

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

Secretary Terborg opened the meeting at 4:01 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

**MEMBERS ABSENT**

1. Phillip Cheff, Chair
2. Saryeliz Abarca, Secretary
3. Payton Rogers, Counsel

**OFFICIAL BUSINESS**

A motion to adopt the minutes of the June 20, 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 Commissioner Booth and seconded by Vice Chairman Bleeker to adjourn. The motion passed unanimously, with Chairman Cheff abstaining. The meeting adjourned at 5:10 PM.

The next meeting of the Board will be September 19, 2024.

**APPEALS TO THE BOARD**

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

**PRESENT: Edward Ferraioli, City of Hawthorne Construction Official**

**ABSENT: Harold P. Cook, Esq., Attorney for the Appellant  
Ali Rivera, Appellant**

Although properly notified of the hearing and informed that no subsequent adjournment requests would be granted, the Appellant's Attorney Harold P. Cook, Esq. and Appellant Ali Rivera failed to appear at the hearing. After hearing remarks from Secretary Terborg and Hawthorne Construction Official Ed Ferraioli, the Board was informed that the Appellant's Attorney currently has a meeting scheduled

before the Hawthorne Zoning board on August 19<sup>th</sup>, 2024 and anticipates subsequently passing the Board of Adjustment. Given these circumstances, the Board elected to adjourn this matter to September 19, 2024 to await the outcome of the upcoming meeting(s) with the Town. Vice Chairman Bleeker motioned to adjourn this matter for 30 days until September 19, 2024 and Commissioner Booth seconded the motion. The motion passed unanimously, with Chairman Cheff abstaining.

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

This matter was adjourned to September 19, 2024 prior to the start of the hearing.

**Zoran Pupovac, 40 Edward Drive, Ringwood, NJ**

This matter was withdrawn prior to the start of the hearing.

**Humberto Mazon & Raquel Christian, 20 Sunrise Drive, Hawthorne, NJ**

**PRESENT: Humberto Mazon, Appellant  
Raquel Christian, Appellant  
Joseph Donato, Architect  
Edward Ferraioli, City of Hawthorne Construction Official**

The City of Hawthorne issued a Stop Construction Order to the Appellants pursuant to N.J.A.C. 5:23-2.31(d) which provides that Habitable attic over 1/3 area of floor below and has to have a minimum of 5 ft ceiling height/walls. Code NJ UCC 5:23-6.9 (b) 2 I, NJ IRC 2021 Definition, NJ IRC 2021 Section R305 (Ceiling Heights).

Appellants Humberto Mazon and Raquel Christian appeared pro se with their Architect Joseph Donato. Construction Official Ed Ferraioli appeared on behalf of the City of Hawthorne. Based upon the Appellants' and Construction Official's testimony at the hearing, the Board concurs with the interpretation of N.J.A.C. 5:23-2.31 made by the State of New Jersey, Department of Community Affairs, in the July 25, 2022, Communicator, attached hereto and included herewith. After review of the code in detail, the July 25, 2022, communicator and the Board's review of code sections R305 Exception #1, the Board concluded that the height of the attic is not to be less than 7 feet and the 7 feet dimension remains critical in terms of determining the habitable area and habitable square footage. Moreover, the 7 feet area is in compliance with the code for floor area and is in compliance within 1/3 of the floor area of the floor below, as confirmed by Construction Official Ferraioli at the August 15<sup>th</sup> Construction Board of Appeals hearing. Given the information that was presented, the Board ruled that the application to appeal stands and the Appellants/Property Owners should be able to resume construction within the aforementioned parameters.

**Yousuf Alsaydi & Mohamed A., 206 W. 3<sup>rd</sup> Street, Clifton, NJ**

**PRESENT: Ernest Tedesco, City of Clifton Construction Official  
Brian Ciaurro, City of Clifton Construction Official  
Yousuf Alsaydi, Appellant**

The City of Clifton issued violations to the Appellant for failure to obtain a permit and request required inspections for rear deck with ramp. Although the Appellant stated that he had submitted a permit application to the Clifton Building Department, the Clifton Construction Officials stated that they had no receipt of a permit application submission from the Appellant. After listening to the Appellant's testimony, the Board surmised that the Appellant has a willingness to comply but may have a lack of familiarity with relevant ordinances and procedures. Given these circumstances, Vice Chairman Bleeker recommended that the City of Clifton afford the Appellant another opportunity to submit the permit application. The Appellant stated that he would abandon construction of the ramp entirely, the Board and Clifton Construction Officials Tedesco and Ciaurro cautioned that without a ramp, staircase, etc., there would be a hazardous drop in elevation from the residence entrance/exit to the ground. Thus, the Appellant was encouraged to resubmit the permit application with a set of plans completed by an Architect and resume construction after receiving the permit. Vice Chairman Bleeker recommended that this matter be adjourned for 30 days to provide the Appellant time to implement the recommendations of the Board and compliance requirements of the City of Clifton. Commissioner Booth recommended an alternative adjournment of 60 days to give the Appellant time to identify and engage an architect for the referenced plans. Vice Chairman Bleeker made a motion to adjourn this matter for 60 days and Commissioner Booth seconded the motion. This matter will be heard at the October 17<sup>th</sup>, 2024 meeting of the Board.

**Julie B. Williams, 114 Linden Avenue, Clifton, NJ**

This matter was adjourned to September 19, 2024, prior to the start of this meeting.

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