

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES**

Thursday, April 28, 2022 – 7:00 P.M.
Webex Video Meeting/Hearing

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 Theodore Maglione, Vice Chairman Jeffrey Betz, (4)
John Kostrowski, Jr., Keith Lynch,

Alternate Members: Kimberly Hurley (1)

ABSENT: Sean Donlon, Timothy Braden, Herold Endean, Nick Marucci (4)

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

APPROVAL OF MINUTES: Draft minutes of the meetings held on April 14, 2022, were previously distributed. The Board unanimously approved the minutes as submitted.

APPROVAL OF RESOLUTIONS: MC CBA Resolution #2022-3

Regarding Appeal **MC#2021-9** V-Fee Realty Investments LLC, 90 East Main St. (Block 801, Lot 20) Mendham Borough v Mendham Borough. By motion made by Chairman Theodore Maglione and seconded by Keith Lynch, the Board unanimously approved the resolution as submitted.

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

CASES TO BE HEARD: NONE

CASE POSTPONED (correspondence received/ issued - made part of the case files)

MC#2022-2 NVR Inc., d/b/a Ryan Homes (worksite 8 Swackhammer Way, Budd Lake, NJ 07836, Block 4100, Lot 80) v Mount Olive Township, NJ

CASE(S) WITHDRAWN:

CORRESPONDENCE:

- Budget Balance as of April 28, 2022 = \$3,141.93

OLD BUSINESS: NONE

NEW BUSINESS: Chairman Theodore Maglione inquired as to any new business from the Board and thereafter, member John Kostrowski, Jr., offered the timeliness of an appeal and waiver of rights as a topic for discussion. Board members further explored the details of the appeal heard on April 14, 2022 (MC#2021-9 V-Fee Realty Investments LLC, 90 East Main St. (Block 801, Lot 20) Mendham Borough v Mendham Borough). Discussion continued with a historical understanding provided by the NJ DCA, which supports the wisdom of hearing appeals beyond the 15-day period in which an appeal shall be filed after the issuance of a violation from an enforcement agency. Acknowledging that the appellant as well as the enforcement agency could have managed the circumstances associated with the violations differently, the Board agreed that balancing a known imminent life safety hazard with the timeliness and hearing of an appeal is worth further review and discussion.

NEXT MEETING: May 26, 2022, at 7:00 P.M.

ADJOURN: On motion duly made by John Kostrowski, Jr. and seconded by Vice Chairman Jeffrey Betz, the meeting adjourned at 7:19 P.M.

Sheila M. Leary, CPM

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Board Secretary