

Page 1 TOWNSHIP OF WEST ORANGE ZONING BOARD OF ADJUSTMENT -----X IN THE MATTER OF: CASE NO. ZB-24-06 TRANSCRIPT PUBLIC SERVICE ELECTRIC AND OF GAS COMPANY PROCEEDINGS 35 Mount Pleasant Avenue -----X Thursday, December 12, 2024 Zoom Remote Videoconference Commencing at 8:06 p.m. BOARD MEMBERS PRESENT: PHILIP D. NEUER, Chairman IRV SCHWARZBAUM, Vice Chairman JEROME EBEN BRENT DRAPER SCOTT WILLIAM MICHAEL BARBEE PETER T. RICCI ALICE WEISS (ABSENT) MICHAEL DANNEMILLER, ALTERNATE (ABSENT) MARK SUSSMAN, ALTERNATE (ABSENT) A P P E A R A N C E S SAVO, SCHALK, CORSINI, WARNER, GILLISPIE, O'GRODNICK & FISHER, P.A. BY: JOHN J. DELUCA, JUNIOR, ESQUIRE 56 East Main Street, Suite 301 Somerville, New Jersey 08876 908-526-0707 Deluca@centraljerseylaw.com Attorneys for the Board PRECISION REPORTING SERVICE Certified Shorthand Reporters (908) 642-4299	Page 2 1 A P P E A R A N C E S (Continued) 2 CHIESA SHAHINIAN & GIANTOMASI, PC BY: JENNIFER M. PORTER, ESQUIRE 3 -AND- ERICA ANTONYA PARLAVECCHIO, ESQUIRE 4 105 Eisenhower Parkway Roseland, New Jersey 07068 5 973-530-2071 Jporter@csglaw.com 6 Attorneys for the Applicant 7 THE TURTELTAUB LAW FIRM, LLC BY: JAMES M. TURTELTAUB ESQUIRE 8 98 Main Street, 2nd Floor P.O. Box 458 9 Madison, New Jersey 07940 862-276-2593 10 James.Turteltaub@turteltaublaw.com Attorney for the Kevin Malanga 11 12 A L S O P R E S E N T : 13 DIANA CHANDLER, Board Secretary 14 JOHN HESS, PE, PP, CME, Board Consulting Engineer 15 GEORGE WHEATLE WILLIAMS, ACIP, PP, Town Planner 16 MEGAN BRILL, Meeting Moderator 17 18 19 20 21 22 23 24 25
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Page 5 1 CHAIRMAN NEUER: Good evening, 2 everyone. With the power vested in me as 3 Chairperson, I call this special meeting of the West 4 Orange Zoning Board of Adjustment to order. Today is 5 December 12, 2024. It is 8:00 p.m., and this meeting 6 is being conducted virtually using the Zoom platform. 7 Notice of this meeting was given to the 8 township clerk, the West Orange Chronicle, and the 9 Star Ledger, posted on the township bulletin board, 10 all in accordance with the Senator Byron M. Baer Open 11 Public Meetings Act. 12 I ask all to rise as we'll Pledge 13 Allegiance to the Flag. 14 (Whereupon, all rise for a recitation 15 of the Pledge of Allegiance.) 16 CHAIRMAN NEUER: Please be seated. 17 Legal counsel tonight is John DeLuca. 18 Mr. DeLuca, would you be so kind as to 19 read the opening statement? 20 MR. DELUCA: Absolutely. 21 Thank you for welcoming me. 22 The Zoning Board of Adjustment is a 23 quasi judicial body. It hears evidence from sworn 24 witnesses and makes decision as would a court of law. 25 The Applicants are here because the	Page 6 1 projects they propose do not meet the requirements of 2 the West Orange zoning code, or they have been denied 3 permits by the building inspector. 4 We are their first avenue of appeal. 5 Board Members have a two-fold responsibility; first, 6 to see that the Applicant is treated as fairly as 7 possible, since no zoning code can foresee all 8 possible inequities; and second, to protect the 9 welfare of the community as a whole, which is the 10 basic purpose of the municipal zoning. 11 Our procedures are simple. The 12 Applicant presents his case. Objectors present their 13 case. Citizens in the audience are then given an 14 opportunity to speak, both for or against an 15 application. We expect the conduct of these 16 proceedings to be dignified and orderly so that all 17 parties may obtain a fair and impartial hearing. 18 As our proceedings are public, so is 19 our decisionmaking, which usually takes place the 20 same evening. Because appeals from the decisions of 21 the board can be made to the courts and in some cases 22 to the township council solely on the basis of the 23 record before this body and since the rules of 24 evidence and case law are technical, we would like to 25 advise all persons have a right to legal counsel in
Page 7 1 these proceedings. And we, the Board, will consider 2 an adjournment to anyone who wishes additional time 3 to obtain counsel. 4 Thank you. 5 CHAIRMAN NEUER: Thank you, Mr. DeLuca. 6 Ms. Chandler, kindly call the roll. 7 MS. CHANDLER: Mr. Barbee? 8 MR. BARBEE: Here. 9 MS. CHANDLER: Mr. Dannemiller? 10 CHAIRMAN NEUER: Excused absence. 11 MS. CHANDLER: Mr. Eben? 12 MR. EBEN: Present. 13 MS. CHANDLER: Mr. Ricci? 14 (No Response.) 15 MS. CHANDLER: Mr. Ricci? 16 MR. RICCI: Here. 17 MS. CHANDLER: Mr. Sussman? 18 CHAIRMAN NEUER: Excused absence. 19 MS. CHANDLER: Mr. Schwarzbaum? 20 VICE CHAIRMAN SCHWARZBAUM: Here. 21 MS. CHANDLER: Mr. Scott? 22 MR. SCOTT: Present. 23 MS. CHANDLER: Mrs. Weiss? 24 CHAIRMAN NEUER: Excused absence. 25 MS. CHANDLER: Chairperson Neuer?	Page 8 1 CHAIRMAN NEUER: I am here. 2 Thank you. 3 MS. CHANDLER: You're welcome. 4 CHAIRMAN NEUER: Announcements are, 5 with respect to future meetings, regular meeting will 6 be held on December 19th, 2024, which is one week 7 from this evening. 8 Our first meeting of calendar year 2025 9 will be January 16th, 2025. That will be our 10 reorganization meeting. I expect that we may have -- 11 we may have a new member or members at that time. 12 Mr. DeLuca, we have two professionals 13 here this evening for the Board, George Williams and 14 John Hess. 15 Would you be so kind as to administer 16 the oath? 17 MR. DELUCA: Yes. 18 Please raise your right hands, 19 gentlemen. 20 Do you solemnly swear to tell the 21 truth, the whole truth and nothing but the truth? 22 MR. HESS: I do. 23 J O H N H E S S, PE, PP, CME 24 849 West Bay Avenue, Suite 16, Barnegat New 25 Jersey, having been duly sworn, testifies as

Page 9 1 follows: 2 MR. WILLIAMS: I most certainly do. 3 G E O R G E W. W I L L I A M S, ACIP, PP 4 105 CR-623, Suite 1, Montclair, New Jersey, 5 having been duly sworn, testifies as follows: 6 MR. DeLUCA: Thank you. 7 CHAIRMAN NEUER: Thank you all. 8 We have one application on our agenda 9 this evening, that's application ZB-24-06, Public 10 Service Electric and Gas Company, for property 11 designated as Lot 26.01 in Block 155, also known as 12 325 Mount Pleasant Avenue. 13 Counsel, your appearance for the 14 record, please. 15 MS. PORTER: Good evening, 16 Mr. Chairman. Jen Porter from CSG Law on behalf of 17 the applicant, PSE&G. 18 And I also have with me my co-counsel, 19 Erica Parlaveccchio. 20 CHAIRMAN NEUER: Yes, we saw 21 Ms. Parlaveccchio at a prior meeting. 22 MS. PORTER: Yes. 23 CHAIRMAN NEUER: Welcome to both of 24 you. 25 MS. PARLAVECCHIO: Thank you.	Page 10 1 CHAIRMAN NEUER: This application has 2 been heard on four prior occasions by the Board; 3 August 15th, September 12, September 19th and 4 October 17th. 5 Mr. DeLuca, we've already verified that 6 notice was in order and -- from each of those prior 7 four hearings, carried until today so the 8 jurisdiction has been obtained. 9 I will also note for the record that 10 based upon the roll call, a quorum is present so that 11 we may move forward to conduct business this evening. 12 Ms. Porter, the floor is yours. 13 MS. PORTER: Great. Thank you, 14 Mr. Chairman. 15 So, as I indicated before, good evening 16 everyone, as the Chairman indicated, we last appeared 17 in front of the Board back in October. 18 At that hearing we presented further 19 testimony from two of our experts, our civil engineer 20 and our landscape architect. The basis of that 21 testimony was to indicate that we had conducted 22 further due diligence in terms of the site design, 23 tree preservation and various other site design 24 considerations for the site. 25 We also met again with township
Page 11 1 forester to discuss the tree removal, as well as the 2 tree replacement plans and their compliance with the 3 township's tree ordinances, both the prior ordinance 4 which we were subject to, as well as the new 5 ordinance which we were exempted from, but 6 voluntarily chose to comply. 7 After that testimony was given, we did 8 entertain questions from members of the public, and 9 at this point PSE&G is ready to rest with its direct 10 testimony regarding the application. 11 CHAIRMAN NEUER: Thank you very much, 12 Ms. Porter. 13 That brings us to the point in these 14 proceedings where we take testimony and evidence from 15 members of the public. 16 Are there any members of the public who 17 wish to be heard on this application or to present 18 evidence? Please raise your hand so that you can be 19 admitted. 20 MS. BRILL: Yes, we have 21 Mr. Turteltaub. 22 CHAIRMAN NEUER: Okay, Mr. Turteltaub, 23 please bring him into the -- 24 MS. BRILL: Should I promote him to 25 panelist --	Page 12 1 CHAIRMAN NEUER: Yes. 2 MS. BRILL: -- or is he okay in the 3 gallery. 4 CHAIRMAN NEUER: No, bring him into the 5 panel. 6 MS. BRILL: Okay. I'm doing that now. 7 You should see a prompt. 8 Here he comes. 9 There you go. 10 CHAIRMAN NEUER: Welcome back, 11 Mr. Turteltaub. 12 MR. TURTELTAUB: Good evening, 13 Mr. Neuer and Members of the Board, I thank you for 14 your time tonight. 15 CHAIRMAN NEUER: Mr. Turteltaub, my 16 recollection is that you're appearing on behalf of a 17 citizen of this community, Kevin Malanga. 18 Is that correct? 19 MR. TURTELTAUB: Yes, Mr. Neuer. 20 This is actually my first appearance 21 for Mr. Malanga in this application. And I do have a 22 case to put on tonight on his behalf, yes. 23 CHAIRMAN NEUER: Okay. What do you 24 intend to present? 25 MR. TURTELTAUB: We intend to present

Page 13 1 three witnesses tonight, three expert witnesses. The 2 first witness we intend to -- we ask the board to 3 listen to is John Linson, who is a former forester 4 for West Orange. He is also a licensed tree expert 5 in New Jersey. 6 We intend to follow Mr. Linson's 7 testimony with a Robin Blanton, B-L-A-N-T-O-N. He is 8 a PE. Mr. Blanton has experience in the design of 9 stations like the PSE&G station which is the subject 10 of this application. 11 And, finally, we're going to have the 12 testimony of Mary Paist-Goldman, P-A-I-S-T, dash, 13 Goldman, G-O-L-D-M-A-N. 14 CHAIRMAN NEUER: Yes. 15 Did any of your experts prepare 16 reports? 17 MR. TURTELTAUB: They have not prepared 18 any reports. Though Ms. Goldman does have some 19 diagrams and concepts that she would like to share 20 with the board at the end of her testimony, during 21 her testimony. 22 CHAIRMAN NEUER: For the record, we've 23 received a curriculum vitae for Ms. Paist-Goldman. 24 MR. TURTELTAUB: Yes. 25 CHAIRMAN NEUER: We haven't received a	Page 14 1 curriculum vitae for the other two gentlemen 2 mentioned, Mr. Linson -- although I can say he's 3 well-known to the board -- and Robin Blanton has not 4 submitted a curriculum vitae. 5 So you can go through that when you -- 6 when you qualify them as experts. 7 MR. TURTELTAUB: I intend to do so, 8 thank you. Thank you, sir. Yes, that's exactly what 9 I intend to do. 10 CHAIRMAN NEUER: Okay. 11 MR. TURTELTAUB: So with that, if I 12 may, overall our testimony here tonight is going to 13 focus on the tree ordinance and the aspects of the 14 tree ordinance, it's really two steps, one is to 15 maximize the preservation of the trees that are on 16 the site, and then once you get past that, you have 17 the replacement issue. 18 Here we're really going to be focusing 19 on the first of the two steps, which is to maximize 20 the preservation of the trees. 21 This site -- and the plans that are 22 here look to destroy a number of trees that have been 23 part of this community for, in many cases, a hundred 24 years. And they provide a lot of natural resources 25 and value.
Page 15 1 And we intend to have Mr. Linson talk 2 about those trees, about the ordinance in his view of 3 how compliance has -- has not occurred with this 4 plan. 5 We will then have Mr. Blanton, who will 6 then discuss design options for -- that would 7 potentially solve some of the problems that my client 8 has seen in this plan. 9 And we'll end it with Ms. Goldman, who 10 will then be able to talk about some of the 11 alternatives that we can -- we can hopefully work 12 with here and achieve the preservation of trees that 13 have -- like I say, have been part of this community 14 for at least a hundred years from what I understand. 15 So with that, I'd like to see if we 16 could elevate Mr. Linson as a speaker here so he can 17 provide his testimony in this matter. 18 CHAIRMAN NEUER: Please do so, 19 Ms. Brill. 20 MS. BRILL: Yes, if he could raise his 21 hand so I can find him. 22 I'm not seeing a hand yet. 23 CHAIRMAN NEUER: Mr. Linson, raise your 24 hand, please. 25 MS. BRILL: What's the first name?	Page 16 1 CHAIRMAN NEUER: John. 2 MR. TURTELTAUB: John. John Linson. 3 MS. BRILL: Oh, okay. 4 Our old forester. 5 MR. TURTELTAUB: Yes. 6 MS. BRILL: Ah, okay, he didn't raise 7 his hand, but I'm promoting him now. 8 MR. TURTELTAUB: Okay. Thank you. 9 MS. BRILL: He has to accept it. 10 MR. TURTELTAUB: Mr. Linson, you should 11 see a request for you to accept, a blue button to 12 press to get up, to be elevated. 13 MS. BRILL: Right. 14 He hasn't accepted yet. 15 Maybe buzz him? 16 MR. TURTELTAUB: Yes, if you don't mind 17 I'll disappear for one second. 18 CHAIRMAN NEUER: As long as you promise 19 to come back. 20 I keep forgetting to record the 21 Jeopardy music for moments like this. 22 MS. BRILL: Oh, okay. I think he's 23 coming. 24 No, somebody else just joined. 25 CHAIRMAN NEUER: Mr. Turteltaub,

