

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**MINUTES**

**October 7, 2010**

**Regular Meeting**

The Regular Meeting of the Planning Board was opened at 7:30 pm by Chairman Andrew Gargano with a reading of the Legal Notice, followed by the Pledge of Allegiance.

**ROLL CALL**

**Present:** Mayor Bettina Bieri (7:50), Steven Castronova, Linda Connolly, Christopher Garcia, Douglas Ott, Geoffrey Syme, Councilman Philip Weisbecker, Michael Siesta, Chairman Andrew Gargano, Board Attorney Thomas Germinario, Esq., Board Planner Chuck McGroarty, Board Engineer John Hansen.

**Absent:** Thomas Harraka.

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

**PUBLIC PORTION**

Chairman Gargano opened the Public Portion of the meeting. The following addressed the Planning Board:

Bill Remia, 5 Yancy Terrace, inquired about the status of the amendment to the long range facilities plan (LRFP) by the Board of Education, and Mr. Germinario explained that the LRFP was filed in Trenton, and the Planning Board's jurisdiction in this matter was limited to finding consistency with the Master Plan. He further explained that this action will not prevent the installation of the field; it is a fulfillment of a requirement of the MLUL, and that the NJ Department of Education (DOE) is the entity that makes the determination on the amendment to the LRFP.

Gary Steele, North Glenwood Road, inquired whether the Board had a copy of the amended LRFP, and then proceeded to distribute copies of the document to the Board. Mr. Steele continued by stating that Mr. Germinario had not been entirely accurate in his letter to Mr. Piaia of the NJ DOE, and Mr. Germinario clarified that the Board had not been asked to review the amendment to the LRFP at the time that a courtesy review was requested for the August 28, 2010 Planning Board meeting. He added that the Board's actions at the time were correct with the information that it had been provided. Mr. Germinario stated that he had not been contradictory in his advice to the Board, and that the former public hearing was a courtesy review, and this review of the amendment to the LRFP was to find consistency with the Township's Master Plan. Mr. Steele noted that he was in favor of the turf field, but not the process that was followed to receive approval. Board Member Michael Siesta inquired about the standard time limit for receiving comments from the public, and whether the Board should entertain comments on matters that they have no jurisdiction on. He noted that, with regard to the LRFP for the H.S. Turf Field, the Board had been charged with finding Master Plan consistency, and that some of Mr. Steele's comments were not within the purview of the Planning Board. Mr. Steele continued to address the Board with issues he had on the proposed Turf Field plans, including a well that was not depicted in the plan, additional stone requested by the Board was not noted, and drains that were not centered. Mr. Germinario again attempted to clarify the Board's position in this matter, and emphasized that the State DOE had exclusive jurisdiction on approval of the plan through the amendment, and that local school boards were not subject to land use regulations, other than use restrictions. He added that schools are required to comply with NJ Uniform Construction Codes (UCC), not local codes. Mr. Steele also commented about a dumping area that was discovered by the site of the proposed turf field, and he began to cite several zoning cases. Mr. Germinario reiterated that with the construction of school facilities land use restrictions do not apply.

Doris Aaronson, Bearfort Road, commented about the increased usage of the bathroom facilities with the new turf field, and distributed documents that referred to drainage from the bathrooms flowing into the Highview sewer plant, into Macopin River, and eventually Echo Lake Reservoir. She continued by stating that the Highview sewer plant had numerous violations and a recent NJ DEP inspection indicated that it was over capacity and polluting Newark Watershed. Ms. Aaronson also distributed "data sheets" on the turf field product, noting that there could be a serious fire hazard with all the chemicals used in the product, and that special fire equipment would be required.

Dave Richards, West Milford Board of Education, advised the Board that he was attending this meeting as a representative of the Board of Education.

Jim Novack, Larchmont Drive, referred to Doris Aaronson's comments about the septic issues. He further commented that the athletic field, field bathrooms and concession stand were not ADA accessible and asked whether the Planning Board could require the Board of Education to make the site ADA accessible. Mr. Germinario advised Mr. Novack to contact Tim Ligus who will be enforcing the Uniform Construction Code. Mr. Novack replied that he has addressed the matter with Mr. Ligus. Mr. Novack also noted that a Planning Board member made public comments about the Township Environmental Commission and suggested that the Board member recuse himself from this matter. Mr. Germinario advised that it has always been a policy not to stifle public comments in the public arena, and that the comments of the Board Member would have to relate to specific issues before the Board. In this case, only Master Plan Consistency would apply, so the comments made would not disqualify him.

Bill Hemstead, Germantown Road, addressed the Board as the president of the PAL, and noted that the PAL is host to over 700 children in the Township through various sport programs. He stated that the

need for fields increases as the sports programs grow, but with the Highlands legislation, new fields are almost impossible to build. He commented that all of the issues have been debated with regard to turf fields, and that over 300 turf fields have been installed in various towns in NJ. He attended several meetings in the Township regarding this project and felt that the issues of concern had been expressed, noted and addressed. He asked the Board to consider the athletes who have sacrificed use of the High School athletic field this year so that the future athletes will have use of an upgraded facility.

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

Mayor Bettina Bieri arrived at the meeting and inquired whether she missed anything that would disqualify her from voting on the Master Plan Consistency Determination; she noted that she was on the Turf Field Committee and will be executing the contracts for transaction. Mr. Germinario advised that she had only missed the Public Portion, but no presentation by the Planner or discussion by the Board on the Master Plan Consistency.

