



Morris County
Construction Board of Appeals

2011
ANNUAL REPORT

MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS

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The Morris County Construction Board of Appeals, established in 1977 by the Morris County Board of Chosen Freeholders, serves as a quasi-judicial body to hear appeals filed by owners of properties in Morris County from decision and actions, or inaction made by a municipal official relative to the New Jersey Uniform Construction Code, Uniform Fire Code, or the Developer Escrow Law. Such activities that may aggrieve owners may be action taken or inaction by 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 officials. There are three special members assigned to the Board to hear cases involving municipal escrow fees. Membership and qualification of members are required by Uniform Construction Code Regulations 5:23 A-1.3 (a) and (b), 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 wealth of professional and personal experience. Board members are also required to attend training sessions sponsored by the Department of Community Affairs. Members of the Board who are Licensed Inspectors, Subcode Officials or Construction Officials also are required as a condition of their license to complete training provided by the NJ Department of Community Affairs. The training consists of both administrative topics and topics within the technical area of their licenses.

Hearings are held at the call of the Chair, usually on the fourth Thursday of each month, at 7:30 p.m. in the Freeholder Public Meeting Room. Meetings are open to the public and legally advertised each month through the Daily Record and Newark Star Ledger. Special meetings, if necessary, are held to conduct Board business, or to hear open cases as requested by Appellants. Formal resolutions (decisions) prepared by the Board and Board Counsel are approved by the Board members at the meeting following the hearing.

The resolutions are filed with the N.J. Department of Community Affairs, and the N.J. Division of Fire Safety, as appropriate in Trenton, pursuant to state regulations. Copies are sent to the applicant, the municipality, and to their attorneys. Copies are also forwarded to the Board of Chosen Freeholders, County Administrator, County Counsel, and the County's insurance representative.

Records of cases, which have been heard or withdrawn, are disposed of in accordance with records management procedures implemented by the State and County.

During calendar year 2011, the Board met 9 times.

The Morris County Board receives appeals from Boards in surrounding Counties where a conflict has been identified. In 2011, two appeals were received from an adjoining county's due to conflicts of interest:

Case received from Warren County in 2011	1
Case received from Somerset County in 2011	1

The following is a summary of the cases filed with the Morris County Board:

<u>Morris County CBA 2011 Docket</u>	<u>Totals</u>
Cases Carried Over from Prior Years	10
Cases Filed in 2011	28
Cases Dismissed/Settled @ hearing/Closed in 2011	2
Partial Filings, Incomplete returned to appellant	6
Cases Withdrawn in 2011	21
Cases forwarded/transferred to Somerset County in 2011 (due to conflict of interest)	1
Decisions issued by the Board in 2011	2
Cases Carried to 2012	6

Twenty-eight appeals were filed in 2011 adding to the appeals carried over from prior years. Six of those appeals received were returned to the appellant due to non-completion of the application process.

One appeal was forwarded to Somerset County due to potential conflict of interest. One appeal was received from the Warren County Construction Board of Appeals; the appeal was subsequently withdrawn by the appellant.

Two cases were decided by the Board in 2011. Resolutions were issued to document the decision in each of the cases. One appeal was dismissed; case settled and closed "nothing to be decided by the Board". One appeal was dismissed by the Board for failure of the appellant to attend the scheduled hearing or request a continuance.

Brief highlights about each case are included in Attachment 1 (Summary of Cases Decided by the Board in 2011).

Records are kept of all appeals filed consistent with the County Records Retention Policy. A number of requests for information regarding appeals were received by the Board Secretary in 2011.

