

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

MINUTES

August 26, 2010

Regular Meeting

The Regular Meeting of the Planning Board was opened at 7:34 pm by Chairman Andrew Gargano with a reading of the Legal Notice, followed by the Pledge of Allegiance.

ROLL CALL

Present: Mayor Bettina Bieri, Steven Castronova, Linda Connolly, Christopher Garcia (7:35), Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Thomas Harraka, Chairman Andrew Gargano, Substitute Board Planner Joanna Slagle, P.P., Board Engineer Paul Ferriero, Board Attorney Thomas Germinario, Esq.

Absent: None.

Chairman Gargano requested Planning Board Alternate Michael Siesta to sit on the Board in the Vacant Board position.

PUBLIC PORTION

The Chairman opened the meeting to the public.

Jim Novack, Larchmont Drive – addressed the Planning Board about a recent visit to the High School, noting that they were not ADA acceptable or compliant, hand rails were loose and Handicapped signs were not in place. He commented on the requirements of ADA compliance for all business and asked that all businesses, schools and Township owned facilities be inspected for ADA compliance. Mr. Novack also commented on the rock gardens surrounding the Town Hall and inquired about the lack of shrubs.

With no one else present wishing to address the Planning Board, the Public Portion was **closed** on a **motion** by Michael Siesta with a **second** by Councilman Weisbecker.

PRESENTATIONS

APPLICATIONS

PENDING APPLICATIONS

1952 UNION VALLEY ROAD, LLC - CARRIED TO SEPTEMBER 23, 2010

Preliminary & Final Site Plan #0820-0167AB

Bulk Variance

Block 3601; Lots 1 & 3

1952 Union Valley Road; CC Zone

Seeking: Preliminary and final site plan approval and variance relief regarding the removal of an existing 1200 square foot retail structure and the construction of a new 5000 square foot 2-story structure for a delicatessen with two apartments, including construction of a parking lot and new entrance on Union Valley Road.

Chairman Gargano announced that this application had been carried to the September 23, 2010 Planning Board meeting.

EXTENSION OF TIME REQUESTS

VINCENT LANZA

Minor Subdivision #0510-1976

Block 9501; Lot 12

1383 Macopin Road; R-3 Zone

Seeking: Extension of time for filing deeds for Minor Subdivision.

Vincent Lanza, owner of 1383 Macopin Road, was present to address the Planning Board regarding an extension of time for filing his Minor Subdivision deeds. Tom Germinario, Board Attorney advised that this approval had been extended twice before, with the latest expiration of September 5, 2010, and advised the Board that a six-month extension may be granted due to the delays the applicant has encountered in securing legally required approvals. Mr. Lanza advised the Board that he requires one more approval from Passaic County. He further advised that between the economy and the County, he hopes that he will be able to proceed within the next six months.

Motion to **approve** the Resolution No. 2010-11 granting an Extension of Time for Filing Minor Subdivision Deeds for six months, until February 28, 2011, for Vincent Lanza made by Councilman Weisbecker with a **second** by Michael Siesta.

Roll Call: **Yes:** Mayor Bettina Bieri, Steven Castronova, Linda Connolly, Christopher Garcia, Douglas Ott, Michael Siesta, Geoffrey Syme, Councilman Philip Weisbecker.
No: Chairman Andrew Gargano.

NEW APPLICATIONS

BROOKSIDE DEVELOPMENT, LLC

Minor Subdivision & Bulk Variance #PB-04-10-03

Block 14601; Lot 5

Union Valley Road; R-3 Zone

Seeking: Reversal of the prior subdivision to revert the properties to the configuration on West Milford Tax Maps prior to the 2004 subdivision approval, and seeking a new minor subdivision for Lot 5 with revision of the configuration of the lot lines, variance relief for front yard setbacks, for the construction of two four-bedroom single family dwellings.

BROOKSIDE DEVELOPMENT LLC

Minor Subdivision #PB-04-10-04

Block 14601; Lot 6 (5.03 & 5.04)

Union Valley Road; R-3 Zone

Seeking: Reversal of the prior subdivision to revert the properties to the configuration on West Milford Tax Maps prior to the 2004 subdivision approval, and seeking a new minor subdivision approval for Lot 6 with revision of the configuration of the lot lines, for the construction of two four-bedroom single family dwellings.

