

**PASSAIC COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES
JULY 21, 2022**

Secretary Schlosser opened the meeting at 4:00 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. Robert Lynch, Commissioner
2. Dennis Kolano, Alternate Commissioner
3. John D. Pogorelec, Jr., Counsel
4. Erin Schlosser, Secretary

MEMBERS ABSENT

1. Phillip Cheff, Chair
2. John Bleeker, Vice Chair
3. James Booth, Commissioner

APPEALS TO THE BOARD

298-300 Main Street, Inc., 300 Main Street, Paterson, NJ

This matter was adjourned prior to the start of the meeting.

Raval Divyeshkumar and Capnovate Construction LLC, 106 Pershing Road, Clifton, NJ

This matter was adjourned prior to the start of the meeting.

North Star Electrical Contractors, LLC, 442 Lincoln Ave, Hawthorne, NJ

PRESENT: Rocco Gaudio, Appellant
Albert Kreis, Borough of Hawthorne Electrical Sub-Code Official

Mr. Kreis stated that he inspected a 200 amp service on a new addition to the above-referenced property and did not observe any ground rods driven for the service, so he issued a violation. Mr. Kreis stated that he received a phone call from the Appellant, during which the Appellant stated that he had put a footer ground in and wanted to use the footer ground as a supplemental. Mr. Kreis stated that he told the Appellant that the footer could be used as a supplemental, but that would require a letter from the Appellant stating that the code requirement has been met and that there is 20 feet in contact with the earth. Mr. Kreis stated that the Appellant objected to this and told Mr. Kreis that he felt the footer

ground was the best ground he could get. Mr. Kreis stated that since he didn't see the footer ground and the construction official who inspected the site is only witnessing that there is a piece of number four cable connected to a rod. Mr. Kreis stated that he did not know what that was below the rod. Mr. Kreis stated that he gave the Appellant another option to drive two ground rods. Mr. Kreis stated that the Appellant told him he did not have to do that. Mr. Kreis stated that the third option he gave the Appellant was to take a measurement between the water pipe and footer ground, and if there were 25 ohms or less, the violation would be satisfied. Mr. Kreis stated that the Appellant told him he did not have to do any of those three things. Mr. Kreis stated in a later phone call, the Appellant told him that he had spoken to someone who told the contractor the work done was correct. Mr. Kreis stated he told the Appellant that if he wanted the work inspected, the Appellant would need to do one of those three things. Mr. Kreis stated that the Appellant refused to do any of those three things. Mr. Kreis stated that the Appellant requested a notice of violation, which Mr. Kreis did not issue immediately, as Mr. Kreis felt the matter could be resolved.

Commissioner Lynch asked if there is a copper water pipe going into the house.

Mr. Kreis stated that he did not know whether the pipe is copper or galvanized.

Commissioner Lynch asked if it is a plastic water pipe going into the house.

Mr. Kreis stated that the pipe is not plastic.

The Appellant stated that his discrepancy was there was a new foundation poured and the service was relocated. The Appellant stated that he was told by Mr. Kreis that the construction official was not trained to look for a concrete encased electrode and that Mr. Kreis does not pass them in the Borough unless the construction official can see ground rods or 25 ohm less to ground. The Appellant stated that in the code book there is one section that Mr. Kreis quoted and it was for one ground rod. The Appellant stated that as per the code Mr. Kreis quoted, he would only need to drive one ground rod and show 25 ohm or less to ground, the work would be acceptable and the Appellant would not have to put a second ground rod in.

Commissioner Lynch asked for clarification on the second violation issued.

Mr. Kreis stated that the second violation was for the penetration seal on the LB. Mr. Kreis stated that the LB was not sealed on the inside.

Commissioner Lynch asked if it goes into the basement.

Mr. Kreis stated that it does go into the basement.

Commissioner Lynch asked if the basement was finished or unfinished.

Mr. Kreis stated that he does not remember. The Appellant stated that the basement was unfinished and unconditioned.

Commissioner Lynch stated that as he reads the code, it is the building inspector's job to check the footing ground and mark that it was seen and connected. Commissioner Lynch stated that there is no other supplemental needed, other than to go to the water pipe. Commissioner Lynch stated that the water pipe has to be bonded and grounded, and that's the second grounding. Commissioner Lynch stated that the Appellant has met the issue with the footing ground.

The Appellant stated that Mr. Kreis wanted him to caulk the inside of an LB that has a cover and a gasket. The Appellant stated that he caulked the outside and has never caulked the inside of an LB in an unconditioned room.

Commissioner Lynch stated that the code referenced on the second violation, IRC, is not adopted by New Jersey and that the correct citation for the violation is NEC 300.7. Commissioner Lynch stated that caulk is not a UL listed item, and the Appellant would need to use duct seal, spray foam, or a product that is rated to be around conductors. Commissioner Lynch stated that the LB should be sealed.

The Appellant asked what air barrier the seal requires.

Commissioner Lynch stated that the code requires a seal rated to be around conductors.

The first violation was dismissed. The Appellant agreed to seal the LB to satisfy the second violation. Mr. Kreis will reinspect the property once the Appellant has completed the work.

Hossein Ameri, 84 Pennington Street, Paterson, NJ

PRESENT: Hossein Ameri, Appellant
Captain Herbert H. Eggers III, City of Paterson Fire Official

Captain Eggers submitted an updated Notice of Violation and Order to Correct at the start of the hearing. There is one item pending from the original violations. Captain Eggers informed the Board that the Fire Prevention Bureau had inspected the property multiple times over the last week and that the Appellant has made repairs to satisfy most of the violations. The remaining violation is N.J.A.C. 5:70-3, 703.1 for failure to repair holes in ceilings and walls after water leak. The inspectors did not have access to the apartment in question to determine if the remaining violation has been satisfied.

Commissioner Lynch asked the Appellant if work had been done as of yet to satisfy the remaining violation.

The Appellant stated that the violation has been corrected.

Commissioner Lynch asked the Appellant when the inspectors would be given access to inspect the apartment.

The Appellant stated that the tenant has been uncooperative in giving access to the apartment. The Appellant stated that an eviction is pending a hearing.

Captain Eggers stated that he is willing to carry the matter.

Commissioner Kolano asked if the City's legal department could be of any help in getting access to the apartment.

Captain Eggers stated that the inspectors were able to get into the building, but the tenant of the apartment in question was not home at that time. Captain Eggers stated that the tenant has been cooperating with the fire department.

The Board agreed to carry this matter 60 days pending a reinspection of the property.

OFFICIAL BUSINESS

The Board tabled the meeting minutes of May 19, 2022.

A motion was made by Commissioner Lynch and seconded by Commissioner Kolano to adjourn. The meeting adjourned at 4:20 PM.

The next meeting of the Board will be September 15, 2022.

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