

**PASSAIC COUNTY CONSTRUCTION BOARD OF APPEALS  
MINUTES  
JANUARY 18<sup>TH</sup>, 2024**

Secretary Abarca opened the meeting at 4:12 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, Commissioner
6. Kevin Bloom, Counsel
7. Payton Rogers, Counsel
8. Havana Terborg, Secretary
9. Saryeliz Abarca, Secretary

**MEMBERS ABSENT**

None/No members absent.

**APPEALS TO THE BOARD**

**Strengthen Our Sisters, Inc. 76 Old Route 23, New Foundland, NJ**

This matter was adjourned January 18, 2024 prior to the start of the meeting.

**Kinga M. Pokigo**

This matter was adjourned January 18, 2024 prior to the start of the meeting.

**Rosa Sanchez, 121 Washington Place, Passaic City, NJ**

**PRESENT:** Jenee K. Ciccarelli, Esq., Attorney for the Appellant

Attorney Jenee K. Ciccarelli, Esq. stated:

My client is appealing the violation of unsafe structure and the lack of compliance. She was in violation of the order for over 20 days because she did not receive the violation immediately after it was issued. There are other things named in the violation including illegal partitions and illegal occupancy, both of which my Client disputes. I believe the Notice of Unsafe Structure was issued as a result of a small fire that occurred on August 15<sup>th</sup>. Following the fire, there was a fire investigation,

a subsequent report was issued, and the violation was then issued by the Construction Official on August 21<sup>st</sup>. I made a demand for documentation relating to the violation and received the Fire Investigation Report. I don't believe there was an independent inspection or investigation and that the unsafe structure notice was issued solely as a result of the fire and water damage from the fire. The violation was signed by the Construction Official on August 21<sup>st</sup>. Due to issues with the mail, my client (Appellant) did not receive the violation/notice of unsafe structure for over a month, "well after the deadline to apply had passed" and I subsequently filed an appeal for the violation and the lack of compliance. The appellant has since left the Property, the property is now vacant, but continuously secured and monitored. An insurance claim was made and the Claims adjuster did make a recommendation. The appellant hired a public adjuster who is working with the insurance adjuster, a contractor has been to the property on several occasions and has plans. Moreover, the public adjuster and insurance adjuster are still in negotiations and have not agreed upon a number.

Construction Official Ventura stated:

I want to clarify that the fire actually occurred on August 17<sup>th</sup> and a customary visit from the Construction Official prompted by the Fire Department to assess the damage to the property was conducted.

Upon entering the property, I noticed that the legal two-family property was converted to a four-family. Both the basement and attic had independent entrances with appliances, etc. A notice of Unsafe Structure always requires a report from structure engineer followed-up by plans for renovations and the property must be restored to the normal/legal condition of a two family. The appellant can apply for occupancy of the attic but plans need to be designed by an architect or engineer. The appellant cannot apply for occupancy in the basement, it can only be used for storage. In 2008, the appellant received a violation for work without permits, they were issued permits for half a bathroom in the basement unfinished but they violated that and partitions were erected/done after 2008. There is no monetary penalty, the appellant can get an extension through an architect who can attest that they are completing plans.

Attorney Ciccarelli stated:

My client (Appellant) requested 30 days to meet requirements.

Chairman Cheff :

Offered 60 days for the appellant to meet requirements of the Construction Official.

Construction Official Ventura stated:

I will not issue additional violations because the property is vacant and secure. I had a conversation with the appellant and her daughter the day of the fire explaining what they needed to do, informing them that the property needed to be restored to a two-family residence.

To be in compliance, the appellant must restore the property to a two-family residence and submit a copy of the plans to the Construction Official within 60 days displaying the residential occupancy as a two-family home. According to the City of Passaic regulations, by ordinance, occupancy is permissible in the attic if there is no independent entrance, the attic residence can only be accessible and/or entered through the second level.

Chairman Cheff stated:

The Construction Board of Appeals anticipates hearing from the appellant or their representation within 60 days and there is no penalty.

Vice Chairman Bleeker stated:

The Construction Official has made his need for compliance explicitly clear.

Vice Chairman Bleeker stated:

The appellant's representation (Jenee K. Ciccarelli, Esq.) has confirmed that the appellant intends to comply, and with that understanding, the Construction Board of Appeals does not expect to see this case again but if it is replaced on the Agenda, it will be under different circumstances.

Vice Chairman Bleeker made a motion to adjourn the case for 60 days, the entire Board of Construction Appeals unanimously passed the motion.

**Jorge Jover-Broche, 127 Ackerman Avenue, Clifton, NJ 07011**

This matter was adjourned January 18, 2024 prior to the start of the meeting.

#### **OFFICIAL BUSINESS**

A motion to adopt the minutes of the August 17, 2023 Construction Board of Appeals meetings was made by Vice Chairman Bleeker and seconded by Commissioner Booth. The motion passed unanimously.

A motion was made by Vice Chairman Bleeker and seconded by Commissioner Booth to adjourn. The motion passed unanimously. The meeting adjourned at 4:26 PM.

The next meeting of the Board will be February 15, 2024.

/ s / Havana S. Terborg  
Secretary, Passaic County Construction Board of Appeals