Richard Stein, Esq., from Sparta, NJ, attorney for the applicant, was present and qualified himself for the Board. He reviewed the applications before the Board, and noted that this matter was an unusual case that was driven by the Highlands Act. He stated that the Planning Board had granted Major Preliminary and Final Subdivision to the former owner, Alice Zampella, and that approval was memorialized on July 28, 2004. Mrs. Zampella closed title in November 2004 and the deeds were filed. In 2007, the current applicant filed for an extension from the NJ DEP and in July 2008 the Highlands Council determined that this project was not exempt due to the delay in filing the maps for the subdivision. Mr. Stein and his client discovered at a pre-application meeting with the NJ DEP that the date the maps were filed is the date they used for Highland's applicability, so therefore, the exemption did not apply. Because of the circumstances, the DEP agreed to review the application based on the two lots that were in existence prior to the major subdivision. A new application was prepared and submitted, and in April 15, 2010 the Highlands Exemption was received for minor subdivisions on Lot 5 and Lot 6. He requested that the Planning Board reverse the original major subdivision, and hear the two new minor subdivisions.

With regard specifically to Block 14601; Lot 5, and in order to comply with the Highland Act, a variance is required for the front yard setback due to existing wetlands. The Highlands determination dictates that the houses are to be constructed close together in order to keep the disturbance to a minimum.

Mark G. Walker, P.E., was present to address the Planning Board, qualified himself and was accepted as an expert witness for the applicant. He displayed Exhibit A-1 – an aerial photo of the site, entitled Lot Layout Exhibit for Block 14601, Lots 5 and 6. He also displayed an overlay with the proposed subdivision which indicated the wetlands line and the 150-foot transition wetlands area. He testified that due to the size of the wetlands, 75% of the lot area, the house must be constructed closer to the road. He reviewed the various other lots that were adjacent to and across from Block 14601, Lots 5 and 6 and their respective setbacks from the road. He noted that the proposed subdivisions would not result in more than 1 acre of disturbance and the plans as submitted to the Planning Board were the plans that were approved by the Highlands. In addition, he advised that in order to keep the area of disturbance to a minimum, the houses on Lot 5 and Lot 6 would share driveways. A deed would be prepared for the common driveway and limit of disturbance. Chairman Gargano inquired how maintenance and access issues would be handled with separate owners sharing a common drive, and Mr. Stein advised that this would be an agreement between homeowners, a maintenance deed separate from the easement, and will submit it to the Board attorney for review. Mayor Bieri inquired if the Board was approving development of the lots in addition to the subdivisions, and Mr. Germinario advised that the subdivisions are being approved for development. Mr. Ferriero, Board Engineer commented about the setbacks requested, and Mr. Stein noted that there was very little flexibility with the Highlands, which limits the disturbance to 1 acre, necessitating the proposed construction to be beyond the setbacks established by ordinance.

The Planning Board discussed the proposed minor subdivisions, and expressed that the houses be moved further back from the road, but within the limits of disturbance permitted by the Highlands. The Board discussed the proposed size of the houses, and Mr. Stein advised that the houses have a footprint of approximately 2300 square foot in addition to the garages. The Board also expressed that separate driveways were preferable, and Mr. Stein responded that if the County approves the separate driveways for each house on the County road, then they will be constructed. Mayor Bieri inquired about the Health Department approvals, and Mr. Stein noted that there were items to be addressed for Health Department approval. He also noted that there were 4 soil logs completed on each lot, and each passed. Mr. Stein also advised the Board that the wells had been installed. Linda Connolly inquired about the rating on the existing wetlands, and Mr. Stein replied that they were rated exceptional wetlands, and with the exemption a 150-foot buffer was required.

Chairman Gargano opened the meeting for public comment on this application. With no one present wishing to address the Board on this matter, the public portion was closed on a **motion** by Councilman Weisbecker with a **second** by Steven Castronova.

