

**PASSAIC COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES
APRIL 20, 2023**

Secretary Schlosser opened the meeting at 4:19 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. Kevin Bloom, Counsel
6. Payton Rogers, Counsel
7. Erin Schlosser, Secretary
8. Carolyn Steele, Secretary

MEMBERS ABSENT

1. Dennis Kolano, Alternate Commissioner

APPEALS TO THE BOARD

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

This matter was adjourned to May 18, 2023 prior to the start of the meeting.

BKS Realty, LLC, 295 Broadway, Paterson, NJ

This matter was adjourned to May 18, 2023 prior to the start of the meeting.

Mohammad Jubran, 435 Lakeview Avenue, Clifton, NJ

PRESENT: Mohammad Jubran, Appellant
 Gary E. Cohen, Esq., Attorney for the Appellant

The City of Clifton issued violations for failure to obtain a construction permit and failure to request required inspections. Although properly notified of the meeting date and time, the City of Clifton failed to appear.

The Appellant stated that he was the owner of the property, which has a two-family home with one apartment each on the first and second floors, an attic, and a basement. There is a Section 8 tenant on the second floor who has lived there for the last four (4) years. There is a common hallway with access to each of the two apartments via a staircase that spans from the basement to the attic. The Appellant stated that the work in question at the property included installing drywall in the attic space and installing a bathroom in the basement; this work was completed in May 2022.

Mr. Cohen stated that because of the violations from the City, Section 8 was withholding three thousand nine hundred dollars (\$3,900.00) in rent due to the Appellant. Mr. Cohen stated the Appellant has also received two summonses from the City for not obtaining permits required for attic and basement alterations, and illegal conversion of basement and attic. Mr. Cohen stated that the Appellant's brother hired a contractor, but the contractor did not obtain the required permits for the work.

The Appellant stated that Section 8 inspects the property annually, typically in August. The Appellant stated that the property was inspected by Section 8 in August 2022. The Appellant stated that during the August 2022 inspection, there were no issues with the installation of drywall in the attic space or the installation of the basement bathroom. The Appellant stated that an inspector from Section 8 returned to the property in January 2023 without providing notice and entered the home. The Appellant stated that there was a verbal altercation between the inspector and the Appellant's family members home at the time and the police were called. The Appellant stated that he did not receive the February 2023 check from Section 8, so he contacted Section 8 via email and was advised he needed to meet with the inspector from the January inspection. The Appellant stated that during this meeting, he found out the contractor did not take out the required permits for the work completed at the property.

Mr. Cohen stated that the Appellant received a permit for the work completed in the attic and that that issue has been resolved, but the City is holding the CO for the second floor. Mr. Cohen stated that the Appellant filed a zoning application with the City for a variance for to connect the attic to the second floor and a variance for the basement bathroom. Mr. Cohen asked the Board to take into consideration the efforts that the Appellant has taken to comply with the law.

Vice Chairman Bleeker recommended a significant reduction in the penalty of four thousand dollars (\$4,000.00).

Commissioner Lynch recommended adjourning this matter until the variance for the basement bathroom is decided.

After discussion, the Board agreed to reduce the penalty to five hundred dollars (\$500.00).

A motion was made by Vice Chairman Bleeker to reduce the fine from four thousand dollars (\$4,000.00) to five hundred dollars (\$500.00). The motion was seconded by Commissioner Lynch. The motion passed unanimously.

334 Buffalo Ave Paterson LLC, 38 N Main Street, Paterson, NJ

PRESENT: Anthony Mercedes, Appellant
Peter Pena, Esq., Attorney for the Appellant

The City of Paterson issued violations for failure to obtain a construction permit, failure to obtain a certificate of occupancy (CO), and failure to protect adjoining properties and public rights of way. Although properly notified of the meeting date and time, the City of Paterson failed to appear.

Mr. Pena stated that the Appellant received two permits from the City in 2021 for complete rehabilitation of the property. Mr. Pena presented a photo dated March 23, 2023 showing the property was a vacant lot; the violation for failure to obtain a CO was issued on March 27, 2023. Mr. Pena presented a photo showing there was fencing around the property and stated that the fencing was up on March 27, 2023 when the violation for failure to protect adjoining properties was issued. Mr. Pena stated that the fencing was still up as of the meeting date.

Chairman Cheff requested clarification on the violations. Chairman Cheff asked if the Appellant had a construction permit. Mr. Pena stated they had a construction permit issued in December 2021.

Mr. Pena stated they are requesting a dismissal of the three violations and the fine, totaling six thousand dollars (\$6,000.00).

Vice Chairman Bleeker requested clarification on how the lot came to be vacant. Mr. Pena stated that during the rehabilitation of the property, the Appellant removed metal beams by crane, causing the walls to collapse in. Mr. Pena stated this was not planned.

After discussion and review of the evidence presented by the Appellant, the Board agreed to dismiss the violations.

A motion was made by Vice Chairman Bleeker to dismiss the violations and fines. The motion was seconded by Commissioner Lynch. The motion passed unanimously, with Commissioner Booth abstaining.

OFFICIAL BUSINESS

A motion to adopt the minutes of the December 15, 2022 Construction Board of Appeals meetings was made by Commissioner Booth and seconded by Vice Chairman Bleeker. The motion passed unanimously, with Chairman Cheff abstaining.

A motion was made by Commissioner Booth and seconded by Commissioner Bleeker to adjourn. The motion passed unanimously. The meeting adjourned at 4:48 PM.

The next meeting of the Board will be May 18, 2023.

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