Chairman Nargiso brought the regular meeting of the Butler Planning Board for November 8, 2018 to order followed by a Pledge to the Flag. Chairman noted that this meeting is being held in conformance with the Sunshine Law Requirements having been duly advertised and posted at Borough Hall therefore meeting all requirements.

**ROLL CALL:**

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

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

**CASES TO BE HEARD:**

18-199V Lindita Meto

 92 Valley Road

 Block 37.03 Lot 1.02

Notice is in order and applicant can proceed with the application

**Oath Given**

Lindita Meto – 92 Valley Road

Mr. Meto stated he is looking to get an approval of an existing guest house; it has been on the property for years but not recently used. There is no request to build an additional building.

Mr. Barbarula stated there is a barn behind your house according to the tax record; you are stating that at some point in time it was a preexisting guest house. At the end of the day, if the board says it is OK for you to use it as a guest house it is still a two family, someone living in the former bard and someone living in the house.

Mr. Meto stated that he has family visiting from Europe, the past year it has been very hard, they have two small children and his wife has been ill. If I wanted to use it as a second family house I would have done those years ago. Mr. Meto stated that prior to them purchasing the house the “barn” was being used illegally by whoever was staying there.

Mr. Barbarula stated it is your responsibility to tell the board why you should be able to use this back building in the way you want to. You need to present testimony and proof to the board in order for them to decide anything.

Mr. Meto stated at this time we have allot of family coming and visiting because my wife is really sick, I don’t have enough room inside the house. There are two rooms in the barn; it is only being used for storage as of right now. There is no kitchen, living room, bedroom, bathroom or plumbing.

Chairman Nargiso stated a guest house typically has a bedroom, kitchen, and a bathroom. So the intent is not to put in a kitchen and wanted to know how the board could help him.

Mr. Barbarula stated the board could not help him without proper testimony.

Mr. Meto stated that he has no intention of putting in a kitchen, but electric and plumbing has to be there, there is electricity but must be updated. It is being used right now for storage, it was used illegally in the past, and someone was living there but it has been there since 1958. Some parts have sheetrock, insulation but it needs to be cleaned up and updated.

Board secretary stated the person that owned this prior to Mr. Meto, he had a relative living in the barn and it was not finished, he was just living in there and it was a long process to get him out.

Mr. Barbarula stated there is no definition of a guest house in the ordinance; this is simply making this property a two family, period. The applicant does not understand what I am saying; a use variance in the state of NJ, municipal land use authorizes the Zoning Board to grant a use variance

1. Where there is special reasons exits for the variance, positive criteria
2. The variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning and planning ordinances of the municipality

He further stated that the applicant cannot come before the board, and say I want this; my wife is sick, make it. You are asking for a two family, your application has to be substantiated because a use variance is a difficult proof process, you have to prove either by planning testimony, which you are not a planner, or some sort of engineering aspects of the property that particular to the property, that this property should be used as a single family house with a guest house being a separate dwelling unit both on the same piece of property. Without that there is no way a board can grant you what you are asking for. The applicant would need a planner to come in and say this is the neighborhood, this is how it should be done and it does not violate the municipal land use law.

Mr. Brown stated the building is approximately 300 square feet which is way under what is required. He would have to do some construction in order to reach 700 or 800 square feet. He further stated the applicant is looking for an approval and use it as is, because it was used illegally before, so it must be OK.

Chairman Nargiso asked how far from the main house to the barn

The applicant answered between 30 to 32 feet.

Mr. Brown stated in order to make it one structure it must have a substantial attachment such as a roof, or common wall, this has neither.

Chairman Nargiso stated the applicant may not need to be, before the board if he can comply

Mr. Barbarula stated with have a use variance and the applicant is stating he has no testimony, when the board starts to get into design recommendations you are going above the definition of your function. You have to decide this application on what you have, what the testimony is or is going to be.

Mr. Barbarula further stated if the applicant has an attorney, planner or any combination thereof this would be a completely different application and would have to renotice.

Chairman Nargiso stated if the board adjourns this evening an give you another date, you can get some professionals to look at how you can compensate, you heard what the board is interested in and the problems you have with what you want to do with this, if it is carried you would not have to notice again, but you only get a certain amount of time and of course when you get a professional involved it may change your entire application. By carrying you this evening it will give you some time to meet with some professionals and there is a change that you would have to renotice. This is a two family, no matter what if you find a way to overcome that then it is just two bedrooms extended, but you have to have a professional look at this so it can be proposed to this board properly.

The board secretary stated that the applicant can stop into the Borough Hall and we can go over again what you might need if you are feeling somewhat confused. Your application can be carried to January 17, 2019.

Mr. Barbarula stated that having Mr. Meto come into Borough Hall and speak with you and Bill is dangerous and should not be done. The applicant is better off seeing independent council the board or any of our professionals cannot help you and the board secretary would bend over backwards to help you but she is not allowed to do that.

Motion to carry to January 17, 2019 without further notice being required

Motion: Brown

Second: Finelli

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

Voted Nay: None

Mr. Donnelly stated that since the applicant has purchased this house he has improved it 10,000%

**RESOLUTIONS:**

SD18-72 Edward Litchfield

 20 Tintle Road

Motion to approve resolution as corrected and presented

Motion: Hauck

Second: Vath

Voted Aye: Donnelly (abstain), Roche, Veneziano, Hauck, Brown (abstain), Finelli (abstain), Vath, Nargiso

Voted Nay: None

**VOUCHERS:**

Motion to approve vouchers as presented:

Motion: Donnelly

Second: Brown

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

Voted Nay: None

**Special Meeting** – December 13, 2018

Motion to Adjourn

Motion: Brown

Second: Donnelly

All Ayes

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Chairman – Planning Board

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

 Secretary – Planning Board

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