

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES**

DATE: Thursday January 28, 2016 - 7:30 p.m.
OIT CONFERENCE ROOM, 30 Schuyler Place, 4th 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:
Timothy Braden, Sean Donlon, Kimberly Hurley, Keith Lynch (4)

ABSENT: William Asdal, Vice Chairman Jeffrey Betz (2)
ALSO PRESENT: W. Randall Bush, Esq., Evelyn Tierney, Board Secretary

APPROVAL OF RESOLUTION:

Approval of Resolution 2016-1 (2016/17 CBA Meeting Time/Dates). The Board reviewed the 2016/17 meeting date schedule for any potential conflicts. Edward Bucceri made a motion to approve resolution as submitted. Harold Endean seconded the motion. The Board approved the resolution unanimously.

APPROVAL OF MINUTES:

Minutes of the meeting held August 27, 2015 were previously distributed. Edward Bucceri made a motion to approve the minutes as submitted. Chairman Ted Maglione seconded the motion. The Board approved the minutes by the following roll call vote:

YES: Chairman Ted Maglione, Edward Bucceri, Timothy Braden, Sean Donlon, Harold Endean (5)
NO: None
NOT VOTING: Kimberly Hurley Keith Lynch, Craig Villa (2)

CASE TO BE HEARD --- NONE ---

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

MC#2015-3 Victor & Lynn Boyajian v. Township of Harding - *ESCROW APPEAL (Case filed March 6, 2015, stayed to allow for extensive settlement discussions to FEBRUARY 2016 TBD)*

MC#2015-16 PaperMart, Inc., (Block 96 Lot 99.01) v. Township of East Hanover (*parties in settlement negotiations & Board of Adjustment resolution finalization*) stayed to February 2016 TBD

MC#2015-22 C&S Associates c/o Lexington Apartments (worksite: 21 Oak Terrace) v. Borough of Somerville Bureau of Fire Prevention/Somerset County (*12/17/15 1st mtg. date, 1/28/16 2nd mtg. date, 3rd mtg. date HD FEBRUARY 2016 TBD*)

- 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, Board will be kept updated on progress*)
- MC#2016-1** Somerset County YMCA (worksite: 2 Green St.) v. Borough of Somerville Bureau of Fire Prevention/Somerset County (*1/28/16 1st mtg. date, 2nd mtg. date FEBRUARY 2016 TBD*)
- MC#2016-2** Sunset Ridge Electrical LLC (Block 393.1, Lot 1 worksite: 251 Littleton Rd.) v. Township of Parsippany-Troy Hills (*1/28/16 1st meeting date, 2nd mtg. date February 2016 TBD*)
- MC#2016-3** Littleton Plaza LLC, Owner in Fee (Block 393, Lot 1 worksite: 251 Littleton Rd.) v. Township of Parsippany-Troy Hills (Violation #20160003/0), (*1/28/16 1st meeting date, 2nd mtg. date February 2016 TBD*)
- MC#2016-4** Kristian Elverum (Block 55, Lot 7 worksite: 35 Meyersville Rd.) v. Harding Township (*1/28/16 1st mtg. date, 2nd mtg. date February 2016 TBD*)

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

- MC#2015-9** Church of the Immaculate Conception v. Borough of Somerville Bureau of Fire Prevention/Somerset County
- MC#2015-14** Cynthia Marsh VanDecker (worksite: 585 Newark Pompton Turnpike, Block 1904, Lot 5) v. Township of Pequannock
- MC#2015-15** First Baptist Church/Day Care (132 West High Street) v. Borough of Somerville Bureau of Fire Prevention/Somerset County
- MC#2015-17** Michael G. Gallo, Jr. (Incident at McClintock Hall 9/13/15) v. Madison Bureau of Fire Prevention
- MC#2015-18** Summit View Builders LLC (worksite: 167 Flanders Road, Block 4400, Lot 8) v. Township of Mount Olive. Appellant requesting refund of appeal fee. **Action Taken:** Chairman Ted Maglione made a motion to approve the refund of the appeal fee after a quick description by the Board Secretary – Case received October 15th for a Notice issued for failure to get a permit – Pole Barn. Case settled and withdrawn October 19th. The motion was seconded by Kimberly Hurley. The Board approved the motion to refund the appeal fee to the appellant unanimously.
- MC#2015- 19** Robert & Diana Sheriff (worksite: 192 S. Morris St., Block 2101, Lot 13) v. Town of Dover
- MC#2015- 21** Mr. & Mrs. VanLew (Block 31001, Lot 11) v. Township of Denville. Appellant requesting refund of appeal fee. **Action Taken:** Chairman Ted Maglione made a motion to approve the refund of the appeal fee after a quick description by the Board Secretary – Case received November 9th for a Notice issued for failure to get a permit – Chimney, Abatement Notice issued by the municipality November 9th. Case settled and withdrawn November 13th. The motion was seconded by Edward Bucceri. The Board approved the motion to refund the appeal fee to the appellant unanimously.

CORRESPONDENCE

Budget Balance as of 1/28/2016 = \$2,242.90

OLD BUSINESS

NEW BUSINESS

- Announcement of appointment by the Freeholders of Chair and Vice Chair per Resolution #21 dated January 3, 2016.
- 2016 Membership qualification & contact information was provided to the Board members
- 2016 Summary of Appeals provided to the Board members

The Chairman thanked Kimberly Hurley for her long standing membership on the Board since 1993. Her exemplary knowledge that is grounded in reality and not in theory and the insight into the particular matters of construction are invaluable to the Board, and we hope that she will continue to serve on the Board.

NEXT MEETING: February 25, 2016

ADJOURN: On motion duly made and seconded, the meeting was adjourned at 7:45 p.m.

Evelyn Tierney, Board Secretary