Summary of cases decided by the Board in 2011

Case#	Appellant	Municipality	Description		Action Taken					
				Statute	Date Filed	Hearing Date (1)	1ST POSTP (2)	2ND POSTP (3) Hear or Dismiss	Add. Date (Board Quorum) N/A	Status
MC#2005-37 	Vincent Bove	Township of East Hanover	(Block 40.08, Lot 23) Notice and Order of Penalty issued 8/15/2005 and 8/29/2005. Allowed occupancy prior to receiving certificate of occupancy. No code section listed on Notice.	UCC	9/22/2005 incomplete, 9/27/2005 completed	10/27/2005	Case stayed pending Criminal Court Decision	4/27/2006, Case heard and stayed by motion to allow for Superior Court appeal decision of contract issues. Status update received 12/28/2007. Case withdrawn 1/25/2011.	Status update received 1/9/2008 still pending, Request sent 1/24/2011. Schedule for 4/28/2011 HD. Case withdrawn 4/1/2011.	
MC#2006-9 	Ron Clark & Robyn Valle	Township of Rockaway	(Block 40501, Lot 13) Denial of Building Permit by letter dated 3/6/2006.	UCC	3/10/2006	3/23/2006 stayed by Board Attorney Barbato, to allow for document review				
MC#2006-34/1 	Tucker Kelley	Township of Rockaway	(Block 30503, Lot 12, worksite: 388 Green Pond Road) Notice of Violation and Order to Terminate dated 9/28/2006, Notice and Order to Pay Penalty dated 9/28/2006 - NJAC 5:23-2.14 Construction without a permit.	UCC	10/2/2006	10/26/2006, 11/30/2006	1/24/2007 & 2/25/2007 case heard. Resolution issued 3/22/2007	Appeal remanded back to CBA Board for a re-hearing by the Appellate Division 1st meeting date scheduled for remanded appeal marked MC#2006-34/1 - 1) October 2, 2008 Special Meeting date, parties req. continuance for 60-days, 2) December 11, 2008 parties requested stay to February 3) February 26, 2009, parties requested stay - Board stayed open ended with monthly update on settlement status. Written update received June and December 09 and August 2010 from Mr. Iacofano. Scheduled for October 28, 2010 hearing date. Request for continuance dated 10/13/10 from Mr. Pennella until December 16, 2010 meeting - Board approved continuance 10/14/2010 for December 16, 2010 meeting. Stayed to meeting convenient to all counsel MB in contact 2011 with the counsel. Appearance requested 12/15/2011 to provide a status update. Request to stay to February 2012 received 12/13/2011 to allow for municipal Board of Adjustment decision. Stayed to February 2012 (TBD) by letter dated December 14, 2011.		
MC#2006-34/1 	Deborah A. Post	Chester Township	Appeal based on charges against escrow account - starting April 8, 2009 though December 2009.	ESCROW	12/18/2009	1/28/2010 appeal remanded by Court Order dated 6/25/2010 Hearing scheduled for 7/29/2010, 8/26/2010	Case deemed to have been denied as per NJAC 5:23A 2.3 Failure to hear within 10 days and no consent given by appellant to hear at a later date. Appeal remanded to CBA with Order dated June 25, 2010. Appeal scheduled at the re-scheduled hearing date of July 29, 2010, Municipal attorney NA Board stayed to August 26th. Objection noted. Case heard 8/26/2010, 11/18/2010, 12/16/2010, 1/27/2011, 2.24.2011. Hearing completed. Resolution approved @ 3/24/2011 meeting.			
MC#2010-4 	Fox Hills at Rockaway Condominium Association, Inc.	Township of Rockaway - Bureau of Fire Prevention	(Block 11302, Lot 48 1 JFK Circle) Entire Complex - "Notice of Violation and Order to Correct" signed date 2/11/2010, Inspected 12/30/2009.	UFC	2/22/2010	3/25/2010 - 90 day stay requested	6/24/2010 - 90 day stay requested	9/23/2010 HD, 11/18/2010 HD#2, 12/16/2010 Case heard	Resolution issued 1/27/2011	

