

MINUTES
REGULAR MEETING OF THE BUTLER PLANNING BOARD
SEPTEMBER 16, 2021

Chairman Nargiso brought the regular meeting of the Butler Planning Board to order for September 16, 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, Veneziano, Brown, Finelli, Morley, Vath, Fox, Martinez, Nargiso
Also present: Richard Briigliadoro, filling in as Board Attorney; Tom Boorady, Borough Engineer

CORRESPONDENCE: – None

The Board voted to schedule the 6 Carey Avenue Application for October 14, 2021, which was to be a workshop meeting.

Motion: Donnelly Second: Donza All in favor

CASES TO BE HEARD:

Mayor Martinez and Councilman Fox recused themselves for the rest of the meeting which is Board of Adjustment.

NC21-66 Walter Harford Estate Certificate of Non-Conformity
 98 Arch Street
 Block: 25 Lot: 30

Appearing on behalf of the applicant and having been sworn in are:
William Kehoe, Executor of the Estate, 215 Route 15, Wharton
Walter Harford, 9 High Point Circle, Franklin

Mr. Brown, chairman of the certificate of non-conformity committee, presented his research into the history of the property. He was able to establish a four-family use going back to at least 1920 and that all tax assessor records on file since that time show it to be used as a four-family.

Mr. Finelli asked Mr. Harford if the property ever ceased being used as a four-family. Mr. Harford responded that it has been that use continuously.

Open to the Public: Brown Second: Finelli All in Favor
Closed to the Public: Brown Second: Finelli All in Favor

Motion to approve the application as pre-existing, non-conforming four-family.

Motion: Brown Second: Donnelly

Roll Call: Ayes: Donnelly, Donza, Roche, Veneziano, Brown, Finelli, Morley, Nargiso

21-208V Robert J. Sova Variance
 1546 Route 23
 Block 201 Lot 2.21

John Testa, Esq, Little Falls representing Dr. Sova
Robert Sova, 1546 Route 23, Applicant, was sworn in

Mr. Testa stated that the 1993 Board Resolution allowed on apartment to be used only by an employee for overnight care of animal patients.

Mr. Brown read from the 1993 Resolution only to be used by an employee of the animal hospital and once that use ceases it must be converted back to a commercial permitted use.

Dr. Sova testified that business practices have changed since the 1993 approval, they no longer have overnight patients. The animals are sent to hospitals that are open 24 hours.

Open to the public. Brown Second: Veneziano All in Favor
Close the public portion: Brown Second: Veneziano All in Favor

Motion to deny the application:
Motion: Brown Second: Roche
Ayes: Brown, Roche, Nargiso
Nays: Donnelly, Veneziano, Donza, Finelli, Morley, Vath
Motion Failed

Motion to approve the applicant's request to remove the apartment's restrictions
Motion: Donnelly Second: Morley
Ayes: Donnelly, Veneziano, Donza, Finelli, Morley, Vath
Nays: Roche, Brown, Nargiso
Motion Carried

21-207V Barbarula Realty Conditional Use
1242 Route 23
Block 76.08 Lot 57.01

Mr. Donnelly recused himself from this application

John Barbarula, 68 Morris Blvd, Manahawkin
Joan Barbarula, 68 Morris Blvd, Manahawkin
Both were sworn in.

Mr. Barbarula presented his application for a Conditional Use for the Retail Sale of Cannabis. His application indicated that all conflicting uses were more than the 1000 feet required under the ordinance with the exception of Board of Education owned property.

Exhibit A-1 was a drone video over the applicant's property and the surrounding properties to put into perspective the distance and the topography separating the proposed site from the schools.

Donna Holmqvist, 110 Chestnut Hill Street, Montvale, appeared as a professional planner for the applicant.
Motion to accept Ms. Holmqvist: Brown Second: Finelli All in favor

Ms. Holmqvist detailed the positive and negative criteria requirements as well as the adherence to the zoning ordinance and that the variance requested did not create an impact on the exposure of the sale of cannabis to young people.
Exhibit A-2 were aerial views of the properties surrounding the proposed site.

Mr. Brown believed that the Stonybrook Pool at 1 Grace Valley Road may be within the 1000 feet restrictions.

Open to the public: Brown Second: Finelli All in Favor
Close public portion: Brown Second: Finelli All in Favor

Motion to approve the application , including a variance for being less than 1000 feet from property owned by the Board of Education and a variance for being less than 1000 feet from Stonybrook Pool.

Motion: Roche Second: Veneziano
Ayes: Roche, Veneziano, Donza, Finelli, Vath, Nargiso
Nays: Brown
Motion carried.

Resolutions:

NC21-65 Estate of Helen Ebers Certificate of Non-Conformity
 140 Boonton Aven
 Block 33 Lot 14.01

Motion to approve the resolution: Brown Second: Donnelly
Ayes: Donnelly, Roche, Donza, Brown, Vath, Nargiso
Abstain: Veneziano, Finelli, Morely
Motion Carried.

Approval of Minutes - July 15, 2021 Regular Meeting

Motion: Brown Second: Veneziano
Ayes: Donnelly, Roche, Donza, Veneziano, Brown, Vath Morley, Nargiso

Approval of Vouchers - Resolution PB 21-09

Motion: Donza Second: Donnelly
Ayes: Donnelly, Donza, Roche, Veneziano, Brown, Vath, Finelli, Morley, Nargios

Adjournment 9:38 pm

Motion: Finelli Second: Brown All in Favor

Next Meeting: Workshop/Regular Meeting October 14, 2021, 7:30 PM

Approved: October _____, 2021


Chairman