

MINUTES
REGULAR MEETING OF THE BUTLER PLANNING BOARD
FEBRUARY 16, 2023

Chairman Nargiso brought the regular meeting of the Butler Planning Board to order for February 16, 2023. The Chairman stated this meeting is being held in conformance with the Sunshine Law Requirements having been duly advertised and posted at Borough Hall.

ROLL CALL:

Present: Donza, Veneziano, Brown, Finelli, Vath, Hough, Reger, Martinez, Nargiso
Absent: Roche (excused), Fox (excused),
Also present: John Barbarula, Board Attorney; Tom Boorady, Board Engineer; Dave Novak, Board Planner

CORRESPONDENCE: – None

CASES TO BE HEARD:

Courtesy	Butler Board of Education	Addition to Butler High School
	38 Bartholdi Avenue	Drop-off Loop for Aaron Decker School
	Block 76.02 Lot 88	

Witnesses for the Applicant:

Dan Johnson, Superintendent
Anthony Gianforcaro - Licensed Engineer & Licensed Architect
Matthew Gianforcaro - Licensed Engineer

A description of the projects was presented by Mr. Johnson, the Superintendent, and the professionals. The high school was adding addition in order to avoid the students from having to go outside the building to get to the other facility on the campus. Interior work is to be done to improve the safety and security of the building for the students.

The drop-off loop at Aaron Decker School was to improve the traffic congestion on Decker, Leonard and Terrace. The proposal would improve the safety of the children getting into the vehicles picking them up.

With no member of the public coming forward a motion to close the public portion was made.
Motion: Brown Second: Finelli All in favor

Attorney Barbarula advised that in place of a resolution a letter will be written indicating that the Board reviewed the application and endorsed it.

Mayor Martinez recuses himself for the following Board of Adjustment applications.

23-001	Stephen and Kathleen Heuzey	Use Variance - 2 Family Conversion
	45 Spring Street	
	Block 48 Lot 7	

Mr. and Mrs. Heuzey were sworn in by the Board Attorney.

Mr. Barbarula outlined the application's proposal. He clarified that it is not a two-family in the strictest sense, but a conversion for family members. He also stated that the previous zoning ordinance provided conditions for a Conversion for the Elderly and such conditions would apply should the Board approve the application. Exhibits A1 - 4 are photos of all four sides of the current condition of the premises.

With no member of the public coming forward a motion to close the public portion was made.

Motion: Brown Second: Veneziano All in favor

Motion to approve includes:

- It may not be used or rented to non-family members.
- The approval is not for a conversion as a two-family use.
- The use is limited to a conversion for family members
- The accessory building, a former garage and currently designed as an office, cannot be used for habitation, no bedrooms, no plumbing allowed to be installed.

Motion: Brown Second: Finelli

Ayes: Donza, Veneziano, Brown, Finelli, Vath, Hough, Reger, Nargiso

Mr. Reger recused himself because of a conflict. Mr. Barbarula recused himself and was replaced by Richard Brigliadoro. Mr. Boorady recused himself and was replaced by Tom Donohue.

SP22-84 1333 Route 23 LLC Conditional Use for Cannabis
1333 Route 23
Block 83.08 Lot 5

Richard Clemack, Esq. gave an overview of the proposed application. No disturbance of the wetlands.

Exhibit A-1 Street View of 1333 Route 23

Exhibit A-2 1333 Route 23 Aerial View

Applicant Jeff Montemarano, 4 Hemlock Lane, Kinnelon, was sworn in.

Mr. Montemarano presented a history of the property. Before he took over the property for his real estate office it was Dr. Logan's dental office, and before that it was a furrier. The pylon sign in the front yard has been in the same location as it currently is since before he bought the property. When Route 23 was widened it resulted in the sign being in the state Right of Way. The state DOT had no problem with the sign remaining where it is.

Exhibit A-3 Photo Route 23 pre-1980

With no member of the public coming forward a motion to close the public portion was made.

Motion: Brown Second: Finelli All in favor

Engineer Thomas Ott was sworn in and gave his credentials.

He was accepted as an expert witness. Motion: Brown Second: Finelli All in favor

Mr. Ott described the project, confirming that the entire application is restricted to the applicant's block and lot. The second floor is to be removed resulting in a cathedral ceiling. The parking requirements are based on just the first floor square footage. All parking and the garbage dumpster are on the applicant's lot.

Adequate lighting is provided with the installation of a light pole with a maximum height of 15 feet. The landing steps are going to be removed from the adjoining lot and restored on the applicant's lot.

Exhibit A-4 Plans C04 Revision 1

With no member of the public coming forward a motion to close the public portion was made.

Open to the public. Motion: Brown Second: Finelli All in favor

Traffic Engineer Corey Chase, 245 Main Street, Chester was sworn in and presented his professional credentials.
Motion to approve as an expert witness: Brown Second: Finelli All in favor

Mr. Chase presented the information and results contained in the Traffic Impact Study by Dynamic Traffic, Chester, NJ. The Land Use ordinance requires 8 parking spaces. By including the electric car charging station in one of the parking spaces the applicant gets credit for 2 spaces. The required seven spaces are provided - no variance required. According to the study the trip generation at peak hours will increase by 43 trips. The loading zone should be adequate for a delivery van.

With no member of the public coming forward a motion to close the public portion was made.
Open to the public. Motion: Brown Second: Finelli All in favor

Due to the lateness of the hour - 9:50 pm - the applicant's attorney that the Board cannot accept new testimony after 10:00 pm.

The application was carried to the next meeting, March 16, with no further notice being required.

RESOLUTIONS: The Board discussed the concrete wall installed on 132 Kiel Avenue. The Board determined that the wall is legal and is allowed to stay under the following conditions:

- The property owner must post the escrow funds for the engineering review.
- A new survey must be done proving that the wall is on the applicant's property.
- A building permit must be applied for by the applicant.

APPROVAL OF MINUTES: January 19, 2023 Regular Meeting

Motion: Brown Second: Vath

Ayes: Veneziano, Brown, Finelli, Vath, Hough, Nargiso

February 9, 2023 Workshop Meeting

Motion: Vath Second: Brown

Ayes: Donza, Veneziano, Brown, Vath, Finelli, Houhg, Nargiso

APPROVAL OF VOUCHERS - Voucher 23-02

Motion: Donza Second: Brown

Ayes: Donza, Veneziano, Brown, Finelli, Vath, Hough, Nargiso

Adjournment 10:35 pm

Motion: Finelli

Second: Venezia

All in Favor

Workshop Meeting for March 9, 2023 has been cancelled for lack of an agenda
Next Meeting: Regular Meeting March 16, 2023, 7:30 PM


Chairman

Approved: March 16, 2023