

BOARD OF ADJUSTMENT MINUTES

May 5, 2021

REGULAR MEETING
ZOOM VIDEO CONFERENCE

8:00pm – Meeting Opened by Vice/Acting Chairman Bruce Grygus

OPENING STATEMENT:

This is the Regular Meeting of the Wanaque Board of Adjustment and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends on January 17, 2021 and April 14, 2021 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque, on the Borough’s website and a copy thereof has been on file with the Borough Clerk and will be posted on the front door of Borough Hall on the day of the meeting.

ROLL CALL: Vice/Acting Chairman Bruce Grygus, Members Frank Covelli, Phillip Stefanowicz, Donald Ludwig, Michael Levine and Helena Aumenta and Attorney Ronald Mondello and Engineer Christopher Nash

ABSENT: Chairman Jack Dunning (excused absence) and Member Bridget Pasznik and Engineer Christopher Nash (absent with notice)

**Application ZBA2021-03 – Buske, Thomas & Judith – 1161 Ringwood Avenue (Block 448/Lot 1)
Acting Chairman: We do have correspondence I understand from the attorney representing them requesting to be carried to the June 2, 2021 Meeting.**

**MOTION TO CARRY APPLICATION NO. ZBA2021-03 BUSKE TO THE JUNE 2, 2021 MEETING AT 8PM: made by Member Ludwig, seconded by Member Stefanowicz. Voting yes were Acting Chairman Grygus, Members Covelli, Stefanowicz, Ludwig, Levine and Aumenta
Motion Carried**

Attorney Mondello: Any that is here for, and I’m sorry Mr. Chairman, if you could please read out the name of the Applicant and the address, anybody that’s here for the Applicant and the address that the Chairman is about to give, that matters being carried to the June 2 meeting.

Acting Chairman: So that will be Thomas and Judith Buske, if I’m pronouncing that correctly, it’s 1161 Ringwood Avenue on a Use Variance.

Attorney Mondello: Thank you, Mr. Chairman.

Acting Chairman: Alright, so Jen, I assume that we’re okay on time with that?

Board Secretary: Yeah, the attorney also waived all time limits.

APPLICATION: ZBA2021-04 – Sahanas, Charles, 5 Humbert Place (Block 200.22/Lot 13)

Acting Chairman: All right. So, our next application will be 21-04, Charles Sahanas, 5 Humbert Place. It'll be an Appeal of an Administrative Decision.

Attorney Mondello: Welcome, Mr. Sahanas. I'm sorry, there's an awful lot of noise. Would you please raise your right hand? Do you swear or affirm the testimony your about to give be the truth, the whole truth and nothing but the truth so help you God?

Mr. Sahanas: I do.

Attorney Mondello: Please state your name, spell your last name and give us your address.

Mr. Sahanas: Charles Sahanas, 5 Humbert Place, Wanaque, New Jersey.

Attorney Mondello: Just very quickly, for the Board's edification, this is somewhat unusual. We don't get one of these every single month. The Board is being called upon to listen to Mr. Sahanas explain what taxidermy is, what kind of business it is, what's going on with the fluids from the animal, etc. He's going to explain that business, and then it's going to be up to the Board to decide whether it is the type of business that falls into the category of customary home occupation. The other thing, and I may request of the Board to, after we're done with all the testimony, it would be beneficial if we had the Minutes of the Planning Board hearing, you know, why is it that they could not decide that this didn't fit into the category and it's the jurisdiction of this Board to make that call. But I'm curious as to what the testimony was there, what the board members said there, what kind of questions they asked and why they arrived at the decision that they didn't believe it was a customary home occupation. So with that, I'll hand it back to you, Mr. Sahanas, for a detailed explanation as to what you want to do, why you want to do it, where you want to do it, etc.

Mr. Sahanas: Thank you, Mr. Mondello. I'll just start out briefly. I'm going to just answer that right off the bat about the last meeting. It wasn't so much that they weren't permitting it. They were not sure that it would fit in, from what I was gathering on the meeting. I don't think they were versed in what it was. I explained a little bit to them and I don't think that they wanted to make a decision on it. That was basically what I came to the thought process of everything that was going on there. With that said, I've been a resident here since 1991. I've been living in the same house here. I grew up in Ringwood and moved over to here. I recently retired in February of 2020. I did 25 years as a police officer in this town. When I retired, I wanted to keep this business going here. A little bit of a backstory on the business, and excuse me if I'm not looking at anybody because this is my wife's iPad, and I'm trying to figure out where the camera actually is. I seem to be looking to the right all the time. (Member Ludwig: You're doing fine.) In 2012, I had about eight years to go before I was going to retire, I wanted to start a business that I can do when I retired and this was something that always piqued my interest. I wound up going to school for this in Pennsylvania on weekends on my own time. I had built the garage a few years earlier; a shop 100 feet from my house. I went down and spoke to Mr. Brusco, who was then the Building Inspector at the time, and I kind of ran a scenario by him, and his thought process of it was that it

