

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF ZONING, PLANNING AND APPEALS**

CASE NUMBER: 17-ZPA-11-001

HEARING DATE: November 9, 2017

PROPERTY ADDRESS: 320 Cary Point Drive

PETITIONER: Trinity Assets, LLC

PROPERTY OWNER: Trinity Assets, LLC

PIN NUMBER: 20-18-351-006, 20-18-351-007

REQUEST Final Plat of Subdivision for Trinity Assets Subdivision located at 320 Cary Point Drive

MEMBERS PRESENT: Khoury, Chairman
Kretschmer
O'Laughlin
Graziano
Jasper
Williams

MEMBERS ABSENT: Pippen

STAFF MEMBERS PRESENT: Brian Simmons, AICP
Community Development Director

Chairman Khoury called the meeting to order at 7:30 PM. Chairman Khoury entertained a general consent motion to approve the minutes for a case reviewed on October 26, 2017. The minutes were approved 6-0. Chairman Khoury called Village Case No. 17-ZPA-11-001 to order.

Director Simmons stated the Petitioners are proposing to re-subdivide approximately four acres of land which is owned by Trinity Assets. The subject property consists of two separate parcels located on the northwest corner of Cary Point Drive and Detroit Street within the Cary Point Industrial Park. One parcel contains an industrial warehouse building while the second parcel is vacant. The Petitioners are seeking approval of a plat of subdivision to adjust the existing lot sizes in order to sell the vacant parcel. Director Simmons reviewed the proposed lot sizes of the two parcels.

Mr. Brett Casey, Trinity Assets, LLC, stated the requested change is to make the vacant parcel more attractive to potential buyers.

Discussion

None

Member Jasper asked if notification of the request was published. Director Simmons stated this type of request does not require a public notice.

Chairman Patrick Khoury entertained a motion to recommend to the Village Board of Trustees, approval of the final plat of subdivision for the Trinity Assets Subdivision.

Member O'Laughlin moved, seconded by Member Graziano to recommend to the Village Board of Trustees, approval of the final plat of subdivision for the Trinity Assets Subdivision.

Aye: Khoury, O'Laughlin, Jasper, Kretchmer, Williams, Graziano

Nay: None

Abstain: None

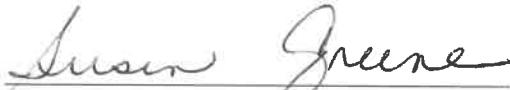
Motion Passed: 6-0

After holding a second hearing Chairman Khoury asked if members had any items to discuss. With no discussion from the Board of Zoning, Planning and Appeals, Chairman Khoury entertained a motion to adjourn at 9:35 pm. Member Williams moved, seconded by Member Graziano to adjourn at 9:35 pm.

All Ayes by Voice Vote

Motion Passed

Respectfully submitted,



Susan Greene, Deputy Village Clerk

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF ZONING, PLANNING AND APPEALS**

CASE NUMBER: 17-ZPA-10-001

HEARING DATE: November 9, 2017

PROPERTY ADDRESS: 30 Northwest Highway

PETITIONER: PI Telecom Infrastructure T, LLC

PROPERTY OWNER: Gary and Amber Fisher

PIN NUMBER: 20-18-154-018

REQUEST Conditional Use for the installation of a 100-foot telecommunications structure and related ground equipment (Sec. 17.20.030)

MEMBERS PRESENT: Khoury, Chairman
Kretschmer
O’Laughlin
Graziano
Jasper
Williams

MEMBERS ABSENT: Pippen

STAFF MEMBERS PRESENT: Brian Simmons, AICP
Community Development Director

Chairman Khoury called the meeting to order at 7:30 PM. Chairman Khoury entertained a general consent motion to approve the minutes for cases reviewed on October 26, 2017. The minutes were approved 6-0. After hearing another petition, Chairman Khoury called Village Case No. 17-ZPA-10-001 to order.

Please see the attached transcription of Village Case No. 17-ZPA-10-001.

Chairman Patrick Khoury entertained a motion to approve the continuation of Case No.# 17-ZPA-10-001 to the December 14th, 2017 ZPA meeting.

Member O’Laughlin moved, seconded by Member Graziano to approve the continuation of Case No.# 17-ZPA-10-001 to the December 14th, 2017 ZPA meeting.

Ayes: Williams, Graziano, O’Laughlin, Kretschmer, Jasper and Khoury

Nay: None

Abstain: None

Motion Passed

Chairman Khoury entertained a motion to adjourn at 9:35 pm. Member O’Laughlin moved, seconded by Member Graziano to adjourn at 9:35 pm.

All Ayes by Voice Vote

Respectfully submitted,



Susan Greene, Deputy Village Clerk

IN THE MATTER OF THE APPLICATION
OF
CASE NO. 17-ZPA-10-001
PI TELECOM INFRASTRUCTURE T, LLC,
FOR A CONDITIONAL USE FOR THE
INSTALLATION OF A 100-FOOT
TELECOMMUNICATIONS STRUCTURE
AND RELATED GROUND EQUIPMENT
OWNER: GARY AND AMBER FISHER
LOCATION: 30 NORTHWEST HIGHWAY

(Public hearing held before the Village
(of Cary Board of Zoning, Planning and
(Appeals on November 9, 2017, at the
(hour of 7:30 p.m. at 655 Village Hall
(Drive, Cary, Illinois.

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1 (Other Village business conducted.)
2 CHAIRMAN KHOURY: Good evening. All right. So,
3 gentleman, our next case that we have in front of us here is,
4 in fact, the petition that we had allowed for an extension from
5 the last meeting. The Petitioner was putting together some
6 additional information, as you'll recall.
7 So at this time -- if I can find the correct
8 piece of paper, I need the case number. Thank you very much.
9 All right. Thank you very much, gentlemen.
10 We will now call ZPA Case No. 10-001. This
11 is for PI Telecom Infrastructure, Gary and Amber Fisher. It is
12 requesting a conditional use for an installation of a 100-foot
13 telecommunication structure related to ground and equipment.
14 It's location would be 30 Northwest Highway.
15 And at this time I'd like to turn it over to
16 our Director of Community Development, Mr. Simmons, for further
17 assessment.
18 MR. SIMMONS: Thank you, Mr. Chairman.
19 As mentioned, the request this evening is for
20 a request for a telecommunications antenna on the subject
21 property at 30 Northwest Highway. Before you this evening you
22 should have in your packets a copy of the staff report, the
23 zoning petition, and also related documents including the plat
24 of survey plans, affidavit of mailing, public notice and

1
2 PRESENT: PATRICK KHOURY, CHAIRMAN
3 JAMES GRAZIANO
4 PATRICK JASPER
5 ERIC KRETSCHMER
6 FRANK O'LAUGHLIN
7 NEIL WILLIAMS
8 BRIAN SIMMONS, DIRECTOR OF COMMUNITY DEVELOPMENT
9
10 APPEARANCES:
11 ANCEL GLINK DIAMOND BUSH DiCIANNI & KRAFTHOFER, by
12 ADAM B. SIMON,
13 On behalf of the Village of Cary;
14 HUSCH BLACKWEKK, by
15 J. MICHAEL LONG,
16 on behalf of the Petitioner.
17 PETITIONER SPEAKER:
18 DEREK MCGREW
19
20 PUBLIC SPEAKERS:
21 GARY FISHER
22 JACKIE MASO (phonetic spelling)
23
24

1 certification of publication documents. I'd just like to
2 indicate that information should be submitted for the record as
3 part of the hearing, but I'll go through my presentation here
4 as well.
5 CHAIRMAN KHOURY: I just -- I do have a clarification
6 around that.
7 Are we going to mark these as Exhibits A, B,
8 C, and D or 1, 2, 3, and 4?
9 MR. SIMMONS: We do not need to. If they're submitted as
10 part of the record acknowledging that, that would be
11 sufficient.
12 CHAIRMAN KHOURY: Okay. Very good.
13 MR. SIMMONS: As mentioned, the request this evening is
14 to review a proposed telecommunications antenna on the subject
15 property. This slide indicates the location of the
16 improvements that are proposed on the property. A tower along
17 with associated ground equipment will be installed in
18 approximately the southwest corner of the subject property
19 which has driveway accesses to the property off of Northwest
20 Highway, and then a maintenance drive would be provided to the
21 proposed tower.
22 This slide zooms in a little bit further as
23 far as the proposed improvements. You can see the tower is
24 located in the center of the fenced-in area. There will be

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<p style="text-align: right;">Page 5</p> <p>1 ground equipment that will be installed that would be connected 2 to that tower. The enclosure area on the ground would be large 3 enough to accommodate the three potential additional users on 4 the tower in the future, so the existing tenant that would 5 initially go on the tower would occupy 25 percent of the area 6 they reserve for the tower in the future.</p> <p>7 This elevation shows the proposed tower as 8 far as the structure height. It's proposed to be a 9 100-foot-tall tower with one existing - or one proposed tenant 10 at this time but would also have the capability for three 11 potential future colocations on the tower. The ground method 12 equipment would be on the ground, as you see in the slide, with 13 a fenced enclosure around the base of the structure.</p> <p>14 This slide represents the type of fencing 15 that would be installed or is proposed to be installed at the 16 base, a chain-link fence with protective wiring at the top of 17 it for access. It would have restricted access for maintenance 18 of the structures with a gate that individuals could access it 19 for maintenance purposes.</p> <p>20 As part of the petition, staff reviewed the 21 initial application that was submitted by the Petitioner. We 22 requested some additional information be provided for the 23 record as part of staff's review of the application to insure 24 that there's adequate information provided. This slide kind of</p>	<p style="text-align: right;">Page 7</p> <p>1 additional service in the area. So the search area ring 2 defines the area they can locate a tower within. A second 3 document that was also provided was the engineer sworn 4 statement which included the RF propagation maps. That did 5 have a slightly different search area range than the engineer's 6 affidavit. The search area ring for that document was located 7 slightly further to the east at the intersection of Sherwood 8 Drive and Decker Drive, which the proposed subject location 9 fell outside that search area ring. Petitioner provides 10 information as far as the two documents during their statements 11 as far as potential differences between the two documents.</p> <p>12 The coverage maps that were provided show 13 both before and after conditions with the proposed tower. The 14 slide -- the images on the left-hand side of the slide shows 15 the existing RF coverage maps, with the area in green as the 16 area of service as provided, and the whiter areas are areas 17 where a need is defined as needed to -- a gap to fill. The 18 right slide -- the image on the right-hand side of the slide 19 shows the proposed -- excuse me -- the proposed tower location, 20 and the red shaded area shows the additional coverage that 21 would be provided as part of -- with the approval of the 22 subject property.</p> <p>23 One area that staff has requested the 24 Petitioner to respond to is the coverage map from the RF</p>
<p style="text-align: right;">Page 6</p> <p>1 summarizes the information that was requested. Staff 2 specifically requested an affidavit attesting to the review of 3 colocation options and feasibility for other towers that may be 4 utilized in lieu of installing the new tower location. Staff 5 also requested that data, that alternative locations are 6 unavailable or impractical for that purpose, an explanation for 7 the difference in the RF coverage that's provided in your 8 packets, the documentation provided, and also information from 9 T-Mobile's website, which is the proposed carrier of the tower; 10 photo simulations of before and after conditions of when the 11 tower would be installed. That was a concern that was 12 addressed or brought up in a previous zoning petition. And 13 also language describing the monopole details as far as the 14 structural integrity and potential colocations on that tower. 15 Staff also has required written response to the Village's CUP 16 standards similar to other zoning petitions that would require 17 for this use.</p> <p>18 In summary, the information that is provided 19 in your packet is summarized in some of the following slides. 20 The engineer's affidavit that was provided indicated a search 21 area for the proposed tower just located north of Davis, the 22 intersection of Davis Lane and Pearl Street. It shows the 23 location of the proposed towers within that circle, which is 24 the area that the candidate is searching for a need for</p>	<p style="text-align: right;">Page 8</p> <p>1 propagation maps, which you see on the right-hand side of the 2 slide, versus coverage map from T-Mobile's website. It shows 3 that the area within the village of Cary and surrounding 4 communities is adequately served by T-Mobile, so we're 5 requesting additional information be provided or testimony 6 provided to address the difference between these two diagrams 7 as to how they -- how coverage is provided in the area and 8 support the need for additional tenant structure to increase 9 coverage in this region.</p> <p>10 Additional information that was requested was 11 from Petitioner to review colocation options prior to the 12 installation of the new tower. Staff specifically requested 13 that the petitioners review existing facilities within the area 14 that the antenna could be installed upon in lieu of installing 15 a new tower structure. Specifically, staff requested that the 16 village water tower, which is located on High Road, and other 17 village facilities in the area could be reviewed for potential 18 colocation. The Com Ed right-of-way, existing high-tension 19 power lines in the area is also requested to be reviewed for 20 colocation. An existing cell tower which is located on East 21 Main Drive outside the village limits was also requested to be 22 reviewed for colocation. The engineer's affidavit, which is in 23 your packet, provided a response to those colocation requests, 24 and staff provided additional information as far as our review</p>

