

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES**

DATE: Thursday, July 26, 2018 - 7:30 p.m.
MC CBA Hearing Room
30 Schuyler Place, 2nd Floor, Morristown, NJ 07960

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)
Harold Endean, John Kostrowski, Jr.

Alternate Members: William Asdal, Timothy Braden Sean Donlon, Keith Lynch (4)

ABSENT: Kimberly Hurley, Craig Villa (2)

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

APPROVAL OF RESOLUTION:

Resolution for approval for the matter heard and decided by the Board on January 25, 2018 were previously distributed. MC#2017-6 Robert Powlett, Jr. (Block 10301, Lot 18 worksite: 42-44 Monroe Street) v. Township of Morris. Harold Endean made a motion to approve the resolution as submitted. Chairman Maglione seconded the motion. The Board approved the resolution as submitted by the following roll call vote:

YES: Chairman Theodore Maglione, Vice Chairman Jeffrey Betz, Harold Endean, (6)
William Asdal, Sean Donlon, Keith Lynch

NO: None (0)

NOT VOTING: Timothy Braden, John Kostrowski, Jr. (2)

APPROVAL OF MINUTES:

Minutes of the meeting held on January 25, 2018 were previously distributed. William Asdal made a motion to approve the minutes as submitted. Vice Chairman Jeffrey Betz seconded the motion. The Board approved the minutes as submitted by the following roll call vote:

YES: Chairman Theodore Maglione, Vice Chairman Jeffrey Betz, Harold Endean, (6)
William Asdal, Sean Donlon, Keith Lynch

NO: None (0)

NOT VOTING: Timothy Braden, John Kostrowski, Jr. (2)

CASE TO BE HEARD ---NONE---

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

MC#2017-8 Estate of Edward Cantor (Block 12 Lots 1.10, 1.12) v. Township of Chester (*stayed to 1/25/2018, 2/22/2018, 3/22/2018, 5/24/2018, 6/28/2018, 7/26/2018, 8/23/2018 – stayed pending Superior Court hearings*)

MC#2018-6 Brian Foley (Block 71, Lot 1 worksite: 247 Cemetery Hill Road) v. Washington Township, WARREN COUNTY (*1st mtg. date 8/23/2018 - Four (4) Penalty Notices issued/Siding, air conditioning, electrical work & sliding glass door issued 6/27/18*)

MC#2018-7 Nancie O. Ludwig (Block 11910, Lot 1 worksite: 15 King Road) v. Township of Roxbury (*1st mtg. date 7/27/2018, 2nd mtg. date 9/27/2018*)

CASES WITHDRAWN (“Withdrawal Confirmation” letters issued to all parties and made part of the case files)

MC#2015-20 Center Court at Morristown LLC (Block 9003, Lot 10 worksite: 65 Columbia Rd) v. Township of Morris Bureau of Fire Prevention (*11/19/15 1st meeting date, stayed pending Superior jurisdiction decision, case withdrawn on July 19, 2018*)

MC#2017-13 RRT 2 Campus LLC (Block 202, Lot 3.20 worksite: 2 Campus Drive) v. Twp. of Parsippany Troy Hills Division of Fire Prevention

MC#2018-1 Watchung Hills at N. Plainfield LLC (Block 110, Lot 2 worksite: 641 Somerset Street) v. Borough of North Plainfield - SOMERSET COUNTY

MC#2018-3 Troy Corporation (Premises: 8 Vreeland Road, Florham Park) v. Borough of Florham Park Local Enforcing Agency – Fire Headquarters

MC#2018-4 Brian Foley (Block 71, Lot 1 worksite: 247 Cemetery Hill Road) v. Washington Township, WARREN COUNTY (*Notice and Order of Penalty – metal roof – moot – closed 5/10/18*)

MC#2018-5 Brian Whitmer (Block 20302, Lot 6 worksite: 183 Casterline Road) v. Township of Denville (*1st mtg. date 7/26/18*). *Case filed July 9, 2012 and withdrawn July 12, 2018*)

The applicant is requesting the refund of the appeal fee. **ACTION TAKEN:** Discussion by the Board followed, and it was noted that the Board Secretary processed minimal correspondence. Chairman Ted Maglione made a motion to approve the request for the refund of the appeal fee. Harold Endean seconded the motion. The motion to refund the appeal fee was approved by the following roll call vote:

YES: Chairman Ted Maglione, Vice Chairman Jeffrey Betz, Harold Endean, (8)
John Kostrowski, Jr., William Asdal, Timothy Braden, Sean Donlon, Keith Lynch

NO: None (0)

The Secretary will process the necessary documents to refund the appeal fee.

CORRESPONDENCE

Budget Balance as of July 26, 2018 = \$2,319.90

- MC#2018-2 NA – CASE FORWARDED TO SOMERSET COUNTY – CONFLICT OF INTEREST – Notice issued by Mine Hill Twp. Construction Official, Sean Donlon. Appeal document package forwarded to Somerset County CBA by letter dated February 13, 2018 copying all parties to the appeal.

OLD BUSINESS

Discussion followed regarding a recommendation to be provided to the Board of Chosen Freeholders to adopt a resolution regarding proposed Assembly Bill No. A135.

The Board appreciates being ask by the Freeholders to provide input. The Board finds it necessary to stay neutral in order to be able to hear any potential appeals without prejudice concerning the Fire Safety issues raised in the proposed Assembly Bill No. A135. The Board interprets and enforces the prevailing codes and regulations. An individual member may choose to respond to the proposed bill, but as a Board, it chooses not to comment and refrains from providing a position as a Board.

Timothy Braden made a motion that Counsel Bush draft and issue a written response under Chairman Maglione signature to the Freeholder Director explaining the decision of the Board to respectfully decline in providing a recommendation as discussed. The motion was seconded by Vice Chairman Jeffrey Betz, and approved by the following roll call vote:

YES: Chairman Ted Maglione, Vice Chairman Jeffrey Betz, Harold Endean, (8)
John Kostrowski, Jr., William Asdal, Timothy Braden, Sean Donlon, Keith Lynch

NO: None (0)

NEW BUSINESS

- First Assistant County Counsel W. Randall Bush, Esq., announced his retirement as of October 1, 2018. Counsel Staci Santucci, Esq. will represent the Board after Mr. Bush's retirement, and the members provided an overview of their individual qualifications.
- The Chairman thanked the County Administration for providing the new hearing room that provides a suitable setting for Board hearings.

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

Evelyn Tierney, Board Secretary