

CASINO REINVESTMENT DEVELOPMENT AUTHORITY

LAND USE REGULATION and ENFORCEMENT DIVISION

APPLICATION NUMBER 2017-01-2129

T-MOBILE NORTHEAST, L.L.C.

SEEKING USE VARIANCE AND SITE PLAN WAIVER TO  
INSTALL ROOFTOP TELECOMMUNICATION FACILITY

BLOCK 60, LOT 14

1121-1133 Boardwalk, Atlantic City, NJ

Thursday - February 16, 2017

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1 above-referenced matter, taken at the CASINO  
2 REINVESTMENT DEVELOPMENT AUTHORITY, 15 South  
3 Pennsylvania Avenue, Atlantic City, New Jersey,  
4 before Karen A. Haworth, a New Jersey Certified  
5 Court Reporter (CCR), nationally certified  
6 Registered Professional Reporter (RPR),  
7 nationally certified Certificate of Merit holder  
8 (CM), nationally certified Certified Realtime  
9 Reporter (CRR), a Delaware Certified Shorthand  
10 Reporter (CSR), nationally certified Certified  
11 LiveNote™ Reporter (CLR), and Notary Public of  
12 the State of New Jersey, on the above date,  
13 commencing at 10:36 A.M., there being present:  
14  
15  
16

17 APPEARANCES:

18 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

19

20 LANCE B. LANDGRAF, JR.

Chairman

21 Director, Planning Department

22

23 ROBERT L. REID

Land Use Enforcement Officer

24

25

1 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

2

3 SCOTT G. COLLINS, ESQUIRE

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

4

5 JASON L. FICHTER, P.E., P.P., C.F.M., C.M.E.

INSITE ENGINEERING

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1 COUNSEL FOR THE APPLICANT:

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3 DEBRA A. SHULSKI, ESQUIRE

RILEY, RIPER, HOLLIN & COLAGRECO

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EXHIBITS MARKED AND/OR REFERRED TO:

B-1

1 (Time noted: 10:36 A.M.)

2

3 LANCE LANDGRAF: -- and we'll move  
4 to the next one, which is Application  
5 2017-01-2129, which is the 1121-1133 Boardwalk  
6 application, Block 60, Lot 14.

7 I'll reiterate that the One  
8 Atlantic Ocean application is tabled to March  
9 2nd, 2017.

10 DEBRA SHULSKI: Thank you.

11 LANCE LANDGRAF: Okay. You  
12 switched players on us here.

13 DEBRA SHULSKI: Good morning again.  
14 Debra Shulski, still here for the second  
15 application.

16 Similarly, I have premarked  
17 exhibits for this one.

18 LANCE LANDGRAF: This is great for  
19 us. This helps us.

20 DEBRA SHULSKI: Oh. Sure.

21 LANCE LANDGRAF: I mean, I know  
22 Scott --

23 SCOTT COLLINS: Oh, yeah. This is  
24 much easier.

25 DEBRA SHULSKI: And I apologize we

1 didn't get your last letter included, because I  
2 was running out to another hearing last night  
3 when it -- when it came in and --

4 JASON FICHTER: No problem.

5 DEBRA SHULSKI: -- I wasn't just  
6 able to make the copies.

7 And my secretary was running out  
8 the door and -- like, by coincidence, at 5  
9 o'clock. You know how that is.

10 Again, this is similar and a little  
11 different than the last application you saw and  
12 -- and, in my opinion, much more benign, because  
13 this is what we call a DAS installation. And  
14 I'll have somebody explain that in -- in more  
15 detail.

16 But, essentially, this particular  
17 installation is -- is really just for this  
18 particular building, the Resorts building. And  
19 all of the equipment but for one GPS antenna is  
20 located internal to the building. So, other  
21 than that antenna, I don't think we would even  
22 be before you.

23 So, it is gonna be a little  
24 different. I mean, there's still some similar  
25 testimony. I mean, they're -- they're still

1 gonna be licensed by the FCC and they still have  
2 to comply with all those applicable standards,  
3 with respect to non-interference, maximum  
4 permissible exposure levels and what have you,  
5 but it's -- it's a little --

6 The testimony, again, as I  
7 mentioned, is, in my opinion, a much more  
8 innocuous site than what the other one was. And  
9 -- and I thought that one was pretty benign as  
10 well.

