



MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS MEETING MINUTES

Thursday, October 23, 2025 – 6:00 P.M.
Morris County Commissioners Public Meeting Room
Administration & Records Building
10 Court Street
Morristown, New Jersey 07963-0900
via Cisco WebEx Video Conference

Join link:

<https://morriscountynj.webex.com/morriscountynj/j.php?MTID=m7a34a492071ae94446587c3b70b76497>

Webinar number: 2346 998 4030

Webinar password: iJUGXDJ98w8 (45849359 when dialing from a phone or video system)

Join by phone +1-408-418-9388 United States Toll

Access code: 234 699 84030

Chairman Theodore Maglione called the meeting to order.

Pledge of Allegiance

Open Public Meeting Statement

Chairman Theodore Maglione requested a roll call.

PRESENT:

Regular Members: Chairman Theodore Maglione, Vice Chairman Jeffrey Betz, (5)
John Kostrowski, Jr., Keith Lynch, Sean Donlon

Alternate Members: Kimberly A. Hurley, Larry Ott (2)

ABSENT: Timothy Braden, Nick Marucci, (2)

ALSO PRESENT: Staci L. Santucci, Esq., County Counsel,
Sheila M. Leary, CPM, Board Secretary

APPROVAL OF MINUTES: Draft minutes of the meeting held on September 25, 2025, previously distributed and unanimously approved as amended by the Board.

RESOLUTION(S) FOR APPROVAL: None

CASE(S) TO BE HEARD:

MC#2025 - 6 Nicole & Franco Lorelli (15 Berry Street, Block 1412, Lot 2.02) v Town of Dover, NJ

The Morris County Construction Board of Appeals (hereinafter, "Board") at their meeting held on Thursday, October 23, 2025, heard in accordance with N.J.A.C. 5:23A, the appeal filed by Appellant, Franco & Nicole Lorelli; and

The appeal was received on September 3, 2025, and accepted on September 4, 2025, by the Morris County Construction Board of Appeals; and

The following appearances were noted on the record, and witnesses were sworn in by counsel:

Appearing on behalf of the Appellants, Franco & Nicole Lorelli, Pro se.

Witnesses:

Franco & Nicole Lorelli – Owners in Fee

Appearing on behalf of the Town of Dover, Madelaine P. Hicks, Esq - ANTONELLI | KANTOR | RIVERA

Witness: Thomas Mahoney, Construction Official/Building Subcode Official for the Town of Dover

The Board considered the following documents, that were previously received by the Board Secretary, distributed to the Board members, and stipulated to by the parties, constitute the record:

Municipal Exhibits

Exhibit Number	Description
A	Town of Dover Issued Above Ground Swimming Pool Hazard/Recall Alert dated July 24, 2025
B	Town of Dover Notice of Violation and Order to Terminate dated July 28, 2025 and Certified Mail Receipt dated July 29, 2025
C	Lorelli Zoning Permit/ Certification Application dated July 30, 2025 and the Accompanying Payment Receipt
D	Construction Permit Application submitted by Ms. Nicole Lorelli on July 30, 2025, Received August 5, 2025
E	Town of Dover Denial of Construction Permit Notice Dated August 5, 2025 and Relevant Sections of the International Swimming Pool and Spa Code
F	Town of Dover Notice of Unsafe Structure dated August 13, 2025
G	Municipal Summons issued to Franco and Nicole Lorelli dated August 25, 2025
H	Building Subcode Application for a Construction Permit for the Installation of a Pool Pump
I	Pictures of the Franco and Nicole Lorelli's Pool located at their Dover Residence; Informal Notices of Construction Code Violations dated July 8, 2025, and July 24, 2025; Proof of the Purchase of an Above Ground Pool and Land Survey Map of the Site
J	Application to Construction Board of Appeals dated August 8, 2025

Appellant's Exhibits

Exhibit Number	Description
	Appellants Franco & Nicole Lorelli provided oral testimony and referenced original documents provided with their appeal application

This matter was heard, Thursday, October 23, 2025, at 6:00 PM, in the Morris County Commissioners Public Meeting Room. Chairman Maglione began with a description of the violations issued by the Town of Dover to the Appellants, Franco and Nicole Lorelli, NOTICE OF VIOLATION AND ORDER TO TERMINATE/WORK WITHOUT A PERMIT N.J.A.C. 5:23-2.14(a), dated July 28, 2025, and NOTICE OF UNSAFE STRUCTURE N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2.32, dated August 13, 2025; and

