In the absence of Chairman Nargiso, Vice Chairman Brown called the Planning Board Meeting for September 19, 2019 to order by a Pledge to the Flag. V. Chairman stated that is meeting is being held in conformance with the Sunshine Law Requirements having been duly advertised and posted at Borough Hall.

**ROLL CALL:**

Present: Roche, Donza, Veneziano, Alviene, Finelli, Piccirillo, Vath, Fox, V, Chairman Brown

Absent: Donnelly (excused), Nargiso (excused)

**CASES TO BE HEARD:**

SD19-73 Bergen Middlesex, LLC

6 Center Street

Block 37.01 Lots 42.01 & 45

Dave Dixon, Esq. of Feeney and Dixon representing the applicant

Mr. Dixon gave a brief description of the proposed application

This is a minor subdivision with variances, the variances all relate to pre-existing nonconformance related to his client’s property.

Minor subdivision and bulk variance approvals to permit a lot line adjustment and assemblage of approximately 2,085 sf of property into adjourning Block 37.01, lot 45 including bulk variance for lot area 10,250 sf required, 5,909 sf existing, 7,994 sf proposed, lot frontage 65’ required, 50.0’ existing/proposed. Lot width 65’ required, 50.0’ existing/proposed, front yard 35’ required, 30.0 existing/proposed and side yard 10’ required, 6.0/0.4’ existing/proposed, all pre-existing non-conformances for properties known as block 37,01, lots 45 and 42.01 in the R3 residential zone.

TC Vandervalk – Professional Engineer

Accepted as an expert witness by motion

Mr. Vandervalk testified to the following

* Description of property
* Description of easement
* Retaining wall
* R3 Residential
* Bulk Requirements
* Lot frontage
* Lot width
* Lot depth
* Front yard setbacks
* Side yard setbacks
* Rear yard
* Increase conformity

Board questioned the witness on various aspects of his testimony

Board Engineer read his report into the record – report dated September 4, 2019. Report will be attached to the resolution.

Public portion opened by motion

Public portion closed by motion

Motion to approve application as presented with conditions

Mr. Barbarula stated the board has two separate properties one of which is so oversized it will not adversely affect it or bring it into a non-conforming condition. With Center Street there has eliminated 4 pre-existing non-conforming bulk requirements because of the 3 feet to assure the maintenance on the wall the 65 frontage is retained is in compliance. Sufficient information to indicate that this is appropriate minor subdivision.

Anyone who makes a motion would have to adopt DMC’s letter of December 19 and Darmofalski Report of September 4, 2019.

Conditions:

* Any improvement, easements or other conditions required as part of the application’s approval shall be shown on the submitted revised minor subdivision plans.
* The revised minor subdivision plans shall be accompanied by deeds for both lots, including appropriate legal descriptions for each lot and any establishment of required easements
* The board secretary shall receive an up to date status report from the Butler Borough Tax Collector and finance officer confirming all escrow fees and property taxes of both properties are current at the time the revised documents are submitted
* The application is to be amended to extend the lot line by 3 feet the width of the property line, for a total of an additional 300 sq. resulting in the elimination of frontage variance
* All parking for 6 Center Street is to limited to the rear of the dwelling
* Compliance with DMC Associates Inc. letter dated September 19, 2019 and Thomas Boorady’s letter dated September 4, 2019.

Motion: Finelli

Second: Fox

Voted Aye: Roche, Veneziano, Alviene Finelli, Vath, Fox, Brown

Voted Nay: None

19-202V Butler Public Storage

103 Arch Street

Block 16 lot 16.01

Richard Clemack representing the applicant

Photo exhibit: A1 – View Point Simulation

A2 Front Façade Simulation

A3 First Floor Concept

A4 Parking Concept

Mr. Barbarula stated this is for waiver request, what the boards function here, the applicant is going to ask for waivers of certain site plan requirements. The applicant will explain the size of the property, the size of building and how that affects the request for the waiver, the board then decides what you agree what should be waived.

Mr. Clemack stated the building is the old Butler Theater on Arch Street; it has been there since approximately 1922. Asking for a use variance so this property can be renovated brought up to date but retain the historic theme of the Butler Theater. The current status is 3 apartments nonconforming uses since the late 60 as best were determined. There is also self-storage space and retail space.

What is proposed is increase the apartments from 3 to 15 with all parking in doors no exterior parking, 15 units of one bedroom apartments and 27 parking spaces in addition to a brand new exterior. The footprint of the building will remain as is no change to exterior structure of the building in addition to no off street parking.

Donna Holmqvist, AICP, PP

Accepted as an expert witness by motion

Ms. Holmqvist testified to the following: Memo of September 18, 2019

**Check List Number Requirements Information Provided with Bifurcated application**

11 Tax Map Sheet with date of revision PQ Block 16 Lot 6.01

And block and lot numbers Tax Map Sheet 7

Dated June 21, 2019

27 Zone District and identification of PQ is in CBD District

Zone boundaries located on or See zoning map

Adjoining property

28 Total Area of each lot in square feet PQ lot area = 12.236 sf

And the acres

29 Total area of each lot in square feet PQ lot area = 12,236 SF

And the area of each lot located within PQ lot Depth = 145 SF

The maximum depth of measurement

31 Front. Rear and side building setbacks Setbacks

Lines as required by zoning FY 0 4 FT

Regulations SY 3 .5 and 3.9 ft.

RY 0 ft.

