

MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS

MINUTES

DATE: Re-Org Meeting of Thursday January 28, 2010 – 7:30 p.m.
FREEHOLDER PUBLIC MEETING ROOM

Chairman Bruce Alatary called the meeting to order and read the Open Public Meeting Statement.

Chairman Bruce Alatary requested a roll call.

PRESENT: Chairman Bruce Alatary, Jeffrey Betz, Edward Bucceri, Harold Endean, (7)
Kimberly Hurley, Ted Maglione, Raymond Stromberg

ABSENT: Vice-Chairman Michael Spillane (1)

ALSO PRESENT:

Martin Barbato, Esq., Board Attorney
Frank Pinto, Jr., Director P&D, Acting Secretary
ABSENT: Evelyn Tierney, Board Secretary

The secretary reported that a quorum was present.

APPROVAL OF MINUTES:

- Minutes of the meeting held December 17, 2010 were previously distributed. Jeffrey Betz moved the approval of the minutes. Ted Maglione seconded the motion. Discussion followed and minor spelling changes were made. The Board approved the minutes as modified by the following roll call vote:

YES: Chairman Bruce Alatary, Jeffrey Betz, Edward Bucceri, Harold Endean (5)
Ted Maglione

NO: None (0)

ABSTAIN: Kimberly Hurley, Raymond Stromberg (2)

APPROVAL OF RESOLUTION:

- Approval of Resolution 2010/1 (2010/2011 CBA Meeting Time/Dates). The Board reviewed the 2010/2011 meeting date schedule for any potential conflicts. Ted Maglione made a motion to approve the meeting dates as provided. Edward Bucceri seconded the motion. The Board approved the 2010/2011 meeting date resolution as submitted by the following roll call vote:

YES: Chairman Bruce Alatary, Jeffrey Betz, Edward Bucceri, Harold Endean, (7)
Kimberly Hurley, Ted Maglione, Raymond Stromberg

NO: None

CASE TO BE HEARD:

Linda Kajian (Block 3001, Lot 3) v. Township of Pequannock

MC#2009-27 HD

The Chairman advised that the parties to the appeal are not in attendance.

The Chairman made a motion to dismiss the appeal without prejudice for failure by THE parties to the appeal to appear. Kimberly Hurley seconded the motion. The motion to dismiss the appeal without prejudice for failure to appear by the parties was approved by the following roll call vote:

YES: Chairman Bruce Alatary, Jeffrey Betz, Edward Bucceri, Harold Endean, (7)
Kimberly Hurley, Ted Maglione, Raymond Stromberg

NO: None (0)

The Chairman continued with the items on the Agenda.

CASE CONSIDERED DENIED BY BOARD AS PER NJAC5:23a-2.3 (*Letter sent Regular & CMRRR to applicant and all parties dated January 6, 2010*)

Deborah Post/Riamede Farm v. Chester Township (*ESCROW APPEAL*) MC#2009-35

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

Mr. Bove, Jr. (Block 40.08, Lot 23) v. Twp. of East Hanover MC#2005-37 (*pending Court Decision*)

Ron Clark & Robyn Valle (Block 40501, Lot 13) v. Twp. of Rockaway MC#2006-9 (*stayed pending litigation*)

Tucker Kelley (Block 30503, Lot 12) v. Twp. of Rockaway MC#2006-34/1 (*remanded appeal by Appellate Div. July 08 - 1st Mtg. Date 10/2/08, 2nd Mtg. Date 12/11/08, 3rd will be 2/26/09 – stayed open ended with a monthly update request) Letter sent to parties dated March 26, 2009 by Board secretary requesting a status update. A status update was received on April 3, 2009 from the municipal attorney, Mr. Iacofano. Another status update was received on December 9, 2009 from the municipal attorney, Mr. Iacofano, indicating that the parties are close to a settlement agreement. The documents were made part of the file.*)

John Galihier (Block 38, Lot 42.04) v. Township of Chatham MC#2009-30 (2/25/2010 HD#2)

Morristown Epsteins LLC (Block 6004, Lot 8) v. Town of Morristown MC#2009-31 (2/25/2010 HD#2)
– **NOTE: Counsel Barbato indicated that he had spoken with counsel for the appellant earlier in the afternoon and that a settlement had been reached between the parties although finalizing signatures are still outstanding.**

James & Shannon Leckie v. Township of Chester MC#2010-1 (2/25/2010 2nd Mtg. Date)

Hofmann Design Build, Inc. (Block 48.04, Lot 20 worksite: 82 Hampton Road, Chatham) v. Township of Chatham MC#2009-36 (2/25/2010 2nd Mtg. Date)

CASES WITHDRAWN (*“Withdrawal Confirmation” letters faxed & mailed to all parties*)

Galaxy Diner (Location: 1277 Route 23 S.) v. Borough of Butler MC#2009-33
Fire Prevention Bureau

OPEN ACTION ITEM:

- Approval of 2010 Meeting Dates (see resolution for approval).
- Review/Approval of 2009 Annual Report. The Chairman tabled the review and approval until the February 25, 2010 meeting date.
- Board member 2010 contact information distributed. Members were asked to contact the secretary with any changes and updates.

OLD BUSINESS: --- NONE ---

NEW BUSINESS:

The Chairman stated that the following appointments had been made by the Board of Chosen Freeholders at their January 6, 2010 re-org meeting.

Kimberly Hurley was re-appointed as an alternate member expiring December 31, 2013

Harold Endean was appointed as a regular member expiring December 31, 2013

Michael Spillane was appointed as an alternate & special member expiring December 31, 2013

Bruce Alatary was appointed to serve as Chairman expiring December 31, 2010

Ted Maglione was appointed to serve as Vice-Chairman expiring December 31, 2010

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

Frank T. Pinto, Jr., Acting Secretary