

**MINUTES
REGULAR MEETING OF THE BUTLER PLANNING BOARD
NOVEMBER 9, 2023**

Chairman Nargiso brought the regular meeting of the Butler Planning Board to order for November 9, 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, Vath, Veneziano, Brown, Reger, Roche, Hough, Fox, Martinez, Nargiso
Absent: Finelli (excused)
Also present: Richard Briigliodoro, Attorney; John Barbarula, Attorney; Tom Boorady, Engineer

7:35 - Mayor Martinez arrives

CORRESPONDENCE: None

CLOSED SESSION: Richard Briigliodoro, Esq. requests the Board to go in to closed session to discuss pending law suit titled "1481 Realty, LLC v. Borough of Butler Planning Board". Resolution attached.

Motion: Brown Second: Vath

Ayes: Donza, Roche, Veneziano, Brown, Vath, Hough, Reger, Fox, Martinez, Nargiso

Open meeting called to order. Mr. Briigliodoro steps down. John Barbarula, Esq. takes his seat as attorney for the Board.

CASES TO BE HEARD: Bergen Middlesex Subdivision
6 Center Street & 16 Center Street
Block 37.01 Lots: 45 & 46

Mayor Martinez recuses himself due to a personal conflict.

David Dixon, Esq. appeared on behalf of the applicant Bergen Middlesex of 6 Center Street. He called as a witness Robert Cigol, Surveyor, 6 Carey Avenue.

Motion to accept Mr. Cigol as an expert witness: Brown Second: Fox All in favor

Mr. Cigol indicated that 6 Center Street had a two family house on an undersized lot. Neighboring properties are oversized. This subdivision will result in acquiring some property from 16 Center Street, owned by Philip Lombardo.

Exhibit A-1 Original subdivision of the Westervelt Tract from 1897.

The resulting subdivision will regularize the gores (land without ownership) into the new lot.

The meeting was open to the public. Since no members of the public came forward, a motion to close the public portion was made: Brown Second: Fox All in favor.

Motion to approve the subdivision includes the following conditions:

Lot 46

1. Minimum Lot Depth - 115 feet exists and is proposed where a minimum of 125 feet is required.
2. Minimum Front Yard Setback - 28.55 feet exists and is proposed where a minimum of 35 feet is required.
3. Minimum Back Yard Setback, DECK - 26 feet exists and is proposed where a minimum of 35 feet is required.
4. Minimum Setback, POOL - 4.5 feet exists to the pool deck where a minimum of 10 feet is required per Butler Borough Code § 207-5.

Lot 45

1. Minimum Lot Area - 8,266 SF exists and 10,136 SF is proposed where a minimum 10,250 SF is required.
2. Minimum Lot Width - 50 feet exist, and 68 feet is proposed where a minimum of 65 feet is required. *The proposed subdivision would eliminate the pre-existing nonconformity.*
3. Minimum Side Yard Setback - 2.38 feet (Left), and 2.55 feet (Right) are existing and proposed where a minimum of 10 feet is required.

Motion to approve: Brown

Second: Fox

Ayes: Donza, Roche, Veneziano, Brown, Vath, Hough, Reger, Fox, Nargiso

RESOLUTIONS: None

APPROVAL OF VOUCHERS - None

APPROVAL OF MINUTES: October 19, 2023 Regular Meeting

Motion: Vath Second: Roche

Ayes: Donza, Roche, Hough, Vath, Nargiso

The December workshop will have a conceptual plan to be discussed. The Board is requiring the plans on or before December 4. If the plan includes a Use Variance, the meeting must be canceled. An escrow fund in the amount of \$500 is also required.

ADJOURNMENT: 8:20 pm

Motion: Brown

Second: Fox

All in Favor

Workshop Meeting December 14, 2023 at 7:30 PM

Approved: December 14, 2023


Chairman