

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS**  
**MINUTES**

**DATE:** Thursday April 23, 2015 - 7:30 p.m.  
OIT CONFERENCE ROOM, 30 Schuyler Place, 4<sup>th</sup> Floor

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, Edward Bucceri, Harold Endean, Craig Villa       (4)  
                  Alternate Members:  
                  William Asdal, Sean Donlon, Kimberly Hurley                               (3)

**ABSENT:**    Vice Chairman Jeffrey Betz, Keith Lynch   (2)

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

**APPROVAL OF MINUTES:**

Minutes of the meeting held January 15, 2015 were previously distributed. Chairman Ted Maglione moved the approval of the minutes. Harold Endean seconded the motion. The Board approved the minutes by the following roll call vote:

**YES:** Chairman Ted Maglione, Harold Endean, Craig Villa, Sean Donlon,                               (5)  
                  Kimberly Hurley

**NO:**   None

**NOT VOTING:** Edward Bucceri, William Asdal   (2)

**CASE TO BE HEARD**

**MC#2015-8** James D. Mac Lean (Block 60508, Lot 45) v. Township of Denville

The appeal is for Violation and Penalty Notices issued by the Denville Township Construction Office for NJAC 5:23-2.149(a) “constructed deck without a permit”.

**Appearances:**

Stephen H. Shaw, Esq., Law Office of Jansen & DeBona, LLC., representing the municipality  
Sal Poli, Construction Official, Township of Denville  
James D. MacLean, Owner in Fee

Counsel Shaw stated that they had reached a settlement. Mr. MacLean will apply for all permits within a week, and pay a reduced fine of \$500.00 dollars. Mr. MacLean agreed and withdrew the appeal. The Chairman thanked the parties for working out a mutual agreement. The parties were excused and the Chairman continued with the items on the Agenda.

**CASES WITHDRAWN** (“*Withdrawal Confirmation*” letters faxed & mailed to all parties and made part of the case files)

MC#2014-16 Danielle Kalb (Block 391, Lot 1 Worksite: 3 Green Hill Road) v. Township of Parsippany-Troy Hills

MC#2015-4 Sterling Parc Apartments v. Hanover Township Fire District No. 3 Bureau of Fire Prevention

MC#2015-5 Abode Electric LLC (Block 18 Lot 11 Worksite: 110 Powder Mill Rd.) v. Twp. of Parsippany Troy Hills

**CASES POSTPONED**

**May 28, 2015** MC#2015-3 Victor & Lynn Boyajian v. Township of Harding - *ESCROW APPEAL (1<sup>st</sup> mtg. date 3/27/15, 60 day postponement)*

**May 28, 2015** MC#2015-6 AIR-A-TECH LLC v. Township of Denville (*applicant requested May hearing date*)

**June 25, 2015** MC#2015-7 JFA Builders, DSL Electrical Contractor, Available Plumbing & Heating (Block 5102, Lots 23 & 24) v. Town of Morristown (*1<sup>st</sup> mtg. date 4/23/15, 60 day postponement*)

**CORRESPONDENCE**

- CASE MC#2015-1 N/A FORWARDED TO SOMERSET COUNTY – CONFLICT OF INTEREST – Notices issued by Township of Hanover CO, (Appeal was received by the Morris County CBA on 2/3/15, and forwarded to Somerset County CBA on 2/3/15 copying all parties).
- NK Architects – Documentation received by CBA secretary on February 3, 2015 was submitted in error per a phone conversation with Renee Montenegro on February 4, 2015. The following documentation was returned: Check #29771 dated January 29, 2015, letter dated 12/31/2014 issued by the Town of Morristown Building & Construction Dept. including an elevator inspection report and a UCC Certificate. An application form and a copy of NJAC 5:23A Hearing Regulations were also provided.
- CASE MC#2015-2 N/A FORWARDED TO SOMERSET COUNTY – CONFLICT OF INTEREST – Notices issued by Township of Hanover CO and FO, (Appeal was received by the Morris County CBA on 2/26/15, and forwarded to Somerset County CBA copying all parties). Note: appeal withdrawn 3/18/2015 before hearing notice was issued by the SCBCA.

Budget Balance as of 4/23/2015 = \$1,501.42

**OLD BUSINESS**

**NEW BUSINESS**

- The 2014 Annual Report was distributed to the members and the secretary will forward a copy to the Freeholder Board, Administrator and County Counsel.
- The Board discussed the increase for appeals filed regarding “work performed without a permit”. The homeowners receiving violations are not informed of the permit requirement process, although most municipal construction department websites list information on when permits are required.

**NEXT MEETINGS:** May 28, 2015

**ADJOURN:** On motion duly made and seconded, the meeting was adjourned at 8:10 p.m.

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Evelyn Tierney, Board Secretary