

**PASSAIC COUNTY CONSTRUCTION BOARD OF APPEALS  
MINUTES  
MAY 18, 2023**

Secretary Steele opened the meeting at 4:04 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. Dennis Kolano, Alternate Commissioner
4. Robert Lynch, Commissioner
5. Kevin Bloom, Counsel
6. Payton Rogers, Counsel
7. Carolyn Steele, Secretary
8. Erin Schlosser, Secretary
9. Saryeliz Abarca, Secretary

**MEMBERS ABSENT**

1. John Bleeker, Vice Chair

**APPEALS TO THE BOARD**

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

**PRESENT:** Richard P. Blender, Esq., Attorney for the Appellant  
Captain Herbert H. Eggers III, City of Paterson Fire Official  
Fire Marshall David Tsolakis, City of Paterson

Captain Eggers stated that Fire Marshall Tsolakis reinspected the property on May 15, 2023 and that there were fifteen (15) outstanding violations observed at that inspection. Captain Eggers stated that many of the violations are small issues that have been pending since the Appellant's last appearance before the Board in October 2022. Captain Eggers stated that the fire pump has still not been installed and that there is a partial sprinkler system installed, but it is not sufficient for the size of the building.

Chairman Cheff asked whether the sprinkler system had been updated since the Appellant's last appearance before the Board in October 2022. Captain Eggers stated that the Appellant has been repairing and installing the sprinkler system in sections but reiterated that there is still no fire pump.

Captain Eggers stated that the first penalty was issued on March 6, 2019. Captain Eggers stated that while he understands the delays in some of the work, he believes many of the violations could have easily been corrected by now.

Mr. Blender stated that there have been delays due to COVID-19 and financial hardship. Mr. Blender stated that the building is almost in foreclosure and most of the building is not currently being rented. Mr. Blender stated that the Appellant has cured many of the violations issued in 2019 but new violations have been issued since. Mr. Blender stated that the fire pump has been ordered, but the wrong parts were delivered and the correct parts are now on backorder. Mr. Blender explained that due to the age and size of the building, the fire pump is custom built. Mr. Blender stated that the fire pump should be finished and installed in three (3) weeks, which would cure the most serious violations. Mr. Blender stated that an engineering report was submitted to the Board stating that most of the sprinkler system is in compliance, with the exception of the missing fire pump. Mr. Blender requested the Board adjourn this matter another thirty (30) days so that the fire pump may be installed.

Captain Eggers stated that the pending violations are two (2) to four (4) years old and that the City has tried to be accommodating while working with the Appellant, including pausing the daily penalties assessed for each violation.

Chairman Cheff asked how the penalties would be collected if the appeal was dismissed. Captain Eggers stated that he would collect the penalties through municipal court under penalty enforcement, and that he would begin reassessing the daily penalty at a rate of five thousand dollars (\$5,000.00) per day back to May 20, 2022.

Commissioner Lynch expressed his opinion that the building is an imminent fire hazard and that the property owner appears to be indifferent to this matter by failing to appear personally at any of the hearings in front of the Board.

A motion was made by Commissioner Lynch to dismiss this matter due to lack of progress in curing the violations. The motion was seconded by Commissioner Kolano. The motion passed unanimously, with Commissioner Booth abstaining.

This matter is hereby dismissed by the Board.

**BKS Realty, LLC, 295 Broadway, Paterson, NJ**

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

**Jose M. Soler-Sosa, 706-708 14<sup>th</sup> Avenue, Paterson, NJ**

This matter was adjourned to August 17, 2023 prior to the start of the meeting.

**Essex Street Realty, LLC, 42-48 Essex Street, Paterson, NJ**

This matter was adjourned to June 15, 2023 prior to the start of the meeting.

**Qayyum Warda, 150-152 Wayne Avenue, Paterson, NJ**

**PRESENT:** Tahir Islam, on behalf of Appellant  
Michael J. Lipari, Esq., Attorney for the Appellant  
Darius Pokoj, City of Paterson Subcode Official

Mr. Lipari stated that he submitted an OPRA request to the City of Paterson on April 26, 2023 for records of any communication regarding the withdrawal of the zoning approval but has not received a response as of the hearing. In his appeal to the Board, Mr. Lipari included a copy of the application for zoning permit signed by the City of Paterson Assistant Zoning Officer on September 26, 2022.

Mr. Pokoj stated that while the Appellant did receive prior approvals from the City, the Director of Planning and Zoning and the Zoning Officer rescinded the approval from the zoning application. Mr. Pokoj stated that as a result of the approval being rescinded, the City issued a stop construction order.

Chairman Cheff clarified that the Board does not hear matters regarding zoning issues and that any appeals regarding zoning would be a matter for the courts. Chairman Cheff stated that the matter before the Board was whether or not the stop work order was rightfully issued.

A motion was made by Commissioner Lynch to revoke the stop work order. The motion was seconded by Commissioner Kolano. The motion passed unanimously, with Commissioner Booth abstaining.

The stop work order issued is hereby revoked.

**OFFICIAL BUSINESS**

A motion to adopt the minutes of the April 20, 2023 Construction Board of Appeals meetings was made by Commissioner Booth and seconded by Commissioner Kolano. The motion passed unanimously, with Chairman Cheff abstaining.

A motion was made by Commissioner Lynch and seconded by Commissioner Booth to adjourn. The motion passed unanimously. The meeting adjourned at 4:35 PM.

The next meeting of the Board will be June 15, 2023.

/ s / Carolyn Steele  
Secretary, Passaic County Construction Board of Appeals