**Chairman Nargiso brought the regular meeting of the Butler Planning Board for August 17, 2017 to order followed by a Pledge to the Flag. Chairman noted that this meeting is being held in conformance with the Sunshine Law Requirements having been duly advertised and posted at Borough Hall.**

**ROLL CALL:**

Present: Donnelly, Roche, Veneziano, Hauck, Brown, Grygus, Vath, Nargiso

Absent: Alviene (excused), Finelli (excused), Fox (excused)

**CASES TO BE HEARD:**

**17-190V** Curt Thomsen

 133 Decker Road

 Block 53 Lot 30

OATH GIVEN – Kurt & Patty Thomsen

 133 Decker Road

 Block 53 Lot 30

Notice is in order and applicant can proceed

Mr. Brown stated that he is within 200 feet of the applicant and will be stepping down

Mr. Thomsen stated the application is for a 12’x 21’ carport addition to the south and a 3’ x 18’ to the west to an existing detached garage located in the front yard. The variance application is for a front yard of 1.36’ existing and proposed where 35’ is required. The existing non-conforming front yard is an expansion of an existing condition. The proposed addition will encroach into the exiting 33’ ROW for the City of Newark Aqueduct.

Mr. Thomsen stated he feels that the proposed variance will not alter the character of the property or the neighborhood and it’s the absolute minimum do to the placement of the house on the property. There is basically no backyard; it is 10 feet to the back of the house to the fence. The garage was built before DeBow Terrace and the Newark aqueduct which are right up against the garage. The plans that were presented preserve the historical aspect of the garage while giving the same property rights as the property owners in the neighborhood.

Every other property in the neighborhood has a full size garage. The proposed renovation would not be detrimental to any other properties in the neighborhood, The car will not fit into the garage it was built in the mid 1900’s, it has always been a garage.

Mr. Thomsen stated he has two cars and would like to keep them in the garage in the winter and the use the carport in the summer when the car is being used. Plus it would be used for snow blowers and stuff like that.

Board questioned the applicant on various aspects of his testimony.

Public portion for questions opened by motion

Jim Brown – 7 Debow Terrace

Mr. Brown questioned the witness on the following

* Utilities in the new structure
* Primary front door residents
* Front road property
* Side yard
* Drainage system design
* Increase of property value
* Minimal size of the expansion
* Questions regarding the construction

Public portion for questions closed by motion

Public portion for comments opened by motion

Liz Hirth – 4 DeBow Terrace

Stated she lives across the street from the applicant, have lived in the house approximately 45 years. The “barn, garage, carriage house” has been there forever. This would not impact the neighborhood in anyway and will be a great improvement.

Jim Brown – 7 DeBow Terrace

Stated the application is for the approval of new still non-conforming structure contrary to the Butler ordinance. The new structure is proposed to be 194% larger than the structure is presently and will remain 16 inches off the street. There are no other structures in front yards in the neighboring properties. The submitted application does not address the issue as to why a 630 square foot structure cannot be built as conforming on a 22,000 plus square foot property.

Public portion for comments closed by motion

Mr. Barbarula stated if the board is to look favorably on the application either a seepage pit or a positive form of drainage should be installed and reviewed by the board engineer.

Motion to approve application – including Board Engineer’s review and approval of drainage plans

Motion: Hauck – with the approval of drainage by the Board engineer

Second: Veneziano

Voted Aye: Donnelly, Roche, Veneziano, Hauck, Grygus, Vath, Nargiso

Voted Nay: None

**17-189V** Kris Kemp

 49 Notchwood Road

 Block 72 Lot 47

Notice is in order and applicant can proceed

Nunzio Consalbo – (unable to detect where in NJ he resides in)

Susan Consalbo

Mother and Father of the applicant

Mrs. Consalbo stated that her daughter and husband (who are the applicants) are unable to attend the meeting.

Board secretary stated that she had told the applicant that if she could not attend the meeting she would have to adjourn or have an attorney represent her and that was the advice given by the Board Attorney.

