

**RESOLUTION
BOROUGH OF BUTLER
PLANNING BOARD
IN THE MATTER OF WENDY CAUGHEY
DECIDED ON APRIL 16, 2026
MEMORIALIZED ON MAY 21, 2026
APPLICATION NO. 24-005
GRANTING OF A 190-DAY EXTENSION OF
MINOR SUBDIVISION APPROVAL**

WHEREAS, Wendy Caughey (hereinafter “Applicant”) has made application to the Borough of Butler Planning Board, (hereinafter “Board” or “Planning Board”), for an extension of time to perfect a minor subdivision approval for property known and designated as Block 106, Lot 5.03, on the Tax Assessment Map of the Borough of Butler, (hereinafter “Borough”), which premises are located at 114-116 Terrace Avenue, Butler, New Jersey (the “Property” or the “subject Property”) and located in the R-3 Residential Zone District, (hereinafter “R-3 Zone”); and

WHEREAS, this matter was considered at a public hearing held on April 16, 2026; and

WHEREAS, the request for an extension of time on behalf of the Applicant was submitted by Frank E. Scangarella, Esq.

NOW, THEREFORE, the Planning Board makes the following findings of fact, based on evidence presented at its public hearing, at which a record was made.

The application before the Planning Board is a request for an extension of time for a period of 190 days in order to perfect a minor subdivision by recording the subdivision deed. The Board finds that the Applicant previously came before the Planning Board for a request for a minor subdivision approval for Property known and designated as Block 106, Lot 5.03 as shown on the Tax Assessment Map of the Borough of Butler, which premises are located at 114-116 Terrace Avenue, Butler, New Jersey. The subject site is located in the R-3 Residential Zone District.

The Board notes that the Property is currently developed with an approximate 1,122 square foot house with frontage on Terrace Avenue as well as a second dwelling unit which is less than 500 square feet in size with frontage along Primrose Avenue. The Planning Board on August 21, 2025 granted the Applicant's application for minor subdivision approval wherein existing Lot 5.03 which contained 36,293 square feet was granted minor subdivision approval such that proposed Lot 5.031 would contain 12,807 square feet and proposed Lot 5.032 would contain 23,118 square feet. The Planning Board further granted ancillary variance relief in regard to the proposed minor subdivision along with conditions of approval which are further enumerated in the Resolution. The Planning Board granted minor subdivision approval with ancillary variance relief on August 21, 2025 which approval was memorialized in a Resolution adopted by the Planning Board on October 16, 2025.

The Applicant seeks a 190-day extension of time within which to perfect the subdivision by recording a subdivision deed. Counsel for the Applicant in a letter dated March 17, 2026 represented that the Applicant has been challenged to perfect the minor subdivision by satisfying the conditions of approval as follows:

1. The Resolution provides that the sewer line, water line and driveway all be installed, the septic system decommissioned and the pool removed prior to the recording of the deed.
2. Ms. Caughey had difficulty securing a contractor to perform the work in the fall of 2025 because the contractors that were contacted were fully engaged at that time.
3. Work during the winter was delayed due to the extensive snowpack during the months of January through February.
4. In addition, counsel for the Applicant in his March 17, 2026 letter represented that an existing water service line from Terrace Ave. was discovered post-approval and that a water meter would be installed at the time the service is established. Furthermore, it was represented that

the decommissioning of the septic system would occur upon connection to the municipal sanitary sewer system.

As a result, the Applicant requested an extension of time of 190-days within which to perfect the minor subdivision.

NOW, THEREFORE, the Planning Board hereby makes the following conclusions of law, based upon the foregoing findings of fact.

The application before the Board is a request for an extension of time within which to perfect the minor subdivision approval with ancillary “c” variance relief previously granted for property known and designated as Block 106, Lot 5.03 on the Tax Assessment Map of the Borough of Butler, and which premises are located at 114-116 Terrace Avenue, Butler, New Jersey in the R-3 Zone.

The Board notes that the Applicant previously came before the Board and received minor subdivision approval with ancillary “c” variance relief on August 21, 2025 which approval was memorialized in a Resolution adopted on October 16, 2025. The Board notes that the granting of minor subdivision approval resulting in existing Lot 5.03 which contained 36,293 square feet being subdivided wherein proposed Lot 5.031 would contain 12,807 square feet and proposed Lot 5.032 would contain 23,118 square feet.

The Board notes that under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-47 approval of a minor subdivision shall expire 190 days from the date on which the Resolution of municipal approval is adopted unless within such period a plat in conformity with the Map Filing Law is recorded or a deed approving the minor subdivision is similarly recorded in the Office of the Morris County Clerk.

Based upon the representations submitted in a letter dated March 17, 2026 by counsel for the Applicant, the Board finds that the Applicant has diligently pursued attempting to satisfy the conditions of approval. The Board, therefore, finds that a 190-day extension of time for the minor subdivision approval is appropriate. The Board further notes that the zoning on the subject Property has also not changed. The Applicant, therefore, may be granted a 190-day extension of time.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Butler with regard to the application of Wendy Caughey for property known and designated as Block 106, Lot 5.03 on the Tax Assessment Map of the Borough of Butler, located at 114-116 Terrace Avenue, Butler, New Jersey, and located in the R-3 Zone requesting a 190-day extension of minor subdivision approval pursuant to N.J.S.A. 40:55D-47 is hereby determined as follows:

- A. Minor subdivision approval is hereby granted an extension for 190 days under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-47.

The application is granted subject to the following conditions:

1. The 190-day extension shall expire on October 31, 2026 unless a further extension is granted.
2. All terms and conditions of the Board's prior Resolution shall remain in full force and effect except as satisfied or amended and not in conflict with this approval.
3. This approval is subject to the payment in full by the Applicant of all taxes, fees, escrows, assessments and other amounts due and owing to the Borough and/or any other agency. Any monies are to be paid by the Applicant within 20 days of said request by the Board Secretary.
4. Certification that taxes are paid current to date of approval.
5. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Butler, County of Morris, State of New Jersey, or any other agency having jurisdiction hereunder.

This application was approved by the Borough of Butler Planning Board at a duly constituted public meeting held on April 16, 2026, by a vote of to in favor of approval.

VOTE ON APPLICATION
APRIL 16, 2026

Motion Introduced By:

Seconded By:

In Favor:

Opposed:

VOTE TO APPROVE RESOLUTION
MAY 21, 2026

Motion Introduced By:

Motion Seconded By:

In Favor

Opposed

Butler Planning Board

William Budesheim, Board Secretary

Sal Veneziano, Chairman

The undersigned secretary certifies that the within Resolution was adopted by the Butler Planning Board on April 16, 2026 and memorialized herein pursuant to N.J.S.A 40:55D-10(g) on May 21, 2026.

William Budesheim, Board Secretary

(5726058.1) BUTPB-021E Wendy Caughey Resoliosn Granting 190-Day Extension For Minor Subdivision Approval (App # 24-005) 5.21.26 RB