



Making It Better, Together.

CAMDEN COUNTY CONSTRUCTION BOARD OF APPEALS

c/o County Counsel, 14th Floor-City Hall, 520 Market Street, Camden, NJ 08102

Phone: (856) 225-5543

Facsimile: (856) 756-2244

BOARD MEMBERS

Mengste Thomas El
Charles Cipollono
Charles J. Riebel, Jr.
Keith Knight
Gary R. Burgin
William G. Lunemann
Gosia Primavera
Edward Gorman

FREEHOLDER

Melinda Kane

BOARD SECRETARY

Robert Harris

October 13, 2020

Via Regular Mail & Email

Sandra Rost
Gloucester County Construction Board of Appeals
115 Budd Boulevard
West Deptford, NJ 08096

RE: Appeal for Gloucester County Buildings & Grounds
Address: 254 County House RD 1, Clarksboro, New Jersey
Local ID#: 0800-003

Dear Ms. Rost:

Please be advised that a Hearing has been scheduled for **Wednesday, October 21, 2020** at **4:00 p.m.** See attached Notice of Hearing. If you have any documents that you would like to present to the board members, please forward to me prior to the hearing. For your convenience, I am enclosing directions. If you have any questions, please contact me.

Thank you for your cooperation.

Very truly yours,

Construction Board of Appeals

By:

Donna Baker
Donna Baker

Assistant to Board Secretary

Encl.

CAMDEN COUNTY CONSTRUCTION BOARD OF APPEALS

NOTICE OF HEARING

C/O COUNTY COUNSEL
14TH FLOOR – CITY HALL
520 MARKET STREET
CAMDEN, NEW JERSEY 08102
PHONE: (856) 225-5543

October 13, 2020

TO: Sandra Rost
Gloucester County Construction Board of Appeals
115 Budd Boulevard
West Deptford, New Jersey 08096

RE: 254 County House RD 1, Clarksboro, NJ

Having received an Application requesting a Hearing before the Camden County Construction Board of Appeals, Notice is hereby given that a Hearing has been scheduled for **4:00 P.M. on WEDNESDAY, OCTOBER 21, 2020** in the Hearing Room of the County Board of Appeals located at the **CAMDEN COUNTY PARKS DEPARTMENT ADMINISTRATION BUILDING, 1301 PARK BLVD. CHERRY HILL, NEW JERSEY.**

You may appear in person or be represented by an authorized agent, legal* or both, and present reasons which you may have to the granting or denying of this Appeal.

You are advised to prepare your case in detail and present all evidence relating to this Appeal at the time of the scheduled Hearing.

If you cannot attend at the scheduled time, you must call our office 24 hours prior to the hearing date.

Robert Harris

Robert Harris
Board Secretary

DIRECTIONS TO PARKS ADMINISTRATION BUILDING

From Points West: Take the Benjamin Franklin Bridge through toll. After toll, stay to left following signs for Routes 38 & 70. Stay left when road divides over ramp and once off the ramp bear to the right for Route 70 East. Take Route 70 East to grove street (Garden State Race Track on left) make a right on Grove Street to first traffic light, make a left. Parks Department Office on the right (CC Parks Department Sign out front).

From Points North: Take I-295 to Exit 34 B (Route 70 West-Cherry Hill Exit). Go straight on Route 70 West to Kings Highway/Haddonfield jug-handle (Right after Red Lobster Restaurant). Take jug-handle to the traffic light at the end of the jug-handle, make a left, cross traffic light at Route 70 to next light, make right, go approximately 1 block to traffic light, make a left (now back on Kings Highway) to next traffic light, make a right, on to Park Blvd., go straight for approximately ¼ mile, Park Building on left.

From Points South: Take I-295 North to Exit 34 B (Route 70 West-Cherry Hill exit) and follow directions from points north.



Making It Better, Together.

CAMDEN COUNTY CONSTRUCTION BOARD OF APPEALS

c/o County Counsel, 14th Floor-City Hall, 520 Market Street, Camden, NJ 08102

Phone: (856) 225-5543

Facsimile: (856) 756-2244

BOARD MEMBERS

Mengste Thomas El
Charles Cipollono
Charles J. Riebel, Jr.
Keith Knight
Gary R. Burgin
William G. Lunemann
Gosia Primavera
Edward Gorman

FREEHOLDER

Melinda Kane

BOARD SECRETARY

Robert Harris

October 15, 2020

Via Regular Mail & Email

Sandra Rost
Gloucester County Construction Board of Appeals
115 Budd Boulevard
West Deptford, NJ 08096

RE: Appeal for Gloucester County Buildings & Grounds
Address: 254 County House RD 1, Clarksboro, New Jersey
Local ID#: 0800-003

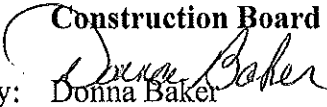
Dear Ms. Rost:

Please be advised that the Hearing has been rescheduled for **Wednesday, November 18, 2020 at 4:00 p.m.** See attached Notice of Hearing. If you have any documents that you would like to present to the board members, please forward to me prior to the hearing. If you have any questions, please contact me.

Thank you for your cooperation.

Very truly yours,

Construction Board of Appeals

By: 
Donna Baker
Assistant to Board Secretary

Encl.

CAMDEN COUNTY CONSTRUCTION BOARD OF APPEALS

NOTICE OF HEARING

C/O COUNTY COUNSEL
14TH FLOOR – CITY HALL
520 MARKET STREET
CAMDEN, NEW JERSEY 08102
PHONE: (856) 225-5543

October 15, 2020

TO: Sandra Rost
Gloucester County Construction Board of Appeals
115 Budd Boulevard
West Deptford, New Jersey 08096

RE: 254 County House RD 1, Clarksboro, NJ

Having received an Application requesting a Hearing before the Camden County Construction Board of Appeals, Notice is hereby given that a Hearing has been scheduled for **4:00 P.M. on WEDNESDAY, NOVEMBER 18, 2020** in the Hearing Room of the County Board of Appeals located at the **CAMDEN COUNTY PARKS DEPARTMENT ADMINISTRATION BUILDING, 1301 PARK BLVD. CHERRY HILL, NEW JERSEY.**

You may appear in person or be represented by an authorized agent, legal* or both, and present reasons which you may have to the granting or denying of this Appeal.

You are advised to prepare your case in detail and present all evidence relating to this Appeal at the time of the scheduled Hearing.

If you cannot attend at the scheduled time, you must call our office 24 hours prior to the hearing date.

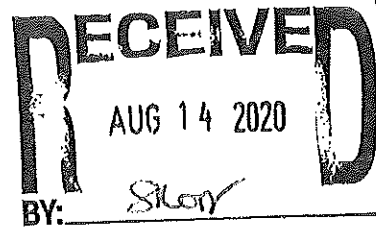
Robert Harris

Robert Harris
Board Secretary

**APPLICATION TO GLOUCESTER COUNTY
CONSTRUCTION
BOARD OF APPEALS**

Gloucester County
Construction Board of Appeals

P.O. Box 337
Woodbury, NJ 08096
856-384-6895



IDENTIFICATION

Work Site Location: <u>Gloucester County Court House</u>	Block: <u>83</u> Lot: <u>1</u>
Owner: <u>County of Gloucester</u>	Agent: _____
Address: <u>2 South Broad Street</u> <u>Woodbury NJ 08096</u>	Address: _____
Phone: <u>856-251-6711</u>	Phone: _____
Email: <u>Lhawthorn@co.goucester.nj.us</u>	Email: _____
Municipality: <u>Woodbury</u>	

APPLICANT STATEMENT

Specific section(s) of the Regulation in question:

Chapter 11 Construction requirements for existing buildings, Section 1103 Fire Safety Requirements for existing buildings, 1103.4 Vertical openings interior vertical openings including but not limited to stairways, elevator hoist ways, service and utility shafts that connect two or more stories of a buildings shall be enclosed or protected as specified in section 1104.4.1 thru 1103.3.10

Briefly state your position in this matter and explain this nature of the relief you seek. (If more space is required, additional pages may be attached.)

As a historical building the 2018 International fire code allows provisions that make the above code not mandatory

See Attached Codes:

102.6 Historical Buildings
1103.1.1 Historical Buildings

Attach copies of the violation notice/order to pay penalty and any supporting documents or photographs you wish the board to consider.

Non-refundable Fee: \$100.00

Application will not be considered complete unless accompanied by the appeal fee and completed application.

Signed: _____

Applicant

Date

8/14/20



Gloucester County Fire Marshal
212 County House Rd
Clarksboro, NJ 08020

SystemID#: 800003
Local ID#: 0800-003
State Reg#:

To: Gloucester County Buildings and Grounds, Attn L. Hawthorn
254 County House RD 1
Clarksboro, NJ 08020

NOTICE OF VIOLATIONS and ORDER TO CORRECT

Municipality: Gloucester County
Inspected on: July 30, 2020
Inspected by: Shawn K. Layton
Premises: Old Courthouse
1 N Broad ST, 5/V
Woodbury, NJ 08096

Inspection Type: Request or Complaint
LHU Classification:
Use Group: ASSM

OWNER

AGENT

TENANT/OPERATOR

Gloucester County Buildings and
Grounds, Attn L. Hawthorn
254 County House RD, 1
Clarksboro, NJ 08020
Phone: (856) 251-6711

YOU ARE HEREBY NOTIFIED THAT an inspection by the Gloucester County Fire Marshals Office disclosed violations of the Uniform Fire Code (N.J.A.C. 5:70-1 et. seq.) promulgated pursuant to the New Jersey Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et. seq.). The violations are specified on the accompanying "Violations Report" page(s).

YOU ARE HEREBY ORDERED by the FIRE OFFICIAL to correct the violations listed on the accompanying "Violations Report" page(s) within the time, or by the date specified. If a re-inspection discloses that violations have not been corrected, and an extension has NOT been requested and granted, you will be subject to penalties of up to \$5,000 per violation per day, or as otherwise authorized by the Act and Bureau Regulations.

IN ADDITION, the ACT imposes liability on the owner for the actual costs of fire suppression where a violation directly or indirectly results in fire.

If you do not understand this order, need assistance, or desire further information, please call the Bureau of Fire Prevention at (856) 307-7912

Inspector: Shawn K. Layton

174010

Shawn K. Layton, Fire Marshal

By: Shawn K. Layton

174010

Shawn K. Layton, Chief County Fire Marshal

Signature of Owner or Representative

Printed Name of Owner or Representative

Date

APPEALS RIGHTS-EXTENSIONS: See the attached page of information concerning your administrative appeal rights, authorized penalties and the procedure for requesting an extension of time in which to correct violations.

Violations

Premises:	Old Courthouse	Local ID#:	0800-003
Address:	1 N Broad ST,5/V	State Reg#:	
	Woodbury, NJ 08096	SystemID#:	800003
Owner:	Gloucester County Buildings and Grounds, Attn L. Hawthorn		
Address:	254 County House RD,1		
	Clarksboro, NJ 08020		
Mail:	lhawthorn@co.gloucester.nj.us		

The Violations cited on the above premises are as follows:

Number	Description	Floor	Abate By	U/A	U/A	U/A
20	Location: Interior Stairways Category / Nature: Building / Code Section: 1103.4 Description: Stairways throughout		08/29/20			

Key: The numbering of violations is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.

- "U" Unabated - Violation uncorrected
- "A" Abated - Violation corrected
- "W" - Violation is withdrawn
- "R" - Violation is Recommended
- "V" - Void
- "TE" - Time Extension
- *RV* denotes recurring violation.

Premises: Old Courthouse
Address: 1 N Broad ST,5;V
Woodbury, NJ 08096

Local ID#: 0800-003
State Reg#:

ADDITIONAL EXPLANATION

Violation#: 20

CHAPTER 11 CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS
SECTION 1103 FIRE SAFETY REQUIREMENTS FOR EXISTING BUILDINGS
1103.4 Vertical openings. Interior vertical openings, including but not limited to stairways, elevator hoistways, service and utility shafts, that connect two or more stories of a building, shall be enclosed or protected as specified in Sections 1103.4.1 through 1103.4.10.

1103.4.1 Group I-2 and I-3 occupancies. In Group I-2 and I-3 occupancies, interior vertical openings connecting two or more stories shall be protected with 1-hour fire-resistance-rated construction.

Exceptions:

1103.4.2 Three to five stories. In other than Group I-2 and I-3 occupancies, interior vertical openings connecting three to five stories shall be protected by either 1-hour fire-resistance-rated construction or an automatic sprinkler system shall be installed throughout the building in accordance with Section 903.3.1.1 or 903.3.1.2. Exceptions:

1103.4.3 More than five stories. In other than Group I-2 and I-3 occupancies, interior vertical openings connecting more than five stories shall be protected by 1-hour fire-resistance-rated construction. Exceptions:

1103.4.4 Atriums and covered malls. In other than Group I-2 and I-3 occupancies, interior vertical openings in a covered mall building or a building with an atrium shall be protected by either 1-hour fire-resistance-rated construction or an automatic sprinkler system shall be installed throughout the building in accordance with Section 903.3.1.1 or 903.3.1.2. Exceptions:

1103.4.5 Escalators in Group B and M occupancies. In Group B and M occupancies, escalators creating vertical openings connecting any number of stories shall be protected by either 1-hour fire-resistance-rated construction or an automatic sprinkler system in accordance with Section 903.3.1.1 installed throughout the building, with a draft curtain and closely spaced sprinklers around the escalator opening.

1103.4.6 Escalators connecting four or fewer stories. In other than Group B and M occupancies, escalators creating vertical openings connecting four or fewer stories shall be protected by either 1-hour fire-resistance-rated construction or an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 shall be installed throughout the building, and a draft curtain with closely spaced sprinklers shall be installed around the escalator opening.

1103.4.7 Escalators connecting more than four stories. In other than Group B and M occupancies, escalators creating vertical openings connecting five or more stories shall be protected by 1-hour fire-resistance-rated construction.

1103.4.8 Occupancies other than Group I-2 and I-3. In other than Group I-2 and I-3 occupancies, floor openings containing exit access stairways or ramps that do not comply with one of the conditions listed in this section shall be protected by 1-hour fire-resistance-rated construction.

1103.4.9 Waste and linen chutes. In Group I-2 occupancies, existing waste and linen chutes shall comply with Sections 1103.4.9.1 through 1103.4.9.5.

1103.4.10 Flue-fed incinerators. Existing flue-fed incinerator rooms and associated flue shafts shall be protected with 1-hour fire-resistance-rated construction and shall not have other vertical openings connected with the space other than the associated flue. Opening protectives shall be in accordance with Section 716 of the International Building Code and have a fire protection rating of not less than 1 hour.

Part III Building and Equipment Design Features

ADMINISTRATIVE APPEAL RIGHTS

GENERAL

YOU MAY CONTEST THESE ORDERS AT AN Administrative Hearing. The request for a hearing must be made in WRITING WITHIN 16 days after receipt of this order. The application for appeal shall be accompanied by a fee in the sum of \$ 100.00 payable to Construction Board of Appeals and addressed to:

Construction Board of Appeals
County of Gloucester
P.O. Box 337
Woodbury, NJ 08086

Copy To: County of Gloucester
Office of the Fire Marshal
212 County House Rd

Clarkshore, NJ 08020

EXTENSIONS

If a specified time has been given to abate a violation, you may request an extension of time by submitting a written request to the Fire Official. To be considered, the request must set forth the work accomplished, the work remaining, the reason why an extension of time is necessary, and the date by which all work will be completed.

Take Notice That, pursuant to N.J.A.C. 5:70-2.10d, an application for an extension constitutes an admission that the violation notice is factually and procedurally correct and that the violations do or did exist. In addition, the request of an extension constitutes a waiver of the right to a hearing as to those violations which an extension is applied.

PENALTIES

The maximum penalty for any act or omission in violation of the act or code but not enumerated in this subsection is \$5000.00 per violation per day. Except as specified below, a violation of N.J.A.C. 5:70-3 or 4 shall subject the violator to a maximum penalty of \$500.00 per violation per day. Specific violations shall subject violators to penalties as follows:

1. IMMINENT HAZARD-PUNITIVE CLOSURE:

- (i) Failure to obey an Imminent Hazard Order, a maximum of \$5000.00 per day for each day that the failure continues.
- (ii) Failure to obey an order to close for a fixed period of time issued pursuant to N.J.A.C. 5:70-2.17, a maximum of \$5000.00 per day for each day that the failure continues.

2. EGRESS:

- (i) Blocking, locking, or obstructing required exits in a place of public assembly or education, a maximum of \$5000.00 per occurrence.
- (ii) Blocking, locking, or obstructing required exits in any other place, a maximum of \$2500.00 per occurrence.

3. OCCUPANCY:

- (i) Exceeding the maximum permitted occupancy in a place of public assembly or education...
 - 1. for the first offense, a maximum of \$2500.00
 - 2. for a subsequent offense, a maximum of \$5000.00
- (ii) Exceeding the maximum permitted occupancy in any other place...
 - 1. for the first offense, a maximum of \$500.00
 - 2. for a subsequent offense, a maximum of \$ 2500.

4. FIRE PROTECTION EQUIPMENT:

- (i) Failure to install a required suppression or detection device, after having been given written notice of the requirement to do so...
 - 1. in a place of public assembly or education, a maximum of \$2500.00 per violation per day.
 - 2. in any other place, a maximum of \$1000.00 per violation per day.
- (ii) Disabling or decreasing the effectiveness of any fire suppression system or alarm device...
 - 1. in a place of public assembly or education, a maximum of \$5000.00 per occurrence.
 - 2. in any other place, a maximum of \$1000.00 per occurrence.

5. FAILURE TO COMPLY WITH A LAWFUL ACTION

- (i) A negligent or inadvertent failure to comply with a lawful order, ruling, notice or other action of the Commissioner of a Local Enforcing Agency - a maximum of \$2000.00 per occurrence.
- (ii) A refusal or deliberate failure to comply with a lawful order, ruling, notice or other action of the Commissioner of a Local Enforcing Agency - a maximum of \$5000.00 per occurrence.

6. OBSTRUCTION

- (i) Anyone who obstructs, hinders, delays or interferes by force or otherwise with the Commissioner or any member of a Local Enforcing Agency in the exercise of any power or the discharging of any function or duty under the provision of this Code - a maximum of \$2500.00 per occurrence.

7. PERMITS

- (i) Failure to obtain a required permit prior to commencing the operations, process, or activity for which a permit was required - a maximum of double the amount of the applicable permit fee.
- (ii) Failure to obtain a required permit after being ordered to do so while continuing the operation, process or activity - a maximum of \$5000.00 per day during which the operation, process, or activity continues.

8. REGISTRATION

- (i) Failure to file a registration application after having been ordered to do so - an amount equal to double the registration application fee, but not less than \$200.00 or more than \$1000.00 for each registration.
- (ii) Failure to pay required annual registration fee when due - an amount equal to the unpaid fee.

9. FALSE STATEMENTS

- (i) Preparing, uttering, or rendering any false statement, pertaining to reports, documents, plans, or specifications permitted or required under the provisions of this Code - a maximum of \$5000.00
- (ii) Submission of a materially false application for a permit or registration - a maximum of \$1000.00 per occurrence.

DEDICATED AND COMPENSATORY PENALTIES 5:70-2.12A

An owner, having been given notice of the existence of a violation and failing to abate same, shall in addition to being liable for penalties under N.J.A.C. 5:70-2.12A, also be liable to a dedicated penalty pursuant to this subsection (\$50,000.00 and \$150,000 for compensatory penalties).

FIRE DEPARTMENT COSTS 5:70-2.13 (a), (b), (c)

An owner who has been given notice of violation shall be responsible for a penalty not exceeding \$150,000.00, or the costs of suppressing any fire which directly or indirectly results from the violation, whichever is greater.

Claims arising out of penalty assessments can be compromised or settled only if it shall be likely to result in compliance. Moreover, no such disposition can be finalized while the violation continues to exist.

Any penalties assessed are in addition to over previously assessed. Penalties must be paid in full within 30 days after an order to pay. If full payment is not made within 30 days, the matter will be referred to the township attorney for summary collection pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et. seq.).

NOTICE: If you require guidance or advice concerning your legal rights, obligations or the course of action you should follow, consult your own advisor.



Gloucester County Fire Marshal
212 County House Rd
Clarksboro, NJ 08020

SystemID#: 800003
Local ID#: 0800-003
State Reg#:

To: Gloucester County Buildings and Grounds, Attn L. Hawthorn
254 County House RD 1
Clarksboro, NJ 08020

NOTICE OF VIOLATIONS and ORDER TO CORRECT

Municipality: Gloucester County
Inspected on: July 30, 2020
Inspected by: Shawn K. Layton
Premises: Old Courthouse
1 N Broad ST, 5/V
Woodbury, NJ 08096

Inspection Type: Request or Complaint
LHU Classification:
Use Group: ASSM

OWNER

AGENT

TENANT/OPERATOR

Gloucester County Buildings and
Grounds, Attn L. Hawthorn
254 County House RD, 1
Clarksboro, NJ 08020
Phone: (856) 251-6711

YOU ARE HEREBY NOTIFIED THAT an inspection by the Gloucester County Fire Marshals Office disclosed violations of the Uniform Fire Code (N.J.A.C. 5:70-1 et. seq.) promulgated pursuant to the New Jersey Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et. seq.). The violations are specified on the accompanying "Violations Report" page(s).

YOU ARE HEREBY ORDERED by the FIRE OFFICIAL to correct the violations listed on the accompanying "Violations Report" page(s) within the time, or by the date specified. If a re-inspection discloses that violations have not been corrected, and an extension has NOT been requested and granted, you will be subject to penalties of up to \$5,000 per violation per day, or as otherwise authorized by the Act and Bureau Regulations.

IN ADDITION, the ACT imposes liability on the owner for the actual costs of fire suppression where a violation directly or indirectly results in fire.

If you do not understand this order, need assistance, or desire further information, please call the Bureau of Fire Prevention at (856) 307-7912

Inspector: *Shawn K. Layton*
174010

Shawn K. Layton, Fire Marshal

By: *Shawn K. Layton*
174010

Shawn K. Layton, Chief County Fire Marshal

Signature of Owner or Representative

Printed Name of Owner or Representative

Date

APPEALS RIGHTS-EXTENSIONS: See the attached page of information concerning your administrative appeal rights, authorized penalties and the procedure for requesting an extension of time in which to correct violations.

Violations

Premises:	Old Courthouse	Local ID#:	0800-003
Address:	1 N Broad ST,5;V Woodbury, NJ 08096	State Reg#:	
Owner:	Gloucester County Buildings and Grounds, Attn L. Hawthorn	SystemID#:	800003
Address:	254 County House RD,1 Clarksboro, NJ 08020		
Mail:	lhawthorn@co.gloucester.nj.us		

The Violations cited on the above premises are as follows:

Number	Description	Floor	Abate By	U/A	U/A	U/A
20	Location: Interior Stairways Category / Nature: Building / Code Section: N.J.A.C. 5:70-4.13.(c).2. Description: Stairways throughout		08/29/20			

Key: The numbering of violations is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.

- "U" Unabated - Violation uncorrected
- "A" Abated - Violation corrected
- "W" - Violation Is withdrawn
- "R" - Violation Is Recommended
- "V" - Void
- "TE" - Time Extension
- *RV* denotes recurring violation.

Premises: Old Courthouse
Address: 1 N Broad ST,5;V
Woodbury, NJ 08096

Local ID#: 0800-003
State Reg#:

ADDITIONAL EXPLANATION

Violation#: 20

SUBCHAPTER 4. FIRE SAFETYCODE

5:70-4.13 Protection of interior stairways and other vertical openings

(c) Interior stairways and other vertical openings connecting no more than three levels shall be enclosed with approved assemblies and opening protectives with self-latching doors having a fire resistance as follows:

2. In Use Group B, a minimum 30 minutes fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three stories. Such fire barriers may be omitted in buildings not exceeding 3,000 square feet per floor or when the building is protected throughout by an approved automatic fire suppression system.

ADMINISTRATIVE APPEAL RIGHTS

GENERAL

YOU MAY CONTEST THESE ORDERS AT AN Administrative Hearing. The request for a hearing must be made in WRITING WITHIN 15 days after receipt of this order. The application for appeal shall be accompanied by a fee in the sum of \$ 100.00 payable to Construction Board of Appeals and addressed to:

Construction Board of Appeals
County of Gloucester
P.O. Box 337

Woodbury, NJ 08066

Clarksboro, NJ 08020

Copy To: County of Gloucester
Office of the Fire Marshal
212 County House Rd

EXTENSIONS

If a specified time has been given to abate a violation, you may request an extension of time by submitting a written request to the Fire Official. To be considered, the request must set forth the work accomplished, the work remaining, the reason why an extension of time is necessary, and the date by which all work will be completed.

Take Notice That, pursuant to N.J.A.C. 5:70-2.10d, an application for an extension constitutes an admission that the violation notice is factually and procedurally correct and that the violations do or did exist. In addition, the request of an extension constitutes a waiver of the right to a hearing as to those violations which an extension is applied.

PENALTIES

The maximum penalty for any act or omission in violation of the act or code but not enumerated in this subsection is \$5000.00 per violation per day. Except as specified below, a violation of N.J.A.C. 5:70-3 or 4 shall subject the violator to a maximum penalty of \$500.00 per violation per day. Specific violations shall subject violators to penalties as follows:

1. IMMINENT HAZARD-PUNITIVE CLOSURE:

- (i) Failure to obey an Imminent Hazard Order, a maximum of \$5000.00 per day for each day that the failure continues.
- (ii) Failure to obey an order to close for a fixed period of time issued pursuant to N.J.A.C. 5:70-2.17, a maximum of \$5000.00 per day for each day that the failure continues.

2. EGRESS:

- (i) Blocking, locking, or obstructing required exits in a place of public assembly or education, a maximum of \$5000.00 per occurrence.
- (ii) Blocking, locking, or obstructing required exits in any other place, a maximum of \$2500.00 per occurrence.

3. OCCUPANCY:

- (i) Exceeding the maximum permitted occupancy in a place of public assembly or education...
 - 1. for the first offense, a maximum of \$2500.00
 - 2. for a subsequent offense, a maximum of \$5000.00
- (ii) Exceeding the maximum permitted occupancy in any other place...
 - 1. for the first offense, a maximum of \$500.00
 - 2. for a subsequent offense, a maximum of \$ 2500.

4. FIRE PROTECTION EQUIPMENT:

- (i) Failure to install a required suppression or detection device, after having been given written notice of the requirement to do so...
 - 1. in a place of public assembly or education, a maximum of \$2500.00 per violation per day.
 - 2. in any other place, a maximum of \$1000.00 per violation per day.
- (ii) Disabling or decreasing the effectiveness of any fire suppression system or alarm device...
 - 1. in a place of public assembly or education, a maximum of \$5000.00 per occurrence.
 - 2. in any other place, a maximum of \$1000.00 per occurrence.

5. FAILURE TO COMPLY WITH A LAWFUL ACTION

- (i) A negligent or inadvertent failure to comply with a lawful order, ruling, notice or other action of the Commissioner of a Local Enforcing Agency - a maximum of \$2000.00 per occurrence.
- (ii) A refusal or deliberate failure to comply with a lawful order, ruling, notice or other action of the Commissioner of a Local Enforcing Agency - a maximum of \$5000.00 per occurrence.

6. OBSTRUCTION

- (i) Anyone who obstructs, hinders, delays or interferes by force or otherwise with the Commissioner or any member of a Local Enforcing Agency in the exercise of any power or the discharging of any function or duty under the provision of this Code - a maximum of \$2500.00 per occurrence.

7. PERMITS

- (i) Failure to obtain a required permit prior to commencing the operations, process, or activity for which a permit was required - a maximum of double the amount of the applicable permit fee.
- (ii) Failure to obtain a required permit after being ordered to do so while continuing the operation, process or activity - a maximum of \$3000.00 per day during which the operation, process, or activity continues.

8. REGISTRATION

- (i) Failure to file a registration application after having been ordered to do so - an amount equal to double the registration application fee, but not less than \$200.00 or more than \$1000.00 for each registration.
- (ii) Failure to pay required annual registration fee when due - an amount equal to the unpaid fee.

9. FALSE STATEMENTS

- (i) Preparing, uttering, or rendering any false statement, pertaining to reports, documents, plans, or specifications permitted or required under the provisions of this Code - a maximum of \$5000.00
- (ii) Submission of a materially false application for a permit or registration - a maximum of \$1000.00 per occurrence.

DEDICATED AND COMPENSATORY PENALTIES 5:70-2.12A

An owner, having been given notice of the existence of a violation and failing to abate same, shall in addition to being liable for penalties under N.J.A.C. 5:70-2.12A, also be liable to a dedicated penalty pursuant to this subsection (\$50,000.00 and \$150,000 for compensatory penalties).

FIRE DEPARTMENT COSTS 5:70-2.13 (a), (b), (c)

An owner who has been given notice of violation shall be responsible for a penalty not exceeding \$150,000.00, or the costs of suppressing any fire which directly or indirectly results from the violation, whichever is greater.

Claims arising out of penalty assessments can be compromised or settled only if it shall be likely to result in compliance. Moreover, no such disposition can be finalized while the violation continues to exist.

Any penalties assessed are in addition to over previously assessed. Penalties must be paid in full within 30 days after an order to pay. If full payment is not made within 30 days, the matter will be referred to the township attorney for summary collection pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et. seq.).

NOTICE: If you require guidance or advice concerning your legal rights, obligations or the course of action you should follow, consult your own advisor.



COUNTY OF GLOUCESTER
STATE OF NEW JERSEY
CONSTRUCTION BOARD OF APPEALS
P.O. BOX 337
WOODBURY, NJ 08096

January 14, 2021

The Shop LLC
3729 Lakeside Drive
Williamstown, NJ 08094

RE: Incomplete Appeal

Dear to whom it may concern:

I am in receipt of your letter and check. The submission is incomplete, an application for appeal is required to be completed and a copy of the violation notice/notice of penalty must also be submitted.

I am returning your check to you since we cannot process the appeal.

Please let me know if you have any questions, I may be reached via email at srost@co.gloucester.nj.us.

Sincerely,

Sandra Rost
Secretary

Registration Number - 001257

The Shop Pizzeria & Market
3729 Lakeside Dr. Williamstown NJ 08094

Violation Number 3. Fire Protection System
for current year

Johnson Controls has received a request for
service, but will do so no sooner than 12/25/20

All other violations have been address and fixed
but this one.



COUNTY OF GLOUCESTER
STATE OF NEW JERSEY
CONSTRUCTION BOARD OF APPEALS
P.O. BOX 337
WOODBURY, NJ 08096

August 19, 2021

John Calzaretto, Esquire
Calzaretto & Bernstein, LLC
459 Route 38 West
Maple Shade, New Jersey 08052

Delivery via certified mail 7009 2820 0001 0036 5580

RE: INDEPENDENT FREIGHT, LLC
20 Warrick Avenue, Glassboro, New Jersey 08028

Mr. Calzaretto:

Please find enclosed check # 6280. Pursuant to my correspondence, dated August 9, 2021, the application is incomplete and untimely. Therefore, I am returning the application fee.

If you have any questions or concerns, I may be reached via email at constructionappeals@co.gloucester.nj.us.

Sincerely,

Kelly DeTurk
Kelly DeTurk
Recording Secretary

Enclosure ~ Check # 6280



COPY

COUNTY OF GLOUCESTER
STATE OF NEW JERSEY
CONSTRUCTION BOARD OF APPEALS
P.O. BOX 337
WOODBURY, NJ 08096

August 18, 2021

Mr. Griff Noon, President
Comet Tool Company, Inc.
651 Lambs Road
Pitman, New Jersey 08017

Delivered via certified mail 7020 1290 0001 6638 9071

RE: Appeal 651 Lambs Road, Pitman, NJ

Mr. Noon:

Pursuant to our recent conversation, please find enclosed correspondence to the Gloucester County Construction Board of Appeals, with copy to the Pitman Fire Department, Bureau of Fire Prevention and check #16496. This letter will confirm that your company does not wish to file an appeal through the Construction Board of Appeals and is communicating with the Borough of Pitman regarding the request for an extension. At your request, the application for appeal will not be filed and the Board is returning the application fee.

Please let me know if you have any questions, I may be reached via email at constructionappeals@co.gloucester.nj.us.

Sincerely,

Kelly DeTurk
Kelly DeTurk
Recording Secretary

Enclosures – Correspondence
Check # 164961

c: Pitman Fire Department, Bureau of Fire Prevention (w/o enclosures)



THE PROOF IS IN
PERFORMANCE

COMET TOOL COMPANY, INC.

651 LAMBS ROAD, PITMAN, NJ 08071-2042 • TEL 856/256-1070 • FAX 856/256-1005

WEBSITE: WWW.COMETTOOL.COM • E-MAIL: SALES@COMET-TOOL.COM

To: Gloucester County Construction Board of Appeals

Cc: Pitman Fire Department, Bureau of Fire Prevention

RE: Administrative Appeal Rights:

Registration No: 0815-41569-001-01

Dear Sir/Madam,

I am writing to request an Extension of Time regarding the Violations at the facility of Comet Tool Company, Inc., located at 651 Lambs Road, Pitman NJ 08071.

The following is a list of the violations along with the completion and request for extensions:

Violation 1. Location: Thru-Out Building
 Nature: Technical Assistance Report to Sprinkler System
 Code Section: N.J.A.C. 5:70-3, 103.4

Extension Request: The repair is being contracted by ABJ Sprinkler Co., Comet Tool Company's contract agent at the facility for over 5 years. ABJ Sprinkler has informed Comet that it cannot commit to any services due to manpower and scheduling for at least 45 days. Due to the concern based on Comet's incumbent contractor it is the request that the violation be given an extended 60 days.

Violation 2. Location: Thru-Out Building
 Nature: Labeling Breakers to Their Use
 Code Section: N.J.A.C. 5:70-3, 605.1

Work in Progress, Completion Expected: 8-20-21

Violation 3. Location: Production Area
 Nature: Acceptance Criteria and Reports for Curtains
 Code Section: N.J.A.C. 5:70-3, 807-4

Offering Product Information and Fire Ratings

Violation 4. Location: Storage Room
Nature: Ceiling Clearance
Code Section: N.J.A.C. 5:70-3, 315.3.1

Work Completed

Violation 5. Location: Storage Room
Nature: Electrical – Clearance Around Electrical Panel
Boxes (wall in front of panels)
Code Section: N.J.A.C. 5:70-3, 605.3

Work Completed

Thank you for your time in this matter,

Sincerely,

A handwritten signature in black ink, appearing to read 'Griff Noon', with a stylized flourish extending to the right.

Griff Noon
President
Comet Tool Company, Inc.



THE PROOF IS IN
PERFORMANCE

COMET TOOL COMPANY

651 LAMBS ROAD, PITMAN, NJ 08071-2042

SOUTH JERSEY NJ 080

12 AUG 1991 PM 8

7018 2290 0001 2697 3458



UNITED STATES
POSTAL SERVICE

1000



08096

Gloucester County Construction
Board of Appeals
P.O. Box 337
Woodbury, NJ 08096

08096-733737



Cert Mail
7020 1290 0001 6638 9033



COPY

Glassboro
7020 1290 0001 6638 9040

COUNTY OF GLOUCESTER
STATE OF NEW JERSEY
CONSTRUCTION BOARD OF APPEALS
P.O. BOX 337
WOODBURY, NJ 08096

August 9, 2021

John Calzaretto, Esquire
Calzaretto & Bernstein, LLC
459 Route 38 West
Maple Shade, New Jersey 08052
Delivery via regular and certified mail

RE: INDEPENDENT FREIGHT, LLC
20 Warrick Avenue, Glassboro, New Jersey 08028

Mr. Calzaretto:

I am in receipt of your letter dated August 5, 2021. After review and consideration, it has been determined the Board does not have jurisdiction to hear this appeal. In accordance with N.J.A.C. 5:23A-2.1(e), the application is incomplete and untimely. Please find enclosed a copy of N.J.A.C. 5:23A.

N.J.A.C. 5:23A-2.1(e), states:

*The application **shall** be accompanied by a fee in the sum of \$50.00, or such other fee not exceeding \$100.00 as may be established by the county or municipal governing body having jurisdiction over the board or by interlocal agreement, as the case may be. An application **shall** not be considered complete unless accompanied by the fee; provided, however, that the fee shall be waived where the application is based upon the failure of an enforcing agency to act within a required time frame. [Emphasis Added].*

If you do not agree, an appeal by any party, including any enforcing agency, may be made to the Law Division of the Superior Court within the time permitted by the Rules of Court.

If you have any questions or concerns, I may be reached via email at constructionappeals@co.gloucester.nj.us.

Sincerely,

Kelly DeTurk

Kelly DeTurk

Recording Secretary

Enclosures

c: Robert DeAngelo, Gloucester County Construction Board of Appeals Chairman
Scott D. Burns, Gloucester County Construction Board of Appeals Solicitor
Steve Smith, Fire Official, Borough of Glassboro

N.J.A.C. 5:23A-1.1

New Jersey Register, Vol. 53 No. 2, January 19, 2021

**New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23A.
CONSTRUCTION BOARDS OF APPEALS > SUBCHAPTER 1. GENERAL PROVISIONS****§ 5:23A-1.1 Title; authority; scope; intent**

- (a) This chapter, which is promulgated under authority of N.J.S.A. 52:27D-124, 52:17D-198, 40A:14A-43, 40A:14B-76 and 40:55D-53.2a, shall be known as, and may be cited as, the "Rules Governing Construction Boards of Appeals."
- (b) This chapter shall govern all aspects of the administration and implementation by construction boards of appeals of the provisions of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.), the Uniform Construction Code rules (N.J.A.C. 5:23) and the subcodes incorporated herein by reference, the Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et seq.), the Uniform Fire Code (N.J.A.C. 5:70) and associated rules, P.L. 1995, c.54, and P.L. 1999, c.11.
- (c) It is the intention of the Department of Community Affairs that these rules facilitate uniformity in procedure and a high level of quality in performance so as to allow construction boards of appeals to properly discharge the duties and functions that have been assigned to them by the Legislature under the State Uniform Construction Code Act, the Uniform Fire Safety Act, P.L. 1995, c.54, and P.L. 1999, c.11.
- (d) Unless otherwise specified, all provisions of this chapter are equally applicable to matters arising under any of the statutes or rules listed in (b) above.
- (e) Each construction board of appeals shall have authority to adopt and enforce local rules that are not inconsistent with this chapter or with any of the statutes or rules listed in (b) above.

N.J.A.C. 5:23A-1.2

New Jersey Register, Vol. 49 No. 11, June 5, 2017

***New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23A.
CONSTRUCTION BOARDS OF APPEALS > SUBCHAPTER 1. GENERAL PROVISIONS***

§ 5:23A-1.2 Establishment of construction boards of appeals

- (a) The governing body of each county shall, by resolution, establish a construction board of appeals that shall exercise its functions in accordance with this chapter.
- (b) The governing body of any municipality that has its own local enforcing agency may, by ordinance, establish a construction board of appeals. Any such board shall exercise its functions in accordance with this chapter.
- (c) The governing bodies of two or more municipalities that have established a joint enforcing agency may, pursuant to an interlocal agreement approved by ordinances of all participating municipalities, establish a joint construction board of appeals. Any such board shall exercise its functions in accordance with this chapter.
- (d) Copies of all such resolutions, ordinances and interlocal agreements shall be filed by the governing bodies with the Office of Regulatory Affairs of the Division of Codes and Standards.
- (e) In any municipality in which a municipal or joint construction board of appeals has been established, the county board of appeals shall only exercise jurisdiction in cases arising under P.L. 1995, c.54 or P.L. 1999, c.11.
- (f) A municipality that either establishes or discontinues a municipal construction board of appeals, or either joins or discontinues participation in a joint municipal board, shall give prompt notice of such action to the county governing body, the county construction board of appeals and the Office of Regulatory Affairs of the Division of Codes and Standards. In the absence of a municipal or joint municipal board having jurisdiction, all appeals from a municipality shall be heard by the county board.
- (g) The appointing authority shall annually designate one regular member of the board to serve as chairperson and another regular member of the board to serve as vice-chairperson. The vice-chairperson shall serve as chairperson in the event of the absence or disqualification of the chairperson.
- (h) The appointing authority of a county shall appoint a secretary, who need not be a member of the board. In the case of a municipal board, the secretary shall be appointed by the appointing authority of the municipality. In the case of a joint board, the secretary shall be appointed in a manner determined by agreement of the participating municipalities.

N.J.A.C. 5:23A-1.3

New Jersey Register, Vol. 49 No. 11, June 5, 2017

***New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23A.
CONSTRUCTION BOARDS OF APPEALS > SUBCHAPTER 1. GENERAL PROVISIONS*****§ 5:23A-1.3 Membership of construction boards of appeals**

- (a) Every construction board of appeals shall include five regular members.
1. Regular members shall be appointed for a term of four years by the appointing authority of the county or municipality in question or, in the case of a joint municipal board, by means mutually determined by the governing bodies of such municipalities.
 2. For the members first appointed, the appointing authority shall designate the appointees' terms so that one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years.
 3. Vacancies on the board shall be filled for the unexpired term.
 4. Members may be removed by the authority appointing them for cause.
 5. A person may serve on more than one construction board of appeals.
 6. Unless otherwise provided by county or municipal resolution or ordinance, as the case may be, a board member shall not be required to be a resident of the county or municipality in which the board exercises jurisdiction.
 7. No more than two regular members of any board shall be members of the same profession or occupation.
- (b) Qualifications for regular members shall be as follows:
1. At least one regular member shall be as qualified as a plumbing subcode official;
 2. At least one regular member shall be as qualified as an electrical subcode official;
 3. At least one regular member shall be a registered architect, or a licensed professional engineer with building construction experience, or other person as qualified as a building subcode official;
 4. At least one regular member shall be as qualified as a fire protection subcode official; and
 5. At least one regular member shall be certified as a fire official.
- (c) The requirements of (b) above shall not be construed as requiring that there be a separate regular member in each of the qualification categories set forth in (b)1 through 5. One regular member may satisfy these requirements with regard to more than one such qualification category.
- (d) A construction board of appeals shall also include at least five alternate members.
1. Alternate members shall be appointed to staggered terms, in the same manner as the initial appointment of regular members.
 2. Alternate members shall be so chosen so that there will be at least one alternate member in each qualification category set forth in (b)1 through 5 above.

N.J.A.C. 5:23A

3. When a regular member of the board is absent, the alternate member in the same qualification category shall serve in that regular member's place; provided, however, that any alternate member who is as qualified as an elevator subcode official shall serve in the place of any absent regular member in any case involving the elevator safety subcode, if there is no other regular member of the board present who is as qualified as an elevator subcode official .
 4. If a regular member who is not in one of the qualification categories set forth in (b)1 through 5 above is absent, or if a regular member and an alternate member who are both in the same qualification category are absent and the appeal does not involve that qualification category, or if another regular member is present who meets the requirements of the same qualification category as does the regular member who is absent, the chairperson of the board shall determine which alternate member shall vote in the place of the absent regular member.
 5. Alternate members shall have the right to participate in all board deliberations, but shall not vote unless serving in the place of a regular member.
- (e) Each county construction board of appeals shall also include two special members, one of whom shall be a licensed professional engineer with municipal site improvement construction experience and one of whom shall be a builder. The special members shall be appointed for four-year terms and shall serve as additional members of the board only in cases involving appeals of municipal or municipal utilities authority or sewerage authority fees pursuant to P.L. 1995, c.54 or P.L. 1999, c.11.
1. Alternates may be appointed for the special members in the same manner, and subject to the same qualification requirements, as the special members.
- (f) Each regular, alternate or special member shall be qualified by experience or training to perform the duties of a member of the board. In the case of regular and alternate members, regardless of whether they are in one of the qualification categories set forth in (b)1 through 5 above, such qualification shall be no less than that which is required of a construction or subcode official under subsection 8b of the State Uniform Construction Code Act (N.J.S.A. 52:27D-126, subsection b); provided, however, that board members shall not be required to hold construction code licensure.
- (g) Whenever a change to this chapter is made that affects the composition of construction boards of appeals, the appointing authority shall only implement the change when the term of any affected member(s) expires. This provision shall also apply in any case in which the adoption of this chapter affects the composition of a construction board of appeals.
- (h) The board chairperson shall annually provide the Office of Regulatory Affairs of the Division of Codes and Standards with a list of the names and addresses of the regular, alternate and special members of the board and of the board secretary and any other contact person. Such information shall be updated whenever a change occurs.

N.J.A.C. 5:23A-1.4

New Jersey Register, Vol. 49 No. 11, June 5, 2017

***New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23A.
CONSTRUCTION BOARDS OF APPEALS > SUBCHAPTER 1. GENERAL PROVISIONS***

§ 5:23A-1.4 Post-appointment educational requirements for board members

- (a) Except as otherwise provided in (b) below, each regular or alternate member of a construction board of appeals, other than an alternate special member, shall be required to attend a general course for members of construction boards of appeals within 12 months of appointment or within 12 months of the announcement by the Department of Community Affairs of the availability of the course, whichever is later. At least two months' prior notice of any announcement of the availability of a course shall be given to all construction boards of appeals by the Department.
- (b) As an alternative to attending the general course for members of construction boards of appeals, a regular or alternate board member (other than an alternate special board member) may complete both the subcode official course and the fire official course offered by the Department of Community Affairs.
- (c) The Department of Community Affairs may require that board members satisfactorily complete more specialized training consistent with their duties as board members, including, without limitation, training concerning P.L. 1995, c.54 and P.L. 1999, c.11. Special members and alternate special members shall be required to attend training concerning P.L. 1995, c.54 and P.L. 1999, c.11 within 12 months of appointment or within 12 months of announcement by the Department of Community Affairs of the availability of the course, whichever is later.
- (d) Failure to comply with the requirements of this section shall be deemed good cause for removal by the appointing authority.

N.J.A.C. 5:23A-1.5

New Jersey Register, Vol. 49 No. 11, June 5, 2017

**New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23A.
CONSTRUCTION BOARDS OF APPEALS > SUBCHAPTER 1. GENERAL PROVISIONS****§ 5:23A-1.5 Board meetings**

- (a) Board meetings shall be held as often as may be necessary in order to comply with time limits for board action established by statute or by this chapter, but in no case shall a board schedule meetings less frequently than once a month.
1. Special meetings shall be scheduled when necessary by the chairperson of the board. Notice of any special meeting shall be given to all board members by telephone or fax transmission at least 48 hours prior to the time of the special meeting; provided, however, that notice of special meetings shall not be required to be given to special members of the board when the special meeting does not involve any cases arising under P.L. 1995, c.54 or P.L. 1999, c.11.
 2. Public notice of all scheduled and special meetings shall be given, and meetings shall be open to the public, as required by the Open Public Meetings Act (*N.J.S.A. 10:4-6 et seq.*). Additionally, copies of all notices of meetings shall be provided by each board to the Office of Regulatory Affairs.
 3. All hearings shall be recorded and tapes or transcripts shall be made available upon request at the expense of the requesting party.
- (b) If there is no business pending before a board, the chairperson may cancel a scheduled meeting. Notice of any such cancellation shall, if time permits, be given to all members, by telephone or by fax transmission, at least 48 hours prior to the scheduled meeting time.
- (c) If there is no business pending before a board involving an appeal under P.L. 1995, c.54 or P.L. 1999, c.11, notice to that effect shall be given to the special members and any alternate special members, if time permits, by telephone or by fax transmission, at least 48 hours prior to the scheduled meeting.
- (d) The following apply to conflict situations:
1. No person serving in any local enforcing agency shall participate as a board member in any case arising out of, or otherwise involving, that enforcing agency.
 2. No employee of a public entity shall participate as a board member in any case involving any property owned or leased by that public entity.
 3. No person shall participate as a board member in any case in which he or she has been involved as a supplier of services or materials, or has been involved in the preparation of plans or specifications, or has any other personal or financial interest.
- (e) Except as otherwise provided in (e)1 below, failure of a regular or special member to be present at more than 50 percent of all meetings of the board during any calendar year shall be considered good cause for removal by the appointing authority; provided, however, that any meeting during which the member would be disqualified from participating in all scheduled matters, pursuant to (d) above, or any meeting for which arrangements were made in advance, with the consent of the chairperson, for the substitution of an alternate, shall not be considered in computing attendance for purposes of this subsection.

N.J.A.C. 5:23A

1. The attendance of special members shall not be required at any meeting at which no appeals under P.L. 1995, c.54 or P.L. 1999, c.11 are scheduled to be heard, and any such meeting shall not be considered in computing the attendance of the special members.

N.J.A.C. 5:23A-2.1

New Jersey Register, Vol. 49 No. 11, June 5, 2017

**New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23A.
CONSTRUCTION BOARDS OF APPEALS > SUBCHAPTER 2. BOARD PROCEDURES****§ 5:23A-2.1 Hearing applications**

- (a) A person who is aggrieved by any ruling, action, notice, order or decision of a local enforcing agency that enforces either the State Uniform Construction Code or the Uniform Fire Code, including, without limitation, any refusal to grant an application or any failure or refusal to act upon an application, but not including any order requiring the taking of emergency measures pursuant to N.J.A.C. 5:23-2.32(b), may file an application for a hearing with the secretary of the construction board of appeals having jurisdiction.
 - 1. Any such application shall be filed by the 15th day after receipt by the person of written notice of the ruling, action, order or notice complained of, or, in the case of inaction by a local enforcing agency, by the 15th day after the expiration of the period allowed for action by the local enforcing agency.
- (b) In cases arising under P.L. 1995, c.54 or P.L. 1999, c.11, an applicant for approval who is aggrieved by any charge to an escrow account or a deposit by any municipal or municipal utilities authority or sewerage authority professional or consultant, or the cost of the installation of improvements estimated by the municipal or municipal utilities authority or sewerage authority engineer, may file an appeal with the county construction board of appeals.
 - 1. Any such appeal shall be filed within 45 days from receipt of the informational copy of the professional's voucher or the notice from the municipal or municipal utilities authority or sewerage authority engineer, as the case may be; provided, however, that if the professional has not supplied an applicant with an informational copy of the voucher, any appeal shall be filed within 60 days of receipt of the municipal statement of activity against the deposit or escrow account.
 - 2. An applicant may file an appeal regarding an ongoing series of charges by a professional during a period not exceeding six months to demonstrate that they represent a pattern of excessive or inaccurate charges; such charges need not be appealed individually.
- (c) The appeal shall be in writing and shall briefly set forth the appellant's position. It shall include the name and address of the applicant, the address of the building or site in question, and the permit number (if applicable), and shall reference the specific provision(s) of a statute or rule upon which the applicant is relying and set forth the extent and nature of the applicant's reliance upon such provision(s). The applicant may append to the written application any data or information that he or she may deem appropriate. In the case of an appeal arising under P.L. 1999, c.11, the applicant shall include a statement specifically outlining the dates, time and personnel in dispute.
 - 1. Upon receipt of a copy of the application for a hearing, the enforcing agency (or, in the case of an appeal under P.L. 1995, c.54 or P.L. 1999, c.11, the municipality, the municipal utilities authority or sewerage authority, the approving authority and/or professional) shall provide the construction board of appeals with a copy of the full record of the application below, including a detailed explanation of the reasons for denial of the applicant's request.
- (d) Simultaneously with the filing of any application for a hearing, the person filing the application shall provide a copy thereof to the local enforcing agency or, in the case of an appeal under P.L. 1995, c.54 or P.L. 1999, c.11, to the municipality or municipal utilities authority or sewerage authority, the approving authority

N.J.A.C. 5:23A

and any professional whose charge is the subject of the appeal. Proof of compliance with this requirement shall be filed with the board secretary. Such proof may be in the form of a certified mail receipt, a signed receipt for personal delivery or a sworn statement.

- (e) The application shall be accompanied by a fee in the sum of \$ 50.00, or such other fee not exceeding \$ 100.00 as may be established by the county or municipal governing body having jurisdiction over the board or by interlocal agreement, as the case may be. An application shall not be considered complete unless accompanied by the fee; provided, however, that the fee shall be waived where the application is based upon the failure of an enforcing agency to act within a required time frame.

N.J.A.C. 5:23A-2.2

New Jersey Register, Vol. 49 No. 11, June 5, 2017

**New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23A.
CONSTRUCTION BOARDS OF APPEALS > SUBCHAPTER 2. BOARD PROCEDURES****§ 5:23A-2.2 Hearing procedures**

- (a) All parties to any dispute shall be accorded full opportunity to address the construction board of appeals, present testimony and examine and cross-examine witnesses, consistent with reasonable rules of procedure and due process. All testimony shall be under oath or affirmation. Parties shall be allowed to appear through legal counsel or public or corporate officers. Construction, subcode and fire officials may appear and testify on behalf of their local enforcing agencies.
- (b) A quorum of the board for cases arising under the State Uniform Construction Code Act or the Uniform Fire Safety Act shall consist of three regular and/or alternate members. A quorum of the board for cases arising under P.L. 1995, c.54 or P.L. 1999, c.11 shall consist of four regular and/or alternate and/or special members.
- (c) Except as otherwise provided in (d) below, when there are not five regular and/or alternate members present to consider an appeal, or if five regular and/or alternate members are present but a code discipline that is involved in a construction code case is not represented, or if no regular or alternate member who is certified as a fire official is present to hear a fire code case, or if either of the special members, or an alternate meeting the same qualifications requirement, is not present in a case arising under P.L. 1995, c.54 or P.L. 1999, c.11, either party shall be entitled to have the hearing adjourned. If neither party requests an adjournment, the case may be heard by the board if a quorum is present.
 - 1. In a case involving the elevator safety subcode, a party shall only have a right to an adjournment due to the absence of a board member having elevator subcode qualification if there is at least one regular or alternate member of the board who has such qualification.
- (d) No adjournment shall be granted without the consent of the local enforcing agency having jurisdiction in any case involving issues of life safety in an occupied building. If, in any such case, a quorum is not present, or a quorum is present but does not include either a representative of any construction code discipline that is required to be represented on the board and is involved in the case or a certified fire official, as the case may be, the case shall not be heard and the appeal shall be deemed to have been denied.
- (e) At the beginning of each hearing, the chairperson, or the person presiding in his or her absence, shall state for the record the statute under which the appeal is being brought, the nature and date of the action appealed from, the date the appeal was filed and the basis of the appeal. Thereafter, the matter shall proceed with the representative of the municipality or the professional hired by the municipality or municipal agency, as the case may be, explaining the basis for the action, ruling, order, notice or fee, as the case may be. The appellant, or his or her representative, shall then present the basis for his or her disagreement.
 - 1. Both parties shall be allowed to present witnesses and offer evidence and to examine and cross-examine witnesses, consistent with principles of due process and fairness. Motions and objections may be filed in writing without the necessity of an appearance by the party, but written testimony not subject to cross-examination shall not be allowed; provided, however, that any writings that would be

N.J.A.C. 5:23A

admissible in a court of law shall not be deemed to be included within the prohibition of "written testimony." Any board member may question any witness at the conclusion of that witness' questioning by the parties.

2. By having filed an appeal, a party shall be deemed to have consented to the entry upon the site of members and staff of the board. Any member who has visited a site subsequent to the filing of the appeal shall disclose that fact on the record prior to a party's presentation and shall be subject to questions from either party or any board member pertaining to the visit. A board member shall not, during the course of any such visit, engage in any discussion of issues involved in the case, and shall give a full account of any conversations that do take place in the course of any such visit as part of the disclosure of having visited the site.
 3. Neither the board nor any individual member shall discuss any case with either party, including the representative of a party, without the other party, or the representative of the other party, being present; provided, however, that this prohibition shall not apply to statements made on the record in a hearing of which the other party was given notice and the opportunity to participate.
- (f) In all cases, the board shall have the power to administer oaths and to issue subpoenas to compel the attendance of witnesses and the production of relevant evidence. The provisions of the "County and Municipal Investigations Law," P.L. 1953, c.38 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

N.J.A.C. 5:23A-2.3

New Jersey Register, Vol. 49 No. 11, June 5, 2017

**New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23A.
CONSTRUCTION BOARDS OF APPEALS > SUBCHAPTER 2. BOARD PROCEDURES****§ 5:23A-2.3 Board decisions**

- (a) Except as otherwise provided in (b) below, the construction board of appeals shall hear any appeal, render a decision thereon, and file its decision with a statement of the reasons therefore with the enforcing agency or, in the case of a matter arising under P.L. 1995, c.54 or P.L. 1999, c.11, with the municipality or approving authority or municipal utilities authority or sewerage authority, not later than 10 business days following submission of the appeal. In any case involving an appeal from an action, decision, notice or order of a local enforcing agency, the decision shall either affirm, reverse or modify the action, decision, notice or order of the enforcing agency or remand the matter to the enforcing agency for further action. In the case of any reversal, modification or remand, the board shall include in its statement of reasons the specific details of the nature and extent of the board's disagreement with the enforcing agency.
1. The board shall provide copies of the decision, by certified or registered mail, to the applicant and to any other parties entitled to notice pursuant to N.J.A.C. 5:23A-2.1(c).
 2. Copies of decisions shall be filed with the Department of Community Affairs within 10 business days of the issuance of the decision as follows:
 - i. In cases arising under the State Uniform Construction Code Act or under P.L. 1995, c.54 or P.L. 1999, c.11, with the Office of Regulatory Affairs of the Division of Codes and Standards; and
 - ii. In cases arising under the Uniform Fire Safety Act, with the Division of Fire Safety.
 3. Copies of all board decisions shall be deemed to be public records and shall be available for public inspection at the offices of both the board and of any local enforcing agency or other governmental agency that is a party to a case.
- (b) With the consent of the applicant, the period of time for the board to issue its decision may be extended beyond 10 business days; provided, however, that in any case involving issues affecting life safety in an occupied building, any such extension shall also require the consent of the local enforcing agency.
1. In any case involving the appeal of a fire code imminent hazard order issued pursuant to N.J.S.A. 52:27D-208, the hearing shall be held, and the decision issued, within 48 hours of the receipt by the board of the request; provided, however, that if the hearing is not scheduled to be held within that 48 hour period, the board secretary shall promptly so notify the applicant so that he or she may apply to the Department for an administrative hearing, as provided in N.J.S.A. 52:27D-208.
- (c) Failure by the board to hear an appeal and render and file a decision thereon within the time limits prescribed in this section shall be deemed to be a denial of the appeal.
- (d) Any party, including any enforcing agency, may appeal from a decision of a construction board of appeals to the Law Division of the Superior Court within the time allowed by the rules of court.
1. The local enforcing agency shall immediately comply with the ruling of the construction board of appeals unless a stay is obtained either from the board or from the Superior Court.

N.J.A.C. 5:23A

- (e) In all cases, decisions shall be based upon applicable statutory, rule and code provisions and upon the evidence presented and accepted by the board.
1. Decisions shall be consistent with the intent of the applicable statutes and rules. In matters arising under the State Uniform Construction Code Act, the board shall be bound by interpretations and bulletins issued by the Department of Community Affairs pursuant to N.J.A.C. 5:23-3.9. Copies of all such interpretations and bulletins shall be provided to all boards and enforcing agencies by the Department.
- (f) The failure of a party to appear or to present evidence shall not result automatically in a decision in favor of the other party.
- (g) The board may reduce a penalty that is under appeal if it is clearly excessive or may void it if it is found not to be authorized by statute or by rule. The board shall specifically explain its reasoning in any case in which it reduces a penalty that is already below the maximum permitted and shall explain why the reduction is not likely to impede the deterrence of future violations. In determining whether to reduce a penalty, the board shall consider the extra costs required of the local enforcing agency due to the actions or inaction of the appellant regarding compliance. A valid penalty shall not be totally abated if the local enforcing agency demonstrates the lack of a good faith compliance effort on the part of the applicant prior to the imposition of the penalty.
1. A penalty may not be reduced except to the extent that it is clearly excessive. Any determination as to whether a penalty is excessive shall take into account the maximum amount of penalty that might have been imposed for the particular violation. No reduction in the amount of a penalty may be made final unless the violation either has been abated by the time of the hearing or shall have been abated within 30 days thereafter.
2. On an appeal of a penalty, the penalty as originally assessed by the enforcing agency, unless unauthorized by statute or by rule, shall be automatically reinstituted if the violation remains unabated after 30 days following receipt by the applicant of the decision, unless an extension of time for abatement of the violation has been granted by the enforcing agency. The board shall inform the appellant of these facts.
3. On an appeal of a penalty, the appellant may not offer argument that the violation(s) for which the penalty was issued did not exist, and the board shall accept the existence of the violation(s) as having been proven, provided that a notice of the underlying violation has been served and either no timely appeal was filed or the violation notice was sustained on appeal.
- (h) On an appeal from a failure or refusal to issue a permit, the board may deny the appeal and return the matter to the enforcing agency for appropriate action or may direct the enforcing agency to grant the permit if the appellant is so entitled in accordance with the code. If the board determines to direct that the permit be granted, the enforcing agency shall provide the board with any recommendations that it may have as to conditions or limitations. The board shall either direct that these conditions or limitations be included or provide specific reasons for not doing so.
- (i) On an appeal relating to a variation or variance, as the case may be, the board may grant the variation or variance and shall impose such conditions as may be appropriate to comply with the intent and purpose of the applicable code. No variation or variance shall be granted absent proof that the applicant submitted the necessary application to the local enforcing agency and either the application was denied or no action was taken within the time allowed by the applicable rule (20 business days in Uniform Construction Code cases and 30 days in Uniform Fire Code cases).
1. In Uniform Construction Code cases, the board shall be bound by the provisions of N.J.A.C. 5:23-2.9.
2. In Uniform Fire Code cases, the board shall be bound by the provisions of N.J.A.C. 5:70-2.14.
- (j) A written decision shall contain the following:

N.J.A.C. 5:23A

1. A statement of the date the appellant received the notice, order, decision, informational copy of a voucher or municipal statement of activity against a deposit or escrow account being appealed, the date the appeal was filed, the appearances or absences of the parties and the board members participating;
2. A statement of pertinent facts, as follows:
 - i. In a Uniform Construction Code or Uniform Fire Code case, the statement shall include the type of use, the nature of the violation cited and of the action appealed, the basis of the appeal and the basis for the notice, order or decision. A copy of the local enforcing agency's notice, order or decision shall be appended to the decision, unless to do so would be unduly burdensome, in which case the omission shall be explained.
 - ii. In a P.L. 1995, c.54 or P.L. 1999, c.11 case, the statement shall include the nature of the service rendered to the municipality, municipal utilities authority or sewerage authority, the identification of the approving authority, the identification of the professional who rendered the service, the amount of time spent by the professional or other persons in rendering the service, the amount charged for the service, the amount of that charge that is in dispute and the basis of the dispute. A copy of the professional's voucher or the municipal or municipal utilities authority or sewerage authority statement of activity against the deposit or escrow account, whichever is applicable, shall be appended to the decision.
3. A statement of the names and areas of expertise of any expert witnesses, the party on behalf of which each expert witness testified and whether any materials not in the record were used by the expert witness. If so, the decision shall include copies or descriptions of such materials.
4. In any case involving a penalty, the board shall state the maximum permissible penalty applicable and explain the reason for any reduction.
5. The decision shall include the board's analysis of the case, including its understanding of the code provisions or other provisions of law applicable to the case.
 - i. If, in a Uniform Construction Code or Uniform Fire Code case, the board determines to reverse or modify the action taken by a local enforcing agency, or to direct that action be taken by a local enforcing agency, it shall provide a specific and detailed explanation of the basis for its action, including reference to any technical code provisions relied upon.
 - ii. In any case arising under P.L. 1995, c.54 or P.L. 1999, c.11, the board shall provide a specific and detailed explanation of its basis for a determination that a disputed charge either is or is not valid and of its basis for any modification of any charge.
6. There shall be a statement of disposition containing the board's determination.

N.J.A.C. 5:23A

N.J.A.C. 5:23A-2.4

New Jersey Register, Vol. 49 No. 11, June 5, 2017

***New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23A.
CONSTRUCTION BOARDS OF APPEALS > SUBCHAPTER 2. BOARD PROCEDURES***

§ 5:23A-2.4 Construction Board of Appeals: records retention

(a) Copies of the following shall be retained;

1. Applications to the Construction Board of Appeals and the Decisions of the Construction Board of Appeals, including any attachments to the applications or decisions, shall be retained for a period of at least seven years, or until the end of any known litigation, whichever is longer; and
2. Recordings of proceedings (audio or video) shall be retained for at least one year.

CALZARETTO & BERNSTEIN, LLC

Attorneys at Law

459 Route 38 West

Maple Shade, New Jersey 08052

Members of the Bar
New Jersey & Pennsylvania

Tel. (856) 667-0400

Fax. (856) 667-1477

John A. Calzaretto, Esq. (CPA)

john.calzaretto@gmail.com

Daniel P. Bernstein, Esq.

d.p.bernstein1@gmail.com

Kenneth J. Zoldan, Esq.

kenzoldan@gmail.com

August 5, 2021

Kelly DeTurk, Recording Secretary
Gloucester County Construction Board of Appeals
P.O. Box 337
Woodbury, NJ 08096

SENT BY FEDERAL EXPRESS AND E-MAIL AT
constructionappeals@co.gloucester.nj.us

**Re: SUPPLEMENT TO APPEAL OF CODE VIOLATION AND ORDER TO PAY
PENALTY**

Petitioner: INDEPENDENT FREIGHT, LLC

Address: 20 WARRICK AVENUE
GLASSBORO, NJ 08028

Tel.: (609)471-1552

Dear Ms. DeTurk:

My office is in receipt of your letter dated August 3, 2021, a copy of which is attached hereto. Your letter states that the Notice of Code Violations and Order to Pay Penalty was received by your office on June 24, 2021; it was dated June 21, 2021. The Administrative Appeal Rights notification contained with the Notice of Code Violations and Order to Pay Penalty states the following:

“The owner of the premises or of the use, or an authorized agent of the owner MAY CONTEST THIS ORDER at an Administrative Hearing. The request for a hearing must be in writing within 15 days after receipt (*emphasis added*) of this order. . .”.

There is no mention of any special form or fee requirement stated.

August 5, 2021
Kelly DeTurk, Recording Secretary
Gloucester County Construction Board of Appeals
Page 2

The Petitioner's original APPEAL OF CODE VIOLATION AND ORDER TO PAY PENALTY request was dated July 3, 2021 and sent to your office by Federal Express on July 3, 2021; not by certified mail. Federal Express delivered the Appeal on July 6, 2021, see a copy of the Federal Express proof-of-delivery tracking form attached hereto. A July 6, 2021 delivery would be 12 days from June 24, 2021 and well within the 15 day permitted appeal period and therefore constitutes a timely appeal.

The original Appeal was in substantial conformance with the APPLICATION TO GLOUCESTER COUNTY CONSTRUCTION BOARD OF APPEALS form sent to my office by e-mail and dated July 14, 2021 and contained information in substantial conformance with the application.

Please find a duly completed and executed APPLICATION TO GLOUCESTER COUNTY CONSTRUCTION BOARD OF APPEALS with the Petitioner's original APPEAL OF CODE VIOLATION AND ORDER TO PAY PENALTY attached as the information requested on the form provided substantially conforms to and was previously provided, in detail, on the Petitioner's original APPEAL OF CODE VIOLATION AND ORDER TO PAY PENALTY request dated and sent to your office by Federal Express on July 3, 2021 and delivered on July 6, 2021, within the 15 day required and permitted appeal period.

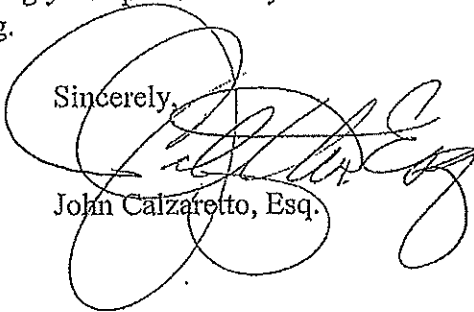
Despite the stated Administrative Appeal Rights notification contained with the Notice of Code Violations and Order to Pay Penalty not requiring a fee, please also find a check no. 6280, made payable to the Gloucester County Construction Board of Appeals of same date in the amount of \$100.00.

As requested in your letter, I will reach out to the Borough of Glassboro Fire Official directly to discuss this matter further and in an attempt to resolve the matter amicably, however, due to the appeal filing having been made timely and in substantial conformance with the requirements of the APPLICATION TO GLOUCESTER COUNTY CONSTRUCTION BOARD OF APPEALS form and certainly in compliance with the Administrative Appeal Rights notification contained with the Notice of Code Violations and Order to Pay Penalty, I am requesting that your office please reconsider your position and find that your office retains jurisdiction to hear this matter as the original Appeal was substantially complete, in full compliance with the Administrative Appeal Rights notification contained with the Notice of Code Violations and Order to Pay Penalty and timely filed.

August 5, 2021
Gloucester County Construction Board of Appeals
Page 3

Please process this appeal accordingly and please notify the Petitioner and this office of the date, time and location of the Hearing.

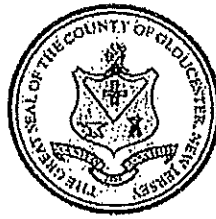
Sincerely,


John Calzaretto, Esq.

encl.

cc: Independent Freight, LLC

Steve Smith, Fire Official
Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028
Tel.(856)881-9230 Ext. 88350



COUNTY OF GLOUCESTER
STATE OF NEW JERSEY
CONSTRUCTION BOARD OF APPEALS
P.O. BOX 337
WOODBURY, NJ 08096

August 3, 2021

John Calzaretto, Esquire
Calzaretto & Bernstein, LLC
459 Route 38 West
Maple Shade, New Jersey 08052
Delivery via regular and certified mail

RE: INDEPENDENT FREIGHT, LLC
20 Warrick Avenue, Glassboro, New Jersey 08028

Mr. Calzaretto:

I am in receipt of your correspondence for an appeal. The Board does not have jurisdiction to hear this appeal, as the application is incomplete and untimely.

As stated on your client's violation notice, received on June 24, 2021, via certified mail, you have 15 days of receipt of the violation to file the appeal by law. Please find enclosed copy of the certified mail card as proof of delivery, along with a print out from USPS Tracking. Your correspondence was received by the Board on July 6, 2021. However, the submission was incomplete as it did not include the Construction Board of Appeals application or filing fee. In accordance with N.J.A.C. 5:23A(e), an application shall not be considered complete unless accompanied by the fee.

On July 14, 2021, I contacted your office via telephone to advise the application was incomplete. At your request, I emailed correspondence, along with the application and request for the filing fee to john.calzaretto@gmail.com. Please find enclosed copy of the email, correspondence, and attachments. To date, the Board has not received the application or filing fee. Therefore, the application is incomplete and untimely.

Please contact the Borough of Glassboro Fire Official directly for any further discussion regarding the violations.

If you have any questions or concerns, I may be reached via email at constructionappeals@co.gloucester.nj.us.

Sincerely,

Kelly DeTurk

Kelly DeTurk

Recording Secretary

Enclosures

c: Robert DeAngelo, Gloucester County Construction Board of Appeals Chairman
Scott D. Burns, Gloucester County Construction Board of Appeals Solicitor
Steve Smith, Fire Official, Borough of Glassboro

SENDER: COMPLETE THIS SECTION

- ☒ Complete Items 1, 2, and 3.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Independent Freight
20 Warrick Ave
Glassboro, NJ 08028



9590 9402 6060 0125 8578 19

2. Article Number (Transfer from service label)

7020 1290 0001 1722 0279

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from Item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

[Track Another Package +](#)

Tracking Number: 70201290000117220279

[Remove X](#)

Your item was delivered to an individual at the address at 12:52 pm on June 24, 2021 in GLASSBORO, NJ 08028.

 **Delivered, Left with Individual**

June 24, 2021 at 12:52 pm
GLASSBORO, NJ 08028

Feedback

Get Updates 

Text & Email Updates



Tracking History



Product Information



[See Less ^](#)

Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.



COUNTY OF GLOUCESTER
STATE OF NEW JERSEY
CONSTRUCTION BOARD OF APPEALS
P.O. BOX 337
WOODBURY, NJ 08096

July 14, 2021

John Calzaretto, Esquire
Calzaretto & Bernstein, LLC
459 Route 38 West
Maple Shade, New Jersey 08052
Delivered via email (john.calzaretto@gmail.com)

RE: INDEPENDENT FREIGHT, LLC v. BOROUGH OF GLASSBORO

Dear Mr. Calzaretto:

I am in receipt of your correspondence, dated July 3, 2021. The submission is incomplete, please submit the Construction Board of Appeals application, along with the filing fee. Your application is deemed timely, this will not violate your ability to appeal. However, you must the application for appeal and payment within 20 days of receipt of this letter to keep the timely submission.

For your convenience, I attach an application for appeal. Please return the application and payment to:

County of Gloucester
Construction Board of Appeals
Attn: K. DeTurk
P.O. Box 337
Woodbury, New Jersey 08096

If you have any questions, I may be reached at constructionappeals@co.gloucester.nj.us.

Sincerely,

Kelly DeTurk
Kelly DeTurk
Recording Secretary

**APPLICATION TO GLOUCESTER COUNTY
CONSTRUCTION
BOARD OF APPEALS**

Gloucester County
Construction Board of Appeals
P.O. Box 337
Woodbury, NJ 08096
856-384-6895

IDENTIFICATION

Work Site Location: _____ Block: _____ Lot: _____

Owner: _____ Agent: _____

Address: _____ Address: _____

Phone: _____ Phone: _____

Email: _____ Email: _____

Municipality: _____

APPLICANT STATEMENT

Specific section(s) of the Regulation in question:

Briefly state your position in this matter and explain this nature of the relief you seek. (If more space is required, additional pages may be attached.)

Attach copies of the violation notice/order to pay penalty and any supporting documents or photographs you wish the board to consider.

Non-refundable Fee: **\$100.00**

Application will not be considered complete unless accompanied by the appeal fee and completed application.

Signed: _____ Date: _____

Applicant



August 08, 2021

Dear Customer,

The following is the proof-of-delivery for tracking number: 774171141981

Delivery Information:

Status:	Delivered	Delivered To:	Receptionist/Front Desk
Signed for by:	D.ONNA	Delivery Location:	
Service type:	FedEx First Overnight		
Special Handling:	Deliver Weekday		WOODBURY, NJ,
		Delivery date:	Jul 6, 2021 08:09

Shipping Information:

Tracking number:	774171141981	Ship Date:	Jul 3, 2021
		Weight:	0.5 LB/0.23 KG
Recipient:		Shipper:	
WOODBURY, NJ, US,		Maple Shade, NJ, US,	

Reference

INDEPENDENT FREIGHT APPEAL

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

Thank you for choosing FedEx

CALZARETTO & BERNSTEIN, LLC

Attorneys at Law

459 Route 38 West

Maple Shade, New Jersey 08052

Members of the Bar
New Jersey & Pennsylvania

Tel. (856) 667-0400
Fax. (856) 667-1477

John A. Calzaretto, Esq. (CPA)
john.calzaretto@gmail.com
Daniel P. Bernstein, Esq.
d.p.bernstein1@gmail.com
Kenneth J. Zoldan, Esq.
kenzoldan@gmail.com

July 3, 2021

Gloucester County Construction Board of Appeals
P.O. Box 337
Woodbury, NJ 08096

SENT BY FEDERAL EXPRESS

Re: **APPEAL OF CODE VIOLATION AND ORDER TO PAY PENALTY**
Petitioner: **INDEPENDENT FREIGHT, LLC**
Address: **20 WARRICK AVENUE**
GLASSBORO, NJ 08028
Tel.: **(609)471-1552**

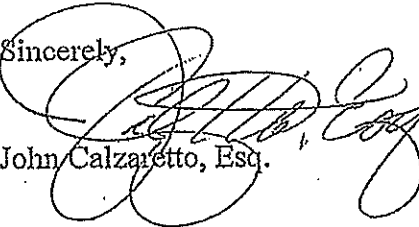
Dear Sir(s)/Madam(s):

My office has been retained to represent the above referenced Petitioner, INDEPENDENT FREIGHT, LLC. My office is filing this Appeal on behalf of the Petitioner. The Petitioner manufactures and reconditions shipping skids used in the distribution industry. The operation requires the short term storage, disassembly and fabrication of standardized shipping skids. On 4/23/2021 an inspection of the Petitioner's operations located at 20 Warrick Avenue, Glassboro, New Jersey 08028 was conducted by Steve Smith, Fire Official with the Borough of Glassboro, Fire Prevention. Official Smith alleged that the Petitioner was in violation of the Uniform Fire Safety Act (N.J.S.A. 52:27D-210), a complete copy of the NOTICE OF CODE VIOLATION AND ORDER TO PAY PENALTY dated 6/21/2021 as received by my client is attached hereto.

Please find attached a schedule containing a) the date of the act that is subject to the appeal; b) The name and status of the person submitting the appeal; c) The specific violations or other act claimed to be in error; and d) A concise statement of the basis of the appeal.

July 3, 2021
Gloucester County Construction Board of Appeals
Page 2

Please process this appeal accordingly and please notify the Petitioner and this office of the date, time and location of the Hearing.

Sincerely,

John Calzaretto, Esq.

encl. .

cc: Independent Freight, LLC

Steve Smith, Fire Official
Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028
Tel.(856)881-9230 Ext. 88350



Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028
Phone: 856-881-9230 ext.88350

Notice of Code Violation and Order to Pay Penalty

Page 1 of 7
Date Printed 6/21/2021

To: INDEPENDENT FREIGHT, LLC
20 WARRICK AVE
GLASSBORO, NJ 08028

Date: 4/23/2021 Inspector: Steve Smith - Registration No:

(Name of Business, Structure, Premises) INDEPENDENT FREIGHT, LLC		
(Address) 20 WARRICK AVE GLASSBORO NJ, 08028		
(Telephone Number) (609) 471-1552	(LHU Classification)	(Use Group)

Penalty: \$9,155.00

YOU ARE HEREBY NOTIFIED that you are in violation of the Uniform Fire Safety Act (N.J.S.A. 52:27D-210) for the reasons stated below:

You are in violation of the above because on or about Friday, April 23, 2021, you or your agents:

5:70-2.13 COMPENSATORY PENALTIES
DUE TO FIRE AT THE PROPERTY ON 5/26/21 WITH OPEN VIOLATIONS.

The pertinent portion of the ACT states

NO PERSON SHALL:

1. Obstruct, hinder, delay or interfere by force or otherwise with the commissioner or any local enforcing agency in the exercise of any power or the discharge of any function or duty under the provisions of this act;
2. prepare, utter or render any false statements, report, document, plans or specification permitted or required under the provisions of this act;
3. Render ineffective or inoperative, or fail to properly maintain, and protective equipment or system installed, or intended to be installed, in a building or structure;
4. Refuse or fail to comply with a lawful ruling, action, order or notice of the commissioner or a local enforcing agency; or
5. Violate, or cause to be violated, any of the provisions of this act.

PURSUANT to the ACT you are HEREBY ORDERED TO PAY A PENALTY OF \$9,155.00. In accordance with the above-referenced law, you must pay the total amount due WITHIN 30 DAYS after issuance of this order. If you fail to make full payment within 30 days, this matter will be referred to the municipal attorney for summary collection pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et. seq.). If specific action is required on your part, you are advised that if such action is not completed by 5/23/2021, additional penalties may be imposed.

THIS PENALTY IS IN ADDITION TO ALL PENALTIES PREVIOUSLY ASSESSED.

Make checks payable to: Borough of Glassboro Fire Prevention

And mail to: Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028

By: Steve Smith, Fire Official

Take Notice that, pursuant to N.J.A.C. 5:70-2.12, penalty assessments can be compromised or settled if it shall be likely to result in compliance. Moreover, no such disposition can be finalized while the subject violation continues to exist.

If you believe the public interest in fire safety supports compromise of any penalty assessed, promptly send a written detailed explanation to the Fire Prevention, attention:

TAKE NOTICE THAT THIS PENALTY IS IN ADDITION TO ALL PENALTIES PREVIOUSLY ASSESSED

APPEAL RIGHTS-EXTENSIONS

>See final page for information concerning your administrative appeal rights<



Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028
Phone: 856-881-9230 ext.88360

Fire Code Violations

Page 2 of Page 7

Registration No. _____

Date Friday, April 23, 2021

Inspector Steve Smith

Premises: INDEPENDENT FREIGHT, LLC

20 WARRICK AVE

GLASSBORO, NJ 08028

Owner or Agent INDEPENDENT FREIGHT, LLC

Violations cited on the above premises are as follows:

NO.	Location	Nature & Description	Code Reference	Inspection Summary
FPVIO 21 00121				Abate by: 5/8/2021
FPVIO 21 00122			N.J.A.C. 5:70-3, 604.3	Abate by: 5/8/2021
FPVIO 21 00123			N.J.A.C. 5:70-3, 1001.2	Abate by: 5/8/2021
FPVIO 21 00124			N.J.A.C. 5:70-3, 605.6	Abate by: 5/8/2021
FPVIO 21 00125			N.J.A.C. 5:70-3, 605.5	Abate by: 5/8/2021
FPVIO 21 00126			N.J.A.C. 5:70-3, 315.3	Abate by: 5/8/2021



Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028
Phone: 856-881-9230 ext.88350

Fire Code Violations

Page 3 of Page 7

Registration No. _____

Date Friday, April 23, 2021

Inspector Steve Smith

Premises: INDEPENDENT FREIGHT, LLC

20 WARRICK AVE

GLASSBORO NJ, 08028

Owner or Agent INDEPENDENT FREIGHT, LLC

Violations cited on the above premises are as follows:

NO.	Location	Nature & Description	Code Reference	Inspection Summary
FPVIO 21 00127			N.J.A.C. 5:70-3, 315.4.2	Abate by: 5/8/2021
FPVIO 21 00128			N.J.A.C. 5:70-3, 315.3.5	Abate by: 5/8/2021
FPVIO 21 00129			N.J.A.C. 5:70-3, 3505.2	Abate by: 5/8/2021
FPVIO 21 00130			N.J.A.C. 5:70-3, 5003.12	Abate by: 5/8/2021
FPVIO 21 00131			N.J.A.C. 5:70-3, 102.1.1	Abate by: 5/8/2021
FPVIO 21 00132			N.J.A.C. 5:70-3, 103.4	Abate by: 5/8/2021



Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028
Phone: 856-881-9230 ext.88350

Fire Code Violations

Page 4 of Page 7

Registration No. _____

Date Friday, April 23, 2021

Inspector Steve Smith

Premises: INDEPENDENT FREIGHT, LLC

20 WARRICK AVE

GLASSBORO NJ 08028

Owner or Agent INDEPENDENT FREIGHT, LLC

Violations cited on the above premises are as follows:

NO.	Location	Nature & Description	Code Reference	Inspection Summary
FPVIO 21 00133			N.J.A.C. 5:70-3, 1010.1	Abate by: 5/8/2021
FPVIO 21 00134			N.J.A.C. 5:70-3, 1010.7	Abate by: 5/8/2021
FPVIO 21 00135			N.J.A.C. 5:70-3, 5:70-2.16(a)	Abate by: 5/8/2021
FPVIO 21 00136			N.J.A.C. 5:70-3, 5:70-2.16(d)	Abate by: 5/8/2021
FPVIO 21 00137			N.J.A.C. 5:70-3, 5:70-2.17(a)	Abate by: 5/8/2021
FPVIO 21 00138			N.J.A.C. 5:70-3, 315.2.1	Abate by: 5/8/2021



Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028
Phone: 856-881-9230 ext.88360

Fire Code Violations

Page 5 of Page 7

Registration No. _____

Date Friday, April 23, 2021

Inspector Steve Smith

Premises: INDEPENDENT FREIGHT, LLC
20 WARRICK AVE
GLASSBORO NJ 08028

Owner or Agent INDEPENDENT FREIGHT, LLC

Violations cited on the above premises are as follows:

NO.	Location	Nature & Description	Code Reference	Inspection Summary
FEVIO 21 00139			N.J.A.C. 5:70-3, 2803.2	Abate by: 5/8/2021
FPVIO 21 00140			N.J.A.C. 5:70-3, 2803.3.1	Abate by: 5/8/2021
FPVIO 21 00141			N.J.A.C. 5:70-3, 2803.5	Abate by: 5/8/2021
FPVIO 21 00142			N.J.A.C. 5:70-3, 912.2.2	Abate by: 5/8/2021
FPVIO 21 00143			N.J.A.C. 5:70-3, 304.1	Abate by: 5/8/2021
FPVIO 21 00144			N.J.A.C. 5:70-3, 310.3	Abate by: 5/8/2021



Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028
Phone: 856-881-9230 ext.88350

Fire Code Violations

Page 6 of Page 7

Registration No. _____

Date Friday, April 23, 2021

Inspector Steve Smith

Premises: INDEPENDENT FREIGHT, LLC
20 WARRICK AVE
GLASSBORO, NJ 08028

Owner or Agent INDEPENDENT FREIGHT, LLC

Violations cited on the above premises are as follows:

NO.	Location	Nature & Description	Code Reference	Inspection Summary
FPVIO 21 00145			N.J.A.C. 5:70-3, 605.3	Abate by: 5/8/2021
FPVIO 21 00146			N.J.A.C. 5:70-3, 6109.13	Abate by: 5/8/2021
FPVIO 21 00147			N.J.A.C. 5:70-3, 901.6.3	Abate by: 5/8/2021
FPVIO 21 00148			N.J.A.C. 5:70-3, 401.2	Abate by: 5/8/2021
FPVIO 21 00149			N.J.A.C. 5:70-3, 505.1	Abate by: 5/8/2021

Inspection Summary Key:

I - Initial U - Violation Unabated A - Violation Abated R - Repeat Violation
Violation Status - Inspection Number (Inspector ID) Inspection Date

Note: The numbering of violation(s) is for identification purposes only and shall not be construed as bearing in anyway on the seriousness of any violation.

5:71-3.7(b)3.

N.J.A.C. 5:70-3, 2015 International Fire Code New Jersey Edition, which has been adopted by reference.

N.J.A.C. 5:70-4, Subchapter 4 Retrofit Requirements



Borough of Glassboro
Fire Prevention
Borough of Glassboro, NJ 08028
Phone: 856-881-9230 ext.88350

Administrative Appeal Rights

Page 0 of 0

The owner of the premises or of the use, or an authorized agent of the owner MAY CONTEST THIS ORDER at an Administrative Hearing. The request for a hearing must be in writing within 15 days after receipt of this order and addressed to:

Gloucester County Construction Board of Appeals
P.O. Box 337
Woodbury, NJ 08096

In accordance with N.J.A.C. 5:70-2.19 an appeal shall be signed by a proper party and shall include:

- a) The date of the act that is subject to the appeal;
- b) The name and status of the person submitting the appeal;
- c) The specific violations or other act claimed to be in error; and
- d) A concise statement of the basis of the appeal.

You are advised that only matters deemed to be **CONTESTED CASES**, as defined by the Administrative Procedures Act, will be scheduled for a Hearing. If a Hearing is scheduled, you will be notified in advance of the time and place.

Extensions

If a specified time has been given to abate a violation, YOU MAY REQUEST AN EXTENSION OF TIME by submitting a written request to the FIRE PREVENTION. To be considered, the request must be made before the compliance date specified and must set forth the work accomplished, the work remaining, the reason why and extension of time is necessary and the date by which all work must be completed.

TAKE NOTICE THAT, pursuant to N.J.A.C. 5:70-2.10(d)2, an application for an extension constitutes an admission that the violation notice is factually and procedurally correct and that the violations do or did exist. In addition, the request for an extension constitutes a waiver of the right to a Hearing as to those violations for which the extension is applied.

Penalties

Pursuant to N.J.A.C. 5:70-2.12, a violation of the code is punishable by monetary penalties of not more than \$5,000 per day for each violation. Each day a violation continues is an additional, separate violation except while an appeal is pending.

ALSO TAKE NOTICE THAT, pursuant to N.J.A.C. 5:70-2.12A, when an owner has been given notice of the existence of a violation and has not abated the violation, that owner shall, in addition to being liable to the penalty provided for by N.J.A.C. 5:70-2.12, be liable to a dedicated penalty in the like amount.

A violation that is recurring justifies imposition of an immediate penalty without the necessity for an interval in which corrections can be made. A violation shall be deemed to be a recurring violation if a notice has been served within two years from the date that a previous notice was served and the violation, premises and responsible party are substantially the same.

A violation that is recurring justifies imposition of an immediate penalty without the necessity for an interval in which corrections can be made. A violation shall be deemed to be a recurring violation if a notice has been served within two years from the date that a previous notice was served and the violation, premises and responsible party are substantially the same.

Claims arising out of penalty assessments can be compromised or settled if it shall be likely to result in compliance. Moreover, no such disposition can be finalized while the violation continues to exist.

Any penalties assessed are in addition to other previously assessed. Penalties must be paid in full within 30 days after and order to pay. If full payment is not made within 30 days, the local enforcing agency may institute a civil penalty action by a summary proceeding under the Penalty Enforcement Law (N.J.S.A. 2A:68-10 et seq.) in the Superior Court or Municipal Court.

Notice:

If you require guidance or advice concerning your legal rights, obligations or the course of action you should follow, consult your own advisor.

INDEPENDENT FREIGHT LLC
20 WARRICK AVENUE
GLASSBORO NJ 08028

NOTICE/SCHEDULE OF APPEAL: Submitted by John Calzaretto, Esq. of Calzaretto & Bernstein LLC on behalf of INDEPENDENT FREIGHT LLC, a New Jersey Limited Liability Company

INSPECTOR: STEVE SMITH
NOTICE OF VIOLATION AND
ORDER TO PAY PENALTY
DATED : 06/21/2021

04/23/2021 INSPECTION LOCATION OF VIOLATION	NATURE & DESCRIPTION OF ALLEGED VIOLATION	CODE REFERENCE	INPECTION SUMMARY	DATE ABATED/ESTIMATED ABATEMENT DATE/OBJECTION TO VIOLATION
No Description Provided By Inspection Officer	No Description Provided By Inspection Officer	-N.J.A.C. 5:70-3, 604.3	Abate by: 5/8/2021	Abated: Cables used for survivability of required critical circuits listed and installed corrected/in compliance
No Description Provided By Inspection Officer	No Description Provided By Inspection Officer	-N.J.A.C. 5:70-3, 1001.2	Abate by: 5/8/2021	Abated: Building exits/ means of egress corrected/ in compliance
No Description Provided By Inspection Officer	No Description Provided By Inspection Officer	-N.J.A.C. 5:70-3, 605.6	Abate by: 5/8/2021	Abated: Open junction boxes and open wiring corrected/ in compliance
No Description Provided By Inspection Officer	No Description Provided By Inspection Officer	-N.J.A.C. 5:70-3, 605.5	Abate by: 5/8/2021	Abated: Extension cords or flexible cords corrected/ in compliance
No Description Provided By Inspection Officer	No Description Provided By Inspection Officer	-N.J.A.C. 5:70-3, 315.3	Abate by: 5/8/2021	Abated: Storage of materials confined to approved areas corrected/in compliance
No Description Provided By Inspection Officer	No Description Provided By Inspection Officer	-N.J.A.C. 5:70-3, 315.4.2	Abate by: 5/8/2021	Abated: Outside storage under 20 ft high/ 15 ft from building corrected/in compliance
No Description Provided By Inspection Officer	No Description Provided By Inspection Officer	-N.J.A.C. 5:70-3, 315.3.5	Abate by: 5/8/2021	Abated: Storage located underneath high-voltage transmission lines corrected/in compliance.
No Description Provided By Inspection Officer	No Description Provided By Inspection Officer	-N.J.A.C. 5:70-3, 3505.2	Abate by: 5/8/2021	Abated: Storage, handling and use of compressed gas cylinders containers and tanks corrected/ in compliance.
No Description Provided By Inspection Officer	No Description Provided By Inspection Officer	-N.J.A.C. 5:70-3, 5003.12	Abate by: 5/8/2021	Abated: Outdoor control areas for hazardous materials corrected/in compliance
No Description Provided By Inspection Officer	No Description Provided By Inspection Officer	-N.J.A.C. 5:70-3, 102.1.1	Abate by: 5/8/2021	Abated: Hazardous conditions - electrical corrected/in compliance
No Description Provided By Inspection Officer	No Description Provided By Inspection Officer	-N.J.A.C. 5:70-3, 103.4	Abate by: 5/8/2021	Technical opinion preparer retained and preparing report
No Description Provided By Inspection Officer	No Description Provided By Inspection Officer	-N.J.A.C. 5:70-3, 1010.1	Abate by: 5/8/2021	Abated: Doors provided for egress purposes in numbers greater than required; corrected/in compliance
No Description Provided By Inspection Officer	No Description Provided By Inspection Officer	-N.J.A.C. 5:70-3, 1010.7	Abate by: 5/8/2021	Abated: All fire doors corrected/in compliance
No Description Provided By Inspection Officer	No Description Provided By Inspection Officer	-N.J.A.C. 5:70-3, 5:70-2.16(a)	Abate by: 5/8/2021	Abated: Imminent hazard; corrected/in compliance
No Description Provided By Inspection Officer	No Description Provided By Inspection Officer	-N.J.A.C. 5:70-3, 5:70-2.16(d)	Abate by: 5/8/2021	Abated: Imminent hazard; corrected/in compliance
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 5:70-2.17(a)	Abate by: 5/8/2021	Abated: Imminent hazard; corrected/in compliance

By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 315.2.1	Abate by: 5/8/2021	Abated: Storage corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 2803.2	Abate by: 5/8/2021	Abated: Equipment located inside buildings emitting dust to be equipped w/ collection/control system; corrected/ compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 2803.3.1	Abate by: 5/8/2021	Abated: Provisions shall be made for a systematic cleaning of plant; corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 2803.5	Abate by: 5/8/2021	Abated: Protection from ignition sources shall be provided; corrected/abated
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 912.2.2	Abate by: 5/8/2021	Abated: fire department connection not visible fixed with sign; corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 304.1	Abate by: 5/8/2021	Abated: Accumulations of combustible or flammable waste corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 310.3	Abate by: 5/8/2021	Abated: The fire code official is authorized to order the posting of "No Smoking" signs; corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 605.3	Abate by: 5/8/2021	Abated: Working spaces of not < 30" in width, 36" in depth and 78" in height w/electrical equipment; corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 6109.13	Abate by: 5/8/2021	Abated: LP-gas containers stored within suitable enclosure; corrected/abated
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 901.6.3	Abate by: 5/8/2021	Abated: Carbon monoxide alarms shall be maintained; corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 401.2	Abate by: 5/8/2021	Abated: Fire safety plans, emergency procedures & employee training programs; corrected/abated
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 505.1	Abate by: 5/8/2021	Abated: Buildings to contain approved address identification. corrected/in compliance
By Inspection Officer	By Inspection Officer			

ORIGIN ID:WAWDA (856) 667-0400
JOHN CALZARETTO

459 ROUTE 38 WEST

MAPLE SHADE, NJ 08052
UNITED STATES,US

SHIP DATE: 03JUL21
ACTWGT: 0.25 LB
CAD: 112919707/INET4340

BILL SENDER

TO

CONSTRUCTION BOARD OF APPEALS
GLOUCESTER COUNTY ADMINISTRATION
2 SOUTH BROAD STREET
WOODBURY NJ 08096

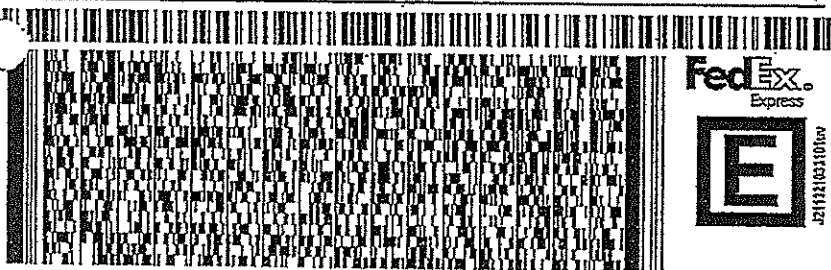
530.020265FEAA

(856) 853-3200

REF: INDEPENDENT FREIGHT APPEAL

INV:
PO:

DEPT:



FedEx
Express



J211121031010107

TRK#
0201

7741 7114 1981

TUE - 06 JUL 8:30A
FIRST OVERNIGHT

17 TKAA

08096
NJ-US PHL



After printing this label:

Use the 'Print' button on this page to print your label to your laser or inkjet printer.
Fold the printed page along the horizontal line.

Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.
Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented value. Maximum for terms of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

**APPLICATION TO GLOUCESTER COUNTY
CONSTRUCTION
BOARD OF APPEALS**

Gloucester County
Construction Board of Appeals
P.O. Box 337
Woodbury, NJ 08096
856-384-6895

IDENTIFICATION

Work Site Location: 20 WARRICK AVENUE Block: 39 Lot: 1.01
GLASSBORO, NJ 08028

Owner: WISCOM, INC. (LANDLORD) Agent: JOHN CALZARETTO, ESQ.
INDEPENDENT FREIGHT LLC (TENANT)

Address: 20 WARRICK AVENUE Address: CALZARETTO & BERNSTEIN, LLC
GLASSBORO, NJ 08028 Attorneys At Law

Phone: (609) 471-1550 Phone: (856) 667-0400
459 Route 38 West
Maple Shade, NJ 08052

Email: ICAVANAGH@INDEPENDENCE Email: JOHN.CALZARETTO@GMAIL.COM
FREIGHT.COM

Municipality: GLASSBORO

APPLICANT STATEMENT

Specific section(s) of the Regulation in question:

SEE ATTACHED DATED JULY 3, 2021, SENT
BY FEDERAL EXPRESS;
Briefly state your position in this matter and explain this nature of the relief you seek. (If more space is required, additional pages may be attached.)

SEE ATTACHED APPEAL DATED
JULY 3, 2021, SENT BY FEDERAL EXPRESS;

Attach copies of the violation notice/order to pay penalty and any supporting documents or photographs you wish the board to consider.

Non-refundable Fee: \$100.00

Application will not be considered complete unless accompanied by the appeal fee and completed application.

Signed: _____

Applicant

Date

8/6/2021



COUNTY OF GLOUCESTER
STATE OF NEW JERSEY
CONSTRUCTION BOARD OF APPEALS
P.O. BOX 337
WOODBURY, NJ 08096

August 3, 2021

John Calzaretto, Esquire
Calzaretto & Bernstein, LLC
459 Route 38 West
Maple Shade, New Jersey 08052
Delivery via regular and certified mail

RE: INDEPENDENT FREIGHT, LLC
20 Warrick Avenue, Glassboro, New Jersey 08028

Mr. Calzaretto:

I am in receipt of your correspondence for an appeal. The Board does not have jurisdiction to hear this appeal, as the application is incomplete and untimely.

As stated on your client's violation notice, received on June 24, 2021, via certified mail, you have 15 days of receipt of the violation to file the appeal by law. Please find enclosed copy of the certified mail card as proof of delivery, along with a print out from USPS Tracking. Your correspondence was received by the Board on July 6, 2021. However, the submission was incomplete as it did not include the Construction Board of Appeals application or filing fee. In accordance with N.J.A.C. 5:23A(e), an application shall not be considered complete unless accompanied by the fee.

On July 14, 2021, I contacted your office via telephone to advise the application was incomplete. At your request, I emailed correspondence, along with the application and request for the filing fee to john.calzaretto@gmail.com. Please find enclosed copy of the email, correspondence, and attachments. To date, the Board has not received the application or filing fee. Therefore, the application is incomplete and untimely.

Please contact the Borough of Glassboro Fire Official directly for any further discussion regarding the violations.

If you have any questions or concerns, I may be reached via email at constructionappeals@co.gloucester.nj.us.

Sincerely,

Kelly DeTurk

Kelly DeTurk

Recording Secretary

Enclosures

c: Robert DeAngelo, Gloucester County Construction Board of Appeals Chairman
Scott D. Burns, Gloucester County Construction Board of Appeals Solicitor
Steve Smith, Fire Official, Borough of Glassboro



COUNTY OF GLOUCESTER
STATE OF NEW JERSEY
CONSTRUCTION BOARD OF APPEALS
P.O. BOX 337
WOODBURY, NJ 08096

July 14, 2021

John Calzaretto, Esquire
Calzaretto & Bernstein, LLC
459 Route 38 West
Maple Shade, New Jersey 08052
Delivered via email (john.calzaretto@gmail.com)

RE: INDEPENDENT FREIGHT, LLC v. BOROUGH OF GLASSBORO

Dear Mr. Calzaretto:

I am in receipt of your correspondence, dated July 3, 2021. The submission is incomplete, please submit the Construction Board of Appeals application, along with the filing fee. Your application is deemed timely, this will not violate your ability to appeal. However, you must the application for appeal and payment within 20 days of receipt of this letter to keep the timely submission.

For your convenience, I attach an application for appeal. Please return the application and payment to:

County of Gloucester
Construction Board of Appeals
Attn: K. DeTurk
P.O. Box 337
Woodbury, New Jersey 08096

If you have any questions, I may be reached at constructionappeals@co.gloucester.nj.us.

Sincerely,

Kelly DeTurk
Kelly DeTurk
Recording Secretary

**APPLICATION TO GLOUCESTER COUNTY
CONSTRUCTION
BOARD OF APPEALS**

Gloucester County
Construction Board of Appeals
P.O. Box 337
Woodbury, NJ 08096
856-384-6895

IDENTIFICATION

Work Site Location: _____	Block: _____ Lot: _____
Owner: _____	Agent: _____
Address: _____ _____	Address: _____ _____
Phone: _____	Phone: _____
Email: _____	Email: _____
Municipality: _____	

APPLICANT STATEMENT

Specific section(s) of the Regulation in question:

Briefly state your position in this matter and explain this nature of the relief you seek. (If more space is required, additional pages may be attached.)

Attach copies of the violation notice/order to pay penalty and any supporting documents or photographs you wish the board to consider.

Non-refundable Fee: \$100.00

Application will not be considered complete unless accompanied by the appeal fee and completed application.

Signed: _____
Applicant Date

CALZARETTO & BERNSTEIN, LLC

Attorneys at Law
459 Route 38 West
Maple Shade, New Jersey 08052

Members of the Bar
New Jersey & Pennsylvania

Tel. (856) 667-0400
Fax. (856) 667-1477

John A. Calzaretto, Esq. (CPA)
john.calzaretto@gmail.com
Daniel P. Bernstein, Esq.
d.p.bernstein1@gmail.com
Kenneth J. Zoldan, Esq.
kenzoldan@gmail.com

July 3, 2021

Gloucester County Construction Board of Appeals
P.O. Box 337
Woodbury, NJ 08096

SENT BY FEDERAL EXPRESS

Re: **APPEAL OF CODE VIOLATION AND ORDER TO PAY PENALTY**
Petitioner: INDEPENDENT FREIGHT, LLC
Address: 20 WARRICK AVENUE
GLASSBORO, NJ 08028
Tel.: (609)471-1552

Dear Sir(s)/Madam(s):

My office has been retained to represent the above referenced Petitioner, INDEPENDENT FREIGHT, LLC. My office is filing this Appeal on behalf of the Petitioner. The Petitioner manufactures and reconditions shipping skids used in the distribution industry. The operation requires the short term storage, disassembly and fabrication of standardized shipping skids. On 4/23/2021 an inspection of the Petitioner's operations located at 20 Warrick Avenue, Glassboro, New Jersey 08028 was conducted by Steve Smith, Fire Official with the Borough of Glassboro, Fire Prevention. Official Smith alleged that the Petitioner was in violation of the Uniform Fire Safety Act (N.J.S.A. 52:27D-210), a complete copy of the NOTICE OF CODE VIOLATION AND ORDER TO PAY PENALTY dated 6/21/2021 as received by my client is attached hereto.

Please find attached a schedule containing a) the date of the act that is subject to the appeal; b) The name and status of the person submitting the appeal; c) The specific violations or other act claimed to be in error; and d) A concise statement of the basis of the appeal.

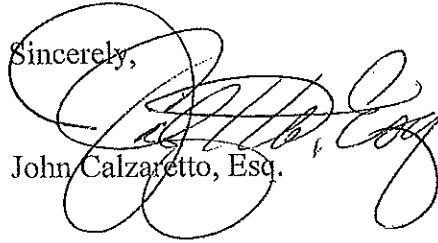
July 3, 2021

Gloucester County Construction Board of Appeals

Page 2

Please process this appeal accordingly and please notify the Petitioner and this office of the date, time and location of the Hearing.

Sincerely,


John Calzaretto, Esq.

encl.

cc: Independent Freight, LLC

Steve Smith, Fire Official
Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028
Tel.(856)881-9230 Ext. 88350



Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028
Phone: 856-881-9230 ext.88350

Notice of Code Violation and Order to Pay Penalty

Page 1 of 7
Date Printed 6/21/2021

To: INDEPENDENT FREIGHT, LLC
20 WARRICK AVE
GLASSBORO, NJ 08028

Date: 4/23/2021	Inspector: Steve Smith -	Registration No:
(Name of Business, Structure, Premises) INDEPENDENT FREIGHT, LLC		
(Address) 20 WARRICK AVE GLASSBORO NJ, 08028		
(Telephone Number) (609) 471-1552	(LHU Classification)	(Use Group)

Penalty: \$9,155.00

YOU ARE HEREBY NOTIFIED that you are in violation of the Uniform Fire Safety Act (N.J.S.A. 52:27D-210) for the reasons stated below:

You are in violation of the above because on or about Friday, April 23, 2021, you or your agents:

5:70-2.13 COMPENSATORY PENALTIES

DUE TO FIRE AT THE PROPERTY ON 5/26/21 WITH OPEN VIOLATIONS.

The pertinent portion of the ACT states

NO PERSON SHALL:

1. Obstruct, hinder, delay or interfere by force or otherwise with the commissioner or any local enforcing agency in the exercise of any power or the discharge of any function or duty under the provisions of this act;
2. prepare, utter or render any false statements, report, document, plans or specification permitted or required under the provisions of this act;
3. Render ineffective or inoperative, or fail to properly maintain, and protective equipment or system installed, or intended to be installed, in a building or structure;
4. Refuse or fail to comply with a lawful ruling, action, order or notice of the commissioner or a local enforcing agency; or
5. Violate, or cause to be violated, any of the provisions of this act.

PURSUANT to the ACT you are HEREBY ORDERED TO PAY A PENALTY OF \$9,155.00. In accordance with the above-referenced law, you must pay the total amount due WITHIN 30 DAYS after issuance of this order. If you fail to make full payment within 30 days, this matter will be referred to the municipal attorney for summary collection pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et. seq.). If specific action is required on your part, you are advised that if such action is not completed by 5/23/2021, additional penalties may be imposed.

THIS PENALTY IS IN ADDITION TO ALL PENALTIES PREVIOUSLY ASSESSED.

Make checks payable to: Borough of Glassboro Fire Prevention

And mail to: Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028

By: Steve Smith, Fire Official

Take Notice that, pursuant to N.J.A.C. 5:70-2.12, penalty assessments can be compromised or settled if it shall be likely to result in compliance. Moreover, no such disposition can be finalized while the subject violation continues to exist.

If you believe the public interest in fire safety supports compromise of any penalty assessed, promptly send a written detailed explanation to the Fire Prevention, attention:

TAKE NOTICE THAT THIS PENALTY IS IN ADDITION TO ALL PENALTIES PREVIOUSLY ASSESSED

APPEAL RIGHTS-EXTENSIONS

>See final page for information concerning your administrative appeal rights<



Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028
Phone: 856-881-9230 ext.88350

Fire Code Violations

Page 2 of Page 7
Registration No. _____
Date Friday, April 23, 2021
Inspector Steve Smith

Premises: INDEPENDENT FREIGHT, LLC
20 WARRICK AVE
GLASSBORO NJ, 08028

Owner or Agent INDEPENDENT FREIGHT, LLC

Violations cited on the above premises are as follows:

NO.	Location	Nature & Description	Code Reference	Inspection Summary
FPVIO 21 00121				Abate by: 5/8/2021
FPVIO 21 00122			N.J.A.C. 5:70-3, 604.3	Abate by: 5/8/2021
FPVIO 21 00123			N.J.A.C. 5:70-3, 1001.2	Abate by: 5/8/2021
FPVIO 21 00124			N.J.A.C. 5:70-3, 605.6	Abate by: 5/8/2021
FPVIO 21 00125			N.J.A.C. 5:70-3, 605.5	Abate by: 5/8/2021
FPVIO 21 00126			N.J.A.C. 5:70-3, 315.3	Abate by: 5/8/2021



Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028
Phone: 856-881-9230 ext.88350

Fire Code Violations

Page 3 of Page 7

Registration No. _____

Date Friday, April 23, 2021

Inspector Steve Smith

Premises: INDEPENDENT FREIGHT, LLC

20 WARRICK AVE

GLASSBORO NJ, 08028

Owner or Agent INDEPENDENT FREIGHT, LLC

Violations cited on the above premises are as follows:

NO.	Location	Nature & Description	Code Reference	Inspection Summary
FPVIO 21 00127			N.J.A.C. 5:70-3, 315.4.2	Abate by: 5/8/2021
FPVIO 21 00128			N.J.A.C. 5:70-3, 315.3.5	Abate by: 5/8/2021
FPVIO 21 00129			N.J.A.C. 5:70-3, 3505.2	Abate by: 5/8/2021
FPVIO 21 00130			N.J.A.C. 5:70-3, 5003.12	Abate by: 5/8/2021
FPVIO 21 00131			N.J.A.C. 5:70-3, 102.1.1	Abate by: 5/8/2021
FPVIO 21 00132			N.J.A.C. 5:70-3, 103.4	Abate by: 5/8/2021



Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028
Phone: 856-881-9230 ext.88350

Fire Code Violations

Page 4 of Page 7
Registration No. _____
Date Friday, April 23, 2021
Inspector Steve Smith

Premises: INDEPENDENT FREIGHT, LLC
20 WARRICK AVE
GLASSBORO NJ 08028

Owner or Agent INDEPENDENT FREIGHT, LLC

Violations cited on the above premises are as follows:

NO.	Location	Nature & Description	Code Reference	Inspection Summary
FPVIO 21 00133			N.J.A.C. 5:70-3, 1010.1	Abate by: 5/8/2021
FPVIO 21 00134			N.J.A.C. 5:70-3, 1010.7	Abate by: 5/8/2021
FPVIO 21 00135			N.J.A.C. 5:70-3, 5:70-2.16(a)	Abate by: 5/8/2021
FPVIO 21 00136			N.J.A.C. 5:70-3, 5:70-2.16(d)	Abate by: 5/8/2021
FPVIO 21 00137			N.J.A.C. 5:70-3, 5:70-2.17(a)	Abate by: 5/8/2021
FPVIO 21 00138			N.J.A.C. 5:70-3, 315.2.1	Abate by: 5/8/2021



Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028
Phone: 856-881-9230 ext.88350

Fire Code Violations

Page 5 of Page 7

Registration No. _____

Date Friday, April 23, 2021

Inspector Steve Smith

Premises: INDEPENDENT FREIGHT, LLC

20 WARRICK AVE

GLASSBORO NJ, 08028

Owner or Agent INDEPENDENT FREIGHT, LLC

Violations cited on the above premises are as follows:

NO.	Location	Nature & Description	Code Reference	Inspection Summary
FPVIO 21 00139			N.J.A.C. 5:70-3, 2803.2	Abate by: 5/8/2021
FPVIO 21 00140			N.J.A.C. 5:70-3, 2803.3.1	Abate by: 5/8/2021
FPVIO 21 00141			N.J.A.C. 5:70-3, 2803.5	Abate by: 5/8/2021
FPVIO 21 00142			N.J.A.C. 5:70-3, 912.2.2	Abate by: 5/8/2021
FPVIO 21 00143			N.J.A.C. 5:70-3, 304.1	Abate by: 5/8/2021
FPVIO 21 00144			N.J.A.C. 5:70-3, 310.3	Abate by: 5/8/2021



Borough of Glassboro
Fire Prevention
10 South Poplar Street
Glassboro, NJ 08028
Phone: 856-881-9230 ext.88350

Fire Code Violations

Page 6 of Page 7
Registration No. _____
Date Friday, April 23, 2021
Inspector Steve Smith

Premises: INDEPENDENT FREIGHT, LLC
20 WARRICK AVE
GLASSBORO NJ 08028

Owner or Agent INDEPENDENT FREIGHT, LLC

Violations cited on the above premises are as follows:

NO.	Location	Nature & Description	Code Reference	Inspection Summary
FPVIO 21 00145			N.J.A.C. 5:70-3, 605.3	Abate by: 5/8/2021
FPVIO 21 00146			N.J.A.C. 5:70-3, 6109.13	Abate by: 5/8/2021
FPVIO 21 00147			N.J.A.C. 5:70-3, 901.6.3	Abate by: 5/8/2021
FPVIO 21 00148			N.J.A.C. 5:70-3, 401.2	Abate by: 5/8/2021
FPVIO 21 00149			N.J.A.C. 5:70-3, 505.1	Abate by: 5/8/2021

Inspection Summary Key:

I - Initial U - Violation Unabated A - Violation Abated R - Repeat Violation
Violation Status - Inspection Number (Inspector ID) Inspection Date

Note: The numbering of violation(s) is for identification purposes only and shall not be construed as bearing in any way on the seriousness of any violation.

5:71-3.7(b)3.

N.J.A.C. 5:70-3, 2015 International Fire Code New Jersey Edition, which has been adopted by reference.

N.J.A.C. 5:70-4, Subchapter 4 Retrofit Requirements



Borough of Glassboro
Fire Prevention
Borough of Glassboro, NJ 08028
Phone: 856-881-9230 ext.88360

Administrative Appeal Rights

Page 0 of 0

The owner of the premises or of the use, or an authorized agent of the owner MAY CONTEST THIS ORDER at an Administrative Hearing. The request for a hearing must be in writing within 15 days after receipt of this order and addressed to:

Gloucester County Construction Board of Appeals
P.O. Box 337
Woodbury, NJ 08096

In accordance with N.J.A.C 5:70-2.19 an appeal shall be signed by a proper party and shall include:

- a) The date of the act that is subject to the appeal;
- b) The name and status of the person submitting the appeal;
- c) The specific violations or other act claimed to be in error; and
- d) A concise statement of the basis of the appeal.

You are advised that only matters deemed to be CONTESTED CASES, as defined by the Administrative Procedures Act, will be scheduled for a Hearing. If a Hearing is scheduled, you will be notified in advance of the time and place.

