

**RESOLUTION
BOROUGH OF BUTLER
PLANNING BOARD
IN THE MATTER OF
STEPHEN HEUZEY AND KATHLEEN HEUZEY
APPLICATION NO.: 23-001
USE VARIANCE – SECONDARY FAMILY CONVERSION**

WHEREAS, Stephen Heuzey and Kathleen Heuzey, (hereinafter referred to as the “Applicant”) have made an Application to the Borough of Butler Planning Board (hereinafter referred to as the “Board”), for secondary living area for related persons, for the property known as 45 Spring Street, Block 48, Lot 7; and

WHEREAS, a public hearing was conducted on February 16, 2023;

WHEREAS, the Applicants were not represented by counsel; and

WHEREAS, the Board has heard testimony from the Applicants; and

WHEREAS, members of the public had the full opportunity to be heard; and

WHEREAS, a complete Application has been filed, the fees required by Borough Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.

NOW THEREFORE, the Planning Board makes the following findings of fact and conclusions of law based upon the evidence presented at its public hearing, at which a record was made:

1. The Application before the Board is a request to allow the conversion of this single-family dwelling, into principal dwelling and secondary dwelling for related individual(s), in a single-family residential zone;
2. The following exhibits were submitted: Photographs marked A1, A2, A3 and A4, depicting the subject premises;

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

1. The Application before the Board is a request for the conversion of this single-family dwelling into two integral units for related individuals to primary occupants. This specifically does not approve a two-family use.
2. The Municipal Land Use Law provides that the Planning Board has the power to grant this approval when the Applicant satisfies certain criteria, which is enumerated by Statutes and Borough Ordinances;
3. 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.
4. Upon consideration of exhibits, testimony and evidence, the Board finds that it has been furnished with sufficient information so as to enable it to make an informed decision with regard to approving the site plan.

NOW THEREFORE, BE IT RESOLVED, by the Borough of Butler Planning Board that the Application of **Stephen Heuzey and Kathleen Heuzey**, for Block 48, Lot 7, for a secondary residence, within the principal dwelling, limited to family members, be permitted within the principal structure. This approval is conditioned upon the accessory structure, which appears to be a former garage, shall not be used as a bedroom or for living purposes.

1. The Applicant shall pay all required fees and shall comply with all applicable laws.

The undersigned certifies that the within action was taken by this Board on February 16, 2023 and memorialized herein pursuant to N.J.S.A.40:55D-10(g) on March 16, 2023.


Chairman

Motion to approve: Brown Second: Finelli

Ayes: Donza, Veneziano, Brown, Finelli, Vath, Hough, Reger, Nargiso

Nays: None