it's successful.
 18 BOARD MEMBER MASELLI: Thank you. And
 19 who's checking up on it?
 20 MR. FOX: Normally that will be the Zoning
 21 Officer or myself.
 22 CHAIRMAN FLANAGAN: Mr. Simon, do you want
 23 to go first or would you like to --
 24 MR. SIMON: I'll go first.
 25 CHAIRMAN FLANAGAN: We'll get to you.

<p style="text-align: right;">Page 97</p> <p>1 He'll be done very quickly.</p> <p>2 MR. SIMON: Unless -- you know what --</p> <p>3 MR. WEEKS: I'm the only non-contestant</p> <p>4 here.</p> <p>5 CHAIRMAN FLANAGAN: Why don't you come on</p> <p>6 down.</p> <p>7 MR. SIMON: Go ahead. That's my bad.</p> <p>8 MR. WEEKS: My impression was --</p> <p>9 CHAIRMAN FLANAGAN: Speak into the</p> <p>10 microphone.</p> <p>11 MR. WEEKS: My name is Richard Weeks, Lees</p> <p>12 Hill Road, W-e-e-k-s, 132 Lees Hill Road.</p> <p>13 I'm new to this process, but I do have some</p> <p>14 experience with trees and I'm a resident of the town,</p> <p>15 and my experience -- and I'm also a contractor. And my</p> <p>16 experience with this particular species is people plant</p> <p>17 it sort of as a hedge. The spacing on this tree is in</p> <p>18 a natural state, not what you're seeing here I suspect.</p> <p>19 MR. MLENAK: So Mr. Weeks, I just want to</p> <p>20 make sure you're going to get into a question, because</p> <p>21 this is question time.</p> <p>22 MR. WEEKS: Well, my question is, what do</p> <p>23 you really expect this to look like in a few years.</p> <p>24 And what are you going to if -- I mean, my neighbor's</p> <p>25 planted three or four of these, he's a landscape</p>	<p style="text-align: right;">Page 98</p> <p>1 architect, and one of them kicked the bucket. And in</p> <p>2 30 years there are going to be long telephone poles</p> <p>3 with no foliage underneath them.</p> <p>4 That's my personal experience with Norway</p> <p>5 Spruce. A lot of people plant them as foundation</p> <p>6 plantings --</p> <p>7 CHAIRMAN FLANAGAN: So the question is</p> <p>8 what --</p> <p>9 MR. WEEKS: What do you expect this to look</p> <p>10 like in 20 years?</p> <p>11 MR. MLENAK: Mr. Reynolds?</p> <p>12 THE WITNESS: We expect it to look like a</p> <p>13 natural evergreen screen that you will be blocking the</p> <p>14 visuals of the yard. And basically we have the Norway</p> <p>15 Spruce on the edge with the smaller evergreens behind</p> <p>16 it. So when they do -- if they were to lose their</p> <p>17 lower branches the hollies would be behind it with the</p> <p>18 dark green Arborvitae to fill in those gaps. That's</p> <p>19 why --</p> <p>20 MR. WEEKS: Do you expect all those trees</p> <p>21 to survive?</p> <p>22 THE WITNESS: If they don't survive in the</p> <p>23 first two years we'll have to replace them. So we're</p> <p>24 going to try to get them to survive. We're going to</p> <p>25 plant them as best we can.</p>
<p style="text-align: right;">Page 99</p> <p>1 MR. WEEKS: And in nature, what will the</p> <p>2 spacing of this species be?</p> <p>3 THE WITNESS: In nature they could be</p> <p>4 overlapping a lot. We've given them room to grow to be</p> <p>5 able to flourish a little bit better, to give them some</p> <p>6 room, because when they grow too close sometimes in</p> <p>7 nature they aren't as hardy, they aren't as happy.</p> <p>8 MR. WEEKS: So what is the spacing in</p> <p>9 nature?</p> <p>10 THE WITNESS: Norway Spruces grow between</p> <p>11 25-to-30-feet wide. I think we're going to put them</p> <p>12 about 20-foot on center.</p> <p>13 MR. WEEKS: Well, we'll see. Thank you.</p> <p>14 THE WITNESS: Thank you.</p> <p>15 CHAIRMAN FLANAGAN: All right. Mr. Simon?</p> <p>16 EXAMINATION BY MR. SIMON:</p> <p>17 Q. Mr. Reynolds, you signed and sealed the</p> <p>18 plan of E2 Project Management with regard to L-1, L-2,</p> <p>19 and L-3 of A-36?</p> <p>20 A. Yes, I it.</p> <p>21 Q. Do you typically do that for other</p> <p>22 engineers?</p> <p>23 A. Yes. I have done that in the past.</p> <p>24 Q. How often have you done that?</p> <p>25 A. Not too, too often, but a few times over</p>	<p style="text-align: right;">Page 100</p> <p>1 the last 20 years.</p> <p>2 Q. And you're not an arborist; correct?</p> <p>3 A. No, I'm not.</p> <p>4 Q. And when were you first retained by Verizon</p> <p>5 for this application?</p> <p>6 A. Probably about six months ago.</p> <p>7 Q. So prior to six months ago you've had no</p> <p>8 involvement with regard to this project; correct?</p> <p>9 A. That's correct.</p> <p>10 Q. And how many times have you been to the</p> <p>11 site?</p> <p>12 A. I've only been there once.</p> <p>13 Q. And when was that?</p> <p>14 A. About two weeks ago.</p> <p>15 Q. And when you -- so when you put this -- and</p> <p>16 you're responsible for the proposed landscaping plan on</p> <p>17 L-1, L-2, and L-3?</p> <p>18 A. Yes, I am.</p> <p>19 Q. And when you created this -- so this</p> <p>20 landscaping plan was submitted by the Applicant on</p> <p>21 March 6th of 2023, is that fair to say based on the</p> <p>22 notations on the plan?</p> <p>23 A. Yes.</p> <p>24 Q. And by March 6th of 2023 when this plan was</p> <p>25 submitted had you been to the site?</p>

<p style="text-align: right;">Page 101</p> <p>1 A. No. I hadn't been to the site yet.</p> <p>2 Q. So with regard to the existing tree removal</p> <p>3 chart that is contained in L-1 that was submitted on</p> <p>4 March 6, 2023, it contains -- when you turn to it. You</p> <p>5 got it?</p> <p>6 A. I got it.</p> <p>7 Q. It contains information with regard to 67</p> <p>8 trees; is that accurate?</p> <p>9 A. Yes, that's accurate.</p> <p>10 Q. Did you create, per Mr. Murawski, the</p> <p>11 contents of the existing tree removal chart that's</p> <p>12 contained on L-1 of A-36?</p> <p>13 A. I didn't create the content but I did</p> <p>14 review it.</p> <p>15 Q. So you didn't create the content, but you</p> <p>16 reviewed it. When did you first review it?</p> <p>17 A. When I first looked at the plans.</p> <p>18 Q. When did you first look at the plans, sir?</p> <p>19 A. Probably four to six months ago.</p> <p>20 Q. When you first were retained?</p> <p>21 A. When I was first retained I was looking at</p> <p>22 some plans, yes.</p> <p>23 Q. So you looked at these plans?</p> <p>24 A. Not this plan. It was an older plan. It</p> <p>25 was the plan before this one. This was the plan that</p>	<p style="text-align: right;">Page 102</p> <p>1 we had to produce to get a revised plan.</p> <p>2 Q. So the information about the 67 different</p> <p>3 trees that are identified here you did not, because you</p> <p>4 had not been retained, you didn't yourself identify any</p> <p>5 of these trees; correct?</p> <p>6 A. No. But when I went out a couple of weeks</p> <p>7 ago I did check this plan out and it looked to be very</p> <p>8 accurate.</p> <p>9 Q. Okay. So we'll get to that. So with</p> <p>10 regard to the identification -- the identity of the</p> <p>11 number of trees, the name of the trees, the diameter</p> <p>12 breast height, the condition of the tree, and the</p> <p>13 status of the tree, you did not prepare any of that</p> <p>14 information that is contained on L-1 of A-36; correct?</p> <p>15 A. No, I didn't prepare that information, but</p> <p>16 I did --</p> <p>17 MR. SCHNEIDER: Let him finish the answer.</p> <p>18 MR. SIMON: I asked him if he had prepared</p> <p>19 the information and he said he didn't. I'm ready for</p> <p>20 my next question.</p> <p>21 MR. SCHNEIDER: Okay. But he's not</p> <p>22 finished with his answer.</p> <p>23 THE WITNESS: I did look at some of the</p> <p>24 conditions of the trees, and for instance, there's a</p> <p>25 25-inch Red Maple there that they had concern about.</p>
<p style="text-align: right;">Page 103</p> <p>1 And I did look at that condition of that tree. I saw</p> <p>2 that it looked like it was growing pretty well. It was</p> <p>3 healthy, and we're trying to save it. So I was looking</p> <p>4 at the trees that we were trying to save and I think we</p> <p>5 can.</p> <p>6 BY MR. SIMON:</p> <p>7 Q. That's not -- I didn't ask you whether you</p> <p>8 went out after the fact, I'm asking you whether you</p> <p>9 were responsible for contents of anything contained in</p> <p>10 the existing tree removal chart that's on L-1. And you</p> <p>11 answered, no, you're not; correct?</p> <p>12 A. Correct.</p> <p>13 Q. And with regard to the red lines that are</p> <p>14 on there, that you testified in response to Mr.</p> <p>15 Schneider's question, represented trees that are to be</p> <p>16 removed, that's what you testified to; correct?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay. You yourself did not determined what</p> <p>19 tree identifications to put red lines through because</p> <p>20 you had not yet been to the site at the time that this</p> <p>21 plan was submitted; correct?</p> <p>22 A. No, I did not. But I worked very closely</p> <p>23 with the guys at E2PM and I've known the people that</p> <p>24 put together these plans for many, many years. And I</p> <p>25 know that they're good people and they do a good job.</p>	<p style="text-align: right;">Page 104</p> <p>1 BOARD MEMBER NEWLIN: Were any of them</p> <p>2 arborists?</p> <p>3 THE WITNESS: Wetlands specialist, yes.</p> <p>4 They are very good at what they do.</p> <p>5 BOARD MEMBER NEWLIN: That's not my</p> <p>6 question. Can you just answer my question. It's very</p> <p>7 simple. Are any of them arborists?</p> <p>8 THE WITNESS: I don't know that.</p> <p>9 BOARD MEMBER NEWLIN: You don't know. You</p> <p>10 know, we had testimony, Mike, about tree expertise. I</p> <p>11 would say any expertise regarding what an arborist</p> <p>12 should provide he doesn't have it.</p> <p>13 MR. SCHNEIDER: He's a certified landscape</p> <p>14 architect.</p> <p>15 BOARD MEMBER NEWLIN: That's not the same</p> <p>16 thing.</p> <p>17 MR. SCHNEIDER: I'm just telling you what</p> <p>18 his qualifications are.</p> <p>19 BOARD MEMBER NEWLIN: Okay. But he's not</p> <p>20 an arborist. He can't tell if trees whether they're</p> <p>21 living or dying, he can't tell species. His testimony</p> <p>22 might be primarily valid for things you want to do but</p> <p>23 he's not an arborist. He's not an expert.</p> <p>24 CHAIRMAN FLANAGAN: Can we agree, I mean,</p> <p>25 are you licensed as an arborist?</p>

