

The attorney for the applicant came forward. Chairman Trowse asked the attorney to wait just a moment until the last member of the board is present. He will be here in a moment or two. Mayor Carelli and Councilman Pellegrini step down from the dais due to this being a Board of Adjustment hearing. Bobby Roberts is now in attendance and we have seven present voting members of the board present. All the notices were filed and Mr. DeSimone stated they had requested the hearing be carried a few times with no further written notices bringing us to this evening. Attorney John Barbarula stated that the Board has jurisdiction to hear this application. There are amendments to this application, the last time the board heard this application was before COVID. Chairman Scott Trowse stated so this is a new application correct? John Barbarula stated the professional have seen the amendments however; the board has not and therefore this is considered a new application. Mr. DeSimone stated for the record the amendment was the location of where the installation was going to go.

Vincent DeSimone the attorney for the applicant came forward. Mr. DeSimone stated he is here with BJ's for preliminary and major site plan to reduce the number of parking spaces to allow a 1,000 gallon propane tank. We are here on a use variance for the outside storage or merchandise and we are here on bulk variance relief for parking variance.

Attorney John Barbarula stated also just so the record is complete, we have given Mr. DeSimone a copy of the tax map that the board was given out so that everybody has the same document. Mr. Barbarula asked Mr. DeSimone if he had any objections to this document as a visual aid. Mr. DeSimone stated he had no objections at all and the board secretary had provided him with a copy prior to the meeting. We are marking the document Board Exhibit One with today's date.

The first witness for the applicant is Gregory Ohan, the engineer for the applicant. Mr. Ohan listed his educational and qualifications for the board and the board accepted Mr. Ohan as an expert witness. Mr. Ohan is the engineer of record for these plans by Greenberg and Farrow. Mr. Ohan has two exhibits, sheet two and three of the submitted engineering copies. Mr. Ohan stated his first exhibit is the overall site plan. Basically what it is stated Mr. Ohan is a plan showing what is currently on the plan horizontally and surrounding road networks. This is a 28.5 acre parcel identifying on the County Tax Map as block 40 Lot 5.01 and is located in the Highway Business Zone, retail is a permitted use in this district; the exterior door display of a product is not a permitted use, therefore we are requesting a use variance tonight for the 1,000 gallon above ground propane tank. Mr. Ohan stated the site is bound by Route 23, Mathews Avenue to the west, the Home Depot off to the east and Staples to the south. Mr. Ohan stated we are going to be focusing on tonight is the western portion of the lot, which contains 108,532 square feet of BJ's, also it is fully developed and has access to the signalize intersection off of Route 23 in the right in and right out driveway that separates parking lot between the Staples and BJ's parking. Circulations are around all four sides of the existing buildings, the main entrance is on the southern corner. There is a total of 532 parking stalls that starts at the southwest end of the building and works its way around the southern corner by the entrance and the eastern side where it

eventually ends right outside of the tire center. Each of the parking stalls are 9' in width and 18' in depth with 25' drive aisles where 24' is required by code. Mr. Ohan stated before he goes into his second exhibit, I just want to highlight the dark dashed line is basically where we are looking to propose the 1,000 gallon tank, before I change the exhibit I just want everyone to know where that location is on the overall site.

