BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
March 12, 2024
—MINUTES—

1. CALL MEETING TO ORDER:
Chairman Foose called the meeting to order at 7:00 pm.

2. OPEN PUBLIC MEETING ANNOUNCEMENT:
ANNOUNCEMENT; Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A.10:4-6. On January 9, 2024 proper notice was sent to the Courier News and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building. Please be aware of the Zoning Board of Adjustment policy for public hearings: No new applications will be heard after 10:15 pm and no new testimony will be taken after 10:30 pm. Hearing Assistance is available upon request. Accommodation will be made for individuals with a disability, pursuant to the Americans With Disabilities Act (ADA), provided the individual with the disability provides 48 hours advance notice to the Planning Department Secretary before the public meeting." However, if the individual should require special equipment or services, such as a CART transcriber, seven days advance notice, excluding weekends and holidays, may be necessary.

3. SALUTE TO FLAG:

4. ROLL CALL

Donald Sweeney-	Present	Jeff Foose-	Present
Bruce Bongiorno-	Absent	John Gayeski-	Absent
James Weideli-	Present	Claudio Vescio-	Present
Jeffrey Sicat-	Absent	Andrew Fresco-	Present
Pushpavati Amin-	Present	John Kulak	Present

Others present: Board Attorney Rich Oller, Esq., Board Engineer William Burr, IV, PE, Katherine Sarmad, PP, AICP and Roger Dornbierer, Zoning Officer

5. OPEN TO THE PUBLIC
Chairman Foose opened the meeting to the public.

6. APPROVAL OF MINUTES
There were no minutes presented for approval

7. RESOLUTIONS
There were no resolutions for adoption.

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8. LAND DEVELOPMENT APPLICATIONS

Application No. 23-023-ZB; Bridgewater Realty II LLC (Starbucks)
Block 222, Lot 6.01; 1288 & 1298 Rt 22 & Morgan Ln.
Amended Preliminary & Final Major Site Plan w/ Bulk Variances; Use Variance

See attached transcript prepared by Veritext Legal Solutions.

9. OTHER BOARD BUSINESS

There was no other Board business.

10. ADJOURNMENT

The Board unanimously voted to adjourn at approximately at approximately 8:55 pm.

Respectfully Submitted,

Jo-Ann M. Ricks
Deputy Land Use Administrator/Deputy Zoning Officer

BRIDGEWATER TOWNSHIP ZONING BOARD

Held on Tuesday, March 12, 2024

BRIDGEWATER, NEW JERSEY

Bridgewater Municipal Courtroom

100 Commons Way

Bridgewater, New Jersey 08807

7:00 p.m.

1 A P P E A R A N C E S :

2 Chairman Jeff Foose

3 Pushpavati Amin

4 Donald Sweeney

5 Andrew Fresco

6 Claudio Vescio

7 John Kulak

8 Jeffrey Scat

9 James Weideli

10 Zoning Officer

11 Richard Oller, Esq. Board Attorney

12 William Burr, Board Engineer

13 Katherine Sarmad, Board Planner

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1   (Meeting called to order at 7:06

2   p.m.)

3   (Roll call taken.)

4   (Other business heard.)

5   CHAIRMAN FOOSE: Our only case tonight is

6 Bridgewater Realty II LLC.

7   MR. KENT-SMITH: Good evening, members of

8 the board.

9   I just wanted to make note that we have a

10 couple of other things on the agenda that are

11 not being heard this evening. If anyone is

12 here for the application filed by 1200 Route 22

13 Land Investors, that application is not being

14 heard this evening it is being carried to

15 April 23, 2023 in this room at 7:00 p.m.

16 without further notice. And also the

17 application filed Belly Holdings at 1921 Mount

18 Pleasant Avenue is also not being heard this

19 evening. That is being carried to May 28,

20 2:023, 7:00 p.m., in this room without further

21 notice to the public.

22   CHAIRMAN FOOSE: Thank you very much.

23   MR. KENT-SMITH: Thank you, Mr. Chairman,

24 members of the board, Henry Kent-Smith at the

25 firm of Fox Rothschild appearing tonight on

1 behalf of Bridgewater Realty on the continued

2 hearing involving the Bridgewater Realty

3 property located on Route 22.

4   The last hearing that we conducted on

5 February 27 was a very positive back and forth.

6 As a result of the feedback that we have

7 received from this board and from the public,

8 one of the things that we are going to focus on

9 tonight is a revised plan. It is not fully

10 engineered. It is a revised plan that is

11 effectively for guidance and further

12 discussion. We got a lot of really good

13 feedback. We're going to propose some

14 revisions to that plan to this board, hopefully

15 getting further feedback, make sure we're as

16 close as we can get to the best design that we

17 can accomplish on this property.

18   However, before I get into that, because

19 that plan could take some while of discussion,

20 I would like to present our project architect.

21 This board had questions regarding the signage

22 on the property. The project architect will go

23 through the architectural design for the

24 proposed Starbucks as well as the sign package

25 so that this board can see the proposed signage

1   that we are intending to provide at this site.

2   Once the architect has concluded his testimony,

3   then I will recall Mr. Moschello, who will

4   review the concept plan with this board, and

5   then we can engage in further discussion as to

6   further comments, recommendations that this

7   board may have.

8   With that, Mr. Chairman I'd like to call

9   Mr. Horten.

10   (Mr. Horten sworn.)

11   MR. HORTEN: My name is Ben Horten with

12   Ben Horten Architecture and Design. My office

13   is located at 312 State Route 10, Randolph, New

14   Jersey.

15   MR. KENT-SMITH: Mr. Horten, could you

16   please provide this board with your

17   architectural background, education, licensure,

18   experience in front of boards. Have you

19   testified in front of this board before?

20   MR. HORTEN: Yes, I have.

21   I received my Bachelor of Fine Arts degree

22   at Carnegie Mellon University and I received my

23   Master of Architecture at Yale University.

24   Since, I've worked with some pretty

25   well-known international firms like Gensler and

1   Cannon Design for many years.

2   MR. SWEENEY: Can you speak louder?

3   MR. HORTEN: That's where I cut my teeth.

4   And then, I started my own firm back in

5   2000. So it's been over 24 years since I've

6   had my own practice.

7   I'm licensed in New Jersey, New York, and

8   Connecticut, and numerous other states, which I

9   won't go through. I'm in good standings. I've

10   testified before this board on a couple of

11   occasions, possibly more. I testified in other

12   municipalities. And I have experience actually

13   having presented Starbucks projects on other

14   applications as well as other types of

15   buildings.

16   MR. KENT-SMITH: And you are the architect

17   of record on the plans that are before the

18   board tonight?

19   MR. HORTEN: That's correct.

20   MR. KENT-SMITH: I am submitting Mr.

21   Horten as our professional architect.

22   CHAIRMAN FOOSE: Accepted by the board.

23   Please continue.

24   EXAMINATION OF MR. HORTEN

25   BY MR. KENT-SMITH:

1   Q   Mr. Horten, could you please present to

2 the board the architectural elevations and design

3 that you are proposing for this location?

4   A   Yes. I handed out earlier --

5   MR. OLLER: Before you do that, why don't

6 we mark this board? I think we're up to 6.

7 Please mark that A-6 and place today's date on

8 it as well.

9   MR. HORTEN: If I may, I have a handout

10 that I provided to all the members. There's

11 several sheets of renderings. I think -- can I

12 represent this is one package as A-6?

13   MR. OLLER: Why don't we do that? And I'm

14 looking at what you handed out. All the pages

15 seem to be numbered.

16   MR. HORTEN: Yes.

17   MR. OLLER: When you refer to a different

18 page, we can refer to it as A-6, and then by

19 the page number.

20   MR. HORTEN: That is correct. There is

21 pages --

22   MR. KENT-SMITH: One of the pages in the

23 packet, A-6 --

24   MR. OLLER: Mr. Horten, we'll deal with

25 the signage package when we get to that, okay.

1   MR. HORTEN: You got it. Thank you very

2   much.

3   Q   I'll refer to the renderings in a little

4   bit, but I just want to quickly walk you through the

5   project.

6   I wanted to note that as the

7   architect of record, I am not the design architect

8   other than developing the floor plans to kind of

9   match the site plan. How the system works is

10   Starbucks invests a lot internally designing their

11   own prototype design. They have set standards and

12   then they hand that standard over to the architect

13   and the civil engineer who work out a site plan that

14   uniquely fits the specific site and we try to keep

15   it as close to the size that we're going for.

16   This building is roughly 24,069

17   square foot and that prototype they have a specific

18   prototype in that 22,400 square-foot range. That's

19   what we incorporated.

20   All the buildings are very similar in

21   layout. Square footage might vary a little bit.

22   All we did was incorporate that prototype design and

23   made it fit the site. A lot of the renderings that

24   you're looking at, again, it's developed internally

25   by Starbucks. Starbucks really care about design.

1   I think if you've been inside Starbucks or seen

2   their employees, they're constantly making

3   improvements to their layout and always trying to

4   improve the design. So what you're seeing is one of

5   the latest design, and they -- when we looked at the

6   Bridgewater location, especially the highway

7   location, they felt that was a very important

8   prominent location and they wanted to incorporate

9   one of their nicer prototype designs with the nicer

10   materials. So that's what we're going to present

11   today.

12   MR. HORTEN: The drawing that I have up

13   here are architectural drawings that were

14   submitted for review. Does that need to be

15   marked also?

16   MR. KENT-SMITH: Those are the record sets

17   in the application, that's correct.

18   MR. OLLER: If it's unaltered from what we

19   have, so we should not have to mark it.

20   MR. HORTEN: These drawings were issued

21   for PD review dated 12-26-23. They included

22   floor plans, elevations, and some facade sign

23   details.

24   The first sheet I want to look at is 8201.

25   The way the building is oriented is the bottom

1   of the page is the main entry and that is the

2   facade, the main facade that faces the highway.

3   When I refer to the front entry, that's the

4   face we're going to look at when we look at it

5   from the highway. So that's going to be the

6   more visible facade.

7   The left side of the building is also

8   going to be visible because it's on a corner

9   lot. That's a pretty prominent facade. But

10   the building is a freestanding building, so you

11   will see all four sides. We did want to make

12   sure all four sides are well treated.

13   The floor plan again shows that it's a

14   small -- if you've been to Starbucks, it's a

15   small area where customers are received with a

16   few seats inside the building, and then most of

17   it is taken up by the storage area and the

18   actual work area that they call the engine.

19   There's a couple of restrooms there.

20   I think on the site plan when our engineer

21   testified last time, that's the area where he

22   talked about the covered patio where we're

23   going to have an outdoor seating area. I think

24   that's becoming more and more popular. I think

25   the two things I think the representative of

1 Starbucks talked about is that outdoor seating

2 and palapas have become more popular because of

3 the things that we experienced during the

4 pandemic. I think that we're incorporating

5 those new, not so new, but like more prominent

6 planning ideas.

7   We have also included A-20.02, which is

8 the next sheet. This is a roof plan and it

9 shows that we're going to have rooftop

10 equipment there with roof screening and your

11 township is very sensitive about. So we are

12 going to try to push it away from the front

13 edge so it's not visible, but we are going to

14 have a roof screen, which you'll see in the

15 elevation drawings and also in the

16 perspectives.

17   The next sheet is A-4.01. I'm going to go

18 through these a little bit quicker because I

19 think the rendering is going to represent the

20 building a lot better than these

21 two-dimensional drawings. On this form A-4.01

22 drawing, there's a front elevation, which is

23 the north side. That's the main entrance

24 facing the highway. You can see the double

25 doors there. There's a small canopy that

1 overhangs the entryway to keep the rain out

2 when you're stepping in.

3   The next elevation is on the bottom page,

4 which is the right side. And that's showing

5 the canopy that's going to cover the covered

6 patio area. Basically, once you come out of

7 the double doors, you can actually walk

8 underneath the canopy and get into the covered

9 patio area, or if there's a side exit door from

10 inside the cafe area to the outdoor patio area.