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<p style="text-align: right;">Page 9</p> <p>1 of those locations in the staff report. 2 Briefly, staff reviewed the existing 3 affidavit search area center as far as the area that was 4 proposed for the location just north of Davis, the intersection 5 of Davis and Pearl Street. That location is directly between 6 two existing water towers that the village -- are within the 7 village of Cary, High Road water tower, the Three Oaks Road 8 water tower. The affidavit looked at the High Road water tower 9 location and was ruled out as far as not providing adequate 10 service for the village of Cary, specifically referencing that 11 lack of service would be provided to areas that are in the 12 northeast corner of the village which is approximately where 13 the Three Oaks water tower is located. Staff believes that 14 there may be opportunities for colocation, maybe not in a 15 single location but potentially for both of those water towers 16 to provide adequate service for the area. 17 The second option that was reviewed and the 18 Petitioner provided a response to, specifically the colocation 19 on the Com Ed right-of-way existing towers that are in that 20 area. Previously, the Village had reviewed two previous 21 petitions, one which is adjacent to this property that was 22 approved for colocation and a second location which is north of 23 the site which was eventually denied by the Village Board. 24 However, the existing Com Ed power lines is an example of</p>	<p style="text-align: right;">Page 11</p> <p>1 Jandus Cutoff and Route 14. Again, the left-hand slide shows 2 the existing condition; with the right-hand slide showing the 3 proposed tower location. The third is at the entrance to the 4 subject property. Again, the left-hand slide shows existing 5 condition, and the right-hand slide shows the proposed location 6 for the tower. The fourth location is near the intersection of 7 Second Street and Route 14. The left-hand slide shows the 8 existing conditions; again, with the right-hand slide -- 9 right-hand image on the slide showing the proposed 10 installation. And similarly, the fifth location is at the 11 intersection of Main Street and Route 14 downtown. It shows 12 the existing conditions and proposed conditions with the 13 installation of the tower. 14 As with any zoning petition that the Village 15 reviews for conditional uses, there are various standards that 16 we review within the zoning ordinance that must be met in order 17 to consider a conditional use that are summarized by this 18 slide. In general, the use will not be detrimental to or 19 endanger the public health, safety, morals, comfort, or general 20 welfare; the use will not substantially diminish or impair the 21 values of property within the immediate vicinity; not impede 22 the normal orderly development of the surrounding property; 23 contribute to overburdening of municipal services; and will be 24 consistent with policies and future land use maps in the</p>
<p style="text-align: right;">Page 10</p> <p>1 locations that are relatively close to the village do exist 2 where there are possibilities for colocation. The examples 3 that you see in the slide here are for two high-tension power 4 line poles that are in the same right-of-way about five miles 5 south of the site at the Kane/Cook County border on Algonquin 6 Road. Staff believes that that might be feasible for 7 colocation on the existing Com Ed lines. The Petitioner may 8 have additional information regarding that information for 9 potential location in that facility tonight. 10 Additionally, staff requested that photo 11 simulations be provided to look at what the proposed condition 12 would be with the proposed antenna structure being installed. 13 Specifically, there were five locations that were reviewed. 14 This slide indicates where the views were taken from and photo 15 simulations were provided for. Two of them were located 16 directly to the east of the site, one basically at the entrance 17 to the subject property. And two other photo simulations were 18 from the west of the site closer to the downtown area. 19 I apologize for the quality of these images 20 due to the copies, but this slide shows the first set of photo 21 simulations from approximately Spring Beach Way. The left-hand 22 slide shows the existing condition; with the right-hand slide 23 showing the proposed condition with the tower marked with the 24 arrow on the slide. The second location is the intersection of</p>	<p style="text-align: right;">Page 12</p> <p>1 village's comprehensive plan. As indicated in the staff 2 report, the Petitioner has provided a response to those 3 standards and provided additional testimony as far as how they 4 believe the proposed use complies with those standards. 5 One of the areas of concern from staff's 6 review is looking at the comprehensive plan recommendations for 7 the property which encourages the assemblage of redevelopment 8 of Cutoff area properties which are approximately five parcels 9 that are located on the corner of Jandus Cutoff and Route 14. 10 The comprehensive plan encourages the redevelopment of those 11 parcels and potential consolidation of those parcels going 12 forward for future development. The proposed lease area would 13 occupy approximately 20 percent of the subject property and 14 also a little over -- or roughly 4 1/2 percent of the total 15 Cutoff properties area. Due to the existing grades and the 16 footprint of the proposed tower location, staff believes that 17 the proposed use may potentially impede future redevelopment of 18 those parcels, and, therefore, although the use is allowed 19 within the zoning district, is a more accessory use or 20 conditional use. Primary use of the property here would not 21 encourage future commercial development or retail services in 22 the area. Staff believes it would not comply with the 23 comprehensive plan's recommendations for the subject property. 24 In the subject case, based off the</p>

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1 documentation that's provided, the information, analyzing the
2 staff report, it is recommended that the ZPA make findings of
3 fact in the case that, one, the application does not satisfy
4 the standards for conditional use; two, belief that there's
5 conflicting evidence of whether a significant gap of coverage
6 exists in the area; and, three, insufficient evidence has been
7 presented to demonstrate that colocation cannot be used to
8 satisfy a gap in coverage if one exists. Should the ZPA
9 recommend approval of the request, staff would recommend the
10 approval be subject to conditions that are as listed in your
11 staff report. In addition, as part of the recommendation,
12 staff is recommending that the ZPA make certain recommendations
13 of -- or findings of fact which are listed in your staff report
14 as well that may be discussed, too, if the board has additional
15 concerns or would like to discuss.

16 CHAIRMAN KHOURY: Thank you very much, Mr. Simmons. It
17 was a good overview.

18 So, gentlemen, before we turn it over to the
19 Petitioner, do you have questions for Mr. Simmons?

20 (No response.)

21 So, Mr. Simmons, I have a couple.

22 The first one is is that in your experience
23 has anything like this been approved previously.

24 MR. SIMMONS: Meaning?

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1 CHAIRMAN KHOURY: Like this type of request in the
2 village, in your experience.

3 MR. SIMMONS: In my experience with the Village of Cary,
4 we have not had a cell tower that has been approved since I've
5 been with the Village of Cary.

6 CHAIRMAN KHOURY: And one of the members, Mr. Simmons,
7 has a recollection that we reviewed this particular request
8 previously.

9 And do you want to remind the members what
10 transpired once it left this committee?

11 MR. SIMMONS: Sure. There was a separate petition that
12 was reviewed for the same property. It was over -- I believe
13 it was a year-and-a-half ago it was reviewed. The Village
14 Board ultimately did not approve that petition.

15 CHAIRMAN KHOURY: Okay.

16 MR. SIMON: If the Chair will entertain, I'll supplement
17 Mr. Simmons's answer.

18 To the first question you asked, the staff
19 report does describe that the Village has approved an
20 application for colocation of a cell tower with the Com Ed
21 right-of-way.

22 CHAIRMAN KHOURY: Yes.

23 MR. SIMON: Do you have that in '6?

24 CHAIRMAN KHOURY: Yes.

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1 MR. SIMON: So that supplements Mr. Simmons's answer
2 because that was before his time. So I would add that.

3 CHAIRMAN KHOURY: Okay. So just so we're clear on that,
4 we were allowed -- or it was approved that we put an antenna on
5 the Com Ed -- one of the towers there, but not in a singular
6 pole location; is that correct, Mr. Simon?

7 MR. SIMON: Based on my review of the history of
8 applications, that would be accurate.

9 CHAIRMAN KHOURY: Okay. Thank you very much.

10 MR. SIMMONS: And for clarification, the previous
11 property that was approved, this is a proposed tower location.

12 On the slide you can see where the arrow is?

13 CHAIRMAN KHOURY: Yes.

14 MR. SIMMONS: The tower which is located just to the
15 northwest of that site, this location here, as my arrow is
16 indicating on the slide, is where that colocation was
17 originally approved.

18 CHAIRMAN KHOURY: Very good.

19 Gentlemen, before we turn it over to the
20 Petitioner, do you have any other questions for Mr. Simmons?

21 (No response.)

22 Okay, gentlemen. So at this time we'll ask
23 you to present your testimony.

24 MR. LONG: Good evening. My name is Michael Long. I am

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1 counsel for the Petitioner, PI Telecom. And to my left is
2 Derek McGrew, who is the site acquisition agent who is working
3 this -- his firm was the one that was charged with doing the
4 search for a piece of property in the vicinity of where we're
5 looking at tonight to find to be adequate to accommodate a
6 monopole tower.

7 And if I just may add, I think that the last
8 application that we had that was denied by the Village Board
9 came before this ZPA a number of years ago, I think two years
10 ago or 18 months ago, so, and I think that was for a 150-foot
11 monopole, if I'm not mistaken, so this one is at the same
12 location --

13 CHAIRMAN KHOURY: Yes.

14 MR. LONG: -- as the previous application, only it's 50
15 feet shorter.

16 CHAIRMAN KHOURY: Thank you for the clarification.
17 (Question regarding swearing in.)

18 My understanding with my experience with
19 previous counsel was telling me that was not necessary, but I'm
20 going to defer to current counsel on that particular request
21 that was told to me by Julie.

