Chairman Nargiso brought the regular meeting of the Butler Planning Board for April 19, 2018 to order followed by a Pledge to the Flag. The Chairman noted that this meeting is being held in accordance with the Sunshine Law Requirements having been duly advertised and posted at Borough Hall.

**ROLL CALL:**

Present: Donnelly, Roche, Hauck, Brown, Finelli, Grygus, Vath, Nargiso

Absent: Veneziano (excused), Alviene (excused), Fox (excused)

**APPLICATIONS TO BE HEARD:**

**18-197V** Fernando Echeverria

85 Sunset Ave

Block 103 Lot 6

Mr. Barbarula stated because of all of the back and forth with your application from the last meeting, this meeting would be considered the hearing rather than what when on last month and that way everyone here can listen to the application and all vote, if you don’t want that then you will have one less member here to vote on it.

Mr. Echeverria stated he would consider this his hearing.

Oath Given

Mr. Barbarula stated that his is a carried application but for purposes of having the testimony presented to the board, we are considering everything that is being presented today. All board members should at this time have a complete package.

Mr. Echeverria stated he is applying for a rear yard variance of 29’ where 35 feet is required the property is located in the R-3 zone. The addition of 22 x 17 would be for a master bedroom, bathroom and part of it will tie into an existing hallway. The addition would be adjacent to an existing addition that was added to the home. The plan is to continue the line of the home in the back so it is no shaped like a “T” and just square it off to the corner and that is the area where the addition would be built in.

Mr. Echeverria stated that he called the Bloomingdale Building Department and was able to obtain the building permits from 1979, when the addition was put on which is an amendment to the application.

Mr. Echeverria further stated that there is no additional property in is area that he could purchase to bring his lot into conformance.

Board engineer stated nothing from the previous application has changed.

Board questioned the witness on various aspects of his application

Mr. Barbarula stated that the board should consider all the submissions that they have, all of it is one part of the application.

Public portion opened by motion

Public portion closed by motion

Motion to approve the application

Motion: Brown

Second: Finelli

Voted Aye: Donnelly, Roche, Hauck, Brown, Finelli, Grygus, Vath, Nargiso

Voted Nay: None

**17-195V** Samuel Gabbia

95 Kiel Avenue

Block 47 Lot 3

Dana D’Angelo of D’Angelo and D’Angelo representing the applicant

Mr. Roche stated he would like to be excused since he is within 200 feet of the proposed application.

Oath Give – Samuel Gabbia

Mr. D’Angelo stated this is a use application to a convert an existing residence into a two family home. Construction was done to put on an addition for Mr. Gabbia’s grandmother back in 1984 approved by the board which a resolution is attached. The grandmother lived there for an extended period of time until she passed and the residence remained same. The addition that was put on was a separate unit, separate bedroom, bathroom and kitchen, it was done as a mother/daughter, it was never done specifically as a two family and it has never been used as a two family, it was only used as a mother/daughter during that time period. That existed from 1984 to its present condition.

Mr. Gabbia is appearing before the board for approval to use that addition as a rental unit so he can remain in Butler. This house is located on Kiel Avenue so it is on one of the main streets in Butler, it is a block and half away from the R5 zone which is a two family zone, there are approximately 18 other homes that are in either the R4 or R3 the single family zone that are currently being used as two family.

Mr. Gabbia stated the following:

* Currently resides at 95 Kiel Ave, Butler for the past 52 years
* The home is a one family home that takes up most of the lot
* The back is 21x37 which has a kitchen, living room, laundry room bathroom and bedroom
* The rest of the house is the same, all attached
* The back portion was constructed in 1984 after the original house was built
* It went before the board and passed
* A CO was issued by the borough
* After the addition was completed the grandmother moved in
* Separate entrance
* It would be suited for one person to rent
* Mr. Gabbia stated he took several photos of house in the immediate area of his property that are two family
* The unit is move in ready for a tenant
* There would be no impact on the surrounding homes in the area
* Would like to retire soon and would not be able to afford to stay in Butler
* The house was not built as a two family house or used as a two family house or rented as a two family house
* Only person to reside in that unit was the Grandmother

Board questioned the witness on various aspects of his testimony

Mr. Brown stated that a financial hardship means nothing to the board that is the only hardship that is being presented, a financial hardship. If someone bought that house and had the proper amount of money, it would not have to be a two family house. This applicant is saying from a financial standpoint he needs this other income that is why it is before the board for a two family house that is a financial hardship.

Mr. Brown further asked if the applicant had looked into the senior citizen housing, located right across the parking lot. It is possible that you could live there in an apartment and afford to stay and be in Butler and be two blocks from where you live right now.

Mr. Gabbia stated he preferred to stay in Butler in the house that he grew up in and does not want to consider moving into the senior building.

Mr. D’Angelo stated that he could have had his client bring in a Planner but choose not to because the board is looking at a home that is well suited for a two family use given the physical logistics and location near the R5 zone and surrounded by two family homes.

Board Engineer’s report of March 16, 2018 read into the record

If the board requires testimony from a professional planner, that we can adjourn and Mr. Gabbia can pursue this.

Chairman Nargiso stated the original home was built in 1903, the two story addition appeared in 1997, and the one story addition appeared in 1984.

Mr. D’Angelo stated he was not aware of the records that the Chairman was referring too.

Mr. Barbarula stated when the Land Use was adopted they could not adopt finance as a reason to vary from what was established as the ordinances of the town. The ordinances of the town were developed after the Mayor, council and planning board got together with a planner and developed the scheme of development. All the ordinances of the local town were to control the development of land. All of the board members have to determine whether or not to adjust from the ordinance. Finances, whether or not you can make more money or save more money or be able to live because it is a different financial aspect that is why in Mr. Darmofalski letter he recommended professional planner

After a brief recess called by the Chairman, Mr. D’Angelo stated that his client would like to request an adjournment.

Application carried by motion to June 21, 2018.

**APPROVAL OF MINUTES** – March 2018

Motion: Donnelly

Second: Hauck

Voted Aye: Donnelly, Hauck, Brown, Grygus, Vath, Finelli, Nargiso

Voted Nay: None

**APPROVAL OF VOUCHERS**

Motion: Brown

Second: Donnelly

Voted Aye: Donnelly, Hauck, Brown, Grygus, Vath, Finelli, Nargiso

Voted Nay: None

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Chairman – Planning Board

ATTEST:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary – Planning Board

ADOPTED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_