<p style="text-align: right;">Page 105</p> <p>1 THE WITNESS: No, I'm not a licensed 2 arborist. 3 CHAIRMAN FLANAGAN: So you're not an expert 4 arborist. 5 MR. FOX: What's your training at Paul 6 Smith's College? 7 THE WITNESS: Yes, I did have some training 8 at Paul Smith's. 9 MR. FOX: What was your degree? 10 THE WITNESS: Forest recreation. 11 BOARD MEMBER NEWLIN: That's not an 12 arborist. 13 CHAIRMAN FLANAGAN: I agree. Continue. Go 14 ahead. 15 BY MR. SIMON: 16 Q. With regard to -- let me go back. So other 17 than you being on the site two weeks ago you had never 18 been to the site before; correct? 19 A. That's correct. 20 Q. And when you were at the site two weeks ago 21 did you have this existing tree removal chart with you 22 that you did not prepare? 23 A. Yes, I did. 24 Q. And at the time when you had it you had it 25 with the red lines through it; right?</p>	<p style="text-align: right;">Page 106</p> <p>1 A. Yes, I did. 2 Q. Okay. And did you identify while you were 3 on-site each of these trees that are slated to be 4 removed? 5 A. I did not identified each of them, no. 6 Q. So if I was to tell you that of the 32 7 trees that you've identified as to be removed would it 8 surprise you if I told you that some of these trees 9 have already been removed? 10 A. Would that surprise me? No. 11 Q. Based on your visit to the site with this 12 L-1 that you signed, A-36, do you know how many trees 13 of the 32 that you've identified as to be removed have 14 already been removed? 15 A. I have no idea. There is so much dead wood 16 and down wood out there it's really ugly. It needs to 17 be cleaned up. 18 Q. You provided sworn testimony that you 19 verified the information that's contained on L-1 of 20 A-36; do you remember doing that? 21 A. Everything that I've seen on this plan has 22 been correct. I haven't found anything that's been 23 wrong. 24 Q. But did you verify all the information on 25 the existing tree removal chart in terms of to verify</p>
<p style="text-align: right;">Page 107</p> <p>1 that the location of the tree identified on this plan 2 that you signed, you signed it before you went out to 3 the site? 4 A. Because I work so closely with the guys at 5 E2PM, actually worked with for many, many years, we are 6 thinking very much along the same lines. And I trust 7 E2PM and I haven't seen anything wrong. 8 Q. So of the 67 trees which of the trees did 9 you go out and identify as being in the right location, 10 being the correct DBH, that they're alive versus dead 11 or dying, and that they are either native or invasive 12 species? 13 A. I was just looking at the compound area 14 where we were putting the pole and I verified whatever 15 was in that area to be true. 16 Q. So which trees are those that are in the 17 compound area? 18 A. The T-48, T-51, T -- 19 Q. Hold on. Hold on. I'm going to write this 20 down. This is good. 21 A. The T-48. 22 Q. So the Red Maple you identified? 23 A. Yes. 24 Q. As alive and native. Go ahead. 25 A. I was just looking for the alive ones,</p>	<p style="text-align: right;">Page 108</p> <p>1 pretty much. T-37, I believe I saw. And that was all 2 I cared about at that time because those are the only 3 trees that are close to where the monopole is going. 4 And that's where our plantings were going to go, too. 5 So that's why we had to look at those. 6 Q. So other than T-37 and T-38 you didn't 7 identify any of the other 65 trees that are in the 8 existing tree removal chart that you signed; correct? 9 A. No. There was no reason to do that. 10 Q. And sir, did you review any of the prior 11 plans submitted in connection with this application by 12 E2 Project Management that you worked so closely with? 13 A. I only saw the last landscape plan prior to 14 this one. 15 Q. When you say the last landscape plan prior 16 to this one, are you referring to A-34 which is from 17 March 18th of 2022? 18 A. I'm not certain if that was the last plan 19 submitted, then yes. 20 Q. I'm going to show it to you. I'm going to 21 show you what's been marked previously in this matter 22 as A-34. It's an E2 Project Management plan dated 23 3/18/2022, and I'm specifically referring to SP-2; do 24 you see that? 25 A. Yes. I do recall seeing this.</p>

<p style="text-align: right;">Page 109</p> <p>1 Q. And did you -- did you review the</p> <p>2 information as to tree species to remain and tree</p> <p>3 species to be removed on SP-2?</p> <p>4 A. No. I didn't get involved with this plan</p> <p>5 at all.</p> <p>6 Q. So you didn't opine at all or even review</p> <p>7 this plan in terms of the appropriateness of the</p> <p>8 landscaping that was proposed at the time; correct?</p> <p>9 A. That was done by E2PM, because they have</p> <p>10 been involved with the project since the first day.</p> <p>11 Q. And when you talked about the hollies and</p> <p>12 how much they're going to grow a year, and maximums,</p> <p>13 and the Norway Spruce, where did you get that</p> <p>14 information from?</p> <p>15 A. It's all from our DIRR Manual of plants</p> <p>16 that all landscape architects use.</p> <p>17 Q. So it's a manual that you refer to?</p> <p>18 A. Yes. It's a reference manual that's</p> <p>19 basically considered the Bible for landscape</p> <p>20 architects.</p> <p>21 Q. And is it fair to say -- so for example,</p> <p>22 you talked about the Norway Spruce growing to be about</p> <p>23 20-to-25-feet wide, is that --</p> <p>24 A. Sure. It could be -- could get to be</p> <p>25 30-feet wide.</p>	<p style="text-align: right;">Page 110</p> <p>1 Q. And when you say "wide," are you talking</p> <p>2 about the root systems? What are you talking about</p> <p>3 when you say wide?</p> <p>4 A. I'm talking about the branch systems and</p> <p>5 the root systems. In theory the roots are the same --</p> <p>6 Q. As the branch systems, right? So the</p> <p>7 canopy of the tree should basically mimic the extent to</p> <p>8 which the root systems branch out?</p> <p>9 A. In theory.</p> <p>10 Q. And so if I told you that in this</p> <p>11 application originally 12 trees were going to be</p> <p>12 removed, and then seven trees were going to be removed,</p> <p>13 and now 33 trees are going to be removed.</p> <p>14 Do you know based on your involvement in</p> <p>15 this project how we went from seven trees to be removed</p> <p>16 to now 33 trees to be removed in literally one year?</p> <p>17 A. Like I said, the Emerald -- the Ash Bore</p> <p>18 has been killing a lot of Ash Trees. There's plenty of</p> <p>19 Ash Trees out there. Most of them or all of them are</p> <p>20 dead and it's just a dead, dying situation back there.</p> <p>21 You've got to get rid of all that dead wood and plant</p> <p>22 some good stuff in there.</p> <p>23 MR. SCHNEIDER: I would note for the record</p> <p>24 Mr. Reynolds had testified that he wasn't familiar with</p> <p>25 the prior plan.</p>
<p style="text-align: right;">Page 111</p> <p>1 BY MR. SIMON:</p> <p>2 Q. With regard to the 23 dead or dying trees,</p> <p>3 how many of them, based on your visit two weeks ago,</p> <p>4 are to be removed because of the Ash Borer Disease?</p> <p>5 A. I think about 35 percent was for the Ash</p> <p>6 Borer Disease.</p> <p>7 Q. And how did you come up with 35 percent of</p> <p>8 the Ash Borer Disease?</p> <p>9 A. I just added up the numbers and then</p> <p>10 divided them.</p> <p>11 Q. You added up what numbers?</p> <p>12 A. The numbers of the Ash Trees that were dead</p> <p>13 or dying and then I divided them by the percentage of</p> <p>14 how many were to be removed.</p> <p>15 Q. So one-third of them were due to the Ash</p> <p>16 Borer?</p> <p>17 A. Yes.</p> <p>18 Q. And what's the other -- and to Mr.</p> <p>19 Schneider's point, you don't know the conditions of</p> <p>20 those trees a year ago; right?</p> <p>21 A. No.</p> <p>22 Q. Okay. And with regard to the other two</p> <p>23 thirds, what's -- why are they dead or dying or</p> <p>24 diseased?</p> <p>25 A. I don't know the reason for it.</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Based on your investigation two weeks ago?</p> <p>2 A. It could be the soil. It could be the</p> <p>3 species. It could be different things.</p> <p>4 CHAIRMAN FLANAGAN: Mr. Simon, just one</p> <p>5 second.</p> <p>6 Paul, aside from the trees that are located</p> <p>7 where the equipment's going, are any of the trees that</p> <p>8 are proposed to be removed here or already have been</p> <p>9 removed alive, or were these all dead trees; do you</p> <p>10 know?</p> <p>11 MR. FOX: I didn't inventory them each one</p> <p>12 by one. Certainly, any of the Ash Trees are either</p> <p>13 dead or will be dead and need to be removed before that</p> <p>14 happens.</p> <p>15 CHAIRMAN FLANAGAN: Are you aware of</p> <p>16 anybody going in, cutting live trees outside of that</p> <p>17 equipment compound? I know you don't know everything</p> <p>18 that goes on in town.</p> <p>19 MR. FOX: Not that I'm aware of, no.</p> <p>20 CHAIRMAN FLANAGAN: The point is, if</p> <p>21 they're dead trees it seems reasonable to have them</p> <p>22 removed. The cause of their death, does it matter?</p> <p>23 MR. SIMON: Well, let me ask him a couple</p> <p>24 more questions and then I'm going to make my -- there's</p> <p>25 a method to the madness. I promise you.</p>