Mr. Barbarula stated that the applicant could have amended the application; she could have gotten an attorney to present it.

We can carry the application so she will not have to re-advertise. The recommendation is that she is not here, she did not amend the application to but Nunzio and Susan Consalbo on the application and there is not an attorney. Rather than she loose her spot we will carry it and then she will be first on the agenda for next month.

Chairman Nargiso stated this can be carried to next month in which she appears herself or sends an attorney or amends her application to say that Mr. and Mrs. Consalbo is going to appear for her as joint applicant.

Motion to carry the application to September 21, 2017 meeting no further notice required

Motion: Donnelly

Second: Brown

Voted Aye: Donnelly, Roche, Veneziano, Hauck, Brown, Grygus, Vath, Nargiso

Voted Nay: None

Mr. Barbarula stated this application will be carried to the September 21, 2017 meeting at 7:30 PM no further notice required.

**17-193V** Robert Piatt, Jr

 8 Plane Street

 Block 23 Lot 47

Notice is in order and applicant can proceed

Oath Given

Mr. Barbarula stated that since this is a use variance the board sits as a Board of Adjustment, you need 5 out of 7 affirmative votes to get a use variance. A use variance has a specific legal requirement; you have to show that is not detrimental to the master plan, positive and negative criteria, planning reasons why the use should be allowed.

Mr. Piatt stated the application is for a rear addition to the existing dwelling the house as it stand right now is in need of major repair and does not fit the growing family. The houses on the street that are presently there have been there a long time they are all residential homes no businesses.

 The addition will have a 14’18 footprint all ground level along with a second floor addition over a portion of the existing building and the new addition. A 14’x10’ deck is also proposed on the east side of the proposed addition. An existing deck will be removed.

Mr. Darmofalski stated that the addition requires a side yard variance. The existing and proposed left side yard is 2.64’ where 10’ is required. In addition the application requires a use variance since one family dwellings are not permitted in the CBD zone. This is a non-conforming use that has existed for a long period of time in the CBD zone. It will also require a seepage pit for storm water control. The roof leaders from the addition should be connected to the new seepage pit. The applicant should also provide a minor grading plan in the rear yard in addition to provide positive drainage.

The board questioned the applicant on various aspects of his testimony

Public portion opened by motion

Public portion closed by motion

Motion to approve application as presented

Motion: Brown

Second: Hauck

Voted Aye: Donnelly, Roche, Veneziano, Hauck, Brown, Grygus, Vath, Nargiso

Voted Nay: None

**APPROVAL OF VOUCHERS**

Motion: Brown

Second: Donnelly

Voted Aye: Donnelly, Roche, Veneziano, Hauck, Brown, Grygus, Vath, Nargiso

Voted Nay: None

**RESOLUTIONS:**

 17-189V James Snyder

 15 Stoneyhill Road

 Block 74 Lot 31

Motion to approve as submitted and read

Motion: Donnelly

Second: Roche

Voted Aye: Donnelly, Roche, Veneziano, Grygus, Vath, Nargiso

Abstain: Hauck, Brown

Voted Nay: None

**Motion to deem application 17-191V Complete**

17-191V 214-216 Main Street, LLC

 214-216 Main Street

 Block 23 Lot 6

Motion to deem application as per Paul Darmofalski

Motion: Donnelly

Brown: Second

Voted Aye: Donnelly, Roche, Veneziano, Hauck, Brown, Grygus, Vath, Nargiso

Voted Nay: None

**APPROVAL OF MINUTES**

May, June & July, 2017

Motion to approve as submitted

Motion: Donnelly

Second: Brown

Voted Aye: Donnelly, Roche, Veneziano, Hauck, Brown, Grygus, Vath, Nargiso

Voted Nay: None

**Motion to Adjourn**

Motion: Donnelly

Second: Brown

All Ayes

 ----------------------------------------------------

 Chairman – Planning Board

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

 Secretary – Planning Board Adopted:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_