Chairman Nargiso brought the regular meeting for July 18, 2019 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,

**MONENT OF SILENCE** – Jack Feeney, Esq. of Feeney and Dixon Attorneys at Law who recently passed away

**ROLL CALL:**

Present: Donnelly, Roche, Hauck, Brown, Finelli, Piccirillo, Vath, Nargiso

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

**BOARD PRESENTION TO FORMER BOARD MEMBER AND FRIEND – MICHAEL GRYGUS**

**CASES TO BE HEARD:**

SP18-73 St. Anthony Church

 Bartholdi Avenue

 Block 31 Lot 1

Alan Trembulak – Law Firm of Ashenfelter, Slous, Trembulak, McDonough, Golia & Trevenen, LLP- 363 Bloomfield Avenue, Montclair, New Jersey

Application before the board is for Pavilion, Elevator addition and stair addition

The church has been on the property since 1892, elderly housing since 1920. The application is to make the current use safer and functional for residents and emergency personnel. Currently there are safety and functional issue with the existing exterior fire escape and interior elevator. The friary houses 40 – 60 elderly retired Franciscan monks.

Brother Robert Frazzetta

Brother Frazzetta testified to the following:

* Friar 41 Years
* 11 Years in current location
* Guardian of Friar
* Built in 1892
* Wing added in 1912
* Current are retirement, active and inactive
* 35 rooms for residents
* 25 currently used
* 17 Retired
* 8 Active
* Elevator too small for stretchers
* Additional balconies for outdoor use
* Outside pavilion for gatherings
* Location of pavilion

BOARD QUESTIONS

Public portion opened by motion

Public portion closed by motion

Anthony Huggins – Architect

Accepted as an expert witness by motion

Mr. Huggins testified to the following:

* Prepared current plans
* Description of site plan
* Elevators
* Setbacks
* Fire escape
* Fire protection
* Description of pavilion
* Elevation and stair shaft
* 3 levels of balconies
* Existing stone

Board questioned he witness on various aspects of his testimony

Bob Norman – 31 Cascade Way

Questions regarding the elevator doors

Lois Fitzpatrick – 60 Bartholdi Avenue

Questions regarding the sale of the school

Alexandria Handel – Professional planner and Engineer – will be testifying as professional planner

Testified to the following:

* Description of site
* Description of proposed addition, elevator, pavilion, balconies
* Description of variances
* D2 variances
* D6 variances
* C Variances – structure
* C Variance – height
* No detriment to the public good

Board questioned the witness on various aspects of her testimony

Public portion opened by motion

Public portion closed by motion

10 minute recess – 8:48 PM

Mr. Huggins stated that the height variance will be eliminated for the pavilion and it will be repositioned by 90 degrees, only variance needed is the front yard variance

Public portion opened by motion for comments

Public portion closed by motion for comments

Mr. Barbarula stated that the application has now been modified this project is an expansion of a non-conforming use D2 a height variance for the main structure because of the elevator, the accessory use in the front yard considering that the property has 4 front yards there is no way to eliminate that. You are voting on the two D variances and the one C variance to approve or deny the application based upon the 5 exhibits and the application stipulation that they will agree to comply with our engineer’s letter of February 8, 2019.

Motion to approve based on the sworn testimony and the latest revised submitted drawings and additional changes in which the applicant has agreed and the following conditions:

* Elevator tower and stairway to be ADA compliant
* Light shields shall be added as may be required by the board engineer for up to one year post construction
* No other outdoor or site seating is granted for the application site
* Any audible communication device if installed shall be in volume level adjusted so it is not audible beyond the site perimeter
* Any landscape planning that dies within one year after installation shall be replaced with like kind
* All other sections of the Butler Ordinance Chapter 143 shall remain in effect
* The elevator and tower be fitted with a fire suppression system to the satisfaction of the Butler Fire Department Official and the Board engineer
* Install tunnel doors so as not to extend beyond the entrance of the tunnel into the parking lot
* Seepage pits will be of size and location approved by the Board Engineer

