

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT SPECIAL MEETING

May 23, 2024

8:00 P.M.

The West Orange Zoning Board of Adjustment held a special meeting on May 23, 2024, commencing at 8:00 PM utilizing the virtual Zoom platform.

Chairperson Phillip D. Neuer called the meeting to order at approximately 8:00 PM. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle, and the Star-Ledger and posted on the Township Bulletin Board in accordance with the "Senator Byron M. Baer Open Public Meetings Act."

Chairperson Neuer asked everyone to stand for the Pledge of Allegiance.

Christopher Sobieski, Esq., Board Attorney read the opening statement.

ROLL CALL

Present: William Michael Barbee, Michael Dannemiller,
Jerome Eben (left meeting at approximately 10:32 PM),
Philip D. Neuer, Irv Schwarzbuam,
Mark Sussman, Alice Weiss

Absent: Peter Ricci (Excused), Brent D. Scott (Excused)

Also Present: Erik DeLine, Consulting Planner for the Township
John Hess, Consulting Engineer for the Township
Christopher Sobieski, Esq. (proxy for Steven K. Warner, Esq.,) Board Attorney
Diana L. Chandler, Board Secretary

ANNOUNCEMENTS

- Future Meetings (Virtual): June 20, 2024 (Regular Meeting)
July 18, 2024 (Regular Meeting)
August 15, 2024 (Regular Meeting)

SWEARING IN

- Township Professionals Mr. Erik DeLine (Consulting Township Planner) and Mr. John Hess (Consulting Engineer) were sworn under oath.

APPLICATIONS

1.) ZB-24-05 West Orange Police Athletic League

Block: 114; Lot: 31

Zone: R-1

28 Prospect Place

Seeking variances for turf installation.

PRESENTATION

- Mr. Kenneth D. McPherson Esq., entered the record on behalf of the applicant.
- Mr. Sobieski confirmed that the notice for application was complete, timely, and adequately served.
- Mr. McPherson gave a brief overview of the organization and the project to replace the existing field with turf and update fencing/signage of an irregularly shaped piece of property presently occupied by an existing grass athletic field, a two (2) story masonry building, an asphalt parking lot and associated improvements with Minor Site Plan, Conditional Use, Soil Removal Permit approval with 'C' and 'D' Variances.
- Mr. Anthony Gianforcaro, PE, and Mr. Matthew Gianforcaro, PE were both sworn under oath and presented their expert qualifications.
- Mr. M. Gianforcaro referenced plan SP1.0 (Dated March 19, 2024) to display the current condition of the plan
 - The Little League bases are 60 feet apart.
 - There are buffers with "Conditional Use" as a nonprofit 9.63 feet of buffers.
- Mr. M. Gianforcaro referenced SP1.1 – Demolition Plan (Dated March 19, 2024) where the wall in left field was removed to extend the outfield running adjacent to the neighbors.
- Mr. A. Gianforcaro referenced SP 2.1 – Construction Plan (Dated March 19, 2024)
- Mr. A. Gianforcaro SP 2.2 – Drainage Plan (Dated March 19, 2024) Drainage Plan with manhole on the property.
- Mr. A. Gianforcaro referenced SP 3.1 – Grading Plan (Dated March 19, 2024) Spot Elevation
- Mr. A. Gianforcaro referenced SP 4.1 – Details (Dated March 19, 2024) Cross Section of Field wrap of turf to curb (hold in place)
- Mr. A. Gianforcaro referenced SP 4.2 Synthetic Turf Rendering (Dated - March 19, 2024) Rendering of field, diamond, and turf material as well as grass with the WOPAL logo on the grass
- Mr. A. Gianforcaro referenced SP 5.1 – Soil Erosion Plan (Dated - March 19, 2024)
- Soil conservation approval status believes they have already received approval.
- Referenced CME Memo (Dated May 13, 2024)
 - Chairperson announced based on testimony that waivers are granted for Number 2 a (Lighting plan & details), b (Landscape plan & details prepared by a professional landscape architect), and c (Solid waste management plan).
- Chairperson Neuer asked Mr. Gianforcaro and Mr. Hess if they were willing to have as a condition that they work together regarding the draining for this project. They both agreed.