fit under a customary home business, because it is a form of art. We looked at the ordinance and a customary home occupation lists art as one of the criteria that can fit. He had told me that it would be fine. He said you can't have any outward appearance of a building of a business, no outdoor signs and you can't have a big sign out front like they would have on Ringwood Avenue. I agreed that that wasn't going to be the case. Basically, what I was told at that point was that the business had to be kept to itself and couldn't bring any attention. That was pretty much where it was. So I didn't realize that I had to do any of this at that time and I just went along. I've had the business there since 2012. It's been going in my neighborhood there and it's nothing I don't hide, everybody's known it's been there. In the audience tonight are 5 of my direct neighbors that are here on my behalf. So anyway, at that point there, I was instructed that it would fit and then I started the business. Like I said, I've been running it and I haven't had a problem. I'll explain a little bit about taxidermy, but looking at the ordinance here, basically, it's stating that there are permitted and non-permitted but it says that it is not limited to. I'm going to go real quick through it. Customarily carried on in a dwelling unit. Well, no, it's not. But below that says that it can be in a building or a building or structure, accessory there to, which is what it is. No employees, no exterior display of a sign and no indication of the home occupation or variation from the residential character of the principal building. I did send pictures of my garage to the town to Mrs. Fiorito and she was going to forward it to you and I hope that did happen. You can see it's not a steel building and it does fit into the neighborhood. It's a nice looking building. I believe that it doesn't even come close to what a dentist, a physician, a lawyer, engineer, architect or accountant would do to a neighborhood, quite honestly, as far as disturbance with traffic and with people. We work by appointment only. Somebody comes in and they meet me so they park and then they leave. It's not hours and hours, and it's not even 10 or 15 minutes. It's a quick interaction. That's pretty much where I'm at Mr. Mondello. I'm addressing you only because you asked the question.

Attorney Mondello: Alright, so let's take a step back. Is there anything in writing from Mr. Brusco to confirm that? Alright, the answer's no to that.

Mr. Sahanas: No, there was none. I didn't even know or I would have done it. I would have registered it and I guess done what we're doing right now back then. Like I said, I'm not hiding anything and everybody knows that I've had this business. It's not anything that's a secret. You know, anybody in the town, who knows, hey this guy does the taxidermy, that's his business.

Attorney Mondello: Why don't you spend some time because, although I don't vote, I certainly, as one of your neighbors, might be concerned about a couple of things; the chemicals that you are using, how do you dispose of organs and bodily fluid? I'm presuming you don't dump it in a stream that's in your backyard or dump it in the sewerage system. You know, some of these animals, how long have they been dead; a day, a week a month? Does disease follow if this carcass has been dead for a week, etc.? So maybe you can explain some of those things. The Board may or may not be interested but I certainly am.

Mr. Sahanas: Okay, I will give it a shot. I would say 90% to 95% of the stuff that comes to me comes in a plastic bag. It's already from a butcher and it's frozen. I have freezers in the shop. It gets put into the freezer and then basically we label it and we a, I don't know what you would say, a quality control on it, we put a tag through it, we put a label on it so we know who's it is. We're not talking about thousands or hundreds of stuff here. This is not what we're talking about. Then what happens from there is it goes to a tannery. We don't use any chemicals, we don't tan anything here; we don't do any of that stuff here. It goes to a commercial tannery. It gets driven there by me, and then it comes back. When it comes back, basically the way to describe it would be a leather jacket. Okay, that's how it comes back. It's preserved; it has hair on one side and leather on the other side, basically animal leather. Then it gets rehydrated again. Meaning that when we put it over the form, there's a styrofoam form under all these animals, when we put it over the form, it has to stretch. You can't put dry leather over it. So it gets soaked in just warm water and it'll sit for about two hours and then it gets pulled out. It's pliable then so then it stretches, just like when you were a kid and you went outside with wet gloves in the snow, your gloves got wet, and they stretch and they move around a little bit more they are not stiff. That's the same principle. We use glues. We use water based glue is what we use. We'll put that on with a brush, the hide gets put over, there's glass eyes that get put in, we use a little bit of clay at some points to build up different things. Then at the end, there's airbrushing and hand painting going and that's when it dries. So it's a process. We don't put a deer together or a coyote or a fox, we don't put it together, and then it's done in a day. It will sit on a stand and it'll dry for a week perhaps and then we'll do some painting on I, and then when it's finally ready to go, we will hit it with a dog hairdryer a dog groomer hairdryer, and that fluffs the hair back up, and then we call the customer and it gets picked up. We don't do any kind of chemical tanning in our house here; we have nothing to do with that.

Attorney Mondello: So am I to assume that when the carcass is eventually returned to you, and you use the word tanner, the organs are gone, the fluids are gone.

Mr. Sahanas: You could put it around your shoulders; it's like a fur coat.

Member Ludwig: It's almost like a leather jacket.

Attorney Mondello: So presumably, there are no odors at that point.

Mr. Sahanas: Now. I mean sometimes when they bring it in, if there's a little odor to it right off the bat, there is, but we keep it at a minimum. Once it's in the door, it's not something that's going to be outside and sitting out there in nature. I have a 10' garage door on there. I would love to have that door open every day, but we don't keep it open every day because I know that some people are opposed to animals being preserved like this. It is what it is.

Attorney Mondello: Thank you Mr. Sahanas.

Member Ludwig: The glue that is used is comparable to like Elmers, carpenters glue or something like that.

Mr. Sahanas: Quite honestly, we use a wallpaper paste. I buy it from Home Depot and it's Roman 555. It's a wallpaper paste. It's a clay based wallpaper paste. We might add a little bit of stuff called dextran to it and that's a binder and it just makes it stickier. That's all but it's water based.

