

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS**

**MINUTES**

**DATE:** Regular Meeting Thursday October 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 Alatary requested a roll call.

**PRESENT:** Chairman Bruce Alatary, Edward Bucceri, Vice Chairman Ted Maglione, (4)  
Craig Villa

**ABSENT:** Jeffrey Betz, Harold Endean, Kimberly Hurley, Raymond Stromberg, (5)  
Michael Spillane

**ALSO PRESENT:**

Martin Barbato, Esq., Board Attorney  
Evelyn Tierney, Board Secretary  
Mary Jeanne O’Grady, Assistant Board Secretary

The secretary reported that a quorum was present.

**APPROVAL OF MINUTES:**

Minutes of the meeting held August 26, 2010 were previously distributed. Edward Bucceri moved the approval of the minutes. Ted Maglione seconded the motion. Discussion followed and minor changes were made. The Board approved the minutes as modified by the following roll call vote:

**YES:** Chairman Bruce Alatary, Edward Bucceri, Vice Chairman Ted Maglione, (4)  
Craig Villa

**NO:** None (0)

**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 <i>(pending Court Decision)</i>
Ron Clark & Robyn Valle (Block 40501, Lot 13) v. Twp. of Rockaway	MC#2006-9 <i>(stayed pending litigation)</i>
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 <i>(stayed open ended with monthly status update – update received dated 7/6/2010, 8/6/2010, 9/14/2010, 10/15/2010 - and made part of the file)</i>

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*)

Tucker Kelley (Block 30503, Lot 12) v. Twp. of Rockaway MC#2006-34/1 (*12/16/2010*)

Deborah Post v. Chester Township **ESCROW 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 appeal heard. Case will be continued to be heard @ November 18, 2010 meeting.** A letter dated September 12, 2010 received with appeal fee check. Returned check by letter dated 9/20/2010 as instructed by Chair and advising that all charges will be heard in combination with current open appeal.

Fox Hills at Rockaway Condominium Association, Inc. (Block 11302, Lot 48 1 JFK Circle) v. Township of Rockaway/Fire Prevention Bureau MC#2010-4 HD2

Galaxy Diner (Location: 1277 Route 23 South) v. Borough of Butler Fire Prevention Bureau MC#2010-26

Hampshire Self Storage (Block 393.1, Lot 3) v. Twp. of Parsippany-Troy Hills Fire Prevention Bureau MC#2010-29HD

Telco Communications v. Town of Morristown MC#2010-31

Berley Associates LTD. (Block 5801, Lot 24) v. Town of Morristown MC#2010-33

**CASES WITHDRAWN (“Withdrawal Confirmation” letters faxed & mailed to all parties and made part of the case files)**

Eleven-Ten Associates (Block 3, Lot 13.04 worksite: 92 Hartmans Corner Road) v. Washington Township – WARREN COUNTY MC#2010-13

UPS (Block 741, Lot 1/02) v. Twp. of Parsippany-Troy Hills Fire Prevention Bureau MC#2010-25

N. Minoia c/o Diversified Properties (Block 111, Lot 15.3 worksite: 4 Rose Court) v. Township of Montville MC#2010-28

Karen Fairhurst v. Chester Township (**ESCROW APPEAL**) MC#2010-30

A Perin Roofing & Siding, Inc. (Block 7802, Lot 9.01 worksite: 29A Cobb Place) v. Town of Morristown MC#2010-32

Union Cemetery Association (Block 2, Lot 14) v. Township of Washington MC#2010-22 (*Case filed 6/10/2010 -1<sup>st</sup> mtg. 6/24/2010, 2<sup>nd</sup> mtg. 7/22/2010 Board re-scheduled to 7/29/2010, 3<sup>rd</sup> mtg. 8/26/2010 – Case withdrawn 8/11/2010 request for refund received 10/26/2010)- APPLICANT IS REQUESTING THE REFUND OF THE APPEAL FEE: Chairman Alatary made a motion to approve the request for a refund of the appeal fee. Edward Bucceri seconded the motion. Discussion followed. The motion to approve the refund of the appeal fee was approved by the following roll call vote:*

**YES:** Chairman Bruce Alatary, Edward Bucceri, Craig Villa (3)

**NO:** Vice Chairman Ted Maglione (1)

The refund was approved and the secretary was asked to process the refund payment.

James Danishek (Block 123, Lot 4 worksite: 21 Hillside Ave.) v. Chatham Borough MC#2010-27 (*Case filed 8/24/2010 1<sup>st</sup> mtg. 9/23/2010 – Case withdrawn 9/22/2010*) - *APPLICANT IS REQUESTING THE REFUND OF THE APPEAL FEE*: Vice Chairman Ted Maglione made a motion to approve the request for a refund of the appeal fee. Edward Bucceri seconded the motion. Discussion followed. The motion to approve the refund of the appeal fee was approved by the following roll call vote:

**YES:** Chairman Bruce Alatary, Edward Bucceri, Vice Chairman Ted Maglione, (4)  
Craig Villa

**NO:** None (0)

The refund was approved and the secretary was asked to process the refund payment.

**CORRESPONDENCE**

Treasurer report: Balance as of 8/31/2010 = \$4,079.98

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

**OLD BUSINESS**

- The 2011 Membership renewal for ICC was received on October 12, 2010 in the amount of \$280. The Board secretary is processing the renewal for members under membership #8000214.

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

**2010 REGULAR MEETINGS:**      **Thursday November 18, 2010 (3<sup>rd</sup> Thursday)**  
  **Thursday December 16, 2010 (3<sup>rd</sup> Thursday)**

**ADJOURN:** On motion duly made and seconded, the meeting was adjourned at 8:00 p.m.

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Evelyn Tierney, Board Secretary