Chairman Nargiso brought the regular meeting of the Butler Planning Board for March 20, 2014 to order followed by a Pledge to the Flag. Chairman Nargiso stated that this meeting is being held in conformance with the Open Public Meeting Act having been duly advertised and posted at Borough Hall.

**ROLL CALL:**

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

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

**CASES TO BE HEARD:**

14-179V Shri Sai Shakti, LLC

 1369 Route 23

 Block 67 Lot 1

Dana D’Angelo, Esq. From the firm of D’Angelo and D’Angelo representing the applicant

Mr. D’Angelo described the following:

* Current conditions
* Proposed conditions
* Mandated remediation
* Installation of the canopy
* Description of required variances
* Removal of mechanical bay & current tenant

Joseph Mianecki, Jr. Professional Engineer

Accepted as an expert witness by motion

**Exhibits presented:**

A1 – Existing conditions

A2 – Proposed

A3 – Drainage

A4 – Landscaping Details

Mr. Minanecki testified to the following:

* Existing property
* Located in the HC II zone
* Borders R3 Zone
* Located on a corner lot
* Proposed
* 600 square foot quick mart proposed
* Canopy
* Gas dispensers
* Description of entrance and exit
* 5 parking spaces proposed
* Signage
* Traffic control signage
* Drainage plan (A3) and proposed drainage
* Sanitary/water
* Gas service
* Propose underground electric service
* A4 – Landscaping plan
* All existing trees will be removed
* Proposed hedge rows along outlook street
* Proposed lighting for property and canopy

Board questioned the witness on various aspects of his testimony

Board requested a detailed canopy and lighting plan including the kiosk

Public portion opened by motion

Bob Cassidy – 5 Outlook Street

Questions regarding access to Outlook and lighting

Keith Koppenal – 101 Cascade Way

Questions regarding fencing and 24 hour operation

James Cutillo – Professional Architect

Accepted as an expert by motion

Mr. Cutillo testified to the following – referring to his drawing which is a part of the board’s packet and is on file and was last revised on December 6, 2013.

* Description of proposed building
* Mechanical units that will be required will be located on the roof – two small roof top units – one for heating and coolant and the other one will be compressor for the walk in cooler
* Net retail area of the building is 540 square feet – total gross footprint of the building is 714 square feet
* One story – maintenance free – slab on grade
* Rest room description
* Entire building will be ADA accessible

Board questioned the witness on various aspects of his testimony

Public portion opened by motion

Public portion closed by motion

Dr. Maheta – current owner of the building

Dr. Maheta testified to the following:

* Hours of operation – currently is 15 hour operation but would like 24 hour operation
* Times of deliveries
* Scheduled deliveries – for food and beverages
* Propane deliveries
* 2 employees – one for store and one for the gas
* Fuel deliveries depends on the amount of business currently it is 2 times per week
* Superficial contamination
* No tenant is living in the apartment – they use the apartment to freshen up
* The mechanic portion of the business will be eliminate – the tenant has been given notice to leave and will be gone by the next meeting
* Only product sold from Khios will be cigarettes
* Any food that is sold would all be premade and pre-packaged

Board questioned the witness on various aspects of his testimony

* Board and professionals stated that the applicant should think about the addition of a generator and placement of such
* Produce DEP documentation regarding the contamination

Public portion opened by motion

Keith Koppenal – 101 Cascade Way

Asked the witness if he was aware that there was people living in the apartment upstairs and he has witness at least 3 to 4 people leaving that apartment at different times of the day and evening.

Dr. Maheta stated he was not aware of this situation and will correct the situation

Public portion closed by motion

Application carried to the next scheduled meeting of April 17, 2014 at 7:30 without further notice being required.

**APPROVAL OF MINUTES** – February 20, 2014

Motion: Brown

Second: Finelli

Voted Aye: Donnelly, Roche, Brown, Finelli, Nargiso

Abstain: Hauck

Voted Nay: None

**APPROVAL OF VOUCHERS:**

Motion: Brown

Second: Finelli

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

Voted Nay: None

**Quick Chek – Update**

Mr. Barbarula stated he received by lawyer service today the appeal that was filed on the last day for the objectors of Quick Chek. What happens next is that there will be a scheduling conference at which time the applet court will lay out the briefing schedule and then it will be scheduled to go to a hearing before one or three judges. Probably the way these appeals have been going you are probably looking at another 6 months.

Motion to adjourn:

Motion: Brown

Second: Finelli

All Ayes

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 Chairman – Planning Board

ATTEST:

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 Secretary – Planning Board

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