Attorney Mondello: So, Mike, if you might unmute yourself, any knowledge or information as to why the Building Department you know, at this point in time, decided that it wasn't or it didn't fit into a customary home occupation. Anything at all any ideas as to how that conclusion was made.

Mr. Hafner: When the new business application was requested to go to the Planning Board, it did. Upon the advice of the Planning Board, they felt that it did not fit the definition of a customary home occupation, and they had referred it to this Board for a Use Variance.

Attorney Mondello: This is important. So, from your perspective, you indeed sent it to the Planning Board because you thought it was a customary home occupation that might have needed some site plan?

Mr. Hafner: Well, in all honesty, any new business, whether we feel it is permitted or not permitted in the zone has to go to the Planning Board. They have given us a clear direction that it is not to skip that step. So regardless of whether we feel it needs a Use Variance straight out of the box, we are directed to not send it to the Zoning Board directly, that it's supposed to go to the Planning Board for their first whack.

Attorney Mondello: Alright, so I'm not knocking on the Planning Board or anybody associated with it, but it seems as though if it's a permitted use, and there's no site plans, what's it doing at the Planning Board? But in any event, that was helpful.

Mr. Hafner: Ron, I'll just briefly explain that Wanaque has a New Business Application procedure that the Planning Board believes again, that no matter what, it has to go to them first, and they decide whether or not it fits the definition that's in the permitted list. So that's the procedure that we follow and that's the reason why, essentially, that we're here now.

Attorney Mondello: It runs a bit contrary to the Municipal Land Use Law.

Mr. Hafner: You're right; you're absolutely right, and I'm not going disagree with that.

Attorney Mondello: I'm not the guy to sort of stir up the pot.

Acting Chairman: Mr. Sahanas, if I could ask a question. So Charlie, I know that you've read that ordinance inside and out. Just share with the Board, some of the businesses there that you feel your business is equal to from an intensity use, and perhaps where it's less intense than some of the other permitted uses.

Mr. Sahanas: Okay, I've gone through this thing a million times. I have to say one thing here, this business, as much as you call it that, this is my passion. I wake up in the morning, I love doing this, okay, and this is something I enjoy. If I were to not be able to do this in my yard or in my home, whatever you want to say, my outbuilding, I would have to go out of business. It's not something that generates, it just doesn't; it's not that type of a business. If it did, I would have it on Ringwood Avenue, or it would be somewhere else in town with a big huge sign on there and 10

employees. That's not what this is about. Looking at this hear, it says the occupation that is allowed by ordinance. You know, it's vague now and this is no slight to anybody here on the Board, but this thing was written well before I started in the PD which was 1994. It does not include anything up to date on here and I'm going to read this to you what it says alright. A "home occupation" includes, but is not limited to the following:" and it has four businesses listed. Okay, an art studio, which I feel I fall under; dressmaking, that's a lost art; teaching with musical instruction limited to a single pupil at a time; and the other one lists a bunch. It lists a physician, a dentist, a lawyer, engineer, architect, accountant, all within the dwelling occupied by the same. Now I feel my business here doesn't even generate what these would do - what a physician, a dentist, a lawyer, architect or accountant would do to a residential area like where I live, and that's permitted. That's permitted right there. So if I went through everything I needed to do, I can actually have a dentist office at my house here and I would have people parking, I would have a lot of activity going in there and I know that would get my neighbors upset as it would me if my neighbor had a business of that magnitude there. So looking at that, although it's outdated or dated I should say, I believe that I'm way less impact with anything there and even looking at some of the things that physicians, dentists, not so much lawyers, what they use in that business, the kind of chemicals that they use.

Member Ludwig: Not to interrupt you, but even the artist with oil paints and thinners and, you know.

Mr. Sahanas: Yes, but I mean, I can't even touch what they do as far as, you know, disrupting a neighborhood. I'm not saying they're bad, physicians and dentists are not bad. That's not what I'm saying at all. Then if you go down a little lower, it says, the home occupations that shall not be allowed include the following: barbershops and beauty parlors; commercial stables and kennels; real estate offices; restaurants and veterinarian or animal hospitals. Now, we obviously don't save animals in our business; that's not what we're here for. We're here to bring them back to life and preserve them. Real estate offices, this is how outdate this is. Why you couldn't have a real estate office, but you could have a dentist or a lawyer or an engineer and accountant. I'm trying to figure out why and there's no rhyme or reason to me so it's more the reason why I believe my business fits in the neighborhood.

Acting Chairman: Do you have any employees?

Mr. Sahanas: I don't. I have one gentleman that is a subcontractor. He will come in, and he will take a tanned animal and he will take it back with him or once in a while he'll stop in and we will chat. But that's it. He is not an employee of mine.

Acting Chairman: All right because I think under the ordinance you are permitted one employee anyway outside of the family.

Mr. Sahanas: I am. Other than my daughters helping me out with a little bookkeeping once in a while, that's about it.

Acting Chairman: Okay. Questions from the Board.

Member Ludwig: You really don't generate any garbage even because the animals are dressed out.

Mr. Sahanas: You know, Don there is garbage, like with any business, but it's minimal. Do I have more garbage than you do? I probably do because we do get cardboard boxes, we get stuff delivered, a supply company will drop off, Amazon or UPS will drop something off.

Member Ludwig: No animal waste.