22 MR. SIMON: It couldn't hurt.

23 CHAIRMAN KHOURY: Okay. So gentlemen that are going
24 present the next testimony, I would just ask you to rise and

4 (Pages 13 to 16)

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<p style="text-align: right;">Page 17</p> <p>1 raise your right hand. 2 Do you swear to tell the truth, the whole 3 truth, and nothing but the truth so help you God? 4 MR. LONG: I do. 5 MR. McGREW: I do. 6 CHAIRMAN KHOURY: Thank you very much. 7 Please continue, Mr. Long. 8 MR. LONG: Thanks. As you know, staff prepared a report 9 on the application, and, you know, we received this a couple 10 weeks ago, and we wanted to take some additional time to 11 address some of the concerns raised in the report. Some of 12 that required the assistance of the proposed anchor tenant, 13 which is T-Mobile. There was some technical information we 14 needed to get from them. They provided some of that, and I 15 wanted to address some -- that information with the ZPA 16 tonight, but in addition to that, I've got some additional 17 comments and some additional information that I can present as 18 well. Mr. McGrew had some input on some other aspects of the 19 application including the questions that staff had raised 20 relative to the photo simulations that you've seen as well as 21 some additional information about the colocation on the Com Ed 22 infrastructure that's in the right-of-way right there, adjacent 23 to the Fisher property. So I don't want to be repetitive; 24 however, there are some things that I'd like to flush out a</p>	<p style="text-align: right;">Page 19</p> <p>1 these phones basically using -- I mean, they're data devices 2 now; right? In addition to being a phone, they're data 3 devices. And the goal for any wireless carrier is to have 4 superior coverage that can provide its customer the best user 5 experience possible, including data, internet, you know, all of 6 the various applications that you can run off your phone now. 7 And so in addition to being able to provide what they call the 8 commercial in-building coverage, which is what T-Mobile really 9 considers the gold standard for their coverage, the other goal 10 is to enhance the coverage along Highway 14 for travelers going 11 through. T-Mobile saw sort of a twofold need that they needed 12 to satisfy by establishing a site, an additional site in the 13 village. 14 So if you look at the first map right now, 15 the first map which is page 2 of the handout, this is a map, an 16 RF map, that depicts the quality of in-building commercial 17 coverage right now in the village in and around the vicinity of 18 the tower. If you take a look at the map, you see a blue dot. 19 That's the proposed location of the monopole. And so what you 20 see here as far as color coding is anything that's beige or 21 white is inferior, at least in the mind of T-Mobile, commercial 22 in-building coverage. There may be some coverage, but it 23 doesn't meet the standard that they have for providing what 24 they can -- what's basically providing the user inside a</p>
<p style="text-align: right;">Page 18</p> <p>1 little bit more based on what we've looked at after we received 2 the staff report. 3 CHAIRMAN KHOURY: Totally understand. 4 MR. LONG: Okay. Wonderful. 5 (Materials handed out.) 6 What I just handed out to the board is a 7 document -- or was a document that was prepared by engineers 8 for T-Mobile, and it addresses a couple of different things. 9 And it was really done in the last -- since the first plan 10 commission meeting or the ZPA meeting was scheduled to address 11 the staff concerns relative to the discrepancies in the 12 coverage needs that we represented in the application versus 13 what is represented on the T-Mobile website. So if you don't 14 mind, I'd like to walk through this a little bit here just to 15 address some of these things and perhaps shed a little bit more 16 light on the need for the tower at this location. 17 First off, I just want to start by saying 18 that the goal, the proposed coverage objective, of this site is 19 to provide what T-Mobile calls commercial in-building service. 20 So in essence, right now there is some coverage that T-Mobile 21 has in the area around this proposed site in the village. So 22 the site's not being set up to establish coverage. It's to 23 enhance the level of coverage that T-Mobile currently provides 24 in the village. You know, with smartphones and data plans and</p>	<p style="text-align: right;">Page 20</p> <p>1 commercial building a superior user experience. 2 The third page of the handout, or the second 3 RF map, is the coverage that they measure as far as being what 4 they call in-building residential coverage. And here we see 5 that the -- sort of the medium color, the lighter color red, 6 depicts the in-building residential coverage, and you can see 7 that, you know, there are areas where there is some coverage, 8 but it can improve to that area that's darker red. And the 9 third map, which is the existing coverage, is the outdoor 10 coverage that currently exists in and around the vicinity of 11 the tower. 12 So, you know, to summarize it, a T-Mobile 13 customer outside would have, you know, a serviceable phone, 14 probably a serviceable data experience, but if that customer 15 were to go inside, especially in a commercial building with 16 either a masonry or a brick masonry or a steel structure, 17 coverage would diminish, and this proposed site would enhance 18 that coverage to provide a better user experience for someone 19 going into one of those buildings in a commercial setting. 20 Now, when staff looked at our submittal and 21 then went on-line to look at the coverage that's represented by 22 T-Mobile on its website, you know, things -- you know, when you 23 look at the map that's presented in the -- on the website, it 24 depicts that there's adequate coverage here in the village,</p>

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1 especially in the area in and around the tower. But if you
2 scroll down on that map that's represented on the website, you
3 can see as it gets more granular. You can definitely see the
4 colors changing, and we can definitely see that there are
5 imperfections in the coverage right now in and around the area
6 where the tower is, which more or less matches up with what you
7 see on the sixth page of the handout. So page no. 5 is more or
8 less what you see on the T-Mobile website. Page no. 6 is a
9 more scientific -- or it's from an RF propagation tool that
10 shows the actual level of coverage now in the village which
11 shows basically the red area is sufficient indoor commercial
12 coverage and the white is insufficient indoor commercial
13 coverage and --

14 CHAIRMAN KHOURY: Mr. Long, are you saying your website's
15 incorrect?

16 MR. LONG: Well, no. The website -- what you've got to
17 do is you've got to look at the website. You've got to scroll
18 down into it into the further detail, and it actually provides
19 you a better indication of what the coverage looks like.

20 CHAIRMAN KHOURY: All right.

21 MR. LONG: And I'm sorry if I didn't do a good job of
22 explaining that.

23 And the website is used not so much for an RF
24 planning tool, but it's used for somebody to -- a potential

1 customer that wanted to see or a traveler wanted to see what
2 the coverage looked like, if they were to scroll down they
3 would see areas that provided coverage and the areas where the
4 coverage wasn't so good, and the good purpose of that is it's
5 called the personal coverage check. It allows you to go in and
6 actually see. But there is a greater level of detail beyond
7 just what was represented, and if you were to look at the
8 website as a whole, it does because its at the 10,000-foot
9 level it shows adequate coverage, but if you drill down on it,
10 you definitely can see the coverage imperfections that are
11 represented.

12 So what we're looking at, then, on page 6 is
13 the red depicts the adequate in-building coverage right now
14 without the site, without this proposed site, and then the
15 white shows inadequate in-building commercial coverage. And
16 then the last handout depicts our proposed site offering
17 coverage, and you can see that the -- sort of the -- that white
18 space area here is filled in by the proposed tower.

19 CHAIRMAN KHOURY: Uh-huh.

20 MR. LONG: So having said all that, it really boils down
21 to the fact that there -- the discrepancy really wasn't a
22 discrepancy. If you're able to drill down on that website, it
23 will definitely show the same coverage deficiencies that we
24 were representing in our application.

1 CHAIRMAN KHOURY: Okay.

2 MR. LONG: The second thing I wanted to mention is that
3 we were -- in our report it's indicated that the proposed lease
4 area that the applicant has with the property owner comprises
5 about 20 -- a little over 20 percent, or 20.1 percent of the
6 overall area of the parcel. And in addition to that, what
7 we're looking at is fencing off -- right now the proposal
8 states that we'd be fencing off about 3600 feet, or a 60 by 60
9 area, and that anticipates a fully-loaded tower with, you know,
10 four antenna -- or four users; and really the space at the
11 bottom is to accommodate, you know, the ground equipment that's
12 deployed. You know, if this is something of concern to the
13 ZPA, we can take a look at shrinking down that fenced-in area
14 or even potentially adjusting the area of the lease. And, you
15 know, we have not talked about that with the property owner.
16 We haven't really talked about that. But if that is a concern
17 for the ZPA, we can take a look at that. For instance, if we
18 were to boil the lease area down to say a 50 by 50 and we fence
19 that in at 50 by 50, that's only 2500 square feet, and what
20 that would do is that would bring down the total land area from
21 20 percent to a little over 10 1/2 percent. And then, you
22 know, looking at that overall -- if you look at the total land
23 area of the combined parcels, you're looking at somewhere in
24 the neighborhood of 2.3, 2.4 percent. So, and what I'm getting

1 at is that, you know, the staff report suggests that if a tower
2 is placed on the Fisher property that the tower will become the
3 primary use of the property, and that was never our intention.
4 We wanted to tuck this, the tower, back, you know, along the
5 back property abutting the right-of-way so that we could -- you
6 know, so that basically there could be room for future
7 redevelopment of the parcel down the road if a combination of
8 the lots were to ever occur, and we think that by shrinking it
9 down even more than what we've represented we reduce the
10 tower's footprint even more, and, you know, it basically goes
11 from, in the mind of the Village, from being a primary use of
12 the site to an accessory use, which is really what we were
13 getting at. So, you know, I wanted to raise that as an issue
14 and something that we could consider. If that is a big concern
15 for the ZPA, we can look at it.

16 CHAIRMAN KHOURY: Thank you, Mr. Long.

17 MR. LONG: Yeah. In addition to that -- I've got another
18 handout here for you.

19 (Materials handed out.)

20 I think Mr. Simmons did a nice job of
21 presenting discussions and the direction we received throughout
22 the course of the summer and early fall as to conducting
23 alternate-site analysis to determine, A, whether or not there
24 was some other location that we could use to put the tower at

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1 or whether or not there was an opportunity to colocate. And I
2 can tell you that if you take a look at the proposed location
3 of the site, you look at all the sites around there, they're
4 all sites where T-Mobile has colocated, including I think at
5 least one village water -- are we on two village water tanks or
6 one?

7 MR. SIMMONS: Two.

8 MR. LONG: Two water tanks. You know, so this is not a
9 situation where T-Mobile doesn't want to install its antenna on
10 a water tank or anything like that. But we did look at the
11 High Road water tank down the 300 block, and the problem with
12 that site is a couple of different things.

13 If I may, I'm just going to come up and point
14 to the board, if you don't mind. Oh, it's wireless.

15 The village water tank on High Road is
16 something that won't work for T-Mobile for a couple of
17 different reasons. First, the site is away from the original
18 search area a distance that's much further away than the
19 subject property. But in addition to that, you know, the goal
20 of T-Mobile is to provide, you know, not only service along
21 Highway 14 but in addition to that commercial grade, and it's
22 sort of its gold-standard service in this vicinity of the
23 village. And as you get away from this area, the likelihood of
24 being able to provide adequate coverage in this desired area

1 goes away. And the RF engineer from T-Mobile looked at that,
2 and in his affidavit he indicates that that site doesn't work.
3 The other challenge with this site on High Road is that it
4 interferes with -- or would interfere with the coverage
5 provided from the T-Mobile site on the village's water tank
6 along Cary-Algonquin. So you're looking at a couple different
7 problems in the village using the village water tank at 300
8 High Road.

9 In addition to that, the site we looked at,
10 the existing SBA tower on the east side of the village -- in
11 fact, I think when this tower was built it was in the township
12 at one point and then annexed into the village, if I'm not
13 mistaken? Is that the case, Brian?

14 MR. SIMMONS: It's still unincorporated.

15 MR. LONG: Oh, that's still unincorporated? That's
16 outside the village. Okay.

17 Once again, that site gets us away from being
18 able to provide coverage in the area where we want to be. And
19 one of the rules of radio frequency engineering is is that
20 you've got to be in the vicinity of what you want to cover.
21 You know, you can't be a distance away from the area you want
22 to cover in order to properly cover it. But in addition to,
23 you know, the existing water tank and the existing tower,
24 earlier this summer we were asked to explore whether or not

1 there's some additional properties to the south of the proposed
2 site that might work, and we looked at a few of these, and
3 there were some sites that would work from a radio-frequency
4 point of view. They were -- however, these were properties
5 that Mr. McGrew's firm had previously contacted, and the
6 property owner did not want to do a lease for a tower.

7 CHAIRMAN KHOURY: Could you repeat that, please?

8 MR. LONG: Sure. There were three properties in the
9 village that we looked at that were to the south of our
10 proposed site, and I believe they were down in this area, if
11 I'm not mistaken, if not maybe a little bit further. They were
12 sites that would work from an RF point of view, but they were
13 sites that we could not get a tower lease on. The landlord
14 didn't want to lease them to us. And it's my understanding
15 that there was common ownership with all three parcels.

16 CHAIRMAN KHOURY: Thank you very much, Mr. Long.

17 MR. LONG: And this letter that we just handed out to you
18 sort of goes through and describes that. It references these
19 three parcels.

20 I'm just going to turn it over to Derek for a
21 couple minutes. I'm sure you're sick and tired of hearing me
22 talk.