<p style="text-align: right;">Page 113</p> <p>1 BY MR. SIMON:</p> <p>2 Q. So with regard to -- because I -- I have</p> <p>3 personal experience with this. So with regard to the</p> <p>4 Emerald Ash Trees, right, there's certainly</p> <p>5 circumstances where an arborist will determine that</p> <p>6 even though they're Ash Trees and may have some disease</p> <p>7 that the recommendation is actually not to remove them</p> <p>8 at a certain moment in time based on the advice of the</p> <p>9 arborist that, in fact, they have certain number of</p> <p>10 years left and they're budding, and they don't need to</p> <p>11 be removed just yet. Have you experienced that?</p> <p>12 A. No. My experience is that basically</p> <p>13 they're getting rid of the Ash Trees right now.</p> <p>14 They're not trying to save them, they're getting rid of</p> <p>15 them.</p> <p>16 Q. I didn't use -- sorry. I didn't use the</p> <p>17 word "save." I said just "defer" on actually getting</p> <p>18 rid of them because they are sprouting leaves and</p> <p>19 flowers and they look nice, and maybe even near a cell</p> <p>20 tower that they would provide some form of screening?</p> <p>21 A. So what's the question?</p> <p>22 Q. So the question is, have you had an</p> <p>23 experience where an arborist that you may work with in</p> <p>24 your profession makes a determination that a certain</p> <p>25 tree that may be dying or may be going to be dead at</p>	<p style="text-align: right;">Page 114</p> <p>1 some point doesn't have to be removed right away?</p> <p>2 A. Yes. That could be a situation where a</p> <p>3 tree doesn't have to be removed immediately, but --</p> <p>4 Q. Okay. And then with regard to these --</p> <p>5 there are certain trees here that have two DBH</p> <p>6 measurements. Do you know what that means?</p> <p>7 A. Two DBH measurements?</p> <p>8 Q. Yes.</p> <p>9 A. Yes. It's a twin tree.</p> <p>10 Q. What's that mean?</p> <p>11 A. It has two stumps coming out of it.</p> <p>12 Q. And do you -- if I told you that the total</p> <p>13 DBH of the trees that you -- on your plan that you</p> <p>14 signed intend to be removed, the 32 trees have a total</p> <p>15 diameter breast height of approximately 30 feet, would</p> <p>16 that surprise you?</p> <p>17 A. No.</p> <p>18 Q. If I told you that the trees -- that the 33</p> <p>19 trees that you intend to plant, the saplings, that at</p> <p>20 the time of planting will have a combined diameter</p> <p>21 breast height of approximately 9 feet. Would that</p> <p>22 surprise you -- or I'm sorry, eight and a third?</p> <p>23 A. No.</p> <p>24 Q. And with regard to this chart that you</p> <p>25 signed, did you identify at any time, including two</p>
<p style="text-align: right;">Page 115</p> <p>1 weeks ago the one time that you were at the site, the</p> <p>2 height of these trees in your existing tree removal</p> <p>3 chart?</p> <p>4 A. No.</p> <p>5 Q. Did you identify at any time, including two</p> <p>6 weeks ago, the canopy diameter of any of these trees in</p> <p>7 your existing tree removal chart inventory that you</p> <p>8 signed off on?</p> <p>9 A. No, I did not.</p> <p>10 Q. And with regard to -- and I apologize,</p> <p>11 because I may get this wrong and I'm the first to admit</p> <p>12 it. On L-1 of A-36 there are -- there's an</p> <p>13 identification of trees to be removed, existing pine</p> <p>14 trees to remain, and existing trees to remain; do you</p> <p>15 see that?</p> <p>16 A. Yes.</p> <p>17 Q. Right. And you didn't create this plan,</p> <p>18 but do you know -- so do you know who put those legends</p> <p>19 in the proper places on this L-1 of A-36?</p> <p>20 A. No. I don't know exactly who.</p> <p>21 Q. And do you know, Mr. Reynolds, and maybe</p> <p>22 just because of the printing, so there's certain trees</p> <p>23 here, like so, for example, T-46, it says White Ash</p> <p>24 that's going to remain, it says dead native. It</p> <p>25 doesn't have a circle kind of around it. It just has</p>	<p style="text-align: right;">Page 116</p> <p>1 like spokes that are coming out. Do you know whether</p> <p>2 there's a distinction between the spokes and the spokes</p> <p>3 with the circle on them that are in red?</p> <p>4 A. That could be a different tree species.</p> <p>5 Q. But you don't know; right?</p> <p>6 A. No, I don't know.</p> <p>7 Q. So there's a scale on this -- I think</p> <p>8 there's a scale. I thought there was a scale. Is</p> <p>9 there a scale on your plan that you signed L-1?</p> <p>10 A. There is a scale on it. It says one inch</p> <p>11 equals 10 feet.</p> <p>12 Q. Can you just show me where that is,</p> <p>13 identify where that is? I lost it. Oh, there it is.</p> <p>14 I'm sorry. My fault.</p> <p>15 So you have one inch equals 10 feet as a</p> <p>16 scale. So are the legend, tree legends in terms of the</p> <p>17 size -- I'll call it the size of the circle, are those</p> <p>18 accurate based on the scale of this plan?</p> <p>19 A. They should be pretty accurate based upon</p> <p>20 the DBH of the tree.</p> <p>21 Q. How did you make that conclusion?</p> <p>22 A. We -- in my office we make conclusions like</p> <p>23 that. We have certain tree diameters that we put with</p> <p>24 the canopy to a diameter. So the 2-inch tree would get</p> <p>25 a 4-inch canopy. A 10-inch tree would get a 25-foot</p>