Extensions

If a specified time has been given to abate a violation, YOU MAY REQUEST AN EXTENSION OF TIME by submitting a written request to the FIRE PREVENTION. To be considered, the request must be made before the compliance date specified and must set forth the work accomplished, the work remaining, the reason why and extension of time is necessary and the date by which all work must be completed.

TAKE NOTICE THAT, pursuant to N.J.A.C. 5:70-2.10(d)2, an application for an extension constitutes an admission that the violation notice is factually and procedurally correct and that the violations do or did exist. In addition, the request for an extension constitutes a waiver of the right to a Hearing as to those violations for which the extension is applied.

Penalties

Pursuant to N.J.A.C. 5:70-2.12, a violation of the code is punishable by monetary penalties of not more than \$5,000 per day for each violation. Each day a violation continues is an additional, separate violation except while an appeal is pending.

ALSO TAKE NOTICE THAT, pursuant to N.J.A.C. 5:70-2.12A, when an owner has been given notice of the existence of a violation and has not abated the violation, that owner shall, in addition to being liable to the penalty provided for by N.J.A.C. 5:70-2.12, be liable to a dedicated penalty in the like amount.

A violation that is recurring justifies imposition of an immediate penalty without the necessity for an interval in which corrections can be made. A violation shall be deemed to be a recurring violation if a notice has been served within two years from the date that a previous notice was served and the violation, premises and responsible party are substantially the same.

A violation that is recurring justifies imposition of an immediate penalty without the necessity for an interval in which corrections can be made. A violation shall be deemed to be a recurring violation if a notice has been served within two years from the date that a previous notice was served and the violation, premises and responsible party are substantially the same.

Claims arising out of penalty assessments can be compromised or settled if it shall be likely to result in compliance. Moreover, no such disposition can be finalized while the violation continues to exist.

Any penalties assessed are in addition to other previously assessed. Penalties must be paid in full within 30 days after and order to pay. If full payment is not made within 30 days, the local enforcing agency may institute a civil penalty action by a summary proceeding under the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et seq.) in the Superior Court or Municipal Court.

Notice:

If you require guidance or advice concerning your legal rights, obligations or the course of action you should follow, consult your own advisor.

INDEPENDENT FREIGHT LLC
20 WARRICK AVENUE
GLASSBORO NJ 08028

NOTICE/SCHEDULE OF APPEAL: Submitted by John Calzaretto, Esq. of Calzaretto & Bernstein LLC on behalf of INDEPENDENT FREIGHT LLC, a New Jersey Limited Liability Company

INSPECTOR: STEVE SMITH
NOTICE OF VIOLATION AND
ORDER TO PAY PENALTY
DATED : 06/21/2021

04/23/2021 INSPECTION LOCATION OF VIOLATION	NATURE & DESCRIPTION OF ALLEGED VIOLATION	CODE REFERENCE	INPECTION SUMMARY	DATE ABATED/ESTIMATED ABATEMENT DATE/OBJECTION TO VIOLATION
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 604.3	Abate by: 5/8/2021	Abated: Cables used for survivability of required critical circuits listed and installed corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 1001.2	Abate by: 5/8/2021	Abated: Building exits/ means of egress corrected/ in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 605.6	Abate by: 5/8/2021	Abated: Open junction boxes and open wiring corrected/ in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 605.5	Abate by: 5/8/2021	Abated: Extension cords or flexible cords corrected/ in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 315.3	Abate by: 5/8/2021	Abated: Storage of materials confined to approved areas corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 315.4.2	Abate by: 5/8/2021	Abated: Outside storage under 20 ft high/ 15 ft from building corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 315.3.5	Abate by: 5/8/2021	Abated: Storage located underneath high-voltage transmission lines corrected/in compliance.
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 3505.2	Abate by: 5/8/2021	Abated: Storage, handling and use of compressed gas cylinders containers and tanks corrected/ in compliance.
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 5003.12	Abate by: 5/8/2021	Abated: Outdoor control areas for hazardous materials corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 102.1.1	Abate by: 5/8/2021	Abated: Hazardous conditions - electrical corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 103.4	Abate by: 5/8/2021	Technical opinion preparer retained and preparing report
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 1010.1	Abate by: 5/8/2021	Abated: Doors provided for egress purposes in numbers greater than required; corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 1010.7	Abate by: 5/8/2021	Abated: All fire doors corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 5:70-2.16(a)	Abate by: 5/8/2021	Abated: Imminent hazard; corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 5:70-2.16(d)	Abate by: 5/8/2021	Abated: Imminent hazard; corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 5:70-2.17(a)	Abate by: 5/8/2021	Abated: Imminent hazard; corrected/in compliance

By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 315.2.1	Abate by: 5/8/2021	Abated: Storage corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 2803.2	Abate by: 5/8/2021	Abated: Equipment located inside buildings emitting dust to be equipped w/ collection/control system; corrected/ compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 2803.3.1	Abate by: 5/8/2021	Abated: Provisions shall be made for a systematic cleaning of plant; corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 2803.5	Abate by: 5/8/2021	Abated: Protection from ignition sources shall be provided; corrected/abated
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 912.2.2	Abate by: 5/8/2021	Abated: fire department connection not visible fixed with sign; corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 304.1	Abate by: 5/8/2021	Abated: Accumulations of combustible or flammable waste corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 310.3	Abate by: 5/8/2021	Abated: The fire code official is authorized to order the posting of "No Smoking" signs; corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 605.3	Abate by: 5/8/2021	Abated: Working spaces of not < 30" in width, 36" in depth and 78" in height w/electrical equipment; corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 6109.13	Abate by: 5/8/2021	Abated: LP-gas containers stored within suitable enclosure; corrected/abated
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 901.6.3	Abate by: 5/8/2021	Abated: Carbon monoxide alarms shall be maintained; corrected/in compliance
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 401.2	Abate by: 5/8/2021	Abated: Fire safety plans, emergency procedures & employee training programs; corrected/abated
By Inspection Officer	By Inspection Officer			
No Description Provided	No Description Provided	-N.J.A.C. 5:70-3, 505.1	Abate by: 5/8/2021	Abated: Buildings to contain approved address identification. corrected/in compliance
By Inspection Officer	By Inspection Officer			

**APPLICATION TO GLOUCESTER COUNTY
CONSTRUCTION
BOARD OF APPEALS**

Gloucester County
Construction Board of Appeals
P.O. Box 337
Woodbury, NJ 08096
856-384-6895

IDENTIFICATION

Work Site Location: 937 N Delsea Drive Block: 1601 Lot: 9

Owner: Victor Cruz / Rosita Santiago Agent: _____

Address: [REDACTED] Address: _____

Phone: _____ Phone: _____

Email: [REDACTED] Email: _____

Municipality: Clayton, NJ

APPLICANT STATEMENT

Specific section(s) of the Regulation in question: NCAC 5:23 2.14(a)
NJAC 5:23 2.7 (a); NJAC 5:23-2.30 (b)2
NJAC 5:70-2.12 (a)

Briefly state your position in this matter and explain this nature of the relief you seek. (If more space is required, additional pages may be attached.) The Notice does not comply with the requirements in the above noted regulations;

The Notice stated there is no Building permit for Unit B. However, as acknowledged by the Township in the subsequent email (attached), there was no building permit requirement for Unit B, as the repairs in question did not meet the requirements set forth in the Notice. These repairs were replacement of cabinetry in the kitchen and bathroom, paint, etc and other 'ordinary maintenance', which did not fall under the permit requirement NJAC 5:23 2.7 (a) Ordinary maintenance to structures may be made without filing a permit application with or giving notice to the construction official. (c)vii. The repair, replacement, or installation of any non-structural elements including, but not limited to, built in or attached furnishings, bookcases, equipment, or accessories, such as cabinets, benches or seats, and bathroom accessories (continued in attachment A)

Attach copies of the violation notice/order to pay penalty and any supporting documents or photographs you wish the board to consider.

Non-refundable Fee: \$100.00

Application will not be considered complete unless accompanied by the appeal fee and completed application.

Signed: Victor Cruz 1/7/2022
Applicant Date

Attachment A

RE: Appeal to Notice and Order of Penalty
937 N Delsea Drive, Clayton, NJ 08312
Permit no. 20210113

(continued)

All other repairs to the unit including electrical and plumbing, were completed properly under approved permits.

The lack of the inspection for the additional support footings was due to the inspector's failure to appear for pre-scheduled inspections, without notice. We were not provided any inspection findings from the Township official until the Notice referenced in this appeal was delivered

Furthermore, we were not provided the reasonable time to correct – the Notice referenced in this appeal was delivered on Friday, 12/24/21 with a compliance date of 12/03/21 which pre-dates the Notice itself.

NJAC 5:23-2.30 (b)2. Unless an immediate hazard to health and safety is posed, the construction official or appropriate subcode official shall permit such time period for correction as is reasonable within the context of the situation and NJAC 5:70-2.12 (a) -The Commissioner or a local enforcing agency may assess, levy and collect penalties to ensure compliance with the Code. No penalty shall be imposed except upon issuance of a written order requiring abatement and the allowance of a reasonable specified period in which to comply

Additionally, we have not received any written notice of inspection findings despite several requests. We are again respectfully requesting a written report of any inspection findings as required by NJAC 5:23-3.3:

Inspections: Such official(s) shall make all the required inspections, and all reports of such inspections shall be in writing and certified by them or they may engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the construction official and appointing authority.

Finally, we are respectfully requesting cancellation of this Notice and said penalties imposed in accordance with NJAC 5:23-2.30 and NJAC 5:70-2.12.

Email excerpt

From: **M Cruz** [REDACTED]
Date: Mon, Jan 3, 2022 at 2:06 AM
Subject: Thank you + follow up
To: <smiller@claytonnj.com>, Dale Taylor <dale@daletaylorlaw.com>

Sue:

First and foremost, I thank you for your quick and detailed response, particularly over the holiday. I truly appreciate your time and attention.

I wanted to address each issue listed below. You will see my responses in blue:

1) Attached is the tech sheet for Unit A. There nothing stated in the Description of Work section that there was any construction work to be done (i.e. requiring footings) and there is no indication on the plans/schematic that there would be footings. *The architectural plans/schematic that were submitted and reviewed, were included in the permit application. The footings with details are noted on Bulletin No. 1; point #4. They are also in the architect's schematic design of the same document. Further, they were returned highlighted by the Twp. I have attached both pages in question for your perusal. Given that the permit application and architect designs were submitted, reviewed, and approved with all those details clearly included, I am at a loss as to why they are stating there was 'no indication'.*

The Construction Official (Jack Eckler), who is also the Building Sub-code Inspector, noticed the footings when he completed an inspection on 12/17. *As stated above, the footings were fully disclosed in our application. Additionally, we had an inspection scheduled for 12/10/21 where the footings may not have been an issue, however, the inspector failed to appear without any notice...*

As Michelle has stated, there was no building permit required for B since it is mostly cosmetic improvements. But there is nothing noted on Unit A's either pertaining to footings. Since there was nothing identified on the plans nor in the description section of the tech sheet, that requires footings? *Please see response above and also see pages 1 and 3 of the signed/approved architects' plans/schematic (attached), and included in the permit application. While it is now being acknowledged (above) that there is no building permit needed for unit B, yet, it is listed as a finding for the Notice of Order and Penalty dated 12/17/21 served on 12/24/21.*

Attachment – Missed inspections

On December 27, 2021 3:16 PM M Cruz [REDACTED] wrote:

Good afternoon. Just letting you know we waited here from 11:50 AM until 3:15 PM. The inspector did not show up again. Please let me know when it is rescheduled I'm not sure if I will be able to take another day off.

On Dec 22, 2021, at 2:40 PM, Johanne Kanauss <jkanauss@claytonnj.com> wrote:

I will have him come out between 12-3pm on Monday. Please make sure the contractor is there as well so Jack can speak to both of you.

If you plan on picking up the permit please come between 3:30 pm and 4:00 pm Monday through Friday.

Thank you,

Johanne Kanauss

Borough of Clayton

Technical Assistant

to the Construction Official

John Cortes

Mon, Dec 6, 2021,
4:37 PM

from: **John
Cortes** <redeemedrestorationsllc@gmail.com>

to: jkanauss@claytonnj.com

cc: M Cruz [REDACTED]

date: Dec 6, 2021, 4:37 PM

subject: 937 N Delsea Drive

Hello Johanne,

My name is John Cortes from Redeemed Restorations. I am assisting the homeowner and reaching out to see if we can possibly get 937 N Delsea Dr on schedule, if possible this Wednesday, for a construction rough-in inspection. We have passed for fire inspection last week, today plumbing passed inspection and we are on schedule for electrical rough-in inspection tomorrow. As the holiday is quickly approaching, we were trying to get this project further completed.
thank you for your time.

John Cortes

M Cruz [REDACTED]

Dec 13, 2021,
5:06 PM

To: jkanauss@claytonnj.com

Hi Johanne. Hoping your evening as well. Can we please schedule the construction rough inspection also. I believe the contractor tried doing it last week but there was a miscommunication. I figured I'd reach out to myself.

As always- Thank you!!!

from: **Johanne Kanauss** <jkanauss@claytonnj.com>

reply- Johanne Kanauss
to: <jkanauss@claytonnj.com>

cc: M Cruz <[REDACTED]>

date: Dec 14, 2021, 2:14 PM

subject: Re: 937 N Delsea Drive, Clayton, NJ

Johanne Kanauss

Dec 14,
2021,
2:14 PM

to me

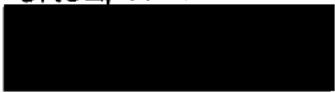
Jack was busy with DCA last Friday and did not do the inspection, I was not aware he didn't do it until Monday evening. He is scheduled for Friday 12/17/21 between 12-3pm

Borough of Clayton

Municipal Building

Clayton, NJ 08312

(856)881-5385 FAX (856)881-9408

Permit No. 20210113
Control No. 12626
Log No. 1164**NOTICE AND ORDER OF PENALTY
(PENALTY)****Identification**Work Site 937 N DELSEA DR Contractor
Block/Lot 1601/9
Owner CRUZ, VICTOR & SANTIAGO, ROSITA
**Action**Date of Notice 12/17/21 Compliance Due Date 12/03/21 Date of Inspection 12/17/21**TAKE NOTICE** that you have been found to be in violation of the State Uniform Construction Code Act and Regulations promulgated thereunder in that**POURED FOOTINGS WITHOUT INSPECTIONS/ ALSO NO BUILDING PERMIT FOR UNIT B**

N.J.A.C.5:23 2.14(a) It shall be unlawful to construct, enlarge, repair, renovate, alter, reconstruct or demolish a structure, or change the use of a building or structure, or portion thereof, or to install or alter any equipment for which provision is made or the installation of which is regulated by this chapter, or to undertake a project involving lead abatement in accordance with 5:17, without first filing an application with the construction official, or the appropriate subcode official where the construction involves only one subcode, in writing and obtaining the required permit therefor.

You are hereby ordered to terminate the said violations on or before 12/03/21

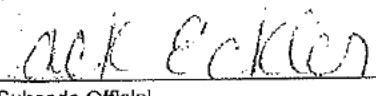
No Certificate of Occupancy or Approval will be issued unless the said violations are corrected.

You are hereby ordered to pay a penalty of \$500.00 for each violation for a totalpenalty of \$0.00 Each that any of the said violations remain outstandingafter shall result in an additional penalty of \$0 perIf you wish to contest the validity of the above action, you may request a hearing before the Construction Board of Appeals of the County of GLOUCESTER within 15 days of the receipt of these Orders. The Application to the Construction Board of Appeals may be used for this purpose.

Your application for appeal must be in writing, setting forth your address and name, the address of the building or site in question, the permit number, the specific sections of the Regulations in question, and the extent and nature of your reliance on the Regulations and, if necessary, a brief statement setting forth your position and the nature of the relief sought by you. You may also append any documents that you consider useful.

The fee for an appeal is \$ 100.00 to be forwarded with your application to the Construction Board of Appeals office at: Rt 45 & Budd Blvd, Woodbury, NJ 08096

If you have any questions concerning this matter, please call the construction office, Borough of Clayton


Subcode Official12-17-21
DateJACK ECKLER
Construction Official

Date

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Cruz & Santiago



9590 9402 6755 1074 2486 50

2. Article Number (Transfer from service label)

17 1450 0000 6084 6782

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

12-24

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☐ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation¹ |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (over \$500) | |

Per USPS
delivered
12/24/21
@ 10:29 AM