Mr. Ohan stated his second exhibit which has been marked as A2 is sheet three of the submitted documents and is the proposed propane site plan. On the top left, the easterly parking area, showing where we are going to eliminate the six parking stalls, and then the bottom right really gets into the nitty gritty in the details of what is recurring in that area, which I am going to go through right now. Mr. Ohan stated at the previous hearing the location was much closer to the building by about 30 'to 35' from the building to the corral. The recommendations were to move the location, I am happy with the location on this site and this is probably the least traveled driveway throughout the entire BJ's parking area, it makes sense visually from the tire center and from a layout standpoint, it just works much better than the previous submitted plan that was submitted to the board. Mr. DeSimone asked Mr. Ohan to point out the cart corral which was the previous location. Mr. Ohan pointed out where the cart corral is located. The tank location is approximately 87' from the building, fully enclosed, what we are going to do is remove six parking stalls and in place we are going to replace them with a six inch thick concrete pad 18' in width by 40' in depth. There won't be any changes in impervious coverage, it is an even swap from the existing asphalt area to the concrete pad. On that pad is going to be the 1,000 gallon tank, and that will be enclosed by a 6' high chain link fence, which is going to have two manned gates working with one on the western side and one on the eastern side. Mr. Ohan stated the access for the gates, in order to unlock them is through a keypad. There are no keys to unlock it, it is all through keypads and is only going to be known by the employees of BJ's. Customers are not allowed within that chain link fence area. The chain link fence area is for vehicular protection on a 6" diameter concrete prefilled steel bollards. These bollards stand 4' out of the ground and go into the ground 4' deep and they are 4' center, not on all four sides. The one side is an existing curb and island and the access that bring the people around to the main entrance, we are placing bollards on that side too just to be cautious and we want to make sure all four sides of this is protected. Over to the west stated Mr. Ohan of this area the existing four parking stalls are going to be signed, propane filling parking only. What is going to happen is if someone wants to bring their tank in, they will park in one of these four parking stalls, get out on the right exterior adjacent to the gate there is an intercom button. It is a two-way intercom, you push the intercom, calls into the tire center, the representative in the tire center will tell him to come into the tire center, pay for the filling and at that time the payment is certified, the technician comes out and will enter the caged area with the propane tank, fills it with propane, and again the customer will not be allowed inside the enclosure, the tank will be given to the customer and they can be on their way. Mr. Ohan stated in a little more detail on what is going on outside and inside this area, on the outside is the keypads for the gates and the intercom system and the last page of the submitted document show all the signs that is required for code for the filling station, including no smoking, no parking, price of the filling and there is specific instructions for the consumer on how to transport your propane

tank home, it has to be vertically kept and not exceed 90 lbs. of propane. Mr. Ohan stated the instructions are all laid out for the consumer. On the inside of the chain link fence there is going to be other than the propane tank twenty pound fire extinguisher, a dispenser cabinet which has on the side an emergency stop button. The dispenser cabinet is utilized by the employee who fills the tanks and is located just to the left of the 1,000 gallon tank. Inside there is also a leak detector system and has an audible and visual fire alert in case of a leak and it is mounted on the eastern side of the tank and lastly there is a small empty cage that occasionally will have empty propane tanks for customers who come in, may not have a propane tank, will want another one and can purchase one here and have it filled and bring that one home. This location for the propane filling is located over 85' to the nearest sanitary and storm manholes on the site are they are 164' from the nearest inlet located in the parking area. This Friday I received approval from the Department of Consumer Affairs for the safety layout of this plan. The importance of this is that the DCA is the covering agency that reviews and approves all propane facilities in the State of New Jersey. The plans in front of you today have been approved by the DCA in terms of layout, safety, leak detection, distances from buildings and etc.

Chairman Trowse asked if he had a letter to substantiate that statement to submit to the board. Mr. DeSimone stated they do and he will submit it before the next meeting. Mr. Boorady stated the letter was in the submittal for the board and it should be in the boards file.

Mr. Ohan stated in terms of variances we are requesting two. A use variance for the outdoor display that is not permitted in the HB district and the second if for the number of car parking. The required amount of parking is 543 parking stalls, and today the site has 532, so the site as it is today is short by 11 spaces. Mr. Ohan stated they are going to eliminate six additional parking stalls for a total of 526 on site, therefore they are requesting an additional variance for the seventeen stalls that are short of the code. Mr. Ohan stated he had the opportunity to review the November 24th, 2021 letter from Darmofalski Engineering Associates, Inc. the applicant is willing and able to agree to all the recommendations and conditions that are in that review letter including there is a 6' pedestrian sidewalk that they are going to provide from the tire center to the drive aisle and we are going to add crossing signs for safety here as recommended by the board engineer. And there was a comment regarding the emergency access gate on Mathews Avenue. It is not owned by BJ's and they don't have the right to put a lock that gate, it was told to him that there was previous discussions between the applicant and fire official that that would be something the fire official would take care of and if I was misinformed I will speak to the fire official on that. BJ's certainly does not want to have that gate open, they want to have people come in from the Route 23 entrance.

