

**RESOLUTION
BOROUGH OF BUTLER
PLANNING BOARD
IN THE MATTER OF WENDY CAUGHEY
DECIDED ON AUGUST 21, 2025
MEMORIALIZED ON OCTOBER 16, 2025
APPLICATION NO. 24-005
APPROVAL OF MINOR SUBDIVISION/LOT LINE ADJUSTMENT
WITH ANCILLARY “C” VARIANCE RELIEF**

WHEREAS, Wendy Caughey (hereinafter “Applicant”) has made application to the Borough of Butler Planning Board, (hereinafter “Board” or “Planning Board”), for property known and designated as Block 106, Lot 5.03, on the Tax Assessment Map of the Borough of Butler, (hereinafter “Borough”), which premises are located at 114-116 Terrace Avenue, Butler, New Jersey (the Property or the subject Property) and located in the R-3 Residential Zone District, (hereinafter “R-3 Zone”); and

WHEREAS, a public hearing was held on July 17, 2025 and August 21, 2025 after the Planning Board determined it had jurisdiction; and

WHEREAS, the Applicant was represented by Frank E. Scangarella, Esq.

NOW, THEREFORE, the Planning Board makes the following findings of fact, based on evidence presented at its public hearing, at which a record was made.

The application before the Planning Board is a request for minor subdivision/lot line adjustment approval with ancillary “c” variance relief for property known and designated as Block 106, Lot 5.03 as shown on the Tax Assessment Map of the Borough of Butler, which premises are located at 114-116 Terrace Avenue, Butler, New Jersey. The subject site is located in the R-3 Zone District.

The July 17, 2025 Hearing Date

Overview of Application

Mr. Frank E. Scangarella, Esq., counsel for the Applicant, stated that the purpose of the application is to effectuate a minor subdivision/lot line adjustment regarding the subject Property. He confirmed that there are two (2) existing single-family residential structures on the Property that were constructed in the early 1900s. The primary residence fronts on Terrace Avenue and is approximately 1,222 square feet in area and there is an additional home at the rear of the Property which measures approximately 487 square feet. Mr. Scangarella confirmed that if the application is approved, the subdivision will result in two (2) lots with each existing dwelling being located on its own separate lot. The larger home will have frontage on Terrace Avenue, and the smaller home will have frontage on Primrose Avenue.

Surveyor's Testimony

Robert L. Cigol, N.J.P.L.S., a Licensed Land Surveyor in the State of New Jersey testified before the Planning Board. Mr. Cigol was accepted as an expert witness as a Land Surveyor. Mr. Cigol testified that the subject Property is located at 114-116 Terrace Avenue. The Property is also located within the R-3 Zone District. Mr. Cigol stated that currently the Property is developed with an approximate 1,122 square foot house with frontage on Terrace Avenue and there is a second dwelling unit which is less than 500 square feet in size with frontage along Primrose Avenue. Mr. Cigol further represented that the Applicant has received an exemption letter from the Morris County Planning Board. Two (2) Exhibits were introduced into evidence. Exhibit A was identified as a proposed Minor Subdivision Plan prepared by DMC Associates, Inc. dated February 27, 2025 with revisions through July 8, 2025 and consisting of one (1) sheet. The second Exhibit that was

introduced into evidence was identified as Exhibit B and titled Driveway and Utility Improvements Plan prepared by Golden and Moran Engineering, LLC dated April 2, 2025 with revisions through July 3, 2025.

Mr. Cigol testified that existing Lot 5.03 contains approximately 36,293 square feet of lot area. Mr. Cigol stated that the front lot 114 Terrace Avenue would have a new lot number proposed as Lot 5.031. He further represented that the proposed rear lot at 116 Terrace Avenue would have a new lot number proposed as Lot 5.032. Mr. Cigol stated that the approval of this application would eliminate two (2) principal structures being located on one (1) lot. He characterized the shape of the lot as being irregular in nature and resembling an arrowhead.

Mr. Cigol in reviewing the proposed Minor Subdivision Plan confirmed that the Applicant is proposing a 5-foot-wide roadway dedication to the Borough of Butler as well as a proposed 10-foot-wide utility easement for the benefit of proposed Lot 5.023.

