

**BERGENFIELD PLANNING BOARD  
REGULAR MEETING MINUTES  
July 25, 2022**

Chairman Robert Rivas called the meeting to order at 8:03 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:** Robert Byrnes, Jr., Councilman Lodato, Robert Rivas, Romeo Abenoja, Ernesto Acosta, Jason Bergman, and Ben Cabrera

**Absent:** Mayor Amatorio and Miguel Vasquez

**Also Present:** Gloria Oh, Planning Board Attorney, Robert Beringer, Planning Board Engineer, and Marie Quinones-Wilson, Borough Clerk

**PLEDGE OF ALLEGIANCE**

Led by Mr. Acosta.

**APPROVE MINUTES OF PREVIOUS MEETING – June 27, 2022**

**Motion By:** Mr. Bergman

**Second By:** Mr. Byrnes, Jr.

**All ayes. None opposed.**

**CORRESPONDENCE**

None.

**VERBAL COMMUNICATIONS**

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

Barry Doll, 97 Highgate Terrace, stated he is not a complainant and hopes he's not in this category. He's been in this town for 50 years, raised his kids, and served on various boards and committees. Mr. Doll stated he had written the board an email letter on July 7, 2022 stating his concerns and opposition for the pot factory. He stated the Planning Board had discussed the issue as to whether it was consistent with the master plan. It wasn't mentioned in schedule A or B as it never came up before and is a special situation and needs special attention. Mr. Doll stated, as he sees it, it's not consistent with the master plan. He inquired where the board finds it being consistent with the master plan.

Chairman Rivas stated three board members had shared the same position as Mr. Doll and had voted accordingly. They were outvoted by the remaining board members. The board engineer had pointed out that the master plan allows for the manufacture of goods. There were questions asked and the majority of

the board agreed that it was consistent with the master plan. The governing body creates and approves the master plan also. It is within the governing body's per view if they want to have a place that manufactures cannabis.

Board attorney Oh stated the previous board engineer, Mr. Fuentes, was present during the discussion of whether the manufacturing of cannabis be considered under the master plan. He had made some good points. He had stated since it's manufacturing in nature and commercial, it would be considered being in the master plan. A vote was taken a few months ago.

Mr. Doll stated the council wants the pot factory because of the money it will bring. It's not doing anything for the residents and is a quality of life issue. There will be hazardous omissions with houses and houses of worship in the nearby area. Mr. Doll stated this doesn't belong in a metropolitan area. There are two members on the board that are also on the council that should not have voted on this. It's a conflict of interest.

Chairman Rivas stated members of the governing body are elected by the people. If people feel they are not protected by members of the governing body, they have the option to vote them out. The Planning Board can not tell the Mayor and Council what to do.

Councilman Lodato stated the statute of municipal land use law which creates the Planning Board requires that the Mayor and a councilmember serve on the board. They are required to be on the board by statute and can vote. He shared with Mr. Doll that he was opposed to it and had voted no.

#### **Motion to Close Verbal Communication**

**Motion By:** Mr. Bergman

**Second By:** Mr. Abenoja

**All ayes. None opposed.**

#### **COMMITTEE REPORTS**

1. Site Plan – No report.
2. Parking Legal – No report.
3. Capital Improvements – Councilman Lodato stated the new building is a work in progress.
4. Master Plan – Chairman Rivas stated it is still early in the process. It needs to be changed every 10 years.
5. Liaison to Board of Adjustment – Mr. Bergman stated two resolutions were memorialized at the last meeting. There was one application heard but pushed to next month's meeting along with the Dunkin Donuts application. Another application had to be pushed as they did not have standing to be before the board. Mr. Bergman stated two applications were approved.

#### **OLD BUSINESS**

Resolution – ETD Discount Tire, 220 S. Washington Avenue, An addition

Motion By: Mr. Bergman

Second By: Mr. Byrnes, Jr.

All ayes. None opposed.

**NEW BUSINESS**

None.

Next Scheduled Meeting: August 15, 2022

**MOTION TO ADJOURN MEETING**

**Motion By:** Mr. Abenoja

**Second By:** Mr. Bergman

**All ayes. None opposed.**

Meeting was adjourned at 8:24 pm.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Hilda Tavitian".

Hilda Tavitian, Clerk  
Planning Board