

**MINUTES**  
**REGULAR MEETING OF THE BUTLER PLANNING BOARD**  
**APRIL 20, 2023**

Chairman Nargiso brought the regular meeting of the Butler Planning Board to order for April 20, 2023. The Chairman stated this meeting is being held in conformance with the Sunshine Law Requirements having been duly advertised and posted at Borough Hall.

**ROLL CALL:**

Present: Donza, Veneziano, Brown, Finelli, Vath, Hough, Reger, Nargiso

Absent: Roche (excused), Fox (excused), Martinez (excused)

Also present: Bernard Bacchetta, Covering Board Attorney; Tom Behrens, Board Planner, Tom Boorady, Board Engineer, Tom Donohue, Covering Board Engineer, Richard Briigliodoro, Covering Board Attorney

**CORRESPONDENCE:** – None

**CASES TO BE HEARD:**

**AP3-22**

**Emma & Shannon McMasters**

Appeal Zoning Officer Decision

65 High Street

Block 13 Lot 1

Mr Bacchetta and Mr. Boorady appeared on behalf of the Board as the attorney and engineer, respectively. David Dixon, Esq. appears on behalf of the applicant.

Mr. Dixon gave a history of the building including the 1989 Add-a-Level third story. The construction had the approval of the building inspector at the time. At the time of the construction the zoning ordinance was ambiguous in its requirements for the height of single family buildings. Mr. Bacchetta agreed that under the terminology of the ordinance it does meet the requirements of pre-existing non-conformity.

Open to the public

With no member of the public coming forward a motion to close the public portion was made.

Motion: Brown Second: Finelli All in favor.

Motion to approve as a pre-existing non-conforming use at the time of the construction; that it was and has always been a single family use and the intent is that it will remain a single family.

Motion: Brown Second: Finelli

Ayes: Donza, Veneziano, Brown, Finelli, Vath, Hough, Reger, Nargiso

**SP22-85**

**HillviewMed, Inc.**

Conditional Use for Cannabis

1481 Route 23

Block: 54 Lot: 1.03

Richard Briigliodoro, Esq. covering as Board Attorney.

Thomas Mollica, Esq. appeared on behalf of the applicant.

Mr. Mollica called his first witness: Chris Szalay, Menlo Engineering, 261 Cleveland Ave, Highland Park, NJ

Credentials accepted Motion: Brown Second: Finelli All in favor

Mr. Szalay described the premises. Unit 3-4; 2500 square feet, 17 parking spaces.

Exhibit A-1 Aerial of existing conditions

Public participation:

John Donnelly, 4 Cedar Street questioned the adequacy of the parking and the actual number of 17 spaces available.

Patrick Barton, 1473 Route 23 Vapes store was concerned about the closeness of the site to the Church of the Nazarene.

Public Portion Closed: Brown                      Second: Finelli                      All in favor.

Susana Short, Executive with HillviewMed, 30 Hillview Road, Lincoln Park. Sworn in as Chief Strategy Officer Testified to the operations of the facility.

11 hours per day 10 am to 9 pm Monday thru Saturday. Closed Sundays

Security personnel

80% of orders will be on-line

Exhibit A-2      Exterior Rendering with signage

Exhibit A-3      Interior Floor Plan

Exhibit A-4      Resolution from Kinnelon Planning Board—3/22/2023

Exhibit A-5      Front Façade

Open to public.

With no one coming forward from the public, Motion to close: Brown                      Second: Finelli                      All in favor

Five Minute Recess

Chris Carbone, 33 Greenview Drive, Kinnelon was sworn in as Security Expert.

Using Exhibit A-3 Interior Layout Mr. Carbone pointed out the security areas in the store.

The security officer will most likely be a retired police officer contracted by a third party licensed security company.

No underage customers will be permitted in the store.

Will monitor parking compliance, but the security officer will not go outside to enforce the regulations since it is not enforceable as a Title 39 site.

Will maintain 24/7 security cameras. There will be no blind spots per state regulations with the exception of the bathrooms and janitor closet.

The vault area will be constructed of concrete block with security cameras. It will be sheet rocked with a DEA-rated 10 gauge cage. There will be two doors, one for delivery and the other will be Dutch-doors for a service counter.

Central dispatch alarm system.

Air filtration system to prevent any odors. Each tenant has its own HVAC.

If no security officer is available the store will be closed.

No concealed carry will be permitted.

The hearing for this application is being carried to May 18, 2023

**RESOLUTIONS**

NC23-68

Madeline Paulison

2-Family Certificate of Non-Conformity

39 Excelsior Place

Block 108      Lot 3.01

Motion to approve:    Brown                      Second: Finelli

Ayes: Donza, Veneziano, Brown, Finelli, Vath, Nargiso

**RESOLUTION, *continued***

SP22-84      1333 Route 23 LLC  
1333 Route 23  
Block 83.08 Lot 5

Conditional Use for Retail Cannabis

Motion to approve: Brown      Second: Finelli  
Ayes: Donza, Veneziano, Vath, Brown, Finelli, Hough, Reger, Nargiso

**APPROVAL OF MINUTES:**    March 16, 2023 Regular Meeting

Motion: Brown      Second: Finelli  
Ayes: Donza, Veneziano, Brown, Finelli, Vath, Nargiso

**APPROVAL OF VOUCHERS** - Voucher 23-04

Motion: Donza      Second: Veneziano  
Ayes: Donza, Veneziano, Brown, Finelli, Vath, Reger, Hough, Nargiso

**ADJOURNMENT:**    10:07 pm

Motion: Brown      Second: Finelli      All in Favor

Next Regular Meeting May 18, 2023, 7:30 PM

Approved: May 18, 2023

  
Chairman