11 It's all kind of connected.

12   From a signage perspective, I think your

13 planner had noted that we are seeking a

14 variance for number of signs. And Starbucks, I

15 think one thing you will note is that any

16 Starbucks building that you've gone to, they

17 always have a few small signs. There's some

18 logic to that in terms of way finding. Some

19 towns consider a lot of these signs that we put

20 on the facade as directional sign, but

21 respectfully, we wanted to be as transparent as

22 possible and they say there are multiple signs

23 on the building. And your ordinance would

24 require that we obtain a variance so we'll go

25 through chose signs.

1   At the front entrance where the edge of

2   the canopy is, there's a small sign there. It

3   calls out the letters Starbucks. It's very

4   small. It's meant to fit the front of the

5   canopy. We noted all the sign sizes in here.

6   That is sign number 1-1. And that sign is 1

7   foot high, just to get a sense of scale, and

8   it's 9.67 square foot. It's not a big sign by

9   any means.

10   Underneath the canopy, there's a tiny

11   little sign that we point to that says sign

12   1-2. And it hangs below the canopy, and that

13   little sign would be a considered blade sign.

14   If you're walking along the sideway, you'll see

15   that that's pointing to the entrance door

16   there. That signs says -- it says -- it's a

17   suspended sign that says word mark on there I

18   think it says welcome. Yes, it does.

19   When you look at the east side, which is

20   the right side of the building or the side that

21   faces the restaurant, the existing restaurant

22   building, a lot of people are going to come

23   from that direction of the parking lot and see

24   the building. A lot of times you see the round

25   logo for Starbucks, which everybody recognizes,

1   and right next to that sign there's a letter

2   that says drive-thru because that's the side

3   the drive-thru is on. That's where you would

4   queue up. It helps people with way finding.

5   Also, the branding wise, that logo is something

6   that everybody recognizes. That sign itself,

7   the round sign, just for scale, is sign number

8   2-1, and that one is 48 inches diameter. So,

9   again, not a very big sign.

10   I think when you see the rendering, you'll

11   get a better sense of the scale.

12   CHAIRMAN FOOSE: You said it faces east

13   facing the restaurant. It's going to be facing

14   west.

15   MR. KENT-SMITH: Right. Your exhibits

16   actually have east and west backwards. The

17   drive-thru is facing east.

18   MR. HORTEN: You're correct, it's a typo.

19   CHAIRMAN FOOSE: I want to make sure

20   everyone knows what we're looking at.

21   MR. HORTEN: The south side, which is the

22   side that faces the hotel property, I would

23   call that the back of the building, and that's

24   more you utilitarian. There is a canopy over

25   one of the exit doors for the staff.

1   And then, when you get to the west

2   elevation -- east elevation, which is the side

3   that faces the side street, that one has a

4   drive-thru bump out with a little canopy there.

5   Again, in terms of signage on the east side,

6   you'll see again there's that round logo right

7   over the drop-off area. And top right corner,

8   there's a very small sign again that say

9   drive-thru there. Again, it's just meant as

10   people drive around the parking lot, they see

11   that sign. It helps them to kind of orient

12   themselves around the building where the

13   drive-thru is.

14   The logos, I think it's important for

15   Starbucks to have those logos on those two

16   prominent ends of the building because as

17   people drive around the parking lot, they

18   recognize that logo.

19   Now, I'm going to go to the next sheet,

20   which kind of gets into the -- actually, that's

21   all the drawings.

22   And I'm going to go through the rendering.

23   I didn't want to print out all the renderings.

24   The first two sheets you have, sheet number two

25   and three are like those elevation drawings

1   that were colorized and it's a perspective

2   view, but I think the better one to go to is

3   sheet number four which is a perspective view

4   of the front facade of the building, again the

5   side that faces the main road. And here, you

6   can see the material that they're proposing to

7   put is a very high-end metal panel system to

8   clad the entire building. That's the black

9   metal panel that you see. Then, at the

10   entranceway, the wall is flanked by a wood type

11   of material. So they're going to this kind of

12   modern look with a little bit of warmth for the

13   entrance building. The canopy itself has a

14   metal trim around the perimeter.

15   Here, you can see the Starbucks sign that

16   I was pointing to, that main Starbucks sign.

17   Again, I think you can see that it's very

18   discretely scaled. And then, underneath the

19   canopy there's a little green sign with the

20   number four next to it, again that's that

21   little blade sign that would be located

22   underneath the sign there just saying welcome.

23   The next sheet is page number five. This

24   is basically the view looking at the front from

25   the right side of the building where the canopy

1   is, and you could see the outdoor patio area

2   where you have some covered seating area as

3   well as open seating area.

4   Towards the top of the building above the

5   building you do see the logo again with that

6   lettering for drive-thru. Again, it's really

7   meant to be seen a little bit further away for

8   cars as they drive around the building, just

9   for identity and getting an understanding of

10   where the drive-thrus are located around the

11   building.

12   Q   So, your renderings show the proposed

13   signage at scale to the facade, correct?

14   A   That's correct, that's correct. And I

15   think it's scale wise the round logo is 48 inches in

16   diameter. When you look at it on the facade itself,

17   it's prominent, but it's not overly scaled. It's

18   part of the prototype design. It's their standard

19   dimensions and they're very, I think, design

20   sensitive as a company.

21   Again, this next page is page six,

22   it's showing you looking at the right side of the

23   building as well as the rear side of the building,

24   so the three-quarter view.

25   When you get to view number seven,

1   that's the driveway -- drive-thru side which is the

2   east side that would face the side road again.

3   Again, we have one logo over the drive-thru and

4   towards the front of the left corner, you can see

5   that little word that says drive-thru there. Again,

6   it's really meant to be for orientation and

7   way-finding purposes.

8   I think that sort of shows you all

9   the main views of the building. I'm going to go

10   back to --

11   MR. WEIDELI: Can I interrupt you --

12   MR. HORTEN: Sure.

13   MR. WEIDELI: -- while we're talking about

14   the signs here?

15   I'm a little confused. If you look at the

16   front of the building, it says Starbucks right

17   there --

18   MR. HORTEN: That's right.

19   MR. WEIDELI: -- and then in the back you

20   have the logo, and then you have over the drive

21   up to the left there you have another one.

22   Why wouldn't you have one above the

23   Starbucks? Because I don't consider the ones

24   above the drive-thru or the back, especially

25   the back one, much use at all.

1   MR. HORTEN: There isn't any in the back,

2 but there's one on the left side and the right

3 side of the building.

4   MR. WEIDELI: To me --

5   MR. HORTEN: If you go to page five, right

6 --

7   MR. WEIDELI: Right there.

8   MR. HORTEN: You can see the front of the

9 building as well as the right side because

10 you're kind of looking at that three-quarter

11 view. The one of the right side, it helps

12 people way find where the drive-thru is as they

13 approach the building and the parking lot from

14 the right side. Even when you're driving down

15 the highway, you'll recognize that sign because

16 it's on that side of the building. It helps a

17 little bit more with the recognition.

18   Now, could you add that logo in the front

19 too, sure you can. But Starbucks purposely put

20 it on the sides because they felt that that's

21 the side it's going to be most visible and most

22 prominent in terms of recognizing the building

23 as you drive around the building because the

24 building is meant to be experiences three

25 dimensionally all the way around, not just

1   always from the front. They felt it's

2   important to have that logo on the right side

3   and the left side of the building --

4   MR. WEIDELI: So that's the Starbucks

5   standard thing?

6   MR. HORTEN: That is correct.

7   And depending on the site, they'll work

8   with the signage. And on this site, with this

9   prototype design, they know it's a

10   free-standing building that you're going to see

11   from all sides. It's always locating on the

12   right side and the left side, it's really meant

13   to help you orient around the building to know

14   that there's a drive-thru that you're going to

15   go around. That's really the main reason that

16   they located those signs in that way. You're

17   really seeing multiple signs. But when you

18   look at the rendering, I think you'll agree

19   that it's tastefully done, appropriately

20   scaled, and the quantity doesn't make it look

21   like it's too busy right there. It's just in

22   the right place. Some towns will consider that

23   way finding, but I think it helps you orient

24   yourself around the building.

25   Again, overall sign, you can see there's

1   Starbucks side, one; there's that little blade

2   sign underneath the canopy, two; there's the

3   logo on the right sight, the circle with the

4   word drive-thru on the right side; and then you

5   have the same thing on the left-hand side. And

6   that is the extent of the facade signs that

7   we're requesting.

8   MR. KULAK: I'd like to ask you a question

9   about the rear of the building.

10   MR. HORTEN: Yes, sir.

11   MR. KULAK: You said it's quite

12   utilitarian in its appearance. If you were to

13   describe to the board and to the public, who is

14   looking at that back side aside from people

15   driving around the building? Is that visible

16   from the restaurant?

17   MR. HORTEN: Yes.

18   MR. KULAK: Is it visible from the hotel?

19   MR. HORTEN: You'll definitely see that's

20   the side that faces the hotel and there is a

21   driveway back there. There's more landscaping

22   between -- grassy area between the building and

23   the driveway that goes around the drive-thru.

24   The drive-thru would circle around. So mostly

25   people who drive around for the drive-thru will

1   see that side of the building. But you can see

2   the Starbucks, they're like, well, we're not

3   going to skimp here and they put all that nice

4   expensive material on the back side too.

5   MR. KULAK: Is that something that should

6   be visible from people behind the property

7   presumably --

8   MR. HORTEN: That's right. This is --

9   also, this building is much, much shorter than

10   previously the Goddard School. The roof

11   would've been almost two and a half stories

12   tall relative to other house structure, whereas

13   this one really is no bigger than a one-story

14   house.

15   MR. KULAK: I appreciate that. This is

16   one you focused on, so whatever we had before,

17   we don't even consider.

18   MR. HORTEN: I think from a sense of

19   scale, it is just one-story tall and the roof

20   is actually flat. We're going to have rooftop

21   equipment and there is screening around the

22   perimeter. I think it's more noticeable from

23   the back elevation because you can see the

24   screen material that wraps around the rooftop

25   unit; whereas, when you look at it from the

1   front because it's set back, you really can't

2   see it at all.

3   One of the things I do want to clarify in

4   the planner's report, they thought we have to

5   request a variance for parapet height, but I

6   think they were mistaking the height of the

7   roof to have screen. The height of the rooftop

8   screen above the roof parapet was 48 inches

9   when you look at the elevation drawing.

10   However, the parapet itself is only about

11   2-foot-8 at the highest point. The roof kind

12   of slopes, so the parapet, if you measure it

13   where the roof is higher, it's going to be a

14   little shorter; where it's deeper, it's going

15   to be a little taller, but it's right around 2

16   foot 8 inches high, not 4-foot high. The

17   height I think the planner was looking at was a

18   dimension pointing from the top of the parapet

19   to the top of the roof screen here. That was

20   4-foot when you measure it in elevation.

21   CHAIRMAN FOOSE: We have a new planner

22   maybe she can chime in and give us --

23   BOARD PLANNER: I will get back to you on

24   that.

25   CHAIRMAN FOOSE: We're not going to vote

1   tonight.

2   MR. HORTEN: Just for the purposes of that

3   discussion here, if you refer to the elevation

4   drawing, A-4.01, all the elevations shows you

5   the top of parapet height which is 18-foot,

6   half an inch above the first floor. And then,

7   top of the roof screen is 22 feet, that was

8   that 4-foot difference.

9   If you look at the parapet and look closer

10   at the drawing, there's a dashed line shown

11   behind the wall. That's the outline roof

12   surface. If you measure that height, that's

13   only approximately like 2-foot, 2-foot-8.

14   That's the parapet height. From my

15   perspective, that shouldn't be a variance. If

16   your parapet, I believe, goes higher than

17   3-foot I think what was noted in the report,

18   that would require a variance, but we're not

19   seeking a variance for the parapet.

20   The screening is actually requested often

21   by your township to help screen the rooftop

22   unit, especially if it's in a sensitive

23   neighborhood, such as this, so we did add that

24   detail.

25   MR. KENT-SMITH: If I could, just a couple

1   of follow-up questions real quick.

