

**Mickleton Monthly Meeting
Of the Religious Society of Friends (Quakers)
Mickleton, New Jersey
12 January 2012**

Construction Board of Appeals
County of Gloucester
P.O. Box #337
Woodbury, New Jersey 08096-0337

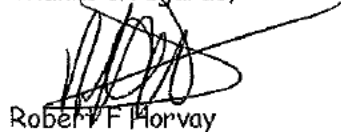
Construction Board of Appeals:

RE: Registration #0803-008

Enclosed is my check (#7140) for \$50. The Meeting is appealing the Notice of Violations & Order to Correct. The meetinghouse is on the National Historic Register & we feel that adding lighted exit signs & emergency lighting would greatly detract from the historic nature of the Meeting's worship room. With 6 exits (4 of which are directly to the outdoors) for a 28' x 44' room, we feel that the room does not need exit signs or lights. Except for the electricity installed in 1924, and the heating facility in the annex, the worship room is as it was in the 1800s. I'm in the process of contacting a historical architect & other historic meetinghouses in New Jersey to find out whether any of the meetinghouses have lighted exit signs & emergency lighting in their worship rooms.

As an aside, the owner & tenant/operator is Mickleton Friends Meeting—not Barry Sloane. Decisions about the Meeting, are made by Mickleton Monthly Meeting during its Meetings for Worship with Attention to Business held at the end of each month. The Meeting's mailing address is Mickleton Friends Meeting, P.O. Box #231, Mickleton, New Jersey 08056-0231.

Thanks & regards,



Robert F. Horvay

for Mickleton Friends Meeting's Property Committee

140 Colson Lane

Mullica Hill, New Jersey 08062-1948

Home phone: [REDACTED]

cc: Gloucester County Office of the Fire Marshal
Richard Williams, co-clerk, Property Committee
Barry Sloane, clerk

County Of Gloucester
Office of the Fire Marshal
Department of Emergency Response
212 County House Rd.
Clarksboro, N.J. 08020

TEL: (856) 307-7137
FAX: (856) 307-6621

Registration No.: 0803-66003-001-01

Municipality:

County: Gloucester

Inspector: Charles Murtaugh

Inspected: 10/24/2011

Page: 1

To: Mickleton Friends Meeting
C/O Gloria K Horvay
140 Colson Lane
Mullica Hill, NJ 08062

NOTICE OF VIOLATIONS
and
ORDER TO CORRECT

Premises: Little Red School House
Address: 12 Harmony Road , Mickleton, NJ 08056
Phone: 856-223-5111 Type of use: AD06-meeting area / community room

	<u>OWNER</u>	<u>AGENT</u>	<u>TENANT/OPERATOR</u>
Name:	Mickleton Friends Meeting		Mickleton Friends Meeting
Address:	C/O Gloria K Horvay 140 Colson Lane Mullica Hill, NJ 08062		C/O Gloria K Horvay 140 Colson Lane Mullica Hill, NJ 08062
Phone:			

YOU ARE HEREBY NOTIFIED THAT an inspection by this office disclosed violations of the Uniform Fire Code (N.J.A.C. 5:70-1 et. seq.) promulgated pursuant to the New Jersey Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et. seq.). The violations are specified on the accompanying "Violations" report page(s).

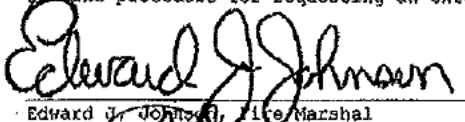
YOU ARE HEREBY ORDERED by the Fire Marshal to correct the violations listed on the accompanying "Violations" report page(s) within the time, or by the date specified. If a reinspection discloses that violations have not been corrected, and an extension has NOT been requested and granted, you will be subject to penalties of up to \$5,000 per violation per day or as otherwise authorized by the Act and Department Regulations.

IN ADDITION, the ACT imposes liability on the owner for the actual costs of fire suppression where a violation directly or indirectly results in fire.

If you do not understand this order, need assistance, or desire further information, please call the Fire Marshal's Office at (856) 307-7137

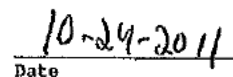
APPEAL RIGHTS-EXTENSIONS

See the attached page of information concerning your administrative appeal rights, authorized penalties and the procedure for requesting an extension of time in which to correct violations.


Edward J. Johnson, Fire Marshal

Signature of Owner or Representative


Printed Name of Owner or Representative


Date

VIOLATIONS

Premises: Little Red School House
12 Harmony Road

Mickleton, NJ 08056

Owner/Agent: Mickleton Friends Meeting
C/O Gloria K Horvay
140 Colson Lane
Mullica Hill, NJ 08062

Registration No. 0803-66003-001-01
Inspection Date: October 24, 2011
Initial Inspector:
Print Name: Charles Murtaugh
Page number: 2

Date:

Inspector:

The violations cited on the above premises are as follows:

Number	Description (Maintenance: 3 Retrofit: 0)	Abate by	U/A	U/A	U/A
1.	Location: THROUGHOUT THE BUILDING Nature: ALL FIRE EXTINGUISHERS MUST INSPECTED, MAINTAINED, TESTED IN ACCORDANCE WITH NFPA 10 Code Section: N.J.A.C. 5:70-3, 906.2	11/23/2011			
2.	Location: SIDE GLASS DOOR Nature: EXIT SIGNS MUST BE ILLUMINATED AT ALL TIMES Code Section: N.J.A.C. 5:70-3, 1011.1	11/23/2011			
3.	Location: KITCHEN Nature: INSTALL A KITCHEN HOOD SYSTEM OVER TOP OF THE KITCHEN RANGE Code Section: N.J.A.C. 5:70-3, 609.1	11/23/2011			

Key: The numbering of violations is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.
"U" Unabated - Violation uncorrected.
"A" Abated - Violation corrected.

ADDITIONAL EXPLANATION

Violation #01: ALL FIRE EXTINGUISHERS MUST INSPECTED, MAINTAINED, TESTED IN AC

906.2 General requirements. Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.

Exceptions:

- 1) The travel distance to reach an extinguisher shall not apply to the spectator seating portions of Group A-5 occupancies.
- 2) Thirty-day inspections shall not be required and maintenance shall be allowed to be once every three years for dry-chemical or halogenated agent portable fire extinguishers that are supervised by a listed and approved electronic monitoring device, provided that all of the following conditions are met:
 - 2.1) Electronic monitoring shall confirm that extinguishers are properly positioned, properly charged and unobstructed.
 - 2.2) Loss of power or circuit continuity to the electronic monitoring device shall initiate a trouble signal.
 - 2.3) The extinguishers shall be installed inside of a building or cabinet in a noncorrosive environment.

TABLE 906.1

ADDITIONAL REQUIRED PORTABLE FIRE EXTINGUISHERS

[please refer to print edition for Table Information]

Violation #02: EXIT SIGNS MUST BE ILLUMINATED AT ALL TIMES

1011.1 Exit signs. All means of egress shall be indicated with approved "Exit" signs where required by the construction code in effect at the time of first occupancy or N.J.A.C. 5:70-4 et seq., as applicable. All "Exit" signs shall be maintained visible, and all illuminated exit signs shall be illuminated at all times the structure is occupied. Supplemental internally illuminated directional signs, when necessary, shall be installed in accordance with the technical requirements of the Uniform Construction Code indicating the direction and way of egress.

Violation #03: INSTALL A KITCHEN HOOD SYSTEM OVER TOP OF THE KITCHEN RANGE

609.1 General. Commercial kitchen exhaust hoods including those in mobile enclosed units shall be maintained in accordance with the requirements of the mechanical subcode of the Uniform Construction Code and NFPA 96.

ADMINISTRATIVE APPEAL RIGHTS**GENERAL**

YOU MAY CONTEST THESE ORDERS AT AN Administrative Hearing. The request for a hearing must be made in WRITING WITHIN 15 days after receipt of this order. The application for appeal shall be accompanied by a fee in the sum of \$ 50.00 payable to Construction Board of Appeals and addressed to:

Construction Board of Appeals
County of Gloucester
P.O. Box 337
Woodbury, NJ 08096

Copy to: County Of Gloucester
Office of the Fire Marshal
Department of Emergency Response
212 County House Rd.

EXTENSIONS

If a specified time has been given to abate a violation, you may request an extension of time by submitting a written request to the Fire Marshal. To be considered, the request must set forth the work accomplished, the work remaining, the reason why an extension of time is necessary, and the date by which all work will be completed.

Take Notice That, pursuant to N.J.A.C. 5:70-2.10(d), an application for an extension constitutes an admission that the violation notice is factually and procedurally correct and that the violations do or did exist. In addition, the request of an extension constitutes a waiver of the right to a hearing as to those violations which an extension is applied.

PENALTIES

The maximum penalty for any act or omission in violation of the act or code but not enumerated in this subsection is \$5000.00 per violation per day. Except as specified below, a violation of N.J.A.C. 5:70-3 or 4 shall subject the violator to a maximum penalty of \$500.00 per violation per day. Specific violations shall subject violators to penalties as follows:

1. **IMMINENT HAZARD-PUNITIVE CLOSURE:**
 - (i) Failure to obey an Imminent Hazard Order, a maximum of \$5000.00 per day for each day that the failure continues.
 - (ii) Failure to obey an order to close for a fixed period of time issued pursuant to N.J.A.C. 5:70-2.17, a maximum of \$5000.00 per day for each day that the failure continues.
2. **EGRESS:**
 - (i) Blocking, locking, or obstructing required exits in a place of public assembly or education, a maximum of \$5000.00 per occurrence.
 - (ii) Blocking, locking, or obstructing required exits in any other place, a maximum of \$2500.00 per occurrence.
3. **OCCUPANCY:**
 - (i) Exceeding the maximum permitted occupancy in a place of public assembly or education...
 1. for the first offense, a maximum of \$2500.00
 2. for a subsequent offense, a maximum of \$5000.00
 - (ii) Exceeding the maximum permitted occupancy in any other place...
 1. for the first offense, a maximum of \$500.00
 2. for a subsequent offense, a maximum of \$ 2500.00
4. **FIRE PROTECTION EQUIPMENT:**
 - (i) Failure to install a required suppression or detection device, after having been given written notice of the requirement to do so...
 1. in a place of public assembly or education, a maximum of \$2500.00 per violation per day.
 2. in any other place, a maximum of \$1000.00 per violation per day.
 - (ii) Disabling or decreasing the effectiveness of any fire suppression system or alarm device...
 1. in a place of public assembly or education, a maximum of \$5000.00 per occurrence.
 2. in any other place, a maximum of \$1000.00 per occurrence.
5. **FAILURE TO COMPLY WITH A LAWFUL ACTION**
 - (i) A negligent or inadvertent failure to comply with a lawful order, ruling, notice or other action of the Commissioner of a Local Enforcing Agency - a maximum of \$2000.00 per occurrence.
 - (ii) A refusal or deliberate failure to comply with a lawful order, ruling, notice or other action of the Commissioner of a Local Enforcing Agency - a maximum of \$5000.00 per occurrence.
6. **OBSTRUCTION**
 - (i) Anyone who obstructs, hinders, delays or interferes by force or otherwise with the Commissioner or any member of a Local Enforcing Agency in the exercise of any power or the discharging of any function or duty under the provision of this Code - a maximum of \$2500.00 per occurrence.
7. **PERMITS**
 - (i) Failure to obtain a required permit prior to commencing the operations, process, or activity for which a permit was required - a maximum of double the amount of the applicable permit fee.
 - (ii) Failure to obtain a required permit after being ordered to do so while continuing the operation, process or activity - a maximum of \$5000.00 per day during which the operation, process, or activity continues.
8. **REGISTRATION**
 - (i) Failure to file a registration application after having been ordered to do so - an amount equal to double the registration application fee, but not less than \$200.00 or more than \$1000.00 for each registration.
 - (ii) Failure to pay required annual registration fee when due - an amount equal to the unpaid fee.
9. **FALSE STATEMENTS**
 - (i) Preparing, uttering, or rendering any false statement, pertaining to reports, documents, plans, or specifications permitted or required under the provisions of this Code - a maximum of \$5000.00
 - (ii) Submission of a materially false application for a permit or registration - a maximum of \$1000.00 per occurrence.

DEDICATED AND COMPENSATORY PENALTIES 5:70-2.12A

An owner, having been given notice of the existence of a violation and failing to abate same, shall in addition to being liable for penalties under N.J.A.C. 5:70-2.12A, also be liable to a dedicated penalty pursuant to this subsection (\$50,000.00 and \$150,000 for compensatory penalties).

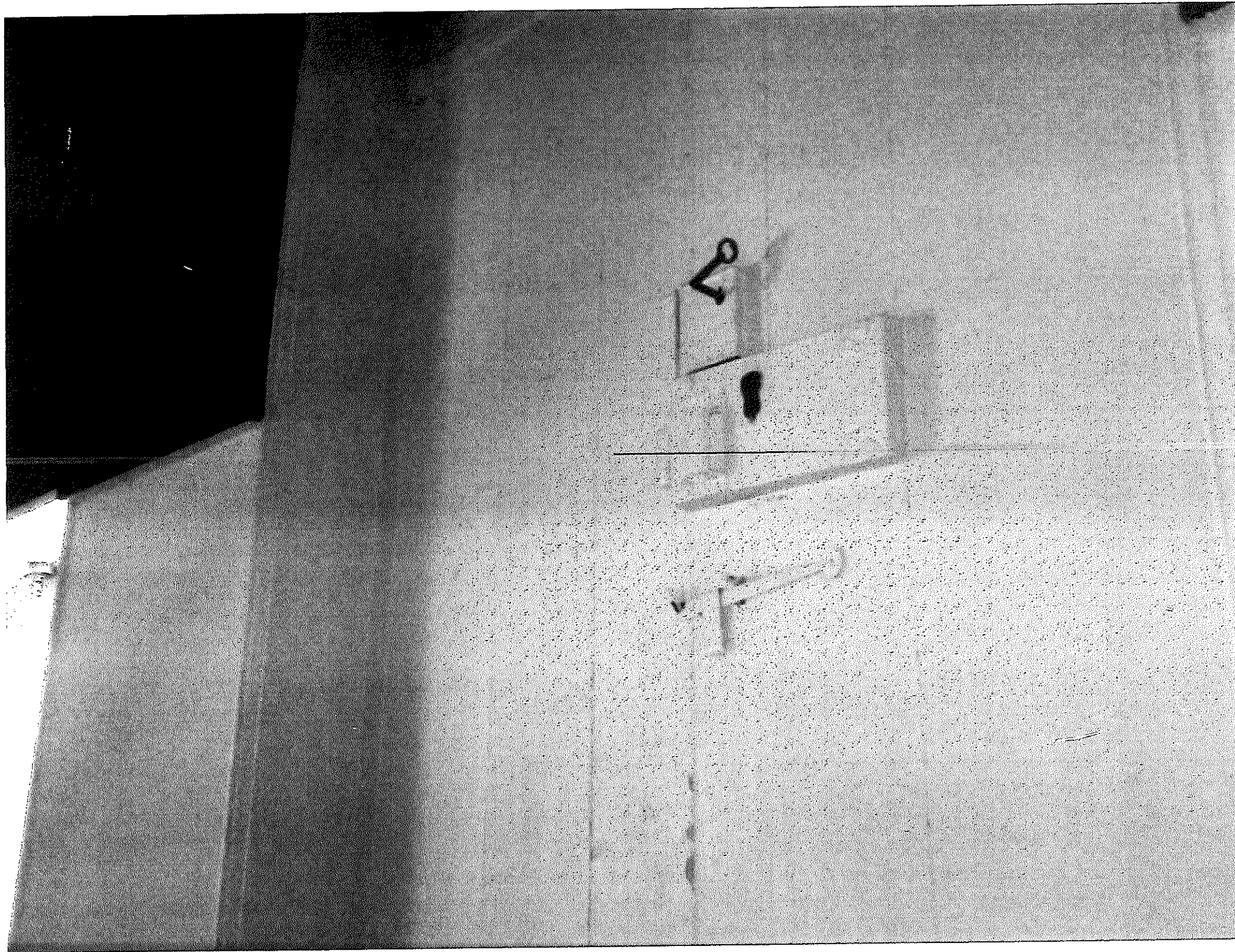
FIRE DEPARTMENT COSTS 5:70-2.13 (a), (b), (c)

An owner who has been given notice of violation shall be responsible for a penalty not exceeding \$150,000.00, or the costs of suppressing any fire which directly or indirectly results from the violation, whichever is greater.

Claims arising out of penalty assessments can be compromised or settled only if it shall be likely to result in compliance. Moreover, no such disposition can be finalized while the violation continues to exist.

Any penalties assessed are in addition to over previously assessed. Penalties must be paid in full within 30 days after an order to pay. If full payment is not made within 30 days, the matter will be referred to the township attorney for summary collection pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et. seq.).

NOTICE: If you require guidance or advice concerning your legal rights, obligations or the course of action you should follow, consult your own advisor.





