

**PASSAIC COUNTY CONSTRUCTION BOARD OF APPEALS  
MINUTES  
FEBRUARY 15, 2024**

Secretary Terborg opened the meeting at 4:03 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, Commissioner
5. Kevin Bloom, Counsel
6. Payton Rogers, Counsel
7. Havana Terborg, Secretary
8. Saryeliz Abarca, Secretary

**MEMBERS ABSENT**

1. Phillip Cheff, Chair

**APPEALS TO THE BOARD**

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

**PRESENT:** Sandra Ramos, Appellant  
Joel M. Bacher, Esq., Attorney for the Appellant  
Michael Moscatello, West Milford Township Fire Marshall  
Timothy Ligus, West Milford Township Construction Official

**VIOLATIONS:** N.J.A.C. 5:23-2.23(F) Change of Use: It shall be unlawful to change the use of any structure, or portion thereof, without the prior application for, and issuance of, a certificate of occupancy.

The Township of West Milford issued violations for Change of Use without the proper application for, and issuance of, a certificate of occupancy. Construction Official Timothy Ligus stated that the Appellant and their representation have received proper notice to follow through with the current use requirements by the UCC and asserted that the Town is solely looking for the Appellant to get approvals for a room and boarding house. Michael Moscatello, Fire Marshall stated they cannot currently give the Appellant a certificate of occupancy or approval because there is no C.O. for the change of use from an R-5 to an R-2 for Rooming and Boarding. Construction Official Ligus provided a brief timeline of the Town's attempts to engage with the Appellant and obtain a C.O., noting that the Appellant has been operating without a proper C.O. on the building since 2008. Commissioner Lynch inquired about the current use of the property, Construction Official Ligus stated that the property is a

single-family home that was converted in to a multiple room dwelling operating as a shelter. The Appellant, Sandra Ramos and her representation, Joel Bacher, Esq. concurred that the property is used as a shelter for battered women.

Construction Official Ligus stated that he has asked the Appellant in the past to engage an architect and get zoning approval so whatever use the Appellant desires can be achieved and classified accordingly with the Town. However, the zoning has changed since that advisement and the use of the property as a boarding house/shelter is now permissible within the area, so the Appellant only has to contact an architect or engineer, get the proper plans done and submit them with a new current zoning permit. Chairman Bleeker asked Construction Official Ligus if the Appellant solely has to submit a new plan for R-2, Construction Official Ligus confirmed stating that a new plan for R-2 use must be submitted with any prior approvals given to the Appellant.

Chairman Bleeker asked the Appellant's representation if they were willing to follow through on Construction Official Ligus' advisement(s) to become compliant. The Appellant's representation Joel M. Bacher, Esq. stated that a Certificate of Occupancy was issued and attained with the help of Attorney Sarah Dubinsky but stated that he nor the Appellant or Attorney Dubinsky possessed a copy of the "issued" Certificate of Occupancy to provide to the Board or Construction Official Timothy Ligus. Fire Marshall Moscatello stated that his department has also not issued a certificate of fire code compliance either as one cannot be issued unless there is a valid C.O. on the building.

Construction Official Ligus stated that a letter was sent to the Appellant and her Attorney at the time, Sarah Dubinsky, advising "that there is no certificate of occupancy". Since then, the Appellant has not made an effort to have the use of the property as a shelter/boarding house approved. Chairman Bleeker attempted to stress to the Appellant the necessity of engaging an architect to assist in remedying possible life safety issues and ensuring the property is equipped for change of use/C.O. approval. The Appellant argued that her organization Strengthen Our Sisters (SOS), operating at 76 Old Route 23, New Foundland, NJ cannot afford the costs of hiring an architect. Chairman Bleeker asserted that engaging an architect and obtaining a C.O. and Change of Use approval is crucial to the safe operation of the property as a boarding house/shelter. After discussion with the Board and remarks made by the Appellant's representation, Construction Official Timothy Ligus and Fire Marshall Michael Moscatello, Vice Chairman Bleeker recommended affording the Appellant and her representation Joel M. Bacher 60 days to come to a resolve with Construction Official Timothy Ligus and Fire Marshall Michael Moscatello and engage an architect to create and submit plans for a Change of Use (R-2 use). A motion was made by Vice Chairman Bleeker to adjourn the matter for 60 days, the motion was seconded by Commissioner Lynch. The motion passed unanimously, with Chairman Cheff abstaining.

**Kinga M. Pokigo, 25 Morsemere Road, Hewitt, NJ**

**PRESENT:** Kinga M. Pokigo, Appellant  
Father of the Appellant (First and Last Name inaudible on the Record)  
Timothy Ligus, West Milford Township Construction Official  
Michael Moscatello, West Milford Township Fire Marshal

**VIOLATIONS:** N.J.A.C. 5:23-2.14(a) Work performed without required permit.

Failing to file an application with the construction official and obtaining the required permits.