Chairman Maglione briefly described the procedure to be followed in which the Municipality would present their case, and the Appellant would be provided an opportunity to cross examine the Municipal witnesses. Thereafter, the Appellant

would present their case, and the Municipality would likewise be provided an opportunity to cross examine the Appellant's witnesses; and

Ms. Hicks, on behalf of the Town of Dover, began her direct examination of witness Thomas Mahoney, Sr., Construction Official/Building Subcode Official for the Town of Dover, by requesting that Mr. Mahoney state his name, title and to how long he has held his position with the Town of Dover; and

Mr. Mahoney confirmed that he has held his title with the Town of Dover for nearly two years and began his career in Roxbury in 1984, also working throughout his career in the New Jersey municipalities of Mt. Arlington, Newark, and Jefferson; and

Mr. Mahoney testified to the day-to-day duties of his position to include the issuance of warnings, notices and permits and the reason for the hearing regarding the property at 15 Berry Street, owned by Franco and Nicole Lorelli; and

Ms. Hicks directed Mr. Mahoney to Municipal Exhibit I, page 8 and asked Mr. Mahoney to describe the exhibit. Mr. Mahoney testified that the exhibit was the first of two red stickers, dated July 8, 2025, and July 24, 2025, respectively, notifying the property owners that their pool requires a permit and to call the Construction Department. Further, Mr. Mahoney testified to the (illegible) second and final notice of the red sticker, dated July 24, 2025, again notifying the property owners of the requirement to have a permit for the pool with penalties of \$2000 per week; and

Ms. Hicks requested that Mr. Mahoney clarify that the red stickers serve as a courtesy notification, rather than a requirement, with Mr. Mahoney confirming the distinction between the red sticker as a courtesy, and a Notice of Violation and Order of Penalty, as requirement for compliance. Mr. Mahoney testified that Nicole Lorelli went to the Town of Dover Building Department on July 24, 2025, to inquire about the purpose or meaning of the red sticker; and

On July 24, 2025, another employee of the Building Department, identified as Inspector Tom, as testified to by Mr. Mahoney, attempted to explain to Mrs. Lorelli the purpose of the red sticker and because the exchange became heated, Inspector Tom contacted Mr. Mahoney by phone for the purpose of participating in the conversation to explain to Mrs. Lorelli, what the notice was for and what would need to happen to rectify the violation and Mrs. Lorelli was provided with a permit application at that time.; and

Relying on Exhibits D, E and F, Mr. Mahoney testified that on July 28, 2025, he issued the Lorelli's a Notice of Violation and Order to Terminate and although Mr. and Mrs. Lorelli submitted the permit application, dated July 30, 2025. Mahoney testified that he denied their permit application on August 5, 2025, and issued a Notice of Unsafe Structure on August 13, 2025; and

Ms. Hicks concluded her direct examination of Mr. Mahoney, summarizing the timeline as July 8, 2025, being the date the pool was observed and subsequently demolished, referencing Exhibit I, by Mr. and Mrs. Lorelli on August 14, 2025, resulting in penalties equal to \$6,000. Mr. Mahoney testified to the accuracy of Ms. Hick's summary.; and

Mr. Lorelli began his cross examination of Mr. Mahoney by inquiring as to whether or not Mr. Mahoney was aware that when Mrs. Lorelli went to the Building Department to inquire about the red sticker, she had their three children with her. Mr. Mahoney testified that he was not aware. Mr. Lorelli asked Mr. Mahoney if understood that Mrs. Lorelli left with the permit application after she tried to get an explanation of the process required to have the pool and Mr. Mahoney testified that he instructed the caller to provide Mr. Lorelli with the paperwork; and

Mr. Lorelli continued his cross examination by asking Mr. Mahoney who was the person that called him that day, July 24, 2025, when Mrs. Lorelli went to the Building Department with their three children and Mr. Mahoney responded by stating that it was his son, Thomas Mahoney, Jr.. Mr. Lorelli then asked if Mrs. Lorelli explained that they had never seen or received what is described as Exhibit I (page 8), the first red sticker, dated July 8, 2025. Mr. Mahoney testified that Mrs. Lorelli did explain that; and

Mr. Lorelli concluded his cross examination by inquiring as to Mr. Mahoney's knowledge of a third individual who appeared on July 24, 2025, while at the Building Department, who assisted Mrs. Lorelli with the zoning and construction permit applications and attempted to deescalate the situation. Mr. Mahoney testified that he was not there and therefore was unaware of the assistance provided by the zoning official; and

Mr. Lorelli began the presentation of the Appellant's case with his personal testimony regarding his 17-year history as a resident of Dover, a husband, a father and homeowner. Mr. Lorelli further testified that that the entire situation could have been avoided with respectful communication; and

Mrs. Lorelli read a prepared statement into the record summarizing the experience as retaliation for exercising her First Amendment right.

