

**BERGENFIELD PLANNING BOARD
REGULAR MEETING MINUTES
October 24, 2022**

Chairman Robert Rivas called the meeting to order at 8:00 P.M.

OPEN PUBLIC MEETING STATEMENT

In compliances with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates are confirmed at the Annual Meeting. Notice of this meeting was provided to the Record, Star Ledger, and Cablevision, posted on two municipal public notice bulletin boards and published on the borough website.

Any board member having a conflict of interest involving any matter to come before the board this evening is reminded they must recuse himself/herself from participating in any discussion on this matter.

ROLL CALL

Present: Mayor Arvin Amatorio, Councilman Thomas Lodato, Robert Rivas, Romeo Abenoja, Jason Bergman, Ben Cabrera, and Miguel Vasquez

Absent: Robert Byrnes, Jr. (excused) and Ernesto Acosta (excused)

Also Present: Gloria Oh, Planning Board Attorney, Robert Yuro, Planning Board Engineer and Hilda Tavitian, Planning Board Clerk

PLEDGE OF ALLEGIANCE

Led by Mr. Cabrera.

APPROVE MINUTES OF PREVIOUS MEETING – September 19, 2022

Motion By: Mr. Bergman

Second By: Mr. Abenoja

All ayes. None opposed.

CORRESPONDENCE

None.

VERBAL COMMUNICATIONS

Any resident may comment or question any subject not on the agenda.

No one came forward.

Motion to Close Verbal Communication

Motion By: Mr. Bergman

Second By: Mr. Cabrera

All ayes. None opposed.

COMMITTEE REPORTS

1. Site Plan – No report.

2. Parking Legal – Mayor Amatorio stated the borough is studying to amend the ordinance with parking regulations in residential areas and at the same time contemplating amending the ordinance with regards to giving five additional parking spaces to veterans who are recipients of the purple heart.
3. Capital Improvements – Mayor Amatorio stated the building of the new borough hall is on schedule. They have started the construction of the turf field and is expected to be completed spring of 2023. The expected completion of the borough hall is by the end of next year.
4. Master Plan – No report
5. Liaison to Board of Adjustment – Mr. Bergman stated at the last meeting, there was one resolution approved. There was another application pushed to the next meeting on November 7th, 2022.

OLD BUSINESS

None

NEW BUSINESS

Amended Site Plan Application – Knickerbocker Country Club
Marcotte Lane
Comfort Station

William Bailey, attorney from Huntington Bailey, LLP, 373 Kinderkamack Rd, Westwood, NJ, stated the amended site plan is for approval of a comfort station. The existing restroom structure of 200' had to be taken down.

Jeffrey L. Morris, engineer from Boswell Engineering, 330 Phillips Avenue, South Hackensack, NJ stated Exhibit A1 is a picture of the northwest portion of the golf course. They are proposing to replace an existing restroom facility with two stalls. The closest property line is 594 ft. away. The closest residence is 600 ft. away, which is by Brookview Terrace. They are proposing a single stall men's room and a single stall woman's room. Mr. Morris presented Exhibit A2 dated 12/2/21 showing the elevation and roof plan. The structure will be 170 sq. ft. and will be put amongst the trees. Electricity will be supplied from the electrical substation in the northwest corner of the property. Water would be coming from that area also. Mr. Morris explained there will be a sanitary septic system. They anticipate no more than 400-500 gallons a day to be utilized. It was overdesigned so there wouldn't be any issues. It will be an improvement and to all state codes.

Chairman Rivas inquired if it will be ADA compliant.

Mr. Morris' response was yes. There are no variances required. The closest side yard setback is 594 ft. The rear yard and front yard setback is over 1,000 ft.

Councilman Lodato inquired what the height of the structure will be.

Mr. Morris stated the height of the structure is 12 ft. 4 ¾ inches. They have no problem complying with the board engineer's requests.

Board engineer Yuro stated based on page 2, section E under the general comments, he requested a statement as to the grading, impacts it will have on the drainage and the runoff from the building it will have on the golf course and the surrounding area. Mr. Yuro stated the septic system will be going before the local county Planning Board. Mr. Yuro stated they had indicated the electric line coming from the substation to run approximately 1,000 ft. He inquired if there will be any impacts to the existing pond.

Mr. Morris stated it will be built to the existing grade and will have no impact to the neighbors. Mr. Morris was in agreement with Mr. Yuro. He stated there will be no detriment and will be using a ditch switch that would favor the green.