Summary of cases decided by the Board in 2011

Case#	Appellant	Municipality	Description	Statute	Action Taken				
					Date Filed	Hearing Date (1)	1ST POSTP (2)	2ND POSTP (3) Hear or Dismiss	Add. Date (Board Quorum) N/A
MC#2010-7 	William Schaefer	Township of Pequannock	(Block 4401, Lot 42 - Denial of Permit dated 2/25/2010 Outdoor wood boiler, Block 2604, Lot 19 worksite 441 Turnpike - Notice of Unsafe Structure dated 2/17/2010 - rear wall of the masonry garage has collapsed leaving the structure open and unguarded.	UCC	3/12/2010 Hand Delivered	3/25/2010	5/20/2010	Stayed open ended as requested with monthly status update. Update received dated 7/6/2010, 8/6/2010, 9/14/2010, 10/15/2010, 11/12/2010 1/13/2011, 3/2/2011, 4/7/2011) Case regarding Unsafe Structure Notice dated 2/17/2011 withdrawn 6/30/2011. Case regarding Denial of Permit (Outdoor Wood Burning Stove) scheduled to be heard @ 7/28/2011 stayed to 8/25/2011, stayed to 9/22/2011, 10/27/2011, 11/17/2011, 12/15/2011, 2/2/2012.	
MC#2010-10 	Roy E. Kurnos, Esq. c/o Weber Homes at Mountain Lakes LLC	Town of Boonton	Appeal based on charges against escrow account - Developers Agreement dated 1/8/2009.	ESCROW	3/26/2010 Hand Delivered	4/22/2010 Case stayed at hearing pending outcome before Superior Court.			Case withdrawn 1/25/2011
MC#2010-21 	Scheller Properties LLC, Kenneth Ryan, Managing Partner	Township of Washington	(Block 20, Lot 50) Notice of Violation and Order to Terminate, Notice and Order of Penalty - NJAC 5:23-2.13(b)4 Failure to obtain construction permit dated 5/21/2010. Stop Construction Order - Failure to obtain Building permit or request required inspections dated 5/13/2010	UCC	6/9/2010 Hand Delivered	6/24/2010 stayed by Chair pending Ownership determination	Status update received from Court appointed guardian (George Scheller an incapacitated person) Mr. Torzewski, Esq. dated October 29, 2010, and August 25, 2011. Appearance requested 12/15/2011 to provide a status update. Status update received 12/15/2011.		
MC#2010-35 	Corey Dash	Township of Rockaway	Notice of Violation and Order to Terminate dated 11/8/2010 (5:23-2.14 Permit required for electric), Notice and Order of Penalty dated 11/8/2010.	UCC	11/22/2010 Hand Delivered	12/16/2010	1/27/2011		Case withdrawn 1/25/2011
MC#2010-36 	Mr. & Mrs. Granata	Township of Pequannock	Notice of Violation and Order to Terminate dated 12/9/2010 (5:23-2.14 (a) Altered and changed 1st floor without the required building, plumbing, electrical and fire protection permits), Notice and Order of Penalties (4) dated 12/9/2010.	UCC	12/28/2010 incomplete, 1/11/2011 completed	1/27/2011	2/24/2011	3/24/2011 HD conditional agreement placed on record, case is stayed for 12 month to allow for DEP approval (status updates will be provided by applicant). Appearance requested 12/15/2011 to provide a status update. Status update received 12/15/2011.	

THE FOLLOWING CASES WERE FILED IN 2011

Case#	Appellant	Municipality	Description	Statute	Action Taken				
					Date Filed	Hearing Date (1)	1ST POSTP (2)	2ND POSTP (3) Hear or Dismiss	Add. Date (Board Quorum) N/A
MC#2011-1 	Mr. & Mrs. Rojas	Town of Morristown	Notice of Violation and Order to Terminate dated 12/14/10 (5:23-2.14 Work performed without required permit), Notice and Order of Penalty dated 12/14/2010.	UCC	1/6/2011 Hand Delivered	1/27/2011 30-day stay requested @ hearing	2/24/2011		Case settled - Nothing to be heard by the Board. Case closed.