11 So, with that introduction --  
12 I believe, when the witnesses took  
13 the oath last time, that everybody stood up.  
14 So...

15 LANCE LANDGRAF: Oh. You did them  
16 all at the same --

17 DEBRA SHULSKI: Yes.

18 LANCE LANDGRAF: For both hearings?  
19 Okay.

20 DEBRA SHULSKI: Yeah.

21 SCOTT COLLINS: Yeah. That's --

22 DEBRA SHULSKI: So, the first --  
23 first witness, again, is our site acquisition  
24 representative. And it's very similar to what  
25 you heard before, but I'll let him put his name



1 on the record and I can just walk him through a  
2 few questions.

3 MICHAEL FAHEY: Michael Fahey, FDH  
4 Velocitel, 200 North Warner Road, King of  
5 Prussia, PA 19406.

6 DEBRA SHULSKI: And actually,  
7 before we get into his testimony, I did want to  
8 add, there's something that I received late in  
9 the day yesterday, after I had already put the  
10 packages together. And I know I was going back  
11 and forth late on an e-mail with Mr. Reid. But,  
12 we have included -- and -- and Mr. Fahey can  
13 testify to this during his testimony, but the  
14 lease agreement that T-Mobile has with Crown,  
15 who is the operator and owner of the DAS  
16 equipment currently inside the Resorts building.

17 We also have, which is not included  
18 with your package -- I have one copy here. It's  
19 -- it's what we call the master lease. So, this  
20 is the actual document that is between Crown and  
21 the building owner which establishes that Crown  
22 has the ability to sublicense to future  
23 telecommunication providers without having to  
24 get the approval from the -- the owner itself.

25 So, I have this document I'll --

1 I'll give you to include as part of the record.

2 LANCE LANDGRAF: I assume you're  
3 okay with that?

4 SCOTT COLLINS: Yes. Yes.

5 DEBRA SHULSKI: Okay.

6 LANCE LANDGRAF: Just a point of  
7 clarification. We had raised that issue  
8 yesterday, and this, from what I understand from  
9 our counsel, is that this is acceptable as  
10 owner's permission to make the application.

11 So, thank you.

12 SCOTT COLLINS: Okay. Thank you.

13 DEBRA SHULSKI: Thank you.

14 LANCE LANDGRAF: All right?

15 SCOTT COLLINS: Yes.

16 DEBRA SHULSKI: So, we -- we can  
17 include that, I guess, as part of exhibit A-5,  
18 which is the original lease with T-Mobile and  
19 Crown. And then the master lease is between  
20 Crown and the building owner -- property owner.

21 SCOTT COLLINS: Okay.

22

23 DIRECT EXAMINATION

24 BY DEBRA SHULSKI:

25 Q. So, Mr. Fahey, you said you were --

1 you were with Velocitel. Is that correct?

2 A. Correct.

3 Q. And -- and you are a site  
4 acquisition representative. So, you go out and  
5 find available candidates within a search ring  
6 as established by the radio frequency  
7 representative. Is that correct?

8 A. Yes.

9 Q. Okay. And what factors, typically,  
10 go into choosing a viable candidate, from your  
11 perspective?

12 A. Well, we attempt to look for an  
13 existing structure which we could attach the  
14 telecommunications equipment to. Aside from  
15 working for the technical aspects, we look for  
16 something that's gonna be unobtrusive visually  
17 and to the building.

18 Q. And this particular application,  
19 this site, you heard me mention that it's a DAS  
20 facility. And -- and the radio frequency expert  
21 can testify a little bit more about that. But,  
22 can you just give the board a -- a little  
23 general background on -- on what that means?

24 A. Well, it's not like a macro site  
25 that we just spoke about, where we put antennas

1 on the roofs of structures and attach them to  
2 the sides of buildings and so forth. This is  
3 entirely within a building. There will be --

4 It's kind of like a -- a piece of  
5 HVAC equipment if you looked at it. Someone who  
6 doesn't know about equipment like this would  
7 think it's a piece of HVAC equipment or  
8 something similar.

9 Throughout the building, in the  
10 common areas, we place small antennas roughly  
11 the size of a smoke detector, in common areas.  
12 That's what a DAS system is.

13 Q. And -- and the -- the purpose of  
14 the DAS system would be to provide coverage for  
15 that particular building. Is that correct?

