

**RESOLUTION  
BOROUGH OF BUTLER PLANNING BOARD  
IN THE MATTER OF  
PSI ATLANTIC BUTLER NJ, LLC  
Application No.: SP22-82  
Preliminary and Final Site Plan and Variance Approvals**

**WHEREAS**, PSI Atlantic Butler NJ, LLC, (hereinafter referred to as the “Applicant”) has made an Application to the Borough of Butler Planning Board (hereinafter referred to as the “Board”), for site plan approval, use variance, conditional use and bulk variances for the property known as 1414 Route 23 North, Block 51, Lot 9; and

**WHEREAS**, a public hearing was conducted on October 20, 2022, November 17, 2022 and December 8, 2022;

**WHEREAS**, the Board has heard testimony from the Applicant’s Planner, Paul Phillips, Engineer Trevor Curtis, Traffic Engineer Douglas Polyniak and PSI Acquisitions Vice President, Jesse Morgan; 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 for site plan and variance approvals for the construction of a self-storage facility on the property;
2. The property is located within the Highway Business (HC) Zone with the back portion of the property being zoned residential. The property abuts Route 23 North, and a portion of the property is situated within the Residential (R-3) Zone, with significant wetlands, riparian zone and slope restraints;
3. The property is presently the site of an abandoned diner.

4. The following exhibits were submitted:

- A-1 – Google street view;
- A-2 – Google aerial photograph;
- A-3 – Colorized site plan sheet C-04 revision #5;
- A-4 – Colorized site plan sheet C-04 revision #6;
- A-5 - Colorized floor plan (five sheets);
- A-6 – Architectural rendering; and
- A-7 – Colorized site plan sheet C-04 revision #7.

The Applicant submitted revised plans and introduced exhibits at the public hearing, depicting the revisions in response to the first hearing.

All submissions have been reviewed by both the Board's Traffic Engineer, John A. Desch, P.E. and the Board's Engineer, Thomas Boorady, P.E., who have submitted reports to the Board.

**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 preliminary and final site plan approval, use variance, conditional use and bulk variances for the construction of a self-storage facility on the property.
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 PSI Atlantic Butler NJ, LLC, for Block 51, Lot 9 for preliminary and final site plan approval, use variance, conditional use and bulk variances as follows:

- Self-Storage Use Variance in the R-3 Zone.
- Self-Storage HC Zone Conditional Use Variance.
- Minimum Lot Width – 150' Required, 127.49' proposed (existing non-conformity).
- Minimum Front Yard Setback - 50' Required, 31.38' proposed.
- Minimum Side Yard Setback to Residential – 57.50' Required, 33.57' proposed.
- Maximum F.A.R. – 40% Maximum, 42.41% proposed.
- Minimum parking space to property line – 10' required, 2.57' proposed.

Minimum parking buffer – 50' required, 2.57' proposed.  
Maximum wall/fence combination height – 6' maximum (SY & RY), 13' proposed.  
Maximum wall/fence combination height – 6' maximum (SY & RY), 7.5' proposed.  
Number of Parking spaces – 36 spaces required, 10 proposed.  
Two-way drive aisle – 25' required, 24' proposed.  
Hours of Operation – 6:00AM to 8:00 PM, 6:00AM to 10:00PM proposed.  
Maximum Wall Sign Area – 50 SF Wall Sign #1 Area – 97.6 SF proposed.  
Maximum Wall Sign Area – 25 SF, Wall Sign #2 Area – 97.6 SF proposed.  
Proposed building wall facing residential zone district shall not include metal finish, proposed,

for the construction of a self-storage facility on the property, are approved based upon the following:

1. The Applicant shall pay all required fees and shall comply with all applicable laws.
2. The Applicant shall secure any and all other required development approvals for the proposed development including, but not limited to, approval from the Morris County Planning Board, the New Jersey Department of Environmental Protection, and the Morris County Soil Conservation District.
3. The Applicant shall comply with the recommendations set forth in the reports from the Board's Engineering consultant, except to the extent that such recommendations are inconsistent with the terms of this Resolution.
4. Performance guarantees shall be posted as permitted by the MLUL, and as required by Borough Code §143-58, and by Borough Code §143-66 thru 143-71.
5. Inspections fees shall be posted as required by Borough Code 143-70 or as may be permitted by the MLUL.
6. Provide a construction cost estimate prepared by the Developer's engineer.
7. Applicant to provide a Developer's Agreement as required by Borough Code §143-68. The Developer's Agreement should include the requirement of a preconstruction meeting.
8. Post construction and prior to the issuance of a final certificate of occupancy, the Applicant shall submit a final stormwater operations and maintenance manual to reflect the as-built conditions. The stormwater operations and maintenance manual shall be prepared in accordance with the latest NJDEP requirements for such documents. As required by the NJDEP stormwater rules (NJAC 7:8) and as required by Borough Code 143-181 M., the Applicant, after obtaining approval by the Borough Engineer and Borough Attorney, shall file a deed notice with the Morris County Clerk which contains the approved stormwater

operations and maintenance manual. The responsibility of stormwater operations and maintenance shall run with the land and be binding upon all current and future landowners.

9. A final site plan inspection by the Board's Engineer and Construction Official is required, prior to the issuance of a Certificate of Occupancy, to verify that all improvements conform to the approved plans.

10. The Applicant shall provide 4 signed and sealed copies of the final as-built drawings for all aboveground and underground improvements.

The undersigned certifies that the within action was taken by this Board on December 8, 2022 and memorialized herein pursuant to N.J.S.A.40:55D-10(g) on ~~December 19, 2022.~~ <sup>JANUARY 19, 2023</sup>



Chairman

FOR: FINELLI, BROWN, ROCHE, VENEZIANO, MARGISD

AGAINST: —

ABSTAIN: —