23 MR. MCGREW: All right. My name is Derek McGrew. My
24 company did do the original search for the site for T-Mobile,

1 Parallel Infrastructure, now called Lend Lease, was the company
2 building the tower.

3 What I handed you is a letter about the
4 Com Ed towers that are nearby. They present a lot of issues.
5 The first issue was that while we know that there was an
6 approval in 2006 there was the denial in 2011, so we didn't
7 feel like that was a realistic opportunity to colocate because
8 the Village had already made it pretty clear that wasn't
9 something they wanted. And then the other issues here -- and
10 I'm just going to read through it. I talk pretty fast, so It
11 won't take long.

12 (Letter read.)

13 This was signed by Patrick Mahoney who's a
14 T-Mobile site development manager.

15 CHAIRMAN KHOURY: So, Mr. McGrew, as it relates to --
16 I'm no subject-matter expert in this work, but I am aware that
17 someone has put some cell towers on the Com Ed lines.

18 MR. MCGREW: It has happened in the past, but it's --
19 they're trying -- it's because it's so unsafe, they're trying
20 to do away with it completely. As a matter of fact, a lot of
21 the sites that we developed for T-Mobile were near Com Ed
22 high-tension power lines, but they're so costly, so dangerous,
23 so expensive that they're doing everything they can to get away
24 from them. They're really structurally not -- if you think

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1 about it, how long those -- I don't know how long you guys have
2 lived here. Think how long those have been here. They're not
3 designed for these, so basically what they have to do is put a
4 limited -- like for this tower, they'll put on nine antennas
5 and other radios and that kind of thing. For a Com Ed tower,
6 they can't handle that. It might be three antennas before you
7 really start getting a structural issue with the tower itself.

8 MR. SIMON: Can you go back to the slide that shows the
9 Algonquin Road installation. That one. There you go.

10 In this picture it doesn't look like they're
11 attaching the antenna to the Com Ed infrastructure. They're
12 building the tower that fits inside the Com Ed infrastructure.

13 Do you agree?

14 MR. McGREW: I agree.

15 MR. SIMON: So does that address the structural issues
16 that you've described with installing antennas on the Com Ed
17 structure?

18 MR. McGREW: It could. It's possible. I guess the -- I
19 don't have a lot of experience, to be honest with you, with
20 that kind of installation. It's really unusual. I've seen it
21 before. There's not a lot of them out there. Most of the time
22 they install them right onto the tower. The one thing I can't
23 answer right now and I've been trying to get the answer out of
24 Com Ed, a lot of Com Ed high-tension power lines you can't use.

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1 They won't let you.

2 MR. SIMON: I'm sorry. What was that?

3 MR. McGREW: They won't let you use their particular
4 lines, and -- for whatever reason, engineering or safety or
5 whatever their reason is. I can't say for sure tonight that we
6 cannot use it from a Com Ed perspective. What I'm saying is
7 they -- the installation without doing something like that is
8 extremely limited.

9 MR. LONG: And if I might add, with regard to the
10 installation on the Com Ed pole that's depicted here, the pole
11 that goes up through the middle of the Com Ed infrastructure
12 isn't a -- it's a much smaller pole, and as a result, the
13 loading isn't necessarily as good as it can be, and it can't
14 accommodate as much as what a monopole that's not installed
15 this way will do. So in addition to that, what -- this doesn't
16 accomplish any goals of colocation for additional carriers, you
17 know, in the future as well as this is only a one-carrier type
18 of installation.

19 MR. McGREW: One thing I wanted to add is that the
20 installation has the small load on it, like the one I'm
21 referring to. It only has three antennas. I only see three
22 antennas on there. That's kind of what I'm talking about.
23 It's a limited installation. Even with the pole in the middle,
24 they can't put nine antennas on that little pole.

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1 MR. LONG: Derek, did you want to also talk about -- I
2 know staff had a question about the photo sims, and Derek was
3 involved with their preparation, so I'll ask him to sort of go
4 through -- I don't know, Brian, if your questions related to
5 the first three or the last two.

6 MR. SIMMONS: Primarily, the last two.

7 MR. LONG: Sure. Okay.

8 MR. McGREW: Okay. You listed the questions, but I
9 didn't know what they were.

10 MR. SIMMONS: As far as looking at these two slides, it's
11 provided just from testimony as far as the difference between
12 the two and what they're depicting. As you can see, in the
13 first slide it shows the landscape and the buildings and the
14 second slide does not. So just to verbalize more the
15 difference between the two images.

16 MR. McGREW: Okay. I got you. Okay.

17 So basically, because when -- we were given
18 these two locations from -- I assume from you or someone in
19 your staff, and when we went in and we saw -- and basically, we
20 take some sort of photo and we then superimpose the tower onto
21 the photo like we did on the previous three. For these two
22 locations, when we attempted to superimpose it you couldn't see
23 any of it, and so what I did is I did -- I was concerned due to
24 a previous denial of this particular tower. I wanted to make

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1 sure it was accurate, so what did is I used another tool which
2 actually superimposes the tower onto the landscape without the
3 trees so you can see. If you look at both of the photos next
4 to each other, the tower, it would not be seen from that
5 location, which I think is what the point was of requesting the
6 two additional photo simulations.

7 MR. SIMMONS: The request that we provided was the first
8 three that were provided were from the eastern look at the
9 property and then the locations four and five were requested to
10 provide that view from the east. That's one additional reason
11 for why those two images were different than the first three.

12 MR. McGREW: Only because you and I are two of the only
13 few of the people involved in this from start to finish, may I
14 ask why we were recommended for approval the first time with a
15 150-foot pole and we were recommended by your staff for denial
16 this time with a smaller pole?

17 MR. SIMMONS: It was recommended for approval not only
18 the first time with 150 foot --

19 MR. McGREW: Yes, it was.

20 CHAIRMAN KHOURY: I think where Mr. Simmons is I think
21 that was the staff report and I think that's the distinction
22 Mr. Simmons might be making.

23 MR. McGREW: Okay.

24 MR. LONG: So do you mind if I just go back through for

8 (Pages 29 to 32)

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1 one of the slides that you had?
2 MR. SIMMONS: Sure. Go ahead.
3 MR. LONG: I know another issue was raised with regard to
4 the two discrepancies and the locations of the search area, and
5 it's my understanding that they were -- they're very close in
6 proximity. They're -- I think they're about 900 feet apart, if
7 I am not mistaken, somewhere in that neighborhood. I did a
8 measurement today. I think it's 995 feet. But in essence, I
9 don't know if either one is more preferred over the other by
10 T-Mobile, but that -- the bulls'-eyes -- the bull's-eye for
11 both of them are sort of close proximity with one another, and
12 given the amount of time that's passed over the last
13 year-and-a-half, two years since the applications have been
14 working their way through, it may have changed. Also, the
15 search ring may have changed as a result of the tower height
16 coming down. I'm only speculating. I don't know why we have
17 two different search areas, but I can represent to you, I
18 think, the maps speak for themselves that they're in essence in
19 the same vicinity and the same neighborhood.
20 CHAIRMAN KHOURY: Sir, do you have additional testimony,
21 Mr. Long? Because I want to give our ZPA members the
22 opportunity to ask questions of yourself or your colleague.
23 MR. LONG: I'd be glad to field questions now if
24 that's --

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1 CHAIRMAN KHOURY: I want to thank you both for your
2 testimony. I appreciate the effort you put into it. But I
3 sense that some of our members are probably going to have some
4 questions. So why don't we just pause, and if you need to have
5 further testimony --
6 MR. LONG: No problem.
7 CHAIRMAN KHOURY: Gentlemen, why don't we pause here for
8 a moment. I don't know if anyone at this time has questions.
9 I know I have a couple.
10 So I guess, Mr. Long, I'll start off with,
11 what's really driving this?
12 In other words, is T-Mobile trying to get a
13 gold standard?
14 Everyone in this room probably has a cell
15 phone. I don't personally use T-Mobile because my company
16 doesn't pay for that provider. I was asking friends that do
17 use it do your calls drop in that vicinity, and I didn't get an
18 affirmative response from anyone. So I'm trying to understand
19 this desire to put this monopole up, what's really creating the
20 concern.
21 MR. LONG: I would say that what's driving this is the
22 goal for T-Mobile to have superior wireless coverage in the
23 village and this vicinity. I think right now, you know, based
24 on that first handout that I provided the ZPA, you know, if we

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1 just rank them, that first map shows the gold -- you know, what
2 the existing gold standard is. I think that second map shows
3 what the existing silver standard is, and then the third map
4 would show what the existing bronze standard is. And I think
5 T-Mobile wants to upgrade -- because if you take a look at that
6 first map, it doesn't really show very, very good in-building
7 commercial coverage, and I think T-Mobile's trying to enhance
8 it so that it's the gold standard, for lack of a better. I'm
9 using my term.
10 CHAIRMAN KHOURY: That's fine. That's the term I was
11 using.
12 MR. LONG: They want to enhance coverage in the area.
13 CHAIRMAN KHOURY: I understand from a business
14 perspective what the goal is. But as it relates to the
15 testimony, my understanding is that you're not necessarily --
16 if you're a T-Mobile customer coming into the existing area in
17 Cary you're not necessarily losing your call on T-Mobile today;
18 is that accurate?
19 MR. LONG: I would say that there's functionality with
20 the phones right now. I mean, you can certainly use your
21 phone. There's coverage. T-Mobile has coverage in the
22 village. Is it the best coverage they can possibly offer its
23 customers? No. That's why they need the site.
24 CHAIRMAN KHOURY: Mr. Long, I just want to let you know,

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1 the gentleman that's in the back, we're going to give the
2 public a chance to comment, so rest assured.
3 MR. FISHER: Before you vote?
4 CHAIRMAN KHOURY: Absolutely. That's part of our
5 process. We're going to allow the public to speak. So rest
6 assured you will have an opportunity. So thank you.
7 MEMBER O'LAUGHLIN: You handled what I wanted to ask.
8 MEMBER GRAZIANO: Well, my first concern was answered by
9 this last letter regarding the Com Ed line. But I also have a
10 little problem.
11 How does your search determine in-building
12 commercial as bad coverage in an area where there is no
13 commercial property?
14 MR. LONG: Sure. Well, I would say that the -- when they
15 say in-building commercial coverage that's something that they
16 want to, you know, really establish everywhere because that
17 gives a user in any type of setting, whether it be a commercial
18 building or a residential building or being outside, the
19 absolute best user experience that the customers can have.
20 MEMBER GRAZIANO: Let me rephrase the question. How do
21 you know that there's a lack of in-building commercial coverage
22 in an area that has no commercial structures, which is
23 basically that whole northeast area that's shown here?
24 MR. MCGREW: If you look at the handout that came out, I

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1 believe -- it's actually the one that Brian's looking at with
2 the colored maps -- you will see on there there are two little
3 labels on there. I believe they say PICO, P-i-c-o.
4 Do you see those on there, Brian?
5 MR. SIMMONS: Yeah. The second slide they provided.
6 MR. MCGREW: Those are two commercial properties who had
7 such substandard coverage that we had to provide what are
8 called eco cells. What those are are those are in-building
9 systems that we install in the inside of the building. So that
10 is really -- if there's nothing else that proves that we don't
11 have coverage, that proves that we are having to put
12 in-building systems in the area to fill this whole -- within
13 the coverage I think you'll see either one of them shows to be
14 in the decedent coverage, but we had so many -- T-Mobile had so
15 many clients that they had to install these PICO cells.
16 MEMBER GRAZIANO: Okay. I don't think you answered my
17 question, but let's go on.
18 MR. MCGREW: Did you look at -- I want to answer your
19 question.
20 MR. LONG: Mr. Graziano, I think I know what you're
21 getting at, and that is, T-Mobile does a lot of modeling with
22 their networks, so they have engineering tools, propagation
23 tools that they use to -- what they basically are coverage
24 predictor. And so they can look at a site or a series of