16 A. Correct. In -- in fact, for just  
17 the rooms where we put the antennas; hallways,  
18 ballrooms, things like that.

19 LANCE LANDGRAF: It's like an  
20 extender kind of a thing that I have for my home  
21 wi-fi.

22 DEBRA SHULSKI: Right.

23 LANCE LANDGRAF: You plug it into  
24 your computer and it extends the -- it extends  
25 the service within that structure.

1 THE WITNESS: Well, I -- I --  
2 That's probably something the radio  
3 frequency engineer --

4 LANCE LANDGRAF: Okay.

5 THE WITNESS: -- could speak to,  
6 but I would say yes.

7 BY DEBRA SHULSKI:

8 Q. And you heard me mention earlier --  
9 I -- I entered into the record the  
10 -- the lease agreement and then the master  
11 lease.

12 And would you agree that T-Mobile  
13 has authorization from the owner of the DAS  
14 system, which, in turn, has authorization from  
15 the building owner to provide this equipment  
16 within the building?

17 A. Yes. Correct. If you look at  
18 section 11 of the ground lease, you will see  
19 that provision.

20 Q. And --

21 LANCE LANDGRAF: If I could just  
22 pause right here.

23 DEBRA SHULSKI: Sure.

24 LANCE LANDGRAF: I forgot to ask  
25 Rob.

1 We had --

2 We're good on notice?

3 ROBERT REID: Yes. Yes, we are.

4 LANCE LANDGRAF: He, basically,  
5 waits for that request every month. So...

6 ROBERT REID: Yes. I have reviewed  
7 the proof of service provided by the applicant  
8 and we have jurisdiction to hear this  
9 application today.

10 DEBRA SHULSKI: Okay.

11 LANCE LANDGRAF: Just to confirm.  
12 And I want to make sure we're on the record.  
13 So, good.

14 DEBRA SHULSKI: All right. And  
15 that's all the questions I have for Mr. Fahey.

16 LANCE LANDGRAF: Okay. Thank you.

17 DEBRA SHULSKI: Okay. And our next  
18 expert, again, is --

19

20 DIRECT EXAMINATION

21 BY DEBRA SHULSKI:

22 Q. I'm sorry. I have you -- I have  
23 you as --

24 Hans?

25 A. Yes.

1 Q. And do you want to state your name  
2 and address for the record, please?

3 A. Sure.

4 My name is HansRaj Rana,  
5 H-A-N-S-R-A-J. Last name, Rana, R-A-N-A.

6 And I work for T-Mobile,  
7 Philadelphia market, located at the 510 Virginia  
8 Drive, Fort Washington, Pennsylvania.

9 Q. And you're the radio frequency  
10 expert. Is that correct?

11 A. Yes.

12 Q. And I'm showing you what's been  
13 marked as exhibit A-6. Is that a copy of your  
14 CV -- (Indicating.)

15 A. (Witness indicating.) Yes.

16 Q. -- which establishes your  
17 qualifications and background?

18 LANCE LANDGRAF: We would accept  
19 him as an RF --

20 DEBRA SHULSKI: Thank you.

21 LANCE LANDGRAF: -- expert as well.

22 BY DEBRA SHULSKI:

23 Q. And T-Mobile is licensed by the  
24 FCC. Is that correct?

25 A. Yes. Correct.

1 Q. I'm showing you what's been marked  
2 as exhibit A-7. Is that a copy of the license?  
3 (Indicating.)

4 A. (Witness indicating.) Yes.

5 Q. And under its license, it's  
6 required to provide what's known as reliable  
7 coverage. Correct?

8 A. Correct.

9 Q. You heard Mr. Fahey explain to the  
10 board that this is a DAS site as opposed to a  
11 macro site, which was --

12 A. Mmm-hmm.

13 Q. -- what we had in the other hearing  
14 before this one.

15 Is there any other background or  
16 information you want to provide to the board  
17 with respect to that particular technology for  
18 the DAS?

19 A. Yeah. Sure.

20 DAS means it's Distributor Antenna  
21 System. So, basically, it's totally different  
22 than the macro sites, macro outdoor sites. So,  
23 in particular, DXN.

24 Sometimes it -- that provide the  
25 in-building coverage, but when the capacity is



1 concerned there, the -- the more number of uses  
2 are located in small area. Then macro site  
3 probably not enough to provide the capacity  
4 needs.

