

Bergen Record

Homeowners pay thousands to fix mistakes by code official
Tuesday, September 12, 2006

By SHAWN BOBURG
STAFF WRITER

One woman had to take a wrecking ball to \$30,000 worth of construction on a two-story garage and start building from scratch.

A family was banned from their new backyard pool until they spent \$50,000 to reinforce, for the second time, the 30-foot cliff the pool was built on.

And a man was ordered to temporarily stop building his dream home and tweak already approved building plans at a cost of thousands of dollars.

In each case, Ridgefield construction official Robert K. Rogers missed building code violations that were apparent in the project blueprints, but were discovered only after the structures were built or near completion, according to borough and court records.

The string of mistakes cost Rogers his job last November, but property owners and taxpayers have continued to pay in the form of tens of thousands of dollars in added construction costs and lawsuits against the borough, records show. Three property owners sued the borough in the past two years for forcing them to fix projects that had received Rogers' stamp of approval. Building officials are also investigating at least one other project approved by Rogers that appears to violate codes.

"As these situations have cropped up, I'm not happy about it," said Mayor Anthony Suarez. "As soon as these issues first came up, we had discussions with Mr. Rogers and he went on his way and we went on ours."

Rogers, who has worked part time in nine North Jersey towns over the past two years and earned a combined \$108,000 in 2005, acknowledged he made mistakes in Ridgefield. But he said they were "oversights, not favors" to contractors or property owners.

The most recent problem project, though, discovered in the last several weeks, has raised eyebrows because records show it was built by Borough Councilman and Building Department liaison John Quaregna, Rogers' boss at the time.

The 250-square-foot home addition built by Quaregna's Jay-Cue Construction Co. not only violates building codes, but is not on property tax rolls because Rogers classified it as a backyard "storage shed." The addition lacks permits for electrical work and is built too close to the property lines, building officials said.

There is a dispute over who made the structure a family room. The property owner, Craig Royer, says he paid Quaregna \$8,300 for a room with cathedral ceilings and sliding glass doors that is connected to the dining room. Quaregna and Rogers both say it was only attached to the home's exterior, not the interior. They accuse Royer of knocking down a portion of the separating wall.

Regardless, building and borough officials say, Rogers should have sent the building proposal to the planning or zoning board for special approval. Quaregna said that his relationship to Rogers had nothing to do with its approval. He said he merely built what Rogers approved.

"Whether it was a shed or not, that's not for me to decide," Quaregna said.

The Borough Council discussed the project during a closed-door session last week. Some members said privately they worry the project will drag the borough into another legal battle.

Rogers' three approvals that have led to lawsuits are:

- A two-story detached garage that was almost nine feet above the borough's 15-foot height limit. The borough ordered demolition of the garage on Walnut Street after it was four-fifths completed at a cost of \$30,000.

"They give you permission and then they slap a stop-construction order on you and you have to eat it," said property owner Roseann Colacurto, who agreed to a \$6,000 court settlement with the borough in May to defray the cost of rebuilding the garage.

- A backyard pool built on top of improper backfill and retaining walls. Seventeen months after Rogers inspected and approved the \$80,000 pool built atop a 30-foot cliff, a neighbor's complaint prompted the borough to inspect the Edgewater Avenue property again. The family was banned from their back yard. Theodoros "Ted" Papas withdrew a lawsuit against the borough last month, agreeing to spend \$50,000 to correct the yard problems.
- A single-family home with a basement that extended too far above ground and ceilings that exceeded height limits. Neighbors complained and, after an inspection, the borough ordered homeowner Edmund Riordan to halt construction of the Stewart Street house in December. Riordan withdrew his lawsuit against the borough in January and, in a compromise, agreed to pay "a few thousand dollars" to fix the violations.

Rogers said the building department was understaffed and he was overworked. He was contracted to work in Ridgefield only 30 hours per week, he said. He also worked part time in Hackensack, Little Ferry, Hasbrouck Heights and Hawthorne.

"I was running around like crazy [in Ridgefield]," Rogers said.

Both Suarez and Quaregna said they believe the problems stemmed from Rogers' heavy work schedule. Suarez said state law "allows people to stack these jobs in several towns."

Rogers said that when he inspected the 250-square-foot home addition, tools dangled from beams of the wooden frame, and the structure was not connected to the interior of the home.

"It was a shed when I approved it" in 2004, he said.