Chairman Trowse asked who the owner of the gate is. It is within the right-of-way, but no one knew who the gate belonged to. Mr. DeSimone stated he believed people were cutting the lock and there has been no issue lately, the gate is locked by the fire department. Mr. Boorady stated he didn't know who repaired the gate because it does look as it has been repaired. John Barbarula stated that the owner of the property is responsible for the gate and fence. Chairman Trowse stated from this day forward we should know who is going to be responsible to monitor,

maintain and make sure it is accessible. Mr. Barbarula stated you have to go back to the original resolutions, I believe it is the developer that has that responsibility, but I don't know if Linda has had any correspondence with them. Linda Roetman stated she talked to the owner of the property and he had the gate repaired. Chairman Trowse stated the gate should be monitored and the call should have come from BJ's and not this office. Fire Marshal Bill Revis came forward and stated it should be on a Knoxlock for fire and emergency access. Mr. Revis stated no one informed them of the gate being repaired. Chairman Trowse stated witnesses have to be sworn in and Mr. Revis came up and identified himself as William Revis, the fire official for the Borough of Riverdale and was sworn in by the Board Attorney. Mr. Revis stated he understood that this was an emergency access and should have a Knoxlock on that gate and should be ordered and paid for by the owner of the property. John Barbarula stated he believes if you go back thirty years that gate had to be approved by the fire department with the Knoxlock provided by the fire department. Linda Roetman stated she would look up the Resolution and look for the information. Chairman Trowse stated after the information is located the owner has to order and pay for the Knoxlock for the gate,. Lastly for outside approvals we have an acceptance letter from Morris County Planning Board. Mr. DeSimone asked is it your understanding that most of the BJ's stores now have propane. Mr. Ohan stated correct, I believe there is over 190 of them already have this installation. Mr. DeSimone stated he had received an email from BJ's earlier today that there are 196 BJ's stores with this propane installation out of 226 stores existing. Mr. DeSimone stated he had no further direct questions for Mr. Ohan.

Chairman Trowse asked if the board had any questions for Mr. Ohan. Tom Boorady asked if he had reviewed deliveries and how this tank will be filled by the larger trucks that come. Mr. Ohan stated the traffic expert will be testifying to that.

James Talerico stated you mentioned about all the other BJ's that have the same situation with the propane, do you happen to know with that large number you just gave us, how many of them were permitted uses at those locations. Mr. DeSimone stated no he did not. Mr. Talerico stated it would have been nice to know that. The other question I have stated Mr. Talerico is the original parking spaces that you have listed here, 532 existing, what I don't remember was there a variance for that original 532. If the code hasn't changed stated Mr. Ohan there would have been a variance for the eleven parking stalls. James Talerico stated so the seventeen that you mentioned does it include the original stalls. Mr. Ohan stated yes it is the total of seventeen stalls that we requesting a variance, we are eleven short today and then we would be seventeen total. James Talerico stated the other thing that concerns me is that the four parking spaces you say you have for the propane slab, how is that going to be signed. Mr. Ohan stated on the fourth or fifth page of the submission, the signs are shown. James Talerico stated so theoretically the shopping center loses four more parking spaces. Mr. Ohan stated overall from customers not purchasing anything that would be correct. Mr. Talerico stated what about the location for the cart corral. Mr. Ohan stated no that remains as it is, no change.

Tom Boorady stated just a clarification, part of the Home Depot application when they came in for outdoor storage, because they now have sections of the overall

plan your 500 and some odd spaces include Staples and Home Depot. Home Depot got the variance for their outdoor storage which was a couple of years ago.

Chairman Trowse stated out of curiosity, you just mentioned that there was 196 stores that these propane filling stations had been installed at, is there any documented accidents at any of these stores or filling stations. Mr. DeSimone stated he can have the applicant's representative come up here, but we had a meeting during the week and that was one of the questions we asked and no one knew about any, so I would testify to that.

Michael Reilly stated he wanted to follow up on one of Mr. Talerico's questions about out of the 196 that in use at the moment, how many how to go through the use variance. Mr. DeSimone stated we don't know that, however; speaking with the BJ's representative, if BJ's was building a new store today, the propane filling station would be part of the plan, they would not build a store without it. There are older stores that they have to back on and request either a use variance or a permit if it is permitted, but I don't know how many were built, and again this was nationwide. Mr. DeSimone stated the information may be different from State to State, I don't know if they require variances in other states. Mr. Reilly asked if Mr. DeSimone knew if any stores were denied. Mr. DeSimone stated he did not.