Ms. Hicks cross examination of Mr. Lorelli established that a pool was put up without a permit.

The Board heard testimony from both parties and after a lengthy discussion, Board member John Kostrowski, Jr., made a motion to modify the enforcement agency's \$6,000 penalty to \$250, as the pool was removed by August 14, 2025, consistent with the Notice of Unsafe Structure, dated August 13, 2025, with Vice Chairman Jeffrey Betz seconding the motion.

Statement of Reasons – Board Member John Kostrowski, Jr.

The Appellants installed the pool without a permit and then applied for the necessary permit once they became aware that a permit was required. The permit was denied and subsequent to the issuance of the Notice of Unsafe Structure, the Appellants removed the pool.

Statement of Reasons – Vice Chairman Jeffrey Betz

Compliance was achieved and the penalty was not necessary.

Statement of Reasons – Alternate Board Member Kimberly A. Hurley

Concurring with the motion to modify the Order for the reasons discussed and compliance with the Notice of Unsafe Structure to remove the pool.

Statement of Reasons - Board Member Sean Donlon

The required paperwork was submitted and the pool was removed.

The Board, pursuant to the authority granted to it under N.J.A.C. 5:23A - 2.3, may affirm, reverse, or modify the action, decision, notice or order of the enforcement agency or remand the matter to the enforcing agency for further action.

A vote was taken of the six (6) voting Board members, by unanimous vote, modified the enforcement agency's order and reduced the penalty from \$6,000.00 to \$250.00 as shown on the voting record below.

The Morris County Construction Board has unanimously voted to modify the order of the enforcement agency's penalty for work without a permit at 15 Berry Street, Block 1412, Lot 2.02., Dover, NJ.

<i>VOTING RECORD</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
Ted Maglione, Chairman Builder, Professional Engineer, Construction Official, Building Subcode Official/Insp. HHS, Special member - Escrow	✓			
Jeffrey Betz, Vice Chairman Certified Fire Official, Fire Protection Subcode Official, Construction Official, Building Inspector – RCS, Fire Protection Inspector HHS, Housing Code Official, Inspector Hotels & Multiple dwellings	✓			

John Kostrowski, Jr. Master Plumber, Plumbing Subcode Official/Insp. ICS/HHS, Construction Official, Building Inspector RCS/ICS	✓			
Keith Lynch Certified Fire Official, Fire Protection Subcode Official, Construction Official, Electrical Contractor, Electrical Insp. HHS, Building Subcode Official/Insp. HHS	✓			
Sean Donlon Construction Official, Building Subcode Official/Insp. HHS/ICS/RCS, Housing Code Official, Insp. Hotels & Multiple dwellings	✓			
Kimberly Hurley Licensed Architect	✓			

MC#2025 - 8 Tom Evans (worksite: 21 Woods Edge Rd., Borough of Rockaway, Block 33, Lot 5.01)
v Borough of Rockaway, NJ

The Morris County Construction Board of Appeals (hereinafter, “Board”) at their meeting held on Thursday, October 23, 2025, heard in accordance with N.J.A.C. 5:23A, the appeal filed by Appellant, Tom Evans.

The appeal was received on September 16, 2025, and accepted on September 18, 2025, by the Morris County Construction Board of Appeals.

The following appearances were noted on the record, and witnesses were sworn in by counsel:

Appearing on behalf of the Appellant, Tom Evans, Pro se.

Appearing on behalf of the Borough of Rockaway, Joseph J. Bell, IV, Esq – Bell, Shivas & Bell
Witness: Dennis Didyk, Electrical Subcode Inspector

The Board considered the following documents, that were previously received by the Board Secretary, distributed to the Board members, and stipulated to by the parties, constitute the record:

Municipal Exhibits

Exhibit Number	Description
M-1	Notice and Order of Penalty
M-2	Certified Mail Receipt – Notice and Order of Penalty
M-3	Electrical Subcode Technical Section – Permit Application by Tom Evans (denied)
M-4	Plumbing Subcode Technical Section – Permit Application by Tom Evans
M-5	Building Department File Notes – First Notice (need electrician)
M-6	Email to Tom Evans from Building Dept – Second Notice (need electrician)
M-7	Email from Tom Evans to Building Dept re: proposed legislation
M-8	Email from DCA re: Licensing Regs (Forward to Tom Evans)
M-9	Email from Tom Evans to Building Dept
M-10	Voicemail Record for 973-930-1659 (Tom Evans Phone Number)
M-11	Voicemail Record for 973-580-2160 (Tom Evans Phone Number)
M-12	Electrical Subcode Technical Section – Application from Homeowner
M-13	Construction Permit - Plumbing & Electrical (issued)

Appellant's Exhibits

Exhibit Number	Description
	Tom Evans provided oral testimony and referenced original documents provided with the appeal application

This matter was heard, Thursday, October 23, 2025, at 6:00 PM, in the Morris County Commissioners Public Meeting Room. Chairman Maglione began with a description of the violations issued by the Borough of Rockaway to the Appellant, Tom Evans, NOTICE AND ORDER OF PENALTY/WORK WITHOUT A PERMIT dated August 26, 2025.

