

**MORRIS COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES**

DATE: Thursday, July 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, Vice Chairman Jeffrey Betz, (5)
Edward Bucceri, Harold Endean, Craig Villa
Alternate Members: William Asdal, Sean Donlon (2)
ABSENT: Timothy Braden, Kimberly Hurley, Keith Lynch (3)

ALSO PRESENT: W. Randall Bush, Esq., Board Counsel, Evelyn Tierney, Board Secretary

APPROVAL OF RESOLUTION:

Resolution MC#2016-4 Kristian Elverum (Block 55, Lot 7 worksite: 35 Meyersville Rd.) v. Harding Township. Case heard and decided on April 28, 2016. The resolution was previously distributed. Edward Bucceri made a motion to approve the resolution as submitted. Harold Endean seconded the motion. The Board approved the resolution by the following roll call vote:

YES: Chairman Ted Maglione, Vice Chairman Jeffrey Betz, Edward Bucceri, (7)
Harold Endean, Craig Villa, William Asdal, Sean Donlon
NO: None (0)

APPROVAL OF MINUTES:

Minutes of the meeting held April 28, 2016 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, Vice Chairman Jeffrey Betz, Edward Bucceri, (7)
Harold Endean, Craig Villa, William Asdal, Sean Donlon
NO: None (0)

CASE TO BE HEARD ---NONE---

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

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 – status update received 4/20/16*)

MC#2016-17 170 Madison Ave, LLC – S. Samman v. Town of Morristown **ESCROW APPEAL** (*1st mtg. date 7/28/16, 2nd mtg. date will be 8/25/16*)

MC#2016-18 New Montville Realty LLC. (Block 123, Lot 2 worksite: 107 Changebridge Road) v. Township of Montville (*1st mtg. date 7/28/16, 2nd mtg. date will be 8/25/16*)

CASES WITHDRAWN (“Withdrawal Confirmation” letters issued to all parties and made part of the case files)

MC#2015-3 Victor & Lynn Boyajian v. Township of Harding - **ESCROW APPEAL**

MC#2016-1 Somerset County YMCA (worksite: 2 Green St.) v. Borough of Somerville Bureau of Fire Prevention/Somerset County

MC#2016-8 Frankoski Construction Co., Inc. (Block 2801, Lot 8 worksite: 26 Green Village Rd.) v. Borough of Madison

MC#2016-9 Barbara Traflet (Block 37.01, Lot 21 worksite: 39 Elm Street) v. Borough of Butler

MC#2016-10 Tom Seretis c/o Pauline Seretis (Block 6407, Lot 2, worksite: 1200 Route 46 TOMS DINER) v. Roxbury Township – Appellant requesting refund of appeal fee (Appeal filed May 3rd, HN issued, appeal withdrawn May 17th, **Action Taken:** Discussion by the Board followed, and it was noted that minimal correspondence was processed by the Board Secretary. Chairman Ted Maglione made a motion to approve the request for the refund of the appeal fee. The motion was seconded by William Asdal. 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, (7)
Harold Endean, Craig Villa, William Asdal, Sean Donlon

NO: None (0)

MC#2016-12 Tom Seretis c/o Pauline Seretis (Block 6407, Lot 2, worksite: 1200 Route 46 TOMS DINER) v. Roxbury Township Bureau of Fire Prevention – Appellant requesting refund of appeal fee (Appeal filed May 11th, HN issued, appeal withdrawn May 19th, **Action Taken:** Discussion by the Board followed, and it was noted that minimal correspondence was processed by the Board Secretary, and that the Violations listed should have been issued under the UCC and not the UFC code requirements. Chairman Ted Maglione made a motion to approve the request for the refund of the appeal fee. The motion was seconded by William Asdal. 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, (7)
Harold Endean, Craig Villa, William Asdal, Sean Donlon

NO: None (0)

The Secretary was requested to process the necessary documents to refund the appeal fees.

MC#2016-14 Askold Lozynskyj (Block 89, Lot 1, worksite: 86 Rogerine Way) v. Mt. Arlington Borough

MC#2016-16 Fin Associates Limited Partnership c/o USLR (Premises: 5 Finderne Ave.) (Note: Violation was issued to USLR) v. Township of Bridgewater Bureau of Fire Safety/Somerset County

CORRESPONDENCE

- MC#2016-11 NA - CASE FORWARDED TO SOMERSET COUNTY – CONFLICT OF INTEREST – Notices issued by Township of Hanover CO, (Appeal was received by the Morris County CBA on 5/4/16, and forwarded to Somerset County CBA on 5/4/16 copying all parties).
- MC#2016-13 NA - Zeitlin v. Morris Twp. – appeal documents received May 23, 2016 – Letter dated May 16, 2016 issues by Morris Township Code Enforcement Officer David S. Hansen requiring Local Ordinance 95-37F and pre-approval compliance. Original documents returned to appellant by Board letter dated May 23, 2016 advising of non-jurisdiction by the Board to hear the matter copying the Code Enforcement Officer and Municipal Attorney.
- MC#2016-15 NA – CASE FORWARDED TO SOMERSET COUNTY – CONFLICT OF INTEREST – Notice issued by Mine Hill Twp. Construction Official, Sean Donlon. Appeal document package forwarded to Somerset County CBA by letter dated June 13, 2016 copying all parties to the appeal.
- Appeal package received June 22, 2016 from attorney Fiorilla representing the appellant M&E Railway Inc. regarding a Stop Work Order issued June 9, 2016 by East Hanover Twp. It was requested for the appeal to be returned since the matter became moot after the Stop Work Order was released by letter dated June 21, 2016. The secretary returned the appeal package to counsel Fiorilla in its entirety by letter dated June 24, 2016 copying the municipal attorney Fred Semrau, Esq.

Budget Balance as of July 28, 2016 = \$2,842.90

OLD BUSINESS

NEW BUSINESS

NEXT MEETINGS: Thursday August 25, 2016

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

Evelyn Tierney, Board Secretary