2   MR. HORTEN: Yes, sir.

3 FURTHER EXAMINATION OF MR. HORTEN

4 BY MR. KENT-SMITH:

5   Q   So there are no oven, fryers, or any type

6 of cooking equipment inside?

7   A   That's correct.

8   Q   So, you're just heating and boiling the

9 coffee?

10   A   That's correct.

11   Q   And then, on the mechanical rooftop

12 equipment then, is that just your HVAC and is it

13 just a standard sound --

14   A   For cooling. It's a small rooftop unit.

15 It's only a 2400-square-foot building. Again, in

16 most cases, even if you looked at it from the

17 street, you'd barely be able to see the screen

18 itself because it just pokes above the parapet a

19 couple feet.

20   But I think the fact that it is

21 closer to the back elevation having the screen

22 there, you'll see the screen and I think it's going

23 to do its job screening the rooftop on the back side

24 of the building.

25   One of the things to keep in mind for

1 residents that are behind the property, I think

2 you'll see it on the site plan and the engineering

3 site plan, our building is quite a distance away

4 from the rear property line. I think the visual

5 impact is going to be very minimal.

6   MR. KENT-SMITH: I have no further

7 questions.

8   CHAIRMAN FOOSE: Mr. Horten, I have a

9 question on number six metal canopy with

10 integrated lighting. That's like a low-voltage

11 kind of landscape --

12   MR. HORTEN: I'm sorry. Which drawing?

13   CHAIRMAN FOOSE: Number six, it's

14 called -- with integrated lighting -- beam and

15 some in --

16   MR. HORTEN: If you look at this rendering

17 here on page five --

18   CHAIRMAN FOOSE: I'm on page six, number

19 six on six.

20   MR. HORTEN: Page six, number six is the

21 metal canopy which is -- it's the linear

22 horizontal element. That's the roof that

23 overhangs the top of the patio area. What they

24 mean by integrated lighting is that underneath

25 the ceiling, the ceiling of the canopy, it's

1   going to have some down lights for evening when

2   sitting outside.

3   CHAIRMAN FOOSE: It doesn't cast light up?

4   MR. HORTEN: No. It's just for down

5   light.

6   MR. FRESCO: Isn't that the employee exit?

7   MR. HORTEN: If you look at this right

8   side elevation where there's glass, there's one

9   main door there, if you look at the floor plan,

10   that's where the lounge area is inside the

11   building on the floor plan. You'll see on that

12   floor plan there's a little door, there's a man

13   door there. If you're inside and bought your

14   coffee, instead of coming out the front and

15   then walking around the sidewalk, you can

16   actually come out that door or go back in that

17   door.

18   MR. FRESCO: Out the door labeled number

19   13 on page 6, number 6.

20   MR. KENT-SMITH: No. 13 is the back door.

21   MR. HORTEN: This is looking at the --

22   number 13 is the back of the building and

23   that's referring to the man door that's off the

24   storage work area.

25   MR. FRESCO: So the canopy does --

1   MR. HORTEN: This little canopy is just to

2   keep the rain off of our staff as they go in

3   and out --

4   'MR. FRESCO: For staff, correct.

5   MR. HORTEN: That's correct.

6   MR. VESCIO: On the lighting, last time we

7   were discussing about the security lighting

8   would be on 24/7. Could you point out which of

9   those light fixtures --

10   MR. HORTEN: I think the only lights that

11   are going to be there is underneath the

12   canopies. If you see, there's a canopy

13   underneath the -- over the rear exit door. And

14   then, we spoke about the canopy that wraps

15   around the covered porch. The canopy that

16   covers the patio area if you go back to page 5,

17   it kind of wraps around all the way to the

18   front. So it's one canopy that starts at the

19   front door and wraps all the way around and

20   creates that side-covered porch area. Those

21   areas would have lights underneath.

22   We need a couple things from a code

23   perspective. The building code requires you to

24   have a light there at every single exit door

25   that has emergency battery ballasted light so

1   that at nighttime, in the evening, if there is

2   a power outage, you always have a light at the

3   exit door that people could use to find their

4   way out. It stays illuminated for at least an

5   hour and a half. That's the emergency light.

6   Some of these lights here will be on at night

7   so it's going to provide a little bit of

8   ambiance in that area. But beyond that, we

9   weren't planning to do any other lights at the

10   moment. Sometimes I know buildings they put in

11   like floodlights at the corners. We're not

12   proposing to do anything like that.

13   MR. VESCIO: The wall sconces are light

14   fixtures as well?

15   MR. HORTEN: Number nine here if you look

16   at page five all the way to the left of the

17   front entrance door, you see a keynote that

18   says number nine, wall sconce. It's a blank

19   wall space so it gives you a decorative effect

20   and helps to light that part of the sidewalk.

21   Again, it's just more of a decorative light.

22   MR. VESCIO: Does that shine up and down?

23   MR. HORTEN: It just signs out.

24   MR. VESCIO: Shines out?

25   MR. HORTEN: Yeah because it's a vertical

1   element.

2   MR. WEIDELI: Can you go back to page six

3   where the service entrance was, what's the size

4   of canopy? It looks pretty big.

5   MR. HORTEN: I could give you an exact

6   dimension if you'd like to know.

7   It's funny we hardly use a scale at the

8   office because we're using CAD. The only time

9   I do this is when we have these board meetings.

10   The canopy itself, if you look at A-2.01,

11   there's a dashed outline of it, and it is -- it

12   sticks out from the wall 4 feet and the width

13   of it is 14 feet wide.

14   I think it gives space for -- just 4 feet

15   sticking out from the wall.

16   MR. WEIDELI: It comes out 4 feet to cover

17   the sidewalk there?

18   MR. HORTEN: Yes.

19   MR. WEIDELI: It looks like a little

20   bigger on the picture.

21   MR. HORTEN: I think so because honestly,

22   it's such a small building it seems like a big

23   element.

24   CHAIRMAN FOOSE: Any other questions from

25   the board? Board professionals?

1   MR. BURR: Thank you, Mr. Chairman.

2   Ben, just a couple questions for you.

3   The canopy that it shown on the west side

4   of the building, is that open air?

5   MR. HORTEN: Yes.

6   MR. BURR: Will there be any time that

7   what I'm thinking are those portable walls that

8   looks like an all-season room in the

9   wintertime, will that --

10   MR. HORTEN: It's not proposed. And I

11   think if the town requires some sort of

12   administrative permission to add those kind of

13   elements, we'll notify Starbucks that if they

14   ever decide to do something like that they

15   would have to get approval if that's your

16   requirement. We're not proposing to put any

17   type of temporary plastic screen or anything

18   like that.

19   MR. BURR: Let me ask you a question about

20   the rooftop equipment. Can you go back to your

21   plan that shows the roof layout, the plan view?

22   MR. HORTEN: Yes.

23   MR. BURR: I guess what I'm questioning is

24   is to the rear south side, the hotel side of

25   the building --

1   MR. HORTEN: That's correct.

2   MR. BURR: -- away from 22 --

3   MR. HORTEN: That's correct.

4   MR. BURR: How high that screening project

5   above the roof line?

6   MR. HORTEN: Exactly 4 foot above the

7   parapet.

8   MR. BURR: 4 foot above the parapet. So

9   the screen itself, would be almost 7 feet from

10   the base of the roof?

11   MR. HORTEN: Yes, that's correct.

12   MR. BURR: And what is the screening

13   material --

14   MR. HORTEN: It's going to be similar

15   slatted metal material that's going to match

16   the facade material in color.

17   MR. BURR: A black metal material --

18   MR. HORTEN: Like, a low maintenance type

19   of fiber cement type of board, type of slats,

20   but the intent is to do that dark color that

21   matches the facade. And a lot of times those

22   little details get chopped out during

23   construction.

24   MR. BURR: Mr. Vescio had raised a couple

25   good questions about the security lighting and

1   that was raised at the last meeting as well.

2   At the rear, on sheet seven of your

3   rendering, the back of the building shows what

4   looks like a floodlight over the building here.

5   MR. HORTEN: Over the top of the door?

6   MR. BURR: Over the top of the door.

7   MR. HORTEN: Just above the door, that was

8   an emergency light fixture with a battery

9   ballast. All the exit doors are required to

10   have that. Where there's a canopy at the main

11   entrance, you have a glass wall. So since we

12   can't put those type of wall-mounted lights

13   fixtures on there, we're going to mount that

14   underneath the canopy, and we'll have a battery

15   ballasted so that it would provide emergency

16   light. That would occur at the main entrance

17   to where the double door is. And then on the

18   side here, you have that side door for the

19   lounge area that goes out to the patio, that

20   would have a light that would be mounted to the

21   ceiling also.

22   MR. BURR: In this case, there is what

23   looks to be a small canopy projection, can that

24   light under that canopy --

25   MR. HORTEN: This one, I could eliminate

1   that light, and mount one underneath the

2   canopy, and do the similar type of light

3   fixture there. You know that one note, number

4   nine, those are the vertical decorative lights.

5   Again, Starbucks spaced that out on one of the

6   back side walk areas, so as they walk around,

7   there's a little bit of glowing light along

8   that sidewalk for the staff. That will be

9   there, but if -- esthetically, if you feel you

10   would like to see that disappear and put it

11   underneath the canopy, I think we could do

12   that.

13   MR. BURR: Yes -- morgan Lane approach to

14   Route 22, if that could be eliminated and --

15   MR. HORTEN: That's a good suggestion.

16   MR. BURR: Last question I have has to do

17   with signage. We heard there are, I think,

18   five facade signs being proposed where, is it

19   two, are permitted.

20   Am I correct though that the square

21   footage of the signage package is less than

22   what is the max allowed?

23   MR. HORTEN: Yes, it's considerably less.

24   MR. BURR: So you're under the square

25   footage but you're over the number of signs?

1   MR. HORTEN: That's correct.

2   MR. BURR: At the last meeting I had

3   asked -- I forget her name -- the

4   representative from Starbucks --

5   MR. HORTEN: Liz.

6   MR. BURR: -- if there was an opportunity

7   to eliminate any of the facade signs, would

8   they consider it. And she made it sound like

9   they would be open to that discussion.

10   In your opinion, are there any signs on

11   the facade that Starbucks could go without?

12   MR. HORTEN: Personally, like -- because

13   whenever I go to a Starbucks the two signs

14   around the logo that's on the left and the

15   right side, I think those are really important

16   because as you approach the building, you

17   approach the building from those two sides.

18   And so being able to get a marker saying when

19   you're in a shopping center sometimes you don't

20   know which building is which, that's going to

21   clearly tell you here's Starbucks because

22   there's no other sign. It's just high enough

23   at the top of the parapet, but it's really

24   small, but it's not really meant to be there as

25   a big billboard. It's really meant to say this

1 is us, and this is where we are, and then the

2 little word drive-thru you can kind of see that

3 as you get closer to the building, oh okay,

4 that's how the drive-thru goes. It's a way

5 finding tool. So we have to have one sign on

6 the front facade where the canopy is at the

7 main entry that says Starbucks, we're counting

8 that as one sign. That's very important. We

9 think the two logos on the side, those are very

10 important, so that's really three signs. Now,

11 whether you want to call this word drive-thru a

12 sign, then we're counting that as four. And

13 then, the other sign on the other side that

14 says drive-thru, that's five. Now, I think

15 there's another sign which is that blade sign

16 that's underneath the canopy that just hangs

17 down and says welcome. That's a very tiny

18 little sign. If you count that, that's six.

19 That's all we have in terms of signage.

20   MR. BURR: Thank you.

21   Thank you, Mr. Chairman.

22   BOARD PLANNER: I'll start with and follow

23 up on what Mr. Burr had said about the question

24 of the parapet height. I pulled up the

25 definition for building height which is where

1   in the bold table that came up. I believe it

2   allows for -- it says in the case of a parapet

3   and similar projection above the roof height,

4   so it's not just limited to the architectural

5   function of the parapet wall you have here for

6   the purposes of the roof-mounted utilities, I

7   would consider the screening a similar

8   projection as the definition includes.

9   I believe the plan show about 3 and a half

10   feet, I think you said 4 feet is the highest

11   point of that roof screening. I would consider

12   that variance still necessary.

13   MR. HORTEN: Well, if you say the top of

14   the screen is the height of the building, then

15   that's the new height of the building and that

16   wouldn't be -- again, that would be well under

17   the minimum required height; and therefore, it

18   wouldn't be considered a variance.

19   In all due respect, a rooftop screening is

20   never considered in any of the applications

21   I've been involved in.

22   BOARD PLANNER: The definition doesn't

23   just say parapet, it says parapet or similar

24   projection. I think this is a projection of

25   the building, the roofline so that's where I

1   disagree a little bit, but I'll leave it up to

2   the board if they want to consider that as part

3   of the bulk variance requirement.

4   As far as the -- you discussed the rear of

5   the building and that the design or that

6   portion has a little more utilitarian feel. I

7   would also mention I think the drive-thru

8   window has the same feel. It's pretty much a

9   distinct -- in my opinion, there's two sides of

10   the building that have the wood treatments that

11   soften the metal paneling design and then

12   there's the south and the east elevation which

13   have that more utilitarian design to it and

14   they don't have any other treatment besides the

15   metal paneling, and signage, and canopies.

16   What I think Mr. Kulak's comment related

17   to who is going -- what is that going to face,

18   who is going to see that. And I appreciate

19   that there's going to be some landscaping,

20   mostly in the form of shrubs along the back of

21   the building and outside the sidewalk, those

22   are going to be hollies and azaleas per the

23   landscaping plan. There's a few ornamental

24   trees, so magnolias will be flowering and will

25   lose their leaves the winter. I do think

1   that's the one of portion of the building that

2   does face the residents on Morgan Lane.

3   In my opinion, I think that's probably the

4   most sensitive design portion of the building.

5   While I do appreciate the visuals from 22, the

6   inviting visuals, I would like to see Starbucks

7   consider the context of the site and the most

8   sensitive neighbors, being the residents, and

9   maybe soften the architectural design at the

10   rear and the drive-thru with something other

11   than metal paneling.

12   MR. HORTEN: It's a good suggestion. I

13   could easily visualize moving some of that wood

14   panel on the flanking in the drive-thru

15   elevation. And then, along the side where it's

16   kind of blank, maybe break up that massing with

17   a little bit of that wood panel. I think

18   that's where you're going with it --

19   BOARD PLANNER: Yeah. I think that

20   would -- you mentioned before that the building

21   has been designed with this three-dimension

22   experience to it. I think that would really

23   bring that together.

24   MR. HORTEN: I'll definitely make a strong

25   suggestion that maybe redo the elevation to

1   show some of that wood paneling because I think

2   I agree with that idea of softening it up.

3   It's -- I think what you're saying by just

4   taking some of that metal panel away from the

5   east side, which is the drive-thru side, and

6   then the rear, which is the south side, just

7   break that facade up with a little bit more of

8   that wood type of material instead of the metal

9   panel.

10   BOARD PLANNER: Thank you.

11   MR. HORTEN: I think so. I agree.

12   BOARD PLANNER: That's all I have.

13   MR. FRESCO: I have one question. Are the

14   logos on the drive-thru side -- I'm just

15   struggling a little bit to understand really

16   what the purpose of that is considering it's

17   facing against the traffic and really only

18   facing the residential road, Morgan Lane.

19   Can you just testify whether these are

20   interior lit -- is that logo lit?

21   MR. HORTEN: Yes. They're all internally

22   illuminated with LEDs. They do -- at night,

23   they will glow. I think all those illuminated

24   signs with the LEDs are much more even lighting

25   these days and they do provide a nice glow

1   rather than being really too bright, you know.

2   MR. FRESCO: Will that operate on a timer

3   like the interior or is that on all the time?

4   MR. HORTEN: I would imagine most

5   retailers would like to see it on most of the

6   night, but I don't know if you have an

7   ordinance restricting that.

8   MR. FRESCO: Thank you.

9   MR. VESCIO: Mr. Chairman, I want to add

10   one more thing.

11   With the softening of the rear, we can

12   look at the drainage and maybe bring those

13   internal to help soften that as well.

14   MR. HORTEN: Sure. I think I could do

15   that.

16   CHAIRMAN FOOSE: Anything else from the

17   board?

18   I'll open it up to the public if they'd

19   like to ask questions on Mr. Horten's testimony

20   only. I'll give everyone an opportunity at the

21   end of the case to speak for or against the

22   case. Right now, we're going to ask questions

23   on things Mr. Horten has testified.

24   Come up gives us your name and address and

25   ask questions.

1   Please, sir.

2   MR. MERTEN: John Merten, 184 Adamsville

3   Road, Bridgewater.

4   MR. OLLER: Can you spell your last name?

5   MR. MERTEN: M-E-R-T-E-N.

6   The lighting that you described is the

7   only lighting will be what's on the building?

8   MR. HORTEN: There's site lighting, which

9   the civil engineer had described at the last

10   meeting.

11   MR. MERTEN: There will be lights in the

12   parking lot?

13   MR. HORTEN: Oh, yeah, absolutely.

14   MR. MERTEN: Because there's also a

15   nightly crew who cleans up. That's a long walk

16   from the building to what looks like the

17   Dumpsters, so I would imagine for safety

18   purposes you're probably going to have

19   something there for their safety. I assume

20   there's going to be a discussion about that at

21   some point during this presentation.

22   MR. KENT-SMITH: Actually, the signage in

23   the area will be coming as the next witness can

24   address that.

25   MR. MERTEN: Thank you.

1   CHAIRMAN FOOSE: Any other members of the

2   public?

3   MR. KENT-SMITH: Thank you, Mr. Chairman.

4   Thank you, Mr. Horten.

5   I'm now going to recall Robert Moschello.

6   (Mr. Robert Moschello is sworn.)

7   MR. KENT-SMITH: You had been previously

8   qualified. I'm assuming your license was

9   revoked in the last two weeks, was it?

10   MR. MOSCHELLO: No, it was not.

11   MR. KENT-SMITH: You presented the site

12   plan to the board and this board had numerous

13   questions, comments, and concerns relative to

14   site circulation, parking layout, and the

15   function of the drive-thru.

16   Were you able to take under consideration

17   those comments and concerns, and have you

18   presented or submitted to the board and about

19   to mark as an exhibit, a concept presentation,

20   a single-sheet plan that we would like the

21   board to consider relative to revisions that we

22   would propose to address some of these

23   concerns?

24   MR. MOSCHELLO: Yes. That is correct.

25   MR. OLLER: I think we're up to A-7.

1   MR. KENT-SMITH: The sign package is A-6.

2   MR. OLLER: We never talked about the

3   building signage, so I didn't mark it.

4   MR. KENT-SMITH: All right. Got it.

5   Let's do this as A-7.

6   MR. MOSCHELLO: A-7, for the record, is

7   entitled site plan rendering. It has an

8   original date of February 27, 2024 with a

9   revision date of March 8, 2024.

10   I'll mark it with today's date for the

11   record.

12   EXAMINATION OF MR. MOSCHELLO

13   BY MR. KENT-SMITH:

14   Q   If you would be so kind then,

15   Mr. Moschello, to walk the board through the changes

16   that we are proposing with this concept plan, and in

17   particular focus on the concerns the board had, and

18   how you are addressing to the best of your ability

19   the concerns in this revised layout.

20   A   Yes. For the reorientation again, north

21   is actually down on the plan here just for

22   everyone's reference. Route 22 is on the bottom of

23   the plan sheet here. Route 22 East is on the bottom

24   of the plan sheet and then Morgan Lane is on the

25   left side or the east side of the plan here.

1   So we made a couple modifications to

2   the plan that we're going talk about this evening.

3   I'll take them from basically the Route 22 into the

4   site, and I'll go around the changes we changed.

5   The entrance coming in off of 22, we actually

6   widened that entrance out from 18- to 22-foot wide

7   and actually added a left turn and right turn lanes

8   coming in off 22, so that this way in terms of

9   vehicles entering the site, they'd be able to split

10   up and if they wanted to go into the building

11   itself, they could make a left and go to the parking

12   area. And if they wanted to go to the drive-thru,

13   they would make a right to enter the drive-thru --

14   and we'll talk about some more signage in a little

15   bit that we're going to have for that. Once you

16   come into the site, we basically heard the comments

17   about the stacking and the drive-thru and we said we

18   can probably push the drive-thru lanes further back

19   into the property because we have space back there

20   to do that. We were able to take the stacking that

21   I testified at the last hearing was between 18 and

22   20 cars, and with the changes that we made, we

23   actually increased the stacking amounts on the site

24   here to about 24 cars based on this current

25   revision. We did that by just moving the rear drive

1   lanes further back to the rear of the condo lot

2   line, which is the line in blue here on the plan.

3   We increased the number of stacking cars on the site

4   itself.

5   We also -- we were also showing on

6   here a digital signage package that would be a way

7   to identify if the drive-thru lanes are full. The

8   way this would work, and this is actually similar to

9   what's actually been done at the Starbucks in

10   Madison. It's actually in use right now out there

11   and we're also looking to mimic that here. Again,

12   there could be refinements based on comments with

13   the board, but you'll see these yellow dots on the

14   plan here. There's one when you come in off of 22

15   at the right-turn lane, we have two more yellow dots

16   here that are at the drive-thru entry lanes into the

17   drive-thru lanes. What we're looking to do here is

18   we would have built into the two drive-thru lanes, a

19   loop detector, similar to what you have on traffic

20   lights that will detect a vehicle that's stopped in

21   that location. When both drive-thru lanes become

22   full, the loop detector will detect the cars at the

23   end of the lanes and then it would change the

24   signage from open to closed for the drive-thru. We

25   would also have a similar sign out here at the entry

1   that says drive-thru open or drive-thru closed.

2   There may be some additional way-finding signs that

3   if the drive-thru is closed, they'll tell patrons

4   please come in, please park, and come in and visit

5   our cafe while the drive-thru itself is closed. And

6   we can work on the specifics of how that would be

7   laid out.

8   But the intent here is that we would

9   have signage that would basically close the

10   drive-thru lanes for a period of time until the

11   stacking is reduced and you can have additional cars

12   enter into those lanes.

13   It's very simple LED signage. It

14   doesn't have to be anything too tall. It can be a

15   couple feet high off the ground, driver eye height

16   that you see. And we actually have a picture of it.

17   This is actually a picture of the one that's

18   installed in Madison that's actually out there now

19   on the right-hand side of the plan. It's very

20   simple, open/closed in terms of what it says.

21   Because we had to extend the

22   drive-thru lanes in the back of the property a

23   little bit -- or the back of the condo unit, if

24   you'll call it that, the lot coverage was slightly

25   increased from where we were at the last hearing.

1 We originally, for reference purposes, the prior

2 application was 60.8 percent lot coverage. We

3 presented at the last hearing 60.5 percent lot

4 coverage. With these changes to the drive-thru

5 lanes, we actually come in around 60.7 percent lot

6 coverage, so it's a couple hundred more square feet

7 that was added in order to accommodate the

8 drive-thru lanes.

9   We also made some modifications to

10 sidewalks on the property. There was some talk

11 about getting pedestrian connectivity to Morgan

12 Lane. We did have a sidewalk along Morgan Lane

13 already that came into the site. What we did was we

14 continued that with a crosswalk, added additional

15 sidewalk along the drive-thru lanes past the

16 Dumpsters and connected that back out to the hotel

17 sidewalk network. Then, we reconfigured the

18 sidewalk coming off the back of the Starbucks

19 building so it's straight now going to the patio

20 area in the back.

21   We also took some patio area away on

22 the side of Starbucks that wasn't needed and added

23 some shrubs there as well. We did add a couple more

24 landscaping shrubs on this plan, more for basically

25 reference right now. We added some shrubs in the

1 island here between the two drive-thru lanes. We

2 added three more deciduous trees back here and

3 there's probably some other adjustments we can make

4 to the landscaping. We didn't get into too much

5 detail right now until we get a little further along

6 with discussions with the board, but we did add some

7 more landscaping.