Page 17 1 let's... I see him. 2 Okay. Mr. Linson is there. 3 Mr. Linson, turn on your video and your 4 microphone please? 5 MS. BRILL: He's coming in. 6 MR. LINSON: Okay. All right. I found 7 how to unmute this thing. 8 MR. TURTELTaub: Okay. We got him. 9 Okay, good. 10 MR. LINSON: Okay. 11 I can begin? 12 CHAIRMAN NEUER: Well, we need to -- 13 MR. TURTELTaub: You need to put your 14 camera on. 15 We need to put your camera on, 16 Mr. Linson. 17 MR. LINSON: Okay. 18 CHAIRMAN NEUER: Lower left. 19 MR. LINSON: Oh, start video. 20 There it is. 21 Okay, how's that? 22 CHAIRMAN NEUER: Looks like John 23 Linson. 24 MR. LINSON: You have -- you have 25 visual and sound.	Page 18 1 CHAIRMAN NEUER: Welcome back. 2 Mr. DeLuca, please be kind enough to 3 swear the witness. 4 MR. DeLUCA: Mr. Linson, if you could 5 please raise your right hand. 6 MR. LINSON: Yes. 7 MR. DeLUCA: Do you swear to tell the 8 truth, the whole truth and nothing but the truth? 9 MR. LINSON: I do. 10 J O H N D. L I N S O N, S R. 11 52 Ricker Road, Kinnelon, New Jersey, having been 12 duly sworn, testifies as follows: 13 MR. DeLUCA: Thank you. 14 CHAIRMAN NEUER: Before we begin, 15 Ms. Porter, were you alerted to this witness? 16 MS. PORTER: I was alerted to the fact 17 that there would be a tree expert. 18 I was not provided with any information 19 as to who it would be, nor any information regarding 20 their credentials. 21 CHAIRMAN NEUER: Any objection before 22 we get into credentials? 23 MS. PORTER: No. 24 CHAIRMAN NEUER: Okay, thank you. 25 Mr. Turteltaub, please continue.
Page 19 1 MR. TURTELTaub: And I do thank the 2 board for its time in getting Mr. Linson on. 3 VOIR DIRE EXAMINATION 4 BY MR. TURTELTaub: 5 Q. Mr. Linson, if you could, could you 6 please provide the board with the benefit of your 7 background, experiences, especially as it pertains to 8 trees and the preservation of trees? 9 A. Okay. 10 I have a bachelor's degree in forestry 11 from Rutgers University, 1973. 12 I have been a New Jersey licensed tree 13 expert since 1976. 14 I served as Millburn Township forester 15 for 25 years and retired 21 years ago and have served 16 as a consultant to municipalities, primarily I've 17 served -- I've consulted with over 44 municipalities 18 in three counties over the last 21 years, and I 19 served as West Orange forester for 14 years. 20 That's pretty much it. 21 Q. And in those capacities, with respect 22 to tree preservation and enforcement of tree 23 ordinances, could you give the board a little bit of 24 the benefit of your background in that as well? 25 A. Well, serving as -- as a -- as a	Page 20 1 municipal forester, you're subject to all kinds of 2 issues, street renovation and sidewalk renovation is 3 one of the most -- the hardest things on saving 4 trees, but -- and then the development of building 5 lots. 6 So I've developed a pretty good 7 experience in terms of how to save trees when -- and 8 knowing when they can and cannot be saved. 9 And I actually implemented a number of 10 methods in West Orange in the road reconstruction 11 projects and pretty much any tree that an adjacent 12 property wanted to save we were able to save it, so 13 -- but it's the ones that didn't want to save, that 14 didn't want to have a sidewalk that curved around a 15 tree or leaving the old curb in the -- 16 CHAIRMAN NEUER: Mr. Linson, you've 17 answered the question. 18 THE WITNESS: Yeah. Okay. 19 CHAIRMAN NEUER: Any other questions, 20 Mr. Turteltaub? 21 MR. TURTELTaub: I just have a couple 22 quick ones and then we'll move on to his testimony. 23 BY MR. TURTELTaub: 24 Q. Mr. Linson, in your capacities working 25 for these municipalities, have you ever been asked to

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1 review site plans and their compliance with tree
2 ordinances?
3 A. Yes, I do that quite frequently.
4 Q. Okay. And have you ever been qualified
5 as an expert before any boards to give testimony as
6 to your opinions regarding tree preservation and tree
7 ordinances?
8 A. Yes, I have.
9 Q. Okay.
10 MR. TURTELTAUB: I would like to
11 introduce Mr. Linson as an expert in tree forestry,
12 as well as tree preservation.
13 CHAIRMAN NEUER: Trees and tree
14 preservation.
15 MR. TURTELTAUB: Yes.
16 CHAIRMAN NEUER: Ms. Porter, any
17 questions with regard to credentials.
18 MS. PORTER: No.
19 CHAIRMAN NEUER: Any member of the
20 board have questions for Mr. Linson regarding his
21 credentials.
22 Mr. Schwarzbaum?
23 VICE CHAIRMAN SCHWARZBAUM: Mr. Linson,
24 just -- when did you -- you said that you were part
25 of the West -- you worked for West Orange as a

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1 CHAIRMAN NEUER: Mr. --
2 Mr. Schwarzbaum --
3 VICE CHAIRMAN SCHWARZBAUM: That's not
4 relevant? Okay.
5 CHAIRMAN NEUER: Please.
6 VICE CHAIRMAN SCHWARZBAUM: Okay, I was
7 just -- wanted to understand.
8 CHAIRMAN NEUER: Mr. Linson answered
9 too quickly.
10 Any other member of the board with
11 questions for Mr. Linson, solely regarding
12 credentials?
13 (No Response.)
14 CHAIRMAN NEUER: Seeing none,
15 Mr. Linson, it's my pleasure to recognize you as a
16 licensed tree expert with a specialty in tree
17 preservation.
18 THE WITNESS: Thank you, Mr. Chairman.
19 Mr. Turteltaub, witness with you.
20 MR. TURTELTAUB: Thank you.
21 DIRECT EXAMINATION
22 BY MR. TURTELTAUB:
23 Q. Mr. Linson, first off, are you familiar
24 with the PSE&G site which is the subject of this
25 application?

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1 consultant for 14 years.
2 When did that end?
3 THE WITNESS: Three years ago.
4 VICE CHAIRMAN SCHWARZBAUM: Three years
5 ago. So that would be 2021.
6 THE WITNESS: I believe so.
7 VICE CHAIRMAN SCHWARZBAUM: And were
8 you part of the new ordinance.
9 THE WITNESS: Not -- not this -- this
10 new ordinance. The prior ordinance, I was.
11 VICE CHAIRMAN SCHWARZBAUM: Okay. So
12 I'm not -- I know there's a new ordinance.
13 I just want to understand when that
14 went into -- when it was contemplated to be put into
15 effect. It usually doesn't happen overnight, so
16 that's why I am asking.
17 THE WITNESS: It -- this new ordinance
18 was developed subsequent to my employment with West
19 Orange.
20 VICE CHAIRMAN SCHWARZBAUM: And when
21 you -- did you leave West Orange on your own?
22 THE WITNESS: No.
23 Quite frankly, no.
24 VICE CHAIRMAN SCHWARZBAUM: Can you
25 elaborate a little?

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1 A. Yes, I am.
2 Q. And how are you familiar with this
3 site?
4 A. When I was employed by West Orange,
5 there were a couple of projects that I was involved
6 with.
7 There was a replanting over on the -- I
8 guess it would be the southern -- southwest corner of
9 the property, a lot of the new plantings went in
10 about 12 to 15 years ago.
11 And about, I guess, maybe five or six
12 years ago, maybe a little more, the sidewalk was put
13 in on Prospect and I was involved in the routing of
14 the sidewalk and working its way around trees and
15 whatnot.
16 Q. And are you familiar with the plan
17 that's before the board tonight that's been prepared
18 by PSE&G?
19 A. Yes, I am.
20 I was given a copy of the TR-1, -2 and
21 -3 by Mr. Malanga.
22 Q. And were you able to review the tree
23 removal plan that was proposed by PSE&G as part of
24 this application?
25 A. Yes, I was.

Page 25 1 Q. And with respect to the trees that are 2 the subject of that tree removal application, are you 3 familiar with generally those trees in that -- the 4 areas in which those trees are located? 5 A. Yes. 6 Q. Okay. So starting off with -- or going 7 into the ordinance itself, you were asked questions 8 about your -- the current zoning -- tree preservation 9 ordinance. 10 Can you please give the board the 11 benefit of your understanding of the ordinance and 12 how it impacts the decisions to remove trees on 13 properties in town? 14 A. Well, the West Orange Ordinance is 15 probably the strictest ordinance I have ever seen. 16 It has -- the opening statements in the findings and 17 purpose are quite extensive, and that is indicative 18 of the fact that the town council has a high 19 importance of preserving trees and recognizing that 20 the contributions they make to the West Orange 21 community. 22 And so the -- stronger than the prior 23 ordinances, there is now a requirement for the 24 replacement of trees by residents and property 25 owners, whereas before there was a diminishing tree	Page 26 1 canopy coverage with development. With the loss of 2 trees there was no incentive to -- for property 3 owners to replace trees. So now the removal of 4 healthy trees requires replacement by the property 5 owners. 6 Q. With respect to the preservation of 7 trees, are you familiar with what the current 8 ordinance -- the requirements of the current 9 ordinance with regard to the protection of trees that 10 exist today -- for trees that exist today? 11 A. Yes, I am. 12 In the -- in the purpose statement it 13 indicates that this section is to protect and foster 14 the existence and health of trees growing within 15 township borders, to preserve the maximum possible 16 number of trees in the development of a site or lot, 17 and to protect specimen trees to encourage innovative 18 design and grading to promote the protection of 19 existing trees. 20 That's in the preamble to the 21 ordinance. 22 The West Orange Ordinance is unique 23 because it comes under land use. Most of the 24 municipalities have their tree preservation 25 ordinances under police powers, and that tends to
Page 27 1 leave it up to the discretion of the enforcing 2 officer, who may be a forester or may be an engineer 3 or a public works official. 4 But West Orange, by putting it under 5 land use, they put it under the scrutiny of many 6 people. 7 Most of the tree removal in the 8 township is private land owners taking down dead 9 trees in their yards. 10 But when there's a larger project of 11 development or redevelopment and it has to appear 12 before a zoning board or at least if it's denied it 13 would be appealed before the zoning board, it brings 14 it into the scrutiny of many people, so that the 15 discretion of one person is cushioned and 16 strengthened by this -- by the oversight of many 17 people, as we're doing tonight. 18 Q. So given that it's part of the land use 19 ordinance and your understanding is then the 20 evaluation of the tree removal plan and the 21 achievement of the goals of the tree protection 22 ordinance to -- to maximally protect the trees, is 23 that within the purview of this Board then to 24 consider whether that is met? 25 A. Yes, yes, it definitely is.	Page 28 1 If this application does not meet the 2 purpose of the ordinance, then it has to be revised 3 to accommodate the wishes of the council in passing 4 this ordinance. 5 Q. Okay. And with respect to the prior 6 ordinance and the current ordinance, it was brought 7 up earlier in counsel's introduction about saying 8 that they're adhering to the -- to the stricter new 9 ordinance, what are the differences mainly between 10 the two ordinances, if you know? 11 A. Well, one fault of the prior ordinance 12 was neighbor notification. 13 And the removal of trees, particularly 14 healthy trees, in the vicinity of a property line can 15 sometimes be disputed. And once the tree is removed, 16 you know, it's gone. 17 So now before you get a permit, there 18 is a requirement to notify your adjacent property 19 owners. That's probably the most important aspect of 20 it. 21 But also, if you're removing a tree 22 that is not completely dead, the procedure is a lot 23 more involved. You have to fill out a form, a 24 nationally recognized form, listing the potential 25 defects of the tree and its potential targets should

Page 29 1 the tree fail. Is it -- is it the trunk that's the 2 problem or is it individual branches or encroaching 3 structure? Is there an insect or disease. 4 A tree that still has a green leaf on 5 it, you've got to go through a tremendous procedure 6 to get approval to remove it. 7 So it's -- there's no doubt, once Walt 8 Kipp receives the application and he has all the 9 background information, you know, only then is he 10 permitted to issue a tree removal permit. 11 And the -- you have two groups of tree 12 contractors. You have the tree removal contractors 13 and you have the full service tree companies. And 14 the tree removal companies, by the New Jersey Board 15 of Tree Experts, there's two categories. There is 16 licensed tree care operators. Now, they're only 17 qualified to remove trees or to prune trees. And 18 then you have licensed tree experts, such as myself. 19 They are the only ones who can actually put in print 20 whether a tree is alive or dead or write a report 21 about a condition of a tree. 22 And so these full service tree 23 companies, most of them have licensed tree experts. 24 So the new ordinance requires a 25 licensed tree expert to declare the tree as dead, or	Page 30 1 to define what the defects of the tree may be that 2 would warrant its removal. 3 And again, if it's still alive or 4 partially alive, there is that requirement of 5 replacing the tree. And it's not a one-to-one 6 replacement, it's a scaled replacement based upon the 7 diameter of the tree. 8 So as I said before, West Orange has 9 probably the strictest tree removal ordinance 10 possibly in the State of New Jersey at this time. 11 Q. And under the prior ordinance or the 12 current ordinance, do they both look to the maximum 13 preservation of trees; before you get into the 14 replacement, to try to preserve as many trees as 15 possible? 16 A. Well, this one -- this one really puts 17 some teeth into it. The other one, the purpose was 18 to try to preserve trees to the greatest extent 19 possible, but there weren't as many hoops to jump 20 through. 21 And you're not going to be able to 22 remove a healthy tree without consequences of -- and 23 requirement to replace. 24 Q. Now, the current ordinance, was there 25 -- what was that based on, if you know?
Page 31 1 A. I'm not sure where they got all of 2 this, but about a year ago, DEP came up with a model 3 ordinance that they were requiring -- well, initially 4 requiring municipalities to adopt. 5 And then we found out it was really 6 just a model which could be improvised. 7 But it did -- the emphasis was -- on 8 the DEP ordinance was water preservation, water 9 quality. 10 And it introduced a schedule for 11 replacement of living trees, trees being a source of 12 recharging water -- water reserve. 13 So the West Orange Ordinance far 14 exceeds the minimum requirements that the State had 15 proposed. 16 Q. Okay. And before you started to talk 17 about the different tree sizes. Could you -- is 18 there an impact on the loss of a tree of different 19 sizes? Do the impacts change? 20 A. Well, the intent is to maintain the 21 tree canopy coverage in the town. 22 And, you know, basically when you're 23 losing the canopy coverage of a large, say an oak 24 tree that's 30 inches in diameter and having to 25 replace it with four or five or more trees, those	Page 32 1 trees are only going to be, you know, 10, 12-foot 2 tall. 3 And so you don't have the intense shade 4 and cooling effect that a large tree will have. 5 And, you know, a 30-year -- 30-inch 6 diameter tree could be a hundred, 150, 175 years old. 7 So you're losing screening and wind break even by -- 8 the goal of replacing trees is great, but the actual 9 fulfillment and restoration takes years for these 10 replacement trees to grow to the size of the tree 11 that was removed. 12 Q. And the replacement schedule, does it 13 alter based upon the size of the tree at all or is it 14 static schedule? 15 A. Yes. 16 In fact, I have it right in front of me 17 right now. If you're removing trees from 18 2-and-a-half to 6-inches in diameter -- 19 CHAIRMAN NEUER: Excuse me, sir. 20 From what are you reading? From what 21 are you reading? 22 THE WITNESS: I am reading from the 23 West Orange Tree Replacement Table, Table A. 24 CHAIRMAN NEUER: From the ordinance? 25 In the ordinance?

Page 33 1 THE WITNESS: That's on page 17 of the 2 ordinance. So... 3 CHAIRMAN NEUER: Thank you. 4 THE WITNESS: So a tree that's 5 2-and-a-half to 6-inches in diameter, it's a 6 one-to-one replacement. 7 As you go to 6 to 13, it's a 8 four-to-one replacement; 13 to 22, it's a six-tree 9 replacement; 23 to 32, it's an eight-tree 10 replacement. Over 33 inches, it's a ten-tree 11 replacement. 12 So it's -- it's very aggressive in 13 terms of the replacement. It's much, much more 14 stringent than the State had proposed. 15 BY MR. TURTELTaub: 16 Q. And by going to the larger number of 17 trees to replace, does that signify anything to you 18 with respect to the value placed on larger trees 19 versus smaller trees? 20 A. Well, it's supposed to be an incentive 21 not to remove large, healthy trees. You know, so 22 that's -- because in this situation, they're removing 23 -- they're proposing to remove trees that are perhaps 24 70- to 100-foot tall, that presently shield the 25 structure from view from Mount Pleasant and Prospect	Page 34 1 Avenues. 2 Any other replacement trees are only 3 going to be 10-foot tall. And the transmission 4 station is, I don't know, maybe that -- the structure 5 is 100-foot tall. But you're -- right now the trees 6 shield the structure pretty well. 7 Q. And the loss of trees, does it have any 8 impact on the health and safety of the community and 9 the welfare of the community? 10 A. Well, certainly the trees have value 11 for wildlife purposes. And, you know, a large tree 12 is going to be filtering a lot of -- lot of air. And 13 at this intersection, you've got -- you've got 14 traffic stopped and cars idling and the trees provide 15 a filtering affect of the carbon monoxide emitted 16 from the cars. 17 Q. Now, in your review of the -- you said 18 you did review the plan that PSE&G has before the 19 board tonight. Is that correct? 20 A. Yes, I did. 21 Q. Did you come up with any thoughts or 22 comments about the -- what you reviewed? 23 A. Well, the trees on the site, and 24 looking in particular at the tables on TR-2 and -3, 25 the trees are identified by species and diameter.
Page 35 1 And as you look at the -- the species, 2 it's quite obvious that when the substation was 3 constructed, there were certain species of trees 4 which were actually planted. And that would be white 5 cedar, white pine, Colorado blue spruce, Norway 6 spruce, Rocky Mountain juniper, Willow Oak, Little 7 Leaf Linden, London plane, Douglas fir, horse 8 chestnut and serviceberry. 9 So these were trees that were 10 specifically planted, they were purchased from a 11 nursery and installed. 12 And then as time went on and the 13 maintenance of the site was not up to par, we got 14 invasive species coming in. We got box elder, black 15 cherry, black walnut, white ash, Norway maple, red 16 oak, red maple, eastern red cedar crab apple, black 17 locust, Tree of Heaven, oh boy, yellow birch, 18 American elm, white mulberry, and bitter nut hickory. 19 Those trees all were self-planted by 20 nature. And many of them are really undesirable 21 trees to have on a property, but it's indicative that 22 the maintenance of the property was really not up to 23 par. 24 Of the original trees that were 25 planted, what I did was I tried to look at trees that	Page 36 1 had significant diameters to them. 2 And I identified them on my map, 3 circling them, and also in respect to what their 4 proposed disposition was, whether they were going to 5 be preserved or they were going to be removed. 6 And what struck me was that a lot of 7 the development seems to be targeted for the largest 8 trees on the site. And as you enter the driveway off 9 Mount Pleasant, there is tree number 4078, it's a 10 42-inch diameter Little Leaf Linden scheduled for 11 removal. 12 There's a 29-inch diameter London 13 plane, tree number 4087. 14 There is a 46-inch diameter London 15 plane, tree number 4135. 16 And tree number 4102 is a 36-inch 17 diameter Linden. 18 These are significant trees. And it 19 appears to me that wouldn't that be great if we 20 reconfigured the driveway access to go around these 21 trees rather than through these trees. 22 And the same -- the same argument as 23 you -- as you're going from the south end of the site 24 up to the north end of the site along Prospect 25 Avenue, and I believe those are water detention

