Acting Chairman Donnelly called the regular meeting of the Butler Planning Board 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 in the local newspaper and posted at Borough Hall.

**ROLL CALL:**

Present: Roche, Drexler, Hauck, Alviene, Grygus, Calvi, Fox, Donnelly

Absent: Brown (excused), Nargiso (excused)

Chairman Donnelly stated that normally the application for Quick Chek would be heard but they have graciously gave up one hour to hear the two pending applications. At 8:30 the pending applications will stop and Quick Chek will continue with their application.

**CASES TO BE HEARD:**

SD15-70 William Heilig

49 Lakeside Avenue

Block 101 Lot 5.10

Bernard Bacchetta Esq. representing the applicant

* Mr. Bacchetta stated the actual owner of the company is Equity Trust Company – William Joseph Heilig, IRA
* Applicant is William Joseph Heilig.
* The property is a parcel on 49 Lakeside Avenue Lot 5.10 Block 101
* R3 Zone
* Consists of 36,129 Square Feet
* Minor Subdivision – create two lots out of one oversized lot
* Each lot with comply with the minimum lot area requirements of the Borough
* No variances being requested
* No waivers being requested
* There are no wetlands or wetlands transition areas

Mr. Barbarula stated this application is a fully conforming subdivision creating two fully conforming lots, unless there are issues from the Engineer, there is no legal impediments to granting a fully conforming subdivision of these two lots, there is no extension of municipal improvements that would it into a major subdivision.

No comments from the Board Engineer

Motion to open up to the public for questions/comments

Public portion opened by motion

Public portion closed by motion

Motion to approve as presented:

Motion: Fox

Second: Alviene

Voted Aye: Roche, Drexler, Hauck, Alviene, Grygus, Calvi, Fox, Donnelly

Voted Nay: None

15-185V Josh & Brittany Marion

68 Roosevelt Avenue

Block 37.03 Lot 3

Councilman Fox and Mayor Alviene will be stepping down from this application due to the Board of Adjustment issues

Mr. Barbarula stated that the issue concerning this application is that it’s a non-conforming use; it is two families on a one family lot. The issue is that this is Board of Adjustment application for an expansion of a non-conforming use that notice does not mention that and does not offer sufficient notice. The board must make a determination on whether they feel it is sufficient notice we do not have jurisdiction if sufficient notice was not given.

Motion to deem notice deficient

Motion: Roche

Second: Calvi

Voted Aye: Roche, Drexler, Hauck, Grygus, Calvi, Donnelly

Voted Nay: None

Newspaper publication deficient and Applicant must renotice for the September 17, 2015 meeting.

Applicant will be placed on the Agenda for September 17, 2015 meeting with notice being required

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Chairman – Planning Board

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary – Planning Board ADOPTED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The attachments are the official minutes of Quick Chek for August 20, 2015 prepared by Pamela Adamo Certified Shorthand Reporter and Notary Public of the State of New Jersey