County Of Gloucester
Office of the Fire Marshal
Department of Emergency Response
212 County House Rd.
Clarksboro, N.J. 08020

TEL: (856) 307-7137
FAX: (856) 307-6621

Registration No.: 0803-008

Municipality:

County: Gloucester

Inspector: Charles Murtaugh

Inspected: 12/31/2011

Page: 1

To: Barry Sloane
24 Lake Drive
Woodbury NJ 08096

NOTICE OF VIOLATIONS
and
ORDER TO CORRECT

Premises: Friends Meeting House
Address: 413 Kings Highway , Mickleton, NJ 08056
Phone: Type of use: -church

OWNER
Name: Barry Sloane
Address: 24 Lake Drive
Woodbury NJ 08096
Phone: 856-845-7682

AGENT

TENANT/OPERATOR

Barry Sloane
24 Lake Drive
Woodbury NJ 08096
856-845-7682

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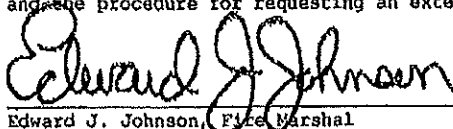
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IN ADDITION, the ACT imposes liability on the owner for the actual costs of fire suppression where a violation directly or indirectly results in fire.

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Edward J. Johnson, Fire Marshal

Signature of Owner or Representative

Printed Name of Owner or Representative

Date

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FIRE DEPARTMENT COSTS 5:70-2.13 (a), (b), (c)

An owner who has been given notice of violation shall be responsible for a penalty not exceeding \$150,000.00, or the costs of suppressing any fire which directly or indirectly results from the violation, whichever is greater.

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NOTICE: If you require guidance or advice concerning your legal rights, obligations or the course of action you should follow, consult your own advisor.

VIOLATIONS

Premises: Friends Meeting House
413 Kings Highway

Mickleton, NJ 08056

Owner/Agent: Barry Sloane
24 Lake Drive
Woodbury NJ 08096

Registration No. 0803-008
Inspection Date: December 31, 2011
Initial Inspector:
Print Name: Charles Murtaugh
Page number: 2

Date:

Inspector:

The violations cited on the above premises are as follows:

Number	Description (Maintenance: 4 Retrofit: 0)	Abate by	U/A	U/A	U/A
1.	Location: OVER THE SOUTH DOORWAY IN THE SANCTUARY Nature: LIGHTED EXIT SIGNS MUST BE INSTALLED ON ALL REQUIRED DOORS AND HALLWAYS Code Section: N.J.A.C. 5:70-3,408.14,4.4	01/13/2012			
2.	Location: OVER THE SOUTH DOORWAY IN THE SANCTUARY Nature: EMERGENCY LIGHTING REQUIRED FOR ALL AREAS INCLUDING SPACES BEING SERVED AS A MEANS OF EGRESS Code Section: N.J.A.C. 5:70-3,1006.1	01/13/2012			
3.	Location: OVER THE SOUTH EXIT DOOR NEAR STAIRWAYS UP & DOWN Nature: EMERGENCY LIGHTING REQUIRED FOR ALL AREAS INCLUDING SPACES BEING SERVED AS A MEANS OF EGRESS Code Section: N.J.A.C. 5:70-3,1006.1	01/13/2012			
4.	Location: OVER THE SOUTH EXIT DOOR NEAR STAIRWAYS UP & DOWN Nature: LIGHTED EXIT SIGNS MUST BE INSTALLED ON ALL REQUIRED DOORS AND HALLWAYS Code Section: N.J.A.C. 5:70-3,408.14,4.4	01/13/2012			

Key: The numbering of violations is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.

"U" Unabated - Violation uncorrected.

"A" Abated - Violation corrected.

ADDITIONAL EXPLANATION

Violation #01: LIGHTED EXIT SIGNS MUST BE INSTALLED ON ALL REQUIRED DOORS AND

408.14.4.4 Illuminated exit signs. Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary.

Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.

Violation #02: EMERGENCY LIGHTING REQUIRED FOR ALL AREAS INCLUDING SPACES BEIN

1006.1 Illumination required. The means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied.

Exceptions:

- 1) Occupancies in Group U.
- 2) Aisle accessways in Group A.
- 3) Dwelling units and sleeping units.

Violation #03: EMERGENCY LIGHTING REQUIRED FOR ALL AREAS INCLUDING SPACES BEIN
See explanation for violation #2.

Violation #04: LIGHTED EXIT SIGNS MUST BE INSTALLED ON ALL REQUIRED DOORS AND
See explanation for violation #1.



**DECISION OF THE
CONSTRUCTION
BOARD OF APPEALS**

Date Issued
Control #

IDENTIFICATION

Work Site Location	413 Kings Highway	Block	Lot
Owner in Fee	Mickleton Monthly Meeting of The Religious Society of Friends	Agent	Robert F. Horvay Member of Property Committee
Address	PO Box 231 Mickleton, NJ 08056	Address	140 Colson Lane Mullica Hill, NJ 08062-1948
Municipality: <u>Township of East Greenwich</u>			

ACTION

The Construction Board of Appeals of the County of Gloucester (hereinafter the "Board") having heard the appeal of the aforementioned party, **Mickleton Monthly Meeting of the Religious Society of Friends** (hereinafter "Mickleton Friends Meeting") on February 8, 2012, in accord with the "Rules Governing Construction Boards of Appeal", N.J.A.C. 5.23A-1.1, et seq., hereby renders the following decision:

Appeal 2012-2 Mickleton Friends Meeting vs. County of Gloucester Fire Marshall

PARTIES AND REPRESENTATIVES

Mickleton Friends Meeting, Applicant

Robert F. Horvay, Mickleton Friends Meeting's Property Committee Member

Office of the Fire Marshall, County of Gloucester, Respondent

Edward J. Johnson, Gloucester County Fire Marshall

Charles Murtaugh, Gloucester County Fire Inspector

All parties testifying were duly sworn by the Board Solicitor

FACTUAL BACKGROUND

The Applicant, Mickleton Friends Meeting, appealed the issuance of a Notice of Violations and Order to Collect (hereinafter the "Notice") setting forth four (4) separate violations of the Uniform Fire Code (N.J.A.C. 5:70-1, et seq) (hereinafter the "Fire Code") resulting from an inspection undertaken on December 31, 2011 by Charles Murtaugh (hereinafter "Murtaugh"), a Fire Inspector in the Office of the Fire Marshall of the County of Gloucester (hereinafter "County Fire Marshall's Office") at the property located at 413 Kings Highway (C.R. 551) in the Township of East Greenwich (hereinafter the "Property"). The said violations were required to be abated, per the Notice, on or before January 13, 2012. The four (4) violations of the Fire Code for which the Applicant, Mickleton Friends Meeting was cited in the Notice are as follows:

Violation # 1-N.J.A.C. 5:70-3, 408.14.4.4 (Lighted exit signs must be installed on all required doors and hallways--over the south doorway in the sanctuary);

Violation # 2-N.J.A.C. 5:70-3, 1006.1 (Emergency lighting required for all areas, including spaces being served as a means of egress--over the south doorway in the sanctuary);

Violation # 3-N.J.A.C. 5:70-3, 1006.1 (Emergency lighting required for all areas, including spaces being served as a means of egress--over the south exit door near stairways up and down); and,

Violation # 4-N.J.A.C. 5:70-3, 408.14.4.4 (Lighted exit signs must be installed on all required doors and hallways--over the south exit door near stairways up and down).

The Notice provided that it was based upon an inspection of the Property by Fire Inspector, Murtaugh, from the County Fire Marshall's Office. The Notice

indicated that the Applicant, Mickleton Friends Meeting, would be required to pay a penalty of up to five thousand dollars and zero cents (\$5,000.00) per violation per day, if a re-inspection disclosed that the violations had not be abated on or before January 13, 2012.

Documents introduced and moved into evidence without objection for and on behalf of the Respondent, County Fire Marshall's Office, comprised of the following:

CM-1- one (1) picture of interior of the meetinghouse building located on the Property; and,

CM-2- one (1) picture of interior of the meetinghouse building located on the Property.

Documents introduced and moved into evidence without objection for and on behalf of the Applicant, Mickleton Friends Meeting, comprised of the following:

FM-1 to FM-10-ten (10) pictures of various portions of the interior of the meetinghouse building located on the Property.

All the aforesaid exhibits were duly moved into evidence by the parties, and without any objection to any of same by any of the parties, all of the said exhibits were received into evidence by the Board, and duly considered by the Board in reaching its decision in this matter.

Based upon the aforesaid exhibits received into evidence by the Board, and the testimony of the County Fire Marshall, Edward J. Johnson (hereinafter "Johnson"); the inspector from the County Fire Marshall's Office, Murtaugh; and, Robert F. Horvay (hereinafter "Horvay"), a member of the Applicant, Mickleton Friends Meeting's Property Committee, the Board made the following findings of facts and conclusions of law.

FINDINGS OF FACT

The Applicant, Mickleton Friends Meeting, owns the Property. The Property has located upon it a meetinghouse, which said structure was built in 1799.

The meetinghouse is listed on both the National and New Jersey Historic Registers as a historic building and/or structure. The meetinghouse on the Property is utilized as an assembly place for the Applicant, Mickleton Friends Meeting, who are Quakers.

The main meeting/assembly room in the meetinghouse is twenty eight feet by forty four feet (28' x 44'). The meetinghouse has six (6) total exits, four (4) of which are directly to the outside. The meetinghouse has electric and heat. The electricity for the meetinghouse was installed in 1924, and the heating facility in the annex sometime thereafter. The main worship/assembly room of the meetinghouse is however, as it existed back in the 1800's.

The meetinghouse is only occupied and utilized by the Applicant, Mickleton Friends Meeting on Sundays; however, there are certain limited occasions when the Applicant, Mickleton Friends Meeting does utilize the meetinghouse occasionally on a Friday night or a Saturday night. The Applicant, Mickleton Friends Meeting's membership currently stands at sixty (60) members; however, normally, there are only approximately thirty (30) regular attendees at the Sunday assembly.

There do not exist any lighted exit signs over either the south doorway in the meetinghouse, nor over the south exit door near the stairways up and down in the meetinghouse. Moreover, there does not exist any emergency lighting over the south doorway in the meetinghouse, nor over the south exit door near the stairways up and down in the meetinghouse. The Applicant, Mickleton Friends Meeting, asserts that with six (6) exits in the meetinghouse, four (4) of which are directly to the outdoors from the main assembly room, that the meetinghouse does not require the exit signs or lights (emergency), as it was cited for as lacking in the Notice.

CONCLUSIONS OF LAW

The Fire Code would appear to require that the meetinghouse, which is being utilized by the Applicant, Mickleton Friends Meeting for its assembly, have the emergency lighting and exit signs as the Notice indicates. However, what is not clear at present to the Board, is whether the meetinghouse, as an historic structure, may be either partially or totally exempt in some way from the provisions of the Fire Code requiring such emergency lighting and exit signs.

Additionally, it is evident to the Board that the Applicant, Mickleton Friends Meeting, is making efforts to ascertain whether there may be an exemption for the meetinghouse as it relates to the Fire Code violations for which it was cited; including conferring with other friends meeting assemblies to determine how they have handled similar situations with their historic building/meeting house structures, and compliance with the Fire Code. Lastly, the County Fire Marshall has indicated his office's willingness to grant an extension to the Applicant, Mickleton Friends Meeting, regarding the time to abate the violations noted in the Notice, so that some reasonable accommodation may be arrived at regarding abatement of the said violations, assuming such is required for the historic structure.

As such, the Board has determined that it shall make no final determination as it relates to the violations for which the Applicant, Mickleton Friends Meeting was cited in the Notice; but rather, remand the entire matter back to the County Fire Marshall, so that the said applicant and the County Fire Marshall may work to achieve compliance with the Fire Code, including the exploration of possible alternatives to abating the violations set out in the Notice. This remand by the Board is being undertaken with the understanding by the Board that the County Fire Marshall will be issuing to the Applicant, Mickleton Friends Meeting, a written extension regarding the abatement date for the violations noted in the Notice. The said extension's length shall be at the discretion of the County Fire Marshall.

Based upon all the above then, a Motion was made at the conclusion of the hearing by Board Member, Phil Zimm, to remand the entire matter back to the County Fire Marshall, so that the County Fire Marshall, and the Applicant, Mickleton Friends Meeting, could work together to achieve compliance with those provisions of the Fire Code for which the Applicant, Mickleton Friends Meeting was cited in the Notice, including the two (2) parties exploring possible alternatives with regard to achieving such compliance. That motion was seconded by Board Member, Theodore Miller.

Members in Favor of Motion: Joseph Conboy, Theodore Miller, Richard Fini, Phil Zimm and Joseph Heitman.

Members Opposed: None

The aforesaid Motion then carried by a vote of 5 yes, and 0 no votes. The Motion as made is the decision of the Board.

Notice: An appeal of this decision by any party, including any enforcing agency, may be made to the Law Division of the Superior Court within the time permitted by the Rules of Court.

If you wish to contest the Board's decision, you may file an appeal with a court of competent jurisdiction within 30 calendar days of receipt of this form.

VICE-CHAIRPERSON, JOSEPH CONBOY
GLOUCESTER COUNTY
CONSTRUCTION BOARD OF APPEALS

2/16/12
DATE

Signed by Joe Conboy

**To: Construction Board of Appeals
Of Gloucester County
PO Box 337
Woodbury NJ 08096**

**RE: South Jersey House of Beauty, LLC
Willow Plaza 4991 Rt 42,
Turnersville NJ 08012**

REG # L101367

Date July 20, 2012

To whom it may concern,

this letter serves as a formal request for an appeal, With regard to violations NJAC 5:70-2.12 and NJAC 5:70-2.12A. I was unaware of the time frame as to which I had to clear out specific area. Area has since been cleared of all hazardous material. At this time I am asking for a inspection so that I may possibly be relieved of penalties imposed. Please consider.

Thank You

Dannielle Chambers
Manager

BUREAU OF FIRE PREVENTION
Office of the Fire Official
Township of Washington
P.O. Box 8176
Turnersville, N.J. 08012
(856) 589-1889
FAX: (856) 589-0239

Date: July 19, 2012

Page: 1

Registration No.: L101367

o: SOUTH JERSEY HOUSE OF BEAUTY, LLC
WILLOW PLAZA
4991 ROUTE 42, STORE F
TURNERSVILLE, NJ 08012

Cert 7008-1140-0004-7069-9716

ORDER TO PAY PENALTY
and
ABATE VIOLATIONS

Inspector: S. FINN
Inspection Date: July 19, 2012
Premises: SOUTH JERSEY HOUSE OF BEAUTY, LLC
Owner/Agent: NAEEMAH VENABLE
Penalty Amount: \$ 200.00

Take notice that on April 25, 2012 you and/or your agent were served with a NOTICE OF VIOLATIONS AND ORDER TO CORRECT Fire Code Violations discovered on the above referenced premises.

Subsequent to the time permitted for correction, the premises were REINSPECTED. This reinspection revealed that the violation(s) followed by U's in the indicated reinspection date column on the attached Violation(s) sheets remain uncorrected. According to our records, neither a variance nor an extension has been granted. Moreover, no appeal was received as to the specified violations.

THEREFORE, PURSUANT to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et.seq., you are HEREBY ORDERED TO PAY A PENALTY in the amount specified for each unabated violation:

Violation No.	Penalty Authorized by NJAC 5:70-2.12	Penalty Authorized by NJAC 5:70-2.12A	Total per Violation
1.	\$ 50.00	\$ 50.00	\$ 100.00
2.	\$ 50.00	\$ 50.00	\$ 100.00

In accordance with the above-referenced law, you must pay the total amount due within 30 days after issuance of this order. NOTE: IF THE ABOVE PENALTY AMOUNT IS NOT PAID WITHIN 30 DAYS A COMPLAINT WILL BE SIGNED AND A SUMMONS FOR A COURT APPEARANCE WILL BE ISSUED.

You are FURTHER ORDERED to ABATE the above referenced violations by August 9, 2012 after which there will be a reinspection of the premises. Any violations remaining unabated may result in additional penalties including the impositions of daily penalties.

MAKE CHECKS PAYABLE TO: BUREAU OF FIRE PREVENTION
Office of the Fire Official
Township of Washington
P.O. Box 8176
Turnersville, N.J. 08012
(856) 589-1889

By: Everett John Hoffman
Fire Chief/Fire Official

TAKE NOTICE THAT, Pursuant to N.J.A.C. 5:70-2.12, penalty assessments can be compromised or settled only if it shall be likely to result in compliance. Moreover, no such disposition can be finalized while the subject violation continues to exist.



COUNTY OF GLOUCESTER
STATE OF NEW JERSEY
CONSTRUCTION BOARD OF APPEALS
PO BOX 337
WOODBURY, NEW JERSEY 08096

JULY 27, 2012

SOUTH JERSEY HOUSE OF BEAUTY
WILLOW PLAZA
4991 ROUTE 41,, STORE F
TURNERSVILLE, NJ 08012

BUREAU OF FIRE PREVENTION
WASHINGTON TOWNSHIP
OFFICE OF FIRE OFFICIAL
PO BOX 8176
TURNERSVILLE, NJ 08012

ATTN: APPLICATION FOR AN APPEAL

DEAR APPELLANT,

ATTACHED PLEASE FIND APPLICATION TO THE CONSTRUCTION BOARD OF APPEALS. PLEASE COMPLETE STATING EXACTLY WHAT YOU ARE APPEALING. RETURN IT TO THE ADDRESS LISTED BELOW ALONG WITH A COPY OF THE VIOLATION NOTICE, AND THE STATE STATUE FEE OF FIFTY DOLLARS (\$50.00) FOR EACH APPEAL. MAKE CHECKS PAYABLE TO GC TREASURER. .

THE BOARD MEETS ON THE SECOND (2) WEDNESDAY OF THE MONTH. THE HEARING DATE FOR YOUR APPEAL DEPENDS UPON WHEN WE RECEIVE YOUR COMPLETED APPLICATION.

ADDITIONALLY, PLEASE REMIT ANY INFORMATION YOU FEEL IS RELATED TO THIS APPEAL.