Summary of cases decided by the Board in 2011

Case#	Appellant	Municipality	Description	Statute	Action Taken					
					Date Filed	Hearing Date (1)	1ST POSTP (2)	2ND POSTP (3) Hear or Dismiss	Add. Date (Board Quorum) N/A	Status
MC#2011-2 N/A 	Dominick Alberto	Town of Morristown	Appeal based on charges against escrow account.	ESCROW	1/12/2011		CASE FORWARDED TO SOMERSET COUNTY DUE TO POTENTIAL CONFLICT OF INTEREST -Appeal document package forwarded to Somerset County on 1/13/2011 copying all parties to all appeal.			
MC#2011-3 	Richard LiFrieri	Town of Morristown	Notice of Violation and Order to Terminate dated 1/18/11 5:23-2.14(a) Work performed without required permit), (Violation#20110003/0) Notice and Order of Penalty dated 1/18/2011, Notice of Violation and Order to Terminate dated 1/18/11 5:23-2.14(a), Violation#20110002/0), Notice and Order of Penalty dated 1/18/2011. Refund of appeal fee: Approved by Board @ 3/24/2011 meeting.	UCC	2/2/2011	2/24/2011	3/24/2011			Case withdrawn 3/22/2011
MC#2011-4 	Walter Mulvany	Township of East Hanover	Notice of Violation and Order to Terminate dated 1/6/2011 No final grading approval, no final inspections, No CO, Notice and Order of Penalty dated 11/6/2011. Refund of appeal fee: Approved by Board @ 2/24/2011 meeting.	UCC	2/4/2011	2/24/2011				Case withdrawn 2/22/2011
MC#2011-5 	Partridge Run Apartments Inc.	Township of Parsippany-Troy Hills	(Block 767, Lot 16) Building F, G & R 5 Notice of Violations and Order to Terminate dated 1/7/2011 signed by R. Ferrari Building Subcode Official, and 5 Notice of Unsafe Structure dated 1/7/2011 signed by E. Corcoran, CO. Five (5) Application for Variation dated May 2, 2011 Denied May 18, 2011 Same Bldg & Apt# then above.	UCC	2/17/2011	2/24/2011	3/24/2011	4/28/2011HD	5/26/2011 HD2 stayed @ hearing to 6/23/2011 HD#	Case withdrawn 6/22/2011
MC#2011-6 	William & Jennifer Siverson	Township of Hanover	(Block 0905 Lot 11 worksite: 79 Hendricks Dr.) Notice and Order of Penalty dated 2/15/11. Failed to request required inspections. Refund of appeal fee: Approved by Board @ 3/24/2011 meeting.	UCC	3/10/2011	3/24/2011				Case withdrawn 3/14/2011
MC#2011-7 	Patrick Golden	Township of Long Hill	(Block 13402 Lot 1.04 worksite: 673 Long Hill Rd.) Appealing denial of plans for sprinkler system installation.	UFC	3/11/2011	3/24/2011 Board stayed due to NA Fire Code Member. Special Meeting 4/12/2011 appeal stayed	5/26/2011	6/23/2011HD		Case withdrawn 6/15/2011