5 So, in this case, we install the  
6 DAS system in building. So, like in casinos,  
7 where more people gather there, some stadiums or  
8 like any hospitals, huge building, where more --  
9 a number of people are gathered at the same  
10 location.

11 So, in this case, as our colleagues  
12 informed you, that we install the small antennas  
13 throughout the building at various location,  
14 each floor. Those are connected with the fiber  
15 lines included in the cabinet room.

16 So, basically, this is very low  
17 power antennas and particularly so in the small  
18 area. So, each "users" in particular area will  
19 have a better throughput experience.

20 LANCE LANDGRAF: Once it goes to  
21 the -- that smaller unit, then it goes to the  
22 outdoor antenna, and that's what connects  
23 everybody to the outside world, so to speak?

24 THE WITNESS: Yeah. So, basically,  
25 all those small antennas are connected into the

1 equipment room, where we have installed the  
2 heavy equipment. We call this a cabinet room or  
3 something.

4 LANCE LANDGRAF: Okay.

5 THE WITNESS: Hub.

6 So, that "equipments" are  
7 connected.

8 LANCE LANDGRAF: Okay. Because  
9 we're more concerned about the exterior antenna  
10 here. It's great to know the interior, that  
11 stuff, --

12 DEBRA SHULSKI: Right.

13 LANCE LANDGRAF: -- but, really,  
14 that's internal to the casinos and -- I hate to  
15 say it this way -- what goes on inside there  
16 really don't --

17 When they come in, they get a CLUC  
18 for what happens inside the walls.

19 DEBRA SHULSKI: Right.

20 LANCE LANDGRAF: If they close one  
21 restaurant and open another, they don't come to  
22 us for another Certificate of Land Use, unless  
23 they're really changing something.

24 So, the interior stuff, to us, is,  
25 like you said, like putting an HVAC system in.

1 It's not a use that we're worried about.

2 DEBRA SHULSKI: Right.

3 LANCE LANDGRAF: The antenna  
4 outside triggers the use variance, and that's --  
5 So, that -- so, that's why I asked  
6 that question.

7 DEBRA SHULSKI: Right. Right.

8 BY DEBRA SHULSKI:

9 Q. So, the one GPS antenna that's on  
10 the -- the garage, --

11 A. Mmm-hmm.

12 Q. -- can you explain what -- what the  
13 purpose of that is?

14 A. Okay. GPS antenna, basically,  
15 locate the location, particular latitude and  
16 longitude of the cell phone. So, basically,  
17 when somebody has dialed the 9-1-1 call, that  
18 says -- the 9-1-1 operator "get" the exact  
19 location of that cell phone.

20 LANCE LANDGRAF: Okay.

21 THE WITNESS: So, that is the  
22 reason why we near a GPS antenna.

23 So, even it's for macro site or DAS  
24 site, we always install the GPS antenna to that  
25 --

1                   Based on that antenna, it's  
2    "calculate" the exact location of that cell  
3    phone who is dialing the 9-1-1.

4                   LANCE LANDGRAF: More importantly,  
5    they can Facebook and find out where they are  
6    and they can check in.

7                   DEBRA SHULSKI: Exactly.

8                   THE WITNESS: So, anywhere --  
9    anyway --

10                  LANCE LANDGRAF: That's why Resorts  
11   wants it.

12                  THE WITNESS: So, whenever anybody  
13   "call" the 9-1-1, that 9-1-1 group find out the  
14   exact location of that person who is calling  
15   from. So, it's easy to locate that person  
16   immediately.

17                  LANCE LANDGRAF: At that particular  
18   site or within the building? Will they know  
19   exactly where they are in the building?

20                  THE WITNESS: Yes. Definitely. I  
21   mean, at that location.

22                  So, it -- it's --

23                  Over here, we are installing the --  
24   our DAS antennas, but installing the one GPS  
25   antenna.

1                   So, macro site, it's --

2                   I mean, in this one, we definitely  
3 know that person is definitely inside that  
4 building. Right?

5                   But, in macro site, it's always  
6 give you the exact location, like street and --

7                   LANCE LANDGRAF: Okay.

8                   THE WITNESS: -- like that.

9 BY DEBRA SHULSKI:

10                  Q.       And this -- this -- this system  
11 would, similarly, be regulated by the FCC, in  
12 terms of the maximum permissible exposure  
13 levels? Is that correct?