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1 sites, and they run these propagation models, and they get an
2 idea and an understanding -- and it's a pretty accurate idea --
3 as to what the coverage looks like now, and then that allows
4 them to plan for what areas of their network needs to be
5 improved. And this was one of these areas when they ran the
6 modeling they determined that they needed an improvement.
7 MEMBER GRAZIANO: Okay.
8 MR. LONG: I'm not sure if that answered --
9 CHAIRMAN KHOURY: So gentlemen, other questions for the
10 Petitioner at this time?
11 MR. JASPER: Do you know how your competitors are
12 arranging coverage within this area, or is it a desert zone for
13 them as well?
14 MR. SIMON: In terms of where the antennas are, you mean?
15 MR. JASPER: Yeah. Well, number one, whether they have
16 coverage or that they have the same issue; and if they have
17 coverage, how have they done it?
18 MR. LONG: Well, I can tell you that their -- some of the
19 competitors, it's my understanding, are on some of the same
20 sites that we are on that sort of surround the area.
21 MR. JASPER: Right.
22 MR. LONG: There's that SBA tower that's on the east
23 side -- or east of the village, that there are some carriers on
24 that. But each network is certainly designed differently, and

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1 one carrier's objective may be different than another. But in
2 essence, I think that they're probably on a lot of the same
3 sites that we're on that are sort of in the surrounding area.
4 MR. JASPER: Yet they're still able to provide coverage
5 to the area you don't serve right now.
6 MR. LONG: That may be. I don't know.
7 MR. SIMON: So I want to add a clarification for the
8 board. To the extent your question seeks to find out what
9 facilities they're using to provide coverage to identify
10 whether other towers are sufficient to close the gap, that's
11 relevant to this inquiry. However, each carrier is entitled to
12 their own network, so if there's good coverage by their
13 competitors, the fact that there's good coverage by their
14 competitors is not sufficient for you to say we don't need you.
15 MEMBER JASPER: Oh, that's not where I was going at all.
16 What I'm saying is somebody solved the
17 problem, you haven't. Why did they solve the problem?
18 MR. SIMON: Super.
19 MR. MCGREW: Just like a radiowave, cell phone signals
20 are like a radiowave, and some of them saturate better than
21 others, some of them go a bit further than others. So
22 unfortunately, even though Verizon or AT&T or Sprint may be
23 using the same structures, the saturation in the buildings is
24 different. The distance in which the signal goes is different.

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1 And so that's why -- I mean, that's why -- they share as much
2 as they can, but in some cases they can't. And while I can't
3 divulge more information I'm allowed to give, I'm aware of
4 another wireless provider that is going to need coverage in the
5 same location very soon. So I thought I'd let you know that
6 because it's important to that question.
7 MR. JASPER: Yep.
8 CHAIRMAN KHOURY: So, Mr. Jasper, I think I was trying to
9 ask the question similarly. I was asking do you provide
10 coverage. It sounds like yes. But they're trying to get to
11 their over-arching standard of the gold service, if I was
12 understanding your comment.
13 MR. JASPER: If I'm understanding this right, they're
14 able to provide service outside. They're able to provide
15 service in some residential buildings; and through their
16 modeling, they've determined that they're not going to be able
17 to provide sufficient or consistent commercial -- in commercial
18 buildings, in buildings other than frame structures. Is that
19 adequate?
20 MR. LONG: I would say that the coverage that we're
21 offering in outside as well as the coverage that is -- could be
22 offered in a residential building will be greatly improved by
23 this site as well. I mean, there's some coverage now, yes.
24 There is adequate outdoor coverage for the most part throughout

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1 the vicinity where this tower is, but T-Mobile's goal is to
2 improve the coverage to the point where it's -- you can get a
3 faster data speed that -- you know, to run the apps on a smart
4 phone in addition to being able to sustain a voice call.

5 CHAIRMAN KHOURY: So, gentlemen, other questions for the
6 Petitioner?

7 (No response.)

8 All right. So I want to say thank you,
9 Mr. Long, and to yourself for your testimony.

10 And to the gentleman, this is the time where
11 we actually open up to the public. And so if you remember the
12 opening comments, if you'd be kind enough to state your name
13 and address for the record you're welcome to address us.

14 And just for the record, for everyone that's
15 assembled here it's not necessarily designed to be a question
16 and answer between ourselves and yourself or yourself and the
17 Petitioner, but we tend to be flexible, so we'll do the best we
18 can

19 MR. FISHER: Okay. Well, I'm Gary Fisher. I'm the
20 property owner. So I don't see too many people here. But I
21 just had a couple things I wanted to say as far as their
22 coverage.

23 Before this ever even existed, we had Sprint.
24 I own a company on Detroit Street. My daughter has a ceramic

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1 of your property to park on. So I'm thinking okay, maybe a
2 tower will be through so that has the usage situation here.
3 I'm thinking the tower may go through. Fine, whatever you
4 want. They're giving me \$250 a month to park five cars there.
5 Okay. So they're in there and everything. There's all kinds
6 of problems with the place in between us, walking through their
7 property, and that's still being addressed with the Village and
8 put the sidewalk in and all that. But the Burger King's got a
9 heck of a problem there. So what's going to happen in two,
10 three years? I can't sign a year -- an indefinite lease with
11 you. Where are you going to park? We'll worry about that when
12 the time comes. Okay.

13 So I have no desire to build anything there.
14 When my building burned down, they kind of laughed at me and
15 said ha ha, you can't rebuild here because you were
16 grandfathered in. And this is not industrial; this is retail.
17 So I bought a building back in the industrial park, and I'm
18 sitting on this place, paying at the time it was 8- or \$9,000 a
19 year in taxes with no city sewer or anything. I fought them,
20 got it down to about five-grand a year. I've been sitting on
21 the property since it burned down about 12 years ago. And
22 believe me, I'm tired of it. I want to sell it. I couldn't
23 give it away when the building burned down. I was offered --
24 fifty-grand, you could have bought the property. Well, now the

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1 shop on Main Street, and I live over on Second and Sherwood
2 across from the apartments; three distinct, different
3 locations. We had Sprint, and there was a phone war going
4 around, everybody trying to get everybody's service, just like
5 the utilities do. So we switched. We switched to T-Mobile not
6 knowing anything about this. Every location we got they had to
7 install an amplifier in. My daughter had no phone service with
8 T-Mobile. My company over there, Gage Grinding, didn't have
9 any service. I have one little mark on my phone in my office.
10 At home my wife was complaining, oh, my God, the service is
11 terrible. I says we can't keep switching these thousand-dollar
12 phones back and forth either, so we stuck with it. They put
13 amplifiers in our houses. We did what we had to do. So I've
14 had a bad experience with T-Mobile, and I wish I would never
15 have switched. I wish I'd stayed with Sprint, to be honest
16 with you. But then all the sudden we get this phone call about
17 this T-Mobile tower and everything.

18 I'm sitting on a piece of property that a
19 couple years ago the, a year ago or so, whatever it was -- time
20 flies by so fast -- I was sitting in a meeting and the Village
21 was hustling to get the Burger King through. Burger King comes
22 up to me. Wow, we've got a problem, we have no parking. How
23 the heck can they let you build a business with no parking. We
24 got a problem, we need to lease property, we need to lease some

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1 cell tower is going on, or possibly, so now I'm sitting back
2 and I'm waiting, waiting, waiting, see what happens. But if
3 the Village ever wanted to buy the property or wanted to take
4 the front end or whatever they want to do, I really don't care.
5 I don't want to have anything to do with it anymore.

6 So I just thought I'd throw that in. When
7 you guys were talking about dropped phone calls and stuff,
8 yes, that happened a lot. And, I don't know, maybe you're not
9 talking to T-Mobile users, but they do happen. I've had three
10 situations where it happened to me.

11 Land usage, since that Burger King took the
12 corner it kind of ruined the whole piece of property as far as
13 I'm concerned. You know, we're not on 14. We have an access
14 to 14. Unless I were to buy the Masonic Lodge, that property
15 is kind of, you know, useless to everybody. So I just wanted
16 to make that point so you get an idea what I'm doing with the
17 property. It is being leased to the Burger King, and there is
18 a problem with dropped calls.

19 CHAIRMAN KHOURY: Thank you very much, Mr. Fisher.
20 Appreciate it.

21 So before -- are you looking to speak,
22 Mr. Long, or just grabbing your notes?

23 MR. LONG: Yeah. I just want to make sure I addressed
24 all the questions that staff had.

11 (Pages 41 to 44)

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1 CHAIRMAN KHOURY: At it relates to the protocol, I just
2 need to double-check to see if there's anyone else that would
3 like to address from the public before we move back to
4 testimony.
5 Is there anyone else?
6 MS. MASO(phonetic spelling): Can I address? But I'd
7 rather not give my address.
8 CHAIRMAN KHOURY: Would you be kind enough to approach
9 the microphone so we can hear you and people that are listening
10 will get to hear you. Thank you very much.
11 MS. MASO: I just had --
12 CHAIRMAN KHOURY: Could you just say your name? If you'd
13 be kind enough to do that, please.
14 MS. MASO: I'd prefer not to. I do live in Cary.
15 MR. SIMON: We need to have at least your name.
16 MS. MASO: Jackie Maso (phonetic spelling.)
17 CHAIRMAN KHOURY: Thank you very much.
18 MS. MASO: The question -- I don't know -- where is 30
19 Northwest Highway?
20 CHAIRMAN KHOURY: Where is it?
21 MS. MASO: Where is the tower being proposed?
22 CHAIRMAN KHOURY: Are you -- you live in Cary; right?
23 MS. MASO: Right.
24 CHAIRMAN KHOURY: And you know where the Burger King is?

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1 MS. MASO: Is it right near Burger King?
2 CHAIRMAN KHOURY: Right in that area.
3 MS. MASO: How close to 14 is it going to be?
4 CHAIRMAN KHOURY: So just -- I want to be clear. Again,
5 we'll be as flexible as we can. But this part of the
6 proceedings is not necessarily designed to be a question and
7 answer.
8 MS. MASO: Well, I'm just trying --
9 CHAIRMAN KHOURY: I understand. I'm going to be as
10 flexible as I can, but we can't go through 30 different
11 questions.
12 MS. MASO: Well, just in terms of how visible is it for
13 people, you know, living in the area to see a ten-foot tower or
14 one-hundred.
15 CHAIRMAN KHOURY: It depends where you are. As the
16 gentleman was suggesting, it depends where you're going to be
17 able to see a 100-foot tower depending on which way you're
18 coming in and out of the community.
19 MS. MASO: That was in terms of it being an eyesore is my
20 concern. Anyway, thank you for your time.
21 CHAIRMAN KHOURY: Well, thank you very much for your
22 comments. We appreciate it.
23 MR. SIMON: If you're interested in seeing the
24 application that includes some simulations of how it will look

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1 once it's been built, there were five sets of pictures that
2 simulate how it will look from different directions.
3 MS. MASO: All right. Thank you.
4 CHAIRMAN KHOURY: Thank you, Mr. Simon.
5 All right. So unless there's anyone else to
6 speak from the public, we'll close that portion of the meeting.
7 And if the Petitioner would like to readdress
8 any of the issues that you felt as though you weren't able to
9 comment on, Mr. Long.
10 MR. LONG: No. At this time I think we addressed at
11 least our understanding of all staff's questions that were
12 raised in the report. So we don't really have any further.
13 CHAIRMAN KHOURY: Thank you for your testimony. We
14 appreciate it.
15 All right, gentlemen. So I just want to ask
16 Mr. Simmons a couple of questions that -- Mr. Simmons, you had
17 talked previously about planning and from our recent efforts to
18 create a master plan for the community and how this particular
19 land use fits into a category that may not be consistent with a
20 100-foot monopole.
21 Can you start out with reframing that part of
22 your discussion?
23 MR. SIMMONS: Certainly. The Village in 2014 went
24 through a process to adopt a new comprehensive plan for the

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1 village of Cary which was formally adopted in 2015. In this
2 subject's area, the northwest corner of Jandus Cutoff and
3 Route 14, it's referred to as the Cutoff properties within that
4 plan. The plan speaks towards encouraging redevelopment
5 through potential consolidation of those parcels. So
6 recognizing that the uses that have been established there
7 previously, they're smaller lots or have different development
8 constraints, but the nature of the properties would warrant
9 consolidation potential, redevelopment of all the parcels in
10 substantial form or unified fashion. You know, the staff's
11 comments in the staff report was focusing on the use of this
12 property for the proposed lease area that the Petitioner
13 proposing -- Petitioner provide a response to that as the
14 amount of land area that that is accommodating within the
15 Cutoff area properties. So it accommodates a significant
16 portion of this property, subject property. Again, due to the
17 nature of the shape of the property, it's located in the
18 southwest corner of the site, which would be the center of
19 those five properties. If they all were to redevelop together,
20 it would take a significant portion of that property that would
21 potentially, with the in-grades that are in the area and the
22 amount of the land area that's there, might potentially impede
23 the redevelopment of those parcels.
24 CHAIRMAN KHOURY: Thank you very much, Mr. Simmons.