Page 37 1 facilities. There's like one, two, three or four of 2 them. There's a linear fashion. 3 The largest tree on the property is a 4 58-inch diameter London plane, perfect shape. You 5 can see it from Prospect Avenue. You look down there 6 and it's a majestic tree, tree number 4203. It's a 7 crime to take that tree down, in my mind. 8 So we have 4203, the largest tree on 9 the site, 58-inch diameter London plane. We have a 10 44-inch diameter London plane. These are, you know, 11 the width of a sheet of plywood. These are that 12 wide. The trees are that wide, tree 4204. 13 Tree 4210, a 36-inch diameter London 14 plane. 15 And then tree 4226, 36-inch diameter 16 horse chestnut. Beautiful tree. 17 Tree 4230, 35-inch diameter horse 18 chestnut. 19 Tree 4235, a 32-inch horse chestnut. 20 Tree 4243, 29-inch London plane. I 21 don't know the -- 22 I'm not an engineer. All I know is if 23 you move that, I believe it's water detention basins 24 or water retention facility, if you move that closer 25 to Prospect Avenue you could avoid all these trees.	Page 38 1 So, you know, in my mind it's like what 2 were you thinking? You like targeted the biggest 3 trees on the site to be removed. 4 So to me, this really -- there has to 5 be another way than to remove these 100-year old 6 trees. 7 And, I mean, other towns, you know, 8 they have landmark trees that are smaller than this. 9 These are really significant trees. So I'm a little 10 excited about it. 11 Q. Would the mere replacement of these 12 trees once they're removed, in your opinion, satisfy 13 the goals of the ordinance of tree preservation? 14 A. That's the thing, that the -- the 15 ordinance, you know, and rightfully so, it tries to 16 compensate for the loss of healthy trees. 17 But, you know, the best deterrent is 18 well don't -- if it's a healthy -- a large, healthy 19 tree, nothing wrong with it, don't take it down in 20 the first place. 21 Because you're not going to have the 22 screening, the height screening of the facility that 23 you presently have. 24 And, you know, it's going to take years 25 for these replacement trees to begin to fulfill the
Page 39 1 ground saturation of water and air, the air 2 filtration through photosynthesis. 3 So that's pretty much where I am coming 4 from. 5 Q. And to preserve trees, you know, one of 6 the -- sometimes the issue of tree roots and the 7 destruction of tree roots therefore could destroy a 8 tree. 9 How far do you have to go, if you know, 10 to protect a tree root if you're going to be doing 11 construction, and where would usually the delineation 12 be here? 13 A. Well, the most accepted standard is to 14 protect the trees within the drip line of the tree. 15 So in other words, the furthest 16 reach -- outreach of the branches covers the majority 17 of a tree's root system. 18 And it's the fibrous roots at the very 19 end that -- that are soaking up the water and the 20 nutrients from the soil. 21 It's, you know, close to the trunks of 22 the trees, within 12 to 15 feet, those are buttress 23 roots that are primarily for the support of the tree 24 under storm conditions. 25 But it's the fibrous routes that go out	Page 40 1 to the tips of the branches -- and, you know, the 2 roots do exceed that. 3 But that -- the drip line of the tree 4 pretty much defines the protected root zone. We 5 really don't want to be removing roots within that 6 area. 7 If you have to remove some of them, you 8 sort of monitor what percentage of roots are -- if 9 it's a -- if it's, let's say, 10 percent of the roots 10 on the tree, the tree will recover from that. 11 But as you get -- doing the trenching 12 or anything closer to the trunk of the tree, then 13 you're affecting the stability of the tree and then 14 the safety of the public or the surrounding 15 structures. 16 Q. And the drip line being the edge of -- 17 the maximum edges of the tree branches. Is that 18 correct? 19 A. Right. 20 It's, you know, it's a radius around 21 the entire tree. 22 Q. Okay. And in looking at the plan 23 itself, did you see opportunities to possibly -- and 24 we'll get into engineering testimony, but just from 25 your perspective and your experiences, ways to

Page 41 1 possibly move some of the -- some of the impacts to 2 save some of these trees? 3 A. Well, one of the ways is by -- when we 4 know the lesser desirable trees, the invasive trees 5 that are on this site. 6 And if you target your development in 7 those areas and avoid the larger specimen trees, 8 that's the best way. 9 And maybe, maybe you have to sacrifice 10 one or two of them, but not all of them, you know. 11 So that's basically, you know, you try 12 to make decisions based upon saving the maximum 13 number of trees to the greatest extent possible. 14 Q. So when you look under ordinance 15 section 25-27.7(c), subsection 1C -- 1B, it says: 16 "To the greatest extent possible, 17 specimen trees and other large trees that 18 would be," with a paren, "ten-inch DBH and 19 greater, shall be preserved." 20 Do you believe that the plan achieves 21 that requirement? 22 A. Not to the greatest extent possible. I 23 mean, they are saving some -- some large trees, but 24 they're not -- the largest and most desirable trees 25 on the site are proposed for removal.	Page 42 1 Q. Okay. 2 MR. TURTELTAUB: At this time I have 3 nothing further for Mr. Linson. 4 CHAIRMAN NEUER: Let me turn to 5 Ms. Porter for cross-examination. 6 MS. PORTER: Yes. 7 Thank you, Mr. Chairman. 8 CROSS-EXAMINATION 9 BY MS. PORTER: 10 Q. Now, Mr. Linson, you indicated that you 11 were the former forester for West Orange, and that 12 concluded in 2021? 13 A. Yes. That's -- to the best of my 14 recollection, that's about it, yeah. 15 Q. And you also had indicated that you 16 were not involved in the drafting of or the 17 implementation of anything relating to the new tree 18 ordinance that is currently in effect? 19 A. That's true. 20 Q. Have you walked the site in connection 21 with your analysis and testimony this evening? 22 A. I have not walked the site. 23 Q. Okay. Have you ever -- 24 A. I'd be happy to do so. 25 Q. Have you ever been inside the station
Page 43 1 yard? 2 A. I have not. 3 Q. Okay. In connection with your review 4 this evening, you mentioned that you reviewed, I 5 believe, TR-01, 02 and 03? 6 A. Could you repeat that? 7 Q. Sure. 8 In connection with your testimony this 9 evening, what plans did you review? I believe you 10 mentioned TR-1, -2, and -3. 11 A. Okay. That's -- those are the only 12 ones I've seen, TR-01, 02 and 03. 13 Q. Did you review -- so you did not review 14 the site plans that were submitted in connection with 15 the project? 16 A. I did not have an opportunity to see 17 them. They were not provided for me. 18 Q. Okay. And did you review any existing 19 condition plans showing the existing and current 20 layout of the site? 21 A. Only from my own personal observations 22 from driving past the facility on a weekly basis. 23 Q. Are you aware of any existing site 24 constraints in terms of underground electrical 25 equipment that may limit the placement of electrical	Page 44 1 equipment on the site? 2 A. I have no knowledge of that at all. 3 Q. Okay. And you had previously mentioned 4 before that in your expertise, you believe that the 5 current tree ordinance is one of the strictest that 6 you've seen. Is that correct? 7 A. That's correct. 8 Q. And are you aware of the reports that 9 were issued by the Township forester, Mr. Kipp, in 10 connection with PSE&G's application? 11 A. I am only aware of his report to the 12 extent that he reported that it fulfills the 13 requirement of the ordinance, which is bean counting. 14 You know, if you take down a 30-inch diameter tree, 15 you're replacing it with seven or eight trees, 16 whatever. 17 So from an -- adding up the total, I'm 18 aware that it fulfills the ordinance from that 19 extent, but not from the intent of protecting 20 existing specimen trees. 21 Q. Are you aware that Mr. Kipp indicated 22 that he reviewed and found everything consistent with 23 the tree ordinance? 24 A. I haven't seen his -- seen his report, 25 so I can't really comment on it.

Page 45 1 Q. Okay. 2 A. I -- I do acknowledge him as an expert 3 in the field and we have spoken on other matters, but 4 not this one. 5 Q. Thank you. 6 That was actually my next question, 7 whether you had had any conversations with him about 8 this application or about his findings in connection 9 with it? 10 A. No. We've -- we've discussed the 11 ordinance as it pertains to some other situations, 12 because the -- I have assisted some of these licensed 13 tree care operators in fulfilling the requirement of 14 an application because it -- they need a licensed 15 tree expert to sign off that the tree is actually 16 dead or that it's not dead and, you know, what are 17 the implications of removing it, if we're removing a 18 tree that's not dead. 19 So that's why I am familiar with the 20 ordinance. I guess I have been -- I have assisted 21 several local tree companies in filling out the -- 22 the land fee application, the tree removal 23 application. 24 Q. Thank you. 25 And are you aware of or have you worked	Page 46 1 with Mr. Farr, who is the prior tree forester to the 2 current tree forester? 3 A. His tenure with the town did overlap 4 with my -- with my tenure with the town. 5 He was -- he was retained after me, 6 but, yeah, I've -- I've known Ron for many years. 7 Q. Are you familiar with Mr. Farr's prior 8 determination requiring the removal of multiple trees 9 on site due to their deteriorating condition, as well 10 as due to branches falling that may cause a hazard? 11 A. I haven't seen anything from Mr. Farr 12 on that site -- in regard to the site, but, you know, 13 I -- I know for a fact the trees have not been 14 maintained as -- as they should -- the industry 15 standards of --of pruning trees once every ten years. 16 I know that there's been dead ash trees 17 on the site across from the gas station that have 18 been removed, but I don't have any knowledge of 19 Mr. Farr's presence on the -- on this site at all. 20 Q. Do you have any specific experience 21 with utility arboriculture? 22 A. Do I have experience with arbor 23 horticulture? 24 Q. Utility arboriculture, correct. 25 A. That's -- that's pretty much what I
Page 47 1 practice every day. 2 Q. Specific to -- 3 A. I'm an arborist -- 4 Q. -- utilities? 5 A. I'm an arborist. I'm a forester. I'm 6 a certified tree expert. 7 Q. No, I understand that. 8 And you have specific experience in 9 that capacity in dealing with substations? 10 A. I can't say that. 11 I -- I -- around electricity, yes. I 12 work with trees around electricity all the time. 13 But substations, you know, I -- I -- 14 I've -- I've worked with Jersey Central Power & 15 Light. I've used -- worked with Public Service. 16 I've worked with Butler Electric. I've worked with 17 -- what's the one way up there in, like, West 18 Milford? It's -- it's, like, a New York one. 19 But I've worked with a lot of different 20 utilities over the years. 21 Q. Are you aware of how many existing 22 trees there are on-site that are being preserved? 23 A. Yeah, I have -- they're listed on TR-2 24 and -3, yes. 25 And I'm wondering why you're preserving	Page 48 1 any of the Tree of Heaven. You're preserving eight 2 Tree of Heaven, which, you know, I'm sure the town 3 would be delighted if you removed them. 4 And for some reason, you're -- you're 5 -- you're preserving a couple of ash trees. And I am 6 wondering, the ash trees that you're preserving, are 7 you treating them to prevent emerald ash borer from 8 -- from their demise? Or why aren't you removing 9 them now? 10 Q. In terms of the ordinance, with respect 11 to the new ordinance, how many specific trees are 12 required? 13 A. Well, that would -- 14 MR. TURTELTaub: Can you just clarify, 15 when you say "required," required to be removed or 16 required to be -- 17 MS. PORTER: Required to be replaced. 18 MR. TURTELTaub: Okay. Thank you. 19 THE WITNESS: I haven't -- I haven't 20 done that analysis, but I'm sure that -- that 21 Mr. Kipp has. And I would trust his -- his judgment 22 in making that determination. 23 BY MS. PORTER: 24 Q. Okay. Are you aware or have you been 25 made aware that the Applicant is not legally subject

Page 49 1 to the new tree ordinance by virtue of the Time of 2 Application Rule? 3 A. It's actually -- it's one of the few 4 exemptions in the ordinance that -- that exempts 5 utilities. 6 I would -- I would presume that you 7 fall under that. It's my understanding that you've 8 voluntarily -- Public Service has voluntary -- 9 voluntarily subjected itself to the ordinance. 10 Q. Right. 11 So you're actually getting into my next 12 question. There are actually two important 13 provisions within the tree ordinance, one is the one 14 that you just alluded to that I'll get into in a 15 minute, but the other one is a legal measure which 16 protects applicants who are applying who are deemed 17 complete from changes in zoning. 18 And that was specifically recognized in 19 the context of this application; however, PSE&G 20 voluntarily agreed to comply with the new tree 21 ordinance in an effort to further preserve trees. 22 So you do not have any knowledge of 23 that particular applicability of the Time of 24 Application Rule? 25 A. I was -- I was aware that -- that PSE&G	Page 50 1 has voluntarily subjected themselves to the scrutiny 2 of the ordinance. 3 Q. Okay. 4 A. And that's why you're here before the 5 board. 6 Q. Right. 7 And then I guess that second provision 8 that you alluded to, which is actually what I was 9 going to next, is that there are certain exemptions 10 under the tree ordinance, and, importantly, one of 11 them being for utility companies specifically in 12 terms of their replanting, tree preservation, tree 13 removal requirements? 14 A. I'm aware that there is that -- that 15 exemption. 16 Q. And why would you think that that 17 exemption would exist for utility companies versus 18 other developers or other individuals within the 19 Township? 20 A. Well, in terms of Public Service and 21 their ability to provide electric services to our -- 22 our property owners and residents, your -- your -- 23 your methods are subject to the scrutiny of the New 24 Jersey Board of Public Utilities. 25 So you have pruning standards that are
Page 51 1 mandated, you have clearance standards that are 2 mandated. 3 And, you know, it's really not up to a 4 municipality to tell the utility how to run their 5 business when they're directed by the New Jersey 6 Board of Public Utilities to begin with. 7 So all we can do is suggest. Over the 8 years, as the Board of Public Utilities has changed 9 their pruning standards, we went from having large 10 trees under wires that were -- that were 11 directionally pruned around wires to the fact that, 12 you know, we have to plant compact trees under wires 13 now at -- because the standards are just so strict 14 that it's impossible to have matching tree species 15 going down a street where there's overhead wires. 16 So we've had -- you know, 17 municipalities have had to change their methods of 18 providing street trees, you know, all because of the 19 different standards over the years. 20 So in terms of a large transmission 21 station such as this, where security is a problem and 22 everything else, there's so many factors that are 23 involved. 24 But all I can say is there's some very 25 nice trees on this site which I would hope that you	Page 52 1 could alter your plans to preserve as many as 2 possible. 3 Because right now, the way it looks to 4 me, in my -- my view of the site, it looks like you 5 targeted the largest, oldest trees on the site to be 6 removed. 7 And so it -- you know, it just -- it's 8 a disconnect for me. But I don't have all of the 9 information that you do. 10 Q. Thank you. 11 And are you aware of, in connection 12 with this application, the need for the new equipment 13 to locate -- to be located on the site in close 14 proximity to the existing equipment? 15 A. I'm not aware of that, you know, the 16 methods that are -- that are necessary. 17 My understanding of electric 18 transmission is pretty much confined to plugging into 19 an outlet. 20 So I don't begin to, you know, 21 understand or even -- my ability to comment on what 22 your equipment needs are on the site and where they 23 should be placed. 24 It's not a large site. You probably 25 don't have a lot of opportunities. But if you do

