Chairman Nargiso brought the regular meeting of the Butler Planning Board for May 15, 2014 to order followed by a Pledge to the Flag. 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, Drexler, Alviene, Brown, Grygus, Calvi, Fox, Nargiso

Absent: Hauck (excused)

**CASES TO BE HEARD**:

14-179V Shri Sai Shakti, LLC

1369 Route 23

Block 67 Lot 1

Dana D’Angelo, Esq. appearing on behalf of the applicant

This application is for a canopy for the new pumps that will be there and a small mini market.

Gary Anderson – Traffic Engineer

Accepted as an expert witness by motion

**Exhibits:**

A5 – Site Triangle dated May 15, 2014

A6 – Turning template May 15, 2014

A7 – Photographs of Route 23, 200’ from proposed sign dated May 15 2015

A8 – Photographs of Route 23 400’ from proposed sign dated May 15, 2014

A9 – Photographs of Route 23 600’ from proposed sign dated May 15, 2014

A10 – Photographs of Route 23 800’ from proposed sing dated May 15, 2014

Mr. Anderson stated the following:

* On site circulation
* Access
* Site triangles
* Visibility of the signs as you are driving down the highway
* An access permit has been submitted to the DOT
* Proposing two gas dispensers and one diesel and convenient mart
* Access to the site will remain on Rt. 23 one ingress and one egress
* Remove access along Outlook Street to the rear
* There could be anywhere from 31 to 66 vehicles per hour for the AM peak hours
* Tanker trailer circulation
* Turning template
* Proposed signage

Board questioned the witness on various aspects of his testimony

Public portion opened by motion

Bob Norman – 31 Cascade Way

Questions regarding signage

Public portion closed my motion

Dr. Maheta stated they will keep the station closed from 1 AM to 3 AM for deliveries of fuel.

Mr. Barbarula stated by requesting that time it would be impossible thing to police when you have a vehicle there. So the restrictions from 1 AM to 3 AM would have to be 7 days. You are not allowed to be opened for retail from 1 to 3 AM so gas deliveries could be made then.

Dr. Maheta stated that he would request to the board that the sign be located one foot from the property line so it is more prominent.

Public portion opened by motion

Public portion closed by motion

P. David Zimmerman – Professional Planner

Accepted as an expert witness by motion

Mr. Zimmerman stated the application is for the redevelopment of an existing service station into a limited service station with convenience center. The subject property is with the HC2 Zone. The application does not comply with several of the conditional use standards.

Mr. Zimmerman testified to the following:

* Current conditions
* Zoning regulations
* Conditional use variance criteria
* Redevelopment improvements proposed
* Negative criteria

Board questioned the witness

Public portion opened by motion

Bob Norman – 31 Cascade Way

* Questions regarding visiting the site and site inspections
* Ingress and egress
* Size of the canopy
* Location and size of the fence

Public portion closed by motion

Reports from professionals

Mr. Barbarula stated that there are some issues that need to be resolved. Any time that the board engineer indicates that there are safety issues, and this should not be brought to a decision tonight. The only decision for the board is if they should open this up to the public for comments, perhaps the board should hold back on comments until the applicant is done.

Application carried to June 19, 2014 and agrees to any extension for determination of the board through the end of June.

Request from the board to have the fire official look at and review the location of the propane tanks.

Motion: Fox

Second: Finelli

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

Voted Nay: None

Mr. Calvi under oath stated he has listened to the tapes of the meetings he has missed.

Mr. D’Angelo had no questions for board member Calvi.

The continuation of this application will be carried to June 19, 2014 without further notice being required.

NC14-52 – Boldt – Carried to June 19, 2014 without further notice being required

NC14-53 – Valesco – Carried to June 19, 2014 without further notice being required

14-181V – Joseph Servidio – continuation from last meeting

Mr. Servidio stated that he provided the board with an updated survey showing everything located on the property

* Replacing the one car garage with a 2 ½ car garage
* Maximum height of 21 feet 9 inches
* No commercial use on premises
* No residential use on second floor

Public portion opened by motion

Public portion closed by motion

Motion to approve

Motion: Brown

Second: Calvi

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

Voted Nay: None

14-180V Olympic EDM Service

Donald Ferrante – principal of Olympic EDM Service

Oath Given

James LaSala, Esq. representing the applicant

Councilman Fox and Mr. Finelli will be stepping down from this application due to a conflict

Mr. LaSala stated the following:

* Request for 3 signs for 20 Kiel Avenue
* Pre-existing commercial building without entrances facing those streets.

Mr. Ferrante testified to the following:

* Owner of the business
* Machine services
* Located at this current site since 1996
* Lack of visibility from the road
* Location and size of signage proposed

Exhibits presented:

A1 – Photographs of the building without signs

A2 – Photographs of the building with signs

A3 – Photographs showing Kiel Avenue and the driveway

Board questioned the witness on various aspects of his testimony

Public portion opened by motion

Public portion closed by motion

Motion to approve application as submitted

Motion: Brown

Second: Calvi

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

Voted Nay: None

**RESOLUTIONS:**

SD14-47 Erin McDermid

Motion to approve as submitted and read

Motion: Brown

Second: Donnelly

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

Voted Nay: None

Abstained: Grygus, Calvi

**APPROVAL OF VOUCHERS**

Motion: Brown

Second: Grygus

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

Voted Nay: None

**CORRESPONDENCE**

Letter from Richard Clemack, Esq. regarding a future application for a certificate of non-conformity

Motion to Adjourn:

Motion: Brown

Second: Donnelly

All Ayes

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Chairman – Planning Board

ATTEST:

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Secretary – Planning Board

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