<p style="text-align: right;">Page 117</p> <p>1 canopy.</p> <p>2 Q. And is that something that's in your manual</p> <p>3 that you're referring to?</p> <p>4 A. No. That's in our survey manual when we</p> <p>5 locate our trees when we survey that's how we identify</p> <p>6 them and we put them on the plan so that they're all</p> <p>7 different sizes close to what they should be.</p> <p>8 Q. But you don't know -- especially in the</p> <p>9 case of 33 -- I'm sorry, my bad. In the case of 23</p> <p>10 dead or dying trees how big those canopies actually</p> <p>11 are; right?</p> <p>12 A. They're dead.</p> <p>13 Q. But you don't know how big the canopies</p> <p>14 are; correct?</p> <p>15 A. They don't really have a canopy. It's dead</p> <p>16 standing wood.</p> <p>17 Q. So are there circumstances where dead or</p> <p>18 dying trees sprout leaves or flowers?</p> <p>19 A. Dead is dead. Dead doesn't sprout.</p> <p>20 Q. So somebody else other than you determined</p> <p>21 whether something dead is dead; right?</p> <p>22 A. Yes.</p> <p>23 Q. Right. Now, so with regard to something</p> <p>24 that's dying, right -- well, let me back up. In terms</p> <p>25 of the dead-is-dead trees that are identified, do you</p>	<p style="text-align: right;">Page 118</p> <p>1 recall how many trees on your plan that you signed are</p> <p>2 dead is dead, as opposed to dying?</p> <p>3 A. Somewhere around 20.</p> <p>4 Q. Twenty. Okay. So did you identify</p> <p>5 yourself of the 20 dead-is-dead trees whether any of</p> <p>6 them have any leaves or flowers currently?</p> <p>7 A. No, I didn't. Because who wants a tree</p> <p>8 that's only got 10 percent of life?</p> <p>9 Q. Did you as a landscape architect -- let me</p> <p>10 back up. You understand that you were retained by</p> <p>11 Verizon in connection with a wireless</p> <p>12 telecommunications application; correct?</p> <p>13 A. Correct.</p> <p>14 Q. And have you worked on telecommunications</p> <p>15 applications before?</p> <p>16 A. Yes, actually, I have.</p> <p>17 Q. How many times have you?</p> <p>18 A. Not in a while. Back about ten or 15 years</p> <p>19 ago we were doing quite a few.</p> <p>20 Q. So other -- in the last ten to 15 years you</p> <p>21 haven't the worked on any of these applications? This</p> <p>22 is the first one, right?</p> <p>23 A. I believe you're right, yes.</p> <p>24 Q. And with regard to telecommunications</p> <p>25 applications you understand even from, you know, back</p>
<p style="text-align: right;">Page 119</p> <p>1 in the day when you used to work on these that a</p> <p>2 relevant consideration would be -- to a surrounding</p> <p>3 residential neighborhood such as this one would be</p> <p>4 visual impact; correct?</p> <p>5 A. Absolutely.</p> <p>6 Q. And did you -- when you reviewed this</p> <p>7 landscaping plan that was signed by you but not</p> <p>8 submitted by you, did you take into consideration</p> <p>9 visual impact?</p> <p>10 A. Yes.</p> <p>11 Q. Visual impact to whom?</p> <p>12 A. To the neighboring properties to the south.</p> <p>13 Q. And you had not been to the neighborhood</p> <p>14 when you created your landscaping plan to take into</p> <p>15 account the residential property to the south; correct?</p> <p>16 A. Correct.</p> <p>17 Q. And with regard to -- can you take into</p> <p>18 consideration any other residence or surrounding</p> <p>19 residence or surrounding property in your signed</p> <p>20 landscaping plan?</p> <p>21 A. I'm not sure I understood that.</p> <p>22 Q. You talked about the residents to the</p> <p>23 south?</p> <p>24 A. Yes.</p> <p>25 Q. And when you say "the residents to the</p>	<p style="text-align: right;">Page 120</p> <p>1 south," which lot is that? Is that -- do you know?</p> <p>2 A. It looks like 9.04 and 55.</p> <p>3 Q. Okay. So it's Block 55 Lot 9.04. That one</p> <p>4 property. So other than that one property in putting</p> <p>5 together your landscaping plan did you take into</p> <p>6 consideration any other surrounding property?</p> <p>7 MR. SCHNEIDER: Well, he said 55 and 9.04.</p> <p>8 I think he was referring to both properties, not one</p> <p>9 property.</p> <p>10 THE WITNESS: That's correct.</p> <p>11 BY MR. SIMON:</p> <p>12 Q. Okay. Thank you Rich for the</p> <p>13 clarification.</p> <p>14 So you created -- so the landscaping plan</p> <p>15 took account 9.04 and 55; is that correct?</p> <p>16 A. That's correct, yes.</p> <p>17 Q. Okay. So in terms of your landscaping plan</p> <p>18 on L-2, we'll jump around for a second because you</p> <p>19 raised it. What about that plan is providing screening</p> <p>20 for Lot 55, the Conine property?</p> <p>21 A. Lot 55 already has existing vegetation out</p> <p>22 there and there are White Pine Trees along that</p> <p>23 property line that do a very good job with the</p> <p>24 buffering.</p> <p>25 Q. And the White Pine Trees that you're</p>

<p style="text-align: right;">Page 121</p> <p>1 referring to, are they shown on L-2?</p> <p>2 A. They are turned off on L-2. You can see</p> <p>3 the labels T-5, T-6, T-7.</p> <p>4 Q. What do you mean "turned off"? What does</p> <p>5 that mean?</p> <p>6 A. In AutoCAD there are different layers and</p> <p>7 sometimes layers get turned off accidentally by a</p> <p>8 draftsman. There are hundreds of layers in there. If</p> <p>9 one layer gets turned off then a tree might disappear.</p> <p>10 Q. So on L-2 of A-36 there was some -- some</p> <p>11 layers got turned off, right? It looks like -</p> <p>12 A. It looks like it has a couple of missing</p> <p>13 trees there.</p> <p>14 Q. A couple -- some missing trees there,</p> <p>15 right? And that's the L-2 plan that you signed; right?</p> <p>16 A. That's correct.</p> <p>17 Q. Okay. And so your professional opinion is</p> <p>18 that you don't need any additional landscaping for Lot</p> <p>19 55 because of the existing vegetation in that area;</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. And I notice that there's certain</p> <p>23 vegetation such as T-15, T-13. So for example, T-13 at</p> <p>24 a diameter breast height of 16.8, and T-15 diameter</p> <p>25 breast height of 27, T-16 diameter breast height of</p>	<p style="text-align: right;">Page 122</p> <p>1 10.1 all along the Lot 55 border are slated to be</p> <p>2 removed because they got that red line through them;</p> <p>3 right?</p> <p>4 A. Yes.</p> <p>5 Q. And is that some of the buffer or screening</p> <p>6 that you were talking about that's adequate enough</p> <p>7 to --</p> <p>8 A. That's not part of that buffer and</p> <p>9 screening. I was talking about the White Pine Trees.</p> <p>10 Now, Pine Trees are very good screening. The dead</p> <p>11 trees are not and we're going to get rid of them.</p> <p>12 Q. And the Pine Trees how tall are they right</p> <p>13 now?</p> <p>14 A. Oh, geez. I don't know. Probably 30-foot,</p> <p>15 would be my guess.</p> <p>16 Q. The trees along -- your testimony is that</p> <p>17 the Pine Trees along Lot 55 are 30-feet tall on the DPW</p> <p>18 property?</p> <p>19 A. That's my guess at this time, yes.</p> <p>20 Q. And do you know -- and you're saying --</p> <p>21 these are ones that have the diameter breast height of</p> <p>22 six, 6.9, 4, 6.3. Those are 30-feet tall?</p> <p>23 A. Those 6-inch trees they could be 20- to</p> <p>24 30-feet tall, White Pines.</p> <p>25 Q. And when you're talking about the screening</p>
<p style="text-align: right;">Page 123</p> <p>1 from Lot 55, what are you referring to? You're</p> <p>2 screening what?</p> <p>3 A. I'm not screening anything there. I'm</p> <p>4 going to leave it natural the way it is.</p> <p>5 Q. And regarding Lot 9.04?</p> <p>6 A. That's where the majority of the screening</p> <p>7 is going.</p> <p>8 Q. Right. And so what is that landscaping</p> <p>9 intending to screen?</p> <p>10 A. It's going to screen the entire compound</p> <p>11 and the majority of the monopole.</p> <p>12 Q. What do you mean by the majority of the</p> <p>13 monopole?</p> <p>14 A. Well, if the monopole is 80-feet high, and</p> <p>15 our trees get to be 60-feet high, then the monopole</p> <p>16 might be sticking up 20 feet.</p> <p>17 Q. So your proposed screening for one lot</p> <p>18 contemplates the 15 Norway Spruce after a period of</p> <p>19 30 years; right?</p> <p>20 A. So what's the question?</p> <p>21 Q. When you say -- you testified earlier that</p> <p>22 they're going to grow to 60-feet max after 30 years;</p> <p>23 right?</p> <p>24 A. They could get taller, sure.</p> <p>25 Q. Okay. So you also testified that the</p>	<p style="text-align: right;">Page 124</p> <p>1 Hollies, one set of Hollies could grow to 20- to</p> <p>2 25-feet max, and that another set of Hollies could grow</p> <p>3 to 30- to 35-feet max; right?</p> <p>4 A. Correct.</p> <p>5 Q. How tall is the tower as proposed?</p> <p>6 MR. SCHNEIDER: He just answered it.</p> <p>7 BY MR. SIMON:</p> <p>8 Q. Eighty-six feet; right?</p> <p>9 A. Correct.</p> <p>10 Q. And how long will the Hollies take to grow</p> <p>11 to the 25 feet or the 35 feet?</p> <p>12 A. Ten years.</p> <p>13 Q. Ten years to get to 25 feet or 35 feet;</p> <p>14 that's your testimony?</p> <p>15 A. It may take a little longer, 10, 20. I</p> <p>16 don't know exactly how long the tree will take to grow.</p> <p>17 Depends on the living conditions. They could grow 2 to</p> <p>18 3 feet a year.</p> <p>19 Q. You talked about a two-year -- I think you</p> <p>20 said, and I apologize. I might have gotten this wrong.</p> <p>21 A two-year guarantee, right, with these trees?</p> <p>22 A. I think Paul had mentioned that.</p> <p>23 Q. I'm sorry. That was Paul. What is your --</p> <p>24 based on your client's representations, do you know --</p> <p>25 you might not know. Do you know about any guarantees</p>