32 All existing and proposed structures on Shown on Aerial Exhibit

The tract with setback dimensions

33 All existing and proposed structures on Shown on survey see item 31

The tract with setback dimensions

34 Right of way lines, widths and names of Shown on Survey & Tax Map

All existing streets adjoining the Arch St = 60 FT right of way

Property

35 Location and width of all other existing No Applicable, none shown

And proposed rights of way,

Easements and the purpose of any

Easement and the text of any restrictions

Applicable to same

36 Table of all requirements applicable to provided, see Zoning Table

The zone in accordance with schedule

D of zoning regulations with proposed

Dimensions, areas, setbacks, etc.

Indicating variances request

39 Location of an within 100 ft. of the shown on area map

Property of existing and proposed nearest watercourse = Pequannock River

Watercourses and other drainage approximately 275 ft. east of PQ

Courses

Bridges

Culverts and storm drains with sizes

And gradients

Wooded area

Rock outcroppings

42 Existing and proposed contours at See USGS Map

Minimum 2 ft intervals when new Level topographic conditions

Building or parking areas are properly elevation <300 ft.

Proposed. Contours shall extend at

Least 50 ft beyond the property

43 Elevations at corners of all proposed estimated spot elevation approx. 290 ft

Buildings and paved areas at property

Corners

44 All floor hazard areas, lakes, ponds see attached FEMA Map

Marshes, bogs, swamps and streams

45 Freshwater wetlands indicating see attached NWI Nap

Transition areas delineation or an

Affidavit by a qualified person stating no

Wetlands on the property exists

46 Zoning requirements per schedule 143- None, see attached NWI Map

118 and relationship to requirements.

Include bldg. cov and imp cov

47 Indicate if wetlands are on the property none. See attached MWI Map

52 MCSS Soil Classifications See attached info from USDA Soil Survey

Urban Land, no development constraint

53 Parking and loading spaces with to be provided on parking concept. All to

Dimensions, width or traffic aisles and compel with Borough ordinance RSIS

Direction of flow

55 Floor plan concept typical floor layout to be

Provided

56 Front Rear and side building elevations to be provided (front and side)

57 3D rendering of proposed building Photo simulation to be provided

59 Solid waste storage See parking concept for refuse

Collection area. Area sufficient

For dumpsters 195 sf (6 yard max 30

Sf holds 45 bags)

62 Location of fencing, walls and No proposed fencing or walls.

Sidewalks sidewalk to be replaced with

Decorative pavers to

Improve streetscape

64 Landscape Plan See rendering for street trees and

Landscaping

Estimate 3 street trees, 2-2 ½ in

Caliper plus planters

65 Recycling area See parking concept for recycling

Areas adequate space provided

66 Present and proposed use Existing use – 3 apts. – Self storage

And office

Proposed use – 15 multifamily dwelling units

67 Signage Concept to be provided on

Rendering awning address letters

Approx. 9 sf (1’ H x 9” L

Historic Plaque approx... 5 x 3 = 15 sf

69 Lighting Interior garage safety lighting

Exterior wall mounted decorative lighting, if appropriate. Architecturally compatible lighting for building exterior and signage

70 Common Use Areas See typical floor plan, corridor, stairwell and parking

Ms. Holmqvist further stated that the request to bifurcate the application is appropriate given the developed condition of the site, the fact that no new building is proposed, and a substantial amount of information will accompany the use variance request for multifamily use.

The information provided will enable the board to find that the applicant satisfies the positive and negative criteria required for the grant of the use variance.

The board questioned Ms. Holmqvist on various aspects of her testimony

Kimberly Sedlacek

* Has own the building since 2003
* When they purchased it, it was storage units, warehouse space, apartments
* Surrounded by residential
* Difficult building to rent out
* Large building and tall building
* Apartments could be brought into the 3rd floor
* All depends on parking

Public portion opened by motion

Public portion closed by motion

Request for bifurcation of the application the application is a request for 15 residential units in the CDB Zone. Your choices are, Say No – Say Yes or say you would grant a waiver in accordance with the direction of the boards engineer so that a site plan minus all the unnecessary things would be presented to the board at the same time as the use variance. Your recommendations were not adopted by the applicants. You can grant them the bifurcation; you can deny the bifurcation, of grant waivers that would be acceptable to the board engineer.

The board engineer stated he did not feel comfortable selecting which items could be eliminated.

Mr. Clemack stated what they are looking for is a use variance and proof a criteria, a new building is not being put up, that issue can be determined at the next stage, it is allot of expense and effort and how necessary is it to the boards determination and if the board in turn does not approve the use variance it is allot of expense and that is the risk, The applicant believes they can give you enough under the law and it is their burden. We will think out the board’s concerns we are still looking for a bifurcation.

Applicant requested a break to talk about adjourning to the next meeting

**APPROVAL OF VOUCHERS**

Motion to approve as submitted:

Motion: Finelli

Second: Vath

Voted Aye: Roche, Donza, Veneziano, Finelli, Piccirillo, Vath, Brown

Voted Nay: None

**APPROVAL OF MINUTES** – August 15, 2019

Motion to approve as submitted

Motion: Finelli

Second: Vath

Voted Aye: Finelli, Vath, Brown

Abstain: Roche, Veneziano, Piccirillo,

**RESOLUTION:**

SP19-77 AR Real Estate LLC

Motion to approve as submitted:

Motion: Finelli

Second: Vath

Voted Aye: Finelli, Vath, Brown

Voted Nay: None

Abstain: Roche, Veneziano, Piccirillo

Mr. Clemack ask the board to carry the application of the October 17, 2019 meeting

Application carried to October 17, 2019

Motion to Adjourn – 9:L40 PM

Motion: Finelli

Second: Vath

All Ayes

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Chairman – Planning Board

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ADOPTED\_\_\_\_\_\_\_\_\_\_

Secretary – Planning Board