Mr. Sahanas: No. I drive around town here and I see people with 20 Amazon boxes, and they've got me beat.

Member Levine: Is there any medical waste? I mean is there any medical waste that you need special disposal for?

Mr. Sahanas: No, no. I don't know if you're aware of this, my wife is a funeral director and this is going to throw a little tizzy into this whole thing. Obviously, she's not a funeral director out of my shop, but she's a funeral director. So in the State of New Jersey, it is perfectly legal to put waste down the drain. So funeral homes can take waste and put them down drains. It is perfectly legal. Just to add that in there alright; not that we have that. We don't have that going on here. But you're asking about medical waste. No, no, no medical waste.

Acting Chairman: Any other Members of the Board have any questions?

Member Covelli: I don't have any questions. I've read the ordinance as Mr. Sahanas has read it and, quite frankly, I can't dispute his representation that what he's doing and I think he really does fall very well into an art studio. In fact his client is an animal versus someone he would paint the picture of, I guess.

Acting Chairman: Instead of a canvas, he has a model.

Attorney Mondello: It's not unusual for a taxidermist to be hired by museums and art galleries. It's very frequent. So I would agree with Mr. Covelli.

Member Covelli: I'm not here to validate what Mr. Sahanas is saying. I'm looking at the documents he presented. I'm looking at the ordinance he's referencing, I'm looking at the points of the ordinance that he's referencing, and he's being very accurate. He read you from the ordinance, he represented it accurately and I in no way shape or form could disagree with anything he said.

Acting Chairman: Sadly, this is not the first time that Mr. Sahanas has been a victim of what are probably outdated ordinances, but that's another discussion.

Mr. Sahanas: Yes, thank you.

Acting Chairman: Any other questions from the Board?

All right, Seeing and hearing no one from the Board, we're going open this up to the public. Does anyone from the public have a question and a question only at this time to Mr. Sahanas?

Seeing and hearing no one. At this time, we will open it up to comments from the public. If you have a comment on this application.

Member Ludwig: It kind of fits into being an artist or even a dressmaker, because it's basically like trying to put a dress around a mannequin.

Acting Chairman: Any members from the public would like to make a comment on this application. There are a lot of people here. Nobody wants to say anything? If you want to speak.

Matt Williams – 22 Stephens Lake Road

My name is Matt Williams and I am at 22 Stevens Lake Road so I'm literally right behind Charlie and I drive up and down Humber every day. I just want to add briefly that I've been here 7 years and I've never seen anything that I've noticed as a home business for me. The only reason why I know it is a home business because Charlie and I chat, he's friendly, and he let me know what's going on and show me some of his work. Other than that I see no issue whatsoever with what is going on. That's all.

Acting Chairman: Anyone else in the public that would like to make a comment on this application?

Joe Miceli – 7 Humber Place

Yes, I'd like to make a comment.

My name is Joe Miceli and my address was 7 Humbert Place right next to Charlie. I lived next to him for 25 years. I recently moved to Connecticut. I've known Charlie for a long time. He runs a good business. He runs a clean business. I see no problem with anything as far as waste and as far as animals laying outside. He keeps a clean business.

Acting Chairman: Anyone else in the public that would like to make a comment on this application.?

Ken Manning – 2 Linda Road (Corner of Humbert Place)

My name is Ken Manning. I live on the other side of Charlie Sahanas at 2 Linda Road at the corner of Linda and Humbert. With regards to Charles's business over there, not only is it a clean business, it fits into the landscape of the neighborhood. Charlie also goes above and beyond for the people of the neighborhood and the youth of our community. He makes sure that he gives to the local programs, the local little leagues, local youth programs, and I use an example of just right around Halloween time, kids are walking by and say “there's the taxidermist”. He goes even one step further and brings the kids in to show him the deer that are ready to go out and the models and displays that he has. We don't have any more traffic here than we had before he started the business. I live on the corner so everybody that goes to Charlie's house has to go by my house. Well, this is certainly is by no means a detriment to the neighborhood, if anything, it enhances our neighborhood.

Acting Chairman: Anyone else in the public that would like to make a comment on this application?

Dennis Bruzzone – 3 Stevens Lake Road

My name is Dennis Bruzzone and I live at 3 Stevens Lake Road right by Charlie and Kenny and Joey is right up the street. His business is fantastic. It doesn't bother anybody. It's a perfect thing to have in our neighborhood. I have no complaints about it. Is it a form of art? Of course it is. I mean, how many people would love to have a bearskin rug in front of their fireplace. I mean, it is art. It's amazing what he does and I'm really happy he is there. I'm happy. He does a great job and everybody in the neighborhood is happy to have him.

Mr. Sahanas: I got good neighbors. Wow.

Acting Chairman: Anyone else that wants to make a comment?

Marek Czerwinski – 14 Humbert Place

Hi, I'm Marek Czerwinski and I live at 14 Humbert Place. I live very close to Charlie Sahanas; across the street. I'm so happy to have neighbors like Charlie. He never bothers anybody. I only want to say it's good to have neighbor like that.

Acting Chairman: Anyone else from the public would like to make a comment on this application? All right. Seeing and hearing no one, we'll close the public portion.

Ladies and gentlemen, I need a motion.

Member Ludwig: I make a Motion to determine that this is an allowed business in a residential area. That's not a variance. I guess that would be the way to word it.