### **REVIEW AND RECOMMENDATION**

Chuck McGroarty, Board Planner, reviewed the West Milford Township Board of Education Long Range Facilities Plan Amendment to include installation of an artificial turf field upgrade on the High School Field. He referred to his memo dated October 7, 2010 which summarized the Board's responsibilities under the MLUL 40:55D-31, under Review of Capital Projects, section b., charging the Planning Board to "review and issue findings concerning any long range facilities plan submitted to the Board pursuant to the 'Educational Facilities Construction and Financing Act'... review of the extent to which the long range facilities plan is informed by, and consistent with, at least the land use plan element and the housing element contained within the municipal master plan..." With regard to the land use plan element, Mr. McGroarty advised that he read the Amendment to the LRFP and noted that this project was not the creation of a new field, but merely the resurfacing of an existing field, and that no expansion was proposed. He reviewed the zoning considerations and referred to Tax Map 102. He advised that schools are a permitted conditional use within the standards set, and this turf field is not contradictory to the R-4 zone, as outdoor recreational activities are permitted in the R-3 and R-4 zones. With regard to the housing element and fair share plan, Mr. McGroarty advised that on May 27, 2010 the HEFSP was adopted by the Board and submitted to the Township Council and COAH. Housing is not being eliminated by the installation of this turf field, and therefore, is compatible with the HEFSP. He noted that the last full Master Plan was adopted in May 1987, and there were no references to recreational fields in the Re-Exam Reports filed subsequent to this. He referred to the Community Services Element, under Recreation, and noted that the Master Plan indicated little recreation compared to open space and public lands. He commented that there was no reference to turf fields as this is a fairly new product, but the Master Plan encourages recreation. He concluded that if installed appropriately, the fields were consistent with the Township zoning and master plan.

Chairman Gargano recognized Lawrence Calli, attorney for the West Milford Board of Education. Mr. Calli advised the Board that the Board of Education had been considering this turf field for a long time, and that the BOE Superintendent and BOE President were present to answer any questions the Planning Board might have with regard to this matter. Mr. Germinario advised the Planning Board that the analysis for the Master Plan Consistency had been presented, and he inquired whether the Board had any questions from the BOE Administrators. Chairman Gargano commented that the Board Planner had been very thorough and that it appeared that most of the Board's questions had been answered.

Chairman Gargano opened the Public Portion of the meeting for comments on the Amendment to the LRFP as it related to Master Plan Consistency. The following addressed the Planning Board:

Gary Steele, North Glenwood Road, inquired whether this hearing was required to move the amended LRFP forward, and Mr. Germinario advised that under NJ DOE regulations, amendments to the long range facilities plan require approval, and that this hearing for master plan consistency was part of the process. Mr. Steele advised that he had acquired copies of the amendment to the LRFP, which had recently been approved by the DOE without the Planning Board's determination on Master Plan Consistency, and he proceeded to distribute copies of the approved plan to the Planning Board and representatives of the Board of Education.

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

### **MEMORIALIZATIONS**

#### **RESOLUTION 2010-14**

#### **FINDING MASTER PLAN CONSISTENCY**

#### **IN THE MATTER OF MASTER PLAN CONSISTENCY DETERMINATION FOR AN AMENDMENT TO THE WEST MILFORD TOWNSHIP BOARD OF EDUCATION LONG RANGE FACILITIES PLAN IN THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY**

Finding Master Plan Consistency for an Amendment to the West Milford Township Board of Education Long Range Facilities Plan to include an Artificial Turf Field Upgrade on the High School Field.

Mr. Germinario advised that he had prepared a draft resolution for adoption, if the Board determines that the amendment to the LRFPP is consistent with the Master Plan. He noted that the resolution should be amended to include the final paragraph of Mr. McGroarty's memo to the Board:

The West Milford High School and the recreational facilities associated with same are permitted conditional uses within the R-4 zone district. The football field, which is the subject of this consistency review, is entirely consistent with the provisions of the R-4 zone district including the conditional use standards. As noted herein, the football field and other Board of Education active recreational facilities were acknowledged as important community assets in the Township's 1987 Master Plan. In my opinion, the improvements to the field present no conflict with the West Milford Zoning Ordinance or the Master Plan. Further, the proposed artificial turf surface for the High School football field will have no bearing on the Township's Housing Element and Fair Share Plan.

**Motion** by Councilman Weisbecker with a **second** by Michael Siesta to **approve** Resolution No. 2010-14 – Finding Master Plan Consistency for an Amendment to the West Milford Township Board of Education Long Range Facilities Plan, with the amendment noted.

**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.

**APPLICATIONS**

**NEW APPLICATIONS** - None.

**PENDING APPLICATIONS** - None.

**NEW BUSINESS** - None.

**ORDINANCES FOR INTRODUCTION** - None.

**ORDINANCES REFERRED FROM COUNCIL** - None.

**BOARD PLANNER'S REPORT** - None.

**BOARD ATTORNEY'S REPORT** - None.

**BOARD ENGINEER'S REPORT** - None.

**MISCELLANEOUS** - None.

**MINUTES** - None.

**COMMUNICATIONS** - None.

**HIGHLANDS WATER PROTECTION & PLANNING ACT / NJ DEP CORRESPONDENCE** - None.

**ADJOURNMENT**

With no further business to come before the Board, Chairman Andrew Gargano **adjourned** the October 7, 2010 Regular Meeting of the West Milford Planning Board at **8:25 pm** on a **motion** by Councilman Philip Weisbecker and a **second** by Geoffrey Syme, immediately followed by the Planning Board Workshop.

Approved: December 2, 2010

Respectfully submitted by

Tonya E. Cubby, Secretary