

**RESOLUTION
BOROUGH OF BUTLER
PLANNING BOARD
In the Matter of Butler Public Self-Storage, LLC
Application #19-202V
Decided on May 19, 2022
Memorialized on June 16, 2022
Apartment with Use Variance**

WHEREAS, Butler Public Self-Storage, LLC, (hereinafter referred to as the "Applicant") has made application to the Butler Planning Board (hereinafter referred to as the "Board"), for an addition with variances for the subject premises, known as Block 16, Lot 16.01 as shown on the Tax Map of the Borough of Butler, and which is more specifically located at 103 Arch Street in the Central Business District, for the issuance of approval for a conversion to residential apartments with bulk variances and other variances; and

WHEREAS, public hearings were conducted on February 17, 2022, March 17, 2022, April 21, 2022 and May 19, 2022, after the Board determined it had jurisdiction; and

WHEREAS, the Board heard comments and testimony from Applicant, Richard Clemack, Esq., Applicant's counsel, Scott Monroe, Architect, Donna Holmqvist, Planner, Thomas Ott, Engineer and Connor G. Hughes, P.E., and with the public having had a full opportunity to be heard; and

WHEREAS, a complete Application has been filed, all fees as required where submitted and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised; and

NOW THEREFORE, the Planning Board makes the following finding of fact and conclusion of law based on evidence presented at the public, at which record was made.

1. The application before the Board involves a request by the Applicant to allow the conversion to multi-family residential units, which is now located in the Central Business District. The property is in Block 16, Lot 16.01 and is more commonly known as 103 Arch Street. On the basis of the testimony presented to the Board and confirmed by the Applicant at the hearing, the Board hereby approves the conversion to Residential Apartments as the Application is in keeping with the purpose and intent of the ordinance, master plan and regional need.

2. In that the proceedings in this matter were voice recorded, the recital of facts in this Resolution is not intended to be all inclusive, but a summary and highlight of the complete record made before the Board.

3. The following reports were submitted by the Board's professionals:

- a. Darmofalski Engineering Associates, Inc. dated February 7, 2022 and May 19, 2022;
- b. Burgis Associates, Inc. dated February 14, 2022; and
- c. JDA Accident Reconstruction and Traffic Engineering dated May 19, 2022.

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

1. The Application of Butler Public Self-Storage, LLC for Block 16, Lot 16.01 as shown on the Tax Map of the Borough of Butler, requesting that the subject property be converted to residential apartments, is hereby approved, subject to fire official review of the area between the buildings for fire safety compliance. Applicant shall install any required safety devices recommended by such review.

2. The Board, in addition to approving the use variance, hereby approves the following variances:

Maximum Floor Area Ratio – A FAR of approximately 234% where a maximum of 100% is permitted.

Minimum Rear Yard Setback – A minimum rear yard setback of zero (0) feet is proposed for the second and third floor where a minimum of ten (10) feet is required. The 0.52-foot encroachment on the first floor is proposed to remain where a minimum of ten (10) feet is required.

Maximum Principal Building Height (Stairs) – The proposed stair structure is 39.61 feet where a maximum of 35 feet is permitted. As such a **d(6) variance** is required to exceed the height by more than 10% of the permitted height.

Maximum Sign Area (§143-175 J. (1)) – The proposed marquee sign has an approximately 52 SF sign face where a maximum of 50 SF is permitted.

Maximum Building Principal Building Coverage – The proposed building coverage is approximately 83% where a maximum of 80% is required.

Minimum Aisle Width (§143-86 C.) – An aisle width of 24 feet is proposed in the indoor parking area where a minimum of 25 feet is required.

Minimum Parking Space Dimension (§143-86 D. (1)) – Eight (8) of the indoor parking spaces do not meet the minimum parking stall size of nine (9) feet by 18 feet in length.

Parking Design Waiver from 143-86 C.

Drive Aisle Width Min. = 25 ft required, and only 20 Ft. wide at the overhead.

The table below illustrates the bulk requirements of the CBD Zone as compared to the existing and proposed conditions.

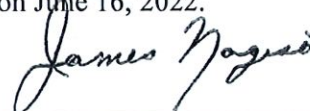
Requirement	CBD Zone	Existing	Proposed
Min. Lot Area	N/A	12,290.88 sf	No Change
Min. Lot Frontage	N/A	74 ft	No Change
Min. Lot Width	N/A	74 ft	No Change
Min. Lot Depth	N/A	152.31 ft	No Change
Min. Front Yard Setback	N/A	0 ft	5 ft O.L. ⁽¹⁾
Min. Side Yard Setback	0 ft	3.54 ft, 3.15 ft	No Change
Min. Rear Yard Setback	25 ft	0.52 ft O.L. (E)	0 ft (V)
Max. Building Coverage	80%	89.7% (E)	No Change
Max. Building Height			
Roof	35 ft/3 sty	<35 ft/2.5 sty	<35 ft/3 sty
Parapet	35 ft	<35 ft	34.13
Stair Bulkhead	43.75 ft	N/A	ft 41
			ft
Max. Floor Area Ratio (FAR)	100%	?	158% (V)

3. The Municipal Land Use Law, provides the Planning Board with power to grant these variances, when the Applicants satisfy certain criteria which are enunciated in the Statute and Ordinances.

4. Upon consideration of the plans, testimony and evidence, the Board finds that is has been furnished sufficient information so as to enable it to make an informed decision with regard to these variances. Based upon the foregoing, the Board concludes the variances are appropriate based upon the evidence presented.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board that the application for Preliminary and Final Site Plan is granted and the request for variances are granted pursuant to N.J.S.A. 40:55D-70c.

The undersigned certifies that the within Resolution was adopted by this Board on May 19, 2022 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on June 16, 2022.



Chairman

For: DONZA, VENEZIANO, ROCHE, BROWN, FINELLI, NARGISO

Against:

Abstain: DONNELLY, MORLEY

ABSENT: VATH, FOX, MARTINEZ