Summary of cases decided by the Board in 2011

Case#	Appellant	Municipality	Description	Statute	Action Taken					
					Date Filed	Hearing Date (1)	1ST POSTP (2)	2ND POSTP (3) Hear or Dismiss	Add. Date (Board Quorum) N/A	Status
MC#2011-8 	Henry & Brenda Palacios	Township of Mt. Olive	(Block 8200 Lot 31) Notice of Violation and Order to Terminate dated 2/14/11 (5:23-2.31 (b)4 Failure to obtain the required inspections. Refund of Appeal Fee Denied.	UCC	3/24/2011	4/28/2011	5/26/2011			Case withdrawn 5/17/2011
MC#2011-9 NA 	Mr. Moran	Township of Parsippany-Troy Hills		UCC				CASE WITHDRAWN BEFORE HEARING NOTICE WAS ISSUED - Appeal letter dated March 13, 2011 received by CBA March 17, 2011. Appeal application, Violation Notice & fee requirement sent March 17th. Appeal returned for non-completion by letter dated April 5, 2011.		
MC#2011-10 NA 	D. Murray	Pequannock		UCC				CASE WITHDRAWN BEFORE HEARING NOTICE WAS ISSUED - Letter regarding appeal of the "Order to Pay Penalty" dated March 17, 2011, received by CBA March 18, 2011. Ten day completion of appeal application, Violation Notice & fee requirement sent March 18th. No completed appeal received by April 8, 2011.		
MC#2011-11 NA 	Pharmacy Creations	Randolph Bureau of Fire Prevention		UCC				CASE WITHDRAWN BEFORE HEARING NOTICE WAS ISSUED - Letter dated April 5, 2011 & page 2 of a Violation/Inspection date 3/24/2011, 2011, received by CBA April 7, 2011. Ten day completion of appeal application, complete Violation Notice & fee requirement sent April 7th. Letter dated April 14, 2011 received not wishing to complete the appeal process (agreement reached with Fire Official). Original appeal documents returned by letter dated April 18, 2011.		
MC#2011-12 NA 	Kenneth Ryan & Abacus Electric	Washington Township		UCC				CASE RETURNED TO APPLICANT BEFORE HEARING NOTICE WAS ISSUED - Appeal package dated and received May 31, 2011 Notice of Violation and Order to Terminate (2), Notice and Order to Pay Penalty (2) dated May 11, 2011 = Block 20, Lot 50 worksite: Flocktown Road, Owner: Scheller Properties. Appeal in its entirety returned to applicant by letter dated June 1, 2011 via Certified Mail RRF dispute of property ownership, Court Orders issued dated October 2010, February and April 2011.		
MC#2011-13 	Royal Lubricants, Inc.	East Hanover Township	(Block 39, Lot 21) Notice and Order of Penalty dated 5/16/2011 failed to request required inspections.	UCC	5/31/2011	6/23/2011	7/28/2011			Case withdrawn 7/22/2011
MC#2011-14 	K. Kolovos	Town of Morristown	(Block 5102, Lot 14) Notice of Violation and Order to Terminate dated 6/2/2011 Work performed without required permit (Shed -greater then 100 square feet) installed without required permits, Notice and Order of Penalty dated 6/2/2011. Refund of appeal fee: Approved by Board @ 7/28/2011 meeting.	UCC	6/10/2011 Hand Delivered	6/23/2011				Case withdrawn 6/17/2011
MC#2011-15 	Mr. & Mr. Jacinto	Town of Dover	(Block 1702, Lot 32.01) Notice of Violation and Order to Terminate "Work performed without required permit" (Install new roof without required permit). Refund of appeal fee: Approved by Board @ 7/28/2011 meeting.	UCC	6/10/2011	6/23/2011				Case withdrawn 6/15/2011

