

# MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS MINUTES

**DATE:** Thursday, April 25, 2013 - 7:30 p.m.  
FREEHOLDER PUBLIC MEETING ROOM

Chairman Theodore Maglione called the meeting to order  
Pledge of Allegiance  
Open Public Meeting Statement  
Chairman Maglione requested a roll call

**PRESENT:** Regular Members:  
Chairman Ted Maglione, Vice Chairman Jeffrey Betz, Edward Bucceri, (5)  
Harold Endean, Craig Villa  
Alternate Members:  
Sean Donlon, Keith Lynch (2)

**ABSENT:** William Asdal, Kimberly Hurley (2)

**ALSO PRESENT:**  
W. Randall Bush, Esq., Assistant County Counsel  
Evelyn Tierney, Board Secretary

## **APPROVAL OF MINUTES:**

Minutes of the meeting held February 28, 2013 were previously distributed. Edward Bucceri moved the approval of the minutes as submitted. Jeffrey Betz seconded the motion. The Board approved the minutes unanimously.

## **CASES WITHDRAWN** (*“Withdrawal Confirmation” letters faxed & mailed to all parties and made part of the case files*)

**MC#2013- 6** David Fabisch (Block 96 Lot 91.02 Worksite: 6 Littell Rd.) v. East Hanover Township – (*Appeal filed 3/1/2013, withdrawn 3/28/12*). The applicant is requesting the refund of the appeal fee. Chairman Ted Maglione made a motion to deny the refund of the appeal fee. The motion was seconded by Edward Bucceri. The Board approved the motion unanimously.

**MC#2013- 5** Francisco De Jesus (Block 1217 Lot 2 Worksite: 14 W. Blackwell St.) v. Town of Dover Fire Prevention. The *appeal was filed on 2/27/2013 and withdrawn on 4/19/13.*

## **CASE POSTPONED** (*All correspondence made part of the file*)

**MC#2013-7** Karen Schatz (Concerning Pietrantuono Property, Location: 59 Clover Hill Rd., Millington) v. Township of Long Hill (**ESCROW APPEAL**). A “*Special Hearing*” is scheduled for Tuesday June 11, 2013 at 7:30pm in the Knox room, 5<sup>th</sup> Floor Admin. Bldg.

## **CORRESPONDENCE**

- A letter dated April 5, 2013 had been received on April 10, 2013 from B. Alan McDermott regarding Fire Alarm Inspections Post Office Annex. The Board secretary mailed a letter dated April 10, 2013 advising of the appeal application fee requirement and filling instructions.
- A letter dated April 23, 2013 had been received on April 24, 2013 from Louis Chiarolanza, Esq., regarding a “Order to Pay Penalty and Abate Violations” issued by the Borough of

Chatham Bureau of Fire Prevention. The Board secretary mailed a letter dated April 24, 2013 advising of the appeal application fee requirement and filling instructions.

**OLD BUSINESS** --- NONE

**NEW BUSINESS**

- The Board discussed a draft letter addressed to the DCA for clarification on penalty amount for various sub codes. The secretary was asked to make minor changes and mail the letter.
- The board secretary reported that the Complimentary Subscription Service Update for UCC was received and processed for all members.

**CASE TO BE HEARD**

**MC#2013-4** PJ Construction, Inc., Agent (Franklin J. Fink, Block 201 Lot 8 Worksite: 36 Everdale Rd.) v. Township of Randolph (**Hear or Dismiss**)

**Appearances:**

James K. Pryor, Esq., Law offices of James K. Pryor, Esq., *representing the municipality*  
Frank Howard, Construction Official, Township of Randolph  
Frank McGovern, Esq., McGovern & Roseman, *representing the appellant*  
Peter Behson, President, PJ Construction, Inc.  
Frank J. Fink, Owner in Fee

The attorney advised that a tentative settlement had been reached and requesting that the matter be carried open until the next hearing date. The following stipulations were made and agreed upon:

- Within two weeks the property will be secured with a chain link fence.
- Counsel will advise W. Randall Bush, Esq. of progress.
- Property owner will contact an engineer to review the status of the foundation and provide his findings.
- The township will work with the property owner and if satisfied the parties will advise the Board accordingly. If no satisfying resolution can be reached the parties will appear on May 23, 2013 for a hearing before the Board.

The Chairman acknowledged and thanked the parties for their attendance and to continue to work on a mutual agreeable resolution. The parties were excused.

**NEXT MEETINGS:** Thursday May 23, 2013

**ADJOURN:** On motion duly made and seconded, the meeting was adjourned at 8:20 p.m.

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Evelyn Tierney, Board Secretary