14                  A.       Yes. That's correct.

15                  Q.       And this facility will be in  
16 compliance with those levels? Correct?

17                  A.       Yes. Correct.

18                  Q.       And the same is true with respect  
19 to non-interference. T-Mobile, under its  
20 license, is not permitted to create any  
21 interference with this particular system.

22 Correct?

23                  A.       Correct.

24                  Q.       And T-Mobile will agree to that?

25                  A.       Yes.

1 Q. All right. Now, is -- is this  
2 antenna -- and I guess we'll just focus on the  
3 GPS one -- would that be regulated by the F --  
4 FAA? Because it's -- it's not high enough to be  
5 --

6 A. No. No. No.

7 Q. -- the criteria for the FAA  
8 regulation height, which is 200 feet?

9 A. Yes.

10 DEBRA SHULSKI: That's all the  
11 questions I have.

12 LANCE LANDGRAF: Okay. Anything  
13 for this witness?

14 Okay. Thank you.

15 THE WITNESS: Thank you.

16 RICHARD PETERMAN: Hi. My name is  
17 Richard Peterman. I'm a professional engineer,  
18 licensed in the State of New Jersey, as well as  
19 several others.

20

21 DIRECT EXAMINATION

22 BY DEBRA SHULSKI:

23 Q. And your CV is marked as  
24 exhibit A-8. Is that correct? (Indicating.)

25 A. (Witness indicating.) Correct.

1 Q. And you've been --

2 You've testified in a number of  
3 municipal proceedings and been accepted as an  
4 expert. Is that correct?

5 A. That's correct.

6 My employer is Destek Engineering,  
7 and our corporate headquarters is 1281  
8 Kennestone Circle, Suite 100, in Marietta,  
9 Georgia. However, I do work remotely out of  
10 Cape May Court House, New Jersey.

11 Q. And you've reviewed the plans that  
12 are before the board this morning. Is that  
13 correct?

14 A. That's correct.

15 Q. And the scope is fairly limited,  
16 given that we're -- we're, essentially, here for  
17 the one GPS antenna, but could you walk the  
18 board through --

19 A. Sure.

20 Q. -- exactly what's being proposed  
21 and where?

22 A. So, currently, what we have  
23 depicted on sheet C2, which is the site plan,  
24 shows the existing parking garage serving  
25 Resorts.

1           Within the parking garage, we have  
2 a closer-up view of what is currently within the  
3 space and currently being proposed.

4           This is on sheet C3 now, which is  
5 just a close-up of the existing equipment room,  
6 the existing equipment and the proposed  
7 equipment is shown as well.

8           Within the parking garage --

9           This is the limit of the parking  
10 garage. This is the exterior. There's a  
11 fenced-in location, double gate access, a  
12 six-foot tall gate -- no -- excuse me -- fence,  
13 chain link.

14           Within it, there's existing  
15 equipment from other providers. There's a  
16 Verizon set of cabinets in there as well as  
17 equipment owned by the master lessee, which is  
18 Crown Castle.

19           T-Mobile is proposing to install  
20 one telecommunication equipment cabinet along  
21 with a few support cabinets that provide  
22 electrical service as well as a small battery  
23 backup unit.

24           All to say, within the existing  
25 fenced-in compound, the size of the cabinet is



1 approximately four and a half feet tall, about  
2 three feet deep and, depending on how it's  
3 configured, can weigh anywhere from about 700  
4 pounds to close to about 2,000 pounds, depending  
5 on the exact configuration of what they put  
6 within the cabinet.

7 So, that's what's being proposed  
8 inside the existing parking garage.

9 Outside the garage, just flipping  
10 back to C2, the penthouse on top of the parking  
11 garage currently has a GPS antenna for Verizon  
12 service that they offer in-building, DAS system.  
13 And we'll be installing a very similar unit.

14 The GPS antennas that all the  
15 carriers use are very similar. They're about  
16 two inches in diameter, about five inches in  
17 height or so. They do require an unobstructed  
18 view, you know, sky space, basically. So, it  
19 does require to be extended above the -- the  
20 penthouse itself, but it's nothing of  
21 significant height above the penthouse. We're  
22 talking two to three feet.