Summary of cases decided by the Board in 2011

Case#	Appellant	Municipality	Description		Action Taken				Add. Date (Board Quorum) N/A	Status
				Statute	Date Filed	Hearing Date (1)	1ST POSTP (2)	2ND POSTP (3) Hear or Dismiss		
MC#2011-16 	Abacus Electric Inc. (Kenneth Ryan)	Borough of Madison	(Block 802, Lot 2 worksite: Ellis, 37 Seven Oaks Circle) Notice and Order of Penalty dated 5/19/2011 issued to Agent/Contractor for Failure to obtain construction permit.	UCC	6/17/2011	6/23/2011	7/28/2011	8/25/2011 HD, C.O. N/A 9/22/2011 HD#2		Case dismissed @9/22/2011 hearing for failure to appear by the applicant.
MC#2011-17 	Dean Curtis/Curtis Realty	Township of Randolph	(Block 78, Lot 15 worksite: 588 Route 10) Applicant is appealing the non-issuance of a permit.	UCC	6/22/2011	7/28/2011	8/25/2011	10/27/2011 HD stayed @ hearing pending Board of Adjustmen approvals.		
MC#2011-18 	The Home Depot	Pine Brook (Montville Twp.) Bureau of Fire Prevention	Order to Pay Penalty and Abate Violations dated 6/13/2011 NJAC 5:70-3.3(1) 4 Rear of Building - Storage in Fire Lane (Penalty amount \$10,000.00).	UFC	6/28/2011	7/28/2011				Case withdrawn 7/20/2011
MC#2011-19 	Long Hill Twp. Board of Education	Long Hill Township Bureau of Fire Prevention	(Block 39 Lot 3) Notice of Violations & Order to Correct NJSA 52:27D-192 re-inspection-violations haven't been corrected-no extension granted Notice of Code Violation & Order to Pay Penalty Dated 6/23/11 NJSA 52:27D-210 (Penalty amount \$1,000.00). Refund of appeal fee: Approved by Board @ 7/28/2011 meeting.	UFC	7/7/2011	7/28/2011				Case withdrawn 7/21/2011
MC#2011-20 	Maurice Soussa c/o Cranberry Realty	Township of Parsippany-Troy Hills	(Block 770, Lot 3 worksite: 181 New Road) Stop Work Order dated 6/30/2011.	UCC	7/11/2011	7/28/2011	8/25/2011			Case withdrawn 8/1/2011
MC#2011-21 	Mr. & Ms. Gaylord	Town of Morristown	(Block 7801 Lot 7 worksite: 23 Phoenix Ave.) Notice of Imminent Hazard dated 6/23/11 NJSA 52:27D0132 & NJAC 5:23-2:32 "Demolish above structure by 7/23/11" &Rear Structure Integrity & Notice of Unsafe Structure dated 6/23/11.	UCC	7/6/11	7/28/2011	8/25/2011	9/22/2011 HD, 10/27/2011 HD#2		Case withdrawn 10/18/2011
MC#2011-22 	Hawthorne Commercial Properties, LLC	Township of Randolph	(Block 195 Lot 12 worksite: 220 Franklin Rd.) "Failure of an agency to act within a required time frame.: Failure to issue certificates of approval NJAC 5:23-1.4, 2, 2.23, 2.23A.	UCC	7/18/2011	7/28/2011	8/25/2011	9/22/2011 HD		Case withdrawn 9/22/2011
MC#2011-23 N/A 	4 Seasons @ Bridgewater Condominium Assoc. Inc.	Bridgewater Township Bureau of Fire Prevention SOMERSET COUNTY	Notice of Violation and Order to Correct Inspection Date April 27, 2011, Order to Pay Penalty and Abate Violation dated 6/13/2011 - Penalty amount \$13,000.00.	UFC	6/28/2011 received by Somerset CBA - 7/11/2011 MC CBA incomplete			CASE RETURNED TO APPLICANT BEFORE HEARING NOTICE WAS ISSUED - NOT WISHING TO COMPLETE APPEAL PROCESS (Appeal was received by SCCBA on 6/28/2011 then forwarded by Somerset County CBA due to conflict of interest, received by MCCBA 7/11/2011 - ALL DOCUMENTS RETURNED TO APPLICANT BY LETTER DATED 7/25/2011.		

**MORRIS COUNTY
CONSTRUCTION BOARD OF APPEALS**

RULES OF PROCEDURES

BOARD RULES REGARDING FILING OF APPEALS

Appeals will be considered to be complete when a completed UCC form or similar facsimile thereof is received by the Secretary of the Board with the \$100 filing fee (the fee is waived for failure to act on application for permit N.J.A.C.5:23A-2.1(e)). The appeal document must clearly indicate the action, which aggrieved the appellant. The appellant should provide copies of all pertinent documents to support the appeal.

Any appellant that is a legally incorporated entity with more than one member or shareholder must be represented by counsel. The Board recommends that appellants and municipalities be represented by counsel at the hearing. When counsel is required or retained, all correspondence with the Board must be issued through Counsel's office. The Board will not acknowledge other correspondence or requests by parties other than Counsel, where so retained.

In the event of an appeal filed by the contractor or agent and where the outcome of the appeal may require changes to the structure, systems or components, the entity filing the appeal shall, in the absence of the Owner of Record, provide proof, satisfactory to the Board, that the contractor or agent will be allowed access to the property or structure to implement any corrective action or repairs. In the case of a Request for Variation, the Contractor shall provide proof that the Owner of Record is in concurrence with the requested variation.

