

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS**

**MINUTES**

**DATE:** Regular Meeting Thursday July 28, 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, Jeffrey Betz, Harold Endean, (5)  
Craig Villa

**ABSENT:** Kimberly Hurley, Vice Chairman Ted Maglione, Raymond Stromberg, (4)  
Michael Spillane

**ALSO PRESENT:**

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

**APPROVAL OF MINUTES:**

Minutes of the meeting held May 26, 2011 were previously distributed. Craig Villa 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, Jeffrey Betz, Craig Villa (4)

**NO:** None (0)

**NOT VOTING:** Harold Endean (1)

**CASE TO BE HEARD**

Abacus Electric Co. (Block 802, Lot 2 worksite: Ellis, 37 Seven Oaks Circle, Madison) v. Borough of Madison. MC#2011-16 (2<sup>nd</sup> hearing date)

Counsel Barbato advised that he spoke to both parties prior to the hearing. A combined postponement request was made to allow for discovery and discussion by both parties. The appeal will be heard at the August hearing date on a hear or dismiss basis.

The Chairman continued with the items on the Agenda.

**CASES STAYED/POSTPONED** (*Postponement requests/consent and case correspondence was 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 10/29/2010*)

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> )
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>8/25/11 2<sup>nd</sup> Mtg. date</i> )
M. Soussa c/o Cranberry Realty (Block 770, Lot 3 worksite: 181 New Road) v. Township of Parsippany-Troy Hills	MC#2011-20 ( <i>8/25/11 2<sup>nd</sup> Mtg. date</i> )
Mr. & Mrs. Gaylord (Block 7801 Lot 7 worksite: 23 Phoenix Ave.) v. Town of Morristown	MC#2011-21 ( <i>8/25/11 2<sup>nd</sup> Mtg. date</i> )
Hawthorne Commercial, LLC (Block 195 Lot 12 worksite: 220 Franklin Rd.) v. Township of Randolph	MC#2011-22 ( <i>8/25/11 2<sup>nd</sup> Mtg. date</i> )
Sansco Properties LLC (Block 5101, Lot 7 worksite 375 Mt. Kemble Ave) v. Morris Township	MC#2011-25 ( <i>8/25/11 2<sup>nd</sup> Mtg. date</i> )
William Schaefer (Block 4401 Lot 42 – Denial of Permit Outdoor Wood Boiler 2/24/2010) v. Township of Pequannock	MC#2010-7 ( <i>8/25/11</i> )

**CASES WITHDRAWN (“Withdrawal Confirmation” letters faxed & mailed to all parties and made part of the case files)**

William Schaefer Block 2604, Lot 19 - Notice of Unsafe Structure 2/17/2010 = worksite: 441 Turnpike) v. Township of Pequannock	MC#2010-7
Partridge Run Apartments Inc. (Block 767, Lot 16 Bldg F, G & R, 130 New Road) v. Township of Parsippany-Troy Hills	MC#2011-5
Patrick Golden (Block 13402 Lot 1.04 worksite: 673 Long Hill Rd.) v. Township of Long Hill	MC#2011-7
Royal Lubricants, Inc., (Block 39 Lot 21 worksite: 215 Merry Lane) v. Township of East Hanover	MC#2011-13
Kalliopi Kolovos (Block 5102 Lot 14 worksite: 49 Sussex Ave.) v. Town of Morristown ( <b><i>CONSIDERATION OF REFUND OF THE APPEAL FEE = Appeal filed Friday June 10, 2011 via hand delivery, appeal withdrawn by letter Friday June 17, 2011 received via hand delivery.</i></b> Chairman Bruce Alatary made a motion to approve the refund of the appeal fee. The motion was seconded by Jeffrey Betz. The motion to approve the refund of the appeal fee was approved by the following roll call vote:	MC#2011-14

<b>YES:</b> Chairman Bruce Alatary, Edward Bucceri, Jeffrey Betz, Harold Endean, Craig Villa	(5)
<b>NO:</b> None	(0)

Isidro & Gloria Jacinto (Block 1702, Lot 32.01) v. Town of Dover MC#2011-15  
**(CONSIDERATION OF REFUND OF THE APPEAL FEE = Appeal filed Friday June 10, 2011, withdrawal letter received Wednesday June 15, 2011).** Chairman Bruce Alatary made a motion to approve the refund of the appeal fee. The motion was seconded by Edward Bucceri. The motion to approve the refund of the appeal fee was approved by the following roll call vote:

**YES:** Chairman Bruce Alatary, Edward Bucceri, Jeffrey Betz, Harold Endean, (5)  
Craig Villa

**NO:** None (0)

Home Depot USA, Inc. (Home Depot #965, 79 Route 46 East, Pine Brook) MC#2011-18  
v. Pine Brook Fire Prevention Bureau

Long Hill Board of Education (Block 39 Lot 3) v. Long Hill Township MC#2011-19  
Fire Prevention Bureau **(CONSIDERATION OF REFUND OF THE APPEAL FEE).** 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, Jeffrey Betz, Harold Endean, (5)  
Craig Villa

**NO:** None (0)

### **CORRESPONDENCE**

1. Correspondence had been received from the DCA dated April 8, 2011 and May 19, 2011 regarding "CBA Board Rules of Procedures" paragraph concerning attorney representation. The Board responded by letter dated June 23, 2011. No additional correspondence was received.
2. CASE RETURNED TO APPLICANT BEFORE HEARING NOTICE WAS ISSUED. Appeal package dated and received May 31, 2011 from Kenneth Ryan, Abacus Electric for Notices of Violation and Order to Terminate (2), Notice and Order to Pay Penalty (2) dated May 11, 2011 = Block 20, Lot 50 worksite: Flocktown Road, Owner: Scheller Properties. Appeal in its entirety returned to applicant by letter dated June 1, 2011 via Certified Mail RRR dispute of property ownership (Court Orders issued dated October 2010, February and April 2011).
3. CASE RETURNED TO APPLICANT - NOT WISHING TO COMPLETE APPEAL PROCESS (Appeal was received by Somerset County Construction Board of Appeals on 6/28/2011 then forwarded by SCCBA due to conflict of interest, received by the Morris County Construction Board of Appeals on 7/11/2011 - ALL DOCUMENTS RETURNED TO APPLICANT BY LETTER DATED 7/22/2011.

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

**NEW BUSINESS**

- Chairman Alatary made a motion to approve a resolution prepared in honoring Raymond Stromberg for his service on the CBA Board. His term is ending July 31, 2011 and he did not wish to be re-appointed. The Board would like to thank Ray for his 14 year term on the Board and the numerous hours spend in preparing and hearing matters. His extensive expertise and knowledge concerning the Uniform Fire Code will be missed. The Board wishes him the best in his future endeavors. The motion was seconded by Jeffrey Betz. The motion to present the resolution to Raymond Stromberg was approved by the following roll call vote:

**YES:** Chairman Bruce Alatary, Edward Bucceri, Jeffrey Betz, Harold Endean, (5)  
Craig Villa

**NO:** None (0)

**NEXT MEETINGS:** Thursday, August 25, 2011

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

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Evelyn Tierney, Board Secretary