

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES**

DATE: Thursday August 28, 2014 - 7:30 p.m.
FREEHOLDER PUBLIC MEETING ROOM

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, Vice Chairman Jeffrey Betz, Edward Bucceri, (7)
Harold Endean, Craig Villa
Alternate Member:
Sean Donlon, Keith Lynch

ABSENT: William Asdal, Kimberly Hurley (2)

ALSO PRESENT:
John Napolitano, Esq., Special Counsel
Evelyn Tierney, Board Secretary

APPROVAL OF MINUTES:

Minutes of the meeting held April 24, 2014 were previously distributed. Craig Villa moved the approval of the minutes as submitted. Edward Bucceri seconded the motion. The Board approved the minutes unanimously (not voting: Jeffrey Betz and Keith Lynch).

CASE TO BE HEARD

MC#2014-8 Morristown Parking Authority (Block 6004, Lot 1, 8, 12 & 16) v. Town of Morristown

Appearances:

Patrick Geary, Operation Manager, Morristown Parking Authority
Robert Flanagan, Morristown Fire Chief
John Clark, AES Fire LLC, Salesman
Fritz Reuss, Construction Official, Town of Morristown
Edward Pehowic, Fire Subcode Official, Town of Morristown

Counsel Napolitano swore in the witnesses.

The witnesses provided testimony regarding the denial of the construction permit applications that were made by the Morristown Parking Authority for three buildings and a connected parking deck. The request to the town was to allow for re-programming of the existing fire notification system that had been installed, approved and inspected in 2008 as an interconnected system for all three buildings and the

connecting garage. The Fire Chief testified that it has been a life safety and quality of life issue to the residents. The fire department is dispatched to the incorrect location since the call comes in whoever dials out first which is not the actual location where the alarm occurs. He understands that a re-programming of the system could rectify the problem.

Mr. Clark testified that he is a salesperson for AES Fire and has provided a proposal for re-programming to the Morristown Parking Authority (letter in application dated June 13, 2014).

Mr. Geary testified that he took the lead and filed the applications with the town for the re-programming and filed the appeal with the board. There have been numerous meetings between the other owners and the parking authority with the Fire Chief attending to propose a system that would solve the current problem and it appears that the proposed re-programming could resolve the issues.

Questions by the Board followed. The Fire Official is not in attendance and no Violations have been issued regarding this issue.

Mr. Reuss and Pehovic testified that the construction permit applications were denied with the fire subcode notes that the re-programming of the system does not comply with the approved system installed at construction and no detailed certified engineering plan or proposal was provided with the permit application showing the details on how the re-programming would work and be monitored.

Questions by the Board followed of the witnesses.

Discussion followed. Jeffrey Betz made a motion to stay the matter for 30 days to allow further discussion between the parties. Discussion followed. The motion was modified by member Betz to uphold the denial of the construction permit applications as issued by the Town of Morristown, due to the appellant not submitting any plans showing the proposed revisions, therefore Morristown Construction Office had no documentation to rely upon to approve the modifications. Keith Lynch seconded the motion. The motion was unanimously approved.

The parties were advised that the decision is effective tonight with a written resolution to be issued and approved at the next meeting and forwarded shortly thereafter.

The Chairman thanked everyone for attending the meeting, and continued with the items on the Agenda.

CASES WITHDRAWN (*“Withdrawal Confirmation” letters faxed & mailed to all parties and made part of the case files*)

MC#2014-4 McEntee Construction Co., LLC (Block 902, Lot 18 Worksite: 620 Route 23) v. Township of Pequannock. The applicant requested the refund of the appeal fee. Edward Bucceri made a motion to deny the refund of the appeal fee. The motion was seconded by Chairman Ted Maglione. The Board approved the motion unanimously.

MC#2014-5 Rui M. Pires (Block 6705 Lot 15 Worksite: 91 Harter Rd.) v. Township of Morris

CASE POSTPONED (*“Correspondence received & issued made part of the case files”*)

---NONE---

CORRESPONDENCE

- CASE FORWARDED TO SOMERSET COUNTY – CONFLICT OF INTEREST – MC#2014-3 N/A - Borough of Wharton, (Appeal was received by the Morris County CBA on 5/7/14, and forwarded to Somerset County CBA copying all parties).
- CASE FORWARDED TO SOMERSET COUNTY – CONFLICT OF INTEREST – MC#2014-6 N/A - Township of Mine Hill, appeal FILED BY OWNER IN FEE, James Standridge, was received by the Morris County CBA on 6/12/14, and forwarded to Somerset County CBA copying all parties. Second appeal package dated June 10, 2014 was received on June 13, 2014 from the attorney representing Madsen Restoration & Motor Sports LLC, Agent/Contractor listed on the Violation Notices also forwarded to Somerset County by letter dated June 16, 2014 copying all parties.
- CASE RECEIVED FROM SOMERSET COUNTY – CONFLICT OF INTEREST - MC#2014-7 N/A Industrial Tube Corp. (Premises: 297 Valley Road) v. Township of Hillsborough/Somerset County (*Case forwarded by SCBA on July 11, 2014 due to conflict of interest*). Case settled and withdrawn 7/17/2014 by parties before receipt of appeal application, fee and Hearing Notice had been issued by MCCBA.

Budget Balance as of 8/28/2014 = \$957.18

OLD BUSINESS

---NONE---

NEW BUSINESS

---NONE---

NEXT MEETINGS: September 25, 2014

ADJOURN: On motion duly made and seconded, the meeting was adjourned at 8:38 p.m.

Evelyn Tierney, Board Secretary