Chairman Nargiso brought the regular meeting of the Butler Planning Board for December 21, 2017 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 and posted at Borough Hall.

**ROLL CALL:**

Present: Donnelly, Roche, Veneziano, Brown, Grygus, Finelli, Vath, Nargiso

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

**CASES TO BE HEARD:**

17-191V 214 Main Street LLC

Mr. Schepis, Esq. representing the applicant

Report read from the Butler Fire Prevention dated December 3, 2017

Mr. Schepis stated that he did review the report with Mr. Katzevich and they are in agreement with all of the comments, the project architect had testified that the building code did not require the building to be sprinkled but if the building code does require it will be sprinkled, whatever the codes are in way of construction, all that will be incorporated into the final building permit plans

Mr. Schepis presented **Exhibit A4** Sanborn Insurance Map dated 1905

Dan Katzevich

48 Brush Hill Road

Kinnelon, New Jersey

Owner of the property testified to the following

* Use of the basement – mechanical equipment and empty space
* Past and current use of attic – storage of old sinks and toilets
* Improvements to sidewalk along Manning Avenue
* Retaining wall – improvements and or replacement
* New and stripped parking lot
* Fire Escapes

Board questioned the witness on various aspects of his testimony

Mr. Brown questioned the board attorney regarding housing standards and whether the architect used those standards when they laid out the square footage in the apartments

Mr. Barbarula stated he would like the Attorney to say, let me get my architect and verify that this ordinance was adopted and the results that we have are all OK, and vote the first meeting that we have in January.

Mr. Schepis stated it seems that the Land Use Ordinance has a requirement for minimum floor area for the apartment based on number of bedrooms, whereas the building code has a square footage minimum based upon occupancy.

The testimony from Mr. Foger was we complied with the ordinance, based upon the fact the ordinance that Butler building ordinance does not reference a minimum square footage for a two bedroom apartment or a one bedroom apartment but rather has a square footage based upon occupancy. The applicant is going to relay on the fact that Mr. Foger testified that it complies with the zoning ordinance and building code ordinance. If it is determined somewhere along the line by the construction official that it is not compliant then the applicant will have to seek the required relief.

Mr. Barbarula stated this could become a condition that you obtain the approval from the building inspector that you do in fact comply with the ordinances of the Borough. The reason this is being recommended, it keeps the application open, assuming that there is affirmative action should the building construction say that they don’t meet the condition they can come back before the board without having to go through the entire process. All that they have to do is notified the board that a certain condition has not been satisfied, they advertise and a limited additional hearing is done on that particular condition.

Public portion opened by motion for comments

Richard Mohl – 7 Manning Avenue

Questions regarding

* Air conditioning
* Insufficient parking
* Retaining wall concerns
* Rundown façade
* Trash and recycling

Public portion closed by motion for comments

Mr. Schepis offered final comments

Mr. Barbarula stated the application is for an expansion of a non-conforming use, during the course of the presentation by the applicant and the applicant’s attorney, various experts and the applicant himself along with the lay witness that they have had, there has been certain stipulations that the application has presented thru the applicant and the applicants attorney. The following conditions should be adopted

1. Construction official review the plans to determine whether or not the plans are in conformance with the borough ordinances
2. Retaining wall for the parking be reviewed by a structural engineer and our engineer and that repair or replacement as required and directed by the board engineer be done
3. The building plans are to be modified to show the installation of wall sleeves or AC units so that there are no chances that AC’s are put into windows that are to be used for fire access
4. The sidewalks on Manning Avenue be replaced to the satisfaction and standards of the Board Engineer
5. Fire escapes be installed as per fire code as indicated throughout the application
6. Based upon the recommendations of the fire official, it be determined or not if the building needs to be sprinkled.
7. Laundromat façade be updated and approved by the Board Planner, plans to be submitted by March 1, 2018.
8. Limit the cars to one per unit
9. Lease is to be filed with the Zoning Officer upon any renewal
10. Conditions to include two reports from Board Engineer and Planner

Motion: Brown

Mr. Brown approved the application based upon, two other things that would like to be clarified

* Close closed on the 4th floor apartments
* When the sleeves are put in for the AC that utility outlets be put in so the AC’s can be plugged in

Applicant agreed

Second: Mike Grygus

Voted Aye: Brown, the building has been there forever, there is no room to expand, the parking lot is what it is, physically constrained on at least 3 sides, there is not much else you can do with this particular building. An attic is an attic and attic is a space above the ceiling with the ceiling up the attic gets moved up

Mr. Grygus, Yes

Mr. Finelli, Yes – First though was a reduced number would fit into the master plan, but seeing the conditions that were put onto this application, if nothing gets approved, nothing will ever get finished, or repaired. The applicant has agreed to allot of conditional improvements, with the driveway, sidewalks, the front façade, I do believe with the housing requirements in the leases, that will be going back to the Zoning Officer every time there is a new tenant there is a check and balance there for over stacking.

Mr. Vath – Yes

Voted Nay: Mr. Donnelly, having difficulty approving units being put into an attic

Mr. Veneziano, for various reasons, having an issue with space

Chairman Nargiso voted no – I think it is an over extension of the property

Voted Aye: Brown, Grygus, Finelli, Vath

Voted Nay: Donnelly, Veneziano, Nargiso

APPROVAL OF MINUTES – November 9, 2017

Motion: Brown

Second: Grygus

Voted Aye: Donnelly, Veneziano, Brown, Grygus, Finelli, Vath, Nargiso

Voted Nay: None

APPROVAL OF VOUCHERS

Motion: Brown

Second: Donnelly

Voted Aye: Donnelly, Veneziano, Brown, Grygus, Finelli, Vath, Nargiso

Voted Nay: None

MOTION TO ADJOURN:

ALL AYES

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CHAIRMAN – PLANNING BOARD

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

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