

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

Secretary Schlosser opened the meeting at 4:05 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. John Bleeker, Vice Chair
3. James Booth, Commissioner
4. Robert Lynch, Commissioner
5. Dennis Kolano, Alternate Commissioner
6. Nadege Allwaters, Counsel
7. Erin Schlosser, Secretary

APPEALS TO THE BOARD

Annamarie Bruno, 130 Edward Drive, Ringwood, NJ

This matter was withdrawn prior to the start of the meeting.

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

PRESENT: Theresa Richardson, Attorney for the Appellant
Captain Herbert H. Eggers III, City of Paterson Fire Official
Kyle Johnson, City of Paterson Fire Inspector

Captain Eggers stated that the City of Paterson Fire Department required the property owner to do calculations on the sprinkler system of the building on the property, as the system was estimated to be 100 years old. In an engineering report from March 2019, the building's sprinkler system was found to be inadequate, and violations were issued by the Fire Department. The Appellant appealed the violations before the Board in May 2021. Captain Eggers stated that the matter was settled in May 2021, with he and the Appellant's attorney, Richard Blender, agreeing that all fines and violations would be dropped so long as the sprinkler system was installed. Captain Eggers stated that as of May 20, 2022, the work had not been completed and he assessed a daily penalty on the property. Captain Eggers stated that a permit was pulled in 2021 to install the sprinkler system, but the work was never done. Captain Eggers stated that to his knowledge, the fire pump required for the work has not been ordered as of yet and that there is a minimum lead time of 10 weeks for the fire pump, which will delay the project. Captain Eggers stated that furniture is stored floor to ceiling on seven floors of the building and he believes the property is an imminent fire hazard.

Chairman Cheff asked if there was a contractor involved on the property, and if they have physically been on the job.

Captain Eggers stated that there is a contractor and they have been on the job. Captain Eggers stated that the City of Paterson Building Department has not inspected the building as of yet. Captain Eggers detailed some of the work to be completed, including changing the water main on Main Street, changing the OS&Y valve, and installing a new fire pump. Captain Eggers stated that he told Mr. Blender that work must begin on the first level of the building, but when Captain Eggers spoke to the contractor, Fidel Parra, Mr. Parra informed him that work began on the sixth floor. Captain Eggers stated he believes that as a result of the work starting on the top floor of the building, the newly installed piping on the second through sixth floors will not support the new system once the new water main and fire pump are installed.

Ms. Richardson stated that the Appellant has a contract with the contractor for one hundred and sixty-three thousand dollars (\$163,000.00) to complete the sprinkler system. Ms. Richardson stated that the contractor is doing the best he can in light of COVID and supply chain issues. Ms. Richardson stated that to her understanding, eight percent (80%) of the contract has been paid to the contractor.

Chairman Cheff asked for the date of the contract.

Ms. Richardson stated the contract is dated May 20, 2021.

Chairman Cheff asked if the contractor had given a completion date for the work.

Ms. Richardson stated that the contractor has been complaining of supply issues.

Chairman Cheff asked who the contractor is, and why they did not appear at the hearing.

Ms. Richardson stated the contractor is JT Fire & Safety. Ms. Richardson stated that the contractor did not appear at this hearing because he had spoken to the Fire Department and therefore thought the matter was resolved.

Chairman Cheff asked Captain Eggers what the total fines were on the property.

Captain Eggers stated there are one hundred and twenty-six thousand dollars (\$126,000.00) in fines. Captain Eggers stated that as per an email to Kyle Johnson, City of Paterson Fire Inspector, the fire pump manufacturer provided a quote for the fire pump to the Appellant on March 18, 2022 and again on September 21, 2022, and the fire pump has still not been ordered as of yet. Captain Eggers stated that he spoke with Mr. Parra, and Mr. Parra told Captain Eggers that the Appellant was to sign off on the quote and has not as of yet. Captain Eggers stated that he doesn't think the fire pump is part of the sprinkler system contract.

Ms. Richardson stated that the contractor has completed the sprinkler work from the sixth to second floor and is currently working on the first floor, but it having trouble coordinating with the tenant on the first floor.