But homeowner Craig Royer -- who initially denied the addition was a room, but later admitted to The Record that it has a big-screen television and carpeted floors -- said it was always connected to the house. Both Royer and Quaregna showed The Record a copy of the contract, which did not describe any interior work to the room or show whether it was connected to the house. Quaregna's job estimate called it a "rear room," but it's identified as a "shed" on the final contract.

Building officials declined to publicly comment on the addition, but Construction Official Armand Marini sent Royer a letter last month requesting a survey with the dimensions of all structures on the property.

Building officials don't have drawings of the addition because Rogers issued the construction permit without requiring architectural drawings. The application submitted by Royer includes only a property survey with the shed drawn in pencil. Rogers said that is common practice for sheds.

Rogers, who lives in Montague, Sussex County, said he is in the process of resigning from all his jobs in Bergen County to take a full-time position as an electrical subcode official in Vernon. He said he is still working part time in Hackensack.

Bergen Record

Wednesday, September 13, 2006

By SHAWN BOBURG
STAFF WRITER

State officials are investigating a former Ridgefield construction official whose blunders left the borough mired in lawsuits and cost homeowners tens of thousands of dollars in repairs.

The state Department of Community Affairs, which oversees local building officials, "has been made aware of the situation involving Mr. [Robert K.] Rogers, and we will be investigating it," spokesman Chris Donnelly said Tuesday. The agency's Division of Codes and Standards will conduct the investigation, he said.

The Record reported Tuesday that Rogers, who quietly resigned from his Ridgefield job under pressure last November, missed building code and zoning violations in the blueprints of at least four building projects since 2004. Rogers also has worked part time in nine other North Jersey communities over the last two years and earned \$108,000 in 2005.

"I welcome it," Rogers said of the investigation Tuesday night, adding that he moved to address the mistakes as soon as they were discovered.

The violations were found after construction was under way and Ridgefield officials asked property owners to alter or demolish the projects at their own expense.

"If they're investigating, fine," said Borough Attorney Stephen Pellino. "To the extent there's something wrong, it should be addressed."

Three property owners sued the borough over the last two years, but all three ended with the property owners paying thousands to make the structures -- a pool, a garage and a single-family home -- comply with borough laws. A fourth problem project, a 250-square-foot home addition that Rogers approved as a "storage shed," appears likely to be the subject of more acrimony.

Owners of the Morningside Lane home, Craig and Joanne Royer, said they consulted a lawyer Tuesday morning and planned to appeal the \$10,000 in fines the borough imposed on them over the weekend. Borough building officials did not immediately respond to a written request for a list of the violations. Joanne Royer, however, said the borough accused them in a letter they received on Saturday of five violations, including making false and misleading statements on the application for their shed and doing construction work without a permit.

"I assume [Construction Official Armand Marini] is taking issue with what appears to be an illegal structure, and I'm sure he'll seek proper remedial work," said Pellino.

Councilman John Quaregna, who is running for reelection in November, built the shed, but has said he did not know it violated building codes or would be used as an extra room.

Quaregna and Rogers have said the structure was only attached to the exterior of the house and that Royer connected their interiors by knocking down a separating wall and did more work to the room after the property was inspected. Royer denies that.

Joanne Royer said the family will appeal the violations to the Bergen County Construction Board of Appeals. If the appeal is denied, the family may sue the borough, she said.

The Department of Community Affairs has no history of past complaints against Rogers, Donnelly said.

Rogers questioned why the Department of Community Affairs would investigate his mistakes since they were oversights of local zoning laws, not state building rules. But he still invited its scrutiny.

"I want the DCA to come in because it was all zoning issues. The things were missed, caught and stopped," he said.

Colleagues in two other Bergen County communities, Hackensack and Hasbrouck Heights, said Rogers worked as an electrical subcode official there for years without incident.

"His history has been stellar," said Hackensack Construction Official Joseph Mellone.

Hasbrouck Heights Construction Official Nick Melfi said he never received complaints about Rogers' work. However, when asked if Rogers worked the full eight hours he was paid to work each week, Melfi said "no comment."

"Some days he may have been here four hours, other days he may have been here 10 hours," he said. "My theory was: as long as you get your paperwork done and finish your work."

Rogers has blamed his mistakes in Ridgefield, which he called "oversights, not favors," on a lack of time and support staff. Rogers, who lives in Wantage, Sussex County, still works in Hackensack, but plans to resign soon from all his Bergen County posts to take a full-time position as an electrical subcode official in Vernon.