

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS  
MINUTES**

**DATE:** Regular Meeting Thursday, July 26, 2012 - 7:30 p.m.  
FREEHOLDER PUBLIC MEETING ROOM

Chairman Theodore Maglione called the meeting to order  
Open Public Meeting Statement  
Pledge of Allegiance  
Chairman Maglione requested a roll call.

**PRESENT:** Bruce Alatary, William Asdal, Vice Chairman Edward Bucceri, (8)  
Harold Endean, Kimberly Hurley, Keith Lynch, Chairman Ted Maglione,  
Craig Villa

**ABSENT:** Jeffrey Betz (1)

**ALSO PRESENT:**  
Martin Barbato, Esq., Board Attorney  
Evelyn Tierney, Board Secretary

**APPROVAL OF MINUTES:**

Minutes of the meeting held May 24, 2012 were previously distributed. Chairman Ted Maglione moved the approval of the minutes as submitted. Keith Lynch seconded the motion. The Board approved the minutes as submitted by the following roll call vote:

**YES:** William Asdal, Keith Lynch, Chairman Ted Maglione, Craig Villa (4)

**NO:** None (0)

**NOT VOTING:** Bruce Alatary, Edward Bucceri, Harold Endean, Kimberly Hurley (4)

**APPROVAL OF RESOLUTION:**

- **MC#2012-9** Nunzio Gaccione (Block 82.01, Lot 9 worksite: 12 Kosakowski Dr.) v. Borough of Morris Plains. The resolution was previously distributed. Craig Villa moved the approval of the resolution as submitted. William Asdal seconded the motion. The Board approved the resolution by the following roll call vote:

**YES:** William Asdal, Keith Lynch, Chairman Ted Maglione, Craig Villa (4)

**NO:** None (0)

**NOT VOTING:** Bruce Alatary, Edward Bucceri, Harold Endean, Kimberly Hurley (4)

The Chairman announced that Michael Spillane has resigned from the Board and was recognized earlier for his long standing service as a volunteer on the Board in positions held as alternate, regular and Vice Chairman Member terms since his appointment in 2000. On behalf of the Board the Chairman wishes Mr. Spillane all the best in his retirement.

**CASE TO BE HEARD ---NONE---**

**CASES STAYED OPEN ENDED**

Tucker Kelley (Block 30503, Lot 12) v. Twp. of Rockaway **MC#2006-34/1** (*stayed to a date TBD by attorneys as per letter dated 12/14/11*).

Giovanni Granata (Block 4602, Lot 2 worksite: 11 Newark Pompton Turnpike) v. Township of Pequannock **MC#2010-36** (*stayed @ 3/24/2011 pending DEP waiver decision, status update received 12/15/2011, stayed to 2/23/2012, letter received 12/30/11 requesting to cancel meetings, stayed open ended*).

Scheller Properties LLC (Block 20, Lot 50) v. Township of Washington **MC#2010-21** (*Status update received from Court appointed guardian (George Scheller an incapacitated person) Mr. Torzewski, Esq. dated October 29, 2010, and August 25, 2011. Appearance requested @ 12/15/2011 meeting to provide a status update. Status update received 12/15/2011, matter still pending before Superior Court.*

Galaxy Diner (Location: 1277 Route 23 South) v. Borough of Butler/ Fire Prevention Bureau **MC#2011-28** (*stayed @ 4/26/2012 hearing pending Superior Court litigation*).

The Board secretary was asked to inquire on the status of the appeals stayed and report the progress at the August meeting.

**CASES POSTPONED--- NONE--- (*Postponement requests/consent and case correspondence was made part of the file*)**

**CASES WITHDRAWN (2) (*“Withdrawal Confirmation” letters faxed & mailed to all parties and made part of the case files*)**

**MC#2012-4 and MC#2012-6** - Fox Hills at Rockaway Condominium Association, Inc. (Block 11302, Lot 48 1 JFK Circle) v. Township of Rockaway Fire Prevention Bureau.

**MC#2012 10** - John R. Patton, Public Storage Inc. (Site: 282 US Route 46) v. Borough of Rockaway Fire Prevention Bureau.

**CORRESPONDENCE**

- An appeal was received June 13, 2012 from a third party appellant, Carl Soranno regarding a zoning issue for Block 7200, Lot 66.in Mt. Olive Township. The Board secretary at the advice of the CBA attorney, mailed a letter dated June 15, 2012 to Anthony M. Gruppuso, Esq. the attorney representing Mr. Soranno advising that due to procedural and substantive issues, including but not limited to the existence of the related Superior Court action and the Construction Board’s lack of jurisdiction hereby returned the appeal documents in its entirety by CMRRR.

**OLD BUSINESS --- NONE---**

**NEW BUSINESS** --- NONE---

**NEXT MEETINGS:** Thursday August 23, 2012

**ADJOURN:** On motion duly made and seconded, the meeting was adjourned at 7:50 p.m.

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Evelyn Tierney, Board Secretary