Motion: Brown

Second: Donnelly

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

Voted Nay: None

SP19-77 AR Real Estate

 1579 Route 23

 Block 204 Lot 2.01

John Veteri, Esq. appearing on behalf of the applicant

Mr. Verteri stated the application before the board is for an approval for building alterations, an unenclosed deck at the south corner of the existing structure, a new free standing sign, a walkway and curb. The proposed alterations to the building provide a very visually appealing improvement to the current condition without detriment to surrounding properties. The increase in the number of parking spaces will better serve the property.

The proposed work is for a beauty salon where patrons will receive hair and nail services/treatments by licensed professionals in a facility that meets the requirements set forth by the Board of Cosmetology and Hairstyling and will be subject to regular compliance inspections.

A! - Photographs

Frank Troia – Architect – Plan Architecture, LLC of Little Falls

Oath Given

Accepted as an expert witness by motion

Mr. Troia testified to the following:

* Current and proposed conditions
* Description of current building
* Description of proposed addition
* Description of proposed deck
* Description of inside of the building
* Processing bar
* 4 hair dressing stations
* Washing stations
* Nail/pedicure station
* Stairway that leads to the second floor
* Open space on second floor
* Additional 6 styling stations on the second floor
* Processing area
* Washing stations
* Break room in the back for the employees
* Laundry facility
* Small office located in the rear of the building
* Proposed is an outdoor deck that will create a lounge for the employees
* Made of composite wood, wood screens on the side of the deck for privacy from the neighbors
* Description of the materials used for the outside of the building
* Canopy and description of variances needed
* Description of sign and location of sign

Board questioned the witness on various aspects of his testimony

Chairman Nargiso stated no information has been given on lighting, clearing of the property and fencing.

Applicant showed the board a video which included the property and access to the property

Video marked as exhibit A2

Public portion opened by motion for questions

Joseph Rivera – Butler Ridge Apartments

Questions regarding a sufficient buffer between the two properties and fencing

Bruce Johnson – 27 Lincoln Road – questions regarding deck and privacy for the neighbors

Bob Norman - 31 Cascade Way

Questions regarding DOT regulations

Public portion closed by motion

Jeff Egarian – Professional Engineer

Accepted as an expert witness by motion

Mr. Egarian testified to the following

* Review of site plan existing and proposed
* Hours of operation 9 AM – 8 PM Monday – Friday
* Hours – Saturday and Sunday 9 AM – 6 PM

Board questioned the witness on various aspects of his testimony

Mr. Veteri stated that the applicant is intending and would like to install fencing at the rear of the property and it would be white vinyl decorative fencing.

Public portion opened up by motion for questions only

Bob Norman 31 Cascade Way

Questions regarding state approvals

Phyllis Johnson – 27 Lincoln Road

Questions regarding deck and lighting

Public portion closed by motion

Meeting carried to August 15, 2019, without further notice being required, revised plans must be received by August 5, 2019

Motion to adjourn:

Motion: Brown

Second: Donnelly

All Ayes

**RESOLUTIONS:**

SP18-74 211 Main Street, LLC

 Block 113 Lot 4

Motion to approve as submitted;

Motion: Brown

Second: Donnelly

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

Voted Nay: None

SP18-75 Butler Plaza LLC

 Block 201 Lots 1 & 2.01

Motion to approve as submitted:

Motion: Brown

Second: Donnelly

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

Abstain: Finelli

Voted Nay: None

**APPROVAL OF VOUCHERS**

Motion to approve as submitted:

Motion: Donnelly

Second: Finelli

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

Voted Nay: None

**APPROVAL OF MINUTES** – June 13, 2019

Motion: Brown

Second: Donnelly

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

Voted Nay: None

**Meeting adjourned: 10:30 PM**



ADOPTED: August 20, 2019