Chairman Trowse asked if BJ's in the future plans on putting EV stations in. Mr. DeSimone stated it hasn't been discussed with me, so I don't know the answer to that. Mr. Talerico stated so you're saying that BJ's would not put up a store unless the propane filling station was part of the plan. Mr. DeSimone stated he didn't want to speak for the corporation as a whole, but his discussions with their management responsible for this application is stating if they are putting in a store now the preferences are the filling station has to be part of the plan. Mr. Talerico stated preference, but you not saying that if they can't get it they aren't going to build. Mr. DeSimone stated he is not saying that.

One of the board members asked if the keypad was generic code. Mr. DeSimone stated he had a witness that would be testifying as to the keypad and the employee's codes. Chairman Trowse stated the codes should be changed each day for tracking the employees, and also did I hear testimony about a camera at the cage too or no. Mr. Ohan stated there is one on the tire center. Tom Boorady stated he just realized his letter included your engineer's response back in October of 2020 and they actually spoke to who would have access to the keycodes and the video surveillance; all of the questions that he just asked were answered in that letter that is attached to my letter.

Chairman Trowse opened this testimony to the public. William Revis came forward and he had two questions. William Revis stated he and the fire department would like to know about any emergency situations and the other thing is I believe at the last meeting we brought up emergency access for the fire department, do you guys have codes, and if the guy with the codes gets hurt how do we get in. Mr. Revis stated he knows there is technology out there where we can have some kind of

emergency override password, will that be provided so we can get in? Mr. DeSimone stated the applicant wants this to be as safe as it can be.

No one else from the public came forward thereupon Chairman Scott Trowse set forth the motion seconded by Vice-Chairman Warren Sheps to close the public portion of this testimony.

ALL IN FAVOR / Motion Carried

Mr. Andrew Villari, the applicant's traffic engineer came forward and was sworn in by the Board Attorney. Mr. Villari listed his educational and professional qualifications and was accepted by the board as an expert witness.

Mr. Villari stated his role in this application is reviewing all project materials that were submitted to the board with specific focus on the traffic impact site situation and the most important focus was on safety. Mr. Villari stated he has an exhibit which was marked A2/1-27-2022. The exhibit is location of the filling station and it has been strategically been located far from the main points of activity. This is over 400 feet from the main entrance of the center and is located as far to the north of the parking lot that you can go. We are proposing to subtract six additional parking stalls from the previously approved parking variance, that type of change is minuscule in my opinion, it is about 1% change. There is plenty of parking at this location. Mr. Villari stated there are four parking stalls that are directly to the east of the cage which will be signed for propane parking only, customer's convenience for filling the tanks. A crosswalk is proposed between the building and the parking area in an effort to improve that area for safety improvements. Vehicles that are crossing that area will know that this is a pedestrian crosswalk, there will also be signage as well to help draw attention to it and improve safety. Mr. Villari stated the traffic impact on this project is insignificant, the reason that is, is because the vast majority of sales and these propane tanks are to customers that are already members, and they also sell propane tanks to non-members but somewhere up to 90% are sold to BJ's members. Anybody coming to buy propane gas, are likely to be buying hamburgers and hot dogs as well. Mr. Villari stated the total volume of sales on average BJ's sells about 25 propane tanks a day, not very much, and dividing that over the operating hours, which is the same as the club hours, it's not that much. Chairman Trowse asked if you are saying 25 tanks a day or 25 fills a day. Mr. Villari stated fills a day. Vice-Chairman Sheps asked is that the average per store or chain. Mr. Villari stated that number is per store. Mr. Reilly stated so of the 196 stores that have propane, you're saying there is an average of 25 propane fills per day. Mr. Villari stated that is correct.

