

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES**

DATE: Thursday August 27, 2015 - 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, Vice Chairman Jeffrey Betz, Edward Bucceri, (4)
Harold Endean
Alternate Members:
Timothy Braden, Sean Donlon (2)

ABSENT: William Asdal, Kimberly Hurley, Keith Lynch, Craig Villa (4)
ALSO PRESENT: Evelyn Tierney, Board Secretary

APPROVAL OF MINUTES:

Minutes of the meeting held April 23, 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, Harold Endean, Sean Donlon (4)
NO: None
NOT VOTING: Vice Chairman Jeffrey Betz, Timothy Braden (2)

CASE TO BE HEARD --- NONE---

CASES POSTPONED (*correspondence received and issued are made part of the case files*)

- MC#2015-3** Victor & Lynn Boyajian v. Township of Harding - *ESCROW APPEAL (1st mtg. date 3/27/15, 60 day postponement request received. 2nd mtg. date 5/28/15, 3rd mtg. date 6/17/15, 60 postponement request until 8/27/15, postponed to 10/22/2015)*

- MC#2015-9** Church of the Immaculate Conception v. Borough of Somerville Bureau of Fire Prevention/Somerset County (*1st mtg. date 7/23/15, 2nd mtg. 8/27/15, 3rd mtg. date 9/24/15HD*)

- MC#2015-12** VEECH CONSTRUCTION CORP. (worksite: Fox Hill Drive Bldg. 6) v. Town of Dover (*1st mtg. date 8/27/15, 2nd mtg. date 9/24/15*)

- MC#2015-14** Cynthia Marsh VanDecker (worksite: 585 Newark Pompton Turnpike, Block 1904, Lot 5) v. Township of Pequannock (*1st mtg. date 8/27/15, 2nd mtg. date 9/24/15*)

CASES WITHDRAWN (*“Withdrawal Confirmation” letters faxed & mailed to all parties and made part of the case files*)

- MC#2015-6** AIR-A-TECH LLC v. Township of Denville
- MC#2015-7** JFA Builders, DSL Electrical Contractor, Available Plumbing & Heating (Block 5102, Lots 23 & 24) v. Town of Morristown

MC#2015-10 Thomas Lead Renovators, LLC v. Town of Dover – Appellant requesting refund of appeal fee for wrongfully being cited. **Action Taken:** Consideration of refund of the appeal fee (*Case filed 7/6/2015, withdrawn 8/5/2015*). Chairman Ted Maglione made a motion to approve the request for the refund of the appeal fee. The motion was seconded by Edward Bucceri. The motion to refund the appeal fee was approved by the following roll call vote:

YES: Chairman Ted Maglione, Vice Chairman Jeffrey Betz, Edward Bucceri, Harold Endean (6)
Timothy Braden, Sean Donlon

NO: None (0)

MC#2015-11 Christopher Arcell (worksite: 4 Dogwood Drive) v. Township of Denville

MC#2015-13 Centercourt at Morristown, LLC (worksite: 65 Columbia Rd. Block 9003, Lot 10) v. Township of Morris Bureau of Fire Prevention

CORRESPONDENCE

Budget Balance as of 8/27/2015 = \$1,800.90

- An appeal was received via facsimile on May 20, 2015, the original received May 21, 2015 via United Parcel from Attorney Robert C. Garofalo, Esq., representing Hudson News Distributors LLC regarding a zoning issue for Block 741, Lot 3 in Parsippany Troy-Hills Township. The Board secretary mailed a letter dated May 21, 2015 to Robert C. Garofalo, Esq. per counsel's advice that the applicant's statement citing the provision/section being appealed is "Local ordinance #92-45. The appeal concerns a local ordinance. Therefore, the matter involves local municipal court and not the County Construction Board of Appeals. If counsel for the appellant disagrees then he/she should present written legal authority to the Board to support that the Board has jurisdiction to hear the appeal of a local ordinance.

OLD BUSINESS NONE

NEW BUSINESS

- The Chairman welcomed new member Timothy Braden.
- The Board Secretary provided updated confidential membership contact information to each member as well as an updated summary of appeals worksheet.
- Vice Chairman Jeffrey Betz reported on his status with the ICC. The ICC membership number was provided to all members.

NEXT MEETING: September 24, 2015

ADJOURN: On motion duly made and seconded, the meeting was adjourned at 7:50 p.m.

Evelyn Tierney, Board Secretary