

MINUTES
REGULAR MEETING OF THE BUTLER PLANNING BOARD
JULY 15, 2021

Chairman Nargiso brought the regular meeting of the Butler Planning Board to order for July 15, 2021. The Chairman stated 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, Donza, Brown, Morley, Vath, Nargiso
Absent: Veneziano (excused), Finelli (excused), Councilman Fox (BOA), Mayor Martinez (BOA)
Also present: John Barbarula, Board Attorney; Tom Boorady, Borough Engineer

CORRESPONDENCE: – None

CASES TO BE HEARD:

NC21-64	Sheila Sharp 223 Boonton Avenue Block: 72 Lot: 40.01	Certificate of Non-Conformity
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AP2-21	Helen Ebers, Estate of 140 Boonton Avenue Block 33 Lot 14.01	Appeal Decision of Zoning Officer
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NC21-65	Helen Ebers, Estate of 140 Boonton Avenue Block 33 Lot 14.01	Certificate of Non-Conformity
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NC21_64 An email was received Dana D’Angelo, Esq., attorney for Sheila Sharp, requesting that the application for the Certificate of Non-Conformity be withdrawn.

NC21-65 Estate of Helen Ebers represented by David Dixon, Esq.
Mr. Dixon requested that the Certificate of Non-Conformity application be heard first because if it is granted there would be no need to appeal the zoning officer’s decision.

Mr. Dixon pointed out a couple of discrepancies in the Zoning Ordinances from the 1960s and 1970s. While the text of the ordinances didn’t allow for two-family housing in the R-2 district a previous Schedule C was carried forward, placed in the ordinance without correction.

Mr. Dixon then called upon Mr. Donald Tintle, 147 Boonton Avenue. Mr. Tintle was sworn in. He testified his personal knowledge of the history of 140 Boonton Avenue with convincing detail of the use of the house going back to the 1940s. He confirmed that it was used as a two-family house since at least the 1940s. Mr. Barbarula clarified that it was a two-family from the time Mr. Tintle’s family bought the house in the 1920s.

Open to the Public: Motion: Brown Second: Donnelly All in favor.
There being no member of the public wishing to address the Board, a motion was made to close the public portion. Motion: Brown Second: Donnelly All in favor

Mr. Dixon then called upon Mr. Frederick Ebers, son of Helen, currently residing at 22 Cortlandt Green Street, The Woodlands, Spring, Texas 77382.

Mr. Ebers testified that he renovated the house for his parents shortly after his parents bought the house in 1978. Mr. Ebers was sworn in. He testified that when purchased by his parents it was a two-family. He had to upgrade the electrical and fixtures.

Mr. Dixon presented three exhibits for the applicants:

- A-1 Photo of exterior of the house
- A-2 Meter Stock and Record
- A-3 Property Record Card from the Tax Assessor

Mr. Ebers explained his the configuration of the house using the photo for A-1 as an example. He confirmed that A-2 was the request for the second electric meter once the town approved the installation because it was proven to be an existing two-family. His parents had rented both units once the upgrades and improvements were made early in 1978.

Mr. Ebers also testified that at no time was the two-family use ever abandoned. There were no structural and/or layout changes in all the years his parents owned the house.

Open to the Public: Motion: Brown Second: Donnelly All in favor.
There being no member of the public wishing to address the Board, a motion was made to close the public portion. Motion: Brown Second: Donnelly All in favor

Motion to approve the pre-existing, non-conforming use as a two-family located at 140 Boonton Avenue, based on the oral testimony.

Motion: Brown Second: Vath Roll Call: Donnelly, Roche, Donza, Morley, Vath, Brown, Nargiso

Resolutions:

21-206V Joshua Kaplan
62 Kakeout Road
Block 72.03 Lot 45.01

Adoption of the resolution:

Motion: Brown Second: Donnelly Roll Call: Vath, Donnelly, Nargiso, Brown
Abstain: Roche, Donza, Morley

20-205V Cathy Teeling
12 Western Avenue
Block 50 Lot 6

Adoption of the resolution:

Motion: Brown Second: Donnelly Roll Call: Vath, Donnelly, Nargiso, Brown
Abstain: Roche, Donza, Morley

Approval of Minutes - June 17, 2021 Regular Meeting

Motion to approve: Brown Second: Donnelly Roll Call: Donnelly, Roche, Donza, Morley, Vath, Nargiso

Approval of Vouchers - Resolution PB 21-06

Motion: Roche Second: Morley Roll Call: Donnelly, Roche, Donza, Morley, Vath, Nargiso

Mr. Dixon stated that the appeal of the zoning officer’s decision is moot by the granting of the Certificate of Non-Conformity and therefore he is withdrawing the appeal.

Adjournment of Regular Meeting

Motion to Close the Regular Meeting: Brown Second: Vath All in favor

Time: 9:02 PM

The Workshop portion of the meeting is called to order by the Chairman after reading the legal notice for the Open Public Meetings Act.

Roll Call: Present - Donnelly, Roche, Donza, Brown, Morley, Vath, Nargiso
 Absent - Veneziano, Finelli, Fox, Martinez

A discussion ensued regarding the conflicting sections of the Zoning Ordinance as outlined by Mr. Dixon. Mr. Barbarula recommended that the Borough Attorney, Robert Oostdyk, advise us on the procedure we should follow.

There are a number of housekeeping items brought to the Board’s attention by Mr. Brown that need to be addressed. He presented a list of inconsistencies at a previous meeting. The Zoning Officer will provide the list along with the pertinent sections from the ordinance to be addressed by the Board at the next meeting.

If no major applications are on the agenda for the next regular meeting, the ordinance can be discussed then. It appears that there will be no need for a workshop meeting in August.

ADJOURNMENT:

Motion: Brown Second: Donnelly Roll Call: All in Favor

Time: 9:25 PM

Next Meeting: Regular Meeting August 19, 2021, 7:30 PM

September _____, 2021


Chairman