Mr. DeSimone asked Mr. Villari to discuss the deliveries of the propane to the store. Mr. Villari stated the fueling of the 1,000 gallon tank is service two to three times a week and that occurs over a fifteen minute period, so that means that the truck that is unloading the fuel into the 1,000 gallon tank is in the parking lot for fifteen minutes. Mr. Villari stated it is very infrequent and minor. Mr. Villari stated and exhibit marked A3/1-27-2022 on the board now illustrates a vehicle that would perform a delivery, what would happen is that the vehicle enters the facility just the same as every vehicle that goes to BJ's, traverses in a counter-clockwise manner

down the one of the drive aisles that is furthest north of the property, again counter-clockwise to the main turn and the adjacent drive aisle and it would unload directly adjacent to the cage. After about fifteen minutes of time, the vehicle would exit and proceed back toward the exit, there is no conflicts with the curbs or any parking stalls, this is an adequately sized parking lot for this type of maneuver. What is important on the exhibit is that we are showing a 30' vehicle that makes these deliveries but BJ's uses a 22' to 25' long vehicle, so what is shown on this exhibit is conservative because it shows a large envelope of what would be needed for a 30' truck, but the deliveries will be from a vehicle 22' to 25' long. Mr. Villari stated in our view there is not a lot of volume that comes in and out and there are very few deliveries. The width of the parking aisles is very well designed. Mr. Reilly stated so you won't have a designated access for the truck to come in, it will be in the drive aisle and the fill times are approximately fifteen minutes give or take a few minutes, and this will be done during normal operating hours and could more than one or at least one BJ's customers be inconvenienced by being blocked in for fifteen minutes during that fill time. Mr. Villari stated it's possible, but the way that I look at that is BJ's does not want to inconvenience any of its customers so they are not looking to inconvenience them in any way, so the site is specifically located very far from where the majority of the customers are parking, and if does become an issue, remarks for the future, we see that customers are being inconvenienced, I think what would happen is there would be some type of system where certain parking stall would be coned off only when there is a delivery coming. Mr. Villari stated with the infrequency of the deliveries, it would be pretty unlikely.

Mr. Talerico stated he appreciates your testimony, but I don't know how you can make that statement. Mr. Talerico asked how many spaces will be blocked for a 25' truck. Mr. Villari stated it would block three. Mr. Talerico stated as a traffic engineer you really can't make that statement that customer's cars would never be blocked in. Mr. Villari stated two to three parking stalls out of the grand scheme of things of over 530 spaces, for a truck that comes two to three times a week, I don't see any major problems.

Chairman Trowse stated he had a couple of questions about the site, we talked in testimony that the site is basically everything the roads and the spaces, and we talked about the property as a whole, where Staples and Home Depot is, the biggest issues I see and I see a lot because I frequent the stores up there a lot, is that road that is on there if you could point it at the bottom of the picture, that intersection right there is horrible. Chairman Trowse stated it's dangerous, it's horrible, throw a propane truck in there and somebody blowing the stop sign which really isn't a stop sign cause it's way over here, it's a tanker and it's not going to be pretty, and then you go to the other side where you have the Target comes into there, there's lights that aren't activated cause of the State, you come out of Target and it is a dangerous parking lot, and you take the propane truck into either one of those exits and I believe that those entrances have to be addressed. Chairman Trowse stated I realize this is out of your realm because it's not BJ's responsibility, but I mean it should be BJ's responsibility to bring it to the attention of whoever they lease the

property from and that stuff should be fixed, protecting consumers that go there and protecting the public as well as the employees.

Mr. DeSimone stated he knows the site from going there and the blinker light is there, and if there is supposed to be signage there, the applicant can provide that but reconfiguring drive aisles, I think that would be a site plan application. Mr. DeSimone stated when BJ's first was built, they were open to provide signage and if the board wants to propose it as a condition. Mr. Talerico stated you're addressing the lights and signage, but I don't know what responsibility they have for that but are you saying that the signage or designation for trafficking doesn't comply to the original resolution. After discussion the board asked the board secretary to look up the resolution and the original site plan for the signage and lighting that was proposed. Sal Poli stated that is something for the zoning official not this board.