Mr. Stein advised that his client had no objections to any of the comments from the Planning Board and Board professionals. Mr. Ferriero stated that the houses should be moved 9 feet back from the proposed setback line so that they are 50 feet from the right of way. Mr. Stein found this was acceptable, although

commented that it reduced the rear yard. Mr. Germinario advised that conditions would include soil testing, separate driveways unless required to be common drives by the County, in which case a driveway easement with a separate maintenance agreement would be required. In addition, the limit of disturbance deed restriction be filed limiting the impervious cover to no more than 1 acre.

Motion to approve Minor Subdivision & Bulk Variance #PB-04-10-03 and Minor Subdivision #PB-04-10-04 for Brookside Development LLC, with conditions, made by Councilman Philip Weisbecker with a **second** by Steven Castronova.

Roll Call: **Yes:** Mayor Bettina Bieri, Steven Castronova, Linda Connolly, Christopher Garcia, Douglas Ott, Michael Siesta, Geoffrey Syme, Councilman Philip Weisbecker, Chairman Andrew Gargano.
No: None.

KURT RENZLAND

Final Site Plan #PB-06-10-07 (Phase 2)

Block 6002; Lots 39.02

921 Burnt Meadow Road; LMI Zone

Seeking: Final Site Plan Approval for Phase 2 (Building 2) for a one-story office / warehouse building and associated parking.

Mr. Renzland was not present for the hearing. Chairman Gargano advised that this matter would be carried to the next Planning Board meeting.

MEMORIALIZATIONS

RESOLUTION NO. 2010-08

ERIC & CAROL LOUER

Extension of Time

Preliminary Site Plan #0620-0249A

Block 3503; Lot 46

1925 Union Valley Road; CC Zone

Granted: Time Extension for Preliminary Site Plan Approval.

Motion to approve the Resolution No. 2010-08 for Eric and Carol Louer made by Councilman Weisbecker with a **second** by Douglas Ott.

Roll Call: **Yes:** Mayor Bettina Bieri, Steven Castronova, Linda Connolly, Christopher Garcia, Douglas Ott, Michael Siesta, Geoffrey Syme, Councilman Philip Weisbecker, Chairman Andrew Gargano.
No: None.

RESOLUTION NO. 2010-09

ERIC & CAROL LOUER

Final Site Plan #PB-05-10-06

Block 3503; Lot 46

1925 Union Valley Road; CC Zone

Granted: Final Site Plan Approval for renovation and expansion of the Greenwood Lake Animal Hospital.

Motion to approve the Resolution No. 2010-08 for Eric and Carol Louer made by Councilman Weisbecker with a **second** by Douglas Ott.

Roll Call: **Yes:** Mayor Bettina Bieri, Steven Castronova, Linda Connolly, Christopher Garcia, Douglas Ott, Michael Siesta, Geoffrey Syme, Councilman Philip Weisbecker, Chairman Andrew Gargano.
No: None.

PRESENTATIONS

Courtesy Review – Artificial Turf Field at West Milford Township High School (McCormack) Field

Township Administrator Kevin Boyle, Recreation Director Keith Knudsen, and Perry DiPiazza from Field Turf were present to address the Planning Board regarding the proposed artificial turf field project at the West Milford Township High School (McCormack) Field. Thomas Germinario, Planning Board Attorney, advised the Board that they did not have any jurisdiction in this matter, and that this was merely a courtesy review for the purpose of getting input from the Board and the public. He continued, stating that this matter will be conducted as an informal hearing and speakers would not be sworn in, and that the Planning Board may make recommendations at the end of the courtesy review.