<p style="text-align: right;">Page 125</p> <p>1 beyond the two years associated with any tree 2 installation?</p> <p>3 A. No. I don't know about anything beyond two 4 years.</p> <p>5 Q. Is it -- in terms of Mr. Fox was kind 6 enough to provide his comments to the Board with regard 7 to maintenance of the trees in terms of irrigation. Do 8 you as a landscape architect have a recommendation or 9 any expertise with regard to the maintenance of these 10 trees into the future?</p> <p>11 A. Who's going to maintain them?</p> <p>12 Q. How would you, if your the expert, how 13 would you recommend that they be maintained so to 14 ensure that those Norway Spruce are going to get to 15 60-feet high and that the Hollies are going to get to 16 25- or 35-feet high?</p> <p>17 A. By making sure that they were planted 18 properly, that they're healthy and that they've got 19 room to grow.</p> <p>20 Q. And what about irrigation and other type 21 of --</p> <p>22 A. Irrigation's not necessary.</p> <p>23 Q. Why is that?</p> <p>24 A. Plants grow all over the world without 25 irrigation.</p>	<p style="text-align: right;">Page 126</p> <p>1 Q. And did you do any evaluation in that one 2 time you were at the site two weeks ago about shading 3 in that particular area given -- even given the 4 existing trees that are slated to remain in terms of 5 the viability of these new plantings?</p> <p>6 A. That's why we need to get rid of all the 7 old dead wood that's out there and remove a lot of that 8 wood so we can make room and get the sunlight in there 9 to grow the evergreens.</p> <p>10 Q. So of those 23 trees that you're going to 11 get out of there, do you know the existing height of 12 any of those trees?</p> <p>13 A. No.</p> <p>14 Q. Do you know how the diameter of their 15 branch extensions?</p> <p>16 A. No.</p> <p>17 Q. With regard to -- your plan that you signed 18 identifies -- this is again, I'm sorry, A-36. I'm on 19 L-1. Identifies overgrown areas. Do you see that?</p> <p>20 A. Where are you pointing to?</p> <p>21 Q. So if you look -- here, let me show you.</p> <p>22 A. Oh, overgrown area. Yes I see it.</p> <p>23 Q. But you see it, Mr. Reynolds, like all over 24 there's like four or five different areas and it says 25 "overgrown areas," right. What does it mean that</p>
<p style="text-align: right;">Page 127</p> <p>1 there's an overgrown area that you signed off on?</p> <p>2 A. Well, overgrown areas means that that could 3 be part of the problem is that the trees are getting 4 choked out and there's too many plant species in there 5 and they can't live and thrive. So we need to get it 6 cleaned out so that we have room to put the Pine Trees 7 so that they can grow very well.</p> <p>8 Q. So with regard to -- but it looks like 9 there are certain areas that you've identified on your 10 plan as overgrown areas, particularly to the east where 11 you're not proposing any type of plantings. Do you 12 know why that is?</p> <p>13 A. Because there's big existing trees and it's 14 overgrown and we don't really need a buffer right 15 there. That's why.</p> <p>16 Q. You're referring to, when you say "trees" 17 you're talking about T-33 that's supposed to be 18 removed, right, and T-32 that's supposed to be removed, 19 right?</p> <p>20 A. I was referring to T-27 and T-26 on the 21 neighbor's properties. Those are some good sized trees 22 that are going to buffer naturally from their property.</p> <p>23 Q. That's on the neighbor's property; right?</p> <p>24 A. Correct.</p> <p>25 Q. That neighbor -- do you know the condition</p>	<p style="text-align: right;">Page 128</p> <p>1 of those trees currently?</p> <p>2 A. It's a 42-inch Red Maple. I would imagine 3 it's in good condition because the 24-inch I was 4 looking at a couple weeks ago is in good condition, 5 too. So yeah, I think those trees are probably in good 6 condition.</p> <p>7 Q. Could the neighbor remove those trees?</p> <p>8 A. If he wanted to.</p> <p>9 BOARD MEMBER NEWLIN: It depends if they're 10 in a tree conservation area.</p> <p>11 MR. SIMON: Well, that's true. And I thank 12 you for reminding me.</p> <p>13 BOARD MEMBER NEWLIN: Well, I didn't want 14 to remind you --</p> <p>15 MR. SIMON: No, no. You don't even know 16 what you reminded me about.</p> <p>17 Mr. Reynolds, with regard to any of the 18 trees that are to remain or to the trees that you 19 intend to plant as part of this application does the 20 Applicant intend to impose any type of conservation 21 restriction with regard to either category or both, 22 meaning that in the future that those trees can't be 23 removed unless they are dead, diseased, dying, et 24 cetera.</p> <p>25 MR. SCHNEIDER: The Applicant would not</p>

<p style="text-align: right;">Page 129</p> <p>1 have that availability. It's on Township property.</p> <p>2 MR. SIMON: Thank you.</p> <p>3 BOARD MEMBER NEWLIN: And there is no tree</p> <p>4 conservation area on Township land, on public land.</p> <p>5 With public land they can do whatever they want,</p> <p>6 almost.</p> <p>7 BY MR. SIMON:</p> <p>8 Q. With regard to the -- let's see. So you</p> <p>9 can't -- because you weren't around -- you can't do any</p> <p>10 type of analysis as to why the data that's on A-36 with</p> <p>11 regard to existing trees, trees that are dead, trees</p> <p>12 that are to remain, et cetera, why that data is way</p> <p>13 different than the data from prior plan sets?</p> <p>14 A. Right. I just know what's currently there</p> <p>15 now, and this is pretty representative of what's going</p> <p>16 on.</p> <p>17 Q. That's fair. So basically you are --</p> <p>18 you're removing 32 trees and you're putting in 33 new</p> <p>19 trees?</p> <p>20 A. Correct.</p> <p>21 Q. What about -- are you intending on your</p> <p>22 L-2, it looks like, and I know you have a note here</p> <p>23 that you're going to have to determine all this out on</p> <p>24 the field. But it looks like some of the trees and</p> <p>25 you're proposing Norway Spruce, you're proposing them</p>	<p style="text-align: right;">Page 130</p> <p>1 right on the property line, but on your side. When I</p> <p>2 say yours, the DPW side. But that based on the scale</p> <p>3 and based on your testimony that they grow to 20- to</p> <p>4 25-feet wide, that certainly they are going to extend,</p> <p>5 those branches are going to well extend onto the</p> <p>6 neighboring property; correct?</p> <p>7 A. Yes. They may extend onto the neighboring</p> <p>8 property.</p> <p>9 Q. So how is Verizon or the Township or</p> <p>10 someone going to maintain those trees in terms of</p> <p>11 trimming and related activities regarding those trees</p> <p>12 on property that they don't have a right to walk on?</p> <p>13 MR. SCHNEIDER: They'd have to work that</p> <p>14 out with the Township.</p> <p>15 CHAIRMAN FLANAGAN: Can I ask, is there a</p> <p>16 plan to trim these trees?</p> <p>17 MR. FOX: I'm not understanding what</p> <p>18 maintenance would be required.</p> <p>19 CHAIRMAN FLANAGAN: Sorry?</p> <p>20 MR. FOX: I'm not understanding what</p> <p>21 maintenance would be required.</p> <p>22 CHAIRMAN FLANAGAN: I'm not either. So</p> <p>23 what maintenance will be required?</p> <p>24 MR. SIMON: I have plenty of trees at my</p> <p>25 house that we trim them because they get dangerous in</p>
<p style="text-align: right;">Page 131</p> <p>1 terms of the branches extending out in all different</p> <p>2 directions. And this planting plan contemplates that</p> <p>3 based on the -- and coupled with the testimony, that</p> <p>4 these branches are going to well extend onto</p> <p>5 neighboring properties. And to the extent that they</p> <p>6 need to be trimmed, the branches need to be removed, et</p> <p>7 cetera, et cetera, I'm asking the witness if that was</p> <p>8 contemplated -- I should have asked it differently.</p> <p>9 That's my bad.</p> <p>10 Was that contemplated when you put together</p> <p>11 or somebody put together your landscaping plan?</p> <p>12 THE WITNESS: It's natural for trees to go</p> <p>13 over property lines. So I have no problem with</p> <p>14 planting trees that are going to go and the branches go</p> <p>15 over the property a little bit. I was okay with that.</p> <p>16 BOARD MEMBER NEWLIN: Can we ask, what kind</p> <p>17 of distances are we talking about here? What's the</p> <p>18 closest --</p> <p>19 MR. SIMON: So right now if you look at L-2</p> <p>20 and you look at the Norway Spruce they're showing one,</p> <p>21 two, three, four, five, six, seven, eight of them that</p> <p>22 are just inside the property line. He testified that</p> <p>23 they can grow to be 20- to 25-feet wide. So if you do</p> <p>24 the -- at least my elementary math says that those are</p> <p>25 going to certainly -- the branches are certainly going</p>	<p style="text-align: right;">Page 132</p> <p>1 to cross over onto the O'Donnell property.</p> <p>2 BOARD MEMBER NEWLIN: So it's approximately</p> <p>3 12 or 13 feet from the center of the trees. How close</p> <p>4 are these trees on the property line?</p> <p>5 MR. SIMON: Yeah, I mean, you can look at</p> <p>6 it.</p> <p>7 BOARD MEMBER NEWLIN: I am looking at it.</p> <p>8 MR. SIMON: They're right there.</p> <p>9 BOARD MEMBER NEWLIN: How much -- they're</p> <p>10 not on the property line.</p> <p>11 MR. SIMON: They're 3 feet off.</p> <p>12 CHAIRMAN FLANAGAN: Well, let's ask the</p> <p>13 landscape architect exactly how far it is.</p> <p>14 THE WITNESS: This plan is not to scale. I</p> <p>15 do have a full size. Let me take a look.</p> <p>16 CHAIRMAN FLANAGAN: To save some time here,</p> <p>17 are they less than 12 feet from the property line? Are</p> <p>18 they 12 feet or less from the property line?</p> <p>19 THE WITNESS: They appear to be -- there is</p> <p>20 a couple that are probably less than 12 feet.</p> <p>21 CHAIRMAN FLANAGAN: So some of the branches</p> <p>22 are going to grow over.</p> <p>23 BOARD MEMBER NEWLIN: How many and what</p> <p>24 distance?</p> <p>25 THE WITNESS: For the most part they look</p>

