Chairman Nargiso brought the regular planning board meeting for **May 18, 2017** to order followed by a Pledge to the Flag. The Chairman stated that this meeting is being held in conformance with the Sunshine Law Requirements having been duly advertised and posted at Borough Hall.

**ROLL CALL:**

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

Absent: Alviene (excused)

**RESOLUTIONS:**

**SP1-69A** **Quick Chek – South**

 **1441 Route 23**

 **Block 58 Lot 2.05 & 3**

Motion to approve resolution as presented

Motion: Brown

Second: Fox

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

Voted Nay: None

**CASES TO BE HEARD:**

**Nc17-59 Linda Havrilla**

 **158 Boonton Avenue**

 **Block 33 Lot 9**

Notice is in order – applicant can proceed

Oath Given

Councilman Fox stepped down from this application

Mr. Brown (Chairman of Non-Conformity Committee) stated from the tax records on this property it is shown to be a two family house. Also was reviewed in the 1956 Master Plan of the Borough of Butler, in there the house is shown as a two family house. It can be verified by back to 1958. This certificate of non-conformity should be approved.

The purpose of doing this is to be able to verify that the house was constructed legally prior to the introduction of ordinances in the Borough of Butler.

Public portion opened by motion

Bob Norman – 31 Cascade Way – questioned the address of the two family house

Public portion closed by motion

Motion to approve as submitted:

Motion: Brown

Second: Finelli

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

Voted Nay: None

**17-188V Brian Stackhouse**

 **35 N. Western Avenue**

 **Block 53 Lot 23**

Notice in order – applicant can proceed

Oath Given

Mr. Brown and Mr. Finelli stepped down from this application

Mr. Stackhouse stated he would like to add a one car garage with one bedroom above.

Mr. Darmofalski stated the applicant is proposing a two story addition on the right side of the existing dwelling. The first floor is a 13 x 19 garage. The second floor is a 13 x 20 bedroom that will connect to the existing second floor. There will be a 23’ height on the addition. The project requires variances which are shown on the zoning table. The garage will be a positive addition to the property under Butler Zoning by providing a garage where there is currently no garage.

Board questioned the witness on various aspects of his testimony

Public portion opened by motion for questions and or comments

Public portion closed by motion

Motion to approve application as presented

Motion: Donnelly

Second: Hauck

Voted Aye: Donnelly, Roche, Veneziano, Hauck, Grygus, Vath, Fox, Nargiso

Voted Nay: None

**SP16-70 Johan Kafil (Retail Property)**

 **1465 Route 23**

 **Block 54 Lot 1.08**

Notice is in order and applicant can proceed

David Dixon, Esq. appearing on behalf of the applicant – Johan Kafil

Mr. Dixon stated this is an amendment to the approved site plan to permit modifications of an amendment to the approved site plan for the inclusion of two mezzanine levels (interior, upper level; 1135.8 sf (beauty salon) 639.7 sf (jewelry store), for storage and mechanicals only, with the existing previously approved retail building and improvements, installation of an exterior ice vending machine and installation of a vegetative barrier along the property line abutting adjacent block 54 lot 2.05, including attendant parking, driveways, drainage, and landscaping improvement for property known as block 5 lots 1.08 only in the HC1 zone district.

David Beesley – Burton Engineering 82 Goff Road, Bloomfield, New Jersey

Accepted as an expert witness by motion for engineering and planning

Mr. Beesley addressed the following items of Paul Darmofalski report dated March 31, 2017

1. Parking space count depicted on the plans is different than what was constructed in the field. The spaces shown along the front property line and along the rear of the building each are deficient by 1 space. The approved design plans show 53 spaces. Existing field conditions provide for 51 spaces
2. The one way exit driveway in front of the building is dimensioned 16 feet wide on the plans. Existing field conditions have this at 20 feet wide
3. The approved plans show a loading zone as a minimum of 12’x35’. Theas built survey and existing conditions in the field show a loading zone that is 6 feet wide
4. The trash enclosure was not constructed as per the approved plans. In addition the existing dumpsters on site appear to be too large to fit into the enclosure if one as constructed as per the plans.
5. The concrete island servicing the entrance/exit driveway is not constructed to DOT standards
6. The plans dated 8-18-14 show a 6 foot wide elevated sidewalls with railing along the front of the building that transits down to a 4 foot wide walks with a flush curb at the southeast corner of the building. The as built plans and exiting field conditions have this walk at a constant 5 foot wide, including the curb
7. The plans dated 8-18-14 show a landscaped area between the building and the sidewalk along the northern building exposure. The as built plan and existing field conditions have this sidewalk constructed up against the building
8. The plans dated 8-18-14 show a 6 foot wide sidewalk along the back of the building. The as built plans and existing field conditions have this walk at a constant 5 foot wide including the curb
9. The curb offsets along Route 23 shown on approved plan appear to be 2 foot closer to the property line when compared to the as built survey
10. The installed site lighting in the parking area is different than the details shown on the approved plans
11. The existing ice machine located at the southwest corner of the building was not part of the approved plan

Mr. Barbarula asked the board if they want to grant a variance for a store a store that is 639.7 square where 750 square feet is required

Johan Kafil – Oath Given

59 South Glenn Road

Kinnelon, New Jersey

Mr. Kafil stated that he did not receive or request zoning approval for the jewelry store.

Public portion opened by motion

Bob Norman – 31 Cascade Way

Questions regarding

* Widening of the exit
* Redoing of the triangle
* Curbing on the highway

Public portion closed by motion

Mr. Barbarula stated what is before the board is an application to amend this site plan to change the original approvals to create a mezzanine structure on a number of the units that were approved. This site plan has to be amended to increase the parking because it increases the parking requirement when you add square footage even though it is at a mezzanine level.

If there were to be an approval there must be a condition where the engineer must review and approve the lighting plan.

Ice machine must be approved by the fire department

No plumbing on any of the Mezzanine floors – no occupancy of the mezzanine floors – no access to the public on the mezzanine floors and no workers remaining on the mezzanine floor except for the beauty pallor and it is recommended if the beauty pallor leaves the breakroom sunsets.

Motion to allow the ice machine to remain in current location with the addition of a base and with fire official’s approval

Motion: Fox

Second: Finelli

Voted Aye: Donnelly, Roche, Veneziano, Hauck, Grygus, Finelli, Vath, Fox, Nargiso

Mezzanine amendments to the site plan

Motion to approve the two mezzanines as discussed with conditions

Motion: Finelli

Second: Fox

Voted Aye: Hauck, Grygus, Finelli, Vath, Fox, Nargiso

Voted Nay: Donnelly, Roche, Veneziano,

Denial of Square footage of the Jewelry store with 639.7 square feet required 750 square feet

Motion: Fox

Second: Grygus

Voted Aye: Donnelly, Roche, Veneziano, Hauck, Grygus, Finelli, Vath, Fox, Nargiso

Voted Nay: None

SP16-71 Monica Kafil will be carried to the June 15, 2017 meeting at 7:30 PM - no further notices will be given

**APPROVAL OF VOUCHERS**

Motion to approve the vouchers as submitted

Motion: Donnelly

Second: Fox

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

Voted Nay: None

**APPROVAL OF MINUTES** - February, March, April 2017

Motion to approve as submitted:

Motion: Donnelly

Second: Hauck

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

Voted Nay: None

Motion to adjourn:

Motion: Fox

Second: Donnelly

All Ayes

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 Chairman – Planning Board

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ATTEST\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 Secretary – Planning Board ADOPTED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_