Mr. Cigol testified that the site has available sewer, gas, water and electric service. Therefore, the existing water service to be abandoned and a public water connection to Terrace Avenue is proposed. The existing cistern is to be abandoned and public sewer connection to Primrose Avenue is proposed. Mr. Cigol represented that there will be two (2) separate water lines entering the Property from Terrace Avenue and that there will be an easement for the water line to service the rear lot. Furthermore, the existing dwelling on the rear lot will continue to use electric heat.

Mr. Cigol represented that the dwelling at 114 Terrace Avenue is not occupied but that the dwelling at 116 Terrace Avenue is occupied by Ms. Caughey. It was represented on the record that based on the Tax Assessor's records it appears the larger dwelling was constructed on or about 1943 and the smaller dwelling was constructed on or about 1948.

Mr. Cigol provided an overview of the proposed variances. First, in regard to proposed Lot 5.031, Mr. Cigol identified variances for rear yard setback for a principal building where 35 feet is required and 14 feet is proposed and for a side yard setback where a minimum of 10 feet is required and 2.38 feet is proposed. Next, in regard to proposed Lot 5.032, Mr. Cigol stated that variance relief is required in connection with minimum lot frontage where 65 feet is required and 43.15 feet is proposed; minimum lot depth where 125 feet is required and 119.61 feet is proposed as well as in regard to minimum front yard setback for a principal building where 35 feet is required and 31.66 feet is proposed.

Public Portion

The meeting was opened up to members of the public and there were no members of the public present who expressed an interest in this application.

The August 21, 2025 Hearing Date

Planning Testimony

Testifying on behalf of the Applicant was Donna Holmqvist, P.P., a licensed Professional Planner in the State of New Jersey. Ms. Holmqvist was accepted as an expert witness in the field of land use planning. Ms. Holmqvist testified that she was familiar with the Property after having visited the site. She also confirmed that she reviewed the Report of the Board Planner. Ms. Holmqvist introduced into evidence two (2) Exhibits:

1. Exhibit C identified as Zoning 114-116 Terrace Ave. dated August 19, 2025 and
2. Exhibit D Plan Benefits 114 and 116 Terrace Avenue dated August 18 ,2025.

Ms. Holmqvist testified that Exhibit C depicts the subject Property with access off of Terrace Avenue and Primrose Avenue. She stated presently there are two (2) principal dwellings on one (1) lot. If approved, the minor subdivision/lot line adjustment would eliminate the non-

conformity of having two (2) principal buildings on one (1) lot. She characterized the lot as being mostly wooded. Ms. Holmqvist also stated that there are only two (2) other dwellings having access off of Primrose Avenue. She stated that the dwellings on Primrose Avenue were constructed in the 1950s with lot areas similar in size to the proposed lot area being created for proposed Lot 5.032. Ms. Holmqvist also testified that there appears to be adequate off-street parking for the houses on Primrose Avenue.

Ms. Holmqvist stated that she visited the Caughey residence and characterized it as being a “very charming cottage.” She stated due to the size of the dwelling; it is considered a tiny home. She represented that this tiny home has been located on the lot for approximately 37 years. Ms. Holmqvist testified that Ms. Caughey is a senior citizen and she has lived here for 37 years.

Ms. Holmqvist reviewed Exhibit D titled Plan Benefits regarding the approval of the minor subdivision lot line adjustment. She represented that the existing lot is approximately three (3) times larger than the minimum lot area in the R-3 Zone. Ms. Holmqvist stated the approval of this application would eliminate the non-conformity of having two (2) houses on one lot. Ms. Holmqvist also confirmed that the approval of this application would make the lots more in conformity with the lot area requirements in the R-3 Zone.

Ms. Holmqvist reviewed the variances required in connection with this development application. Ms. Holmqvist responded to a question about the possible relocation of one of the lot lines and she represented that moving the lot line to the north would not result in good planning because this would necessitate removal of trees and natural vegetation. She also stated that access from Primrose Avenue would provide more direct access to the cottage on proposed Lot 5.032. She also confirmed that the Applicant is maintaining the existing cottage and therefore there is no new construction proposed and no requirement to construct a garage.

Ms. Holmqvist also testified that in regard to the request for variance relief numerous goals and objectives of the Borough's Master Plan would be advanced. She stated the approval of this application would result in light, air and open space being maintained. Approval of this application results in appropriate residential density. Ms. Holmqvist stated that the approval of the application would result in providing affordable housing for a senior citizen. She stated the senior citizen has lived here for 37 years and would allow her to age in place at this location.