The Township of West Milford issued violations for work performed without required permit(s), failure to obtain the required permit(s) and file an application with the Construction Official. The Construction Official for West Milford, Timothy Ligus provided a timeline of events involving the property and presented a list previously given to the Appellant of all items that needed to be addressed and included in plans/drawing of the property. The Appellant confirmed that she was in receipt of the list of items that needed to be included in the plans. Vice Chairman Bleeker stated that the Homeowner/Appellant can personally create plans for the property because it is a single-family home. The West Milford Construction Official, Timothy Ligus concurred that the appellant can create their own plans but argued that the plans submitted by the Appellant were not acceptable. After the Board reviewed the plans received by the Construction Official and submitted by the Appellant, they unanimously agreed, with Chairman Cheff abstaining, that the plans were not acceptable and/or proper.

Vice Chairman Bleeker recommended adjourning the matter for 60 days to afford the Appellant time to complete the drawing/plan to scale and encouraged the Appellant to hire an architect or similarly experienced individual to complete the drawing or plan for the home as requested by the Construction Official displaying all the electrical and plumbing work that's been performed.

The Appellant stated that she would only need 30 days to have the drawing/plan completed but agreed to meet compliance requirements within the proposed 60 days.

A motion was made by Vice Chairman Bleeker to adjourn the matter for 60 days. The motion was seconded by Commissioner Lynch. The motion passed unanimously, with Chairman Cheff abstaining.

**Jorge & Grisel Jover-Broche, 127 Ackerman Avenue, Clifton, NJ**

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

**Ali Rivera, 126 Fourth Avenue, Hawthorne, NJ**

**PRESENT:** Ali Rivera, Appellant  
Harold P. Cook, Esq., Attorney for the Appellant  
Architect (First and Last Name inaudible to the Record)

**VIOLATIONS:** N.J.A.C. 5 :23-2.31 Stop Construction Order

The City of Hawthorne issued a Stop Construction Order, a permit was issued only for an add-a-level. According to Edward Ferraioli, the Construction Official for the City of Hawthorne, the first-floor walls and floors have been removed. Part of the foundation appears to be unstable, updated plans from the architect and zoning approval will be required to reconstruct as set forth on the plans and have the Stop Construction Order lifted.

Vice Chairman Bleeker questioned the necessity for zoning approval as the architectural floorplans do not suggest that the Appellant intends on changing the size of the structure or building it any further

out. Vice Chairman Bleeker also stated that according to the UCC, if defects are found underneath that must be corrected during renovation work, the Appellant is permitted to remedy any discovered defects. Edward Ferraioli, the Construction Official for the City of Hawthorne concurred but stated that according to the town's ordinance, the Appellant must attain zoning approval and submit updated plans to receive a permit and have the previously imposed Stop Work Order effectively lifted.

Commissioner Booth advised the Appellant to provide updated plans to the Construction Official so the Stop Work Order can be lifted, once approved. Vice Chairman Bleeker advised the Appellant, their representation and their Architect that a new plan has to be submitted to show the extent of the termite damage that's been discovered, the intended repairs and to what extent the damage will be repaired. Commissioner Lynch stated that the Board cannot address the zoning aspect, Construction Official Ferraioli stated that he informed the Appellant and his representation to contact the zoning officer regarding zoning approval in the original denial letter. Commissioner Booth recommended adjourning the matter for 60 days to afford the Appellant and his architect time to submit new plans to Construction Official Edward Ferraioli for approval.

Vice Chairman Bleeker further advised the Architect to include on the new plans what wasn't reflected on the original plans, comprise a statement of exactly why this work has to be done and submit it to Ed Ferraioli for his approval and review by zoning, adding that as long as there's no change to the foundation size or dimensions, the Appellant should have no issues. A motion was made by Commissioner Booth to adjourn the matter for 60 days. The motion was seconded by Commissioner Lynch. The motion passed unanimously, with Chairman Cheff abstaining.

**Rossanera, LLC, 91 Royal Avenue, Hawthorne, NJ**

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

**Zachary Gross, 22 Virginia Avenue, Clifton, NJ**

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

**New Destiny Family Success Centers, 179-183 Carroll Street, Paterson, NJ**

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

**OFFICIAL BUSINESS**

A motion to adopt the minutes of the January 18, 2024 Construction Board of Appeals meeting was made by Vice Chairman Bleeker and seconded by Commissioner Lynch. The motion passed unanimously, with Chairman Cheff abstaining.

A motion was made by Vice Chairman Bleeker and seconded by Commissioner Lynch to adjourn the February 15, 2024 meeting. The motion passed unanimously, with Chairman Cheff abstaining. The meeting adjourned at 5:39 PM.

The next meeting of the Board will be March 21<sup>st</sup>, 2024.

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