Sal Poli stated the tank is protected by fencing, is protected by bollards and it has complete access at the fire department, correct. The fire department can get to both sides? Chairman Trowse stated there is a change in elevation, a change of elevation from where the driveway is to the right of the tank and the tank, there's got to be 2 to 3 foot, going through there. Are the bollards going by the access route or the tank? Mr. Villari pointed out where the bollards would be placed. There is no guard rail there stated the engineer. (Who was previously sworn in)

Mr. Reilly asked Mr. Villari if he had done a traffic survey of that entrance because as far as I am concerned that is the main entranceway into BJ's. Mr. Villari stated he has personally been at the site and sat there for a couple of hours, and I looked at the same exact intersection that you are talking about and wanted to know the same question, where are most people going. Mr. Villari stated he looked at how many people made a left and went this way to the entrance or came down that way, and the number was about 50/50 and that is based on counts personally done by myself. Mr. Reilly stated was that a one day thing. Mr. Villari stated yes.

Tom Boorady stated the proposed crosswalk doesn't go to a pedestrian sidewalk, it goes to a service door where you would go to get your tires fixed or pay for propane, that door is all the way on the other side of the tire center. So that crosswalk goes to a garage door and then you have to walk across several garage bays, so I am curious as to why that was selected for a pedestrian crosswalk, you are leaning somebody to door of an overhead door where someone would change their tire.

Mr. Villari stated in the four spots that are labeled for propane customers only, what you want to do is draw a direct beeline across to the entrance where the service center cash register is located. When you design pedestrian crossings the number one rule is to make sure the area where there could be a conflict between vehicles and pedestrians to be as short as possible. In the city where they make the crosswalks shorter by making the road a bit narrower. That is the exact same idea here stated Mr. Villari. We want to get people across this 35' drive aisle as quickly as possible, get them out of the way and to safety, and yes they could walk along the face of the building which does have garage doors attached.

Tom Boorady stated If there is mechanics backing up a car and somebody is walking across that, in my view you're sending somebody to a place that has no refuge for the pedestrian. Mr. Villari stated if there is a scenario where someone is backing out of the tire center, there is separate overhead bays, that pedestrian would have to walk along the face of the building. There are three bays in the tire center, but what I can tell you is the volume of traffic in the drive aisle that goes along the building is....excuse me there are five bays; however two of the bays are closed.

Tom Boorady stated the truck deliveries, I know there were comments from the board members about blocking people who were parked in the parking spaces but I'm actually more concerned about vehicles trying to pass the propane truck while he is filling, so the propane truck is pulled up against the fence and there would be potentially room for a vehicle to pass and that driver is going to have to get out of the car and you may have cars trying to pass that delivery truck within 15 to 20 minutes that it takes him to fill it, so how is that mitigated, I know that that is not the busiest aisle in all of BJ's but people do use it so what's to keep that truck safe during delivery.

Mr. Villari stated the truck that is doing its unloading would align directly adjacent to the fence for the unloading, and yes it would take a two-way drive aisle and make it a one-way drive aisle, and you have half the width. So in reality it functions as a one-way traffic pattern for a very temporary amount of time, and that is very common on shopping centers during any deliveries.

Chairman Trowse asked what the width of an aisle is. Mr. Villari stated the width of the aisle is 24' wide and the width of the delivery truck is less than 8'. Chairman Trowse stated he is going to need more space because he can't park directly next to the fence, he is going to have to park off the fence because of the controls, etc. he would probably need three feet additional. Chairman Trowse asked if there was a witness for propane deliveries and dangers or anything like that.

Mr. DeSimone stated he did not have a witness for propane dangers, but he has the general manager who is going to be trained on this and he can very briefly he can control the delivery times to off-peak hours. Chairman Trowse stated let me refer back to that, he is going to be trained, so he's not trained yet and we still have no witnesses on the dangers of propane itself, and the most dangerous part of this whole thing is the propane, that's what we are talking about and we don't have one witness to testify about this,

Mr. DeSimone stated he asked if there was someone we could present from the vendor and the answer that he got a couple of months ago was that they did have somebody, but it was with a different vendor. Mr. DeSimone stated he thought it was a great question and it did come up in the prep meetings.