Attorney Mondello: It's an interpretation that Mr. Sahanas' taxidermy business is a customary home occupation.

Member Ludwig: Okay, that's my Motion.

Member Stefanowicz: I'll second.

MOTION GRANTING THE APPLICANT'S APPEAL IN INTERPRETING THAT THE APPLICANT'S TAXIDERMY BUSINESS IS A CUSTOMARY HOME OCCUPATION AND IS PERMITTED: made by Member Ludwig, seconded by Member Stefanowicz. Voting Yes were

Acting Chairman Grygus, Members Covelli, Stefanowicz, Ludwig, and Aumenta

Member Levine voted No.

Motion Carried

Attorney Mondello: Congratulations, Mr. Sahanas, we wish you the best of luck. You are now the second applicant that has a huge fan club. I've been doing this for 30 years and it's very infrequent that you get applicants that have followings from their neighbors.

Mr. Sahanas: In my other business for years, I didn't have a lot of people that were happy with me. Thank you, everybody.

PUBLIC DISCUSSION: Anyone on from the public have anything they'd like to discuss?

RESOLUTION: None

Board Secretary: Will you be doing a resolution on this Appeal?

Attorney Mondello: Yes.

CORRESPONDENCE: None

Board Secretary: I just want to let everybody know though I will not be here for the July meeting, which is the 7th, but I also didn't put it on the calendar.

Acting Chairman: Okay, so I guess we'll wait till June.

Board Secretary: If you are doing Zoom, I can always send out a notice, but I am not going to be around.

ENGINEER'S REPORT: Since Chris was excused, are there any new applications?

Board Secretary: The next month you are definitely going to have another one for a residential house on Laura Avenue and he wants to put an addition up but that side of Laura Avenue is in a Business Zone. So it's his application, and then you're going to have the Buske application.

Acting Chairman: When you do the agenda put that one first?

Board Secretary: I already prepared a draft agenda and it is first.

VOUCHERS: submitted by Boswell Engineering for Macedon Builders Inc. Application in the amount of \$106; Liljestrand Application in the amount of \$212; and Buske Application in the amount of \$848.

MOTION TO APPROVE: made by Member Ludwig, seconded by Member Levine. Voting yes were Acting Chairman Grygus, Members Covelli, Stefanowicz, Ludwig, Levine and Aumenta

VOUCHERS: submitted by Ronald Mondello, Esq. for attendance at the May 5, 2021 Meeting in the amount of \$400.

MOTION TO APPROVE: made by Member Ludwig, seconded by Member Aumenta. Voting yes were Acting Chairman Grygus, Members Covelli, Stefanowicz, Ludwig, Levine and Aumenta

MOTION TO APPROVE APRIL 7, 2021 MINUTES: made by Member Ludwig, seconded by Member Aumenta. Voting yes were Acting Chairman Grygus, Members Covelli, Stefanowicz, Ludwig, Levine and Aumenta

ENGINEER'S REPORT: None

DISCUSSION:

Acting Chairman: I have a quick question on that Macedon Builders. Did they submit everything regarding the perc test to Chris and get approval? I don't remember any plans being signed off on.

Mr. Hafner: I believe they did do the perc test because they found a spot during the winter that they could have done it. And if I'm not mistaken, Chris was satisfied. I can check to see that we have correspondence from him showing

Board Secretary: I think we have an email from him on it.

Mr. Hafner: Yeah.

Acting Chairman: Don't we normally get the plans to sign off? Or is that final submitted plans?

Mr. Hafner: I was under the impression Bruce that everything was signed off on I'll double check.

Acting Chairman: I didn't sign any plans.

Board Secretary: I think Engineer Nash approved them.

Acting Chairman: Okay. All right.

Mr. Hafner: I will double checking.

Acting Chairman: I just knew that that was still outstanding last time we talked. When I heard that they were doing site clearing that's why I asked.

Member Covelli: What do we want to do with meetings? Do we continue with Zoom or go live?

Acting Chairman: I know Borough Hall is opened. Jen, is the Council going back to live meetings?

Board Secretary: Yes, I think this Monday and my Planning Board meeting is in person.

Acting Chairman: I say come June, we go back in person.

Member Levine: Do we have an option?

Attorney Mondello: Of course you do.

Acting Chairman: I don't know how would it be broadcast from the courtroom?

Attorney Mondello: Yeah, so I am going to have to look at the DCA rules. I thought that they said if you're doing that you have to do a hybrid because some people will not want to come to Borough Hall because they're concerned about getting sick. So I'm going have to review that, but I think you have to come up with a hybrid. You've got to give residents the option of either showing up in person if you're there, or the option of Zoom and I don't know how you're going to do that.

Acting Chairman: Jen, can you find out what the Mayor & Council and the Planning Board are planning to do to address that?

Board Secretary: I don't think anything, but I'll check. I know the Planning Board wasn't. The Mayor announced that we were going live.

Attorney Mondello: Welcome Mr. Leonard.

Councilman Leonard: Hi, guys and ladies. So I had proposed at the last Mayor & Council meeting that I was going, and this is a good question for Ron, because I was considering just bringing an iPhone or whatever and just put it on the dais and click off the same Zoom meeting exactly for what he said. Some people may still be afraid to go to the Council Chambers. I believe there is a piece in there about the hybrid option. Jen, if you find out, let me know too. I can't see why you can't just bring your laptop or whatever and throw it on the dais and just kick off the same Zoom meeting as you're doing the meeting. I think that would probably be a very appropriate thing to do. That's just my opinion, but that's what I would propose to do for the next Mayor & Council meeting and we are going to be in the Council Chambers.

