

**PASSAIC COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES
JUNE 20, 2024**

Secretary Terborg 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. John Bleeker, Vice Chair
2. James Booth, Commissioner
3. Robert Lynch, Commissioner
4. Dennis Kolano, Alternate Commissioner
5. Kevin Bloom, Counsel
6. Payton Rogers, Counsel
7. Havana Terborg, Secretary

MEMBERS ABSENT

1. Phillip Cheff, Chair
2. Saryeliz Abarca, Secretary

OFFICIAL BUSINESS

A motion to adopt the minutes of the May 16, 2024 Construction Board of Appeals meetings 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 Kolano to adjourn. The motion passed unanimously with Chairman Cheff abstaining. The meeting adjourned at 5:07 PM.

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

APPEALS TO THE BOARD

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

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

Vice Chairman Bleeker disclaimed the hearing of this appeal with an explanation that the Board has carried this matter exceptionally in an effort to get compliance because the Appellant and Construction Official have consistently demonstrated a mutual interest in compliance.

Construction Official Ligus confirmed that the Appellant personally came in since the last hearing and submitted all the necessary documentation to be in compliance. He stated that “the permit was pending issuance, the only outstanding item is the violation amount which the City was seeking approximately \$2,000 per trade, totaling \$8,000.00”.

When asked by the Board, Construction Official Ligus confirmed that the Appellant had satisfied all requirements to be in compliance. Commissioner Lynch recommended that the fine be reduced given that the Appellant did everything to be in compliance as per the Township of West Milford, Vice Chairman Bleeker echoed these sentiments.

Commissioner Booth rescinded his motion for \$8,000.00. Commissioner Lynch made a motion to reduce the fine from Construction Official Ligus’ proposed fine amount of \$8,000 to \$4,000.00, Vice Chairman Bleeker seconded the motion acknowledging that it is not what the Construction Official recommended but what the Board has considered given the Appellant’s efforts to become compliant. The motion passed unanimously, with Chairman Cheff abstaining.

Jasmine Williams, 80 Montgomery Street, Paterson, NJ

PRESENT: **Jasmine Williams, Appellant**
 Theresa P. Richardson, Appellant Attorney
 Herbert H. Eggers, III, Captain
 David Tsolakis, Fire Marshall
 Jason Santarcangelo, Assistant Corporation Counsel

Fire Marshall Tsolakis stated that Paterson Nightlife Taskforce visited the Appellant’s property during routine taskforce patrolling. While they were there, they observed that the Appellant’s alarm system had already tripped with visual strobes. When asked by Vice Chairman Bleeker, Fire Marshall Tsolakis confirmed that the alarm system was on/operational and did trip, but no signal was sent out to the fire department or monitoring company. Fire Marshall Tsolakis confirmed that the alarm system at the Appellant’s premises “has been working properly the entire time” as the last periodic inspection was in April of 2024 and the Appellant passed. Fire Marshall Tsolakis confirmed that it’s fair to say that the system was operational and in working order since at least October of last year, 2023.

After hearing testimony by City of Paterson officials and Assistant Corp. Counsel Santarcangelo, Vice Chairman Bleeker theorized that part of the system could have been altered as subsequent notification to an alarm company/the Fire Department is an essential function of similar alarm systems. When asked by Vice Chairman Bleeker if she turned the alarm system off on purpose, Appellant Williams stated that she did not turn the system off on purpose on the night in question.

Following additional testimony by City of Paterson officials and Assistant Corp. Counsel Santarcangelo, Vice Chairman Bleeker and the Board clarified that they can only be concerned about violations under the NJ Uniform Construction Code and cannot rule on any operational things at this level.

When asked by the Board if there were any outstanding/unaddressed violations, City of Paterson officials confirmed that all major violations were abated prior to the June 20th Construction Board of Appeals hearing.

Vice Chairman Bleeker stated that he doesn't believe the proposed fine amount is warranted especially given that this violation has not been committed by the Appellant on any other occasion as per the testimony of the City of Paterson. Commissioner Booth also agreed that the City's proposed fine amount was excessive given the circumstances.

Commissioner Lynch echoed the necessity of a fine because the violation(s) in question are "a serious issue" and subsequently made a motion for a reduced fine of \$2,000. Commissioner Booth seconded the motion. The Board did not agree unanimously with Vice Chairman Bleeker dissenting in recommendation of a lesser fine amount and Chairman Cheff abstaining. As per the majority opinion of the Board regarding the fine amount, the Board elected to reduce the Appellant's fine to \$2,000.

Vice Chairman Bleeker informed the Appellant that the Board would consider more significant consequences if this appeal came before the Board again in the future regarding a similar violation.

Luis Francisco, 132 Rock Road, Hawthorne, NJ

PRESENT: **Luis Francisco, Appellant**
 Nicole Fillipelli, Appellant
 Ed Ferraioli, Construction Official for the City of Hawthorne

After hearing the testimonies of the Appellant and the City of Hawthorne, the Board concluded that the Appellant had submitted a set of plans that the City provided a building permit for and the actual construction that occurred was different than what was entailed in the plans, ultimately violating zoning laws because of height, etc.

Vice Chairman Bleeker clarified to the Appellant that the Construction Board of Appeals has no jurisdiction over zoning. Alternatively, Vice Chairman Bleeker recommended that the Appellant meet with the Hawthorne Zoning Officer, present a full set of revised plans including the letter of denial authored by Construction Official Ferraioli and begin an application with the Zoning board. If the application is approved by the Zoning Board, Vice Chairman Bleeker stated that the Appellant could take the approval to Construction Official Ferraioli with a revised plan of the desired build and request a permit. The Board also stated that the Appellant can instead opt to build according to the original plan submitted for the original permit given by the City of Hawthorne. After listening to the Appellant's testimony, the Board explained to the Appellant that Construction Official Ferraioli cannot grant a permit for the actual construction performed because Appellant Francisco is now in violation of zoning regulations.

Given the circumstances outlined in this appeal, this matter was effectively dismissed by the Board.

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

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

Haight Fire & Safety (Verdelago's Pizzeria), 2019 Greenwood Lake Turnpike, New Foundland, NJ

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

Rosa Sanchez, 121 Washington Place, Passaic, NJ

This matter was settled prior to the start of the hearing.

Ali Rivera, 126 Fourth Avenue, Hawthorne, NJ

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

Zoran Pupovac, 40 Edward Drive, Ringwood, NJ

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

Mohamed A. & Yousuf Alsaydi, Clifton, NJ

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

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