UPON RECEIVING THE ABOVE, I WILL SCHEDULE IT FOR A HEARING BEFORE THE BOARD AND NOTIFY BOTH YOU AND THE CITING OFFICIAL BY CERTIFIED MAIL AS TO THE DATE, TIME AND PLACE. PLEASE BE ADVISED THAT THERE ARE TIME REQUIREMENTS FOR FILING APPEALS AND THEY ARE LISTED ON YOUR VIOLATION NOTICE.

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT ME.

SINCERELY,
JEANNE GIAMPOLA, SECRETARY
856 423-3870

MAIL TO: GLOUCESTER COUNTY CONSTRUCTION BOARD OF APPEALS
P.O. BOX 337
WOODBURY, NEW JERSEY 08097

Ticket # 24581
DEPTFORD Center Rehab
7/23/12 1:37 PM
August 31, 2012

Construction Board of

Appeals of Gloucester County

P.O. Box 08096

To Whom This May Concern:

I received this ticket on July 23, 2012, while dropping my handicapped mother who uses a wheel chair. While I was bringing my mother into the nursing home, I received a ticket.

I understand the law and never received a ticket before like this. However, The Innova Deptford Nursing Home does not have "an official drop off/parking spot to bring the patient's back.

I immediately called and spoke to the Police Chief in reference to this. He did explain to me about the situation and he was very helpful. He did understand that that location has a problem.

I am waiting to have a meeting with my mother's social worker to see if they can do anything about the drop off/parking situation.

Is there any way, you can waive this ticket since it is the first time I ever received one and also can you do anything to the Nursing Home for not providing a place for us to put our cars. Also, I see numerous cars/ambulances double parking there on the weekend and nothing is never done.

I am enclosing my check but, I am kindly requesting that you waive this wave and help me in this matter. I can be reached at [REDACTED] or work is [REDACTED]

Thank You

Beth Montanero

Beth Montanero

[REDACTED]

[REDACTED]

Bureau of Fire Prevention
Office of the Fire Official
Township of Deptford
P.O. Box 5535
Deptford, NJ 08096



24581

VIOLATION OF FIRE LANE CODE

To:

[Redacted Address]

You are in violation of the International Fire Code, N.J.
Edition N.J.A.C. 5:70-3.503.1.1 because on or about:

Date: 7/27/12 Time: 1:27pm

Location: Deptford Center Rehab

You or your agent did park a vehicle or otherwise obstruct a Fire
Lane with:

Vehicle Make: Mercedes Registration: N.J. [Redacted]

Vehicle Color: Black Vehicle Model: Equipe
in violation of the ACT.

The pertinent part of the ACT states:

5:70-3.503.1.1

FIRE APPARATUS ACCESS ROADS

503.4 Fire Apparatus Access Roads shall not be obstructed in any
manner, including the parking of vehicles.

Pursuant to the ACT, you are hereby ordered to **PAY THE SUM OF**
\$ 450.00 in accordance with the above referenced
law, you must pay the total amount due **within 30 days** after issuance
of this order. If you fail to make full payment within 30 days, this
matter will be referred to the Office of Legal Council for summary
collection pursuant to the Penalty Enforcement Law (N.J.S.A.2A:58-
1et.seq.)

MAKE CHECKS PAYABLE TO:
BUREAU OF FIRE PREVENTION

DEPTFORD FIRE DEPARTMENT
1370 DELSEA DRIVE
DEPTFORD, N.J. 08096


FIRE OFFICIAL / INSPECTOR



**COUNTY OF GLOUCESTER
STATE OF NEW JERSEY
CONSTRUCTION BOARD OF APPEALS
PO BOX 337
WOODBURY, NEW JERSEY 08096**

AUGUST 4 2012

BETH MONTANERO
151 SHIRE DRIVE
SEWELL, NJ 08080

DEPTFORD FIRE DEPARTMENT
1370 DELSEA DRIVE
DEPTFORD, NJ 08096

APPEAL 2012 -07 MONTANERO VS. DEPTFORD FIRE

THE ABOVE APPEAL HAS BEEN SCHEDULED TO BE HEARD ON
SEPTEMBER 12, 2012, AT 3:30 PM. THE HEARING WILL BE HELD IN THE
LARGE CONFERENCE ROOM IN THE GOVERNMENT SERVICES BUILDING
LOCATED ON BUDD BLVD. IN WEST DEPTFORD

THERE IS A SIGN IDENTIFYING THE BUILDING WITH PLENTY OF PARKING.
(It is the building located by the Southwood Shopping Center across the street from
Aldi's).

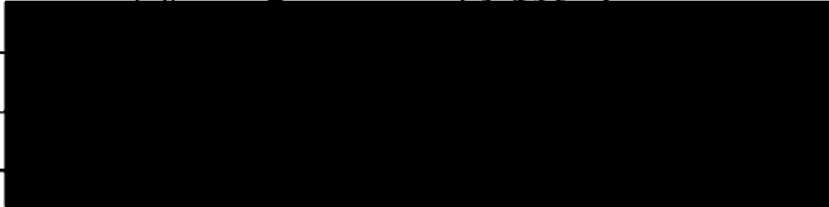
SINCERELY,
JEANNE GIAMPOLA, BOARD SECRETARY
856. 423-3870

FAX: 423-3870

8/7/12
Dear GeneAttn: Gene Giampolo
Board of Appeals
Box 337

I am withdrawing my Appeal.
Please refund my \$600 Fee.

Thank You
Beth Montano

Beth Montano




**COUNTY OF GLOUCESTER
STATE OF NEW JERSEY
CONSTRUCTION BOARD OF APPEALS
PO BOX 337
WOODBURY, NEW JERSEY 08096**

August 7, 2012

PURCHASING DEPARTMENT

APPEAL # 2012 -07 MONTANERO VS. DEPTFORD FIRE DEPT.

THE APPELLANT PAID THE FILING FEE OF \$50.00 FOR THE ABOVE APPEAL.
THIS APPEAL HAS BEEN WITHDRAWN PRIOR TO ANY HEARING..

THEREFORE THERE WAS NO COMPLAINT AND SUBSEQUENTLY NO
REASON FOR AN APPEAL OR HEARING. THE FILING FEE HAS TO BE
RETURNED.

THANK YOU.

SINCERELY,
JEANNE H. GIAMPOLA, SECRETARY
856 423-3870

attached copy of check and cancellation notice.

Liang Sun
Acurelax, LLC
45 Everett Drive, Suite B80
West Windsor, NJ 08550
(609)-577-9676

11/08/2012

Gloucester County
Construction Board of Appeals
P.O. Box 337
Woodbury, NJ 08096

**RE: Registration #8610. New You Massage 1st Floor, 1750 Deptford Center Road,
Deptford, NJ 08096**

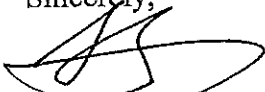
Dear Construction Board,

I am writing to appeal the \$500 fine imposed to my business New You Massage.

Under the current economic conditions, as a small business owner, I have been trying to do my best to contribute to the economy and keep the employees at work. At the same time, I have been trying to comply with all State and local regulations. For this inspection, all the batteries we need for the exit sign at Home Depot within 100 miles ran due to hurricane Sandy. I had to have it purchased from upstate New York (please see enclosed receipt) this past Saturday and had it installed immediately on Monday. I am trying the best I can to meet all requirements.

The \$500 fine is a heavy burden for my small business. I would really appreciate it if the fine can be reconsidered since it is our first offense.

Sincerely,



Liang Sun
Owner, New You Massage



**More saving.
More doing.SM**

545 FRENCH ROAD - NOW HIRING!
NEW HARTFORD, NY 13413 (315)797-5300

1254 00006 06723 11/03/12 12:16 PM
CASHIER LAUREN - LRP0197

784231137277 BATTERY <A> 24.76
6V 7AH EMERGENCY EXIT SIGN BATTERY

SUBTOTAL	24.76
SALES TAX	2.17
TOTAL	\$26.93
CASH	30.00
CHANGE DUE	3.07



1254 06 06723 11/03/2012 3246

RETURN POLICY DEFINITIONS
POLICY ID DAYS POLICY EXPIRES ON
A 1 90 02/01/2013
THE HOME DEPOT RESERVES THE RIGHT TO
LIMIT / DENY RETURNS. PLEASE SEE THE
RETURN POLICY SIGN IN STORES FOR
DETAILS.

BUY ONLINE PICK-UP IN STORE
AVAILABLE NOW ON HOMEDEPOT.COM.
CONVENIENT, EASY AND MOST ORDERS
READY IN LESS THAN 2 HOURS!

**ENTER FOR A CHANCE
TO WIN A \$5,000
HOME DEPOT GIFT
CARD!**

Share Your Opinion With Us! Complete
the brief survey about your store visit
and enter for a chance to win at:

www.homedepot.com/opinion

**COMPARTA SU OPINION EN
UNA BREVE
ENCUESTA PARA LA OPORT
UNIDAD DE GANAR.**

User ID:
14989 13741

Password:
12553 13735

Entries must be entered by 12/03/2012.
Entrants must be 18 or older to enter.
See complete rules on website. No
purchase necessary.

DEPTFORD FIRE DISTRICT
Office of the Fire Marshal
1370 Dalsea Drive
Deptford, New Jersey, 08096
(856) 848-3098 x13
FAX (856) 848-0108

Registration No.: 8610
Municipality: Deptford Township
County: Gloucester County
Inspector: Schultz/James/Clement
Inspected: November 7, 2012
Page: 1

To: NEW YOU MASSAGE
Deptford Mall 1st Level
1750 Deptford Center Road
Deptford, NJ 08096

NOTICE OF VIOLATIONS
and
ORDER TO CORRECT

Premises: NEW YOU MASSAGE
Address: Deptford Mall 1st Level 1750 Deptford Center Road Deptford, NJ 08096
Phone: Type of use: Retail/Clothing
Insp. No: 46 Representative:

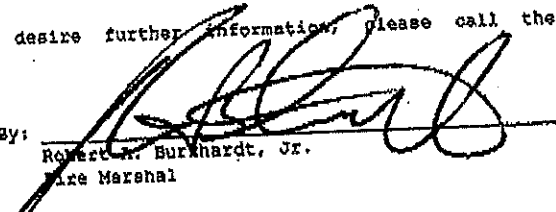
	<u>OWNER</u>	<u>AGENT</u>	<u>TENANT/OPERATOR</u>
Name:	Rubin Corp.		Liang Sun
Address:	The Bellvue 3rd fl. 200 S. Broad St., Phila., Pa. 19103		609-577-9676
Phone:	1-215-875-0700		

YOU ARE HEREBY NOTIFIED THAT an inspection by the Deptford Township Bureau of Fire Prevention disclosed violations of the Uniform Fire Code (N.J.A.C. 5:70-1 et. seq.) promulgated pursuant to the New Jersey Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et. seq.). The violations are specified on the accompanying "Violations Report" page(s).

YOU ARE HEREBY ORDERED by the FIRE OFFICIAL to correct the violations listed on the accompanying "Violations Report" page(s) within the time, or by the date specified. If a reinspection discloses that violations have not been corrected, and an extension has NOT been requested and granted, you will be subject to penalties of up to \$5,000 per violation per day or as otherwise authorized by the Act and Department Regulations.

IN ADDITION, the ACT imposes liability on the owner for the actual costs of fire suppression where a violation directly or indirectly results in fire.

If you do not understand this order, need assistance, or desire further information, please call the Bureau of Fire Prevention at (856) 848-3098, ext. 13

By: 
Robert A. Burkhardt, Jr.
Fire Marshal

APPEAL RIGHTS-EXTENSIONS

See the attached page of information concerning your administrative appeal rights, authorized penalties and the procedure for requesting an extension of time in which to correct violations.

Signature of Owner or Representative

Printed Name of Owner or Representative

Date

VIOLATIONS

remises: NEW YOU MASSAGE

Deptford Mall 1st Level
1750 Deptford Center Road

owner/Agent: Liang Sun

Registration No. 8610
Inspection Date: November 7, 2012
Initial Inspector:
Print Name: Schultz/James/Clement
Page number: 2

Date:

Inspector:

The violations cited on the above premises are as follows:

Number	Description (Maintenance: 2 Retrofit: 0)	Abate by	U/A	U/A	U/A
1.	Location: Exit Nature: Emergency lighting inoperable Code Section: N.J.A.C. 5:70-3,1006.1	<u>10/23/2012</u>			
2.	Location: Throughout Nature: Fire extinguishers must be serviced. Contractor must have NJ Certification Code Section: N.J.A.C. 5:70-3,906.2	<u>10/23/2012</u>			

Key: The numbering of violations is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.
"U" Unabated - Violation uncorrected.
"A" Abated - Violation corrected.

ADDITIONAL EXPLANATION

Violation #01: Emergency lighting inoperable

1006.1 Illumination required. The means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied.

Exceptions:

- 1) Occupancies in Group U.
- 2) Aisle accessways in Group A.
- 3) Dwelling units and sleeping units.

Violation #02: Fire extinguishers must be serviced. Contractor must have NJ Co

906.2 General requirements. Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.

Exceptions:

- 1) The travel distance to reach an extinguisher shall not apply to the spectator seating portions of Group A-5 occupancies.
- 2) Thirty-day inspections shall not be required and maintenance shall be allowed to be once every three years for dry-chemical or halogenated agent portable fire extinguishers that are supervised by a listed and approved electronic monitoring device, provided that all of the following conditions are met:
 - 2.1) Electronic monitoring shall confirm that extinguishers are properly positioned, properly charged and unobstructed.
 - 2.2) Loss of power or circuit continuity to the electronic monitoring device shall initiate a trouble signal.
 - 2.3) The extinguishers shall be installed inside of a building or cabinet in a noncorrosive environment.

TABLE 906.1

ADDITIONAL REQUIRED PORTABLE FIRE EXTINGUISHERS

(please refer to print edition for Table Information)

ADMINISTRATIVE APPEAL RIGHTS

GENERAL

YOU MAY CONTEST THESE ORDERS AT AN Administrative Hearing. The request for a hearing must be made in WRITING WITHIN 15 days after receipt of this order and addressed to:

Gloucester County
 Construction Board of Appeals
 P.O. Box 337
 Woodbury, NJ 08096

Copy to: DEPTFORD FIRE DISTRICT
 Office of the Fire Marshal
 1370 Delsea Drive
 Deptford, New Jersey, 08096
 (856) 848-3098 x13

The notification of Appeal must include the Appellant's Registration number, the address of the premises involved, the reference numbers of the violation cited, the argument with regard to each and specific code section or other authority the Appellant will rely on in support of his position.

You are advised that the appeal to the Construction Board of Appeals must be accompanied by the fee of \$ 50.00; payable to the Gloucester County.

Appeals will not be deemed as received until payment of fee is made. Note: Fees are waived if appeal is based on the local Enforcing Agency's failure to act within a required time frame.

EXTENSIONS

If a specified time has been given to abate a violation, YOU MAY REQUEST AN EXTENSION OF TIME by submitting a written request to the BUREAU OF FIRE PREVENTION. To be considered, the request must be made before the compliance date specified and must set forth the work accomplished, the work remaining, the reason why an extension of time is necessary, and the date by which all work will be completed.

TAKE NOTICE THAT, pursuant to N.J.A.C. 5:70-2.10(d), an application for an extension constitutes an admission that the violation notice is factually and procedurally correct and that the violations do or did exist. In addition, the request for an extension constitutes a waiver of the right to a hearing as to those violations for which an extension is applied.

PENALTIES

Violation of the Code is punishable by monetary penalties of not more than \$5,000 per day for each violation. Each day a violation continues is an additional, separate violation except while an appeal is pending. Specific penalties are as follows:

- a. Failure to install required protection equipment after having been given written notice of the requirement to do so: A maximum of \$ 2,500 per violation per day.
- b. Failure to abate any violation after having been given notice of the violation: A maximum of \$ 5,000 per violation per day.
- c. Storage of any material in violation of this Code or the conduct of any process in violation of the Code: A maximum of \$ 5,000 per violation per day.
- d. Blocking, locking, or obstructing required exits:
 - i. In a place of public assembly: A maximum of \$ 5,000 per occurrence.
 - ii. In any other place: A maximum of \$ 2,500 per occurrence.
- e. Disabling or vandalizing any fire suppression or alarm device or system:
 - i. In a place of public assembly: A maximum of \$ 5,000 per occurrence.
 - ii. In any other place: A maximum of \$ 1,000 per occurrence.
- f. Failure to obey a Notice of Imminent Hazard and Order to Vacate: A maximum of \$ 5,000 per day for each day that the failure continues.
- g. Failure to obey an Order to Close for a fixed period of time: A Maximum of \$ 5,000 per day that the failure continues.
- h. Obstructing the entry into a premises or interfering with the duty of an authorized inspector: A maximum of \$ 2,500 for each occurrence.
- i. Any willfully false application for a Permit or Registration: A maximum of \$ 1,000.00 for each occurrence.
- j. Any other act or omission prohibited by the Act or the Regulations: A maximum of \$ 5,000 per violation per day.

Claims arising out of penalty assessments can be compromised or settled if it shall be likely to result in compliance. Moreover, no such disposition can be finalized while the violation continues to exist.

Any penalties assessed are in addition to others previously assessed. Penalties must be paid in full within 30 days after an order to pay. If full payment is not made within 30 days, the matter will be referred to the Office of the Solicitor for summary collection pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et. seq.).

NOTICE: If you require guidance or advice concerning your legal rights, obligations or the course of action you should follow, consult your own advisor.