Attorney Mondello: Ed, so everyone would have to have their own device, a device that's equipped with a camera, so that those folks who stay at home can hear and see who is speaking. I'm not going to pass your phone around. I mean, it's doable.

Councilman Leonard: Right, it is doable.

Member Covelli: Mr. Mondello, I believe that under the new arrangements in the Municipal Building that can be accomplished. I think what becomes the issue is, it's almost like you need someone else, so right now Jennifer is doing her normal job of taking minutes and the like, you've been running the Zoom. In a live setting, I think your skill set is kind of needed right there in the room and you would need someone to run the Zoom. You almost need somebody that can run the Zoom. I don't know if that's one of us or someone else. I think that the answer is and I personally think maybe what I do during the day is coming into the equation, but I'm going to say you have to run a hybrid. You have to give people an opportunity to not physically enter the premise, but maintain a connection with the public and their abilities. Remember that they should have an ability to raise their hand or ask a question remotely, as opposed to being in the room. So that's why I'm saying there's a little bit to running that, or someone to be attentive to creating an environment to the best of our ability that they are able to participate as if they were in the room, even though they're not in the room.

Member Levine: We have to give that option to the Board Members as well.

Member Aumenta: I think you're going run into a technical issue where you know, right now, if we're all on Zoom, and someone is presenting, right, they're showing us the document, which they've done in the past, and pointing things out. If we're all not on the Zoom, and we can't see it, and they're remote, right, that causes a problem. If they're in the room, and they're presenting, you've got to have a facility that the people in the Zoom can see them in the room presenting. So you've got to have something facing the public and then you've got to have something facing the people on the dais. It's without having some kind of conferencing tool, I don't know how you're going to do that unless everybody's bringing their own laptop, bringing their phone whatever doing the Zoom themselves, and you've got one that's pointing at the person that's presenting in the room. That might not be one of us. We've got to have something for them too so people on the Zoom can see it.

Member Covelli: I think the documents can be shared on screen to satisfy that requirement. I don't think we necessarily have to have a cameraman; it's constantly scanning the room. I've seen

other municipalities where there's a camera that, for lack of a better term, is fixated on the dais. I've also seen where the people are sitting six feet apart on the dais, which is another issue that comes into play, how many of us are there? How are you going to maintain the room in a socially distanced manner? And to Helena's point I don't know the camera or the technological capabilities of that room. I know that it's far different from the old municipal building. I don't know how adapted that has been made. It's not very difficult to put a camera in to accomplish most but again you're back to somebody has to switch documents around on the screen for the Zoom participants.

Member Aumenta: Right.

Member Ludwig: We would still have to wear masks.

Member Covelli: I wouldn't be so quick to say that Mr. Mondello can handle all this and be our attorney and he shuffling documents and he's sharing his screen and he's doing this that and the other thing.

Attorney Mondello: I'm not doing that Frank.

Member Covelli: I understand.

Attorney Mondello: It would be up to the applicant or the applicant's attorney to bring their own equipment, make sure that they can put their documents up on the Zoom as if they were home, except they're in front of us at Borough Hall. I mean, it's doable, but everybody needs their own device.

Member Aumenta: Right

Attorney Mondello: Somebody will have to control the meeting and that I could do, but I certainly wouldn't get involved with exhibits.

Member Covelli: That's actually a good point. I've done a presentation before a Governing Body where I had my PowerPoint on a screen in the chamber, but I also had it simultaneously on Zoom so that the council people that were remote could see it, the council people in the chamber could see it. So that's a good point Ron, the applicant would be responsible for sharing and running that part of their presentation, which is, I think, to your point. They're responsible to run their presentation.

Member Aumenta: Just remember that you've got people that are not technically adept at being able to do that, that are going to come to the meeting and need to present something so we've got to be prepared for that as well. You're talking general public that doesn't necessarily have the skill set we have.

Member Levine: Sounds like the simplest and efficient method is to stay virtual.

Member Ludwig: Yeah, could we stay with this method for one more month?

Attorney Mondello: I've sort of beaten this drum to death; this decision is up to this Board. If a majority of the Board Members want to go back in person, and we are able to get over this gauntlet of technology, that's what will happen. If the majority of the Board Members want to continue this way, that's what will happen.

Member Ludwig: I just can't see talking through a mask and doing as much as we do. I would like to see it wait.

Acting Chairman: What did they have in the Council Chambers, Jen? As far as dividers, did they put anything up?

Board Secretary: Yeah, there are only nine people that can be up on the dais. There is plastic on each side of me, nothing in the front and then they have two moveable ones that would be at the lower tables where the applicant and their attorneys would sit. Then they have each row has available seating, which is basically some rows is just one and other rows two. So it's like every other row somebody in the middle, somebody at the end, somebody in the middle, somebody at the end.

Acting Chairman: I mean, he just announced now that the State is going to be almost completely opened. I mean, at some point in time, we have to get back in there. So I think that if you want to just leave it up in the air for now until Jen, maybe you can get us some answers as to how the Mayor & Council and the Planning Board plan on tackling those hurdles as far as having a hybrid.

