

**RESOLUTION**  
**Borough of Butler**  
**Planning Board**  
**In the Matter of LCW Properties, LLC**  
**Application Number NC21-67**  
**Decided on December 16, 2021**  
**Memorialized on January , 2022**  
**Certificate Certifying Nonconforming Use**  
**Pursuant to N.J.S.A. 40:55D-68**

**WHEREAS, LCW Properties, LLC** hereinafter referred to as the "Applicant") has made an Application to the Borough of Butler, Planning Board (hereinafter referred to as the "Board") for the issuance of a certificate, certifying that the subject property contained a legal two-family use; and

**WHEREAS,** the subject property is known as Lot 72 in Block 40.01 as shown on the Tax Map of the Borough of Butler, and is located at 223 Boonton Avenue in the Highway Commercial HC Zone; and

**WHEREAS,** a public hearing was conducted on December 16, 2021, after the Board determined it had jurisdiction; and

**WHEREAS,** the Applicant was represented by Paul Califf, Esq.; and

**WHEREAS,** the Board has heard comments and testimony from the Applicant, and the Applicant's counsel and with the public having had an opportunity to be heard; and

**WHEREAS**, a complete application has been filed, the fees as required by Borough Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.

**NOW THEREFORE**, the Borough of Butler Planning Board makes the following findings of fact and conclusions of law based on the evidence presented at its public hearing, at which a record was made.

1. The Application before the Board involves a request by the Applicant to allow the continuation of a two-family use on the subject property, which is now located in a Highway Commercial HC Zone. The property is Lot 72 in Block 40.01 and is more commonly known as 223 Boonton Avenue.
2. On the basis of the testimony presented to the Board by its Planning Board Member, James Brown, and is stated by the Applicant at this hearing, that the property has remained in two-family use, prior to 1958. Therefore, the subject property shall be considered as a nonconforming use and/or structure for the purpose of this application, allowing unrestricted two-family use.

3. In that the proceedings in this matter were voice recorded, the recital of facts in this Resolution is not intended to be all inclusive, but a summary and highlight of the complete record made before the Board.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Butler Planning Board that the Application of LCW Properties, LLC for Lot 72 in Block 40.01 as shown on the Tax Map of the Borough of Butler, requesting that the subject property be certified as a nonconforming two-family use, is hereby approved.

The undersigned certifies that the within action was taken by this Board on December 16, 2021 and memorialized herein pursuant to N.J.S.A.40:55D-10(g) on January , 2022.

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FOR:

AGAINST:

ABSTAIN: