

**PASSAIC COUNTY CONSTRUCTION BOARD OF APPEALS
MINUTES
SEPTEMBER 19, 2024**

Secretary Terborg opened the meeting at 4:05 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, Alternate Commissioner
6. Kevin Bloom, Counsel

MEMBERS ABSENT

1. Saryeliz Abarca, Secretary
2. Payton Rogers, Counsel

OFFICIAL BUSINESS

A motion to adopt the minutes of the August 15, 2024 Construction Board of Appeals meeting was made by Commissioner Lynch and seconded by Vice Chairman Bleeker. 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. The meeting adjourned at 4:56 PM.

The next meeting of the Board will be October 17, 2024.

APPEALS TO THE BOARD

Julie B. Williams, 114 Linden Avenue, Clifton, NJ-SETTLED

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

Riverview Towers, 85 Presidential Blvd., Paterson, NJ-ADJOURNED

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

Haight Fire & Safety (Verdelago's Pizzeria), 2019 Greenwood Lake Turnpike, Suite 1, Hewitt, NJ

PRESENT: Joseph Fuschetto, Appellant
Michael Moscatello, Township of West Milford Fire Marshall

The above referenced property owner was issued a violation by the Township of West Milford pursuant to N.J.A.C. 5:74-2.2 which provides that no fire protection contractor shall engage in the installation, service, repair, inspection or maintenance of fire protection equipment including Installation of Fire Suppression System without a valid contractor certification issued by the NJ Division of Fire Safety. Appellant Joseph Fuschetto appeared pro se on behalf of Haight Fire & Safety. Fire Marshall Michael Moscatello appeared on behalf of the Township of West Milford. Based upon Appellant Fuschetto and Fire Marshall Moscatello's testimonies and exhibits presented at the hearing, the Board unanimously concluded that the West Milford Fire Prevention lacked jurisdiction to issue the violation because the Building department had already previously issued a permit to the Appellant prior to the work being performed and no certificate of approval had been issued. As such, the Board concurred with the Appellant's appeal.

Vice Chairman Bleeker made a motion that the Appellant's Appeal withstands and the proposed fine of \$5,000 issued by the Division of Fire Safety to the Appellant by the Township of West Milford be voided and rescinded entirely given that all procedures were followed correctly, the work in question was completed properly and the Appellant did attain a permit prior to this subsequent penalty being issued by the Division of Fire Safety. Chairman Cheff seconded the motion, the motion passed unanimously.

**YCM Construction, Joseph & Rochel Weinreb Trust, 11-13 Randolph Street, Passaic City, NJ-
ADJOURNED**

This matter was adjourned to October 17, 2024, prior to the start of the hearing.

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

PRESENT: Timothy Ligus, Township of West Milford Construction Official
Joel M. Bacher, Esq., Attorney for the Appellant
Sandra Ramos, Appellant/Property Owner

This matter was last heard at the February 15, 2024 meeting of the Board.

Attorney Bacher stated that since his last appearance before the Board, he has made efforts including engaging Architect Brian Murphy who drew up plans showing that the property as presently constituted is in compliance with the Fire Code to attain a C.O from the Town.

Construction Official Ligus confirmed that Appellant Attorney Bacher did retain an architect, however compliance efforts by the Appellant/Appellant Attorney stalled after Architect Murphy assessed that the new use would require a sprinkler system. According to the Town, the September 19th, 2024 hearing was the Township of West Milford's first time receiving plans from the Appellant/Appellant Attorney which Construction Official Ligus clarified were not acceptable because they did not include an architectural seal. Construction Official Ligus stated that since the last hearing, there's been no permit application, no change of use or application to the planning board by the Appellant/Appellant Attorney. Construction Official Ligus asserted that the Appellant is in violation as it stands right now, Chairman Cheff asked if boarding is a permitted use as it relates to Zoning. Construction Official Ligus said he believes it is a permitted use now which is why the Zoning Officer cannot issue a summons to the

Appellant. Chairman Cheff advised the Appellant that the customary course of action includes getting a building permit to change the use and submitting the application for zoning, which the Appellant would presumably attain without having to go to the Board given the permitted use. Construction Official Ligus echoed that the Appellant needs an approved zoning permit and to submit plans for this particular use. Appellant Attorney Bacher confirmed, when asked by Chairman Cheff, that they have not applied to Zoning for the use or applied for a building permit to execute the change of use. When asked about the relief the Appellant is seeking, Attorney Bacher said the Appellant is looking for permission to operate as they have in the past. Vice Chairman Bleeker explained that to upgrade this building to certain standards considering the number of occupants, the hazard of use is higher which necessitates a sprinkler system and an architect to seal and sign the plans.

Chairman Cheff asked how much time the Township of West Milford can give the Appellant/Appellant Attorney to finalize compliance efforts. Construction Official Ligus clarified the original timeline of events stating that the Appellant's original attorney Sarah Dubinsky applied to the planning board over a decade ago and ultimately withdrew her application, since then the Appellant has not made any significant efforts towards compliance. Given this, the potential for preventable life safety hazards and several months without communication from the Appellant/Appellant Attorney, Construction Official Ligus replied that he is ready to issue an imminent hazard to vacate.

The Board recommended that the Appellant speak to the State for grants and relief. The Township of West Milford stated that they are solely seeking compliance which is why they have not issued a fine and are willing to permit an alternative sprinkler system, akin to the exceptions/alternatives listed in section 10 of UCC.

Chairman Cheff made a motion, which Vice Chairman Bleeker seconded for a 30-day adjournment to afford the Appellant/Appellant Attorney time to finalize compliance efforts. The motion passed unanimously. This matter will be heard at the October 17, 2024 hearing.

Ali Rivera, 126 Fourth Avenue, Hawthorne, NJ-ADJOURNED

This matter was adjourned to October 17, 2024, prior to the start of the hearing.

Efren Zamora, 679 Center Street, Ridgefield, NJ-ADJOURNED

This matter was adjourned to October 17, 2024, prior to the start of the hearing.

Carlos Aspiazu, 238 West Broadway, Paterson, NJ

ABSENT: Jerry Lobo, City of Paterson Construction Official
Carlos Aspiazu/Lindsay Loson, Appellant

Given that this matter could not be properly adjudicated in the absence of the Construction Official and Appellant(s), the Board elected to dismiss this appeal. This matter is hereby dismissed.

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