DEPTFORD FIRE DISTRICT
Office of the Fire Marshal
1370 Delsea Drive
Deptford, New Jersey, 08096
(856) 848-3098 x13
FAX (856) 848-0108

Date: November 6, 2012

Page: 1

Registration No.: 8610

To: NEW YOU MASSAGE
Deptford Mall 1st Level
1750 Deptford Center Road
Deptford, NJ 08096

ORDER TO PAY PENALTY
and
ABATE VIOLATIONS

Inspector: Schultz/James
Inspection Date: October 31, 2012
Premises: NEW YOU MASSAGE
Penalty Amount: \$ 500.00

Take notice that on October 2, 2012 you and/or your agent were served with a NOTICE OF VIOLATIONS AND ORDER TO CORRECT Fire Code Violations discovered on the above referenced premises.

Subsequent to the time permitted for correction, the premises were REINSPECTED. This reinspection revealed that the violation(s) followed by U's in the indicated reinspection date column on the attached Violation(s) sheets remain uncorrected. According to our records, neither a variance nor an extension has been granted. Moreover, no appeal was received as to the specified violations.

THEREFORE, PURSUANT to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et.seq., you are HEREBY ORDERED TO PAY A PENALTY in the amount specified for each unabated violation:

Violation No.	Penalty Authorized by NJAC 5:70-2.12	Penalty Required by NJAC 5:70-2.12A	Total per Violation
1.	\$ 125.00	\$ 125.00	\$ 250.00
2.	\$ 125.00	\$ 125.00	\$ 250.00

In accordance with the above-referenced law, you must pay the total amount due within 30 days after issuance of this order. If you FAIL to make full payment within 30 days, this matter will be referred to legal council for summary collection pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et.seq.).

You are FURTHER ORDERED to ABATE the above referenced violations by November 13, 2012 after which there will be a reinspection of the premises. Any violations remaining unabated may result in additional penalties including the impositions of daily penalties.

MAKE CHECKS PAYABLE TO:

DEPTFORD FIRE DISTRICT
Office of the Fire Marshal
1370 Delsea Drive
Deptford, New Jersey, 08096
(856) 848-3098 x13
FAX (856) 848-0108

By:

Robert A. Burghardt, Jr.
Fire Marshal

TAKE NOTICE THAT, Pursuant to N.J.A.C. 5:70-2.12, penalty assessments can be compromised or settled only if it shall be likely to result in compliance. Moreover, no such disposition can be finalized while the subject violation continues to exist.

If you believe the public interest in fire safety supports compromise of any penalty assessed, promptly send a written detailed explanation to the Bureau, attention: Fire Official. Include your registration No. and daytime telephone number.

TAKE NOTICE THAT THIS PENALTY IS IN ADDITION TO ALL PENALTIES PREVIOUSLY ASSESSED.



**COUNTY OF GLOUCESTER
STATE OF NEW JERSEY
CONSTRUCTION BOARD OF APPEALS
PO BOX 337
WOODBURY, NEW JERSEY 08096**

NOVEMBER 16, 2012, 2012

NEW YOU MASSAGE
DEPTFORD MALL, 1ST LEVEL
1750 DEPTFORD CENTER ROAD
DEPTFORD, NJ 08096

LIANG SIM
ACURELAX, LLC.
45 EVERETT DRIVE, SUITE B80
WEST WINDSOR, NJ 08550

DEPTFORD FIRE DISTRICT
OFFICE OF FIRE MARSHAL
1370 DELSEA DRIVE
DEPTFORD, NJ 08096

APPEAL 2012 -18 NEW YOU MASSAGE VS. DEPTFORD FIRE

THE ABOVE APPEAL HAS BEEN SCHEDULED TO BE HEARD ON
DECEMBER 12, 2012, AT 3:30 PM. THE HEARING WILL BE HELD IN THE
LARGE CONFERENCE ROOM IN THE GOVERNMENT SERVICES BUILDING
LOCATED ON BUDD BLVD. IN WEST DEPTFORD

THERE IS A SIGN IDENTIFYING THE BUILDING WITH PLENTY OF PARKING.
(It is the building located by the Southwood Shopping Center across the street from
Aldi's).

SINCERELY,
JEANNE GIAMPOLA, BOARD SECRETARY
856. 423-3870



BEVAN
Security System, Inc.
(856) 461-2234

30 Scott St. Riverside, NJ 08075

www.bevansecurity.com

Fax (856) 461-0044

Fire Alarm Permit# P00690

Electrical License# 16365

Burglar Alarm & Fire Alarm License# BF000167

December 17, 2015

Gloucester County Construction Board of Appeals

C/O Anthony Fiola Assistant Gloucester County Counsel

2 South Broad Street

Woodbury, NJ 08096

Re: 35 South Broadway Pitman NJ.

As per § 5:23A-2.2 (1) Hearing procedures, I wish to exercise the right to make this written motion to have a qualified state representative from department of Community Affairs Division of Fire Safety be present for testimony at the next appeals meeting for the following reasons.

It was ordered that 75db of fire warning sound pressure be measured at the pillow in the private dwellings and throughout the entire building upon activation of the windowless story fire alarm. And specifically that it comes from the DC fire alarm protecting the windowless story. When I asked to site what code to follow the sitting fire sub code official said NFPA. This is after I testified that NFPA was not adopted by New Jersey and is not a code but a standard. I also asked what the use and occupancy classification of this building is and was told it doesn't matter. All of this occurred after the violation was originally abated by the board unanimously at the first of what will be the 3rd meeting, based on the testimony of the sitting fire sub code official that there was no code requiring additional notification devices.

The local official stated that the building doesn't require a hard wire fire alarm system however if this building is in fact a mixed use it would be as per N.J.A.C 5:23-6.29 and that is shall be AC powered not DC as some sort of extension of the windowless story and with no building code on how to accomplish this.

This board, by rule § 5:23A-2.3 (1) Board decisions, states, that in matters arising under the State Uniform Construction Code Act, the board shall be bound by interpretations and bulletins issued by the

Department of Community Affairs pursuant to N.J.A.C. 5:23-3.9. When I provided the various bulletins, codes, intent and interpretations from NJ DCA they were blatantly discarded and ignored.

I provided the following codes, bulletins, code intent and official DCA technical opinions that the board is bound by.

Bulletin 94-4

N.J.A.C 5:23-6.29

N.J.A.C 5:23-6-30

DCA Adopted codes and Standards www.state.nj.us/dca/divisions.codes.codreg/

State UCC Code Act P.L.c217(C,52:27D-119 et seq)

Bulletin 2006-02

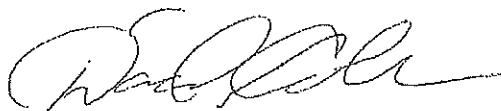
DCA letter 3-19, 2009

N.J.A.C 5:70-1.3

By having a DCA representative present I hope to establish the use of the building, proper building codes that by testimony the local officials and sitting members of the counsel could not produce and testified that there were no codes to do so. This is needed to ensure that 35 South Broadway property will not be subject to future violations requiring additional systems, devices and labor costs which is against the UCC Intent.

Thank you for this consideration,

Signed,



David Cole

Service Manager

Bevan Security Systems, Inc.

856-461-2234

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*** New Jersey Register, Vol. 45, No. 14, July 15, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23A. CONSTRUCTION BOARDS OF APPEALS

N.J.A.C. 5:23A (2013)

§ 5:23A-1.1 Title; authority; scope; intent

(a) This chapter, which is promulgated under authority of *N.J.S.A. 52:27D-124, 52:17D-198, 40A:14A-43, 40A:14B-76 and 40:55D-53.2a*, shall be known as, and may be cited as, the "Rules Governing Construction Boards of Appeals."

(b) This chapter shall govern all aspects of the administration and implementation by construction boards of appeals of the provisions of the State Uniform Construction Code Act (*N.J.S.A. 52:27D-119 et seq.*), the Uniform Construction Code rules (*N.J.A.C. 5:23*) and the subcodes incorporated herein by reference, the Uniform Fire Safety Act (*N.J.S.A. 52:27D-192 et seq.*), the Uniform Fire Code (*N.J.A.C. 5:70*) and associated rules, P.L. 1995, c.54, and P.L. 1999, c.11.

(c) It is the intention of the Department of Community Affairs that these rules facilitate uniformity in procedure and a high level of quality in performance so as to allow construction boards of appeals to properly discharge the duties and functions that have been assigned to them by the Legislature under the State Uniform Construction Code Act, the Uniform Fire Safety Act, P.L. 1995, c.54, and P.L. 1999, c.11.

(d) Unless otherwise specified, all provisions of this chapter are equally applicable to matters arising under any of the statutes or rules listed in (b) above.

(e) Each construction board of appeals shall have authority to adopt and enforce local rules that are not inconsistent with this chapter or with any of the statutes or rules listed in (b) above.

§ 5:23A-1.2 Establishment of construction boards of appeals

(a) The governing body of each county shall, by resolution, establish a construction board of appeals that shall exercise its functions in accordance with this chapter.

(b) The governing body of any municipality that has its own local enforcing agency may, by ordinance, establish a construction board of appeals. Any such board shall exercise its functions in accordance with this chapter.

(c) The governing bodies of two or more municipalities that have established a joint enforcing agency may, pursuant to an interlocal agreement approved by ordinances of all participating municipalities, establish a joint construction board of appeals. Any such board shall exercise its functions in accordance with this chapter.

(d) Copies of all such resolutions, ordinances and interlocal agreements shall be filed by the governing bodies with the Office of Regulatory Affairs of the Division of Codes and Standards.

(e) In any municipality in which a municipal or joint construction board of appeals has been established, the county board of appeals shall only exercise jurisdiction in cases arising under P.L. 1995, c.54 or P.L. 1999, c.11.

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 45, No. 14, July 15, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23A. CONSTRUCTION BOARDS OF APPEALS

N.J.A.C. 5:23A (2013)

(f) A municipality that either establishes or discontinues a municipal construction board of appeals, or either joins or discontinues participation in a joint municipal board, shall give prompt notice of such action to the county governing body, the county construction board of appeals and the Office of Regulatory Affairs of the Division of Codes and Standards. In the absence of a municipal or joint municipal board having jurisdiction, all appeals from a municipality shall be heard by the county board.

(g) The appointing authority shall annually designate one regular member of the board to serve as chairperson and another regular member of the board to serve as vice-chairperson. The vice-chairperson shall serve as chairperson in the event of the absence or disqualification of the chairperson.

(h) The appointing authority of a county shall appoint a secretary, who need not be a member of the board. In the case of a municipal board, the secretary shall be appointed by the appointing authority of the municipality. In the case of a joint board, the secretary shall be appointed in a manner determined by agreement of the participating municipalities.

§ 5:23A-1.3 Membership of construction boards of appeals

(a) Every construction board of appeals shall include five regular members.

1. Regular members shall be appointed for a term of four years by the appointing authority of the county or municipality in question or, in the case of a joint municipal board, by means mutually determined by the governing bodies of such municipalities.

2. For the members first appointed, the appointing authority shall designate the appointees' terms so that one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years.

3. Vacancies on the board shall be filled for the unexpired term.

4. Members may be removed by the authority appointing them for cause.

5. A person may serve on more than one construction board of appeals.

6. Unless otherwise provided by county or municipal resolution or ordinance, as the case may be, a board member shall not be required to be a resident of the county or municipality in which the board exercises jurisdiction.

7. No more than two regular members of any board shall be members of the same profession or occupation.

(b) Qualifications for regular members shall be as follows:

1. At least one regular member shall be as qualified as a plumbing subcode official;

2. At least one regular member shall be as qualified as an electrical subcode official;

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*** New Jersey Register, Vol. 45, No. 14, July 15, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23A. CONSTRUCTION BOARDS OF APPEALS

N.J.A.C. 5:23A (2013)

3. At least one regular member shall be a registered architect, or a licensed professional engineer with building construction experience, or other person as qualified as a building subcode official;

4. At least one regular member shall be as qualified as a fire protection subcode official; and

5. At least one regular member shall be certified as a fire official.

(c) The requirements of (b) above shall not be construed as requiring that there be a separate regular member in each of the qualification categories set forth in (b)1 through 5. One regular member may satisfy these requirements with regard to more than one such qualification category.

(d) A construction board of appeals shall also include at least five alternate members.

1. Alternate members shall be appointed to staggered terms, in the same manner as the initial appointment of regular members.

2. Alternate members shall be so chosen so that there will be at least one alternate member in each qualification category set forth in (b)1 through 5 above.

3. When a regular member of the board is absent, the alternate member in the same qualification category shall serve in that regular member's place; provided, however, that any alternate member who is as qualified as an elevator subcode official shall serve in the place of any absent regular member in any case involving the elevator safety subcode, if there is no other regular member of the board present who is as qualified as an elevator subcode official.

4. If a regular member who is not in one of the qualification categories set forth in (b)1 through 5 above is absent, or if a regular member and an alternate member who are both in the same qualification category are absent and the appeal does not involve that qualification category, or if another regular member is present who meets the requirements of the same qualification category as does the regular member who is absent, the chairperson of the board shall determine which alternate member shall vote in the place of the absent regular member.

5. Alternate members shall have the right to participate in all board deliberations, but shall not vote unless serving in the place of a regular member.

(e) Each county construction board of appeals shall also include two special members, one of whom shall be a licensed professional engineer with municipal site improvement construction experience and one of whom shall be a builder. The special members shall be appointed for four-year terms and shall serve as additional members of the board only in cases involving appeals of municipal or municipal utilities authority or sewerage authority fees pursuant to P.L. 1995, c.54 or P.L. 1999, c.11.

1. Alternates may be appointed for the special members in the same manner, and subject to the same qualification requirements, as the special members.

(f) Each regular, alternate or special member shall be qualified by experience or training to perform the duties of a member of the board. In the case of regular and alternate members, regardless of whether they are in one of the qualification categories set forth in (b)1 through 5 above,

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*** New Jersey Register, Vol. 45, No. 14, July 15, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23A. CONSTRUCTION BOARDS OF APPEALS

N.J.A.C. 5:23A (2013)

such qualification shall be no less than that which is required of a construction or subcode official under subsection 8b of the State Uniform Construction Code Act (*N.J.S.A. 52:27D-126*, subsection b); provided, however, that board members shall not be required to hold construction code licensure.

(g) Whenever a change to this chapter is made that affects the composition of construction boards of appeals, the appointing authority shall only implement the change when the term of any affected member(s) expires. This provision shall also apply in any case in which the adoption of this chapter affects the composition of a construction board of appeals.

(h) The board chairperson shall annually provide the Office of Regulatory Affairs of the Division of Codes and Standards with a list of the names and addresses of the regular, alternate and special members of the board and of the board secretary and any other contact person. Such information shall be updated whenever a change occurs.

§ 5:23A-1.4 Post-appointment educational requirements for board members

(a) Except as otherwise provided in (b) below, each regular or alternate member of a construction board of appeals, other than an alternate special member, shall be required to attend a general course for members of construction boards of appeals within 12 months of appointment or within 12 months of the announcement by the Department of Community Affairs of the availability of the course, whichever is later. At least two months' prior notice of any announcement of the availability of a course shall be given to all construction boards of appeals by the Department.

(b) As an alternative to attending the general course for members of construction boards of appeals, a regular or alternate board member (other than an alternate special board member) may complete both the subcode official course and the fire official course offered by the Department of Community Affairs.

(c) The Department of Community Affairs may require that board members satisfactorily complete more specialized training consistent with their duties as board members, including, without limitation, training concerning P.L. 1995, c.54 and P.L. 1999, c.11. Special members and alternate special members shall be required to attend training concerning P.L. 1995, c.54 and P.L. 1999, c.11 within 12 months of appointment or within 12 months of announcement by the Department of Community Affairs of the availability of the course, whichever is later.

(d) Failure to comply with the requirements of this section shall be deemed good cause for removal by the appointing authority.

§ 5:23A-1.5 Board meetings

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 45, No. 14, July 15, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23A. CONSTRUCTION BOARDS OF APPEALS

N.J.A.C. 5:23A (2013)

(a) Board meetings shall be held as often as may be necessary in order to comply with time limits for board action established by statute or by this chapter, but in no case shall a board schedule meetings less frequently than once a month.

1. Special meetings shall be scheduled when necessary by the chairperson of the board. Notice of any special meeting shall be given to all board members by telephone or fax transmission at least 48 hours prior to the time of the special meeting; provided, however, that notice of special meetings shall not be required to be given to special members of the board when the special meeting does not involve any cases arising under P.L. 1995, c.54 or P.L. 1999, c.11.

2. Public notice of all scheduled and special meetings shall be given, and meetings shall be open to the public, as required by the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.). Additionally, copies of all notices of meetings shall be provided by each board to the Office of Regulatory Affairs.

3. All hearings shall be recorded and tapes or transcripts shall be made available upon request at the expense of the requesting party.

(b) If there is no business pending before a board, the chairperson may cancel a scheduled meeting. Notice of any such cancellation shall, if time permits, be given to all members, by telephone or by fax transmission, at least 48 hours prior to the scheduled meeting time.

(c) If there is no business pending before a board involving an appeal under P.L. 1995, c.54 or P.L. 1999, c.11, notice to that effect shall be given to the special members and any alternate special members, if time permits, by telephone or by fax transmission, at least 48 hours prior to the scheduled meeting.

(d) The following apply to conflict situations:

1. No person serving in any local enforcing agency shall participate as a board member in any case arising out of, or otherwise involving, that enforcing agency.

2. No employee of a public entity shall participate as a board member in any case involving any property owned or leased by that public entity.