Tom Boorady stated about his question was about if another car can pass the delivery truck and not having visibility, it is not passing a passenger vehicle, it is passing a truck and wouldn't have the visibility and the truck driver himself is potentially in an unsafe position if someone is trying to pass and he comes around to get back in his truck, depending on what side he is coming in. Mr. Boorady stated the suggestion of off-peak delivery times would be critical because there is no

separate loading area. It is a shopping center and there are trucks delivering but there are loading and unloading docks in the rear of the building.

Sal Poli stated couldn't the four spaces that are being designated for the parking of the propane filling stations be used for the unloading of the propane. Mr. Poli stated you could control the time of delivery could those spaces not be used, they could put cones out, no parking for half an hour during this time or whatever to avoid. Mr. Poli stated this way they stay out of the aisle and they are away from people, cars, etc.

John Barbarula asked if after the review by our Zoning Officer traffic items are missing, signs, repainting, on your particular BJ's site, will BJ's agree to replace it regardless of whether or not the developer replaces it. Mr. Barbarula stated he was referencing the stop signage, and if it is gone and needs to be replaced.... Mr. DeSimone stated his client is telling him that was no problem and they would replace the signage, etc.

Michael Reilly stated he likes the idea of coning off the aisle, but I have a real serious concern that that is going to happen, and I'm not saying it's lack on BJ's part, I'm just saying somebody could be parked there already and you can't find the owner of the car, there could be one of a thousand reasons why this couldn't be done and you have this truck come up and you're going to want to park in one of those four spaces and two cars are parked there and he is going to be forced to park in the aisle. By resolution supposedly he is not supposed to do that but he's going to do it anyway and now.....they should use those four spaces as a loading dock.

John Barbarula stated Mr. Chairman in many other cases such as this there are all sorts of plans that you have to submit, plans for maintenance of detention ponds, etc. , you may want to consider that BJ's develop a delivery plan of propane and specify exactly what is going to happen. Rather than us say they will do this or that, in their plan to us, and this is a suggestion only, once the plan is adopted by the board they adopt it as the store plan and make sure whoever is dealing with propane does follows that plan, and that might solve a lot of problems and also exhibit as a promise by the applicant saying this is how I will do this.

Tom Boorady stated in the letter from the applicant they agreed to provide and operations and maintenance manual, they just haven't provided it yet. Mr. Barbarula stated then I think we really should see it before we decide. Mr. Boorady stated we did go over that, but I don't think it was submitted yet. Mr. DeSimone stated not yet, but it will be. James Talerico asked is that something you would see as the engineer or we see as the board. Mr. Boorady stated he didn't know in this particular case because he was still unclear where we decided this truck is going to unload and if the four spaces to the north is enough radius for this truck to parallel park in there, you almost need eight spaces to the south so the truck could easily pull in and easily pull out without adding to do a parallel park. Mr. Barbarula stated it should be submitted to the engineer so Tom could see it, but the board should see it as well because you are the people asking the questions.

Chairman Trowse stated he feels it still goes back to somebody should be here that knows about propane and talking about propane deliveries, without somebody to

refer these questions to by pointing out people in the audience, all of us don't have that knowledge. Mr. DeSimone stated he would talk to the applicant in reference to having a person who can testify on propane, they will submit the manual as well. Mr. Reilly asked if this is approved as a use variance, this now becomes part of the site plan, if BJ's goes bankrupt tomorrow and somebody else goes in there and they would be able to dispense propane and BJ's has it laid out. Mr. Barbarula stated and that is why the attorney for the applicant responded to Tom and said there is a maintenance and operations plan, you know every time we approve something and somebody has a problem they come back to the Mayor and Council and then they come here, and we need to say we took care of all of the safety issues. Mr. Reilly stated to Mr. Villari that you made a couple of statements that bothered me a bit which is why I wanted to clarify the whole idea of the variance itself. Mr. Reilly stated you had said, and I am paraphrasing, the reduction or the additional variance you are looking for parking is minimal and means nothing, don't need parking that we already have. I kind of take that as what the law says, it's not an opinion, it's what the law says that's what you need per variance. I guess what bothers me again not to be saying that BJ's is going out of business tomorrow, but again you could, something could happen and someone else could come in, be very busy and the whole pedestrian traffic could be totally different and that could now become a high pedestrian area, so I'm looking at this as a site plan not for BJ's use alone, but what it may be ten or twenty years from now or what this might become and who is going to be responsible for it is going to be us. We as a board we are residents and we are responsible for the residents and I want you to be aware of that. Vice-Chairman Sheps stated we might be able to stipulate that if that should come to pass that BJ's should cease to exist, and they vacate the premises they have to remove the tank installation. Mr. DeSimone stated he felt a new use or a new store there would require a site plan application. Tom Boorady stated not necessarily, if COSTCO was to go in there they would be the same use and not require a site plan.