Questions from Residents within 200 ft. and Beyond:

Dr. Deborah Williams, 79 Mackay Drive, inquired where the existing structure is. Ms. Williams stated, on the plans, it looks like the residents on Mackay Drive would not be affected, but were notified. Residents who would be affected did not get notified. She requested Mr. Morris explain where the structure is going to be built. She inquired what the purpose of the comfort zone is. Ms. Williams stated the golfers have been urinating against the neighbors' fences and inquired what the country club is going to do to enforce that the comfort station will be utilized. Ms. Williams stated the neighbors can see the golf course from their decks and will see the structure, also.

Mr. Morris stated the existing structure is immediately behind where the new structure is going to be built. He explained that, by law, everyone within 200 ft. of the property must be notified. Mr. Morris stated the facilities in the office are not for the members. He stated playing golf usually takes 4-6 hours. Mr. Morris stated the applicant thought it would be needed. Mr. Morris stated the structure won't be seen.

Andre Stephens, 55 Mackay Drive, inquired what guarantee is there that the septic system won't leak and contaminate the ground. He inquired if it can contaminate the water in the ground. He inquired if it can fail. He inquired if there is a facility they can use today. Mr. Stephens stated he doesn't understand why the bathrooms were abandoned. The residents need to see the plans, not the board. He doesn't feel comfortable with the maintenance of the septic system.

Mr. Morris stated it is designed to code and state regulations. He stated the purpose of a septic system is if there is a leak, it will leak into the ground. His response was no. It can fail, but they oversized it to prevent any leaking. He stated anything can happen. It's not connected to a house. The only people affected would be those on the 15th tee. No, there isn't a facility that can be used today. The restroom facility for the golfers was 50 years old and not working anymore.

Robert Kaminski, 173 Marcotte Lane, stated he doesn't see where the comfort station is going to be and doesn't know where he is located in position with the comfort station. He inquired how many toilets there will be.

Mr. Morris pointed on the diagram where the comfort station will be and stated that Mr. Kaminski's home is far away. He stated there will be one men's stall, a urinal, and one woman's stall.

Sondra Teichman, 112 Seminary Street, inquired if they are proposing to serve refreshments at the comfort station. Ms. Teichman inquired if a permit for the parking lot, created right by Marcotte Lane, was granted. She inquired if there is any guarantee what is being proposed is the only thing that is going to be built.

Mr. Bailey stated he had misspoken and that there will be no refreshments at this site.

Marguerite Barlovic, 46 Marcotte Lane, inquired about the attorney's notice of variances, approvals, and waivers.

Mr. Morris stated there are no variances or waivers being requested.

Mr. Bailey stated it is general practice to advertise those things if anything comes up.

Jaclyn Baniqued, 15 Scott Drive, inquired what is the closest home.

Mr. Morris stated the closest home is on the corner of Brookview Drive and Carnation Street.

Mayor Amatorio stated the closest home is 600 ft. away.

Marguerite Barlovic, 46 Marcotte Lane, inquired if they are going to put trees to hide the comfort station.

Mr. Morris stated there already are trees. It needs to be visible to the golfers.

Mr. Yuro inquired if there would be any objection to putting arbor vitae around it.

Mr. Morris stated no, they have no objections.

Mayor Amatorio inquired if the application requires any variances.

Board attorney Oh stated the application is just an amended site plan.

Mr. Bailey stated there no variances required now or later and is fully conforming.

Public Comments:

Frank Ballerini, 112 Seminary Street, inquired if anyone plays golf and what a comfort station is. Mr. Ballerini stated the structure is oversized and believed down the road they will make what a comfort station actually is. Liquor and refreshments are sold at a comfort station and that may be their future plan. The gentleman stated the old septic system failed and the next one will fail also. There is no guarantee. Mr. Ballerini stated there's more behind this and will do things they want to do and they won't have to answer for. He inquired if the building they use to store their equipment is commercial.

Board member Cabrera stated he plays golf regularly and is amazed there are no restrooms between the first hole and the eighteenth hole.

Mr. Bailey stated it is permitted per code.

Mr. Morris stated that was approved by this board in 1987.

Robert Kaminski, 173 Marcotte Lane, inquired if there will be flowers or trees around the comfort station. They are all present for their property value. There wasn't a parking lot 23 years ago, just a beautiful golf course. There are less and less golfers every year. He is afraid of the resolution coming back at him.

