

The Board of County Commissioners
of the County of Monmouth

CONSTRUCTION BOARD OF APPEALS



Checklist for Filing an Appeal with the Monmouth County Construction Board of Appeals:

Requirement	Checkmark
Application is fully completed	
Email Address is written on application	
\$100 Check for filing fee payable to Monmouth County Construction Board of Appeals [N.J.A.C. § 5:23A-2.1(e)]	
Notice of Violation(s)/Order(s) are included with application	
Written Confirmation that the appeal was delivered to the Municipality [N.J.A.C. § 5:23A-2.1(d)]*	
Completed Appeal Request Package must be mailed/delivered in hard copy to the Secretary of the Board by the statutory deadline [N.J.A.C. § 5:23A-2.1(a) & (a)(1)]**	
Filed within 15 calendar days of receipt of written notice of the enforcing agency [N.J.A.C. § 5:23A-2.1(a) & (a)(1)]	

*Such proof may be in the form of a certified mailing receipt, signed receipt for personal delivery, or a sworn statement including how it was delivered to the Municipality.

**2nd Floor of the Hall of Records Annex, 1 East Main Street, Freehold, N.J. 07728

Note: Your appeal will not be scheduled for a hearing with the Monmouth County Construction Board of Appeals without all requirements checked.

Failure to provide jurisdictional items according to the Administrative Code may result in a jurisdictional denial.

To Appellants and Municipal Construction Officials:

Applications to the Monmouth County Construction Board of Appeals are subject to the New Jersey Administrative Code Regulations N.J.A.C. §5:23A-1.1 through 5:23A-2.4. All parties in an Appeal filed with the Monmouth County Construction Board of Appeals under the enforcement of the State Uniform Construction Code or Uniform Fire Code are responsible with familiarizing themselves with the administrative regulations as well as local procedures. However, a few bullet points that an Appellant and Municipal Construction Officials should adhere to include the following:

N.J.A.C. § 5:23A-2.1(a) & (a)(1) – Hearing applications - Applications for a hearing shall be filed with the secretary of the construction board of appeals having jurisdiction, and the Appeal shall be filed no later than 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.

N.J.A.C. § 5:23A-2.1 (c) – Appeals shall be in writing and briefly state the Appellant's position. Appeals 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 and relevant to the appeal.

N.J.A.C. § 5:23A-2.1 (c)(1) – Upon receipt of a copy of the application for a hearing, the enforcing agency 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.

N.J.A.C. § 5:23A-2.1(d) – Simultaneously with the filing of any application [Appeal] for a hearing, the person filing the application shall provide a copy thereof to the local enforcing agency. 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.

N.J.A.C. § 5:23A-2.1(e) – The application shall be accompanied by a fee of \$ 100.00 payable to “County of Monmouth.” 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.

N.J.A.C. § 5:23A-2.2 & 2.3 - Hearing procedures and Board Decisions are regulated by N.J.A.C. § 5:23A-2.2 through § 5:23A-2.3.

