

Ronald G. Rios
County Commissioner Director

Shanti Narra
County Commissioner Deputy Director

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Charles Kenny
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County Commissioners



COUNTY ADMINISTRATION
Office of the County Counsel
Construction Board of Appeals

Ronald G. Rios
Chairperson, County Administration

John A. Pulomena
County Administrator

Thomas F. Kelso, Esq.
County Counsel

Michele A. Tackach
Secretary

Construction Board of Appeals
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Anthony J. Neibert, *Vice Chairman*
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Mark Hruska
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ALTERNATE MEMBERS

Louis J. Buonocore
Frank Dellapietro, III
Thomas Hart
Kenneth W. Krug

MIDDLESEX COUNTY CONSTRUCTION BOARD APPEALS

HOW TO FILE AN APPEAL:

In order to be able to have your request for an appeal accepted, **you must do the following:**

1. File an application for a hearing with the secretary of the Construction Board of Appeals having jurisdiction.
2. The full completed application must be accompanied by the \$100.00 filing fee and **must 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.
3. **NOTE: DROPPING OFF A \$100.00 CHECK AND REQUESTING AN APPEAL DOES NOT CONSTITUTE FILING A COMPLETED APPLICATION FOR APPEAL. YOUR CHECK WILL BE RETURNED AND NOT ACCEPTED UNTIL THE ENTIRE APPLICATION IS RECEIVED.**
4. **APPLICATION FOR APPEAL SHALL BE IN WRITING AND SHALL:**
 - A. Briefly set forth your position.
 - B. Include your name and address.
 - C. Include the address of the building or site in question.
 - D. Include the permit number (if applicable).
 - E. Include a copy of the Violation and Order to Pay Penalty from the township, borough, etc.
 - F. Reference the specific provision(s) of a statute or rule upon which you are relying.
 - G. Set forth the extent and nature of your reliance upon such provision(s). (You may attach any data or information that you deem appropriate.)
 - H. Include proof, (by way of certified mail receipt, a signed receipt for personal delivery or a sworn statement), that you have provided a copy of A-G above to the local enforcing agency whose decision you wish to appeal.
 - I. Be accompanied by a filing fee in the sum of \$100.00 in the form of a check made payable to "Treasurer-Middlesex County".



Any application received after the fifteen (15) day deadline will be automatically rejected.

The Construction Board of Appeals **does not** have the authority to extend the time of filing.

Any application found not in compliance with Section 4, A-I above will be rejected.

However, you have the right to resubmit an application that complies with Section 4, A-I above **so long as it is received within the initial 15 day time period.**

Please be advised that under New Jersey Law, the Board must render a decision within 10 days of receipt of your appeal or **your appeal will be denied, unless you consent to an extension of time.** Due to the fact that the Board only meets once a month, the Board, obviously, will not be able to hear your appeal within the ten (10) day period.

The statute governing appeals to the Construction Board mandates that all of the paperwork be filed with the secretary at the same time and that it be filed **within fifteen (15) calendar days** of receipt of the notice. **We do not have the authority to extend the fifteen (15) day period.**

The statute further indicates that if the Board does not hear the case within ten (10) days after the paperwork is properly filed the appeal is **automatically denied.** Since the Board only meets once a month, there may be a chance that, depending on when your properly filed paperwork arrives in this office, it may have missed the last meeting. In situations such as this, the statute permits **you to request** additional time for the Board to hear your appeal. This will avoid your appeal from being automatically denied. If you wish to automatically request the time extension for the Board to hear your case and avoid an automatic denial, you can do so in writing. Said request, however does not extend the original fifteen (15) days that you had to properly file your paperwork.

If you have any questions, please do not hesitate to contact the Board Secretary, Michele A. Tackach at 732-745.4210.

Thank you,
MICHELE A. TACKACH,
BOARD SECRETARY

[] I consent to an extension of time for the Board to hear my appeal once it has been determined that it was filed within the fifteen (15) day time period.