8   Q   So, just as a design engineer for that

9 entrance drive off of Route 22, that would be wide

10 enough as people are coming off of Route 22 that

11 they could say, oh, drive-thru is kind of crowded

12 let me turn left and get into the parking. They

13 would be able to do that maneuver. They have enough

14 space to do it?

15   A   Yeah. It's 22 foot wide. There's enough

16 space there. And as I mentioned at the last

17 meeting, this was about 60 feet long. You do have

18 room for three cars to stack here and you have room

19 for three cars to stack on the left side as well.

20 There's adequate space there for cars coming off 22

21 to make that determination to go left or right when

22 they get to that point on the site.

23   Q   In your opinion, the changes that you

24 made, do they improve the functionality and

25 efficiency of the drive-thru?

1   A   Yeah, by adding additional stacking on

2 site, you pick up four additional cars in the

3 drive-thru lanes in terms of the on-site stacking.

4   Q   And I'll call it metering signage for the

5 drive-thru, does that also help in terms of one lane

6 gets full, they could still get the second lane?

7   A   Yes. If this the first lane becomes full,

8 they can still use the second lane. We'll have to

9 work out the logistics, but it won't trigger the

10 drive-thru closed until both lanes are completely

11 full. If one lane is full, you'll still be able to

12 use the other lane.

13   MR. KENT-SMITH: Right.

14   I don't have any further questions. We

15   really are eager to hear from the board in

16   terms of your thoughts about what we're

17   proposing here in terms of does this help

18   address the concerns that the board and public

19   had. We'll hear from the public. We think we

20   have tried the best we could to present to this

21   board an alternative and better design for the

22   drive-thru.

23   CHAIRMAN FOOSE: Thank you for listening

24   to us and coming back with a preliminary

25   design.

1   I have a question on the Madison location.

2   Is that on Route 24 presuming? What are they

3   trying to prevent, backup onto 80?

4   MR. MOSCHELLO: No. They actually -- if I

5   recall correctly because this was just built

6   not too long ago, so I don't have all the

7   specifics of it, but it actually goes out into

8   the parking lot. So it once it loops around --

9   it's actually like an S circuitous type of

10 drive-thru and then it goes into the parking

11 lot itself before it goes out to 24.

12   CHAIRMAN FOOSE: In that location, that

13 will shut off and turn --

14   MR. MOSCHELLO: That, I don't know for

15 sure, but we're proposing something to that

16 similar situation here.

17   CHAIRMAN FOOSE: And this is real

18 technology? This exists? This is --

19   MR. KENT-SMITH: You can go out to Madison

20 and see.

21   CHAIRMAN FOOSE: What's the analog site

22 that --

23   MR. MOSCHELLO: Well, I guess from a

24 loop-detector standpoint, it's typical traffic

25 technology they use for gates that open and

1   close.   It's all that typical technology.

2   MR. KENT-SMITH: We don't need a

3   supercomputer to run this thing?

4   MR. MOSCHELLO: As far as we know, they

5   work for gate arms and gates that open and

6   close all the time in commercial and

7   residential settings. We have no reason to

8   believe it wouldn't function here.

9   CHAIRMAN FOOSE: Again, I want to put this

10   on the record more from a legal perspective

11   because once a D1 is granted, you're at the

12   grip of this board. And I want to make sure

13   that members of the public are safe. I

14   appreciate you worked very hard on this and I

15   know we're going to come back at another date.

16   I just really want to put it on the record and

17   let members of the public know that you've gone

18   to great lengths here to make sure this traffic

19   does not spill into the Somerville County roads

20   straight up the road and cause a traffic

21   hazard.

22   The Somerville zoning board has no

23   jurisdiction anymore because they approved

24   this. I don't know whose problem it is now. I

25   want to make sure that when we're done with

1 this hearing, that we know that we have the

2 safest possible solution and that the public

3 can enjoy this Starbucks location if it's

4 approved.

5   MR. SWEENEY: Mr. Moschello, the

6 technology and the drive-up lanes open or close

7 signs, do they require any human intervention

8 at all?

9   MR. MOSCHELLO: No. They way we're

10 proposing it right now is it would be operating

11 automatically with the loop detectors. And I

12 will say this, and this is something we talked

13 about internally, but there may be the ability

14 for the folks inside the Starbucks can actually

15 close the lanes as well if they needed to do

16 that as a secondary measure if they notice

17 something --

18   MR. SWEENEY: That's something that would

19 require that intervention.

20   MR. MOSCHELLO: Right. But the way it's

21 made to work on a typical basis is the loop

22 detector will detect the cars once it's sitting

23 there for 10, 20 seconds, and then both the

24 signs will change from opened to closed.

25   MR. SWEENEY: Thank you.

1   CHAIRMAN FOOSE: Mr. Moschello, I need you

2 to put on the record because I'm curious, what

3 is the idling laws in New Jersey and how does

4 that work? I know you can't tell someone not

5 to idle their car.

6   MR. MOSCHELLO: I'd have to go back and

7 check the idling laws. I don't know them

8 exactly off the top of my head.

9   MR. KENT-SMITH: We can certainly,

10 Mr. Chairman, have an answer to that at the

11 next meeting.

12   CHAIRMAN FOOSE: I'm more curious about

13 diesel trucks coming through. If there are

14 residents 20 cars deep in a drive-thru, you can

15 conceivably pass that threshold. I'm curious

16 about that.

17   MR. MOSCHELLO: We'll check on it.

18   CHAIRMAN FOOSE: Other members of the

19 board?

20   MR. SCAT: I -- what would a delivery

21 schedule look like with the large trucks?

22   MR. MOSCHELLO: I believe that was touched

23 on at the last meeting. Deliveries are off

24 hours and they typically would either pull up

25 to the side or use the bypass lane for

1   deliveries and into the building. They're

2   typically off hours, usually in the evenings.

3   It was evenings after the business is closed

4   and the driver has a key to the building, they

5   can get access, bring the delivery, and then go

6   to the next destination.

7   MR. WEIDELI: What about lighting?

8   MR. MOSCHELLO: That's usually just the

9   small lights that are on the building.

10   MR. WEIDELI: And that's sufficient?

11   MR. MOSCHELLO: Yeah, that's sufficient

12   for the job, yeah. They don't need to have a

13   large, illuminated parking lot when they

14   deliver.

15   MR. KENT-SMITH: On that lighting

16   question, a follow up then, in terms of the

17   standard lights during business operation, what

18   is the lighting like at the rear and does this

19   proposal -- do you anticipate any impact that

20   these revisions would have on site lighting?

21   MR. MOSCHELLO: No. We just have to make

22   on adjustment for the light locations. There

23   were two lights in the back of the drive-thru

24   lanes that were shown where my fingers are here

25   on the plan, they were closer to the building.

1   Now, we set the lanes back. We have to move

2   those lights back as well.

3   I do believe that if they're not already,

4   I will stipulate to them having shields on this

5   side. We only need to illuminate the light on

6   this light for the drive-thru area. We'll make

7   sure we have shields on the back side of them.

8   There's still lighting in the existing parking

9   lot back here that we were going to re-lamp as

10   part of the hotel application, and that was

11   what we were proposing for lights back here in

12   the drive-thru area. And then, there's other

13   lighting throughout the parking lot.

14   MR. WEIDELI: Are they bringing the

15   deliveries over the other side to the service

16   door then?

17   MR. MOSCHELLO: They would typically if

18   they came here, they would come down this

19   walkway and into the back door here, correct.

20   MR. VESCIO: One question. You mentioned

21   there's a lot of way finding with getting to

22   the drive-thru, getting to the parking area.

23   What about when someone is exiting the

24   Starbucks back onto the --

25   MR. MOSCHELLO: That was mentioned at the

1   last meeting and we're still going to take a

2   closer look at that, but we were discussing

3   internally about having some additional signage

4   on the exit lane of the drive-thru to direct

5   vehicles on back towards the entrance off of 22

6   so they had more to room to merge onto 22 if

7   they're going up 287. We're going to actually

8   talk about having that additional way-finding

9   signage interior to the site to direct folks.

10   MR. KENT-SMITH: That would be sort of

11   like a uniform traffic control type sign that

12   would say if you want to go, I think it was to

13   go east on 22 --

14   MR. MOSCHELLO: Yes.

15   MR. KENT-SMITH: -- the better route would

16   be go to the Houlihan's, to the main drive,

17   that way you have that additional area for

18   leaving. We all have something that would look

19   along the lines of a uniform sign that will be

20   located and shown on our sign package just to

21   emphasize that movement.

22   MR. FRESCO: Couple questions.

23   I keep going back and forth. I'm trying

24   to really get a good understanding of what

25   changes you made.

1   You basically made the backyard bigger --

2   MR. MOSCHELLO: We pushed -- this is

3   Exhibit A-2. If you look at the location of

4   the drive-thru here versus the location here,

5   you can see we moved it further back closer to

6   that rear lot line to pick up the additional

7   distance that we need.

8   MR. FRESCO: I like it.

9   So I also see with the landscaping, I also

10   see three trees on this diagram, the new

11   diagram, whereas when we look at the old one

12   there were no trees the backyard; is that

13   correct?

14   MR. MOSCHELLO: Yeah. We're showing three

15   more trees here. I might even be able to get

16   one or two more in there. We're just

17   graphically showing, hey, we have more room

18   here to plant now. We can do that, yes.

19   MR. FRESCO: I think that's important

20   because obviously you spoke -- talking about

21   the back being visible from the residents in

22   the back, so I think that's a good change as

23   well.

24   The roadway from the rear line, I guess

25   the 200-yard setback line, you've extended not

1   only the drive-thru side on the east side, but

2   also on the west side. You added all that

3   extra on the back.

4   MR. MOSCHELLO: Yeah, you pick up distance

5   here, and you pick up distance here basically.

6   We don't pick up anything in the back.

7   MR. FRESCO: You didn't change anything

8   there.

9   Point out to me, you said something about

10 the patio change. Other than I can see the

11 walkway --

12   MR. MOSCHELLO: I'll hold this. Let me

13 point out on A-2 for a second.

14   This little area of patio over here to the

15 left of the service door, if you look over

16 here, we took it out just to save some

17 impervious coverage and --

18   MR. KENT-SMITH: Add landscaping --

19   MR. FRESCO: Now, you did not show

20 landscaping in the island on the old plan, but

21 you're showing it here and you certainly made

22 it sound like it's not official, but is it

23 official or --

24   MR. MOSCHELLO: I'm showing here as a

25 place to do some additional plantings if the

1 board -- if everyone is in agreement with that,

2 we can certainly keep it.

3   MR. FRESCO: Did the width of that change

4 at all?

5   MR. MOSCHELLO: That island got -- what we

6 ended up doing was that island got slightly

7 bigger because we actually reduced the width of

8 the lanes there. The lanes were 12-foot. I

9 forgot to mention this. Thank you for bringing

10 it up. The lanes were 12 feet wide and we took

11 them down to 11 just to save a little bit of

12 impervious coverage and that island did get

13 wider by doing that.

14   MR. FRESCO: Thank you.

15   MR. KENT-SMITH: And one other just

16 general suggestion. Mr. Moschello, would it be

17 possible in that rear area there was concern

18 about visibility of the building from the

19 residents, that we can add some evergreen trees

20 as well?

21   MR. MOSCHELLO: Actually, I was thinking

22 in this area here might be the bets. I think

23 this area here, the area behind the drive-thru

24 between the drive-thru lane the existing

25 parking lot to instead of having the larger

1   deciduous trees put an evergreen screen in

2   there. That'll be in the 8-foot range when

3   it's planted but it'll grow up over time and

4   provide some additional screening.

5   We do have -- it's a little hard to see on

6   here because it's pretty back -- that double

7   row of evergreens along the back property line.

8   I think adding another one here certainly

9   wouldn't be out of the question to do that. I

10   just thought about a little while ago looking

11   at trees. We can certainly look to do that as

12   well.

13   MR. KULAK: Can you address the access

14   from Route 22 into the property? Are you able

15   to widen that driveway?

16   MR. MOSCHELLO: Yes.

17   MR. KULAK: And it allows people to choose

18   which direction they want to go and how will

19   they know? Is there going to be arrows painted

20   on that new widened driveway? Are there some

21   additional signs required? I'm not sure how

22   that's going to work.