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1 So, gentleman, other questions or comments
2 about this particular application?
3 MEMBER JASPER: Well, first, I'd like to go --
4 continuation upon that consideration. You know, two things.
5 The piece of property that we're talking about currently does
6 not have ownership to access to Route 14. It has an easement,
7 I presume. He said right-of-way.
8 So does that land actually roll out onto 14,
9 or is that somebody else's property which he has an easement
10 right to use?
11 MR. SIMMONS: There's a shared drive which provides
12 access to the properties in the area. His property does have
13 frontage on Route 14. It's a sliver that goes out there, if
14 you will. And then the lodge, which is the property that's
15 directly to the north, shares that driveway as well. So it's
16 an existing shared driveway that provides access to both the
17 subject property, over the subject property, and also to the
18 lodge adjacent property as well. And the slide that's showing
19 there, you can see how that projects out and would actually
20 have the frontage on Route 14.
21 MR. JASPER: Okay. We're projecting retail uses for this
22 property as part of the planning process?
23 MR. SIMMONS: Correct. The comprehensive plan encourages
24 commercial development of the property. So retail or

1 service-type uses would be appropriate uses for the property
2 based off the land use recommendation of the comprehensive
3 plan.
4 MR. JASPER: Okay. Is there a chance that you're
5 overstating the impact of a 40 by 40 or a 60 by 60, whatever it
6 currently is, and their willingness to, you know, cut it down
7 in size?
8 I forget what it would have been, the impact
9 of whatever if we re-cut those parcels. I mean, to me that
10 sounds like it's a fairly -- there's a work-around to it. I
11 mean, if it's retail it's probably going to be a back parking
12 lot or delivery area. If it's service, it's going to be a
13 parking lot or -- it's not as though it's stopping a building
14 from being used out on that site.
15 In other words, I guess what I'm asking is,
16 is that -- with where it's located, with any kind of
17 redevelopment there would be a number of potential
18 work-arounds.
19 MR. SIMMONS: Certainly, I think where the tower is
20 proposed to be located is probably the best location on the
21 site to allow for other development to occur. You know,
22 staff's concern was focusing on, you know, if redevelopment of
23 the parcels were to occur, consolidate those parcels. You
24 know, the grades that have -- from where the site is located to

1 the property just to the south there's a significant drop-off.
2 Having the tower in that location may impede the ability to
3 unify those properties in a feasible way from a development
4 standpoint. That's the other purpose. Certainly, you know,
5 some of the development could occur. There might be
6 engineering aspects to that, but there was a concern they
7 observed as far as --
8 MR. JASPER: So as part of the lease, as part of the
9 conditional use, is it feasible to require flexibility on part
10 of the lessee as far as if that plot of land is to be
11 re-excavated?
12 MR. SIMMONS: I think that might be something that could
13 be incorporated in the conditional use or a standard as far as
14 to allow for redevelopment of the parcels. There might be a
15 way to include a condition that would allow for modifications
16 to the site if the tower could be -- it comes down to a
17 feasibility to do so, what those perimeters would be allowed,
18 you know, the project to move forward and what the impacts of
19 the use would be or that would require removal or replacement
20 of the tower at that point.
21 MR. JASPER: Okay. As far as what you heard tonight,
22 your concerns regard A, B, and C.
23 CHAIRMAN KHOURY: On which items?
24 MR. JASPER: I'm sorry. I'm looking at his

1 recommendation, and the last sentence of his recommendation
2 lists out A, B, and C as far as staff's reasoning behind not
3 recommending this, and that was the purpose of this whole
4 meeting tonight, was to allow the Petitioner the opportunity to
5 respond to those concerns.
6 So my question to Brian is, with what was
7 presented here tonight -- you know, let's start with B, the
8 conflicting evidence of the significant gap. For what they've
9 talked about, for what they've presented tonight, you know,
10 have they responded to your concerns and alleviated your
11 concerns? If not, why?
12 MR. SIMMONS: I appreciate the question. As I mentioned,
13 the concern that I have which was addressed was looking at
14 colocation of both pole locations.
15 MR. JASPER: Well, colocation C. Let's stick with gap in
16 coverage.
17 MR. SIMMONS: Sure. As far as the coverage, obviously
18 the Petitioner brought in testimony as far as the difference
19 between the information as posted on their website and the RF
20 coverage. You know, I think from the standpoint of what was
21 provided, it does indicate that there is -- you know, they
22 believe there's a coverage gap still within the area and that
23 the subject property would provide that service.
24 MR. JASPER: My question is, do you believe that?

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1 MR. SIMMONS: I still think -- you know, I'm not a
2 propagation engineer, so, you know, I haven't done the analysis
3 myself. But looking at the maps that are provided, there still
4 are areas that do not have -- the area is not fully covered
5 with the proposed tower. So in my opinion, there still would
6 be gaps in the area that the tower would not satisfy.

7 MR. JASPER: Okay. And what about C, the colocation
8 issues?

9 MR. SIMMONS: C. You know, the Petitioner has indicated
10 they're still waiting for information back from Com Ed as far
11 as the use of those towers. I believe those, you know, still
12 are an option that could be explored further as a location that
13 the Village has supported in the past for installation of an
14 antenna structure on that I believe would be appropriate in the
15 area that would not allow another tower to go into this
16 vicinity. And also with the slide that's shown here with a
17 single location, it may not provide enough coverage for the
18 area. But the primary information that the Petitioner provided
19 indicates that if they utilize the High Road tower it would not
20 provide service to the northeastern portion of the village
21 where there's another water tower that may provide that type of
22 a gap. So I still think they are potential for colocations in
23 the area that have not fully been vetted.

24 MR. JASPER: Okay. And for just everybody else's relief,

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1 my final question --

2 CHAIRMAN KHOURY: You're welcome to ask as many questions
3 as you like, Mr. Jasper.

4 MR. JASPER: -- I'll go back and ask the same question
5 that I asked of the Petitioner.

6 What's their competition doing as far as the
7 coverage area and use of towers or colocation or whatever to
8 provide coverage or is this currently a desert zone where
9 nobody's able to provide sufficient coverage across the entire
10 spectrum of what coverage is needed, so if commercial buildings
11 were to develop and there are other carriers able to provide
12 coverage within those buildings, to your knowledge?

13 MR. SIMMONS: To my knowledge, I could not speak to that
14 as far as what the existing coverage is for other carriers in
15 the area. There are multiple towers that are within the
16 vicinity of the village of Cary on the north end of the village
17 and also as the one that was referenced along Main Street that
18 do have carriers that are providing coverage for this area. I
19 can't speak to whether those other carriers have service gaps
20 that are in the village of Cary that would not be satisfied.

21 MR. JASPER: I'm not a politician, but I lied anyway.
22 One more question.

23 MEMBER O'LAUGHLIN: My turn.

24 MR. JASPER: Are there any areas in and around here where

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1 the Village could, you know, purchase or commandeer a piece of
2 land in order to allow a tower to go up to provide coverage in
3 this potentially desert area?

4 MR. SIMMONS: It would be a prerogative of the Village
5 Board if they wanted to purchase property for that purpose.
6 The Village already has property that we do own in the case of
7 the water towers that we do have leases on the towers within
8 the community. The two water towers referenced here are the
9 two closest locations that could potentially be used for
10 leasing purposes.

11 MR. JASPER: I'm talking about property that is not being
12 used for towers of any kind at this point in time to put up a
13 new tower to provide additional coverage.

14 MR. SIMMONS: It would have to be something explored by
15 the Village Board if that's a policy they want to pursue.

16 MR. JASPER: But there are -- there are areas where they
17 can do that.

18 MR. SIMMONS: Yeah. There may be facilities or
19 properties in the village that could be purchased or developed
20 for cell tower equipment. Most of the Village has discussed in
21 the past utilizing the industrial zones or the village property
22 public works facility central location for tower as well, if
23 that answers your question.

24 MR. JASPER: Those are all the questions I have.

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1 Thank you, Brian.

2 CHAIRMAN KHOURY: Is there anything else, Mr. Jasper?

3 MEMBER O'LAUGHLIN: I --

4 CHAIRMAN KHOURY: Mr. O'Laughlin, were you going to have
5 a question?

6 MEMBER O'LAUGHLIN: I only have one quick question for
7 Brian.

8 Because I know where our comprehensive plan
9 is going and I know when we look at this -- let's just -- I'm
10 looking at figure 3 where you have it as a triangle as the
11 Cutoff properties, and I understand what you're saying in our
12 comprehensive plan we're looking at potential that we could
13 merge all five into one big commercial property.

14 MR. JASPER: Or 2 or 3.

15 MEMBER O'LAUGHLIN: Or 2 or 3.

16 My question comes down to this, is -- and
17 maybe you don't know -- does Burger King own that land or do
18 they lease?

19 MEMBER WILLIAMS: I think he said they leased it.

20 MR. SIMMONS: I believe they lease it.

21 MEMBER O'LAUGHLIN: If they own, they're not going to
22 sell, so they're not going to consolidate those five.

23 So that was my question. Okay. Thank you.

24 CHAIRMAN KHOURY: So gentlemen, other questions?

14 (Pages 53 to 56)

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1 MEMBER WILLIAMS: Maybe not a question but a question
2 could come out of it.

3 So I would imagine based on basic logic
4 this tower is going to be more expensive than putting something
5 on a water tower; right?

6 Logic would say it's going to be less
7 expensive to put something on a water tower. So hypothetical
8 numbers, if it's half could you split it and do one on one --
9 do two for the price of one and just do it on the water towers
10 versus having one large one? Is that feasible?

11 I mean, does that make sense? Do you follow
12 what I'm saying?

13 MEMBER O'LAUGHLIN: Your question is do they have one --
14 do they have one on High Road or Three Oaks because if they
15 don't they put one on both would it cover in between.

16 MEMBER WILLIAMS: Right. Yeah. If you put two on, would
17 you have an overlap, you know, a Venn diagram if you would, and
18 it would be cheaper? Because I imagine the equipment is not
19 going to be as much as having to do a huge tower and whatever
20 comes with it, than that. I'm just -- if that's a possibility,
21 two for one instead of having a large tower that's going to
22 take up that property. So I'm just throwing that out.

23 MEMBER O'LAUGHLIN: That would be a question for the
24 experts.

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1 MR. McGREW: Much like real estate, this is location,
2 location, location, so the answer would be no. The reason is
3 is because the -- when you're -- I assume you're talking about
4 the two water tanks, and the water tank -- you can't see it on
5 this map, but if you have another water tank right next to that
6 water tank, so that one would be completely like a duplication.