Dr. Deborah Williams, 79 Mackay Drive, thanked the homeowners for coming out in the rain and voicing their opinions, concerns, and worries. It is an important issue affecting all of their homes. She stated she heard the engineer say the septic system is environmentally safe. The environment in this community has

changed remarkably with all the flooding. There are no guarantees once you start to do something in the environment that won't affect other people. Dr. Williams stated 600 ft. is nothing. A septic system can break and spread thousands of feet, affecting a whole lot of people. She hopes the board takes them seriously. They live here, raise their kids here, and have an investment of what happens in their community. It is their livelihood and where they live.

Marguerite Barlovic, 46 Marcotte Lane, stated she's seen a lot of changes in the past 18 years. They have seen people urinating in their backyard also. She's not opposed to having a station where people can relieve themselves. She inquired if there are going to be locks or will it be safe, so kids won't go in there after hours.

Mr. Bailey stated the comfort station will be locked when the course is closed. The club has the same interest.

Chairman Rivas asked if the local police is allowed to patrol the area.

Mr. Bailey's response was yes.

Andre Stephens, 55 Mackay Drive, stated they are being ingenious as they didn't address where things are happening and they weren't willing to put trees to hide the comfort station. He inquired if they are willing to amend the application from comfort station to bathroom. In the future, they don't have to worry about it spreading out to the new clubhouse. It should be clear what their intended use is. He stated the verbiage should be limited to restroom to just allow toilet and sink. He inquired if they are looking for a comfort station or restroom as it says on the plan. Mr. Stephens stated the point is to make sure what the exact intended use is, don't say it is a comfort station/restroom today and then build out. Mr. Stephens requested the wording be changed to toilet.

Mr. Bailey stated the plan says restroom with one urinal, two toilets, and two sinks.

Chairman Rivas stated they are asking for a bathroom with a toilet.

Mayor Amatorio inquired if there will be a shower and a kitchen. If they build out, they would have to come back to the building department. There will be no kitchen and no cooking.

Mr. Bailey stated there is no shower and no kitchen.

Board member Bergman stated the definition for a comfort station is a public toilet. They are building a public toilet. Mr. Bergman stated if the application is approved, it will be written in the resolution that the only thing that will be allowed to be built in the comfort station will be a bathroom with two stalls, two sinks, and a urinal.

Board member Cabrera recommended removing the term comfort station and just use restroom or bathroom instead. He stated he has been playing golf for 30 years and has never seen anything sold in the middle of a golf course. They do have a cart going around. Mr. Cabrera wanted to confirm state regulation for a septic system is 100 ft. from the closest well.

Mr. Morris stated that is correct. The closest property is 594 ft. away. Mackay Drive is over 3,000 ft.

Board engineer Yuro stated the engineer was correct in stating the distance from a septic field to the nearest well is a minimum of 100 ft. The septic system is far enough according to state statute.

Chairman Rivas inquired why they don't hook up to the sewer system.

Mr. Morris stated the septic system is more reliable and maintenance free.

Mayor Amatorio inquired, in the event the septic system fails and there's a leak, how far can it travel.

Mr. Morris stated it leaks into the ground. It's pushed into leach field, dirt and soil, and goes downhill. It's the most efficient system in that discharge goes into the ground and is purified by the ground.

Councilman Lodato inquired if there is any kind of testing done on a semi-annual basis to ensure the system is performing properly.

Mr. Morris stated testing of the tank is done every year to ensure it is pumping properly. The report is usually filed with the homeowner. In this case, it goes to the clubhouse.

Board member Vasquez inquired if the septic system fails, how soon would you know about it.

Mr. Morris stated it would back up in the toilet.

Motion to Accept Amended Site Plan Application with the Following Conditions:

- 1. Change Title from Comfort Station to Restroom**
- 2. Plant Foliage Around Restroom Area**
- 3. If Septic System Fails, It Will Be Fixed Immediately**
- 4. Facility will be Secured After Close of Clubhouse**

Motion By: Mr. Bergman

Second By: Mr. Vasquez

All ayes. None opposed.

MOTION TO ADJOURN MEETING

Motion By: Mr. Bergman

Second By: Mayor Amatorio

All ayes. None opposed.

Meeting was adjourned at 9:19 pm.

Respectfully Submitted,


Hilda Tavitian, Clerk
Planning Board