John Barbarula stated you could do a sunset, but at the same time they would have to follow the maintenance manual. Quite frankly stated Mr. Barbarula, if Sam's Club, BJ's, or COSTCO come up with something even newer, as long as you have done your job, which you always do and make sure that there is a set plan in place, it really doesn't matter who's running it, they have to run it according to that plan. Mr. Barbarula stated the Chairman's issue about someone here to talk about propane, I feel is important, you are storing this in high quantity and there should be someone here to clarify the boards questions. There are a lot of things stated Mr. Barbarula that they said they would do and these things have to be addressed. Chairman Trowse asked the attorney talked about bringing the vendor who delivers the propane, is that an independent enough expert. Mr. Barbarula stated the person who does it every day would be a good witness. Mr. DeSimone stated he would find out about someone coming from the propane company to talk to the board.

Mr. Talerico stated one of the points brought up by Sal Poli, could we possibly use some other parking spaces that were designated for the propane to get the truck...I have no idea how the truck unloads, the back, the front, the side, I have no idea,

but I like the idea which right now there are four parking spaces designated for propane customers only and I don't see that on you signage, where it says only. I like that idea, four parking spaces isn't big enough for the truck and it required six parking spaces, I rather see that than blocking an aisle. Mr. Talerico stated this is more of a safety issue. Mr. Talerico stated if everything at the site complies to the original resolution and it now we need other signage because of this propane, I would hope the plan would be agreed to add more. Chairman Trowse stated we need the expert to walk us through a propane delivery and what it entails.

Sal Poli stated just for clarity, you said those four parking spots 8' wide so it's 32' and your covering a 22' delivery truck, correct? The applicant's engineer stated the parking spots are 9' wide, and Mr. Poli stated okay just for clarity now the space is 36' wide.

There was a discussion in reference to having a propane expert come to testify for the board members.

Chairman Trowse opened this testimony to the public. William Revis came forward and he said he felt a lot of those questions could be answered if the board would ask them to submit a specific procedure for the deliveries that would work with the zoning ordinance. William Revis spoke about the safety procedures and a back-up plan.

Sal Poli asked if the tank is owned by BJ's or the vendor. Mr. DeSimone stated that was a good question. BJ's is the owner according to the representatives stated Mr. DeSimone.

No one else from the public came forward and thereupon Chairman Trowse set forth the motion seconded by Sal Poli to close the public portion of the hearing.

ALL IN FAVOR / Motion Carried

Mr. DeSimone stated hearing the board's concerns and realizing that we are going to have to come back, I would ask the board to adjourn this for this evening. I don't know how long we are going to need to find the witness, I hope it's not going to be too long, and to submit that manual.

Chairman Trowse stated our meeting is a week from today, so you don't think you would make that. Mr. DeSimone stated no. Mr. DeSimone stated he knows he would have to submit that plan at least ten days prior to the meeting. Mr. Barbarula stated we have a meeting at the end of the month, February 24th. Mr. DeSimone stated the 24th is okay. Chairman Trowse set forth the motion that this hearing will be carried without further notice until February 24, 2022, seconded by Sal Poli.

ALL IN FAVOR / Motion Carried

MEETING FOR FEBRUARY 3, 2022:

Due to lack of agenda, thereupon Chairman Scott Trowse set forth the motion seconded by Sal Poli to cancel the meeting for February 3, 2022.

ALL IN FAVOR / Motion Carried

ADJOURNMENT:

Thereupon Chairman Scott Trowse set forth the motion seconded by Sal Poli to adjourn the meeting.

ALL IN FAVOR / Motion Carried

Meeting adjourned at: 9:16 p.m.

Respectfully submitted by:

Linda Roetman, Board Secretary