7 MEMBER WILLIAMS: Okay.

8 MR. McGREW: Like no change at all. And the one to the
9 northeast, as you can see, is -- it's like a mile away. So
10 it's a location problem more than anything else. If there was
11 a water tank right -- anywhere in between where it says search
12 area in our little push pin, we'd be using the water tank.

13 MEMBER WILLIAMS: And, again, I don't know, how roughly
14 high is the water tank versus the tower that you're proposing?

15 MR. McGREW: I'm glad you asked that. I don't know how
16 tall the water tanks are. Typically, I find that they're
17 anywhere between 90 and 140 feet tall. The Com Ed towers we're
18 right next to are typically 140 feet actual. We're proposing a
19 100 feet. That's what I mean by location, location, location.
20 It would be great if we could build one 300-foot.
21 Unfortunately, these days it just doesn't work like that.

22 MEMBER WILLIAMS: Okay.

23 MEMBER GRAZIANO: As long as you're up there, did you do
24 the original study 18 months ago for the 150-foot tower?

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1 MR. McGREW: I did not. A guy that worked for me did.
2 He's no longer with the company, so I had to step in.

3 MEMBER GRAZIANO: The reason I ask is -- and my memory
4 isn't always the greatest -- but it seemed to me that when he
5 was here he said 150, got to have it, got to have 150, can't do
6 anything else. Now you're back here 18 months later, you
7 chopped 50 feet off the top of the tower and it's still gonna
8 work.

9 What happened in between?

10 MR. McGREW: Unfortunately, I can't speak for the people
11 who made that decision. But basically, that's what we were
12 told at that time. Now, I don't know if maybe circumstances
13 have changed. I don't think anything's changed. I don't think
14 the Burger King replaced their -- changed the coverage. But
15 no, honestly --

16 MEMBER GRAZIANO: You recall the same thing?

17 MEMBER O'LAUGHLIN: I'm kind of recalling the same thing.

18 The one thing I'm looking at -- and my memory
19 isn't that great anymore either -- but when this goes in
20 it's -- if I remember these two from before, the 150 actually
21 closed up a lot of these gaps, a lot more of those gaps.
22 You're still obviously having some white gaps. I'm not
23 gonna -- don't quote me on that. But I want to say that it did
24 give better coverage than what a hundred is.

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1 MEMBER GRAZIANO: Okay. That was -- you know, I'm kind
2 of at a loss here. It was pounded into us.

3 MEMBER O'LAUGHLIN: Yeah. It had to be 150 feet. I do
4 remember that.

5 MR. McGREW: It shows us that that's where we need to be.
6 And I don't remember -- I'm not going to lie and say I
7 remember. I was here. I was in the back listening, but I
8 don't remember what was said. I don't remember how much more
9 coverage we had, if any.

10 MEMBER O'LAUGHLIN: And the technology changes.

11 MR. McGREW: It does, yeah. Technology has changed since
12 that time as far as we're concerned. As a user, you don't hear
13 about it. You see on your phone 3G, 4G, and every time that
14 changes we have different antennas that go on top every single
15 one of them.

16 CHAIRMAN KHOURY: Since you just went through the live
17 questioning and opened it up, I'll continue on that line for a
18 moment.

19 Since technology does change, is your company
20 or T-Mobile considering satellites versus ground-based?

21 MR. McGREW: Satellite has failed so often there's no
22 reason to believe it's going succeed, would be my answer to
23 that question. I get that question sometimes. There's even
24 cell tower balloons, believe it or not, that have been tried.

15 (Pages 57 to 60)

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<p style="text-align: right;">Page 61</p> <p>1 It works for the military. It doesn't work for the common 2 user. There's too many users in a given area, buildings are 3 too high, and eventually the balloon has to come down. So the 4 other technologies, just as far as those are concerned -- I 5 mean, maybe some day. That said, a lot of people are a lot 6 smarter than me who are buying up towers and building towers as 7 fast as they can because that's how we fill these gaps. 8 I wanted to address something about the 9 coverage. 10 And, first of all, Brian, I apologize to you 11 personally. I had a note that staff recommended approval. It 12 wasn't staff. It was the planning commission that recommended 13 approval last time. So I was incorrect on that. Sorry about 14 that. 15 Now I lost my train of thought. 16 So I also do work for other carriers. I'm 17 working for a carrier right now, and I'm site acquisition now 18 in Valparaiso, Indiana, probably a town about the size of Cary. 19 Those sites for this carrier are getting so close together it's 20 hard for me to believe. I'm looking at six-tenths of a mile 21 from one site to the next. That's how close together these 22 sites are getting. 23 So I want to reiterate to Mr. Jasper that I 24 do know of a carrier that's going to need a site. Basically,</p>	<p style="text-align: right;">Page 63</p> <p>1 you know, where they're at and where the desert exists and 2 where else people are going to be putting towers around here, 3 you know. So, you know, I think this is probably -- the first 4 actor is going to hold all the cards and they're going to have 5 to lease off that tower. 6 MEMBER WILLIAMS: Everyone's going to go lower and lower 7 and lower. So if you're the last one in, you're not -- 8 MEMBER O'LAUGHLIN: 60 feet. 9 MEMBER WILLIAMS: Yeah. They're going to want a new one 10 because it's not high enough. 11 MEMBER JASPER: May I ask a question of the Petitioner? 12 CHAIRMAN KHOURY: Please. 13 MR. JASPER: Is this a question of economics? 14 Does T-Mobile have the capability of cranking 15 up the volume, if you will, the power of the radio frequency to 16 get the coverage they need but in doing so it becomes less 17 economic and, you know, they're not -- thereby not necessarily 18 feasible or outside of, you know, their profit goals? 19 MR. MCGREW: The short answer is no. That's not the 20 decision. The decision is that the coverage gap is where the 21 coverage gap is. 22 MR. JASPER: But can you fix the coverage gap other than 23 throwing up another tower and putting up another antenna by 24 cranking up the power of the current antennas that you</p>
<p style="text-align: right;">Page 62</p> <p>1 the center of their search ring is in between those two push 2 pins that are in the middle of your map. And so there's going 3 to be another carrier here not too long -- you know, in the 4 near future, and if you have a colocated structure we're going 5 to have the same problem. Now, that said, a 100-foot tower -- 6 we looked at a 100-foot tower. We know then -- because I'm 7 kind of here representing two clients. I'm here representing 8 the tower builder and also T-Mobile. The tower builder wants 9 the tallest tower they can get because they can put more and 10 more antennas on that tower. T-Mobile said that they can use a 11 hundred feet, but actually I think it's a little lower than 12 that. The tower's antennas are 97 or something. But anyway, 13 this carrier can use a hundred feet in this location. It would 14 have been great to get 150, but we felt reducing the height 15 increased our chances of approval with your Village. 16 CHAIRMAN KHOURY: Thank you very much, Mr. McGrew. 17 So, Mr. Jasper, actually I think you were 18 going on a path that I was going to go down. 19 Were you thinking about a colocated site in 20 the event that this was approved it was going to create a 21 response from other providers and, therefore, opening up a 22 Pandora's box of people coming in to request cell towers? Is 23 that where you were going with that? 24 MEMBER JASPER: Well, I was just kind of looking at it,</p>	<p style="text-align: right;">Page 64</p> <p>1 currently have -- 2 MR. MCGREW: No. 3 MEMBER JASPER: -- or what's being given to those 4 antennas to distribute? 5 MR. MCGREW: No. Definitely not. 6 MEMBER JASPER: Okay. Thank you. 7 CHAIRMAN KHOURY: All right, gentlemen. Let me just 8 double-check with the ZPA members. 9 Are there other questions or comments? 10 Anything for Mr. Simon? 11 MR. SIMON: No. 12 CHAIRMAN KHOURY: All right. So, gentlemen, the way this 13 is on my paper is the same as yours. I would like each of you 14 to turn to your page 7 on your document, and it says in support 15 of a positive recommendation. There's items A through D, so we 16 have A, B, C, and D. And at the top of the page in support of 17 a negative recommendation is items A through F. So I want to 18 give each of you a moment to make sure that you're reading 19 through those items before I call the motion. 20 And this is -- counsel, I just want to make 21 sure that process I articulated is acceptable from a legal 22 perspective for this meeting, or do I need to read through each 23 and every one of those items? 24 MR. SIMON: We can refer to --</p>

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1 CHAIRMAN KHOURY: The document.
2 MR. SIMON: -- the document. It's in the record. It's
3 part of the evidence in the hearing.
4 CHAIRMAN KHOURY: Very good. So I'd like to give
5 everyone the benefit of just a few minutes to make sure that
6 everyone's reading through those stipulations.
7 MR. SIMON: Counsel reviewed the memo as well, so we're
8 familiar with it.
9 CHAIRMAN KHOURY: Excellent.
10 (Members reading.)
11 CHAIRMAN KHOURY: Did you have sufficient time?
12 All right.
13 MEMBER JASPER: May I -- before we call for the vote, may
14 I make an additional comment --
15 CHAIRMAN KHOURY: Absolutely.
16 MR. JASPER: -- to the fellow members of the board?
17 CHAIRMAN KHOURY: Absolutely.
18 MR. JASPER: I have -- well, and to the Petitioner, I
19 guess. Mainly to the Petitioner, I guess.
20 I have a strong feeling here that this
21 recommendation or this vote tonight is going to go against your
22 petition. I would strongly suggest that you consider
23 withholding, withdrawing the petition and further negotiations
24 with the Village Board, with Mr. Simon, so that you address the

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1 concerns of the Village further. I don't think that you've
2 fully addressed his concern, and I think there's more that you
3 can do to address your concerns and alleviate parts, you know,
4 especially when we go back to his recommendation, parts B and
5 C. I think that you can alleviate his colocation concerns, and
6 I think that you can alleviate the concerns -- I'm sorry. I'm
7 completely blocked, my mind. But anyway, so I think that with
8 further conversations you guys can move the needle a little
9 closer so that you're a little closer together because I don't
10 think that you guys are close at all. You've brought it closer
11 tonight, but I don't think you've done it enough. And then in
12 regards the actual use of the property you're actually -- what
13 you're doing on the property, I think that both you and the
14 Village have got to think a little bit more long-term as
15 regards -- you know, what you're lease is going to be. You
16 don't want to go into a lease that satisfies your issue today
17 that is going to cause problems for somebody else down the
18 road. I think that -- I think the Village and yourself need to
19 negotiate on exactly what's going to be allowable in the
20 future, how does this particular tower facilitate the future
21 development along the lines that the Village has outlined.
22 CHAIRMAN KHOURY: Mr. Jasper, if I can just make one
23 comment, just because I know Joan is articulating what we're
24 speaking about. I think in your opening comment you were

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1 saying to continue to negotiate with Mr. Simon. I think you
2 meant Mr. Simmons.
3 MEMBER JASPER: Simmons, yes.
4 CHAIRMAN KHOURY: I just want to make sure we have that.
5 MR. JASPER: Brian.
6 MEMBER GRAZIANO: Can I disagree with Mr. Jasper?
7 CHAIRMAN KHOURY: You absolutely can, Mr. Graziano.
8 MEMBER GRAZIANO: I think, first of all, the Cutoff
9 properties, as they call them, have existing businesses on some
10 of them now, as opposed to looking right across Route 14 to big
11 open space, looking right across Jandus Road to an even bigger
12 open space and a couple of parcels down by the -- across from
13 the bank at Second Street. There's a lot of open parcels there
14 for retail that are ready to go. We don't have to talk about
15 consolidation. We don't have to talk about grading, and we
16 don't have to talk about the fact there's no sewer and water on
17 the property. There's places there, and it's just not jumping
18 out. If I was going to locate a tower anywhere in that whole
19 area, I would want to put it either, A, on the Commonwealth
20 Edison right-of-way or right adjacent to it because there's a
21 bunch of towers there now. So I couldn't think of a -- other
22 than -- if there were some way to use a water tower or, I don't
23 know, some other piece of village property that would be more
24 appealing, shall we say, to our Village Board. I can't think

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1 of one. So just my personal opinion.
2 I voted for the 150-foot tower. I intend to
3 vote for the 100-foot tower because I can't think of a better
4 location that just kind blends in.
5 MR. JASPER: And I agree with you. But I think that --
6 we're not going to cover it tonight, but I think that the
7 Village and the Petitioner need to be closer together as to
8 what they're exactly going to do on that property, both
9 currently and down the road if something were to change.
10 MEMBER GRAZIANO: How far down the road do you want to
11 go?
12 MR. JASPER: Giving them a 99-year lease, 99 years.
13 MEMBER GRAZIANO: Okay.
14 MR. JASPER: I don't think we're giving them a 99-year
15 lease.
16 CHAIRMAN KHOURY: All right.
17 MEMBER GRAZIANO: Why don't you make an offer to the
18 village, Gary?
19 MR. FISHER: I've tried. Make me an offer.
20 MEMBER GRAZIANO: It would look a heck of a lot better if
21 it was village property or the board would be a lot more
22 favorable.
23 MR. FISHER: Exactly. They bought two lots that's
24 costing them money. At least they'll make money on mine.