3. No person shall participate as a board member in any case in which he or she has been involved as a supplier of services or materials, or has been involved in the preparation of plans or specifications, or has any other personal or financial interest.

(e) Except as otherwise provided in (e)1 below, failure of a regular or special member to be present at more than 50 percent of all meetings of the board during any calendar year shall be considered good cause for removal by the appointing authority; provided, however, that any meeting during which the member would be disqualified from participating in all scheduled matters, pursuant to (d) above, or any meeting for which arrangements were made in advance, with the consent of the chairperson, for the substitution of an alternate, shall not be considered in computing attendance for purposes of this subsection.

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 45, No. 14, July 15, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23A. CONSTRUCTION BOARDS OF APPEALS

N.J.A.C. 5:23A (2013)

1. The attendance of special members shall not be required at any meeting at which no appeals under P.L. 1995, c.54 or P.L. 1999, c.11 are scheduled to be heard, and any such meeting shall not be considered in computing the attendance of the special members.

§ 5:23A-2.1 Hearing applications

(a) A person who is aggrieved by any ruling, action, notice, order or decision of a local enforcing agency that enforces either the State Uniform Construction Code or the Uniform Fire Code, including, without limitation, any refusal to grant an application or any failure or refusal to act upon an application, but not including any order requiring the taking of emergency measures pursuant to N.J.A.C. 5:23-2.32(b), may file an application for a hearing with the secretary of the construction board of appeals having jurisdiction.

1. Any such application shall be filed by the 15th day after receipt by the person of written notice of the ruling, action, order or notice complained of, or, in the case of inaction by a local enforcing agency, by the 15th day after the expiration of the period allowed for action by the local enforcing agency.

(b) In cases arising under P.L. 1995, c.54 or P.L. 1999, c.11, an applicant for approval who is aggrieved by any charge to an escrow account or a deposit by any municipal or municipal utilities authority or sewerage authority professional or consultant, or the cost of the installation of improvements estimated by the municipal or municipal utilities authority or sewerage authority engineer, may file an appeal with the county construction board of appeals.

1. Any such appeal shall be filed within 45 days from receipt of the informational copy of the professional's voucher or the notice from the municipal or municipal utilities authority or sewerage authority engineer, as the case may be; provided, however, that if the professional has not supplied an applicant with an informational copy of the voucher, any appeal shall be filed within 60 days of receipt of the municipal statement of activity against the deposit or escrow account.

2. An applicant may file an appeal regarding an ongoing series of charges by a professional during a period not exceeding six months to demonstrate that they represent a pattern of excessive or inaccurate charges; such charges need not be appealed individually.

(c) The appeal shall be in writing and shall briefly set forth the appellant's position. It shall include the name and address of the applicant, the address of the building or site in question, and the permit number (if applicable), and shall reference the specific provision(s) of a statute or rule upon which the applicant is relying and set forth the extent and nature of the applicant's reliance upon such provision(s). The applicant may append to the written application any data or information that he or she may deem appropriate. In the case of an appeal arising under P.L. 1999, c.11, the applicant shall include a statement specifically outlining the dates, time and personnel in dispute.

1. Upon receipt of a copy of the application for a hearing, the enforcing agency (or, in the case of an appeal under P.L. 1995, c.54 or P.L. 1999, c.11, the municipality, the municipal utilities authority

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*** New Jersey Register, Vol. 45, No. 14, July 15, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23A. CONSTRUCTION BOARDS OF APPEALS

N.J.A.C. 5:23A (2013)

or sewerage authority, the approving authority and/or professional) shall provide the construction board of appeals with a copy of the full record of the application below, including a detailed explanation of the reasons for denial of the applicant's request.

(d) Simultaneously with the filing of any application for a hearing, the person filing the application shall provide a copy thereof to the local enforcing agency or, in the case of an appeal under P.L. 1995, c.54 or P.L. 1999, c.11, to the municipality or municipal utilities authority or sewerage authority, the approving authority and any professional whose charge is the subject of the appeal. Proof of compliance with this requirement shall be filed with the board secretary. Such proof may be in the form of a certified mail receipt, a signed receipt for personal delivery or a sworn statement.

(e) The application shall be accompanied by a fee in the sum of \$ 50.00, or such other fee not exceeding \$ 100.00 as may be established by the county or municipal governing body having jurisdiction over the board or by interlocal agreement, as the case may be. An application shall not be considered complete unless accompanied by the fee; provided, however, that the fee shall be waived where the application is based upon the failure of an enforcing agency to act within a required time frame.

§ 5:23A-2.2 Hearing procedures

(a) All parties to any dispute shall be accorded full opportunity to address the construction board of appeals, present testimony and examine and cross-examine witnesses, consistent with reasonable rules of procedure and due process. All testimony shall be under oath or affirmation. Parties shall be allowed to appear through legal counsel or public or corporate officers. Construction, sub-code and fire officials may appear and testify on behalf of their local enforcing agencies.

(b) A quorum of the board for cases arising under the State Uniform Construction Code Act or the Uniform Fire Safety Act shall consist of three regular and/or alternate members. A quorum of the board for cases arising under P.L. 1995, c.54 or P.L. 1999, c.11 shall consist of four regular and/or alternate and/or special members.

(c) Except as otherwise provided in (d) below, when there are not five regular and/or alternate members present to consider an appeal, or if five regular and/or alternate members are present but a code discipline that is involved in a construction code case is not represented, or if no regular or alternate member who is certified as a fire official is present to hear a fire code case, or if either of the special members, or an alternate meeting the same qualifications requirement, is not present in a case arising under P.L. 1995, c.54 or P.L. 1999, c.11, either party shall be entitled to have the hearing adjourned. If neither party requests an adjournment, the case may be heard by the board if a quorum is present.

1. In a case involving the elevator safety subcode, a party shall only have a right to an adjournment due to the absence of a board member having elevator subcode qualification if there is at least one regular or alternate member of the board who has such qualification.

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TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23A. CONSTRUCTION BOARDS OF APPEALS

N.J.A.C. 5:23A (2013)

(d) No adjournment shall be granted without the consent of the local enforcing agency having jurisdiction in any case involving issues of life safety in an occupied building. If, in any such case, a quorum is not present, or a quorum is present but does not include either a representative of any construction code discipline that is required to be represented on the board and is involved in the case or a certified fire official, as the case may be, the case shall not be heard and the appeal shall be deemed to have been denied.

(e) At the beginning of each hearing, the chairperson, or the person presiding in his or her absence, shall state for the record the statute under which the appeal is being brought, the nature and date of the action appealed from, the date the appeal was filed and the basis of the appeal. Thereafter, the matter shall proceed with the representative of the municipality or the professional hired by the municipality or municipal agency, as the case may be, explaining the basis for the action, ruling, order, notice or fee, as the case may be. The appellant, or his or her representative, shall then present the basis for his or her disagreement.

1. Both parties shall be allowed to present witnesses and offer evidence and to examine and cross-examine witnesses, consistent with principles of due process and fairness. Motions and objections may be filed in writing without the necessity of an appearance by the party, but written testimony not subject to cross-examination shall not be allowed; provided, however, that any writings that would be admissible in a court of law shall not be deemed to be included within the prohibition of "written testimony." Any board member may question any witness at the conclusion of that witness' questioning by the parties.

2. By having filed an appeal, a party shall be deemed to have consented to the entry upon the site of members and staff of the board. Any member who has visited a site subsequent to the filing of the appeal shall disclose that fact on the record prior to a party's presentation and shall be subject to questions from either party or any board member pertaining to the visit. A board member shall not, during the course of any such visit, engage in any discussion of issues involved in the case, and shall give a full account of any conversations that do take place in the course of any such visit as part of the disclosure of having visited the site.

3. Neither the board nor any individual member shall discuss any case with either party, including the representative of a party, without the other party, or the representative of the other party, being present; provided, however, that this prohibition shall not apply to statements made on the record in a hearing of which the other party was given notice and the opportunity to participate.

(f) In all cases, the board shall have the power to administer oaths and to issue subpoenas to compel the attendance of witnesses and the production of relevant evidence. The provisions of the "County and Municipal Investigations Law," P.L. 1953, c.38 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

§ 5:23A-2.3 Board decisions

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 45, No. 14, July 15, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23A. CONSTRUCTION BOARDS OF APPEALS

N.J.A.C. 5:23A (2013)

(a) Except as otherwise provided in (b) below, the construction board of appeals shall hear any appeal, render a decision thereon, and file its decision with a statement of the reasons therefore with the enforcing agency or, in the case of a matter arising under P.L. 1995, c.54 or P.L. 1999, c.11, with the municipality or approving authority or municipal utilities authority or sewerage authority, not later than 10 business days following submission of the appeal. In any case involving an appeal from an action, decision, notice or order of a local enforcing agency, the decision shall either affirm, reverse or modify the action, decision, notice or order of the enforcing agency or remand the matter to the enforcing agency for further action. In the case of any reversal, modification or remand, the board shall include in its statement of reasons the specific details of the nature and extent of the board's disagreement with the enforcing agency.

1. The board shall provide copies of the decision, by certified or registered mail, to the applicant and to any other parties entitled to notice pursuant to *N.J.A.C. 5:23A-2.1(c)*.

2. Copies of decisions shall be filed with the Department of Community Affairs within 10 business days of the issuance of the decision as follows:

i. In cases arising under the State Uniform Construction Code Act or under P.L. 1995, c.54 or P.L. 1999, c.11, with the Office of Regulatory Affairs of the Division of Codes and Standards; and

ii. In cases arising under the Uniform Fire Safety Act, with the Division of Fire Safety.

3. Copies of all board decisions shall be deemed to be public records and shall be available for public inspection at the offices of both the board and of any local enforcing agency or other governmental agency that is a party to a case.

(b) With the consent of the applicant, the period of time for the board to issue its decision may be extended beyond 10 business days; provided, however, that in any case involving issues affecting life safety in an occupied building, any such extension shall also require the consent of the local enforcing agency.

1. In any case involving the appeal of a fire code imminent hazard order issued pursuant to *N.J.S.A. 52:27D-208*, the hearing shall be held, and the decision issued, within 48 hours of the receipt by the board of the request; provided, however, that if the hearing is not scheduled to be held within that 48 hour period, the board secretary shall promptly so notify the applicant so that he or she may apply to the Department for an administrative hearing, as provided in *N.J.S.A. 52:27D-208*.

(c) Failure by the board to hear an appeal and render and file a decision thereon within the time limits prescribed in this section shall be deemed to be a denial of the appeal.

(d) Any party, including any enforcing agency, may appeal from a decision of a construction board of appeals to the Law Division of the Superior Court within the time allowed by the rules of court.

1. The local enforcing agency shall immediately comply with the ruling of the construction board of appeals unless a stay is obtained either from the board or from the Superior Court.

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*** New Jersey Register, Vol. 45, No. 14, July 15, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23A. CONSTRUCTION BOARDS OF APPEALS

N.J.A.C. 5:23A (2013)

(e) In all cases, decisions shall be based upon applicable statutory, rule and code provisions and upon the evidence presented and accepted by the board.

1. Decisions shall be consistent with the intent of the applicable statutes and rules. In matters arising under the State Uniform Construction Code Act, the board shall be bound by interpretations and bulletins issued by the Department of Community Affairs pursuant to *N.J.A.C. 5:23-3.9*. Copies of all such interpretations and bulletins shall be provided to all boards and enforcing agencies by the Department.

(f) The failure of a party to appear or to present evidence shall not result automatically in a decision in favor of the other party.

(g) The board may reduce a penalty that is under appeal if it is clearly excessive or may void it if it is found not to be authorized by statute or by rule. The board shall specifically explain its reasoning in any case in which it reduces a penalty that is already below the maximum permitted and shall explain why the reduction is not likely to impede the deterrence of future violations. In determining whether to reduce a penalty, the board shall consider the extra costs required of the local enforcing agency due to the actions or inaction of the appellant regarding compliance. A valid penalty shall not be totally abated if the local enforcing agency demonstrates the lack of a good faith compliance effort on the part of the applicant prior to the imposition of the penalty.

1. A penalty may not be reduced except to the extent that it is clearly excessive. Any determination as to whether a penalty is excessive shall take into account the maximum amount of penalty that might have been imposed for the particular violation. No reduction in the amount of a penalty may be made final unless the violation either has been abated by the time of the hearing or shall have been abated within 30 days thereafter.

2. On an appeal of a penalty, the penalty as originally assessed by the enforcing agency, unless unauthorized by statute or by rule, shall be automatically reinstituted if the violation remains unabated after 30 days following receipt by the applicant of the decision, unless an extension of time for abatement of the violation has been granted by the enforcing agency. The board shall inform the appellant of these facts.

3. On an appeal of a penalty, the appellant may not offer argument that the violation(s) for which the penalty was issued did not exist, and the board shall accept the existence of the violation(s) as having been proven, provided that a notice of the underlying violation has been served and either no timely appeal was filed or the violation notice was sustained on appeal.

(h) On an appeal from a failure or refusal to issue a permit, the board may deny the appeal and return the matter to the enforcing agency for appropriate action or may direct the enforcing agency to grant the permit if the appellant is so entitled in accordance with the code. If the board determines to direct that the permit be granted, the enforcing agency shall provide the board with any recommendations that it may have as to conditions or limitations. The board shall either direct that these conditions or limitations be included or provide specific reasons for not doing so.

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 45, No. 14, July 15, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23A. CONSTRUCTION BOARDS OF APPEALS

N.J.A.C. 5:23A (2013)

(i) On an appeal relating to a variation or variance, as the case may be, the board may grant the variation or variance and shall impose such conditions as may be appropriate to comply with the intent and purpose of the applicable code. No variation or variance shall be granted absent proof that the applicant submitted the necessary application to the local enforcing agency and either the application was denied or no action was taken within the time allowed by the applicable rule (20 business days in Uniform Construction Code cases and 30 days in Uniform Fire Code cases).

1. In Uniform Construction Code cases, the board shall be bound by the provisions of *N.J.A.C. 5:23-2.9*.

2. In Uniform Fire Code cases, the board shall be bound by the provisions of *N.J.A.C. 5:70-2.14*.

(j) A written decision shall contain the following:

1. A statement of the date the appellant received the notice, order, decision, informational copy of a voucher or municipal statement of activity against a deposit or escrow account being appealed, the date the appeal was filed, the appearances or absences of the parties and the board members participating;

2. A statement of pertinent facts, as follows:

i. In a Uniform Construction Code or Uniform Fire Code case, the statement shall include the type of use, the nature of the violation cited and of the action appealed, the basis of the appeal and the basis for the notice, order or decision. A copy of the local enforcing agency's notice, order or decision shall be appended to the decision, unless to do so would be unduly burdensome, in which case the omission shall be explained.

ii. In a P.L. 1995, c.54 or P.L. 1999, c.11 case, the statement shall include the nature of the service rendered to the municipality, municipal utilities authority or sewerage authority, the identification of the approving authority, the identification of the professional who rendered the service, the amount of time spent by the professional or other persons in rendering the service, the amount charged for the service, the amount of that charge that is in dispute and the basis of the dispute. A copy of the professional's voucher or the municipal or municipal utilities authority or sewerage authority statement of activity against the deposit or escrow account, whichever is applicable, shall be appended to the decision.

3. A statement of the names and areas of expertise of any expert witnesses, the party on behalf of which each expert witness testified and whether any materials not in the record were used by the expert witness. If so, the decision shall include copies or descriptions of such materials.

4. In any case involving a penalty, the board shall state the maximum permissible penalty applicable and explain the reason for any reduction.

5. The decision shall include the board's analysis of the case, including its understanding of the code provisions or other provisions of law applicable to the case.

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TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23A. CONSTRUCTION BOARDS OF APPEALS

N.J.A.C. 5:23A (2013)

i. If, in a Uniform Construction Code or Uniform Fire Code case, the board determines to reverse or modify the action taken by a local enforcing agency, or to direct that action be taken by a local enforcing agency, it shall provide a specific and detailed explanation of the basis for its action, including reference to any technical code provisions relied upon.

ii. In any case arising under P.L. 1995, c.54 or P.L. 1999, c.11, the board shall provide a specific and detailed explanation of its basis for a determination that a disputed charge either is or is not valid and of its basis for any modification of any charge.

6. There shall be a statement of disposition containing the board's determination.

§ 5:23A-2.4 Construction Board of Appeals: records retention

(a) Copies of the following shall be retained;

1. Applications to the Construction Board of Appeals and the Decisions of the Construction Board of Appeals, including any attachments to the applications or decisions, shall be retained for a period of at least seven years, or until the end of any known litigation, whichever is longer; and

2. Recordings of proceedings (audio or video) shall be retained for at least one year.



STATE OF NEW JERSEY
Department of Community Affairs
Division of Codes and Standards
Code Assistance Unit
P.O. Box 802
Trenton, New Jersey 08625-0802

Jon S. Corzine
Governor

Joseph V. Dotja, Jr.
Commissioner

March 13, 2009

Randall Bevan
Bevan Security Systems, Inc.
30 Scott Street
Riverside, New Jersey 08075

Dear Mr. Bevan:

Thank you for your recent letter to the Department of Community Affairs regarding the requirements for windowless story fire alarm systems.

Specifically, your question is:

"You are asking if a full fire alarm system should be installed throughout the entire building if someone is cited for a windowless basement automatic fire alarm system."

