

**BUILDING AND FIRE CODES APPEALS
AND ADVISORY BOARD MINUTES
MAY 22, 2002**

The Building and Fire Codes Appeals and Advisory Board Meeting, duly advertised in accordance with law, was called to order by the Vice Chairman at 8:32 a.m., Wednesday, May 22, 2002, in the Board of Commissioners' Meeting Room, Township Municipal Building, 1820 McLaughlin Run Road.

PRESENT: BOARD MEMBERS

Joseph Valvo, Vice Chairman
Robert E. Maloy

TOWNSHIP STAFF

Ronald S. Veyo, Chief Inspector/Deputy Zoning Administrator
Deborah A. Waller, P.E., Fire Marshal
Kathleen R. Oberle, Recording Secretary

TOWNSHIP ATTORNEY

Christopher W. Cahillane, Representing the Township Attorney

PUBLIC: Two (2) persons.

CONSIDERATION OF MINUTES OF APRIL 10, 2002

On motion by Mr. Maloy, seconded by Mr. Valvo, carried unanimously, the above minutes were approved for filing as written.

ADMINISTRATION OF OATH OF TRUTH

Mr. Valvo administered the Oath of Truth to the following persons who expected to testify: Deborah A. Waller, Fire Marshal; Ronald S. Veyo, Chief Inspector/Deputy Zoning Administrator; James P. Tierno, owner of Ace Tech Computers and the subject property; and Josette J. Zaazouh, Office Manager for Ace Tech Computers.

OLD BUSINESS

**BFC02-0001 – ACE TECH COMPUTERS SUPPLIES, JAMES P. TIERNO
1321 McLAUGHLIN RUN ROAD**

Present were James P. Tierno and Josette J. Zaazouh. Mrs. Waller entered into evidence Applicant's Exhibit 5 and Township Exhibits 53 through 59 as outlined in her memo to the Board dated May 22, 2002 (Township Exhibit 59). She then presented a brief synopsis of the Chronology since April 10, 2002 and the Township Position as stated in Township Exhibit 59.

Mr. Maloy questioned the difference between the outstanding general code compliance issues and those specifically related to the use of the third floor. Mrs. Waller replied that item 12.3 of her memo is specifically related to the third floor. Should the applicant opt to abandon use of the third floor, then smoke detectors would not be required throughout. The rest of the items are related to general code compliance. By way of clarification, Mrs. Waller stated that items 12.8, 12.9 and 12.10 have been accomplished.

Mr. Tierno stated that he was “okay with everything that she is requiring at this point.” He added that he does have a problem with item 12.9 (furnace room) because of the fact that the duct work is very low, approximately 4.5 feet off the ground, and he doubted that dry wall could be installed. He added that the rest of the walls have been drywalled and the kitchen use has been abandoned. Mrs. Waller replied that the walls were not completely drywalled and while it would be a challenge to do the ceiling, it could be accomplished. Mr. Tierno stated that the room contains 2 furnaces, a hot water tank and duct work. There are offices above the furnace room.

Out of concern for potential future use of the building, Mr. Valvo stated that he would like to see written into their motion the prohibition of any open flame in this building, including anything from a bunsen burner to a blowtorch. Mrs. Waller replied that this is a Use Group B property and the Fire Code requires a permit for any open flame, such as candles, cooking, etc.

Mr. Maloy felt that this concern, while valid, was not within the constraint of this appeal and therefore should not be factored into his motion. Mr. Maloy then made the following motion:

MOTION: That the agreement between the parties go forward in lieu of the fire suppression system as written including the ceiling in the furnace room and that the applicant proceed with the Fire Marshal’s recommendations.

Mr. Valvo asked if Mr. Maloy would include the prohibition of open flames in his motion. Mr. Maloy replied he would not because he viewed it as a permit issue and not the applicant’s problem in this appeal. Mrs. Waller agreed with Mr. Maloy.

Mrs. Waller requested that the Board put a time limit on completion of the items. Mr. Maloy agreed and asked Mr. Tierno for his opinion. Mr. Tierno replied that he has offered his potential buyer the option of deducting \$X from the purchase price if the buyer wants to complete the work outlined in Township Exhibit 59. If not, then Mr. Tierno will complete the work. Mr. Tierno had no problem with a 30-day time limit. Should the property transfer without all items having been addressed, then the Township would have to deal with the new owner. Mrs. Waller stated that it does not matter to the Township who completes the items, just that they are completed. Mr. Tierno stated that “I’ll get it done anyway, because even if the deal falls through, I can’t sell it without the third floor, but I want to go on record ... that we will get a permit, that’s the main thing I want to hear from her, that this is the last straw. We won’t get any more problems. We will get a permit. That’s what I want to know.” By way of clarification, Mrs. Waller replied that the Township has never denied the applicant a permit and neither has their current occupancy permit been revoked. The main issue rests with the modifications required in order to make the third floor usable. Once the required permits are obtained by the

applicant for this work, and presuming all required inspections pass the approval of the Township, then a separate Certificate of Use and Occupancy will be issued for the third floor. Mr. Valvo stated that he did not want to have to address this issue again.

Some discussion followed concerning the length of time it could take for Labor & Industry approval of the construction plans and whether or not a time frame should be included in the motion. Mrs. Waller agreed that most of the items could be accomplished within 30 days; however, the items related to the third floor could take longer. Mr. Maloy stated that he would like the applicant to be allowed sufficient time to obtain approval from Labor & Industry for use of the third floor. Mrs. Waller was agreeable to allowing more time for completion of the third floor, but she felt that the general code compliance issues could be and should be accomplished rather quickly. Mr. Maloy agreed.

Clarification was requested from Attorney Cahillane as to the date from which the time frame would begin; the close of the hearing or the date of the written decision, which is required to be rendered within 60 days of the close of the hearing. Mr. Cahillane opined that the time frame would begin from the date of the written decision.

Mrs. Waller stated that the Township would be agreeable to the completion of items 12.4, 12.5, 12.9, and 12.11 of Township Exhibit 59 within 30 days and the third floor needs to be either vacated or brought into compliance within 60 to 90 days. It is up to the applicant to decide one way or the other. Mr. Maloy felt that this would negate the need to begin the time frame from the date of the written decision.

MOTION: THAT the applicant be required to complete items 12.4, 12.5, 12.9, and 12.11 of Township Exhibit 59 within thirty (30) days of today (by June 21, 2002) and that the remaining issues related to occupancy of the third floor, specifically items 12.2, 12.3, 12.6 and 12.7, must be accomplished within ninety (90) days from today (by August 20, 2002), or the use of the third floor must be completely abandoned. Upon certification by the Township of satisfactory compliance with all items, the applicant will be eligible for an occupancy permit for the third floor.

Motion by Mr. Maloy, seconded by Mr. Valvo, carried by unanimous voice vote, 2-0.

Mr. Tierno requested assurance from the Township that he would obtain his occupancy permit if he did all these things and that there would be no more things tacked on. Mr. Maloy stated that if these issues are taken care of as outlined, then he would be in compliance and eligible for a permit. Mrs. Waller reminded the Board that the applicant has a history of doing construction without the proper permits. Mr. Cahillane reiterated that if something else arises in the meantime, that would have to be dealt with. However, it should be a fair assumption to say that barring any additional violations and if all outstanding issues are remedied, then the applicant would be in compliance. Mr. Valvo reminded the applicant that the "operative word is compliance."

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ADJOURNMENT

There being no further business, it was moved, seconded and carried unanimously that the meeting be adjourned at 9:25 a.m.

Prepared by Kathleen R. Oberle
Recording Secretary