23   MR. MOSCHELLO: We are going to stripe the

24   pavement with a left-turn arrow and a

25   right-turn arrow. Ideally, they'll see -- when

1   they come in here, they'll see the drive-thru

2   entrance when they come around and they come

3   into the drive-thru here, they'll know that the

4   drive-thru is on the right. Certainly, we can

5   maybe look to do some identification sign down

6   by when you first come off of 22 that says

7   drive-thru keep right and parking lot keep

8   left. We can do that with simple

9   identification signage, nothing that's too

10   large.

11   MR. KULAK: What is the length of that

12   driveway?

13   MR. MOSCHELLO: I think I said it was

14   about 60 feet, 65 feet.

15   CHAIRMAN FOOSE: Anyone else? Members of

16   the board?

17   Ms. Amin, you good?

18   Board professionals?

19   BOARD PLANNER: Can you just clarify

20   the -- I know you mentioned stacking queue

21   amount of cars had increased since the original

22   plan. Can you just clarify where that's

23   measured from, where the stack starts and the

24   order point?

25   MR. MOSCHELLO: Actually, I counted it

1   from the delivery point from here on the

2   building because you're going to have cars that

3   are going to be waiting here to pick up their

4   order.

5   BOARD PLANNER: Correct.

6   MR. MOSCHELLO: Starting here, I measured

7   it from the delivery window to the edge of the

8   drive-thru lanes here.

9   BOARD PLANNER: Do you happen to have a

10 number for like the pinpoint where the two

11 lanes start? From that order point on?

12 Generally, there could be one car at the

13 drive-thru window and then, you know, one car

14 the order -- there could be no cars between

15 them and the ordering points. Taking an order

16 can take longer than anything else.

17   MR. MOSCHELLO: Good point. At the last

18 meeting, the Starbucks representative that we

19 spoke with said that typically the way they

20 work is I believe it was 4 minutes from the

21 order point to the window so they usually

22 anticipate that. Because of that 4 minutes,

23 most vehicles are going to be stacking both in

24 the lane leading up to the delivery point -- to

25 the order point and then around, but I can get

1 you the number from the order point back to the

2 arrow. I just have to go a quick calc on it.

3   BOARD PLANNER: Thank you. Yeah, that's

4 sometimes where the problem starts at the

5 ordering point.

6   This might be nitpicking, but for the

7 signs that you're proposing, that was the loop

8 detector signs, the word drive-thru, I would

9 suggest that not be in green simply because

10 when it says drive-thru closed and -- green, so

11 I'd suggest that maybe a white --

12   MR. MOSCHELLO: -- oh, or maybe we can do

13 both in red and green or something.

14   BOARD PLANNER: I would do both. Red is

15 kind of -- I would do drive-thru white and then

16 open closed in --

17   MR. MOSCHELLO: That's.

18   BOARD PLANNER: -- green --

19   MR. MOSCHELLO: That's fine. We'll

20 definitely look at that.

21   BOARD PLANNER: Sorry. That's a little

22 nitpicking.

23   MR. MOSCHELLO: No. That's a good point.

24   BOARD PLANNER: And then my only other

25 question was traffic can enter the site on

1   Morgan Lane, correct?

2   MR. MOSCHELLO: Yes, it can.

3   BOARD PLANNER: And they connect to the

4   drive-thru from Morgan Lane? They can get to

5   the drive-thru?

6   MR. KENT-SMITH: Just show them how the

7   car would get to the drive from the --

8   MR. MOSCHELLO: Yes. If I came in Morgan

9   Lane, I'd make the right into the site, and I

10   have an option now, I can go either way. I can

11   make a right here and go around the parking lot

12   to get to the drive-thru or I can continue

13   through the parking lot down past the

14   Houlihan's -- it used to be Houlihan's. Now,

15   it's going to be a taphouse -- and then come

16   into the drive-thru this way. So I can go

17   either way.

18   BOARD PLANNER: This is where the loop

19   detector signs get a little complicated because

20   traffic enters the site in two other different

21   parts where there aren't any signs letting you

22   know the drive-thru is closed. And while it

23   can take longer so maybe the queuing would free

24   up some space by the time it took you to get

25   there, now there's cars at that right coming in

1   from 22 that are going to see cars trying to

2   enter the drive-thru because they have no sign

3   telling them it's closed, and they're going to

4   be like why can't I also enter the drive-thru.

5   I don't know if that's something that

6   presents a problem -- motion detector or more

7   loop detector signs need to be managed into

8   other parts.

9   MR. MOSCHELLO: To that point, you'll see

10   if it's full. If we need to, it's not hard to

11   possible add another sign or two around the

12   site just to let people know what's going on

13   the with drive-thru. Given that these are

14   digital, they're not very large, they're easy

15   to locate around the site.

16   BOARD PLANNER: I don't mean to over

17   complicate it, but drive-thrus are not -- the

18   signage doesn't dictate the human nature. The

19   human nature sometimes trumps everything else,

20   that's why you see Starbucks queues on Route

21   22. People don't care that there's traffic

22   going 60 miles an hour past them, they'll wait

23   in a 30-minute line for coffee. I just want to

24   make sure it's -- that if we're going present

25   solutions, let's make it effective.

1   MR. KENT-SMITH: That is a well-taken

2 point which goes to how addictive Starbucks can

3 be.

4   BOARD PLANNER: That's not to say that the

5 drivers (ph.) are lazy, but how if you have two

6 options, and regardless of how full a

7 drive-thru lane is, some people will still

8 choose to utilize it for whatever reason.

9   MR. MOSCHELLO: Another thing that we were

10 thinking about too -- and I didn't show it on

11 the plan here but I do want to point it out to

12 the board is if we have -- I think if we were

13 to actually -- to prevent cars from stopping

14 here in this area, I think if we were to stripe

15 this like you would see an intersection type

16 striping we can tell people don't block the

17 box, you've seen that sign before. If we were

18 to do that there, also I think it would just

19 help from a visual perspective. People can say

20 I shouldn't be stopping here. I think -- I've

21 actually seen that in a couple drive-thru

22 places. They actually have it up in Chester

23 where they've done at the intersection there.

24 I think it's something we can also add to it as

25 well as just some additional directional

1   signage on the property.

2   BOARD PLANNER: That's all I have.

3   CHAIRMAN FOOSE: Mr. Burr?

4   MR. BURR: Thank you, Mr. Chairman.

5   Are there any EV spaces on this plan for

6   the Starbucks itself?

7   MR. MOSCHELLO: The plan did not have it

8   at the Starbucks. We talked about actually

9   adding one charger. I think I mentioned that

10   at the last meeting because we only had a

11   charger at the hotel.

12   MR. BURR: You couldn't remember where it

13   was left off.

14   MR. MOSCHELLO: We forgot to show it, but

15   we could -- we talked about adding one on the

16   eastern side of the plan in the parking lot

17   area over here.

18   MR. BURR: One of the other comments that

19   was raised at the last meeting was in regards

20   to the fire marshal's review. Did you have an

21   opportunity from the last meeting -- I know it

22   was only two weeks ago --

23   MR. MOSCHELLO: Not yet.

24   MR. BURR: -- to get in contact with them?

25   MR. MOSCHELLO: Not yet. I have to call

1   Mr. Scalera. I want to speak to him about

2   that, yes.

3   MR. BURR: I think we heard about

4   additional landscaping that is now being

5   proposed at part of the new rendering. You

6   probably haven't done a full count of it. Can

7   you give a sense of how many more plants you

8   can get on there or is that still yet to be

9   ironed out?

10   MR. MOSCHELLO: This plan had

11   approximately 40 more shrubs. We added three

12   more deciduous trees, but I think there's still

13   room to add some more. If I go ahead and swap

14   out some of the plantings over here for

15   evergreens, we end up with some more

16   ultimately. We still have to work out that.

17   MR. BURR: We could expect an update at

18   the next meeting on that issue?

19   MR. KENT-SMITH: Well, yes. I mean so

20   that everyone is clear, so this is a one-page

21   concept that once we get all the comments,

22   we're going to do a complete, full site plan

23   revision, full package, and that would be

24   submitted by the end of the month. And that

25   will then give you and the board ample time to

1   review that full package.

2   CHAIRMAN FOOSE: There was also testimony

3   at the last meeting about the shrub count, and

4   the lights -- foot candles -- that it was an

5   average calculation. I think it's important

6   for the public to kind of know an average is

7   great, but what's the specific location in

8   terms of shrubs and lighting?

9   MR. KENT-SMITH: Right. That would be as

10   part of the revised plans submission.

11   MR. MOSCHELLO: Correct.

12   CHAIRMAN FOOSE: Sorry, Bill.

13   MR. BURR: No problem. You had mentioned

14   in this plan you are going up slightly. The

15   prior plan had 60.5 and now you're at 60.7.

16   The prior development, there was a variance for

17   60.8, correct?

18   MR. MOSCHELLO: That's correct.

19   MR. BURR: That's part of my question. Is

20   that 60.7 percent coverage for the entire

21   property?

22   MR. MOSCHELLO: The 60.7 was for the

23   entire property. It was looked at that way

24   because the Starbucks property on the prior

25   submission, I believe, was just under -- it was

1   just at 50 percent.   It was at 50.8 percent.

2   The prior one for the Starbucks was at for just

3   50.6 percent.

4   MR. BURR: So you're well under on the

5   Starbucks.   You're saying the variance

6   situation is for the entire site?

7   MR. MOSCHELLO: Correct.

8   MR. BURR: My question is I can't help but

9   notice for the entire site it looks like you're

10   over parked by dozens of spaces compared to

11   what's required.

12   MR. MOSCHELLO: Yes.   I think it was about

13   40 spaces that were over parked total for the

14   entire site.

15   MR. BURR: I didn't do the math as far as

16   what .7 percent represents on the entire site,

17   but I wonder if there's an opportunity to

18   reduce some excess coverage from the site to

19   eliminate that variance altogether.   I don't

20   know if you looked at that or can look at that.

21   MR. MOSCHELLO: We haven't done the

22   calculation yet, but we can look at it and see

23   if there's an opportunity to take away some

24   parking spaces.   Maybe that would be in the

25   form of possibly banking them or something for

1   future if it ends up being needed. But given

2   that we're over parked, we can look to see what

3   we can take off.

4   MR. BURR: Storm water management, we

5   heard testimony at the last meeting on the

6   storm water plan. I suspect under the prior

7   approval, you already submitted an operations

8   and maintenance manual that would need to be

9   updated, if it hasn't already, as a condition

10   of approval if this is approved.

11   My question is: Would you also agree to a

12   potential condition to provide an annual

13   certification, not you specifically but the

14   applicant, to provide an annual certification

15   that the storm water on site is in fact being

16   maintained so that the township engineer can

17   certify to the state --

18   MR. MOSCHELLO: That's can be provided,

19   yes. It would be have to be provided.

20   MR. BURR: Thank you.

21   Thank you, Mr. Chairman.

22   CHAIRMAN FOOSE: Thank you, Mr. Burr.

23   MR. KULAK: Mr. Chairman, I have one

24   additional question.

25   CHAIRMAN FOOSE: Please.

1   MR. KULAK: Does the fact that the hotel

2 may or may not be built, we think it's going to

3 be built, but we don't know what schedule he's

4 on any, in any way hamper the design as you

5 presented today in terms of the sidewalk

6 access, the traffic circulation access, in any

7 way does the absence of that thing being built

8 hamper doesn't your design.

9   MR. MOSCHELLO: It really doesn't because

10 the road -- this road already exists around the

11 site because you come in from Morgan Lane

12 already and it exists to get to the existing

13 restaurant building. The work that would go on

14 for the hotel really is focused in the back,

15 upper, right-hand side of the property. That

16 really doesn't impact the development of the

17 Starbucks property itself.

18   MR. KULAK: It in no way affects your

19 design so --

20   MR. MOSCHELLO: No, it doesn't.

21   MR. KULAK: -- the sidewalks have yet to

22 be built and they will be built in the future.