Board Secretary: I'm sure nobody really even thought about that, except as Councilman Leonard seems to have. At the last meeting the Mayor just said that we were meeting in person, nothing else was discussed.

Attorney Mondello: That's not unusual. There are several towns that there's no hybrid. Either you show up to the meeting or you don't.

Board Secretary: But now that Borough Hall is open to the public, anybody can come in and look at the anything that they'd like to.

Member Covelli: I don't think we should troubleshoot this at the meeting here tonight. I think, to kick off from Bruce and from Ron, we should basically charge the attorney, Jennifer, maybe this is something that the two Board Attorneys and Municipal Attorney want to talk about with, you know, Administration and Jennifer, who has to try to figure out how to do this and what kind of help we're going get to do this if we're running a hybrid. I guess talk to Bruce, if it's workable for May and if not, we stay on Zoom. To do Mr. Levine's point, I think you have to offer both. That's my opinion that you have to be able to honor the people that are not comfortable, keep the public informed. I'm one that wants to return, I think my duty is to go back to the building and to resume meetings in a normal fashion but I think we have to respect those that, whether they have a health issue, whether they have a concern, whatever it is that we do. I think it needs a little bit more thought.

Acting Chairman: I think it's probably something that we should get some answers on how they plan on doing it. But you know, at the end of the day, at some point in time, all this is going to end. And that seems to be coming sooner rather than later right now keeping fingers crossed, and at that point in time, then we're going have to go back.

Board Secretary: Well, the Mayor & Council meeting is this Monday.

Acting Chairman: But you're saying you don't even know if they have any plans for hybrid?

Councilman Leonard: Yeah, like I said, I brought it up suggesting that we do and it pretty much got shot down so I'm not really too thrilled about how that was treated. It doesn't look like they

want to even lift a finger for hybrid. I wish you luck because I'm with you, Bruce. I want to get back into the building and I would love to also offer some kind of hybrid ability.

Attorney Mondello: The technology's there, you're just going have to sink about \$25,000-\$35,000 into it.

Councilman Leonard: I disagree, Ron.

Member Aumenta: I don't think it's that expensive any more.

Attorney Mondello: Every Board Member needs a monitor or a computer, you're going to have to equip the presenter or the attorney with some type of device. Suppose he doesn't have a computer, are you're going make him buy one?

Councilman Leonard: No, no.

Attorney Mondello: You can use your cell phone to get on here, I guess.

Councilman Leonard: Everything is on mic and speakers. I mean if you could maybe plug into the audio on the dais then anybody on Zoom could be able to at least hear what each Board Member says.

Acting Chairman: And then the question becomes, is it an obligation? Are we legally obligated to provide a hybrid option?

Councilman Leonard: Right, exactly.

Member Aumenta: I think I'm hearing from Ron that we're not; it's not a requirement one way or the other at this point, especially if the State is opening.

Attorney Mondello: It's in the DCA guidelines, which have been adopted, that there should be some form of a hybrid. That doesn't mean municipalities are going to follow it. I mean, I've always been of the opinion that I'm not so sure the DCA can regulate Land Use Boards and, you know, Municipalities, but that's another story.

Acting Chairman: All right. So it seems were no further than we've been for the last two months with this. I mean, does the Board want to take a vote on it? Let's put it that way.

Member Covelli: I make a Motion and I guess I'll put what I suggested into the form of a motion. I make a Motion that we authorize the Attorney and the Board Secretary to work with the municipality to develop a hybrid to go with live meetings, and to determine if that is feasible for May and, if not, as soon thereafter, as administratively practical.

Attorney Mondello: Frank, I appreciate the vote of confidence, but I'm not an IT guy. I don't know how you're going to set this up.

Member Covelli: I know but I think back to what you said and that we need to know what our legal responsibilities are. It's very easy when say we're dictated to by the Governor through an Executive Order. Well, guess what, everybody asked him to stop dictating so, to Bruce's point, he said okay, I'm lifting as of May 19th so now we're left with so what is our obligation because the concern and the fear remain, so we have to give people choices and options at least to the best of our ability.

Acting Chairman: I think that if we ask the Borough's going come back and say, we're going back and there's no hybrid option. Essentially, that's what they told you right Ed.

Councilman Leonard: Exactly, Bruce, that's why I'm discouraged and I'm not exactly thrilled with their response so far. Ron, I'm sorry, I am an IT guy, and I still think not every member on that dais is going to need an input/output device. Maybe two or three, and you can hand the phone over to somebody as they speak. With the amount of very few people that even speak at, let's say, the public portions of any of the meetings, I mean, come on it's never a large number and it's never really an issue, but I do want to keep that option available for the person .

Member Covelli: All I'm saying to you is there are 565 municipalities, 800 plus school boards, utility and housing authorities and other public bodies, somebody has to have an answer to this, or have a consensus on what's acceptable and what isn't.

Councilman Leonard: Right, exactly. I mean, again, and also like he said before, best of your ability that does not mean spending \$25,000, that means, you know, just try to do what you can do with your budget, or with whatever your abilities individually are. With the Mayor & Council example, if I bring my cell phone and Councilman Willse on the other side of the dais sets up his own cell phone to start kicking off on the Zoom meeting, we do the meeting as normal and then when it goes up to the public portion, we have the people in house speak first and then we open it up to anybody either, let's say in my example would be me or Councilman Willse will say, okay is there anybody in the public who would like to say or ask something virtually? Like I said I think it's very doable and I really don't think it requires a large amount of technology. As Bruce has said, if we try to do a normal Mayor & Council or Zoning Board Meeting in house, and then have some type of ability for that individual who is home, who is elderly and is afraid to be here.

Attorney Mondello: Let's not dance around this. This is what the Board adopted; this is the requirement: "hold the public meetings as both an in person and remote public meeting." Now that's during this declared emergency. If it's no longer an emergency, I don't think we have to do it. But to Frank's point, I think he's trying to go one step further and he's trying to put a little compassion and understanding in this process, even though the emergency may be over.

Councilman Leonard: Right, and I'm saying the same thing, Ron.

Attorney Mondello: I know and I think the only difference we have is that I think it's ridiculous to assume that somebody is going to pass a phone around as we're speaking, and Ed, you haven't been to all the meetings. I harken back to Tree Tavern that went on for almost a year and there certainly was about 30 or 40 people in the audience.

Councilman Leonard: Yeah. All right.

Member Aumenta: I think given the last few that we've had, right, I've been on the Board for less than a year now, but even the ones that I've been to, we've had a lot of lawyers and engineers, and a lot of different people presenting at these meetings. It may not be necessarily all the public, but we definitely have had a lot of them presenting for sure.

Member Levine: When it comes down to the Borough says and the Board says we're going to have it only on site, then it's up to anybody in the public or on the Board to decide whether they're going to show up or not.

Councilman Leonard: All right. Again, this is your as your Board; I'm just putting in my two cents if that's what you guys want to do.

Member Levine: What I'm saying Ed is look, personally I don't have to go along what the Borough says and what the Board votes. If I feel uncomfortable in showing up, I'm not going to show up.

Councilman Leonard: Right.

Attorney Mondello: Absolutely.

Acting Chairman: So we've discussed this for 30 minutes now. What is our action tonight? Are we going to follow what the Mayor & Council and the Planning Board is doing? It seems that the attorney has presented a pretty strong case that with the emergency dropped, there is no requirement to do it, which would lead me to believe that the Borough is not going to expend any funds to do it.

Member Levine: Who dropped the emergency?

Member Covelli: The Governor

Member Levine: He came out and said there is no longer emergency? I haven't heard that.

Attorney Mondello: I don't think so. I'm assuming that maybe in December, he will, but I haven't heard that either.

Member Ludwig: Masks are still mandated and all the social distancing. He's dropping some.

Acting Chairman: The only thing he's not dropping is the social distance requirement and the masks requirement. But as far as any limitations on occupancy and all that, he's dropping all that May 19th.

Acting Chairman: So we are all going to sit, whether it's nine or ten or whatever, in the chambers, the Board Members, what would be a foot apart?

Acting Chairman: No, she said there's dividers there.

Board Secretary: There are only nine seats with the Diviners so there's going to be some people that have to sit in the public area.

Attorney Mondello: Now that buffets are back, I can bring the coffee and donuts.

Member Ludwig: Just don't cough on them or sneeze on them.

Member Stefanowicz: I just have a quick question. Jen, are they doing temperature checks walking into the Municipal Building?

Board Secretary: When you walk into the Municipal Building, there is the temperature scanner, she speaks to you, and they have the hand sanitizer there. So it's kind of an honor system too.

Member Stefanowicz: I just feel like if we vote tonight, it's going to be 50/50 right now listening to everybody over the last 30 minutes. So maybe we should put a motion.

Acting Chairman: But is that going to change a month from now.

Member Stefanowicz: It might.

Acting Chairman: This is my point. I mean, we've had this same discussion.

Member Ludwig: I have no problem if, if the Governor should say, all right, we're done, you know, with a good part of the emergency and social distancing things, I have no problem with

going back. You know, I think we can almost do it if that is passed, we could do it next month. It seems like it's getting awful close to him saying all right.

Member Levine: So he waives his magic wand and says, okay now you're safe.

Acting Chairman: It seems like from the start the whole thing was all about waving a magic wand.

Attorney Mondello: All right why don't Jen and I will sort of see if we can poke around, find out what the Borough was planning on doing and we'll report back next month. But I think Bruce is right, I think more likely than not both the Planning Board and the Governing Body will simply just be conducting in person meetings absent the hybrid technique.

Acting Chairman: I guess get back to us in time if there's going to be a change, we can post it for the June meeting, then.

Attorney Mondello: I wouldn't that. I assume that you're still going to have a Zoom meeting on June 2nd, and then we can decide on June 2, if you want to head back in on July 7th.

Board Secretary: I'll won't be here for July 7th.

Member Covelli: We could be outside the parking lot in July 7th as long as it's not raining.

Member Stefanowicz: And probably safer than the dividers being in between us.

Acting Chairman: Phil, did you have another question?

Member Stefanowicz: No, Bruce. It was revisiting this since I heard the town hall was opening, I wanted to ask the same questions.

Acting Chairman: Alright, so we'll wait to hear from Jen or Ron. With that a Motion to adjourn.

MOTION TO ADJOURN AT 9:07PM: made by Member Ludwig, seconded by Member Stefanowicz. Motion carried by a voice vote.

Jennifer A. Fiorito
Board of Adjustment Secretary