Ms. Holmqvist also testified that the Property has a very bucolic feel about it. She testified that when you are on the property you can hear the sounds of the brook located at the rear of the Property. She also represented that there are a lot of trees and vegetation on the Property which would remain because no new construction is proposed.

Ms. Holmqvist also testified that what is proposed would help to maintain the stability of the area and contribute to the stability of the neighborhood. Ms. Holmqvist also represented that the approval of this application would result in contributing to water quality with the cistern being removed and the hookup of the dwelling to the municipal sewer system.

Ms. Holmqvist also stated that under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-2, 2(a) would be advanced by the approval of this minor subdivision/lot line adjustment by promoting the public health, safety and general welfare. Furthermore, she represented that 2(e) would be advanced which is to promote appropriate population densities and concentrations that contribute to the wellbeing of persons and the neighborhood.

Ms. Holmqvist represented that many of the variances are pre-existing based upon the location of the existing principal structures on the properties. Ms. Holmqvist testified that variance relief can be granted without substantial detriment to the public good and without substantial impairment of the zone plan and zoning ordinance. She further represented that the benefits of

granting variance relief substantially outweigh the detriments and thus it is appropriate to grant ancillary “c” variance relief.

Public Portion

The meeting was opened up to members of the public and there were no members of the public present expressing an interest in this application.

NOW, THEREFORE, the Planning Board hereby makes the following conclusions of law, based upon the foregoing findings of fact.

The application before the Board is a request for minor subdivision/lot line adjustment approval and ancillary “c” variance relief for property known and designated as Block 106, Lot 5.03 on the Tax Assessment Map of the Borough of Butler, and which premises are located at 114-116 Terrace Avenue, Butler, New Jersey in the R-3 Zone.

The subject Property is currently improved with two (2) detached dwelling structures. Under Borough Code Section 143-136, only one (1) principal building may be erected on the lot except for related buildings forming one (1) principal use in the same ownership. Therefore, the approval of this application would eliminate this non-conforming condition. The Applicant, therefore, seeks minor subdivision approval with variance relief to allow for the creation of two (2) lots with each existing dwelling being located on its own lot. The Applicant proposes to construct a new driveway to serve future Lot 5.032 from Primrose Avenue. The Applicant is also proposing the removal of approximately 934 square feet of a dirt/gravel driveway which is partially encroaching upon Lot 5.04 in Block 106 and the removal of non-conforming sections of fence along the Primrose Avenue right-of-way. An existing septic system would be decommissioned on proposed Lot 5.032 in favor of a connection to the municipal sanitary sewer mains on Primrose Avenue. A new municipal water service would be installed from Terrace Parkway for the benefit of

Lot 5.032 through an easement running through Lot 5.031. Further, the existing swimming pool on Lot 5.032 would be demolished.

Ancillary “c” Variance Relief

The Board finds that the Applicant is proposing a permitted use in the Zone but does, however require variance relief. The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the Applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the Applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An Applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the Applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the Applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, an Applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is

only in those instances when the Applicant has satisfied both these tests, that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the Applicant to establish these criteria.

Ancillary “c” Variances Required:

Proposed Lot 5.031

1. Side yard setback principal building where a minimum setback of 10 feet is required and 2.38 feet is existing and proposed.
2. Rear yard setback principal building where a minimum setback of 35 feet is required and 14 feet is proposed.
3. Minimum parking area setback where 5 feet is required and 0 feet is existing and proposed.
4. A paved parking area is required where the Applicant is proposing to maintain the existing dirt and gravel parking area.

Proposed Lot 5.032

1. Minimum lot frontage where 65 feet is required and 43.15 feet is proposed on Primrose Avenue.
2. Minimum front yard setback where 35 feet is required and the existing structure is setback 31.66 feet.
3. Minimum lot depth where 125 feet is required and 119.91 feet is proposed.

Planning Variance For Proposed Lot 5.032:

1. Planning variance under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-35/36 non-conforming roadway width less than 30 feet providing access to proposed Lot 5.032.