Page 53 1 have any opportunities that could save trees, we'd 2 like to see -- see you do that. 3 Q. Thank you. 4 Are you aware of or familiar with 5 provisions governing distances from trees to 6 electrical equipment, with the tree fall area, so to 7 speak? 8 A. Well, it's usually 10 feet to energize 9 conductors, that's the close proximity act. 10 But, you know, we have -- in terms of 11 distribution, we have, you know, single phase 12 electric primary, you have open wire primary on a tee 13 on top of a pole. That requires, you know, greater 14 -- greater clearance, but -- and it, you know, 15 there's all different kinds of configurations. 16 But all I know is 10 feet is about as 17 close as you want to get to anything other than house 18 service. You know, which most tree companies are -- 19 and many public works departments are capable of 20 clearing a house service, but not an electric 21 primary. 22 Q. And have you ever personally 23 experienced or experienced in connection with one of 24 the jobs that you worked on an outage, an electrical 25 outage associated with a tree that fell on a power	Page 54 1 line or power equipment? 2 A. Oh, yes. 3 All the time. 4 Q. And is it your understanding that it is 5 for that reason why there are tree clearance 6 requirements in place? 7 A. Yes. 8 You know, one of the pet peeves that 9 most municipalities have is when a utility attaches a 10 span guide from a utility pole to a tree. 11 And we had a humerus situation in West 12 Orange a few years ago where the tree -- there was a 13 span guide attached to a town tree, and the tree fell 14 over and it pulled the utility pole down. 15 It is -- so, so there's always -- there 16 is always interaction with the utility companies and, 17 you know, there is always an issue when a tree dies 18 and the cooperation is requested and needed from a 19 utility company in providing assistance to a 20 municipality in removing trees. 21 And, you know, for the most part, you 22 know, West Orange has maintained a good relationship 23 with Public Service over the years. 24 And, you know, it's -- it's, you know, 25 one hand washes the other.
Page 55 1 Q. Thank you. 2 Do you have any familiarity with 3 IEEE 979, which recommends trees located 30 -- be 4 located 30 feet beyond the fall potential to 5 structures? 6 A. Yeah, that's beyond my knowledge. 7 Q. Okay, thank you. 8 A. I'm not a utility arborist. 9 Q. Are you aware of any trees on PSE&G's 10 site which are, either by statute or by regulation, 11 specifically preserved? 12 A. I'm not aware of any on the site. I 13 just -- I just know you got some pretty large trees 14 over there. 15 Q. Thank you. 16 And, lastly, are you familiar with the 17 topography of this site? 18 A. Visually, yes. 19 You know, just from the outside looking 20 in. 21 Q. So you are familiar with it, how it 22 slopes downward? 23 A. Absolutely. 24 Q. Okay, thank you. 25 MS. PORTER: Okay.	Page 56 1 I have no further questions. 2 CHAIRMAN NEUER: Members of the board? 3 Let's start with Mr. Schwarzbaum and 4 work our way through. 5 VICE CHAIRMAN SCHWARZBAUM: So, 6 Mr. Linson, I think you testified that your -- you 7 are opining that certain trees should be removed -- 8 should not be removed, sorry. 9 Is that correct? 10 THE WITNESS: That's correct. 11 VICE CHAIRMAN SCHWARZBAUM: And you 12 also testified that you -- that your opinion -- that 13 you didn't look at what the actual construction needs 14 of the utility are. 15 Is that correct? 16 THE WITNESS: That's correct. 17 VICE CHAIRMAN SCHWARZBAUM: So in your 18 professional opinion, have you ever removed trees 19 because of construction needs? 20 THE WITNESS: Oh, all the time. If you 21 can't make a tree safe, if the root system is 22 compromised, if there is a structural deficiency in 23 the tree, they need to be removed. 24 VICE CHAIRMAN SCHWARZBAUM: So the -- 25 THE WITNESS: Safety first.

Page 57 1 VICE CHAIRMAN SCHWARZBAUM: Okay. So 2 is there a reason why you didn't look at the 3 construction plans of where the substation is? 4 THE WITNESS: Well, basically I was -- 5 my -- I was engaged only to interact about the trees 6 themselves. I was not shown the replacement 7 landscape plan or any of the -- the soils or -- or 8 even the -- topography map. I didn't see any of 9 that, I just saw TR-01, 02, 03. 10 VICE CHAIRMAN SCHWARZBAUM: Okay. So I 11 guess where -- what I am asking is, you're opining 12 based upon just one item as opposed to looking at the 13 overall project. 14 Is that correct? 15 THE WITNESS: That's exactly right. 16 So, you know, I'm looking at these as 17 specimen trees, and I'm looking at the purpose of the 18 ordinance is to preserve them to the greatest extent 19 possible. And I'm introducing the possibility that 20 maybe -- maybe not all of these trees have been 21 looked at individually as possible candidates for 22 preservation with altering the facility. 23 I would only -- only, you know, an 24 engineer designing the facility can say what the 25 possibilities may be. I just say that there is room	Page 58 1 closer to Prospect Avenue to run these -- it looks 2 like -- I am speculating that it's -- that it's a 3 water detention facilities, but it seems to me that 4 if they remove closer to Prospect Avenue, should be 5 able to save a number of these trees. 6 VICE CHAIRMAN SCHWARZBAUM: Is that 7 what -- I don't know since I haven't read a report, 8 is that what that -- this -- the -- who's the 9 engineer? Mr. Blanton is going to -- Ms. Blanton is 10 going to testify? 11 MR. TURTELTAUB: Yes, we'll get into 12 some of that testimony. 13 VICE CHAIRMAN SCHWARZBAUM: I guess 14 I'm -- I'm just asking that, while I respect you as 15 an expert, I'm having a difficult time looking at 16 accepting expert testimony without looking at the 17 overall project. 18 And, you know, as you testified, there 19 are circumstances when you can remove trees. 20 Is that correct? 21 THE WITNESS: That's correct. 22 VICE CHAIRMAN SCHWARZBAUM: And there 23 -- you also testified that we have one of the 24 strictest tree replacement ordinances in the state. 25 THE WITNESS: That's true.
Page 59 1 VICE CHAIRMAN SCHWARZBAUM: Okay. 2 That's it. 3 I just have -- I am a having a hard 4 time connecting the dots. 5 That's all I have to say. 6 CHAIRMAN NEUER: Thank you, 7 Mr. Schwarzbaum. 8 Mr. Barbee, you're up next. 9 MR. BARBEE: Initially I did have a 10 question, but Irv did touch on it because of the lack 11 of -- well, no. 12 I have no question. I'll leave it 13 there. 14 CHAIRMAN NEUER: Thank you, Mr. Barbee. 15 Mr. Eben, questions for this witness 16 based on his testimony? 17 MR. EBEN: Thank you, Mr. Chairman. 18 Mr. Linson, in accordance with this 19 last testimony that you were doing answering 20 questioning from -- 21 THE WITNESS: Could you repeat that 22 because I'm a little hard of hearing and if somebody 23 could express that a little louder. 24 Was that a question? 25 MR. EBEN: Hold on, I'm just trying to	Page 60 1 get my thoughts together. 2 You testified -- you testified that 3 tree maintenance is basically every ten years. 4 THE WITNESS: Yes. 5 MR. EBEN: That means whoever owns the 6 property has to come in on the property and direct a 7 contractor what to do. 8 And we -- we don't know or maybe you do 9 know, did PSE&G do that through the course of 10 100 years of owning the property. 11 THE WITNESS: It's -- it's generally 12 accepted that most trees need some form of 13 maintenance at least once every ten years and some 14 trees more frequently than that, particularly some of 15 these older pin oak trees, when a branch dies it's 16 eight inches in diameter and 40-feet long and it's 17 hanging over the street. You know, you can't wait 18 ten years to prune it, you got to get it before it 19 falls and causes damage. 20 So, but, you know, these trees, they're 21 -- there's been a low level of maintenance on this 22 site, and that's why there's been so many invasive 23 species, involuntary species that have popped up over 24 -- over the years, simply because they -- they 25 weren't -- you know, they didn't mow the areas or

Page 61 1 whatever and they allowed these trees to grow up in 2 their -- in place of grass. 3 MR. EBEN: These trees need a certain 4 amount of area to breathe for them to be -- maybe 5 that's the wrong term, but you can't have a tree next 6 to another tree, it's like six inches away. 7 How does one tree -- it needs room to 8 grow, correct? 9 THE WITNESS: Yeah. 10 Well, the trees that are in a park or 11 along a street, the exposure to the public 12 necessitates that they be maintained at a higher 13 level. 14 This is an isolated location where 15 access is limited for security reasons and 16 consequently, the safety factor to the public is nil. 17 I mean, trees still pose a threat. I believe there 18 was reference to Walter Kipp and citing some trees 19 that needed to be removed on the site. 20 And that's the one thing about TR-2 and 21 -3. It didn't indicate the condition of the trees, 22 it just gave the diameter and the species and was it 23 going to be preserved or removed. Many of those 24 trees could have -- the reason for the removal could 25 be because they were in poor condition and they were	Page 62 1 -- removal was warranted. 2 So it's -- more information could have 3 been a little helpful. 4 MR. EBEN: What about the fact that 5 development, West Orange has had development over the 6 years that I have lived in town, and that development 7 is commercial development, because commercial 8 development brings in better tax revenue than just a 9 house here and a house three. 10 CHAIRMAN NEUER: Is there a question, 11 Mr. Eben, please? 12 MR. EBEN: Yes. 13 I'm asking what his experience is with 14 the clearing of trees in a property because you need 15 to have room for an existing tree to breathe and to 16 grow. 17 THE WITNESS: Well, one of the first 18 things they teach you when you go to forestry school 19 is trees are a renewable natural resource. 20 So it's necessary to remove trees. But 21 when you remove trees, it's -- you should be 22 replacing them. 23 And this ordinance does provide for 24 that. You know, if it's determined that a tree has 25 to be removed, there's no other way to work around
Page 63 1 it, then it -- we resort to the required replacement 2 per the table in the ordinance and we have to reduce 3 it to a bean counting situation as opposed to an 4 emotional, aesthetic desire to preserve a healthy 5 specimen tree. 6 MR. EBEN: In your history as a tree 7 expert, have you come across where a developer has to 8 -- looks at the site, and if he's a halfway decent 9 developer or contractor, he has a schedule that he 10 has to meet and sometimes the tree work is in the way 11 of his schedule. 12 THE WITNESS: Yeah. 13 I mean, when you look at a site, you -- 14 your goal is to try to preserve trees around the 15 perimeter of a property that provide a benefit to the 16 public, to adjacent property owners. 17 Every site has setback requirements, 18 and within that, that area that's defined by -- by 19 ordinance, by zoning requirements, activity is 20 permitted, and occasionally you have to go over the 21 line and get a variance to perform the needed 22 improvement on the site. 23 But it's rare, and most developers 24 choose to develop a site conforming with the local 25 ordinances.	Page 64 1 CHAIRMAN NEUER: Anything else, 2 Mr. Eben? 3 MR. EBEN: If you don't -- if you don't 4 conform, what's the -- what's the -- 5 THE WITNESS: Well, there's only -- 6 there's only -- the -- the -- the purpose of a zoning 7 board is to review whether there's a hardship 8 involved or not, and whether -- whether a variance 9 can be granted or not. 10 If there's another way of doing 11 something, then the board would, you know, it most 12 likely would deny an application if -- if it caused 13 diminishing value in the neighborhood or it was -- it 14 was so contrary to all of the other development in 15 the area. 16 If it's too close to the road or too, 17 you know, just too high. It's -- it's too large. 18 You've occupied too much space, so you have a bulk 19 variance need. 20 So, you know, just all of these things 21 have to be weighed and, you know, collectively the 22 members of the board make a decision and 23 recommendation and you -- you vote and, you know, the 24 majority wins. 25 MR. EBEN: Thank you very much.

Page 65 1 CHAIRMAN NEUER: Thank you, Mr. Eben. 2 Mr. Ricci? 3 MR. RICCI: Yes. 4 Mr. Linson, you said you did not look 5 at the rest of the plans other than the tree removal 6 plan. 7 Am I correct? 8 THE WITNESS: That's correct. 9 MR. RICCI: Okay. You said that West 10 Orange has one of the strictest or the strictest tree 11 ordinance that you know of. 12 Is that correct? 13 THE WITNESS: That's correct. 14 MR. RICCI: Okay. You said that if you 15 take down a tree, a large tree, and there was 16 difference sizes, different, you know, 36 to 40, 40 17 to 45, whatever those numbers were, there was a 18 replacement ratio that you had to replace that with, 19 correct? 20 THE WITNESS: That's correct. 21 MR. RICCI: And you said that the 22 current plan meets or exceeds all the requirements of 23 that replacement number. 24 Is that correct? 25 THE WITNESS: That's my understanding	Page 66 1 of Walt Kipp's appraisal of the application, that it 2 complies with the replacement requirements. 3 MR. RICCI: Okay. Then my next 4 question is, twice, when you were talking, you 5 referred to that -- that the meeting the ordinance, 6 but it is a bean counting method. 7 What did you mean by that? 8 THE WITNESS: It's -- it's -- it's what 9 the Township committee, in passing this ordinance, 10 deemed to be justification for removing a healthy 11 tree and compensation for the removal of a healthy 12 tree. 13 And it's stronger than most towns. 14 So, you know, it -- they tried to make 15 the decision, the process as black and white as 16 possible. If this is what you want to do, this is 17 what you're going to have to pay in compensation for 18 the right to remove a healthy tree. And they've -- 19 West Orange has a very, very strict replacement 20 schedule, and it's designed as a deterrent for you 21 not to take a healthy tree down, you know. 22 But, you know, if you really want to do 23 that, I mean, bring it down on a smaller scale. 24 If somebody wants to put a pool in 25 their backyard but they have to remove four big oak
Page 67 1 trees, those oak trees are providing tree canopy 2 coverage. They're for air filtration, heat -- heat 3 island, you know, so they're -- what we're trying to 4 do is balance it. All right, you want to remove a 5 healthy tree? 6 Well, we're going to plant other trees 7 somewhere else in town if you don't do it on your own 8 property. 9 One of the -- one of the most 10 aggressive things I've ever seen in an ordinance is 11 in this ordinance, and it requires existing parking 12 lots to plant trees within the next, I don't know, 13 couple of years. 14 MR. RICCI: That's not part of this 15 application. 16 THE WITNESS: No, but -- but it is -- 17 it is -- I am just, I am just telling you -- 18 CHAIRMAN NEUER: No, Mr. Linson, you're 19 going far afield. You've answered Mr. Ricci's 20 question. 21 Mr. Ricci, do you have any further 22 questions? 23 MR. RICCI: Yes, I'm worried that if 24 the -- the impression I'm getting from you, and you 25 could say I'm right, I'm wrong, is that you --	Page 68 1 despite West Orange having the strictest tree 2 ordinance in the State of New Jersey, despite the 3 fact this Applicant is exceeding all the requirements 4 of all of that, and despite the fact that you said 5 the forester approved all of this, do you feel that 6 the forester who is working presently -- I don't know 7 how to say this nicely -- does not know what he's 8 doing. 9 THE WITNESS: Well, the forester -- the 10 forester's job is to enforce the ordinance. 11 And people may not like the outcome of 12 that, but the ordinance is the ordinance. 13 And the -- but the preamble to this 14 ordinance, before we get to the compensation for 15 removing healthy trees, the purpose is to protect and 16 foster the existence and health of trees growing 17 within the town borders and to preserve the maximum 18 possible trees in the development of this site or 19 lot; to protect specimen trees. Encourage innovative 20 design and grading to promote the protection of the 21 existing trees and to prevent indiscriminate, 22 uncontrolled excessive removal of cutting of trees, 23 et cetera, et cetera. 24 That's right from -- from section C in 25 findings and purpose of this ordinance.

