

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES**

DATE: Re-Org Meeting Thursday February 2, 2012 – 7:30 p.m.
FREEHOLDER PUBLIC MEETING ROOM

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

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

ABSENT: William Asdal, Michael Spillane (2)

ALSO PRESENT:

W. Randall Bush, Esq., Assistant County Counsel
Evelyn Tierney, Board Secretary

Newly appointed Chairman Ted Maglione thanked former Chairman Bruce Alatary for his exceptional service as long time Chairman to the Board. His knowledge and professionalism has shined and been appreciated by the members as well as the public at hearings.

APPROVAL OF MINUTES:

Minutes of the meeting held October 27, 2011 were previously distributed. Bruce Alatary moved the approval of the minutes as submitted. Chairman Ted Maglione seconded the motion. The Board approved the minutes as submitted by the following roll call vote:

YES: Bruce Alatary, Jeffrey Betz, Vice Chairman Edward Bucceri, Harold Endean, (7)
Keith Lynch, Chairman Ted Maglione, Craig Villa

NO: None (0)

NOT VOTING: Kimberly Hurley (1)

APPROVAL OF MINUTES:

Minutes of the special meeting held January 19, 2012 were previously distributed. Harold Endean moved the approval of the minutes as submitted. Kimberly Hurley seconded the motion. The Board approved the minutes as submitted by the following roll call vote:

YES: Harold Endean, Kimberly Hurley, Keith Lynch, Chairman Ted Maglione, Craig Villa (5)

NO: None (0)

NOT VOTING: Bruce Alatary, Jeffrey Betz, Vice Chairman Edward Bucceri (3)

RESOLUTIONS FOR APPROVAL

- MC#2012-1 Robert Powlett, Jr., Owner (Block 10301 Lot 18 worksite: 42 Monroe St.) v. Township of Morris Fire Prevention Bureau. The resolution was previously distributed. Craig Villa moved the approval of the resolution as submitted. Chairman Ted Maglione seconded the motion. Discussion followed regarding the action taken at the hearing, and the necessity of having a resolution. The Board approved the resolution by the following roll call vote:

YES: Harold Endean, Keith Lynch, Chairman Ted Maglione, Craig Villa (4)

NO: None (0)

NOT VOTING: Bruce Alatary, Jeffrey Betz, Vice Chairman Edward Bucceri, Kimberly Hurley (4)

- Approval of Resolution 2012-2 (2012/2013 CBA Meeting Time/Dates). The Board reviewed the meeting date schedule for any potential conflicts. Harold Endean made a motion to approve the resolution for the 2012/13 meeting schedule as submitted. Edward Bucceri seconded the motion. The Board approved the resolution by the following roll call vote:

YES: Bruce Alatary, Jeffrey Betz, Vice Chairman Edward Bucceri, Harold Endean, Kimberly Hurley, Keith Lynch, Chairman Ted Maglione, Craig Villa (8)

NO: None (0)

CASE TO BE HEARD ---NONE ---

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

Tucker Kelley (Block 30503, Lot 12) v. Twp. of Rockaway **MC#2006-34/1** *(stayed to February 2012 TBD as per letter dated 12/14/11).*

William Schaefer (Block 4401 Lot 42) v. Township of Pequannock **MC#2010-7** *(Case regarding Unsafe Structure Notice dated 2/17/2010 withdrawn 6/30/2011. Case regarding Denial of Permit (Outdoor Wood Burning Stove) scheduled to be heard @ 7/28/2011 new attorney appointed, stayed to 8/25/2011, stayed to 9/22/2011, 10/27/2011, 11/17/2011, 12/15/2011, 2/2/2012 request received 2/1/2012 to adjourn, final adjournment to next meeting TBD).*

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).*

Galaxy Diner (Location: 1277 Route 23 South) v. Borough of Butler/ Fire Prevention Bureau **MC#2011-28** (3/22/2012).

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

MC#2012-2 Maurice Soussa c/o Cranberry Realty (Block 770, Lot 3, worksite: 181 New Road) v. Township of Parsippany-Troy Hills.

CORRESPONDENCE

Budget balance as of 1/31/2012 = \$580.21

OPEN ACTION ITEM --- NONE---

OLD BUSINESS --- NONE---

NEW BUSINESS

- Board member 2012 contact information was distributed. The members were asked to review and inform the Board Secretary of any updates/changes.
- Distribution of 2011 Annual Report.

NEXT MEETINGS: Thursday February 23, 2012

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

Evelyn Tierney, Board Secretary