

MINUTES
SPECIAL MEETING OF THE BUTLER PLANNING BOARD
DECEMBER 12, 2024

Chairman Nargiso brought the regular meeting of the Butler Planning Board to order for December 12, 2024. 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: Roche, Veneziano, Brown, Finelli, Vath, Hough, Reger, Nargiso

Absent: Hammaker, Piccirillo, Martinez (all excused)

Also present: Richard Briigliodoro, Attorney; Tom Boorady, Engineer; Tom Behrens, Planner; Gary Anderson, Traffic Engineer

CORRESPONDENCE: None

CASES TO BE HEARD:

23-003	Flower Shop Dispensaries, LLC	Use Variance
B.O.A.	1388 Route 23	Cannabis
	Block: 93 Lot: 4.03	Carried from October 10, 2024

William Rush, Esq. representing the applicant called his first witness.

Mr. Brown commented: I got these plans for this application half an hour ago. Are we going to use these plans or the plans we had?

Mr. Boorady stated that these plans were submitted on time to the borough and that the witness will explain the differences between the two sets of plans, such as traffic patters and parking.

Mr. Brown was concerned because he stated: This is the first time I'm seeing these plans. How am I to understand them? I received these plans a half-hour ago. Now I'm going to pass judgement on them."

Engineer Daniel Sehnal was sworn in. He presented his credentials.

Motion to accept Mr. Sehnal: Brown Second: Finelli All in favor

Mr. Sehnal highlighted the changes that were made from the original drawing:

Outdoor freezer was to be removed.

Parking configuration: 37 parking spaces including 2 ADA compliant

10' x 20' trash enclosure accommodating two 8 year dumpsters

Stormwater management design

Lighting spillage

Open to the public. Closed public portion: Brown Second: Finelli All in favor

Next witness was called by Mr. Rush. Traffic Engineer Craig Peregoy, Chester, NJ was sworn in. Presented his credentials.

Accepted as an expert witness: Brown Second: Finelli All in favor.

Mr. Peregoy conducted traffic surveys based on the ITE numbers. The cannabis use would increase trips generated by 23 in evenings during the week (peak time) and an additional 38 trips on Saturday.

The number of parking spaces required according to the ordinance would be 76 calculating the cannabis use with the Dunkin use. Flower Shop requires 23 and Dunkin 53. The Green Life Market and Dunkin and the apartment required 86 spaces.

The plan provides for 37 spaces which includes 2 ADA compliant spaces.

Mr. Rush called his next witness: Security Michael Credico, who was sworn in.

All security should be interior, no need for outside security. All security personnel will be unarmed.

Proper security will be provided for the merchandise.

Open to the public. Closed public portion: Brown Second: Finelli All in favor

Mr. Rush called the applicant's planner Donna Holqvist of Preferred Planning, Montville. Ms. Holmqvist was sworn in.

Motion to accept Planner: Brown Second: Finelli All in favor

Exhibits:	A-2	1388 Route 23 Land Use	10/6/2024
	A-3	1388 Route 23 Zoning	10/6/2024
	A-4	1388 Route 23 Unique Features	10/6/2024

The proposed use would improve the appearance of the site. Variances are for existing bulk variances. The signage would conform to the ordinance.

D3 Variance for the conditional use

Minimum distance to the Day Care Center is 352 feet - 1,000 feet required.

Minimum distance to the other dispensary is 1,230 feet - 2,000 required

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

Mr. Rush made his closing statement summarizing all the points presented during the application process.

Chairman asked for a motion.

Mr. Brown stated: The only motion I would make is to allow the Board to absorb what we've heard and our resolution based on that. We got a new set of plans tonight that has to be looked over and absorbed. I would suggest or recommend that we hold off our decision till the next meeting which is in one week. We got a lot of stuff to shuffle through.

Mr. Rush objected to the motion. He said that the applicant did satisfy the time requirements in submitting the revised plans.

Based on that Mr. Brown made a motion to deny the application because of the distance to the child day care center. No where in that document, either by the state or the county or our town does it say it's a visual thing. It says border to border. That's why I'm denying it. Same thing with the other approved site. It's well less than two thousand feet.

Motion to deny: Brown Second: Finelli
Aye: Roche, Veneziano, Brown, Finelli, Vath, Reger, Nargiso

Next application:

24-003 Angry Ostrich Holdings, LLC Subdivision
P.B. 39 Elm Street
Block: 37.01 Lot: 21

Sophy Sedarat, Esq, 504 Lafayette Avenue, Hawthorne, NJ, representing the applicant. Ms. Sedarat is appearing in place of the attorney or record, Matthew Petriello.

A subdivision of 39 Elm Street with a lot size of 30,122 square feet into two lots:

21.02 Vacant Lot and 21.02 Existing dwelling encroaching on the front yard setback.

There is an existing shed which is encroaching on the subject lot, owned by a neighbor. A letter from the applicant's attorney has sent a letter to the neighbor to remove the shed.

Ms. Sedarat called her first witness: Surveyor Robert Cigol, DMC Associates

Proposed Lot 21.01 is 11,893 square feet

Proposed Lot 21.02 is 18,229 square feet. This lot has the existing single family house on it.

Ms. Sedarat offered two exhibits.

A-1 Morris County Planning Board letter of no interest

A-2 Letter to resident regarding the removal of the shed.

Open to the public. Mr. George Logan, 1 South Gifford Street, was sworn in.
Mr. Logan asked for a definition of easement and road. It was explained to him.
Close to the public: Brown Second: Finelli All in favor

Corey Vander Valk, Engineer originally from MAP Engineering was sworn in. He presented his credentials.
Motion to accept: Brown Second: Finelli All in favor

Mr. Vander Valk numerated the variances dealing with the steep slopes for the undeveloped lot, and the relation of the building envelope to the slopes.

Open to public.
Dominic Napoli, 28 Elm Street, was sworn in.
He has concerns about further building on vacant lot, how it change the nature of the neighborhood. He was also concerned about the resulting stormwater runoff into his property. The engineer and attorney explained the precautions that are in place to prevent that from happening.
Close public portion: Brown Second: Finelli All in favor.

Motion to approve the subdivision.
Motion: Brown Second. Veneziano
Ayes: Roche, Veneziano, Brown, Finelli, Vath Hough, Reger, Nargiso.

RESOLUTIONS: The resolution for QQR LLC was postponed until the next meeting on December 19, 2024

APPROVAL OF MINUTES: November 14, 2024 Regular Meeting
Motion to accept: Brown Second: Vath All in favor

ADJOURNMENT: 10:17 PM

Next Regular and Final Meeting is Thursday, December 19, 2024


Chairman