Mr. Boyle, Township Administrator, began by noting that this was a joint venture program between the West Milford School District and the Township for the installation of a turf field in the Township. He assured the Planning Board that the Township and Board of Education have heard the concerns that have been expressed with regard to the artificial turf and will address them at this meeting. An exhibit was presented that included a plan for the turf field. Mr. Boyle advised the Board that this field would be a multi-use field to be used for various activities including football, soccer, field hockey, and marching

band. The turf field project was the result of a real estate venture involving the Township and the owners of the Random Woods property on Ridge Road. The Township pooled the funding available from the State and County Open Space funds in addition to Township Open Space funds to purchase the property for the purpose of establishing recreational facilities, including a turf field. Subsequent to the purchase, it was determined that the Highlands would not permit the recreational field on the Random Woods site. Another site proposed for purchase by the Township for Open Space and Recreation was the C.Y.O. site on Nosenzo Pond Road, and it was determined that the Highlands Act would not permit this site to be utilized for the turf field project. The High School Football Field was offered as an option and a committee was formed to review the matter. Several weeks of discussion resulted in a joint agreement between the Township and the Board of Education for the artificial turf field project at the High School (McCormack) Field. Mr. Boyle continued, stating that there were no NJDEP approvals required, and School Boards were exempt from the Highlands Act. The Hudson Essex Passaic Soil Conservation District Certification Permit was expected the following day. Mr. Boyle noted that the Township and Board of Education were very careful about ensuring that the project would not create any harmful effects.

Keith Knudsen, the Township Recreation Director, addressed the Planning Board about the concerns presented by the Environmental Commission as an advisory body for the Planning Board. He began by noting that the Recreation Advisory Committee has recommended the addition of recreation fields in the Township due to the limited amount that are available. He attempted to address the concerns that were presented to the Planning Board by the Environmental Commission in their memos, emphasizing that he was not an expert in turf fields. He made the following points with regard to the turf field:

- The work on the field was anticipated to begin in September and the H.S. home games should return in October, so there shouldn't much disruption in the schedules.
- The turf field that will be installed, "Field Turf," is lead free certified.
- With regard to latex allergies, the field is rubber backed. Research into this product has shown that there appears to be no widespread reports of allergies, as opposed to latex gloves that may result in allergic reactions.
- A review of the available data regarding infections from the turf field has shown that there is no increase in bacteria from this product.
- The rate of injuries with the current product is much lower than the older turf product. The new technology used incorporates a natural "give" which helps to reduce injuries.
- Studies conducted on the chemicals used in the product, synthetic rubber, reveal that the adverse health effects are low and unlikely to occur.
- The surface temperature will be greater on the turf field, up to 30 to 40 degrees higher, but watering and shade will help to lower the field temperature.
- The positive features with an artificial turf field are more durability and better drainage than a grass field, no pesticides will be necessary, no watering to encourage growth, low maintenance and reduction in carbon emissions, more use of the field, increased tourism, and elimination of a food source for the geese population.

Perry DiPiazza, a representative from Field Turf, addressed the Planning Board about the artificial turf field that is proposed for installation. He noted that the original turf field product that was used about 15 years ago, "astro turf," was composed of a tremendous amount of plastic. Alternatives to this original product have been developed. Field Turf, the new product his company represents, has been installed in over 355 fields, and it is considered the "Mercedes Benz" of the industry. The astro turf from the past resulted in numerous injuries, mainly from foot lock. He exhibited a sample of the new product for the Board, and explained that this product consisted of a 3/4 and 1 inch polyethylene blades with a patented spine, supported by rubber that is washed and recycled tire rubber. The voids between the blades are filled in with sand and rubber to allow foot release, resulting in fewer ACL and MCL injuries. Mr. DiPiazza stated that most safety studies had concluded that the artificial turf is safer than natural grass. He further explained the technology behind the fields, noting that water run through the rubber, and through approximately 6 inches of stone to flat drains which will drain around the field. He added that heavy rains will flow through pipes to a collector pipe. He reported that the average cost to maintain a natural grass field was approximately \$50,000 annually. The turf field can be used hundreds of times before repairs or replacement is necessary. Maintenance includes an expenditure of \$5,000 for a machine that would aerate the field approximately one time every six to eight weeks. As for injuries resulting in bleeding, a wet dry vacuum would be used and the area would be disinfected. A Board member inquired about the different models that are manufactured by Field Turf and whether the BOE field will be constructed with a premium product, and Mr. DiPiazza advised that the field would be the type used at the Giants/Jets stadium. The pro version of the prestige model contains more sand and is firmer, therefore it plays faster, but the High School field will be softer than the pro model. Another Board member inquired about the incidence of concussions and Mr. DiPiazza replied that the number associated with this, the "355 test," is greatly reduced with the model proposed for the High School field, and explained that certain heights/fall zones and resiliency levels are required for various sports. A Board member inquired whether golf could be played on this field, and Mr. DiPiazza replied that it could be done, adding that the fields can withstand ambulances on the surface for games and events, bandstands and chairs for graduation and special events. Mr. DiPiazza also commented about the UV inhibitors that are needed to deter UV deterioration. He noted that the turf product being proposed has an 8-year warranty, but the expected life is about 12 years. Chairman Gargano inquired what portion of the field would get replaced, and Mr. DiPiazza responded that the Field Turf company is owned by Tarkett, and the entire carpet is recycled, producing green pellets that are used in the fields as top fill.