The Board reviewed the granting of ancillary “c” variance relief under the c(2) analysis. In Kaufman v. Planning Board for Warren Borough, 110 N.J. 551, 563 (1988), the New Jersey Supreme Court held:

“By definition then no c(2) variance should be granted when merely the purposes of the owner will be advanced. The grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The

focus of a c(2) case, then, will be not on the characteristics of the land that, in light of current zoning requirements, create a hardship on the owner warranting a relaxation of standards, but on the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”

The Board, in its review of the application under the c(2) criteria, analyzed the proofs provided by the Applicant relative to the positive criteria under the MLUL pursuant to N.J.S.A. 40:55D-2 and its subparts. The Board finds that the intent and the purpose of the MLUL would be advanced pursuant to N.J.S.A. 40:55D-2(a) to encourage municipal action to guide the appropriate use or development of all lands in the State of New Jersey, in a manner which will promote the public health, safety, morals and general welfare. The Board further finds that purpose 2(c) is advanced which is to provide adequate light, air and open space. The Board also determines that purpose 2(e) is satisfied by promoting the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions. The Board further finds that the Applicant has satisfied purpose 2(g) which is to provide sufficient space in appropriate locations for a variety of residential uses. The Board also finds that purpose 2(m) is satisfied because the proposed development results in more efficient use of land.

The Board accepts the representations of the Applicant’s expert Planner, Ms. Holmqvist that the proposed subdivision is consistent with the surrounding neighborhood and no new construction is proposed as a result of this application. The Board finds that several goals of the Butler Master Plan are advanced by the approval of this application including, but not limited to, maintaining the character of the existing residential area and maintaining the overall quality of the neighborhood. The Board also finds that the approval of this application would be reflective of the neighborhood with respect to the proposed lot sizes which are more consistent with the minimum lot area in the R-3 Zone. The Board notes that the minimum lot area in the R-3 Zone is 10,250 square feet. Here, the

existing Lot 5.03 contains 36,293 square feet and with the proposed subdivision, proposed Lot 5.031 would contain 12,807 square feet and proposed Lot 5.032 would contain 23,118 square feet.

The Board also finds that in addition to the reduction in lot sizes, one (1) of the significant benefits of granting the minor subdivision/lot line adjustment application is the elimination of the non-conformity with respect to two (2) principal dwellings being located on one (1) lot. The Board also finds that granting variance relief as requested will result in the Applicant maintaining the existing trees and vegetation on the lot. Furthermore, the Board notes that the Applicant has resided in the dwelling on proposed Lot 5.032 for the past 37 years. Approving the minor subdivision application will continue to allow Ms. Caughey as a senior citizen to remain in a dwelling unit where she has resided for the past 37 years and provides an affordable housing opportunity for a senior citizen.

The Board also notes the additional positive benefits by the approval of this application is the removal of approximately 934 square feet of dirt/gravel driveway which partially encroaches upon Lot 5.04 in Block 106. Further, another benefit is the removal of non-conforming sections of a fence along the Primrose Avenue right-of-way. Also, the existing septic system would be decommissioned on proposed Lot 5.032 in favor of a connection to the municipal sanitary sewer main on Primrose Avenue. In addition, a new municipal water service would be installed from Terrace Parkway for the benefit of Lot 5.032 through an easement running through Lot 5.031. The existing pool on Lot 5.032 will also be demolished. Further, access to the existing dwelling on proposed Lot 5.032 would be achieved via Primrose Avenue rather than through the existing access over proposed Lot 5.031.

Having found that the Applicant has satisfied the positive criteria granting bulk or “c” variance relief, the Board then turns to the negative criteria. For the reasons set forth herein, the

Board concludes that ancillary “c” or bulk variance relief may be granted without substantial detriment to the public good. The Board finds that “c” or bulk variance relief may be granted without a substantial adverse impact upon or detriment to the adjoining properties, nor will it cause such damage to the character of the neighborhood as to constitute substantial detriment to the public good. The Board reaches these conclusions based on the proofs presented and the nature of the relief sought in this matter. The Board also finds that “c” or bulk variance relief may be granted without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

Based upon all of these conclusions, the Board finds that the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements, and the benefits of any deviation substantially outweigh any detriment and, thus, ancillary “c” or bulk variance relief may be granted. The Board therefore concludes that both the positive and negative criteria were met by the Applicant and thus, the granting of ancillary “c” or bulk variance relief set forth herein is appropriate to be granted under the MLUL pursuant to N.J.S.A. 40:55D-70c(2).