No. There are no requirements in the New Jersey Uniform Construction Code that would require the installation of a complete system throughout the entire building. The intent of installing automatic fire alarm and sprinkler systems is to make the building safer for the occupants and the fire fighters. With a monitored automatic fire alarm system installed the fire department will be notified upon alarm activation intern causing an early response to a fire condition within the basement. The New Jersey Uniform Construction Code requires that the system be installed only throughout the level of the windowless space. Section N.J.A.C. 5:23-6.30 (c) has specific requirements that state throughout the windowless story not throughout the building.

I trust this answers your question on this matter. This opinion is, however, advisory in nature and, therefore, non-binding on any of the parties concerned. Should you be in need of further assistance, please contact me at 609-984-7609.

Very truly yours,

Michael E. Whalen
Code Assistance Unit

M-1

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 46 No. 14, July 21, 2014 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 6. REHABILITATION SUBCODE

N.J.A.C. 5:23-6 (2014)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(e) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

(f) Public Garages: When the work area exceeds 50 percent of the gross floor area of a public garage, the entire building is required to comply with Sections 406.2 and 406.3 of the Building subcode.

§ 5:23-6.29 Mixed use buildings

(a) Each portion of a building shall be separately classified as to use. The requirements of this subcode shall apply to each portion of the building based on the group of that portion, except that the most restrictive requirements of this subcode for an automatic sprinkler system shall apply to the entire building.

1. Exception: An automatic sprinkler system shall not be required for uses that would not otherwise need an automatic sprinkler system provided that there is a one-hour fire separation between the use(s) requiring an automatic sprinkler system and the other use(s) in the same building. A two-hour fire separation assembly shall be required to apply this exception in any building where one or more of the uses is H. (Plan review--Building, Fire. Inspection--Building)

(b) Separation: In any nonresidential use located below one or more dwelling units, when the work area exceeds 50 percent of the gross enclosed floor area of the nonresidential use, the nonresidential use shall be separated from the residential use by a one hour fire resistance-rated ceiling assembly designed to protect the dwelling unit(s) above. (Plan review--Building, Fire. Inspection--Building)

(c) Alarms: In any nonresidential use located below one or more dwelling units (including single room occupancies), when the work area exceeds 50 percent of the gross enclosed floor area of the nonresidential use, single or multiple station smoke alarms shall be installed in the nonresidential portion(s) of the building in accordance with NFPA 72 and provided with an audible alarm located within each dwelling unit of the residential portion of the building. The alarms shall be AC powered with battery back-up. Hard-wired, interconnected smoke alarms installed throughout the building shall be accepted as meeting this requirement. (Fire)

§ 5:23-6.30 Special technical requirements--all groups

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TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 6. REHABILITATION SUBCODE

N.J.A.C. 5:23-6 (2014)

ii. A supervised automatic fire alarm system shall be installed in accordance with the New Jersey Uniform Construction Code. (Fire)

(d) Supervision of automatic sprinkler systems: When automatic sprinkler systems are required by this subcode to be supervised, this shall be accomplished by one of the following methods as determined by the fire subcode official:

1. Approved central station system in accordance with NFPA 72;
2. Approved proprietary system in accordance with NFPA 72;
3. Approved remote station system of the jurisdiction in accordance with NFPA 72; or
4. Approved local alarm service which will cause the sounding of an alarm in accordance with NFPA 72;
5. The following are exceptions to (d) above:
 - i. Underground gate valves with roadway boxes;
 - ii. Halogenated extinguishing systems;
 - iii. Carbon-dioxide extinguishing systems;
 - iv. Dry chemical extinguishing systems; and
 - v. Limited area sprinkler systems. (Fire)

(e) Technical Requirements for Smoke Barriers: Wherever smoke barriers are required by this subchapter, they shall be constructed in accordance with the following provisions:

1. Smoke barriers shall have a fire resistance rating of not less than one-half hour and shall form an effective membrane continuous from outside wall to outside wall and from floor slab to floor or roof deck above, including continuity through all concealed spaces, such as those found above suspended ceilings, and including interstitial structural and mechanical spaces. Transfer grilles, whether equipped with fusible link-operated dampers or not, shall not be used in these partitions. Wire glass panels not exceeding 1,296 square inches in approved steel frames may be used in smoke barriers.

i. Exception: Smoke barriers are not required in interstitial spaces when such spaces are designed and constructed with ceilings that provide resistance to the passage of fire and smoke equivalent to that provided by smoke barriers.

2. A means of egress shall be provided from each smoke compartment created by smoke barriers such that it is possible to reach an exit without re-entering the smoke compartment.

3. Doors in smoke barriers shall have a fire-resistance rating of not less than 20 minutes when tested in accordance with ASTM E152 without the hose stream and labeled by an approved agency. Double egress corridor doors shall have vision panels of one-quarter inch thick labeled wire glass mounted in approved steel frames. Such panels may also be provided in other doors in smoke barriers. The glass area of the vision panels shall be limited to 1,296 square inches for each door. The doors shall close the openings with only the clearance necessary for proper operation under self-closing or automatic closing and shall be without undercuts, louvers or grilles. Rabbits or astragals are required at the meeting edges of double egress doors, and stops are required on the head and jambs of all doors in smoke barriers. Positive latching devices are not required on double egress corridor doors, and center mullions are prohibited.

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TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 6. REHABILITATION SUBCODE

N.J.A.C. 5:23-6 (2014)

i. Phase II emergency operation shall be provided only if required by the requirements for high-rise buildings contained in the supplemental requirements for each group, *N.J.A.C. 5:23-6:12A* through *6.28A*. In addition, when phase II emergency operation is required, standby power shall be provided. Standby power shall be installed in accordance with the electrical subcode. The elevator powered by a standby power system shall be subject to the requirements of ANSI/ASME A17.1-1996 Rule 211.2.

4. Escalators shall conform to ASME A17.3-2000 for Operating and Safety Devices (Section 5.3), Anti-Slide Devices (5.1.4), Handrail Guards (5.1.6), Guards at Ceiling or Soffit Intersection (5.1.3), Lighting (5.4), Distinction Between Comb and Step (5.5.2), Adjacent Floor Surfaces (5.5.3). (Elevator)

(h) Specific Occupancy Areas: Specific occupancy areas, as listed below, shall comply with the following:

1. Paint shops in other than Group F which contain chemicals below the exempt amount for Group H, waste and soiled linen collection rooms and chute termination rooms shall be separated from other portions of the building by a one-hour fire partition or provided with an automatic sprinkler system.

2. Incinerator rooms in all groups shall be separated from other portions of the building by a two-hour fire separation assembly and provided with an automatic sprinkler system.

3. In Groups I-2, I-3 and I-4, physical plant maintenance shops, laundries in excess of 100 square feet in area and padded cells shall be separated from other portions of the building by a one-hour fire partition or provided with an automatic sprinkler system. (Building)

§ 5:23-6.31 Change of use

(a) General: The following are of general applicability to changes of use:

1. When the use of a building is changed, then the building must be brought into compliance with the requirements of this section. Each of the lettered subsections of this section establishes a specific type of requirement. This section establishes requirements for compliance with the basic requirements of this subcode, for means of egress, for enclosure of vertical openings, for height and area limitation, for exterior wall fire resistance, for automatic sprinkler systems, for fire alarm systems, for fire detection systems, for structural soundness, for plumbing, electrical, and mechanical systems, and for accessibility.

i. Limit on new buildings undergoing a change of use: Buildings that have been occupied for their originally intended use for less than one year shall be required to comply with the requirements of the Uniform Construction Code for new construction for the proposed use.

2. The subsections governing compliance with the basic requirements, means of egress, height and area limitations, exterior wall fire resistance, and automatic sprinkler systems incorporate Relative Group Hazard Index Tables. Compliance with the requirements of the subsection is required when the change of use will increase the relative hazard. Each of the subsections should be applied separately to the proposed new use.

3. This section may require an owner to undertake work in order to be permitted to change the use of a building or a portion of a building. Additionally, the owner of a building may wish to undertake other work not required by the section. That work must comply with the requirements for repair, renovation, alteration, and/or reconstruction applicable to the new group in accordance with the provisions of this subcode.

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Joseph Massi

2 N. Black Horse Pike • Bellmawr, New Jersey 08031
Office (856) 933-5300 Cell [REDACTED] Fax (856) 933-5265

December 23, 2015

Gloucester County Construction Board of Appeals
c/o Anthony Fiola, Assistant Gloucester County Counsel
2 South Broad Street
Woodbury, New Jersey 08096

RE: 35 S. Broadway, Pitman, NJ

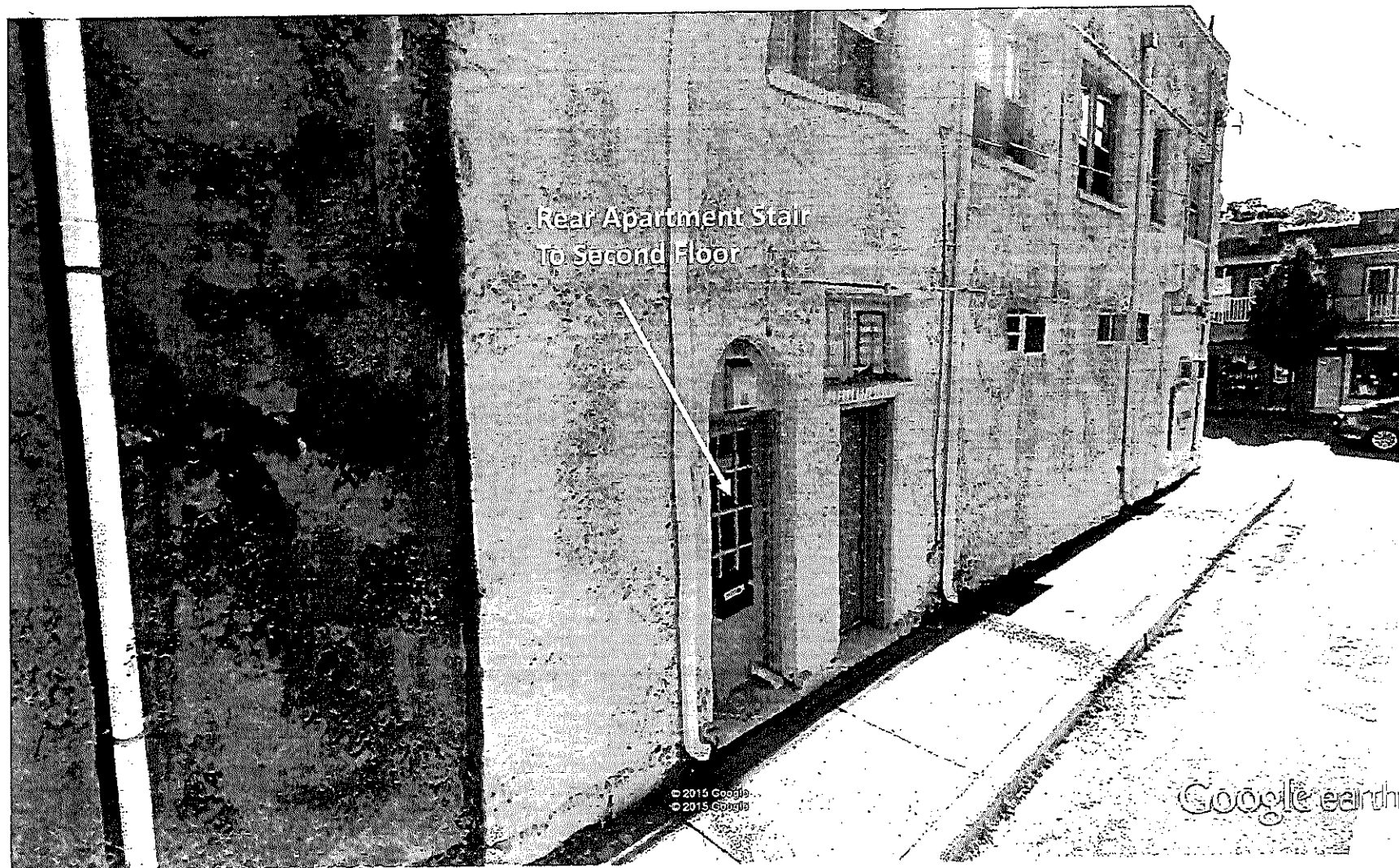
Dear Tony,

First of all let me start with wishing you and your family a Merry Christmas and a Happy New Year. I appreciate you working with me on the timing for the hearings. After the last Board of Appeals meeting, Bevan Security continued to inform me that they are sure I am within my rights not to proceed with the boards findings. Enclosed you will find documentation from Community Affairs which he feels will prove that Bevan Security Systems is correct in this matter. Also enclosed from Bevan Security Systems is a written motion to have a qualified state representative from department of Community Affairs Division of Fire Safety to be present for testimony at the next appeals meeting.