BOARD QUESTIONS

- Mr. Barbee asked what the length of time construction would be. Mr. A. Gianforcaro said it would take approximately two (2) months in total.
- Mr. Barbee asked if this application encroaches and involves Llewelyn Park. Mr. McPherson said that PAL is in the Northwest section of the plans. Mr. A. Gianforcaro said yes but it is in the back of the field as it is not going to get wider and not going onto someone else's property.
- Mr. Barbee asked about the possibility of heat and how the applicant intends to keep the temperature down. Mr. A. Gianforcaro said that usually water cannons are used. He is unsure if those are proposed for this project though.
- Mr. Schwarzbaum asked if there were alternatives to turf and if the positives of a turf field were discussed. Mr. A. Gianforcaro said that there is no raking or pesticides and, to his recollection, the only downside is that it needs to be replaced every ten (10) to fifteen (15) years.
- Mr. Schwarzbaum asked how many turf fields Mr. Gianforcaro has personally worked on. Mr. A. Gianforcaro said approximately twenty (20).
- Chairperson Neuer asked what materials will be used for the infield as a substitute for rubber and clay. Mr. A. Gianforcaro said that cork is usually what is used. Lately though, and unsuccessfully, coconut has been used.
- Chairperson Neuer asked for the height of the wall. Mr. A. Gianforcaro said approximately fifteen (15) feet.

PROFESSIONALS QUESTIONS

- Mr. DeLine asked Mr. Hess about the differences between the pervious and impervious coverage and what this location would be considered as. Mr. Hess said that the proposal is to be considered impervious with 100 percent runoff of drainage.
- There were no questions from Mr. Hess.

PUBLIC QUESTIONS

- Mr. Kevin Malanga (Ridge Road) asked if Mr. A. Gianforcaro would be surprised that only five (5) Major League Baseball teams use turf. Mr. A. Gianforcaro said that he would believe that.
- Mr. Malanga asked if Mr. A. Gianforcaro is aware of the European ban on infield turf by 2031. Mr. A. Gianforcaro said no.
- Ms. Joyce Rudin (38 Woodland Avenue) asked Mr. A. Gianforcaro if he is aware of MetLife Stadium changing from a turf field to grass. Mr. A. Gianforcaro said that he had heard about that.
- Ms. Rudin asked Mr. A. Gianforcaro if he was aware of the April 10, 2024 report from the Environmental Protection Agency about turf. Mr. Gianforcaro said yes.
- Ms. Rudin asked if turf dries faster. Mr. A. Gianforcaro said yes. Ms. Rudin asked if the turf heats up faster and higher than usual (to a high of 200 degrees Fahrenheit.) Mr. A. Gianforcaro said that he had never heard of that.

Break 9:33 PM- 9:44 PM (Upon return Chairperson Neuer confirmed a quorum of Board Members.)

PRESENTATION

- Mr. Anthony Marucci, PP was sworn under oath and presented his expert qualifications.
- Mr. Marucci summarized the application and his participation in the previous application in 1979. He then confirmed the contents of **Exhibit A1 Planner's Report (Dated – April 12, 2024)** being relevant and true testimony in response to his report.
 - The Police Athletic League of West Orange is a private club and with the approval of this application, there will be no change in the operations of the organization.
 - Mr. Marucci emphasized that the signage on the outfield fence is sponsorship and confirming this application is beneficial to entice more companies or organizations to sponsor the WOPAL.

