Chairman Nargiso brought the regular meeting of the Butler Planning Board for August 15, 2019 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 the newspaper and posted at Borough Hall.

**ROLL CALL:**

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

Absent: Roche (excused), Veneziano (excused), Mayor Alviene (excused), Piccirillo (excused),

Councilman Fox (excused)

Board Attorney stated that Mr. Veneziano was unable to open up and listen to the recording of the last meeting so has been excused from the meeting

**CASES TO BE HEARD:**

SP19-77 AR Real Estate Holdings

 1579 Route 23

 Block 204 Lot 1

Report from Board Engineer – dated August 14, 2019

Chris Finelli, board member stated his company received a phone call regarding a bid for the above referenced application. Mr. Finelli stated his company could not offer their services since he sits on the board hearing the application.

Board attorney stated that there is no conflict and he can sit on the application.

John Verteri – attorney for the applicant – conversion of the Music Den property to the Salon and Spa and presented at the last meeting.

Frank Troia – Architect

Mr. Troia testified to the following:

* Description of the building material
* Decorative lighting
* Floor plan description
* Second floor description
* Outdoor pater/deck – variance needed
* Slat system description for privacy
* Elevations

Exhibit A3 – Screen Rendering

Board questioned the witness on various aspects of his testimony

Public Portion opened by motion

Public portion closed by motion

Jeff Egarian, Engineer

Mr. Egarian testified to the following:

* Review of site plan
* Changes made to the site plan
* Sight Triangle
* Planting schedule
* Proposed landscaping
* Handicapped spaces
* Parking lot modifications
* 4 foot walk way around the building
* AC unit location
* Outdoor terrace steps
* 6 foot high vinyl fence
* Dumpster location and gate
* Loading space area
* Lighting plan description
* Storm water management
* DOT letter of no intent
* Submission of Easement with prior resolutions attached

Board questioned the witness on various aspects of his testimony

Public portion opened by motion

Bob Norman – 31 Cascade Way

Questions regarding lighting hours

Public portion closed by motion

Public portion opened for comments

Public portion closed for comments

Mr. Verteri stated he has no further witnesses, no further questions, both professionals did a very good job on answering all the questions that were raised by the board and public and if there are no further questions he rests his case.

Mr. Brown: Motion to approve the application based upon the sworn testimony, the latest revised submitted drawings and the additional changes to which the applicant has agreed and the following conditions:

* The structure shall be ADA compliant
* Light shields shall be added to site building and sign luminaries as may be required by the Board Engineer for up to one year post construction
* All audible communication devices if utilized shall have the volume level adjusted so it is not to be audible beyond the site premiers
* Peg fence not less than 6 feet in height shall be installed along the westerly property line, if peg fence not less than 6 feet in height shall be installed along both the northerly and southerly property line beginning at the westerly property continuing east for about 70 + or – 5 feet along the northerly property line and beginning at the westerly property line and continuing east for 45 feet + or – 5 feet along the southerly property line
* Site curbing along the southerly border shall be installed as to properly align with the right of way across the southerly property to Lincoln Road
* Any initial landscape plantings for this application which die within one year after installation shall be replaced with like kind
* A DVD recording of the video shown during the application presentation shall be provided for the board’s record prior to issuing of a building permit.
* A recording shall be submitted in duplicate on tow individual discs this condition must be completed to the satisfaction of the board recording secretary.
* The premier of the raised terrace shall be fitted with an opaque screen not less than 7 feet in height
* A single dumpster enclosure shall be provided, the enclosure shall incorporate a locked gate and enclosure shall provide separate storage containers for trash and recycling materials
* It is recommended that the containers that the containers be bear proof
* All exterior luminaries shall be identified and lighting plan submitted incorporating descriptions or catalog cuts of all the exterior luminaries
* The single site sign shall be placed so as not to interfere with the Route 23 sight triangle of the property to the south of the application property and with the approval of the Board engineer
* All other sections of the Borough of Butler ordinance chapter 143 shall remain in affect