Board member Doug Ott inquired about the excavation and Mr. DiPiazza informed the Board that Dakota Excavating would prepare the site for the turf field, and he noted that the track surrounding the field would be bridged, and the excavator would be responsible for all the work at the field. It was estimated to take one month for the complete installation. Mr. Ott inquired about the Relay for Life event and other activities that take place annually on the field, and the Recreation Director responded that tents used in the event can be secured with weights instead of stakes.

Following the review, Chairman Gargano opened the meeting for public comment. The following addressed the Planning Board:

Sandra Schimmenti, Union Valley Road, commented that her son is a senior at the High School who plays football, and the team and parents are looking forward to the turf field installation, adding that she hoped it would be completed for Senior Night.

Gillian Hemstead and Tim Metcalf, West Milford Environmental Commission, addressed the Planning Board about the two memo that were sent to the Board on August 6 and August 17, 2010 with attached studies regarding artificial turf fields. Ms. Hemstead noted that the Environmental Commission, as set by the Town Code, is an advisory commission to the Planning Board and Township Council, and they work in coordination with the Board. She reviewed several exhibits and maps regarding the location of the field as it related to the wellhead protection area for Macopin School. She noted that a lake and wetlands zone exists around the field, and several endangered species were identified between the field and the lake. She noted concerns with the field being installed and requested that the exact name and product number for the duraspine product be provided to the Township. Her research on a study in Connecticut showed stormwater run-off issues with elevated levels of lead and zinc. She referred to the information provided in the Commission's memos. Ms. Hemstead made a request for stormwater treatment methods to be put in place to reduce toxicity and to protect the environment. Chairman Gargano inquired if a stormwater management plan was necessary, and the Township Administrator replied that the NJ DEP does not require one for this project. He added that the Board Engineer was consulted and additional stone would minimize lead levels that may result. Paul Ferriero, Board Engineer, noted that this issue has been reviewed in depth, and that it was an open issue because zinc occurs on surface water. Mr. Ferriero concurred with Mr. Boyle that municipal projects that do not require site plan approval do not need a stormwater management plan. He reviewed some engineering measures that would help with the reduction of zinc, noting that an additional layer of stone at 6 to 8 inches would allow the recharge of water into the ground, with less water run off, adding that the turf system was comprised of stone and pipe and there were no issues relative to ground water. Ms. Hemstead noted that there are elevated levels of chemicals that come from the fields, but they do not exceed the DEP limits. The Board discussed the toxins that result from runoff. Ms Hemstead advised that the BMP (Best Management Practice) would be to mitigate the toxicity. M. Ferriero advised that the concerns are being addressed with additional stone. Chairman Gargano commented that a presentation was made to the Environmental Commission when he was involved with the P.A.L. building project and inquired if it was necessary for the Commission to review this project. Mr. Boyle replied that the project was brought to the Planning Board, but that the Commission had expressed concerns and these were being addressed. Ms. Hemstead commented that additional gravel and stone may not address the issue. She inquired whether the Material Safety Data Sheets (MSDS) were available and noted that these may help to alleviate some of the anxiety about the project. Chairman Gargano suggested that these be placed on the Parks and Recreation website, and Mr. Knudsen replied that he would see to it. Ms. Hemstead also requested a safety plan be established when temperatures reach above 90 degrees to ensure the safety of the product and the players. She referred to an article in the LA Times regarding a lawsuit that was filed against Field Turf for high levels of lead tested in the product, and she inquired whether the turf product being used in the High School field was the same product.

