

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES**

DATE: Regular Meeting Thursday, March 22, 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: Jeffrey Betz, Vice Chairman Edward Bucceri, Harold Endean, (7)
Kimberly Hurley, Keith Lynch, Chairman Ted Maglione, Craig Villa

ABSENT: Bruce Alatary, William Asdal, Michael Spillane (3)

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

APPROVAL OF MINUTES:

Minutes of the meeting held February 2, 2012 were previously distributed. Vice Chairman Edward Bucceri 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: Jeffrey Betz, Vice Chairman Edward Bucceri, Harold Endean, (7)
Kimberly Hurley, Keith Lynch, Chairman Ted Maglione, Craig Villa

NO: None (0)

CASE TO BE HEARD

William Schaefer (Block 4401, Lot 42) v. Township of Pequannock MC#2010-7.

Appearances:

Michael A. Gottesman, Esq., representing the appellant, Mr. Schaefer
Robert Grant, Construction Official, Township of Pequannock

Mr. Grant stated for the record that an agreement had been reached. The township is withdrawing the Notice “Denial of Permit” which was issued based on Health Department standards which since have been approved. There are no outstanding fines.

Mr. Gottesman, on behalf of the appellant withdrew the appeal before the Board. The parties were excused and the Chairman continued with the items on the Agenda.

CASES STAYED/POSTPONED (*Postponement requests/consent and case correspondence was made part of the file*)

Tucker Kelley (Block 30503, Lot 12) v. Township 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.*

Dean Curtis/Curtis Realty (Block 78, Lot 15 worksite: 588 Route 10) v. Township of Randolph **MC#2011-17** (*stayed @ 10/27/11 hearing pending Municipal BOA decision, hearing requested by applicant dated 12/16/11 received 1/4/2012, case scheduled for 2/2/12 hearing, postponement request received 1/23/2012 stayed to 3/22/2012, adjournment request received 3/15/12 to carry to May to allow for BOA hearings prior, stayed to 5/24/2012*).

Galaxy Diner (Location: 1277 Route 23 South) v. Borough of Butler/ Fire Prevention Bureau **MC#2011-28** (*4/26/2012 - 3rd Mtg. Date HD*).

Fox Hills at Rockaway Condominium Association, Inc. (Block 11302, Lot 48 1 JFK Circle) v. Township of Rockaway Fire Prevention Bureau **MC#2012-4**. *Postponement request received 3/13/12 to carry to May, (5/24/12 - 2nd Mtg. Date)*.

Mr. & Mrs. Henry (Block 4113, Lot 19 worksite: 19 Tall Oaks Lane) v. Township of Mt. Olive **MC#2012-5** (*4/26/2012 - 2nd Mtg. Date*).

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

Mr. & Mrs. Gihorski (Block 27, Lot 51 worksite: 21 Sunset Dr.) v. Township of Randolph **MC#2012-3**.

CORRESPONDENCE

Budget Balance as of 3/22/2012 = \$395.18

OLD BUSINESS --- NONE---

NEW BUSINESS --- NONE---

NEXT MEETINGS: Thursday, April 26, 2012

ADJOURN: On motion duly made and seconded, the meeting was adjourned at 7:40 p.m.

Evelyn Tierney, Board Secretary