Page 69 1 MR. RICCI: Okay. 2 THE WITNESS: So the question is have 3 we -- has the Applicant preserved the maximum number 4 of trees or not. And you that have seen the rest of 5 the site plans and you've -- you're weighing all of 6 the options of, you know, all I can say is has -- has 7 the Applicant considered altering their plans to 8 preserve more trees. And so that's-- 9 MR. RICCI: Okay, that's all right. 10 THE WITNESS: -- that's basically all 11 -- 12 MR. RICCI: I appreciate your answer. 13 Thank you. 14 THE WITNESS: Okay, all right. 15 CHAIRMAN NEUER: Thank you, Mr. Ricci. 16 Mr. Scott, you're up. 17 MR. SCOTT: Thank you. 18 Can you hear me? 19 CHAIRMAN NEUER: Loud and clear. 20 MR. SCOTT: Tremendous. 21 Mr. Linson, thank you very much for 22 being here. 23 So the term "strictest" has been thrown 24 around tonight and perhaps I'm going to ask you if 25 you meant that West Orange had the strongest tree	Page 70 1 ordinance in the State of New Jersey, not the 2 strictest. 3 THE WITNESS: Could you rephrase that 4 question just -- 5 MR. SCOTT: Would you say that West 6 Orange has the strongest tree ordinance in New Jersey 7 as opposed to the strictest? 8 THE WITNESS: Okay. Now I see what 9 you're saying. 10 Yeah, I would say it is the strongest. 11 I mean, I only have knowledge of municipalities, you 12 know, north of the Raritan pretty much. 13 But I am the contract forester for 14 several towns and I -- I review tree removal 15 applications for several towns. No municipality that 16 I've worked with has an ordinance that is as 17 encompassing as this one is. 18 MR. SCOTT: Thank you. 19 I think it's a very encompassing and 20 strong ordinance also. 21 Would you say that it is perhaps a role 22 model for the rest of the state? 23 THE WITNESS: Well, I have a little bit 24 of a problem with going down to two-inch diameter 25 trees to be removed. You know, if somebody moves
Page 71 1 into a house that's been neglected, the maintenance 2 has been neglected, you've got a -- you've got a 3 bunch of invasive trees growing up between the 4 garages and you want to take them down, they didn't 5 belong there to begin with. 6 So I think going down to that 7 two-and-a-half inch diameter tree removal, most of 8 the municipalities I know are at -- are at six 9 inches. 10 So I think -- I think it's a stretch 11 personally, but, you know, the governing body of West 12 Orange are tree preservationists, and they want a 13 protected two-and-a-half inch diameter tree, God 14 bless them, you know. 15 And somebody is going to have to 16 replace a tree in a park or a parking lot or 17 somewhere where it's going to do some good, if they 18 can't replace it in their own -- on their own 19 property. 20 MR. SCOTT: Thank you. 21 And you mentioned that the West Orange 22 zoning law, whereas in many other towns the authority 23 lies with the police or is within the police law, but 24 ours is within the land use law. 25 And in your professional opinion, is	Page 72 1 that a better place to have it? 2 THE WITNESS: I think -- I think it 3 works well in a community like this. It's -- and, 4 you know, there's so many different forms of 5 government, you know. 6 But basically I like the fact that if 7 the -- if your forester reviews an application and he 8 finds it's excessive and, you know, you know, like, I 9 would love to save that 58-inch diameter London 10 plane, if he should say, you know, I'm agreeing with 11 everything on this plan except you've got to save 12 this one tree and he denies it, the best part about 13 having it in land use is it goes before a board like 14 this where people like yourself question it and you 15 weigh the alternatives and you -- and you see, you 16 know, has the Applicant attempted to preserve this 17 tree? 18 Are there any alternatives to 19 preserving the tree? And if you've exhausted those 20 alternatives, then you're going to vote to approve 21 the application and let the Applicant remove the 22 trees. 23 But, you know, you -- you, as a member 24 of this board, you know, your voice is important. 25 And, you know, by leaving the entire responsibility

Page 73 1 up to your forester, you know, Walt Kipp is -- 2 whatever decision he makes, it's scrutinized. And he 3 could be blamed, you know, because not everybody in 4 West Orange is going to agree with his decisions and 5 there's always going to be someone who disapproves of 6 the granting of that ordinance for whatever reason. 7 And it's -- it's usually somebody, you 8 know, somebody from the other side of town that is 9 going to object about a tree that is removed on, you 10 know, over in South Orange end of town, you know. 11 You know, they drove past and they see a solid stump 12 and they say, oh, that was a healthy tree. 13 Well, not -- not all dead trees are 14 hollow in the -- you know, so basically, you know, 15 having expertise and having support of other people 16 -- in fact, and the way this ordinance is structured, 17 a lot of the heavy lifting is done for Walt Kipp by 18 requiring a licensed tree expert to certify the 19 tree's dead. The tree's not dead but it has this 20 defect. 21 You know, I mean, it's -- it's -- it's 22 a lot. It's a lot of hoops to jump through. But -- 23 but it's for the good. 24 And, you know, I mean I -- 25 CHAIRMAN NEUER: Mr. Linson, I think	Page 74 1 you've answered the question. 2 Thank you. 3 THE WITNESS: Okay, good. 4 I could talk forever. 5 (Simultaneous Speaking.) 6 MR. SCOTT: And would you agree, 7 Mr. Linson, that I believe it's your testimony here 8 that the purpose of the ordinance is to maintain the 9 tree canopy overall? Can you hear me? I want to 10 make sure you can hear me. 11 CHAIRMAN NEUER: He can hear you. 12 THE WITNESS: Yeah. 13 Replacing trees is something that we -- 14 we all can do to slow the process of climate change 15 and it just makes good sense, if you're removing a 16 tree, even if it is dead, to replace it with another 17 tree and not -- not just replace it if it's a healthy 18 tree. 19 But, you know, basically the quality of 20 life, we -- we appreciate our trees. 21 We -- you know, we don't always -- 22 always think about it, but, you know, the shade they 23 provide, the wind break they provide, the aesthetics, 24 the quality of life that -- that you enjoy in West 25 Orange, a lot of it has to do with the trees and the
Page 75 1 open space that you've preserved. 2 MR. SCOTT: Absolutely. 3 You've mentioned that the large 4 specimen trees, the ones that are 100 to maybe even 5 150 years old, and you've mentioned their diameter 6 and their height; would you say they are as important 7 as champion trees, which are on the State of New 8 Jersey's big tree list? 9 THE WITNESS: They may not be on as 10 large -- you know, in order to be on the big tree 11 list, you know, it's got to be the biggest tree of 12 that species. 13 Now, West Orange, I know they have at 14 least one tree because I found it in Llewellyn Park, 15 it's an American Hornbeam. 16 So, but they could be candidates, they 17 could be potential candidates to be the champion tree 18 of New Jersey. 19 There's certainly, you know, a 58-inch 20 diameter London plane is -- is enormous. 21 MR. SCOTT: Okay. 22 And would you please go over again how 23 long it takes for new trees to grow to the size of 24 the large specimen trees that you've talked about 25 tonight?	Page 76 1 THE WITNESS: Well, these -- these 2 largest trees are, you know, approximately a 3 hundred years old, maybe a little more. 4 But, you know, for a new tree to, you 5 know, they may never -- they may never grow to that 6 size. 7 But, you know, to -- to the extent 8 that, let's say you're planting a tree and it's 9 10-feet tall, how long will it take to be 50-feet 10 tall? Probably 25, 30 years. 11 How long will it take to be 70 or 12 80-feet tall? Well, maybe 75 years. 13 So it's just -- it's -- it's a 14 tradeoff. It's a tradeoff. 15 MR. SCOTT: Right. Right and -- 16 THE WITNESS: I mean it is -- 17 MR. SCOTT: I'm sorry. 18 Go ahead. 19 THE WITNESS: We're -- we're -- we're 20 fooling with Mother Nature. And she has a mind of 21 her own. 22 MR. SCOTT: Yes, absolutely. 23 You also testified, I don't know that 24 you've listened to other testimony from previous 25 hearings, but it was testified here by the presenters

Page 77 1 of PSE&G that many of the trees on the property are 2 not in fact facing the substation itself. 3 How important is that environmentally 4 in your professional opinion? 5 THE WITNESS: It's easiest to preserve 6 trees that are around the perimeter of the property 7 and like right at the perimeter of the property. 8 One of the -- the problems with these 9 -- these large trees is that they're in the interior; 10 in the interior, whereas the needs of the public 11 expands and their -- their need for greater 12 quantities of electricity expand, you know, and they 13 want to increase the size of the facility and its 14 productivity. 15 These -- these trees, I wish they were 16 at the perimeter of the property, but they're on the 17 interior of the property. 18 And -- but they do presently screen the 19 height of -- of the facility. 20 I mean, you can see them as you're on 21 the sidewalk on Prospect looking down in there, you 22 can see the size of these London plane trees and 23 these horse chestnut, you know, they're just -- 24 they're at the prime of their life, you know. 25 So when they're gone and there's new	Page 78 1 trees to replant them, well, you're going to be 2 looking at that facility for a long time. You know, 3 till they -- they even begin to screen the facility 4 from public view. 5 MR. SCOTT: Beyond the -- the visual of 6 the screening, that the trees may not be covering the 7 substation, itself, environmentally they provide a 8 very important service to this township, do they not? 9 THE WITNESS: Yeah, I -- I think, as I 10 said, those traffic lights, I'm sure everybody sat at 11 a traffic light on that intersection on Mount 12 Pleasant and Prospect, and there's four separate 13 lights. 14 And there's a lot of carbon monoxide 15 from the cars that are backed up at the lights. And, 16 you know, you only got the golf course and we've got 17 -- got, you know, we've got Eagle Rock reservation. 18 We've -- we're got a lot -- a lot of trees going for 19 us but -- but you can never can have too many trees. 20 MR. SCOTT: Okay. And I think that 21 that should be all of my questions for now. 22 Just that I agree it's not the job of 23 this appointed board to question the council, the 24 elected council, on whether it's the strongest, 25 safety, strictest law for replacing trees or not.
Page 79 1 That's the job of elected officials, 2 just as we are -- we can't question the statute. 3 CHAIRMAN NEUER: Do you have a 4 question? 5 MR. SCOTT: Thank you. 6 No, I'm making a statement, Mr. Neuer. 7 Thank you. 8 CHAIRMAN NEUER: But this is not the 9 time for making statements. 10 MR. SCOTT: No, the -- actually it is. 11 CHAIRMAN NEUER: This is not the time 12 -- 13 MR. SCOTT: The witness -- excuse me -- 14 I'm going to answer you now. 15 CHAIRMAN NEUER: Gee whiz. 16 MR. SCOTT: The witness mentioned that 17 the town council passed this law. 18 CHAIRMAN NEUER: Yes. And we're going 19 to -- 20 (Simultaneous Speaking.) 21 MR. SCOTT: And I agree -- 22 CHAIRMAN NEUER: -- enforce it. 23 That's our job. 24 MR. SCOTT: Yes. And -- and what I'm 25 saying -- excuse me.	Page 80 1 CHAIRMAN NEUER: We are -- 2 MR. SCOTT: Excuse me, sir. 3 CHAIRMAN NEUER: There is no excuse for 4 that. 5 You're out of order. 6 MR. SCOTT: And what I am saying -- 7 there's no excuse for your interrupting. 8 CHAIRMAN NEUER: You're out of order. 9 MR. SCOTT: You're out of order. 10 No, you're out of order. 11 CHAIRMAN NEUER: I don't interrupt, I 12 rule. 13 MR. SCOTT: You're interrupting, and 14 you don't rule me. 15 CHAIRMAN NEUER: You are out of order, 16 sir. 17 MR. SCOTT: We are out of order. 18 CHAIRMAN NEUER: You finished asking 19 your -- 20 MR. SCOTT: You are out of order, 21 Mr. Neuer. 22 CHAIRMAN NEUER: This is the time to 23 ask questions, Mr. Scott. 24 MR. SCOTT: We can sit here and 25 continue this forever.

Page 81 1 CHAIRMAN NEUER: You can go ahead. 2 Go ahead, Mr. Scott. 3 MR. SCOTT: I'm going to go ahead. 4 I agree with the witness's statement, 5 it is not the job of this appointed board to 6 undermine the elected council. 7 Thank you. 8 CHAIRMAN NEUER: Anything else, 9 Mr. Scott? 10 (No Response.) 11 CHAIRMAN NEUER: I take that as a no. 12 Mr. Linson, it's so good to see you 13 again. We've worked together in the past. 14 I respect your expertise. 15 Have you been to any of the prior 16 hearings on this application? 17 THE WITNESS: A little louder, if you 18 could. 19 CHAIRMAN NEUER: Have you been to any 20 of the prior hearings on this application? 21 THE WITNESS: Oh no. 22 For this application, no. 23 CHAIRMAN NEUER: Do you know why it is 24 that the development is such that those trees are 25 being removed?	Page 82 1 THE WITNESS: I haven't -- I haven't 2 any knowledge of what's gone on before with this 3 board and what they've heard. 4 I was asked to give testimony simply on 5 the -- on the quality of the existing trees and the 6 possibility that, you know, perhaps there hadn't been 7 thought in preserving them to the maximum possible 8 ability of the Applicant. 9 CHAIRMAN NEUER: But you didn't review 10 the transcripts or the videos of the prior testimony 11 as to why the development was such that those trees 12 are scheduled to be removed as a result of the 13 construction. 14 THE WITNESS: No, I have not seen a 15 video or was even told there was a video. 16 CHAIRMAN NEUER: Mr. Linson, you 17 mentioned the BPU regulations. 18 THE WITNESS: A little louder? 19 CHAIRMAN NEUER: The board of public 20 utilities, you mentioned that there -- 21 THE WITNESS: Yes. 22 CHAIRMAN NEUER: -- they have 23 guidelines and regulations. 24 THE WITNESS: Yeah. 25 They, you know, I know there's -- it's
Page 83 1 affected the -- our maintenance of street trees, and 2 I'm sure it's affected -- since 9/11 and some -- some 3 expansive utility outages, I know that they have got 4 more involved in providing distribution and oversight 5 and security of facilities like this. 6 CHAIRMAN NEUER: Let's talk about this 7 facility. Do you know of anything at this facility 8 that violates the BPU guidelines with respect to 9 maintenance of trees? 10 THE WITNESS: Yeah, I'm not -- I'm not 11 aware of anything. 12 CHAIRMAN NEUER: Okay. I know you have 13 a lot of expertise, sir. 14 Do you have an expertise in land use 15 law. 16 THE WITNESS: Do I have expertise -- 17 CHAIRMAN NEUER: Expertise. Expertise 18 in land use law. 19 THE WITNESS: Expertise? 20 Only as it -- as it -- my -- my 21 knowledge is minimal. I do review a lot of 22 applications for other municipalities in terms of 23 landscaping and, you know, coming up with solutions 24 to abate concern that the residents may have. 25 But I know there's different kinds of	Page 84 1 variances and I know we work a lot with steep slope 2 situations and interacting with soil conservation and 3 wetlands stuff, so -- Highlands Act. 4 So it's all related, but -- and I 5 actually was on a zoning board at one time for about 6 five years and -- 7 CHAIRMAN NEUER: Are you bragging or 8 complaining? 9 THE WITNESS: Yeah, yeah, so... 10 CHAIRMAN NEUER: So are there any 11 variances from the Tree Removal Ordinance required by 12 this application? 13 THE WITNESS: I'm not -- I'm not aware 14 of any actual variances necessary. There -- if -- 15 if, for example, there was a champion tree on site. 16 I mean, I haven't checked the records, but if there 17 were, if any of these trees were a contender for the 18 -- to be the state champion, then there would be a 19 specific need for a variance to have these trees 20 removed. 21 CHAIRMAN NEUER: But as we sit here 22 tonight, you're not aware of any variances from the 23 Tree Removal Ordinance that are required. 24 Is that correct? 25 THE WITNESS: Yeah, I think you have