Planning Variance

The Applicant requires relief from Borough Code §143-73 Streets. The existing pavement width on Primrose Avenue varies and does not meet the minimum width of 30 feet. Further, Primrose Avenue is a non-conforming cul-de-sac as it does not meet the minimum turn-round requirements. The Board finds that it is appropriate to grant planning variance relief for the existing dwelling on proposed Lot 5.032 with access off of Primrose Avenue. The Board finds that approval of this application will facilitate better access to the existing dwelling than what currently exists today. The Board also finds that Primrose Avenue provides adequate access to the site for firefighting equipment, ambulances and other emergency vehicles which are necessary for the

protection of health and safety. The Board notes there are other existing dwellings with access off of Primrose Avenue.

CONCLUSION

Upon consideration of the plans, testimony and application, the Board determines that the Applicant has met the minimum requirements of the MLUL, case law and Borough ordinances to a sufficient degree so as to enable the Board to grant the relief being requested. The Board further finds that the granting of this application will not adversely impact or impair the use and enjoyment of adjacent properties.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Butler with regard to the application of Wendy Caughey for property known and designated as Block 106, Lot 5.03 on the Tax Assessment Map of the Borough of Butler, located at 114-116 Terrace Avenue, Butler, New Jersey, and located in the R-3 Zone requesting land use relief is determined as follows:

- A. Minor Subdivision/lot line adjustment approval is granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-47; and
- B. Ancillary “c” or bulk variance relief is granted in accordance with the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70c(2).
- C. Variance relief is granted under the accordance with the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-35 and 36 for permitting access to a dwelling from a non-conforming roadway.

IT IS FURTHER RESOLVED that the aforementioned relief is granted subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved, as well as any further amendments required by the Planning Board or the Board's Professionals as a result of the hearing process.

2. The granting of this application is subject to and conditioned upon all of the representations and stipulations being made by or on behalf of the Applicant to the Borough of Butler Planning Board being true and accurate. The Planning Board notes that it specifically relied upon said stipulations in the Board's granting of approval. If any representation or stipulation is false, this approval is subject to revocation.

3. This approval is granted strictly in accordance with any recommendations set forth on the record by the Planning Board at the time of the public hearings on July 17, 2025 and August 21, 2025.

4. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions contained in the report of the Board Engineer, Thomas A. Boorady, P.E., P.P., C.M.E., C.F.M., Engineer to the Borough of Butler Planning Board dated June 9, 2025 and as testified to during the hearing.

5. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions contained in the Report of the Board Planner, Tom Behrens, Jr., P.P., A.I.C.P., Planner to the Borough of Butler Planning Board dated August 20, 2025 and as testified to during the hearing.

6. The Deed recorded memorializing this subdivision shall specifically refer to this Resolution and the Resolution shall be annexed to and recorded with the Subdivision Deed. The Subdivision Deed shall be subject to the review and approval of the Board Engineer, Borough Surveyor and Board Attorney. The Applicant shall record the subdivision deed within 190 days of

the memorializing resolution being adopted. Failure to do so shall render this approval null and void unless an extension of time is granted.

7. The granting of this application is subject to and conditioned upon the Applicant obtaining confirmation from the Borough of Butler Tax Assessor regarding the lot numbers for the lots created as a result of this subdivision approval and further since access to proposed Lot 5.032 will be via Primrose Avenue, the Butler Tax Assessor shall determine whether the building or house number should have a Primrose Avenue address and if so, this should be reflected on the plans and deeds.

8. The utility work for the new water service line and sanitary sewer lateral for proposed Lot 5.032 shall be completed and the construction of a new driveway and decommissioning of the septic system shall be completed prior to the recording of the minor subdivision deed.

9. The existing pool on Lot 5.032 shall be demolished in accordance with the requirements of the Building Department. The demolition of the existing pool on Lot 5.032 shall be completed prior to the recording of the minor subdivision deeds.