Chairman Maglione briefly described the procedure to be followed in which the Municipality would present their case, and the Appellant would be provided an opportunity to cross examine the Municipal witness. Thereafter, the Appellant would present his case, and the Municipality would likewise be provided an opportunity to cross examine the Appellant/witness.

Mr. Bell, on behalf of the Borough of Rockaway, began his direct examination of witness Dennis Didyk, Electrical Subcode Inspector for the Borough of Rockaway, by requesting that Mr. Didyk refer to Exhibit M-3 Denied - Electrical Subcode Technical Section/Permit.

Mr. Didyk testified that Mr. Evans is a plumber and not an electrician and continued his testimony regarding email communications between the Appellant and the Borough regarding a difference of opinion as it relates to a plumber installing an electric water heater and the credentials required for an electrical permit, resulting in the Notice and Order of Penalty (V-25-00014), dated August 26, 2025.

Mr. Bell concluded his direct examination of Mr. Didyk by inquiring as to whether or not he had extended an offer to Mr. Evans, reducing the penalty from \$2000 to \$1000.

Mr. Evans began and concluded his cross-examination of Mr. Didyk by asking him if he responded to Mr. Evans counteroffer of \$100 to reduce the penalty, with Mr. Didyk testifying that he had not.

The Board heard testimony from both parties and after a lengthy discussion, Board member John Kostrowski, Jr., made a motion to reverse the enforcement agency's Notice and Order of Penalty due to the deficiency of the Notice lacking the required citation with Board Member Keith Lynch seconding the motion.

Statement of Reasons – Board Member John Kostrowski, Jr.

Improper/Invalid Notice of Violation pursuant to N.J.A.C 5:23

Statement of Reasons – Board Member Keith Lynch

Upon review of the application, the Notice of Violation was deficient as it failed to provide a citation.

The Board, pursuant to the authority granted to it under N.J.A.C. 5:23A - 2.3, may affirm, reverse, or modify the action, decision, notice or order of the enforcement agency or remand the matter to the enforcing agency for further action.

A vote was taken of the six (6) voting Board members, by unanimous vote, reversed the enforcement agency's order.

The Morris County Construction Board has unanimously voted to reverse the order of the enforcement agency's Notice of Violation for work without a permit at 21 Woods Edge Rd. Borough of Rockaway, NJ.

<i>VOTING RECORD</i>	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
Ted Maglione, Chairman Builder, Professional Engineer, Construction Official, Building Subcode Official/Insp. HHS, Special member - Escrow	✓			
Jeffrey Betz, Vice Chairman Certified Fire Official, Fire Protection Subcode Official, Construction Official, Building Inspector – RCS, Fire Protection Inspector HHS, Housing Code Official, Inspector Hotels & Multiple dwellings	✓			
John Kostrowski, Jr. Master Plumber, Plumbing Subcode Official/Insp. ICS/HHS, Construction Official, Building Inspector RCS/ICS	✓			
Keith Lynch Certified Fire Official, Fire Protection Subcode Official, Construction Official, Electrical Contractor, Electrical Insp. HHS, Building Subcode Official/Insp. HHS	✓			
Sean Donlon Construction Official, Building Subcode Official/Insp. HHS/ICS/RCS, Housing Code Official, Insp. Hotels & Multiple dwellings	✓			
Kimberly Hurley Licensed Architect	✓			

CASE(S) POSTPONED:

MC#2025 - 7 Wanshan Lee (19 Montgomery Avenue, Block: 125.13, Lot: 5) v Montville, NJ

CASE(S) WITHDRAWN: None

CORRESPONDENCE: Budget Balance as of October 23, 2025 - \$1,400.73

OLD BUSINESS: None

NEW BUSINESS: 2026 Proposed Meeting Dates

NEXT MEETING: November 20, 2025, at 6:00 PM

ADJOURN: 8:46 P.M.

Sheila M. Leary, CPM

Sheila M. Leary, CPM
Board Secretary