Page 85 1 the facts in front of you and you -- having seen the 2 testimony of engineers and everything, only you can 3 determine whether the intent of the ordinance has 4 been meet and that the applicant has exhausted all 5 other alternatives in possibly saving -- saving these 6 large trees that have been existing on the site since 7 it was first developed. 8 CHAIRMAN NEUER: However, the township 9 forester has stated that the application complies in 10 all respects with the law. 11 Is that correct? 12 THE WITNESS: He's not losing sleep 13 over it. There are others in the community that are, 14 but -- 15 CHAIRMAN NEUER: I'm well aware of 16 that, but we're talking about somebody who has been 17 employed by the township to provide -- 18 THE WITNESS: He has -- you know, 19 Mr. Kipp has done his due diligence. 20 And, again, I -- I apologize for using 21 the term bean counter, but that's -- that's what it's 22 come down to. 23 CHAIRMAN NEUER: I understand the term 24 very well, thank you. 25 It's now time to move to the public;	Page 86 1 however, we're well past our 9:30 break time. 2 It's 9:46. We're going to take a 3 recess until 9:55. 4 We are now in recess. And members of 5 the public, please don't go away. It's your turn to 6 ask questions. We are now in recess until 9:55. 7 (Whereupon, a short recess is taken 8 from 9:46 p.m. to 9:55 p.m.) 9 CHAIRMAN NEUER: It appears to me that 10 the board has fully reassembled. 11 Recess is over. 12 Members of the public, this is the 13 opportunity for you to ask questions of the witness 14 based upon his testimony. 15 Somebody has got to turn off their -- 16 MS. CHANDLER: I think that's 17 Mr. Linson. 18 THE WITNESS: I'm here. 19 CHAIRMAN NEUER: Okay. 20 MS. CHANDLER: Some feedback. 21 CHAIRMAN NEUER: John, turn off your 22 microphone for a minute, please. 23 As I was saying, members of the public 24 -- there's noise in the background. Somebody -- 25 MS. CHANDLER: Yes, it's coming from
Page 87 1 you, John. 2 CHAIRMAN NEUER: Mr. Linson, there is 3 something in your background. 4 MR. BARBEE: He may have two different 5 devices listening, so one is picking up the echo. 6 MS. CHANDLER: Okay, he's muted now. 7 CHAIRMAN NEUER: Okay. 8 Thank you, Mr. Barbee. 9 In any event, members of the public, 10 this is your opportunity to ask questions of the 11 witness based upon the testimony he has presented 12 tonight. 13 This is not the time for making 14 statements or presenting your own evidence. That 15 comes at other portions of the meeting. 16 This portion is limited only to 17 questions based upon his testimony. 18 Kindly raise your hand so that you may 19 be recognized and admitted into the meeting. 20 MS. CHANDLER: Yes, we have Mosha 21 Rudin. 22 Please state your name and address for 23 the record. 24 CHAIRMAN NEUER: Mr. Rudin? 25 THE WITNESS: I'm here.	Page 88 1 MS. CHANDLER: State your name and 2 address, please. 3 CHAIRMAN NEUER: We're not getting a 4 response. Mosha Rudin. 5 MS. CHANDLER: You're good to go. 6 THE WITNESS: I'm here. 7 MS. CHANDLER: Okay. State your name 8 and address for the record. 9 THE WITNESS: Oh, again? John Linson. 10 CHAIRMAN NEUER: No. No, John. Not 11 you. 12 This is for Mr. Mosha Rudin. Do you 13 have any questions for the witness? 14 (No Response.) 15 CHAIRMAN NEUER: Can you hear me. 16 MS. RUDIN: Can you hear me? 17 CHAIRMAN NEUER: Yes. Who's this. 18 MS. RUDIN: Hi. This is Joyce Rudin. 19 I'm not sure why it's saying Mosha Rudin. It's Joyce 20 Rudin. 21 CHAIRMAN NEUER: That's what it says. 22 MS. RUDIN: Okay. Mr. Linson, nice to 23 see you again. 24 THE WITNESS: Yes, Joyce. 25 MS. RUDIN: How are you? And I want --

Page 89 1 THE WITNESS: I'm good. 2 MS. RUDIN: -- to let you know that the 3 tree is doing beautifully. The tree that you planted 4 on my lawn. 5 THE WITNESS: I drive past it 6 regularly. 7 MS. RUDIN: Good. 8 So I just wanted to ask you, do you 9 believe -- is it your impression that the applicant 10 is following, to the greatest of their ability, the 11 intent of the law, which is to save as many trees as 12 possible? 13 THE WITNESS: I -- to the best of my 14 knowledge. I have not seen any of the other 15 testimony or listened to a video or any of the 16 professional -- professionals from Public Service 17 that testified -- that are testifying that the 18 facility has to go where these specimen trees are. 19 So I -- I personally am not convinced 20 that they have attempted to save these trees to the 21 greatest extent possible, particularly when it's the 22 largest trees on the site that are being removed or 23 proposed for removal. I just -- it just doesn't add 24 up in my mind. 25 MS. RUDIN: Thank you.	Page 90 1 And I know that you've read our 2 prohibitions in the tree ordinance, so you're aware 3 that this tree -- the trees in this property are on a 4 slope. Is that correct? 5 THE WITNESS: What's the question 6 again, Joyce. 7 MS. RUDIN: That these trees -- that 8 this property is on a slope. Is that correct. 9 THE WITNESS: Yes, it is, yes. 10 MS. RUDIN: Okay. And do you -- in 11 your professional opinion, do you believe that 12 removing the trees would increase the amount of 13 stormwater runoff and/or negatively affect stormwater 14 runoff patterns? 15 THE WITNESS: Well, they're very 16 comfortable there and they are soaking up water in 17 their present location, which is at the bottom of the 18 hill. So they're in a strategic location to have 19 nature naturally treat wastewater runoff. 20 So it's just -- the water is going to 21 have to go somewhere and whether it's -- it's able to 22 be soaked into the ground or not, to the extent that 23 it is right now, I don't know. 24 In all my years of driving by there 25 I've never seen a ponding situation down there, so I
Page 91 1 have to assume that everything is working 2 appropriately at this time. 3 MS. RUDIN: With the trees on the 4 property, they're just -- 5 THE WITNESS: With the trees on the 6 property. 7 MS. RUDIN: Correct. 8 You mentioned just driving by and the 9 screening that these trees provide from -- for the 10 residents driving by in a suburban neighborhood to 11 not see the metal construction behind it. 12 In your opinion, would this be a 13 significant change in the screening between the -- 14 the street and -- just a change -- a significant 15 change in the screening for our community? 16 THE WITNESS: I -- I think it's a 17 reduction in the quality of life as it is at present. 18 MS. RUDIN: Thank you. 19 Do you think that it's possible 20 removing these trees could impair the habitats of all 21 of the small animals, birds, et cetera, that are 22 living in these trees? 23 THE WITNESS: Well, they're -- they're 24 going to have to go somewhere. 25 And I know, I have seen deer on the	Page 92 1 site. 2 They hop the fence and they'll find a 3 way in there. Some of -- not all the trees are 4 native, but they been there a hundred years. 5 So the wildlife has adjusted to what is 6 available to it in terms of pollen and nectar and the 7 nuts and seeds that are produced by these trees, so 8 there will be an adjustment to the wildlife by the 9 removal of these trees. 10 MS. RUDIN: In other words, a loss. 11 One final question: Do you believe 12 that removing these trees will result in soil 13 erosion? 14 THE WITNESS: Most likely it will be 15 addressed somewhere along the line, but it will be 16 artificial -- artificially induced by diverting it 17 through a collection system. 18 MS. RUDIN: Okay, thank you so much. 19 Nice to see you. 20 THE WITNESS: Okay. 21 CHAIRMAN NEUER: Thank you, Ms. Rudin. 22 Megan, do we have any other hands up? 23 MS. BRILL: Yes, I have -- I am not 24 seeing any other hands. 25 CHAIRMAN NEUER: Going once.

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1 Going twice.

2 Any other members of the public for

3 questions for Mr. Linson, please raise your hand now.

4 Seeing none.

5 MS. BRILL: Wait.

6 We got a late one.

7 CHAIRMAN NEUER: I'm sorry, ma'am?

8 MS. BRILL: Yes. We do have Dawn

9 White.

10 Please state your name and address for

11 the record.

12 MS. WHITE: Hi. My name is Dawn White.

13 121 Walker Road, West Orange.

14 MS. BRILL: Okay. State your question.

15 MS. WHITE: Mr. Linson, what bad

16 happens if this is denied and PSE&G is not able to

17 cut down those trees.

18 I know you said you hadn't seen every

19 report that they did, but you do have an opinion on

20 whether or not they can do what they want to do

21 without removing those trees.

22 Can you elaborate a little bit?

23 THE WITNESS: Well, the -- they are, by

24 ordinance, exempt from the requirements of this tree

25 ordinance, and -- but they have volunteered to submit

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1 Mr. Williams, any questions for

2 Mr. Linson?

3 MR. WILLIAMS: I have none at this

4 time, Mr. Chairman.

5 Thank you.

6 CHAIRMAN NEUER: Thank you.

7 Mr. Hess, questions for Mr. Linson?

8 MR. HESS: Thank you, Mr. Chairman.

9 I have no questions at this time.

10 CHAIRMAN NEUER: Thank you.

11 Mr. Turteltaub, I turn to you if you

12 have any redirect.

13 MR. TURTELTAUB: I do, if I may,

14 please.

15 REDIRECT EXAMINATION

16 BY MR. TURTELTAUB:

17 Q. Mr. Linson, when you were asked before

18 by counsel as to your -- you walked the property,

19 have you -- do you have a knowledge of what the

20 property conditions are, especially in the area where

21 the tree removal is going to occur?

22 A. My observation of the trees is -- is

23 purely from as an outsider looking in. I have not

24 examined the trunk of any of the trees or observed

25 any cavities or defects in the trees, so I am kind of

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1 to it.

2 And I -- by doing so, I would hope that

3 they would have explored every possible avenue to

4 preserve these trees and by altering their

5 installation to accommodate these specimen trees that

6 have been there for a hundred years.

7 MS. WHITE: Thank you.

8 CHAIRMAN NEUER: Anything else,

9 Ms. White?

10 MS. WHITE: No, I think that's it.

11 Thank you.

12 CHAIRMAN NEUER: Thank you.

13 Ms. Brill, any other hands going up?

14 MS. BRILL: I'm not seeing any yet.

15 CHAIRMAN NEUER: Members of the public,

16 any further questioning?

17 MS. BRILL: I think that's it.

18 CHAIRMAN NEUER: Going once, going

19 twice.

20 Public questioning is concluded. Let's

21 go back to full screen, please.

22 Mr. Turteltaub.

23 MR. TURTELTAUB: Yes.

24 CHAIRMAN NEUER: Right before I go to

25 you, let me go to my experts.

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1 going by face value for -- on what the tables on

2 TR-02 and -03 say.

3 They did not have a fourth column that

4 related to the condition of the trees, which would

5 usually be, you know, good, fair, poor, you know.

6 So without actually walking the site

7 and confirming up close, you know, the condition of

8 the trees, I am presuming that they're all in good

9 condition.

10 I think if the applicant felt that they

11 were -- they were dead, they would -- they would have

12 included that in the tables, in the narrative.

13 But I can't say that for sure.

14 Q. And in your testimony and on

15 examination, you talked about the fact that if

16 somebody chooses to take down a tree they have to pay

17 the price. And when you get to the point of choosing

18 to take down the tree, could you elaborate further on

19 that with respect to, do you have the option of just

20 saying I'm going to bypass the first part, which is

21 to minimize the destruction of trees, I can just

22 bypass that and choose to pay, or do you have to go

23 through the first step?

24 A. You know, basically when someone is

25 considering to remove a tree, there's two conditions.

Page 97 1 It's either dead, diseased or dying, and then 2 actually considered a dead tree, or it's alive and 3 healthy or semi healthy tree. 4 So there's very little controversy when 5 someone wants to remove a dead or diseased tree. The 6 -- the test comes in when the tree still has life to 7 it, it still has some greenery to it. 8 Can it be treated? Can it be brought 9 back to health? Is there a defect, even though it's 10 alive, that makes it a hazard to the public. 11 So there's -- the -- going through the 12 application process in West Orange, it makes everyone 13 thoroughly consider whether removing the tree is a 14 good idea or not, and if it's a healthy tree that you 15 want to remove to change your landscaping, put in a 16 pool or a tennis court or a sauna or whatever, if 17 you're removing a healthy tree, there are 18 consequences. You're going to have to replace it. 19 And if you can't replace it on your 20 property, you're going to be contributing to a fund 21 which the town will use at its discretion to plant 22 trees elsewhere on public property or public 23 right-of-way. 24 Q. In terms of getting to the point in 25 achieving the minimal destruction of trees, in your	Page 98 1 experience, you look at design alternatives to 2 achieve that goal before you go to the point and say, 3 well, now the tree has to come down or you're allowed 4 to take the tree to come down? 5 A. Well -- 6 CHAIRMAN NEUER: Mr. Turteltaub, he's 7 already testified that he didn't look at the plans. 8 MR. TURTELTAUB: No, I am just saying 9 is the general proposition with the ordinance. 10 I understand what you're saying. We do 11 have two other witnesses who will be testifying, but 12 I'm just getting the generalities out. He was asked 13 some of these questions and I just want to be clear 14 about whether -- whether there should be considered 15 alternatives to a plan as part of the site plan 16 review and/or the site plan development. 17 And that's what I am looking to elicit 18 from him, from his testimony, is his opinion as to 19 whether you should look at alternative plans before 20 you settle on taking down a tree. 21 CHAIRMAN NEUER: He's answered it 22 already, but I'll let it go ahead. 23 Please answer the question, Mr. Linson. 24 THE WITNESS: The thought process 25 should be if -- if I can do this instead of that, I
Page 99 1 could save this tree or more than one tree. If there 2 are options. 3 If there are no options, then it's 4 necessary to remove the healthy tree. 5 But I am not -- as a tree expert, I am 6 not in a position to say what -- what the options and 7 the configuration of this substation should be. 8 That's for the electrical engineers. And if -- if 9 they have considered as many options as possible and 10 they still come to the same conclusions, then there 11 are no other options. 12 But all I can say is you've got some 13 very nice healthy specimen trees that are there that, 14 wouldn't it be great if we could find a way to work 15 around them. 16 BY MR. TURTELTAUB: 17 Q. You talk about, in the testimony and 18 the ordinance it has, quote, replacement trees. 19 When you plant trees to replace -- as 20 set forth in the ordinance, to replace a large tree 21 that's now being taken down and plant replacement 22 trees, do those trees actually replace what is there 23 today or do those trees do something else? 24 A. That's the -- the intent is that they 25 will replace it.	Page 100 1 But, you know, even these -- these 2 large trees, they all started out as a sapling, and 3 -- but over time they -- they got to be the size 4 where, you know, they -- they have a huge canopy 5 coverage and contribution. 6 And the -- the idea of planting 7 multiple replacements is to try to get back to what 8 we were before we -- we removed this tree and when we 9 lost that canopy coverage. 10 But, you know, eventually you have to 11 think that if you take down one tree and you replace 12 it with eight trees, at some point in time those 13 eight trees are going to be too close together, we 14 might have to remove a couple of them so that the 15 other trees can thrive. 16 So it's a -- there's always some 17 maintenance. You know, we're trying to manipulate 18 Mother Nature. We have some pretty nice trees now. 19 We don't want to lose our canopy coverage. We don't 20 want to lose the benefits that these tree are 21 providing. 22 But there is a lapse in recovery. And 23 no matter how many small trees we plant, they're not 24 going to immediately provide the same benefit that 25 one large tree is providing at the present time.