23 Essentially, that's what's being  
24 proposed both within the parking garage and on  
25 the roof on the penthouse.

1 DEBRA SHULSKI: I have no other  
2 questions.

3 LANCE LANDGRAF: Okay. Jason, do  
4 you have anything to add as our engineer?

5 JASON FICHTER: A couple of  
6 questions.

7 This --

8 THE WITNESS: Sure.

9 JASON FICHTER: I'm assuming --  
10 This is on the ground floor in the  
11 garage, correct, the equipment?

12 THE WITNESS: This is on the first  
13 floor.

14 JASON FICHTER: Okay.

15 THE WITNESS: So, there's ground  
16 level and a first floor.

17 JASON FICHTER: One up.

18 THE WITNESS: Yes.

19 JASON FICHTER: So, that's inside a  
20 compound. So, this is gonna have no impact on  
21 pedestrian or traffic flow?

22 THE WITNESS: Correct.

23 JASON FICHTER: Okay. And since  
24 we're on the first floor, are we in a flood  
25 zone? Are we above flood zone? Are we not in a

1 flood zone at all?

2 THE WITNESS: We are above flood  
3 zone, to the best of my knowledge. I don't know  
4 what the flood elevation is.

5 DEBRA SHULSKI: Yeah.

6 JASON FICHTER: It sounds like, if  
7 you're one level up from ground level, you're  
8 okay, but maybe we could just check that later.

9 THE WITNESS: Sure.

10 JASON FICHTER: That's all the  
11 questions I have for now.

12 LANCE LANDGRAF: Okay. Okay.  
13 You're next up.

14 BRIAN SEIDEL: Okay.

15 DEBRA SHULSKI: And our fourth and  
16 final witness is Brian Seidel, our professional  
17 planner.

18 THE WITNESS: Hi. For the record,  
19 Brian Seidel. The first name is B-R-I-A-N. The  
20 last name is Seidel, S-E-I-D-E-L.

21 I am a licensed professional  
22 planner in the State of New Jersey. I'm also a  
23 licensed landscape architect, a licensed  
24 landscape architect in Pennsylvania, Delaware,  
25 New Jersey, Maryland.

1 I have been working in the field of  
2 land use planning and consulting since 1997.

3 I have a degree in landscape  
4 architecture from Temple University.

5 I have appeared before numerous  
6 boards and commissions similar to this,  
7 including Atlantic City zoning hearing board.  
8 However, I have not appeared before this board  
9 authority previously.

10 LANCE LANDGRAF: Okay.

11

12 DIRECT EXAMINATION

13 BY DEBRA SHULSKI:

14 Q. And your CV is marked as  
15 exhibit A-10. Is that correct?

16 A. That's correct.

17 LANCE LANDGRAF: We would accept  
18 his --

19 DEBRA SHULSKI: Thank you.

20 LANCE LANDGRAF: -- professional  
21 credentials.

22 THE WITNESS: Thank you.

23 BY DEBRA SHULSKI:

24 Q. And -- and you're familiar with  
25 what T-Mobile is proposing and you've reviewed

1 the plans. Is that correct?

2 A. I have.

3 Q. And have you reached a conclusion  
4 with respect to the appropriateness of a use  
5 variance for this particular application?

6 A. Yes, I have.

7 The application is requesting and  
8 requires a d(1) use variance as the use is not  
9 specifically permitted in the underlying zoning  
10 district and in -- in this -- this part of  
11 Atlantic City.

12 The application, quite honestly, is  
13 -- is very beneficial to -- to the community.

14 It's a very benign use, as you've  
15 heard the testimony before. The antenna that's  
16 requested that is gonna be exterior, that's  
17 really gonna be the only visible element of this  
18 network, so to speak, is a very small antenna  
19 located on top of a penthouse.

20 This is located on the parking  
21 garage, the upper deck of the parking garage  
22 associated with the casino. It is a penthouse  
23 on top of the parking garage.

24 In addition to that, on the top  
25 deck of the parking garage are also light

1 standards and light structures. So, the light  
2 standards themselves are higher than all -- or  
3 the proposed antenna here. They are much taller  
4 in size. They're also darker in color. So,  
5 they're very noticeable.

6 The antenna that we're talking  
7 about here is really not going to be visible,  
8 from the ground plane, from anywhere except to  
9 -- to the west, so to speak, closer to the  
10 entrance of the -- of the casino and in the  
11 parking lot across the street.

12 Otherwise, the parking garage and  
13 the height of the parking garage really blocks  
14 the view from street-level. So, it's very  
15 negligible.