Captain Eggers clarified that there are ninety-six thousand dollars (\$96,000.00) in fines pending from the violations issued in 2021 that were never satisfied. The fines were going to be dropped by the City on the condition that the sprinkler system was installed. Captain Eggers stated that there is one hundred and twenty-six thousand dollars (\$126,000.00) in fines for violations and the daily penalties from May 20, 2022. Captain Eggers stated that the daily penalties were paused pending the Appellant's hearing, but should the Board find the Appellant guilty, the daily penalty would be reinstated. Captain Eggers stated that work would need to be completed for the City to consider dropping the fines.

Ms. Richardson stated that the sprinklers have been installed.

Captain Eggers reiterated that the new system may not be functional if the water main, OS&Y, and fire pump are not updated.

Ms. Richardson requested an adjournment in order to have Mr. Parra appear to testify.

Counselor Allwaters gave Ms. Richardson the option to call Mr. Parra from the dais to give testimony on this matter.

The Board called Mr. Parra at 4:28 PM from the dais. Counselor Allwaters swore Mr. Parra in to testify via phone at 4:29 PM.

Chairman Cheff asked Mr. Parra about the contract for the work at the property.

Mr. Parra stated that the contract is to upgrade the existing sprinkler system. Mr. Parra stated that they are replacing all the sprinkler heads and the end of the branch lines and installing a new fire pump and jockey pump.

Chairman Cheff asked Mr. Parra if a new water main from the street was to be installed.

Mr. Parra stated that they need to have a survey done and that the Passaic Valley Water Commission needs to visit the site.

Chairman Cheff asked Mr. Parra if the contract with the Appellant includes a new water main from the street, a fire pump, or electrical wiring for the pump.

Mr. Parra said the contract does not include a new water main from the street. Mr. Parra stated that the contract includes a fire pump but does not include electrical wiring for the pump. Mr. Parra stated that they would need to hire an electrician for the electrical wiring.

Chairman Cheff asked for the status of the fire pump.

Mr. Parra stated that the fire pump was quoted, but the manufacturer was out of parts so there was a delay. Mr. Parra stated that the manufacturer told him they are now ready for the order and if the fire pump is ordered now, it would be delivered in approximately two months. Mr. Parra stated that he is waiting for a deposit from the Appellant of twenty percent (20%) of the total price of the fire pump to place the order.

Chairman Cheff asked Mr. Parra if he has been paid for eighty percent (80%) of the contract, as the Appellant claimed.

Mr. Parra said he has not been paid for eighty percent (80%) of the contract, and that he has only been paid for the work that has been completed thus far. Mr. Parra said that once he has a deposit from the Appellant, he can order the fire pump.

The call to Mr. Parra ended at 4:36 PM.

Captain Eggers presented the plans for the project to the Board and stated that as per the plans, the system should be new, not upgraded as Mr. Parra testified.

The Board reviewed the plans and determined that the plans show the system will be upgraded. Chairman Cheff stated that the Building Department will need to inspect the work once completed to ensure the work matches the submitted plans.

Ms. Richardson stated that the Appellant will submit the required deposit to Mr. Parra so the fire pump can be ordered from the manufacturer.

Chairman Cheff recommended adjourning this matter until December, under the condition that the fire pump is ordered by the Appellant.

A motion was made by Vice Chairman Bleeker to adjourn this matter to December 15, 2022 with the condition that the Appellant provide proof to the Board and to the City within fifteen (15) days of receipt of the order by the Board that the fire pump required for repairs to the sprinkler system on the property has been ordered from the manufacturer. The motion was seconded by Commissioner Lynch. The motion passed unanimously, with Commissioner Booth recusing himself.

The matter will be adjourned to December 15, 2022 on the condition that the Appellant provide proof to the Board and to the City within fifteen (15) days of receipt of the order by the Board that the fire pump required for repairs to the sprinkler system on the property has been ordered from the manufacturer.

OFFICIAL BUSINESS

A motion was made by Commissioner Booth and seconded by Commissioner Lynch to adjourn. The meeting adjourned at 4:46 PM.

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

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