Mr. DiPiazza responded to Ms. Hemstead's concerns, noting that his company has been in business for over 15 years and they have installed over 350 turf fields in municipalities or schools in New Jersey. He understands that it is the Board Engineer's and the Environmental Commission's responsibility to identify environmental issues. He noted that this product was not a new product and has been used in approximately 4000 projects internationally. He referred to the astro turf field that has been installed in Newark, NJ near a contaminated metals plant, which revealed elevated levels of lead chromate. It was determined that this was the result of old astro turf that had sat for many years and the metals plant. Testing did not reveal any difference with elevated lead levels in residents who used the field and those who did not, adding that lead chromate was commonly used in carpeting. He stated that Field Turf has replaced many of the astro turf fields and they are an industry leader for the product and the only company that uses a lead free field product. He noted that the tire rubber does contain the normal level of lead, but the lead chromate is not in turf fibers. Mr. Ferreiro commented that the MSDS sheets for the rubber used in the field do not list lead. Ms. Hemstead advised that the Environmental Commission and the Planning Board want the MSDS sheets for the products being used in this project. She added that this is the first time West Milford is using this product and that we had no prior experience with a project of this type. Mr. DiPiazza replied that nothing is being hidden and the MSDS sheets are public knowledge and they would be provided for review. Councilman Weisbecker noted that this was a joint effort with the Township Council and the Board of Education and he inquired if the NJDEP were apprised of the project. Mr. Boyle replied that they had not been advised of the project. Ms. Hemstead advised that the Health Department become involved with overseeing the installation, and Mr. Boyle noted that there was a Township Safety Committee and it could be discussed at the Council meeting the following week. Mr. DiPiazza advised the Board that indoor fields do have problems with bacteria which

can be treated with certain chemicals, but that the UV rays kill much of the contaminants in outdoor fields. Treatment of the fields with chemicals would be up to the Township.

Celeste Byrne Hampton, Macopin Road, expressed concerns about the water quality that will be affected by the elevated temperature on the turf field and the wellhead protection area. Mr. Ferreiro commented that the wellhead protection area is outside the 12-year area, so this site was not essentially a wellhead protection area. She requested that the project be delayed until it has been investigated further and all the facts are brought to light, and asked that all the children be considered, not just the few that will be using the field.

Doris Aaronson, Bearfort Road, agreed with Ms. Hemstead and Ms. Bryne-Hampton suggested, and she distributed a chart regarding well issues with water table draw down and recovery after pumping and referred to several projects in the area that may have well issues. she asked that all the data be reviewed before considering this project. She also expressed concern about the rubber being used, and noted that the rubber breaks down and wondered what happens to the lead and other contaminants, adding that she has witnessed the decay with discarded tires on her own property. Ms. Aaronson also commented on the biological effects with regard to earthworms and bacteria that are present in natural grass fields and dirt, in addition to the threat to endangered species. She requested that biological studies be done.