Proof of Service if not on the documents submitted shall be provided by the Local Enforcing Agency with a full copy of the file documents from the Municipality. **For PL 1995 appeals**, the Municipality must forward to the Board a copy of the full record of the application (N.J.A.C.5:23A-2.1c (1)).

Ten (10) sets of copies to be used at the hearing should be submitted to the Board within seven days prior to the hearing.

All documents submitted to the board by either party must be copied to the adversarial party. (N.J.A.C.5:23A-2.1(d)).

All documents submitted shall be in hard copy form, legible, and capable of additional reproduction in standard office equipment. Partial plans and other incomplete documents will not be accepted for use at the hearing.

BOARD RULES REGARDING WITHDRAWN CASES AND FEES

Appeals should be withdrawn prior to 1:00 PM the day o the hearing. Failure to do so may require the parties to put an appearance on the record as scheduled.

The Board will only acknowledge a request to withdraw an appeal from the Appellant, authorized agent or Counsel for the Appellant.

CONDUCT OF HEARING

5:23A — 2.2 Hearing Procedures

The hearing will begin with the Chairperson making opening remarks regarding:

Statue under which the appeal is being brought

The nature of the appeal

The date of the action appealed from

The basis of the appeal

The Chairperson may request motions from the parties to the appeal regarding timeliness of the filing if it is unclear that the appeal was filed within the time limits prescribed by the regulations.

The Chairperson will request an affirmation from the parties to the appeal that the matter is not being addressed in any other forum or jurisdiction.

Municipal Enforcing Agency and Appellant will present all witnesses who may give evidence at the hearing. Witnesses to be sworn in.

Opening Statement: Representative of the enforcing agency, the municipality, or the professional hired by the municipality or municipal agency, shall explain the basis for the action, ruling, order, notice or fee.

Opening Statement: The appellant, or his or her representative, shall then present the basis for his or her disagreement.

Municipal Enforcing Agency will then present their witnesses to testify, who will then be cross examined by the appellant and then by the Board in the order of presentation.

Appellant will then present his or her witnesses to testify, who will then be cross examined by the Municipal Enforcing Agency and then by the Board in the order of presentation.

Municipal Enforcing Agency will present closing argument. Since the Board has just heard the case, this is intended to highlight areas and may be waived.

Appellant will present closing argument. Since Board has just heard the case, this is intended to highlight areas and may be waived.

MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS

Municipalities Represented	2006	2007	2008	2009	2010	2011
Boonton	1		1		1	
Boonton Twp.			1			
Butler				1	1	1
Chatham				2		
Chatham Borough	1	2	2		1	1
Chester				1	3	
Chester Borough						
Denville		2		1		
Dover	2	2	1			1
East Hanover	2	6			1	2
Florham Park	<i>Not represented by the MC CBA (has its own Board of Appeals)</i>					
Hanover		1		2		1
Harding		2	1			
Jefferson	1	2				
Kinnelon	2	2	1	1		
Lincoln Park						
Long Hill				1		2
Madison	1	1		1		1
Mendham	2				1	
Mendham Borough	2	1	3	1	1	
Mine Hill	2	1				
Montville	2	1	1	1	1	1
Morris Plains	2	2	1			
Morris Twp.	1	2	2	4	1	1
Morristown			4	1	6	5
Mt. Arlington	1			1		
Mt. Olive	1	3	3	1		1
Mountain Lakes						
Netcong						
Parsippany-Troy Hills	6	14	14	5	5	3
Pequannock		2	1	4	6	1
Randolph	5	2	2	3	1	4
Riverdale		1				
Rockaway	1	1				
Rockaway Twp.	3			1	2	
Roxbury		2		1		
Victory Gardens						
Washington					2	1
Wharton	1		1			
<i>Essex County</i>		1				
<i>Somerset County</i>	1	3	1	1		1
<i>Sussex County</i>				1		
<i>Warren County</i>	2	1		1	1	1
<i>Passaic County</i>			1			
TOTAL:	42	57	41	36	34	28