<p style="text-align: right;">Page 133</p> <p>1 to be about 10 to 12 feet off the line.</p> <p>2 BOARD MEMBER NEWLIN: Are there any ones</p> <p>3 that are less than 10, 12 feet from the property line,</p> <p>4 could they be moved back?</p> <p>5 THE WITNESS: I think we probably could,</p> <p>6 yes. We still have to field place those properly.</p> <p>7 BOARD MEMBER NEWLIN: Is that something you</p> <p>8 think you can follow up on?</p> <p>9 MR. SCHNEIDER: Yes.</p> <p>10 MR. SIMON: And I would also ask to Mr.</p> <p>11 Newlin's point that from experience before this Board,</p> <p>12 other Boards, that sometimes as you know as a landscape</p> <p>13 architect that plantings can be proposed such that</p> <p>14 they're going to be too crowded and therefore they</p> <p>15 won't survive properly or grow to their maximum height.</p> <p>16 You're familiar with that, right?</p> <p>17 THE WITNESS: Absolutely.</p> <p>18 MR. SIMON: So I would ask that when the</p> <p>19 Applicant looks at that based on Mr. Newlin's comment</p> <p>20 that you take that into consideration as well. Because</p> <p>21 I'm concerned about the way this is sort of -- at least</p> <p>22 on the landscaping plan that they're getting --</p> <p>23 BOARD MEMBER NEWLIN: The gentleman that</p> <p>24 brought that point up that the branches -- those</p> <p>25 branches are too close together seems like that is an</p>	<p style="text-align: right;">Page 134</p> <p>1 issue. I'm looking at the plan here and I'm looking at</p> <p>2 the scale and you say they're 20- to 30-feet apart.</p> <p>3 They are not. That's not correct. If you look at this</p> <p>4 and it looks like it's much less than 20 feet on</p> <p>5 center.</p> <p>6 THE WITNESS: That's because we wanted them</p> <p>7 to grow together and form --</p> <p>8 BOARD MEMBER NEWLIN: Form together you'll</p> <p>9 lose branches and then you will see right threw.</p> <p>10 MR. SCHNEIDER: We will take a look at</p> <p>11 moving them slightly back off the property.</p> <p>12 BOARD MEMBER NEWLIN: I want to make a</p> <p>13 suggestion to maybe get ahead of ourselves, but can you</p> <p>14 agree to have an arborist -- actually, I don't know if</p> <p>15 this is permitted if we approve this -- that you would</p> <p>16 have an arborist look at this plan and make the</p> <p>17 corrections? I don't know if the other Board members</p> <p>18 would want to see that or not, but there's a missing</p> <p>19 expertise here and it's going to impact the neighbors</p> <p>20 if these plants don't provide any screening.</p> <p>21 CHAIRMAN FLANAGAN: What are you asking</p> <p>22 Alf? Are you asking to provide --</p> <p>23 BOARD MEMBER NEWLIN: I'm asking that we</p> <p>24 get to it as a condition, because this landscape plan</p> <p>25 is a problem.</p>
<p style="text-align: right;">Page 135</p> <p>1 CHAIRMAN FLANAGAN: You want an arborist to</p> <p>2 double check. This is what you're asking for?</p> <p>3 BOARD MEMBER NEWLIN: To fix the problems</p> <p>4 to make sure -- this is their expertise, to see if this</p> <p>5 actually works. And it can be the Town Arborist.</p> <p>6 CHAIRMAN FLANAGAN: So an arborist to look</p> <p>7 at this and either move some things around. Because</p> <p>8 this is the exact location of each of these. It's not</p> <p>9 brick and stone; correct?</p> <p>10 THE WITNESS: Correct.</p> <p>11 CHAIRMAN FLANAGAN: So what you're asking</p> <p>12 for, Alf, is for an arborist to look at it and just say</p> <p>13 yes, this should be here, that should be there. So the</p> <p>14 Town Arborist.</p> <p>15 BOARD MEMBER NEWLIN: The Town Arborist</p> <p>16 would probably be the best for us.</p> <p>17 MR. MLENAK: Would Verizon consent to a</p> <p>18 condition that the Town Arborist review and approve the</p> <p>19 landscape plan?</p> <p>20 BOARD MEMBER NEWLIN: And make adjustments</p> <p>21 --</p> <p>22 MR. MLENAK: As to the placement of the</p> <p>23 trees.</p> <p>24 MR. SCHNEIDER: The affirmative answer is</p> <p>25 clearly, yes. And again, the plan wasn't developed</p>	<p style="text-align: right;">Page 136</p> <p>1 unilaterally by Verizon. It was -- there was a</p> <p>2 collaborative effort with the Township. To the extent</p> <p>3 we further need to obtain the expertise or the</p> <p>4 recommendations of the Town Arborist I have no issue</p> <p>5 whatsoever with it.</p> <p>6 BOARD MEMBER NEWLIN: It's just prudent</p> <p>7 given the testimony.</p> <p>8 MR. SCHNEIDER: No issue, no fight. That's</p> <p>9 an easy one.</p> <p>10 CHAIRMAN FLANAGAN: Okay. We all agree.</p> <p>11 MR. SIMON: Can I just in the interest of</p> <p>12 time just to sort of --</p> <p>13 (Whereupon, there is laughter from the</p> <p>14 Board members.)</p> <p>15 MR. SIMON: I don't know what you guys are</p> <p>16 talking about all night. That was funny. I know that</p> <p>17 was funny.</p> <p>18 So notwithstanding the last comments, I</p> <p>19 think it's critical with regard to this application,</p> <p>20 even pursuant to Whispering Woods Hearing, that</p> <p>21 something like landscaping that's so critical is not</p> <p>22 left to a condition that the Township Arborist, just as</p> <p>23 an example, review it and verify and make changes.</p> <p>24 It's really important, and there's a lot of aspects of</p> <p>25 this application and cases, you know, through many</p>