Gary Steele, North Glenwood Road, addressed the Planning Board and stated that he was not opposed to the turf field, but wanted it done correctly. He inquired whom the Township and BOE are contracting with, and Mr. DiPiazza replied that D.T. Allen is the General Contractor and Field Turf is the subcontractor and the manufacturer and supplier of the field, adding that they are working for D.T. Allen. Mr. Steele inquired if D.T. Allen was doing a presentation on this project and Mr. Boyle advised that this is the presentation, noting that the Township is contracting with D.T. Allen to install the field, and that Mr. Allen's brother owns Dakota Excavating, who will be the excavator on the project. In response to Mr. Steele's inquiry about why this was the only presentation, Mr. Boyle replied that the School Superintendent Bernice Colefield and Business Administrator Steven Cea were invited, but Mr. Cea had recently left the district and the Superintendent had a prior commitment. Mr. Steele inquired if the School Board had voted on the contract and Mr. Boyle replied that they approved the installation of the field and the field type, but they have no contract, nor are they part of the contract, merely the recipient of the field. Mr. Steele commented on the contract costs, and the Township Administrator replied that the escrow from the Random Woods purchase was \$500,000. to pay D.T. Allen for the turf field and that was the maximum amount being paid for the field. Mr. Steele commented that the contract indicates that excess costs would be covered by the taxpayers. In response to Mr. Steele's comments about the turf product, Mr. DiPiazza replied that it is XM44 – Duraspine, Prestige Model, and has been manufactured for about 4 years, with variations made to the different layering. The rubber being used is an SBR rubber with natural silica sand. Mr. DiPiazza noted that the track at the High School was made from crumb rubber. He also noted that the oldest field of this type was about 8 or 9 years old. Mr. Steele requested a list of other fields installed with XM 44, and Chairman Gargano asked that a list be provided in order to compare this product with others. He also commented that this review should have gone to the Environmental Commission for reievew. Mr. Steele stated that he had researched the product with distributors and discovered that this was not a "top of the line" product. Mr. DiPiazza defended the product, and noted that it is better than what was initially proposed for the field, adding that the Giants and Jets are playing on the same turf. Mayor Bieri confirmed that there was another brand of product initially proposed and this was a better product.

Frank Yevchek, Papscoe Road, addressed the Board and stated that he had been involved with youth sports for 19 years and asked that we accept the gift and have faith in the professionals on this matter.

Bill Hemstead, resident, stated that he had been coaching for 15 years and appreciates the Environmental Commission's concerns, but he reviewed the data and feels that the field is superior. He noted Farrell Field and the problems with glass in the field which is over a landfill, and he thanked the Council and the Rec Dept. for their work on this project.

Elaine Maxwell, resident, was present at the Council meeting when this was discussed and she is very pleased with the project and feels that the athletes have earned this field.

Dirk Stevenson, resident, has coached on Farrell Field for 6 or 7 years and noted the terrible conditions of the field. He inquired whether anyone ever requested that a study be completed on Farrell Field.

With no one else present wishing to address the Planning Board on this matter, the public portion was closed on a **motion** by Mayor Bieri and a **second** by Michael Siesta.

The Planning Board made the following comments:

Doug Ott commented that the former owner of the Random Woods tract, Dan Allen, is a reputable contractor. He inquired who would manage the project from the Township's end, and the township Administrator replied that Paul Ferriero, as interim Township Engineer, and Eric Miller, Engineering Aide, would oversee the project.

Linda Connolly inquired if there would be any adverse effects on the field adjacent to the football field, and Mr. Ferriero replied that there would be no surface water leaving the turf field. He did express the need for additional stone for water quality and run off. Ms. Connolly inquired about the steepness of the road and the difficulty in getting machinery top the site, and Mr. Ferriero replied that there wouldn't be a issue with this.

The Planning Board requested that additional stone be used at the site per Mr. Ferriero's recommendations, and that the MSDS be posted on the Recreation Department website, and that the Health Department be apprised of the project. This completed the courtesy review of the Artificial Turf Field at West Milford Township High School (McCormack) Field.

BOARD ENGINEER'S REPORT – None.

MISCELLANEOUS

Approval Of Invoices – Board Professionals

Motion by Councilman Weisbecker with a **second** by Steven Castronova to **approve** payment of the invoices for the months of June and July, 2010. Invoice payment was approved unanimously by the Board.

Subcommittee Reports

Joanna Slagle, from Banisch and Associates, advised that Chuck McGroarty will bring information on the updated sign ordinance to the next meeting. Chairman Gargano asked that this matter be held to the next meeting. Ms. Slagle also advised that Mr. McGroarty had printed out updated zoning maps for review with regard to re-zoning, but she was asked to hold them.

There was a two-hour meeting on Master Plan Subcommittee.

MINUTES

Motion by Michael Siesta with a **second** by Councilman Weisbecker to **approve** the minutes of the July 22, 2010 Regular Meeting of the Planning Board. The Minutes were approved unanimously by the Board.

