



**II. APPROVAL OF MINUTES:**

None to Present.

**III. MEMORIALIZING RESOLUTIONS:**

**1. DOCKET #1492-21 – RYAN FREITAG  
9 ARMOUR ROAD, BLOCK 87, LOT 33**

Resolution of Approval of a “C” Variance for a side-yard setback of 5.1 feet where a minimum of 10 feet is required to construct an addition to the existing home.

A motion to approve was made by Mr. Calijone, seconded by Mr. Jackson. A roll call vote revealed 6 aye votes by Mr. Calijone, Mr. Cannava, Mr. DeSilva, Mr. Jackson, Mr. Rabolli and Mr. Whiteman.

**IV. OPEN TO THE PUBLIC:**

Mr. Rabolli opened the meeting to the Public for general questions or statements. No members of the Public participated on the Zoom call or wrote in comments.

**V. PUBLIC HEARING(S):**

**1. DOCKET #1490-21 – JOSEPH BARRAGATO  
278 CAMPGAW ROAD, BLOCK 143, LOT 14**

Application for “C” Variances to construct and install an in-ground pool in a front yard and add 6 feet high fencing to the existing 6 feet high fencing in the front yard.

Mr. Joseph and Mrs. Megan Barragato were sworn in by Mr. Rabolli. Mr. Barragato stated that their home is on a cul-de-sac where the rear yard is actually the front yard on Campgaw Road. The Variances being requested are for a pool in the front yard and a 6 foot fence extended from the back yard to the front yard that will not go beyond the front corner.

Questioned by Mr. Rabolli, Mr. Barragato stated that 6 trees are being removed, and that neighbors at 286 Campgaw were recently approved by the Board of Adjustment for the same Variances.

There were no questions for Mr. Barragato.

A motion to move into Work Session was made by acclamation.

*Note: Work Session immediately followed the Public Hearing for this Docket.*

**2. DOCKET #1484-20 PIKE ENTERPRISES, LLC  
149 FRANKLIN TURNPIKE, BLOCK 70.02, LOT 121**

Preliminary and Final Site Plan Application for Conditional Use and “C” Variances to demolish the existing service station and construct a new service station with a canopy, a Dunkin Donuts with drive through, signage, parking lot, drainage, lighting and landscaping improvements and Soil Movement Permit Application, continued from June 2, 2021.

Mr. DeSilva recused himself from the hearing of this Application.

**Mr. Andrew Kohut Esq., Wells, Jaworski & Liebman, 12 Route 17 North, Paramus, NJ**, representing the Applicant, presented the Traffic Report from Dynamic Traffic dated June 24, 2021 as **Exhibit A-12**. Mr. Kohut called **Mr. Joseph Staigar, 245 Main Street, Chester, NJ**. Mr. Staigar was previously sworn in, recognized as a Traffic Expert, and remains under Oath.

Referencing Exhibit A-12, Mr. Staigar addressed the comments in the Boswell Engineering Memo dated July 2, 2021 regarding Fueling Operations and the Dunkin Donuts conversion, in great detail, including the Original Traffic Report, Fueling Positions, and Trip Generation Projections. Mr. Staigar also provided detail on the Drive-thru Sensitivity Analysis; ITE Range; Syncro Analysis; photos from Dynamic Traffic; average time spent fueling; the existing Dunkin Donuts - minimal increase in trip generation; wait time; the left turn to accommodate fuel delivery from the North; Queue Analysis for maximum number of vehicles – queueing for Dunkin Donuts and entrance to the gas station and the bypass lane for the Drive-thru.

Mr. Staigar stated that the fuel pumps would be both gas and diesel with two pumps each. It is not designed to be a truck terminal and will have an occasional box truck. Comparing the Dunkin Donuts to the one in Ramsey, Mr. Staigar stated that Ramsey is different in many ways, i.e.; bigger, very close to the shopping center, a lot of activity, near Route 17.

Mr. Rabolli opened questioning from Members of the Board for Mr. Staigar.

Questions/comments from Members of the Board included: large order wait time – stay in the queue or will there be a wait place; most access will be off of Franklin Turnpike – with no left turn, any Southbound will be coming through Stephens; the potential for

traffic jams is much greater with people coming from two directions; stacking cars in front of parking spots; morning clogging at the pumps by landscapers at the same time as queuing for Dunkin Donuts.

Mr. Staigar responded: a wait place is usually for errors, the 3 minutes is an average and is reliable – the data is still 3 minutes even if large orders take 6 minutes; the ratio for North and South is split 50/50; cars will be making right turns; there are 33 feet between the end of parking spaces and fuel pumps.

At 9:28 p.m. Mr. Rabolli announced that continuation of the hearing for Pike Enterprises is carried to September 15, 2021. No further Notice is required. At that meeting, Mr. Staigar will continue receiving questions from Members of the Board, Board Professionals and the Board's Traffic Engineer, followed by the Applicant's Planner, Mr. Hughes.

Mr. Ward Donigan requested that the list of 164 Dunkin Donuts referenced be provided at the next meeting as it was not in the reports.

The Public Hearing portion of the meeting adjourned at 9:34 p.m.

Mr. Rabolli announced a 10 minute break at 9:35 p.m.

## **VI. WORK SESSION**

### **1. DOCKET #1490-21 – JOSEPH BARRAGATO 279 CAMPGAW ROAD, BLOCK 143, LOT 14**

Application for "C" Variances to construct and install an in-ground pool in a front yard and add 6 feet high fencing to the existing 6 feet high fencing in the front yard.

Mr. Rabolli summarized the Application, stating that Campgaw Road is a busy road; the need for buffering by a 6 foot fence for noise and safety shows the hardship.

A motion to approve was made by Mr. Whiteman, seconded by Mr. Jackson. A roll call vote revealed 6 aye votes by Mr. Calijone, Mr. Cannava, Mr. DeSilva, Mr. Jackson, Mr. Rabolli and Mr. Whiteman.

Mr. Rabolli explained the Resolution and the appeal process timeframe of 45 days, and informed Mr. Barragato that his Application is approved but he would be proceeding at his own peril prior to the 45 days.

A motion to move out of Work Session and return to the Public Hearing portion of the meeting was made by Mr. Whiteman, seconded by Mr. Montroy. All voted in favor.

## **2. CLOSED SESSION LITIGATION**

At the request of Mr. Rabolli, the Board moved into Closed Session to discuss litigation with the Board Attorney in reference to a specific matter.

At 10:32 p.m., the Board and Professionals returned to the Work Session portion of the meeting.

Per Mr. Rabolli, the Board will be filing an answer in response to litigation discussed in Closed Session.

A motion to adjourn was made by Mr. Whiteman, seconded by Mr. Calijone. All voted in favor. The meeting adjourned at 10:34 p.m.

These minutes were prepared by Sylvia Gerou, Zoning Board Recording Secretary. The minutes were provided to the Board of Adjustment on August 27, 2021 for approval at the Regular Meeting to be held on September 1, 2021.