16 For the d(1) variance, it needs to  
17 be shown that the site is particularly suited  
18 and that the --

19 In -- in this case, it is  
20 particularly suited for the proposed use.

21 You've heard testimony that there  
22 is a -- a need for the DAS network and you've  
23 heard that this antenna needs to be outside in  
24 an unobstructed view. So, I do believe it's  
25 particularly suited for the proposed use.

1 T-Mobile is also licensed by the  
2 FCC to provide this service, which has been held  
3 by the courts to justify service to the public  
4 good.

5 Regarding the negative criteria, it  
6 needs to be shown that there's no detriment to  
7 the public good and no substantial impact to the  
8 zoning ordinance.

9 In this situation, I don't believe  
10 there is any -- very negligible negative impact.

11 As I discussed, the main negative  
12 impact here is, really, the -- the visibility of  
13 the antenna and the fact that this is such a  
14 small antenna and a small part of the network  
15 located on a penthouse. Consistent with an  
16 existing antenna that's previously been approved  
17 and located out there now, I -- I really think  
18 the application is -- is very negligible when it  
19 comes to the negative criteria, and the variance  
20 can be granted.

21 DEBRA SHULSKI: Okay. I have no  
22 other questions.

23 LANCE LANDGRAF: Okay. Jason, do  
24 you have any questions of -- of the planner? Do  
25 you want to touch base on anything in your

1 report other than what you already have?

2 JASON FICHTER: No. I think his  
3 testimony covers the remaining comments I had in  
4 my letter.

5 LANCE LANDGRAF: Okay. We'll mark  
6 Jason's report as B-1?

7 SCOTT COLLINS: Yeah. Mark --  
8 That. That is the February --

9 LANCE LANDGRAF: 15th

10 SCOTT COLLINS: -- 15, '17 letter.

11 LANCE LANDGRAF: Yes.

12 All right. With that, I'm gonna  
13 open it up to the public. Anybody here having a  
14 comment on this application from the public,  
15 please stand up, state your name.

16 Seeing none, I'll close the public  
17 portion.

18 Anything else from us? Any report

19 --

20 ROBERT REID: No.

21 LANCE LANDGRAF: We're good and  
22 tight?

23 Again, we'll do a hearing officer  
24 report --

25 DEBRA SHULSKI: Okay.



1                   LANCE LANDGRAF:  -- and put it on  
2   our -- our board agenda for March 21st.

3                   And we'll move that forward.

4                   I will tell you this.  Hopefully --

5                   I'm not gonna give a time frame  
6   because it will -- it will come back to kick me  
7   in the back.  We are working on our land use  
8   regulations for the Tourism District.  The  
9   ordinances that were written in Atlantic City in  
10  the 1980s, --

11                  DEBRA SHULSKI:  Mmm-hmm.

12                  LANCE LANDGRAF:  -- before cell  
13  phones were that much around, --

14                  DEBRA SHULSKI:  Right.

15                  LANCE LANDGRAF:  -- they didn't  
16  contemplate antennas.

17                  And they've never been updated.

18                  DEBRA SHULSKI:  Right.

19                  LANCE LANDGRAF:  So, we will at  
20  least do that.

21                  In the Tourism District, I'm  
22  assuming Atlantic City -- the rest of the city  
23  will follow suit --

24                  DEBRA SHULSKI:  Right.

25                  LANCE LANDGRAF:  -- so you don't

1 have to go through this process.

2 DEBRA SHULSKI: Okay.

3 LANCE LANDGRAF: So...

4 DEBRA SHULSKI: Well, so far, it's  
5 been an enjoyable process, so we're not -- not  
6 complaining.

7 LANCE LANDGRAF: No, but it's --  
8 it's --

9 DEBRA SHULSKI: Of course, we don't  
10 have the decision yet, but...

11 LANCE LANDGRAF: This is true.  
12 This is true.

13 With that, we'll close the -- the  
14 matter -- the -- the application on this matter  
15 and close the meeting, actually.

16 We have --

17 Our next meeting is March 2nd,  
18 2017, at 10 A.M.

19 With no public comment, we'll  
20 adjourn the meeting.

21 Thank you.

22 DEBRA SHULSKI: All right. Thank  
23 you.

24 We look forward to being back here  
25 for the other application.

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(This public hearing concluded at  
11:00 A.M.)

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