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Mayor

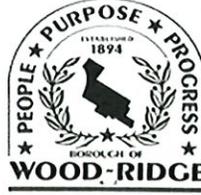
CHRISTOPHER W. EILERT  
Borough Administrator

GINA AFFUSO, RMC/CMR  
Borough Clerk

PAUL S. BARBIRE  
Borough Attorney

# *Borough of Wood-Ridge*

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COUNCIL:

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RICHARD J. WALL

## **Order of the Public Officer Borough of Wood-Ridge, County of Bergen, New Jersey**

**For the Hearing on Property known as  
Block 259, Lot 11, 148 12<sup>th</sup> Street, Wood-Ridge, NJ 07075  
Hearing held on January 16, 2025**

### **Section 1. Hearing**

#### **Subsection 1.1 Complainant – Borough of Wood-Ridge (hereinafter “Borough”)**

Wood-Ridge Borough Administrator Christopher W. Eilert was appointed as the Public Officer, (hereinafter “**Public Officer**”), of the Borough by Appointment “p.” on the consent agenda of the Reorganization Meeting of the Borough Mayor and Council held on January 7, 2025.

A hearing, (hereinafter “**Hearing**”), was held before the Public Officer on January 16, 2025, at 6:00 pm in the Council Chambers of the Municipal Building of the Borough located at 85 Humboldt Street, Wood-Ridge, NJ 07075 regarding the house and property known as Block 259, Lot 11, 148 12<sup>th</sup> Street, Wood-Ridge, NJ 07075, (hereinafter “**Property**”).

The Public Officer convened the Hearing in response to Resolution 148-2024 adopted by the Mayor and Council of the Borough, (hereinafter “**Complainant**”) on December 13, 2024, which made a complaint concerning the unsafe conditions of the Property. The Hearing was conducted in accordance with Chapter 230 of the Wood-Ridge Borough Code entitled “Buildings, Unsafe”, (hereinafter “**Code**”), and N.J.S.A. 40:48-2.3 (hereinafter “**Statute**”).

During the hearing Borough Clerk Gina Affuso acted as the hearing clerk to the Public Officer and Borough Special Counsel Gerald Salerno, Esq., (hereinafter “**Complainant Counsel**”), appeared remotely on behalf of the Borough.

## **Subsection 1.2 Respondent – Property Owner**

Jennifer M. Berardo, Esq. of Wells Jaworski and Liebman, LLP, 12 North Rt. 17, Paramus, NJ 07653, (hereinafter “**Respondent Counsel**”), entered an appearance on behalf of the present owner of the property, GS Mortgage-Backed Securities Trust 2019-SL-1 (“**Respondent**”), whose agent and counsel is Steven B. Greenfield, Esq. of Greenfield Law Group, 3000 N. Military Trail, Suite 101, Boca Raton, Florida, 33431, (hereinafter “**Respondent Agent**”).

Notice of Complaint and Public Hearing was emailed to Respondent Agent on December 20, 2024, by the Complainant Counsel.

## **Subsection 1.3 Record – Court Reporter**

Josephine M. Biagini, Certified Court Reporter License No. XIO1133, of Biagini & Associates, PO Box 71, Wyckoff, NJ 07481, 201-446-7576, [jbiaginicr@aol.com](mailto:jbiaginicr@aol.com), acted as court reporter to create a record of the hearing and will produce an official transcript which shall be available to all parties.

## **Section 2. Evidence: Exhibits and Witnesses**

### **Subsection 2.1 Complainant Exhibits**

The following Complainant exhibits were marked and accepted into evidence:

- Exhibit A Notice of Unsafe Structure dated May 22, 2024
- Exhibit B Photos of property taken on May 23, 2024, with email by J. Fantacone
- Exhibit C Structural Engineering Report from Titan Engineers dated June 21, 2024
- Exhibit D Notice of Unsafe Structure with Application to Construction Board of Appeals, Certified Mail Documentation
- Exhibit E Red Sticker Notice UNSAFE STRUCTURE NOTICE
- Exhibit F Title Search prepared by Main Street Title
- Exhibit G Resolution #148-2024 dated November 13, 2024, Authorizing Public Official to Issue a Complaint and Conduct a Hearing for the Demolition and Removal of Unsafe Structure located at 148 12<sup>th</sup> Street.
- Exhibit H Follow up Report of Structural Engineering Report from Titan Engineers dated November 21, 2024

- Exhibit I Letter from Gerald Salerno Esq. to Steven Greenfield Esq., agent and counsel to the property owner, dated December 20, 2024, regarding complaint and notice of public hearing of unsafe structure
- Exhibit J Attorney Correspondence and Emails
- Exhibit K Borough Ordinance Chapter 230, Buildings, Unsafe

Respondent counsel did not object to any of the Complainant exhibits, but noted the Respondent's objection to proceeding with the hearing for the record. Respondent counsel indicated that the Respondent did not receive the prior notices regarding the unsafe condition of the Property as they only recently acquired title to the Property at a foreclosure sale, that they did not receive the notice of the Hearing, and that they did not have time to adequately prepare for the Hearing but wished to cooperate with the Borough.

