Chairman Nargiso brought the regular meeting of the Butler Planning Board for December 19, 2019 to order followed by a Pledge to the Flag. Chairman Nargiso 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, Donza, Brown, Finelli, Piccirillo, Nargiso

Absent: Roche (excused), Veneziano (excused), Alviene (excused), Vath (excused), Fox (excused)

**CORRESPONDENCE:**

Email from Richard Clemack dated December 5, 2019 requesting an adjournment and will contact the planning office for a future date.

19-202V Butler Public Storage

 103 Arch Street

 Block 16 Lot 16.01

Applicant will call to schedule a new date with the Planning Board

**CASES TO BE HEARD:**

NC19-63 Joseph Occhiogrosso

 65 High Street

 Block 13 Lot 1

Oath Given to Joseph Occhiogrosso

Represented by

Angelo Bagnara, Esq.

 65 Madison Avenue

 Morristown, New Jersey

Mr. Bagnara stated to the board that Mr. Occhiogrosso is before the board seeking a Certificate of Non-Conformity

After the testimony given and the application opened up to the public for comments and or questions it was determined that

* The applicant is no longer the owner of the subject property
* The addition was not legal at the time of its construction
* The third floor received a building permit and the sub code permits were issued by the construction code official
* Third floor occupancy is not permitted in the residential zones

Application dismissed based on the following:

1. Certificate of non-conformity cannot be given to a use not legal at its inception
2. The applicant is no longer a party in interest; therefore he cannot prosecute this application.

Motion: Brown

Second: Donnelly

Voted Aye: Donnelly, Donza, Brown, Finelli, Piccirillo, Nargiso

Voted Nay: None

Motion to adjourn:

Motion: Finelli

Second: Brown

All Ayes

**APPROVAL OF VOUCHERS**

Approved as submitted:

Motion: Brown

Second: Finelli

Voted Aye: Donnelly, Donza, Brown, Finelli, Piccirillo, Nargiso

Voted Nay: None

**MOTION TO ADJOURN:**

Motion: Brown

Second: Donnelly

All Ayes