<p style="text-align: right;">Page 137</p> <p>1 years and many hearing dates, that it needs to be 2 respectfully vetted here before the Board, before the 3 Board's experts, before the public so that it can be 4 done correctly with appropriate public input as opposed 5 to, yeah, we'll just have a condition that the Township 6 Arborist will be consulted. Let's move on. Because 7 then you're missing a valuable piece on an issue that 8 is incredibly important and always has been.</p> <p>9 BOARD MEMBER NEWLIN: But Mr. Simon, that's 10 exactly what we're doing now, and you're exactly 11 providing that. And you've brought up a number of 12 points that make sense. And the gentleman that made 13 the comment also made a very good point and we're being 14 responsive. We're trying to be responsive. We're in 15 fact doing that process.</p> <p>16 MR. SIMON: Yea, no. I'm just saying that 17 -- maybe I misunderstood, but I wouldn't want, and this 18 is one person's opinion representing property owners -- 19 I wouldn't want on this particular issue just as an 20 example that, okay, fine, let's move on to the next 21 topic and then when the Board's deliberating, oh, yeah, 22 what about that? We'll include that condition if 23 we're -- if somebody's making a motion to approve that 24 the Township Arborist look at that.</p> <p>25 I'm saying that I think it should be done</p>	<p style="text-align: right;">Page 138</p> <p>1 right and it should be done, when I say now I mean in 2 front of this Board with public input. That's all.</p> <p>3 CHAIRMAN FLANAGAN: Let me, not to beat 4 this dead horse, but again this plan was developed in 5 conjunction with Paul, one of our experts, and I guess 6 you on the other side, right? So we did put our expert 7 on this. I think what we're saying now is for a 8 double-check let's have John Linson, our Arborist take 9 a look at it.</p> <p>10 MR. SCHNEIDER: This is easy to deal with. 11 Here's what we should do. Today's what, I loose track 12 of the days. Today is May 18th. Why don't we have 13 with the assistance of your Town Engineer, have the 14 current plan which by the way has Township input, 15 immediately referred to the Town Arborist to report 16 back to the Board by November -- I hope not November.</p> <p>17 MR. SIMON: Rich, I'm busy that week.</p> <p>18 MR. SCHNEIDER: You're unavailable, right, 19 Rob? By May 30th so that we don't lose any time. I 20 don't think that's an unreasonable request. And have 21 the plans on file, have it immediately referred to the 22 Town Arborist for comments.</p> <p>23 BOARD MEMBER NEWLIN: Specifically with the 24 issues identified tonight.</p> <p>25 MR. SCHNEIDER: If you could just -- I</p>
<p style="text-align: right;">Page 139</p> <p>1 would ask for Paul's cooperation in that regard, I 2 mean, I'll be glad to facilitate it, but I think the 3 Township has the more easy ability to convey that to 4 the Town Arborist. Does that make sense?</p> <p>5 CHAIRMAN FLANAGAN: Yes. So let's talk 6 about that. My understanding -- my misunderstanding 7 was that we were going to get through this tonight. 8 That we were going to get through this hearing tonight. 9 Did anybody not hear that?</p> <p>10 BOARD MEMBER NEWLIN: I heard it.</p> <p>11 CHAIRMAN FLANAGAN: So based on your 12 comment it sounds like you believe that we won't, and I 13 wouldn't disagree. May 30th we're having a Special 14 Meeting. We already have two other applications that 15 we bumped from tonight. I have to hear that, right. I 16 have other stuff I have to hear. I don't know how much 17 time we're going to have on the 30th. So are you 18 willing to consent and I didn't realize -- and Steve, 19 let me ask you.</p> <p>20 MR. MLENAK: The Township has as well.</p> <p>21 CHAIRMAN FLANAGAN: But do we -- do the 22 three parties have the ability, if we all consent, to 23 bump this past the 31st?</p> <p>24 MR. MLENAK: Yes.</p> <p>25 CHAIRMAN FLANAGAN: We have to get the</p>	<p style="text-align: right;">Page 140</p> <p>1 Township, are you willing --</p> <p>2 MR. SCHNEIDER: Why don't we do this? Why 3 don't we carry it to May 30th with the hope that we 4 will get through some testimony.</p> <p>5 MR. SIMON: Rich, is it 30th or 31st?</p> <p>6 MR. MLENAK: 31st.</p> <p>7 MR. SCHNEIDER: We're meeting the 30th.</p> <p>8 CHAIRMAN FLANAGAN: Oh, I'm sorry.</p> <p>9 MR. SIMON: No, I was wrong. I just wanted 10 to --</p> <p>11 MR. SCHNEIDER: It's the 30th, the date of 12 action is May 31st, but carry it to May 30th and we'll 13 address further consent at that time.</p> <p>14 MR. SIMON: Except for the problem is that 15 you need -- it's not just the Board and you, it's also 16 the Township. So we would --</p> <p>17 MR. SCHNEIDER: But I can't address the 18 Township's consent tonight here on May 18.</p> <p>19 MR. MLENAK: The bottom line is, we don't 20 need the Township's permission to go to the 30th. So 21 we carry it to the 30th.</p> <p>22 MR. SCHNEIDER: That's what I'm saying. So 23 we carry it to May 30th, and then by then if we don't 24 complete the matter on May 30th I'll presumably, 25 together with Steve's assistance, address the issue</p>

<p style="text-align: right;">Page 141</p> <p>1 whether the Township will consent past May 30th.</p> <p>2 CHAIRMAN FLANAGAN: So just practically, so</p> <p>3 it's now midnight May 30th, so at noon or whatever day</p> <p>4 you show up to work on the 31st you're going to say,</p> <p>5 hey, we need to carry this or we need to consent --</p> <p>6 MR. MLENAK: No. The idea would be we</p> <p>7 would go into the 30th with the Township's consent.</p> <p>8 MR. SIMON: Knowing.</p> <p>9 MR. SCHNEIDER: But I don't want the</p> <p>10 assumption to be that we're not going to get anything</p> <p>11 accomplished on May 30th.</p> <p>12 CHAIRMAN FLANAGAN: So you're going to go</p> <p>13 lobby the Township starting tomorrow. Then if they</p> <p>14 need to consent to push us beyond the 30th -- you're</p> <p>15 not going to wait until the 31st to ask for that</p> <p>16 consent.</p> <p>17 MR. SCHNEIDER: We will have that issue</p> <p>18 resolved.</p> <p>19 MR. SIMON: Can I make a suggestion?</p> <p>20 Assuming that given the Board's calendar, cross-exam,</p> <p>21 all that other stuff, public participation, that we go</p> <p>22 beyond May 30th, are we able to now establish a date,</p> <p>23 in fairness to the Applicant, on the calendar in June</p> <p>24 so that that can be locked in as appropriate?</p> <p>25 I'm saying as opposed to waiting until the</p>	<p style="text-align: right;">Page 142</p> <p>1 30th and then now I'm booked. Just saying. Trying to</p> <p>2 be helpful.</p> <p>3 CHAIRMAN FLANAGAN: I understand. Well, I</p> <p>4 can tell you one thing we have on the calendar, which</p> <p>5 is the third Thursday.</p> <p>6 SECRETARY TAGLAIRINO: Which is June 15th.</p> <p>7 MR. SIMON: I don't think that works.</p> <p>8 SECRETARY TAGLAIRINO: And there are other</p> <p>9 Boards that meet that first week. Like that first</p> <p>10 there's a meeting, and I do believe that.</p> <p>11 CHAIRMAN FLANAGAN: Oh, wow, the 15th is</p> <p>12 the third --</p> <p>13 MR. SIMON: I can't make the 15th.</p> <p>14 CHAIRMAN FLANAGAN: It's very early in the</p> <p>15 month. The first is actually Thursday. I can't --</p> <p>16 BOARD MEMBER NEWLIN: Next meeting can we</p> <p>17 start early?</p> <p>18 SECRETARY TAGLAIRINO: If you call a</p> <p>19 Special Meeting you can call it for any time that you'd</p> <p>20 like.</p> <p>21 CHAIRMAN FLANAGAN: We've noticed for the</p> <p>22 Special Meeting for the 30th.</p> <p>23 SECRETARY TAGLAIRINO: We can notice on the</p> <p>24 record this evening to --</p> <p>25 MR. FOX: 3:00 p.m.</p>
<p style="text-align: right;">Page 143</p> <p>1 SECRETARY TAGLAIRINO: Notice is written,</p> <p>2 but I haven't sent for that yet.</p> <p>3 CHAIRMAN FLANAGAN: Funny. Do you want to</p> <p>4 -- so on the 30th would you rather we do this first or</p> <p>5 would you rather we do the other two applications</p> <p>6 first? It is two, right, Lori?</p> <p>7 SECRETARY TAGLAIRINO: Two applications.</p> <p>8 They're returning applications. We have heard very --</p> <p>9 no testimony from -- which we had the site inspection,</p> <p>10 right?</p> <p>11 MR. MLENAK: We just have to get past --</p> <p>12 were you done with your cross-examination?</p> <p>13 MR. SIMON: No.</p> <p>14 MR. MLENAK: Do you have more for tonight</p> <p>15 or after the arborist reviews?</p> <p>16 MR. SIMON: My respectful recommendation</p> <p>17 would be that given where we are that the -- that if</p> <p>18 there's going to be a revised plan why don't we let the</p> <p>19 arborist take a look at it. If there's going to be</p> <p>20 revised plans submitted, so be it. I'll take a look at</p> <p>21 it. And it may cut down a lot of questions. That's my</p> <p>22 suggestion.</p> <p>23 MR. SCHNEIDER: We can deal with that. Why</p> <p>24 don't we do this. My suggestion is if the Board's</p> <p>25 amenable to meeting earlier I'd rather start -- I'd</p>	<p style="text-align: right;">Page 144</p> <p>1 rather go first, because (A), I'd like to go first, but</p> <p>2 (B), maybe the matters behind -- the matters behind you</p> <p>3 may drop off. Whatever the case may be, and that way</p> <p>4 you can control the agenda and we'll know what the</p> <p>5 Township's position is at that time.</p> <p>6 CHAIRMAN FLANAGAN: That's fine. How early</p> <p>7 can people be here? So on the 30th we have a special</p> <p>8 meeting.</p> <p>9 BOARD MEMBER NEWLIN: Are you asking for --</p> <p>10 MR. MLENAK: Start time.</p> <p>11 CHAIRMAN FLANAGAN: First of all, is</p> <p>12 everyone here for the 30th?</p> <p>13 BOARD MEMBER ADDONIZIO: Yes, I'm around.</p> <p>14 CHAIRMAN FLANAGAN: Is that Labor Day</p> <p>15 Weekend?</p> <p>16 BOARD MEMBER SOVOLOS: Memorial Day</p> <p>17 Weekend.</p> <p>18 BOARD MEMBER ADDONIZIO: Tuesday after</p> <p>19 Memorial Day. Sorry.</p> <p>20 CHAIRMAN FLANAGAN: So what is everyone's</p> <p>21 time preference? Are we talking about May 30th?</p> <p>22 MR. MLENAK: Yes, the Tuesday.</p> <p>23 CHAIRMAN FLANAGAN: Whatever --</p> <p>24 BOARD MEMBER ROSENBAUM: Let's be</p> <p>25 conservative and do it earlier and I'm not sure how</p>

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1 long it's going to run, based on today.