The following were reviewed by the Planning Board and filed:

COMMUNICATIONS

1. Letter received from Deron Jordan, President of the Pinecliff Lake Community Club, dated August 10, 2010, objecting to the proposed construction of a sidewalk on Pinecliff Lake property along Union Valley Road, and outlining reasons for the objection.
2. Notice from Rutgers New Jersey Agricultural Experiment Station regarding environmental training courses for Fall 2010 including Stormwater Management, Soils & Site Evaluation for Septic Disposal Systems and Stormwater BMPs, Lake Management, ARC GIS Introduction, and Environment and Public Health.
3. Notice from NJ COAH, dated August 10, 2010, advising that the Scarce Resource Restraint for West Milford has been lifted due to West Milford meeting COAH's requirements for filing a Petition for Third Round Substantive Certification and also due to its commitment to providing a realistic opportunity for affordable housing for low and moderate income residents.
4. Memos dated August 6, 2010 and August 17, 2010 from the West Milford Environmental Commission regarding the proposed installation of an artificial turf field at the WM High School, with attached documents regarding health and environmental concerns.

HIGHLANDS WATER PROTECTION & PLANNING ACT / NJ DEP CORRESPONDENCE

1. Notice of Deficiency, dated August 4, 2010, received from the NJ DEP regarding Harold Thomas, 89 Lincoln Avenue, for failure to pay the DEP's Oversight Cost Invoice with reference to review of all reports (Remedial Action Report) and investigations pertaining to site remediation.
2. Notice of an application, dated August 4, 2010, to the NJ DEP for a GP#25 for Mary Henaghen, 1812 Clinton Road, Block 207; Lot 11, with regard to a proposed installation of a sanitary disposal system.
3. Flood Hazard Area Determination from the NJ DEP, dated August 3, 2010, received for Linda Seibert, 22 John Street, Block 6602; Lot 13, stating that no flood hazard area permit is required for the proposed repair of a subsurface sanitary disposal system along Belcher's Creek as the repairs will be outside the flood hazard area and riparian zone of a regulated water.
4. Flood Hazard Area Determination from the NJ DEP, dated August 3, 2010, received for Mr. & Mrs. Robert Michaud, 6 Glencross Road, Block 7005; Lot 4, stating that no flood hazard area permit is required for the proposed installation of a subsurface sanitary disposal system along Belcher's Creek as the repairs will be outside the flood hazard area and riparian zone of a regulated water.
5. No Further Action letter received from the NJ DEP, dated August 11, 2010, regarding Kerrie Tomaszewicz, 1 Smithville Road, Block 705; Lot 9, with respect to removal of a 550 gallon No. 2 Fuel Oil underground storage tank and associated contaminated soils.

ADDENDUM

Chairman Gargano announced the following Addendum to the Agenda, a resolution authorizing a change in the account number for Paul Ferriero, P.E., Planning Board Engineer.

RESOLUTION 2010-10

A RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION #2010-02 FOR THE NON-FAIR AND OPEN CONTRACT FOR THE POSITION OF PLANNING BOARD ENGINEER PAUL W. FERRIERO, P.E., P.P., CME OF FERRIERO ENGINEERING, INC.

Amending the Township Treasurer's Account for the Planning Board Engineer's contract from Planning Board Appropriation Account # 0-01-180-500 to Comprehensive Planning Account #0-01-21-181-480

Motion to **approve** the Resolution No. 2010-10 made by Councilman Weisbecker with a **second** by Steven Castronova.

Roll Call: **Yes:** Mayor Bettina Bieri, Steven Castronova, Linda Connolly, Christopher Garcia, Douglas Ott, Michael Siesta, Geoffrey Syme, Councilman Philip Weisbecker, Chairman Andrew Gargano.
No: None.

ADJOURNMENT

Prior to adjourning, Chairman Gargano announced that the next Workshop meeting on September 2, 2010 may be cancelled, but that the September 23, 2010 meeting had several applications and hoped all Board members will be in attendance.

With no further business to come before the Board, Chairman Gargano **adjourned** the August 26, 2010 Regular Meeting of the West Milford Planning Board at **10:40 pm** on a **motion** by Councilman Weisbecker with a **second** by Michael Siesta.

Approved: October 28, 2010

Respectfully submitted by,

Tonya E. Cubby, Secretary