

## MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS

### MINUTES

**DATE:** Regular Meeting Thursday September 22, 2011 – 7:30 p.m.  
FREEHOLDER PUBLIC MEETING ROOM

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

**PRESENT:** Chairman Bruce Alatary, Edward Bucceri, Harold Endean, Kimberly Hurley, (7)  
Keith Lynch, Vice Chairman Ted Maglione, Craig Villa

**ABSENT:** William Asdal, Jeffrey Betz, Michael Spillane (3)

**ALSO PRESENT:**

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

**APPROVAL OF MINUTES:**

Minutes of the meeting held August 25, 2011 were previously distributed. Vice Chairman Ted Maglione moved the approval of the minutes as submitted. Edward Bucceri 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 (6)  
Maglione, Keith Lynch, Craig Villa

**NO:** None (0)

**NOT VOTING:** Kimberly Hurley (1)

**CASES TO BE HEARD**

Abacus Electric Co. (Block 802, Lot 2 worksite: Ellis, 37 Seven Oaks MC#2011-16 *HD*  
Circle, Madison) v. Borough of Madison

Attorney Joseph Mezzacca, Jr., who represents the Borough of Madison made a motion that the appeal be dismissed for failure by the appellant to appear. Discussion followed by the Board regarding scheduling and notices issued. Counsel Barbato advised the Board that he had spoken with both the municipal attorney and the homeowner's daughter Ms. Ellis who has power of attorney and acts on behalf of her mother. The work had been completed and all necessary permits had been taken out by another contractor for the replacement of electrical service and approved by the municipality. The only issue is the fine imposed by the municipality against Abacus Electric. Chairman Alatary made a motion to uphold the motion made by Counsel Mezzacca. The applicant had adequate notification of all

previously scheduled hearings. The motion was seconded by Edward Bucceri. The motion to uphold the motion and dismiss the appeal was voted on by the following roll call vote:

**YES:** Chairman Bruce Alatary, Edward Bucceri, Harold Endean, Kimberly Hurley (4)

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

**NOT VOTING:** Keith Lynch, Craig Villa (2)

The Chairman stated that the appeal has been dismissed for failure by the appellant to appear, and asked that a letter be issued to all parties by the Board Secretary indicating the dismissal.

The Chairman continued with the items on the Agenda.

Hawthorne Commercial, LLC (Block 195 Lot 12 worksite: 220 Franklin Rd.) MC#2011-22 *HD*  
v. Township of Randolph

Counsel Barbato stated that he had spoken to both parties to the appeal outside of the meeting room and that they indicated that the outstanding issues had been resolved and the appeal is therefore withdrawn. The Chairman requested that the docket be updated accordingly. No further action is required by the Board.

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

Tucker Kelley (Block 30503, Lot 12) v. Twp. of Rockaway	MC#2006-34/1 ( <i>stayed as per counsel requests, date to be determined by all counsels</i> )
Scheller Properties LLC (Block 20, Lot 50) v. Township of Washington	MC#2010-21 ( <i>stayed open ended @6/23/2010 pending litigation, status update received 10/29/2010, and 8/25/2011</i> )
William Schaefer (Block 4401 Lot 42 – Denial of Permit Outdoor Wood Boiler 2/24/2010) v. Township of Pequannock	MC#2010-7 ( <i>10/27/2011 HD#2</i> )
Giovanni Granata (Block 4602, Lot 2 worksite: 11 Newark Pompton Turnpike) v. Township of Pequannock	MC#2010-36 ( <i>stayed pending DEP waiver decision – status updates to be received</i> )
Dean Curtis/Curtis Realty (Block 78, Lot 15 worksite: 588 Route 10) v. Township of Randolph	MC#2011-17 ( <i>10/27/2011 HD</i> )
Mr. & Mrs. Gaylord (Block 7801 Lot 7 worksite: 23 Phoenix Ave.) v. Town of Morristown	MC#2011-21 ( <i>10/27/2011 HD#2</i> )
Waterfall Ridge, LLC (Eleven-Ten Associates) (Block 3, Lot 13.04 worksite: 92 Hartmans Corner Road) v. Washington Township – Warren County	MC#2011-27 ( <i>10/27/2011</i> )

**CASE WITHDRAWN** (*“Withdrawal Confirmation” letters faxed & mailed to all parties and made part of the case files*)  
ALLWAYS ELECTRIC LLC (Block 63, Lot 52 worksite: 24 Elmwood Ave) MC#2011-26

**CORRESPONDENCE**

- CASE RETURNED TO APPLICANT BEFORE HEARING NOTICE WAS ISSUED. APPEAL PROCESS NOT COMPLETED. Paul Aaroe, Esq. c/o Waterfall Ridge LLC v. Washington Township - WARREN COUNTY (Block 3, Lot 13.04) 92 Hartmans Corner Road, Washington Twp., appeal forwarded by Warren County CBA due to conflict of interest. Received by MCCBA 8/10/2011, request for appeal completion dated 8/16/2011 sent to applicant, letter received from applicant on 8/15/2011 that completion will be done 8/22/2011. ALL DOCUMENTS RETURNED TO APPLICANT BY LETTER DATED 9/2/2011. Appeal completed and received 9/9/2011. Hearing Notice issued for 9/22/2011, postponement request received. Appeal stayed to October 2011. All documents have been made part of the file.
- Budget Balance: As of 9/22/2011 = \$848.79

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

**NEW BUSINESS**

**NEXT MEETINGS:** Thursday October 27, 2011 at 7:30pm

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

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Evelyn Tierney, Board Secretary