

**PASSAIC COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES
DECEMBER 15, 2022**

Secretary Schlosser opened the meeting at 4:30 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. John Bleeker, Vice Chair
2. James Booth, Commissioner
3. Robert Lynch, Commissioner
4. Dennis Kolano, Alternate Commissioner
5. Nadege Allwaters, Counsel
6. Erin Schlosser, Secretary

MEMBERS ABSENT

1. Phillip Cheff, Chair

APPEALS TO THE BOARD

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

This matter was adjourned to January 2023.

LSW Realty Inc., 120 Mt. Prospect Ave, Clifton, NJ

This matter was adjourned to January 2023.

Environmental Construction Co., 177 Peter's Mine Road, Ringwood, NJ

PRESENT: Vincent Lanza, Appellant
Michael Hafner, Borough of Ringwood Construction Official
Audrey Schaffner, Technical Assistant to the Construction Official

The Borough of Ringwood issued violations for failure to obtain a construction permit, failure to request required inspections, and failure to obtain a construction permit for new modular dwelling.

Mr. Lanza stated that there was a house fire on the property in the spring of 2021 and the home was burned beyond use. Mr. Lanza stated that he started working on obtaining a demolition permit for the property in June 2021, but had to pause the process while the homeowner worked with their insurance

company on a settlement. Mr. Lanza stated that he received the demolition permit in the spring of 2022. Mr. Lanza stated that the property owners were living in a trailer on the property, so he tried to work quickly to submit documentation for the permits needed to complete the work. Mr. Lanza stated that he had trouble obtaining a permit for the foundation and had to reschedule the work while the permit was pending. Mr. Lanza stated that due to delays in obtaining the permit, he eventually went ahead with setting the foundation without first receiving a permit. Mr. Lanza stated that the Borough went beyond the time to respond to the permit application, as per Uniform Construction Code (hereafter “UCC”) regulations.

Vice Chairman Bleeker asked when the foundation was set.

Mr. Lanza stated that foundation was set on August 26, 2022.

Vice Chairman Bleeker asked if prior approvals were received prior to setting the foundation.

Mr. Lanza stated that all prior approvals were received in the beginning of July 2022.

Mr. Hafner stated that the house fire occurred in March 2021, and a notice of unsafe structure was issued. Mr. Hafner stated that the Borough did not issue an order to have the structure knocked down.

Vice Chairman Bleeker asked if the notice of unsafe structure was issued to the homeowner.

Mr. Hafner answered yes, and stated that Mr. Lanza was not yet involved.

Mr. Hafner stated that the building permit was submitted on July 26, 2022, and as per UCC regulations, the Borough had twenty (20) days to respond, which would have been August 23, 2022. Mr. Hafner stated that while reviewing the site plan and prior approvals, the site plan was found to be incomplete, and as a result, prior approvals had to be resubmitted. Mr. Hafner stated that prior approvals were in place the afternoon of August 24, 2022 and the Borough was working on issuing the construction permit. Mr. Hafner stated that his engineer visited the site on August 23, 2022 and the foundation had been set, which conflicts with Mr. Lanza’s testimony that the foundation was set on August 26, 2022. Mr. Hafner stated that a soil engineer inspected the property in July and noted the footings were set. Mr. Hafner stated that the footings should not have been set without a permit, and that the Borough was not able to properly verify the footing depth.

Commissioner Booth asked if the footings were concrete or stone.

Mr. Hafner stated that the footings are set approximately three feet deep and filled with stone. Mr. Hafner stated that the Borough requested the contractor dug down next to the footings so they could be inspected.

Vice Chairman Bleeker asked if the Borough verified the depth of the footings.

Mr. Hafner stated that the Borough verified the depth to the best of their ability.

Mr. Hafner stated that the permits were issued three (3) days past the twenty (20) days as per UCC regulations, but the Borough was waiting for prior approvals.

Vice Chairman Bleeker asked if Mr. Lanza has submitted all documentation required, and if permits were issued.

Mr. Hafner answered yes, and stated that the Borough did issue a stop work order and that Mr. Lanza did not comply. Mr. Hafner stated that the Borough did allow Mr. Lanza to continue working.

Vice Chairman Bleeker asked if anything was outstanding at this point, and if Mr. Lanza is in compliance.

Mr. Hafner stated that all permits have been issued and that Mr. Lanza is in compliance.

Vice Chairman Bleeker asked what the penalties are for the violations in question.

Mr. Hafner stated that penalties equal four thousand dollars (\$4,000.00): two thousand dollars (\$2,000.00) for setting a modular home without a permit and two thousand dollars (\$2,000.00) for failure to request the required inspections. Mr. Hafner stated that a separate violation was sent to Superior Walls, the contractor who set the modular home without a permit.

Vice Chairman Bleeker stated that to his knowledge, you cannot issue a violation to a subcontractor, only to the property owner.

Counselor Allwaters confirmed the violation should be issued to the property owner.

Commissioner Booth stated that the violation issued to Superior Walls should not have been issued.

Vice Chairman Bleeker stated that the contractor can be the agent for the property owner and therefore receive the notification that the violation exists, but not the subcontractor.

Mr. Lanza stated that while Mr. Lanza is in compliance, the Borough does not want to reduce the penalty amount given the fact that the footings cannot be inspected.

Vice Chairman Bleeker stated the Borough could request a letter from an architect or engineer to verify that the footings are sufficient.

The Board took a recess at 5:05 PM.

The meeting resumed at 5:15 PM.

Mr. Hafner stated that he and Mr. Lanza had come to the agreement that Mr. Lanza would pay a reduced fine of three thousand dollars (\$3,000.00) and Mr. Hafner would drop the violation issued to Superior Walls.

Commissioner Booth made a motion to accept the settlement proposed by the Appellant and the construction official. Commissioner Lynch seconded the motion. The motion passed unanimously.

Housing Authority of the City of Passaic; 59, 61, & 63 Ascension Street, Passaic

This matter was withdrawn by the Appellant.

OFFICIAL BUSINESS

A motion to adopt the minutes of the May 19, 2022, July 21, 2022, and October 20, 2022 Construction Board of Appeals meetings was made by Commissioner Lynch and seconded by Commissioner Booth. The motion passed unanimously.

A proposed meeting schedule for 2023 was presented to the Board.

A motion was made by Commissioner Booth and seconded by Commissioner Lynch to accept the Board's meeting dates for 2023, excluding July. The motion passed unanimously.

A motion was made by Commissioner Booth and seconded by Commissioner Lynch to adjourn. The meeting adjourned at 5:20 PM.

The next meeting of the Board will be January 19, 2023.

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