Page 101 1 Q. And with respect to Mr. Kipp's report, 2 just to be clear on this, you believe his report only 3 addresses the replacement aspect of the ordinance and 4 not the minimalization of the removal. 5 Is that correct? 6 CHAIRMAN NEUER: Mr. Turteltaub, he 7 said he didn't read Mr. Kipp's report. 8 MR. TURTELTAUB: He was asked -- he was 9 asked questions about it and crossed on the -- 10 Mr. Kipp having found that this report -- Mr. Kipp 11 having said it complies with the ordinance. 12 There was a discussion about bean 13 counting, and I just want to be clear, the board 14 understands what Mr. Linson was saying with respect 15 to Mr. Kipp's -- at least what he was informed about. 16 But there was questioning of him on 17 cross-examination and I just want to be clear because 18 -- to make sure that his -- there's an understanding 19 of what he was trying to convey in his answer. 20 CHAIRMAN NEUER: His answer was clear, 21 and he did not read the report. That doesn't mean he 22 couldn't testify about the conclusion, which he did. 23 But he didn't -- he didn't go through 24 the elements of the report or what Mr. Kipp 25 specifically said and found, other than the	Page 102 1 conclusion that it complies with the ordinance. 2 MR. TURTELTAUB: If it's -- if that's 3 what he's being told that that's what the answer is, 4 that's one thing. 5 But if he's being asked if his opinion 6 whether -- whether he believes Mr. Kipp analyzed all 7 aspects of the ordinance, that's a different story. 8 Because there had been questioning to him about what 9 he meant in his answer. 10 And I just want to make sure it's clear 11 to this board and in the record as to what his answer 12 was. 13 CHAIRMAN NEUER: Well, I respectfully 14 disagree with you. I'll allow you to go forward. 15 MS. PORTER: And I also note my 16 objection for the record, because how can he opine on 17 a report that he did not read in any capacity or 18 dispute findings of a report that he has no idea what 19 it contained, what was looked at and had no 20 conversation with the individual who prepared it? 21 MR. TURTELTAUB: The report is a 22 one-page letter which you read the one line and you 23 asked him a question about it, and that was the sum 24 and substance of the report -- 25 CHAIRMAN NEUER: Mr. Turteltaub, I
Page 103 1 allowed -- I did not overrule the objection. 2 I am allowing the question to go 3 forward, subject to the objection. 4 MR. TURTELTAUB: Thank you. 5 BY MR. TURTELTAUB: 6 Q. And, Mr. Kipp -- excuse me, Mr. Linson, 7 your understanding of what -- what the compliance was 8 that Mr. Kipp was referring to in his report? 9 A. Yes. You know, I believe it's very 10 unusual for a New Jersey licensed tree expert to have 11 a vastly different opinion from another New Jersey 12 licensed tree expert. 13 I trust Mr. Kipp's judgment in 14 enforcing the ordinance. I don't know whether he 15 considered the fact that a tree application could be 16 denied from the standpoint that it's not preserving 17 the maximum possible number of trees and the 18 development of a site. 19 I know that and I trust that Mr. Kipp's 20 analysis on the replacement requirement is accurate. 21 I just don't know that he had the -- had the thought 22 that it could be denied from the fact that not -- not 23 all possible trees could be saved by changing -- I 24 don't know whether he -- he saw the video or was 25 privy to the engineering reports on why the	Page 104 1 installation has to be where it is or why it's 2 proposed to be here. 3 All I know is that in Mr. Kipp's mind, 4 the loss of these trees, pursuant to the ordinance, 5 is compensated by the restoration and planting of 6 replacement trees. 7 MR. TURTELTAUB: And with that, 8 Mr. Neuer, I have nothing further. 9 Thank you. 10 CHAIRMAN NEUER: Thank you. 11 Recross, Ms. Porter? 12 MS. PORTER: Yes, Mr. Chairman. 13 RECROSS-EXAMINATION 14 BY MS. PORTER: 15 Q. Mr. Linson, are you aware that the 16 current forester did walk the site, both externally 17 and internally? 18 A. I would -- I would hope that that's 19 what he did. 20 And as the forester, he would have 21 access to that. I have not been invited on the site 22 and -- but again, I -- I doubt -- I seriously doubt 23 that Mr. Kipp and I would have much difference over 24 any of the condition of any of the existing trees. 25 If he thinks something is defective and

Page 105 1 warrants removal, I trust his judgment a 2 hundred percent. 3 I seriously doubt we would have any 4 professional differences in the assessment of a tree. 5 Q. Thank you. 6 Are you aware that the plans that you 7 reviewed, the TR-01, -2 and -3, do you distinguish 8 between viable and non-viable trees being removed, 9 specifically on TR-02? 10 A. You know, basically the unfortunate 11 thing about that report is it doesn't have a column 12 indicating the condition of the tree. 13 So, you know, in looking at it, I have 14 to presume that they were healthy trees if they're 15 not being removed. 16 And, you know, I did -- my emphasis in 17 reviewing, you know, TR-1, -2, and -3 was to look for 18 the largest trees that were existent since the -- the 19 initial planting and development of the site and to 20 try to preserve those. And, you know, I -- I 21 acknowledged a lot of the other trees that were 22 volunteers that were self-planted on the site. 23 But my emphasis was to try to preserve 24 as many trees as possible, but certainly the original 25 planted trees, the -- the Colorado blue spruce, the	Page 106 1 Norway spruce, the willow oaks, the Little Leaf 2 Lindens, the London planes, the Doug fir, the horse 3 chestnut. 4 Those were the ones that I specifically 5 noted on my plan and highlighted them and 6 cross-referenced whether they were being preserved or 7 proposed for removal. 8 So, again, I was -- you know, the 9 smaller trees can be replaced, but the larger trees, 10 you know, they provide a benefit, a visual screening 11 of the site that cannot be replaced any time soon. 12 Q. Thank you. 13 Are you aware of any language in the 14 ordinance that mandates that alternatives be 15 considered when -- with respect to designing a site? 16 A. It's kind of subjective in terms of, 17 you know, the purpose and intent of it is to try to 18 preserve trees. So you would hope that all of the -- 19 all of the options to preserve a tree would be 20 exhausted before it becomes evident that the tree has 21 to be removed. 22 So I'm just not aware that all of the 23 options have been considered. 24 And, again, I just -- if the driveway 25 was slightly configured, if the improvements on the
Page 107 1 -- on the east side of the property were moved closer 2 to the -- to the Prospect Avenue property line, if it 3 were possible to do that, it appears to me we could 4 preserve some trees. 5 So all -- I am asking the question, but 6 I don't have the answer whether all of those possible 7 options, you know, in altering the plans are possible 8 or not. 9 But that's something for the board to 10 consider after hearing the testimony of the other 11 experts. 12 Q. Thank you. 13 Are you aware that additional review of 14 the potential for tree preservation was done after 15 the initial report was received from the township 16 forester and that 17 trees were identified that 17 allowed for them to also be saved, based on the 18 voluntary consideration? 19 A. Well, I'm -- that's news to me and I'm 20 glad to hear it. 21 But the only -- the only reference that 22 I had was TR-01, -02 and -03, and what I could see 23 from the street. 24 Q. And then lastly, you did speak of how 25 the ordinance works in terms of the replacement trees	Page 108 1 and the intent that, you know, should a tree be 2 removed, that it will be replaced, and that there is 3 the ability for multiple replacements replace one 4 existing tree, depending upon the nature, size, type, 5 et cetera. 6 Are you aware of the fact that PSE&G is 7 proposing an additional 317 trees to the 338 trees 8 on-site for a total of over 700 trees that will exist 9 on the property as part of this proposed development? 10 A. That's news to me. 11 I haven't seen a replacement plan or 12 anything like that. 13 As I say, the only thing I have seen is 14 TR-01, -02 and -03. 15 MS. PORTER: Thank you. 16 I have no further questions. 17 THE WITNESS: Okay. 18 CHAIRMAN NEUER: Thank you, Mr. Linson. 19 THE WITNESS: Okay. 20 CHAIRMAN NEUER: It was good seeing you 21 again. 22 Mr. Turteltaub, who's your next 23 witness? 24 You know we stop at 11. 25 MR. TURTELTAUB: Yes, we'll hopefully

Page 109 1 get this started, maybe throughout the direct 2 testimony. 3 This would be Robin Blanton. 4 CHAIRMAN NEUER: Ms. Brill, will you 5 try to find Robin Blanton. 6 MS. BRILL: Sure, he's raising his 7 hand. 8 I'm moving him over right now. 9 There he is. 10 CHAIRMAN NEUER: There he is, is right. 11 Welcome, Mr. Blanton. Your microphone 12 is off, sir, you have to turn it on. 13 Now it's on. 14 Mr. DeLuca, would you be so kind as to 15 swear the witness? 16 MR. DeLUCA: Certainly. 17 Mr. Blanton, if you could please raise 18 your right hand. 19 Do you solemnly swear to tell the 20 truth, the whole truth and nothing but the truth? 21 MR. BLANTON: I do. 22 R O B I N B L A N T O N, PE 23 P.O. Box 1351, Raleigh, NC, having been duly 24 sworn, testifies as follows: 25 MR. DeLUCA: Thank you.	Page 110 1 CHAIRMAN NEUER: Mr. Turteltaub? 2 3 VOIR DIRE EXAMINATION 4 BY MR. TURTELTAUB: 5 Q. Mr. Blanton, if you could, could you 6 please give the board the benefit of your background 7 and experiences, please. 8 A. I have a bachelor of science degree in 9 electrical engineering and have worked for utilities 10 since I graduated from Clemson University in 1982. 11 I have experience doing substation 12 design, maintenance and responsibility for substation 13 sighting, and worked for mainly municipal and 14 electric co-ops over the course of my career. 15 And then starting in 2017, started 16 working for a consulting engineering firm and a 17 working -- continue to work for a consulting firm and 18 -- to this day. 19 Q. And when you say a consulting 20 engineering firm, what firm is that and what is your 21 position with that firm? 22 A. At the present time, I have my own 23 consulting engineering firm, R.W. Blanton PLLC. 24 I work with a couple utilities and do 25 consulting and assist other consultants with work
Page 111 1 they have, and I'm also a professional engineer in 11 2 states. 3 And I am also -- and one of those 4 states happens to be New Jersey. 5 Q. And do you provide your expertise in 6 any matters? 7 A. Would you ask that question again, 8 please? 9 Q. Do you provide your expertise in any 10 matters and if so, what would those matters be? 11 A. I have testified before the Rhode 12 Island Public Utilities Commission on some matters 13 relating to Rhode Island energy on plans they're 14 wanting to do. That occurred, I want to say, about 15 six to eight months ago on what they're doing in 16 Rhode Island. 17 And I have also, in the course of my 18 work with utilities as manager of engineering, 19 appeared before zoning boards and city and county 20 commissioners to get approval for not only 21 substations but also upgrades, transmission lines and 22 other facilities that were needed to run the utility. 23 Q. Do you have any experience in the 24 design of substations such as that which is before 25 the board tonight, and if so, could you just	Page 112 1 elaborate on that, please? 2 A. I have been responsible for the design 3 of substations that -- the upper voltage is 230kV, 4 which I believe is what this site is, and have, over 5 the course of probably the last 25 years, have been 6 involved in 12 to 15 substation designs. 7 MR. TURTELTAUB: And what I'd like to 8 do, Mr. Chairman, if I could is have Mr. Blanton be 9 qualified as a civil engineer in this matter, as well 10 as with his understanding of electrical facilities, 11 substation facilities such as that's before the board 12 tonight. 13 THE WITNESS: I would like to qualify 14 that be as an electrical engineer, not a civil 15 engineer. 16 MR. TURTELTAUB: I'm sorry, an 17 electrical engineer. 18 My apologies. 19 CHAIRMAN NEUER: My silence is due to 20 taking notes. I am not ignoring either one of you. 21 So that, let's be more specific -- try 22 to be specific. The area of expertise, you're 23 seeking to qualify him as an electrical engineer with 24 experience in substation design. 25 MR. TURTELTAUB: Yes.

Page 113 1 CHAIRMAN NEUER: Is that correct? 2 MR. TURTELTAUB: Yes. 3 CHAIRMAN NEUER: Board have questions 4 on qualifications? 5 MS. PORTER: Yes. 6 VOIR DIRE EXAMINATION 7 BY MS. PORTER: 8 Q. My question is what specific experience 9 does he have regarding switching stations? 10 A. This is a combination of switching 11 station and a step-down station to go from 230kV down 12 to the distribution voltage as shown on the plans of 13 26kV, and that has been the primary focus of my work, 14 but I've also been involved in designing ring bus 15 switching stations similar to what is existing on 16 this site that is not being -- nothing's being 17 changed as far as the transmission switching. 18 Q. And my only other question would be, 19 what specific experience do you have in New Jersey? 20 A. My experience in New Jersey is limited 21 to working with Sussex Electric co-op, where we were 22 assisting them on getting some transmission -- sub 23 transmission out of a couple of their existing 24 substations for some maintenance work they needed to 25 do.	Page 114 1 So my experience in New Jersey is 2 limited. 3 Q. Okay. So was that with respect to 4 transmission, not -- not specifically with respect to 5 replacement of equipment? 6 A. I have also been involved in numerous 7 substation upgrades or retrofits where you're 8 replacing existing equipment, and one large municipal 9 that we're working with now is upgrading their 10 substations, and we're doing two to three substation 11 upgrades a year where we're replacing old existing 12 equipment with newer equipment. 13 You know, and part of that work 14 involved having to maintain power during the entire 15 process to all the members and minimizing the impact 16 that we have with trees and having to stay lots of 17 times inside the existing perimeter of the substation 18 fence. 19 Q. Thank you. 20 But that experience was limited to 21 situations outside New Jersey, correct? 22 A. That is correct. 23 MS. PORTER: Thank you. 24 CHAIRMAN NEUER: Members of the Board, 25 any questions with respect to qualifications as an
Page 115 1 expert? 2 (No Response.) 3 CHAIRMAN NEUER: Seeing no hands. 4 Mr. Blanton, you said you have a New 5 Jersey license? 6 THE WITNESS: Yes, sir. 7 I'm a professional engineer in New 8 Jersey. 9 CHAIRMAN NEUER: Did you say 10 registered? 11 THE WITNESS: Yes, sir. 12 CHAIRMAN NEUER: You're not a 13 licensed -- 14 THE WITNESS: I am a professional 15 engineer -- I'm a professional engineer licensed to 16 do work in the State of New Jersey. 17 CHAIRMAN NEUER: Are you a licensed 18 professional engineer in the State of New Jersey? 19 THE WITNESS: That is correct, sir. 20 CHAIRMAN NEUER: For how long have you 21 been licensed in New Jersey? 22 THE WITNESS: I want to say it's only 23 been for about five years. 24 CHAIRMAN NEUER: During that period of 25 time -- during that period of time, has your license	Page 116 1 ever been suspended? 2 THE WITNESS: My license has never been 3 suspended. 4 I got my -- I am originally licensed as 5 a professional engineer in the state of North 6 Carolina, and I got that license in 19 -- 7 CHAIRMAN NEUER: That's okay. 8 THE WITNESS: -- 1989. 9 I had to look at the plaque on the wall 10 to see the exact date. 11 CHAIRMAN NEUER: And is your New Jersey 12 license currently in good standing? 13 THE WITNESS: Yes, it is. 14 CHAIRMAN NEUER: Then, Mr. Turteltaub, 15 I will recognize Mr. Blanton as an expert in the 16 field of professional -- as a licensed professional 17 engineer with experience in -- oh, I have one more 18 question. I wrote down that you said you've been a 19 consultant since 2017. 20 THE WITNESS: Yes, sir. 21 CHAIRMAN NEUER: Since 2017, have you 22 designed substation replacement or upgrade projects? 23 THE WITNESS: Since 2017, yes, sir. 24 We are working with, like I said, a 25 large municipality in the state of Virginia where

Page 117 1 they're replacing existing older equipment, and we're 2 doing two to three substations a year for them, and 3 we've been doing that for about five years. 4 CHAIRMAN NEUER: Okay. You answered my 5 question. 6 Thank you. 7 And as I was saying, you are accepted 8 as an expert, as a licensed professional engineer in 9 the State of New Jersey with experience in substation 10 design. 11 And I thank you. 12 DIRECT EXAMINATION 13 BY MR. TURTELTAUB: 14 Q. But just to qualify, one quick 15 question, Mr. Blanton, if you could. 16 When you talk about the design of a 17 substation in New Jersey versus North Carolina or 18 anywhere else you might design it, do -- does the 19 state matter in how you design it or is it the -- is 20 it the facility itself that tells you what you have 21 to do? 22 A. There are the National Electric Safety 23 Code and OSHA regulations how it has to be designed, 24 and they are the -- NESC and OSHA are -- have been 25 adopted by just about every state, and we design to	Page 118 1 those specs whether the state has adopted those 2 standards or not. Or if they've adopted something 3 more stringent, comply with that. 4 Q. And New Jersey, has it adopted those 5 standards or is it more stringent than that? 6 A. They have adopted those standards and 7 are not more stringent. 8 Q. And, in fact, have you done work 9 outside of the U.S. as well? 10 A. I have also worked in Pakistan for 11 about six months working with the distribution 12 utilities there to improve the reliability of their 13 substations and distribution lines. 14 Q. And your skills go there as well? 15 A. Yes, sir. 16 Q. So tonight we're here talking about a 17 substation facility upgrade that is going to happen, 18 PSE&G in West Orange, New Jersey. 19 If you could, for the benefit of the 20 board, to understand what your background is at least 21 in this project, can you describe for them what your 22 assignment was and what you've done to prepare for 23 that. 24 A. What I looked at, my assignment was to 25 look at how the new equipment is being installed in
Page 119 1 the substation, and if there was any way that the new 2 equipment could be moved or relocated or slid in some 3 manner that would possibly preserve trees on the 4 site. 5 You know, and again, there is no -- 6 there is nothing in the reports that I've seen that 7 describe the health of any of the trees that are 8 being removed, so I don't know if they need to be 9 removed because they are -- they have issues. 10 But I'll also go one step further and 11 go, I also understand the idea that sometimes the 12 utility needs to remove trees to maintain a high 13 degree of reliability. 14 We want to keep the power on because 15 that keeps everybody happy. 16 You know, I spent the majority of my 17 career being the one that was getting the call when 18 something major went out, and I had to go out there 19 and fix it. And we never wanted it to be due to a 20 tree falling in the line. 21 Q. So in terms of this site and the plan 22 that's before us, did you have a chance to review the 23 plans that are being presented by PSE&G? 24 A. Yes, I have. 25 I've looked at the site plan	Page 120 1 development for the substation -- the site plan for 2 the substation being -- equipment being added and 3 realizing that, you know, it is obvious that Public 4 Service is removing a lot of the old structures 5 coming off of the three transformers on this site. 6 Q. This type of work and this type of 7 project, in the description of the work that you were 8 giving before when we were getting you qualified as 9 an expert, is this the type of plans that you've 10 looked at before and something you're familiar with 11 this type of a plan in general. 12 I am not talking about this specific 13 plan, right now, but just generally, have you worked 14 with this type of a project? 15 A. Yes, with -- I've worked with this type 16 of project where we're -- again, we're replacing 17 older existing equipment with newer, more modern 18 equipment that will provide a higher degree of 19 reliability for everyone. 20 Q. Okay. And in your review of these 21 plans, did you note anything with respect to the 22 design of it and in particular, what are the issues 23 you had mentioned in your -- in your preamble, which 24 is the protection or minimization of the elimination 25 of existing trees; did you come up with anything on