23 I'm not sure. That's why I'm asking.

24   MR. MOSCHELLO: I guess the only thing we

25 would have to look at would be the sidewalk. I

1 think the only difference would be that if the

2 Starbucks goes before the hotel that the

3 sidewalk that's shown here on the plan for

4 Morgan Lane would have to be built with the

5 Starbucks. But you wouldn't -- you'd probably

6 stop the sidewalk over here because you're not

7 going to construct going across the road.

8 There's no hotel there yet.

9   MR. KULAK: Right.

10   MR. MOSCHELLO: They have to come in and

11 finish all that work, but you put in all the

12 improvements that allow the Starbucks to

13 function as we present it to the board.

14   MR. KULAK: Thank you.

15   CHAIRMAN FOOSE: I'm going to open it up

16 to members of the public.

17   MEMBER OF THE PUBLIC: My name is Tina. I

18 live on Adamsville Road.

19   I actually worked at the university for

20 ten years, which is in Madison, and I actually

21 lived in Madison and Chatham and that

22 Starbucks, if I'm not mistaken, is replacing a

23 bank.

24   MR. MOSCHELLO: I believe so yes.

25   MEMBER OF THE PUBLIC: That's new, right?

1   MR. MOSCHELLO: Yes, it is new.

2   MEMBER OF THE PUBLIC: -- Starbucks in

3   Madison.

4   MR. KENT-SMITH: I think it just opened.

5   MEMBER OF THE PUBLIC: I just want the

6   board to know that that street that the

7   Starbucks is on is a very quiet street. It's a

8   main street in Madison.

9   MR. OLLER: There will be a time when you

10   can come up and give statements to the board.

11   Right now, it's just questions.

12   MEMBER OF THE PUBLIC: My question is, I

13   guess, how long has that open and close sign

14   been up and working?

15   MR. MOSCHELLO: It's our understanding the

16   Starbucks just opened. I don't have the exact

17   timeframe.

18   MR. KENT-SMITH: Not more than months.

19   It's months at most.

20   MEMBER OF THE PUBLIC: That's my question.

21   I guess my other question is how many cars

22   are going through that Starbucks?

23   MR. MOSCHELLO: I don't know that.

24   MR. KENT-SMITH: So one of the things that

25   we will be doing before the next hearing is we

1   will be doing a complete, full blown traffic

2   analysis and that will include both the

3   external road system, as well as the internal

4   parking circulation, the drive-thru use, all of

5   that. That will be submitted with the site

6   plan submission by the end of this month. So

7   we'll have a complete traffic analysis and then

8   we'll have a traffic engineer address the

9   volume.

10   MEMBER OF THE PUBLIC: Thank you.

11   That is a very, you know, it's a quiet

12   street, so it'll be interesting to see what the

13   results of that study are.

14   I'm just concerned about the residents on

15   Adamsville that we're going to be overburdened

16   by this exhaust fume which is going to be

17   coming into our community as well as the

18   community right behind in Chelsea Gardens. So

19   that's something that is going to affect us and

20   we're going to be living here, you know, every

21   day. Our children are going to be breathing in

22   those fumes. Our children's school buses are

23   going to be passing through that traffic and

24   it's a concern.

25   MR. OLLER: Is that a question?

1   MEMBER OF THE PUBLIC: Is that a question?

2   I guess would be are you concerned about us?

3   That could be my question.

4   MR. KENT-SMITH: Yes, we are. And we are

5   going to abide by all of the requirements of

6   the Department of Environmental Protection.

7   There's rules and regulations. And quite

8   frankly, because of how a Starbucks operates

9   based on highway traffic, you're not getting

10 additional pollution. It's just taking from

11 Route 22 and putting it into our site. And

12 even then, the car efficiencies and all of that

13 in comparison to the volume of traffic on Route

14 22, I can't even comprehend that there's a

15 quarter magnitude difference we're talking

16 about. It's so negligible.

17   MEMBER OF THE PUBLIC: The difference is

18 that at this point there's no drive-thru there.

19 And so I'm just wondering how you're going to

20 address the no idling in the state. The law is

21 no more than three minutes. At the last

22 meeting, the representative, Liz, from

23 Starbucks said that it takes four minutes to

24 make a Starbucks coffee. In researching all of

25 this, it seems like other towns are seeing that

1   it takes longer than --

2   CHAIRMAN FOOSE: That's a great question

3   for the traffic engineer.

4   MEMBER OF THE PUBLIC: Great. Well,

5   that's my concern and thank you very much. We

6   appreciate your time as residents, and

7   hopefully, you have some good results.

8   Thank you.

9   CHAIRMAN FOOSE: Other members of the

10   public?

11   MR. MINAROVICH: Steve Minarovich, 52

12   Morgan lane.

13   My question is, first off, it a done deal

14   that it's an entrance and exit off of Morgan

15   Lane? Why can't this be contained?

16   MR. MOSCHELLO: The Morgan Lane entrance

17   exists there today. And it was approved

18   previously as a right in and a left out from

19   the site.

20   MR. MINAROVICH: Which didn't work, but I

21   know that's not for you guys, but that was

22   pushed off on the police department to

23   supposedly monitor, and it's never been

24   monitored. I lived there all my life and I've

25   never seen anyone pulled over for turning into

1 there.

2   You're saying you're not allowed to make a

3 left from Morgan Lane into that parking area

4 and then to come off.

5   So you're encouraging people to come off

6 of 22 in two different directions?

7   MR. MOSCHELLO: We're encouraging them to

8 use the first entrance off of 22. If they miss

9 that entrance, they can use the second

10 entrance, which is right in front of Starbucks.

11 Then, you have the third entrance. Well, you

12 have the other way coming off of Morgan Lane,

13 which is the third entrance.

14   MR. MINAROVICH: And do you really think

15 it's a good idea to have three different ways

16 to get to a drive-thru?

17   MR. MOSCHELLO: You're dealing with a site

18 that has multiple uses on it, so you want to

19 have -- at times, you want to have multiple

20 ways to get into the property for the different

21 uses.

22   I know we talked before about having some

23 additional signage to control the flow of

24 traffic on site once we come in.

25   MR. MINAROVICH: I don't know if it's a

1   question, but I don't see how this closing off

2   the lane automatically is going to work because

3   if someone's line in and someone else is behind

4   them, and then all of a sudden it goes from

5   green to red, or open to close, they're not

6   going to move.

7   MR. MOSCHELLO: They wouldn't be in line

8   because the drive-thru is closed. They'd have

9   to --

10   MR. MINAROVICH: -- if they're coming from

11   this way, they don't know that it's full yet

12   until they're there.

13   MR. MOSCHELLO: If they're coming around

14   this way, they're going to see that the lanes

15   are full.

16   MR. MINAROVICH: -- the parking lot --

17   MR. MOSCHELLO: We talked about adding

18   some additional signage to deal with that.

19   MR. MINAROVICH: But once they're there,

20   they're stuck.

21   MR. MOSCHELLO: They have the

22   opportunity -- if they come through here and

23   they see the drive-thru is full, they can

24   either use the bypass to go around. They can

25   drive back around the parking lot. There's

1   plenty of maneuverability around this parking

2   lot that if the drive-thru is full, they can go

3   and park their vehicle by driving through the

4   parking lot. It'll take them an extra 30, 40

5   seconds to do that but they'll be --

6   MR. MINAROVICH: While they're doing that,

7   people are still coming in off of 22 and maybe

8   trying to go to the parking lot, so I can see

9   that being a mass congestion, but that's not

10 really a question, so thank you.

11   MR. FRESCO: Sir, let me just ask you

12 something. You said that -- something about

13 the police. You understand that they won't be

14 able to make a right on Morgan Lane based on

15 this plan. They would only be able to make a

16 left out of --

17   MR. MINAROVICH: No. He said it's the

18 existing entrance and exit that's there.

19   MR. FRESCO: That's right.

20   MR. MINAROVICH: And people make lefts and

21 rights illegally all the time when Houlihan's

22 was open.

23   MR. FRESCO: That's what I'm asking. Are

24 you saying that you're seeing people exit

25 Morgan Lane and make a right?

1   MR. MINAROVICH: When Houlihan's was open.

2   MR. FRESCO: Yes. Exit this lot and make

3   a right, is that what you're suggesting?

4   MR. MINAROVICH: Onto Morgan Lane, yes.

5   They did it all the time, especially pulling in

6   from Morgan Lane making a left into --

7   MR. FRESCO: That would be allowed though.

8   That would be allowed. You'd be able to go

9   toward -- on Morgan Lane toward --

10   MR. MINAROVICH: I have a sign right next

11   to my mailbox that says no left turn into

12   Houlihan's. That was never allowed.

13   MR. FRESCO: Can you testify to what you

14   said --

15   MR. MOSCHELLO: If you're coming Morgan

16   Lane from 28, the way this designed was you're

17   not allowed to make a left-hand turn into the

18   property from Morgan Lane and that's the way

19   it's signed.

20   MR. FRESCO: I didn't know that.

21   MR. MINAROVICH: That was supposed to be

22   the design, but it does not work.

23   The board could take that into

24   consideration too is maybe we could change that

25   so it's not as easy to make these illegal

1   turns.

2   Thanks.

3   CHAIRMAN FOOSE: Do you have an answer for

4   that, Mr. Smith?

5   MR. KENT-SMITH: In terms of the access

6   from Morgan Lane, we actually went through that

7   whole design element almost 10 years ago now

8   with the planning board. That was something --

9   CHAIRMAN FOOSE: Would this board have

10 jurisdiction over such an agreement with the

11 planning board that was agreed upon 10 years

12 ago.

13   MR. KENT-SMITH: This board has very broad

14 discretionary authority both on and off site in

15 conjunction with grant of use variances. The

16 answer is yes. If that's something that the

17 board wants to see.

18   The question that we have to answer

19 internally is what is feasible, what can be

20 done, how do we do this; and if we can do this,

21 how do we implement it in conjunction with our

22 hotel and our restaurant because they're

23 impacted as well.

24   CHAIRMAN FOOSE: Absolutely.

25   The good thing about time, the applicant

1 has time to digest it, and think about it, and

2 I think the point that this resident brings up,

3 and it goes to safety, and I think that's

4 overriding concern is safety. I want to leave

5 you with that.

6   MR. KENT-SMITH: Understood.

7   CHAIRMAN FOOSE: Any other members of the

8 public?

9   MR. MERTEN: John Merten again, 184

10 Adamsville.

11   So that exit or entrance off of Morgan

12 Lane, you're saying that currently exists as

13 fully developed. And was that part of what was

14 considered development under the hotel plan and

15 is that what was mitigating all these other

16 things be grandfathered because of that

17 development of that road going in?

18   MR. KENT-SMITH: Yeah. In other words,

19 when we were in front of the planning board

20 with the revised hotel, that included the

21 Goddard School, that driveway was the subject

22 of an enormous amount of analysis review and

23 modification. We did make the change relative

24 to that driveway at the time that we had gotten

25 the approval for the hotel and the Goddard

1 School. Again, we will go back and take

2 another look at it. That was, believe you me,

3 the subject of quite a bit of analysis in

4 conjunction with that application.

5   MR. MERTEN: The reason I asked that is

6 multi-faceted. Mr. Kulak had just raised as a

7 concern in regards to whether or not the hotel

8 may or may not be developed, the uncertainty of

9 its status, it raises up the whole issue in my

10 mind about what happens with the Morgan Lane

11 exit/entrance and who is responsible that's

12 being developed under this Starbucks plan?

13   MR. KENT-SMITH: No. That has always

14 been -- the access on Morgan Lane has always

15 been present from -- this goes back now to when

16 Houlihan's was built in the 1990s or early

17 2000s and there was a hotel proposal then.

18 This driveway on Morgan has 20 plus years of

19 history.

20   MR. MERTEN: Forgive me for -- I thought

21 the whole development of this piece of property

22 kind of was the hotel was being built as the

23 precedent to having the diner being built, and

24 that got changed due to hardships, et cetera,

25 but leave that to another discussion.

1   Morgan Lane exit/entrance right there, how

2   is construction going to be done on this

3   facility, on this property? Where is the

4   construction access going to come off of coming

5   to this site.

