

**PASSAIC COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES
JANUARY 20, 2022**

Secretary Schlosser opened the meeting at 4:06 PM and read the notice that the requirements of the Open Public Meeting Act had been met. She then proceeded to call the roll.

MEMBERS PRESENT

1. Phillip Cheff, Chair
2. James Booth, Commissioner
3. Robert Lynch, Commissioner
4. Dennis Kolano, Commissioner
5. Nadege Allwaters, Counsel
6. Erin Schlosser, Secretary

MEMBERS ABSENT

1. John Bleeker, Vice Chair

APPEALS TO THE BOARD

Steve Tsimpedes, 7 Valley Road, Clifton, NJ

PRESENT: Michael T. Halkias, Esq., Attorney for the Appellant
Steve Tsimpedes, Appellant
Ernest Tedesco, City of Clifton Construction Official

VIOLATIONS: N.J.A.C. 5:23-2:16(J)2 Altered plans; and
N.J.A.C. 5:23-2 14(A) No permit for dormers

Steve Tsimpedes and Michael T. Halkias, Esq., Attorney for the Appellant, are owners of the above-referenced property at 7 Valley Road, Clifton, New Jersey. The Appellants appeared before the Board to appeal a penalty for altered plans and a dormer constructed without a permit.

Mr. Halkias stated that the Appellant submitted an application to the Clifton Zoning Office nine or ten days prior to this meeting date. The application is under review by the Clifton Zoning Board of Adjustment. The Appellant has not received a hearing date as of yet.

Mr. Halkias stated that permits were taken for all work at the property, however the height of a dormer was increased by one foot from the original submitted plans in order to bring the dormer in question to the same height as an existing dormer. Mr. Halkias stated the dormer is in a stairway and is not an extension of the third-floor space.

Chairman Cheff stated that he and Commissioner Kolano would need to recuse themselves due to conflicts of interest. Chairman Cheff stated that the Appellant needs a decision from the Zoning Board before this Board could address the matter.

Mr. Halkias stated that if the Appellant did not receive approval from the Zoning Board, their only recourse would be to lower the dormer. If the Appellant does receive approval from the Zoning Board, Mr. Tedesco stated they could work on coming to an agreement to satisfy the violations.

Mr. Halkias stated that on December 4, 2021, the Appellant requested a redemption statement from the City of Clifton. Once the redemption statement was paid, the Appellant submitted their application to the Zoning Board.

Mr. Tedesco stated that the Appellant had previously appeared before the Board on a separate matter regarding this property. Mr. Tedesco stated that the Appellant had begun demolition on the property without first obtaining a permit. Mr. Tedesco stated that after a fire on the property, the Appellant did not obtain a permit.

The Board repeated that a decision was needed from Zoning Board before this Board could address the matter.

The Board agreed to postpone this matter ninety (90) days pending the decision of the Clifton Zoning Board of Adjustment.

Luisa Santiago, 9 George Street, Clifton, NJ

PRESENT: Ernest Tedesco, City of Clifton Construction Official

VIOLATIONS: N.J.A.C. 5:23-2-14 (A) No permit;
N.J.A.C. 5:23-2-18 (C) No inspections; and
N.J.A.C. 5:23-2-23(A) No C.O. for aboveground pool and extension of porch in back of house

Mr. Tedesco stated that he had made an offer to the Appellant to resolve the matter but had not received confirmation from the Appellant as of yet.

The Board agreed to keep this matter open for ten (10) days pending receipt of confirmation of a resolution.

Passaic Arms Condominiums, 455 Passaic Avenue, Passaic, NJ

PRESENT: Michael J. Sweeney, Esq., Attorney for the Appellant
Alberto Ventura, City of Passaic Construction Official

VIOLATIONS: N.J.A.C. 5:23-2.30(a) & 2.31(b) (4)

The Appellants' attorney appeared before the Board to appeal a violation of due to holes in the rear garage on the property. The holes drain excess rainwater directly to the adjacent property, creating water damage to the neighboring lot. The City indicated that the owners would need to seal one or more holes to avoid water flow onto the neighboring property.

Chairman Cheff stated that the issue at hand is a property maintenance issue.

Mr. Sweeney stated that surface water comes into the garage and drains through the holes in the garage.

Mr. Ventura stated that he had been in contact with Mr. Sweeney and the Appellants are willing to plug the holes in the garage and find an alternative solution to drain water from the garage. Mr. Ventura stated that there is enough space on the Appellant's property behind the garage to contain the water.

Mr. Sweeney stated that the garage is sixty (60) to seventy (70) years old and it has settled, causing water to flow towards the property behind the garage. Mr. Sweeney stated that the tropical storms over the last year have caused more water to flow through the garage, which led to flooding on the property behind the garage.

Chairman Cheff stated again that this is a property maintenance issue.

Mr. Ventura stated that he had agreed to a time extension through April 15, 2022 proposed by the Appellant to give the Appellant time to rectify the problem. Mr. Ventura stated that he does not want to dismiss the violation until the matter is satisfied.

The Board agreed to postpone this matter to April 2022 in concurrence with the time extension agreed upon by the Appellant and the City of Passaic.

OFFICIAL BUSINESS

A motion to adopt the minutes of the December 16, 2021 Construction Board of Appeals meeting was made by Commissioner Booth and seconded by Chairman Cheff. The motion passed unanimously.

The Board entered a closed executive session at 4:29 PM.

The Board reconvened the open public meeting at 4:38 PM.

A motion was made by Commissioner Lynch and seconded by Commissioner Booth to adjourn. The meeting adjourned at 4:40 PM.

The next meeting of the Board will be February 17, 2022.

/ s / Erin M. Schlosser
Secretary, Passaic County Construction Board of Appeals