Page 121 1 that? 2 A. One of the things I would like to see 3 done or addressed in the report is if the new indoor 4 switching structure can be shifted further north and 5 further west on the site plan, so it would get it 6 further away from the existing trees. 7 You know, and that would move it 8 further away from Prospect Avenue and Mount Pleasant 9 Avenue. 10 And I can show that -- what I'm talking 11 about on the PSE&G site plan if you want me to share 12 my screen. 13 MR. TURTELTAUB: If he may share his 14 screen, I will ask, Mr. Chairman, if he can share his 15 screen, will you let him set up for that. 16 CHAIRMAN NEUER: Yes. 17 Diana or Megan, whoever, please allow 18 Mr. Blanton to share his screen. 19 MS. BRILL: Yes, he should have that 20 capability already. 21 CHAIRMAN NEUER: Do you see it, 22 Mr. Blanton? 23 THE WITNESS: Yes, I do. 24 Okay. I hope you can see my screen 25 now.	Page 122 1 MS. BRILL: Yes. 2 CHAIRMAN NEUER: It's up on mine. 3 MR. TURTELTAUB: We can. 4 CHAIRMAN NEUER: I don't know about 5 everybody else, but I can see it. 6 MR. SCOTT: Yes. 7 BY MR. TURTELTAUB: 8 Q. Mr. Blanton, everybody can see your 9 screen, so -- 10 A. Okay, very good. 11 Okay. Here is the new switch gear that 12 Public Service is putting in. What -- 13 MR. TURTELTAUB: And just for -- so 14 everybody can see, and just to make sure everybody 15 can see it, there's an X that's down to the bottom 16 right-hand part of the screen. 17 If anybody is having a problem seeing 18 it, please let me know, but that's where his cursor 19 is. 20 THE WITNESS: And I made the cursor 21 oversized so it's easier for me to see it also. 22 Here's the new equipment that PSE&G is 23 putting in. If this equipment could be slid further 24 north this way and further west this way to put it 25 more in this area (indicating), it would get it
Page 123 1 further away from all the trees on the east side of 2 the site and the south side of the site, which we've 3 also heard testimony that these are some of the 4 larger trees that are being slated to be removed. 5 And again, I don't know the condition 6 of the trees, but this would possibly save some of 7 those trees if they are healthy trees. 8 You know another thing that, as I've 9 looked at this in the last several days, you know, 10 okay, what PSE&G is doing is they're coming out of 11 this transformer and running bus work out there 12 showing here to the switch gear. They also come out 13 this transformer with bus work down here 14 (indicating). 15 And then out of this transformer at the 16 top with bus work that comes all the way down in 17 here. And that -- 18 BY MR. TURTELTAUB: 19 Q. Now, you're using a term -- you're 20 using a term "bus work." 21 Can you just explain to the Board what 22 bus work is so everybody understands in the public as 23 well? 24 A. Okay. Bus work is just aluminum bus or 25 pipe bus that's installed on a type of structure.	Page 124 1 And what their bus work looks like is -- this is 2 their bus work running through here (indicating) that 3 they're proposing to install. And they've got 4 supports on a regular basis to maintain that bus work 5 so it doesn't sag and doesn't fall down. 6 Q. Okay. 7 A. Okay? 8 Q. Now, you -- you were along the right 9 side of the drawing there and I'm sorry to interrupt 10 you. 11 A. Okay. Okay. You all understand? You 12 follow? 13 And then they got bus work coming down 14 to here that comes into here (indicating). 15 The other thing that, I don't know if 16 they considered because it's not in the report that I 17 -- any of the reports that I have seen, is could this 18 switch gear be moved up into this area? 19 Because they have already got slated to 20 remove some trees up in here (indicating). 21 And again, that would preserve these 22 larger trees down in here (indicating), you know, in 23 the south and east side of the property if those are 24 healthy. 25 Not knowing the condition of the trees,

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1 not knowing what all PSE&G has looked at, I can't
 2 tell you if that can be done, but I would hope that
 3 that was something that had been considered by them.
 4 Q. What are the impacts -- you know,
 5 you're saying, well, we could move potentially the
 6 new equipment that is on what I believe would be the
 7 southeastern part of the property. You said they
 8 could move it north.
 9 What would be entailed in moving it
 10 north and are there any restrictions either with
 11 respect to the way they operate or physically that
 12 they could not be moved, in your knowledge?
 13 A. In my knowledge, again, if I -- if we
 14 move this switch gear up here to this northerly side,
 15 instead of running bus work from this transformer
 16 down and this transformer down, we come from this
 17 transformer here on the south side and go up to it
 18 and this goes up and this goes over, it may be
 19 shorter routes for their bus work to be installed,
 20 which would then entail less cost to PSE&G.
 21 Q. Now, in terms of moving it to that
 22 location with other uses that may be there, does it
 23 have any potential impact on that portion of the
 24 property or the things near that as opposed to where
 25 it is being planned for today?

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1 transformer. That's got to be removed for all this
 2 to be installed on the south side.
 3 Q. Now, with respect to maintaining power
 4 and being -- service during a move to any such area,
 5 would that plan that you were just discussing be able
 6 to support -- be able to support the continuation of
 7 service during the time that you move it in that
 8 area?
 9 A. They should be -- you should be able to
 10 continue supporting service as this is being
 11 installed, whether it is installed in the present
 12 location or if you shift it, you know, just slightly
 13 north and west or whether it gets --
 14 (Connection lost.)
 15 MR. TURTELTAUB: I think we have a
 16 freeze here.
 17 CHAIRMAN NEUER: We lost him.
 18 MR. TURTELTAUB: I think we lost him.
 19 Mr. Blanton, can you hear us?
 20 CHAIRMAN NEUER: The screen is blank.
 21 MR. TURTELTAUB: I'm seeing his
 22 picture, but it's frozen right now.
 23 CHAIRMAN NEUER: I'm seeing a blank
 24 screen with his name on it.
 25 MS. PORTER: Yes, I see him frozen.

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1 A. There is nothing that I have seen in
 2 the report that has any details on what is up in that
 3 area besides the trees, or if they have any future
 4 use for that property.
 5 So I have not seen anything to say what
 6 that's going to be used for, or if it's just going to
 7 remain as trees for the long term.
 8 Q. With respect to the elevations of the
 9 site in the northeastern part of the property where
 10 you're looking at or even just moving it north, does
 11 the elevation of where that equipment would be have
 12 any impact on the ability to locate it there?
 13 A. As long as we can obtain a flat site to
 14 put the switch gear on, elevation doesn't matter.
 15 And then the bus work, you know, the elevation of the
 16 bus work is based upon how short or how tall the
 17 supporting structures are.
 18 Q. And the fact that there's equipment in
 19 there today is the likelihood that that's already
 20 graded to -- at this point in time to support such
 21 equipment?
 22 A. It should be a fairly flat site here
 23 where this existing equipment will be removed.
 24 Because, at the same time, you can just see the top
 25 edge of the existing equipment for this south

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1 MR. TURTELTAUB: I will reach out to
 2 him and see if I can let him know that.
 3 Hold on one second.
 4 MR. SCOTT: Time for the Jeopardy
 5 music.
 6 CHAIRMAN NEUER: I really do have to
 7 put that in my phone.
 8 BOARD SECRETARY: I guess he got kicked
 9 off now.
 10 CHAIRMAN NEUER: Tell him to log back
 11 in, Jim.
 12 MR. TURTELTAUB: That is what I am
 13 trying to do, yes. I am trying to get that done.
 14 CHAIRMAN NEUER: Tell him to warm up
 15 first so he's not frozen.
 16 MR. SCOTT: Mr. Chair, it is 10:52,
 17 so...
 18 CHAIRMAN NEUER: I am there with you.
 19 I am going to try to get through his direct and,
 20 hopefully, Mr. Turteltaub can get him through
 21 quickly; otherwise, we will adjourn.
 22 You may want to start looking at your
 23 calendar.
 24 Diana, you as well.
 25 While we're waiting, Diana, what's -- I

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1 know we've got a pretty full agenda in January,
 2 right?
 3 MR. TURTELTAUB: Mr. Blanton is trying
 4 to log back in, so hopefully we'll have him.
 5 MS. CHANDLER: I see him. I'll move
 6 him over.
 7 MR. TURTELTAUB: Okay, thank you.
 8 My apologies to everybody.
 9 CHAIRMAN NEUER: See if you can give us
 10 a sense of how much longer you're going to be on
 11 direct.
 12 MR. TURTELTAUB: I think we should only
 13 be about 15 more minutes or so.
 14 We do have his cross-examination. I
 15 have no problem if you want to come back at the next
 16 meeting and just pick up from here.
 17 THE WITNESS: I apologize for that.
 18 For some reason I got knocked off.
 19 MR. TURTELTAUB: So we were just
 20 discussing whether -- as we were approaching the
 21 11:00 hour, whether we will continue with you now or
 22 not, and I would put it back to Mr. Chairman.
 23 CHAIRMAN NEUER: Listen, this is not my
 24 decision.
 25 Members of the Board, just raise your

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1 what's our next slot?
 2 MS. CHANDLER: We could do either
 3 January 16th or February 20th.
 4 CHAIRMAN NEUER: What do we have on for
 5 January 16th?
 6 MS. CHANDLER: As of right now, we only
 7 have the carryover from Canterbury, 33 Mount
 8 Pleasant.
 9 CHAIRMAN NEUER: That's not going to be
 10 short.
 11 And we also have coming up this week a
 12 couple of applications that are going to carry over.
 13 What's the February date,
 14 February 20th?
 15 MS. CHANDLER: February 20th.
 16 CHAIRMAN NEUER: Ms. Porter, how does
 17 February 20th look for you?
 18 And I know it's subject to your
 19 experts, Mr. Turteltaub.
 20 MR. TURTELTAUB: I will make myself
 21 available. I don't know my experts' schedules at
 22 that point in time.
 23 Mr. Blanton, are you available?
 24 THE WITNESS: I will make myself
 25 available.

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1 hands if you can stick around for another 20 minutes;
 2 otherwise, we'll adjourn now and resume at the next
 3 meeting.
 4 I'm not getting any hands up now,
 5 Mr. Turteltaub and Ms. Porter. Not that I'm
 6 surprised, not that I'm being critical.
 7 VICE CHAIRMAN SCHWARZBAUM: How much
 8 longer is his testimony?
 9 MR. TURTELTAUB: I think it should be
 10 about 10 or 15 minutes. It always takes a little bit
 11 different, but I'm happy to return.
 12 He's going to have to go through
 13 cross-examination next time, and I fully appreciate
 14 the fact that you all are volunteers, it's a late
 15 hour, and I would be welcoming the opportunity to
 16 come back and --
 17 CHAIRMAN NEUER: Yes, Mr. Scott was the
 18 only one who raised his hand, but --
 19 VICE CHAIRMAN SCHWARZBAUM: We won't
 20 really have time to cross, so --
 21 CHAIRMAN NEUER: No, we won't have time
 22 to cross and --
 23 VICE CHAIRMAN SCHWARZBAUM: We'll lose
 24 continuity. That's --
 25 CHAIRMAN NEUER: So, Ms. Chandler,

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1 MR. TURTELTAUB: Okay. And I can go
 2 offline for one second and check with our third
 3 expert.
 4 Just hold on one second.
 5 MS. PORTER: I am checking with our
 6 experts as well.
 7 (Brief Pause.)
 8 MS. PORTER: Mr. Chairman, is there any
 9 possibility for another special hearing in January
 10 aside from the regular hearings?
 11 CHAIRMAN NEUER: Are you willing to do
 12 notice, because --
 13 MS. PORTER: We would be willing to
 14 re-notice if we could get one in January.
 15 CHAIRMAN NEUER: I'm going to leave it
 16 to you and Mr. Turteltaub, two civilized human
 17 beings, to communicate with each other and see if you
 18 both have -- let me just see. I'll have to poll the
 19 board.
 20 Our regular meeting is on the 16th.
 21 See what you can do for the 9th or the 23rd. See if
 22 we can get a quorum.
 23 MR. TURTELTAUB: Mr. Blanton, are
 24 January 9th or January 23rd, are you available on
 25 either of those or both dates.

Page 133 1 THE WITNESS: I can make both those 2 dates work. 3 MR. TURTELTAUB: Okay. 4 CHAIRMAN NEUER: Just show of hands if 5 you have your calendars with you, members of the 6 board and professionals, January 9th, if you're 7 available raise your hand, please. 8 I see Mr. Schwarzbaum, Mr. Eben. 9 MR. WILLIAMS: Mr. Chairman, I have a 10 potential conflict on January 9th and the 23rd 11 currently looks okay. 12 CHAIRMAN NEUER: So let's go back to 13 the 23rd. Members of the board and professionals, 14 raise your hand if the 23rd would be an acceptable 15 date for a special meeting. 16 Mr. Barbee, your hand is up. Mr. Eben, 17 Mr. Scott? That's a no? 18 MR. SCOTT: I'm a no on the 23rd. 19 CHAIRMAN NEUER: What I'm going to do 20 is I'm going to adjourn this until the 16th. And a 21 special on the 23rd, we'll announce it at that time 22 so that we don't have to do special notices. 23 If not, then we'll move it to the 20th 24 of February. 25 I didn't hear you, Mr. Scott.	Page 134 1 MR. SCOTT: Apologies. 2 CHAIRMAN NEUER: Okay. 3 MR. TURTELTAUB: Mr. Chairman, my 4 second witness I understand has a hearing on the 23rd 5 scheduled. I will do -- I will work with her to see 6 if we can arrange her time since it would be the 7 second testimony we'd have that night. 8 I will report back to you if I can get 9 that cleared for her. 10 But she has informed me she has the 11 23rd. She's open on the 9th, but not the 23rd. 12 CHAIRMAN NEUER: Okay. We are going to 13 try to schedule a special meeting on January 23rd. 14 MR. TURTELTAUB: Okay. 15 CHAIRMAN NEUER: This meeting -- this 16 hearing is adjourned until January 16th, at which 17 time we will decide whether or not there will be a 18 special meeting and make the announcement to avoid 19 having to send out additional notices. 20 If we can't continue this hearing on 21 the 23rd of January, on the 16th or January we will 22 announce that it will go forward on the 20th of 23 February. You will be first on the agenda. 24 Is there anything on the agenda yet, 25 Diana, for February?
Page 135 1 MS. CHANDLER: No. 2 CHAIRMAN NEUER: I can't hear you. 3 MS. CHANDLER: No. 4 CHAIRMAN NEUER: Okay. Is that clear? 5 Does anybody have any questions about scheduling? 6 MR. SCOTT: To confirm, February 20th. 7 CHAIRMAN NEUER: I understand, but 8 we're trying to get as many people as we can. 9 So that without further ado, this 10 hearing is adjourned to January 16th. 11 If you have an interest in the hearing, 12 please come as early as possible so that you will 13 find out when the actual next testimony will be 14 given. 15 That's all we have for tonight. Thank 16 you all very much for your cooperation. This meeting 17 is adjourned. 18 MR. TURTELTAUB: Mr. Chairman, Members 19 of the Board, thank you. 20 CHAIRMAN NEUER: See you next week. 21 (Whereupon, this matter is continuing 22 at a future date. Time noted: 11:01 p.m.) 23 24 25	Page 136 1 C E R T I F I C A T E 2 3 4 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Remote 5 Online Notary Public, Notary ID. #1810618, Certified 6 Court Reporter of the State of New Jersey, and a 7 Registered Professional Reporter, hereby certify that 8 the foregoing is a verbatim record of the testimony 9 provided under oath before any court, referee, board, 10 commission or other body created by statute of the 11 State of New Jersey. 12 I am not related to the parties 13 involved in this action; I have no financial 14 interest, nor am I related to an agent of or employed 15 by anyone with a financial interest in the outcome of 16 this action. 17 This transcript complies with 18 regulation 13:43-5.9 of the New Jersey Administrative 19 Code. 20 21 22 23 24 25 LAURA A. CARUCCI, C.C.R., R.P.R. License #XI02050, and RON Notary Public Notary ID. #1810618, Notary Expiration Date May 27, 2028 Dated:

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