

MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS

MINUTES

DATE: Regular Meeting Thursday March 24, 2011 – 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, Edward Bucceri, Harold Endean, (6)
Kimberly Hurley, Vice Chairman Ted Maglione, Craig Villa

ABSENT: Jeffrey Betz, Raymond Stromberg, Michael Spillane (3)

ALSO PRESENT:

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

APPROVAL OF MINUTES:

Minutes of the meeting held February 24, 2011 were previously distributed. Edward Bucceri moved the approval of the minutes as submitted. Ted Maglione seconded the motion. The Board approved the minutes as submitted by the following roll call vote:

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

NO: None (0)

NOT VOTING: Kimberly Hurley (1)

RESOLUTION FOR APPROVAL

Deborah Post v. Chester Township *ESCROW APPEAL* MC#2009-35. The resolution was previously distributed. Discussion followed and two modifications were made on page four. Vice Chairman Ted Maglione moved the approval of the resolution as modified. Craig Villa seconded the motion. The Board approved the resolution with the changes indicated on page four by the following roll call vote:

YES: Edward Bucceri, Harold Endean, Vice Chairman Ted Maglione, Craig Villa (4)

NO: None (0)

NOT VOTING: Chairman Bruce Alatary, Kimberly Hurley (2)

CASES TO BE HEARD

- Partridge Run Apartments Inc. (Block 767, Lot 16 Bldg F, G & R, 130 New Road) v. Township of Parsippany-Troy Hills MC#2011-5.

Counsel Barbato reported to the Board that he had a chance to talk to the parties prior to the proceeding. The parties request a postponement to allow for additional discussions and possible settlement. The Chairman acknowledged. The parties will receive a Hearing Notice Reminder a week before the April 28, 2011 meeting date.

The Chairman continued with the items on the Agenda.

- Patrick Golden (Block 13402 Lot 1.04 worksite: 673 Long Hill Rd.) v. Township of Long Hill MC#2011-7.

Chairman Alatary advised the parties that the appeal is based on Fire code issues, and unfortunately both members with that expertise are not in attendance. The Board will re-schedule the matter to a possible special meeting date to hear the appeal and thanked everyone that attended. The Board secretary was asked to work with the parties and members to schedule a special meeting date within the next few weeks. The parties were excused and the Chairman continued with the items on the Agenda.

- Giovanni Granata (Block 4602, Lot 2 worksite: 11 Newark Pompton Turnpike) v. Township of Pequannock MC#2010-36 HD

Counsel Barbato reported that there might be a potential working agreement. The Board is requested to carry the matter to allow the appellant to apply for a DEP waiver.

Appearances:

Brian Gonzales, Esq., Weiner Lesniak, LLP, representing the Twp. of Pequannock
Diane M. Acciavatti, Esq., representing the appellant

Counsel Gonzales stated for the record that the following are the terms of the working agreement:

1. The Township agreed to reduce the fine from \$8000 (\$2000 for each Violation issued) to \$4000 of which \$2000 will be paid asap by Mr. Granata. The other \$2000 will be due for failure to diligently pursuing the DEP waiver which pertains to missing two monthly reporting periods to the township by the applicant or his attorney on the status of the waiver application to the DEP.
2. The Township will conduct an inspection within 30 days and provide a report to Mr. Granata of additional work that needs to be done if any.
3. A "Flood plan development waiver application" will have to be filed with the DEP within 60-days from tonight.
4. If the waiver is obtained from the DEP the improvements on the first floor can stay in place. If the waiver is not obtained the improvement on the first floor have to be removed.

The Chairman acknowledged and the appeal will be stayed open for a twelve month period with receiving a copy of the monthly updates required to the township by the appellant. The parties agreed and the parties were excused. The Chairman continued with the items on the Agenda.

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, stayed 10/24/05 update received 1/9/08, status update requested 1/24/201, phone call received from applicant on 1/26/11 – he will review documents and get back to the Board within the week, letter mailed 2/18/11 appeal withdrawal form)*. The Board secretary reported that to this date no correspondence has been received from the applicant. The Board requested that the secretary schedule the appeal for the next hearing date and issue a Hearing Notice.

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, 8/6/2010, 9/14/2010, 10/15/2010, 11/12/2010, 1/13/2011, 2/28/2011 - and made part of the file)*

Scheller Properties LLC (Block 20, Lot 50) v. Township of Washington MC#2010-21 *(stayed open ended @6/23/2010 pending litigation, status update received 0/29/2010)*

Tucker Kelley (Block 30503, Lot 12) v. Twp. of Rockaway MC#2006-34/1 *(stayed as per counsel requests, date to be determined by all counsels)*

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

William & Jennifer Siverson (Block 0905 Lot 11 worksite: 79 Hendricks Dr.) v. Township of Hanover MC#2011-6. Consideration of refund of the appeal fee *(Case filed completed 3/10/2011, withdrawn 3/14/2011, letter received from municipality dated 3/14/2011 requesting to refund the applicants appeal fee indicating that all fines issued by the township were waived)*. Chairman Bruce Alatary made a motion to approve the refund of the appeal fee. The motion was seconded by Ted Maglione. The motion to approve the refund of the appeal fee was approved by the following roll call vote:

YES: Chairman Bruce Alatary, Edward Bucceri, Harold Endean, (6)
Kimberly Hurley, Vice Chairman Ted Maglione, Craig Villa

NO: None (0)

Richard LiFrieri (Block 7901, Lot 36) v. Town of Morristown MC#2011-3. Consideration of refund of the appeal fee *(Case filed 2/2/2011, withdrawn 3/22/2011) appeal filed for failure of an enforcing agency to act)*. Chairman Bruce Alatary made a motion to approve the refund of the appeal fee. The motion was seconded by Harold Endean. The motion to approve the refund of the appeal fee was approved by the following roll call vote:

YES: Chairman Bruce Alatary, Edward Bucceri, Harold Endean, (6)
Kimberly Hurley, Vice Chairman Ted Maglione, Craig Villa

NO: None (0)

CORRESPONDENCE

- Balance as of March 24, 2011 = \$549.04

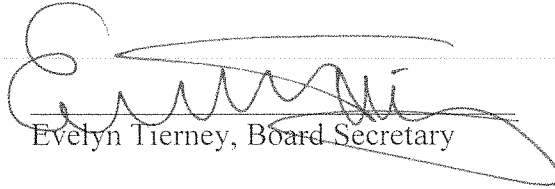
OPEN ACTION ITEM --- NONE---

OLD BUSINESS --- NONE---

NEW BUSINESS --- NONE---

NEXT MEETINGS: Thursday April 28, 2011

ADJOURN: On motion duly made and seconded, the meeting was adjourned at 8:25 p.m.



Evelyn Tierney, Board Secretary