6   MR. MOSCHELLO: Typically, for

7   construction, you have a driveway off of 22,

8   which you can come in and out of. And you can

9   actually come in off of Morgan, which you can

10   only exit --

11   MR. KENT-SMITH: We closed that off for

12   construction mar.

13   MR. MOSCHELLO: I don't remember that.

14   MR. KENT-SMITH: During construction, we

15   closed Morgan Lane off, that access.

16   Everything comes in off of 22. Now, right now

17   today, the only construction is the renovation

18   to the Houlihan's to make it -- what's the name

19   of the place?

20   MR. MOSCHELLO: Taphouse.

21   MR. KENT-SMITH: -- Taphouse.

22   Right now, the only construction there is

23   the Taphouse. There's been the initial grading

24   and clearing in the back for the hotel. Once

25   the hotel is under construction, then --

1   MR. MERTEN: If it's ever constructed.

2   MR. KENT-SMITH: Our owner, because he now

3 owns that unit, they bought that unit. So they

4 own that condominium hotel. If they don't

5 build it, then they just lost a lot of money, a

6 whole lot of money.

7   MR. MERTEN: The owner, is that

8 Bridgewater Realty?

9   MR. KENT-SMITH: No, no. Bridgewater

10 Realty -- this is a condominium. It works like

11 any condo. You buy a unit instead of a lot.

12 The unit that is going to be the Taphouse,

13 that's owned by Bridgewater, but it's leased

14 out to the Taphouse.

15   The hotel has purchased -- they own unit

16 two. That's unit two. They own it now. So

17 it's theirs, and if they don't build a hotel,

18 they lost an enormous amount of money because

19 they went ahead and bought the land. This

20 Starbucks will again be owned by another

21 Bridgewater Realty entity and leased to

22 Starbucks.

23   MR. MERTEN: Out of curiosity, if and when

24 the Starbucks opens and that road there off of

25 Morgan is needed to be accessible 100 percent

1   for Starbucks, then how will construction to

2   the hotel be accessible?

3   MR. KENT-SMITH: That's coming. We're

4   going to have work through. That's a good

5   question and that is something -- how

6   construction access --

7   MR. MERTEN: I don't know if now is the

8   proper time to raise the issue, but everything

9   on the site is convoluted in how it's being

10   staged and processed.

11   MR. KENT-SMITH: I understand your

12   concern, but the way you see the Taphouse

13   renovation today, that work being done once

14   that Taphouse is completed, you can actually

15   see our lot that grassed area and it's not hard

16   to see how that construction would be somewhat

17   similar to what's going on with the Taphouse

18   for Starbucks. The rear of the hotel, we're

19   going to have a talk with the client and we're

20   going to have another conversation with the

21   hotel guy just to make sure we'll all clear.

22   MR. MERTEN: There's also, Mr. Moschello,

23   to the lighting that would be in the back area

24   on the parking area at the hotel development

25   would be --

1   MR. KENT-SMITH: No. That's out -- the

2   back lighting is actually on our unit.

3   MR. MERTEN: Then, I misunderstood what

4   Mr. Moschello said.

5   MR. MOSCHELLO: If you're talking about

6   the lighting that I was point -- there's

7   lighting that was going back here on the back

8   end of the drive-thru, there's two lights that

9   are going back there.

10   MR. MERTEN: I was also concerned about

11   getting access to the back area there where the

12   Dumpster is that you had made reference to a

13   parking lot light that would also be

14   additionally provided to support lighting back

15   there.

16   MR. MOSCHELLO: There was a whole lighting

17   plan for the hotel that was approved previously

18   that deals with parking lot lighting back

19   there.

20   MR. MERTEN: If that hotel does not go

21   forward, would Starbucks and Taphouse take that

22   up as part of safety concerns addressing --

23   MR. MOSCHELLO: You have to remember,

24   there's existing lighting out there today.

25   When the hotel comes in, they were going to

1   upgrade all those lights. When the Starbucks

2   goes in, the new lights will be installed from

3   Starbucks. When the Taphouse is completed, the

4   lights in the Taphouse parking lot will be done

5   for the Taphouse. When the hotel is built,

6   lighting for the hotel will be upgraded and

7   completed, correct.

8   MR. MERTEN: It's a lot of if, if, and

9   whens.

10   MR. MOSCHELLO: It's part of the

11   construction process. These things take a

12   little bit of time. And the construction will

13   be phased accordingly. There will be a

14   construction manager that will deal with that.

15   We'll work with the township engineer as part

16   of the pre-construction meeting to layout the

17   phasing and everything. That's all dealt with

18   when we're ready to start construction.

19   MR. MERTEN: You also had made reference

20   to at some point there's going to be evergreens

21   and other fauna in the back there when the

22   hotel is built. You're also using that to

23   describe how residents who are back there will

24   be blocked and not having to see the Starbucks

25   and all the things there. That could be, if I

1   understand, it's really contingent upon the

2   hotel, et cetera, et cetera.

3   Is there any potential contingency there

4   on the staging of the development of this

5   property regardless of the hotel status because

6   this seems to be the integral design here is

7   the condominium to help everybody. It seems

8   like it would help out with Starbucks and the

9   neighborhood.

10   MR. MOSCHELLO: I think from the point of

11   the Starbucks lot itself, I think you want to

12   look at that lot and the development on that

13   lot. You heard what the architect had to say

14   about the architecture of the building and

15   maybe making some adjustments to it.

16   In terms of the Starbucks property, you

17   want to focus on what you can do on that

18   property when it's developed. I think what we

19   talked about tonight was adding additional

20   screening in this back area over here, taking

21   out some of those deciduous trees, adding

22   evergreens instead, provide that screening at

23   that point there. Then at least that deals

24   with the Starbucks. You got another few

25   hundred feet to those residents. And there's

1   an existing vegetative landscape back there

2   now. It's not the greatest. It's been there

3   for a number of years. I know there's some

4   overgrowth that's happened out there that needs

5   to be addressed and it will be when the hotel

6   is built, but I think that exists there today.

7   And as long as you maintain what you can do on

8   the Starbucks lot with this application, then

9   the rest would happen at the appropriate time.

10   MR. MERTEN: The appropriate time.

11   MR. MOSCHELLO: When it's constructed.

12   MR. MERTEN: When the hotel is

13   constructed?

14   MR. MOSCHELLO: Correct, as part of the

15   hotel work.

16   MR. MERTEN: And not before concerning --

17   developed on that property?

18   MR. MOSCHELLO: That is correct. It's

19   part of the phasing of the construction on the

20   property.

21   MR. MERTEN: All right. I'll bring my

22   other points and issues later on.

23   CHAIRMAN FOOSE: Any other members of the

24   public?

25   All right. Seeing none.

1   MR. KENT-SMITH: Mr. Chairman, again, just

2   to reiterate where we are, at this point then,

3   I think we received more than sufficient

4   feedback from the board that we feel

5   comfortable proceeding with fully reengineering

6   the plan to address the concept that you see

7   into a fully engineered plan that we're

8   prepared to submit the end of this month,

9   March 29. Included with that submission will

10   be a complete traffic analysis, soup to nuts.

11   We will also make revisions to the

12   architectural plan as part of the

13   representations made to the board tonight so

14   that the board can see those revisions as well.

15   Then at that point this board would have

16   what I would consider a full submission.

17   And then, Mr. Chairman, we leave it up to

18   this board when you want to carry this to and

19   we'll proceed.

20   CHAIRMAN FOOSE: -- traffic testimony.

21   MR. KENT-SMITH: Yes, we will have traffic

22   and planning. I think maybe the 23rd of April

23   was banting about.

24   CHAIRMAN FOOSE: Let's talk about that in

25   one minute. Let's just recap.

1   MR. KENT-SMITH: Again, the deliverables

2   will have the complete full submission. Then,

3   the testimony at the next meeting will consist

4   of traffic engineer, the professional planner,

5   probably before the planner testifies

6   Mr. Moschello will be back yet one more time

7   just to walk the board through the revised full

8   plan set. And I would trust that the

9   architectural presentation wouldn't be

10   necessary because I think it would be pretty

11   self-evident about how we dressed up the sides,

12   the back and side.

13   CHAIRMAN FOOSE: That was a good point

14   out. Also, I think speaking to the resident

15   and hearing a lot of concern about this hotel

16   will never be built. Unfortunately, I have no

17   jurisdiction over that site. But I think if a

18   table of lighting and table of landscaping --

19   MR. KENT-SMITH: That will be part of the

20   submission.

21   CHAIRMAN FOOSE: -- public understands if

22   this hotel doesn't get built, what are we

23   talking about in terms of construction,

24   initiate the buffer, give them a better idea

25   because I'd be annoyed. You keep quoting back

1 to this plan, this hotel, 150 shrubs, 200 trees

2 and they never show up, I can see their point.

3 MR. MOSCHELLO: I will on the site plans

4 will break it out into the Starbucks condo lot

5 and the remaining lot just so you have an

6 understanding of differences for the lighting

7 and for the landscaping.

8 CHAIRMAN FOOSE: The Morgan Lane issue,

9 that's a little bit of a problem. I see that

10 you have kind of an offset lane and you're

11 trying to direct traffic accident left only. I

12 mean maybe there's a design element to that to

13 make it more pronounced and add something to it

14 because I have seen people turn right. That's

15 something maybe you can look at in your

16 expertise.

17 MR. MOSCHELLO: We'll look at that with

18 our traffic expert and see what we can do.

19 CHAIRMAN FOOSE: That concludes your

20 testimony for tonight.

21 MR. KENT-SMITH: Yes, Mr. Chairman, it

22 does.

23 CHAIRMAN FOOSE: April 23 is not

24 available. We have 1200 Route 22. That's

25 already been carried. We have April 9th open.

1   Too soon?

2   MR. KENT-SMITH: Oh, no. The problem is

3   it's twofold. One is all of my Starbucks team

4   will be elsewhere on April 9th. And second,

5   it's not going to give, I don't think, your

6   board professionals sufficient time to do an

7   analysis of the complete resubmission. I would

8   suggest Mr. Chairman, we go to May.

9   CHAIRMAN FOOSE: May 14?

10   MR. KENT-SMITH: May 14. My engineer

11   because he always takes umbrage at the

12   deadlines that I set for him. Since we will be

13   carried to May 14, maybe we submit the first

14   week in April.

15   CHAIRMAN FOOSE: All right. Sounds good.

16   MR. OLLER: I had a couple questions for

17   you. I just want to point out that when

18   Mr. Horten testified, he didn't include your

19   open/close signage. But those should be

20   included --

21   MR. KENT-SMITH: In the full submission,

22   yes.

23   MR. OLLER: When you talk about the

24   variances, can you just clarify for me, the

25   demarcation line on A-7, is it the gray line or

1   the blue line?

2   MR. MOSCHELLO: We're talking about the

3   condo line, correct?

4   MR. OLLER: Right.

5   MR. MOSCHELLO: It's the blue line on the

6   plan. This is the condo line that creates

7   condo unit three where my pointer is here.

8   The gray line is just a line breaking up

9   the darker rendered area from the lighter

10   rendered area. That's all.

11   MR. OLLER: Okay. Thanks.

12   So for members of the public, this meeting

13   is being adjourned right now and will continue

14   on May 14 at 7:00 p.m. in this room.

15   There will be no further notice from the

16   applicant.

17   (Meeting Adjourned. Time noted:

18   8:55 p.m.)

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1   I N D E X

2   Testimony of:

3   Mr. Horten   Pages 7-26

4   Mr. Moschello   Pages 44-50

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7   E X H I B I T S

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1   C E R T I F I C A T I O N

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4   I, ESTAMARIE CASTELLI-VELEZ, a Shorthand

5   Reporter and Notary Public within and for the State

6   of New York, do hereby certify the foregoing to be a

7   true and accurate transcript to the best of my

8   knowledge and ability.

9   I further certify that I am not related to

10   any of the parties to this action by blood or by

11   marriage and that I am in no way interested in the

12   outcome of this matter.

13

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16   *Estamarie Castelli-Velez*

17   _____

          ESTAMARIE CASTELLI-VELEZ

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