10. The granting of this application is subject to and conditioned upon the homeowners and all contractors being responsible for contacting the Borough Engineer for site inspections prior to and during the construction of all improvements, including but not limited to, driveways, utilities, retaining walls, curbs, seepage pits, trench drains, storm drainage and associated piping, landscaping, guide rails and fences. Adequate notice of at least three (3) business days shall be provided prior to beginning construction of these improvements. The Office of the Board Engineer will not approve improvements which have been constructed and backfilled without inspections.

11. Inspections by the Board Engineer's office shall be required during any site work, and a final site inspection by the Board Engineer's office will be necessary prior to recommendation of approval to record the minor subdivision deeds to ensure all items of construction have been completed in conformance with the approved plans.

12. The granting of this application is subject to and conditioned upon any approvals from all local, county or state agencies shall be submitted to the Borough and to the Board Engineer to ensure all utility work and septic decommissioning have been satisfactorily completed prior to the recording of the minor subdivision deeds.

13. The granting of this application is subject to and conditioned upon the Applicant's escrow account being kept current during construction and until as-built drawings and a final site inspection are completed. Stop work orders will be issued on projects that do not maintain sufficient escrow for inspections. Additional escrow may be necessary to cover the cost of reviewing revisions and to perform routine site inspections throughout the project.

14. The granting of this application is subject to and conditioned upon there being no Certificate of Occupancy issued for the dwelling on proposed Lot 5.031 as a result of the granting of minor subdivision approval in this matter and the Applicant and any successor owner shall supply detailed lot development plan to the office of the Board Engineer for review and approval prior to any site work being performed on the subject Property and prior to the issuance of any tree removal permits, construction permits, utility permits, road opening permits and any other required permits.

15. The granting of this application is subject to and conditioned upon Morris County Planning Board approval or a Letter of No-Interest.

16. The granting of this application is subject to and conditioned upon Morris County Soil Conservation District approval, if required.

17. The granting of this application is subject to and conditioned upon New Jersey Department of Environmental Protection approval, if required.

18. The granting of this application is subject to and conditioned upon the Borough of Butler Board of Health approval, if required.

19. The following conditions shall be satisfied prior to the Butler Planning Board Chair and Board Secretary signature of minor subdivision deeds for recording:

- a. If required, the minor subdivision plans shall be revised as may be recommended by the Butler Planning Board, Board Engineer, Board Attorney, and Borough Surveyor;
- b. The minor subdivision plan shall be accompanied by deeds for effective lots, including new legal descriptions for each lot and any required language reciting easements, conservation areas, etc. for review and approval by the Board Engineer, Board Attorney, and Borough Surveyor;
- c. Prior to approving the deeds for recording, the Butler Board Secretary must first receive a status report from the Borough Tax Collector and Finance Officer confirming all escrow fees and property taxes of both properties are current.

20. The granting of this application is subject to and conditioned upon the submission of revised plans, if required, which shall be reviewed and approved by the Board Engineer. The plans shall not be signed by the Board Secretary and Chairman until the revised plans have been reviewed and approved by the Board Engineer. An appropriate escrow shall also be established and maintained by the Applicant to cover the cost of professional review and inspection fees.

21. This approval is subject to the payment in full by the Applicant of all taxes, fees, escrows, assessments and other amounts due and owing to the Borough and/or any other agency. Any monies are to be paid by the Applicant within twenty (20) days of said request by the Board Secretary.

22. Certification that taxes are paid to date of approval.

23. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Butler, County of Morris, State of New Jersey, or any other agency having jurisdiction hereunder.

VOTE ON APPLICATION
AUGUST 21, 2025

Motion Introduced By: Finelli

Seconded By: Brown

In Favor: Roche, Hammaker, Brown, Finelli, Vath, Councilman Piccirillo, Chair Veneziano, and Hough

Opposed:

VOTE TO APPROVE RESOLUTION
OCTOBER 16, 2025

Motion Introduced By:

Motion Seconded By:

In Favor

Opposed

Butler Planning Board

William Budesheim, Board Secretary

, Chairman

The undersigned secretary certifies that the within Resolution was adopted by the Butler Planning Board on August 21, 2025 and memorialized herein pursuant to N.J.S.A 40:55D-10(g) on October 16, 2025.

William Budesheim, Board Secretary

(5406030.1) BUTPB-021E Wendy Caughey Resolution Granting Minor Subdivision With Ancillary "C" Variance (App. # 24-005) 9.18.25 RB