



Morris County
Construction Board of Appeals

2023
ANNUAL REPORT

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The Morris County Construction Board of Appeals, established in 1977 by the Morris County Board of Chosen Freeholders, now known as the Board of County Commissioners, serves as a quasi-judicial body to hear appeals filed by property owners in Morris County from decisions, actions, or an inaction of a municipal official pursuant to the State of New Jersey Uniform Construction Code, Uniform Fire Code, or the Developer Escrow Law. These municipal officials may be the Construction Code Official, a Construction Subcode Official, a Uniform Fire Code Official, or other Municipal Professionals.

The Morris County Construction Board of Appeals consists of five regular members and five alternate members including two certified Fire Subcode officials. There are two special members assigned to the Board to hear cases involving municipal escrow fees. Membership and qualification of members are governed by Uniform Construction Code Regulations 5:23 A-1.3 (a) and (b), and Board terms are four years. The volunteers who serve on the Morris County Construction Board of Appeals bring to the Board a diverse background and a wealth of professional and personal experience. Board members are also required to attend training sessions sponsored by the NJ Department of Community Affairs. Members of the Board who are Licensed Inspectors, Subcode Officials, or Construction Officials are required as a condition of their license to complete continued education training in accordance with the NJ Department of Community Affairs regulations. The required training consists of both administrative topics and topics within the technical area of their licenses.

Hearings were held at the call of the Chair, usually on the fourth Thursday of each month, at 6:00 p.m. remotely, via tele conference and/or Cisco WebEx video conference. Meetings are open to the public and are legally advertised in the Daily Record. Formal resolutions (decisions) prepared by the Board and the Board Counsel are approved by the Board members at the meeting following the hearing. The resolutions are filed with the NJ Department of Community Affairs, and the NJ Division of Fire Safety pursuant to State regulations. Copies are sent to the applicant, the municipality, and to their attorneys. Copies are also forwarded to the Board of County Commissioners, the County Administrator, and County Counsel. Minutes of all hearings and resolutions adopted by the Board are kept in bound minute books as a public record as required by N.J.A.C. 5:23A-2.3.

Case files which have been heard or withdrawn, are disposed of in accordance with records management procedures as implemented by the State and the County. Access to records continues to be controlled in accordance with Morris County Policy and Procedure 4:4.01, Public Records as well as applicable state law.

First Assistant County Counsel Staci L. Santucci, Esq., provided legal counsel to the Board in 2023. Board Secretary Sheila M. Leary, CPM, continues to support the Board. As the Board members typically carry a full time commitment in their primary occupation, Ms. Leary keeps the members and the Counsel to the Board apprised of new developments, schedules, and coordinates the hearings; generates and issues correspondence; and is the point person for all external communication with citizens, as well as municipal, county and State government officials.

The Board performed its statutory obligations in 2023 with a complete complement of the required professionals per the UCC statute. The Board composition consists of multiple layers of qualified personnel in all required disciplines who are employed in various municipalities, so the chances are minimal that an absence or conflict situation will affect the Board's ability to hear an appeal with competent, unbiased members in a timely manner.

The Board continues to communicate by email with attorneys, Board Members, Secretary and Counsel as well as updating the following website with Board information and forms at www.planning.morriscountynj.gov./boards/construction/.

The Board uses Webex software to record the hearings. This process provides high quality direct recording to media files. These files are more readily copied and transferred when requested for transcripts. The Board is a member of the International Code Council, which provides a discount in the purchase of ICC sponsored codes and allows Board Members who choose to participate in one or more code making forums to do so.

During calendar year 2023, the Board met seven times. The following is a summary of the cases filed with the Morris County Board:

Morris County CBA 2023 Docket

Total

Cases Carried Over from Prior Years	0
Cases Filed in 2023	15
Cases Withdrawn/N/A and Dismissed in 2023	11
Case forwarded/transferred due to conflict of interest	0
Decisions issued by the Board in 2023	3
Cases Carried to 2024 (including matters pending Superior Court decision)	1

Fifteen appeals were filed in 2023. Please see the brief highlights about each case included in the attached "Summary of Cases".

The following documents are attached to this report:

- Summary of Cases Decided by the Board in 2023
- Member Information (Qualifications & Terms)
- NJAC 5:23A Construction Board of Appeals Regulations
- Rules and Procedures

The Construction Board of Appeals serves all thirty-nine Morris County Municipalities.

As Chairman, I would like to express our gratitude and appreciation to the Board Members, the Board Counsel and the Board Secretary for their dedication and commitment to serving the Board of County Commissioners and Morris County residents throughout the year. The total hours devoted by the Board members in preparing for, hearing cases, and preparing decisions cannot be tabulated.

On behalf of the Board, we extend our thanks and appreciation to the Board of County Commissioners for personnel assigned to the Board.

Respectfully Submitted,

Sheila M. Leary, CPM

Theodore Maglione, Chairman