Chairman Nargiso brought the regular meeting of the Butler Planning Board for June 19, 2014 to order followed by a Pledge to the Flag. This meeting has been duly advertised and posted at Borough Hall meeting the requirements of the Sunshine Law.

**ROLL CALL:**

Present: Donnelly, Roche, Drexler, Alviene, Brown, Grygus, Calvi, Fox, Nargiso

Absent: Hauck (excused), Finelli (excused)

**CASES TO BE HEARD:**

14-179V Shri Sai Shakti, LLC

Dana D’Angelo, Esq. representing the applicant

Mr. D’Angelo stated the following:

* Letter received from the fire official regarding the location of propane cage
* Placement of the generator
* Issues regarding canopy lighting
* Location of signage

Report from Board Engineer – changes in submitted plans

* Free standing sign moved back to 2 foot off the right of way line
* Propane storage cage was relocated – u shape bollard was installed
* Modified the plans to indicate the 6 foot high PVC fence along Outlook
* Modified landscaping plan to eliminate plantings in the right of way
* Revised canopy lighting level

Board Questions

Public portions opened by motion

Bob Norman – 31 Cascade Way

* Questions regarding fencing
* Questions regarding cooking facilities

Public portion closed by motion

Public portion opened by motion for comments

Public portion closed by motion

Mr. D’Angelo’s summation

Motion to approve the application as submitted and modified to include approval of the appropriate variances

Motion: Brown

Second: Grygus

Voted Aye: Donnelly, Roche, Drexler, Brown, Grygus, Calvi, Nargiso

Voted Nay: None

NC14-52 William and Louise Boldt

11 Spring Street

Block 47 Lot 11

OATH GIVEN

Mr. Brown stated he has reviewed the 1958 map and that particular residence does not indicate a multi-family of any kind.

Mr. Boldt stated the previous owner had it has a two family

1969 property card provided to the board

Mr. Brown stated that he lived on Spring Street from 1970 to 1984 and never saw anybody but the DeGraws in that house, the DeGraws lived downstairs and the kids lived upstairs.

Board felt there was insufficient evidence to grant a certificate of non-conformity at this time.

Application carried to July 17, 2014 without further notice being required.

NC14-53 Velasco/Meqdadi

34 Third Street

Block 19 Lot 4

Randolph Velasco – Oath given

Mr. Brown stated that the master plan map of 1958 and that particular residence has a 2 indicating that it was a two family house in 1958. It is a pre-existing non-conforming use.

Public portion opened by motion

Public portion closed by motion

Motion to approve this application as a pre-existing non-conforming two family house

Motion: Brown

Second: Donnelly

Voted Aye: Donnelly, Roche, Drexler, Brown, Grygus, Calvi, Nargiso

Voted Nay: None

14-182V George and Aileen Tweer

68 Carey Avenue

Block 12 Lot 13

Aileen Tweer – Oath Given

Ms. Tweer stated she is before the board to add a level, enclose existing front porch to create living space and to construct a deck in the rear of the property. This would affect front yard setback, left side setback and impervious coverage of existing accessory structures.

Mr. Darmofalski stated from his report of June 16, 2014

* Survey by DAB surveying with a latest revision of April 24, 2014
* Copy of Butler Tax map #7 with the property highlighted
* Aerial photo of the area with adjacent structures
* Application for variances signed on April 7, 2014
* Variance check list
* Architects plans prepared by Scott Monro, 5 sheets dated December 11, 2012.

Variances requested:

* Front yard 22.1’ proposed, 35’ required
* Front yard side yard corner lot – 8.9 existing/proposed, 35’ required
* Side yard – 6.6’ existing/proposed – 10’ required
* Accessory building coverage 7.8% existing/proposed, 4% maximum permitted

No engineering concerns with this application

Application deemed complete by motion

Motion: Brown

Second: Fox

Voted Aye: Donnelly, Roche, Drexler, Alviene, Brown, Grygus, Calvi, Fox, Nargiso

Voted Nay: None

Board Questions

Public portion opened by motion

Public portion closed by motion

Motion to approve the application as submitted with an additional condition

* Applicant complies with an as built survey of the foundation for the front porch to make sure it complies with the front setbacks as depicted.

Motion: Brown

Second: Donnelly

Voted Aye: Donnelly, Roche, Drexler, Alviene, Brown, Grygus, Calvi, Fox, Nargiso

Voted Nay: None

14-183V Jeffrey and Cynthia Cuellar

Motion to deem application incomplete

Motion: Fox

Second: Donnelly

Voted Aye: Donnelly, Roche, Drexler, Alviene, Brown, Grygus, Calvi, Fox, Nargiso

Voted Nay: None

**RESOLUTIONS:**

14-181V Joseph Servidio

Motion to approve as modified

Motion: Brown

Second: Donnelly

Voted Aye: Donnelly, Roche, Drexler, Alviene, Brown, Calvi, Fox, Nargiso

Voted Nay: None

Abstain: Grygus

14-180V Olympic EDM

Motion to approve as submitted and read

Motion: Brown

Second: Calvi

Voted Aye: Donnelly, Roche, Drexler, Alviene, Brown, Calvi, Nargiso

Voted Nay: None

Abstain: Grygus, Fox

**APPROVAL OF VOUCHERS**

Motion to approve as submitted

Motion: Brown

Second: Roche

Voted Aye: Donnelly, Roche, Drexler, Alviene, Brown, Grygus, Calvi, Fox, Nargiso

Voted Nay: None

Mr. Barbarula stated that the objectors for Quick Chek requested an extension to file their brief because the attorney was going to be unavailable and that request was denied by the applicant. Mr. Barbarula stated that he did not participate in that because it ended up being a motion and at the end of the day and 37 years of experience, when a judge is requested for additional time because someone goes on vacation, they usually say yes. We should be getting the objector’s brief before the end of this month; it will be uploaded to the email.

**APPROVAL OF MINUTES – April 17, 2014**

Motion: Brown

Second: Fox

Voted Aye: Donnelly, Roche, Drexler, Alviene, Brown, Grygus, Calvi, Fox, Nargiso

Voted Nay: None

**BOARD PROCEDURES**

Mr. Barbarula stated that he has been talking to Mr. Clemack who is representing the owner of 48 Bartholdi Avenue and it is for a non-conforming use. It appears that allot of the older people have moved away. Since their witness lives in New Hampshire they would like to do the meeting via skype. Remote testimony of any kind should not be a cost responsibility of the board. There has to be some form of being able to verify that, that person is in fact the person is going to testify. One of the things that were recommended is that they fax to the office ahead of time photo ID.

The rules should be:

* The board will make a determination if the remote testimony will be allowed
* Sole cost and expense of the applicant.
* There has to be some kind of video component so the board could see the person who would be testifying and
* There should be an independent form of identification.

Mr. Barbarula stated on this proposed application based on the attorney’s letter indicating the age and unavailability of this witness which makes it a case by case basis, is the board in agreement with the procedure that has been laid out so that we can get testimony from someone who knows about the property.

Motion: Donnelly

Second: Fox

Voted Aye: Donnelly, Roche, Drexler, Alviene, Brown, Grygus, Calvi, Fox, Nargiso

Voted Nay: None

Motion to adjourn:

Motion: Brown

Second: Donnelly

All Ayes

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Chairman – Planning Board

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

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