

**PASSAIC COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES
APRIL 18, 2024**

Secretary Terborg opened the meeting at 4:06 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

MEMBERS ABSENT

1. Phillip Cheff, Chair

OFFICIAL BUSINESS

A motion to adopt the minutes of the February 15, 2024, Construction Board of Appeals meeting was made by Commissioner Booth and seconded by Vice Chairman Bleeker. The motion passed unanimously, with Chairman Cheff abstaining.

A motion was made by Vice Chairman Bleeker and seconded by Commissioner Booth to adjourn. The motion passed unanimously, with Chairman Cheff abstaining. The meeting adjourned at 5:17 PM.

The next meeting of the Board will be May 16, 2024.

APPEALS TO THE BOARD

Rosa Sanchez, 121 Washington Place, Passaic City, NJ

This matter was adjourned to May 16, 2024, prior to the start of the meeting.

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

PRESENT: Kinga M. Pokigo, Appellant
Priemyslaw Pokigo, Father of the Appellant
Timothy Ligus, Construction Official for the Township of West Milford

The Board reviewed the new plans submitted by the Appellant; the Appellant stated that an architect was engaged to assist with the plans however the Board surmised that an architect wasn't officially hired to create the plans given that there was no architect's seal on the newly revised plans as required by law.

Vice Chairman Bleeker stated that "all of the information requested by Construction Official Ligus is required by code, when you do a renovation of this size, to this extent, flooring, cabinets, etc., the other items must be brought up to code." After reviewing the list of items requested by Construction Official Ligus to be included on the plans, the Board asserted that the Appellant's newly revised plans did not include or display many of the items on the list. Construction Official Ligus also asserted that all the items on the provided list including the gas line, etc., have not been addressed and at this juncture that is the Town's primary requirement for compliance. Vice Chairman Bleeker stated that because the plans presented at this meeting were visibly developed from the initial plans submitted, an additional 30 day adjournment would be afforded to the Appellant to further revise the plans including all of the items on the list provided to the Appellant by Construction Official Ligus, reflecting what's been done in terms of renovations, what's existing in the home, what's new in the home, what's being added and what's been taken away.

Vice Chairman Bleeker stated that the revised plan was an improvement from the original plan but still required additional clarification from the Appellant. Subsequently, a motion was made by Commissioner Lynch and seconded by Vice Chairman Bleeker to adjourn this matter for 30 days. The motion passed unanimously, with Chairman Cheff abstaining.

Ali Rivera, 126 Fourth Avenue, Hawthorne, NJ

This matter was adjourned to May 16, 2024, prior to the start of the meeting.

The Lakeshore Inn, 399 Lake Shore Drive 1, Hewitt, NJ

PRESENT: Mark Lang, Appellant
V. James Castiglia, Esq., Attorney for the Appellant
Michael Moscatello, Fire Marshall for the Township of West Milford
Timothy Ligus, Construction Official for the Township of West Milford

The Appellant and Owner of the property, Mark Lang, stated he was unaware that he should have left the alarm sounding until the West Milford Fire Department arrived.

The Board recommended that the Appellant, his representation, and the West Milford Township Officials dialogue regarding a possible resolution. After private discussion between the Appellant, Appellant's representation V. James Castiglia, Esq. and West Milford Township Fire Marshall Michael Moscatello, the Appellant's representation announced to the Board that Appellant Mark Lang agreed to pay a fine of three thousand dollars (\$3,000.00) over 3 months to the Township of West Milford for the violation(s).

Danny Shakoj, 59 Tuxedo Avenue, Hawthorne, NJ

PRESENT: Danny Shakoj, Appellant
Ed Ferraioli, Construction Official for the City of Hawthorne
Chris DiBella, Fire Subcode Official for the City of Hawthorne
Michael Pasquale, Municipal/Borough Attorney

The Appellant stated that he independently removed an oil tank from the subject property on Saturday by hand digging it, connecting it to a truck and pulling it out of the ground. Upon removal, the oil tank was collected by an individual from Facebook who commonly collects “scraps”. Upon giving it to the scrap collector, the Appellant noted that oil spilled on the black top of the property. Subsequently, the Appellant reached out to Passaic County inquiring about protocol for oil spills and was advised to pour sand on the spilled oil.

After removing the tank from the property, the Appellant stated that he retroactively did research on the protocol for removing oil tanks and contacted an environmental specialist named Glen who informed him that he would reach out to the City to identify the most appropriate next steps. The Appellant stated that prior to removing this oil tank, he was unaware of standard oil tank removal protocol. After speaking with Glen, the Appellant spoke with City of Hawthorne representatives including Construction Official Ed Ferraioli and Chris DiBella. During the dialogue, the City of Hawthorne officials issued a violation for work performed without a permit and requested that the Appellant provide results of a soil test and a notarized letter stating who the oil tank was given to, where it was taken and if any residual oil was inside at the time of removal. The City of Hawthorne stated that they waited approximately one month for the requested information to be provided by the Appellant and received nothing. The Appellant stated that he contracted a company to perform the soil test which is time-intensive “due to gas and water lines needing to be identified and drawn prior to performing the test”. The Board inquired about if there was a permit log for the property or any record that the oil tank was ever decommissioned, the Town replied that they have a permit log for the property but no record of the oil tank being decommissioned. Town Official Chris DiBella stated that he smelled oil upon visiting the property after the tank removal. Vice Chairman Bleeker asked if the property was heated by oil or gas, the Town stated that they were unsure but as far as they are concerned the oil tank is active because it was never decommissioned. Town Official Chris DiBella asked if any connections were cut during the tank removal to which the Appellant answered “no”. Vice Chairman Bleeker asked the Appellant if there was any way to get the clarification the City of Hawthorne is seeking to which the appellant answered that there is only so much information he can retrieve from the scrap collector, but he would make his best effort to attain as much information as possible.

Commissioner Booth recommended that this matter be held in case further discovery reveals that the oil tank removal is environmentally consequential.

Commissioner Booth made a motion to adjourn this matter for 30 days to afford the Appellant time to have a soil test performed, present results of testing to the municipality and the Construction Board of Appeals, clarify what has happened to/with the tank since its removal, clarify if there was any residual oil in the tank and submit any additional information to the Board, Ed Ferraioli, Chris DiBella and Michael Pasquale. The motion to adjourn this matter for 30 days was seconded by Vice Chairman Bleeker.

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

This matter was adjourned to May 16, 2024, prior to the start of the meeting.

Rossanera, LLC, 91 Royal Avenue, Hawthorne, NJ

This matter was adjourned to May 16, 2024, prior to the start of the meeting.

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