

RESOLUTION
BOROUGH OF BUTLER PLANNING BOARD
In the Matter of Dell-Kinnelon Butler Lots, LLC
1515 Route 23 South
Block 203.01, Lot 4
Application No.: SP21-80
Preliminary and Final Major Site Plan with Bulk Variances

WHEREAS, Dell-Kinnelon Butler Lots, 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 Preliminary and Final Major Site Plan with Bulk Variances for the property known as 1515 Route 23 South, Block 203.01, Lot 4; and

WHEREAS, a public hearing was conducted on September 15, 2022 and October 20, 2022; and

WHEREAS, the Board deemed said application complete by motion; and

WHEREAS, the Board has heard comments and testimony from the Applicant’s engineer, Matthew Seckler who testified as to engineering, traffic and planning; 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 involves a request by the Applicant for preliminary and major final site plan approval with bulk variances for the construction of an automotive parts store, requesting the following variances:

1. §143-86 E. – Schedule “A” – Minimum distance between parking and front of building. Six (6) feet is proposed where ten (10) feet is required.
2. §143-86 E. – Schedule “A” – Minimum distance between parking and street right-of-way. 6.3 feet is proposed where 25 feet is required.
3. §143-86 E. – Schedule “A” – Minimum distance between parking and property line. 6.3 feet is proposed where 25 feet is required.
4. §143-86 E. – Schedule “A” – Minimum buffer width between property line and building/parking area/loading zones. 6.3 feet is proposed where 25 feet is required.
5. §143-90 A. – Garbage enclosure may be in rear yard where it is currently proposed in what would be considered the front or side yard.
6. §143-175 K. 2. – Two approximately 88 SF, illuminated, building mounted signs are proposed where two signs are permitted: 50 SF along the front and a sign half the size of the sign in the front is permitted along the rear and side.
7. §143-118 – Schedule “D” – Minimum front yard. All property lines may be considered front property lines. 43.1 feet is proposed to the northwest of the building where a minimum of 50 feet is required.
8. §143-73 R – The Applicant proposes several three retaining walls that may be considered in the front yard and require a variance:
 - a. South Corner – max height of 5.75 feet where a maximum of 4.0 feet is permitted.
 - b. Northeast Corner – max height of 5.55 feet where a maximum of 4.0 feet is permitted.
 - c. Northwest Corner – max height of 5.50 feet where a maximum of 4.0 feet is permitted.

2. The property is located within the Highway Business Zone;
3. The property is surrounded by roads and access ramps, being in the center of the Route 23/Kinnelon Road intersection;
4. The subject property is 1.26 acres located in the Borough of Butler and the Borough of Kinnelon. Block 203.01, Lot 4 (in Butler) Block 10202, Lot 101 (in Kinnelon).
5. The Borough of Kinnelon has approved the site plan and driveway access and the Applicant must adhere to the Borough of Kinnelon's conditions of Approval. This Resolution does not confer any rights upon the Applicant in the Borough of Kinnelon and the Applicant must determine if there are any additional actions required by the Borough of Kinnelon;
6. The following Exhibits were submitted:
 - A1 – Color version of the Route 23 façade;
 - A2 – Ariel photograph;
 - A3 – Colorized site plan Sheet C-4 with landscaping;
 - A4 – Partial copy of plans prepared by MAP Engineering in connection with the 2012 ETD site plan application #SP11-64; and
 - A5 – Sight Triangle Exhibit at Curblin (rev. 10/7/2022).
7. 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;
8. 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.

9. 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 Application in accordance with Borough Ordinance.

NOW THEREFORE, BE IT RESOLVED, by the Borough of Butler Planning Board that the Application for the property known as 1515 Route 23 South, Block 203.01, Lot 4 for preliminary and major final site plan approval with bulk variances for the construction of an automotive parts store, is approved based upon the following:

1. Compliance with the Board's Engineer's letter dated April 12, 2022;
2. Subject to the following conditions:
 - a. The Applicant shall comply with all statements made during the public hearings;
 - b. The Applicant shall submit revised plans and documents to comply with the Board's Engineer's letter of April 12, 2022;
 - c. To provide adequate sight distance at the utility pole, and signage at the entrance of the site to be moved at the Applicant's sole cost, with the consultation and approval of the Board's Engineer; and
 - d. Subject to NJDEP and NJDOT and any other agencies approval, having jurisdiction.

The undersigned certifies that the within action was taken by this Board on September 15, 2022 and October 20, 2022 and memorialized herein pursuant to N.J.S.A.40:55D-10(g) on _____, 2022.

FOR:

AGAINST:

ABSTAIN: