Chairman Nargiso brought the regular meeting of the Butler Planning Board for October 15, 2015 to order followed by a Pledge to the Flag. Chairman Nargiso stated that this meeting is being held in conformance with the Sunshine Law Requirements having been duly advertised and posted at Borough Hall.

***MOMENT OF SILENCE FOR FORMER BOARD MEMBER AND BOROUGH EMPLOYEE BILL WHITTY***

**ROLL CALL:**

Present: Donnelly, Roche, Drexler, Brown, Grygus, Calvi, Nargiso

Absent: Hauck (excused). Mayor Alviene (excused), Councilman Fox (excused)

**CASES TO BE HEARD**

NC 15-57 David Bayles

Notice is in order and applicant can proceed

Mr. Bayles is being represented by Dana D’Angelo, Esq.

Oath Given to David Bayles

Mr. D’Angelo stated the application before the board involves a request by the applicant to allow the continuation of a two-family use on the property which is not located in a single family residential zone. The property is lot 6 block 17 and is located at 8 Second and 10 Second Street.

The board determined that the property was in two family use and the property has remained in two family use continuously since before the implementation of the current zoning ordinance and the property is considered as a nonconforming use.

Board questioned the witness on various aspects of his testimony.

Public portion opened up by motion

Public portion closed by motion

Motion to approve application as submitted:

Motion: Brown

Second: Donnelly

Voted Aye: Donnelly, Roche, Drexler, Brown, Grygus, Calvi, Nargiso

Voted Nay: None

15-186V Naham Megdadi

 129 Bartholdi Ave

 Block 33 Lot 35

Notice is in order and applicant can proceed

Ms. Megdadi stated that she is before the board for approval of variances for an addition to the existing rear portion of her home. The building will expand the second floor and decks.

Mr. Darmofalski stated the property is located in the R# zone. The existing non-conforming items are

**Lot Area 7,630 SF, 10,250 SF required**

**Lot Frontage 50’; 65’ required**

**Side yard 4.85’; 10’ required**

**Requested side yard variance is 4.85’ where 10’ is required**

**Paul’s report of October 8, 2015 will be attached to the resolution**

Public Portion opened by motion

Maryanne Holdsworth – 125 Bartholdi Avenue

Mr. Holdsworth stated she has no issues with the requested variances for her neighbor’s property

Public portion closed by motion

Motion to approve application with the conditions listed in the Engineer’s letter dated October 8, 2015. Deck support posts to be protected from car traffic

Motion: Brown

Second: Grygus

Voted Aye: Donnelly, Roche, Drexler, Brown, Grygus, Calvi, Nargiso

Voted Nay: None

**CORRESPONDENCE:**

Letter dated October 15, 2015 – Azrak & Associates

RE: Quick Chek Corporation - Resolution

Letter requested that the Board adjourn the reading of the resolution in order for Mr. Azrak to meet with the three experts that were present at the hearings. They have consented to the extension of the 45 day requirement for the board to pass the resolution. Signed Peter McArthur

Resolution will be placed on the agenda for adoption November 12, 2015.

**RESOLUTION:**

15-185V Josh and Brittany Marion

 68 Roosevelt Avenue

 Block 37.03 Lot 3

Motion to approve as presented:

Motion: Brown

Second: Donnelly

Voted Aye: Donnelly, Roche, Brown, Grygus, Calvi, Nargiso

Abstain: Drexler

Voted Nay: None

**APPROVAL OF QUICK CHEK TRANSCRIPTS FROM SEPTEMBER 17, 2015**

Motion: Donnelly

Second: Grygus

Voted Aye: Donnelly, Roche, Drexler, Grygus, Calvi, Nargiso

Voted Nay: None

**APPROVAL OF VOUCHERS**

Motion to approve as submitted:

Motion: Brown

Second: Calvi

Voted Aye: Donnelly, Roche, Drexler, Brown, Grygus, Calvi, Nargiso

Voted Nay: None

**MOTION TO ADJOURN:**

Motion: Brown

Second: Donnelly

All Ayes

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 Chairman – Planning Board

ATTEST

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 Secretary – Planning Board \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ADPOPTED