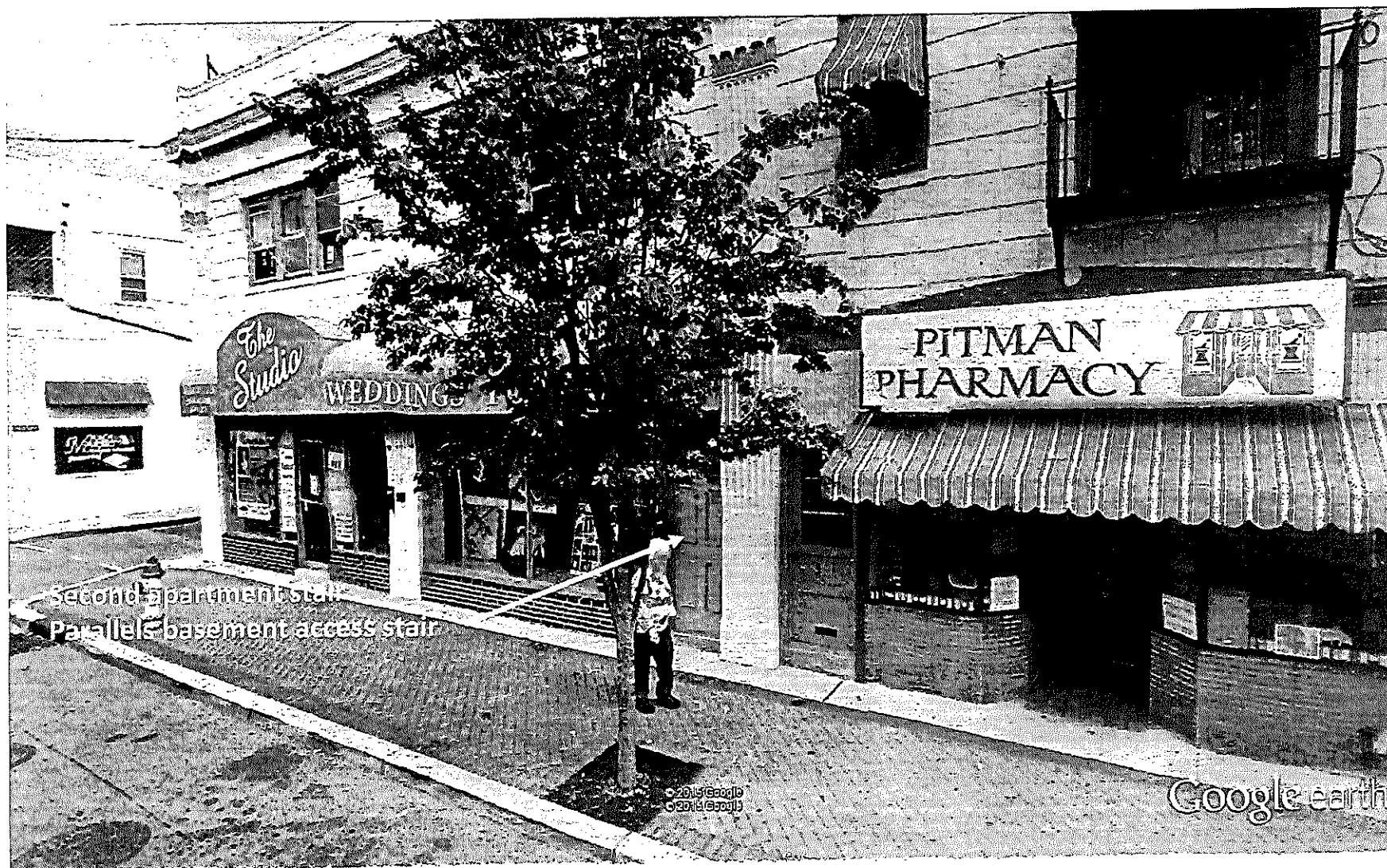
Sincerely,

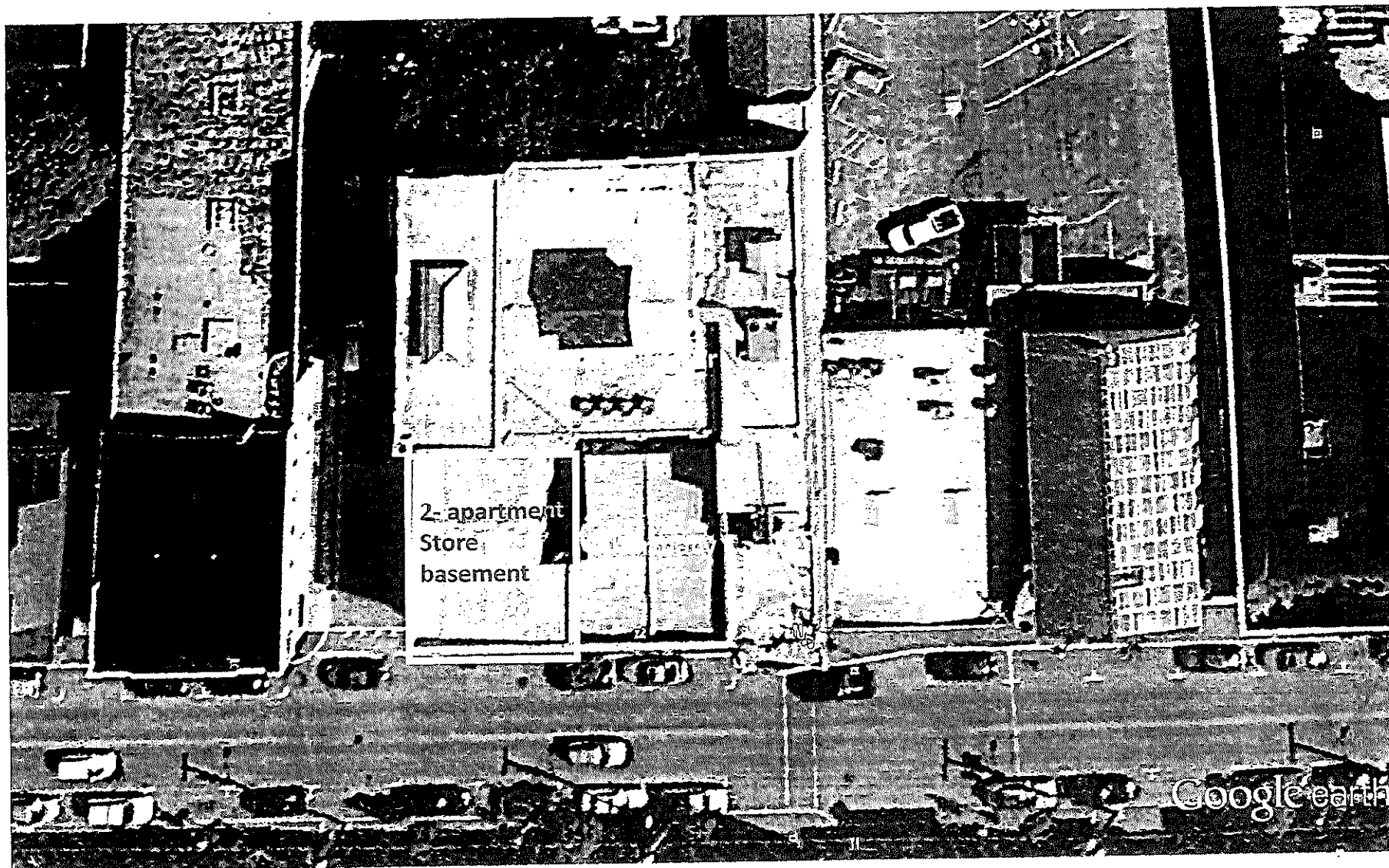


Joe Massi



P-23





P-1



BULLETIN: 2010-4

SUBJECT: Enforcement of NJAC 5:70-3
State Fire Prevention Code

REFERENCE: N. J. A. C. 5:70-3.1(d)

ISSUE DATE: June 7, 2010

Larry

*Sent email
to stake to him
10am 7-28-15*

Since the adoption of the New Jersey edition of the International Fire Code (NJ IFC) in August, 2008, there has been confusion regarding the applicability of items that appear in the code that require providing new equipment or construction or the upgrading of previously approved installations.

N.J.A.C. 5:70-3.1(d) specifically addresses this issue. It states "This subchapter establishes fire prevention requirements governing the safe maintenance of all buildings and premises subject to this code. It is not the intent of the new Uniform Fire Code Subchapter 3 to require the installation or upgrading of any system, equipment or building component not already required by NJAC 5:70-4 or by the Uniform Construction Code in effect at the time of construction of the building or at the time of installation of any existing system, equipment or building component. This subchapter shall not be cited as the basis for any retrofit requirement. A lack of compliance with NJAC 5:70-4 shall be cited by the fire official under NJAC 5:70-4. A suspected lack of compliance with the provisions of the Uniform Construction Code in effect at the time of construction or installation shall be referred to the local construction official for appropriate action."

The confusion stems from the fact that the national model code which is the basis for the New Jersey Fire Prevention Code--the International Fire Code--promulgated by the International Code Council, is not only a fire prevention code. It is also a new building code in that it contains requirements for new construction and is referenced in the International Building Code as the source for construction requirements. To eliminate confusion about the applicability of these new construction requirements, the section

[Signature]



APPLICATION TO CONSTRUCTION BOARD OF APPEALS

Date Received:
Date Issued:
Control #:
Permit #:

IDENTIFICATION

Work Site Location 35 S. BROADWAY, PITMAN Block 74 Lot 1
Owner in Fee JOSEPH MASSI Agent BEVAN SECURITY
Address 2 N BLACK HORSE PIKE Address 30 SCOTT ST.
BELMAR NJ 08031 RIVERSIDE NJ 08075
Phone [REDACTED] Phone [REDACTED]
Municipality PITMAN NJ 08071

APPLICANT STATEMENT

Specific section(s) of the Regulations in questions:

N.J.A.C. 5:20-4.7 (h) 6
ADDITIONAL AUDIBLE ALARM TO ALERT
2ND FLOOR OF BASEMENT FIRE

Briefly state your position in this matter and explain the nature of the relief you seek. (If more space is required, additional pages may be attached).

WINDOWLESS BASEMENT ALARM HAS BEEN INSTALLED AND PERMITTED FOR
MANY YEARS. IT HAS BEEN INSPECTED BY PITMAN FIRE MARSHALL EVERY
YEAR SINCE INSTALLATION AND WE HAVE ALWAYS GOTTEN FIRE CERTIFICATE

The Construction Board of Appeals has 10 business days following submission of the appeal to Make a decision pursuant to N.J.A.C. 5:23-2.37(a).

I SEEK MY FIRE INSPECTION CERTIFICATE AS I HAVE
GOTTEN EVERY YEAR SINCE 1989

Fee \$ 100.⁰⁰
Paid ☐ Check No. 1453
Collected by: _____

SIGNED: _____

APPLICANT

8-6-15

DATE

(Application will not be considered complete unless accompanied by the appeal fee. Fee shall be waived when appeal is based on failure of agency to act within a specified time frame.)

ATTN: DAVE @ BEVAN *V. Pitman*

Premises: MASSI, JOSEPH
35 S. BROADWAY

Pitman, N.J. 08071

Registration No. MFD-074-01-R-3
Inspection Date: May 4, 2015
Initial Inspector:
Print Name: Foley, Jim
Page number: 1

Owner/Agent: JOSEPH MASSI
2 N. BLACKHORSE PIKE
BELLMAWR, N.J. 08031

*312 74
LOT 1*

VIOLATIONS

SHERM STS. 2433

*AXED
6-815
@ 2:15 PM*

*DAVE BOBEN
461-0044*

Date:

Inspector:

The violations cited on the above premises are as follows:

Number	Description (Maintenance: 0 Retrofit: 1)	Abate by	U/A	U/A	U/A
1.	Location: Top of Apartment Stairs Nature: Additional audible alarm requires to alert apartments of basement or store fire Code Section: N.J.A.C. 5:70-4.7(h)6.	06/03/2015			

Key: The numbering of violations is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.
"U" Unabated - Violation uncorrected.
"A" Abated - Violation corrected.

Ryan Pierson

*uninhabited Basement
already completed*

*MS Dept of Comm Affairs
ST Inspector
Robert Lenox*

*exclusion
SUD CORE Affected*



Joseph Massi
2 North Black Horse Pike
Bellmawr, New Jersey 08031

[REDACTED]
fax [REDACTED]

DATE 11-4-15

FAX:

TO ANTHONY PUGLIA

FROM JOE MASSI

THERE ARE 3 PAGES
INCLUDING THIS COVER PAGE.

COMMENTS:

REQUEST FOR HEARING DATE CHANGE

Joseph Massi

2 N. Black Horse Pike • Bellmawr, New Jersey 08031
Office (856) 933-5300 Cell [REDACTED] Fax (856) 933-5265

November 2, 2015

Gloucester County Construction Board of Appeals
c/o Anthony Fiola, Assistant Gloucester County Counsel
2 South Broad Street
Woodbury, New Jersey 08096

Appeal: 2015-09

Joseph Massi vs. Borough of Pitman

Dear Mr. Fiola,

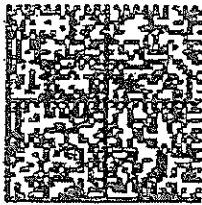
Please accept this letter as formal notice that I have a conflict with the new appeal date. I was just notified today that my scheduled appeal date of November 11th has been changed to November 12th at 8:30am. I have court scheduled for that same day. When you and I spoke earlier we assumed the court time would be 9am. It is actually 1pm. I have attached a copy of the court summons. It would be very difficult for me to guarantee that I could make the appeal hearing on time as I have no idea how long court will last. I am also relying on my representative from Bevan Security to accompany me as he is aware of all the fire codes. It would not be fair of me to ask him to standby just incase I can get out of court early. I am requesting a new appeal date that is acceptable to everyone. Thank you for your consideration.

Sincerely,

Joseph Massi

GLOUCESTER COUNTY SPECIAL CIVIL :
 1 NORTH BROAD ST
 WOODBURY NJ 08096
 (856) 853-3392
 CASE NUMBER:
 GLO LT-002372-15
 MASSI
 VS

11/12



UNITED STATES POSTAGE
 02 1A \$ 00.35⁰
 0004621359 OCT 23 2015
 MAILED FROM ZIP CODE 08096

CV0220 : OCTOBER 22, 2015

A SUMMONS WAS ISSUED TO 22-15	
AND A NON-JURY TRIAL HAS BEEN	: JOSEPH MASSI
SCHEDULED FOR THIS CASE	
ON 11-12-2015 AT 01:00PM	: 2 N BLACK HORSE PIKE
JURY REGISTRATION REQUIRED	
PLEASE REPORT TO:	: BELLMAWR NJ
JUDGE ASSIGNED:	
COURT ROOM: 201	: 08031
COURT HOUSE	
ONE N. BROAD STREET	
WOODBURY	

Joseph Massi

2 N. Black Horse Pike • Bellmawr, New Jersey 08031
Office (856) 933-5300 [REDACTED] Fax (856) 933-5265

November 2, 2015

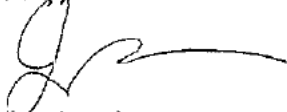
Gloucester County Construction Board of Appeals
c/o Anthony Fiola, Assistant Gloucester County Counsel
2 South Broad Street
Woodbury, New Jersey 08096

Appeal: 2015-09
Joseph Massi vs. Borough of Pitman

Dear Mr. Fiola,

Please accept this letter as formal notice that I have a conflict with the new appeal date. I was just notified today that my scheduled appeal date of November 11th has been changed to November 12th at 3:30pm. I have Landlord/Tenant court scheduled for that same day. I am the landlord and must appear. When you and I spoke earlier we assumed the court time would be 9am. It is actually 1pm. I have attached a copy of the court summons. It would be very difficult for me to guarantee that I could make the appeal hearing on time as I have no idea how long court will last. I am also relying on my representative from Bevan Security to accompany me as he is aware of all the fire codes. It would not be fair of me to ask him to standby just incase I can get out of court early. I would really appreciate a new appeal date that is acceptable to everyone. Thank you for your consideration.

Sincerely,



Joseph Massi

GLOUCESTER COUNTY SPECIAL CIVIL :
1 NORTH BROAD ST :
WOODBURY NJ 08096 :
(856) 853-3392 :
CASE NUMBER: :

GLO LT-002372-15
MASSI

VS
INSOGNO BRIAN

A SUMMONS WAS ISSUED 10-22-15 :
AND A NON-JURY TRIAL HAS BEEN :
SCHEDULED FOR THIS CASE :
ON 11-12-2015 AT 01:00PM :
UNIT REGISTRATION REQUIRED :
PLEASE REPORT TO: :
JUDGE ASSIGNED- :
COURT ROOM: 201

COURT HOUSE
ONE N. BROAD STREET
WOODBURY

CV0220 : OCTOBER 22, 2015

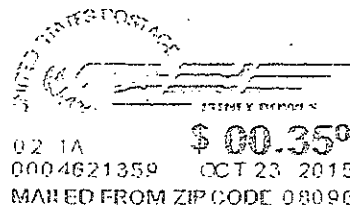
: JOSEPH MASSI

: 2 N BLACK HORSE PIKE

: BELLMAWR NJ

08031

11/12



Joseph Massi

2 N. Black Horse Pike • Bellmawr, New Jersey 08031
Office (856) 933-5300 Cell [REDACTED] Fax (856) 933-5265

October 8, 2015

Gloucester County Construction Board of Appeals
c/o Anthony Fiola, Assistant Gloucester County Counsel
2 South Broad Street
Woodbury, New Jersey 08096

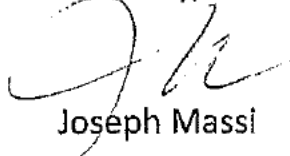
Appeal: 2015-09
Joseph Massi vs. Borough of Pitman

Dear Mr. Viola,

Thank you very much for talking with me yesterday in regards to my dilemma. I received a letter with a new appeal hearing date of 10/14/15. As I mentioned to you I will be away for 2 weeks and unable to make that date. I would appreciate it if you would reschedule the appeal hearing for sometime in November.

Also, please note that I made a mistake when I told you yesterday that I had received a Fire Inspection Certificate from the Borough of Pitman. The certificate I received is from Bevan Security Systems (copy attached). I have NOT received a certificate from the Borough of Pitman.

Sincerely,


Joseph Massi

Fire Alarm Inspection Certificate

For Artist House Studio - P

35 Broadway South

Pitman, NJ 08071

The Fire Alarm System at the premises listed above was tested and inspected on

September 9, 2015 by Bevan Security Systems, Inc.

30 Scott Street Riverside, New Jersey 08075. Phone 856-461-2234

Burglar Alarm & Fire Alarm License# BF000167

Fire Alarm Permit # P00690

Electrical License# 16365



BEVAN
Security Systems, Inc.
(856) 461-2234

Seal

Gloucester County Construction Board of Appeals

c/o Anthony Fiola, Assistant Gloucester County Counsel
2 South Broad Street
Woodbury, NJ 08096
(856) 384-6895

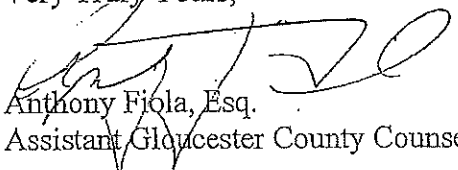
January 11, 2016

Ryan Pierson, Fire Safety Official
Borough of Pitman
10 South Broadway
Pitman, NJ 08071
Via First Class Mail & Certified Mail # 7009 2820 0001 0035 3112

Appeal: 2015-09
Joseph Massi vs. Borough of Pitman,

this is to confirm that the above appeal, presently scheduled for January 13, 2016, must be postponed. The rescheduled hearing will be held on February 10, 2016. Thank you for your attention.

Very Truly Yours,



Anthony Fiola, Esq.
Assistant Gloucester County Counsel

Cc. Robert DeAngelo

Gloucester County Construction Board of Appeals

c/o Anthony Fiola, Assistant Gloucester County Counsel

2 South Broad Street

Woodbury, NJ 08096

(856) 384-6895

January 11, 2016

Joseph Massi

2 N. Black Horse Pike

Bellmawr, NJ 08031

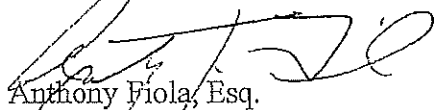
Via First Class Mail & Certified Mail # 7009 2820 0001 0035 3105

Appeal: 2015-09

Joseph Massi vs. Borough of Pitman

This is to confirm that the above appeal, presently scheduled for January 13, 2016, must be postponed. The rescheduled hearing will be held on February 10, 2016. Thank you for your attention.

Very Truly Yours,



Anthony Fiola, Esq.

Assistant Gloucester County Counsel

cc. Bob DeAngelo

Gloucester County Construction Board of Appeals

c/o Anthony Fiola, Assistant Gloucester County Counsel
2 South Broad Street
Woodbury, NJ 08096
(856) 384-6895

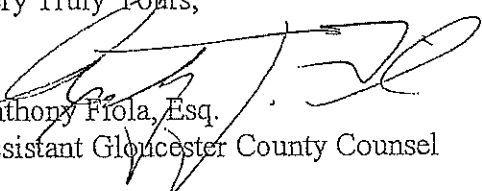
January 5, 2016

Joseph Massi
2 N. Black Horse Pike
Bellmawr, NJ 08031
Via First Class Mail & Certified Mail # 7009 2820 0001 0035 4461

Appeal: 2015-09
Joseph Massi vs. Borough of Pitman

Please be advised that the above appeal has been scheduled for hearing on January 13, 2016 at 3:30 PM. The hearing will be held in the large conference room in the Government Service Building located on Budd Blvd. in West Deptford.

Very Truly Yours,



Anthony Fiola, Esq.
Assistant Gloucester County Counsel

cc. Bob DeAngelo

Gloucester County Construction Board of Appeals

c/o Anthony Fiola, Assistant Gloucester County Counsel
2 South Broad Street
Woodbury, NJ 08096
(856) 384-6895

January 5, 2016

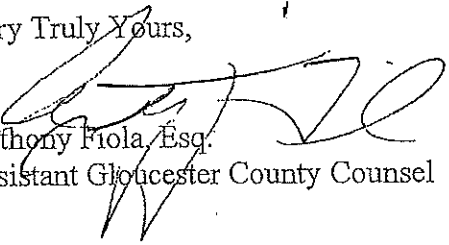
Ryan Pierson, Fire Safety Official
Borough of Pitman
10 South Broadway
Pitman, NJ 08071

Via First Class Mail & Certified Mail # 7009 2820 0001 0035 3082

Appeal: 2015-09
Joseph Massi vs. Borough of Pitman

Please be advised that the above appeal has been scheduled for hearing on January 13, 2016 at 3:30 PM. The hearing will be held in the large conference room in the Government Service Building located on Budd Blvd. in West Deptford.

