

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS  
MINUTES**

**DATE:** Thursday January 15, 2015 - 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, Harold Endean,       (4)  
                  Craig Villa  
                  Alternate Member:  
                  Sean Donlon, Kimberly Hurley, Keith Lynch                               (3)

**ABSENT:**     William Asdal, Edward Bucceri   (2)

**ALSO PRESENT:**  
                  W. Randall Bush, Assistant County Counsel  
                  Evelyn Tierney, Board Secretary  
                  Mary Jeanne O’Grady, Assistant Board Secretary

**APPROVAL OF RESOLUTION:**  
Approval of Resolution 2015-1 (2015/16 CBA Meeting Time/Dates). The Board reviewed the 2015/16 meeting date schedule for any potential conflicts. Vice Chairman Jeffrey Betz made a motion to approve resolution as submitted. Harold Endean seconded the motion. The Board approved the resolution unanimously.

**APPROVAL OF RESOLUTION:**

- Approval of resolution MC#2014-13 H. Lewis & Julie A. Stone (Block 9402 Lot 10 Worksite: 11 Cromwell Dr.) v. Township of Morris. Jeffrey Betz made a motion to approve resolution. Minor changes were made. Chairman Ted Maglione seconded the motion. The Board approved the resolution as modified by the following roll call vote:

**YES:** Chairman Ted Maglione, Vice Chairman Jeffrey Betz, Craig Villa, Kimberly Hurley       (4)  
**NO:** None   (0)  
**NOT VOTING:** Harold Endean, Sean Donlon, Keith Lynch   (3)

**APPROVAL OF MINUTES:**  
Minutes of the meeting held December 18, 2014 were previously distributed. Chairman Ted Maglione moved the approval of the minutes. Discussion followed and a minor change was made. Kimberly Hurley seconded the motion. The Board approved the minutes as modified by the following roll call vote:

**YES:** Chairman Ted Maglione, Vice Chairman Jeffrey Betz, Craig Villa, Sean Donlon, (6)  
Kimberly Hurley, Keith Lynch

**NO:** None

**NOT VOTING:** Harold Endean (1)

**CASE TO BE HEARD**

**MC#2014-16** Danielle Kalb (Block 391, Lot 1 Worksite: 3 Green Hill Road) v. Township of Parsippany-Troy Hills

**Appearances:**

Justin A. Marchetta, Esq., representing the municipality

Larry L. Wiener, Esq., representing the appellant

**Counsel Bush swore in the following witnesses:**

Terence Coletta, Acting Construction Official

Ronald G. Ferrari, Building Sub Code Official

Joseph J. Bruno, AIA, Architect

Danielle Kalb, Program Coordinator, Horizon Adult Day Care Center LLC

The following were marked as Exhibits. Both parties stipulated and will refer to the documents throughout the hearing:

- A1 – Original appeal submittal
- A2 – Counsel Marchetta January 6, 2015 letter & submittal (PTH001-007)
- A3 – Counsel Marchetta January 7, 2015 letter & submittal (PTH 008-023)
- A4 – Counsel Marchetta January 14, 2015 letter
- A5 – Counsel Marchetta January 15, 2015 letter & submittal (PTH 024-025)

Witness Ferrari testified that he received a construction permit application (PTH001) for Block 391; Lot 1 for a change in use Group B to an I-4 use group (Adult Day Care) dated 12/15/2014. A “Denial of Permit” (PTH006-007) was issued on 12/16/2014. There was no analysis of the various code sections provided by the Architect with the original permit application and the denial was issued to open the appeals forum to the applicant. A detailed analysis on code section NJAC 5:23-6.31 has since been provided by the Architect (PTH008-010).

After reviewing the analysis it appeared that a sprinkler system is required when a change occurs from a B use group to an I-4 use group.

Cross examination followed.

Mr. Coletta testified that he denied an “Application for a Variation” (PTH024) on January 14, 2015. The variation proposes the installation of a smoke detection system instead of the sprinkler system.

Cross examination followed.

Ms. Kalb testified that a Social Adult Day Center is proposed on the premise which has a handicapped accessible ramp and two exits. She described the layout of the one story floor space, and that a maximum

total of fifteen people will occupy the space with three staff members and up to twelve clients Monday – Friday from 7:00 am – 7:00 pm.

Cross examination followed.

Mr. Bruno was offered as an expert witness and he reported on his credentials. No objections by the municipality. The Board accepted him as an expert witness.

Architect Joseph J. Bruno testified extensively in regards to code sections NJAC 5:23-6.31, Table G and its subsections, International Building Code 2009 New Jersey edition section 903.2.6 Group I occupancies (page 173) in regards to the requirement for a sprinkler system stating that in regards to an I-4 use group the code in his opinion is not clear. An estimate had been received and the cost for a sprinkler system could be up to thirty thousand dollars which is a burden to the appellant and therefore the variation application.

Cross examination and discussion followed. A five minute break was requested.

After the break the parties jointly consented to a request that the Board postpone continuing the hearing to allow settlement discussion between the parties. The Chairman acknowledged the request and the Board agreed. The parties were advised that the matter will be carried to the next meeting date of February 26, 2015. The parties were asked to provide a status update to the Board Secretary prior to that meeting.

The parties were excused and the Chairman 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#2014-15** Douglas Troast (Block 1201 Lot 20 Worksite: 164 West Parkway) v. Township of Pequannock

**NEW BUSINESS**

- Announcement of appointment by the Freeholders of Chair and Vice Chair per Resolution #22 dated January 2, 2015.

**NEXT MEETINGS:** February 26, 2015

**ADJOURN:** On motion duly made and seconded, the meeting was adjourned at 9:35 p.m.

---

Evelyn Tierney, Board Secretary