

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS  
MINUTES**

Thursday, April 23, 2020 - 12:00 p.m. (noon)  
Telephonic Conference call

Chairman Theodore Maglione called the meeting to order.

Pledge of Allegiance

Open Public Meeting Statement

Chairman Maglione requested a roll call

**PRESENT:**

**Regular Members:** Chairman Theodore Maglione, Vice Chairman Jeffrey Betz, (4)  
John Kostrowski, Jr., Keith Lynch

**Alternate Members:** Timothy Braden, Nick Marucci (2)

**ABSENT:** Sean Donlon, Harold Endean, Kimberly Hurley, Chris Walthour (4)

**ALSO PRESENT:** Staci L. Santucci, Esq., Assistant County Counsel  
Deena Leary, Assistant County Administrator  
Evelyn Tierney, Board Secretary  
Sheila M. Leary, Board Secretary to be appointed as of May 4, 2020  
Shelly Burd, Assistant Board Secretary

**APPROVAL OF MINUTES:**

Minutes of the meeting held on February 27, 2020 were previously distributed. Chairman Maglione made a motion to approve the minutes as submitted. Member Kostrowski, Jr. seconded the motion. The Board approved the minutes as submitted unanimously.

**APPROVAL OF RESOLUTION:**

Resolution for approval for the matter heard and decided by the Board on February 27, 2020 were previously distributed. **MC#2020-2** Loren Caso/Gaston Holding Inc. (Block 74, Lot 3 worksite: 117 N. Gaston Ave.) v. Borough of Somerville (SOMERSET COUNTY). Member Lynch made a motion to approve the resolution. Member Kostrowski, Jr. seconded the motion. The Board approved the resolution by the following roll call vote:

**YES:** Chairman Theodore Maglione, Vice Chairman Jeffrey Betz, (4)  
John Kostrowski, Jr., Keith Lynch

**NO:** None (0)

**NOT VOTING:** Timothy Braden, Nick Marucci (2)

Chairman Maglione made a motion to refund the appeal fee. Discussion followed. Due to the circumstances of the matter, and the unnecessary inconvenience placed upon the applicant causing them to need to file an appeal, the appeal fee shall be returned to the applicant. Member Betz seconded the motion. The Board approved the refund of the appeal fee unanimously.

**CASE(S) POSTPONED (correspondence received/ issued - made part of the case files)**

**MC#2017-8** Estate of Edward Cantor (Block 12 Lots 1.10, 1.12) v. Township of Chester (*1<sup>st</sup> mtg. date 10/26/2017 - stayed pending Superior Court proceedings to 5/28/2020*)

**MC#2019-6** Reiter & Rayter, Tatiana & Wyczeslav (Block 96, Lot 47, worksite: 30 Katie Court) v. Township of East Hanover (*1<sup>st</sup> mtg. date 3/28/2019, 2<sup>nd</sup> mtg. date 5/23/2019, 3<sup>rd</sup> mtg. date 8/22/2019 HD – stayed on 8/15/2019, update received 2/12/2020 continued stay pending Supreme Court appeal proceedings*)

**MC#2019-7** Reiter & Rayter, Tatiana & Wyczeslav (Block 96, Lot 47, worksite: 30 Katie Court) v. Township of East Hanover (*1<sup>st</sup> mtg. date 5/23/2019, 2<sup>nd</sup> mtg. date 8/22/2019 stayed on 8/15/2019 update received 2/12/2020 continued stay pending Supreme Court appeal proceedings*)

**MC#2019-23** Madison Movie Development LLC (Block 2702, Lot 24 worksite: 14 Lincoln Place) v. Borough of Madison (*1<sup>st</sup> mtg. date 1/23/2020, stayed pending BOA/other jurisdiction determination*)

**MC#2020-1** EH Associates LLC, d/b/a OYO Hotel (Block 96, Lot 83, worksite: 130 Route 10) v Township of East Hanover (*1<sup>st</sup> mtg. date 1/23/2020, 2<sup>nd</sup> mtg. date 2/27/2020, 3<sup>rd</sup> mtg. date will be 3/26/2020 HD, stayed on 3/16/2020 due to COVID-19 situation, parties will be notified of new hearing date*)

**MC#2020-4** Amerigas Propane, L.P. (Block 19, Lot 9, worksite: 145 W. Main Street, Chester) v Township of Mt. Olive (*appeal received 3/13/2020 parties will be notified of hearing date pending COVID-19 situation*)

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

---NONE---

**CORRESPONDENCE**

- Budget Balance - April 23, 2020=\$2,891.90

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

**NEW BUSINESS**

The Chairman announced the resignation of Board secretary, Evelyn Tierney as of May 4, 2020. Ms. Tierney was honored with an engraved vase and flowers. The Chairman thanked Ms. Tierney for her dedicated professional exceptional service she provided to the Board and its members over the past twenty three years. She will be truly missed.

The Board secretary announced that upon her resignation, Sheila Leary will be serving as the Board secretary and congratulated her and wished her the best in her new position.

**NEXT MEETING: TBD (May 28, 2020 - pending COVID-19 situation)**

**ADJOURN:** On motion duly made and seconded, the meeting adjourned at 12:30 p.m.

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Sheila M. Leary, CPM - Board Secretary