BOARD QUESTIONS

- Mr. Schwarzbaum asked Mr. Marucci to confirm that nothing had changed regarding the property. Mr. Marucci did as such and confirmed further to state that the use has remained the same.
- Chairperson Neuer

NO PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

- Mr. Kevin Malanga (Ridge Road) asked Mr. Marucci if he was familiar with the European ban of rubber infill in regard to fields of this nature. Mr. Marucci said no.
- Mr. Malanga asked Mr. Marucci if in his opinion the benefits outweigh the detriments. Mr. Marucci said yes.
- Mr. Malanga asked if Mr. Marucci was aware of any microplastics. Mr. Marucci said no.
- Ms. Joyce Rudin (38 Woodland Avenue) asked if Mr. Marucci was familiar with the effects of "Forever Chemicals". Mr. Marucci said that he would not answer hypothetical questions.
- Ms. Rudin asked if Mr. Marucci was aware of the health issues correlated with turf fields. Mr. Maruci said that he has read the reports but is unsure of the results.
- Ms. Rudin asked if he was aware of any increase in the rate of cancer diagnosis' after exposure. Mr. Marucci said he was unaware.

Chairperson Neuer announced that public questioning has been concluded.

Mr. McPherson offered to redirect Mr. Marucci.

There was no Public Questioning in response to the redirect.

PUBLIC COMMENT

- Mr. Kevin Malanga (Ridge Road) was sworn under oath. He stated that he has no objection to the organization but believes that artificial turf is not a benefit and in turn is dangerous for athletes.
 - Chairperson Neuer asked Mr. Malanga if he knew how many turf fields are in West Orange. Mr. Malanga said no.
 - Mr. Schwarzbaum asked if he agreed that turf is more sustainable than grass. Mr. Malanga said no.

- Mr. McPherson asked if Mr. Malanga thought the West Orange Police Athletic League would purposely propose a harmful field and harm children. Mr. Malanga said that he believes that they are being “seduced by their grant” and if made aware of all the issues turf brings they would have second thoughts.
- Ms. Joyce Rudin (38 Woodland Avenue) was sworn under oath and said that synthetic grass poses health risks such as concussions and for a little league field the turf is not needed.
 - Chairperson Neuer asked Ms. Rudin if she had any training with artificial turf. Ms. Rudin said no and that she read about it.
 - No Questioning from Mr. McPherson.

Mr. McPherson offered closing remarks by summarizing experts’ testimony and application components.

BOARD DISCUSSION

- Chairperson Neuer said that in his opinion this application should be approved with conditional use and conditions from the CME Engineering Memo (Dated May 13, 2024) 1A, 1C, 12, 13 and waivers granted for 3,4,7,8,9,10 and 11. He further stated that the number 5 waiver for the fence is being granted, that a portion of the vote goes back 40 years, and has trust in the applicants to do the right thing.
- Mr. Dannemiller said that the approval of this application is beneficial to stop noise pollution in the surrounding community.
- Mrs. Weiss said that she is abstaining from voting because she is alarmed at the information she heard about the actual turf and the future effects of it.

When about to go to the vote, Mr. J. Eben left the meeting. After review, it occurred at approximately 10:32 PM.

EXHIBITS

A-1 Planner’s Report (Dated – April 12, 2024)

CONDITIONS

For Mr. Hess and Mr. Gianforcaro to work together when it comes time to deal with draining on the site.

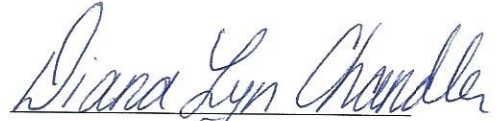
Motion to Approve: Chairperson Neuer

Second: W.M. Barbee

Barbee:	Y	Scott:	-
Dannemiller (Alt. 1)	Y	Weiss:	Abstain
Eben:	-	Chairperson Neuer:	Y
Ricci:	-		
Sussman (Alt. 2)	Y		
Schwarzbaum:	Y		

Chairperson Neuer adjourned the meeting at 10:36 PM.

Adopted: 6/20/2024

A handwritten signature in cursive script that reads "Diana Lyn Chandler". The signature is written in dark ink and is positioned above the printed name.

Diana L. Chandler, Secretary