2 CHAIRMAN FLANAGAN: Seriously, I can do any

3 time. I'll work from home that day.

4 BOARD MEMBER SOVOLOS: I need to figure out

5 child care.

6 CHAIRMAN FLANAGAN: So five o'clock, six

7 o'clock?

8 MR. SIMON: I just want to say that,

9 starting too early I think in all due respect is not

10 fair to my clients.

11 CHAIRMAN FLANAGAN: Six is the earliest.

12 MR. MLENAK: I would suggest 6:00.

13 MR. SIMON: I would suggest 6:30.

14 BOARD MEMBER SYMONDS: Let's get this done.

15 BOARD MEMBER ROSENBAUM: This is going to

16 go on. I want to strive for completion.

17 SECRETARY TAGLAIRINO: Unless we start at

18 5:30 and hear the other -- we can carry on the record

19 the other applications --

20 CHAIRMAN FLANAGAN: Yes. If we can get the

21 other ones in here? All right. How about this. This

22 will not start before six. We may come in here earlier

23 than that and knockout the other applications. How

24 about that? We'll see who we can get at what time,

25 okay. So we won't start this before six. Do we

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1 done. That's probably --

2 CHAIRMAN FLANAGAN: All right. Fine.

3 BOARD MEMBER SYMONDS: I thought we were

4 going to do the two applications prior then start this

5 at six after those two applications.

6 SECRETARY TAGLAIRINO: We can but we have

7 to pick that time because we have to notify the parties

8 to let them know what time we're starting.

9 CHAIRMAN FLANAGAN: And we have to do that

10 tonight?

11 SECRETARY TAGLAIRINO: We do, because it's

12 got to be on the record.

13 CHAIRMAN FLANAGAN: We can't publish

14 another notice to say this has been moved?

15 MR. MLENAK: They have to notice the

16 application.

17 SECRETARY TAGLAIRINO: It's going to be

18 carried to the May 30th meeting at blah, blah blah

19 time.

20 MR. MLENAK: Not them. The other

21 applicant. You carried it on the record tonight.

22 CHAIRMAN FLANAGAN: Okay. So we start at

23 six o'clock we'll start.

24 SECRETARY TAGLAIRINO: And we'll figure out

25 the logistics.

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1 need --

2 SECRETARY TAGLAIRINO: So we're going to

3 say six o'clock.

4 CHAIRMAN FLANAGAN: This will not begin

5 before 6:00 p.m.

6 SECRETARY TAGLAIRINO: But we have to

7 notice for the record tonight.

8 MR. SCHNEIDER: That's like the tennis

9 match at the U.S. Open. Not before 1:00 p.m.

10 So why don't we do this. You can decide

11 when you want to start your meeting on November 30th

12 with the other applications which you're going to have

13 to do a Special Meeting notice, but for purposes of

14 this application why don't we carry it to November -- I

15 keep saying November -- May 30th at 6:00 p.m.

16 CHAIRMAN FLANAGAN: Yes, with the

17 understanding that --

18 MR. SCHNEIDER: And we cannot start legally

19 any earlier than six. We may start later than six.

20 CHAIRMAN FLANAGAN: There you go. And

21 Lori, so we don't know what time we want to notice for

22 the other applications.

23 SECRETARY TAGLAIRINO: But if we start at

24 six that's an hour and a half to hear two applications,

25 and then 7:30 to continuation for this we go until it's

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1 CHAIRMAN FLANAGAN: And then we may do the

2 other applications at the end. The preference is to

3 get this --

4 SECRETARY TAGLAIRINO: Okay. I will notify

5 the other parties.

6 MR. SCHNEIDER: So for members of the

7 public, we're carrying this to November 30th -- May

8 30th at 6:00 p.m. No further notice, and there's no

9 extension required.

10 CHAIRMAN FLANAGAN: Correct. Yes. And you

11 guys are going to talk to the Township in the interim.

12 Hold on one second. You have a question?

13 MR. McKittrick: Is the public able to ask

14 a couple of questions?

15 CHAIRMAN FLANAGAN: Not tonight. You will.

16 So what we're going to do --

17 MR. McKITTRICK: One quick question?

18 CHAIRMAN FLANAGAN: He's not done asking

19 his questions. So what we're going to do is we're

20 going to pick this up on the 30th sometime after six.

21 Mr. Simon's going to finish asking his questions.

22 We're likely going to have some new stuff from the

23 Arborist. At that point I promise you you can ask your

24 question.

25 MR. McKITTRICK: Although my question is

<p style="text-align: right;">Page 149</p> <p>1 really going to suggest that they bring additional</p> <p>2 material to the May 30th meeting.</p> <p>3 MR. SIMON: I think that's appropriate.</p> <p>4 MR. McKITTRICK: Thank you. I appreciate</p> <p>5 it. I'll try to be brief.</p> <p>6 Hello everyone. I am Brian McKittrick. I</p> <p>7 live at 14 Millbrook Road. And the last time I was</p> <p>8 here was question was --</p> <p>9 CHAIRMAN FLANAGAN: Ask your question.</p> <p>10 MR. McKITTRICK: Okay. Everything I've</p> <p>11 heard tonight is about an 86-foot tall fake tree,</p> <p>12 right. Now, the question I have, for clarification is,</p> <p>13 the photos that we were shown tonight was of a 63-foot</p> <p>14 tree, I believe; is that correct?</p> <p>15 MR. SCHNEIDER: No.</p> <p>16 MR. McKITTRICK: What was the height of</p> <p>17 that exhibit in the green?</p> <p>18 MR. MLENAK: The testimony that was</p> <p>19 provided was either 60 or 70 feet by the engineer.</p> <p>20 MR. McKITTRICK: Sixty or 70 feet. So my</p> <p>21 question is, why not have a picture of an 86-foot tree?</p> <p>22 MR. SCHNEIDER: There is one that was</p> <p>23 submitted.</p> <p>24 CHAIRMAN FLANAGAN: There's a whole packet.</p> <p>25 MR. MLENAK: There's another witness</p>	<p style="text-align: right;">Page 150</p> <p>1 coming.</p> <p>2 CHAIRMAN FLANAGAN: There's a whole other</p> <p>3 packet.</p> <p>4 MR. SCHNEIDER: And the "picture of the</p> <p>5 86-foot tree" has been electronically submitted and</p> <p>6 it's available for inspection by the Board and members</p> <p>7 of the Board.</p> <p>8 SECRETARY TAGLAIRINO: It is on the Agenda.</p> <p>9 If you click on the Agenda the photos are linked into</p> <p>10 the Agenda.</p> <p>11 MR. McKITTRICK: Okay. My suggestion is --</p> <p>12 CHAIRMAN FLANAGAN: Questions.</p> <p>13 MR. McKITTRICK: My question is, can you</p> <p>14 bring to the May 30th meeting a picture that shows an</p> <p>15 86-foot tree in the location that's proposed and shows</p> <p>16 views from different perspectives?</p> <p>17 MR. SCHNEIDER: The answer is yes, and it's</p> <p>18 on file.</p> <p>19 SECRETARY TAGLAIRINO: It's in the Agenda.</p> <p>20 CHAIRMAN FLANAGAN: It's in the packet and</p> <p>21 we'll discuss it at a future meeting.</p> <p>22 All right. Anybody else have any -- the</p> <p>23 Board have any questions for Mr. Simon or anything?</p> <p>24 Mr. Schneider?</p> <p>25 MR. SCHNEIDER: No.</p>
<p style="text-align: right;">Page 151</p> <p>1 CHAIRMAN FLANAGAN: All right. We're</p> <p>2 adjourned.</p> <p>3 (Whereupon, the hearing on this application</p> <p>4 concludes at 11:03 p.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 152</p> <p>1 C E R T I F I C A T E</p> <p>2</p> <p>3 I, IRIS LA ROSA, a Notary Public and</p> <p>4 Certified Shorthand Reporter of the State of New</p> <p>5 Jersey, do hereby certify that the foregoing is a true</p> <p>6 and accurate transcript of the testimony as taken</p> <p>7 stenographically by and before me at the time, place,</p> <p>8 and on the date hereinbefore set forth.</p> <p>9 I DO FURTHER CERTIFY that I am neither a</p> <p>10 relative nor employee nor attorney nor counsel of any</p> <p>11 of the parties to this action, and that I am neither a</p> <p>12 relative nor employee of such attorney or counsel, and</p> <p>13 That I am not financially interested in the action.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 IRIS LA ROSA, CSR, RPR</p> <p>19 Certificate No. 30XI 00162800</p> <p>20</p> <p>21</p> <p>22 Dated: _____</p> <p>23</p> <p>24</p> <p>25</p>

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