**ADDITIONAL CONDITIONS**

* The conditions of the June 17 and August 14, 2019 of the Board Engineer shall be incorporated
* Performance Bond and Landscape guarantee
* Storm water collection device in accordance with approval of the Board Engineer
* All past approval requirements for the Music Dens prior approval be installed
* Morris County Soil Conversation
* Installation of a gate as required by the right of way and the gate shall be approved by the Board Engineer
* Application to the DOT for Letter of No Intent

Mr. Brown Included the additional conditions to his approval

Mr. Brown stated he would include the additional conditions

Second to the motion:

Second: Donnelly

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

Voted Nay: None

**RESOLUTIONS:**

SP18-73 St. Anthony Church

 Bartholdi Avenue

 Block 31 Lot 1

Motion to approve resolution as reviewed by committee and read for the record

Motion: Brown

Second: Donnelly

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

Voted Nay: None

**APPLICATIONS TO BE DEEMED COMPLETE**

SD19-73 Bergen Middlesex

 6 Center Street

 Block 37.01 Lot 42.01 & 45

Board Engineer recommends the board deem the application complete

Motion to deem application complete

Motion: Brown

Second: Donnelly

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

19-202V Butler Public Storage

 103 Arch Street

 Block 16 Lot 16.01

Board Engineer stated it is deemed complete but the survey is not sealed, all they need to do to be complete is submit a couple of sealed surveys. It is a bifurcated application, they are coming in to talk about a use variance to allow 15 units in the self-storage facility with indoor parking, they should provide a bulk zoning table to go along with the application to see how the building complies with your underlying zone. The property is essentially all building there is almost no ground space. They are bifurcating the application, the first part would for the use variance, where no residential is allowed in the CBD Zone. They are asking for a waiver from item 12 of the check list which requires a site plan. They want to hear the use variance first without a site plan even though they have a survey, no real site work is happening because it is all building then they would come back to you as a part 2 of the application for site plan approval should they be granted the use. What they have provided is 4 exhibits and the floor plans on the interior. They are showing parking and two floors of apartments, so they are showing you what they feel is enough for the board to make a decision on the use variance.

Board Attorney stated he did not like that, the whole property is the building, so what is the site plan going to be, there is no reason to waive the site plan. For a use variance there should be involvement with parking and all that. They want to bifurcate but the board can always say no. Legal representation is no.

Board Engineer asked if the board does not grant them a waiver from checklist number 12 which is to have a site plan.

Board Attorney stated that is his recommendation. We need to bring them in and decide their request while they are here. Recommendation is deem the application complete advise them that the board is has just deemed it complete and that they have to come in and make their presentation to ask the board to consider a waiver. In other town particularly Lincoln Park, you have a hearing which is a waiver application, but here is not public notice required.

Board engineer stated don’t deem it complete and have them come in and express why they feel they need the waiver. Let’s use Lincoln Park as model. Do not deem it complete and require them to come before for a waiver hearing.

Motion to approve hearing date for a waiver

Motion: Donnelly

Second: Vath

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

Voted Nay: None

**APPROVAL OF MINUTES** – June 20 and July 18, 2019

Motion: Brown

Second: Donnelly

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

Voted Nay: None

**APPROVAL OF VOUCHERS:**

Motion: Brown

Second: Donnelly

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

Voted Nay: None

**BOARD BUSINESS:**

Board member Mike Hauck has resigned from the Butler Planning Board and will be moving out of town.

Mr. Hauck stated it was an honor to serve on the Butler Planning Board which he would consider the finest board in New Jersey. The town is blessed to have such talent and knowledge on this board and will be missed.

Motion to adjourn:

Motion: Donnelly

Second: Brown

All Ayes

Adjournment: 8:50 PM

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 Chairman Planning Board

ADPTED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 Secretary Planning Board