### **Subsection 2.2 Respondent Exhibits**

Respondent counsel did not enter any exhibits or evidence.

### **Subsection 2.3 Complainant Witnesses**

Complainant Counsel called the following witnesses who were sworn in by the Public Officer prior to testifying.

1. Gary Ippolito - Wood-Ridge Construction Code Official and Building Subcode Official
2. William Wolfsohn – Wood-Ridge Property Maintenance Code Enforcement Official and Emergency Management Coordinator
3. John J. Dunlea, PE – Professional Engineer licensed in the State of New Jersey and Senior Manager of the Neglia Group on behalf of the Borough Engineer Michael J. Neglia, PE and the Neglia Group

Respondent counsel did not object to any of the Complainant's witnesses.

### **Subsection 2.4 Respondent Witnesses**

Respondent counsel did not produce any witnesses on behalf of the Respondent.

### **Subsection 2.5 Members of the Public – Public Comment period**

Frank J. DeBartola III of 146 12<sup>th</sup> Street, Wood-Ridge, NJ 07075 asked to be heard and was sworn in by the Public Officer. He noted that he is the adjacent property owner to the immediate south of the Property. He testified that the Property has been in disrepair and a source of problems since the year 2020 and that conditions have steadily worsened and constitute a nuisance and danger to the health and safety of the neighborhood's residents. He also testified as

to the small undersized dimensions of the Property and the close proximity of the dwelling to his home and the public sidewalks which he fears place his home at risk should the building suffer a structural failure. He further testified that debris, household garbage, and a broken sanitary sewer pipe are present within the building, all of which create strong and severe odors which emanate from the property which have prohibited him from being able to sit outside during the warmer months. He asked that the building be demolished immediately and that his property be protected during the demolition procedure.

### **Section 3. Findings**

#### **Subsection 3.1 Findings as to Notice**

With respect to the Respondent's contention that the Respondent did not receive notice of the hearing, I make note of the following evidence and deduce conclusions thereon as follows:

- a. The Red Sticker Notice of Unsafe Structure, (Complainant Exhibit E), was posted prominently at the Property on July 19, 2024, making it apparent to the public, including the owner, when visiting the Property, that there was a serious issue with respect to the Property, which would induce any reasonable person with interest in the property to contact the Borough of Wood-Ridge.
- b. The letter constituting a complaint and hearing notice, (Complainant Exhibit I), was posted conspicuously at the Property on December 23, 2024,
- c. The letter constituting a complaint and hearing notice, (Complainant Exhibit I), was emailed by Complainant Counsel to Respondent Agent on December 20, 2024.
- d. Respondent Agent became known to the Borough when he contacted Complainant Counsel via email on November 21, 2024; he subsequently engaged in phone calls and emails with Complainant Counsel for a period of time prior to the issuance of the complaint and hearing notice on December 20, 2024.
- e. The appearance by Respondent Counsel at the Hearing makes clear that the Respondent was aware of the Hearing and, in fact, retained counsel to appear at the hearing.

**Therefore**, based upon evidence and conclusions listed as "a through e" above, I find that proper notice of the Hearing was given to the Respondent and that the Respondent had adequate notice of the hearing.

#### **Subsection 3.2 Findings as to conditions which determine a building unfit**

With respect to the condition of the Property and specifically those conditions relative to a determination that a building is unfit pursuant to Chapter 230 of the code, I note the following evidence:

- a. The report of Titan Engineers dated November 27, 2024, (Complainant Exhibit H), which details the structural condition of the Property observed on its 2<sup>nd</sup> inspection of the property conducted on November 26, 2024, includes the following determinations extracted directly from said report:
- i. “During our visual inspection of both the interior and exterior of the building, we observed several critical issues: 1. A large hole in the basement wall on the south side of the building. This hole has caused loss of soil below the neighboring building slab on grade and destabilized it causing it to crack. 2. The retaining wall in front of the building along 12th Street appears to be overturning, indicating a compromised foundation. This overturning appears to have worsened since our visit in May 2024. 3. Horizontal cracks were observed in the foundation wall of the building which suggests bulging of the foundation wall due to imposed soil loads. 4. Vertical cracks and separation were observed in the foundation wall of the building at the north corner of the building. This separation appears to have increased indicating the building is moving. 5. Deteriorated roofing was observed on the building rear (south-east). 6. The interior of the house showed several signs of rainwater infiltration due to compromised building envelope”?
  - ii. “Upon completion of our assessment, we have determined that the house exhibits significant structural deterioration and poses an immediate life safety hazard. It was observed that the condition of the structure has worsened since our last inspection in May 2024. Based on our findings, we offer the following recommendations: 1. The building shall be condemned and demolished expeditiously. 2. Prior to demolition, it is imperative to stabilize the framing and foundation to ensure safety throughout the demolition process. The design drawings for building stabilization shall be signed and sealed by a licensed professional engineer in the state of New Jersey.”
  - iii. “Given these observations, we strongly recommend that the demolishing contractor stabilize the building with temporary shoring walls and rakers. This precaution is crucial to prevent any premature structural failure during the demolition process. Page 2/5 Nathan Shuman PE Vice President | Principal Licensed Professional Engineer New Jersey #51787 Anthony J. Marrero Project Engineer Anupam Tetu Senior Engineer We also advise that extra care be taken throughout the stabilization and demolition phases to ensure the safety and integrity of the surrounding area.”

I further note the alarming nature of certain determinations in the report which were typed in Bold Font so as to provide emphasis, draw attention, and convey urgency, specifically:

**“.....we have determined that the house exhibits significant structural deterioration and poses an immediate life safety hazard. It was observed that the condition of the structure has worsened since our last inspection in May**

**2024. Based on our findings, we offer the following recommendations: 1. The building shall be condemned and demolished expeditiously.”**

The conditions noted in the report were also corroborated by the following evidence:

- i. The testimony of Gary Ippolito, who originally observed the conditions in May 2024, causing him to issue the Notice of Unsafe Structure on May 22, 2024 (Exhibit A);
  - ii. The photographs of the Property (Exhibit B);
  - iii. The testimony of John J. Dunlea, PE, who visited the Property on two separate occasions and who confirmed his observations of the compromised foundation and the imminent danger posed by the structure which if it collapsed is in extremely close proximity to the neighbor’s home and the front sidewalk.
- b. Chapter 230 of the Borough Code entitled Buildings, Unsafe, (Complainant Exhibit K), which governs the process and standards for determining a building to be unfit, includes the following provisions:
- i. § 230-3. Issuance of complaint; notice of hearing. Whenever a petition is filed with the public officer by a public authority or by at least five residents of the municipality charging that any building is unfit for human habitation or occupancy or use or whenever it appears to the public officer (on his own motion) that any building is unfit for human habitation or occupancy or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint, stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed not less than seven days nor more than 30 days after the serving of said complaint.
  - ii. § 230-12. Conditions which determine building unfit. A. The public officer may determine that a building is unfit for human habitation or occupancy or use if he finds that conditions exist in such building which are dangerous or injurious to the health or safety of the occupants of such building, the occupants of neighboring buildings or other residents of the Borough. B. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness.
- c. Pursuant to, and as permitted by, Subchapter 230-3 of the code, I conducted my own visit and inspection of the Property on multiple occasions including May 22, 2024, May 30, 2024, July 19, 2024, November 26, 2024, December 12, 2024, and January 14, 2025.

**Therefore**, based upon specific evidence referred to as “a, b, c” above, all exhibits and evidence presented at the hearing, and my own observations and inspections of the Property, I make the following findings:

1. That the requirements of Subchapter 230-3 of the code necessary to issue a complaint and convene a hearing have been met and do exist, specifically that the building appears to be unfit for human habitation or occupancy or use, that charges of maintaining an unsafe building and notice of hearing on same was properly served on the Respondent of the property through his agent, and that the hearing was properly convened within the required time period and conducted in accordance with the code and the statute; and
2. That the conditions required by Subchapter 230-12 of the code necessary to find a building unfit have been met and do exist, specifically that conditions and defects exist in the building which are a) dangerous or injurious to the health or safety of any occupants of the building, if any persons were to occupy the building, b) dangerous and injurious to the occupants of neighboring buildings or other residents of the Borough, c) increasing the hazards of fire, accident or other calamities, and d) dilapidation, disrepair, structural defects, and uncleanliness; and
3. Therefore, I find and conclude that the Property is unfit for human habitation, or occupancy or use and is dangerous to the health and safety of persons on or near the premises.

#### **Section 4. Order**

Based upon my findings in Section 3 and in specific consideration of the alarming and urgent nature of the findings and recommendations contained in structural engineering report (Complainant Exhibit H), **I hereby order as follows:**

- a. That the Respondent shall demolish and remove the structure and all debris located on the Property within 30 days of the issuance of this Order according to means, methods, procedures, and specifications as directed in the report (Complainant Exhibit H) and/or as directed by the Borough Building Department, the Borough Engineer, or another qualified engineering firm as designated by the Borough.
- b. The Respondent shall file a certificate of insurance naming the Borough of Wood-Ridge and its officials, employees and agents, including the Borough Engineer, as additional insureds, and shall execute an indemnification agreement indemnifying and holding harmless the Borough and its officials, agents, servants, employees and consultants (collectively, the “**Indemnified Parties**”) harmless from and against any and all claims, demands, suits, actions, recoveries, judgments, and costs and expenses in connection therewith of any kind or nature, however arising, imposed by law or otherwise (including reasonable attorneys’ fees and expenses and experts’ fees and expenses) (collectively, “**Claims**”) which the Indemnified Parties may sustain, be subjected to or be caused to incur, by reason of personal injury, death or damage to property, arising from or in

connection with the demolition required hereunder , or any activities of or on behalf of the Respondent within the Property, except that to the extent that any such claim or suit arises from the intentional or willful wrongful acts or omissions, or grossly negligent acts or omissions of the Indemnified Parties.

- c. The Respondent shall post with the Borough Clerk security in the form of cash, certified check, irrevocable letter of credit or surety bond issued by a surety company authorized to do business in New Jersey. Such security shall be in the amount of \$50,000. The purpose of the security or condition of the bond shall be to ensure that demolition shall have been performed in a good and workmanlike manner as well as to guarantee compliance with all other regulations of the Borough governing demolition. In the event that a bond is posted, the beneficiary of the security or obligee shall be the Borough of Wood-Ridge, and the term of any security, be it cash, certified check, irrevocable letter of credit or surety bond, shall terminate no earlier than the expiration date of the demolition permit, plus an additional 30 days.
- d. The Respondent shall proceed with the demolition as an emergency condition and request emergency expediated approvals, shut-offs and disconnects from all public utilities and that the Borough be provided with copies on all applications for same.
- e. The Respondent shall submit expeditiously all applications for any and all permits required to the Borough Building Department and shall follow and comply with all requirements and conditions thereof.
- f. The Respondent shall cause a temporary construction chain link fence to be installed around the front perimeter of the Property so as to close the sidewalk to pedestrians.
- g. Any and all demolition work shall be performed under the observation and monitoring of the Borough Engineer, or another qualified engineering firm as designated by the Borough.
- h. The Respondent shall pay for the posting of a police detail to provide traffic control and public safety including the closure of 12<sup>th</sup> Street during the demolition and removal of all debris.
- i. As part of the demolition process, the Respondent shall a) properly secure and cap all utilities serving the property, b) remove all building materials, debris, and structures, including all foundations and slabs and any underground storage tanks, from the property, c) remove any contaminated soil from the property, d) fill any resulting voids or excavations with certified clean fill and grade the property to minimize slope and not cause run off or discharge of water to adjacent properties, e) seed the property with grass seed and install soil erosion control measures including silt fences around the property, f) install an orange construction fence around the perimeter of the property, and g) perform any and all work, whether or not specified herein, according to means, methods, procedures and specifications as may be required by the Borough Building Department,

the Borough Engineer, or another qualified engineering firm as designated by the Borough.

- j. The Respondent shall post an escrow deposit with the Borough via wire or certified bank check in the amount of \$25,000.00 to reimburse the Borough for costs it has incurred or will incur related to this matter, including those for the police detail and for professional service providers such as the special counsel, borough engineer, and special engineer for structural analysis.
- k. This Order shall be issued on January 21, 2025, and shall be effective immediately.
- l. This Order shall be emailed to the respondent counsel on January 21, 2025.

By Order of the Public Officer of the Borough of Wood-Ridge:

Christopher W. Eilert      1/21/25  
Christopher W. Eilert                      Date

Witnessed by:

Gina Affuso                      1-21-25  
Gina Affuso, Borough Clerk                      Date