

②

cc: Admin  
FAX: J. Dorsey  
cc: C. Nafalawy  
G. Lindsay

RECEIVED & FILED  
SUPERIOR COURT  
2009 JAN -6 PM 12:59  
CIVIL DIVISION

RECEIVED  
JAN 12 2009  
Mount Olive Township, New Jersey

TONIE FRY  
BLUE BIRD INN LLC  
15 ARLINGTON AVENUE  
LEDGEWOOD, NJ 07852  
9735845177

TONIE FRY, BLUE BIRD INN  
LLC.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MORRIS COUNTY

PLAINTIFF

Docket No:

VS.

TOWNSHIP OF MOUNT OLIVE

CIVIL ACTION

DEFENDANT

*MOTION*  
NOTICE OF SHOW CAUSE  
ISSUE PERMITS

PLEASE TAKE NOTICE that Plaintiff Tonie Fry (Blue Bird Inn) with office located at 15 Arlington Avenue, Ledgewood New Jersey 07853 hereby make application to the Superior Court, Law Division, located at Court House P.O. Box 009 Morristown New Jersey 07963 for an Order to force the Township of Mount Olive Defendant to issue Building, Plumbing and Electrical permits.

Oral argument is requested. Certification is submitted in support of this action.

I certify that I have served the Defendants Township of Mount Olive.

Dated: January 6, 2009

  
\_\_\_\_\_  
TONIE FRY

I Certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: January 6, 2009

  
\_\_\_\_\_  
TONIE FRY

## CERTIFICATION

1. On or about September 8, 2006 a letter was given to me from Jay Holler, the zoning officer of the Mount Olive Township.
2. The letter was a follow up of a phone conversation that I had with Jay Holler on September 6, 2006.
3. I had inquired about the necessary steps that I needed to take in order to conduct interior improvements to upgrade the condition of my existing building which is known as the Blue Bird Inn.
4. Jay Holler informed me of the January 27, 2003 Resolution from the Zoning Board of Adjustment which certified the valid pre-existing nonconforming use of a restaurant and tavern.
5. I was informed that I would need site plan approval in order to occupy the property for the approved use.
6. I was also informed that interior work will be permitted to be completed with the understanding that I would still need the required site plan approval prior to the occupation of the building for any purpose.
7. I went to the construction department for the application for plumbing, Electrical and construction permits. I was told by the construction code official Gary Lindsay that I would need to hire a engineer to prepare design.
8. Gary Lindsey also informed me that I would have to have a licensed plumber, electrician and contractor to do the work.

9. Bruno Cividini was hired to do the engineering and architect work. He did the design and submitted the final design documents five sets signed and sealed on August 7, 2006.

10. The plumbing, electrical and construction plans were given to the construction department along with the application for permits signed by licensed plumbing, electrical and construction contractor.

11. The plumbing inspector Mr. Jim Goneriski approved the plans after minor changes that he requested.

12. The construction code official would not approve the plans. He stated that site plan approval is needed before he would issue building permits.

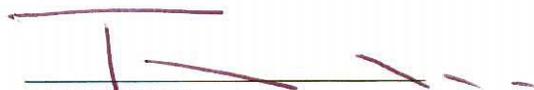
13. A meeting was scheduled and held with the Construction code official and the Township administrator Bill Sohl and Kathern Natifaluso. The Officials stated that they would not honor the letter from the zoning official, and they would not issue permits.

WHEREFORE I am requesting that the Court order the Township to issue Permits.

WHEREFORE: I am also requesting that the Court Order the Township to Stop Harassing the Plaintiffs.

WHEREFORE: I am requesting the Court to find the Township in violation.

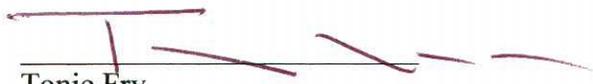
DATED: January 6, 2009

  
TONIE FRY

CERTIFICATION

I CERTIFY that I did serve the Township of Mount Olive by certified  
Mail. Township of Mount Olive P.O. Box 450 Budd Lake NJ 07828

DATED: January 6, 2009

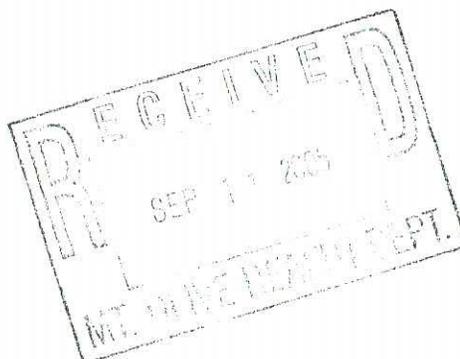
  
\_\_\_\_\_  
Tonie Fry

**TOWNSHIP OF MOUNT OLIVE**  
Planning / Zoning / Code Enforcement

September 8, 2006

Ms. Tonie Fry  
15 Arlington Ave.  
Ledgewood, NJ 07852

Re: Block 3201, Lots 21 & 22  
168-174 Route 46 (Blue Bird Inn)

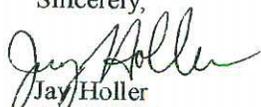


Dear Ms. Fry:

This letter is intended to follow up our telephone conversation of September 6, 2006. At that time you were seeking information regarding the steps necessary to conduct interior improvements to upgrade the condition of the existing building, known as the Blue Bird Inn. I informed you that on January 27, 2003 the Zoning Board of Adjustment of Mount Olive Township adopted Resolution Number 02-04 ZBA certifying the valid pre-existing nonconforming use of a restaurant / tavern, pursuant to *N. J. S. 40:55D-68* on the above-referenced property. Currently site plan approval is required in order to occupy the property for the approved use. However, interior work will be permitted to be completed with the understanding that this in no way changes the requirement of site plan approval prior to the occupation of the building for any purpose.

Should you have any questions contact me at 973-691-0900 ext. 7321

Sincerely,

  
Jay Holler  
Zoning Officer

Cc: Gary Lindsay, Construction Code Official  
Frank Wilpert, Health Officer  
Jack Marchione, Tax Assessor