Very Truly Yours,



Anthony Fiola, Esq.
Assistant Gloucester County Counsel

cc. Bob DeAngelo

Gloucester County Construction Board of Appeals

c/o Anthony Fiola, Assistant Gloucester County Counsel
2 South Broad Street
Woodbury, NJ 08096
(856) 384-6895

November 5, 2015

Ryan Pierson, Fire Safety Official
Borough of Pitman
10 South Broadway
Pitman, NJ 08071

Via First Class Mail & Certified Mail # 7009 2820 0001 0035 4201

Appeal: 2015-09
Joseph Massi vs. Borough of Pitman

Please be advised that the above referenced appeal must be postponed until the December 9, 2015 meeting. The appellant has supplied the Construction Board with the enclosed Notice from the Superior Court of New Jersey, Gloucester County, scheduling a court proceeding on the same afternoon as the Construction Board meeting. The Superior Court proceeding takes precedence over the Construction Board meeting, and consequently the meeting must be postponed. As stated, the appeal will be heard at the December 9, 2015 meeting. Thank you for your attention.

Very Truly Yours,

Anthony Fiola, Esq.
Assistant Gloucester County Counsel

Cc. Robert DeAngelo

Gloucester County Construction Board of Appeals

c/o Anthony Fiola, Assistant Gloucester County Counsel

2 South Broad Street

Woodbury, NJ 08096

(856) 384-6895

November 5, 2015

Joseph Massi

2 N. Black Horse Pike

Bellmawr, NJ 08031

Via First Class Mail & Certified Mail # 7009 2820 0001 0035 4218

Appeal: 2015-09

Joseph Massi vs. Borough of Pitman

This is to confirm that the above referenced appeal to the Gloucester County Construction Board of Appeals has been postponed. The appeal will be heard at the Board meeting on December 9, 2015, at 3:30 PM. Thank you for your attention.

Very Truly Yours,

Anthony Fiola, Esq.

Assistant Gloucester County Counsel

cc. Bob DeAngelo

Gloucester County Construction Board of Appeals

c/o Anthony Fiola, Assistant Gloucester County Counsel
2 South Broad Street
Woodbury, NJ 08096
(856) 384-6895

August 13, 2015

Ryan Pierson

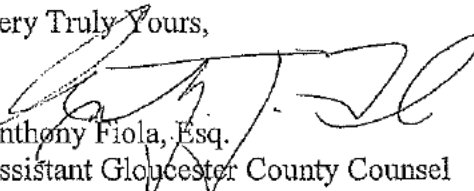
Via E-mail address: ryanpierson@verizon.net

Appeal: 2015-09

Joseph Massi vs. Borough of Pitman

Please be advised that the above appeal has been scheduled for hearing on September 9, 2015 at 3:30 PM. The hearing will be held in the large conference room in the Government Service Building located on Budd Blvd. in West Deptford.

Very Truly Yours,


Anthony Fiola, Esq.
Assistant Gloucester County Counsel

cc. Bob DeAngelo

Handwritten note:
RECEIVED - Gloucester County
FIRE SAFETY STAFF

Gloucester County Construction Board of Appeals

c/o Anthony Fiola, Assistant Gloucester County Counsel
2 South Broad Street
Woodbury, NJ 08096
(856) 384-6895

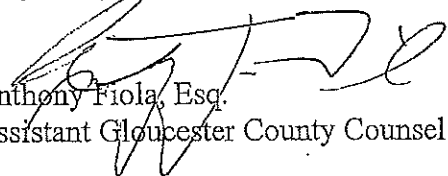
October 1, 2015

Joseph Massi
2 N. Black Horse Pike
Bellmawr, NJ 08031
Via First Class Mail & Certified Mail # 7011 3500 0000 8787 2515

Appeal: 2015-09
Joseph Massi vs. Borough of Pitman

Please be advised that, due to a procedural issue involving the timing of your appeal, it will be necessary to reschedule the above appeal. The rescheduled date and time of hearing is October 14, 2015 at 3:30 PM. The hearing will be held in the large conference room in the Government Service Building located on Budd Blvd. in West Deptford.

Very Truly Yours,



Anthony Fiola, Esq.
Assistant Gloucester County Counsel

cc. Bob DeAngelo

Gloucester County Construction Board of Appeals

c/o Anthony Fiola, Assistant Gloucester County Counsel
2 South Broad Street
Woodbury, NJ 08096
(856) 384-6895

August 13, 2015

Joseph Massi
2 N. Black Horse Pike
Bellmawr, NJ 08031
Via First Class Mail & Certified Mail # 7011 3500 0000 8786 7160

Appeal: 2015-09
Joseph Massi vs. Borough of Pitman

Please be advised that the above appeal has been scheduled for hearing on September 9, 2015 at 3:30 PM. The hearing will be held in the large conference room in the Government Service Building located on Budd Blvd. in West Deptford.

Very Truly Yours,

Anthony Fiola, Esq.
Assistant Gloucester County Counsel

cc. Bob DeAngelo

Gloucester County Construction Board of Appeals

c/o Anthony Fiola, Assistant Gloucester County Counsel
2 South Broad Street
Woodbury, NJ 08096
(856) 384-6895

October 1, 2015

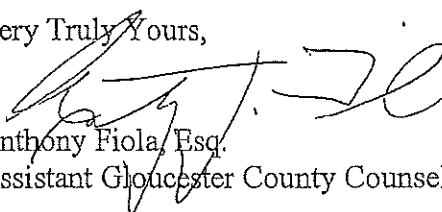
Ryan Pierson, Fire Safety Official
Borough of Pitman
10 South Broadway
Pitman, NJ 08071

Via First Class Mail & Certified Mail # 7012 1010 0003 6632 7931

Appeal: 2015-09
Joseph Massi vs. Borough of Pitman

Please be advised that, due to a procedural issue involving the timing of the above appeal, it will be necessary to reschedule the appeal. The rescheduled date and time is October 14, 2015 at 3:30 PM. The hearing will be held in the large conference room in the Government Service Building located on Budd Blvd. in West Deptford. It will be necessary for you to bring the Notice of Violation to the hearing.

Very Truly Yours,



Anthony Fiola, Esq.
Assistant Gloucester County Counsel

cc. Bob DeAngelo

April 12, 2016

Pitman Fire Department
Bureau of Fire Prevention
110 South Broadway
Pitman, NJ 08071

ADP

RE: 70 East Holly Ave., Pitman, NJ 08071

Dear Pitman Fire Department:

Attached please find proof of the Annual Fire Alarm System Test/Maintenance for 70 East Holly Ave., Pitman, NJ which should satisfy the Notice of Violations and Order to Correct with an Abate By date of April 20, 2016.

Please update your records to reflect our new address. We had submitted a letter to the Borough of Pitman back in February with this same address (The B. De Gori Family 2 Limited Partnership, PO Box 1481, Fort Walton Beach, FL 32549).

Should you need anything else, please let us know

Best regards,

Frances A. De Gori
General Partner
The B. De Gori Family 2 Limited Partnership
PO Box 1481
Fort Walton Beach, FL 32549
[REDACTED]

cc: Gloucester County Construction Board of Appeals

Enclosure (1)

GCSI Security Group

40A Walnut Street
Williamstown, NJ 08094

DATE	INVOICE #
4/6/2016	41438

BILL TO

B. Degori Family 2 Unlimited Partnership
P.O. Box 1481
Fort Walton Beach, FL 32549

**Product / Service
Invoice**

TERMS	CUSTOMER #
Net 15	004981

DUE DATE
4/21/2016

Qty	ITEM CODE	DESCRIPTION	PRICE	AMOUNT
	Date	Job Completed On: 04/05/16		
1	FT-T-Annual	Annual Fire System Inspection, Testing, and Cleaning		
1	FT-Labor	Fire System Testing - Labor by Technician		
1	FT-Paperwork	Fire Certificate(s), Report(s), and Inspection Form(s)		
1	FT-Fire Panel	Test of Fire Systems Main Control Panel		
1	FT-Keypad	Test of Fire Systems Control Keypad(s)		
1	FT-AC	Test of Fire Systems Primary Electric Supply		
1	FT-Transformer	Test of Fire Systems Transformer(s)		
2	FT-RJ-31X Jack	Test of Fire Systems RJ-31X Jack & Cord		
2	FT-Dialer	Test of Fire Systems Dialer/Communicator(s)		
1	FT-Telco (Pri)	Test of Fire Systems Primary Telecom Line		
1	FT-Telco (Sec)	Test of Fire Systems Secondary Telecom Line		
2	FT-Bat	Test of Fire Systems Backup Battery(s)		
3	FT-Smoke Clea...	Test and Cleaning of Fire Systems Smoke Detector(s)		
1	FT-Heat	Test of Fire Systems Heat Detector(s)		
2	FT-Horn/Strobe	Test of Fire Systems Fire Horn/Strobe(s)		
2	BAT 12V-8AH	12 Volt 8 Amp Hour Battery		
	Technician - LC	Technician on Job - Larry Carhart NJ State Sales Tax		
			Total	

**Pitman Fire Department
Bureau of Fire Prevention
110 South Broadway
Pitman, New Jersey 08071
Phone: (856) 589-2433**

Registration No.: D-100-02-BB
Municipality: Borough of Pitman
County: Gloucester County
Inspector: Pierson, Ryan
Inspected: March 21, 2016
Page: 1

To: The B. Degori Family 2 Limited Partnership
525 YALE AVENUE
PITMAN, N.J. 08071

**NOTICE OF VIOLATIONS
and
ORDER TO CORRECT**

Premises: THE B. DE GORI FAMILY 2 LIMITED PARTNERSHIP-COMMON
Address: 70 E HOLLY , Pitman, New Jersey 08071
Phone: 856-904-4443 Type of use: B-3 MTG. COMPANIES, PHOTOGRAPHY, OFFICES, SCHOOL

	<u>OWNER</u>	<u>AGENT</u>
Name:	The B. Degori Family 2 Limited Partnersh	
Address:	525 YALE AVENUE	
	PITMAN, N.J. 08071	
Phone:	856 904-4443	

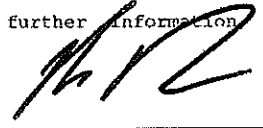
<u>TENANT/OPERATOR</u>
The B. Degori Family 2 Limited Partnership
525 YALE AVENUE
PITMAN, N.J. 08071
856-904-4443

YOU ARE HEREBY NOTIFIED THAT an inspection by the Bureau of Fire Prevention disclosed violations of the Uniform Fire Code (N.J.A.C. 5:70-1 et. seq.) promulgated pursuant to the New Jersey Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et. seq.). The violations are specified on the accompanying "Violations Report" page(s).

YOU ARE HEREBY ORDERED by the FIRE OFFICIAL to correct the violations listed on the accompanying "Violations Report" page(s) within the time, or by the date specified. If a reinspection discloses that violations have not been corrected, and an extension has NOT been requested and granted, you will be subject to penalties of up to \$5,000 per violation per day or as otherwise authorized by the Act and Department Regulations.

IN ADDITION, the ACT imposes liability on the owner for the actual costs of fire suppression where a violation directly or indirectly results in fire.

If you do not understand this order, need assistance, or desire further information, please call the Bureau of Fire Prevention at (856) 589-2433

By: 
Ryan Pierson, Fire Official

APPEAL RIGHTS-EXTENSIONS

See the attached page of information concerning your administrative appeal rights, authorized penalties and the procedure for requesting an extension of time in which to correct violations.

Signature of Owner or Representative

Printed Name of Owner or Representative

Date

THE B. DE GORI FAMILY 2 LIMITED PARTNERSHIP-COMMON
70 E HOLLY

Pitman, New Jersey 08071

Registration No. D-100-02-BB
Inspection Date: March 21, 2016
Initial Inspector: _____
Print Name: Pierson, Ryan
Page number: 2

Owner/Agent: The B. Degori Family 2 Limited Partnership
525 YALE AVENUE
PITMAN, N.J. 08071

VIOLATIONS

Date:

Inspector:

The violations cited on the above premises are as follows:

Number	Description (Maintenance: 1 Retrofit: 0)	Abate by	U/A	U/A	U/A
1.	Location: Basement Nature: ANNUAL FIRE ALARM SYSTEM TEST/MAINTENANCE REQUIRED- Provide copy of test report Code Section: N.J.A.C. 5:70-3,907.20	04/20/2016			

Key: The numbering of violations is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.

"U" Unabated - Violation uncorrected.

"A" Abated - Violation corrected.



**COUNTY OF GLOUCESTER
STATE OF NEW JERSEY
CONSTRUCTION BOARD OF APPEALS
PO BOX 337
WOODBURY, NEW JERSEY 08096**

April 22, 2016

Joseph Tomarchio
1 Laramie Way
Mantua, NJ 08051

RE: Letter received April 13, 2016

Dear Mr. Tomarchio

I am in receipt of your letter which is unsigned and undated.

Your matter cannot be placed on the Board docket, as the proper application and application fee were not adequately filed. For your convenience I have enclosed an application to the Construction Board of Appeals, which must accompany your check in the amount of \$100.00 made payable to Gloucester County Board of Appeals (money order was received for \$50.00, please provide the additional \$50.00). You must also enclose your violation notice and order to pay penalty.

Once the formal application and fee are received, your application will be scheduled for the next regularly scheduled meeting. Should you have any questions regarding this letter, please contact me at 856-384-6895 or via email at: constructionboard@co.gloucester.nj.us.

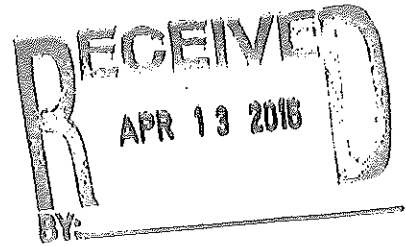
Sincerely,

Sandra Rost

Sandra Rost
Secretary

certified mail 7013 3020 0002 3330 3488

Applicants name: Joseph Tomarchio
License Plate number: 294 DNC
Location of violation: 1 Larme way Mantua nj, 08051
Violation of Uniform Fire Act number: [5:70-3.2(A)3F-307.1.1



On the night of 4/03/2016 I had a small camp fire on my mother and father's property in the middle of the storm that night. Now mind you i have been burning at this spot for years. This fire was in a round ring of cinder blocks. I had left the fire when it got low enough to burn out by itself as i usually would do at any other time. I soon come to realization when i approach my parents property a bunch of fire trucks & police vehicles WITH OUT emergency lights. They had come the back way where it clearly states (BEYOND THIS POINT IS CONSIDERED PRIVATE PROPERTY) you can clearly see in the one picture below.

The fire department put the fire out and as they were issuing me the fine to this "illegal" fire. A Fire fighter did NOT have their uniform on he was in a red hoodie and dickie pants. And his name is Brian Thompson. At this point chief Hauss did not state what we could do to fix this issue. Now you will see in the next picture of a fire there two fire pits... That was way more UNSAFE then what we had the first time. And on top of this all. Hauss issued me a \$200.00 fine. He clearly stated that was my second offense...but i never received a ticket/fine or anything for that matter.

Over all the fire department did NOT contact the home owner of the property nor come through the residence entrance. They had someone on the scene out of uniform in full civilian cloths (Brian Thompson). Hauss stated "I was issued a fine" (that i NEVER received).

POSTED

**PRIVATE PROPERTY
HUNTING, FISHING, TRAPPING OR
TRESPASSING FOR ANY PURPOSE
IS STRICTLY FORBIDDEN
VIOLATORS WILL BE PROSECUTED**

Name _____

Address _____



MALEY & ASSOCIATES

A PROFESSIONAL CORPORATION

Counsellors at Law

931 Haddon Avenue

Collingswood, New Jersey 08108

www.maleyassociates.com

M. James Maley Jr.*
Emily K. Givens
Erin B. Simone
John C. Terruso*
M. Michael Maley*

* Admitted in PA & NJ

P 856.854.1515
F 856.858.2944

May 2, 2016

VIA E-MAIL (TFIOLA@CO.GLOUCESTER.NJ.US)

Gloucester County Construction Board of Appeals
c/o Anthony Fiola, Assistant Gloucester County Counsel
2 South Broad Street
Woodbury, NJ 08096

**Re: Railroad Construction v. Paulsboro
Appeal No. 2015-13**

Dear Mr. Fiola:

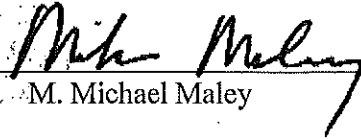
Please be advised that this office represents the Borough of Paulsboro as it relates to the above captioned matter. We have reached a settlement in this matter and respectfully request that the hearing scheduled for Wednesday, May 11, 2016 be dismissed. The Appellant has consented to this dismissal.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

MALEY & ASSOCIATES

A Professional Corporation

By: 

M. Michael Maley

/mmm

cc: Sandra Rost (via e-mail srost@co.gloucester.nj.us)
Chris Kramer (via e-mail ckramer@railnj.com)
Kathy A. VanScoy, Clerk (via e-mail kvanscoy@paulsboronj.org)