17 (Pages 65 to 68)

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1 CHAIRMAN KHOURY: All right. So why don't we come back
2 to the Petitioner, please, Mr. Long.
3 MR. LONG: Sure. If it's -- we're not opposed to -- if
4 the ZPA believes that we have not satisfied the conditions of
5 colocation alternatives and/or the -- I think the other item
6 was the RF --
7 MR. JASPER: Right.
8 MR. LONG: -- and the coverage issue -- if the ZPA
9 believes that we have not properly addressed staff's concerns
10 we'll certainly entertain another opportunity to further
11 address them, and we request the application being held over.
12 I don't necessarily know if we withdraw the application --
13 MEMBER JASPER: Whatever the proper --
14 MR. LONG: -- but if you're looking -- we certainly would
15 like -- if you feel that at this point in time the ZPA cannot,
16 you know, vote in favor of our proposed tower, we certainly
17 would like additional time to have this petition held over for
18 a period of time reasonable enough for us to get this --
19 CHAIRMAN KHOURY: So, Mr. Long, let me be clear about
20 this. I don't know which way the vote will go. I want you to
21 be aware --
22 MR. JASPER: But one thing that we are clear of is that
23 Brian does not think that his concerns for staff's
24 recommendation to vote this down have been satisfied, and no

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1 matter what we vote, would it go to the Village Board, that's
2 going to go carry probably more weight than what our vote
3 carries.
4 CHAIRMAN KHOURY: Well, that's where I'm going with this,
5 Mr. Jasper.
6 For the benefit of the Petitioner, because
7 let's assume for the sake of this philosophical discussion that
8 it goes the direction that Mr. Jasper is first suggesting. If
9 that were to occur, I think you know the rules of the road,
10 that you could not request another application for, I believe,
11 one year.
12 MR. SIMMONS: Correct. If there's a denial at the
13 Village Board level, there's a one-year waiting period before
14 the can reapply for the same request.
15 MR. LONG: I'm really saying we prefer a tabling over a
16 denial.
17 CHAIRMAN KHOURY: I think, Mr. Long, I have no idea how
18 everyone is going to vote. But I think what's being asked at
19 the moment is do you want additional time to reflect, like you
20 did the last time, about this particular application or not.
21 It's completely in your purview to do exactly what you want
22 this evening. If you'd like us to call a vote, we'll happily
23 do it, and we'll see where that goes.
24 And again, we're an advisory committee, as

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1 you know well. And ultimately, it's the elected officials that
2 make the final decision about our discussion this evening.
3 MR. LONG: Sure. I would say that --
4 MR. JASPER: I think part of what should weigh in your
5 decision is if Brian thinks that, you know, he can be -- his
6 concerns can be satisfied. You know, if I'm leading you down a
7 dead-end path because, you know, Brian doesn't think that even
8 what you brought tonight has gone anywhere towards satisfying
9 his concerns, you might be at a dead-end.
10 CHAIRMAN KHOURY: Let me ask the question a different
11 way, Mr. Jasper. Are you aware since you and I have worked on
12 this committee together of any other monopolies that have gone
13 up in our town?
14 MR. JASPER: No.
15 CHAIRMAN KHOURY: That's more than ten years.
16 MR. JASPER: Yes. Do I think some of them should? Yes.
17 CHAIRMAN KHOURY: That's a different question. Okay.
18 So I want to give everyone a bite of the
19 apple here.
20 So is there other comments or questions?
21 Mr. McGrew.
22 MR. MCGREW: Brian, do you think if we met just in your
23 office in a week or two, before the next planning commission
24 meeting, can your concerns be satisfied as far as the coverage

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1 is concerned?
2 I know you just got these maps tonight, so
3 you maybe didn't have the opportunity to really vet them as
4 well as maybe you'd like to. But if it looks exactly what you
5 thought you saw before, or are we wasting our time tabling it?
6 MR. SIMMONS: Well, I think from my staff report and the
7 review of the case, you know, the concerns that I had -- and
8 you've addressed to some extent, you know, the colocation
9 options and those concerns. I think you said you're still
10 waiting for a response back from Com Ed for the installation of
11 the equipment. If all those options are vetted and are now
12 feasible, then I think there's a way we can review that and go
13 forward. If there's additional information that you still can
14 obtain to substantiate why this location is the only location,
15 you know, in my opinion, my recommendation, there's still
16 options that are out there that haven't been fully vetted and
17 eliminated yet before we can determine that this is the best
18 location.
19 MR. MCGREW: Can you quickly list those? What are those
20 things?
21 MR. SIMMONS: Through my analysis, looking if it's both
22 water towers or a combination of one water tower and the
23 existing -- you know, the tower that's located along Main
24 Street for a colocation option; whether it's just one or two

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1 locations utilizing the Com Ed right-of-way for their
2 installation or for a tower location in that vicinity that
3 would provide adequate coverage for the area in question. The
4 primary issues they would have to provide documentation that
5 shows if those are utilized or not utilized could you get
6 adequate coverage in that area.
7 MR. LONG: And just so --
8 MR. SIMON: Just so -- I don't want -- I apologize. One
9 of the other concerns Director Simmons raised was whether or
10 not the improvement will frustrate the Village's goal for the
11 end use of this property. So I think one of the things that
12 the applicant has to study is how it can install the facilities
13 in a way that sustains the flexibility for future
14 redevelopment.
15 MR. LONG: Yeah. And that was the question I had. I
16 mean, we -- this is something, you know, I made, you know,
17 comment to the fact that we can -- if this was a concern to the
18 ZPA we could look at adjusting the compound area to, you know,
19 minimize the amount of land that the tower would be taking up.
20 And I think, you know, if we look at that a little further we
21 might be able to show, you know, the revised site plan that
22 shows what this looks like not only from the point of view of
23 the Fisher property but then in addition to that the -- to
24 combine parcel one with two.

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1 CHAIRMAN KHOURY: So, Mr. Long and Mr. McGrew, am I
2 hearing you correctly that you're looking for an extension to
3 this application, or are you looking for this body to call the
4 vote this evening?
5 MR. LONG: We'd be glad for an extension to address these
6 issues because it sounds like, you know, there are some
7 unknowns and that staff's not satisfied with the -- you know,
8 what's been presented tonight so far and that we could perhaps
9 have a discussion off-line to address, you know, what else we
10 can look at and examine prior to this body voting.
11 CHAIRMAN KHOURY: Well, we tend to be a reasonable group
12 here, and I mean, I think everyone's trying to find a common
13 ground that you'll appreciate. I think you had the benefit of
14 the doubt the last time we held the meeting. Here we are
15 talking about an extension. But I really want to give the
16 benefit of the doubt of this one because Mr. Simmons is riding
17 saddle on this.
18 So is that going to be acceptable to you,
19 Mr. Simmons, to meet with the Petitioner again?
20 I think if I'm hearing Mr. Simmons correctly
21 some of the questions that you previously raised as far as he's
22 concerned tonight have not been addressed, and I think it's
23 important to have a productive meeting, that those key concerns
24 are formally addressed because we're going to go find ourselves

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1 at the same meeting two weeks from now, a month from now having
2 a similar discussion with no new information. I don't think
3 this helps anyone.
4 So I want to double-check with Mr. Simmons
5 that that's going to be an acceptable proposition before we
6 call that request.
7 MR. SIMMONS: Most certainly. If the Petitioner requests
8 a continuance to be able to provide additional information, I'm
9 more than happy to sit down with them and review the
10 information before we have it come back to this board for a
11 vote. If that's the will of the Petitioner to have additional
12 communication on the subject, most certainly.
13 CHAIRMAN KHOURY: All right. So is that going to be
14 acceptable to you, Mr. Long?
15 MR. LONG: Absolutely. Yes.
16 CHAIRMAN KHOURY: So now the question, gentlemen, is that
17 going to be acceptable to each of you?
18 So the Chair will entertain a motion to
19 continue the PI Telecom case to a future meeting date to be
20 determined, because I'm not sure if we know our next date,
21 Mr. Simmons.
22 MR. SIMMONS: I believe we'd have to continue it to a
23 date certain. If it's not ready for that date, we would then
24 continue it to a future meeting again.

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1 CHAIRMAN KHOURY: So a date to be determined.
2 MR. SIMMONS: Well, I would recommend the case be
3 continued to December 14, would be our next regularly scheduled
4 meeting.
5 MEMBER O'LAUGHLIN: Thanksgiving would be our next --
6 MEMBER GRAZIANO: Correct.
7 MEMBER O'LAUGHLIN: Sorry.
8 MR. SIMMONS: So I'd recommend a recommendation to
9 continue it until December 14, and then if we, the Petitioner
10 and I, have not, you know, satisfied, you know, the comments
11 that we've had this evening by that date we'll continue the
12 meeting to another date until the date that we can determine as
13 feasible to have that information submitted.
14 CHAIRMAN KHOURY: Very good. Okay. So where we are,
15 gentlemen, then the Chair will entertain a motion for
16 PI Telecom Infrastructure to continue this particular request
17 to the date of December the 14th. And I guess I would need a
18 motion.
19 MEMBER O'LAUGHLIN: So moved.
20 MEMBER GRAZIANO: Second.
21 CHAIRMAN KHOURY: Any discussion on that motion,
22 gentlemen?
23 (No response.)
24 So, Mr. Simmons, would you please call the

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1 roll.
2 MEMBER WILLIAMS: Yes.
3 MEMBER GRAZIANO: Yes.
4 MEMBER O'LAUGHLIN: Yes.
5 MEMBER KRETSCHMER: Yes.
6 MR. JASPER: Yes.
7 CHAIRMAN KHOURY: Yes.
8 So, gentlemen, thank you for your flexibility. I
9 think you can see that we're trying to find a common ground
10 with yourself, and I would just highly recommend that you
11 continue to talk to Mr. Simmons, and we'll see where this takes
12 us.
13 And I want to wish you both a happy
14 Thanksgiving to you.
15 (Other Village business conducted.)
16 * * * * *
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STATE OF ILLINOIS)
)
COUNTY OF McHENRY)

I hereby certify that I reported in
shorthand the proceedings at the above-entitled public
hearing and that the foregoing reported proceedings,
consisting of pages 3 through 77, inclusive, is a true,
correct, and complete transcript of my shorthand notes
so taken at the time and place aforesaid.



JOAN M. HOLUB
Certified Shorthand Reporter
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20 (Pages 77 to 78)

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