

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS**

**MINUTES**

**DATE:** Regular Meeting Thursday July 29, 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 Alatary requested a roll call.

**PRESENT:** Chairman Bruce Alatary, Edward Bucceri, Harold Endean, (6)  
Vice Chairman Ted Maglione, Raymond Stromberg, Craig Villa

**ABSENT:** Jeffrey Betz, Kimberly Hurley, Michael Spillane (3)

**ALSO PRESENT:**

Martin Barbato, Esq., Board Attorney  
Evelyn Tierney, Board Secretary

The secretary reported that a quorum was present.

**APPROVAL OF RESOLUTION:**

Tower Associates Realty, LLC (Block 6101, Lot 2) v. Morris Township MC#2010-17

The resolution was previously distributed. Vice Chairman Ted Maglione moved the approval of the resolution. Harold Endean seconded the motion. The Board approved the resolution as submitted by the following roll call vote:

**YES:** Chairman Bruce Alatary, Edward Bucceri, Harold Endean, (4)  
Vice Chairman Ted Maglione

**NO:** None (0)

**NOT VOTING:** Raymond Stromberg, Craig Villa (2)

**APPROVAL OF MINUTES:**

Minutes of the meeting held June 24, 2010 were previously distributed. Edward Bucceri moved the approval of the minutes. Harold Endean seconded the motion. The Board approved the minutes as submitted by the following roll call vote:

**YES:** Chairman Bruce Alatary, Edward Bucceri, Harold Endean, Vice Chairman Ted Maglione, (5)  
Craig Villa

**NO:** None (0)

**NOT VOTING:** Raymond Stromberg (1)

**CASES TO BE HEARD** --- NONE ---

**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 - 1<sup>st</sup> Mtg. Date 10/2/08, 2<sup>nd</sup> Mtg. Date 12/11/08, 3<sup>rd</sup> 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. Status update request sent by the Board Secretary dated April 26, 2010. A status update was received on May 18, 2010 from the municipal attorney, Mr. Iacofano indicating that the parties were working on a settlement agreement, and the Board will be notified once it is finalized. The documents were made part of the file. The Board Secretary was asked to request a written status update from Mr. Iacofano for the August meeting date. .
- William Schaefer (Block 4401 Lot 42 – Denial of Permit 2/25/2010, Block 2604, Lot 19 Notice of Unsafe Structure 2/17/2010 = worksite: 441 Turnpike) v. Township of Pequannock MC#2010-7 (*stayed open ended with monthly status update – update received dated July 6, 2010 and made part of the file*)
- Weber Homes at Mountain Lakes LLC v. Town of Boonton **ESCROW APPEAL** MC#2010-10 (*stayed open ended @4/22/2010 meeting, pending litigation*)
- Scheller Properties LLC (Block 20, Lot 50) v. Township of Washington MC#2010-21 (*stayed open ended @6/23/2010 pending litigation*)
- Deborah Post/Riamede Farm v. Chester Township –**ECSROW APPEAL** MC#2009-35 (Appeal remanded by Court June 25, 2010 to be heard within 60-days – stayed 7/28/2010 due to municipal attorney not being able to attend having a death in the immediate family, objection received 7/29/2010 from Ms. Post, response faxed and e-mailed staying appeal to **8/26/2010**).
- Fox Hills at Rockaway Condominium Association, Inc. (Block 11302, Lot 48 1 JFK Circle) v. Township of Rockaway/Fire Prevention Bureau MC#2010-4 (9/23/2010 HD)
- Eleven-Ten Associates (Block 3, Lot 13.04 worksite: 92 Hartmans Corner Road) v. Washington Township – **WARREN COUNTY** (60-DAY REQUEST RECEIVED 7/22/2010 – Municipality objecting – 30 day granted to August 26, 2010 – fax received July 28, 2010 from municipal attorney indicating his unavailability on August 26, 2010. Special hearing date requested. Discussion by the Board followed. Request for a special hearing date in August was not granted, and the Board Secretary was asked to send a letter indicating the same.) MC#2010-13 (8/26/2010 2<sup>nd</sup> Mtg. Date)
- Union Cemetery Association (Block 2, Lot 14) v. Township of Washington MC#2010-22 (8/26/2010 HD)
- UPS (Block 741, Lot 1/02) v. Twp. of Parsippany-Troy Hills Fire Prevention Bureau MC#2010-25 (8/26/2010 – 2<sup>nd</sup> Mtg. Date)

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

Mr. & Mrs. Therriat (Block 22, Lot 3.01 worksite: 216 Oak Street) v. Town of Boonton MC#2010-12. **Applicant is requesting refund of appeal fee.** Raymond Stromberg made a motion to approve the request for the refund of the appeal fee. Ted Maglione seconded the motion. The Board approved the request of the refund of the appeal fee by the following roll call vote:

**YES:** Chairman Bruce Alatary, Edward Bucceri, Vice Chairman Ted Maglione, (5)  
Raymond Stromberg, Craig Villa

**NO:** None (0)

**ABSTAIN:** Harold Endean (1)

William Schaefer (Block 4401 Lot 42) v. Township of Pequannock MC#2010-14  
Bureau of Fire Prevention

Loyola Retreat House (Block 8901, Lot 3, 161 James Street) v. Town of MC#2010-20  
Morristown Fire Prevention Bureau

William Della-Calce (Block 1101, Lot 30) v. Town of Morristown MC#2010-24

**OPEN ACTION ITEM** --- NONE---

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

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

**NEXT REGULAR MEETING: Thursday September 23, 2010**

**ADJOURN:** On motion duly made and seconded, the meeting was adjourned at 8:10 p.m.

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Evelyn Tierney, Board Secretary